

# **Application No. 5**

## **Commission District 12      Community Council 5**

### **APPLICATION SUMMARY**

Applicant/Representative:	LOWE'S HOME CENTERS, INC./ Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq.	
Location:	Two parcels located near the northwest corner of theoretical SW 138 Ave and SW 8 Street.	
Total Acreage:	Total: 51.7 Gross Acres; 50.6 Net Acres  Parcel A: 21.6 Gross Acres; 20.5 Net Acres Parcel B: 30.1 Gross Acres; 30.1 Net Acres	
Current Land Use Plan Map Designation:	Parcel A:	Open Land
	Parcel B:	Open Land
Requested Land Use Plan Map Designation:	Parcel A:	Business and Office
	Parcel B:	Institutions, Utilities and Communications
	Expand the UBD to include subject property	
Other Proposed Amendments	Remove subject site from the Open Subareas Map (Figure 4)  Add Declaration of Restrictions to the Restrictions Table in the Land Use Element	
Provisions of Restrictive Covenant:	<ul style="list-style-type: none"><li>• Prohibit residential use on Parcel A and B</li><li>• Implement water conservation and re-use standards</li><li>• Make Parcel B available for purchase for the development of a high school</li></ul>	
Amendment Type:	Standard	
Existing Zoning/Site Condition:	Zoning: GU (Interim District) Site Condition: Vacant Land	

## RECOMMENDATIONS

Staff:	<b>DENY AND DO NOT TRANSMIT</b> (August 25, 2007)
Country Club of Miami Community Council:	<b>ADOPT AND TRANSMIT</b> (September 27, 2007)
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>ADOPT AND TRANSMIT</b> (October 15, 2007)
Board of County Commissioners:	<b>TRANSMIT WITH RECOMMENDATION TO ADOPT</b> (November 27, 2007)
Revised Staff Recommendation	<b>DENY</b> (March 24, 2007)
Final Recommendation of PAB acting as Local Planning Agency:	<b>TO BE DETERMINED</b>
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b>

### Initial Staff Recommendation:

In the Initial Recommendations Report published on August 25, 2007, the Staff recommended: **DENY AND DO NOT TRANSMIT** the proposed Land Use Plan Map amendment to: 1) move the Urban Development Boundary (UDB) to include the application site; 2) change the land use designation of Parcel A from "Open Land" to "Business and Office" and Parcel B from "Open Land" to "Institutions, Utilities and Communalizations;" 3) and remove the site from the Open Land Subarea map (Subarea 3) in the Land Use Element of the CDMP. The recommendation was based on the staff analysis and is summarized below:

- The applicant did not adequately demonstrate the need to move the UDB in order to add new commercially designated land in the proposed area, as per policy LU-8F of the Land Use Element. Depletion of commercial land is not expected until 2023 Countywide and until 2018 in the study area.
- The application site is located within the North Trail Wetland Basin and the West Wellfield Protection Area. Policy 8G states that "Future Wetlands," should be avoided when expanding the UDB.
- The applicant is proposing to build a high school on Parcel B, but Policy EDU-2A in the Educational Element states that Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the UDB.

- Policy EDU-2A also states that high schools should be at least one mile within the UDB.
- The proposed CDMP Application seeks to expand an existing 16-acre site by adding 21.6 acres of land that are outside the UDB. The intent is to build a Lowe's Home Center. There are two existing Lowe's Home Centers in Miami-Dade County located on sites that are 13.3 and 14.1 acres with structures that are 158,642 and 159,439 sq. ft. This analysis of similar establishments indicates that the existing 16-acre site should be of a sufficient size to support a new Lowe's store with a 159,000 structure without the need to expand the UDB.
- Parcel A does not have to be redesignated from "Open Land" to "Business and Office" to address stormwater and traffic access issues associated with the existing 16-acre site for a Lowe's Home Center. Stormwater management activities, such as retention ponds, are an allowed use under the "Open Land" category. Thus, Parcel A does not have to be redesignated to "Business and Office" to provide the existing site stormwater retention.

Access to the proposed store on the existing 16-acre site will occur from SW 137 Avenue. Also, access is possible from SW 8 Street through Parcel A without having to redesignate Parcel A from "Open Land" to "Business and Office." This would require a new bridge from SW 8 Street that would connect to the southwestern edge of Parcel A and an access road along the southern portion of that Parcel. The access road would have to be designed in a manner that would provide access to the existing store site but would not induce development to occur in areas outside the UDB. For example, the alignment of the access road would occur between the retention pond and the Tamiami Canal, which borders SW 8 Street.

### **New Information**

Since the BCC transmittal public hearing on November 27, 2008 and the publication date of the Initial Recommendations Report (August 25, 2007), the Department of Planning and Zoning has received additional information regarding Application No. 5, also known as the Lowe's Application. The additional information includes the Florida Department of Community Affairs (DCA) "Objections, Recommendations, and Comments Report," (ORC), a revised traffic analysis, a revised Declaration of Restrictions (Covenant), amendments to the Capital Improvements Element, and correspondence regarding the ORC comments. It is important to note that on January 24, 2008 the Department of Planning and Zoning informed all the applicants of the April 2007 Cycle by email that the deadline for submittal of covenants and technical reports was March 10, 2008. This was done to ensure that staff had adequate time to review and analyze the materials prior to completing the Revised Recommendations Report. Since some of the materials submitted by the applicant were received after the deadline, the Department or other County agencies may be providing additional review materials at a later date. Below is a brief summary of the new information received, as well as the Department of Planning

and Zoning response to the applicant's market demand and needs analysis submitted after the Planning Advisory Board public hearing of October 15, 2007.

### ***Objections, Recommendations and Comments Report from DCA***

On February 26, 2008, the Florida Department of Community Affairs (DCA) issued the "Objections, Comments and Recommendations Report" (ORC) for the April 2007-08 Cycle of CDMP applications. In the ORC report, DCA objected to the Lowe's Application due to inadequate planning for potable water supply, internal inconsistencies with the Miami-Dade County's Comprehensive Plan, and impact on transportation facilities. In addition, DCA objected to the application based on the failure of Miami-Dade County to implement school concurrency. Pursuant to s. 163.3177(12)(j), F.S., the County is prohibited from adopting any amendments that potentially increase residential density until the necessary school amendments are adopted. However, this restriction may not apply to the Lowe's Application since the applicant proffered a restrictive covenant prohibiting residential use. The complete "Objections, Comments and Recommendations (ORC) Report" from DCA can be found in Exhibit A. The response from the Department of Planning and Zoning to the ORC comments, including the water supply and traffic issues, can be found in Exhibit B. Correspondence from the applicant and the public regarding the ORC report can be found in Appendix 6. It should be noted that the applicant has been proactive in responding to the water supply issue and has met with the South Florida Regional Water Management District several times in order to determine how the issue might be resolved.

### ***Declaration of Restrictions***

On March 12, 2008, the applicant proffered a revised Declaration of Restrictions for the application site (See Appendix 1). The new covenant includes a provision regarding the land purchase agreement of Parcel B with the charter school developer. It also provides greater clarity on what will happen if both the developer of the charter school and the Miami-Dade County School Board fail to purchase the property. According to the covenant, the restrictions related to the school site shall "automatically terminate" if Parcel B is not sold within the time limits provided. Should this occur, Parcel B shall be utilized to address the water retention needs of both Parcels A and B, upon their development. The covenant also indicates that Parcel B will be used for preservation areas (if applicable). However, the covenant does not indicate what percent of the land will be utilized for water retention and conservation and how the remaining land on Parcel B will be developed. Under the proposed land use of "Institutions, Utilities and Communications," it may be possible to build office space on the site. This is an important consideration since such use may cause additional traffic impacts and water demand that have not been considered in the analysis. In addition to the revised changes related to the proposed school site, the revised covenant now makes all of the water conservation and re-use provisions applicable to both Parcels A and B, except for the rain water recapture system for irrigation, which is only required on Parcel A. Furthermore, the covenant specifies that the bridge on SW 139 Avenue will consist of four-lanes and will have appropriate signals directing traffic across the SW 139 Avenue roadway; however, it does not specify whether Lowe's or the owner of Parcel B will be responsible for constructing the traffic signal. Although the applicant has addressed

many of the issues, which were raised by staff regarding the original covenant, the revised document needs further clarification.

### ***Proposed Amendments to the CDMP***

In order to be consistent with the restrictive covenant, the applicant submitted an amendment to the Capital Improvements Element (CIE) that reflects the facility improvements proffered in the covenant. As seen on the following page, the amendment calls for the following three projects to be added to the Traffic Circulation component of the CIE (Table 10):

- Construction of a bridge connecting SW 8 St. to SW 139 Ave. \$1.9 million
- Installation of a traffic signal at the intersection SW 8 St. and SW 139 Ave. \$250,000
- Extension of SW 139 Ave. north from SW 8 St., as a 4-lane roadway, for 1,700 feet \$825,000

The total estimated expenditure for the proposed projects is approximately \$3 million. As per the proposed amendment, these projects will be funded by the developer and will be programmed for FY 2010-2011.

### ***Market Demand and Needs Assessment***

On October 30, 2007, the applicant submitted a market needs assessment entitled, "Market Demand and Needs Analysis for Retail Development at SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue." The report contends that the Miami market is "under-retailed" compared to other major metropolitan markets in the State of Florida and the U.S. in terms of per capita retail sales and retail square feet. The study also asserts that an additional home improvement store is warranted and provides an assessment of the land and building requirements for the proposed Lowe's Home Improvement Store. (See Appendix 2) The Department of Planning and Zoning reviewed the report and produced a response to the findings. Below is a summary of the Department's response.

Although the report submitted by the applicant provides a thorough market analysis, the findings of the study do not adequately address the parameters set forth by Policy LU-8F of the Land Use Element. The policy calls for the adequacy of land supplies to be determined on the basis of land available for the type of use being proposed. In the case of the Lowe's Application, the proposed land use designation is "Business and Office." Since this designation allows for a full range of sales and service activities, such as retail, wholesale, offices, hotels, motels, medical buildings, entertainment facilities, etc., the assessment of available land must take into account the full spectrum of commercial uses allowed under this category. The study provided by the applicant focused on retail use, and more specifically on home improvement retail establishments. The problem with such an analysis is that it does not account for the other uses allowed under the proposed designation. Thus it does not give an adequate assessment of the adequacy of land supplies for commercial uses.

**Table 10**  
**Traffic Circulation**

Project Number	Project Name and Location	Purpose*/ Year of Completion	Prior Years	Expenditures Revenues (in millions of dollars)						Six Year Total	Future Years	Project Total	Funding Source
				2007/08	2008/09	2009/10	2010/11	2011/12	2012/13				
<u>To Be Determined</u>	<u>Construct Bridge Over C-4 Canal to Connect SW 8<sup>th</sup> Street to SW 139<sup>th</sup> Avenue</u>	<u>2/2011</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1.295</u>	<u>0.00</u>	<u>0.00</u>	<u>1.925</u>	<u>0.00</u>	<u>1.925</u>	<u>Developer Funded 507</u>
<u>To Be Determine</u>	<u>Install Traffic Signal at the Intersection of SW 139<sup>th</sup> Avenue and SW 8<sup>th</sup> Street</u>	<u>2/2011</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>.25</u>	<u>0.00</u>	<u>0.00</u>	<u>.25</u>	<u>0.00</u>	<u>.25</u>	<u>Developer Funded 507</u>
<u>To Be Determine</u>	<u>Extend SW 139<sup>th</sup> Avenue, north from SW 8<sup>th</sup> Street, as a 4-lane roadway for 1,700 feet</u>	<u>2/2011</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>.825</u>	<u>0.00</u>	<u>0.00</u>	<u>.825</u>	<u>0.00</u>	<u>.825</u>	<u>507</u>

The supply and demand estimates for commercial land produced by the Planning and Zoning Department show that the MSA in which the application site is located (MSA 3.2) has the highest concentration of vacant and in-use commercial acres among Miami-Dade County's MSAs. Furthermore, the department determined that there are 365.3 acres of vacant commercial land in MSAs 3.2 and 6.1 combined, with seven vacant commercial sites of 8 acres or more located within 5 miles of the application site. An additional 2,099 commercial acres are in use. Within the primary market area (5-mile radius) of the application site, there are three large regional shopping centers and other medium to small shopping centers. These commercial uses include 2 home improvement stores that are less than five miles from the application site.

Finally, the Department has determined that the average home improvement store in Miami-Dade County has 10.6 acres of land and an average of 134,700 square feet of retail space. Since Lowe's currently owns 12.4 acres already designated "Business and Office" adjacent to the application site in an area that is within the UDB, the department concludes that a home improvement center can be accommodated on the existing site at the desired length to width ratio of 2:1. This can be accomplished without the current application to move the UDB. A more detailed assessment of the findings is provided in Appendix 3.

### ***Revised Traffic Analysis***

Since the transmittal of the Lowe's Application to DCA, the applicant has provided three revised traffic studies related to the proposed amendment. The traffic studies attempted to address issues raised in the ORC report of February 26, 2008 and the Initial Recommendations of August 25, 2007. Both reports determined that the proposed Lowe's amendment caused an impact on transportation facilities. DCA based its findings on comments provided by the Florida Department of Transportation (FDOT) dated January 27, 2008. Specifically, the ORC indicated that the data presented in the application's traffic study was inconclusive, and questioned the roadway capacity and peak season volumes provided for SW 8 Street. The ORC also indicated that the existing conditions on SW 8 Street are likely to result in LOS E, instead of LOS C as shown in the application. Furthermore, no improvements have been programmed in the vicinity of this application to address potential impacts.

On January 2008, the applicant submitted a new traffic analysis, and on March 1, 2008 and on March 17, 2008 additional revisions were provided in response to the ORC report and staff comments (See Appendix 4). Staff of the Department of Planning and Zoning and the Department of Public Works met with the applicant's traffic consultant to discuss the issues related to the studies and reviewed the revised responses. However, the revised traffic studies have not adequately addressed the issues raised by County staff or the ORC report. Staff still has concerns regarding the trip distribution, the use of uninterrupted flow highway model, the green cycle ratio for future traffic lights, and the high service capacity volume of SW 8 Street, as depicted in the studies. As such, the studies do not adequately demonstrate that the proposed Lowe's amendment will not impact transportation facilities, nor do they provide adequate mitigation

recommendations for addressing potential impacts (See Appendix 5 for detailed comments).

### **Revised Staff Recommendation**

Based on the reasoning in the Initial Recommendation, staff recommends **DENIAL** for the proposed Land Use Plan Map amendment to: 1) move the Urban Development Boundary (UDB) to include the application site; 2) change the land use designation of Parcel A from “Open Land” to “Business and Office” and Parcel B from “Open Land” to “Institutions, Utilities and Communalizations;” 3) and remove the site from the Open Land Subarea map (Subarea 3) in the Land Use Element of the CDMP. Although the applicant has attempted to mitigate the impact of the application by making land available for the development of a school, the site still does not meet the conditions set forth in the Comprehensive Development Master Plan for expanding the UDB. Furthermore, there are issues related to the restrictive covenant and traffic impact, which have not been satisfactorily addressed. The following provides a summary of the revised recommendations:

- The need to expand the UDB in order to add new commercially-designated land was not adequately demonstrated. Although the applicant submitted a market analysis, the findings of the study did not adequately address the parameters set forth by Policy LU-8F of the Land Use Element. The study provided by the applicant focused on retail use, and more specifically on home improvement retail establishments. However, it did not account for the other uses allowed under the proposed designation. Thus it does not give an adequate assessment of the adequacy of land supplies for commercial uses, as per Policy LU-8F.

Based on the County's current supply and demand figures, the MSA in which the application site is located (MSA 3.2) has the highest concentration of vacant and in-use commercial acres among Miami-Dade County's MSAs. In addition, MSAs 3.2 and 6.1 have 365.3 acres of vacant commercial land and an additional 2,099 commercial acres that are currently in use, with an estimated depletion year of 2018. These commercial uses include 2 home improvement stores that are less than five miles from the application site. Since, the average home improvement store in Miami-Dade County has 10.6 acres, the Department has determined that it is possible for Lowe's to develop a home improvement center on the 12.4 acres of land already designated “Business and Office” adjacent to the application site without having to move the UDB.

- The application site is located within an area that has been designated as “Future Wetlands,” which according to Policy 8G of the CDMP, should be avoided when expanding the UDB. Although the applicant states in the proffered covenant that they would have conservation areas in Parcel B, it should be noted that this would only apply if the school is not developed on the site. If the school is developed, there are no provisions for conservation areas in the covenant. At this



time, it is recommended that Policy 8G be upheld since the need to expand the UDB has not been demonstrated.

- The application site is located in an area designated as a 2025 Urban Expansion Area (UEA), which are areas where further urban development is likely to be warranted between some time between the year 2015 and 2025. Urban infrastructure and services should be planned for eventual extension into the UEA, sometime between the years 2015 and 2025. However, development at this time will be premature.
- The revised covenant proffered by the applicant on March 12, 2008, raises some concerns regarding the proposed “automatic termination” of the restrictions related to the school site (Parcel B). Should both the charter school and the Miami-Dade County School Board fail to purchase the property, the covenant calls for Parcel B to be utilized for the water retention requirements for both Parcels A and B upon their development. However, the covenant does not specify the percent of land that will be available for development after the water retention requirements are addressed. Under the proposed “Institutions, Utilities and Communications” land use designation, it may be possible to build office space on the site. Compared to the current designation of “Open Space, ” such use is likely to increase the impact on traffic and other public services.
- The “Objections Recommendation and Comments” report from DCA determined that the proposed Lowe’s amendment caused an impact on transportation facilities. The ORC indicated that the data presented in the application’s traffic study was inconclusive, and questioned the roadway capacity and peak season volumes provided for SW 8 Street. The ORC also indicated that the existing conditions on SW 8 Street are likely to result in LOS E, instead of LOS C as shown in the application. It also found that no improvements have been programmed in the vicinity of this application to address potential impacts. Although the applicant has submitted three revised traffic reports since the transmittal of the application, the revised traffic studies have not adequately addressed the issued raised by County staff or the ORC report. Staff still has concerns regarding the trip distribution, the use of uninterrupted flow highway model, the green cycle ratio for future traffic lights, and the high service capacity volume of SW 8 Street depicted in the studies. As such, the studies do not adequately demonstrate that the proposed Lowe’s amendment will not impact transportation facilities, nor do they provide adequate mitigation recommendations for addressing potential impacts.

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## **Appendices**

Appendix 1: Declaration of Restrictions Received on March 12, 2008

Appendix 2: Applicant's Market Analysis: "Market Demand and Needs Analysis for Retail Development at SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue" dated October 2007

Appendix 3: Department of Planning and Zoning Response to Applicant Submittal of Market Demand and Needs Analysis for Application 5 of the April 2007 CDMP Cycle

Appendix 4: Applicant's Traffic Analysis: "Traffic Impact Analysis for the Lowe's of West Miami-Dade Application No. 5 to Amend the Miami-Dade County Comprehensive Development Master Plan Map" dated January 2008

Appendix 5: Department of Planning and Zoning Review and Comments of the Applicant's Traffic Analysis of January 2008 and Subsequent Revisions Submitted on March 1, 2008 and March 17, 2008

Appendix 6: Correspondence from Applicant and Public

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## **Appendix 1**

Declaration of Restrictions Received on March 12, 2008

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# Holland+Knight

Tel 305 374 8500  
Fax 305 789 7799

Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131-2847  
www.hklaw.com

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PLANNING & ZONING  
METROPOLITAN PLANNING SECT

Richard A. Perez  
305 789 7630  
richard.perez@hklaw.com

April 2007 cycle - Application 5

March 12, 2008

**VIA HAND DELIVERY**

Ms. Rosa Davis  
Department of Planning and Zoning  
111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

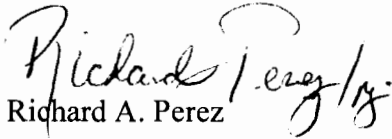
Re: Lowe's Home Centers, Inc. / CDMP Application No. 5

Dear Rosa:

Enclosed please find 35 copies of our proposed covenant for Application No. 5.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

  
Richard A. Perez

This Instrument was Prepared by:

Name: Richard A. Perez, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

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### **DECLARATION OF RESTRICTIONS**

**WHEREAS**, Lowe's Home Centers, Inc. ("Lowe's"), has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. 5 in the April 2007 Cycle (the "Application");

**WHEREAS**, the Application seeks to expand the urban development boundary to include Parcel A and Parcel B and to re-designate Parcel A from "Open Land" to "Business and Office" and Parcel B from "Open Land" to "Institutions, Utilities and Communication."

**WHEREAS**, Parcel A and Parcel B are located in unincorporated Miami-Dade County, Florida, Parcel A being legally described in Exhibit "A" attached to this Declaration of Restrictions ("Parcel A"), and Parcel B being legally described in Exhibit "B" attached to this Declaration of Restrictions ("Parcel B") (collectively, Parcel A and Parcel B shall be referred to as the "Property");

**WHEREAS**, Lowe's holds fee simple title to Parcel A and 139 Avenue SW 8 Street, LLC, a Florida limited liability company (the "Parcel B Owner"), holds fee simple title to Parcel B;

**WHEREAS**, Lowe's and the Parcel B Owner have entered into that certain land purchase agreement for the sale of Parcel B by Parcel B Owner B to Lowe's (the "Lowe's Purchase Agreement"), and Lowe's and School Development HG, LLC, a Florida limited liability



company (the "School Developer") have entered into that certain land purchase agreement, dated as of March \_\_, 2008, for the subsequent sale of Parcel B to School Developer (the "School Purchase Agreement"); and

***NOW, THEREFORE, IN ORDER TO ASSURE*** Miami-Dade County, Florida (the "County"), that the representations made by the Lowe's and the Parcel B Owner during the consideration of Comprehensive Development Master Plan Standard Amendment Application No. 5 (the "Application") will be abided by, Lowe's and the Parcel B Owner freely, voluntarily, and without duress, make the following Declaration of Restrictions covering and running with the Property:

**1. Use Restrictions.**

(a) Notwithstanding the re-designation of the Property on the County's Land Use Plan map, Lowe's and the Parcel B Owner agree not to develop or maintain any residential uses within the Property.

(b) Upon the approval of the Application, Lowe's shall not seek building permits for the construction of any buildings on Parcel A without having first submitted for a building permit for the construction of a home improvement store on Parcel A.

(c) Concurrent with the construction of a home improvement store on Parcel A, Lowe's shall (i) construct a bridge with a minimum of four (4) lanes (if such bridge is approved by the applicable regulatory agencies) across the canal at the intersection of S.W. 8<sup>th</sup> Street and theoretical S.W. 139<sup>th</sup> Avenue (the "Canal Bridge") and (ii) construct S.W. 139<sup>th</sup> Avenue as a minimum two-lane roadway (if such roadway is approved by the applicable regulatory agencies) from the southern boundary line of the Property to the northern boundary line of Parcel A, in accordance with the requirements of the Public Works Manual (the "139<sup>th</sup> Avenue Roadway").

Lowe's shall cause the Canal Bridge and 139<sup>th</sup> Avenue Roadway (but only if each has been approved by the applicable regulatory agencies) to be completed and opened to traffic prior to obtaining a certificate of use and occupancy for a home improvement store on Parcel A. Except as provided in Section 3, the cost of construction for the Canal Bridge and the 139<sup>th</sup> Avenue Roadway shall be borne by Lowe's.

**2. School Site.**

(a) **Charter School.** Upon the final approval of the Application, Lowe's shall proceed with the sale of Parcel B to School Developer, in accordance with and subject to the terms and conditions of the School Purchase Agreement. If School Developer (or its successor or assign under the School Purchase Agreement) thereupon closes upon the purchase of Parcel B, then the use of Parcel B shall be limited to a public charter school (as authorized pursuant to Section 1002.33, Florida Statutes, as may be amended from time to time) and ancillary uses thereto; provided, however, that (i) if a "Designated Mortgage Holder" (as such term is defined below) forecloses on Parcel B or takes title to Parcel B by a deed in lieu of foreclosure, or (ii) the charter of the operator of the public charter school on Parcel B is revoked or is terminated by the applicable governmental authority, then the use restrictions set forth in this Section 2(a) shall automatically terminate. A Designated Mortgage Holder means any entity holding a mortgage on Parcel B that is not owned, controlled, or an affiliate of the public charter school on Parcel B or any person or entity owning any interest in such public charter school.

(b) **Public School Option.** If School Developer (or its successor or assign under the School Purchase Agreement) fails to close on the purchase of Parcel B and the School Purchase Agreement lapses or is effectively terminated, then Lowe's shall provide written notice to the Miami-Dade County School Board (the "School Board") that Parcel B is now available for

purchase by the School Board upon the same material terms and conditions set forth in the School Purchase Agreement. The School Board shall then have a period of one hundred twenty (120) days after the delivery of such written notice to close on the purchase of Parcel B from Lowe's. If the School Board fails to then close on the purchase of Parcel B within the time specified in the preceding sentence, then the School Board's option to so purchase Parcel B from Lowe's shall terminate and neither Lowe's (or its successors or assigns) nor the Parcel B Owner (or its successors or assigns) shall have any further obligations or responsibilities under this Section 2 of this Declaration of Restrictions; provided, however, that owner of Parcel A shall use reasonable efforts to place the water retention and, if applicable, preservation areas, required for the development on Parcel A and Parcel B within Parcel B. For the purposes of this Agreement, the phrase "reasonable efforts" shall not be deemed to require the owner of Parcel A to incur any unusual or extraordinary costs or expenses or initiate any legal or administrative actions.

3.     **Infrastructure.**     If the School Board closes on the purchase of Parcel B in the manner set forth Section 2(b) of this Declaration, then the owner of Parcel A shall cause the construction of the following improvements concurrently with its development of Parcel A: (i) the 139<sup>th</sup> Avenue Roadway (if such roadway is approved by the applicable regulatory agencies), and (ii) the extension of water and sewer lines to the boundary of Parcel B of a sufficient size to support the operation of a 2,000 student station high school.

4.     **Ingress and Egress to Parcel B.**     The primary entrance to and from Parcel B shall be across the Canal Bridge (if the construction thereof is approved by the applicable regulatory authorities). The owner of Parcel B shall be obligated to maintain appropriate directional signs directing traffic to enter and exit Parcel B over and across the 139<sup>th</sup> Avenue Roadway (if such roadway is approved by the applicable regulatory agencies).

5. **Water Conservation and Re-Use.** An owner of any portion of the Property shall implement the following water conservation and re-use standards upon its portion of the Property:

(i) All structures or buildings thereon that contain a connection to the regional waste water system shall also be constructed to include pipes designed to permit future connection to a regional wastewater re-use system that may be constructed by the County;

(ii) Upon the construction of a regional wastewater re-use system by the County that includes a connection point abutting such owner's portion of the Property, such owner shall connect the water re-use pipes serving the structures and buildings located its portion of the Property to such regional wastewater re-use system; and

(iii) The water for any irrigation system used within Parcel A shall be supplied from a rain water capture system or other re-use system constructed for the benefit of Parcel A, and such irrigation system shall not use the public water supply system, except in the case of force majeure, including, but not limited to, droughts or mechanical failure.

6. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the Property shall constitute a covenant running with the land and shall be recorded by Lowe's, at Lowe's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon Lowe's and the Parcel B Owner and their heirs, successors, and assigns during the Term set forth in Section 6(B) below unless and until such time as the same is modified, amended or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. **Term.** This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the applicable owner(s) of the Property, in the manner provided in Section 6(c) below, has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the land covered by the proposed modification, amendment or release, provided that the same is also approved by the Board of County Commissioners and provided further that the automatic termination of the restriction set forth in Section 2(a) in the manner set forth therein shall not require a modification, amendment or release of this Declaration. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions

shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said Department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**D.     Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

**E.     Election of Remedies.** All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**F.     Severability.** Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect.

**G.     Recording.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Lowe's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding any other provision in this Declaration to the contrary, if any

appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

**[Signature Pages Follow]**

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESSES:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**139 AVENUE SW 8 STREET, LLC**, a Florida  
limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

)

SS.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of 139 Avenue SW 8 Street, LLC, a Florida limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification, and acknowledged that she did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Print Name



IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESSES:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**LOWE'S HOME CENTERS, INC.,**

a North Carolina corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

\_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

SS.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of Lowe's Home Centers, Inc., a North Carolina corporation, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Print Name

**EXHIBIT A**

**"Parcel A"**

ALL OF TRACTS 34 AND 47 AND ALL OF TRACTS 55 THROUGH 60, INCLUSIVE, ALL OF "EVERGLADES GARDENS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT B**

**“Parcel B”**

TRACT 46 a/k/a THE TRACT BETWEEN 45 AND 47 AND TRACTS 30, 35, 61, 62, 63, 64, 65, AND 66, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 14 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

# 3320735\_v18

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## **Appendix 2**

Applicant's Market Analysis:  
"Market Demand and Needs Analysis for Retail Development at SW  
8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue" dated October 2007

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**MARKET  
DEMAND AND NEEDS ANALYSIS**

**For**

**RETAIL DEVELOPMENT  
AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**

**MIAMI-DADE COUNTY,  
FLORIDA**

**Prepared for:**

**LOWE'S**

**Prepared by:**

**GOODKIN CONSULTING**

**OCTOBER 2007**

## GENERAL LIMITING CONDITIONS

*Goodkin Consulting and Goodkin Research Corporation* have made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. The information was compiled from a variety of sources, including interviews with developers and their agents, government officials and other third parties. Although *Goodkin Consulting* believes all information in this study is correct, it does not warrant the accuracy of such information, and assumes no responsibility for inaccuracies in the information provided by third parties.

Possession of this report does not carry with it the right of publication. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs, or models completed directly for or as a by-product of this research effort.

In accordance with our contract, we did not ascertain the legal and regulatory requirements applicable to this project, including zoning, other state and local government regulations, permits and licenses. Further, no effort has been made to determine the possible effect on this project of present or future federal, state, or local legislation, including any regarding environmental or ecological matters.

The accompanying projections are based on estimates and assumptions developed in connection with the market study. However, some assumptions inevitably will not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material.

This report may not be used for any purpose, other than that for which it is prepared. No part of the contents of this study shall be disseminated to the public through advertising media, news media, sales media, or any other public means of communication without prior written consent and approval of *Goodkin Consulting*. The only exception is information available to those sources through the public records of any documents used in public hearings.



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## **SECTION I**

### **INTRODUCTION**

## INTRODUCTION

Lowe's Home Center, Inc. retained Goodkin Consulting (GC) to evaluate the market demand potential and needs analysis for commercial retail development in the northwest quadrant SW 8<sup>th</sup> Street (US Highway 41) and SW 137<sup>th</sup> Avenue in Miami, Florida. The subject property addressed in this report included an existing 16.0 acres parcel on the northwest corner of SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue as well as an adjoining 21.6 gross acre parcel (Parcel A) west of and abutting the existing 16-acre parcel.

## METHODOLOGY

The market demand and needs analysis presented in this study is based on a evaluation of market trends and opportunities for retail development in the primary trade area of the subject property as well first-person fieldwork that included quantitative research and analysis of the local commercial retail markets in Miami-Dade County. As a function of this work effort, we conducted field observations, personal interviews and research covering local market conditions and trends with respect to the relevant retail markets under study. We also conducted an analysis of the regional economy, focusing on the economic determinants of demand for new retail development. In this regard we relied on selective secondary sources with respect to demographic trends, the local housing market, expenditure potential and retail sales.

We conducted an analysis of the factors that may influence the timing, scale and nature of commercial retail development in the primary trade area for the subject property including, existing conditions, accessibility and transportation, significant current development trends in the county, proximity to demand generators, and projects planned for future development that would influence the demand potential for the retail development.

The conclusions from our analyses are presented in the following section and provide for a summary of findings covering:

- An evaluation of the market demand potential for commercial retail development at the subject site (The County staff report indicates that up to 357,192 square feet of retail development would be allowed on the subject property, but it is likely that site will develop below this number);
- An analysis of the commercial retail development needed to meet the requirements of the population in the primary market demand area for the subject property;
- Land and building requirements for the proposed Lowe's Home Improvement Store;
- Estimates of the potential economic impact of the proposed Lowe's Home Improvement Store; and
- Other civic/social and economic considerations.

**SECTION II**  
**SUMMARY OF FINDINGS**

## RETAIL MARKET OVERVIEW

- Miami-Dade County is one of the most sought-after retail markets in the nation. As the U.S. gateway to the fast-growing economies of the Caribbean and Latin America, it has a steady mix of new national and international retailers moving into the market.
- The Miami market has long been under-retailed. Evidence is reflected in the year-end numbers for 2006, which shows the market delivered 1.427 million square feet, a significant portion of which was readily absorbed. As a result, vacancy levels declined to 2.74% at year-end, their lowest in five years level, while market-wide rents levels pushed up to over \$30.00 per square foot and between \$30 and \$40 per square foot for new centers in suburban location.
- Comparisons of retail sales per capita and square feet of retail space per capita among major metropolitan markets in Florida show that the Miami market has the lowest amount of square feet per capita of any other major metropolitan area.
- Table II-2 compares total square feet of retail among select south Florida markets, Florida and U.S., where total square feet includes all shopping centers, big box retailers and stand alone regardless of size. Once again, the per capita figures for the Miami market are lowest among the markets compared.

**TABLE II-1**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY AND MAJOR METROPOLITAN AREAS IN FLORIDA**  
**2006**

<b>Metro Area</b>	<b>Total Retail Sales (1)</b>	<b>Sq. Ft. Of GLA (2)</b>	<b>Retail Sales/ Sq. Ft. of GLA</b>	<b>Total Population (3)</b>	<b>Sq. Ft of GLA Per Capita</b>
<b>Miami-Dade</b>	\$32,461,580,000	28,590,100	\$1,135	2,437,000	12
<b>Ft. Lauderdale (Broward)</b>	\$31,604,713,425	37,692,330	\$838	1,753,162	21
<b>Orlando</b>	\$30,401,159,535	56,052,100	\$542	2,115,476	26
<b>Palm Beach</b>	\$20,949,003,405	30,000,700	\$698	1,288,000	23
<b>Jacksonville</b>	\$17,541,196,560	30,094,655	\$583	1,389,035	22
<b>Tampa Bay</b>	\$40,385,524,050	49,560,000	\$815	2,691,992	18

(1) Estimates

(2) Represents space in shopping centers under 25,000 square feet and excludes stand alone big box retail

(3) Estimates

Sources: Sources: Sales & Marketing Management Survey of Buying Power; CB Richard Ellis; Claritas; Goodkin Consulting

**TABLE II-2**  
**COMPARISONS OF RETAIL SQUARE FEET PER CAPITA**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY MAJOR METROPOLITAN AREAS IN FLORIDA**  
**FLORIDA AND THE US**  
**2006**

<b>Metro Area</b>	<b>Sq. Ft. of Retail</b>	<b>Total Population (3)</b>	<b>Sq. Ft of GLA Per Capita</b>
<b>Miami-Dade</b>	62,416,250	2,437,000	26
<b>Ft. Lauderdale (Broward)</b>	71,691,300	1,753,200	41
<b>Palm Beach</b>	54,403,900	1,288,000	42
<b>Florida</b>	848,307,700	18,349,100	46
<b>United States</b>	10,000,000,000	299,400,500	33

Sources: International Council of Shopping Centers; University of Florida, Bureau of Economic & Business Research; Goodkin Consulting



**MARKET DEMAND POTENTIAL AND NEED ANALYSIS – LOWE'S SITE****Market Demand Potential**

- The analysis of the demand potential for retail at the subject site evaluates the extent of demand that may be generated from the primary and secondary trade areas. Retail developments similar to the size under study for the subject property ( $\geq 357,192$  square feet) commonly draw the bulk of their demand from a three-mile primary trade area, but this analysis also calculates inflows from the secondary trade area, commonly defined as the area extending five miles from the subject.
- Based on our evaluation of the demand potential for retail development in the primary trade area, there is a significant deficit of retail space in the market, equal to as much as 634,640 square feet in 2007. The mid-range or average deficit is estimated at 393,590 square feet. The estimates of supportable square feet also show that the deficit of space in the primary trade area will grow by 85,000 to 100,000 square feet per year, on average, over the five-year projection period, 2007-2012

**TABLE II-3**  
**(SURPLUS)/DEFICIT OF SUPPORTABLE SQUARE FEET**  
**IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

<b>End of Year</b>	<b>Existing Retail</b>	<b>(Over)/Under High Market Capture</b>	<b>(Over)/Under Low Market Capture</b>	<b>(Over)/Under Medium/Average Market Capture</b>
<b>2006/2007</b>	2,722,635	634,640	152,543	393,591
<b>2008</b>	2,722,635	806,401	300,118	553,259
<b>2009</b>	2,722,635	881,643	365,120	623,381
<b>2010</b>	2,722,635	961,781	434,494	698,137
<b>2011</b>	2,722,635	1,047,096	508,383	777,740
<b>2012</b>	2,722,635	1,137,949	587,224	862,587

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Claritas; Goodkin Consulting

- While demand for additional square feet of retail in the primary market area is strong, the demand for the retail category “Building Material, Garden Equipment Stores is even stronger.
- An analysis of the (surplus)/deficit of supportable square feet by store type/merchandise category in the three-mile primary trade area for the subject property reveals that the market is under supplied in all but two merchandise categories – “Food & Beverages” at Home (Supermarkets, Grocery Stores) and “Health & Personal Care Stores (Drugstores). The surplus of retail space in these two categories is at 207,433 and 128,702 square feet, respectively. Building Supplies and Hardware, et. al., is under-supplied by an estimated 182,700 square feet (see Table III-13 in Section III).

### Needs Analysis

- It is well recognized by commercial brokers, developers and retailers that Miami is under retailed. This is the same situation in the primary trade area, which is under retailed in an under retailed county . The ratio of retail space to population in the primary trade area is estimated at 21 square feet per capita, compared to 26 square feet capita in Miami-Dade County.

**TABLE II-4**  
**SQUARE FEET OF RETAIL PER CAPITA COMPARISONS FOR**  
**THE THREE-MILE PRIMARY TRADE AREA,**  
**MIAMI-DADE COUNTY AND OTHER SOUTH FLORIDA**  
**2006/2007**

<b>Metro Area</b>	<b>Sq. Ft. of Retail</b>	<b>Total Population (3)</b>	<b>Sq. Ft of Retail Per Capita</b>
<b>Three-Mile Primary Trade Area</b>	2,722,635	128,240	21
<b>Miami-Dade</b>	62,416,250	2,437,000	26
<b>Ft. Lauderdale (Broward)</b>	71,691,300	1,753,200	41
<b>Palm Beach</b>	54,403,900	1,288,000	42
<b>Florida</b>	848,307,700	18,349,100	46
<b>United States</b>	10,000,000,000	299,400,500	33

Sources: International Council of Shopping Centers; University of Florida, Bureau of Economic & Business Research; Goodkin Consulting

- We also compared the amount of vacant and existing land classified for commercial retail use in Minor Statistical Areas 3.2 and 6.1. The subject property sits on the border of these two MSA's in western Miami-Dade.
- For the purpose of this analysis, we used volume of existing land in acres classified as Shopping Centers and Sales and Services by Miami-Dade County and vacant land in acres classified as Business as this classification is for commercial retail and excludes office.
- The figures in Table II-5 indicate that the amount of vacant land in acres and square feet for commercial retail in Miami-Dade per capita exceeds that for MSA 3.2 by 25% and for MSA 6.1 by more than 200%. The per capita ratio of land to population for Miami-Dade is almost double that for the two MSA's combined.

**TABLE II-5**  
**COMPARISON OF VACANT COMMERCIAL RETAIL LAND**  
**PER CAPITA MSA 3.2, 6.1 AND MIAMI-DADE COUNTY**  
**2006/2007**

<b>Countys/MSA</b>	<b>Business Land- Use Classification that includes Retail</b>	<b>2007 Estimated Population (1)</b>	<b>Acres Per Capita</b>	<b>Square Feet of Land Per Capita</b>
<b>MSA 3.2</b>	97.1	142,331	0.00068	30
<b>MSA 6.2</b>	46.7	181,290	0.00026	11
<b>Subtotal</b>	143.8	323,621	0.00044	19
<b>Miami-Dade</b>	2,080.1	2,437,000	0.00085	37

Sources: Miami-Dade County Planning and Zoning, Research Section; Goodkin Consulting

- The MSA's share of population in Miami-Dade relative to the share of vacant land designated for commercial retail also underscores the need for additional retail land in the MSA's. Thus, MSA 3.2's share of the population in Miami-Dade County is estimated at 5.8%, while the share of vacant land for commercial retail in the MSA is at 4.7%. Comparisons for MSA 6.1 show much the same, with the MSA's share of population in the county at 7.4%, compared to a 2.2% share of vacant land for commercial retail.
- In this era of traffic congestion, rising gas prices, and pinched budgets, the need for conveniently located retail is becoming more and more critical. It alleviates traffic congestion, helps save gasoline consumption and, in the case of the subject property, provides the opportunity for additional retail development in what otherwise is an under-retailed market.

- The development of a Lowe's Home Improvement Center at the subject site will also provide an economic benefit to the county. Our research indicates that the taxable value of home improvement centers in Miami-Dade typically ranged between \$12.0 and \$18.0 million 2007. Sales at the home improvement center would also generate economic benefits in the way of sales tax with the one cent option sales tax and approximately 10% of the six cents state mandated sales tax returning to the county. Based on estimated sales of  $\pm$ \$50.0 million per year for home improvement centers, this equate to a potential benefit from sales tax distribution of  $\pm$ \$750,000 per annum.

### **Building Design and Land Configuration**

- The existing 16-acre site owned by Lowe's is approximately three times longer than it is wide. This configuration does not allow for proper building design, whereby a home improvement center built on the existing site would have to be long and narrow and therefore, inefficient as it relates to merchandising and shopper/traffic flow patterns.
- The ratio of length to width for land planned for a shopping center, and especially a big box retailer is 2:1 at the most and typically closer to ratios of 1.5:1 or 1.25:1.
- Based on these ratios, a home improvement center of the existing 16-acre site would not be commercially viable.

## **SECTION III**

### **RETAIL DEMAND AND NEEDS ANALYSIS**

This section of our study presents the findings of our evaluation of market demand and needs analysis for commercial retail development at the SW 8<sup>th</sup> Street and SW West 137<sup>th</sup> Avenue Site. The County staff report indicates that up to 357,192 square feet of retail development would be allowed on the site, but is likely to develop with less than this number.

## **SITE AND LOCATION CHARACTERISTICS**

The subject development site is located on northwest corner of SW 8<sup>th</sup> Street (Tamiami Trail/US Hwy. 41) and SW 137<sup>th</sup> Avenue in Miami Florida. The subject site includes three parcels, two of which would be developed with retail and combine for 37.6 gross acres (36.5 acres net). The third parcel is 30.1 gross/net acres and is planned for an education facility and, therefore, not a part of our demand/need analysis.

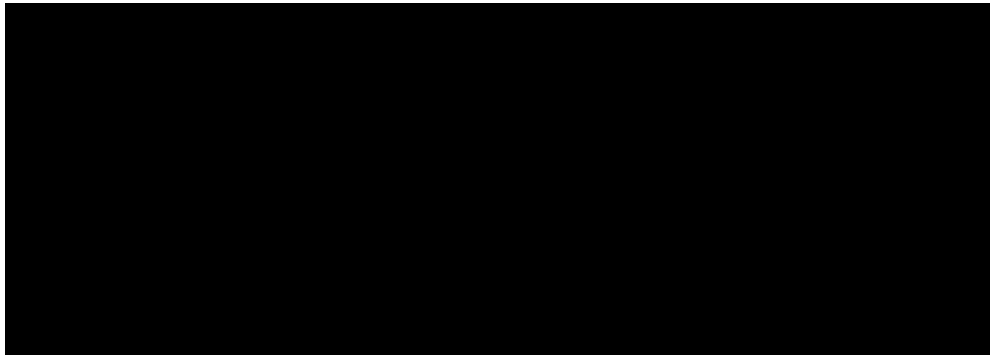
SW 8<sup>th</sup> Street is the Miami-Dade extension of Tamiami Trail connecting the Gulf Coast of Florida on the west, to the Atlantic Ocean on the east. It is the old “Alligator Alley” which is now the name sake of I-75 connecting the two coasts. The stretch of Tamiami Trail through Miami-Dade County is a major commercial corridor that is lined with commercial retail and office developments from SW 145<sup>th</sup> Avenue, west of the subject property into downtown Miami.

The area surrounding the subject property is predominately residential neighborhoods east and north of SW 137<sup>th</sup> Avenue and south of SW 8<sup>th</sup> Street. There are several retail centers within one-mile of the subject property, the most significant of which include, Tamiami Trail Shops, a Publix anchored center located on the southwest corner of SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue, immediately across from the subject on the south side of SW 8<sup>th</sup> Street. There is also a Walgreen’s drugstore in the immediate area and a bank. Further west at SW 143<sup>rd</sup> Avenue and SW 8<sup>th</sup> Street is a new center anchored by LA Fitness Center and at SW 145<sup>th</sup> Avenue is a neighborhood strip center anchored by Sedano’s grocery store. There is also a small strip center east of the subject – University Lakes Shopping Center – located at SW 8<sup>th</sup> Street and SW 127<sup>th</sup> Avenue.

There are a few industrial storage facilities dotting the area on the west side of SW 137<sup>th</sup> Avenue and the Rinker Concrete Company facility located at SW 12 Street on the west side of SW 137<sup>th</sup> Avenue.

The subject property enjoys excellent visibility and access from SW 8<sup>th</sup> Street traveling east and west and from 137<sup>th</sup> Street from the north and south. The recently completed extension of the Dolphin Expressway north of the subject also provides convenient and short drive time access to the site from the east.

A summary of the three parcels comprising the subject property is as follows:



## **RETAIL MARKET OVERVIEW**

Miami-Dade County is one of the most sought-after retail markets in the nation. As the U.S. gateway to the fast-growing economies of the Caribbean and Latin America, it has a steady mix of new national and international retailers moving into the market.

Over the past decade, total retail sales in Miami-Dade County have remained relatively healthy with annual growth rate averaging 4.6% between 1995 and 2006. The highest and lowest annual growth rates for retail sales in the county occurred in the last two years, with sales growing by a mere 1.7% in 2004, before skyrocketing by 9.3% in 2005.



Retail sales in Miami-Dade County were strong across most major retail categories in 2005 and 2006, with sales at “Eating and Drinking Places” growing by 9.2% in 2005 and 7.9% in 2006. AFO (Apparel Furniture & Other) grew by 4.4% in 2005 and 9.9% in 2006, which “Food & Beverages at Home” (groceries) grew by 2.2% in 2005 and 7.3% in 2006.

The *Miami-Dade County* retail market area has an inventory of approximately 62.4 million square feet of gross leaseable area (GLA) of retail space. Of this total, approximately 28.6 million is in shopping centers with available space (CB Richard Ellis), distributed among 13 submarkets.

**TABLE III-1**  
**RETAIL SALES TRENDS AMONG SELECT CATEGORIES**  
**MIAMI-DADE COUNTY**  
**1995-2006**

Year	Retail Sales (\$000)							
	Food & Beverage Stores (Groceries)	Percent Change	Eating & Drinking Places	Percent Change	Gen. Mdse. & AFO	Percent Change	Total Retail (1)	Percent Change
1995	\$2,967,194	-	\$2,008,164	-	\$3,797,282	-	\$19,846,656	-
1996	\$3,037,297	2.4%	\$1,997,246	-0.5%	\$3,846,052	1.3%	\$20,387,554	2.7%
1997	\$3,172,925	4.5%	\$2,080,302	4.2%	\$4,040,428	5.1%	\$21,096,354	3.5%
1998	\$3,309,361	4.3%	\$2,161,434	3.9%	\$4,080,324	1.0%	\$21,792,534	3.3%
1999	\$3,495,935	5.6%	\$2,205,321	2.0%	\$3,966,974	-2.8%	\$23,005,801	5.6%
2000	\$3,758,130	7.5%	\$2,231,785	1.2%	\$3,807,574	-4.0%	\$24,064,068	4.6%
2001	\$4,028,715	7.2%	\$2,260,798	1.3%	\$3,737,574	-1.8%	\$25,146,951	4.5%
2002	\$4,302,668	6.8%	\$2,294,710	1.5%	\$3,698,857	-1.0%	\$26,379,152	4.9%
2003	\$3,967,407	-7.8%	\$2,361,525	2.9%	\$3,875,357	4.8%	\$27,329,279	3.6%
2004	\$4,033,184	1.7%	\$2,474,926	4.8%	\$3,901,990	0.7%	\$27,792,530	1.7%
2005	\$4,122,516	2.2%	\$2,702,748	9.2%	\$4,072,314	4.4%	\$30,373,589	9.3%
2006 (2)	\$4,423,083	7.3%	\$2,916,200	7.9%	\$4,475,593	9.9%	\$32,461,580	6.9%
1995-2006 Annl. Avg	-	3.7%	-	3.2%	-	1.7%	-	4.6%

(1) Excludes Automotive, Gasoline and Miscellaneous Retail & Services

(2) Preliminary Estimates

Sources: Sales & Marketing Management Survey of Buying Power, Claritas

The Miami market has long been under retail. Evidence is reflected in the year-end numbers for 2006, which shows the market delivered 1.427 million square feet, a significant portion of which was readily absorbed. As a result, vacancy levels declined to 2.74% at year-end, their lowest in five years level, while market-wide rent levels pushed up to over \$30.00 per square foot.

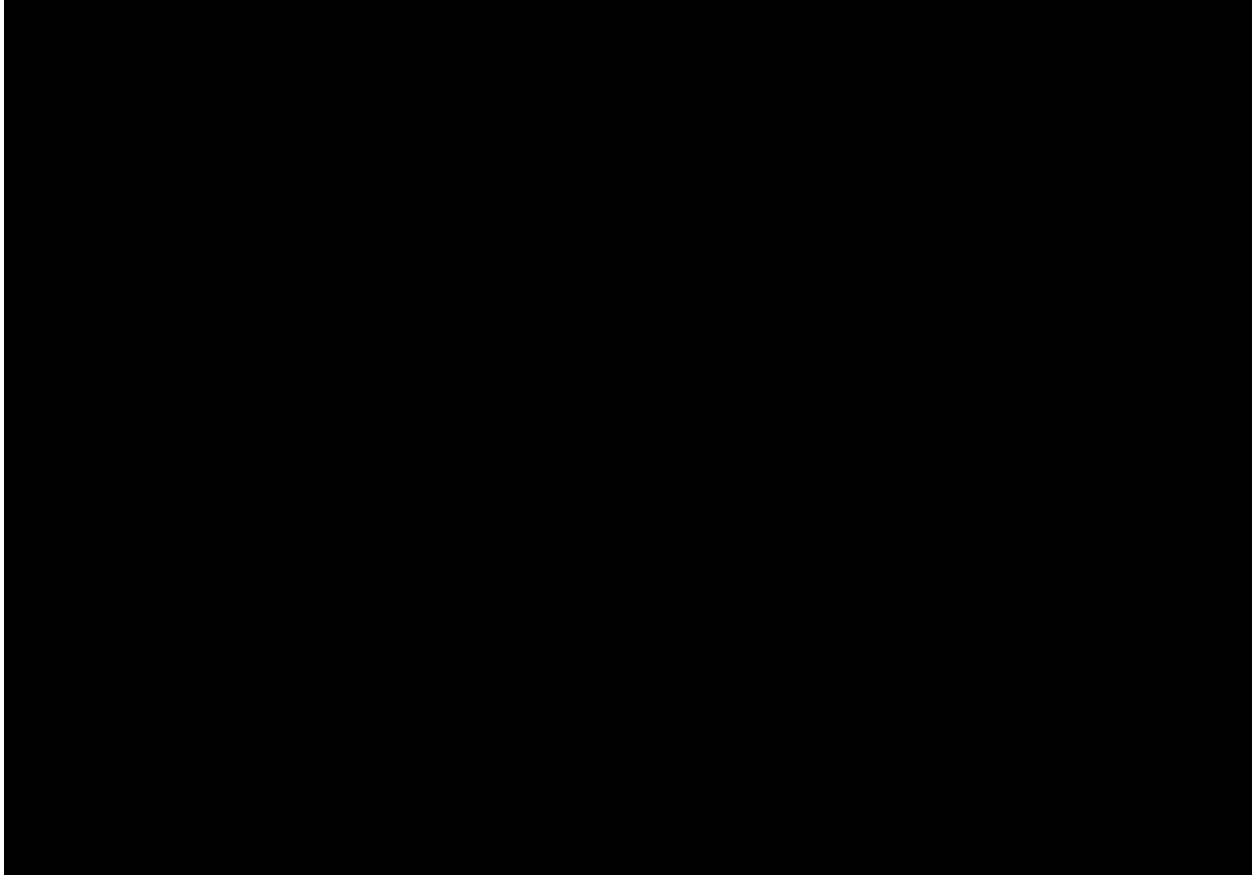
Rents for retail space among newer centers are typically much higher, with the highest rents ranging between \$55.00 and \$75.00 per square foot in the Downtown Miami and Coral Gables submarkets. In outlying suburban markets, rents for new space generally range between \$30.00 and \$40.00 per square foot.

The Miami-Dade County market has absorbed approximately  $\pm 2.9$  square feet of retail space over the past four years ( $\pm 726,000$  square feet per year, on average). While commercial brokers in the market indicate that demand will probably slow down and contribute to slight increases in the vacancy rate and flat or slightly declining rental rates in the short-term, the mid- and long range outlook is very positive.

With steady employment growth and increasing population growth, leasing activity is expected to continue increasing into the foreseeable future. Moreover, Miami also offers a one-of-a-kind pipeline to the buying power of the Hispanic population in South Florida and Latin America.

Table III-2 provides a summary of the retail market trends by submarket in Miami-Dade as of year-end 2006 (latest data available). The figures in the table show that West Kendall and Doral are two of the strongest markets in the county in terms of vacancy rates and rental rates. We point this out because the subject property is located right on the dividing line between the two submarkets.

**TABLE III-2  
SUMMARY OF MIAMI-DADE RETAIL  
BY SUBMARKET  
YEAR-END 2006**



Sources: CB Richard Ellis; Goodkin Consulting

Tables III-3 and III-4 show comparisons of retail sales per capita and square feet of retail space per capita among major metropolitan market in Florida, based on inventory numbers from CB Richard Ellis in the case of Table III-3 and International Council of Shopping Centers in the case of Table III-4. The figures in both Tables underscore the fact that Miami is under retailed.

**TABLE III-3**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY AND MAJOR METROPOLITAN AREAS IN FLORIDA**  
**2006**

<b>Metro Area</b>	<b>Total Retail Sales (1)</b>	<b>Sq. Ft. Of GLA (2)</b>	<b>Retail Sales/ Sq. Ft. of GLA</b>	<b>Total Population (3)</b>	<b>Sq. Ft of GLA Per Capita</b>
<b>Miami-Dade</b>	\$32,461,580,000	28,590,100	\$1,135	2,437,000	12
<b>Ft. Lauderdale (Broward)</b>	\$31,604,713,425	37,692,330	\$838	1,753,162	21
<b>Orlando</b>	\$30,401,159,535	56,052,100	\$542	2,115,476	26
<b>Palm Beach</b>	\$20,949,003,405	30,000,700	\$698	1,288,000	23
<b>Jacksonville</b>	\$17,541,196,560	30,094,655	\$583	1,389,035	22
<b>Tampa Bay</b>	\$40,385,524,050	49,560,000	\$815	2,691,992	18

(1) Estimates

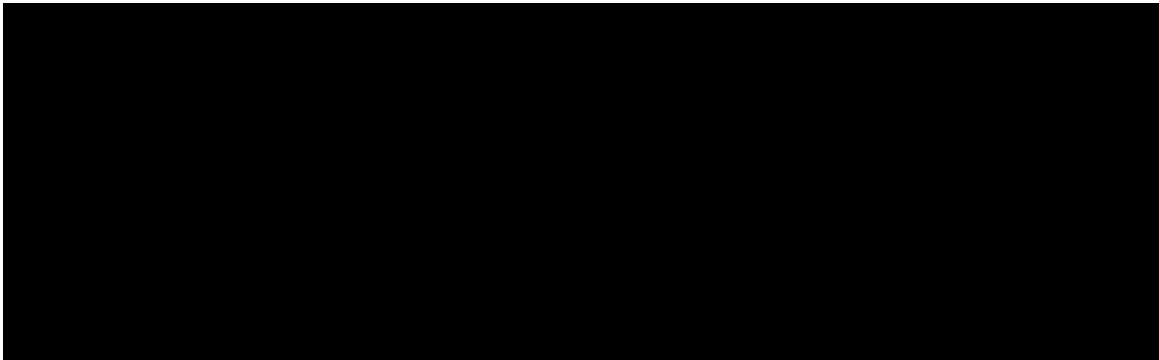
(2) Represents space in shopping centers under 25,000 square feet and excludes stand alone big box retail

(3) Estimates

Sources: Sources: Sales & Marketing Management Survey of Buying Power;  
 CB Richard Ellis; Claritas; Goodkin Consulting

Table III-4 compares total square feet of retail among select markets, Florida and US, where total square feet includes all shopping centers, big box retailers and stand alone regardless of size.

**TABLE III-4**  
**COMPARISONS OF RETAIL SQUARE FEET PER CAPITA**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY MAJOR METROPOLITAN AREAS IN FLORIDA**  
**FLORIDA AND THE US**  
**2006**



Sources: International Council of Shopping Centers; University of Florida,  
 Bureau of Economic & Business Research; Goodkin Consulting

**MARKET DEMAND POTENTIAL AND NEED ANALYSIS – LOWE'S SITE**

This section of the study includes an evaluation of the market demand potential and a needs assessment for commercial retail development at the subject property, including the existing 16-acre parcel owned by Lowe's and Parcel A.

Our demand analysis for the subject property is based on growth trends and projections estimates of growth for population, households and effective buying income (also referred to expenditure potential) for the period 2000 to 2012, with the growth levels between 2000 and 2007 providing a base line for future demand estimates. Our analysis of the demand potential for retail at the subject site evaluates the extent of demand that may be generated from the primary and secondary trade areas.

Retail developments similar to the size under study for the subject property ( $\geq 357,192$  square feet) commonly draw the bulk of their demand from a three-mile primary trade and also calculate inflows from the secondary trade area, commonly defined as the area five miles from the subject property. The three- and five-mile trade area benchmarks are also used by big box retailers (Wal-Mart, Target and home improvement centers) for estimating demand for a store at a given location.

Households typically spend between 55 and 60 percent of their discretionary effective buying income (expenditure potential) among retail centers/district and establishments located within three miles of their residence. The range takes into account the size of the market (rooftops), extent of exiting and future growth in the area, location of the competition, commuting patterns and roadway/highway configurations.

The secondary trade area includes the area within five miles of the subject property. Sales inflows from secondary trade areas generally range between 15 and 20 percent of the non-auto retail expenditure potential available among the secondary trade area households.

Tables III-5 and III-6 present trends and projection estimates of growth for population, the number of households, average household income, and average household retail expenditure potential in the three and five-mile trade areas between 2000 and 2007 with projection estimates to 2012. The figures in the tables show growth levels tapering off in the 2006 to 2008 before increasing again in 2009 period. This reflects the slowdown in the housing market that gripped most of Florida in 2006 and 2007, with most economist predicting improvements sometime in 2<sup>nd</sup> or 3<sup>rd</sup> Quarter of 2008. Income levels in both trade areas are increased by  $\pm 3.5\%$  per year over the projection period, which is consistent with historical growth levels in Miami-Dade.

**TABLE III-5**  
**POPULATION, HOUSEHOLD, INCOME AND EXPENDITURE POTENTIAL**  
**CURRENT TRENDS AND PROJECTION ESTIMATES**  
**THREE-MILE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW8TH STREET & SW 137<sup>TH</sup> AVENUE**  
**2000-2012**

Year	Population		Households		Avg. HH Income and Expenditure Potential	
	Annual Estimates for Population	Annual Change	Annual Estimate for Number of Households	Annual Change	Average HH Income	Average HH Non-Auto Expenditure Potential (1)
<b>2000</b>	111,190	-	32,440	-	\$53,920	\$18,872
<b>2005</b>	123,970	2,556	35,960	704	\$64,040	\$22,414
<b>2006</b>	126,300	2,330	36,641	681	\$66,281	\$23,198
<b>2007</b>	128,240	1,940	37,182	677	\$68,600	\$24,010
<b>2008</b>	130,150	1,910	37,812	631	\$71,001	\$24,850
<b>2009</b>	132,280	2,130	38,487	675	\$73,486	\$25,720
<b>2010</b>	134,660	2,380	39,225	738	\$76,058	\$26,620
<b>2011</b>	137,259	2,599	40,017	792	\$78,720	\$27,552
<b>2012</b>	139,890	2,631	40,880	862	\$81,475	\$28,516

(1) Equals 35 % of Average HH income with adjustment for taxes (20%), housing expenses (30%), auto and gas expenses (15%)  
 Sources: University of Florida, Bureau of Economic & Business Research; Claritas; Goodkin Consulting

**TABLE III-6**  
**POPULATION, HOUSEHOLD, INCOME AND EXPENDITURE POTENTIAL**  
**CURRENT TRENDS AND PROJECTION ESTIMATES**  
**FIVE-MILE SECONDARY TRADE AREA**  
**LOWE'S SITE AT SW8TH STREET & SW 137<sup>TH</sup> AVENUE**  
**2000-2012**

Year	Population		Households		Avg. HH Income and Expenditure Potential	
	Annual Estimates for Population	Annual Change	Annual Estimate for Number of Households	Annual Change	Average HH Income	Average HH Non-Auto Expenditure Potential (1)
<b>2000</b>	175,736		57,125	-	\$54,155	\$18,954
<b>2005</b>	189,175	2,688	61,460	867	\$64,320	\$22,512
<b>2006</b>	191,700	2,525	62,301	841	\$66,571	\$23,300
<b>2007</b>	194,100	2,400	62,938	830	\$68,900	\$24,115
<b>2008</b>	196,429	2,329	63,776	838	\$71,312	\$24,959
<b>2009</b>	198,875	2,446	64,654	878	\$73,807	\$25,833
<b>2010</b>	201,525	2,650	65,558	904	\$76,391	\$26,737
<b>2011</b>	204,346	2,821	66,519	961	\$79,064	\$27,673
<b>2012</b>	207,248	2,902	67,508	989	\$81,832	\$28,641

(1) Equals 35 % of Average HH income with adjustment for taxes (20%), housing expenses (30%), auto and gas expenses (15%)  
 Sources: University of Florida, Bureau of Economic & Business Research; Claritas; Goodkin Consulting

The theoretical maximum amount of non-auto related retail expenditure potential among primary trade area households in 2007 is \$892.74 million (37,182 households x \$24,010 average household non-auto retail expenditure potential). Applying a 55 to 60 percent market capture of expenditure potential among households in the primary trade area, equates to a market capture of non-auto retail expenditures ranging between \$491.00 million (55%) and \$535.64 million (60%).

The theoretical maximum amount of non-auto related retail expenditure potential among secondary trade area households in 2007 is estimated at \$1.518 billion (62,938 households x \$24,115 average household non-auto retail expenditure potential). Applying a 15 to 20 percent market capture of the secondary market demand area expenditure potential among retail establishment in the downtown district equates to an estimate of non-auto retail expenditures from secondary trade area households ranging between \$227.66 million (15%) and \$303.55 million (20%).

### Supportable Square Feet of Retail

Determining the amount of retail space that can be supported in a given trade area is a function of Expenditure Potential in the trade area divided by the Productivity Factor for a given retail establishment, shopping center or concentration of retail. The Productivity Factor is the amount of retail sales generated by Gross Leasable Area (GLA in square feet) of retail space. Regional shopping centers typically have a productivity factor of \$400 to \$500 per square feet. This means that a 1.0 million square feet regional mall would generate between \$400 and \$500 million in retail sales.

Productivity Factors are also estimated as a function of rental rate per square foot of GLA, where the rental rate typically equal 10% to 15% of retail sales. In the regional mall example, rental rates for mall space would range between from a low of \$40 to a high of \$75 per square foot for in-line tenant space.

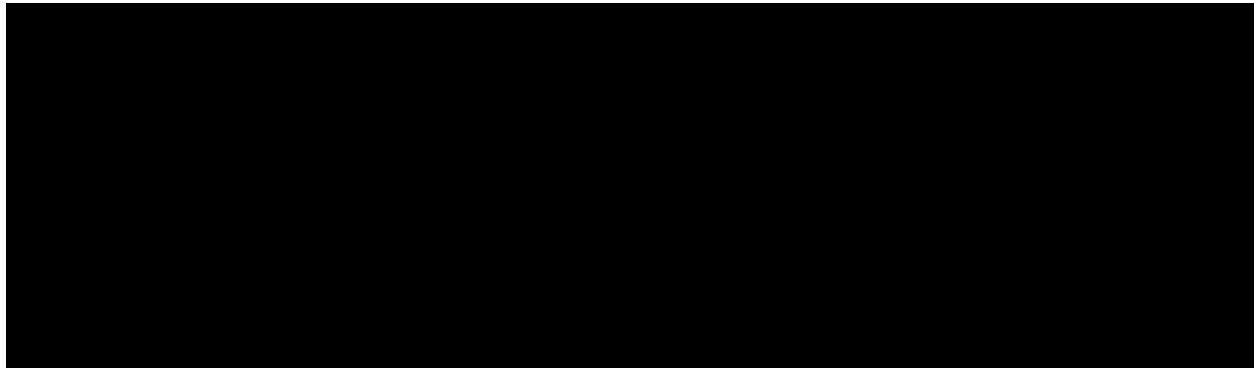
According to CB Richard Ellis, the average rental rate for retail space in West Kendall and Doral submarket the currently ranges between  $\pm\$30.00$  and  $\pm\$36.00$  per square foot (see Table III-2).

Based on models for estimating Productivity Factors, the dollars per square feet of retail generated in the primary and secondary trade areas would range between \$225 and \$250 per square foot, based on a rent to sales factor of  $\pm 12\%$ . As a check for reasonableness, "Dollars and Cents of Shopping Centers," published by the Urban Land Institute reports that the average Productivity Factor for "Neighborhood Centers" is \$245 per square foot. Neighborhood Centers are typical  $\leq 100,000$  square feet and no smaller than 40,000 square feet and are almost always anchored by a grocery store or super market. The average Productivity Factor for shopping centers greater than 100,000 square feet and less than 400,000 (Community Shopping Centers is  $\pm\$260$  per square feet.



In the model used for this analysis, we applied a Productivity Factor of \$250 per square feet starting in 2007. This Productivity Factor stays flat in 2007 and 2008 before increasing by  $\pm 3\%$  per year over the projection period. The expenditure potential market capture amounts are then divided by the productivity factor to arrive at estimates of supportable square feet in the primary trade area – Tables III-7 and III-8, derived from primary trade area households. Tables III-9 and III-10 presents estimates of supportable square feet estimated from dollar inflows from household in the secondary trade area. Finally, Table III-11 shows combined estimates of supportable square feet from both trade areas.

**TABLE III-7**  
**RETAIL EXPENDITURE POTENTIAL**  
**CURRENT ESTIMATES AND PROJECTIONS**  
**AMONG HOUSEHOLD IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**



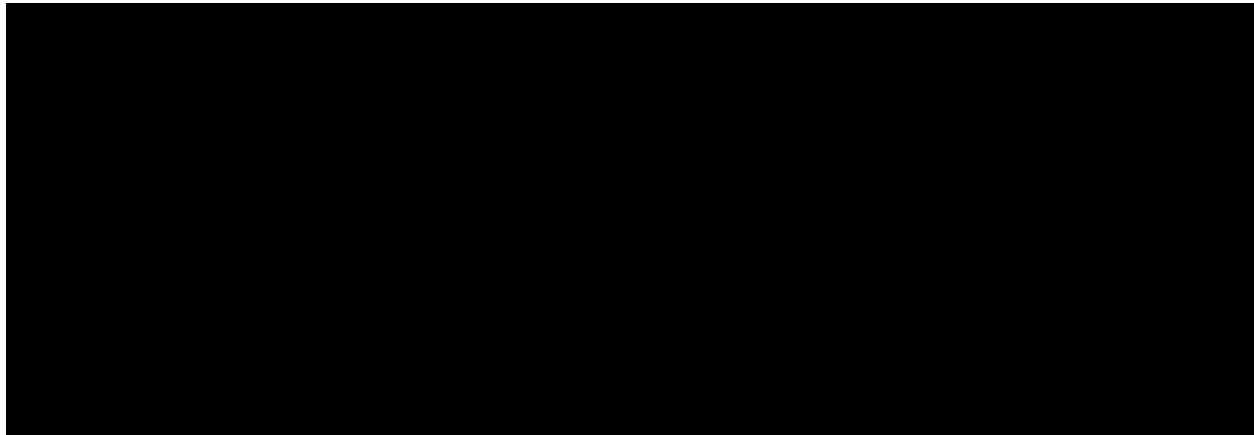
Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Goodkin

**TABLE III-8**  
**SUPPORTABLE SQUARE FEET OF RETAIL**  
**CURRENT ESTIMATES AND PROJECTIONS**  
**GENERATED FROM THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

<b>Year</b>	<b>Retail Productivity Factor (Avg. Sales/ Sq. Ft.)</b>	<b>Supportable Sq. Ft at 100% (Theoretical Maximum)</b>	<b>Supportable Sq. Ft at High Range Market Capture</b>	<b>Supportable Sq. Ft at Low Range Market Capture</b>	<b>Supportable Sq. Ft. Mid-Range/ Average Market Capture</b>
<b>2007</b>	\$250	3,570,959	2,142,576	1,964,028	<b>2,053,302</b>
<b>2008</b>	\$250	3,758,513	2,255,108	2,067,182	<b>2,161,145</b>
<b>2009</b>	\$258	3,844,216	2,306,530	2,114,319	<b>2,210,424</b>
<b>2010</b>	\$265	3,936,920	2,362,152	2,165,306	<b>2,263,729</b>
<b>2011</b>	\$273	4,035,952	2,421,571	2,219,774	<b>2,320,672</b>
<b>2012</b>	\$281	4,142,959	2,485,775	2,278,627	<b>2,382,201</b>

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Goodkin

**TABLE III-9**  
**RETAIL EXPENDITURE POTENTIAL**  
**CURRENT ESTIMATES AND PROJECTIONS**  
**AMONG HOUSEHOLD IN THE SECONDARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**



Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Goodkin

**TABLE III-10**  
**SUPPORTABLE SQUARE FEET OF RETAIL**  
**CURRENT ESTIMATES AND PROJECTIONS**  
**GENERATED FROM THE SECONDARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

<b>Year</b>	<b>Retail Productivity Factor (Avg. Sales/ Sq. Ft.)</b>	<b>Supportable Sq. Ft at 100% (Theoretical Maximum)</b>	<b>Supportable Sq. Ft at High Range Market Capture</b>	<b>Supportable Sq. Ft at Low Range Market Capture</b>	<b>Supportable Sq. Ft. Mid-Range/ Average Market Capture</b>
<b>2007</b>	\$250	6,070,999	1,214,200	910,650	<b>1,062,425</b>
<b>2008</b>	\$250	6,367,141	1,273,428	955,071	<b>1,114,250</b>
<b>2009</b>	\$258	6,486,240	1,297,248	972,936	<b>1,135,092</b>
<b>2010</b>	\$265	6,608,820	1,321,764	991,323	<b>1,156,543</b>
<b>2011</b>	\$273	6,738,299	1,347,660	1,010,745	<b>1,179,202</b>
<b>2012</b>	\$281	6,871,547	1,374,309	1,030,732	<b>1,202,521</b>

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Goodkin

**TABLE III-11**  
**SUPPORTABLE SQUARE FEET OF RETAIL**  
**CURRENT ESTIMATES AND PROJECTIONS**  
**GENERATED FROM THE PRIMRAY AND SECONDARY TRADE AREAS**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

<b>Year</b>	<b>Retail Productivity Factor (Avg. Sales/ Sq. Ft.)</b>	<b>Supportable Sq. Ft at 100% (Theoretical Maximum)</b>	<b>Supportable Sq. Ft at High Range Market Capture</b>	<b>Supportable Sq. Ft at Low Range Market Capture</b>	<b>Supportable Sq. Ft. Mid-Range/ Average Market Capture</b>
<b>2007</b>	\$250	9,641,959	3,356,775	2,874,678	3,115,726
<b>2008</b>	\$250	10,125,654	3,528,536	3,022,253	3,275,394
<b>2009</b>	\$258	10,330,456	3,603,778	3,087,255	3,345,516
<b>2010</b>	\$265	10,545,739	3,683,916	3,156,629	3,420,272
<b>2011</b>	\$273	10,774,251	3,769,231	3,230,518	3,499,875
<b>2012</b>	\$281	11,014,505	3,860,084	3,309,359	3,584,722

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Goodkin

The next step in the analysis involved factoring in the existing square feet of inventory of retail space in the primary trade area as well as retail under construction and planned retail. This is applied to estimates of supportable square feet with the result indicating if there is a surplus or deficit of retail space in the relevant market. A surplus of space is displayed as a negative number (surplus) and indicates that a given market has more retail space than can be supported by household in the trade areas under consideration. A deficit of space means there is support for additional retail from the local market over and above the existing inventory.

Based on discussions with local brokers, a survey of the market and data from Claritas, the existing inventory of retail space in the primary trade area is estimated at 2,722,635 square feet. This includes the newest centers recently delivered to the market – Laroc Shopping Center with 115,000 square feet, Shoppes at Tamiami with 92,000 square feet and San Miguel Shopping Plaza with 62,000 square feet. We did not identify any new centers planned.

Table III-12 compares existing retail space with estimates of the amount of space that would be supported in the primary trade area. The figures in the table show that there is a significant deficit of retail space in the market, equal to as much as 634,640 square feet in 2007. The mid-range or average deficit, based on the application in Table III-12, is currently at 393,590 square feet. The estimates of supportable square feet in Table III-12 also show that the deficit of space in the primary trade area will grow by 85,000 to 100,000 square feet per year, on average, over the five-year projection period.

**TABLE III-12**  
**(SURPLUS)/DEFICIT OF SUPPORTABLE SQUARE FEET**  
**IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

<b>End of Year</b>	<b>Existing Retail</b>	<b>(Over)/Under High Market Capture</b>	<b>(Over)/Under Low Market Capture</b>	<b>(Over)/Under Medium/Average Market Capture</b>
<b>2006/2007</b>	2,722,635	634,640	152,543	393,591
<b>2008</b>	2,722,635	806,401	300,118	553,259
<b>2009</b>	2,722,635	881,643	365,120	623,381
<b>2010</b>	2,722,635	961,781	434,494	698,137
<b>2011</b>	2,722,635	1,047,096	508,383	777,740
<b>2012</b>	2,722,635	1,137,949	587,224	862,587

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Claritas; Goodkin Consulting

While demand for additional square feet of retail in the primary market area is strong, the demand for the retail category “Building Material, Garden Equipment Stores is even stronger. An analysis of the (surplus)/deficit of supportable square feet by store type/merchandise category in the three-mile primary trade area for the subject property reveals that the market is under supplied in all but two merchandise categories – “Food & Beverages” at Home (Supermarkets, Grocery Stores) and “Health & Personal Care Stores (Drugstores). The surplus of retail space in these two categories is at 207,433 and 128,702 square feet, respectively. Building Supplies and Hardware, et. al., is under-supplied by an estimated 182,700 square feet.

The figures in Table III-13 present estimates of the (surplus)/deficit for supportable square feet by store type/merchandise category in the three-mile primary trade area.

**TABLE III-13**  
**(SURPLUS)/DEFICIT OF SUPPORTABLE SQUARE FEET**  
**BY MERCHANDISE/STORE CATEGORIES**  
**IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007**

<b>Non-Auto Related Merchandise Categories</b>	<b>PTA Expenditure Potential (Demand)</b>	<b>PTA Supply (Retail Sales)</b>	<b>PTA Opportunity Gap/Surplus)</b>	<b>Gap/(Surplus) Supportable Retail Sq. Ft.</b>
<b>Food &amp; Beverage at Home</b> (Includes Supermarkets, Grocery Stores, Specialty Food Stores, Convenience Stores and Liquor Stores)	\$169,204,000	\$220,329,500	(\$51,125,500)	(127,814)
<b>Eating &amp; Drinking Places</b> (Includes Restaurants, Food Services, Bars and Night Clubs)	\$131,734,000	\$86,807,600	\$44,926,400	149,755
<b>Health &amp; Personal Care</b> (Includes Drug Stores, Beauty Salons, Spas and Eye Wear)	\$94,065,000	\$115,556,500	(\$21,491,500)	(53,729)
<b>General Merchandise Stores</b> (Includes Department Stores, Discount Department Stores other General Merchandise Stores)	\$155,547,000	\$101,809,710	\$53,737,290	153,535
<b>Clothing and Accessories Stores</b> (Includes Men and Women's Apparel & Accessories, Children & Family Clothing Stores, Shoe Stores and Athletic Footware)	\$69,579,000	\$33,254,800	\$36,324,200	121,081
<b>Furniture and Home Furnishing Stores</b> (Includes Furniture & Home Furnishings, Kitchen and Bath Stores)	\$35,509,000	\$15,536,500	\$19,972,500	79,890
<b>Electronics &amp; Appliance Stores</b> (Includes Kitchen & Household Appliance Stores, TV's, Radio & Electronic Stores, Computers & Software Stores, Camera & Photography Stores)	\$32,443,000	\$31,004,294	\$1,438,706	5,232

**TABLE III-13 (continued)**  
**(SURPLUS)/DEFICIT OF SUPPORTABLE SQUARE FEET**  
**BY MERCHANDISE/STORE CATEGORIES**  
**IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007**

<b>Non-Auto Related Merchandise Categories</b>	<b>PTA Expenditure Potential (Demand)</b>	<b>Supply (Retail Sales)</b>	<b>Opportunity Gap/Surplus)</b>	<b>Gap/(Surplus) Supportable Retail Sq. Ft.</b>
<b>Hardware, Lawn and Garden Stores</b> (Includes Home Improvement Centers, Building and Materials, Hardware Stores, Paint Stores, Lawn & Garden Stores, Outdoor Equipment and Landscape & Nursery Stores)	\$151,639,000	\$81,456,700	\$70,182,300	200,521
<b>Sporting Goods and Hobby Stores</b> (Includes Sporting Goods Stores, Toys, Game Stores, and Craft Stores)	\$16,719,000	\$4,476,030	\$12,242,970	34,980
<b>Book Stores, Music and Office Supplies Stores</b> (Includes Book Stores, News Stands, Office Supplies, Music Stores, Records and Tapes, CDs & DVD's)	\$5,851,000	\$4,695,150	\$1,155,850	3,853
<b>Miscellaneous Retail Stores</b> (Includes Florists, Gift Shops, Used Merchandise, Antiques & Consignment Stores)	\$30,410,000	\$20,177,567	\$10,232,433	34,108
<b>Total</b>	\$892,700,000	\$715,104,351	\$177,595,649	601,411

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Claritas;  
Goodkin Consulting

## Needs Analysis

Previously we determined, and it is well recognized, that Miami is under retailed. This is the same situation in the primary trade area. The figures in Table III-14 show the primary trade area is under retailed within Miami-Dade, which is under retailed compared to other metropolitan areas, the state and the nation. The ratio of retail space to population in the primary trade area is estimated at 21 square feet per capita, compared to 26 square feet capita in Miami-Dade County.

**TABLE III-14**  
**SQUARE FEET OF RETAIL PER CAPITA COMPARISONS FOR**  
**THE THREE-MILE PRIMARY TRADE AREA,**  
**MIAMI-DADE COUNTY AND OTHER SOUTH FLORIDA**  
**2006/2007**

<b>Metro/Trade Area</b>	<b>Square Feet of Retail</b>	<b>Total Population</b>	<b>Square Feet of Retail Per Capita</b>
<b>Three-Mile Primary Trade Area</b>	2,722,635	128,240	21
<b>Miami-Dade</b>	62,416,250	2,430,420	26
<b>Ft. Lauderdale (Broward)</b>	71,691,300	1,753,200	41
<b>Palm Beach</b>	54,403,900	1,288,800	42
<b>Florida</b>	848,307,700	18,439,100	46
<b>US</b>	10,000,000,000	299,400,500	33

Sources: International Council of Shopping Centers; University of Florida, Bureau of Economic & Business Research; Goodkin Consulting

In addition to comparisons for the primary trade area, we analyzed several ratios comparing the amount of vacant land classified for commercial retail use in Minor Statistical Areas 3.2 and 6.1. The subject property sits on the border of these two MSA's in western Miami-Dade.



The population estimates for MSA 3.2 and MSA 6.1, with comparisons for Miami-Dade County are presented in Table III-15. Population estimates for interim years were interpolated, based on annual average growth rates adopted from projection estimates used by Miami-Dade County for planning purposes.

**TABLE III-15  
POPULATION ESTIMATES AND PROJECTIONS  
IN MSA 3.2, 6.1 AND MIAMI-DADE COUNTY  
2000-2025**

Year	Miami-Dade	MSA 3.2	MSA 3.2 as % of County	MSA 6.1	MSA 6.1 as % of County	Total for MSA 3.2 & 6.1	MSA 3.2 & 6.1 Total as % of County
2000	2,253,362	122,540	5.44%	156,640	6.95%	279,180	12.39%
2005	2,378,400	136,350	5.73%	173,850	7.31%	310,200	13.04%
2007	2,430,420	142,300	5.85%	181,255	7.46%	323,555	13.31%
2010	2,529,300	151,720	6.00%	192,955	7.63%	344,675	13.63%
2015	2,703,117	168,832	6.25%	214,170	7.92%	383,002	14.17%
2025	3,019,787	170,546	5.65%	222,735	7.38%	393,281	13.02%

Sources: Miami-Dade County Planning Department; Claritas; Goodkin Consulting

Population estimates in 2007 were applied to vacant land in acres classified as “Business,” which includes commercial retail, but excludes office. This provided estimates for vacant land per capita in MSA 3.2 and 6.1, with comparisons for Miami-Dade County

The figures in Table III-16 indicate that the amount of vacant land per capita in acres and square feet for commercial retail in Miami-Dade exceeds that for MSA 3.2 by 23% and for MSA 6.1 by more than 200%. The per capita ratio of land to population for Miami-Dade is almost double that for the two MSA’s combined.

**TABLE III-16**  
**COMPARISON OF VACANT COMMERCIAL RETAIL LAND**  
**PER CAPITA IN MSA 3.2, 6.1 AND MIAMI-DADE COUNTY**  
**2006/2007**

<b>County/MSA</b>	<b>Vacant Land Classified as Business that includes Retail</b>	<b>2007 Estimated Population</b>	<b>Acres Per Capita</b>	<b>Square Foot Per Capita</b>
<b>MSA 3.2</b>	97.1	142,300	0.0007	30
<b>MSA 6.1</b>	46.7	181,255	0.0003	11
<b>Subtotal</b>	143.8	323,555	0.0004	19
<b>Miami-Dade</b>	2080.1	2,430,420	0.0009	37

Sources: Miami-Dade County Planning and Zoning, Research Section; Goodkin Consulting

The MSA's share of population in Miami-Dade relative to the share of vacant land designated for commercial retail also underscores the need for additional retail land in the MSA's. Thus, MSA 3.2's share of the population in Miami-Dade County is estimated at 5.9%, while the share of vacant land for commercial retail in the MSA is at 4.7%. Comparisons for MSA 6.1 show much the same, with the MSA's share of population in the county at 7.5%, compared to a 2.2% share of vacant land for commercial retail.

In this era of traffic congestion, rising gas prices, and pinched budgets, the need for conveniently located retail is becoming more and more critical. It alleviates traffic congestion, saves on gasoline consumption and, in the case of the subject property, provides the opportunity for additional retail development in what otherwise is an under retailled market.

The development of a Lowe's Home Improvement Center at the subject site will also provide an economic benefit to the county. Our research indicates that the taxable value of home improvement centers in Miami-Dade typically ranged between \$12.0 and \$18.0 million 2007. Sales at the home improvement center would also generate economic benefits in the way of sales tax with the one cent option sales tax and approximately 10% of the six cents state mandated sales tax returning to the county. Based on estimated sales of ±\$50.0 million per year for home improvement centers, this equate to a potential benefit from sales tax distribution of ±\$750,000 per annum.

**SECTION IV**

**BACKGROUND TO THE MARKET**

## EMPLOYMENT

Miami's labor market displays different dynamics than most other parts of the state. While the metro area's unemployment rate is low compared to the nation, it remains higher than that of the state. The gap between Miami's and Florida's performances has narrowed in recent months, however, as Miami's growth remains steady while Florida's growth has moderated. Florida's labor market is demand-driven, with labor force participation responding to lower unemployment rate. In Miami, however, changes in the labor force participation rate have preceded those of its employment rate, suggesting that the metro area's labor market is more supply-driven.

Employment forecasts by the Florida Department of Labor and Employment Security currently indicated a 2.0 percent average annual job gain in Miami-Dade County from 2005 through the year 2006 to an employment level of 1,158,801 at year-end. Projections through 2007 of 1.3 percent decline to 1.0 percent by 2010. But from 2005 to 2010 we should be adding 51,100 new jobs, ranking the Miami-Dade job market at 29<sup>th</sup> in the nation during that period.

The largest absolute gain from 2005 to 2006 occurred in the services sector, which created 6,500 new jobs. The public sector gained 300 jobs. The construction sector added 5,800 new jobs and the retail trade sector added 4,000 jobs. It was followed by a net gain of 3,000 jobs in finance, insurance and real estate (FIRE) sectors.

The largest employment categories in greater Miami are services and retail trade. Together, they employ more than 60.8 percent of the local workforce. Services employs 41.7 percent compared to 39.2 percent nationally; retail and wholesale trade employs approximately 19.1 percent locally. Government is the area's third-largest sector, though its local proportion falls just short of the national norm (14.5% versus 16.1%).

Transportation and wholesale trade, each of which employs approximately 5.9 percent and 7.0 percent, respectively, of the area's labor force, are proportionally the largest employers compared to national averages. FIRE is also disproportionately large here, employing 7.1 percent of the metropolitan area's workforce. Nationwide, this sector employs only 6.1 percent of the labor force.

The largest private sector employers in the Miami metropolitan area are Baptist Health Systems and Jackson Memorial Hospital. They employ approximately 10,633 and 10,453 workers, respectively. The University of Miami is third with 9,367 employees. Other firms with more than 2,000 employees here include American Airlines (9,000), Miami-Dade Community College (5,400), UPS (5,000), Precision Response Corp., BellSouth, and Publix Super Markets, among others.

**TABLE IV-1  
SUMMARY OF EMPLOYMENT STATISTICS  
MIAMI-DADE COUNTY  
1997-2006**

Year	Labor Force	Employment	Unemployment Rate	Total Non-Agriculture	12 Month Percent Change	Construction	12 Month Percent Change	Manufacturing	12 Month Percent Change
1997	1,045,835	971,609	7.1%	961.7	2.5	33.8	-3.4	75.5	-2.1
1998	1,042,647	975,667	6.4%	975.9	1.5	33.7	-0.3	72.9	-3.4
1999	1,044,261	983,678	5.8%	987.0	1.1	34.8	3.3	70.3	-3.6
2000	1,053,924	998,309	5.3%	1,012.9	2.6	37.1	6.6	68.7	-2.3
2001	1,080,423	1,005,810	6.9%	1,033.1	2.0	36.6	-1.3	64.0	-6.8
2002	1,120,950	1,034,423	7.7%	1,063.1	1.8	38.0	5.6	61.6	1.0
2003	1,097,800	1,031,300	6.1%	1,045.2	0.9	42.2	0.7	56.2	-1.7
2004	1,097,454	1,038,442	5.4%	1,018.7	2.1	42.7	4.9	50.3	-2.7
2005	1,113,560	1,065,417	4.3%	1,029.9	1.9	47.2	10.5	49.4	-1.8
2006	1,158,801	1,115,164	3.8%	1,047.4	2.0	53.0	12.3	48.0	-2.8

Year	Trade	12 Month Percent Change	F.I.R.E.	12 Month Percent Change	Services	12 Month Percent Change	Government	12 Month Percent Change
1997	253.3	2.3	67.2	1.2	312.8	4.6	135.4	2.5
1998	256.2	1.1	66.9	-0.4	322.1	3.0	137.5	1.6
1999	258.8	1.0	66.4	-0.7	328.9	2.1	138.0	0.4
2000	263.8	1.9	66.1	-0.5	340.3	3.5	143.3	3.8
2001	265.8	0.8	67.3	1.8	354.1	4.1	149.2	4.1
2002	274.5	0.4	66.5	-0.9	367.2	2.3	155.2	4.2
2003	262.3	-0.9	66.1	2.2	N/A	N/A	159.1	3.4
2004	252.9	0.1	68.6	2.1	330.2*	4.2	151.8	0.6
2005	257.1	1.7	71.7	4.5	328.8	2.4	151.5	-0.2
2006	261.1	1.6	74.5	3.9	335.3	1.9	151.8	0.2

Currently the following list represents the largest employers and the leading industries in the metro area:

### TOP EMPLOYERS

Employer	Number of Employees
Baptist HealthSystems of Southern Florida	10,683
Jackson Health System	10,453
University of Miami	9,367
American Airlines	9,000
Miami-Dade Community College	5,400
United Parcel Service, Inc.	5,000
BellSouth Corporation	4,800
Winn-Dixie Stores, Inc.	4,616
Precision Response Corporation	4,196
Publix Supermarkets, Inc.	4,000
Florida Power & Light Company	3,665
Florida International University	3,500
Macy's of Florida	3,368
Royal Caribbean Intl./Celebrity Cruise	3,300
Carnival Cruise Lines	3,000
Mount Sinai Medical Center	3,000
American Sales & Management	2,800
Miami Children's Hospital	2,571
Wachovia Corporation	2,500
Mercy Hospital	2,433

Sources: *The Beacon Council, December 2005*

### Public

Federal.....	20,033
State .....	16,841
Local .....	114,985
2006	



All of these changes in the economics of the area are reflected in the projected unemployment figures that are compared to Miami-Dade County, the state, and the nation. The following table is a history and current summary of those unemployment trends:

**TABLE IV-2**  
**UNEMPLOYMENT RATES**  
**U.S., FLORIDA, AND MIAMI-DADE COUNTY**  
**ANNUALLY 1993-2007**

<b>Reporting Period</b>	<b>Reporting Area</b>		
	<b>US</b>	<b>Florida</b>	<b>Dade</b>
<b>Calendar Year</b>			
1993	6.9%	7.0%	8.1%
1994	6.1%	6.6%	8.4%
1995	5.6%	5.5%	7.4%
1996	5.4%	5.1%	7.3%
1997	4.9%	4.8%	7.1%
1998	4.5%	4.3%	6.4%
1999	4.2%	3.9%	5.8%
2000	4.0%	3.6%	5.3%
2001	4.7%	4.8%	6.9%
2002	5.8%	5.5%	7.7%
2003	6.0%	5.2%	7.2%
2004	5.5%	4.6%	5.5%
2005	5.1%	3.8%	4.3%
2006	4.7%	3.3%	3.8%
2007*	4.6%	3.9%	3.8%

\*As of July 2007.

Source: Goodkin Consulting; U.S. Department of Commerce

## POPULATION

### Miami-Dade County

Miami's population growth remained stable in 2006 in contrast to sharp decelerations elsewhere in southeast Florida. The rate of growth is broadly in line with the nation, but considerably slower than fast-growing Florida, reflecting that Miami is nearly fully built and faces constraints, such as a shortage of land, which dampens the feasible pace of expansion. Traditional migration patterns persist: net international in-migration exceeds net domestic out-migration, resulting in a small net positive total. Miami serves as an immigration hub, with a younger age structure, but many immigrants subsequently resettle elsewhere.

Miami-Dade County had a population base of 2,430,421 at the end of 2006, according to the latest estimates of population by Claritas. Over the last year, the region added 23,500 persons. During the balance of the first half of the decade (2007 to 2012), the population base of Miami-Dade County is expected to increase by 144,814 persons or approximately 28,963 persons annually. By the year 2012 population is estimated to be 2,575,235 - an increase of 5.96 percent, or 1.2 percent annually from 2007.

A constraint on the metro area's economy is its relatively subdued population growth. The metro area suffers from significant net out-migration of its domestic residents. Of the close to 27,184 net domestic residents who leave the metro area annually, many settle in other Florida MSAs, such as Fort Lauderdale and West Palm Beach. It is important to track out-migration in order to gain an understanding of how the housing market will react to population changes.

Weak retiree in-migration is also an important factor in the metro area's slow population growth. Retirees are favoring Florida's other metros because of Miami's high housing costs and perceived crime and congestion problems. The proportion of Miami's population over 65 is only 13.8 percent, close to the national average, and well below the state proportion of 19 percent.

The metro area's population would be falling if not for significant foreign immigration. In the last year for which statistics are available (2006) approximately 38,723 foreign immigrants settled in the metro area. One-third of all foreign immigrants coming to the State of Florida settle in Miami.

**TABLE IV-3**  
**HISTORIC POPULATION GROWTH MIAMI-DADE COUNTY**  
**ACTUAL 1970-2004, PROJECTED 2009**

<b>Year</b>	<b>Population</b>	<b>Absolute Change</b>	<b>Annual % Change</b>
1970	1,267,792		
1980	1,625,781	357,989	2.82%
1990	1,937,094	311,313	1.91%
2000	2,253,362	316,268	1.63%
2004	2,376,330	122,968	1.36%
2009	2,531,816	155,486	1.31%

Source: Goodkin Consulting; U.S. Department of  
Commerce Bureau of The Census; Claritas Inc.

**TABLE IV-4  
POPULATION AND HOUSEHOLD DETAIL  
MIAMI-DADE COUNTY AND SELECTED CENSUS TRACTS  
1990-2000**

Geography	1990						2000					
	POP	% of Population	% Miami-Dade County	House Holds	Family Formations	Total Housing Units	POP	% of Population	% Miami-Dade County	House Holds	Family Formations	Total Housing Units
Miami-Dade County	1,937,094	100.00%		692,355	481,263	771,288	2,253,362	100.00%		776,774	548,493	852,278
Male	928,411	47.93%					1,088,895	48.32%				
Female	1,008,683	52.07%					1,164,467	51.68%				

Source: Goodkin Consulting; U.S. Department of Commerce Bureau of The Census; Claritas Inc.

**TABLE IV-5  
POPULATION AND HOUSEHOLD DETAIL  
MIAMI-DADE COUNTY AND STUDY AREA  
ACTUAL 2007 AND PROJECTED 2012**

Geography	2007						2012					
	POP	& of Population	% Miami-Dade County	House Holds	Family Formations	Total Housing Units	POP	& of Population	% Miami-Dade County	House Holds	Family Formations	Total Housing Units
Miami-Dade County	2,430,421	100.0%		826,557	583,645	930,010	2,575,235	100.0%		870,838	614,913	N/A
Male	1,176,812	48.42%					N/A	N/A				
Female	1,253,609	51.58%					N/A	N/A				

Source: Goodkin Consulting; U.S. Department of Commerce Bureau of The Census; Claritas Inc.

## Age of Population

In Miami-Dade County, the median age is 37.4 years. In 2007, householders between 45 to 54 totaled 14.13 percent, followed by the group between 35 and 44 years which constituted 15.1 percent of the County, followed by 55 to 64 year olds (10.4 percent). The balance of the household groups are 25-34 at 12.2 percent and 65 and over at 14.0 percent.

Table IV-6 summarizes the population trends and forecast for Miami-Dade County as outlined above.

**TABLE IV-6  
POPULATION AGE DISTRIBUTION  
MIAMI-DADE COUNTY  
ACTUAL 2007 – PROJECTED 2009**

Age Array	Miami-Dade County			
	2007		2009	
	#	%	#	%
Under 4	170,785	7.03%	162,025	6.40%
5-9	159,833	6.58%	161,045	6.36%
10 - 14	164,165	6.75%	169,769	6.71%
15 - 17	105,040	4.32%	111,104	4.39%
18 - 20	100,024	4.12%	101,872	4.02%
21 - 24	129,794	5.34%	121,372	4.79%
25 - 34	296,592	12.20%	331,869	13.11%
35 -44	366,445	15.08%	380,295	15.02%
45 -49	181,865	7.48%	180,611	7.13%
50 - 54	161,527	6.65%	167,332	6.61%
55 - 59	139,805	5.75%	153,152	6.05%
60 - 64	115,294	4.74%	135,266	5.34%
65 - 74	182,753	7.52%	190,319	7.52%
75 - 84	113,515	4.67%	115,019	4.54%
85+	42,984	1.77%	50,766	2.01%
<b>Total Population</b>	<b>2,430,421</b>	<b>100.0%</b>	<b>2,531,816</b>	<b>100.0%</b>
Median ALL	37.4		38.9	
Median Male	36.1		37.2	
Median Female	38.8		40.6	

Source: Goodkin Consulting; U.S. Department of Commerce, Bureau of The Census; Claritas Inc.

## HOUSEHOLDS

To analyze the composition of households in the county, we have examined the trends in both numbers and income groups. We have analyzed the growth of the number of households countywide for the periods of 2000, 2007, and projections for 2012. The same analysis was also done for the income groups. The following Table IV-7 summarizes these trends.

**TABLE IV-7  
TOTAL HOUSEHOLDS  
MIAMI-DADE COUNTY  
1990, 2007 AND 2012**

	<b>2000</b>	<b>2007</b>	<b>2012</b>
Total Households	776,774	826,557	870,838
Median Income	\$36,219	\$41,483	N/A
Average Annual Household Income	\$52,753	\$60,485	N/A

## Migration

Migration in 2005 (latest IRS data available) shows a large negative net migration of 27,184 people out of Miami-Dade County. However, foreign in-migration during the period from 2003 through 2006 continually outpaced domestic out-migration during the period, resulting in a net total gain of 9,363 in 2006.

With respect to projected changes in population, our research indicates that the Miami MSA ranked 159<sup>th</sup> in the nation from 2001 to 2006, with growth of 1.0 percent. The county is expected to rise to 118<sup>th</sup> from 2006 to 2008 and is projected to rank 103<sup>rd</sup> from 2006 to 2011 with a rate of 1.3 percent. When the area is ranked in population growth by absolute population, we find that from 2006 to 2011 the county will add 160,500 persons and rank 23<sup>rd</sup> in the nation. With respect to the more important category of households, Miami will have consistent growth of 1.0 percent, averaging between 10,000 and 11,000 additional households annually.

**Income**

Income growth in the county will continue; however, it will not be as strong as it was in the last decade. The area's \$31,347 per capita income is 10.7 percent lower than the state and 12.1 percent lower than the national average.

With respect to the most recent migration figures from the Census Bureau (2006), the total domestic migration was negative - 29,360, but the foreign immigration was positive at 38,723, for a net of 9,363. This is only down slightly from the 10,990 net in 2005, but still evidence of a continuing increase in net migration when compared to 2004 (7,790) and 2003 (4,272).

**TABLE IV-8**  
**HOUSEHOLD INCOME DISTRIBUTION**  
**MIAMI-DADE COUNTY**  
**ACTUAL 2006 – PROJECTED 2009**

Income Grouping	Miami-Dade County			
	2006		2009	
	#	%	#	%
Less Than \$15,000	154,051	18.6%	161,349	18.8%
\$15,000 - \$24,999	104,754	12.7%	102,791	12.0%
\$25,000 - \$34,999	99,469	12.0%	101,118	11.8%
\$35,000 - \$49,999	127,265	15.4%	131,876	15.4%
\$50,000 - \$74,999	140,343	17.0%	140,088	16.3%
\$75,000 - \$99,999	78,376	9.5%	83,924	9.8%
\$100,000 - \$149,999	71,660	8.7%	77,913	9.1%
\$150,000 - \$249,999	32,187	3.9%	36,795	4.3%
\$250,000 - \$499,999	11,634	1.4%	13,943	1.6%
\$500,000 or More	6,818	0.8%	8,378	1.0%
Total Households	826,557	100.0%	858,175	100.0%
Median Household Income	\$41,483		\$42,260	
Average Household Income	\$60,485		\$62,994	

*Source: Goodkin Consulting; U.S. Department of Commerce; Claritas Inc.*

## HOUSING SUMMARY

House price appreciation in Miami reached near-record levels in 2005, and the risk of a house price bubble in the metro area is high. Miami's multi-family market has been driving the growth in the housing market, as developers have converted hotels and apartment buildings to condominiums. Low mortgage rates and an inflow of money from Latin American real estate investors have fueled the boom in this market. Despite rapid price appreciation which has overpriced the housing market in the County, the Florida Association of Realtors estimate that the condo and housing price boom in Miami has come to an end. The lack of excess demand in the market further increases the risk of a house price bubble as demand wanes in response to rising interest rates later this year and the looming prospect of excess inventory.



In 1996, Miami-Dade's total building permit activity totaled 13,445 units. Starts from 1997 through 2001 averaged 6,001 for single-family, while multi-family starts averaged 6,040 units annually. For the three-year period from 2003 to 2006, permits for single-family ranged from 8,695 to 6,760 single-family starts while permits for multi-family units soared in 2004 (12,232) and 13,843 permits in 2005 was the highest yet. In 2006, multi-family permits were at 11,977 units.

Residential building permit activity (including rental apartments) in 1999 climbed to over 13,687 permits, down from 14,067 in 1998 (Table IV-9). Single-family permits were up to 5,354 in 1999 and in 2000, single-family permits were at 5,146 units, down slightly from 1999. Single-family permits went back up to 3,802 at year-end 2001. As of year-end 2002, single-family permits stood at 7,348 units. Multi-family permits have gone up from 4,592 in 2000, which was lower than the previous year (1999 was 5,556) to 7,370 at year-end in 2002. The following chart indicates building permit trends from 1990 to 2006.

**TABLE IV-9**  
**COMPARATIVE BUILDING PERMITS**  
**MIAMI-DADE COUNTY**  
**1995 – 2006**

<b>Year</b>	<b>SF Units</b>	<b>MF Units</b>	<b>Total</b>	<b>Total +/- % Year to Year</b>
1995	6,334	6,816	13,150	
1996	6,307	7,138	13,445	2.24%
1997	5,988	6,477	12,465	-7.29%
1998	6,711	7,356	14,067	12.85%
1999	5,354	5,556	10,910	-22.44%
2000	5,146	4,592	9,738	-10.74%
2001	3,802	2,749	6,551	-32.73%
2002	7,348	7,370	14,718	124.67%
2003	8,695	6,606	15,301	3.96%
2004	9,417	12,232	21,649	41.49%
2005	9,812	13,854	23,666	9.32%
2006	6,760	11,977	18,737	-20.83%

*Source: Goodkin Consulting; Bureau of Economic and Business Research,  
University of Florida, U.S. Census Statistics*

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## **Appendix 3**

Department of Planning and Zoning Response to Applicant Submittal  
of Market Demand and Needs Analysis for Application 5 of the  
April 2007 CDMP Cycle

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**Department of Planning and Zoning Response to Applicant Submittal of Market Demand and Needs Analysis for Application #5 for April 2007 CDMP Cycle**

The Market Demand and Needs Analysis for the proposed retail development at SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue is a standard market analysis of conditions that indicate whether a proposed commercial development is feasible from a business perspective. The analysis indicates that based on household income in the primary and secondary trade area that the derived expenditure potential is sufficient to support a significant increase in retail square footage. The report goes on to address the more specific question of whether there is sufficient market demand to justify the intended use of the property as a home improvement center. Examining the Hardware, Lawn and Garden merchandise category, that includes home improvement centers, it is concluded that there is an additional 200,521 square feet of this type of retail space that is warranted. Thus an establishment, such as Lowe's is viable in a business sense. As a market analysis that shows that there is sufficient market demand for additional retail space, we have no disagreement. This is in the domain of private sector business decision analysis, not in the public arena of land use decision-making.

The role of the Planning & Zoning Department for an application like this is very different. In this case, the question revolves around the sufficiency of land, by type of use, to foster business and economic growth and to provide for the varied needs of the residents of the County. In particular, the amount of vacant land is determined for residential, commercial and industrial land uses. The analysis of vacant commercial land is performed at the Minor Statistical Area (MSA) level.

Since the subject property sits on the boundary of MSA 3.2 and MSA 6.1, both were analyzed. The supply and demand analysis and that which follows was developed by the Planning & Zoning, Research Section. The results, developed by the DP&Z Research Section, indicated that in total there were 365.3 acres of vacant commercial land, while there were 2,099.0 acres currently in commercial use. Together they provide for a supply of 6.4 commercial acres per thousand persons in MSAs 3.2 and 6.1 for the year 2015. This is slightly above the County average of 6.1 acres per thousand persons. Further, since the projected rate of absorption is 32.1 acres per year, there is a sufficient supply of commercial land until 2018.

While this analysis determined that there is a sufficient supply of commercial land for the next ten years, an examination of vacant commercial land by size category is necessary, as different types of commercial uses have varied acreage requirements. Two sites above eight acres were found in the 3 mile primary trade area, one of which was 12.4 acres. Further out, but within the 5 mile secondary trade area, there are an additional 5 commercial sites of 8 acres or more. The 12.4 acre vacant site fronts SW 137<sup>th</sup> Avenue and SW 8<sup>th</sup> Street and is directly east of the subject property. It is owned by the applicant.

In Miami-Dade County the average home improvement center sits on 10.6 acres of land. A site of this acreage on average accommodates about 134,700 square feet of retail space<sup>1</sup>. Thus, it appears that on the 12.4 acre property owned by the applicant, a home improvement center with above the average square footage could be developed.

In the above-mentioned market analysis submitted by the applicant, this property, although not part of the application, was discussed. It was indicated that the “site owned by Lowe’s is approximately three times longer than it is wide. This configuration does not allow for proper building design”. It further goes on to state “The ratio of length to width for land planned for a shopping center, and especially a big box retailer is 2:1 at the most and typically closer to ratios of 1.5:1 or 1:25:1”. At the indicated ratio of approximately 3:1 the report indicates that a home improvement center would not be commercially viable on this site.

Unfortunately, this analysis is seriously flawed. The site is not 16 acres as stated in the report but is 12.4 acres. Instead of having dimensions of approximately 3:1, the correct dimensions are just under 2:1. Given this correction, the site configuration is clearly suitable for a home improvement center. As the acreage of the site is above the average in the County for home improvement centers, and the dimensions are within bounds stated in the report, it is concluded that a commercially viable home improvement center can be developed on this site.

---

<sup>1</sup> Department of Planning & Zoning, Research Section.

The adequacy of land supply must be on the basis of land supplies by sub-area in appropriate to the type of use, as well as the countywide supply. The adequacy of land supplies for neighborhood and community oriented business and office is generally

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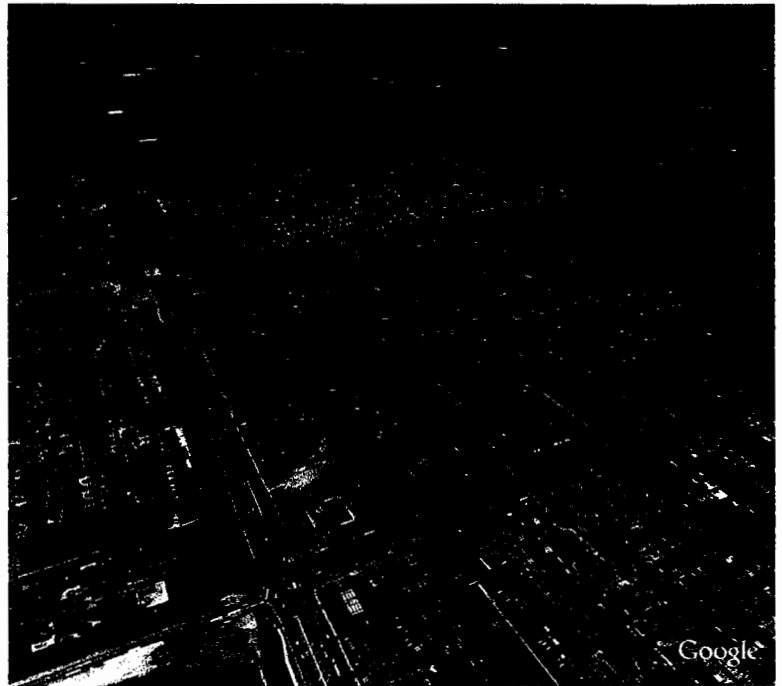
## **Appendix 4**

Applicant's Traffic Analysis: "The Traffic Impact Analysis for the  
Lowe's of West Miami-Dade Application No. 5 to Amend the Miami-  
Dade County Comprehensive Development Master Plan Map"  
dated January 2008

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# Traffic Impact Analyses



For:

**LOWE'S  
of WEST MIAMI-DADE  
APPLICATION No. 5 TO  
AMMEND THE MIAMI-DADE  
COUNTY COMPREHENSIVE  
DEVELOPMENT MASTER  
PLAN AND PLAN MAP (2007)**

January 2008



**FANDREI CONSULTING INC.**  
Traffic Engineering Services

# ***TRAFFIC IMPACT ANALYSES***

## **LOWE'S of WEST MIAMI-DADE APPLICATION No. 5 TO AMEND THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN AND PLAN MAP (2007)**

Prepared for  
**Lowe's Home Centers, Inc.**

Prepared by  
**FANDREI CONSULTING, INC.**  
12651 S. Dixie Highway, Suite 333  
Miami, Florida 33156  
E.B. No. 26574

January 2008  
0713-1

**LOWE'S OF WEST MIAMI-DADE  
APPLICATION #5 TO AMEND  
THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER  
PLAN AND PLAN MAP (2007)**

**TRAFFIC IMPACT ANALYSES**

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**LOWE'S OF WEST MIAMI-DADE  
APPLICATION #5 TO AMEND  
THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT  
MASTER PLAN AND PLAN MAP (2007)**

**TRAFFIC IMPACT ANALYSES**

**INTRODUCTION**

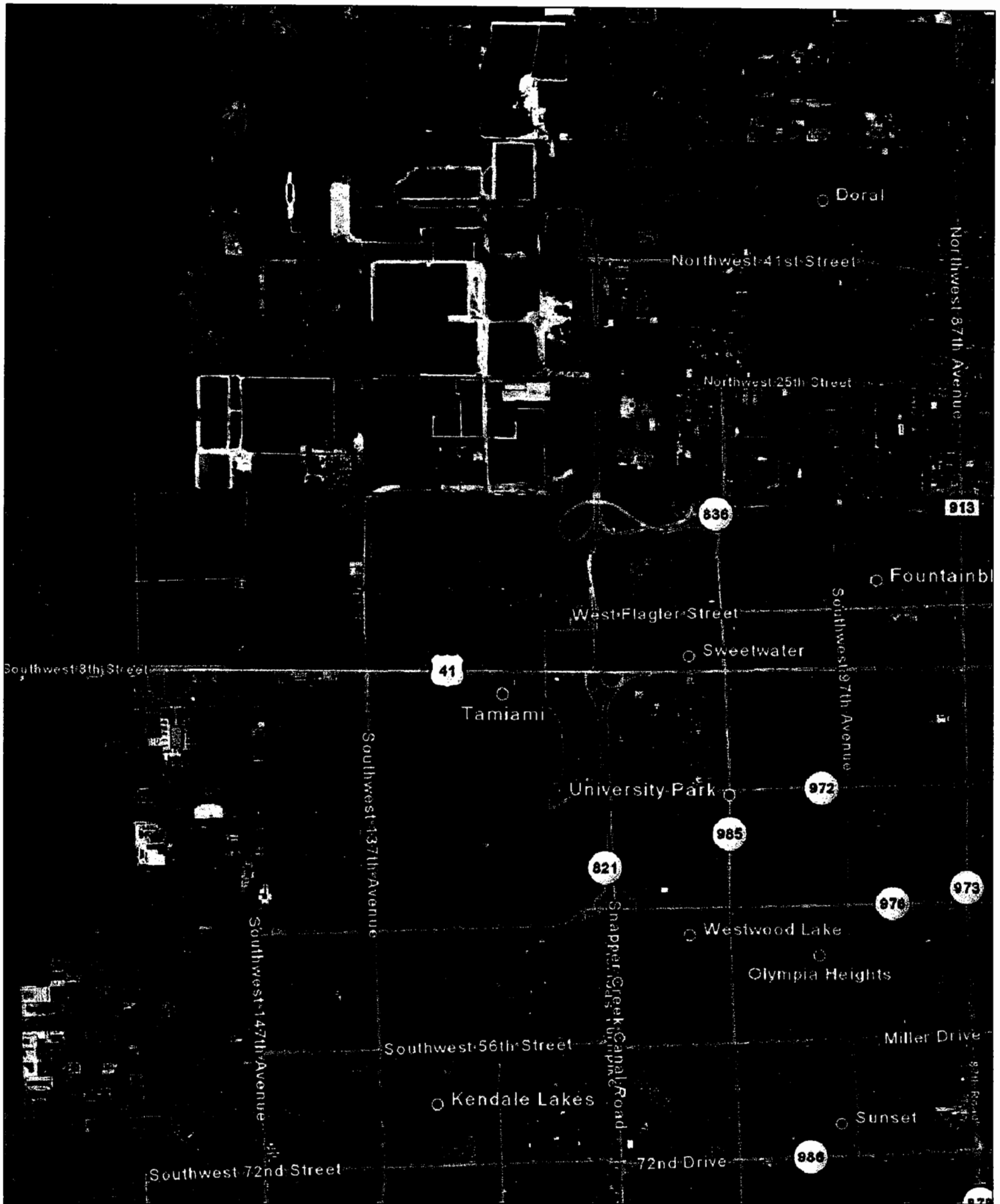
The Comprehensive Development Master Plan amendment proposed by Lowe's Home Centers, Inc. is for two adjacent parcels of land located near to the northeast corner of SW 137<sup>th</sup> Avenue and 8<sup>th</sup> Street. The location of the site is shown in Figure 1. Total land area of the two parcels is 51.7 net acres. Parcel A is 20.5 acres in size and will be developed as a home improvement center with certain other limited commercial uses on site. Parcel B is 30.1 net acres in size. It will be developed as a high school with a capacity of 2,000 students.

There will be no residential development on these parcels.

$$20.5 \times 43,560 \text{ sq ft} \times 0.3 = 357,192$$

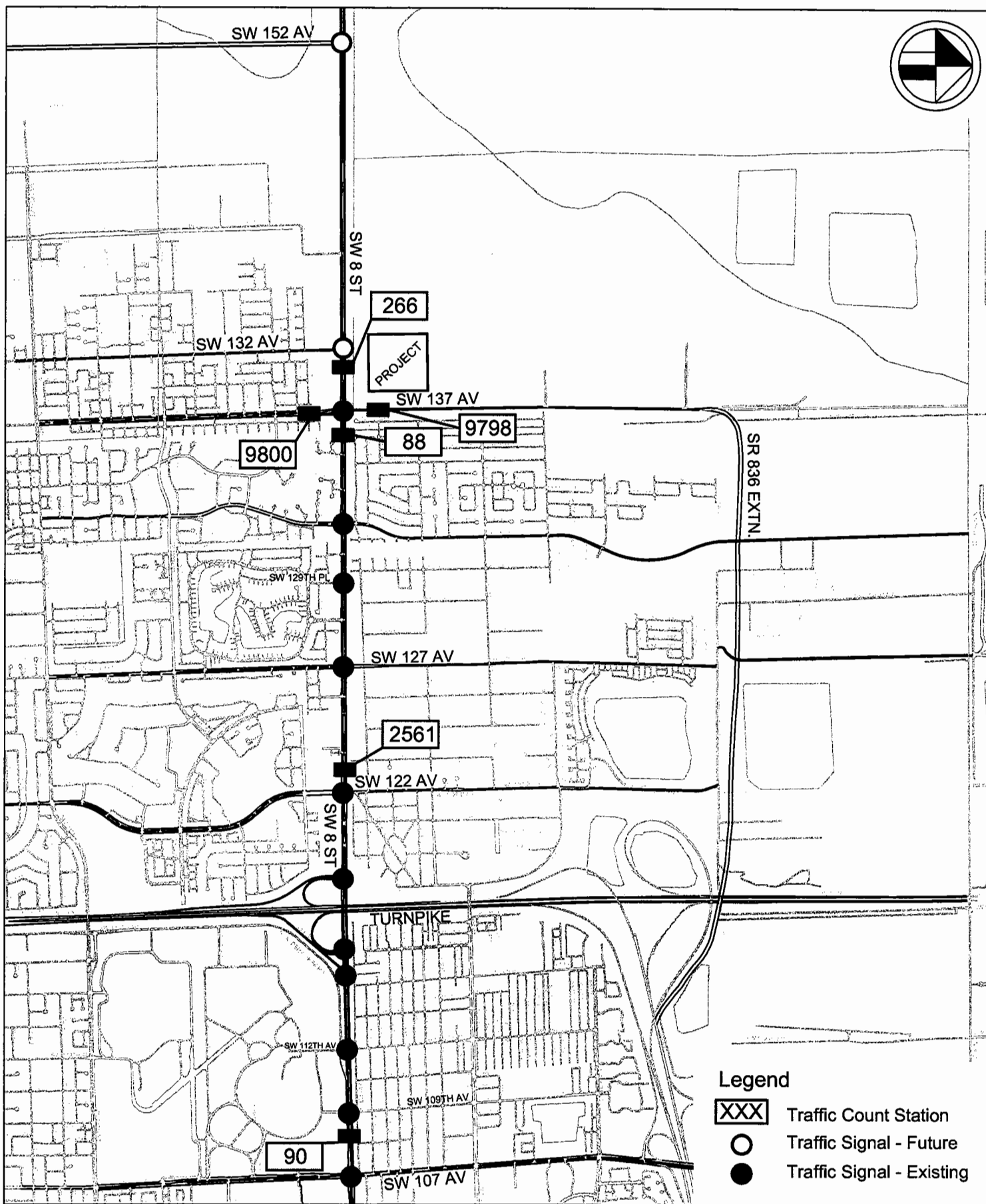
This report examines the transportation impacts associated with the changes in land use on these parcels and the ability of the existing transportation system to accommodate this development. The year 2015 is the planning horizon for this study per the requirements of Miami-Dade County for applications such as this one. The analyses described within this report were performed in a manner consistent with the requirements of the Florida Department of Transportation (FDOT) as defined at a meeting held at the FDOT District 6 Planning office in December of 2007.

The roadways studied for these analyses were SW 8<sup>th</sup> Street from SW 157<sup>th</sup> Avenue through 107<sup>th</sup> Avenue and SW 137<sup>th</sup> Avenue from Coral Way to NW 12<sup>th</sup> Street.



Amendment #5 to CDMP

Figure 1



Amendment #5 to CDMF

Figure 2



## EXISTING TRAFFIC CONDITIONS

New 72-hour traffic counts were collected on SW 8<sup>th</sup> Street, East of and West of SW 137<sup>th</sup> Avenue, and on SW 137<sup>th</sup> Avenue, North of and South of SW 8<sup>th</sup> Street, in September and October of 2007. Existing (2006) FDOT three day counts were used to establish traffic flow on SW 8<sup>th</sup> Street West of SW 122<sup>nd</sup> Avenue and East of SW 109<sup>th</sup> Avenue.

Turning movement counts were collected on SW 8<sup>th</sup> Street at all signalized intersections between SW 137<sup>th</sup> Avenue and Florida's Turnpike (southbound). Turning movement data was also collected at the unsignalized intersections of SW 139<sup>th</sup> Avenue, 147<sup>th</sup> Avenue and 152<sup>nd</sup> Avenue. FDOT is currently preparing a design for traffic signalization of the intersection of SW 8<sup>th</sup> Street at 152<sup>nd</sup> Avenue. SW 8<sup>th</sup> Street at 139<sup>th</sup> Avenue is to be signalized (if warranted) per the direction of the Miami-Dade County Commission when this proposed project is constructed. There is no traffic signal planned for SW 147<sup>th</sup> Avenue, however there is a reduction in the number of lanes on SW 8<sup>th</sup> Street just west of this intersection. Calculation of capacity using ARTPLAN requires consideration of this intersection as well as existing and future signals.

Traffic signal operating data was obtained from the Miami-Dade County Traffic Control Center for the existing signalized intersections.

Count data and signal operating data were used with ARTPLAN to establish capacity on all roadway segments except for SW 137<sup>th</sup> Avenue between 8<sup>th</sup> Street and Coral Way. Capacity on the southern segment of SW 137<sup>th</sup> Avenue was established using FDOT Level of Service Table 4-4 (2007).

4-6

Why?

Existing levels of service on study area roadways are shown in Table 1 which follows.

In reviewing Table 1, the reader may note that SW 8<sup>th</sup> Street, West of 137<sup>th</sup> Avenue (Station 266) has an extremely high service volume. This is caused by a lack of traffic signals on this road segment. The only "existing" signal on this road segment is a signal to be constructed by FDOT on SW 8<sup>th</sup> Street at 152<sup>nd</sup> Avenue in 2008 or 2009. This signal will have turbo lanes on westbound SW 8<sup>th</sup> Street which, in turn, means little or no delay to westbound traffic at the signal.

**Table 1**

**EXISTING ARTERIAL LEVELS OF SERVICE**

Station	Road	Loc'n	Limits	Exist Lanes	LOS Std	PHP	Pk Season Adjustment	Pk Season PHP	Year	Growth Rate	Growth to 2008	2008 Traffic	Ser Vol	Exist LOS	V/C
266	SW 8 St	E/o 139 Av	152 Av - 137 Av	6/4 LD	✓ D	3705	1.01	3742	2007	5.6%	1.06	3927	10640	A	0.37
88	SW 8 St	E/o 137 Av	137 Av - 127 Av	6 LD	✓ D	3409	1.01	3443	2007	0.9%	1.01	3443	5950	C	0.58
2561	SW 8 St	W/o 122 Av	127 Av - Tpk(NB)	6 LD	✓ D	4919	1.00	4919	2006	0.8%	1.02	5017	6730	B	0.75
90	SW 8 St	E/o 109 Av	Tpk(NB) - 107 Av	6 LD	✓ D	3845	1.00	3845	2006	2.5%	1.05	4037	5240	B	0.77
9798	SW 137 Av	N/o 8 St	NW 12 St - SW 8 St	6 LD	✓ D	3007	1.01	3037	2007	5.3%	1.05	3157	4840	B	0.65
9800	SW 137 Av	S/o 8 St	8 St - Coral Way	4 LD	✓ EE	3036	1.00	3036	2007	2.5%	1.03	3127	3920	D	0.80

E

1773

3207

## TRIP GENERATION

The Miami-Dade County Planning Department has assumed a development containing 357,192 ft.<sup>2</sup> of commercial uses on Parcel A for their review of this application. This represents commercial development at 40% of the net area of the parcel. Commercial developments are rarely, if ever, developed with an F.A.R. (Floor Area ratio) of greater than 0.3. Furthermore, the development is required to have a retention area covering 33.3% of the total site. This reduces the acreage available for commercial development. For these reasons, the County's estimate for the size of development is likely much greater than what can be developed on this site. Nevertheless, this traffic study assumes 357,192 ft.<sup>2</sup> of commercial development for the eastern portion of the subject property (Parcel A) in an effort to provide the most conservative impact of the project impacts.

Trip generation for the commercial area within this development was calculated using equations from the ITE report *Trip Generation*, 7<sup>th</sup> Edition for shopping centers. The ITE equation to estimate pass-by traffic for a commercial development of this size suggests that approximately 27% of the traffic generated by the commercial uses at this location will be pass-by traffic. However, a rate of 25% pass-by traffic was used for these analyses in response to the general guidelines in the *FDOT Site Impact Handbook*.

The trip generation rate for the proposed high school was established by conducting a study of traffic generation during the PM peak hour and a representative high school in Southwestern Miami-Dade County. The study was undertaken because ITE trip generation rates have been found to be inaccurate for predicting traffic generation for schools with the Miami-Dade County. ITE rates are based on data collected from schools throughout the nation. High schools in Miami-Dade County are dismissed at 2:30 p.m. well in advance of the PM peak hour for roadway traffic. The issue of the ITE rates versus a study at a local high school was discussed with the MDPWD school coordinator prior to undertaking the local survey.

?  
ITE trip  
should  
look at  
instead of  
MD School

The results of the trip generation calculations are summarized in Table 2.

**Table 2**  
**TRIP GENERATION**

		PM Trips		
<u>Parcel A</u>		<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Shopping Ctr <sup>(1)</sup>	357,192 sf	696	754	1,450
Pass By @ 25% ✓		-174	-189	-363
Subtotals		522	565	1,087
<u>Parcel B</u>				
High School <sup>(2)</sup>	2,000 students	102 ✓	91 ✓	193 ✓
<b>Grand Totals</b>		<b>624</b>	<b>656</b>	<b>1,280</b>

(1) ITE L.U.C 820:  $\ln(T) = 0.66\ln(X) + 3.4$ ;  $R^2 = 0.81, 0.48$  Enter, 0.52 Exit

(2) from Study at Varela High Sch.:  $T = 0.0965(\# \text{ of Students})$ ; 0.53 Enter, 0.47 Exit

OK

875

specialized store

200

1087

1367<sup>3</sup>

87

2000 x 0.0966

Felix Varela High School

Exit 161

Enter 185

346

3583

$\approx 0.0966 \times 2000 = 193$

## TRIP DISTRIBUTION

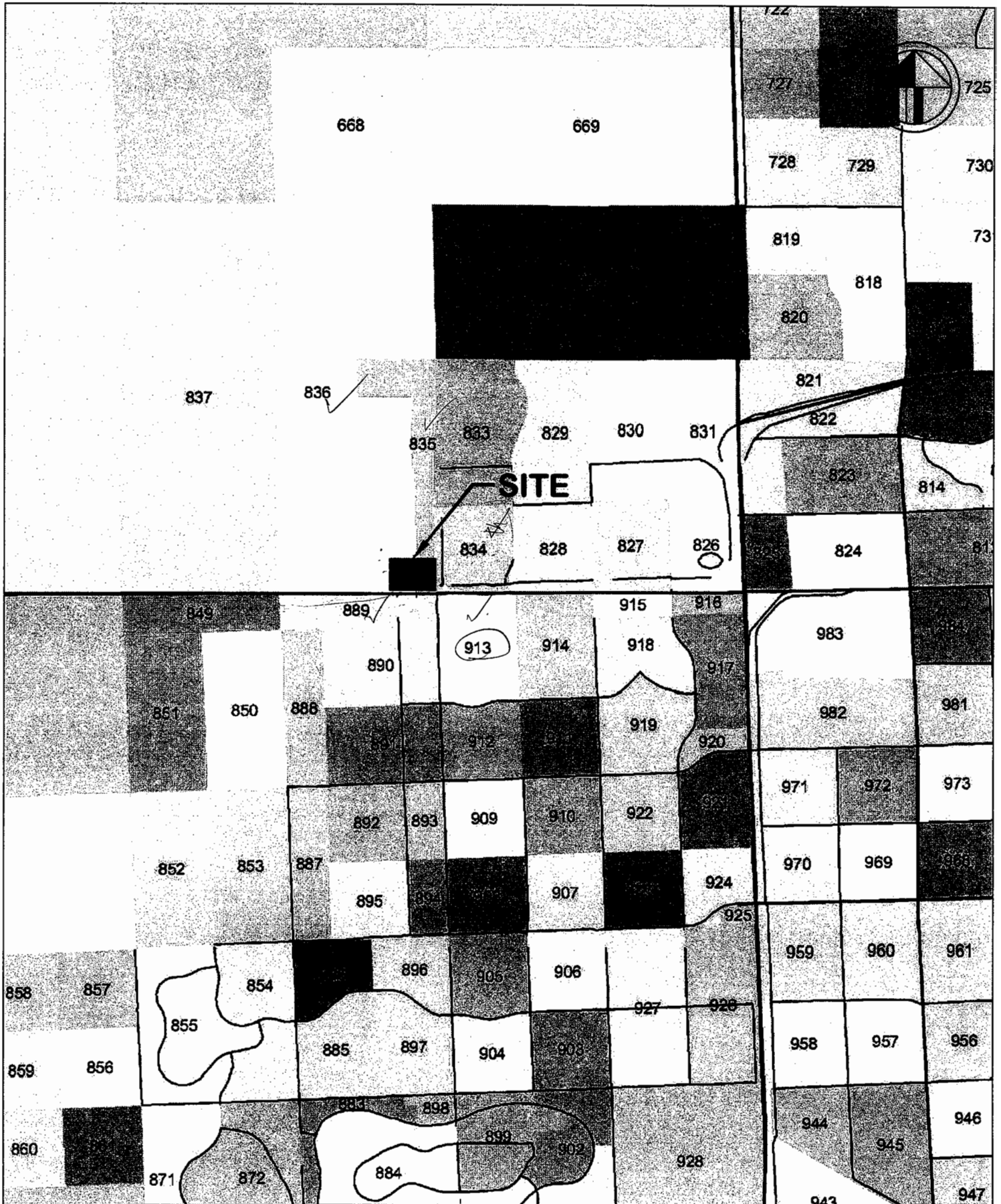
The actual parcels being studied are in Traffic Analysis Zones (TAZ's) 835 and 836. However the total number of trips assigned to these two TAZ's is very low when compared to the total trips associated with other TAZ's in this area. Low trip assignments often lead to distorted distributions of TAZ traffic.

To mitigate this potential problem, the development traffic described above was assigned to the surrounding roadway network using a weighted average of the Metropolitan Planning Organization's Cardinal Distribution of Trips in 2015 for the Traffic Analysis Zones (TAZ's) which currently contain retail uses within the general vicinity of this application.

The applicant (Lowe's Home Centers, Inc.) proposes a project driveway on SW 137<sup>th</sup> Avenue. It is the applicant's desire to have a full, or at least partial, median opening on SW 137<sup>th</sup> Avenue at this driveway. FDOT, however, has indicated that it may not approve median opening at this location unless the applicant can clearly demonstrate that the median opening would not interfere with traffic queuing at the SW 8<sup>th</sup> Street signal or decelerating in advance of the queue for this signal.

Given the uncertainty regarding the median opening at this location, the distribution of project trips developed for these analyses conservatively assumes that the project driveway on SW 137<sup>th</sup> Avenue will be limited to right turn in right turn out. This adds additional project traffic to SW 8<sup>th</sup> Street between 137<sup>th</sup> and 139<sup>th</sup> Avenues since patrons with destinations to the North must exit the project at SW 139<sup>th</sup> Avenue. If the median opening opposite this project driveway should be approved during the permitting process, project traffic on critical links of SW 8<sup>th</sup> Street and 137<sup>th</sup> Avenue will be reduced.

Development of the cardinal distribution of trips used for these analyses is shown in Table 3. Traffic Analysis Zones within the area of this project are shown in Figure 3, the actual distribution of PM Peak Hour project trips is shown in Figures 4 and 5.

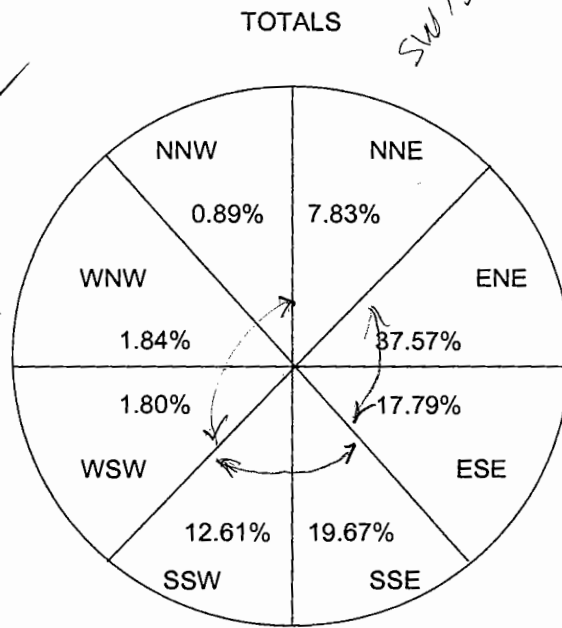


Amendment #5 to CDMP

Figure 3

Table 3  
WEIGHTED CARDINAL DISTRIBUTION

TAZ #	835	836	889	913	Sum	2015
Trips in 2015	1,463	1,686	6,973	5,074	15,196	Weighted %
NNE	56	114	491	529	1,190	7.83%
ENE	680	385	2,284	2,360	5,709	37.57%
ESE	212	426	1,298	767	2,703	17.79%
SSE	361	515	1,527	586	2,989	19.67%
SSW	138	227	1,106	445	1,916	12.61%
WSW	9	14	66	185	274	1.80%
WNW	1	0	143	135	279	1.84%
NNW	6	5	58	67	136	0.89%

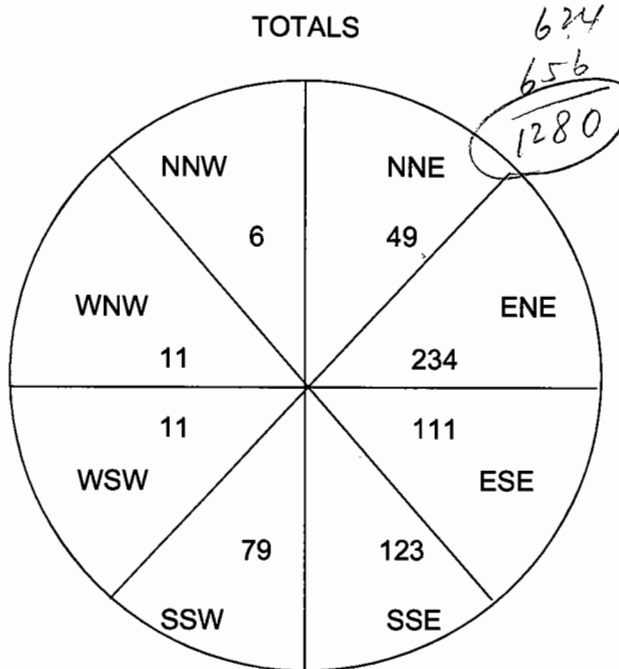


# CARDINAL DISTRIBUTION: EXTERNAL **PM** PROJECT TRAFFIC (2015)

TAZ # Several

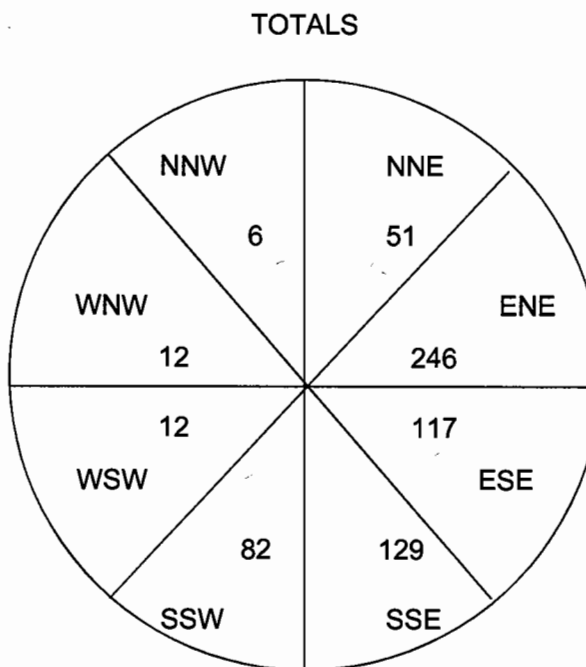
## ENTER

TRIPS	<u>624</u>	Adjustments
NNE	<u>7.83%</u>	
ENE	<u>37.57%</u>	4% from N
ESE	<u>17.79%</u>	2% from S
SSE	<u>19.67%</u>	
SSW	<u>12.61%</u>	0.5% from 139 Ave; 1.5% from W
WSW	<u>1.80%</u>	
WNW	<u>1.84%</u>	
NNW	<u>0.89%</u>	



## EXIT

TRIPS	<u>656</u>	665
NNE	<u>7.83%</u>	
ENE	<u>37.57%</u>	4% to N
ESE	<u>17.79%</u>	2% to S
SSE	<u>19.67%</u>	
SSW	<u>12.61%</u>	0.5% to 139 Ave; 1.5% to W
WSW	<u>1.80%</u>	
WNW	<u>1.84%</u>	
NNW	<u>0.89%</u>	



Amendment #5 to CDMP

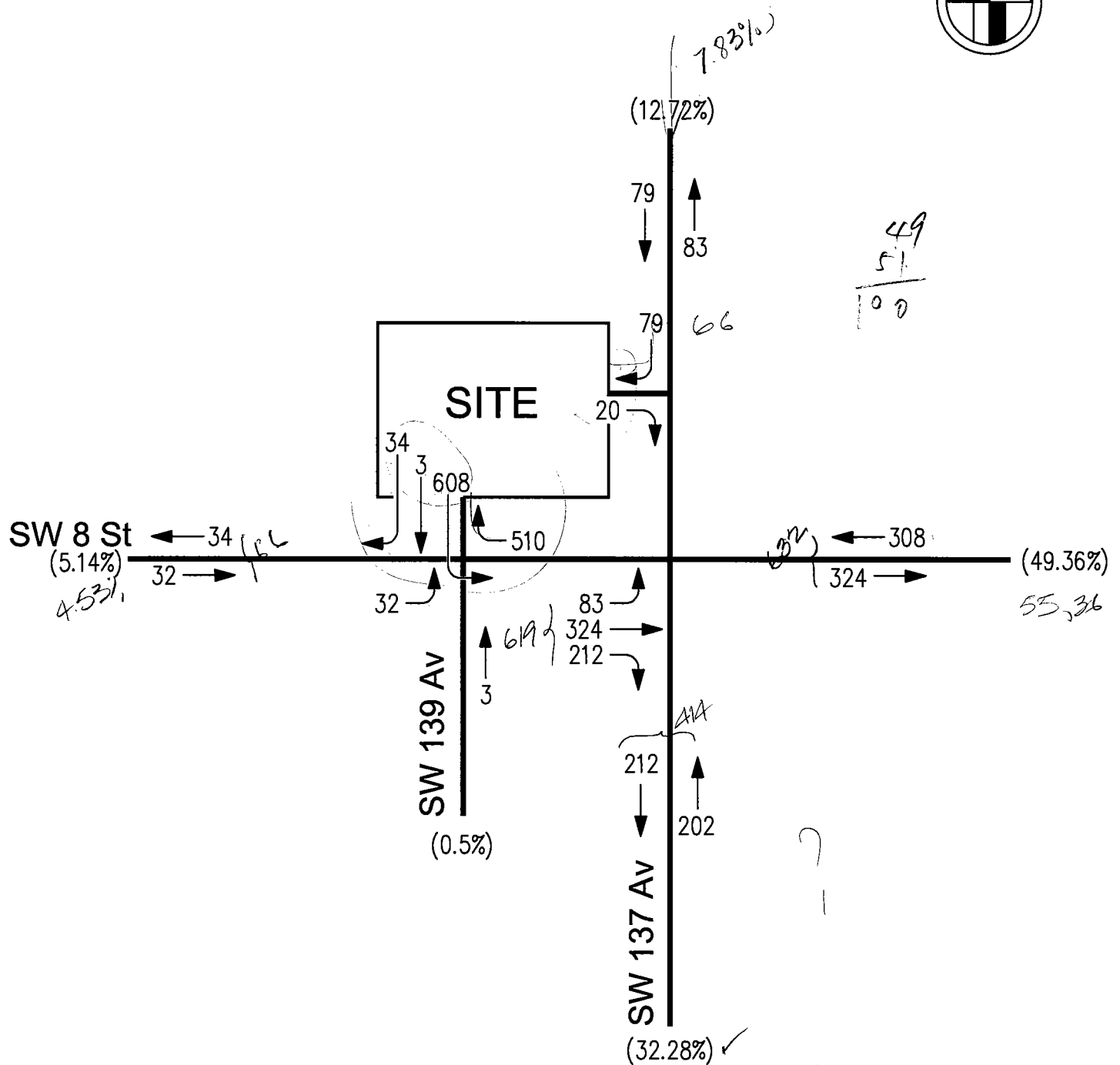
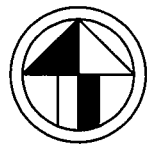


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Traffic Engineering Services

JAN/08

Figure 4  
Cardinal Distribution of  
Project Trips



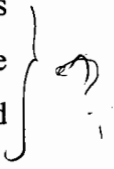


### Project Trips

624 Enter	(79 + 510 + 3 + 132)
665 656 Exit	(20 + 608 + 34 + 3)
<u>1289</u>	<u>TOTAL</u>

## PLANNED ROADWAY IMPROVEMENTS

The widening of SW 137<sup>th</sup> Avenue between 8<sup>th</sup> Street and Coral Way from a four-lane divided roadway to a six-lane divided roadway is listed as a Priority 1 improvement in the County's Long-Range Transportation Plan for 2030.

The Florida Department of Transportation is currently preparing traffic signalization plans for the intersection of SW 8<sup>th</sup> Street and 152<sup>nd</sup> Avenue. The new design will incorporate turbo lanes in the westbound direction on SW 8<sup>th</sup> Street in addition to a signalized westbound left turn movement and signal control for traffic exiting SW 152<sup>nd</sup> Avenue. 

This Application (No. 5) will include construction of a bridge over the canal in the North side of SW 8<sup>th</sup> Street at SW 139<sup>th</sup> Avenue along with signalization of the intersection, if warranted, and construction of westbound right turn lane.

I

## FUTURE (YEAR 2015) ROADWAY CONDITIONS

The growth in background traffic was established by performing a trend analysis of traffic growth at all of the roadways segments studied using available data from the year 2000 through 2007. This trend data is summarized in Table 4. These analyses also consider impacts from large committed developments in the area. Therefore the growth rates used for background traffic are approximately one half of the rates developed from the trend analyses. The growth rates used for this study are also shown in Table 4.

Table 4

### TREND ANALYSIS AND GROWTH RATES

Station	Loc'n	2000	2001	2002	2003	2004	2005	2006	Trend	Rate
90	SW 8 St, E/o 109 Av	49500	56000	48000	54000	69000	56500	56000	2.48%	1.00%
2561	SW 8 St, W/o 122 Av	--	--	67000	62000	60000	64250	68500	0.82%	1.00%
88	SW 8 St, E/o 137 Av	52500	45000	46500	44000	42500	49500	55000	0.90%	1.00%
266	SW 8 St, E/o 139 Av	21800	23300	24800	25500	28500	--*	--*	5.60%	2.70%
9798	SW 137 Ave N/o 8 St	6000	6600	7800	6900	--	--	--	5.28%	2.70%
9800	SW 137 Ave S/o 8 St	25900	24800	26400	27600	28000	28800	--	2.52%	1.30%

\* not used for trend because of large shift in data for 05 & 06

Committed development in this area includes the impacts of two Developments of Regional Impact. These projects are Beacon Lakes and Beacon Trade Port. These two large projects will add a significant volume of traffic to the study area roadways. The traffic associated with these two projects was added to the 2015 background traffic volumes to establish total background traffic on the study area roadways in 2015.

The assignment of project trips through the roadway segments within the study area is conservative in that it does not address the potential of the new Lowe's store to absorb shopping trips from similar uses which are already on the road, many of which currently must travel on more congested roadways to the South and East of this area.

Average trip lengths for a development like Lowe's and for the high school are likely to be between 3 and 5 miles and the amount of traffic to and from Lowe's will be reduced (attenuated) as distance from the project increases. This attenuation is likely to be 10 to 15% per mile of travel distance from the project. However, the analyses described in this report do not consider trip attenuation.

Levels of service on study area roadways in the year 2015 are shown in Table 5.

**Table 5**

**FUTURE (2015) ARTERIAL LEVELS OF SERVICE**

Road Segment	Lanes in 2015	LOS Std	PHP	Year	Growth Rate	Growth to 2015	Committed Dev.				2015 PHP w/o Proj	Project Traffic	2015 Pk Hr W/ Proj	Service Volume	LOS w/ Project	V/C
							2015 Back ground	Beacon Lakes	Beacon Trade Port							
SW 8 St																
152 Av - 137 Av	6/4 LD	D	3742	07	2.7%	1.23	4603	✓377	20	5000	✓1129	6129	(6310)	C	0.97	
137 Av - 127 Av	6 LD	D	3443	07	1.0%	1.08	3718	✓21	27	3766	(632)	4398	5950	D	0.74	
127 Av - Tpk(NB)	6 LD	D	4919	06	1.0%	1.09	5362	✓120	34	5516	632	6148	6730	C	0.91	
Tpk(NB) - 107 Av	6 LD	D	3845	06	1.0%	1.09	4191	✓41	27	4259	632	4891	5240	C	0.93	
SW 137 Av																
NW 12 St - SW 8 St	6 LD	D	3037	07	2.7%	1.23	3736	✓867	109	4712	(103)	4815	4840	C	0.99	
8 St - Coral Way	6 LD	EE	3036	07	1.3%	1.11	3370	✓473	68	3911	414	✓4325	5900	D	0.73	

## CONCLUSIONS

The analyses documented in this report demonstrate that the traffic impacts resulting from the changes in land use proposed for Application No. 5 can be accommodated by the roadway system. Proposed development of the subject property will not cause any roadway link to exceed its capacity or its Service Volume in the year 2015, nor will any of the roadway segments studied carry volumes of traffic which exceed the segment's Service Volume.

As noted earlier, the analyses performed for this report were made without showing a reduction in trip demand (attenuation) as distance from the project increases. For this reason, it is likely that project trips on SW 8<sup>th</sup> Street, East and West of Florida's Turnpike, will be lower than these analyses suggest. The analyses also conservatively assume there will be no new median opening provided on SW 137<sup>th</sup> Avenue opposite the project. This assumption requires project traffic which will exit to the north to be assigned through the intersection of SW 8<sup>th</sup> Street and 137<sup>th</sup> Avenue. If, during the permitting process, a median opening at this location is allowed, project impacts on portions of SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue will be reduced.

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## **Appendix 5**

Department of Planning and Zoning Review and Comments of the  
Applicant's Traffic Analysis of January 2008 and Subsequent  
Revisions Submitted on March 1, 2008 and March 17, 2008

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**Department of Planning and Zoning Review and Comments to the Applicant's Traffic  
Analysis of January 2008 and Subsequent Revisions Submitted on  
March 1, 2008 and March 17, 2008**

**APPLICATION 5**

The Miami-Dade County Department of Planning and Zoning (DP&Z) in cooperation with Public Works Department (PWD) and the Metropolitan Planning Organization (MPO) performed traffic impact analyses to determine the impact that Application 5 would have on the adjacent and surrounding roadway network. The analyses were based on the maximum development that could occur under the requested CDMP land use designation of "Business and Office" for Parcel A (21.6 gross acres) and "Institutions, Utilities and Communications" for Parcel B (30.1 gross acres). Three development scenarios were analyzed. Scenario 1 assumed the Application site developed with 357,192 square feet of commercial use and 655,578 square feet of office use; Scenario 2 assumed the Application site developed with 129 single-family detached units and 655,578 square feet of office use; and Scenario 3 assumed the Application site developed with 357,92 square feet of commercial use and a high school for 2,000 students. The Concurrency Level of Service (LOS) Analysis indicated that the roadway segment of SW 8 Street between SW 147 Avenue and SW 127 Avenue is projected to operate at LOS F, without the impact of the amendment application, in violation of the adopted LOS D standard applicable to this roadway. The amendment application is expected to further deteriorate the operating conditions of SW 8 Street. The 2015 FSUTMS Modeling Analysis indicates that SW 8 Street between SW 127 Avenue and the HEFT, SW 122 Avenue between SW 8 Street and SW 26 Street, SW 127 Avenue between SW 8 Street and SW 26 Street, SW 132 Avenue between NW 12 Street and SW 8 Street, and W 137 Avenue between NW 12 Street and SW 8 Street are projected to operate at LOS F, with and without the application's impact, above their adopted LOS D standard (p. 5-25 of the Initial Recommendations Report). The amendment application is expected to slightly deteriorate these roadway segments; however, the impacts do not seem to be significant.

On October 15, 2007, at the Planning Advisory Board transmittal hearing, the applicant submitted a Traffic Concurrency Assessment Report (October 2007) in support of the application. The report, prepared by Fandrei Consulting Inc., evaluates the impact of a commercial development containing a 357,192 sq. ft. shopping center on Parcel A and a high school for 2,000 students on Parcel B. The transportation consultant acknowledged that the traffic volumes on SW 8 Street between SW 147 Avenue and SW 137 Avenue are higher than the traffic volumes east of SW 137 Avenue. The reason for this is the impact of the newly opened SR 836 Extension between SW 137 Avenue and the HEFT. The analysis referenced new traffic counts collected on SW 8 Street east and west of SW 137 Avenue and concludes that the impacts associated with the proposed development are minimal and, therefore, the proposed land use changes will not cause any roadway link to exceed its capacity or adopted LOS standard. The results of the county's analyses are presented on pages 5-19 through 8-27 of Volume 1 of the Initial Recommendations Report, April 2007 Applications to Amend the CDMP (August 25, 2007). The Applicant's traffic analysis report was submitted as a separate document to DCA.

## **New Information**

In January 2008, the Applicant submitted a new Traffic Impact Analysis for Application 5 (see copy attached). The new analysis examines the transportation impact associated with the changes in land uses on the two parcels and the ability of the transportation system to accommodate the proposed development. The study's planning horizon is the year 2015. The roadway studied were SW 8 Street from SW 157 Avenue to SW 107 Avenue and SW 137 Avenue from NW 12 Street to SW 26 Street. New traffic counts were collected on SW 8 Street, east and west of SW 137 Avenue, and on SW 137 Avenue, north and south of SW 8 Street. The traffic counts were taken in September and October 2007. The traffic consultant reports that SW 8 Street west of SW 137 Avenue has a high service volume and explains that this is caused by the lack of traffic signals on the roadway segment. The analysis performed assumes that there will be no new median opening provided on SW 137 Avenue opposite the application site and that there will be an entrance at SW 139 Avenue from SW 8 Street across the Tamiami Canal. The analysis concludes that the traffic impact resulting from the proposed land use changes can be accommodated by the roadway system. DP&Z and PWD staff reviewed the traffic impact analysis and has concerns regarding the projected 2015 service volumes (6,310) for the roadway segment of SW 8 Street between SW 152 Avenue and SW 137 Avenue, a six-lane facility; the FDOT's 2002 Quality Level of Service Handbook Table 4-4, Generalized Peak Hour Two-way Volumes for Florida's Urbanized Areas, shows an hourly two-way volume for LOS D for Class II State Two-way Arterial of 5,080. Another major concern of DP&Z and PWD staff is the trip distribution; the traffic consultant allocated 88% of the project traffic to the roadway segment of SW 8 Street west of SW 137 Avenue.

The Florida Department of Transportation (FDOT) in a letter to the Department of Community Affairs (DCA) dated January 27, 2008, expressed its objection to Application 5 due to inconclusive data presented in the traffic study. FDOT said that based on its review of the study, the roadway capacity on SW 8 Street appears to be too high, the peak season volumes appear to be too low, and that based on its review of the existing conditions SW 8 Street is likely to result in LOS E instead of LOS C as shown in the traffic study. FDOT disagrees with the statement in the traffic study related to the potential of the new Lowe's to absorb shopping trips to similar uses and argues that Lowe's is a specialized retail establishment and generally does not reflect the same trip characteristics of a typical shopping center. FDOT concludes that the Department does not have improvements projects programmed in its Five-year Work Program in the vicinity of this application. The DCA in its February 26, 2008, Objections, Recommendations, and Comments (ORC) Report affirmed the FDOT's objection to the data and analysis presented in the October 2007 Traffic Concurrency Assessment report. It should be pointed out that FDOT and DCA have not reviewed the January 2008 Traffic Impact Assessment.

On February 20 and March 7, 2008, DP&Z and PWD staff met with the applicant's traffic consultants to discuss their concerns regarding the January 2008 Traffic Impact Analysis report. These issues and concerns include: the use of local high school data vs. ITE trip generation rate for high schools, the trip distribution, the use of trip generation for shopping center (ITE Land Use Code 820) vs. specialized retail (ITE Land Use Code 862), the use of half of the historical growth rates, the need to subdivide SW 8 Street, between SW 152 Avenue and SW 137 Avenue, into two roadway segments based on the geometry (travel lanes) of the roadway, the use of

uninterrupted flow highway vs. state two-way arterial, the high g/c ratio used in the analysis, and the high service capacity of SW 8 Street. The traffic consultant submitted its responses addressing the issues on March 1 and March 17, 2007. Copies of these responses are also attached. Staff of the Miami-Dade County DP&Z and PWD revised the responses, but still has concerns regarding the trip distribution, the use of uninterrupted flow highway model, the use of a high g/c ratio for future traffic lights, and high service capacity volume of SW 8 Street.

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## **Appendix 6**

### **Correspondence from Applicant and the Public**

- Letter from Applicant Dated February 5, 2008 Regarding Staff Objections to Miami-Dade County Comprehensive Development Master Plan Applications / April 2007 Cycle
- Letter from Everglades Law Center, Inc. Dated February 13, 2008 Regarding Staff Objections to Miami-Dade County Comprehensive Development Master Plan Applications / April 2007 Cycle

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Richard A. Perez  
richard.perez@hklaw.com

February 5, 2008

Carol Ann Wehle  
Executive Director  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, Florida 33406

**RE: Staff Objections to Miami-Dade County Comprehensive Development  
Master Plan Applications / April 2007 Cycle**

Dear Ms. Wehle:

This law firm represents Lowe's Home Centers, Inc., an applicant seeking to expand Miami-Dade County's Urban Development Boundary (the "UDB") to accommodate additional retail services in an area of the County woefully underserved by retail services. On behalf of our client, we take great issue with the letter from Mr. Chip Merriam, dated January 25, 2008, which is the subject of the South Florida Water Management District ("SFWMD") Governing Board agenda on February 14, 2008.

Over the last several years, Miami-Dade County has struggled with the question of whether or not to expand its urban development boundary (the "UDB"). This debate has been one of the most scrutinized public policy issues of the last decade. In the midst of this debate, Miami-Dade County and SFWMD entered into a 20 year consumptive use permit ("CUP"). The often heated negotiations between the County and SFWMD resulted in a CUP with 58 limiting conditions and a commitment from Miami-Dade County to commence a \$1.9 billion multi-year capital expansion program. Merely two months after completing negotiations, the staff of the SFWMD now takes the position that water generated from the \$1.9 billion in new water facilities is simply not available to serve any uses currently located outside of the UDB. The staff takes this position based on a document that contains 58 limiting conditions, but conspicuously does not contain a single word about the UDB and, in fact, already includes the two commercial properties seeking to expand the UDB within Miami-Dade County's Water Supply Service Area.

We respectfully request that the Governing Board reconsider this position for the following reasons:

1. *The failure to reference the UDB in the CUP or its 58 limiting conditions is not a mere oversight, but is consistent with the underlying assumptions and analysis that supported issuance of the CUP.*

The water supply resources and facilities planning for the CUP is based on projected population and not on specific land uses or the location of such uses. Your staff's letter recognizes that the CUP *"was based solely on population projections within the current ...UDB"* but asserts that the accommodation of two commercial developments outside the UDB requires *"additional potable water beyond that contemplated in the CUP."* The question left unanswered is why? How does commercial development outside the UDB (as opposed to commercial development inside the UDB) increase population projections?

The answer is obvious: no credible demographer would predict future population growth based on the amount of commercial property available for development within a county. The United States Census Bureau projects population by analyzing demographic components, births, deaths and migration. *See Methodology and Assumptions for the Population Projections of the United States: 1999 to 2100*, Frederick W. Hollmann, Tammany J. Mulder, and Jeffrey E. Kallan (Population Projections Branch, Population Division, Bureau of the Census, U.S. Department of Commerce). Consistent with these generally accepted practices, Robert Schwarzeich, the principal analyst for the Miami-Dade County Planning and Zoning Department (Demographics Section), indicates that the population figures included in the CUP were derived from an analysis made by his department based on the following: (i) 2000 U.S. Census, (ii) projected birth and death rates based on historical averages, (iii) domestic in and out migration based on current trends, and (iv) foreign in migration based on historic and current trends. Furthermore, when allocating future population between different minor statistical areas, Mr. Schwarzeich indicates that the County looks at available and projected residential capacity and does not consider the impact of commercial or industrial properties within an MSA.

The fact is that basing the CUP on projected population as opposed to specific land use patterns makes perfect sense. As Mr. Chip Merriam has recognized, the District's concerns do not lie with the location of any particular development, but rather with the existence of growth that will consume additional resources. It ultimately does not matter if a developer constructs a shopping center by replacing an abandoned and derelict building on a parcel of land within downtown Miami or constructs the same project outside the UDB. The amount of water consumption in both instances is exactly the same and the problem with the availability of water facilities exists in both scenarios. In other words, the existence of the UDB is meaningless for purposes of water supply resources and facilities planning. The line is a restraint on urban sprawl, but is not a restraint against an increase in population. Even the harshest critics of expanding the UDB speak of accommodating future growth along transit corridors and in the urban core, but none speak of the line as a restraint on the future growth of the population of Miami-Dade County. The critics acknowledge that land use does not control population growth in a county as large and diverse as Miami-Dade County.

Therefore, the underlying assumption behind the CUP is that population will increase, an increase that is independent of land use patterns in general and specifically independent of



whether or not the UDB is moved to accommodate needed commercial development, and, thus, the CUP addresses only population increases and not specific land use changes.

2. *The capacity figures underlying the CUP are based on average consumption and, therefore, the CUP does anticipate additional commercial development.*

The future water demand numbers in the CUP were derived by simply multiplying future population projections by the number of gallons per day that a typical person is expected to consume. The CUP stipulates that the future demand figures were arrived at based on the assumption that each person consumes 148 gallons per day. This 148 gallons per day figure is based upon a generally accepted national average of consumption. For purposes of this demand figure, it is thus irrelevant where that consumption occurs. It does not matter whether a person takes a shower at his or her home or at the gym. In fact, we know that the figure must be derived at by incorporating all water demand at the retail, office and industrial development used by this typical person. Therefore, the only way that additional commercial development can impact future water demand projections is if the additional commercial development will exceed the amount of commercial development typical for Florida and, thus, compromise the assumption that a person is expected to consume 148 gallons per day. An additional commercial development will, in fact, use water, but it will not – on average – increase water consumption because (as calculated in the CUP) that demand is driven by population and not use.

In the case of Miami-Dade County, the average amount of per capita retail per square footage is substantially less than the amount found in other parts of the State of Florida. An analysis prepared by Goodkin Consulting (attached hereto as Exhibit A please find *Market Demand and Needs Analysis for Retail Development at SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue*, Goodkin Consulting, October 2007) found that Miami-Dade County has 26 square feet per capita of commercial and retail development compared to 41 square feet per capita in Broward County, 42 square feet per capita in Palm Beach County, and 46 square feet per capita in the State of Florida. Therefore, the commercial development proposed outside of the UDB as part of this pending amendment cycle is intended to address a substantial deficiency in the amount of retail development in Miami Dade County and, therefore, will not compromise the assumptions underlying the future water demand figures included within the CUP.

3. *Even if land uses were correlated with population increases, the subject commercial developments are located within the Urban Expansion Area and, therefore, were taken into consideration for planning purposes.*

Both of the applications seeking additional commercial development outside the UDB are located within the Urban Expansion Area (the "UEA"). The UEA is the area within the Future Land Use Map (the "FLUM") of the Miami-Dade Comprehensive Development Master Plan ("CDMP") that "current projections indicate that further urban development beyond the 2015 UDB is likely to be warranted some time between the year 2015 and 2025." See CDMP at I-58. The CDMP contemplates expansion of the UDB into the UEA when warranted as a result of demonstrable need for additional supply of residential, commercial, and industrial uses. The UDB is intended to manage growth and not prohibit growth and, thus, the CDMP recognizes that

additional supply is necessary to ensure that the community's need for various types of uses is appropriately satisfied. Therefore, if, in fact, the SFWMD attempted to correlate land uses with water demand, clearly staff would have assumed that those properties within the UEA would likely be included within the UDB by 2027 (the termination date of the CUP). If Miami-Dade County and SFWMD did not take properties within the UEA into consideration when analyzing future water demand, the analysis presented to the Governing Board is inherently flawed.

The fact is, however, that SFWMD and Miami-Dade County did take into consideration the potential for expansion of the UDB into the current UEA. First, the very first page of the Water Use Staff Review Summary, dated November 15, 2007, which accompanied the CUP presentation to the Governing Board, indicates the locations intended to be served by the CUP. The very first legal description listed on this summary presented to the Governing Board is S--/53S/R39E. Application No. 5, which is being objected to by your staff as not being included within the contemplated service area of the CUP is located in Section 3/53S/R39E. The same exact description listed first on the staff's report as being the applicable "location" of the CUP. Furthermore, both Exhibits 1 and 2 of the Water Review Staff Review Summary specifically delineate the properties within the UEA as part of the application area for the CUP and as part of Miami-Dade Water and Sewer Water Supply Service Area. There should, therefore, be no doubt that the ultimate future water demand figures contemplated (or, at a minimum, did not specifically foreclose) expansions of the UDB (particularly expansions into the UEA).

4. *Chapter 163, Florida Statutes, does not require that each FLUM amendment be perfectly correlated with available facilities.*

Staff indicates that it is "*especially concerned about the timing of any proposed new development within or outside of the Urban Development Boundary until significant progress can be made constructing the extensive new infrastructure detailed in the Work Plan and the CIE...*" Chapter 163, Florida Statutes, does not require nor does Miami-Dade County rely on the FLUM to coordinate water availability with future development. Chapter 163, Florida Statutes, does require the creation and implementation of a local comprehensive plan that prevents future growth where adequate facilities do not exist to serve such uses. As Rule 9J-5.006, Florida Administrative Code, succinctly states, the *Future Land Use Element* should "[c]oordinate future land uses with the appropriate topography and soil conditions, and the availability of facilities and services." However, neither Chapter 163 nor Rule 9J-5 dictate any particular method of ensuring such coordination. In fact, the land use designations contained in the FLUM are but one aspect of the *Future Land Use Element*. In other words, the FLUM is but one part of the *Future Land Use Element*.

The FLUM is a planning tool that authorizes a range of future development intensities for a given area within the County. The fact that an individual parcel has been allocated a certain amount of development intensity in the FLUM does not guarantee that the authorized levels of development (i) will be permitted by the applicable land development regulations, (ii) will be permitted at the time that the property obtains zoning approval, or (iii) will be permitted at the time that the property owner seeks a building permit to construct thereupon. A land use designation in the FLUM grants to the owner of such property only the limited right to seek

development orders that are consistent with the CDMP land use designation. Thus, the FLUM does not paint a particularly accurate picture of the actual amount of development that will take place in any given area at any given time.

The County relies on other mechanisms within the *Future Land Use Element*, which function in a coordinated manner to ensure that development does not occur without reserving adequate water resources to accommodate the demand. **Policy 2B of the Water and Sewer Subelement requires that the County not issue a "development order authorizing new development or a significant expansion of an existing use" that will not be adequately served by potable water.**<sup>1</sup> The County accomplishes this policy by requiring, prior to the approval of a final development order, final plat or the issuance of any building permit, that a developer obtain a "water services contract" with the Miami-Dade Water and Sewer Department. See Sections 28-15 and 32-78, Miami-Dade County Code of Ordinances (the "Code"). The following provision (cropped from an existing contract) appears in every single water services contract:

19. **ALLOCATION OF CAPACITY.** The **COUNTY** agrees to include the aforesaid allocation in its regional water supply, production and transmission facilities and regional sanitary sewer system, once the **DEVELOPER** is granted necessary sewer allocation, as specified in paragraph three (3) hereinabove. However, it is mutually agreed and understood by the **COUNTY** and the **DEVELOPER** that the allocation of capacity by the **COUNTY** does not guarantee the ability of the **COUNTY** to supply water for the **DEVELOPER'S** property or the ability to receive and dispose of sewage originating from the **DEVELOPER'S** property. Capacity allocation is subject to local, state and federal agencies and other regulatory bodies having jurisdiction. In connection therewith, the **DEVELOPER** agrees that the **COUNTY** shall not be liable or in any way responsible for any costs, claims or losses incurred by the **DEVELOPER** as a result of actions by regulatory bodies, which are related to capacity allocation.

Without a water services contract, a developer will not receive a building permit. Furthermore, at any time prior to the issuance of a water services contract, the County Manager pursuant to Section 2-350 of the Code may issue a moratorium that would foreclose the ability of a property owner to seek the issuance of new water allocations. A moratorium may be issued anytime that it appears to the County Manager that the "existing allocation or supply of water resources jeopardizes present and future use of same to the detriment of the residents of the County." As a result the County Manager may issue an administrative order "prohibiting the execution of new water contract commitments that represent new requests for gallonage allotments not filed with the Authority or the utility prior to the date of the administrative order." The coordination mechanisms required by statute among the Future Land Use Element, the Capital Improvement

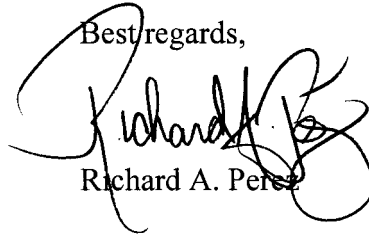
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<sup>1</sup> Pursuant to Section 163.3164, Florida Statutes, an amendment to a local government's comprehensive plan does not constitute a development order.

Element and the Water and Sewer Subelement are, therefore, not found in the FLUM, but in the adopted Code provisions that prohibit development without adequate levels of water supplies.

Based upon the foregoing, we respectfully request that the Governing Board request that the staff modify its letter to the Department of Community Affairs to appropriately indicate that sufficient water resources are available to accommodate both Applications No. 5 and No. 8 (the commercial developments).

Best regards,

A handwritten signature in black ink, appearing to read "Richard A. Perez", is written over the typed name.

Richard A. Perez

cc: Members of the SFWMD Governing Board  
The Honorable Natasha Seijas, Miami Dade County  
Bob Dennis, Department of Community Affairs  
Paul Darst, Department of Community Affairs  
Chip Merriam, SFWMD  
Subrata Basu, Miami Dade County  
Mark Woerner, Miami-Dade County  
Joni Armstrong-Coffey, Esq., Miami Dade County

Lowe's

tabbles

EXHIBIT

A

## SECTION II

### SUMMARY OF FINDINGS

**Goodkinconsulting**  
Advisors to the Real Estate and Financial Industries

## RETAIL MARKET OVERVIEW

- Miami-Dade County is one of the most sought-after retail markets in the nation. As the U.S. gateway to the fast-growing economies of the Caribbean and Latin America, it has a steady mix of new national and international retailers moving into the market.
- The Miami market has long been under-retailed. Evidence is reflected in the year-end numbers for 2006, which shows the market delivered 1.427 million square feet, a significant portion of which was readily absorbed. As a result, vacancy levels declined to 2.74% at year-end, their lowest in five years level, while market-wide rents levels pushed up to over \$30.00 per square foot and between \$30 and \$40 per square foot for new centers in suburban location.
- Comparisons of retail sales per capita and square feet of retail space per capita among major metropolitan markets in Florida show that the Miami market has the lowest amount of square feet per capita of any other major metropolitan area.
- Table II-2 compares total square feet of retail among select south Florida markets, Florida and U.S., where total square feet includes all shopping centers, big box retailers and stand alone regardless of size. Once again, the per capita figures for the Miami market are lowest among the markets compared.

**TABLE II-1**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY AND MAJOR METROPOLITAN AREAS IN FLORIDA**  
**2006**

Metro Area	Total Retail Sales (1)	Sq. Ft. Of GLA (2)	Retail Sales/ Sq. Ft. of GLA	Total Population (3)	Sq. Ft of GLA Per Capita
Miami-Dade	\$32,461,580,000	28,590,100	\$1,135	2,437,000	12
Ft. Lauderdale (Broward)	\$31,604,713,425	37,692,330	\$838	1,753,162	21
Orlando	\$30,401,159,535	56,052,100	\$542	2,115,476	26
Palm Beach	\$20,949,003,405	30,000,700	\$698	1,288,000	23
Jacksonville	\$17,541,196,560	30,094,655	\$583	1,389,035	22
Tampa Bay	\$40,385,524,050	49,560,000	\$815	2,691,992	18

(1) Estimates

(2) Represents space in shopping centers under 25,000 square feet and excludes stand alone big box retail

(3) Estimates

Sources: Sources: Sales & Marketing Management Survey of Buying Power; CB Richard Ellis; Claritas; Goodkin Consulting

**TABLE II-2**  
**COMPARISONS OF RETAIL SQUARE FEET PER CAPITA**  
**RETAIL MARKET COMPARISONS**  
**MIAMI-DADE COUNTY MAJOR METROPOLITAN AREAS IN FLORIDA**  
**FLORIDA AND THE US**  
**2006**

Metro Area	Sq. Ft. of Retail	Total Population (3)	Sq. Ft of GLA Per Capita
Miami-Dade	62,416,250	2,437,000	26
Ft. Lauderdale (Broward)	71,691,300	1,753,200	41
Palm Beach	54,403,900	1,288,000	42
Florida	848,307,700	18,349,100	46
United States	10,000,000,000	299,400,500	33

Sources: International Council of Shopping Centers; University of Florida, Bureau of Economic & Business Research; Goodkin Consulting

## MARKET DEMAND POTENTIAL AND NEED ANALYSIS – LOWE'S SITE

### Market Demand Potential

- The analysis of the demand potential for retail at the subject site evaluates the extent of demand that may be generated from the primary and secondary trade areas. Retail developments similar to the size under study for the subject property ( $\geq 357,192$  square feet) commonly draw the bulk of their demand from a three-mile primary trade area, but this analysis also calculates inflows from the secondary trade area, commonly defined as the area extending five miles from the subject.
- Based on our evaluation of the demand potential for retail development in the primary trade area, there is a significant deficit of retail space in the market, equal to as much as 634,640 square feet in 2007. The mid-range or average deficit is estimated at 393,590 square feet. The estimates of supportable square feet also show that the deficit of space in the primary trade area will grow by 85,000 to 100,000 square feet per year, on average, over the five-year projection period, 2007-2012

**TABLE H-3**  
**(SURPLUS)/DEFICIT OF SUPPORTABLE SQUARE FEET**  
**IN THE PRIMARY TRADE AREA**  
**LOWE'S SITE AT SW 8<sup>TH</sup> STREET AND SW 137<sup>TH</sup> AVENUE**  
**2007-2012**

End of Year	Existing Retail	(Over)/Under High Market Capture	(Over)/Under Low Market Capture	(Over)/Under Medium/Average Market Capture
2006/2007	2,722,635	634,640	152,543	393,591
2008	2,722,635	806,401	300,118	553,259
2009	2,722,635	881,643	365,120	623,381
2010	2,722,635	961,781	434,494	698,137
2011	2,722,635	1,047,096	508,383	777,740
2012	2,722,635	1,137,949	587,224	862,587

Sources: Urban Land Institute, Dollars and Cents of Shopping Centers; CB Richard Ellis; Claritas; Goodkin Consulting



- While demand for additional square feet of retail in the primary market area is strong, the demand for the retail category "Building Material, Garden Equipment Stores is even stronger.
- An analysis of the (surplus)/deficit of supportable square feet by store type/merchandise category in the three-mile primary trade area for the subject property reveals that the market is under supplied in all but two merchandise categories – "Food & Beverages" at Home (Supermarkets, Grocery Stores) and "Health & Personal Care Stores (Drugstores). The surplus of retail space in these two categories is at 207,433 and 128,702 square feet, respectively. Building Supplies and Hardware, et. al., is under-supplied by an estimated 182,700 square feet (see Table III-13 in Section III).

### Needs Analysis

- It is well recognized by commercial brokers, developers and retailers that Miami is under retailed. This is the same situation in the primary trade area, which is under retailed in an under retailed county . The ratio of retail space to population in the primary trade area is estimated at 21 square feet per capita, compared to 26 square feet capita in Miami-Dade County.

**TABLE II-4**  
**SQUARE FEET OF RETAIL PER CAPITA COMPARISONS FOR**  
**THE THREE-MILE PRIMARY TRADE AREA,**  
**MIAMI-DADE COUNTY AND OTHER SOUTH FLORIDA**  
**2006/2007**

Metro Area	Sq. Ft. of Retail	Total Population (3)	Sq. Ft of Retail Per Capita
Three-Mile Primary Trade Area	2,722,635	128,240	21
Miami-Dade	62,416,250	2,437,000	26
Ft. Lauderdale (Broward)	71,691,300	1,753,200	41
Palm Beach	54,403,900	1,288,000	42
Florida	848,307,700	18,349,100	46
United States	10,000,000,000	299,400,500	33

Sources: International Council of Shopping Centers; University of Florida, Bureau of Economic & Business Research; Goodkin Consulting

- We also compared the amount of vacant and existing land classified for commercial retail use in Minor Statistical Areas 3.2 and 6.1. The subject property sits on the border of these two MSA's in western Miami-Dade.
- For the purpose of this analysis, we used volume of existing land in acres classified as Shopping Centers and Sales and Services by Miami-Dade County and vacant land in acres classified as Business as this classification is for commercial retail and excludes office.
- The figures in Table II-5 indicate that the amount of vacant land in acres and square feet for commercial retail in Miami-Dade per capita exceeds that for MSA 3.2 by 25% and for MSA 6.1 by more than 200%. The per capita ratio of land to population for Miami-Dade is almost double that for the two MSA's combined.

**TABLE II-5**  
**COMPARISON OF VACANT COMMERCIAL RETAIL LAND**  
**PER CAPITA MSA 3.2, 6.1 AND MIAMI-DADE COUNTY**  
**2006/2007**

Countys/MSA	Business Land- Use Classification that includes Retail	2007 Estimated Population (1)	Acres Per Capita	Square Feet of Land Per Capita
MSA 3.2	97.1	142,331	0.00068	30
MSA 6.2	46.7	181,290	0.00026	11
Subtotal	143.8	323,621	0.00044	19
Miami-Dade	2,080.1	2,437,000	0.00085	37

Sources: Miami-Dade County Planning and Zoning, Research Section; Goodkin Consulting

- The MSA's share of population in Miami-Dade relative to the share of vacant land designated for commercial retail also underscores the need for additional retail land in the MSA's. Thus, MSA 3.2's share of the population in Miami-Dade County is estimated at 5.8%, while the share of vacant land for commercial retail in the MSA is at 4.7%. Comparisons for MSA 6.1 show much the same, with the MSA's share of population in the county at 7.4%, compared to a 2.2% share of vacant land for commercial retail.
- In this era of traffic congestion, rising gas prices, and pinched budgets, the need for conveniently located retail is becoming more and more critical. It alleviates traffic congestion, helps save gasoline consumption and, in the case of the subject property, provides the opportunity for additional retail development in what otherwise is an under-retailed market.

- The development of a Lowe's Home Improvement Center at the subject site will also provide an economic benefit to the county. Our research indicates that the taxable value of home improvement centers in Miami-Dade typically ranged between \$12.0 and \$18.0 million 2007. Sales at the home improvement center would also generate economic benefits in the way of sales tax with the one cent option sales tax and approximately 10% of the six cents state mandated sales tax returning to the county. Based on estimated sales of  $\pm$ \$50.0 million per year for home improvement centers, this equate to a potential benefit from sales tax distribution of  $\pm$ \$750,000 per annum.

### Building Design and Land Configuration

- The existing 16-acre site owned by Lowe's is approximately three times longer than it is wide. This configuration does not allow for proper building design, whereby a home improvement center built on the existing site would have to be long and narrow and therefore, inefficient as it relates to merchandising and shopper/traffic flow patterns.
- The ratio of length to width for land planned for a shopping center, and especially a big box retailer is 2:1 at the most and typically closer to ratios of 1.5:1 or 1.25:1.
- Based on these ratios, a home improvement center of the existing 16-acre site would not be commercially viable.



**Everglades**  
**Law Center, Inc.**  
*Defending Florida's Ecosystems  
and Communities*

**Shepard Broad Law Center**  
**Nova Southeastern University**  
3305 College Avenue  
Ft Lauderdale, Florida 33314  
Phone: (954) 262-6140  
Fax: (954) 262-3992

**Northern Everglades Office**  
818 U.S. Highway 1, Suite 8  
North Palm Beach, Florida 33408  
Phone: (561) 630-1565  
Fax: (561) 630-1540

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February 13, 2008

Carol Wehle  
Executive Director  
SFWMD  
3301 Gun Club Road  
West Palm Beach, Fla. 33406

Re: Staff Objections to Miami-Dade County CDMP Applications / April  
2007 Cycle

Dear Ms. Wehle,

We write to support the District's comment letter on the Miami-Dade County Urban Development Boundary comprehensive plan changes, and provide the analysis below on behalf of Clean Water Action, National Parks Conservation Association, the Sierra Club, Urban Environment League, World Wildlife Fund, Audubon of Florida, Redland's Edge, Inc., and the Redland Citizens Association. The objections to the District's opinion expressed in a letter of Feb. 5 from the Holland and Knight (H&K) firm are not well taken, for reasons we explain below.

As an initial matter, there is no question that the South Florida Water Management District is authorized and required by Ch. 163, Fla. Stat. to provide comments to the Department of Community Affairs on issues raised by proposed comprehensive plan amendments. See § 163.3184(3)(a) and (4), Fla. Stat. The District's comments were appropriate given the District's role as a commenting agency under Florida's planning laws, and correctly responded to the current water situation and legal requirements for local governments to coordinate land use plans with water resource planning. This is independent of the Department's role as regulator under the Consumptive Use Permit program, and independent of any mention of the "UDB", or lack thereof, in the CUP recently issued to the County by the District.

It is our observation that the H&K letter ignores the District's role as a commenting agency in the comprehensive planning process and focuses on the District's role as water regulator. But this planning issue is not about whether the County's CUP would be violated by the approval of the plan amendment. It is about whether the proposed land use plan amendments are consistent with the water resource requirements of Florida's planning law. It is irrelevant that the County's CUP does not mention the UDB. The point is that the proposed land use plan changes do not comply with the growth management law because they are not supported by a demonstration that adequate water will be available to serve the resulting development while meeting existing demands in the County. The argument made in the H&K letter – that Ch. 163 does not require that each land use map change "be perfectly correlated with available facilities" is not an accurate statement of the law.

First, as a matter of basic Florida planning law, each plan amendment, and not just the overall plan, must itself be “in compliance” with the law. See § 163.3184 (1) through (11), Fla. Stat.; SCAID v. DCA, and Sumter County, et al, 730 So. 2d. 370 (Fla. 5<sup>th</sup> DCA 1999); DCA v. St. Lucie County, et al., 1993 WL 943708, (Admin. Comm. 1993); Pope v. City of Cocoa Beach et al., 1990 WL 749217, 12 FALR 4758 (1990).

Next, Ch. 163 and its implementing rule require all future land uses, including new ones authorized by new plan amendments, be based upon the availability of water. The Act requires that future land uses be allocated:

“based upon [among other things] the availability of public services...”. Section 163.3177(6)(a), Fla. Stat.

Rule 9J-5.006(3)(b)1, FAC requires an objective to:

“coordinate future land uses with the availability of facilities and services”.

Rule 9J-5.016(3)(b)3 requires:

“the coordination of land use decisions and available and projected fiscal resources with a schedule of capital improvements which maintains adopted level of service standards and meets existing and future facility needs....”

In 2005, the Legislature explicitly added water availability to the list of primary factors which determine the compliance of future land use plans, and amendments thereto. As a result, the law now says that:

“The future land use plan **shall be based upon** surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; **the availability of water supplies**, public facilities, and services; ....” § 163.3177(6) (a), Fla. Stat. (emphasis added)

This change to the law has been recognized as the key to coordinating land and water planning. It was designed to prevent comprehensive plan changes that increased demands on water resources unless and until it was clear that demands from all uses already approved in comprehensive plans would be met and that water would in fact be available for new land uses. It was designed for just these times – an historic water shortage and uncertain and expensive water availability projections – and to result in just the sort of planning level objections raised by the District in this instance. As explained by your staff, it is undisputed that these applications are not supported by data and analysis and supporting policies demonstrating that how or when these applications will be served with adequate supplies of water. While the H&K letter argues

that its client's land is within the County's service area under the District's CUP, the issue is whether the proposed land use changes should be approved today. That, under the CUP, the County *might* have enough water to serve this area after the experimental, or at least uncertain, processes contemplated by the permit are completed does not, under the law described above, support the adoption of the proposed plan amendments now.

The arguments on page 5 of the H&K letter - that the question of water availability is premature at the planning stage and is relevant only at the *development order* (concurrency) stage is simply incorrect. It ignores the new statutory requirement described above, *which expressly applies to comprehensive plan amendments*. This oversight completely undermines the premise of the objection to the District's comments.

Another basic flaw in the H&K letter is the claim (at the bottom of page 4 and top of page 5) that the maximum use and intensity authorized by the proposed plan amendment should not be considered in the current water availability analysis. This claim is refuted by a clear, indisputable, long-standing point of planning law that whenever a comprehensive plan is amended, the analysis of the potential impacts must assume that the maximum use and intensity allowed by the entire plan will be built. See for example, Sheridan v. Lee County, 1992 WL 880138, 16 FALR 654, 688-689 (Admin. Comm. 1994; Sierra Club v. St. Johns County, 2002 WL 1592234 (Fla. Div. Admin. Hear.); 1000 Friends of Florida, Inc. v. City of Daytona Beach, 1994 Fla. Div. Adm. Hear. LEXIS 5389. Thus, it is not true that, for example, if a Lowes facility is built outside of the UDB, a similar facility will not be built elsewhere within the UDB. Unless the proposed plan amendment would also reduce commercial intensity somewhere else to offset the additional commercial intensity that would be allowed by this proposal, the impact analysis must assume that this project would create an impact not currently contemplated by the plan.

Related to that point, we strongly question the premise of the H&K letter – that the location of development is irrelevant to water usage, as well as the suggestion that the proposed Lowes facility is simply meeting an existing demand generated by inevitable population growth. County planning staff determined that there is no need for more commercial land in the County, because there is enough commercial land to meet projected needs for the next 18 years.<sup>1</sup> While the H&K letter claims that instead the Lowes facility will help fill a deficiency (it cites to a consultant's analysis that does not refute the County's finding of a lack of need, but which simply argues that other counties currently have more commercial development per capita than Dade), the technicalities of how the County projects commercial need are not within the District's expertise and it should defer to the County staff on this point.<sup>2</sup>

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<sup>1</sup> Planning Dept. Initial Recommendation: Lowes Home Center Application 5 page 3

<sup>2</sup> A plan amendment applicant's dispute with the local government's "data and analysis" concerning a proposed comprehensive plan change will fail unless it is demonstrated that the county's analysis falls below the minimum standards of professional acceptability – a very difficult showing to make. § 163.3177(8), and § 163.3177(10)(e), Fla. Stat; Rule 9J-5.005(2)(c), FAC.

While the CUP may contemplate that population growth will increase, under Florida's planning law, the *timing* of that growth is of central importance and plan amendments which allow more of a given land use than is projected to meet projected needs are not in compliance with the law. § 163.3177(6)(a), Fla. Stat.; Rule 9J-5.006(2)(c), F.A.C. (Emphasis added); DCA v. St. Lucie County, et al., 1993 WL 943708, 15 FALR 4744 (Admin. Comm. 1993); Growth and Envtl. Org., Inc. et al v. Sarasota County, et al, 1997 WL 1052570, ER:FALR 97:108 (DCA 1997); DCA et al., v. Walton County, 1992 WL 880475 (Admin. Comm. 1992); DCA v. Escambia County, 1992 WL 880137 (Admin. Comm. 1992); DCA, et al., v. Zemel, etc, et al., 1996 WL 1059844; 18 FALR 4040; DOAH Case No. 95-0098GM (Admin. Comm. 1996); DCA et al v. Lee County, et al, 96 ER FALR 118 (Admin. Comm. 1996); Sheridan v. Lee County et al., 94 ER FALR 17; DOAH Case No. 90-7791GM (Admin. Comm. 1994); SCAID v. DCA, and Sumter County, et al, 730 So. 2d. 370 (Fla. 5th DCA 1999); Dept. of Community Affairs et al. v. Collier County, DOAH Case No. 98-0324GM (Admin. Comm. June 1999); Citizen's Political Committee, Inc. and James Kessler v. Collier County and DCA, DOAH Case No. 90-4545GM (Admin. Comm. 1992); DCA v. Charlotte County et al, 90 ER FALR 130; WL 644350; DOAH 89-0810GM (Admin. Comm. 1990).

In the current instance, the H&K letter acknowledges that at best, the County anticipates that new urban uses *might* be needed in this region of the County between 2015 and 2025. Thus, approval of the proposed amendment would gratuitously add another water user to the already long list of competing water users in the County, replace open land with a pavement - rich land use which creates additional drainage demands, and contribute to even more such demands as other residential and commercial uses are inevitably proposed in the area on the strength of the approval of the Lowes facility.

In addition to the issue of water availability, both of the proposed plan amendments mentioned in the H&K letter raise other wetland and water resource issues within the District's expertise and jurisdiction. The site of Application 5 has tree islands and wetlands, which, under the CDMP Policy 8G, should not be included in the UDB.<sup>3</sup> Application number 8 was also previously denied due to environmental concerns regarding water management, flood protection, and preservation of a tree island.<sup>4</sup> None of these factors have changed to allow for approval now. Planning Staff also notes that "flood protection has been determined to be inadequate to support new development in the application site, due to high gradient in the existing nearby canals."<sup>5</sup> Because the proposed amendments would urbanize rural or agricultural lands, adversely impact wetlands, recharge areas or wellfields, create new drainage or water supply demands, and intensify land uses near areas slated for restoration or protection, they are inconsistent with the following requirements:

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<sup>3</sup> Initial Recommendation: Lowe's Home Center Application 5 pages 2,3,13

<sup>4</sup> Initial Recommendation: Brown Application 8 page 8

<sup>5</sup> Initial Recommendation: Brown Application 8 page 11



- \* Plans must conserve, use and protect natural resources, including water, water recharge areas, marshes, soils, flood plains, and other natural resources.<sup>6</sup>
- \* Plans must protect surface waters.<sup>7</sup>
- \* Plans must protect soils and native vegetation.<sup>8</sup>
- \* Plans must restrict activities and land uses known to adversely affect the quality and quantity of identified water sources.<sup>9</sup>
- \* Plans must protect native vegetative communities from destruction by development activities.<sup>10</sup>
- \* Plans must protect the natural functions of existing soils, wildlife habitat, wetlands and flood plains.<sup>11</sup>
- \* Plans must designate and protect environmentally sensitive lands.<sup>12</sup>
- \* Plans must protect the functions of natural drainage features.<sup>13</sup>
- \* Plans must limit the specific and cumulative impacts of development or redevelopment upon wetlands, water quality, water quantity, and wildlife habitat.<sup>14</sup>
- \* Plans must provide for the compatibility of adjacent land uses.<sup>15</sup>
- \* Plans must discourage urban sprawl.<sup>16</sup>

For these reasons, we submit that there is no valid basis whatsoever for the Board to repudiate its staff's comment letter and ask the Governing Board to adopt the proposed Resolution approving of those comments.

Sincerely,

/s/ Lisa Interlandi  
Regional Counsel

cc: Members of the SFWMD Governing Board  
Members of the Miami-Dade County Commission  
Ms. Sheryl Wood, Gen. Counsel, SFWMD

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<sup>6</sup> Rules 9J-5.006(3)(b)4, F.A.C.; 9J-5.011(2)(b)5; 9J-5.011(2)(c)4, F.A.C.

<sup>7</sup> Rule 9J-5.013(2)(b)2, F.A.C.

<sup>8</sup> Rule 9J-5.013(2)(b)3, F.A.C.

<sup>9</sup> Rule 9J-5.013(2)(c)1, F.A.C.

<sup>10</sup> Rule 9J-5.013(2)(c)5, F.A.C.

<sup>11</sup> Rule 9J-5.013(2)(c)9, F.A.C.

<sup>12</sup> Rule 9J-5.011(2)(b)5, F.A.C.

<sup>13</sup> Rule 9J-5.012(3)(c)1, F.A.C.

<sup>14</sup> Rule 9J-5.006(3)(c)2, F.A.C.

<sup>15</sup> Rule 9J-5.003(140), F.A.C.

<sup>16</sup> Rule 9J-5.006(5)(g), F.A.C.

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Carol Wehle  
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Richard Perez, Esq., Holland and Knight  
Subrata Basu, Miami-Dade County  
Mark Woerner, Miami-Dade County  
Bob Dennis, Fla. Dept. of Community Affairs  
Paul Darst, Fla. Dept. of Community Affairs  
Joni Armstrong – Coffey, Esq. Miami-Dade County