

# Application No. 2

## Commission District 4    Community Council 2

### APPLICATION SUMMARY

Applicant/Representative:	Aventura Commons, 11, LLC/Juan A. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.
Location:	An area between NE 205 and 206 Streets on the east side of NE 26 Avenue
Total Acreage:	2.98 Gross Acres, ± 2.23 Net Acres
Current Land Use Plan Map Designation:	Low-Medium Density Residential Communities (6 to 13 DU/gross acre)
Requested Land Use Plan Map Designation:	Office/Residential
Amendment Type:	Small-scale
Existing Zoning/Site Condition:	RU-2 (two-family residential structure on a 7,500 sq. ft. net lot) / 14 dwelling units in four duplexes and six single family dwellings that are in good condition except for one structure and two vacant lots

### RECOMMENDATIONS

Staff:	<b>DENY</b> (February 25, 2008)
Northeast Community Council:	<b>TO BE DETERMINED</b> (March 19, 2008)
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>TO BE DETERMINED</b> (April 28, 2008)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (May 29, 2008)
Final Action of Planning Advisory Board:	<b>TO BE DETERMINED</b>
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b>

Staff recommends **Denial** of the proposed small-scale amendment to redesignate the subject property from “Low-Medium Density Residential Communities (6 to 13 dwelling units per gross acre)” to “Office/Residential” on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

**Principal Reasons For Recommendations:**

1. The application site is located between NE 205 and 206 Streets on the east side of NE 26 Avenue in the Napoleon Park Subdivision of the Ojus neighborhood and just west of the office and commercial strip along West Dixie Highway. The proposed “Office/Residential” land use designation is not compatible with the character and pattern of development of the established neighborhood. The proposed redesignation will result in an intrusion of office development into a residential community, and it would create a smaller enclave of residential development to the south. The block to the south, between NE 205 and 204 Streets and east of NE 26 Avenue, is a largely residential block in good condition consisting of four single-family dwellings, eight duplexes containing 16 dwelling units and one office building. This block and the adjacent half block further to the south would comprise the residential enclave if the application site is developed for office uses. Northwest of the application site is the River Parc Subdivision that is comprised of detached single family dwellings in good condition. Existing land uses adjacent to the subject property also include a FPL electrical power substation to the north, two office buildings to the east, and a synagogue (Beth Torah Benny Rok campus) to the west.

The current land use designation of “Low-Medium Density Residential Communities” allows a residential density of 6 to 13 dwelling units per gross acre and neighborhood and community-serving institutional, communication and utility uses such as churches, schools, cell towers, sewer pump stations and electrical power substations. Thus, the development pattern in the immediate area consisting of the existing six single-family and eight duplex units on the site, the duplexes and single-family dwellings to the south, the electrical power substation to the north is consistent with the existing designation of Low-Medium Density Residential Communities.

2. The application site is situated directly east and adjacent to the North District of the Ojus Urban Area Plan. The Ojus Charrette Area Plan Report, dated May 2001, recommended the development of a mixed-use commercial component oriented toward West Dixie Highway with a residential component facing onto NE 26<sup>th</sup> Avenue (See page 47 of the *Ojus Charrette Area Plan Report*). The report on page 59 states that NE 26 Avenue should be a residential street with two-story town houses or garden apartments along the eastside of the roadway. The current designation for the application site on the Land Use Plan (LUP) map, “Low-Medium Density Residential Communities (6 to 13 dwelling units per gross acre)”, already allows this form of development.

3. Property designated “Low-Medium Density Residential Communities” can also be alternatively developed with vertical mixed-use development if it is located within a transit corridor, which is defined in the Land Use Element of the CDMP as a maximum depth of 660 feet located along a ‘Major Roadway’ as identified on the adopted LUP map. Vertical mixed-use is the vertical integration of primary uses with business and office uses located on the ground floor and residential and/or office uses on the upper floors. The residential component of the proposed development must be at least 20 percent of the total floor area but no more than 75 percent. Development intensity is measured as the floor area ratio (FAR), which is the square footage of the buildings (excluding parking structures and walkways) divided by the net land area.

The entire application site is located in a transit corridor since the subject property is located within 660 feet of West Dixie Highway, which is identified on the LUP map as a major roadway. The CDMP allows an FAR ranging from 1.0 to 1.5 for vertical mixed-use developments within a transit corridor along a major roadway. However, the uses in mixed-use developments must be compatible with each other and adjacent properties and contribute to the character of the street and the surrounding community. The net area of the application site is 97,138.8 sq. ft. (2.23 acres), thus, the applicant is able to develop on the entire site with non-residential uses such as offices on a minimum floor area of 24,284.7 sq. ft., and a maximum of 116,566.6 sq. ft. Therefore, no land use amendment to the CDMP is needed for office uses as part of a mixed-use development on the application site if the project is designed to be compatible with the adjacent residential development.

4. Approval of the application could result in the removal of 14 dwelling units in four duplexes and six detached single-family dwelling units in a stable residential area. The application site is located in Minor Statistical Area (MSA) 2.1, which has a projected depletion year of 2009 for detached or attached single-family dwellings.
5. Policy LU-8E of the Land Use Element of the CDMP requires that applications requesting amendments to the Adopted 2015 and 2025 CDMP Land Use Plan map be evaluated according to factors such as the proposed application’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, impacts to County services, compatibility with abutting and nearby land uses, impacts to environmental and historical resources, and the extent to which the proposed CDMP land use amendment would promote public transit ridership and pedestrianism.
  - The proposed development does not satisfy a deficiency in the LUP map to accommodate population and economic growth. At the projected rate of absorption, reflecting the past rate of commercial and office uses, the analysis

area, Minor Statistical Area (MSA) 2.1, will deplete its supply of zoned or designated land for these uses beyond the year 2025.

- The proposed “Office/Residential” land use designation is not compatible with the character and pattern of development of the established neighborhood as stated in Reason No. 1. The proposed land use designation allows hotels, motels, and office developments ranging from small-scale to large-scale office parks that are not compatible with the pattern of development of the adjacent and established residential communities.
- The proposed development will have minimal to no impact on County services such as solid waste, parks, water and sewer, roadways, public transit and public schools. However, the Fire & Rescue Department stated that the proposed development would have a moderate impact to existing fire and rescue services. A moderate impact will result in 50 to 100 alarms.
- The application site will have minimal impact on historical resources. The application area contains four (4) properties with structures over 50 years of age, the minimum benchmark for identifying potentially historic structures. Three (3) of the properties (2646 NE 206 Street; 2635 NE 205 Street; and 2655-59 NE 205 Street) do not appear eligible for historic resource preservation. One of the properties (2642 NE 206 Street) appears eligible for historic resource identification. This property should be recorded and added to Miami-Dade County Historic Sites Files. Recordation and inclusion to the Historic Site Files does not extent regulatory or protective controls over the property, but does add the property to the total inventory of known sites.
- The application site does not negatively impact any environmental resources, however, the application site is located within an area known to have salt water intrusion into the groundwater because it is more than 0.64 miles east of the 1995 United States Geological Survey (USGS) 1,000 parts per million (ppm) isochlor line, which approximates the inland extent of saltwater intrusion at the base of the aquifer.
- The CDMP encourages transit-oriented development such as offices that are located within a quarter of a mile for a route, which has a headway of 20 minutes during peak periods. Metrobus Route 9 has a bus stop within ¼ mile of the application site on NE 203 Street and NE 26 Avenue; however, the headways are 30 minutes during off-peak hours and 24 minutes during peak-hour (See *Staff Analysis* on this report).

The application fully satisfies a couple of the evaluation factors of Policy LU-8E such as public services and environmental resources. However, the application does not satisfy the key factor of compatibility, address a deficiency regarding office and commercial land supply in the MSA or fully satisfy the other evaluation factors.

# STAFF ANALYSIS

## Application Site

The application site is located between NE 205 and 206 Streets on the east side of NE 26 Avenue in the Napoleon Park Subdivision of the Ojus neighborhood. Access to the site from NE 26 Avenue is limited to NE 206 Street because NE 205 Street is closed off from NE 26 Avenue. An office and commercial strip along West Dixie Highway is situated just east of the application site. The 2.98- gross acre subject property is located between the City of Aventura to the east and the North District of the Ojus Charrette Area Plan to the west.

The application site is currently designated “Low-Medium Density Residential Communities” on the CDMP LUP map, which allows a residential density of 6 to 13 dwelling units per gross acre and neighborhood and community-serving institutional, communication and utility uses such as churches, schools, cell towers, sewer pump stations and electrical power substations. The CDMP also designates the subject property as being located in the Urban Infill Area. Existing land uses on the subject property include two vacant lots, six single-family detached dwellings, and four duplexes containing eight dwelling units that are generally in good condition. One of the ten structures needs renovation. In addition, the property is located in a RU-2 zoning district, which allows two-family residential units on 7,500 sq. ft. net lots (See Appendix A: Map Series).

## Adjacent Land Use and Zoning

The Land Use Plan (LUP) Map of CDMP designates adjacent properties to the north and south of the application site as “Low-Medium Density Residential Communities,” which allows 6 to 13 dwelling units per gross acre and neighborhood and community-serving institutional, communication and utility uses such as churches, schools, cell towers, sewer pump stations and electrical power substations. The subject property is bordered to the east by a “Business and Office” strip and to its west by land designated as “Low-Density Residential Communities,” which allows 2.5 to 6 dwelling units per gross acre and neighborhood and community-serving institutional, communication and utility uses.

Existing land uses adjacent to the subject property include a FPL electrical power substation to the north, two office buildings to the east, and a synagogue (Beth Torah Benny Rok campus) to the west. The block to the south consists of four single-family dwellings, eight duplexes containing 16 dwelling units and one office building. Northwest of the application site is the River Parc Subdivision that is comprised of detached single family dwellings. Professional office complexes located in the vicinity of the application site along West Dixie Highway include the River Parc Professional Centre, which contain medical offices, a law firm, and the Geller Design Group; the FMS Municipal Bond Specialists, and the Allen S. Levi and Glenn H. Gopman Tax and Financial Services firm. In addition, there is a railroad track operated by Florida East

Coast Railway (F.E.C) that runs parallel to West Dixie Highway and is located approximately 240 feet east of the application site (See Appendix A: Map Series).

Existing commercial/retail activity within the Ojus area is located along West Dixie Highway and along Miami Gardens Drive (NE 183<sup>rd</sup> Street). Business and retail uses include auto repair facilities, restaurants, antique stores, bakeries, art supply and sale stores, and other miscellaneous retail uses.

Properties adjacent to the north and south of the application site are zoned RU-2 (two-family residential district); properties adjacent to the east of the subject site are zoned BU-1 (neighborhood business district); and properties adjacent to the west of the application site are within the Ojus Urban Center District Area, adopted by Ordinance No. 06-86, on June 6, 2006.

### **Land Use and Zoning History**

Miami-Dade County zoning districts and regulations were first created in 1938. The subject property is located in an area that was zoned RU-2 in 1939, rezoned RU-3B in 1947, and rezoned RU-2 again in 1949 until the present day.

Several non-use variances and an Unusual Use Permit have been granted on the application site. On December 16, 1992, the former Metropolitan Dade County Zoning Appeals Board approved Resolution No. 4-ZAB-460-92, granted three non-use variances on a parcel consisting of Lots 27 Thru 29 on Block 1 of the Napoleon Park Subdivision. Furthermore, on October 14, 1998, Miami-Dade County Community Zoning Appeals Board No. 2 approved Resolution No. CZAB2-12-98, four non-use variances and an Unusual Use Permit to allow a home for the aged were granted on a parcel consisting of Lots 24 Thru 26 on Block 1 of the Napoleon Park Subdivision.

### **Supply & Demand**

#### Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the Analysis Area, Minor Statistical Area (MSA) 2.1, in 2007 was estimated to have a capacity for about 6,541 dwelling units, with approximately 91 percent of these units intended for multi-family use. The annual average residential demand is projected to decrease from 797 units per year in the 2007-2010 period to 389 units per year in the 2015-2020 period. An analysis of the residential capacity, without differentiating by type of dwelling units, shows an absorption, a depletion of land available for residential use in MSA 2.1, occurring in 2017 (See *Residential Land Supply/Demand Analysis* table below). Capacity for single-family type units is projected to deplete by the year 2009. The supply of multi-family land is projected to accommodate demand beyond the year 2025.

Residential Land Supply/Demand Analysis  
2007 to 2025: MSA 2.1

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2007	576	5,965	6,541
DEMAND 2007-2010	245	552	797
CAPACITY IN 2010	0	4309	4,150
DEMAND 2010-2015	197	446	643
CAPACITY IN 2015	0	2,079	935
DEMAND 2015-2020	119	270	389
CAPACITY IN 2020	0	729	0
DEMAND 2020-2025	0	0	0
CAPACITY IN 2025	0	729	0
<b>DEPLETION YEAR</b>	<b>2009</b>	<b>&gt;2025</b>	<b>2017</b>

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on proposed population projections.

Source: Miami-Dade Department of Planning and Zoning, Planning Research Section, 2008.

Commercial Land Analysis

The Analysis Area for the subject site (MSA 2.1) contained 1,077.5 acres of in-use commercial uses in 2007 and an additional 62.6 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2003-2025 period is 2.59 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, the study area will deplete its supply of commercially zoned or designated land beyond the year 2025 (See *Projected Absorption of Land for Commercial Uses* table below)

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
MSA 2.1

Analysis Area (MSA 2.1)	Vacant Commercial Land 2007 (Acres)	Commercial Acres in Use 2007	Annual Absorption Rate 2003-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2015	2025
<b>Total</b>	<b>62.6</b>	<b>1,077.5</b>	<b>2.59</b>	<b>2025+</b>	<b>6.3</b>	<b>6.1</b>

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, October 2008.

## Environmental Conditions

The following information pertains to the environmental conditions of the application site. All YES entries are further described below.

### Flood Protection

County Flood Criteria (NGVD)	5.0 ft+
Stormwater Management	On Site Retention (5-year storm)
Drainage Basin	North Biscayne Bay
Federal Flood Zone	AE – 100-year floodplain, base elevation shown; and X - outside the 500-year floodplain
Hurricane Evacuation Zone	NO

### Biological Conditions

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

### Other Considerations

Within Wellfield Protection Area	NO
Saltwater Intrusion	YES
Archaeological/Historical Resources	YES

### Drainage and Flood Protection

The application site overlaps two flood zones. The majority of the site lies within Flood Zone AE, where the Base Flood Elevation is 6.0 feet. The easternmost portion of the application site is located within Flood Zone X, where the Base Flood Elevation is undetermined as per the Federal Flood Insurance Rate Maps for Miami-Dade County.

Development of the site will require that a retention/detention system be designed to contain the run-off generated by a 5-year storm event on-site. Additionally, full on-site containment of runoff from the proposed development will be required. A Surface Water Management permit by the Department of Environmental Resources management (DERM) is required for this application. Other permits by local or state agencies may be required or combined with the aforementioned permit.

### Specimen Trees

The application site may contain specimen-sized trees (trunk diameter greater than 18 inches) that must be preserved according to Section 24-49 of Miami-Dade County Code. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24-49.2 and 24-49.4 of the Code.

### Saltwater Intrusion

The application site is located east of the 1995 United States Geological Survey (USGS) 1,000 parts per million (ppm) isochlor line, which approximates the inland extent of saltwater intrusion at the base of the aquifer. This is an area known to be salt water intruded.

### Archaeological/Historical Resources

The application site does not negatively impact any historical or environmental resources. However, the application area contains four (4) properties with structures over 50 years of age, the minimum benchmark for historic resource identification. Three (3) of the properties (2646 NE 206 Street; 2635 NE 205 Street; and 2655-59 NE 205 Street) do not appear eligible for historic resource preservation. The eligible property (2642 NE 206 Street) should be recorded and added to Miami-Dade County Historic Sites Files. Recordation and inclusion of these properties to the Historic Site Files does not extent regulatory or protective controls over the property, but does add the property to the total inventory of known sites.

### Water Supply

The Biscayne Aquifer is the primary water supply source for the millions of people living in South Florida. However, overuse of this aquifer has resulted in lowered water levels in the Everglades, which is inconsistent with the goals of the Comprehensive Everglades Restoration Project (CERP). To aid in the CERP effort, the South Florida Water Management District (SFWMD) in 2005, promulgated new rules that prohibited future withdrawals from the Biscayne Aquifer to accommodate future development. The SFWMD requires that all future development be linked to new water supply sources, either through alternative water supply or reuse projects.

On November 15, 2007, the Governing Board of the South Florida Water Management District (SFWMD) approved Miami-Dade Water and Sewer Department's (WASD) 20-year water consumptive use permit (CUP). WASD's implementation of a number of alternative water supply and reuse projects is an essential component of the water CUP. As stated above, all future growth in the County must rely on water from alternative sources or Biscayne water, which has been replenished by reused or reclaimed water. In April 2007, the Board of County Commissioners (Board) adopted alternative water supply and reuse projects into the Capital Improvements Element of the CDMP in the amount of \$1.6 billion dollars. This commitment by the Board fully funds the projects, which are outlined in the Lower East Coast Regional Water Supply Plan and the CUP. A summary of these projects can be found in the April 2007 Cycle Applications to Amend the CDMP Application No. 16 (Water Supply Facilities Workplan). Figure 5-1 included in Final Water Supply Facilities Work Plan, included as Appendix A, indicates that the County, through water conservation and alternative water supply and reuse projects, will maintain a yearly surplus of water (over and above the base water allocation from the Biscayne Aquifer) to accommodate the normal expected growth of the County.

The assessment of available water supply, as it relates to comprehensive plan amendments, is difficult given that no specific timing of the development. Therefore, to determine if adequate water supply will be available for the proposed amendment, an assumption of four years from final comprehensive plan amendment approval is made. This timeframe allows for rezoning of the property, platting of property, permitting and construction.

The water demand from Application 2 is estimated at 14,800 gallons per day (gpd). This represents an increase of 5,300 gpd above what would be estimated if the site were fully developed under its current designation. The Table 5-2 - Finished Water Demand by Source (Application 16 filed in the April 2007 CDMP Amendment Cycle) of the Water Supply Facilities Work Plan indicates that there will be sufficient water supply to accommodate the normal growth of the County through the year 2030.

It should be noted that WASD is developing an allocation system to track water demands from platted and permitted development. This system will correspond to the system used by DERM to track sewer flows to pump stations and wastewater treatment facilities. The water allocation system requires all development within the WASD utility service area to obtain a letter from WASD stating that adequate water supply capacity is available for the proposed project prior to approval of development orders. WASD's water allocation system is anticipated to be operational in mid to late 2008.

#### Potable Water

The County's adopted level of service (LOS) standard for water treatment requires that the regional treatment system operate with a rated maximum daily capacity of no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily system demand for the preceding 5 years. The water treatment plant servicing the application site area is WASD's Hialeah/Preston Water Treatment Plant. Based on 12-month data provided by DERM, the water treatment plant currently has a rated treatment capacity of 225.0 mgd and a maximum plant production of 201.1 mgd. As a result, this treatment plant has 23.90 mgd or 10.6% of treatment plant capacity remaining. Additionally, this plant has a 12-month average day demand of 146.8 mgd, which is well within 2 percent of the plant's 199.2 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Existing water mains surround the application site that are owned and operated by WASD. The proposed land use, if fully developed, would allow approximately 74 multi-family units with an estimated water demand of 14,800 gallons per day (gpd). This water demand is approximately 5,300 gpd above what could currently be built on the site. The demand of 14,800 gpd would decrease the 23.90 mgd treatment plant capacity to 23.88 mgd; therefore, the treatment plant capacity would continue to meet the LOS standard for water treatment plant facilities.

#### Wastewater

The County's adopted level of service (LOS) standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system operate

with a capacity that is two percent above the average daily per capita flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow. Ultimate disposal of sewage flows from the application site is the North District Wastewater Treatment Facility, which has a design capacity of 112.5 mgd and an 12-month average flow (ending November 2007) of 92.08 mgd or 81.8% of the plant's design capacity.

Based upon the residential development scenario of 74 multi-family dwelling units, it is estimated that this site will generate sewage flows of 14,800 gpd. These estimated flows will not have a significant impact on the treatment plant's design capacity and will not cause the adopted LOS standard to be exceeded.

The application site is currently being served by public sanitary sewer facilities. The closest public sanitary sewer line to the subject property is an existing 8-inch gravity main abutting the property along N.E. 209 Street. Data provided by DERM indicates two pump stations, numbers 30-0322 and 30-0425, would be impacted by sewage flows from the application site. According to DERM, these pump stations are operating within mandated criteria set forth in the Florida Department of Environmental Protection consent decree.

### **Solid Waste**

The application site is located inside the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collections. The adopted LOS standard for the County Solid Waste Management System is to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The DSWM routinely maintains 5-years of committed capacity for its waste flows. A review of the application by the DSWM indicates that development of this site will have minimal impact on the current capacity and will not cause the LOS standard for solid waste to be exceeded.

The closest DSWM facility is located at the Northeast Transfer Station (18701 NE 6<sup>th</sup> Avenue), which is approximately 4 miles from the subject property. Under the DSWM's current policy, County collection operations, municipal collection operations, and permitted private haulers are allowed the use of this type of facility. The DSWM has indicated that the request will have minimal impact on collection services and that the DSWM is capable of providing the necessary disposal service for this application.

### **Parks**

The LOS standard for the provision of recreation open space provides for 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas; and adds that the county must provide open space of five acres or larger within three

miles from a residential area. The subject property is located within Park Benefit District (PBD) 1, which has a surplus capacity of 417 acres of local recreation open space. Under a residential development scenario and based upon the level of service standard of 2.75 acres per 1,000 persons, this site could yield a potential residential population of 121 persons, thus requiring an estimated total of 0.33 acres of park land  $[(2.75/1000) \times \text{number of projected population increase}]$ . PBD 1 surplus capacity is sufficient to meet the estimated 0.33 acres of park land necessary to meet the adopted recreation open space LOS standard for the application site.

**County Park and Recreation Open Space Facilities  
Within a 3.5-Mile Radius of Application Site**

Name of Park	Address	Park Classification	Acreage
Highland Oaks Park	20300 NE 24 Ave	Community Park	40
Ives Estates Park	20901 NE 16 Ave	District Park	94
Ives Estates Tennis Center	14751 Ives Dairy Road	Single-Purpose Park	5
Ives Estates Tot Lot	19598 NE 12 Ave	Mini Park	0.25
Ojus Park	18995 W Dixie Highway	Community Park	2
Sierra Park	19601 NE 1 Place	Neighborhood Park	2

Source: Miami Dade Parks and Recreation Department, 2007

The park nearest the application site is Highland Oaks Park, which is within the 3-mile required distance of the site. This is a fully developed and very busy community park; amenities include a recreation center, fields, walking paths and a natural area. Ives Estate Park is under development and will include a large community center with aquatic facilities, a tot lot, access to the adjacent Krop High School's outdoor athletic facilities, and a picnic area. The park is not fully funded at this time.

**Fire Rescue**

Miami-Dade Fire Rescue Station 8, located at 2900 NE 199th Avenue in the City of Aventura, currently serves the subject property. The facility is equipped with a Basic Life Support (BLS) Engine, a Rescue unit, a 100' Platform, and is staffed with seven firefighters/paramedics 24 hours a day, seven days a week. Currently, there are no planned fire station facilities near the subject application site.

According to 2007 Fire Rescue data, average travel time to incidents in the vicinity of the application site is approximately 6 minutes and 29 seconds for life threatening emergencies and 5 minutes and 10 seconds for structure fires. These average travel times are within an acceptable range for response times according to the National Fire Prevention Code.

The current CDMP designation will allow a potential development, which will generate a total of 10.66 annual alarms, while potential development under the requested CDMP designation is anticipated to generate 20.76 total annual alarms. This increase will have a minimal impact on the existing fire rescue services.

The required fire flow for the proposed CDMP designation is 2,000 gallons per minute (gpm) at 20 pounds per square inch (psi) residual on the system. Additionally, each fire hydrant shall deliver no less than 750 gpm. Fire flows in this area must meet the required pressures; however, testing of the water lines that will service this site will be performed at the development stage.

## Public Schools

Miami-Dade County anticipates adopting a concurrency level of service (LOS) standard for public school facilities in the near future. At the time of review of this application a concurrency LOS standard for public schools has not been adopted. The evaluation of development based on a concurrency methodology may differ from the current method of assessing the development impact on public schools. The current methodology requires collaboration with the Miami-Dade County School Board if the proposed development results in an increase of FISH utilization in excess of 115% at any of the schools of impact. The evaluation of this application on the surrounding schools is presented below.

Students generated by this application will attend those schools identified in the above table. This table also identifies the school's enrollment as of October 2007, the school's Florida Inventory of School Houses (FISH) Capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage.

Based upon the student generation multipliers for this minor statistical area (MSA), the proposed application will generate no additional students to the Miami-Dade County School System. As a result, no dialogue between the applicant and the School District is required. Although existing requirements are not triggered during this review, the proposed application will be tested at final subdivision, site plan (or functional equivalent) against the County's adopted LOS standard, as mandated by Sec. 163.3177 and Sec. 1013.33 F.S. Adoption of the LOS standard is expected by mid 2008.

School	2007 Enrollment		FISH Capacity	% FISH Utilization	
	Current	With Application		Current	With Application
Madie Ives Elementary	915	915	654	140	140
Highland Oaks Middle	1,451	1,451	1,020	142	142
Dr. Michael M. Krop Senior	3,766	3,766	2,290	164	164

### Notes

--Figures above reflect the impact of the class size amendment.

--Pursuant to the interlocal agreement, none of the schools meet the review threshold since there are no additional students generated by the proposed development

The following table outlines planned and proposed relief schools in the vicinity of the application site that are identified in the proposed 5-Year Capital Plan (2007-2011), dated July 2007.

<b>Planned Relief Schools in the Area</b>	<b>Student Stations</b>	<b>Status</b>	<b>Projected Occupancy Date</b>
Bay Harbor K-8 Conversion (Highland Oaks Middle School relief)	551	Construction	2008
State School "D" K-8 Center (VB Highland Oaks, Madie Ives Elementary Schools; and Highland Oaks Middle School relief)	1,642	Construction	2008
State School "BB-1" K-8 (RB Bay Harbor Elementary/VB Highland Oaks Middle Schools relief)	1,600	Construction	2008
State School "PP-1" (Highland Oaks, John F. Kennedy and Norland Middle Schools relief)	1,393	Construction	2008
State School "QQQ1" (Dr. Krop/North Miami Beach Senior High Schools relief)	1,593	Construction	2009
Addition to Dr. Michael M. Krop Senior	800	Funding Year FY 2010/11	N/A

Notes

- Figures above reflect the impact of the class size amendment.
- Pursuant to the interlocal agreement, none of the schools meet the review threshold since there are no additional students generated by the proposed development

**Roadways**

Existing Conditions

Primary access to the subject application site is from NE 205 and NE 206 Streets, two two-lane local streets, which provides connections to NE 26 Avenue and West Dixie Highway.

The following roadway segments are currently operating at Level of Service (LOS) D, above the adopted LOS E+20% standard applicable to these roadway segments: West Dixie Highway, between County Line Road (NE 215 Street) and NE 203 Street and from NE 186 Street to NE 26 Avenue, NE 203 Street between I-95 and Biscayne Boulevard, and Biscayne Boulevard (US 1/SR 5) between NE 215 and NE 192 Streets.

The LOS is represented by one of the letters "A" through "F," with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

### Application Impact

The “Estimated Peak Hour Trip Generation” table below, identifies the estimated number of PM peak-hour trips expected to be generated by the potential development that could occur under the requested “Office/Residential” CDMP land use designation, and compares them to the number of trips that would be generated by the potential development that could occur under the current “Low-Medium Density Residential Communities (6 to 13 DU/gross acre)” CDMP land use designation.

The table shows two development scenarios that were analyzed for traffic impact under the requested land use designation. Scenario 1 considers the application site developed with 48,569 sq. ft. of office use, and Scenario 2 considers the application site developed with 74 multi-family dwelling units. Scenario 1 shows that if the subject site were developed with office use, it would generate approximately 45 more PM peak-hour trips than the current CDMP land use designation. In contrast, Scenario 2 shows that if the site were developed with residential use, it would generate approximately 31 more PM peak-hour trips than the current CDMP designation.

### Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of January 30, 2008, which considers reserved trips from approved developments not yet constructed and any programmed roadway capacity improvements, predicts a deterioration in the LOS of West Dixie Highway, between NE 186 Street and NE 26 Avenue, from LOS D to LOS E; and Biscayne Boulevard, between Lehman Causeway and NE 186 Street, from LOS E+16% to E+32%, but still above the adopted LOS standards applicable to these roadway segments. No changes to the LOS of NE 203 Street, West Dixie Highway between NE 215 Street and NE 203 Street, and Biscayne Boulevard between NW 215 and NE 192 Streets are reported. The County’s 2008 Transportation Improvement Program (TIP) for fiscal years 2007-2012 does not list any roadway capacity improvement for these roadways.

The “Traffic Impact Analysis on Roadways” table on page 2-18 summarizes in tabular form the traffic concurrency analysis. It should be pointed out that the subject property is located in the Urban Infill Area (UIA), a Redevelopment Concurrency Exception Area, and therefore a proposed development will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted CDMP and it meets the provisions of Section 163.3180, Florida Statutes, which requires the county request mitigation from projects whose traffic impacts exceed 2 percent of the capacity of a Florida Intrastate Highway System (FIHS) roadway operating below the CDMP-adopted LOS standard. No FIHS roadway is operating or will operate below the LOS standard as a result of this application.

Estimated Peak Hour Trip Generation  
By Current CDMP and Requested Use Designations

Application Number	Assumed Use For Current CDMP Designation/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use
2 (Scenario 1)	Low-Medium Density Residential (6 to 13 DUs/Acre) 38 Single Family attached Units  27	Office/Residential 48,569 sq. ft. Office  72	       +45
2 (Scenario 2)	Low-Medium Density Residential (6 to 13 DUs/Acre) 38 Single Family attached Units  27	Office/Residential 74 Multi-Family Units  58	       +31

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works Department, February 2008.

Traffic Impact Analysis on Roadways Serving the Amendment Site  
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std. <sup>1</sup>	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Scenario 1 <sup>2</sup>												
9196	NE 203 St./Ives Dairy Rd	I-95 to Biscayne Blvd.	6 DV	E+20%	6,948	4,540	D	691	D	12	5,243	D (07)
9980	W Dixie Hwy	NE 26 Ave. to NE 186 St.	2 DV	E+20%	1,440	940	D	0	D	7	947	E (07)
9982	W Dixie Hwy	County Line to NE 203 St.	2 DV	E+20%	1,248	541	D	62	D	2	605	D (07)
15	Biscayne Blvd	Lehman Cwy to NE 186 St.	6 DV	E+50%	7,035	5,420	E+16%	749	E+32%	3	6,172	E+32% (06)
152	NE 192 St./Lehman Cwy	Biscayne Blvd to SR A1A	6 DV	E+20%	6,096	2,421	B	147	B	2	2,570	B (06)
268	Biscayne Blvd (US-1/SR 5)	County Line to NE 192 St.	6 DV	E+20%	5,628	3,532	D	334	D	3	3,869	D (06)
Scenario 2 <sup>3</sup>												
9196	NE 203 St./Ives Dairy Rd	I-95 to Biscayne Blvd.	6 DV	E+20%	6,948	4,540	D	691	D	32	5,263	D (07)
9980	W Dixie Hwy	NE 26 Ave. to NE 186 St.	2 DV	E+20%	1,440	940	D	0	D	20	960	E (07)
9982	W Dixie Hwy	County Line to NE 203 St.	2 DV	E+20%	1,248	541	D	62	D	4	607	D (07)
15	Biscayne Blvd	Lehman Cwy to NE 186 St.	6 DV	E+50%	7,035	5,420	E+16%	749	E+32%	8	6,169	E+32% (06)
152	NE 192 St./Lehman Cwy	Biscayne Blvd to SR A1A	6 DV	E+20%	6,096	2,421	B	147	B	4	2,572	B (06)
268	Biscayne Blvd (US-1/SR 5)	County Line to NE 192 St.	6 DV	E+20%	5,628	3,532	D	334	D	8	3,874	D (06)
Scenario 2 <sup>4</sup>												
9196	NE 203 St./Ives Dairy Rd	I-95 to Biscayne Blvd.	6 DV	E+20%	6,948	4,540	D	691	D	25	5,256	D (07)
9980	W Dixie Hwy	NE 26 Ave. to NE 186 St.	2 DV	E+20%	1,440	940	D	0	D	16	956	E (07)
9982	W Dixie Hwy	County Line to NE 203 St.	2 DV	E+20%	1,248	541	D	62	D	4	607	D (07)
15	Biscayne Blvd	Lehman Cwy to NE 186 St.	6 DV	E+50%	7,035	5,420	E+16%	749	E+32%	6	6,175	E+32% (06)
152	NE 192 St./Lehman Cwy	Biscayne Blvd to SR A1A	6 DV	E+20%	6,096	2,421	B	147	B	4	2,572	B (06)
268	Biscayne Blvd (US-1/SR 5)	County Line to NE 192 St.	6 DV	E+20%	5,628	3,532	D	334	D	7	3,873	D (06)

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, February 2008.

Notes: <sup>1</sup> County adopted roadway level of service standard applicable to the roadway segment

DV= Divided Roadway

<sup>2</sup> Scenario 1 assumes Application site developed with 38 multi-family dwelling units under the current land use designation.

<sup>3</sup> Scenario 2 assumes Application site developed with 48,569 square feet of office space under the requested land use designation.

<sup>4</sup> Scenario 3 assumes Application site developed with 74 multi-family dwelling units under the requested land use designation.

## Transit

### Existing Service

Metrobus Routes No. 3, 9, 95 and 99 currently service the application site. Routes 3, 9 and 95 are Metrorail Feeder routes and maintain 24-, 30- and 45-minute Peak headways and 30-, 40- and 60-minute Off-Peak headways on weekdays. Route 99 is a Local Route with 30-minute Peak headway and 60-minute Off-peak headway on weekdays. The “Metrobus Routes Service” table below summarizes the service information for each route.

Route	Headways (in minutes)		Stop Locations	Type of Service
	Peak	Off-Peak		
3	30	40	NE 209 St. & Biscayne Blvd.	F/L
9	24	30	NE 203 St. & NE 26 Ave.	F/L
95	45	N/A	Aventura Mall	F/E
99	30	60		L

Source: 2007 Transit Development Program, Miami-Dade Transit, May 2006.

Notes: E means express route  
F means feeder service to Metrorail  
L means local route

### Future Service

No transit improvements to the bus routes servicing this application are planned in the next five years as noted in the 2007 Five-Year Transit Development Program (TDP) and in the People’s Transportation Plan (PTP).

### Application Impacts

An analysis was performed in Traffic Analysis Zone (TAZ) 72 where Application No. 2 is located. The analysis indicates that the transit impact that will be generated by the subject site will be minimal and, therefore, can be handled by the existing transit service in the area.

## **Consistency Review with CDMP Goals, Objectives, Policies, Concepts, and Guidelines**

The following CDMP goals, objectives, policies, concepts, and guidelines will be enhanced if the proposed designation is approved:

- **POLICY LU-1C:** Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

- **POLICY LU-1S:** The CDMP shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes countywide community goals, strategies, and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agricultural and environmentally sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.
- **POLICY LU-4D:** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- **POLICY LU-8B:** Distribution of neighborhood or community serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic, and physical considerations

The following CDMP goals, objectives, policies, concepts, and guidelines will be impeded if the proposed designation is approved:

- **POLICY LU-1D:** In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.
- **POLICY LU-4C:** Neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust, or traffic.
- **POLICY LU-8E (iii):** Compatibility with abutting and nearby land uses and protection of the character of the established neighborhoods.

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# APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Applicant's Traffic Study

Appendix D Miami-Dade County Public Schools Analysis

Appendix E Fiscal Impact Analysis

Appendix F Declaration of Restrictions

Appendix G Photos of Application Site

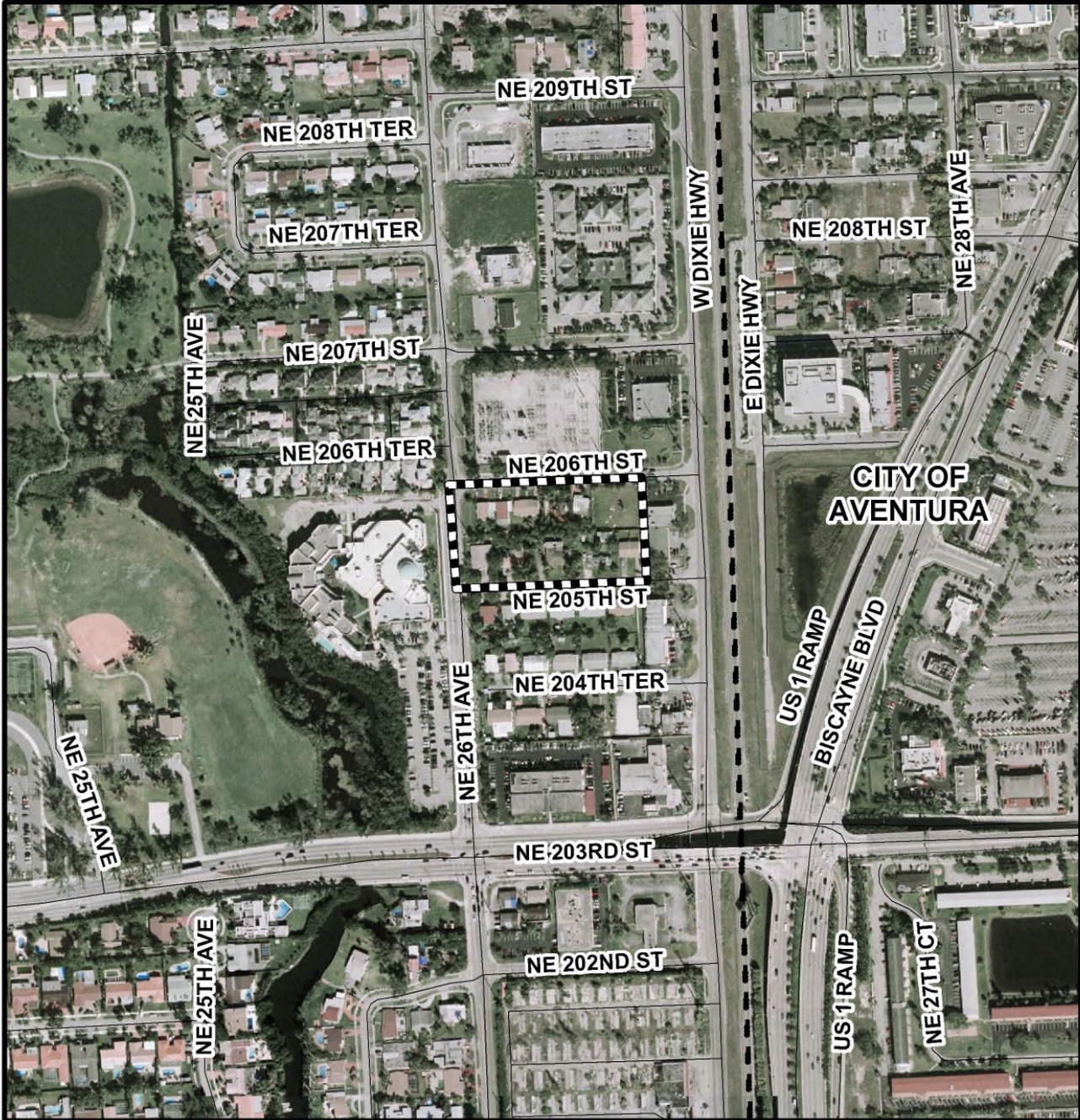
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# APPENDIX A

Map Series

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AERIAL PHOTO: APPLICATION NO. 2



APPLICATION AREA



MUNICIPAL BOUNDARY

2007 AERIAL

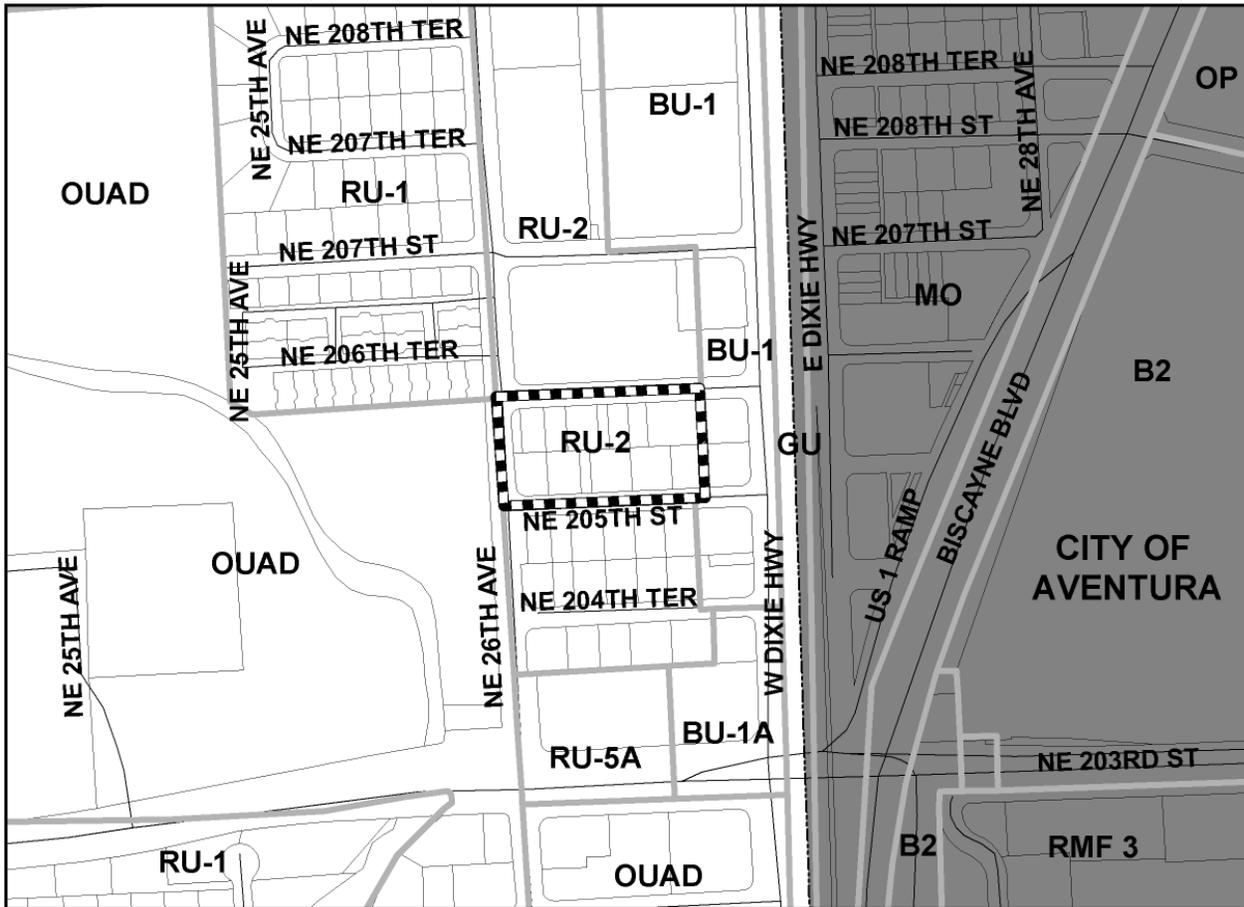
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Miles

SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, NOVEMBER 2007



**APPLICATION NO. 2  
CURRENT ZONING MAP**



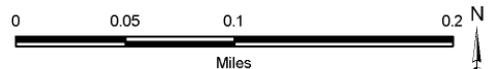
 APPLICATION AREA       CITY OF AVENTURA

**MIAMI-DADE ZONING DISTRICTS**

- GU INTERIM DISTRICT - USES DEPEND ON CHARACTER OF NEIGHBORHOOD, OTHERWISE EU-2 STANDARDS APPLY
- RU-1 SINGLE FAMILY RESIDENCE ON 7,500 SQ. FT. NET LOT
- RU-2 TWO-FAMILY RESIDENTIAL DISTRICT ON 7,500 SQ. FT. NET LOT
- RU-5A SEMI-PROFESSIONAL OFFICE DISTRICT ON 10,000 SQ. FT. NET LOT
- BU-1 NEIGHBORHOOD BUSINESS DISTRICT
- BU-1A LIMITED BUSINESS DISTRICT
- OUAD OJUS URBAN AREA DISTRICT

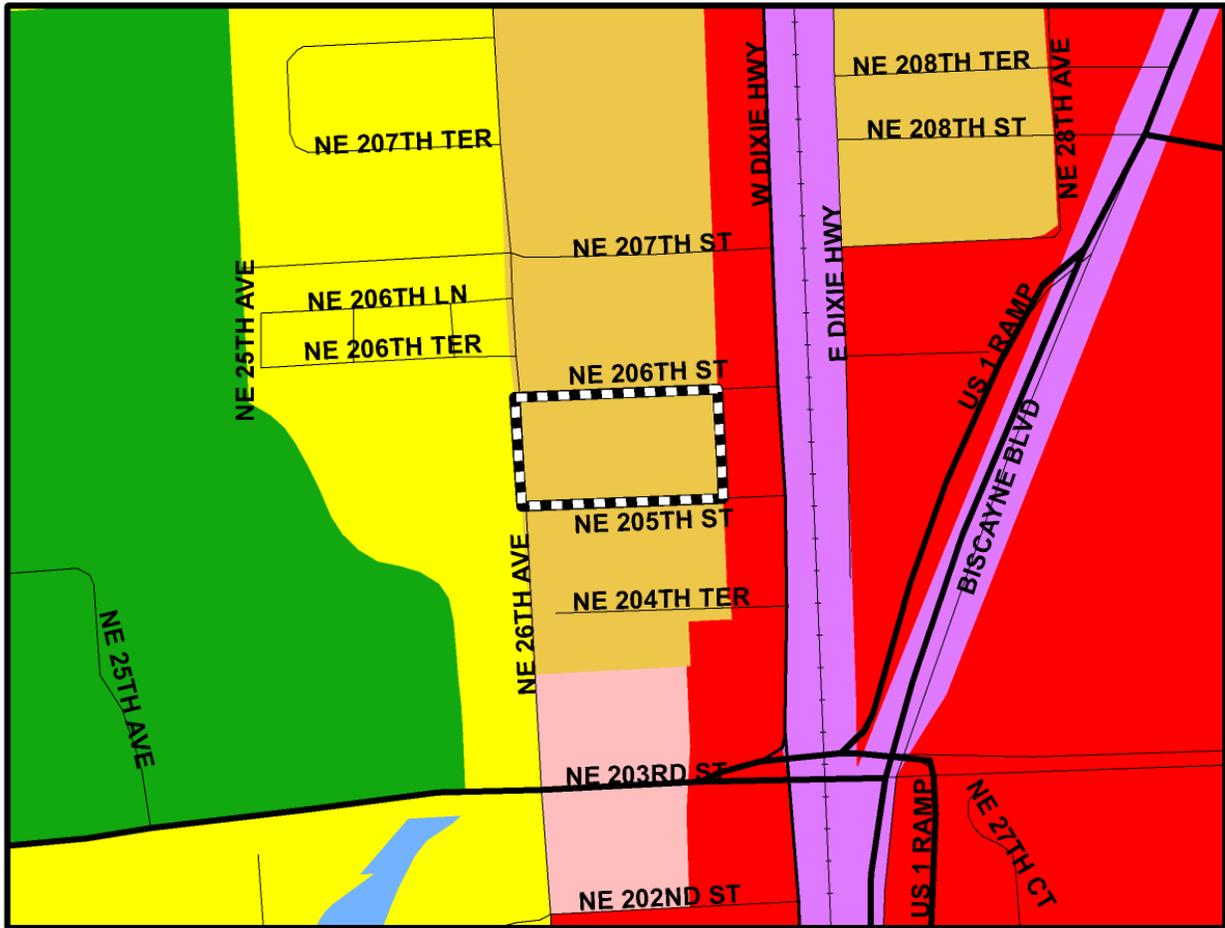
**AVENTURA ZONING DISTRICTS**

- RMF 3 MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL
- B2 COMMUNITY BUSINESS DISTRICT
- OP OFFICE PARK DISTRICT
- MO MEDICAL OFFICE DISTRICT



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF  
PLANNING AND ZONING, JANUARY 2008

## APPLICATION NO. 2 CDMP LAND USE PLAN



### LEGEND



APPLICATION AREA

### CDMP LAND USE

#### RESIDENTIAL COMMUNITIES



LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC



LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6 TO 13 DU/AC



BUSINESS AND OFFICE



OFFICE/RESIDENTIAL



PARKS AND RECREATION



WATER



TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)



MAJOR ROADWAYS (3 OR MORE LANES)



MINOR ROADWAYS (2 LANES)



RAILROAD

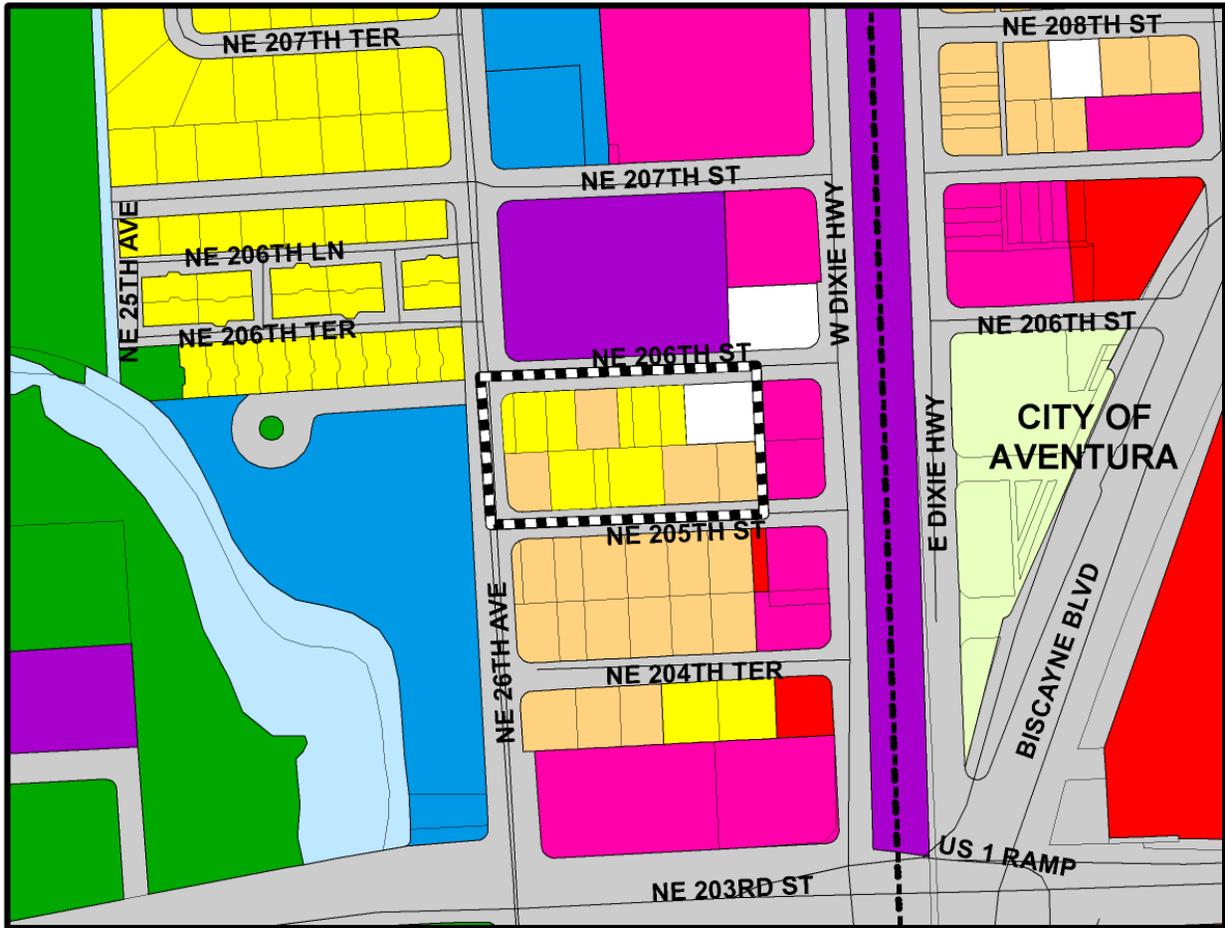
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SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JANUARY 2008



## APPLICATION NO. 2 EXISTING LAND USE



### LEGEND



APPLICATION AREA



MUNICIPAL BOUNDARY

### EXISTING LAND USE



SINGLE-FAMILY



TWO-FAMILY (DUPLEXES)



COMMERCIAL, SHOPPING CENTERS, STADIUMS



OFFICE



INSTITUTIONAL



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



STREETS, EXPRESSWAY R/W



PARKS, PRESERVES, CONSERVATION AREAS,  
AND RECREATIONAL FACILITIES



VACANT - UNPROTECTED



INLAND WATERS

0 0.025 0.05 0.1



Miles

SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF  
PLANNING AND ZONING, JANUARY 2008



# **APPENDIX B**

Amendment Application

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**APPLICATION FOR A SMALL-SCALE AMENDMENT TO  
THE LAND USE PLAN MAP OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

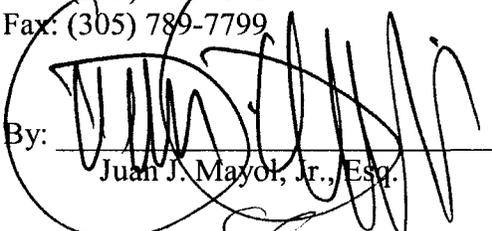
2007 OCT 24 P 2: 25

Aventura Commons II, LLC  
10850 NW 21 Street  
Suite 230  
Doral, Florida 33172

PLANNING & ZONING  
METROPOLITAN PLANNING SEC1

2. APPLICANT'S REPRESENTATIVE

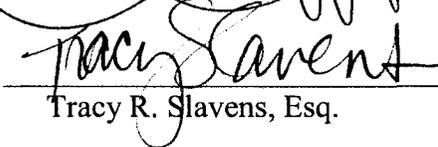
Juan J. Mayol, Jr., Esq.  
Tracy R. Slavens, Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
Tel: (305) 374-8500  
Fax: (305) 789-7799

By: 

Juan J. Mayol, Jr., Esq.

10-22-07

Date

By: 

Tracy R. Slavens, Esq.

10-22-07

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Land Use Plan map (Item A.1(d) in the fee schedule) is requested. Aventura Commons II, LLC (the "Applicant") is requesting a change in the property's designation from "Low-Medium Density Residential" to "Office/Residential." In addition, the Applicant requests expedited processing and review of the application as a "small-scale" amendment, as defined in Section 163.3187(1)(c)(1), Florida Statutes.

B. Description of Subject Area.

The subject property consists of approximately ±2.98 gross acres (±2.23 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated

Miami-Dade County, Florida. Of the total acreage, the Applicant owns  $\pm 0.955$  acre. The balance of the land in the application, or  $\pm 1.275$  acres, is owned by others, as reflected in the attached disclosure of interest form. The property, located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

C. Acreage.

Subject application area:  $\pm 2.98$  acres (gross)  
 $\pm 2.23$  acres (net)

Acreage owned by applicants:  $\pm 0.955$  acre (gross)

D. Requested Changes.

1. It is requested that the Property be re-designated on the Land Use Plan map from "Low-Medium Density Residential" to "Office/Residential."
2. It is also requested that the application be processed as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation of the Property from "Low-Medium Density Residential" to "Office/Residential." The Property is located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway. The Property consists of approximately  $\pm 2.98$  gross acres. The Applicant intends to develop the Property with offices and other uses that would be complementary to and an appropriate transition from both the nearby Florida Power & Light Co. utility station, located on the north side of NE 206 Street, and West Dixie Highway, a section line road. In this area, the West Dixie Highway commercial corridor is designated "Business and Office" on the Land Use Plan Map. The Property is currently developed with older single- and multi-family residential structures.

Because of its proximity to the utility station and the West Dixie Highway commercial corridor, the Property is ideally suited for an office development. The "Office/Residential" land use category allows professional and clerical offices, business uses ancillary to the on-site uses, hotels, motels, and residential uses. The range of intensities within the permitted uses vary from small-scale professional offices to large-scale office parks. The nearby school use to the north and the "Business and Office" designation to the east combined with the utility station use demonstrate that the development of office uses on the Property would be wholly compatible with uses in the area.

The character of this neighborhood is changing rapidly and there is a need for office uses to support the unprecedented growth that is occurring in northeastern Miami-Dade County. The

Property is located within the Urban Infill Area (the UIA). The UIA was established in Miami-Dade County pursuant to Chapter 163 of the Florida Statutes. Section 163.3164(27) defines "urban infill" as the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95 and the City of Islandia. It is one of the core land use policies of the CDMP, Policy LU-1C, that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proposed amendment for this Property is directly in line with this CDMP land use policy.

The Property is also located directly to the east of the Ojus Urban Area District. This urban area district was established following a charrette process in which residents, property and business owners, who represented a cross-section of the community, came together to devise their vision for the growth and development of the area. The charrette lead to the implementation of the Ojus Urban Area District regulations pursuant to Article XXXIII(N) of the Miami-Dade County Code. The goal of the Ojus Urban Area District regulations is, among other objectives, to provide a framework that will facilitate development and investment in private land in this area of northeastern Miami-Dade County. With respect to economic development, the members of the community sought to encourage commercial development within the West Dixie Highway commercial corridor and attract businesses that would provide accessible jobs to both residents and commuters. The Property, if designated "Office/Residential," would complement the charrette and serve as an appropriate step to take in making this community's vision for growth and future development a welcome reality.

There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The UIA objectives, the implementation of the Ojus Urban Area District regulations, and recent zoning approvals on properties in the surrounding area have helped to promote the redevelopment of property along the West Dixie Highway commercial corridor from a run-down underdeveloped residential area to a modern mixed-use community. By amending the Land Use Plan map to "Office/Residential," the County will further promote urban infill and redevelopment along underutilized West Dixie Highway commercial corridor. This request is far more compatible and will serve to protect the residents of the area from the impacts that would result from the overly intense commercial uses of the adjacent "Business and Office" land use designation. The close proximity of the Property to residential uses will allow the proposed "Office/Residential" uses to serve the needs of the residents in the area and buffer residents the adjacent "Business and Office" uses. This may reduce traffic as well as bring jobs and services to the local community.

Approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

OBJECTIVE LU-1: The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

POLICY LU-1S: The CDMP shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies, and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agricultural and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.

POLICY LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.

POLICY LU-8B: Distribution of neighborhood or community serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic, and physical considerations.

POLICY LU-8E: Applications requesting amendments to the CDMP Land Use Plan Map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Element, other timely issues, and in particular the extent to which the proposal, if approved would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS Standards;

- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods;
- iv) Enhance or degrade environmental or historical resources, feature or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

POLICY LU-9I: Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

OBJECTIVE LU-10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

POLICY LU-10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

OBJECTIVE LU-11: Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

OBJECTIVE LU-12: Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

POLICY LU-12D: The County shall consider developing strategies that promote infill development in specific areas.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information may be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Description - Exhibit "A"  
Disclosure of Interest Form - Exhibit "B"  
Location Map for Application - Exhibit "C"  
Aerial Photograph – Exhibit "D"

## **EXHIBIT "A"**

### Legal description of the subject property:

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41, Block 1 of NAPOLEON PARK, according to the Plat thereof, as recorded in Plat Book 24, at Page 16, of the Public Records of Miami-Dade County, Florida.

### Includes Folio Nos.:

30-1234-015-0092  
30-1234-015-0095  
30-1234-015-0099  
30-1234-015-0100  
30-1234-015-0094  
30-1234-015-0093  
30-1234-015-0060  
30-1234-015-0070  
30-1234-015-0080  
30-1234-015-0090  
30-1234-015-0081  
30-1234-015-0082  
30-1234-015-0091  
30-1234-015-0096

## EXHIBIT "C"

### LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

#### APPLICANT/REPRESENTATIVE

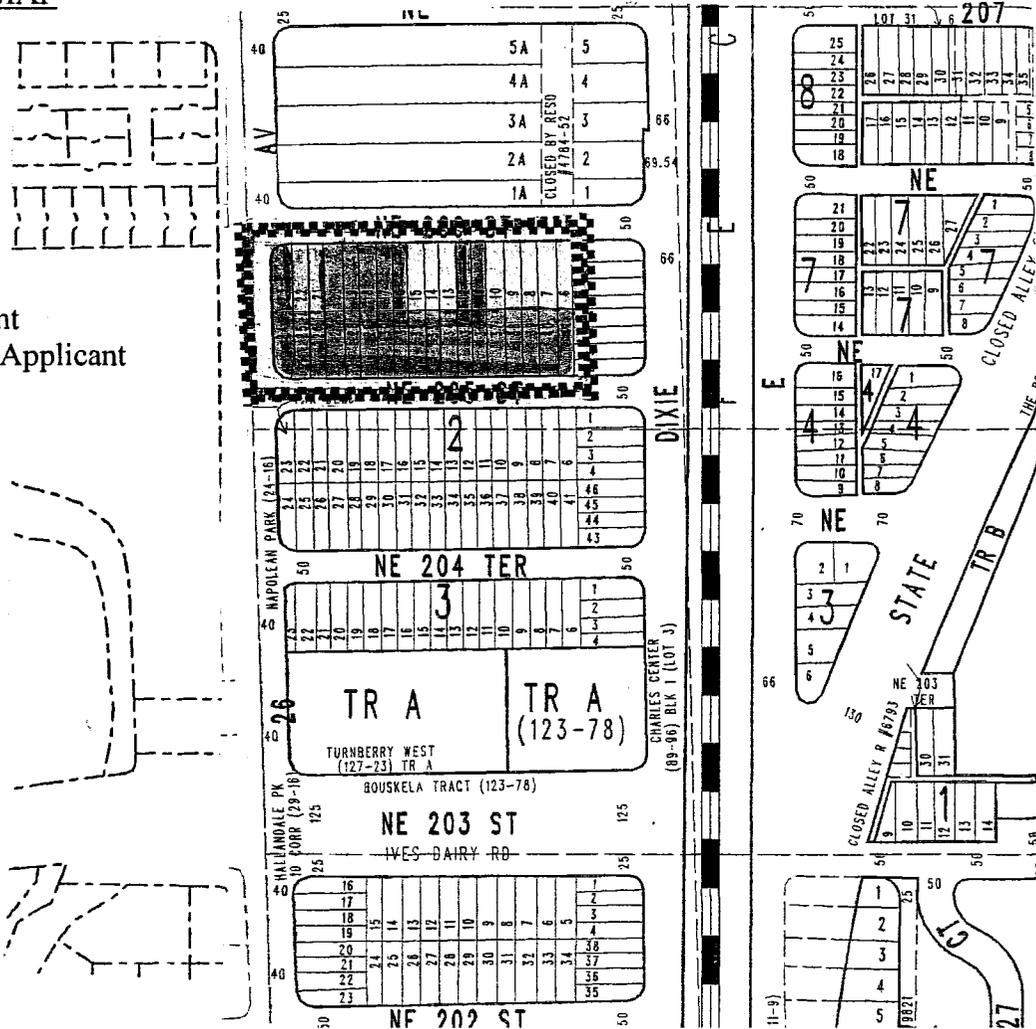
Aventura Commons II, LLC / Juan J. Mayol, Jr., Esq.

#### DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately ±2.98 gross acres (±2.23 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicant owns ±0.955 acres. The balance of the land in the application, or ±1.275 acres, is owned by others. The property, located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

#### LOCATION MAP

- Owned by Applicant
- Under Contract by Applicant
- Owned by Others



# **APPENDIX C**

Applicant's Traffic Study

(A Traffic Study is not required for small-scale applications)

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# APPENDIX D

Miami-Dade County Public Schools Analysis

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# Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools  
Rudolph F. Crew, Ed.D.

PLANNING AND ZONING  
METROPOLITAN PLANNING SECT  
January 30, 2008

RECEIVED  
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Miami-Dade County School Board  
Asst. Director Planning  
Augustin J. Barrera, Chair  
Rocio Tabares Hantman, Vice Chair  
Renier Diaz de la Portilla  
Evelyn Langlieb Greer  
Robert "Tee" Holloway  
Dr. Martin Karp  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

Mr. Subrata Basu, AIA, AICP, Interim Director  
Miami-Dade County Department of Planning and Zoning  
111 NW 1 Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**Re: Land Use Amendments - October 2007 Cycle - Applications No. 1-4**

Dear Mr. Basu:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced applications. Please note that land use amendments 1 and 2 will not generate additional student impact to the District; and the schools impacted by land use amendments 3 and 4 do not meet the review threshold. As such, no dialogue between the applicant and the School District is required.

Although existing requirements are not triggered, the application may be subject to school concurrency requirements, as mandated by 2005 Growth Management Legislation. Pursuant to Sections 163.3177 and 1013.33 of the Florida Statutes, all new residential applications will be tested for school concurrency at Final Subdivision, Site Plan (or functional equivalent), effective at the time school concurrency is fully implemented.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.  
Director II

IMR:ir  
L 368

Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne

Facilities Planning  
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132  
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

## SCHOOL IMPACT REVIEW ANALYSIS

January 29, 2008

**APPLICATION:** No. 2, Aventura Commons, II, LLC

**REQUEST:** Change Land Use from Low-Medium Density Residential (6-13 DU/Ac) to Office/Residential (Small Scale Amendment)

**ACRES:** ± 2.98 Gross acres

**LOCATION:** An area between NE 205 and NE 206 Streets on the east side of NE 26 Avenue

**MSA/  
MULTIPLIER:** 2.1 / .67 SF Attached and .18 Multifamily

<b>NUMBER OF UNITS:</b>		<b>Proposed Land Use</b>	<b>Existing Land Use</b>
	46 additional units	28 Multifamily	74 SF Attached

<b>ESTIMATED STUDENT POPULATION:</b>			
	0	13	25
<b>ELEMENTARY:</b>	0		
<b>MIDDLE:</b>	0		
<b>SENIOR HIGH:</b>	0		

### SCHOOLS SERVING AREA OF APPLICATION:

**ELEMENTARY:** Virginia A. Boone/Highland Oaks Elementary – 20500 NE 24 Ave.

**MIDDLE:** Highland Oaks Middle - 2375 NE 203 St.

**SENIOR HIGH:** Dr. Michael M. Krop Senior - 1410 NE 215 St.

All schools are located in Access Center 2

\* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

**The following population and facility capacity data are as reported by Information Technology Services, as of October 2007:**

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE
Virginia A. Boone/Highland Oaks Elementary	915	654	140%	138	<b>116%</b>
	915 *		140%		<b>116%</b>
Highland Oaks Middle	1,451	1,020	142%	238	115%
	1,451 *		142%		115%
Dr. Michael M. Krop Senior	3,766	2,290	164%	214	<b>150%</b>
	3,766 *		421%		<b>150%</b>

\* increased student population as a result of the proposed development.

\*\* Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

**Note:**

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, none of the schools meet the review threshold since there are no additional students generated by the development.

**PLANNED RELIEF SCHOOLS IN THE AREA**

**Projects in Planning, Design or Construction**

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Bay Harbor K-8 Conversion (Highland Oaks Middle School relief) (551 student stations)	Construction	2008 School Opening
State School "D" K-8 Center (VB Highland Oaks, Madie Ives Elementary Schools; and Highland Oaks Middle School relief) (1,642 student stations)	Construction	2008 School Opening
State School "BB-1" K-8 (RB Bay Harbor Elementary / VB Highland Oaks Middle Schools relief) (1,600 student stations)	Construction	2008 School Opening
State School "PP-1" (Highland Oaks, John F. Kennedy and Norland Middle Schools relief) (1,396 student stations)	Construction	2008 School Opening
State School "QQQ1" (Dr. Krop / North Miami Beach Senior High Schools relief) (1,593 student stations)	Construction	2009 School Opening

**Proposed Relief Schools**

**School**

Addition at  
Dr. Michael M. Krop Senior  
(800 student stations)

**Funding Year**

FY 2010-11

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating costs for additional students residing in this development, if approved, would total \$0.

**CAPITAL COSTS:** Based on the State's January 2008 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet review threshold
MIDDLE	Does not meet review threshold
SENIOR HIGH	Does not meet review threshold
<b>Total Potential Capital Cost</b>	<b>\$0</b>

\*Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

# **APPENDIX E**

Fiscal Impact Analysis

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## **Fiscal Impact Analysis**

On October 23, 2001, the Board of County Commissioners adopted Ordinance 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 1 to amend the CDMP from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants; federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates

### **Solid Waste Services**

#### **Concurrency**

Since the Department of Solid Waste Management (DSWM) assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency' – that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds the minimum standard by two (2) years.

#### **Residential Collection and Disposal Service**

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$439 per residential unit. For a residential dumpster, the current fee is \$339. The average residential unit currently generates approximately 3.0 tons of waste annually, which includes garbage, trash, and recycled waste. As reported in March 2007 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2006, the full cost per unit of providing waste Collection Service was \$437 including disposal and other Collections services such as illegal dumping, clean-up, and code enforcement.

#### **Waste Disposal Capacity and Service**

The users pay for the incremental and cumulative cost of providing disposal capacity for DSWM Collections, municipalities, and other haulers. The DSWM charges a disposal tipping fee at a contract rate of \$57.56 per ton to DSWM Collections and to those private haulers and municipalities with long term disposal agreements with the Department. For non-contract haulers, the rate is \$75.89. These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is targeted to ensure capacity in operations.

Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department and the municipal water and sewer departments.

The summaries provided below describe the type and location of Applications 1 through 4, and the anticipated impact and any associated cost of the proposed development on Solid Waste Collection and Disposal services and facilities.

## **Water and Sewer**

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. Assuming Application No. 2 is built at 48,569 square feet of office space (the maximum square footage of non-residential development allowed under the proposed "Office/Residential" CDMP land use category), the fees paid by the developer would be \$6,751 for water impact fee, \$27,199 for sewer impact fee, \$1,300 per unit for connection fee, and \$4,507 for annual operating and maintenance costs. If built at the maximum residential density of 74 multi-family dwelling units per gross acre (the number of dwelling units allowed under the proposed "Office/Residential" CDMP land use category), the fees paid by the developer would be \$20,572 for water impact fee, \$82,880 for sewer impact fee, \$1,300 per unit for connection fee, and \$13,735 for annual operating and maintenance costs based on approved figures through September 30, 2007.

## **Flood Protection**

The Department of Environmental Resource Management (DERM) is restricted to the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible of providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development.

The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same

Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

### **Fire-Rescue**

Awaiting information from Miami-Dade Fire and Rescue.

### **Public Schools**

Application No. 1 will result in no additional students to the Miami-Dade County School System. The average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$0. Based on the State's January 2008 student station cost factors, capital costs for the estimated additional students to be generated by the proposed development are:

<b>School</b>	<b>Number of Additional Students</b>	<b>Capital Costs</b>	<b>Total</b>
Elementary*	None	N/A	N/A
Middle*	None	N/A	N/A
Senior High*	None	N/A	N/A

**Total Potential Capital Cost: N/A**

### **Notes**

--Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold since there are no additional students generated by the development.

--Figures above reflect the impact of the class size amendment.

--Student cost factors is based on information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

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# **APPENDIX F**

## Declaration of Restrictions

(No covenants have been proffered for the subject property as of  
January 28, 2008.)

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# **APPENDIX G**

Photos of Application Site

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Residential duplex on the application site



Duplexes and single-family dwelling units on the application site



NE 205 Street view from NE 26 Avenue



Professional office center along West Dixie Highway commercial corridor