Application No. 4

Commission District 8 Community Council 12

APPLICATION SUMMARY

Applicant/Representative: Alfredo Garcia Menocal/Stanley B. Price,

Esq.

Location: Northeast corner of SW 117 Avenue and SW

95 Street

gross acre (du/ac)

Total Acreage: ± 2.5 Gross Acres (± 2.1 Net Acres)

Current Land Use Plan Map Estate Density: 1-2.5 dwelling units per

Designation:

Requested Land Use Plan Map Office/Residential

Designation:

Amendment Type: Small-Scale

Existing Zoning/Site Condition: AU, existing single family home built in 1966;

unoccupied and in bad condition (needs

renovations)

RECOMMENDATIONS

Staff: **DENY** (February 25, 2008)

Kendall Community Council (CC12): **TO BE DETERMINED** (March 19, 2008)

Planning Advisory Board (PAB) acting

as Local Planning Agency:

TO BE DETERMINED (April 28, 2008)

Board of County Commissioners: **TO BE DETERMINED** (May 29, 2007)

Final Recommendation of PAB acting

as Local Planning Agency:

TO BE DETERMINED

Final Action of Board of County

Commissioners:

TO BE DETERMINED

Staff recommends: **DENIAL** of the proposed small-scale amendment to redesignate the subject property from "Estate Density Residential Communities" (1-2.5 du/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 amendment proposes to redesignate the 2.5 gross acre property at the northeast corner of SW 117 Avenue and SW 95 Street from "Estate Density Residential Communities" (1-2.5 du/gross acre) to "Office/Residential" on the Land Use Plan (LUP) map of the CDMP. The "Office/Residential" designation may allow offices, hotels, motels, institutional uses, limited commercial development, mixed-use development and residential development at a greater density than permitted on adjacent property. However, the applicant has proffered a declaration of restrictions or covenant limiting development on the property to professional offices (excluding medical) not exceeding 2 stories or residential development with 6 dwelling units or 7 units if severable use rights (SUR) are purchased from another property and transferred to this property. The applicant in the covenant is limiting residential development on the site to what is already allowed by the existing land use designation of "Estate Density Residential Communities." The only difference with a redesignation to "Office/Residential" is that office development could occur on the subject property.

The proposed amendment to redesignate the subject property from Estate Density (1-2.5 du/ac) to Office/Residential would not be compatible with the current LUP map designations of the surrounding areas or the existing development pattern. The areas to the north, east and south are designated on the LUP map as "Estate Density Residential Communities." The area to the west is designated as "Low-Medium Density Residential Communities" (6-13 du/gross acre).

The existing development pattern in all directions from the application site is that of a largely residential community. The areas to the north, east and south primarily consists of single-family detached homes largely on one-acre lots in the South Miami Gardens Heights Subdivision and on unsubdivided parcels ranging from 18,000 square feet to 1.25 acres. A few agricultural activities such as nurseries are also located to the east, which are permitted uses since the area is zoned agricultural. Directly south of the site across SW 95 Street is a religious facility (Jehovah's Witnesses Kingdom Hall). Neighborhood or community serving institutional uses such as churches are allowable uses in an area designated as "Estate Density Residential Communities." To the northwest of the application site is the Poinciana at Kendall Subdivision, which contains one and two story detached single-family homes on zero-lot-line properties. The Glen Cove West Subdivision is located to the southwest and detached single-family

homes. Redesignating the subject property to Office/Residential at this time would be premature, incompatible and it would set a precedent in an area along the east side of SW 117 Avenue that is basically residential in character.

2. The applicant has stated in the application that it is consistent with the Guidelines of Urban Form in the CDMP. The applicant is requesting a redesignation from "Estate Density Residential Communities" to "Office/Residential" for a 2.5 acregross acre parcel at the northeast corner of SW 117 Avenue, a section-line road and SW 95 Street, a road that the applicant states is a half section-line road. If it existed, SW 96 Street would be the half-section road in this area. SW 95 Street is a local road that extends slightly more than a mile from the Glen Cove West Subdivision west of SW 117 Avenue to SW 107 Avenue.

The applicant stated that the intersection of a half-section line road with a section-line road is where transitional uses such as commercial, office and multifamily residential uses should occur at these intersections. However, the Guidelines of Urban Form does not provide any guidance for what is appropriate urban development at this type of intersection. The type of intersection where the Guidelines provides for these uses is at the intersection of two section-line roadways.

The guideline that is most appropriate to the applicant's property is Guideline No. 6, which states that transitional areas along section line roads are authorized for higher residential densities and public and semi-public uses. This guideline also states that when these areas are served by adequate mass transit these areas are more suitable for office uses. A branch of Metrobus Route 56 serves SW 117 Avenue with a current peak-hour headway of 60 minutes, which is not adequate to support office development. The 2007 Transit Development Program does show that the peak hour headway will be improved during the next 5 years to 30 minutes. However, a peak-hour headway of 20 minutes or less is needed to encourage a strip of office development.

3. The CDMP in very limited situations does encourage office uses in areas designated as "Residential Communities" without requiring a redesignation to "Office/Residential" (See pages I-35 and I-36 in the Adopted Components of the CDMP). However, these are properties smaller than five acres where office, commercial or industrial development already lawfully exists on the same block face or are properties along a major roadway such as SW 117 Avenue that are one acre or less in size and are not in areas designated as "Estate Density" or front an area with this designation.

The application site does not meet any the above criteria for office development in a residential area. The application site does not have any existing office, commercial or industrial development on the same block. This application site of 2.1 net acres or 2.5 gross acres is in an area designated as "Estate Density"

- Residential Communities" and exceeds the one acre size limit for properties along a major roadway.
- 4. 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 application site is located in Minor Statistical Area (MSA) 5.5, which has a projected depletion year of 2011 for commercial and office land supply.
 - As stated in Reason No.1, there are compatibility problems with the proposed application site.
 - The application would have minimal or no impacts on public facilities services such as potable water, sanitary sewer, parks, fire, roadways, transit and schools based on the data and analysis submitted by various County Departments.
 - The application site has limited impacts to environmental resources and no impacts on any historic resources. The application site is located within the Alexander Orr, Snapper Creek and Southwest average day pumpage wellfield protection area. Section 24-43(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any non-residential land use, which generates, uses, handles, disposes of, discharges or stores hazardous wastes on property located within the average pumpage wellfield protection area of Alexander Orr, Snapper Creek and Southwest wellfield complex. Section 24-43(4) of the Code regulates the disposal of wastewater and stormwater on properties located within this wellfield protection area.
 - The application fully satisfies some of the evaluation factors of Policy LU-8E such as public services and historic resources. The application could address in three years a potential deficiency in land for commercial and office needs. Mitigation will be needed to address environmental concerns. However, the application does not satisfy the key factor of compatibility.

STAFF ANALYSIS

Introduction/Background

. Although the current designation allows up to 2.5 du/ac, the applicant was not able to rezone the property from the current AU to EU-M (Single family Modified Estate Districts – 15,000 square feet) when he applied for rezoning in September 2006. The appeal was also denied.

Application Site

The application site encompasses approximately 2.5 gross acres located at the northeast corner of SW 117 Avenue and SW 95 Street in the Kendall area of the County. The site is currently accessible from SW 95 Street and contains one unoccupied single family home, which is not in good condition. (See Appendix A: Map Series). The nearest recent CDMP plan amendment in the immediate vicinity of the application site is Application No. 7 in the April 2004 Amendment Cycle, which redesignated a parcel on the southwest corner of SW 117 avenue and SW 104 Street from "Low-Medium Density Residential Communities" (6 to 13.5 dwelling units per gross acre) to "Business and Office."

The applicant is requesting a redesignation on the Land Use Plan (LUP) map of a 2.5-acre site from "Estate Density" (1 to 2.5 dwelling units per gross acre or 1-2.5 du/ac) to "Office/Residential" land use category. Under this current designation, the property could potentially be developed with 6 single-family detached dwelling units. Under the proposed designation of "Office/Residential", the site could potentially be developed under three scenarios: one, with 45,738 square feet (sf) of offices and 155 employees; two, 6 du with a projected population of 18 people; and three, 15 du with a projected population of 46 people. Without the proffered covenant, Scenario 3 will be possible because of the provisions in the proposed designation that residential density may be approved up to one density category higher than that allowed in the adjacent residentially designated area on the same side of the abutting principal roadway (i.e., 6 du/ac for the Low-Density designated area south of the application site and along SW 117 Avenue) or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher.

The current zoning of the application site is AU (Agricultural), which allows only one residential home per 5 gross acres. The 2.5-acre parcel contains one single family home because it is a "grandfathered" property under zoning.

Adjacent Land Use and Zoning

The adopted Land Use Plan map of the CDMP shows that the areas surrounding the application site to the east of SW 117 Avenue are designated "Estate Density Residential Communities" and the area to the west is designated "Low-medium".

Residential Communities". The existing development pattern in all directions from the application site is that of a largely residential community. The areas to the north, east and south primarily consists of single-family detached homes largely on one-acre lots in the South Miami Gardens Heights Subdivision and on unsubdivided parcels ranging from 18,000 square feet to 1.25 acres. A few agricultural activities such as nurseries are also located to the east, which are permitted uses since the area is zoned agricultural. Directly south of the site across SW 95 Street is a religious facility (Jehovah's Witnesses Kingdom Hall). Neighborhood or community serving institutional uses such as churches are allowable uses in an area designated as "Estate Density Residential Communities." To the northwest of the application site is the Poinciana at Kendall Subdivision, which contains one and two story detached single-family homes on zero-lot-line properties. Also west and south of the site is the Glen Cove West and Glen Cove subdivisions with estate housing on 9,000 to 15, 000-square foot lots with RU-1 or EU-S zoning (Single-family Suburban Estate dwellings on 25,000 gross square feet lots).

Land Use and Zoning History

An application filed to rezone this property from AU to EU-M (single-family modified estate district allowing a lot size of 15,000 sf) was denied on April 4, 2006 by Community Zoning Appeals Board No. 12 (Resolution No. CZAB 12-10-06). The zoning application would have resulted in four (4) single-family lots built around a cul-du-sac. An appeal filed to overturn the denial was denied on September 14, 2006 by Board of County Commissioners (Resolution No. Z-33-06).. No other zoning history is available for this site.

Declaration of Restrictions

The application is accompanied by a draft Declaration of Restrictions (covenant) in which the applicant is proposing the development and use of the site to be restricted to 2-story or 35-foot high "professional offices (excluding medical offices) with buffers consisting of 5-foot masonry and/or concrete walls or wood fence to protect the abutting residential homes or residentially zoned properties. The applicant is further requesting in the covenant under the residential development option, to be allowed to develop the application site at the maximum density permissible in the Estate Density designation, which will result in a total of six (6) dwelling units or seven (7) units as provided for in Section 33B-45 (development of severable use rights) of the County Code. This code is implemented when development rights from another property are transferred to a particular property.

Supply and Demand

Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the analysis area, Minor Statistical Area (MSA) 5.5, in 2007 was estimated to have a capacity for about 2,936 dwelling units, with about 94 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 346 units per year in the 2007-2010 period to 403 units in the 2020-2025 period. An analysis of the residential capacity by type of dwelling units shows absorption of single-family units occurring in 2007 and for multi-family beyond 2025 (See Table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2015.

The table below addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. This is a small-scale amendment requesting a change from Estate Density to Office/Residential for approximately 2.5 gross acres. With the proffered covenant, there will be no increase in residential demand even under the residential development option as contained in the application. Approval of the proposed amendment with acceptance of the proffered covenant will not increase the number of residential units above what is currently allowed on this parcel. Recognizing that the site currently has one unit, the residential supply will not significantly increase with the approval of this application.

Residential Land Supply/Demand Analysis 2007 to 2025

20	701 10 2020		
ANALYSIS DONE SEPARATELY FOR EACH			
TYPE, I.E. NO SHIFTING OF DEMAND			
BETWEEN SINGLE & MULTI-FAMILY TYPE	5	STRUCTURE TYPE	
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2007	169	2,767	2,936
DEMAND 2007-2010	306	40	346
CAPACITY IN 2010	0	2,642	1,898
DEMAND 2010-2015	311	41	352
CAPACITY IN 2015	0	2,442	138
DEMAND 2015-2020	275	36	311
CAPACITY IN 2020	0	2,262	0
DEMAND 2020-2025	356	47	403
CAPACITY IN 2025	0	2,027	0
DEPLETION YEAR	2007	>2025	2015

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 this application contains 10.0 acres of vacant land zoned or designated for commercial uses in the year 2007. The average annual absorption rate projected for the 2003-2025 period is 3.02 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercial zoned or designated land by 2011. At the same time, its commercial acres per thousand persons ratio is above the County average for both 2015 and 2025 (See Table below).

Projected Absorption of Land for Commercial Uses Indicated Year of Depletion and Related Data Application 4 Analysis Area

Analysis Area	Vacant Commercial Land 2007	Commercial Acres in	Annual Absorption Rate 2003-2025	Projected Year of		nercial Acres and Persons
MSA 5.5	(Acres)	Use 2007	(Acres)	Depletion	2015	2025
Total	10.0	561.1	3.02	2011	6.3	5.7

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, 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)	+8.0 feet
Stormwater Management	Surface water management permit
Drainage Basin	C-100
Federal Flood Zone	X – Outside of the 100-year floodplain,No base elevations
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	YES
Archaeological/Historical Resources	NO

Drainage and Flood Protection:

A retention/detention system adequately designed to contain the run-off generated by a 5-year storm event onsite is required for this application. According to DERM an off-site discharge of stormwater from any proposed development on the subject property shall not be acceptable. A Surface Water Management Permit and any others required by local or state agencies must be obtained prior to any development of the site.

Specimen Trees:

Section 24-49 of the County Code provides for the preservation and protection of tree resources. Since the application contains tree resources, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Wellfield Protection Area:

The application site is located within the average day protection area of the Alexander Orr, Snapper Creek and Southwest Wellfield. Section 24-43(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any non-residential land use, which generates, uses, handles, disposes of, discharges or stores hazardous wastes on property located within the average pumpage wellfield protection area of Alexander Orr, Snapper Creek and Southwest wellfield complex. Section 24-43(4) of the Code regulates the disposal of wastewater and stormwater on properties located within this wellfield protection area.

Water and Sewer

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) 20year 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 this Application is estimated at 5,250 gallons per day (gpd). This represents an increase of 3,150 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 no water deficit after the normal growth of the County is accommodated 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 Facilities

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 Alexander Orr Water Treatment Plant. Based on 12-month data provide by DERM, the water treatment plant currently has a rated treatment capacity of 214.7 mgd and a maximum plant production of 196.2 mgd. As a result, this treatment plant has 18.5 mgd or 8.6% of treatment plant capacity remaining. Additionally, this plant has a 12-month average day demand of 163.7 mgd, which is well within 2 percent of the plant's 203.1 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service is provided to the site by an existing 16-inch water main along SW 117 Avenue that is owned and operated by WASD. The proposed land use, if fully developed, would allow approximately 15 single family detached units with an estimated water demand of 5,250 gallons per day (gpd). This water demand is approximately 3,150 gpd above what could currently be built on the site. The Applicant has proffered a covenant for this site that restricts the use to non-medical offices or estate density housing. Development under this restrictive covenant of non-medical offices would yield a water demand of 4,574 gpd with an increase in water demand of 2,474 gpd. The demands of either 5,250 gpd or 4,574 gpd would only minimally decrease the 18.5 mgd

treatment plant capacity; therefore, the treatment plant capacity would continue to meet the LOS standard for water treatment plant facilities.

Wastewater Facilities

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 South District Wastewater Treatment Facility, which has a design capacity of 112.5 mgd and an 12-month average flow (ending November 2007) of 96.08 mgd or 85.7% of the plant's design capacity.

Based upon the residential development scenario of 15 single family dwelling units, it is estimated that this site will generate sewage flows of 5,250 gpd. Based on the scenario of non-medical office development as per the proffered covenant, a flow of 4,574 gpd is estimated. Neither of these estimated flows will have 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 located 125 feet west of the site along SW 117 Avenue. Data provided by DERM indicates two pump stations, numbers 30-0525, 30-0536 and 30-0559, 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 serving this site is the Sunset Kendall Trash and Recycling Center located at 8000 SW 20 107 Street, which is approximately two miles southeast of the subject property. Under the DSWM's current policy, County collection operations,

only residential customers paying the annual waste collection fee and/or the Trash and Recycling Center fee 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) 2, which has a surplus capacity of 651 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 15 single family residential dwelling units for a potential residential population of 46 persons, thus requiring an estimated total of 0.13 acres of park land [(2.75/1000)=0.00275 * number of projected population increase]. PBD 2 surplus capacity is sufficient to meet the estimated 0.13 acres of park land necessary to meet the adopted recreation open space LOS standard for the application site.

As noted in the table below, there are 19 neighborhood parks, 14 community parks, three (3) single purpose parks and four (4) mini parks within a two-mile radius of this application site. At least, ten of these parks namely: Kendale Soccer, Winston Linear, Kendall Indian Hammock and Snapper Creek parks to the north; Kendall park to the east; Devon Aire, Arvida, Rock Ridge and Sabal Chase parks to the south; and Calusa Club Estates park to the west are County local parks within a two-mile radius of the application.

COUNTY LOCAL PARKS WITHIN A 3.5 MILE RADIUS OF APPLICATION #4

PARK NAME	CLASS	Acres
Arvida Park	NEIGHBORHOOD PARK	8.0
Bent Tree Park	NEIGHBORHOOD PARK	6.0
Briar Bay Park	NEIGHBORHOOD PARK	5.0
Calusa Club Estates Park	NEIGHBORHOOD PARK	7.0
Cherry Grove Park	NEIGHBORHOOD PARK	2.0
Continental Park	COMMUNITY PARK	18.0
Deerwood Bonita Lakes Park	COMMUNITY PARK	11.0
Devon Aire Park	COMMUNITY PARK	13.0
Hammocks Community Park	COMMUNITY PARK	15.0
Kendale Lakes Park	COMMUNITY PARK	16.0
KENDALE LAKES SP TAX DIST LOT 1	MINI-PARK	0.0
KENDALE LAKES SP TAX DIST LOT 38	MINI-PARK	0.0
KENDALE LAKES SP TAX DIST TRACT A3a	MINI-PARK	0.0
Kendale Park	NEIGHBORHOOD PARK	4.0
Kendall Green Park	NEIGHBORHOOD PARK	27.0
Kendall Indian Hammocks Park	COMMUNITY PARK	117.0
Kendall Soccer Park	SINGLE PURPOSE PARK	42.0

COUNTY LOCAL PARKS WITHIN A 3.5 MILE RADIUS OF APPLICATION #4

PARK NAME	CLASS	Acres
Kendalwood Park	NEIGHBORHOOD PARK	3.0
Kings Meadow Park	NEIGHBORHOOD PARK	6.0
K-Land	COMMUNITY PARK	23.0
McMillan Park	SINGLE PURPOSE PARK	13.0
Miller Drive Park	COMMUNITY PARK	4.0
Millers Pond Park	COMMUNITY PARK	13.0
Richmond Triangle Park	MINI-PARK	1.0
Rock Ridge Park	NEIGHBORHOOD PARK	5.0
Ron Ehmann Park	COMMUNITY PARK	15.0
Royale Green Park	NEIGHBORHOOD PARK	3.0
Sabal Chase Park	NEIGHBORHOOD PARK	12.0
Sgt. Joseph Delancy Park	COMMUNITY PARK	11.0
Snapper Creek Park	NEIGHBORHOOD PARK	6.0
Sugarwood Park	NEIGHBORHOOD PARK	8.0
Sunset Park	NEIGHBORHOOD PARK	3.0
Three Lakes Park	SINGLE PURPOSE PARK	15.0
Tropical Estates Park	COMMUNITY PARK	9.0
Walter A.White Park	NEIGHBORHOOD PARK	2.0
Water Oaks Park	NEIGHBORHOOD PARK	5.0
West Kendale Lakes Park	NEIGHBORHOOD PARK	5.0
WESTWIND LAKES SP TX DIST TR FP2	NEIGHBORHOOD PARK	3.0
Westwood Park	COMMUNITY PARK	6.0
Wild Lime Park	COMMUNITY PARK	12.0
		474.0

Source: Miami Dade Parks and Recreation Department, 2007

Fire and Rescue Service

Miami-Dade Fire Rescue Station 9, located at 7777 SW 117 Avenue, currently serves the subject property. The station is equipped with an Advanced Life Support (ALS) Engine and Rescue unit, and is staffed with seven firefighters/paramedics day around the clock everyday. 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 34 seconds for life threatening emergencies and 4 minutes and 48 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 1.68 annual alarms, while potential development under the requested CDMP designation is anticipated to generate 10.06 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.

	2007 I	Enrollment*		% FISH	Utilization
School	Current	With Application	FISH Capacity**	Current	With Application
William Lehman Elementary	728	730	935	78	78
Arvida Middle	1,364	1,365	1,118	114	114
Miami Killian Senior High	3,410	3,411	3,097	102	102

Source: Miami-Dade County Public Schools, July, 2007

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.

This application, if approved, will neither increase nor decrease the potential student population of the schools serving the application site. No additional students from the site will attend the William Lehman Elementary, Arvida Middle and Miami Killian Senior High schools.

One (1) additional relief school – State School YYY1 Senior High School (Miami Killian and Miami Palmetto Senior High School Relief) has been planned, and under design for

^{*} Enrollment as of: October 15, 2007

^{**} FISH Capacity includes the total of permanent student stations and portable student stations

the application area. This relief school is projected to be occupied in 2009 as currently proposed in the 5-Year Capital Plan for this application site.

Roadways

Existing Conditions

Primary access to the subject application site is from SW 117 Avenue, a four-lane divided section line roadway, which provides connections to SW 88 Street/Kendall Drive (SR 94) and SW 104 Street.

SW 117 Avenue, between SW 88 and SW 104 Streets and from SW 104 to SW 136 Streets, is operating at the CDMP-adopted Level of Service (LOS) D standard applicable to these roadway segments; SW 88 Street, between SW 107 Avenue and the Homestead Extension of the Florida Turnpike (HEFT) and from the HEFT to SW 127 Avenue, is also operating at LOS D, above the CDMP-adopted LOS E+20% standard applicable to these roadway segments; and SW 104 Street, between SW 107 and SW 117 Avenues and from SW 117 to SW 127 Avenues, is operating at LOS D and E+14%, respectively, above the CDMP-adopted LOS E+20% standard applicable to these roadway segments.

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

Table 1, 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 CDMP land use designation (Office/Residential), and compares them to the number of trips that would be generated by the potential development that could occur under the current CDMP land use designation (Estate Density Residential).

Three development scenarios under the requested land use designation were analyzed for traffic impact, including one scenario based on the proffered declarations of restrictions. Scenario 1 considers the application site developed with 9 single family detached dwelling units, Scenario 2 considers the application site developed with 45,738 sq. ft. of office use, and Scenario 3 considers the application site developed with 15 single family detached dwelling units. Scenario 1 shows the subject site developed with residential use as restricted by the proffered declaration of restrictions. This scenario would generate the same number of PM peak hour trips (9 trips) as the current CDMP land use designation; Scenario 2 shows that if the site were developed with office use, it would generate approximately 59 more PM peak hour trips than the current CDMP designation; and Scenario 3 shows that if the site were developed with residential use at the maximum density allowed under the requested designation, it would generate approximately 10 more PM peak hour trips than the current CDMP designation. See Table 1 below.

Table 1 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 Designation
4	Estate Density Residential	Office/Residential	
(Scenario 1)	(1 to 2.5 DUs/Acre)	6 Single Family detached Units *	
	6 Single Family detached Units	_	
	_	9	
	9		+0
4	Estate Density Residential	Office/Residential	
(Scenario 2)	(1 to 2.5 DUs/Acre)	45,738 sq. ft. Office	
	6 Single Family Attached Units		
	9	68	+59
4	Estate Density Residential	Office/Residential	
(Scenario 3)	(1 to 2.5 DUs/Acre)	15 Single Family detached Units	
,	6 Single Family Attached Units		
		19	
	9		+10

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

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 SW 88 Street, between SW 107 Avenue and the HEFT and from LOS D to LOS E; and SW 104 Street, between SW 107 and SW 117 Avenues and from SW 117 to SW 127 Avenues from LOS D and E+14% to LOS E and E+17%, respectively, but still above the adopted LOS (E+20%) standard applicable to these roadway segments. No changes to the LOS of SW 117 Avenue between SW 88 and SW 104 Streets and from SW 104 to SW 136 Streets are projected. The County's 2008 Transportation Improvement Program (TIP) for fiscal years 2007-2012 does not list any roadway capacity improvements for these roadways.

Table 2, the Traffic Impact Analysis on Roadways Serving the Amendment Site, below, summarizes in tabular form the traffic concurrency analysis. The roadways serving the application site will continue to operate within the adopted LOS standards with and without the impacts of this application.

^{*} Residential development under the requested land use designation limited by proffered declarations of restrictions

Table No. 2 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. ¹	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.
Scena	rio 1 ²											
62	SW 88 St. (Kendall Dr.)	SW 127 Ave. to HEFT	8 DV	E+20%	7272	5442	D	857	E+4%	1	6300	E+4% (06)
592	SW 88 St. (Kendall Dr.)	SW 107 Ave. to HEFT	6 DV	E+20%	5904	4200	D	291	D	2	4493	D (06)
9716	SW 104 Street	SW 107 Ave. to SW 117 Ave.	6 DV	E+20%	6312	4469	D	216	Ε	1	4686	E (07)
9718	SW 104 Street	SW 117 Ave. to SW 127 Ave.	6 DV	E+20%	5376	5093	E+14%	147	E+17%	1	5241	E+17% (07)
9748	SW 117 Ave	SW 88 St. to SW 104 St.	4 DV	D	3870	2773	D	128	D	5	2906	D (07)
9750	SW 117 Ave	SW 104 St. to SW 136 St.	4 DV	D	4040	3542	D	171	D	2	3715	D (07)
Scenari	o 2^3											
62	SW 88 St. (Kendall Dr.)	SW 127 Ave. to HEFT	8 DV	E+20%	7272	5442	D	857	E+4%	7	6306	E+4% (06)
592	SW 88 St. (Kendall Dr.)	SW 107 Ave. to HEFT	6 DV	E+20%	5904	4200	D	291	D	15	4506	D (06)
9716	SW 104 Street	SW 107 Ave. to SW 117 Ave.	6 DV	E+20%	6312	4469	D	216	Е	6	4691	E (07)
9718	SW 104 Street	SW 117 Ave. to SW 127 Ave.	6 DV	E+20%	5376	5093	E+14%	147	E+17%	5	5245	E+17% (07)
9748	SW 117 Ave	SW 88 St. to SW 104 St.	4 DV	D	3870	2773	D	128	D	43	2944	D (07)
9750	SW 117 Ave	SW 104 St. to SW 136 St.	4 DV	D	4040	3542	D	171	D	14	3727	D (07)
Scenari	o 3 ⁴											
62	SW 88 St. (Kendall Dr.)	SW 127 Ave. to HEFT	8 DV	E+20%	7272	5442	D	857	E+4%	2	6301	E+4% (06)
592	SW 88 St. (Kendall Dr.)	SW 107 Ave. to HEFT	6 DV	E+20%	5904	4200	D	291	D	4	4495	D (06)
9716	SW 104 Street	SW 107 Ave. to SW 117 Ave.	6 DV	E+20%	6312	4469	D	216	Е	2	4687	E (07)
9718	SW 104 Street	SW 117 Ave. to SW 127 Ave.	6 DV	E+20%	5376	5093	E+14%	147	E+17%	1	5241	E+17% (07)
9748	SW 117 Ave	SW 88 St. to SW 104 St.	4 DV	D	3870	2773	D	128	D	12	2913	D (07)
9750	SW 117 Ave	SW 104 St. to SW 136 St.	4 DV	D	4040	3542	D	171	D	4	3717	D (07)

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

Notes: ¹County adopted roadway level of service standard applicable to the roadway segment

DV= Divided Roadway

² Scenario 1 assumes Application site developed with 6 single-family detached dwelling units under the current land use designation.

³ Scenario 2 assumes Application site developed with 45,738 square feet of office space under the requested land use designation.

⁴ Scenario 3 assumes Application site developed with 15 single-family detached dwelling units under the requested land use designation.

Transit

Existing Service

A branch of Metrobus Route 56 services the application site. Metrobus Route 56 is operated, west of SW 107 Avenue, as a two-branched route that merges at the intersection of SW 56 Street (Miller Drive) and SW 107 Avenue and continue for the remaining alignment east of SW 107 Avenue. The two branches maintain 60-minute Peak and Off-Peak headways, but after merging at SW 107 Avenue along SW 56 Street give the remaining alignment, east of SW 107 Avenue, a 30-minute headway. The branch of Metrobus Route 56 that serves the application site travels along SW 107 Avenue south to SW 72 Street/Sunset Drive then west along Sunset Drive to SW 117 Avenue and southward past the application site. Table 3, below, summarizes the service information for this branch of the route.

Table 3
Metrobus Route Service

Weller					ao i toato coi vico		
	Headways (in minutes)			es)	Stop	Type of	
Route	Peak	Off-Peak	Sat	Sun	Locations	Service	
56	60	60	N/A	N/A	SW 117 Ave. and SW 95 St.	F/L - Dadeland South	

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

Note: F= Feeder route to Metrorail; L = Local route

Future Service

Miami-Dade Transit's 2007 Five-Year Transit Development Program (TDP) and the People's Transportation Plan (PTP) list the planned improvements to the existing bus route. Table 4, below, shows the service improvements programmed for the existing Metrobus Route 56.

Table 4
Metrobus Routes Service

	Route No. Improvement Description				
	56	Improve peak headway from 30 to 15 minutes (peak headway for each branch will be improved from 60 to 30 minutes)			
56 Introduce weekend service (on both branches)					

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

Application Impacts

An analysis was performed in Traffic Analysis Zone (TAZ) 1173 where Application No. 4 is located. The analysis indicates that the transit impact that will be generated by this application will be minimal and, therefore, can be handled by the existing transit service in the area.

Other Planning Considerations

Appropriate Guidelines of Urban Form should be considered for this site. Below are the applicable guidelines as listed in the CDMP.

Guideline No.1- The section line roads should form the physical boundaries of neighborhoods.

Guideline No. 6- Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

Guideline No. 10- The walling off of neighborhoods from arterial roadways should be avoided by alternatives such as placement of other compatible uses being along the periphery of suburban neighborhoods. These uses include public and semi-public uses, higher density residential building types, and office uses, where any of such uses are otherwise permitted by this category and justified. If lower density residential uses are to be located on an arterial, the building lots should be provided with ample setbacks, side yards and block ends should face the arterial, frontage roads may be utilized, or landscaping should be used in lieu of continuous walls.

Consistency with CDMP Goals, Objectives, Policies and Concepts:

The proposed application will further the following goals, objectives, policies and concepts of the CDMP:

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 proposed application will impede the following goals, objectives policies and concepts of the CDMP.

POLICY LU-4A.

When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

POLICY LU-4C.

Residential 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.

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

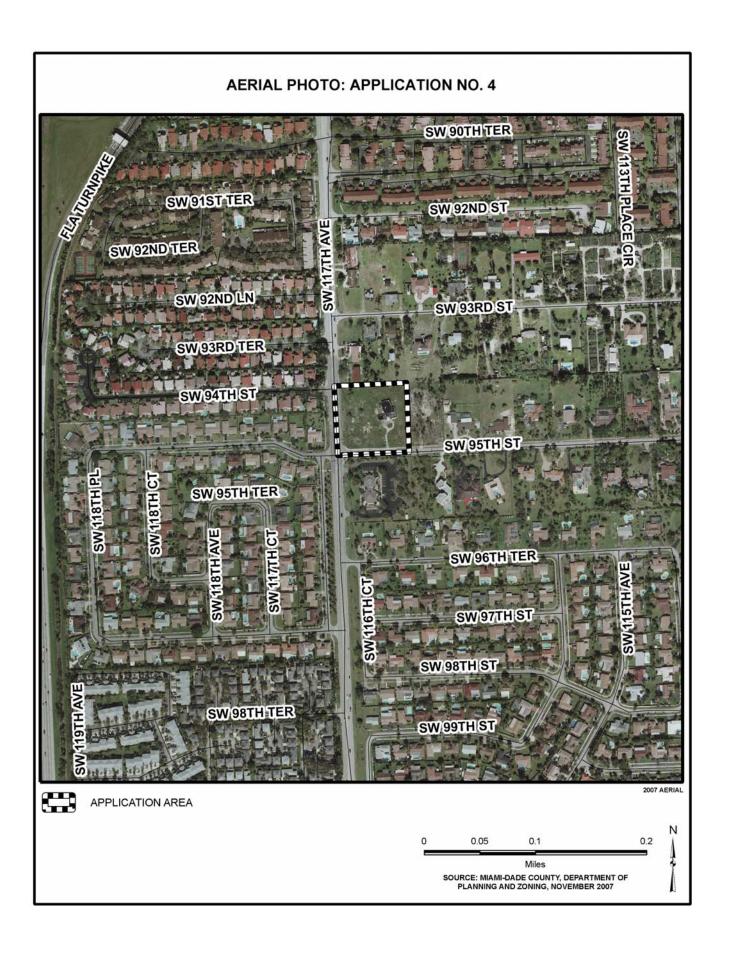
Appendix G Photos of Application Site

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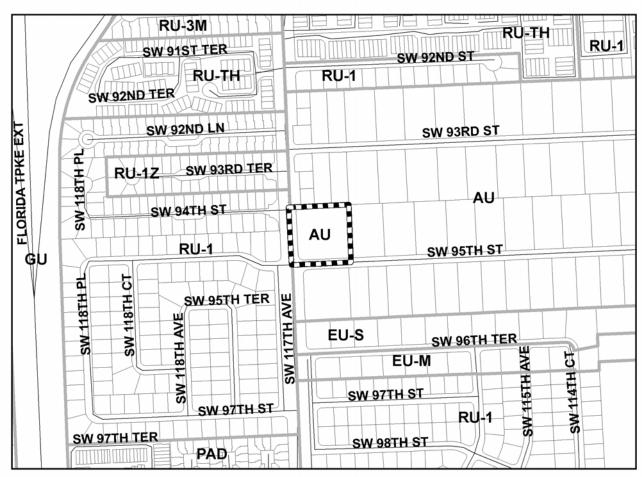
APPENDIX A

Map Series

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APPLICATION AREA

MIAMI-DADE ZONING DISTRICTS

GU INTERIM DISTRICT - USES DEPEND ON CHARACTER OF NEIGHBORHOOD, OTHERWISE EU-2 STANDARDS APPLY

AU AGRICULTURAL DISTRICT - RESIDENTIAL ON 5 ACRE GROSS LOT

EU-S SINGLE-FAMILY SUBURBAN ESTATE DISTRICT ON 25,000 SQ. FT. GROSS LOT

EU-M SINGLE-FAMILY MODIFIED ESTATE DISTRICT ON 15,000 SQ. FT. NET LOT

RU-1 SINGLE-FAMILY RESIDENCE ON 7,500 SQ. FT. NET LOT

RU-1Z SINGLE-FAMILY ZERO LOT LINE DEVELOPMENT RESIDENTIAL DISTRICT ON 4,500 SQ. FT. NET LOT

RU-TH TOWNHOUSE DISTRICT - 8.5 UNITS/ACRE

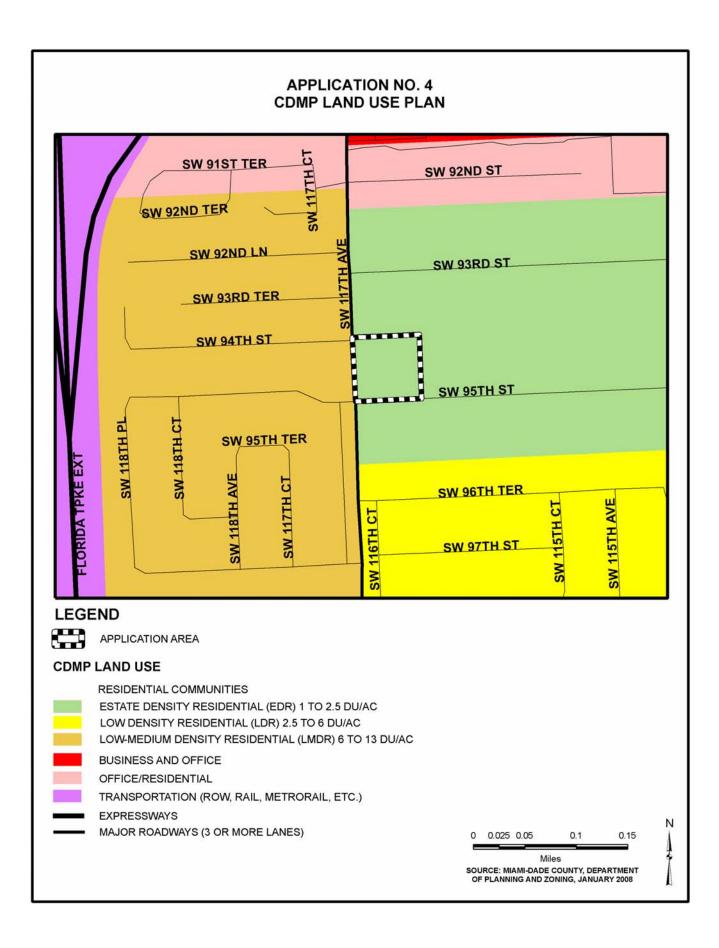
RU-3M MINIMUM APARTMENT HOUSE DISTRICT - 12.9 UNITS/ACRE

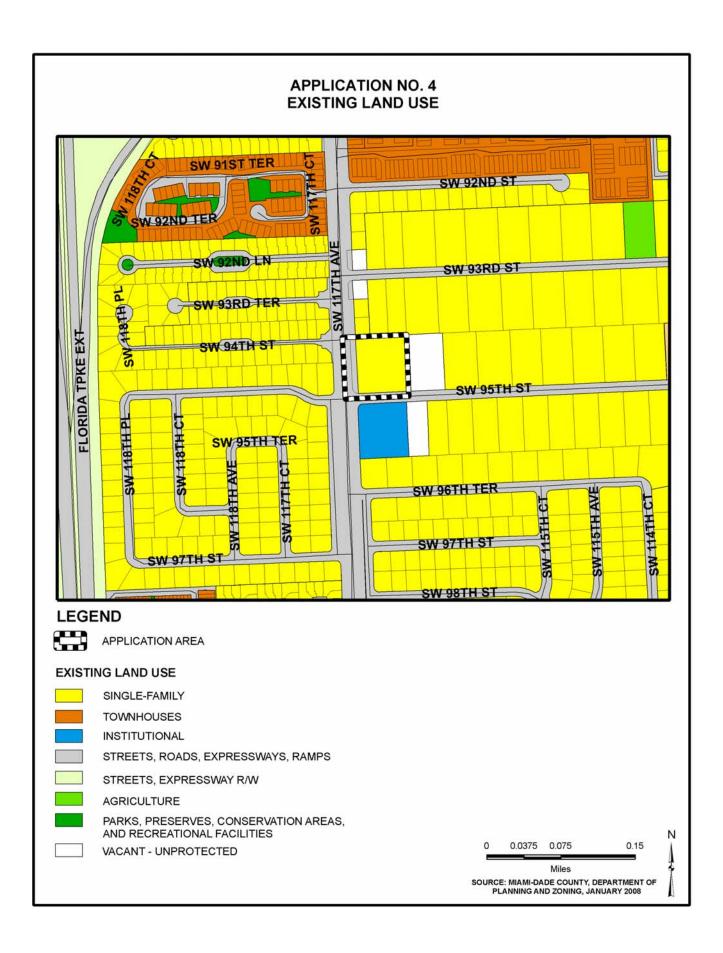
PAD PLANNED AREA DEVELOPMENT DISTRICT - 20 ACRES MINIMUM. MIXED RESIDENTIAL AND CONVENIENCE

RETAIL SERVICES. DENSITY DEPENDS ON MASTER PLAN, NEIGHBORHOOD STUDIES, AND

NEIGHBORHOOD DEVELOPMENT.







APPENDIX B

Amendment Application

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APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

Alfredo Garcia Menocal 730 N.W. 107 Avenue, Suite 115 Miami, Florida 33172-3104

2. APPLICANTS' REPRESENTATIVE

Stanley B. Price, Esquire Bilzin Sumberg Baena Price & Axelrod, LLC 200 South Biscayne Boulevard, Suite 2500 Miami, Florida 33131 Telephone: (305) 374-7580

FAX (305) 351-2250

3. DESCRIPTION OF REQUESTED CHANGE

- A change to the Land Use Element, Land Use Plan map (Item A.1 in the fee A. schedule) is requested.
- Description of the subject property В.

The property comprises 2.5± gross acres located at the northeast corner of SW 117th Avenue and SW 95th Street lying in Section 6, Township 55, Range 40, Miami-Dade County, more particularly described that legal description attached hereto and incorporated herein as Exhibit "A" (hereinafter the "Property").

C. Gross and Net Acreage

Application area:

 $2.5 \pm \text{gross acres}$

Acreage owned by applicant: $2.1 \pm \text{net acres}$

D. Requested Change

- (1) It is requested that the application area be re-designated on the Land Use Plan Map from Estate Density Residential to Office/Residential.
- (2) It is requested that this application be processed as a "Small-Scale" Amendment under the expedited procedures.

4. REASON FOR AMENDMENT

The applicant seeks to change the Property's land use designation from Estate Density Residential to Office / Residential (the "Amendment"). The purpose of the Amendment, as set forth in the attached Declaration of Restrictions, is to permit an opportunity to redevelop the Property with a low-rise professional office building though the zoning review process. Pursuant to Policy LU-8E of the Land Use Element to the Miami-Dade County Comprehensive Development Master Plan (CDMP), applications requesting amendments to the Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would: (i) be compatible with abutting and nearby land uses and protect the character of established neighborhoods; (ii) satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the county; (iii) enhance or impede provision of services at or above adopted LOS standards; and (iv) enhance or degrade environmental or historical resources, features or systems of county significance. Based on the following evidence, we submit that the Amendment is consistency with the Goals, Objectives and Policies of the CDMP and the foregoing evaluation criteria.

To insure compatibility is promoted and maintained among land uses countywide, the CDMP incorporates Guidelines for Urban Form (the "Guidelines"). In pertinent part, the Guidelines promote the following planning concepts:

1. Section line roads should form the physical boundaries of neighborhoods;

2. The walling off of neighborhoods from arterial roadways should be avoided by alternatives such as placement of other compatible uses being along the periphery of suburban neighborhoods. These uses include public and semi-public uses, higher density residential building types, and office uses...; and

3. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

The Property is situated at the northeast corner of a section line road, SW 117th Avenue, and a half section line road, SW 95th Street. The Guidelines encourage the placement of transitional uses, including commercial, office, and multifamily residential uses, on property located at the intersection of a section line and half section line road. Where the abutting arterial road is is serviced by the mass transit system, office uses are preferred.

The Amendment proposes to follow the planning principles set forth in the Guidelines with conditions, which are set forth in the attached Declaration of Restrictions, to insure compatibility with established uses within the subject area. SW 117th Avenue is supported daily with Metrobus services along Route 56 and, as such, is a preferred location for transitional office uses. The Property is also located within close proximity to several transit centers and less than a half mile south of Kendall Drive, one of the largest future rapid transit corridors in Miami-Dade County. Based in part on the availability of these services and the directives contained in the Guidelines, the Applicant has limited the Amendment to include non-medical professional offices as a permissible use of the Property.¹

The Applicant's proposal is compatible with existing development in the surrounding area. To south of the Property, across SW 95th Street, is the Kingdom Hall of Jehovah's Witness, a religious facility situated on a site that is nearly identical to the Property. Both the Property and the Kingdom Hall site share frontage along SW 117th Avenue and both extend nearly the same depth along SW 95th Street. Passage of the Amendment will serve to continue the existing depth of the non-residential ribbon established within the subject area. To the north and east of the Property are single-family homes and vacant land. To insure that the future use of the Property is compatible with these abutting properties, the Applicant has conditioned the Amendment to non-medical professional office uses with building heights not to exceed two (2) stories or thirty-five (35) feet above finished grade. Additionally, the Declaration of Restrictions provides that prior to the issuance of a certificate of occupancy for any professional office building on the Property, a decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines abutting residentially zoned property.

The Amendment is also consistent with development trends within Section 6, Township 55, Range 40. In accordance with the Guidelines, recent development patterns in the subject section have focused on accommodating area services by placing transitional uses at the periphery of the established residential communities, along section lines roads. As an example, in 2004 a professional office center was developed at the southeast corner of SW 107th Avenue, a section line road, and SW 95th Street, the same half section line road were the subject property is located. Several other professional office centers, religious facilities, and neighborhood servicing uses can be found along the periphery of this section. Passage of the Amendment will serve to continue this development trend.

Passage of the Amendment will also satisfy a deficiency in the Plan map to accommodate the county's projected economic growth. The Property is located in the South-Central Planning Tier. According to the county's Projected Absorption of Commercial Land

¹ The applicant does not seek to increase the Property's residential development potential. As set forth in the Declaration of Restrictions, any future residential development of the Property will remain limited to the permitted density levels established in by the Property's existing Estate Density Residential land use category.

study, the South-Central Tier has the lowest volume of commercial land available in the county with a deficiency that ranges between 217.9 to 721.2 acres. Based on current absorption rates, the pool of available commercial land in the subject region (Minor Statistical Area 5.5) will be depleted in four years. Passage of the Amendment will serve to prolong this fast approaching depletion year and provide the region with an opportunity for additional professional office space allowing individuals to live, work, and receive professional services in one area.

Lastly, the Property is located in a heavily urbanized area serviced by existing public utilities and infrastructure. The small-scale development program proposed by the Amendment, coupled with the Declaration of Restrictions, will have a *de minimus* impact on existing services and will not impede the provision of services within the area. Also, the Amendment does not propose the introduction of hazardous uses or materials to the subject area and will not serve to degrade environmental or historical resources.

5. ADDITIONAL MATERIAL SUBMITTED

Exhibit "A" -- Property Legal Description

Exhibit "B" - Location Map

Exhibit "C" - Disclosure of Interest Form

Exhibit "D" - Declaration of Restrictions

Exhibit "E" - Aerial Photograph

6. COMPLETE DISCLOSURE FORMS

Attached as Exhibit "C"

LEGAL DESCRIPTION

The Northwest 1/4, of the Southwest 1/4, of the Southwest 1/4, of the Northwest 1/4, of Section 6. Township 55 South, Range 40 East, LESS the West 35.00' feet thereof, and LESS the South 25.00' feet thereof, and bounded by a 25' foot radius arc concave to the Northeast, said arc being tangent to both of the last described portions being excepted herefrom, as set forth in Right-of-Way Deed to Miami-Dade County, Filed in O.R.Book 14641, Page 1873, as being described as follows:

The area bounded by the East line of the West 35.00' feet, of the N.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the N.W. 1/4, of Section 6, Township 55 South, Range 40 East, Miami-Dade County, Florida and bounded by the North line of the South 25.00' feet, of the N.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the N.W. 1/4, of the S.W. 1/4, of the Northeast, said arc being tangent to both of the last described lines.

Containing: 92,105.2 Square Feet or 2.1 Acres, more or less.

Property Address: 11605 S.W. 95th Street, Miami Florida, 33176.

ſ	EXHIBIT	
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LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

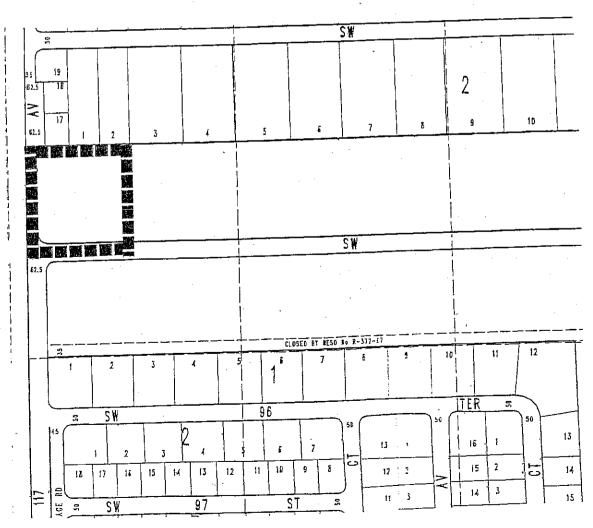
APPLICANT/REPRESENTATIVE

Stanley B. Price, Esquire Bilzin Sumberg Baena Price & Axelrod, LLC 200 South Biscayne Boulevard, Suite 2500 Miami, Florida 33131

DESCRIPTION OF SUBJECT AREA

The Property comprises 2.5± gross acres located at the northeast corner of SW 117th Avenue and SW 95th Street lying in Section 6, Township 55, Range 40, Miami-Dade County, more particularly described that legal description attached hereto and incorporated herein as Exhibit "A".

Folio #30-5006-000-0911



APPENDIX C

Applicant's Traffic Study

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

APPENDIX D

Miami-Dade County Public Schools Analysis



Miami-Dade County Public Schools

giving our students the world

Superintendent of School 408 FEB -4 A 9: 02
Rudolph F. Crew, Ed.D.

METROPOLINAL PLANNING SECT

PECE Marfii pade County School Board
Ajustin J. Barrera, Chair
FEB - 1 2008 Tananes Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer

Asst. Director Plandingbert 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, 11th 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.

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. 4, Alfredo Garcia Menocal

REQUEST: Change Land Use from Estate Density (1-2.5 DU/Ac) to

Office/Residential (Small Scale Amendment)

ACRES: ± 2.5 Gross acres

LOCATION: Northeast corner of SW 117 Avenue and SW 95 Street

MSA/

MULTIPLIER: 5.5 /.44 Single Family Detached

NUMBER OF Proposed Land Use Existing Land Use

UNITS: 9 additional units 15 SF Detached 6 SF Detached

ESTIMATED STUDENT

POPULATION: 4

ELEMENTARY: 2

MIDDLE: 1

SENIOR HIGH: 1

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: William Lehman Elementary – 10990 SW 113 Place

MIDDLE: Arvida Middle – 10900 SW 127 Avenue

SENIOR HIGH: Miami Killian Senior High - 10655 SW 97 Avenue

All schools are located in Regional Center V.

*Based on Census 2000 information provided by 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
Willian H. Lehman Elementary	728	935	78%	0	78%
	730 *		78%		78%
Arvida Middle	1,364	1,118	122%	79	114%
	1,365		122%		114%
Miami Killian Senior	3,410	3,097	110%	238	102%
	3,411 *		110%		102%

^{*}Student population increase as a result of the proposed development

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA Projects in Planning, Design or Construction School State

School
State School YYY1 - Sr. High School
Design

(Miami Killian and Miami Palmetto Sr.

Projected Occupancy Date 2009 School Opening

High School Relief) (1600 student stations)

Proposed Relief Schools School

N/A

Funding year

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 \$26,196.

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

Total Potential Capital Cost

\$0

^{**}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.

^{*}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

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. 4 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 use 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 are considered by the service agencies in developing their cost estimates.

Solid Waste Services

Concurrency

Since the 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 that standard by nearly four (4) 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 incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities are paid for by the users. 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. 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 and wholesale customers of the County's Water and Sewer Department.

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. 4 is developed with 15 multi-family residential units, the developer would pay \$7,298 for water impact fee, \$29,400 for sewer impact fee, \$1,300 for connection fee¹, and \$4,872 for annual operating and maintenance costs based on approved figures through September 30, 2007.

The estimated cost for water and sewer infrastructure in the public right-of-way is \$18,349. This includes a 12-inch water main for the potable water system and an 8-inch force main for the sanitary sewer line.

Flood Protection

The Department of Environmental Resources 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 for 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 based 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

¹ Connection fee is based on a 1" service line and 1" meter. (New \$100 service meter installation fee with approved 2005-2006 budget.)

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 Department.

Public Schools

According to the review report from the Miami-Dade County School Board, dated January 30, 2008, Application No. 4 will not impact the School District.

Mass Transit

A Trip generation analysis was not performed for this application because of its size as a small-scale amendment.

APPENDIX F

Declaration of Restrictions

A draft covenant has been proffered for the subject property with the application as of December 5, 2007.



This instrument prepared by: Stanley B. Price, Esquire Bilzin Sumberg Baena Price & Axelrod LLP 200 South Biscayne Boulevard Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, in October 2007 Owner filed an application (the "Application"), as part of the October 2007 Comprehensive Development Master Plan ("CDMP") amendment cycle, to amend the Property's designation on the future land use plan map of the Miami-Dade County CDMP from Estate Density Residential to Office / Residential, which Application has been designated as "Application ____" for the October 2007 CDMP amendment cycle; and

WHEREAS, in conjunction with the Application, the Owner wishes to voluntarily restrict the uses that are permitted on the Property.

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- 1. <u>Use Restrictions.</u> The Property shall be limited to the following uses.
 - (A) Professional offices, excluding medical offices, with building heights not exceeding two (2) stories or thirty-five (35) feet above finished grade. Prior to the issuance of a certificate of occupancy for any professional office building on the Property, a decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines abutting residentially zoned property.
 - (B) Residential uses not to exceed the maximum development density permitted in the Estate Density land use category and Section 33B-45, Miami-Dade County Code.

- 2. <u>County Inspection</u>. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- 3. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and his heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and his heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- 4. <u>Term.</u> This Declaration 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 this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- Modification, Amendment, Release. This Declaration of Restrictions may be modified, 5. 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 amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. 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 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 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

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execute a written instrument effectuating and acknowledging such modification, amendment or release.

- 6. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- 7. Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- 8. <u>Election of Remedies</u>. 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.
- 9. <u>Presumption of Compliance</u>. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- 10. Covenant Running with the Land. This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, and his heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.
- 11. <u>Severability</u>. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- 12. Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at Owner's cost following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal

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results in the denial of the Application, in its entirety, then this Declaration 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 is null and void and of no further effect.

- 13. Acceptance of Declaration of Restrictive Covenants. Approval of the Application and acceptance of the Declaration of Restrictive Covenants does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part. The term "Owner" shall include the undersigned, his heirs, successors and assigns.
- 14. Owner. The term Owner shall include the Owner, and his heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

Declaration of Restrictions

Signed, witnessed, executed and acknowledg	ged this day of, 200
Witnesses:	By: Alfredo Garcia Menocal
Print Name:	Address:
Print Name:	<u>-</u>
STATE OF FLORIDA) ss: COUNTY OF MIAMI-DADE)	
The foregoing instrument was acknowledged	day of, 20, 20, 20, a before me this day of, 20, 20, a before me this, 20, a before me this, 20, a before me this, a before me this, and a before me this, a before me this
	Notary Public Print Name: My Commission Expires:
Serial No. (None, if blank):	

APPENDIX G

Photos of Application Site



Western View of the Site from SW 117th Avenue



Entrance View of the Site (From SW 95th Street on the South)



Religious Facility South of Property Across SW 95th Street



Residential Neighborhood West of Site Across SW 117th Avenue



Typical Single-Family Home in the Established Neighborhood