

# **Application No. 9**

## **Commission District 10    Community Council 10**

### **APPLICATION SUMMARY**

Applicant/Representative:	Gold River Corp. c/o Oscar V. Rodriguez, President/ Juan Mayol, Jr., Esq. Holland & Knight, LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131
Location:	Northeast corner of West Flagler Street and NW 102 Avenue
Total Acreage:	41.0 Gross Acres, 39.0 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:	Business and Office
Amendment Type:	Standard Land Use Plan Map
Existing Zoning/Site Condition:	GU (Interim District) / Property is currently vacant

### **RECOMMENDATIONS**

Staff:	<b>DENY AND TRANSMIT</b> (August 25, 2008)
Westchester Community Council (CC10):	<b>TO BE DETERMINED</b> (September 23, 2008)
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>TO BE DETERMINED</b> (October 6, 2008)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 6, 2008)
Final Action of Planning Advisory Board acting as Local Planning Agency:	<b>TO BE DETERMINED</b>
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b>

The Staff recommends **DENY AND TRANSMIT** the proposed standard Land Use Plan map amendment to redesignate the subject property from “Low-Medium Density Residential Communities (6 to 13 dwelling units per gross acre)” to “Business and Office” based on the following considerations:

**Principal Reasons for Recommendations:**

1. Policy LU-8E of the Land Use Element of the Comprehensive Development Master Plan (CDMP) requires Applications requesting amendments to the CDMP Land Use Plan (LUP) map to be evaluated according to factors such as, the proposed development'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 would promote transit ridership and pedestrianism.

The proposed amendment will not help to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County. Staff conducted a supply and demand analysis of commercial and residential land in Minor Statistical Areas (MSA) 3.2 and 5.4. Since the subject property is located in MSA 3.2 and borders MSA 5.4, the Study Area consisted of those two MSAs. The analysis revealed that commercially zoned and designated land in those two MSAs will be depleted beyond 2025. The supply of commercial land in MSAs 3.2 and 5.4 is significant (2,532.5 acres in total, with 352.4 acres vacant and 2,180.1 acres in use).

Commercial establishments in the vicinity of the application site include Plaza Del Rey Shopping Center, located adjacent to the subject property, across West Flagler Street, which contains twenty-three (23) small retail, business, medical, and food establishments; the Mall of the America on West Flagler and Palmetto (826); the La Roma Plaza Shopping Center on SW 82 Avenue; the 350,000 sq. ft. Flagler Park Plaza on NW 82 Avenue (*anchor tenants include Publix, Office Depot, Big Lots, Wallgreens, Linens 'n Things, PetSmart and Outback Steakhouse*); Park Hill Plaza Shopping center on NW 93 Avenue, (*anchor tenants include Winn Dixie, Dennis Restaurants, and Wendy's*); West Flagler Plaza Shopping Center on SW 107 Avenue; Miami International Mall on NW 14 Street and NW 107 Avenue (*this mall features department stores, restaurants and about 120 specialty shops*); and Dolphin Mall on NW 114 Avenue and NW 12 Street (*this mall features approximately 209 specialty stores and businesses, and 25 restaurants*).

The supply and demand analysis also revealed that residential land supply in both MSAs will deplete by 2015 with single-family units depleting by 2011 (See Staff Analysis below). The subject property is designated for residential uses and should therefore serve to satisfy the future demand for residentially designated land in MSAs 3.2 and 5.4. It is important to note that the subject property is the former site of the Blue Lakes Mobile Homes Park, which was established in 1957 (See Land Use and Zoning History below). Furthermore, the applicant submitted a Declaration of Restrictions confirming the applicant's voluntary agreement to prohibit residential development of the subject property should this CDMP land use amendment application is ultimately approved. Given the size of the subject property (41 gross acres) and its potential maximum

residential development at 13 dwelling units per gross acre, approximately 533 residential units would be lost if the proposed amendment were approved.

2. Staff also analyzed future roadway conditions in the vicinity of the application site. The area analyzed is bounded by the Dolphin Expressway (SR 836) to the north, the Palmetto Expressway (SR 826) to east, Tamiami Trail/SW 8 Street (SR 90) to the south, and the HEFT (SR 821) to the west. Future traffic conditions were evaluated to determine the adequacy of the roadway network to meet the demand of the proposed development and the adopted Level of Service (LOS) standards through the year 2015. The future traffic condition analysis indicates that in the year 2015, the following roadway segments in the vicinity of the Application site are projected to operate below their adopted LOS standards, with and without the Application's impacts: the HEFT, NW 107 Avenue, NW 97 Avenue, NW 87 Avenue, the Palmetto Expressway (SR 826), the Dolphin Expressway (SR 836), West Flagler Street, Fontainebleau Boulevard, Park Boulevard, and NW 12 Street (See "Roadways" analysis section below). The magnitude of the proposed commercial development would exacerbate traffic conditions that are projected to fail their adopted LOS at 2015.
3. Policy LU-1G of the Land Use Element of the CDMP states that commercial developments shall preferable be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as *isolated spots*. The application site is located midway two major roadway intersections, between the intersection of NW 97 Avenue and West Flagler Street and the intersection of NW 107 Avenue and West Flagler Street. The proposed development would place a commercial spot in an area that, according to CDMP Guidelines For Urban Form (see below), is most suitable for residential, public, or semi-public uses, as it is currently designated.
4. The requested land use designation does not support the general pattern of development for non-residential uses required by the Guidelines for Urban Form in the CDMP. Guideline No. 4 indicates non-residential components of a neighborhood shall be located within activity nodes, which in turn are located at the intersections of Section line roads. Furthermore, this Guideline indicates that commercial uses, when warranted, could be located within these activity nodes. The typical distance between these activity nodes is one mile. Since the subject property is located mid-way between the two nearest activity nodes, the requested "Business and Office" land use designation is not appropriate for the subject property given the location of the application site in relation to activity nodes.

Guidelines for Urban Form No. 6 authorize areas fronting along section line roads between transition areas for higher residential densities, public and semi-public uses including day care and congregate living uses. The application site directly fronts a Section line road (West Flagler Street) and is flanked by the Ruben Dario Park immediately to its east and the Our Lady of the Divine Providence Church adjacent to its west; two blocks further west of the application site is the 15-acre Women's Park and History Gallery. The subject property is therefore best suited for residential, public, or semi-public uses.

5. The application site does not impact any historical, archaeological, or environmental resources. However, an inspection performed by DERM staff on June 24, 2008 revealed several specimen-sized trees (trunk diameter 18 inches or greater) on the application site. Section 24-49 of the Miami-Dade County Code (Code) provides for the

preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees. The inspection also indicated that the application site contains prohibited trees as defined in Section 24-49.9 of the Code. These trees are exempted from permitting and must be removed from the application site prior to development.

6. The proposed commercial development is not compatible with adjacent residential developments to the northeast (East Wind Village Condominium) and northwest (Indian Summer Village and Park Lake Village Condominiums). A mixed-use project with residential development on the rear portion of the site and commercial fronting on West Flagler Street would be more compatible with the neighboring properties and a more appropriate amount of commercial development.

# STAFF ANALYSIS

## Application Site

The application site is located inside the 2015 Urban Development Boundary (UDB) and within the Urban Infill Area (UIA), at the northeast corner of West Flagler Street and NW 102 Avenue, in the Richardson-Kellett Land Company Subdivision. In addition, the southwest corner of the application site borders the City of Sweetwater. The subject property consists of a 41.0 gross acre lot (39.0 net) fronting West Flagler Street, which is designated a Major Roadway (3 or more lanes) on the Adopted 2015 Land Use Plan (LUP) map and is also a Section line road.

The application site is currently designated “Low-Medium Density Residential Communities” on the LUP map, which allows a residential density of 6 to 13 dwelling units (DU) per gross acre. Current zoning and development patterns within and surrounding the application site are depicted on the existing land use and zoning maps included at the end of this report (See Appendix A: Map Series). The Aerial Photo shows the subject property is comprised of one parcel that is currently vacant, and is improved with a 2.75-acre lake (See also Resolution No. 590, 1957). In addition, the Zoning Map shows the subject property is zoned GU (Interim District), which allows uses based on the character of the neighborhood.

The applicant submitted a draft declaration of restrictions (covenant), which does not include a development program for commercial or office uses on the application site. Assuming a floor area ratio of 0.4, this 41-acre parcel could support approximately 679,536 square feet (including the 2.75 gross acres of lake area) of commercial/retail space, which would generate 1,699 employees. In addition to non-residential uses, CDMP land use policies allow residential uses under the proposed “Business and Office” land use category; i.e., up to one density category higher than the residentially designated land adjacent to the application site. The residential land use category adjacent to the east of the application site is “Medium Density Residential Communities (13 to 25 DU/gross acre)”, thus, the CDMP would allow residential development on the application site at a density allowed under the “Medium-High Density Residential Communities (25 to 60 DU/gross acre)” land use category, thus resulting in maximum residential development of 2,460 multi-family dwelling units on the subject property. The draft declaration of restrictions, however, restricts development on the subject property to non-residential use.

## Adjacent Land Use and Zoning

The Land Use Map shows that properties adjacent to the west of the application site are designated “Low-Medium Density Residential Communities (6 to 13 DU/gross acre)” on the LUP map and “Medium Density Residential Communities (13 to 25 DU/gross acre)” to the east of the application site. Furthermore, the Land Use Map shows that properties adjacent to the north of the application site are designated “Parks and Recreation” and properties adjacent to its south, across West Flagler Street, are designated “Business and Office”, “Office/Residential”, and “Low Density Residential Communities (2.5 to 6 DU/gross acre).”

The Zoning Map shows that properties to the east of the application site are zoned GU (Interim), which allows uses based on the character of the neighborhood. Existing land uses that characterize these properties are “local parks and playground,” “private schools,” and “sales and services.” The Ruben Dario Park, the E.W.F. Stirrup Elementary School, the Mini Me Day Care

Center, and the Pak Hill Plaza Shopping Center, which contains a Winn Dixie Supermarket, Dennis Restaurant, Wendy's Restaurant, a Washington Mutual Bank, and other retail and office facilities are located within these areas. During a site visit on June 26, 2008, two vacancies were spotted on this shopping center. Properties west of the application site are zoned GU and RU-4M (Modified Apartment House District, 35.9 DU/net acre). Existing land uses that characterize these properties are "houses of worship" and "local parks and playground." The Our Lady of the Divine Providence Church is located within this area and two blocks further west of the application site is the 15-acre Women's Park and History Gallery (See Appendix A: Map Series).

Parcels to the north of the subject property are zoned RU-4M (Modified Apartment House District) and GU. These parcels are currently vacant. Properties to the northeast of the application site are zoned RU-3M (Minimum Apartment House District, 12.9 DU/net acre) and RU-4M. Existing land uses that characterize these properties are 'multi-family' residential units. The Eastwind Lake Village Condominium is located in this area. Properties adjacent and to the south of the application site, across West Flagler Street, are zoned BU-1A (Limited Business District), RU-2 (Two-family Residential District-7,500 sq. ft. net lot), and RU-5A (Semi-Professional Office District). Commercial/retail establishments within these zoning districts include the Sunoco gas station, the Plaza Del Rey Shopping Center, which contains twenty-three (23) small business establishments that includes five (5) small restaurants/cafeterias, the Ritmo Latino music store, the Navarro Pharmacy, a dental office, ten (10) small retail facilities, a medical clinic, Freddy's auto repair shop, a dry cleaners, an automobile window tinting facility, and the Mary's Beauty Salon, (See Appendix G: Photos of Application Site and Surroundings).

## **Land Use and Zoning History**

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The subject property was initially designated GU (Interim). However, on August 29, 1957, Miami-Dade County Board of County Commissioners (BCC) adopted Resolution No. 190 approving a zoning district boundary change from GU (Interim) to IU-2 (Heavy Manufacturing) on parcels that included the subject site. On October 4, 1956, the BCC denied the approval of a mobile home park on the subject property. However, in 1957, the BCC adopted Resolution No. 590 approving a Special Permit for a mobile home park and lake excavation; that same year, the Blue Lakes Mobile Home Park was established on the application site (see Resolution No. 590). Subsequently, on June 12, 1973, the BCC adopted Resolution No. Z-186-73 approving another zoning district boundary change from IU-2 to GU on parcels that included the subject property. According to zoning records, there has been no further zoning changes involving the application site since 1973, and currently, there is no pending zoning hearing involving the subject property.

## **Supply & Demand**

### Residential Land Analysis

Vacant Residential land in the Analysis Area for the application site (Minor Statistical Area 3.2 and 5.4) in 2008 is estimated to have a capacity for about 8,421 dwelling units, of which about 69 percent is for multi-family type units. The annual average demand is projected to increase from 710 units per year in the 2008-2010 period to 1,332 units per year in the 2020-2025 period. An analysis of the residential capacity, without differentiating by type of units, shows absorption occurring in the year 2015 (See the "Residential Land Supply/Demand Analysis" table below).

Land for single-family type units is projected to be absorbed by the year 2011. The supply of multi-family land is projected to be depleted by 2019.

Residential Land Supply/Demand Analysis  
2008 to 2025

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 2008	1,901	6,520	8,421
DEMAND 2008-2010	371	339	710
CAPACITY IN 2010	1,159	5,842	7,001
DEMAND 2010-2015	709	633	1,342
CAPACITY IN 2015	0	2,677	291
DEMAND 2015-2020	706	609	1,315
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	719	613	1,332
CAPACITY IN 2025	0	0	0
DEPLETION YEAR	2011	2019	2015

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

Note

Residential capacity is expressed in terms of housing units.

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

Commercial Land Analysis

In July 2008, the Study Area (MSAs 3.2 and 5.4) for the application site contained 352.4 acres of vacant land zoned for commercial uses. In addition, there were 2,180.1 acres of in-use commercial land. The average annual absorption rate projected for the 2008-2025 period is 18.39 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned and designated land beyond 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

Analysis Area (MSA)	Vacant Commercial Land 2008 (acres)	Commercial Acres in Use 2008	Annual Absorption Rate 2008-2025 (acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2015	2025
3.2	349.2	1,598.1	16.79	2025+	11.7	9.6
5.4	3.2	582.0	1.60	2010	5.6	5.5
Total	352.4	2,180.1	18.39	2025+	9.4	8.2

Source: Miami-Dade County Department of Planning & Zoning, Planning Division, Research Section, August 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, National Geodetic Vertical Datum (NGVD)	+7.0 feet
Stormwater Management Drainage Basin	Surface Water Management Permit C-4 (Tamiami) Canal
Federal Flood Zone	X Outside 100-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
Archaeological/Historical Resources	NO
Hazardous Waste	NO

### **Drainage and Flood Protection:**

The application site lies within Flood Zone X, where the base flood elevation is undetermined as per the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County (County). According to the County's flood criteria, the site shall be filled to a minimum elevation of 7.0 feet and requires an additional 8 inches for residential and 4 inches for commercial structures.

According to the Miami-Dade County Department of Environmental Resources Management (DERM), a retention/detention system adequately designed to contain the run-off generated by a 5-year storm event onsite is required for this application. Additionally, no off-site discharge of stormwater is permitted. Due to the site's size and lot coverage potential, a Surface Water Management Permit must be obtained prior to any development of the site.

### **Specimen Trees:**

An inspection performed by DERM staff on June 24, 2008 revealed several specimen-sized trees (trunk diameter 18 inches or greater) on the application site. Section 24-49 of the Miami-Dade County Code (Code) provides for the preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees. The inspection also indicated that the application site contains prohibited trees as defined in Section 24-49.9 of the Code. These trees are exempted from permitting and must be removed from the application site prior to development.

## 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), which is designed to restore and preserve the water resources of the South Florida ecosystem, including the Everglades. In 2005, the South Florida Water Management District (SFWMD) promulgated new rules that prohibited 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 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 CUP. As stated above, all future growth in 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 SFWMD's Lower East Coast Regional Water Supply Plan and the County's CUP. A summary of these projects can be found under Objective WS-7 of the CDMP (Water Supply Facilities Workplan).

The assessment of available water supply, as it relates to comprehensive plan amendments, is difficult given that there is no specific timing of the development. Therefore, to determine if adequate water supply will be available for the proposed amendment, an assumption of three years for project completion from final comprehensive plan amendment approval is made, for this project the year 2012 will be used. This timeframe allows for rezoning of the property, platting of property, permitting and construction. Additionally, this is the timeframe for which concurrency is applied.

Estimated Water Demand by Land Use Scenario				
Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
CURRENT USE				
1	SF-attached Residential	533 units	250 gal/unit	133,250
PROPOSED USE				
1	Commercial	629,703 sf	10 gal/100 sf	62,970
2	MF Residential	2,460 units	200 gal/unit	492,000

Based on the above table, the maximum water demand for the current allowed uses is estimated at 133,250 gpd. Under proposed Scenario 2 the maximum water demand for a residential development is estimated at 492,000 gpd, an increase of 358,750 gpd. A covenant has been proffered by the applicant restricting this site to only commercial uses. Acceptance of the covenant for this site would reduce the maximum water demand to an estimated 62,970

gpd. This water demand is less than the water demand associated with the currently allowed development at the site.

Figure 5-1 (Alternative Water Supply and Wastewater Reuse Projects 2007-2030) of the Water and Sewer sub-element in the CDMP, indicates that the Phase 1 of the Hialeah Floridan Aquifer Reverse Osmosis (R.O.) Water Treatment Plant (WTP) will be completed in 2012. This project will yield 8.5 million gallons per day and will ensure adequate water supply for this proposed site. The Table 5-2 - Finished Water Demand by Source of the Water Supply Facilities Work Plan Support Document indicates that there will be no water deficit after the normal growth of the County is accommodated in the year 2012 or 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 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 Alexander Orr Water Treatment Plant. Based on the 12-month data provided by DERM, the water treatment plant currently has a DERM rated treatment capacity of 214.7 million gallons per day (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 159.1 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.

Potable water service is provided by WASD through existing 16-inch and 12-inch water mains that abut the application site. Based on a maximum water demand development scenario, Scenario 2 as noted under Water Supply, it is estimated that this application site will have an estimated water demand of 492,000 gpd; 358,750 gpd above what is currently allowed at the site. If the application is approved, the increase in water demand could decrease the plant's capacity to 8.3% of the remaining design capacity and will not cause the adopted LOS standard to be exceeded. It should be noted that with acceptance of the proffered covenant the water demand is estimated to be 62,970 gpd; a water demand that is less than what the currently allowed development of the site would generate.

#### Wastewater Facilities

The County's adopted 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 Central District Wastewater Treatment Facility, which has a design

capacity of 143 mgd and an 12-month average flow (ending April 2008) of 115.0 mgd or 80.4% of the plant's design capacity.

Based upon the residential development scenario (discussed under the Water Supply section), it is estimated that this site will generate sewage flows of 492,000 gpd. These estimated flows will reduce the plant's capacity to 80.76% of the plant's design capacity and will not cause the adopted LOS standard to be exceeded. However, it should be noted that with acceptance of the proffered covenant the sewage flow generation is estimated to be 62,970 gpd; an estimated flow that is less than what the currently allowed development of the site would generate.

The closest available public sanitary sewer line to the application site is an existing 16-inch gravity main on the north side of the property. According to WASD, sewage flows from this site would be connected by private pump station to a 42-inch force main located along Flagler Street. The public pump stations potentially impacted by these sewage flows are currently operating within mandated criteria set forth in a 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 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. Currently the County exceeds the minimum standard by two (2) years. 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 the Snapper Creek Trash and Recycling Center (2200 SW 117th Avenue), located approximately three miles from the application site. Under the DSWM's current policy, 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 the application site.

### **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. This application is in Park Benefit District 1 (PBD1), which has a surplus capacity of 396 acres when measured by the County concurrency LOS standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in Unincorporated Municipal Service Area (UMSA). The local parks within a two-mile radius of this application site are listed below.

County Local Parks  
Within a 2 Mile Radius of Application Area

Name	Park Classification	Acreage
The Womens Park	Single Purpose Park	15.00
Westbrook Park	Neighborhood Park	2.45
Coral Estates Park	Community Park	5.05
Rockway Park	Community Park	2.52
Tamiami Canal Park	Neighborhood Park	1.8
Ruben Dario Park	Community Park	15.29
Francisco Human Rights Park	Mini Park	3.78

Source: Miami Dade Parks and Recreation Department, July 2008

This application has the potential to increase population on site by 6,027 persons, 4,519 persons more than what the site could generate under its current designation, resulting in a need for an additional 12.43 acres, if approved. Given the potential additional residential development at Fontainebleau Lakes that is adjacent to this application site, the need for recreation open space in the area will be very great. The applicant proffered a restrictive covenant, which would prohibit residential development at the site. If this covenant is accepted, no additional parkland will be required for this application site. The cumulative impact of all applications in PBD1 will increase the population by 13,644 and decrease the available reserve capacity by 37.52 acres.

The applicant states that the area lacks business and office services and is not proposing to increase residential use. The application is intended to address a lack of business services in the area. The development of the property for business and office will however generate additional day-time population. The application also notes that the development of business service will afford local residents the ability to walk to business services, rather than drive to them.

The application also notes that in 2006, 1,836 additional dwelling units were approved on the former Fontainebleau Golf Course. The Park and Recreation Department (PARD) is concerned with providing additional local recreation space in the area. Given that the application site is directly adjacent to Ruben Dario Park, PARD hopes to work with the developer concerning any future development and site planning. The recreation opportunities at the application site should be expanded to provide meaningful open space and additional access for area residents to both Ruben Dario Park and any parkland that may result from dedication of areas of the former Fontainebleau Golf Course.

PARD is committed to increasing available recreation open space and facilities in this area, and recommends that any future development proposed for this site take the goals and principles of the County's Open Space System Master Plan into account.

### **Fire and Rescue Service**

Miami-Dade County Fire Rescue Station 29, Sweetwater, located at 351 Southwest 107th Avenue, currently serves the application site. This station is equipped with a 50' Advanced Life Support (ALS) Engine and a Rescue unit, and is continuously staffed with seven

firefighters/paramedics. Planned Station 68, which will be located at Northwest 112 Avenue and Northwest 17 Street, is scheduled for completion in 2011.

According to 2007 Miami-Dade County Fire Rescue Department (MDFR) data, average travel time to incidents in the vicinity of the application site is approximately 7 minutes and 25 seconds for life threatening emergencies and 4 minutes and 08 seconds for structure fires. This average travel time is within an acceptable range for response times according to the National Fire Prevention Code.

The current CDMF designation allows a potential development that will generate a total of 149 annual alarms. Under the requested CDMF designation, potential development is anticipated to generate a total of 690 annual alarms. According to MDFR, this will result in a severe impact to existing fire rescue services. According to Miami-Dade County Fire and Rescue, 1 – 30 annual alarms would have minimal impact to Fire and Rescue services, 31 – 69 annual alarms would have a moderate impact, and 70+ annual alarms would have a severe impact.

A severe impact rating does not mean that Fire-Rescue cannot meet the demands with current staffing or equipment levels, it is only an indication of the average quantity of alarms expected from an application when built. If Fire-Rescue needs additional personnel or equipment to ensure level of service standards for fire protection are met, then that will be specifically mentioned in the analysis.

The required fire flow for the proposed CDMF designation is as follows: Business uses 3,000 gallons per minute (gpm) at 20 pounds per square inch (psi) residual on the system; Office uses is 1,500 gpm. 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 and in place. 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.

School	2007 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
E.W.F. Stirrup Elementary	866	1,166	742	117%	157%
Ruben Dario Middle	878	1,016	1,177	75%	86%
Miami Coral Park Senior	3,616	3,804	4,110	88%	93%

\* 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 schools meet the review threshold.

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 increase the potential student population of the schools serving the application site by an additional 626 students. 300 students will attend E.W.F. Stirrup Elementary, increasing the FISH utilization from 117% to 157%; 138 students will attend Ruben Dario Middle, increasing the FISH from 75% to 86%; and 188 students will attend Miami Coral Park Senior High, increasing the FISH utilization from 88% to 93%. One of the schools, E.W.F. Stirrup Elementary, already exceeds the 115% FISH design capacity threshold set by the current Interlocal Agreement.

Currently there are no new schools being planned, designed or under construction for this application site.

## **Roadways**

Primary access to the Application site is from West Flagler Street, a six-lane divided arterial, which provides access to other major north-south arterials. East-west expressways and arterials in close proximity to the application site include the Dolphin Expressway, West Flagler Street, and SW 8 Street (SR 90). North-south expressways and arterials include the Palmetto Expressway, the Homestead Extension of the Florida Turnpike (HEFT), NW/SW 107, NW/SW 97, and NW/SW 87 Avenues. The HEFT (SR 821), the Dolphin Expressway (SR 836), and the Palmetto Expressway (SR 826) form part of Florida's Strategic Intermodal System (SIS) and are also part of the Florida Intrastate Highway System (FIHS).

The Department of Planning and Zoning, in cooperation with the County's Public Works Department (PWD) and the Metropolitan Planning Organization (MPO), performed concurrency and future (2015) traffic impact analyses to determine the impact the proposed development would have on the roadways adjacent to and the roadway network in the vicinity of the application site. The analyses were based on the potential maximum development that could occur under the requested "Business and Office" CDMP land use designation. Two development scenarios were analyzed. Scenario 1 assumed the Application site developed with commercial use only (679,536 sq. ft. shopping center) and Scenario 2 assumed the Application site developed with residential use only (2,460 multifamily dwelling units). The "Business and Office" CDMP land use designation may allow residential development at a density up to one category higher than the LUP-designated density of the adjacent or adjoining residentially designated area. The Department's traffic impact analyses, concurrency and Year 2015 conditions, identified the several roadway segments in the vicinity of the application site that would be impacted by this application.

## Study Area

The Study Area analyzed is bound by the Dolphin Expressway (SR 836) to the north, the Palmetto Expressway (SR 826) to east, Tamiami Trail/SW 8 Street (SR 90) to the south, and the HEFT (SR 821) to the west.

## Existing Conditions

The roadway operating conditions, levels of service (LOS), are represented by one of the letters "A" through "F," with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

The existing operating conditions of the roadways within the study area are presented in the "Existing Traffic Conditions" table below, which shows the current peak period LOS for the roadway segments within the study area. The major roadways in the study area are currently operating at or above the applicable adopted LOS standard during the peak period. However, some roadway segments within the study area are operating at the adopted LOS standard. These roadways are: NW 107 Avenue from NW 12 Street to SR 836, the Palmetto Expressway from SR 836 and SW 8 Street, NW 12 Street from NW 87 Avenue to NW 72 Avenue, and SR 836 from NW 107 Avenue to NW 87 Avenue, which are operating at LOS D, their adopted LOS standard. All other roadways within the study area that are currently monitored are operating at or above the applicable LOS standard.

Existing Traffic Conditions				
Roadway Lanes and Peak Period Level of Service (LOS)				
Roadway	Location/Link	Lanes	LOS Std.	LOS
HEFT (SR 821)	SR 836 to SW 8 Street	6 LA	D	C (06)
NW 107 Ave	NW 12 Street to SR 836	6 DV	D	D (07)
	West Flagler Street to SR 836	6 DV	E	D (07)
	SW 8 Street to W. Flagler St.	4DV	E	D (07)
NW 97 Avenue	NW 25 Street to NW 12 Street	2 UD	D	C (07)
NW/SW 87 Avenue (SR973)	SR 836 to West Flagler Street	6 DV	E	D (07)
	West Flagler Street to SW 8 Street	4 DV	E	D (07)
Palmetto Exp. (SR 826)	SR 836 to West Flagler Street	8 LA	D	D (06)
	West Flagler Street to SW 8th Street	8 LA	D	D (06)
NW 12 Street	HEFT to NW 107 Avenue	6 DV	D	C (07)
	NW 107 Avenue to NW 87 Avenue	4DV	D	C (07)
	NW 87 Avenue to NW 72 Avenue	4DV	D	D (07)
SR-836/Dolphin Expressway	HEFT to NW 107 Avenue	6 LA	D	C (06)
	NW 107 Avenue to NW 87 Avenue	6 LA	D	D (06)
	NW 87 Avenue to SR 826	6 LA	D	C (06)

West Flagler Street	W 118 Avenue to W 114 Avenue	4 DV	E+20%	C (07)
	W 114 Avenue to W 107 Avenue	6 DV	E+20%	D (07)
	W 107 Avenue to W 97 Avenue	6 DV	E+20%	C (07)
	W 97 Avenue to W 87 Avenue	6 DV	E+20%	D (07)
	W 87 Avenue to SR 826	6 DV	E+20%	E (06)
SW 8 Street (SR 90)	HEFT to SW 107 Avenue	6DV	E	D (06)
	SW 107 Avenue to SW 87 Avenue	8 DV	E + 20%	B (06)
	SW 87 Avenue to SR 826	6DV	E + 20%	C (06)

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

Note: () in LOS column identifies year traffic count was updated or LOS traffic analysis revised

LA= Limited Access; DV= Divided Roadway; UD= Undivided Roadway;

LOS Std. means the adopted minimum acceptable peak period Level of Service standard for all State and County roadways.

## Trip Generation

The “Estimated Peak Hour Trip Generation” table below identifies the estimated number of PM peak hour trips that would be generated by the two potential developments (Scenario 1 and Scenario 2) that could occur under the requested “Business and Office” land use designation. If the application site were developed with commercial use only (shopping center) under the requested land use designation, it would generate approximately 1,486 more PM peak hour trips than the potential residential use that could occur under the current “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” land use designation. If the Application site were developed with residential use only under the requested land use designation, it would generate approximately 1,134 more PM peak hour trips than the potential residential development that could occur under the current CDMP designation.

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
9 (Scenario 1)	Low-Medium Density Residential (13 - 25 DU/gross acre) 533 Multi-Family Units	Business and Office (679,536 sq. ft., retail)	
	237	1,723 <sup>1</sup>	+1,486
9 (Scenario 2)	Low-Medium Density Residential (13 - 25 DU/gross acre) 533 Multi-Family Units	Business and Office (Residential Use) 2,460 Multi-Family Units	
	237	1,371	+1,134

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

Department, July 2008.  
Notes <sup>1</sup> Includes pass-by trips adjustment factor, ITE Trip Generation, 7th Edition, 2003.  
Scenario 1 assumes the Application site developed with 679,536 sq. ft. of retail under the requested land use designation.  
Scenario 2 assumes the Application site developed with 2,460 Multi-Family units under the requested land use designation.

## **Traffic Concurrency Evaluation**

A recent evaluation of peak period traffic concurrency conditions as of July 8, 2008, which considers reserved trips from approved development not yet constructed and programmed roadway capacity improvements listed in the first three years of the County's 2009 Transportation Improvement Program (TIP), predicts that the roadways adjacent to the application site will continue to operate at or above their adopted LOS standards with the application's traffic impacts under each potential development scenario. The following roadway segments, SW 97 Avenue between W Flagler Street and SW 8 Street and NW 107 Avenue from SR 836 and W Flagler Street, are projected to operate at their adopted LOS D and LOS E standards, respectively. See the "Traffic Impact Analysis" table below.

## **Future Conditions**

The 2009 TIP does not list any roadway capacity improvements for the study area. However, the Miami-Dade Transportation Plan to the Year 2030 includes the following roadway improvements within the study area: the six-lane widening of NW 107 Avenue from W Flagler Street to SW 8 Street, the construction of a new four-lane bridge on SW 82 Avenue over the Tamiami Canal, the reconstruction of the SR 836/SR 826 interchange and widening to ten lanes of SR 836 from NW 87 Avenue to NW 57 Avenue, and the extension of NW 82 Avenue from NW 8 Street to NW 12 Street. See the "Planned Roadway Capacity Improvements" table on Pg. 9-17 below.

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> : Business and Office (Commercial Use)												
1218	NW 107 Ave.	W Flagler St. to SR 836	6 DV	E	4,920	4,540	D	173	E	199	4,912	E (07)
2580	SW 107 Ave.	W Flagler St. to SW 8 St.	4 DV	E	3,120	2,712	D	30	D	167	2,909	E (06)
9156	W Flagler St.	NW 97 Ave. to NW 107 Ave.	6 DV	E+20%	6,672	3,109	C	46	C	1,076	4,231	D (07)
9158	W Flagler St.	NW 107 Ave. to NW 114 Ave.	6 DV	E+20%	5,820	2,938	D	120	D	281	3,339	D (07)
9494	NW 97 Ave.	NW 25 St. to NW 12 St.	4 DV	D	2,300	1,333	C	47	C	268	1,648	C (07)
9962	SW 97 Ave.	W Flagler St. to SW 8 St.	4 DV	D	2,720	1,752	D	--	D	114	1,866	D (07)
Scenario 2 <sup>3</sup> : Business and Office (Residential Use)												
1218	NW 107 Ave.	W Flagler St. to SR 836	6 DV	E	4,920	5,449	D	173	E	159	4,872	E (07)
2580	SW 107 Ave.	W Flagler St. to SW 8 St.	4 DV	E	3,120	2,712	D	30	D	133	2,875	E (06)
9156	W Flagler St.	NW 97 Ave. to NW 107 Ave.	6 DV	E+20%	6,672	3,109	C	46	C	855	4,010	D (07)
9158	W Flagler St.	NW 107 Ave. to NW 114 Ave.	6 DV	E+20%	5,820	2,938	D	120	D	224	3,282	D (07)
9494	NW 97 Ave.	NW 25 St. to NW 12 St.	4 DV	D	2,300	1,333	B	47	C	212	1,592	C (07)
9962	SW 97 Ave.	W Flagler St. to SW 8 St.	4 DV	D	2,720	1,752	D	--	D	91	1,843	D (07)

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

Notes: DV = Divided Roadway; () identifies year traffic count was updated and/or Level of Service revised.

E (100% capacity) on State Urban Minor Arterials (SUMA) between the UDB and UIA.

E+20% = 120% of LOS E, Extraordinary Transit in Urban Infill Area, a designated transportation concurrency exception area.

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

<sup>2</sup> Scenario 1 assumes Application site developed with 679,536 square feet of retail space under the requested land use designation.

<sup>3</sup> Scenario 2 assumes Application site developed with 2,460 multi-family dwelling units under the requested land use designation.

Planned Roadway Capacity Improvements  
Year 2008 – 2015

Roadway	From	To	Type of Improvement	Priority
SR 826/SR 836	NW 87 Avenue	NW 57 Avenue	Widen interchange to 10 lanes	I
SR 836	HEFT	SR 836/SR 826 Interchange		I
SW 82 Avenue	SW 7 Street	SW 8 Street	Bridge over Tamiami Canal	I
NW 82 Avenue	NW 8 Street	NW 12 Street	New 4-lane roadway	II
SW 87 Avenue	South Dixie Hwy/US 1	SR 836	ITS (Includes CCTV, Roadway sensors, arterial dynamic message signs, wireless communication)	II
SW 107 Avenue	W Flagler Street	SW 8 Street	Widen 4 to 6 lanes	II

Source: Priority I and II Miami-Dade Transportation Plan to the Year 2030, Metropolitan Planning Organization for the Miami Urbanized Area, November 2004.

Notes: Priority I projects – Projects scheduled to be funded by 2009.

Priority II projects – Projects scheduled to be funded between 2010 and 2015.

Future (2015) traffic conditions were evaluated in the study area to determine the adequacy of the roadway network to meet the demand of the Amendment Application and the adopted LOS standards through the year 2015.

The V/C ratio is a representation of the roadway volumes proportionate to the roadway capacity and is an expression of the roadway LOS. The correlation between roadway LOS and the V/C ratio is as follows: V/C ratio less than or equal to 0.70 is equivalent to LOS B or better, V/C ratio of 0.71 to 0.80 is LOS C, V/C ratio of 0.81 to 0.90 is LOS D, V/C ratio of 0.91 to 1.0 is LOS E, and V/C ratio of more than 1.0 is LOS F.

The future traffic condition analysis indicates that some roadway segments within the study area are projected to operate below their adopted LOS standards, with and without the application's traffic impact. The Table below lists those roadway segments within the Study Area and in the vicinity of the Application site that are projected to exceed by 2015 the adopted LOS standards, and provides the impacts that each development scenario (Scenario 1 and Scenario 2) would have on the 2015 roadway network. The roadways projected to operate in violation of their adopted LOS standards are listed in the "2015 Volume-to-Capacity (V/C) Ratios" table below.

Although all roadway segments listed in the table are projected to exceed the adopted LOS standards by 2015, without the application's impact, the following roadway segments will be further deteriorated by the impact of at least one of the two potential development scenarios:

- NW 107 Avenue, from NW 12 Street and SR 836
- NW 107 Avenue, from SR 836 to Fontainebleau Boulevard
- SW 107 Avenue, from W Flagler Street to SW 8 Street
- NW 87 Avenue, from SR 836 to Park Blvd.
- SW 87 Avenue, from W Flagler Street and SW 8 Street
- NW 12 Street, from NW 87 Avenue to SR 836 Ramp

**2015 Volume-to-Capacity (V/C) Ratios**  
**Roadways Projected to Violate their Adopted Level of Service (LOS) Standards**

Roadway Segment	No. of Lanes	Adopted LOS Standard <sup>1</sup>	V/C Ratio Without Amendment Application	Projected 2015 LOS W/O Applic.	V/C Ratio With Applic. No. 9 (Scenario 1)	Projected 2015 LOS W/ Scenario 1	V/C Ratio With Applic. No. 9 (Scenario 2)	Projected 2015 LOS W/ Scenario 2
HEFT (SR 821) from SR 836 to SW 8 Street	6 LA	D	0.94 – 1.52	F	0.93 – 1.52	F	0.93 – 1.52	F
NW 107 Avenue from NW 12 Street to SR 836	6 DV	D	1.41	F	1.43	F	1.41	F
NW 107 Ave. from SR 836 to Fontainebleau Blvd.	6 DV	E	1.38 - 1.44	F	1.38 – 1.42	F	1.40 – 1.48	F
SW 107 Ave. from W Flagler St. to SW 8 St.	6 DV	E	1.07 – 1.11	F	1.12 – 1.15	F	1.09 – 1.12	F
NW 97 Ave. from NW 12 St. to Fontainebleau Blvd.	4 DV	D	1.60	F	1.59	F	1.59	F
NW 97 Ave. from Fontainebleau Blvd. to W Flagler St.	4 DV	D	1.05	F	1.02	F	1.02	F
SW 97 Ave. from W Flagler Street to SW 8 Street	4 DV	D	1.25 – 1.33	F	1.19 – 1.27	F	1.09 – 1.17	F
NW 87 Ave. from SR 836 to Park Blvd.	6 DV	E	1.08 – 1.30	F	1.14 – 1.33	F	1.07 – 1.30	F
NW 87 Ave. from W. Flagler to SW 8 Street	4 DV	E	1.30 – 1.33	F	1.31 – 1.36	F	1.30 – 1.32	F
SR 826 from SR 836 to W Flagler Street	8 LA	D	1.40 – 1.58	F	1.40 – 1.58	F	1.43 – 1.60	F
SR 826 from W Flagler Street to SW 8 Street	8 LA	D	1.27 – 1.41	F	1.27 – 1.39	F	1.26 – 1.37	F
SR 836 from SR 821 to NW 107 Avenue	6 LA	D	1.04 (EB)	F	1.02 (EB)	F	1.02 (EB)	F
SR 836 from NW 107 Ave. to NW 87 Ave.	6 LA	D	1.04 – 1.10	F	1.06 – 1.09	F	1.06 – 1.10	F
SR 836 from NW 87 Avenue to SR 826	10 LA	D	1.04 – 1.13	F	1.11 – 1.15	F	1.12 – 1.14	F
NW 12 St. from NW 97 Ave. to NW 87 Ave.	4 DV	D	1.16 – 1.42	F	1.16 – 1.41	F	1.17 – 1.43	F
NW 12 St. from NW 87 Ave. to SR 836 Ramp	4 DV	D	1.63	F	1.62	F	1.65	F
NW 7 St. from NW 110 Ave. to NW 107 Ave.	4 DV	D	1.52	F	1.50	F	1.56	F
Fontainebleau Blvd. from NW 97 Ave to Park Blvd.	4 DV	D	1.20	F	1.22	F	1.20	F
Park Blvd. from Fontainebleau Blvd. to NW 87 Ave.	4 DV	D	1.42	F	1.50	F	1.42	F
W Flagler St. from Fontainebleau Blvd. to NW 87 Ave.	6 DV	E+20%	1.22	E+22%	1.18	E+18%	1.22	E+22%
W Flagler St. from NW 87 Ave. to SR 826	6 DV	E+20%	0.93 – 1.28	E/E+28%	0.90 – 1.26	D/E+26%	0.92 – 1.25	E/E+25%
SW 8 Street (SR 90) from SW 87 Ave. to SR 826	6 DV	E+20%	1.09 – 1.28	E+9%/E+28%	1.10 – 1.26	E+10%/E+26%	1.09 – 1.27	E+9%/E+27%

Source: Metropolitan Planning Organization & Gannett Fleming, Inc., July 2008.

Notes: <sup>1</sup> Based on roadway improvements in 2009 TIP and Priority I and II of the Year 2030 LRTP.

<sup>2</sup> V/C ratios obtained from the Florida Standard Urban Transportation Modeling Structure (FSUTMS) travel-demand forecasting model for Year 2015.

E (100% capacity) on State Urban Minor Arterials (SUMA) between the UDB and UIA.

E+20% = 120% of LOS E, Extraordinary Transit in Urban Infill Area, a designated transportation concurrency exception area.

LA = Limited Access Roadway; DV = Divided Roadway; (EB) = East Bound Lanes Only

Scenario 1 assumes the application site developed with commercial use (670,036 sq. ft. shopping center)

Scenario 2 assumes the Application site developed with residential use (2,460 multi-family dwelling units)

- Fontainebleau Blvd., from NW 97 Avenue to Park Boulevard
- Park Blvd., from Fontainebleau Blvd. to NW 87 Avenue

## **Application Impact**

The “Estimated Peak Hour Trip Generation” table above identifies the estimated number of PM peak hour trips to be generated by the potential developments, a shopping center and multifamily apartments, under the requested “Business and Office” land use designation. Application No. 9, if developed with a shopping center would generate approximately 1,486 more peak hour trips than the potential development that could occur under the current “Low-Medium Density Residential (6 to 13 dwelling units per gross acre) land use designation. If the Application site were developed with multifamily apartments, it would generate approximately 1,134 more PM peak hour trips than the potential development that could occur under the current CDMP designation. It should be pointed out that applicant proffered a covenant prohibiting residential development on the application site. However, the county analyzed both potential development scenarios under the requested “Business and Office” land use designation because the covenant was submitted in late July. Currently, no roadway segment in the immediate vicinity of the application site exceeds the adopted LOS standard applicable to the roadways.

The trip distribution analysis indicates that although the potential uses under the requested CDMP designation would impact traffic concurrency LOS in the vicinity of the Application site, these roadways are not predicted to operate in violation of their adopted LOS standards. However, as shown in the “Traffic Impact Analysis” table, above, SW 97 Avenue between W Flagler Street and SW 8 Street and NW 107 Avenue from SR 836 and W Flagler Street are projected to operate at their adopted LOS standards, LOS D and LOS E, respectively. In the year 2015, the following roadway segments in the vicinity of the Application site are projected to operate below their adopted LOS standards, with and without the Application’s impacts: the HEFT, NW 107 Avenue, NW 97 Avenue, NW 87 Avenue, the Palmetto Expressway (SR 826), the Dolphin Expressway (SR 836), West Flagler Street, Fontainebleau Boulevard, Park Boulevard, and NW 12 Street.

## **Transit Service**

### Existing Service

The subject site and the area in the vicinity of the application site are served by Metrobus Routes 7, 11, 51/Flagler MAX, 71 and 212/Sweetwater Circulator. The existing routes and service frequency are shown in the “Metrobus Route Service Summary” table below.

### Metrobus Route Service Summary

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
7	30	40	30	N/A	40	40	0.3	F
11	15	24	12	60	24	30	0.0	F
51/Flagler MAX	15	30	30	N/A	N/A	N/A	0.0	F / E
71	30	40	24	N/A	40	60	0.5	L
212/Sweetwater Circulator	30	30	30	N/A	30	30	0.5	L

Source: Miami-Dade Transit, July 2008.

Notes: L means Metrobus local route service  
 F means Metrobus feeder service to Metrorail  
 E means Express Metrobus service  
 NA mean no available

### Future Conditions

Transit improvements to the existing Metrobus service in the immediate area, such as improved headways, introduction of weekend service, extensions to the current routes and new service, are being planned for the next ten years as noted in the draft 2008 Transit Development Plan. Transit impacts from the proposed development may not be accurate in the sense that the bus improvement assumptions may not be adopted/approved or included into the finalized 2008 TDP. The "Metrobus Recommended Service Improvements" table below lists the Metrobus service improvements programmed for the existing/new routes serving this application.

### Metrobus Recommended Service Improvements

Route(s)	Improvement Description
7	No planned improvements.
11	Extend short trips to Dolphin Mall.
51/Flagler MAX	Introduce weekend service.
51/Flagler MAX	Route to be transformed to Flagler BRT.
71	Improve peak headway from 30 to 20 minutes.
212/Sweetwater	No planned improvements.
97 Avenue Crosstown	New route would operate on SW/NW 97 Avenue from Jackson South Hospital to the Palmetto Metrorail station. Service would be also provided along the Busway and the route would also serve the Dolphin/Miami International Malls. Service would operate every 30 minutes daily.

Source: Draft 2009 Transit Development Plan, Miami-Dade Transit, July 2008.

### Major Transit Projects

Regarding future transit projects within this area, a rail extension to west Miami-Dade from the future Miami Intermodal Center is being studied, by Miami-Dade Transit, as part of the People's Transportation Plan Rapid Transit Improvements. The planned extension will consist of approximately 10.1 to 13 mile corridor primarily along SW 8 Street (Tamiami Trail).

### **Application Impact**

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) where the application site is located. In TAZ 813, where Application 9 is requested, if granted, the transit impact projected by this application is estimated to be 440 additional daily transit trips. The new transit trips can be absorbed by the planned improvements to the existing Metrobus routes and the proposed new transit service in the area.

The projected bus service improvements for these routes are estimated to cost approximately \$354,755 in annual operating costs and a one-time capital cost of \$377,793 for a total cost of \$732,548. These costs only reflect the percentage of improvements that are located within the Application area.

It should be noted that the projected transit impact of Application 9 in conjunction with the impact of Application 8 would warrant further analysis, if both applications were approved, since they are within a quarter to half a mile of each other.

### **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-10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or undeveloped areas, high intensity activity centers, mass transit supportive development, and mixed used projects to promote energy conservation; and
- 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-1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County

is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways;

- 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;
- Policy LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper designs solutions can and will be used to integrate the compatible and complimentary elements and buffer any potentially incompatible elements;
- Policy LU-8A: Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element;
- 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 Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
  - (ii) Enhance or impede provision of services at or above adopted LOS Standards;
- Policy LU-8F: The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County;
- Guidelines for Urban Form No. 4: Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes;
- Guidelines for Urban Form No. 5: Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses; and
- Concepts No. 13: Avoid excessive scattering of industrial or commercial employment locations.

# APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Applicant's Traffic Study

Appendix E Fiscal Impact Analysis

Appendix F Proposed Declaration of Restrictions

Appendix G Photos of Site and Surroundings (from site visit)

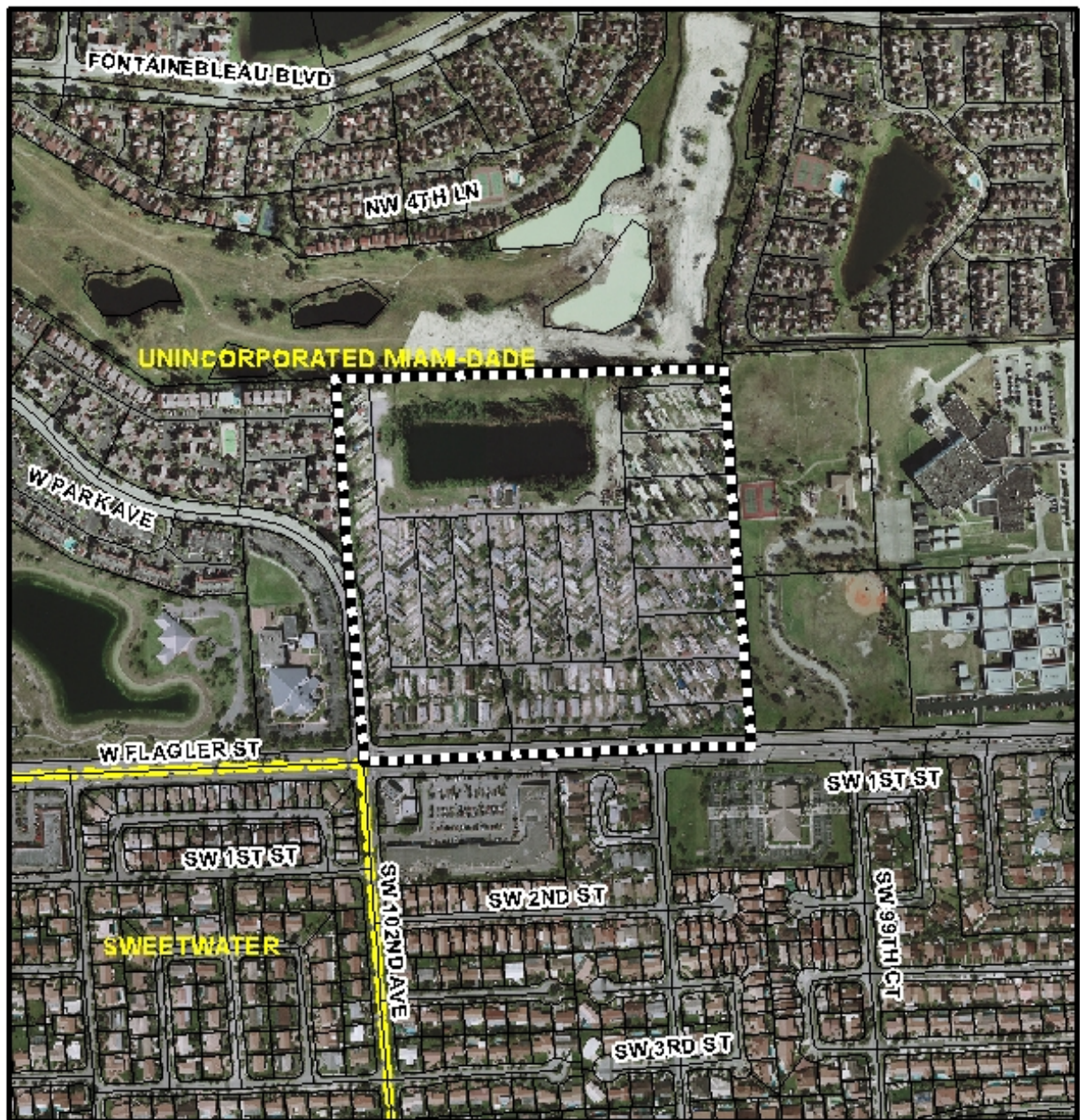
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# **APPENDIX A**

## **Map Series**

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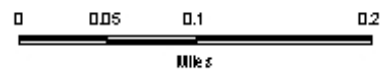
AERIAL PHOTO: APRIL 2008 CYCLE APPLICATION NO. 9



APPLICATION AREA



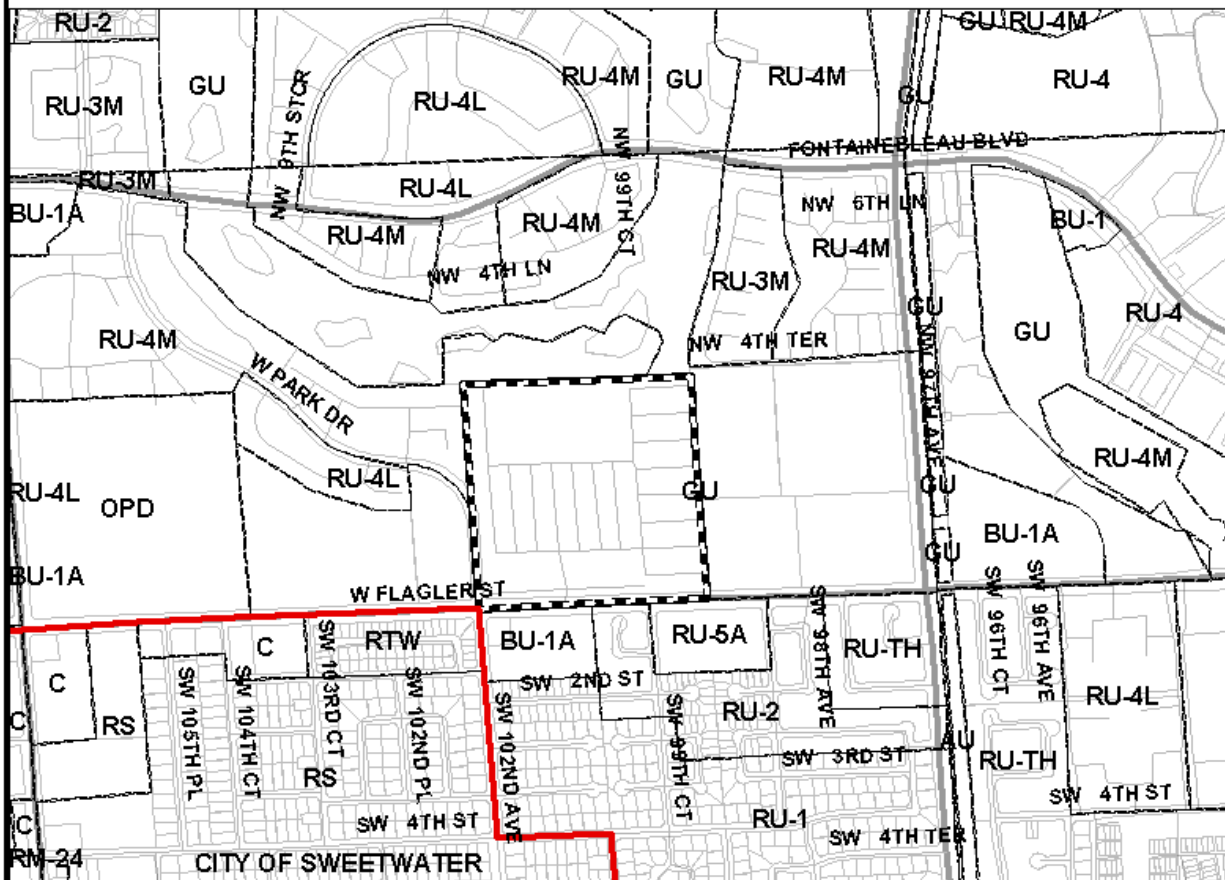
MUNICIPAL BOUNDARY



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, JUNE 2002



# **APPLICATION NO. 9 CURRENT ZONING MAP**



## **Legend**



APPLICATION AREA

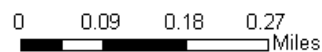
## **ZONING DISTRICTS**

### **MIAMI-DADE COUNTY**

- GU INTERIM
- RU-TH TOWNHOUSE
- RU-4L LIMITED APARTMENT HOUSE
- RU-4M MODIFIED APARTMENT HOUSE
- BU-1 NEIGHBORHOOD BUSINESS
- BU-1A LIMITED BUSINESS
- RU-5A SEMI-PROFESSIONAL OFFICE
- OPD OFFICE PARK DISTRICT

### **CITY OF SWEETWATER**

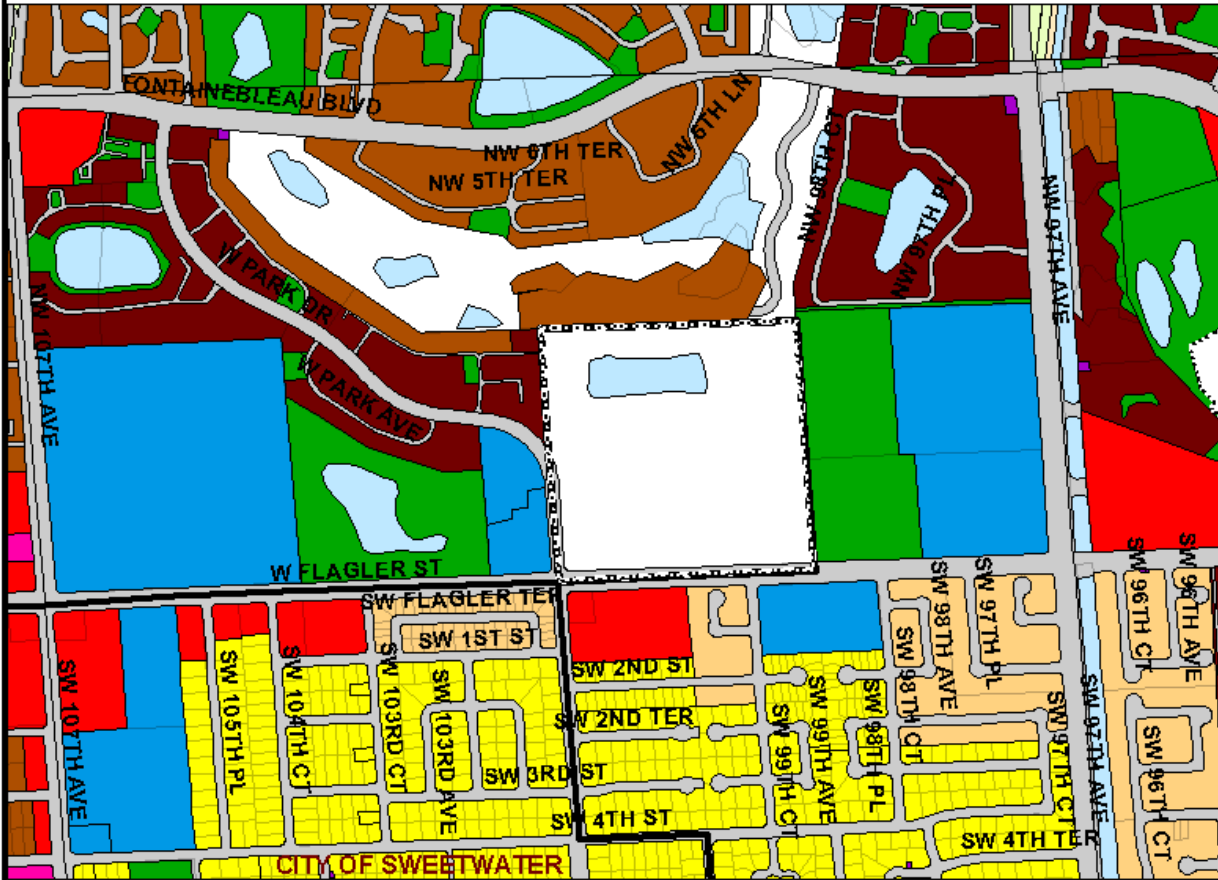
- C COMMERCIAL
- RS SINGLE-FAMILY RESIDENCE
- RTW TOWNHOME RESIDENTIAL
- RM-24 MULTI-FAMILY



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













## APPLICATION NO. 9 EXISTING LAND USE



### LEGEND

 APPLICATION AREA

### EXISTING LAND USE

-  SINGLE FAMILY RESIDENTIAL (2-5 DU/Gross Acre)
-  TWO-FAMILY (DUPLEXES)
-  MULTI-FAMILY, LOW DENSITY RESIDENTIAL
-  MULTI-FAMILY, HIGH DENSITY
-  INSTITUTIONAL
-  COMMERCIAL, SHOPPING CENTERS, STADIUMS
-  STREETS, ROADS, EXPRESSWAYS, RAMPS
-  LOCAL PARKS AND PLAYGROUNDS
-  VACANT, UNDER DEVELOPMENT
-  INLAND WATERS

 MUNICIPAL BOUNDARY

0 0.05 0.1 0.2

Miles

Source: Miami-Dade County  
Department of Planning and Zoning, 2008



### APPLICATION NO. 9 CDMP LAND USE

# **APPENDIX B**

## **Amendment Application**

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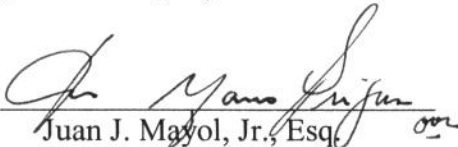
**APPLICATION TO AMEND THE  
LAND USE PLAN MAP OF THE  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

Gold River Corporation  
c/o Oscar V. Rodriguez, President  
444 Brickell Avenue, Suite 210  
Miami, Florida 33131

**2. APPLICANTS' REPRESENTATIVE**

Juan J. Mayol, Jr., Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847  
(305) 374-8500  
(305) 679-6305 (fax)

By:  4/30/2008  
Juan J. Mayol, Jr., Esq. Date

**3. DESCRIPTION OF REQUESTED CHANGE**

A. Change the Land Use Plan Map. Applicant requests a change to the Land Use Plan (LUP) map designation from Low-Medium Density to Business and Office.

B. Description of the Subject Property (the "Property")

The Property contains approximately  $\pm 41$  gross acres ( $\pm 39$  net acres) and is located on the Northeast corner of West Flagler Street and N.W. 102<sup>nd</sup> Avenue, within Section 05, Township 54 South, Range 40 East. It is more accurately described as Tracts 8, 9, 10, and 11 of Block 11 of Richardson-Kellett Land Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at Page 19, of the Public Records of Miami-Dade County, Florida (Exhibit "A").

C. Gross and Net Acreage

Application area:  $\pm 41$  gross acres ( $\pm 39$  net acres)  
Acreage Owned by Applicant: None

D. Requested Change.

Applicant requests that the Property be re-designated on the Land Use Plan map from LOW-MEDIUM DENSITY RESIDENTIAL (6-13 DU/AC) to BUSINESS AND OFFICE.

4. REASONS FOR AMENDMENT

The Applicant is requesting a re-designation of the Property from "Low-Medium Density Residential" to "Business and Office." The Property consists of ±41 gross acres (±39 net acres) and is located on the northeast corner of West Flagler Street and N.W. 102<sup>nd</sup> Avenue. As such, the Property has frontage on a Major Roadway (West Flagler Street) and a half-section line roadway (N.W. 102<sup>nd</sup> Avenue), respectively. The Property is improved with a lake and is currently vacant. A mobile home park use established in the late 1950's is no longer in existence on the Property.

The proposed Business and Office land use designation will enable the property, located within Minor Statistical Area (MSA) 3.2, to be subsequently rezoned and developed with commercial uses which are compatible and necessary to help meet the existing and increasing demand for business type services that provide for the essential and frequent needs of a growing population of residents in the surrounding community which is predominantly residential in character. MSA 3.2 is generally bounded by S.W. 8<sup>th</sup> Street (Tamiami Trail) on the south, N.W. 72<sup>nd</sup> Avenue on the east, Okeechobee Road on the north, and State Road 27 on the west. In accordance with the Population Estimates and Projections for the years 2000, 2015, and 2025, the population within MSA 3.2 is expected to increase from 122,540 to 170,546. Most of this population growth will occur within the more urbanized eastern-half of MSA 3.2 lying east of 117<sup>th</sup> Avenue, which includes the Property. The Miami-Dade County Lake Belt Area encumbers the entire western-half of the MSA 3.2 area lying west of 117<sup>th</sup> Avenue where little or no population growth is expected.

The surrounding area within a radius of three (3) miles has experienced tremendous growth in residential development, thereby, increasing the demand for business uses and justifying the proposed amendment to the LUP map. In March of 2006, for example, an application by Carolyn Sokolsky, Trustee, involving approximately 272 acres of the former Fontainebleau Golf Course was granted approval (Resolution CZAB10-21-06) for the development of up to one thousand one hundred and twenty-two (1,122) residential dwelling units on a portion of the east golf course and seven hundred fourteen (714) residential dwelling units on the west golf course. As such, a total of one thousand eight hundred thirty-six (1,836) dwelling units within a radius of approximately one mile from the Property may be developed in the future. The 714 residential dwelling units on the west golf course are located in the area immediately north of the Property within the same square mile section.

Despite an increase in residential development, the current and future residents lack business services that are conveniently located and easily accessible, within a comfortable 1/4 mile walking distance. In fact, there is no land designated Business and Office on the LUP map within the subject square mile. Only a small parcel located on the southeast corner of N.W. 107<sup>th</sup>

Avenue and Fontainebleau Boulevard is zoned commercial and improved with a shopping center. Other commercial areas such as the Miami International Mall and the Dolphin Mall are located on the north side of State Road 836 which acts like a barrier between the residents of the subject square mile and the aforementioned shopping malls. The "Mall of the Americas" located on the northwest corner of Flagler Street and the Palmetto Expressway is located approximately 2 miles to the east of the Property, hence, these malls are not conveniently located in close proximity to the residences within the subject square mile, nor are they within comfortable walking distances. In addition, there is no planned Urban Center within a comfortable walking distance from the residents within the subject square mile. As such, the land use development pattern within the subject square mile is not in keeping with the general land use development pattern of a typical one-square mile section of land within the County which typically provides activity business nodes at the intersection of all section-line roadways.

By comparison, the Property will provide a more central location for business services that will be easily accessible to the residents of the surrounding area. In this regard, the proposed application is consistent with principles of urban infill and urban development which encourage the redevelopment of previously developed urban sites and provide a contiguous, more compact, urban form. Moreover, the environment will benefit since many of the residents will be able to take advantage of the proximity and accessibility of this new commercial center and walk to business uses on the Property, thereby, reducing the amount of vehicles on the road, the fuel consumed, and the harmful emissions emitted. In this regard, the proposed amendment to Business and office will not only satisfy a deficiency in the LUP map by providing additional Business and Office to serve a growing residential community but, in addition, will enhance the Level of Services by helping to reduce the number of vehicles on the roadways and length of those trips.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial land within the UDB.

Accordingly, approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

**LAND USE OBJECTIVE 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.

**LAND USE POLICY 1B:** Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers, and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

**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

urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY 1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE 8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 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.

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

LAND USE POLICY 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.

5. ADDITIONAL MATERIAL SUBMITTED

Additional items in support of this application may be submitted at a later date.

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"

## 2. APPLICANTS' REPRESENTATIVE

Juan J. Mayol, Jr., Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847  
(305) 374-8500  
(305) 679-6305 (fax)

Exhibit "A"  
Legal Description

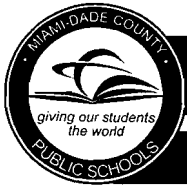
Tracts 8, 9, 10, and 11 of Block 11 of Richardson-Kellet Land Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at Page 19, of the Public Records of Miami-Dade County, Florida.

# 5295136\_v1

# **APPENDIX C**

## **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.

August 7, 2008

**Miami-Dade County School Board**

Agustin J. Barrera, Chair  
Perla Tabares Hantman, Vice Chair  
Renier Diaz de la Portilla  
Evelyn Langlieb Greer  
Dr. Wilbert "Tee" Holloway  
Dr. Martin Karp  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

Mr. Marc C. LaFerrier, A.I.C.P., 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 – April 2008 Cycle  
REVISED Applications**

Dear Mr. LaFerrier:


Subsequent to our July 9, 2008 and July 21, 2008 reviews of proposed amendments of the April 2008 Land Use Cycle, we conducted an additional review of the applications. Attached is the School District's (District) REVISED impact review analysis for the above referenced applications.

As previously noted, land use amendment applications 5, 6, 7, 12, 13, and 14 do not have residential development and therefore will not impact the schools serving the area. Of the applications with residential components, applications 1, 8, 9, 15D and 16A, B, C and D would generate additional student impacts to the District (see attached analysis), and meet the established review threshold. Therefore, we recommend dialogue between the District and the applicants take place as it relates specifically to affected public schools. The District will keep the County apprised if such dialogue takes place with respective applicants.

Lastly, please note that all residential applications may be subject to school concurrency requirements, at the time of Final Subdivision, Site Plan (or functional equivalent), if school concurrency is effect.

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:aj  
L-053  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Ms. Vivian G. Villaamil  
Ms. Corina S. Esquijarosa

## **SCHOOL IMPACT REVIEW ANALYSIS**

REVISED August 6, 2008

**APPLICATION:** No. 9, Gold River Corporation

**REQUEST:** Change Land Use from Low-Medium Density Residential (6 to 13  
dua) to Business and Office

**ACRES:** 41 gross acres

**LOCATION:** Northeast corner of West Flagler Street and NW 102 Avenue

**MSA/  
MULTIPLIER:** 3.2 / .44 SF Detached and .35 Multi-Family

<b>NUMBER OF UNITS:</b>	<b>Proposed Land Use</b>	<b>Existing Land Use</b>
1,927 additional units*	2,460 MF	533 SF Detached (Mobile Homes)

<b>ESTIMATED STUDENT POPULATION:</b>			
	626 additional students*	861 students	235 students

**ELEMENTARY:** 300

**MIDDLE:** 138

**SENIOR HIGH:** 188

### **SCHOOLS SERVING AREA OF APPLICATION**

**ELEMENTARY:** E. W. F. Stirrup Elementary – 330 NW 97 Avenue

**MIDDLE:** Ruben Dario Middle – 350 NW 97 Avenue

**SENIOR:** Miami Coral Park Senior High – 8865 SW 16 Street

All schools are located in South Central Regional Center.

\*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 the Office of 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 RELOCATABLE
E.W. F. Stirrup Elementary	866	644	134%	98	117%
	1,166 *		181%		157%
Ruben Dario Middle	878	1,019	86%	158	75%
	1,016 *		100%		86%
Coral Park Senior High	3,492	2,799	125%	0	125%
	3,680 *		131%		131%

\*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, E. W. F. Stirrup Elementary and Coral Park Senior High meet the review threshold.

## PLANNED RELIEF SCHOOLS

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
N/A		

**OPERATING COSTS:** According to Financial Affairs, 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 \$4,099,674.

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

ELEMENTARY	300	x	\$19,188	=	\$5,756,400
MIDDLE	DOES NOT MEET THRESHOLD				
SENIOR HIGH	188	x	\$26,915	=	\$5,060,020
<b>Total Potential Capital Cost</b>					<b>\$10,816,420</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.

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# **APPENDIX D**

## **Applicant's Traffic Study**

No traffic study has been submitted

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# **APPENDIX E**

## **Fiscal Impact Analysis**

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## **Fiscal Impacts On Infrastructure and Services**

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 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. 9 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 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 for 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 DSWM assesses capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary 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 annual fee charged to the user offsets the incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste. Currently, that fee is \$439 per residential unit. For a residential dumpster account, the current fee is \$339. The average residential unit currently generates 2.4 tons of waste annually, which includes garbage, trash, and recycled waste. As reported in March 2008 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2007, the full cost per unit of providing waste Collection Service was \$449 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. For FY 07-08, the DSWM charged 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 per ton. 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.

## **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. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.0628 per 1,000 gallons for the water and \$1.4797 per 1,000 gallons for the sewer. The connection fee was based on providing a 1-inch service line and meter. In addition, the estimated cost of constructing the water and sanitary sewer mains, including, a private pump station totals \$330,260. Assuming the subject site is built at 679,536 sq. ft. of Commercial/Retail (maximum development allowed under the proposed re-designation of "Business and Office", which would generate the greatest water and sewer demand), the fees paid by the developer would be \$94,456 for water impact fee, \$380,540 for sewer impact fee, \$1,300 per unit for connection fee, and \$66,589 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 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 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.

## Public Schools

Application No. 9 will result in 626 additional students. 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 \$4,099,674. Based on the State's July 2007 student station cost factors, capital costs for the estimated additional students to be generated by the proposed development are:

School	Number of Additional Students	Capital Costs	Total
E. W. F. Stirrup Elementary	300	\$19,188	\$5,756,400
Ruben Dario Middle	138	\$0	\$0
Miami Coral Park Senior	188	\$26,915	\$5,060,020

**Total Potential Capital Cost:**

**\$10,816,420**

## Fire Rescue

Information pending.

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# **APPENDIX F**

## **Proposed Declaration of Restrictions**

Declaration of Restrictions submitted July 28, 2008

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This Instrument was Prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

2008 JUL 28 A 11:35

### **DECLARATION OF RESTRICTIONS**

***WHEREAS, Blue Lake Development Corporation***, a Florida corporation (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

***WHEREAS, Gold River Corporation***, a Florida corporation (the "Applicant"), is the contract purchaser of the Property and has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as Application No. 9 in the April 2008 Cycle (the "Application");

***WHEREAS***, the Application seeks to re-designate the Property from "Low-Medium Density Residential" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

***NOW, THEREFORE, IN ORDER TO ASSURE*** Miami-Dade County, Florida (the "County") that the representations made by the Applicant during the 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. **Permitted Uses.** Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, no residential dwelling units shall be developed on the Property.

2. **Water Conservation and Re-Use.** The Owner hereby agrees to implement the following water conservation and re-use standards for the development of the Property:

(i) The development of the Property shall include appropriate pipes to permit the future connection of the Property into any regional wastewater re-use system that may be constructed by the County for irrigation purposes; and

(ii) Upon the construction of a regional wastewater re-use system by Miami-Dade County that includes a connection point abutting the Property, the Owner (or its successors or assigns) shall connect the water re-use pipes in the Property to such regional wastewater re-use system.

3. **Transit Improvements.** In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter along the Property's frontage on N.W. 102<sup>nd</sup> Avenue and W. Flagler Street. The Owner's obligation under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

4. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, 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 Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

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

**C. Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the fee simple owner(s) of the Property, 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 of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said Department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

**G. Recording.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon

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

**H. Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

**I. Owner.** The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[Signature Pages Follow]

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

**WITNESSES:**

**Blue Lake Development Corporation**  
a Florida corporation

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_ of Blue Lake Development Corporation, a Florida corporation, and for the purposes stated herein on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in the County and State aforesaid.

**My Commission Expires:**

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

**EXHIBIT "A"**

Legal Description

# 5496584\_v2

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# **APPENDIX G**

## **Photos of Application and Surroundings**

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Subject Property



Business and Retail Establishments East of the Subject Property  
Across West Flagler Street



Business and Retail Establishments East of the Subject Property  
Across West Flagler Street



Sunoco Gas Station Across West Flagler Street from the Subject Property