

Application No. 1

Commission District 2 Community Council 8

APPLICATION SUMMARY

Applicant/Representative:	Ellen Gardner 79 th St. LLC / Michael Gil Esq., Michael Larkin, Esq. Bercow Radell & Fernandez, PA. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131
Location:	Area between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues
Total Acreage:	1.63 Gross Acres, 1.1 Net Acres
Current Land Use Plan Map Designation:	"Low Density Residential (2.5 to 6.0 dwelling units per gross acre)" and "Business and Office"
Requested Land Use Plan Map Designation:	"Business and Office"
Amendment Type:	Small-scale
Existing Zoning/Site Condition:	RU-1 & BU-2 / Application site is currently vacant

RECOMMENDATIONS

Staff:	ADOPT AS SMALL SCALE AMENDMENT (February 25, 2010)
North Central Community Council (8):	TO BE DETERMINED (March 2010)
Planning Advisory Board (PAB) Acting as Local Planning Agency:	TO BE DETERMINED (April 5, 2010)
Board of County Commissioners:	TO BE DETERMINED (May 5, 2010)
Final Action of Planning Advisory Board Acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

The Staff recommends to **ADOPT** the proposed small-scale amendment to the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) to redesignate the subject property from “Low Density Residential Communities (2.5 to 6 dwelling units per gross acre)” and “Business and Office” to “Business and Office” in its entirety based upon the following considerations:

Principal Reasons for Recommendation:

1. Policy LU-8E of the Land Use Element of the CDMP requires amendments to the Adopted 2015-2025 LUP map to be evaluated according to factors such as, the proposed amendment’s ability to satisfy a deficiency in the Adopted 2015-2025 LUP map of the CDMP to accommodate projected population or economic growth in the County; whether the proposed amendment is compatible with abutting and nearby land uses; its impact to County services, environmental, and historical resources; and the extent to which the proposed amendment would promote transit ridership and pedestrianism if located within an Urban Center.

The proposed amendment to the LUP map of the CDMP would be compatible with existing adjacent retail/commercial uses located immediately east, west, and south of the application site (across NW 79 Street). Commercial establishments immediately east of the application site include a Church’s Chicken Restaurant, a U-Gas Gasoline Station immediately to its west, and a pet store immediately to the south of the application site, across NW 79 Street.

2. Policy LU-4C of the Land Use Element states, “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.” The subject property is bordered on its north by single-family residential development, which is located across NW 79 Terrace. The applicant should consider submitting a Declaration of Restrictions at the zoning stage that would address such compatibility issues such as noise, light and traffic that could impact the adjacent residential area to the north.
3. The Department of Planning and Zoning, in cooperation with the County’s Public Works Department (PWD) conducted an evaluation of peak-period traffic concurrency conditions in the vicinity of the application site, which considers reserved trips from approved development not yet constructed including programmed roadway capacity improvements listed in the first three years of the County’s 2010 Transportation Improvement Program (TIP). The analysis predicts that the roadways adjacent to the application site will continue to meet their adopted level of service standards with the application’s traffic impacts for each potential development scenario under the requested “Business and Office” land use designation (for details see the “Traffic Impact Analysis” table on Pg. 1-16 below). Furthermore, the subject application is located within the County’s Urban Infill Area, a designated Transportation Concurrency Exception Area (TCEA), which is an area where a proposed development will not be denied a concurrency approval for transportation facilities provided that the development is consistent with the adopted CDMP and meets the criteria established in the Concurrency Management Program of the Capital Improvements Element.

4. Maximum development on the application site, under the proposed “Business and Office” CDMP land use designation, would not cause level of services for solid waste, potable water, sanitary sewer service, and parks to be exceeded. In addition, schools serving the application site would operate below capacity with or without approval of the proposed CDMP amendment (see “Staff Analysis” section below). Furthermore, according to Miami-Dade County Fire Rescue Department (MDFR), the proposed CDMP amendment would result in “minimal” impact to existing fire rescue services. Currently, MDFR plans to construct Station No. 67 (Arcola) at 1275 NW 79 Street. Construction is expected to be completed in 2012. MDFR reports that the Department owns the parcel where the Arcola Station would be located and funding for construction of the same has been allocated.
5. Policy LU-8E(v) of the Land Use Element states that for proposed land uses, “If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or *standard or express bus stop served by peak period headways of 20 or fewer minutes*, would be a use that promotes transit ridership and pedestrianism.” The application site is located within a ¼ mile of a standard bus stop served by Routes L and 22, with headways less than 20 minutes. Therefore, the proposed “Business and Office” land use designation would be a use that would promote transit ridership and pedestrianism if development of the property would include a mixture of residential and business uses or uses with a high number of employees and clients such as medical offices.
6. According to the Department of Environmental Resources Management (DERM) and the Office of Historic Preservation, the application site does not contain any historical, archaeological, or environmental resources.
7. The application site is located within the North Central Charrette Area. Various goals of the *North Central Charrette Area Plan* include promoting growth and infill development, encouraging local ownership of properties, business development, attraction of businesses (both retail and office) that would provide a wide range of jobs easily accessible to residents, and improving the neighborhoods’ appearance (see *North Central Miami-Dade Charrette Plan*, pg. 3). The proposed retail development is generally consistent with the aforementioned goals of the *North Central Charrette Area Plan*.
8. Policy ECO-8A of the Economic Element states, “County direct business assistance and training should be targeted to small businesses, especially those located in the Empowerment Zone or in the Targeted Urban Areas.” The subject property is located within areas that the County is promoting for economic development, such as the Enterprise Zone (Zone) and the West Little River Targeted Urban Area (TUA). The Enterprise Zone is where Miami-Dade County and the State of Florida offer fiscal incentives to businesses that locate or expand within the Zone. TUAs are economically disadvantaged areas that are targeted by the County for economic revitalization activities, which may include financial incentives and training opportunities.
9. The proposed amendment, if approved, will not help to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County. No deficiency in the supply of vacant commercial land exists in either the Analysis Area (Minor Statistical Area 4.2) or the Trade Area (the area within the 1.5 mile radius of the application site). However, the requested CDMP Land Use Plan map amendment has a

negligible impact on the supply of either residential or commercial land in the analysis area.

STAFF ANALYSIS

Application Site

The application site of 1.63 gross acres (1.1 net acres), consisting of two adjacent vacant parcels, is located between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues, in the West Little River Revised Subdivision. The northern one third of the application site, fronting NW 79 Terrace, is currently designated “Low Density Residential Communities (2.5 to 6 dwelling units per gross acre)” and the remainder of the application site is designated “Business and Office” on the Adopted 2015-2025 LUP map of the Comprehensive Development Master Plan (CDMP). The subject property fronts NW 79 Street, which is designated a Major Roadway (3 or more lanes) on the LUP map. The northern one third of the subject property is zoned RU-1 (Single Family Residential) and the remainder is zoned BU-2 (Special Business District).

The applicant proposes to redesignate the application site from “Low Density Residential” and “Business and Office” to “Business and Office” on the LUP map. Currently, the applicant is able to develop the property with a maximum 14,810 sq. ft. of floor area, assuming a Floor Area Ratio (FAR) of 0.4, which could generate 37 employees to the application site. The FAR is a measure of non-residential development intensity that is calculated by dividing the building square footage (not counting parking structures) by the net lot area of the parcel. By expanding the “Business and Office” CDMP land use category to the entire property, maximum commercial/retail development on the application site is estimated at 19,166 sq. ft. of floor area, which could generate 48 employees on the subject property.

North Central Charrette Area Plan

The application site is located within the North Central Charrette Area. On April 27 2004, the Miami-Dade County Board of County Commissioners passed Resolution No. 497-04 accepting the *North Central Charrette Area Plan Report* and its recommendations. Some of the objectives of the North Central Charrette Area plan are to promote growth and infill development; to encourage local ownership of properties, businesses and development; to attract businesses (including retail and office uses) in order to promote a wide range of jobs easily accessible to residents and improve the community’s appearance (see North Central Miami-Dade Charrette Report, pg. 3).

Economic Development Areas

The subject property is located within areas that the County is promoting for economic development, such as the Enterprise Zone (Zone) and the West Little River Targeted Urban Area (TUA). The Enterprise Zone is where Miami-Dade County and the State of Florida offer fiscal incentives to businesses that locate or expand within the Zone. TUAs are economically disadvantaged areas that are targeted by the County for economic revitalization activities, which may include financial incentives and training opportunities.

Land Use and Zoning History

Miami-Dade County zoning districts and zoning code regulations were created in 1938. The subject property was initially designated GU (Interim District). In 1939, the application site was designated RU-2 (Two-Family Residential District-7,500 sq. ft. net lot) and in 1952, the subject

property was re-designated RU-1M(b) (Single-Family Modified Residential District-6,000 sq. ft. net lot); eventually in 1955 it was re-designated RU-1(Single-Family Residential District-7,500 sq. ft. net lot)).

Adjacent Land Use and Zoning

The area has developed as a residential neighborhood with commercial strips along the two major roadways, NW 79 Street and NW 22 Avenue. This development pattern is reflected by existing land uses, zoning districts and the future land use designations on the Adopted 2015-2025 Land Use Plan (LUP) map. . The pattern of existing land uses around the subject property include single family detached homes in good condition to the north, Church's Chicken Restaurant to the east, a U-Gas Gasoline Station to the west and small commercial uses, vacant lots and the "Continental" multi-family apartment complex to the south across NW 79 Street. Other existing uses in the vicinity of the application site include the Glory Temple Ministries, Mount Claire Holiness Church, a vacated Shell Gas Station at the SW corner of NW 22 Avenue and NW 79 Street and establishments along NW 22 Avenue including the New Generation Supermarket and a Laundromat. The properties adjacent to the site are zoned RU-1 (Single Family Residential-7,500 sq. ft. net lot) to the north, BU-2 (Business District-Special) and RU-1 to the east, BU-3 (Business District-Liberal) to the west and RU-1, RU-4M (Modified Apartment House District-35.9 dwelling units per acre), and BU-3 to the south across NW 79 Street. The adjacent properties are designated on the LUP map as "Low Density Residential Communities (2.5 to 6 dwelling units per gross acre)," "Business and Office" and "Low Density Residential Communities" to the east and west, and "Business and Office" to the south of the application site across NW 79 Street (see Appendix A: Map Series).

Supply & Demand

Commercial Land Analysis

In 2009, the study area (MSA 4.2), where the application site is located, contained 115.8 acres of vacant land zoned for commercial uses in 2009. In addition, there were 425.8 acres of in-use commercial land. The average annual absorption rate projected for the 2008-2025 period is 0.63 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned and designated land beyond the year 2025 (see "Projected Absorption of Land for Commercial Uses" table below).

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

Analysis Area MSA	Vacant Commercial Land 2009 (Acres)	Commercial Acres in Use 2009	Annual Absorption Rate 2008-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2015	2025
4.2	115.6	425.8	0.63	2025+	6.2	6.0

Source: Miami-Dade County Department of Planning & Zoning, Planning Division, Research Section, February 2010.

Analysis of the Trade Area

The trade area analysis is based on the location of the application site, which is considered as the focal point of the trade area. Analysis of the trade Area, 1.5 miles around the proposed project for this Application, shows that there are 277.6 acres in existing commercial uses and 89.0 acres of vacant commercially zoned or designated land. Most of the vacant parcels are located along NW 27 Avenue and along NW 79 Street (see Appendix A: Map Series).

Trade Area Analysis			
Application No.	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use (2009)
1	1.5 mi.	89.0	277.6
Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2010.			

Environmental Conditions

The following information pertains to the environmental conditions of the application site. All Yes entries are further discussed below. Additional information on all other environmental condition can be obtained through DERM.

Flood Protection

Federal Flood Zone	X - Base elevation undetermined
Stormwater Management Permit	No
Drainage Basin	C-7 Canal (Little River)
County Flood Criteria	7 feet – Base elevation
Hurricane Evacuation Zone	NO

Biological Conditions

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	NO
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). The nearest determined flood zone is AE, where the base elevation is 7.0 feet. 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. Flood protection for the application site is available through the C-7 Canal (Little River Canal).

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 the proposed development. In addition, the site shall be graded in a manner to prevent the flooding of adjacent properties during construction and thereafter. Interceptor swales shall be constructed on-site with no encroachment over adjacent properties.

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, and is inconsistent with the goals of the Comprehensive Everglades Restoration Plan (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 South Florida Water Management District Governing Board approved the Miami-Dade Water Supply Water Use Permit (WUP). The WUP details how the County will provide adequate water supply for its anticipated growth over a 20-year period. This permit is to be reviewed and updated every 5 years or sooner if needed. The projects that are planned to implement the 20-year WUP are contained in Table 1 in Objective WS-7 of the Water, Sewer and Solid Waste Element of the Comprehensive Development Master Plan (Water Supply Facilities Work Plan) and funded through the County's Capital Improvements schedules.

In August 2009, a permit compliance report prepared for WASD indicated that several projects originally contemplated in the WUP are no longer necessary to provide adequate water supply for the County's growth. This is in large due to the implementation of the County's adopted permanent landscape irrigation restrictions, which limits landscape watering to twice per week, and the requirement of more efficient water use measures. As a result, water use demand in the County is approximately 35 mgd below the permitted Biscayne Aquifer pumpage level of 347 mgd. This decrease in water consumption has caused WASD to re-evaluate the need and/or timing of several alternative water supply projects in its WUP. The new schedule and requested permit modifications are currently being reviewed by the SFWMD.

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 2013 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.

As noted in the table below, the subject site is developed with 18 units of single-family attached and detached homes [maximum development allowed under the current "Business and Office" and "Low-Density Residential Communities (2.5 to 6.0 DUs/gross acre)" CDMP land use categories, which would generate the greatest demand for water and sewer service], the

maximum water demand is estimated at 4,700 gpd (gallons per day). Maximum water demand under the proposed "Business and Office" CDMP land use category is estimated at 5,250 gpd. This water supply demand can be accomplished by the water permitted in the WUP. Additional water supply will be generated from those projects in the water supply listed in the CDMP (Table 1 in Objective WS-7), which will be completed by 2012. In addition, the County has developed a water allocation system, which will track all development projects receiving water from the Miami-Dade Water and Sewer utility. This allocation system will allow the County to track new or changed uses against the water supply allocated by the SFWMD permit.

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	Commercial SF-detached	14,810 sq. ft. 2 units	5 gpd/100 sq. ft. 350 gpd/unit	741 gpd 700 gpd (total: 1,441 gpd)
2	SF-attached SF-detached	16 units 2 units	250 gpd/unit 350 gpd/unit	4,000 gpd 700 gpd (total: 4,700 gpd)
Proposed Use				
1	Commercial	19,166 sq. ft.	5 gpd/100 sq. ft.	958 gpd
2	SF-attached	21 units	250 gpd/unit	5,250 gpd

Source: Miami-Dade Department of Environmental Resource management, 2010

Notes

GPD means Gallons Per Day

Potable Water

The County's adopted level of service (LOS) standard for water treatment is based on a regional treatment system. This system is comprised of the Hialeah-Preston and Alexander Orr Water Treatment Plants. The LOS 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. Based on the 12-month average (period ending 12-31-09) data provided by DERM, the regional treatment system has a DERM rated treatment capacity of 439.7 million gallons per day (mgd) and a maximum plant production of 345.8 mgd. As a result, the regional system has approximately 94 mgd or 21.4% of treatment plant capacity remaining. Additionally, the system has a 12-month average demand (period ending 05-31-09) of 305.6 mgd, which is well within 2 percent of the system's 402.3 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service would be provided by WASD by connecting to an existing 12-inch main on NW 21 Avenue and NW 79 Street and extend a new 12-inch water main north along NW 21 Avenue and west along NW 79 Street to the southwest corner of the Application site. Any public water main extension within the property shall require a 12-inch minimum diameter main. If two or more fire hydrants are to be connected to a public water main extension within the property, the water system shall be looped with two points of connection.

Wastewater Facilities

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South Districts Wastewater Treatment Plants, 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. The regional wastewater treatment system has a design capacity of 368 mgd and a 12-month average (period ending 12-31-09) of 301.49 mgd. This represents approximately 82% of the regional system's design capacity.

Based upon the residential development scenario (discussed under the Water Supply section above), it is estimated that this site will generate sewage flows of 5,250 gpd. These estimated flows will not cause the adopted LOS standard for the regional wastewater system to be exceeded.

The closest available public sanitary sewer line to the application site is an existing 8-inch force main on NW 79 Terrace. The construction of a new private sanitary sewer pump station will be necessary in order to provide a sanitary sewer connection to the subject property. According to DERM, sewage flows from this site would then be directed to PS 30-0001 and then to the Central District Wastewater Treatment Facility. Pump Station 30-0001 has sufficient capacity to handle sewage flows that would be generated from the potential development on the application site. The treatment plant and pump station are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. At this time, the Central District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

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 level of service 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. As of FY 2009 -10, the DSWM is in compliance with the level of service. The DSWM does not actively compete for commercial collection at this time and the requested amendment will have no impact or any associated costs to the DSWM. Therefore, the DSWM has no objection to the proposed amendment.

Parks

The LOS standard for recreation open space provides for 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas; and adds that the County must provide open space of five acres or larger within three miles from a residential area. The application site is in Park Benefit District 1 (PBD-1), which has a surplus capacity of 414.73 acres when measured by the County concurrency level-of-services standard for the unincorporated area.

Local County-owned parks located within a two-mile radius of the application site are described in the "Local County Parks" table below, which lists the name, type, and acreage for each park.

The nearest park to the application site is West Little River Park located at 2326 NW 84 Street, approximately 0.3 miles northwest of the application site. This park includes a small recreation center, four lighted basketball courts, and one lighted football field.

Local County Parks
Within a Two-Mile Radius of the Application Site

Park Name	Classification	Acreage
27th Avenue Teen Center (Boxing)	Single-Purpose Park	1.44
Alonzo Kelly Park	Mini Park	0.50
Arcola Lakes Park	Community Park	18.81
Arcola Park	Community Park	4.02
Area 222	Mini Park	0.50
Area 225	Mini Park	0.39
Area 226	Mini Park	0.50
Area 227	Mini Park	0.50
Broadmoor Park	Neighborhood park	1.88
Broadway Park	Mini Park	0.50
Claire Rosichan Park	Mini Park	0.38
Drew Park	Neighborhood park	4.13
Fernville Park	Mini Park	0.48
Gladesview Park	Mini Park	0.92
Gwen Cherry Park	Community Park	38.55
Jefferson Reeves, Sr. Park	Community Park	1.67
Larchmont Park	Neighborhood park	4.43
Little River Park	Community Park	9.00
Martin Luther King Memorial park	Community Park	10.13
Marva Y. Bannerman Park and Pool	Community Park	3.92
Miami Shores Optimist Club	Single-Purpose Park	9.20
Northwest Highlands Park	Mini Park	0.80
Olinda park	Community Park	6.40
Partners park	Neighborhood park	5.80
West Little River Park	Neighborhood park	4.42

Source: Miami Dade Parks and Recreation Department, 2010

The proposed land use change for this application has the potential to increase the residential population of the application site by 7 persons over the population generated by the existing land use designations, resulting in a need for an additional 0.019 acres of parks. The cumulative impact of all applications located in PBD-1 will increase the population by 1,778 and decrease the available reserve capacity for parks by 4.89 acres.

Park and Recreation Department staff recommends that the goals and principles of the County's *Parks and Open Space System Master Plan* (OSMP), approved in 2008 by Miami-Dade County Board of County Commissioners, are taken into account for any development proposed for the Application site, and that future site planning at this location incorporate measures to reduce impacts to the County's park system.

Fire and Rescue Service

The application site is currently served by Miami-Dade County Fire Rescue Station No. 7, West Little River, located at 9350 NW 22 Avenue. This station is equipped with an Advance Life Support (ALS) engine and a Rescue unit totaling seven firefighters/paramedics 24 hours a day seven days a week. Furthermore, the Miami-Dade Fire Rescue Department (MDFR) plans to construct Station No. 67 (Arcola) at 1275 NW 79 Street. Construction of this facility is expected to be completed in 2012. MDFR owns the parcel where the Arcola station would be located and funding for construction of the station has been allocated.

According to Miami-Dade County Fire Rescue Department (MDFR) data, average travel time to incidents in the vicinity of the application site is approximately 4 minutes 52 seconds. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Therefore, MDFR's average travel time to incidents in the vicinity of the application site complies with performance objectives of national industry standards.

The current "Low Density Residential Communities (2.5 to 6.0 DUs/gross acre)" CDMP land use designation allows a potential development that would generate a total of 5 annual alarms. Under the proposed "Business and Office" CDMP land use designation, potential development is anticipated to generate a total of 6 annual alarms. According to MDFR, this will result in minimal impact to existing fire rescue services. According to Miami-Dade County Fire and Rescue Department, 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.

The required fire flow for the proposed CDMP designation is as follows: Business and Office 3,000 gallons per minute (gpm). Additionally, each fire hydrant shall deliver no less than 1,000 gpm. Presently, there are no fire flow deficiencies in the vicinity of the Application site.

Public Schools

On July 17, 2009, the County's Educational Plan Amendment and Interlocal Agreement adopting a level of service (LOS) standard for public school facilities (school concurrency) was found in compliance by the State of Florida Department of Community Affairs. The proposed LOS standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) with relocatable classrooms. The County's land use applications have been reviewed based on this LOS standard and based on projected planned facilities in the Miami-Dade County Facilities Five-Year Work Plan. This review is an initial cursory review and no concurrency reservation is required at this stage. This review was conducted by Miami-Dade County Department of Planning and Zoning.

Students generated by this application will attend those schools identified in the "Concurrency Service Area (CSA) Schools" table below. If the subject application site were developed for residential use, the student population of the schools serving the application site would be increased by an additional 11 students. Five (5) students would attend Broadmoor Elementary, which has two hundred and twenty-three (223) seats available; three (3) students would attend Madison Middle, which has three hundred and forty-four (344) seats available; and three (3) students would attend Miami Central Senior High, which has one thousand nine hundred and seventy-seven (1,977) seats available.

Concurrency Service Area (CSA) Schools

CSA id	Facility Name	Available Capacity	Seats Required	LOS Met	Source Type
0521	Broadmoor Elementary	223	5	Yes	Current CSA
6391	Madison Middle	344	3	Yes	Current CSA
7251	Miami Central Senior	1,977	3	Yes	Current CSA

Source: Miami-Dade County Department of Planning and Zoning, 2010
Miami-Dade County Public Schools, 2009

Based on the potential school capacity needs of this application and the present school capacity in the applicable CSA, this application would not cause to school LOS to fail.

Roadways

The Application site is a 1.63 gross-acre (1.20 net acres) parcel located between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues, inside the County's Urban Infill Area (UIA). Primary access to the Application site is from NW 79 Street/SR-974, a six-lane divided arterial, which provides access to other major north-south arterials. North-south expressways and arterials in close proximity to the application site include NW 7/SR-7, NW 17, NW 22, NW 27/SR-9, and NW 32 Avenues, and I-95. East-west expressways and arterials in close proximity to the application site include NW 54/SR-944, NW 62, NW 95, NW 103/SR-932, and NW 119/SR-924 Streets.

The Department of Planning and Zoning, in cooperation with the County's Public Works Department (PWD), performed a short-term traffic impact analysis to determine the impact the requested land use change would have on the roadways adjacent to and in the vicinity of the application site. The analysis was based on the potential maximum development that could occur under the requested "Business and Office" CDMP land use designation. Two development scenarios were analyzed under the requested land use designation. Scenario 1 assumed the Application site developed with commercial use only (19,166 sq. ft. of retail), and Scenario 2 assumed the Application site developed with residential use only (21 attached single-family 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 County's traffic impact (concurrency) analysis identified the roadway segments adjacent to and in the vicinity of the Application site that would be impacted by the proposed amendment.

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 analyzed are presented in the "Traffic Impact Analysis" table below, which shows the current peak period LOS for the subject roadway segments. The analysis indicates that the major roadways adjacent to and in the vicinity of the application site are operating at or above their adopted LOS standards.

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 (Scenarios 1 and 2) that could occur under the current “Low Density Residential Communities (2.5 to 6 DUs/gross acre)” and “Business and Office” CDMP land use categories, and the two potential development scenarios that could occur under the requested “Business and Office” CDMP 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 24 more PM peak hour external trips than the combined residential and retail development that could occur under the current “Low Density Residential” and “Business and Office” land use designations; and only one more PM peak hour trip than the potential residential development that could occur under the current land use designations.

Estimated PM Peak Hour Trip Generation By Current and Requested CDMP Land Use Designations			
Application Number	Current Land Use Designation Assumed Use For Current CDMP Designation/ Estimated No. Of Trips	Proposed Land Use Designation Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
1 (Scenario 1)	Low Density Residential (2.5 to 6 DUs/gross acre) and Business & Office: (Two single-family units and 14,810 Sq. Ft. Retail) ¹ / 136 trips	Business & Office (Retail use: 19,166 sq. ft.) ² 157	+ 24
1 (Scenario 2)	Low Residential (2.5 to 6 DUs/gross acre) and Business & Office: (Residential use: Two single-family units and 16 Townhouses) ¹ / 16	Business and Office (Residential use: 21 Townhouses) ² 17	+ 1

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works Department, February 2010.

Notes: ¹ Under the current Low Density Residential (0.37 acres) and Business and Office (1.26 gross acres) LUP designations, two potential development scenarios were analyzed. Scenario 1 assumes the application site developed with two single-family dwelling units (at the maximum density of 6 dwelling units per gross acre), and 14,810 sq. ft. of retail. This potential development scenario is estimated to generate approximately 3 PM peak hour trips by the two single-family units and 177 PM peak hour trips by the commercial development. However, the trips estimated to be generated by the retail use were reduced by 25 percent due to pass-by trips. The total number of PM peak hour vehicle trips to be added to the adjacent streets is estimated at 136 trips. Scenario 2 assumes the application site developed with residential use only (2 single-family homes and 16 townhouses). Residential development may be authorized in the Business and Office land use category at a density up to one density category higher than the LUP-designated density of adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning, if the adjacent or adjoining land is undeveloped, whichever is higher. This development scenario is estimated to generate approximately 16 PM peak hour trips. Currently, the application site is vacant.

² Under the requested Business and Office land use designation, two development scenarios were analyzed. Scenario 1 assumes the application site developed with commercial use only (19,166 sq. ft. shopping center). This development scenario is estimated to generate approximately 210 PM Peak Hour trips, which were adjusted after reduction by 25 percent due to pass-by trips. The total PM peak hour volume to be added to the adjacent streets is estimated at 157 trips. Scenario 2 assumes the application site developed with residential use only (21 townhouses). The Business and Office land use designation may allow residential use at a density up to one density category higher (13 DUs/gross acre) than the LUP-designated Low Density Residential (2.5 to 6 DUs/gross acre). This development scenario is estimated to generate approximately 17 PM Peak Hour trips.

Traffic Concurrency Evaluation

A recent evaluation of peak period traffic concurrency conditions as of January 2010, 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 2010 Transportation Improvement Program (TIP), predicts that the roadways adjacent to the application site will continue to operate above their adopted LOS standards with the application's traffic impacts of each potential development scenario under the requested "Business and Office" land use designation (see the "Traffic Impact Analysis" table below).

Future Conditions

A long-term (Year 2025) traffic impact analysis is not required for Small-scale CDMP amendment applications such as the proposed amendment.

Application Impact

The "Estimated PM Peak Hour Trip Generation" table above identifies the estimated number of PM peak hour trips to be generated by a potential neighborhood retail development that could occur under the requested "Business and Office" land use designation. If the application site were developed with retail use only under the requested land use designation, it would generate approximately 24 more PM peak hour external trips than the combined residential and retail development that could occur under the current "Low Density Residential Communities" land use designation. However, if the Application site were developed with residential use only under the requested "Business and Office" land use designation, it would generate one more PM peak hour trips than the potential residential development that could occur under the current "Low Density Residential" CDMP land use designation.

Currently, no roadway segment in the immediate vicinity of the application site exceeds the adopted LOS standard applicable to the roadways. Moreover, the trip distribution analysis indicates that although the potential uses under the requested CDMP land designation would impact traffic concurrency in the vicinity of the Application site, these roadways are not predicted to operate in violation of their adopted LOS standards.

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.*	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: Business and Office use (19,166 sq. ft. Retail)												
F-431	NW 27 Ave./SR 9	NW 79 Street to NW 103 Street	4 DV	E+50%	4,905	2,766	D	77	D	21	2,864	D(08)
F-20	NW 27 Ave./SR 9	NW 79 Street to NW 54 Street	4 DV	E+50%	4,905	2,529	D	238	D	23	2,790	D(08)
9372	NW 17 Ave.	NW 95 Street to NW 103 Street	4 DV	E+20%	3,264	1,352	B	6	B	18	1,376	B(08)
9370	NW 17 Ave.	NW 79 Street to NW 54 Street	4 DV	E+20%	3,720	1,592	C	217	C	29	1,838	C(08)
F-538	NW 79 St./SR 934	NW 27 Ave. to NW 37 Ave.	4 DV	E+50%	4,680	1,782	D	91	D	43	1,916	D(08)
9486	NW 79 St. /SR 934	NW 13 Ct. to NW 7 Ave.	4 DV	E+20%	3,264	1,595	D	142	D	23	1,760	D(08)
Scenario 2: Business and Office with Residential Development (21 Single-family attached dwelling units)												
F-431	NW 27 Ave./SR 9	NW 79 Street to NW 103 Street	4 DV	E+50%	4,905	2,766	D	77	D	2	2,845	D(08)
F-20	NW 27 Ave./SR 9	NW 79 Street to NW 54 Street	4 DV	E+50%	4,905	2,529	D	238	D	2	2,769	D(08)
9372	NW 17 Ave.	NW 95 Street to NW 103 Street	4 DV	E+20%	3,264	1,352	B	6	B	3	1,361	B(08)
9370	NW 17 Ave.	NW 79 Street to NW 54 Street	4 DV	E+20%	3,720	1,592	C	217	C	3	1,812	C(08)
F-538	NW 79 St./SR 934	NW 27 Ave. to NW 37 Ave.	4 DV	E+50%	4,680	1,782	D	91	D	5	1,878	D(08)
9486	NW 79 St. /SR 934	NW 13 Ct. to NW 7 Ave.	4 DV	E+20%	3,264	1,595	D	142	C	2	1,739	D(08)

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, January 2010.

Notes: DV= Divided Roadway

*County adopted roadway level of service standard applicable to the roadway segment: E +20% (120% capacity) for roadways serviced with transit service having 20 minutes headways inside the Urban Infill Area (UIA); E+50% (150% capacity) for roadway serviced with extraordinary transit such as 95 Express Bus Route.

() Indicates the year traffic count was taken

Scenario 1 assumes maximum potential commercial development (19,166 sq. ft. of retail space) on the application site under the requested "Business and Office" land use designation.

Scenario 2 assumes residential development (21 townhouses) on the application site under the requested "Business and Office" land use designation.

Transit Service

Existing Service

The area within the application site is served by Metrobus Routes L, 12, 17, 21, 22, 27, 79/79 Street MAX, 97/27 Avenue MAX, and 246/Night Owl. The “Metrobus Route Service Summary” table below shows the existing service frequency in summary form.

Metrobus Route Service Summary

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (mid-days)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
L	12	12	15	60	15	20	0.0	F
12	30	30	40	N/A	20	20	0.1	F
17	15	30	60	N/A	30	30	0.5	F
21	30	30	60	N/A	20	20	0.1	F
22	15	30	60	N/A	30	30	0.0	F
27	15	15	24	60	20	30	0.5	F
79 79 Street MAX	24	N/A	N/A	N/A	N/A	N/A	0.0	E / F
97 27 Avenue MAX	20	40	N/A	N/A	N/A	N/A	0.5	E / F
246/Night Owl	N/A	N/A	N/A	60	60	60	0.1	F

Source: 2009 Transit Development Plan, Miami-Dade Transit, December 2009.

Notes

L means Metrobus local route service

F means Metrobus feeder service to Metrorail

E means Metrobus Express or Limited-Stop service

Future Conditions for the Immediate Area

Transit improvements to the existing Metrobus service, such as realignment and the revamping of the existing limited-stop route, are being planned for the next ten years as noted in the 2019 Recommended Service Plan of the *2009 Transit Development Plan* (TDP). The “Metrobus Recommended Service Improvements” table below lists the Metrobus service improvements programmed for the existing routes serving the subject property.

Metrobus Recommended Service Improvements

Route(s)	Improvement Description
L	No planned improvements.
12	Remove Civic Center loop, keep alignment on NW 12th Avenue. City of Miami to implement Health District Circulator.
17	No planned improvements.
21	No planned improvements.
22	No planned improvements.

Route(s)	Improvement Description
27	No planned improvements.
79/79 Street MAX	No planned improvements.
97/27 Avenue MAX	Transform route into 27th Avenue Rapid Bus.
246/Night Owl	No planned improvements.
27th Avenue Rapid Bus	This route would provide limited-stop service along NW 27th Avenue between the Broward/Miami-Dade county line and the MLK Metrorail station.

Source: 2009 Transit Development Plan, Miami-Dade Transit, December 2009.

The Metrobus service improvements are estimated to cost approximately \$63,008 in annual operating costs and a one-time capital cost of \$39,634 for a total cost of \$102,642. These costs only reflect the percentage of improvements that are located within the Application area.

Major Transit Projects

Regarding future transit projects in the vicinity of the Application site, a rail extension to the Miami-Dade/Broward county line from the existing Dr. Martin Luther King, Jr. Metrorail station is being planned by Miami-Dade Transit, as part of the People's Transportation Plan Rapid Transit Improvements. It consists of a 9.5 mile corridor along NW 27 Avenue north of NW 79 Street.

In addition, the South Florida East Coast Corridor is being studied by the Florida Department of Transportation (FDOT) District 4 and their consultants. This study is a regional effort that includes Miami-Dade, Broward and Palm Beach counties, and extends 85 miles from downtown Miami to Jupiter. Within Miami-Dade County, the study area runs from downtown Miami to the Broward County line (13.6 miles) along the Florida East Coast (FEC) Railroad/Biscayne Boulevard corridor. Currently, the project is evaluating station locations throughout the corridor.

Application Impacts

A preliminary analysis was performed in Traffic Analysis Zone (TAZ) 410 where the application site is located. If the proposed amendment is granted, the expected transit impact produced by the proposed amendment is minimal and can be absorbed by the scheduled improvements to transit in the area.

Aviation

Miami-Dade County Aviation Department (MDAD) analyzed the Application and has determined that the proposed Land Use Plan map amendment is compatible with airport operations.

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

All CDMP amendment applications are evaluated for consistency with pertinent CDMP Objectives, Policies, Land Use Plan Concepts and other Plan provisions. The specific objectives, policies and Land Use Plan Concepts that materially apply to the requested amendment are indicated below in summary following the specific item. For the specific language see the Adopted Components Comprehensive Development Master Plan, October 2006 Edition, as amended through May, 2009.

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

- Policy LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand;
- Policy LU-1J: Miami-Dade County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas, enhance the County's Enterprise Zone and participate in the Empowerment Zone program as tools to expand the economy in locally distressed areas;
- Policy LU-1S: The CDMP shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission June 3, 2003. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agriculture and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.
- Policy LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- Objective LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services;
- Policy LU-7D: Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians;
- Policy LU-8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial

distribution of the residential population, among other salient social, economic and physical considerations;

- Policy LU-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

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

- 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 TC-5C: The County shall discourage through traffic in neighborhoods by adequately accommodating through traffic demands on arterial roadways.
- 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:
- (iii): Be compatible with abutting and nearby land uses and protect the character of established neighborhoods;

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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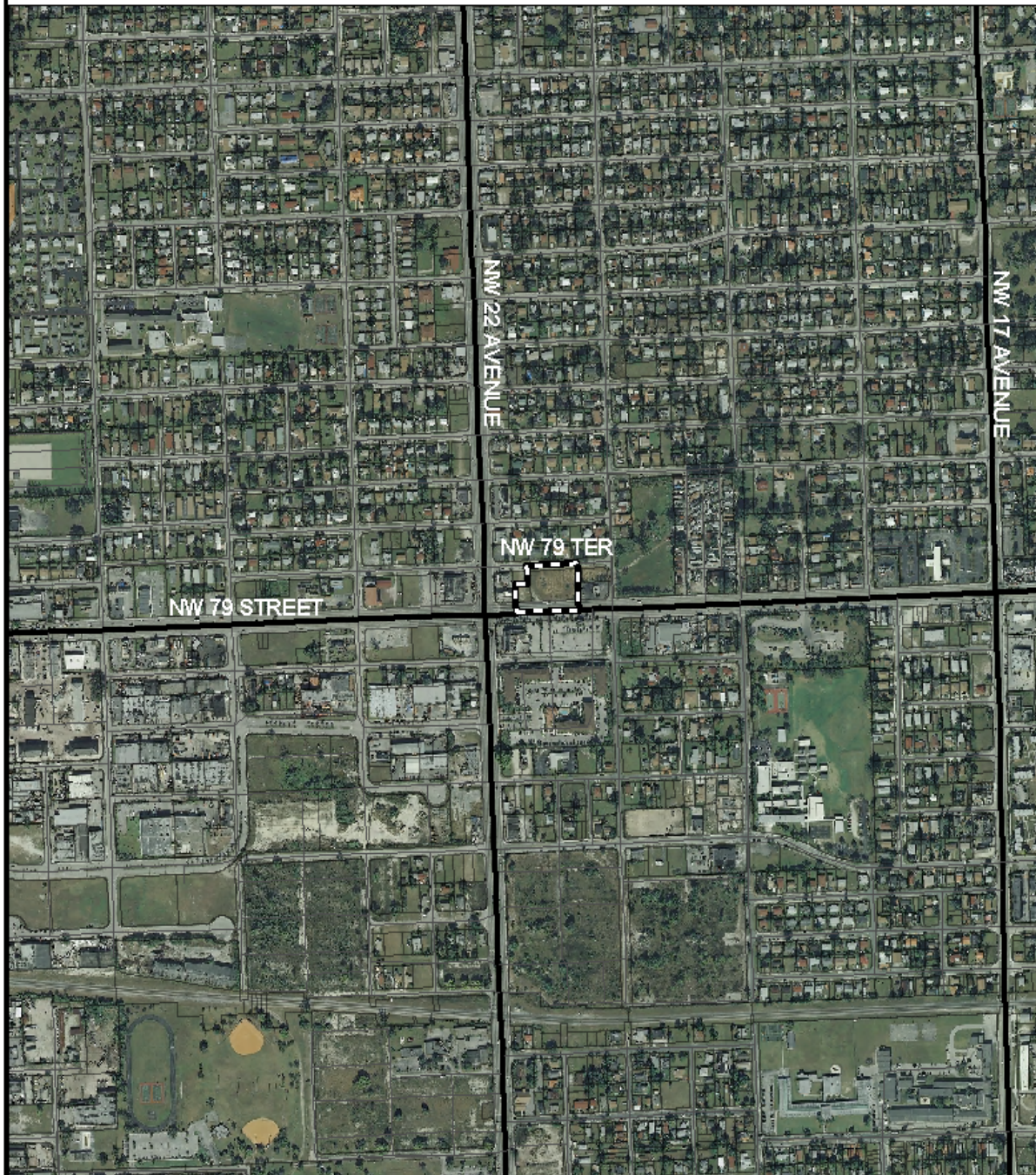
APPENDIX A

Map Series

- Aerial Photo
- Current Zoning Map
- Existing Land Use Map
- CDMP Land Use Map
- Proposed CDMP Land Use Map
- Trade Area Map

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APPLICATION NO. 1 AERIAL PHOTO



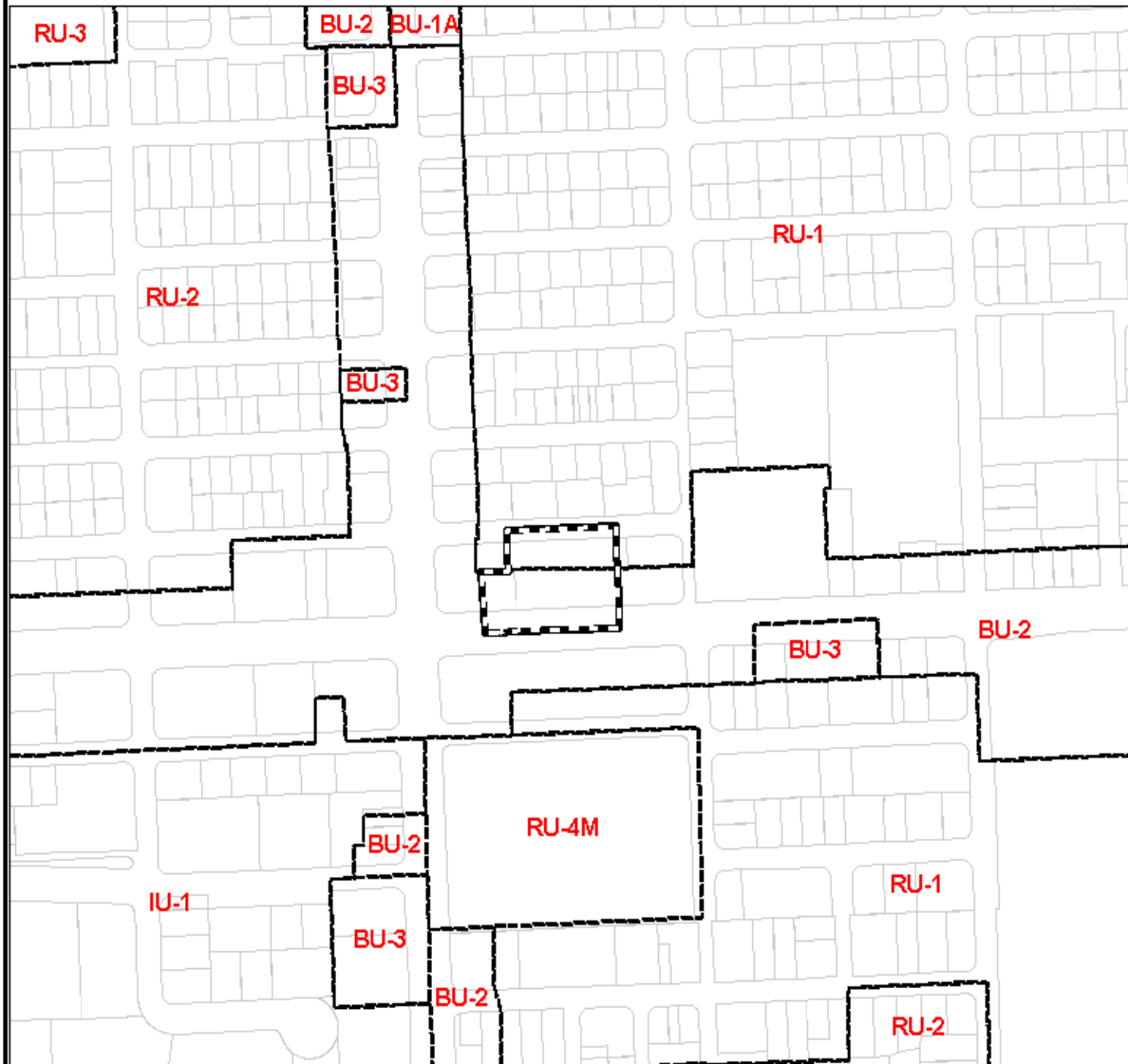
APPLICATION AREA

Source: Miami-dade County
Department of Planning and Zoning, December 1, 2009

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APPLICATION NO. 1 ZONING MAP



APPLICATION AREA

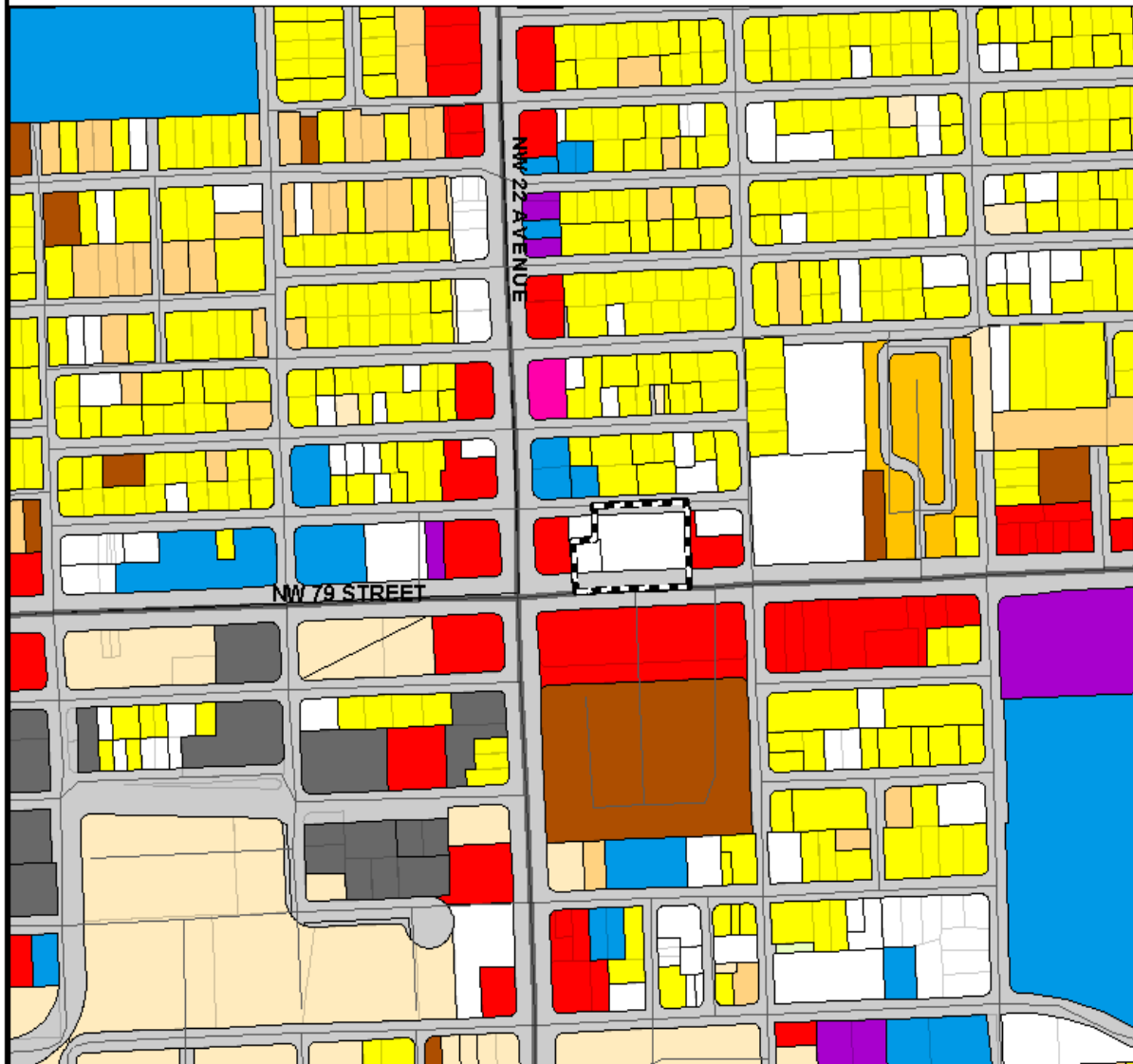
Source: Miami-Dade County
Department of Planning and Zoning, December 1, 2009

- BU-1A BUSINESS DISTRICT (LIMITED)
- BU-2 BUSINESS DISTRICT (SPECIAL)
- BU-3 BUSINESS DISTRICT (LIBERAL)
- IU-1 INDUSTRIAL DISTRICT (LIGHT MANUFACTURING)
- RU-1 SINGLE FAMILY RESIDENTIAL (7,500 sq. ft. net)
- RU-2 TWO FAMILY RESIDENTIAL (7,500 sq. ft. net)
- RU-3 FOUR-UNIT APARTMENT DISTRICT (7,500 sq. ft. net)
- RU-4M MODIFIED APARTMENT HOUSE DISTRICT (35.9 DUs / net acre)

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













APPLICATION NO. 1 **EXISTING LAND USE**



APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, December 1, 2009

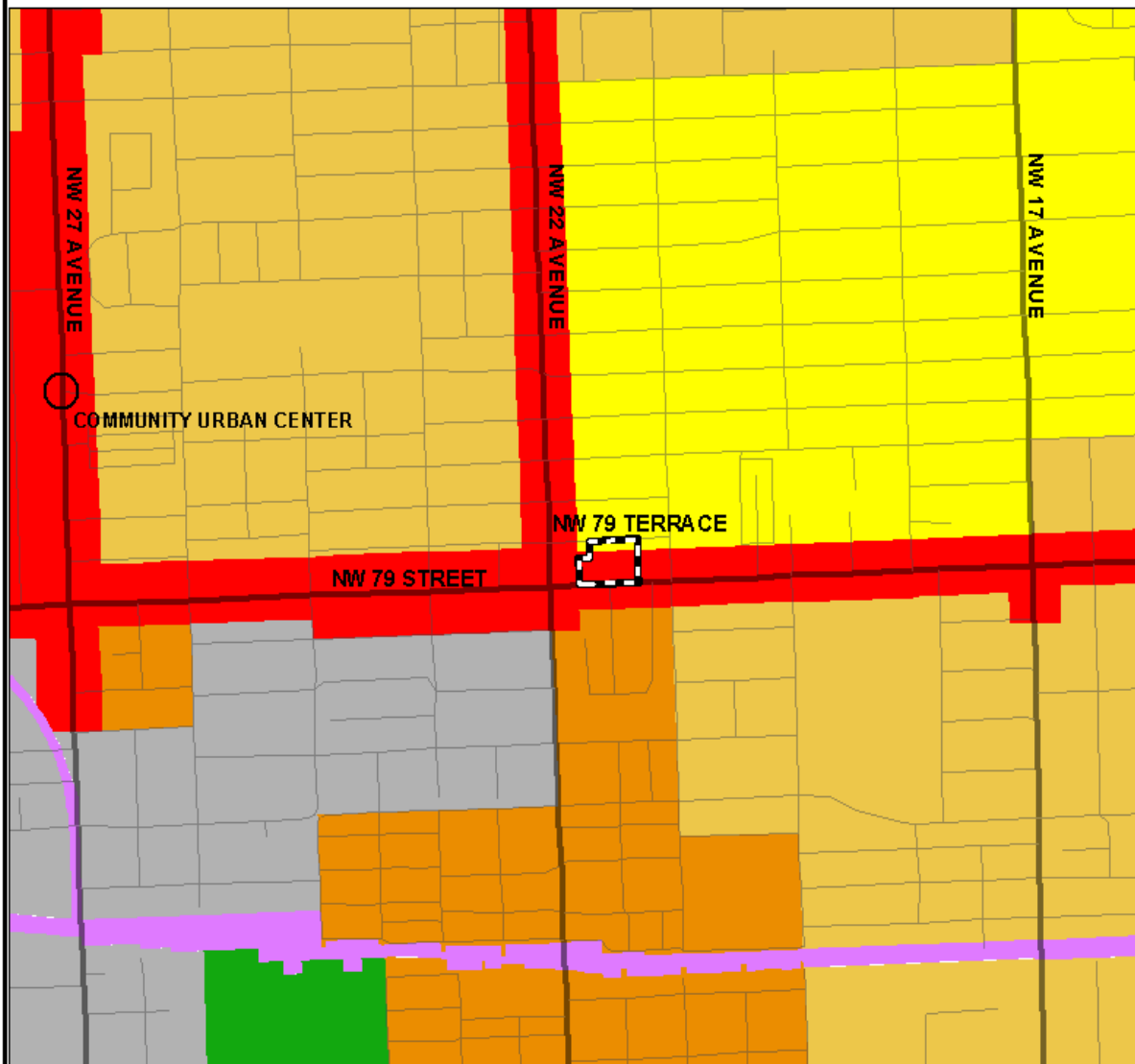
EXISTING LAND USE

 SINGLE FAMILY	 PUBLIC SCHOOLS
 TWO FAMILY (DUPLEXES)	 HOUSE OF WORSHIP
 MULTI FAMILY	 GOV./PUB. ADMIN.
 MOBILE HOMES PARK	 PARKING
 OFFICE BUILDING	 SOLID WASTE DISPOSAL
 SALES AND SERVICES	 VACANT, GOV. OWNED
 INDUSTRIAL	 VACANT, PRIVATE



0 0.05 0.1 0.15 Miles

APPLICATION NO. 1 CDMP LAND USE



APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, December 1, 2009

CDMP LAND USE

- LOW DENSITY RESIDENTIAL (2.5 - 6.0 DU/AC)
- LOW-MEDIUM DENSITY RESIDENTIAL (6.0 - 13 DU/AC)
- MEDIUM DENSITY RESIDENTIAL (13 - 25 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- PARKS AND RECREATION

STREETS

- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET

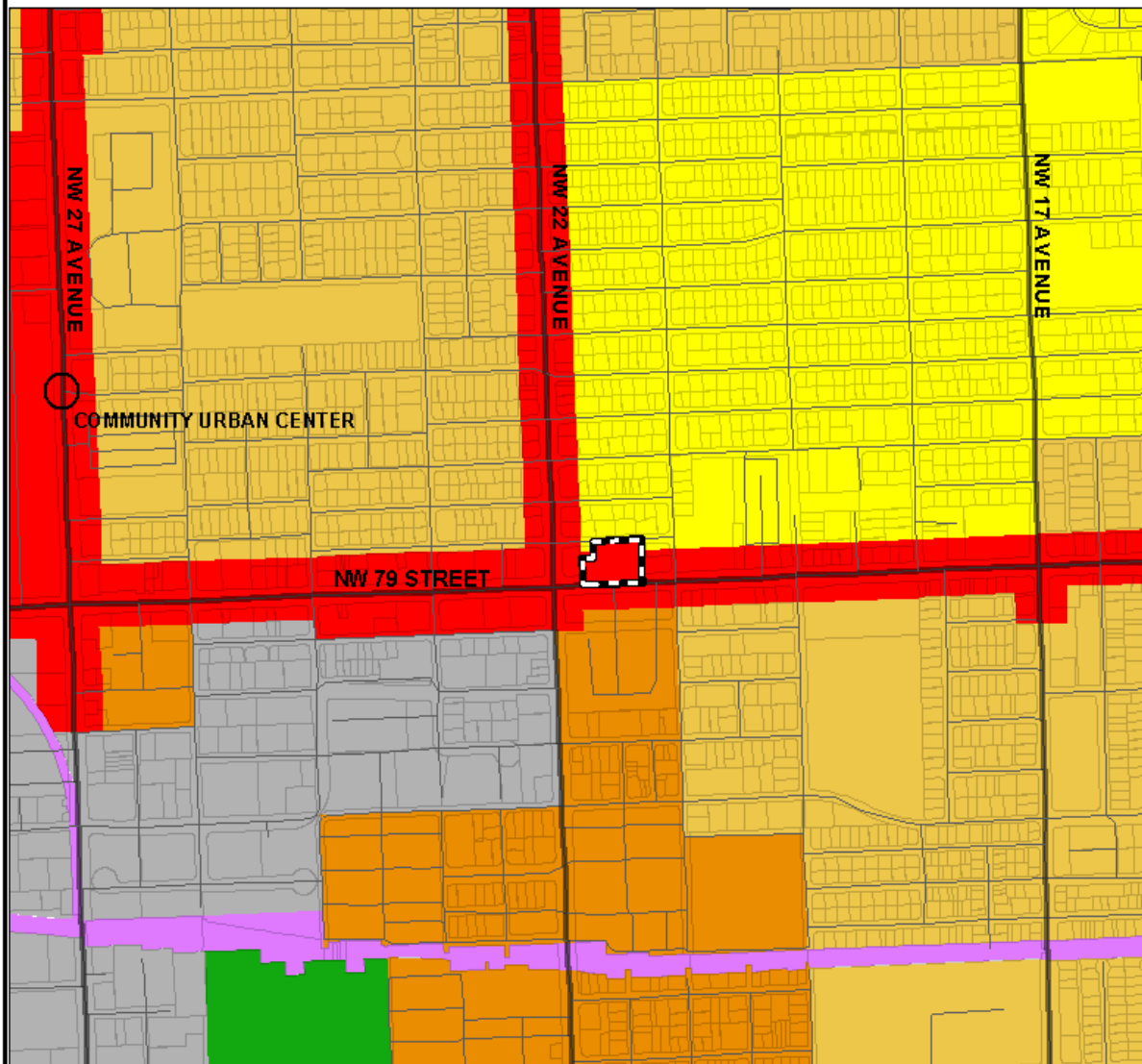
URBAN CENTERS

- COMMUNITY URBAN CENTER

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APPLICATION NO. 1 **PROPOSED CDMP LAND USE**



APPLICATION AREA

Source: Miami-Dade County
 Department of Planning and Zoning, December 1, 2009

CDMP LAND USE

- LOW DENSITY RESIDENTIAL (2.5 - 6.0 DU/AC)
- LOW-MEDIUM DENSITY RESIDENTIAL (6.0 - 13 DU/AC)
- MEDIUM DENSITY RESIDENTIAL (13 - 25 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- PARKS AND RECREATION

STREETS

- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET

URBAN CENTERS

- COMMUNITY URBAN CENTER

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*Miami-Dade County
Department of Planning & Zoning
Planning Research Section
February 2010*

APPENDIX B

Amendment Application

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SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2009-2010 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN

2009 NOV -2 P 3: 24
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

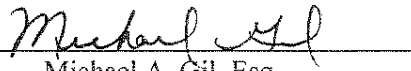
Ellen Gardner 79th St LLC
8126 S.W. 1st Manor
Coral Springs, Florida 33071

2. APPLICANT'S REPRESENTATIVES

Michael W. Larkin, Esq.
Michael A. Gil, Esq.
Bercow Radell & Fernandez P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

By: 
Michael W. Larkin, Esq.

Date: November 2, 2009

By: 
Michael A. Gil, Esq.

Date: November 2, 2009

3. DESCRIPTION OF REQUESTED CHANGES

A small-scale amendment to the Comprehensive Development Master Plan (CDMP) Land Use Plan Map (LUP) is requested.

- A. A change to the Land Use Element, Land Use Plan Map (item A.1 in the fee schedule) is requested.

Current Land Use Designation: Low Density Residential and Business and Office

Proposed Land Use Designation: Business and Office

- B. Description of Property

The Property consists of two parcels (Folio Nos. 30-3110-057-1820 and 30-3110-057-1840) collectively totaling approximately 1.11 net acres in size (the "Property") and located in Section 10, Township 53, Range 41 in unincorporated Miami-Dade County. See attached Sketch.

C. Acreage of Property

Gross Acreage = 1.63 acres

Net Acreage = 1.11 acres

Net Acreage owned by the Applicant = 1.11 acres

D. Requested Changes

- 1) The Applicant requests the redesignation of the Property from Low Density Residential and Business and Office to Business and Office.
- 2) It is requested that this Application be processed as a small-scale amendment under the expedited procedures.
- 3) If the CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.

4. REASONS FOR AMENDMENT

Applicant. Ellen Gardner 79th St LLC (the "Applicant") is the owner of the Property located in Miami-Dade County, which is the subject of the present application (the "Application").

Property. The Property consists of two contiguous parcels of land located on N.W. 79th Street in between N.W. 21st Avenue and N.W. 22nd Avenue in unincorporated Miami-Dade County (the "County"). The larger parcel, identified by Miami-Dade County Folio No. 30-3110-057-1820, is approximately 41,034 square feet in size, and the smaller parcel, identified by Miami-Dade County Folio No. 30-3110-057-1840, is approximately 7,200 square feet in size. Both parcels currently consist of vacant land. The Property is located inside the Urban Development Boundary and the Urban Infill Area of the County.

Land Use and Zoning. The northern approximately one-quarter of the Property is currently designated as Low Density Residential, while the southern approximately three-quarters of the Property is designated Business and Office. The Property is immediately surrounded by the following land use designations: Low Density Residential to the north (with narrow Low Density Residential portions also abutting to the west and east), and Business and Office primarily to the east, west, and south. Notably, the property located at the northeast corner of N.W. 79th Street and N.W. 21st Avenue contains a land use designation of Business and Office that extends north from N.W. 79th Street and is approximately twice as deep as the current Business and Office designation for the Property.

The approximate southern one-half of the Property has a BU-2 (Special Business District) zoning district classification. The approximate northern one-half of the Property has a RU-1 (Single-family Residential District) zoning district classification. The properties to the north are zoned RU-1, and the properties to the east and west, similar to the Property, are dual zoned; the approximately southern one-half of the properties are zoned BU-2 and the approximately northern

one-half are zoned RU-1. Finally, the property on the southern side of N.W. 79th Street is zoned BU-2.

Built Environment. The surrounding area consists primarily of retail uses. To the east of the Property, there is a Church's Chicken restaurant, and to the west, there is a UGas gasoline station. To the north of the Property, across the street from NW 79th Terrace, there are single family residences. Finally, to the south of the Property on the south side of N.W. 79th Street there is a two-story commercial building with a large surface parking lot.

Description of Development Proposal. The Applicant will develop the Property with community-serving retail uses. In addition, the Applicant reserves the right to develop the Property with residential uses as permitted by the Business and Office designation.

Projected Population Increase. The County recently updated their current Population Estimates and Projections in 2008. See Application No. 5 of the October 2007-08 Cycle to Amend the CDMP. For Metropolitan Statistical Area (MSA) 4.2, the analysis projected a 7.7% increase in population by 2015 and an 11.4% increase by 2025 from the base population of 80,689 in 2000. This significant population increase will necessitate additional employment opportunities and retail commercial development in the area in order to service this population growth. In sum, the new residents in this area will demand a greater number of retail uses. As CDMP Land Use Element Policy 8B provides, the "[d]istribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban areas shall reflect the spatial distribution of the residential population" (CDMP p. I-15). The Applicant's proposal will provide employment opportunities and retail services to this area.

Transportation System. The Property is situated on a main transit corridor and abuts a major roadway, N.W. 79th Street. In addition, the Property is located less than ten blocks away from the Northside Metrorail Station, which allows commuters to connect to 21 other Metrorail stations throughout the County. Notably, the Property is also located within approximately 15 blocks of the Tri-Rail/Metrorail Station and is also within walking distance of the Amtrak Train Station, which is located at 8303 NW 37th Avenue. The Tri-Rail Station provides access south to the Miami International Airport and the Amtrak Station and north to Broward and Palm Beach Counties. The Property is also well-served by public transportation. Two Metrobus routes, L and 79 (79 St MAX), service the Property and connect directly to the Northside Metrorail Station. Numerous other bus routes may be accessed at the intersection of N.W. 79th Street and N.W. 22nd Avenue, including the 12, 21, 22, and 246 (Night Owl). Therefore, the Property is very well serviced by public transportation.

Community Urban Center. The CDMP designates N.W. 27 Avenue, just north of N.W. 79th Street, as a Community Urban Center (CUC). CUCs are intended to contain a wide variety of mixed uses located on major roadways and supported by mass-transit. The Property is located in close proximity and within walking distance to both the CUC and multimodal transit opportunities. The most direct route to the CUC is along the major transit corridors of N.W. 79th Street and N.W. 27th Avenue. These corridors are the perfect place for commercial development that services the residents of the CUC. The Property is perfectly situated near the CUC and residential developments and small enough in size to provide retail uses that serve the surrounding community and encourage walking.

Residential and Commercial Land Supply and Demand. The Property currently consists of approximately .2 net acres designated Low Density Residential and approximately .9 acres designated Business and Office. The Applicant proposes to redesignate the Property in its

entirety to Business and Office. If the Property is eventually developed for commercial use, due to its small size (1.11 net acres), the reduced residential capacity will be insignificant for this area. A reduction of 12 residential units from the entire North Central Tier (assuming 6 dwelling units per acre for the Property's Low Density Residential portion of approximately .2 acres and 13 dwelling units per acre for the Property's Business and Office portion of approximately .9 acres) amounts to less than one-half of one percent of the residential supply of the North Central Tier.

Consistency with the CDMP. The Applicant's proposal will provide the surrounding community with necessary neighborhood retail uses. The redesignation request is consistent with several objectives, goals and policies of the Comprehensive Development Master Plan.

Consistency with the Land Use Element. The approval of the Application will be consistent with the following objectives and policies in the Land Use Element for the reasons set forth below:

OBJECTIVE LU-1

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

The Property is located in close proximity to a CUC as designated by the LUP Map. Pursuant to page I-47 of the CDMP, "[u]ses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces." These uses are particularly consistent with the Business and Office CDMP designation, which allows for retail, wholesale, personal and professional services, commercial and professional offices, among other uses described on page I-47 of the CDMP. The development of the Property as a community-serving retail project would be compatible with the pattern of development encouraged for Urban Centers within the County. While the Property is not included within the boundaries of the CUC, its redevelopment with a retail use will give the residents of the CUC an additional retail choice.

POLICY LU-1C

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

The Property is a vacant parcel situated within the UIA in a currently urbanized area. A vacant parcel of land adjacent to major transportation corridors in Miami-Dade County is a substandard use of the Property. The redevelopment of any property within the UIA is beneficial because it revitalizes these older urban neighborhoods.

OBJECTIVE LU-7

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open

space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

The Property is located in an area with a high concentration of transit alternatives. Specifically, it is located a few blocks from the Northside Metrorail Station, the Tri-Rail/Metrorail Station, and the Amtrak Train Station. Moreover, the Property abuts N.W. 79th Street, a six lane divided thoroughfare considered a major roadway on the County's LUP Map. N.W. 79th Street is currently serviced by multiple Metrobus routes all connecting directly to the Northside Metrorail Station. Accordingly, the proposed commercial development of the Property will be a benefit to patrons of public transportation by giving them an additional retail choice on their way to and from the public transportation hubs.

POLICY LU-7D

Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.

The Property is within one-half mile of multiple bus routes, and the proposed development will incorporate pedestrian-friendly elements. Therefore, the Application is perfectly situated to attract and encourage pedestrian use.

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 Property, surrounded by a single family community to its north and a large multifamily residential development on the south side of NW 79th Street, is ideally situated to provide community-serving retail uses to this highly urbanized area.

POLICY LU-10A.

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

Because the Property is currently vacant, its use is currently substandard. This infill development will help serve the surrounding residential communities, thereby reducing carbon footprint and promoting energy conservation. By bringing neighborhood serving retail uses closer to the surrounding residential communities, the need for commuting by automobiles (and corresponding gas emissions) is reduced.

Conclusion. The Applicant proposes to develop the Property with community-serving retail uses. The County's current Population Estimates and Projections reflect a strong population growth within MSA 4.2. Accordingly, additional retail commercial development is necessary to service this population growth. Moreover, the redesignation of the Property in its entirety to Business and Office is compatible with the surrounding neighborhood, and is also consistent with the existing Business and Office designation of the property located at the northeast corner of N.W.

79th Street and N.W. 21st Street. Finally, the approval of the Application will be consistent with numerous objectives and policies in the CDMP's Land Use and Transportation Elements.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Location Map of Property
- 2) Aerial Photograph
- 3) Section Map

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

6. COMPLETE DISCLOSURE FORMS: See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

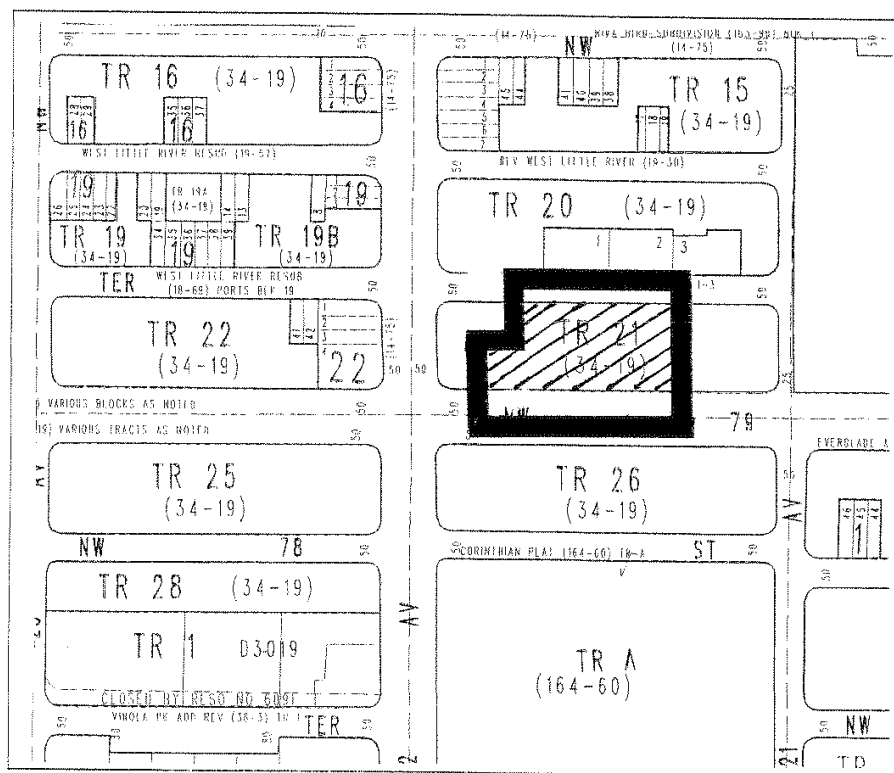
Ellen Gardner 79th St LLC
8126 S.W. 1st Manor
Coral Springs, Florida 33071



REPRESENTATIVES

Michael W. Larkin, Esq. & Michael A. Gil, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

DESCRIPTION OF SUBJECT AREA

The Property consists of two parcels that collectively contain 1.11 net acres located in Section 10, Township 53, Range 41. The parcels are identified by Folio Nos. 30-3110-057-1820 and 30-3110-057-1840. The Applicant owns the parcels.



 APPLICATION AREA
 AREA OWNED BY APPLICANT

SCALE
0 500'

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APPENDIX C

Miami-Dade County Public Schools Analysis

This analysis was performed by DP&Z staff. Please see Pg. I-12 of this Initial Recommendation Report.

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APPENDIX D

Applicant's Traffic Study

The applicant did not submit a traffic study with the proposed Small-scale CDMP amendment.

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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 this Application No. 1 of the October 2009 Cycle of Applications 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 Department of Solid Waste Management (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 this standard.

Residential Collection and Disposal Service

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charged to the user. Currently, that fee is \$439 per residential unit. For a residential dumpster account, the current fee is \$339. As of September 30, 2009, the average residential unit generated 2.28 tons of waste, which includes garbage, trash and recycled waste. This value is a 28.75% decrease of the average 3.2 tons reported annually for the April 2009 CDMP applications. The decrease is explained by the general decrease in tonnage collected and disposed of due to a decrease in the number of households receiving service as a result to foreclosure or other circumstance, and the decrease in actual generation of waste by existing residents. As reported in March 2009 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2008, the full cost per unit of providing waste collection service was \$490, including disposal and other collection services such as illegal dumping clean-up and code enforcement. The full cost for providing service and residential fee charged for the year ending September 30, 2009 will be available for publication by March 31, 2010.

Waste Disposal Capacity and Service

The incremental and cumulative cost of providing disposal capacity for DSWM Collections, municipalities and other haulers are paid for by the users. For FY 2009 -10, the DSWM charged a

disposal tipping fee at a contract rate of \$59.77 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 \$78.90 per ton in FY 2009 -10. 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 \$1.351 per 1,000 gallons for the water and \$1.564 per 1,000 gallons for the sewer. The connection fee was based on providing a 1-inch service line and meter. Assuming the subject site is developed with 21 units of single-family attached homes (maximum development allowed under the proposed re-designation of "Business and Office", which would generate the greatest demand for water and sewer service), the fees paid by the developer would be \$7,298 for water impact fee, \$29,400 for sewer impact fee, \$1,300 per unit for connection fee, and \$5,586 for annual operating and maintenance costs based on approved figures through December 31, 2009.

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

This application does not propose an increase in residential development from its current "Office/Residential" CDMP land use designation. Since there is sufficient concurrency capacity to accommodate potential additional students, there are no capital costs. If at time of issuing a development order and reserving student stations for the development, pursuant to the school concurrency, there is not sufficient capacity, the capital costs will be addressed at that time.

Public School	Number of Additional Students	Capital Costs	Total
Broadmoor Elementary	5	\$0	\$0
Madison Middle	3	\$0	\$0
Miami Central Senior	3	\$0	\$0

Total Potential Capital Cost: \$0

Fire Rescue

Data from Fire and Rescue Department is pending

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APPENDIX F

Proposed Declaration of Restrictions

January 28, 2010 was the deadline for submitting Declaration of Restrictions to be considered in this Initial Recommendations Report. The Applicant did not submit a Declaration of Restrictions on or prior to this deadline.

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APPENDIX G

Photos of Application and Surroundings



Application Site Overlooking North Towards NW 79 Terrace



Gasoline Station Immediately West of Subject Property



Pet Store Immediately Southwest of Subject Property



Vacant Lots and Multi-family Housing Immediately South
Of Subject Property, Across NW 79 Street

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