

# **Application No. 1**

## **Commission District 4    Community Council 7**

### **APPLICATION SUMMARY**

Applicant/Representative:	GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. 701 Brickell Avenue, Suite 3000 Miami, Florida 33131
Location:	Between Biscayne Boulevard and NE 14 Avenue along theoretical NE 112 Street
Total Acreage:	3.96 Gross; 3.60 Net
Current Land Use Plan Map Designation:	"Low-Medium Density Residential" (6 to 13 DU/gross acre; 2.91 gross acres) and "Business and Office" (1.05 gross acres)
Requested Land Use Plan Map Designation:	"Business and Office"
Amendment Type:	Small-scale
Existing Zoning/Site Condition:	RU-4A (Hotel/Apartment House District – Apartments 50 units/net acre; Hotel/Motel 75 units/net acre) and BU-1A (Limited Business District) / Application site is vacant

### **RECOMMENDATIONS**

Staff:	<b>ADOPT AS A SMALL-SCALE AMENDMENT</b> (February 25, 2011)
Biscayne Shores Community Council (7):	<b>TO BE DETERMINED</b> (March 23, 2011)
Planning Advisory Board (PAB) acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (April 25, 2011)
Board of County Commissioners: (Small-Scale Final Action)	<b>TO BE DETERMINED</b> (May 18, 2011)
Final Action of PAB acting as the Local Planning Agency (if transmitted):	<b>TO BE DETERMINED</b> (September 2011)
Final Action of Board of County Commissioners (if transmitted):	<b>TO BE DETERMINED</b> (October 2011)

The Staff recommends to **ADOPT** as a 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-Medium Density Residential” (6 to 13 DU/gross acre) and “Business and Office” to “Business and Office” based on the Staff analysis as summarized in the Principal Reasons for Recommendations below.

**Principal Reasons for Recommendations:**

1. Policy LU-8E of the CDMP Land Use Element requires applications requesting amendments to the LUP map to be evaluated according to factors such as (i) the proposed development’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, (ii) impacts to County services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, (v) and the extent to which the proposed CDMP land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.
  - i *Need:* The subject property is located in Minor Statistical Area (MSA) 4.1, which contains 50 acres of vacant commercially zoned or designated land. The average annual absorption rate of the vacant commercial land projected for the 2010-2030 period in the MSA 4.1 is 0.35 acres per year. At the projected rate of absorption, the MSA will deplete its supply of vacant commercially zoned or designated land after 2030. Therefore, the proposed development would not satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County. However, the application site is located inside the Urban Infill Area (UIA), which is an area promoted by the CDMP for infill development. Land Use Element Objective LU-12, and Policies LU-1C and LU-12D, require the County to give priority to infill development on vacant sites within the UIA. The requested LUP map designation change to “Business and Office” would allow for a wider range of uses that could be developed on the site providing greater flexibility in the development of an area that is promoted for infill.
  - ii *Public Facilities and Services:* The impacts that would be generated from the maximum development allowable on the application site under the proposed “Business and Office” land use category, would not cause a violation in adopted level of services for public facilities and services. However, it is important to note that the City of North Miami, which owns the sewer force main and pump station servicing the application site, has stated that a capacity study is required before additional sewage flows can be allocated to the system.
  - iii *Compatibility:* The proposed LUP map amendment is compatible with existing uses in the vicinity of the application site. The application site abuts Biscayne Boulevard to the east and further east beyond Biscayne Boulevard is the Jockey Club, which includes residential towers, a hotel, and a marina, and vacant land. Properties abutting the application site on the north and south are vacant, and to the west and northwest are a Florida Power and Light (FPL) electrical substation (a utility use) and a church. Beyond the abutting vacant parcels to the north is the Biscayne Breeze Mobile Home Park. Beyond the abutting vacant parcels to the south are the Sun Surf Motel, duplexes, and small apartment buildings, the Gas Spot gasoline station, Los Antojos Steak and Seafood Restaurant.

The requested “Business and Office” can be compatible with adjacent land use designations on the LUP map. The eastern one-third of the application site as well as

properties to the north, east, and southeast are designated “Business and Office” on the LUP map. The adjacent areas to the west and south are designated “Low-Medium Density Residential” and the area to the northwest (the church site and a strip of land along the east side of NE 14 Avenue) is designated “Medium Density Residential” (13 to 25 DU/gross acre). At the time of zoning and site plan review, measures should be taken to ensure compatibility with these residentially designated properties.

- iv *Environmental and Historical Resources:* There are no historical or environmental resources on the application site.
- v *Transit Ridership and Pedestrianism:* The application site is located within 1/4 mile of a standard bus stop served by Metrobus Routes 3 and 93, both routes having peak period (AM/PM) headways of 18 minutes. In addition, business, office and residential uses are supportive of public transportation. Therefore, the proposed amendment is considered to promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.

# STAFF ANALYSIS

## Background

The current application site was included in two prior requests to amend the LUP map of the CDMP. The current application site was part of CDMP amendment Application No. 3 (identified as "Parcel D") filed in the April 2005 Cycle of Applications to amend the CDMP. The applicant requested a CDMP LUP map designation change on a  $\pm 21.54$  property to "Medium Density Residential" (13 to 25 DU/gross acre). The applicant proposed to develop a vertical mixed-use development on the 21.54-acre property to include residential uses, retail and office spaces, and a public school. The Department of Planning and Zoning (DP&Z) recommended that the Miami-Dade Board of County Commissioners (BCC) adopt the proposal. However, the applicant withdrew a 2.97-acre portion of Parcel D from the application by letter dated November 3, 2005 then later withdrew the remaining 1.73 acres of Parcel D by letter dated December 22, 2005. Subsequently, a  $\pm 2.9$ -acre portion of the current application site (approximately the western two thirds) was included in CDMP amendment Application No. 2 of the October 2005 Cycle of Applications to amend the CDMP ( $\pm 4.9$ -acre subject property). The applicant requested a change to the LUP map designation of the  $\pm 4.9$ -acre property to "Office/Residential" and proffered a Declaration of Restrictions prohibiting residential uses on the site. The DP&Z recommended that the BCC adopt the proposal, since the property was already developed with two five-story buildings that housed the corporate headquarters of SFBC International; a firm that provides clinical research to pharmaceutical, biotechnology, and generic drug companies, as well as medical observation dormitories, and ancillary facilities. The BCC transmitted the proposed amendment to the Department of Community Affairs (DCA) without a recommendation. The application was subsequently withdrawn by the applicant through letter dated September 7, 2006 prior to the BCC final hearing.

## Application Site

The application site is a vacant 3.96 gross acre site (3.60 net acres) located inside the Urban Infill Area (UIA), an area given priority for infill development. The application site is situated between NE 14 Avenue and Biscayne Boulevard, along theoretical NE 112 Street with roadway frontage on Biscayne Boulevard, a major commercial corridor. (See Appendix G: Photos of Application Site and Surroundings).

### Existing Zoning

The western approximately two thirds of the application site ( $\pm 2.91$  acres) is zoned RU-4A, which allows apartment structures at a density of 50 units per net acre and hotels/motels structures at 75 units per net acre. The remaining one third of the application site ( $\pm 1.05$  acre) abuts Biscayne Boulevard and is zoned BU-1A (Limited Business District), which allows retail and service convenience facilities that satisfy the essential and frequent needs of the adjacent residential neighborhood(s), as well as specialized commercial facilities which may serve several neighborhoods.

### Land Use Plan Map Designations

The RU-4A zoned western portion of the application site ( $\pm 2.91$  acres) is currently designated "Low-Medium Density Residential" on the LUP map, which allows residential development at a density between 6 and 13 dwelling units (DU) per gross acre. The types of housing typically found in areas designated for this CDMP land use category include single-family homes, townhouses, and low-rise apartments. The remaining one-third ( $\pm 1.05$  acres) of the subject

property that fronts on Biscayne Boulevard is designated “Business and Office” (see Appendix A: Map Series). The applicant requests a LUP map designation change on the application site from “Low-Medium Density Residential” and “Business and Office” to “Business and Office.” The “Business and Office” land use category allows the full range of sales and service activities including retail, wholesale, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

#### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Based on the 1938 zoning code, the application site was zoned BU-2 (Special Business District; on the eastern one-third of the site), RU-2 (Two-Family Residential District; on the western most 1-acre portion of the site) which allows single-family units and duplexes on 7,500 sq. ft. net lots, and GU (Interim; on remaining portion of the site) which allows uses based on the character of the surrounding neighborhood. The GU zoned portion of the application site was rezoned to RU-2 prior to 1946.

In May 1949, the BCC adopted Resolution No. 3211 approving a zoning district change on the subject property from RU-2 to RU-4A (western two-thirds of the site). Subsequently in March 1976, the BCC adopted Resolution No. Z-95-76 approving another zoning district boundary change on property that included the eastern one-third of the application site, from BU-2 to BU-1A. The March 1976 rezoning was the result of a joint application filed by the Directors of the Building and the Planning and Zoning Departments pursuant to recommendations of the Biscayne Shores Area Study that was accepted by the BCC on October 15, 1974.

#### Community Redevelopment Area Proposal

The application site is part of a ±28-acre area that was targeted by the County for rehabilitation and redevelopment. The ±28 acres are bounded on the north by NE 116 Street, on the south by theoretical NE 112 Street, on the east by Biscayne Boulevard, and on the west by NE 14 Avenue. In June 7, 2005, the BCC adopted Resolution No. 609-05 accepting a Finding of Necessity Study, dated January 20, 2005, which found the referenced 28-acre area to be a slum or blighted area (as defined in Section 163.340, F.S.), and concluded that the blighted area was in need of rehabilitation and redevelopment. The Study, commissioned by the BCC and prepared by The Curtis and Kimball Company, recommended that the blighted area be designated a Community Redevelopment Area (CRA) in order to improve its blighted conditions. CRAs are utilized to redevelop slum or blighted areas with funds generated through Tax Increment Financing (TIF). At a public hearing held on April 27, 2006, the BCC addressed the creation of the CRA in the area described above. The BCC ultimately decided to research the matter further, and deferred the proposal indefinitely.

#### **Adjacent Land Use and Zoning**

##### Existing Land Uses

Properties abutting the north, south and east of the application site are currently vacant. Further north, beyond the vacant properties, is the Biscayne Breeze Park Mobile Homes Park. Areas further south, along Biscayne Boulevard, are characterized by small retail/business operations such as the Gas Spot gasoline station, Los Antojos Steak and Seafood Restaurant, and the Sunsurf Motel. Small apartment buildings and duplexes are located to the south along NE 111 Street. Further east is the Jockey Club, containing a multi-family residential community and a hotel with a marina. Immediately west of the application site, across NE 14 Avenue, is an electrical power substation that is owned and operated by Florida Power & Light. El Shaddai Presbyterian Church is located to the northwest.

### Land Use Plan Map Designations

The Adopted 2015-2025 LUP map of the CDMP shows that properties adjacent to the south and west of the application site, across NE 14 Avenue, are designated “Low-Medium Density Residential Communities (6 to 13 DU/gross acre)”. Properties adjacent to the north, southeast, and east (across Biscayne Boulevard) are designated “Business and Office”. Properties adjacent to the northwest are designated “Medium Density Residential Communities (13 to 25 DU/gross acre)”.

### Zoning

The properties adjacent to the application site are zoned for residential and commercial purposes. Properties adjacent to the north of the application site are zoned BU-1A (Limited Business District) and RU-3M (Minimum Apartment House District), which allows residential development at 12.9 units per net acre. Properties adjacent to the south of the application site are zoned BU-1A and RU-4A (Hotel/Apartment House District). Properties located to the east of the application site, across Biscayne Boulevard, are zoned BU-2 (Special Business District). The purpose of the BU-2 Zoning District is to “provide large scale commercial and/or office facilities which service the needs of large urban areas” (see Section 33-252, Miami-Dade County Code). Properties immediately west of the application site are zoned RU-3M. (See Appendix A: Map Series).

### **Supply and Demand for Commercial Land**

The subject property is located in Minor Statistical Area (MSA) 4.1. Currently, there are 50 acres of vacant, commercially zoned or designated, land in the subject MSA. The average annual absorption rate of commercially zoned or designated vacant land projected for the 2010-2030 period in MSA 4.1 is 0.35 acres per year. At the projected rate of absorption, the referenced MSA will be depleted of its supply of commercially zoned or designated land after 2030. It is important to note that the ratio of commercial acres per thousand persons in the referenced MSA is below the County average for both 2020 and 2030 (see “Projected Absorption of Land for Commercial Uses” table below). If approved, the proposed amendment would add 3.96 gross acres of commercial land to the County’s supply.

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

Analysis Area	Vacant Commercial Land 2010 (Acres)	Commercial Acres in Use 2010	Annual Absorption Rate 2010-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
MSA 4.1	50.0	357.2	0.35	2030+	4.4	4.3
Countywide	2,942.9	13,768.9	124	2034	5.8	5.2

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011.

### **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. The trade area for the application site includes land located in MSAs 4.1, 1.3 and 2.1, within an approximate 1.5 mile radius from the center of the application site. Analysis of the trade area shows that there are 212.84 acres in existing commercial uses and 28.39 acres of vacant commercially zoned or designated land. Most of the vacant parcels

are located along US-1 to the north and south of the application site (see Trade Area Map in Appendix A: Map Series).

Trade Area Analysis		
Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2010
1.5 Miles	28.39	212.84
Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011.		

## 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)	+5.0 feet
Stormwater Management Drainage Basin	5-year/1-day storm event Intracoastal Drainage Basin
Federal Flood Zone	AE, 100-year floodplain
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 AE with a base flood elevation of 8.0 feet NGVD, according to the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. Although, the County's flood criteria indicates that the site shall be filled to a minimum elevation of 5.0 feet and an additional 8 inches for residential and 4 inches for commercial structures, because the County's flood elevation is less than the FIRM-established base flood elevation, the higher elevation will be used.

According to Miami-Dade Department of Environmental Resources Management (DERM), all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system for compliance with stormwater quality requirements. Furthermore, to comply with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm

event and shall also comply with the requirements of Section 11C of Miami-Dade County Code, and all State and Federal criteria. While the proposed development is located within the Intracoastal Drainage Basin, there are no primary or secondary canals in the surrounding area that provides drainage to the site.

## **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), designed to restore and preserve water resources in 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 developments be linked to new water supply sources, either through alternative water supply or reuse projects.

Effective January 11, 2011, WASD implemented a Water Supply Certification Program to assure water supply is available to all users as required by Policy CIE-5D and WS-2C of the County's Comprehensive Development Master Plan and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit. All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Certification Letter. This certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered; or during the Plat process prior to the final development order. At such time, the project will be evaluated for water supply availability and a water supply reservation will be made.

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 development, an assumption of 3 years for project completion from when final comprehensive plan amendment approval is made. For this small-scale project, the year 2014 will be used as project completion date. This timeframe allows for rezoning of the property, platting of property, permitting, and construction. Additionally, 3 years is the timeframe for which concurrency is applied.

### Potable Water

The application site is within the water service area of the City of North Miami. However, the source of the water supply is the Hialeah/Preston Water Treatment Plant, which is owned and operated by WASD. At the present time, there is adequate water supply and capacity to service the application site.

As noted in the "Estimated Water Demand" table below, if the application site were developed with 158 dwelling units (maximum development allowed under its current CDMP land use designations of "Low-Medium Density Residential" and "Business and Office", which would generate the greatest demand for water service), water demand from the application site is estimated at a maximum of 23,700 gallons per day (gpd). If the application site were developed with retail, the estimated water demand would be 6,273. However, if developed with a maximum of 237 dwelling units allowable under the proposed CDMP land use designation of "Business and Office", water demand is estimated at a maximum of 35,550 gpd. Water demand estimates under the proposed CDMP land use designation will not cause the adopted level of service standard for potable water to be violated.



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 Potential Development				
Low Medium Density Residential	MF Residential	158 dwelling units	150 gal/unit	23,700
Proposed Potential Development				
Business and Office	Retail	62,726 sq. ft.	10 gal/100 sq. ft.	6,273
High Density Residential	MF Residential	237 dwelling units	150 gal/unit	35,550

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 11-30-10) 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 (for period ending 11-30-10) of 314.43 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.

#### Water Conservation

All future development will be required to comply with water use efficiency techniques for indoor water use in accordance with Sections 8-31, 32-84, and 8A-381 of Miami-Dade County Code. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

#### Wastewater Facilities

The County's adopted level of service standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system operate at 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 application site is located in the sewer service area of the City of North Miami. This municipality is a volume sewer customer of WASD. The wastewater flows generated within the City of North Miami's (the City) sewer service area are transmitted to WASD's North District Wastewater Treatment Plant (NDWTP) for treatment and disposal. This facility has a design capacity of 112.5 mgd and a 12-month average flow of 83.92 mgd or 74.6% of the plant's design capacity. Based upon the residential development scenario, it is estimated that the

application site will generate sewage flows of 35,550 gpd. These estimated flows will not cause the adopted level of service standard for wastewater treatment and disposal to be violated.

The closest public sanitary sewer line to the application site is an existing 8-inch force main abutting the subject property along Biscayne Boulevard. This force main directs sewage flows to the City's sewer force main 06-8FM I and Pump Station 06-1, then to WASD's Pump Station 30-0347, and finally to the NDWTP. The City's force main 06-8FM I and Pump Station 06-1 are in 'incomplete status' due to failure of the municipality to provide adequate information on the capacity of the force main running to the pump station. Additionally, the City has stated that a capacity study is required before additional sewage flows can be allocated to the City's wastewater collection/transmission system. WASD's Pump Station 30-0347 and the NDWTP are currently working within the mandated criteria set forth in the First and Second Partial Consent Decrees. DERM has determined that the County's sanitary sewer system has adequate treatment capacity for the proposed development.

### **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's 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. As of FY 2010/11, the DSWM is in compliance with this standard. The DSWM does not actively compete for non-residential waste collection at this time and the development of the application site would not cause the DSWM to violate its LOS standard. Therefore, the DSWM has no objection to the proposed amendment.

### **Parks**

The adopted level of service standard for recreation open space requires 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas of Miami-Dade County; and adds that the County must provide open space of five acres or larger within three miles from a residential area. The subject application site is in Park Benefit District 1 (PBD-1), which has a surplus capacity of 400.64 acres of parkland when measured by the County's concurrency LOS standard for recreation open space. The "County Local Parks" table below indicates that there are three local parks within a 2-mile radius of the application site, one of which (the Biscayne Shores and Gardens Park) is larger than the required five acres (or larger) park. The parks are listed according to their proximity to the application site. The nearest park to the application site is the Biscayne Shores and Gardens Park located at 11550 NE 14 Avenue, approximately 700 feet north of the application site.

County Local Parks Within a 2-Mile Radius of Application Site		
Park Name	Acreage	Classification
Biscayne Shores and Gardens Park	6.49	Neighborhood Park
Military Trail Park	1.66	Neighborhood Park
North Shorecrest Park	0.50	Neighborhood Park

Source: Miami Dade Parks and Recreation Department, January 2011

The proposed CDMP amendment, if approved, has the potential to increase population on the application site by 410 persons, resulting in a need for 1.13 acres of parkland (if the site were developed with residential uses). This park acreage demand is well within the surplus capacity of the PBD, and would not cause a violation of the park LOS standard.

### **Fire and Rescue Service**

Miami-Dade County Fire Rescue Station 20, located at 13000 NE 16 Avenue, is the fire rescue facility that currently serves the application site. This station is equipped with an Advanced Life Support (ALS) Engine and a Rescue Unit, and staffed with a battalion totaling eight (8) firefighter/paramedics 24 hours a day, seven days a week.

According to Miami-Dade County Fire Rescue Department (MDFR), average travel time to incidents in the vicinity of the application site is approximately 6 minutes and 50 seconds. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to incidents in the vicinity of the application site complies with the referenced performance objective of national industry standards.

The application site's current CDMP land use designation of "Business and Office" and "Low Medium Density Residential" will allow a potential development that is anticipated to generate a total of 44 annual alarms. The proposed CDMP land use designation of "Business and Office" will allow a potential development on the application site that is anticipated to generate 67 annual alarms. The 67 annual alarms will result in a moderate impact to existing fire rescue services. Presently, fire and rescue services in the vicinity of the application site are adequate. It is important to note that under the MDFR evaluation system, 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 land use designation of "Business and Office" shall be 3,000 gallons per minute (gpm). Fire hydrants shall be spaced a minimum of 300' from each other and shall deliver not 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 which adopted a level of service standard for public school facilities (school concurrency), was found in compliance by the DCA. The level of service standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) with relocatable classrooms. The proposed amendment was reviewed based on this level of service standard and on planned public school 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.

Students generated by the proposed amendment will attend those schools identified in the "Concurrency Service Area (CSA) Schools" table below. If the subject property were developed with the maximum residential units allowed under the proposed CDMP land use designation of "Business and Office", the student population of the schools serving the application site would be increased by 47 additional students. Twenty-two (22) students would attend David Lawrence Jr. K-8 Center, which has no seats available; eleven (11) students would attend North Miami

Middle, which has no seats available; and fourteen (14) students would attend Alonzo and Tracy Mourning Senior High, which has one-hundred fifty-two (152) seats available.

Concurrency Service Area (CSA) Schools					
CSA ID	Facility Name	Net Available Capacity	Seats Required	LOS Met	Source Type
5005	David Lawrence Jr. K-8 Center	-184	22	No	Current CSA
561	W J Bryan Elementary	121	22	Yes	Adjacent CSA
6631	North Miami Middle	-200	11	No	Current CSA
6411	Horace Mann Middle	659	11	Yes	Adjacent CSA
7048	Alonzo and Tracy Mourning Senior High	152	14	Yes	Current CSA

Source: Miami-Dade County Public Schools, January 2011

Note: An impact reduction of 15.3% was included for charter and magnet schools (schools of choice)

If the application site were developed with residential uses and based on the potential school capacity needs of the proposed amendment and the present school capacity in the applicable CSA, the proposed amendment would not cause the LOS standard for public school facilities to fail for Alonzo and Tracy Mourning Senior High. The LOS standard for public school facilities for David Lawrence Jr. K-8 Center and North Miami Middle is currently not being met.

However, Policy EDU-2C in the Educational Element of the CDMP states the following:

In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity, subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Public Schools that may limit the shifting of impacts to those facilities, located, either in whole or in part, within the same Geographic Areas (Northwest, Northeast, Southwest, or Southeast, see Figure 1A through 1D) as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180 (13)(e)1, Florida Statutes, and subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Public Schools as may further define the available proportionate share mitigation options. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms such as: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement, is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commission and must be identified in the Miami-Dade County Public Schools Facilities Work Program.

- c) The development's impacts are phased to occur when sufficient capacity will be available.

If none of the above conditions is met, the development shall not be approved. It is provided, however, that nothing in this element or in the Interlocal Agreement for Public School Facility Planning shall be construed or applied to effect a permanent or temporary taking of private property in violation of the United States Constitution or the Florida Constitution, to result in the unlawful abrogation of vested rights or other violation of law, to require the payment of compensation for impacts on private property, or to modify or eliminate any remedy available to prevent or rectify a taking, abrogation of vested rights, or violation of law.

As is indicated in the Concurrency Service Area (CSA) Schools table above, the CSA adjacent to the subject CSA have elementary and middle school facilities with available capacity. Therefore, the students that could be generated from the proposed development, under a residential use scenario, could be shifted to one or more contiguous CSAs due to the available capacity and meet the LOS standard for public school facilities.

## **Aviation**

Miami-Dade County Aviation Department (MDAD) reviewed the proposed CDMP amendment and determined that the proposal is compatible with airport operations.

## **Roadways**

### Existing Conditions

Primary access to the subject site is from Biscayne Boulevard/SR-5/US 1, a six-lane divided arterial, which provides connections to other major corridors such as NE 123 Street (SR 922) and NE 6 Avenue (SR 915). NE 123 Street provides access to I-95.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable. Current traffic conditions on Biscayne Boulevard, between NE 123 and NE 87 Street is acceptable at level of service D, and from NE 87 to NE 79 Streets is also acceptable at level of service E+8%, which are above the adopted level of service E+50% standard applicable to these roadway segments. Traffic conditions on NE 125 Street between NE 6 Avenue and US 1 and NE 123 Street from US 1 to North Bayshore Drive are acceptable at level of service D and C, respectively, which are above the adopted level of service E+20% standard applicable for these roadway segments. See "Traffic Impact Analysis" table below.

### Short-Term Traffic Evaluation

An evaluation of PM peak-period traffic conditions as of January 7, 2011 of Biscayne Boulevard (US 1/SR-5), NE 125 Street and NE 123 Street using the County's Traffic Concurrency Management System, indicates that these roadways would continue to operate at an acceptable LOS. The Traffic Concurrency Management System considers reserved trips from approved developments not yet constructed, any roadway capacity improvement programmed in the 2011 Transportation Improvement Program (TIP), and the PM peak trips that would be generated by the subject application under the requested LUP map designation (see "Traffic Impact Analysis" table below). It should be pointed out that there is no roadway capacity improvement programmed for roadways adjacent to or in vicinity of the application site in the County's 2011 TIP in fiscal years 2011-2015.

### Application Impact

The “Estimated Peak Hour Trip Generation” table below identifies the estimated number of PM peak hour trips expected to be generated by the potential development that could occur under the requested CDMP land use designation, and compares them to the number of trips that would be generated by the potential development that could occur under the current CDMP land use designation.

Two development scenarios were analyzed for traffic impact under the requested CDMP land use designation of “Business and Office”. Scenario 1 shows that if the subject site were developed as a shopping center, with approximately 62,726 sq. ft. of commercial space, it would generate approximately 112 more PM peak hour trips than under the current CDMP land use designations of “Low-Medium Density Residential (6 to 13 DUs/Acre)” and “Business and Office”. In contrast, Scenario 2 shows that if the site were developed with residential use only (237 apartments) it would generate approximately 43 more PM peak hour trips than the current CDMP designation. It should be pointed out that the subject property is currently vacant, zoned RU-4 which allows 50 dwelling units per net acre, and is located inside the County’s Urban Infill Area.

Estimated PM Peak Hour Trip Generation By Current and Requested CDMP Land Use Designations			
Application Number	Current Land Use Designation/ Assumed Development/ Estimated Trips	Requested Land Use Designation/ Assumed Development/ Estimated Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
	Business & Office and Low-Medium Density Resid. (6 to 13 DUs/Acre) <sup>1</sup>	Business & Office	
1 (Scenario 1)	16,552 sq. ft. Retail & 132 Multifamily Residential <sup>2</sup>	62,726 sq. ft. Retail <sup>2</sup>	
	233	345	+112
1 (Scenario 2)	158 Multifamily <sup>3</sup>	237 Multifamily Units <sup>4</sup>	
	105	148	+43

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Department of Planning and Zoning and Public Works Department, January 2011.

#### Notes:

<sup>1</sup> “Business and Office” parcel ( $\pm 1.05$  gross acres;  $\pm 0.95$  net acres) and “Low-Medium Density Residential” ( $\pm 2.91$  gross acres;  $\pm 2.65$  net acres). The low-medium density residential area is zoned RU-4A which allows 50 dwelling units per net acre; The business and office area is zoned BU-1A.

<sup>2</sup> Retail trip adjusted for pass-by trips (max. 25% of project’s external trips).

<sup>3</sup> Includes 26 apartments that could be developed on the 1.05-gross acre parcel currently designated “Business and Office” and 132 apartments that could be developed on the 2.65-net acre parcel currently zoned RU-4A, which allows 50 dwelling units per net acre.

<sup>4</sup> Residential development may be authorized to occur in the “Business and Office” land use category at a density up to one density category higher than the LUP-designated land use category of the 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.

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

Roadway	Location/Link	Number Lanes	Adopted LOS Std.*	Peak Hour Capacity	Peak Hour Volume	Existing LOS	Approved D.O's Trips	Amend. Peak Hour Trips	Total Trips With Amend.	Short Term LOS with Amend.
Scenario 1: Commercial Development										
Biscayne Boulevard (US 1/SR 5)	NE 123 St to NE 87 St.	4 DV	E+50%	5,100	2,986	D	43	188	3,217	E (09)
Biscayne Boulevard (US 1/SR 5)	NE 87 St. to NE 79 St.	4 DV	E+50%	4,650	3,313	E+8%	34	157	3,504	E+13% (09)
NE 125 ST (SR 922)	NE 6 Ave to US 1/SR 5	4 DV	E+20%	3,720	2,073	D	0	87	2,160	D (09)
NE 123 Street (SR 922)	US 1 to N. Bayshore Dr.	4 DV	E	3,400	1,602	C	0	31	1,633	C (09)
Scenario 2: Residential Development										
Biscayne Boulevard (US 1/SR 5)	NE 123 St to NE 87 St.	4 DV	E+50%	5,100	2,986	D	43	80	3,109	D (09)
Biscayne Boulevard (US 1/SR 5)	NE 123 St to NE 87 St.	4 DV	E+50%	4,650	3,313	E+8%	34	68	3,415	E+10% (09)
NE 125 ST (SR 922)	NE 87 St. to US 1/SR 5	4 DV	E+20%	3,720	2,073	D	0	36	2,109	D (09)
NE 123 Street (SR 922)	US 1 to N. Bayshore Dr.	4 DV	E	3,400	1,602	C	0	12	1,614	C (09)

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade County Public Works Department and Florida Department of Transportation, January 31, 2011.

Notes: DV= Divided Roadway

\*County adopted roadway level of service standard applicable to the roadway segment

E+50% = 150% of LOS E, with extraordinary Transit (Express Bus) in Urban Infill Area (UIA); LOS E+20% with transit service with 20 minutes peak hour headway inside the UIA; LOS E inside the UIA and no transit service.

( ) Year traffic count was updated or LOS Revised

## Transit

### Existing Service

The subject property and surrounding areas are served by Metrobus Routes 3 and 93. The existing service frequencies of these routes 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 (Midday)	Evenings (After 8pm)	Overnight	Saturday	Sunday		
3	18	18	30	60	15	20	0.0	F
93	18	30	N/A	N/A	N/A	N/A	0.0	F/E

Source: Draft 2010 Transit Development Plan, Miami-Dade Transit

### Notes:

L means Metrobus local route service

F means Metrobus feeder service to Metrorail

E means Express Metrobus service

### Future Conditions

Transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and/or route alignment extensions/expansions are being planned for the next ten years as noted in the 2020 Recommended Service Plan within the Draft 2010 Transit Development Plan (TDP). The “Metrobus Recommended Service Improvements” table below shows the Metrobus service improvements programmed for the existing routes serving the application site.

Metrobus Recommended Service Improvements	
Route(s)	Improvement Description
3	No planned improvements.
93	Route is to be transformed to the Biscayne Rapid Bus. This route would provide limited-stop service along Biscayne Boulevard between Aventura and Downtown Miami. Headway adjustments to both peak (12 min.) and mid-day (20 min.) service

Source: Draft 2010 Transit Development Plan, Miami-Dade Transit.

No additional service improvements are programmed at this time. The estimated operating or capital cost of the projected bus service improvement is estimated to cost no additional or minimal funds as this enhanced service would be replacing the Biscayne MAX (Route 93). The new buses to be used for this Route would come from the savings of the Biscayne MAX and \$1.2 million to be funded by efficiencies and restructuring.

### Major Transit Projects

Regarding future transit projects in the vicinity of the application site, Miami-Dade Transit (MDT) is developing premium transit services in the corridors approved by the People’s Transportation Plan (PTP). These services—enhanced bus corridors and express bus services—will incrementally build local ridership first to justify major improvements later. Enhanced bus



services include modern, high-tech buses with more direct routes, and operating more frequently with fewer stops. They will appear on various corridors including the Biscayne Boulevard Corridor. In the future, services will be further enhanced by increased passenger amenities such as improved park-and-ride facilities and real-time information.

#### Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) #201 where the application site is located. If the proposed amendment is approved, the expected transit impact produced by the proposed development is minimal and can be absorbed by the planned improvements to the existing transit service in the area.

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

The following CDMP goals, objectives, policies, concepts, and guidelines would be enhanced if the proposed CDMP land use amendment is approved.

- 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.
- 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.
- 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.
- 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.
- 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.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.
- LU-12. Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in an built-up

area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

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

Guidelines for Urban Form No. 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

Guidelines for Urban Form No. 13: Avoid excessive scattering of industrial or commercial employment locations.

TC-1D. Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the Level of Service standards contained in Policy TC-1B, except as otherwise provided in the "Concurrency Management Program" section of the Capital Improvements Element.

CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

The following CDMP goals, objectives, policies, concepts, and guidelines could be impeded if the proposed CDMP land use amendment is approved.

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.

LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

# APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: 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

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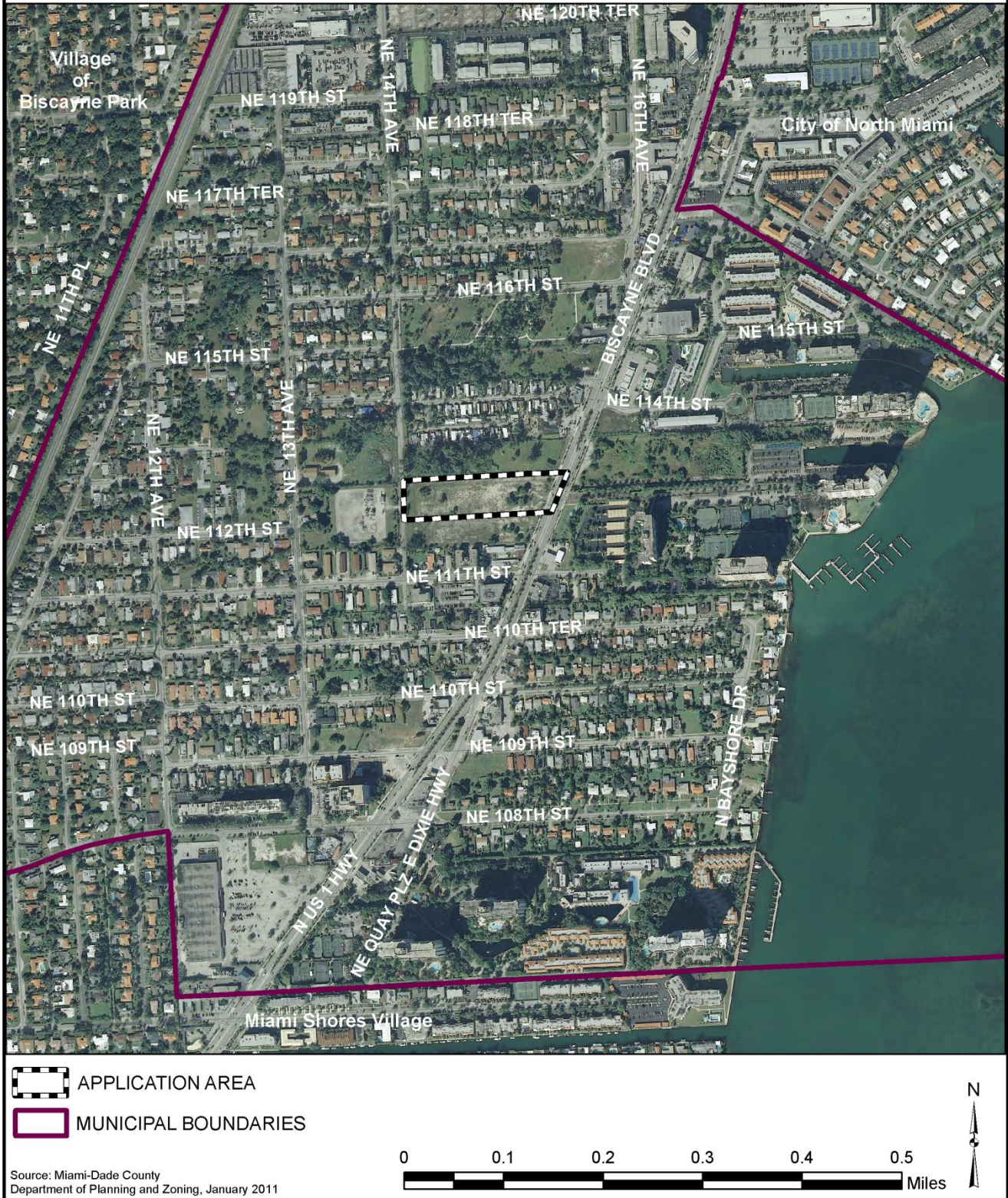
# **APPENDIX A**

## **Map Series**

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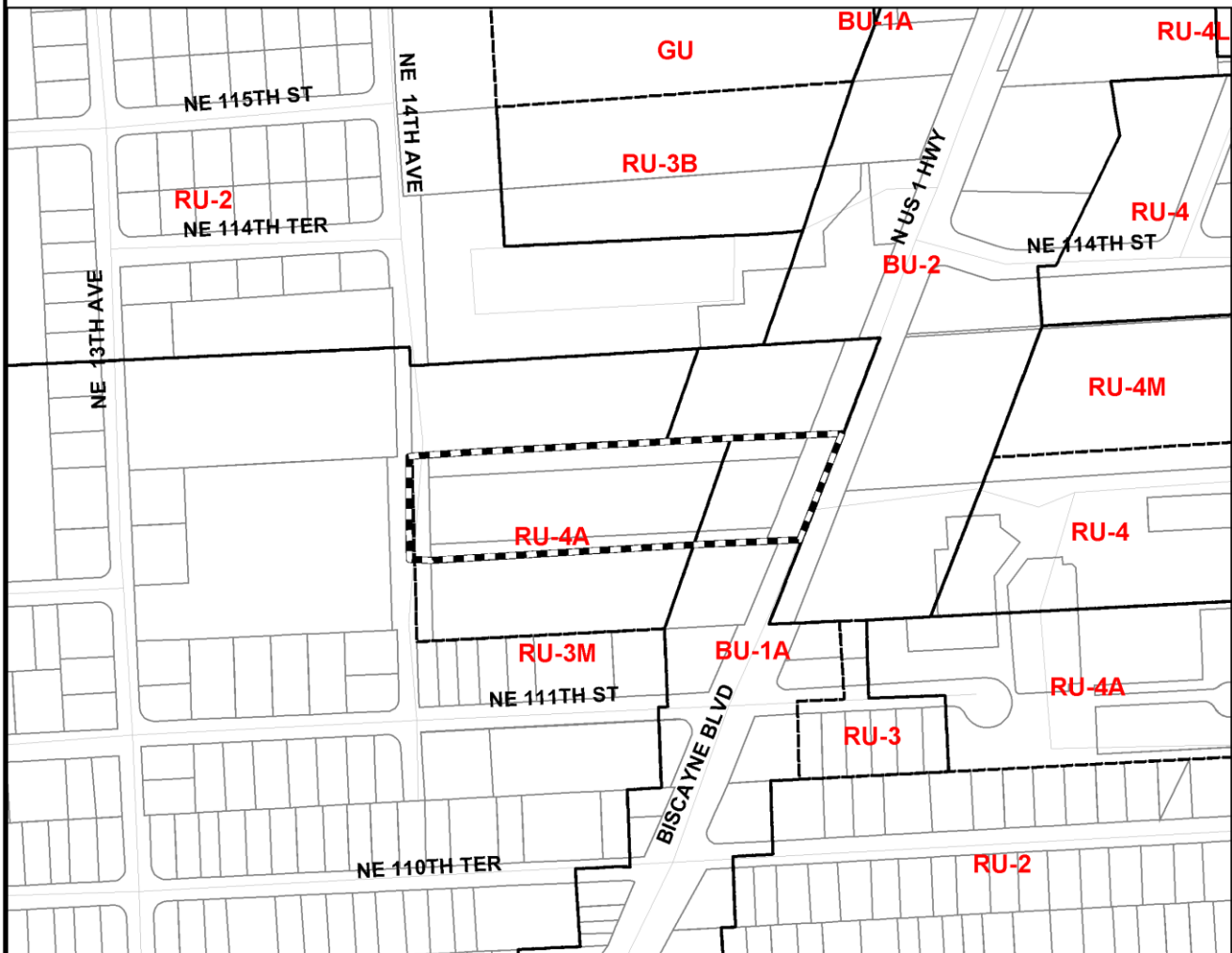


# APPLICATION NO. 1 AERIAL PHOTO





# APPLICATION NO. 1 CURRENT ZONING

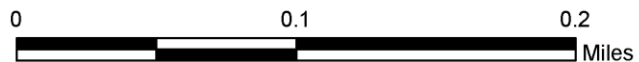


APPLICATION AREA

Source: Miami-Dade County  
Department of Planning and Zoning, January 2011

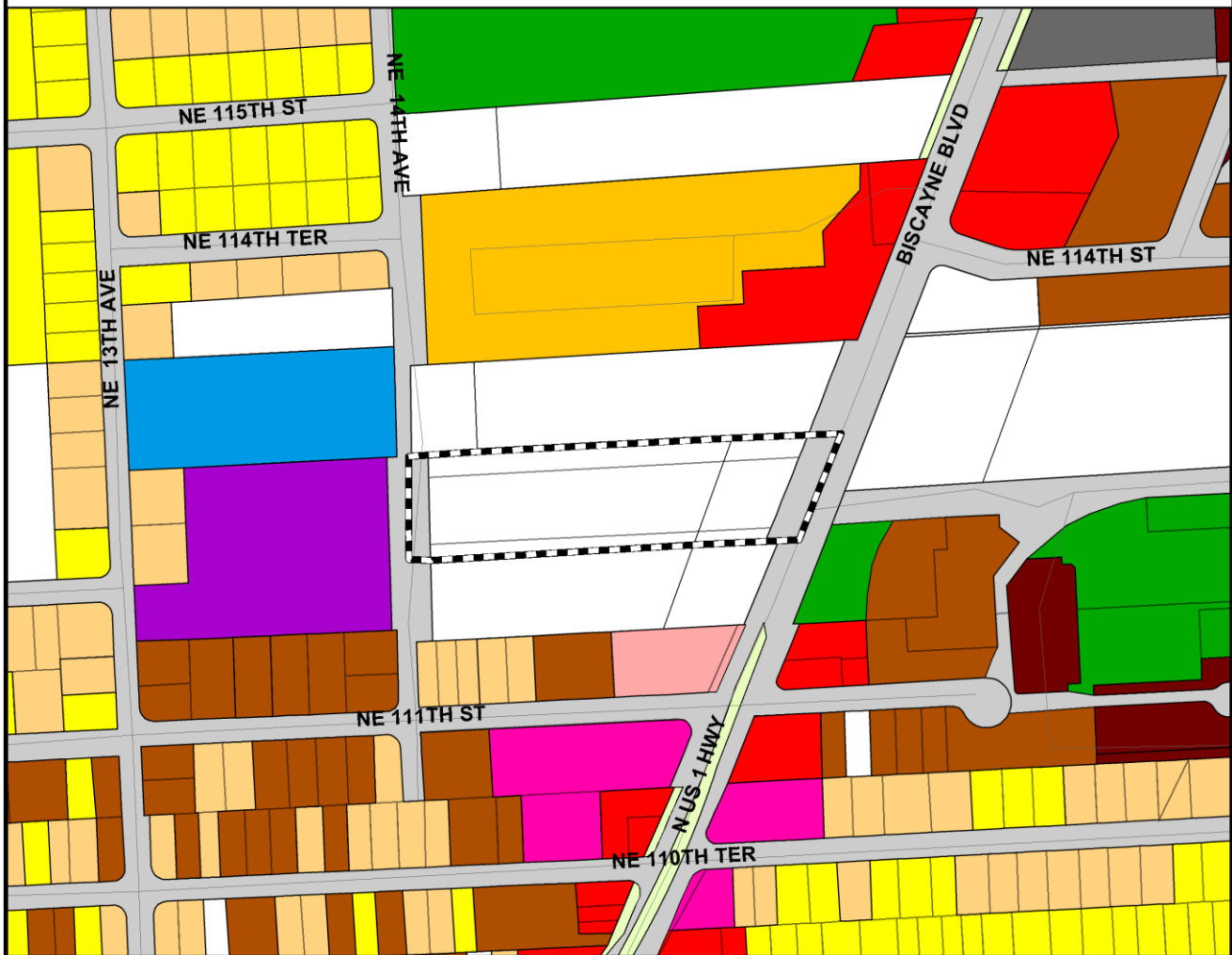
## ZONING DISTRICTS

GU	INTERIM
RU-2	TWO-FAMILY (7,500 sq. ft. net)
RU-3	FOUR UNIT APARTMENT HOUSE (7,500 sq. ft. net)
RU-3B	BUNGALOW COURT (10,000 sq. ft. net)
RU-3M	MINIMUM APARTMENT HOUSE (12.9 units/net acre)
RU-4	HIGH DENSITY APARTMENT HOUSE (50 units/net acre)
RU-4A	HOTEL/APARTMENT HOUSE (Apts. 50 units/net acre; Hotels/Motels 75 units/net acre)
RU-4L	LIMITED APARTMENT HOUSE (23 units/net acre)
RU-4M	MODIFIED APARTMENT HOUSE (35.9 units/net acre)
BU-1A	LIMITED BUSINESS DISTRICT
BU-2	SPECIAL BUSINESS DISTRICT





# APPLICATION NO. 1 EXISTING LAND USE



Source: Miami-Dade County  
Department of Planning and Zoning, January 2011



APPLICATION AREA

## EXISTING LAND USES

	SINGLE FAMILY RESIDENTIAL		INDUSTRIAL
	TWO-FAMILY RESIDENTIAL (DUPLEXES)		HOUSES OF WORSHIP
	MULTI-FAMILY (< 25 DU/GROSS ACRE)		RECREATIONAL FACILITIES
	MULTI-FAMILY (> 25 DU/GROSS ACRE)		ELECTRICAL POWER GENERATOR
	MOBILE HOMES PARK		VACANT
	SALES AND SERVICES		
	OFFICE BUILDING		
	HOTEL / MOTEL		

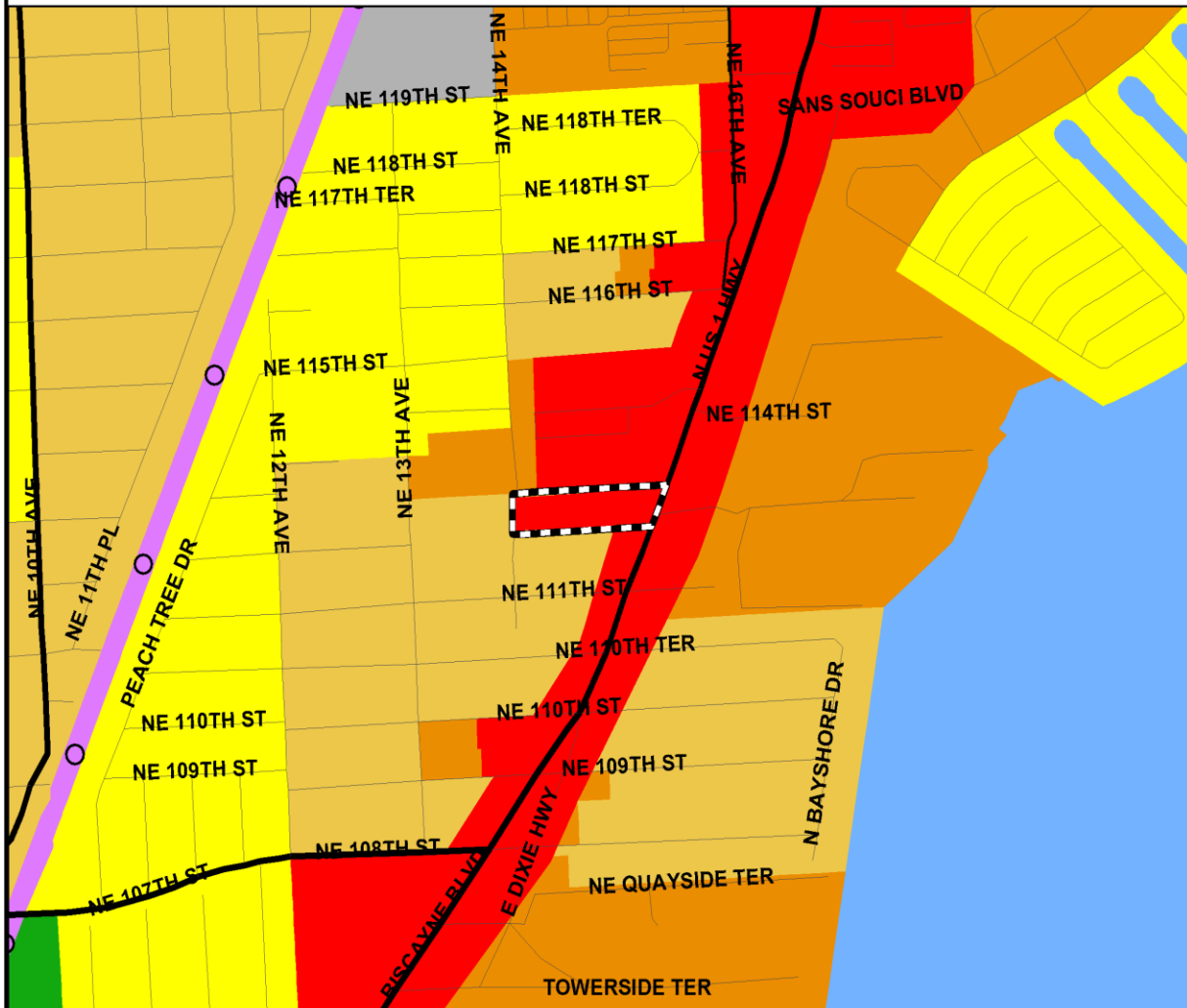


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☐ FUTURE RAPID TRANSIT



# APPLICATION NO. 1 PROPOSED CDMP LAND USE



Source: Miami-Dade County  
Department of Planning and Zoning, January 2011



APPLICATION AREA

## CDMP LAND USES



LOW DENSITY RESIDENTIAL (2.5 - 6 DU/AC)



LOW-MEDIUM DENSITY (6 - 13 DU/AC)



MEDIUM DENSITY (13 - 25 DU/AC)



INDUSTRIAL AND OFFICE



BUSINESS AND OFFICE



PARKS AND RECREATION



WATER



TRANSPORTATION



EXPRESSWAYS



MAJOR ROADWAYS (3 OR MORE LANES)



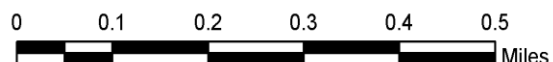
MINOR ROADWAYS (2 LANES)

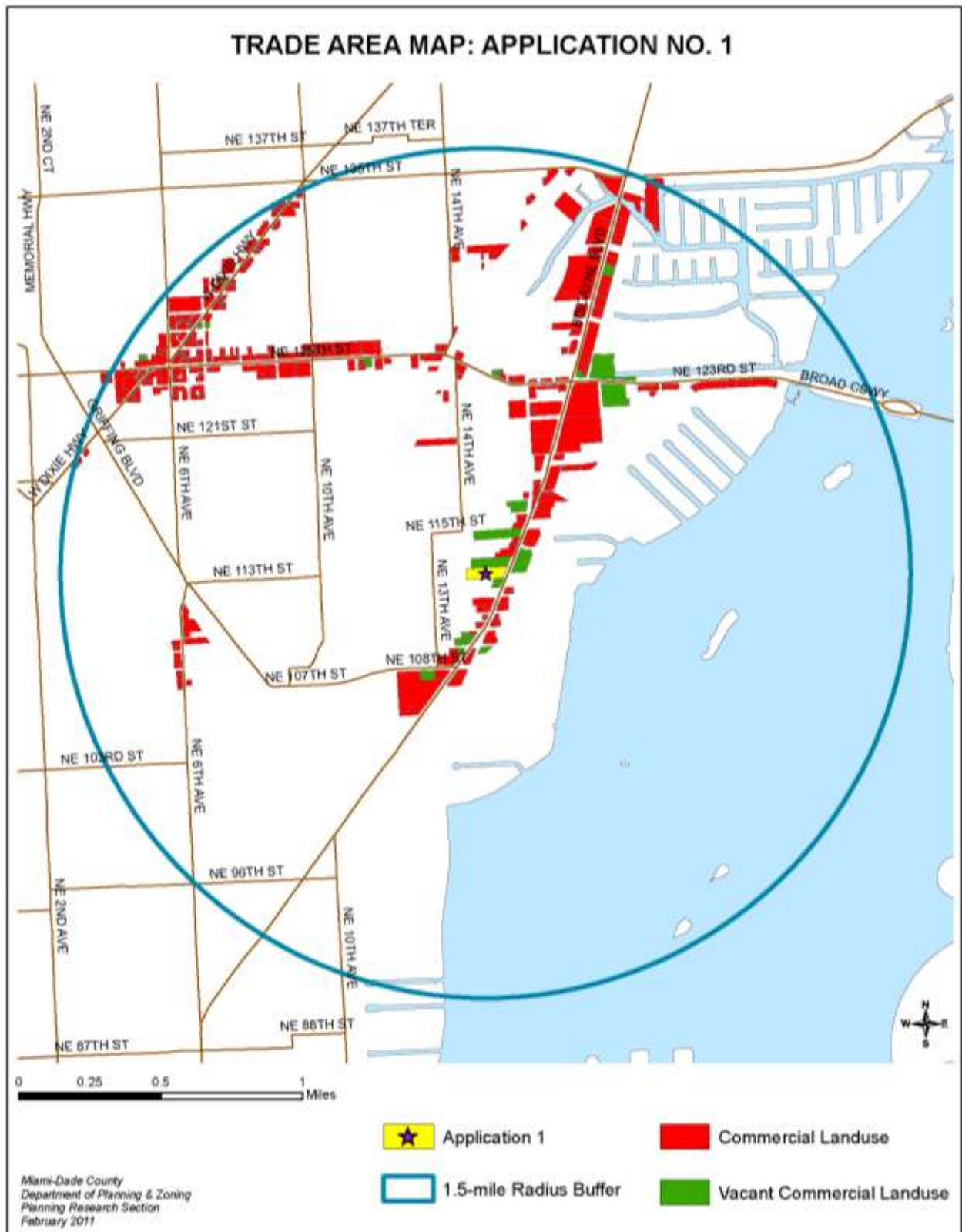


STREET



FUTURE RAPID TRANSIT





# **APPENDIX B**

## **Amendment Application**

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

1. APPLICANT

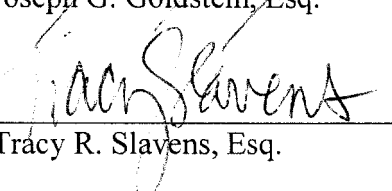
GRM Acquisition Corp.  
1601 Washington Avenue, Suite 310  
Miami Beach, Florida 33139

2. APPLICANT'S REPRESENTATIVES

Joseph G. Goldstein, Esq.  
Tracy R. Slavens, Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

By:   
Joseph G. Goldstein, Esq.

10/29/10  
Date

By:   
Tracy R. Slavens, Esq.

10/29/10  
Date

PLANNING  
DEPARTMENT  
METROPOLITAN PLANNING SECT

2010 OCT 29 P 2:43

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office."

B. Description of the Subject Area.

The subject property consists of approximately 3.60± net acres of land located in Section 32, Township 52, Range 42, in unincorporated Miami-Dade County. More specifically, the subject Property is located on the west side of Biscayne Boulevard at theoretical NE 112 Street. A legal description of the subject property is provided in Exhibit "A."

C. Acreage.

Subject application area: 3.96± gross acres  
3.60± net acres

Acreage owned by Applicant: 0 acres

D. Requested Change.

It is requested that the subject area be re-designated from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" on the Land Use Plan map through the small-scale amendment process.

4. REASONS FOR AMENDMENT

The subject Property is extraordinarily well-located on the west side of the Biscayne Boulevard corridor. Approximately one-third of the Property is designated "Business and Office" use, with the remaining two-thirds of the Property designated for "Low-Medium Density Residential" use. The Applicant requests the re-designation of the entire Property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" to enable a more flexible and unified approach to its future design and use. The Property was purchased by its current owners in 2004 and 2005 and is subject to a contract for sale to the Applicant. It has been used in a variety ways over the past fifty years, including as a motel, but has been vacant since the structures were demolished several of years ago and the Property remained vacant since that time.

A. Property Location and Surrounding Area

The proposed change is compatible with the surrounding LUP Map and zoning designations as well as the actual land uses in the area.

Biscayne Boulevard, U.S. Highway 1, is one of the major north/south arterials serving Miami-Dade County and, in fact, the entire east coast of the United States, as it travels from the State of Maine to Key West. Biscayne Boulevard is configured as a five-lane divided roadway at this location and is served by two (2) Miami-Dade Transit bus routes (Route Numbers 3 and 93). The land along the east and west sides of Biscayne Boulevard in this portion of the County, both north and south of the Property, is designated "Business and Office," at least in part. However, the portion of the Property currently designated for "Business and Office" use, as well as the areas to the north and south, is configured as a very narrow strip, consistent with development patterns that existed decades ago when small retail stores fronted the boulevard. This narrow strip of "Business and Office" in this area is substandard and not wide enough to allow for true neighborhood-serving commercial development that would meet today's more rigorous design and market expectations. The Property is part of the Biscayne Corridor, which was defined by the County as a potential Redevelopment Area and is generally bounded on the north by NE 116 Street, on the east by Biscayne Boulevard, on the south by NE 112 Street, and on the west by NE 14 Avenue.



As noted above, approximately the east one-third of the Property is designated "Business and Office" and the western two-thirds of the Property is designated "Low-Medium Density Residential." The CDMP designations for the lands immediately surrounding the Property are:

- North: "Business and Office" and "Medium Density Residential;"
- East: "Business and Office" and "Medium Density Residential;"
- South: "Business and Office" and "Low-Medium Density Residential;" and
- West: "Low-Medium Density Residential" and "Low Density Residential."

The Property is currently zoned BU-1A (Limited Business District) on the east one-third and RU-4A (Hotel Apartment House District) on the western two-thirds. The BU-1A zoning category allows a full range of commercial, office and retail uses. While the RU-4A category, does not expressly allow a range of commercial and office uses as principal permitted uses, it does permit up to 50 residential or 75 hotel units per acre of development. The zoning designations for the lands immediately surrounding the Property are:

- North: BU-1A (Limited Business District), BU-2 (Special Business District), and RU-3M (Minimum Apartment House District);
- East: BU-2 (Special Business District), RU-4M (Modified Apartment House District), and RU-4 (High Density Apartment House District);
- South: BU-1A (Limited Business District) and RU-3M (Minimum Apartment House District); and
- West: RU-3M (Minimum Apartment House District).

As noted, the Property is currently vacant. A visit to the Property or review of the aerial photograph of the area reveals a significantly underdeveloped and underutilized portion of the County, particularly on the west side of Biscayne Boulevard. The existing development of the surrounding properties varies in density, intensity and use:

- North: Vacant;
- East: Multi-family residential;
- South: Vacant; and
- West: An electrical substation operated by Florida Power & Light.

A plant nursery, mobile home park, and adult entertainment establishment are located further to the north, while a one-story motel (circa 1951), older multi-family residential complex (circa 1972), and an office building (circa 1987) are located south of the Property on the west side of Biscayne Boulevard. There is a gas station on the east side of Biscayne Boulevard south of the Property. Behind the gas station and along the east side of the Biscayne Boulevard corridor between NE 106 to Street NE 116 Street, there exists a mix of single-family homes and approximately 2,000 multi-family residential units, including several high-rise residential towers (including The Jockey Club and the Towers at Quayside). It is expected that many of the residents from this area would benefit from the proposed changed use of the Property. There is a major need for community serving commercial and office uses to support the residents and passersby along this portion of the Biscayne Boulevard corridor.

B. "Business and Office" and Urban Infill Area

Designating the Property as "Business and Office" is consistent with the County's and State's stated planning goals which support greater flexibility to mix uses, densities and intensities in the County's Urban Infill Area ("UIA").

The Property is located within the County's Urban Infill Area. The UIA was established by Miami-Dade County in 1994 pursuant to Miami-Dade County Ordinance No. 94-192 and Chapter 163 of the Florida Statutes. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95. In connection with the UIA, the CDMP directs that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The goal of the UIA is also to promote the redevelopment of property along urban corridors, such as Biscayne Boulevard.

The current Future Land Use Plan map configuration would yield an underutilization of the Property in a manner that is inconsistent with CDMP Land Use Element Policy LU-1C. Policy LU-1C states, in relevant part, that "the County shall give priority to infill development on vacant sites in currently urbanized areas."

The area has experienced some reinvestment and redevelopment over the last fifty years. However, the configuration of land uses somewhat hinders extensive investment. Clearly, this application, which is seeking to expand the land use flexibility of the Property in order to facilitate its development with appropriate commercial uses pursuant to the "Business and Office" designation, achieves the County's policies. The State and County comprehensive plan goals to redevelop targeted mixed infill areas such as this, which feature ample infrastructure to serve redevelopment, promote such investment.

In fact, relating to the area's infrastructure, it should be noted that the Property is located within walking distance of the existing FEC rail line, which is designated on the FLUM as a Future Rapid Transit Corridor. The location of the Property between Biscayne Boulevard and this future potential rail based transit is undeniably consistent with State, Regional and local planning goals. For example, the County's Future Land Use Objective LU-7 provides:

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.

This application undoubtedly meets this Objective. In fact, to the extent that financing is sought in the future for a potential transit line, the intensification of the land use for the Property in such close proximity to the rail line would undoubtedly help justify and support such a request.

Given its location in the County's Urban Infill Area, the re-designation of the Property to "Business and Office" would be an appropriate FLUM amendment in furtherance of the goals and objectives of the CDMP and the State's Comprehensive Plan. The importance of satisfying these goals is that much more significant at this time, when the countywide unemployment rate is in excess of 14%.

### C. Biscayne Corridor Community Redevelopment

Not only is the Property appropriate for promoting redevelopment as an infill parcel, it has been studied in detail and identified by the County Commission as blighted and appropriate for redevelopment.

The Property was included in the Necessity Study area for the proposed Biscayne Corridor Redevelopment Area. The Necessity Study examined conditions in the Redevelopment Area and concluded that slum and blight existed in the area, as defined by Chapter 163 of the Florida Statutes.<sup>1</sup> The Necessity Study, prepared by Curtis & Kimball and dated January 2005, was accepted by the Board of County Commissioners pursuant to Resolution No. R-609-05.

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<sup>1</sup> 163.340 Definitions. The following terms, wherever used or referred to in this part, have the following meanings:

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

The Necessity Study assessed the Biscayne Corridor's current uses, site conditions, vacancy rates, housing types, economic conditions, and transportation facilities. It determined that the existing conditions in the Biscayne Corridor were leading to economic distress and risked endangering life and property. The Necessity Study further determined that the land use regulations applying to the area were defective. The land use regulations were determined defective, in part, because the narrow strip of commercially-zoned lands were not configured to yield the highest potential of development. The Necessity Study concluded that there was a need for redevelopment due to the area's deficiencies in attracting market-based investment of the same rate and quality as surrounding areas and the County as a whole and recommended that the Biscayne Corridor be designated a Community Redevelopment Area ("CRA") in order to improve the blighted condition of the area.

The proposed Biscayne Corridor Community Redevelopment Area was considered by the Board of County Commissioners in April 2006, but the item was deferred indefinitely, not because of a lack of need or opposition but because a private development plan had already been proposed for a portion the land, with the instruction to the County Manager and County Attorney to continue working to determine whether a Community Redevelopment Area was advisable. Unfortunately for the area, the private redevelopment plan never came to fruition due to the downturn in the real estate market and the Board of County Commissioners has yet to reschedule consideration of the Biscayne Corridor Community Redevelopment Area on its agenda because the current County budget would not be able to fund it. As a result, the slum and blight identified in the Necessity Study continues to exist in the area.

The Applicant is not advocating that a CRA be established for this portion of the Biscayne Corridor. In fact, the Applicant seeks at this time to redevelop this portion of the Biscayne Corridor without the need of CRA assistance. However, the findings of the Necessity Study make it abundantly clear that the proposed land use change is not only appropriate for this Property, but that it in fact should be promoted by the County. The State Comprehensive Plan, Policy 16(b)12, urges county and municipal governments to "promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers." CDMP Policy LU-10A states that "Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas... to promote energy conservation." Land Use Concept number 8 of the CDMP provides that the County should "[r]ejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses."

#### D. Minor Statistical Area 4.1

The Property is located within Minor Statistical Area ("MSA") 4.1, which encompasses lands east of Interstate I-95 and west of Biscayne Bay between I-195 and NE 125 Street. The MSA had an estimated population of 81,834 in 2000, and is projected to have a population of 95,674 in 2015 and 95,996 in 2025. The latest commercial land supply data for MSA 4.1 estimates that approximately 357.2 acres (87.8%) are in use and 50 acres (12.2%) are vacant. It is projected

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(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

that the supply of commercial land will be depleted in 2030+. Although the data shows current supply of commercial land to be sufficient for the next 20+ years, this figure is misleading. Much of the vacant commercial land within the MSA is located along the 1.7 mile strip of Biscayne Boulevard between NE 105 Street and NE 123 Street and is configured similarly to current designation on the Property -- with only a narrow strip of "Business and Office" use fronting the roadway. This configuration is substandard and does not support redevelopment or good and flexible urban design.

E. Consistency and Compatibility with CDMP Goals, Objectives and Policies

This application satisfies numerous County CDMP Goals, Objectives and Policies, several of which have already been discussed in this Application.

Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses. The current zoning designations on the Property would, at best, permit a version of mixed-use development with a narrow strip of commercial uses fronting Biscayne Boulevard and residential uses with a residential density of up to 50 residential units per acre on the remainder of the Property. The development of a mixed-use project of this kind has proven unfeasible for the Property owners and potential developers. The Property's current CDMP designations are substandard, inefficient and unmarketable. As a result, the Property has remained undeveloped and underutilized.

The Applicant believes that the approval of an amendment of the Future Land Use Map to "Business and Office" for the Property would be an appropriate change and will help to satisfy the deficiency of adequate, developable commercial land along the Biscayne Boulevard corridor. Accordingly, approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

LAND USE 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.

LAND USE 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.

LAND USE 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.

LAND USE OBJECTIVE LU-2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY LU-2A: All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

LAND USE 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.

LAND USE POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

LAND USE OBJECTIVE LU-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 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.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

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

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

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

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

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

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 8: Rejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

## 5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Property – Exhibit "A"  
Disclosure of Interest Form – Exhibit "B"  
Location Map for Application – Exhibit "C"  
Aerial Photograph – Exhibit "D"  
Section Sheet – Exhibit "E"  
Resolutions R-1016-04 and R-609-05 - Exhibit "F"



EXHIBIT "A"

Legal Description of Subject Property:

Includes folio numbers 30-2232-008-0010, 30-2232-008-0030, 30-2232-000-0160

PARCEL 1:

That part of the South 1/2 of Tract "A" of Revised Plat of SEARENTO, according to the plat thereof, recorded in Plat Book 34, at Page 21, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning at a point on the West line of Biscayne Boulevard which point is 55.07 feet West of the Center line of Biscayne Boulevard and 50 feet South of the Northeast corner of said South 1/2 of Tract "A" of SEARENTO, thence run West parallel with and 45.40 feet South of the North line of the said South 1/2 of Tract "A" a distance of 794.41 feet to the West line of the said South 1/2 of Tract "A"; thence run South and along the West line of said South 1/2 of Tract "A" of SEARENTO a distance of 119.65 feet to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO; thence run East and along the South line of said South 1/2 of Tract "A" to the West line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard a distance of 131.73 feet more or less to the Point of Beginning.

ALSO PARCEL 2:

Beginning at a point 825 feet South of the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, said point also being the Southwest corner of the South 1/2 of Tract "A" of SEARENTO according to the revised plat thereof, recorded in Plat Book 34, at Page 21 of the Public Records of Miami-Dade County, Florida; thence run South along the West line of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East and distance of 47.4 feet; thence run East parallel with and 47.4 feet South of the South line of said South 1/2 of Tract "A" of SEARENTO a distance of 717.90 feet more or less to the West line of Biscayne Boulevard which said point on the West line of Biscayne Boulevard is 55.05 feet West of the center line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard 53.09 feet to the Southeast corner of the South 1/2 of Tract "A" of SEARENTO; thence run West and along the South line of said South 1/2 of Tract "A" of SEARENTO to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO, being the Point of Beginning; said tract of land being in the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, Township 52 South, Range 42 East, Miami-Dade County, Florida, as shown on the Official Record Book 3033, Page 1119.

## EXHIBIT "B"

### DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

**APPLICANT:** GRM Acquisition Corp.

1601 Washington Avenue, Suite 310

Miami Beach, FL 33139

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
	11190 Biscayne, LLC	30-2232-000-0160	+/- 32,469 s.f.
		30-2232-008-0030	+/- 2.01 acres
	Searento Trust, LLC	30-2232-008-0010	+/- 36,743 s.f.

**3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2, above.**

APPLICANT	OWNER	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach Explanation )
		X		

**4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.**

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

%

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME GRM Acquisition Corp., a Florida corporation

<u>NAME, ADDRESS, AND OFFICE ( if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>Doron Valero (President)</u>	<u>70.5%</u>
<u>Rafael Zitvar (Vice President)</u>	<u>24.5%</u>
<u>Alan Merkur (Vice President)</u>	<u>5.0%</u>

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: \_\_\_\_\_

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers,

stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

GRM Acquisition Corp.

See information provided in 2b

Date of Contract May 27, 2010

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

**5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.**

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** 11190 BISCAYNE LLC, AND SEARENTO TRUST, LLC

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF STOCK

PharmaNet Development Group, Inc., a Delaware company with substantial operations in professional services to the pharmaceutical industry world-wide, holds 100% ownership interest in both 11190 Biscayne, LLC and Searento Trust, LLC, the entities that own the real property which is the subject of this application. In turn, through a subsidiary, PharmaNet Development Group, Inc. is 100% owned by JLL PharmaNet Holdings, LLC, which is an investment vehicle in which JLL Partners Fund VI, L.P., a Delaware limited partnership, holds an 85% ownership interest. JLL Partners Fund VI, L.P. is one of several Delaware limited partnerships of JLL

Partners, Inc., a leading private equity investment firm in the United States for the past 23 years. Ownership of JLL Partners Fund VI, L.P. is held by 37 different typical private equity investors consisting of public and corporate pension funds, insurance companies, endowments and high-net worth individual investment vehicles. The remaining 15% ownership interest in JLL PharmaNet Holdings, LLC, the ultimate 100% owner of the real property which is the subject of this application, is held by NB/NJ Custom Investment Fund, LP (6%) and Zurich Insurance (9%), both private equity institutional co-investors to JLL Partners Fund VI, L.P. Specifically, the entity ownership chain for the real property which is the subject of this application is: (1) 11190 Biscayne, LLC and Searento Trust, LLC, of which (2) PharmaNet Development Group, Inc., owns 100% of each, of which (3) PDGI Holdco, Inc., owns 100%, and of which (4) JLL PharmaNet Holdings, LLC owns 100%.

**If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

**TRUSTEE'S NAME:** \_\_\_\_\_

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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- c. **If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

**PARTNERSHIP NAME:** \_\_\_\_\_

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
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- d. **If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which**

discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS AND OFFICE (if applicable)      PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

Date of Contract \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust

\_\_\_\_\_  
\_\_\_\_\_

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

GRM Acquisition Corp., a Florida corporation

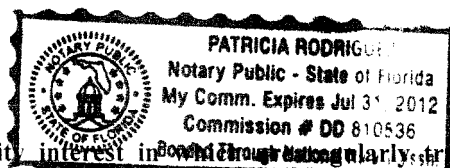
By: \_\_\_\_\_  
Doron Valero, President

Sworn to and subscribed before me

this 21 day of October, 2010

My Commission Expires: 7-31-2012

[Signature]  
Notary Public, State of Florida at Large (SEAL)



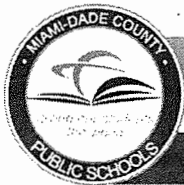
Disclosure shall not be required of any entity, the equity interest in which is publicly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one person or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

# **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  
Alberto M. Carvalho

Miami-Dade County School Board  
Dr. Solomon C. Stinson, Chair  
Perla Tabares Hantman, Vice Chair  
Agustin J. Barrera  
Renier Diaz de la Portilla  
Dr. Lawrence S. Feldman  
Dr. Wilbert "Tee" Holloway  
Dr. Martin Stewart Karp  
Ana Rivas Logan  
Dr. Marta Pérez

January 24, 2011

**VIA ELECTRONIC MAIL**

Ms. Tracy Slavens, Esquire  
Holland & Knight, c/o  
GRM Acquisition Corp.  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
GRM ACQUISITION CORP – OCTOBER 2010 APPLICATION No. 1 (LAND USE)  
LOCATED APPROXIMATELY AT N. US-1 HWY AND NE 111 STREET  
PH3011011900002 – Folio No. 3022320000160**

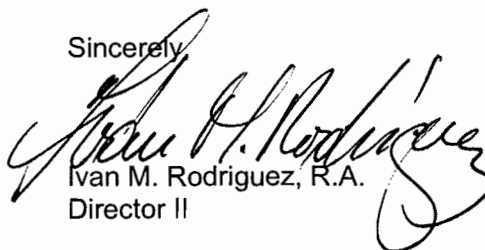
Dear Ms. Brown:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, attached please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the requested zoning would yield a maximum residential density of 237 multifamily units, which generates 47 students; 22 elementary, 11 middle and 14 senior high students. **At this time, the schools serving the area have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.  
Director II

IMR:mo  
L259  
Enclosure

cc: Ms. Ana Rijo-Conde, AICP  
Ms. Vivian G. Villaamil  
Miami-Dade County  
School Concurrency Master File



## Concurrency Management System (CMS)

Miami Dade County Public Schools

### Miami-Dade County Public Schools

#### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3011011900002 Local Government (LG): Miami-Dade  
Date Application Received: 1/19/2011 10:19:05 AM LG Application Number: October 2010 - Application #1  
Type of Application: Public Hearing Sub Type: Land Use  
Applicant's Name: GRM Acquisition Corp  
Address/Location: Biscayne Blvd NE 112 St East of 14 Av  
Master Folio Number: 3022320000160  
Additional Folio Number(s): 3022320080030; 3022320080010,

PROPOSED # OF UNITS 237  
SINGLE-FAMILY DETACHED UNITS: 0  
SINGLE-FAMILY ATTACHED UNITS: 0  
MULTIFAMILY UNITS: 237

#### CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5005	DAVID LAWRENCE JR K-8 CENTER	-184	22	0	NO	Current CSA
5005	DAVID LAWRENCE JR K-8 CENTER	0	22	0	NO	Current CSA Five Year Plan
6631	NORTH MIAMI MIDDLE	-200	11	0	NO	Current CSA
6631	NORTH MIAMI MIDDLE	0	11	0	NO	Current CSA Five Year Plan
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	152	14	14	YES	Current CSA

#### ADJACENT SERVICE AREA SCHOOLS

561	W J BRYAN ELEMENTARY	121	22	22	YES	Adjacent CSA
6411	HORACE MANN MIDDLE	659	11	11	YES	Adjacent CSA

\*An Impact reduction of 15.3% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /  
concurrency@dadeschools.net

# **APPENDIX D**

## **Traffic Study**

Not required for small-scale amendments

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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 the October 2010 Cycle Application No. 1 to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) 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**

#### Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement. As of September 30, 2010, the average residential unit generated 2.27 tons of waste, which includes garbage, trash and recycled waste. This value is consistent with the average 2.28 tons reported annually for the April 2020 Cycle CDMP amendment applications. As reported to the State of Florida, Department of Environmental Protection, for FY 2008-09, the full cost per residential unit of providing waste collection service was \$451.

#### Waste Disposal Capacity and Service

The cost of providing disposal capacity for Waste Collection Service Area (WCSA) customers, municipalities and private haulers is paid for by system users. For FY 10-11, the DSWM charges at a contract disposal rate of \$60.30 per ton to DSWM Collections and to those private haulers and municipalities with long-term disposal agreements with the Department. The short-term disposal rate is \$79.50 per ton in FY 10-11. 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 used to ensure availability of disposal capacity in the system. 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.

### **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 \$1.3785 per 1,000 gallons for the water and \$1.5708 per 1,000 gallons for the sewer. However, the application site is located within the City of North Miami water and sewer service area. The water connection charges were calculated for the City of North Miami based on a special water connection charge rate of \$0.44 per average daily gallon. Therefore, water connection charges are estimated at \$15,642 and sewer connection charges are estimated at \$199,080. The connection fee was based on providing a 1-inch service line and meter. In addition, if the application site is built with 237 units of multi-family homes (maximum development allowed under the proposed CDMP land use designation of "Business and Office", which would generate the greatest demand for water and sewer service), the annual operating and maintenance costs for water and sewer service for the proposed development is estimated at \$38,269. This estimate is based on approved figures through September 30, 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**

The proposed amendment will result in 47 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 \$307,803. Since there is sufficient concurrency capacity to accommodate the 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.

### **Fire Rescue**

Information Pending



# **APPENDIX F**

## **Proposed Declaration of Restrictions**

The deadline for the applicant to submit a Declaration of Restriction (covenant) is January 28, 2011. No covenant was submitted by the applicant prior to this deadline.

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# **APPENDIX G**

## **Photos of Application Site and Surroundings**

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Application Site looking East Towards Biscayne Boulevard



Retail Establishments Along Biscayne Boulevard  
East Of The Application Site





FP&L Electrical Sub-Station Located Immediately West of the Application Site



NE 14 Avenue, West of the Application Site