# Application No. 2 Commission District 10 Community Council 10

# APPLICATION SUMMARY

Applicant/Representative: OROT Flagler, LLC/Juan J. Mayol, Jr., and Tracy

R. Slavens, Esq.

Location: Southwest corner of the intersection of West

Flagler Street and SW 92 Avenue

Total Acreage: ±3.3 Gross Acres (±2.3 Net Acres)

Current Land Use Plan Map Designations: Office/Residential

Requested Land Use Plan Map 1. Business and Office

Designation and Other Changes:

2. Add Proffered Declaration of Restrictions to the Restrictions Table on Page I-74.1 of the

**CDMP Land Use Element** 

Amendment Type: Small-Scale

Existing Zoning District/Site Condition: BU-2 (Business Special)/Vacant

# **RECOMMENDATIONS**

Staff: ADOPT (AS A SMALL-SCALE AMENDMENT)

WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS (September

13, 2013)

Westchester Community Council (10): ADOPT (AS A SMALL-SCALE AMENDMENT)

WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS (September

25, 2013)

Planning Advisory Board (PAB) Acting as

the Local Planning Agency:

ADOPT (AS A SMALL-SCALE AMENDMENT)
WITH ACCEPTANCE OF PROFFERED
DECLARATION OF RESTRICTIONS (October 21,

2013)

Final Action of Board of County

Commissioners:

TO BE DETERMINED (November 20, 2013)

Staff recommends **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map to redesignate the ±3.3 gross-acre application site from "Office/Residential" to "Business and Office" for the following reasons:

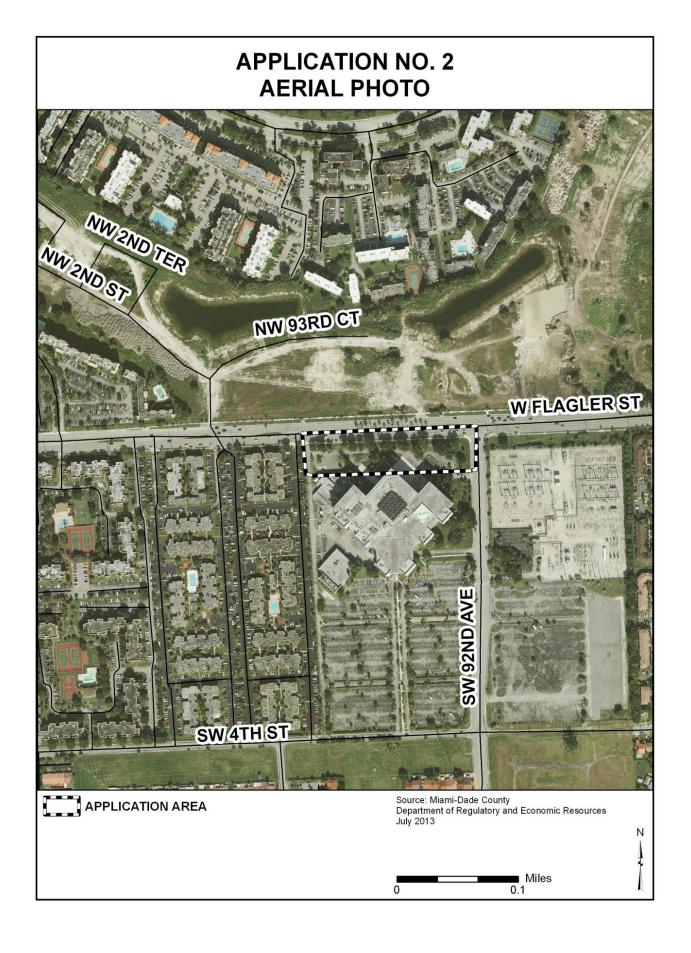
#### **Principal Reasons for Recommendation:**

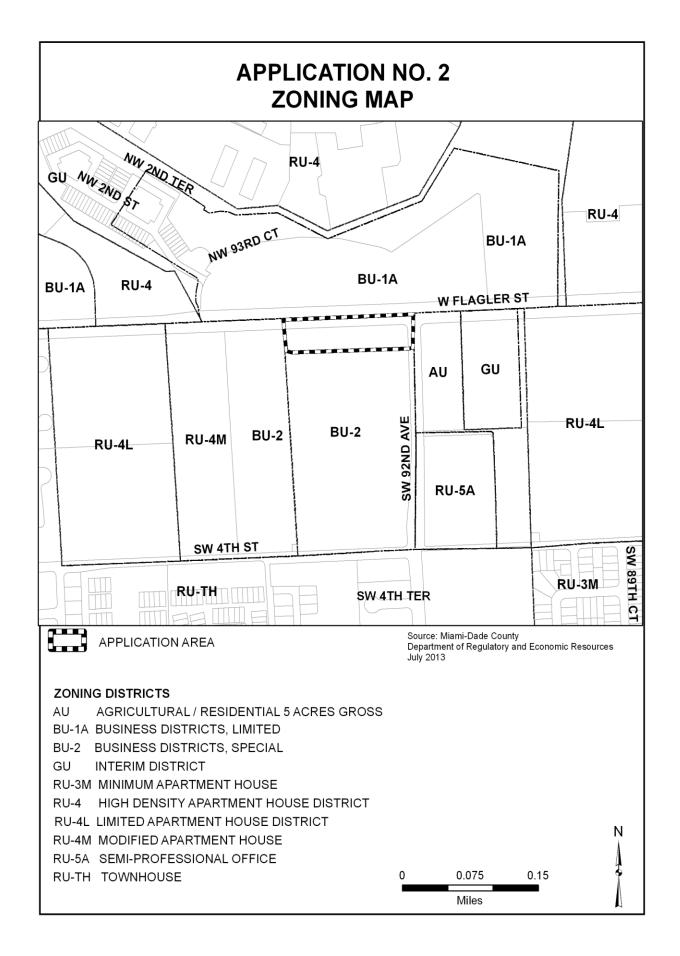
- 1. The application proposes the intensification of urban development that is consistent with the provisions of the CDMP. Land Use Element Objective LU-1 and Policy LU-1C requires the County to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of underdeveloped environmentally suitable urban areas contiguous to existing urban development where urban services and facilities have the capacity to accommodate additional demand. As discussed in Principal Reason No. 2 below, public facilities have adequate capacity to accommodate the impacts that would be generated by the application if approved.
- 2. CDMP Land Use Element Policy LU-8E requires LUP map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.
  - i. Need: The application site is located in Minor Statistical Area (MSA) 3.2, which has 284.5 acres of vacant commercially zoned or designated land. At the rate of absorption of commercial land (11.69 acres per year), this MSA will deplete its supply of commercial land beyond the year 2030. Approval of the application would add approximately two months of supply to the commercial land within the MSA 3.2 and would therefore not significantly impact the commercial land supply in the MSA.
  - ii. Public Facilities and Services: The impacts that would be generated from developing the site with maximum 50,094 square feet of office development, if the application is approved with the applicant's proffered covenant, would not cause a violation in the level of service standards for public services and facilities.
  - iii. Compatibility: The development of the site, if the requested "Business and Office" designation is approved, would be generally compatible with the adjacent or surrounding properties. The vacant properties north of the application site across West Flagler are currently designated "Business and Office". Adjacent and west to the application site is developed with residential units (the Southwinds Condominiums) designated "Medium Density Residential" on the LUP map. Adjacent and south of the site is an existing six-story office complex owned by the Florida Power and Light Company. East of the application site across SW 92 Avenue is an electric power generator and substation on a property currently designated "Office/Residential", The designations of the surrounding properties and their existing developments are generally compatible with the requested designation.
  - iv. Environmental and Historic Resources: The subject CDMP application, if approved, would not impact any environmental, historic or archaeological resources. However, the site contains some specimen-sized trees (trunk diameter of 18 inches or greater). Therefore, development of the site would be subject to Section 24.9.2(II) of the Code

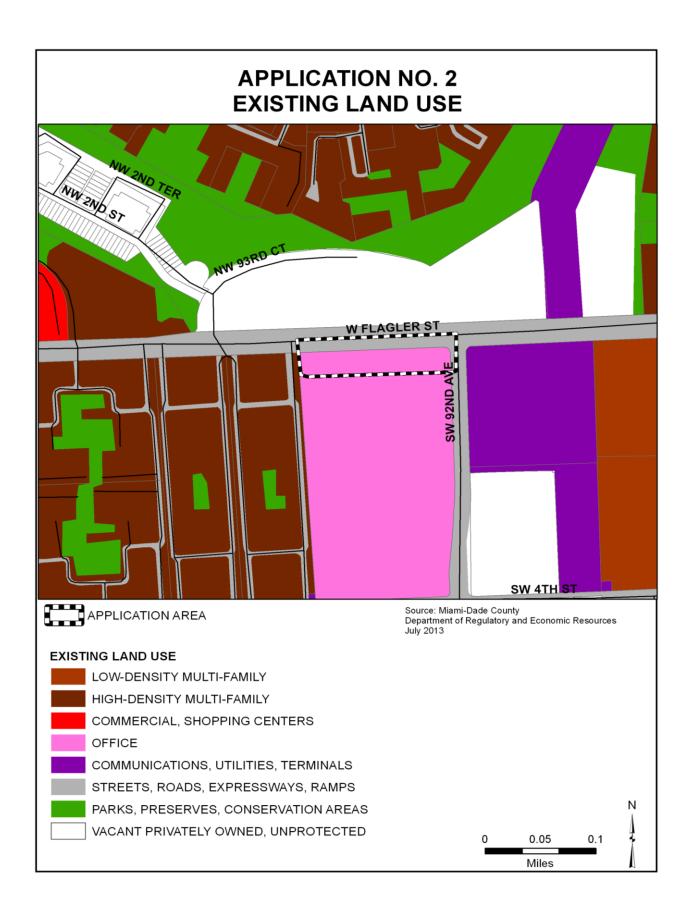
May 2013 Cycle 2-2 Application No. 2

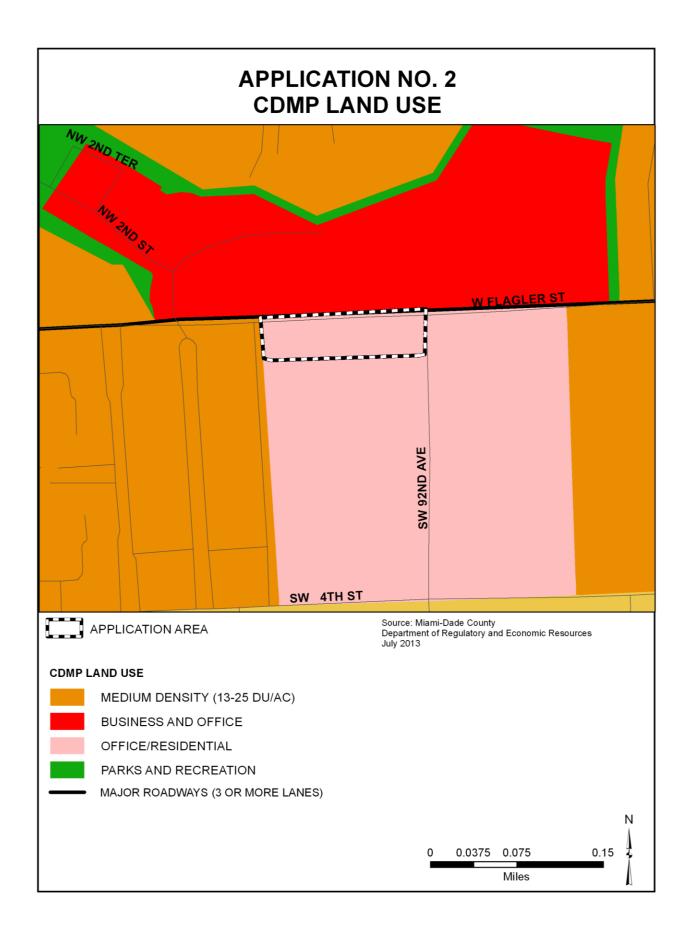
- of Miami-Dade County which requires that specimen-sized trees be preserved when reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any specimen-sized trees on the application site.
- v. Transit Ridership and Pedestrianism: Development of the application site under the requested "Business and Office" land use category could support transit ridership and pedestrianism. The site is currently served by Metrobus Routes 11 and 51, which provide local route services to the application area. Metrobus Route 11 provides an 8-minute and 15-minute AM/PM peak period headways service on weekdays, a 20-minute headway service in the evening after 8 pm, 60-minute headway overnight, 24-minute headway service on Saturdays and 30-minute headway service on Sundays. Route 51 provides a 15-minute AM/PM peak period headways service and a 30-minute evening (after 8 pm) service on weekdays only. Bus stops are located on both sides of West Flagler Street in front of the application site.

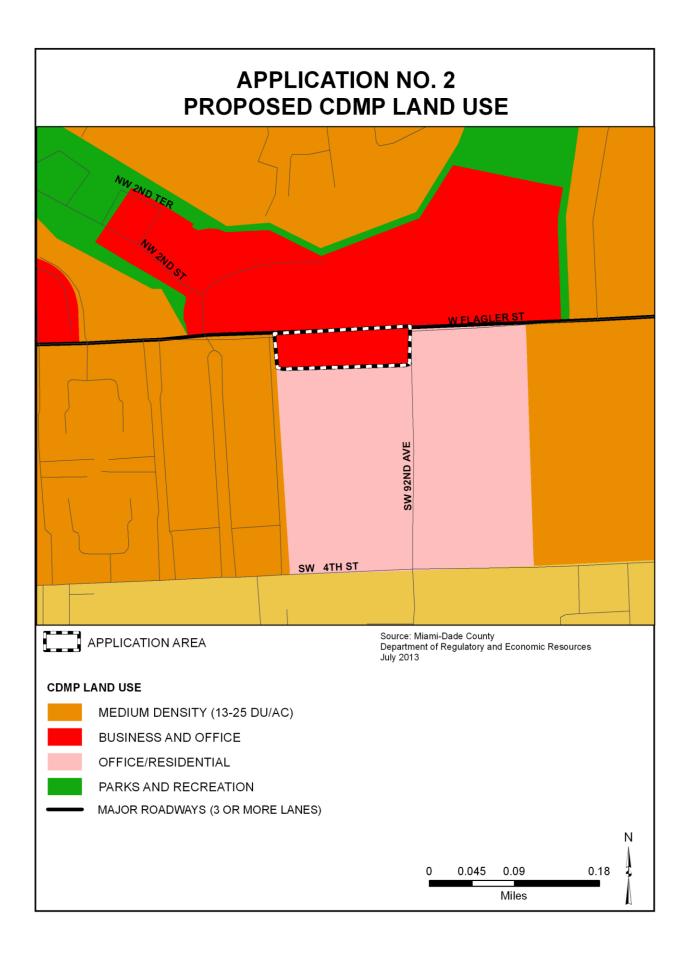
Furthermore, Metrobus Route 51 (Flagler Max) is planned for future service improvements by year 2017-2018 and a new bus service, the Flagler Enhanced Bus, is also planned to begin service in 2018 and will serve the Flagler Street corridor including the application site.











# STAFF ANALYSIS

#### **Application Site**

#### Location

The ±3.3 gross-acre site is located at the southwest corner of the intersection of West Flagler Street and SW 92 Avenue in southwest unincorporated, Miami-Dade, County. The initial application was on 4.38 gross acres but the site was later adjusted to its present 3.3 gross acres in order to stay clear of the footprint of the existing six-story office building built south of the application site. With this change, there would be loss of setbacks and existing parking spaces which were approved and constructed as part of the existing six-story office building complex. The applicant should bear in mind that these issues of setbacks and parking spaces of the parent property in relation to the current application would have to be addressed during the zoning review process.

# **Existing Land Use**

The application site is generally vacant with paved parking and landscaping. (See Existing Land Use map on page 2-6 above; and Photos of Site and Surroundings: Appendix E). The site is part of a larger parcel that is currently developed with a 671,088 square-foot, 6-story office building and parking lots that serve as offices for the Florida Power and Light Company.

# Land Use Plan Map Designation

The application site is currently designated "Office/Residential" on the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map, (see CDMP Land Use Map on page 2-7). The uses allowed in the "Office/Residential" category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks.

The application requests a redesignation of the ±3.3 gross-acre application site, on the LUP map, from "Office/Residential" to "Business and Office" (see Proposed Land Use Map on page 2-8). Under the current designation, the site could be developed with a maximum of 50,004 square feet of office or 198 multi-family residential units. Under the applicant's requested "Business and Office" designation, the application site could be developed with a maximum of 40,075 square feet of retail or 198 multi-family residential units. However, on August 21, 2013, the applicant proffered a Declaration of Restrictions prohibiting residential development on the application site (see Appendix F: Declaration of Restrictions).

# **Zoning**

The application site is currently zoned BU-2 (Special Business District). The purpose of this zoning district is "to provide large scale commercial and/or office facilities which service the needs of large urban areas" according to County Code Section 33-252, (see Zoning Map on page 2-5). However, the uses allowed on the site are restricted by declaration of restrictions (covenant) running with the property that was executed on December 14, 1971(County Record No. 7646 page 837), which restricts the property to office uses only.

#### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. At that time the application site (a portion of a larger property), was zoned AU (Agricultural). Agricultural District allows 1 single family home per five (5) gross acres.

On January 6, 1972, the Board of County Commissioners (Board) adopted Resolution No. Z-8-72 approving a zoning district boundary change on the property from its original AU to BU-2 (Special Business District). The original request to rezone the property from AU to BU-3 (Liberal

Business) was denied under Resolution No. 4-ZAB-607-71, but a rezoning to BU-2 was instead recommended under the same resolution, asserting that a change to the BU-2 district, under certain conditions would be compatible with the neighborhood and the area concerned, and that BU-2 would not be in conflict with the principles and intent of the plan for the development of the County. By this same resolution, the Metropolitan Dade County Zoning Appeals Board 4 recommended, among other conditions, that a proffered the covenant include an agreement that the owners of the property or applicant will apply to remove the BU-2 zoning and replace the same with an Office Park District (OPD) when OPD is adopted. The above referenced covenant (executed on December 14, 1971), restricting development of the larger site to office building complex and office uses only was a part of Resolution No. 4-ZAB-607-71 that was adopted on December 8, 1971 by the Metropolitan Dade County Zoning Appeals Board.

On December 12, 1974, the Board adopted Resolution No. Z-386-74 approving an "unusual use" to permit a heliport to be located on the roof of the six-story office building located on the parental property.

On November 3, 1975, the Metropolitan Dade County Zoning Appeals Board adopted Resolution No. 4-ZAB-324-75 approving a "variance of parking requirements" to permit 960 parking spaces instead of the required 1,350 spaces.

On April 1, 1998, the Miami-Dade County Community Zoning Appeals Board 10 adopted Resolution No. CZAB10-25-98 approving an "unusual use" to permit roof-mounted panel antennae on the six-story office building owned by the Florida Power and Light Company.

Lastly, on January 12, 2011, the Miami-Dade County Community Zoning Appeals Board 10 adopted Resolution No. CZAB10-4-11 approving another "unusual Use to permit a heliport," deleting a condition in Resolution Z-8-72 (the first resolution referenced above) that requires the BU-2 portion of property to be rezoned OPD and to allow the current BU-2 district classification to remain, and requesting the office building with 1,503 parking spaces instead of the required 1,672 spaces.

#### Adjacent Land Use and Zoning

# **Existing Land Uses**

To the east of the application site, across SW 92 Avenue, is an electric power substation owned by the Florida Power and Light Company. Further east, beyond the substation is a residential subdivision. To the south of the application site is the 6-story office building and parking lots that serves as offices for the Florida Power and Light Company. Further south is an FPL transmission easement or corridor, eight (8) single family homes on a cul-de-sac layout and open recreation soccer fields belonging to the Big Five Club summer camp. To the west of the site is the Southwinds residential subdivision. To the north of the site across West Flagler Street, is a vacant property though with clearing activities in preparedness for retail use development.

#### Land Use Plan Map Designations

Adjacent properties east and south of the application site are designated "Office/Residential" on the LUP map. Properties further east beyond the electric substation and adjacent property to the west of the site are designated "Medium Density Residential" while the property north of the application site, across West Flagler Street, is designated "Business and Office" on the LUP map. Properties further south of the application site across SW 4 Street, are designated Low-Medium Density Residential. (See CDMP Land Use Map on page 2-7).

May 2013 Cycle 2-10 Application No. 2

#### Zoning

The properties to the east of the application site across SW 92 Avenue are zoned AU, GU (both for the electric substation) and RU-4L (Limited Apartment Houses 23 units per net acre) for the residential subdivision. Property abutting the site to the south is zoned BU-2, and further south across SW 4 Street is zoned RU-TH (Townhouse – 8.5 units per net acre). Properties to the west of the application site are zoned RU-4M (Modified Apartment House 35.9 units per net acre). Properties to the north of the application site across West Flagler Street, are zoned BU-1A (Limited Business District), which allows retail commercial and service uses (See Zoning Map on page 2-5).

#### **Supply and Demand Analysis**

MSA 3.2, where the application site is located, contained 1,490.30 acres of in-use commercial uses in 2013 and an additional 561.1 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2013-2030 period is 11.69 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned or designated land beyond the year 2030 (See "Projected Absorption of Land for Commercial Uses" table below).

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

Analysis	Vacant	,	Annual Absorption			
Area	Commercial	Commercial	Rate	Projected	Total Comm	ercial Acres
	Land 2013	Acres in	2013-2030	Year of	per Thousa	nd Persons
MSA 3.2	(Acres)	Use 2013	(Acres)	Depletion	2020	2030
Total	284.5	1,490.3	11.69	2030+	10.5	9.0

Source: Miami-Dade Department of Regulatory And Economic Resources, Planning Division, July 2013

#### **Analysis of the Trade Area**

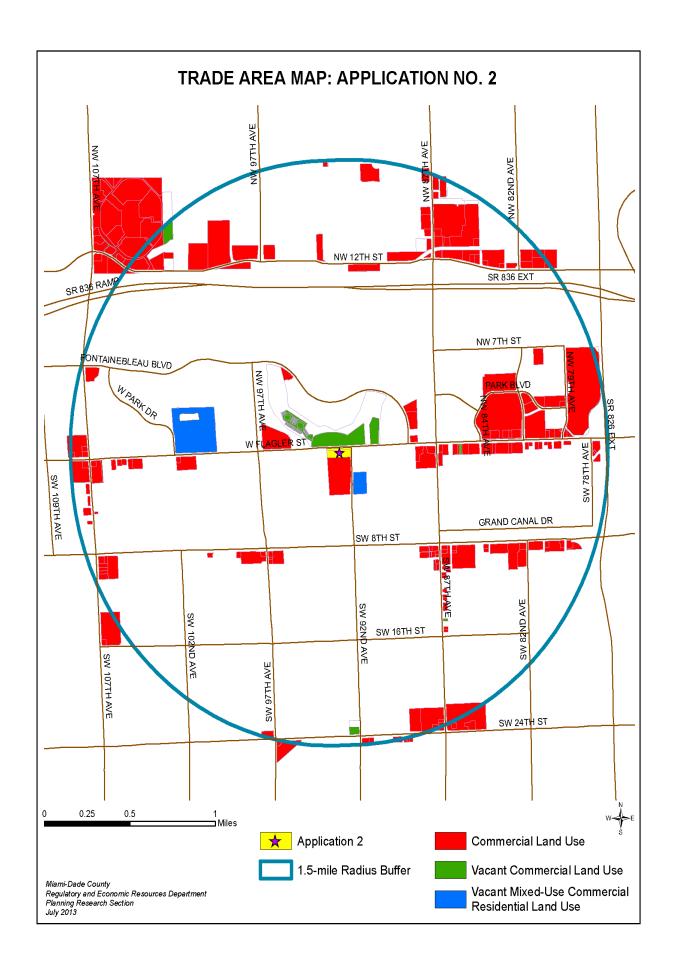
Analysis of the Trade Area, 1.5 miles around the application site (see "Trade Area Map" on page 2-12) shows that there are 615.61 acres in existing commercial uses and 71.81 acres of vacant commercially zoned or designated land (see "Trade Area Analysis" table below). Most of the vacant parcels are located across from the subject property to the north and west along Flagler Street. (See "Trade Area Map" on page 2-12).

Trade Area Analysis

Trade	Vacant	
Area	Commercial	Commercial Acres
Radius	Land (Acres)	in Use 2013
1.5	71.81	615.61

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, July 2013

Analysis indicates that there are 21 fast food restaurants, such as Wendy's, McDonald's, Burger King, and Taco Bell and 13 commercial banks/credit unions, such as Chase, Wells Fargo, Citibank and Union Credit Bank in the area bounded by SR-836 to the north, on the south by SW 8 Street, on the east by SR-826, and on the west by SW 109 Avenue. Based on this information, the area is adequately served by the commercial land uses proposed for the application site.



#### **Environmental Conditions**

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

#### Flood Protection

Federal Flood Zone AH-8 and X-99

Stormwater Management Permit Surface Water Management Standard Permit

County Flood Criteria, National +7 feet

Geodetic Vertical Datum (NGVD)

#### **Biological Conditions**

Wetlands Permit Required No
Native Wetland Communities No
Specimen Trees No
Endangered Species Habitat No
Natural Forest Community No

#### Other Considerations

Within Wellfield Protection Area No Hazardous Waste No Contaminated Site No

# <u>Drainage</u>, Flood Protection and Stormwater Management

The proposed change of land use will impact the way water is disposed within the property, by changing in the total impervious area of the property. Imperviousness for the portion included in the request would change from 3% to 75.5% approximately.

The application area is located in an X-99 Federal Flood Zone and the county flood criterion is +7.0 feet NGVD. Any redevelopment in the application area may require a DERM Standard Water Management Surface Permit. Based on the information provided, the proposed amendment to the Land Use Plan Map will not change the Level of Services for flood protection provided that all required permits are obtained.

#### Tree Preservation

The property might contain specimen-sized trees (trunk diameter 18 inches or greater). A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

# **Water and Sewer**

#### Water Supply

The property is located within the MDWASD franchised water service area. The water supply will be provided by the Alexander Orr Water Treatment Plant. At the present time, there is adequate treatment and water supply capacity for this application; however, a Water Supply Certification will be required for this project at the time of development to determine water supply availability. At the time of development, the project will be evaluated for water supply availability and a water supply reservation will be made.

#### Water Treatment Plant Capacity

The County's adopted Level of Service (LOS) standard for water treatment is based on regional treatment system capacity. This LOS requires that the maximum daily flow cannot exceed 98% of the regional treatment system capacity, which is currently 439.74 mgd. Therefore, maximum

daily flow cannot exceed 430.95 mgd. The current reported maximum daily flow is 353.6 mgd and there is 16.76 mgd in reserved capacity. As a result, the regional system has approximately 60.59 mgd or 13.78% of treatment plant capacity remaining.

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Office (Scenario 1) and Residential (Scenario 2) development under the current CDMP Land Use designation, is estimated at 2,505 gallons per day (gpd) and 29,700 gpd respectively. The maximum water demand for Business (Scenario 1) and Residential (Scenario 2) development under the Requested CDMP Land Use designation, is estimated at 4,008 gpd and 29,700 gpd respectively. This represents an increase of up to 1,503 gpd over the demand under the current CDMP land use designations. A Water Supply Certification Letter will be required at the time of development, at which time the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

# Estimated Water Demand/Sewer Flow For Proposed Development 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 CDMP Potential							
1	Office	50,094 sq. ft. office	5 gpd/100 sq. ft.	2,505 gpd				
2	Residential	198 apartments	150 gpd	29,700 gpd				
	Requested CDMP Designation							
1	Business	40,075 sq. ft. retail	10 gpd/100 sq. ft.	4,008 gpd				
2 Residential		198 apartments	150 gpd	29,700 gpd				

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; August 2013

#### Water System Connectivity

There is an existing 12-inch and 16-inch water main within the subject property from which the applicant may connect and extend a new 12-inch water main as required to serve the proposed development. Any public water main extension within the property shall be 12-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connection. At this time, there is one planned project in close proximity to this application site. The planned project is located directly to the north of the subject property and has a MDWASD Agreement No. 21214 for the construction of 216,311 sq. ft. of shopping center, 2,961 sq. ft. of office building use and 15,728 sq. ft. of full service restaurant use.

# Sewer Treatment Plant Capacity

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South Districts Wastewater Treatment Plants, operate with a capacity that is two percent above the average daily flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow. The regional wastewater treatment system has a design capacity of 375.50 million gallons per day (mgd) and a 12-month average (period ending April 2013) of

322.85 mgd. The sum of the 12-month average and all reserved flows (30.61 mgd) represents 94.13% of the regional system design capacity. Therefore, the wastewater treatment system has 5.87% less 2% for a total of 3.87% or 14.53 mgd of capacity remaining.

#### Sewer System Connectivity

The wastewater flows for this application will be transmitted to the Central District Wastewater Treatment Plant for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A(2) of the CDMP. There is an existing 8-inch sanitary gravity sewer line along SW 92<sup>nd</sup> Avenue located at 631 feet north of the intersection of SW 92<sup>nd</sup> Avenue and SW 4<sup>th</sup> Street to which the applicant shall install and connect a new 8-inch gravity sewer line to a point as required to provide service to the applicant's property. Said main directs the flow to pump station #109 which is currently under a conditional moratorium imposed pursuant to the Environmental Protection Agency Second Partial Consent Decree to prevent sewage overflows. Final development orders will be evaluated by DERM to determine if there is sufficient capacity to serve the project.

#### **Solid Waste**

The Miami-Dade County Public Works and Waste Management Department (PWWM) Solid Waste Functions oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

The application site is located inside the PWWM Waste Collection Service Area (WCSA), which consists of all residents of the Unincorporated Municipal Service Area (UMSA) and eight municipalities.

#### Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County 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 PWWM assesses the solid waste capacity on system-wide basis since it is not practical or necessary to make determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2012-2013, the PWWM is in compliance with the adopted LOS standard.

#### Application Impacts

Application No. 2 is requesting the re-designation of approximately 4.49 gross acres (3.33 Net Acres) from "Office/Residential" to "Business and Office" on the Adopted 2015 and 2025 LUP map. The designation to "Business and Office" will likely result in the development of a commercial establishment. Per Chapter 15 of the County Code, the PWWM does not actively compete for commercial waste collection service at this time, waste collection services may be provided by a private waste hauler. The PWWM has determined that the requested amendment will have no impact or any associated costs to the County; therefore, the PWWM has no objections to the proposed amendment.

#### Parks

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 2 (PBD-2), which generally encompasses the area of the County between SW 8 Street and SW 184 Street.

# Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 494.95 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site; five parks (Blue Lakes Park, Brothers to the Rescue Memorial Park, Concord Park, Coral Estates Park and Ruben Dario Park) are larger than the required five acres (or larger) park. The nearest local park to the application site is Ruben Dario Park, which are located approximately 0.75 miles from the application site.

County Local Parks
Within a 3-Mile Radius of Application Site

Park Facility	Acreage	Classification
Banyan Park	3.09	Neighborhood Park
Blue Lakes Park	6.40	Neighborhood Park
Brothers to the Rescue Memorial Park	6.75	Single-Purpose Park
Concord Park	8.86	Neighborhood Park
Coral Estates Park	5.26	Community Park
Francisco Human Rights Park	2.88	Mini-Park
Humble Mini Park	0.48	Mini-Park
Ruben Dario Park	14.97	Community Park
Sunset Heights Park	0.37	Mini-Park
Tamiami Canal Park	1.52	Neighborhood Park
Westbrook Park	2.10	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, July 2013.

#### **Application Impacts**

The potential development of the site under the existing and proposed CDMP land use designation has a potential population of 629, resulting in an impact of 1.73 acres based on the adopted minimum LOS standard for local recreational open space. This would lower the supply's capacity from 494.95 acres to 493.22 acres, but remain above the adopted minimum LOS standard. If the application site is approved for business use and the accompanying covenant restricting residential development is accepted, there would be no increase in population and therefore no impact to local recreational open space.

#### Fire and Rescue Service

The application site is currently served by Miami-Dade County Fire Rescue Station No. 29 (Sweetwater), located at 351 SW 107 Avenue. This station is equipped with an Aerial, a Rescue, and a Battalion Chief and is staffed with eight (8) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately 7 minutes and 21 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 performance objective of national industry standards.

#### Level of Service Standard

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 3,000 gallons per minute (gpm) is required for business and industrial uses, and 750 gpm for single family and duplexes.

#### **Application Impacts**

The current CDMP land use designation of "Office/Residential" will allow a potential development on the application site that is anticipated to generate approximately 75 annual alarms. The proposed CDMP land use designation of "Business and Office" will allow a potential development that is anticipated to generate 75 annual alarms, which will result in a moderate impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. The MDFR Department has no plans for new fire rescue stations in the vicinity of the application site.

The required fire flow for the proposed CDMP land use designation of "Business and Office" shall be 3,000 gpm. Fire hydrants shall be spaced a minimum of 300 feet 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**

The applicant has proffered a covenant that prohibits residential development on the application site. Should the application be approved with acceptance of the covenant, Miami-Dade County Public Schools would not be impacted by the application as proposed.

#### **Aviation**

Miami-Dade County Aviation Department does not object to the proposed CDMP amendment provided that the proposed development complies with all applicable local, state and federal aviation regulations including Airport Zoning, Chapter 33, of the Code of Miami-Dade County.

#### Roadways

The application site is located on Flagler Street, a major six-lane divided arterial roadway, which provides access to the west to NW 107 Avenue and NW 97 Avenue and to the east to NW 87 Avenue, which provide access to SR 836/Dolphin Expressway and SW 8 Street/Tamiami Trail. Further west is the HEFT and further east is SR 826/Palmetto Expressway, which provides connectivity to other areas in the County.

May 2013 Cycle 2-17 Application No. 2

East-west arterials and expressways within the vicinity of the application site include: NW 25 Street, NW 12 Street, SR 836/Dolphin Expressway, West Flagler Street, and SR 90/SW 8 Street/Tamiami Trail, and SW 24/26 Street/Coral Way. North-south arterials and expressways include: SR 821/HEFT, SW 117 Avenue, NW/SW 107 Avenue, NW/SW 97 Avenue, NW/SW 87 Avenue, and SR 826/Palmetto Expressway.

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.

#### **Existing Conditions**

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the County and the State, are acceptable. The "Existing Traffic Conditions Roadway Lanes and Peak Period Level of Service (LOS)" table below shows the current operating condition of the roadways.

Existing Traffic Conditions
Roadway Lanes and Peak Period Level of Service (LOS)

Roadway	Location/Link	Lanes	LOS Std.	LOS
West Flagler Street	NW/SW 118 Ave. to NW/SW 114 Ave.	6 DV	E+20%	D (2011)
	NW/SW 114 Ave. to NW/SW 107 Ave.	6 DV	E+20%	C (2011)
	NW/SW 107 Ave. to NW/SW 97 Ave.	6 DV	E+20%	D (2011)
	NW/SW 97 Ave. to NW/SW 87 Ave.	6 DV	E+20%	D (2011)
NW/SW 107 Avenue	SR 836 to Flagler Street	6 DV	E	C (2012)
	Flagler Street to SW 8 Street	4 DV	Е	C (2012)
NIM/CIM O7 Avenue	NIM 25 Street to NIM 12 Street	4 DV	<b>D</b>	D (2011)
NW/SW 97 Avenue	NW 25 Street to NW 12 Street	4 DV	D	B (2011)
	SW 8 Street to SW 24 Street	2 DV	D	D (2011)

Source: Miami-Dade County Department of Regulatory and Economic Resources, Miami-Dade Public Works and

Waste Management Department; and Florida Department of Transportation, July 2013.

Notes: () identifies the year traffic count was taken or the LOS traffic analysis revised.

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

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

# Trip Generation

The application site is located on the north side of a 19.84-acre parcel currently improved with a 671,088 sq. ft. office, six-story office building development and surface parking. The original application requested the re-designation of approximately 4.49 gross acres on the adopted 2015-2025 Land Use Plan map from "Office/Residential" to "Business and Office". However, later the applicant submitted a revised application limiting the area of the application site to 3.30 gross acres and a draft declaration of restrictions prohibiting residential development on the subject property. The subject application site is currently improved with parking to fulfill the parking requirements for the existing office building. One potential development scenario (Scenario 1) was analyzed for traffic impact under the revised application for the re-designation to "Business and Office." This scenario assumes the application site developed with a maximum potential development of 40,075 sq. ft. of retail and service uses. This development scenario shows that if the application were approved and developed with retail and service uses it would generate approximately 169 additional PM peak hour vehicle trips. See "Estimated Peak Hour Trip Generation" table below.

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

Application Number	Current CDMP Designation and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation		
2 Scenario 1	"Office/Residential" Parking Lot/	"Business and Office" 40,075 sq. ft. retail /			
	0	169	+ 169		

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works and Waste Management Department, July 2013.

Notes: The existing parking on the application site is part of the parking requirement for the existing office development and therefore does not generate any additional trips. Scenario 1 assumes the application site developed with maximum potential development that may be allowed under the requested CDMP land use designation of "Business and Office" with 40,075 sq. ft. of retail uses. No residential development was analyzed due to the prohibition of residential development in the proposed declaration of restrictions.

#### Traffic Concurrency Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of July 2013, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2014 Transportation Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the application under the requested CDMP LUP map designation, determined that all roadways adjacent to and in the vicinity of the application site analyzed have available capacity to handle the additional traffic impacts to be generated by the requested land use change and are projected to operate at acceptable levels of service. See "Traffic Impact Analysis" table below.

May 2013 Cycle 2-19 Application No. 2

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

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Scenar	Scenario 1 "Business and Office" (40,075 sq. ft. retail)											
9494	NW 97 Avenue	NW 25 Street to NW 12 Street	4 DV	D	3080	2089	В	133	В	10	2232	В
9698	SW 97 Avenue	SW 8 Street to SW 24 Street	2 UD	D	2130	1124	D	108	D	24	1256	D
9156	West Flagler Street	W 107 Ave. to W 97 Ave.	6 DV	E+20%	6300	2530	D	132	D	30	2692	D
9154	West Flagler Street	W 97 Ave. to W 87 Ave.	6 DV	E+20%	5916	3230	E	213	E	105	3548	E
1211	NW 87 Avenue	SR 836 to W Flagler Street	4 DV	E	5390	4216	С	134	С	39	4389	С
44	SW 87 Avenue	W Flagler St. to SW 8 Street	4 DV	E	3580	2744	С	122	С	15	2881	С

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources, Miami-Dade County Public Works and Waste Management Department and Florida Department of Transportation, July 2013.

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

May 2013 Cycle 2-20 Application No. 2

<sup>\*</sup> County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity) for roadways serviced with mass transit having 20 minutes or less headways between the Urban Development Boundary (UDB) and the Urban Infill Area (UIA); E+50% (150% capacity) for roadways serviced with extraordinary mass transit inside the UIA.

Scenario 1 assumes the application site developed with maximum potential development that may be allowed under the requested CDMP land use designation of "Business and Office" with 40,075 sq. ft. of retail uses.

# Application Impact

The "Estimated Peak Hour Trip Generation" table above identifies the estimated number of PM peak hour vehicle trips to be generated by the development scenario analyzed under the requested CDMP land use designation of "Business and Office" with a maximum potential development of 40,075 sq. ft. of retail and service uses. This development scenario shows that if the application is approved and the application site developed with commercial uses it would generate approximately 169 PM peak hour vehicle trips. See "Estimated Peak Hour Trip Generation" table.

#### Applicant's Transportation Analysis

The applicant submitted in support of the application a traffic impact analysis, "Orot Flagler, LLC/Amendment to CDMP Land Use Plan--Traffic Analysis" report dated July 1, 2013, prepared by Traf Tech Engineering, Inc. The report provides a trip generation comparison analysis performed using the trip generation equation/rates published in the Institute of Transportation Engineer's (ITE) Trips Generation Manual (9th Edition). The analysis was based on the assumption that the application site could be developed with 72,527 sq. ft. of office space under the current "Office/Residential" land use designation and with 58,021 sq. ft. of retail space under the requested "Business and Office" land use designation. The report concludes that the proposed land use change is projected to generate approximately 152 additional PM peak hour trips and that the adjacent street (W Flagler Street) has available capacity to absorb the traffic impacts generated by the proposed land use change. Miami-Dade County staff reviewed the Traffic Impact Analysis report and concur with the finding that West Flagler Street as of today has available capacity to handle the additional traffic impact that would be generated by the proposed land use change. A copy of the transportation analysis is available in Appendix C.

#### **Transit**

#### **Existing Service**

The application site and surrounding area are currently served by Metrobus Routes 11 and 51. The service frequencies (headways) of these routes are shown in the "Metrobus Route Service Summary" table below.

Metrobus Route Service Summary										
Route(s)		Servi	ce Headways	(in minutes	s)		Proximity to	Proximity to	Type of Service	
	Peak (AM/PM)	Off-Peak (Midday)	Evenings (After 8 pm))	Overnight	Saturday	Sunday	Bus Stop	Rus Route		
11	(8/15)/(8/15)	(12/24)	(20/40)	60	(12/24)	(15/30)	0	0	L	
51	15	30	30	n/a	n/a	n/a	0	0	L	

Source: 2013 Transit Development Plan, Miami-Dade Transit (June 2013 Line Up)

Notes: 'L' means Metrobus local route service

#### **Future Conditions**

Transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions are being planned for the next ten years as noted in the 2023 Recommended Service Plan within the 2013 Transit Development Plan. The planned improvements are shown in the "Metrobus Recommended Service Improvements and Service Plan" table below.

May 2013 Cycle 2-21 Application No. 2

Metrobus Recommended Service Improvements and Service Plan

Route	Improvement Description	Implementation Year
11	No planned improvements.	n/a
51 (Flagler MAX)	Route to be extended to future terminal at SW 147 Avenue and SW 8 Street.	2017
51 (Flagler MAX)	Route to be transformed to the Flagler Enhanced Bus.	2018
Flagler Enhanced Bus	This route will provide premium limited-stop transit service along Flagler Street from Downtown Miami to west Miami-Dade County.	2018

Source: 2013 Transit Development Plan, Miami-Dade Transit (June 2013 Line Up)

#### Major Transit Projects

Regarding future transit projects within this area, MDT is developing premium transit services in the corridors approved by the People's Transportation Plan and other major corridors. 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-looking, high-tech buses running in straighter, more direct routes, and running more frequently with fewer stops. They will appear on various corridors including West Flagler Street.

This route will provide premium limited-stop transit service along Flagler Street from Downtown Miami to west Miami-Dade County. This service will connect the new Marlins Ballpark along NW 7 Street as well as serve the Metrorail Government Center Station, Miami-Dade College Wolfson Campus, American Airlines Arena, the Metropolitan Hospital, the Magic City Casino and the Mall of the Americas. In addition, this route will service Florida International University's Modesto A. Maidique Campus and Engineering Campus. This route will also serve a proposed park-and-ride/bus terminal station at SW 8 Street and SW 147 Avenue. Service headways will be 12 minutes during the AM/PM peak-hour and 30 minutes during the mid-day. Revenue service is anticipated to begin in 2018 using 10 new 60-foot diesel/electric hybrid, clean diesel, compressed natural gas, or other alternative fuel buses.

#### **Application Impacts**

An analysis was performed in Traffic Analysis Zone (TAZ) 811 where the application site is located. If the application is granted, the expected transit impact will be handled by the scheduled improvements to transit in the area.

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

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

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-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).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- 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.

May 2013 Cycle 2-23 Application No. 2

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# **APPENDICES**

		Appendices Page
Appendix A:	Amendment Application	3
Appendix B:	Miami-Dade County Public Schools Analysis	17
Appendix C:	Applicant's Traffic Impact Report	19
Appendix D:	Fiscal Impact Analysis	25
Appendix E:	Photos of Site and Surroundings	31
Appendix F:	Declaration of Restrictions	35

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# **APPENDIX A**

**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 JUL 18 A 9: 13

PLANNING & ZONING METROPOLITAN PLANNING SECT

#### 1. APPLICANT

OROT Flagler, LLC c/o Manuel Grosskopf, Manager 1000 E. Hallandale Beach Blvd., Suite B Hallandale Beach, Florida 33009

#### 2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr., Esq. Tracy R. Slavens, Esq. Holland & Knight, LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131-2847 (305) 374-8500 (305) 789-7799

# 3. DESCRIPTION OF REQUESTED CHANGE

- A Small-Scale Change to the Land Use Plan Map. Applicant requests a small-A. scale change to the Land Use Plan (LUP) map designation on the subject property from "Office / Residential" to "Business and Office."
- Description of the Subject Property (the "Property"). B.

The Property contains approximately  $\pm 3.3$  gross acres ( $\pm 2.3$  net acres) and is located on the southwest corner of West Flagler Street and SW 92 Avenue, in Section 04, Township 54 South, Range 40 East. The Property comprises a portion of Tract "A" of F.P. &L. Center, according to the Plat thereof, as recorded in Plat Book 102, at Page 10, of the Public Records of Miami-Dade County, Florida, and is more particularly described in Exhibit "A" to this application.

# C. Gross and Net Acreage.

Application area:  $\pm 3.3$  gross acres ( $\pm 2.3$  net acres) Acreage Owned by Applicant: Same as above.

#### D. Requested Change.

- 1) Applicant requests that the Property be re-designated on the Land Use Plan map from OFFICE / RESIDENTIAL to BUSINESS AND OFFICE on +/-3.3 gross acres identified in Exhibit "A."
- 2) It is requested that this application be processed as a small-scale amendment under the expedited procedures.

#### 4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Office / Residential" to "Business and Office". The Property consists of  $\pm 3.3$  gross acres ( $\pm 2.3$  net acres) and is located on the southwest corner of West Flagler Street and SW 92 Avenue. The purpose of this request is to address the demand for additional neighborhood-supporting commercial uses in the community. The Applicant is seeking to develop the Property with a bank and restaurant, which are intended to attend to the needs of residents in the area.

The Applicant intends to redevelop the Property, which fronts West Flagler Street, to accommodate a bank and restaurant. The Property is located on the southwest corner of the "T" intersection of a section and half-section line road: West Flagler Street and SW 92 Avenue, respectively. The Property is bounded to the south by SW 4<sup>th</sup> Street and by the Southwinds residential community to the west. The parcel of land on the north side West Flagler Street is designated "Business and Office" but is currently vacant. The Property is located on the north portion of a larger parcel that is developed with a 671,088 square foot, six-story office building and parking lots that serves as offices for Florida Power and Light. The Property represents the portion of this larger parcel that has long been underutilized. The addition of new neighborhood commercial use will serve as infill development to accommodate the projected population and economic growth of the surrounding community.

As it stands, the intended use of the Property is generally consistent with the existing "Office / Residential" designation, which allows for the restaurant and bank as ancillary uses to an office development. However, the Applicant seeks to redesignate the Property to "Business and Office" to permit the intended uses to exist as of right and independently from the office development. The intended uses would be both consistent and compatible with the County's vision for the area and the adjacent land designations.

The Property is located within Minor Statistical Area ("MSA") 3.2 and just to the north of MSA 5.4. MSA 3.2 is defined by SW 177 Avenue to the west, SW 8 Street to the south, NW 72 Avenue to the east, and US 27 to the north. More than half of the land within MSA 3.2 is outside of the Urban Development Boundary ("UDB"). Current Miami-Dade County population

projections estimate a population increase in MSA 3.2 of roughly 20,275 residents by the year 2020. The Property is surrounded to the east, west and south by a mix of "Medium Density Residential" ("MDR") and "Low-Medium Density Residential" ("LMDR") uses, which includes the Century Parc, Southwinds, and Versailles Gardens communities as well as single-family residences. Currently, the only lands designated "Business and Office" and offering commercial services to the community on the south side of West Flagler Street are located at the corners of SW 102 Avenue and SW 87 Avenue. This is a fifteen (15) block stretch of section line road lacking commercial services for local residents. Moreover, there are no business uses provided north of SW 8 Street, the next section line road to the south, within the three (3) mile span extending east from SW 109 Avenue to the west side of State Road 826. The property across West Flagler Street to the north of is designated "Business and Office" and thus the redesignation of the Property to "Business and Office" would mirror the land use designation the County already has in place on the north side of West Flagler Street.

The area is predominantly zoned RU-4 (High Density Apartment House District, maximum density 50 dwelling units per acre), RU-4L (Limited Apartment House District, maximum density 23 dwelling units per acre), RU-4M (Modified Apartment House District, maximum density 35.9 dwelling units per acre), and RU-TH (Townhouse District, maximum density 8.5 dwelling units per acre), with the exception of the Property and the land to the north across W. Flagler Street, which are zoned BU-2 (Business District, special) and BU-1A (Business District, limited), respectively. As the area has developed with these residential uses, the residents' need for commercial and retail uses has become acute. These residents have commercial and retail needs which are not currently met by the existing development in this general area. Thus, the re-designation of the property to "Business and Office" would serve to meet the demands of the area residents and meet the CDMP directive that communities be self-sufficient to the maximum possible extent.

It is anticipated that the approval of the proposed amendment will not the impact level of service standards of infrastructure in the surrounding area. "Business and Office" uses result in similar, if not less, vehicular trips generated by "Office / Residential" uses and therefore will not negatively impact the adjacent roadway network. The Property is currently served by Miami-Dade Transit Metrobus Routes 11 and 51 and there is a stop located on the Property. These routes also have stops located to the east and west of the Property. The availability of neighborhood-supporting services on the Property will encourage ridership along these routes. It is therefore expected that all infrastructure required to serve the property has capacity available to meet the needs of any future commercial development on the Property.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to promote the concentration of business uses at large roadway intersections to serve local communities. Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development

May 2013 Cycle

<sup>&</sup>lt;sup>1</sup> As indicated in the Miami-Dade County Regulatory & Economic Resources Department Planning Research Section Population Estimates and Projections for 2010, 2020 and 2030, dated March, 2013.

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-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

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

- i. Satisfy a deficiency in the Plan Map to accommodate projected population or economic growth of the County;
- ii. Enhance or impede provision of services at or above adopted LOS Standards;
- iii. Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv. Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v. If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

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

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

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

# 5. ADDITIONAL MATERIAL SUBMITTED

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

# 6. <u>COMPLETED DISCLOSURE FORMS</u>

Attached as Exhibit "C"

Attachments: Legal Descriptions for the Property and Parcels - Exhibit "A"

Location Map for Application - Exhibit "B" Disclosure of Interest Form - Exhibit "C"

Aerial Photograph – Exhibit "D" Section Sheet – Exhibit "E"

# Exhibit "A"

# <u>Legal Description for Property</u>:

The north 135' of Tract "A" of FP&L Center as recorded in Plat Book 102, Page 10, of the Public Records of Miami-Dade County, Florida.

#### EXHIBIT "B"

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

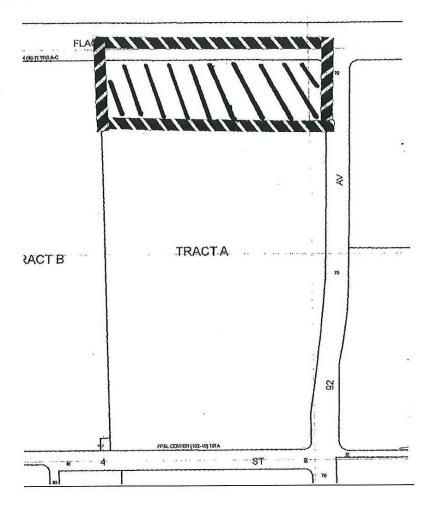
# APPLICANTS / REPRESENTATIVE

OROT Flagler, LLC / Juan J. Mayol, Jr., Esq.

# DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 3.3$  gross acres ( $\pm 2.3$  net acres) of land located in Section 04, Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Property lies on the southwest corner of West Flagler Street and SW 92 Avenue, and is more specifically described in Exhibit "A" to this application.

# **LOCATION MAP**



<sup>\*</sup>The Property is 100% owned by the Applicant.

# EXHIBIT "C"

# 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.	APPLIC	CANT (S) NAM	E AND ADDRESS:				
<u>APPI</u>	ICANT:	OROT Flagle	r, LLC, a Florida limited liab	oility company			
		1000 E. Halla	ndale Beach Blvd., Suite B				
		Hallandale Be	each, FL 33009				
Use th	ne above al	phabetical desig	nation for applicants in comp	oleting Sections 2	and 3, below.		
2.	applicat	RTY DESCRIF ion area in whi d for each parc	PTION: Provide the following the applicant has an interest.	ing information f erest. Complete i	or all properties in the information must be		
	-		OWNER OF	FOLIO	SIZE IN		
APPI	LICANT		RECORD	NUMBE	R ACRES		
ORO	T Flagler,	Flagler, LLC OROT Flagler, LLC 30-4004-024-0010 +/- 2.3 net acres (A portion of the above folio no.)					
3. <u>APPI</u>	interest	in the property OWNER	ck the appropriate column identified in 2, above. CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach Explanation)		
	X	X					
4.			PLICANT'S INTEREST: ection that is not applicable		ropriate sections and		
	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.						
	IN	DIVIDUAL'S N	AME AND ADDRESS	PERC	CENTAGE OF INTEREST		
					%		
, <del>-10</del>							

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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.]

CORPORAT	TION NAME	OROT Flagler, LLC, a Florida lin	nited liability company					
<u>NA</u>	AME, ADDRES	S, AND OFFICE ( if applicable)	PERCENTAGE OF STOCK					
See a	ttached inforn	nation	a/					
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:						
	BENEFICIA	RY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST					
d.	the partner including go partner. [] corporation which disclo	ship, the name and address of eneral and limited partners and the Note: where the partner(s) co (s) trust(s) or other similar entities, ses the identity of the individual(s) ( nterest in the aforementioned entity)	ED PARTNERSHIP, list the name of the principals of the partnership, percentage of interest held by each ensist of another partnership(s), further disclosure shall be required (natural persons) having the ultimate					
	PARTNER	SHIP NAME:						
	NAME ANI	ADDRESS OF PARTNERS	PERCENTAGE OF INTEREST					
e.	this applica names of stockholder	tion or not, and whether a Corporation or not, and whether a Corporation of the contract purchasers below, s, beneficiaries, or partners. [No	PURCHASE, whether contingent on tion, Trustee, or Partnership, list the including the principal officers, ote: where the principal officers, sist of another corporation, trust.					

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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 lest of my knowledge

DROT Flagler, LLC, a Il fida limited ligoility company

Name: Manuel Grosskopf

Title: Manager

Sworn to and subscribed before me

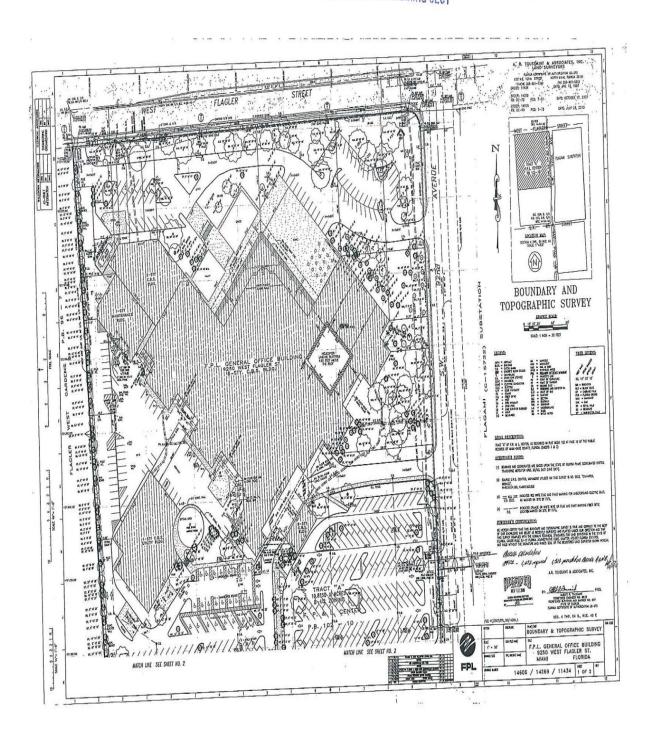
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly 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 FMGM than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension 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.

# 2013 JUL 1-8 A II: 47 PLANNING & ZONING METROPOLITAN PLANNING SECT



## **APPENDIX B**

Miami-Dade County Public Schools Analysis

None

May 2013 Cycle Appendices Page 17

## **APPENDIX C**

**Applicant's Traffic Impact Report** 



July 1, 2013

Mr.Napoleon Somoza Department of Regulatory and Economic Resources 111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor Miami, Florida 33128

Re: Orot Flagler, LLC/Amendment to CDMP Land Use Plan – Traffic Analysis

#### Dear Napoleon:

Traf Tech Engineering, Inc. conducted a traffic impact analysis associated with a 4.49-acre parcel located on the southwest corner of West Flagler Street and SW 92<sup>nd</sup> Avenue in Miami-Dade County, Florida.

The trip generation comparison analysis was performed using the trip generation equations/rates published in the Institute of Transportation Engineer's (ITE) *Trip Generation* manual (9<sup>th</sup> Edition). The trip generation comparison analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. The analysis was based on the following assumptions:

#### EXISTING LAND USE

- o Office/Residential
- o 72,527 square feet of office use (maximum potential development)

#### PROPOSED LAND USE

- o Business and Office
- o 58,021 square feet of retail (maximum potential development)

Using the trip generation equations/rates published in the ITE document, a trip generation comparison analysis was undertaken between the existing and proposed land uses. The results of this effort are documented in Tables 1 and 2 on the following page.

As indicated in Tables 1 and 2, the potential development under the proposed land use designation is projected to generate approximately 2,547 new daily trips, approximately 64 less AM peak hour trips, and approximately 152 new trips during the typical afternoon peak period, when compared against the maximum potential development under the existing land use.

8400 North University Drive, Suite 309, Tamarac, Florida 33321 Tel: (954) 582-0988 Fax: (954) 582-0989

TABLE 1 Trip Generation Summary (Current Potential Development) Orot Flagler, LLC / Amendment to CDMP Land Use Plan									
I and Has	Ci	Daile Trina	AM Peak Hour			PM Peak Hour			
Land Use	Size	Daily Trips	Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound	
Office	72,527	1,028	148 130 18 160 27 133					133	
External Trips	External Trips 1,028 148 130 18 160 27 133								

Source: ITE Trip Generation Manual (9th Edition)

TABLE 2 Trip Generation Summary (Proposed Potential Development) Orot Flagler, LLC / Amendment to CDMP Land Use Plan								
			AM Peak Hour PM Peak Hour					
Land Use	Size	Daily Trips	Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Retail	58,021	4,767	112	69	43	416	200	216
Pass-by (Retail-25%) -1192 -28 -17 -11 -104 -50 -54						-54		
External Trips 3,575 84 52 32 312 150 162								

Source: ITE Trip Generation Manual (9th Edition)

Difference in Trips	2 547	-64	-78	14	152	122	30
Dillerence in Tribs	2,547	-04	-70	14	102	122	1 30





Additionally, a review of the traffic concurrency stations located in the vicinity of the subject project indicate that ample roadway capacity is available in order to absorb the traffic impacts generated by the proposed land-use change. Table 3 below presents the traffic concurrency situation of the nearby count stations.

TABLE 3 RESERVE CAPACITY Orot Flagler, LLC/Amendment to CDMP Land Use Plan							
Station No.	Location	Peak Hour Capacity <sup>1</sup>	Peak Hour Trips <sup>2</sup>	Available Peak Hour Capacity <sup>3</sup>			
9154	W. Flagler St – W of 87 <sup>th</sup> Avenue	5,916	3,184	2,732			
9156	W. Flagler St – W of 97 <sup>th</sup> Avenue	6,300	2,662	3,638			

Source: Miami-Dade County and FDOT (June 13, 2012)

In summary, the proposed land-use change associated with the Orot Flagler, LLC site is projected to generate approximately 2,547 new daily trips and 152 new PM peak hour trips to the surrounding street system. Furthermore, ample roadway capacity is available near the project site in order to absorb the traffic impacts generated by the proposed land-use change.

Please give me a call if you have any questions.

Sincerely,

TRAF TECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.

Senior Transportation Engineer

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<sup>&</sup>lt;sup>1</sup> Maximum level of service capacity.

<sup>&</sup>lt;sup>2</sup> Existing traffic volumes plus peak hour trips associated with approved, but not built, developments.

<sup>&</sup>lt;sup>3</sup> Maximum peak hour capacity minus total peak hour trips (reserved trips).

## **APPENDIX D**

Fiscal Impact Analysis

# 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 May 2013 Cycle Application No. 2 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**

#### Concurrency

Since the Public Works and Waste Management Department (PWWM) assesses solid waste disposal capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the PWWM issues a periodic assessment of the County's status in terms of 'concurrency'; that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds this standard as of FY 2012-2013.

#### 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, 2012, the average residential unit generated 2.15 tons of waste, which includes garbage, trash and recycled waste.

#### 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 2012-2013, the PWWM charges at a contract disposal rate of \$63.65 per ton to PWWM Collections and to those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$83.92 per ton in FY 2012-2013. These rates adjust annually with the Consumer Price Index, South Region. In addition, the PWWM 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 (WASD) provides for the majority of water and sewer service needs 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 the actual labor and materials 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 \$1.2948 per 1,000 gallons for water and \$1.4764 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate a ±3.3-acre application site from Office/Residential to Business and Office, which would allow a maximum of 40,075 square feet of retail with acceptance of proffered covenant that prohibits residential development. If the application site is developed as requested with 40,075 square feet of retail, the water connection charges/impact fees would be \$5,570 and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for the land use would be \$22,442 and the annual operating and maintenance costs would total \$4,054.

#### Flood Protection

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for 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**

Not applicable. The applicant's proffered covenant prohibits residential development.

#### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department indicates that fire and rescue service in the vicinity of the subject application is adequate and that no stations are planned in the vicinity of the application site.

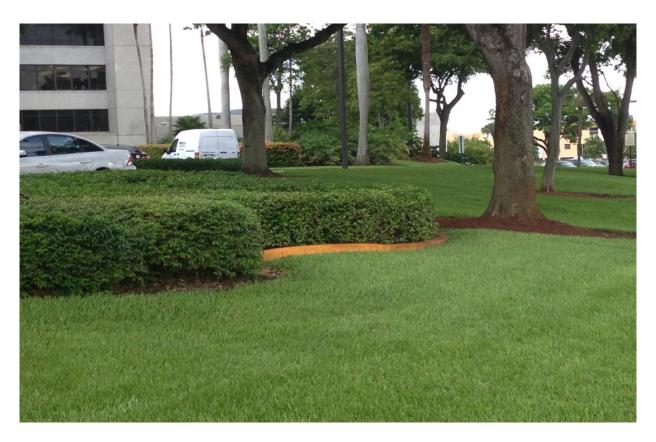
May 2013 Cycle Appendices Page 29

Application No. 2

## **APPENDIX E**

**Photos of Site and Surroundings** 

May 2013 Cycle Appendices Page 31 Application No. 2



The application site viewed from southwest corner of the intersection West Flagler and SW 92 Avenue.

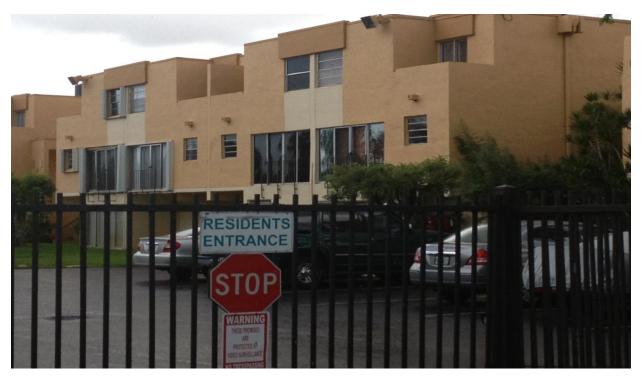


The FPL electric substation east of the application across SW 92 Avenue

May 2013 Cycle Appendices Page 33 Application No. 2



The 6-story FPL general office building abutting south of the application site



The Southwinds Residential Condominiums abutting west of the application site

## **APPENDIX F**

**Declaration of Restrictions** 

2013 AUG 22 P 12: 25

This Instrument was Prepared by:

Name: Address: Juan J. Mayol, Jr., Esq. Holland & Knight LLP 701 Brickell Avenue

Suite 3000

Miami, Florida 33131

PLANNING & ZONING METROPOLITAN PLANNING SECT

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, OROT Flagler, LLC, a Florida limited liability company (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. 2 in the May 2013 Amendment Cycle (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Office/Residential" to "Business and Office" on the CDMP Land Use Plan Map.

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

1. <u>Permitted Uses; Prohibition on Residential Development</u>. Notwithstanding the re-designation of the Property to "Business and Office" on the CDMP Land Use Plan Map, no residential development shall be allowed on the Property.

#### 2. Miscellaneous.

- A. <u>County Inspection</u>. As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- B. Term. This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.
- C. <u>Modification, Amendment, Release</u>. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or

release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes.

- **D.** Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.
- E. <u>Authorization of Miami-Dade County (or successor municipal</u> corporation) to Withhold Permits and Inspections. In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to

withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as his Declaration of Restrictions is complied with.

- F. <u>Election of Remedies</u>. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.
- Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.
- H. Covenant Running with the Land. This Declaration of Restrictions shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the Property and for the public welfare.
- I. <u>Severability</u>. Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and

effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

- be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.
- K. <u>Acceptance of Declaration</u>. Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.
- L. Owner. The term "Owner" shall include the Owner and its successors and assigns.

IN WITNESS WHEREOF, we	have executed th	is Declaration of Restriction	ons as of this
day	y of	, 20	
WITNESSES:	ORC	OT Flagler, LLC	
	a Flo	rida limited liability comp	any
	By:		
Signature	Name	e:	
Printed Name		Title:	
0:	- -		
Signature			
Printed Name	-		
STATE OF	) ) SS		
COUNTY OF	j		
The foregoing instrum		/ledged before me by _nt, Inc., a Florida limited	, as partnership, and for
the purposes stated herein on b produced	-		known to me or has
Witness my signature ar in the County and State aforesai		is day of	, 201,
My Commission Expires:		Motory Dublic	
		Notary Public	
		Printed Name	

## EXHIBIT "A"

## **LEGAL DESCRIPTION**

The north 200' of Tract "A" of FP&L Center as recorded in Plat Book 102, Page 10, of the Public Records of Miami-Dade County, Florida.

