

Application No. 5

Commission District 12

Community Council 5

APPLICATION SUMMARY

Applicant/Representative:	Tracy R. Slavens, Esq. and Brian Kenyon, Esq. Holland and Knight, LLP 701 Brickell Avenue, Ste. 3000 Miami, Florida 33131
Location:	Approximately 825 feet north of the northwest corner of SW 8 Street and SW 137 Avenue
Total Acreage:	9.84 Gross Acres, 9.10 Net Acres
Current Land Use Plan Map Designation:	Industrial and Office
Requested Land Use Plan Map Designation:	Business and Office
Amendment Type:	Small-Scale
Existing Zoning/Site Conditions	IU-C (Conditional Industrial District) / Undeveloped

RECOMMENDATIONS

Staff:	ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (September 13, 2013)
Country Club of Miami Community Council (5):	ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (September 26, 2013)
Planning Advisory Board (PAB) acting as Local Planning Agency:	ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (October 21, 2013)
Board of County Commissioners:	TO BE DETERMINED (November 20, 2013)
Final Action of Board of County Commissioners:	TO BE DETERMINED (March 2014)

Staff recommends to **ADOPT WITH ACCEPTANCE OF THE 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 ±9.84 gross acre property from “Industrial and Office” to “Business and Office” for the following reasons:

Principal Reasons for Recommendation

1. The applicant proposes a change on the LUP map, for a ±9.84-gross acre site from “Industrial and Office” to “Business and Office”, which would not have a significant adverse impact on Industrial Development in the County. The CDMP Land Use Element text on Page I-40 provides that when “Industrial and Office” designated land in a Minor Statistical Area with less than a 15-year supply of industrial land is subject to a CDMP amendment application, in order to receive approval for a non-industrial use, it must be demonstrated that the proposed non-industrial use will not have a significant adverse impact on future industrial development. The application proposes non-industrial uses on property located within Minor Statistical Area (MSA) 3.2 that is estimated to have a 14-year supply of industrial land (see “Supply and Demand Analysis” on Page 5-10). However, approval of the application would not adversely impact future industrial development within the subject MSA or countywide, as discussed below.

MSA 3.2 currently has ±1,333.2 acres of vacant industrially designated or zoned land, and the countywide supply of vacant industrial land is projected to be depleted beyond the year 2030. Therefore, the requested redesignation of the site to “Business and Office” would remove ±9.84 acres, or approximately 1-month, of industrial land supply from the area.

Furthermore, the Applicant proffered a Declaration of Restrictions (covenant) that prohibits residential development on the property. Thereby the uses that would be allowed under the property under the requested designation would be generally compatible with industrial uses in the area and on the abutting property to the north.

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. The requested redesignation to Business and Office would add ±9.8-gross acres or approximately 9 months of supply to the commercial land in MSA 3.2.

MSA 3.2 has 1,333.2 acres of vacant industrial zoned or designated land. At the rate of absorption of industrial land (98.39 acres per year) this MSA will deplete its supply of industrial land in 2027. Additionally, the countywide supply of Industrial land is projected to be depleted beyond the year 2030. The requested redesignation from “Industrial and Office” to “Business and Office” would remove ±9.8-gross acres or

approximately one month of industrial land supply from MSA 3.2. While the proposed amendment would not significantly impact the industrial land supply, there is generally not a need for additional commercial land in the area. However, the property remaining vacant for over 25 years and as outlined in a letter from Miami Economic Associates Inc. dated June 27, 2013 (see Appendix D), the depth of the parcels within the application site (± 550 feet) is a factor that limits the utility of the site for industrial use.

- ii. *Public Facilities and Services:* The impacts that would be generated from developing the site with maximum 113,700-square feet of commercial 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.

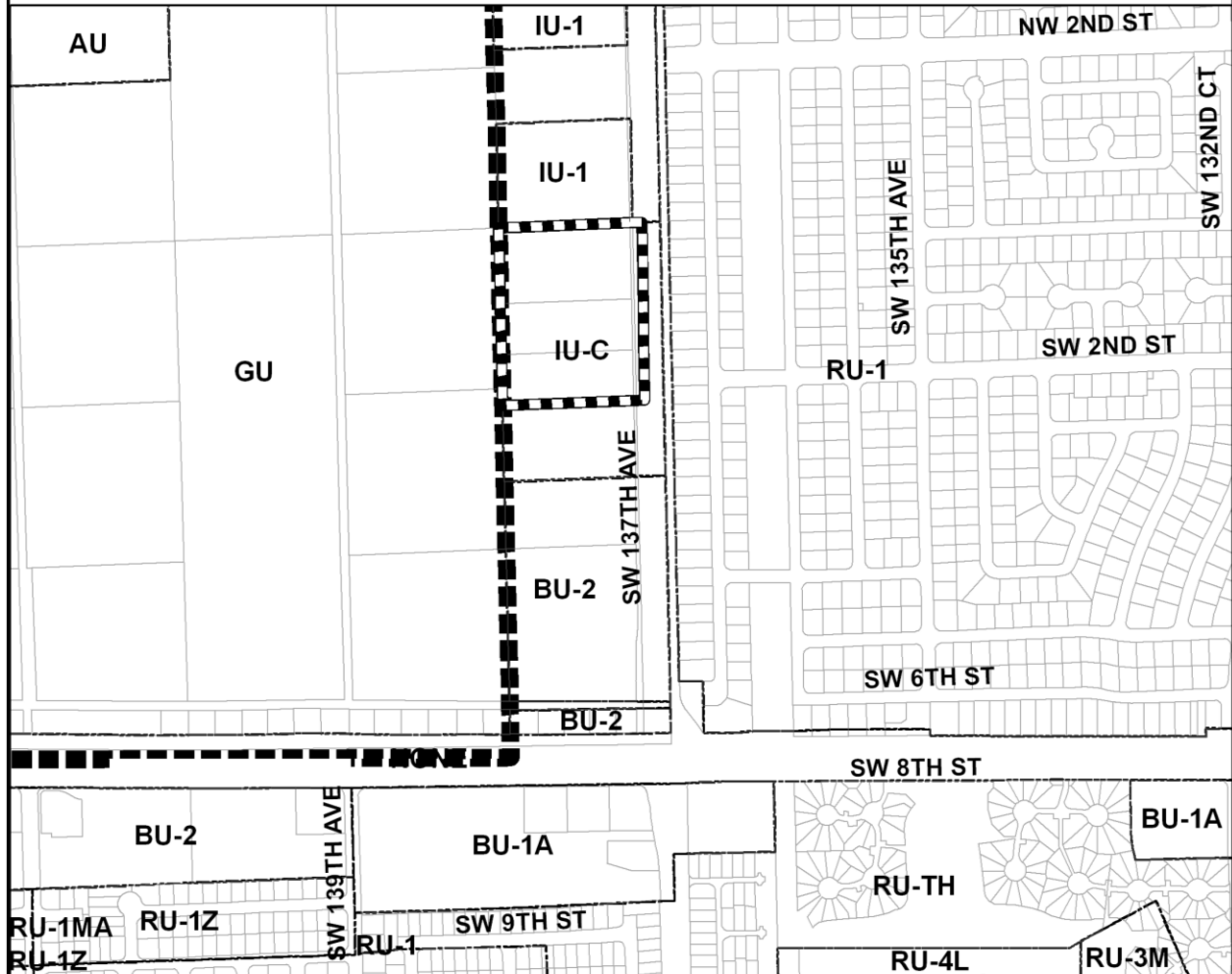
However, it should be noted that Application No. 4 filed in the May 2013 Cycle CDMP amendment applications is also located along NW/SW 137 Avenue at the intersection of theoretical NW 6 Street. Should this Application No. 5 and Application No. 4 be approved the traffic impacts that would be generated by both applications cumulatively would cause NW/SW 137 Avenue from NW 6 Street to SW 8 Street to operate in violation of the adopted level of service standard D. There are no planned or programmed roadway improvement projects that would mitigate the cumulative traffic impacts of both applications.

- iii. *Compatibility:* The Applicant proffered a Declaration of Restrictions (covenant) that would prohibit residential development on the property. Thereby the uses that would be allowed under the property under the requested designation would be generally compatible with adjacent properties. The property abutting to the north is "Industrial and Office" designated and is developed with an industrial type use (oil and gas services). The properties to east beyond NW/SW 137 Avenue and the Mud Creek Canal are developed with single-family residences. To the south are vacant "Business and Office" designated properties, and to the west are vacant "Open Land" designated properties that are within the 2025 Urban Expansion Area where future urban expansion should occur when warranted.
- iv. *Environmental and Historic Resources:* The subject CDMP application, if approved, would not impact any environmental, historic or archaeological resources. However, the site may contain 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 of Miami-Dade County which requires that specimen-sized trees be preserved when reasonably possible.
- v. *Transit Ridership and Pedestrianism:* The application site is located on the west side on NW 137 Avenue, a 4-lane divided highway. This corridor is not served by mass transit and the closest bus stop is approximately 0.34 miles from the site along SW 8 Street.

**APPLICATION NO. 5
AERIAL PHOTO**



APPLICATION NO. 5 ZONING MAP



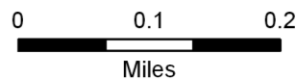
APPLICATION AREA

■■■■ 2015 URBAN DEVELOPMENT BOUNDARY

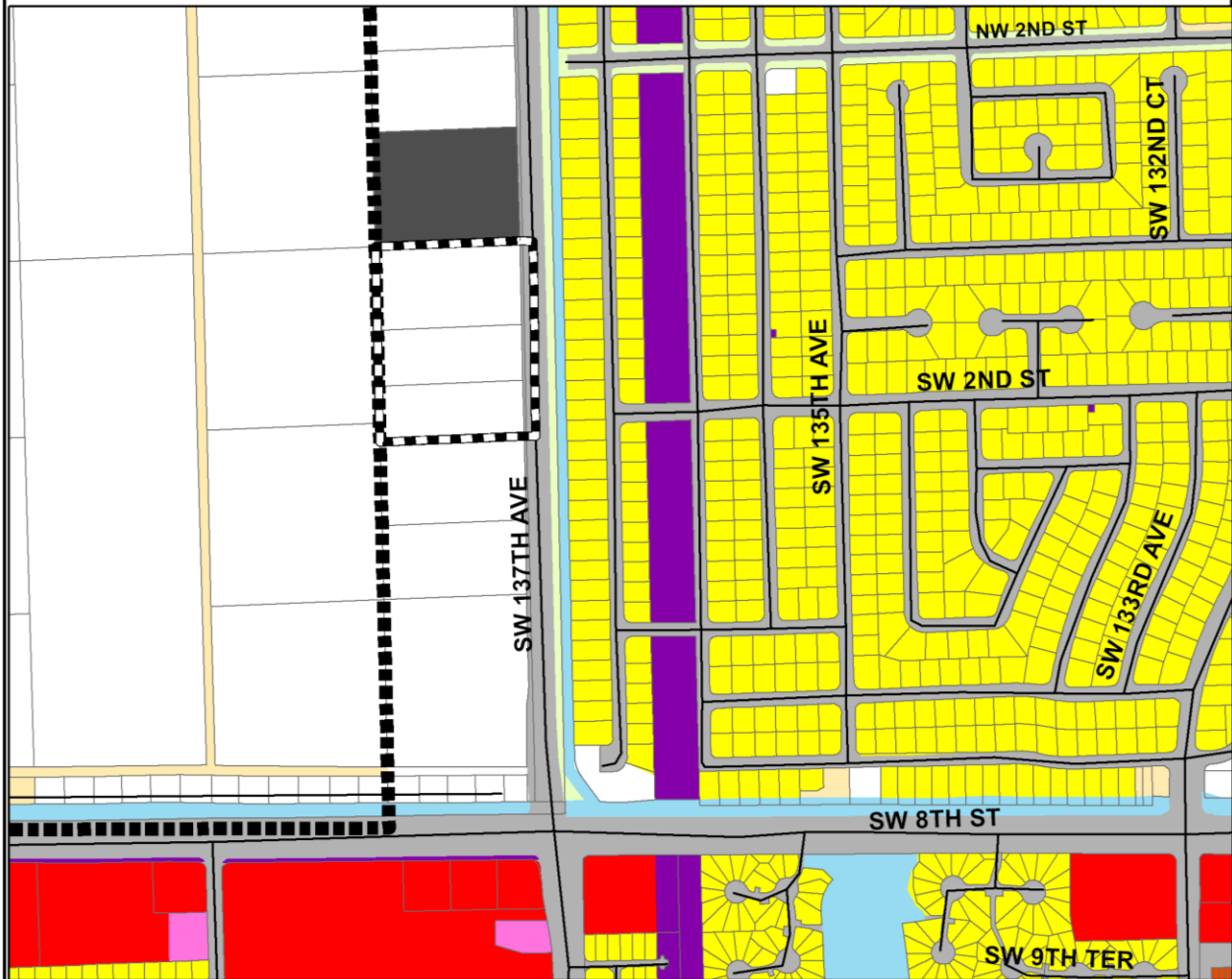
ZONING DISTRICTS

- AU AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
- BU-1A BUSINESS DISTRICTS, LIMITED
- BU-2 BUSINESS DISTRICTS, SPECIAL
- GU INTERIM DISTRICT
- IU-1 INDUSTRIAL DISTRICTS, LIGHT MANUFACTURING
- IU-C INDUSTRIAL DISTRICT, CONDITIONAL
- RU-1 SINGLE-FAMILY RESIDENTIAL
- RU-1Z SINGLE-FAMILY RESIDENTIAL, ZERO LOT LINE
- RU-4L LIMITED APARTMENT HOUSE DISTRICT
- RU-TH TOWNHOUSE

Source: Miami-Dade County
Department of Regulatory and Economic Resources
July 2013



APPLICATION NO. 5 EXISTING LAND USE



APPLICATION AREA

2015 URBAN DEVELOPMENT BOUNDARY

EXISTING LAND USE

SINGLE-FAMILY

INDUSTRIAL

COMMERCIAL, SHOPPING CENTERS

OFFICE

COMMUNICATIONS, UTILITIES, TERMINALS

STREETS, ROADS, EXPRESSWAYS, RAMPS

STREETS, EXPRESSWAY

VACANT GOVERNMENT OWNED, UNPROTECTED

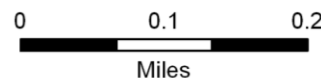


VACANT PRIVATELY OWNED, UNPROTECTED

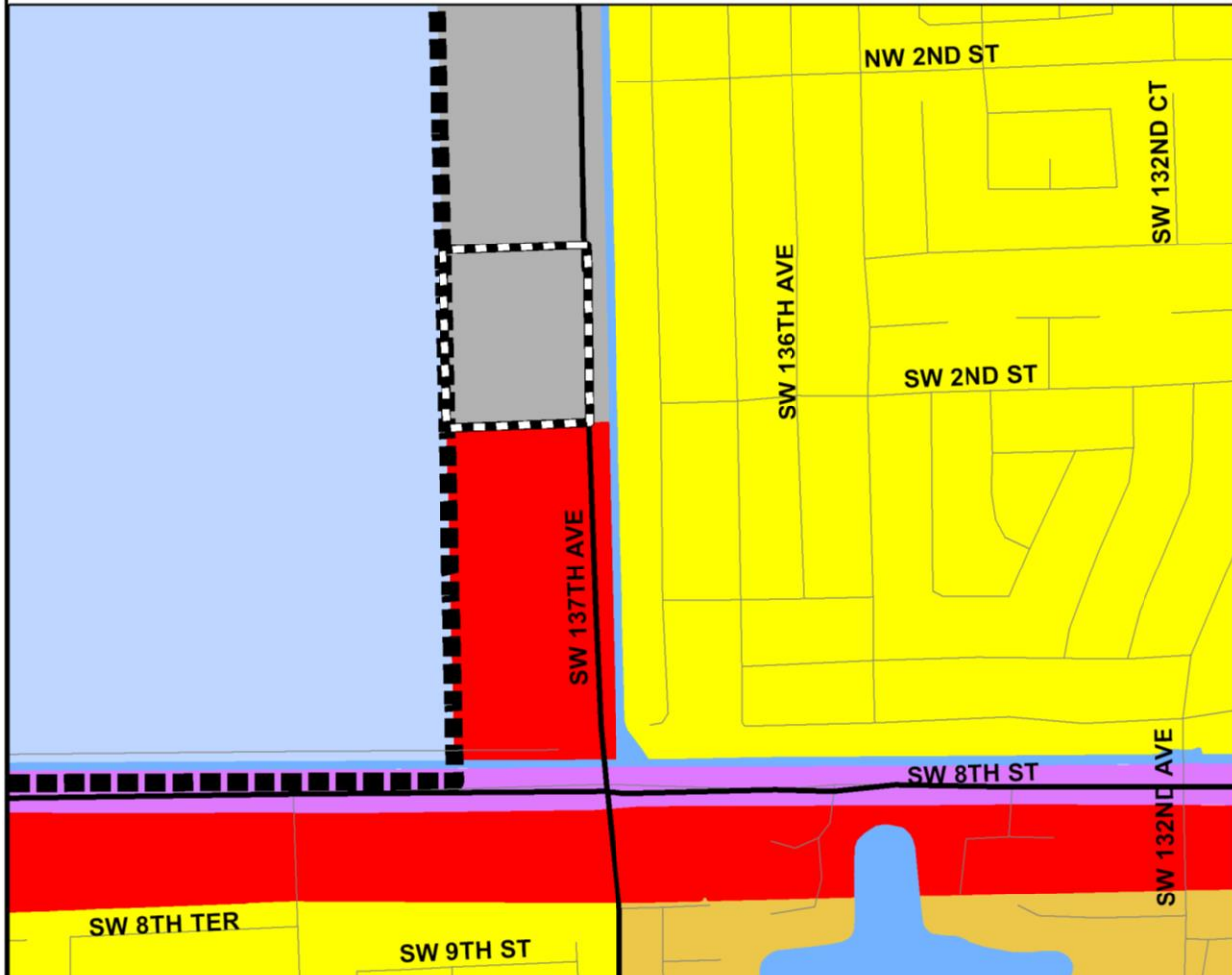


INLAND WATERS

Source: Miami-Dade County
Department of Regulatory and Economic Resources
July 2013



APPLICATION NO. 5 CDMP LAND USE



APPLICATION AREA

2015 URBAN DEVELOPMENT BOUNDARY

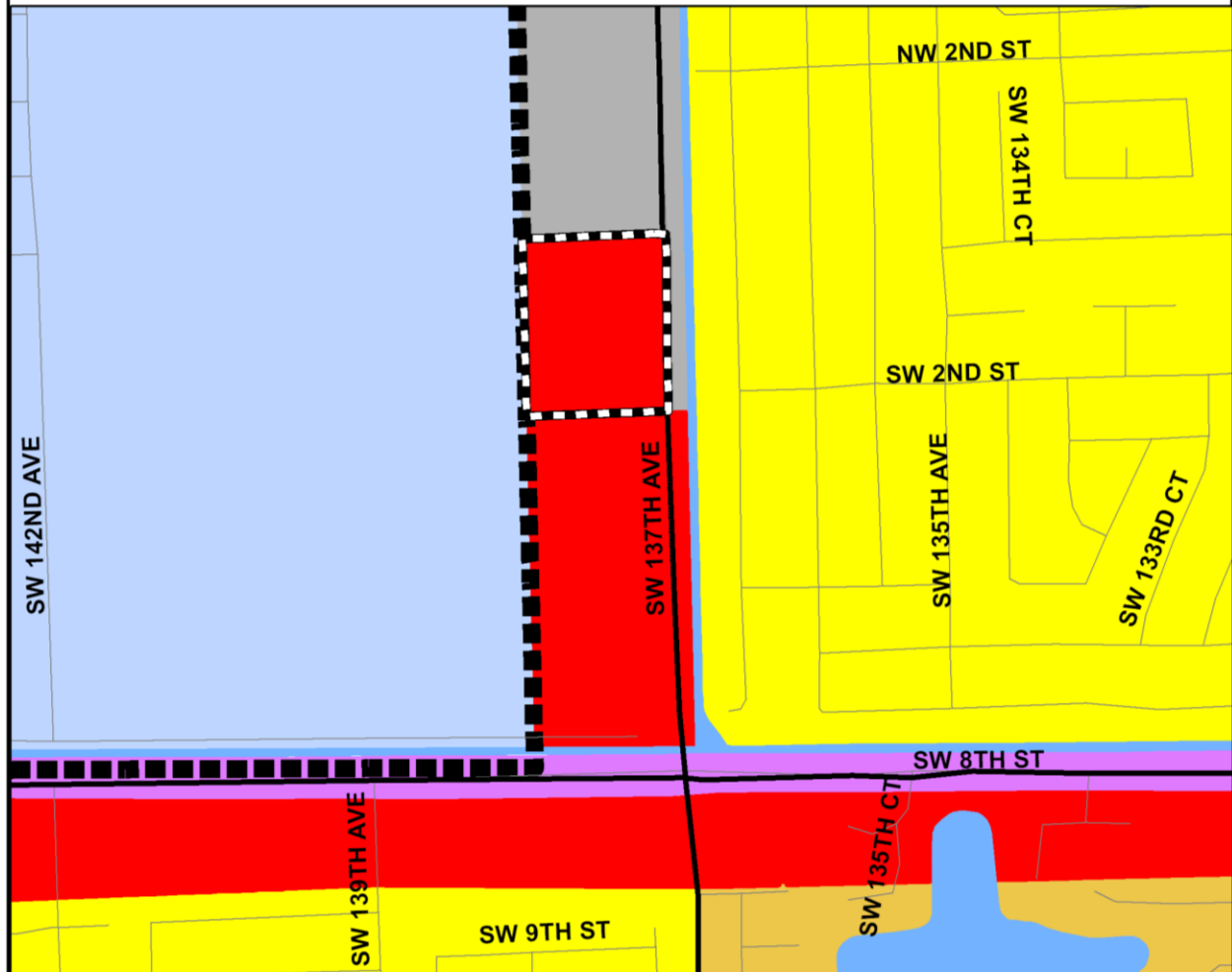
CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OPEN LAND
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- MAJOR ROADWAYS (3 OR MORE LANES)

Source: Miami-Dade County
Department of Regulatory and Economic Resources
July 2013



APPLICATION NO. 5 PROPOSED CDMP LAND USE



APPLICATION AREA



2015 URBAN DEVELOPMENT BOUNDARY

CDMP LAND USE



LOW DENSITY (2.5-6 DU/AC)



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



INDUSTRIAL AND OFFICE



BUSINESS AND OFFICE



OPEN LAND

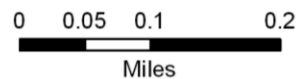


WATER



MAJOR ROADWAYS (3 OR MORE LANES)

Source: Miami-Dade County
Department of Regulatory and Economic Resources
July 2013



STAFF ANALYSIS

Background

The subject application requests a land use change to the Miami-Dade County Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map, for a 9.84 gross acre (9.10 net acres) site from "Industrial and Office" to "Business and Office." The "Business and Office" CDMP land use designation allows the full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

Application Site

The application site is comprised of three undeveloped lots located approximately 825 feet north of the northwest intersection of SW 8 Street/Tamiami Trail and SW 137 Avenue in the Tamiami Census Designated Place of Unincorporated Miami-Dade County. The subject site is located within an approximately 1.5 mile long by 535-foot wide strip of "Industrial and Office" designated land bounded by NW 12 Street on the north, Theoretical SW 2 Street on the south, NW 137 Avenue on the east and the Urban Development Boundary (UDB) on the west. Northwest 137 Avenue is a designated Section Line road.

Land Use Plan Map Designation

The application site is designated "Industrial and Office" on the CDMP Adopted 2015-2025 LUP map. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map.

Zoning

The application site is currently zoned IU-C (Conditional Industrial District). Uses permitted in the IU-C Zoning District includes all uses permitted in the IU-1 zone—except adult entertainment, private schools and non-public educational facilities—every use permitted in the IU-3 district (uses permitted in the IU-2 district are prohibited) and all other industrial uses such as utility plants and substations, sewage plants, water, power, communications and gas, commuter colleges and universities.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The earliest zoning records for the application site show that the Board of County Commissioners (BCC) denied Resolution No. 2372 on November 6, 1958 which requested a change of zoning from GU (Interim) and EU-1 (1 Acre Estate) to IU-2 (Heavy Manufacturing) on several tracts of land located between NW 137 Avenue, NW 138 Avenue, Tamiami Trail and NW 6 Street.

On January 14, 1975, the BCC adopted Resolution No. Z-16-75 which approved district boundary changes for six of seven separate, non-contiguous parcels from IU-3 (Industrial-Limited Manufacturing), IU-2 (Industrial-Heavy Manufacturing) and RU-1 (Single-Family Residential) to GU (Interim), and an unusual use to permit continued uses which included lake excavations, manufacturing of cement, lime and related products, and the excavation and processing of raw materials necessary for plant operations. The subject parcel (Folio # 30-4903-003-0292) received a district boundary change from RU-1 to GU.

On March 16, 1978, the Zoning Appeals Board adopted Resolution No. 4-ZAB-132-78 which approved, with conditions: an unusual use to permit a private club to include athletic facilities and five of seven requested zoning variances.

And on March 9, 1989 the BCC adopted Resolution No. Z-47-89 which approved, with conditions: a district boundary change from GU (Interim) to IU-C (Controlled Industry) for Tract 32, including the north 34.68-feet of Tract 33 and the southern 347-feet of the northern 381.68-feet of Tract 33.

Code Violations

Between 2006 and 2013, Miami-Dade County issued three code violations, one for each of the three parcels which comprise the application site including: "failure to perform lot maintenance in non-residential zoned district" and "unlawfully depositing, storing or maintaining junk." One violation remains open with a total of \$5,260.00 in outstanding code violation fees.

Declaration of Restrictions

On July 29, 2013, the applicant proffered a Declaration of Restrictions (covenant) limiting the development to a maximum of 113,700 square feet of commercial development and prohibiting residential development.

Adjacent Land Use and Zoning

Existing Land Use

The area surrounding the application site is generally characterized as an isolated, under-developed industrial "strip" bounded by NW 137 Avenue to the east and the UDB to the west. The Utilix Corporation (9037 SW 137 Avenue, a subsidiary of the Willbros Group), an oil and gas field services company, is located immediately north of the application site and contains an office building, out-buildings, vehicle parking and several cell towers. The land to the south is undeveloped and overgrown. A residential neighborhood is located on the east side of NW 137 Avenue, but is buffered from the street by an approximately 15-foot high noise wall and a spur canal leading to the Tamiami Canal (C-4). The land west of the application site is undeveloped and forested.

Land Use Plan Map Designations

The land area immediately north of the application site is designated "Industrial and Office," to the south is designated "Business and Office," to the east is designated "Low Density Residential (2.5 to 6 DU/Gross Acre)". The area west of the application site is designated "Open Land" on the LUP map and is within the Open Land Subarea 3 (Tamiami-Bird Canal Basins) as identified in the CDMP Land Use Element. The area to the west is also within the 2025 Urban Expansion Area depicted on the LUP map, which is as area identified for future urban development when warranted.

Zoning Designations

The land area to the north is designated IU-1 (Light Industrial Manufacturing District), to the south is designated IU-C, to the east is designated RU-1 (Single-Family Residential District; 7,500 sq.ft. net) and to the west is designated GU (Interim District). Additionally, the area to the west is also within the County's Rockmining Overlay Zoning Area (ROZA) where rockmining activities are allowed as a matter of right as established by the Miami-Dade County Code (Article XLI). Permitted uses for IU-1 designated land includes, but is not limited to: adult entertainment, animal hospitals, automobile service stations, auto and truck sales, banks,

breweries, dog kennels, hotel and motels, lumber yards, restaurants, home improvement warehouses or plant nurseries. The IU-C designation includes, but is not limited to: most of the uses permitted in the IU-1 and IU-3 districts, utility plants and substations, sewage plants, water, power, communications and gas, commuter colleges and universities. The RU-1 designation permits single-family housing, workforce housing, municipal recreation facilities and parks, golf courses, and daycare facilities and group homes with certain conditions.

Supply and Demand

Industrial Land

The application site is located within Minor Statistical Area 3.2 (MSA 3.2). In 2013, MSA 3.2 contained 5,576.30 acres of in-use industrial land and an additional 1,333.20 acres of vacant land zoned or designated for industrial uses. The annual average absorption rate for the 2013-2030 period is 98.39 acres per year. At the projected rate of absorption, reflecting the past rate of industrial uses, the study area will deplete its supply of industrially-zoned or designated land by 2027 (see table below).

Projected Absorption of Land for Industrial Uses
Indicated Year of Depletion and Related Data
Application 5 Analysis Area

Analysis Area	Vacant Industrial Land 2013 (Acres)	Industrial Acres in Use 2013	Annual Absorption Rate 2013-2030 (Acres)	Projected Year of Depletion
MSA 3.2				
Total	1,333.20	5,576.30	98.39	2027
Countywide	3,691.70	12,146.50	163.04	2030+

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

Commercial Land

In 2013, MSA 3.2 contained 1,490.30 acres of in-use commercial uses and an additional 284.5 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, reflecting the past rate of commercial uses, the study area will deplete its supply of commercially-zoned or designated land beyond the year 2030 (see table below).

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
Application 5 Analysis Area

Analysis Area	Vacant Commercial Land 2013 (Acres)	Commercial Acres in Use 2013	Annual Absorption Rate 2013-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
MSA 3.2					2020	2030
Total	284.5	1,490.30	11.69	2030+	10.5	9.0

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

Further analysis of the Trade Area within a 1.5 mile radius of the application site indicates there is 624,285 square feet of existing commercial uses with a current vacancy rate of 8.9 percent.

Environmental Conditions

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

Flood Protection

County Flood Criteria (NGVD)	+7.75 Feet
Stormwater Management	SFWMD Environmental Resources Permit (ERP)
Federal Flood Zone	AH-7 and X-99

Biological Conditions

Wetlands Permits Required	YES
Native Wetland Communities	YES
Specimen Trees	May Contain
Natural Forest Communities	NO
Endangered Species Habitat	NO

Other Considerations

Within Wellfield Protection Area	West Wellfield - Interim
Archaeological/Historical Resources	NO
Hazardous Waste	NO

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield that provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property shall submit a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. The Code further requires that the Director of the Division of Environmental Resources (DERM) must issue written approval prior to subsequent zoning action. Consequently, the above-noted covenant must be submitted to and approved by DERM prior to scheduling the subject application for public hearing.

Drainage, Flood Protection and Stormwater Management

The application area is located in an AH-7 and X-99 Federal Flood Zone and the County Flood Criteria is +7.75 ft NGVD. The application area is located within the Cut and Fill North Trail Basin, where flood protection and resource conservation is enforced by special storm water management set-asides as set forth in Section 24-48.2(l)(B)(1)(g) of the Code. Fill Encroachment review and approval by DERM must be obtained prior to any development within the application area. The proposed change in the Land Use Plan map will not impact the Level of Service for flood protection provided any development of the site complies with the standards set forth in the CDMP.

The total impervious area will increase from 3% to 75.5%, approximately as a result of the proposed modification. The area is located within the Cut and Fill North Trail Basin, and should comply with cut and fill criteria. A Conditional Letter of Map Revision will be required for the new development, to reflect the flood plain change in the newly developed area. Any new construction should not increase the flood hazard on adjacent properties. Fill encroachment must be prevented in order to avoid flood flow obstruction and reduce storage of runoff volume.

Wetlands

The properties lie within the North Trail Wetlands Basin and contain wetlands as defined by Chapter 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required prior to any work on these sites.

Tree Preservation

Any non-wetland tree resources on the site will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

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 which is presently producing water that meets Federal, State, and County drinking water standards. At the present time, there is adequate treatment and water supply capacity for the 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 Industrial (Scenario 1) development under the current CDMP Land Use designations, are estimated at 1,982 gallons per day (gpd). The maximum water demand for Business (Scenario 1) and Residential (Scenario 2) development under the Requested CDMP Land Use designation are estimated at 15,856 gpd and 10,620 gpd respectively. This represents an increase of up to 13,874 gpd over the demand under the current CDMP land use designation. On July 29, 2013, the applicant proffered a Declaration of Restrictions limiting the development to a maximum of 113,700 square feet of commercial development and prohibiting residential development. If the application site were developed with 113,700 square feet of Business (Scenario 3), maximum water demand is estimated at 11,370 gpd, a 9,388 gpd increase over the current maximum water demand. 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	Industrial	198,198 sq. ft. industrial	1 gpd/100 sq. ft.	1,982
Requested CDMP Designation				
1	Business	158,558 sq. ft. retail	10 gpd/100 sq. ft.	15,856
2	Residential	59 units	180 gpd/unit	10,620
3	Business	113,700 sq. ft. retail	10 gpd/100 sq. ft.	11,370

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

Water System Connectivity

There is an existing 30-inch water transmission main at that runs along SW 8th Street from which the applicant may connect and extend a new 16-inch water main along SW 137th Avenue to provide service to the subject property. 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 a planned project in close proximity to this application site. Said project is located on the northwest corner of the intersection of SW 137th Avenue and SW 8th Street for the development of 160,000 sq. ft. of retail use. Additionally, there is an active MDWASD agreement (#20941) for the extension of water/sewer main lines for six vacant tracts of land along NW 137th Avenue south of NW 6th Street. No development is contemplated at this time for said Agreement.

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 property is located within the MDWASD franchised service area. The wastewater flows for this application will be transmitted to the South 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 24-inch sewer force main located at SW 8th Street and SW 137th Avenue (approximately 1,500 feet from the subject property) to which the applicant shall install and connect a new 12-inch sewer force main along NW 137th Avenue as required to provide service to the applicant's property. The proposed sewer extension would direct the flow to Pump Station 30-0001, then to the Central District Wastewater Treatment Plant. The aforementioned sanitary sewer pump station as well as the Central District Wastewater Treatment Plant are owned and operated by MDWASD. The aforesaid pump station, is currently working within the mandated criteria set forth in the First and Second Partial Consent Decree.

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. 5 is requesting the re-designation of approximately 9.84 gross acres (9.1 Net Acres) from "Industrial and Office" 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 1 (PBD-1), which encompasses the area of the County north of SW 8 Street and AIA/MacArthur Causeway.

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-1 has a surplus capacity of 310.91 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; eleven parks (Snapper Creek Trail, Tamiami Park, Trail Glades Range, Bent Tree Park, Bird Basin Park, Bird Lakes Park, Concord Park, International Gardens Park, North Trail Park, Southern Estates Park and Tree Island Park & Preserve) are larger than the required five acres (or larger) park. The nearest local park to the application site is North Trail Park, which is located approximately 0.4 miles from the application site.

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

Park Name	Acreage	Classification
Snapper Creek Trail	48.98	Greenway - Park
Tamiami Park	244.82	District Park
Trail Glades Range	696.86	Special Activity Park
Bent Tree Park	5.68	Neighborhood Park
Bird Basin Park	9.88	Neighborhood Park
Bird Lakes Park	8.86	Community Park
Concord Park	8.86	Neighborhood Park
International Gardens Park	5.26	Neighborhood Park
North Trail Park	14.02	Community Park
Royale Green Park	3.38	Neighborhood Park
Southern Estates Park	13.00	Neighborhood Park
Tamiami Canal Park	1.52	Neighborhood Park
Tamiami Lakes Park	4.82	Neighborhood Park
Tamiami Trail Park (North)	1.81	Neighborhood Park
Tree Island Park & Preserve	119.68	Community Park

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

Application Impacts

The potential development of the site under the existing CDMP land use designation does not permit residential development and has no impact on the minimum Level of Service standard for the provision of local recreation open space. The proposed change may result in a potential population of 181, resulting in an impact of an additional 0.50 acres of local parkland. This would lower the surplus capacity from 310.91 acres to 310.28 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 Services

The application site is currently served by Miami-Dade County Fire Rescue Station No. 58 (Tamiami), located at 12700 SW 6 Street. This station is equipped with an Engine and a Rescue, and is staffed with seven (7) 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 5 minutes and 16 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 for Minimum Fire Flow and Application Impacts

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.

The current CDMP land use designation of "Industrial and Office" will allow a potential development on the application site that is anticipated to generate approximately 9 annual alarms. The proposed CDMP land use designation of "Business and Office" will allow a proposed potential development which will generate 47 annual alarms. The 47 annual alarms 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.

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.

Public Schools

The applicant has submitted a Declaration of Restrictions (covenant) prohibiting residential development of the property and limiting the application site to a maximum of 113,700 square feet of commercial development. Therefore, the proposed redesignation will have no impact on the local school population.

Roadways

Application No. 5 is located on the northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue in unincorporated Miami-Dade County. The application site fronts on NW 137 Avenue, which provides access on the north to SW 836/Dolphin Expressway and to the south to SR 90/SW 8 Street/Tamiami Trail. Both SR 836/Dolphin Expressway and SW 8 Street provide connectivity to other areas in the County.

East-west arterials and expressways within the vicinity of the application site include: NW 25 Street, NW 12 Street, SR 836/Dolphin Expressway Extension, West Flagler Street, SR 90/SW 8 Street/Tamiami Trail, and SW 24/26 Street/Coral Way. North-south arterials and expressways include: SR 997/Krome Avenue/SW 177 Avenue, SW 157 Avenue, SW 147 Avenue, SW 137 Avenue, SW 132 Avenue, SW 127 Avenue, SW 122 Avenue, HEFT/SR 821, and SW 117 Avenue.

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 within 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 that the current operating condition of the roadways within the vicinity of the application site currently monitored.

Existing Traffic Conditions Roadway Lanes and Peak Period Level of Service (LOS)				
Roadway	Location/Link	Lanes	LOS Std.	LOS
NW 12 Street	NW 127 Ave. to NW 117 Ave.	4 DV	D	B (2012)
	NW 117 Ave. to NW 112 Ave.	6 DV	D	B (2012)
	NW 107 Ave. to NW 87 Ave.	4 DV	E	C (2012)
SR 836/Dolphin Expressway Extension	SW 137 Avenue to SR 821/SR 836 Interchange	4 LA	D	B (2012)
SW 8 Street/Tamiami Trail	SW 177 Ave. to SW 147 Ave.	4 DV	C	C (2012)
	SW 147 Ave. to SW 137 Ave.	6 DV	D	C (2012)
	SW 137 Ave. to SW 127 Ave.	6 DV	D	C (2012)
	SW 127 Ave. to HEFT	6 DV	E	C (2012)
SW 147 Avenue	SW 8 Street to SW 26 Street	4 DV	D	C (2012)
SW 137 Avenue	NW 6 St. to SW 8 St.	6 DV	D	C (2012)
	SW 8 St. to SW 26 St.	4 DV	E+20%	E (2012)
SW 127 Avenue	NW 12 Street to SW 8 Street	4 DV	D	D (2012)
	SW 8 Street to SW 26 Street	4 DV	D	D (2012)

Source: Miami-Dade County Department of Regulatory and Economic Resources, Miami-Dade Public Works and Waste Management Department; and Florida Department of Transportation, October 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 trip generations were estimated using the *ITE Trip Generation, 7th Edition, (2004)*. Two potential development scenarios were analyzed for traffic impacts under the requested CDMP land use designation of “Business and Office.” Scenario 1 assumes the application site developed with 158,558 sq. ft. of retail uses. Scenario 2 assumes the application site developed in accordance with the applicant’s proffered Declaration of Restrictions limiting the maximum potential development that may be allowed on the site to 113,700 square feet of retail uses and

no residential development. Scenario 1 shows that if the application site were developed with the maximum potential development of 158,558 sq. ft. of retail uses, it would generate approximately 557 more PM peak hour vehicles trips than the potential development that may occur under the current CDMP land use designation of "Industrial and Office." Scenario 2 shows that if the application site were developed with 113,700 sq. ft. of retail uses it would generate approximately 428 more PM peak hour vehicles trips than the potential development that may occur under the current CDMP land use designation of "Industrial and Office." 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
5			
Scenario 1	"Industrial and Office" 198,198 sq. ft. industrial /	"Business and Office" 158,558 sq. ft. retail /	
	92	649	+ 557
Scenario 2	"Industrial and Office" 198,198 sq. ft. industrial /	"Business and Office" 113,700 sq. ft. retail /	
	92	520	+ 428

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2004; Miami-Dade County Public Works and Waste Management Department, October 2013.

Notes: Scenario 1 assumes the application site developed with maximum potential development that may be allowed under the requested CDMP land use designation.

Scenario 2 assumes the application site developed in accordance with the applicant's proffered Declaration of Restrictions limiting the maximum potential development that may be allowed under the requested "Business and Office" land use designation to 113,700 square feet of retail uses and with no residential development.

Traffic Concurrency Evaluation

Pursuant to the Miami-Dade County Concurrency Management Program, all traffic count stations on the adjacent roadway and in the vicinity of the application site were analyzed. A concurrency evaluation was performed for each development scenario under the requested "Business and Office" land use designation for peak-period traffic conditions. The concurrency analysis for Scenario 1, the maximum potential development (158,558 sq. ft. of retail space) under the requested CDMP land use designation, 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 application's traffic impacts, projects that the roadway segment of NW/SW 137 Avenue from NW 6 Street to SW 8 Street will deteriorate from LOS C to LOS E (LOS D is the adopted LOS standard) with the application's traffic impact, in excess of its adopted LOS standard. All other roadways adjacent to and in the vicinity of the application site analyzed are projected to continue to operate at acceptable levels of service. The concurrency analysis for Scenario 2 based on the proffered declaration of restrictions limiting development on the application site to 113,700 sq. ft. of retail space projects all roadways analyzed to operate at acceptable LOS, below their adopted LOS standards. See "Traffic Impact Analysis" table below

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

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Scenario 1 "Business and Office" (158,558 sq. ft. retail)												
9365	NW 12 Street	NW 127 Ave. to NW 117 Ave.	4 DV	D	5040	1830	B	24	B	116	74	B
F-2238/39	SR 836 Extension	NW 137 Ave. to SR 836	4 LA	D	6700	2011	B	0	B	107	2118	B
F-2509	NW/SW 137 Avenue	NW 6 St. to SW 8 St.	6 DV	D	5390	4027	C	265	C	649	4592	E
9800	SW 137 Avenue	SW 8 St. to SW 26 St.	4 DV	E+20%	3866	2968	E	15	E	344	3327	E+6%
88	SR 90/SW 8 Street	SW 137 Ave. to SW 127 Ave.	6 DV	D	5390	3941	C	11	C	102	4054	C
266	SR 90/SW 8 Street	SW 147 Ave. to SW 137 Ave.	6 DV	D	5390	3066	D	233	D	52	3351	C
Scenario 2: "Business and Office" (113,700 sq. ft. retail uses)												
9365	NW 12 Street	NW 127 Ave. to NW 117 Ave.	4 DV	D	5040	1830	B	24	B	93	2751	B
2238/39	SR 836 Extension	NW 137 Ave. to SR 836	4 LA	D	6700	2011	B	0	B	85	2096	B
F-2509	SW 137 Avenue	NW 6 St. to SW 8 St.	6 DV	D	5390	4027	C	265	C	520	4463	D
9800	SW 137 Avenue	SW 8 St. to SW 26 St.	4 DV	E+20%	3866	2988	E	15	E	220	2963	E+2%
88	SR 90/SW 8 Street	SW 137 Ave. to SW 127 Ave.	6 DV	D	5390	3941	C	11	C	81	4033	C
266	SR 90/SW 8 Street	SW 147 Ave. to SW 137 Ave.	6 DV	D	5390	3066	D	233	D	41	3340	C

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, October 2013.
Notes: DV= Divided Roadway; UD=Undivided Roadway; LA=Limited Access

*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 158,558 sq. ft. of retail uses.

Scenario 2 assumes the application site developed with 113,700 sq. ft. retail uses in accordance with the applicant's proffered Declaration of Restrictions.

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 two potential development scenarios analyzed. Scenario 1 shows that if the application site were developed with 158,558 sq. ft. of retail uses it would generate approximately 557 more PM peak hour vehicles trips than the potential development that may occur under the current “Industrial and Office” land use designation. Scenario 2 shows that if the application site were developed with 113,700 sq. ft. of retail uses as limited by the proffered declaration of restrictions, it would generate approximately 428 more PM peak hour vehicles trips than the potential development that may occur under the current CDMP land use designation. See “Estimated Peak Hour Trip Generation” table.

Applicant’s Transportation Analysis

The applicant submitted a “*CDMP Amendment Transportation Analysis – May 2013 CDMP Amendment Application No. 5 (July 2013)*” traffic analysis report prepared by Cathy Sweetapple & Associates Transportation and Mobility Planning. The transportation consultant performed a traffic concurrency analysis for the year 2018 using the *ITE Trip Generation*, 9th Edition, 2012. The traffic concurrency analysis, which is based on the proffered declaration of restrictions limiting development on the application site to 113,700 sq. ft. of such uses as may be permitted under the “Business and Office” land use category and prohibiting residential development. The traffic impact report concludes that all the traffic count stations on roadway adjacent to the application site were found to have available capacity and projected to operate at acceptable levels of service during the PM peak hour period for the year 2018.

Miami-Dade County Public Works and Waste Management Department (PWWM) and Department of Regulatory and Economic Resources (RER) staff reviewed the Transportation Analysis report submitted by the applicant and have some issues with the analysis provided. No discussion is provided for access configurations to the project. It is suggested that a discussion be added to describe any potential signal and its effects on the current access management of SW 137 Avenue between NW 800 Block and SW 8 Street. This access analysis should include any other proposed project along SW 137 Avenue also. In order to evaluate detailed impacts of combined project traffic, it is recommended that PM peak hour level of service analyses be performed at the following intersections: SW 137 Avenue and NW 800 Block; SW 137 Avenue and NW 6 Street; SW 137 Avenue and SW 8 Street; SW 139 Avenue and SW 8 Street; and SW 132 Avenue and SW 8 Street. While the pass by trip percentage of 25% is used for both AM and PM peak hour analyses, it should be noted that the traffic along SW 137 Avenue is expected to be mostly home-based work and may not produce such a high percentage for pass by traffic during morning peak hour. Therefore, it is recommended that a lower percentage should be used for AM peak hour trip generation and related tables be revised accordingly. The review of Figure 2A, showing programmed and planned transportation improvements, indicated that these figures show improvements for a significantly large area and may not be representative of the study area. It is recommended that these improvements should be shown for the study area only and the related tables should list the same improvements. Please revise and update accordingly. County staff will discuss these issues with the transportation consultant and will work with the consultant to bring the issues to a satisfactory resolution.

Transit

Existing Service

The closest transit services are located approximately 0.3 miles to the south of the application site and are currently served by Metrobus Routes 51 and 137. The service frequencies (headways) 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 Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (Midday)	Evenings (After 8 pm)	Overnight	Saturday	Sunday			
51 (Flagler MAX)	15	30	30	n/a	n/a	n/a	0.34	0.28	F/E
137	(30)/ (30/45)	45	(50/60)	n/a	40	45	0.34	0.28	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.

Metrobus Recommended Service Improvements and Service Plan

Route	Improvement Description	Implementation Year
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
137 (West Dade Connection)	No planned improvements	n/a
SW 137 Avenue Enhanced Bus	This route will provide premium limited-stop transit service along SW 137 Avenue from proposed park-and-ride/bus terminal station (SW 8 Street and SW 147 Avenue) to SW 304 Street and US-1.	2020

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

Major Transit Projects

Miami-Dade Transit (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 late. Enhanced bus services include modern-looking, high-tech, buses running straighter, more direct routes, and more frequently with fewer stops. They will service various corridors including SW 137 Avenue and West Flagler Street.

The SW 137 Avenue Enhanced Bus Project will provide premium limited-stop transit service along SW 137 Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8 Street and SW 147 Avenue) to SW 304 Street and US-1. This enhanced bus project will feature strategic park-and-ride locations. In addition, this route provides a premium north-south transit connection for the West Kendall area connecting several residential areas with large shopping centers, which include Kendale Lakes Mall, Miller Square and London Square. In 2007, the Miami-Dade County Metropolitan Planning Organization conducted a study of potential transit service improvements in the Kendall area. Bus rapid transit (BRT) service on SW 137 Avenue was one of the recommendations made in that study. Service headways will be 20 minutes during the AM/PM peak-hour and 40 minutes during the mid-day. Revenue service is anticipated to begin in 2020 using nine new standard 40-foot buses.

The Flagler Enhanced Bus Project 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

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 835 where the application site is located. 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 would 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-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.

- LU-5B All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
- 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.
- TC-1B. The minimum acceptable peak period* operating level of service for all State and County roads in Miami-Dade County outside of the Urban Development Boundary (UDB) identified in the Land Use Element shall be LOS D on State minor arterials and LOS C on all other State roads and on all County roads. The minimum acceptable peak-period LOS for all State and County roads inside the UDB shall be the following:
- 1) Within the Urban Infill Area (UIA)¹
 - (a) Where no public mass transit service exists, roadways shall operate at or above LOS E.
 - (b) Where mass transit service having headways of 20 minutes or less is provided within 1/2-mile distance, roadways shall operate at no greater than 120 percent of their capacity.
 - (c) Where extraordinary transit service such as commuter rail or express bus service exists parallel roadways within 1/2 mile shall operate at no greater than 150 percent of their capacity.
 - 2) Between the UIA and the UDB
 - (a) Roadways shall operate at no worse than LOS D (90 percent of their capacity) except that State Urban Minor Arterials (SUMAs) may operate at LOS E (100 percent of their capacity);
 - (b) Where public mass transit service exists having headways of 20 minutes or less within 1/2-mile distance, roadways shall operate at or above LOS E;

* Peak period means the average of the two highest consecutive hours of traffic volume during a weekday.

Note: LOS will be measured based on the latest edition of the Highway Capacity Manual.

¹ UIA is defined as that part of Miami-Dade County located east of, and including, SR 826 (Palmetto Expressway) and NW/SW 77 Avenue, excluding the area north of SR 826 and west of I-95, and the City of Islandia.

- (c) Where extraordinary transit service such as commuter rail or express bus service exists parallel roadways within 1/2 mile shall operate at no greater than 120 percent of roadway capacity...

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.

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APPENDICES

	Appendices Page
Appendix A: Amendment Application	3
Appendix B: Miami-Dade County Public Schools Analysis	19
Appendix C: Applicant's Traffic Study Executive Summary	21
Appendix D: Applicant's Economic Analysis Report.....	25
Appendix E: Fiscal Impact Analysis	35
Appendix F: Proffered Declaration of Restrictions	41
Appendix G: Photos of Site and Surroundings	53

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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**

2013 MAY 31 P 2:14

PLANNING & ZONING
METROPOLITAN PLANNING SECT

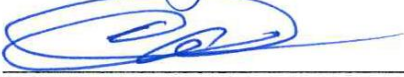
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Tracy R. Slavens, Esq. Date

By:  5/31/13
Hugo Arza, Esq. Date

3. DESCRIPTION OF REQUESTED CHANGE

A. A Small-Scale Change to the Land Use Plan Map. Applicant requests a small-scale change to the Land Use Plan (LUP) map designation on the subject property from "Industrial and Office" to "Business and Office."

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

The Property, comprised of four (4) parcels, contains approximately ± 9.84 gross acres (± 9.1 net acres) and is located approximately 825 feet north of the northwest corner of SW 8th Street and SW 137th Avenue, in Section 03, Township 54 South, Range 39 East. The Property comprises parcels identified by Folio Nos. 30-4903-003-0290, 30-4903-003-0292, and 30-4903-003-0291, and is more particularly described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area: ± 9.84 gross acres (± 9.1 net acres)
Acreage Owned by Applicant: ± 0 acres.

D. Requested Change.

- 1) Applicant requests that the Property be re-designated on the Land Use Plan map from INDUSTRIAL AND OFFICE to BUSINESS AND OFFICE on ± 9.84 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 "Industrial and Office" to "Business and Office". The Property consists of ± 9.84 gross acres (± 9.1 net acres) and is located approximately 825 feet north of the northwest corner of SW 137 Avenue and SW 8 Street. The purpose for this request is to help address the need for additional commercial use in the community.

The Property has direct frontage on major roadway SW 137 Avenue to the east, and is bound by the Urban Development Boundary ("UDB") to the west. Due to these parameters, the Property is a mere ± 530 feet wide, east to west. Such a narrow area does not lend itself to a viable industrial use, which typically requires expansive space for storage and/or access by large vehicles. It is no surprise that the Property has remained undeveloped for so long, as its physical attributes do not adequately support the permitted uses under the current designation as Industrial and Office.

The proposed land use designation will enable the Property to be rezoned and developed with commercial uses, which are more appropriate for the location and configuration of the Property. The approval of this request will help to meet the existing and increasing demand for services that are essential to the growing population of residents in the surrounding community and will provide easily accessible commercial space to serve those residents.

The Property is located within Minor Statistical Area ("MSA") 3.2 and just to the north of MSA 6.1. 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 U.S. Road 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 growth of roughly 20,725 persons for MSA 3.2¹. The areas to the east and south of the Property are designated Low Density Residential ("LDR"), and extend for miles in both directions. To the southeast of the Property are Medium Density Residential ("MDR") uses, followed by additional LDR designation. Re-designating the Property, which is

¹ As indicated by the Miami-Dade County Regulatory & Economic Resources Department Planning Research Section Population Estimates and Projections dated March, 2013.

buffered from the single-family home uses directly to the east by a canal, eight to twelve foot concrete partitioning wall, and SW 137 Avenue, to "Business and Office" would be compatible with the existing and future development of the area. Extending the current Business and Office designation on the west side of SW 137 Avenue to north onto the Property serves to develop a commercial corridor along a section line, which is a more appropriate use than Industrial located across the street from residential community.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The proposed development of the Property with business uses will be more compatible with the character of the surrounding area than the existing "Industrial and Office" designation. The addition of new neighborhood retail will serve as infill development to accommodate the projected population and economic growth of the surrounding community. With respect to connectivity and accessibility, the Property is located within one half (0.5) miles of Metrobus routes 51 and 137, which connect to the MetroRail, various commercial corridors, area retail and residential communities. Moreover, the draft 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan three proposed new Metrobus Routes that will operate within the immediate vicinity of the Property.

The State Road 836 Express Enhanced Bus and the Flagler Enhanced Bus will provide premium transit service along the segment of SW 8 Street that runs parallel to the Tamiami Canal just south of the Property. Both routes will terminate at the proposed West Miami-Dade/SW 8 Street Park-and-Ride/Transit Terminal located at SW 8 Street and SW 147 Avenue. These routes provide a premium east-west transit connection between the Property, residential suburban areas of west Miami-Dade County and the MIC and the Downtown Central Business District. The State Road 836 Express Enhanced Bus and the Flagler Enhanced Bus both will feature enhanced bus stations at SW 137 Avenue and SW 8 Street. The proximity of the Property to the Metrobus routes will promote transit ridership and pedestrianism for its residents, their visitors, and patrons of the "Business and Office" portion of the development.

It is anticipated that the approval of the proposed amendment will not negatively impact level of service standards of infrastructure in the surrounding area. "Business and Office" uses result in less vehicular trips than "Industrial and Office" uses. It is anticipated that all infrastructure needed to serve the property will have capacity available to support future commercial development on the Property.

The Property is undeveloped but it does not contain any known environmental or historical resources. The Property is used, in part, for truck parking and is often the site of illegal dumping and four-wheel off-road vehicle activities. The approval of the proposed amendment will provide an opportunity for viable infill development, which, in turn, will curb illegal activities and help to protect from any potential environmental impacts from dumping.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial services in the area. Furthermore, the approval of the proposed amendment will promote appropriate development on the Property where Industrial and Office uses simply will

not fit.

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

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-1E: In planning and designing all new residential development and redevelopment in the County, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.

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 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 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 POLICY LU-9J: Miami-Dade County shall continue to use, but not be limited exclusively to design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial, and industrial development in unincorporated Miami-Dade County.

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. COMPLETED DISCLOSURE FORMS

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"

Legal Description for Property:

The North 312.30 feet of Tract 32 of EVERGLADES GARDENS, according to the Plat thereof, as recorded in Plat Book 8, at Page 14, of the Public Records of Miami-Dade County, Florida

And

TRACT 32, LESS THE NORTH 312.32 FEET; LESS THE SOUTH 138.80 FEET, LESS THE EAST 105 FEET IN SECTION 3, TOWNSHIP 54 SOUTH, RANGE 39 EAST OF "EVERGLADES GARDENS" AS RECORDED IN PLAT BOOK 8, PAGE 14, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

And

The South 138.80 feet of Tract 32 and the North 69.38 feet of Tract 33 less the East 105 feet in Section 3, Township 54 South, Range 39 East of "EVERGLADES GARDENS", as recorded in Plat Book 8, at Page 14, of the Public Records of Dade County, Florida.

EXHIBIT "B"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

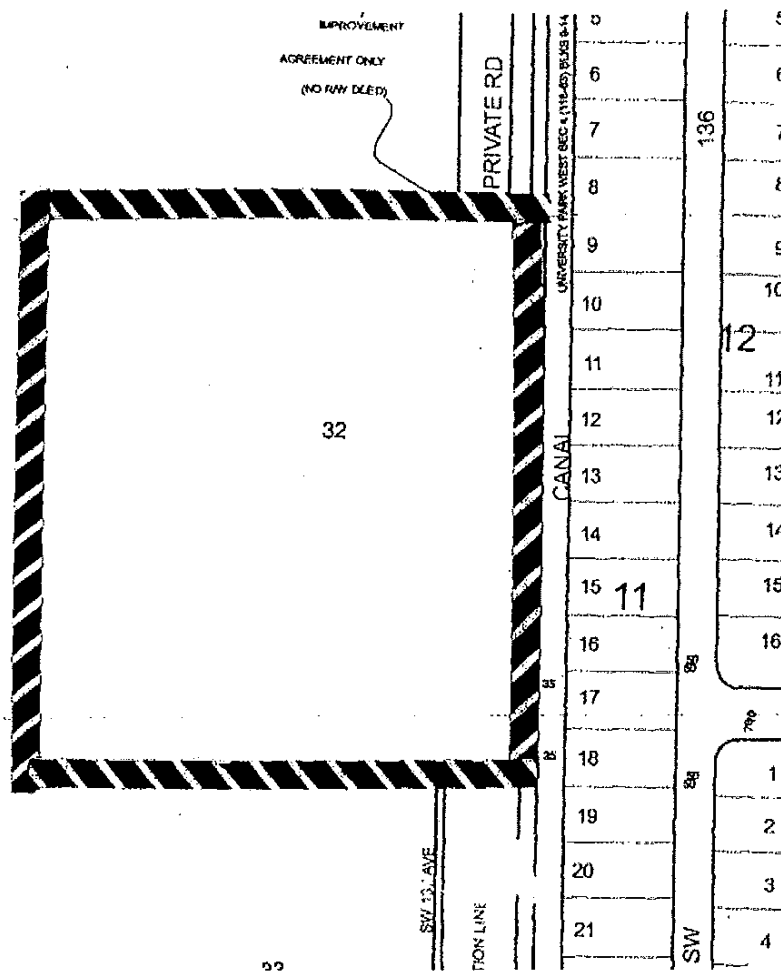
APPLICANTS / REPRESENTATIVE

Master Development, Inc. / Tracy R. Slavens, Esq.

DESCRIPTION OF SUBJECT AREA

The Property consists of approximately ± 9.84 gross acres (± 9.1 net acres) of land located in Section 03, Township 54, Range 39, in unincorporated Miami-Dade County, Florida. The Property lies approximately 825 feet north of the northwest corner of SW 8th Street and SW 137th Avenue, and is more specifically described in Exhibit "A" to this application.

LOCATION MAP



The Applicant does not own any portion of the subject property.

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. APPLICANT (S) NAME AND ADDRESS:

APPLICANT ("A"): Master Development, Inc., a Florida corporation

21101 NE 38th Avenue

Aventura, Florida 33180

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
A	Fernando G. Mendoza, Jr. Revocable Trust	30-4903-003-0290	+/- 3.9
A	The Marisa Group Warehouses, Inc.	30-4903-003-0291	+/- 2.6
A	Dolphins Gate, LLC	30-4903-003-0292	+/- 2.6

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	FOLIO NUMBER	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A	30-4903-003-0290				
A	30-4903-003-0291				
A	30-4903-003-0292				

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 Master Development, Inc., a Florida corporation

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
STOCK

Robert Shapiro

100%

21101 NE 38th Avenue, Aventura, Florida 33180

- 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: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

- 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].

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

Date of Contract _____

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.

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

- 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: The Christian Reformed Board of Home Missions

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>

- c. 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>

- d. 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: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
OWNERSHIP

- e. 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.

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

Applicant's Signatures and Printed Names

BY: _____

Robert Shapiro, President
Robert Shapiro, President
Master Development, Inc.

Sworn to and subscribed before me

this 30th day of May, 2013

Siuby Fleites
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.

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EXHIBIT "A"

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>
James Jones	President	1846 Sylvan SE, Grand Rapids, MI 49506
Beth Flystra	Secretary	16 E. Orchard Street., Allendale, NJ 07401
Harley VerBeek	Treasurer	8821 Buckridge Trail, Cedar Lake, IN 46303
John Van Sloten	Vice President	5128 33 rd Avenue SW, Calgary, AB T3E 6S1, Canada
Don Mullenburg	Director	7317 Lake Ridge Drive, Savage, MN 55378
Moses Chung	Director	2850 Kalamazoo Avenue SW, Grand Rapids, MI 49560

#23258892_v1

APPENDIX B

Miami-Dade County Public Schools Analysis

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.

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APPENDIX C

Applicant's Traffic Study Executive Summary

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May 2013 CDMP Amendment Application No. 5 CDMP Amendment Transportation Analysis

Executive Summary

This proposed change to the Miami-Dade County CDMP has been submitted by Master Development, Inc. for 9.84 gross acres (9.10 net acres), as a Small Scale Amendment located in Section 03, Township 54, Range 39, which is bounded by theoretical SW 2 Street on the south and SW 137 Avenue on the east. This proposed change seeks to redesignate the subject property from "Industrial and Office" to "Business and Office" to enable the development of neighborhood serving retail and business uses. The Applicant has proposed a Declaration of Restrictions to accompany the application to limit site development to no more than 113,700 square feet. The net external AM and PM peak hour trips are outlined below.

Net External Trip Generation Summary – AM and PM Peak Hours								
Uses Proposed	Timeframe	ITE LUC	Scale of Development	Gross Trips	25% Pass-by Reduction	Net External Trips	Trips In	Trips Out
Retail Shopping Center	AM Peak Hour	820	113,700 SF	169	42	127	79	48
Retail Shopping Center	PM Peak Hour	820	113,700 SF	653	163	490	235	255

Vehicular Access

The Amendment Site is located adjacent to SW 137 Avenue (a 6 lane divided Urban Minor Arterial) and is located $\pm 3,025$ feet south of the SR 836 Extension off ramps. This Small Scale Amendment is therefore well served by the existing arterial roadway network.

Transit Access

Miami-Dade Transit provides local and regional transit access ± 1335 feet south of the Amendment site at the intersection of SW 137 Avenue and SW 8 Street. MDT Routes 51- Flagler Max and 137 - West Dade Connection provide weekday AM/PM peak hour service at 15-20-30 minute headways and Saturday/Sunday service at 40-45 minute headways.

Traffic Concurrency Standards

Pursuant to the Miami-Dade County Concurrency Management System, all study area traffic count stations on roadways adjacent to the Amendment Site have been found to operate at acceptable levels of service during the peak hour period for the Year 2018 Short Term Planning Horizon, accounting for existing traffic, previously approved committed development traffic, plus the traffic from the Amendment Site. The Concurrency Analysis also incorporates the traffic impacts for the May 2013 CDMP Amendment Application No. 4 located to the north of Application No. 5 – also fronting onto SW 137 Avenue. Available capacity and acceptable levels of service are maintained for the adjacent count stations and the study area roadway segments, meeting the traffic concurrency standards from the Miami-Dade County CDMP for a Small Scale Amendment.

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APPENDIX D

Applicant's Economic Analysis

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Holland & Knight

701 Brickell Avenue, Suite 3000 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens
(305) 789-7642
tracy.slavens@hklaw.com

2013 JUL -1 P 2: 58

PLANNING & ZONING
METROPOLITAN PLANNING SECT

July 1, 2013

Via Hand Delivery

Mr. Mark Woerner, AICP
Assistant Director, Department of Regulatory
and Economic Resources
111 NW 1st Street, 12th Floor
Miami, Florida 33128

RE: Application to Amend the CDMP Amendment #5 May 2013 Cycle Property located
on the Corner of SW 137th Avenue and SW 2nd Street

Dear Mark:

Enclosed please find the economic analysis report prepared by Miami Economic Associates, Inc. in connection with application #5 of the May 2013 amendment cycle for your consideration. The report indicates that the proposed amendment will not adversely impact the County's ability to accommodate industrial uses, will support the need for additional commercial uses, and will create a significant number of new jobs and increased revenues for this area of the county.

Please incorporate the results of this study in the application file and we ask that you utilize its finding in your analysis. Thank you for your continued considerate attention to this application. If you have any questions or require additional information, please contact me.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Tracy R. Slavens

Encl.
#23845944_v1

Atlanta | Boston | Chicago | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami | New York | Northern Virginia | Orlando
Portland | San Francisco | Tallahassee | Tampa | Washington, D.C. | West Palm Beach

Miami Economic Associates, Inc.

June 27, 2013

Mr. Jack Osterholt
Director,
Department of Regulatory and Economic Resources
Miami, FL 33128

**Re: Application to Amend the CDMP Amendment #5, May 2103 Cycle
Property located on the corner SW 137th Avenue and SW 2nd Street**

Dear Mr. Osterholt:

Miami Economic Associates, Inc. (MEAI) has performed an analysis with respect to the above-captioned application to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which was filed on behalf of Master Development, Inc. The proposed amendment, if adopted, would re-designate 9.1 net acres of land situated at the location indicated above (the "subject property") from Industrial and Office to Business and Office in order to allow the Applicant, which is the contract purchaser of the property, to develop a commercial project with approximately 113,700 leaseable square feet of retail and restaurant space.

The materials that follow, which are organized as shown below, summarize the findings of our analysis.

Section	Page
Analytical Framework	1
Summary of Findings	2
Impact of Reduction of Industrial Land Inventory	2
Need for Additional Commercially-designated Land	3
Economic and Fiscal Benefits	5
Closing	7

Analytical Framework

The purpose of the analysis performed by MEAI was to determine the following:

- Whether re-designation of the subject property would adversely impact the County's future ability to accommodate industrial uses;
- Whether the need exists for additional commercially-designated land in the portion of the County in which the subject property is located; and

6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meaink@bellsouth.net

Mr. Jack Osterholt, Director
Department of Regulatory and Economic Resources
Miami-Dade County
June 27, 2013
Page 2

- The extent to which re-designation of the property would produce economic and fiscal benefits for Miami-Dade County and/or its residents.

In conducting our analysis, consideration was given to the following objectives of the CDMP:

- **LU-8B.** Distribution of neighborhood or community-serving retail sales uses and personal and professional office throughout the County's urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- **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, among other factors, satisfy a deficiency in the Plan map.
- **LU-8F.** The adequacy of non-residential land supplies (within the Urban Development Boundary) shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use as well as the Countywide supply within the UDB. The adequacy of land supply for neighborhood and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Area (MSA's) and combinations thereof.

Summary of Findings

MEAI believes that the proposed amendment to re-designate the subject parcel, which is located on the west side of SW 137th Avenue between theoretical W. Flagler Street and SW 8th Street, from Industrial and Office use to Business and Office Use should be adopted. We base this belief on the findings of our analysis presented below.

Impact of the Reduction of Industrial Land Inventory

- The area fronting on the west side of NW/SW 137th Avenue extending southward for a distance of approximately 1.75 miles from State Road 836 through the subject property to the parcel owned by Target on the northwest corner of the intersection of SW 137th Avenue and SW 8th Street has been designated for Industrial and Office Use on the County's Future Land Use Map for many years. In total, there are 15 parcels of land in that area comprised of a total of 49.67 acres. To date, only two of those parcels comprised of 14.86 acres --- less than 30 percent of the total acreage --- have been developed. One factor that has potentially inhibited the development of these parcels is the fact that they are located just inside the County's Urban Development Boundary (UDB) and their depth between the edge of the NW/SW 137th Avenue right-of-way and the UDB limits their utility as industrial parcels which typically require extensive areas for storage and/or access by large vehicles. Another

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
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factor may be the presence of residential uses of along the east frontage of NW/SW 137th Avenue.

- The subject property is located in MSA 3.2, which has historically been the area of the Miami-Dade County that experiences the highest average annual pace of absorption with respect to industrial land. Data contained Appendix B, which was entitled *Planning Considerations* (Appendix B), to the initial recommendations report that the Miami-Dade County Department of Regulatory and Economic Resources (the Department) issued with respect to the 2013 EAR-based applications to amend the CDMP, indicates that 93.55 acres of industrial land are absorbed within MSA 3.2 on an average annual basis, or more than 60 percent of the total countywide. In that context, the fact that the strip of land on the west side of SW 137th Avenue discussed in the preceding paragraph has not experienced greater level of absorption is even more striking ... and significant.
- In the materials contained in Appendix B, the Department further estimated that MSA 3.2 contained a total of 8,848.3 acres designated for industrial use in 2012 including the 1,262.8 vacant acres. Assuming an average annual rate of absorption of 93.55, that vacant land would not be fully depleted, assuming an average until sometime during 2025. The Applicant for the subject property has submitted not only a proposed amendment to re-designate it from Industrial and Office to Business and Office and Use as part of the May 2013 Cycle but also another application seeking to do the same thing for a 9.91 net acre property located in the same general area. If both amendments are adopted the depletion date for the industrial land in MSA 3.2 would be reduced by less than 3 months, which means that it would still be in 2025. It should also be noted that the Department estimated that the supply of vacant industrial land countywide would not be depleted until 2035.
- Based on the preceding information, MEAI believes that adoption of the proposed amendment regarding the subject property would not have a significant adverse impact on the County's future capability to accommodate industrial development in the County.

Need for Additional Commercially-designated Land

- The subject property is located in MSA 3.2, which extends north from SW 8th Street north to Okeechobee Road and west from just east of the Palmetto Expressway (State Road 826) to Krome Avenue (177th Avenue). According to Appendix B, the Department estimated that MSA 3.2 had 1,847.6 acres of commercially-designated land inclusive of 377.1 vacant acres in 2012. The Department further estimated that the vacant land would not be fully depleted until after 2030. Appendix B further indicates that the ratio of commercially-designated acreage to population in MSA 3.2 in 2020 will approximate 11 acres/1,000 residents, which was more than twice the countywide ratio of 5.8 acres/1,000 residents at that same point in time. However, it should be noted that there is no developed commercial acreage in MSA 3.2 within 2

miles of the subject property and the overwhelming preponderance of developed acreage is 3 miles away or farther.

- The subject property is located on the southwestern edge of the urbanized portion of MSA 3.2 in an area in which the only residential uses exist. The area in which the subject property is situated is separated from the remainder of the urbanized portion of MSA 3.2 by either the Homestead Extension of Florida's Turnpike (HEFT) and/or by SR Road 836, two limited access highways that interrupt the County's normal grid pattern of streets. As such, these highways serve as barriers to travel through MSA. Residents of the area indicate that they also represent psychological barriers, with the result that they frequently travel south into MSA 6.1 to shop.
- MSA 6.1 is located west of the HEFT and extends southward from SW 8th Street to SW 88th Street (Kendall Drive). Appendix B shows that MSA 6.1 had a total of 577.9 commercially-designated acres in 2012 inclusive of 44.3 vacant acres. It further shows that the ratio of commercially-designated acreage to population in MSA 6.1 in 2020 will be 3.0 acres/1,000 residents, which was less than 55 percent of the countywide ratio in that year. In fact, only 4 of the County's 31 urbanized MSAs will more underserved in terms of commercial acreage than MSA 6.1 in 2020.
- MSA 6.1 extends from north to south for a distance of 5 miles. Within the MSA, more than 263.5 of the commercial acres, or 45.5 percent, are located in the two southernmost miles, i.e. between SW 56 Street (Miller Road) and Kendall Drive. The remaining 54.5 percent, or 315.2 acres, are located between SW 8th Street and Miller Road. MEAI believes that the primary market area for the commercial project being proposed on the subject property will be comprised of residents of the portion of MSA 3.2 in which the subject property is located together with residents of the portion of MSA 6.1 residing north of Miller Road. At the time of the 2010 Census, the area just described had a total population of 122,623 people, a figure that probably not increased substantially since given the lack of significant construction activity between 2010 and 2012. Accordingly, the ratio of commercially-designated acreage to market area population within the defined market area currently approximates 2.6 acres/1,000 residents and it will decline in the period through 2020 as new residential construction occurs. It should also be noted that Appendix B estimated that all the commercially-designated land in MSA 6.1, including the 315.2 acres that serve the population of the primary market area defined above, would be depleted by 2016.
- Based on the preceding information, MEAI believes that a need clearly exists for the more commercially-designated property in the area defined above as the primary market area for the subject property. Further, we believe that the need is of sufficient magnitude that the area would benefit from the re-designation of the subject 9.92 net acre parcel but also the 9.1 net acre parcel of 9.1 net acre parcel referred to above for which the Applicant is also seeking re-designation from Industrial and Office to Business and Office.

Economic and Fiscal Benefits

- Re-designation of the subject property for commercial uses would not only address the need for more commercially-designated land in the area defined above as the subject property's primary market area, it would also generate economic and fiscal benefits for Miami-Dade County and/or its residents. For the purpose of analyzing these economic and fiscal benefits, it was assumed that the subject property would be developed with 113,700 square feet of rentable area. The bulleted paragraphs that follow describe the most significant findings of the benefits analysis performed.

- The term "economic benefits" refers to the positive impact that a project such as the commercial development that the Applicant is proposing would have on the overall economy of Miami-Dade County. Development of the proposed project is expected to cost \$20.8 million in terms of the hard cost of construction and will provide a basis for approximately 165 man-years of direct construction employment during the development period as well as approximately 147 indirect and induced jobs¹.

It is anticipated once the proposed retail facility is completed, the permanent workforce on-site would total 227 people on a full-time equivalent basis, who will earn an average of between \$20,000 and \$25,000 annually depending on the mix of tenants that actually occupy the space.² Finally, it is estimated that the operations of the proposed retail facility would provide support for approximately 252 indirect and induced jobs.³

- The term "fiscal benefits" refers to the positive impacts that a project such as the proposed retail facility would have on the finances of Miami-Dade County and the other governmental jurisdictions in which it would be located. MEAI estimates that during the development period of the proposed commercial facility, impact fees totaling \$1,003,323 will be paid for roads, police and fire and general building permit fees in the amount of \$16,742 will be paid. Additional fees that cannot currently be estimated because the construction plans for the project have not been finalized will need to be paid by the various trades involved in the construction.⁴

When construction is completed, it will generate ad valorem taxes for Miami-Dade County on an annual recurring basis in the amount of \$217,212 and for

¹ The estimate of direct construction employment assumes that 45 percent of the moneys expended on hard construction would be spent on labor that the average worker on a non-residential construction project would earn approximately \$56,900. The estimate of average earnings is based on the QCEW reports compiled by the Florida Department of Economic Opportunity for 2012.

² The estimate of employment assumes 2 FTE per 1,000 square of space. The estimate of earnings is based on the QCEW reports compiled by the Florida Department of Economic Opportunity for 2012.

³ The estimates of indirect and induced employment were developed using the Regional Input-Output (I-O) Modeling System (RIMS) developed by the U.S. Commerce Department

⁴ The fees estimated above are based on the current fee schedules of Miami-Dade County.

the Miami-Dade County Public School District in the amount of \$181,745.⁵ These amounts are nearly 9 times the amount of taxes collected on the subject property this year. It will also generate occupational license fees and utility taxes and franchise fees on an annual recurring basis for Miami-Dade County as well as increased salestax revenues.⁶

The Applicant recognizes that it will be responsible for payment of the costs associated with any improvements required to County infrastructure at the time of development although it may seek to have such expenditures, when appropriate, credited against impact fees it is obligated to pay. It is expected that once construction has been completed, the amount paid in ad valorem taxes will more than cover the incremental costs, if any, associated with providing the project with County services, which would primarily be police and fire protection. It is, therefore, anticipated that the proposed project would be at least revenue neutral, potentially revenue positive. We base this conclusion on the following considerations.

- While the subject parcel abuts the UBD on its western boundary, there are significant amounts of development on the east side of SW 137th Avenue as well as south of SW 8th Street that are being provided with both police and fire protection by Miami-Dade County. Given the size of the subject property, the commercial development being proposed is likely to at most add to a small increment of expense to the cost of providing those services to the general area.
- The cost of police and investigative services is primarily paid for out of ad valorem tax collections made by the County for its General Fund and its UMSA Fund. Review of the County's 2012-13 Budget shows that only about 40 percent of the tax revenues collected for the General and UMSA funds would be used to pay for police and investigative services. The remainder of the funds collected in the two funds identified were expected to be used either for governmental activities that are not likely to increase because of the proposed commercial project such as general administration or not be impacted by it such as parks. Further, portions of the amounts spent on police and investigative services were expended on the operations of

⁵ The ad valorem taxes estimated above assume a taxable value of \$22.74 million and are based on the millage rates approved by the County and the Public School District in September, 2012. The assumed taxable value is based that of comparable facilities within MSA 6.1. The amount shown above for Miami-Dade County includes funds that will be paid into the County General Fund, the County Debt Service Fund, the UMSA Fund, the Library Fund, the Fire-Rescue Operating Fund and the Fire-Rescue Debt Service Fund.

⁶ The amount of revenues that will be generated in the form of occupational license fee and utility taxes and franchise fees cannot be estimated at this time based on the information that is currently available. To estimate the occupational fees that will be collected on an recurring annual basis would require knowing number and mix of tenants by type of retailer and the size of each. To estimate utility taxes and franchise would require knowing the extent to the levels of usage of water, electricity and telecommunications services of the prospective tenants of the proposed retail facility

Mr. Jack Osterholt, Director
Department of Regulatory and Economic Resources
Miami-Dade County
June 27, 2013
Page 7

specialized police units such as the organized crime and domestic violence units that are not likely to be expanded because of the proposed project.⁷

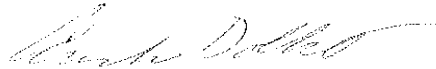
The cost of providing fire services is paid for out of the ad valorem tax collections made by the County for its Fire-Rescue Fund. Review of the County's 2012-13 Budget shows that the County expected that the ad valorem tax revenues collected in that fund would exceed the amount to be expended on suppression and rescue activities with the surplus being used to fund activities that would likely not increase directly as a result of the proposed commercial project

Closing

MEAI believes that the proposed amendment to the CDMP which would re-designate the subject property for Business and Office use should be adopted to allow for the development of approximately 113,700 rentable square feet of retail and restaurant space. We base this belief on the following factors:

- Re-designation of the property will not adversely impact the County's future ability to accommodate industrial uses;
- A need exists for additional community-serving commercial uses in the portion of the County where the property is located; and
- The proposed commercial project will provide a significant number of jobs on both a non-recurring basis during the development period and on a permanent basis thereafter. It will also generate significant revenues for Miami-Dade County on both a non-recurring and recurring basis and is likely to be at least revenue neutral, potentially revenue positive.

Sincerely,
Miami Economic Associates, Inc.



Andrew Dolkart
President

⁷ In calculating the percentage of ad valorem revenues spent for police and investigative services, MEAI did not include the amounts spent on departmental administration and support services. We do not believe that those costs are likely to increase because of the proposed project.

APPENDIX E

Fiscal Impacts 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 May 2013 Cycle Application No. 5 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 proposes to redesignate 9.84-gross acres of land from "Industrial and Office" to "Business and Office" on the Adopted 2015 and 2025 Land Use Plan map, including a covenant to provide a maximum of 113,700 square feet of commercial development and prohibiting residential development on the property. If the application site is developed as requested with 113,700 square feet of retail, the water connection charges/impact fees would be \$15,804 and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for the land use would be \$63,672 and the annual operating and maintenance costs would total \$11,501.

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

On July 29, 2013, the applicant proffered a Declaration of Restrictions (covenant) limiting the development to a maximum of 113,700 square feet of commercial development and prohibiting residential development. Therefore, the proposed redesignation will have no impact on the local school population.

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.

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APPENDIX F

Proffered Declaration of Restrictions

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Holland & Knight

701 Brickell Avenue, Suite 3000 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

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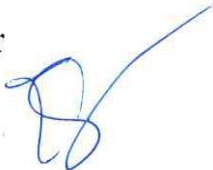
PLANNING & ZONING
METROPOLITAN PLANNING SECT

Via Hand Delivery

MEMORANDUM

Date: July 29, 2013

To: Mr. Mark Woerner

From: Tracy R. Slavens 

Re: Master Development - CDMP Application No. 5

Mark, attached please find the draft Declaration of Restrictions for Application #5.

Thank you and please let us know if you have any comments or edits.

#24988884_v1

This Instrument was Prepared by:

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

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. 5 in the May 2013 Amendment Cycle (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Industrial and Office" 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. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the CDMP Land Use Plan Map, the maximum development of the Property shall

not exceed 113,700 square feet of such uses as may be permitted under the "Business and Office" land use category.

2. **Prohibition on Residential Development.** No residential development shall be allowed on the Property.

3. **Miscellaneous.**

A. **County Inspection.** 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. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the 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. Authorization of Miami-Dade County (or successor municipal 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. Election of Remedies. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

G. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration 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. Severability. Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

J. Recordation and Effective Date. This Declaration of Restrictions shall 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. Acceptance of Declaration. 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.

[Signature Page Follow]

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____
day of _____, 20____.

WITNESSES:

Master Development, Inc.
a Florida corporation

Signature _____

Printed Name _____

By: _____
Name: _____
Title: _____

Signature _____

Printed Name _____

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Master Development, Inc., a Florida limited partnership, and for the purposes stated herein on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 201____,
in the County and State aforesaid.

My Commission Expires:

Notary Public

Printed Name _____

EXHIBIT "A"

LEGAL DESCRIPTION

The North 312.30 feet of Tract 32 of EVERGLADES GARDENS, according to the Plat thereof, as recorded in Plat Book 8, at Page 14, of the Public Records of Miami-Dade County, Florida

And

TRACT 32, LESS THE NORTH 312.32 FEET; LESS THE SOUTH 138.80 FEET, LESS THE EAST 105 FEET IN SECTION 3, TOWNSHIP 54 SOUTH, RANGE 39 EAST OF "EVERGLADES GARDENS" AS RECORDED IN PLAT BOOK 8, PAGE 14, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

And

The South 138.80 feet of Tract 32 and the North 69.38 feet of Tract 33 less the East 105 feet in Section 3, Township 54 South, Range 39 East of "EVERGLADES GARDENS", as recorded in Plat Book 8, at Page 14, of the Public Records of Dade County, Florida.

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APPENDIX G

Photos of Site and Surroundings

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NORTH VIEW



SOUTH VIEW



EAST VIEW



WEST VIEW