

<div><h1>Application No. 2</h1><div>Commission District 10Community Council 12</div></div>
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## APPLICATION SUMMARY

Applicant/Representative:	TEPA Properties, LLC/Jonathan J. Coto, Esq. & Rene J. Garcia Jr., Esq.
Location:	Southeast corner of the intersection of SW 56 Street/Miller Drive and SW 89 Avenue
Total Acreage:	±1.87 Net Acres
Current Land Use Plan Map Designation:	"Low Density Residential (2.5 to 6 dwelling units per acre)"
Requested Land Use Plan Map Designation:	1. "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	RU-1 and BU-1A /Developed with a restaurant

## RECOMMENDATIONS

Staff:	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS</b> (August 25, 2015)
Kendall Community Council (12):	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS</b> <i>with the recommendation that the Declaration of Restrictions limit the Business and Office use of the property to the restaurant use and ancillary uses to a restaurant, and be at all times compatible with the surrounding residential area.</i> (September 21, 2015)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (October 19, 2015)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 18, 2015)

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 2020-2030 Land Use Plan (LUP) map to redesignate the ±1.87-acre application site from “Low Density Residential” to “Business and Office” for the following reasons:

**Principal Reasons for Recommendation:**

1. The requested redesignation of the application site to “Business and Office” would be in keeping with the existing commercial use on the site and the BU-1A (Limited Business Districts) zoning of a portion of the site, and would facilitate the expansion of the commercial use. The application site is developed with a restaurant that was first established on the site in 1970’s and a 0.14-acre portion of the site is zoned BU-1A (see Background on page 2-9). The remainder of the site is zoned RU-1 (Single-family Residential) (see “Zoning Map” on page 2-5 and “Existing Land Use” map on page 2-6). Under the current “Low Density Residential” designation of the property, expansion of the restaurant would be restricted to the BU-1A zoned portion of the property. The requested redesignation of the site would allow the entire property to be rezoned for commercial use and thereby allowing flexibility for the expansion or redevelopment of the existing business.

Additionally, the applicant has proffered a Declaration of Restrictions (covenant) that would prohibit residential development on the property and limit uses on the property to uses that are compatible with the surrounding residential neighborhood.

2. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the 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. Each factor is discussed below.
  - i. *Need to Accommodate Economic or Population Growth:* The proposed application, if approved, would not have a significant impact on the capacity for residential use in MSA 5.4 (see “Supply and Demand Analysis” on page 2-11). As discussed in Principal Reason No. 1 above, a portion of the application site is currently zoned for commercial use and is developed with a restaurant. Approval of the application would facilitate the growth of the existing restaurant business on the property and could generate additional employment and be of benefit to the area.
  - ii. *Public Facilities and Services:* The impacts that would be generated from the maximum allowable development on the application (32,582 square feet of commercial uses), if the application is approved, would not cause a violation in the level of service standards for public services and facilities in the vicinity of the application site.

- iii. *Compatibility:* The requested “Business and Office” land use designation and the maximum redevelopment that could occur on the site, if the application is approved, would be generally compatible with the surrounding uses, in accordance with the applicant’s covenant as discussed in Principal Reason 1 above. The properties north, west, south and immediately east of the application site are designated “Low Density Residential (2.5 to 6 dwelling units per gross acre)” and developed with single-family homes. Additionally, as discussed in Principal Reason No. 1 above, the applicant has proffered a covenant that would prohibit residential development on the property and limit uses on the site to uses that are compatible with the adjacent residences.
- iv. *Environmental and Historic Resources:* The subject application, if approved, would not impact historic resources but could impact an environmental resource. The application site is located within the Alexander Orr Wellfield protection area and thereby any redevelopment on the application site shall be in accordance with Section 24-43 of the Miami-Dade County Code. (See “Environmental Conditions” section on page 2-14).
- v. *Transit Ridership and Pedestrianism:* The application, if approved, could support transit ridership and pedestrianism. The application site is served by Metrobus Route Metrobus Route 56 which provides service at 40-minute headways during the AM/PM peak periods on weekdays. The closest bus stop is located on Miller Drive adjacent to the application site.



## APPLICATION NO. 2 AERIAL PHOTO



APPLICATION AREA

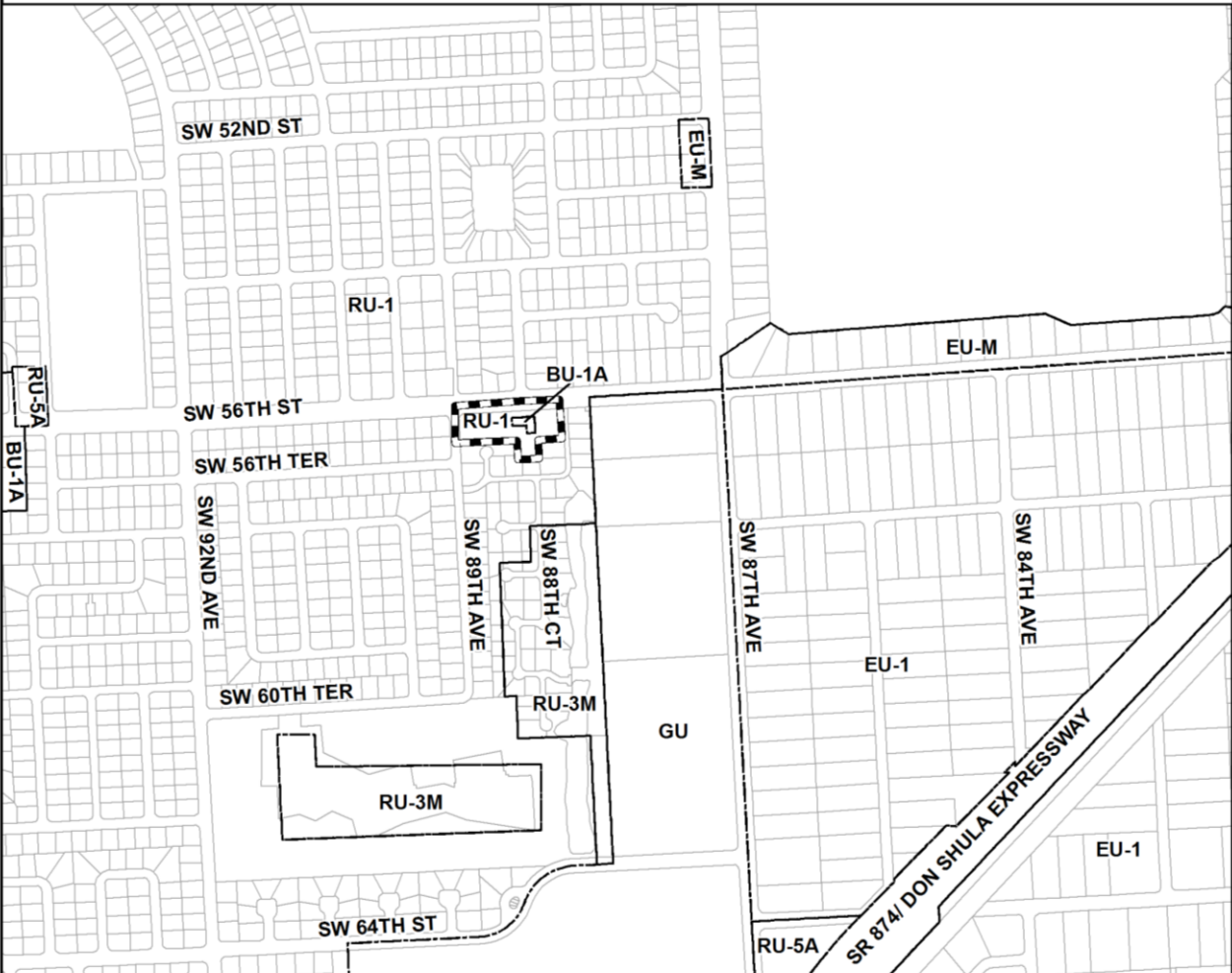
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

0 0.1 Miles





## APPLICATION 2 ZONING MAP



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

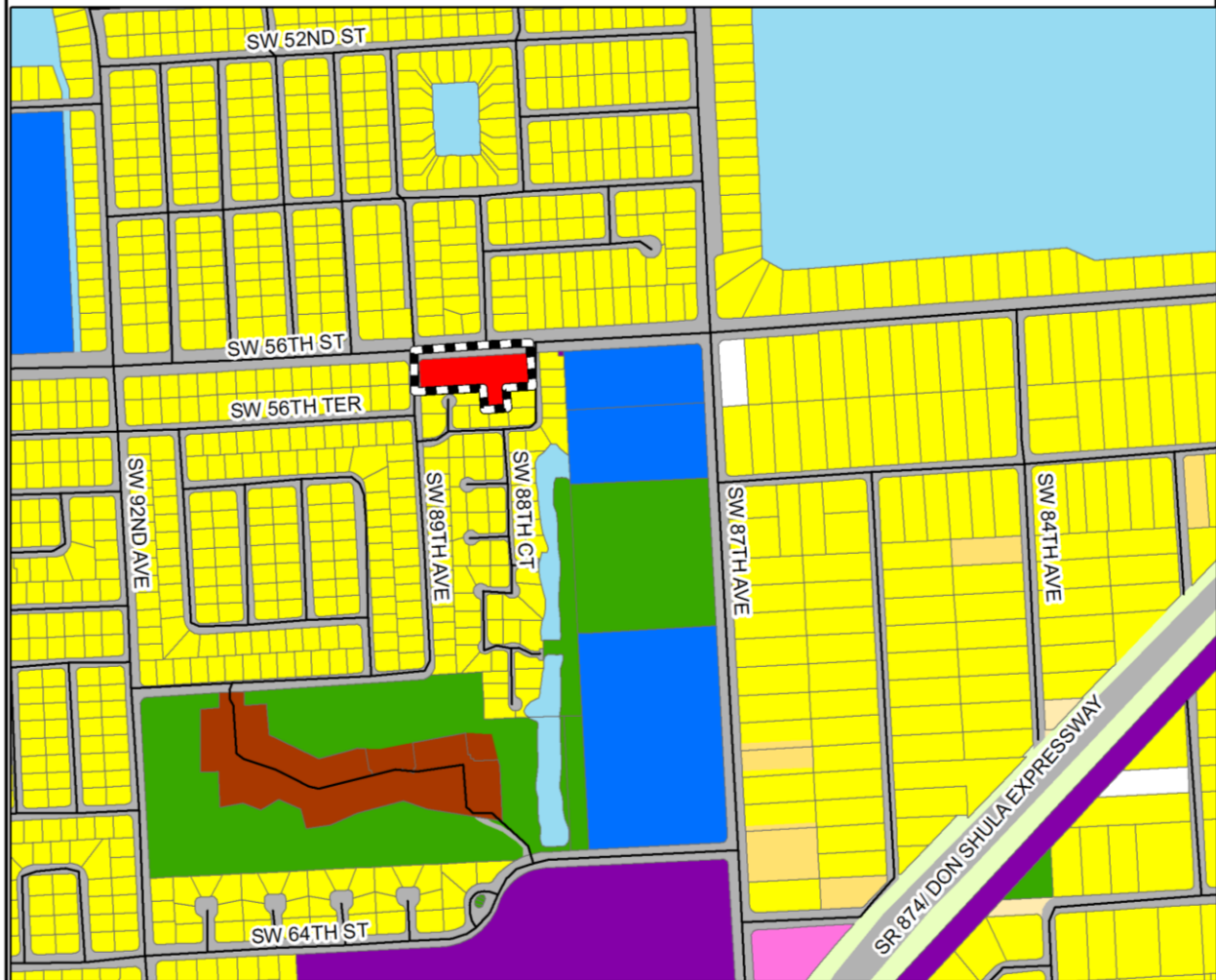
### ZONING DISTRICTS

- BU-1A BUSINESS DISTRICTS, LIMITED
- EU-1 ESTATES, SINGLE FAMILY, 1 ACRE OR MORE
- EU-M ESTATES MODIFIED, SINGLE-FAMILY
- GU INTERIM DISTRICT
- RU-1 SINGLE-FAMILY RESIDENTIAL
- RU-3M MINIMUM APARTMENT HOUSE
- RU-5A SEMI-PROFESSIONAL OFFICE

0 0.125 0.25  
Miles



## APPLICATION NO. 2 EXISTING LAND USE



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

### EXISTING LAND USE

SINGLE-FAMILY

TWO-FAMILY DUPLEXES

LOW-DENSITY MULTI-FAMILY

COMMERCIAL, SHOPPING CENTERS

OFFICE

INSTITUTIONAL

COMMUNICATIONS, UTILITIES, TERMINALS

STREETS, ROADS, EXPRESSWAYS, RAMPS

STREETS, EXPRESSWAY

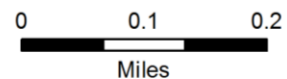
PARKS, PRESERVES, CONSERVATION AREAS



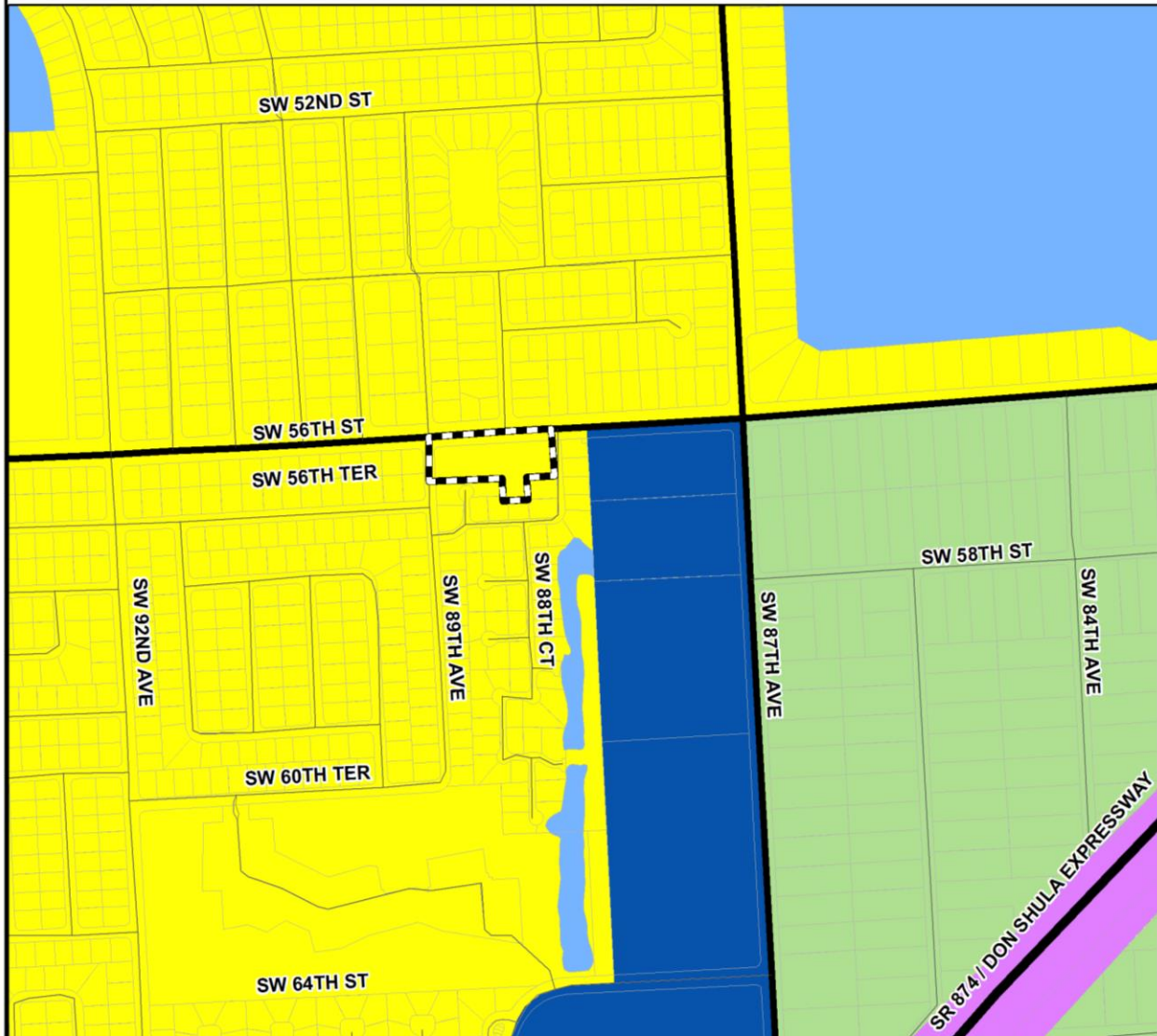
VACANT PRIVATELY OWNED, UNPROTECTED



INLAND WATERS



## APPLICATION NO. 2 CDMP LAND USE



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

### CDMP LAND USE

- ESTATE DENSITY (1-2.5 DU/AC)
- LOW DENSITY (2.5-6 DU/AC)
- INSTITUTIONS, UTILITIES AND COMMUNICATION
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- MINOR ROADWAYS (2 LANES)
- MAJOR ROADWAYS (3 OR MORE LANES)
- EXPRESSWAYS

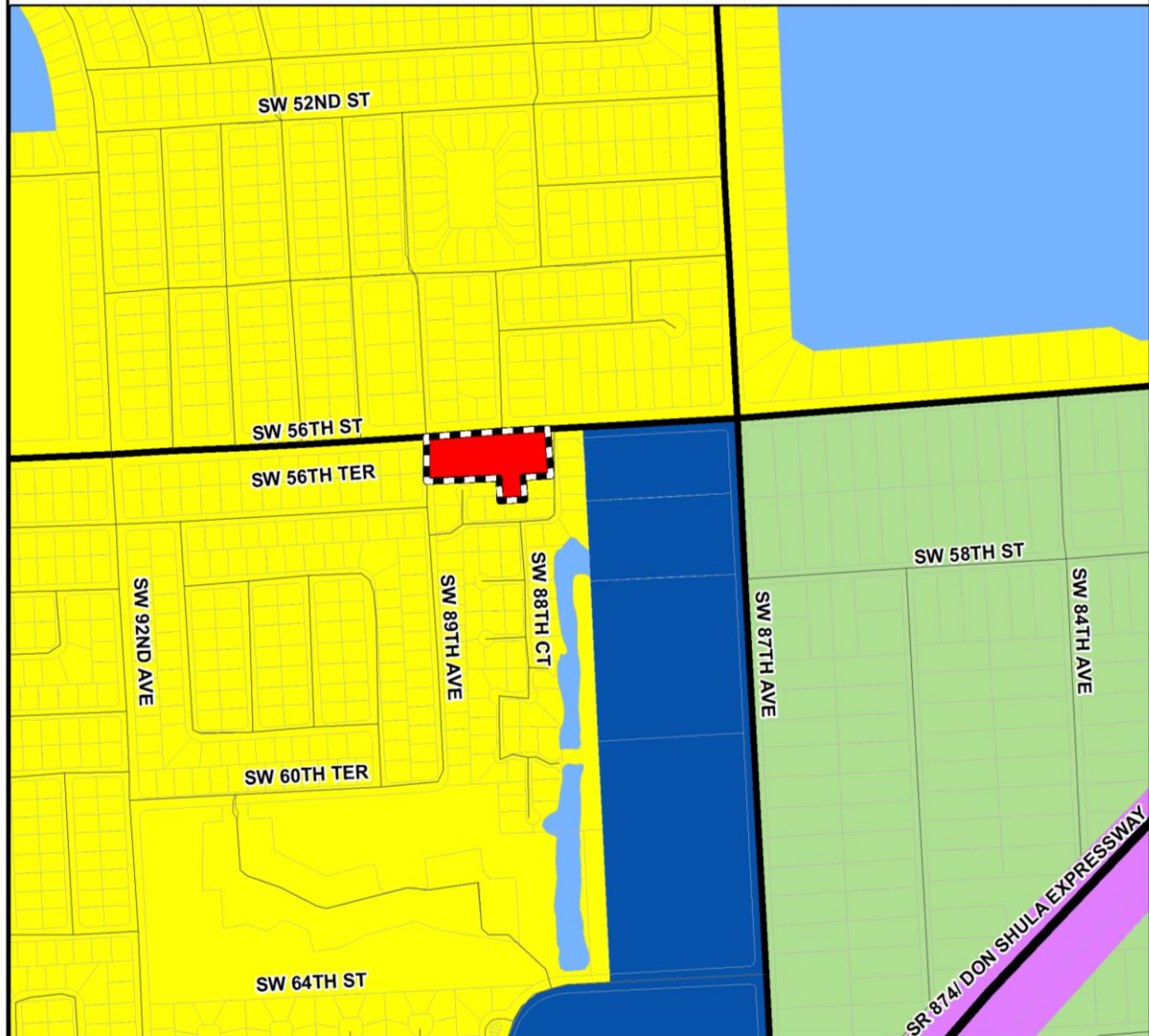
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Miles





# APPLICATION NO. 2

## PROPOSED CDMP LAND USE



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

### CDMP LAND USE

- ESTATE DENSITY (1-2.5 DU/AC)
- LOW DENSITY (2.5-6 DU/AC)
- BUSINESS AND OFFICE
- INSTITUTIONS, UTILITIES AND COMMUNICATION
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

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

0 0.075 0.15  
Miles



# STAFF ANALYSIS

## Application Site

### Background

The application seeks to change the CDMP land use designation of the ±1.87-acre application site from “Low Density Residential (2.5 to 6 dwelling units per gross acre)” to “Business and Office.” The application site was originally part of “Tract B” of the larger ±57.2 acre former Hidden Valley golf course subdivision, recorded in 1971 in Plat Book 90 Page 82 of the Miami-Dade County Official Records.

The application site was subsequently and specifically the subject of a zoning approval in 1975 through Resolution No. Z-156-75 adopted by the Board of County Commissioners (BCC) that rezoned a portion of the site (0.14 acres) to BU-1A and permitted the establishment of a bar selling alcoholic beverages for the “Hidden Valley Club House” on the application site. The approval also permitted parking and ingress/egress over the more restrictive RU-1 zoned area surrounding the clubhouse—the clubhouse included a restaurant and cocktail lounge. Subsequently in 1979 the BCC adopted Resolution No. Z-218-79, which approved the expansion of the “Hidden Valley Club House” on the ±1.87-acre application site and rezoned a ±23-acre portion of the golf course lands to RU-1 and RU-3 for residential development, adjacent to the application site. Future expansion of the existing restaurant use on the application site requires the CDMP land use designation to be changed to “Business and Office.”

### Location

The ±2.46 gross acre (±1.87 net acre) site is located inside the Urban Development Boundary (UDB) at the southeast corner of intersection of SW 56<sup>th</sup> Street/Miller Drive) and SW 89<sup>th</sup> Avenue in unincorporated Miami-Dade County (see map series on pages 2-4 through 2-8).

### Existing Land Use

The application site is comprised of a single lot that is currently developed with a 9,527 square feet restaurant Chambao and paved parking lot, and in existence since 1975. Access to the restaurant is by SW 56 Street to the north, and the property has an existing buffer wall along its east, portion of south, and west boundaries. SW 88 Avenue further buffers the single family residences to the east, and SW 89 Avenue buffers the single family residences to the west. (See “Existing Land Use” map on page 2-6).

### Land Use Plan Map Designation/Request

The application site is currently designated “Low Density Residential” on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map, (see “CDMP Land Use” map on page 3-7). The “Low Density Residential” land use category allows for residential homes ranging from 2.5 to 6 dwelling units per gross acre. The application requests a redesignation of the application site on the LUP map from “Low Density Residential” to “Business and Office” (see “Proposed CDMP Land Use” map on page 3-8). The “Business and Office” category 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. Residential uses, and mixing of residential use with commercial, light industrial, office and hotels are also permitted in “Business and Office” areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning,

and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.

Under the current CDMP land use designation, the site could be developed with a maximum of 11 single-family detached residential units. Under the applicant's requested "Business and Office" designation, the application site could be developed with a maximum of 24 single-family attached residential units or 32,582 square feet of retail. The applicant proffered a Declaration of Restrictions (covenant) that would prohibit residential development on the property and require uses allowed under the "Business and Office" land use designation to be compatible with the adjacent residences. (See Proffered Declaration of Restrictions on Appendix page 21.)

### Zoning

The application site is zoned primarily RU-1 (Single-family Residential 7,500 net square feet) and BU-1A (Limited Business District) on a 0.14 acres portion of the site. (See "Zoning Map" on page 2-5.)

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938, and the County's first zoning records indicate that the subject property was zoned RU-1 (Single-Family Residential, 7,500 net square feet). The subject property was originally platted and recorded in Plat Book 90 Page 82, which comprised the current application site as well as a ±57.2-acre golf course—the application site was developed with the "Hidden Valley Club House" that included a restaurant and cocktail lounge. On May 26, 1975, the Board of County Commissioners (BCC) adopted Resolution No. Z-156-75 approving a rezoning of a portion of the application site (0.14 acres) from RU-1 to BU-1A (Limited Business Districts). On October 16, 1979, the BCC adopted Resolution No. Z-218-79 approving a use variance and special exception to permit the expansion of the existing restaurant into the RU-1 zone.

## **Adjacent Land Use and Zoning**

### Existing Land Uses

The properties to the north of the application site are developed with single-family homes within the Floriven Estates, Lake Ridge, and Sun Valley Estates 2<sup>nd</sup> Addition residential subdivisions. The properties west of the application site are currently developed with single-family homes within the Darlington Manor and the Beverly Estates residential subdivisions. The properties south and abutting east of the application site are developed with single-family homes within the Galloway and Miller Estates residential subdivision. Further east of the site are two County government buildings utilized by the County's Internal Services Department (ISD). (See Photos of Site and Surroundings on Appendix page 33.)

### Land Use Plan Map Designations

Properties north, west, and south, and the single-family residences to the east of the application site are designated "Low-Density" (2.5 to 6 dwelling units per gross acre) on the CDMP Adopted 2020 and 2030 LUP map. The County's ISD properties further east of the site are designated "Institutions, Utilities, and Communications" on the LUP map. (See "CDMP Land Use" map on page 2-5).

### Zoning

The residential properties to the north, west, south and east of the application site are zoned RU-1 (Single-family Residential, 7,500 net square feet). The properties further south of the



application site are zoned as RU-3M (Minimum Apartment House 12.9 units/net acre). The County's ISD properties further east of the site are zoned GU (Interim District). (See "Zoning Map" on page 2-5.)

## Supply and Demand Analysis

The capacity of the CDMP Adopted 2020 and 2030 LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this small-scale amendment, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

### Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.4) in 2015 was estimated to have a capacity for about 138 dwelling units, with about 84 percent of these units intended as single family. The annual average residential demand in this Analysis Area is projected to increase from 40 units per year in the 2015-2020 period to 49 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units occurring in 2018 and for multi-family also by 2018 (See "Residential Land Supply/Demand Analysis" table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2018. The proposed application, if approved, is projected to diminish single family capacity by 11 units and will not have a significant impact on the capacity of the area.

Residential Land Supply/Demand Analysis  
2015 to 2030: (MSA 5.4)

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE			
	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2015	116	22	138
DEMAND 2015-2020	33	7	40
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	36	8	44
CAPACITY IN 2025	0	0	0
DEMAND 2025-2030	40	9	49
CAPACITY IN 2030	0	0	0
<b>DEPLETION YEAR</b>	<b>2018</b>	<b>2018</b>	<b>2018</b>

Residential capacity is expressed in terms of housing units.

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

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research Section, July 2015.

### Commercial

The Analysis Area (MSA 5.4) contained 567.70 acres of in-use commercial uses in 2015 and an additional 5.2 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2015-2030 period is 1.32 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned land by 2019 (See "Projected Absorption of Land for Commercial Uses" table below).

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
(MSA 5.4)

Analysis Area	Vacant Commercial Land 2015 (Acres)	Commercial Acres in Use 2015	Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
<b>MSA 5.4</b>	<b>5.2</b>	<b>567.70</b>	<b>1.32</b>	<b>2019</b>	<b>5.6</b>	<b>5.5</b>

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Research Section, July 2015.

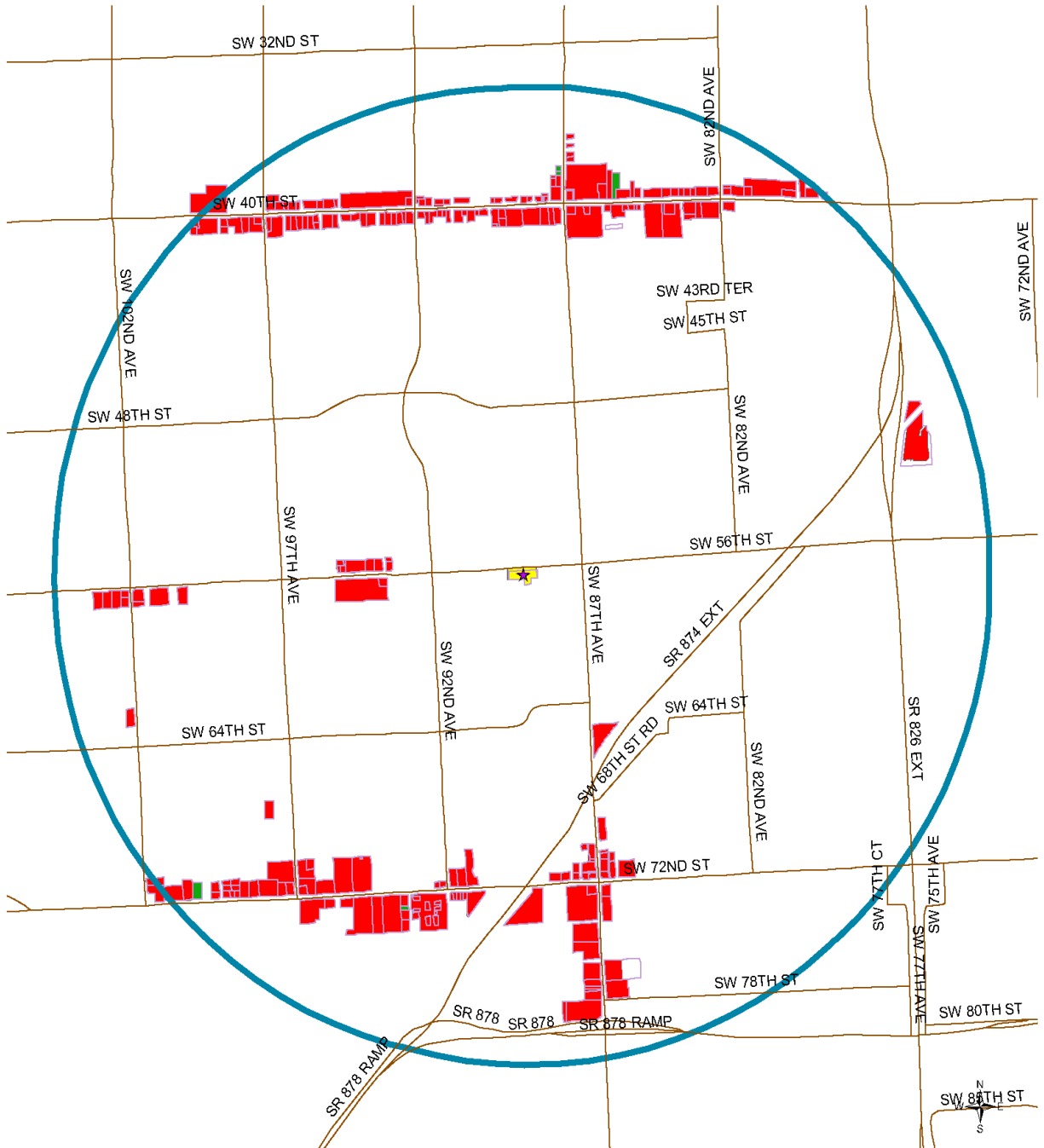
Analysis of the Trade Area

Analysis of the Trade Area, a 1.5 mile radius around the application site, shows that there are 247.40 acres in existing commercial uses and 2.69 acres of vacant commercially zoned or designated land (See "Trade Area Analysis" table below). The few vacant parcels are located to the north along SW 40<sup>th</sup> Street, and to the south along SW 72<sup>nd</sup> Street (see "Trade Area Map" below). Consequently, there is no real impact on the supply of commercial or residential land.

Trade Area Analysis			
Application Number	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2015
2	1.5	2.69	247.40

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Research and Economic Analysis Section, July 2015.

## TRADE AREA MAP: APPLICATION NO. 2



0 0.25 0.5 1 Miles

Miami-Dade County  
Department of Regulatory and Economic Resources  
Planning Research & Economic Analysis  
July 2015



Application No. 2



1.5-mile Radius Buffer



Commercial Land Use



Mixed-Use Commercial Land Use



Vacant Commercial Land Use



Vacant Mixed-Use Commercial  
Residential Land Use



## Environmental Conditions

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

### Flood Protection

Federal Flood Zone	X
Stormwater Management Permit	DERM Surface Water Management Standard Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	8 feet

### Biological Conditions

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

### Other Considerations

Within Wellfield Protection Area	Yes. Alexander Orr Wellfield 100-day travel time
Hazardous Waste	No
Contaminated Site	No

### Wellfield Protection

The property is located within the basic wellfield protection area of the Alexander Orr Wellfield. Specifically, the site is situated within the 100-day travel time contour of said wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Pursuant to Section 24-43 of the Code, hazardous materials and hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored within the basic wellfield protection area of the Alexander Orr Wellfield. Furthermore, DERM approval of future development orders will require the property owner to submit a land use restrictive covenant running with the land prohibiting hazardous materials and hazardous wastes on the property.

### Drainage, Flood Protection and Stormwater Management

The proposed development is determined to be in Zone X or above the flood plain as determined by FEMA. Any new development planned for the future will have to comply with the requirements of Chapter 11C of the Code for flood protection. The site shall be filled to a minimum elevation of 8 feet NGVD (County Flood Criteria).

For compliance with stormwater quality requirements, all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. For compliance with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code and all State and Federal Criteria. The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

### Endangered Species

The subject property and adjacent properties are not located within a federally designated critical habitat area. DERM is not aware of any documented threatened and endangered species on this or adjacent properties. CON-9A states "All activities that adversely affect habitat that is critical to federal or state designated, endangered or threatened species shall be prohibited unless such activity(ies) are a public necessity and there are no possible alternative sites where the activity(ies) can occur."

### **Water and Sewer**

#### Water Supply

The source of potable water for this area is the Alexander Orr Water Treatment Plant, which is owned and operated by MDWASD. At the present time, there is adequate treatment and water supply capacity for this application. The plant is presently producing water that meets Federal, State, and County drinking water standards.

#### Water Treatment Plant Capacity

The County's adopted LOS standard for potable water treatment facilities requires that the regional water treatment system, consisting of Hialeah, Preston and Alexander Orr District Treatment Plants, shall operate with a rated maximum daily capacity no less than two percent above the maximum daily flow for the preceding year and an average two percent above the average daily flow for the preceding five years. The water must also meet all applicable federal, state, and county primary drinking water standards.

The regional water treatment system has a rated design capacity of 439.74 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional water treatment system is equivalent to 430.95 MGD. The total available water treatment plant capacity, 63.54 MGD, is calculated using the available plant capacity (430.95 MGD), subtracting the maximum day flow (343.2 MGD) and subtracting the water that is reserved through development orders (24.21 MGD).

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Residential (Scenario 1) development under the current CDMP Land Use designation is estimated at 2,420 gallons per day (gpd)--however the applicant proffered a Declaration of Restrictions prohibiting residential development on the property. The maximum water demand for Business (Scenario 1) under the Requested CDMP Land Use designations, including acceptance of the proffered Declaration of Restrictions, is estimated at 3,258 gpd. This represents an increase of up to 838 gpd over the demand under the current CDMP land use designations. A Water Supply Certification Letter will be required at the time of development, at which time the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

Estimated Water Demand/Sewer Flow  
For Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami- Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential				
1	Residential	11 units	220 gpd	2,420 gpd
Requested CDMP Designation				
1	Business	32,582 sq. ft. retail	10 gpd/100 sq. ft.	3,258 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; July 2015

Water System Connectivity:

Application No. 2 is located within the MDWASD franchised service area. The proposed land use would be required to connect to public water pursuant to Chapter 24 of the Code. There is an existing 12-inch water main in SW 56 Street abutting the property to the north, to which the developer may connect to provide service to the property. Any public water main extensions 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 within the property, then the water system shall be looped with two points of connection. At this time, there are no planned projects within close proximity to this application site.

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 District 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 can treat up to 375.5 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional wastewater treatment system is equivalent to 368.14 MGD. The available capacity is calculated by subtracting the annual average flow (307.73 MGD) for the preceding 5 years and the capacity reserved for development orders (31.07 MGD) from the system capacity (368.14 MGD). Therefore, the available wastewater treatment plant capacity is 29.34 MGD.

Sewer System Connectivity:

Application No. 2 is located within the MDWASD franchised service area. The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A(2) of the CDMP. At the time of development, a capacity modeling evaluation may be required.

The proposed land use would be required to connect to public sanitary sewer system pursuant to Chapter 24 of the Code. There is an existing 8-inch sanitary gravity sewer system located within the property and along SW 56 Street to which the developer may connect provided there



is sufficient depth and that there are no obstacles which would preclude construction of the sewer system. Any proposed sanitary sewer extension shall be 8-inch minimum. The gravity main inside the property discharges the sewage flow to pump station 30-0629, then to either pump station 30-0559 or 30-0536 and then to the South District Wastewater Treatment Plant. The aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department; in addition, they are currently working within the mandated criteria set forth in the Consent Decree Case: NO. 1:12-cv-24400-FAM, effective Dec 6, 2013.

## **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 efforts 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 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 a 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 2014-2015, the PWWM is in compliance with the adopted LOS standard.

### Application Impacts

The application requests the re-designation of the application site from "Low-Density Residential" to "Business and Office" on the Adopted 2020 and 2030 LUP map. Per Chapter 15 of the County Code, the PWWM does not actively compete for non-residential waste collection such as multi-family, commercial, business, office, and industrial services at this time; therefore 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 objection to the proposed amendment.

## **Parks**

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application is located inside Park Benefit District 2 (PBD2), which generally encompasses the area of the County between SW 8<sup>th</sup> Street and SW 184<sup>th</sup> Street.

### Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in Miami-Dade County. The 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 of

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, PBD2 has a surplus capacity of 491.32 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of location recreation open space for 1,000 persons in UMSA.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site; nine parks (Blue Lakes, Boys & Girls Club of Miami, Brothers to the Rescue Memorial, Concord, Continental, Coral Estates, Rockway, Snapper Creek, and Tropical Estates) are larger than the required five acre park.

County Local Parks Within a 3-Mile Radius of Application Site		
Park Name	Acreage	Classification
Banyan Park	3.09	NEIGHBORHOOD PARK
Blue Lakes Park	6.4	NEIGHBORHOOD PARK
Boys & Girls Club of Miami – Kendall Unit	22.87	COMMUNITY PARK
Brother to the Rescue Memorial Park	6.75	SINGLE PURPOSE PARK
Cherry Grove Park	1.43	NEIGHBORHOOD PARK
Concord Park	8.86	NEIGHBORHOOD PARK
Continental Park	17.2	COMMUNITY PARK
Coral Estates Park	5.26	COMMUNITY PARK
Coral Villas Park	0.36	MINI-PARK
Francisco Human Rights Park	2.88	MINI-PARK
Humble Mini Park	0.48	MINI-PARK
Kendale Park	3.86	NEIGHBORHOOD PARK
Kendalwood Park	2.71	NEIGHBORHOOD PARK
Miller Drive Park	3.93	COMMUNITY PARK
Rockway Park	5.01	COMMUNITY PARK
Snapper Creek Park	5.62	NEIGHBORHOOD PARK
Sudlow Park	0.94	MINI-PARK
Sunkist Park	0.57	NEIGHBORHOOD PARK
Sunset Park	3.81	NEIGHBORHOOD PARK
Tropical Estates Park	9.08	COMMUNITY PARK
Westwood Park	4.33	COMMUNITY PARK

Source: Miami-Dade County Parks, Recreation and Open Space Department, July 2015.

#### Application Impacts

The potential development of the site under the existing CDMP land use designation has a potential population of 35, resulting in an impact of .10 acres based on the Minimum Level of Service standard for the provision of local recreation open space. The potential for residential development under the proposed land use designation is estimated at 24 single-family dwelling units with an estimated population of 77. The concurrency analysis for this scenario results in an impact of 0.21 acres based on the minimum Level of Service standard for the provision of local recreation open space. This would lower the concurrency LOS from 491.32 acres to 491.11 but still above the adopted minimum LOS standard. However, if developed in accordance with the

applicant's covenant as a non-residential use, then there would be no increase in population and there would be no additional impact to the Level of Service for local recreation open space.

### **Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 13 (East Kendall), located at 6000 SW 87<sup>th</sup> Avenue, in close proximity to the application site. The station is equipped with an Aerial totaling four (4) 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 5:19 minutes. 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 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 per 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 the "Business and Office" CDMP designation. Presently, there are no fire flow deficiencies in the vicinity of the application site.

The current CDMP land use designation of "Low Density Residential" will allow a potential development on the application site that is anticipated to generate approximately three (3) annual alarms. The proposed CDMP land use designation of "Business and Office" is anticipated to generate approximately 10 annual alarms, and would result in a minimal impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. However, in an effort to further enhance fire-rescue service, MDRF is searching for a suitable parcel of land in the vicinity of Bird Road/SW 40 Street and the Florida Turnpike to construct a new fire station.

### **Public Schools**

The applicant proffered a Declaration of Restrictions that would prohibit residential development on the application site, should the application be approved with acceptance of the proffered Declaration of Restrictions. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed (see Applicant's Proffered Declaration of Restrictions on Appendix page 21).

### **Roadways**

The application site is a ±1.87 acre property located at the southeast corner of the intersection of SW 56 Street (Miller Drive) and SW 89 Avenue. SW 56 Street/Miller Drive is a four-lane divided County Minor Arterial roadway, which provides the only direct access to the application site. SW 56 Street/Miller Drive provides connectivity to the east to SR 97/SW 87 Avenue and SR 826/Palmetto Expressway and in the west to SW 97 Avenue and to SR 985/SW 107 Avenue, which provides access to other areas of the County.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters “A” through “F”, with A generally representing the most favorable driving conditions and F representing the least favorable.

#### Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2014) and the County (Year 2014), are operating at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.

#### Trip Generation

Currently, the application site is improved with a 9,527 sq. ft. building which houses a 275-seat restaurant. The existing restaurant is estimated to generate approximately 46 PM peak hour vehicle trips. The applicant proffered a Declaration of Restrictions indicating that there will not be any residential development on the application site; therefore, only one potential development scenario under the requested “Business and Office” land use designation was analyzed for traffic impacts. This development scenario assumes the application site developed with 32,582 sq. ft. of retail space, which is estimated to generate approximately 130 PM peak hour vehicle trips, or 84 more PM peak hour vehicle trips than the existing development. See “Estimated PM Peak Hour Trip Generation” table below.

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

Application No. 2	Current CDMP Designation <sup>1</sup> and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation <sup>2</sup> and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Scenario 1	“Low Density Residential (2.5-6 DU/Ac)” <sup>1</sup> / 275 seats	“Business and Office” 32,582 sq. ft. retail <sup>2</sup> /	
	46	130	+ 84

Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012; Miami-Dade County Department of Regulatory and Economic Resources, July 2015.

Notes: <sup>1</sup> Currently, the application site is developed with a commercial restaurant with a seating capacity of 275.

<sup>2</sup> The applicant proffered a Declaration of Restrictions indicating that there will not be any residential development on the property. Under the requested CDMP land use designation the application site is assumed to be developed with 32,582 sq. feet of retail space (Scenario 1).

#### Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of July 2015, 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 2016 *Transportation Improvement Program* (TIP), and the PM peak hour trips estimated to be generated by the application under the requested “Business and Office” LUP map designation, determined that all roadways—adjacent to and in the vicinity of the application site—that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the potential commercial development that could be built on the application site and are projected to operate at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.

Traffic Impact Analysis on Roadways Serving the Amendment Site  
Roadway Lanes, Existing and Concurrency PM 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	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
<b>Scenario 1: "Business and Office" - 32,582 sq. ft. retail</b>													
9700	SW 97 Avenue	SW 40 St. to SW 56 St.	2 DV	D	1010	1003	C	4	1007	C	20	1027	D
9702	SW 97 Avenue	SW 56 St. to SW 72 St.	2 DV	D	1190	870	B	10	880	B	19	899	B
41	SW 87 Avenue	SW 40 St. to SW 56 St.	4 DV	E	3580	1821	C	3	1824	C	25	1849	C
1075	SW 87 Avenue	SW 56 St. to SW 72 St.	4 DV	E	3580	1992	C	0	1992	C	10	2002	C
74	SW 40 Street	SW 107 Ave. to SW 97 Ave.	6 DV	E	5390	3073	C	2	3075	C	9	3084	C
9266	SW 56 Street	SW 107 Ave. to SW 97 Ave.	4 DV	D	3860	2360	B	9	2369	B	19	2388	B
9264	SW 56 Street	SW 97 Ave. to SW 87 Ave.	4 DV	D	5350	2687	B	0	2687	B	38	2725	B

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources, July 2015.

Notes: DV= Divided Roadway.

\* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity) for roadways located within the Urban Development Boundary and the Urban Infill Area and with no transit service or with mass transit having 30 minutes or more headways.

Scenario 1: The applicant proffered a Declaration of Restrictions indicating that there will not be residential development on the application site. Therefore, under the requested CDMP land use designation the application site is assumed to be developed with 32,582 sq. feet of retail space (Scenario 1).

### Application Impact

The “Estimated PM Peak Hour Trip Generation” table above shows the number of PM peak hour vehicle trips expected to be generated by the 32,582 sq. ft. shopping center (Scenario 1) that could be developed under the requested “Business and Office” land use designation and the PM peak hour vehicle trips estimated to be generated by the 275-seat restaurant currently housed on the application site. The potential commercial development (shopping center) is estimated to generate approximately 130 PM peak hour vehicle trips, or 84 more PM peak hour vehicle trips than the existing development (restaurant). See “Estimated PM Peak Hour Trip Generation” table above. In summary, the traffic impact analysis performed indicates that the roadways adjacent to and in the vicinity of the application site that were analyzed have enough capacity to handle the additional traffic that would be generated by this application if approved and redeveloped with a 32,582 sq. ft. shopping center.

## **Transit**

### Existing Service

The north side of the application site contains an existing bus stop for Metrobus Route 56, and the service frequency of this route is shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary

Routes	Service Headways (in minutes)					Proximity to Bus Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday			
56	40	60	n/a	n/a	n/a	0	0	L

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Notes: L means Metrobus Local route service; 0 means there is a transit stop located on the application site.

### Future Conditions

The draft 2015 *Transit Development Plan* does not identify any improvements to the existing Metrobus service for the next ten years.

### Major Transit Projects

There are no future major transit projects within the vicinity of the application site.

Based on the CDMP threshold for traffic and/or transit service objectives within a ½ mile distance; the estimated operating or capital costs of maintaining the existing bus service is not associated with this application.

### Application Impacts

A preliminary analysis performed in the Traffic Analysis Zone (TAZ) 862, where the application site is located, indicates that if the application is approved, no transit impact would be generated by this application.

## **Aviation**

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.



## **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-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-7. Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services.
- 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.
- 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

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Appendix A: Amendment Application.....	3
Appendix B: Miami-Dade County Public Schools Analysis .....	17
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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**

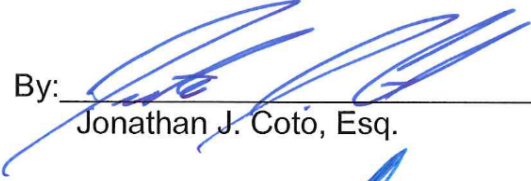
1. APPLICANT

TEPA PROPERTIES LLC  
c/o Gerardo Arquero-Pereda  
9411 S.W. 112 St  
Miami, Florida 33176

2. APPLICANT'S REPRESENTATIVE

Jonathan J. Coto, Esq.  
René J. García, Jr. Esq.  
Coto Garcia PLLC  
141 Sevilla Avenue  
Coral Gables, Florida 33134

2015 MAY 29 P 3:47  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

By:  \_\_\_\_\_  
Jonathan J. Coto, Esq.

05-29-15  
Date

By:  \_\_\_\_\_  
René J. García, Jr. Esq.

5/29/15  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Changes to the Land Use Plan Map.

Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Low Density Residential" to "Business and Office"

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

The Property contains approximately  $\pm 2.46$  gross acres ( $\pm 1.87$  net acres) and is located on the southeast corner of the intersection of SW 89<sup>th</sup> Avenue and SW 56<sup>th</sup> Street in Section 28 Township 54, Range 40, according to the Plat thereof, as recorded in Plat Book 90, at Page 82, of the Public Records of Miami-Dade County, Florida. The Property is more specifically described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area:  $\pm$  2.46 gross acres ( $\pm$  1.87 net acres)

Acreage Owned by Applicant  $\pm$  1.87 net acres.

D. Requested Change.

- i. It is requested that the application area be re-designated on the Land Use Plan map from "Low Density Residential" to "Business and Office."
- ii. It is also requested that this application be processed as a Small-Scale Amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Applicant requests the Property be re-designated from "Low Density Residential" to "Business and Office" on the Land Use Plan (LUP) Map of the Miami-Dade County Comprehensive Development Master Plan. The proposed amendment is requested to revise a designation existing on the Property predating the enactment of the Comprehensive Development Master Plan.

The Property enjoys direct frontage on one major roadway, SW 56<sup>th</sup> Street, and is located one block west of another major roadway, SW 87<sup>th</sup> Ave. Despite the Property being designated "Low Density Residential," a restaurant has lawfully operated under BU-1A zoning since 1975. The Property's continuous permissible commercial use, in conjunction with its proximity to a major intersection warrants re-designation of the Property to "Business and Office."

The proposed amendment is in-line with the Comprehensive Development Master Plan's Goals, Objectives and Policies of balancing the conservation of land and natural resources with encouraging sufficient development to accommodate the needs of the community. The existing use of the Property as a restaurant is currently compatible with the community, therefore, in accordance with the CDMP's elements of preservation and sustainability. The community will continue to benefit from the existing commercial use of the Property, without depleting any land presently used for residential use or re-directing resources away from the community. To that end, approval of the re-designation from "Low Density Residential" to "Business and Office" will be strictly consistent with the Comprehensive Development Master Plan.

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses.

Any concerns as to access, traffic, and connection to the Property are mitigated by its proximity to existing major thoroughfares (SW 87<sup>th</sup> Avenue and SW 56<sup>th</sup> Street) and by its position on existing county bus routes, which link to county's Metrorail network. The Property is effectively linked to already existing mass traffic-transit corridors and infrastructure, while simultaneously synced with existing public transit framework.

As such, the Applicant considers an approval of this application a judicious and appropriate correction to the Land Use Plan map of the Miami-Dade County Comprehensive Development Master Plan while reducing the stress placed on existing commercial services to the community due to the dearth of said services.

**LAND USE OBJECTIVE 1:** The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

**LAND USE POLICY 1G:** Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. □

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

**LAND USE POLICY 8B:** Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations. □

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

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

## 5. ADDITIONAL MATERS SUBMITTED

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

## 6. COMPLETE DISCLOSURE FORMS

Attached as Exhibit "C"

Attachments:

Legal Descriptions of the Property  
Location Map for Application  
Disclosure of Interest  
Certified Survey

– Exhibit "A"  
– Exhibit "B"  
– Exhibit "C"  
– Exhibit "D"

## **Exhibit "A"**

### **Legal Descriptions of the Property**

A portion of Tract "B" of HIDDEN VALLEY, according to the plat thereof recorded in the Plat Book 90, at Page 82, of the Public Records of Dade County, Florida, being particularly described as follows:

Commence at the Northeast corner of said Tract "B"; thence Run S89°36'00"W along the North line of said Tract "B" for 140.00 feet to the Point of Beginning of the parcel herein described; thence from the above established Point of Beginning run S00°03'15"W for 150.01 feet; thence S89°36'00"W for 103.56 feet; thence S00°24'00"E for 65.00 Feet; thence S89°36'00"W for 115.00 feet; thence N00 ° 24'00"W for 65.00 feet; thence S89°36'00"W for 275.00 feet to a point of boundary line of said Tract "B"; thence run the following courses and distances along the said boundary line of Tract "B": N00°02'10"E for 125.19 feet to a point of curvature of a circular curve to the right; thence to the right along said curve having for its elements a radius of 25.00 feet and a central angle of 89°33'50" for an arc distance of 39.08 feet to the point of tangency; thence N89°36'00"E for 468.80 feet to the Point of Beginning.

Folio No. 30-4028-023-0020

## Exhibit "B"

### Location Map for Application

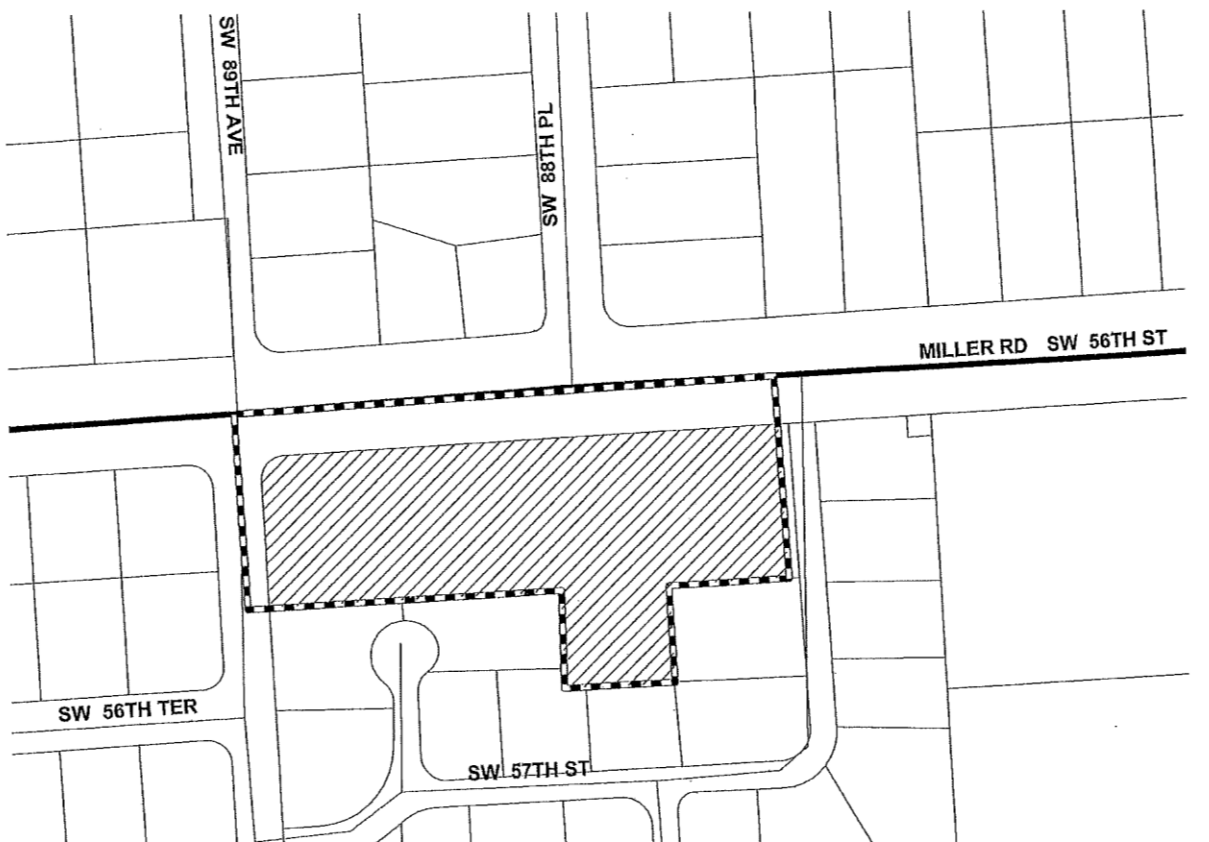
#### Applicant

Tepa Properties LLC

#### Description of Subject Area

The Property contains approximately  $\pm$  2.46 gross acres ( $\pm$  1.87 net acres) and is located on the southeast corner of the intersection of SW 89<sup>th</sup> Avenue and SW 56<sup>th</sup> Street in Section 28 Township 54, Range 40, according to the Plat thereof, as recorded in Plat Book 90, at Page 82, of the Public Records of Miami-Dade County, Florida. The Property is more specifically described in Exhibit "A" to this application.

#### Location Map





## 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: Tepa Properties, LLC, a Florida Limited Liability Company

APPLICANT B: \_\_\_\_\_

APPLICANT C: \_\_\_\_\_

APPLICANT D: \_\_\_\_\_

APPLICANT E: \_\_\_\_\_

APPLICANT F: \_\_\_\_\_

APPLICANT G: \_\_\_\_\_

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	ACRES
A	Tepa Properties, LLC.	30-4028-023-0020	+/- 1.87net

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

APPLICANT	OWNER	LESSEE	CONTRACT FOR PURCHASE OTHER
A	X		*

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate

sections and indicate N/A for each section that is not applicable.

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

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
N/A	*

- 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: Tepa Properties, LLC.

NAME, ADDRESS, OFFICE (if applicable)	PERCENTAGE OF STOCK
---------------------------------------	---------------------

\*\*\*Please see Attached "Disclosure of Interest for Tepa Properties LLC"\*\*\*


- 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: N/A \*

BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
--------------------------------	------------------------

N/A	*

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


TEPA PROPERTIES LLC

BY: \_\_\_\_\_

PRINT NAME: GERARDO ARQUEZO

TITLE: MANAGER

Sworn to and subscribed before me ☐ this 29 day of May, 2015

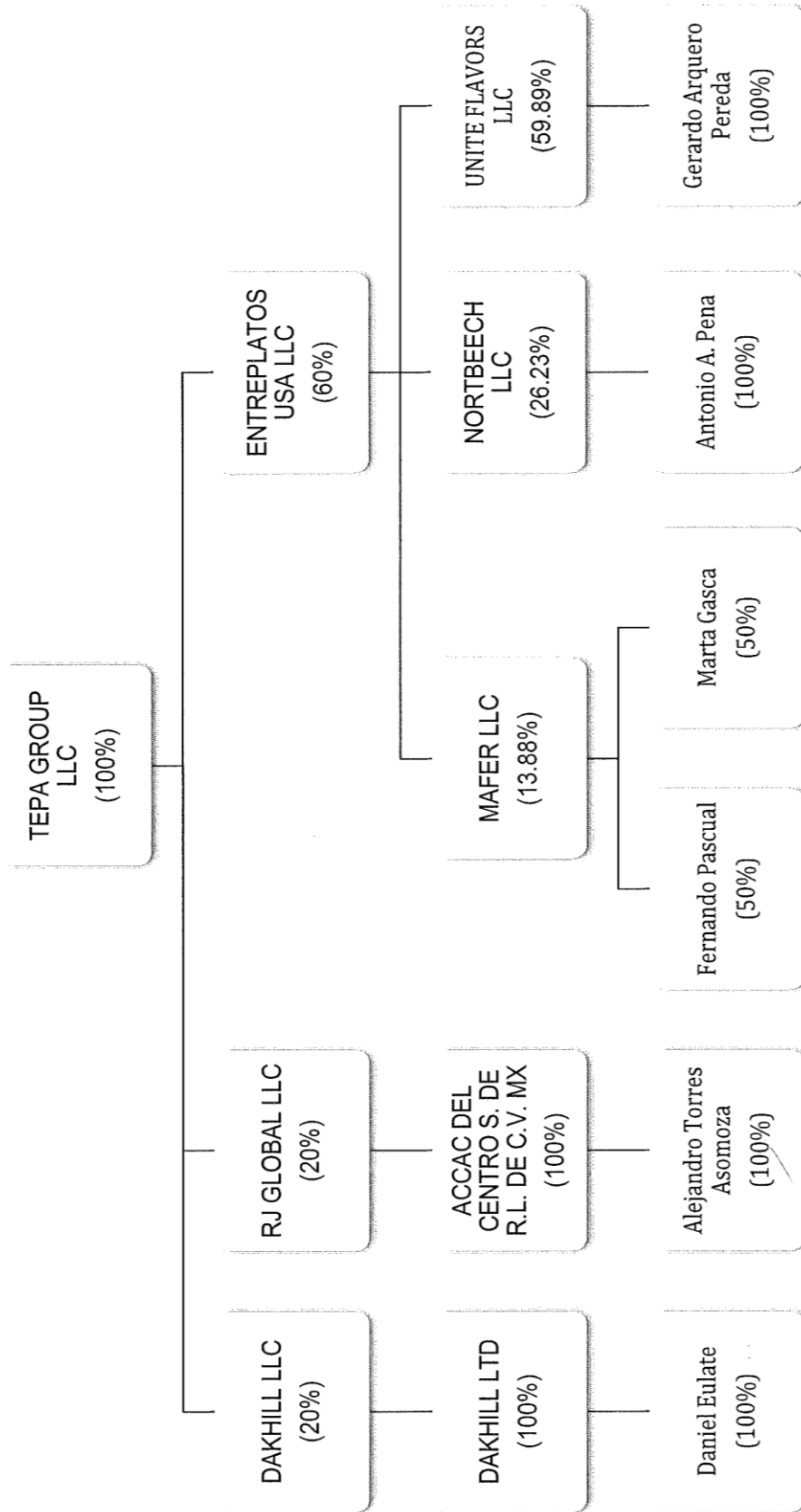
  
\_\_\_\_\_  
Notary Public, State of Florida at Large(SEAL)  
My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are registered on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one 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.



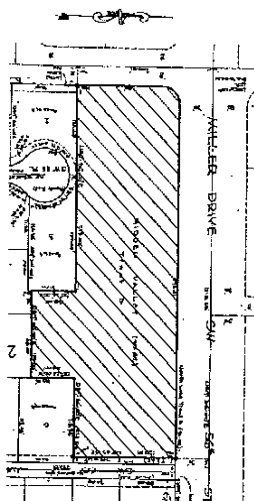
## DISCLOSURE OF INTEREST FOR TEPA PROPERTIES, LLC.



SCALE: 1" = 30'

LOCATION MAP  
SCALE: NTS

SCALE: MTS



**LEGAL DESCRIPTION**  
A PORTION OF LAND  
HIDDEN VALLEY SUBDIVISION  
THEREOF AS RECORDED  
THE PUBLIC RECORDS  
DESCRIBED AS FOLLOWS:

AFORESAID MENTIONED PLAT 90-82, THENCE 585°35'00" ALONG  
 THE NORTHEASTLY LINE OF TRACT "B", BEING 700 FEET  
 SOUTHWEST, RIGHT OF WAY LINE S.W. 34th STREET (WALKER  
 DISTANCE 14,400 FEET TO THE POINT OF BEGINNING,  
 DISTANCE 16,000 FEET BEING 1800 FEET THENCE  
 SOUTHWEST, RIGHT OF WAY LINE S.W. 34th STREET (WALKER  
 DISTANCE 27,600 FEET, THENCE 180°00'00" ALONG  
 A CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A RADIUS  
 OF 20,00 FEET, A CENTER ANGLE OF 89°33'00", AND ARC  
 DISTANCE 39,600 FEET TO A POINT OF TANGENCY, ON THE  
 NORTHEASTLY LINE OF TRACT "B", THENCE 98°36'00" DISTANCE  
 10,000 FEET TO THE POINT OF BEGINNING.

**SURVEYOR'S NOTES**  
**THE PROPERTY DESCRIBED**

[illegible]DATE OF SURVEY APRIL 23, 2013

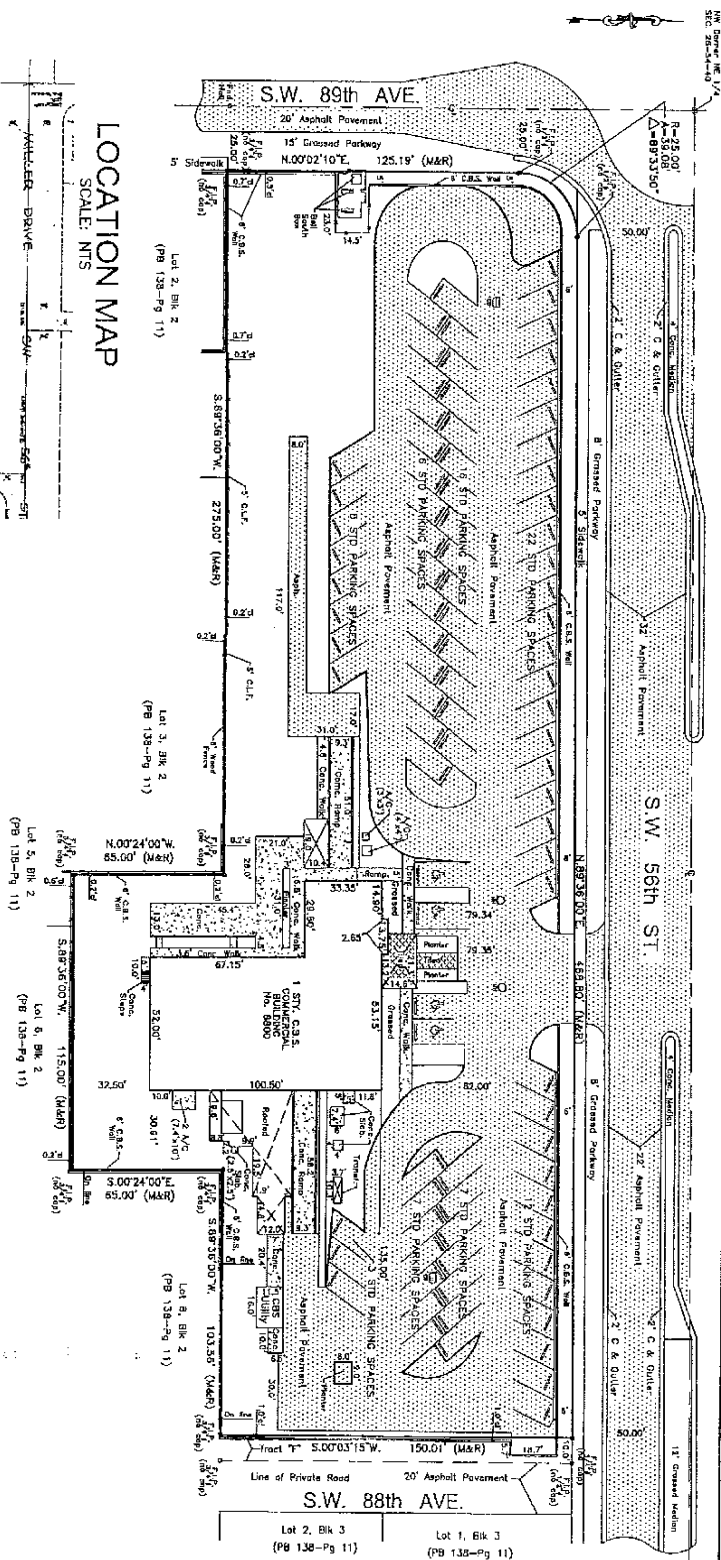
1

**American Services of Miami, Corp.**  
Consulting Engineers . Planners . Surveyors

8360 S.W. 72nd ST, Suite 200

Miami, Florida, 33175  
PH: (305) 308-5171

DATE: APRIL 25, 2013



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# **APPENDIX B**

## **Miami-Dade County Public Schools Analysis**

(No school analysis is required; applicant's proffered Declaration of Restrictions prohibits residential development)

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# **APPENDIX C**

## **Applicant's Traffic Impact Report**

Not Required for Small-scale Amendments

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# **APPENDIX D**

## **Proffered Declaration of Restrictions**

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**This instrument was prepared by:**

Jonathan J. Coto, Esq.  
Coto Garcia PLLC  
5975 Sunset Drive, Suite 604  
South Miami, Florida 33134 4

2015 JUN 23 A 11: 35

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

\_\_\_\_\_(Space reserved for Clerk)\_\_\_\_\_

**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during 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. There will not be any residential uses on the Property.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami- Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration 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 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 agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**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 the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification 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 that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications 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 the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. In the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration 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.

**County Inspections.** As further part of this Declaration, 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 or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Authorization for Miami-Dade County (or successor municipality) to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.



**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.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.

**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.

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration 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 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 is null and void and of no further effect.

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

**Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

*Signature on the following page*

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

TEPA PROPERTIES LLC  
A Florida Limited Liability Company

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_, as identification.

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

\_\_\_\_\_  
Print Name

My Commission Expires:

# **APPENDIX E**

## **Fiscal Impact Analysis**

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

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 2 of the May 2015 Cycle Applications to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property 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 2014-2015.

#### 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.

#### 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 the system users. For FY 2014-2015, the PWWM charges at a contract disposal rate of \$66.34 per ton to PWWM Collections and to those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$87.47 per ton in FY 2014-2015. 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 \$1.3766 per 1,000 gallons for water and \$1.7267 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate a ±1.87-acre application site from “Low Density Residential (2.5-6 du/Ac)” to “Business and Office”, which would allow a maximum of 24 single-family attached residential units or 32,582 square feet of retail uses. If the application site is developed as requested with 32,582 square feet of office uses and with no residential units in accordance with the applicant’s proffered covenant, the water connection charges/impact fees would be \$4,529 and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees would be \$18,246 and the annual operating and maintenance costs would total \$3,691. Alternatively, if the application site is developed with 24 single-family attached residential units, the water connection charges/impact fees would be \$6,005 and water service line and meter connection fees would cost \$1,300. The sewer connection charges/impact fees for the residential land use would be \$24,192 and the annual operating and maintenance costs would total \$4,893. The estimated cost of installing the 12-inch water main for maximum development to connect to the County’s regional water system is estimated at \$13,500. The estimated cost for connecting to the regional water and sewer system for the 8-inch sanitary gravity sewer main is \$12,710. The total potential cost for connecting to the regional water and sewer system including engineering fees (10%) and contingency fees (15%) is estimated at \$33,156.

## **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**

The applicant's proffered Declaration of Restrictions prohibits residential development on the application site. Therefore no impacts on Miami-Dade County public schools would result from the development of the application as requested.

### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department (MDFR) indicates that fire and rescue service in the vicinity of the subject application is adequate, and MDFR is searching for a suitable parcel of land in the vicinity of Bird Road/SW 40 Street and the Florida Turnpike to construct a new fire station.

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# **APPENDIX F**

## **Photos of Site and Surroundings**

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Application site viewed from Miller Drive/SW 56 Street looking southwest



Galloway and Miller Estates residential community on SW 88 Avenue, east of application site





Looking eastward on SW 56 Street, in front of application site, with residences in background



Covington residential community across from application site on north side of SW 56 Street