

<div><h1>Application No. 3</h1><div>Commission District 9 Community Council 14</div></div>

APPLICATION SUMMARY

Applicant/Representative:	Eureka Development and Construction, LLC/Ben Fernandez, Esq.
Location:	Northeast corner of SW 184 Street/Eureka Drive and east of SW 110 Avenue
Total Acreage:	±2.41 gross/2.03 net acres
Current Land Use Plan Map Designation:	"Low-Medium Density Residential (6 to 13 dwelling units per gross acre)"
Requested Land Use Plan Map Designation and other changes:	"Low-Medium Density Residential (6 to 13 DU/Ac - with One Density Increase with Urban Design [DI-1])"
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	RU-3M/vacant

RECOMMENDATIONS

Staff:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (September 2017)
Redland Community Council (14):	TO BE DETERMINED (November 1, 2017)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	TO BE DETERMINED (November 6, 2017)
Final Action of Board of County Commissioners:	TO BE DETERMINED (November 8, 2017)

Staff recommends **ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020 and 2030 Land Use Plan (LUP) map to redesignate the ±2.41 gross/2.03 net acre application site from “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” to “Low-Medium Density Residential with the One Density Increase with Urban Design [DI-1]” overlay designation for the following reasons:

Principal Reasons for Recommendation:

1. The application proposes infill development of the vacant application site at a density higher than currently allowed on the site through the One Density Increase overlay designation accessible through application of sound urban design principles into the project design, consistent with the CDMP objectives and policies. CDMP Land Use Element Objective LU-1 and Policies LU-1C and LU-10A require the County to give priority to infill development on vacant sites and redevelopment of substandard or underdeveloped environmentally suitable urban areas where urban services and facilities have the capacity to accommodate additional demand. As discussed below in Principal Reason No. 2(ii), public services have the capacity to accommodate the expected additional impacts from the application, if approved, without causing a violation in the adopted level of service standards.

The application site is currently designated on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map as “Low-Medium Density Residential” which allows residential development at densities ranging from 6 to 13 dwelling units per acre (6-13 du/ac). The maximum allowable development on the application site is 31 residential units. The applicant is requesting redesignation of the application site to “Low-Medium Density Residential with One Density Increase with sound urban design (DI-1)”. With the incorporation of sound urban design principles into the project design, the DI-1 overlay designation allows development on the application site at 13 to 25 dwelling units per gross acre, at one density category higher than the underlying “Low-Medium Density Residential” designation, with a maximum of 60 multi-family residential units. If sound urban design principles are not incorporated into the design of development on the property, the application site would then be limited to a maximum of 31 residential units at the density of the underlying “Low-Medium Density Residential” designation.

Additionally, the Applicant has proffered a Declaration of Restrictions (covenant) committing to incorporating sound urban design principles into the design of development on the site including architectural elements and building at a scale compatible with the adjacent religious facilities and residential properties. The covenant also includes commitments to avoiding blank building facades, provides that crosswalks will be delineated and uniform street furniture and lighting standards will be provided to create a pedestrian friendly environment.

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

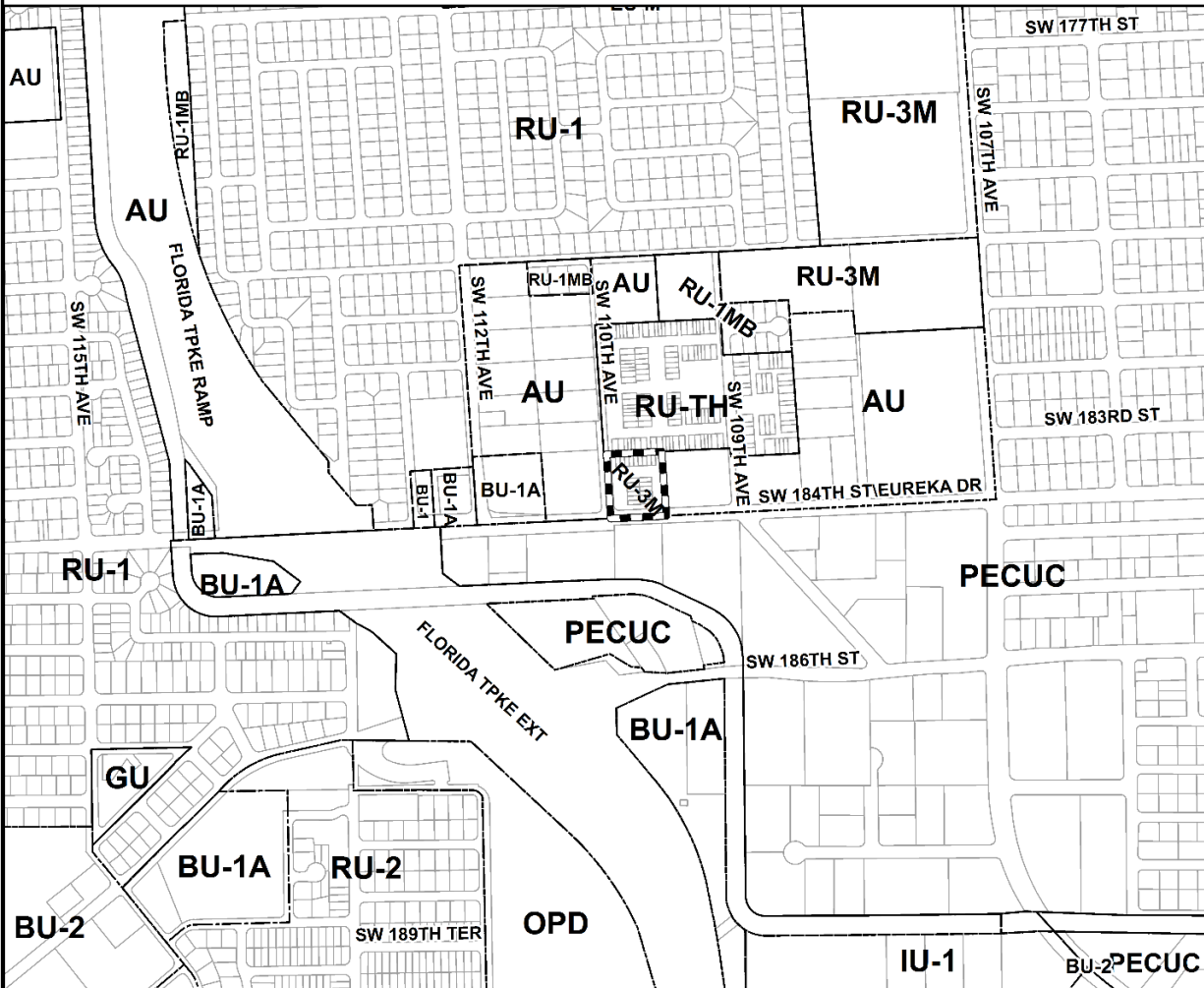
extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.

- i. *Need to Accommodate Population or Economic Growth:* The application, if approved, would increase the capacity of residential land in the analysis area, Minor Statistical Area (MSA) 5.8, where the application site is located. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in 2024 and for multi-family beyond 2030. The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2030. The application, if approved, would increase the residential land capacity by 29 units and thus add approximately 3 months of supply (see Supply and Demand Analysis on page 3-11).
- ii. *Public Facilities and Services.* Approval of the application would be consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not to cause a violation in the adopted level of service standards for public facilities and services. The impacts that would be generated from the allowable potential development on the site (60 multi-family residential units), if the application is approved, would not cause a violation in the level of service standards for public services and facilities.
- iii. *Compatibility:* The requested “Low-Medium Density Residential (6 to 13 DU/Ac) - with One Density Increase with Urban Design [DI-1]” land use designation and the maximum development allowed on the property would be generally compatible with the adjacent religious facilities to the east, northeast and west; and with the Eureka Gardens gated residential community to the north. SW 184 Street serves as a buffer to the business in the shopping plazas south of the application site. The applicant’s proffered covenant commits to the incorporation of sound urban design into any development on the application site to insure compatibility with the adjacent religious facilities and residential properties.
- iv. *Environmental and Historic Resources.* The application, if approved, would not impact any historic or environmental resources. The application site does contain prohibited plant species, which in accordance with Section 24-49.9 of the Code and Policy CON-8I, need to be removed prior to development of the application site. (See “Environmental Conditions” section on page 3-12.)
- v. *Transit Ridership and Pedestrianism.* The application, if approved, and the site developed as proposed by the applicant could support transit ridership and pedestrianism. Metrobus Route 52 serves the application site at 30-minute AM/PM peak service headways, 45-minute off-peak service and 45- and 60-minute headways on Saturdays and Sundays respectively. The closest bus stop is located approximately 271 feet east of the application site along SW 184 Street. The applicant’s proffered covenant includes defined crosswalks, uniform street furniture and lighting standards to create a pedestrian friendly environment. The application site is accessible with sidewalks on SW 184 Street/Eureka Drive.

APPLICATION NO. 3 AERIAL PHOTO



APPLICATION 3 ZONING MAP

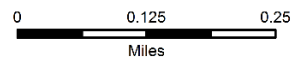


APPLICATION AREA

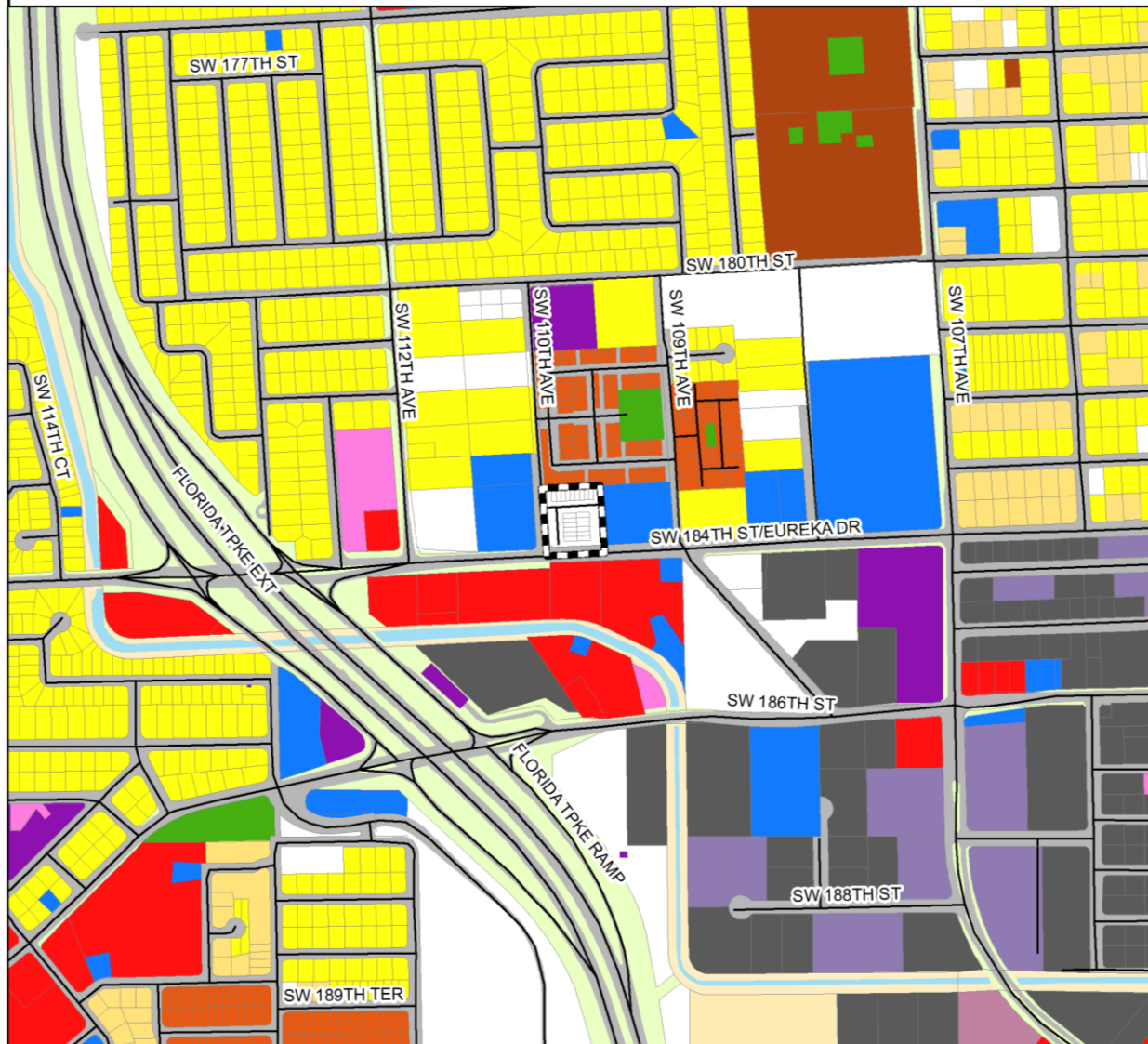
ZONING DISTRICTS

AU	AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
BU-1	BUSINESS DISTRICTS, NEIGHBORHOOD
BU-1A	BUSINESS DISTRICTS, LIMITED
BU-2	BUSINESS DISTRICTS, SPECIAL
GU	INTERIM DISTRICT
IU-1	INDUSTRIAL DISTRICTS, LIGHT MANUFACTURING
OPD	OFFICE PARK DISTRICT
PECUC	PERRINE COMMUNITY URBAN CENTER
RU-1	SINGLE-FAMILY RESIDENTIAL
RU-1MB	MODIFIED SINGLE-FAMILY RESIDENTIAL
RU-2	TWO-FAMILY RESIDENTIAL DISTRICT
RU-3M	MINIMUM APARTMENT HOUSE
RU-TH	TOWNHOUSE

Source: Department of Regulatory and Economic Resources
July 2017



APPLICATION NO. 3 EXISTING LAND USE



Source: Department of Regulatory and Economic Resources
July 2017



APPLICATION AREA

EXISTING LAND USE

- SINGLE-FAMILY
- TWO-FAMILY DUPLEXES
- TOWNHOUSES
- LOW-DENSITY MULTI-FAMILY
- COMMERCIAL, SHOPPING CENTERS
- OFFICE
- INSTITUTIONAL
- INDUSTRIAL
- INDUSTRIAL INTENSIVE, OFFICE TYPE OF USE

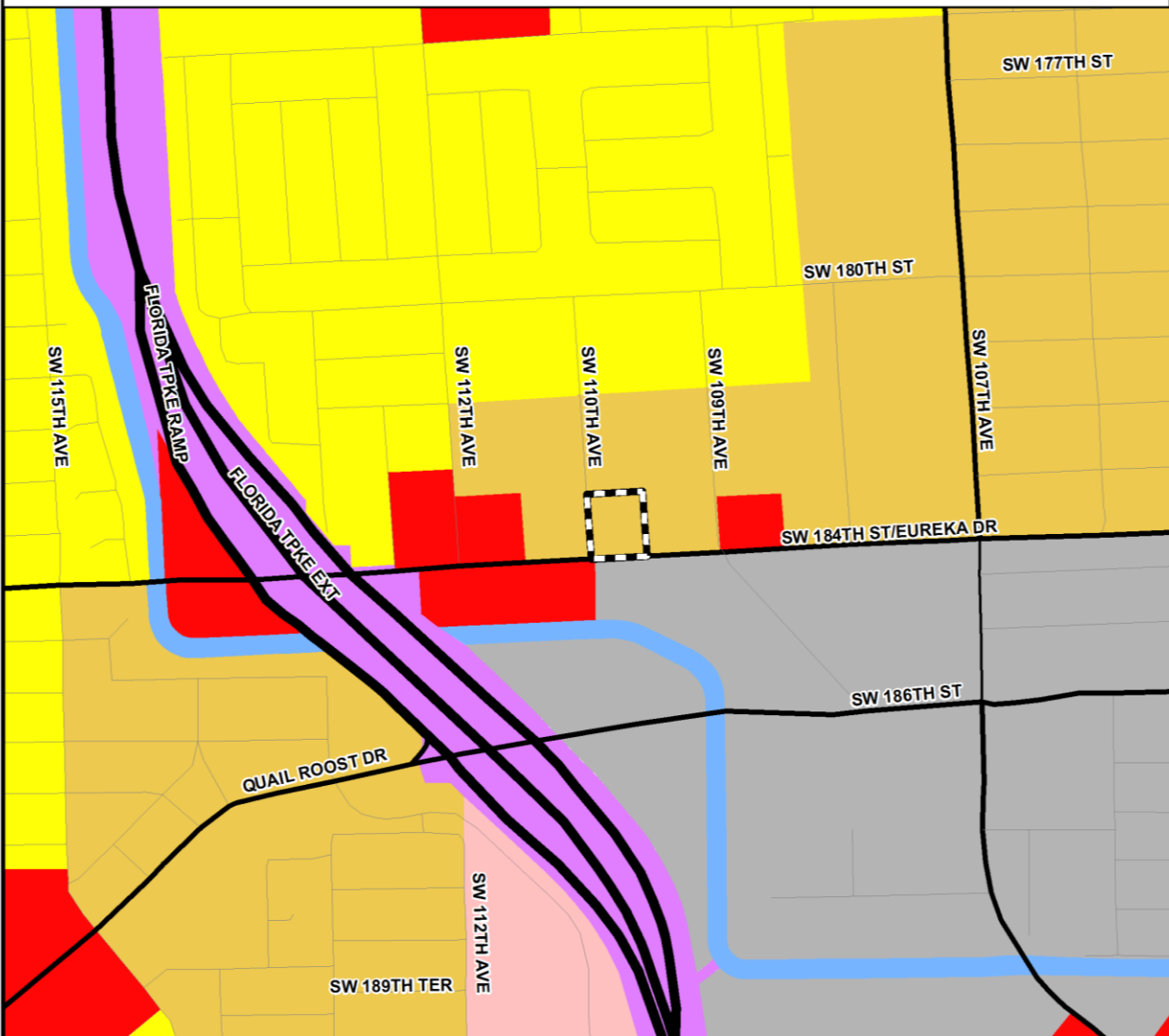
- INDUSTRIAL INTENSIVE, CONDOMINIUM TYPE USE
- COMMUNICATIONS, UTILITIES, TERMINALS
- STREETS, ROADS, EXPRESSWAYS, RAMPS
- STREETS RIGHT OF WAY
- PARKS, PRESERVES, CONSERVATION AREAS
- VACANT GOVERNMENT OWNED, UNPROTECTED
- VACANT PRIVATELY OWNED, UNPROTECTED
- INLAND WATERS
- 2020 URBAN DEVELOPMENT BOUNDARY

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Miles



APPLICATION NO. 3

CDMP LAND USE



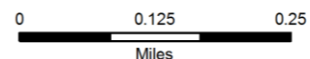
APPLICATION AREA

Source: Department of Regulatory and Economic Resources
July 2017

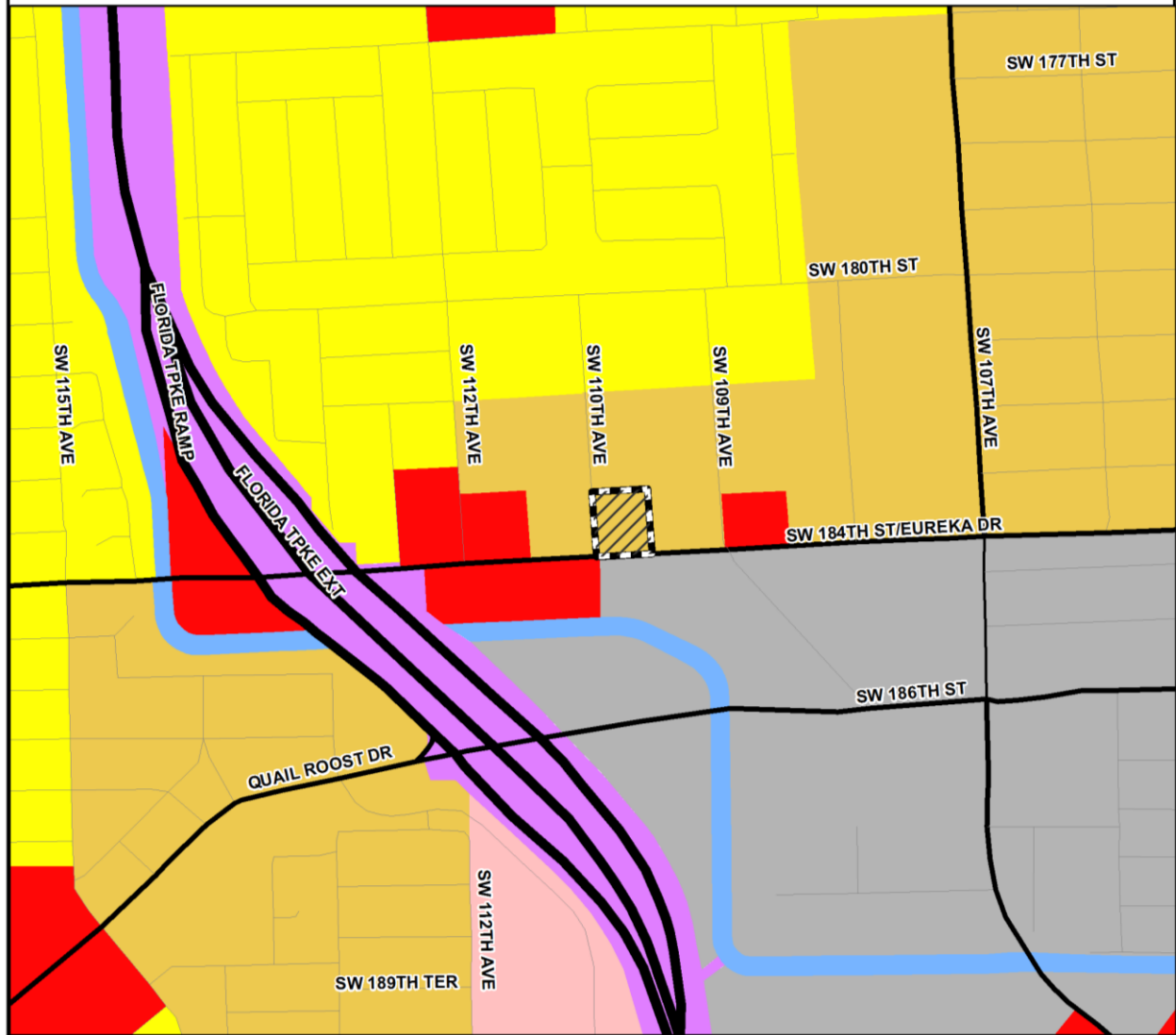
CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

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



APPLICATION NO. 3 PROPOSED CDMP LAND USE



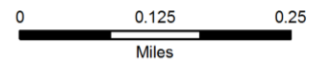
APPLICATION AREA

CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- LOW-MEDIUM DENSITY W/ ONE DENSITY INCREASE 1 (DI-1)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

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

Source: Department of Regulatory and Economic Resources
July 2017



STAFF ANALYSIS

Application Site

Location

The application site is a ±2.41 gross/2.03 net acre property located inside the County's Urban Development Boundary (UDB) on the northeast corner of SW 184 Street/Eureka Drive and east of SW 110 Avenue.

Existing Land Use

The application site is currently vacant and unimproved (see Appendix E: Photos of Site and Surroundings on Appendices Page 37).

Land Use Plan Map Designation/Request

The CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map designates the application site as "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre), see "CDMP Land Use" map on page 3-7. The "Low-Medium Density Residential" land use category allows densities from 6 to 13 dwelling units per gross acre and housing structures typically permitted in this category includes single-family homes, townhouses, and low-rise apartments. Under the current land use designation and if all environmental and zoning requirements are met, the application site could be developed with a maximum potential development of 31 single-family detached residential units.

The applicant requests a redesignation of the application site on the LUP map to "Low-Medium Density Residential with One Density Increase with Urban Design," see "Proposed CDMP Land Use" map on page 3-8. The CDMP Land Use Element text "Density Increase with Urban Design" provides that property with the One Density Increase (DI-1) overlay designation might be developed at one density category higher than the underlying residential density, ranging from 13 to 25 dwelling units per gross acre, in the case of the application site, only if the development incorporates sound design principles (page I-30). If the development does not incorporate good urban design principles, the application site would be limited to the density of the underlying "Low Medium Density Residential (6-13 du/ac)" designation and developed with a maximum of 31 single-family detached residential units. These sound urban design principles are as adopted by County ordinance, contained in the County's Urban Design Manual endorsed by Resolution R-1360-98, or address the urban design concerns contained in another binding instrument such as a Declaration of Restrictions approved by action of the Board of County Commissioners (BCC).

Under the requested "Low-Medium Density Residential with One Density Increase with Urban Design" land use designation and if all environmental and zoning requirements are met, the application site could be developed with a maximum of 60 multi-family residential units.

Proffered Declaration of Restrictions

Additionally, the Applicant has proffered a Declaration of Restrictions (covenant) committing to incorporating sound urban design principles into the design of development on the site including architectural elements and building at a scale compatible with the adjacent religious and residential properties. The covenant also includes commitments to avoiding blank building facades, provides that crosswalks will be delineated and uniform street furniture and lighting standards will be provided to create a pedestrian friendly environment. The covenant also incorporated several water saving measures to be incorporated into the development (see "Proffered Declaration of Restrictions" on Appendix page 21.)

Zoning

The application site is currently zoned RU-3M (Minimum Apartment House District), see “Zoning Map” on page 3-5. The RU-3M zoning allows apartment houses at a density of 12.9 dwelling units per net acre.

The application site has an existing zoning Declaration of Restrictions that limits development to the site plan, depicted as twenty-one two-story townhouses. The site plan was platted and recorded on March 21, 2008 in Official Records Book 167, Page 163. The property was subdivided into twenty-one separate folios. If the LUP map amendment application is approved for the higher density the applicant will need to go through a subsequent rezoning and replatting of the property to implement the higher density.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. According to County zoning records, the application site was initially zoned AU (Agricultural District). The application site was part of a larger property under a Unity of Title that included the adjacent property to the east, and both parcels were the subject of a special exception and unusual use approval on September 7, 2004 by Community Council Zoning Appeals Board 14 (CZAB) through Resolution No. CZAB-14-28-04 that permitted a religious facility and day care center on the parcel to the east and allowed the application site to be of less acreage than allowed under the AU zoning. On October 17, 2005 CZAB 14 adopted Resolution No. CZAB14-40-05 from AU to its present zoning of RU-3M, with acceptance of a proffered Declaration of Restrictions that the property shall be developed in accordance with the site plan for “Eureka Point Townhouses”. The Declaration of Restrictions was recorded on November 30, 2005 in Official Records Book No. 23999 Pages 4960-4965.

Adjacent Land Use and Zoning

Existing Land Uses

Adjacent to the north and northeast of the application site is the Eureka Gardens gated community containing one- and two-story townhouses. Adjacent east of the application site is the True Deliverance Church of Christ property, with an additional structure under construction. Further east of SW 109 Avenue is a single-family residence, a childcare facility and the Iglesia De Dios Pentecostal facility. To the south and southeast of the application site across SW 184 Street are the Seastone and Seastone II Shopping Plazas which includes facilities such as the MedCare medical center, Little Big Planet child care, Liberty tax center, Eureka food store, and UniVista insurance company. To the southwest of the application site is the Silver Slipper Plaza that includes a Subway, DaVista Dialysis Center, and a Beauty Supply establishment, and further southwest is a RaceTrac gas station. Adjacent to the west of the application site is the South Miami Heights Church of the Nazarene and a childcare facility, and further west beyond SW 112 Avenue are a gasoline station, office buildings, and single-family residences adjacent to the Homestead Extension of the Florida Turnpike (HEFT) traffic ramps. Northwest of the application site is the Hope Deliverance Tabernacle religious facility (see “Photos of Site and Surrounding” on Appendices page 37).

Land Use Plan Map Designations

The Eureka Gardens residential community located north and northeast and the religious facility adjacent to the east of the application site are designated “Low-Medium Density Residential” on

the LUP map. Further east properties are designated “Business and Office” and “Low-Medium Density Residential.” Southeast and south of the application site the Seastone and Seastone II shopping plazas are designated “Industrial and Office.” The Silver Slipper Plaza southwest of the application site is designated “Business and Office”, with the HEFT designated as “Transportation.” The religious facility adjacent west of the application site is designated “Low-Medium Density Residential,” and further west properties are designated “Business and Office.” The religious facility northwest of the application site is designated “Low-Medium Density Residential.” (See “CDMP Land Use” map on page 3-7).

Zoning

The Eureka Gardens community to the north and northeast is zoned RU-TH (Townhouse District, 8.5 units/net acre). The religious facility adjacent to the east and properties further east to SW 107 Avenue are zoned AU (Agricultural District). Properties to the south, southeast, and southwest of the application site across SW 184 Street are zoned PECUC (Perrine Community Urban Center District), generally a mixed-use district that permits residential, businesses, offices, and civic uses, among others. The religious facility west of the application site is zoned AU (Agricultural District), the daycare and gas station fronting SW 112 Avenue are zoned BU-1A (Business District limited), BU-1 (Business Districts, neighborhood) and residential properties further west zoned RU-1 (Single-Family Residential). The religious facility northwest of the application site is zoned AU (Agricultural District). (See “Zoning Map” on page 3-5.)

Supply and Demand Analysis

The capacity of the 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 Application No. 3, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.8) in 2017 was estimated to have a capacity for 1,249 dwelling units, with about 54 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 83 units per year in the 2017-2020 period to 106 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in 2024 and for multi-family beyond 2030 (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 2030.

Residential Land Supply/Demand Analysis
2015 to 2030: Application 3 (MSA 5.8)

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 2017	578	671	1,249
DEMAND 2015-2020	71	12	83
CAPACITY IN 2020	294	635	1,000
DEMAND 2020-2025	78	13	91
CAPACITY IN 2025	0	570	545
DEMAND 2025-2030	91	15	106
CAPACITY IN 2030	0	495	15
DEPLETION YEAR	2024	2030+	2030

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 and Economic Analysis Section, July 2017.

The "Residential Land Supply/Demand Analysis" table above addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. Given the existing capacity in the Analysis Area, this application, if approved, will not have a significant impact on the supply of single or multi-family units and will not have a significant impact on the depletion year. If the application was approved, the residential supply is projected to increase by 29 residential units and increasing the supply by approximately 3 months.

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	9 feet
Geodetic Vertical Datum (NGVD)	

Biological Conditions

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

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	No DERM records

Pollution Remediation

There are no DERM records of current or historical contamination issues on the property or on sites directly abutting the property.

Drainage and Flood Protection

Any proposed development with more than 2.0 acres of impervious area within the subject property will require a DERM Surface Water Management Standard Permit for the construction and operation of the required surface water management system. The permit must be obtained prior to development of the site, final plat, and/or prior to obtaining of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting.

The subject property is located within Zone X in FEMA Flood Insurance Rate Maps (FIRM). 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 9 feet NGVD or County Flood Criteria.

For construction of habitable structures within the subject application, the Lowest Floor Elevation requirement shall be the highest elevation in NGVD of the following references:

- Average crown of road fronting the property, plus 8 inches for residential, or plus 4 inches for commercial.
- County Flood Criteria 9 feet NGVD, plus 8 inches for residential, or plus 4 inches for commercial.
- Elevation of the back of the sidewalk (if any) fronting the property, plus 8 inches for residential, or plus 4 inches for commercial.
- The stage generated by retention on-site of the 100-year rainfall event according to stage-storage calculations must be equal or less than the Base Flood Elevation.

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.

Natural Resources

A DERM review of the subject property does not indicate the presence of tree resources, but the site does contain prohibited species. In accordance with Section 24-49.9 of the Code and CON-8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

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.

Water and Sewer

Water Treatment Plant Capacity

The County's adopted LOS standard for potable water treatment facilities requires that the regional water treatment system, consisting of MDWASD Hialeah Reverse Osmosis, 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 rated treatment capacity of the Miami-Dade Water and Sewer Department regional water treatment system is 449.74 million gallons per day (MGD). To maintain sufficient capacity in accordance with the level of service standard outlined in CDMP Policy WS-2A, the regional system 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. Therefore, the total available water treatment plant capacity based on CDMP Policy WS-2A is 72.89 MGD. This is calculated using the available plant capacity (449.74 MGD), subtracting 102% of the maximum day flow (346.61 MGD) and subtracting the water that is reserved through development orders (30.24 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 development (Scenario 1) under the current CDMP Land Use designation is estimated at 5,580 gallons per day (gpd). The maximum water demand for residential development (Scenario 1) under the Requested CDMP Land Use designation is estimated at 9,000 gpd. This represents an increase of up to 3,420 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	Townhouse	31 units	180gpd/unit	5,580 gpd
Requested CDMP Designation				
1	Multi-family	60 units	150gpd/unit	9,000 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; July 2017

Water Supply and Connectivity:

Application No. 3 is located within the MDWASD franchised water service area. The source of potable water for this area is the Alexander Orr Water Treatment Plant which is owned and operated by MDWASD. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the County's CDMP. The plant is presently producing water that meets Federal, State, and County drinking water standards.

The proposed land use would be required to connect to public water pursuant to Chapter 24 of the Code. There is an existing 8-inch water main in SW 110th Avenue and in SW 184th Street abutting the western and southern boundaries, respectively, of the developer's property to which the developer may connect to provide water service. Any public water main extension within the property shall be 8-inch minimum diameter.

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 Miami-Dade County Water and Sewer Department regional wastewater treatment system capacity is the sum of the daily treatment capacity of the three wastewater treatment plants. The regional wastewater treatment system can treat up to 375.5 MGD. The Sanitary Sewer Level of Service (LOS) standard presented in the CDMP requires the regional system to have sufficient capacity to treat 102% of the average daily sewage demand of the preceding 5 years. The available capacity is calculated by subtracting 102% of the annual average flow (308.44 MGD) for the preceding 5 years and the capacity reserved for development orders (38.76 MGD) from the system capacity (375.5 MGD). Therefore, the available wastewater treatment plant capacity is 28.3 MGD.

Sewer System Connectivity:

Application No. 3 is located within the MDWASD franchised sewer 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.

The proposed land use would be required to connect to the public sanitary sewer system pursuant to Chapter 24 of the Code. There is an existing 8-inch sanitary sewer main in SW 110th Avenue and in SW 184th Street abutting the western and southern boundaries, respectively, of the developer's property, to which the developer may connect to provide sewer service. Any public sewer main extension within the property shall be 8-inch minimum diameter.

The sewage flow collected in the aforementioned gravity main is directed to pump station 30-0715 and then to the South District Wastewater Treatment Plant. The aforementioned sanitary sewer pump station as well as the South District Wastewater Treatment Plant are owned and operated by MDWASD. The pump station and treatment plant 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 Department of Solid Waste Management (DSWM) 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.

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 DSWM assesses the solid waste capacity on a system-wide basis since it is not practical or necessary to make a determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2016-2017, the DSWM is in compliance with the Countywide Waste Management System's adopted LOS standard.

Application Impacts

The application requests redesignation of the site from "Low-Medium Density Residential" to "Low-Medium Density Residential with One Density Increase with sound urban design (DI-1)". The requested CDMP designation may result in the development of townhomes and low to medium rise apartments. In the event that townhomes or two story condominiums with separate means of ingress and egress are constructed at the site, the DSWM will provide waste collection service. If, on the other hand, a multifamily residential establishment with common means of ingress and egress is constructed, waste collection services would most likely be provided by a private waste hauler. The requested amendment will have no fiscal impact or any associated costs; therefore, DSWM has no objection to the proposed change.

Parks

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

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 401.52 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 the County-owned local parks serving PBD-2 and adjoining PBD-3 within a 3-mile radius of the application site. Twelve parks (Colonial Drive Park,

Deerwood Bonita Lakes Park, Fairwood Park, Ferguson Park, Serena Lakes Park, Sgt. Joseph Delancy Park, West Perrine Park, Caribbean Park, Debbie Curtin Park, Goulds Park, Sharman Park, and South Miami Heights Park) are larger than the required five-acre park.

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

Park Name	Acreage	Classification
Ben Shavis Park	0.86	MINI-PARK
Colonial Drive Park	14.34	COMMUNITY PARK
Deerwood Bonita Lakes Park	11.03	COMMUNITY PARK
Domino Park	0.15	SINGLE PURPOSE PARK
Eureka Park	4.42	COMMUNITY PARK
Fairwood Park	7.93	NEIGHBORHOOD PARK
Ferguson Park	7.22	NEIGHBORHOOD PARK
Richmond Triangle Park	0.60	MINI-PARK
Rockdale Park	2.80	NEIGHBORHOOD PARK
Serena Lakes Park	5.14	NEIGHBORHOOD PARK
Sgt. Joseph Delancy Park	10.46	COMMUNITY PARK
Walter A.White Park	1.64	NEIGHBORHOOD PARK
West Perrine Park	9.14	COMMUNITY PARK
West Perrine Senior Center	2.59	SINGLE PURPOSE PARK
Caribbean Park	5.17	NEIGHBORHOOD PARK
Charles Burr Park	3.80	NEIGHBORHOOD PARK
Cutler Ridge Skate Park	3.60	SINGLE PURPOSE PARK
Debbie Curtin Park	9.78	NEIGHBORHOOD PARK
Goulds Park	31.10	COMMUNITY PARK
Lincoln City Park #1	0.50	MINI-PARK
Lincoln Estates Park	0.82	MINI-PARK
Losner Park	0.55	MINI-PARK
MedSouth Park	4.48	NEIGHBORHOOD PARK
Quail Roost Park	2.47	NEIGHBORHOOD PARK
Sharman Park	6.71	NEIGHBORHOOD PARK
South Miami Heights Park	5.97	NEIGHBORHOOD PARK

Source: Miami-Dade County Parks, Recreation and Open Space Department, July 2017.

Application Impacts

The potential development of the site under the existing CDMP land use designation could potentially generate a population of 45, and result in an impact of 0.12 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 60 multi-family dwelling units with an estimated population of 111. The concurrency analysis for this scenario results in an impact of 0.31 acres based on the minimum Level of Service standard for the provision of local recreation open space and thereby reducing the surplus park acreage within PB-2 from 401.57 to 401.26 acres, but the minimum level of service standard will continue to be met.

Fire and Rescue Service

The application area is currently served by Miami-Dade Fire Rescue (MDFR) Station No. 52 (South Miami Heights) located at 12105 Quail Roost Drive. The station is equipped with a Rescue and a Tanker, totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week. The average travel time to incidents in the vicinity of the application site is estimated at approximately 5 minutes and 58 seconds. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Presently, 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 inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 1,500 gallons per minute (GPM) is required for the proposed land use. Fire hydrants shall be spaced a minimum of 300 feet apart and shall deliver not less than 500 GPM.

The MDFR Department has determined that the current "Low Medium Density Residential" land use designation of the application site would allow development that would potentially generate nine (9) annual alarms. The proposed "Low-Medium Density Residential with One Density Increase with sound urban design (DI-1)" designation is anticipated to generate seventeen (17) annual alarms, and would have a minimal impact to existing fire-rescue services. Currently, fire and rescue service in the vicinity of the subject site is adequate. MDFR has no objection to Application No. 3.

Police

Current data of police staffing, population, and crimes/calls for service by the Miami-Dade Police Department was examined to project any increase in calls for service. The Miami-Dade Police Department determined that existing staffing should accommodate any slight increase in the volume of calls for service, and that should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required.

Public Schools

Level of Service Standard

The adopted Level of Service (LOS) standard for all public schools in Miami-Dade County is 100% utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms (CDMP Policy EDU-2A). This LOS standard, except for magnet schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by Miami-Dade County Public Schools.

A planning level review, which is considered a preliminary school concurrency analysis, was conducted on this application based on the adopted LOS standard for public schools, the Interlocal Agreement (ILA) for Public Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and current available capacity and school attendance boundaries. If capacity is not available at the school of impact, the developments impact can be shifted to one or more contiguous CSA that have available capacity, located either in whole in part within the same Geographic Area, as defined in CDMP Policy EDU-2C.

Section 7.5 of the ILA provides for “Public Schools Planning Level Review” (Schools Planning Level Review), of CDMP amendments containing residential units. This type of review does not constitute a public school concurrency review and, therefore, no concurrency reservation is required. Section 7.5 further states that “...this section shall not be construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application”.

Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 18 students. This number includes a reduction of 24.18% to account for charter and magnet schools (schools of choice). Of the 18 students, 8 are expected to attend elementary schools, 5 are expected to attend middle schools and 5 are expected to attend senior high schools. The students will be assigned to those schools identified in the “Concurrency Service Area (CSA) Schools” table below. At this time, the schools have sufficient capacity available to serve the application.

Concurrency Service Area (CSA) Schools

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Pine Lake Elementary	204	8	8	Yes	Current CSA
Richmond Heights Middle	324	5	5	Yes	Current CSA
Miami Southridge Senior	264	5	5	Yes	Current CSA

Source: Miami-Dade County Public Schools, August 2017

Miami-Dade County Department of Regulatory and Economic Resources, August 2017

Note: CSA means Concurrency Service Area

Section 9 of the ILA discusses implementation of school concurrency, indicating the test for school concurrency is at the time of a final subdivision, site plan or functional equivalent, not at the time of CDMP amendment application for land use. Miami-Dade County Public Schools is required to maintain the adopted LOS standard throughout the five-year planning period. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

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 Chapter 33 of the Code of Miami-Dade County as it pertains to airport zoning.

Roadways

The application site is a ±2.41-acre property located on the northeast corner of SW 184 Street and SW 110 Avenue in unincorporated Miami-Dade County. The application site is located about 1.8 miles to the east of ZooMiami. SW 184 Street is a four-lane divided roadway east of SW 112 Avenue and a six-lane roadway west of SW 112 Avenue, and connects to Homestead Extension of the Florida Turnpike (HEFT) in the west and US-1/South Dixie Highway in the east. SW 110 Avenue is a two-lane undivided roadway, which connects to SW 180 Street in the north. Access to the site is from either SW 184 Street or SW 110 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 adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2016) and the County (Year 2016), are operating at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” Table below.

Trip Generation

The maximum development potential scenarios under each the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Low-Medium Density Residential (6-13 du/ac)” the application site may be developed with 31 single family residential units. Under the requested CDMP land use designation of “Low-Medium Density Residential with One Density Increase with sound urban design (DI-1)”, the application site may be developed with 60 multi-family residential units at a density of 13 to 25 dwelling units per acre. The potential development under the current CDMP land use designation of “Low-Medium Density Residential” is expected to generate approximately 37 PM peak vehicle hour trips and under the requested CDMP land use designation of “Low-Medium Density Residential with One Density Increase”, is expected to generate approximately 51 PM peak hour trips or approximately 14 more PM peak hour trips than the current CDMP designation. See “Estimated PM Peak Hour Trip Generation” table below.

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

	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
Land Use	“Low-Medium Density Residential” (6-13 du/ac)	“Low-Medium Density Residential with One Density Increase” (13-25 du/ac)	
Maximum Development Potential	31 Single Family Units	60 Multi-Family Units	
Trips Generated	37	51	+ 14

Source: Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition, 2012; Miami-Dade County Department of Regulatory and Economic Resources, May 2017.

Notes: ¹ – ITE Land Use Code used for Single Family Residential is 210.

² – ITE Land Use Code used for Multi-Family Residential is 220.

Traffic Short-Term (Concurrency) Evaluation

An evaluation of peak-period traffic concurrency conditions as of July 2017, 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 2018 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP 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 application. The “Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation” table below shows that all roadways analyzed are projected to operate at acceptable levels of service.

Application Traffic Impact

The maximum development potential scenarios under the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Low-Medium Density Residential (6-13 DU/Ac.)” the application site is assumed to be developed with the 31 single family residential units, and under the requested CDMP land use designation of “Low-Medium Density Residential (13-25 du/ac) with One Density Increase with sound urban design (DI-1)” the application site is assumed to be developed with 60 multi-family residential units. The potential development scenario under the current CDMP land use designation is expected to generate approximately 37 PM peak hour trips and the requested change in CDMP land use designation would generate 51 PM peak hour trips, which is 14 PM peak hour trips more than would be generated under the existing CDMP designation.

The existing traffic conditions and concurrency analysis determined that all roadways adjacent to and in the vicinity of the application site analyzed have available capacity to handle the additional traffic impacts that would be generated by the application and are projected to operate at acceptable levels of service. See “Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation” table below.

Other Roadway Improvements

SW 107 Avenue from NW 186 Street/Quail Roost Drive to SW 160 Street is a Priority III project (years 2026-2030) in the Miami Dade Transportation Planning Organization's 2040 Long Range Transportation Plan for widening from two lanes to four lanes.

Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation
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.	Amend-ment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Requested CDMP Designation: "Low Medium Density with One Density Increase" – 60 MF units													
9874	SW 184 St.	US 1 to Turnpike	4 DV	D	3,222	1,786	C	77	1,863	C	8	1,871	C
7013 ¹	SW 107 Ave.	SW 184 St.to SW 180 St.	2 DV	D	1,197	1,071	D	-	1,071	D	14	1,085	D
9876	SW 184 St.	SW 117 Ave.to SW 137 Ave.	4 DV	D	3,222	2,370	C	74	2,444	C	22	2,466	C
1114	SW 186 St./ Quail Roost Dr.	US1 to HEFT	4 DV	D	3,580	1,384	C	36	1,420	C	7	1,427	C

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation, July 2017.

Notes: DV= Divided Roadway; UD=Undivided Roadway.

* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity).

¹ - Not a concurrency station hence there are no approved D.O trips.

Transit

Existing Service

The application site is currently served by Metrobus Route 52. The closest bus stop is located approximately 271 feet east of the application site along SW 184 Street. 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 Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday		
52	30	45	60	45	60	0.1	L/F

Source: Draft 2017 *Transit Development Plan*, Miami-Dade Transit (December 2016 Line Up), July 2017.

Notes: L means Metrobus Local route service; F means Metrobus feeder service to Metrorail.

Recent Service Improvements

No service improvements were made for Route 52 in 2016.

Future Service Improvements

Two service improvements are planned for Route 52 for implementation in 2017, which include rerouting the alignment to utilize the Transitway between SW 112th Avenue and Caribbean Boulevard as well as some weekday running time adjustments.

Long-Term Vision: Major Transit Projects

As a part of the Strategic Miami Area Rapid Transit (SMART) Plan, the Department of Transportation and Public Works plans to implement premium rapid transit along the Transitway, which is approximately $\frac{3}{4}$ mile to the east from the application site.

Application Impacts

A preliminary analysis performed in the Traffic Analysis Zone (TAZ) 1214 where the subject application is located, indicates that if the application is approved, the expected incremental transit impacts generated by the requested land use amendment are minimal and can be handled by the existing transit service in the area.

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

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

- LU-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-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-9J. Miami-Dade County shall continue to use the 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, and shall consider the inclusion of such guidelines into its land development regulations.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.
- TE-2G. The County shall encourage inclusion in, and review, all plans and development proposals for provisions to accommodate safe movement of bicycle and pedestrian traffic, and facilities for securing non-motorized vehicles in all new development and redevelopment and shall address this as a consideration in development and site plan review.
- 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.

Objective CHD-2 Miami-Dade County shall apply design standards to private development projects to encourage physical activity across generations.

CHD-2A. Miami-Dade County will encourage land development to incorporate community design principles that encourage physical activity through the promotion of strategies, when appropriate, but not limited to:

1. Utilization of non-motorized transportation modes;
2. Location of public facilities accessible by multiple transportation modes;
3. Availability and maintenance of quality pedestrian paths or sidewalks;
4. Provision of street furniture and lighting enhancements;
5. Provision of civic and recreational facilities;
6. Establishment of interconnectivity between similar development projects through vehicular and/or pedestrian/bicycle cross access; and
7. Provision of pedestrian and bicycle linkages between existing residential and non-residential land uses.

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APPENDICES

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APPENDIX A

Amendment Application

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**SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
MAY 2017 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

RECEIVED

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PLANNING DIVISION

1. APPLICANT

Eureka Development and Construction, LLC
Attn: Jesus V. Suarez
101425 Overseas Highway, #361
Key Largo, FL 33037
(305) 661-2000

2. APPLICANT'S REPRESENTATIVES

Ben Fernandez
Bercow Radell & Fernandez
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

By: _____

Ben Fernandez, Esq.

Date: May 31, 2017

3. DESCRIPTION OF REQUESTED CHANGES

- A. A Change to the Land Use Element, Land Use Plan Map is requested
Changes to the Land Use Map. Applicant request a change to the land-use plan (LUP) designation on the subject property from "Low Medium Density Residential" to "Low Medium Density Residential" with "One Density Increase with Urban Design".
- B. Description of Subject Property
The Property contains approximately 2.41 gross acres (2.03 net acres) and is located on the north side of Eureka Drive on the east side of SW 110th Avenue within 1,268 feet of the Quail roost Drive entrance to the Florida Turnpike, in Section 31 Township 55 Range 40, and is more particularly described in Exhibit A to this application.
- C. Gross and Net Acreage
Application Area: 2.41 gross acres (2.03 net acres)
Acreage Owned by Applicant: same as above.
- D. Requested Change

1. Applicant request that the Property be re-designated on the Land Use Plan map from Low Medium Density Residential to "Low Medium Density Residential" with "One Density Increase with Urban Design".
2. The owner requests that the application be processed as a small scale amendment.

4. REASONS FOR AMENDMENT

The owner is requesting a redesignation of the property from Low Medium Density Residential to Low Medium Density with One Density increase. The applicant intends to develop a residential project that will provide new housing opportunities to the area within close proximity to major transportation corridors.

The subject property is approximately 2.03 acres in size and is located within approximately 1,268 feet of the Eureka Drive entrance and exit to the Florida Turnpike. The proximity to the Turnpike combined with its location on Eureka Drive, a section line roadway, is the principal reason that makes the proposed density increase appropriate.

In addition, the property is located immediately across from properties located across Eureka Drive that are designated for Business and Office development on the CDMP FLUM. These properties are presently developed with the Seastone Shopping center and a U-Haul dealer. These existing commercial uses and the potential uses allowed by the Business and Office designation also suggest that a development on the subject property with a Low Medium Density with One Density increase would be appropriate.

The Property is also adjacent to two different religious facilities. To the west of the Property, located immediately across SW 110th Avenue, is the South Miami Heights Church of the Nazarene. The property that abuts the Property on the east is owned and occupied by a church called The True Deliverance Church of Christ. This property is presently being re-developed with a new church building.

The only residential development abutting the property is Eureka Gardens, a Low Medium Density apartment complex abutting the Property on the north. Accordingly, the Property is in a location that is transitional between Low Medium Density and more intense commercial and institutional uses. The location provides an opportunity to establish a well-designed residential development, based on a residential density that is transitional from the more intense industrial areas to the south, and the religious, institutional uses, on the east and west.

The most recent information concerning the available supply of Multi-Family residential land in the area also indicates that the proposed change would help to

address the present deficit of multifamily land and the projected demand for multifamily land. The property is located within Minor Statistical Area (MSA) 5.7. The Planning Department indicates that the available supply of multi-family land is entirely exhausted within this MSA. There are no available acres of multifamily land at the present time. In addition, the demand for multifamily within MSA 5.7 is projected to increase so that there will be a deficit in multifamily residential land within the MSA in the near future.

There are several parks in area including Quail Roost Park, Eureka Park, and Larry and Penny Thompson Park. All three of these parks are less than a quarter-mile from the property. In addition, Eureka Drive and Quail Roost Drive, which are the areas principal east to west transportation corridors, are operating at acceptable levels of service, based on the most recent available information.

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

Objective 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.

Objective 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.

Objective 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.

Objective LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

Objective LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

5. LOCATION MAP FOR APPLICATION

See page five (5).

6. ADDITIONAL MATERIAL SUBMITTED

1. Location Map of Property
2. Aerial Photograph
3. Section Map

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

7. LEGAL DESCRIPTION

See Exhibit A attached hereto.

8. COMPLETE DISCLOSURE OF INTEREST FORM

See page six (6).

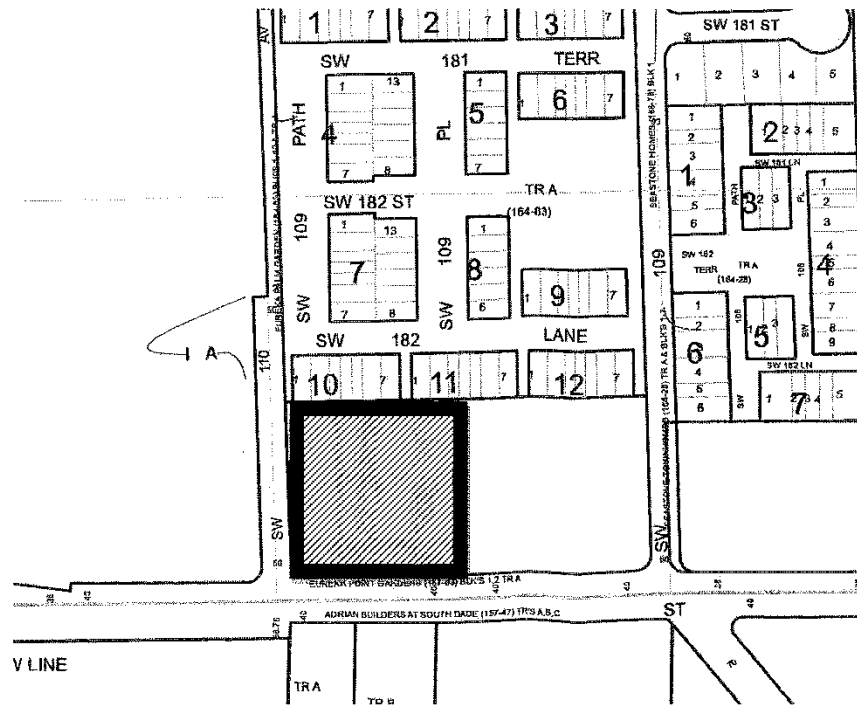
LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

Eureka Development and Construction, LLC/ Ben Fernandez, Esq.

DESCRIPTION OF SUBJECT AREA

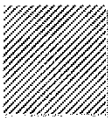
The Property contains approximately 2.41 gross acres (2.03 net acres) and is located within 1,268 feet of the Quail roost Drive entrance and exit to the Florida Turnpike, in Section 31 Township 55 Range 40, and is more particularly described in Exhibit A to this application.



Legend



Application Area



Area Owned by Applicant

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: Eureka Development and Construction, LLC, 101425 Overseas Highway, #361, Key Largo, FL 33037

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 Property in which the applicant has an interest. Complete information must be provided for each parcel.

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
A	Eureka Development and Construction, LLC	30-5031-033-0220	

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

APPLICANT OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (<u>Attach Explanation</u>)
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.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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: Eureka Development and Construction, LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
Jesus V. Suarez	50%
101425 Overseas Highway, #361, Key Largo, FL 33037	
Jorge Gaviria	50%
1395 Brickell Avenue, 8th Floor, Miami, Florida 33131	

- c. If the applicant is a TRUSTEE, list the trustee's name, the name 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

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

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

PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>N/A</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>
<u>N/A</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.

N/A

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>
--------------------------------------	-------------------------------

N/A

- 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: N/A

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

N/A

- 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: N/A

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

- 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: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
N/A	

- 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].

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

Date of Contract: _____

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

N/A

For any changes of ownership or changes in contract 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.

Applicant's Signatures and Printed Names



Jesus V. Suarez
Eureka Development and Construction, LLC

Sworn to and subscribed before me
This 31st day of May, 2017.



Notary Public, State of Florida at Large (SEAL)

My Commission Expires: 03-05-18



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 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.

EXHIBIT A

LEGAL DESCRIPTION:

All of "EUREKA POINT GARDENS", according to the plat thereof as recorded in Plat Book 167, at Page 53, of the Public Records of Miami-Dade County, Florida.

APPENDIX B

Miami-Dade County Public School Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Alberto M. Carvalho

August 25, 2017

VIA ELECTRONIC MAIL

Mr. Ben Fernandez
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Blvd., Suite 850
Miami, Florida 33131

bfernandez@brzoninglaw.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
EUREKA DEVELOPMENT AND CONSTRUCTION, LLC - CDMF Application 3 May 2017 Cycle
LOCATED AT NORTHEAST CORNER OF SW 110 AVENUE AND SW 184 STREET
PH3017070300377 – FOLIO No.: 3050310330220**

Dear Applicant:

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

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 60 multifamily units, which generate 18 students: 8 elementary, 5 middle and 5 senior high students. At this time, all school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-7287.

Best regards,

Nathaly Simon
Supervisor

NS:ns

L-65

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Miami-Dade County
School Concurrency Master File

Miami-Dade County School Board

Dr. Lawrence S. Feldman, Chair
Dr. Marta Pérez, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Dr. Steve Gallon III
Perla Tabares Hantman
Dr. Martin Karp
Lubby Navarro
Mari Tere Rojas

Planning, Design & Sustainability

*Ms. Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • ariio@dadeschools.net*



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3017070300377 Local Government (LG): Miami-Dade
Date Application Received: 7/3/2017 9:43:04 AM LG Application Number: CDMP Application 3 May 2017 Cycle
Type of Application: Public Hearing Sub Type: Land Use
Applicant's Name: Eureka Development and Construction, LLC c/o Ben F
Address/Location: 200 South Biscayne Boulevard, Suite 850, Miami, FL 33131
Master Folio Number: 3050310330220
Additional Folio Number(s):

PROPOSED # OF UNITS 60
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 0
MULTIFAMILY UNITS: 60

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4441	PINE LAKE ELEMENTARY	204	8	8	YES	Current CSA
6781	RICHMOND HEIGHTS MIDDLE	324	5	5	YES	Current CSA
7731	MIAMI SOUTHRIDGE SENIOR	264	5	5	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of 24.18% included for charter and magnet schools (Schools of Choice).

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

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

APPENDIX C

Proffered Declaration of Restrictions

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This instrument was prepared by:

Name: Ben Fernandez, Esq.
Address: Bercow Radell Fernandez, & Larkin, PLLC
200 South Biscayne Boulevard, Suite 850
Miami, FL 33131

RECEIVED

2017 AUG 31 P 1:41

PLANNING DIVISION

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Eureka Development and Construction, LLC (hereinafter referred to as the "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 Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the May 2017 Cycle and said amendment is identified as Application No. 3 (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Low Medium Density Residential" to "Low-Medium-Density Residential" with "One Density Increase with urban Design" on the Miami-Dade County Comprehensive Development Master Plan adopted Land Use Plan ("LUP") map.

NOW, THEREFORE, in order to assure the Miami-Dade 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. Buildings that are designed using complementary architectural styles and designs and at a scale that is compatible with the surrounding area.
2. Design features to be provided at appropriate locations of the buildings, in order to maintain architectural and design continuity.
3. A limitation of large expanses of opaque or blank building wall to the maximum extent feasible.
4. Uniform street furniture and lighting standards to be provided throughout the Property.

5. Pedestrian crosswalks that are clearly delineated on any proposed private roads within the Property and are designed with consideration to the special needs of the disabled.
6. Buildings that are built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable, interesting, as well as safe for pedestrians. The Owner may, but will not be mandated to, seek variances of the County's zoning regulations to accommodate this requirement.
7. Architectural elements of the buildings at street level that have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian.
8. On-site parking that is, wherever practicable, not located between the street and main building entrances. This shall not prevent the use of on-street parking, if approved by the County.

Water Saving Measures. The Owner shall incorporate the following measures, where practicable, into the design, construction and operation of any development on the Property:

- Minimizing irrigation requirements by utilizing and maintaining native landscaping for the greatest drought resistance.
- Installing water efficient appliances and equipment in initial construction.
- Using the appropriate method to control erosion during construction.
- Using water capture systems for irrigation.
- Installing and managing irrigation systems to provide high level efficiency.
- Designing and constructing buildings on the Property with minimal impacts to the site topography.

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, 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 that 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 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, 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. It is provided, however, that 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 absence, 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. Invalidity 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.

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this ____ day of August, 2017.

IN WITNESS WHEREOF, Eureka Development and Construction, LLC has caused these presents to be signed in its name by its proper officials.

Witnesses:

**EUREKA DEVELOPMENT AND
CONSTRUCTION, LLC**

Signature

Print Name

Signature

Print Name

Address:

By Jesus V. Suarez
(Managing Member)

Print Name:

**[*Note: All others require attachment of
original corporate resolution of
authorization]**

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by Jesus V. Suarez, the _____ of Eureka Development and Construction, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification

Witness my signature and official seal this _____ day of August, 2017, in the County and State aforesaid.

Signature
Notary Public-State of _____

Print Name

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

All of "EUREKA POINT GARDENS", according to the plat thereof as recorded in Plat Book 167, at Page 53, of the Public Records of Miami-Dade County, Florida.

APPENDIX D

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. 3 of the May 2017 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

The adopted level of service standard (LOS) for the County's Department of Solid Waste Management (DSWM) is as follows: 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 (5) years. As of FY 2016-17, DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

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. The "Low Medium Density Residential with One Density Increase" designation typically includes townhomes and low to medium rise apartments. In the event that townhomes or two story condominiums with separate means of ingress and egress are constructed at the site, the DSWM will provide waste collection service. If a multifamily residential establishment with common means of ingress and egress is constructed, waste collection services would most likely be provided by a private waste hauler. The requested amendment will have no impact or any associated costs relative to DSWM services and facilities.

Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2016-17, the DSWM charges a contract disposal rate of \$66.79 per ton to DSWM Collections and those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$88.06 per ton in FY 2016-17.

These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross

receipts, which is used to ensure availability of disposal capacity in the System. Landfill closure, remediation and long-term care are funded by a portion of the Utility Service Fee charged to all 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 \$1.4547 per 1,000 gallons for water and \$1.8958 per 1,000 gallons for sewer.

The applicant requests the redesignation of the ± 2.41 gross/2.03 net acre application site from "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre), to "Low-Medium Density Residential with One Density Increase with Urban Design" land use designation. If the application is approved, the application site could be developed with a maximum of 60 multi-family residential units. If the application site is developed with the 60 multi-family residential units, the water connection charge is estimated at \$12,510; and the water service line and meter connection fees would cost \$1,300. The sewer connection charges are estimated at \$50,400 and the annual operating and maintenance costs would total \$11,006. In addition, the estimated cost of installing the required 70 linear feet of 8-inch water main to connect the proposed development to the County's regional water system is estimated at \$22,750. Furthermore, the estimated cost of installing the required 80 linear feet of 8-inch gravity sewer main is estimated at \$23,742. The total potential cost for connecting the proposed development to the regional water and sewer system including an engineering fee of 13% is estimated at \$46,492.

Drainage and 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

This application, if approved, may increase the student population of the schools serving the application site by an additional 18 students. Of the 18 students, 8 are expected to attend elementary schools, 5 are expected to attend middle schools and 5 are expected to attend senior high schools. An analysis of school concurrency requirements indicates there are sufficient student capacity at all levels: elementary, middle and high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$168,066. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

Fire Rescue

The current CDMP designation of "Low-Medium Density Residential" will allow a potential development which would generate nine (9) annual alarms. The proposed "Low-Medium Density Residential with One Density Increase with Urban Design" designation would allow a proposed potential development anticipated to generate seventeen (17) annual alarms, and would have a minimal impact to existing fire rescue services. Presently, Miami-Dade County Fire and Rescue (MDFR) indicates that fire and rescue service in the vicinity of the application site is adequate.

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APPENDIX E

Photo of Site and Surroundings

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View of application site looking north across SW 184 Street/Eureka Drive, with Eureka Gardens residential community in background



View from SW 110 Avenue looking east of the Eureka Gardens residential community



Seastone shopping plaza south of the application site across SW 184 Street/Eureka Drive



View east of the application site of the adjacent True Deliverance Church of Christ property



View west of the application site of the adjacent South Miami Heights Church of the Nazarene



View looking further west on SW 184 Street/Eureka Drive towards the Homestead Extension of Florida's Turnpike (HEFT)



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