

Application No. 5

Commission District 7

Community Council 12

APPLICATION SUMMARY

Applicant/Representative:	Ulysses & Dulce Prats Vasquez and Richard Interian/Ben Fernandez, Esq. Bercow Radell Fernandez & Larkin, PLLC
Location:	South Side of SW 92 Street between SW 84 Avenue and SW 87 Avenue/Galloway Road
Total Acreage:	± 2.5 Gross Acres (±2.3 Net Acres)
Current Land Use Plan Map Designation:	"Estate Density Residential (1 to 2.5 DU per gross acre)"
Requested Land Use Plan Map Designation:	"Low Density Residential (2.5 to 6 DU per gross acre) with One Density Increase with Urban Design (6 to 13 DU per gross acre)"
Amendment Type:	Small-scale
Existing Zoning District/Site Condition:	EU-1 (Single-Family One Acre Estate District)

RECOMMENDATIONS

Staff:	ADOPT WITH THE PROFERRED DECLARATION OF RESTRICTIONS (March 9, 2018)
Kendall Community Council (12):	DENY (March 20, 2018)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	DENY (April 9, 2018)
Final Action of Board of County Commissioners:	TO BE DETERMINED (April 25, 2018)

Staff recommends to **ADOPT WITH THE PROFERRED 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 ±2.5 gross-acre application site from “Estate Density Residential” (1 to 2.5 Dwelling Units per Acre) to “Low Density Residential with a One Density Increase” (6 to 13 Dwelling Units Per Acre) land use category for the following reasons:

Principal Reasons for Recommendation:

1. The applicant proposes to change the land use designation of the application site from its existing residential designation to a higher, single-family attached residential density through the application of a One Density Increase designation, which may only be considered if the development utilizes sound urban design principles consistent with the CDMP objectives and policies. CDMP Land Use Element Objective LU-1 and Policies LU-1C and LU-10A requires the County to give priority to infill development on vacant sites, and the redevelopment of substandard or underdeveloped environmentally suitable urban areas where urban services and facilities have the capacity to accommodate additional demand. As such, the application site is located on a residential street that is characterized by large lot, low-density single family detached residences to the north and east, a two-story residential condominium to the south, and several one and two-story medical offices and a residential condominium to the west at the intersection of SW 92 Street and SW 87 Avenue/Galloway Road. The Baptist Hospital of Miami, Kendall Campus, is located on the west side of Galloway Road and is approximately ¼ mile to the west of the application site, and the application site is similarly situated approximately ¼ mile south of SW 88 Street/Kendall Drive.

The applicant proposes to redevelop the existing two (2) single-family residential lots to a twenty-four (24) townhome development, to include underground parking, within walking distance of the hospital complex. The applicant intends to comply with the Miami-Dade County Urban Design Guidelines to ensure that the townhomes will be well designed, and has submitted a Declaration of Restrictions (covenant) to insure that the project will be compatible with the surrounding neighborhood. Although the proposed 24 townhome units would be a significant increase in the existing density of the area, the proposed units would also be representative of the areas transition to higher density residential and medical office uses that currently exist on the west end of the block. The application site, if designed with high quality urban design, could potentially establish a standard of development that would complement the transition of this block from a predominately residential block to a higher density mixed use block.

2. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications in accordance with Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires that amendments to the LUP map be evaluated for consistency with the Goals, Objectives and Policies of the CDMP, and to the extent the proposed amendment would: (i) satisfy a deficiency in the LUP map to accommodate projected population or economic growth, (ii) enhance or impede the provision of services at or above adopted LOS Standards, (iii) be compatible with abutting and nearby land uses, (iv) enhance or degrade environmental or historical resources or features, and (v) would be a use that promotes transit ridership and pedestrianism if located in a planned urban center or within ¼ mile of existing transit as indicated in Objective LU-7. 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) 5.5, 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 2018 and for multi-family beyond 2027. The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2022. The application, if approved, would not have a significant impact on the supply of single-family units and would not have a significant impact on the depletion year. (See Supply and Demand Analysis on Page 5-11).
- ii. *Public Services and Facilities:* Approval of the application would be consistent with the CDMP, Capital Improvements Element Objective CIE-3, which 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 (24 single-family attached 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 Density Residential with One Density Increase (DI-1)” land use designation, with the proposed development being limited to 24 townhomes and of high quality urban design, if approved, could be compatible with the surrounding uses. The properties immediately north and east of the application site contain large, single-family homes on large lots and are designated “Estate Density Residential (1 to 2.5 DU/Ac).” The property to the south include a two-story, 128-unit condominium complex designated “Estate Density Residential.” The property to the west is developed with a two-story medical office condominium and is designated “Medium Density Residential (13 to 25 DU/Ac),” and the properties to the northwest include one and two-story medical office condominiums and are designated “Office/Residential.”
- iv. *Environmental and Historic Resources:* The application, if approved, would not impact any historic or environmental resources. The application site may contain specimen tree resources (trees with a trunk diameter of 18 inches or greater) which, in accordance with Section 24-49.2(II) of the Code and Policy CON-8D, requires that specimen trees be preserved whenever reasonably possible. (See “Environmental Conditions” on Page 5-12).
- v. *Transit Ridership and Pedestrianism:* The application, if approved, could potentially support transit ridership and pedestrianism. Policy LU-8E(v) states that if the proposed land use is within a planned Urban Center, or within ¼ mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, it would be a use that promotes transit ridership and pedestrianism. The application site is served by Metrobus Route 88 which provides 20-minute Peak AM/PM headways and 20 to 30-minute headways during Off-Peak and on weekends, and Metrobus Route 102, which provides 24-minute headways during AM/PM peak periods, and 45 to 60-minute headways Off-peak (middays) and on weekends (See Transit analysis on Page 5-23.)

APPLICATION NO. 5 AERIAL PHOTO

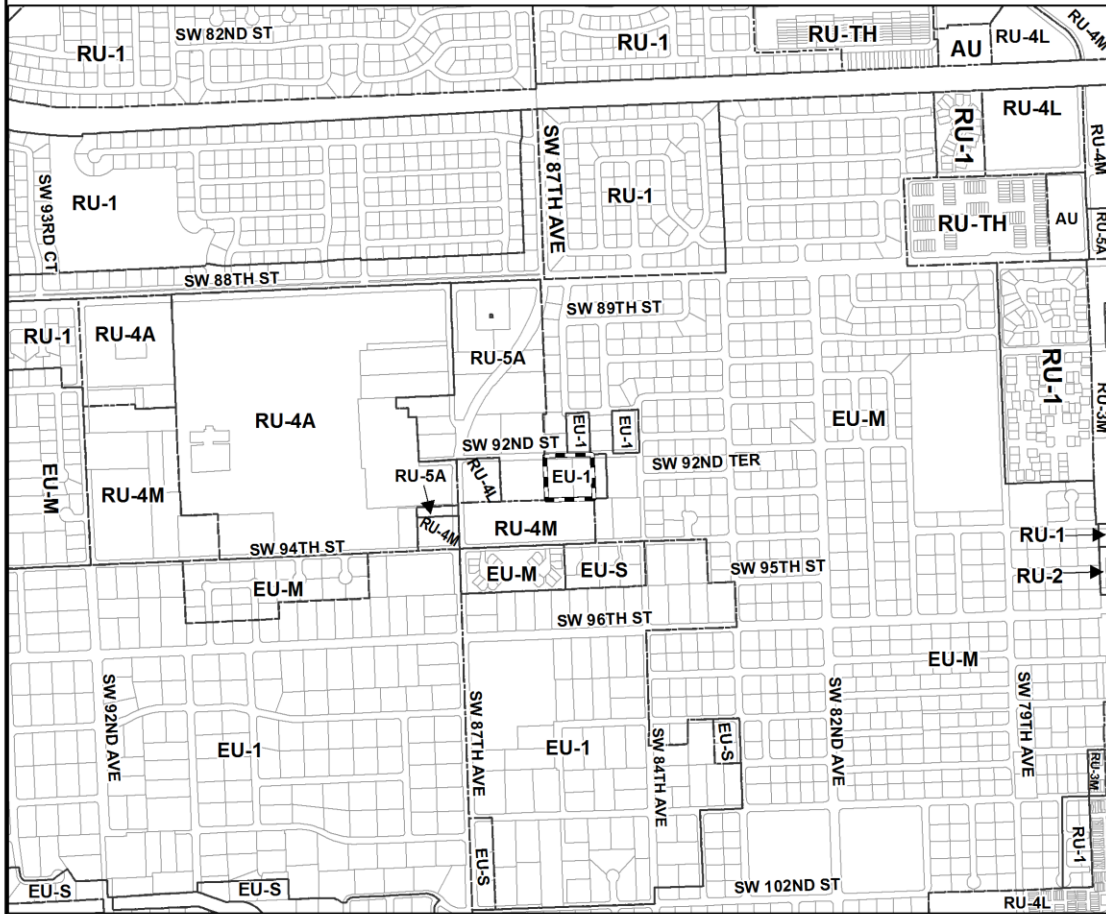


APPLICATION AREA

Source: Department of Regulatory and Economic Resources
January 2018



APPLICATION 5 ZONING MAP



APPLICATION AREA

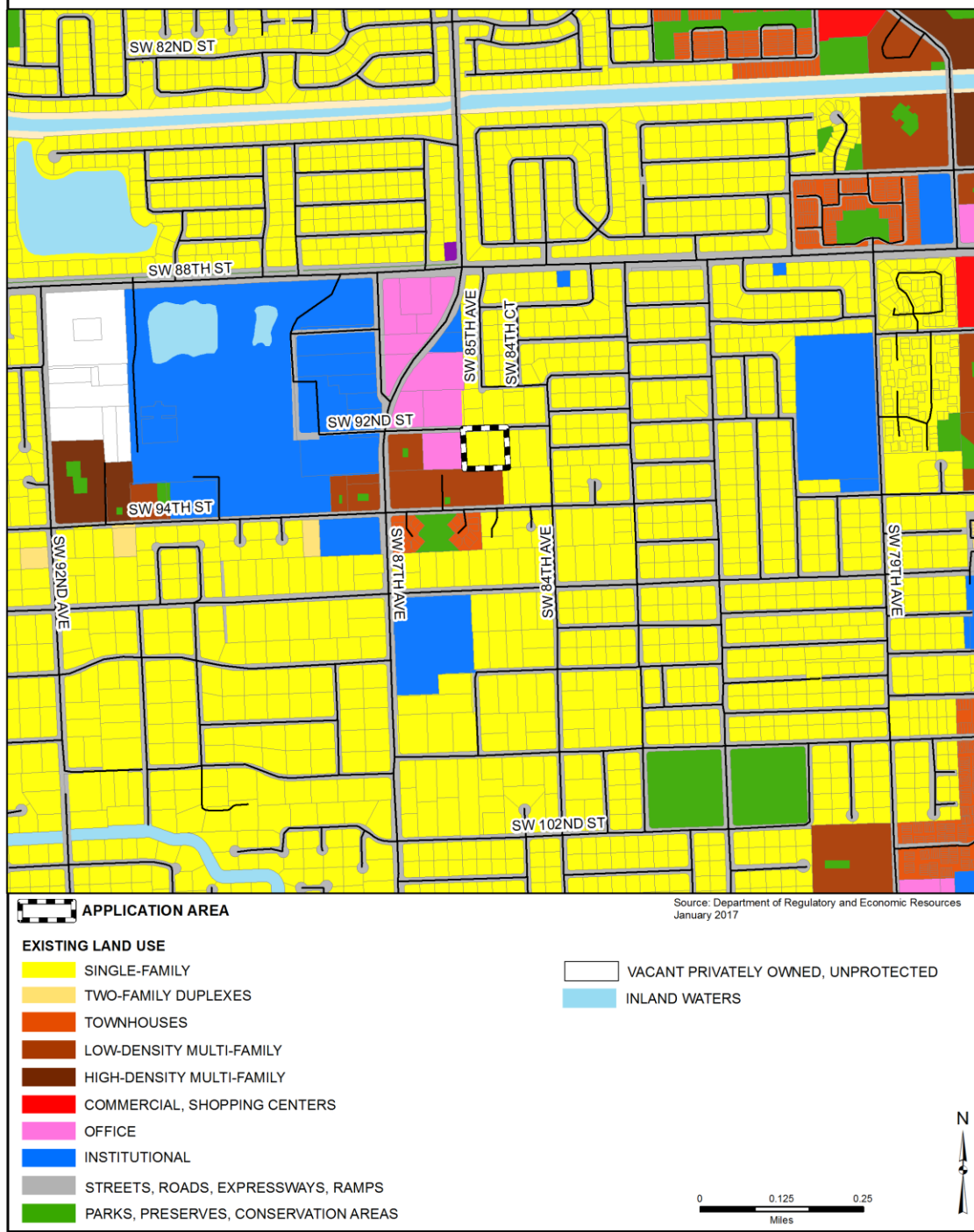
Source: Department of Regulatory and Economic Resources
January 2017

MIAMI-DADE COUNTY ZONING DISTRICTS

AU	AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
EU-1	ESTATES, SINGLE-FAMILY
EU-M	ESTATES MODIFIED
EU-S	ESTATE USE, SUBURBAN SINGLE-FAMILY
RU-1	SINGLE-FAMILY RESIDENTIAL
RU-2	TWO-FAMILY RESIDENTIAL
RU-3M	MINIMUM APARTMENT HOUSE
RU-4A	HOTEL/MOTEL DISTRICT
RU-4L	LIMITED APARTMENT HOUSE
RU-4M	MODIFIED APARTMENT HOUSE
RU-5A	SEMI-PROFESSIONAL OFFICE
RU-TH	TOWNHOUSE

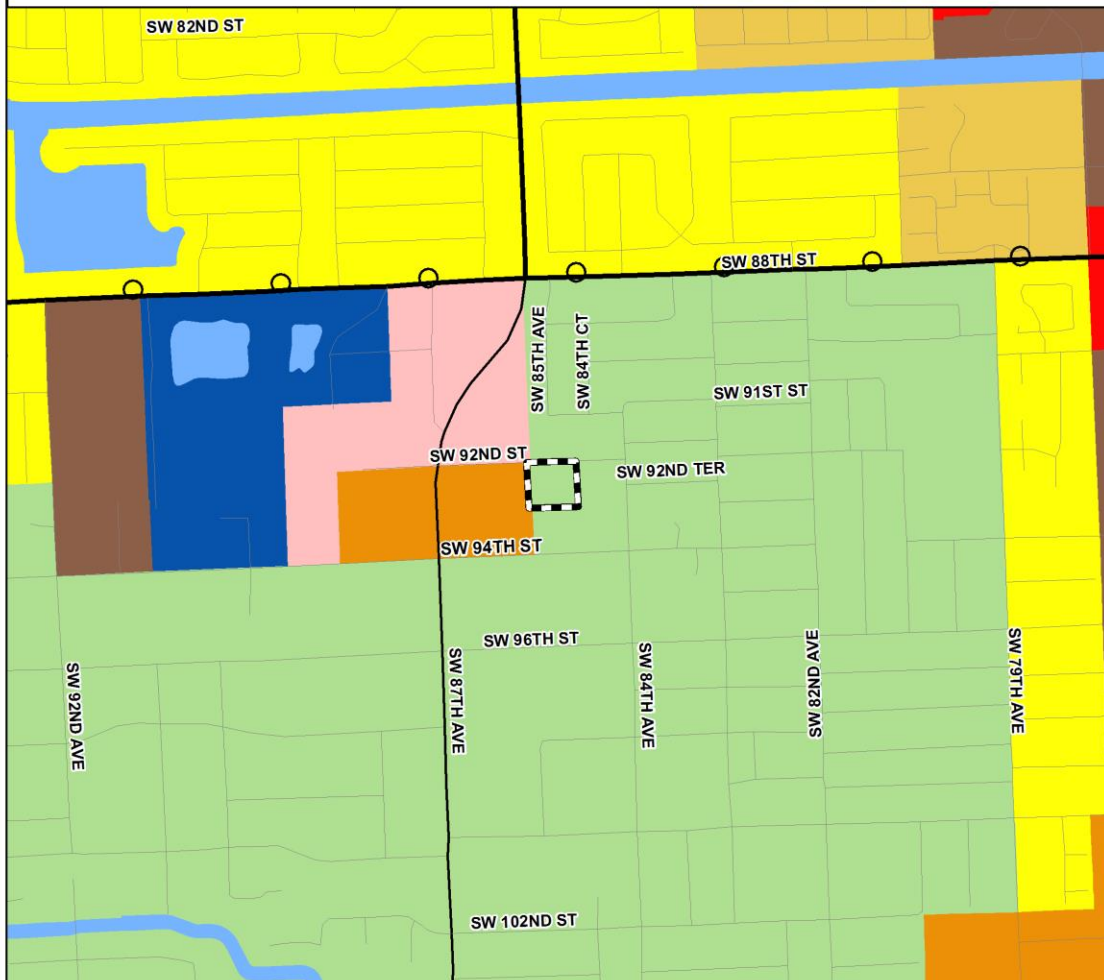


APPLICATION NO. 5 **EXISTING LAND USE**



APPLICATION NO. 5

CDMP LAND USE



APPLICATION AREA

Source: Department of Regulatory and Economic Resources
January 2018

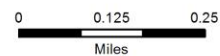
CDMP LAND USE

- ESTATE DENSITY (1-2.5 DU/AC)
- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- MEDIUM DENSITY (13-25 DU/AC)
- MEDIUM-HIGH DENSITY (25-60 DU/AC)
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- INSTITUTIONS, UTILITIES AND COMMUNICATION
- WATER

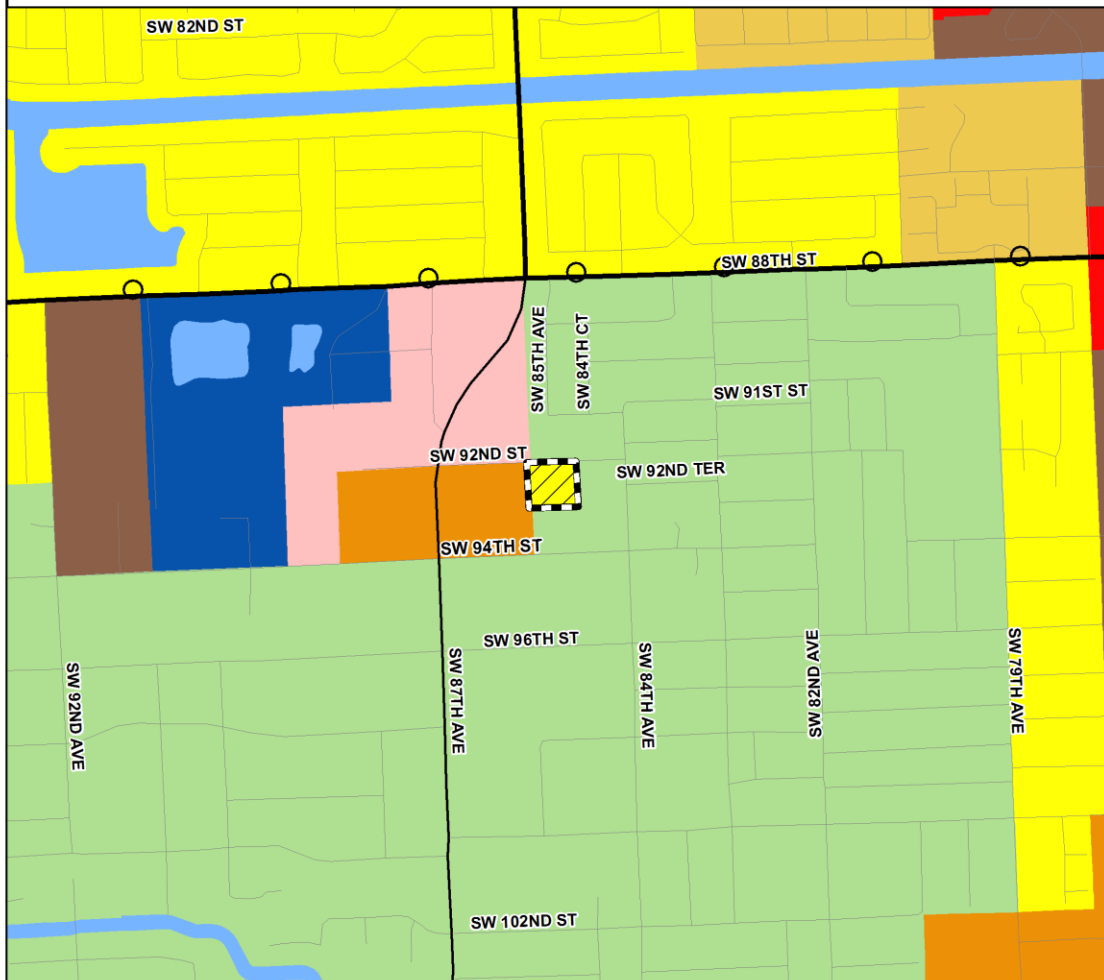
MAJOR ROADWAYS (3 OR MORE LANES)

MINOR ROADWAYS (2 LANES)

○ ○ FUTURE RAPID TRANSIT



APPLICATION NO. 5 PROPOSED CDMP LAND USE



APPLICATION AREA

Source: Department of Regulatory and Economic Resources
January 2018

CDMP LAND USE

ESTATE DENSITY (1-2.5 DU/AC)

LOW DENSITY (2.5-6 DU/AC)

LOW DENSITY W/ DENSITY INCREASE 1

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

MEDIUM DENSITY (13-25 DU/AC)

MEDIUM-HIGH DENSITY (25-60 DU/AC)

BUSINESS AND OFFICE

OFFICE/RESIDENTIAL

INSTITUTIONS, UTILITIES AND COMMUNICATION

WATER

MAJOR ROADWAYS (3 OR MORE LANES)

MINOR ROADWAYS (2 LANES)

FUTURE RAPID TRANSIT

0 0.125 0.25
Miles



STAFF ANALYSIS

Application Site

Location

The application site is a ±2.502-gross acre parcel comprised of two adjacent, single-family residential lots located on the south side of SW 92 Street, between SW 84 Avenue and SW 87 Avenue/Galloway Road, in unincorporated Miami-Dade County.

Existing Land Use

The application site consists of two single-family residential lots located at 8460 and 8490 SW 92 Street. The first lot, 8460 SW 92 Street (Folio 30-5003-000-0660) is a 0.94-acre (40,946 sq.ft) lot with a single family home built in 1976. The second lot, 8490 SW 92 Street (Folio No. 30-5003-000-0610) is a 1.37-acre (59,677 sq.ft.) lot with a single-family home built in 1956 (See Appendix F: Photos of Site and Surroundings).

Land Use Plan Map Designation

The application site is currently designated “Estate Density Residential” on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map (see “CDMP Land Use” map on page 5-6). The “Estate Density Residential” designation accommodates a variety of housing types, but is typified by large, single-family detached homes ranging from 1 to 2.5 Dwelling Units per Gross Acre; DU/Ac). As such, the application site as currently designated would accommodate up to 6.25 dwelling units. The requested “Low Density Residential with One Density Increase with Urban Design” would allow the application site to be developed at one density category higher than the “Low Density Residential” (2.5 to 6 DU/Ac) designation to the “Low-Medium Density Residential” (6 to 13 DU/Ac) designation, provided that the proposed development utilizes sound urban design principles as prescribed in the CDMP. With the application of sound urban design principles, the application site could accommodate a maximum of 32.5 dwelling units. However, the applicant has submitted a Declaration of Restrictions limiting the proposed project to a maximum of 24 dwelling units.

Declaration of Restrictions

The Applicant has proffered a Declaration of Restrictions (Covenant) committing to a maximum of twenty-four (24) townhomes, with underground parking, designed with complimentary architectural styles and designs at a scale compatible with the surrounding area; a limitation of large expanses of opaque or blank walls; uniform street furniture and lighting; and other compatible urban design elements.

Zoning

The application site is currently zoned EU-1 (Single Family, One-Acre Estate). The EU-1 Zoning District permits single-family homes including guest houses/servants quarters, workforce housing and group homes with conditions, and a variety of animal husbandry and agriculture uses. (See “Zoning” map on page 5-4).

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The earliest zoning records indicate that in 1955 the Bay Glades Civic Association applied for a zoning change for properties, within the application area, located between SW 88 Street/Kendall Drive, SW 102 Street, SW 83 Street and SW 87 Avenue/Galloway Road from AU (Agricultural), GU (Interim) and RU-1 (One Family Residential) to EU-1 (One Acre Estates). On August 16, 1955, the Board of County Commissioners adopted Resolution 8654 which approved the proposed

zoning changes, including the now defunct LRU (Limited Residential) zoning classification, and with additional conditions.

Adjacent Land Use and Zoning

Existing Land Uses

The application site is located on a block that consists of large-lot, single family homes to the north, east and southeast, and medical office buildings to the west, northwest and along SW 87 Avenue. As such, two single-family detached homes on large lots are located on the north side of SW 92 Street, north of the application site. The Gallowood Condominiums, a two-story residential condominium complex of approximately 128 units (built in 1968), is located to the south. The properties to the east are large lot single-family homes, including a small mango grove. The Galloway Professional Center, a two-story medical office building, is immediately west of the application site; and the Inwood Condominiums, a two-story residential condominium complex, is adjacent to the Galloway Professional Center and is located on the southeast corner of SW 92 Street and SW 87 Avenue/Galloway Road. The Oak Plaza Professional Center, a single-story (medical office) office complex, is located to the immediate northwest of the application site.

The application site is located on a residential block that is characterized by large lot, low-density single family detached residences to the north and east, a two-story residential condominium to the south, and a high concentration of one and two-story medical offices to the west and at the intersection of SW 92 Street and SW 87 Avenue/Galloway Road. The concentration, and apparent encroachment, of medical offices and higher intensity residential development immediately west of the application site may have residual negative impacts on the remaining large lot single-family homes on the eastern end of SW 92 Street. An apparent lack of parking for the medical offices has resulted in excessive on-street parking along the swales in front of the medical office buildings. As a result, most homeowners along SW 92 Street have placed large boulders and/or shrubbery along the swale in order to prevent overflow parking from the adjacent medical offices in front of their homes. This block and/or neighborhood would appear to be in need of a planning study to both protect the existing single family homeowners and to provide for the planned development or transition of this area into an extension of land uses ancillary to the Baptist Hospital complex.

Land Use Plan Map Designations

The properties on the north side of SW 92 Street, and south and east of the application site are designated "Estate Density Residential" (1 to 2.5 DU/Ac) on the Adopted 2020 and 2030 LUP Map. The property to the immediate west is designated "Medium Density Residential" (13 to 25 DU/Ac), and the property to the immediate northwest is designated "Office/Residential" (see CDMP Land Use map on Page 5-7).

Zoning

Properties to the north and east of the application site are zoned EU-1 (Single-Family One Acre Estate District) and EU-M (Estate Modified District). The property to the south, the aforementioned Gallowood Condominium, is zoned RU-4M (Modified Apartment House District). Properties to the immediate northwest and west are designated RU-5A (Semi-Professional Office District), whereas the aforementioned Inwood Condominium complex is designated RU-4L (Limited Apartment House District). The EU-1 zoning district accommodates single-family homes, workforce housing, group homes with conditions, and limited animal husbandry. The EU-M zoning district accommodates single-family homes, workforce housing units, and group homes with conditions. The RU-4M district accommodates single-family, multi-family and townhouse

residential uses, workforce housing, multi-family apartments and community residential facilities. The RU-5A district designation accommodates uses including professional offices, child and adult day care centers, banks, and libraries, and the RU-4L district accommodates various single and multi-family residential, workforce housing uses at a maximum height of six-stories in height.

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, 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 5.5) in 2017 was estimated to have a capacity for about 795 dwelling units, with about 87 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 138 units per year in the 2017-2020 period to 177 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 2018 and for multi-family by 2027 (See Table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2022.

Table 5A
Residential Land Supply/Demand Analysis
2017 to 2030: Application 5 (MSA 5.5)

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	103	692	795
DEMAND 2017-2020	75	63	138
CAPACITY IN 2020	0	503	381
DEMAND 2020-2025	83	70	153
CAPACITY IN 2025	0	153	0
DEMAND 2025-2030	96	81	177
CAPACITY IN 2030	0	0	0
DEPLETION YEAR	2018	2027	2022

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, February 2018.

The table above addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. Application 5 is a small-scale amendment requesting a change from "Estate Density Residential" to "Low Density Residential – with One Density Increase." If approved, this application will increase the potential amount of Single Family housing units by approximately 24 net units. This, while increasing the supply of units, will not have a significant impact on the supply of single-family units and will not have a significant impact on the depletion year.

Environmental Conditions

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

Flood Protection

Federal Flood Zone	X
Stormwater Management Permit	DERM Surface Water Management Standard Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	7.5 feet

Biological Conditions

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

Other Considerations

Within Wellfield Protection Area	Yes – Alexander Orr/Average
Contaminated Site	No DERM records

Wellfield Protection

Application No. 5 is located within the average travel time of the Alexander Orr Wellfield protection area. Any development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code. Pursuant to CON-3A of the CDMP Conservation Element, hazardous wastes are prohibited within the wellfield protection area.

Pollution Remediation

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

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 approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting.

Application 5 is not located within a Special Flood Hazard Area according to the FEMA Flood Insurance Rate Maps (FIRM). Any development 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 7.5 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 non-residential.

- County Flood Criteria 7.5 feet NGVD, plus 8 inches for residential, or plus 4 inches for non-residential.
- Elevation of the back of the sidewalk (if any) fronting the property, plus 8 inches for residential, or plus 4 inches for non-residential.
- The Base Flood Elevation for this area is found to be 9.0 feet N.G.V.D. (taken from the FIRM for Miami Dade County).
- 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

Application No. 5 contains tree resources, possibly including specimen tree resources (trees with a trunk diameter 18 inches or greater). The applicant is required to comply with CON-8D of the CDMP and Section 24-49.2(II) of the Code, which requires that specimen trees be preserved whenever reasonably possible.

Site plan development must be consistent with the requirements to preserve specimen trees except in cases where DERM has determined that a specimen tree cannot be preserved pursuant to Section 24-49.2(4)(II)(2) of the Code. Therefore, prior to approval of any development order, the applicant shall submit a survey of the existing tree resources within the CDMP application area utilizing professionally recognized sampling methodology and shall be subject to DERM review and approval. The applicant shall, at their expense, revise any site plan as necessary to comply with the requirements of Chapter 24 of the Code and for conformance with provisions of the CDMP.

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 72.03 MGD. This is calculated using the available plant capacity (449.74 MGD), subtracting 102% of the maximum day flow (346.6 MGD) and subtracting the water that is reserved through development orders (31.11 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 under the current CDMP Land Use designation (Scenario 1) is estimated at 1,100 gallons per day (gpd). The maximum water demand for residential development under the proposed CDMP Land Use designation (Scenario 2) is estimated at 5,220 gpd. This represents an increase of up to 4,120 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	Single Family Res	5 units	220gpd/unit	1,100 gpd
Maximum Proposed CDMP Designation				
2	Townhouse	29 units	180gpd/unit	5,220 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; January 2018

Water Supply and Connectivity:

Application No. 5 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 12-inch and 8-inch water main along SW 92 Street to which the developer may connect to provide water service for the proposed development. Any public water main extensions within the property shall be 8-inch minimum diameter. If two or more fire hydrants

are to be connected to a public water main extension within the property, then the water system shall be looped with two (2) points of connection.

At this time, there is a planned project in close proximity to this application site with a WASD Agreement No. 23568 for the construction of 9,532 square feet of medical office.

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 (310.11 MGD) for the preceding 5 years and the capacity reserved for development orders (38.81 MGD) from the system capacity (375.5 MGD). Therefore, the available wastewater treatment plant capacity is 26.58 MGD.

Sewer System Connectivity:

Application No. 5 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 within feasible distance, as defined in Section 24-5 of the Code, for connection to existing public sewer system. Therefore, the development is required to connect to the public sanitary sewer system pursuant to Chapter 24 of the Code. There is an existing 8-inch sanitary gravity sewer system in SW 87 Avenue and SW 92 Street to which the developer may connect and extend the same at full depth, easterly in SW 92 Street to the northeastern corner of the property (approximately 1,050 feet).

The nearest point of connection is a sanitary sewer force main. MDWASD may determine other points of connection. The force main directs the sewage flow to pump stations 30-0536 or 30-0559, 30-Tandem then to the South District Wastewater Treatment Plant. The aforementioned sanitary sewer pump stations as well as the South and Central District Wastewater Treatment Plants are owned and operated by MDWASD; in addition, they are currently working within the mandated criteria set forth in the Consent Decree Case: NO. 1:12-cv-24400-FAM, effective Dec 6, 2013.

Solid Waste

The Miami-Dade County 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 "Estate Density Residential" to "Low Density Residential with One Density Increase." The "Low Density Residential with One Density Increase" land use category allows densities from 6 to 13 dwelling units per acre. The type of housing structures typically permitted in this category includes single family homes, townhouses and low-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 impact or any associated costs relative to Solid Waste Collection and Disposal services and facilities; therefore, the DSWM has no objection to the proposed changes.

Parks

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

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 473.18 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 parks within a 3-mile radius of the application site; four parks (Boys and Girls Club of Miami Park, Continental Park, Ron Ehmann Park, and Snapper

Creek Park) are larger than the required minimum provision of five-acres of local recreational open space.

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

Park Name	Acreage	Classification
Boys and Girls Club of Miami - Kendall Unit	22.70	Community Park
Briar Bay Park	4.66	Neighborhood Park
Cherry Grove Park	1.50	Neighborhood Park
Continental Park	18.13	Community Park
Kendale Park	3.86	Neighborhood Park
Kendallwood Park		Neighborhood Park
Killian Library Park	3.42	Mini-Park
Miller Drive Park	4.07	Community Park
Ron Ehmann Park	14.60	Community Park
Snapper Creek Park	5.50	Neighborhood Park
Sudlow Park	1.12	Mini-Park
Sunkist Park	0.77	Neighborhood Park
Sunset Park	2.60	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2018.

Application Impacts

The development potential of the site under the existing CDMP land use designation is estimated at 5 single-family dwelling units, with a potential population of up to 13 persons, resulting in an impact of 0.04 acres based on the Level of Service standard for the provision of local recreational open space. The potential for residential development under the proposed land use designation is estimated at 24 multi-family dwelling units with an estimated population up to 66 persons. The concurrency analysis for this scenario results in an impact of 0.18 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 PBD-2 from 473.18 to 473.00 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 Station No. 13 (East Kendall) located at 6000 SW 87 Avenue. The station is equipped with an Engine totaling four (4) firefighter/paramedics, 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the subject application is approximately 6:46 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time to the vicinity of the subject application complies with the performance objective of national industry.

The current CDMP designation "Estate Density Residential" will allow a potential development which will generate two (2) annual alarms. The proposed CDMP designation "Low Density Residential with a Density Increase 1 (DI-1)" will allow a proposed potential development which is anticipated to generate eight (8) annual alarms. The eight (8) annual alarms will result in a

minimal impact to existing fire rescue service. Presently, fire and rescue service in the vicinity of the subject application is adequate.

The required fire flow for the proposed CDMP designation “Low Density Residential” shall be 1,500 gallons per minute (GPM). Fire hydrants shall be spaced a minimum of 300’ from each other and shall deliver not less than 500 GPM. Presently, there are no fire flow deficiencies in the vicinity of the application.

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 1,000 GPM. The Miami-Dade Fire Rescue Department has no objection to Application No. 5.

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 6 students. This number includes a reduction of 25.28% to account for charter and magnet schools (schools of choice). Of the 6 students, 2 are expected to attend elementary schools, 2 are expected to attend middle schools and 2 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
Kenwood K-8 Center (Elementary)	45	2	2	Yes	Current CSA
Kenwood K-8 Center (Middle)	39	2	2	Yes	Current CSA
Miami Killian Senior	1256	2	2	Yes	Current CSA
Source: Miami-Dade County Public Schools, March 2018					
Miami-Dade County Department of Regulatory and Economic Resources, March 2018					
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, Zoning, of the Code of Miami-Dade County as it pertains to airport zoning.

Roadways

The application site is ±2.3-acre property located on the south side of SW 92 Street and approximately 1,220 feet east of SW 87 Avenue/Galloway Road in unincorporated Miami-Dade County. Primary access to the application site is provided by SW 92 Street, a two-lane undivided roadway having connections to SW 87 Avenue to the west and SW 84 Avenue to the east. SW 87 Avenue is a two-lane divided roadway south of SW 88 Street and a four-lane divided roadway north of SW 88 Street. SW 84 Avenue to the east of the site is a two-lane undivided roadway. North of the site is SW 88 Street/Kendall Drive, a six-lane divided roadway that provides connection to Don Shula Expressway in the west (approximately 1.9 mile from the project site) and Palmetto Expressway in the east (approximately 1.3 miles from the project site).

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. Traffic count station (#9172) on SW 87 Avenue south of SW 88 Street did not have traffic counts for the year 2016, hence 2015 counts were used for this station to review the impacts of this project. Also, traffic count station (#8703) monitored by Florida Department of Transportation is not a concurrency station but it was used for review since it is the closest station in the southeast direction from the project site. 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 “Estate Density Residential” the application site is assumed to be developed with 5 single-family detached units and under the requested CDMP land use designation of “Low Density Residential” the application site can be developed with 29 single-family attached units. The potential development under the current CDMP land use designation of “Estate Density Residential” is expected to generate approximately 7 PM peak hour trips and under the requested CDMP land use designation of “Low Density Residential” it is expected to generate approximately 22 PM peak hour trips or approximately 15 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			
Application No. 5	Current CDMP Designation and Assumed Use ¹ 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	“Estate Density Residential (1 - 2.5 du/ac)”	“Low Density Residential (2.5 - 6 du/ac – DI-1)”	
Maximum Development Potential	5 Single-Family Detached Units ¹	29 Single-Family Attached Units ²	
Trips Generated	7	22	+15

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

Notes:

¹ – ITE Land Use Code used for Multi-Family is 210.

² – ITE Land Use Code used for Single-Family is 230.

Traffic Concurrency Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions was conducted as of February 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 2017 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the three development scenarios assumed to be developed under the requested CDMP LUP map designation. This evaluation determined that all roadways monitored for concurrency 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.

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 Density Residential (2.5-6 du/ac)" - 29 single-family attached residential units.													
9172	SW 87 Ave./ Galloway Rd.	S/O SW 88 Street/ Kendall Drive	2 DV	E	1,670	1,412	D	62	1,474	D	5	1,479	D
F0684	SW 88 Street/ Kendall Drive	E/O SW 79 Avenue	6 DV	E+50%	6,468	3,991	C	124	4,115	C	9	4,124	C
F8703	SW 104 St.	E/O SW 87 Avenue	2 UD	D	1,330	1,143	D	0	1,143	D	2	1,145	D
F1089	SW 112 St./Killian Drive	W/O Kendall S Boulevard	4 DV	D	3,580	2,740	C	105	2,845	C	6	2,851	C

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

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

* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity); E+50% (150% capacity) for roadways serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA).

Application Impact

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 "Estate Density Residential" the application site is assumed to be developed with 5 single-family detached units and under the requested CDMP land use designation of "Low Density Residential" the application site can be developed with 29 single-family attached units. The potential development under the current CDMP land use designation of "Estate Density Residential" is expected to generate approximately 7 PM peak hour trips and under the requested CDMP land use designation of "Low Density Residential" it is expected to generate approximately 22 PM peak hour trips or approximately 15 more PM peak hour trips than the current CDMP designation.

The 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 above.

Transit

Existing Service

The application site is within walking distance to Metrobus Routes 88 and 104. These Metrobus Routes provide service along SW 88th Street. The existing levels of service for these routes are illustrated in the Table "Metrobus Route Service Summary" 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		
88	20	20	30	30	30	0.3	L/F
104	24	45	60	60	60	0.3	L/F

Source: 2017 *Transit Development Plan*, Miami-Dade Transit (December 2016 Line Up), January 2018.

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

Recent Service Improvements

No service improvements were implemented in 2017 for Metrobus Routes 88 or 104.

Future Service Improvements

Service adjustments and improvements scheduled for implementation in 2018 are currently under development.

Long-Term Vision: Major Transit Projects

The Department of Transportation and Public Works is moving forward with the Strategic Miami Area Rapid Transit (SMART) Plan. This plan proposes a network of connected premium rapid transit corridors throughout the County with frequent, reliable service. The SW 88th Street/Kendall

Drive corridor is one of the SMART Plan's six premium rapid transit corridors. This future transit improvement will greatly improve the level of transit service provided within the Kendall Community, where the subject property is located.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) where the application was requested. In TAZ Number 1185 where the application is sought, if granted, the anticipated incremental transit impacts generated by the requested land use amendment are minimal and can be absorbed by the existing transit service in the area.

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

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

- Obj. 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.
- Pol. 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, cultural, community, and senior 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.
- Pol. 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.

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
OCTOBER 2017-2018 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

Ulysses Vazquez and Dulce Prats Vazquez
c/o Edgewater Construction Group, Inc.
6962 SW 47 Street
Miami, FL 33155

Richard Interian
8490 SW 92nd Street
Miami, FL 33156

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PLANNING DIVISION

2. APPLICANT'S REPRESENTATIVES

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

By: _____

Ben Fernandez, Esq.

Date: _____, 2017

10/30

3. DESCRIPTION OF REQUESTED CHANGES

A small-scale amendment to the Comprehensive Development Master Plan (CDMP) Land Use Plan Map (LUP) is requested.

- A. A change to the Land Use Element, Land Use Plan Map (item A.1 in the fee schedule) is requested.

Current Land Use Designation: Estate Density Residential

Proposed Land Use Designation: Low Density Residential with One Density Increase (DI-1)

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

Property is located between SW 92nd Street and SW 94th Street and between Galloway Road and SW 84th Avenue.

C. Acreage of Property

Application Area =	2.3 Net Acres (2.502 Gross Acres)
Acreage owned by Applicants =	2.3 Net Acres (2.502 Gross Acres)

D. Requested Changes

1. The Applicants requests the re-designation of the Property from Estate Density Residential to Low Density Residential with One Density Increase (DI-1) The Miami-Dade County Property Appraiser's office has assigned Folio No. 30-5003-000-0660 and 30-5003-000-0610 to the Property.
2. It is requested that this Application be processed as a small-scale amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The applicant is seeking to redevelop the Property with an upscale townhome community intended to meet the growing needs of the area. The Property is presently developed with two (2) single family homes. Approval of the application would facilitate the growth and redevelopment of the property by providing additional residential homes within walking distance to the Baptist Hospital Medical Complex Area and the new state-of-the-art flagship Miami Cancer Institute on the northeast corner of the Baptist Hospital campus.

The re-designation of the Property to Low Density Residential with One Density Increase (DI-1) will allow the applicant to create a transition in density from the higher density, RU-4L and RU-4M zoned Gallowood Apartments, along SW 94th Street, to the lower density single-family residential area south of SW 94th Street. In addition, the re-designation would allow for a well-designed townhome community that would transition well from the abutting Galloway Professional Center office building on the west and the other office uses along Galloway Road.

The applicant intends to comply with Miami-Dade County's Urban Design Guidelines in order to ensure that townhome plan will be a well-designed project. In addition, the applicant is proffering a Declaration of Restrictions with respect to the design of the project to further insure compatibility with the surrounding neighborhood.

With respect to the supply and demand for housing in the area, the County has projected that there will be a housing deficit as early as 2018 for single-family housing and by 2027 for both single and multi-family housing within Minor Statistical Area ("MSA") 5.5. Based on the October 2016 Cycle, Initial Recommendations, the demand for housing is anticipated to increase in this area

from 138 units per year in the 2015-20 period to 177 units in the 2025–2030 period. Therefore, approval of this application would provide additional supply that would help to extend the projected depletion date and thereby satisfy a deficiency in the supply of residentially designated land beyond the year 2027. Accordingly, this application furthers the goals and objectives of the CDMP.

The proposed amendment would also support transit ridership and pedestrianism. There is a transit stop along Kendall Drive, which is served by Metro bus route 88 and 104. Kendall Drive is also one of the major rapid transit corridors listed within the SMART plan adopted by the Miami-Dade Metropolitan planning organization (MPO) for improved transit service. The plan provides that premium transit service such as bus rapid transit, light rail or heavy rail facilities and services will be implemented within the Kendall Drive Corridor (see transit analysis page 4-26). Therefore, the proposed additional residential development near Kendall Drive would generate additional transit ridership and support existing and future transit service in the area. In addition, the property is within a short walk of the Baptist Health Center, making it a convenient and logical place to reside for the medical professionals working in this area.

It should also be noted that the CDMP LUP was recently amended for the 4.45 acres at southwest corner of 87th Avenue and 94th Street to Office Residential to allow additional medical office uses to complement the Baptist Hospital. This property is less than a block away from the property.

The approval of the Application will be consistent with the following objectives and policies in the Land Use Element for the reasons set forth below:

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.

The Property is in an area experiencing growth that has become a center of activity.

POLICY LU-1C

Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

The Property is contiguous to existing urban development and all necessary urban services and facilities exist in the area to accommodate additional demand.

POLICY LU-1F

To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

This will allow for a better transition between the single-family residential area to the south of the Application and the corridor along SW 94th Street.

OBJECTIVE LU-4

Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.

The application would address the lack of transition between the single family residences with a future land use designation of Low Density Residential to the south of the Property and the multifamily corridor along SW 94th Street.

POLICY 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, cultural, community, and senior 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.

The designation of the Property will facilitate redevelopment of the Property more in line with the Guidelines for Urban Form.

The Guidelines for Urban Form promote a variety of residential types and densities, "with higher densities being located at the periphery, and lower densities in the interior."

The Guidelines for Urban Form specify that "intersections of section line roads shall serve as focal points of activity" referred to as activity nodes, and that the higher density residential uses should be located at or near the activity nodes.

The Guidelines for Urban Form specifically promote the utilization of areas abutting and adjacent to activity nodes to serve as transition areas suitable for eligible higher residential densities.

Consistency with the Transportation Element. The approval of the Application will be consistent with the following objectives and policies in the Mass Transportation Subelement for the reasons set forth below:

The proximity of the Property to Kendall Drive helps the County meet this objective and ensure quality transportation options for patrons of the Property.

5. LOCATION MAP FOR APPLICATION

See page 6.

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 page 6.

8. COMPLETE DISCLOSURE OF INTEREST FORM

See page 7.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

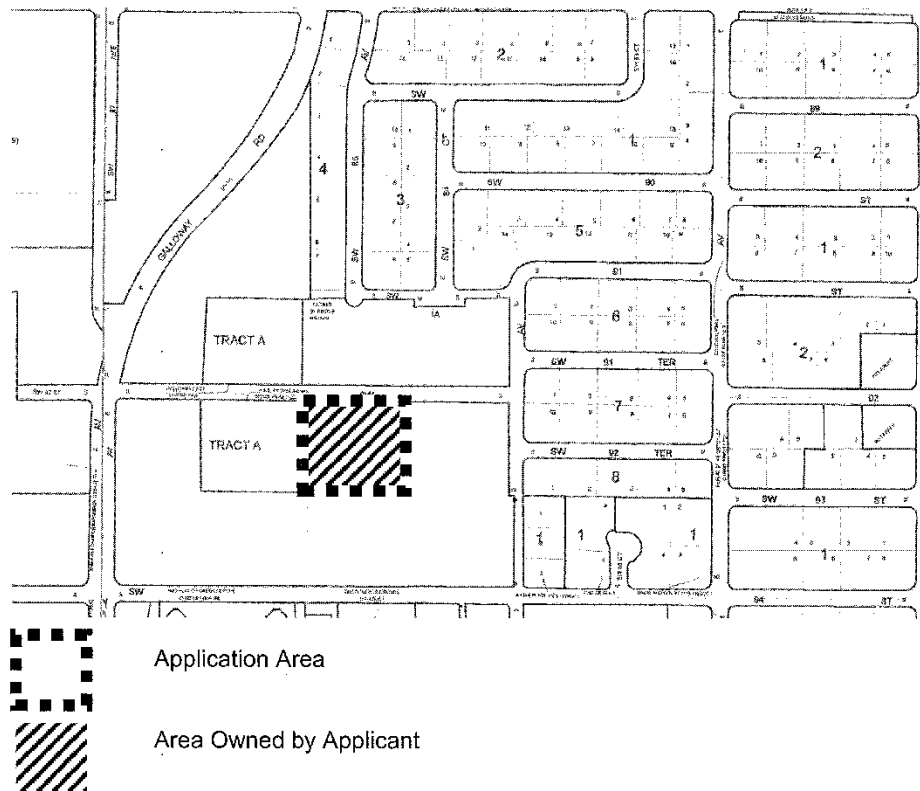
Ben Fernandez, Esq. on behalf of Ulysses Vazquez, Dulce Prats Vazquez, and Richard Interian.

DESCRIPTION OF SUBJECT AREA

The Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4, less the North 25 feet for road, and less the East 133.75 feet, Section 3, Township 55 South, Range 40 East, situated in Miami-Dade County, Florida.

AND

The East 133.75 feet of the NW 1/4 of the NE 1/4 of the SW 1/4 of the NW 1/4 less the North 25 feet in Section 3, Township 55 South, Range 40 East, Miami-Dade County, Florida.



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: Ulysses Vazquez
 APPLICANT B: Dulce Prats Vazquez
 APPLICANT C: Richard Interian

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>ACRES IN SIZE (net)</u>
A. Ulysses Vazquez	X	30-5003-000-0660	0.94
B. Dulce Prats Vazquez	X	30-5003-000-0660	0.94
C. Richard Interian	X	30-5003-000-0610	1.37

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

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR FOR PURCHASE</u>	<u>OTHER (Attach Explanation)</u>
A.	X			
B.	X			
C.	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>
Ulysses Vazquez	50%
c/o Edgewater Construction Group, Inc.	
6962 SW 47 Street, Miami, FL 33155	
Dulce Prats Vazquez	50%
c/o Edgewater Construction Group, Inc.	
6962 SW 47 Street, Miami, FL 33155	
Richard Interian	100%
8490 SW 92 nd Street, Miami, FL 33156	

- 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: N/A

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

- 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

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

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

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
OWNERSHIP

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]

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
INTEREST

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.

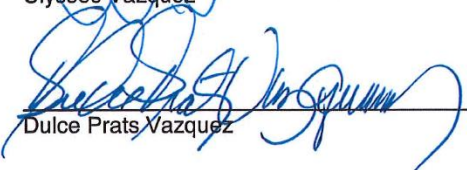
N/A

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:



Ulysses Vazquez

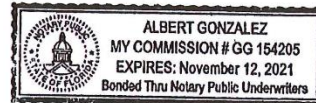

Dulce Prats Vazquez

N/A

Richard Interian

Sworn to and subscribed before me
this 30 day of Oct, 20 17.


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



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more 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.

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:

N/A
Ulysses Vazquez

N/A
Dulce Prats

[Signature]
Richard Interian
E.O. 702 #1536-750-67-455-0

Sworn to and subscribed before me
this 30 day of Oct, 2017.

[Signature]
Notary Public, State of Florida at Large (SEAL)
My Commission Expires: 9/29/21



CARL QUEENER
Commission # GG 137751
Expires September 29, 2021
Bonded Thru Budget Notary Services

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.

Legal Description

Application Area = 2.3 Acres

Acreage owned by Applicants = 2.3 Acres

The Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4, less the North 25 feet for road, and less the East 133.75 feet, Section 3, Township 55 South, Range 40 East, situated in Miami-Dade County, Florida.

AND

The East 133.75 feet of the NW 1/4 of the NE 1/4 of the SW 1/4 of the NW 1/4 less the North 25 feet in Section 3, Township 55 South, Range 40 East, Miami-Dade County, Florida.

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APPENDIX B

Miami-Dade County Public Schools Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

March 5, 2018

VIA ELECTRONIC MAIL

Mr. Ben Fernandez
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131
bfernandez@brzoninglaw.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
ULYSSES VAZQUEZ ND DULCE PRATS VAZQUEZ C/O EDGEWAT
APPLICATION 5 OCTOBER 2017 CYCLE - LOCATED AT 8460 SW 92 STREET
PH3018022200072 - FOLIO Nos.: 3050030000660, 3050030000660, 3050030000610**


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 24 single-family attached units, which generate 6 students: 2 elementary, 2 middle and 2 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-260

Enclosure

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

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) • arijo@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: PH3018022200072 Local Government (LG): Miami-Dade
Date Application Received: 2/22/2018 12:34:35 PM LG Application Number: Application 5 October 2017
Type of Application: Public Hearing Sub Type: Land Use
Applicant's Name: Ulysses Vazquez Nd Dulce Prats Vazquez c/o Edgewater
Address/Location: Bercow radell Fernandez & Larkin, 200 S. Biscayne Boulevard, Suite 850, Miami,
Florida 33131
Master Folio Number: 3050030000660
Additional Folio Number(s): 3050030000660, 3050030000610,
PROPOSED # OF UNITS 24
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 24
MULTIFAMILY UNITS: 0

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2701	KENWOOD K-8 CENTER (ELEM COMP)	45	2	2	YES	Current CSA
2702	KENWOOD K-8 CENTER (MID COMP)	39	2	2	YES	Current CSA
7361	MIAMI KILLIAN SENIOR	1256	2	2	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of 25.28% 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

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Ulysses Vazquez and Dulce Pratts Vazquez and Richard Interian (hereinafter referred to as the “Owners”) hold 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 Owners have applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in the October 2017 Cycle and said amendment is identified as Application No. 5 (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, the Owners in order to assure the Miami-Dade County Board of County Commissioners that the representations made by during consideration of the Application will be abided by freely, voluntarily and without duress make the following Declaration of Restrictions covering and running with the Property:

1. There shall be a maximum of 24 homes on the Property.
2. All homes will be designed using complementary architectural styles and designs and at a scale that is compatible with the surrounding area.
3. Natural stone veneers and stone features will be provided throughout the project.
4. A private elevator will be provided in each unit.

5. All homes will feature a private patio area and impact resistance hurricane doors and windows.
6. Design features will be provided at appropriate locations of the buildings, in order to maintain architectural and design continuity.
7. Parking spaces for all home shall be covered.
8. Lush landscaping shall be provided throughout with continuous buffer areas along all sides of property.
9. Brick pavers shall be provided at the main access road and in guest parking areas.
10. A guard house with a security controlled access gate shall be provided.
11. Uniform street furniture and lighting standards to be provided throughout the Property.
12. 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.
13. Architectural elements of the residential homes 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.
14. Any on-site parking, wherever practicable, shall not be located between the street and building entrances.

Water Saving Measures. The Owners 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 Owners 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 Owners, 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 Owners, 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. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners 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 Owners acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners 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 Owners shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

**ACKNOWLEDGMENT
INDIVIDUAL**

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

WITNESSES:

Signature

Print Name

Signature

Print Name

Ulysses Vazquez

c/o Edgewater Construction Group, Inc.
6962 SW 47 Street
Miami, FL 33155

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by Ulysses Vazquez, who is personally known to me or has produced _____, as identification.

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

Notary Public-State of _____

Print Name

My Commission Expires:

**ACKNOWLEDGMENT
INDIVIDUAL**

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

WITNESSES:

Signature

Print Name

Signature

Print Name

Dulce Prats Vazquez

c/o Edgewater Construction Group, Inc.
6962 SW 47 Street
Miami, FL 33155

STATE OF _____

COUNTY OF _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by Dulce Prats Vazquez, who is personally known to me or has produced _____, as identification.

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

Notary Public-State of _____

Print Name

My Commission Expires:

**ACKNOWLEDGMENT
INDIVIDUAL**

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

WITNESSES:

Signature

Print Name

Signature

Print Name

Richard Interian
8490 SW 962nd Street
Miami, FL 33156

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by Richard Interian, who is personally known to me or has produced _____, as identification.

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

Notary Public-State of _____

Print Name

My Commission Expires:

EXHIBIT A

The Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4, less the North 25 feet for road, and less the East 133.75 feet, Section 3, Township 55 South, Range 40 East, situated in Miami-Dade County, Florida.

AND

The East 133.75 feet of the NW 1/4 of the NE 1/4 of the SW 1/4 of the NW 1/4 less the North 25 feet in Section 3, Township 55 South, Range 40 East, Miami-Dade County, Florida.

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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. 5 of the October 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 2017-18, 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 current land use designation on the site is "Estate Density Residential" and the proposed land use change is to "Low Density Residential with One Density Increase with Urban Design." The applicant intends to redevelop the application site from two single-family detached homes to twenty-four (24) single-family attached townhouses. In the event that townhomes or two-story condominiums with separate means of ingress and egress are constructed, the DSWM will provide waste collection service. If a multi-family 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 DSWM customers, municipalities and private haulers is paid for by System users. In FY 2017-18, the DSWM charges a contract disposal rate of \$61.01 per ton to DSWM Collections and those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$89.38 per ton in FY 2017-18.

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 ± 2.5 acre application site from "Estate Density Residential" (1 to 2.5 dwelling units per gross acre; DU/Ac), to "Low Density Residential with One Density Increase with Urban Design" (6 to 13 DU/Ac) land use designation. The applicant has proffered a Declaration of Restrictions (covenant) limiting the redevelopment of the site to twenty-four (24) residential townhomes.

If the application is developed with 24 townhomes, the maximum number of units permitted, the water connection charge is estimated at \$7,256, and the water service line and meter connection fees would cost \$1,300. The sewer connection charges are estimated at \$29,232 and the annual operating and maintenance costs would total \$6,384. In addition, the estimated cost of installing the required 64 linear feet of 8-inch water main to connect the proposed development to the County's regional water system is estimated at \$20,800. Furthermore, the estimated cost of installing the required 1,015 linear feet of 8-inch gravity sewer force main is estimated at \$301,455. 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 \$322,255.

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

The proposed amendment, if approves, would result in 6 additional students. The average cost for K-12 grade students amounts to \$9,337 per student. Of the 6 students, 2 will attend elementary schools, 2 will attend middle schools, and 2 will attend senior high schools. At this time, all school levels have sufficient capacity available to serve the application. The total annual operating cost for additional students residing in this development, if approved, would total \$56,022.

Fire Rescue

The current CDMP designation of "Estate Density Residential" will allow a potential development which would generate two (2) annual alarms. The proposed "Low Density Residential with One Density Increase with Urban Design" designation would allow a proposed potential development anticipated to generate eight (8) 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

Photos of Site and Surroundings

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Partial view of Lot 1 (of 2) of the application area looking southwest.



View of Lot 2 of the application area looking south.



View of property east and adjacent to Lot 2 looking south.



View of property immediately north of application area looking northwest (Notice boulders and plants in the swale area to discourage overflow on-street parking for adjacent medical office visitors).



View of medical offices immediately west of Lot 1 looking southwest (to Galloway Road).



View of medical offices on north side of SW 92 Street looking west (to Galloway Road).



View of medical offices on north side of SW 92 Street looking northwest (to Galloway Road).



View of medical offices on north side of SW 92 Street looking north (to Galloway Road).