

Date: November 17, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners


Supplement
Agenda Item No. 3(A)

From: Daniella Levine Cava
Mayor



Subject: Supplemental Information on Out-of-Cycle Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan

The following supplemental information is provided to the Board of County Commissioners regarding Out-of-Cycle Application No. CDMP20210004 to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1) the Mayor’s Report on pending Application CDMP20210004 to Amend the CDMP; (Exhibit 2) the Initial Recommendation report for Application No. CDMP20210004; and (Exhibit 3) Additional Items addressing Application No. CDMP20210004 received by the Department of Regulatory and Economic Resources after the publication of the Initial Recommendation report.



Jimmy Morales
Chief Operations Officer

Date: November 17, 2021

Exhibit 1

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor



Subject: Report on Out-of-Cycle Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on Out-of-Cycle Application No. CDMP20210004 to amend the Comprehensive Development Master Plan (CDMP) filed in April 2021. The Board is scheduled to take final action on small-scale Application No. CDMP20210004 as indicated in the table below and further detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
<p>Application No. CDMP20210004 Morgan Group Development, LLC. (Small-Scale Application)</p>	<p>Item No. 3A – Ordinance (Final Action) Item No. 3A1 – Resolution for Transmittal to the State Land Planning Agency (if converted to a Standard Application)</p>

Background

Small-scale Application No. CDMP20210004 was filed in April 2021 as an Out-of-Cycle amendment by a private party. A description of Application No. CDMP20210004 along with the recommendations of the Department of Regulatory and Economic Resources (Department), the affected community council, and the Local Planning Agency are provided in Attachment A. Pursuant to section 2-116.1 of the Code of Miami-Dade County, Application No. CDMP20210004 is being processed concurrently with Zoning Application No. Z2021000083.

The Ordinance (Agenda Item No. 3A), which was approved on first reading on September 1, 2021, provides for the Board’s action on small-scale amendment Application No. CDMP20210004. State law allows the adoption of the referenced small-scale application at the Board’s CDMP public hearing currently scheduled for October 20, 2021. A CDMP amendment application is eligible, under section 163.3187, Florida Statutes (F.S.), to be processed as a small-scale amendment to the local comprehensive plan if it involves 50 or fewer acres. The Board has the ability to approve the proposed small-scale amendment without prior review by the State Land Planning Agency.

At the October 20, 2021 public hearing, the Board is scheduled to take final action on the ordinance providing for final disposition of the Out-of-Cycle small-scale Application No. CDMP20210004. Such action may be to adopt, adopt with change or not adopt the referenced small-scale amendment application. If the Board does not adopt the referenced small-scale amendment, the Board may elect, by a separate resolution (Agenda Item No. 3A1), to transmit the application as a proposed standard amendment to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comments, and then take final action in or about January 2022, after State review. Denial or failure to adopt a small-scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review effectively denies approval of the application.

Scope

The CDMP is a broad-based Countywide policy-planning document created to guide future growth and development, ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies Countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. For example, Application No. CDMP20210004 is located within District 2, represented by Commissioner Jean Monestime.

Fiscal Impact

There is no direct fiscal impact associated with the small-scale amendment. However, the development allowed by the CDMP amendment application may have varying impacts to County services. These impacts are discussed in the document titled, “Initial Recommendations Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan”, dated July 2021. This document is kept on file with and available from the Department of Regulatory and Economic Resources, and can be accessed at the following link: <http://www.miamidade.gov/planning/cdmp-amendment-cycles.asp>.

Social Equity Statement

The recommendation of the Director on the small-scale Application No. CDMP20210004 as contained in the documents titled “Initial Recommendations Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan”, dated July 2021, which was prepared in accordance with section 2-116.1 of the Code of Miami-Dade County, include among other things, a compatibility analysis and conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to the application.

Track Record/Monitor

Amendments to the CDMP do not involve the monitoring of contracts.



Jimmy Morales
Chief Operations Officer

Attachment A

**Summary of Out-of-Cycle Application
to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
October 2021**

Item No./ Application Number/ Type	Applicant/Applicant representative/ Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation July	Community Council/ Resolution # and Date	PAB/LPA Recommendation July 26, 2021	BCC Action/ Recommendation October 20, 2021
CDMP20210004/ Small-Scale Item 3A	<p>Morgan Group Development, LLC/Tracy R. Slavens, Esq., Vanessa Madrid, Esq.</p> <p>Southeast corner of NW 6 Avenue and NW 159 Street/ ± 8.14 gross/± 7.05 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <p>1. Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 DU/ac)" To: "Medium Density Residential (13 to 25 DU/ac)"</p> <p>2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.</p> <p>This application is being processed concurrently with Zoning Application No. Z2021000083 (Evangel Church International, Inc.), pursuant to section 2-116.1 of the Code of Miami-Dade County</p>	2/ Moneslime	Adopt with Acceptance of the Proffered Declaration of Restrictions	North Central CC8 No Quorum (July 12, 2021)	Adopt with Acceptance of the Proffered Declaration of Restrictions revised to include the Applicant's stated commitment to improve the canal on the eastern portion of the application site, and with the recommendation that the Board of County Commissioners take final action on the proposed amendment after the flooding and traffic studies of the Biscayne Gardens area due October 2021 pursuant to Resolution No. R-668-21 are completed.	To be determined

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

BCC means Board of County Commissioners; PAB means Planning Advisory Board

Application No. CDMP20210004
Morgan Group Development, LLC
Commission District 2 Community Council 8

APPLICATION SUMMARY

Applicant/Representative:	Morgan Group Development, LLC/Tracy R. Slavens, Esq., Vanessa Madrid, Esq.
Location:	Southeast corner of NW 6 Avenue and NW 159 Street
Total Acreage:	± 7.05 acres
Current Land Use Plan Map Designation:	“Low Density Residential” (2.5 to 6 dwelling units per gross acre)”
Requested Land Use Plan Map Designation	Redesignate the application site: <ol style="list-style-type: none"> 1. From: “Low Density Residential” (2.5 to 6 dwelling units per gross acre) To: “Medium Density Residential” (13 to 25 dwelling units per gross acre) 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners
Amendment Type:	Small-Scale (Being Processed Concurrently with Zoning Application No. Z2021000083)
Existing Zoning District/Site Condition:	EU-S (Estate Use, Suburban Single-Family 25,000 sq. ft. gross)/ 13,836 Sq. Ft. Religious facility

RECOMMENDATIONS

Staff:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (July 2021)
North Central Community Council (8):	NO QUORUM (July 12, 2021)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS, REVISED TO INCLUDE THE APPLICANT’S STATED COMMITMENT TO

IMPROVE THE CANAL ON THE EASTERN PORTION OF THE APPLICATION SITE, AND WITH THE RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS TAKE FINAL ACTION ON THE PROPOSED AMENDMENT AFTER THE FLOODING AND TRAFFIC STUDIES OF THE BISCAYNE GARDENS AREA DUE OCTOBER 2021, PURSUANT TO RESOLUTION NO. R-668-21, ARE COMPLETED (July 26, 2021)

Final Action of Board of County Commissioners:

TO BE DETERMINED (September 22, 2021)

Staff recommends to **ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map to re-designate the ±7.05-acre application site from “Low Density Residential” (2.5 to 6 dwelling units per gross acre) to “Medium Density Residential” (13 to 25 dwelling units per gross acre) for the following reasons:

Principal Reasons for Recommendation:

1. The application proposes the redevelopment of the site with residential development consistent with Land Use Element Policies LU-7F and LU-7I and other CDMP policies that require the County to encourage higher density development at or near existing or future transit stations, such as the Golden Glades Multimodal Transportation Facility. The application site is located approximately ¼ mile southeast of the Golden Glades Multimodal Transportation Facility, a Transit Center as depicted on Figure 1: Future Mass Transit System 2030 and Figure 3: Premium Transit Corridors 2030 of the CDMP Transportation Element. Transit Centers are such facilities as Metrobus terminals and/or rapid transit stations where several bus route and/or multiple transit modes converge. The Golden Glades Multimodal Transportation Facility is served by several Metrobus routes, Broward County Transit service, Greyhound, and the Tri-Rail. The Golden Glades Transit Center is also depicted on the CDMP LUP map as a ‘Community Urban Center’ and as part of an ‘Existing Rapid Transit Corridor’. Furthermore, CDMP Transportation Element Policy TE-1D identifies the Golden Glades Transit Center as an area where the County will pursue the development of an intermodal facility which is under construction and anticipated to be completed in the summer of 2022. The proposed development on the application site would be supportive of the transit infrastructure at the Golden Glades and be consistent with CDMP policies that require the County to encourage higher density development at or near existing or future transit stations, such as the Golden Glades Transit Center.
2. The application proposes the redevelopment of the application site at a higher density than currently allowed consistent with Objective LU-1, Policies LU-1C, and LU-10A of the CDMP Land Use Element and consistent with the site’s location within the County’s Urban Infill Area where infill and redevelopment is promoted. These provisions of the CDMP require the County to give priority to infill development and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development, where urban services and facilities have the capacities to accommodate additional demand. In addition, the application site is within an area generally east of the Golden Glades that is transitioning from a predominantly low-density residential community to higher density residential. In recent years, CDMP and Zoning approvals in the area have trended towards higher density development generally consistent with the CDMP Land Use Element objectives and policies for infill and redevelopment. As discussed in Principal Reason No. 4(ii) below, existing public facilities have adequate capacities to accommodate the impacts that would be generated by development on the subject property if the application is approved.

The applicant requests a CDMP land use designation change from “Low Density Residential” (2.5 to 6 dwelling units per gross acre) for the application site to “Medium Density Residential” (13 to 25 dwelling units per acre). Under the current land use designation, the site could be developed with a maximum of 42 single-family detached residential units and with up to a maximum of 176 multi-family residential units under the requested “Medium Density Residential” designation. Furthermore, the applicant has proffered a Declaration of Restrictions (covenant) committing to set aside 10% of the total

residential units for workforce housing and limiting the site to maximum of 236 residential units. It should be noted that with the provision of workforce housing, the development would be eligible for a higher density under the CDMP's 25% Density Bonus for Workforce Housing program (see Background of Staff Analysis section on page 10). *

3. The proposed development of workforce housing on the application site is generally consistent with the provision of CDMP Land Use Element Policy LU-8A, Mass Transit Subelement Policy MT-5D, and Housing Element Objective HO-6. These policies and objective require the County to promote increased workforce and affordable housing development opportunities within proximity to areas served by mass transit. As outlined in Principal Reason No. 2 above, the applicant has proffered a covenant committing 10% of the total units as workforce housing units and limiting the development on the site to a maximum 236 residential units. Workforce housing units shall be developed in accordance with the County's Workforce Housing Development Program of Chapter 33, Article XIA, Miami-Dade County Code of Ordinances (see "Declaration of Restrictions" section on page 11).
4. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires Land Use Plan (LUP) map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, (v) impacts to systems important to the County and facilities of countywide significance and (vi) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.

i. Need to Accommodate Population or Economic Growth: Approval of the application, with acceptance of the proffered Declaration of Restrictions, could accommodate projected population growth. The application site is located in Minor Statistical Area (MSA) 2.1, which is estimated to have a capacity for about 14,557 dwelling units, with about 98 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 449 units per year in the 2021-2025 period to 666 units in the 2035-2040 period. The depletion of single-family residential units is projected to occur in 2021, for multi-family beyond 2040, and for both single-family and multi-family units beyond 2040. Given the existing capacity in the Analysis Area, this application, if approved, will decrease the supply of single-family units by approximately 42 to 61 dwelling units, and increase the supply of multifamily by approximately 176 to 236 additional units. This will not significantly change the depletion year for single-family units and would extend the depletion year of multifamily units by less than a year. However, the applicant proffered a Declaration of Restrictions committing 10% of the residential units for workforce housing, as discussed in Principal Reason No. 2 above, addressing the need for more affordable housing within the area (see "Supply and Demand Analysis" on page 13).

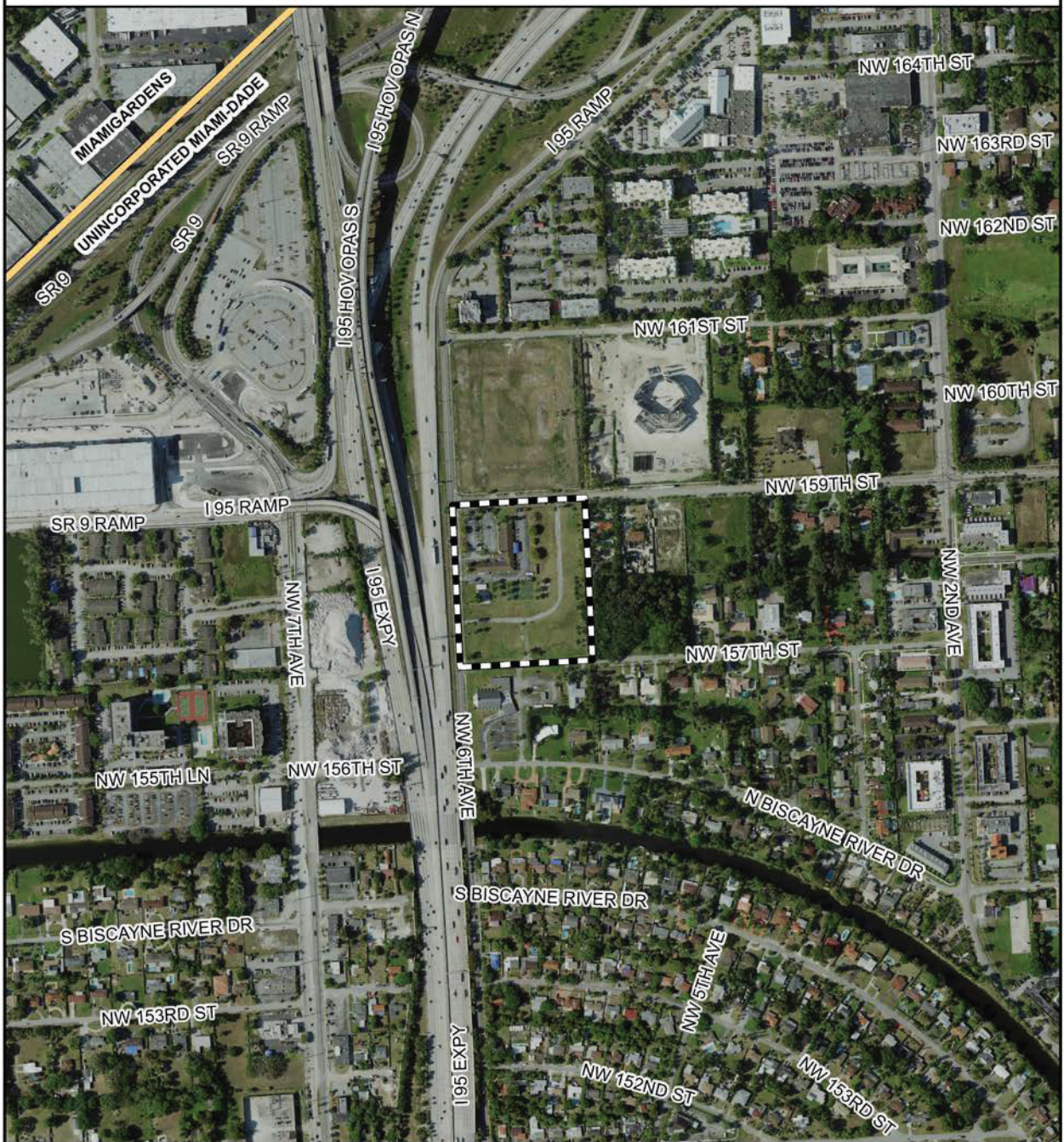
ii. Public Facilities and Service: Approval of the application with acceptance of the proffered covenant would be consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not to cause a violation in the adopted level of service standards for public facilities and services.



* When calculating residential density for developments that provide workforce housing, allowable density is based on gross acreage including the area up to the centerline of adjoining streets or road right of ways.

Except for roadways, the impacts that would be generated from the maximum development of 236 multifamily residential dwelling units on the site, if the application is approved, would not cause a violation in the level of service standards for public services and facilities.

- iii. Compatibility:* The proposed development of the site, if the requested “Medium Density Residential” designation is approved with acceptance of the proffered Declaration of Restrictions, would be generally compatible with the existing uses and land use designations of the abutting and adjacent properties. The application proposes development generally consistent with the trend of development in the vicinity of the application site. In recent years, CDMP and Zoning approvals in the area have trended towards allowing higher density development generally consistent with the CDMP Land Use Element objectives and policies for infill and redevelopment. As a result, this area is transitioning from predominately single-family residential housing to higher density residential with office, institutional and commercial uses fronting major roadway arterials such as NW 2 Avenue. (see “Adjacent Existing Land Uses” section on page 12; “Adjacent Land Use Plan Map Designations” section on page 12; table on “Adjacent Land Use and Zoning Application” section on page 13 and map on Appendices page 31).
- iv. Environmental and Historic Resources:* The subject application, if approved, would not impact any historic or archaeological resources but could impact environmental resources on the site. The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires these specimen-sized trees to be preserved, where reasonably possible.
- v. Important County Systems:* The application if approved, and the site developed with 236 residential units as proposed, could impact the drainage system and surface water quality in the area. The east side of the application site is encumbered by 20 feet of an existing 40-foot-wide canal and canal maintenance easement. Pursuant to Section 24-48.1(1)(c) of the Code, a DERM Class III permit will be required if any future development proposes work within the canal easement. Additionally, the applicant proposes a lake of approximately ± 0.57 acres which will be used for stormwater management purposes. Pursuant to Section 24-48.1(1)(b) of the Code, a DERM Class II permit is required for the construction, installation and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County. Moreover, a signed and sealed analysis of stormwater management needs, and flooding issues shall be provided for review and approval (see Environmental Conditions section on page 17).
- vi. Transit Ridership and Pedestrianism:* The application if approved, and the site developed with residential uses, could support transit ridership and pedestrianism. The application site is located approximately ¼ mile to the southeast of the Golden Glades Multimodal Transportation Facility (discussed in Principal Reason No. 1 above). The closest bus stop is directly adjacent to the west of the application site along NW 6 Avenue and is served by Metrobus Route 105 (Route E) that provides service to the Golden Glades Multimodal Transportation Facility at 30-minute AM/PM peak service headways; 45-minute off-peak headways, and 60-minute weekend headways (see Transit section on page 34). Additionally, the application proposes residential development that exceeds the minimum 15 units per acre density required to support mass transit in accordance with CDMP Land Use Element Policy LU-7F.

**MORGAN GROUP DEVELOPMENT, LLC.
OUT-OF-CYCLE APP. NO. CDM20210004
AERIAL PHOTO**

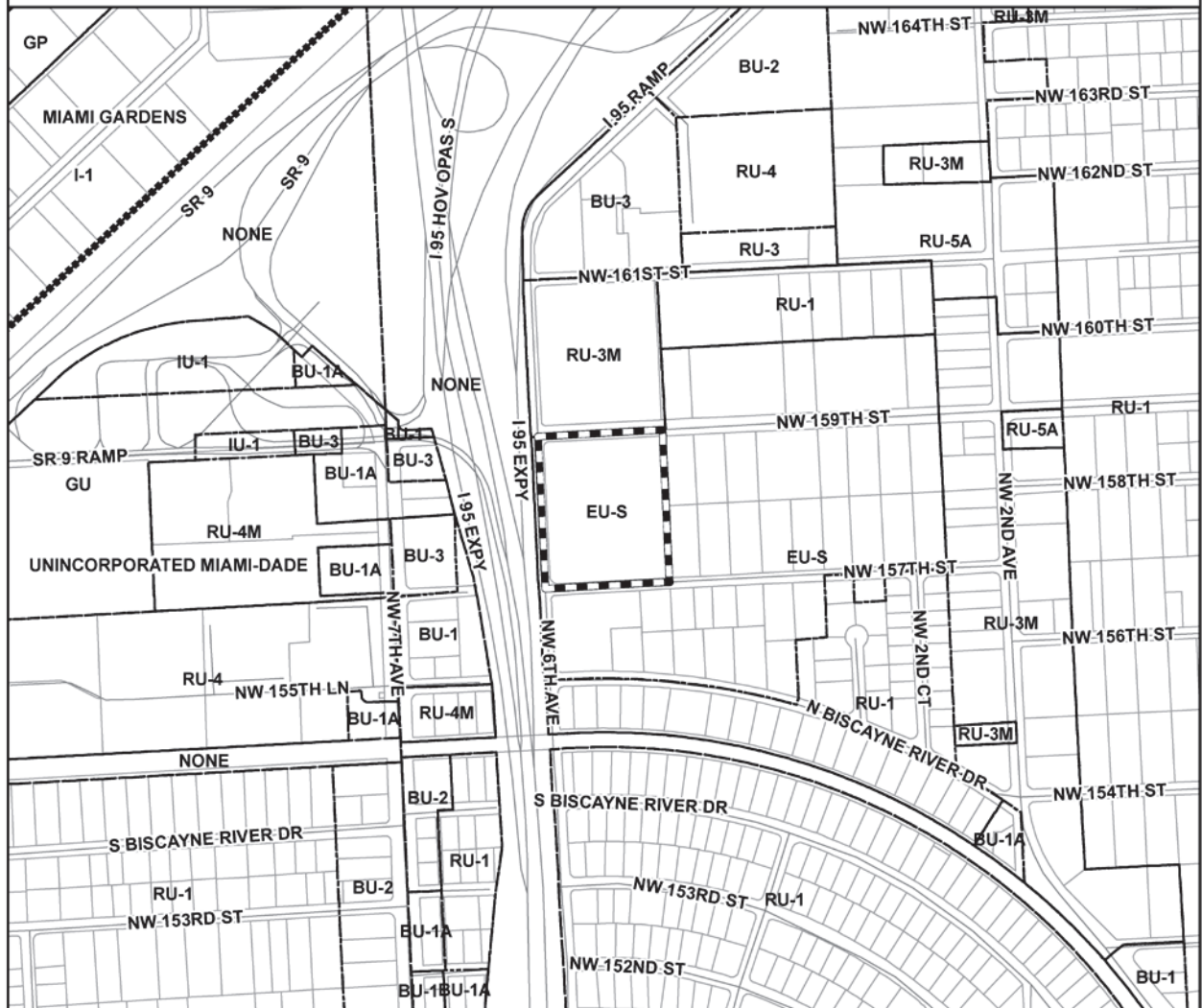


-  APPLICATION AREA
-  MUNICIPAL BOUNDARY



















Source: Department of Regulatory and Economic Resources
May 2021

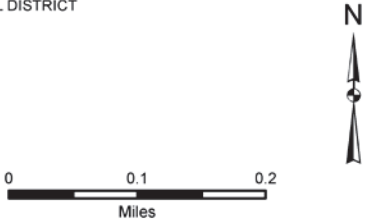


MORGAN GROUP DEVELOPMENT, LLC. OUT-OF-CYCLE APP. NO. CDMP20210004 ZONING MAP

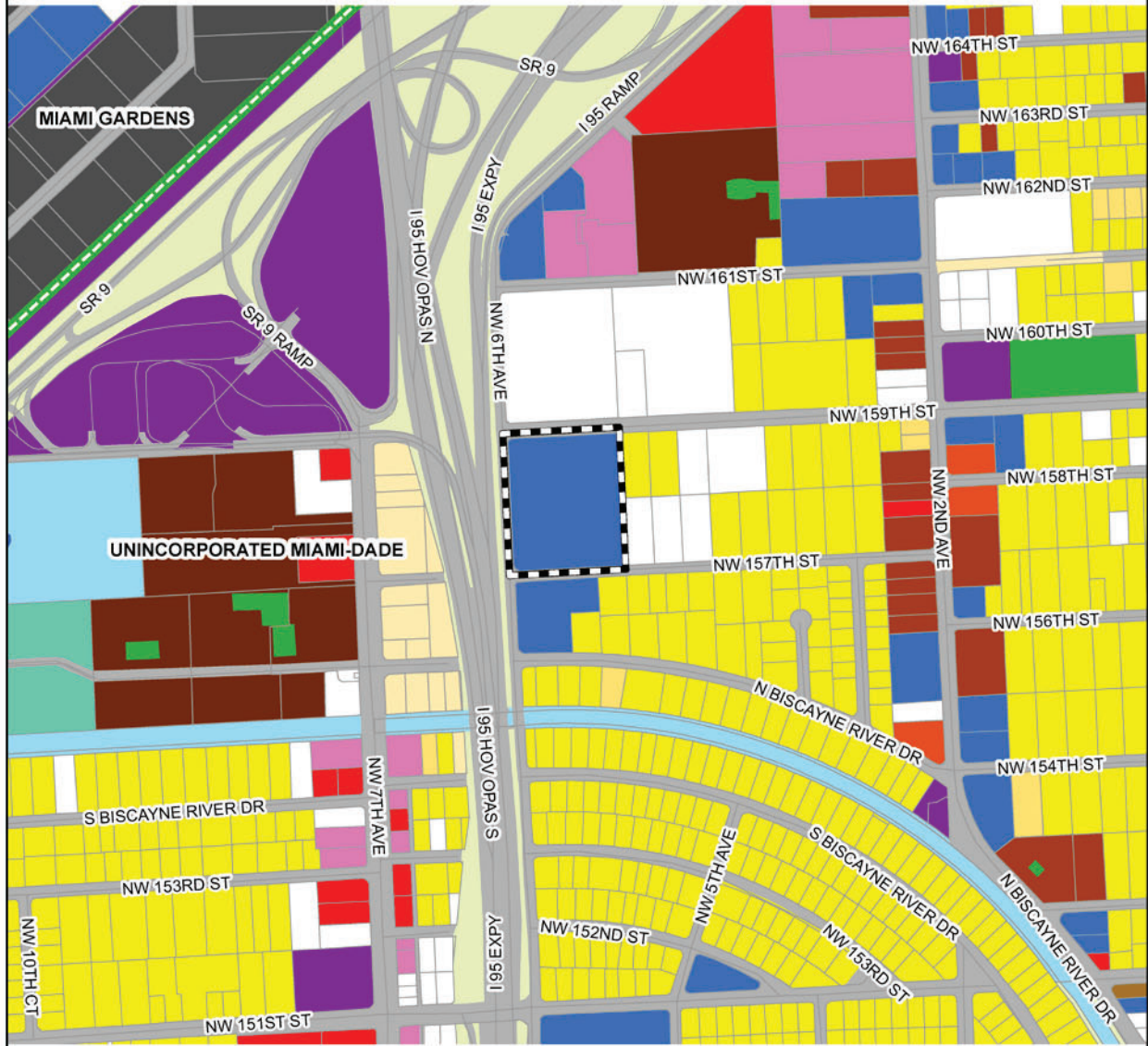


Source: Department of Regulatory and Economic Resources
May 2021

- | | | |
|--|---|--|
|  APPLICATION AREA |  RU-1 SINGLE-FAMILY RESIDENTIAL DISTRICT 7,500 FT2 NET | |
|  MUNICIPAL BOUNDARY |  RU-3 FOUR-UNIT APARTMENT DISTRICT, 7,500 FT2 NET | |
| MIAMI-DADE COUNTY ZONING DISTRICTS | | |
|  BU-1 BUSINESS DISTRICTS, NEIGHBORHOOD |  RU-3M MINIMUM APARTMENT HOUSE 12.9 UNITS/NET ACRE | |
|  BU-1A BUSINESS DISTRICTS, LIMITED |  RU-4 HIGH DENSITY APARTMENT HOUSE DISTRICT, 50 UNITS / NET ACRE | |
|  BU-2 BUSINESS DISTRICTS, SPECIAL |  RU-4M MODIFIED APARTMENT HOUSE DISTRICT, 35.9 UNITS / NET ACRE | |
|  BU-3 BUSINESS DISTRICTS, LIBERAL |  RU-5A SEMI-PROFESSIONAL OFFICE DISTRICT, 10,000 FT2 NET | |
|  EU-S ESTATE USE, SUBURBAN SINGLE-FAMILY 25,000 FT2 GROSS | MUNICIPALITIES ZONING DISTRICTS | |
|  GU INTERIM DISTRICT |  GP GOVERNMENT PROPERTIES DISTRICT | |
|  IU-1 INDUSTRIAL DISTRICTS, LIGHT MANUFACTURING |  I-1 LIGHT INDUSTRIAL DISTRICT | |
|  NONE NO ZONING DESIGNATED | | |

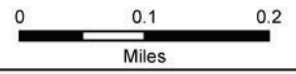


MORGAN GROUP DEVELOPMENT, LLC. OUT-OF-CYCLE APP. NO. CDMP20210004 EXISTING LAND USE

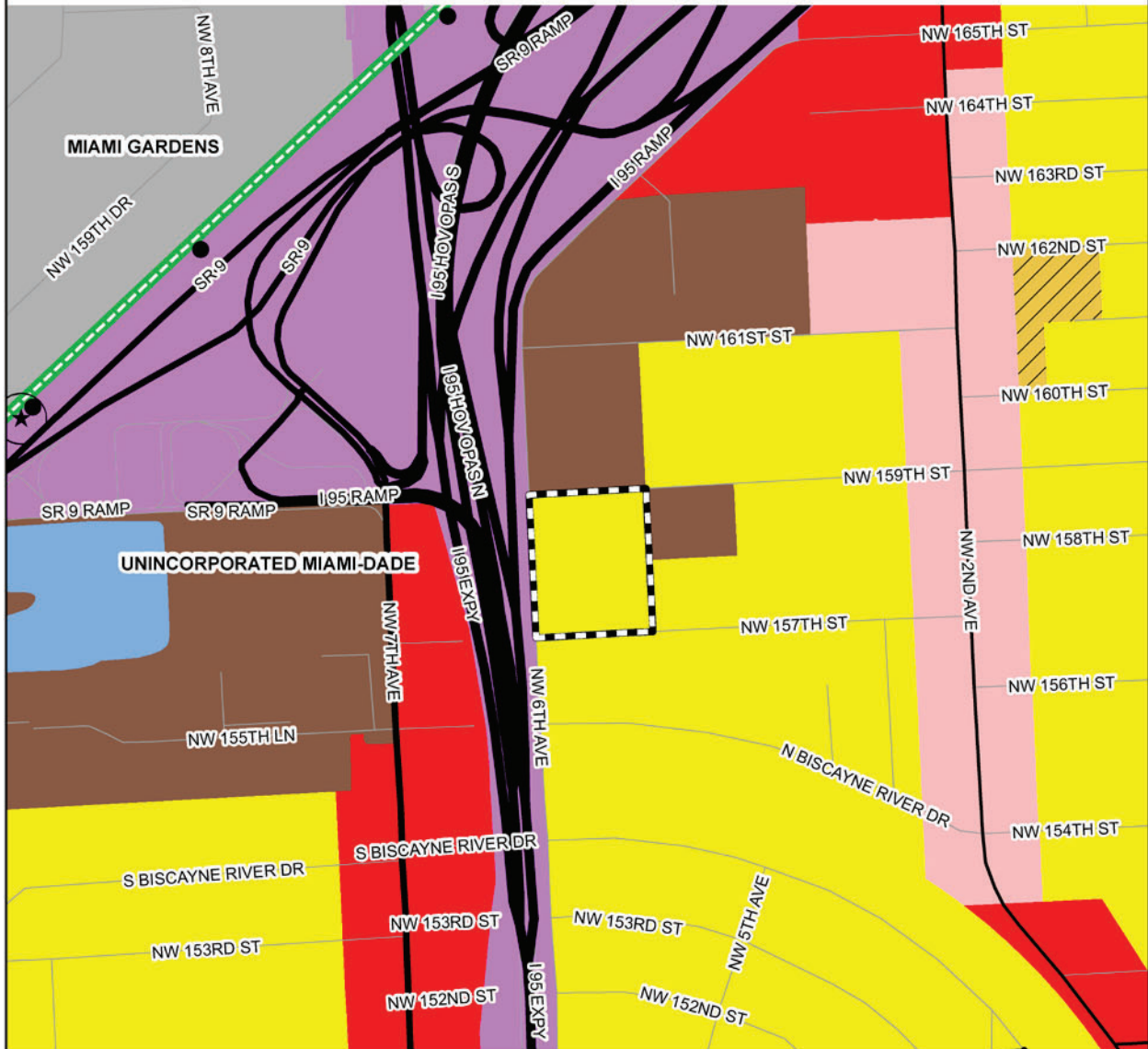


Source: Department of Regulatory and Economic Resources
May 2021
















Application Area	High-Density Multi-Family	Streets, Roads, Expressways, Ramps
Municipal Boundary	Residential-Government Owned Housing	Streets, Expressway R/W
Existing Land Use	Commercial, Shopping Centers, Stadiums	Parks, Preserves, Conservation Areas
Single-Family	Office	Vacant Government Owned, Unprotected
Two-Family Duplexes	Mixed Use-Business/Residential	Vacant Privately Owned, Unprotected
Townhouses	Institutional	Inland Waters
Low-Density Multi-Family	Industrial	
Communications, Utilities, Terminals		

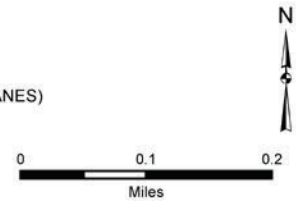


MORGAN GROUP DEVELOPMENT, LLC. OUT-OF-CYCLE APP. NO. CDMP20210004 CDMP LAND USE

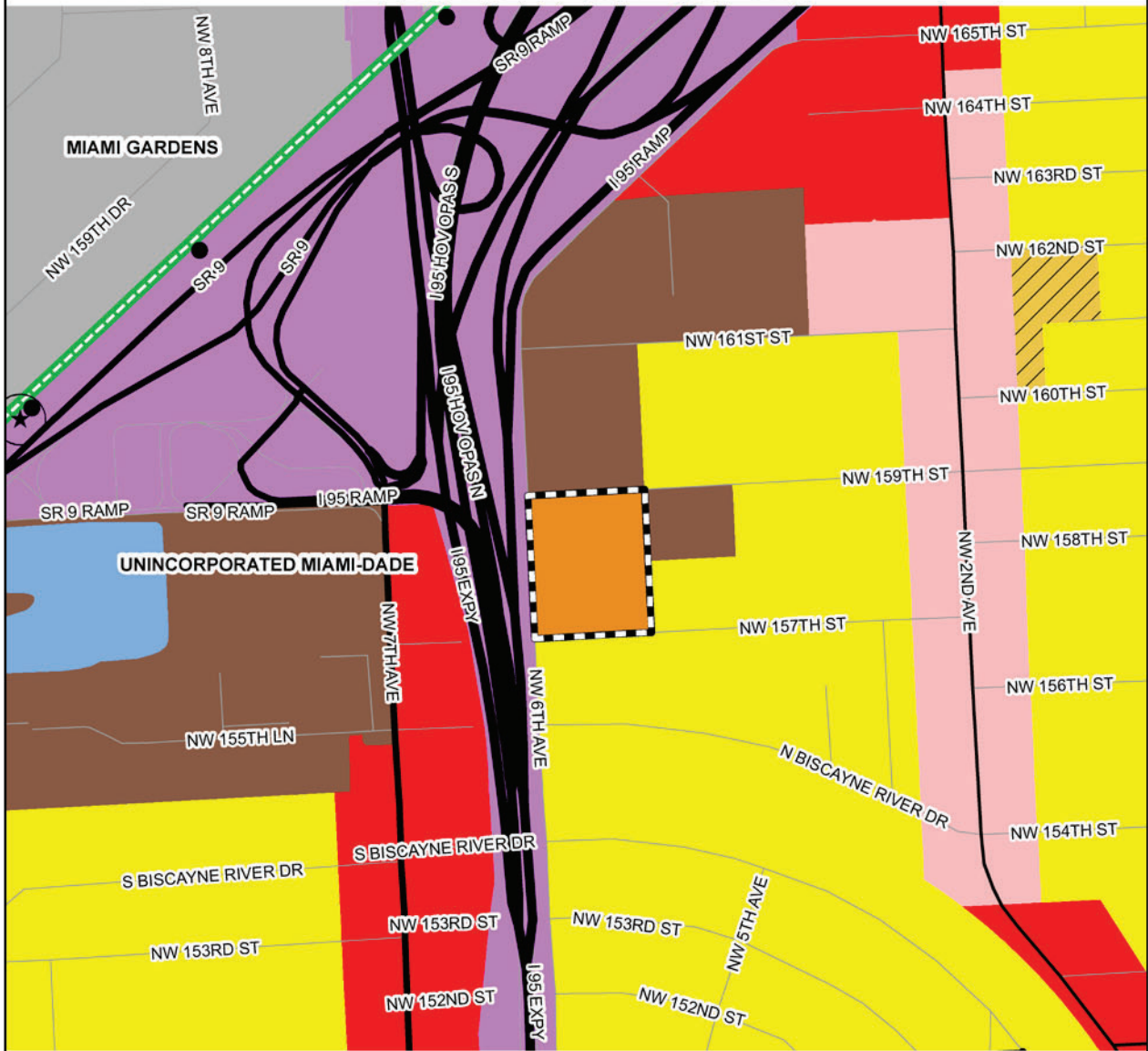


Source: Department of Regulatory and Economic Resources
May 2021

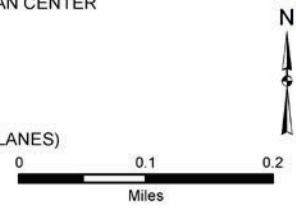
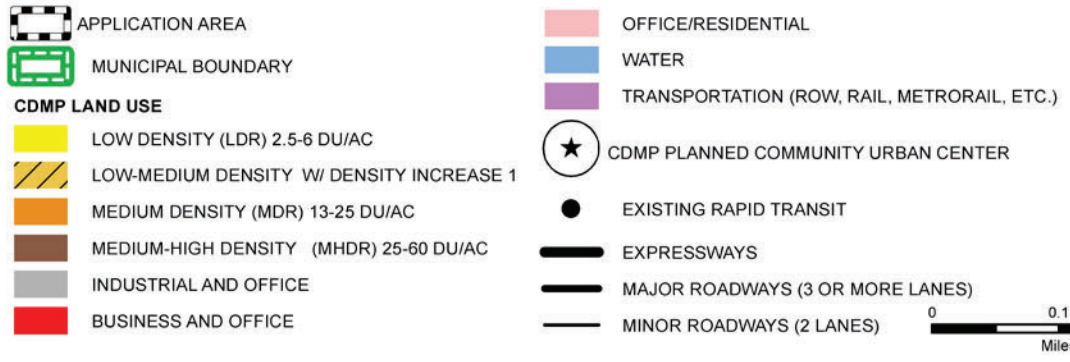
- | | |
|--|---|
|  APPLICATION AREA |  WATER |
|  MUNICIPAL BOUNDARY |  TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.) |
| CDMP LAND USE | |
|  LOW DENSITY (LDR) 2.5-6 DU/AC |  CDMO PLANNED COMMUNITY URBAN CENTER |
|  LOW-MEDIUM DENSITY W/ DENSITY INCREASE 1 |  EXISTING RAPID TRANSIT |
|  MEDIUM-HIGH DENSITY (MHDR) 25-60 DU/AC |  EXPRESSWAYS |
|  INDUSTRIAL AND OFFICE |  MAJOR ROADWAYS (3 OR MORE LANES) |
|  BUSINESS AND OFFICE |  MINOR ROADWAYS (2 LANES) |
|  OFFICE/RESIDENTIAL | |



MORGAN GROUP DEVELOPMENT, LLC. OUT-OF-CYCLE APP. NO. CDMP20210004 PROPOSED CDMP LAND USE



Source: Department of Regulatory and Economic Resources
May 2021



STAFF ANALYSIS

Background

This CDMP application was filed as an “Out-of-Cycle” application and is being processed concurrently with a separate zoning application (Z2021000083/Evangel Church International, Inc.), pursuant to Section 2-116.1(5)(d)(e) of the Code of Miami-Dade County. The concurrent applications are to permit redevelopment of the application site, which is currently developed with a religious facility, with 236 multi-family residential units including workforce housing units, as discussed below (see CDMP Applications Adopted with Higher Residential Density in the Vicinity of the application Site map on Appendices page 31).

The Department of Regulatory and Economic Resources issued a CDMP Letter of Interpretation dated May 11, 2021 (CL2021000007) addressing the allowable density on the application site when applying the Workforce Housing provisions of the CDMP. The letter outlined “dwelling units per gross residential acre” is the basic unit for measurement of residential density in the CDMP and that when calculating density for the development of workforce housing the application site and up to the centerline of the adjoining streets or road rights-of-way comprise the total gross acreage. Accordingly, the May 2021 letter confirmed that if the application site were to be redesignated to “Medium Density Residential”, as requested in the application, then it could be developed under the 25% Density Bonus for Workforce Housing CDMP provision with a maximum of 254 dwelling units at a density of 31.25 units per gross acre (± 8.14 gross acres). (see Appendix D: CDMP Letter of Interpretation (May 11, 2021) on Appendices page 35).

The application site is located in the Biscayne Gardens area that has been subject to multiple CDMP LUP map amendments in the last two years, resulting in a general pattern of development that has trended the area toward higher densities. The community has expressed concerns regarding the impact of the intensification on traffic and flooding. In response, the Board of County Commissioners is scheduled to consider a resolution that would require a traffic impact study that analyzes the impacts of proposed and potential developments on the roadway network, and an engineering study identifying short- and long-term solutions to the flooding issues in the area.

Application Site

Location

The application site is ± 7.05 acres and is located at the southeast corner of the intersection of NW 6 Avenue and NW 159 Street, in unincorporated Miami-Dade County (see “Aerial Photo” on page 5). The application site is within the County’s Urban Infill Area (UIA), where infill development and redevelopment are prioritized.

Existing Land Use

The application site is currently developed with a 13,836 square feet religious facility (Evangel Church International) built in 1972. (See “Existing Land Use” map on page 7; and Appendix M: Photos of Site and Surroundings on Appendices page 83).

Land Use Plan Map Designation

The CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map designates the application site as “Low Density Residential” (see “CDMP Land Use” map on page 8), CDMP land use category, which allows residential densities between 2.5 and 6 dwelling units per gross acre. This density category is generally characterized by single-family housing such as single-family

detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. Under its current “Low Density Residential” land use designation, the application site could be developed with 42 single-family detached residential units. It should be noted that the Density Bonus Programs for Affordable/Workforce Housing of the CDMP Land Use Element (page I-32) provides for residential development on the site to receive an increase in density and total number of units, based on gross acreage that includes previously dedicated road rights-of-way, if the development includes affordable or workforce housing units. The applicant has expressed the intent to set aside residential units for workforce housing as discussed below.

The applicant requests a CDMP land use designation change for the application site to “Medium Density Residential” (see “Proposed CDMP Land Use” map on page 9). This land use category allows densities ranging from 13 to 25 dwelling units per gross acre while the typical housing structures permitted in this category include townhouses and low-rise and medium-rise apartments. Under the requested “Medium Density Residential” designation, the site could be developed with up to a maximum of 176 multi-family residential units or if developed with workforce housing units as proposed, under the 25% Density Bonus for Workforce Housing program, could be developed with up to a maximum of 254 multifamily units. However, the applicant has proffered a Declaration of Restrictions that commits 10% of the total units as workforce housing units and limits the development on the site to a maximum 236 residential units.

The actual densities or intensities of development approvable on the site may be significantly lower than the maximum, where necessary, to conform to an overriding Plan policy, or to ensure compatibility of the proposed development with its surrounding land uses. Therefore, the total permissible development may be significantly less than the maximum allowed under the CDMP.

Declaration of Restrictions

As noted above, the Applicant has proffered a Declaration of Restrictions (covenant) committing to set aside ten percent (10%) of the dwelling units for workforce housing in accordance with Section 33-193.7.1 of the County Code and the CDMP Workforce Housing provisions that allow for an increase in density of up to 25% (density bonus) if residential units are set aside for workforce housing, and. The covenant also limits the maximum number of residential units on the application site to two hundred thirty-six (236) and commits to providing notice to all prospective owners or tenants regarding the site’s proximity to the County’s Golden Glades Trash and Recycling Center that is within the general vicinity of the site.

Zoning

The application site is currently zoned EU-S (Estate Use, Suburban Single-Family 25,000 square feet gross). See “Zoning” map on page 6.

This application is being processed concurrently with Zoning application Z2021000083, pursuant to Section 2-116.1(5)(e) of the Code of Miami-Dade County. Zoning application Z2021000083 seeks a district boundary change from EU-S to RU-4 (High Density Apartment House District); the deletion of an existing declaration of restrictions; and an Unusual Use to permit a lake excavation on the application site. The zoning application proposes to develop the application site with 236 multi-family residential units, consistent with the proffered CDMP covenant. The zoning project includes amenities internal to the site for residents including a swimming pool, a dog park, a two-story Clubhouse area, and a lake for stormwater purposes.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938, and the County's first zoning records indicate that the application site was originally zoned RU-2 (Two Family Residential, 7,500 net square feet). The site was platted as part of the "Biscayne Gardens Section B" subdivision in 1939, as recorded in Plat Book 40, Page 49, of the public records of Miami-Dade County. In 1970 pursuant to Resolution No. 4ZAB-197-70 the Zoning Appeal Board 4 approved the construction of a church and a Sunday school on the three northwesterly lots of the application site. Between the year 1968 and 1972 the area (including the application site) underwent two zoning district boundary changes, from RU-2 (Two Family Residential, 7,500 net square feet) to RU-1 (Single-Family Residential, 7,500 net square feet) adopted by the Board of County Commissioners (BCC) through Resolution No. Z-215-68, and from RU-1 to EU-S (Estate use, suburban Single-Family 25,000 square feet/gross acre), adopted by the BCC through Resolution No. Z-29-72. During the year 1972 through year 2000 the application site was subject to multiple zoning applications, including Non-Use variances, Special exceptions to expand the religious facility, and Modification of previous resolutions. In 2004 pursuant to Resolution Z-21-04, the Board of County Commissioners approved with conditions a special exception to expand the religious facility to the east and south of the property, along with the modification of Condition #3 of Resolution 4-ZAB-197-70 subsequently modified by Resolution 4-ZAB-219-81 in 1981 which required development of the property in accordance with a modified site plan.

Adjacent Land Use and Zoning

Adjacent Existing Land Uses

The area adjacent to the north and northeast across NW 159 Street consists of two vacant lots and a lot under construction with a religious facility. Further north and northeast beyond NW 161 Street are a four-story medical complex including Planned Parenthood, three-story office complexes, and a daycare facility. Adjacent to the east of the site are single family residences and vacant single family lots and townhouses, low rise multifamily residences offices, and vacant parcels fronting NW 2 Avenue. It is also noted that further east beyond NW 2 Avenue is the County owned Golden Glades Trash and Recycling Center. To the south across NW 157 Street, is the First Alliance Church of Miami and single-family homes. To the west across NW 6 Avenue is the I-95 Expressway, and to the northwest is the Golden Glades Interchange and Multimodal Transportation Facility (see "Existing Land Use" map on page 7 and Appendix M: Photos of Site and Surroundings on Appendices page 83).

It should be noted that the single-family residences adjacent the application site to the east are part of a recent CDMP LUP amendment (CDMP20200002) approval pursuant to Ordinance No. 20-131 adopted by the BCC on December 17, 2020.

Adjacent Land Use Plan Map Designations

The properties adjacent to the north, northeast and east application site are designated "Medium-High Density Residential (25 to 60 dwelling units per gross acre)" and "Low Density Residential (2.5 to 6 dwelling units per gross acre)" on the CDMP LUP map. Properties further east fronting NW 2 Avenue are designated Office/Residential. Properties adjacent to the south across NW 157 Street are designated "Low Density Residential". To the West of the application site, the I-95 Expressway and the Golden Glades Interchange and Multimodal Transportation Facility to the northwest are designated "Transportation" on the Adopted 2030 and 2040 Land Use Plan (LUP) map (see "CDMP Land Use" map on page 8).

Adjacent Zoning

The property adjacent immediately to the north across NW 159 Street is zoned RU-3M (Minimum Apartment House, 12.9 units per net acre). Properties adjacent to the northeast across NW 159 Street and properties abutting to the east as well as properties adjacent to the south across SW 157 Street are zoned EU-S (Estate Use, Suburban Single-Family 25,000 square feet gross) and RU-1. Properties further northeast beyond NW 161 Street are zoned BU-3, RU-3 and RU-4. To the west the I-95 Expressway has no zoning designation while the Golden Glades Multimodal Transportation Facility is zoned IU-1 (see “Zoning” map on page 6).

Adjacent Land Use and Zoning Applications

The following table lists the CDMP land use amendment applications and zoning applications located in close proximity to the application site that have been approved or are being processed, and the number of residential units approved (see map on Appendices page 31):

CDMP Cycle	CDMP Land Use Application No.	Recorded Covenant	Ord. No.	Status	No. of Units	Zoning Process No.	Status	No. of Units
Oct. 2018	CDMP20180016	Yes	19-32	Adopted	100	Z2019000038	In Process	100
Oct. 2019	CDMP20180017	Yes	19-33	Adopted	426	Z2020000043	In Process	588 ¹
2020 Exp.	CDMP20200006	Yes	20-129	Adopted	66	Z2021000020	In Process	66
Jan. 2020	CDMP20200001	Yes	20-130	Adopted	225	--	--	--
Jan. 2021	CDMP20200002	Yes	20-131	Adopted	160	--	--	--
				Total	977	--	Total	754

Source: Department of Regulatory and Economic Resources, Planning Division - June 2021

¹ The applicant received a 25% density bonus for committing to set aside 20% of the residential units for workforce housing.

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 CDMP amendment application, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 2.1) in 2021 was estimated to have a capacity for about 14,557 dwelling units, with about 98 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to go from 449 units in the 2021-2025 period to 666 units in the 2035 – 2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family to take place in 2021 and multi-family type beyond the year 2040 (see table below).

Residential Land Supply/Demand Analysis
2021 to 2040: **Application CDMP20210004 (MSA 2.1)**

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 2021	298	14,259	14,557
DEMAND 2020-2025	173	276	449
CAPACITY IN 2025	0	13,155	12,761
DEMAND 2025-2030	250	400	650
CAPACITY IN 2030	0	11,155	9,511
DEMAND 2030-2035	261	418	679
CAPACITY IN 2035	0	9,065	6,116
DEMAND 2035-2040	256	410	666
CAPACITY IN 2040	0	7,015	2,786
DEPLETION YEAR	2021	2040+	2040+

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, May 2021.

The applicant is requesting a change from “Low Density Residential” to “Medium Density Residential” for a total of approximately 8.14 gross acres. If the proposed application is approved, it will decrease the supply of single-family type units by about 42 to 61 dwelling units and increase the supply of multi-family units from approximately 176 to a maximum 236 additional units if workforce units are developed in accordance with the applicant’s proffered covenant. This will have an insignificant effect on the depletion year for single-family units and extend the depletion year of multi-family type units by less than a year.

Applicant’s Economic Analysis Report

The applicant submitted an “Economic Analysis” report dated April 5, 2021 performed by Miami Economic Associates, Inc. (MEAI) and submitted in support of the application.

The report indicates that 10 percent of the units in the proposed development will be set aside for workforce-income households for a period of 30 years, the 2020 AMI of \$59,100 was used in the report. The 2021 AMI value for Miami-Dade County is \$61,000. Table 1 below shows the rent limits for Miami-Dade County confirming that the proposed initial rates of studios at \$1,400, 1-bedroom units at \$1,700 and 2-bedroom units at \$2,100 would still be affordable, and more so, at approximately 80% of the 2021 AMI or above. However, in the current environment of rapidly appreciating rents, only 24 of 236 units would be preserved as affordable in this income range for the next 30 years.

Table 1: Florida Housing Finance Corporation 2021 Rent Limits

County (Metro)	Percentage Category	Rent Limit by Number of Bedrooms in Unit					
		0	1	2	3	4	5
Miami-Dade County (Miami-Miami Beach- Kendall HMFA;	20%	316	339	407	470	524	578
	25%	395	424	508	587	655	723
	28%	443	474	569	658	734	810
	30%	474	508	610	705	786	868
	33%	522	559	671	775	865	954
	35%	553	593	712	822	917	1,012

County (Metro)	Percentage Category	Rent Limit by Number of Bedrooms in Unit					
		0	1	2	3	4	5
Miami-Fort Lauderdale- West Palm Beach MSA) Median: 61,000	40%	633	678	814	940	1,049	1,157
	45%	712	763	915	1,058	1,180	1,302
	50%	791	848	1,017	1,175	1,311	1,446
	60%	949	1,017	1,221	1,410	1,573	1,736
	70%	1,107	1,187	1,424	1,645	1,835	2,025
	80%	1,266	1,357	1,628	1,881	2,098	2,315
	120%	1,899	2,035	2,442	2,821	3,147	3,472
140%	2,215	2,374	2,849	3,291	3,671	4,051	

The applicant observes that Objective HO-2 of the Housing Element of the CDMP calls for special attention directed to affordable units for extremely low, very low, low, and moderate-income households, including workforce housing. This application addresses the moderate and workforce-income households. Table 2 below illustrates the needs within Minor Statistical Area (MSA) 2.1, where the application site is located, with respect to housing affordability. The target population of this application, moderate or workforce-income households, have a total cost-burden rate (more than 30% of income spent on housing) of 23.8% in the MSA. Of these, 22.1% are cost burdened and 1.8% are severely cost-burdened (more than 50% of income spent on housing). However, for households at income levels below 80%, including extremely low, very low- and low-income households, the total cost-burden rate is 81.5% with 30.2% cost burdened and 51.4% severely cost burdened. While there is value in preserving affordability at moderate and workforce income levels in the current environment, the greatest need in this MSA for affordable housing is among households below the low-income threshold of 80% of AMI.

Table 2: HOUSEHOLD INCOME BY GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN 2019

Total Renter Households:	MSA 2.1	
	28,005	-
Less than \$19,999: 32.8% of AMI (Extremely Low Income)	6,645	100%
Cost Burdened	310	4.7%
Severely Cost Burdened	4,614	69.4%
Total Combined:	4,924	74.1%
\$20,000 to \$34,999: 32.8% to 57.4% of AMI (Very-Low Income)	6,735	100%
Cost Burdened	2,423	36.0%
Severely Cost Burdened	3,916	58.1%
Total Combined:	6,339	94.1%
\$35,000 to \$49,999: 59.2% to 82.0% of AMI (Low Income)	4,945	100%
Cost Burdened	2,792	56.5%
Severely Cost Burdened	885	17.9%
Total Combined:	3,677	74.4%
\$50,000 to \$74,999: 82.0% to 122.9% of AMI (Moderate Income)	4,847	100%
Cost Burdened	1,682	34.7%
Severely Cost Burdened	170	3.5%
Total Combined:	1,852	38.2%
\$75,000 to \$99,999: 122.9% to 163.9% of AMI	1,994	100%
Cost Burdened	280	14.0%
Severely Cost Burdened	-	0.0%
Total Combined:	280	14.0%
\$100,000 or more: Greater than 163.9% of AMI	2,839	100%

Total Renter Households:	MSA 2.1	
	28,005	-
Cost Burdened	176	6.2%
Severely Cost Burdened	-	0.0%
Total Combined:	176	6.2%
Less than \$49,999: 82.0% of AMI (Extremely, Very and Low Income)	18,325	100%
Cost Burdened	5,525	30.2%
Severely Cost Burdened	9,415	51.4%
Total Combined:	14,940	81.5%
Greater than or equal to \$50,000	9,680	100%
Cost Burdened	2,138	22.1%
Severely Cost Burdened	170	1.8%
Total Combined:	2,308	23.8%

Note: HUD defines income levels as a percentage of the Area Median Family Income (HAMFI) (2021 = \$61,000) with 30% of HAMFI defined as Extremely Low, 50% as Very Low, and 80% as Low Income.

Capacity determination on vacant parcels allowing mixed use: The applicant's Economic Analysis accurately reports that staff assigns full capacity to residential uses in mixed use parcels. This is done because there is no certainty of what the mix will be to accurately assess its potential impact. For example, on any vacant parcel permitting residential and/or commercial uses, the potential capacity remains for development as 100% residential use or 100% commercial use. Until a specific plan is approved and developed for the vacant site, the capacity for development of either use at 100% remains possible and therefore included in the calculation of capacity for each use individually. This is especially the case in the post Covid-19 era of decline in office/commercial space demand and a repurposing of retail space.

The Economic Analysis further asserts that some of the vacant land is in areas with high land values and that "the development of units affordable to moderate and workforce income households would be precluded." Staff believes that this is a possibility, but developers can change that outcome. It will be up to developers to responsibly allow for the inclusion of workforce housing units by altering their expectations without sacrificing profitability.

Access to the Golden Glades Park and Ride: The Economic Analysis indicates that the proposed development "is located across the Golden Glades Interchange from the Golden Glades Park and Ride Terminal. There are several bus routes that operate along North Miami Beach Boulevard in the vicinity of the Subject Property." A query of the Miami-Dade Transit application indicated that, though there is a bus operating on NW 6th Avenue with a stop at 159th Street, the only streets proximate to the site that cross the I-95 Expressway are 167th Street and 151st Street. Therefore, to access regional transit at the Golden Glades Terminal, the minimum travel time would be approximately thirty minutes or more depending on the time of day and traffic conditions.

Economic Benefit: The Economic Analysis indicates that the proposed development, at a cost of \$37 million, will support the creation of 555 direct, indirect, and induced workers during the construction phase. Staff analysis by REMI¹ indicates that the construction employment would be much lower. According to the model, the project would generate 151 direct temporary construction jobs, 99 indirect temporary jobs in sectors supporting construction, and 132 induced temporary jobs, resulting from the expenditures by the additional temporary employment. Total temporary employment created during the construction phase would be 382 jobs with total earnings of \$22.0 million.

Fiscal Benefit: The consultant presents the fiscal benefits to the county from the proposed development in terms of millions in permits and impact fees and incremental property values, without indicating the necessary expenses that will be borne by the County because of the construction and additional population in the area.

Environmental Conditions

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

Flood Protection

FEMA Flood Zone	AE
Stormwater Management Permit	DERM Surface Water Management General Permit
County Flood Criterion	5.5 feet
(National Geodetic Vertical Datum)	

Biological Conditions

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

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	No

Natural Resources

Development of the subject parcels associated with this land use amendment may affect tree resources. This approval is not an authorization to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code without a Miami-Dade County Tree Permit.

The future property owners of the parcels associated with this land use amendment will be required to remove all prohibited species listed in Section 24-49.9 of the Code that exist within the subject property prior to development or redevelopment. Any developed parcels shall be maintained to prevent the growth or accumulation of prohibited species, in accordance with Section 24-49.9 of the Code.

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 or endangered species on this or adjacent properties.

Drainage and Flood Protection

The eastern side of the property is encumbered by 20 feet of an existing 40-foot-wide canal and canal maintenance easement as described in the Public Records of Miami-Dade County Deed Book 2970 on Pages 505 to 508, Deed Book 2960 on Page 102, and Official Record Book 586 on Page 497. Pursuant to Section 24-48.1(1)(c) of the Code, a DERM Class III permit will be required if any future development proposes work within the canal easement.

Page 7 of the Concurrent Zoning (Z2021000083) Letter of Intent mentions that a proposed lake of approximately \pm 0.57 acres will be used for stormwater management purposes. Pursuant to Section 24-48.1(1)(b) of the Code, a DERM Class II permit is required for the construction, installation and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County.

Any new development or redevelopment involving 2 acres or more of impervious area shall require a DERM Surface Water Management General Permit (SWMGP) for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval.

Any construction activities that require dewatering will need a Class V permit, pursuant to Section 24-48.1(1)(e) of the Code. Class V permits are required for any dewatering of groundwater, surface water or water which has entered an underground facility, excavation, or trench.

For compliance with Miami-Dade County stormwater disposal requirements, all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. The proposed drainage system will require a "paving and drainage" review.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Water Management

The proposed amendment may lead to development that would reduce permeable areas. DERM will evaluate future development orders to ensure that the overall development will not create adverse impacts to the Stormwater Management Level of Service Standard contained in Policy 5A of the Conservation, Aquifer Recharge and Drainage Element.

A signed and sealed analysis of stormwater management needs and flooding issues to demonstrate that there will be no adverse off-site impacts, how the integrity of the regional canal systems will be maintained, and the identification of the stormwater management infrastructure needed for the proposed land use, shall be provided for review and approval. The analysis shall also show that the post-project conditions are the same or better than the pre-project conditions for managing stormwater, water quantity, and water quality Levels of Service.

Water and Sewer

Potable Water Supply

The application site is located within the North Miami Beach franchised water service area. Based on development that would be allowed under the requested land use and the current land use, connection to the public water supply system would be required pursuant to Chapter 24 of the Code.

The source of potable water for this area is the Hialeah Preston Water Treatment Plant, which is owned and operated by MDWASD. This plant has sufficient capacity to provide current water demand and is presently producing water that meets federal, state, and County drinking water standards.

There is a WASD Agreement in close proximity to the application site. WASD Agreement No. 31153, located at the northeast corner of the intersection of NW 6th Avenue and NW 159th Street is for new construction of 588 apartment units.

Water Demand/Sewer Flow Analysis

As noted in the “Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario” table below, the maximum water demand under the current CDMP Land Use designation of “Low Density Residential” is estimated to be 10,065 gallons per day (gpd), as shown under Scenario 2. The maximum water demand under the requested CDMP Land Use Designation of Medium Density Residential would be 31,860 gpd, as shown under Scenario 4, which represents a potential increase of approximately 21,795 gpd for water and sewer service.

**Estimated Water Demand/Sewer Flow
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 Designation – “Low Density Residential”				
1	SF Detached	42 units	210 gpd/unit	8,820 gpd
OR				
2	SF Attached	61 units	165 gpd/unit	10,065 gpd
Requested CDMP Designation – “Medium Density Residential”				
3	Multi Family	176 units	135 gpd/unit	23,760 gpd
OR				
4	Multi Family	236 units	135 gpd/unit	31,860 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; May 2021

Sewer Treatment Plant Capacity

MDWASD has released the sewer service area for Application CDMP20210004 to the City of North Miami. Based on the requested land use and development that would be allowed under this land use amendment, connection to the public sanitary sewer system would be required pursuant to Chapter 24 of the Code.

The sewer flow from this area is directed to the North District Wastewater Treatment Plant. This facility is operated by MDWASD and is currently working within the mandated criteria set forth in the USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM). The North District Wastewater Treatment Plant has sufficient capacity to treat current discharge. Any future construction within the development area must comply with the requirements mandated by the aforementioned Consent Decree.

Provisions shall be taken to assure that the Utility having jurisdiction over the sanitary sewer pump stations bring and/or maintain all pump stations into compliance with the Nominal Annual Operating Time (NAPOT). Also, the utility shall take provisions to assure that the sanitary sewer collection system is properly updated/improved to accommodate and/or replace the gravity pipes for all future expansions or increases in the sewer capacity.

Sewer System Connectivity

There is an existing 8-inch sanitary sewer force main located approximately 1,450 feet east of the project site, at the intersection of NW 159th Street and NW 2nd Avenue. A new minimum 8-inch sanitary force main can be connected at this point and extended westerly along NW 159th Street to provide sewer service to the proposed development. The City of North Miami also has sewer infrastructure located within approximately 450 feet of the subject site and has indicated that sewer is available for connection. A private sewage pump station will be required.

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 2020-2021, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, and the application is not anticipated to have a negative impact on disposal service.

Application Impacts

The property is currently occupied by a 13,836 square foot house of worship/religious facility and the application requests redesignation of the site from "Low Density Residential" to "Medium Density Residential." The applicant seeks to develop the property with between 176 and 236 multi-family units. Adoption of this amendment will likely result in development as a multi-family establishment as defined in Chapter 15 of the Code of Miami Dade County. The DSWM does not actively compete for commercial or multi-family waste collection service at this time. Waste collection and recycling services would, therefore, most likely be provided by a private hauler. The DSWM has no objection to the proposed change.

Parks

The Miami-Dade County Parks, Recreation and Open Space (PROS) Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 1 (PBD-1), which generally encompasses the area from the County Line to SW 8 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-1 has a surplus capacity of 244.12 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; Oak Grove Park is the only park larger than the required minimum provision of five (5) acres of local recreational open space.

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

Park Name	Acreage	Classification
Sierra Park	1.95	Neighborhood Park
Biscayne Gardens Park	3.53	Neighborhood Park
Jeb Estates Park	1.61	Mini-Park
Gratigny Plateau Park	0.97	Mini-Park
North Shorecrest Park	0.29	Mini-Park
Oak Grove Park	21.85	Community Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, June 2021.

Application Impacts

The existing “Low Density Residential” designation would generate a maximum of 42 single-family detached residential units and an anticipated population of 141, or a maximum of 61 single-family attached residential units and an anticipated population of 205. The concurrency analysis for this scenario results in an impact of 0.39 acres and 0.56 acres respectively, based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element.

The proposed “Medium Density Residential” designation would generate a maximum of 176 multi-family residential units and an anticipated population of 276. The proposed project with the workforce housing density bonus would be limited to a maximum of 236 multi-family residential units, as restricted by the proffered covenant, and an anticipated population of 371. The concurrency analysis for these scenarios results in impacts of 0.76 acres and 1.02 acres respectively, based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element.

Recommendation:

PROS recommend that the proposed development provide neighborhood access, in the form of non-motorized, pedestrian connections to in connection with the proposed Memorial Trail, the proposed Gold Coast Trail, and Objective ROS-8. PROS recommends the applicant include private recreation open space within the development. PROS also recommends adding shade trees along walking paths and private and public sidewalks to provide a more shaded and walkable area per our Great Streets Vision laid out in the Miami-Dade County Open Spaces Master Plan (OSMP). PROS also highly encourages that the applicant include bicycle racks for all development users in highly visible areas to promote non-motorized connectivity.

Based on the findings, PROS has no objections to this application.

Fire and Rescue Service

The fire station currently serving the Property is Miami-Dade Fire Rescue (MDFR) Station No. 32 (Uleta) located at 358 NE 168 Street. The station is equipped with a Rescue and Engine totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week. The average travel time to incidents in the vicinity of the application site is estimated at approximately 5:45 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Presently, travel time to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

The MDFR Department has determined that the current CDMP designation (Low Density Residential) would allow development that could generate 18 annual alarms. The proposed CDMP designation (Medium Density Residential), and in accordance with the proffered Declaration of Restrictions limiting development to a total of 236 residential units, would allow a proposed development that could generate 70 annual alarms. The 70 annual alarms will result in a moderate impact to existing fire rescue service. Presently, fire and rescue services in the vicinity of the subject property is adequate.

Based on the current call volume for Station No. 32 along with other stations within proximity of the Property, all stations combined can mitigate the additional number of alarms. Additional stations include Station No. 19 (North Miami East) located at 650 NW 131 Street and Station No. 38 (Golden Glades) located at 575 NW 199 Street.

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. The required fire flow for the proposed CDMP designation "Medium 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. The Miami-Dade Fire Rescue Department has no objection to Application No. CDMP20210004.

Police

Current data of police staffing, population, and crimes/calls for service by the Miami-Dade Police Department (MDPD) was examined to project possible increase in calls for service. The MDPD determined that existing staffing should accommodate any slight increase in the volume of calls for service, and that should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required. The MDPD will further review and comment on development of the site during the permitting process. The MDPD encourages the applicant to: utilize licensed and insured uniform security personnel to patrol the property once the development is completed and operational; install and maintain video surveillance cameras throughout the property with electronic archiving capabilities of at least 30 days.

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 was filed with a concurrent zoning application No. Z2021000083 and with the applicant’s proffered covenant limiting the residential development on the application site to 236 multi-family residential units. This application, if approved, may increase the student population of the schools serving the application site by an additional 35 students. This number includes a reduction of 30.55% to account for charter and magnet schools (schools of choice). Of the 35 students, 17 are expected to attend elementary schools, 8 are expected to attend middle schools and 10 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
Biscayne Gardens Elementary	293	17	17	YES	Current CSA
Thomas Jefferson Middle	200	8	8	YES	Current CSA
North Miami Senior	656	10	10	YES	Current CSA

Source: Miami-Dade County Public Schools, May 2021
 Miami-Dade County Department of Regulatory and Economic Resources, June 2021.

Note: CSA means Concurrency Service Area

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

Aviation

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including Chapter 33 of the Code of Miami-Dade County as it pertains to airport zoning. A MDAD-issued Airspace/Land Use Letter of Determination is required for any permanent structure reaching or exceeding 179' Above Ground Level (AGL), and a MDAD-issued Permissible Crane Height Determination is required for any construction crane reaching or exceeding 179' AGL. MDAD advises that in accordance with the Code of Federal Regulation (CFR) Title 14 Part 77, the Federal Aviation administration (FAA) must study and issue determinations for any temporary and/or permanent structure on this property reaching or exceeding 179' AGL. If this is the case, the applicant must e-file FAA Form 7460-1, available on the FAA's website at: <https://oceaa.faa.gov>. MDAD advises that more airport resources, including an airport zoning checklist, are available on MDAD's webpage, accessible at: http://www.miami-airport.com/planning_forms_maps.asp

Roadways

The application site is a ±7.05-acre property located on the southeast corner of NW 159 Street, and NW 6 Avenue in unincorporated Miami-Dade County. The subject application site is inside the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA). The Concurrency Management Program in the Capital Improvement Element (CIE) of the CDMP states that "A proposed development located within the Urban Infill Area will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan..." (CIE page IX-17). There would be multiple accesses to the application site from NW 159 Street in the north, NW 6 Avenue in the west, and NW 157 Street in the south. The major roadways that would cater to the mobility needs of this project are shown below:

1. Florida's Turnpike north of Golden Glades to Miami Gardens Drive is a six-lane expressway with a posted speed limit of 65 mph.
2. I-95 from NW 151 Street to NW 173 Street is a ten-lane expressway of which eight are general purpose lanes and two are express lanes, it's posted speed limit is 55 mph.
3. SR 826/Palmetto Expressway from NW 10 Avenue to Florida's Turnpike is an eight-lane expressway with a posted speed limit of 55 mph.
4. NW 2 Avenue from NW 159 Street to NW 169 Street is a two-lane undivided roadway with posted speed limit of 35 mph. It has interchanges with I-95 and Palmetto Expressway.
5. NW 6 Avenue from NW 151 Street to NW 161 Street is a two-lane undivided roadway with posted speed limit of 40 mph.
6. Miami Avenue from Memorial Highway to North 167 Street is a two-lane divided roadway with posted speed limit of 30 mph. It has a bridge across Biscayne Canal thereby providing mobility connections to the south.
7. NE 2 Avenue from NE 167 Street to NE 151 Street is a two-lane undivided roadway with posted speed limit of 30 mph.
8. North 167 Street which is the eastern extension of Palmetto Expressway, from NW 2 Avenue to NE 6 Avenue is a six-lane divided roadway with posted speed limit of 35 mph. It has interchanges with I-95 and SR 826/Palmetto Expressway.
9. North 162 Street from NW 2 Avenue to NE 5 Avenue is a two-lane divided roadway with posted speed limit of 30 mph.
10. North 159 Street from NW 2 Avenue to NE 6 Avenue is a two-lane undivided roadway with posted speed limit of 35 mph.

11. Memorial Highway, which is an extension of NW 2 Avenue, from North Miami Avenue to NE 142 Street is a two-lane undivided roadway with posted speed limit of 30 mph.

The project site is located near three major expressways, Florida Turnpike, Interstate 95, and SR 826 which would provide connectivity to other regions within the County and outside the County.

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

Existing Traffic 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 2019) and the County (Year 2019¹), are operating at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.¹

Trip Generation

The maximum development potential scenarios under each the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Low Density Residential” (2.5 - 6 du/ac) the application site is assumed to be developed with 42 single-family detached units. Under the requested CDMP land use designation of “Medium Density Residential” (13 - 25 du/ac) the application site could be developed with 176 multi-family units or up to 254 multi-family units with the workforce housing density bonus, but the applicant has submitted a covenant to restrict the development potential to 236 multi-family units. The potential development of 42 single-family detached units under the current CDMP land use is expected to generate approximately 44 PM peak hour trips and under the requested CDMP land use designation the covenant restricted development potential of 236 multi-family units is expected to generate approximately 127 PM peak hour trips or approximately 83 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 CDMP20210004	Current CDMP Designation and Assumed Use Estimated No. Of Trips	Requested CDMP Designation and Assumed Use Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Land Use	“Low Density Residential (2.5 - 6 du/ac)”	“Medium Density Residential (13 - 25 du/ac)”	
Maximum Development Potential	42 Single-Family Detached Units ¹	236 Multi-Family Units ²	
Total Trips Generated	44	127	+83

Source: Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017; Miami-Dade County Department of Regulatory and Economic Resources.

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

² – ITE Land Use Code used for Multifamily is 220.

¹ The 2020 counts were not used due to skewing of data because of COVID.

Short Term Traffic Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of June 2021, 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 2021 *Transportation*

Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP LUP map designation, determined that all roadways, adjacent to and in the vicinity of the application site that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application. Also, the subject application site is inside the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA), hence it is exempt from traffic concurrency. 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.	Amendment Peak Hour Trips	% Impact	Total Trips With Amend.	Concurrency LOS with Amend.
Requested CDMP Designation: "Medium Density Residential" – 236 multifamily units generating 127 PM peak hour trips														
9326	NW 2 Avenue	South of NW 167 Street	4 DV	E+20	3,283	1,344	D	12	1,356	D	83	2.5%	1,439	D
F0366	NW 167 Street	East of N Miami Avenue	6 DV	E+20	5,400	3,045	D	12	3,057	D	17	0.3%	3,074	D
9316	North Miami Avenue	N/O NE 159 Street	2 DV	E+20	1,522	563	C	23	586	C	19	1.2%	605	D
9249	Memorial Highway	North of NE 135 Street	2 DV	E+20	1,522	704	D	5	709	D	25	1.6%	734	D
32 F2137	1-95	North of Golden Glades Interchange	8 DV	E+20	18,012	11,428	D	0	11,428	D	11	0.1%	11,439	D
F0021	NW 2 Avenue	South of Miami Gardens Drive	6 DV	E	5,390	3,708	C	59	3,767	C	11	0.2%	3,778	C
F2114	Palmetto Expwy	East of NW 12 Avenue	8 DV	E+20	18,012	11,488	D	0	11,488	D	16	0.1%	11,504	D
F2504	FL Turnpike	North of Golden Glades Toll Plaza	6 DV	E	11,100	8,694	D	0	8,694	D	5	0.1%	8,699	D
F2134	I-95	South of NW 151 Street	8 DV	E+50	22,515	16,322	E+8	0	16,322	E+8	22	0.1%	16,344	E+9
Source: Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation														
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 for roadways serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA)); E+50% (150% capacity for locations with extraordinary transit service)														

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 “Low Density Residential” the application site can be developed with 42 single-family detached units and under the requested CDMP land use designation of “Medium Density Residential” the application site can be developed with 254 multi-family units, but the applicant has submitted a covenant to restrict the development potential to 236 multi-family units. The existing development potential of 42 single-family detached units is expected to generate approximately 44 PM peak hour trips and the proposed development potential of 236 multi-family units is expected to generate approximately 127 PM peak hour trips or approximately 83 more PM peak hour trips than the current development potential allowed in the CDMP.

The concurrency analysis determined that all roadways, adjacent to and in the vicinity of the application site that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application. Also, the subject application site is inside the County’s Urban Infill Area (UIA), the County’s designated Transportation Concurrency Exception Area (TCEA), hence it is exempt from traffic concurrency.

Other Roadway Improvements

1. Golden Glades Interchange, an important entry point into Miami-Dade County is up for major ramp improvements and reconstruction in 2021. The project area consists of five major facilities including I-95 Expressway, Florida’s Turnpike, Palmetto Expressway, State Road 9 and US 441/NW 7 Avenue. The total capital cost for this project is approximately \$1 billion.
2. Bridge Replacement on Miami Avenue north of NW 143 Street. The design is complete. The total capital cost of this project is about \$5 million.

Applicant’s Traffic Study

The applicant’s transportation consultant, Kimley Horn and Associates, Inc., prepared the *CDMP Amendment Traffic Impact Analysis*, the final version is dated June 18, 2021. A copy of the Traffic Study’s Executive Summary is included in Appendix G: Traffic Impact Study, Executive Summary on Appendices page 51. The complete traffic study is available online at the Department’s website at <https://energov.miamidade.gov/>. The Traffic Study analyzes the existing, short-term, and long-term traffic impacts that the proposed project will have on the roadways adjacent to and in the vicinity of the application site. The property is currently occupied by a 13,836 sq. ft. church.

The trip generation analysis for the existing and proposed land use is shown in Table 1 of the traffic study. The trip generation for the existing development potential of 42 single family units would be 38 PM peak hour trips. The trip generation for the proposed maximum development potential of 254 multifamily units would be 94 PM peak hour trips. The trip generation for the proposed covenant restricted development potential of 236 multifamily units would be 87 PM peak hour trips or approximately 49 more PM peak hour trips than the current CDMP designation. The traffic analysis has assumed a reduction of 13.4% for alternative modes such as transit, walking, and biking based on the US Census data, which is acceptable. See applicant’s Table 1 below for trip generation analysis.

Table 1: Existing and Proposed Maximum Development Potential Trip Generation				
P.M. Peak Hour				
Future Land Use (ITE Code)	Scale	Net New External Trips	Entering Trips	Exiting Trips
<i>Existing Maximum Development Potential</i>				
Single-Family Detached Housing (210)	42 dwelling units	38	24	14
Existing Maximum Development Potential		38	24	14
<i>Proposed Maximum Development Potential</i>				
Multifamily Housing (Mid-Rise) (221)	254 dwelling units	94	57	37
Proposed Maximum Development Potential		94	57	37
<i>Net Change (Proposed – Existing)</i>				
Net New Trips		56	33	23
<i>Proposed Covenant Development</i>				
Multifamily Housing (Mid-Rise) (221)	236 dwelling units	87	53	34
Proposed Covenant Development		87	53	34
<i>Net Change (Proposed – Existing)</i>				
Net New Trips		49	29	20

The site is located on Traffic Analysis Zone (TAZ) 175, the cardinal trip distribution for this TAZ was obtained from the MPO’s 2045 Cost Feasible Plan. The Miami-Dade TPO publishes trip distribution data for the years 2015 and 2045 for each TAZ within Miami-Dade County. The data used for trip distribution is the 2045 cardinal distribution. Using the cardinal distribution, the project traffic was distributed on the surrounding roadway network. See the applicant’s Table 2 below for trip distribution analysis.

The applicant's traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County's and FDOT's traffic count data. Ten roadway segments impacted by this project were analyzed for existing traffic conditions and it was determined that all roadways are functioning at or below adopted LOS. See the applicant's Table 3 below for the existing roadway condition analysis.

Table 3: P.M. Peak Hour Existing Traffic Conditions Roadway Segment Capacity Analysis

Station	Roadway	Segment		Facility Type ⁽¹⁾	Adopted LOS Standard	Existing PM Hour Peak Season Volumes	LOS C Standard Volume ⁽⁹⁾	LOS D Standard Volume ⁽⁹⁾	LOS E Standard Volume ⁽⁹⁾	LOS E+20%/LOS E+50% Standard Volume ⁽⁹⁾	Existing PM Peak Hour Level of Service
		From	To								
0021	SR 7/US 441/NW 2nd Avenue	South of Miami Gardens Drive		6LD ⁽²⁾	E+20%	3,708	5,250	5,390	5,390	6,468	C
0366	SR 826/NW 167th Street	East of N Miami Avenue		6LD ⁽³⁾	E+20%	3,045	2,090	4,500	4,590	5,508	D
2114	SR 826/Palmetto Expressway	East of NW 12th Avenue		8LD ⁽⁴⁾	E+20%	11,488	11,270	13,960	15,380	18,456	D
2134	I-95/SR9A	South of NW 151st Street		8LD ⁽⁴⁾	E+50%	16,322	11,270	13,960	15,380	23,070	E+6%
2137	I-95	North of Golden Glades Interchange		8LD ⁽⁴⁾	E+20%	11,428	11,270	13,960	15,380	18,456	D
2504	Florida's Turnpike	North of Golden Glades Toll Plaza		6LD ⁽⁵⁾	D	9,288	8,450	10,510	10,510	10,510	D
9249	Memorial Highway	NW 135th Street	NW 159th Street	2LU ⁽⁶⁾	E+20%	704	594	1,197	1,269	1,523	D
9316	North Miami Avenue	NE 159th Street	NE 167th Street	2LU ⁽⁶⁾	E+20%	563	594	1,197	1,269	1,523	C
9326	NW 2nd Avenue	NW 159th Street	NW 167th Street	4LD ⁽⁷⁾	E+20%	1,344	1,179	2,628	2,736	3,283	D
9548	SR 826/NW 167th Street	NW 2nd Avenue	NE 6th Avenue	6LD ⁽⁸⁾	E+50%	3,848	2,090	4,500	4,590	6,885	D

Notes: (1) 2LU - Two-lane undivided, 4LU - Four-lane undivided, 4LD - Four-lane divided, 6LD - Six-lane divided.

(2) Based on FDOT Class I six-lane, divided roadway.

(3) Based on FDOT Class II six-lane, divided roadway.

(4) Based on FDOT Urbanized eight-lane freeway.

(5) Based on FDOT Urbanized six-lane freeway.

(6) Based on FDOT Class II two-lane, undivided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"

(7) Based on FDOT Class II four-lane, divided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"

(8) Based on FDOT Class II six-lane, divided roadway

(9) Based on FDOT 2020 Quality/Level of Service Handbook

The applicant's traffic study included a 2023 short term concurrency analysis, which included reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the County's adopted 2021 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the proposed development. The concurrency analysis determined that all roadways impacted by the proposed development, will have sufficient capacity to handle the additional traffic impacts that would be generated by this project. See the applicant's Table 5 below for the short-term concurrency analysis.

Table 5: P.M. Peak Hour Short-Term Concurrency (Year 2023) with Amendment Traffic Conditions Roadway Segment Capacity Analysis

Station	Roadway	Segment		Facility Type (1)	Adopted LOS Standard	Short-Term (2023) Horizon Background Volumes	Amendment Peak Hour Distribution %	Amendment Peak Hour Assignment	Short-Term (2023) Horizon Total Volumes	Amendment Traffic Contribution (9)	5% Significance Test	LOS C Standard Volume (10)	LOS D Standard Volume (10)	LOSE Standard Volume (10)	LOS E+20%/LOS E+50% Standard Volume (10)	Short-Term (2023) Horizon Total PM Peak Hour Level of Service
		From	To													
0021	SR 7 US 441/NW 2nd Avenue	South of Miami Gardens Drive		6LD (H)	E-2.0%	3884	4%	4	3,888	0.06%	No	5,250	5,390	5,390	6,468	C
0366	SR 826/NW 167th Street	East of N Miami Avenue		6LD (H)	E-2.0%	3153	14%	13	3,156	0.24%	No	2,090	4,500	4,590	5,098	D
2114	SR 826/Palmetto Expressway	East of NW 12th Avenue		8LD (H)	E-2.0%	11850	8%	7	11,857	0.04%	No	11,270	13,960	15,380	18,456	D
2134	I-95/SR 9A	South of NW 151st Street		8LD (H)	E-5.0%	16836	30%	28	16,864	0.12%	No	11,270	13,960	15,380	23,070	E+1.0%
2137	I-95	North of Golden Glades Interchange		8LD (H)	E-2.0%	11788	15%	14	11,802	0.08%	No	11,270	13,960	15,380	18,456	D
2504	Florida's Turnpike	North of Golden Glades Toll Plaza		6LD (H)	D	9581	8%	8	9,589	0.08%	No	8,450	10,510	10,510	10,510	D
9249	Memorial Highway	NW 135th Street	NW 159th Street	2LU (H)	E-2.0%	731	21%	20	751	1.31%	No	594	1,197	1,269	1,523	D
9316	North Miami Avenue	NE 159th Street	NE 167th Street	2LU (H)	E-2.0%	604	5%	5	609	0.33%	No	594	1,197	1,269	1,523	D
9326	NW 2nd Avenue	NW 159th Street	NW 167th Street	4LD (H)	E-2.0%	1,399	39%	36	1,435	1.10%	No	1,179	2,628	2,736	3,283	D
9548	SR 826/NW 167th Street	NW 2nd Avenue	NE 6th Avenue	6LD (H)	E-5.0%	3,970	14%	13	3,983	0.19%	No	2,090	4,500	4,590	6,885	D

Notes: (1) 2LU - Two-lane undivided, 4LU - Four-lane undivided, 4LD - Four-lane divided, 6LD - Six-lane divided.

(2) Based on FDOT Class I six-lane, divided roadway.

(3) Based on FDOT Class II six-lane, divided roadway.

(4) Based on FDOT Urbanized eight-lane freeway.

(5) Based on FDOT Urbanized six-lane freeway.

(6) Based on FDOT Class II two-lane, undivided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"

(7) Based on FDOT Class II four-lane, divided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"

(8) Based on FDOT Class II six-lane, divided roadway

(9) Amendment traffic contribution is the portion of the roadway segment's adopted peak hour level of service volume utilized by the amendment.

(10) Based on FDOT 2020 Quality/Level of Service Handbook

The applicant's traffic study also included a 2045 Long Term analysis to determine the future long-term traffic impacts on the surrounding roadways. The 2045 traffic volumes were obtained from the Southeast Florida Regional Planning Model (SERPM8) and the project trips were added to the model volumes to determine the impact on the surrounding roadway segments. Ten surrounding roadway segments impacted by this project traffic were analyzed to identify if these roadways had sufficient capacity to handle the additional traffic impacts. The long-term analysis determined that two roadway segments are projected to operate below the County's adopted level of service standards.

1. I-95 south of NW 151 Street would operate at LOS 'F' but the adopted LOS is 'E+50%'.
2. SR-826 east of North Miami Avenue would operate at LOS 'F' but the adopted LOS is 'E+20%'.

Both the roadway segments are projected to operate at LOS 'F' in 2045 even without impacts from this project. Also, the traffic impact from this project on both the roadway segments are insignificant as the percentage project traffic impact is only around 0.2% which is less than the allowable de-minimis impact of five percent. See the applicant's Table 7 below for the 2045 Long Term analysis.

In summary the applicant's traffic study assessed the impacts of the proposed CDMP amendment on the roadway segments surrounding the application site. The traffic analysis was prepared to identify existing, short-term concurrency (year 2023) and long-term (year 2045) traffic impacts on the surrounding roadways. The results indicate that the impacted roadway segments are expected to operate at adopted levels of service or better for existing and for short-term traffic conditions. Two roadway segments, one on I-95 and the other on SR-826 are projected to operate below the County's adopted level of service standards for long term traffic conditions, but the project traffic impact would be insignificant on these roadways. Hence, staff find this project to be consistent with the traffic requirements of the CDMP and is in agreement with the findings of the applicant's traffic analysis report.

Table 7: P.M. Peak Hour Long-Term (Year 2045) with Amendment Traffic Conditions Roadway Segment Capacity Analysis

Station	Roadway	Segment		Facility Type ⁽¹⁾	Adopted LOS Standard	Long-Term (2045) Horizon Background Volumes ⁽⁸⁾	Amendment Peak Hour Distribution %	Amendment Peak Hour Assignment	Long-Term (2045) Horizon Total Volumes	Amendment Traffic Contribution ⁽⁹⁾	5% Significance Test	LOS C Standard Volume ⁽¹⁰⁾	LOS D Standard Volume ⁽¹⁰⁾	LOS E Standard Volume ⁽¹⁰⁾	LOS E+20%/LOS E+50% Standard Volume ⁽¹⁰⁾	Long-Term (2045) Horizon Total PM Peak Hour Level of Service
		From	To													
0021	SR 7 US 441/NW 2nd Avenue	South of Miami Gardens Drive		6LD ⁽¹⁾	E-20%	6,012	4%	2	6,014	0.05%	No	5,250	5,390	5,390	6,468	E-12%
0366	SR 826/NW 167th Street	East of NW Miami Avenue		6LD ⁽¹⁾	E-20%	5,951	14%	8	5,959	0.15%	No	2,090	4,500	4,590	5,508	F
2114	SR 826/Palmetto Expressway	East of NW 12th Avenue		8LD ⁽¹⁾	E-20%	15,780	8%	5	15,785	0.05%	No	11,270	13,960	15,380	18,456	E-3%
2134	I-95/SR 9A	South of NW 151st Street		8LD ⁽¹⁾	E-50%	27,001	30%	17	27,018	0.07%	No	11,270	13,960	15,380	23,070	F
2137		North of Golden Glades Interchange		8LD ⁽¹⁾	E-20%	16,989	15%	8	16,997	0.04%	No	11,270	13,960	15,380	18,456	E-11%
2504	Florida's Turnpike	North of Golden Glades Toll Plaza		8LD ⁽¹⁾	D	11,726	8%	5	11,731	0.05%	No	11,270	13,960	15,380	15,380	D
9249	Memorial Highway	NW 135th Street	NW 159th Street	2LU ⁽¹⁾	E-20%	854	21%	11	865	0.72%	No	594	1,197	1,269	1,523	D
9316	North Miami Avenue	NE 159th Street	NE 167th Street	2LU ⁽¹⁾	E-20%	934	5%	3	937	0.20%	No	594	1,197	1,269	1,523	D
9326	NW 2nd Avenue	NW 159th Street	NW 167th Street	4LD ⁽¹⁾	E-20%	2,470	39%	22	2,492	0.67%	No	1,179	2,628	2,736	3,283	D
9548	SR 826/NW 167th Street	NW 2nd Avenue	NE 6th Avenue	6LD ⁽¹⁾	E-50%	5,957	14%	8	5,965	0.12%	No	2,090	4,500	4,590	6,885	E-3.0%

- Notes:
- (1) 2LU - Two-lane undivided, 4LU - Four-lane undivided, 4LD - Four-lane divided, 6LD - Six-lane divided.
 - (2) Based on FDOT Class I six-lane, divided roadway.
 - (3) Based on FDOT Class II six-lane, divided roadway.
 - (4) Based on FDOT Urbanized eight-lane freeway.
 - (5) Based on FDOT Class II two-lane, undivided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"
 - (6) Based on FDOT Class II four-lane, divided roadway with 10 percent capacity reduction for "Non-State Signalized Roadways"
 - (7) Based on FDOT Class II six-lane, divided roadway
 - (8) 2045 volumes obtained from the SERPM were validated based on historic AADT volumes from FDOT count stations if available.
 - (9) Amendment traffic contribution is the portion of the roadway segment's adopted peak hour level of service volume utilized by the amendment.
 - (10) Based on FDOT 2020 Quality/Level of Service Handbook

Transit

Existing Service

The application site is directly adjacent to a bus stop located on NW 6th Avenue and ±158 feet south of NW 159 Street that is served by Metrobus 105 and served by Metrobus Route 2 at a bus stop located approximately 0.6 miles (11-minute walk) along North Miami Avenue at NW 158th Street. In addition, Metrobus Routes 22 and 246 serves the general area with bus stops located approximately 0.95 miles away (20-minute walk) along NW 167th Street and ±127 feet east of NW 1st Avenue. The application area is also generally served by Metrobus Routes 77, 95, 155, and 277 at the Golden Glades Multimodal Transportation Facility (GGMTF), located ±0.23 linear miles away west of I-95 and ±1.2 miles via transit Route 105, and provides access to several Metrobus routes. The service frequency of these routes is shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary

Route	Service Headways (in minutes)					Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday	
2	60	60	50	n/a	n/a	L/F
22	30	60	60	60	60	L/F
77	8	20	30	20	30	L/F
95 (Express Downtown)	5	n/a	n/a	n/a	n/a	E/F
105 (Route E)	30	45	30	60	60	L
155 (Biscayne Gardens Circulator)	30	30	n/a	n/a	n/a	L
246 (Night Owl)	n/a	n/a		60	60	L/F
277 (NW 7 Avenue MAX)	24	n/a	n/a	n/a	n/a	E/F

Source: 2020 *Transit Development Plan*, Miami-Dade County Transportation and Public Works, Miami-Dade Transit Division, (Dec. 2018 Line Up), June 2021.

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

While the service above is in place, the operation of the system at the time of the review is scaled back to meet the current demands, due to COVID-19 pandemic.

The general application area is also served by several routes operated by Broward County Transit (BCT), and by the Golden Glades Tri-Rail station located ±1.4 miles away and west of SR 9 (±28-minute walk through the existing pedestrian network via NW 151 Street).

Recent Service Improvements

According to the 2020 *Transit Development Plan (TDP)*, Route 95 experienced a change in morning schedule with the 8:58 A.M. SB trip changed to 9:03 A.M. to make better connection with Broward County Transit.

Future Transportation/Transit Needs and Planned Improvements

The *TDP* identifies one unfunded Transit Operations project, the Beach Express North Bus Express Rapid Transit (BERT). This project is part of the SMART Plan. The proposed Express

bus service will extend from the GGMTF to the Earlington Heights Metrorail Station, the future Mount Sinai Transit Terminal, and the Miami Beach Convention Center. According to the *TDP*, there are two funded capital projects:

- The first project, the GGMTF, will consolidate existing bus transit services into a single facility adjacent to the Tri-Rail Station. Construction has begun and when completed, it will include a 5-story parking garage with 2,150 parking spaces, a 4,500 square foot transit hub, 10,450 square foot retail space, bicycle parking and lockers. Technological components for the GGMTF include features such as wi-fi, security access control system, CCTV real time signage, and ticket vending machines. The GGMTF is expected to be completed in Summer 2022 with the IT component to follow completion shortly thereafter.
- The second project is the Sunshine State Industrial Park Kiss-and-Ride / Transit Terminal Facility and Connector, which is approximately two miles away on the west side of GGMTF. DTPW, in coordination with the city of Miami Gardens and FDOT, proposed construction of a kiss-and-ride / transit terminal facility on the west side of the South Florida Rail Corridor (SFRC) just north of the Golden Glades Tri-Rail Station, with a connection via a fully covered and illuminated pedestrian/bicycle overpass over the CSX railway tracks. Metrobus as well as City of Miami Gardens trolleys would serve facility.

Long-Term Vision: Major Transit Projects

No major transit projects are being planned in the immediate vicinity of the subject site.

Application Impacts

A preliminary analysis performed in the Traffic Analysis Zone (TAZ) 175 where the subject application is located, indicates that if the application is approved, the expected incremental transit impacts generated by the requested land use amendment are minimal and can be handled by the existing transit service in the area.

DTPW Comments/Recommendations

The Miami-Dade Transit Division, Department of Transportation and Public Works (DTPW) encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops; and to incorporate pedestrian accessibility into residential neighborhood design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and planned future rapid transit stations. Upon DTPW's review for mass transit concurrency, the application is found to meet the adopted mass transit level-of-service standard contained in CDMP Policy MT-1A. Therefore, DTPW has no objections to this application, but recommends that given the affordable housing aspects of the application, and the proximity of this area to the GGMTF, the applicant should coordinate with DTPW, as the application advances, to adequately address infrastructure needs for transit-on-demand services.

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

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

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

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

- LU-7F. Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals.

- LU-7I. Miami-Dade County will continue to review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors, and continue to update its land development regulations to remove impediments and promote transit-oriented development.

- 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.

- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
 - ii) Enhance or impede provision of services at or above adopted LOS Standards;
 - iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
 - iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
 - v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.
- MT-2 Coordinate the provision of efficient transit service and facilities with the location and intensity of designated future land use patterns as identified on the Land Use Plan Map, and the goal, objectives and policies of the Land Use Element.
- MT-5D. The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.
- HO-6 Increase affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.
- HO-3I Encourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.
- HO-8A. Ensure that growth management, housing design, and development alternatives form an integral part of a community of functional neighborhoods and town centers that promote community identity, and enhance the overall quality of life.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

CHD-2B. Encourage well-designed infill and redevelopment to reduce vehicle miles traveled, improve air quality, and support an outdoor environment that is suitable for safe physical activity.

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*Excerpted pages are enclosed herein. The complete report is accessible on the Department of Regulatory and Economic Resources website at: https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/26c57eca-d54e-4a05-b228-5b1798ef734c or at: <https://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#ooc2021>

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APPENDIX A

Amendment Application

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**APPLICATION FOR AN AMENDMENT TO THE LAND USE ELEMENT OF THE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

Received
April 26, 2021



1. APPLICANT

Morgan Group Development, LLC
2750 NW 3rd Avenue, Suite 2, Miami, FL 33180
Attn: Hugo E. Pacanins Paredes
hugop@morgangroup.com
(954) 451-1620

2. APPLICANT'S REPRESENTATIVE

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BY:	<u></u>	<u>4/26/2021</u>
	Tracy R. Slavens, Esq.	Date
BY:	<u></u>	<u>4/26/2021</u>
	Vanessa Madrid, Esq.	Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change to the Land Use Plan Map. The Applicant requests a change to the Land Use Element's Land Use Plan (LUP) Map to re-designate the subject property from "Low Density" residential to "Medium Density" residential.

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

The Property comprises one (1) parcel of land that is approximately ±8.14 gross acres (±7.05 net acres) located in Section 13, Township 52 South, Range 41 East, in Unincorporated Miami-Dade County located at 590 N.W. 159 Street, directly southeast of the intersection of NW 159th Street and NW 6th Avenue.

C. Gross and Net Acreage.

Application Area ±8.14 gross acres (±7.05 net acres).

D. Requested Change.

1. Applicant requests that the subject property be re-designated on the LUP Map from “Low Density” to “Medium Density.”
2. Applicant requests acceptance of the proffered Declaration of Restrictions.
3. Applicant requests that this application be processed as an out-of-cycle concurrent CDMP small-scale amendment with the corresponding zoning application, filed under Zoning Process No. Z21000083, pursuant to Miami-Dade County Code Sections 2-116.1(5)(d) and (e).

4. REASON FOR AMENDMENT

The Property comprises ±8.14 gross acres (±7.05 net acres) of land within the Urban Infill Area (“UIA”)¹ of Miami-Dade County (the “County”) in an established urbanized area located immediately east of the Golden Glades Interchange and in close proximity to the Golden Glades Multimodal Transportation Facility (GGMTF) currently under-construction. The re-designation of the Property from “Low Density Residential” (2.5 to 6 dwelling units per gross acre) to “Medium Density Residential” (13.0 to 25.0 dwelling units per gross acre), with a 25% density bonus pursuant to approval of the concurrent zoning application for projects that set aside residential units for workforce housing, will allow for residential development on the Property at a density of 31.25 dwelling units per gross acre.

The Applicant has proffered a declaration of restrictions in connection with the set aside of 10% of units as workforce housing, in connection with the 25% density bonus for the workforce housing set aside sought along with the concurrent zoning application. The CDMP Land Use Element sets forth various density bonus incentives for affordable housing and workforce housing that may be approved through the zoning process, including the 25% density bonus, which the Applicant has applied for as part of the concurrent zoning application. County Code of Ordinances (the “Code”) Section 33-193.7.1 governs applicability of the County’s Workforce Housing Development Program, and the Applicant is seeking the 25% density bonus pursuant to said program.

Please see the enclosed letter of intent, and the justifications below, for further details.

Urban Infill Area

The Property has a land use designation of “Low Density Residential” (2.5 to 6 dwelling units per gross acre), and is zoned EU-S (Estate Use Suburban). As noted above, the Property is

¹ Pursuant to Policy TC-1B of the Comprehensive Development Master Plan (CDMP), the Urban Infill Area (UIA) is defined as that part of Miami-Dade County located east of, and including, SR 826 (Palmetto Expressway) and NW/SW 77th Avenue, excluding the area north of SR 826 and west of I-95.

in the Golden Glades Interchange area—an established urbanized area which is growing and transforming into a vibrant mixed-use neighborhood with a range of horizontal uses including commercial, industrial, and residential, and a transportation hub. The Property’s location within the UIA, and the ongoing revitalization of the surrounding area makes it ideal for enhanced density. Thus, a re-designation of the Property to “Medium Density Residential,” with a 25% density bonus for workforce housing pursuant to the concurrent zoning application, is wholly appropriate.

The existing and planned development around the Property support this request, and increased density on the Property is consistent with long-term planning for the UIA. The Property is close to existing and proposed multi-story, multi-family housing developments, and neighborhood commercial businesses. For example, the neighborhood surrounding the Property includes the Montecarlo Condominium complex, a 348-unit six-story multi-family residential community; commercial uses such as the Golden Glades Office Park and a Toyota automotive center and dealership; a 120-unit assisted living facility; the Parkway Grove Condominium complex, a mixed townhome and vertical midrise condominium complex; Adaptive Clothing USA, a commercial clothing designer and supplier for home health care and nursing home residents. In addition, the Property is close to the Jackson North Medical Center, the primary employment center within the area, located along N.W. 2nd Avenue north of North Miami Beach Boulevard.

Notably, this Property differs from other nearby parcels which have undergone, or are seeking, land use and zoning changes. This Property is directly across N.W. 6th Avenue from the I-95 expressway, and is currently underutilized. Increased urban infill at the Property would create an added physical buffer from the high-traffic noise and energy of the I-95 expressway to the surrounding neighborhoods. In addition, the Property’s location provides for convenient access to I-95, the Florida Turnpike, State Road 826, the Golden Glades Interchange, and the forthcoming GGMTF. Such access to and from increased density at the Property to nearby transportation infrastructure will allow for the unobtrusive flow of travel to and from the area.

Golden Glades Interchange and Major Roadway Access

Given the location of the Property, its proximity to major thoroughfares, such as I-95 and the Golden Glades Interchange, the horizontal mix of uses in the vicinity, and continued efforts on behalf of the County to accommodate projected population and economic growth, the Property is prime for re-designation on the LUP Map from “Low Density Residential” to “Medium Density Residential,” with the 25% density bonus for workforce housing sought pursuant to the concurrent zoning application. Such re-designation will answer the call for much-needed multi-family housing inventory in the area at varying income levels, consistent with land use planning goals, objectives, and policies for accommodating increased urban infill development. Furthermore, if approved, the proposed CDMP amendment will allow for the enhancement of the Property—located directly adjacent to I-95—providing a higher-elevation buffer between the expressway and the surrounding neighborhoods.

The proposed amendment is also consistent with CDMP Land Use Element Policy LU-7I, which requires County encouragement of development at or near existing or future transit stations. CMDP Transportation Element Policy TE-1D identifies the Golden Glades transit center as an area where the County will pursue the development of an intermodal facility. The Property is ±1,986 feet, or slightly more than one-quarter (1/4) of a mile east of the GGMTF, a mass transit

hub which is anticipated to be completed in 2021. The under-construction GGMTF improves upon the existing Metrobus, Broward County Transit, Greyhound, and Tri-Rail services provided by the Golden Glades transit center. The GGMTF will increase available bus routes, extend the existing Tri-Rail pedestrian bridge over State Road 9, and provide new parking options, bicycle lanes, and sidewalks through the facility. The GGMTF will greatly increase transportation options in the area, and the proposed amendment satisfies LU-7I by increasing density close to existing and future transit stations.

Policy LU-8E of the CDMP indicates that applications requesting amendments to the CDMP FLUM must be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

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

The Property is ideally suited for infill residential development accessible to multiple modes of transportation, employment centers, recreational areas and places of worship. In addition to compatibility, which has been addressed and demonstrated above, the application also satisfies each of the four remaining evaluation factors.

Accommodation of Projected Population or Economic Growth. South Florida as a whole and Miami-Dade County in particular is currently experiencing a critical shortage of attainable housing units. Residential development of the Property with multifamily housing will serve to help alleviate this crisis, and will also promote the Goals, Objectives and Policies of the CDMP by increasing the residential housing stock within an area targeted for future growth and will curtail future urban sprawl in the County.

Historical and Environmental Resources. There are no historically or archeologically significant resources located on the Property. However, the Applicant will work with all County Departments and agencies to address any potential concerns if any were to arise.

Transportation. The proposed development is also consistent with CDMP Land Use Element Policy LU-7I, which requires County encouragement of development at or near existing or future transit stations. CDMP Transportation Element Policy TE-1D identifies the Golden Glades transit center as an area where the County will pursue the development of an intermodal facility.

Resiliency and Sea Level Rise. The proposed development adheres to the general spirit of the County’s Sea Level Rise Strategy (the “Strategy”), and in particular furthers the County’s goal to encourage strategic urban development near transit corridors. The proposed development is consistent with the Strategy’s adaptation approach to build around transit hubs, and to promote new development in the least flood-prone areas along such corridors. The Property is inland from the County’s coastal areas, and is located just over one-quarter (1/4) mile from the GGMTF. As proposed, the development may reduce environmental pollution by supporting transit-oriented development, and provides flexibility into the future by accommodating expected population growth and demand for mixed-income housing.

The approval of the requested Amendment would also further the implementation of the following CDMP Goals, Objectives and Policies:

LAND USE OBJECTIVE LU-1: LU-1 provides “[t]he location and configuration of [the] County’s urban growth ... shall emphasize concentration and intensification of development around centers of activity, development of ... communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.”

LAND USE POLICY LU-1A: LU-1A provides “[h]igh intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.”

LAND USE POLICY LU-1C: LU-1C provides “[the] County shall give priority to ... 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.”

LAND USE POLICY LU-1F: LU-1F provides the County “shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning ... finance activities In particular, [the] County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy” in order “[t]o promote housing diversity and to avoid creation of monotonous developments.”

LAND USE POLICY LU-7I: LU-7I provides that the “County will continue to review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors, and continue to update its land development regulations to removes impediments and promote transit-oriented development.”

LAND USE POLICY LU-8A: LU-8A provides “[the] 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.”

LAND USE POLICY LU-8E: LU-8E provides that applications requesting CDMP Land Use Plan map amendments “shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements ... and in particular the extent to which the proposal, if approved” would: i) satisfy a Plan map deficiency to accommodate projected population or economic growth, ii) enhance or impeded provision of services at or above adopted LOS standards, iii) be compatible with abutting and nearby land uses and protect the character of established neighborhoods, iv) enhance or degrade environmental or historical resources or features or systems of County significant, and v) would be a use that promotes transit ridership and pedestrianism as indicated in Objective LU-7 policies if located in a planned Urban Center or within one-quarter (1/4) mile of an existing or planned transit center, station, or exclusive/standard/express bus stop.

LAND USE POLICY LU-12E: LU-12E provides “[the] County shall continue to ... seek opportunities to incentivize infill development Such incentives may include ... joint development agreements at transit stations and transit centers, and flexibility of development standards, particularly for irregular shaped or otherwise substandard lots.”

TRANSPORTATION POLICY MT-5D: MT-5D provides that “[the] County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.”

HOUSING ELEMENT OBJECTIVE HO-6: HO-6 provides the objective to “[i]ncrease affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.”

HOUSING ELEMENT POLICY HO-3I: HO-3I provides the County should “[e]ncourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.”

5. LOCATION MAP FOR APPLICATION

Attached.

6. ADDITIONAL MATERIALS SUBMITTED

Legal Description

Certified Survey

Declaration of Restrictions

Economic Impact Analysis

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

7. COMPLETED DISCLOSURE FORMS

Attached.

8. TRAFFIC STUDY

Attached.

APPLICANTS/REPRESENTATIVE

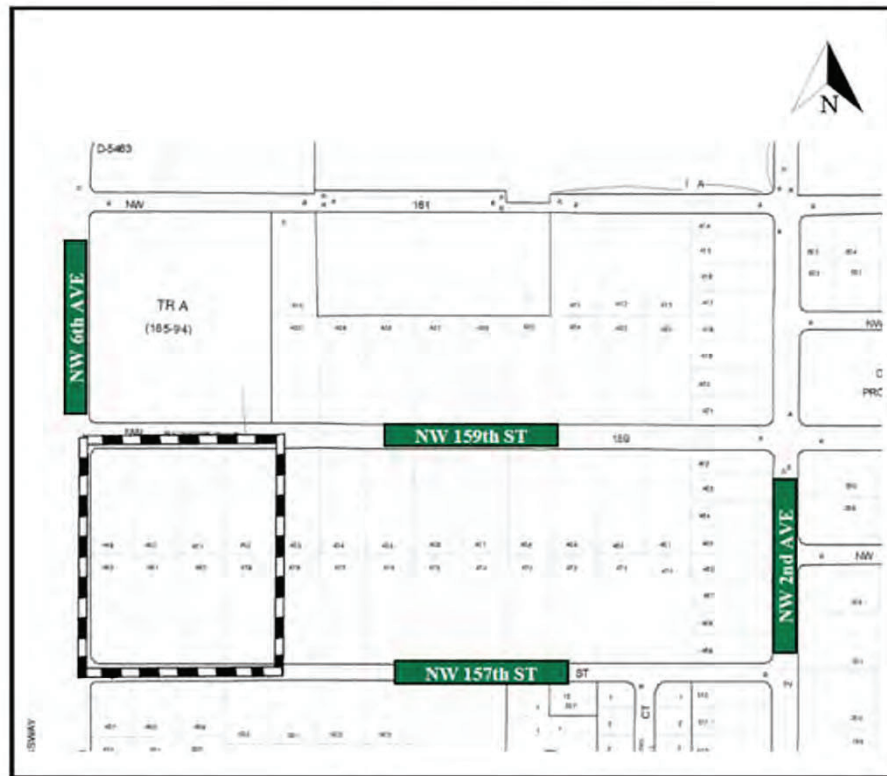
Morgan Group Development, LLC/ Tracy R. Slavens, Esq., and Vanessa Madrid, Esq.

DESCRIPTION OF SUBJECT AREA

The Property comprises ±8.14 gross acres (±7.05 net acres) of land within the Urban Infill Area (UIA) of Miami-Dade County in an established urbanized area located immediately east of the Golden Glades Interchange and in close proximity to State Road 826, southeast of the intersection of N.W. 159 Street and N.W. 6 Avenue.

LOCATION MAP

Section 13, Township 52 South, Range 41 East



LEGEND

▬ APPLICATION AREA

*100% of the Application area is owned by Evangel Church International, Inc. (f/k/a Evangel Temple, Inc.). The Applicant is under contract to purchase, but does not own any portion of, the Application area.

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

LOTS 449, 450 AND 451, OF "BISCAYNE GARDENS SECTION "B"", A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS THE WEST 15.00 FEET OF LOT 449 AND ALSO LESS THE EXTERNAL PORTION FORMED BY A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, TANGENT TO THE NORTH LINE OF SAID LOT 449 AND TANGENT TO A LINE LYING 15.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 449 FOR ROAD RIGHT-OF-WAY.

PARCEL 2:

LOTS 452 AND 482, LESS THE WEST 15 FEET OF SAID LOT 482 AND ALSO LESS THE EXTERNAL PORTION FORMED BY A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, TANGENT TO THE SOUTH LINE OF SAID LOT 482 AND TANGENT TO A LINE LYING 15.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 482, OF "BISCAYNE GARDENS SECTION "B"", A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 3:

LOTS 479, 480, AND 481, OF "BISCAYNE GARDENS SECTION "B"", A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT “B”
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: Morgan Group Development, LLC
2750 NW 3rd Avenue, Suite 2
Miami, FL 33180

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
Morgan Group Development, LLC	Evangel Church International, Inc., a Florida not for profit corporation, f/k/a Evangel Temple, Inc.	30-2113-001-0530	±8.1411 gross acres ±7.0503 net acres

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

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
Morgan Group Development, LLC			X	

4. DISCLOSURE OF APPLICANT’S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

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

INDIVIDUAL’S NAME AND ADDRESS	PERCENTAGE OF INTEREST
N/A	

- b. **If the applicant is a CORPORATION, list the corporation’s name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]**

CORPORATION NAME: Morgan Group Development, LLC

<u>NAME, ADDRESS, AND OFFICE</u>	<u>PERCENTAGE OF STOCK</u>
Morgan Group Development, LLC 3000 Richmond Avenue Houston, TX 77098	100%
Michael S. Morgan 2750 NW 3rd Avenue, Suite 2 Miami, FL 33180	100%

- c. **If the applicant is a TRUSTEE, list the trustee’s name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

TRUSTEES NAME: N/A

BENEFICIARY’S NAME AND ADDRESS PERCENTAGE OF INTEREST

N/A

- 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

NAME AND ADDRESS OF PARTNERS PERCENTAGE OF INTEREST

N/A

- 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].

CONTRACT PURCHASER'S NAME: Morgan Group Development, LLC

NAME, ADDRESS, AND OFFICE	PERCENTAGE OF STOCK
Morgan Group Development, LLC 3000 Richmond Avenue Houston, TX 77098	100%
Michael S. Morgan 2750 NW 3rd Avenue, Suite 2 Miami, FL 33180	100%

Date of Contract 6/18/2020

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.

INDIVIDUAL'S NAME AND ADDRESS PERCENTAGE OF INTEREST

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 Evangel Church International, Inc., a Florida not for profit corporation, f/k/a Evangel Temple, Inc.

<u>NAME, ADDRESS, AND OFFICE</u> (if Applicable)	<u>PERCENTAGE OF STOCK</u>
Evangel Church International, Inc., a Florida not for profit corporation, f/k/a Evangel Temple, Inc. 590 NW 159 Street Miami, FL 33169	Not for profit corporation. Board Members listed on attached Exhibit B-1

- 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

- 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

- e. **If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

NAME, ADDRESS AND OFFICE (if applicable) PERCENTAGE OF INTEREST

Date of Contract _____

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS

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.

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

MORGAN DEVELOPMENT GROUP, LLC
BY: [Signature]
PRINT NAME: HUGO PACANINS
TITLE: VP

State of Florida
County of Miami-Dade

Sworn to (or affirmed) and subscribed before me by means of (how the individual appeared check one):
(how the individual appeared check one):

physical presence online notarization this 6 day of April, 2021.
(date) (month) (year)

By Hugo E Pacanins Paredes
(name of individual swearing or affirming)
as for OFFICER
(type of authority, e.g., Officer, Attorney-in Fact)(Name of party on behalf of whom executed)

Individual identified by: personal knowledge satisfactory evidence FL DL
(type)


 <p>Alain Cueto NOTARY PUBLIC STATE OF FLORIDA Comm# GG183001 Expires 2/5/2022</p> <p>(affix Florida Notary Seal Above)</p>	<p><u>[Signature]</u></p> <p>(Signature of Notary Public)</p> <p><u>Alain Cueto</u></p> <p>(typed, printed, or stamped name of Notary Public)</p>
--	---

EXHIBIT B-1

BOARD MEMBERS

EVANGEL CHURCH INTERNATIONAL, INC., A FLORIDA NOT FOR PROFIT CORPORATION, F/K/A EVANGEL TEMPLE, INC.

James Spann, Jr. Board Member

David Betzer, Rev.

David Harrell, Secretary/Board Member

Sylvester Dawkins, Board Member

Mamie Willis, Board Member

Audrey Odediran, Board Member

Denise Athis, Board Member

Clinton Powell, Sr., Board Member

APPENDIX B

Concurrent Zoning Application No. Z2021000083 Letter of Intent (April 9, 2021)

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Received
April 9, 2021

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens, Esq.
+1 305-789-7642
Tracy.Slavens@hklaw.com

April 9, 2021

VIA ELECTRONIC DELIVERY

Mr. Jerry Bell, AICP
Assistant Director, Planning Department
Department of Regulatory & Economic Resources
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128

Mr. Nathan Kogon, AICP
Assistant Director, Development Services
Department of Regulatory & Economic Resources
Stephen P. Clark Center
111 N.W. 1st Street, 11th Floor
Miami, Florida 33128

Re: Morgan Group Development, LLC/ 590 N.W. 159th Street – Out-of-Cycle Concurrent CDMP Amendment and Zoning Application Request Letter of Intent

Dear Mr. Bell and Mr. Kogon:

Please accept this Letter of Intent on behalf of the Morgan Group Development, LLC (the “Applicant”) in support of its request for an out-of-cycle concurrent Comprehensive Development Master Plan (“CDMP”) small-scale amendment, and Zoning application pursuant to Miami-Dade County Municipal Code Sections 2-116.1(5)(d)-(e) (the “Concurrent Zoning Application”; together, the “Concurrent Applications”). The Concurrent Applications are being filed in connection with a proposed residential development on the property located at 590 N.W. 159th Street, consisting of ±8.14 gross acres (±7.05 net acres), and further identified by Folio No. 30-2113-001-0530 (the “Property”). Specifically, the Applicant seeks approval of the following requests:

CDMP Requests:

- 1) CDMP SMALL-SCALE AMENDMENT to re-designate the Property on the CMDP Land Use Element’s Land Use Plan (“LUP”) Map from “Low Density Residential” to “Medium Density Residential”; and
- 2) Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.

Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville | Los Angeles | Miami | New York | Orange County | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa | Tysons | Washington, D.C. West Palm Beach

Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
April 9, 2021
Page 2

Zoning Requests:

- 1) DISTRICT BOUNDARY CHANGE from EU-S (Estate Use Suburban) to RU-4 (High Density Apartment House District);
- 2) DELETION of that certain Declaration of Restrictions recorded at Official Records Book 22520, Page 2157 of the Public Records of Miami-Dade County, Florida; and
- 3) UNUSUAL USE to permit a Lake Excavation on the Property pursuant to Section 33-13 of the County Code.

I. Property Information

The Property is located in the Southeast Corner of the intersection of N.W. 159th Street and N.W. 6th Avenue, directly across the street from I-95, and in close proximity to the Golden Glades Interchange, the currently under-construction Golden Glades Multimodal Transportation Facility (“GGMTF”) which will include a 4,500-square-foot transit hub and is scheduled to be completed in 2021, and State Road 826. Located on the Property is a 12,036-square-foot building currently used as a house of worship, the Evangel Church International. The main building was built in 1972, and three accessory structures ranging in size from 13 square feet to 1,747 square feet were added between 1982 and 1991.

The Property has a land use designation of “Low Density Residential (2.5 to 6 dwelling units per gross acre),” is zoned EU-S (Estate Use Suburban), and is located within the Urban Infill Area (“UIA”) of Miami-Dade County (the “County”).¹ As noted above, the Property is in the Golden Glades Interchange area—an established urbanized area which is growing and transforming into a vibrant mixed-use neighborhood with a range of horizontal uses including commercial, industrial, and residential. The Property’s location within the UIA, and the ongoing revitalization of the surrounding area makes it the ideal location to plan for enhanced density.

Notably, this Property differs from other nearby parcels which have undergone, or are seeking, land use and zoning changes. This Property is directly across N.W. 6th Avenue from the I-95 expressway, and is currently underutilized. Increased urban infill at the Property would create an added physical buffer from the high-traffic noise and energy of the I-95 expressway to the surrounding neighborhoods. In addition, the Property’s location provides for convenient access to I-95, the Florida Turnpike, State Road 826, the Golden Glades Interchange, and the forthcoming GGMTF. Such access to and from the Property to a transportation hub will allow for the unobtrusive flow of residents and workforce to and from the area.

II. CDMP Small-Scale Amendment Requests

Re-designation of the Property on the LUP Map from “Low Density Residential” (2.5 to 6 dwellings units per gross acre) to “Medium Density Residential” (13 to 25 dwelling units per acre) with a

¹ Commission District 2; Community Council 8.

Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
April 9, 2021
Page 3

workforce housing component and the addition of the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element.

The Applicant requests that the proposed small-scale CDMP amendment² be processed under out-of-cycle procedures and concurrently with the below zoning request pursuant to County Code Sections 2-116.1(5)(d)-(e). In addition, the Applicant is seeking to provide workforce housing as part of its development program.³ The Applicant proposes to proffer a Declaration of Restrictions in connection with this request, a draft of which is enclosed with this letter.

Given the location of the Property, its proximity to major thoroughfares, such as I-95 and the Golden Glades Interchange, the horizontal mix of uses in the surrounding area, and continued efforts on behalf of the County to accommodate projected population and economic growth, the Property is prime for re-designation on the LUP Map from “Low Density Residential” to “Medium Density Residential” with the 25% Density Bonus for Workforce Housing. The density sought in connection with this re-designation is up to 31.25 dwelling units per acre. This amendment will answer the call for much-needed rental and workforce housing inventory in the area, consistent with land use planning goals, objectives, and policies for accommodating increased urban infill development. Furthermore, if approved, the proposed CDMP amendment will allow for the enhancement of a Property located directly adjacent to I-95, which will in turn provide a higher-elevation buffer between the expressway and the surrounding neighborhoods. The Applicant has proffered a declaration of restrictions in connection with its commitment to providing workforce housing units as part of the residential density calculation for the Property.

The proposed development is also consistent with CDMP Land Use Element Policy LU-7I, which requires County encouragement of development at or near existing or future transit stations. CDMP Transportation Element Policy TE-1D identifies the Golden Glades transit center as an area where the County will pursue the development of an intermodal facility. The proposed development is ±1,986 feet, or slightly more than one-quarter (1/4) of a mile east of the GGMTF, a mass transit hub which is anticipated to be completed in 2021. The under-construction GGMTF improves upon the existing Metrobus, Broward County Transit, Greyhound, and Tri-Rail services provided by the Golden Glades transit center. The GGMTF will increase available bus routes, extend the existing Tri-Rail pedestrian bridge over State Road 9, and provide new parking options, bicycle lanes, and sidewalks through the facility. The GGMTF will greatly increase transportation options in the area, and the proposed development satisfies LU-7I by increasing density close to existing and future transit stations.

In addition, the proposed development adheres to the general spirit of the County’s Sea Level Rise Strategy (the “Strategy”), and in particular furthers the County’s goal to encourage strategic urban

² Small-scale amendment pursuant to Florida Statutes Section 163.31287, and County Code Section 2-116.1(2)(b).

³ Including workforce housing units in the development program is consistent with Land Use Element Policy LU-12E and Housing Element Objective HO-6 and Policy HO-31, which generally require the County to promote affordable housing opportunities, including workforce housing options within reasonable proximity to places of employment and with necessary public services in existing urbanized areas. See Page I-31 of the CDMP Land Use Element and County Code Section 33-193.7.

Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
April 9, 2021
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development near transit corridors.⁴ The proposed development is consistent with the Strategy's adaptation approach to build around transit hubs, and to promote new development in the least flood-prone areas along such corridors. The Property is inland from the County's coastal areas, and is located just over one-quarter (1/4) mile from the GGMTF. As proposed, the development may reduce environmental pollution by supporting transit-oriented development, and provides flexibility into the future by accommodating expected population growth and demand for mixed-income housing.

The neighborhood surrounding the Property includes the Montecarlo Condominium complex, a 348-unit, six-story condominium community; commercial uses such as the Golden Glades Office Park and a Toyota automotive center and dealership; a 120-unit assisted living facility; the Parkway Grove Condominium complex, a mixed townhome and vertical midrise condominium complex; Adaptive Clothing USA, a commercial clothing designer and supplier for home health care and nursing home residents; and the Jackson North Medical Center, the primary employment center within the area, located along N.W. 2nd Avenue north of North Miami Beach Boulevard.

The proposed CDMP amendment is also consistent with numerous CDMP Land Use Element and Housing Element goals, objectives and policies, including, but not limited to:

LAND USE OBJECTIVE LU-1: LU-1 provides “[t]he location and configuration of [the] County’s urban growth ... shall emphasize concentration and intensification of development around centers of activity, development of ... communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.”

LAND USE POLICY LU-1A: LU-1A provides “[h]igh intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.”

LAND USE POLICY LU-1C: LU-1C provides “[the] County shall give priority to ... 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.”

LAND USE POLICY LU-1F: LU-1F provides the County “shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning ... finance activities In particular, [the] County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy” in order “[t]o promote housing diversity and to avoid creation of monotonous developments.”

⁴ Miami-Dade County, *Miami-Dade County Sea Level Rise Strategy* (last visited Mar. 2, 2021), <https://miami-dade-county-sea-level-rise-strategy-draft-mdc.hub.arcgis.com/>. Chapter 2 of the *Miami-Dade County Sea Level Rise Strategy* includes adaptation approaches to sea level rise, including encouragement of development on high ground around transit corridors. The Property has an elevation of ±4.69 feet. See F.I.U. GIS Center, *Citizen Eyes* (last visited Mar. 2, 2021), <http://citizeneyes.org/app/> (enter the Property address to determine elevation).

Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
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LAND USE POLICY LU-7I: LU-7I provides that the “County will continue to review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors, and continue to update its land development regulations to removes impediments and promote transit-oriented development.”

LAND USE POLICY LU-8A: LU-8A provides “[the] 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.”

LAND USE POLICY LU-8E: LU-8E provides that applications requesting CDMP Land Use Plan map amendments “shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements ... and in particular the extent to which the proposal, if approved” would: i) satisfy a Plan map deficiency to accommodate projected population or economic growth, ii) enhance or impeded provision of services at or above adopted LOS standards, iii) be compatible with abutting and nearby land uses and protect the character of established neighborhoods, iv) enhance or degrade environmental or historical resources or features or systems of County significant, and v) would be a use that promotes transit ridership and pedestrianism as indicated in Objective LU-7 policies if located in a planned Urban Center or within one-quarter (1/4) mile of an existing or planned transit center, station, or exclusive/standard/express bus stop.

LAND USE POLICY LU-12E: LU-12E provides “[the] County shall continue to ... seek opportunities to incentivize infill development Such incentives may include ... joint development agreements at transit stations and transit centers, and flexibility of development standards, particularly for irregular shaped or otherwise substandard lots.”

TRANSPORTATION POLICY MT-5D: MT-5D provides that “[the] County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.”

HOUSING ELEMENT OBJECTIVE HO-6: HO-6 provides the objective to “[i]ncrease affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.”

HOUSING ELEMENT POLICY HO-3I: HO-3I provides the County should “[e]ncourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.”

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Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
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III. Zoning Requests

A. District Boundary Change from EU-S (Estate Use Suburban) to RU-4 (High Density Apartment House District).

In connection with the small-scale CDMP Amendment request described above, the Applicant is seeking the approval of the Concurrent Zoning Application to re-zone the Property from the EU-S zoning district to the RU-4 zoning district, and to apply a workforce housing density bonus of twenty-five percent (25%) given that ten percent (10%) will be workforce housing units for households with an income of up to 110% and up to 140% of the AMI, pursuant to Section 33-193.7.1 of the County Code. The Applicant has proffered a declaration of restrictions in connection with its commitment to providing workforce housing units as part of the residential density calculation for the Property.

The Applicant intends to develop the Property with a multi-family residential project, consisting of approximately 236 rental units across four (4) five (5)-story residential structures. Each of residential structures will consist of a mix of studio, one (1) bedroom, and two (2) bedroom units. Project amenities include a two (2) story Clubhouse, a pool, a dog park, and a large lake water feature (the “Project”). In addition, the Project, as designed, meets or exceeds the landscaped open space and parking requirements. Again, of the approximately 236 units within the Project, 10% are to be set-aside for workforce housing units, consistent with the goals, objectives, and policies of the CDMP Land Use and Housing Elements, as well as Section 33-193.7.1 of the County Code. The re-zoning of the Property from EU-S to RU-4 will allow for the pertinent infusion of rental and workforce housing units in the area.

Such re-zoning for increased density is consistent with the development and planning patterns in the vicinity, and will contribute to the improvement and revitalization of the area. This rezoning request, together with the proposed Project, is consistent with the existing mix of horizontal uses in the vicinity, including multi-family housing stock and commercial employers, as well as nearby recently approved and pending projects. Approval of the Concurrent Applications will help diversify the type of housing options available in the neighborhood. It is also important to note that the Property’s location and the proposed Project, as designed, provides convenient access to major thoroughfares that will encourage transit ridership. Overall, the Project will provide an aesthetic screen of I-95 from the neighboring properties, and will bring much-needed complimentary rental inventory to the mixed-used area.

The out-of-cycle and concurrent nature of the Concurrent Applications, including site plan review, allows for a more comprehensive analysis of the requests in light of the proposed Project. A copy of the proposed site plan for the Project, as prepared by MSA Architects is included with this submittal for your review and consideration. The proposed site plan is in compliance with the applicable land development regulations, including but not limited to the RU-4 development criteria under Sections 33-208 through 33-216 of the County Code.

In addition, the Applicant is in the process of requesting the Property’s release from the Miami-Dade County Water and Sewer Department (“MDWASD”) water and sewer service area, to be served by the North Miami Beach and North Miami municipal service areas. Specifically, the Applicant intends to

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Morgan Group Development – Concurrent CDMP and Zoning Letter of Intent
April 9, 2021
Page 7

enter into new agreements with said municipalities to be served by the North Miami Beach water service, and North Miami sewer service.

B. Deletion of the Declaration of Restrictions recorded at Official Records Book 22520, Page 2157 of the Public Records of Miami-Dade County, Florida.

To facilitate the rezoning of the Property, the Applicant is also requesting the deletion of that certain Declaration recorded at Miami-Dade County, Florida, Official Records Book 22520, Page 2157, which was recorded as part of a previous zoning application in connection with the expansion of the existing religious facility on the Property.⁵

C. UNUSUAL USE to permit a Lake Excavation on the Property pursuant to Section 33-13 of the County Code.

In connection with the development of the Property, a lake to be used for stormwater management purposes is required. The lake, as proposed, is located on the center portion of the Property, consists of approximately ±0.57 acre, and serves as an amenity to the residential development. Adequate landscape buffering is being provided to ensure separation between the proposed lake, clubhouse, and residential buildings. The lake complies with Section 33-16 the County Code and South Florida Water Management requirements.

IV. Conclusion

The proposed Concurrent Applications and site plan are consistent with the County's CDMP goals, policies, and objectives, as well as the existing and future uses of the area. The requests and proposed Project are also in the general spirit of the intent of the County Code and are in compliance with the applicable land development regulations. The approval of this Concurrent Application will allow for the realization of this Project, and the development of much-desired workforce housing supply in the area.

Thank you for your consideration of the requests in connection with the Concurrent Applications. Please feel free to reach out to me via phone or email if you would like to discuss or have any questions.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Cc: Mr. Hugo Pacanins

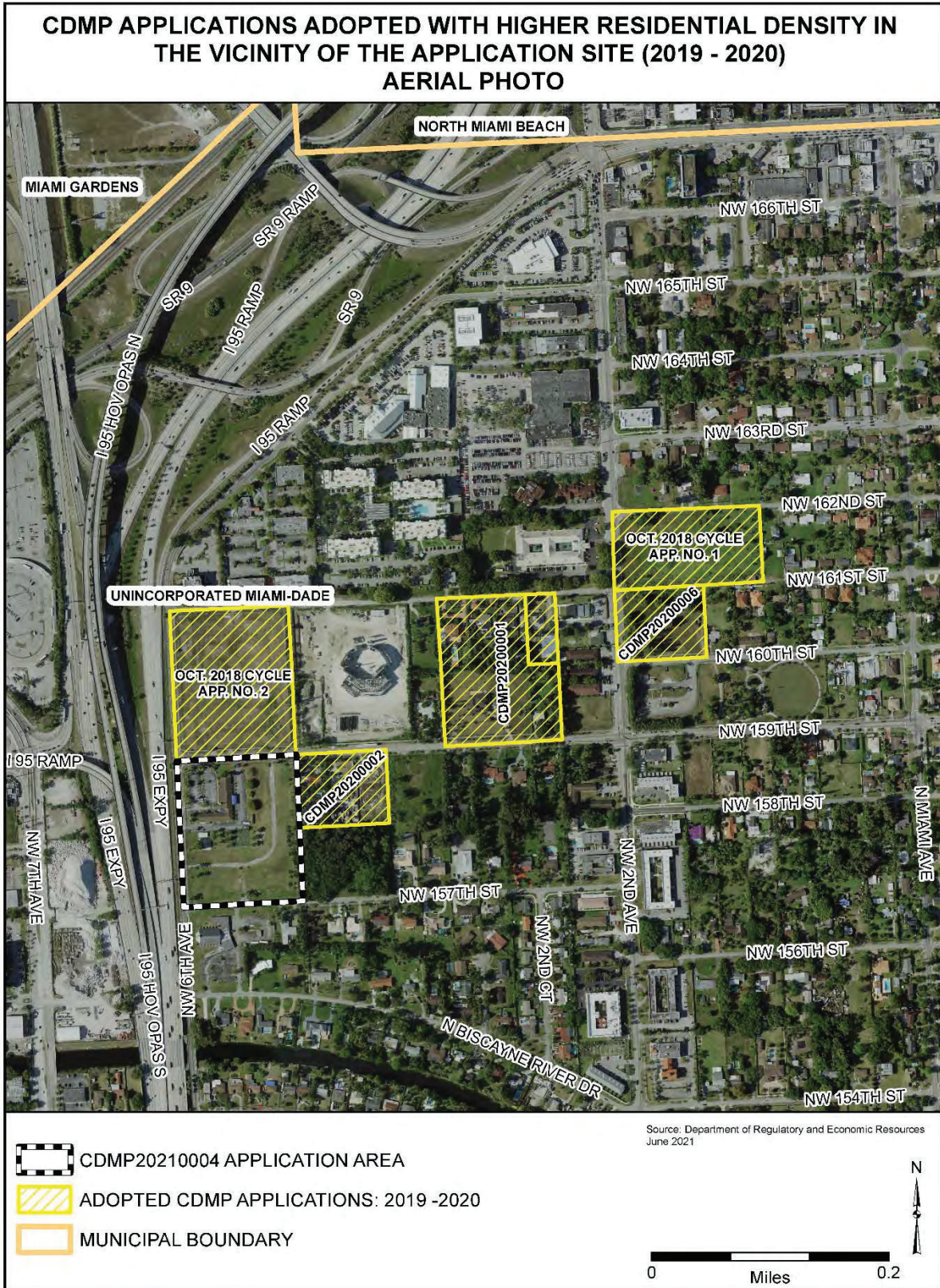
⁵ See Zoning Process Number: Z2003000254, and Resolution No. Z-21-04.

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APPENDIX C

Map of CDMP Application Approvals in the Area (2019-2020)

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APPENDIX D

CDMP Letter of Interpretation (May 11, 2021)

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Department of Regulatory and Economic Resources
Planning Division, Metropolitan Planning Section
111 NW 1 Street • 12th Floor
Miami, Florida 33128-1902
Telephone: 305-375-2835 Fax: 305-375-2560
www.miamidade.gov/planning

May 11, 2021

Tracy R. Slavens, Esq.
Holland & Knight
701 Brickell Ave., Suite 3300
Miami, FL 33131

Subject: Expedited Letter of Interpretation re. Folio No. 30-2113-001-0530, 590 NW 159th Street (Subject Property)

Dear Ms. Slavens:

This letter is in response to your April 23, 2021 Request (payment received April 26, 2021) for an expedited interpretation of Miami-Dade County's Comprehensive Development Master Plan (CDMP) as it applies to the ±8.14 gross acre Subject Property. Specifically, you ask for confirmation that redesignation of the Subject Property to "Medium Density Residential" (13 to 25 dwelling units per acre) with a 25% Density Bonus for Workforce Housing could allow its development with up to 254 units.

As noted in your Request, "dwelling units per gross residential acre" is the basic unit for measurement of residential density in the CDMP. The CDMP further indicates that streets are included in the land uses that may be included in the calculation of gross residential acreage. When calculating residential density for the development of workforce housing, the area up to the centerline of adjoining streets or road right of ways is included in the gross acreage. Therefore, if the Subject Property is redesignated to Medium Density Residential with a 25% Density Bonus for Workforce Housing, it could be developed with up to 31.25 units per acre, or a maximum of 254 units.

This letter is provided in response to your request for interpreting the provisions of the CDMP and does not constitute a departmental recommendation on any pending or future requests for development approval. This interpretation is based upon the policies and provisions of the CDMP currently in effect, and the uses and limitations specified in your April 23, 2021 Request. If you have any questions regarding this review, please contact me at (305) 375-2835 or Jerry.Bell@miamidade.gov.

Sincerely,

A handwritten signature in blue ink that appears to read "Jerry Bell".

Jerry Bell, AICP
Assistant Director for Planning

JB/jb

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APPENDIX E

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 Hartman, Chair*
- Dr. Steve Gallon III, Vice Chair*
- Lucia Baez-Geller*
- Dr. Dorothy Bendross-Mindingall*
- Christi Fraga*
- Dr. Lubby Navarro*
- Dr. Marta Pérez*
- Mari Tere Rojas*
- Luisa Santos*

May 24, 2021

VIA ELECTRONIC MAIL

Ms. Mercy Arce
 Holland and Knight
 701 Brickell Ave. unit 3300
 Miami, FL 33131
mercy.arce@hklaw.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
 EVANGEL CHURCH INTERNATIONAL, INC- Z2021000083
 LOCATED AT 590 NW 159 STREET
 PH3021050700232- FOLIO NO.: 3021130010530**

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 236 residential units, which generates 35 students; 17 elementary, 8 middle and 10 senior high students. At this time, all 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, notwithstanding any additional information that may surface after further departmental research. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Best regards,

Ivan M. Rodriguez, R.A.
 Director

Enclosure

L-360

cc: Ms. Nathaly Simon
 Miami-Dade County
 School Concurrency Master File

Planning, Design & Sustainability
 Ms. Nathaly Simon, Eco-Sustainability Officer • 1450 N.E. 2nd Avenue • Suite 525 • Miami, FL 33132
 305-995-7285 • 305-995-4760 (FAX) • nsimon1@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:	<u>PH3021050700232</u>	Local Government (LG):	<u>Miami-Dade</u>
Date Application Received:	<u>5/7/2021 10:15:26 AM</u>	LG Application Number:	<u>Z2021000083</u>
Type of Application:	<u>Public Hearing</u>	Sub Type:	<u>Zoning</u>
Applicant's Name:	<u>Evangel Church International, Inc</u>		
Address/Location:	<u>590 NW 159 ST</u>		
Master Folio Number:	<u>3021130010530</u>		
Additional Folio Number(s):			

PROPOSED # OF UNITS **236**

SINGLE-FAMILY DETACHED UNITS: **0**

SINGLE-FAMILY ATTACHED UNITS: **0**

MULTIFAMILY UNITS: **236**

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
361	BISCAYNE GARDENS ELEMENTARY	293	17	17	YES	Current CSA
6281	THOMAS JEFFERSON MIDDLE	200	8	8	YES	Current CSA
7591	NORTH MIAMI SENIOR	656	10	10	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **30.55%** 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 / 305-995-7285 / concurrency@dadeschools.net

APPENDIX F

Applicant's Proffered Declaration of Restrictions (dated May 7, 2021)

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This instrument was prepared by:
Name: Tracy R. Slavens, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned **Evangel Church International Inc.** (hereinafter referred to as the "Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") as an out-of-cycle 2021 CDMP amendment, and said amendment is identified as Application No. 20210004 (the "Application"); and

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

NOW, THEREFORE, in order to assure the Miami-Dade County that the representations made by the owner during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Workforce Housing.** Ten percent (10%) of the dwelling units on the Property shall be set aside for workforce housing in accordance with the CDMP and Section 33-193.7.1 of the Miami-Dade County Code of Ordinances.
- (2) **Maximum Density.** The maximum number of residential units on the Property shall be two hundred thirty-six (236), including the workforce housing density bonus in accordance with the CDMP and Section 33-193.7.1 of the Miami-Dade County Code of Ordinances.
- (3) **Notification of Proximity to Solid Waste Facility.** The Owners shall provide to each of their prospective lessees within each of their parcels with a written notification, acknowledgment, waiver, and release recognizing that the Property is located near the Miami-Dade County Golden Glades Trash and Recycling Center ("TRC") located at 140 NW 160 Street within the lease agreement, which will be in substantially the same form as the following notice (the "Notice") in every contract for the least of any dwelling unit within the Property:

THE SUBJECT PROPERTY IS LOCATED IN IMMEDIATE PROXIMITY TO THE MIAMI-DADE COUNTY GOLDEN GLADES TRASH AND RECYCLING CENTER ("TRC") LOCATED AT 140 NW 160 STREET (THE "FACILITY"), WHICH IS USED IN CONNECTION WITH THE COUNTY'S SOLID WASTE MANAGEMENT AND DISPOSAL ACTIVITIES AND OPERATES 12 OR MORE HOURS PER DAY, 7 DAYS A WEEK. AS A RESULT, OCCUPANTS OF THE PROPERTY MAY BE AFFECTED BY ODORS, NOISE OR DUST EMANATING FROM THE TRC AND TRUCK TRAFFIC ENTERING AND EXITING THE FACILITY DURING OPERATING HOURS.

THE LESSEE(S) AGREES BY SIGNING THE LEASE THAT HE/SHE/THEY WILL NOT OBJECT TO THE PRESENCE OF THE GOLDEN GLADES TRC OR ITS OPERATIONS. THE LESSEE(S) AGREES THAT HE/SHE/THEY WAIVE(S) AND SHALL NOT RAISE ANY OBJECTION TO THE CONTINUED OPERATION OF THE FACILITY. FURTHER, THE LESSEE(S) WAIVE AND RELEASE MIAMI-DADE COUNTY FROM ANY AND ALL LIABILITY FOR ANY PAST, PRESENT OR FUTURE CLAIMS, AND THE LESSEE(S) HEREBY AGREE NOT TO FILE ANY CLAIM OR ACTION AGAINST MIAMI-DADE COUNTY OR ANY ENTITIES RELATED TO THE OPERATION OF THE FACILITY, PERTAINING TO OR ARISING OUT OF THE OPERATION OF THE FACILITY. THIS WAIVER AND RELEASE INCLUDES, BUT IS NOT LIMITED TO, BOTH NON-CONSTITUTIONAL AND CONSTITUTIONAL CLAIMS AND ACTIONS (INCLUDING, BUT NOT LIMITED TO, INVERSE CONDEMNATION, TAKINGS, AND NUISANCE), OF ANY KIND OR OTHER CONSTITUTIONAL OR NON-CONSTITUTIONAL CLAIMS OF ANY KIND OR NATURE WHATSOEVER. IN THE EVENT THAT ANY PARAGRAPH OR PORTION OF THIS NOTICE IS DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, ILLEGAL OR UNENFORCEABLE, IT SHALL AFFECT NO OTHER PROVISION OF THIS NOTICE, AND THE REMAINDER OF THIS NOTICE SHALL BE VALID AND ENFORCEABLE.

MISCELLANEOUS

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

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, 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 Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]

Signed, witnessed, executed and acknowledged on this _____ day of _____, 2021.

IN WITNESS WHEREOF, _____ (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

Evangel Church International, Inc.
Address:
590 NW 159 Street

Miami, FL 33169

By _____
(Board Member)

Print Name: _____

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

STATE OF _____ **COUNTY OF** _____

The foregoing instrument was acknowledged before me by means of physical presence [] or online notarization [] by _____ the _____ of Evangel International Church, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this _____ day of _____, 2021, in the County and State aforesaid.

Signature
Notary Public-State of _____

Print Name

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1:

Lots 449, 450 and 451, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida, less the west 15.00 feet of Lot 449 and also less the external portion formed by a 25.00 foot radius curve concave to the southeast, tangent to the north line of said Lot 449 and tangent to a line lying 15.00 feet east of and parallel to the east line of said Lot 449 for road right-of-way.

Parcel 2:

Lots 454 and 482, less the west 15 feet of said Lot 482 and also less the external portion formed by a 25.00 foot radius curve concave to the northeast, tangent to the north line of said Lot 482 and tangent to a line lying 15.00 feet east of and parallel to the east line of said Lot 482, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida.

Parcel 3:

Lots 479, 480, and 481, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida.

APPENDIX G

Applicant's Transportation Analysis (Executive Summary)

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INTRODUCTION

Morgan Group Development, LLC is proposing to amend the existing Comprehensive Development Master Plan (CDMP) for the approximate 8.14-acre site generally bounded by NW 159th Street to the north, NW 157th Street to the south, and NW 6th Avenue to the west in unincorporated Miami-Dade County, Florida. Currently, the site is designated Low Density Residential. The amendment proposes to change the existing CDMP designation for the 8.14-acre site to Medium Density Residential. The existing maximum allowable development intensity includes 48 single-family residential units (6 units per acre). The proposed maximum allowable development intensity includes 254 multi-family residential units (+/-31 units per acre). The applicant is proffering a covenant for the proposed maximum allowable development intensity to consist of 236 multi-family residential units. Note that the site is currently occupied by a 13,836 square-foot church. Figure 1 depicts the location of the amendment location. Maximum allowable development intensity information is provided in Appendix A.

Kimley-Horn and Associates, Inc. has completed this traffic impact analysis for submittal to Miami-Dade County. The purpose of the study is to assess the proposed CDMP amendment's impact on the surrounding roadway network. The study's methodology is consistent with the requirements of Miami-Dade County.

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APPENDIX H

Economic Impact Study (dated April 14, 2020)

**Miami Economic
Associates, Inc.**

Received
April 9, 2021

April 5, 2021

Ms. Lourdes M. Gomez
Director
Department of Regulatory and Economic Resources
111 NW 1st Street
Miami-Dade County
Miami, FL

**Re: Application to Amend the Miami-Dade County CDMP
May 2021 Cycle
Morgan Group Development, LLC**

Dear Ms. Gomez:

Miami Economic Associates, Inc. (MEAI) has analyzed the subject application to amend the Miami-Dade County Comprehensive Development Plan Master (CDMP). The purpose of our analysis was to determine whether its request to re-designate approximately 8.14 gross acres of land in the northeastern portion of Unincorporated Miami-Dade County (the "County") from Low Density to Medium Density Residential with a density increase for the inclusion of workforce income housing units merits approval. The Subject Property is located immediately east of Interstate 95 at 590 NW 159th Street.

If adopted, the proposed small-scale amendment would allow the Applicant to construct 236 rental apartments on the Subject Property. The proposed units are expected to include 36 studios, 104 one-bedroom apartments and 96 two-bedroom apartments with all the units ranging in size from 585 to 1,139 square feet. A covenant that accompanied the application and which will run with the land if accepted, would require 10 percent of the units be affordable to workforce income households for a period of 30 years with 12 units being accessible to households with income no greater than 110 percent of the Area Median Income (AMI) of Miami-Dade County and 12 units being accessible to households with incomes no greater than 140 percent of AMI. In this regard, it should be noted that the Applicant has indicated that it plans to initially offer the studio units to the market at \$1,400 per month while the one-bedroom and two-bedroom units would be offered at \$1,700 per month and \$2,100 per month, respectively. The Appendix to this report contains a table prepared by the Florida Housing Finance Corporation that shows that if the units were offered at those rates, all of them would currently qualify as moderate-workforce housing units since they would be affordable to households with incomes between 80 and 120 percent of Miami-Dade County's current AMI, which is \$59,100.

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Ms. Lourdes M. Gomez, Director
Department of Regulatory and Economic Resources
Miami-Dade County
April 1, 2021
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The purpose of this letter is to apprise you of the findings of our analysis.

Summary of Findings

MEAI believes that the subject application to amend the CDMP should be approved with the proposed covenant for the following reasons:

- The Subject Property is located in the northeastern-most corner of the Miami-Dade County mainland in an area that has been designated by the County's planners as Minor Statistical Area (MSA) 2.1. That area, which is irregularly shaped, is bounded by the County line on the north, Biscayne Bay on the east, NW 125th/119th Street on the south and the alignment of Interstate 95 on the west. MSA 2.1 is also located in within Miami-Dade County's Urban Infill Area.
- Goal 1 of the Housing Element of the CDMP is to "ensure the provision of housing that will be affordable to all current and future Miami-Dade County residents, regardless of household type or income". Objective HO-2 of the Housing Element goes on to say that the County should "ensure that by the year 2030 there is sufficient land capacity to accommodate a variety of housing types ... with special attention directed to affordable units for extremely low, very low, low and moderate-income households. Including workforce housing".

As discussed in the introductory paragraphs of this letter, approval of the subject application to amend the CDMP amendment would allow for the development of 236 rental apartment units on the Subject Property, at least 10 percent of which according to a proposed covenant would need to be affordable to households with workforce level incomes for a period of 30 years. As also discussed above, the Applicant expects that the units that are not subject to the covenant will rent at rates that will initially also be affordable to households with workforce-level incomes. MSA 2.1 --- like Miami-Dade County as a whole --- has a severe shortage of work-force housing. In that regard, MEAI's review of data compiled by the U.S. Census Bureau's American Community Survey for the 5-year period from 2015 to 2019 (the most recent such data available) showed that the occupants of nearly two-thirds of the occupied rental housing units in Zip Code 33161 and 33162, which contain the preponderance of MSA 2.1, are cost burdened, i.e., paying monthly rent greater 30 percent of their monthly income.

- Among the people who may need units accessible to workforce income households would be the following: 1) a significant portion of the employees at Jackson North Hospital; 2) the employees of the 8 municipalities within a 7-mile radius of the Subject Property; 3) the police and fire personnel and their support staffs at the Intracoastal District Police facility and 12 fire stations within a 7-mile radius of the Subject Property; 4) the staffs of the one dozen public libraries within a 7-mile radius of the Subject Property; 5) the teachers and support staff in the 20 public, charter and magnet schools within a 7-mile radius of the Subject Property; and 6) the transit department

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personnel assigned to the Golden Glades Park & Ride Terminal including the drivers whose routes utilize that facility.

- The Research Section of the Planning Division of Miami-Dade County's Department of Regulatory and Economic Resources currently estimates that the capacity exists within MSA 2.1 for the development of 8,309 new multi-family units. To get a better understanding of this estimated supply, MEAI reviewed data in its possession that was provided to it by the Planning Division in March 2021 regarding parcels of vacant land in MSA 2.1 on which multi-family units could possibly be built. That data showed the following:
 - There are currently a total of 36 vacant parcels in MSA 2.1 that were designated for multi-family development with an estimated capacity to accommodate 3,899 units including one parcel that can accommodate 2,305 units, or 59 percent of the total.
 - There are also currently 16 parcels that were categorized as "mixed" parcels. These are parcels that are not currently designated solely for residential use, but which the County's planners believe could potentially be developed in that manner after appropriate regulatory actions, if required, are taken to allow that to happen. It should be noted that when the planners estimated the capacity of these parcels to accommodate residential units, they assumed that they would be used 100 percent in that manner although it is possible that some, or potentially all of them, may ultimately be the sites of a mixed-use projects with both residential and non-residential uses. Further, there is no certainty that all of them or that even any of them will ever be developed with residential uses. In fact, the County's planners also include these parcels in the County's future inventories of commercial and/or industrial land.

The County's planners estimate that the 16 parcels referred to in the preceding paragraph have the potential capacity to accommodate as many 5,002 units if they are developed with 100 percent multi-family residential uses. However, residential capacities of less than 100 units have been assigned to 5 of them. One parcel is deemed to have the capacity of 1,650, or approximately 25 percent of the total. That parcel as well as most of the others with capacity to accommodate more than 100 units are in portions of MSA 2.1 such as in the City of Aventura or in North Miami Beach along Biscayne Bay where the land values are such that MEAI believes that the development of units affordable to moderate and workforce income households would be precluded.

In summary, there is no reason to believe that that current supply of land on which multi-family units can potentially be built in MSA 2.1 will serve to address the shortage of moderate and workforce income housing that currently exists within the area. Approval of the subject application will not fully address that shortage; however, it would be a step toward reducing it.

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- Policy LU-8E of the CDMP mandates that applications to amend the Future Land Use Map (FLUM) be evaluated to consider their consistency with the Goals, Objectives and Policies of all Elements of the CDMP and other timely issues. This Policy further highlights five issues that should be particularly considered as part of that evaluation, including: 1) the existence of a deficiency in the FLUM; 2) the extent to which the proposed land use change would be compatible with existing adjacent and nearby uses; and 3) the extent to which the land use change would promote transit ridership and pedestrianism. The other two issues, the impacts that the application would have on levels of service and on environmental or historical resources of features and systems of County significance, are not within MEAI's specific competence to address although it is our understanding the subject application would have no negative impacts in these regards. With respect to the three issues that we are capable of addressing, the following points are noted:
 - Adoption of the Application would allow for the development of 236 new rental apartments on land within the County's Urban Development Boundary (UDB) and its Urban Infill Area. Therefore, the Application is consistent with Policy LU-1C, which states that the County shall give priority to infill development 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 second criteria highlighted in Policy LU-8E for consideration is compatibility when a land use map change is considered. In this regard, MEAI notes that the Subject Property immediately abuts the east side of the right-of-way of Interstate 95 in the vicinity of the Golden Glades exchange. Further, the area surrounding it contains a multitude of land use designations and development products including a variety of housing types and commercial, religious and institutional uses as would be expected in an established urbanized area and as advocated in CDMP Land Use Objective LU-1. Among the uses found are the area are the following:
 - Montecarlo Condominium (6-story residential complex with 348 units)
 - Parkway Grove Condominium (townhomes and midrise units)
 - Golden Glades Office Park Condominium
 - Golden Gate Apartments
 - Medical Office Building
 - Hampton Court Nursing & Rehabilitation Center
 - Toyota North Miami
 - Small World Montessori School
 - Masjid As-Sunnah An-Nabawiyyah Mosque (mid-rise)
 - Christ Community Church

The major employment center in the area is Jackson North Medical Center, which is located on the north side of N. Miami Beach Boulevard (NE 167th/163rd

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Ms. Lourdes M. Gomez, Director
Department of Regulatory and Economic Resources
Miami-Dade County
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Street).

- The third criteria highlighted for consideration in Policy LU-8E is whether the proposed land use change would promote transit ridership. In this regard, it should be noted that the Subject Property is located across the Golden Gate Interchange from Golden Glades Park & Ride Terminal. There are several bus routes that operate along N. Miami Beach Boulevard in the vicinity of the Subject Project, including two that connect at the Golden Glades Park & Ride Terminal with express and limited-service bus routes that utilize Interstate 95.
- Development of 236 rental units being proposed on the Subject Property will be economically beneficial to the County. According to information provided to MEAI by the Applicant, the new units and their associated parking amenities will cost approximately \$37.0 million to construct in terms of hard costs. MEAI estimates, with the assistance of the Minnesota IMPLAN Input-Output Model, that the expenditure of that money will support a total of approximately 555 workers during the construction period. This figure includes approximately 392 direct construction workers on-site, 80 workers in businesses related to the construction sector (indirect workers) and 83 workers in businesses across the economy in which the direct and indirect workers spend their earnings (induced workers). The earnings of the direct, indirect and induced workers throughout the construction period will approximate \$35.1 million. Once construction is completed, the expenditures of the new residents will provide additional support to retailers and restaurants located in the vicinity of the project.
- Development of the 236 rental apartment on the Subject Property will also be fiscally beneficial to the County. Prior to the period in which the proposed multi-family units are being constructed, general building permit fees will, according to the County's building permit fees schedule, need to be paid in an amount approximating \$391,900. Additional building permit fees will also need to be paid by the plumbing, electrical, structural, mechanical, roofing, swimming pool and fire safety system contractors. However, insufficient information is currently available to estimate the amount of these trade-related building permit fees. There is also insufficient information available to estimate the water and sewer connection fees that will need to be paid. Finally, impact fees for roads, police, fire and parks will need to be paid to Miami-Dade County in the total amount approximating \$2,418,000. This figure includes approximately \$1.58 million for road, over \$575,500 for parks and approximately \$262,500 for police and fire. School impact fees will need to be paid to the Miami-Dade Public School District in the amount of \$337,847.

Once construction of the proposed multi-family units is completed, ad valorem taxes will need to be paid on an annual recurring basis to the various funds of the County and the Miami-Dade County Public School District as well as to the Children's Trust in the amounts shown on the top of page 6. The taxes estimated in the table assume that the new units have a taxable value of \$45.0 million, an amount equal to their hard cost of construction and 80 percent of the estimated market value of Subject Site once the proposed CDMP amendment is adopted. It should be noted that since the site of the

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 Department of Regulatory and Economic Resources
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proposed project is currently owned by a tax-exempt entity, no ad valorem taxes are currently being collected by any of the jurisdictions shown in the table.

Jurisdiction	Rate/\$1000 Taxable Value	Taxes
Miami-Dade County		
General Fund	4.6669	\$ 210,011
Debt Service Fund	0.4780	\$ 21,510
Fire Fund	2.4207	\$ 108,932
Library Fund	0.2840	\$ 12,780
UMSA Fund	1.9283	\$ 86,774
Total		\$ 440,007
Miami-Dade County Public Schools		
Operating	6.9360	\$ 312,120
Debt Service	0.1930	\$ 8,685
Total		\$ 320,805
Children's Trust	0.4507	\$ 20,281
Source: Morgan Group Development, LLC; Miami-Dade County Property Appraiser; Miami Economic Associates, Inc.		

Closing

MEAI firmly believes that approval of the subject amendment is in the best interest of Miami-Dade County, hence merited.

Sincerely,
 Miami Economic Associates, Inc.



Andrew Dolkart
 President

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net

Appendix 1

Note: The general hold harmless provisions of IRC Section 142(d)(2)(E) mean that projects with at least one building placed in service on or before the end of the 45-day transition period for newly-released limits use whichever limits are greater, the current-year limits or the limits in use the preceding year.

2020 Income Limits and Rent Limits
Florida Housing Finance Corporation
Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Martin County (Port Saint Lucie MSA)	20%	9,740	11,120	12,520	13,900	15,020	16,140	17,240	18,360	19,460	20,572	243	260	313	361	403	445
	25%	12,175	13,900	15,650	17,375	18,775	20,175	21,550	22,950	24,325	25,715	304	325	391	451	504	556
	28%	13,636	15,568	17,528	19,460	21,028	22,596	24,136	25,704	27,244	28,801	340	365	438	506	564	623
	30%	14,610	16,680	18,780	20,850	22,530	24,210	25,860	27,540	29,190	30,858	365	391	469	542	605	667
	33%	16,071	18,348	20,658	22,935	24,783	26,631	28,446	30,294	32,109	33,944	401	430	516	596	665	734
	35%	17,045	19,460	21,910	24,325	26,285	28,245	30,170	32,130	34,055	36,001	426	456	547	632	706	778
	40%	19,480	22,240	25,040	27,800	30,040	32,280	34,480	36,720	38,920	41,144	487	521	626	723	807	890
	45%	21,915	25,020	28,170	31,275	33,795	36,315	38,790	41,310	43,785	46,287	547	586	704	813	907	1,001
	50%	24,350	27,800	31,300	34,750	37,550	40,350	43,100	45,900	48,650	51,430	608	651	782	903	1,008	1,112
	60%	29,220	33,360	37,560	41,700	45,060	48,420	51,720	55,080	58,380	61,716	730	782	939	1,084	1,210	1,335
70%	34,090	38,920	43,820	48,650	52,570	56,490	60,340	64,260	68,110	72,002	852	912	1,095	1,265	1,412	1,557	
80%	38,960	44,480	50,080	55,600	60,080	64,560	68,960	73,440	77,840	82,288	974	1,043	1,252	1,446	1,614	1,780	
120%	58,440	66,720	75,120	83,400	90,120	96,840	103,440	110,160	116,760	123,432	1,461	1,564	1,878	2,169	2,421	2,670	
140%	68,180	77,840	87,640	97,300	105,140	112,980	120,680	128,520	136,220	144,004	1,704	1,825	2,191	2,530	2,824	3,115	
Miami-Dade County (Miami-Miami Beach-Kendall HMA; Miami-Fort Lauderdale-West Palm Beach MSA)	20%	12,800	14,640	16,460	18,280	19,760	21,220	22,680	24,140	25,592	27,054	320	343	411	475	530	585
	25%	16,000	18,300	20,575	22,850	24,700	26,525	28,350	30,175	31,990	33,818	400	428	514	594	663	731
	28%	17,920	20,496	23,044	25,592	27,664	29,708	31,752	33,796	35,829	37,876	448	480	576	665	742	819
	30%	19,200	21,960	24,690	27,420	29,640	31,830	34,020	36,210	38,388	40,582	480	514	617	713	795	877
	33%	21,120	24,156	27,159	30,162	32,604	35,013	37,422	39,831	42,227	44,640	528	565	678	784	875	965
	35%	22,400	25,620	28,805	31,990	34,580	37,135	39,690	42,245	44,786	47,345	560	600	720	832	928	1,024
	40%	25,600	29,280	32,920	36,560	39,520	42,440	45,360	48,280	51,184	54,109	640	686	823	951	1,061	1,170
	45%	28,800	32,940	37,035	41,130	44,460	47,745	51,030	54,315	57,582	60,872	720	771	925	1,069	1,193	1,316
	50%	32,000	36,600	41,150	45,700	49,400	53,050	56,700	60,350	63,980	67,636	800	857	1,028	1,188	1,326	1,463
	60%	38,400	43,920	49,380	54,840	59,280	63,660	68,040	72,420	76,776	81,163	960	1,029	1,234	1,426	1,591	1,755
70%	44,800	51,240	57,610	63,980	69,160	74,270	79,380	84,490	89,572	94,630	1,120	1,200	1,440	1,664	1,856	2,048	
80%	51,200	58,560	65,840	73,120	79,040	84,880	90,720	96,560	102,368	108,218	1,280	1,372	1,646	1,902	2,122	2,341	
120%	76,800	87,840	96,760	109,680	118,560	127,320	136,080	144,840	153,552	162,326	1,920	2,058	2,469	2,853	3,183	3,511	
140%	89,600	102,480	115,220	127,960	138,320	148,540	158,760	168,980	179,144	189,381	2,240	2,401	2,880	3,328	3,713	4,096	

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.

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APPENDIX I

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. CDMP20210004 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 Waste Management System 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 2020-21, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the applications reviewed here, which are not anticipated to have a negative impact on disposal service.

Fiscal Impact for Provision of Solid Waste Services - Concurrency

Since the DSWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by- case basis. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency,' the ability to maintain the adopted LOS system-wide.

Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2020-21, the DSWM charges a contract disposal rate of \$63.57 per ton while the non-contract disposal rate is \$93.11 per ton.

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 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 application site is within the City of North Miami Beach's water service area and within WASD's and the City of North Miami's sewer service area. The sewer connection charge was calculated at a rate of \$5.60 per gallon per day, and the sewer Annual Operations and Maintenance (O&M) cost was based on \$2.5134 per 1,000 gallons.

The applicant requests to redesignate the $\pm 8.14/\pm 7.05$ gross/net acres application site from "Low Density Residential" to "Medium Density Residential" that would allow the application site to be developed with a maximum of 176 multifamily residential units OR with a maximum of 236 multifamily residential units. The applicant proposes to develop the site using the workforce housing provisions of the CDMP for which has proffered a declaration of restrictions limiting the maximum number of multifamily residential units to 236, where up to 254 multifamily units would otherwise be allowed. Since the application site is located within the City of North Miami Beach's water service area, the water service line and meter connection fees would be handled by the City. If the site is developed with 176 multifamily residential units, the sewer connection charges is estimated at \$133,056, and the annual operating and maintenance costs would total \$21,797. If the site is developed with 236 multifamily residential units, the sewer connection charges is estimated at \$178,416, and the annual operating and maintenance costs would total \$29,228.

The estimated cost of installing the 1450 linear feet of 8-inch gravity sewer force main and total potential cost for connecting the proposed development to the regional water and sewer system including an engineering fee of 13% is estimated at \$495,900.

It should be noted that the applicant has requested a sewer service area release from WASD to the City of North Miami. The City of North Miami has sewer infrastructure within approximately 450 feet of the subject site and has indicated that sewer is available for connection. WASD is currently reviewing said request for a potential release of the sewer service area.

Drainage and Flood Protection

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

Public Schools

This application was filed with a concurrent zoning application No. Z2021000083 and with the applicant's proffered covenant limiting the residential development on the application site to 236 multi-family residential units. The Planning Level review for the requested CDMP land use designation of "Medium Density Residential" for this residential scenario (utilizing the student generation multipliers) results in an impact of 35 (thirty-five) students. Applicable schools have available capacity at this time; however, final determination of capacity will be made at the time of the final plat, site plan or functional equivalent. In accordance with Miami-Dade County's Interlocal Agreement for Public Schools Facilities (ILA), the application complies with level of service standards at this time.

The average cost for K-12 grade students amounts to \$9,337 per student. Of the 35 students, 17 will attend elementary schools, 8 will attend middle schools students and 10 will attend senior high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$326,795.

Fire Rescue

The current "Low Density Residential" designation would allow a residential development that could generate 18 annual alarms. The requested CDMP designation of "Medium Density Residential" with acceptance of the proffered declaration of restrictions limiting the residential development to 236 multifamily units could generate 70 annual alarms. The 70 annual alarms will result in a moderate impact to existing fire rescue service. Presently, fire and rescue services in the vicinity of the subject property is adequate. Based on the current call volume for Station No. 32 along with other stations within proximity of the Property, all stations combined can mitigate the additional number of alarms. Additional stations include Station No. 19 (North Miami East) located at 650 NW 131 Street and Station No. 38 (Golden Glades) located at 575 NW 199 Street.

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APPENDIX J

Letter from City of North Miami Regarding Water Availability (July 14, 2021)

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NMB Water/Jacobs
17050 NE 19th Ave
North Miami Beach, Florida
33162
Tel 305.948.2980

July 14, 2020

Received on
June 18, 2021

Hugo Pacanins, Regional Development Partner
Morgan Group Development
2750 NW 3rd Avenue, Suite 2,
Miami, FL 33127

Re: Letter of Water Service Availability
Project name: 590 NW 159 Street
Location: 590 NW 159 Street
Folios: 30-2113-001-0530

Dear Mr. Pacanins:

As per your recent request, this letter shall serve as confirmation that NMB Water is able and willing to serve the referenced project with water service only and with adequate water treatment capacity as of this writing. The project will consist of a multifamily development consisting of five 5-story buildings with a total of 270 residential units on a 7-acre vacant site.

Points of connection have yet to be determined and water Inplant and Fireflow fees will be assessed at the time of permitting.

The property lies within Miami Dade's sewer service area. They should be contacted for availability confirmation.

Feel free to contact me should you have any questions on this matter.

Very truly yours,

Karim Rossy,
UTS Manager

DATE July 18, 2020
 RECEIPT # B-3069



NMB WATER
 ENGINEERING SERVICES RECEIPT

PLAN REVIEW SERVICES

	QUANTITY	TOTAL
<input type="checkbox"/> 410-343354 Sewer Lateral Connections	1 @	\$125.00 = \$0.00
<input type="checkbox"/> 410-343354 Water Services Connection, F.H., Main Extension < 50 Ft.	1 @	\$125.00 = \$0.00
<input type="checkbox"/> 410-343354 Main Extensions over 50 Ft. (1 dry run and final)	1 @	\$300.00 = \$0.00
<input type="checkbox"/> 410-343354 As-Built Review (WATER & SEWER)	1 @	\$100.00 = \$0.00
<input type="checkbox"/> 410-343354 Backflow Permit Application	1 @	\$50.00 = \$0.00
<input type="checkbox"/> 410-343354 Additional Reviews (dry runs & as-builts)	1 @	\$50.00 = \$0.00
<input type="checkbox"/> 410-343353 New Construction (inplant, fireflow, sewer)	1 @	\$100.00 = \$0.00
<input type="checkbox"/> 410-343353 Calculation of Fee Estimate Reviews / Stamp Only	1 @	\$50.00 = \$0.00
<input type="checkbox"/> 410-343354 Shop Drawings (per review)	1 @	\$100.00 = \$0.00
<input type="checkbox"/> 410-343353 Residential Driveways	1 @	\$15.00 = \$0.00
<input type="checkbox"/> 410-343353 Utility Paving Permits	1 @	\$30.00 = \$0.00
<input type="checkbox"/> 410-343353 Commercial Paving / Drainage	1 @	\$125.00 = \$0.00
<input type="checkbox"/> 410-343355 Agreement Type: (EASEMENT WATER & SEWER) (Payment Plan) Preparation of forms	1 @	\$125.00 = \$0.00
ALL FORMS- ACCT.# <input type="checkbox"/> Recordable Legal Documents (i.e. Bill of Sale)	1 @	\$25.00 = \$0.00
410-343355 <input type="checkbox"/> Water / Sewer Availability Letter	1 @	\$25.00 = \$25.00
<input type="checkbox"/> Demolition / Removal of Meter Letter	1 @	\$25.00 = \$0.00
TOTAL PLAN REVIEW SERVICES COST		= \$25.00

ALL COPIES- 410-343 COPIES	QUANTITY	COST
<input type="checkbox"/> Blue Line Prints (24" x 36" prints) (per Sheet)	1 @	\$5.00 = \$0.00
<input type="checkbox"/> Atlas Reproduction	1 @	\$100.00 = \$0.00
<input type="checkbox"/> Letter / Legal Copies (per copy)	1 @	\$0.25 = \$0.00
<input type="checkbox"/> 11 x 17 copy or microfilm (per print)	1 @	\$1.25 = \$0.00
<input type="checkbox"/> CD (standards, gen. Notes, etc.)	1 @	\$50.00 = \$0.00
<input type="checkbox"/> Prints from Microfilm (8 1/2" x 11") (per print)	1 @	\$0.50 = \$0.00
TOTAL COPIES COST		= \$0.00

WATER MAIN BACTERIOLOGICAL TESTING	QUANTITY	COST
<input type="checkbox"/> Water Sampling & Bacteriological Testing of Water Main	1 @	\$120.00 = \$0.00
<input type="checkbox"/> Second Sampling & Re-Test (for first test failure)	1 @	\$0.00 = \$0.00
<input type="checkbox"/> Each Additional Re-Test	1 @	\$50.00 = \$0.00
TOTAL BACTERIOLOGICAL TESTING COST		= \$0.00

INSPECTIONS	QUANTITY	COST
<input type="checkbox"/> 410-343328 Water/Sewer	1 @	\$25.00 = \$0.00
<input type="checkbox"/> 410-343329 Re-Inspection	1 @	\$25.00 = \$0.00
<input type="checkbox"/> 410-343328 Backflow Inspection	1 @	\$25.00 = \$0.00
TOTAL INSPECTIONS COST		= \$0.00

TOTAL ENGINEERING SERVICES FEES = \$25.00

DATE: 7/15/2020
 Check# 001042

CERT. _____
 ADDRESS: 590 NW 159 Street

NMB Water

APPENDIX K

Miami-Dade Water and Sewer Department - Sewer Release Letter (June 9, 2021)

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miamidade.gov

Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

Received on
June 18, 2021

June 9, 2021

Mr. David Betzer
Evangel Temple of Miami Inc.
590 N.W. 159 Street
Miami, FL 33169

Re: Release of Sewer Service Area No. 21-100 from Miami-Dade Water and Sewer to the City of North Miami located at 590 NW 159 Street, Miami, Florida, Folio No. 30-2113-001-0530

Dear Mr. Betzer:

This is in response to your request for sewer service release from Miami-Dade Water and Sewer Department to the City of North Miami, for the property listed under Folio No. 30-2113-001-0530 located at 590 NW 159 Street, Miami, FL 33169. After careful research and consideration of your request, we would like to advise you that WASD hereby grants your request to release the sewer service area to be served by the City.

The release is subject to the terms and conditions listed below:

1. It shall be the responsibility of the property owner(s) or the City to obtain all required approvals from governmental agencies, including the Department of Regulatory and Economic Resources.
2. The property owner(s) shall pay WASD's sewer connection charges in accordance with County Ordinance No. 89-95, as amended.
3. The release is conditional upon the connection of sewer services by the City to the subject property within twelve (12) months of the date of this letter. If no such service is provided by the City within said period, this release by WASD is hereby rescinded.

If you have any questions concerning this matter, please do not hesitate to contact Patty Palomo, Chief of Intergovernmental Affairs at 786-552-8040.

Sincerely,

A handwritten signature in blue ink that appears to read "RC" or "R. Coloy".

Roy Coloy, MBA, Director

c: Josenrique Cueto, P.E., Assistant Director
Patty Palomo, Chief of Intergovernmental Affairs

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APPENDIX L

Water and Sewer Availability: City of North Miami (March 24, 2021)

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Received on
June 18, 2021

**Public Works Department
Water and Sewer Division**

Utility Operations Center
1815 N.E. 150 Street
North Miami, FL 33181

Telephone: (305) 895-9838 Fax: (305) 787-1008

WATER and SEWER AVAILABILITY

DATE: 3/24/2021 CNM PROCESS #: _____

TO WHOM IT MAY CONCERN:

ADDRESS (LOCATION) FOR UTILITY: 590 NW 159 St, Miami FL 33169

TAX FOLIO NUMBER: 30-2113-001-0530

CITY OF NORTH MIAMI AVAILABILITY:

1) SEWER:

Proposed Flow: 31,860 GPD Previous Flow: 0 GPD

Yes No

Gravity service available:		X
Force Main service available:	X	

2) WATER:

Water service available: Yes No

Reclaimed water service available: Yes No

Water and Sewer Agreement required (O/C): Yes No

- Permits must be obtained and all impact fees paid prior to connecting to the applicable service(s).
- This allocation is valid for 90 days.
- Miami Dade County RER approval is also required.

Respectfully,

John Quintero
Civil Engineer

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APPENDIX M

Photos of Site and Surroundings

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Application site, viewed from the south on NW 157 Street



Western boundary of the application site, viewed from the north on NW 159 Street



Southern boundary of the application site, viewed from NW 6 Avenue



Eastern boundary of the application site, viewed from the north on NW 159 Street



**ADDITIONAL ITEMS
OUT-OF-CYCLE APPLICATION NO. CDMP202100004
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

(Consisting of materials received after the publication of the Initial Recommendations Report)

ITEMS	PAGE NO.
Correspondence in opposition to the application, submitted on July 15, 2021, by Bruce Lamberto;	A-1
Resolution of the Planning Advisory Board on the application, dated July 26, 2021;	A-9
Minutes of the Planning Advisory Board public hearing held July 26, 2021.	A-15
Revised Declaration of Restrictions, submitted on August 31, 2021	A-21

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Stillings, Noel (RER)

From: blamberto@aol.com
Sent: Thursday, July 15, 2021 3:36 PM
To: Stillings, Noel (RER)
Subject: Traffic Engineering Study Provided by Private Developer
Attachments: Document_20210709140524_01.pdf

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Planning Advisory Board members,

The attached Traffic Analysis Report (Executive Summary) was completed at the request of the developer of a recently approved (by the PAB and BCC) and rezoned land parcel. This is a concurrency requirement of obtaining site plan approval from the County's Planning and Zoning Departments.

According to the traffic engineer, the current roadway infrastructure in the study area is *"currently operating at acceptable levels of services, meets traffic concurrency standards, and is projected to meet the adopted level of service through the year 2040."*

This report is make-believe. The project this report is applicable to is located directly on NW 2nd Avenue, a roadway that has a current level of service of "E" + 20%, a level just slightly above "F" which is failure of the roadway to provide its intended traffic level. How could the developer paid-for traffic engineer state that this roadway meets acceptable levels of service through the year 2040 when it does not meet those level now? The county's traffic engineer also understands the roadway is at the E + 20% level of service and certainly doesn't meet acceptable levels right now, let alone through the year 2040. Why are these reports being accepted as "gospel" and no one checking the expert witness, hired-gun, traffic engineers report.?

It is obvious that traffic analysis funded by a developer is a conflict of interest. Of course any traffic engineer he hires will most certainly find that anywhere the developers project is proposed, it will always meet acceptable levels of service.

Do not allow this method of measuring traffic levels of service continue. This function needs to be placed under the jurisdiction of the County with the developer paying for the study. Additionally, no further approvals of development projects should be approved until the results of the County Mayor-approved traffic study results are analyzed and recommendations implemented by County Transportation and Planning Staff.

Sincerely

Bruce Lamberto
110 N.W. 161 ST
Miami, FL. 33169

786 367 7072
blamberto@aol.com



The proposed land-use designation to "office/residential and low-medium" density residential is projected to generate approximately 483 new daily trips, approximately 30 new AM peak hour trips, and approximately 37 new trips during the typical afternoon peak period, when compared against the potential development under the current "office/residential and low" density residential.

A review of the current traffic conditions, traffic concurrency for the short term planning horizon (year 2021) and projected traffic conditions for the long-range planning horizon (2040) was undertaken for the following impacted traffic stations:

- o NW 167th Street east of NW 2nd Avenue
- o NW 2nd Avenue south of NW 167th Street
- o N. Miami Avenue north of NE 159th Street
- o NW 2nd Avenue/Memorial Highway north of NE 135th Street

The results of the traffic evaluation indicates that the above study area is currently operating at acceptable levels of services, meets traffic concurrency standards and is projected to meet the adopted level of service through the year 2040.

It has been a pleasure working with you on this project.

Sincerely,

TRAFTECH ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

A large, stylized handwritten signature in black ink, appearing to read "J. Vargas", is written over the typed name and title of the signatory.

Additionally, a review of the traffic concurrency stations located within the following boundaries was undertaken:

- NW 167th Street east of NW 2nd Avenue
- NW 2nd Avenue south of NW 167th Street
- N. Miami Avenue north of NE 159th Street
- NW 2nd Avenue/Memorial Highway north of NE 135th Street

The traffic concurrency evaluation was undertaken for the short term (2021) and long-term (2040) planning horizons. The new PM peak hour trip generation documented in the trip generation tables was used. The trip distribution and traffic assignment for the PM peak trips documented in the trip generation tables was based on Miami-Dade County's Cardinal Distribution information for the study area. Table 3 summarizes the County's cardinal distribution data for Traffic Analysis Zone 177, which is applicable to the project site from the latest SERPM data published by Miami-Dade County. Using the trip distribution documented in Table 3, the following traffic assignment was assumed for the proposed "Office/Residential and Low-Medium" land use designation:

- 58% to/from the north via NW 2nd Avenue (36% continues north and 22% heads east)
- 42% to/from the south via NW 2nd Avenue/Memorial Highway (15% arrives via N. Miami Avenue and 27% via NW 2nd Avenue)
- 22% to and from the east via NW 167th Street

Table 4 presents existing traffic conditions within the impacted area and Tables 5 and 6 document the short-term (2021) and long-term (2040) analyses associated with the proposed change from "Office/Residential and Low" to "Office/Residential and Low-Medium" density residential. As indicated in Tables 5 and 6, ample roadway capacity is projected for the short-term (year 2021) and long-term (year 2040) planning horizons.

Transit Service

The subject site is well served by Miami-Dade Transit. There are three (3) transit routes that travel within the nearby surface streets. These routes are illustrated in Figure 2 and are described below:

Route 2: Travels north-south along N. Miami Avenue and then east-west along NW 167th Street/North Miami Beach Boulevard

Route E: This route travels north-south along NW 6th Avenue/NW 165th Street, then links with the eastbound and westbound lanes of NW 167th Street/North Miami Beach Boulevard via NW 2nd Avenue, NW 168th Street and N. Miami Avenue.

Route 246: This route travels east-west via the Palmetto Expressway and NW 167th Street/North Miami Beach Boulevard

In summary, the proposed change from "Office/Residential and Low" to "Office/Residential and Low-Medium" density residential with one density increase for good design is not projected to degrade the operating characteristics of the surrounding street system. Moreover, ample roadway capacity is projected to be available within the study area in order to absorb the additional peak hour traffic impacts generated by the proposed land use change.

Please give me a call if you have any questions.

TRAFTECH ENGINEERING, INC.


Joaquin E. Vargas, P.E.
Senior Transportation Engineer

TABLE 1
Trip Generation Summary (Existing Office/Residential and Low Density Designation)
190 NW 162nd Street

Land Use	Size	Daily Trips	AM Peak Hour		PM Peak Hour			
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
MF Condo/Apis.	34	249	16	4	12	19	12	7
External Trips		249	16	4	12	19	12	7

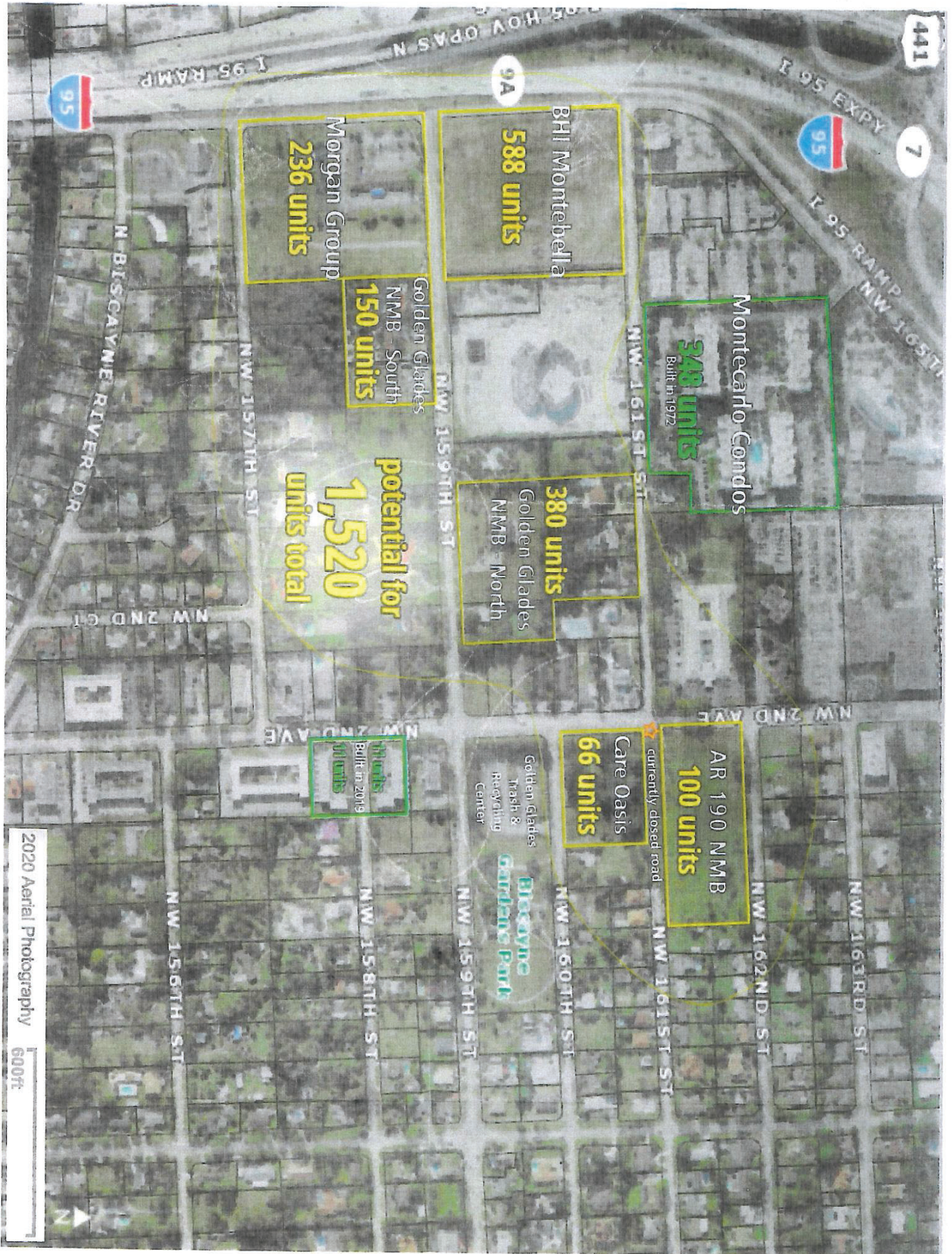
Source: ITE Trip Generation Manual (10th Edition)

TABLE 2
Trip Generation Summary (Proposed Office/Residential and Low-Medium Density Designation)
190 NW 162nd Street

Land Use	Size	Daily Trips	AM Peak Hour		PM Peak Hour			
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
MF Condo/Apis.	100	732	46	11	35	56	35	21
External Trips		732	46	11	35	56	35	21

Source: ITE Trip Generation Manual (10th Edition)

Difference in Trips (Proposed CDMP - Current CDMP)	483	30	7	23	37	23	14
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RESOLUTION NO. 21-4

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF SMALL-SCALE OUT-OF-CYCLE AMENDMENT APPLICATION NO. CDMP20210004 AND TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF STANDARD OUT-OF-CYCLE APPLICATION NO. CDMP20210001 TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, pursuant to chapter 163, Part II, Florida Statutes (F.S.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Commission) in November 1988; and

WHEREAS, section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the Florida Statutes referenced above; and

WHEREAS, in April 2021 Application Nos. CDMP20210001 and CDMP20210004 were filed by private parties to amend the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map and are contained in the document titled “Out-of-Cycle Application No. CDMP20210001 to Amend the Comprehensive Development Master Plan” dated April 2021 and “Out-of-Cycle Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan,” dated April 2021; and

WHEREAS, Miami-Dade County’s procedures provide for the processing of eligible small-scale amendments as defined in section 163.3187, F.S.; and

WHEREAS, Miami-Dade County's procedures provide that applications may be filed for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

WHEREAS, out-of-cycle CDMP Amendment Application No. CDMP20210004 requested adoption, if eligible, as a small-scale CDMP amendment; and

WHEREAS, Miami-Dade County's procedures provide for the processing of CDMP amendment applications concurrently with zoning applications, pursuant to section 2-116.1 of the Code of Miami-Dade County, and

WHEREAS, the referenced out-of-cycle CDMP amendment Application No. CDMP20210001 and Application No. CDMP20210004 requested to be processed concurrently with Zoning Application No Z2021000024 and Z2021000083, respectively; and

WHEREAS, the Department has published its initial recommendations addressing the referenced Out-of-Cycle applications in the report titled "Initial Recommendation Out-of-Cycle Application No. CDMP20210001 to Amend the Comprehensive Development Master Plan (CDMP)", dated July 2021; and "Initial Recommendation Out-of-Cycle Application No. CDMP20210004 to Amend the Comprehensive Development Master Plan (CDMP)", dated July 2021; and

WHEREAS, the affected Community Councils were scheduled to conduct optional public hearings pursuant to section 2-116.1 (3)(e), Code of Miami-Dade County, Florida, to address the CDMP amendment applications that would directly impact their respective council areas and issue recommendations to the Planning Advisory Board and the Commission; and

WHEREAS, the Country Club of Miami Community Council 5 conducted its public hearing and issued its recommendation on Application No. CDMP20210001, but the North Central Community Council 8 did not have quorum at its scheduled public hearing and thereby did not issue a recommendation on Application No. CDMP20210004; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed

public hearing to receive public comments and to address the referenced CDMP amendment applications, the initial recommendations of the Department, and to address the final action to be taken on the CDMP amendments by the Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY:

This Agency hereby makes the following recommendations to the Commission regarding the adoption of small-scale Land Use Plan map amendment Application No. CDMP20210004 and transmittal to the reviewing agencies of standard Application No. CDMP20210001; and recommendation regarding subsequent final action by the Commission.

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	<ul style="list-style-type: none"> • Transmittal Recommendation • Recommendation as to Subsequent Action
CDMP 20210001	<p>GS Miami Midway Industrial Owner, LLC / Juan J. Mayol Jr., Esq. and James R. Williams Jr., Esq., Holland & Knight LLP</p> <p>Generally located on the east side of NW 97 Avenue and approximately 1,300 feet north of NW 170 Street / ±25.10 gross acres / ±24.87 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <ol style="list-style-type: none"> 1. Redesignate the application site on the LUP map: From: "Business and Office" To: "Industrial and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. <p>This application is being processed concurrently with Zoning Application No. Z2021000024 (GS Miami Midway Industrial Owner, LLC.), pursuant to Section 2-116.1 of the Code of Miami-Dade County</p> <p>Standard Amendment</p>	<p>Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions</p>

The motion to Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Alonso. Board Member Montiel seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
 Lynette Cardoch, Chair, Yes

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Recommended Action on Small-Scale Amendment
CDMP 20210004	<p>Morgan Group Development, LLC/Tracy R. Slavens, Esq., Vanessa Madrid, Esq. Southeast corner of NW 6 Avenue and NW 159 Street/ ± 7.05 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <ol style="list-style-type: none"> Redesignate the application site on the LUP map: From: "Low Density Residential" (2.5 to 6 dwelling units per gross acre) To: "Medium Density Residential" (13 to 25 dwelling units per gross acre) Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. <p>This application is being processed concurrently with Zoning Application No. Z2021000083 (Evangel Church International, Inc.), pursuant to Section 2-116.1 of the Code of Miami-Dade County</p> <p>Small-Scale Amendment</p>	<p>Adopt with Acceptance of the Proffered Declaration of Restrictions, revised to include the Applicant's stated commitment to improve the canal on the eastern portion of the application site, and with the recommendation that the Board of County Commissioners take final action on the proposed amendment after the flooding and traffic studies of the Biscayne Gardens area due October 2021, pursuant to Resolution No. R-668-21, are completed.</p>

The motion to Adopt with Acceptance of the Proffered Declaration of Restrictions revised to include the Applicant's stated commitment to improve the canal on the eastern portion of the application site, and with the recommendation that the Board of County Commissioners take final action on the proposed amendment after the flooding and traffic studies of the Biscayne Gardens area due October 2021 pursuant to Resolution No. R-668-21 are completed, was moved by Board

Member Morris. Board Member Alonso seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent


Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Yes

The motion to adopt the foregoing resolution was moved by Board Member Morris. Board Member Alonso seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Yes

The above actions were taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on July 26, 2021, and are certified correct by Lourdes Gomez, Executive Secretary to the Planning Advisory Board.



Lourdes Gomez, AICP, Director
Department of Regulatory and Economic
Resources

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MINUTES

Miami-Dade County Planning Advisory Board
Acting as the Local Planning Agency
Public Hearing on Out-of-Cycle Application Nos. CDMP20210001 and CDMP20210004
To Amend the Comprehensive Development Master Plan
In Person Hearing

July 27, 2021, 2:00 PM

Planning Advisory Board Members

Robert Alonso	Present	J. Wil Morris	Present
Carla Ascencio-Savola	Absent	William Riley	Present
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Present	Daniel Rogers	Absent
Michael Montiel	Present	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Present

Nathaly Simon, Miami-Dade Public Schools (non-voting), Absent
Larry Ventura, Homestead Air Reserve Base (non-voting), Absent

Department of Regulatory and Economic Resources (RER) Staff Present

Planning Division

Jerry Bell, Assistant Director, Planning Division
Garett Rowe, Chief, Metropolitan Planning Section, Planning Division
Robert Hesler, Planning Section Supervisor, Planning Research Section, Planning Division
Rosa Davis, Planning Section Supervisor, Metropolitan Planning
Vinod Sandasamy, Transportation Section Supervisor, Metropolitan Planning
Noel Stillings, Principal Planner, Metropolitan Planning
Adrienne Burke, Principal Planner, Metropolitan Planning
Juan Pelaez, Senior Planner, Metropolitan Planning
Abby Diaz, Administrative Secretary, Metropolitan Planning

Other County Staff Present

Eddie Kirtley, Assistant County Attorney, County Attorney’s Office
Jorge Fernandez, Deputy Director, Office of Management and Budget

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing opened at 2:12 PM. Following the Pledge of Allegiance, PAB Chair Cardoch introduced herself and asked staff to conduct a roll call. Ms. Noel Stillings, Principal Planner, conducted a roll call and determined there was a quorum present.

PAB Chair’s Introductory Remarks and Chair’s Report

Following the roll call, PAB Chair Cardoch reviewed the procedures and purpose of the public hearing and welcomed the public to the hearing on Out-of-Cycle Application Nos.

CDMP20210001 and CDMP20210004 to amend the Comprehensive Development Master Plan (CDMP). Chair Cardoch explained that the discussion item regarding the terms of the PAB Chair and Vice Chair will be carried over to the next PAB meeting, as the PAB member appointed to address this item was not present.

Opening Statement by County Staff

Mr. Garrett Rowe, Chief of Metropolitan Planning, introduced himself and stated there were two Out-of-Cycle Applications to be heard, and at the conclusion of the hearing the annexation item would be then heard.

OUT-OF-CYCLE APPLICATIONS

Application No. CDMP20210001

Ms. Noel Stillings, Principal Planner, introduced herself and gave a brief presentation on standard Application No. CDMP20210001. Ms. Stillings identified the applicant as GS Miami Midway Industrial Owner, LLC, with the application consisting of ±25.10 gross acres and ±24.87 net acres. She noted that the application site is located in the northwest part of the County, on the east side of NW 97 Avenue and about 1,300 feet north of NW 170 Street, and is requesting a CDMP land use change from “Business and Office” to “Industrial and Office”. She also explained that the proposed application is part of a larger ±70-acre site that was subject to Application No. 7 of the October 2017 Cycle, which was approved with a covenant (2018 CDMP covenant) that restricts the entire site, including the application site. The 2018 Covenant includes a vehicle trip cap limitation of 1,652 net external PM peak hour trips, a commitment to contribute over \$1 million to extend two Metrobus transit routes to the property, among other conditions. Ms. Stillings noted that in addition to the 2018 Covenant, the proposed CDMP application would further restrict the ±25.10 gross acre site subject to the Application No. CDMP20210001, by proffering a covenant that limits the subject site to 510,000 square feet of industrial and office uses.

Ms. Stillings indicated that the site is currently undeveloped and that the adjacent areas to the application site are approved for development with commercial, industrial, residential and retail uses, including the area within the previously adopted May 2016 Cycle Graham Companies and American Dream Miami CDMP applications. She explained that the CDMP application’s impact would not cause any adopted level of service standards for public services and facilities to be violated, except for roadways. Ms. Stillings explained that the traffic analysis shows segments of NW 97 Avenue would violate their adopted level of service standards but would not be significantly impacted by the projected vehicle trips from the proposed development. She added that the requested “Industrial and Office” designation is estimated to generate 101 less vehicle trips than the development allowed under the current “Business and Office” designation. Ms. Stillings stressed that in March 2021 a Proportionate Share Mitigation agreement was approved by the Board of County Commissioners requiring the applicant to provide over \$1 million dollars for traffic impacts mitigation. Ms. Stillings concluded by stating that the Staff recommendation on this application is to “Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions”.

PAB member Alonso expressed concern about the fire rescue services in the area, referring to the previous CDMP application where a temporary fire station was to be sited. Ms. Stillings responded that those concerns were related to the previous CDMP application which had residential uses. The proposed industrial land use designation for the subject site is estimated to generate less fire alarms than the residential impact. Mr. Rowe stated that Staff would report back to the PAB on the status of that fire station.

Mr. Juan Mayol, legal representative for the applicant, discussed the adjacent uses to the application site including the American Dream Miami and the Graham Companies applications. Mr. Mayol discussed the previous development approvals for the adjacent uses, and the associated improvements including roadway commitments, such as NW 170 Street to be extended west to the Homestead Extension of Florida’s Turnpike (HEFT), where a new interchange is to be constructed. Mr. Mayol stated the application was submitted with a concurrent zoning application seeking an industrial rezoning. He reviewed the previous history of the CDMP amendment area and explained that the proposed application only encompassed the western ±25 acres and detailed the requirements of the existing 2018 Covenant, including transit commitments, water flow requirements and vehicle trip limitations, among others. Mr. Mayol stressed that under the existing 2018 Covenant there is a \$1.1 million commitment to extend transit routes to the site, and that the applicant will work with the County’s Transportation and Public Works Department (DTPW) to make the area accessible to transit. Mr. Mayol added that there would be less traffic impacts under the requested “Industrial and Office” land use designation than under the current “Business and Office” designation and highlighted the job creation and tax benefits the application would generate. Mr. Mayol stressed that the proffered covenant for the application site limits the maximum amount of development on the site to 510,000 square feet of uses under the “Industrial and Office” land use designation.

Chair Cardoch opened up the public hearing, and there being no members of the public to speak on the application, closed the public hearing.

The motion to Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Alonso. Board Member Montiel seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Yes

Application No. CDMP20210004

Mr. Juan Carlos Pelaez, Senior Planner, gave a brief overview of Out-of-Cycle Application CDMP20210004. Mr. Pelaez identified the application as a small-scale amendment for a ±7.05 net acre parcel located on the southeast corner of NW 6 Avenue and NW 159 Street in Unincorporated Miami-Dade County. The applicant, Morgan Group Development, LLC, is requesting a future land use designation change from “Low Density Residential” (2.5-6 dwelling units per acre) to “Medium Density Residential” (13-25 dwelling units per acre). Mr. Pelaez also indicated that the applicant proffered a Declaration of Restrictions committing to set aside 10% of the dwelling units for workforce housing and limiting the maximum development potential of the site to 236 multifamily units. The proffered covenant also commits to provide notice to all prospective owners or tenants regarding the site’s proximity to the County’s Golden Glades Trash and Recycling Center. Mr. Pelaez indicated that the CDMP amendment application is being processed concurrently with a zoning application Z2021000083 pursuant to Section 2-116.1 (5)(e) of the Miami-Dade County Code. Mr. Pelaez described the adjacent existing land uses as well as the adjacent CDMP land use designations. He noted that application would not cause a violation

of adopted Level of Service Standards (LOS) for public services and facilities, except for two roadway segments, I-95 south of NW 151 Street and State Road SR-826 east of North Miami Avenue. These roadways are projected to operate below the LOS in 2045 even without impacts from this project. Since the projected impact of each of these roadways is less than 5 percent, Mr. Pelaez explained that no mitigation would be required of the applicant. As a point of information, Mr. Pelaez also informed the PAB that, due to public concerns regarding traffic conditions and flooding in the Biscayne Gardens area (the area where the application site is located), the Board of County Commissioners requested that a study be conducted to assess the impacts of development on flooding and traffic in the area. Mr. Pelaez concluded his presentation by stating that Staff's recommendation is to "Adopt with Acceptance of the Proffered Declaration of Restrictions".

After, Mr. Pelaez's presentation, Ms. Vanessa Madrid, the applicant's representative, provided an overview of the application. She showed renderings of the site and explained how the scale, height and design of project would be compatible with the surrounding neighborhood. She noted that, even though the proposed CDMP designation would allow a maximum of 254 residential units, the proffered covenant limits the site to 236 units. Ms. Madrid also discussed the applicant's workforce housing commitment. She introduced other members of her team to provide greater detail on the proposed project. Civil engineer Mr. Chris Falce discussed proposed stormwater management features of the proposed development, and traffic consultant Mr. Adrian Dabkowski discussed traffic conditions in the area.

In response to the presentations, several PAB members asked for more information regarding the CDMP amendment application, including the time limitation for the proposed workforce housing. They also inquired regarding the status and due date of the Biscayne Gardens study. There were also questions regarding stormwater management and traffic conditions. Staff explained that the Workforce Housing commitment in the proffered Declaration of Restrictions is for 20 years, and not 30 years as reflected in the applicant's Economic Analysis. Staff also provided greater detail regarding the Biscayne Gardens study and indicated that the study was due in October 2021.

Ms. Cardoch opened the public hearing for comment. Two members of the public spoke against the application and two members of the public spoke in favor of the project. Those who opposed the application requested a moratorium on all proposed developments in the area until the results of Biscayne Gardens study is finalized. Those in favor indicated that the scale and intensity of the project was more compatible with the neighborhood than other recently approved project and was the type of development that they would like to see in the area. Following the public hearing, the PAB Board further discussed the Biscayne Gardens study and the time frame allocated for its completion. There was also a detailed discussion regarding the maintenance of the canal adjacent to the eastern boundary of the application site. In response to the discussion, Ms. Madrid stated that the applicant would include a condition in the proffered Declaration Restrictions committing to improve the canal. Staff also provided the Board with information regarding the concurrent CDMP/zoning voting process. Following the discussion, the Board considered the options for a motion.

The motion to Adopt with Acceptance of the Proffered Declaration of Restrictions, revised to include the Applicant's stated commitment to improve the canal on the eastern portion of the application site, and with the recommendation that the Board of County Commissioners take final action on the proposed amendment after the flooding and traffic studies of the Biscayne Gardens area due October 2021, pursuant to Resolution No. R-668-21, are completed was moved by

Board Member Morris. Board Member Alonso seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Yes

OVERALL RESOLUTION

The motion to adopt the foregoing resolution was moved by Board Member Morris. Board Member Alonso seconded the motion. The motion passed unanimously 6 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Yes
Carla Ascencio-Savola	Absent	William Riley	Yes
Carlos Diaz-Padron	Absent	Wayne Rinehart	Absent
Eric Fresco	Yes	Daniel Rogers	Absent
Michael Montiel	Yes	Jesus Vazquez	Absent

Horacio C. Huembes, Vice Chair, Absent
Lynette Cardoch, Chair, Yes

ADJOURNMENT

After hearing, Chair Cardoch adjourned the CDMP meeting.

Respectfully submitted,



Lourdes Gomez, Director
Department of Regulatory and
Economic Resources

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This instrument was prepared by:

Name: Tracy R. Slavens, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

RECEIVED 8-31-21
Planning Division

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned **Evangel Church International Inc.** (hereinafter referred to as the "Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") as an out-of-cycle 2021 CDMP amendment, and said amendment is identified as Application No. 20210004 (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Low Density" to "Medium Density Residential" on the CDMP adopted Land Use Plan ("LUP") map.

NOW, THEREFORE, in order to assure the Miami-Dade County that the representations made by the owner during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Workforce Housing.** Ten percent (10%) of the dwelling units on the Property shall be set aside for workforce housing in accordance with the CDMP and Section 33-193.7.1 of the Miami-Dade County Code of Ordinances.

(2) **Maximum Density.** The maximum number of residential units on the Property shall be two hundred thirty-six (236), including the workforce housing density bonus in accordance with the CDMP and Section 33-193.7.1 of the Miami-Dade County Code of Ordinances.

(3) **Canal Maintenance.** In an effort to improve the existing canal and canal easements located within the east Property line and recorded in Deed Book 2960 at Page 102, Deed Book 2970 at Page 505, and Deed Book 2970 at Page 508 of the Public Records of Miami-Dade County, Florida (together, the canal and canal easements hereinafter referred to as the "Existing Canal"), the Owner shall apply for a Miami-Dade County Division of Environmental Resources Management (DERM) Class III permit pursuant to Section 24-48.1(1)(c) of the Miami-Dade County Code of Ordinances (the "Permit") prior to the issuance of a certificate of occupancy for the development on the Property for the purpose of debris removal and the clearing of plants, shrubs, and/or vegetation from the Existing Canal, as needed and as determined by DERM (the "Canal Improvements"). The Owner shall complete or cause the completion of the Canal Improvements within two (2) years from the Permit issuance date. Notwithstanding the foregoing, it is acknowledged that if DERM completes the necessary maintenance of the Existing Canal, including the

Canal Improvements, prior to the Owner's commencement of the required work for the Canal Improvements, then the Owner shall be relieved of its obligation hereunder.

(4) Notification of Proximity to Solid Waste Facility. The Owners shall provide to each of their prospective lessees within each of their parcels with a written notification, acknowledgment, waiver, and release recognizing that the Property is located near the Miami-Dade County Golden Glades Trash and Recycling Center (“TRC”) located at 140 NW 160 Street within the lease agreement, which will be in substantially the same form as the following notice (the “Notice”) in every contract for the least of any dwelling unit within the Property:

THE SUBJECT PROPERTY IS LOCATED IN IMMEDIATE PROXIMITY TO THE MIAMI-DADE COUNTY GOLDEN GLADES TRASH AND RECYCLING CENTER (“TRC”) LOCATED AT 140 NW 160 STREET (THE “FACILITY”), WHICH IS USED IN CONNECTION WITH THE COUNTY’S SOLID WASTE MANAGEMENT AND DISPOSAL ACTIVITIES AND OPERATES 12 OR MORE HOURS PER DAY, 7 DAYS A WEEK. AS A RESULT, OCCUPANTS OF THE PROPERTY MAY BE AFFECTED BY ODORS, NOISE OR DUST EMANATING FROM THE TRC AND TRUCK TRAFFIC ENTERING AND EXITING THE FACILITY DURING OPERATING HOURS.

THE LESSEE(S) AGREES BY SIGNING THE LEASE THAT HE/SHE/THEY WILL NOT OBJECT TO THE PRESENCE OF THE GOLDEN GLADES TRC OR ITS OPERATIONS. THE LESSEE(S) AGREES THAT HE/SHE/THEY WAIVE(S) AND SHALL NOT RAISE ANY OBJECTION TO THE CONTINUED OPERATION OF THE FACILITY. FURTHER, THE LESSEE(S) WAIVE AND RELEASE MIAMI-DADE COUNTY FROM ANY AND ALL LIABILITY FOR ANY PAST, PRESENT OR FUTURE CLAIMS, AND THE LESSEE(S) HEREBY AGREE NOT TO FILE ANY CLAIM OR ACTION AGAINST MIAMI-DADE COUNTY OR ANY ENTITIES RELATED TO THE OPERATION OF THE FACILITY, PERTAINING TO OR ARISING OUT OF THE OPERATION OF THE FACILITY. THIS WAIVER AND RELEASE INCLUDES, BUT IS NOT LIMITED TO, BOTH NON-CONSTITUTIONAL AND CONSTITUTIONAL CLAIMS AND ACTIONS (INCLUDING, BUT NOT LIMITED TO, INVERSE CONDEMNATION, TAKINGS, AND NUISANCE), OF ANY KIND OR OTHER CONSTITUTIONAL OR NON-CONSTITUTIONAL CLAIMS OF ANY KIND OR NATURE WHATSOEVER. IN THE EVENT THAT ANY PARAGRAPH OR PORTION OF THIS NOTICE IS DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, ILLEGAL OR UNENFORCEABLE, IT SHALL AFFECT NO OTHER PROVISION OF THIS NOTICE, AND THE REMAINDER OF THIS NOTICE SHALL BE VALID AND ENFORCEABLE.

MISCELLANEOUS

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

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, 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 Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]

Signed, witnessed, executed and acknowledged on this _____ day of _____, 2021.

IN WITNESS WHEREOF, _____ (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

Evangel Church International, Inc.

Address:

590 NW 159 Street

Miami, FL 33169

By _____

(Board Member)

Print Name: _____

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

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence [] or online notarization [] by _____ the _____ of Evangel International Church, Inc., a Florida not-for-profit corporation, on behalf of the corporation.

He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this _____ day of _____, 2021, in the County and State aforesaid.

Signature
Notary Public-State of _____

Print Name

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1:

Lots 449, 450 and 451, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida, less the west 15.00 feet of Lot 449 and also less the external portion formed by a 25.00 foot radius curve concave to the southeast, tangent to the north line of said Lot 449 and tangent to a line lying 15.00 feet east of and parallel to the east line of said Lot 449 for road right-of-way.

Parcel 2:

Lots 454 and 482, less the west 15 feet of said Lot 482 and also less the external portion formed by a 25.00 foot radius curve concave to the northeast, tangent to the north line of said Lot 482 and tangent to a line lying 15.00 feet east of and parallel to the east line of said Lot 482, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida.

Parcel 3:

Lots 479, 480, and 481, of "Biscayne Gardens Section "B"", a subdivision according to the map or plat thereof, as recorded in Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida.

DRAFT