

Memorandum



Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Supplement to
Agenda Item No. 7(I)

Subject: Supplemental Information on October 2021 Cycle Application
No. CDMP20210013 to Amend the Comprehensive Development Master Plan

The following supplemental information is provided to the Board of County Commissioners regarding October 2021 Cycle Application No. CDMP20210013 to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1) the Initial Recommendation report; and (Exhibit 2) Additional Items addressing Application No. CDMP20210013 received by the Department of Regulatory and Economic Resources not included in the Initial Recommendation report.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Application No. CDMP20210013 South Dixie and 122 LLC*

Commission District 8 Community Council 12

APPLICATION SUMMARY

Applicant/Representative:	South Dixie and 122 LLC/ Melissa Tapanes Llahues, Esq., Maritza Haro Salgado, Esq.
Location:	North Side of SW 122 Street adjacent to west side of the South Dade Transitway
Total Acreage:	±1.72 gross acres/±1.59 net acres
Current Land Use Plan Map Designation:	"Low-Medium Density Residential" (6 to 13 dwelling units per gross acre)
Requested Land Use Element Change:	<ol style="list-style-type: none"> 1) Release of the 2015 Declaration of Restrictions recorded in Official Records Book 29644, Page 3675 of the Public Records of Miami-Dade County 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. Z2022000148)
Existing Zoning District/Site Condition:	RU-2 (Two-Family Residential District)/ Vacant

RECOMMENDATIONS

Staff:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (September 2022)
Kendall Community Council (12):	NO QUORUM (October 6, 2022)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (October 17, 2022)
Final Action of Board of County Commissioners:	TO BE DETERMINED (January 24, 2024)

October 2021 Cycle

CDMP 20210013

Revised and Replaced December 2023

* The CDMP application had a scrivener's error. The applicant's name should be South Dixie and 122 LLC, rather than South Dixie and 112 LLC.

MDC002

Staff recommends to **ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Land Use Element Appendix A to release the existing recorded 2015 CDMP Declaration of Restrictions for the subject site and replace it with the proffered amended and restated Declaration of Restrictions for the following reasons:

Principal Reasons for Recommendation:

1. The application proposes infill residential development at a higher density than currently allowed on the subject site consistent with Objective LU-1, Policies LU-1F, and Objective LU-12 of the CDMP Land Use Element. 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. The application site is vacant and located within the South Dade Transitway, a Strategic Miami Area Rapid Transit Plan (SMART Plan) corridor where increased density and intensity of infill and redevelopment are prioritized.

The ±1.72 gross/ ±1.59 net acres application site is designated “Low-Medium Density Residential” (6 to 13 dwelling units per gross acre) on the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map. Although the site’s land use designation would allow a maximum of 22 residential units, development of site is currently limited to a maximum of 12 residential units by the existing 2015 CDMP Declaration of Restrictions (2015 Covenant), which limited residential development on the site, among other conditions. If the request to release the 2015 Covenant and replace it with the proffered amended and restated covenant (proffered covenant) is approved, then the site may be developed with a maximum of 22 residential units or a maximum 216 bed assisted living facility (ALF). As discussed in Principal Reason No. 3(ii) below, existing public facilities and services have adequate capacities to accommodate the impacts that would be generated by the maximum potential development on the subject property if the application is approved.

2. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires 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, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.

i. Need to Accommodate Population or Economic Growth:

The applicant is seeking to develop the application site with a congregate residential use or assisted living facility. If approved, it would increase the land capacity for single-family units by 10 units while also allowing the site to be developed alternatively developed with an ALF. Given the existing capacity in the Analysis Area, this application, if approved, would not have a significant impact on the residential land capacity but could benefit the area.

Minor Statistical Area (MSA) 5.5, where the application site is located, has a large shortfall of residential units particularly for lower incomes households. However, the elderly share

of the population in this market area is growing much faster than in the rest of the County and there is a need for additional ALF capacity to serve the elderly residents over the coming years.

- ii. *Public Facilities and Services:* Approval of the application would be generally consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not to cause a violation in adopted level of standards for public facilities and services. The impacts that would be generated from the maximum development allowed on the application site, if the application is approved, would not cause a violation in the adopted level of service standards for public facilities and services.

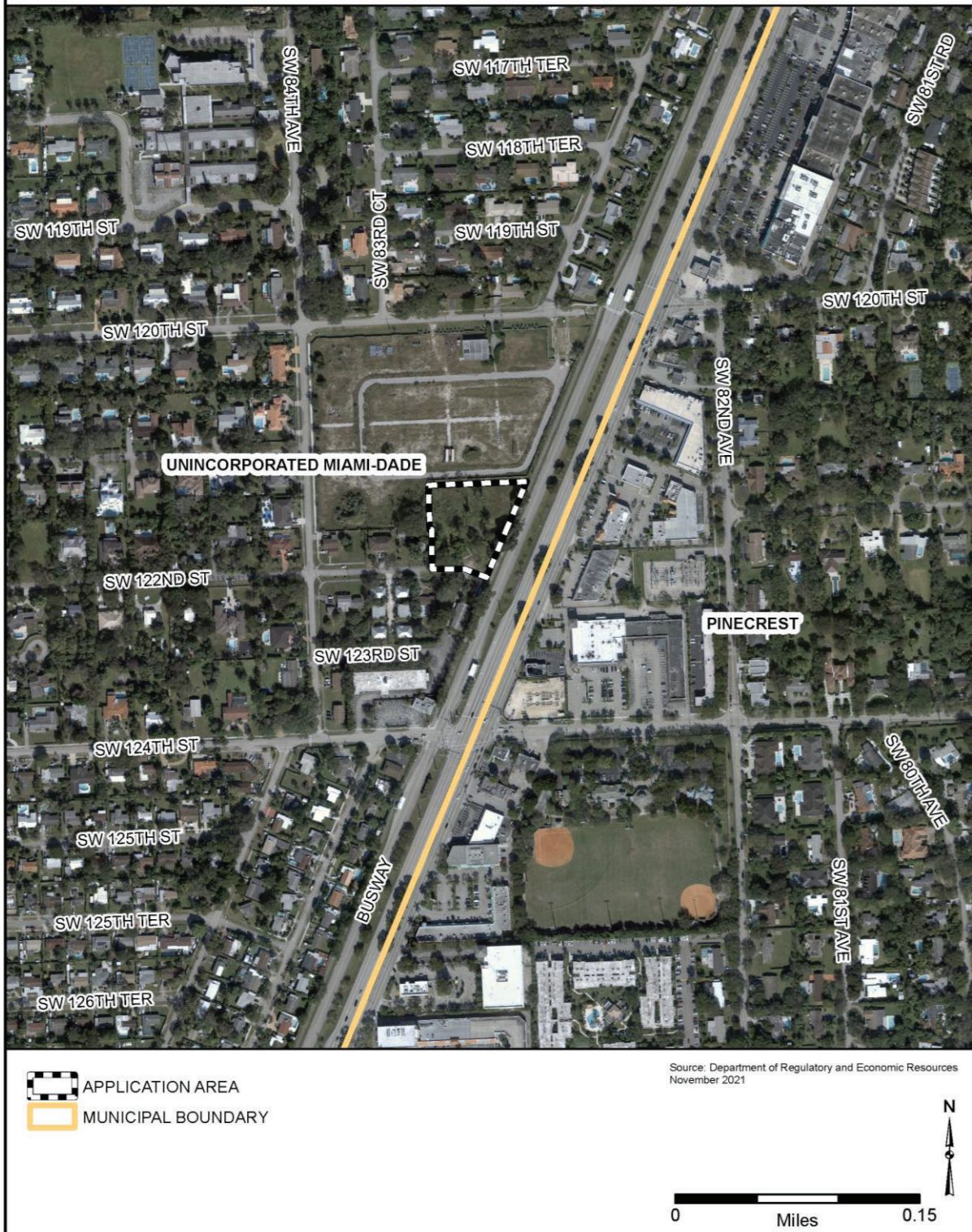
It should be noted that with respect to roadways, the maximum development potential scenarios under the 2015 Covenant limitations and under the allowances of the proffered amended and restated covenant were analyzed for traffic impacts. All roadways, adjacent to and in the vicinity of the application site that were analyzed, have available capacity to handle the additional traffic impacts that would be generated by the application in the short-term (Year 2025). However, according to the updated traffic study dated November 27, 2023, six roadway segments are projected to operate in violation of their adopted level of service (LOS) standards in the long term (2045) with and without the impacts from the proposed project. The impacts from the proposed development are not considered significant since they are less than 5% of the roadway capacity for each segment. Thus, mitigation would not be required, except for two of the six failing roadway segments that are on US-1, which is an evacuation route. Pursuant to the CDMP Capital Improvements Element, no traffic above adopted LOS capacity is acceptable on evacuation routes; hence traffic impacts on these roadways must be mitigated (see the Roadways section on page 22). Accordingly, the applicant has included a commitment in the proffered covenant to enter into a proportionate share agreement with the County to mitigate the impacts.

In addition, the applicant's proffered covenant includes commitments to other roadway improvements that would help to address the flow of traffic in the application area. These commitments include traffic calming measures on SW 84 Avenue and SW 122 Street, optimizing the signalization and queuing at the intersections of SW 124 Street and Harriet Tubman Highway and SW 124 Street and SW 87 Avenue, extending the length of the south bound left turn lane at SW 87 Avenue and SW 124 Street, and lane widening of SW 124 Street.

- iii. *Compatibility:* The proposed development of the site, if the requested covenant allowing a 216 bed Assisted Living Facility or a maximum of 13 dwelling units per acre, 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, as noted by the proposed single-family and townhome development to the north. Furthermore, the application site is located within the ¼ mile buffer of the SMART plan South Dade Transitway Corridor, which allows up to 60 units per acre. The proposed 216 bed Assisted Living Facility (ALF) is currently allowed under the congregate living facility and mixed-use development provisions of the CDMP, providing that in a residentially designated area each 2.5 occupants of a congregate living facility shall be considered to be one dwelling unit. Thus, at the density of 60 units per acre allowed within ¼ mile of the Transitway corridor, the ±1.72-acre site would allow an ALF with a maximum 258 beds. It is important to note that although the applicant originally proposed a 258-bed facility, a revised covenant was proffered on November 27, 2023 limiting the ALF to a maximum of 216 beds.

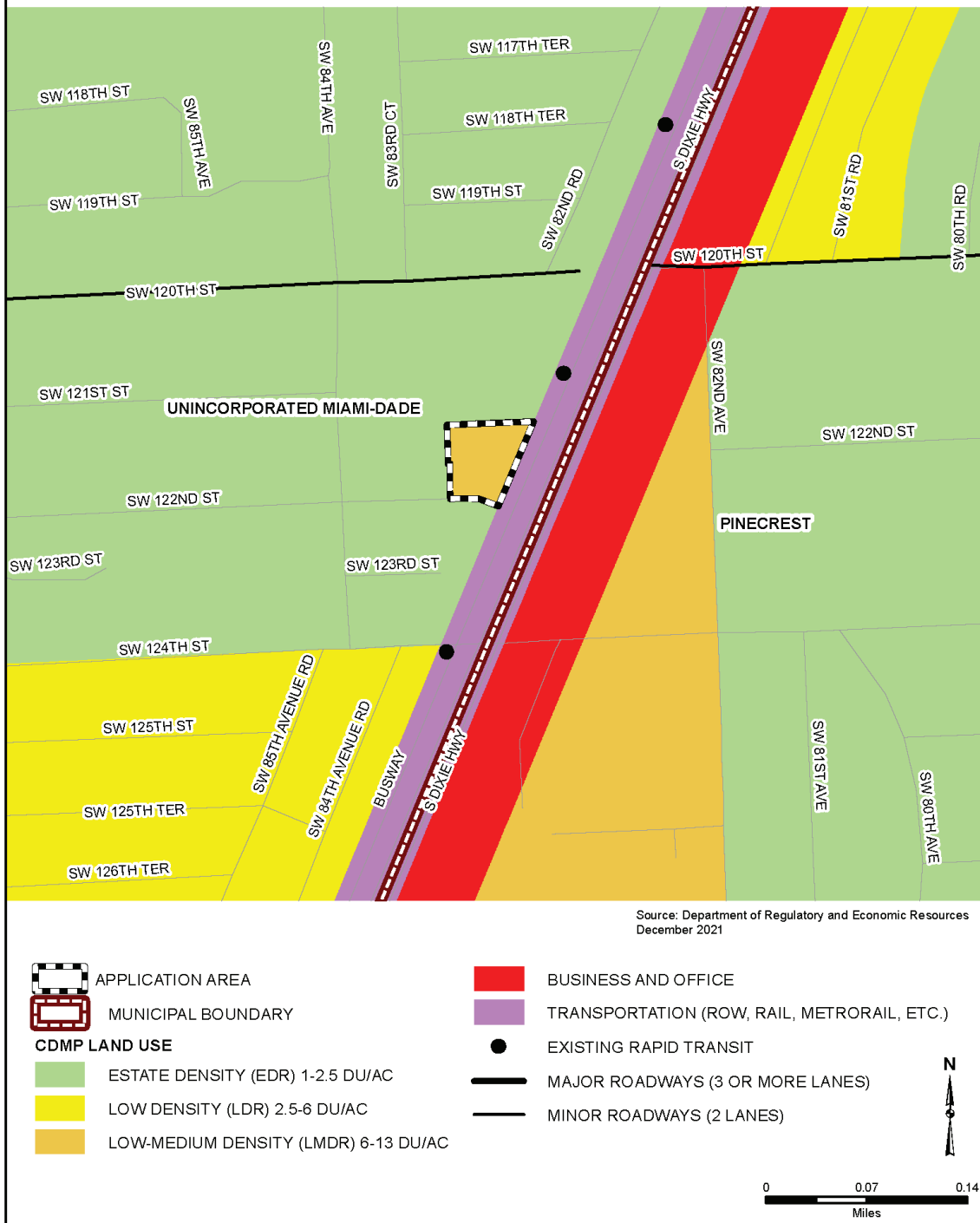
- iv. *Environmental and Historic Resources*: The subject application, if approved, would not impact any historic or archaeological resources but could impact environmental resources on the site. The subject property contains specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires these specimen-sized trees to be preserved, where reasonably possible, and any changes require permitting. Due to the location adjacent to the South Dade Transitway, a permit may be required for drainage if the project has known soil or groundwater contamination, and Department of Environmental Resources Management (DERM) covenants regarding the contamination may be required.
- v. *Transit Ridership and Pedestrianism*: The development of the site as proposed, if the application is approved, would support transit ridership and pedestrianism. Policy LU-8E(v) states that if the proposed land use is located in a planned Urban Center, or within ¼ mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, it would be a use that promotes transit ridership and pedestrianism. The application site is adjacent to the South Dade Transitway and served by Metrobus Route 38 having 20-minute or less peak period headways, with the closest bus stop located north of SW 124 Street, ±0.27 miles away (a 6-minute walk). The route also provides service connections to Metrorail. In addition, the application site is also served by Metrobus Routes 31, 52, 252, and 287. DTPW encourages pedestrian and bicycle connection to the bus stops as feasible and the applicant has included a reasonable effort commitment in the proffered covenant to providing neighborhood access including pedestrian connections South Dade Trail. (See Transit section on page 30.)

SOUTH DIXIE AND 122, LLC. - APP. NO. CDMP20210013 AERIAL PHOTO





**SOUTH DIXIE AND 122, LLC.
OCTOBER 2021 CYCLE APP. NO. CDMP20210013
CDMP LAND USE**



STAFF ANALYSIS

Background

The application site is a ± 1.72 gross/ ± 1.59 -net acre parcel. This application is subject to a separate zoning application (Z2022000148/South Dixie and 122, LLC) that is being processed concurrently with this CDMP amendment application, pursuant to Section 2-116.1(5)(e) of the Code of Miami-Dade County. The CDMP application does not propose a change to the underlying future land use designation; rather, the application is seeking to release a previously approved 2015 CDMP Declaration of Restrictions (2015 Covenant) recorded in Official Records Book 29644, Page 3675 of the Public Records of Miami-Dade County that limited the site to 12 dwelling units. If the covenant is released and replaced with the new proffered covenant, the application would be developable with a 216-bed assisted living facility or with residential units at a maximum density of 13 dwelling units per acre, which would allow for 22 dwelling units.

Application Site

Location

The application site totals ± 1.72 gross acres/ ± 1.59 net acres and is located on the north side of SW 122 Street adjacent to the west side of the South Dade Transitway, in unincorporated Miami-Dade County (see “Aerial Photo” on page 5). The property is located within $\frac{1}{4}$ mile of the South Dade Transitway, a Strategic Miami Area Rapid Transit Plan (SMART Plan) corridor. The Village of Pinecrest is adjacent to the application site across Harriet Tubman Highway (US1)/Pinecrest Parkway.

Existing Land Use

The application site is currently vacant and appears to be well maintained with clustered areas of trees (see “Aerial Photo” on page 5; and Appendix L: Photos of Site and Surroundings in Appendices page 97). The property was previously developed with a single-family home and accessory dwelling.

Land Use Plan Map Designation

The CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map designates the application site as “Low-Medium Density Residential” (see “CDMP Land Use” map on page 7). The application site was changed to “Low-Medium Density Residential” in 2015 through Ordinance No. 15-40. At the time of approval, the Board of County Commissioners adopted a Declaration of Restrictions limiting the site to twelve dwelling units.

The “Low-Medium Density Residential” CDMP land use category allows a range in densities from a minimum of 6 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated “Low-Medium Density Residential” includes single-family homes, townhouses, and low-rise apartments. Under the current CDMP land use designation of “Low-Medium Density Residential” the site may be developed with 22 single-family attached dwelling units. However, the existing 2015 Covenant limits development on the property to a maximum of 12 units.

The applicant is not requesting a land use change; rather, is seeking to release the 2015 Declaration of Restrictions, in order to allow a 216-bed assisted living facility (ALF) or residential development at a maximum density of 13 dwelling units per acre through the proffered covenant. At 13 dwelling units per gross acre, a maximum of 22 single-family attached dwellings could be developed on the site. Further details on the existing 2015 Covenant and the proffered covenant are discussed below. It is important to note that the applicant submitted a revised proffered covenant on November 27, 2023 reducing the number of ALF beds from 258 to 216.

Declaration of Restrictions

The existing 2015 Covenant restricts development to 12 dwelling units and no more than 6 residential buildings and one accessory building for common amenities. The 2015 Covenant also requires tree specimens to be preserved, and the owner to prepare for evaluation and consideration, prior to subdivision approval, traffic calming measures on SW 84 Avenue and SW 122 Street at the cost of the applicant, if warranted and approved by the County.

The revised proffered covenant dated November 27, 2023, in addition to allowing the residential uses at a density of 13 dwelling units per acre, also allow the property to be developed with a congregate living facility, group home, foster home, nursing home, or day care facility. It further states that an ALF with up to 216 beds may be developed. Consistent with the 2015 Covenant, the proffered covenant commits to preserving specimen trees on the site and providing for traffic calming measures. In addition, the proffered covenant commits to: 1) optimize intersection signalization and queuing at SW 124 Street/Harriet Tubman Highway and SW 124 Street/87 Avenue; 2) lengthen the south bound left turn lane at 87 Avenue and SW 124 Street; 3) widen SW 124 Street from the east to the west section of SW 84 Avenue; 4) provide proportionate share mitigation for impacts to the US-1 hurricane evacuation route; 5) make a reasonable effort to provide connections to the South Dade Trail; and 6) connect to water and sewer service.

Additional Planning Considerations

A CDMP Letter of Interpretation dated January 4, 2022 (CL2021000029) addressed if the subject property may be developed with an ALF in accordance with the CDMP provisions for horizontal mixed-use development in Rapid Transit Activity Corridors. The Letter of Interpretation noted that the application site is located within ¼ mile of the South Dade Transitway SMART Plan Corridor and may be rezoned for vertical or horizontal development at up to 60 units per acre with an FAR of 2.0, subject to compatibility with adjacent uses. The letter confirmed that under the mixed-use provisions, the application site could be developed with horizontal mixed-use with 309,629 sq. ft. of residential uses, 2,042,903 sq. ft. of commercial uses, 3,279,559 sq. ft. of industrial uses, or 2,800,717 sq. ft. of institutional uses. The letter further confirmed that an assisted living facility is considered a residential use and that the subject site could be developed with an ALF with up to 258 beds, as long as the facility does not exceed the 309,629 sq. ft. limit for residential uses.

Zoning

The application site is currently zoned RU-2 (Two-Family Residential District). This application was filed for concurrent processing with a separate, but related, Zoning application (Z2022000148) that seeks to change the zoning to Mixed-Use Corridor District (“MCD”).

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. There is only one zoning approval on the subject property. In 2017, a zoning application was filed to change existing zoning on the parcel (RU-2 and GU) to RU-2. The application was approved under Resolution No CZAB12-15-17.

Adjacent Land Use and Zoning

Adjacent Existing Land Uses

The area to the north and northwest of the application site is vacant, but was previously a paint testing facility approved per Resolution No. 6858-3-54 and was expanded pursuant to Resolution No. 3-ZAB-437-65. There was a rezoning in 2016, and a pending tentative plat for the development of single-family houses and townhouses (more information is provided under Adjacent Zoning below). To the south and southwest of the application are duplexes, and to the east is the South Dade Transitway and Harriet Tubman Highway (US1). Across Harriet Tubman Highway, in the Village of Pinecrest, are commercial properties. (See “CDMP Land Use” map on page 7.)

Adjacent Land Use Plan Map Designations

The properties to the north, south and west of the application site are designated “Estate Density (1 to 2.5 dwelling units per acre).” The South Dade Transitway/Harriet Tubman Highway (US1) are designated “Transportation,” and the commercial properties across Harriet Tubman Highway (US1), within the Village of Pinecrest, are depicted as “Business and Office” On the LUP map (see “CDMP Land Use” map on page 7). Within the Village of Pinecrest, these lands are designated a combination of “Restricted Commercial (BU-1)”, “General Business Development (BU-1A)”, “Special Business Development (BU-2)”, and “Intensive Business Development (BU-3).”

Adjacent Zoning

The properties to the north of the application site are zoned RU-TH (Townhouse District). The properties to the south are zoned RU-2 (Two-Family Residential District). To the west, the properties are zoned RU-TH and RU-2. The South Dade Transitway to the east is zoned GU (Interim District), and across Harriet Tubman Highway (US1), the zoning is under the Village of Pinecrest (see “Zoning” map on page 6). Within the Village of Pinecrest, the zoning is a combination of “Restricted Commercial (BU-1)”, “General Business Development (BU-1A)”, “Special Business Development (BU-2)”, and “Intensive Business Development (BU-3).”

Properties to the west and north of the application site had a district boundary change in 2015 from EU-M, EU-1 and GU to EU-M (Z2015000081/CZAB12-16-16). In 2021, a request for extension on a tentative plat for the Veridian Grove development, abutting the site to the north, was granted (IP2021000713), and a revised tentative plat was submitted for the development that includes 22 single-family homes, 32 townhomes, and 8 tracts (IP2021000587). A request for extension of time for the tentative plat has been submitted in 2022 (IP2022000004).

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

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.5) in 2022 was estimated to have a capacity for about 785 dwelling units, with about 75 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to go from 282 units per year in the 2020-2025 period to 267 in the 2035-2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in 2023 and for multi-family in 2026 (See Table below). The supply of residential land for both single-family and multi-family units is projected to be depleted beyond the year 2024.

Residential Land Supply/Demand Analysis 2020 to 2040:

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 2022	200	585	785
DEMAND 2020-2025	157	125	282
CAPACITY IN 2025	0	210	0
DEMAND 2025-2030	159	127	286
CAPACITY IN 2030	0	0	0
DEMAND 2030-2035	145	124	279

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
CAPACITY IN 2035	0	0	0
DEMAND 2035-2040	149	118	267
CAPACITY IN 2040	0	8,930	0
DEPLETION YEAR	2023	2026	2024
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, January 2022.			

The applicant is seeking to develop the application site with a congregate residential use or assisted living facility (“ALF”). If approved, it will decrease the supply of single-family units by 10 units. Given the existing capacity in the Analysis Area, this application, if approved, will have a negligible impact of the depletion year for the MSA.

Staff conducts a housing market analysis for all applications that may add or subtract residential units from supply or capacity. In this case, if the application is approved, there would be a potential net loss of 12 units to capacity replaced by a 216-bed assisted living facility (ALF). The following table shows the current housing-affordability market analysis for MSA 5.5 in which this site is located.

Available Capacity by Income Ranges of Area Median Income

		Available Units by Income Range ¹	Cost-Burdened Households ²	Surplus/ Shortfall
MSA 5.5	Less than or equal to 50% of AMI	60	4,795	(4,735)
	50.1% to 80% of AMI	102	3,105	(3,003)
	80.1% to 120% of AMI	111	2,022	(1,911)
	Greater than 120% of AMI	512	1,211	(699)
	Total:	785	11,133	(10,348)

1. Regulatory & Economic Resources Department, Planning Research and Economic Analysis Section calculated using Land Use Capacity and Property Appraiser records of recorded sales from 2011 through 2021.

2. US Department of Housing & Urban Development, Consolidated Plan/CHAS Data 2014-2018.

This table was created using inflation-adjusted historical recorded property sales obtained from the Miami-Dade County Property Appraiser for the period 2011 to 2021. The resulting sales and estimated rents were then evaluated for affordability to extremely low and very-low-income households (less than or equal to 50% of area median income (AMI)), low-income households (50.1% to 80% of AMI), moderate-income households (80.1% to 120% of AMI), and remaining households (greater than 120% of AMI). The breakdown for workforce housing (less than or equal to 140% of AMI) in the form of a reliable estimate of the number of households in this range by census tracts is not available. As such, the shares of units affordable at each income range was applied to the total available capacity of residential units by MSA to estimate the available capacity of affordable housing. This estimate should be considered a best-case estimate since over the last several decades home prices and rents have consistently grown faster than household incomes while here it is assumed that in the near future incomes, home sales prices and rents will all grow at the same rates. Finally, the estimated capacity of affordable housing units was compared to the number of cost-burdened households (those paying 30% or more for housing costs) to estimate the surplus/deficit of units in each income range.

The table shows that in MSA 5.5 there is a large shortfall of units available to households in all income ranges. The greatest shortfall occurring at the lower income levels. There is a shortfall of 4,735 units for households in the very low and extremely low-income range. For these income ranges in particular, it is very difficult to find market-rate solutions to housing affordability based on the high and increasing costs of construction. For low-income households there is a shortfall of over 3,000 units and for moderate income households the shortfall is over 1,900 units. Even for households earning more than 120% of AMI, the shortfall is nearly 700 units.

The applicant provided an Economic Report, prepared by Miami Economic Associates, Inc., dated December 31, 2021 in support of the application. The analysis identifies the market area as three zip codes, 33156, 33158 and part of 33176. The report states there are no ALFs in that market area. Alternately, to define a market area on non-residential uses, staff uses a radius area of 5-miles from the application site. Therefore, staff defines the market area for this application by zip codes 33143, 33156, 33157, 33158, 33173, 33176, and parts of 33177, 33183 and 33186. According to FloridaHealthFinder.gov, a service of the State Agency for Health Care Administration, within five miles of the application site there are 61 ALFs with 892 beds. Of that total, 27 ALFs are coded as having their license "In Review," representing 277 of the beds. If only the smaller market proposed in the report is considered, there are 15 ALFs with 175 beds.

The applicant's report also makes an important point that the elderly population has been growing much more rapidly than the remaining population in the area of the application site. Staff analyzed the 5-mile radius around the site using the American Community Survey 5-year estimates for the same years as the applicant's report, 2011 and 2019. The data shows that the population over 65 years of age grew at an average annual rate of 2.6% versus 2.8% in the rest of the County and represented 14% of the total population in both. Over the same period in the market area the population under 65 years fell 0.2% per year versus a growth rate of 0.9% in the rest of the County. The elderly share of the population in this market area is growing much faster than in the rest of the County.

Countywide there are 10,158 ALF beds identified by FloridaHealthFinder.gov. Removing the 892 beds in the study area leaves 9,266 beds in the rest of the County. This equates to 24.4 beds per 1,000 residents over the age of 65 years. In the market area there are even fewer beds at 21.5 beds per 1,000 seniors. The State of Florida and the US both have a higher percentage of the population represented by those 65 years and over 20.9% for Florida and 16% for the US as compared to 14% in the County. However, both had fewer beds per 1,000 seniors, with 18.6 beds per thousand for Florida, and 18.4 beds per thousand nationally. State and national data came from AssistedLivingCare.com, an informational website that provides information about nursing care & assisted living, and the American Health Care Association, respectively. AssistedLivingCare.com estimates the occupancy rate for all Florida ALFs at 88%. According to the UF Bureau of Economic and Business Research, the population 65-years of age and over is projected to grow at an annual rate of 2.1% per year between now and 2045, adding nearly 326,000 senior residents, a 70% increase. Even more significant for the discussion at hand, the average annual growth rate of the population 80 years of age and over is projected to be 3.2%, or 8-times the rate of growth for the population under 65-years of age of 0.4% per year. Though the need for affordable housing in the area of this application is significant, so will be the need for additional ALF capacity to serve elderly residents over the coming years.

The applicant's Economic Report also makes some claims with respect to the economic and fiscal impacts of this estimated \$25 million project. Staff evaluated these claims using REMI, a dynamic model that captures interactions between inputs from a specific project and existing

businesses in the County. During the construction phase REMI projects that total direct, indirect, and induced employment was 249 jobs. This differs from the applicant's estimate of 456 jobs. REMI projects average annual wages from all employment during construction to be \$10.1 million. During the operational phase, REMI projects a minimum and maximum impact. Employment is projected to fall between 104 and 181 jobs per year, including direct, indirect, and induced jobs. Average annual wages during the operational phase are projected to fall between \$4.0 million and \$7.0 million. The ranges projected by REMI as well as the difference from the projections provided by the applicant result from the extent to which there is competition with, or substitution between the applicant's proposed development and existing similar or supportive businesses in the County.

Environmental Conditions

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

Flood Protection

Federal Flood Zone	X
Stormwater Management Permit	DERM
County Flood Criterion (National Geodetic Vertical Datum)	7.5 feet

Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	Yes
Endangered Species Habitat	Applicant did not submit information
Natural Forest Community	No

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	No existing records

Natural Resources

The subject site contains tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by Section 24 -49.2 (4)(II) of the Code, the Miami-Dade County Landscaping Ordinance (Chapter 18A of the Code) and Policy CON-8A of the CDMP.

Approval of this CDMP amendment does not constitute 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.

Future site plan development of the subject site must be consistent with the requirements to preserve specimen trees, except in cases where DERM has determined that a specimen tree cannot be preserved pursuant to Section 24-49.2(4)(II)(2) of the Code. Approval of this land use application shall not be construed as an approval to remove specimen trees due to a determination of unreasonable loss of usable space pursuant to Section 24-49.2(4)(II)(2)(b) of the Code.

In accordance with Section 24-49.9 of the Code and Policy CON-8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to

development or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

Drainage and Flood Protection

The subject property associated with the proposed amendment is located at, near, or in the vicinity of a potentially contaminated busway corridor. The applicant is advised that, pursuant to Section 24-48.1 (1)(f) of the code, Class VI permits are required for the installation of a drainage system for any project that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials.

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 that has entered into an underground facility, excavation, or trench.

To comply with Miami-Dade County stormwater disposal requirements, all stormwater must be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements with the parcels will require a “paving and drainage” review.

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

Water Management

The proposed amendment may lead to development that would alter the amount of impervious surface and thus impact groundwater recharge. 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.

Any proposed drainage/water management system shall comply with regulations from all permitting agencies having jurisdiction.

Environmental Monitoring and Restoration

DERM may require that a Phase 1 and Phase 2 Environmental Site Assessment be conducted at the site, in accordance with ASTM standards, prior to site development and submittal of site development plans through the building department review process. DERM must review and approve Environmental Site Assessments should they be required. Further, all construction plans (inclusive of drainage) and dewatering plans shall require review and approval from the Environmental Monitoring and Restoration Division (EMRD) of DERM relating to environmental contamination issues. EMRD review of this application does not constitute approval of any included site, drainage, or development plans.

Any contaminated portion of the site that is proposed to be sold, transferred, or dedicated (including for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for the proposed development. If any contaminated portion of the site is proposed to be sold, transferred, or dedicated to the County, all soil, groundwater, or surface water contaminants, solid waste, and/or methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or manage the proposed property and, for example, would include PROS for a park and DTPW for a road right-of-way. The presence of any such contamination, solid waste and/or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the County

declining to accept the proposed dedication. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after a public hearing.

If the applicant elects to address soil contamination, groundwater contamination, solid waste and/or methane via a No Further Action with Conditions, each individual property owner must execute a restrictive covenant with DERM during the permitting process. Nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way, as well as any other projects or plans.

Water and Sewer

Potable Water Supply

The subject property is located within the Miami-Dade Water and Sewer Department (WASD) water service area. Based on the type of development that would be allowed under the requested 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 Alexander Orr Water Treatment Plant, which is owned and operated by WASD and is currently producing water that meets federal, state, and County drinking water standards. At the present time, there is adequate treatment and water supply capacity for this application, consistent with Policy WS-2 A (1) of the CDMP.

There is an existing 8-inch water main abutting the property along SW 122nd Street., Per WASD's Rules and Regulations, connection to a minimum 12-inch water main will be required. The closest point of connection to meet said criteria is a 12-inch water main, within a 10-foot utility easement, within the property with Folio No. 20-5015-027-0010, to where the developer may connect and extend a 12-inch water main westerly, then northerly along South Dixie Highway to SW 122nd Street, then westerly along SW 122nd Street (across South Dixie Highway and the Busway) to the southwest corner of the subject property.

There is an executed WASD Agreement for a vacant property located adjacent to the subject application site. WASD Agreement No. 23588 is for the new construction of 22 Single Family Residences over 5,000 square feet in size and 32 townhomes.

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 based on the current CDMP Land Use designation of "Low-Medium Density Residential" and allowable units pursuant to a 2015 restrictive covenant is estimated to be 1,980 gallons per day (gpd), as shown under Scenario 1. The maximum water demand based on the same CDMP Land Use Designation of "Low-Medium Density Residential" with release of the 2015 covenant and addition of a new covenant proffered by the applicant would be either 3,630 gpd, as shown under Scenario 2, or 27,000 gpd as shown under Scenario 3. The maximum water demand projected under Scenario 3 represents a potential increase of approximately 23,370 gpd for water and sewer service over the maximum projected under Scenario 1.

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

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential – “Low-Medium Density Residential”				
1	Single Family Attached	12 ¹	165 gpd/unit	1,980 gpd
Requested CDMP Designation – “Business and Office”				
2	Single Family Attached	22	165 gpd/unit	3,630 gpd
OR				
3	Nursing/Convalescent Home	216 beds	125 gpd/bed	27,000 gpd
¹ Based on 2015 covenant limiting development to 12 dwelling units				

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

Sewer Treatment Plant Capacity

Based on the requested land use and development that would be allowed upon adoption of the proposed amendment, connection to the public sanitary sewer system would be required pursuant to Chapter 24 of the Code. The wastewater flows for this application would be transmitted to the South District Wastewater Treatment Plant for treatment and disposal. This treatment plant is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate wastewater treatment capacity for this application consistent with Policy WS-2A (2) of the CDMP.

Sewer System Connectivity

There is an existing 8-inch gravity sewer in South Dixie Highway, located southeast of the southernmost corner of the property (MH 19-B, per as built plan 6790-8), which may serve as a connection point for extension of the same northwesterly across South Dixie Highway and the Busway to SW 122nd Street, then westerly along SW 122nd Street to the southwest corner of the subject property, provided that there is sufficient depth and that there are no obstacles that would preclude construction of the sewer system. The developer is responsible for obtaining access to the gravity sewer system either by right of way dedication and/or easement.

Declaration of Restrictions Language Pertaining to Public Water and Sewer Service Connection

The application submitted in support of this request included a proffered Declaration of Restrictions. DERM notes, however, that the actual Declaration document does not include language regarding connection to public water and sanitary sewer. DERM recommends the following paragraphs be included in the proffered Declaration of Restrictions:

Connection to Public Water and Sewer Service.

- A. *The Owner acknowledges that the Property is located within the established utility service area of the Miami-Dade Water and Sewer Department (“MDWASD”) and is subject to all local, State, and Federal water and sewer regulations, including MDWASD’s rules and regulations, implementing orders, and MDWASD’s connection charges and fees in effect at the time of the execution of a MDWASD service agreement or the issuance of a verification*

form or other similar written County approval, as applicable, at the time of the development of the Property or portion thereof.

- B. The Owner hereby acknowledges and agrees that any development of the Property shall connect to the public water and public sanitary sewer system. The right to connect the Property to the County's sewage system is subject to the terms, covenants, and conditions set forth in court orders, judgments, consent orders, consent decrees, and the like entered into between the County and the United States, the State of Florida, and/or any other governmental entity, including but not limited to, the Consent Decree in United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM (S.D. Fla) (the "Consent Decree"), as well as all other current, subsequent, or future enforcement and regulatory actions and proceedings.*
- C. The Owner shall coordinate with MDWASD and with the County's Division of Environmental Resources Management ("DERM") to ensure the provision of water and sewer service to the Property and shall enter into a Service Agreement with MDWASD for Water and Sanitary Sewer Facilities for the Property prior to the approval of a final plat for the Property. The availability of potable water supply capacity shall be determined at the time of such Service Agreement or the issuance of a verification form or other similar written approval, as applicable, at the time of the development of the Property or portion thereof.*
- D. The Owner shall be responsible for obtaining sanitary sewer pump station capacity from the County pursuant to the applicable Miami-Dade Code requirements and consistent with the Consent Decree, prior to the issuance of a building permit for the development on the Property or portion thereof. The Owner acknowledges and agrees that the lack of adequate public sanitary sewer pump station capacity may limit the ability to connect the development of the Property to public sanitary sewer system, and that nothing in this Declaration shall vest or shall be interpreted to vest the development of the Property for such public sanitary sewer pump station capacity.*

Resilience

In order to reduce greenhouse gas emissions and minimize the heat island effect, the applicant is encouraged to employ green building techniques such as high albedo surfaces, porous pavement, cool roofs and planting of shade trees where appropriate.

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 2021-2022, 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 application proposes to release a prior Declaration of Restrictions and replace it with a new one. Adoption of this amendment will facilitate the development of an assisted living facility, a use considered to be residential per the County's Letter of Interpretation dated January 4, 2022. However, the nature of the use lends itself to commercial waste collection. The DSWM does not actively compete for commercial 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 Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 2 (PBD-2), which generally encompasses the area between SW 8 Street and SW 184 Street.

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 347.12 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; four (4) of the fourteen (14) parks: Boys & Girls Club of Miami, Continental, Ron Ehmann, and Ferguson parks are 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
Killian Library Park	3.44	Mini Park
South Dade Trail Mini Park	1.0	Mini Park
Boys and Girls Club of Miami – Kendall Unit	22.87	Single Purpose Park
Cherry Grove Park	1.43	Neighborhood Park
Snapper Creek Lakeway Park	0.41	Mini Park
Continental Park	17.2	Community Park
Walter A. White Park	1.64	Neighborhood Park
Rockdale Park	2.8	Neighborhood Park
Briar Bay Park	4.75	Neighborhood Park
Ron Ehmann Park	13.61	Community Park
Ferguson Park	7.22	Neighborhood Park

Park Name	Acreage	Classification
Moderna Colonnade Park	0.89	Neighborhood Park
Kendale Park	3.86	Neighborhood Park
Kendalwood Park	2.71	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2022.

Application Impacts

The existing “Low-Medium Density Residential” designation, as limited by the covenant, would generate a maximum of 12 single-family detached residential units and an anticipated population of 33. The concurrency analysis for this scenario results in an impact of 0.09 acres 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 release and replacement of the covenant would allow an ALF or a maximum of 22 single-family attached residential units that would generate an anticipated population of 61. The concurrency analysis for this scenario results in impacts of 0.17 acres, based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element.

Although there is a surplus capacity of 347.12 acres of local recreation open space within the overall area of PBD-3, there are no existing local park meeting the $\frac{1}{4}$ - $\frac{1}{2}$ mile spatial distribution as recommended by the Equity Access Criteria developed in the Miami-Dade County Parks and Open Spaces System Master Plan (OSMP) and subsequently adopted as part of the Recreation and Open Space Element of the CDMP.

The application site is adjacent to the South Dade Trail, a 20.9-mile pedestrian and bicycle path along the South Miami-Dade Busway that connects communities from South Miami to Florida City. The South Dade Trail is a part of the Miami LOOP, an envisioned 225-mile non-motorized trail network within Miami-Dade County.

PROS recommends that the proposed development provide neighborhood access, in the form of non-motorized, pedestrian connections to the adjacent South Dade Trail in connection with Objective ROS-8. The proposed, new connections should be incorporated in the draft covenant. 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 OSMP. PROS also highly encourages that the applicant include bicycle racks in highly visible areas and wayfinding directing users to the South Dade Trail to promote non-motorized connectivity. These recommendations are based on the following Recreation and Open Space objectives in the CDMP:

Objective ROS-1:

Provide a comprehensive system of public and private sites for recreation, including but not limited to public spaces, natural preserve and cultural areas, greenways, trails, playgrounds, parkways, beaches and public access to beaches, open space, waterways, and other recreational facilities and programs serving the entire County; and local parks and recreation programs adequately meeting the needs of Miami-Dade County's unincorporated population.

Policy ROS-3B:

The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network, as well as improved sidewalks and trails, to improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

Objective ROS-8:

The Miami-Dade County Parks and Open Space System Master Plan, through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.

Fire and Rescue Service

The closest fire station to the Property is Miami-Dade Fire Rescue (MDFR) Station No. 23 (Suniland) located at 7825 SW 104 Street. The station is equipped with an Engine and Rescue 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 6:00 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.

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 "Low-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.

The MDRF Department has determined that the current CDMP designation (Low-Medium Density Residential) would allow development that could generate 4 annual alarms. Based on the size of the property and calculating an approximate lot coverage of 50%, the proposed congregate residential use or ALF (258 beds) could generate 45 annual alarms while the potential 22 residential units could generate 8 annual alarms. The 45 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. It should also be noted that the applicant proffered a revised covenant limiting the ALF to 216 beds, which would generate less of an impact.

Police

The proposed development would be served by the Kendall District located at 7707 SW 117 Avenue. Current staffing allows for an average emergency response time of eight minutes or less. Current data of police staffing and population was examined to project any increase in calls for service. Current staffing should accommodate any slight increase in the volume of calls for service. Should demand for police services increase beyond current levels, additional sworn personnel, support staff and equipment will be required.

Public SchoolsLevel of Service Standard

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

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

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

Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 2 students if the site is developed with 22 single-family attached residential units. This number includes a reduction of 31.81% to account for charter and magnet schools (schools of choice). Of the 2 students, both are expected to attend elementary 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 potential residential development of the application site. It must be noted the applicant has proffered a revised covenant that would limit the site's development to a 216-bed Adult Living Facility, alternative to the 22 residential units. Therefore, should the site be developed with the ALF it would not have any impact on schools.

Concurrency Service Area (CSA) Schools

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Vineland K-8 Center (Elem Cop)	91	2	2	YES	Current CSA
Vineland K-8 Center (Elem Comp)	365	0	0	YES	Current CSA
Miami Palmetto Senior	-18	0	0	YES	Current CSA

Source: Miami-Dade County Public Schools, January 2022

Miami-Dade County Department of Regulatory and Economic Resources, October 2023

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

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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 200' Above Ground Level (AGL), and a MDAD-issued Permissible Crane Height Determination is required for any construction crane reaching or exceeding 200' 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 200' AGL. If this is the case, the applicant must e-file FAA Form 7460-1, available on the FAA's website at: <https://ocea.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 ±1.72-acre property located on the north side of SW 122 Street adjacent to transitway west of South Dixie Highway in unincorporated Miami-Dade County. SW 122 Street provides access on the south side of the application site. SW 122 Street is a two-lane undivided County maintained roadway with a posted speed limit of 30 mph. US-1 to the east of the site is a six-lane divided roadway with a posted speed limit of 45 mph. SW 84 Avenue to the west of the site is a two-lane undivided County maintained roadway with a posted speed limit of 30 mph. SW 87 Avenue is a two-lane undivided State maintained minor arterial roadway with posted speed limit of 40 mph. Don Shula Expressway which is about 1.5 miles to the north of the project site and US-1 would provide connectivity for this project site to other regions in the County.

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

Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2021) and the County (Year 2022), are operating at acceptable levels of service. See "Traffic Impact Analysis on Roadways Serving the Amendment Site" Table below.

Trip Generation

The maximum development potential scenarios under each the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of "Low-Medium Density Residential (6 to13 du/ac)" the application site is assumed to be developed with 12 single-family attached units. Under the requested CDMP land use designation of "Low Medium Density Residential (6 to 13 du/ac)" the application site can be developed with 216 beds Assisted Living Facility. The applicant is requesting an amendment to the existing covenant which restricts the development potential to 12 single-family attached units to allow for 216 beds Assisted Living Facility or 13 single-family attached units. The

potential development of 12 single-family attached units per existing covenant is expected to generate approximately 6 PM peak hour trips and under the requested amendment to the covenant the proposed development potential of 216 beds Assisted Living Facility is expected to generate approximately 52 PM peak hour trips or approximately 46 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

Expedited Application No. 20210013	Current CDMP Designation and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Land Use	“Low-Medium Density Residential” (6-13 du/ac)	“Low-Medium Density Residential” (6-13 du/ac)	
Maximum Development Potential	12 DU Single Family Attached ¹	216 Beds Assisted Living Facility ²	
Trips Generated	6	52	+ 46

Source: Institute of Transportation Engineers (ITE), Trip Generation, 11th Edition, 2021; Miami-Dade County Department of Regulatory and Economic Resources.

Notes: ¹ – ITE Land Use Code used for Multifamily Housing (Low-Rise) is 220.

² – ITE Land Use Code used for Assisted Living is 254.

Short Term Traffic Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of July 2022, 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 2022 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP LUP map designation, determined that all roadways, adjacent to and in the vicinity of the application site that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application. The “Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation” Table below shows that all roadways analyzed are projected to operate at acceptable levels of service.

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)

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: "Low-Medium Density Residential" (6 to 13 DU/Acre)- 216 Beds ALF generating 52 PM Peak Hour Trips													
F-1078	SW 87 Avenue/ Galloway Road	North of SW 94 Street	2 DV	D	1,600	1,504	D	43	1,547	D	9	0.58%	1,556	D
F 0058	Killian Drive/SW 112 Street	West of SW 87 Avenue	2 DV	D	1,330	1,047	D	19	1,066	D	11	0.82%	1,077	D
MDC025 F-1093	Killian Drive/SW 112 Street	West of US 1	2 DV	E	1,410	812	D	19	831	D	11	0.77%	842	D
F-1077	SW 87 Avenue	North of SW 132 Street	2 DV	D	1,600	1,292	C	67	1,359	C	17	1.05%	1,376	C
F 0014	US 1	South of SW 112 Street	6 DV	E+20	6,468	4,352	C	5	4,357	C	7	0.10%	4,364	C
	Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation, January 2019. 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 Traffic 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-Medium Density Residential (6 to 13 du/ac)” the application site is assumed to be developed with 12 single-family attached units. Under the requested CDMP land use designation of “Low Medium Density Residential (6 to 13 du/ac)” the application site can be developed with 216 beds Assisted Living Facility. The applicant is requesting an amendment to the existing covenant which restricts the development potential to 12 single-family attached units to allow for 216 beds Assisted Living Facility. The potential development of 12 single-family attached units per the existing covenant is expected to generate approximately 6 PM peak hour trips and under the requested amendment to the covenant the proposed development potential of 216 beds Assisted Living Facility is expected to generate approximately 52 PM peak hour trips or approximately 46 more PM peak hour trips than the current CDMP designation.

The short-term traffic concurrency analysis determined that all roadways are projected to operate at acceptable level of service standards. Hence this project is consistent with the traffic requirements of the CDMP.

Applicant's Traffic Study

The applicant's transportation consultant, Traftech Engineering Inc., prepared the *CDMP Amendment Traffic Impact Study*, the final version is dated November 03, 2023. 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. A copy of the Traffic Study's Executive Summary is included in Appendix C. The complete Traffic Study is available online at the Department's website at: https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/8c7bd24b-bf83-47e2-9bfc-6c1291d9b765?tab=attachments. The maximum development potential for the existing land use is 12 single-family attached units. The maximum development potential for the requested land use per the covenant is 216 beds Assisted Living Facility. The trip generation analysis for the existing and proposed land use is shown in Tables 3 & 4 of the traffic study. The PM Peak Hour trip generation for the existing development potential would be 6 trips. The PM Peak Hour trip generation for the proposed development potential would be 52 trips. See applicant's Tables 3 & 4 below for trip generation analysis.

TABLE 3 Trip Generation Summary (Existing: Low Medium Density Residential with CDMP Restrictive Covenant) 8315 SW 122 Street								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Multifamily	12	81	5	1	4	6	4	2
External Trips		81	5	1	4	6	4	2

Source: ITE Trip Generation Manual (11th Edition)

TABLE 4 Trip Generation Summary (Proposed: ALF Use) 8315 SW 122 Street								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
ALF	216	562	39	23	16	52	20	32
External Trips		562	39	23	16	52	20	32

Source: ITE Trip Generation Manual (11th Edition)

Difference in Trips (Proposed CDMP - Current CDMP)	481	34	22	12	46	16	30
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The site is located on Traffic Analysis Zone (TAZ) 1180, 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, this data is interpolated to get the 2025 trip distribution for the concurrency analysis. Using the cardinal distribution, the project traffic was distributed on the surrounding roadway network. See applicant's Table 5 below for trip distribution analysis.

TABLE 5 Project Trip Distribution TAZ #1180 for 8315 SW 122 Street								
Year	Movement							
	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW
2015	25.2%	9.6%	2.9%	4.9%	19.8%	8.8%	15.2%	13.6%
2045	31.3%	9.2%	1.5%	3.5%	17.3%	7.0%	13.9%	16.2%
2025*	27.2%	9.5%	2.4%	4.4%	19.0%	8.2%	14.8%	14.5%
Note: * Interpolated Values								
Source: Miami-Dade County (2015 & 2045 SERPM)								

The applicant's traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County's 2022 and FDOT's 2021 traffic count data. The traffic study includes analysis of seven surrounding roadway segments for afternoon peak hour capacity conditions. The traffic study has determined that all roadways are functioning at an acceptable levels of service. See the applicant's Table 6 below for the existing roadway condition analysis.

TABLE 6 Existing Conditions (Year 2023) Analysis 8315 SW 122nd Street							
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2023 Peak Hour Period (1)	Existing LOS
Concurrent CDMP / Zoning Applications: "Proposed ALF Use"							
F-14	SR 5/US-1	S/O SW 112 St	6	EE	6,468	4,317	C
F-332	SR 5/US-1	S/O SW 152 St	6	EE	6,468	3,865	C
F-1078	SW 87 Ave	N/O SW 94 St	2	SUMA	1,600	1,487	D
9740	SW 112 St	E/O US 1	2	D	1,330	632	C
F-058	Killian Drive	W/O SW 87 Av	2	D	1,330	1,033	D
F-1077	SW 87 Ave	N/O SW 132 St	2	SUMA	1,600	1,121	C
F-1093	Killian Drive	W/O US 1	2	SUMA	1,410	848	D

SOURCE: Miami-Dade County and FDOT (March 29, 2023)

The applicant's traffic study included a 2025 short term concurrency analysis, which included reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2023 *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 7 below for the short-term concurrency analysis.

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. The long-term analysis determined that six roadway segments are projected to operate below the County's adopted level of service standards,

1. US-1 south of SW 112 Street is operating at LOS 'F', but the adopted LOS is 'E+50%'.
2. US-1 south of SW 152 Street is operating at LOS 'F', but the adopted LOS is 'E+50%'.
3. Galloway Road/SW 87 Avenue north of SW 94 Street is operating at LOS 'F', but the adopted LOS is 'E+20%'.
4. Killian Drive west of SW 87 Avenue is operating at LOS 'F', but the adopted LOS is 'D'.
5. Galloway Road/SW 87 Avenue north of SW 132 Street is operating at LOS 'F', but the adopted LOS is 'E+20%'.
6. Killian Drive west of US-1 is operating at LOS 'F', but the adopted LOS is 'E+20%'.

However, the six roadways failing in 2045, fail even without impacts from this project. Also, the traffic impact from this proposed project would not be significant since it is less than 5% of the roadway's capacity. But US-1 is an evacuation route hence any traffic above adopted LOS is not acceptable. Hence the applicant needs to mitigate the traffic impacts on US-1 by providing a covenant committing to mitigate the roadway by entering into proportionate share agreement with the County. See the applicant's Table 8 below for the 2045 Long Term analysis.

There is an elementary school near the project site and the roadways in the vicinity are already experiencing heavy traffic during school hours, hence staff requested the applicant to do detailed traffic circulation analysis for the area and suggest solutions. The traffic consultant conducted field observations during a school day and suggested the following improvements which have been incorporated in the covenant.

- Evaluate signal optimization at two intersections (US-1 and SW 124 Street and SW 124 Street and SW 87 Avenue).
- Increase the storage capacity of southbound left-turn lane at the intersection of SW 124 Street and SW 87 Avenue.
- Increase the storage capacity of the eastbound approach at the intersection of SW 124 Street and US-1.
- Conduct speed and volume studies along SW 84 Avenue and SW 82 Avenue and analyze traffic calming solutions.
- Stagger office hours of employees such that it doesn't coincide with morning and afternoon traffic peak periods.

In conclusion, 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 for existing traffic conditions, short-term traffic impacts (year 2025) and long-term (year 2045) traffic impacts. The results indicate that all roadway segments surrounding the project site are projected to operate at acceptable level of service standards in the short term and six roadway segments are projected to operate below the County's adopted level of service standards in the long term, but the project traffic impact would not be significant on these roadways, and the roadways are failing even without the project traffic. Two of the six failing roadway segments are on US-1 which is an evacuation route. No traffic above adopted LOS capacity is acceptable on evacuation routes. Hence the applicant needs to mitigate the traffic impacts on US-1 by including language in the covenant committing to roadway improvements through proportionate fair share agreement with the County.

TABLE 7																		
Short-Term (Year 2025) Concurrency Analysis																		
8315 SW 122nd Street																		
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	29-Mar Peak Hour Period (1)	Existing LOS	Approved DO Trips (1)	Growth (2)	Year 2025 Peak Hour Trips	Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =			Total Peak Hour Trips	Conc. LOS w/ Amenmt	
													%	Trips	% Impact			
Concurrent CDMP / Zoning Applications: "Proposed ALF Use"																		
F-14	SR 5/US-1	S/O SW 112 St	6	EE	6,468	4,317	C	21	0.11%	4,326	4,347	C	27%	14	0.22%	4,361	C	
F-332	SR 5/US-1	S/O SW 152 St	6	EE	6,468	3,865	C	45	0.17%	3,878	3,923	C	10%	5	0.08%	3,928	C	
F-1078	SW 87 Ave	N/O SW 94 St	2	SUMA	1,600	1,487	D	42	0.50%	1,502	1,544	D	15%	8	0.50%	1,552	D	
9740	SW 112 St	E/O US 1	2	D	1,330	632	C	6	0.50%	638	644	C	10%	5	0.38%	649	C	
F-058	Killian Drive	W/O SW 87 Av	2	D	1,330	1,033	D	35	0.33%	1,040	1,075	D	15%	8	0.60%	1,083	D	
F-1077	SW 87 Ave	N/O SW 132 St	2	SUMA	1,600	1,121	C	87	0.50%	1,132	1,219	C	9%	5	0.31%	1,224	C	
F-1093	Killian Drive	W/O US 1	2	SUMA	1,410	848	D	26	0.24%	852	878	C	10%	5	0.35%	883	C	
SOURCE: Miami-Dade County and FDOT (March 29, 2023)																		

(2) Growth Rates based on Miami-Dade County 2010 and 2040 SERMP

US 1 south of SW 112 Street

US 1 south of SW 152 Street

SW 87 Ave north of SW 94 Street

SW 112 Street east of US 1

Killian Dr west of SW 87 Ave

SW 87 Ave north of SW 132 St

Killian Dr west of US 1

0.11%
0.17%
-0.03%
-1.35%
0.33%
0.00%
0.24%

TABLE 8																	
Long-Term (Year 2045) Analysis																	
8315 SW 122nd Street																	
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2045 SRPM Plot	K (2) Factor	Approved DO Trips (1)	Year 2045 Peak Hour Trips	Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =				Total Peak Hour Trips	LOS w/ Amenmt
												46					
												%	Trips	% Impact.			
Concurrent CDMP / Zoning Applications: "Proposed ALF Use"																	
F-14	SR 5/US-1	S/O SW 112 St	6	EE	6,468	88,600	0.09	21	7,974	7,995	F	27%	12	0.19%	8,007	F	
F-332	SR 5/US-1	S/O SW 152 St	6	EE	6,468	79,600	0.09	45	7,164	7,209	F	10%	5	0.08%	7,214	F	
F-1078	SW 87 Ave	N/O SW 94 St	2	SUMA	1,600	32,300	0.09	42	2,907	2,949	F	15%	7	0.44%	2,956	F	
9740	SW 112 St	E/O US 1	2	D	1,330	8,400	0.09	6	756	762	D	10%	5	0.38%	767	D	
F-058	Killian Drive	W/O SW 87 Av	2	D	1,330	19,100	0.09	35	1,719	1,754	F	15%	7	0.53%	1,761	F	
F-1077	SW 87 Ave	N/O SW 132 St	2	SUMA	1,600	18,400	0.09	87	1,656	1,743	F	9%	4	0.25%	1,747	F	
F-1093	Killian Drive	W/O US 1	2	SUMA	1,410	18,000	0.09	26	1,620	1,646	F	10%	5	0.35%	1,651	F	
SOURCE: Miami-Dade County and FDOT																	

(1) Miami-Dade County

Transit

Existing Service

The application site is served by Metrobus Route 31 (Busway Local), Metrobus Route 38 (Busway Max), Metrobus Route 52, Metrobus Route 252 (Coral Reef Max), and Metrobus Route 287 (Saga Bay Max) at the northbound Transitway bus stop located north of SW 124 Street, ±0.27 miles away (a 6-minute walk). The service frequency of these Metrobus 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	
31 (Busway Local)	30	30	40	30	30	F
38 (Busway Max)	10	20	15	20	20	F
52	30	45	60	45	60	F
252 (Coral Reef Max)	25/20	60	50	60	60	E/F
287 (Saga Bay Max)	35	n/a	n/a	n/a	n/a	E/F

Source: 2021 *Transit Development Plan*, Department of Transportation and Public Works, Miami-Dade Transit Division, (December 2020 Line Up), January 2022.

Notes: L means Metrobus local route service, F means Metrobus feeder service to Metrorail; and E means Express or Limited-Stop Metrobus route service.

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 the COVID-19 pandemic.

Recent Service Improvements

According to the *2021 Transit Development Plan (TDP)*, there are no services changes planned for these routes. The stops nearest to the proposed development and mentioned in the Existing Service section of this Memo will continue to be served by Metrobus service as a part of the Better Bus Project. The Board of County Commissioners (BCC) adopted the Better Bus Project in October 2021; the service change is estimated to be implemented in Spring 2023.

Future Transportation/Transit Needs and Planned Improvements

The *TDP* identifies the following five (5) projects: one (1) funded, one (1) demonstration, and three (3) unfunded project as follows:

1. **Funded:** the South Dade Transitway Corridor is a funded project which will run Bus Rapid Transit (BRT) ±20 miles from the Dadeland South Metrorail Station along the existing Transitway to the SW 344th Street Park-and-Ride (PNR)/Transit Terminal Facility connecting Florida City, City of Homestead, Town of Cutler Bay, Village of Palmetto Bay, and Village of Pinecrest. The project can be accessed at the SW 104th Street and SW 136th Street Gold BRT Stations, located ±1.25 mile and 0.9 mile away, respectively.
2. **Demonstration:** there is a Strategic Miami Area Rapid Transit (SMART) demonstration project at the Dadeland South Metrorail Station. The Dadeland South Metrorail Station On-Demand Service was launched in October 2020 and is accessible from the application site. The Go Connect On-Demand New First-Last Mile connection, an on-demand public transit service includes to/from the Village of Pinecrest Area, City of Palmetto Bay Area and the Dadeland South and Dadeland North Metrorail Stations.

3. *Unfunded:* the SW 104 Street Park and Ride (PNR) project will be located along the Transitway at SW 104th Street and will have 100 leased parking spaces. The application site is located ± 1.5 miles away from the proposed SW 102 Street BRT Station.
4. *Unfunded;* the SW 136 Street PNR project will be located along the Transitway at SW 136th Street and will have 100 leased parking spaces. The application site is located ± 1.9 miles away from the proposed SW 136 Street BRT Station.
5. *Unfunded:* the TDP's 2031 and Beyond Transit Vision plan lists the Direct Ramps between the South Dade Transitway and SR 826 (Palmetto) Express Lanes project, which will construct ramps connecting the Transitway with the SR 826/Palmetto Express Lanes and is located ± 1.9 miles away.

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. Due to the proximity of the application site to the Transitway and the proposed intensification of residential uses, DTPW encourages the connectivity to the adjacent South Dade Trail, and to incorporate pedestrian accessibility into residential neighborhood design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and the 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.

In addition to recommendations from Transit and PROS regarding pedestrian access, it is also recommended that the project provide clear access and/or wayfinding signage to bicycle/pedestrian access points crossing Harriet Tubman Highway/US1. Employees or residents of the ALF, or residents of single-family, may wish to access the commercial properties across US1 in the Village of Pinecrest, and should have a clear and safe means of accessing and finding the existing crosswalks and bicycle/pedestrian connections.

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-1F To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade

County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

- 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-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- 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.

- 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.
- 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.
- 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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APPENDICES

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*Excerpted pages are enclosed in these appendices. The complete report is accessible on the Department of Regulatory and Economic Resources website at:
https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/8c7bd24b-bf83-47e2-9bfc-6c1291d9b765?tab=attachments or at <https://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#oct2021>.

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APPENDIX A

**Amendment Application
(June 10, 2022)**

APPLICATION TO AMEND THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

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REVISED
Received 6/10/2022
RER-Planning

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Applicant's Representative

3. DESCRIPTION OF REQUESTED CHANGE

An amendment to the Comprehensive Development Master Plan (the "CDMP") Land Use Element is requested.

A. The Applicant seeks the following amendments to the CDMP Land Use Element:

- Release of the Declaration of Restrictions recorded in Official Records Book 29644 at Pages 3675 through 3682 in the Public Records of Miami-Dade County ("2015 CDMP Declaration"), See Exhibit A, 2015 CDMP Declaration and Exhibit B, Release of 2015 CDMP Declaration; and
- Add the proffered Declaration of Restrictions (the "Amended and Restated CDMP Declaration") in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. See Exhibit C, Amended and Restated CDMP Declaration.

B. Description of the Application Area

The application area ("Application Area") consists of the property located at 8315 SW 122 Street and is further identified by Miami-Dade County (the "County") Property Appraiser Folio No. 30-5015-000-0360. The Application Area is designated "Low-Medium Density Residential" on the CDMP Future Land Use Map (FLUM) and is located along the Strategic Miami Area Rapid Transit (SMART) Plan South Dade Transitway.

C. Acreage of Property

The Application Area is approximately ±69,182 net square feet (1.59 net acres) and 74,910 gross square feet (1.72 gross acres) and is located in Section 15, Township 55, Range 40.

D. Concurrent CDMP/Zoning Application

The Applicant has also submitted Zoning Application No. Z2022000148 (the "Zoning Application") requesting (1) a district boundary change from Two-Family Residential ("RU-2") District to Mixed-Use Corridor ("MCD") District and (2) acceptance of a proffered Declaration of Restrictions ("Zoning Declaration"). See Exhibit D, Draft Zoning Declaration. The Applicant requests that this CDMP Application be processed concurrently with the Zoning Application.

4. REASON FOR AMENDMENTS

The Application Area consists of approximately 1.72 gross acres and is currently vacant. In 2015, the Board of County Commissioners ("BCC"), through Ordinance No. 15-

40, adopted a CDMP amendment to re-designate the Application Area from "Estate Density Residential" to "Low-Medium Density Residential". As part of the approval, the BCC accepted the 2015 CDMP Declaration. See Exhibit E, Ordinance No. 15-40. The 2015 CDMP Declaration limits development on the Property to a maximum of 12 dwelling units, consisting of no more than six (6) residential buildings and one accessory building for common amenities. Further, the Declaration currently requires preservation of specimen trees on the property and for the owner to prepare a traffic calming measure on SW 84 Avenue and SW 122 Street and pay for such improvement if approved by the County.

This application (the "Application") seeks to release the 2015 CDMP Declaration and replace it with the Proposed Amended and Restated CDMP Declaration in order to develop the Application Area with a congregate residential use or Assisted Living Facility ("ALF"). Much has changed in Miami-Dade County since 2015 when the 2015 CDMP Declaration was recorded. The County has experienced significant growth and its projected population growth has been intensified by increased domestic migration of new residents looking for a warm, outdoor-oriented destination to ward off the COVID-19 pandemic. According to the Florida Department of Highway Safety and Motor Vehicles, more than 33,500 New Yorkers moved to Florida between the months of October 2020 and July 2021. Further, the Florida Department of Highway and Safety and Motor Vehicles provided data that indicated that more than 40,000 Californians have moved to Florida between the years of 2019 and 2021. Although South Florida continues to embrace residents who long to improve their quality of life, the County in particular tops the list of Florida cities that remain poised to keep growing even after the pandemic. This unforeseen population growth has exacerbated the housing affordability crisis throughout Miami-Dade County. No population has been more vulnerable to this housing crisis than our community's aging elderly population. Safe, affordable and quality housing in close proximity to support networks to allow aging in place is a worthy County-wide priority.

Even before the Covid-19 pandemic, the County began discussions to address the needs of an aging population. Across the globe, people are living longer and our populations are growing older. Notably, the County has the largest population of older adults in the State of Florida with over half a million residents age 60 and older in the County; and that population is expected to continue to grow to over 800,000 by 2040, representing 25% of the total population of the County¹. The Miami-Dade Age-Friendly Initiative was created as a collaborative effort between the AARP Florida, Alliance for Aging, Florida Department of Health in Miami-Dade County, Health Foundation of South Florida, Miami-

¹ Florida Population Studies: Population Projections by Age, Race, and Hispanic Origin for Florida and Its Counties 2015-2040 with Estimates for 2013, University of Florida, Bureau of Economic and Business Research.

Dade County, Miami-Dade Transportation Planning Organization, United Way of Miami-Dade, and Urban Health Partnerships, and focuses on sustainable changes and efforts in order to create a community where older adults of all ages can stay active, engaged, and healthy with dignity and enjoyment.

A December 2018 report prepared by Rosado & Associates for the Miami-Dade County Age Friendly Initiative (the “MDCAFI Report”) provides that for the first time in US history, older adults are projected to outnumber children by 2035². Further, population projections indicate that by 2030, one in five people will be age 65 or older³. A combination of increasing life expectancy, a declining birth rate, and the aging of the baby boom generation will dramatically increase the number and proportion of the US population over the age of 65.⁴

Most importantly, older adults prefer to age in place, whether in their home or the community where they worked, raised their children and have familial ties. According to the MDCAFI Report, the County houses the largest number of older adults of any county in the State of Florida. The ability of older adults to “age in place” in their home or community is highly influenced by local policies, including those that shape services and supports in the home, physical design and accessibility of the home, as well as community features such as the availability of nearby services and amenities, affordable housing, and transportation options.

In order to prepare for the future of growing and aging populations, the County must consider older adults’ needs when developing strategic and long-term community plans. This Application seeks to directly meet the needs of aging populations by providing necessary housing options in close proximity to essential neighborhood amenities, medical services and a major transportation corridor.

The proposed use of the Application Area as a congregate living facility or ALF is not only a necessary and essential use for the County but it is also encouraged by the CDMP. Pursuant to the CDMP, in Low-Medium Density neighborhoods, congregate residential uses, must be located in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In

² US HUD. Census Information. N.d.

<https://www.census.gov/library/visualizations/2018/comm/historic-first.html>. Retrieved on July 25, 2018.

³ Harrell, Rodney, Jana Lynott, and Shannon Guzman. Is This a Good Place to Live? Measuring Community Quality of Life for All Ages. 2014. Washington, DC: AARP.

particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas. See Page I-36, CDMP. The Application Area is uniquely situated along with busway and SMART Plan South Dade Transitway and serves as an appropriate transition from the lower density areas to the north and west.

In addition, Paragraph 5 of the CDMP's Guidelines for Urban Form states that areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses. In this case, the adjacent properties on the east side of Harriet Tubman Highway should be considered an activity node which are defined by Paragraph 4 of the CDMP's Guidelines for Urban Form. Activity nodes are defined as the intersections of section line roads which serve as focal points of activity. Activity nodes must be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes. In this case, Harriet Tubman Highway is a major north-south transportation corridor in the County and as such is lined with commercial uses. In the case of the Application Area, the section is bisected by Harriet Tubman Highway, therefore, making properties along Harriet Tubman Highway suitable for commercial uses and higher density residential uses.

Most importantly, following the recordation of the Declaration, on June 7, 2016, the BCC adopted Resolution No. R-523-16 endorsing the SMART Plan and setting the advancement of the rapid transit corridors, including the South Dade Transitway and transit supportive projects as the highest priority for the community. See Exhibit F, the SMART Plan Resolution. Pursuant to Ordinance No. 18-08 adopted on February 6, 2018, the BCC created the Miami-Dade County Transportation Infrastructure Improvement District (TIID), as a tool to help fund the SMART plan and promote proper zoning changes as improved rapid transit service is put into place. The TIID includes all properties within a half (1/2) mile of the South Dade Transitway, including the Property. See Exhibit G, the TIID Resolution. On January 24, 2019, the BCC adopted Ordinance 19-07, amending the CDMP to allow vertical and horizontal vertical and horizontal mixed-use development along the mixed-use and Rapid Transit Activity Corridors, which includes the Application Area. See Exhibit H, the CDMP MCD Amendment Resolution.

The SMART Plan called for the expansion of the central metropolitan transit system and transit supportive projects, including the South Dade Transitway which is immediately adjacent to the Application Area. The Application Area is part of the TIID and is the ideal

location for an ALF which will serve the needs of the County's growing aging population and provide a diverse range of employment opportunities. Accordingly, the requested release of the 2015 CDMP Declaration and acceptance of the Amended and Restated CDMP Declaration is consistent with the CDMP and the County's planned growth along the South Dade Transitway.

Policy LU-8E of the CDMP requires that amendments to the FLUM be evaluated for consistency with the Goals, Objectives and Policies of the CDMP, and to the extent the proposed application would: (i) satisfy a deficiency in the FLUM to accommodate projected population or economic growth, (ii) enhance or impede the provision of services at or above adopted Level of Service Standards, (iii) be compatible with abutting and nearby land uses, (iv) enhance or degrade environmental or historical resources, (v) enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality, and (vi) would be a use that promotes transit ridership and pedestrianism if located in a planned urban center or within ¼ mile of existing transit as indicated in Objective LU-7. This Application is consistent with Policy LU-8E as follows:

i. *Need to Accommodate Population or Economic Growth*

As noted in the Economic Report prepared by Miami Economic Associates, Inc. (MEAI) dated October 28, 2021 the primary market for the proposed ALF will be comprised of people over the age of 65 living in Zip Code Areas 33156, 33158 and 33176. Review of the U.S. Census' American Community Survey for the 9-year period between 2011 and 2019, shows that the population of these zip codes, in combination, increased from 88,851 to 92,271 residents, or by 3.85%. However, during that period, the population in the three Zip Codes over the age of 65 increased from 11,835 to 15,452, or by 30.56%. As a result, the percentage of population in the three Zip Code areas in combination increased from 13.1 percent in 2011 to 16.7 percent in 2019, with the latter figure exceeding the percentage of population over the age of 65 countywide. In addition, there are no ALF's currently operating in Zip Code areas 33156, 33158 and 33176. Accordingly, there is significant demand for an ALF use to accommodate the growth of the aging population in the vicinity of the Application Area.

In addition to accommodating population growth, this Application will promote economic growth in the area. The Applicant estimates that the proposed ALF will generate approximately \$25.0 million in hard costs. Using the Minnesota IMPLAN Input/Output Model, MEAI estimates that the money spent on hard costs during the development period will support a total of 458 jobs including 265 construction jobs on-site (direct jobs). The other 193 jobs will either be in industry sectors supportive of the on-site activity (indirect

jobs) or in business establishments across the economy in which the direct and indirect workers spend their earnings (induced jobs). All the direct, indirect and induced workers are expected to earn approximately \$22.2 million during the period in which the proposed residential project is being constructed. The Applicant estimates that 186 people will be employed by the ALF on an FTE basis. Using the Minnesota IMPLAN Input/Output Model. MEAI estimates that 93 additional people will be employed in indirect and induced jobs. The total wages and salaries paid annual will approximate \$11.7 million.

Further, through the development of the proposed ALF, the County will collect more than \$353,881 in master building permit fees and impact fees for roads, fire, police and parks. It will also collect building permit fees from the electrical, plumbing, structural and mechanical subcontractors involved in the project as well as water and sewer connection fees in amounts that cannot be estimated at this time based on the information currently available. Following development, ad valorem taxes will be paid to the County on an annual basis and the County will receive other revenues in the form of utility taxes and franchise fees.

Accordingly, approval of this Application will ensure that the necessary housing and services are in place to accommodate the County's aging and growing population as well as promote economic growth in the area.

ii. *Public Services and Facilities*

The Applicant engaged the services of TrafTech Engineering, Inc. ("TrafTech") to prepare a traffic evaluation of the proposed ALF use. The TrafTech report analyzed existing traffic conditions as well as the short-term (2025) and long-term (2045) analyses of the proposed ALF or congregate living facility use. The traffic study confirms that ample roadway capacity is projected for the short-term (year 2025) with the exception of SW 136th Street, west of US 1. This is an existing deficiency and the proposed ALF use would have a traffic impact of less than 1.0% of the adopted level of service standard (de-minimus traffic impact). Similarly, in the long-term (year 2045) planning horizons, several roadway segments are projected to operate deficiently but not necessarily resulting from the proposed ALF use which has a traffic impact less than 1.0% of the adopted level of service standard (deminimus traffic impact). The Applicant will work with the County ensure there is sufficient capacity to maintain and improve upon adopted LOS standards. In the event any concerns are raised by County Departments, the Applicant will diligently work with staff to resolve any concerns during the application process

iii. *Compatibility:*

The proposed ALF use is compatible with the CDMP Adopted 2030 and 2040 FLUM designations, the surrounding residential uses and the uses along the SMART Plan South Dade Transitway. The proposed use serves as a transition from the residential uses to the west to the more intense commercial and high density uses along Harriet Tubman Highway. Notwithstanding, through the proposed Zoning Declaration being proffered with the concurrent Zoning application, the Applicant seeks a District Boundary Change to Mixed Use Corridor, consistent with the Application Area's location along the CDMP's SMART Plan South Dade Transitway Corridor. In the Zoning Declaration, the Applicant will provide the necessary assurances to ensure compatibility with the area as well as address any neighbor concerns. The Zoning Declaration will limit the use of the Application Area to an ALF with 150 beds and a maximum of three (3) stories plus basement. In addition, the Applicant will work with staff to preserve or relocate specimen trees and commit to an approved site plan.

iv. *Environmental and Historic Resources:*

Approval of this Application will not impact any historic resources or environmental resources. The Applicant will seek a tree permit in accordance with Section 24-49.2(II) of the Code in connection with any existing tree resources. The Applicant will promptly coordinate with DERM in connection with securing any required permits through the development process. In addition, the Proposed Amended and Restated Declaration will address and include a commitment to preserve or relocate any existing specimen trees on site.

v. *Enhances or Degrades Important County Systems:*

Approval of this Application will enhance important County systems by ensuring the required infrastructure is in place to support the proposed development. Notably, the development of the Application Area with an ALF will enhance the use of the CDMP's SMART Plan South Dade Transitway Corridor. The Applicant is committed to working with the County to ensure the LOS standards are maintained or exceeded.

vi. *Transit Ridership and Pedestrianism:*

Approval of this Application will support transit ridership and pedestrianism by allowing a use geared towards serving the needs of the County's growing and aging population. The Application Area's proximity to the CDMP's SMART Plan South Dade Transitway Corridor will encourage the use of transit services because of their convenient location. In addition, the proposed ALF will promote pedestrianism and enhance transit ridership because aging populations are more likely to rely on public transportation in lieu of driving. Additionally, the convenient bus stops along the SMART Plan South Dade

Transitway as well as the Application Area's close proximity to the Dadeland Metro Station will encourage the use of public transit by employees.

Approval of this application is also consistent with the following Goals, Objectives and Policies of the **LAND USE ELEMENT** of the CDMP:

- **Goal 1. Provide the best possible distribution of land use and services to meet the physical, social, cultural, health and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade county's unique agricultural lands.**

Approval of this Application will allow the introduction of services to meet the health and economic needs of the County's current and future populations. The proposed ALF use will work in concert with the other uses in the vicinity to create a mixed-use environment for a diverse and aging population. As a result, approval of this Application will improve the quality of the natural and man-made environment and amenities in the area.

- **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.**

Approval of this Application will serve to give priority to infill development on vacant sites in currently urbanized areas as the Application provides for infill development and the Application Area is comprised of a vacant parcel in a currently urbanized area along the CDMP's SMART Plan South Dade Transitway Corridor. The CDMP encourages intensity and density along SMART Plan Corridors because urban services and facilities are projected to have capacity to accommodate the additional demand.

- **LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of communities which include recreational, educational and other public facilities, houses of worship, places of employment, and safe and convenient circulation of automotive, pedestrian and bicycle traffic throughout the communities.**

Approval of this Application will supplement an existing mix of uses in the area to create a multi-modal neighborhood with residential, commercial and healthcare facilities and will

enhance traffic circulation in the vicinity of the Application Area by providing safe and convenient circulation of mass transit, vehicle, pedestrian and bicycle traffic throughout the Application Area.

- **LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.**

The neighboring area to the west is primarily characterized by single family residences. Approval of this Application would allow the inclusion of housing diversity by providing an ALF within a mixed-use neighborhood to directly advance Policy LU-1F.

- **LU-1S. The Miami-Dade County Strategic Plan shall be consistent with the Comprehensive Development Master Plan (CDMP). The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and urban center development, protection of viable agriculture and environmentally-sensitive land, reduced flooding, improved infrastructure and redevelopment to attract businesses, availability of high-quality green space throughout the County, and development of mixed-use, multi-modal, well designed, and sustainable communities.**

Key outcomes of the Strategic Plan that are relevant to the Land Use Element of the CDMP include increased urban infill development and urban center development, and improved infrastructure and redevelopment to attract businesses. Approval of this Application will provide for increased urban infill development and will increase the mix of uses in the area in order to create a multi-modal, well designed, and sustainable community.

- **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.

CDMP Land Use Element Policy LU-8A requires the County to accommodate residential development in suitable locations and densities which reflect such factors as proximity and accessibility to employment, commercial, cultural, community and senior centers among other factors. Approval of this Application will accommodate senior assisted living residential development in close proximity to public transit and the SMART Plan South Dade Transitway.

- **LU-9D. Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.**

CDMP Land Use Element Policy LU-9D requires the County to continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities. Approval of this Application will allow for the sound, compatible mixing of uses in the Application Area with the surrounding residential and commercial uses.

Approval of this Application is also consistent with the following Goals, Objectives and Policies of the **TRANSPORTATION ELEMENT** and **HOUSING ELEMENT** of the CDMP:

- **TRANSPORTATION ELEMENT GOAL.**

GOAL: Develop and maintain an integrated multimodal transportation system in Miami-Dade County to move people of all ages and abilities and goods in a manner consistent with overall countywide land use and environmental protection goals and integration of climate change considerations in the fiscal decision-making process.

Approval of this Application will advance the CDMP Transportation Element goal by providing a necessary ALF use in close proximity to the SMART Plan South Dade Transitway. Additionally, approval of this Application is consistent with both Land Use Element and Transportation goals, objectives and policies, thereby advancing the goal of making the multimodal transportation system consistent with the overall countywide land use.

- **TE-1F. Transit-supportive Land Use Element policies including, but not limited to, Urban Center guidelines shall be vigorously implemented in association with planned rapid transit facilities identified in the Mass Transit Subelement.**

Approval of this Application will advance the CDMP Transportation Element Policy TE-1F because it will allow the development of a mixed-use development with congregate living and employment opportunities abutting the SMART Plan South Dade Transitway.

- **TRANSPORTATION ELEMENT, MASS TRANSIT SUB-ELEMENT GOAL.**

Maintain, operate and develop a mass transit system in Miami-Dade County that provides efficient, convenient, accessible, and affordable service to all residents and visitors.

Approval of this Application will advance the CDMP Transportation Element, Mass Transit Sub-Element Goal because it will allow an ALF use in close proximity to the SMART Plan South Dade Transitway. This Application will allow the efficient and convenient access to mass transit service to the future residents and visitors of the ALF.

- **MT-8F. Miami-Dade County shall continue to provide for transit signal priority and/or queue jumpers; exclusive transit lanes; and request for major residential, retail, office, or mixed-use development to provide appropriate transit-supportive facilities and service.**

Approval of this Application will advance CDMP Transportation Element Policy MT-8F because the Application Area and surrounding properties will consist of horizontal mixed-use development as defined by the CDMP. The resulting mix of uses will encourage the use of public transportation.

- **HOUSING ELEMENT GOAL 1. Ensure the provision of housing that will be affordable to all current and future Miami-Dade County residents, regardless of household type or income.**

Approval of this application will advance Housing Element Goal 1 because it will permit an ALF use as part of a horizontal mixed-use development. There is significant need for housing variety for all household types and incomes in the surrounding area, and especially for the growing elderly population. The proposed ALF use will meet that demand in proximity to mass transit. In addition, the proposed ALF use will create employment opportunities in the area.

For the above-mentioned reasons, the proposed ALF use in the Application Area, is appropriate, compatible and encouraged by the CDMP's goals, objectives and policies. Accordingly, the Applicant respectfully requests your favorable recommendation for approval of the requested release of the 2015 CDMP Declaration and acceptance of the Amended and Restated CDMP Declaration.

5. LOCATION MAP: See attached.

6. ADDITIONAL MATERIAL SUBMITTED:

- 1) 2015 CDMP Declaration (Exhibit A)
- 2) Release of 2015 CDMP Declaration (Exhibit B)
- 3) Proposed Amended and Restated CDMP Declaration (Exhibit C)
- 4) Draft Zoning Declaration (Exhibit D)
- 5) Economic Impact Study
- 6) Traffic Study

7. LEGAL DESCRIPTION: See attached.

8. COMPLETE DISCLOSURE FORMS: See attached.

9. PROPOSED MODIFICATION TO OR RELEASE OF AN EXISTING CDMP DECLARATION OF RESTRICTIONS: See attached.

10. TRAFFIC IMPACT STUDY: See attached.

11. NOTIFICATION TO PROPERTY OWNERS OTHER THAN THE APPLICANT, WHOSE PROPERTIES ARE INCLUDED WITHIN AN APPLICATION AREA BOUNDARY. N/A

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

Location Map for Application to Amend the Comprehensive Development Master Plan

APPLICANT / REPRESENTATIVE

SOUTH DIXIE AND 112 LLC / Melissa Tapanes Llahues and Maritza Haro Salgado

DESCRIPTION OF SUBJECT AREA

Subject Property consists of ± 1.72 gross acres (± 1.59 net acres) located in Section 15, Township 55, Range 40. The property is more accurately described by legal description:

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

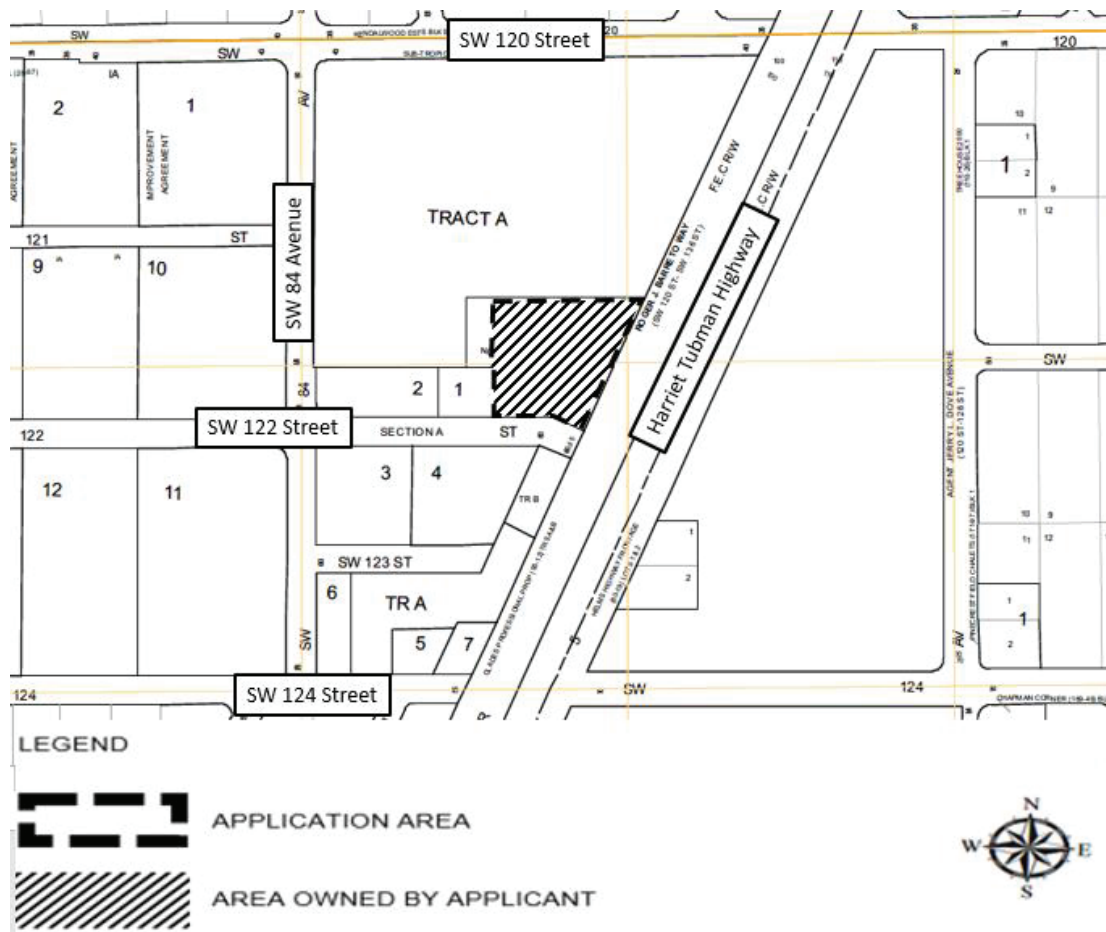
Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.



MDC052

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 NAME AND ADDRESS:

APPLICANT: SOUTH DIXIE AND 122 LLC
c/o 200 South Biscayne Boulevard
Suite 300
Miami, Florida 33131

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.

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES</u>
SOUTH DIXIE AND 122 LLC	SOUTH DIXIE AND 122 LLC	30-5015-000-0360	±1.6 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.

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

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

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

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

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

CORPORATION NAME: SOUTH DIXIE AND 122 LLC a Florida limited liability company

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
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<u>MMP VENTURES, LLC,</u> <u>5979 SW 56 Street, Miami, FL 33155</u>	<u>50%</u>
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<u>JJS INVESTMENT GROUP LLC,</u> <u>13727 SW 152 Street, #233 Miami, FL 33177</u>	<u>25%</u>
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<u>BEHAR FONT HOLDINGS, LLC,</u> <u>4533 Ponce De Leon Boulevard, Coral Cables, FL 33146</u>	<u>12.5%</u>
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<u>GV Investment Group, LLC,</u> <u>7640 SW 117 Street, Miami, FL 33156</u>	<u>12.5%</u>
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CORPORATION NAME: MMP VENTURES, LLC.

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
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<u>Michael Garcia-Carrillo, 5979 SW 56 Street, Miami, FL 33155</u>	<u>100%</u>
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CORPORATION NAME: JJS INVESTMENT GROUP LLC

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
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<u>Jesus Guerrero, 13727 SW 152 Street, #233 Miami, FL 33177</u>	<u>100%</u>
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CORPORATION NAME: BEHAR FONT HOLDINGS, LLC

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
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Robert Behar, 4533 Ponce De Leon Boulevard, Coral Cables, FL 33146	50%
Javier Font, 4533 Ponce De Leon Boulevard, Coral Cables, FL 33146	50%

CORPORATION NAME: GV Investment Group, LLC

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
Oscar Gurdian, 7640 SW 117 Street, Miami, FL 33156	25%
Adriana Gurdian, 7640 SW 117 Street, Miami, FL 33156	25%
Javier Vargas, 7640 SW 117 Street, Miami, FL 33156	25%
Monica Vargas, 7640 SW 117 Street, Miami, FL 33156	25%

- 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

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

<u>NAME AND ADDRESS OF PARTNER</u>	<u>PERCENTAGE OF INTEREST</u>
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].

CORPORATION NAME: N/A

Date of Contract: N/A

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: N/A

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

N/A

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the**

individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: N/A

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

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

PARTNERSHIP'S NAME: N/A

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

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

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

Date of Contract: N/A

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

N/A

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

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

Applicant's Signatures and Printed Names

DocuSigned by:
Michael Garcia-Carrillo
580EACF9D336436...
Michael Garcia-Carrillo, Manager of SOUTH DIXIE AND 122 LLC

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization on _____, by Michael Garcia-Carrillo, Manager of SOUTH DIXIE AND 122 LLC, who is ☒ personally known to me or ☐ has produced _____ as identification.

(SEAL)

NOTARY SIGNATURE

Notary Public, State of Florida

My Commission expires: _____

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five percent of the ownership interest in the partnership, corporation or trust.

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PRECISE	CORRELATION	DIAMETER (INCHES)	WEIGHT (LBS)	CASEWORK (LBS)
1	1	40	30	30
2	2	ROYAL FORDHAM	38	35
3	3	ROYAL FORDHAM	38	35
4	4	ROYAL FORDHAM	38	35
5	5	ROYAL FORDHAM	38	35
6	6	ROYAL FORDHAM	38	35
7	7	ROYAL FORDHAM	38	35
8	8	ROYAL FORDHAM	38	35
9	9	ROYAL FORDHAM	38	35
10	10	ROYAL FORDHAM	38	35
11	11	ROYAL FORDHAM	38	35
12	12	ROYAL FORDHAM	38	35
13	13	ROYAL FORDHAM	38	35
14	14	ROYAL FORDHAM	38	35
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27	27	ROYAL FORDHAM	38	35
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37	37	ROYAL FORDHAM	38	35
38	38	ROYAL FORDHAM	38	35
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APPENDIX B
Concurrent Zoning Application Letter of Intent
(June 13, 2022)

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO. 222-148
DATE: JUN 16 2022
BY: ISA

ZONING, LAND USE AND ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6227 office
305.377.6222 fax
mtapanes@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

June 13, 2022

Lourdes Gomez, AICP, Director
Department of Regulatory and Economic Resources
111 Northwest 1st Street, Suite 1100
Miami, Florida 33128

Re: Letter of Intent for Concurrent CDMP/Zoning Application for
the Property Located at 8315 SW 122 Street in Unincorporated
Miami-Dade County

Dear Ms. Gomez:

This law firm represents South Dixie and 122 LLC (the "Applicant") the owner of the property located at 8315 SW 122nd Street, (the "Property") in unincorporated Miami-Dade County (the "County"). See Exhibit A, Property Appraiser Summary Report. This letter shall serve as the Applicant's required letter of intent in connection with a zoning hearing application to request a district boundary change from Two-Family Residential ("RU-2") District to Mixed-Use Corridor ("MCD") District in order to develop the Property with Group Residential Facility as defined in Section 33-1(53.2) of the County Code.

Concurrent CDMP/Zoning Application. The Applicant requests that this zoning application be processed concurrently with Comprehensive Development Master Plan ("CDMP") Amendment application No. CDMP20210013 in accordance with Section Sec. 2-116.1(5)(e) of the County Code.

Property Description. The Property, located north of SW 122 Street and west of Harriet Tubman Highway, is approximately ±69,182 net square feet (1.59 net acres) and 74,910 gross square feet (1.72 gross acres) in size. The Property is currently vacant and is further identified by Miami-Dade County Property Appraiser Folio No. 30-5015-000-0360. See Figure 1, Aerial.

MDC063

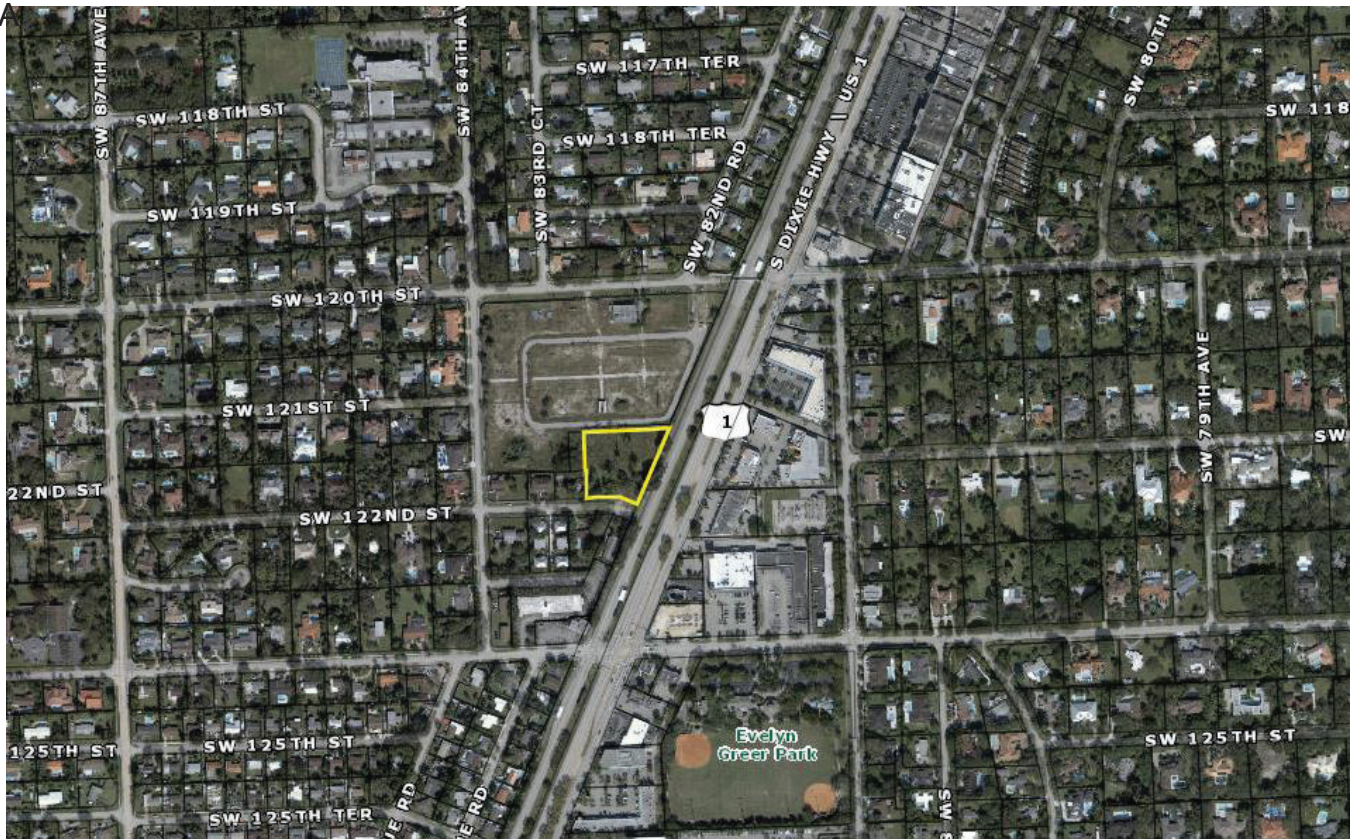


Figure 1. Aerial

Land Use. The County's Future Land Use Map ("FLUM") for its CDMP designates the Property Low-Medium Density Residential. See Figure 2, FLUM Excerpt.



Figure 2. FLUM Excerpt

The Low-Medium Density Residential category typically allows up to 13 dwelling units per acre. However, the Property is located within $\frac{1}{4}$ of a mile of the South Dade Transitway SMART Plan Corridor and may be rezoned for vertical or horizontal mixed-use development at up to 60 dwelling units per acre and permitted a Floor Area Ratio (FAR) of 2.0. Further, the CDMP provides that "Congregate Residential Uses" and nursing homes, with ancillary rehabilitation facilities to serve only the needs of the residents of the home or congregate facility and occupying no more than 10% of the total floor area, may be permitted at suitable locations in residential communities at a density of 2.5 occupants per dwelling unit. Accordingly, up to 150 congregate living facility occupants per acre are permitted at the Property.

In accordance with the CDMP, mixed-use development allows a mix of compatible uses in a high-quality pedestrian-oriented street environment. This form of development includes permitted uses mixed within the same building (vertical) or in separate buildings on the same site or within a 5-minute walk (one-quarter mile) (horizontal). See Page I-46, CDMP.

The CDMP defines horizontal mixed-use development as the horizontal mix of uses, such as single *use* buildings (emphasis added) on the same site or within one-quarter mile. Further, the CDMP provides that such uses may only be permitted in accordance with the following criteria:

- 1) A single use building is located on a site that contains a mix of uses or multiple sites containing a mix of uses joined through a unity of title; or
- 2) Where the saturation of a single *use*, including residential or commercial, does not currently or would not be caused to exceed 70% of the total building area within one-quarter mile of the application site.

Through CDMP Interpretation No. CL2021000029, the County's Planning Division confirmed that the Property may be developed with "Congregate Residential Uses" with up to 258 beds so long as the facility does not cause the saturation of new horizontal mixed-use residential development in the area to exceed 309,629 square feet. See Exhibit B, CDMP Interpretation No. CL2021000029.

Zoning. The Property is currently zoned Two-Family Residential (RU-2). See Figure 3, Zoning Map Excerpt.

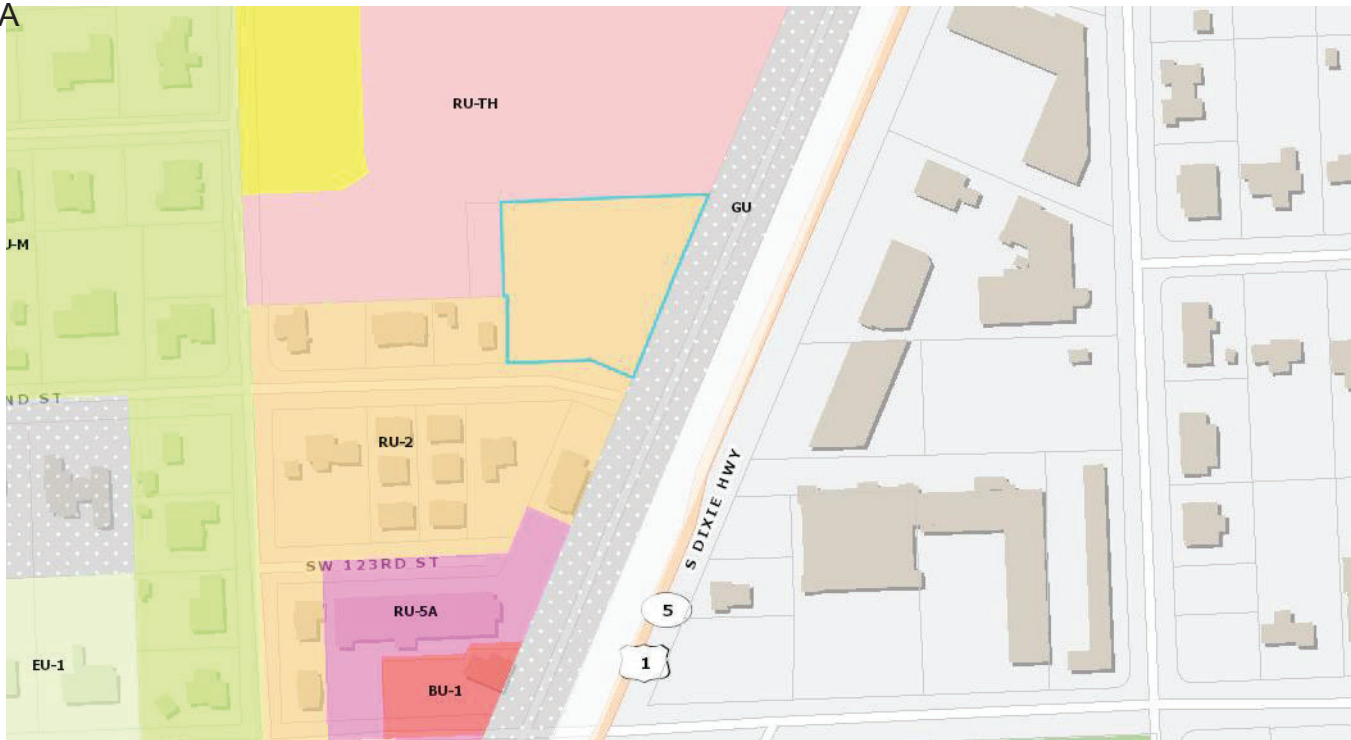


Figure 3. Zoning Map Excerpt

Proposed Development. The Applicant seeks to develop the Property with a four (4) story, 258 occupant Group Residential Facility¹. The development program anticipates an approximate floor are ratio (FAR) of 138,360 square feet and 145 parking spaces, where only 144 parking spaces are required.

The proposed district boundary change to MCD would permit the development of the Property with a "Group Residential Facility" as defined in Section 33-1(53.2) of the County Code. The MCD allows all uses in accordance with Section 33-284.83 for properties with a land use category of MC (Mixed-Use Corridor). Section 33-284.83 allows Group Residential Home uses in the MC subject to the following:

6(a) For group residential facilities, other than group homes, in the RM, MC, MM, MO, MCS, and MCI categories, three occupants shall be deemed to be one dwelling

¹ A Group Residential Facility is defined as a dwelling unit or facility that provides a living environment and support services for unrelated residents and that may require licensure by the State of Florida, including, but not limited to, nursing homes, homes for the aged, assisted living facilities, congregate living facilities, independent living facilities, foster care facilities, community residential homes, group homes, memory care facilities, and hospice facilities. The term "support services" includes medical offices, staff offices, dining facilities, recreation rooms, and similar facilities and services.

unit, and the maximum number of dwelling units allowed shall be equal to the permitted residential density.

Once rezoned to MCD the Property will be allowed up to 60 units per acre and up to 180 occupants per acre or 309 occupants based on the Property's size of 1.72 gross acres. The Applicant is only proposing 258 beds.

District Boundary Change. The request for a district boundary change to Mixed-Use Corridor District (MCD) is consistent with the Property's location along the South Dade Transitway SMART Plan Corridor. Pursuant to Section 33-1(69.3), a horizontal mixed-use development may be a development in which each use is in a single-use building, in accordance with the following:

a) Multiple single-use buildings are either:

- i. located on a single lot that contains a mix of uses; or*
- ii. located on multiple lots that are joined through a unity of title or declaration of restrictive covenants in lieu thereof and that collectively contain a mix of uses; or*

b) Multiple single-use buildings are located within ¼ mile of each other, provided that approval of an application for a single-use building would not result in oversaturation of a single use. For purposes of this definition, "oversaturation" means that one use exceeds 70 percent of the total building area within a radius of ¼ mile of the application site.

In this case, the Applicant is proposing a single-use building which would not result in oversaturation of a single use as confirmed by CDMP Interpretation No. CL2021000029. In accordance with Section 33-311 of the County Code, the proposed district boundary change will not have an unfavorable impact on the environment, the natural resources or the economy of the County. Instead, the proposed district boundary change will positively affect the County's economy by providing high paying jobs in close proximity to a mass transit corridor.

This application and the concurrent CDMP application will address a critical need in the County to provide adequate housing options to the aging population. Even before the Covid-19 pandemic, the County began discussions to address the needs of an aging population. Notably, the County has the largest population of older adults in the State of Florida with over half a million residents age 60 and older in the County; and that population is expected to

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DATE: JUN 16 2022
BY: ISA

Ms. Lourdes Gomez, AICP, Director
Page 6

Continue to grow to over 800,000 by 2040, representing 25% of the total population of the County.

A December 2018 report prepared by Rosado & Associates for the Miami-Dade County Age Friendly Initiative (the "MDCAFI Report") provides that for the first time in US history, older adults are projected to outnumber children by 2035. Further, population projections indicate that by 2030, one in five people will be age 65 or older. A combination of increasing life expectancy, a declining birth rate, and the aging of the baby boom generation will dramatically increase the number and proportion of the US population over the age of 65. Most importantly, older adults prefer to age in place, whether in their home or the community where they worked, raised their children and have familial ties. The ability of older adults to "age in place" in their home or community is highly influenced by local policies, including those that shape services and supports in the home, physical design and accessibility of the home, as well as community features such as the availability of nearby services and amenities, affordable housing, and transportation options.

In order to prepare for the future of growing and aging populations, the County must consider older adults' needs when developing strategic and long-term community plans. This application seeks to directly meet the needs of aging populations by providing necessary housing options in close proximity to essential neighborhood amenities, medical services and a major transportation corridor.

Conclusion. We look forward to your favorable recommendation and prompt scheduling for hearing. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6227 or email at mtapanes@brzoninglaw.com.

Very truly yours,



Melissa Tapanes Llahues

cc: Michael Garcia-Carrillo
Maritza Haro Salgado

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PHOTO A-32

MIAMI-DADE COUNTY
PROCESS NO: Z22-148
DATE: JUN 16 2022
BY: ISA

EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/15/2021

Property Information	
Folio:	30-5015-000-0360
Property Address:	8315 SW 122 ST Miami, FL 33156-5119
Owner	SOUTH DIXIE AND 122 LLC
Mailing Address	9150 S DADELAND BLVD #1508 MIAMI, FL 33156 USA
PA Primary Zone	5700 DUPLEXES - GENERAL
Primary Land Use	0081 VACANT RESIDENTIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	69,182 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$996,031	\$996,031	\$996,031
Building Value	\$0	\$9,600	\$9,617
XF Value	\$0	\$0	\$0
Market Value	\$996,031	\$1,005,631	\$1,005,648
Assessed Value	\$769,540	\$706,326	\$642,115

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction	\$226,491	\$299,305	\$363,533
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
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Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$769,540	\$706,326	\$642,115
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$996,031	\$1,005,631	\$1,005,648
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$769,540	\$706,326	\$642,115

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/28/2015	\$100	29480-1436	Corrective, tax or QCD; min consideration
11/17/2014	\$0	29401-2509	Corrective, tax or QCD; min consideration
11/17/2014	\$500,000	29401-2506	Not exposed to open-market; atypical motivation
09/01/1989	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

MDC069

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PROCESS NO: 722-148
DATE: JUN 16 2022
BY: ISA

EXHIBIT B

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

January 4, 2022

Melissa Tapanes Llahues
Bercow Radell Fernandez Larkin & Tapanes
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

Subject: Expedited Letter of Interpretation re. 8315 SW 122nd Street, Folio No. 30-5015-000-0360 in Unincorporated Miami-Dade County (Subject Property)

Dear Ms. Tapanes Llahues:

This letter is in response to your December 20, 2021, request (paid December 21, 2021) for an expedited interpretation of Miami-Dade County's Comprehensive Development Master Plan (CDMP) as it applies to the ±1.72-gross acre Subject Property. Specifically, you ask whether the Subject Property can be developed with a proposed 150-bed Assisted Living Facility (ALF) in accordance with the CDMP provisions for horizontal mixed-use institutional development in Rapid Transit Activity Corridors.

The Subject Property is located within ¼ mile of the South Dade Transitway SMART Plan Corridor and may be rezoned for vertical or horizontal mixed-use development at up to 60 units an acre/2.0 FAR, subject to compatibility with the adjacent uses. Please note that it must be affirmatively demonstrated that a proposed single use development may not cause that use to exceed 70% of the total building area within ¼ mile of the Subject Property for a Property to be rezoned as a horizontal mixed-use development in a SMART Plan corridor. Our review of existing land uses within a ¼ mile of the Subject Property (Subject Property Area) indicates that no single use currently comprises more than 70% of the total building area within the Subject Property Area, and that an additional 309,629 sq. ft. of residential uses, or 2,042,903 sq. ft. of commercial uses, or 3,279,554 sq. ft. of industrial uses, or 2,800,717 sq. ft. of institutional uses may be accommodated in the Subject Property Area without causing the 70% threshold to be exceeded.

The CDMP's Land Use Element interpretive text for the "Institutions, Utilities and Communications" category provides for "such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations" (CDMP P. I-64). The State of Florida, according to the Department of Health and Human Services, views ALFs "as an important part of the continuum of its long-term care system, to be operated as residential environments with supportive services and not as medical or nursing facilities" (Source: aspe.hhs.gov). The proposed 150-bed ALF would therefore be considered a residential instead of an institutional use. The CDMP provides that each 2.5 occupants of a congregate living facility in a residentially designated area "shall be considered to be one dwelling unit" (CDMP P. I-36). As noted in the previous paragraph, areas within ¼ mile of the South Dade Transitway SMART Plan Corridor may be rezoned for horizontal mixed-use development at up to 60 units an acre. The Subject Property could therefore be developed with an ALF with up to 258 beds, as long as the total square footage

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Page 4 of 34

Melissa Tapanes Llahues

MIAMI-DADE COUNTY

PROCESS NO: 222-148


DATE: JUN 16 2022

BY: ISA

of the facility does not cause the limitation of new horizontal mixed use residential development in the Subject Property Area to 309,629 sq. ft. to be exceeded. It should further be noted that this analysis is based on current conditions and may be repeated at the time of zoning approval to account for changing conditions.

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 December 20, 2021, letter. If you have any questions regarding this review, please contact me at (305) 375-2835 or Jerry.Bell@miamidade.gov.

Sincerely,



Jerry Bell, AICP
Assistant Director for Planning

JB/jb

MDC071

APPENDIX C

CDMP Letter of Interpretation (January 4, 2022)



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

January 4, 2022

Melissa Tapanes Llahues
Bercow Radell Fernandez Larkin & Tapanes
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

Subject: Expedited Letter of Interpretation re. 8315 SW 122nd Street, Folio No. 30-5015-000-0360 in Unincorporated Miami-Dade County (Subject Property)

Dear Ms. Tapanes Llahues:

This letter is in response to your December 20, 2021, request (paid December 21, 2021) for an expedited interpretation of Miami-Dade County's Comprehensive Development Master Plan (CDMP) as it applies to the ±1.72-gross acre Subject Property. Specifically, you ask whether the Subject Property can be developed with a proposed 150-bed Assisted Living Facility (ALF) in accordance with the CDMP provisions for horizontal mixed-use institutional development in Rapid Transit Activity Corridors.

The Subject Property is located within ¼ mile of the South Dade Transitway SMART Plan Corridor and may be rezoned for vertical or horizontal mixed-use development at up to 60 units an acre/2.0 FAR, subject to compatibility with the adjacent uses. Please note that it must be affirmatively demonstrated that a proposed single use development may not cause that use to exceed 70% of the total building area within ¼ mile of the Subject Property for a Property to be rezoned as a horizontal mixed-use development in a SMART Plan corridor. Our review of existing land uses within a ¼ mile of the Subject Property (Subject Property Area) indicates that no single use currently comprises more than 70% of the total building area within the Subject Property Area, and that an additional 309,629 sq. ft. of residential uses, or 2,042,903 sq. ft. of commercial uses, or 3,279,554 sq. ft. of industrial uses, or 2,800,717 sq. ft. of institutional uses may be accommodated in the Subject Property Area without causing the 70% threshold to be exceeded.

The CDMP's Land Use Element interpretive text for the "Institutions, Utilities and Communications" category provides for "such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations" (CDMP P. I-64). The State of Florida, according to the Department of Health and Human Services, views ALFs "as an important part of the continuum of its long-term care system, to be operated as residential environments with supportive services and not as medical or nursing facilities" (Source: aspe.hhs.gov). The proposed 150-bed ALF would therefore be considered a residential instead of an institutional use. The CDMP provides that each 2.5 occupants of a congregate living facility in a residentially designated area "shall be considered to be one dwelling unit" (CDMP P. I-36). As noted in the previous paragraph, areas within ¼ mile of the South Dade Transitway SMART Plan Corridor may be rezoned for horizontal mixed-use development at up to 60 units an acre. The Subject Property could therefore be developed with an ALF with up to 258 beds, as long as the total square footage

Melissa Tapanes Llahues

January 4, 2022

Page 2

of the facility does not cause the limitation of new horizontal mixed use residential development in the Subject Property Area to 309,629 sq. ft. to be exceeded. It should further be noted that this analysis is based on current conditions and may be repeated at the time of zoning approval to account for changing conditions.

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 December 20, 2021, letter. 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, appearing to read "Jerry Bell".

Jerry Bell, AICP
Assistant Director for Planning

JB/jb

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APPENDIX D

2015 Declaration of Restrictions



CFN 2015R0360353
 DR BK 29644 Pgs 3675-3682 (8Pgs)
 RECORDED 06/05/2015 12:24:49
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

Name: Hugo P. Arza, Esq.
 Address: Holland & Knight LLP
 701 Brickell Avenue, Suite 3300
 Miami, FL 33131

A/5

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

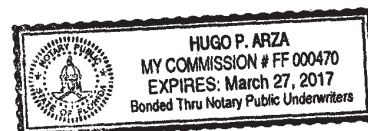
WHEREAS, the Property is the Application Area of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the November 2014 Amendment Cycle; and

WHEREAS, the Owner has sought to change the designation of the Application Area from "Estate Density Residential" to "Low-Medium Density Residential."

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

1. **Maximum Density.** The Property may be developed with a maximum of 12 dwelling units, *consisting of no more than 6 residential buildings and one accessory building for common amenities.*
2. **Specimen Trees.** Owner commits to preserve on the Property any specimen trees as defined in Miami-Dade County Code of Ordinances. *(Handwritten initials)*

3. **Traffic Calming.** The Owner shall prepare for the evaluation and consideration of the County prior to subdivision approval, a traffic calming measure on SW 84th Avenue and



SW 122nd Street. If warranted and approved by the County, the Owner shall bear the cost of such improvements.

4. **Miscellaneous.**

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

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

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion

thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the 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 Code of Miami-Dade County, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. 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/her

assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

D. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

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

F. Election of Remedies. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

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

H. County Inspection. As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

J. Recordation and Effective Date. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application by the Board of County Commissioners. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her

absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.


L. Owners. The term "Owners" shall include the Owners and their successors and assigns.


[Signature Page Follow]

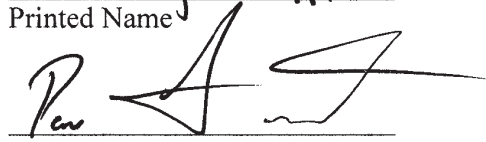
IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this 6th
day of May, 2015.

WITNESSES:

South Dixie and 122, LLC
a Florida limited liability company


Signature
Alejandro Arias
Printed Name

By: 
Name: MICHAEL GARCIA-CARRILLO
Title: MANAGER


Signature
Pedro Gassant
Printed Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by MICHAEL GARCIA-CARRILLO as MANAGER of South Dixie and 122, LLC, a Florida limited liability company, and for the purposes stated herein on behalf of the company. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 6 day of May, 2015, in the County and State aforesaid.

My Commission Expires:





Notary Public
Hugo P. Arza
Printed Name

Exhibit "A"

Legal Description

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

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APPENDIX E

Release of 2015 Declaration of Restrictions

Received 6/10/2022
RER-Planning

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.

Address: Berrow Radell Fernandez Larkin & Tapanes, PLLC
200 South Biscayne Boulevard,
Suite 300
Miami, Florida 33131

(Space reserved for Clerk)

**RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS
(Comprehensive Plan)**

This **RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS** (the "Release") is entered into on this ____ day of _____, 2022, by SOUTH DIXIE AND 122 LLC, a Florida limited liability company (the "Owner"), and MIAMI-DADE COUNTY (the "County"), FLORIDA, a political subdivision of the State of Florida, to release the property located at 8315 SW 122 Street in Unincorporated Miami-Dade County, as further described in **Exhibit "A"** attached hereto (the "Property"), from the Declaration of Restrictions, recorded in Official Records Book 29644, at Page 3675-3682, of the Public Records of Miami-Dade County, Florida (the "2015 Declaration").

WHEREAS, the undersigned Owner holds the fee simple title to the Property, which is supported by an attorney's opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the November 2014 Amendment Cycle (the "2014 CDMP Application"); and

WHEREAS, the 2014 CDMP Application changed the Property's land use designation from "Estate Density Residential" to "Low-Medium Density Residential"; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on May 6, 2015, and accepted the 2015 Declaration proffered by the Owner's predecessor in interest; and

WHEREAS, the Owner and the County (the "Parties"), after public hearing, agree to release the 2015 Declaration.

NOW, THEREFORE, in consideration of their mutual promises made herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by each party, the Parties, intending to be legally bound, hereby agree as follows:

1. The Parties agree that the foregoing recitals are true and correct and incorporated herein by this reference.
2. The County hereby approves the release of the 2015 Declaration.
3. The 2015 Declaration is hereby released and declared of no further legal effect, null and void.
4. The Property may be developed consistent with its current CDMP designation of Low-Medium Density Residential.
5. This Release may be signed in more than one counterpart and/or by facsimile, in which case each counterpart shall constitute an original of this Release. Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of the Release. Wherever used herein, the singular shall include the plural, the plural shall include the singular, and pronouns shall be read as masculine, feminine or neuter as the context requires.

[SIGNATURE PAGES FOLLOW]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 202____.

IN WITNESS WHEREOF, **SOUTH DIXIE AND 122 LLC** has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

SOUTH DIXIE AND 122 LLC

Address:

By _____

(Managing Member)

Print Name: Michael Garcia-Carrillo
Manager

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

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this _____, by Michael Garcia-Carrillo, Manager, **SOUTH DIXIE AND 122 LLC**, who is ☒ personally known to me or ☐ has produced _____ as identification.

(SEAL)

NOTARY SIGNATURE

Print, type, or stamp of Notary
Notary Public, State of Florida
My Commission expires:

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

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APPENDIX F

Proffered Amended and Restated Declaration of Restrictions

Received 9/30/2022
RER-Planning

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.
Address: Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 S. Biscayne Boulevard
Suite 300
Miami, FL 33131

(Space reserved for Clerk)

**AMENDED AND RESTATED DECLARATION OF RESTRICTIONS
(Comprehensive Plan)**

THIS AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") is made this ____ day of _____, 202____, by South Dixie and 112 LLC, a Florida limited liability company, (hereinafter referred to as the "Owner").

WITNESSETH THAT:

WHEREAS, the Owner holds the fee simple title to the property located 8315 SW 122 Street in Unincorporated Miami-Dade County, as further described in **Exhibit "A"** attached hereto (the "Property") and supported by an attorney's opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the November 2014 Amendment Cycle (the "2014 CDMP Application"); and

WHEREAS, the 2014 CDMP Application changed the Property's land use designation from "Estate Density Residential" to "Low-Medium Density Residential"; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on May 6, 2015, and accepted a Declaration of Restrictions, recorded in Official Records Book 29644, at Page 3675-3682, of the Public Records of Miami-Dade County, Florida (the "Prior Declaration"); and

WHEREAS, the conditions and circumstances have significantly changed in Miami-Dade County since the Prior Declaration was recorded; and

WHEREAS, the Owner submitted CDMP Application No. 20210013 in the October 2021 Amendment Cycle (the "2021 CDMP Application") in order to amend, restate and release the Prior Declaration, as provided in this Declaration; and

WHEREAS, in order to assure the BCC that the representations made by the Owner and relied on by said BCC during consideration of the Owners' Application will be abided by, the Owners voluntarily and without duress make this Declaration covering and running

with the Property and hereby acknowledge the validity and enforceability of each and every provision hereof on behalf of themselves and their successors and assigns.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

1. The foregoing recitals are true and correct and by this reference are incorporated herein.
2. **Termination of Prior Declaration.** The Prior Declaration is amended and restated in its entirety by this Declaration and upon the recording of this Declaration in the Public Records of Miami-Dade County, Florida, the Prior Declaration is terminated and released and shall be of no further force or effect.
3. **Uses.** The Property may be developed with Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, Day Care Facilities or residential uses.
4. **Maximum Density.** The Property may be developed with a up to 258 bed Assisted Living Facility (ALF) or a maximum density of thirteen (13) dwelling units per acre consistent with the Property's "Low-Medium Density Residential" CDMP future land use plan designation.
5. **Specimen Trees.** Owner commits to preserve on the Property any specimen trees as defined in Miami-Dade County Code of Ordinances.
6. **Traffic Calming.** The Owner shall prepare for the evaluation and consideration of the County prior to subdivision approval, a traffic calming measure on SW 84th Avenue and SW 122nd Street. If warranted and approved by the County, the Owner shall bear the cost of such improvements.
7. **South Dade Trail.** The Owner shall make reasonable effort to provide neighborhood access, in the form of non-motorized, pedestrian connections to the adjacent South Dade Trail subject to County approval.
8. **Connection to Public Water and Sewer Service.**
 - A. The Owner acknowledges that the Property is located within the established utility service area of the Miami-Dade Water and Sewer Department ("MDWASD") and is subject to all local, State, and Federal water and sewer regulations, including MDWASD's rules and regulations, implementing orders, and MDWASD's connection charges and fees in effect at the time of the execution of a MDWASD service agreement or the issuance of a verification form or other similar written

County approval, as applicable, at the time of the development of the Property or portion thereof.

B. The Owner hereby acknowledges and agrees that any development of the Property shall connect to the public water and public sanitary sewer system. The right to connect the Property to the County's sewage system is subject to the terms, covenants, and conditions set forth in court orders, judgments, consent orders, consent decrees, and the like entered into between the County and the United States, the State of Florida, and/or any other governmental entity, including but not limited to, the Consent Decree in United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM (S.D. Fla) (the "Consent Decree"), as well as all other current, subsequent, or future enforcement and regulatory actions and proceedings.

C. The Owner shall coordinate with MDWASD and with the County's Division of Environmental Resources Management ("DERM") to ensure the provision of water and sewer service to the Property, and shall enter into a Service Agreement with MDWASD for Water and Sanitary Sewer Facilities for the Property prior to the approval of a final plat for the Property. The availability of potable water supply capacity shall be determined at the time of such Service Agreement or the issuance of a verification form or other similar written approval, as applicable, at the time of the development of the Property or portion thereof.

D. The Owner shall be responsible for obtaining sanitary sewer pump station capacity from the County pursuant to the applicable Miami-Dade Code requirements and consistent with the Consent Decree, prior to the issuance of a building permit for the development on the Property or portion thereof. The Owner acknowledges and agrees that the lack of adequate public sanitary sewer pump station capacity may limit the ability to connect the development of the Property to public sanitary sewer system, and that nothing in this Declaration shall vest or shall be interpreted to vest the development of the Property for such public sanitary sewer pump station capacity.

6.9. Miscellaneous.

A. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the 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.

B. **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 in the public records agreeing to change the Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

D. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration 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 its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

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

F. Election of Remedies. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

G. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

H. Covenant Running with the Land. This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then Owner(s) of the Property and for the public welfare.

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

J. Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption of the Application. 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.

K. **Acceptance of Declaration.** 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 County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

L. **Owners.** The term "Owner(s)" shall include any Owner of the Property, its heirs, personal representatives, successors and assigns.

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 202____.

IN WITNESS WHEREOF, **SOUTH DIXIE AND 122 LLC** has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

SOUTH DIXIE AND 122 LLC

Address:

By _____

(Managing Member)

Print Name: Michael Garcia-Carrillo
Manager

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

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this _____, by Michael Garcia-Carrillo, Manager, **SOUTH DIXIE AND 122 LLC**, who is ☒ personally known to me or ☐ has produced _____ as identification.

(SEAL)

NOTARY SIGNATURE

Print, type, or stamp of Notary
Notary Public, State of Florida

My Commission expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

Opinion of Title

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of Declaration of Restrictions pursuant to a CDMP Public Hearing No. _____, it is hereby certified that I have examined *a complete Abstract of Title* covering the period from the beginning to the 12th day of October, 2021, at the hour of 11:00 P.M., inclusive, of the property described on **Exhibit A** hereto. All title instruments, policies, and documents referenced above are collectively referred to as the "Title Evidence". I know of no reason that this Title Evidence is inaccurate or incomplete.

I am of the opinion, based on my review of the Title Evidence that on the last mentioned date, the fee simple title to the above-described real property was vested in:

South Dixie and 122 LLC, a Florida limited liability company (the "Company"), of which Company Michael Garcia-Carillo is the Managing Member authorized to execute documents on behalf of the Company.

Note: For Limited Partnership, Limited Liability Company or Joint Venture indicate parties comprising the Limited Partnership, Limited Liability Company or Joint Venture and identify who is authorized to execute.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. RECORDED MORTGAGES:

- a. Mortgage from RP1-SM LLC and LASI Holdings LLC to South Dixie and 122 LLC recorded on March 16, 2020 at Official Records Book 31854 at Page 514 in the public records of Miami Dade County, Florida.
- b. Mortgage from RP1-SM LLC to South Dixie and 122 LLC recorded on August 12, 2021 at Official Records Book 32675 at Page 867 in the public records of Miami Dade County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

3. GENERAL EXCEPTIONS:

- a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
- b. General or special taxes and assessments required to be paid in the year 2021 and subsequent years.
- c. Rights or claims of parties in possession not recorded in the Public Records.
- d. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
- e. Easements or claims of easements not recorded in the Public Records.
- f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.

4. SPECIAL EXCEPTIONS:

- a. Notice of Commencement recorded on February 16, 2021 at Official Records Book 32351 at Page 3585 in the public records of Miami Dade County, Florida.
- b. Agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and South Dixie and 122 LLC recorded on March 15, 2018 at Official Records Book 30896 at Page 3465 in the public records of Miami Dade County, Florida.
- c. Declaration of Restrictions recorded on June 5, 2015 at Official Records Book 29644 at Page 3675 in the public records of Miami Dade County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the RP1-SM LLC and LASI Holdings LLC.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the _____ a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
RP1-SM LLC	Recorded Mortgage specified under Section 1 above	None.
RP1-SM LLC and LASI Holdings LLC	Recorded Mortgage specified under Section 1 above	None.

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
	Old Republic National Title		Beginning of time to October 12, 2021

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

[This space intentionally left blank – signatures on following page]

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 1st day of November, 2021.

Meghhaa
Name
Meghha Kumaarr, Esq.
Print Name
Florida Bar No. 91831
3162 Commodore Plaza, Suite 3E
Coconut Grove, FL 33133

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

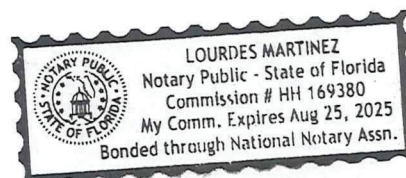
The foregoing instrument was acknowledged before me by means of *(how the individual appeared check one)*:

☒ physical presence ☐ online notarization this 1 day of November, 2021.
(date) (month)(year)

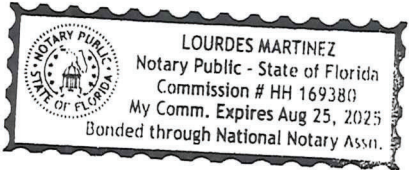
by Meghhaa Kumaarr
(name of individual acknowledging)

as Attorney for South Dixie and 122 LLC
(type of authority, e.g., Officer, Attorney-in Fact))(Name of party on behalf of whom executed)

[This space intentionally left blank – continued on following page]



Individual identified by: ☒ personal knowledge ☐ satisfactory evidence _____
(type)

 <p>(affix Florida Notary Seal above)</p>	<p><u>Lourdes Martinez</u> (Signature of Notary Public)</p> <p><u>Lourdes Martinez</u> (typed, printed, or stamped name of Notary Public)</p>
--	---

DO NOT WRITE BELOW THIS LINE - GOVERNMENT USE ONLY

(Date) [insert name of County employee]

[insert title of County employee]

(Witness Name) (Witness Name)

Exhibit A

Legal Description

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

Joinder by Mortgagee Corporation

The undersigned RP1-SM, LLC, a Florida limited liability company, the Mortgagee under that certain mortgage from South Dixie and 122 LLC dated the day of March 13, 2020, and recorded in Official Records Book 31854, Page 514, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this _____ day of _____, 20__.

Witnesses:

Signature

Print Name

Signature

Print Name

RP1-SM, LLC

Address:

By _____
(President, Vice-President or CEO*)

Print Name: _____

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

STATE OF FLORIDA COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of *(how the individual appeared check one)*:

☐ physical presence ☐ online notarization this _____ day of _____, 20____.
(date) (month) (year)

by _____
(name of individual acknowledging)

as _____ for _____
(type of authority, e.g., Officer, Attorney-in Fact) (Name of party on behalf of whom executed)

Individual identified by: ☐ personal knowledge ☐ satisfactory evidence _____
(type)

<i>(affix Florida Notary Seal above)</i>	_____ (Signature of Notary Public)
	_____ (typed, printed, or stamped name of Notary Public)

DO NOT WRITE BELOW THIS LINE - GOVERNMENT USE ONLY

(Date) _____ [insert name of County employee]
[insert title of County employee]

(Witness Name) (Witness Name)

Joinder by Mortgagee Corporation

The undersigned RP1-SM, LLC, a Florida limited liability company, and LASI Holdings LLC, a Florida limited liability company the Mortgagee under that certain mortgage from South Dixie and 122 LLC dated the day of July 30, 2021, and recorded in Official Records Book 32675, Page 867, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this _____ day of _____, 20__.

Witnesses:

Signature

Print Name

Signature

Print Name

RP1-SM, LLC

Address:

By _____
(President, Vice-President or CEO*)

Print Name: _____

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

STATE OF FLORIDA COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of *(how the individual appeared check one)*:

☐ physical presence ☐ online notarization this _____ day of _____, 20____.
(date) (month) (year)

by _____
(name of individual acknowledging)

as _____ for _____
(type of authority, e.g., Officer, Attorney-in Fact) (Name of party on behalf of whom executed)

Individual identified by: ☐ personal knowledge ☐ satisfactory evidence _____
(type)

Signature

Print Name

Signature

Print Name

LASI Holdings LLC

Address:

By _____
(President, Vice-President or CEO*)

Print Name: _____

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

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of *(how the individual appeared check one)*:

☐ physical presence ☐ online notarization this _____ day of _____, 20_____.
(date) (month) (year)

by _____
(name of individual acknowledging)

as _____ for _____
(type of authority, e.g., Officer, Attorney-in Fact) (Name of party on behalf of whom executed)

Individual identified by: ☐ personal knowledge ☐ satisfactory evidence _____.
(type)

(Date) [insert title of County employee] [insert name of County employee]

(Witness Name) (Witness Name)

APPENDIX G
Letter from Application Requesting Extension of Time
for Final Hearing
(September 23, 2022)



ZONING, LAND USE AND ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6227 office

305.377.6222 fax

mtapanes@brzoninglaw.com

September 23, 2022

VIA ELECTRONIC MAIL

Jerry Bell
Assistant Director for Planning
Miami-Dade County Planning
Department of Regulatory and Economic Resources
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, Florida 33128

Re: Request to Defer Board of County Commissioner Hearing for
Application No. CDMP20210013 for the Property Located at 8315
SW 122 Street – Folio No. 30-5015-000-0360

Dear Mr. Bell:

As you know, this firm represents South Dixie and 112 LLC (the "Applicant") in connection with the October 2021 Cycle Comprehensive Development Master Plan (CDMP) Application No. CDMP20210013 for the property located at 8315 SW 122 Street (the "Property"). Please accept this letter as the Applicant's request to defer the Board of County Commissioners (BCC) hearing as permitted by Section 2-116.1(3)(h) of the Miami-Dade County Code (the "Code").

The Applicant seeks to have the CDMP Application and concurrent Zoning Hearing Application No. Z2022000148 (the "Zoning Application") heard at the same time by the BCC. The Zoning Application is not yet ready to be heard by the BCC so the Applicant seeks an extension of the 180 day hearing requirement in the Code.

In accordance with Section 2-116.1(3)(h) of the Code, the Applicant requests an extension of the requirement to be heard by the BCC within 180 calendar days following the end of the relevant filing period. Section 2-116.1(3)(h) allows the Director to extend the time if requested by the applicant prior to the earliest deadline

for the publication of required notices for the hearing before the BCC.

Should you have any questions or concerns please do not hesitate to contact me directly at 305-377-6227.

Very truly yours,



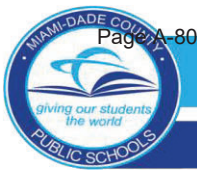
Melissa Tapanes Llahues

CC: Michael Garcia Carrillo
Maritza Haro Salgado

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APPENDIX H

Public Schools Analysis



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Alberto M. Carvalho

Miami-Dade County School Board

Perla Tabares Hantman, Chair

Dr. 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

January 18, 2022

VIA ELECTRONIC MAIL

Melisa Tapanes Llahues, Esquire
Bercow Radell Fernandez Lakin & Tapanes, PLLC
200 South Biscayne Blvd #300
Miami, FL 33131
MTapanes@brzoninglaw.com

**RE: PUBLIC SCHOOL CONCURRENCY ANALYSIS
SOUTH DIXIE AND 112 LLC- CDMP20210013
LOCATED AT 8315 SW 122 STREET
(PH3021121300582) - FOLIO NOS.: 3050150000360**

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 22 residential units, which generate 2 students at the elementary, school level. At this time, there is sufficient capacity available to serve the application. 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-203

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

MDC117



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number:
Date Application Received:
Type of Application:

PH3021121300582
12/13/2021 3:58:23 PM
Public Hearing

Local Government (LG):
LG Application Number:
Sub Type:

Miami-Dade
CDMP20210013
Land Use

Applicant's Name:
Address/Location:
Master Folio Number:
Additional Folio Number(s):

South Dixie and 112 LLC
8315 SW 122 ST
3050150000360

PROPOSED # OF UNITS **22**
SINGLE-FAMILY DETACHED UNITS: **0**
SINGLE-FAMILY ATTACHED UNITS: **22**
MULTIFAMILY UNITS: **0**

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5671	VINELAND K-8 CENTER (ELEM COMP)	94	2	2	YES	Current CSA
5671	VINELAND K-8 CENTER (ELEM COMP)	94	0	0	YES	Current CSA
7431	MIAMI PALMETTO SENIOR	-67	0	0	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **31.81%** 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

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APPENDIX I

Traffic Impact Study Executive Summary



Concurrent CDMP Amendment / Zoning Applications

8315 SW 122 Street

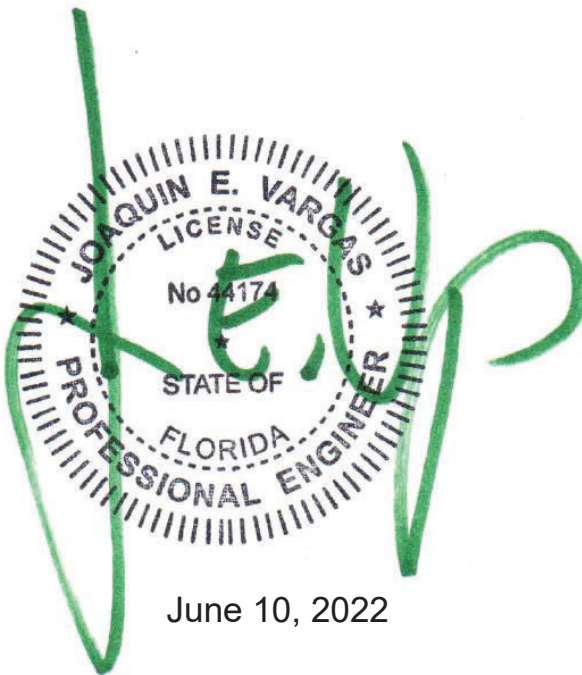
Miami-Dade County, Florida 33156

Received 6/10/2022
RER-Planning

prepared for:

South Dixie and 122, LLC

traffic evaluation



June 10, 2022

TRAFTECH
ENGINEERING, INC.

June 2022

MDC121

June 10, 2022

Mr. Michael Garcia-Carrillo
South Dixie and 122, LLC
5979 SW 56 Street
Miami, Florida 33155

Re: Traffic Evaluation: 8315 SW 122nd Street CDMP

Dear Michael:

The results of the traffic study are presented below:

EXECUTIVE SUMMARY

Traf Tech Engineering, Inc. conducted a traffic impact analysis associated with an approximate 1.72-acre parcel located on the west side of South Dixie Highway (US 1) just north of SW 122nd Street in southwest Miami-Dade County, Florida. More specifically, the subject property is located at 8315 SW 122nd Street. The applicant is requesting concurrent zoning hearing and Comprehensive Development Master Plan (CDMP) Amendment applications for the purpose of developing the subject property with Skilled Nursing Facility. Through the CDMP Application, the applicant is requesting: (1) release of an existing CDMP declaration of restrictions limiting the use of the property to a maximum of twelve (12) residential units and (2) acceptance of an amended and restated declaration committing to develop the property with a Skilled Nursing Facility or, in the alternative, residential uses at a density of up to thirteen (13) dwelling units per acre. Through the concurrent zoning hearing application, the applicant is requesting a district boundary change from "Two Family Residential" to "Mixed-Use Corridor" in order to develop the subject property with a Skilled Nursing Facility.

The Current "Low Medium Density Residential and Two Family Residential with the CDMP Covenant" restricts development to 12 residential units and therefore, generates approximately 81 daily trips and 6 PM peak hour trips. The proposed "Mixed Use Corridor" land use is projected to generate approximately 789 daily trips and approximately 36 PM peak hour trips.

A traffic concurrency evaluation was undertaken for the short term (2025) and long-term (2045) planning horizons. Based on the traffic analysis, the proposed Skilled Nursing Facility use is projected to have a “de-minimus” traffic impact to the surrounding roadway network.

TRAFFIC ANALYSIS

As indicated previously, the subject property is located at 8315 SW 122nd Street, as illustrated in Figure 1 on the following page

A trip generation comparison analysis was performed using the trip generation equations/rates published in the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual* (11th Edition). The trip generation comparison analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. The analysis was based on the following assumptions and scenarios:

CURRENT CDMP LAND USE DESIGNATION AND ZONING DISTRICT

- Low Medium Density Residential and Two Family Residential (RU-2)
- Current CDMP Covenant Restricts Development to 12 residential units

PROPOSED CONCURRENT APPLICATIONS

- Mixed-Use Corridor (258-beds skilled nursing facility) or
- 20 Residential Units

A trip generation comparison analysis was undertaken between the currently permitted and proposed uses. The results of the trip generation comparison analyses for two proposed development scenarios are documented in Tables 1 through 4. As indicated in the tables, the proposed Skilled Nursing Facility use is projected to generate approximately 708 new daily trips, approximately 31 new AM peak hour trips, and approximately 30 new trips during the typical afternoon peak period, when compared against the potential development under the current “*Low Medium Density Residential*” with the restrictive covenant limiting development to 12 residential units.

APPENDIX J

Economic Impacts Study

Miami Economic Associates, Inc.

Received 1/5/2022
RER-Planning

December 31, 2021

Ms. Lourdes Gomez, AICP
Director, Department of Regulatory and Economic Resources
Miami-Dade County
111 NW 1st Street
Miami, Florida 33128

**Re: Proposed CDMP/Zoning Application
8315 SW 122 Street**

Dear Ms. Gomez:

Miami Economic Associates, Inc. (MEAI) understand that South Dixie and 122 LLC ("the Applicant") is submitting a Comprehensive Development Master Plan ("CDMP") application during the October 2021 Application Cycle with respect to the above-captioned property ("the Subject Property") in unincorporated Miami-Dade County. The Applicant seeks to develop a 150-bed Assisted Living Facility ("ALF") on the Subject Property. Through a Concurrent CDMP/Zoning Application, the Applicant will request: 1) release of the CDMP Declaration of Restrictions recorded in Official Records Book 29644, Pages 3675 – 3682 of Miami-Dade County that limits development on the Subject Property to 12 dwelling units; and 2) a district boundary change from Two-Family Residential ("RU-2") District to Mixed-Use Corridor ("MCD") District. The Subject Property, which is identified by the Miami-Dade Property Appraiser as Folio No. 30-5015-000-0360) is comprised of 1.59 net acres. The parcel, which is currently vacant, fronts on SW 122 Street on its south side and abuts the Strategic Area Plan Transit (SMART) South Dade Transitway on its east side.

The proposed ALF will accommodate 150 beds within a three-story structure comprised of approximately 138,364 square feet. The proposed district boundary change to MCD would permit the intended use of the property, an ALF or "Group Residential Facility" as

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

MDC125

defined in Section 33-1(53.2) of the County Code.¹ Further paragraph 6(a) of Section 33-284.83 of the County Code states that in group residential facilities on property zoned MCD, "three occupants shall be deemed to be one dwelling unit and the maximum number of dwelling units allowed shall be equal to the permitted residential density". The Subject Property's location within one-quarter mile of the SMART Plan South Dade Transitway allows up to 60 dwelling units per acre for vertical and horizontal mixed-use development. See Page I-47, CDMP. As indicated above, the Subject Property is 1.59 net acres in size, accordingly, the property would be permitted approximately 96 residential units or 288 ALF beds.

Pursuant to the CDMP, in Low-Medium Density neighborhoods, congregate residential uses must be located only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses and to other areas of high activity or accessibility such as commercial areas. Given the location of the Subject Property adjacent to SMART Plan South Dade Transitway and across South Dixie Highway from predominantly commercial and institutional uses, its use as the site of an ALF would comply with these requirements.

MEAI believes that the Applicant's requests to release the CDMP Declaration of Restrictions and to change the zoning applicable to the Subject Property to MCD should be approved for reasons in addition to those stated in the letter of intent, including the following:

- MEAI believes that the primary market for the proposed ALF will be comprised of people over the age of 65 living in the area within Zip Code Areas 33156 and 33158, which contain the Villages of Pinecrest and Palmetto as well as portions of the County's Unincorporated Area, as well as eastern portion of Zip Code area 33176, all of which is unincorporated. Review of the U.S. Census' American Community Survey for the 9-year period between 2011 and 2019, shows that the population of the three Zip Code areas in combination increased from 88,851 to 92,271 residents, or by 3.85 percent. However, during that period, the population in the three Zip Codes over the age of 65 increased from 11,835 to 15,452, or by 30.56 percent. As a result, the percentage of population over the age of 65 in the three Zip Code areas in combination increased from 13.1 percent in 2011 to 16.7 percent in 2019, with the latter figure exceeding the percentage of population over the age of 65 countywide.
- MEAI is aware from prior assignments involving ALF's and the undersigned knows from personal experience dealing with elderly parents and in-law parents that people who need to relocate to an ALF and their families generally prefer facilities that keep

¹ A Group Residential Facility is defined as a dwelling units or facility that provides a living environment and support services for unrelated residents and that may require licensure by the State of Florida, including, but not limited to, nursing homes, homes for the aged, assisted living facilities, congregate living facilities, independent living facilities, foster care facilities, community residential homes, group home, memory care facilities and hospice facilities. The term "support services" include medical offices, staff offices, dining facilities, recreation rooms and similar facilities and services.

them in the area where they have been living to better facilitate contact with family and/or friends. These people also prefer, if they are still physically capable of doing so either by themselves or with assistance, to maintain their historic relationship with a place of worship in the area where they formerly lived. At the current time there are no ALF's operating in Zip Code areas 33156, 33158 and 33176. Accordingly, we believe there will be strong demand for the 150 beds at the ALF proposed for development of the Subject Property.

- As discussed previously, the proposed ALF will be adjacent to the SMART Plan South Dade Transitway. The extent to which the residents of the facility will avail themselves of transit service will be based on their physical condition, hence hard to predict with certainty. However, MEAI believes that a substantial percentage of the staff of the facility, which the Applicant anticipates will number 118 people on full-time equivalent ("FTE") basis during 3 shifts per day, are likely to use transit to commute to and from work.
- The proposed ALF will also generate economic and fiscal benefits for Miami-Dade County as will be discussed in the materials that follow:

Economic Benefits

- The Applicant estimates that the proposed ALF will cost approximately \$25.0 million to build in terms of hard costs. Using the Minnesota IMPLAN Input/Output Model, MEAI estimates that the money spent on hard costs during the development period will support a total of 458 jobs including 265 construction jobs on-site (direct jobs). The other 193 jobs will either be in industry sectors supportive of the on-site activity (indirect jobs) or in business establishments across the economy in which the direct and indirect workers spend their earnings (induced jobs). All the direct, indirect and induced workers are expected to earn approximately \$22.2 million during the period in which the proposed residential project is being constructed.
- As stated above, the Applicant estimates that 118 people will be employed by the ALF on an FTE basis. Using the Minnesota IMPLAN Input/Output Model, MEAI estimates that fifty additional 59 people will be employed in indirect and induced jobs. The total wages and salaries paid annual will approximate \$7.4million.

Fiscal Benefits

- During the period that the proposed project is being developed, Miami-Dade County will collect more than \$353,881 in master building permit fees and impact fees for roads, fire, police and parks. It will also collect building permit fees from the electrical, plumbing, structural and mechanical subcontractors involved in the project as well as water and sewer connection fees in amounts that cannot be estimated at this time based on the information currently

available. Given the age of the residents of the proposed ALF, it will not be required to pay school impact fees.

- Once the proposed project has been completed, ad valorem taxes will be paid to the county on an annual basis and the county will receive other revenues in the form of utility taxes and franchise fees. The table below provides estimates of the ad valorem taxes that will be paid annually in 2021 Constant Dollars to various jurisdictions of local government in which the Subject Property will be located. The table assumes that the taxable value of the proposed project will approximate \$27.0 million, which equates to the hard cost to build the project and the estimated market value of the Subject Property based on comparable properties.

Entity	Rate/\$1000 Taxable Value	Annual Taxes
Miami-Dade County		
General Fund	4.6669	\$ 126,006
Debt Service Fund	0.5075	\$ 13,703
Fire Fund	2.4207	\$ 65,359
Library Fund	0.2840	\$ 7,668
UMSA	1.9283	\$ 52,064
Total		\$ 264,800
Miami-Dade Public Schools		
Operating Fund	6.8290	\$ 184,383
Debt Service Fund	0.1800	\$ 4,860
Total		\$ 189,243
Children's Trust	0.5000	\$ 13,500

Source: GC 3 Development, LLC; Miami-Dade County Property Appraiser; Miami Economic Associates, Inc.

- With respect to the table above, the following points should be noted:
 - The amount of ad valorem taxes that each of the jurisdictions enumerated will collect on an annual basis is more than 35 times greater than the amount they currently collect from the Subject Property.
 - MEAI recognizes that the development of the Subject Property with the proposed residential project will require the County to provide a variety of services, most notably police and fire services. However, those services are already being provided in the area where the proposed project will be located and the taxes ad valorem taxes that the proposed project will generate should cover any incremental costs incurred.

Director, Department of Regulatory and Economic Resources

Miami-Dade County

December 31, 2021

Page 5

Closing

As previously stated, MEAI strongly believes that the proposed amendment to the CDMP amendment and the district boundary change being requested with respect to the Subject Property should be approved because the significant need for the proposed ALF use in Miami-Dade County and the economic and fiscal benefits discussed above.

Sincerely,
Miami Economic Associates, Inc.



Andrew Dolkart
President

APPENDIX K

Fiscal Impact Analysis

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. CDMP20210013 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 2021-22, 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 2021-22, the DSWM charges a contract disposal rate of \$66.12 per ton while the non-contract disposal rate is \$97.77 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 proposed project falls within WASD's water service area.

The applicant requests to release a 2015 covenant for the the ± 1.72 gross/ ± 1.59 acre application site and replace it with a new proffered covenant that would allow the application site to be developed with a 258-bed Assisted Living Facility or a maximum of 13 dwelling units per acre, which would allow 22 single-family attached dwellings. If the site is developed with the 258-bed ALF, the water and sewer connection charges are estimated at \$226,728, and the annual operating and maintenance costs would total \$49,997. If the site is developed with 22 single-family attached dwellings, the water and sewer connection charges are estimated at \$26,674 and the annual operating and maintenance costs would total \$5,628.

It is estimated that 640 linear feet of 12-inch water main will be required for the site at a cost of \$260,288, and that 360 linear feet of 8-inch gravity sewer main will be required at a cost of \$101,657.

Drainage and Flood Protection

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

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

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

Public Schools

The Planning Level review for the requested CDMP covenant that would result in a maximum of 22 single-family attached dwellings for a residential scenario (utilizing the student generation multipliers) results in an impact of two (2) elementary 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 proposed amendment, if approved and the site developed with residences, could result in two (2) additional students. The average cost for K-12 grade students amounts to \$9,337 per student. Of the two students, both will attend elementary schools. The total annual operating cost for additional students residing in this development, if approved, would total \$18,674.

Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) has determined that the current CDMP land use designation of "Low-Medium Density" will allow a potential development which is anticipated to generate 4 annual alarms. The proffered covenant for a 258-bed Assisted Living Facility would allow a proposed potential development which is anticipated to generate 45 annual alarms, while the potential for 22 single-family attached dwellings would generate 8 annual alarms.. The estimated 45 annual alarms would result in a moderate impact to existing fire rescue services for the application site. Presently, fire and rescue services provided by Station No. 23 (Suniland) in the vicinity of the application site are adequate.

APPENDIX L

Photos of Site and Surroundings



Application Site from SW 122 Street facing north



Looking west on SW 122 Street from Application Site



Looking east from application site across Transitway and US1



Vacant property to the north of the application site

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ADDITIONAL ITEMS
OCTOBER 2021 CYCLE APPLICATION NO. CDMP20210013
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
(Consisting of materials not included in the Initial Recommendations Report)

ITEMS	PAGE NO.
1. Letter from Applicant Requesting Correction of Scrivener's Error on the CDMP Application, received November 30, 2033*	A-1
2. Corrected CDMP Amendment Application, received November 30, 2022	A-5
3. Proffered CDMP Declaration of Restrictions, submitted November 27, 2023	A-21
4. Proffered Concurrent Zoning Application Declaration of Restrictions, received November 27, 2023	A-37
5. Traffic Study (Updated), dated November 27, 2023*	A-47
6. Miami-Dade County Public Schools Concurrency Table (Updated), dated October 12, 2023	A-53
7. Planning Advisory Board (PAB) Resolution from hearing dated October 17, 2022	A-57
8. PAB Minutes from hearing dated October 17, 2022	A-65
9. Letter Requesting to Defer and Extension of 180-day Public Hearing Requirement, received April 6, 2023	A-77
10. Opposition Letter from Killian Area Neighbors, submitted at PAB hearing of October 17, 2023	A-81
11. Sample of 76 Opposition Letters from Killian Neighbors, submitted October 17, 2023	A-85

*The CDMP application had a scrivener's error. The applicant's name should be South Dixie and 122 LLC, rather than South Dixie and 112 LLC. The application is updated to reflect this change.

** Excerpted pages are enclosed in these appendices. The complete report is accessible on the Department of Regulatory and Economic Resources website at:

- https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/8c7bd24b-bf83-47e2-9bfc-6c1291d9b765?tab=attachments or at
- <https://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#oct2021>

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**1. Letter from Applicant Requesting Correction of Scrivener's Error
on the CDMP Application, Received November 30, 2033**

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RECEIVED 11-30-22
Planning Division

November 30, 2022

VIA ELECTRONIC MAIL

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

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Jerry Bell
Assistant Director for Planning
Department of Regulatory and Economic Resources
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, Florida 33128

Re: Scrivener's Error Application No. CDMP20210013 for the
Property Located at 8315 SW 122 Street

Dear Mr. Bell:

As you know, this firm represents South Dixie and 122 LLC (the "Applicant") in connection with the October 2021 Cycle Comprehensive Development Master Plan (CDMP) Application No. CDMP20210013 for the property located at 8315 SW 122 Street (the "Property"). Please accept this letter as clarification that the Applicant entity name is **South Dixie and 122 LLC**. There was a scrivener's error in several application documents reflecting the entity name as South Dixie and 112 LLC. This is an error and we have corrected the application documents to correct it.

Should you have any questions or concerns please do not hesitate to contact me directly at 305-377-6227.

Very truly yours,

Melissa Tapanes Llahues

CC: Michael Garcia Carrillo
Maritza Haro Salgado

MDC142

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**2. Corrected CDMP Amendment Application,
Received November 30, 2022**

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RECEIVED 11-30-23
Corrected Application
Planning Division

**APPLICATION TO AMEND THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

South Dixie and 122 LLC
5979 SW 56th Street
Miami, FL 33155

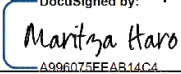
2. APPLICANT'S REPRESENTATIVE

Melissa Tapanes Llahues, Esq.
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(305) 377-6225

By:  Date: November 30, 2022
DocuSigned by:
59117699D89E40A

Melissa Tapanes Llahues, Esq.
Applicant's Representative

By:  Date: November 30, 2022
DocuSigned by:
A996075FEAB14C4

Maritza Haro Salgado, Esq.
Applicant's Representative

3. DESCRIPTION OF REQUESTED CHANGE

An amendment to the Comprehensive Development Master Plan (the "CDMP") Land Use Element is requested.

A. The Applicant seeks the following amendments to the CDMP Land Use Element:

- Release of the Declaration of Restrictions recorded in Official Records Book 29644 at Pages 3675 through 3682 in the Public Records of Miami-Dade County ("2015 CDMP Declaration"), See Exhibit A, 2015 CDMP Declaration and Exhibit B, Release of 2015 CDMP Declaration; and
- Add the proffered Declaration of Restrictions (the "Amended and Restated CDMP Declaration") in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. See Exhibit C, Amended and Restated CDMP Declaration.

B. Description of the Application Area

The application area ("Application Area") consists of the property located at 8315 SW 122 Street and is further identified by Miami-Dade County (the "County") Property Appraiser Folio No. 30-5015-000-0360. The Application Area is designated "Low-Medium Density Residential" on the CDMP Future Land Use Map (FLUM) and is located along the Strategic Miami Area Rapid Transit (SMART) Plan South Dade Transitway.

C. Acreage of Property

The Application Area is approximately ±69,182 net square feet (1.59 net acres) and 74,910 gross square feet (1.72 gross acres) and is located in Section 15, Township 55, Range 40.

D. Concurrent CDMP/Zoning Application

The Applicant has also submitted Zoning Application No. Z2022000148 (the "Zoning Application") requesting (1) a district boundary change from Two-Family Residential ("RU-2") District to Mixed-Use Corridor ("MCD") District and (2) acceptance of a proffered Declaration of Restrictions ("Zoning Declaration"). See Exhibit D, Draft Zoning Declaration. The Applicant requests that this CDMP Application be processed concurrently with the Zoning Application.

4. REASON FOR AMENDMENTS

The Application Area consists of approximately 1.72 gross acres and is currently vacant. In 2015, the Board of County Commissioners ("BCC"), through Ordinance No. 15-

40, adopted a CDMP amendment to re-designate the Application Area from “Estate Density Residential” to “Low-Medium Density Residential”. As part of the approval, the BCC accepted the 2015 CDMP Declaration. See Exhibit E, Ordinance No. 15-40. The 2015 CDMP Declaration limits development on the Property to a maximum of 12 dwelling units, consisting of no more than six (6) residential buildings and one accessory building for common amenities. Further, the Declaration currently requires preservation of specimen trees on the property and for the owner to prepare a traffic calming measure on SW 84 Avenue and SW 122 Street and pay for such improvement if approved by the County.

This application (the “Application”) seeks to release the 2015 CDMP Declaration and replace it with the Proposed Amended and Restated CDMP Declaration in order to develop the Application Area with a congregate residential use or Assisted Living Facility (“ALF”). Much has changed in Miami-Dade County since 2015 when the 2015 CDMP Declaration was recorded. The County has experienced significant growth and its projected population growth has been intensified by increased domestic migration of new residents looking for a warm, outdoor-oriented destination to ward off the COVID-19 pandemic. According to the Florida Department of Highway Safety and Motor Vehicles, more than 33,500 New Yorkers moved to Florida between the months of October 2020 and July 2021. Further, the Florida Department of Highway and Safety and Motor Vehicles provided data that indicated that more than 40,000 Californians have moved to Florida between the years of 2019 and 2021. Although South Florida continues to embrace residents who long to improve their quality of life, the County in particular tops the list of Florida cities that remain poised to keep growing even after the pandemic. This unforeseen population growth has exacerbated the housing affordability crisis throughout Miami-Dade County. No population has been more vulnerable to this housing crisis than our community’s aging elderly population. Safe, affordable and quality housing in close proximity to support networks to allow aging in place is a worthy County-wide priority.

Even before the Covid-19 pandemic, the County began discussions to address the needs of an aging population. Across the globe, people are living longer and our populations are growing older. Notably, the County has the largest population of older adults in the State of Florida with over half a million residents age 60 and older in the County; and that population is expected to continue to grow to over 800,000 by 2040, representing 25% of the total population of the County¹. The Miami-Dade Age-Friendly Initiative was created as a collaborative effort between the AARP Florida, Alliance for Aging, Florida Department of Health in Miami-Dade County, Health Foundation of South Florida, Miami-

¹ Florida Population Studies: Population Projections by Age, Race, and Hispanic Origin for Florida and Its Counties 2015-2040 with Estimates for 2013, University of Florida, Bureau of Economic and Business Research.

Dade County, Miami-Dade Transportation Planning Organization, United Way of Miami-Dade, and Urban Health Partnerships, and focuses on sustainable changes and efforts in order to create a community where older adults of all ages can stay active, engaged, and healthy with dignity and enjoyment.

A December 2018 report prepared by Rosado & Associates for the Miami-Dade County Age Friendly Initiative (the "MDCAFI Report") provides that for the first time in US history, older adults are projected to outnumber children by 2035². Further, population projections indicate that by 2030, one in five people will be age 65 or older³. A combination of increasing life expectancy, a declining birth rate, and the aging of the baby boom generation will dramatically increase the number and proportion of the US population over the age of 65.⁴

Most importantly, older adults prefer to age in place, whether in their home or the community where they worked, raised their children and have familial ties. According to the MDCAFI Report, the County houses the largest number of older adults of any county in the State of Florida. The ability of older adults to "age in place" in their home or community is highly influenced by local policies, including those that shape services and supports in the home, physical design and accessibility of the home, as well as community features such as the availability of nearby services and amenities, affordable housing, and transportation options.

In order to prepare for the future of growing and aging populations, the County must consider older adults' needs when developing strategic and long-term community plans. This Application seeks to directly meet the needs of aging populations by providing necessary housing options in close proximity to essential neighborhood amenities, medical services and a major transportation corridor.

The proposed use of the Application Area as a congregate living facility or ALF is not only a necessary and essential use for the County but it is also encouraged by the CDMP. Pursuant to the CDMP, in Low-Medium Density neighborhoods, congregate residential uses, must be located in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In

² US HUD. Census Information. N.d.

<https://www.census.gov/library/visualizations/2018/comm/historic-first.html>. Retrieved on July 25, 2018.

³ Harrell, Rodney, Jana Lynott, and Shannon Guzman. Is This a Good Place to Live? Measuring Community Quality of Life for All Ages. 2014. Washington, DC: AARP.

particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas. See Page I-36, CDMP. The Application Area is uniquely situated along with busway and SMART Plan South Dade Transitway and serves as an appropriate transition from the lower density areas to the north and west.

In addition, Paragraph 5 of the CDMP's Guidelines for Urban Form states that areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses. In this case, the adjacent properties on the east side of Harriet Tubman Highway should be considered an activity node which are defined by Paragraph 4 of the CDMP's Guidelines for Urban Form. Activity nodes are defined as the intersections of section line roads which serve as focal points of activity. Activity nodes must be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes. In this case, Harriet Tubman Highway is a major north-south transportation corridor in the County and as such is lined with commercial uses. In the case of the Application Area, the section is bisected by Harriet Tubman Highway, therefore, making properties along Harriet Tubman Highway suitable for commercial uses and higher density residential uses.

Most importantly, following the recordation of the Declaration, on June 7, 2016, the BCC adopted Resolution No. R-523-16 endorsing the SMART Plan and setting the advancement of the rapid transit corridors, including the South Dade Transitway and transit supportive projects as the highest priority for the community. See Exhibit F, the SMART Plan Resolution. Pursuant to Ordinance No. 18-08 adopted on February 6, 2018, the BCC created the Miami-Dade County Transportation Infrastructure Improvement District (TIID), as a tool to help fund the SMART plan and promote proper zoning changes as improved rapid transit service is put into place. The TIID includes all properties within a half (1/2) mile of the South Dade Transitway, including the Property. See Exhibit G, the TIID Resolution. On January 24, 2019, the BCC adopted Ordinance 19-07, amending the CDMP to allow vertical and horizontal vertical and horizontal mixed-use development along the mixed-use and Rapid Transit Activity Corridors, which includes the Application Area. See Exhibit H, the CDMP MCD Amendment Resolution.

The SMART Plan called for the expansion of the central metropolitan transit system and transit supportive projects, including the South Dade Transitway which is immediately adjacent to the Application Area. The Application Area is part of the TIID and is the ideal

location for an ALF which will serve the needs of the County's growing aging population and provide a diverse range of employment opportunities. Accordingly, the requested release of the 2015 CDMP Declaration and acceptance of the Amended and Restated CDMP Declaration is consistent with the CDMP and the County's planned growth along the South Dade Transitway.

Policy LU-8E of the CDMP requires that amendments to the FLUM be evaluated for consistency with the Goals, Objectives and Policies of the CDMP, and to the extent the proposed application would: (i) satisfy a deficiency in the FLUM to accommodate projected population or economic growth, (ii) enhance or impede the provision of services at or above adopted Level of Service Standards, (iii) be compatible with abutting and nearby land uses, (iv) enhance or degrade environmental or historical resources, (v) enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality, and (vi) would be a use that promotes transit ridership and pedestrianism if located in a planned urban center or within $\frac{1}{4}$ mile of existing transit as indicated in Objective LU-7. This Application is consistent with Policy LU-8E as follows:

i. *Need to Accommodate Population or Economic Growth*

As noted in the Economic Report prepared by Miami Economic Associates, Inc. (MEAI) the primary market for the proposed ALF will be comprised of people over the age of 65 living in Zip Code Areas 33156, 33158 and 33176. Review of the U.S. Census' American Community Survey for the 9-year period between 2011 and 2019, shows that the population of these zip codes, in combination, increased from 88,851 to 92,271 residents, or by 3.85%. However, during that period, the population in the three Zip Codes over the age of 65 increased from 11,835 to 15,452, or by 30.56%. As a result, the percentage of population in the three Zip Code areas in combination increased from 13.1 percent in 2011 to 16.7 percent in 2019, with the latter figure exceeding the percentage of population over the age of 65 countywide. In addition, there are no ALF's currently operating in Zip Code areas 33156, 33158 and 33176. Accordingly, there is significant demand for an ALF use to accommodate the growth of the aging population in the vicinity of the Application Area.

In addition to accommodating population growth, this Application will promote economic growth in the area. The Applicant estimates that the proposed ALF will generate approximately \$25.0 million in hard costs. Using the Minnesota IMPLAN Input/Output Model, MEAI estimates that the money spent on hard costs during the development period will support a total of 458 jobs including 265 construction jobs on-site (direct jobs). The other 193 jobs will either be in industry sectors supportive of the on-site activity (indirect jobs) or in business establishments across the economy in which the direct and indirect

workers spend their earnings (induced jobs). All the direct, indirect and induced workers are expected to earn approximately \$22.2 million during the period in which the proposed residential project is being constructed. The Applicant estimates that 186 people will be employed by the ALF on an FTE basis. Using the Minnesota IMPLAN Input/Output Model. MEAL estimates that 93 additional people will be employed in indirect and induced jobs. The total wages and salaries paid annual will approximate \$11.7 million.

Further, through the development of the proposed ALF, the County will collect more than \$353,881 in master building permit fees and impact fees for roads, fire, police and parks. It will also collect building permit fees from the electrical, plumbing, structural and mechanical subcontractors involved in the project as well as water and sewer connection fees in amounts that cannot be estimated at this time based on the information currently available. Following development, ad valorem taxes will be paid to the County on an annual basis and the County will receive other revenues in the form of utility taxes and franchise fees.

Accordingly, approval of this Application will ensure that the necessary housing and services are in place to accommodate the County's aging and growing population as well as promote economic growth in the area.

ii. *Public Services and Facilities*

The Applicant engaged the services of TrafTech Engineering, Inc. ("TrafTech") to prepare a traffic evaluation of the proposed ALF use. The Traf Tech report analyzed existing traffic conditions as well as the short-term (2025) and long-term (2045) analyses of the proposed ALF or congregate living facility use. The traffic study confirms that ample roadway capacity is projected for the short-term (year 2025) with the exception of SW 136th Street, west of US 1. This is an existing deficiency and the proposed ALF use would have a traffic impact of less than 1.0% of the adopted level of service standard (de-minimus traffic impact). Similarly, in the long-term (year 2045) planning horizons, several roadway segments are projected to operate deficiently but not necessarily resulting from the proposed ALF use which has a traffic impact less than 1.0% of the adopted level of service standard (deminimus traffic impact). The Applicant will work with the County ensure there is sufficient capacity to maintain and improve upon adopted LOS standards. In the event any concerns are raised by County Departments, the Applicant will diligently work with staff to resolve any concerns during the application process

iii. *Compatibility:*

The proposed ALF use is compatible with the CDMP Adopted 2030 and 2040 FLUM designations, the surrounding residential uses and the uses along the SMART Plan South Dade Transitway. The proposed use serves as a transition from the residential uses to the west to the more intense commercial and high density uses along Harriet Tubman Highway. Notwithstanding, through the proposed Zoning Declaration being proffered with the concurrent Zoning application, the Applicant seeks a District Boundary Change to Mixed Use Corridor, consistent with the Application Area's location along the CDMP's SMART Plan South Dade Transitway Corridor. In the Zoning Declaration, the Applicant will provide the necessary assurances to ensure compatibility with the area as well as address any neighbor concerns. In addition, the Applicant will work with staff to preserve or relocate specimen trees and commit to an approved site plan.

iv. *Environmental and Historic Resources:*

Approval of this Application will not impact any historic resources or environmental resources. The Applicant will seek a tree permit in accordance with Section 24-49.2(II) of the Code in connection with any existing tree resources. The Applicant will promptly coordinate with DERM in connection with securing any required permits through the development process. In addition, the Proposed Amended and Restated Declaration will address and include a commitment to preserve or relocate any existing specimen trees on site.

v. *Enhances or Degrades Important County Systems:*

Approval of this Application will enhance important County systems by ensuring the required infrastructure is in place to support the proposed development. Notably, the development of the Application Area with an ALF will enhance the use of the CDMP's SMART Plan South Dade Transitway Corridor. The Applicant is committed to working with the County to ensure the LOS standards are maintained or exceeded.

vi. *Transit Ridership and Pedestrianism:*

Approval of this Application will support transit ridership and pedestrianism by allowing a use geared towards serving the needs of the County's growing and aging population. The Application Area's proximity to the CDMP's SMART Plan South Dade Transitway Corridor will encourage the use of transit services because of their convenient location. In addition, the proposed ALF will promote pedestrianism and enhance transit ridership because aging populations are more likely to rely on public transportation in lieu of driving. Additionally, the convenient bus stops along the SMART Plan South Dade Transitway as well as the Application Area's close proximity to the Dadeland Metro Station will encourage the use of public transit by employees.

Approval of this application is also consistent with the following Goals, Objectives and Policies of the **LAND USE ELEMENT** of the CDMP:

- **Goal 1. Provide the best possible distribution of land use and services to meet the physical, social, cultural, health and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade county's unique agricultural lands.**

Approval of this Application will allow the introduction of services to meet the health and economic needs of the County's current and future populations. The proposed ALF use will work in concert with the other uses in the vicinity to create a mixed-use environment for a diverse and aging population. As a result, approval of this Application will improve the quality of the natural and man-made environment and amenities in the area.

- **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.**

Approval of this Application will serve to give priority to infill development on vacant sites in currently urbanized areas as the Application provides for infill development and the Application Area is comprised of a vacant parcel in a currently urbanized area along the CDMP's SMART Plan South Dade Transitway Corridor. The CDMP encourages intensity and density along SMART Plan Corridors because urban services and facilities are projected to have capacity to accommodate the additional demand.

- **LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of communities which include recreational, educational and other public facilities, houses of worship, places of employment, and safe and convenient circulation of automotive, pedestrian and bicycle traffic throughout the communities.**

Approval of this Application will supplement an existing mix of uses in the area to create a multi-modal neighborhood with residential, commercial and healthcare facilities and will enhance traffic circulation in the vicinity of the Application Area by providing safe and

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convenient circulation of mass transit, vehicle, pedestrian and bicycle traffic throughout the Application Area.

- **LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.**

The neighboring area to the west is primarily characterized by single family residences. Approval of this Application would allow the inclusion of housing diversity by providing an ALF within a mixed-use neighborhood to directly advance Policy LU-1F.

- **LU-1S. The Miami-Dade County Strategic Plan shall be consistent with the Comprehensive Development Master Plan (CDMP). The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and urban center development, protection of viable agriculture and environmentally-sensitive land, reduced flooding, improved infrastructure and redevelopment to attract businesses, availability of high-quality green space throughout the County, and development of mixed-use, multi-modal, well designed, and sustainable communities.**

Key outcomes of the Strategic Plan that are relevant to the Land Use Element of the CDMP include increased urban infill development and urban center development, and improved infrastructure and redevelopment to attract businesses. Approval of this Application will provide for increased urban infill development and will increase the mix of uses in the area in order to create a multi-modal, well designed, and sustainable community.

- **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.

CDMP Land Use Element Policy LU-8A requires the County to accommodate residential development in suitable locations and densities which reflect such factors as proximity and accessibility to employment, commercial, cultural, community and senior centers among other factors. Approval of this Application will accommodate senior assisted living residential development in close proximity to public transit and the SMART Plan South Dade Transitway.

- **LU-9D. Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.**

CDMP Land Use Element Policy LU-9D requires the County to continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities. Approval of this Application will allow for the sound, compatible mixing of uses in the Application Area with the surrounding residential and commercial uses.

Approval of this Application is also consistent with the following Goals, Objectives and Policies of the **TRANSPORTATION ELEMENT** and **HOUSING ELEMENT** of the CDMP:

- **TRANSPORTATION ELEMENT GOAL.**

GOAL: Develop and maintain an integrated multimodal transportation system in Miami-Dade County to move people of all ages and abilities and goods in a manner consistent with overall countywide land use and environmental protection goals and integration of climate change considerations in the fiscal decision-making process.

Approval of this Application will advance the CDMP Transportation Element goal by providing a necessary ALF use in close proximity to the SMART Plan South Dade Transitway. Additionally, approval of this Application is consistent with both Land Use Element and Transportation goals, objectives and policies, thereby advancing the goal of making the multimodal transportation system consistent with the overall countywide land use.

- **TE-1F. Transit-supportive Land Use Element policies including, but not limited to, Urban Center guidelines shall be vigorously implemented in association with planned rapid transit facilities identified in the Mass Transit Subelement.**

Approval of this Application will advance the CDMP Transportation Element Policy TE-1F because it will allow the development of a mixed-use development with congregate living and employment opportunities abutting the SMART Plan South Dade Transitway.

- **TRANSPORTATION ELEMENT, MASS TRANSIT SUB-ELEMENT GOAL.**

Maintain, operate and develop a mass transit system in Miami-Dade County that provides efficient, convenient, accessible, and affordable service to all residents and visitors.

Approval of this Application will advance the CDMP Transportation Element, Mass Transit Sub-Element Goal because it will allow an ALF use in close proximity to the SMART Plan South Dade Transitway. This Application will allow the efficient and convenient access to mass transit service to the future residents and visitors of the ALF.

- **MT-8F. Miami-Dade County shall continue to provide for transit signal priority and/or queue jumpers; exclusive transit lanes; and request for major residential, retail, office, or mixed-use development to provide appropriate transit-supportive facilities and service.**

Approval of this Application will advance CDMP Transportation Element Policy MT-8F because the Application Area and surrounding properties will consist of horizontal mixed-use development as defined by the CDMP. The resulting mix of uses will encourage the use of public transportation.

- **HOUSING ELEMENT GOAL 1. Ensure the provision of housing that will be affordable to all current and future Miami-Dade County residents, regardless of household type or income.**

Approval of this application will advance Housing Element Goal 1 because it will permit an ALF use as part of a horizontal mixed-use development. There is significant need for housing variety for all household types and incomes in the surrounding area, and especially for the growing elderly population. The proposed ALF use will meet that demand in proximity to mass transit. In addition, the proposed ALF use will create employment opportunities in the area.

For the above-mentioned reasons, the proposed ALF use in the Application Area, is appropriate, compatible and encouraged by the CDMP's goals, objectives and policies. Accordingly, the Applicant respectfully requests your favorable recommendation for

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approval of the requested release of the 2015 CDMP Declaration and acceptance of the Amended and Restated CDMP Declaration.

5. LOCATION MAP: See attached.

6. ADDITIONAL MATERIAL SUBMITTED:

- 1) 2015 CDMP Declaration (Exhibit A)
- 2) Release of 2015 CDMP Declaration (Exhibit B)
- 3) Proposed Amended and Restated CDMP Declaration (Exhibit C)
- 4) Draft Zoning Declaration (Exhibit D)
- 5) Economic Impact Study
- 6) Traffic Study

7. LEGAL DESCRIPTION: See attached.

8. COMPLETE DISCLOSURE FORMS: See attached.

9. PROPOSED MODIFICATION TO OR RELEASE OF AN EXISTING CDMP DECLARATION OF RESTRICTIONS: See attached.

10. TRAFFIC IMPACT STUDY: See attached.

11. NOTIFICATION TO PROPERTY OWNERS OTHER THAN THE APPLICANT, WHOSE PROPERTIES ARE INCLUDED WITHIN AN APPLICATION AREA BOUNDARY. N/A

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

Location Map for Application to Amend the Comprehensive Development Master Plan

APPLICANT / REPRESENTATIVE

SOUTH DIXIE AND 122 LLC / Melissa Tapanes Llahues and Maritza Haro Salgado

DESCRIPTION OF SUBJECT AREA

Subject Property consists of ± 1.72 gross acres (± 1.59 net acres) located in Section 15, Township 55, Range 40. The property is more accurately described by legal description:

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

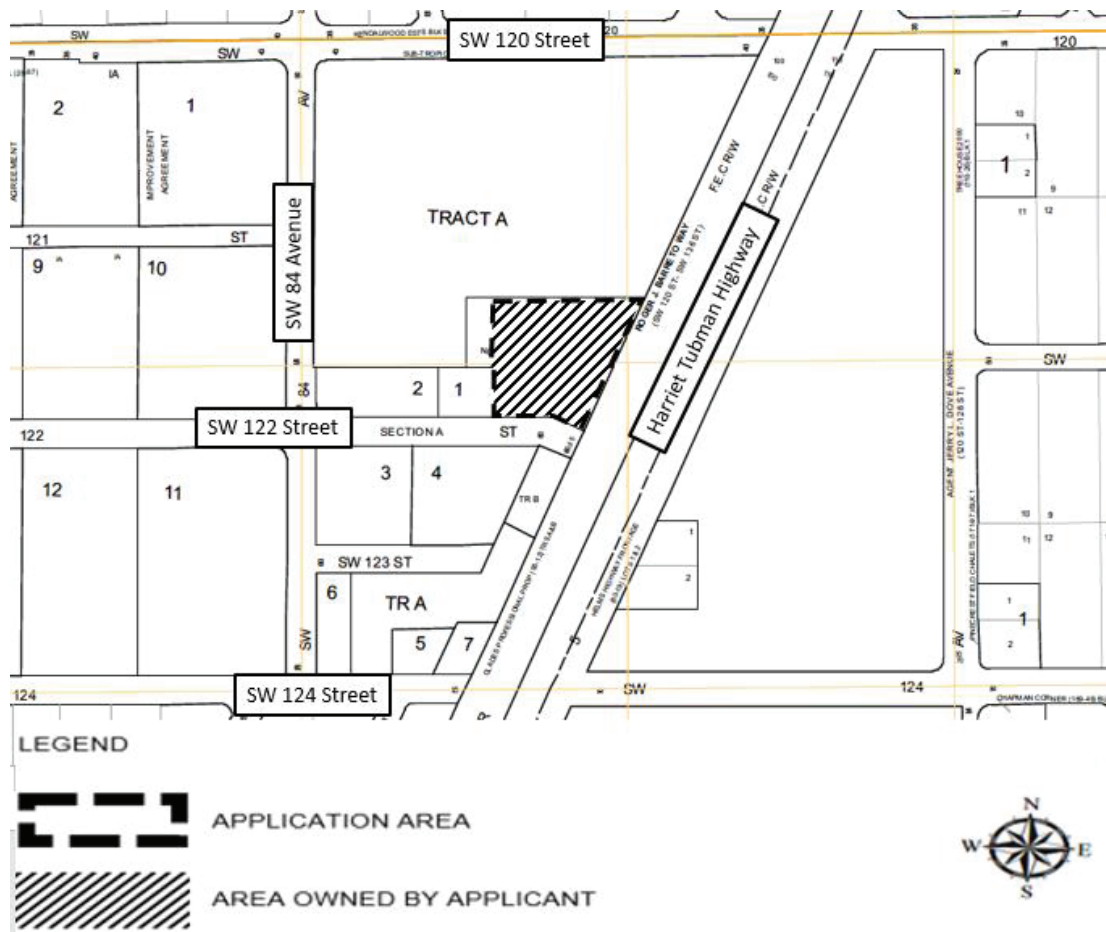
Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.



**3. Proffered CDMP Declaration of Restrictions,
submitted November 27, 2023**

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This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.
Address: Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 S. Biscayne Boulevard
Suite 300
Miami, FL 33131

(Space reserved for Clerk)

**AMENDED AND RESTATED DECLARATION OF RESTRICTIONS
(Comprehensive Plan)**

THIS AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") is made this ____ day of _____, 202____, by South Dixie and 122 LLC, a Florida limited liability company, (hereinafter referred to as the "Owner").

WITNESSETH THAT:

WHEREAS, the Owner holds the fee simple title to the property located 8315 SW 122 Street in Unincorporated Miami-Dade County, as further described in **Exhibit "A"** attached hereto (the "Property") and supported by an attorney's opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the November 2014 Amendment Cycle (the "2014 CDMP Application"); and

WHEREAS, the 2014 CDMP Application changed the Property's land use designation from "Estate Density Residential" to "Low-Medium Density Residential"; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on May 6, 2015, and accepted a Declaration of Restrictions, recorded in Official Records Book 29644, at Page 3675-3682, of the Public Records of Miami-Dade County, Florida (the "Prior Declaration"); and

WHEREAS, the conditions and circumstances have significantly changed in Miami-Dade County since the Prior Declaration was recorded; and

WHEREAS, the Owner submitted CDMP Application No. 20210013 in the October 2021 Amendment Cycle (the "2021 CDMP Application") in order to amend, restate and release the Prior Declaration, as provided in this Declaration; and

WHEREAS, in order to assure the BCC that the representations made by the Owner and relied on by said BCC during consideration of the Owners' Application will be abided by, the Owners voluntarily and without duress make this Declaration covering and running

with the Property and hereby acknowledge the validity and enforceability of each and every provision hereof on behalf of themselves and their successors and assigns.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

- 1) The foregoing recitals are true and correct and by this reference are incorporated herein.
- 2) **Termination of Prior Declaration.** The Prior Declaration is amended and restated in its entirety by this Declaration and upon the recording of this Declaration in the Public Records of Miami-Dade County, Florida, the Prior Declaration is terminated and released and shall be of no further force or effect.
- 3) **Uses.** The Property may be developed with Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, Day Care Facilities or residential uses.
- 4) **Maximum Density.** The Property may be developed with a up to 216 bed Assisted Living Facility (ALF) or a maximum density of thirteen (13) dwelling units per acre consistent with the Property's "Low-Medium Density Residential" CDMP future land use plan designation.
- 5) **Specimen Trees.** Owner commits to preserve on the Property any specimen trees as defined in Miami-Dade County Code of Ordinances in accordance with Tree Permit No. TREE-2214182.
- 6) **Traffic Improvements.** The Owner agrees to the following traffic related improvements.
 - a. **Traffic Calming.** The Owner shall prepare for the evaluation and consideration of the County prior to subdivision approval, a traffic calming measure on SW 84th Avenue and SW 122nd Street. If warranted and approved by the County, the Owner shall bear the cost of such improvements.
 - b. **Signalization.** The Owner shall work with the County to optimize the intersection signalization timing to optimize and diminish queue at SW 124 Street/Harriet Tubman Highway and SW 124 Street/SW 87th Avenue intersections.
 - c. **Turn Lane Lengthening.** The Owner shall lengthen the south bound left turn lane at SW 87th Avenue and SW 124 Street subject to County approval.

- d. **Lane Widening.** The Owner shall widen SW 124 Street from the east section of SW 84th Avenue to the west section of SW 84th Avenue subject to County approval.
- 7) **Road Mitigation.** In furtherance of the CDMP, the owner acknowledges and agrees that because the application has an impact on US-1, a hurricane evacuation route, mitigation is required. The Owner acknowledges that Policy LU-8E and the Capital Improvements Element of the CDMP provides that applications to amend the CDMP Land Use Map are evaluated for, among other things, whether the proposed application would impact emergency management. At the time of any subsequent development order approval, the proposed development of the Property will be reanalyzed for concurrency in accordance with Chapter 33G of the Code and the Owner may provide the proportionate share mitigation payment for impacts to hurricane evacuation route along US-1. The proportionate share mitigation payment shall be in accordance with Section 163.3180, Florida Statutes and shall be creditable against road impact fees due as part of the development of the Property.
- 8) **South Dade Trail.** The Owner shall make reasonable effort to provide neighborhood access, in the form of non-motorized, pedestrian connections to the adjacent South Dade Trail subject to County approval.
- 9) **Connection to Public Water and Sewer Service.**
 - A. The Owner acknowledges that the Property is located within the established utility service area of the Miami-Dade Water and Sewer Department ("MDWASD") and is subject to all local, State, and Federal water and sewer regulations, including MDWASD's rules and regulations, implementing orders, and MDWASD's connection charges and fees in effect at the time of the execution of a MDWASD service agreement or the issuance of a verification form or other similar written County approval, as applicable, at the time of the development of the Property or portion thereof.
 - B. The Owner hereby acknowledges and agrees that any development of the Property shall connect to the public water and public sanitary sewer system. The right to connect the Property to the County's sewage system is subject to the terms, covenants, and conditions set forth in court orders, judgments, consent orders, consent decrees, and the like entered into between the County and the United States, the State of Florida, and/or any other governmental entity, including but not limited to, the Consent Decree in United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County,

Case No. 1:12-cv-24400-FAM (S.D. Fla) (the "Consent Decree"), as well as all other current, subsequent, or future enforcement and regulatory actions and proceedings.

C. The Owner shall coordinate with MDWASD and with the County's Division of Environmental Resources Management ("DERM") to ensure the provision of water and sewer service to the Property, and shall enter into a Service Agreement with MDWASD for Water and Sanitary Sewer Facilities for the Property prior to the approval of a final plat for the Property. The availability of potable water supply capacity shall be determined at the time of such Service Agreement or the issuance of a verification form or other similar written approval, as applicable, at the time of the development of the Property or portion thereof.

D. The Owner shall be responsible for obtaining sanitary sewer pump station capacity from the County pursuant to the applicable Miami-Dade Code requirements and consistent with the Consent Decree, prior to the issuance of a building permit for the development on the Property or portion thereof. The Owner acknowledges and agrees that the lack of adequate public sanitary sewer pump station capacity may limit the ability to connect the development of the Property to public sanitary sewer system, and that nothing in this Declaration shall vest or shall be interpreted to vest the development of the Property for such public sanitary sewer pump station capacity.

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]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 202____.

IN WITNESS WHEREOF, **SOUTH DIXIE AND 122 LLC** has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

SOUTH DIXIE AND 122 LLC

Address:

By _____

(Managing Member)

Print Name: Michael Garcia-Carrillo
Manager

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

STATE OF FLORIDA)
)**SS**
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this _____, by Michael Garcia-Carrillo, Manager, **SOUTH DIXIE AND 122 LLC**, who is ☒ personally known to me or ☐ has produced _____ as identification.

(SEAL)

NOTARY SIGNATURE

Print, type, or stamp of Notary
Notary Public, State of Florida

My Commission expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of Declaration of Restrictions pursuant to a CDMP Public Hearing No. _____, it is hereby certified that I have examined *a complete Abstract of Title* covering the period from the beginning to the 20th day of October, 2023, at the hour of 11:00 PM, inclusive, of the property described on **Exhibit A** hereto. All title instruments, policies, and documents referenced above are collectively referred to as the "Title Evidence". I know of no reason that this Title Evidence is inaccurate or incomplete.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in:

South Dixie and 122 LLC, a Florida limited liability company (the "Company"), of which Company Michael Garcia-Carillo is the Managing Member authorized to execute documents on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

None.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

3. **GENERAL EXCEPTIONS:**

- a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
- b. General or special taxes and assessments required to be paid in the year **2022** and subsequent years.
- c. Rights or claims of parties in possession not recorded in the Public Records.
- d. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
- e. Easements or claims of easements not recorded in the Public Records.

- f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.

4. **SPECIAL EXCEPTIONS**

- a. Replat of Tract recorded on June 28, 2023, at Plat Book Page 177 at Page 40 in the public records of Miami Dade County, Florida.
- b. Notice of Commencement recorded on February 16, 2021, at Official Records Book 32351 at Page 3585 in the public records of Miami Dade County, Florida.
- c. Agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and South Dixie and 122 LLC recorded on March 15, 2018 at Official Records Book 30896 at Page 3465 in the public records of Miami Dade County, Florida.
- d. Declaration of Restrictions recorded on June 5, 2015, at Official Records Book 29644 at Page 3675 in the public records of Miami Dade County, Florida.
- e. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of South Kendall, as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.
- f. Declaration of Use recorded in O.R. Book 13050, Page 938, Public Records of Miami-Dade County, Florida.
- g. Ordinance No. 89-49 recorded in O.R. Book 14126, Page 1728, Public Records of Miami-Dade County, Florida.
- h. Resolution No. R-773-92 recorded in O.R. Book 15677, Page 1629, Public Records of Miami-Dade County, Florida.
- i. Rights of any lessees under unrecorded leases.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
-------------	-----------------	---------------------------------

None.

The following is a description of the aforementioned abstract and its continuations:

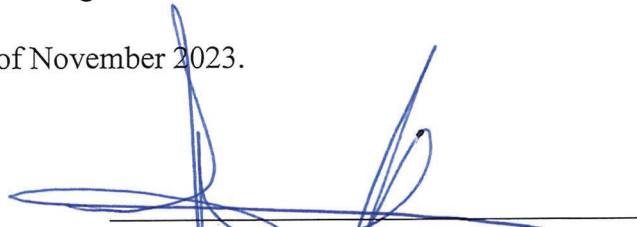
<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
1174991-A1	Old Republic National Title		Beginning of time to 05/04/2021
1174991	Old Republic National Title		11/21/2014 to 10/22/2021
1174991	Old Republic National Title		11/15/1976 to 10/20/2023

[Space intentionally left blank]

I HEREBY CERTIFY that the legal description contained under Exhibit "A" to this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

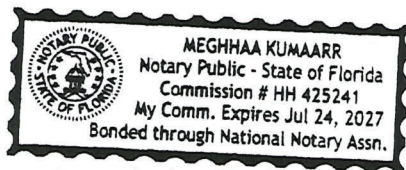
Respectfully submitted this 6th day of November 2023.



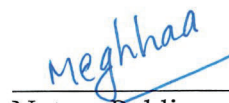
Alexis Gonzalez, Esq.
Florida Bar No. 180785
3162 Commodore Plaza, Suite 3E
Miami, Florida 33133

STATE OF FLORIDA }
 } ss:
COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me by means of physical presence [] or online notarization [] me this 6th day of November, 2023, by Alexis Gonzalez, Esq., who is personally known to me or has produced _____, as identification.



My Commission Expires:



Notary Public
Meghhaa Kumaarr

Print Name

EXHIBIT "A"
(Legal Description)

Property Folio:

30-5015-000-0360

Property Address:

8315 SW 122nd Street, Miami, Florida 33156

Legal Description:

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

**4. Proffered Concurrent Zoning Application Declaration of
Restrictions, Received November 27, 2023**

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RECEIVED 11/27/23
Planning Division

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.
Address: Bercow Radell Fernandez
Larkin & Tapanes, PLLC
200 S. Biscayne Boulevard, Suite 300
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS (Zoning)

THIS DECLARATION OF RESTRICTIONS (Zoning) (the "Zoning Declaration") is made as of the ____ day of _____, 202__, by South Dixie and 122 LLC, a Florida limited liability company, (hereinafter referred to as the "Owner").

WITNESSETH THAT:

WHEREAS, the Owner holds the fee simple title to the property located 8315 SW 122 Street in Unincorporated Miami-Dade County, as further described in **Exhibit "A"** attached hereto (the "Property") and supported by an attorney's opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the November 2014 Amendment Cycle (the "2014 CDMP Application"); and

WHEREAS, the 2014 CDMP Application changed the Property's land use designation from "Estate Density Residential" to "Low-Medium Density Residential"; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on May 6, 2015, and accepted a Declaration of Restrictions, recorded in Official Records Book 29644, at Page 3675-3682, of the Public Records of Miami-Dade County, Florida (the "Prior Declaration"); and

WHEREAS, the conditions and circumstances have significantly changed in the Miami-Dade County since the Prior Declaration was recorded; and

WHEREAS, the Owner submitted Concurrent Zoning Public Hearing Application No. Z2022000148 and CDMP Application No. 20210013 in the October 2021 Amendment Cycle (the "2021 CDMP Application") in order to release the Prior Declaration and develop the Property with an Assisted Living Facility subject to this Zoning Declaration; and

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owners during consideration of Public Hearing Application No. Z2022000148 will be abided by the Owners freely, voluntarily and without

duress, the undersigned Owners adopt this Zoning Declaration, and agree to the following:

- (1) **Recitals.** The foregoing recitals are incorporated as if fully set forth herein.
- (2) **Site Plan.** The Property shall be developed substantially in accordance with the plans submitted for the hearing entitled "Tree Hauzz Two & Three Story Congregate Living Facility", as prepared by Behar Font Partners, P.A., consisting of 36 sheets stamped "Received" on August 24, 2023 and Sheet L-2 stamped "Received" on October 12, 2023 (the "Approved Plan").
- (3) **Use Limitation.** The Property will be developed with a 216 bed Group Residential Facility consistent with the Approved Plan.
- (4) **Specimen Trees.** Owner commits to preserve on the Property any specimen trees as defined in Miami-Dade County Code of Ordinances in accordance with Tree Permit No.TREE-2214182.
- (5) **Height.** The structures on the Property will not exceed three (3) stories.
- (6) **Employee Shifts.** Employee shifts will be scheduled as to not coincide with AM and PM Peak Hour traffic hours.
- (7) **Compliance with CDMP Covenant.** Development of the Property shall comply with the Amended and Restated Declaration of Restrictions recorded in connection with CDMP Application No. 20210013.
- (8) **MISCELLANEOUS**

a. **County Inspection.** As further part of this Amended and Restated 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.

b. **Covenant Running with the Land.** This Amended and Restated Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned

Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future Owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Amended and Restated Declaration does not in any way obligate or provide a limitation on the County.

c. **Term.** This Amended and Restated 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 Amended and Restated 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-Owners(s) of the Property or portions thereof has been recorded agreeing to change the covenant in whole, or in part, provided that this Amended and Restated Declaration has first been modified, amended or released by Miami-Dade County.

d. **Modification, Amendment, Release.** This Amended and Restated Declaration may be modified, amended or released as to any portions of the Property, by a written instrument executed by the then owner(s) of the property(s) or portions thereof, subject to such modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances, provided that such modification, amendment or release applies solely to the Property or portions thereof. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

e. **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 Amended and Restated 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.

f. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Amended and Restated Declaration are not being complied with, in addition to any other remedies available, the County is hereby

authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Amended and Restated Declaration is complied with.

g. **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.

h. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, 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 Amended and Restated Declaration.

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

j. **Recording.** This Amended and Restated Declaration shall be recorded in the Public Records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Amended and Restated 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 Regulatory and Economic Resources Department 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.

k. **Acceptance of Amended and Restated Declaration.** Acceptance of this Amended and Restated Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

I. **Owners.** The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 202____.

IN WITNESS WHEREOF, **SOUTH DIXIE AND 122 LLC** has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Print Name

SOUTH DIXIE AND 122 LLC

Address:

By _____

(Managing Member)

Print Name: Michael Garcia-Carrillo
Manager

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

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this _____, by Michael Garcia-Carrillo, Manager, **SOUTH DIXIE AND 122 LLC**, who is ☒ personally known to me or ☐ has produced _____ as identification.

(SEAL)

NOTARY SIGNATURE

Print, type, or stamp of Notary

Notary Public, State of Florida

My Commission expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

The South 150 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 lying westerly of the Florida East Coast Railroad right of way, except the West 390 feet thereof, lying and being in Miami-Dade County, Florida.

AND

Tract 1, less the West 150 feet thereof of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Tract 8 of Section "A" of South Kendall, according to the plat thereof as recorded in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida.

AND

Beginning at a point on the northerly side of SW 122 Street, (formerly Yale Avenue), distant easterly 365 feet from the corner formed by the intersection of the said Northerly line of S.W. 122 street and the easterly line of S.W. 84 street, (formerly Dexter Street), as said street and avenue are shown and laid down on a certain map entitled "SOUTH KENDALL", and which said map was filed on April 30th 1928, in Plat Book 28, Page 57, Public Records of Miami-Dade County, Florida, and running thence easterly along the northerly line of S.W. 122 Street 35 feet, thence northerly and at right angles to the northerly line of S.W. 122 Street 104.07 feet, more or less, to the northerly boundary line of the property shown on the within, referred to subdivision map, thence westerly along the northerly boundary line of the property shown on the within referred to subdivision map 35 feet, thence southerly and at right angles to the northerly line of S.W. 122 street 103.88 feet, more or less to the northerly side of S.W. 122 street to the point or place of beginning together with improvements thereon.

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**5. Traffic Study (Updated),
Dated November 27, 2023**

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RECEIVED 11/27/23
Planning Division



Concurrent CDMP Amendment / Zoning Applications

8315 SW 122 Street

Miami-Dade County, Florida 33156

prepared for:

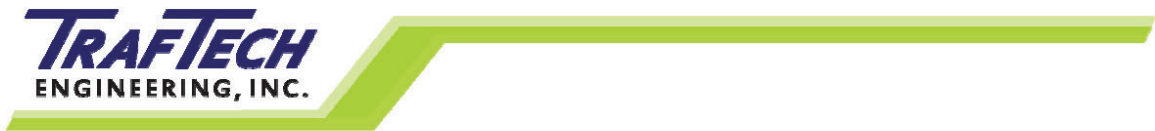
South Dixie and 122, LLC

traffic evaluation



TRAFTECH
ENGINEERING, INC.

November 2023



November 27, 2023

Mr. Michael Garcia-Carrillo
South Dixie and 122, LLC
5979 SW 56 Street
Miami, Florida 33155

Re: Traffic Evaluation: 8315 SW 122nd Street CDMP

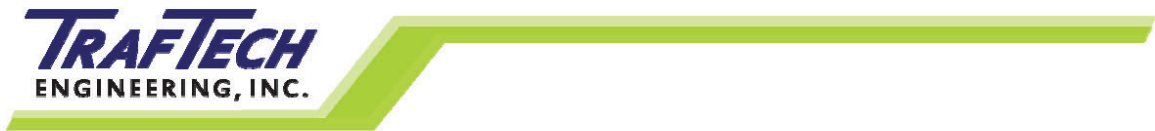
Dear Michael:

The results of the traffic study are presented below:

EXECUTIVE SUMMARY

Traf Tech Engineering, Inc. conducted a traffic impact analysis associated with an approximate 1.72-acre parcel located on the west side of South Dixie Highway (US 1) just north of SW 122nd Street in southwest Miami-Dade County, Florida. More specifically, the subject property is located at 8315 SW 122nd Street. The applicant is requesting concurrent zoning hearing and Comprehensive Development Master Plan (CDMP) Amendment applications for the purpose of developing the subject property with Assisted Living Facility. Through the CDMP Application, the applicant is requesting: (1) release of an existing CDMP declaration of restrictions limiting the use of the property to a maximum of twelve (12) residential units and (2) acceptance of an amended and restated declaration committing to develop the property with an Assisted Living Facility or, in the alternative, residential uses at a density of up to thirteen (13) dwelling units per acre. Through the concurrent zoning hearing application, the applicant is requesting a district boundary change from "Two Family Residential" to "Mixed-Use Corridor" in order to develop the subject property with an Assisted Living Facility.

The Current "Low Medium Density Residential and Two Family Residential with the CDMP Covenant" restricts development to 12 residential units and therefore, generates approximately 81 daily trips and 6 PM peak hour trips. The proposed "Mixed Use Corridor" land use is projected to generate approximately 562 daily trips and approximately 52 PM peak hour trips.



A traffic concurrency evaluation was undertaken for the short term (2025) and long-term (2045) planning horizons. Based on the traffic analysis, the proposed Assisted Living Facility use is projected to have a "de-minimus" traffic impact to the surrounding roadway network.

TRAFFIC ANALYSIS

As indicated previously, the subject property is located at 8315 SW 122nd Street, as illustrated in Figure 1 on the following page.

A trip generation comparison analysis was performed using the trip generation equations/rates published in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual* (11th Edition). The trip generation comparison analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. The analysis was based on the following assumptions and scenarios:

CURRENT CDMP LAND USE DESIGNATION AND ZONING DISTRICT

- Low Medium Density Residential and Two Family Residential (RU-2)
- Current CDMP Covenant Restricts Development to 12 residential units

PROPOSED CONCURRENT APPLICATIONS

- Mixed-Use Corridor (216-beds Assisted Living facility) or
- 22 Residential Units

A trip generation comparison analysis was undertaken between the currently permitted and proposed uses. The results of the trip generation comparison analyses for two proposed development scenarios are documented in Tables 1 through 4. As indicated in the tables, the proposed Assisted Living Facility use is projected to generate approximately 481 new daily trips, approximately 34 new AM peak hour trips, and approximately 46 new trips during the typical afternoon peak period, when compared against the potential development under the current "Low Medium Density Residential" with the restrictive covenant limiting development to 12 residential units.



**6. Miami-Dade County Public Schools Concurrency Table (Updated),
Dated October 12, 2023**

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Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number: **PH3023101200522** Local Government (LG): **Miami-Dade**
 Date Application Received: **10/12/2023 11:36:02 AM** LG Application Number: **CDMP20210013**
 Type of Application: **Public Hearing** Sub Type: **Land Use**
 Applicant's Name: **South Dixie and 112 LLC**
 Address/Location: **8920 SW 120 Street**
 Master Folio Number: **3050150000360**
 Additional Folio Number(s):

PROPOSED # OF UNITS **22**
 SINGLE-FAMILY DETACHED UNITS: **0**
 SINGLE-FAMILY ATTACHED UNITS: **22**
 MULTIFAMILY UNITS: **0**

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5671	VINELAND K-8 CENTER (ELEM COMP)	91	2	2	YES	Current CSA
6701	PALMETTO MIDDLE	365	0	0	YES	Current CSA
7431	MIAMI PALMETTO SENIOR	-18	0	0	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **32.58%** 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

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**7. Planning Advisory Board (PAB) Resolution from hearing
Dated October 17, 2022**

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RESOLUTION NO. 22-8

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD ACTING AS THE LOCAL PLANNING
AGENCY ISSUING RECOMMENDATION TO THE BOARD OF
COUNTY COMMISSIONERS TRANSMITTAL TO THE STATE
LAND PLANNING AGENCY OF OCTOBER 2021 CYCLE
SMALL-SCALE APPLICATION NO. CDMP20210013 TO
AMEND THE COMPREHENSIVE DEVELOPMENT MASTER
PLAN

WHEREAS, pursuant to chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners (“Board”) adopted the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) in 1988; and

WHEREAS, the Board has provided procedures, codified as section 2-116.1 of the Code of Miami-Dade County, Florida, to amend, modify, add to, or change the CDMP; and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in chapter 163, Part II, Florida Statutes, including the process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”) set forth in section 163.3187, Florida Statutes; and

WHEREAS, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources (“Department”) by private parties or by the County; and

WHEREAS, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; 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, 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, Application No. CDMP20210013 was filed by a private party in the October 2021 Cycle of Applications to amend the CDMP ("October 2021 CDMP Amendment Cycle") and is contained in the document titled "October 2021 Applications to Amend the Comprehensive Development Master Plan," dated November 2021, and kept on file with and available upon request from the Department; and

WHEREAS, the Application is eligible and has requested adoption as a small-scale amendment; and

WHEREAS, the Application has also requested to be processed concurrently with Zoning Application Nos. Z2022000148; and

WHEREAS, as required by section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing the Application in a report titled "Initial Recommendations October 2021 Applications to Amend the Comprehensive Development Master Plan", dated September 2022 and kept on file with and available upon request from the Department; and

WHEREAS, due to lack of quorum, the directly impacted Community Council did not conduct its optional public hearing to address the disposition of the Application and

WHEREAS, section 2-116.1(3)(h), requires the Board to hold a public hearing within 180 calendar days after the Application filing period unless a greater time is deemed necessary by the

Board or the Department Director extends the time at the applicant's request prior to the earliest deadline for the publication of required public hearing notices; and

WHEREAS, by letters dated February 4, 2022, March 17, 2022 and September 23, 2022 the applicant for Application No. CDMP20220013 requested deferral of the Boards' public hearing on the Application, to facilitate coordination of the Application with the concurrent Zoning Application No. Z2021000148, and the Director approved the requested extension; 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 application, the initial recommendation of the Department, and to address the final action to be taken on the CDMP amendment 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 application No. CDMP20210013 and recommendation regarding subsequent final action by the Commission.

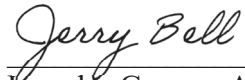
Application Number	Applicant/Representative Location (Size) Requested Small-Scale Amendment to the CDMP	• Recommended Action on Small-Scale Amendment
CDMP 20210013	South Dixie and 122 LLC / Melissa Tapanes Llahues, Esq., and Maritza Haro Salgado, Esq., Bercow Radell Fernandez Larkin & Tapanes, P.A. / Generally located on the north side of SW 122 Street adjacent to west side of the South Dade Transitway / ±1.72 gross acres / ±1.59 net acres <u>Requested Amendment to the CDMP:</u> 1. Release of existing Declaration of Restrictions recorded in Official Records Book 29644, Pages 3675 through 3682 in the Public Records of Miami-Dade County. 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. Pursuant to Section 2-116.1 of the Code of Miami-Dade County, this application is being processed concurrently with Zoning Application No. Z2022000148.	Adopt with acceptance of the proffered Declaration of Restrictions
Small-scale Amendment		

The motion to Adopt with acceptance of the proffered Declaration of Restrictions was moved by Board Member Losner. Board Member Gadinsky seconded the motion. The motion passed 6 to 3 as follows:

Carla Ascencio-Savola	No	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	No
Horacio C. Huembes	Absent	Mikhaile Solomon	No
Steven “Max” Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

The above actions were taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on October 17, 2022, and are certified correct by Lourdes Gomez, Executive Secretary to the Planning Advisory Board.

 for

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

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**8. Planning Advisory Board (PAB) Minutes from hearing
Dated October 17, 2022**

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MINUTES

Miami-Dade County Planning Advisory Board
Acting As the Local Planning Agency
Public Hearing on October 2021 Cycle Application No. CDMP20210013;
January 2022 Cycle Application No. CDMP20220001;
May 2022 Cycle Application Nos. CDMP20220012, CDMP20220014 and CDMP20220015
to Amend the Comprehensive Development Master Plan
In-Person Hearing

October 17, 2022, 10:00 AM

Planning Advisory Board Members

Carla Ascencio-Savola	Present	Michael Montiel	Absent
Lynette Cardoch	Present	J. Wil Morris	Absent
Carlos Diaz-Padron*	Present*	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Present
Seth Gadinsky	Present	Daniel Rogers	Present
Horacio C. Huembes	Absent	Mikhaile Solomon*	Present
Steven "Max" Losner	Present	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Present

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

* Present after roll call

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
Manny Armada, Chief, Planning Research 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
Glenn Amoruso, Planning Development Manager
Alex Dambauch, Planning Development Manager
Noel Stillings, Principal Planner, Metropolitan Planning
Mark Dorsey, Principal Planner, Metropolitan Planning
Rommel Vargas, Senior Planner, Metropolitan Planning
Cindy Dwyer, Senior Planner, Metropolitan Planning
Juan Carlos Pelaez, Senior Planner, Metropolitan Planning
Abby Diaz, Administrative Secretary, Metropolitan Planning

Other County Staff Present

CJ Wahl, Assistant County Attorney, County Attorney's Office
Christine Velazquez, Assistant Division Chief, Code Coordination & Environmental

Initiatives Division, Department of Environmental Resources Management
Francisco Arbelaez, Principal Planner, Miami Dade Transit Division, Department of
Transportation and Public Works
Carlos Lopez, Park Planner II, Miami-Dade County Parks, Recreation and Open
Spaces Department

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing opened at 10:05 AM. PAB Chair Rinehart introduced himself 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 Pledge of Allegiance, PAB Chair Rinehart welcomed the public to the hearing on the October 2021 Cycle Application No. CDMP20210013; January 2022 Cycle Application No. CDMP20220001; May 2022 Cycle Application Nos. CDMP20220012, CDMP20220014 and CDMP20220015 to Amend the Comprehensive Development Master Plan (CDMP). PAB Chair Rinehart reviewed the procedures and purpose of the public hearing, and stated he did not have a Chair's Report for the hearing.

Deferral of Out-of-Cycle Application No. CDMP20220008

PAB Chair Rinehart announced he had received a letter requesting a deferral on Out-of-Cycle Application No. CDMP20220008 scheduled on the PAB agenda. Upon Chair Rinehart's request, Ms. Emily Balter, legal representative for the application, requested that the application be heard at November's PAB meeting, in order for additional time to address Staff comments on the application. Upon being put to a vote, the PAB voted to defer Out-of-Cycle Application No. CDMP20220008 to the November PAB meeting.

Opening Statement by County Staff

Mr. Garrett Rowe, Chief of Metropolitan Planning, introduced himself and requested Staff to present the first application on the PAB agenda.

OCTOBER 2021 CYCLE APPLICATIONS

Application No. CDMP20210013

Ms. Rosa Davis, Planning Section Supervisor, presented the application. She described the site as a ±1.72-acre property located on the north side of SW 122 Street, adjacent to the west side of the South Dade Transitway. Ms. Davis explained that the applicant is requesting to release an existing CDMP 2015 Declaration of Restrictions and replace with an Amended and Restated Covenant. She also stated that application is being processed concurrently with Zoning Application No. Z2022000148. Ms. Davis further noted that the site is currently designated "Low-Medium Density" (6-13 du/ac), which would allow a maximum development of 22 residential units. However, the 2015 Covenant limits development on the site to 12 residential units, restricting the development to six residential buildings. It also calls for preservation of tree specimens and traffic calming measure on SW 84 Avenue and SW 122 Street.

Ms. Davis noted that the applicant is proposing to release the existing covenant to remove the development limits and allow development at 13 units per acre (permitting 22 residential units) or a 228-bed Adult Living Facility (ALF). The proffered covenant also reiterates the 2015 commitments to preserve tree specimens and provide traffic calming measure on SW 84 Avenue and SW 122 Street. In addition, the proffered covenant commits to providing a connection to the South Dade Trail and to connecting to water and sewer.

Ms. Davis explained that an ALF is considered a residential use and that the site is located within ¼ mile of the South Dade Transitway SMART Plan Corridor, which allows vertical or horizontal mixed-use at a density of 60 units per acre (with a maximum FAR of 2.0). For ALFs, the CDMP considers 2.5 occupants to be equivalent to 1 dwelling unit. Therefore, at an allowable density of 60 units per acre, the site may be developed with 258 beds. However, Ms. Davis explained the applicant proffered a revised covenant limiting the site from 258 beds to 228 beds.

Staff is recommending that the application be Adopted with acceptance of the proffered restated and amended Declaration of Restrictions, as the application is generally consistent with the CDMP and public services and facilities have sufficient capacity to serve the proposed project. However, Ms. Davis acknowledged that the public has demonstrated concern that the application will further aggravate existing traffic conditions (particularly as it relates to a nearby school). Additional information regarding traffic during school drop-off and pick-up hours and the proposed traffic calming condition has been requested.

Following the presentation by Ms. Davis, Ms. Melissa Tapanes, the applicant's legal representative, provided information on the proposed project. She reviewed the context of the area and noted commercial uses in the vicinity. She noted the 2015 CDMP covenant that the application seeks to release and stated that conditions have changed since 2015, including the implementation of the SMART Plan Corridor policies. She shared the request under the proposed new Declaration of Restrictions to build a 228 bed ALF. Ms. Tapanes stated the proposed application is consistent with CDMP Policy LU-8E.

Ms. Tapanes explained that on behalf of the applicant four virtual neighborhood outreach meetings were held. She noted that neighbors raised concerns about impacts to Fire Rescue services, traffic, compatibility, and the architecture of the proposed facility. In response, Ms. Tapanes shared information from Miami-Dade Fire Rescue noting the project would not have a significant impact to their services. She additionally shared information on traffic calming, signal optimization and improvements at SW 87 Avenue and SW 124 Street to address traffic concerns. She explained that the architectural style of the building had been redesigned to appear more residential in nature. She further noted that the project had been reduced from 258 beds to 228 beds, reduced to three stories, and reduced in square footage. Ms. Tapanes shared that employee shifts would be staggered outside of non-peak traffic hours, and that the use would be restricted through the Zoning covenant to an elderly ALF only and no drug rehabilitation treatment. Ms. Tapanes reviewed the content in the proposed CDMP covenants. She discussed preservation of specimen trees, connection to public water and sewer, access to the South Dade Transitway and reasonable efforts to connect to the South Dade Trail.

Following Ms. Tapanes' presentation, four members of the public spoke in opposition to the project. They stated that they did not receive notification of the public hearing and that the proposed development would exacerbate traffic in an area that is already challenged due to the neighborhood school. They also expressed concern regarding greater impact on Fire Rescue than anticipated, and that the project is still not compatible with the residential nature of the

neighborhood, despite changes the applicant made to the project in response to initial neighbor concerns. Speakers referenced another proposed Assisted Living Facility to the north of this application site and an approved townhome project directly to the north, adjacent to the application site, that will have an impact on the neighborhood.

Following the public hearing, the PAB Board members discussed the application and asked questions regarding mail notice to residents, outreach to the neighborhood, and traffic conditions. Staff noted that a courtesy notice was mailed to residents and that information regarding the PAB and BCC hearings was announced and made available to those that attended the scheduled Community Council meeting, even though the hearing was not officially held due to lack of quorum. Staff also noted that the applicant had provided the required traffic study and that it was deemed sufficient. No additional information has been provided.

A motion to recommend that the Board of County Commissioners defer the application was moved by Board Member Rogers in order to give more time to address the concerns regarding the application. Board Member Ascencio-Savola seconded the motion, but upon being informed by Staff that public notification would be an issue, given that the date for the BCC hearing has not been determined, Board Member Ascencio-Savola retracted her second to the motion. As no PAB member seconded the motion, the motion to recommend that the BCC defer the application failed.

A second motion to recommend that the Board of County Commissioners Deny the application, until sufficient community engagement is made regarding the traffic issues, was moved by Board Member Rogers. Board Member Solomon seconded the motion. The motion failed 3 to 6 as follows:

	Yes	Michael Montiel	Absent
Carla Ascencio-Savola			
Lynette Cardoch	No	J. Wil Morris	Absent
Carlos Diaz-Padron	No	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	No
Seth Gadinsky	No	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven "Max" Losner	No	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, No

A third motion to Adopt with acceptance of the proffered Declaration of Restrictions was moved by Board Member Losner. Board Member Gadinsky seconded the motion. The motion passed 6 to 3 as follows:

Carla Ascencio-Savola	No	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	No
Horacio C. Huembes	Absent	Mikhaile Solomon	No
Steven "Max" Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

JANUARY 2022 CYCLE APPLICATION

Application No. CDMP20210001

Ms. Cindy Dwyer, Senior Planner, gave a brief overview of the application. She explained that Application No. CDMP20220001 was filed by Lakeside, LLC and 128th Street Lake, LLC and that the applicant is requesting a CDMP land use change from “Industrial and Office” to “Medium Density Residential.” The ±8.4 acre site consists of ±7.14 acres of lake and ±1.28 acres of vacant land. The site could currently be developed with approximately 183,000 feet of industrial uses, while the proposed change to “Medium Density Residential” would allow a maximum of 220 multi-family units to be developed. The Staff recommendation is to Adopt, as the application supports CDMP infill policies, would provide additional residential capacity, would not cause a violation of Level of Service standards, and is generally compatible with the surrounding development.

After Ms. Dwyer’s presentation, Mr. Sergio Purrinos, the applicants’ legal representative, provided further details on the application and indicated that a Lake Fill permit application had been applied for several months prior. Mr. Purrinos provided graphics showing how the development surrounding the application site is compatible with the proposed land use change and expressed his agreement with the Staff recommendation of adoption.

Following the presentations, the Chair opened the floor for public comment. No members of the public came forth to speak on this item and the public hearing was closed.

The motion to Adopt was moved by Board Member Gadinsky. Board Member Cardoch seconded the motion. The motion passed unanimously 9 to 0 as follows:

Carla Ascencio-Savola	Yes	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven “Max” Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

MAY 2022 CYCLE APPLICATIONS

Application No. CDMP20220012

Ms. Noel Stillings, Principal Planner, delivered a presentation on the May 2022 Cycle small-scale Application No. CDMP20220012, filed by Prestige CityView III, LLC. The ±3.80 acre application site is located south of theoretical NE 121 Street and between NE 14 Avenue and the Florida East Coast (FEC) Railway. Adjacent north of the application site are properties within the City of North Miami. Adjacent west of the application site is the Florida East Coast (FEC) Railway, a railway corridor designated the “Northeast Corridor” of the County’s SMART plan. Ms. Stillings discussed how under its current “Industrial and Office” land use designation, the application site could be developed with up to 82,764 square feet of industrial uses. She pointed out the requested change to the most intense residential land use category, “High Density Residential” would allow up to 60 to 125 dwelling units per acre (du/ac) at 475 multifamily units, however the applicant proffered a

covenant that limited development to 305 multifamily units and 29,786 square feet of retail uses. Ms. Stillings noted that the “High Density Residential” designation is only found in a few dense areas such as Brickell, and with connections to MetroMover and Metrorail public transit. Staff analysis revealed no “High Density Residential” land uses within three (3) miles of the application site. However, the City of North Miami is planning a future transit station to the north of the application site, on NE 123 Street/NE 125 Street.

Ms. Stillings reviewed the application site’s surrounding land uses that consists primarily of industrial uses and low- to mid-rise apartments. However, the site is within ¼ mile of Northeast SMART Corridor, which allows 60 units per acre for mixed use projects. As such, Ms. Stillings noted that the Staff recommended change to the application is to redesignate the site to the less intense “Medium-High Density Residential” designation at 25 to 60 units per acre, which would be more compatible with the surrounding community and consistent with the maximum density of 60 units per acre allowed under the SMART Plan mixed use provisions. If redesignated to “Medium-High Density Residential” and combined with the CDMP 25% Density Bonus for Workforce Housing, the site could be developed with 29,786 square feet and 302 residential units- only three units less than the 305 units proposed. Ms. Stillings explained that due to these reasons, the Staff recommendation on this application is to “Adopt with Change”, with the change being to redesignate the site to the less intense “Medium-High Density Residential” (25-60 du/ac) rather than the requested “High Density Residential” (60-125 du/ac).

Ms. San Roman, legal representative for the applicant, gave a presentation describing the merits of the application, citing the County’s growing population and lack of affordable housing. She noted the application site is located adjacent to the FEC Railway, and is being studied as a future rail station at NE 123/125 Street. She also explained that the applicant will develop the parcel north of the site, zoned by the City of North Miami as a transit station overlay district that allows up to 200 feet in height and zero setbacks.

PAB members questioned the applicant in regards to Staff’s recommended change to “Medium Density Residential” and the lack of commitment to provide workforce or affordable housing. Ms. San Roman acknowledged for the adjacent parcel in North Miami they committed to provide approximately 10% affordable and/or workforce housing as part of the City’s code requirements. PAB member Gadinsky observed the referenced train station was not built, yet the commitments were made to the City for workforce and/or affordable housing. Given the proposed density, he noted that the applicant should include similar commitments for this project.

Chair Rinehart opened and closed the public comment, as there were no members of the public present to speak. He then requested a motion.

A motion to Deny was made by Board member Gadinsky. As there was no second on the motion, Chair Rinehart asked for another motion. After some discussion, Ms. San Roman noted that the applicant would commit to proffering workforce and/or affordable housing.

The motion to Adopt with Change, as recommended by Staff was moved by Board Member Gadinsky. Board Member Rodriguez seconded the motion. The motion passed unanimously 9 to 0 as follows:

Carla Ascencio-Savola	Yes	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven "Max" Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

Application No. CDMP20220014

Rommel Vargas, Senior Planner, gave a brief overview of the application. He explained that Application No. CDMP20220014 was a ±1.9-acre site located at the northeast corner of East Dixie Highway and NE 108 Street. He stated that the application was filed by BISLOT, LLC and that development of the site is governed by an existing CDMP Declaration of Restrictions. Under the current land use designations of "Business and Office", "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre), and "Medium Density Residential" (13 to 25 dwelling units per gross acre), the property could be developed with a mix of 12,197 sq ft of retail, 16 multifamily units, and 8 single-family attached units OR with 58 multifamily units and 8 single-family attached units, for a total 66 units, if developed as residential project only. Mr. Vargas explained that the existing covenant only commits to setting aside 10% of the units for workforce housing and to water conservation efforts.

Mr. Vargas further explained that the applicant is requesting the site be redesignated to "Business and Office", "Medium-High Density Residential" (25 to 60 dwelling units per gross acre), and "Low-Medium Density Residential" and that the existing CDMP Declaration of Restrictions be released and replaced by a revised and restated CDMP Declaration of Restrictions (Covenant). The proffered Covenant seeks to limit residential development on the application site to 177 units, and continues to commit to set-aside 10% of the units for workforce housing. Mr. Vargas added that County agencies did not raise any issues, except that DERM found tree resources on the site that must be protected according to County Code. Furthermore, the Office of Historic preservation indicated that there are structures on the site that were built in the 1930's and 1940's and thereby meet the 50-year or older benchmark for historic resource eligibility.

Mr. Vargas explained that Staff's recommendation on the application is to Adopt with acceptance of the proffered declaration of restrictions. He noted that approval of the application would be consistent with CDMP policies and objective that require the County to give priority to infill sites where urban services and facilities have the capacities to accommodate additional demand. Mr. Vargas informed the Board that the Biscayne Shores Community Council that was to address the application did not have sufficient membership to achieve quorum; therefore, there is no recommendation from the community council on the application.

After Mr. Vargas's presentation, Mr. Graham Penn, the legal representative of the applicant, provided further details on the application and the proposed development. He discussed the various access points to the application site and the existing commercial and residential developments surrounding the site. Mr. Graham discussed the provisions of the proffered covenant, noting that residential development will be limited to a maximum of 177 units with 10%

of the units intended for workforce housing. He emphasized that the proposed multifamily development is compatible with the existing uses in the area.

The PAB Chair opened the public hearing, but there being no one present, the public hearing was closed. The Board had no discussion on the application.

The motion to Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Gadinsky. Board Member Ascencio-Savola seconded the motion. The motion passed unanimously 9 to 0 as follows:

Carla Ascencio-Savola	Yes	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven "Max" Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

Application No. CDMP20220015

Mr. Alex Dambach, AICP, Planning Development Manager, gave a brief overview of the application. He explained that Hartford Plaza, LLC filed Application No. CDMP20220015 to request a small-scale amendment to the Land Use Plan Map to change the designation of a vacant site located at the north side of SW 268 Street between SW 127 Place and SW 127 Avenue from "Business and Office" to "Low-Medium Density Residential with One Density Increase." His presentation described the application's compliance with Objective LU-1 and with Policies LU-1C, LU-8A, LU-8E, and LU-10A, and he went over the amendment's relation to the Guidelines for Urban Form. No County agencies raised issues with the application, but he explained that a development project resulting from this application may require a developer to provide a proportionate share mitigation for schools at the time of site plan review. He also explained the proffered Declaration of Restrictions that includes urban design provisions and workforce housing. He referenced that there was no quorum for Community Council Number 15's hearing and that Staff recommends approval.

After Mr. Dambach's presentation, Mr. Daniel Fernandez, the legal representative for the applicant, provided further detail on the application including its proximity to area parks. Following the presentations, the Chair opened the public hearing, but because no one was present, the public hearing was closed.

After the close of the public hearing, PAB members spoke generally in support of the application and how it would help address the need for housing in the area. Board Member Seth Gadinsky asked Mr. Fernandez to revise the commitment in the proffered Declaration of Restrictions regarding workforce housing, requiring the workforce housing to be built on site. The commitment in the proffered covenant would allow the applicant the alternatives permitted in the County's Workforce Housing Program, including a monetary contribution in lieu of constructing the units or building the units at an alternate location. The applicant's representative agreed to a commitment to provide the housing on site.

The motion to Adopt with acceptance of the proffered Declaration of Restrictions, with the recommendation that the covenant be revised to require the workforce housing units to be built on the application site, notwithstanding the alternatives provided by the County's Workforce Housing program including a contribution in lieu of constructing the workforce housing units. Board Member Rodriguez seconded the motion. The motion passed unanimously 9 to 0 as follows:

Carla Ascencio-Savola	Yes	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven "Max" Losner	Yes	Jesus Vazquez	Absent

Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

OVERALL RESOLUTION

The motion to adopt the foregoing resolution was moved by Board Member Ascencio-Savola. Board Member Losner seconded the motion. The motion passed unanimously 9 to 0 as follows:

Carla Ascencio-Savola	Yes	Michael Montiel	Absent
Lynette Cardoch	Yes	J. Wil Morris	Absent
Carlos Diaz-Padron	Yes	William Riley	Absent
Eric Fresco	Absent	Mercedes Rodriguez	Yes
Seth Gadinsky	Yes	Daniel Rogers	Yes
Horacio C. Huembes	Absent	Mikhaile Solomon	Yes
Steven "Max" Losner	Yes	Jesus Vazquez	Absent

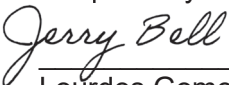
Vacant, Vice Chair
Wayne Rinehart, Chair, Yes

STAFF ANNOUNCEMENTS

Ms. Stillings announced that the next PAB meeting is scheduled for Monday, November 14, 2022 at 2:00 pm.

ADJOURNMENT

Being no further business before the PAB, Chair Rinehart adjourned the meeting at 12:32 pm.

Respectfully submitted,
 for
Lourdes Gomez, AICP, Director
Department of Regulatory and
Economic Resources

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9. Letter Requesting to Defer and Extension of 180-day Public Hearing Requirement, received April 6, 2023

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ZONING, LAND USE AND ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6227 office

305.377.6222 fax

mtapanes@brzoninglaw.com

VIA ELECTRONIC MAIL

April 6, 2023

Jerry Bell
Assistant Director for Planning
Miami-Dade County Planning
Department of Regulatory and Economic Resources
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, Florida 33128

Re: Request to Defer Board of County Commissioner Hearing for
Application No. CDMP20210013 for the Property Located at
8315 SW 122 Street – Folio No. 30-5015-000-0360

Dear Mr. Bell:

As you know, this firm represents South Dixie and 112 LLC (the "Applicant") in connection with the October 2021 Cycle Comprehensive Development Master Plan (CDMP) Application No. CDMP20210013 for the property located at 8315 SW 122 Street (the "Property"). Please accept this letter as the Applicant's request to defer the Board of County Commissioners (BCC) hearing as permitted by Section 2-116.1(3)(h) of the Miami-Dade County Code (the "Code").

The Applicant seeks to have the CDMP Application and concurrent Zoning Hearing Application No. Z2022000148 (the "Zoning Application") heard at the same time by the BCC. The Zoning Application is not yet ready to be heard by the BCC so the Applicant seeks an extension of the 180 day hearing requirement in the Code.

In accordance with Section 2-116.1(3)(h) of the Code, the Applicant requests an extension of the requirement to be heard by the BCC within 180 calendar days following the end of the relevant filing period. Section 2-116.1(3)(h) allows the Director to extend the time if requested by the applicant prior to the earliest deadline

for the publication of required notices for the hearing before the BCC.

Should you have any questions or concerns please do not hesitate to contact me directly at 305-377-6227.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'MTL', with a stylized flourish at the end.

Melissa Tapanes Llahues

cc: Michael Garcia Carrillo
Maritza Haro Salgado

**10. Opposition Letter from Killian Area Neighbors, submitted at PAB
hearing of October 17, 2023**

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Thursday, October 13, 2022

KillianAreaNeighborsOpposeSecondHighDensityALF

PAB Exhibit

CDMP 20210013

Petition in
Opposition**Killian Area Neighbors Strongly oppose a Second High-Density ALF!**

Neighbors & Residents, not just property owners, please read and then scroll to the bottom to sign this petition!

To Whom it may concern,

We the neighbors and residents who live near the property located at 8315 SW 122 Street object to the approval of Plan Number: CDMP20210013. This Plan should NOT be approved by the Miami-Dade County Commissioners or by any Community Council Members. This application seeks to allow the dropping of Perpetual CDMP Protective Covenants signed VERY recently by the purchasers of this Property. The developer's bought this property seven years ago swearing they would only develop low density housing, but now propose to build a SECOND high-density Assisted Living Facility (ALF) within blocks of another low density ALF.

Here are the reasons why this application should be blocked:

1. There is already a 4 acre, 154 bed ALF being built at 7990 SW 112 ST. This ALF has obtained support from some neighbors.
2. There is already a 58 Townhome development going up at the same site against the objections of neighbors.
3. The CDMP is a document designed to protect Property Owners and the Integrity of their neighborhoods. There are multiple clauses within it that explicitly state this fact. Here they are explained.
 - a. Comprehensive Development Master Plan (CDMP) Policy LU-4D:
CDMP Land Use Policy LU-4D explicitly explains that incompatible land uses "shall be permitted" "only" on sites "where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements."
 - b. Comprehensive Development Master Plan (CDMP) Policy LU-8E iii:
"Be compatible with abutting and nearby land uses and protect the character of established neighborhoods."

The architecture, density, business use, and traffic of a commercial business and 3 story buildings is in complete conflict with the character of this neighborhood.

- c. Comprehensive Development Master Plan (CDMP) Policy LU-4C:

"Residential Neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust, or traffic."

Why should the residents of these neighborhood streets near 84 Ave and 122 St, accept all the traffic caused by 258 Residents, their support personnel, and their families that will visit when they purchased with the intention of sharing a residential street with maybe 20 – 30 other vehicles? This business will service a large number of elderly that have a dramatically higher need for Emergency services and vehicles which cause high levels of noise, light, and traffic inside of the residential area.

4. The applicant's traffic studies ignore the traffic studies and developments of the two other projects as if they do not exist making it completely inaccurate and false.
5. No business built in this neighborhood is allowed to exit on the busway. That means that all business traffic must exit inside the neighborhood on residential streets.
6. The applicant claims they have notified neighbors, and may have done so by mail for their minimum legal requirement, but most neighbors affected by this high density project have just recently found out about it. Even though some knew about the project, and have been negotiating with the applicants, most of them would actually prefer that it NOT be completed. Commissioners should publicly present and

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**11. Sample of 76 Opposition Letters from Killian Neighbors,
submitted October 17, 2023**

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Thursday, October 13, 2022

KillianAreaNeighborsOpposeSecondHighDensityALF

Killian Area Neighbors Strongly oppose a Second High-Density ALF!

Neighbors & Residents, not just property owners, please read and then scroll to the bottom to sign this petition!

To Whom it may concern,

We the neighbors and residents who live near the property located at 8315 SW 122 Street object to the approval of Plan Number: CDMP20210013. This Plan should NOT be approved by the Miami-Dade County Commissioners or by any Community Council Members. This application seeks to allow the dropping of Perpetual CDMP Protective Covenants signed VERY recently by the purchasers of this Property. The developer's bought this property seven years ago swearing they would only develop low density housing, but now propose to build a SECOND high-density Assisted Living Facility (ALF) within blocks of another low density ALF.

Here are the reasons why this application should be blocked:

1. There is already a 4 acre, 154 bed ALF being built at 7990 SW 112 ST. This ALF has obtained support from some neighbors.
2. There is already a 58 Townhome development going up at the same site against the objections of neighbors.
3. The CDMP is a document designed to protect Property Owners and the Integrity of their neighborhoods. There are multiple clauses within it that explicitly state this fact. Here they are explained.
 - a. Comprehensive Development Master Plan (CDMP) Policy LU-4D:
CDMP Land Use Policy LU-4D explicitly explains that incompatible land uses "shall be permitted" "only" on sites "where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements."
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The architecture, density, business use, and traffic of a commercial business and 3 story buildings is in complete conflict with the character of this neighborhood.

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"Residential Neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust, or traffic."

Why should the residents of these neighborhood streets near 84 Ave and 122 St, accept all the traffic caused by 258 Residents, their support personnel, and their families that will visit when they purchased with the intention of sharing a residential street with maybe 20 – 30 other vehicles? This business will service a large number of elderly that have a dramatically higher need for Emergency services and vehicles which cause high levels of noise, light, and traffic inside of the residential area.

4. The applicant's traffic studies ignore the traffic studies and developments of the two other projects as if they do not exist making it completely inaccurate and false.
5. No business built in this neighborhood is allowed to exit on the busway. That means that all business traffic must exit inside the neighborhood on residential streets.
6. The applicant claims they have notified neighbors, and may have done so by mail for their minimum legal requirement, but most neighbors affected by this high density project have just recently found out about it. Even though some knew about the project, and have been negotiating with the applicants, most of them would actually prefer that it NOT be completed. Commissioners should publicly present and

compare how many people have officially approved of this project versus those that object.

7. The developer bought this lot swearing to abide by CDMP Covenants promising that only low density homes would be built. Now the developer is trying to get their CDMP Covenant restrictions changed. We cannot let a precedent like this be set. What good is the CDMP if it never stands as written? What good is the CDMP if the clauses it contains to protect property owners and residents are always overridden? If Commissioners vote to allow these Covenants to be suspended, they will in effect create a legal process that allows for the abuse of the CDMP and its Amendment process.

First Name: Alberto
Last Name: Cohen
Address 10400 SW 91 Ave
Miami, FL, 33176
Email: acohen58@gmail.com
Phone: 3059929662

Why are you signing this petition? Please voice any thoughts you wish our commissioners to know.

I do not want the high-density ALF approved

E-Signature:



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