

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z22-070

July 17, 2024

Item No. 1A

Recommendation Summary	
Commission District	9
Applicant	The Mark, LLC
Summary of Requests	The applicant seeks to permit a rezoning of the subject parcel from AU, Agricultural District, to RMD, Residential Modified District, on Parcel "A", and to MCD, Mixed-Use Corridor District, on Parcel "B". Additionally, the applicant is seeking to allow the proposed building to setback less than required from the rear and interior side property lines than required by Code and for the landscaped areas along the rear (west) property line to be less than permitted by Code.
Location	18230 SW 110 Avenue, Miami-Dade County, Florida
Property Size	1.16 acres
Existing Zoning	AU, Agricultural
Existing Land Use	Vacant Land
2030-2040 CDMP Land Use Designation	Low-Medium Density Residential, 6-13 du and Major Roadway Corridor (see attached <i>Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations. (See attached <i>Zoning Recommendation Addendum</i>)
Recommendation	Approval of request #1 and #2, subject to the Board's acceptance of the proffered Covenant and approval with conditions of requests #3 and #4.

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 20-42(E), which states "If a Community Council, in its capacity as a Community Zoning Appeals Board, does not have sufficient elected or appointed members in office to constitute a quorum at the time an application for zoning action is ready to be noticed for public hearing before that Community Council, such application shall be noticed and scheduled for public hearing directly before the Board of County Commissioners on the next available zoning agenda."

PROCEDURAL HISTORY:

This item was to be scheduled at a meeting of the Community Zoning Appeals Board (CZAB) 14. However, CZAB 14 did not have enough members appointed at that time to constitute a quorum.

This item was deferred from the May 23, 2024, meeting of the BCC at the request of the applicant to work with staff. Subsequently, this item was deferred from the June 20, 2024, meeting of the BCC, in order to allow the District Commissioner to be present for the hearing.

The public hearing on this item has not been held.

REQUESTS:

REQUEST #1 ON PARCEL A

(1) DISTRICT BOUNDARY CHANGE from AU, Agricultural to RMD, Residential Modified District.

REQUEST #2 ON PARCEL B

(2) DISTRICT BOUNDARY CHANGE from AU, Agricultural to MCD, Mixed-Use Corridor District.

(3) NON-USE VARIANCE to permit a proposed building to setback 5' (0' required for first 2 floors and 30' minimum above the second story when adjoining is single-family residential) from the rear (west), and interior side (south) property lines.

(4) NON-USE VARIANCE to permit a proposed dissimilar land use buffer of 0' (5' minimum required) along the rear side (west) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "The Mark Estates" preparer unknown, sheets SP-1 and A-1 dated stamped received 11/30/23, sheets A-2, A-6 & A-7 dated stamped received 9/13/23, sheet A-3 dated stamped received 5/22/23, sheets A-4 and A-5 dated 8/8/22, sheet L-1 dated stamped received 2/2/24, and sheet L-2 dated stamped and received 4/6/22 for a total of 10 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The applicant seeks to permit a rezoning of the 1.16-acre subject parcel from AU, Agricultural District, to RMD, Residential Modified District, on Parcel "A", and to MCD, Mixed-Use Corridor District, on Parcel "B", in order to develop the site with a 71-unit affordable housing / mixed-use development. Additionally, the application seeks to allow the proposed building to be located closer to the rear and interior side property line than permitted by Code and for the landscaped areas along the rear property line to be less than permitted by Code.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant land	Low-Medium Density Residential, 6 - 13 dua
North	AU; single-family residence	Low-Medium Density Residential, 6 - 13 dua
South	AU; religious facility	Low-Medium Density Residential, 6 - 13 dua
East	RU-TH; townhome residences	Low-Medium Density Residential, 6 - 13 dua
West	AU; single-family residence	Low-Medium Density Residential, 6 - 13 dua

NEIGHBORHOOD COMPATIBILITY:

The 1.16-acre subject property is located at 18230 SW 110 Avenue. The surrounding area is comprised of a single-family residence to the north and west, townhome residences to the east and a religious facility to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the property in order to develop the parcel with affordable housing in this area of the County to be developed in accordance with the SMART Plan zoning regulations and the Live Local Act pursuant to Senate Bill 102. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that this application will generate approximately 81 PM peak hour vehicle trips. Staff notes that the application requests will add to the population of the area, impact water and sewer services, and may bring additional noise into the neighborhood. However, staff opines that such impacts have been appropriately mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The 1.16-acre subject property is designated as **Low-Medium Density Residential** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Low-Medium Density Residential category allows a range in density from a minimum of 6 to a maximum of 13 dwelling units per gross acre. *The types of housing found in the areas designated low-medium density residential are characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses and low-rise apartments, provided that the maximum gross density is not exceeded. Additionally, the property is partially located within a “Major Corridor.”*

Vertical and horizontal mixed-use development may be allowed within the Urban Development Boundary (UDB), provided that the development is located in:

- 1. Corridors with a maximum depth of 660 feet that are located along ‘Major Roadways’ as identified on the adopted Land Use Plan map and in areas designated Residential Communities (with the exception of Estate Density and Low Density), Business and Office, and Office/Residential; or*
- 2. Corridors designated as mixed-use corridors in an area plan that has been accepted by the Board of County Commissioners; or*
- 3. Rapid Transit Activity Corridors which includes the areas within one-half mile of the existing Metrorail corridor and the following proposed SMART Plan corridors: Kendall Drive, Beach Corridor, North Corridor, Northeast Corridor, and the South Dade Transitway Corridor. It also includes the area within one mile of the proposed East-West SMART Plan Corridor.*

Appropriate design standards are essential to ensure that the uses permitted in mixed-use developments are compatible with each other and adjacent properties and contribute to the character of the street and the surrounding community. A specific objective in designing mixed-use developments is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent uses. The exact residential density that can be achieved on a particular property will depend upon the intensity permitted, the average size of the residential units, the residential percentage of the project and land development regulations concerning building envelopes, parking and open space. Intensities are generally measured as floor area ratios (FARs), which for a particular property is the square footage of the buildings (not counting parking structures or covered pedestrian walkways that are open to the street), divided by the net land area of the parcel. The maximum intensities and densities shall be the greater of those provided in the table below or the maximum intensities and densities of the underlying land use

designation. However, the entire development must fit within the building envelope established by the floor area ratio.

Mixed-Use Developments Located Within:	Floor Area Ratio Range	Maximum Residential Density (dwelling units)
Major Corridors	from 1.0 to 1.5	36
Mixed-use Corridors identified in an area plan	Up to 2.0	60
Rapid Transit Activity Corridors		
Within one-quarter mile	Up to 2.0	60
Between one-quarter and one-half mile	Up to 1.5	36
Between one-half and one mile (East-West Corridor)	Up to 1.25	18

As previously set forth in a December 21, 2021, CDMP Interpretation letter for the subject property, "Comprehensive Development Master Plan Interpretation for Real Property with Folio No. 30-5031-000-0270", the subject property is comprised of a parcel that is vacant and zoned AU, Agricultural District. In accordance with the CDMP provisions for Mixed Use Development in "Major Roadway" corridors, this parcel may be rezoned for a mixed-use development at the following densities. A portion of the subject parcel may be developed at a density of 36-units per acre for the lying within the 660-foot boundary of the Major Roadway corridor, and up to a density of 13 units per acre for the remaining portion lying outside the corridor area. Additionally, the CDMP provides for a 25% density bonus incentive for projects which set aside residential units for workforce housing which would allow for the subject 1.17-acre site to developed with maximum of 71 residential units while this application provides for a total of 71 units. Additionally, the Saturation Analysis performed by Staff indicates that residential uses currently comprise 71.55% of the total building area within the Subject Property Area. Therefore, the subject property is not eligible to be developed as a single-use residential horizontal mixed-use and would require a mixed-use residential development. As such, the applicant will be required to provide a minimum of ten (10) square feet of retail space for each residential unit which is the equivalent of 710 sq.ft. As a result, the plans submitted by the applicant indicate a total of 721.5 sq.ft. of retail in accordance with the MCD standards. Additionally, staff notes that the applicant is proposing to develop the subject property pursuant to Senate Bill 102 (Live Local Act). The Live Local Act permits developments to be developed with a density equal to the highest residential density permitted by the CDMP. The County's CDMP designation which would permit the highest density is High Density Residential. The High-Density Residential category allows a range in density from a minimum of 60 to a maximum of 250 dwelling units per gross acre. This would allow the subject property to be developed with a maximum of 290 under the Live Local Act. However, staff notes that the applicant has voluntarily proffered a zoning Declaration of Restrictions which provides that the subject property would be developed in substantial compliance with the submitted plans of a proposed maximum residential density of 71 residential units. Additionally, the covenant provides that the proposed development will comply with the requirements of Florida Statute 125.01055, and that at least 40% of the aforementioned residential units (or, 29-units) would be "affordable housing", as defined in Section 420.004 of the Florida Statute.

Staff notes that the submitted plans provide for a single building to be constructed on the site of three-stories in height fronting SW 110 Avenue and along the south property line. The plan also provides for parking to be screened from the adjacent properties by the proposed building as well

as the required wall along SW 110 Avenue. Additionally, the plan provides for ample landscaping throughout the development in excess of what is required by Code. Furthermore, staff opines that the proposed development is **consistent** with **Policy LU-4A** which states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements. As such, staff opines that the requested MCD and RMD zoning districts is **consistent** with the **Low-Medium Density Residential** designation of the subject property on the CDMP Land Use Plan map and the **Mixed-Use Development policies** of the CDMP.

ZONING ANALYSIS:

The applicant seeks approval of a request for a district boundary change from AU, Agricultural District, to RMD, Residential Modified District, on Parcel A (request #1), and a district boundary change from AU, Agricultural District, to MCD, Mixed-Use Corridor District, on Parcel B (request #2). For the reasons stated above and below, staff opines that when the request to rezone the 1.92-acre subject parcel to RMD and MCD is analyzed under Section 33-311, District Boundary Change, approval of the application subject to the Board's acceptance of the proffered covenant would be **compatible** with the surrounding area when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses.

Staff further notes that the recently adopted Senate Bill 102 (Live Local Act- Laws of Florida Chapter 2023-17) preempts the County from requiring public hearings for certain affordable residential housing developments, and further requires that the County approve certain minimum densities and minimum heights for such developments proposed on commercial, industrial or mixed-use zoned properties. Based on the foregoing, staff notes that should the property be rezoned to MCD, and considered zoned "Mixed Use", then pursuant to the aforementioned Live Local Act, the site could ultimately be developed with densities as high as 250 units per acre, and up to 15 stories in height. The applicant has indicated in their letter of intent and site plan that the proposed project would be developed pursuant to the standards permissible per the Live Local Act. As a result, the applicant has voluntarily proffered a covenant stating that the property will comply with the requirements pursuant to FS 125.01055 (Live Local) which requires among other things that 40% of the aforementioned residential units (or, 29-units) would be "affordable housing" below the 120% of the area median income, as defined in Section 420.004 of the Florida Statute.

Staff notes that approval of the applicant's request to rezone the subject property will be consistent with the Low-Medium Density designation of the CDMP Land Use Plan map. Further, staff opines that approval of the request for rezoning will not have a significant impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Their memorandum, dated July 1, 2024, indicates that the application will meet the traffic concurrency criteria for an Initial Development Order and will generate 81 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum dated July 8, 2024, indicate that the application meets all applicable LOS standards for an initial development order for potable water service, wastewater disposal, and flood protection. In

addition, the other departments reviewing the application, including the Traffic Engineering Section of the Department of Transportation and Public Works, the Miami-Dade School Board, Miami-Dade Fire Rescue Department and the Water and Sewer Department, do not object to the application. Based on the aforementioned department memoranda, staff opines that approval of the request for rezoning on the subject site will not have an unfavorable effect on the economy Miami-Dade County, Florida. Further, approval would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction.

As noted earlier the applicant seeks to rezone the subject parcel to RMD and MCD in order to permit the development on the property with a mixed-use development consisting of 71 residential units which will be set aside as affordable housing and 721.5 sq. ft. of retail space. The submitted plans depict the subject site to be developed with a single 3-story building located along the south side of the site fronting along SW 110 Avenue. The applicant has proffered a covenant which among many things restricts the development of the site to a maximum of 3 stories where the proposed zoning districts requested permit buildings up to 6 stories as well as limiting the development to affordable housing. The plan also provides for parking to be screened from the adjacent properties by the proposed building and wall along SW 110 Avenue with pedestrian connectivity throughout the site and to SW 110 Avenue. Additionally, the plan provides for ample landscaping throughout the development in excess of what is required by Code. Staff opines that this design minimizes any potential impact to the adjacent residential uses located to the west of the subject property. The proposed development will have its primary point of direct vehicular ingress/egress point located along the northern portion of the property along SW 110 Avenue. There is a pedestrian access point located along the middle of the building. Staff notes that pedestrians will be able walk to all areas of the site through the interconnected sidewalks while automobile traffic is dispersed to the rear of the development, allowing for seamless connectivity through the development for pedestrians and automobiles alike. As designed, the proposed residential development, with the pedestrian and auto connectivity, buildings with an intensity similar in scale to the surrounding uses as well as the proposed landscaping, will produce a development that will be compatible with the neighborhood. Additionally, the covenant provides for the property to be developed with the aforementioned plans submitted to the department as part of this application. As such, staff opines that approval of the request to rezone the subject parcel to RMD and MCD, subject to the proffered covenant, would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **Therefore, staff recommends approval of requests #1 & #2, subject to the Board's acceptance of the proffered covenant, under Section 33-311, District Boundary Change.**

The applicant is requesting an ancillary non-use variance of the setback requirements to permit the proposed building to setback 5' (0' required for first 2 floors and 30' minimum above the second story when adjoining is single-family residential) from the rear (west) and interior side (south) property lines (request #3) and to permit a proposed dissimilar land use buffer of 0' (5' minimum required) along the rear (west) property line (request #4). When these requests are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that it is inextricably intertwined with the development of the proposed mixed-use development on the site, which staff supports, and opines that the approval of the requests with conditions would be **compatible** with the surrounding area. The submitted plans depict the proposed building to setback 5' from the rear and interior side property lines where the Code allows for a 0' setback for the first 2 floors and 30' above the second story. The proposed building on the site is to be a total of 33'-10' in height including the parapet of the building. Staff

notes that the existing zoning of AU for the adjacent properties to the west (rear) and south (interior side) allows buildings to be a maximum height of 35'. In addition, the submitted plans indicate a dissimilar land use buffer of 0' (5' minimum required) along the rear (west) property line. Although the proposed plan does not meet the required minimum land use buffer standards, the applicant is proposing to install a 6' decorative masonry wall along the rear (west) property line, which, in staff's opinion, will serve as a buffer mitigating any visual impacts to the existing single-family residence to the west of the subject property. As such, staff opines that approval of the requested variances (request #3 and #4) would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variances will be otherwise **compatible** with the surrounding land uses and would not be detrimental to the other properties in the immediate area in which the subject parcel is situated. **Therefore, staff recommends approval with conditions of requests #3 and #4 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted site plan depicts its primary point of direct vehicular ingress/egress point located along the northern portion of the property along SW 110 Avenue, with a pedestrian access point located along the center of the proposed building from SW 110 Avenue.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval of request #1 and #2, subject to the Board's acceptance of the proffered Covenant and approval with conditions of requests #3 and #4.

CONDITIONS FOR APPROVAL: for requests #3 and #4 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "The Mark Estates" preparer unknown, sheets SP-1 and A-1 dated stamped received 11/30/23, sheets A-2, A-6 & A-7 dated stamped received 9/13/23, sheet A-3 dated stamped received 5/22/23, sheets A-4 and A-5 dated 8/8/22, sheet L-1 dated stamped received 2/2/24, and sheet L-2 dated stamped and received 4/6/22 for a total of 10 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit a recordable covenant and opinion of title in legally sufficient and recordable form to RER and PHCD before obtaining any subsequent development approvals, that provides that the proposed development will comply with the requirements of Section 125.01055, Florida Statutes, and that at least 40% of the proposed 71 residential units (or, 29-units) would be "affordable housing" below the 120% of the area median income, as defined in Section 420.004, Florida Statutes. Annual monitoring reports shall be submitted to RER and PHCD to confirm compliance with the 30-year affordability period and other requirements of Section 125.01055, Florida Statutes.

5. That the proposed 6' decorative masonry wall along the rear (west) property line be maintained, and that if the 6' decorative masonry wall is destroyed or removed, the applicant shall install a 6' high cbs wall, opaque fence, or chain link fence with shrubs of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a maximum average spacing of forty-eight (48) inches on center, in accordance with Section 18A-6(H) of the County Code.
6. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
7. That the applicants comply with all applicable conditions, requirements, recommendations, requests, and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as indicated in their memorandum dated July 1, 2024.
8. That the landscaping indicated on the plans be installed prior to the issue of Certificate of Use for the facility.

ES:JB:SS:EA:JR



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

The Mark, LLC
PH: Z22-070

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection*</i>
Department of Transportation and Public Works (DTPW)	<i>No objection</i>
Fire Rescue Department	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Miami-Dade County Public Schools	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Low-Medium Density Residential (Pg. I-29)	<p><i>This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
Mixed Use Development (*SMART Corridor) (Pg. I-44)	<p><i>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). The purpose of this section is to address the mixed-use projects that are to be located outside of the designated urban centers and outside of areas otherwise addressed by the Rapid Transit Zone Development Standards pursuant to Chapter 33C of the Code of Miami-Dade County.</i></p> <p><i>Horizontal mixed-use development is hereby defined as the horizontal mix of uses, such as single use buildings on the same site or within one-quarter mile. Such uses may only be permitted in accordance with the following:</i></p> <ol style="list-style-type: none"> <i>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</i> <i>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.</i> <p><i>Vertical and horizontal mixed-use development may be allowed within the Urban Development Boundary (UDB), provided that the development is located in:</i></p> <ol style="list-style-type: none"> <i>3. Rapid Transit Activity Corridors which includes the areas within one-half mile of the existing Metrorail corridor and the following proposed SMART Plan corridors: Kendall Drive, Beach Corridor, North Corridor, Northeast Corridor, and the South Dade Transitway Corridor. It also includes the area within one mile of the proposed East-West SMART Plan Corridor.</i> <p><i>The exact residential density that can be achieved on a particular property will depend upon the intensity permitted, the average size of the residential units, the residential percentage of the project and land development regulations concerning building envelopes, parking and open space. The maximum intensities and densities shall be the greater of those provided within the CDMP or the maximum intensities and densities of the underlying land use designation. Properties that are located within ¼ mile of the SMART Plan Corridor may be rezoned for vertical or horizontal mixed-use development at up to 60 units per acre and properties located between ¼ and ½ mile of the SMART Plan Corridor may rezoned for vertical or horizontal mixed-use development at up to 36 units per acre, provided that a proposed single use does not constitute more than 70% of the total building area within ¼ mile of a SMART Plan Corridor.</i></p>

ZONING RECOMMENDATION ADDENDUM

The Mark, LLC
PH: Z22-070

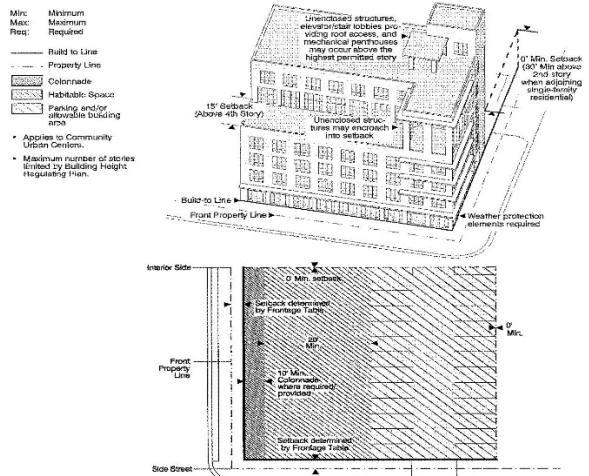
	<p>Appropriate design standards are essential to ensure that the uses permitted in mixed-use developments are compatible with each other and adjacent properties and contribute to the character of the street and the surrounding community. A specific objective in designing mixed-use developments is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent uses. The exact residential density that can be achieved on a particular property will depend upon the intensity permitted, the average size of the residential units, the residential percentage of the project and land development regulations concerning building envelopes, parking and open space. Intensities are generally measured as floor area ratios (FARs), which for a particular property is the square footage of the buildings (not counting parking structures or covered pedestrian walkways that are open to the street), divided by the net land area of the parcel. The maximum intensities and densities shall be the greater of those provided in the table below or the maximum intensities and densities of the underlying land use designation. However, the entire development must fit within the building envelope established by the floor area ratio.</p> <table><tr><td>Mixed-Use Developments Located Within:</td><td>Floor Area Ratio Range</td><td>Maximum Residential Density (dwelling units)</td></tr><tr><td>Major Corridors</td><td>from 1.0 to 1.5</td><td>36</td></tr><tr><td>Mixed-use Corridors identified in an area plan</td><td>Up to 2.0</td><td>60</td></tr><tr><td colspan="3">Rapid Transit Activity Corridors (SMART Corridors)</td></tr><tr><td>Within one-quarter mile</td><td>Up to 2.0</td><td>60</td></tr><tr><td>Between one-quarter and one-half mile</td><td>Up to 1.5</td><td>36</td></tr><tr><td>Between one-half and one mile (East-West Corridor)</td><td>Up to 1.25</td><td>18</td></tr></table>	Mixed-Use Developments Located Within:	Floor Area Ratio Range	Maximum Residential Density (dwelling units)	Major Corridors	from 1.0 to 1.5	36	Mixed-use Corridors identified in an area plan	Up to 2.0	60	Rapid Transit Activity Corridors (SMART Corridors)			Within one-quarter mile	Up to 2.0	60	Between one-quarter and one-half mile	Up to 1.5	36	Between one-half and one mile (East-West Corridor)	Up to 1.25	18
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Objective LU-4 (Pg. I-8)	Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.																					
Policy LU-4A (Page I-9)	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.																					

PERTINENT ZONING REQUIREMENTS/STANDARDS

Sec. 18A-6. - Minimum standards.	<p>(H) Buffers between dissimilar land uses. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six (6) foot wall or fence with a life expectancy of at least ten (10) years, or shrubs which normally grow to a minimum height of six (6) feet. Where chain link fencing is used, shrubs shall also be required. Shrubs used as a buffer shall be a minimum of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a maximum average spacing of forty-eight (48) inches on center. Said buffer shall form a continuous screen between the dissimilar land uses within one (1) year after planting. Buffers screening dissimilar uses shall include trees planted at a maximum average spacing of thirty-five (35) feet on center within a minimum five (5) foot landscaped strip.</p>
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ZONING RECOMMENDATION ADDENDUM

The Mark, LLC
PH: Z22-070

<p>Sec. 33-284.85.(G)(2) - Building Placement Standards.</p>	<p><i>Mixed Use, Multi-Family:</i></p> 
<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>

ZONING RECOMMENDATION ADDENDUM

The Mark, LLC
PH: Z22-070

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

THE MARK LLC/CORUJO, RODOLFO	18230 SW 110 AVE MIAMI-DADE COUNTY, FLORIDA.
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APPLICANT

ADDRESS

PENDING

Z2022000070

DATE

HEARING NUMBER

FOLIO No: 30-5031-000-0270

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

July 9, 2024

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

THE MARK LLC/CORUJO, RODOLFO

OUTSTANDING LIENS AND FINES:


There are no outstanding Liens, Fines, or Fees.

Memorandum



Date: July 8, 2024

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2022000070-6th Review
Rodolfo Corujo
18230 SW 110th Avenue
DBC from AU to MC & RMD for proposed multi-use development
(AU) (1.25 Acres)
31-55-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers are currently abutting the subject property. Pursuant to the Code and based on the site plan submitted in support of the requested district boundary change, the proposed multi-use development shall connect to public water and sanitary sewers in accordance with Code requirements. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits,

DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins that have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

Please be advised, DERM review and approval is required for any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources. Tree Permit #2314690 was issued on December 01, 2023, for the subject property and all approved work shall be performed in accordance with this permit. Section 24-49 of the Code provides for the preservation and protection of tree resources. If any additional trees subject to the tree preservation and protection provisions of the Code are to be removed/relocated and are not associated with Tree Permit #2314690, a new tree removal permit will be required. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process. Projects and permits shall meet the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the properties prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

Conditions of Approval: None

Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

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

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Conditions of Approval: None

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Ninfa Rincon at (305) 372-6764.


cc: Eric Silva , Department of Regulatory and Economic Resources

Memorandum



Date: July 10, 2024

To: Eric Silva, AICP, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) 

Subject: Zoning Application Comments - The Mark, LLC
Application No. Z2022000070 (**Updated Memo**) - (Pre-App. No. Z22P-026)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. The information provided below is preliminary and it does not affect the Zoning process. The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval.

Application Name: The Mark, LLC

Location: The proposed project is located at 18230 SW 110 Avenue with Folio No. 30-5031-000 -0270 on approximately 1.25 Acres, in unincorporated Miami-Dade County.

Proposed Development: The applicant is seeking to develop the site with a mixed-use project consisting of 71 apartment units (High Density), and 697 sq. ft. of retail. The applicant is requesting to rezone the property from Agricultural District (AU) to Mixed Use Corridor District (MCD) and Residential Modified District (RMD) to accommodate the development of the property under the Workforce Housing Development Program.

The estimated total water demand for the proposed project will be 9,655 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment System (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

There is a WASD Agreement No. 32494 pending to be re-offered (pending points of connection (P.O.C. #3) for the subject development. There is an existing 8-inch water main, abutting the property along SW 110th Avenue, however, as per WASD's Rules and Regulations since this development is a Mixed-Use project, connection to a minimum 12-inch water main will be required.

Please note that the Engineer of Record for the subject application requested connection to the existing 8-inch water main along SW 110th Avenue, abutting the site. At this time, said request is being evaluated to determine if the existing system will be able to provide adequate fire flow protection for the proposed development.

If the results of the hydraulic modeling analysis show that connection to the abutting 8-inch water main along SW 110th Avenue does not provide adequate fire flow protection, then the developer shall connect to an existing 16-inch water main (E8566-2) located approximately 500 feet south of the subject property in SW 184th Street and SW 110th Avenue and extend a new 12-inch water main heading northerly along

SW 110th Avenue to the northeastern corner of the property, interconnecting to an existing 8-inch water main (E11976-1) at that location in order to provide service to the proposed development.

Any public water main extension within the property shall be 12-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with (2) points of connections. *Final points of connections and capacity approval to connect to the water system will be provided at the time WASD Agreement No. 32494 is re-offered.*

A Water Supply Certification (WSC) letter from WASD was issued on January 23, 2024, through WASD Agreement No. 32494. Said Certification will be revised when WASD Agreement No. 32494 is re-offered. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The Certification is required to assure adequate water supply is available to all water users of the WASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to <http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP. Also, per Section 8A-381 (c) of the Miami-Dade County Code, effective January 1, 2009, all permit applications for new multifamily residential developments shall be required to include a sub-meter for each individual dwelling unit.

For more information about our Water Conservation Program, please go to <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to <http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf>

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. The SDWWTP is operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the SDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

There is an existing 8-inch gravity sewer system (ES8286-1) abutting the property along SW 110th Avenue to where the developer may connect to provide sewer service for the proposed project. *Final points of connection and capacity approval for connection to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.*

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) 715. The projected sanitary sewer flows from this development will increase the Nominal Average Pump Operating Time (NAPOT) of said P.S. from 4.01 hrs. to 4.22 hrs. Said pump station is in OK Moratorium Code status.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be 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 Order entered on April 9, 2014 in the 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, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>

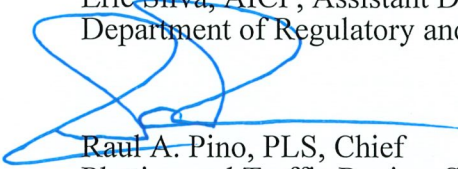
Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov.

Memorandum



Date: July 1, 2024

To: Eric Silva, AICP, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2022000070
Name: Rodolfo Corujo
Location: 18230 SW 110 Avenue
Section 31 Township 55 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections**.

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within a Community Development Block Grant (CDBG)-eligible area where traffic concurrency does not apply. It will generate approximately **81** PM peak hour vehicle trips.

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: July 02, 2024

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2022000070

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 11/30/2023.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Dr. Jose L. Dotres

Miami-Dade County School Board

Mari Tere Rojas, Chair

Danny Espino, Vice Chair

Roberto J. Alonso

Lucia Baez-Geller

Dr. Dorothy Bendross-Mindingall

Mary Blanco

Monica Colucci

Dr. Steve Gallon III

Luisa Santos

July 25, 2023

VIA ELECTRONIC MAIL

trecio@wshplaw.com

sherbello@wsh-law.com

**RE: PUBLIC SCHOOL CONCURRENCY ANALYSIS
THE MARK, LLC Z2022000070
LOCATED AT 18230 SW 110 AVE
PH3022071100344 - FOLIO NO: 3050310000270**

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 54 residential units, which generate 14 students, 7 at the elementary, 3 at the middle and 4 at the senior high school level. At this time, all school levels have sufficient capacity available to serve the application. Remember that 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 305-995-7285.

Best regards,

Ivan M. Rodriguez, R.A.
Director

Enclosure

L-019

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

Governmental Affairs & Land Use

*Ms. Nathaly Simon, Design and Planning Officer • 1450 N.E. 2nd Avenue • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • nsimon1@dadeschools.net*



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number:

PH3022071100344

Date Application Received:

7/11/2022 9:59:18 AM

Type of Application:

Public Hearing

Local Government (LG):

Miami-Dade

LG Application Number:

Z2022000070

Sub Type:

Zoning

Applicant's Name:

The Mark, LLC

Address/Location:

18230 SW 110 AVE

Master Folio Number:

3050310000270

Additional Folio Number(s):

PROPOSED # OF UNITS

54

SINGLE-FAMILY DETACHED UNITS:

0

SINGLE-FAMILY ATTACHED UNITS:

0

MULTIFAMILY UNITS:

54

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4441	PINE LAKE ELEMENTARY	293	7	7	YES	Current CSA
6781	RICHMOND HEIGHTS MIDDLE	318	3	3	YES	Current CSA
7731	MIAMI SOUTHRIDGE SENIOR	1	4	1	NO	Current CSA
7731	MIAMI SOUTHRIDGE SENIOR	0	3	0	NO	Current CSA Five Year Plan

ADJACENT SERVICE AREA SCHOOLS

7361	MIAMI KILLIAN SENIOR	1859	3	3	YES	Adjacent CSA
*An Impact reduction of <u>31.81%</u> 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

Memorandum



Date: May 26, 2023

To: Nathan Kogon, Assistant Director
Development Services Division
Regulatory and Economic Resources Department (RER)

From: Alejandro Zizold, Chief, Planning and Research *A. Zizold*
Planning & Design Excellence Division
Parks, Recreation and Open Spaces Department (PROS)

Subject: Z2022000070 – The Mark Estates (Associated Application: Z2022P00026)

Applicant Name: Rodolfo Corujo

Project Location: The subject property is ±1.16 acres and it is located on the west side of SW 110th Avenue, between SW 180th Street and SW 184th Street, in unincorporated Miami-Dade County, Florida (Folios: 30-5031-000-0270). The project is currently zoned as Agriculture.

Proposed Development: The applicant seeks to develop a multifamily apartment complex of 54 residential units, and includes a gym, daycare, and storage space. The applicant also requests a rezoning from Agriculture to Mixed-Use Corridor District (MCD) and Residential Modified District (RMD).

Current Park Benefit District Area Conditions: County-owned park and recreation facilities, both areawide parks and local parks, serving Park Benefit District 2 (PBD 2) are shown on the attached map in Figure 1. County-owned local parks that are within three miles of the subject application are described below in Table A which lists the name, classification, acreage, and type of recreation facility for each park.

Table A - County Parks (Local) Within a 3 Mile Radius of Application Area

PARK NAME	ADDRESS	CLASSIFICATION	ACRE	TYPE
Ben Shavis Park	10395 SW 179TH ST	Mini-Park	0.86	Local
Black Creek Trail Connection	NB S DIXIE HWY N OF BLACK CREEK TRAIL	Mini-Park	0.02	Local
Caribbean Park	11900 SW 200TH ST	Neighborhood Park	5.17	Local
Charles Burr Park	20200 SW 127TH AVE	Neighborhood Park	3.8	Local
Colonial Drive Park	10750 SW 156TH TER	Community Park	14.34	Local
Cutler Ridge Skate Park	SW 211TH ST / FLORIDA TPKE EXT	Single Purpose Park	3.6	Local
Deerwood Bonita Lakes Park	14445 SW 122ND AVE	Community Park	11.03	Local
Domino Park	10202 SW 172ND ST	Single Purpose Park	0.15	Local
Eureka Park	18320 SW 119TH AVE	Community Park	4.42	Local
Fairwood Park	16651 SW 107TH AVE	Neighborhood Park	7.93	Local
Ferguson Park	10251 SW 146TH ST	Neighborhood Park	7.22	Local
JL (Joe) & Enid W. Demps Park	11350 SW 216TH ST	Community Park	31.1	Local
Lincoln City Park #1	SW 220TH ST / SW 102ND AVE	Mini-Park	0.5	Local
Lincoln Estates Park	22210 SW 108TH AVE	Mini-Park	0.82	Local

Losner Park	11851 SW 188TH ST	Mini-Park	0.55	Local
Pine Forest Park	12875 SW 208TH ST	Neighborhood Park	6.62	Local
Quail Roost Park	11336 QUAIL ROOST DR	Neighborhood Park	2.47	Local
Richmond Triangle Park	14355 GRAVES DR	Mini-Park	0.6	Local
Rockdale Park	9325 SW 146TH ST	Neighborhood Park	2.8	Local
Serena Lakes Park	13965 SW 180TH ST	Neighborhood Park	5.14	Local
Sgt. Joseph Delancy Park	14450 BOGGS DR	Community Park	10.46	Local
Sharman Park	12370 SW 218TH ST	Community Park	6.71	Local
South Miami Heights Park	20800 SW 117TH AVE	Neighborhood Park	5.97	Local
Walter A.White Park	10804 PERRY DR	Neighborhood Park	1.64	Local
West Perrine Senior Center	17801 HOMESTEAD AVE	Single Purpose Park	2.59	Local
Wilbur Bell Park	17121 SW 104TH AVE	Community Park	9.14	Local

Impact and Demand: The proposed residential component impact of the development will be 54 multi-family residential units which would generate a population of 119 persons, resulting in an impact of 0.32 acres of local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service (LOS) standard for the provision of local recreation open space. As shown in Table A, there are several Miami-Dade County-provided local recreation open space sites consisting of 5 acres or larger within a 3-mile radius from the application area. The site is in Park Benefit District 2 (PBD2) which has a surplus of 347.12 acres of local parkland and therefore the project meets concurrency when analyzed in terms of 2.75 acres per 1,000 unincorporated areas residents within this Park Benefits District.

Although there is a surplus capacity of 347.12 acres of local recreation open space within the overall area of PBD 2, there are no existing local parks meeting the ¼ - ½ mile spatial distribution as recommended in 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 Comprehensive Development Master Plan.

Recommendations: this analysis is based on plans provided May 22, 2023:

- There are no local parks meeting the ¼ - ½ mile walk criteria. PROS recommends that shared amenities of the daycare, gym, and storage closets be redesigned to also include an attached square or green or provide adequate private recreation space for the estimated demand of 0.32 acres of local recreation.
- PROS recommends the landscape area between the parking area and south of the central building to incorporate shade trees per Apartment Block with Rear Parking scenario (MDC Urban Design Manual Vol. I, Pg. 24).
- PROS recommends adding amenities such as dog waste stations and bike racks.

These recommendations are based on the following Recreation and Open Space policies and objectives in the CDMP:

Objective ROS-2

Require the availability of adequate local recreation open space as a condition for the approval of residential development orders, and maintain an adequate inventory of recreational areas and facilities

Objective ROS-8

The Miami-Dade County Parks and Open Space System Master Plan (OSMP), 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 community.

Based on our findings described herein, **PROS has no objection to this application.**

If you need additional information or clarification on this matter, please contact Natalia Neira, Park Planner III, at (305) 755-7997 or natalia.neira@miamidade.gov.

AZ: at nn

Signature: *Alissa Turteltaub*

Email: alissa.turteltaub@miamidade.gov

Signature: *Alejandro Zizold*

Email: alejandro.zizold@miamidade.gov









Z2022-70 The Mark Estates

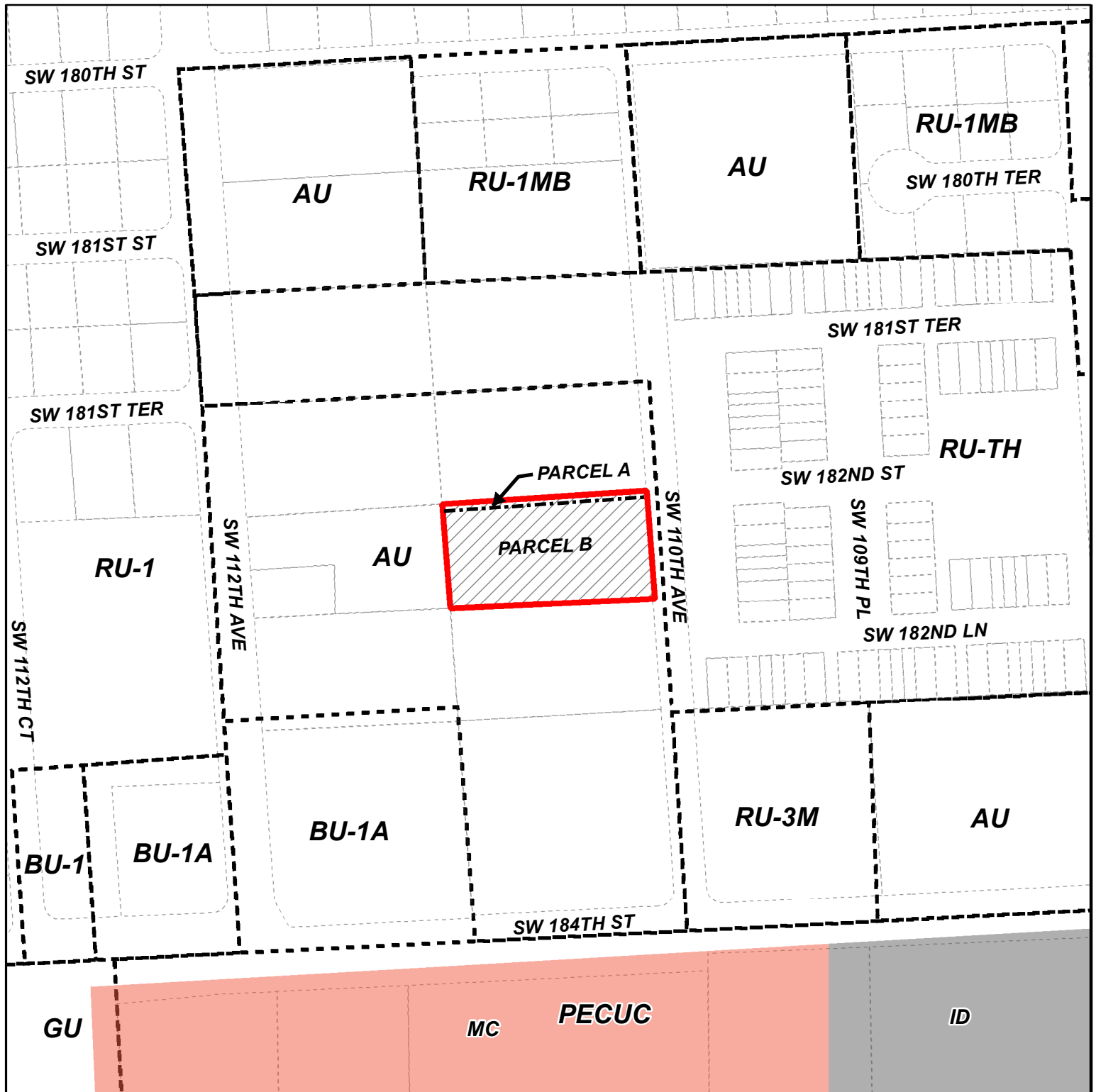
Final Audit Report

2023-05-31

Created:	2023-05-26 (Eastern Daylight Time)
By:	Natalia Neira (natalia.neira@miamidade.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAgAa9B-gkTmHlnSHIOXY1RUJXj3NaIXRB

"Z2022-70 The Mark Estates" History

-  Document created by Natalia Neira (natalia.neira@miamidade.gov)
2023-05-26 - 4:53:17 PM EDT
-  Document emailed to Alissa Turtleaub (alissa.turtleaub@miamidade.gov) for signature
2023-05-26 - 5:02:00 PM EDT
-  Email viewed by Alissa Turtleaub (alissa.turtleaub@miamidade.gov)
2023-05-26 - 5:07:21 PM EDT
-  Document e-signed by Alissa Turtleaub (alissa.turtleaub@miamidade.gov)
Signature Date: 2023-05-26 - 5:07:29 PM EDT - Time Source: server
-  Document emailed to Alejandro Zizold (alejandro.zizold@miamidade.gov) for signature
2023-05-26 - 5:07:30 PM EDT
-  Email viewed by Alejandro Zizold (alejandro.zizold@miamidade.gov)
2023-05-31 - 8:11:18 AM EDT
-  Document e-signed by Alejandro Zizold (alejandro.zizold@miamidade.gov)
Signature Date: 2023-05-31 - 8:11:58 AM EDT - Time Source: server
-  Agreement completed.
2023-05-31 - 8:11:58 AM EDT



MIAMI-DADE COUNTY

HEARING MAP

Section: 31 Township: 55 Range: 40

Applicant: The Mark, LLC

Zoning Board: Board of County Commissioners

Commission District: 9

Drafter ID: EDUARDO CESPEDES


Scale: NTS

Process Number

Z2022000070



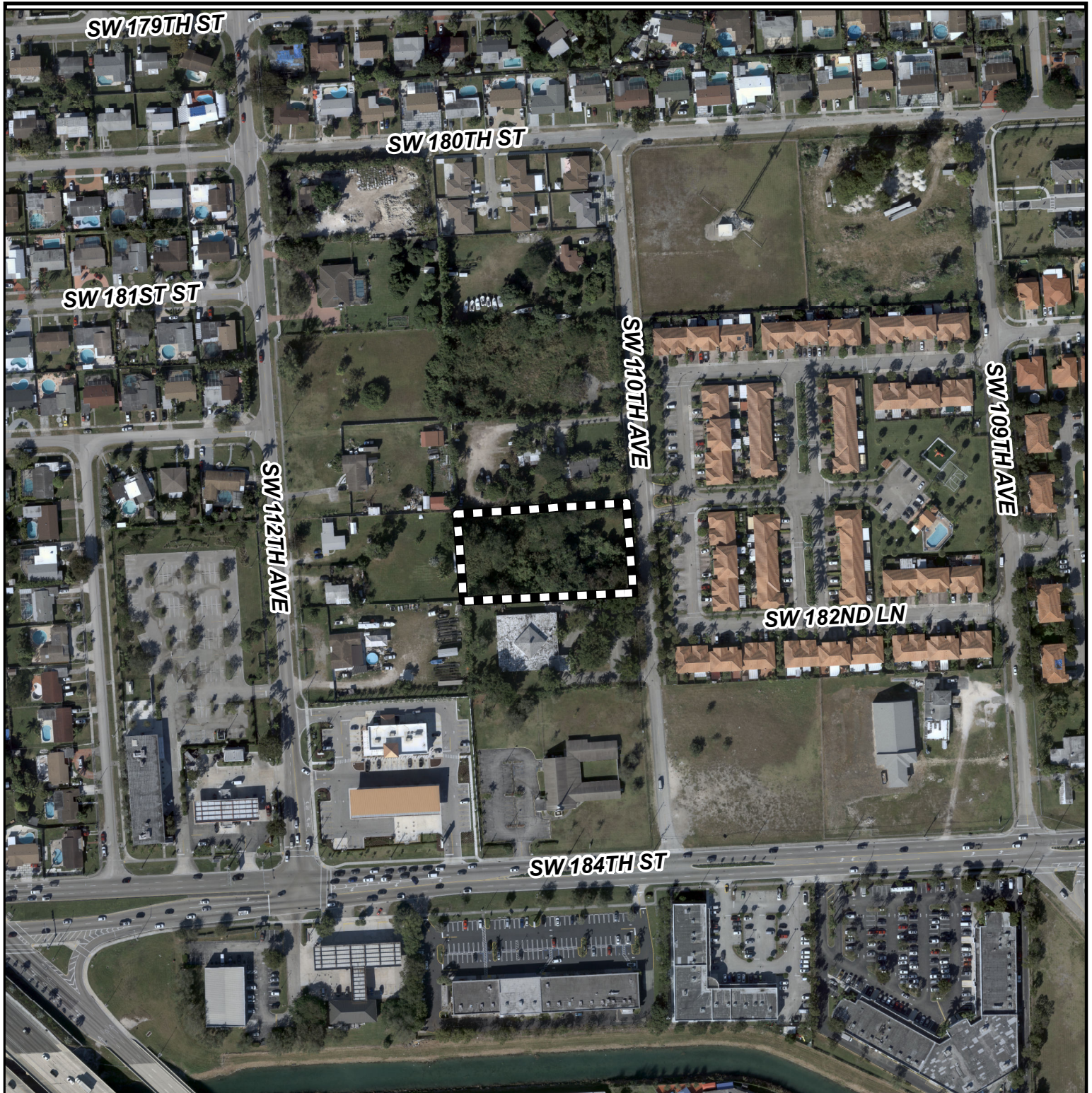
Legend

 Subject Property Case

 Zoning



REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2022000070

Legend
 Subject Property

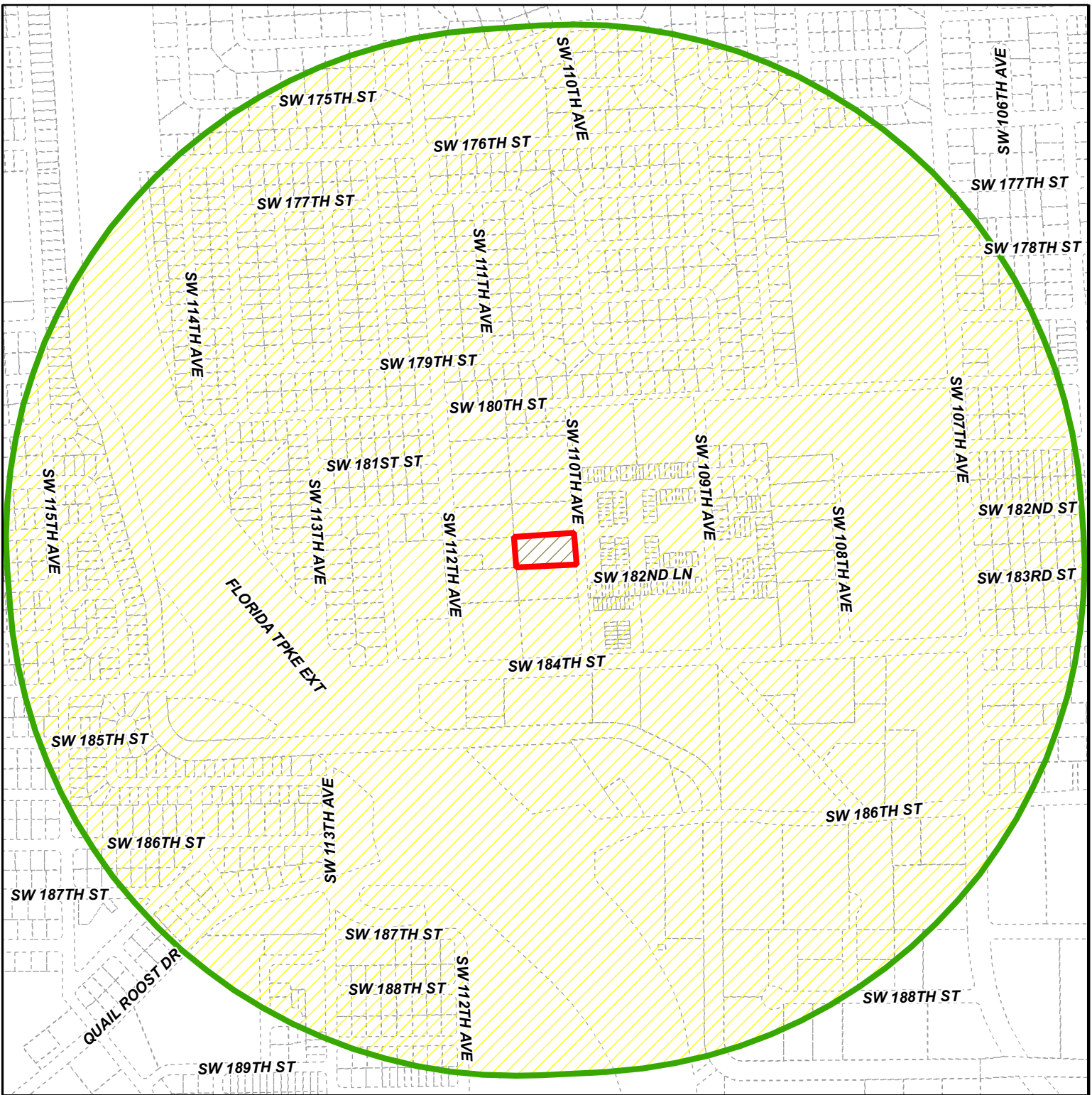


Section: 31 Township: 55 Range: 40
Applicant: The Mark, LLC
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Wednesday, May 29, 2024

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 31 Township: 55 Range: 40
Applicant: The Mark, LLC
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Process Number
Z2022000070
RADIUS: 2640

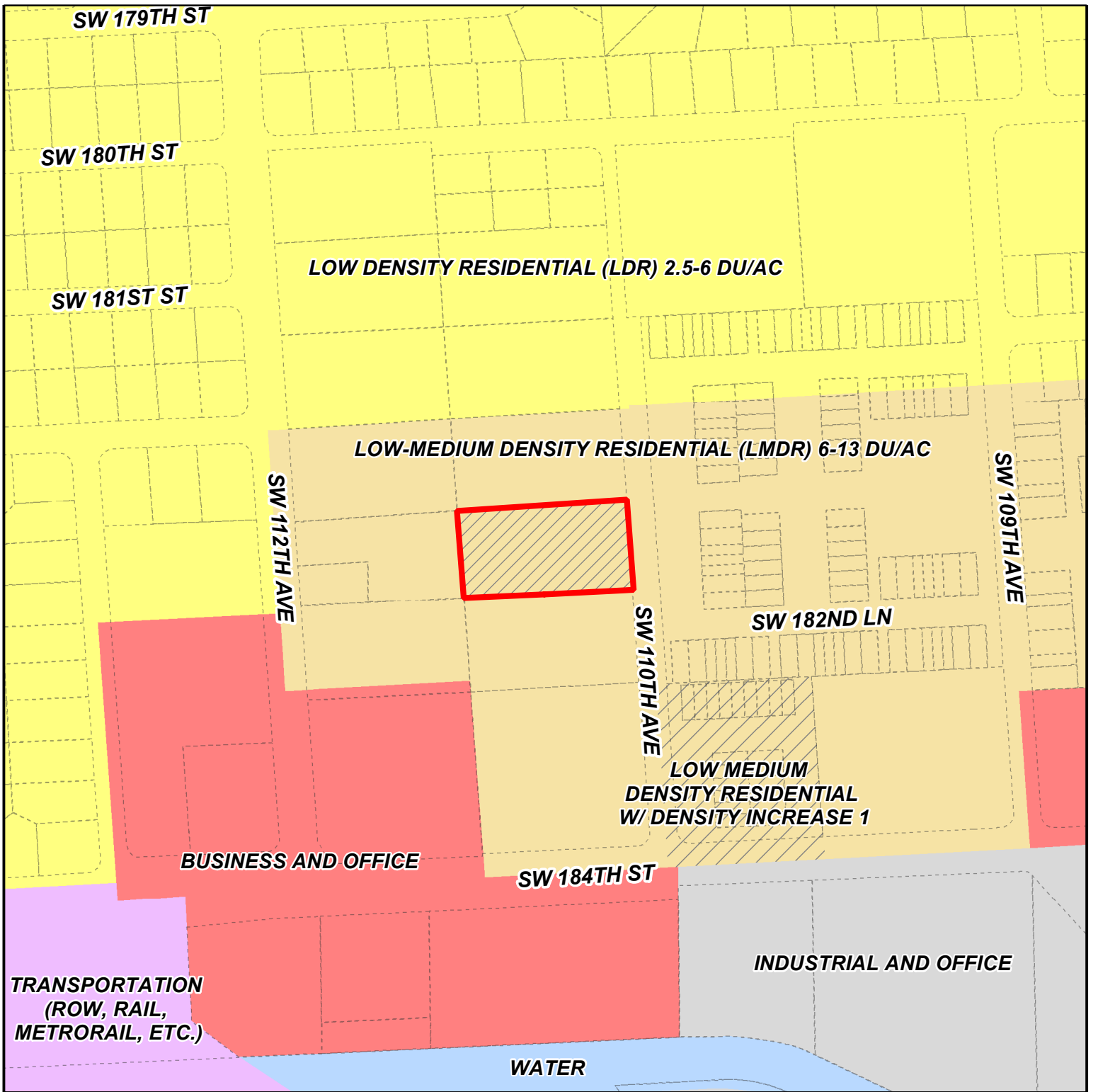
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-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, May 29, 2024

REVISION	DATE	BY



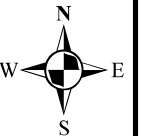
MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2022000070

Section: 31 Township: 55 Range: 40
Applicant: The Mark, LLC
Zoning Board: Board of County Commissioners
Commission District: 9
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, May 29, 2024

REVISION	DATE	BY

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: NOV 16 2022
BY: GONGOL



RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: AUG 8 2022
BY: GONGOL



RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: AUG 8 2022
BY: GONGOL



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MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: AUG 8 2022
BY: GONGOL



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MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: AUG 8 2022
BY: GONGOL



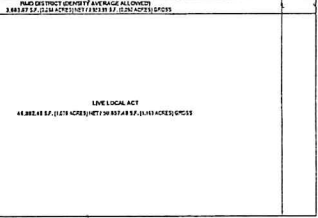
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MIAMI-DADE COUNTY
PROCESS NO: Z22-070
DATE: AUG 8 2022
BY: GONGOL



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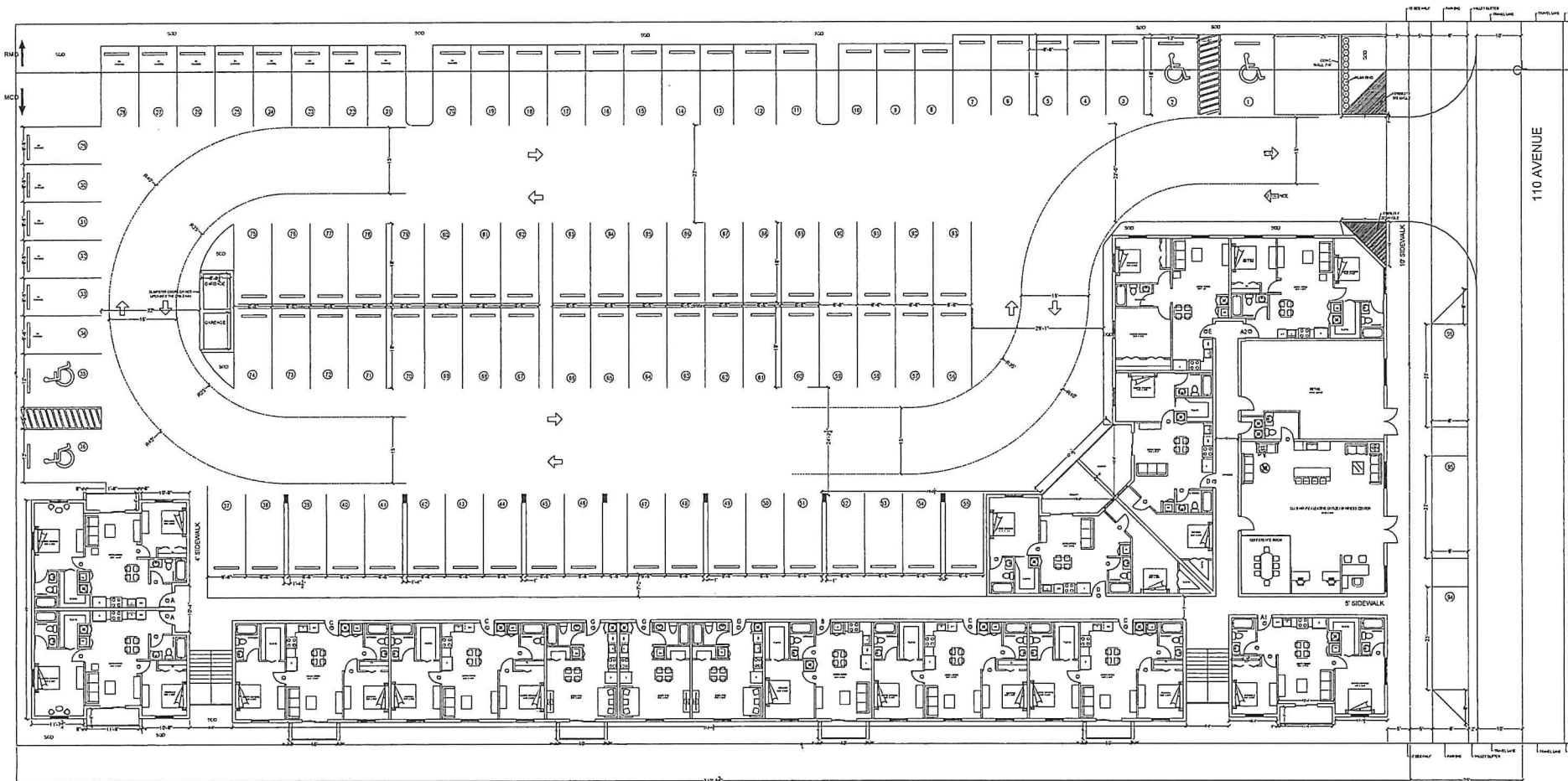
MIAMI-DADE COUNTY
PROCESS NO. 222-070
DATE NOV 30 2023
BY: (SA)



COMMITTEE INFORMATION						
PROJECT NAME:	THE MARK ESTATES					
PROPERTY ADDRESS:	18230 SW 110 AVENUE, MIAMI, FL 33155					
ZONING:	PD-1 (COMMERCIAL DISTRICT) (18230 SW 110 AVENUE)					
TOTAL NET LOT AREA (TAL):	48,866.48 SQ. FT. (1.12 ACRES)					
TOTAL GROSS LOT AREA (GAL):	64,118.15 SQ. FT. (1.48 ACRES)					
DENSITY:	16.2 UNITS PER GROSS ACRES		16.2 UNITS PER GROSS ACRES		TOTAL	
	PARCEL A		PARCEL B			
ALLOWED:	26.0 UNITS		10.0 UNITS		36.0 UNITS	
PROVIDED:	11.0 UNITS		10.0 UNITS		21.0 UNITS	
1.0000000000	1		0		1	
2.0000000000	10		0		10	
3.0000000000	15		0		15	
TOTAL RESIDENTIAL FLORA (RFL):	48.866 UNITS		0		48.866 UNITS	
CLERK/CLERK:	GROSS FLORA		GROSS FLORA		GROSS FLORA	
50%	24.433 UNITS		0 UNITS		24.433 UNITS	
NET/NET:	REGULATED		PROVIDED		PROVIDED	
PROVIDED/NET:	0.0		0.0		0.0	
PROVIDED/NET:	0.0		0.0		0.0	
NET/NET:	0.0		0.0		0.0	
CLERK/CLERK (PROVIDED/NET):	0%		0%		0%	
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MIAMI-DADE COUNTY
PROCESS NO.: Z22-070
DATE: NOV 30 2023
BY: ISA



SCHEMATIC GROUND FLOOR

SCALE: 3/32"=1'-0"



REVISIONS	BY

THE MARK ESTATES

18230 SW 110 AVENUE
MIAMI FLORIDA

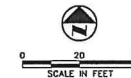
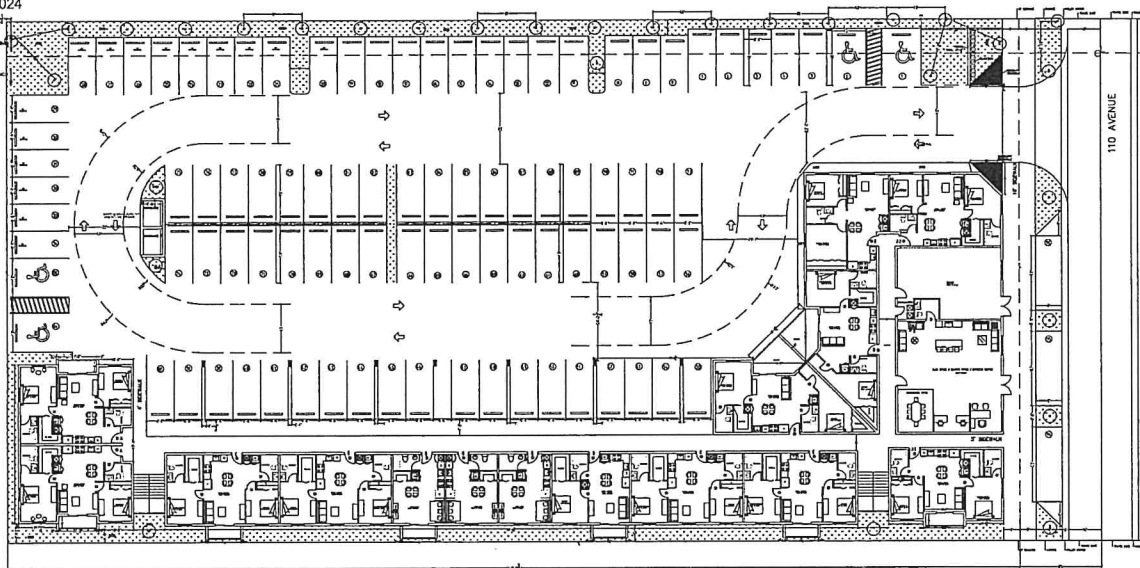
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A-1

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MIAMI DADE COUNTY
PROCESS NO.: Z22-070
DATE: FEB 2 2024
BY: GONGOL



LEGEND

- PROPERTY BOUNDARY
- BUILDING UNITS FOOTPRINT
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GREEN AREAS
- PROPOSED TREES TO BE PLANTED

PLANT SCHEDULE:

ITEM	SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	NATIVE
TREES	BS	27	BURSERA SIMARUBA	GUMBO LIMBO	12"-14" HT. x 5'-6" SP., 2-1/2" CAL. B&B	YES
SHRUBS	TRF	81	TRIPSACUM FRIDARA	DWARF FAKAHATCHEE	3 GAL. 18" HT. MIN., 30" OC	YES
	FIC	189	FICUS "GREEN ISLAND"	GREEN ISLAND FICUS	3 GAL. 18" HT. MIN., 18" OC	NO
SOD	SOD	1,300 S.F.	STENOTAPHUM SECUNDATUM "FLORATAN"	ST. AUGUSTINE SOD	SOLID SOD	NO

RMD LANDSCAPE LEGEND:

LANDSCAPE LEGEND (This information is required to be permanently affixed to the plan.)
Zoning District: RMD Net Lot Area: 0.084 acres 3,663.7 square feet

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 3,664 square feet x 15 % = 550 square feet	550	3,663.7
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces <u>N/A</u> x 10 square feet per parking space =	N/A	N/A
C. Total square feet of landscaped open space required by Chapter 33 = A + B =	550	3,663.7
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33 =	550	
B. Maximum lawn area (St. Augustine sod) permitted = 60 % x 550 square feet =	330	1,725
TREES		
A. The number of trees required per net lot acre less the existing number of trees that meet minimum requirements (minus)	16	0
= 16 trees x net lot acreage =	2	0
B. 30% palm trees allowed (two palms = one tree) Palms provided =	1	0
C. Percentage of native trees required = the number of trees provided x 30% =	1	5
D. Street trees (max. average spacing of 25' o.c.): 11 linear feet along street + 25 =	1	1
Palms as street trees (max. average spacing 25' o.c.): 11 linear feet along street + 25 =	1	0
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): N/A linear feet along street + 25 =	N/A	N/A
F. Total number of trees provided =	3	3
SHRUBS		
A. The total number of trees required x 10 = the number of shrubs required	30	30
B. The number of shrubs required x 30% = the number of native shrubs required		9

IRRIGATION PLAN: Required by Chapter 33. Auto Irrigation X or hose bib provided.

MCD LANDSCAPE LEGEND:

LANDSCAPE LEGEND (This information is required to be permanently affixed to the plan.)
Zoning District: MCD Net Lot Area: 1.078 acres 48,882.5 square feet

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 48,883 square feet x 16 % = 7,033 square feet	7,033	27,777
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces <u>87</u> x 10 square feet per parking space =	870	870
C. Total square feet of landscaped open space required by Chapter 33 = A + B =	7,033	27,777
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33 =	7,033	
B. Maximum lawn area (St. Augustine sod) permitted = 60 % x 7,033 square feet =	4,220	2,852
TREES		
A. The number of trees required per net lot acre less the existing number of trees that meet minimum requirements (minus)	16	0
= 16 trees x net lot acreage =	16	0
B. 30% palm trees allowed (two palms = one tree) Palms provided =	12	0
C. Percentage of native trees required = the number of trees provided x 30% =	6	6
D. Street trees (max. average spacing of 25' o.c.): 151 linear feet along street + 25 =	6	6
Palms as street trees (max. average spacing 25' o.c.): 151 linear feet along street + 25 =	6	0
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): N/A linear feet along street + 25 =	N/A	N/A
F. Total number of trees provided =	24	24
SHRUBS		
A. The total number of trees required x 10 = the number of shrubs required	240	240
B. The number of shrubs required x 30% = the number of native shrubs required		72

IRRIGATION PLAN: Required by Chapter 33. Auto Irrigation X or hose bib provided.

LANDSCAPE NOTES

- ALL TREES, EXCEPT STREET TREES, SHALL BE A MINIMUM OF TEN (10) FEET HIGH AND HAVE A MINIMUM CALIPER OF TWO (2) INCHES AT TIME OF PLANTING EXCEPT THAT THIRTY (30) PERCENT OF THE TREE REQUIREMENT MAY BE MET BY NATIVE SPECIES WITH A MINIMUM HEIGHT OF EIGHT (8) FEET AND A MINIMUM CALIPER OF ONE AND ONE-HALF (1 1/2) INCHES AT TIME OF PLANTING.
- STREET TREES SHALL BE OF A SPECIES TYPICALLY GROWN IN MIAMI-DADE COUNTY WHICH NORMALLY MATURE TO A HEIGHT OF AT LEAST TWENTY (20) FEET. STREET TREES SHALL HAVE A CLEAR TRUNK OF FOUR (4) FEET, AN OVERALL HEIGHT OF TWELVE (12) FEET AND A MINIMUM CALIPER OF TWO (2) INCHES AT TIME OF PLANTING.

LANDSCAPE PLAN

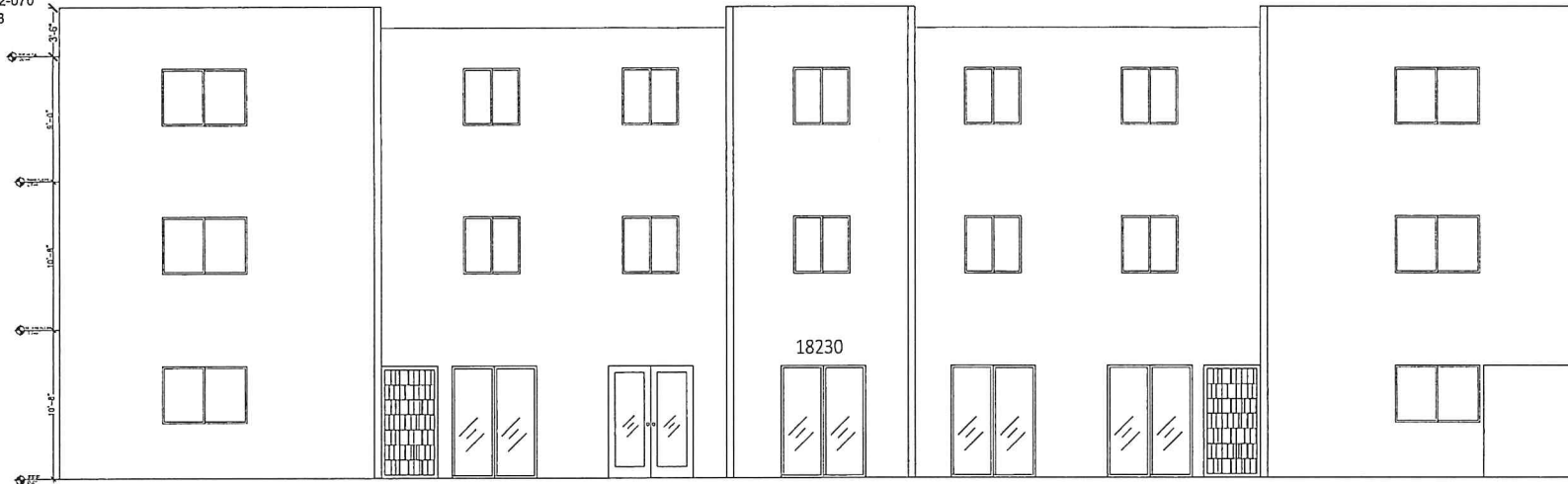
PROJECT: THE MARK ESTATES
18530 SW 110TH AVENUE MIAMI FLORIDA 33176
PREPARED BY: EDC ENGINEERING & DESIGN, LLC, P.A.
DATE: 02/02/2024
TEL: 305.553.5357 FAX: 305.553.5357

9/27

L-1

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MIAMI-DADE COUNTY
PROCESS NO.: Z22-070
DATE: SEP 13 2023
BY: ISA



EAST (FRONT) ELEVATION
SCALE: 1/4"=1'-0"



WEST (REAR) ELEVATION
SCALE: 1/4"=1'-0"



REVISIONS	BY

THE MARK ESTATES
18230 SW 110 AVENUE
MIAMI FLORIDA

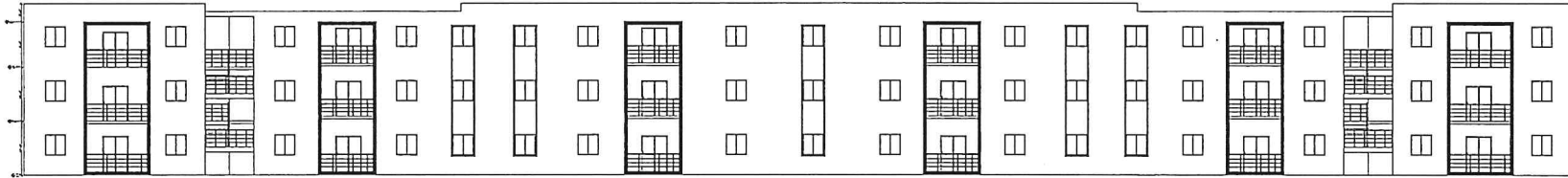
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A-3
OF SHEETS

36

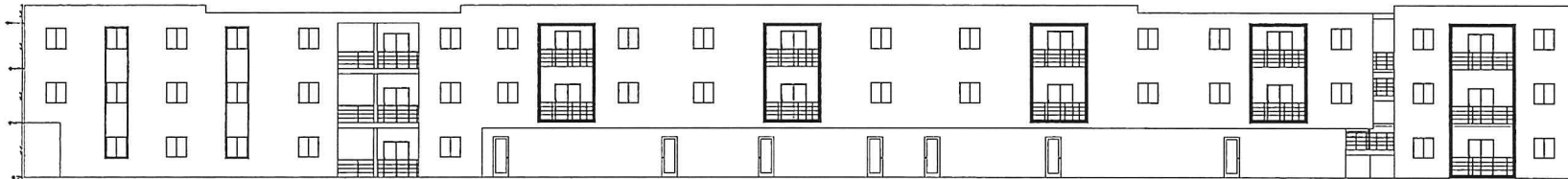
RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z22-070
DATE: SEP 13 2023
BY: ISA



NORTH ELEVATION

SCALE: 3/32"=1'-0"



SOUTH ELEVATION

SCALE: 3/32"=1'-0"



REVISIONS	BY

THE MARK ESTATES
18230 SW 110 AVENUE
MIAMI FLORIDA

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OF SHEETS

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DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS NO: Z22-070

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: The Mark LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Rodolfo Corujo 10008 W Flagler Street #287 Miami FL 33174	100%

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO. Z22-070

DATE APR 6 2022

BY CON

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

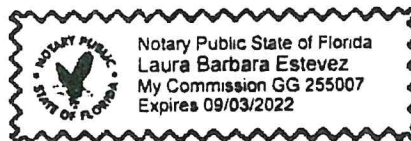
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 30 day of March, 2022. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires 09/03/2022

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) 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 every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

This instrument was prepared by:

Name: Stephanie Herbello
Weiss Serota Helfman
Cole & Bierman, P.L.
2800 Ponce De Leon Blvd, Suite 1200
Coral Gables, Florida 33134

(Space reserved for Clerk)

AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

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

WHEREAS, in connection with Resolution No. CZAB14-15-22 for the Property, the Owner entered into that certain Declaration of Restrictions dated September 16, 2022, and recorded October 24, 2022, in Official Records Book 33434 at Page 4397 in the Public Records of Miami-Dade County, Florida (the "Previous Covenant");

WHEREAS, the parties hereto desire to amend and restate the Previous Covenant, so as to supersede it terminating the Previous Covenant and releasing the Property from its provisions effective upon the recording of this Amended and Restated Declaration of Restrictions;

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z2023000366 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Eureka Estates", preparer unknown, consisting of SP-1 dated stamped received 2/5/2024, A-1 and A-4 through A-9 dated stamped received 11/30/2023, and A2 & A3 dated stamped received 9/19/23 for a total of 10 sheets (the "Plans")

(2) That the height not exceed three (3) stories on the Property, consistent with the Plans.

(3) That the Owner shall voluntarily contribute \$10,000.00 to Miami-Dade County to explore best options to enhance traffic flow from north and south streets for travel heading both east and west while minimizing traffic conflicts.

(4) That, provided the County owns at least a 50-foot right-of-way on 108th Avenue between the Property and SW 184th Street, the Owner shall construct a sidewalk west of the vehicular travel lanes on 108th Avenue extending south from the sidewalk to be constructed in front of the Property south to SW 184th Street.

(5) As required by Section 125.01055, Florida Statutes (2024), the project will provide at least 40% of the proposed 73 residential units (equates to 30 units) as "affordable housing" as that term is defined in Section 420.004, Florida Statute (2024).

Section-Township-Range: 31-53-40
Folio number: 30-5031-000-0410

(Public Hearing)

County Inspection. 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.

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. 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 subparagraphs 1 - 4 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 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, 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, or the Director as provided by the Miami-Dade County Code of Ordinances. 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.

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.

Authorization for Miami-Dade County 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 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, 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 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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. 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 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.

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 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.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Declaration of Restrictions
Page 4

WITNESSES:

Signature: _____

Print Name: _____

Address: _____

Miami FL 33126

Signature: _____

Print Name: _____

Address: _____

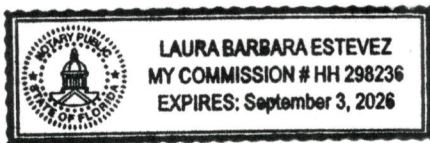
Miami FL 33172

Eureka Estates, LLC
A Florida Limited Liability Company

Rodolfo Corujo
Its Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this May 13, 2024 by Rodolfo Corujo, its Manager, of Eureka Estates, LLC, a Florida Limited Liability Company, on behalf of the Company. He is ☒ personally known to me or [] has produced _____ as identification.



NOTARY STAMP

NOTARY, STATE OF _____

Print Name: _____

Commission No: _____

Expires: _____

Signature: _____

Florida

Laura Estevez

HH 298236

09/03/2026

Est

Exhibit "A"

THE SOUTH 100 FEET OF THE SOUTH 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 55 SOUTH, RANGE 40 EAST, IN MIAMI-DADE COUNTY, FLORIDA.

AND

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LESS THE EAST 25 FEET THEREOF, IN SECTION 31, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.