

Date: April 23, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

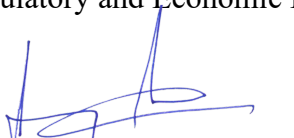
Supplement
Agenda Item No. 3(A)

From: Daniella Levine Cava
Mayor



Subject: Supplemental Information on May 2023 Cycle Application
No. CDMP20230018 to Amend the Comprehensive Development Master Plan

The following supplemental information is provided to the Board of County Commissioners regarding May 2023 Cycle Application No. CDMP20230018 to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1A) Address of Issues Raised by the Applicant; (Exhibit 1B) the Initial Recommendation report; and (Exhibit 2) Additional Items addressing Application No. CDMP20230018 received by the Department of Regulatory and Economic Resources not included in the Initial Recommendation report.



Jimmy Morales
Chief Operating Officer

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
ADDRESS OF ISSUES RAISED BY THE APPLICANT
REGARDING PROPOSED COMPREHENSIVE PLAN AMENDMENT CDMP20230018

June 5, 2024

This report addresses issues raised by the applicant at the Planning Advisory Board's April 1, 2024, public hearing for Application No. CDMP20230018 (Ocla, LLC). It should be noted that while the Planning Advisory Board recommended adoption of the application with acceptance of the proffered declaration of restrictions, the staff recommendation is to Deny the application.

In their presentation to the Planning Advisory Board, the applicant represented that the ±92-acre Cottage Grove (17101 SW 200 Street) property within a mile southeast of the application site will soon be built with 349 premanufactured homes and presented a site plan depicting plots of land that appeared to be subdivided lots.

It must be noted that a single-family subdivision cannot be established on the Cottage Grove property. Cottage Grove was a former mobile home park established in 1969, destroyed by Hurricane Andrew in 1992, has a history of litigation, and is the subject of a long-standing interpretation from the department which recognizes the property's preexisting rights related to the mobile home park. The only residential development that could be re-established on this property is a mobile home park or residences at 1 unit per 5 acres and not the illustrated typical subdivision that might be found within the UDB that was presented to the Planning Advisory Board.

The applicant also pointed to increasing population in the agricultural area as justifying the need for this application, and further pointed to the existing 525-unit Americana Village Mobile Home Park (built in the early 1970's) as an example of such residential demand, but this is not new demand.

It must be noted that the typical demand analysis for commercial uses that is applied to the urbanized area is not suited for the agricultural area and is contrary to established policy intended to protect the area from urbanization. Existing CDMP policy intentionally limits commercial uses to those directly supportive of or ancillary to agriculture and farm residences. Importantly, it also limits commercial uses to designated clustered commercial activity nodes. This is in order to ensure that the land is available for farming, and that the development of new uses does not lead to the further fragmentation of farmland. Following the applicant's logic to provide additional commercial uses on the basis of existing allowed residences in the agriculture area would inevitably always lead to a decision to approve new retail uses similar to those found within the UDB. There are already two designated activity nodes along Krome Avenue within 0.5 and 2.4 miles of the application site, neither one of which is fully built out. While the subject application site is requesting an additional ±2.2 acres of commercial uses in the area, approximately 3 acres remain unbuilt between the existing nodes.

The agricultural area continues to be subjected to intense development pressure, exemplified by this proposal of unwarranted expansion of commercial uses in the area. This application proposes an expansion that would displace an existing liquor store and a tire repair business that provides service in the agricultural community. The application also proposes a supermarket within the shopping center that would compete with an existing supermarket approximately ½ mile south of the site in the commercial node at SW 200 Street and Krome Avenue. It should also be noted that the existing commercial node at SW 200 Street and Krome Avenue is adjacent to the Americana Village mobile home park and 0.25 miles west of the cottage Grove mobile homes Park site.

Application No. CDMP20230018 Ocla, LLC

Commission District 9 Community Council 14

APPLICATION SUMMARY

Applicant/Representative:	Ocla, LLC / Ben Fernandez, Esq.
Location:	Northwest corner of the intersection of SW 192 Street and SW 177 Avenue (Krome Avenue).
Total Acreage:	±4.38 gross acres / ±3.87 net acres
Current Land Use Plan Map Designation:	"Agriculture"
Requested Land Use Plan Map Designations and Other Changes:	"Business and Office"
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	GU (Interim) and BU-1A (Limited Business) / Site is developed with a shopping center and other retail facilities.

RECOMMENDATIONS

Staff:	DENY (September 2023)
Redland Community Council (14):	THE BOARD DID NOT HAVE ENOUGH MEMBERS TO FORM QUORUM.
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (April 1, 2024)
Final Action of Board of County Commissioners:	TO BE DETERMINED (June 20, 2024)

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Staff recommends to **DENY** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map to re-designate the ±4.38 gross-acre (±3.87 net acres) application site from “Agriculture” to the “Business and Office” land use category for the following reasons:

Principal Reasons for Recommendation:

1. The application seeks to redesignate the application site on the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map from “Agriculture” to “Business and Office” to facilitate the unwarranted expansion of commercial development, including a grocery store and other retail facilities, in a location inconsistent with CDMP Land Use Element Policy LU-1G. The CDMP policy provides that business uses are to be placed in clusters or nodes at the intersection of major roadways and not in isolated spots, and that uses should be designed to relate to the neighborhood. The CDMP identifies the intersections of major roadways as activity nodes, with each quadrant of such intersections allocated to commercial and/or other high intensity uses. The application site is located outside the 2030 Urban Development Boundary (UDB) on the west side of Krome Avenue/SW 177 Avenue, in the agricultural area, at a location that is not designated as, nor does it meet the criteria for a commercial node. Furthermore, there are two designated activity nodes along Krome Avenue within 0.5 and 2.41 miles from the application site. The requested redesignation of the site to facilitate the proposed expansion of commercial uses could precipitate additional requests for business/commercial uses along Krome Avenue.
2. The application proposes the unwarranted expansion of urban development onto agriculture designated land inconsistent with and contrary to CDMP Land Use Element Policies LU-1P, LU-1S and LU-8C, and Policies CON-6D and CON-6E of the Conservation, Aquifer Recharge and Drainage Element that together require the preservation of the agricultural lands and the protection and promotion of agriculture as a viable economic activity in the County. Policy CON-6D also requires agricultural lands to be protected from premature urban encroachment. The application seeks to facilitate the expansion of the commercial uses onto the entirety of the property, where currently and since 1980 only the eastern ±2.79 acres were developed with commercial uses, which could precipitate additional conversion of agricultural lands to commercial or other non-agricultural uses. The proposed expansion of commercial uses onto the western portion of the site to non-agricultural uses is inconsistent with the above referenced CDMP policies that require the County to protect and promote agriculture as a viable economic use of land through its planning, economic development, and other activities.
3. The application highlights the importance of the County continuing its balanced approach to the utilization and development of the County’s finite land resources with the preservation of agricultural land and the promotion of the agriculture as a viable economic industry. The CDMP Agriculture land use category text states “In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area.” The application site is located outside the UDB, as discussed above, and is approximately ½ mile north of an existing commercial node at SW 200 Street and Krome Avenue that is not fully developed for commercial uses. Among the commercial facilities at the intersection are a sports bar, medical center, pharmacy, beauty salon, bakery & pizzeria, supermarket, equipment repair & sales facility, mobile phone store, a day care center, an auto parts store, and gas stations. The property within the southeast quadrant of the intersection of SW 200 Street and Krome Avenue remains undeveloped.

The applicant submitted a November 29, 2023, letter from the Curtis Group that presents, among other things, the applicant's case for expansion of the commercial site based on the growing number of residences in the agriculture area and the distance the residents must travel for commercial services. Among the residences cited are the Americana Village Estates along SW 200 Street west of Krome Avenue and the Cottage Grove development (a former mobile home park) east of Krome Avenue also along SW 200 Street both south of the application site. As noted above, the intersection of SW 200 Street and Krome Avenue is developed for commercial uses.

Under the requested CDMP land use designation of "Business and Office", the application site could be developed with a maximum of 67,431 square feet of commercial/retail uses. However, the applicant has proffered a Declaration of Restrictions (covenant) that would limit development on the site to 38,260 square feet of commercial uses to include grocery store, restaurant and other commercial uses and would specifically prohibit liquor stores, tire repair and all other mechanical repair uses. Currently the eastern ±2.79 acres of the site are developed with 24,772 square feet of retail space, permitted through the fact it was rezoned in 1973 (Resolution No. Z-102-73) from AU (Agriculture) to BU-1A (Limited Business District), and includes a bar/tavern, a tire repair shop, a truck parts store, a liquor store, a barber shop, and insurance office and other retail facilities.

4. Approval of the application would not be consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires Land Use Plan (LUP) map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.
 - i. *Need to Accommodate Population or Economic Growth:* The requested redesignation of the application site from "Agriculture" to "Business and Office" would not satisfy a deficiency in the Land Use Plan map to accommodate population or economic growth. The application site is in Minor Statistical Area (MSA) 7.2, which has adequate commercial land with the capacity to accommodate projected growth beyond the year 2040. Furthermore, the application site is within ½ mile of a CDMP designated commercial node (designated "Business and Office" and zoned BU-1 and BU-1A) at the intersection of SW 200 Street and Krome Avenue of which the southeast quadrant is yet to be developed with commercial uses. (See "Supply and Demand Analysis" section on page 16).
 - ii. *Public Facilities and Services:* The impacts that would be generated by the proposed development, if the application were to be approved, would not cause a violation of the adopted level of service standards, except for roadways.

It should be noted that the short-term traffic evaluation shows that Krome Avenue south of SW 184 Street/Eureka Drive is operating at LOS 'F', but the adopted LOS is 'C'. Krome Avenue is not significantly impacted by project traffic since the percentage impact is less than 5%. Since Krome Avenue is an evacuation route which is currently failing, any additional traffic impact would require mitigation. The roadway has to be improved by the applicant by entering into a proportionate fair share agreement with the County.

The long-term analysis shows that SW 184 Street from Krome Avenue to SW 167 Avenue would operate at LOS 'F', but the adopted LOS is 'C'. SW 184 Street fails even without impacts from this project. Also, the traffic impact from this project on the roadway segment is insignificant as the percentage impact is less than five percent. See the applicant's Table 6 above for the 2045 Long Term analysis. The roadways are projected to fail even without impacts from project traffic, as the projected impact is less than 5% of the adopted LOS for each of the roadway segments (See "Roadways" section on page 26 and "Appendix C: Executive Summary of the Traffic Impact Study" on Appendices page A-29). Therefore, no mitigation is required.

- iii. *Compatibility*: The redesignation of the site to "Business and Office" land use designation and the proposed development, while it could be generally compatible with the existing adjacent agricultural uses, could precipitate further unwarranted conversion of agricultural land to commercial and other non-agricultural uses. The eastern portion of the application site was zoned for commercial uses (BU-1A) in March 1973 (see Resolution No. Z-102-73) prior to the adoption of the CDMP in 1975 and prior to the adoption of CDMP policies that promote the preservation of agricultural land. The property was developed with commercial uses in 1980 while the AU zoned western portion of the site was farmed. However, the area surrounding the application site contains agricultural lands including nurseries, row crops, and fallow land. (See "Existing Land Use" map on page 9.)
- iv. *Environmental and Historic Resources*: The subject application, if approved, would not impact any historic or archaeological resources but could impact environmental resources. The Division of Environmental Resources Management (DERM) notes the application proposes expansion of uses in an area outside the UDB not served by water and sewer infrastructure and, pursuant to Section 24-43 of the Miami-Dade County Code, where uses such as the proposed restaurant that handle food and drinks are prohibited from having an on-site well as the potable water source and septic tank for liquid waste disposal. DERM further notes that properties not served by Miami-Dade County public water and sanitary sewers facilities are restricted to a maximum allowable sewage loading of 750 gallons per day (gpd) per acre. Variance from the provisions of the referenced Code sections would be required for the proposed development to be permitted (see "Environmental Conditions" section on page 18)

Though there is an existing tavern on the site, it is important to note that this type of use was established prior to the regulations in Chapter 24 of the Code and did not require a variance at that time. However, Chapter 24 does not have a "grandfathering" provision regarding non-complying land uses operating on well water. Furthermore, the CDMP request would allow a future BU-2 zoning classification, which is prohibited pursuant to Chapter 24 (BU-2 is not allowed if the site is NOT connected to the County's public water and sanitary sewer system).

- v. *Enhance or Degrade Countywide Systems*: The application, if approved, would not enhance or degrade any countywide system. The subject property is located outside of the Urban Development Boundary; therefore, countywide systems cannot be expanded to service the application site.
- vi. *Transit Ridership and Pedestrianism*: The application site is located outside the UDB, along Krome Avenue, which is not served by transit. The proposed development would not support transit ridership and pedestrianism. (See "Transit" section on page 35).

5. Approval of the application would encourage the proliferation of urban sprawl contrary to CDMP Land Use Element Objective LU-1 and Miami-Dade County Strategic Plan that call for the discouragement of urban sprawl. In addition, Chapter 163.3177(6)9, Florida Statutes (F.S.), requires comprehensive plan Future Land Use Elements and amendments to the Future Land Use Elements to discourage urban sprawl. The statute provides 13 indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl and 8 indicators that a plan or plan amendment discourages the proliferation of urban sprawl. The Statute further provides that a Future Land Use Element or plan amendment, such as the application, shall be deemed to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves 4 or more of the 8 indicators for the discouragement of urban sprawl.

Staff's review indicates that the application does not achieve any of the 8 indicators for the discouragement of urban sprawl but achieves 8 indicators for the encouragement of urban sprawl (see Urban Sprawl analysis on page 1-36 herein). Pursuant to Chapter 163.3177(6)9, F.S., the proposed development of the application site, if the application is approved, would not discourage urban sprawl, but instead would encourage the proliferation of urban sprawl. Therefore, approval of the application would be inconsistent with the Florida Statute, the County's CDMP and Strategic Plan requirements to discourage urban sprawl. The following indicators, which are identified on page 29, were met that would encourage the proliferation of urban sprawl:

Specifically, the application proposes the expansion of urban commercial uses in an isolated agricultural area that is 2.1 miles from the UDB and is not served by public services or facilities, most notably water and sewer service. Its approval could precipitate future requests to convert agricultural land to urban uses outside the UDB; thereby discouraging infill and redevelopment inside the urbanized area.

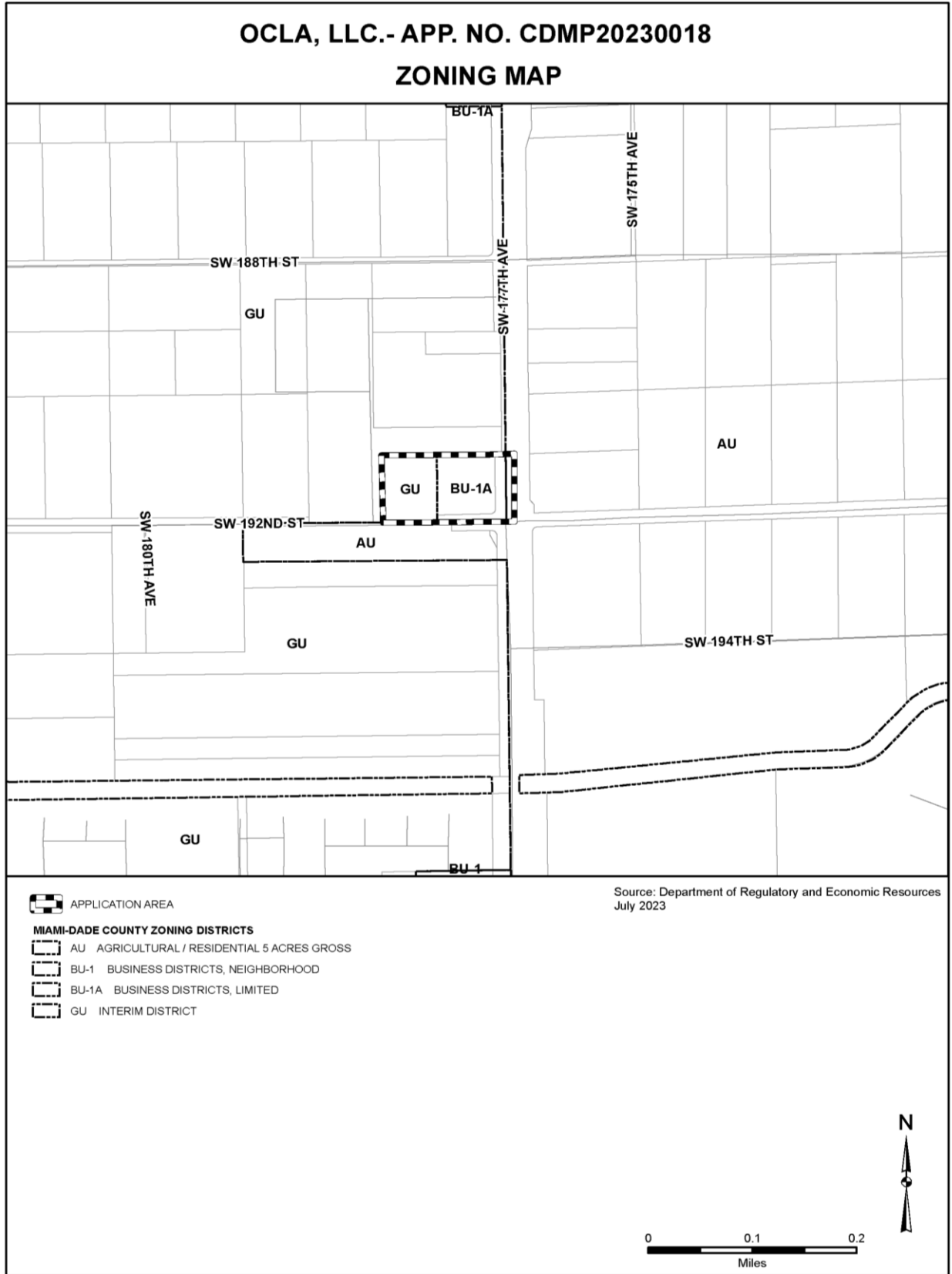
OCLA, LLC.- APP. NO. CDMP20230018 AERIAL PHOTO



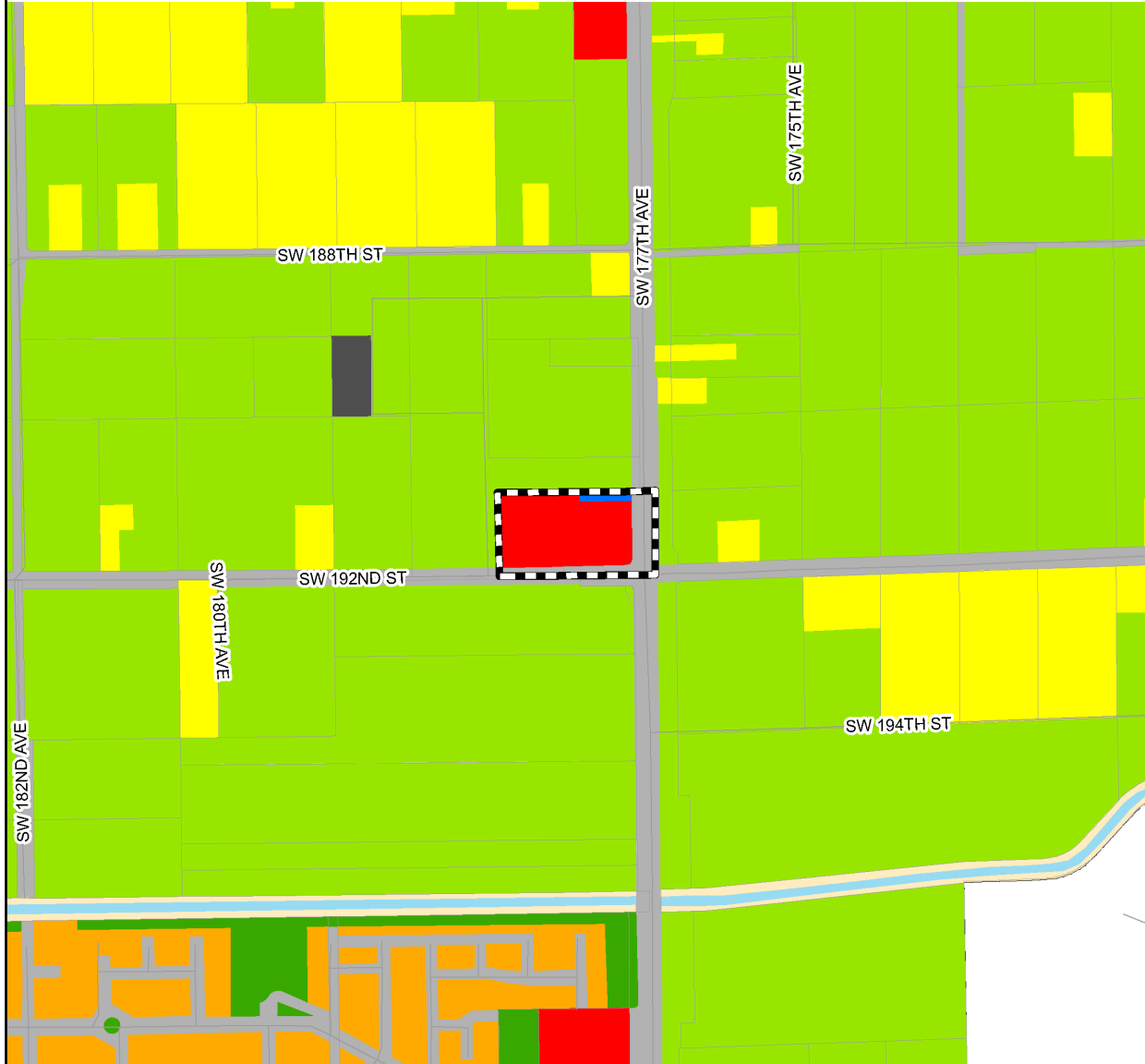
 APPLICATION AREA

Source: Department of Regulatory and Economic Resources
June 2023















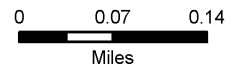


OCLA, LLC.- APP. NO. CDMP20230018 EXISTING LAND USE



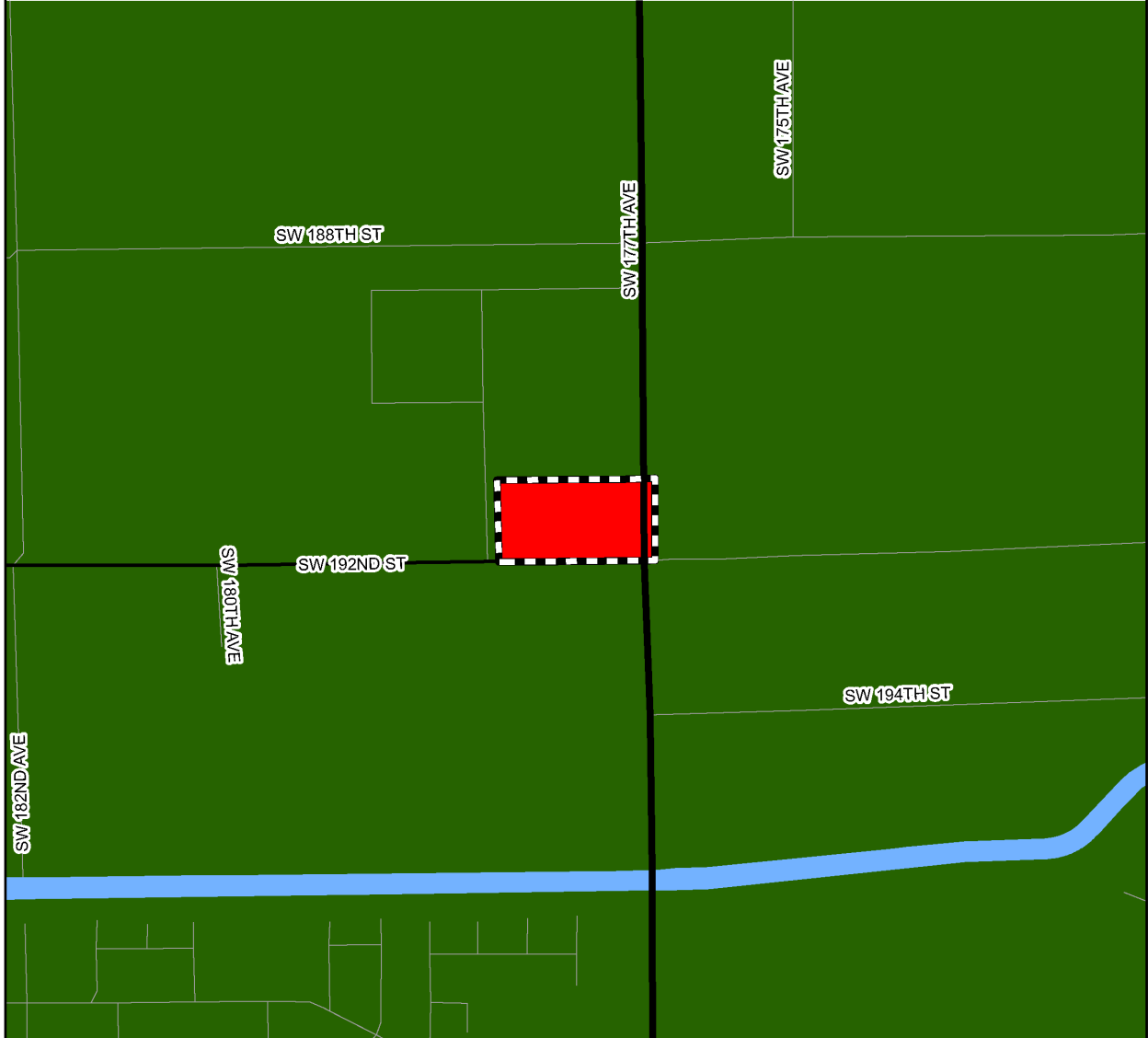
Source: Department of Regulatory and Economic Resources
July 2023

- | | |
|--|--|
|  Application Area |  Streets, Roads, Expressways, Ramps |
|  Single-Family |  Agriculture |
|  Mobile Home Parks |  Parks, Preserves, Conservation Areas |
|  Commercial, Shopping Centers, Stadiums |  Vacant Privately Owned, Unprotected |
|  Institutional |  Canal right-of-way |
|  Industrial |  Inland Waters |









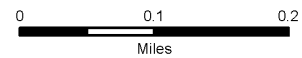


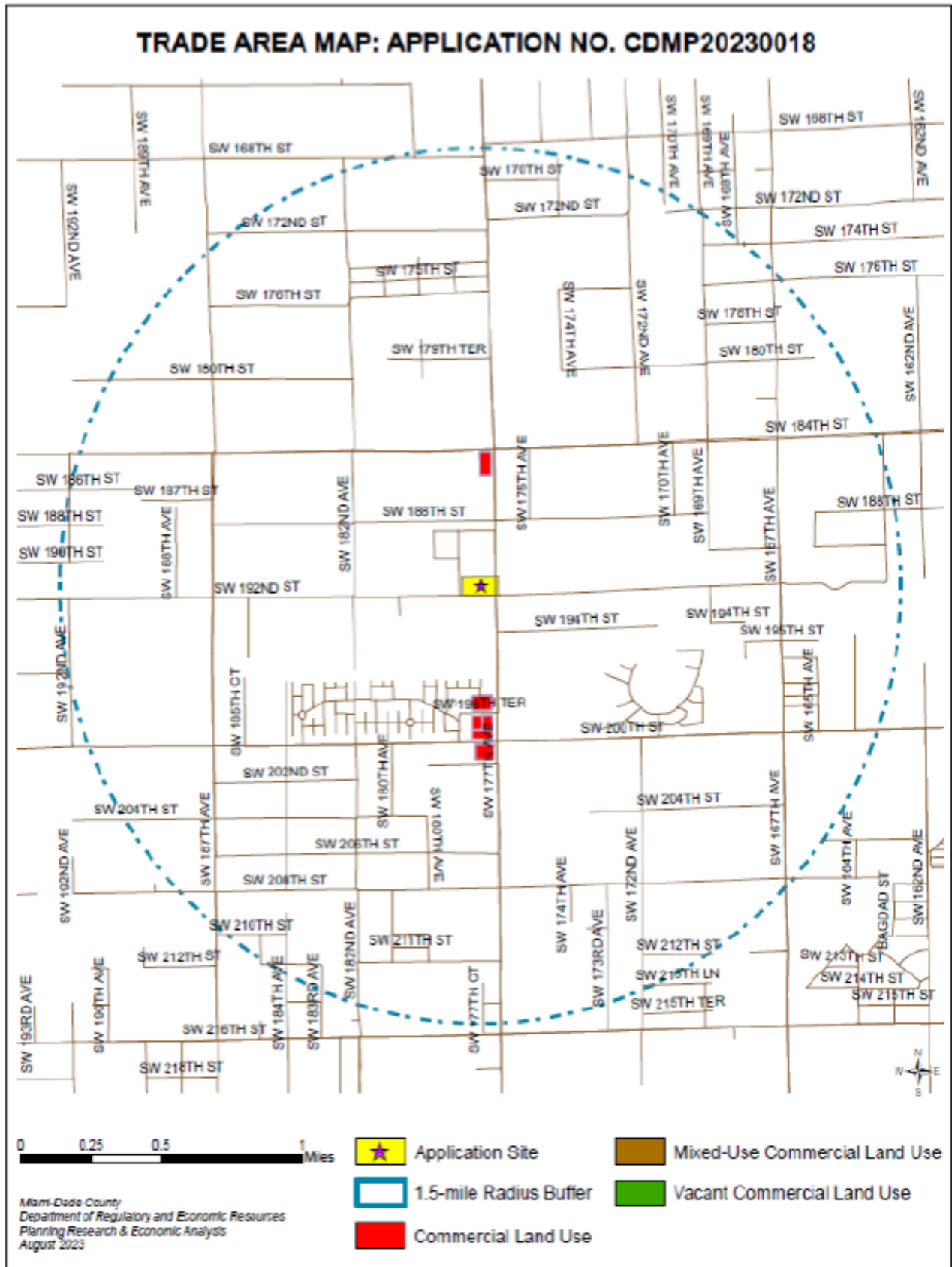
OCLA, LLC.- APP. NO. CDMP20230018
PROPOSED CDMP LAND USE

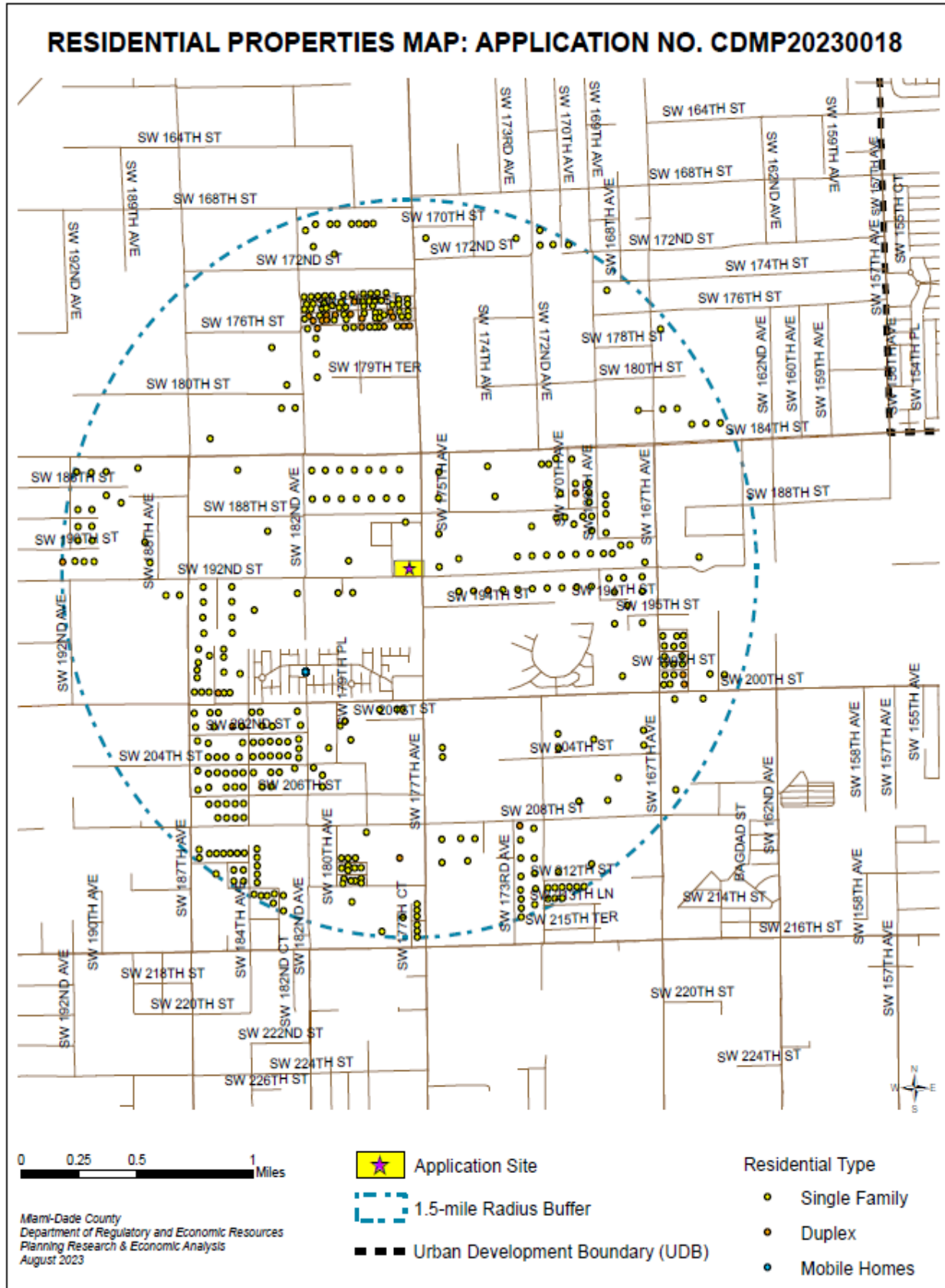


Source: Department of Regulatory and Economic Resources
June 2023

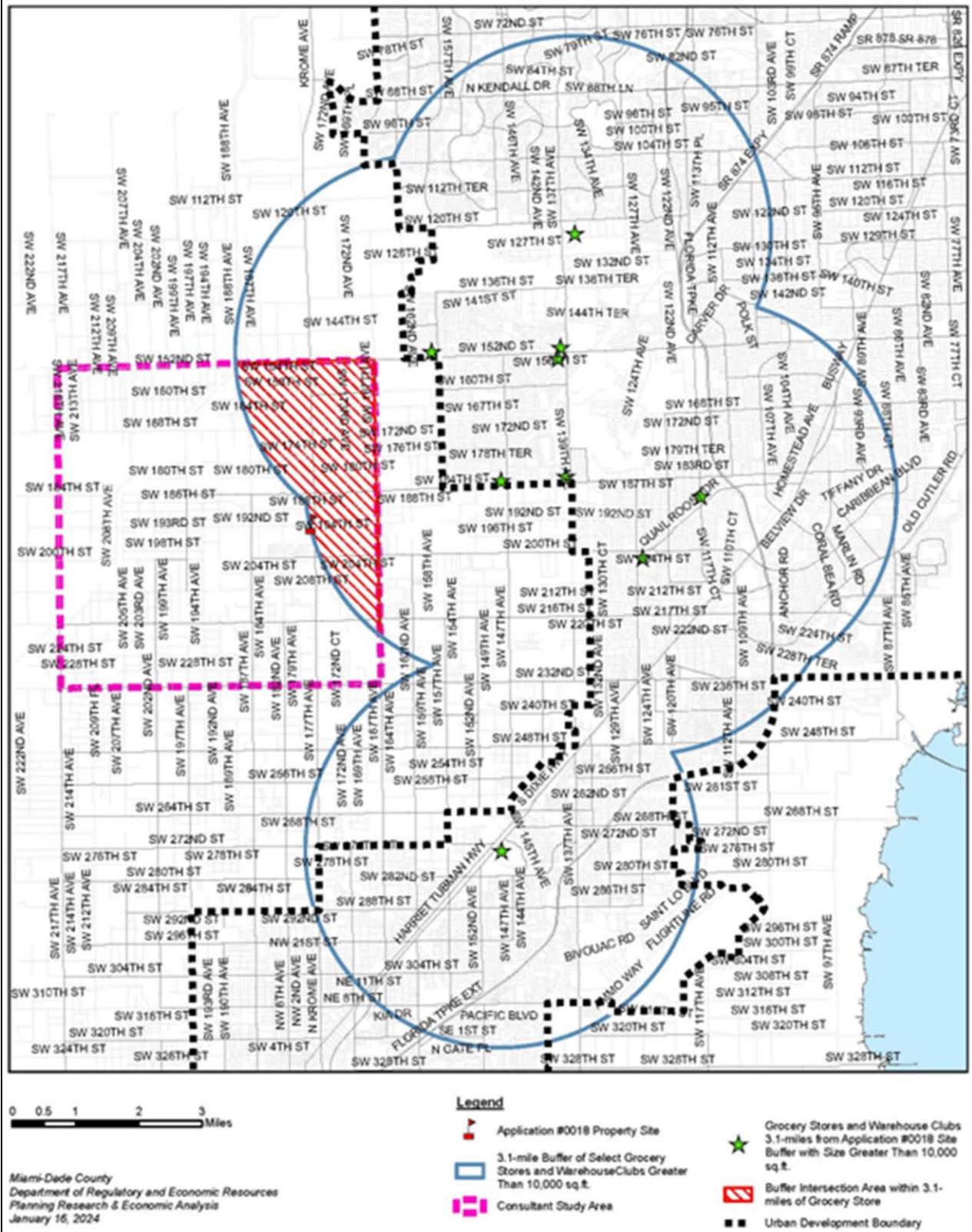
-  APPLICATION AREA
-  BUSINESS AND OFFICE
-  AGRICULTURE
-  WATER
-  MAJOR ROADWAYS (3 OR MORE LANES)
-  MINOR ROADWAYS (2 LANES)



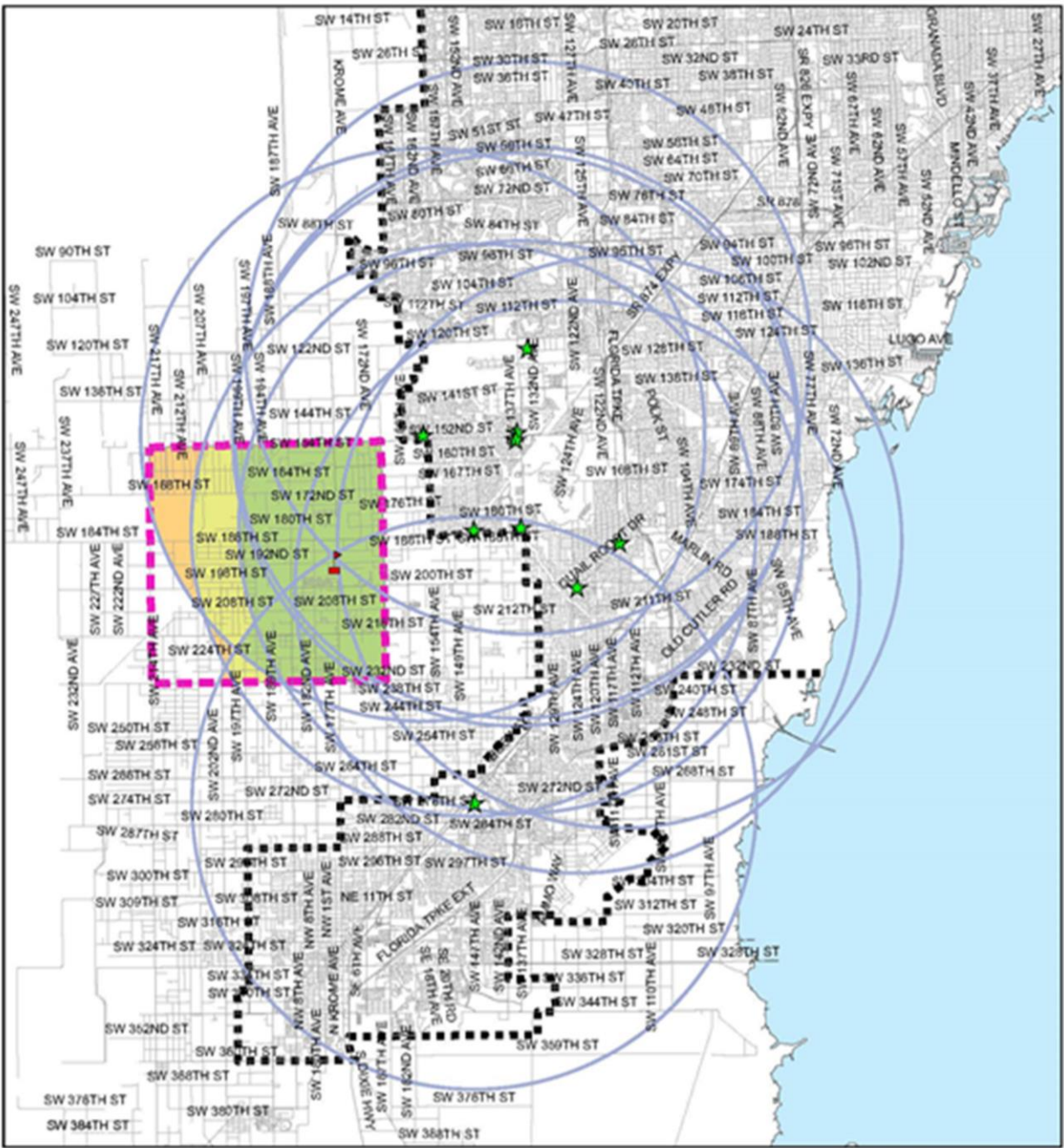




3.1-Mile Market Area of Nearby Grocery Stores OCLA LLC – Application CDMP20230018



6.1-Mile Market Area of Nearby Grocery Stores OCLA LLC Application CDMP20230018



Miami-Dade County
 Department of Regulatory and Economic Resources
 Planning Research & Economic Analysis
 January 16, 2024

Legend

- Application #0018 Property Site
- Grocery Stores and Warehouse Clubs 6.1 Miles or Less from Application #0018 Study Area with Size Greater Than 10,000 sq ft.
- 6.1-Mile Buffer Around Grocery Store or Warehouse Club with Size Greater Than 10,000 sq ft.
- Consultant Study Area
- Area Within Consultant Study Area:**
 - Within 6.1 Miles of 3 or More Grocery Stores
 - Within 6.1 Miles of 2 Grocery Stores
 - Within 6.1 Miles of 1 Grocery Store
- Urban Development Boundary

STAFF ANALYSIS

Application Site

Location

The application site is a ±4.34 gross acres parcel (±3.87 net acres) identified by Miami-Dade County Property Appraiser as Folio No. 30-6801-000-0061. The application site is located outside the Urban Development Boundary (UDB) at the northwest corner of the intersection of SW 192 Street and SW 177 Avenue, in unincorporated Miami-Dade County (see “Aerial Photo” on page 7). Furthermore, the site is not located in an Urban Expansion Area (UEA).

Existing Land Use

The eastern half of the Application site, fronting SW 177 Street, is developed with a 24,772 square feet shopping center that includes a bar/tavern, an automobile tire shop, a truck parts store, a liquor store, a barber shop, and insurance office and other retail facilities. The western portion of the site is a paved parking lot (see “Existing Land Use” map on page 9 and Appendix F: Photos of Site and Surroundings” on Appendices page A-51).

Land Use Plan Map Designation/Request

The application site is designated “Agriculture” on the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map (see “CDMP Land Use” map on page 10). Under the current CDMP land use designation of “Agriculture”, the property could be utilized for agriculture uses, uses ancillary to and directly supportive of agriculture, and the existing shopping center development as discuss above and further discussed in the paragraph below. Uses ancillary to and directly supportive of agriculture include uses related to preserving, processing, packaging or selling of agricultural products from Florida, and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of Miami-Dade County Code. The CDMP further states that no business or industrial use should be approved in an area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code.

The existing 24,772 sq. ft. of retail space on the site was allowed in 1973 prior to the adoption of the CDMP in 1975. The Miami-Dade Board of County Commissioners (Board) rezoned ±2.79 acres of the application site to BU-1A through zoning Resolution No. Z-102-73. See Zoning History section for more details. Since existing lawful uses and zoning approved prior to the adoption of the CDMP are recognized and deemed consistent with the CDMP, the existing commercial establishment on the site is therefore grandfathered. If the entire ±4.38-acre site were redeveloped today, the site would be limited to the uses currently allowed under the “Agriculture” CDMP land use designation. Only uses directly supportive or ancillary to agriculture would be allowed. Residential uses would not be allowed on the site since the subject property does not have the minimum five acres that’s required for a rural residential residence.

The applicant seeks to redesignate the application site from “Agriculture” to “Business and Office”. The CDMP text provides that the “Business and Office” CDMP land use designation allows the full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment, cultural facilities, and residential development. Residential uses are also permitted in “Business and Office” designated areas provided that the scale and intensity,

including height and floor area ratio of the residential or mixed-use development, is not out of character with that of adjacent or adjoining development and zoning.

Under the requested CDMP land use designation of “Business and Office”, the application site could be developed with a maximum of 67,431 sq. ft. of retail. However, the applicant proffered a Declaration of Restrictions limiting development on the application site to 38,260 sq. ft. of commercial space (see “Proffered Declaration of Restrictions” below). The request to redesignate the application site to “Business and Office” is further discussed under the section entitled “Other Planning Considerations” on page 37 of this report.

Proffered Declaration of Restrictions

The applicant submitted a revised proffered a Declaration of Restrictions (December 12, 2023) that provides that 1) buildings shall be designed to include elements of Florida vernacular style architecture, including decorative wood porches and overhangs, 2) a grocery store on the site shall not exceed 18,000 square feet and shall include the sale of products farmed or raised from the Miami-Dade County Agricultural area, 3) A restaurant on the site shall provide menu options that include products farmed or raised from the Miami-Dade County Agricultural area, and 4) prohibits liquor stores and all mechanical repair uses, including tire repair, 5) Non-grocery commercial stores shall be limited to neighborhood serving uses not exceed 20,260 square feet in total.

Zoning

The western ±1.55-acre portion of the ±4.38 application site is zoned GU (Interim District), and the remaining ±2.79 acres, the eastern portion the property, is zoned BU-1A (Limited Business). See “Zoning” map on page 8. The type of uses permitted in the GU zoning district depends on the character of the surrounding neighborhood. The BU-1A zoning district allows retail and service convenience facilities, which satisfy the essential and frequent needs of the adjacent residential neighborhood, as well as the more specialized commercial facilities, which may serve several neighborhoods.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. County’s earliest zoning records indicate that on April 9, 1964, the Miami-Dade Board of County Commissioners (Board) adopted Resolution No. Z-88-64 approving a district boundary change on the eastern portion of the application site from GU (Interim) to AU (Agriculture). Subsequently, on March 13, 1973, the Board adopted Resolution No. Z-102-73, approving a zoning district boundary change on the eastern portion of the application site from GU to its current BU-1A.

Code Enforcement

Staff have identified numerous code violations on the property dating back to 2003. The violations range from expired permits to unsafe structures. Currently, there are three open cases on the site. The violations are as follows:

- Failure to obtain required building permit prior to commencing work on a chain link fence, a detached terrace and electrical work without a permit. Violation was opened on January 20, 2021. A civil violation notice was provided on May 4, 2022, with the final notice of intent that was mailed on February 23, 2023.
- Failure to obtain required building permit prior to commencing work on a tent/awning on commercial property. Issued August 19, 2023. Notice of violation was created on August 24, 2023.

- 40-year recertification has not been submitted. Opened on March 25, 2021, and notice of violation provided on June 9, 2021.

Adjacent Land Use and Zoning

Adjacent Existing Land Uses

To the east of the site is Krome Avenue (SW 177 Avenue), rural residences, groves, and fallow land. South of the site are a plant nursery, row and field croplands, and groves. Further south, beyond the canal (south of theoretical SW 195 Street), is a residential area containing a mobile homes park. To the west and north of the application site are groves and plant nurseries (see “Existing Land Use” map on page 9, and “Appendix E: Photos of Site and Surroundings” on Appendices Page A-39).

Adjacent Land Use Plan Map Designations

The site is surrounded by land designated as “Agriculture” on the LUP map. See “CDMP Land Use” map on page 10.

Adjacent Zoning Districts

Properties to the east of the application site are properties zoned AU (Agricultural/Residential). The AU zoning district permits rural residences on a minimum of five-acre lots. Properties located to the south of the site are also zoned AU and GU. To the west and north of the site are properties zoned GU. See “Zoning Map” on page 8.

Supply and Demand

The capacity of the LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this CDMP amendment application, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

Commercial Land

MSA 7.2, where the application is located, has a projected depletion year for commercial land beyond the year 2040. The South Tier, which is within MSA 7.2, contained ±1,339.60 acres of in-use commercial uses in 2023 and an additional ±476.68 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2023-2040 period is ±1.49 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned land beyond the year 2040 (see the “Projected Absorption of Land for Commercial Uses” table below).

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data

Analysis Area South Tier MSAs	Vacant Commercial Land 2023 (Acres)	Commercial Acres in Use 2023	Annual Absorption Rate 2023-2040 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2030	2040
7.1	55.46	321.9	0.12	2040+	4.5	4.1
7.2	50.20	211.9	0.17	2040+	4.0	3.3
7.3	146.90	193.6	0.09	2040+	6.7	6

Analysis Area South Tier MSAs	Vacant Commercial Land 2023 (Acres)	Commercial Acres in Use 2023	Annual Absorption Rate 2023- 2040 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2030	2040
7.4	127.00	409.9	0.77	2040+	4.2	3.6
7.5	97.12	197.6	0.25	2040+	6.8	5.3
7.6	0.00	4.7	0.09	----	0.3	0.2
Total	476.68	1,339.60	1.49	2040+	4.7	4.0

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Planning Research and Economic Analysis Section, January 2024.

Trade Area Analysis

An analysis of the trade area, which consists of a 1.5-mile radius from the application site, was conducted. Findings indicate that there are ±10.67 acres in existing commercial use, and 0.00 acres of vacant commercially zoned or designated land (see “Trade Area Analysis” table on page 12). Approximately six (6) blocks south from the application site, on SW 198 Terrace and SW 177 Avenue (Krome Avenue), is a property developed with a commercial center containing the following retail facilities: sports bar, a medical center, a pharmacy discount, a beauty salon, a bakery pizzeria, a supermarket, a sales - repair equipment facility, a Metro - T Mobile facility, a day care center, an auto parts store, and a taqueria.

Trade Area Analysis			
Application	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2023
CDMP20230018	1.5-mile	0.00	±10.67

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Research Section, January 2024.

The Trade Area Analysis above represents the standard analysis that staff conducts for a commercial proposal in the greater Miami-Dade County urban area. The applicant, however, points out the unique characteristics of the rural community within which the application site is located. Therefore, staff further assessed the application from the standpoint that it serves the needs of the residents of the community around the site, as well as preserved the rural character of the site. The “3.1-Mile Market Area of Nearby Grocery Stores” (page 14) illustrates the distribution of residential units within a 3.1-mile radius from the application site that would be served by the proposed development and indicates the type of residential unit that’s in place. The map shows that there are 1,698 single-family homes, 1,043 mobile homes, and 120 duplexes.

In 2019, the US Department of Agriculture (USDA) released a study regarding food choices and health. The study measured the distance to the closest grocery store and to the third-closest store. The rationale for this was stated as follows: “A food store with no close by competitors may not offer the best prices or quality. If a number of food stores are relatively nearby, competition on price, quality, selection of products, and other store attributes is likely to be greater, which could benefit consumers.” The research reported that the median distance to the

closest grocery store was 3.1 miles, and to the third closest grocery store was 6.1 miles. Therefore, for a rural area, these two distances are determined as adequate spacing to ensure competition. Based on this information, staff conducted the following analysis.

Staff identified the 3.1-mile service area of the nearest grocery stores with at least 10,000 square feet of space. It was determined that 66.0% of all the residential parcels inside the applicant’s defined market area lie within 3.1 miles of an existing large grocery store. This is illustrated in the “3.1-Mile Market Area of Nearby Grocery Stores” (page 14). The second aspect of the USDA criteria was three grocery stores within 6.1 miles of at least three grocery stores. The “6.1-Mile Market Area of Nearby Grocery Stores” (page 15) illustrates the 6.1-mile market area of the nearest grocery stores. It was determined that 3.2% of all the residential parcels lie within 6.1 miles of one, 13% lie within 6.1 miles of two, and 79.9% lie within 6.1 miles of three grocery stores. This all suggests that the area around the application site, even in the absence of the proposed application, has typical access to grocery stores to rural areas nationally.

Table 3: Number of Residential Units within the Consultant Study Area with Access to Grocery Stores

Residential Year Built	Grocery Stores within 6.1 Miles				Average Number of Residential Units per Year	Percent Built by Time Period
	0	1	2	3+		
< 1980	29	16	68	374	-	23.6%
1980 to 1989	21	35	78	275	41	19.8%
1990 to 1999	10	9	63	665	74.7	36.2%
2000 to 2009	17	4	46	271	33.8	16.4%
2010 to 2019	3	2	13	43	6.1	3.0%
> = 2020	1	0	1	21	7.7	1.1%
Total	81	66	269	1649	48	100%
Percent	3.9%	3.2%	13.0%	79.9%		

Source: Miami-Dade County Property Appraiser GIS layer, extracted June 2023

Prepared by Miami-Dade County, Department of Regulatory and Economic Resources, Planning Research and Economic Analysis, January 2024.

The applicant’s analysis emphasized that the rate of development outside the UDB in the area of the application is growing so fast and will be growing even faster in the future, creating more demand for grocery stores. The table above shows the number of units built per year in the market area before and after 1980. The rate built per year has been slowing since the 1990s, Eighty percent of all residential units in the applicant’s study area were built before the year 2000. Within the market area of the application site, staff identified 913 vacant residential sites. At the rate of development occurring in the area from 2020, it will take 119 years to fully develop these vacant sites.

Environmental Conditions

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

Flood Protection

Federal Flood Zone	AH and X
Stormwater Management Permit	DERM
County Flood Criterion (National Geodetic Vertical Datum)	9.5 feet

Biological Conditions

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

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	No records.

Natural Resources

The proposed development may affect existing tree resources on the application site. The Division of Environmental Resources Management (DERM) recommends the applicant, Ocla, LLC, of the following requirements:

1. Approval of the application is not an authorization to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code without a Miami-Dade County Tree Permit.
2. All prohibited species listed in section 24-49.9 of the Code that exists within the application site, prior to development or redevelopment and any developed parcels, shall be maintained to prevent the growth or accumulation of prohibited species in accordance with section 24-49.9 of the Code.

Drainage and Flood Protection

It should be noted that any amendment to the CDMP Land Use Element that allows the reduction of permeable areas may impact the Stormwater Management Level of Service and shall be evaluated due to possible impacts. Any future development shall not negatively impact adjacent properties. Stormwater shall be required to remain on-site utilizing a properly designed seepage or infiltration drainage system demonstrating that the retention requirements and other standards in the Federal, State, and County regulations are met. Any grading and drainage improvements, development, significant redevelopment, or substantial improvements within any parcel, will require a review and approval by DERM demonstrating with signed and sealed engineering calculations by the developer that the required retention of stormwater on site is being achieved with a properly engineered stormwater management system, including water quality requirements. The proposed development, grading and drainage improvement shall not negatively impact adjacent, upstream or downstream properties. The road drainage systems shall provide service that complies with the minimum requirements outlined in the applicable code.

Any improvements to the site will be subject to review and approval by DERM and will also include necessary permits and the completing/certification of the improvements after completion. The owner(s) shall be responsible for maintaining and operating the stormwater retention system associated with any future proposed development once approved and built. If any adjacent property is negatively impacted and/or any adverse impacts is caused by the completed surface water management system, the owner(s) shall be responsible for

implementing and providing the appropriate mitigation measures. DERM will also require the owner(s) to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

At a minimum, the County Flood Criteria adopted in Miami-Dade County in October 2022, or subsequent standards in effect at the time of review and approval shall be complied with. Most current and groundwater level data available at the time of the review and approval, from the county or other agencies, shall be used.

Relevant Chapter 24 Provisions Regarding Stormwater Management

Pursuant to section 24-48.1(1)(b) of the Code, a Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County.

Any construction activities that require dewatering will require a Class V permit, according to section 24-48.1(1)(e) of the Code. Class V permits are required for any dewatering of groundwater, surface water, or water that has entered into an underground facility, excavation, or trench. Any new development or redevelopment involving two acres or more of impervious area shall require a DERM Surface Water Management General Permit for the construction and operation of the required surface water management system.

For compliance with Miami-Dade County stormwater disposal requirements, all stormwaters shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements within the parcels will require review and approval by DERM. The road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code and all state and federal criteria. Any proposed development shall comply with county and federal flood criteria requirements.

Environmental Monitoring and Restoration

DERM does not have any records of current contamination issues on the site. However, based on the current/past agricultural use of the site, DERM requires that a Phase 1 and Phase 2 Environmental Site Assessment prepared in accordance with ASTM standards be conducted at the site prior to site development and prior to the submittal of site development plans through the building department review process. DERM review and approval of said documents shall be required. Furthermore, all construction plans (inclusive of drainage) and dewatering plans shall require the review and approval from the Environmental Monitoring and Restoration Division of DERM as it relates to environmental contamination issues. Be advised that DERM review of this application does not constitute an approval of any site plans, drainage plans, or development plans that may be included as part of this application.

Any contaminated portion of the site that is proposed to be sold, transferred, or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for this development. If any contaminated portion of the site is proposed to be sold, transferred, or dedicated to the County, please note that all soil, groundwater or surface water contaminants, solid waste, and methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or manage the proposed property, and for example, would include PROS for a park and DTPW for road right-of-way.

Please note that the presence of any such contamination, solid waste, or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the county declining to accept the proposed dedication. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after a public hearing.

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

Water and Sewer

Potable Water Supply and Wastewater Facilities

The application site is currently located outside the UDB, where typically public water and public sanitary sewer services are not available. Consequently, the proposed development that would be allowed by the under the proposed "Business and Office" CDMP land use designation would have to be served by an on-site domestic well as the source of potable water, and by onsite sewage treatment and disposal systems (OSTDS) as a means for the disposal of the domestic liquid waste.

DERM notes the zoning classifications allowed by the proposed Business and Office land use designation permit uses that would not comply with section 24-43.1(6) of the Code since the property does not have access to connect to public water and public sanitary sewer. Further, the traffic study submitted in support of the CDMP application includes a site plan depicting a proposed restaurant, grocery store, and retail uses that would be served by an onsite domestic well. Pursuant to sections 24-43.1(4) and 24-43.1(6) of the Code, a restaurant is prohibited from being served by an onsite domestic well. Additionally, DERM notes that properties not served by public water and sanitary sewers are restricted to a maximum allowable sewage loading of 750 gallons per day per acre. The applicant has not provided sufficient information to demonstrate that the development that would be allowed by the proposed land use would comply with the maximum allowable sewage loading restrictions in the Code.

Relevant Chapter 24 Provisions Regarding Connection to Public Water and Sanitary Sewer

Section 24-43.1(4) of the Code provides that notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18 of the Code), municipal occupational license (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18 of the Code), platting action (final plat, waiver of plat, or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any nonresidential land use served or to be served by any source of potable water supply or an OSTDS without obtaining the Director's prior written approval pursuant to this subsection.

Written approval shall only be issued if it is demonstrated that the only liquid waste that shall be generated, disposed of, discharged, or stored on the site shall be domestic sewage discharged

into an OSTDS that complies with section 24-42.7 of the Code, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only if:

Section 24-43.1 - Liquid waste disposal and potable water supply systems.

[...]

(4) Nonresidential land uses with potable water or OSTDS with only domestic sewage.

- (a) After the owner of the property (excluding property upon which an agricultural vehicle or agricultural equipment maintenance facility operates) submits to the Director or the Director's designee a covenant running with the land executed by the owner of the property in favor of Miami-Dade County which provides that the only liquid waste which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into a septic tank. Said covenants shall be in a form(s) prescribed by the Director and approved by the Board of County Commissioners. The covenants shall be recorded by the Department at the expense of the owner of the property; and
- (b) If the Director or the Director's designee determines that the proposed nonresidential land use is in accordance with where public water is not used the maximum allowable sewage loading shall be seven hundred fifty (750) gallons per day per unsubmerged acre.

In calculating the square footage of lots in Sections 24-43.1(b)(i) and (ii) above, abutting easements and rights-of-way shall be considered to the center lines thereof; and

- (c) If the Director or the Director's designee determines that the existing nonresidential land use for the property or the nonresidential land use requested for the property is served or to be served by an onsite domestic well system and an OSTDS and is not one (1) or more of the following nonresidential land uses:(i)Establishments primarily engaged in the handling of food and drink except factory prepackaged products and agricultural crops and, food preparation facilities on agricultural properties which serve the prepared food and drink on site.(ii)Educational institutions,(iii)Intermediate care facilities,(iv)Health care facilities.

[...]

(6) Other nonresidential land uses without public water, public sanitary sewer, or both.

Notwithstanding any provision of the code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use, certificate of occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any nonresidential land use served or to be served by any liquid waste storage, disposal, or treatment method other than public sanitary sewers, or by any source of potable water supply other than a public water main, without obtaining the Director's prior written approval.

[...]

- (b) On-site domestic well system. The Director determines that the existing or requested nonresidential land use for the property is served or to be served by an on-site domestic well system and *is not an establishment primarily engaged in the handling*

of food and drink (except factory prepackaged products and food preparation facilities on agricultural properties which serve prepared food and drink on site), educational institutions, intermediate care facilities, or health care facilities and *is not one* or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

- (i) BU-1A (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),
- (ii) BU-2 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities and health care facilities),
- (iii) BU-3 (excluding those land uses permitted by BU-1 except an establishment primarily engaged in the handling of food and drink (except factory prepackaged products), educational institutions, intermediate care facilities, and health care facilities),
- (iv) IU-1 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- (v) IU-2 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- (vi) IU-3 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- (vii) IU-C (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- (viii) Unusual uses (excluding lake excavation; concrete batching plant; concrete block plant; rock crushing and screening plant; filling of rock pits; rock quarries; radio and television towers and transmitting stations; trailers as watchman's quarters).

Furthermore, the application site has a recorded covenant running with the land in favor of Miami-Dade County, as required by sections 24-43.1(4)(a) and 24-43.1(6)(g) of the Code, which provides that the property shall only be used for those non-residential land uses listed in the covenant until such time as the site is connected to an operable public sanitary sewer unless a variance is granted by the Environmental Quality Control Board, pursuant to Chapter 24 of Miami-Dade County, and if so granted, shall be restricted to those uses permitted by any such variance from the Environmental Quality Control Board of Miami-Dade County.

Section 24-43.2 of the Code provides for the regulation of on-site domestic well systems and other water supply wells and states:

- (1) Regulation of on-site domestic well systems generally.
 - (a) Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership), municipal occupational license (except for changes in ownership), platting action (final plat,

waiver of plat or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any land use served or to be served by an on-site domestic well system without obtaining the Director's prior written approval.

Such written approval shall only be issued if the Director determines all of the following are met:

- i. The existing or requested land use for the property complies with Section 24-43.1; and
- ii. The installation of a public water main to serve the property from the nearest available point of connection to an available public water main is not within feasible distance for public water mains; and
- iii. The groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 62-55, Florida Administrative Code, as same may be amended from time to time; and
- iv. The groundwater at the site does not contain more than 250 milligrams per liter (mg/l) of chlorides at a depth of 30 feet from ground elevation.

Historic Preservation

The Miami-Dade County Office of Historic Preservation reviewed the subject application and identified no historic or archaeological resources on the site.

Solid Waste

The Miami-Dade County Department of Solid Waste Management (DSWM) oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The DSWM assesses the solid waste capacity on a system-wide basis since it is not practical or necessary to make a determination concerning the adequacy of solid waste disposal capacity relative to individual applications. The DSWM issues a periodic assessment of the County's status in terms of concurrency, the ability to maintain the adopted LOS system-wide. As of FY 2022-2023, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand.

The DSWM offers waste collection services to residential units, while permitted haulers are hired by most commercial establishments throughout Miami-Dade County. Private haulers apply for and are issued permits and vehicle decals in order to haul solid waste on County roads.

There are no DSWM solid waste collection facilities within 2.5 miles of the subject property and given the proposed commercial use, solid waste collection services would be provided by private haulers.

Parks

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 3 (PBD-3).

Current Park Benefit District Area Conditions

County-owned Local parks that are within three miles of the site are described in “County and Local Parks Within a 3 Mile Radius of Application Site” below, which lists the park name, address, park classification, type of recreation facility, and acreage for each park.

The application site is located adjacent to the Krome Trail, a 17.5-mile pedestrian and bicycle path along Krome Avenue. The right-of-way corridor acts as a main north/south artery between Homestead and Broward County, and the Krome Trail is part of the envisioned Miami LOOP, a 225-mile non-motorized trail network within Miami-Dade County.

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

Name	Address	Classification	Acres	Type
Chuck Pezoldt Park	16555 SW 157 Ave	Community Park	40	Local
Unnamed Local Park at Venetian Parc	17455 SW 157 Ave	Neighborhood Park	4.2	Local

Existing CDMP Land Use

The site is developed with commercial uses and the existing CDMP land use designation of “Agriculture”. The agriculture land use category text of the CDMP Land Use Element provides that a minimum of 5 acres is required to develop a single-family home; Therefore, the application site is limited to agricultural uses. Consequently, the adopted Level of Service Standards for parks for Miami-Dade County do not apply.

Proposed CDMP Amendment:

This site is located outside of the Urban Development Boundary (UDB) and is proposed to be developed with commercial uses; therefore, the minimum Level of Service standards for the provision of local recreation open space do not apply. This determination is in accordance with the Recreation and Open Space Element, Policy ROS-2A(iv) as follows: “For purposes of issuing residential development orders, the minimum LOS standard shall not apply to rural and agricultural residents outside the Urban Development Boundary.”

Fire and Rescue Service

The application site is currently served by Fire Rescue Station No. 60 (Redland) located at 17605 SW 248 Street, Miami, FL 33031. The station is equipped with (1) Tanker totaling four (4) firefighters/paramedics, 24 hours a day, seven days a week. Average travel time to incidents in the vicinity of the application site is approximately 11:49 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time to the vicinity of the subject application site complies with the performance objective of national industry. There are no planned services in the vicinity of the site.

Miami-Dade Fire Rescue (MDFR) has determined that the current CDMP land use designation of “Agriculture” allows for a potential development totaling 24,772 sq. ft. of retail that is estimated to generate approximately 1 annual alarm. The proposed CDMP designation of “Business and Office” will allow a potential development of 67,430 sq. ft. of retail. The proposed development will generate approximately 2 annual alarms and will result in a medium impact to existing fire rescue services.

Presently, fire and rescue services in the vicinity of the site are adequate. Based on the current call volume for Station No. 60 and existing stations within proximity of the subject property, all stations combined are capable of mitigating the additional number of alarms. Additional stations within the vicinity include Station No. 43 (Richmond) located at 13390 SW 152 Street, Miami, Florida, 33177, and Station No. 5 (Goulds) located at 13150 SW 238 Street, Miami, Florida 33032.

Level of Service Standard for Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County’s minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure of no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. The proposed application described above has been reviewed and approved by MDFR with the following conditions.

As part of the rezoning process, MDFR is requesting that at time of permitting (or prior under a separate ASPR application) a detailed site plan be submitted for review to the Fire Engineering and Water Supply Bureau. At such time, the Bureau will review the site plan to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

Public Schools

Level of Service Standard

The analysis for the requested “Business and Office” land use designation for a residential scenario utilizing the student generation multipliers results in an impact of 0 (zero) students. Therefore, in accordance with ILA, the application is exempt from public school concurrency.

Aviation

The application site is located outside of Miami-Dade County Aviation Department’s (MDAD) “Aviation Zone” as identified by the County’s Geographic Information’s System (GIS). MDAD advises that all land uses on the site are required to comply with federal, state and local aviation regulations, including Chapter 33, Zoning, of the Code of Miami-Dade County as it pertains to airport zoning.

Roadways

The application site is ± 4.38-acre property located in the northwest corner of SW 177 Avenue/Krome Avenue and SW 192 Street in unincorporated Miami-Dade County. The property is outside the Urban Development Boundary line. SW 184 Street from SW 137 Avenue/Lindgren Road to SW 157 Avenue and SW 137 Avenue from SW 184 Street to SW 200 Street serve as the UDB boundary line. The application site can be accessed from SW 192 Street and SW 177 Avenue/Krome Avenue. The major roadways that would cater to the mobility needs of this project are shown below:

1. SW 177 Avenue/Krome Avenue from SW 136 Street to SW 216 Street is a four-lane divided state-maintained roadway with posted speed limit of 45 mph SW 184 Street/Eureka Drive from SW 147 Avenue to SW 123 Avenue is a five-lane county-maintained undivided roadway with posted speed limit of 40 mph.
2. SW 184 Street/Eureka Drive from SW 187 Avenue to SW 157 Avenue/Newton Road is a two-lane county-maintained undivided roadway with a posted speed limit of 40 mph.
3. SW 200 Street/Quail Roost Drive from SW 177 Avenue to SW 127 Avenue is a two-lane state-maintained undivided roadway with a posted speed limit of 40 mph.
4. SW 137 Avenue/Lindgren Road from SW 200 Street/Quail Roost Drive to SW 184 Street/ Eureka Drive is a two-lane undivided county-maintained roadway with a posted speed limit of 40 mph.
5. SW 137 Avenue/Lindgren Road from SW 184 Street/ Eureka Drive to SW 168 Street is a six-lane county-maintained divided roadway with posted speed limit of 45 mph.
6. SW 134 Avenue/Talbot Road from SW 184 Street/Eureka Drive to SW 176 Street is a two-lane county-maintained undivided roadway with a posted speed limit of 30 mph.

Krome Avenue a major arterial roadway and Florida Turnpike/HEFT a grade separated expressway about 6 miles east of the project site would be providing connectivity to other regions in the County. Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters “A” through “F”, with A generally representing the most favorable driving conditions and F representing the least favorable.

Existing Traffic Conditions

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

Trip Generation

The maximum development potential scenarios under each of the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Agriculture” the application site is grandfathered with 24,772 sq. ft. of retail uses and under the requested CDMP land use designation of “Business and Office” the application site can be developed with 67,430 sq. ft. of retail uses. The existing shopping plaza on the application site is expected to generate approximately 86 PM peak hour trips after deduction of 43 PM peak hour trips due to pass-by traffic and under the requested development potential of 67,430 sq. ft. retail uses it is expected to generate approximately 230 PM peak hour trips after deduction of 90 PM peak hour trips due to pass-by traffic or approximately 23 more PM peak hour trips than the existing development on site. See “Estimated PM Peak Hour Trip Generation” Table below.

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

Application No. CDMP20230018	Current CDMP Designation and Assumed Use Estimated No. Of Trips	Requested CDMP Designation and Assumed Use Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Land Use	“Agriculture”	“Business and Office”	
Maximum Development Potential	24,772 sq.ft. Retail uses ¹	67,430 sq.ft. Retail uses ²	
Gross Trips Generated	129	320	
Pass-By Trips ³	43	90	
Net Trips Generated	86	230	+144

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

Notes: ¹ – ITE Land Use Code used for Retail Uses is 821- Shopping Plaza (40k – 150k sq.ft.).

² – ITE Land Use Code used for Retail Uses is 850- Super Market

³ – Percentage of Pass-By Trips for Shopping Plaza is 34% and for Super Market is 24% per ITE Trip Generation Handbook 3rd Edition.

Short Term Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions was conducted as of August 2023, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County’s adopted 2023 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP LUP map designation. This evaluation determined that one roadway monitored for concurrency adjacent to and in the vicinity of the application site is currently operating below the County’s adopted Level of Service (LOS) standards. The “Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation” Table below shows that one roadway is projected to operate below the County’s adopted level of service standards.

- Krome Avenue south of SW 184 Street/Eureka Drive is operating at LOS ‘F’, but the adopted LOS is ‘C’.

Krome Avenue is not significantly impacted by project traffic since the percentage impact is less than 5%. Since Krome Avenue is an evacuation route which is currently failing, any additional traffic impact would require mitigation. The roadway has to be improved by the applicant by entering into a proportionate fair share agreement with the County.

Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)														
Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	% Impact	Total Trips With Amend.	Concurrency LOS with Amend.
Requested Development Potential: 67,430 sq. ft. Super Market generating 230 PM Peak Hour Trips														
9880	SW 184 Street	east of Krome Avenue	2 DV	C	1,359	1,170	C	9	1,179	C	78	5.74%	1,257	C
9208	Krome Avenue	south of SW 184 Street	4 DV	C	3,420	3,429	F	45	3,474	F	145	4.24%	3,619	F
F1117	SW 200 Street	east of Krome Avenue	2 DV	C	1,600	742	C	61	803	C	37	2.31%	840	C
9902	SW 216 Street	east of Krome Avenue	2 DV	C	1,359	528	C	18	546	C	23	1.69%	569	C
9884	SW 187 Avenue	south of SW 216 Street	2 DV	C	1,359	395	C	13	408	C	9	0.66%	417	C
F0361	Krome Avenue	north of SW 232 street	4 DV	C	3,420	1,274	C	11	1,285	C	16	0.47%	1,301	C
<p>Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation, July 2018.</p> <p>Notes: DV= Divided Roadway; UD=Undivided Roadway.</p> <p>* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity for roadways serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA)); E+50% (150% capacity for locations with extraordinary transit service)</p>														

Application Impact

The maximum development potential scenarios for the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Agriculture” the application site is grandfathered with 24,772 sq. ft. of retail uses and under the requested CDMP land use designation of “Business and Office” the application site can be developed with 67,430 sq. ft. of retail uses. The existing shopping plaza on the application site is expected to generate approximately 86 PM peak hour trips and under the requested development potential of 67,430 sq. ft. retail uses it is expected to generate approximately 230 PM peak hour trips or approximately 23 more PM peak hour trips than the existing development on site.

The concurrency analysis determined that one roadway adjacent to and in the vicinity of the application site is currently operating below the County’s adopted Level of Service (LOS) standards. Krome Avenue south of SW 312 Street is currently not operating at the adopted LOS standards. Even though the project impact is not significant this roadway is an evacuation route hence the roadway must be improved by the applicant by entering into a proportionate fair share agreement with the County.

Applicant’s Traffic Study

The applicant’s transportation consultant, Langan Engineering and Environmental Services, Inc., prepared the *CDMP Amendment Traffic Impact Study* dated July 2023. The “Executive Summary” is in “Appendix C: Executive Summary of the Traffic Impact Study” on Appendices page A-29. The complete Traffic Study is available online at the Department’s website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/50051a30-71b4-4c60-a485-8798ff0f89d8?tab=attachments. The Traffic Study analyzes the existing, short term and long-term traffic impacts that the proposed project will have on the roadways adjacent to and in the vicinity of the application site.

The trip generation analysis for the existing and proposed land use is shown in Table 2 of the traffic study. The PM Peak Hour trip generation for the existing development of 24,772 sq. ft. shopping center on site would be 108 trips. The trip generation from the proposed development potential of 38,260 sq. ft. shopping center would be 211 PM Peak Hour trips or approximately 103 more PM peak hour trips than the current CDMP designation. See the “Trip Generation Estimates” table below.

Table 2 - Trip Generation Estimates¹

Use	Size	Daily	Weekday Morning Peak Hour			Weekday Afternoon Peak Hour		
			In	Out	Total	In	Out	Total
Existing Use								
Shopping Center (<40k)	24,772 SF	1,275	35	23	58	53	55	108
Maximum Potential Development under Proposed Land Use Designation (Covenant Restricted)								
Supermarket	18,000 SF	2,045	31	21	52	61	62	123
Shopping Center (<40k)	20,260 SF	1,085	29	19	48	44	44	88
<i>Subtotal</i>		3,130	60	40	100	105	106	211
Net New Trips for 2026 & 2024 Analysis²		1,855	25	17	42	52	51	103

Notes:

1. Based on ITE Trip Generation Manual 11 Edition
2. Proposed Land Use Designation less Existing Use

The site is located on Traffic Analysis Zone (TAZ) 1315, the cardinal trip distribution for this TAZ was obtained from the MPO's 2045 Cost Feasible Plan. The Miami-Dade TPO publishes trip distribution data for the years 2015 and 2045 for each TAZ within Miami-Dade County. This data is interpolated to get the 2026 trip distribution for the concurrency analysis. Using the cardinal distribution, the project traffic was distributed on the surrounding roadway network. See applicant's Table 3 below for trip distribution analysis.

Table 3 - Cardinal Distribution

Year	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW
2015	28.70%	35.60%	15.20%	16.10%	3.50%	0.80%	0.00%	0.10%
2045	30.20%	31.10%	16.80%	19.20%	2.70%	0.00%	0.00%	0.10%
2026	29.25%	33.95%	15.79%	17.24%	3.21%	0.51%	0.00%	0.10%

The applicant's traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County's 2022 and FDOT's 2021 traffic count data. Six surrounding roadway segments were analyzed for afternoon peak hour capacity conditions, and it was determined that all roadways are functioning at an acceptable level of service except for SW 184 Street from Krome Avenue to SW 167 Avenue. The applicant has used the most recent FDOT 2023 Quality/LOS Handbook, the County has not yet updated the Concurrency database with the latest FDOT Handbook. Hence SW 184 Street per the County's Concurrency database is not failing since the capacity of the roadway is higher. See the applicant's Table 1 below for the existing roadway condition analysis.

Table 1 - Existing Afternoon Peak-Hour Roadway Capacity Analysis Summary

Roadway	From	To	Number of Lanes	Adopted LOS ¹	LOS Capacity ¹	Existing Volume	Existing LOS	Meets Capacity
SW 184 Street	SR 997/Krome Avenue	SW 167 Avenue	2 L	C	1,197	1,384	F	NO
SR 997/Krome Avenue	SW 184 Street	SW 216 Street	4 L	C	4,350	2,878	C	YES
SW 200 Street	SR 997/Krome Avenue	SW 137 Avenue	2 L	D	1,330	666	C	YES
SW 216 Street	SW 187 Avenue	SW 137 Avenue	2 L	C	1,197	507	C	YES
SW 187 Avenue	SW 216 Street	SW 248 Street	2 L	C	1,197	362	C	YES
SR 997/Krome Avenue	SW 216 Street	SW 232 Street	4 L	C	4,350	2,277	C	YES

Notes:

1.- Adopted LOS and Capacity from FDOT 2023 Quality / LOS Handbook & County Traffic Concurrency Database

The applicant's traffic study included a 2026 short term roadway impact analysis, which included reserved trips from approved development not yet constructed, a 0.69 percent annual growth-rate factor based on FDOT historical traffic volumes to account for future background volumes, programmed roadway capacity improvements listed in the first three years of the County's adopted 2023 Transportation Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the proposed development. The concurrency analysis determined that all roadways impacted by the proposed development will have sufficient capacity to handle the additional traffic impacts that would be generated by this project except for SW 184 Street from Krome Avenue to SW 167 Avenue. The roadway is failing even without project traffic and the project traffic impact on this roadway is less than 5% which is insignificant. See the applicant's Table 4 below for the short-term roadway impact analysis.

The applicant's traffic study also included a 2045 Long Term analysis to determine the future long-term traffic impacts on the surrounding roadways. The 2045 traffic volumes were obtained from the Southeast Florida Regional Planning Model (SERPM8) and the project trips were added to the model volumes to determine the impact on the surrounding roadway segments. The long-term analysis determined that one roadway segment shown below is projected to operate below the County's adopted level of service standards.

1. SW 184 Street from Krome Avenue to SW 167 Avenue would operate at LOS 'F' but the adopted LOS is 'C'.

SW 184 Street fails even without impacts from this project. Also, the traffic impact from this project on the roadway segment is insignificant as the percentage impact is less than five percent. See the applicant's Table 6 above for the 2045 Long Term analysis.

The applicant's traffic study assessed the impacts of the proposed CDMP amendment on the roadway segments surrounding the application site. The traffic analysis was prepared for existing traffic conditions, short-term concurrency (year 2026) and long-term (year 2045) traffic impacts. The results indicate that all the impacted roadway segments are expected to operate at adopted levels of service or better for existing, short-term, and long-term traffic conditions except for SW 184 Street from Krome Avenue to SW 167 Avenue. SW 184 Street is projected to operate below the County's adopted level of service standards even without project traffic. Also, the project traffic impact would be insignificant. Hence, staff find this project to be consistent with the traffic requirements of the CDMP and is in agreement with the conclusions of this traffic study.

Table 4 - Short Term 2026 (Concurrency) Afternoon Peak-Hour Roadway Capacity Analysis Summary

Count Station	Location	Facility Type	Adopted LOS ¹	LOS Capacity ¹	PHP Volume	2023 Volume	Development Order Trips	2023 Volume + D.O.'s	Available Trips	LOS without Project	Proposed Development		Total Volume With Project	Trips Remaining	LOS with Project	Meets Concurrency
											Project Assignment	Project Trips				
MD-9880	SW 184 Street e/o Krome Avenue	2 L	C	1,197	1,384	1,413	7	1,420	-223	F	34%	35	1,455	-258	F	NO
MD-9208	Krome Avenue s/o SW 184 Street	4 L	C	4,350	2,878	2,938	45	2,983	1,367	B	63%	65	3,048	1,302	C	YES
FDOT-1117	SW 200 Street e/o Krome Avenue	2 L	D	1,330	666	680	60	740	590	C	16%	16	756	574	C	YES
MD-9902	SW 216 Street e/o Krome Avenue	2 L	C	1,197	507	518	17	535	662	C	10%	10	545	652	C	YES
MD-9884	SW 187 Avenue s/o SW 216 Street	2 L	C	1,197	362	370	12	382	815	B	4%	4	386	811	B	YES
FDOT-0361	Krome Avenue n/o SW 232 Street	4 L	C	4,350	2,277	2,324	9	2,333	2,017	B	7%	7	2,340	2,010	B	YES

Notes:

1- Adopted LOS and Capacity from FDOT 2023 Quality / LOS Handbook and Miami-Dade County Traffic Concurrency Database

Table 6 - Long Term 2045 Afternoon Peak-Hour Roadway Capacity Analysis Summary

Roadway	From	To	Facility Type ¹	LOS Capacity	2045 Volumes ²	LOS without Project	Proposed Designation		Project Significance	Total Volume With Project	LOS with Project	Operates within Adopted LOS
							Project Assignment	Project Trips				
SW 184 Street	SR 997/Krome Avenue	SW 167 Avenue	2 L	1,197	1,189	D	34%	35	2.92%	1,224	F	NO
SR 997/Krome Avenue	SW 184 Street	SW 216 Street	4 L	4,350	3,056	C	63%	64	1.47%	3,121	C	YES
SW 200 Street	SR 997/Krome Avenue	SW 137 Avenue	2 L	1,330	159	B	16%	16	1.20%	175	B	YES
SW 216 Street	SW 187 Avenue	SW 137 Avenue	2 L	1,197	847	D	10%	10	0.84%	857	D	YES
SW 187 Avenue	SW 216 Street	SW 248 Street	2 L	1,197	608	C	4%	4	0.33%	612	C	YES
SR 997/Krome Avenue	SW 216 Street	SW 232 Street	4 L	4,350	2,936	B	7%	7	0.16%	2,943	B	YES

Notes:

1. Adopted LOS and Capacity from MPO 2045 Cost Feasible Network
2. 2045 Volumes based on Daily SEFFPM Model Volumes (0.09 K-Factor).

Transit

Existing Service

The application site is located outside the Urban Development Boundary (UDB) and is not served by Miami-Dade County transit. Furthermore, Metrobus Route 137, which is the closest bus route to the application site, is located 3.78 miles away at SW 147 Avenue and SW 180 Street. The service headways (in minutes) and service frequency of this route is shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary						
Service Headways (in minutes)						
Routes	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday	Type of Service
137	30	45	60	45	45	L

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

Notes: L means Metrobus local route service, E means Express or Limited Stop; F means Metrobus feeder service to Metrorail. While the service above is in place, the operation of the system at the time of the review is scaled back to meet the current demands, due to the COVID-19 pandemic.

Recent Service Adjustments

According to the *2023-2023 Transit Development Plan (TDP)*, there are no service changes planned for the subject route.

Future Transportation/Transit Needs and Planned Improvements

According to the *TDP*, there are no planned future transportation needs or projects within two (2) miles of the application site.

DTPW Comments/Recommendations

The Miami-Dade Transit Division of the Department of Transportation and Public Works (DTPW) encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops; and to incorporate pedestrian accessibility into the local residential neighborhood design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and planned future rapid transit stations. The existing total combined resident and workforce population is below 10,000 persons per square mile. The application site is located outside the UDB, where there is no transit service; therefore, if approved, there is no transit impact produced by approval of the subject application.

Other Planning Considerations

Commercial Nodes

The request to designate the application site to “Business and Office” needs be analyzed based on CDMP Land Use Element Policy LU-1G, which states that business developments are to be placed in clusters or nodes in the vicinity of major roadway intersections and not in isolated spots. The CDMP “Guidelines for Urban Form” further specifies that intersections of section line roads shall serve as activity nodes, when commercial uses are warranted.

The application site is located at the intersection of Krome Avenue/SW 177 Avenue and SW 192 Street, a location that does not meet the criteria for a commercial node. First, the application site is located outside the UDB in a rural agricultural area where the need to expand

the commercial uses beyond that currently allowed on the site has not been demonstrated. Second, the site is not located at the intersection of section line roads or major roadways. Though Krome Avenue is a major roadway (three or more lanes) and a section line road, SW 192 Street is minor roadway (two lanes) and a half section line road. Thus, the site does not meet CDMP established criteria for the location of commercial uses.

In addition, it is important to note that there are two designated activity nodes in close proximity to the application site. One is located approximately 0.42 miles south of the subject property, at the intersection of Krome Avenue and SW 200 Street. The second is located 2.41 miles from the application site, at the intersection of Krome Avenue and SW 232 Street. There are also five sites with commercial zoning (BU-1, BU-1A, BU-2, and BU-3) located along Krome Avenue within 0.34 to 2.08 miles of the subject property.

The requested redesignation of the site to “Business and Office” to facilitate the proposed commercial uses could set a precedent for additional requests for land use redesignation and business/commercial uses along Krome Avenue in areas not identified for commercial nodes.

Urban Sprawl

Staff’s review of the application concludes that it encourages urban sprawl contrary to Florida Statutes and County policy. The Miami-Dade County Strategic Plan and the CDMP call for the promotion of urban infill and redevelopment while discouraging urban sprawl while Chapter 163.3177(6)9, Florida Statutes (F.S.), requires comprehensive plan future land use elements and amendments to such elements to discourage urban sprawl. The statute provides 13 indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl and 8 indicators that a plan or plan amendment discourages the proliferation of urban sprawl. The Statute further provides that a Future Land Use Element or plan amendment shall be deemed to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves 4 or more of the 8 indicators for the discouragement of urban sprawl.

The application does not meet any of the indicators that demonstrate the proposed plan amendment discourages the proliferation of urban sprawl. Each indicator is numerically listed below and is followed by an analysis of applicability or whether the application meets the intent of the indicator:

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems. Development (a neighborhood serving grocery store with ancillary restaurant and other retail uses).
 - a. *This indicator is not met.* The application proposes the unwarranted expansion of commercial uses in the agricultural area of the county inconsistent with several CDMP policies. (See Principal Reasons for Recommendation on page 3).
2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - a. *This indicator is not met.* The application site is located outside the Urban Development Boundary (UDB) and Urban Expansion Area (UEA). There are currently no public services or water and sewer infrastructure in the area. The Fire and Rescue facility servicing the site would not meet the industry standards for travel

time to the proposed development. See “Principal Reasons for Recommendation” 3 (ii) (iv) (v) on pages 4-5.

3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - a. *This indicator is not met.* The application proposes the unwarranted expansion of commercial development in an isolated spot in the agricultural area and would not be connected to the rural community it purports to serve. Although the Krome Trail runs adjacent to the property, along the west side of Krome Avenue, the agriculture community that the proposed development would serve is a farming community without any other interconnecting bike and pedestrian facilities and is thereby not conducive to bicycling and pedestrianism given its agricultural character. See “Staff Analysis” on page 14.
4. Promotes conservation of water and energy.
 - a. *This indicator is not met.* The application does not provide information regarding the conservation of water or energy.
5. Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
 - a. *This indicator is not met.* The application intends to expand the existing commercial use of the property onto the agriculture designated and zoned portion of the property, contrary to several CDMP polices that require the protection and preservation of our agricultural lands. (See “Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines” on page 39 below).
6. Preserves open space and natural lands and provides for public open space and recreation needs.
 - a. *This indicator is not met.* The application seeks to facilitate the expansion of commercial uses into the agriculture area onto that portion of the property zoned for agricultural uses.
7. Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - a. *This indicator is not met.* The applicant has failed to demonstrate that the proposed expansion of commercial uses is needed by the residents within the farm community it purports to serve (see “Supply and Demand” section on page 16). It must be noted that a commercial node is designated on the CDMP Adopted 20230 and 2040 Land Use Plan map at the intersection of Krome Avenue and SW 200 Street, approximately 0.5 miles from the application site and the southeast quadrant of that designated node is yet to be developed with commercial uses.
8. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in Section 163.3164 F.S.
 - a. *This indicator is not met.* The proposed commercial development that the application states to include a grocery store, restaurant, and other retail/commercial uses do not remediate an existing or planned sprawl development pattern nor does it present an

innovative development pattern but instead would promote urban sprawl through the unwarranted expansion of commercial services in an isolated spot in the agriculture designated area of the County.

The application meets 8 of the indicators that demonstrate the plan amendment does not discourage the proliferation of urban sprawl. Each indicator is numerically listed below and, for the applicable indicator, is followed by a discussion of how the application meets indicator:

1. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
 - a. *This indicator is not met.*
2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - a. *This indicator is not met.*
3. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - a. *This indicator is met:* The application proposes the unwarranted expansion of urban commercial services in an isolated spot in the agricultural area of the County outside the UDB and UEA (see “Staff Analysis” section on page 14).
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - a. *This indicator is not met.*
5. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - a. *This indicator is met:* The application proposes the unwarranted expansion of urban commercial services in an isolated spot in the agricultural area of the County outside the UDB and UEA and within 0.5 miles of a CDMP designated commercial node that is yet to be fully developed with commercial uses (see “Staff Analysis” on page section 14).
6. Fails to maximize use of existing public facilities and services.
 - a. *This indicator is met:* The application site is in the rural agricultural area of the County that currently lacks water and sewer infrastructure.
7. Fails to maximize use of future public facilities and services.
 - a. *This indicator is met:* The application site is not located outside of a UEA, areas where future urban development beyond the UDB is planned to occur when warranted. (See “Staff Analysis” section on page 14).
8. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads,

potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

- a. *This indicator is met:* The proposed development is an urban use that encourages other urban development; the location of the application site is in an area that is not served by water and sewer infrastructure; and the application site is located in an isolated area outside the UDB. (See “Staff Analysis” section on page 14).
9. Fails to provide a clear separation between rural and urban uses.
 - a. *This indicator is met:* The application site is located in the agricultural area of the County, approximately 2.1 miles from the Urban Development Boundary and is surrounded by agricultural uses. Furthermore, if the application requests the expansion of existing commercial uses on the application site, it could provide impetus for additional unwarranted commercial uses adjacent to the site or in other locations in the agricultural area.
 10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - a. *This indicator is met:* By proposing the expansion of commercial development in the rural agricultural area of the county, if the application is approved, could precipitate future requests to convert land to urban uses outside the UDB; thereby, discouraging infill and redevelopment inside the urbanized area.
 11. Fails to encourage a functional mix of uses.
 - a. *This indicator is met:* The application proposes the redesignation of the land from “Agriculture” to “Business and Office” on the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map to allow the expansion of an isolated spot of commercial development within the agricultural area of the County (see “Adjacent Land Uses” section on page 19). It is noted that the application and proffered declaration of restrictions proposes to prohibit certain uses on the site including tire repair, a use currently on the existing commercial portion of the site.
 12. Results in poor accessibility among linked or related land uses.
 - a. This indicator is not met.
 13. Results in the loss of significant amounts of functional open space.
 - a. This indicator is not met.

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

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

CHD-4A. Promote increased production and expand the availability of agricultural goods and other food products produced in Miami-Dade County.

Objective CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

- CON-6E. Miami-Dade County shall continue to pursue programs and mechanisms to support the local agriculture industry, and the preservation of land suitable for agriculture.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-1O. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe in the Agriculture Areas outside the Urban Development Boundary, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.
- LU-1P. While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism and agritourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Infill Area and Transportation Concurrency Exception Areas. Second priority shall be given to serve the area between the Urban Infill Area and the Urban Development Boundary. And third priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agriculture and Open Land areas shall be avoided, except for those improvements necessary to protect public health and safety and which service the localized needs of these non-urban areas. Areas designated Environmental Protection shall be particularly avoided.
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-8C. Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.

- LU-9L. Miami-Dade County shall formulate and adopt zoning overlay or other regulations applicable to land outside the Urban Development Boundary to orient the uses allowed in business and industrial zoning districts to those which support the rural and agricultural economy of the area. Uses permitted by right would relate exclusively to agricultural or mining industries, and other uses would be approvable as special exceptions upon demonstration that the use supports the non-urban economy of that area or is required by residents of the immediate area.

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APPENDICES

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

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/50051a30-71b4-4c60-a485-8798ff0f89d8?tab=attachments

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APPENDIX A

Amendment Application

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Development Boundary, as identified in the LUP map. The total Application Area is a less than 10 acres.

C. Gross and Net Acreage

Application Area:	±4.3445 gross acres (±3.87 net acres)
Acreage Owned by the Applicant:	±4.3445 gross acres (±3.87 net acres)

D. Requested Change

1. It is requested that the Property be designated "Business and Office"
2. It is requested that the application be processed as a Small-Scale Amendment as set forth under County Code Section 2-116.1(2)(b) and Florida Statutes Section 163.3187.
3. It is requested that the proffered declaration of restrictions be included in the Land Use Element table.

4. REASON FOR AMENDMENTS

The Applicant intends to develop the Application Area with a neighborhood serving grocery store with ancillary restaurant and retail uses that will serve and support the residential community of the Agricultural area. If the Application is approved, the Applicant will proceed to apply for a district boundary change on the western (1.9886 net acre) portion of the Application Area that is zoned GU. The eastern portion of the Application Area (1.8771 net acres) along Krome Avenue is commercially zoned. This portion of the Application Area is presently developed with a small shopping center that includes a day care, restaurant/banquet hall, tire repair garage, liquor store and a barber shop.

The shopping center has been zoned for commercial use since 1973 and is located just north of Quail Roost Drive where there is a commercial node on the Comprehensive Development Master Plan. The commercially zoned portion of the Application Area is zoned BU-1A and was most likely not depicted on the LUP as it is less than 5 acres. The existing commercial shopping center comprises approximately 24,772 square feet.

The designation of the Application Area to Business and Office is necessary to accommodate the redevelopment of the center on the BU-1A parcel together with the proposed neighborhood serving grocery store. The Applicant is proffering a declaration of restrictions that will limit the maximum floor area of the grocery store to 18,000 square feet

and the existing commercial uses shall be replaced with neighborhood serving commercial uses that will not exceed 20,260 square feet.

The CDMP provides that, "changes may be approved to lawful uses and zoning not depicted which would make the use of zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning" See Land Use Element, Page I-87.

Approval of the Applicant's request would make the use of the existing zoning not depicted area more consistent with the Plan for several reasons. First, the Business and Office designation, is appropriate at this historically commercial location along Krome Avenue. The Application Area is not within one of the five commercial nodes described in the CDMP, but the properties proximity to a commercial node, and the fact that the BU-1A zoned portion has historically been developed with non-agricultural and commercial uses, makes the Application Area a logical location to serve the residence of the agricultural area.

The re-development of the Application Area, including a small grocery store, subject to covenant restrictions, would also be substantially more supportive of the residential community of the Agricultural area than some of the current uses, such as the liquor store and the tire repair shop at the center. The declaration of restrictions prohibits these existing uses and the redevelopment of the center together with a grocery, subject to the restrictions, would be more supportive of the residential community and, as a result, substantially more consistent with the CDMP's Land Use Element.

The proposed redevelopment would also be more compatible from an environmental standpoint than the existing tire repair. The Applicant does not intend to reestablish this use and the proposed declaration of restrictions would prohibit all mechanical repairs as well as the liquor store use. Accordingly, the elimination of these uses would make the shopping center and the existing zoning more consistent with the CDMP.

Lastly, the grocery would be directly supportive of the immediate residents of the Agricultural area, the employees of the area and the rural residential community. The County has experienced significant population growth in recent years which has generated the need for additional goods and services in the Agricultural area. In particular, the area around the Application Area is developed with a significantly higher number of residential homes than other parts of the Agricultural area. Accordingly, the re-designation of the Application Area to Business and Office is appropriate at this location in order to help meet the needs of the residents of the surrounding area.

It is also significant that, the Application Area is presently not in agricultural use and is not developed with rural residences. Therefore, the re-designation of the Application Area to Business and Office would be generally compatible with the already existing commercial uses.

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

This Application is consistent with Policy LU-8E as follows:

i. *Need to Accommodate Population or Economic Growth*

The proposed "Business and Office" designation satisfies a deficiency in the CDMP with respect to local residential neighborhood needs and support for the agricultural areas. Approval of the Application would allow the development of grocery and ancillary retail which will accommodate population growth and serve the residents of the Agricultural area.

The number of farms in the Agricultural area has been increasing since 1992 while the size of the farms has been decreasing according to Miami Dade County's Urban Expansion Area Report from March 2021. The increase in the number of farms logically correlates with an increase in the number of people living on these smaller farms in the Agricultural area.

The approval of the Application would potentially add approximately 1.9 net acres of land to the small center on the commercially zoned portion of the Application Area. The Application Area will be required to dedicate 40 feet for right of way purposes as part of any redevelopment which will reduce the existing commercially zoned area by 12,600 square feet. Accordingly, changing the GU zoned portion of the Application Area to Business and Office will compensate for the loss of commercial land along Krome Avenue while also increasing the total commercial area in order to accommodate a grocery store and ancillary retail to serve the residents of the existing Agricultural area.

ii. *Public Services and Facilities*

Approval of the application is consistent with the CDMP Capital Improvements Element Objective CIE-3 which requires the maintenance of adopted level of service (LOS) standards for public facilities and services when considering amendments to the CDMP. This application will maintain the existing LOS standards and the Applicant will work with County staff to ensure the necessary improvements are in place to accommodate the proposed development.

The approval will also shorten vehicular trips on the area roadways as area residents will not need to drive as far to reach the nearest grocery store.

iii. *Compatibility:*

The Application Area is an ideal transitional area to permit a grocery store given that a significant portion of the property is zoned for commercial use and already developed with a small commercial center.

iv. *Environmental and Historic Resources:*

Approval of this application will not impact any historic resources or environmental resources.

v. *Enhances or Degrades Important County Systems:*

The Applicant commissioned a traffic analysis to assess the impact of the proposed change on area roadways. The traffic analysis determined that all of the roadways will operate within the adopted level of service capacity with the adoption of the land-use change, with the exception of one roadway segment on Southwest 184th Street, which is expected to operate beyond its adopted level of service with, and without the proposed land-use designation's impact.

The Applicant will work with the County to ensure the important County systems such as regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality are maintained and can accommodate the proposed development.

vi. *Transit Ridership and Pedestrianism:*

The Application will have no negative impact on transit ridership or pedestrianism.

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

- **Policy LU-1G. Business development shall preferably be placed in clusters or nodes in the vicinity of major roadway, intersections, and not in continuous trips, or as isolated spots, with the exception of small neighborhood nodes. Business development shall be designated to relate to adjacent development.**

The Application Area is located at a signalized intersection along Krome Avenue and a portion of the Application Area is already developed with commercial uses.

- **Policy TC-4E. Notwithstanding the designation of Krome Avenue as a major roadway on the CDMP land-use, plan map, or as a four-lane roadway in the traffic circulation, sub element, no construction associated with the four-laning, or other capacity, improvement, of Krome Avenue outside the urban development boundary shall occur until FDOT has prepared, and the board of county commissioners has adopted a detailed binding access control plan for the Krome Ave., Corridor. This plan should emphasize access to properties front in chrome Avenue primarily through alternative street locations.**

The proposed amendment is consistent with policy TC-4E as access can be provided to the property from 192nd Street as an alternative to Krome Avenue.

- **Policy CHD-4A. Promote the local sale and consumption of agricultural goods and other food products in Florida and specifically Miami Dade County.**

The proposed grocery store and any restaurant will include the sale of products grown and produced in the agricultural area.

- **Policy CHD-4C. Promote opportunities to obtain fresh foods in Miami Dade County neighborhoods by encouraging the development of community gardens; fresh produce, stands, farmers markets, mobile food markets, small business, such as vegetable and fruit markets, butcher shops, fish markets; grocery markets by providing flexibility in the zoning code, and other regulations.**

The proposed grocery store and any restaurant will help to further this policy by offering fresh food, including local produce, to the area residents and in this way will also help to support the local Agricultural economy

For the above-mentioned reasons, the proposed re-designation of the Application Area from 'Agriculture' to "Business and Office" is appropriate, compatible and encouraged by the CDMP's goals, objectives and policies. Accordingly, the Applicant respectfully requests your favorable recommendation for approval.

5. **LOCATION MAP:** See attached.

6. ADDITIONAL MATERIAL SUBMITTED:

- Traffic Impact Study
- Declaration of Restrictions

7. LEGAL DESCRIPTION:

- See attached legal description and survey.

8. **COMPLETE DISCLOSURE FORMS:** See attached.

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

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

Received
7-06-23
RER-Planning

DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT NAME AND ADDRESS:

APPLICANT: Ocla, LLC
c/o Louis A. Alexander
18200 SW 192 Street
(305) 374-5300

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES</u>
Ocla, LLS	Ocla, LLC	30-6801-000-0061	±4.3759

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

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

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

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

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

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

CORPORATION NAME: Ocla, LLC, a Florida limited liability company

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Louis A. Alexander, 12100 SW 47 Street, Miami, FL 33175</u>	<u>100%</u>

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

TRUSTEES NAME: N/A

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

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

PARTNERSHIP'S NAME: N/A

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

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

CORPORATION NAME: N/A

Date of Contract: N/A

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

 N/A

5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

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

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

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

CORPORATION NAME: N/A

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

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

required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: N/A

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

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

PARTNERSHIP'S NAME: N/A

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

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

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

Date of Contract: N/A

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

N/A

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

LEGAL DESCRIPTION:

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY A 25 FOOT RADIUS ARC CONCAVE TO THE NORTHWEST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 190,616 SQUARE FEET (4.38 ACRES), MORE OR LESS.

**Location Map for Application
to Amend the Comprehensive Development Master Plan**

APPLICANT / REPRESENTATIVE

Ocla, LLC / Ben Fernandez

DESCRIPTION OF SUBJECT AREA

Subject Property consists of ±4.3445 gross acres (±3.87 net acres) located in Section 01, Township 56, Range 38. The property is more accurately described by legal description:

LEGAL DESCRIPTION:

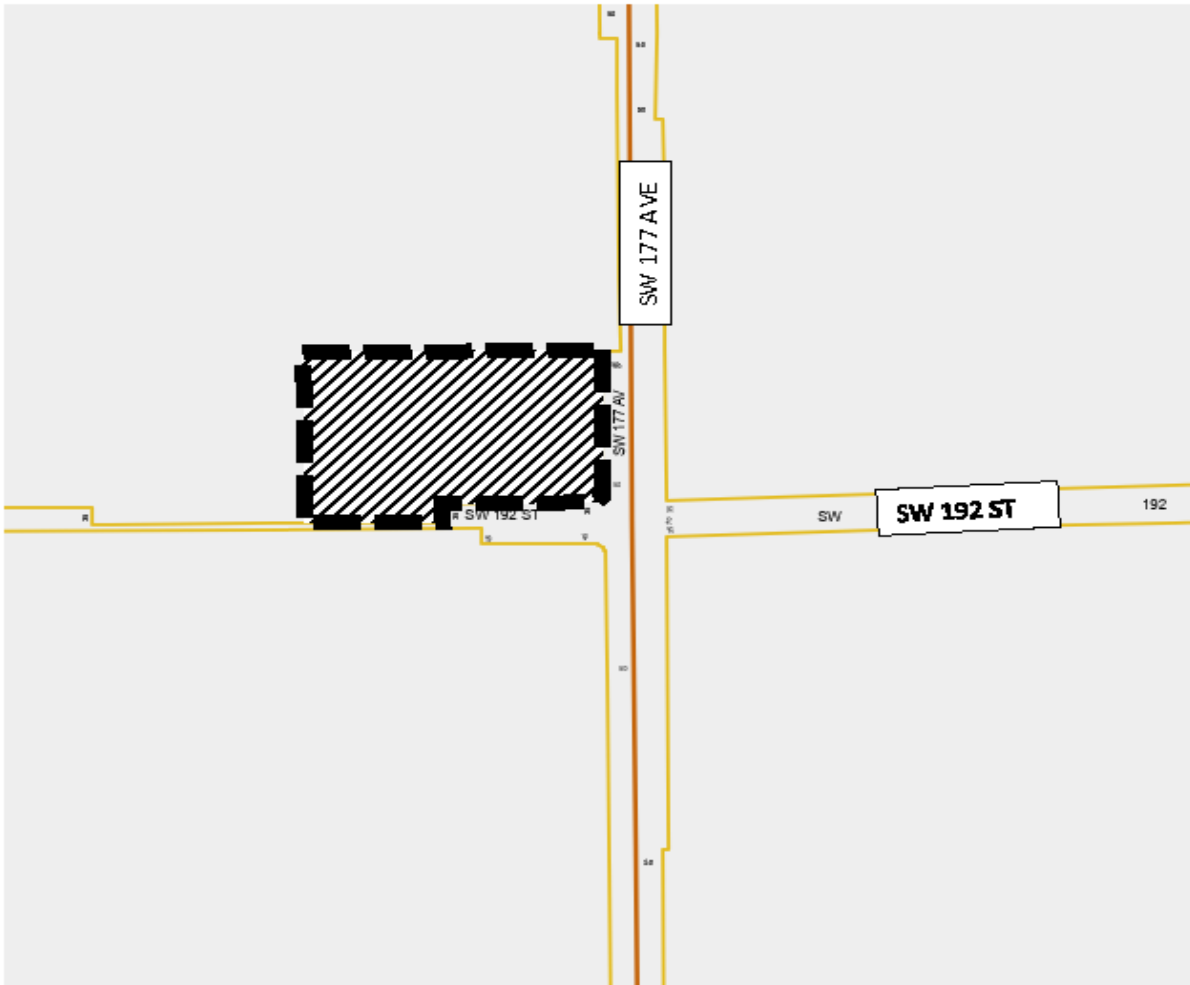
THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38'05" WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21'55" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FP NO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38'05" EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11'29", A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33'24" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17'13" EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.



LEGEND



APPLICATION AREA



AREA OWNED BY APPLICANT



APPENDIX B

Applicant's Proffered Declarations of Restrictions

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Received
12-20-23
RER-Planning

This instrument was prepared by:

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

Folio: 30-6801-000-0061

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the May 2023 Cycle and said amendment is identified as Application No. CDMP20230018 (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Agriculture" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan adopted Land Use Plan ("LUP") map.

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

1. Buildings shall be designed to include elements of Florida vernacular style architecture, including decorative wood porches and overhangs, as depicted in Exhibit B.
2. A grocery store on the Property shall not exceed 18,000 square feet.
3. A grocery store on the Property shall include the sale of products farmed or raised from the Miami-Dade County Agricultural area.
4. A restaurant on the Property shall provide menu options that include products farmed or raised from the Miami-Dade County Agricultural area.
5. All mechanical repair uses, including tire repair, are prohibited.
6. Liquor Stores shall be prohibited.

7. Non-grocery commercial stores shall be limited to neighborhood serving uses and shall not exceed 20,260 square feet in total.

MISCELLANEOUS

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

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

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

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

County Inspections. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

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

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

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

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

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

[Execution Pages Follow]

EXHIBIT A
Legal Description

LEGAL DESCRIPTION:

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38'05" WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21'55" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FPNO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38'05" EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11'29", A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33'24" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17'13" EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.

EXHIBIT B
Florida Vernacular Style Architecture



OPINION OF TITLE

To: Miami-Dade County,

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of CDMP Application pursuant to a CDMP Public Hearing No. _____ it is hereby certified that I have examined Loan Policy No. MF6-8318950 issued by Old Republic National Title Insurance Company covering the period from the beginning to December 21, 2017 at 12:01PM, and an Encumbrance and Ownership Report issued by Mark A. Ginzo, Sr., covering the period from beginning to September 26, 2023 at 12:00PM (“Title Evidence”) inclusive, of the property. I know of no reason that this Title Evidence is inaccurate or incomplete.

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38’05” WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21’55” WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FP NO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38’05” EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11’29”, A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33’24” WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17’13” EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.

(collectively the “Property”)

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

OCLA LLC, a Florida Limited Liability Company, (the “Company”) and Louis A. Alexander, as Authorized Member of the Company is authorized to sign on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions:

1. **MORTGAGES AND RELATED INSTRUMENTS:**
 - A. Mortgage executed by OCLA LLC, a Florida limited liability company and LOUIS A. ALEXANDER a/k/a LOUIS ALEXANDER, in favor of APOLLO BANK, a Florida banking corporation, dated December 14, 2017 and recorded December 21, 2017, in Official Records Book 30800, Page 4703 in the original principal amount of \$1,850,000.00. Together with the following instruments:
 - B. Collateral Assignment of Rents and Leases filed December 21, 2017, in Official Records Book 30800, Page 4721.
 - C. Courtesy Notice of Violation in favor of Miami-Dade County, Florida recorded September 05, 2023, in Official Records Book 33866 at Page 125 of the Public Records of Miami-Dade County, Florida.
2. **GENERAL EXCEPTIONS:**
 - A. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
 - B. Easements, claims of easements, boundary line disputes, overlaps, encroachments or other matters not shown by public records which would be disclosed by an accurate survey of the land.
 - C. Rights or claims of parties in possession not shown by the public records.
 - D. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - E. Taxes or assessments which are not shown as existing liens in the public records.
 - F. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
 - G. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

3. **SPECIAL EXCEPTIONS:**

- A. Agreed Final Judgment filed January 16, 2020, in Official Records Book 31782, Page 1487.
- B. Notice of Lien-Code Enforcement recorded March 31, 2023, in Official Records Book 33645, Page 1863.
- C. Underground Utility Easement granted to Florida Power and Light Co., recorded February 21, 2019 in Official Records Book 31333, Page 3733.
- D. Notice-Code Enforcement Recorded July 8, 2021 in Official Records Book 32606, Page 3644. Case No.F2020007343.
- E. Agreed Order Recorded June 6, 2022 in Official Records Book 33224, Page 1312. Case.No.2021-007657-CA-01.
- F. Maintenance Map for SW 177th Krome Ave recorded Plat Book 124, Page 82, Public Records of Miami-Dade County, Florida.
- G. Maintenance Map for SW 192nd Street recorded in Plat Book 152, Page 27, Public Records of Miami-Dade County, Florida.
- H. Unity of Title recorded in O.R. Book 10374, Page 370, Public Records of Miami-Dade County, Florida.
- I. Easement as to the construction, operation, and maintenance of electric utility facilities granted to Florida Power & Light Company contained in instrument recorded June 6, 1980, under O.R. Book 10770, Page 1171, Public Records of Miami-Dade County, Florida.
- J. Ordinance No. 83-24 recorded in O.R. Book 11781, Page 1422, re-recorded in O.R. Book 12046, Page 481, and Resolution No. R-1452-85 recorded in O.R. Book 12694, Page 2061, Public Records of Miami-Dade County, Florida.
- K. Covenant running with the land in favor of Metropolitan Dade County recorded in O.R. Book 13547, Page 657, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- L. Covenant running with the land in favor of Metropolitan Dade-County recorded in O.R. Book 15033, Page 1195, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- M. Covenant running with the land in favor of Metropolitan Dade County recorded in O.R. Book 17541, Page 326, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- N. Board Order No. 01-83 recorded in O.R. Book 20130, Page 4538, Public Records of Miami-Dade County, Florida.

- O. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 24551, Page 2372, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- P. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 27890, Page 1432, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- Q. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 28001, Page 911, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.

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

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the CDMP Application a valid and binding covenant on the lands described herein and it is further my opinion that the Joinder of the Leasehold Mortgagee is not required.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
OCLA, LLC, a Florida limited liability company	Owner	N/A
APOLLO BANK, a Florida banking corporation	Lender	N/A

The following is a description of the aforementioned Alta Lender's Policy and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
Ownership and Encumbrance Report	Mark A. Ginzo, Sr.	N/A	beginning to 9-26-23

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

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

Respectfully submitted this 5 day of
October, 2023.

Thomas G. Sherman, Esq.
Thomas G. Sherman, P.A.
Fla Bar: 221287
90 Almeria Avenue
Coral Gables, FL33134
Phone: (305) 448-5898

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 5th day of October, 2023, by **Thomas G. Sherman, Esq.** who x is Personally Known or _____ Produced _____ as Identification.

(Signature of Notary Public - State of Florida)

Gryska Sotolongo
(Print, Type, or Stamp Commissioned Name of Notary Public)



APPENDIX C

Executive Summary of the Traffic Impact Study

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

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/50051a30-71b4-4c60-a485-8798ff0f89d8?tab=attachments

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EXECUTIVE SUMMARY

Langan Engineering and Environmental Services, Inc. was retained by Ocla INC. to prepare a traffic-impact analysis for a proposed change to the Miami-Dade County Comprehensive Development Master Plan (CDMP) for one land parcel within the Urban Development Boundary of Miami-Dade County. The subject property comprises 4.34 gross-acres (3.87 net-acres) on the northwest corner of SR 997/Krome Avenue and SW 192nd Street in unincorporated Miami-Dade County. The property owner requests a change in the CDMP future land-use designation from "Agricultural" to "Business and Office".

The traffic analysis shows that the proposed future land-use designation change will not significantly impact the surrounding roadway network, but we analyzed six roadway segments that included the following roadways: SW 187th Avenue, SR 997/Krome Avenue, and SW 184th, SW 200th and SW 216th streets. The current future land-use designation allows a development intensity of one dwelling unit per five-acres. Therefore, because the project site is less than five-acres no residential development is allowed. The maximum development potential under the proposed future land-use designation is 67,430 square feet of shopping plaza. Even though the maximum development potential under the proposed future land use designation is 67,430 square feet of shopping plaza, we analyzed the maximum development potential based on the actual development program being proposed for the site via restrictive covenant. The proposed development program comprises 20,260 square feet of retail and 18,000 square feet of supermarket uses which is expected to generate 103 more afternoon peak-hour net-new trips compared to the current development on site.

We prepared roadway-capacity analyses for the 2026 (short-term) conditions and found all roadway segments will operate within their adopted Level of Service (LOS) with the proposed land-use designation's impacts except for one roadway segment which is expected to operate beyond capacity with and without the proposed land-use designation's impacts. We prepared 2045 (long-term) roadway capacity analysis and found that all roadway segments are expected to operate within their adopted LOS with the impacts of the proposed land-use designation change. Additionally, none of the analyzed roadways will be significantly impacted by the proposed future land-use designation change.

The maximum development potential under proposed future land-use designation will generate 1,855 daily, 42 morning peak-hour and 103 afternoon peak-hour net-new trips.

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Appendix D

Applicant's Retail Needs Analysis

-Residential Units Built by Year Map (Page 46)

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

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/50051a30-71b4-4c60-a485-8798ff0f89d8?tab=attachments

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November 29, 2023

VIA ELECTRONIC DELIVERY

Mr. Jerry Bell, AICP
Assistant Director for Planning
Department of Regulatory and Economic Resources (RER)
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, Florida 33126

Received
11-29-23
RER-Planning

**Re: Comprehensive Development Master Plan (CDMP)
OCLA LLC Application for Small-Scale Amendment**

Dear Mr. Bell:

The Curtis Group, Inc. was asked to provide an analysis of the need for retail services, particularly grocery, in area of the OCLA, LLC, Comprehensive Development Master Plan (CDMP) small-scale amendment application for 4.34 gross acres (3.87 net acres) located on the northwest corner of SR 997/SW 177 Avenue/Krome Avenue and SW 192 Street in unincorporated Miami-Dade County (the "Subject Property"). The amendment seeks to change the Subject Property adopted CDMP future land-use designation from "Agricultural" to "Business and Office". The amendment application includes a restrictive covenant that among other things requires:

- Any grocery store on the Property shall:
 - not exceed 18,000 square feet in size;
 - include the sale of locally farmed products and any restaurant shall provide menu options that include products farmed or raised from the Miami-Dade County Agricultural area.
- Commercial uses to be limited to neighborhood serving uses and the total non-grocery store floor area shall not exceed 20,260 square feet.
- Prohibit liquor stores and all mechanical repair uses, including tire repair.

Existing Conditions

The Application Area is not being used for agriculture. The eastern portion of the Application Area (1.9 net acres) along Krome Avenue is commercially zoned BU-1A. This portion of the Application Area is presently developed with a small shopping center of approximately 24,722 square feet that includes a day care, restaurant/banquet hall, tire repair garage, liquor store and a barber shop. The existing structures are over 43 years old, approaching the end of their useful life and in need of redevelopment.

Mr. Jerry Bell, AICP
OCLA LLC Application for Small-Scale CDMP Amendment
November 29, 2023
Page 2

The western portion of the Application Area (1.9 net acres) is zoned GU-Interim. This portion of the Application Area is currently used for vehicle parking.

Need for Commercial Designation

The area of Miami-Dade County south of Kendall Drive and outside the Urban Development Boundary has a significant number of residents underserved by retail development. To illustrate this, for the purposes of this Application, an area bounded by SW 152 Street on the north, SW 167 Avenue on the east, SW 232 Street on the south and SW 217 Avenue on the west (the "Study Area") was analyzed to measure resident access to grocery stores. See Figure 1 – Study Area Residential Dwellings.

Analysis of County records and data found the Study Area contains 1,961 existing residential dwelling units, including 1,437 units identified in the Miami-Dade County Property Appraiser GIS database (see Attachment 1 – Study Area Residential Dwelling Unit Folios) and 524 manufactured units in Americana Village Estates. In addition, Centerline Capital Investors is completing construction of the Cottage Grove development with 349 dwelling units. Given the County need for workforce housing there is little doubt Cottage Grove will be fully occupied soon after the lots go on the market.

It is important to recognize that single family housing outside the UDB and in the Study Area is likely to increase rapidly in the next 5 years. Miami-Dade County has projected a depleted capacity of single-family housing inside the UDB by 2026, the County's projections of demand indicate there will continue to be nearly 5,500 +/- units of single family units demanded each year until 2030 equaling unmet demand for 27,500 units; only slightly dropping to 5,300 units a year through 2040 equaling unmet demand for 53,000 units from 2031 through 2040. The unmet demand through 2040 for 80,500 dwelling units inside the UDB will lead to a portion of this unmet demand inside the UDB to be met by single family housing outside the UDB.

Analysis of the Property Appraiser data found 743 vacant lots of 5 acres or less where dwelling units may be built as of right in the Study Area. See Figure 2 – Study Area Vacant Parcels and Attachment 2 – Study Area Vacant Parcel Folios. Note, development of these 743 lots will satisfy less than 3 percent of the unmet demand through 2030.

The most recent estimate from the 2020 Census is that 2.75 persons occupy each housing unit in the County. This translates into 5,393 existing residents in the Study Area (2.75 persons times 1,961 units); plus, another 960 residents to follow when Cottage Grove comes online (2.75 persons times 349 units); and, an additional 2,044 residents constructing homes as of right on vacant parcels in the Study Area (2.75 persons times 743 units). In total, the Study Area is essentially home to over 6,353 residents and will likely grow to 8,397 residents.

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OCLA LLC Application for Small-Scale CDMP Amendment
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Page 3

Grocery shopping for the estimated 8,397 residents does not exist in the Study Area. The nearest grocery stores are Publix Super Market at The Shoppes at Quail Roost at the intersection of SW 200 Street and 127 Avenue and Publix Super Market at Eureka Promenade at the intersection of SW 184 Street and SW 147 Avenue. On average these grocery stores are approximately a seven-mile one-way or 14-mile round trip drive for residents of the Study Area. Comparing this to a USDA Economic Research Service study that found the median distance to the nearest food store for the overall U.S. population was 0.9 miles and in rural area the median distance to the nearest food store is 3.1 miles, residents in the Study Area must travel over twice the distance to satisfy their food needs relative to the median distance traveled of rural area residents across the U.S. Comparatively, the proposed grocery would limit the median travel distance of Study Area residents to approximately 3 miles, consistent with other U.S. rural areas, and would eliminate people driving through other neighborhoods seeking to fulfill their grocery needs.

The estimated 6,353 residents in the Study Area (5,394 existing residents and the soon to be 960 Cottage Grove residents) are more than enough residents needed to support a grocery store in the Study Area. A 2010 Center for Rural Affairs report found the adequate customer base needed to maintain a grocery store is 3,252 persons as of 2005. The potential additional 2,044 residents occupying homes to be built on vacant parcels would more than support a second local grocery store.

Consistent with the CDMP

The previously submitted small-scale amendment application addressed Project consistency with a number of the CDMP goals, objectives and policies. In addition to the CDMP consistency previously presented in the application, the proposed amendment is also consistent with the Community Health and Design Element Policy CHD-4C. This policy seeks to:

“Promote opportunities to obtain fresh foods in Miami-Dade County neighborhoods by encouraging the development of community gardens; fresh produce stands, farmer markets, mobile food markets, small businesses such as vegetable and fruit markets, butcher shops, fish markets; and grocery markets by providing flexibility in the zoning code and other regulations.”

The Proposed Project is consistent with this policy by providing the only proximate grocery store for the estimated 6,353 residents in the Study Area and for the 2,882 residents in approximately 1-mile of the Proposed Project. By providing a grocery store at the proposed site, travel distances to obtain fresh food will be significantly reduced.

Discourages Urban Sprawl

Pursuant to Section 163.3177(9)(b), Florida Statutes, a comprehensive plan amendment discourages sprawl if four of eight statutory criteria are met. The proposed amendment meets the seven following criteria:

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OCLA LLC Application for Small-Scale CDMP Amendment
November 29, 2023
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- (I) *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

Finding: The Site does not include natural resources. Approximately half the Site is commercial use developed in 1980 and is approaching its useful life; the other half of the site is used for parking for vehicles awaiting repair in one of the commercial shops.

- (II) *Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

Finding: The eastern portion of the site fronting Krome Avenue is served by infrastructure and services. Development of the western portion of site is a natural and cost-effective extension of infrastructure and services.

- (III) *Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*

Finding: As discussed earlier, the Project Site area is underserved by grocery stores. The Study Area contains the residential population to support two grocery stores where none exist. On average the Study Area residential population must drive 10 to 14 miles roundtrip to access a grocery. The proposed amendment will significantly reduce existing trip lengths.

- (IV) *Promotes conservation of water and energy.*

Finding: The proposed Project reduces energy consumption by reducing trip lengths for existing residential development. Redevelopment of the Site will be undertaken using stormwater and potable water best practices as required by Miami-Dade County.

- (V) *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*

Finding: The Project Site does not include any agricultural area or activity.

- (VII) *Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.*

Finding: The Project Site area is underserved by grocery stores. The Study Area contains the residential population to support two grocery stores where none exist. Therefore, the proposed Project would help fulfill an existing need in the area.

- (VIII) *Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

Mr. Jerry Bell, AICP
OCLA LLC Application for Small-Scale CDMP Amendment
November 29, 2023
Page 5

Finding: The Project Site area is underserved by grocery stores. The Study Area contains the residential population to support two grocery stores where none exist. Therefore, the proposed Project would help fulfill an existing need in the area.

Conclusion

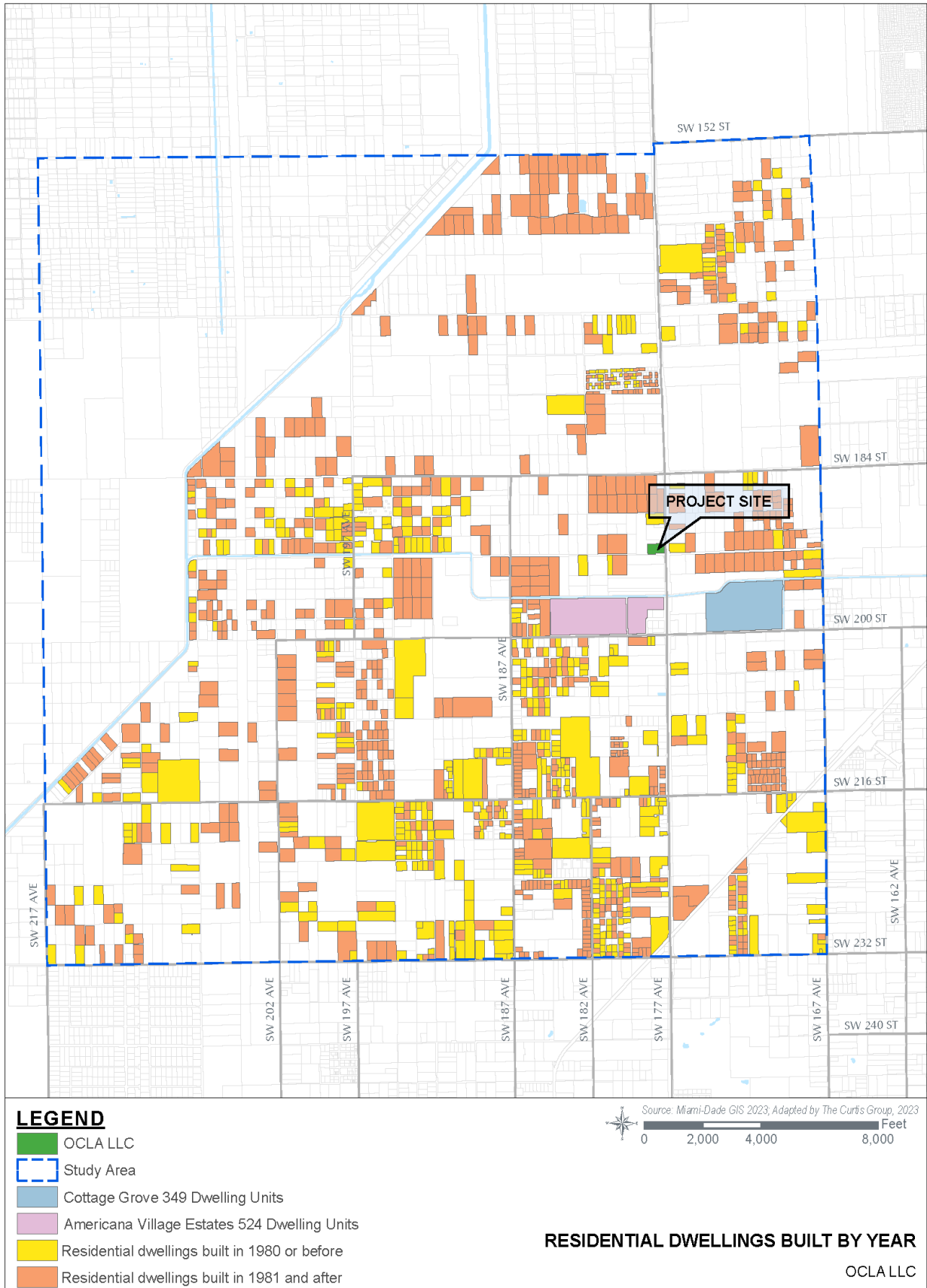
The Application Site is the appropriate site for the first local grocery store in the Study Area. None of the three commercially designated nodes along Krome Avenue within the Study Area have sufficient vacant land to develop a grocery store. The area around the Application Area is developed with a significantly higher number of residential homes than any other area outside the UDB. The Application Site is within one-half mile of the 2,400 residents in Americana Village Estates and soon to be Cottage Grove. The proposed grocery will be within walking distance of these residents and will provide multi-modal transportation options to satisfy their grocery needs.

Sincerely,



Rob Curtis, AICP
The Curtis Group

Attachments



Appendix E

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. CDMP20230018 to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants, federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

Solid Waste Services

The adopted level of service standard (LOS) for the County Waste Management System is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five (5) years. As of FY 2022-23, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the applications reviewed here, which are not anticipated to have a negative impact on disposal service.

Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The DSWM assesses the solid waste capacity on a system-wide basis since it is not practical or necessary to make a determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2022-2023, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand.

Fiscal Impact Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2022-23, the DSWM charges a contract disposal rate of \$68.77 per ton while the non-contract disposal rate is \$102.66 per ton. These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the System. Landfill closure, remediation and long-term care are funded by a portion of the Utility Service Fee charged to all customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department (WASD) provides for most of the water and sewer service needs throughout the county. The applicant requests to re-designate a ±4.34 gross acre parcel from "Agriculture" to "Business and Office". However, the application site is located outside the 2030 Urban Development Boundary; therefore, there would be no connection to the County's water and sewer infrastructure from the application site.

Drainage and Flood Protection

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

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

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

Public Schools

Level of Service Standard

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

Section 9.4(a) of the Interlocal Agreement (ILA) provides for exemptions and vested development for public school concurrency, namely for “developments that result in a total impact of less than one(a) student in any level or type of school.” The analysis for the requested “Business and Office” land use designation for a residential scenario utilizing the student generation multipliers results in an impact of 0 (zero) students. Therefore, in accordance with ILA, the application is exempt from public school concurrency.

Fire Rescue

Miami-Dade Fire Rescue (MDFR) has determined that the current CDMP land use designation of “Agriculture” allows for a potential development totaling 1 rural residence or 24,772 sq. ft. retail that are estimated to generate approximately 1 annual alarm. The proposed CDMP designation “Business and Office” will allow a potential development of 67,430 sq. ft. retail; however, the applicant has proffered a Declaration of Restrictions limiting development to 38,260 sq. ft. of non-residential uses. The proposed development will generate approximately 2 annual alarm. This will result in a medium impact to existing fire rescue service.

Presently, fire and rescue service in the vicinity of the Property is adequate. Based on the current call volume for Station No. 60 and existing stations within proximity of the subject property, all stations combined are capable of mitigating the additional number of alarms. Additional stations within the vicinity include Station No. 43 (Richmond) located at 13390 SW 152 Street, Miami, Florida, 33177, and Station No. 5 (Goulds) located at 13150 SW 238 Street, Miami, Florida 33032.

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APPENDIX F

Photos of Site and Surroundings

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Area of the Application site located at SW 192 and SW 177 Avenue



West side of application site along SW 192 Street,
The area is currently paved.



Property adjacent to the east of the site, across SW 177 Avenue.
Further east are areas developed with single family homes.



Property adjacent to the southeast of the application site



Property adjacent to the south of the application site
Along SW 177 Avenue



Scattered properties adjacent to the north of site
along SW 177 Avenue

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EXHIBIT 2

**ADDITIONAL ITEMS
MAY 2023 CYCLE APPLICATION NO. CDMP20230018
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

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

ITEMS	PAGE NO.
Applicant's Proffered Covenant filed in support of the subject application, submitted December 20, 2023.	A-1
Two samples of a total of 207 letters of support for Application No. CDMP20230018, submitted by local neighbors of the application site. Letters' dates ranging from September 8, 2023, to January 3, 2024.	A-12
E-mail correspondence in opposition to subject application, submitted by David King on March 27, 2024.	A-14
E-mail correspondence in opposition to subject application, submitted by Elena Sweet on March 27, 2024.	A-15
E-mail correspondence in opposition to subject application, submitted by Barbara Glancy on March 27, 2024.	A-16
E-mail correspondence in opposition to subject application, submitted by Jorge J. Zaldivar on March 28, 2024.	A-17
E-mail correspondence in opposition to subject application, submitted by Mary Waters on March 28, 2024.	A-18
E-mail correspondence in opposition to subject application, submitted by Alfred Arcidi on March 28, 2024.	A-19
E-mail correspondence in opposition to subject application, submitted by Irma Torres on March 28, 2024.	A-20
E-mail correspondence in opposition to subject application, submitted by Michael Wanek on March 28, 2024.	A-21
E-mail correspondence in opposition to subject application, submitted by Martin Motes on March 28, 2024.	A-22
E-mail correspondence in opposition to subject application, submitted by Dewey Steele on March 29, 2024.	A-23
Resolution of the Planning Advisory Board public hearing on the application, held April 1, 2024.	A-24
Minutes of the Planning Advisory Board public hearing on the application, held April 1, 2024.	A-28
Applicant's requests to defer the Board of County Commissioners' public hearing date on the Application. Letter dated September 21, 2023 Letter dated January 10, 2024. Letter dated April 24, 2024. Letter dated May 6, 2024.	A-39

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This instrument was prepared by:

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

Folio: 30-6801-000-0061

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Ocla, LLC (hereinafter referred to as the “Owner”) holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in the May 2023 Cycle and said amendment is identified as Application No. CDMP20230018 (the “Application”); and

WHEREAS, the Application seeks to re-designate the Property from “Agriculture” to “Business and Office” on the Miami-Dade County Comprehensive Development Master Plan adopted Land Use Plan (“LUP”) map.

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

1. Buildings shall be designed to include elements of Florida vernacular style architecture, including decorative wood porches and overhangs, as depicted in Exhibit B.
2. A grocery store on the Property shall not exceed 18,000 square feet.
3. A grocery store on the Property shall include the sale of products farmed or raised from the Miami-Dade County Agricultural area.
4. A restaurant on the Property shall provide menu options that include products farmed or raised from the Miami-Dade County Agricultural area.
5. All mechanical repair uses, including tire repair, are prohibited.
6. Liquor Stores shall be prohibited.

7. Non-grocery commercial stores shall be limited to neighborhood serving uses and shall not exceed 20,260 square feet in total.

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

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

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

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

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

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

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

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed on this ____ day of _____, 2023.

IN WITNESS WHEREOF, Ocla, LLC has caused these present to be signed in its name by its proper officials.

WITNESSES:

OCLA, LLC, a Florida Limited Liability Company
12100 SW 47 Street
Miami, FL 33175

Signature

Printed Name

Signature

Printed Name

By: _____
(Managing Member)
Print Name: Louis A. Alexander

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

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

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Louis A. Alexander as the Manager of OCLA, LLC, on behalf of the LLC. He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 2023, in the County and State aforesaid.

(SEAL)

NOTARY SIGNATURE
Notary Public, State of Florida

Print, type, or stamp of Notary

My Commission expires: _____

EXHIBIT A
Legal Description

LEGAL DESCRIPTION:

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38'05" WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21'55" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FP NO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38'05" EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11'29", A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33'24" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17'13" EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.

EXHIBIT B
Florida Vernacular Style Architecture



OPINION OF TITLE

To: Miami-Dade County,

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of CDMP Application pursuant to a CDMP Public Hearing No. _____ it is hereby certified that I have examined Loan Policy No. MF6-8318950 issued by Old Republic National Title Insurance Company covering the period from the beginning to December 21, 2017 at 12:01PM, and an Encumbrance and Ownership Report issued by Mark A. Ginzo, Sr., covering the period from beginning to September 26, 2023 at 12:00PM (“Title Evidence”) inclusive, of the property. I know of no reason that this Title Evidence is inaccurate or incomplete.

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38’05” WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. ¼) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21’55” WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FP NO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38’05” EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11’29”, A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33’24” WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17’13” EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.

(collectively the “Property”)

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

OCLA LLC, a Florida Limited Liability Company, (the “Company”) and Louis A. Alexander, as Authorized Member of the Company is authorized to sign on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions:

1. **MORTGAGES AND RELATED INSTRUMENTS:**

- A. Mortgage executed by OCLA LLC, a Florida limited liability company and LOUIS A. ALEXANDER a/k/a LOUIS ALEXANDER, in favor of APOLLO BANK, a Florida banking corporation, dated December 14, 2017 and recorded December 21, 2017, in Official Records Book 30800, Page 4703 in the original principal amount of \$1,850,000.00. Together with the following instruments:
- B. Collateral Assignment of Rents and Leases filed December 21, 2017, in Official Records Book 30800, Page 4721.
- C. Courtesy Notice of Violation in favor of Miami-Dade County, Florida recorded September 05, 2023, in Official Records Book 33866 at Page 125 of the Public Records of Miami-Dade County, Florida.

2. **GENERAL EXCEPTIONS:**

- A. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
- B. Easements, claims of easements, boundary line disputes, overlaps, encroachments or other matters not shown by public records which would be disclosed by an accurate survey of the land.
- C. Rights or claims of parties in possession not shown by the public records.
- D. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
- E. Taxes or assessments which are not shown as existing liens in the public records.
- F. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
- G. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

3. **SPECIAL EXCEPTIONS:**

- A. Agreed Final Judgment filed January 16, 2020, in Official Records Book 31782, Page 1487.
- B. Notice of Lien-Code Enforcement recorded March 31, 2023, in Official Records Book 33645, Page 1863.
- C. Underground Utility Easement granted to Florida Power and Light Co., recorded February 21, 2019 in Official Records Book 31333, Page 3733.
- D. Notice-Code Enforcement Recorded July 8, 2021 in Official Records Book 32606, Page 3644. Case No.F2020007343.
- E. Agreed Order Recorded June 6, 2022 in Official Records Book 33224, Page 1312. Case.No.2021-007657-CA-01.
- F. Maintenance Map for SW 177th Krome Ave recorded Plat Book 124, Page 82, Public Records of Miami-Dade County, Florida.
- G. Maintenance Map for SW 192nd Street recorded in Plat Book 152, Page 27, Public Records of Miami-Dade County, Florida.
- H. Unity of Title recorded in O.R. Book 10374, Page 370, Public Records of Miami-Dade County, Florida.
- I. Easement as to the construction, operation, and maintenance of electric utility facilities granted to Florida Power & Light Company contained in instrument recorded June 6, 1980, under O.R. Book 10770, Page 1171, Public Records of Miami-Dade County, Florida.
- J. Ordinance No. 83-24 recorded in O.R. Book 11781, Page 1422, re-recorded in O.R. Book 12046, Page 481, and Resolution No. R-1452-85 recorded in O.R. Book 12694, Page 2061, Public Records of Miami-Dade County, Florida.
- K. Covenant running with the land in favor of Metropolitan Dade County recorded in O.R. Book 13547, Page 657, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- L. Covenant running with the land in favor of Metropolitan Dade-County recorded in O.R. Book 15033, Page 1195, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- M. Covenant running with the land in favor of Metropolitan Dade County recorded in O.R. Book 17541, Page 326, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- N. Board Order No. 01-83 recorded in O.R. Book 20130, Page 4538, Public Records of Miami-Dade County, Florida.

- O. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 24551, Page 2372, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- P. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 27890, Page 1432, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.
- Q. Covenant running with the land in favor of Miami-Dade County recorded in O.R. Book 28001, Page 911, Public Records of Miami-Dade County, Florida, which contains use restrictions on the land.

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

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the CDMP Application a valid and binding covenant on the lands described herein and it is further my opinion that the Joinder of the Leasehold Mortgage is not required.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
OCLA, LLC, a Florida limited liability company	Owner	N/A
APOLLO BANK, a Florida banking corporation	Lender	N/A

The following is a description of the aforementioned Alta Lender's Policy and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
Ownership and Encumbrance Report	Mark A. Ginzo, Sr.	N/A	beginning to 9-26-23

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

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

Respectfully submitted this 5 day of October, 2023.

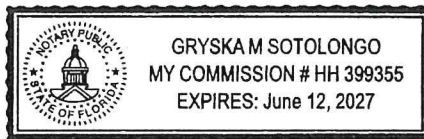
Thomas G. Sherman, Esq.
Thomas G. Sherman, P.A.
Fla Bar: 221287
90 Almeria Avenue
Coral Gables, FL33134
Phone: (305) 448-5898

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 5th day of October, 2023, by **Thomas G. Sherman, Esq.** who X is Personally Known or _____ Produced _____ as Identification.

(Signature of Notary Public - State of Florida)

Gryska Sotolongo
(Print, Type, or Stamp Commissioned Name of Notary Public)



RECEIVED 12/8/23 to 1/3/24
Two samples of a total of 207
letters of support

Date: 09/26/2023

Nathan Kogon, AICP
Assistant Director for Development Services
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street, Suite 1100
Miami, Florida 33128

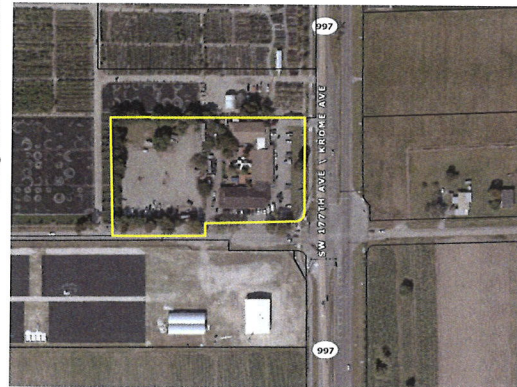
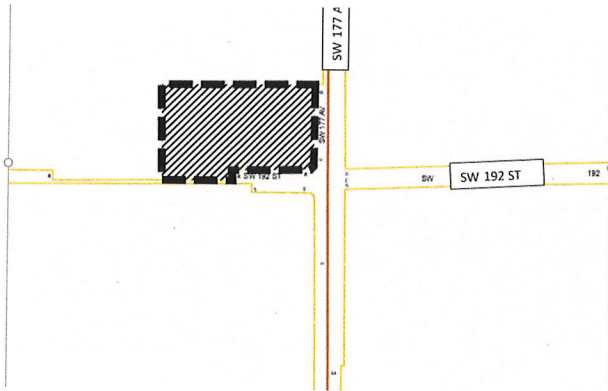
RE: Ocla, LLC, 19100 SW 177 Avenue – CDMP Application No. CDMP20230018

Dear Mr. Kogon:

By signing below, I hereby confirm that I am a property owner or resident in the vicinity of the existing shopping center property located at the southwest intersection of Krome Avenue and SW 192nd Street that is the subject of the referenced application. I understand that the Applicant intends to redevelop the center and to add a small neighborhood serving grocery store limited to no more than 18,000 square feet. I have reviewed the proposed conceptual plan of development and I support the application.

The proposed redevelopment will reduce the travel time and travel distance for basic grocery shopping needs for all of the residents in the area. For this reason, I support the application and ask that you vote to approve the proposed land use change to accommodate the redevelopment.

I support the Applicant's request to amend the Miami-Dade Comprehensive Plan Land use designation from "Agricultural" to "Business and Office" for the shopping center property and the abutting vacant land described in the application which is necessary to accommodate the re-development of the aging center with the addition of a neighborhood serving grocery store.



Sincerely,

Signature: Helda Garcia

Name: Helda Garcia

Address: 21550 SW 184th
33184

Date: 09/26/2023

Nathan Kogon, AICP
Assistant Director for Development Services
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street, Suite 1100
Miami, Florida 33128

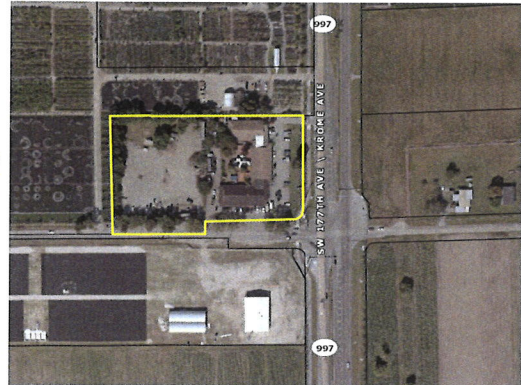
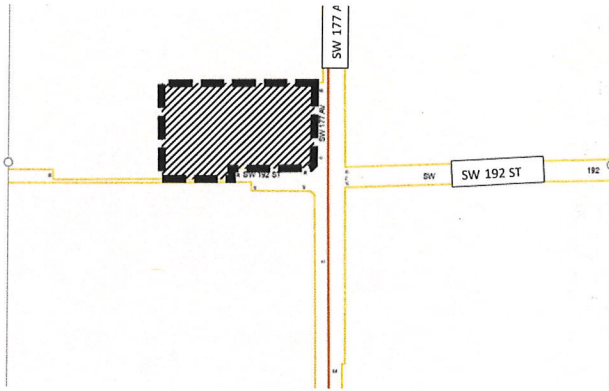
RE: Ocla, LLC, 19100 SW 177 Avenue – CDMP Application No. CDMP20230018

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I support the Applicant's request to amend the Miami-Dade Comprehensive Plan Land use designation from "Agricultural" to "Business and Office" for the shopping center property and the abutting vacant land described in the application which is necessary to accommodate the re-development of the aging center with the addition of a neighborhood serving grocery store.



Sincerely,

Signature: *Alberto Perez*

Name: Alberto Perez

Address: 17650 SW 189 Ave

Miami FL 33187

From: David King <treewalking@att.net>
Sent: Wednesday, March 27, 2024 8:15 PM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: CDMP20230018 / Ocla, LLC / PAB meeting 4/1/2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

I object to this application. Please Deny.

David King
21910 SW 250 Street
Homestead, FL 33031

-----Original Message-----

From: Elena Sweet <elena.s@comcast.net>

Sent: Wednesday, March 27, 2024 5:59 PM

To: Stillings, Noel (RER) <Noel.stillings@miamidade.gov>

Subject: CDMP20230018 / Ocla, LLC / PAB meeting 4/1/2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

Object

Elena Sweet
26055 SW 197 Ave

From: Barbara Glancy <barbara@pineridgeorchids.com>
Sent: Wednesday, March 27, 2024 4:06 PM
To: Stillings, Noel (RER) <Noel.stillings@miamidade.gov>
Subject: CDMP20230018 / Ocla, LLC / PAB meeting 4/1/2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Afternoon Sir,

I am writing in regards to a denial for a Latin grocery and various retail objectives on this less than 5 acre site for many reasons including the reasons the planning department has mentioned. How development is recommended by a planning department is crucial. There have been too many developments that were not denied and the results show today as poor planning. We must be very conservative how all Krome Avenue is used. For the safety of our communities and our visitors we rely on.

Thank you, Barbara C Glancy
21100 SW 300 Street
County DADE , 33030

-----Original Message-----

From: Jorge J. Zaldivar <jorgejzaldivar@gmail.com>
Sent: Thursday, March 28, 2024 11:47 AM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: Oppose - CDMP20230018 Ocla, LLC

EMAIL RECEIVED FROM EXTERNAL SOURCE

NO TO CDMP20230018 Ocla, LLC

OPPOSE

This property has various open violations and should not proceed with this upgrade and change of CDMP.

Where is the protection for those who follow the rules and keep the neighborhood functioning in an efficient and law abiding manner?

The recent ordinance Yes vote is already going to destroy our area. How much more do we have to change to notice that the impacts are irreversible?

Respectfully,
Jorge J. Zaldivar
19500 SW 188 ST, Miami, FL 33187

From: Mary Waters <1fatcat@bellsouth.net>
Sent: Thursday, March 28, 2024 11:45 AM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: CDMP20230018 / PAB meeting April 1, 2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

I agree with the county planning department's decision for the second time to DENY this application, Ocla, LLC, CDMP20230018 .

Please consider my email in **PROTEST** of the application.

Mary K Waters
13600 SW 229 Street
Miami, FL 33170

-----Original Message-----

From: Arcidi, Alfred R <ararcidi@whittierhealth.com>

Sent: Thursday, March 28, 2024 11:28 AM

To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>

Subject: Against CDMP20230018 Application Orca, LLC, Krome and SW 192Street

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning,

Writing to oppose the above application per county staff recommendations. Additionally it's not an appropriate use in an agricultural rural area, and sets bad precedent for further new development outside UDB. There is already a Publix 5 minutes away on Eureka & 147 Ave. Thank you.

Alfred R Arcidi
22840 SW 167th Avenger

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From: Irma Torres <torres.33@gmail.com>

Sent: Thursday, March 28, 2024 11:02 AM

To: District6 <district6@miamidade.gov>; District3 <District3@miamidade.gov>; District5 <district5@miamidade.gov>; District10 <district10@miamidade.gov>; District7 <district7@miamidade.gov>; District4 <district4@miamidade.gov>; distric11@miamidade.gov; distric2@miamidade.gov; District1 <district1@miamidade.gov>; District8 <district8@miamidade.gov>; District9 <district9@miamidade.gov>; Stillings, Noel (RER) <noel.stillings@miamidade.gov>

Subject: Opposition to CDMP Amendment for Ocla

EMAIL RECEIVED FROM EXTERNAL SOURCE

All,

I am voicing my opposition to the CDMP amendment, as per county staff recommendations.

Regards,

Irma Torres
305-613-3391

From: Michael Wanek <michaelpwanek@gmail.com>
Sent: Thursday, March 28, 2024 10:02 AM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: CDMP20230018

EMAIL RECEIVED FROM EXTERNAL SOURCE

I oppose the Ocla, CDMP20230018, for the same reasons provided by "staff" in its respective recommendation.

Thank you,

Michael Wanek

20520 SW 190th St. Miami, FL 33187

305-372-6715

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From: Martin Motes <martin.motes@gmail.com>
Sent: Thursday, March 28, 2024 2:00 PM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: CDMP20230018 Ocla, LLC

EMAIL RECEIVED FROM EXTERNAL SOURCE

Mr. Stillings; This proposal is totally out of character with the neighborhood, takes land out of agriculture and is an egregious example of leap frog zoning. It should be opposed vigorously.

Martin R. Motes
25000 Farmlife Rd.
Redland, Fl. 33031

From: Dewey Steele <stee9190@bellsouth.net>
Sent: Friday, March 29, 2024 6:45 AM
To: Stillings, Noel (RER) <noel.stillings@miamidade.gov>
Subject: CDMP20230018 / Ocla, LLC / PAB meeting 4/1/2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Sir or Madam,

Please be advised that we strongly object to the above application. Changing the zoning for this grocery store sets a dangerous precedent. There are more than enough grocery stores in the Homestead area. Allowing this zoning change goes against the guidelines of the CDMP and would be an open door for other unnecessary applications to further take farmland for other uses.

Sincerely,

Mr. and Mrs. Dewey Steele
22320 SW 256 Street
Homestead FL 33031

RESOLUTION NO. 24-3

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD ACTING AS THE LOCAL PLANNING
AGENCY ISSUING RECOMMENDATIONS TO THE BOARD
OF COUNTY COMMISSIONERS REGARDING FINAL
DISPOSITION OF MAY 2023 CYCLE SMALL-SCALE
APPLICATION NO. CDMP20230018 TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

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

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

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

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

WHEREAS, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

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

WHEREAS, Application No. CDMP20230018 (the “Application”) was filed by a private party in the May 2023 Cycle of Applications to amend the CDMP (“May 2023 CDMP Amendment Cycle”) and is contained in the document titled “May 2023 Cycle of Applications to Amend the Comprehensive Development Master Plan,” dated June 2023, and kept on file with and available upon request from the Department; and

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

WHEREAS, as required by section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing the Application in a report titled “Initial Recommendation May 2023 Cycle Application No. CDMP20230018 to Amend the Comprehensive Development Master Plan,” dated September 2023 and kept on file with and available upon request from the Department; and

WHEREAS, in accordance with the applicable County procedures, the directly impacted community council was scheduled to conduct its optional public hearing on the application, but did not have sufficient members to form a quorum to conduct the public hearing and therefore did not issue a recommendation on the Application; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, held a public hearing on Application No. CDMP20230018 at its March 4, 2024 meeting, but did not achieve quorum, and the hearing was rescheduled for April 1, 2024; and

WHEREAS, the Planning Advisory Board has acted in accordance with the applicable State and County procedures and has conducted public a hearing and issued recommendation for the disposition of the Application; and

WHEREAS, section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless a greater time is deemed necessary by the Board of County Commissioners, or the Department Director extends the time at the applicant’s request prior to the earliest deadline for the publication of required public hearing notices; and

WHEREAS, by letters dated September 21, 2023 January 10, 2024, and April 11, 2024 the applicant requested deferral of the Board of County Commissioners' public hearing on Application No. CDMP20230018, and the Director approved the requested extension; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing and issued a recommendation for the disposition of the Application; and

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

This Agency hereby makes the following recommendations to the Commission regarding the adoption of small-scale Land Use Plan map application No. CDMP20230018, and recommendation regarding subsequent final action by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Small-Scale Amendment to the CDMP	• Recommended Action on Small-Scale Amendment
CDMP 20230018	Ocla, LLC / Ben Fernandez, Esq. / Northwest corner of the intersection of SW 192 Street and SW 177 Avenue (Krome Avenue) / ±4.34 gross acres / ±3.87 net acres.	
	<p><u>Requested Amendment to the CDMP</u></p> <p>1. Redesignate the application site on the LUP map: From: “Agriculture” (1 Dwelling Unit per 5 gross Acres) To: “Business and Office”</p> <p>2. Add the proffered Declaration of Restrictions to the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.</p>	<p>Adopt with acceptance of the proffered Declaration of Restrictions</p>
	Small-scale Amendment	

The motion to Adopt with acceptance of the proffered Declaration of Restrictions was moved by Board Member Losner. Board Member Diaz Padron seconded the motion. The motion passed 6 to 2 as follows:

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

Frank Lago, Vice Chair, Yes
 Ernie Thomas, Chair, Yes

The above actions were taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on April 1, 2024, and are certified correct by Lourdes Gomez, Executive Secretary to the Planning Advisory Board.

Jerry Bell for

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

MINUTES

Miami-Dade County Planning Advisory Board
Acting As the Local Planning Agency
Public Hearing on the May 2023 Cycle Application No. CDMP20230018;
October 2023 Cycle Application Nos. CDMP20230020, CDMP20230023 and CDMP20230024;
2023 Out-of-Cycle Application No. CDMP20230021;
and 2024 Out-of-Cycle Application No. CDMP20240004
To Amend the Comprehensive Development Master Plan
In-Person Hearing

April 1, 2024, 10:00 AM

Planning Advisory Board Members

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

Frank Lago, Vice Chair, Yes
Ernie Thomas, Chair, Yes

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

* Present after roll call

Department of Regulatory and Economic Resources (RER) Staff Present

Planning Division

- Jerry Bell, Assistant Director, Planning Division
- Garett Rowe, Chief, Metropolitan Planning Section, Planning Division
- Manny Armada, Chief, Planning Research Section, Planning Division
- Robert Hesler, Planning Section Supervisor, Planning Research Section, Planning Division
- Rosa Davis, Planning Section Supervisor, Metropolitan Planning
- Vinod Sandasamy, Transportation Section Supervisor, Metropolitan Planning
- Glenn Amoruso, Planning Development Manager
- Alex Dambach, Planning Development Manager
- Mark Dorsey, Principal Planner, Metropolitan Planning
- Noel Stillings, Principal Planner, Metropolitan Planning
- Rommel Vargas, Senior Planner, Metropolitan Planning
- Ivo Rondinoni, Senior Planner, Metropolitan Planning
- Juan Flores, Senior Planner, Metropolitan Planning
- Abby Diaz, Administrative Secretary, Metropolitan Planning

Other County Staff Present

Lauren Morse, Assistant County Attorney, County Attorney’s Office

Christine Velazquez, Assistant Division Chief, Code Coordination & Environmental Initiatives Division, Department of Environmental Resources Management
Ninfa Rincon, Assistant Division Chief, Code Coordination & Environmental Initiatives Division, Department of Environmental Resources Management
Francisco Arbelaez, Principal Planner, Miami Dade Transit Division, Department of Transportation and Public Works
Carlos Lopez, Park Planner II, Miami-Dade County Parks, Recreation and Open Spaces Department

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing was opened at 10:08 AM by PAB Chair Thomas, who introduced himself and following the Pledge of Allegiance, asked Staff to conduct a roll call. Ms. Noel Stillings, Principal Planner, conducted a roll call and determined there was a quorum as 8 members were present.

PAB Chair's Introductory Remarks, Chair's Report

Following the Pledge of Allegiance, Chair Thomas reviewed the procedures and purpose of the public hearing and welcomed the public to the hearing addressing the six applications to amend the Comprehensive Development Master Plan (CDMP) on the agenda. Chair Thomas took a moment to express his deepest sympathies to longstanding Board member Riley, whose wife of 59 years recently passed away.

Opening Statement by County Staff

Mr. Garrett Rowe, Chief of Metropolitan Planning, introduced himself as well as Mr. Jerry Bell, Assistant Director, and Ms. Lauren Morse of the County Attorney's Office and called for Mr. Rommel Vargas to present the first CDMP application.

MAY 2023 CYCLE APPLICATION

Application No. CDMP20230018

Mr. Rommel Vargas, Senior Planner, presented that the application is a ±4.38-gross acre site located at the northwest corner of the intersection of SW 192 Street and SW 177 Avenue (Krome Avenue), noting that the site is outside the Urban Development Boundary (UDB). He stated that the eastern portion of the application site [±2.79 acres] is currently developed with various retail and commercial uses and that the western portion, which is designated "Agriculture" on the CDMP Adopted Land Use Plan (LUP) map, is being used for parking vehicles. He described the area surrounding the site as characterized by agriculture related uses such as plant nurseries, row and field croplands, and rural residences. He added that there is a mobile home park to the south of the site.

Mr. Vargas stated that the applicant requests that the entire application site to be redesignated to "Business and Office" with acceptance of the proffered Declaration of Restrictions (covenant) which commits to 1) construct buildings to include design elements of Florida vernacular style architecture, 2) develop a grocery store on the site, which shall not exceed 18,000 square feet, 3) develop a restaurant on the site that shall provide menu options that include products farmed or raised from the agricultural area, 4) prohibit liquor stores and all mechanical repair uses,

including tire repair, and 5) develop a non-grocery commercial store that shall be limited to neighborhood serving uses not exceed 20,260 square feet in total.

Mr. Vargas explained that Staff is recommending denial of the application highlighting that approval of the application would facilitate the unwarranted expansion of commercial development in the area and encourage the unwarranted expansion of urban development onto land designated for agriculture outside the UDB. He also noted that in Minor Statistical Area (MSA) 7.2, where the site is located, there is adequate commercial land with the capacity to accommodate projected growth beyond the year 2040, that there are two designated activity nodes along Krome Avenue within ±0.5 and ±2.41 miles from the application site. Mr. Vargas concluded that approval of the application would encourage the proliferation of urban sprawl in the area.

Mr. Ben Fernandez, legal representative for the applicant, during his presentation of the proposed development on the site, submitted over 200 letters of support for the application from the local neighbors. He mentioned that the application site is in a remote location, far from the urban area. He added that the proposed businesses that would be on the site would serve the local neighbors in the Agriculture area. Mr. Fernandez noted that a portion of the property is currently zoned for commercial use and that it was zoned for commercial prior to the adoption of the CDMP. He explained that there is illegal parking on the site and that redevelopment of the site would correct that issue. Mr. Fernandez explained the commitments in the proffered covenant including the commitment to develop the proposed project with vernacular style architecture. He noted that south of the application site is a mobile home park [Americana Village] developed with approximately 525 units that would be served by the proposed development, the increase in rural residences in the general vicinity of the application site as well as the Cottage Grove mobile home park at SW 171 Avenue and SW 200 Street, consisting of 349 units currently being redeveloped. He noted that the number of residential dwellings has increased since the 1980s within ±2.2 miles of the application site and that the increase in residential development in the area creates the need for the proposed retail uses.

Two members of the public spoke against the application noting the lack of public infrastructure to serve the application site, the need to preserve agricultural land in the area, and the increase of traffic that the proposed development would generate.

Following the public comments, PAB members discussed the application. One Board member stated that there were more than 200 letters in support of the application submitted by the applicant, but there were no persons present at the hearing in favor of the application.

The motion to Adopt with acceptance of the proffered Declaration of Restrictions was moved by Board Member Losner. Board Member Diaz Padron seconded the motion. The motion passed 6 to 2 as follows:

Carla Ascencio-Savola	Absent	William McRea	Absent
Lynette Cardoch	No	Michael Montiel	Absent
Carlos Diaz-Padron	Yes	J. Wil Morris	Absent
Eric Fresco	No	William Riley	Yes
Seth Gadinsky	Absent	Daniel Rogers	Absent
Horacio C. Huembes	Yes	Mikhaile Solomon	Absent
Max Losner	Yes		
		Frank Lago, Vice Chair, Yes	
		Ernie Thomas, Chair, Yes	

OCTOBER 2023 CYCLE APPLICATIONS

Mr. Garrett Rowe introduced Ms. Noel Stillings to deliver the Staff presentation for CDMP20230020 and advised the PAB members to be aware that there is a new process starting this year for online filing of their financial disclosures and that Staff will follow up with the PAB members.

Application No. CDMP20230020

Ms. Noel Stillings, Principal Planner, explained that this application requests the release of a CDMP Declaration of Restrictions (covenant), that the applicant is Quail Roost Holdings, LLC, and the owner of the property and subject of the covenant is the County's Public Housing and Community Development Department. She noted the application site is ± 2.15 gross acres (± 1.75 net acres) located on the northwest corner of SW 186 Street and the South Dade Transitway. Ms. Stillings further explained that the site was approved in 2006 for a land use change from "Industrial and Office" to its current "Business and Office" designation with acceptance of the covenant ("2006 CDMP covenant") which the applicant is now requesting to release. She outlined the site can currently be developed with up to 268 units and the 2006 CDMP covenant requires that 25% of any residential units built on the site (67 units) are to be senior and/or affordable housing units, or alternatively if senior or affordable housing units are not provided, then a minimum of 10% of the units (26 units) are to be provided as workforce housing units.

Ms. Stillings explained that the site is part of the larger ± 8.5 -acre "Quail Roost Transit Village Project" under a Master Lease agreement, between the applicant and the County, which stipulates that within the larger ± 8.5 -acre site, 500 residential units must be developed and 450 of those units are to be affordable to households with incomes at or below 60% of the County's Area Median Income (AMI). She also noted that of the 450 units, 80 units are to be affordable to households with incomes at or below 33% of AMI. Ms. Stillings explained that the Master Lease includes affordable housing terms that exceed those of the 2006 CDMP covenant, and that the Staff recommendation was to Adopt the application. She added that the application site was less than a 5-minute walk from the future Bus Rapid Transit station at SW 184 Street and the Transitway.

One Board member questioned why this application was not presented together with the Master Lease agreement. Mr. Rowe explained that the Master Lease agreement between the applicant and the County was approved by the Board of County Commissioners outside of the CDMP amendment process, noted that the Master Lease can operate with the existing 2006 CDMP covenant. He further noted that the Master Lease requires more affordable housing units than required by the 2006 CDMP covenant and that the requested covenant release would allow the applicant greater flexibility in their financing options for the project.

Ms. Nicole Wolfe, the applicant's legal representative, explained the 2006 CDMP covenant is on a portion of the larger development site, in which the applicant has a leasehold interest. Ms. Wolfe reviewed details of the Master Lease, which was executed in 2018 after the applicant was awarded a bid from the County to construct a mixed income, mixed use development. Ms. Wolfe compared the 2006 CDMP covenant requirements, the workforce housing requirements under the Zoning code requirements, and the Master Lease covering the larger ± 8.5 -acre development. She identified the parcel north of the application site as Phase II of the overall project under the Master Lease agreement and noted that parcel is approved for a 126-unit affordable elderly housing project. Ms. Wolfe stated the Master Lease and the Zoning regulations have more stringent affordable and workforce housing requirements than in the 2006 CDMP covenant.

Chair Thomas opened up the public hearing, no member of the public spoke on the application, and Chair Thomas then closed the public hearing.

The motion to Adopt was moved by Board Member Huembes. Board Member Losner seconded the motion. The motion passed 8 to 0 as follows:

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

Frank Lago, Vice Chair, Yes
 Ernie Thomas, Chair, Yes

Application No. CDMP20230023

Ms. Rosa Davis, Planning Section Supervisor, explained that Application No. CDMP20230023 was filed by South Dixie 29, LLC, and South Dixie Land, LLC, requesting a change in land use designation for the ±17.58 gross acre application site from “Estate Density Residential” to “Medium Density Residential with One Density Increase (DI-1)”. She noted the site is adjacent to and within ¼-mile of the Transitway, one of the SMART Plan corridors where mixed-use development is allowed at up to 60 units per acre and that across from the application site is the Leisure City community urban center that allows up to 125 units per acre in its core that is proximate to the application site. She noted the change in designation would allow up to 1,054 multifamily residential units on the site at a density of 60 units per acre, if sound urban design principles are incorporated into the project’s design, where 44 single family detached dwelling units would be allowed under the site’s current land use designation. She also noted that if urban design principles are not incorporated, then development of the site would be limited to a maximum of 439 units at a density of 25 units to the acre. Ms. Davis noted the applicant proffered a CDMP covenant limiting the proposed development to 600 residential units (a density of 34 units per acre), committing to provide Workforce Housing through the zoning process, and acknowledging the requirement to connect to water and sewer including if needed a private pump station. She noted the CDMP Application is being processed concurrently with a separate but related zoning application (Z202300445) seeking approval for 600 units while proffering 12.5% of the units as workforce housing, among other things. She highlighted the staff recommendation is to Adopt with acceptance of the proffered covenant citing the site is primarily vacant and promotes infill development next to and at a density is consistent with that allowed along the Transitway and the adjacent Leisure City urban center, that public services and facilities generally have adequate capacity to serve the site. However, she mentioned SW 167 Avenue is projected to operate in violation of its adopted level of service standard both with and without the project and that the project does not have a significant impact on the roadway, that schools in its preliminary analysis found there is not adequate capacity at the elementary and high school levels, but the final capacity determination will be done at the time of platting. She noted that the Biscayne Shore Community Council did not have enough members to form a quorum and thereby could not hear the application.

Hugo Arza, legal representative of the applicant, restated details of the site, its location west of the Transitway, Harriet Tubman Highway and the SMART Plan Corridor, and the land use designation change request. He noted the ongoing concerns about insufficient supply of affordable housing stating that the application is providing for more housing, including workforce housing, consistent with several policies of the CDMP. He also discussed the preliminary schools capacity deficiency finding and the sewer pump station deficiencies that those issues will be adequately and appropriately addressed later in the development process, as well as the failing roadway that is over ten blocks from the site and not significantly impacted by the project. Mr. Arza reiterated the site is within the SMART Plan corridor, proposes workforce housing along the corridor, noting that the proposed development is 454 units less than the maximum allowed under the CDMP provisions for properties along the Transitway corridor and that a transit station is 250 feet from the site. He explained that the application furthers county policies for increased density along the Transitway to enhance transit ridership to support the significant investments being made in the Transitway infrastructure as well as supporting County efforts to secure federal funding for the corridor. Mr. Arza summed up the provisions of the proffered covenant including the density limitation to a maximum 600 dwelling units, the commitments to providing workforce housing and to utilize sound urban design principles in the project's design, and acknowledgment of "feasible distance" covenants submitted with the concurrent Zoning Application No. Z2023000445 that required connection to water and sewer and provision of a private pump station if required by the proposed development. He concluded by noting the County agencies reviewed the application and had no objections, that staff recommends adoption with the proffered covenant, highlighted the applicant's neighborhood outreach efforts, that the density proposed is lower than the maximum allowed along the Transitway corridor, and urged the Board to recommend adoption of the application with acceptance of the proffered covenant as recommended by staff.

Chair Thomas opened the public hearing for comments and three members of the public spoke in opposition to the application. Residents discussed how this application had been submitted before for the same high-rise apartments less than 3 years ago and was rejected by the Board of County Commissioners, stating the proposed structures do not fit in the estate density and agriculture area, that there is an existing covenant restricting the site to 29 single family units. Residents outlined there are more factors than proximity to the Transitway that are to be considered, such as the neighborhood character, traffic impacts on the limited roadway network, and the quality of life in the single-family neighborhood, stating the height of the proposed development does not fit and that the 700 plus parking spaces being provided is less than required.

In his rebuttal, Mr. Arza noted the residents spoke to a zoning covenant that had the sole purpose of limiting the zoning to the maximum density of the CDMP land use and provided no benefit to the community. He stated circumstances have changed since the zoning application from three years ago that the residents mentioned, including the need for housing, that the application is consistent with the CDMP as noted by staff and urged a recommendation of approval.

Chair Thomas closed the public hearing and opened the Board discussion. Board members questioned whether the residents should rely on the zoning covenant and if the application came before the PAB and BCC before as represented by the residents. Mr. Rowe responded that covenant is zoning covenant limiting development on the site to the density allowed by the CDMP, noting that zoning approvals cannot exceed the maximum density allowed by the CDMP and covenants are a means of ensuring this when the zoning category do not align with the CDMP density maximum. He further noted that circumstances change and the CDMP policies have changed encouraging higher density development within the SMART Plan corridors including the

area where the application is located. Board members also questioned if a mixed-use building on the site could be six (6) stories in height. Mr. Rowe explained that it depends on the zoning category approved for the site as each category has set of criteria including height limits and pointed out that the CDMP does not prescribe height limitations for mixed-use developments but requires compatibility with the surrounding areas, which can be achieved in different ways, including height limitations, and the tapering of buildings as you approach adjacent single family, building setbacks and buffering. Board members also sought further clarification of the mixed-use development allowed and the location of bus stops in relation to the site and Mr. Arza went over the allowance, noted the applicant is not seeking to build mixed-use but an all-residential project and provided the distance to the nearest bus stops. Board members questioned the roadway level of service and if the traffic impact of less than five percent of the roadway capacity volume accounts for transit ridership. Mr. Rowe noted the Transitway is adjacent to the site and the hope is for a greater share of the residents of the development to utilize transit and that the five percent impact threshold is specific to the traffic study in determining when traffic impacts are to be mitigated. Board members made further comments on the zoning issues and mixed-use allowances.

The motion to Adopt with acceptance of the proffered Declaration of Restrictions, as per Staff recommendation, was moved by Board Member Huembes. Board Member McRea seconded the motion. The motion passed 8 to 1 as follows:

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

Frank Lago, Vice Chair, Yes
Ernie Thomas, Chair, Yes

Application No. CDMP20230024

Mr. Mark Dorsey, Principal Planner, noted that the Applicant submitted a revised Declaration of Restrictions (covenant) on Friday, March 29, 2024, committing to reduce the number of units from 277 to 150 units but that staff had not had time to analyze the revised impacts on services, particularly roadways and traffic, therefore his presentation would be based on the original application. Mr. Dorsey stated that the ±21.34-acre application site is located on the north side of SW 316 Street between SW 187 and SW 189 Avenues, is located inside the Urban Development Boundary (UDB) immediately west of the City of Homestead, and is home to “Rancho Grande Castle Rock Farm & Nursery” and “Walker’s Coal Castle,” a County-designated historic site. He explained that the applicant requests to redesignate the site from “Low Density Residential” to “Low Density Residential with One Density Increase (DI-1)” which would increase the maximum number of units that could be built on the application site from 128 single family residential units to up to 277 residential units if sound urban design principles are utilized in the design of the development. He noted the applicant’s proffered covenant commits to utilizing urban design principles of the County’s Urban Design Manual endorsed by Resolution R-1360-98 into the proposed development and doing so would ensure compatibility with existing and surrounding development through the use of landscaping, walls, and fencing, building positioning relative to sidewalks, public spaces, and a variety of architectural features and treatments. Mr. Dorsey noted

the covenant commits to connect to public water and sewer and highlighted certain City of Homestead sewer pump stations that would serve the site are currently under conditional and temporary moratoriums. He stated that the short-term and long-term traffic analyses show that Krome Avenue south of SW 312 Street, and SW 312 Street west of Krome Avenue, would operate below their adopted Levels of Service (LOS) standards and would require mitigation. To conclude, Mr. Dorsey explained that though the application showed merit, the staff recommendation is to deny the application, as no commitment has been proffered to address the roadway impact to these roadways, but highlighted that the applicant was working with County staff to determine the needed mitigation to address the deficiency.

In response to a question from the Board regarding the denial recommendation, Mr. Dorsey reiterated that the staff recommendation is to deny the application due to the traffic impacts to Krome Avenue, which is an evacuation route, and to SW 312 Street, which would significantly be impacted by the 277-unit development analyzed. Clarification was requested to determine whether the applicant had failed to provide mitigation for Krome Avenue and SW 312 Street. Mr. Dorsey replied that the applicant had not failed to provide or offer mitigation, rather that the applicant was working to address staff's finding that mitigation would be required but had not yet made a proffer beyond the reduction in units proposed. Mr. Rowe provided additional context on the County's LOS standards and how staff reviews applications for consistency with the CDMP noting that with the applicants reducing the maximum units allowed from 277 to 150 units was a significant reduction that would be reanalyzed and if traffic mitigation is still required then staff would be looking to the applicants to make a proportionate share mitigation commitment or provide for improving the roadways.

Mr. Hugo Arza, the applicants' legal representative, in response to the Board's questions stated he became aware of the condition on SW 312 Street last week after receiving the staff recommendation report. He explained the applicant anticipated that the proportionate fair share agreement would be addressed at the zoning stage, but were unaware of the impacts to Krome Avenue. He noted that to resolve these traffic impact issues, development of the application site has been limited to 150 units in the new proffered covenant and that the application site currently could be built with 128 units, essentially representing an increase in density from 6 to just over 7 units per acre [a total increase of 22 units]. He acknowledged the density should have been capped when the application was filed and expressed hope that with the lower number of units in the updated covenant, the revised traffic analysis will adequately address the roadway LOS issues. Mr. Arza stated that if the reduction in the number of units and the revised traffic analysis do not solve the LOS issues, then the applicant would enter into a proportionate share agreement.

Mr. Arza proceeded to give an overview of the application noting that the applicant is seeking "Low Density Residential with One Density Increase (DI-1)", which would allow up to 13 units per acre, but the proposed development is at a density of 7.2 units per acre. He highlighted the applicant is incorporating "Walker's Coral Castle" into the project, which previously underwent the Office of Historic Preservation review process and received approval of the development plan. He highlighted the revised covenant conditions and departmental reviews noting there were no objections to the application, and informed the Board of outreach efforts to speak with residents to gain community support. He reiterated they will provide the proportionate share mitigation commitment if necessary to address the impacts.

Chair Thomas asked Mr. Rowe to speak on the applicant's revised covenant and proportionate share agreement. Mr. Rowe replied that a proportionate share agreement commitment would be acceptable and would address the recommendation of denial. Following the presentations, Chair

Thomas opened the floor for public comment. Seeing none, he closed the public hearing and asked the Board if there was any further discussion. There was none.

The motion to Adopt with acceptance of the proffered Declaration of Restrictions, and with the condition that the applicant include a commitment in their covenant to pay any proportionate share mitigation required for roadway improvements, was moved by Board Member Diaz Padron. Board Member Lago seconded the motion. The motion passed 8 to 1 as follows:

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

Frank Lago, Vice Chair, Yes
 Ernie Thomas, Chair, Yes

2023 OUT-OF-CYCLE APPLICATION

Application No. CDMP20230021

Ms. Rosa Davis, Planning Section Supervisor, explained that Application No. CDMP20230021 was filed by Altman Development Company, LLC, for a ±3.26-acre property currently designated “Business and Office” and “Medium Density Residential” on the CDMP adopted 2030 and 2040 Land Use Plan map that allows the site to be developed with 60,895 square feet of retail and 11 multifamily units, or 179 multifamily units if entirely developed as residential. She discussed that the applicant is requesting to redesignate the property to “Business and Office” and “Medium Density Residential with One Density Increase (DI-1)” with sound urban design that would allow the site to be developed with 60,895 square feet of retail and 27 multifamily units, or a maximum 377 multifamily units if developed entirely with residential. She also noted the property is located within ½ mile of the Northeast SMART Plan Corridor to the west, where mixed-use development is allowed at up to 36 units per acre, and along Biscayne Boulevard to the east which is proximate to higher density residential development and to commercial uses.

Ms. Davis highlighted the applicant’s proffered covenant, in addition to limiting development of the site to 366 residential units, is also seeking to amend and restate the conditions of an existing CDMP covenant that currently encumbers the site. She noted the existing covenant requires development of the site to incorporate certain urban design guidelines and includes commitments to: 1) comply with Miami-Dade County Public Schools Concurrency requirements and applicable Educational Impact Fee and Educational Facilities Impact Fee requirements; 2) transit improvements; 3) monetary contribution to improve Biscayne Shores and Gardens Park; 4) 11 workforce housing set-aside units; and 5) water efficiency and use of drought resistant Florida Friendly plants.

Ms. Davis stated that there is a concurrent Zoning Application (No. Z2023000441) to go along with the CDMP application requesting a special exception of a general concept plan for the development of 366 units pursuant to the RTZ Smart Corridor Subzone, a Release of the previous Covenant and to set aside 71 units for workforce housing. Staff is recommending to adopt the

application with acceptance of the proffered amended and restated Declaration of Restrictions, as the application supports development of a vacant site consistent with urban infill policies, compatible with the surrounding higher density multifamily developments and consistent with the density and intensity development promoted within the SMART Plan Corridor.

Mr. Matt Amster, the legal representative of the applicant, noted that the applicant’s goal is to facilitate the development of the vacant lot and provide housing in a mixed use development in an area that is consistent with the proposed development. Mr. Amster explained that the site was previously a part of the 15-acre site that was divided up into three parcels in 2022 and is seeking to develop.

Chair Thomas opened the public hearing for comments. There being no person offering comments, the public hearing was closed.

The motion to Adopt with acceptance of the proffered Declaration of Restrictions was moved by Board Member Losner. Board Member McRea seconded the motion. The motion passed 9 to 0 as follows:

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

Frank Lago, Vice Chair, Yes
Ernie Thomas, Chair, Yes

2024 OUT-OF-CYCLE APPLICATION

Application No. CDMP20240004

Mr. Alexander Dambach, AICP, Planning Development Manager, explained the proposed CDMP text amendment for the Douglas Road Metropolitan Urban Center filed by the Miami-Dade County Department of Regulatory and Economic Resources, seeks to implement Miami-Dade Board of County Commissioners (Board) directive from Resolution No. R-661-23. He noted the application is to amend the CDMP Land Use Element to remove limitations on development and allow all properties within the Douglas Station MUC to be developed in the same manner as properties in other metropolitan urban centers (maximum density of 250 dwelling units per gross acre and floor area ratios [FAR] of at least 0.75 at the urban center edge and greater than 3.0 in the core). He stated staff’s recommendation is to transmit and adopt.

Following staff’s presentation, the Chair opened the public hearing. One person spoke in support of the proposed amendment, stating that the application would further the goals of the CDMP.

There being no discussion by the Board on this application, the Chair called for a motion.

The motion to Transmit and Adopt was moved by Board Member Losner. Board Member Huembes seconded the motion. The motion passed 9 to 0 as follows:

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

Frank Lago, Vice Chair, Yes
Ernie Thomas, Chair, Yes

OVERALL RESOLUTIONS

The motion to adopt the foregoing resolutions was moved by Board Member Losner. Board Member McRea seconded the motion. The motion passed 9 to 0 as follows:

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

Frank Lago, Vice Chair, Yes
Ernie Thomas, Chair, Yes

STAFF ANNOUNCEMENTS

Ms. Stillings reminded the PAB of their next meeting, scheduled for Monday, May 6, 2024 at 2:00 PM. She also reiterated that the financial disclosures for the PAB will be electronic only, and in mid-April PAB members should be receiving an email. Mr. Rowe stressed that by July, if PAB members have not seen the email, to reach out to Staff. County Attorney Morse added that she has already submitted her financial disclosure, and that it may already be available and accessible online without needing to wait for the email.

ADJOURNMENT

Being no further business before the PAB, Chair Thomas adjourned the meeting at 12:59 pm.

Respectfully submitted,

Jerry Bell for

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

A-39



ZONING, LAND USE AND ENVIRONMENTAL LAW

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bfernandez@brzoninglaw.com

VIA ELECTRONIC MAIL

September 21, 2023

Ms. Rosa Davis, Zoning Junior Analyst
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor
Miami, Florida 33128-6096

Re: Ocla, LLC, 19100 SW 177 Avenue – CDMP20230018

Dear Ms. Davis:

This law firm represents Ocla, LLC, the property owner and applicant (the "Applicant") with respect to the above captioned application to amend the Comprehensive Development Mast Plan. Please allow this correspondence to serve as notice that the Applicant supports the rescheduling of the item to the December Board of County Commissioners' meeting.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to phone me at 305-377-6235.

Sincerely,

A handwritten signature in blue ink, appearing to read "B-F", is written over a light blue circular stamp.

Ben Fernandez

BF/bl

MDC145

A-40

Received
1-10-23
RER-Planning



ZONING, LAND USE AND ENVIRONMENTAL LAW

VIA ELECTRONIC MAIL

January 10, 2024

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Ms. Rosa Davis, Zoning Junior Analyst
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor
Miami, Florida 33128-6096

Re: Ocla, LLC, 19100 SW 177 Avenue – CDMP20230018

Dear Ms. Davis:

This law firm represents Ocla, LLC, the property owner and applicant (the "Applicant") with respect to the above captioned application to amend the Comprehensive Development Master Plan Land Use Plan Map. In order to allow the Department an opportunity to review additional information and revisions we have provided, we respectfully request that the Planning Department re-schedule the review of the application by the PAB to March and the County Commission review to April.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to phone me at 305-377-6235.

Sincerely,



Ben Fernandez

BF/bl

MDC146

A-41

Received
April 24, 2024
RER-Planning



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VIA ELECTRONIC MAIL

April 24, 2024

Ms. Rosa Davis, Zoning Junior Analyst
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor
Miami, Florida 33128-6096

Re: Ocla, LLC, 19100 SW 177 Avenue – CDMP20230018

Dear Ms. Davis:

This law firm represents Ocla, LLC, the property owner and applicant (the "Applicant") with respect to the above captioned application to amend the Comprehensive Development Master Plan Land Use Plan Map. We respectfully request that the Planning Department re-schedule the review of the application by the Board of County Commissioners from the April meeting to May meeting.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to phone me at 305-377-6235.

Sincerely,

A handwritten signature in blue ink, appearing to read "B-F", is written over a faint, larger version of the same signature.

Ben Fernandez

BF/bl

MDC147

A-42



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RECEIVED May 8, 2024
Planning Division

VIA ELECTRONIC MAIL

May 6, 2024

Ms. Rosa Davis, Zoning Junior Analyst
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor
Miami, Florida 33128-6096

Re: Ocla, LLC, 19100 SW 177 Avenue – CDMP20230018

Dear Ms. Davis:

This law firm represents Ocla, LLC, the property owner and applicant (the "Applicant") with respect to the above captioned application to amend the Comprehensive Development Master Plan Land Use Plan Map. We understand that the District Commissioner may not be available to attend the upcoming meeting. Accordingly, we respectfully request that the Planning Department re-schedule the review of the application by the Board of County Commissioners from the May meeting to June meeting.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to phone me at 305-377-6235.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B-Fernandez'.

Ben Fernandez

BF/bl

MDC148