

# **Application No. 10**

## **Commission District 8    Community Council 15**

### **APPLICATION SUMMARY**

Applicant/Representative:	Manuel C. Diaz & Live Oak Partners, LLC / Joseph G. Goldstein, Esq., Alan S. Krischer, Esq. & Tracey R. Slavens, Esq.
Location:	Southwest corner of SW 112 Avenue and SW 248 Street
Total Acreage:	35.0 Gross Acres; 31.0 Net Acres
Current Land Use Plan Map Designation:	Office/Residential
Requested Land Use Plan Map Designation:	Business and Office
Amendment Type:	Standard Land Use Plan map
Existing Zoning/Site Condition:	AU (Agricultural District; Residential 5 Acres Gross)/ Tree Farm

### **RECOMMENDATIONS**

Staff:	<b>ADOPT WITH ACCEPTANCE OF PROFERRED COVENANT AND TRANSMIT</b> (August 25, 2008)
South Bay Community Council:	<b>ADOPT WITH ACCEPTANCE OF PROFERRED COVENANT AND TRANSMIT</b> (September 18, 2008)
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>TO BE DETERMINED</b> (October 6, 2008)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 6, 2008)
Final Recommendation of PAB acting as Local Planning Agency:	<b>TO BE DETERMINED</b>
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b>

Staff recommends: **ADOPT WITH ACCEPTANCE OF PROFERRED COVENANT AND TRANSMIT** the proposed standard Land Use Plan (LUP) map amendment to redesignate the

application site from "Office/Residential" to "Business and Office" based on the following considerations.

1. The application site is located within the Urban Development Boundary (UDB) and the proposed land use change would provide commercial and retail services for the existing and proposed residential and office development in the area. The application proposes to change the land use designation of an existing 35-acre palm tree farm from "Office/Residential" to "Business and Office." The application site is situated on the north side of the Homestead Extension of the Florida Turnpike (HEFT)—inside the UDB—and is served by an interchange with the Turnpike at SW 112 Avenue. Two large residential communities, Islandia at Black Point Marina and Villas Del Campos, are located north and northeast of the application site. Baptist Health Systems proposes to construct an office complex on 23-acres immediately east of the application site.

Most of the application site was part of Application No. 6 in the April 2002 CDMP Cycle, which included 29.75 acres of the subject site (referred to as the West Parcel) and a second 24.34-acre parcel of land located on the southeast corner of SW 112 Avenue and SW 248 Street (referred to as the East Parcel). The April 2002 CDMP application originally requested that both parcels be redesignated from "Low Density Residential" to "Business and Office." In the Revised Recommendations Report for the April 2002 CDMP Cycle, staff recommended denial of the change to "Business and Office" and, instead, recommended designating the West Parcel "Office/Residential" and the East Parcel "Business and Office" due to: access problems created by the design of the interchange of SW 112 Avenue and the HEFT; the lack of need for extensive commercial development; and that the "Office/Residential" designation would serve as a suitable transition area between the residentially designated land to the west and the Business/Office type of uses to the east. To insure adequate speeds and safety for traffic entering or exiting the Turnpike, access to these properties is prohibited south of SW 248 Street. The Board of County Commissioners on April 10, 2003 adopted the Staff's recommendation and accepted a separate covenant on each parcel. Application No. 6 of the October 2003 CDMP Cycle expanded the West Parcel to the south by an additional 6.32 acres and included a proffered covenant. Baptist Health Systems has purchased the East Parcel and proposes to construct an office complex with a distribution facility on it. Since the east parcel is no longer available for commercial development, the applicant has requested that the west parcel be redesignated to "Business and Office." The applicant's current request would serve the growing number of residents in the area.

2. Approval of business and office uses at this intersection would be consistent with the CDMP "Guidelines for Urban Form" which provide that major intersections such as this should be planned to serve as Activity Nodes for the surrounding residential communities. This site is located at a major intersection of SW 112 Avenue/Allapattah Road (a half-section line road) which is currently a four-lane undivided road, and SW 248 Street/Coconut Palm Drive (a section line road), which is currently a two-lane undivided road from US 1 to SW 112 Avenue. Coconut Palm Drive in this area carries significant truck traffic to and from the County waste facilities and the marinas 1-1/2 miles to the east.

3. Future (Year 2015) traffic impact analysis indicates that SW 112 Avenue (between U.S. 1 and SW 248 Street) and SW 248 Street (between U.S. 1 and SW 112 Avenue) are projected to operate below their adopted levels of service standards, LOS E and LOS D, respectively. The proposed land use change may be compatible with the existing neighborhood if the applicant phases in the development or limits the number of vehicle trips to the available roadway capacity that would be generated under the existing "Office/Residential" land use designation.
4. The requested land use change does not satisfy a deficiency in the plan, and does not contain environmental or historical resources or features of county significance.

# STAFF ANALYSIS

## Application Site

The application site is located on the southwest corner of SW 112 Avenue and SW 248 Street in the Princeton community in south Miami-Dade County. The 35-acre property is currently designated "Office/Residential" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and is occupied by a palm tree farm that is owned and operated by Manuel Diaz Farms. The application site is located within the Urban Development Boundary (UDB), but is bounded by the UDB on the south. The zoning on the site is Agriculture (AU), which permits one residential unit per five acres.

## Land Use and Zoning History

The application site was included in the April 2002 CDMP Cycle, of which the applicant (Manuel C. Diaz) requested a land use change from "Low Density Residential" to "Business and Office" on two parcels totaling 54.09-acres: the West Parcel, which is the current application site and the East Parcel, located on the southeast corner of SW 112 Avenue and SW 248 Street. At the time, the applicant requested the land use change in order to permit community-oriented retail to accommodate the large amount of residential land in the immediate area, given that the majority of business and office properties in the area were located more than two miles west along US 1.

The Department of Community Affairs (DCA) in their Objections Recommendations and Comments Report (ORC) raised an objection to the proposed land use change on the grounds that the amendment did not provide adequate data and analysis to demonstrate a need for additional commercial land within MSA's 7.1 & 7.4, where the amendment site is located. DCA recommended that the analysis be revised to provide a more comprehensive assessment of need. DCA also stated that, based on the market area, the needs analysis would have been most appropriate at the Tier level or should have included MSAs 7.1, 7.2 and 7.4 to most accurately reflect the potential market area. The DP&Z recommended denial of the change to "Business and Office" and, instead, recommended designating the West Parcel to "Office/Residential" and the East Parcel to "Business and Office". Reasons for the changes included: access problems created by the design of the interchange of SW 112 Avenue and the Turnpike; the lack of need for extensive commercial development; and the Office/Residential designation would serve as a suitable transition area between the residentially designated land to the west and the Business/Office type uses to the east.

East Parcel: The East Parcel (located at the southeast corner of SW 112 Avenue and SW 248 Street) has a recorded Declaration of Restrictions (covenant) which states that: 1) retail uses will satisfy the essential needs of the surrounding residential community and provide specialized commercial facilities to serve several communities; however, nothing in the covenant would preclude BU-2 or BU-3 zoning districts from being approved on the property; 2) the owner will develop the property in accordance with coordinated design principles indicated in "Exhibit C" of the covenant; and 3) the owner will proffer a site plan for the entire property that complies with the design guidelines at the time of initial rezoning.

West Parcel: The West Parcel (the current application site) included a Declaration of Restrictions (covenant) which conditions the property as follows: 1) the property will be developed with a mix of office, community/institutional uses, including residential, subject to zoning and other approvals; 2) residential development will include a minimum of 70 units,

including residences above non-residential buildings; 3) the owner shall diligently pursue at least two “residential requests” in order to provide onsite housing; and, 4) the applicant will follow design guidelines (“Exhibit C” of the covenant) at the time of rezoning.

During the October 2003 CDMP Cycle, the West Parcel was amended (Application No. 6) to include a 6.32-acre lot immediately south of the West Parcel. The 6.32-acre property was re-designated from “Low Density Residential” to “Office/Residential” and included a separate covenant providing for the following conditions: 1) the property will be developed to assure a high quality and unified development in accordance with design guidelines (Exhibit C of the covenant) and the owner will proffer a site plan for the entire unified property (West Parcel) at the time of rezoning; or, 2) the owner, will submit alternative design guidelines (in accordance with Exhibit C of the covenant) in addition to a covenant acceptable to the County Attorney’s Office.

#### Declaration of Restrictions

The applicant, as part of the application has requested that the existing covenants on the West Parcel be deleted, and has submitted a new Declaration of Restrictions (covenant) for the property. The new covenant states that the owner, subject to zoning and other approvals, agrees to develop the property with a mix of retail, office and community/institutional uses to satisfy the surrounding community’s needs, including specialized commercial facilities that may serve several communities. The covenant also provides that the owner is permitted to provide additional uses, beyond those stated, that are consistent with the CDMP. The covenant incorporates design guidelines which include: a significant internal roadway; continuous pedestrian-friendly walkway in front of retail buildings along the internal roadway and any intersecting commercial streets; landscaping within parking areas; established sign criteria and standards; minimize large wall expanses on buildings; building storefronts will have a 33% transparency along pedestrian corridors; uniform street furniture; no single retail space will be developed in excess of 95,000 square feet and the remaining individual retail spaces will have a maximum of 75,000 square feet; and the development pattern will incorporate elements of the Miami-Dade County urban design guidelines.

It is important to note that the submitted covenant does not require the applicant to build residential units at the site, as was proffered in the previous covenant, but does not prohibit the development of the site as residential

### **Adjacent Land Use and Zoning**

#### Existing Land Use

Immediately north of the application site is Islandia at Blackpoint Marina, a single-family detached residential subdivision. A CVS drugstore is located on the northeast corner of SW 112 Avenue and SW 248 Street. East of the CVS is Villas Del Campos, a residential subdivision comprised of single-family attached and detached homes. The land east of the site is comprised of a palm tree farm recently purchased by Baptist Health Systems of Florida, Inc.; and the land west of the application site is an undeveloped tract with residential zoning that was purchased by MD Holdings II LLC. To the south of the application site is the Homestead Extension of the Florida Turnpike (HEFT)/SR821 Ramp which also forms the UDB in this area. The land south and east of the HEFT, outside the UDB, is agricultural.

## Land Use Designations and Zoning

The land area to the north and west of the application site is designated "Low Density Residential (2.5-6 DU/Gross Acre)" on the LUP map with the land north of the subject site zoned RU-1 (Single Family Residential District; 7,500 Sq. Ft. Net) and the land to the west zoned RU-3M (Minimum Apartment House District; 12.9 DU/Net Acre). The land to the east and northeast of the site is designated "Business and Office," with the land to the northeast zoned the BU-1A (Limited Business District) and the land to the east zoned Agriculture. The HEFT rights-of-way to the south are designated as "Transportation" with the properties south of the HEFT designated as "Agriculture". All lands to the south of the site are zoned Agriculture.

## **Supply & Demand**

### Commercial Land Analysis

The Analysis Area, Minor Statistical Area's (MSA) 7.1 and 7.4, contained 710.4 acres of active commercial land and 350.7 acres of vacant commercial land in July 2008. The average annual absorption rate projected for the 2008-2025 period is 19.70 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned and designated land beyond the year 2025 (See Table 10A).

Table 10A  
Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
Analysis Area Application 10

Analysis Area MSA	Vacant Commercial Land 2008 (Acres)	Commercial Acres in Use 2008	Annual Absorption Rate 2008-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres <u>per Thousand</u> <u>Persons</u>	
					2015	2025
7.1	105.3	322.5	5.08	2025+	5.6	4.3
7.4	245.4	387.9	14.62	2025+	6.1	4.3
<b>Total</b>	<b>350.7</b>	<b>710.4</b>	<b>19.70</b>	<b>2025+</b>	<b>5.9</b>	<b>4.3</b>

Source: Miami-Dade County Department of Planning & Zoning, Planning Division, Research Section, August 2008.

## **Environmental Conditions**

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

**Flood Protection**

County Flood Criteria, National Geodetic Vertical Datum (NGVD)	+5.0 feet
Stormwater Management Drainage Basin	Surface Water Management Permit C-1 (Black Creek) Canal
Federal Flood Zone	AE – 7
Hurricane Evacuation Zone	Within the 100-year floodplain
	NO

**Biological Conditions**

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

**Other Considerations**

Within Wellfield Protection Area	NO
Archaeological/Historical Resources	NO
Hazardous Waste	NO

**Drainage and Flood Protection:**

The application site lies within Flood Zone AE with a base flood elevation of 7.0 feet NGVD, according to the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County (County). According to the County's flood criteria, the site shall be filled to a minimum elevation of 5.0 feet and requires an additional 8 inches for residential and 4 inches for commercial structures. However, if the County flood elevation is less than the base flood elevation established by the FIRM maps, the higher elevation will be used.

According to the Miami-Dade County Department of Environmental Resources Management (DERM), a retention/detention system adequately designed to contain the run-off generated by a 5-year storm event onsite is required for this application. Additionally, no off-site discharge of stormwater is permitted. Due to the site's size and lot coverage potential, a Surface Water Management Permit must be obtained prior to any development of the site.

**Specimen Trees**

An inspection performed by DERM staff on June 24, 2008 revealed several royal and silver fan palm specimen-sized trees (trunk diameter 18 inches or greater) on the application site. Section 24-49 of the Miami-Dade County Code (Code) provides for the preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees.

## Water and Sewer

### Water Supply

The Biscayne Aquifer is the primary water supply source for the millions of people living in South Florida. However, overuse of this aquifer has resulted in lowered water levels in the Everglades, which is inconsistent with the goals of the Comprehensive Everglades Restoration Project (CERP), which is designed to restore and preserve the water resources of the South Florida ecosystem, including the Everglades. In 2005, the South Florida Water Management District (SFWMD) promulgated new rules that prohibited withdrawals from the Biscayne Aquifer to accommodate future development. The SFWMD requires that all future development be linked to new water supply sources, either through alternative water supply or reuse projects.

On November 15, 2007, the Governing Board of the SFWMD approved Miami-Dade Water and Sewer Department's (WASD) 20-year water Consumptive Use Permit (CUP). WASD's implementation of a number of alternative water supply and reuse projects is an essential component of the CUP. As stated above, all future growth in County must rely on water from alternative sources or Biscayne water, which has been replenished by reused or reclaimed water. In April 2007, the Board of County Commissioners (Board) adopted alternative water supply and reuse projects into the Capital Improvements Element of the CDMP in the amount of \$1.6 billion dollars. This commitment by the Board fully funds the projects, which are outlined in SFWMD's Lower East Coast Regional Water Supply Plan and the County's CUP. A summary of these projects can be found under Objective WS-7 of the CDMP (Water Supply Facilities Workplan).

<b>Estimated Water Demand by Land Use Scenario</b>				
Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami- Dade Code)	Projected Water Demand (gpd)
<b>CURRENT USE</b>				
1	SF Residential attached	460 units	250 gal/unit	115,000
2	Commercial	682,149 sf	10 gal/100 sf	68,215
<b>PROPOSED USE</b>				
1	Commercial	545,719 sf	10 gal/100 sf	54,572
2	SF Residential attached	460 units	250 gal/unit	115,000

Based on the above table, the maximum water demand for the current allowed uses, under the residential scenario, is estimated at 115,000 gallons per day (GPD). Under proposed Scenario 2 the maximum water demand for a residential development is also estimated at 115,000 GPD, therefore no increase in water demand is expected.

The assessment of available water supply, as it relates to comprehensive plan amendments, is difficult given that there is no specific timing of the development. Therefore, to determine if adequate water supply will be available for the proposed amendment, an assumption of three years for project completion from final comprehensive plan amendment approval is made, for



this project the year 2012 will be used. This timeframe allows for rezoning of the property, platting of property, permitting and construction. Additionally, this is the timeframe for which concurrency is applied.

Figure 5-1 (Alternative Water Supply and Wastewater Reuse Projects 2007-2030) of the Water and Sewer sub-element in the CDMP, indicates that the Phase 1 of the Hialeah Floridan Aquifer Reverse Osmosis (R.O.) Water Treatment Plant (WTP) will be completed in 2012. This project will yield 8.5 million gallons per day and will ensure adequate water supply for the County's interconnected system. The Table 5-2 - Finished Water Demand by Source of the Water Supply Facilities Work Plan Support Document indicates that there will be no water deficit after the normal growth of the County is accommodated in the year 2012 or through the year 2030.

It should be noted that WASD is developing an allocation system to track water demands from platted and permitted development. This system will correspond to the system used by DERM to track sewer flows to pump stations and wastewater treatment facilities. The water allocation system requires all development within the WASD utility service area to obtain a letter from WASD stating that adequate water supply capacity is available for the proposed project prior to approval of development orders. WASD's water allocation system is anticipated to be operational in late 2008.

#### Potable Water

The County's adopted level of service (LOS) standard for water treatment requires that the regional treatment system operate with a rated maximum daily capacity of no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily system demand for the preceding 5 years. The water treatment plant servicing the application site area is WASD's Alexander Orr Water Treatment Plant. Based on the 12-month data provided by DERM, the water treatment plant currently has a DERM rated treatment capacity of 214.7 MGD and a maximum plant production of 196.2 MGD. As a result, this treatment plant has 18.5 MGD or 8.6% of treatment plant capacity remaining. Additionally, this plant has a 12-month average day demand of 159.1 MGD, which is well within 2 percent of the plant's 199.2 MGD permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service is provided by WASD through existing 16-inch and 12-inch water mains that abut the application site. Based on a maximum water demand development scenario, Scenario 2 as noted under Water Supply, it is estimated that this application site will have an estimated water demand of 115,000 GPD; a demand that could be generated under the current land use designation. Therefore approval of the application will not decrease the water treatment plant capacity more than development that is allowed under the current designation.

#### Wastewater Facilities

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system operate with a capacity that is two percent above the average daily per capita flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow. Ultimate disposal of sewage flows from the application site is the South District Wastewater Treatment Facility, which has a design capacity of 112.5 MGD and an 12-month average flow (ending April 2008) of 98.53 MGD or 87.6% of the plant's design capacity.

Based upon the residential development scenario (discussed under the Water Supply section), it is estimated that this site will generate sewage flows of 115,000 GPD; flows, which could be realized under the current land use designation. These estimated flows will reduce the plant's capacity to 87.68% of the plant's design capacity and will not cause the adopted LOS standard to be exceeded

The closest available public sanitary sewer line to the application site is an existing 24-inch force main along SW 248 Street. According to WASD, sewage flows from this site would be connected by private pump station to this force main. Flows are then directed to Pump Station 30-1107, which is currently operating within mandated criteria set forth in a Florida Department of Environmental Protection consent decree.

### **Solid Waste**

The application site is located inside the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collections. The adopted LOS standard for the County Solid Waste Management System is 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 issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. Currently the County exceeds the minimum standard by two (2) years. A review of the application by the DSWM indicates that development of this site will have minimal impact on the current capacity and will not cause the LOS standard for solid waste to be exceeded.

The closest Department of Solid Waste Management (DSWM) facility is the South Miami-Dade Landfill (24000 SW 97th Avenue), located approximately two miles from the application site. Under the DSWM's current policy, County and municipal collection operations, and permitted private haulers are allowed the use of this type of facility. The DSWM has indicated that the request will have minimal impact on collection services. The impact on the disposal and transfer facilities would be incremental with the cumulative cost of providing disposal capacity for DSWM collection operations, private haulers and municipalities paid for by the users. Therefore DSWM is capable of providing such disposal service.

### **Parks**

The LOS standard for the provision of recreation open space provides for 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas; and adds that the County must provide open space of five acres or larger within three miles from a residential area. This application is in Park Benefit District 3 (PBD3), which has a surplus capacity of 97 acres when measured by the County concurrency LOS standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in the unincorporated municipal service area. The local parks within a two-mile radius of this application site are listed below.

**County Local Parks  
Within a 2 Mile Radius of Application Area**

Name	Park Classification	Acreage
Rock Pit 57	Neighborhood Park	10.0
Goulds Park	Community Park	20.0
Goulds Wayside Park	Neighborhood Park	2.9
Kevin Broils Park	Neighborhood Park	5.24
Lincoln City Park #1	Mini Park	1.0
Lincoln Estates Park	Mini Park	.8
Palm Glades Park	Neighborhood	9.76
Pine Island Lakes Park	Neighborhood Park	17.98 (largely water)
Princetonian Park	Neighborhood Park	6.5
Sharman Park	Neighborhood Park	2.06

Source: Miami Dade Parks and Recreation Department, July 2008

This application will not result in any population increase from what the site could generate under its current designation. However, any development will have an impact on day-time population in an area that is rapidly developing and has few nearby recreation open space opportunities.

The Park and Recreation Department (PARC) is committed to increasing available recreation open space and facilities in this area, and recommends that any future development proposed for this site take the goals and principles of the County's Open Space System Master Plan into account.

### **Fire and Rescue Service**

Miami-Dade County Fire Rescue Station 34, Cutler Ridge, located at 10850 SW 211 Street, currently serves the application site. This station is equipped with a 60' Basic Life Support (BLS) Aerial and a Rescue unit, and is continuously staffed with seven firefighters/paramedics. Planned Station 70, which will be located at SW 248 Street and SW 114 Place, is scheduled for completion in 2011.

According to 2007 Miami-Dade County Fire Rescue Department (MDFR) data, average travel time to incidents in the vicinity of the application site is approximately 4 minutes and 11 seconds for life threatening emergencies. This average travel time is within an acceptable range for response times according to the National Fire Prevention Code. No response time data was reported for structure fires.

The current CDMF designation allows a potential development that will generate a total of 150 annual alarms. Under the requested CDMF designation, potential development is anticipated to generate a total of 162 annual alarms. According to MDFR, this will result in a severe impact to existing fire rescue services. Under the MDFR evaluation system, 1 - 30 annual alarms would have minimal impact to Fire and Rescue services, 31 - 69 annual alarms would have a moderate impact, and 70+ annual alarms would have a severe impact.

A severe impact rating does not mean that MDFR cannot meet the demands with current staffing or equipment levels, it is only an indication of the average quantity of alarms expected

from an application when built. If MDRF needs additional personnel or equipment to ensure that level of service standards for fire protection is met, then that will be specifically mentioned in the analysis.

The required fire flow for the proposed CDMP designation is as follows: business uses 3,000 GPM at 20 pounds per square inch (PSI) residual on the system; office uses is 1,500 GPM. Additionally, each fire hydrant shall deliver no less than 750 GPM. Fire flows in this area must meet the required pressures; however, testing of the water lines that will service this site will be performed at the development stage.

## Public Schools

The proposed application is for Business and Office and proffers a covenant; however, this covenant does not prohibit residential uses at the site. Therefore approval of this application may have impacts to the school system. The following analysis of schools is provided should the application be approved and the site developed for residential uses.

Miami-Dade County anticipates adopting a concurrency level of service (LOS) standard for public school facilities in the near future. At the time of review of this application a concurrency LOS standard for public schools has not been adopted and in place. The evaluation of development based on a concurrency methodology may differ from the current method of assessing the development impact on public schools. The current methodology requires collaboration with the Miami-Dade County School Board if the proposed development results in an increase of Florida Inventory of School Houses (FISH) utilization in excess of 115% at any of the schools of impact. The evaluation of this application on the surrounding schools is presented below.

School	2007 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
Naranja Elementary	607	750	660	92%	114%
Redland Middle	1,161	1,227	1,309	89%	94%
Homestead Senior	2,513	2,603	3,167	79%	87%

\* Student population increase as a result of the proposed development

Notes: 1) Figures above reflect the impact of the class size amendment.  
2) Pursuant to the Interlocal Agreement, none of the schools meet the review threshold.

Students generated by this application will attend those schools identified in the above table. This table also identifies the school's enrollment as of October 2007, the school's FISH capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage.

This application, if approved, will increase the potential student population of the schools serving the application site by an additional 24 students. Eleven students will attend Naranja Elementary, increasing the FISH utilization from 92% to 114%; 6 students will attend Redland Middle, increasing the FISH from 89% to 94%; and 7 students will attend Homestead Senior

High, increasing the FISH utilization from 79% to 87%. None of the schools will exceed the 115% FISH design capacity threshold set by the current Interlocal Agreement. Currently there is one new school, Coconut Palm K-8 Center scheduled to open 2008-09.

## **Roadways**

Access to the application site may be from SW 112 Avenue, a four-lane divided arterial, and SW 248 Street, a two-lane east-west roadway. SW 112 Avenue provides access to the HEFT and South Dixie Highway (US-1), two major north-south corridors connecting to the rest of the County. Major east-west arterials in the vicinity of the application site include: SW 216, SW 232, SW 248, SW 268, and SW 280 Streets. SW 248 Street provides access to US-1 and other north-south arterials such as SW 87 Avenue, SW 112 Avenue, SW 127 Avenue, and SW 134 Avenue.

The Department, in cooperation with the County's Public Works Department (PWD) and the Metropolitan Planning Organization (MPO), performed traffic impact analyses to assess the impacts that Application No. 10 would have on the roadways adjacent to the Application site and the surrounding roadway network. The analyses were based on the potential maximum development that could occur under the requested "Business and Office" land use designation. Two development scenarios were analyzed. Scenario 1 assumed the Application site developed with commercial use (545,719 sq. ft. of retail space); and Scenario 2 assumed the Application site developed with residential use (460 single-family attached dwelling units). Residential development may be authorized to occur in the "Business and Office" land use category at a density up to one density higher than the LUP-designated density of the adjacent or adjoining residentially designated area (CDMP Land Use Element, page I-42).

It should be pointed out that the applicant, Manuel C. Diaz, submitted, along with the application, a declaration of restrictions (covenant) stating his intentions of developing the application site (property) with mix of uses, which will include retail, office and community/institutional uses. Community uses may include community or government offices, community center; public, charter or private elementary or secondary schools; park/recreational uses; etc. However, no development program was provided in the covenant that would allow county staff to evaluate the impact of a mixed-use development.

## **Study Area**

The Study Area analyzed extends to SW 216 Street/Hainlin Mill to the north, SW 87 Avenue to east, SW 268 Street/Moody Drive to the south, and South Dixie Highway/US-1 (US 5) to the west.

## **Existing Conditions**

The roadway operating conditions, levels of service (LOS), are represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

The major roadways within the study area are currently operating at or above the adopted LOS standards during the peak period, with the exception of SW 87 Avenue between SW 184 to SW 232 Streets. This roadway segment is currently operating at LOS E, below its adopted LOS D standard. All other roadways within the study area that are currently monitored show acceptable level of service conditions. The "Existing Traffic Conditions" table, below, lists the existing operating peak period levels of service for the roadways within the Study Area.

Existing Traffic Conditions				
Roadway Number of Lanes and Peak Period Level of Service (LOS)				
Roadway	Location/Link	Lanes	LOS Std.	LOS
HEFT (SR 821)	SW 137 Avenue to SW 112 Avenue	4 LA	D	B (06)
	SW 112 Avenue to SW 216 Street	4 LA	D	A (06)
South Dixie Hwy (US-1/SR 5)	SW 216 Street to SW 248 Street	4 DV	E+20%	C (06)
	SW 248 Street to SW 268 St	4 DV	E+20%	C (07)
SW 87 Avenue	SW 184 Street to SW 232 Street	2 UD	D	E (07)
SW 112 Ave (SR 989)	US-1 to SW 248 Street	4 DV	E	B (06)
	SW 248 Street to HEFT	4 DV	E	B (06)
SW 137 Avenue	US-1 to HEFT	2 UD	D	C (07)
SW 216 Street	SW 112 Avenue to Old Cutler Road	4 DV	D	C (07)
SW 220 St/Old Cutler Rd	US-1 to SW 216 Street	2 UD	D	C (07)
SW 248 Street	US-1 to SW 112 Avenue	2 UD	D	B (07)
SW 268 Street	SW 127 Avenue to SW 137 Avenue	4 DV	D	B (07)
	SW 137 Avenue to US-1	4 UD	D	B (07)

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Miami-Dade County Public Works Department and Florida Department of Transportation, July 2008.

Note: () in LOS column identifies year traffic count was updated or LOS traffic analysis revised

DV= Divided Roadway, UD= Undivided Roadway, LA= Limited Access

LOS Std. means the adopted minimum acceptable peak period Level of Service standard for all State and County roadways (Policy TC-1B, Comprehensive Development Master Plan).

### Trip Generation

The "Estimated Peak Hour Trip Generation" table, below, identifies the estimated number of PM peak hour trips that would be generated by the two potential development scenarios (Scenario 1 and Scenario 2) that were analyzed under the current and requested Future Land Use Plan map categories. If the Application site were developed with commercial use only (545,719 sq. ft. of retail use) under the requested "Business and Office" land use designation, it would generate approximately 620 more PM peak hour trips than the potential office use (682,149 sq. ft. of office space) that could occur under the current "Office/Residential" land use designation. On the other hand, if the Application site were developed with residential use only (460 single-family attached units) under the requested land use designation - the same number of units could also be developed under the existing land use designation; it would generate approximately 423 PM peak hour trips. Therefore, the net PM peak hour trips between the potential residential development, under the proposed land use, and the potential residential development, under the current land use designations, would be zero. See table below.

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

Application Number	Assumed Use For Current CDMP Designation/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
10 (Scenario 1)	Office/Residential (682,149 sq. ft., office) <sup>1</sup>	Business and Office (545,719 sq. ft., retail space) <sup>2</sup>	
	843	1,463 <sup>3</sup>	+620
10 (Scenario 2)	Office/Residential (Residential Use) 460 Single-Family Units <sup>1</sup>	Business and Office (Residential Use) 460 Single-Family Units <sup>2</sup>	
	423	423	0

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works Department, July 2008.

Notes <sup>1</sup> Under the current "Office/Residential" land use designation the application site can be developed with office or residential uses.

<sup>2</sup> Under the current "Business and Office" land use designation the application site can be developed with commercial residential uses.

<sup>3</sup> Includes pass-by trips adjustment factor, ITE Trip Generation, 7th Edition, 2003.

Scenario 1 assumes the Application site developed with 545,719 square feet of retail under the requested "Business and Office" land use designation.

Scenario 2 assumes the Application site developed with 460 single-family attached units under the requested "Business and Office" land use designation.

#### Traffic Concurrency Evaluation

A recent evaluation of peak period traffic concurrency conditions as of July 8, 2008, which considers reserved trips from approved development not yet constructed and programmed roadway capacity improvements, predicts that the roadways in the vicinity of the application site will operate at or above their adopted LOS standards. With the application's impacts, under each potential development scenario, the roadways in the vicinity of the Application site are projected to continue to operate below their adopted LOS standards. However, traffic conditions on SW 248 Street, between US-1 and SW 147 Avenue, are projected to deteriorate from LOS C to LOS D with both development scenarios; and US 1, between SW 112 Avenue and SW 304 Street, is projected to deteriorate from LOS E+12% to LOS E+19% and LOS E+14% under Scenarios 1 and 2, respectively. See "Traffic Impact Analysis" table below.

#### Future Conditions

Several roadway capacity improvements are programmed for construction within the Study Area in the 2009 Transportation Improvement Program (TIP), and are listed in the "Roadway Capacity Improvement Projects" table below.

The Miami-Dade Transportation Plan to the Year 2030 lists as a Priority II (2010 – 2015) project, the provision of Intelligent Transportation System (ITS) along SW 112 Ave. between US 1 and the HEFT, and as Priority IV (2021 – 2030) projects the widening from 4 to 6 lanes of the HEFT from SW 216 St. to US 1 and the addition of turn lane on SW 268 St. from US 1 to SW 112 Ave.

Traffic Impact Analysis on Roadways Serving the Amendment Site  
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std. <sup>1</sup>	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Scenario 1 <sup>2</sup> : Business and Office (Commercial Use)												
1095	SW 112 Ave.	US-1 to SW 248 St.	4 DV	E	3,390	2,142	B	412	B	772	3,326	D (06)
50	SW 112 Ave.	HEFT/SR 821 to SW 248 St.	4 DV	E	3,390	1,362	B	954	B	437	2,753	B (06)
9738	SW 112 Ave.	SW 268 St. to HEFT	4 DV	D	1,950	1,561	B	118	B	13	1,692	B (07)
2258	HEFT/SR 821	SW 137 Ave. to SW 112 Ave.	4 LA	D	6,510	2,374	B	181	B	33	2,588	B (06)
2264	HEFT/SR 821	SW 112 Ave. to SW 216 St.	4 LA	D	6,510	1,929	A	283	A	391	2,603	B (06)
9916	SW 248 St.	US-1 to SW 147 Ave.	2 UD	D	810	548	C	121	C	44	713	D (07)
9971	US-1/S Dixie Hwy.	SW 112 Ave. to SW 304 St.	4 DV	E+20%	4,068	2,893	B	892	E+12%	254	4,039	E+19%(07)
Scenario 2 <sup>3</sup> : Business and Office (Residential Use)												
1095	SW 112 Ave.	US-1 to SW 248 St.	4 DV	E	3,390	2,142	B	412	B	168	2,722	B (06)
50	SW 112 Ave.	HEFT/SR 821 to SW 248 St.	4 DV	E	3,390	1,362	B	954	B	126	2,442	B (06)
9738	SW 112 Ave.	SW 268 St. to HEFT	4 DV	D	1,950	1,561	B	118	B	4	1,683	B (07)
2258	HEFT/SR 821	SW 137 Ave. to SW 112 Ave.	4 DV	D	6,510	2,374	B	181	B	9	2,564	B (06)
2264	HEFT/SR 821	SW 112 Ave. to SW 216 St.	4 DV	D	6,510	1,929	A	283	A	113	2,325	B (06)
9916	SW 248 St.	US-1 to SW 147 Ave.	2 UD	D	810	548	C	121	C	13	682	D (07)
9971	US-1/S Dixie Hwy.	SW 112 Ave. to SW 304 St.	4 DV	E+20%	4,068	2,893	B	892	E+12%	74	3,859	E+14%(07)

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, July 2008.

Notes: LA = Limited Access; UD = Undivided Roadway; DV = Divided Roadway; () identifies year traffic count was taken

<sup>1</sup> County adopted roadway level of service standard applicable to the roadway segment.

<sup>2</sup> Scenario 1 assumes Application site developed with 545,719 square feet of retail space under the requested land use designation.

<sup>3</sup> Scenario 2 assumes Application site developed with 460 single-family dwelling units under the requested land use designation.



Roadway Capacity Improvement Projects  
2009 Transportation Improvement Program

Segment	From	To	Type of Improvement	Funding
SW 107 Ave	SW 232 Street	SW 236 Street	4 lanes divided	Private
SW 112 Ave	SW 232 Street	SW 244 Ter.	Intersection improvement and resurfacing	Private
SW 117 Ave	SW 232 Street	SW 236 Street	4 lanes divided	Private
SW 117 Ave (W. Side)	SW 236 Street	SW 242 Street	2 of 4 lanes divided	Private
SW 117 Ave (E. side)	SW 238 Street	SW 240 Street	2 of 4 lanes divided	Private
SW 137 Ave	HEFT	US-1	Widen: 2 to 4 lanes	2009-2012
SW 137 Ave (W. side)	SW 260 Street	SW 264 Street	2 of 4 lanes divided	Private
SW 232 St (S. side)	SW 117 Ave.	SW 119 Ave.	4 lanes divided	Private
SW 232 St (S. side)	SW 117 Ave.	SW 112 Ave.	2 of 4 lanes divided	Private
SW 232 St (S. side)	SW 112 Ave.	SW 107 Ave.	2 of 4 lanes divided	Private
SW 248 St.	SW 121 Place	SW 122 Court	Left turn lane	Private
SW 268 St./SW 264 St.	SW 147 Ave.	SW 112 Ave.	Roadway Improvements	2008-2013
SW 264 St (N. side)	SW 137 Ave.	SW 138 Ave.	2 of 4 lanes divided	Private

Source: 2009 Transportation Improvement Program, Metropolitan Planning Organization, May 22, 2008.

Only the major roadways within the study area were analyzed for projected traffic conditions in the year 2015. The roadways projected to operate below the adopted LOS standards are listed in the "2015 Volume-to-Capacity (V/C) Ratios" table below. The V/C ratio is a representation of the roadway volumes proportionate to the roadway capacity and is an expression of the roadway LOS. The correlation between roadway LOS and the V/C ratio is as follows: V/C ratio less than or equal to 0.70 is equivalent to LOS B or better, V/C ratio of 0.71 to 0.80 is LOS C, V/C ratio of 0.81 to 0.90 is LOS D, V/C ratio of 0.91 to 1.0 is LOS E, and V/C ratio of more than 1.0 is LOS F.

In the year 2015, several roadway segments in the vicinity of the Application site and within the Study Area are projected to operate below their adopted LOS standards, with and without the Application's impacts. These roadways, listed in the "2015 Volume-to-Capacity (V/C) Ratios" Table, are: the HEFT, South Dixie Highway (US 1), SW 112 Avenue, SW 137 Avenue, SW 216 Street, SW 224 Street, SW 232 Street, and SW 248 Street. With the exception of the HEFT and SW 216 Street, from the HEFT to Old Cutler Road, all the above-mentioned roadway segments are projected to operate at LOS F, with and without the impacts of the application. The HEFT is projected to operate at LOS E (0.94 and 0.96), with and without the application impacts, respectively; and SW 216 Street is projected to operate at LOS F (1.03), with and without the application's impacts.

#### Application Impact

No roadway segments adjacent to the application site currently exceed the adopted LOS standard applicable to the roadways. However, SW 87 Avenue, on the eastern boundary of the study area, is currently operating at LOS E in violation of the adopted LOS D standard applicable to that roadway.

Application No. 10  
2015 Volume-to-Capacity (V/C) Ratios  
Roadways Projected to Violate their Adopted Level of Service (LOS) Standards

Roadway Segment	No. Of Lanes <sup>1</sup>	Adopted LOS Standard <sup>2</sup>	V/C Ratio <sup>3</sup> W/O Applic. 10	Projected 2015 LOS W/O Applic.	V/C Ratio With Applic. 10 (Scenario 1 <sup>4</sup> )	Projected 2015 LOS W/ Scenario 1.	V/C Ratio With Applic. 10 (Scenario 2 <sup>5</sup> )	Projected 2015 LOS W/ Scenario 2
HEFT (SR 821) from SW 137 Ave. to SW 112 Ave.	4LA	D	0.94	E	0.96	E	0.94	E
South Dixie Hwy (SR 5) from SW 216 S. to SW 248 St.	4DV	E+20%	1.08 – 1.35	E+8% - E+35%	1.05 – 1.33	E+5% - E+33%	1.07 – 1.34	E+7% - E+34%
South Dixie Hwy. from SW 139 Ave. to SW 248 St.	4DV	E+20%	0.95 – 1.20	E – E+20%	0.95 – 1.21	E – E+21%	0.95 – 1.20	E – E+20%
SW 112 Ave. (SR 989) from US 1 to SW 248 St.	4DV	E	1.01 – 1.50	F	1.04 – 1.53	F	1.04 – 1.51	F
SW 137 Ave. from US-1 to HEFT	4DV	D	0.79 – 1.72	C - F	0.77 – 1.77	C - F	0.77 – 1.74	C - F
SW 216 Street from the HEFT to Old Cutler Road	4DV	D	0.92 – 1.03	E - F	0.91 – 1.03	E - F	0.92 – 1.03	E – F
SW 216 Street from US-1 to SW 112 Ave.	4DV	D	0.54 – 0.95	A - E	0.62 – 1.02	A - F	0.54 – 0.94	A - E
SW 224 Street from Old Cutler Rd. to SW 97 Ave.	4DV	D	1.28	F	1.29	F	1.28	F
SW 232 Street from SW 97 Ave. to SW 87 Ave.	4DV	D	0.86 – 1.02	D - F	0.85 – 1.04	D - F	0.85 – 1.01	D - F
SW 248 Street from US 1 to SW 112 Ave.	4DV	D	0.72 – 1.01	C - F	0.80 – 1.19	C - F	0.71 – 1.14	C - F

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Metropolitan Planning Organization & Gannet Fleming, Inc., July 2008.

Notes: <sup>1</sup> Based on roadway improvements programmed in the 2009 Transportation Improvements Program and Priority I and II projects in the 2030 Long Range Transportation Plan.

<sup>2</sup> County adopted roadway level of service standard applicable to the roadway segment.

<sup>3</sup> V/C ratios obtained from the Florida Standard Urban Transportation Modeling Structure (FUSMS) travel demand-forecasting model for Year 2015.

<sup>4</sup> Scenario 1 assumes Application site developed with 545,719 square feet of retail space under the requested land use designation.

<sup>5</sup> Scenario 2 assumes Application site developed with 460 single-family dwelling units under the requested land use designation.

The “Estimated Peak Hour Trip Generation” table above identifies the estimated number of PM peak hour trips to be generated by the potential developments, a shopping center (Scenario 1), and residential development (Scenario 2), under the requested “Business and Office” land use designation. Application No. 10, if approved and developed with a shopping center, would generate approximately 620 more peak hour trips than if developed with office uses under the current “Office/Residential” land use designation. Residential development on the application site would be the same (460 single-family units) under the current and proposed CDMP designations, thereby generating the same number of PM peak hour trips in either case.

In analyzing potential trip distribution, it appears that the potential uses under the requested CDMP designation would not adversely impact traffic concurrency LOS in the vicinity of the Application. Although the concurrency LOS would worsen on SW 248 Street, between US-1 and SW 147 Avenue, and SW 112 Avenue, from US 1 to SW 248 Street, from LOS B to LOS D. Both roadway segments would be significantly impacted by the traffic that would be generated by the application, although the LOS (D) standard for these roadways would not be violated. And South Dixie Highway, from SW 112 Avenue to SW 304 Street, is projected to deteriorate from LOS E+12% to LOS E+19% and to LOS E+14%, under Scenarios 1 and 2, respectively. However, in the year 2015, as noted above, segments of the HEFT, South Dixie Highway, SW 112 Avenue, SW137 Avenue, SW 216 Street, SW 224 Street, SW 232 Street, and SW 248 Street, within the application Study Area, are projected to operate in violation of the adopted LOS standard applicable to those roadways.

## Transit

### Existing Service

Metrobus Route 70 serves application No. 10 and its environs. The route’s existing service frequency is show in the Metrobus Route Service Summary table below.

Metrobus Route Service Summary								
Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (midday)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
70	30	30	60	N/A	60	60	0.0	L

Notes: L means Metrobus local route service  
 F means Metrobus feeder service to Metrorail  
 E means Express Metrobus service

### Future Conditions

No transit improvements to the existing Metrobus service in the immediate vicinity of the Application site are being planned for the next ten years as noted in the draft 2008 Transit Development Plan.

### Major Transit Projects

No major transit improvements to the existing system in the immediate area are being planned for the next ten years as noted in the draft 2008 TDP.

### Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zones (TAZ) 1366 where the application is located. If Application 10 were granted, the expected transit impact that would be generated by this application is estimated at 50 additional daily transit trips and therefore this impact can be absorbed by the existing Metrobus service in the area.

### **Other Planning Considerations**

The applicant submitted an economic analysis conducted by Miami Economic Associates, Inc., dated June 22, 2008, in support of the application. The consultant stated that the application site was designated "Office/Residential" while a companion parcel, located on the southeast corner of SW 112 Avenue and SW 248 Street, was designated "Business and Office" during the 2003(sic) [April 2002] CDMP Amendment Cycle. At that time, a combination of office and retail uses was proposed for the application site, and the companion parcel would serve as a village center for the surrounding Palm Glade area. However, the companion parcel has since been purchased by Baptist Health Systems of Florida Inc., which intends to construct an administrative center for approximately 1,000 employees. Although the companion parcel would represent a major employment center in south Miami-Dade County, it would preclude retail development from being built on that site as originally proposed. The consultant further stated that development of both parcels would represent an increase of less than 1 percent of the overall supply of commercially designated land within impact in Minor Statistical Area's 7.1 and 7.4, where the application site is located. The analysis concluded that the proposed land use change from "Office/Residential" to "Business and Office" would have no negative impact in MSA 7.1 and 7.4, and would ensure a vision for the area endorsed by the Board of County Commissioners in 2002.

Although the parcel directly east of the application site has been purchased by Baptist Health Systems of Florida, there is no confirmation as to how this parcel is to be used. As of this report, no application for rezoning of this property has been submitted.

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

The following CDMP goals, objectives, policies, concepts and guidelines will be enhanced if the proposed designation is approved:

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

- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

The following CDMP goals, objectives, policies, concepts and guidelines will be impeded if the proposed designation is approved:

- LU-1B. Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.
- 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).

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# APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Applicant's Traffic Study

Appendix E Fiscal Impact Analysis

Appendix F Proposed Declaration of Restrictions

Appendix G Photos of Site and Surroundings

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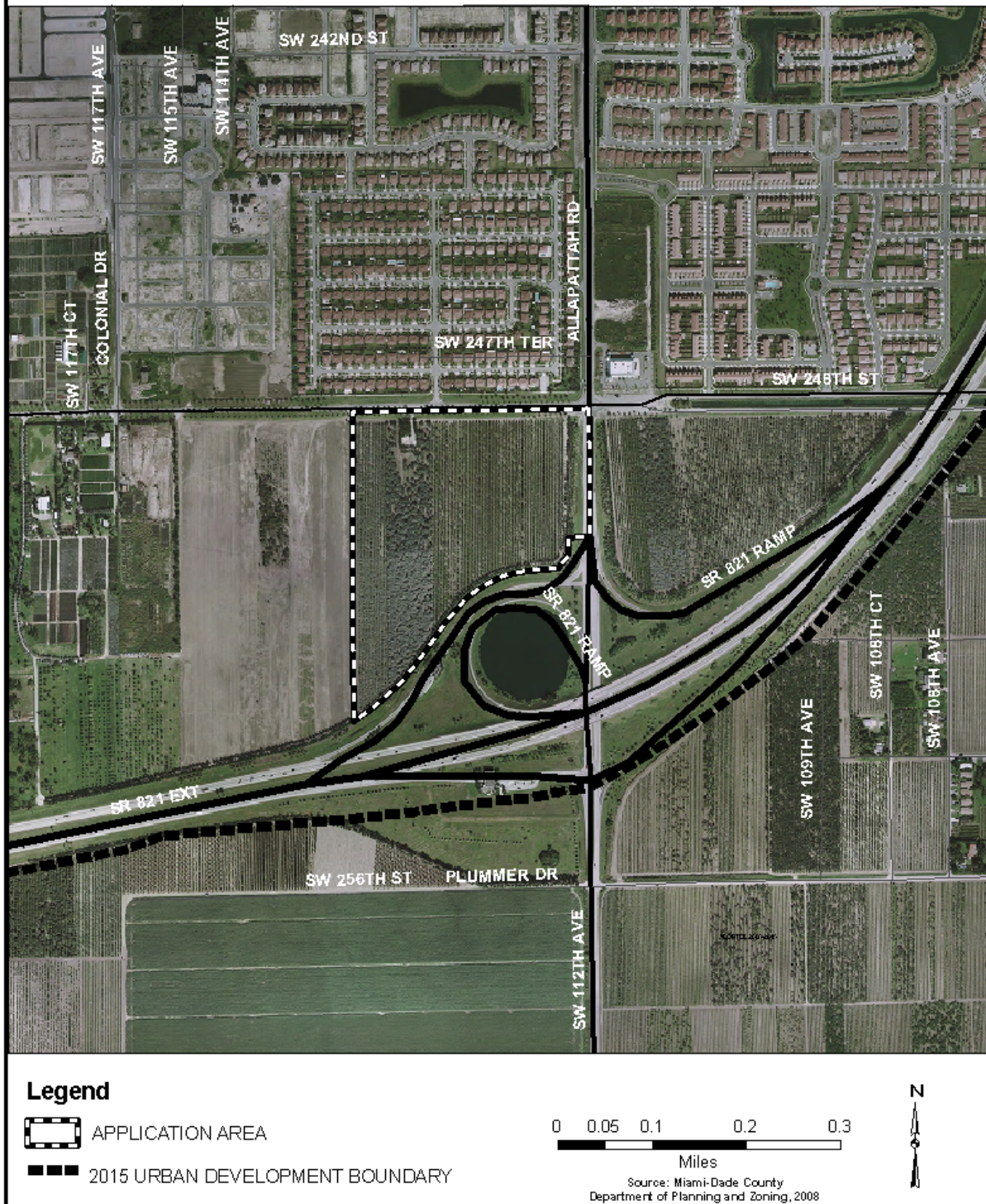


# APPENDIX A

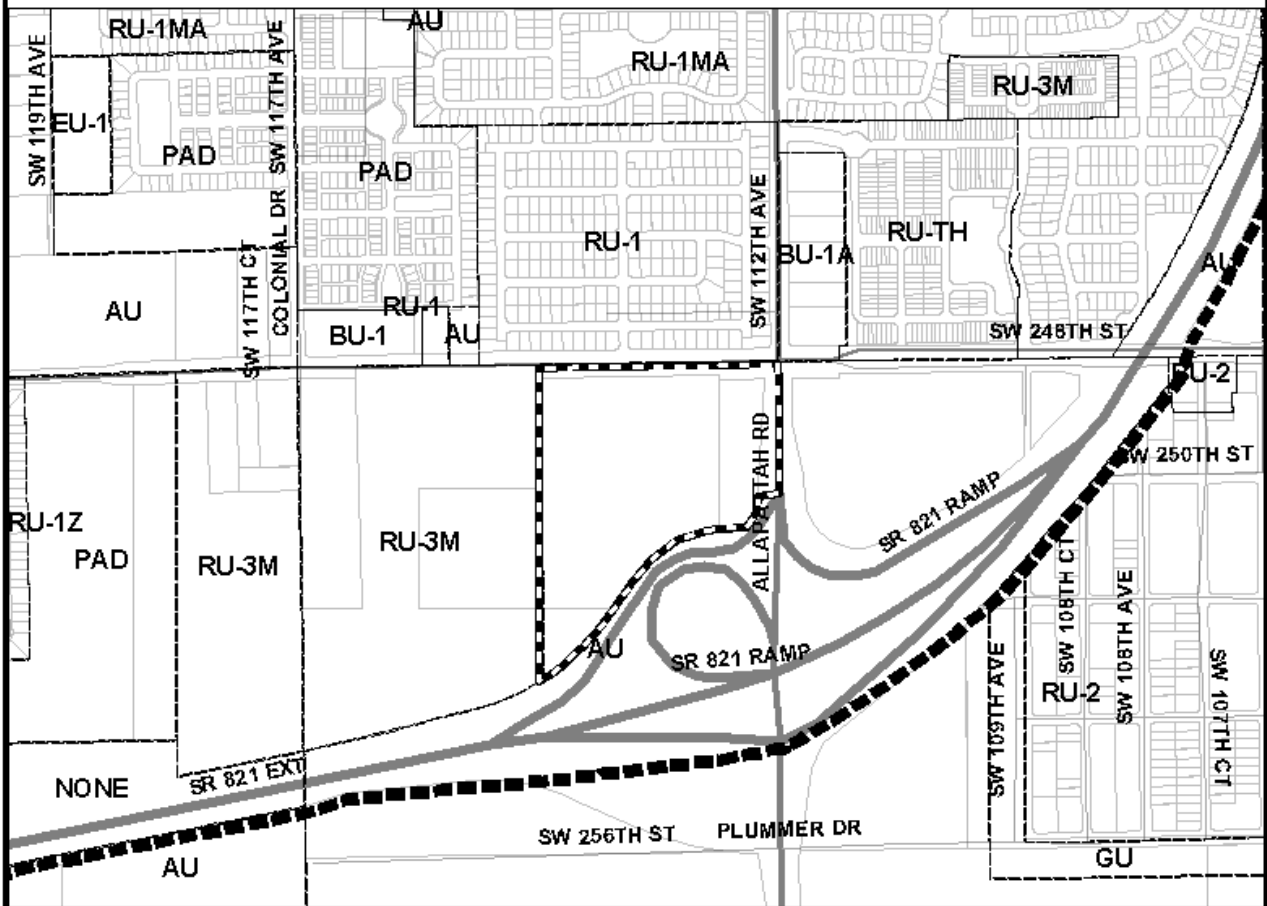
## Map Series

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# APPLICATION NO. 10 AERIAL PHOTO



# **APPLICATION NO. 10 CURRENT ZONING MAP**



## **Legend**



APPLICATION AREA

## **ZONING DISTRICTS**

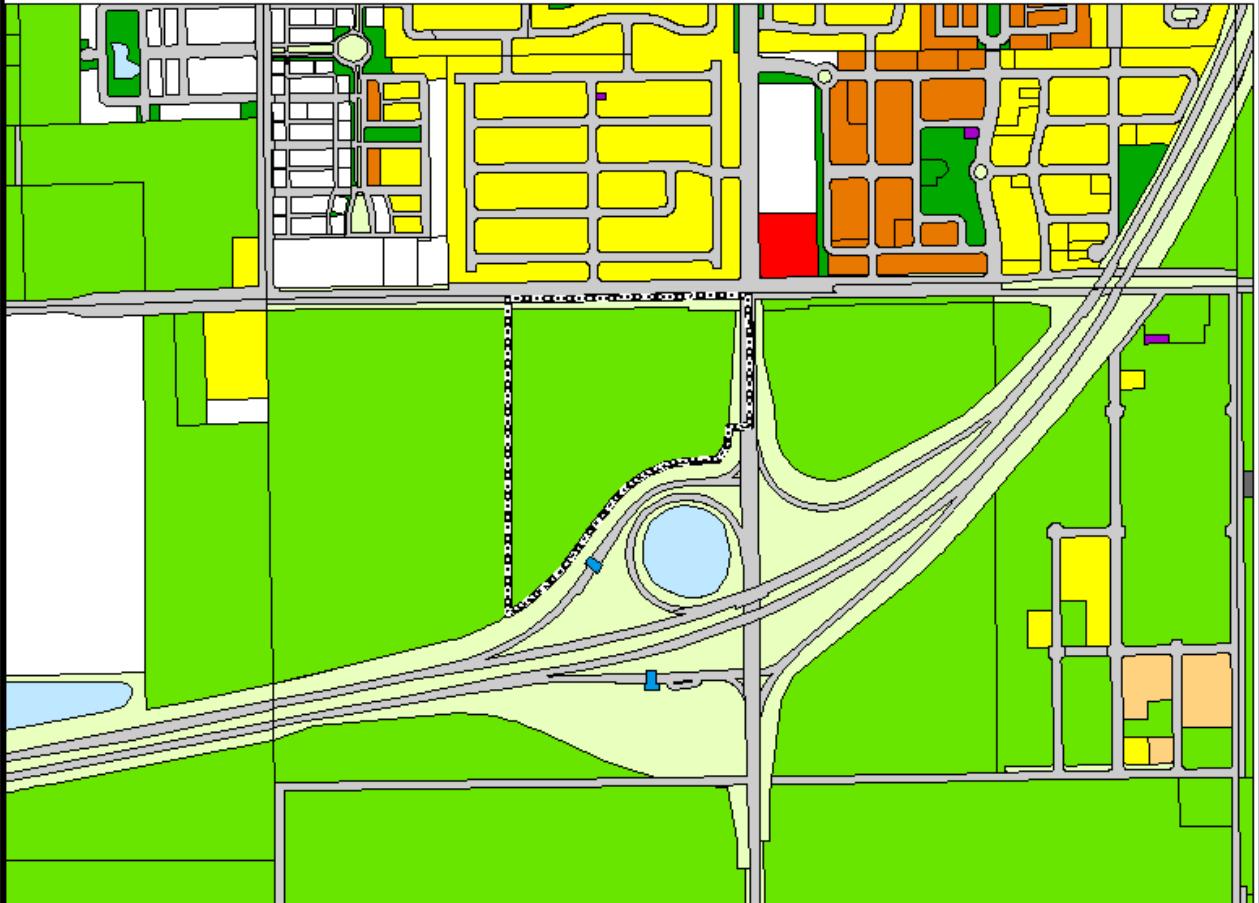
AU	AGRICULTURAL
EU-1	SINGLE-FAMILY (1 ACRE)
RU-1	SINGLE-FAMILY RESIDENTIAL (7,500 sq. ft. net)
RU-1Z	SINGLE-FAMILY ZERO LOT LINE DEVELOPMENT RESIDENTIAL (4,500 sq. ft. net)
RU-1M(a)	SINGLE-FAMILY MODIFIED RESIDENTIAL (5,000 sq. ft. net)
RU-2	TWO-FAMILY RESIDENTIAL (7,500 sq. ft. net)
RU-TH	TOWNHOUSE 8.5 DU/net acre)
RU-3M	MINIMUM APARTMENT HOUSE (12.9 DU/net acre)
PAD	PLANNED AREA DEVELOPMENT
BU-1	NEIGHBORHOOD BUSINESS
BU-1A	LIMITED BUSINESS
BU-2	SPECIAL BUSINESS

0 0.09 0.18 0.27 Miles

SOURCE: MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING AND ZONING, 2008



## APPLICATION NO. 10 EXISTING LAND USE










### LEGEND



APPLICATION AREA

### EXISTING LAND USE

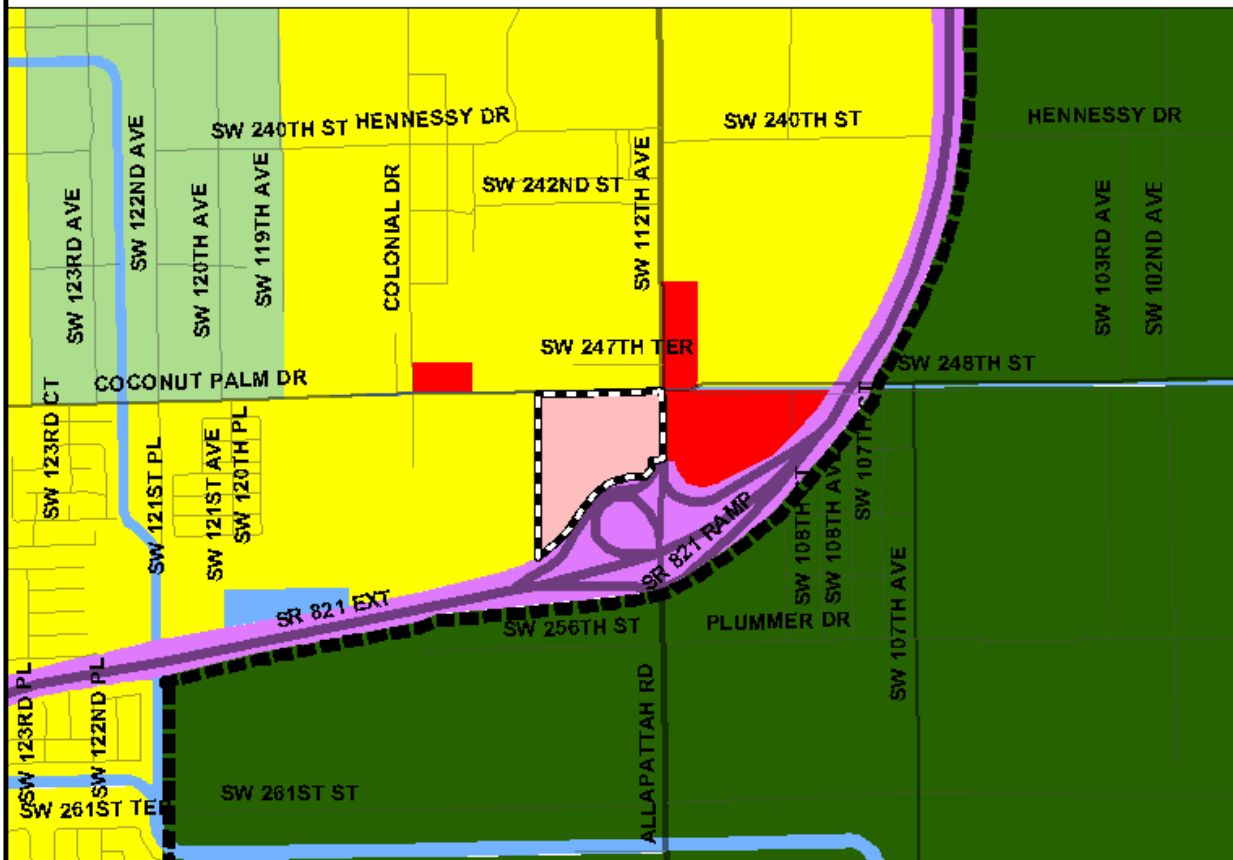
-  SINGLE FAMILY RESIDENTIAL (2-5 DU/Gross Acre)
-  TOWNHOUSES
-  COMMERCIAL, SHOPPING CENTERS, STADIUMS
-  STREETS, ROADS, EXPRESSWAYS, RAMPS
-  ROW AND FIELD CROPLANDS
-  VACANT, UNDER DEVELOPMENT
-  INLAND WATERS

0 0.08 0.16 0.24  
Miles

Source: Miami-Dade County  
Department of Planning and Zoning



## APPLICATION NO. 10 CDMP LAND USE



### LEGEND



APPLICATION AREA

### CDMP LAND USE



ESTATE DENSITY (1-2.5 DU/AC)



LOW DENSITY (2.5-6 DU/AC)



BUSINESS AND OFFICE



OFFICE/RESIDENTIAL



AGRICULTURE



TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)



WATER



2015 URBAN DEVELOPMENT BOUNDARY

0 0.1 0.2 0.3 0.4  
Miles

Source: Miami-Dade County  
Department of Planning and Zoning



# **APPENDIX B**

## **Amendment Application**

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


1. APPLICANTS

Manuel C. Diaz  
26401 SW 107 Avenue  
Homestead, Florida 33032

Live Oak Partners, L.L.C.  
26401 SW 107 Avenue  
Homestead, Florida 33032

2. APPLICANTS' REPRESENTATIVES

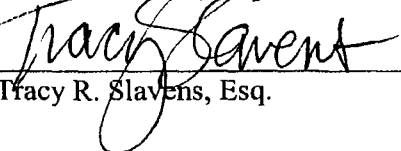
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Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

By:   
Joseph G. Goldstein, Esq.

4/28/08  
Date

By:   
Alan S. Krischer, Esq.

4/28/08  
Date

By:   
Tracy R. Slavens, Esq.

4/28/08  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicants request the a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Office/Residential" to "Business and Office."
2. Acceptance of a Proffered Covenant: The Applicants request a deletion of those Declarations of Restrictions recorded in Official Records Book

21511, Pages 4452 – 4468, and Official Records Book 22286, Pages 0971 – 983, in the Public Records of Miami-Dade County, Florida, and acceptance of the Declaration of Restrictions attached hereto as Exhibit "F," as may be amended prior to final adoption, to be incorporated within the table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Map Plan Amendments," as adopted pursuant to Remedial Amendment 06-1R.

B. Description of the Subject Area.

The subject property consists of approximately 31± gross acres of land located in Section 30, Township 56, Range 40, in unincorporated Miami-Dade County. More specifically, the subject property is located at the southwest corner of SW 248 Street and SW 112 Avenue, in unincorporated Miami-Dade County, Florida. A legal description of the subject property is provided in Exhibit "A."

C. Acreage.

Subject application area: 35.4± gross acres  
Acreage owned by Applicants: 31.32± net acres

D. Requested Change.

It is requested that the subject area be re-designated on the Land Use Plan map from "Office/Residential" to "Business and Office" and that the declarations of restrictions running with the land be accepted for incorporation into the table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Map Plan Amendments," as adopted pursuant to Remedial Amendment 06-1R.

4. REASONS FOR AMENDMENT

The Applicants request the re-designation of the Property from "Office/Residential" to "Business and Office" to permit the development of commercial and retail uses on the subject property. The subject property consists of approximately 31.32± gross acres, located in Section 30, Township 56, Range 40, in unincorporated Miami-Dade County at the southwest corner of SW 248 Street and SW 112 Avenue. The purpose for this request is to address the need for additional commercial use in the area. The Applicants are seeking to provide a commercial and office development on the Property, which is intended to attend to the needs of the growing population of residents in the area.

The Property is located in the South Tier of the County at the intersection of a section and half-section line road: SW 248 Street and SW 112 Avenue, respectively. The Property is bounded on the south by the Homestead Extension of Florida's Turnpike and an interchange on SW 112 Avenue provides access to the Turnpike at this location. The Urban Development

Boundary ("UDB") lies just to the west and to the south of the Property. The Miami-Dade Transit Metrobus 70 Route runs along SW 112 Avenue from SW 220 Street to SW 268 Street, where it enters the Princeton community. The parcel of land lying directly to the east of the Property is designated "Business and Office." Thus, the redesignation of the Property would be compatible with existing land uses in the area. Based on location and level accessibility, the Property is ideal for "Business and Office" uses.

The Property is located within Minor Statistical Area ("MSA") 7.4 and just to the south of MSA 7.1. MSA 7.4 is defined by SW 248 Street to the north, Biscayne Bay to the east, SW 328 Street to the south, and Old Dixie Highway to the west. Approximately one half of the land within MSA 7.4 is outside of the UDB and the Homestead Air Reserve Base also lies within this MSA. The developable areas within MSAs 7.4 and 7.1 area currently experiencing rapid residential growth. In the past few years, both Miami-Dade County and the City of Homestead have approved numerous low and low-medium density residential developments in the area. The predominant zoning patterns in the surrounding area are characterized by a maximization of density. The area is predominantly zoned RU-3M (Minimum Apartment House District, maximum density 12.9 dwelling units per acre), RU-TH (Townhouse District, maximum density 8.5 dwelling units per acre), and RU-1M(a) (Modified Single-Family Residential District, 5,000 square foot net lots) As the area has developed with these residential uses, the residents' need for commercial and retail uses has become acute. These residents have commercial and retail needs which are not currently met by the existing development in this general area. Thus, the redesignation of the Property to "Business and Office" would serve to meet the demands of the area residents and meet the CDMP directive that communities be self-sufficient to the maximum possible extent.

The Property is located within two miles of both the Goulds and Princeton Community Urban Centers. These Community Urban Centers were established following charrette processes in which local residents, property owners and business owners gathered with County Staff and elected officials to formulate a vision for the development of these respective areas. The charrettes led to the implementation of the Goulds Community Urban Center District regulations pursuant to Article XXXIII(L) of the Miami-Dade Code and the Princeton Community Center Urban District regulations pursuant to Article XXXIII(M) of the Miami-Dade County Code. These zoning district regulations were implemented to ensure that these areas would serve as community centers that serve the area and provide residents with nearby places to shop and work. The scope of residential development to the south of Goulds and east of Princeton and in the area surrounding the Property further call for additional "Business and Office"-type uses to meet the needs of the residents.

Based on the foregoing, the Applicants believe that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the boding deficiency of commercial land within the UDB.

Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY 1B: Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers, and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

LAND USE POLICY 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.

LAND USE OBJECTIVE 8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE OBJECTIVE 10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Property – Exhibit "A"  
Disclosure of Interest Form – Exhibit "B"  
Location Map for Application – Exhibit "C"  
Aerial Photograph – Exhibit "D"  
Section Sheet – Exhibit "E"  
Declaration of Restrictions – Exhibit "F"

## EXHIBIT "A"

### Legal Description of Subject Property:

Includes folio numbers 30-6030-000-0051, 30-6030-000-0070, 30-6030-000-0091

PARCEL 1: THAT PART OF SE 1/4 OF NW 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING NORTHWESTERLY OF STATE ROAD N° 821, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 87005-2304, SHEET 10 OF 15. AREA = 2.13 ACRES±

PARCEL 2: THE WEST 3/4 OF THE NE 1/4 OF THE NW 1/4 LYING IN SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 66.00 FEET THEREOF, AND LESS THE PROPERTY LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN S00°28'03"E ALONG THE EASTERLY BOUNDARY OF THE NW 1/4 OF SAID SECTION 30, FOR A DISTANCE OF 1339.40 FEET TO A POINT; THENCE RUN S88°56'29"W, FOR A DISTANCE OF 330.29 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S88°56'29"W, FOR A DISTANCE OF 592.17 FEET TO A POINT; THENCE N34°25'56"E, FOR A DISTANCE OF 223.98 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEASTERLY, HAVING A RADIUS OF 599.30 FEET; THENCE RUN NORTHEASTERLY ALONG SAID CURVE FOR 535.68 FEET, THOUGH A CENTRAL ANGLE OF 51°12'48" TO THE END OF SAID CURVE; THENCE RUN N85°38'44"E FOR A DISTANCE OF 12.71 FEET TO A POINT; THENCE S00°31'23"E FOR A DISTANCE OF 433.48 FEET TO THE POINT OF BEGINNING. AREA = 25.09 ACRES±

PARCEL 3:

A PORTION OF THE EAST 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN S00°28'03"E ALONG THE EAST BOUNDARY OF THE NW 1/4 OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT; THENCE RUN S89°15'06"W ALONG THE EXISTING SOUTHERLY RIGHT-OF-WAY BOUNDARY OF COCONUT PALM DRIVE A DISTANCE OF 75.00 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY BOUNDARY OF STATE ROAD N° 821, SECTION 87005-2304, SAID POINT BEING THE POINT OF BEGINNING OF A PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE RUN S04°44'05"W ALONG THE LAST DESCRIBED LINE A DISTANCE OF 244.43 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF LIMITED ACCESS RIGHT-OF-WAY BOUNDARY OF SAID STATE ROAD N° 821; THENCE CONTINUE ON THE LAST DESCRIBED COURSE AND ALONG THE LAST DESCRIBED BOUNDARY A DISTANCE OF 316.25 FEET TO A POINT OF DEFLECTION; THENCE RUN S02°57'58"W ALONG SAID LIMITED ACCESS RIGHT OF WAY BOUNDARY A DISTANCE OF 200.36 FEET TO A POINT OF DEFLECTION; THENCE CONTINUING ALONG SAID LIMITED ACCESS RIGHT OF WAY BOUNDARY ON A COURSE OF S44°18'21"W A DISTANCE OF 79.26 FEET TO A POINT OF REFLECTION; THENCE RUN S85°38'44"W ALONG SAID LIMITED ACCESS RIGHT OF WAY BOUNDARY A DISTANCE OF 137.34 FEET TO A POINT OF INTERSECTION WITH THE WEST BOUNDARY OF THE EAST 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN N00°31'23"W ALONG THE LAST DESCRIBED LINE A DISTANCE OF 822.70 FEET TO THE POINT OF INTERSECTION WITH A LINE PARALLEL TO AND 85.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH BOUNDARY OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 30, SAID LINE BEING THE EXISTING SOUTHERLY RIGHT-OF-WAY BOUNDARY OF COCONUT PALM DRIVE; THENCE RUN N89°15'06"E ALONG THE LAST DESCRIBED LINE A DISTANCE OF 256.49 FEET TO THE POINT OF BEGINNING, CONTAINING 4.096 ACRES, MORE OR LESS. TOTAL = 31.32 ACRES±

BEARINGS APPEARING IN FOREGOING DESCRIPTION REFER TO THE PLANE RECTANGULAR COORDINATE SYSTEM FOR EAST ZONE OF FLORIDA.

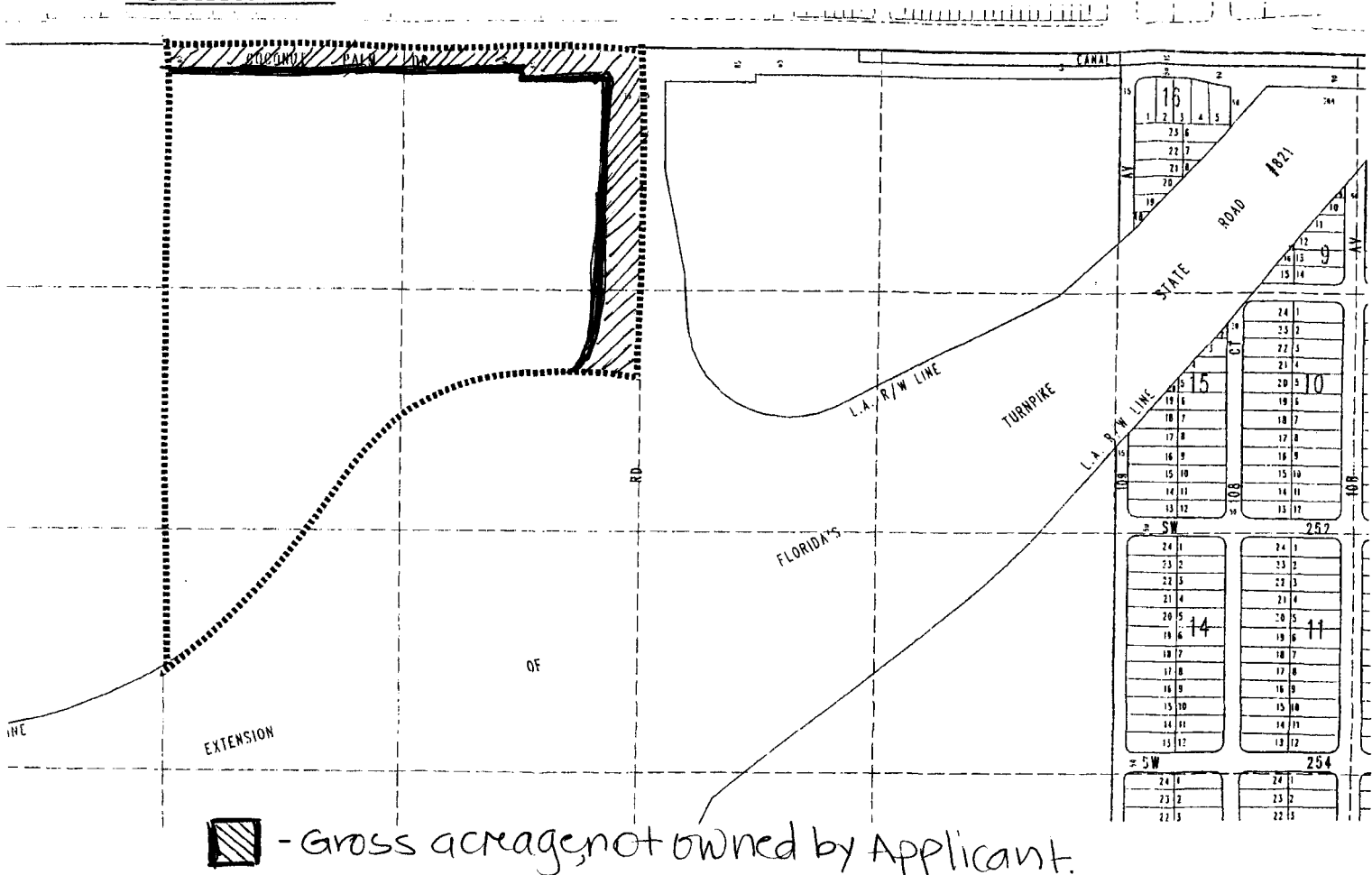
**LOCATION MAP FOR APPLICATION TO AMEND  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

Manuel C. Diaz and Live Oak Partners, LLC / Joseph G. Goldstein, Esq.

### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately ±35.4 gross acres (±31.32 net acres) of land located in Section 33, Township 56, Range 40, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicants own ±31.32 acres. The Property, located on the southwest corner of SW 248 Street and SW 112 Avenue, is more specifically described in Exhibit "A" to this application.

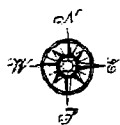
LOCATION MAP



SEC 30  
T 56 S  
R 40 E

564030

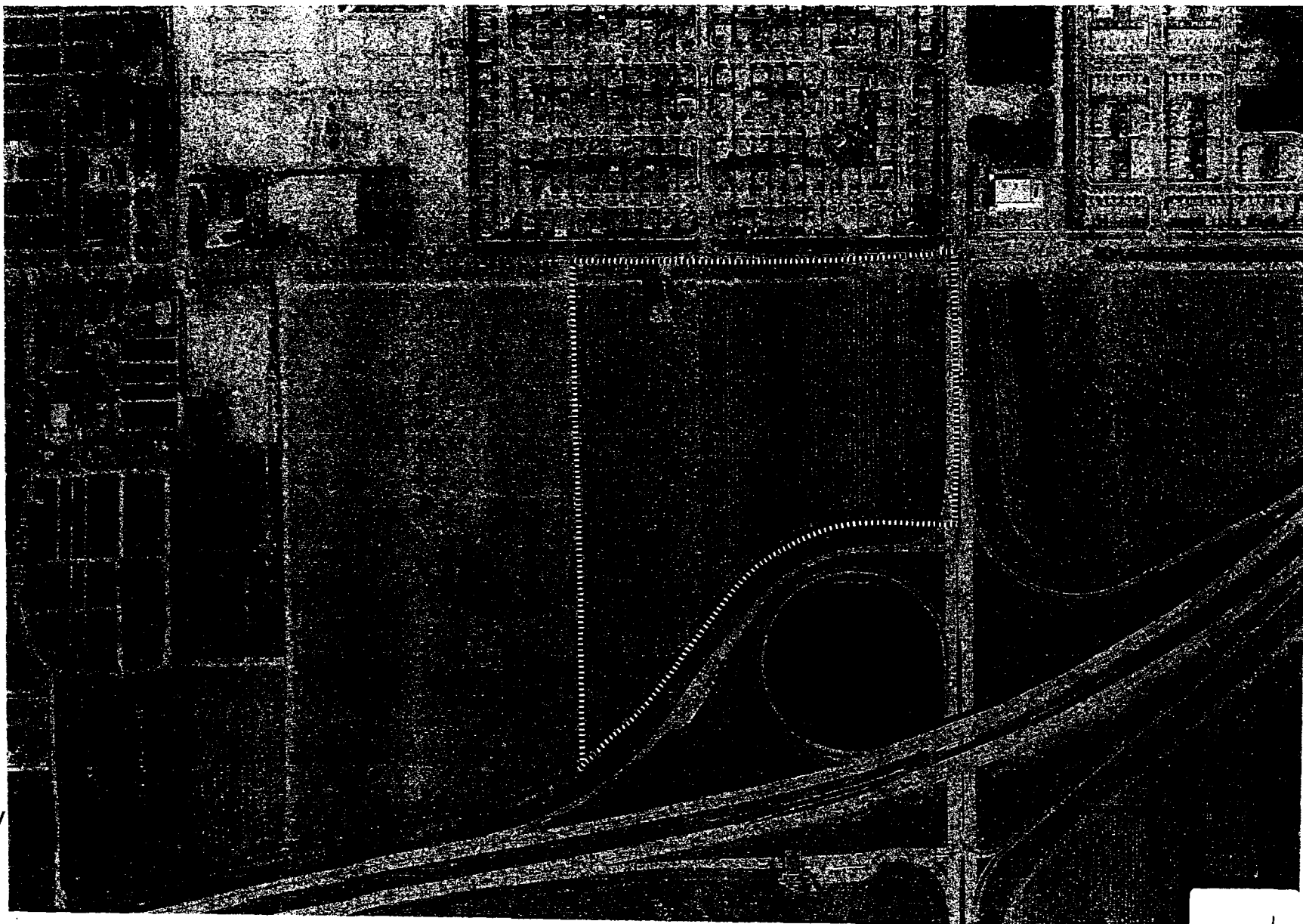
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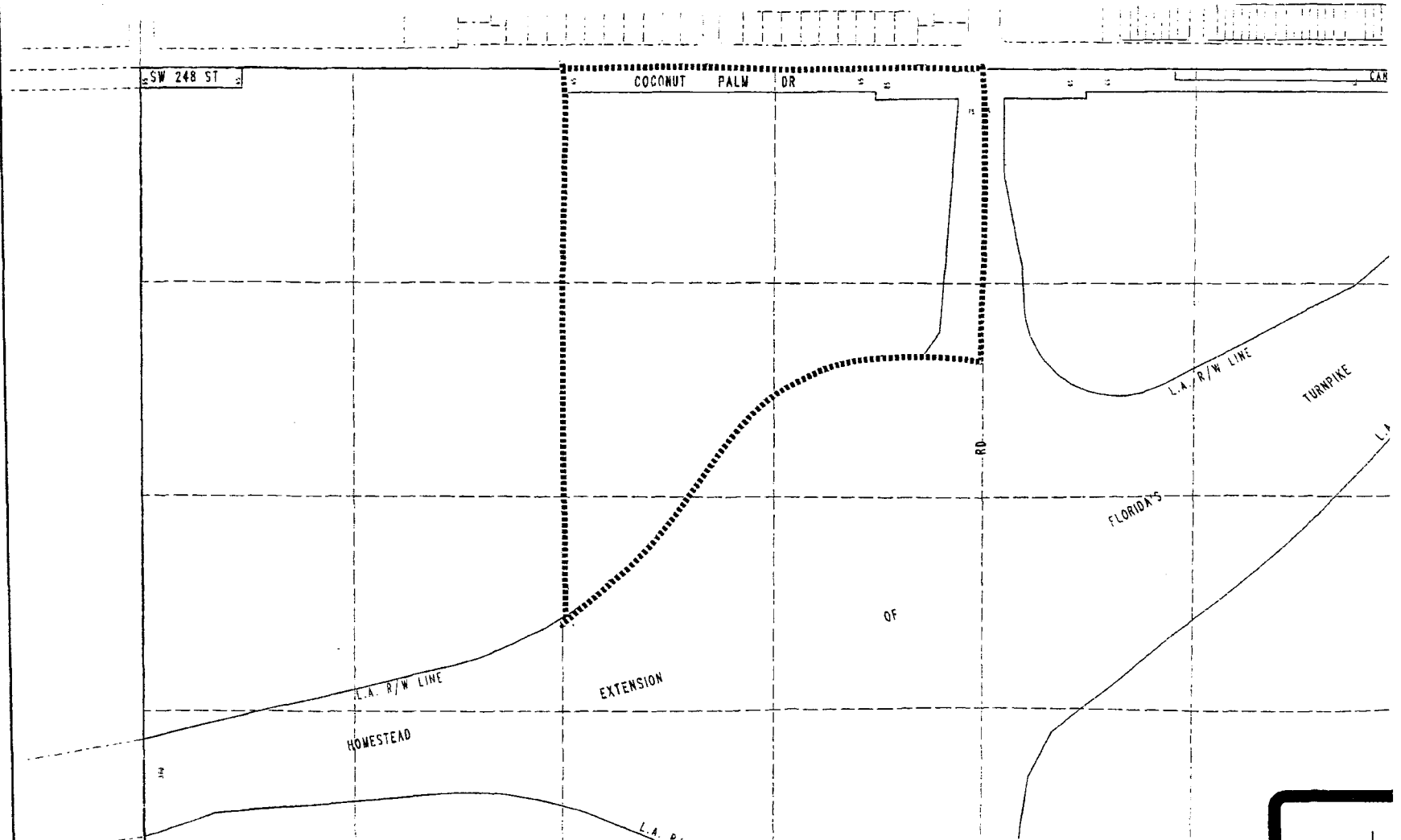


EXHIBIT

D

plot564030.gra  
ip/xx00028.tmp

Public Works  
Co., FLORIDA



EXHIBIT

11





This instrument was prepared under  
the supervision of:

Name: Joseph G. Goldstein, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned (collectively, the "Owner"), holds the fee simple title to that certain parcel of land that is legally described on Exhibit "A" to this Declaration (the "Property"); and

*WHEREAS*, an application has been filed with the Planning and Zoning Department (the "Planning and Zoning Department") to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County. Said application, officially designated CDMP Application No. \_\_\_\_ (April 2008 Cycle) (the "Application") seeks to redesignate the land use designation on the Overall Parcel from "Office / Residential" to "Business and Office."

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

- 1) **Multiple Uses**. The Owner agrees, subject to receiving zoning and other approvals, to develop the Property with a mix of uses, which will include retail uses, office uses and

community/institutional uses (community or government offices; community center; library; public, charter or private elementary and secondary schools; park/recreational uses; or similar uses) as may be approved by the County in accordance with the provisions of Paragraph 2. The Owner agrees that any retail uses on the Property will be the type to satisfy the essential and frequent needs of the surrounding residential community, as well as the more specialized commercial facilities which may serve several communities. Nothing herein shall prohibit the Owner from also providing additional uses beyond those listed in the preceding sentence, consistent with the CDMP.

- 2) **Design Guidelines.** The Owner represents that the Property will be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles which incorporate the general guidelines contained in Exhibit "B" ("Design Guidelines"), and that such will take place whether the Property is developed as a single parcel or as multiple parcels. At the time of the initial rezoning of the Property from Agricultural to any other zoning district, the Owners shall proffer a site plan ("Site Plan") for the entire Property which complies with the Design Guidelines, together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department and the County Attorney's Office requiring that development of the Property shall be substantially in accordance with said Site Plan. In the alternative, the Owner, at its election, at the time of the initial rezoning shall instead submit to the Community Zoning Appeals Board (or Board of County Commissioners or successor board, as may have jurisdiction) an architectural code or equivalent design standards ("Architectural Code") governing the development of the

Property, in accordance with the attached Design Guidelines, together with a recordable declaration of restrictive covenants, in legally sufficient form acceptable to the Department and the County Attorney's Office, requiring that the development of the Property shall be substantially in accordance with the Architectural Code and Design Guidelines, and record said declaration of restrictive covenants in the public records.

- 3) **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 that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- 4) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to a minimum of (75%) of the land contained within the entire Property (the western portion of the Overall Parcel), provided that the same is also approved by the Board of County Commissioners. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in

Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding the previous sentence, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications 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. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

- 5) **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.
- 6) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other

remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

- 7) **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.
- 8) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- 9) **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.
- 10) **Severability.** Invalidity of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect.

- 11) **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption by the Miami-Dade County Board of County Commissioners of an ordinance approving the Application and the expiration of any applicable appeal period. 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 such appeal that results in the denial of the Application, in its entirety,, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.
  
- 12) **Acceptance of Declaration of Restrictive Covenants.** The Owner acknowledges that approval of the application and acceptance of the Declaration of Restrictive Covenants does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**WITNESSES**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Manuel C. Diaz

Address: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me by Manuel C. Diaz for the purposes stated herein. He is personally known to me or has produced \_\_\_\_\_ as identification. Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in the County and State aforesaid.

**My Commission Expires:**

Notary Public - State of \_\_\_\_\_

Printed Name \_\_\_\_\_

**WITNESSES**

Signature

Printed Name

Signature

Printed Name \_\_\_\_\_

Live Oak Partners, L.L.C.

By: \_\_\_\_\_, its Manager

Address: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) SS

COUNTY OF \_\_\_\_\_ )

)

The foregoing instrument was acknowledged before me by \_\_\_\_\_, on behalf of Live Oak Partners, L.L.C., as its manager, for the purposes stated herein. S/he is personally known to me or has produced \_\_\_\_\_ as identification. Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in the County and State aforesaid.

My Commission Expires:

Notary Public - State of \_\_\_\_\_

Printed Name



EXHIBIT "A"

Legal Description

PARCEL 1: THAT PART OF SE 1/4 OF NW 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING NORTHWESTERLY OF STATE ROAD N° 821, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 87005-2304, SHEET 10 OF 15. AREA = 2.13 ACRES±

PARCEL 2: THE WEST 3/4 OF THE NE 1/4 OF THE NW 1/4 LYING IN SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 65.00 FEET THEREOF, AND LESS THE PROPERTY LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN S00°28'03"E ALONG THE EASTERLY BOUNDARY OF THE NW 1/4 OF SAID SECTION 30, FOR A DISTANCE OF 1339.40 FEET TO A POINT; THENCE RUN S88°56'29"W, FOR A DISTANCE OF 330.29 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S88°56'29"W, FOR A DISTANCE OF 592.17 FEET TO A POINT; THENCE N34°25'56"E, FOR A DISTANCE OF 223.98 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEASTERLY, HAVING A RADIUS OF 599.30 FEET; THENCE RUN NORTHEASTERLY ALONG SAID CURVE FOR 535.68 FEET, THOUGH A CENTRAL ANGLE OF 51°12'48" TO THE END OF SAID CURVE; THENCE RUN N85°38'44"E FOR A DISTANCE OF 12.71 FEET TO A POINT; THENCE S00°31'23"E FOR A DISTANCE OF 433.48 FEET TO THE POINT OF BEGINNING. AREA = 25.09 ACRES±

PARCEL 3:

A PORTION OF THE EAST 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN S00°28'03"E ALONG THE EAST BOUNDARY OF THE NW 1/4 OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT; THENCE RUN S89°15'06"W ALONG THE EXISTING SOUTHERLY RIGHT-OF-WAY BOUNDARY OF COCONUT PALM DRIVE A DISTANCE OF 75.00 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY BOUNDARY OF STATE ROAD N° 821, SECTION 87005-2304, SAID POINT BEING THE POINT OF BEGINNING OF A PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE RUN S04°44'05"W ALONG THE LAST DESCRIBED LINE A DISTANCE OF 244.43 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF LIMITED ACCESS RIGHT-OF-WAY BOUNDARY OF SAID STATE ROAD N° 821; THENCE CONTINUE ON THE LAST DESCRIBED COURSE AND ALONG THE LAST DESCRIBED BOUNDARY A DISTANCE OF 316.25 FEET TO A POINT OF DEFLECTION; THENCE RUN S02°57'58"W ALONG SAID LIMITED ACCESS RIGHT OF WAY BOUNDARY A DISTANCE OF 200.36 FEET TO A POINT OF DEFLECTION; THENCE CONTINUING ALONG SAID LIMITED ACCESS RIGHT-OF-WAY BOUNDARY ON A COURSE OF S44°18'21"W A DISTANCE OF 79.26 FEET TO A POINT OF REFLECTION; THENCE RUN S85°38'44"W ALONG SAID LIMITED ACCESS RIGHT OF WAY BOUNDARY A DISTANCE OF 137.34 FEET TO A POINT OF INTERSECTION WITH THE WEST BOUNDARY OF THE EAST 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE RUN N00°31'23"W ALONG THE LAST DESCRIBED LINE A DISTANCE OF 822.70 FEET TO THE POINT OF INTERSECTION WITH A LINE PARALLEL TO AND 85.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH BOUNDARY OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 30, SAID LINE BEING THE EXISTING SOUTHERLY RIGHT-OF-WAY BOUNDARY OF COCONUT PALM DRIVE; THENCE RUN N89°15'06"E ALONG THE LAST DESCRIBED LINE A DISTANCE OF 256.49 FEET TO THE POINT OF BEGINNING, CONTAINING 4.096 ACRES, MORE OR LESS. TOTAL = 31.32 ACRES±

BEARINGS APPEARING IN FOREGOING DESCRIPTION REFER TO THE PLANE RECTANGULAR COORDINATE SYSTEM FOR EAST ZONE OF FLORIDA.

Exhibit "B"

**Design Guidelines**

1. That the proposed buildings shall be designed using compatible and complementary architectural styles and design.
2. That design features be included at appropriate locations at the top of the first floor of retail buildings, in order to maintain architectural and design continuity.
3. That the site be designed to feature a significant roadway internal to the site.
4. That a continuous pedestrian-friendly walkway be provided in front of any retail buildings along the significant internal roadway and any predominantly commercial streets as may intersect it. The walkway may be established by a covered arcade, brick or similar pavers, landscape elements, or similar integrated architectural elements that define and shape the pedestrian-friendly space.
5. That the landscaping within the parking areas be of varying plant materials and heights at time of planting.
6. That consistent sign criteria and standards be established at the time of initial rezoning to encourage aesthetic compatibility within the sign program.
7. Large expanses of opaque or blank building walls shall be minimized and shall have landscaped area providing a visual barrier, to the maximum extent feasible.
8. That the storefronts of each building unit have maximum visibility by maintaining approximately 33% transparency along the pedestrian corridors.
9. That uniform street furniture and lighting standards be provided throughout the development.
10. That the pedestrian crosswalks be clearly delineated on any proposed private roads within the project and shall be designed with consideration to the special needs of the disabled.
11. That no single retail space shall be developed in excess of 95,000 square feet and all other individual retail spaces shall be developed with a maximum area of 75,000 square feet.
12. That the development pattern shall incorporate elements of the Miami-Dade County Urban Design Guidelines.

# **APPENDIX C**

## **Miami-Dade Public Schools Analysis**

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# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**  
Rudolph F. Crew, Ed.D.

August 7, 2008

**Miami-Dade County School Board**

Agustin J. Barrera, Chair  
Perla Tabares Hantman, Vice Chair  
Renier Diaz de la Portilla  
Evelyn Langlieb Greer  
Dr. Wilbert "Tee" Holloway  
Dr. Martin Karp  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

Mr. Marc C. LaFerrier, A.I.C.P., Director  
Miami-Dade County  
Department of Planning and Zoning  
111 NW 1 Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**Re: Land Use Amendments – April 2008 Cycle  
REVISED Applications**

Dear Mr. LaFerrier:


Subsequent to our July 9, 2008 and July 21, 2008 reviews of proposed amendments of the April 2008 Land Use Cycle, we conducted an additional review of the applications. Attached is the School District's (District) REVISED impact review analysis for the above referenced applications.

As previously noted, land use amendment applications 5, 6, 7, 12, 13, and 14 do not have residential development and therefore will not impact the schools serving the area. Of the applications with residential components, applications 1, 8, 9, 15D and 16A, B, C and D would generate additional student impacts to the District (see attached analysis), and meet the established review threshold. Therefore, we recommend dialogue between the District and the applicants take place as it relates specifically to affected public schools. The District will keep the County apprised if such dialogue takes place with respective applicants.

Lastly, please note that all residential applications may be subject to school concurrency requirements, at the time of Final Subdivision, Site Plan (or functional equivalent), if school concurrency is effect.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

  
Ivan M. Rodriguez, R.A.  
Director II

IMR:aj  
L-053  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Ms. Vivian G. Villaamil  
Ms. Corina S. Esquijarosa

## **SCHOOL IMPACT REVIEW ANALYSIS**

REVISED August 6, 2008

**APPLICATION:** No. 10, Manuel C. Diaz

**REQUEST:** Change Land Use from Office/Residential to Business and Office

**ACRES:** 35 gross acres

**LOCATION:** Southwest corner of SW 112 Avenue and SW 248 Street

**MSA/  
MULTIPLIER:** 7.4 / .66 Single-Family Detached

<b>NUMBER OF UNITS:</b>	453 additional units*	<b>Proposed Land Use</b> 460 SF Detached	<b>Existing Land Use</b> 7 SF Detached
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**ESTIMATED STUDENT  
POPULATION:** 299 additional students\*

**ELEMENTARY:** 143

**MIDDLE:** 66

**SENIOR HIGH:** 90

### **SCHOOLS SERVING AREA OF APPLICATION**

**ELEMENTARY:** Naranja Elementary – 13990 SW 264 Street

**MIDDLE:** Redland Middle – 16001 SW 248 Street

**SENIOR:** Homestead Senior High – 2351 SW 12 Avenue

All schools are located in South Regional Center.

\*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology Services, as of October 2007:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Naranja Elementary	607	522	116%	138	92%
	750 *		144%		114%
Redland Middle	1,161	1,230	94%	79	89%
	1,227 *		100%		94%
Homestead Senior High	2,513	2,977	84%	0	84%
	2,603 *		87%		87%

\*Student population increase as a result of the proposed development.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold.

## PLANNED RELIEF SCHOOLS

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "CC-1" Coconut Palm K-8 Center	Finished	2008

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$1,958,151.

**CAPITAL COSTS:** Based on the State's July 2008 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	DOES NOT MEET THRESHOLD
MIDDLE	DOES NOT MEET THRESHOLD
SENIOR HIGH	DOES NOT MEET THRESHOLD
<b>Total Potential Capital Cost</b>	<b>\$0</b>

\* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

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# **APPENDIX D**

## **Applicant's Traffic Study**

A Traffic Study has not been submitted for this application

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# **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 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. 3 to amend the Comprehensive Development Master Plan (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 impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make 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**

#### **Concurrency**

Since the DSWM assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency' – that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds the minimum standard by two (2) years.

#### **Residential Collection and Disposal Service**

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$439 per residential unit. For a residential dumpster, the current fee is \$339. The average residential unit currently generates approximately 3.0 tons of waste annually, which includes garbage, trash and recycled waste.

As reported in March 2008 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2007, the full cost per unit of providing waste Collection Service was \$449 including disposal and other Collections services such as, illegal dumping clean-up and code enforcement.

#### **Waste Disposal Capacity and Service**

The users pay for the incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities. The DSWM charges a disposal tipping fee at a contract rate of \$57.56 per ton to DSWM Collections and to those private haulers and municipalities with long term disposal agreements with the Department. For non-contract haulers, the rate is \$75.89. These rates adjust annually with the Consumer Price Index, South. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of

their annual gross receipts, which is targeted to ensure capacity in operations. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department and the municipal water and sewer departments.

### **Water and Sewer**

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. Assuming Application No. 10 is built at the maximum of 460 DU's (13 dwelling units per gross acre, the use allowed under the proposed Business and Office designation—Low Density Residential plus one density increase—that would generate the greatest water and sewer demand), the fees paid by the developer would be \$127,880 for water impact fee, \$515,200 for sewer impact fee, \$1,300 per unit for connection fee, and \$90,152 for annual operating and maintenance costs based on approved figures through September 30, 2007. The infrastructure costs for a 12-inch water main, 8-inch sanitary sewer and a private pump station is estimated to be \$330,924.

### **Flood Protection**

The Department of Environmental Resource Management (DERM) is restricted to the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible of 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**

Application No. 10 will result in 299 additional students. There would be no additional capital costs generated by this application under the requested land use change.

### **Fire-Rescue**

Pending

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# **APPENDIX F**

## **Proposed Declaration of Restrictions**

A Declaration of Restrictions was submitted with the Applications Report dated June 5, 2008 and has not been revised.

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# **APPENDIX G**

## **Photos of Site and Surroundings**

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View of application site from SW 248 Street



View of Blackpoint at Islandia subdivision immediately north of the application site





View of commercial development at northeast corner of SW 112 Avenue and SW 248 Street



View of the application site and the property west of the application site