

Application No. 2

Commission District 1 Community Council 8

APPLICATION SUMMARY

Applicant/Representative:	Tibor Hollo/Jeff Bercow, Esq. Bercow Radell & Fernandez P.A. 200 South Biscayne Blvd, Suite 850 Miami, Florida 33131
Location:	West side of NW 7 Avenue between NW 155 Lane and Biscayne Canal
Total Acreage:	0.84 Gross Acres, 0.72 Net Acres
Current Land Use Plan Map Designation:	Medium-High Density Residential Communities (25 to 60 DU/gross acre)
Requested Land Use Plan Map Designation:	Business and Office
Amendment Type:	Small-scale
Existing Zoning/Site Condition:	RU-5A (Semi-Professional Office District- Minimum 10,000 sq. ft. net lots) / property is currently vacant

RECOMMENDATIONS

Staff:	ADOPT (August 25, 2008)
North Central Community Council:	TO BE DETERMINED (September 17, 2008)
Planning Advisory Board (PAB) acting as Local Planning Agency:	TO BE DETERMINED (October 6, 2008)
Board of County Commissioners:	TO BE DETERMINED (November 6, 2008)
Final Action of Planning Advisory Board acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

The Staff recommends to **ADOPT** the proposed small-scale Land Use Plan (LUP) map amendment to redesignate the subject property from “Medium-High Density Residential Communities (25 to 60 dwelling units per gross acre)” to “Business and Office” based on the following considerations:

Principal Reasons for Recommendations:

1. Policy LU-8E of the Land Use Element of the Comprehensive Development Master Plan (CDMP) requires Applications requesting amendments to the CDMP Land Use Plan map to be evaluated according to factors such as, the proposed development’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, impacts to County services, compatibility with abutting and nearby land uses, impacts to environmental and historical resources, and the extent to which the proposed CDMP land use would promote transit ridership and pedestrianism.

The application site is situated along the NW 7 Avenue commercial corridor, which is designated a Major Roadway (3 or more lanes) on the LUP map, and since 1980 has been zoned RU-5A, which allows semi-professional offices on the application site. Properties adjacent to the application site, across NW 7 Avenue, are designated on the LUP map as “Business and Office”, and properties immediately to the north of the application site are zoned for commercial uses. The requested “Business and Office” CDMP land use designation for the application site is compatible with abutting and nearby land uses surrounding the subject property because of existing development patterns (See Appendix A: Map Series).

2. The proposed development, if approved, will not cause County services, such as parks, roadways, fire and rescue, transit, including public schools to operate below their adopted Level of Service (LOS) standards. In addition, the application site lies within the City of North Miami Beach Water Service Area. The North Miami Beach Norwood-Oeffler Water Treatment Plant (WTP) services the application site. In accordance with the City of North Miami Beach’s approved renewal of its Consumptive Use Permit (CUP) in August 2007, there is sufficient supply of water for the anticipated growth of the City for the next 20 years. Furthermore, estimated water demands from the proposed development will not have a significant impact on the WTP’s design capacity and will not cause the adopted LOS standard to be exceeded (See Staff Analysis below).
3. The application site does not impact any historical or environmental resources. However, an inspection performed by DERM staff on July 1, 2008 revealed a specimen-sized sea-grape tree (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. The inspection also indicated that tree resources were removed from the property without first obtaining the Miami-Dade County Tree Removal permit, a condition that must be addressed at time of permitting.
4. The proposed development, if approved, will not help to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County. The analysis area will deplete its supply of commercially designated land beyond 2025.

However, the requested land use change has a negligible impact on the supply of either residential or commercial land.

5. The text of the CDMP allows residential development on “Business and Office” designated areas to be one density category higher than the adjacent residential designated land on the same side of a principal roadway. The application site is adjacent to property designated as “Medium-High Density Residential (25 to 60 DU/gross acres)” on its north, south, and west. The next higher residential land use category is “High Density Residential (60 to 125 DU/gross acre).” Thus, the applicant would be allowed to build a residential development to a maximum 105 multi-family dwelling units if the proposed amendment were adopted. Staff is concerned that this density would be incompatible with the residential density of the surrounding neighborhood. The Applicant, however, submitted a Declaration of Restrictions limiting residential development to the density that is currently allowed under the “Medium-High Density Residential (25 to 60 DU/gross acre)” land use category. Therefore, acceptance of the submitted covenant would prohibit development of a residential development at a density that would be incompatible with the residential neighborhood surrounding the application site.

STAFF ANALYSIS

Application Site

The subject property is located inside the 2015 Urban Development Boundary (UDB) and within the Urban Infill Area (UIA). It is bounded on the east side by NW 7 Avenue, on the north by NW 155 Lane, and on the south by the Biscayne Canal. The subject property is a 0.84 gross acre lot (0.72 net) that fronts NW 7 Avenue, a designated a Major Roadway (3 or more lanes) on the Adopted 2015 Land Use Plan (LUP) map. In addition, the application site is situated approximately 0.2 miles south of the Golden Glades Interchange, which provides access to the Florida Turnpike, I-95 Expressway, and State Road 9.

The application site is currently designated "Medium-High Density Residential Communities" on the LUP map, which allows a residential density between 25 to 60 dwelling units (DU) per gross acre. The Aerial Photo shows the subject property as vacant parcel. In addition, the Zoning Map shows the subject property is zoned RU-5A, which allows semi-professional office complexes on minimum 10,000 sq. ft. net lots (See Appendix A: Map Series).

The applicant requests a CDMP land use change on the subject property to "Business and Office." Assuming a floor area ratio of 0.4, this 0.84-acre site could support approximately 12,545 square feet of commercial/retail space, which would generate 31 employees to the application site. In addition to non-residential uses, CDMP land use policies allow residential uses under the proposed "Business and Office" land use category; i.e., up to one density category higher than the residentially-designated land use category adjacent to the application site. The residential land use category adjacent to the application site is "Medium-High Density Residential Communities (25 to 60 DU/gross acre)." If approved, subject property could develop at a density between 60 to 125 DU/gross acre, and potentially generating 240 persons. A Declaration of Restrictions submitted on July 28, 2008 states that the applicant will not seek approval of those retail uses described in Exhibit B attached to the covenant. Some of these uses include hotel and motel uses, nightclubs, gun shops, gas stations, etc. The covenant also limits the maximum number of residential units that may be developed on the subject property to the maximum number of units permitted under its current "Medium-High Density Residential" CDMP land use category.

Adjacent Land Use and Zoning

The Land Use Map shows that properties adjacent to the north and west of the application site are designated "Medium-High Density Residential" on the LUP map, which allows 25 to 60 dwelling units per gross acre. Properties to the east and south are designated "Business and Office" on the LUP map. Existing land uses adjacent to the north and west of the subject property include 'high density, multi-family' residential uses; to the east and northeast of the application site, across NW 7 Avenue, are vacant lots, and to its south, across the Biscayne Canal, are office and retail uses (See Appendix A: Map Series).

Properties immediately to the north and west of the application site are zoned RU-4 (High Density Apartment House District, 50 DU/net acre) and include the Racketclub Apartments and the Parkway Towers Condominiums. There is an existing parking lot west and adjacent to the subject property that services the Parkway Towers Condominiums. In addition, the Centre Lakes Apartment complex is located approximately 2-3 blocks north of the application site.

Properties east of the subject property are zoned RU-4M (Modified Apartment House District, 35.9 DU/net acre) and are vacant, however, warehouses are located further east of the subject property, adjacent to I-95. Properties immediately to the northeast of the application site are zoned BU-1 (Neighborhood Business District); the Murray's Speed and Custom Auto Parts Store and a Chevron Gas Station are located in this area. Properties to the south of the application site, across the Biscayne Canal, are zoned BU-2 (Special Business District) and are mostly characterized by small retail and food service operations, such as the Safari Seafood Market and the Pack Restaurant & Cafeteria (See Appendix G: Photos of Application Site and Surroundings). A single-family residential district zoned RU-1 is located southwest of the subject site.

Land Use and Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The subject property was initially designated GU (Interim), which allows uses based on the character of the neighborhood. However, on November 21, 1968, Miami-Dade County Board of County Commissioners (BCC) adopted Resolution No. Z-305-68 approving a district boundary change from GU to RU-4 (Apartment House and Hotel), on a 41-acre parcel that included the subject property. According to zoning records, the subject site was improved with a one-story structure that, between 1973 and 1982, was utilized as a sales office and model apartment building by the Twin Lakes Racquet Club Apartments located to the west of the application site. On December 20, 1979, the BCC adopted Resolution No. Z-299-79, which denied a zoning district boundary change from RU-4 to BU-1 (Neighborhood Business) on the application site due to compatibility issues. However, on November 6, 1980, the BCC adopted Resolution No. Z-241-80 approving a district boundary change from RU-4 to RU-5A, which allows semi-professional offices on the application site. Historical aerial photographs from the Miami-Dade County Public Works Department show that the application site has been vacant since 1982. According to zoning records, there has been no further zoning requests involving the application site since 1980 and there is no pending zoning hearing that involves the subject property.

Supply and Demand

Residential Land Analysis

Vacant Residential land in the Analysis Area for the Application site (Minor Statistical Areas 2.2 and 2.4) in 2008 is estimated to have a capacity for about 2,884 dwelling units, of which about 54 percent is for single-family type units. The annual average demand is projected to increase from 311 units per year in the 2008-2010 period to 339 units per year in the 2020-2025 period. An analysis of the residential capacity without differentiating by type of units shows depletion occurring by year 2017 (See "Residential Land Supply/Demand Analysis" table below). The depletion for single-family type units is projected to be absorbed by the year 2023. The supply of multi-family land is projected to be depleted by 2014.

Commercial Land Analysis

In 2008, the Study Area (MSAs 2.2 and 2.4) for the application site contained 68.7 acres of vacant land zoned for commercial uses. In addition, there were 759.0 acres of in-use commercial land. The average annual absorption rate projected for the 2008-2025 period is 2.32 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 the "Projected Absorption of Land for Commercial Uses" table below).

Residential Land Supply/Demand Analysis
2008 to 2025

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE			
	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2008	1.552	1,332	2,894
DEMAND 2008-2010	101	210	311
CAPACITY IN 2010	1.350	912	2,262
DEMAND 2010-2015	91	194	285
CAPACITY IN 2015	895	0	837
DEMAND 2015-2020	99	214	313
CAPACITY IN 2020	400	0	0
DEMAND 2020-2025	108	231	339
CAPACITY IN 2025	0	0	0
DEPLETION YEAR	2023	2014	2017

Source: Miami-Dade Department of Planning and Zoning, Planning Research Section, August 2008.

Notes

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on proposed population projections.

Projected Absorption of Land for Commercial Uses

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 per Thousand Persons	
					2015	2025
2.2	29.7	259.1	1.60	2025+	5.2	4.7
2.4	39.0	499.9	0.72	2025+	6.4	6.1
Total	68.7	759.0	2.32	2025+	5.9	5.5

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

Analysis of the Trade Area

The trade area analysis is based on the location of the application site, which is considered as the focal point of the trade area. Analysis of the trade Area, 1.5 miles around the application site, shows that there are 239.3 acres in existing commercial uses and 44.5 acres of vacant commercially zoned or designated land. Most of the vacant parcels are located north of the application site (See Trade Area Map in Appendix A).

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)	+5.5 feet
Stormwater Management	5-year storm event
Drainage Basin	C-8 Biscayne 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 5.5 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.

Specimen Trees:

An inspection performed by DERM staff on July 1, 2008 revealed a specimen-sized sea-grape tree (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. The inspection also indicated that tree resources were removed from the property without first obtaining the Miami-Dade County Tree Removal permit, a condition that must be addressed at time of permitting.

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.

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 small-scale project the year 2011 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.

This application lies within the City of North Miami Beach Water Service area; the source of water is from the North Miami Beach Norwood-Oeffler Water Treatment Plant (WTP). The SFWMD approved the renewal of the City's 20 year-CUP in August 2007. According to their CUP, beginning in 2008, the City will no longer purchase water from the County. The Norwood-Oeffler WTP was expanded in 2006 to a total capacity of 32 mgd, which includes a 2 mg and a 5 mg storage tank for finished water. The City recently constructed four new Floridan wells and five new Biscayne wells, which supply the WTP and plans to further increase the capacity of the WTP to a total of 42 mgd by 2015.

Estimated Water Demand by Land Use Scenario				
Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami- Dade Code)	Projected Water Demand (gpd)
CURRENT USE				
1 Med-High Density Res.	MF Residential	50 units	200 gal/unit	10,000
PROPOSED USE				
1. Bus/Office	Business/ Office	12,545 sf	10 gal/100 sf	1,255
2. Bus/Office	MF Res.	105 units	200 gal/unit	21,000

As noted in the "Estimated Water Demand" table above, the maximum water demand for the current allowed use is estimated at 10,000 gpd. Under proposed development scenario 2 the maximum water demand is estimated at 21,000 gpd; an 11,000 gpd increase in water demand above what is currently anticipated from development at the site. This site is located within the Urban Infill Area of the County and therefore is anticipated to develop at higher density. This development is considered normal growth and therefore would be considered within the normal

increase in the City's water demand. In accordance with the City's CUP, there is sufficient water to provide for the anticipated growth of the City for the next 20 years.

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 the City of North Miami Beach's Norwood/Oeffler Water Treatment Plant. Based on information in the County's Water Supply Facility Work Plan Support Document, and the 12-month data provided by DERM, the water treatment plant currently has a permitted treatment capacity of 32 million gallons per day (mgd) and a maximum plant production of 25.76 mgd. As a result, this treatment plant has 6.24 mgd or 19.5% of treatment plant capacity remaining.

Potable water service is provided by existing 6-inch, 12-inch, and 16-inch water mains, surrounding the application site that are owned and operated by the City of North Miami Beach. Based on development scenario 2 above, it is estimated that this application site will have an estimated water demand of 21,000 gpd. These estimated demands will not have a significant impact on the plant's design capacity and will not cause the adopted LOS standard to be exceeded.

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 North District Wastewater Treatment Facility, which has a design capacity of 112.5 mgd and an 12-month average flow (ending April 2008) of 91.39 mgd or 81.2% of the plant's design capacity.

Based upon the residential development scenario (Scenario 2 under the Water Supply section), it is estimated that this site will generate sewage flows of 21,000 gpd. These estimated flows will not have a significant impact on the treatment plant's design capacity and will not cause the adopted LOS standard to be exceeded.

The closest public sanitary sewer line to the application site is an existing force main abutting the property along the NW 7 Avenue, which is owned and operated by the City of North Miami. DERM evaluated the possible connection to the public sanitary sewer and has determined that the sanitary sewer system has adequate collection/transmission and treatment capacity for the proposed application.

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 DSWM facility is the Golden Glades Trash and Recycling Center, located at 140 NW 160 Street, approximately 3 miles from the site. Under the DSWM's current policy, only residential customers paying the annual waste collection fee and/or the Trash and Recycling Center fee are allowed the use of this type of facility. The DSWM has indicated that the request will have minimal impact on collection services and that the DSWM is capable of providing the necessary disposal service for the application site.

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 1 (PBD1), which has a surplus capacity of 396 acres when measured by the County concurrency level-of-services 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 2-mile radius of the application site are listed below.

County Local Parks
Within a 2 Mile Radius of Application Area

Name	Location	Park Classification	Acreage
Biscayne Gardens Park	15951 NW 2 Avenue	Neighborhood Park	5.5
Jeb Estates Park	14541 NW 16 Court	Mini Park	1.5
Oak Grove Park	690 NE 159TH ST	Community Park	21.7

Source: Miami Dade Parks and Recreation Department, July 2008

This application has the potential to increase population on site by 240 persons, 126 persons more than what the site could generate under its current designation, resulting in a need for an additional 0.4 acres, if approved. The cumulative impact of all applications in PBD 1 will increase the population by 13,644 and decrease the available reserve capacity by 37.52 acres.

PARD is committed to increasing available recreation open space and facilities in this area. Future site plans for development proposed for this site should take goals and principles of the Open Space System Master Plan, 2008, into account.

Fire and Rescue Service

Miami-Dade County Fire Rescue Station 32, Uleta, located at 358 Northeast 168th Street, currently serves the application site. This station is equipped with an Advanced Life Support

(ALS) Engine and a Rescue unit, and is continuously staffed with seven firefighters/paramedics. Currently, there are no planned fire station facilities near the application site.

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 6 minutes and 50 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 CDMP designation allows a potential development that will generate a total of 14 annual alarms. Under the requested CDMP designation, potential development is anticipated to generate a total of 29 annual alarms. According to MDFR, this will result in a minimal 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.

The required fire flows for the proposed CDMP designation for Business uses are 3,000 gallons per minute (gpm) at 20 pounds per square inch (psi) residual on the system. The required fire flows for 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

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 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
Biscayne Gardens Elementary	722	734	1,035	70%	71%
Thomas Jefferson Middle	746	751	1,016	73%	74%
North Miami Senior	2,816	2,823	2,481	113%	114%

* 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 Florida Inventory of School Houses (FISH) capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage.

If the application site were developed for residential use under the proposed "Business and Office" land use category, then, the potential student population of the schools serving the application site would be increased by an additional 24 students. Twelve (12) students will attend Biscayne Gardens Elementary, increasing the FISH utilization from 70% to 71%; five (5) students will attend Thomas Jefferson Middle, increasing the FISH from 73% to 74%; and seven (7) students will attend North Miami Senior High, increasing the FISH utilization from 113% to 114%. None of the schools impacted will exceed the 115% FISH design capacity threshold set by the current Interlocal Agreement.

Currently there are no new schools being planned, designed or under construction for this application site.

Roadways

Access to the application site is from NW 7 Avenue (US 441/SR 7), a six-lane divided north-south roadway facility, which provides connection to other major corridors at the Golden Glades interchange, approximately 1/4 mile north of the site. The Golden Glades interchange is a confluence of major roadways including the Florida Turnpike (SR 91), Interstate 95 (I-95)/SR 9A, the Palmetto Expressway/SR 826, SR 9, NE 167/167 Street (SR 826), NW 7 Avenue, and NW 2 Avenue. All these roadways provide accessibility to other parts of the County. The Florida Turnpike, I-95, and the Palmetto Expressway form part of the Florida Department of Transportation's (FDOT) Strategic Intermodal System (SIS) and are also part of the Florida Intrastate Highway System (FIHS).

Existing Conditions

Current traffic conditions on NW 7 Avenue between the Golden Glades interchange/I-95 Ramp and NW 135 Street, the Palmetto Expressway from NW 12 Avenue to NW 2 Avenue, and NW 151 Street from NW 7 Avenue to NW 2 Avenue, in the vicinity of the Application site are relatively free flowing with the segments operating at level of service (LOS) B and C, above their adopted LOS D, E and E+50% standards. See "Traffic Impact Analysis" Table below.

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.

Trip Generation

Two development scenarios (Scenarios 1 and 2) were analyzed for traffic impact under the requested CDMP land use designation of "Business and Office." Scenario 1 assumes the application site developed with commercial use (12,545 sq. ft. retail); and Scenario 2 assumes the application site developed with residential use (105 multi-family units). Under the current zoning and CDMP designation, the property can be developed with either offices or residences as shown in the "Estimated Peak Hour Trip Generation" table below.

Future Conditions

The County's 2009 Transportation Improvement Program (TIP) for fiscal years 2008-2012 lists the addition of special use lanes to Interstate 95 (I-95/SR 9A). This roadway capacity improvement is identified in the "Programmed Roadway Capacity Improvements" table below.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of July 8, 2008, which considers reserved trips from approved developments not yet constructed and any programmed roadway capacity improvements, predicts that the roadways adjacent to and the vicinity of the application site will continue to operate within their respective LOS standards.

Estimated Peak Hour Trip Generation By Current CDMP and Requested Land Use Designations			
Application No.	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
2 (Scenario 1)	Medium-High Density Residential (25.0 - 60.0 DU/gross acre) (15,681 sq. ft., Offices ^{2/}	Business and Office (12,545 sq. ft. retail space)/	
	23	46 ¹	+23
2 (Scenario 2)	Medium-High Density Residential (25.0 - 60.0 DU/gross acre) (50 Multi-Family Units) ^{3/}	Business and Office (105 Multi-Family Units)/	
	45	75	+30

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

Notes ¹ Includes pass-by trips adjustment factor, ITE Trip Generation, 7th Edition, 2003.

² Under the current RU-5A zoning district designation the application site can be developed with 15,681 square feet of offices.

³ Under the current CDMP land use designation the application site can be developed with 50 Multi-Family Units.

Scenario 1 assumes the Application site developed with 12,545 sq. ft. of retail under the requested land use designation.

Scenario 2 assumes the Application site developed with 105 Multi-Family units under the requested land use designation.

Programmed Roadway Capacity Improvements Fiscal Years 2008/2009 – 2012/2013				
Roadway	From	To	Type of Improvement	Fiscal Year
I-95/SR 9A N/O SR 836/1-395	Golden Glades Interchange	Add Special Use Lanes	UC	

Source: 2009 Transportation Improvement Program, Metropolitan Planning Organization for the Miami Urbanized Area, May 2008.

Note:

UC means Under Construction

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

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std. ¹	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 ² : Business and Office (Commercial Use)												
5021	SR 7/US 441	I-95 SB ramp to under I-95	2 OW	E	2,790	1,936	B	--	B	14	1950	B (06)
2114	SR 826/Palmetto Expwy.	NW 12 Ave. to US 441	8 LA	D	18,156	10,632	C	143	C	10	10,785	C (06)
9538	NW 151 St.	NW 7 Ave. to NW 2 Ave.	2 UD	E	1,200	281	C	--	C	3	284	C (07)
436	NW 7 Ave.	NW 135 St. to I-95 ramp	6 DV	E+50%	7,380	2,662	C	77	C	19	2,758	C (06)
Scenario 2 ³ : Business and Office (Residential Use)												
5021	SR 7/US 441	I-95 SB ramp to under I-95	2 OW	E	2,790	1,936	B	--	B	23	1,959	B (06)
2114	SR 826/Palmetto Expwy.	NW 12 Ave. to US 441	8 LA	D	18,156	10,632	C	143	C	16	10,791	C (06)
9538	NW 151 St.	NW 7 Ave. to NW 2 Ave.	2 UD	E	1,200	281	C	--	C	5	286	C (07)
436	NW 7 Ave.	NW 135 St. to I-95 SB ramp	6 DV	E+50%	7,380	2,662	C	77	C	31	2,770	C (06)

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

Notes: OW = One way; LA = Limited Access; UD = Undivided Roadway; DV = Divided Roadway.

() Identifies year traffic count was taken.

E+50% = 150% of LOS E; Extraordinary Transit in Urban Infill Area, a designated transportation concurrency exception area.

¹ County adopted roadway level of service standard applicable to the roadway segment.

² Scenario 1 assumes Application site developed with 12,545 square feet of retail space under the requested Business and Office land use designation.

³ Scenario 2 assumes Application site developed with 105 multi-family dwelling units under the requested Business and Office land use designation.

Application Impact

The potential commercial development (Scenario 1) under the requested "Business and Office" land use designation is estimated to generate 23 more PM peak-hour trips than the potential office development that could occur under the current RU-5A, Semi-Professional Offices, Zoning District designation. Scenario 2 (residential use), on the other hand, would generate 30 more additional PM peak-hour trips than the potential residential development that could under the current "Medium-High Density Residential (25 to 60 dwelling units per gross acre)" land use designation.

Current traffic conditions on NW 7 Avenue between the Golden Glades interchange/I-95 Ramp and NW 135 Street, the Palmetto Expressway from NW 12 Avenue to NW 2 Avenue, and NW 151 Street from NW 7 Avenue to NW 2 Avenue, in the vicinity of the Application site are relatively free flowing with the segments operating at level of service (LOS) B and C, above their adopted LOS standards. The evaluation of peak-period traffic concurrency conditions of the roadways adjacent to and in the vicinity of the application site predicts that these roadways will continue to operate at LOS B and C above their respective LOS standards.

It should be pointed out that proposed developments within the UIA will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted CDMP and it meets the provisions of Section 163.3180, Florida Statutes. Section 163.3180, F.S., requires projects whose traffic impacts exceed 2 percent of the capacity of a FIHS roadway operating below the CDMP-adopted LOS standard to implement and maintain trip reduction measures to reduce travel by single-occupant vehicles so that the resultant increase does not exceed 2 percent of the roadway capacity. No FIHS roadway is operating or projected to operate below the adopted LOS standard as a result of this application.

Transit

Existing Service

The Subject site and surrounding area are served by Metrobus Routes E, 77, and 277 (NW 7 Avenue MAX). The existing service frequencies of these routes are shown 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		
E	30	60	30	N/A	45	45	0.0	F
77	8	15	30	N/A	15	30	0.0	F
277/NW 7 Avenue MAX	20	N/A	N/A	N/A	N/A	N/A	0.0	F / E

Source: Draft 2008 Transit Development Plan, Miami-Dade Transit, July 2008.

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

Future Conditions

Transit improvements to the existing Metrobus service such as a new route and realignment to the current routes, are being planned for the next ten years as noted in the Draft 2008 Transit Development Plan. Transit impacts from the proposed development may not be accurate in the sense that the bus improvement assumptions may not be adopted/approved or included into the finalized 2008 TDP. The "Metrobus Recommended Service Improvements" table below shows the Metrobus service improvements programmed for the existing routes serving this application.

Metrobus Recommended Service Improvements

Route(s)	Improvement Description
E	Streamline route via NE 163rd Street and add Country Club loop from Route 3.
163 Street Shuttle	New route would operate daily from Golden Glades to Collins Avenue along 163rd Street.

Source: Draft 2008 Transit Development Plan, Miami-Dade Transit, April 2008.

Major Transit Projects

A major transit project planned in the vicinity of the application site includes extension of the Metrorail to the Miami-Dade/Broward county line from the existing Dr. Martin Luther King, Jr. Metrorail station, as part of the People's Transportation Plan Rapid Transit Improvements. This planned extension consists of a 9.5-mile corridor along NW 27th Avenue north of NW 79th Street.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 176 where the application site is located. If the application is granted, the expected transit impact produced by this application is minimal and can be absorbed by the planned improvements to existing transit service in the area.

The projected bus service improvements for these routes are estimated to cost approximately \$71,312 in annual operating costs and a one-time capital cost of \$108,816 for a total cost of \$180,128. These costs only reflect the percentage of improvements that are located within the Application area.

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:

- Policy LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas.
- Policy LU-8B: Distribution of neighborhood or commercial-servicing retail uses and personal and professional offices shall reflect the spatial distribution of the residential population.

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

- Policy 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.
- Guidelines for Urban Form No. 4: Intersections of section line roads shall serve as focal points of activity, referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood [...] when commercial uses are warranted, they should be located within these activity nodes.

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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 (from site visit)

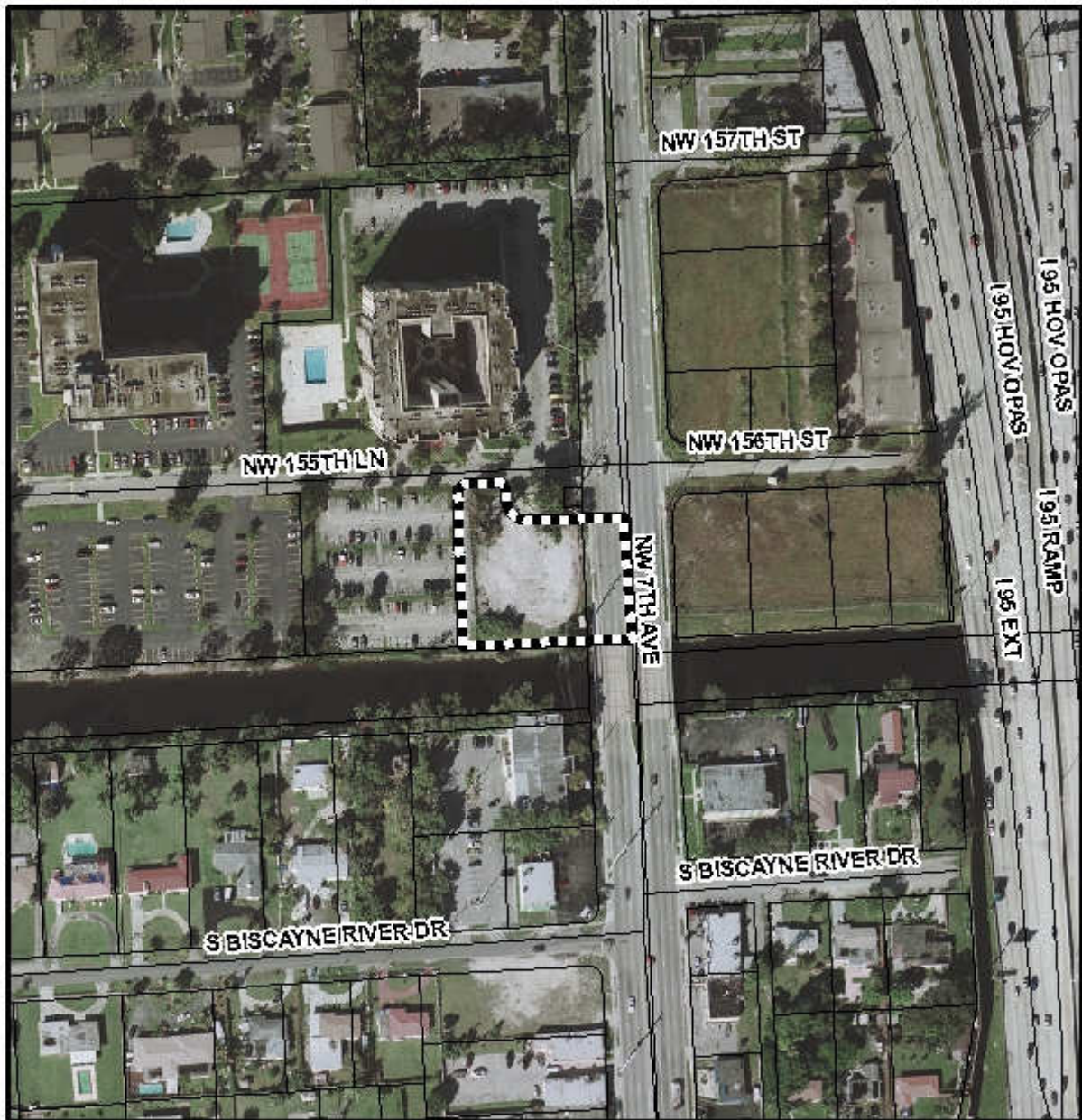
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APPENDIX A

Map Series

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AERIAL PHOTO: APRIL 2008 CYCLE APPLICATION NO. 2



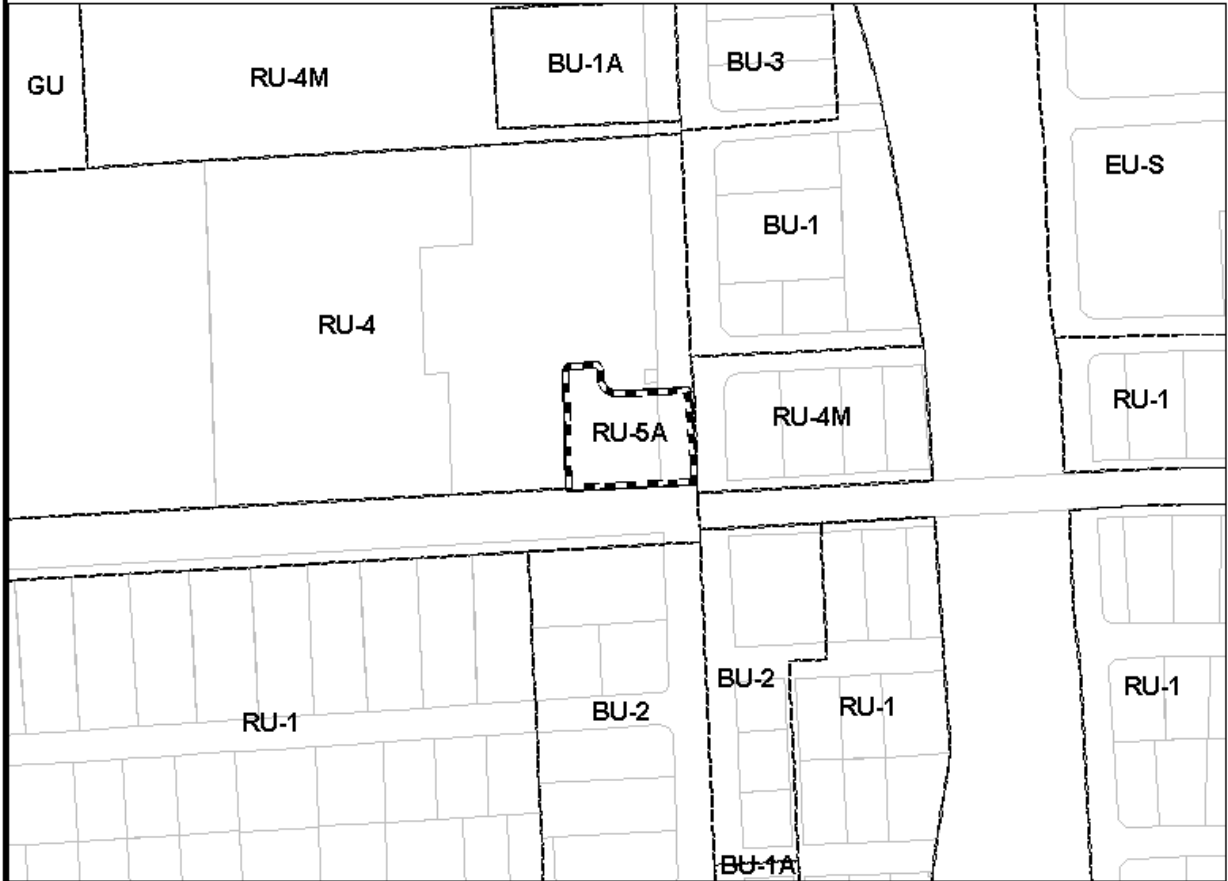
APPLICATION AREA



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



APPLICATION NO. 2 CURRENT ZONING MAP



Legend



ZONING DISTRICTS

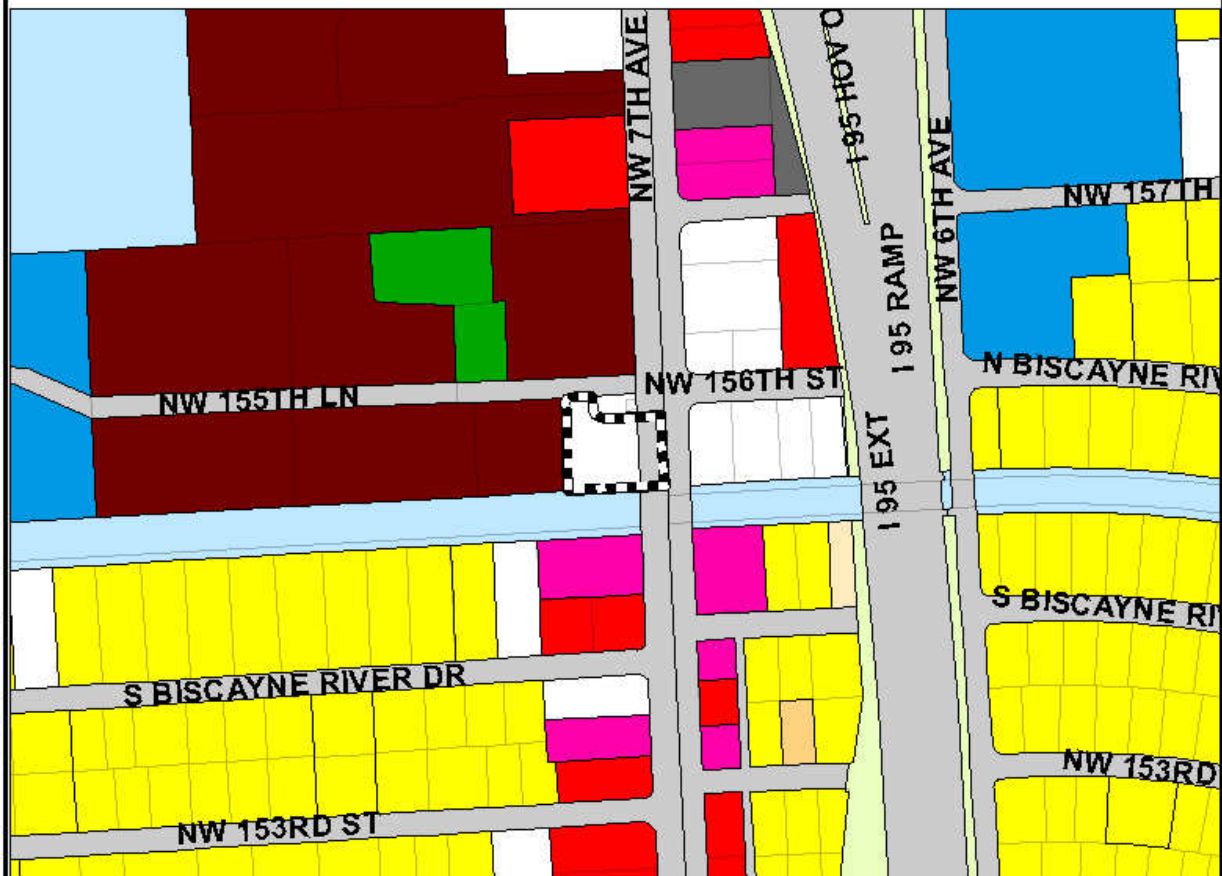
GU	INTERIM
EU-S	SINGLE-FAMILY SUBURBAN ESTATE (25,000 sq. ft. gross)
RU-1	SINGLE-FAMILY RESIDENTIAL (7,500 sq. ft. net)
RU-4M	MODIFIED APARTMENT HOUSE (35.9 DU/net acre)
RU-4	HIGH DENSITY APARTMENT HOUSE (50 DU/net acre)
BU-1	NEIGHBORHOOD BUSINESS
BU-1A	LIMITED BUSINESS
BU-2	SPECIAL BUSINESS
BU-3	LIBERAL BUSINESS

0 0.04 0.08 Miles

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



APPLICATION NO. 2 EXISTING LAND USE



LEGEND



APPLICATION AREA

EXISTING LAND USE



SINGLE-FAMILY



TWO-FAMILY (DUPLEXES)



HIGH DENSITY MULTI-FAMILY



COMMERCIAL, SHOPPING CENTERS, STADIUMS



OFFICE BUILDING



INSTITUTIONAL



INDUSTRIAL



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



STREET AND EXPRESSWAY RIGHTS-OF-WAY



PARKS, PRESERVES, CONSERVATION AREAS,



VACANT



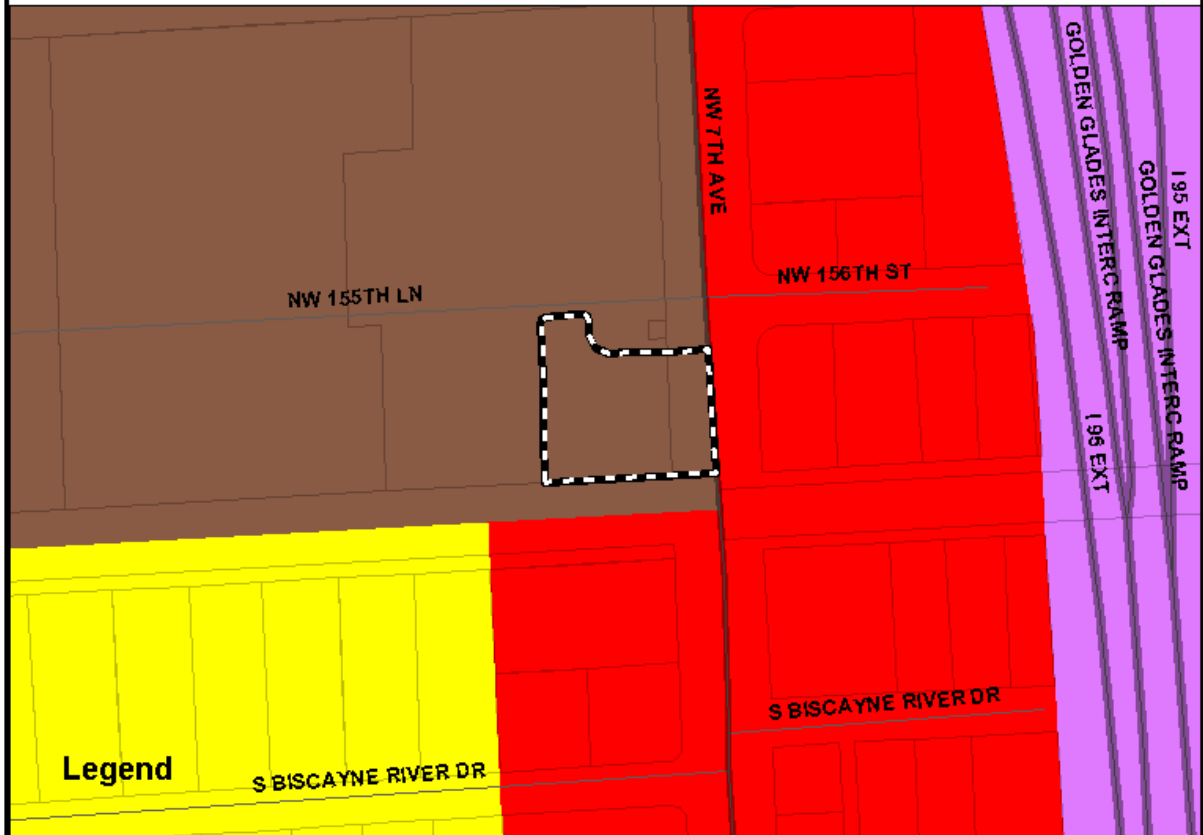
INLAND WATERS



Source: Miami-Dade County
Department of Planning and Zoning, 2008



APPLICATION NO. 2 CDMP LAND USE



Legend

LEGEND



APPLICATION AREA

CDMP LAND USE



LOW DENSITY (2.5-6 DU/AC)



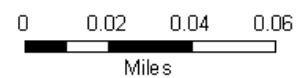
MEDIUM-HIGH DENSITY (25-60 DU/AC)



BUSINESS AND OFFICE



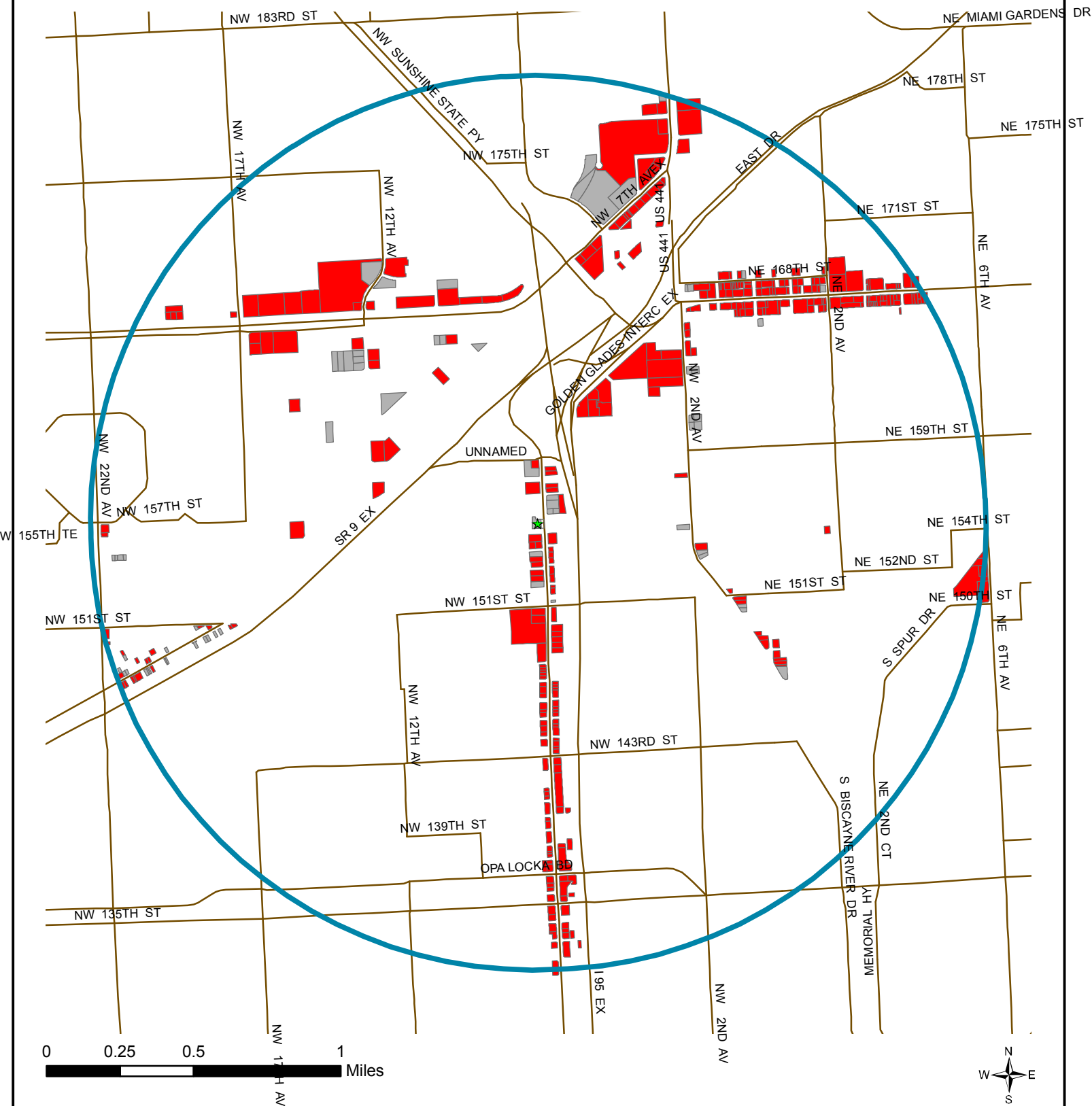
TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)



Source: Miami-Dade County
Department of Planning and Zoning, 2008



TRADE AREA MAP: APPLICATION NO. 2



Application 2



Commerical Landuse



1.5-mile Radius



Vacant Commercial Landuse

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APPENDIX B

Amendment Application

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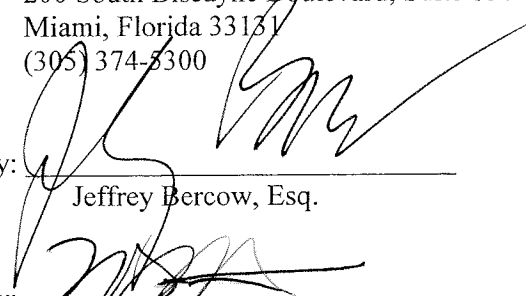
**SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
APRIL 2008-2009 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

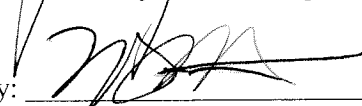
Tibor Hollo
100 South Biscayne Boulevard
Suite 1100
Miami, Florida 33131

2. APPLICANT'S REPRESENTATIVES

Jeffrey Bercow, Esq.
Michael J. Marrero, Esq.
Bercow Radell & Fernandez P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

By: 
Jeffrey Bercow, Esq.

Date: April 30, 2008

By: 
Michael J. Marrero, Esq.

Date: April 30, 2008

3. DESCRIPTION OF REQUESTED CHANGES

A small-scale amendment to the Comprehensive Development Master Plan (CDMP) Land Use Plan Map (LUP) is requested.

- A. A change to the Land Use Element, Land Use Plan Map (item A.1 in the fee schedule) is requested.

Current Land Use Designation: Medium-High Density Residential

Proposed Land Use Designation: Business and Office

- B. Description of Property

The Property consists of one parcel (Folio No. 30-2114-012-0020) approximately 0.84 gross acres (0.72 net acres) in size (the "Property") and located in Section 14, Township 52, Range 41 in unincorporated Miami-Dade County. See Attached Sketch.

- C. Acreage of Property

Gross Acreage = 0.84 acres

Net Acreage = 0.72 acres

Acreage owned by the Applicant = 0.72

D. Requested Changes

- 1) The Applicant requests the redesignation of the Property from Medium-High Density Residential to Business and Office.
- 2) It is requested that this Application be processed as a small-scale amendment under the expedited procedures.
- 3) If the CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.

4. REASONS FOR AMENDMENT

Applicant. Tibor Hollo (the "Applicant") is the owner of the Property located in north Miami-Dade County, which is the subject of the present application (the "Application").

Property. The Property consists of one parcel of land located on the southwest corner of N.W. 7th Avenue and N.W. 155 Lane in unincorporated Miami-Dade County (the "County"). The parcel, identified by Miami-Dade County Folio No. 30-2114-012-0020, currently consists of vacant land. The Property is located inside the Urban Development Boundary and the Urban Infill Area of the County.

Land Use and Zoning. The entire Property is currently designated as Medium-High Density Residential. The Property is immediately surrounded by the following land use designations: Medium-High Density Residential to the north and west, Business and Office to the east across N.W. 7th Avenue, and Business and Office to the south across Biscayne Canal. Notably, all of the neighboring properties located between N.W. 7th Avenue and the I-95 Expressway are designated Business and Office.

The Property is located in the RU-5A (Semi-Professional Office District) zoning district. The properties to the north and west are zoned RU-4 (High Density Apartment House District). The vacant properties to the east are zoned RU-4M (Modified Apartment House District). Finally, the property to the northeast is zoned BU-1 (Neighborhood Business District) and the property to the south, across the Biscayne Canal, is zoned BU-2 (Special Business District).

The Surrounding Area. The surrounding area is a mix of office, residential and retail uses. To the east and northeast of the Property, there are two relatively large vacant parcels of land. To the north of the Property, there is an existing condominium tower consisting of approximately 151 units. This condominium building is served by a surface parking lot located to the west of the Property. Further west from the Property, there is an existing apartment complex consisting of 210 residential units. Finally, to the southeast of the Property there is a one-story office building, while the area to the south of the Property is characterized by a Children's Psychiatric Center, a retail building, and several single-family residences.

Description of Development Proposal. The Applicant plans to develop the Property with community-serving retail uses. However, the Applicant wants to reserve the right to develop the Property with residential uses as permitted by the Business and Office designation. Accordingly,

the Applicant will proffer a declaration of restrictions that restricts the Property to suitable commercial uses and limits residential density on the Property to that permitted under the existing Medium-High Density Residential designation.

Projected Population Increase. The County adopted the current Population Estimates and Projections in October 2004. For MSA 2.4, that analysis projected a 9.0% increase in population by 2015 and a 14.2% increase by 2025 from the base population of 78,931 in 2000. This significant population increase will necessitate additional employment opportunities and retail commercial development in the area in order to service this population growth. As CDMP Land Use Element Policy 8B provides, the “[d]istribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban areas shall reflect the spatial distribution of the residential population” (CDMP p. I-15). The Applicant’s proposal will provide both employment opportunities and retail services to this area.

The County is presently in the process of updating the Population Estimates and Projections. The Board of County Commissioners will decide whether to transmit the update on May 29, 2008. See Application No. 5 of the October 2007 Cycle to Amend the CDMP. The revised figures, while slightly lower, still show a significant increase in population for MSA 2.4, and therefore a need for employment centers and retail services. The increases are 7.1% for 2015 and 11.9% for 2025 based on the population level of 78,931 in 2000.

Transportation System. The Property is situated in a main transit corridor and just south of a major expressway interchange for the County. Specifically, the Property abuts a major roadway, N.W. 7th Avenue, and is located a few blocks to the south and east of another major roadway, State Road 9. The Property is also located two blocks south of the Golden Glades Interchange. The Golden Glades Interchange provides access to three expressways: Interstate 95, the Florida Turnpike and State Road 826. The Property is also well-served by public transportation. Four Metrobus routes, E, V, 77 and 277 (NW 7 Avenue MAX) service the Property and connect directly to the Golden Glades Interchange and the Golden Glades Tri-Rail Station. The Tri-Rail line is a Rapid Transit Corridor. Numerous other bus routes may be accessed from the Golden Glades, including the 95 Express to downtown Miami. The Tri-Rail Station provides access south to the Miami International Airport and the Amtrak Station and north to Broward and Palm Beach Counties. Further, there is a Park and Ride lot at the Golden Glades.

Community Urban Center. The CDMP designates the intersection of State Road 9 and approximately N.W. 159 Street as a Community Urban Center (CUC). CUCs are intended to contain moderate-intensity and a wide variety of mixed uses located on major roadways and supported by mass-transit. The Property is located in close proximity and within walking distance to both the CUC and multimodal transit opportunities. The most direct route is along the major transit corridors of N.W. 7th Avenue and N.W. 159 Street. These corridors are the perfect place for pedestrian-friendly development that feeds into the CUC. In addition, CUCs are primarily for moderate and smaller sized businesses which serve the nearby community, with close proximity to residential uses to promote pedestrian usage. The Property is perfectly situated near residential developments and small enough in size to provide retail uses that serve the surrounding community and encourage walking.

Residential and Commercial Land Supply and Demand. The Property is presently designated Medium-High Density Residential and the Applicant proposes to redesignate it to Business and Office, which permits residential uses. As indicated above, the Applicant will agree to limit residential density on the Property to the 43 units currently allowed under the Medium-High

Density Residential designation. Therefore, the requested change does not adversely impact the supply of either residential or commercial land.

Even if the Property is eventually developed for commercial use, due to its small size (0.72 acres), the reduced residential capacity will be insignificant for this area. A reduction of 43 residential units from the entire North Tier amounts to less than one-half of one percent of the residential supply of the North Tier. A reduction of 43 units from the Eastern Part of the North Tier, in which the Property is located, only amounts to 0.3% of the total supply. Further, due to the small size of the Property, it may not be physically possible or economically feasible to develop 43 units on this land.

Consistency with the CDMP. The Applicant's proposal will provide the surrounding community with necessary neighborhood retail uses. The redesignation request is consistent with several objectives, goals and policies of the Comprehensive Development Master Plan.

Consistency with the Land Use Element. The approval of the Application will be consistent with the following objectives and policies in the Land Use Element for the reasons set forth below:

OBJECTIVE LU-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.

The Property is located in close proximity to a CUC as designated by the LUP Map. Pursuant to page I-47 of the CDMP, "[u]ses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces." These uses are particularly consistent with the Business and Office CDMP designation, which allows for retail, wholesale, personal and professional services, commercial and professional offices, among other uses described on page I-47 of the CDMP. The development of the Property as a community-serving retail project would be compatible with the pattern of development encouraged for Urban Centers within the County. In addition, the applicant intends to comply with Miami-Dade County's Urban Design Guidelines in order to ensure that this will be a well-designed project.

POLICY LU-1C

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

The Property is a vacant parcel situated within the Urban Development Boundary in a currently urbanized area. A vacant parcel of land adjacent to major transportation corridors in Miami-Dade County is a substandard use of the Property.

OBJECTIVE LU-7

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

The Property is located in an area with a high concentration of transit alternatives. Specifically, it is located a few blocks from State Road 9, the I-95 Expressway, and the Golden Glades Interchange. Moreover, the Property abuts N.W. 7th Avenue, a six lane divided thoroughfare considered a major roadway on the County's LUP Map. N.W. 7th Avenue is currently serviced by multiple Metrobus routes all connecting directly to the Golden Glades Interchange the Golden Glades Tri-Rail Station. As a result, the development of the Property will be planned and designed in a manner that will promote the use of public transportation.

POLICY LU-7D

Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.

The Property is within one-half mile of multiple bus routes, and the proposed development will incorporate pedestrian-friendly elements. Therefore, the Application is perfectly situated to attract and encourage pedestrian use.

POLICY 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 Property, surrounded by a couple of large multifamily residential developments, is ideally situated to provide community-serving retail uses to this highly urbanized area.

POLICY LU-10A.

Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-used projects to promote energy conservation.

Because the Property is currently vacant, its use is currently substandard. This infill development will help serve the surrounding residential communities, thereby reducing carbon footprint and promoting energy conservation.

Consistency with the Transportation Element. The approval of the Application will be consistent with the following objectives and policies in the Mass Transportation Subelement for the reasons set forth below:

OBJECTIVE MT-4

Provide convenient, accessible and affordable mass transit services and facilities.

The proximity of the Property to multiple Metrobus routes and the Golden Glades Tri-Rail Station helps the County meet this objective and ensure quality transportation options for patrons of the Property.

Conclusion. The Applicant proposes to develop the Property with community-serving retail uses. The County's current Population Estimates and Projections reflect a strong population growth within MSA 2.4. Accordingly, additional retail commercial development is necessary to service this population growth. Moreover, the redesignation of the Property to Business and Office is compatible with the surrounding neighborhood, and is also consistent with the existing Business and Office designations to the Property's east, northeast, southeast, and south. Finally, the approval of the Application will be consistent with numerous objectives and policies in the CDMP's Land Use and Transportation Elements.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Location Map of Property
- 2) Aerial Photograph
- 3) Section Map

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

6. COMPLETE DISCLOSURE FORMS: See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

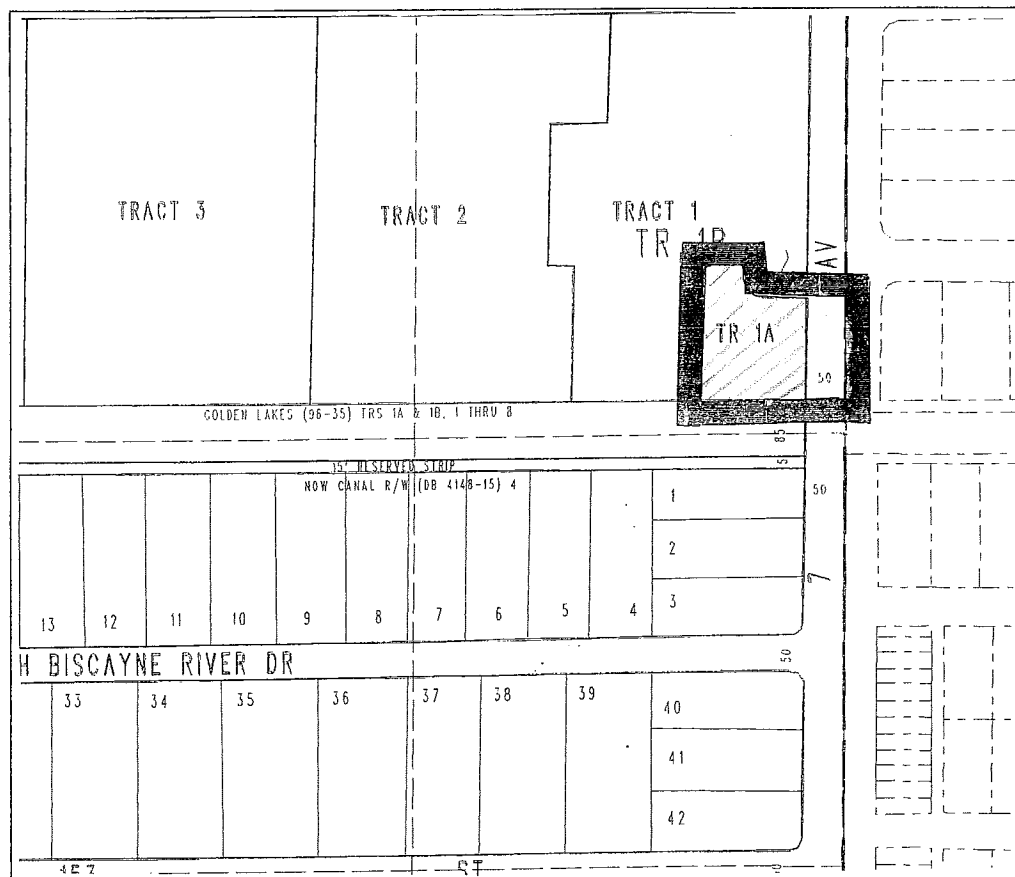
Tibor Hollo
100 South Biscayne Boulevard
Suite 1100
Miami, FL 33131

REPRESENTATIVES

Jeffrey Bercow, Esq. & Mickey J. Marrero, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

DESCRIPTION OF SUBJECT AREA

The Property consists of one parcel that contains 0.72 net acres located in Section 14, Township 52, Range 41. The parcel is identified by Folio No. 30-2114-012-0020. The Applicant owns the parcel.



APPLICATION AREA



AREA OWNED BY APPLICANT

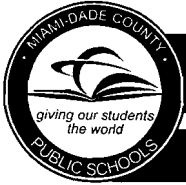


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APPENDIX C

Miami-Dade County 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, 11th 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. 2, Tibor Hollo

REQUEST: Change Land Use from Medium-High Density Residential (25 to 60
dua) to Business and Office.

ACRES: 0.84 gross acres

LOCATION: West of NW 7 Avenue between NW 155 Lane and Biscayne Canal

**MSA/
MULTIPLIER:** 2.4 / .44 Multi-Family

NUMBER OF UNITS:		Proposed Land Use	Existing Land Use
	55 additional units*	105 MF	50 MF

**ESTIMATED STUDENT
POPULATION:** 24 additional students*

ELEMENTARY: 12

MIDDLE: 5

SENIOR HIGH: 7

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Biscayne Gardens Elementary – 560 NW 151 Street

MIDDLE: Thomas Jefferson Middle – 525 NW 147 Street

SENIOR: North Miami Senior High – 800 NE 137 Street

All schools are located in North 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
Biscayne Gardens Elementary	722	691	104%	344	70%
	734 *		106%		71%
Thomas Jefferson Middle	746	858	87%	158	73%
	751 *		88%		74%
North Miami Senior High	2,816	2,268	124%	214	113%
	2,823 *		124%		114%

*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 "BBB-1"	Construction	2009
North Miami Senior Replacement		

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 \$157,176.

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
Total Potential Capital Cost	\$0

* 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

Not required for small-scale amendments

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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 No. 01-163 requiring the review procedures for amendments to the Comprehensive Development master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 2 to amend the CDMP from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

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

Solid Waste Services

Concurrency

Since the DSWM assesses capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary 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 annual fee charged to the user offsets the incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste. Currently, that fee is \$439 per residential unit. For a residential dumpster account, the current fee is \$339. The average residential unit currently generates 2.4 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, municipalities, and other haulers. For FY 07-08, the DSWM charged 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 per ton. These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is 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

This application lies within the City of North Miami Beach Water Service area; the source of water is from the North Miami Beach Norwood-Oeffler Water Treatment Plant (WTP).

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 for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

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

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

Public Schools

Application No. 2 will result in 24 additional students. 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 \$157,176. Based on the State's July 2007 student station cost factors, there are no capital costs for the estimated additional students to be generated by the proposed development.

Fire Rescue

Information pending

APPENDIX F

Proposed Declaration of Restrictions

Revised Declaration of Restrictions submitted August 25, 2008

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This instrument was prepared by:

Name: Jeffrey Bercow, Esq.

Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 2 of the April 2008 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Medium-High Density Residential" to "Business and Office"; and

NOW THEREFORE, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of Amendment Application No. 2 will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Maximum Residential Units. The maximum number of residential units that may be developed on the Property shall be equal to the maximum permitted under the existing Medium-High Density Residential designation.

(Space reserved for Clerk)

Use Restrictions. The Owner agrees not to seek approval for those uses described in Exhibit "B."

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. 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 that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163").

(Space reserved for Clerk)

Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, 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 the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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.

(Space reserved for Clerk)

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

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

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

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the 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.

(Space reserved for Clerk)

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

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

[Execution Pages Follow]

Exhibit "A"

Tract 1-A, GOLDEN LAKES, a subdivision according to the Plat thereof, as recorded in Plat Book 96, at Page 35, of the Public records of Miami-Dade County, Florida.

Exhibit "B"

1. Automobile parking garages (Section 33-253(2));
2. Hospitals (Section 33-253(2.1));
3. Hotel and motel uses (Section 33-253(2.2));
4. Major department stores (Section 33-253(4));
5. Marinas (Section 33-253(5));
6. Night clubs (Section 33-253(6));
7. Office parks (Section 33-253(7));
8. Regional shopping centers (Section 33-253(9));
9. Airports, airport hangars, and airplane repair facilities (Section 33-255(2));
10. Bakeries, retail and wholesale (Section 33-255(4));
11. Barbecue stands or barbecue pits (Section 33-255(5));
12. Bottling of beverages (Section 33-255(6));
13. Cabinet working and carpentry shops (Section 33-255(7));
14. Cold storage warehouse and pre-cooling plants (Section 33-255(8));
15. Contractor's plants and storage yards (Section 33-255(9));
16. Engines, gas, gasoline, steam and oil (sales and service) (Section 33-255(11));
17. Feed, hay and other livestock supplies (Section 33-255(12));
18. Fertilizer stores (Section 33-255(13));
19. Glass installations (Section 33-255(15));
20. Gun shops (Section 33-255(16));
21. Leather goods manufacturing, excluding tanning (Section 33-255(17));
22. Locksmith shops, sharpening and grinding shops (Section 33-255(18));
23. Lumber yards (Section 33-255(19));
24. Pawnbrokers (Section 33-255(20));
25. Poultry markets and commercial chicken hatcheries (Section 33-255(21));
26. Railroad motor truck and water freight and passenger stations (Section 33-255(22));
27. Secondhand stores for the disposal of furniture, fixtures and tools (Section 33-255(23));
28. Tire vulcanizing and retreading or sale of used tires (Section 33-255(25)); and
29. Upholstery and furniture repairs (Section 33-255(27)).

NOTE: All code sections referenced above relate to Miami-Dade County's Code.

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APPENDIX G

Photos of Application and Surroundings

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Subject Property



Auto Parts Store Adjacent to the Northeast of the Subject Property



Warehouses East of the Subject Property, Adjacent to I-95



Food Market Across the Biscayne Canal to the South of the Application Site