

Application No. 3

Commission District 2 Community Council 8

APPLICATION SUMMARY

Applicant/Representative: Lunar Real Estate Services / Mario J. Garcia-Serra, Esq. & N. Patrick Range, Esq.

Location: Southwest corner of NE 135 Street and NE 3 Court

Total Acreage: 2.5 Gross Acres; 2.065 Net Acres

Current Land Use Plan Map Designation: Low-Medium Density Residential (6 to 13 DU/Gross Ac)

Requested Land Use Plan Map Designation: Business and Office

Amendment Type: Small-scale

Existing Zoning/Site Condition: BU-1A (Limited Business District), RU-5A (Semi-Professional Office District: 10,000 sq. ft. net) and RU-2 (Two-Family Residential District; 7,500 sq. ft. net) / Undeveloped

RECOMMENDATIONS

Staff: **DENY (As a Small-Scale Amendment)**
(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 Recommendation of PAB acting as Local Planning Agency: **TO BE DETERMINED**

Final Action of Board of County Commissioners: **TO BE DETERMINED**

Staff recommends **DENY (As a Small-Scale Amendment)** the proposed small-scale Land Use Plan (LUP) map amendment to redesignate from "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre) to "Business and Office" based on the following considerations:

1. The requested land use change is incompatible with the adjacent residential land use designations. In accordance with the proffered Declaration of Restrictions, the applicant proposes to limit development on the site to a four-story (approximately 40-ft height) storage facility that will include ground floor retail. According to the site plan, the facility will provide off-street parking in the front of the building with one entrance on NE 135 Street and two entrances on NE 3 Court, which is a residential street.

Although NE 135 Street is a major thoroughfare, it is predominately residential in character. The land use designations immediately north of the application site, in the City of North Miami, is High-Density Residential and the adjacent, single-family neighborhood in unincorporated Miami-Dade County retains the Low-Medium Density Residential and Low Density Residential land use designations. Thus, the Business and Office designation, and the approximately 40-foot tall storage/retail building would be incompatible with the adjacent single-story residential neighborhood to the south and east. Approval of the application would foster commercial strip development and allow commercial uses that would not be compatible with the residential uses along the corridor.

2. The application does not demonstrate a need for the requested land use change, nor conform with the "Guidelines of Urban Form" in the CDMP. The Analysis Area, Minor Statistical Area 2.1, will deplete its supply of commercial land beyond the year 2025. However, the requested land use change for a 2.5 acre gross parcel has a negligible impact on the supply of either residential or commercial land.

The application site is adjacent to an existing "Business and Office" node located to the immediate west along Memorial Highway and NW 2 Court that does not need to be expanded. The existing businesses in this area are mostly neighborhood-oriented that are in structures that are in moderate to substandard condition. These businesses include groceries, a coin laundry, a beauty supply store, a restaurant, gas station and a check-cashing/money exchange store. This node contains small, undeveloped lots and lots with structures with existing vacancies. The proposed self-storage facility on the application site is a regional use that is not appropriate for a neighborhood commercial area.

The application is not consistent with the guideline for developing property adjacent to an activity node such as the one situated at the intersection of Memorial Highway and NE 135 Street. Guideline Number 5 states that "Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including daycare and congregate living areas." The proposed self-storage/ retail use is not a transitional use.

3. The proposed storage-retail project would generate approximately 112 more PM peak hour vehicle trips than the current land use designation. The segment of NW/NE 135 Street between I-95 and NE 6 Avenue currently operates at level of service (LOS) F, in violation of the applicable LOS E standard, and is projected to continue operating at LOS F with the proposed project.
4. 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 Water Service Area. The North Miami Winson Water Treatment Plant (WTP) services the application site. In accordance with the City of North Miami'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).

5. 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 strangler fig 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.

STAFF ANALYSIS

Application Site

The application site is a 2.5-acre property located at the southwest corner of NE 135 Street and NE 3 Court in the Golden Glades area of northeast Miami-Dade County. The site is bounded on the east by NE 4 Avenue and on the north by NE 135 Street, beyond which is the municipal limits for the City of North Miami.

The property is currently designated "Low-Medium Density Residential" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows residential development between 6 units and 13 units per gross acre. The site currently contains three zoning classifications; Business Limited (BU-1A) on the northwestern quarter of the site, Semi-Professional Offices and Apartments (RU-5) on the northeastern quarter of the site, and Two Family Residential (RU-2) on the southern half of the site. (See Appendix A-Map Series) The site is currently undeveloped and contains a substantial number of mature Royal Palm trees along the southern and eastern perimeter of the property.

Declaration of Restrictions

The applicant has submitted a Declaration of Restrictions (covenant), which states that: a) the owner shall prepare a final site plan for the property prior to submission of any application to rezone the property, and b) the final site plan shall be in compliance with the "conceptual plan" prepared by Butz Wilburn and Associates, dated July 22, 2008, and attached to the covenant as Exhibit B. The conceptual plan includes a site plan, elevations, and a landscape for a four-story storage warehouse with ground floor retail. Although the applicant proposes to change the land use from "Low-Medium Density Residential" to "Business and Office", this covenant ties the development of the site to proffered site plan, which does not specify residential as a permitted use. Therefore, development of this site for residential uses would be prohibited.

In accordance with the proffered Declaration of Restrictions, the applicant proposes to construct a four-story (approximately 40-ft height) storage facility that will include ground floor retail. According to the site plan, the facility will provide off-street parking in the front of the building with one entrance on NE 135 Street and two entrances on NE 3 Court. An interior service road will provide access from the front entrance to the rear loading and service area, and then exit onto NE 3 Court. The site plan also shows a 20-foot rear yard setback from the existing residences to the south, and a 25-foot side yard setback along NE 3 Court. (See Appendix B)

Adjacent Land Use and Zoning

Existing Land Use

Across NE 135 Street, immediately north of the application site, and located within the City of North Miami, is the Brookview Condominiums, a 4-story concrete block residential condominium building. Buenavista, an Equal Opportunity Housing community comprised of attached residential units, is located to the northeast of the application site, and to the northwest is a Kingdom Hall church. To the south is a residential neighborhood comprised of single-family, detached homes that are well maintained and in good condition; and to the east is the Fountainhead Nursing and Convalescent Center, a single story concrete block structure. The land area to the immediate west is undeveloped; however, a small commercial area is located at the intersection of NE 135 Street and Memorial Highway. The businesses in this area are comprised of neighborhood-oriented grocery stores and mini-markets, and are in poor condition.

They include a C.A.M. money transfer and check cashing store, La Belle Capoise restaurant, a dry cleaner and a BP gas station. There is also a two-story building near the southeast corner of NE 135 Street and Memorial Highway comprised of ground floor retail—a coin laundry, beauty supply store, mini-market and vacant storefronts—with residential units above. Aspira, a charter school for Puerto-Rican and Latino youth, is located on Memorial Highway just south of the commercial area. The BP gas station and the Aspira charter school are relatively new construction and are in good condition.

Land Use Plan Map Designations

The land area immediately north and northeast of the application site is located within the City of North Miami and is designated “High Density Residential (110 ft. height, 25 dwelling units per acre; DU/Ac)” on the city’s Future Land Use Map. Land to the immediate south and southwest of the application site, located within unincorporated Miami-Dade County, is designated “Low-Medium Density Residential (6-13 DU/Gross Acre).” Land to the immediate east of the application site is designated “Low Density Residential (2.5-6 DU/Gross Acre),” and the land area northwest of the application site is designated “Business and Office” (See Appendix A-Map Series).

Zoning Designations

The land area immediately north of the application site, and located within the City of North Miami, is zoned R-5 (Multi-Family District) and to the immediate northeast, also locate within the City of North Miami, and is zoned R-4 (Multi-Family). The land to the immediate east, south and southwest of the application site, in unincorporated Miami-Dade County, is designated RU-2 (Two Family Residential District; 7,500 sq. ft. net), and land across NE 135 Street to the northwest is designated BU-1A (Limited Business District).

Permitted uses in the City of North Miami’s R-5 zone includes two-family dwellings, townhouses, duplexes, triplexes, multi-family dwellings, public parks, houses of worship, and multi-family developments. Uses permitted in the R-4 zone include single-family dwellings, duplexes, townhouses and triplexes. Permitted uses in Miami-Dade County’s RU-2 zone include single-family and two-family residential, single-family garage apartments, workforce housing, municipal and private recreation facilities, and group homes and daycare centers with conditions. And permitted uses in the BU-1A zone include mixed residential-business subject to approval, workforce housing, and various auto and retail uses.

Land Use and Zoning History

The application site has no Land Use or Zoning history in the County database. However, Miami-Dade Code Enforcement issued 14 code violations on the subject site, between 1995 and 2007, primarily for “unauthorized bulky or industrial waste on right-of-way,” and a “failure to perform lot maintenance in residential district.”

Supply & Demand

Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the Analysis Area (MSA 2.1) in 2008 was estimated to have a capacity of 6,545 dwelling units, with 93 percent of these units intended as multi-family residential. The annual average residential demand in MSA 2.1 is projected to increase from 260 units per year in the 2008-2010 period, to

324 units in the 2020-2025 period. An analysis of the residential capacity by type of dwelling unit shows absorption of single-family units occurring in 2012 and for multi-family beyond 2025 (See Table 3.1). The supply of residential land for single-family and multi-family units is projected to be depleted beyond the year 2025.

**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	454	6,091	6,545
DEMAND 2008-2010	80	180	260
CAPACITY IN 2010	294	5,731	6,025
DEMAND 2010-2015	121	273	394
CAPACITY IN 2015	0	4,366	4,055
DEMAND 2015-2020	121	274	395
CAPACITY IN 2020	0	2,996	2,080
DEMAND 2020-2025	99	225	324
CAPACITY IN 2025	0	1,871	460
DEPLETION YEAR	2012	>2025	>2025

Residential capacity is expressed in terms of housing units.

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

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

Commercial Land Analysis

The Analysis Area, Minor Statistical Area 2.1 (MSA 2.1), contained 1,079.2 acres of active commercial uses in 2008, and an additional 64.8 acres of vacant land zoned or designated for commercial use. The annual average absorption rate for the 2008-2025 period is 2.53 acres per year. At the projected absorption rate, the study area will deplete its supply of commercial land beyond the year 2025.

**Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
Application 3 Analysis Area**

Analysis Area	Vacant Commercial Land 2007 (Acres)	Commercial Acres in Use 2007	Annual Absorption Rate 2003-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2015	2025
MSA 2.1	64.8	1079.2	2.53	2025+	6.5	6.2

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

Trade Area Analysis

There are currently 194.7 acres in existing commercial use, and 13.1 acres of vacant commercial land, within 1.5 miles of the application site. Most of the vacant parcels are located in the immediate area surrounding the application site, with the remainder of the vacant parcels scattered along West Dixie Highway.

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 (NGVD)	+5.0 Feet
Stormwater Management	Surface Water Management Permit
Drainage Basin	C-8 (Biscayne Canal)
Federal Flood Zone	AE-7 Within the 100-year floodplain
Hurricane Evacuation Zone	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 application site's size and lot coverage potential, a Surface Water Management Permit must be obtained prior to development.

Specimen Trees

An inspection performed by DERM staff on July 1, 2008 revealed a specimen-sized strangler fig tree (trunk diameter 18 inches or greater) on the application site. Section 24-49 of the Miami-Dade County 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 identified prohibited trees as defined in Section 24-49.9 of the Code. These trees are exempted from permitting and must be removed from the property prior to development.

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 for 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.

The application site is located within the City of North Miami Water Service area, and water would be supplied from the North Miami Winson Water Treatment Plant (WTP). The City has a two-phased plan to increase water supply for the City. Phase I, to be completed by 2010, will add an additional 8.5 million gallons per day (MGD) capacity from a Reverse Osmosis (RO) system. Phase II will add additional membrane treatment to the RO facility, which will create an additional 4.0 MGD capacity. The proposed improvements would total an increase of 12.5 MGD to the capacity of the WTP.

The City has also identified that the Floridan aquifer would be the only water resource alternative for an increase in demand. Therefore, the City plans to construct an additional ten Floridan wells to supply the RO Facility. The City will add a raw water transmission main from the wells to the WTP. In accordance with the City's Consumptive Use Permit (CUP), there is sufficient water to provide for the anticipated growth of the City for the next 20 years.

Estimated Water Demand by Land Use Scenario				
Development 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 Low-Med. Density Res.	SF Residential-attached	33 units	250 gal/unit	8,250
PROPOSED USE				
1. Bus./Office	Commercial	35,980 sf	10 gal/100 sf	3,598
2. Bus./Office	MF Residential	64 units	200 gal/unit	12,800

Based on the above table, the maximum water demand for the current allowed use is estimated at 8,250 GPD. Under proposed development scenario 2, the maximum water demand is estimated at 12,800 gpd; a 4,550 gpd increase in water demand above what is estimated if the site were fully developed under its current designation. However, if the covenant is accepted for this site the water use would be less than what is currently anticipated. This site is located within the Urban Infill Area of the County and therefore is anticipated to develop at a higher density. This development is considered normal growth and therefore would be considered within the normal increase in the City's water demand.

Potable Water

The County's adopted 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 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 several existing 6-inch water mains surrounding the application site 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 12,800 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 12,800 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 available public sanitary sewer line to the application site is an existing 8-inch gravity main on NW 3 Court, approximately 90 feet north of the site. According to DERM, sewage flows from this site would impact two public pump stations, PS 06-Bellows and PS-30-0346, which are 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 DSWM facility is the Golden Glades Trash and Recycling Center (140 NW 160 Street), which is approximately 2 miles from the application 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 this application.

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 UMSA. 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	Park Classification	Acreage
Biscayne Gardens Park	Neighborhood Park	5.5
Gratigny Plateau Park	Mini Park	0.96
Jeb Estates Park	Mini Park	1.5
Oak Grove park	Community Park	21.71
Biscayne Shores and Gardens park	Neighborhood Park	6.49
Oak Grove Park	Community Park	21.7

Source: Miami Dade Parks and Recreation Department, July 2008

This application has the potential to increase population on site by 104 persons, 5 persons more than what the site could generate under its current designation, resulting in a need for less than 0.1 acres, if approved. The applicant proffered a restrictive covenant, which based on the site plan, would prohibit residential development at the site. If this covenant is accepted, no additional parkland will be required for this application site.

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 19, North Miami West, located at 650 NW 131 Street, currently serves the application site. This station is equipped with a 65' Advanced Life Support (ALS) Aerial and a Rescue unit, and is continuously staffed with seven firefighters/paramedics. Planned Station 67, which will be located at 1275 NW 79 Street, 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 6 minutes and 14 seconds for life threatening emergencies and 4 minutes and 11 seconds for structure fires. These average travel times are within an acceptable range for response times according to the National Fire Prevention Code.

The current CDMP designation allows a potential development that will generate a total of 9 annual alarms. Under the requested CDMP designation, potential development is anticipated to generate a total of 18 annual alarms. According to MDFR, this will result in 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 flow for the proposed CDMP designation is as follows: Business uses 3,000 gallons per minute (GPM) at 20 pounds per square inch (PSI) residual on the system; office and residential 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 applicant has proffered a covenant, which restricts the uses at the site to only office, retail and storage facility uses. Therefore the site, if approved with the proffered covenant will not generate any public school students. However, should the covenant not be accepted and residential uses be allowed at the site, the following analysis would apply.

Miami-Dade County anticipates adopting a concurrency 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
Linda Lentin Elementary	1,267	1,267	1,043	121%	121%
North Miami Middle	917	917	822	112%	112%
North Miami Senior	2,816	2,816	2,481	113%	113%

* 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 have no increase in the potential student population of the schools serving the application site. Students will attend Linda Lentin Elementary, North Miami Middle, and North Miami Senior High. One of the schools, elementary, currently exceeds 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

Primary access to the application site is from NE 135 Street, a four-lane divided east-west roadway facility that provides connection to other major north-south corridors such as US-1, West Dixie Highway, NE 6 Avenue (SR 915), and Interstate 95 (I-95/SR 9A). I-95 is a Florida

Intrastate Highway System (FIHS) roadway. Secondary access to the application site is from NE 3 Court, a 2-lane north-south facility east of the application site.

Existing Conditions

The roadway operating conditions, or Level of Service (LOS), is represented by one of the letters “A” through “F,” with “A” generally representing the most favorable driving conditions and “F” representing the least favorable.

Currently, NE 135 Street between West Dixie Highway and NE 6 Avenue is operating at the acceptable LOS D, above the adopted LOS E standard applicable to this roadway segment. However, the segment of NW 135 Street between I-95 and NE 6 Avenue is operating at LOS F, below the adopted LOS E standard. The other roadways analyzed in the vicinity of the application site are operating at LOS B and LOS C, above the adopted LOS E and LOS E+20% standards applicable to these roadways.

Trip Generation

Two development scenarios (Scenarios 1 and 2) were analyzed to assess the traffic impacts under the requested CDMP land use designation of “Business and Office.” Scenario 1 assumes the application site developed with commercial use (35,980 sq. ft. of retail space); and Scenario 2 assumes the application site developed with residential use (64 multifamily dwelling units). Under the current “Low-Medium Density Residential” land use designation, the property can be developed with 33 single-family attached units. See the “Estimated Peak Hour Trip Generation” Table below.

**Estimated 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 Designations
3 (Scenario 1)	Low-Medium Density Resid. (6.0 - 13.0 DU/gross acre) (33 Single-Family Units) ² / 40	Business and Office (35,980 sq. ft. retail)/ 152 ¹	+112
3 (Scenario 2)	Low-Medium Density Resid. (6.0 - 13.0 DU/gross acre) (33 Single-Family Units)/ 40	Business and Office (Residential use only) - (64 Multi-Family Units)/ 53	+13

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.

Scenario 1 assumes Application site developed with 35,980 square feet of retail space under the requested “Business and Office” land use designation.

Scenario 2 assumes Application site developed with 64 multi-family dwelling units under the requested “Business and Office” land use designation.

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.

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 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 programmed roadway capacity improvements listed in the first three years of the TIP, predicts that NW/NE 135 Street between I-95 and NE 6 Avenue will continue to operate at LOS F, in violation of the LOS E standard applicable to this roadway segment. All other roadways analyzed are projected to operate within their respective LOS standards.

The "Traffic Impact Analysis" Table below summarizes in tabular form the traffic concurrency analysis. It should be pointed out that the subject property is located within the Urban Infill Area (UIA), a Redevelopment Concurrency Exception Area. Consequently, this application will not be denied 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. This statute requires the county to request mitigation from projects whose traffic impacts exceed 2 percent of the capacity of a FIHS roadway operating below the CDMP-adopted LOS standard. No FIHS roadway is operating or will operate below the LOS standard as a result of this application.

Traffic Impact Analysis on Roadways Serving the CDMP Amendment Application
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)												
9249	Memorial Hwy	NE 135 St. to N Miami Ave.	2 UD	E	1,610	376	B	--	B	17	393	B (07)
144	NE 135 St. /SR 916	W Dixie Hwy. to NE 6 Ave.	4 DV	E	3,120	1,891	D	21	D	10	1,922	D (06)
1025	NW/NE 135 St.	NE 6 Ave. to NW 2 Ave.	4 DV	E	3,270	3,728	F	57	F	65	3,850	F (06)
166	NE 6 Ave.	NE 135 St. to NE 167St.	4 DV	E+20%	3,924	1,800	C	44	C	29	1,873	C (06)
2539	NE 6 Ave.	NE 135 St. to NE 125 Ave.	4 DV	E+20%	4,920	1,328	C	--	C	17	1,332	C (06)
2555	W Dixie Hwy.	SR 826 to NW 72 Ave.	4 DV	E+20%	4,920	1,726	C	--	C	14	1,740	C (06)
Scenario 2 ³ : Business and Office (Residential Use)												
9249	Memorial Hwy	NE 135 St. to N Miami Ave.	2 UD	E	1,610	376	B	--	B	6	382	B (07)
144	NE 135 St./SR 916	W Dixie Hwy. to NE 6 Ave.	4 DV	E	3,120	1,891	D	21	D	3	1,915	D (06)
1025	NW/NE 135 St.	NE 6 Ave. to NW 2 Ave.	4 DV	E	3,270	3,728	F	57	F	23	3,808	F (06)
166	NE 6 Ave.	NE 135 St. to NE 167St.	4 DV	E+20%	3,924	1,800	C	44	C	10	1,854	C (06)
2539	NE 6 Ave.	NE 135 St. to NE 125 Ave.	4 DV	E+20%	4,920	1,328	C	--	C	6	1,321	C (06)
2555	W Dixie Hwy.	SR 826 to NW 72 Ave.	4 DV	E+20%	4,920	1,726	C	--	C	5	1,731	C (06)

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

Notes: DV= Divided Roadway; () in LOS column identifies year traffic count was taken

E+20% = 120% of LOS E; Transit with 20 minutes headway in inside the 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 35,980 square feet of retail space under the requested land use designation.

³ Scenario 2 assumes Application site developed with 64 multi-family dwelling units under the requested land use designation.

Application Impact

The potential commercial development (Scenario 1) under the requested “Business and Office” land use designation is estimated to generate 112 more PM peak-hour trips than the potential office development that could occur under the current “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” land use designation. Scenario 2 (residential use), on the other hand, would generate 13 more additional PM peak-hour trips than the potential residential development that could occur under the existing CDMP land use designation.

Current traffic conditions on NE 135 Street, between West Dixie Highway and NE 6 Avenue, are acceptable at LOS D, above the adopted LOS E standard. However, the segment of NE/NW 135 Street between I-95 and NE 6 Avenue is currently operating at LOS F, below the adopted LOS E standard. The other roadways analyzed in the vicinity of the application site are operating at LOS B and C, above their adopted LOS (E and E+20%) standards. The evaluation of peak-period traffic concurrency conditions of the roadways adjacent to and in the vicinity of the application site predicts that NW/NE 135 Street, between I-95 and NE 6 Avenue, will continue to operate at LOS F, in violation of the LOS E standard applicable to this roadway segment. All other roadways in the vicinity of the application site are projected to continue to operate at acceptable LOS (B, C and D), above their respective LOS (E and E+20%) standards.

It should be pointed out that this application is located within the County’s Urban Infill Area, a Redevelopment Concurrency Exception Area, and therefore 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. The application’s traffic impact does not exceed 2 percent of the capacity of any of the roadways impacted. Moreover, no FIHS roadway is currently operating or projected to operate below the adopted LOS standard as a result of this application.

Transit

Existing Service

Application No. 3 and the surrounding area are served by Metrobus Routes 2, 9, and 28. The existing service frequencies of these routes are shown in the “Metrobus Route Service Summary” Table below.

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		
2	60	60	50	N/A	N/A	N/A	0.3	F
9	12	30	30	N/A	30	30	0.3	F
28	30	40	60	N/A	60	60	0.0	F

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. 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
2	Realign northern terminus to future Golden Glades Intermodal Terminal.
9	No planned improvements.
28	No planned improvements.

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

Major Transit Projects

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

In addition, FDOT District IV and its consultants are currently studying the feasibility of improving the South Florida East Coast Corridor as a major regional transit facility. This study is a regional effort that includes Miami-Dade, Broward and Palm Beach counties and extends 85 miles from downtown Miami to Jupiter. Within Miami-Dade County the study area runs from downtown Miami to the Broward County line (13.6 miles) along the FEC railroad/Biscayne Boulevard corridor. Currently, the project is evaluating station locations throughout the corridor.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 216 where Application No. 3 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 planned bus service improvements for the bus routes serving the application area are estimated to have no financial impact to either the annual operating costs or the capital costs.

Other Planning Considerations

The applicant proposes to change the current zoning from BU-1A, RU-5A and RU-2 to BU-2 (Special Business District). Permitted uses in the BU-2 zone include all of the uses permitted in BU-1 (Neighborhood Business District) and BU-1A (Limited Business District) zones, with residential uses subject to approval at public hearing. The zone also allows hospitals and parking garages with conditions, and hotel, retail and office parks.

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

- LU-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-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.

Guidelines for Urban Form, No. 5

Areas abutting and adjacent to activity nodes should serve as transition areas suitable for eligible higher residential densities, public and semi-public uses including day care and congregate living uses.

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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AERIAL PHOTO: APRIL 2008 CYCLE APPLICATION NO. 3



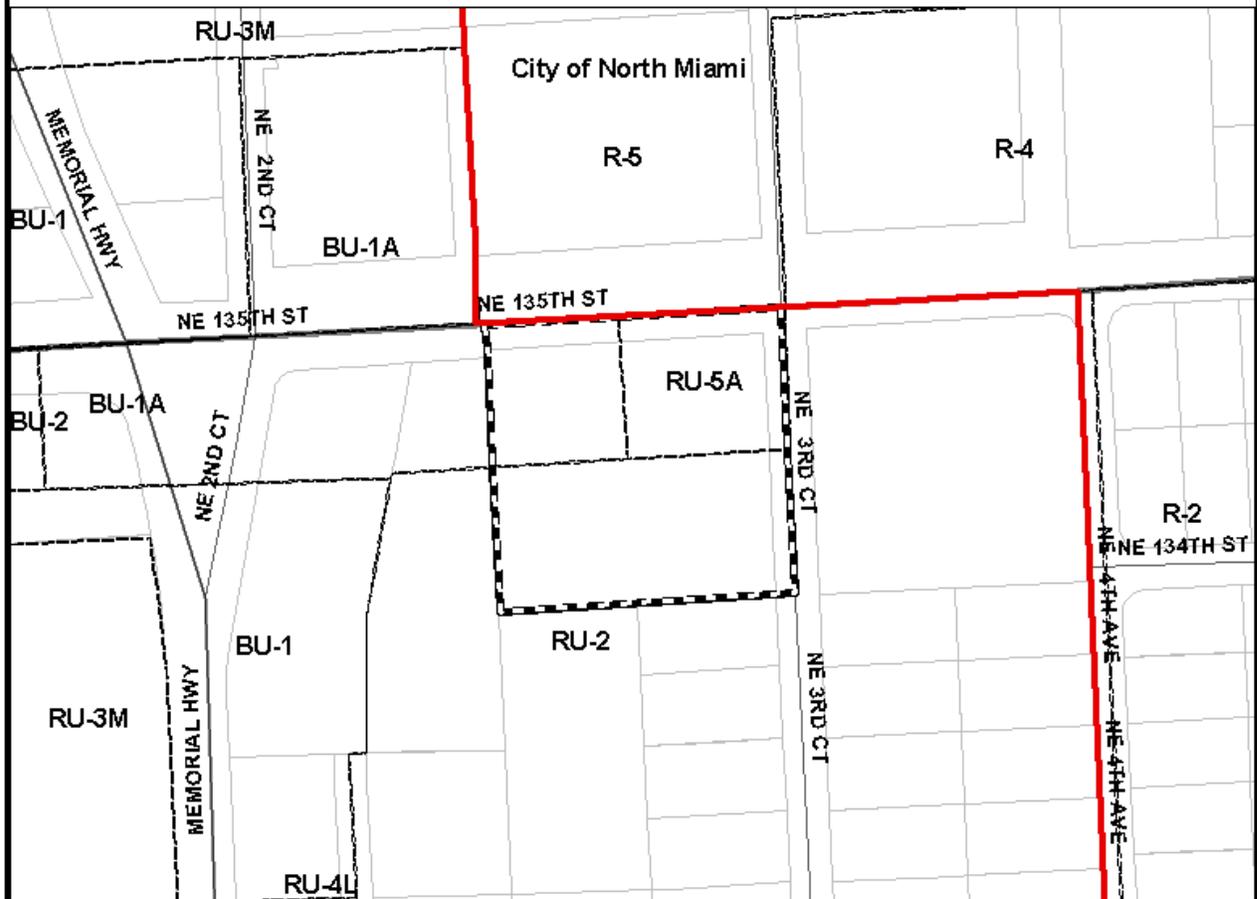
-  APPLICATION AREA
-  MUNICIPAL BOUNDARY



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JUNE 2002



APPLICATION NO. 3 CURRENT ZONING MAP



Legend

 APPLICATION AREA

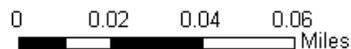
ZONING DISTRICTS

Miami-Dade County

- RU-2 TWO-FAMILY RESIDENTIAL (7,500 sq. ft. net)
- RU-3M MINIMUM APARTMENT APARTMENT HOUSE (12.9 DU/net acre)
- RU-4L LIMITED APARTMENT HOUSE (23 DU/net acre)
- RU-5M SEMI-PROFESSIONAL OFFICE
- BU-1 NEIGHBORHOOD BUSINESS
- BU-1A LIMITED BUSINESS
- BU-2 SPECIAL BUSINESS

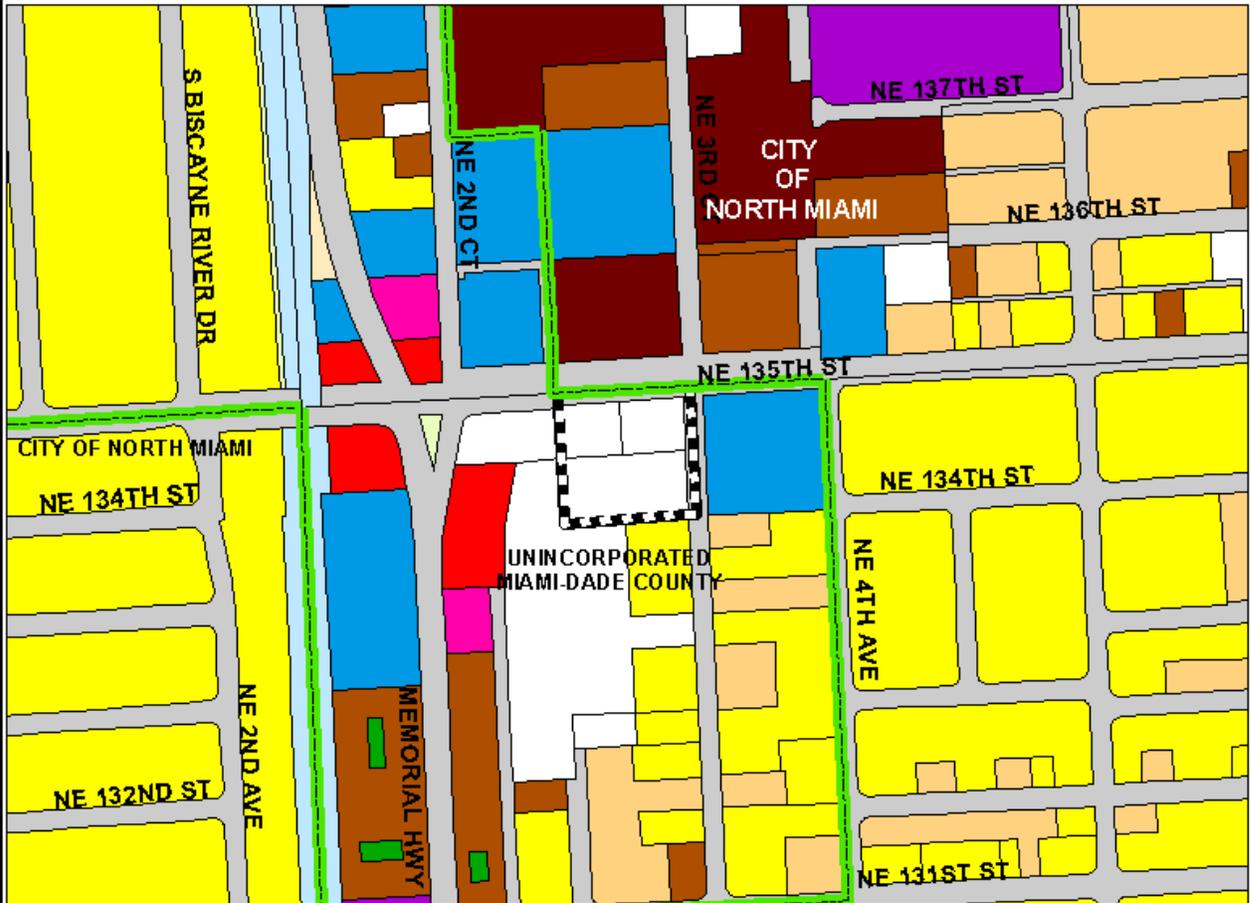
City of North Miami

- R2 SINGLE FAMILY RESIDENTIAL 1600 SQ. FT.
- R4 MULTI FAMILY RESIDENTIAL TH: 950 SQ. FT.
- R5 MULTI FAMILY RESIDENTIAL TH: 950 SQ. FT.



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

APPLICATION NO. 3 EXISTING LAND USE



LEGEND



APPLICATION AREA

EXISTING LAND USE



SINGLE-FAMILY



TWO-FAMILY (DUPLEXES)



TOWNHOMES



HIGH DENSITY MULTI-FAMILY



COMMERCIAL, SHOPPING CENTERS, STADIUMS



OFFICE BUILDING



INSTITUTIONAL



INDUSTRIAL



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS AND ROADS



PARKS, PRESERVES, CONSERVATION AREAS



VACANT



INLAND WATERS



MUNICIPAL BOUNDARY

0 0.05 0.1 0.15



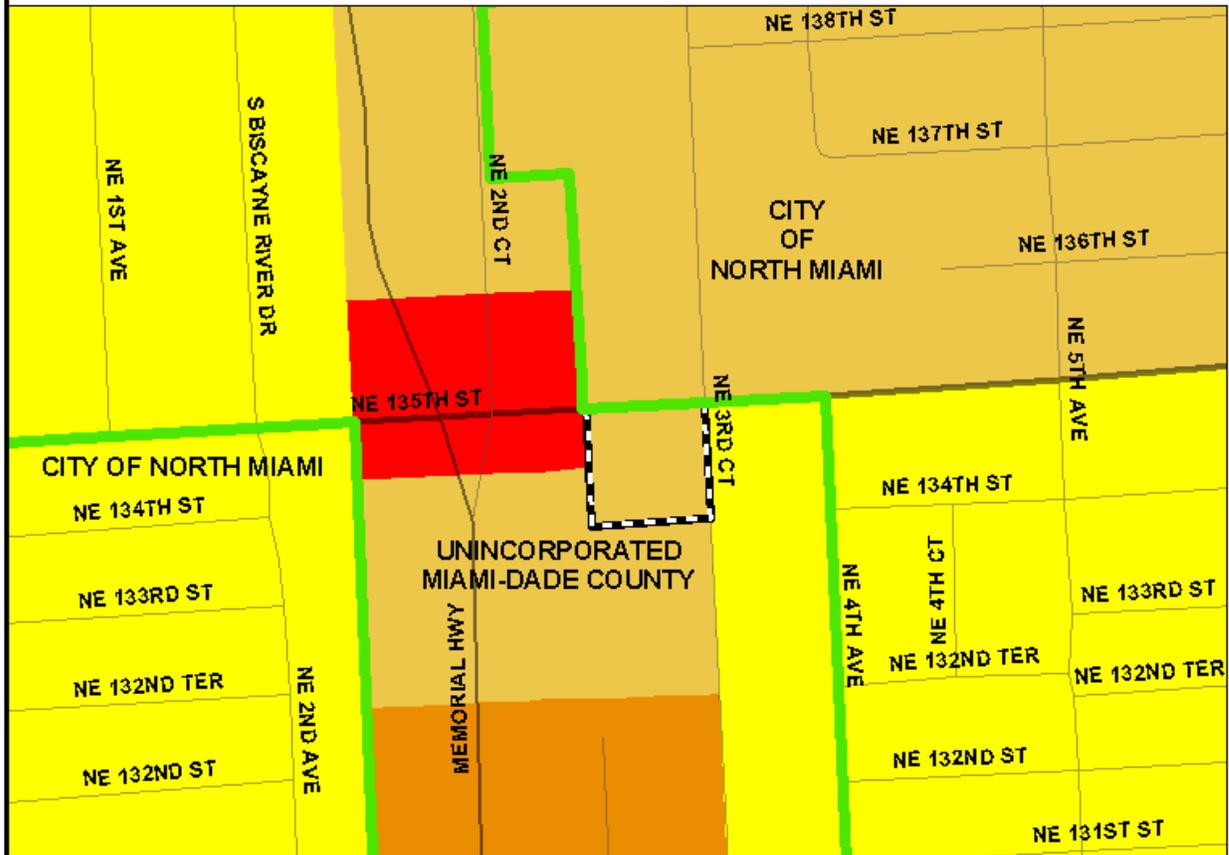
Miles

Source: Miami-Dade County
Department of Planning and Zoning

N



APPLICATION NO. 3 CDMP LAND USE



LEGEND

 APPLICATION AREA

CDMP LAND USE

-  LOW DENSITY (2.5-6 DU/AC)
-  LOW-MEDIUM DENSITY (6-13 DU/AC)
-  MEDIUM DENSITY (13-25 DU/AC)
-  BUSINESS AND OFFICE
-  MUNICIPAL BOUNDARY

0 0.04 0.08 0.12 Miles

Source: Miami-Dade County
Department of Planning and Zoning



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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 (CDMP)**

1. APPLICANT

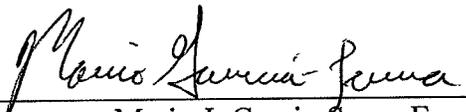
Lunar Real Estate Services, Inc.
3003 English Creek Avenue, Suite 205
Egg Harbor Town, NJ 08234

2008 APR 30 P 3:13
PLANNING & ZONING
METROPOLITAN PLANNING SECT

2. APPLICANT'S REPRESENTATIVE

Mario J. Garcia-Serra, Esq.
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131
(305) 579-0837

N. Patrick Range II, Esq.
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131
(305) 579-0798

By: 
Mario J. Garcia-Serra, Esq.

4/30/2008
Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. This application requests a change to the Comprehensive Development Master Plan's Future Land Use Plan Map.
- B. Description of the Subject Property

The subject property is vacant land located in Section 30, Township 52 and Range 42. The property is bounded by N.E. 135th Street on the North and N.E. 3rd Court on the East, with mostly vacant land to the immediate West and South. The legal description for the subject property is attached as Exhibit "A".

- C. Gross Acreage

Application area:

Gross Acreage: ± 2.561 acres

Net Acreage: ± 2.065 acres (please see the enclosed survey)

Acreage owned by Applicant: 0 acres (the Applicant is the contract purchaser for the entire subject property)

D. Requested Changes

1. The applicant is requesting that the subject property be redesignated on the Land Use Plan map from Low-Medium Density Residential (up to 13 du/acre) to Business and Office in its entirety.

2. The Applicant is requesting that this application be processed as a small scale amendment pursuant to the expedited procedures.

3. The Applicant is also requesting the acceptance of a proffered covenant, which will be provided at a later date, prohibiting residential development on the property and restricting its use to a mixed use self-storage / retail facility.

4. REASONS FOR AMENDMENT

The requested change to the Comprehensive Development Master Plan (the "CDMP"), is being presented in order to accommodate the construction of a mixed-use, self-storage/retail center on the subject property. The subject property is currently designated as "Low-Medium Density Residential" on the CDMP Future Land Use Map. Construction of a mixed-use, self-storage retail facility would require a CDMP designation of "Business and Office" for the entire property. However, it is important to note that a northerly portion of the subject property is zoned BU-2 and that the Land Use Element of the CDMP recognizes existing zoning to be consistent with the CDMP.

The proposed development of the subject property is compatible with the surrounding neighborhood and will provide significant benefits to an area that is in need of revitalization. The subject property is currently vacant and has significant frontage on a major commercial corridor (NE 135th Street). The subject property is located immediately West of an existing nursing home facility and just East of a mixed-use retail and residential development. As a major main roadway for the area, NE 135th Street is a key route to work, school and vital necessities for area residents as well as a key roadway for commuters because of its connection to I-95 and Biscayne Boulevard. As a result, NE 135th Street has developed into an important business center for the surrounding neighborhood. There is a mix of mostly office and commercial uses coupled with multifamily housing along the entire length of the NE 135th Street corridor. The proposed development is consistent with this trend toward an emerging commercial corridor on NW/NE 135 Street and East of I-95.

However, due to the use of extensive landscape and other buffering techniques, the character and scale of the proposed development is also compatible with the single-family neighborhood to the immediate South and will serve to enhance and improve the quality of life of the residents in this neighborhood by providing additional neighborhood retail services as a compliment to the self-storage facility. The development of the proposed project will enhance the revitalization of 135th Street as a commercial corridor and provide much needed services to local residents.

Changing market demands indicate the potential of the subject property for a mixed-use self-storage development. Such a development would be consistent with increased market demands for development within the Urban Infill Area (UIA) and for greater variety in commercial and retail offerings. The subject property is near a critical mass of residents and a mix of housing types. Single family homes exist to the South of the subject property while mid-rise multifamily housing exists to the North. As an example of the need for self-storage facilities in the immediate area of the subject property, there are no other self-storage facilities within a one (1) mile radius of the subject property. Data compiled by the Self-Storage Association in the enclosed Self-Storage Demand Study for the area surrounding the subject property indicates that there is a demand for up to approximately 146,000 square feet of self-storage space based on the population and housing type makeup within that one (1) mile radius. The Applicant is proposing approximately 90,000 square feet of storage space on the subject property. Likewise, the Self-Storage Demand Study also indicates that within a three (3) mile radius there is a demand for approximately 1,100,000 square feet of storage space and that there is currently approximately 750,000 square feet of storage space within that same three (3) mile radius. As is demonstrated by this data, there remains a significant deficit in available self-storage space within both the three (3) mile and one (1) mile radii. In addition, a number of the existing self-storage facilities within the three (3) mile radius area are older facilities that are in need of significant renovation.

In addition to the market demands and neighborhood benefits discussed above, we believe that approval of the requested amendment would further a number of goals and policies of the CDMP, including the following:

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2015 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 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.

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 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 POLICY 8F: Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would: i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County; ...iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods.

LAND USE OBJECTIVE 9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

LAND USE POLICY 9N(ii): By 1997, Miami-Dade County shall endeavor to initiate review and revision of its Zoning Code and Subdivision Regulations to facilitate the development of better planned communities and better designed buildings. Changes to be considered shall include provisions for: ...ii) Diversity of uses in or adjacent to residential districts, including neighborhood designs that have a mixture of retail, residential, office, institutional and service business uses in close proximity.

LAND USE POLICY 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 use projects to promote energy conservation.

5. ADDITIONAL MATERIAL SUBMITTED
 - a) Self Storage Demand Study for the subject property

6. COMPLETED DISCLOSURE FORMS: See Attached

Attachments: Legal Description - Exhibit A
Location Map – Exhibit B
Miami-Dade County Aerial Photograph – Exhibit C
Land Survey - Exhibit D

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT/REPRESENTATIVE

Lunar Real Estate Services, Inc./Mario J. Garcia-Serra, Esq

DESCRIPTION OF SUBJECT AREA

The subject property is vacant land located in Section 30, Township 52 and Range 42. The property is bounded by N.E. 135th Street on the North and N.E. 3rd Court on the East, with mostly vacant land to the immediate West and South.

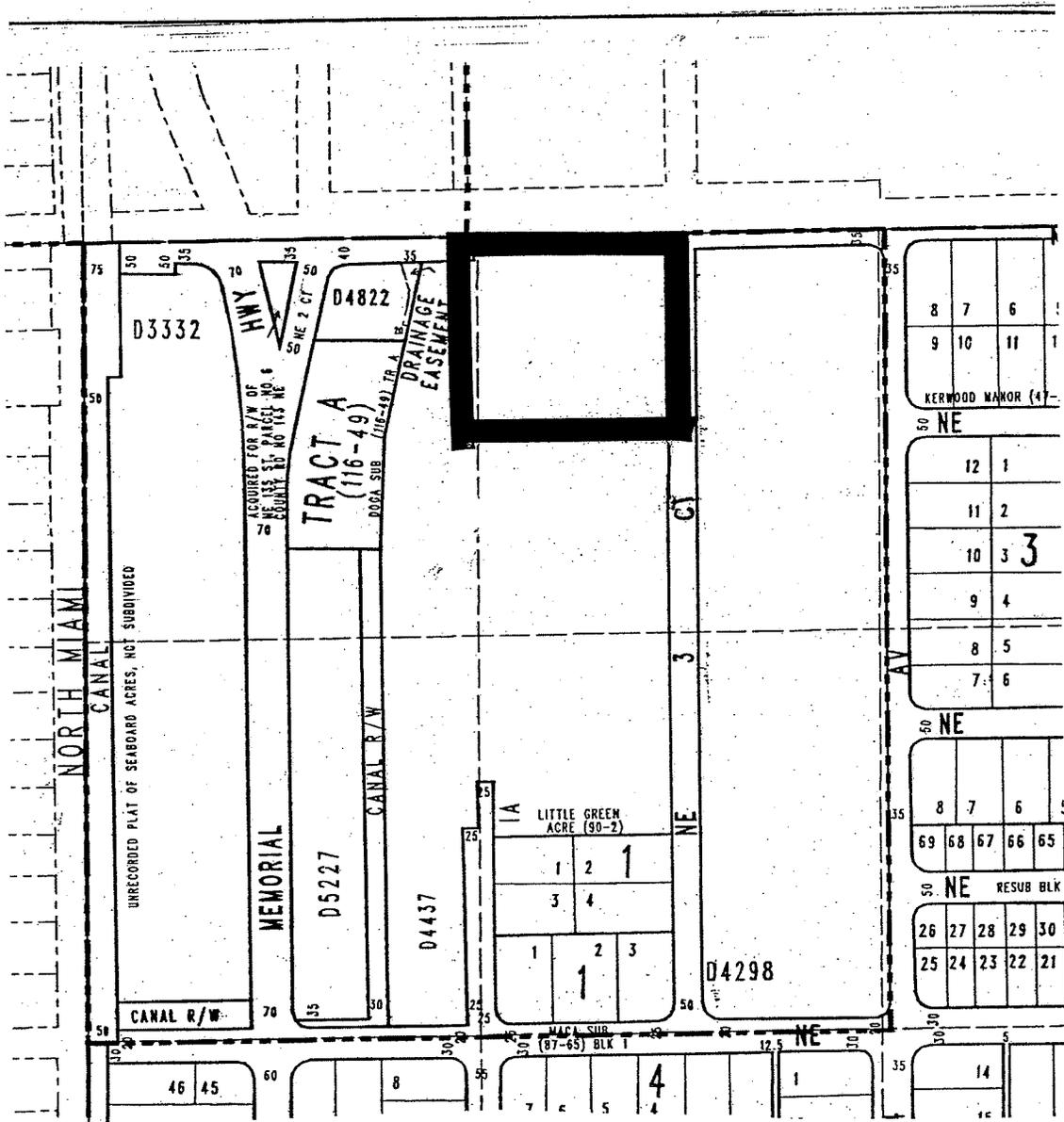


EXHIBIT "A"

LOT ONE:

30 52 42 .95 AC N1/2 OF NW1/4 OF NE1/4 OF NW1/4 OF NW1/4 LESS E 25FT FOR RD LESS N35FT LOT SIZE 305.000 X 135 (Folio Number 30-2230-000-0020)

LOT TWO:

30 52 42 1.16 AC S1/2 OF NW1/4 OF NE1/4 OF NW1/4 OF NW1/4 LESS E 25FT FOR RD LOT SIZE 165.000 X 305 (Folio Number 30-2230-000-0230)



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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, 11th Floor
Miami, Florida 33128

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

Dear Mr. LaFerrier:

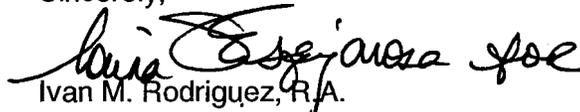
Subsequent to our July 9, 2008 and July 21, 2008 reviews of proposed amendments of the April 2008 Land Use Cycle, we conducted an additional review of the applications. Attached is the School District's (District) REVISED impact review analysis for the above referenced applications.

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. 3, Lunar Real Estate Services, Inc.

REQUEST: Change Land Use from Low-Medium Density Residential (6-13 DU/Ac) to Business and Office.

ACRES: ± 2.561 Gross Acres

LOCATION: **Southwest corner of NE 135 Street and NE 3 Court**

**MSA/
MULTIPLIER:** 2.1 / 0.52 Single-Family Attached and 0.18 Multi-Family

NUMBER OF UNITS:		Proposed Land Use	Existing Land Use
	31 additional units *	64 MF	33 SF Attached

**ESTIMATED STUDENT
POPULATION:** 0 additional students* 12 students 17 students

ELEMENTARY: 0

MIDDLE: 0

SENIOR HIGH: 0

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Linda Lentin Elementary – 14312 NE 2 Court

MIDDLE: North Miami Middle – 13105 NE 7 Avenue

SENIOR HIGH: 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
Linda Lentin K-8 Center	1,267	1,043	121%	0	121%
	1,267 *		121%		121%
North Miami Middle	917	822	112%	0	112%
	917 *		112%		112%
North Miami Senior High	2,816	2,268	124%	214	113%
	2,816 *		124%		113%

*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>
N/A		

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student.

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

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. 3 is built at the maximum of 64 DU's (25 dwelling units per gross acre, the use allowed under the proposed Business and Office designation—Low-Medium Density Residential plus one density increase—that would generate the greatest water and sewer demand), the fees paid by the developer would be \$17,792 for water impact fee, \$71,680 for sewer impact fee, \$1,300 per unit for connection fee, and \$12,543 for annual operating and maintenance costs based on approved figures through September 30, 2007.

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. 3 will result in 0 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

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This instrument prepared by
and when recorded return to:
Mario J. Garcia-Serra, Esq.
Greenberg Traurig LLP
1221 Brickell Avenue
Miami, Florida 33131

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned 13500 NE 3rd Court, LLC, (the "Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter called the "Property", which is supported by the attorney's opinion; and

WHEREAS, in April of 2008 the Applicant filed an application (the "Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the Property's designation on the land use plan map of the Miami-Dade County Comprehensive Development Master Plan from Low-Medium Density Residential to Business and Office and that Application has been designated as "Application 3" for that cycle of Comprehensive Plan applications; and

WHEREAS, in conjunction with the Application, Owner wishes to voluntarily restrict the development permitted on the Property.

NOW THEREFORE, in consideration of the premises, and in order to assure the Miami-Dade County Board of County Commissioners, or its successor entity, that the representations made by the Owner concerning the development of the Property and to assure the County Commission, or its successor entity, that this voluntary restriction shall be followed 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) **Conceptual Site Plan.** Subject to the approval of the Application, Owner agrees that prior to submission of any application to rezone any portion of the Property, the Owner shall prepare a final site plan for the Property, which shall be submitted in conjunction with any rezoning application for all appropriate governmental approvals. Said final site plan shall be in Substantial Compliance, as defined by Section 33-310.1A(I) of the Miami-Dade Code of Ordinances, with the Conceptual Plan prepared by Butz Wilburn and Associates, dated July 22, 2008, consisting of 6 sheets, a copy of which is attached to this Declaration as Exhibit "B", (the "Conceptual Plan"). The Owner acknowledges that the future rezoning and development of the said properties shall require one or more detailed site plan approvals by the County which will determine compliance with all applicable zoning, fire and public works review standards. Any and all removal or relocation of existing trees on the site shall be in accordance with the requirements of Chapter 24 of the Miami-Dade County Code. The Owner acknowledges that the County's acceptance of this Declaration shall in no way be deemed a waiver on the part of the County, its boards, or departments, to require

future site plan approval for the development of the Property.

- (2) **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official or inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- (3) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- (4) **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 release by Miami-Dade County.
- (5) **Modification, Amendment, Release.** This Declaration may be modified, amended, added to, derogated or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of the Property, including joinder of all mortgagees, if any, provided that the same is also approved by the Miami-Dade Board of County Commissioners.

Should this Declaration be so modified, amended, or released by the Miami-Dade Board of County Commissioners or any of its successor entities, after a public hearing, the Director of the Miami-Dade County Planning and Zoning Department, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by the Director's assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment, or release.

- (6) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. The prevailing party in any action or suit, pertaining to or arising out of this

Declaration, shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

- (7) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of the 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.
- (8) **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.
- (9) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by Miami-Dade County, and inspections made and approval of occupancy given by Miami-Dade 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.
- (10) **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
- (11) **Recording.** This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County, at the cost of the Owner, upon approval of the Application by the Miami-Dade Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the 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.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable

recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

- (13) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Signed, witnessed, executed and acknowledged this ____ day of _____, 2008.

13500 NE 3rd Court, LLC

By: _____
_____, Managing Member

(SEAL)

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2008 by _____, as the Managing Member of 13500 NE 3rd Court LLC, who is personally known to me or produced a valid drivers license as identification.

Notary Public
Sign Name: _____
Print Name: _____

My Commission Expires:

Serial No. (None, if blank): _____

[NOTARY SEAL]

Exhibit "A"

Legal Description of Subject Property

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ (Less the East 25 Feet and the North 35 Feet thereof) of Section 30, Township 52 South, Range 42 East, in Miami-Dade County, Florida.

APPENDIX G

Photos of Site and Surroundings

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View of the application site looking south from NE 135 Street



View of the application site looking west from NE 3 Court



View of Brookview Condominiums immediately north of the application site



View of residential neighborhood immediately south of the application site