

Application No. 4

Commission District 2 Community Council 8

APPLICATION SUMMARY

Applicant/Representative:	Sunshine Lakes LLC/Jeffrey Bercow, Esq; Mathew Amster, Esq, Bercow Radell & Fernandez, P.A.
Location:	10940 NW 14 Avenue (an area southwest of intersection of NW 14 Avenue and NW 111 Street)
Total Acreage:	±4.81 Gross Acres (±4.69 Net Acres)
Current Land Use Plan Map Designation:	Low-Medium Density Residential (6 to 13 dwelling units per gross acre (du/ac))
Requested Land Use Plan Map Designation:	Medium Density Residential With One Density 1 Increase With Urban Design (DI-1; 13 to 60 du/ac)
Amendment Type:	Small-Scale
Existing Zoning/Site Condition:	RU-4L (23 units/net acres); four-story multifamily residential apartment building with 84 units; built in 1966

RECOMMENDATIONS

Staff:	ADOPT WITH CHANGE (As a Small-Scale) by limiting the designation to Medium Density Residential only (without the requested One Density Increase in residential categories), expanding the site to \pm 9.99 gross acres (<i>originally 4.81 gross acres</i>) and limiting additional residential development to 100 units with sound urban design standards. (August 25, 2008)
North Central Community Council (CC8):	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: **ADOPT WITH CHANGE (As a Small-Scale)** by limiting the redesignation from Low-Medium Density Residential (6 to 13 dwelling units per gross acre) to Medium Density Residential (13 to 25 dwelling units per gross acre) only without the requested One Density Increase in residential categories with sound urban design standards, expanding the site to \pm 9.99 gross acres (*originally 4.81 gross acres*) and limiting additional residential development to 100 units with sound urban design standards. Staff analysis is summarized in the Principal Reasons for Recommendations below:

Principal Reasons for Recommendations:

1. The application, as originally requested, does not qualify for a one-density increase in residential categories with good urban design beyond the Medium Density Residential because of a qualifying provision of the “Density Increase With Urban Design” text in the CDMP (page I-32). The provisions state in part; “existing or proposed developments with vehicular entrances that are controlled or have entry gates with private streets are not eligible for a density increase designation of DI-1 or DI-2”. Since the applicant plans to keep the existing vehicular entrance gate or potentially a newly designed and relocated gate to the subject property for “security” reasons, the designation with a density increase will be inconsistent with the intent of the CDMP to promote developments that are based on sound urban design as prescribed in Policy LU-9K).

These increases in residential development can be accomplished under a Medium Density designation if the site is expanded to include the uplands on the property and some water areas. The existing development on the property (newly revised area of 9.99 acres) contains 209 multifamily rental apartment units as a result of the current RU-4L (Limited Apartment House District at 23 dwelling units per net acre). Otherwise the current underlying Low Medium Density Residential designation, which allows a maximum of 13 dwelling units per gross acre would have limited the development on the property to a maximum density of 13 units per gross acre or 129 units. The staff-recommended Medium Density Residential with the utilization of the 25% work-force housing provision in the text (on the 9.99 acres this would potentially yield a maximum potential of 312 multi-family units) and a covenant that limits new residential development to 100 additional units and utilizing good urban design standard (with the exception of the security gate). It is anticipated that this amount of additional development can be accommodated in a compatible design with its surrounding properties.

2. The application as amended by staff would further the goals, objectives and policies in the CDMP regarding compatibility of land uses with the adjacent and/or surrounding properties, protection and preservation of established residential neighborhoods surrounding the property. The development of the property would be compatible with the surrounding and/or nearby land uses and would further protect the character of the existing established neighborhoods. Properties to the south side (Silver Blue Lake Apartments), southwest side (Jefferson Avenue Apartments) and southeast side (Silver Blue Lake Village Apartments) along the shores of Silver Blue Lake are 4-story multi-family apartment rental units, which are similar in height, density and rental unit type to the existing 4-story multi-family apartments on the subject property. North and adjacent to the property are mainly established two-family and single-family one-story homes along Nw111 Street with a small El-Arca Church at the southwest corner of NW 111 Street and NW 14 Avenue. The existing northern structure on the application site will

buffer these homes from the proposed new development. East of the property exist the Boys and Girls Clubs of Miami and the “Miami Shores Optimist”, a county owned and maintained public park. All these areas are designated Low Density Residential (2.5 – 6 dwelling units per gross acre) that would be compatible with the proposed development of the subject property.

3. Approval of the application would provide a very modest increase in multi-family capacity. The residential capacity in Minor Statistical Area (MSA 2.4), without differentiating by type of units, is projected to be absorbed by the year 2020. The supply of multi-family type land is projected to be absorbed by the year 2017.
4. The application would not impede the provisions of public facilities and services and would not cause them to operate below their adopted Level of Service (LOS) standards. The analysis from the County’s public facility departments (DERM, WASD, Solid Waste, Fire and Rescue Service, Parks and Recreation, etc) indicate that the amount of impact that would result from the proposed development as revised would not have a significant impact on their public facilities.
5. None of the nearby schools serving this area of the site would be caused to exceed its 115% acceptable Florida Inventory of School Houses (FISH) capacity. The highest impact from the application will be on the Lakeview Elementary. If the application is approved, it would negatively impact this school by increasing its FISH standard from 104% to 111% of capacity. However, this will not cause the school to be overcrowded.
6. The current traffic conditions on the nearby roadways serving the subject site including segments of NW 103 Street, from NW 27 to NW 7 Avenues and from NW 17 Avenue to I-95, are acceptable at Level of Service (LOS) C, which is above their adopted LOS E standards. The traffic conditions on NW 17 Avenue, between NW 119 Street and NW 103 Street and from NW 103 Street to NW 95 Street, are also acceptable at LOS B and C, respectively, which are above their adopted LOS E+20% standards. Also, NW 7 Avenue, between NW 119 Street and NW 103 Street is currently operating at acceptable LOS C, which is above its adopted LOS E+50% standard. Based on staff joint traffic analysis with the Public Works Department, the potential traffic impacts on these roadways with the application, if approved, will be minimal and will not cause any of these roadways to operate below their adopted and currently LOS standards. Furthermore, the subject application is located within the County’s Urban Infill Area, which is an area where a proposed development will not be denied a concurrency approval for transportation facilities provided that the development is consistent with the adopted CDMP and meets the criteria established in the Concurrency Management Program of the Capital Improvement Element.
7. Environmental or historic resources are not found on the site or impacted by the proposed application.

STAFF ANALYSIS

Introduction/Background

This application is a request to redesignate a 4.81-gross-acre property located at 10940 NW 14 Avenue in unincorporated Miami-Dade County, from "Low-Medium Density Residential", which allows from 6 to 13 dwelling units per gross acre (du/ac) to "Medium Density Residential" With One Density 1 Increase With Urban Design (DI-1), which would allow up to 60 du/ac from 13 du/ac).

The text of the Density Increase With Urban Design section in the CDMP states, in part, "a property shall be eligible for a D-1 (Density Increase 1) designation only if the development containing the designated property utilizes sound urban design principles adopted by County ordinance pursuant to Land Use Policy LU-9K, or incorporated in the Urban Design Manual endorsed by Resolution R-1360-98, or addresses the urban design concerns listed in Policy LU-9K in another binding instrument approved by action of the Board of County Commissioners." In addition "existing or proposed developments with vehicular entrances that are controlled or have entry gates with private streets are not eligible for a density increase designation of either DI-1 or DI-2. If the referenced urban design principles are not employed, the allowable density shall be limited to that authorized only by the underlying color code."

LU-9K: By 2007, Miami-Dade County shall initiate the review and revision of its Subdivision Regulations to facilitate the development of better-planned communities. The Public Works Department shall specifically review and update the Subdivision Regulations for urban design purposes. Changes to be considered shall include provisions for:

- i) Open space in the form of squares, plazas, or green areas in residential and commercial zoning categories; and
- ii) A hierarchy of street types and designs, ranging from pedestrian and bike paths to boulevards that serve both neighborhood and areawide vehicular and pedestrian trip making needs by addressing cross sections, corner radii, connectivity and rationality of street and pathway networks, and balanced accommodation of automobiles, pedestrians, bicyclists, and landscaping.

The applicant submitted a Declaration of Restrictions (covenant) along with the application. This covenant has been revised a number of times as described under the title Declaration of Restrictions below.

Application Site

The original application site encompasses approximately 4.81 gross acres located at 10940 NW 14 Avenue in north central unincorporated Miami-Dade County. This site is currently accessible from NW 14 Avenue (off NW 111 Street) and contains two connected and L-shaped 4-story multifamily residential apartment buildings constructed in 1966. The site also is the northern portion of two adjacent properties owned by Sunshine Lakes, LLC, which altogether contain 209 multifamily rental apartment units (Property Appraisals' record). The entire site containing approximately 11.03 acres has an existing vehicular private controlled entrance gate. The site also contains a fitness and exercise center, an outdoor playground and picnic area facing the Silver Blue lake on the west side of the property.

The applicant is requesting a redesignation on the Land Use Plan (LUP) map of the 4.81-acre site from "Low-Medium Density Residential", which allows from 6 to 13 du/ac to "Medium Density Residential" with DI-1, which would allow up to 60 du/ac from 13 du/ac. The subject site is currently developed with 84 multi-family rental apartment units. Under the current zoning (overriding the CDMP current designation), the property could potentially be developed with 107 multifamily dwelling units. Under the proposed designation of "Medium Density Residential with DI-1" category, the site could potentially be developed with 288 multi-family units based on the maximum allowable density for the requested designation. However the applicant has voluntarily proffered a covenant limiting the development of the site to 184 multifamily units. Since the applicant intends to keep the existing 84-unit structure on the property, the covenant will result in additional new 100 multifamily units. Also, it will result in 104 units less than the maximum potential units based on the requested land use designation or 77 units more than the current zoning of RU-L4 district.

With the revised acreage under the recommended Medium Density Residential designation, the potential development would be 312 units, which includes 25% bonus units workforce housing to be offered by the applicant in his proffered covenant.

Land Use and Zoning History

An application filed to rezone this property from GU (Interim District) to RU-4 (High Density Apartment House – 50 units/net acre) was denied and an RU-4L district (Limited Apartment House – 23 units/net acre) was instead passed and adopted by Resolution No. Z-122-64 by the Board of County Commissioners (Board) on May 14, 1964. No other zoning history is available for this subject site.

The nearest recent CDMP plan amendment in the immediate vicinity of the application site (approximately one-mile away) is Application No. 4 (\pm 27.6 gross acres) of the April 2005-06 Amendment Cycle. This nearby application site, located from NW 12 Avenue to NW 9 Avenue between NW 95 Terrace and NW 99 Street, redesignated four clustered parcels from "Low-Medium Density Residential" (6 to 13.5 du/ac) to "Medium Density Residential (13 to 25 du/ac)". The Board of County Commissioners adopted this application by Ordinance No. 06-42 on April 18, 2006.

Adjacent Land Use and Zoning

The adopted Land Use Plan map of the CDMP shows that the areas surrounding the application site to the north, east and south are designated "Low-Medium Density Residential". Directly north of the site and south of NW 111 Street are two family single story duplexes and north of NW 111 Street are single-family homes. A religious institution, Ark Christian Church, is located at the southwest corner of intersection of NW 111 Street and NW 14 Avenue. Across NW 14 Avenue east of the site are single-family homes too. Further southeast of the property on the same NW 14 Avenue, is the Boys and Girls Clubs of Miami North with large access area to the lake. Also further south of the property, is a County-owned and operated park (Miami Shores Optimist park). West of the application site beyond the lake are single family residential homes along NW 17 Avenue zoned RU-1 (7500 net square feet) and designated Low Density Residential (2.5 to 6 du/gross acre). South and southwest of the revised application site, designated Medium Density Residential, are the multi-family Silver Blue Lake Apartments and Jefferson Avenue Apartments along NW 103 Street and NW 17 Avenue respectively.

Declaration of Restrictions

The applicant submitted a draft Declaration of Restrictions (covenant) dated April 30, 2008, along-with the application to restrict the number of the dwelling units to additional 100 for a total of 184 units and a traffic study for "Sunshine Lakes Apartment" prepared by McMahon engineering firm dated June 30, 2008 to support the application. On August 15, 2008, the applicant submitted a revised application letter with another covenant, which reduced the number of requested additional units to 90. The letter revised the application by changing the requested designation to Medium-High Density (25 to 60 du/ac) instead of the previously requested "Medium Density Residential with DI-1". This revised application letter was considered late, out of sequence and beyond the scope of the application filling period and subsequent review process. This revised application letter was therefore not accepted for review. On September 2, 2008, the applicant submitted another revised covenant limiting the maximum number of dwelling units to 308 with the utilization of the workforces housing program, which provides for 25% increase in residential density pursuant o County's Code.

Supply and Demand

Vacant Residential land in the Analysis Area for Application #4 (Minor Statistical Area 2.4) in 2008 is estimated to have a capacity for about 1,133 dwelling units, of which about 51 percent is for multi-family type units. The annual average demand is projected to increase from 62 units per year in the 2008-2010 period to 111 units per year in the 2020-2025 period. An analysis of the residential capacity without differentiating by type of units shows absorption occurring in the year 2020 (See Table below). The supply of multi-family type land is projected to be absorbed by the year 2017. The supply of single-family land is projected to accommodate demand beyond the year 2025.

Residential Land Supply/Demand Analysis
2008 to 2025: **Application 4**

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	558	575	1,133
DEMAND 2008-2010	17	45	62
CAPACITY IN 2010	524	485	1,009
DEMAND 2010-2015	25	65	90
CAPACITY IN 2015	399	160	559
DEMAND 2015-2020	30	78	108
CAPACITY IN 2020	249	0	19
DEMAND 2020-2025	31	80	111
CAPACITY IN 2025	94	0	0
DEPLETION YEAR	>2025	2017	2020

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.

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)	+5.6 feet
Stormwater Management Drainage Basin	Surface Water Management Permit C-7 Little River Canal
Federal Flood Zone	AE -7, Within the 100-year floodplain, and X, Outside 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:

A portion of the application site lies within Flood Zone AE with a base flood elevation of 7.0 feet NGVD, and a portion lies within Flood Zone X, (outside the 100-year floodplain) according to the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. According to the County's

flood criteria, the site shall be filled to a minimum elevation of 5.6 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, designed to contain the run-off generated by a 5-year storm event onsite, is required for this application. Due to the site's size and lot coverage potential, a Surface Water Management Permit must be obtained prior to any development of the site.

Specimen Trees:

An inspection performed by DERM staff on July 1, 2008 revealed a specimen-sized gumbo limbo 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.

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). CERP was created 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 supplied with water from one of two sources: either from alternative water supplies (non-Biscayne Aquifer) or from projects that reuse or reclaim Biscayne Aquifer water.

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

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	MF Res.	107 units	200 gal/unit/day	21,400
PROPOSED USE				
1 - with covenant	MF Res.	184 units	200 gal/unit/day	36,800
2 - without covenant	MF Res.	288 units	200 gal/unit/day	57,600

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.

Based on the above table, the maximum water demand for the current allowed use is estimated at 21,400 gpd. Under proposed scenario 2 the maximum water demand is estimated at 57,600 gpd. This represents an increase of 36,200 gpd above what would be estimated if the site were fully developed under its current designation. Figure 5-1 (Alternative Water Supply and Wastewater Reuse Projects 2007-2030) of the Water and Sewer sub-element in the CDMP, indicates that the Phase 1 of the Hialeah Floridan Aquifer Reverse Osmosis (R.O.) Water Treatment Plant (WTP) will be completed in 2012. This project will yield 8.5 million gallons per day and will ensure adequate water supply for this proposed site. The Table 5-2 - Finished Water Demand by Source of the Water Supply Facilities Work Plan Support Document indicates that there will be no water deficit after the normal growth of the County is accommodated in the year 2012 or through the year 2030.

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

Potable Water

The County's adopted level of service (LOS) standard for water treatment requires that the regional treatment system operate with a rated maximum daily capacity of no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily system demand for the preceding 5 years. The water treatment plant servicing the application site area is WASD's Hialeah/Preston Water Treatment Plant. Based on the 12-month data provided by DERM, the water treatment plant currently has a DERM rated treatment capacity of 225.0 million gallons per day (mgd) and a maximum plant production of 200.9 mgd. As a result, this treatment plant has 24.1 mgd or 10.7% of treatment

plant capacity remaining. Additionally, this plant has a 12-month average day demand of 139.8 mgd, which is well within 2 percent of the plant's 199.2 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service is provided by an 8-inch water main abutting the application site that is owned and operated by WASD. Based on a maximum water demand development scenario (Scenario 2 as noted under Water Supply), it is estimated that this application site will have an estimated water demand of 57,600 gpd; 36,200 gpd above what is currently allowed at the site. This estimated increase in water demand 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 57,600 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 application site is served by a private sanitary sewer system permitted for operation under DERM's Private Sanitary Sewer Operating (PSO) permit number 620 (PSO-303). A private pump station, #99-00303, located on the site, is operating in an "incomplete status" (not enough data exists to accurately determine the permit status) and must submit data for this permit. According to DERM, sewage flows from this site would impact two public pump stations, numbers 06-A (owned by the City of North Miami) and 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 routinely maintains 5-years of committed capacity for its waste flows. 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 serving this site is the West Little River Trash and Recycling Center (1830 NW 79 Street), which is approximately 3 miles away. 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 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 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	Park Classification	Acreage
Little River Park	COMMUNITY PARK	9.00
Gratigny Plateau Park	MINI-PARK	0.96
Miami Shores Optimist Club	SINGLE PURPOSE PARK	9.20
Oak Park	MINI-PARK	0.70
Fernville Park	MINI-PARK	0.48
Arcola Park	COMMUNITY PARK	4.02
Arcola Lakes Park	COMMUNITY PARK	18.81
West Little River Park	NEIGHBORHOOD PARK	4.42
Larchmont Park	NEIGHBORHOOD PARK	4.43

Source: Miami Dade Parks and Recreation Department, July 2008

This application has the potential to increase population on site by 660, persons, 415 persons more than what the site could generate under its current designation, resulting in a need for an additional 1.4 acres, if approved. Although PBD 1 has capacity to accommodate the proposed population increase, given the high use of existing local recreation sites, it will be very important for any development to address the recreation needs of residents. 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 19, North Miami West, located at 650 Northwest 131st 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 Northwest 79th 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 26 seconds for life threatening emergencies and 3 minutes and 46 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 30 annual alarms. Under the requested CDMP designation, potential development is anticipated to generate a total of 81 annual alarms. According to MDFR, this will result in a severe impact to existing fire rescue services.

Under the MDFR evaluation system, 1 – 30 annual alarms would have minimal impact to Fire and Rescue services, 31 – 69 annual alarms would have a moderate impact, and 70+ annual alarms would have a severe impact.

A severe impact rating does not mean that MDFR cannot meet the demands with current staffing or equipment levels, it is only an indication of the average quantity of alarms expected from an application when built. If MDFR needs additional personnel or equipment to ensure level of service standards for fire protections are met, then that will be specifically mentioned in the analysis.

The required fire flow for the proposed Medium Density Residential CDMP designation is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) residual on the system. Additionally, each fire hydrant shall deliver no less than 750 gpm. Fire flow 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. 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
Lakeview Elementary	557	595	500	104%	111%
Westview Middle	661	679	1,007	61%	63%
Miami Central Senior	2,082	2,106	2,404	77%	78%

* 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.

This application, if approved, will increase the potential student population of the schools serving the application site by an additional 80 students. 38 students will attend Lakeview Elementary, increasing the FISH utilization from 104% to 111%; 18 students will attend Westview Middle, increasing the FISH from 61% to 63%; and 24 students will attend Miami Central Senior High, increasing the FISH utilization from 77% to 78%. None of the schools 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

Existing Conditions

The Application site is a 4.81 gross-acre (4.693 net-acre) parcel located in the County's designated Urban Infill Area, a Transportation Concurrency Exemption Area (TCEA). The site is currently designated "Low-Medium Density Residential (up to 13 dwelling units per gross acre) on the Adopted CDMP 2015 – 2015 Land Use Plan map. The requested CDMP land use designation is "Medium Density Residential with One Density Increase with Urban Design," which will allow a maximum density of 60 dwelling units per gross acre(dua). However, the applicant, Sunshine Lakes, LLC, is limiting the total number of units on the site to 184 apartments via a proposed declaration of restrictions.

Primary access to the subject site is from NW 14 Avenue, a two-lane roadway, directly south of NW 111 Street, another two-lane roadway. NW 111 Street provides connections to other major north-south corridors such as NW 17 Avenue and NW 7 Avenue. Access to I-95 is provided by interchanges at NW 103 Street and NW 119 Street.

Current traffic conditions on NW 103 Street, between NW 27 and NW 7 Avenues and from NW 17 Avenue to I-95, are acceptable at Level of Service (LOS) C, which is above the adopted LOS E standard applicable to these roadway segments. Traffic conditions on NW 17 Avenue, between NW 119 Street and NW 103 Street and from NW 103 Street to NW 95 Street, are also acceptable at LOS B and C, respectively, which are above the adopted LOS E+20% standard applicable for these roadway segments. And traffic condition on NW 7 Avenue, between NW 119 Street and NW 103 Street, is acceptable at LOS C, which is above the adopted LOS E+50% standard applicable for this roadway segment. See Traffic Impact Analysis Table below.

The 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.

Trip Generation

Two developments scenarios were analyzed for traffic impact. Scenario 1 assumes the application site developed with 288 multifamily dwelling units, which is the maximum potential

development under the requested CDMP amendment. This scenario is estimated to generate approximately 176 PM peak hour trips. Scenario 2 assumes the application site developed with 184 multifamily dwelling units as limited by the declaration of restriction proffered by the applicant. This scenario would generate approximately 119 PM peak hour trips. It should be pointed out that the subject property, which is currently improved with an L-shaped, four-story apartment building housing 84 units, is zoned RU-4L, Limited Apartment House District (23 dwelling units per net acre). Under the current zoning district, the Application site could be developed with a maximum of 107 dwelling units, while the current land use designation, Low-Medium Density Residential (6-13 du), will allow a maximum of 62 units.

The Estimated Peak Hour Trip Generation Table, below, shows the estimated PM peak hour trips expected to be generated by both Scenario 1 (288 dwelling units) under the requested CDMP land use designation and Scenario 2 (184 units) the limited development program proposed by the applicant, and compares them to the number of trips that would be generated by the potential development (107 units) that could occur under the current Zoning district designation. The peak hour trip difference between the potential development scenarios and the potential development under the current Zoning designation is approximately 99 (Scenario 1) and 42 (Scenario 2) more PM peak hour trips. See Estimated Peak Hour Trip Generation Table below.

Application 4
Estimated Peak Hour Trip Generation
By Current CDMP and Requested Use Designations

Application Number	Assumed Use For Current CDMP Designation/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
4 (Scenario 1)	Low-Medium Density Residential (6.0 - 13.0 DU/gross acre) (107 Multi-Family Units) ¹	Medium Density Residential) with DI-1 (25.0 - 60.0 DU/gross acre) (288 Multi-Family Units) ²	
	77	176	+99
4 (Scenario 2)	Low-Medium Density Residential (6.0 - 13.0 DU/gross acre) (107 Multi-Family Units)	Medium Density Residential) with DI-1 (25.0 - 60.0 DU/gross acre) (184 Multi-Family Units) ³	
	77	119	+42

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

Notes: ¹ Development scenario based on the RU-4L Zoning District designation;

² Scenario 1 assumes Application site developed with 288 multifamily dwelling units under the requested designation;

³ Scenario 2 assumes Application site developed with 184 multifamily as limited by applicant's proposed covenant.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions, as of July 8, 2008, of NW 7 Avenue, NW 17 Avenue and NW 103 Street, which considers reserved trips from approved developments not yet constructed and any programmed roadway capacity improvements, does not predict any changes in the LOS of the subject roadways. The County's 2009 Transportation Improvement Program (TIP) for fiscal years 2009-2013 does not list roadway capacity improvement for any of the roadways analyzed. The concurrency analysis indicated that this application does not significantly impact any of the roadways analyzed and, therefore, meets concurrency. See Traffic Impact Analysis Table on the following page.

The subject application is located within the County's Urban Infill Area, an area where a proposed development will not be denied a concurrency approval for transportation facilities provided that the development is consistent with the adopted CDMP and meets the criteria established in the Concurrency Management Program of the Capital Improvement Element.

The applicant, Sunshine Lakes LLC, submitted in support of this application a traffic concurrency impact analysis, which was prepared by McMahon Transportation Engineers & Planners, Inc. The analysis was done for three different residential densities, the density allowed by the current RU-4L Zoning District designation (23 units per net acre), the proposed CDMP Land Use Plan map designation, Medium-Density Residential (60 units per acre), and the owner's imposed limitation of 38.2 units per acre. The concurrency analysis indicates that all of the impacted count stations have sufficient capacity to accommodate this application's impact. County staff accepted and reviewed the traffic concurrency analysis report and concurs with the findings and conclusions of the report. A copy of the applicant's traffic impact analysis is attached in Appendix D.

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

StationNo.	Roadway	Location/Link	No. 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												
9372	NW 17 Ave.	NW 95 St. to NW 103 St.	4 DV	E+20%	3,396	1,680	B	0	B	29	1,709	B (07)
9376	NW 17 Ave.	NW 103 St. to NW 119 St.	4 DV	E+20%	3,540	1,711	C	69	C	31	1,811	C (07)
121	NW 103 St.	I-95 to NW 17 Ave.	6 DV	E	4,920	2,198	C	55	C	53	2,306	C (06)
1214	NW 103 St.	NW 17Ave. to NW 27 Ave.	6 DV	E	4,920	2,022	C	20	C	27	2,069	C (06)
5014	NW 7 Ave.	NW 103 St. to NW 119 St.	6 DV	E+50%	7,380	2,502	C	70	C	36	2,608	C (06)
Scenario 23												
9372	NW 17 Ave.	NW 95 St. to NW 103 St.	4 DV	E+20%	3,396	1,680	B	0	B	20	1,700	B (07)
9376	NW 17 Ave.	NW 103 St. to NW 119 St.	4 DV	E+20%	3,540	1,711	C	69	C	21	1,801	C (07)
121	NW 103 St.	I-95 to NW 17 Ave.	6 DV	E	4,920	2,198	C	55	C	36	2,289	C (06)
1214	NW 103 St.	NW 17Ave. to NW 27 Ave.	6 DV	E	4,920	2,022	C	20	C	18	2,060	C (06)
5014	NW 7 Ave.	NW 103 St. to NW 119 St.	6 DV	E+50%	7,380	2,502	C	70	C	24	2,596	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

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

E+20% = 120% of LOS E; Transit with 20 minutes headway in inside the Urban Infill Area, a designated transportation concurrency exception area.

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

2 Scenario 1 assumes Application site developed with 288 multi-family dwelling units under the requested land use designation.

3 Scenario 2 assumes Application site developed with 184 multi-family dwelling units as limited by a proposed covenant.

Transit

Existing Service

Metrobus Routes 17, 75, 77 and 277 (NW 7 Avenue MAX) service the Application site and/or the vicinity of the application site. Table 4-1, below, shows the existing service frequency in summary form.

Table 4-1
Metrobus Route Service Summary
April 2008 Amendment Application # 4

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
17	30	30	60	N/A	30	30	0.3	F
75	30	30	50	N/A	N/A	N/A	0.8	L
77	8	15	30	N/A	15	30	0.7	F
277/7 Avenue MAX	20	N/A	N/A	N/A	N/A	N/A	0.7	F / E

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 in the immediate area, such as improved headways and extensions to the current routes, are being planned for the next ten years as noted in the draft 2008 Transit Development Plan. Table 4-2 shows the Metrobus service improvements programmed for the existing routes serving this application.

Table 4-2
Metrobus Recommended Service Improvements
April 2008 Amendment Application # 4

Route(s)	Improvement Description
17	Extend service to the future Golden Glades Intermodal Terminal.
75	Improve peak headway from 30 to 20 minutes.
77	No planned improvements.
277/7 Avenue MAX	No planned improvements.

The projected bus service improvements for these routes are estimated to cost approximately \$19,352 in annual operating costs and a one-time capital cost of \$37,032 for a total cost of \$56,384. These costs only reflect the percentage of improvements that are located within the Application area.

Major Transit projects

Regarding future transit projects in the vicinity of the application area, a rail extension along NW 27 Avenue to the Miami-Dade/Broward county line from the existing elevated guideway just

north of the Dr. Martin Luther King, Jr. Metrorail station is being planned, by Miami-Dade Transit, as part of the People's Transportation Plan Rapid Transit Improvements. It consists of a 9.5-mile corridor along NW 27th Avenue.

Application Impacts

A preliminary analysis was performed in Traffic Analysis Zone (TAZ) 239, where the proposed application is located, and if approved, the future transit impact to be generated by this application is minimal and can be absorbed by the scheduled improvements to transit in the area.

Other Planning Considerations

Consistency with CDMP Goals, Objectives, Policies and Concepts:

The proposed application will further the following goals, objectives, policies and concepts of the CDMP:

Land Use (LU) Element Policies:

- 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.
- 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-1S. The Comprehensive Development Master Plan (CDMP) shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agriculture and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.

Housing Element Policy:

- HO-3F. By the end of 2006, an inclusionary zoning program, which involves private sector developments in the provision of work force housing will be implemented. Builders and developers who participate in this program will be entitled to exceed

CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element

The proposed application will impede the following goals, objectives policies and concepts of the CDMP.

LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

Guidelines for Urban Form

No. 3: Within a section, a variety of residential types and densities are encouraged, with higher densities being located at the periphery, and lower densities in the interior.

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APPENDICES

Appendix A	Map Series
Appendix B	Amendment Applications
Appendix C	Miami-Dade County Public Schools Analysis
Appendix D	Applicant's Traffic Study
Appendix E	Fiscal Impact Analysis
Appendix F	Proposed Declarations of Restrictions
Appendix G	Photos of the Application Sites and Surroundings

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APPENDIX A

Map Series

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APPLICATION NO. 4 AERIAL PHOTO



Legend



APPLICATION AREA



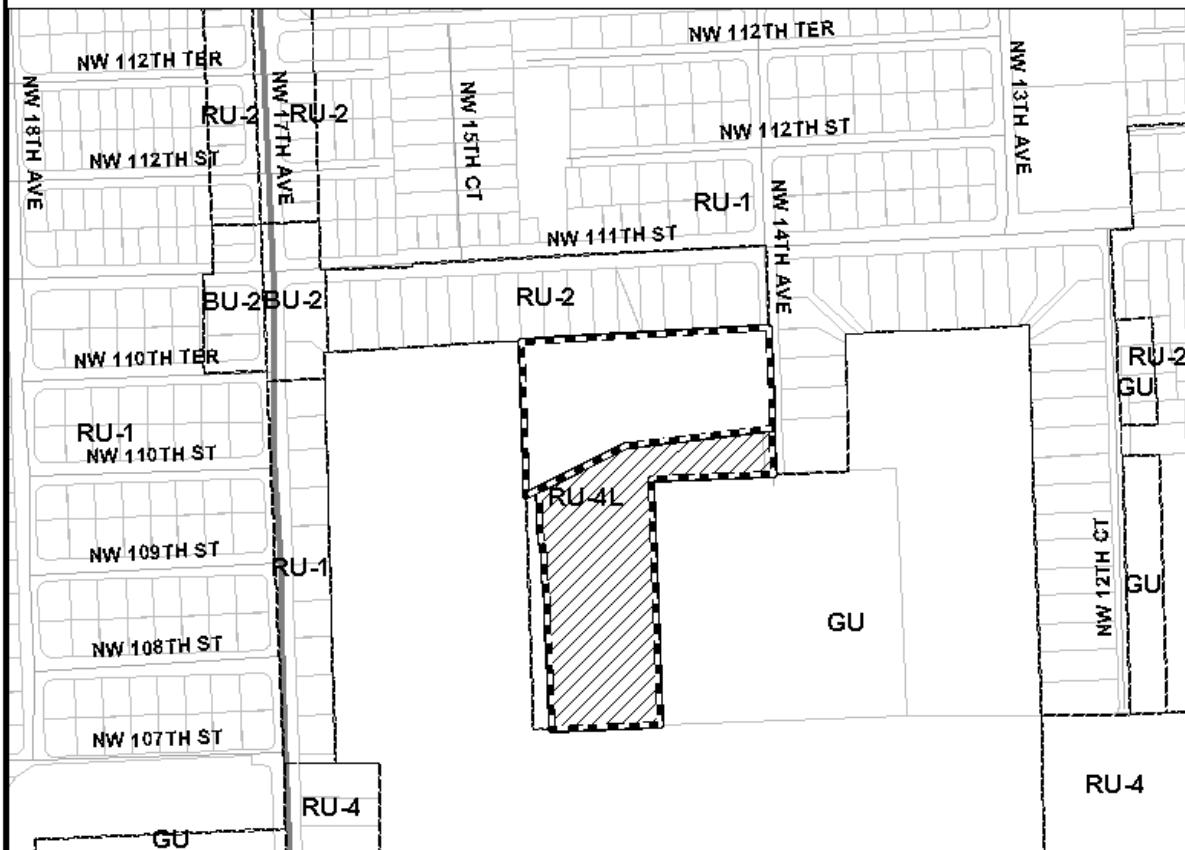
DP&Z RECOMMENDED EXPANSION AREA





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



APPLICATION NO. 4 CURRENT ZONING MAP

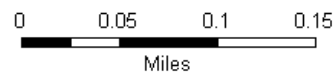


Legend

-  APPLICATION AREA
-  DP&Z RECOMMENDED EXPANSION AREA

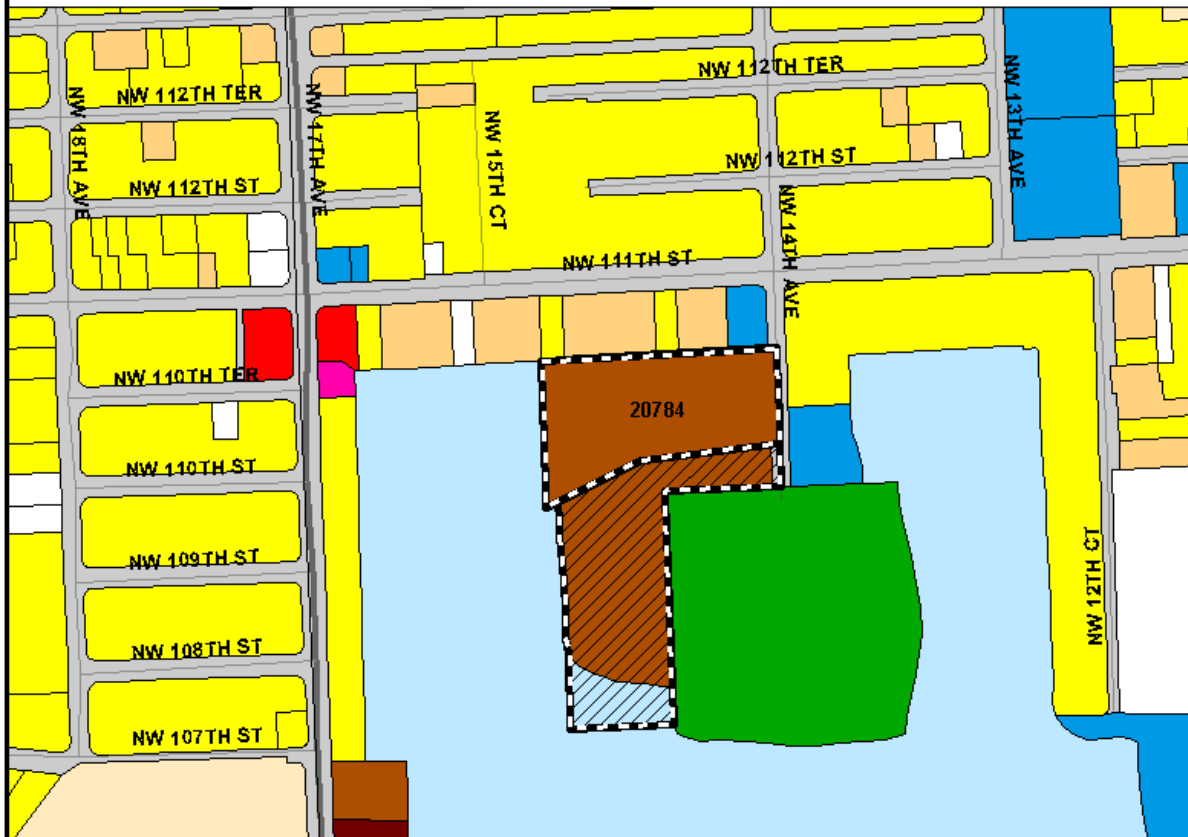
ZONING DISTRICTS

- GU INTERIM
- RU-1 SINGLE-FAMILY RESIDENTIAL (7,500 sq. ft. net)
- RU-2 TWO-FAMILY RESIDENTIAL (7,500 sq. ft. net)
- RU-4L LIMITED APARTMENT HOUSE (23 DU/net acre)
- RU-4 HIGH DENSITY APARTMENT HOUSE (50 DU/net acre)
- BU-2 SPECIAL BUSINESS





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











APPLICATION NO. 4 EXISTING LAND USE

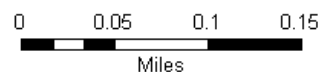


Legend

-  APPLICATION AREA
-  DP&Z RECOMMENDED EXPANSION AREA

EXISTING LAND USES

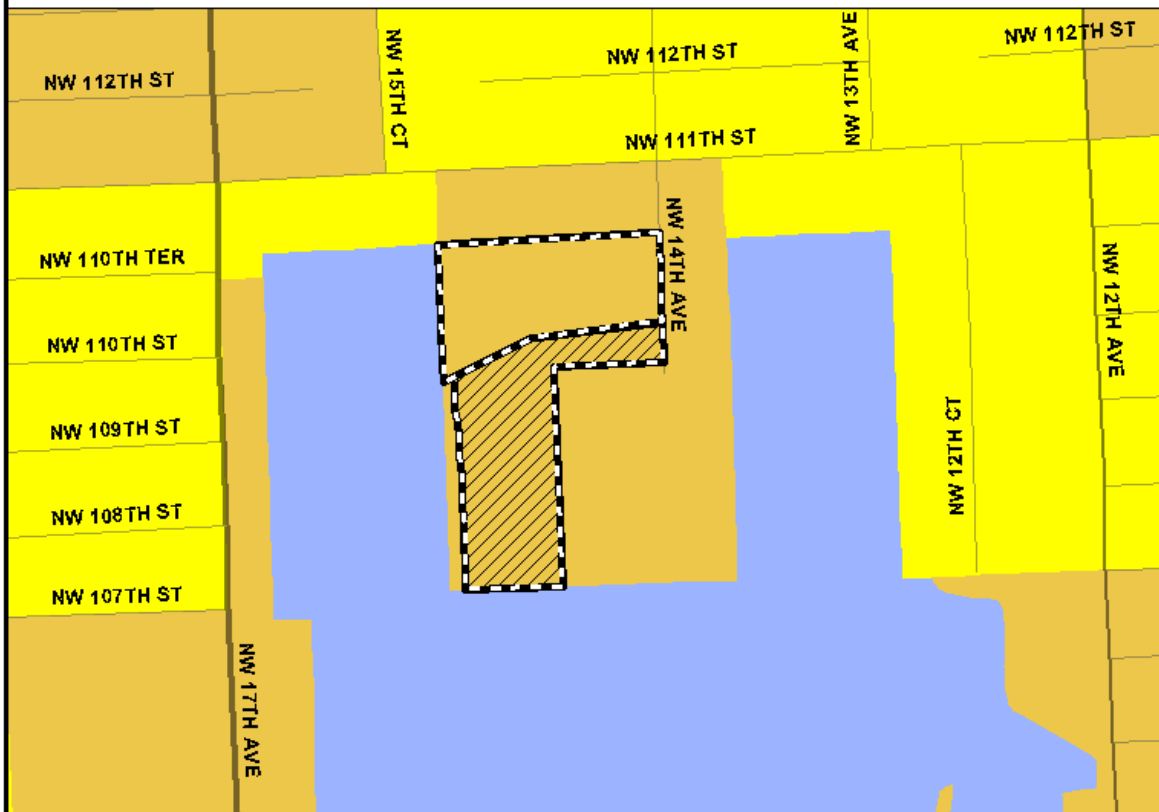
-  SINGLE-FAMILY, HIGH DENSITY (OVER 5 DU/FIVE ACRES)
-  TWO-FAMILY (DUPLICES)
-  MULTI-FAMILY, LOW DENSITY (UNDER 25 DU/GROSS ACRE)
-  SALES AND SERVICES
-  OFFICE BUILDING
-  HOUSES OF WORSHIP AND RELIGIOUS
-  LOCAL PARKS AND PLAYGROUND
-  STREETS AND ROADS
-  VACANT
-  INLAND WATER BODIES





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






APPLICATION NO. 4 CDPM LAND USE MAP



LEGEND

-  APPLICATION AREA
-  DP&Z RECOMMENDED EXPANSION AREA

CDMP LAND USE

-  LOW DENSITY RESIDENTIAL (2.5-6 DU/AC)
-  LOW-MEDIUM DENSITY RESIDENTIAL (5-13 DU/AC)
-  WATER



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



APPENDIX B

Amendment Application

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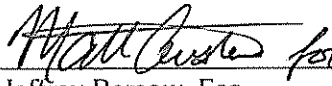
**SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
APRIL 2008-2009 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**


1. APPLICANT

Sunshine Lakes, LLC
4661 SW 71 Avenue
Miami, Florida 33155

2. APPLICANT'S REPRESENTATIVES

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

By:  Date: April 30, 2008
Jeffrey Bercow, Esq.

By:  Date: April 30, 2008
Matthew Amster, Esq.

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: Low-Medium Density Residential

Proposed Land Use Designation: Medium Density Residential with One Density Increase with Urban Design (DI-1)

- B. Description of Property

The Property consists of one parcel (Folio No. 30-2135-000-0133) with 4.693 gross acres (4.156 net acres) (the "Property") located in Section 35, Township 52, Range 41 in unincorporated Miami-Dade County. See Attached Sketch.

- C. Acreage of Property

Gross Acreage = 4.81 acres (including ROW and a portion of the Lake at the west side)
Gross Acreage (w/o ROW) = 4.693 acres (including a portion of the Lake at the west side)
Net Acreage = 4.156 acres (not including a portion of the Lake at the west side)
Acreage owned by the Applicant = 4.693 acres

D. Requested Changes

- 1) The Applicant requests the redesignation of the Property from Low-Medium Density Residential to Medium Density Residential with One Density Increase with Urban Design (DI-1).
- 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. Sunshine Lakes, LLC (the "Applicant") is the owner of two properties in north central Miami-Dade County, one of which is the subject of the present application (the "Application"). The two properties are adjacent and contain 208 multifamily rental apartment units. The Applicant rents to low and moderate income individuals and families.

Property. The Property consists of the northern of the two properties and is located in unincorporated Miami-Dade County (the "County") inside the Urban Development Boundary and the Urban Infill Area of the County. The Property consists of one parcel, 10940 NW 14 Avenue, which is located southwest of the intersection of NW 14 Avenue and NW 111 Street. The Applicant also owns the property immediately to the south, 10900 NW 14 Avenue. The main entrance to the Property is through the southern property. Together the two properties make up the western portion of a peninsula that juts into Silver Blue Lake (the "Lake"). Both of these parcels include a portion of the Lake on the western side. These parcels presently contain a number of four-story multifamily residential apartment buildings built in 1968 and 1970. There are 84 units on the Property, and there are 124 units on the land to the south, for a combined total of 208 rental units.

Land Use and Zoning. The entire Property is currently designated as Low-Medium Density Residential. The entire peninsula, including the properties on the south side of NW 111 Street have the same land use, therefore the Property is surrounded by Low-Medium Density Residential land use designation. The southwest, south and southeast shores of the Lake are also designated Low-Medium Density. The Property is located in the RU-4L zoning district, as is the property to the south. The properties to the north are RU-2 and the properties to the east across NW 14 Avenue are RU-1. The property to the southeast, a Miami-Dade County Park, and the majority of the Lake are zoned GU. Notably, the properties at the southwest and southeast sides of the Lake are zoned RU-4 and properties along the south side of the Lake are BU-1.

The Surrounding Area. The surrounding area is mainly residential, consisting of a mix of single-family, duplex and multifamily housing. The nearest commercial establishment is at the intersection of NW 17 Avenue and NW 111 Street. The properties immediately north of the Property contain duplexes, except for the property at the southwest corner of the intersection of NW 14 Avenue and NW 111 Street, which contains a church. Some of the properties to the east, on the east side of NW 14 Avenue, have single-family homes. To the southeast is a Boys and Girls Club establishment and immediately south of that, comprising the south and east portions of

the peninsula is a 9 acre Miami-Dade County Park. To the south of the Property is the other portion of the multifamily development owned by the Applicant. To the west, is the Lake. Besides the Applicant's two properties, numerous multifamily apartment buildings line the shores of the Lake, specifically at the southwest corner (123 units at three-stories), at the south side (239 units at three-stories) and at the southeast corner (106 units at one-story).

Park. One of the area's community and social focal points is the Miami-Dade County Park located within easy walking distance south of the Property at the center and south end of the peninsula. Comprised of 9 acres, the Park's numerous playing fields are often the site of organized athletic events, including activities sponsored by the Miami Shores Optimist Club.

Schools. The projected enrollments for 2010 for the three public schools operated by the School Board of Miami-Dade County that service the Property are below 100% utilization: Henry Reeves Elementary – 99%; Westview Middle – 65% and Miami Central Senior High – 53%.¹ As a result, the Applicant's project will not adversely impact the level of service of public schools in the area.

The Property is also situated near two post-secondary schools. Miami-Dade College North Campus is located in the vicinity of NW 27 Avenue and NW 119 Street and Barry University is located at approximately Miami Avenue and NW 119 Street.

Identification of the Need for Revitalization. The general area has already been identified by Miami-Dade County as needing revitalization.

Targeted Urban Area. The County designated the area between NW 79 and NW 115 Streets and between NW 7 and 37 Avenues as a Targeted Urban Area. Through various projects focused at the community level, the Task Force on Urban Economic Revitalization seeks to improve the economic status of the residents and businesses within targeted areas.

Transportation System The Property has access to public transportation just three blocks away at NW 17 Avenue. From the bus route there, riders can make connections to the Golden Glades, Metrorail, Tri-Rail, and the Amtrak Station, and travel to the two nearby colleges.

In addition, the North Corridor Metrorail Extension along NW 27th Avenue will provide greater access to Metrorail service and assist residents traveling both north and south. Seven new Metrorail Stations will be added from NW 79th Street to NW 215th Street. The closest proposed station will be located at NW 119 Street by Miami-Dade College North Campus. The project is presently in the design phase and construction is scheduled to begin in 2010 for an operation start date in 2014. The Metrorail expansion will provide further employment opportunities to residents of the Applicant's project.

Description of Development Proposal. The Applicant plans to provide up to 100 more affordable rental units in one or more new buildings on underutilized portions of the Property. The existing buildings, both in the Property and on the property to the south will remain and continue to be occupied during construction. The Applicant plans to ensure that the new buildings are compatible with the existing buildings, both in appearance and in scale. Therefore, the new buildings will probably be three or four stories in height.

¹ Information based on data provided by the School Board on June 29, 2007

To obtain 100 more units in the Property, the Applicant would need to change the land use designation by two categories, from Low-Medium Density to Medium-High Density. The increase to Medium Density, which allows for a maximum of 25 units/acre, will only provide 117 total units. Since the 84 existing units will remain, this is only an increase of 33 units.² The increase to Medium-High Density sufficiently provides the density for the proposed 100 units. At 60 units/acre, a maximum of 281 units will be allowed on the Property, which is an additional 197 over and above the existing units. The Applicant recognizes that this increase is not compatible with the surrounding area from the perspectives of land use designation and density. The problem is that there is no density designation between Medium and Medium-High Density because in truth the Applicant is only seeking a density of 39.2 units/acre.

To achieve this goal, the Applicant believes that the following two-part land use amendment request will be compatible with the surrounding area from both of the above perspectives. For the first part, the Applicant requests an amendment to the LUP Map from Low-Medium Density Residential to Medium Density Residential with One Density Increase with Urban Design (DI-1). This request will increase the density for the property from 13 units/acre to 25 units/acre and permit a further increase to the next level, effectively Medium-High Density at 60 units/acre, if the development adheres to sound urban design principles. See page I-32 of the CDMP. This density increase will require the Applicant to follow urban design guidelines since the Applicant is not submitting a site plan at this time. Typically, the design of development is handled at the zoning phase.

For the second part, the Applicant will proffer a declaration of restrictions (the "Covenant") that restricts the maximum residential density to 184 units in the Property. This is a significant reduction (97 units) in the total number of allowable units under the LUP Map amendment.

Sound urban design principles. The Applicant met with staff of the Department of Planning and Zoning to address the feasibility of providing urban design for the new additions and thus permit the Applicant to take advantage of the DI-1. Staff believes that the site has a lot of potential to incorporate urban design. In addition, the Applicant feels strongly that the utilization of urban design will make the existing project better because the suburban parking field detracts from the aesthetic appeal of the current project and does not provide adequate security for the residents. Placing buildings along NW 14 Avenue and the southern property line will line the main entry points of the Property with activated buildings that will act as deterrents to criminal acts and create an interior parking area surrounded, at least on three sides, by activated uses that will again increase security. Further, the Applicant intends to provide pedestrian and bicycle access to the Lake from NW 14 Avenue. Also, the Applicant is willing to make minor renovations to the existing buildings of the Property to ensure a cohesive overall appearance.

Residential Land Supply and Demand. There is a need for residential units in the general area. Table 3 of the Planning Considerations Report for the April and October 2007 Cycle Applications to Amend the CDMP indicates that overall Countywide residential capacity will be depleted in 2019. The outlook is worse for the North Miami-Dade Tier, in which the Property is located (Minor Statistical Area (MSA) 2.4), and where the depletion date is 2014. Further, the 2003 Evaluation and Appraisal Report (EAR) shows that between the year 2000 and 2025, Miami-Dade County will require 294,200 new housing units and it estimated that about 42 percent of those units (117,680 units) will be needed by very low and low-income households. In addition, there is now widespread recognition of a lack of affordable housing. Therefore, with the depletion date for this area only six years away, there is an urgent need for affordable housing.

² Even if the affordable housing bonus of 25% is applied, the number of new units falls short at 62

The Applicant's proposal will provide quality housing for low-income individuals and families in a suitable urban infill area. As a result, the redesignation of the Property will have a positive impact on the supply of residential land in the area.

Consistency with the CDMP. The Applicant's proposal will assist with the revitalization of the area and add urban character to a new area. 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 Applicant seeks to intensify development in the Urban Infill Area, near to the Miami-Dade College North Campus and the pending expansion of the Metrorail. Granting the request will encourage infill development that will revitalize a underutilized area. 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 contains viable space for increased development and is therefore a substandard use within the Urban Development Boundary in a currently urbanized area.

POLICY LU-1F

To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

The area surrounding the Property contains a wide variety of housing types and the Application will add to the variety, especially because of the inclusion of urban design.

POLICY LU-1K

Miami-Dade County will maintain and enhance the housing assistance and public housing programs addressed in the Housing Element as a means to improve conditions of low and moderate income residents.

The Applicant seeks to provide quality housing to low income residents, both at the new and existing units. Therefore, the Applicant's request will certainly improve the conditions of low income residents.

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 near many transit opportunities, especially NW 17 Avenue and the pending North Corridor of the Metrorail along NW 27 Avenue. The development will incorporate pedestrian-friendly elements and provide low-income housing. Therefore, the Applicant 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 Applicant Area 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-7I

Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

The Applicant Area is well-positioned for higher density due to its proximity to transit options, especially the pending North Corridor of the Metrorail, which therefore should be encouraged.

OBJECTIVE LU-12

Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in PolicyTC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

The Applicant's request supports infill development on underutilized property located in the Urban Infill Area and in a Targeted Urban Area.

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

OBJECTIVE HO-2

Designate by the year 2025 sufficient land (+/-25,000 acres) to accommodate sites at varying densities for a variety of housing types including manufactured homes, with special attention directed to units for very low, low, and moderate-income households.

The Applicant's request will provide residential development on underutilized lands and the proposed project will contain housing that targets the range of low and moderate income households.

POLICY HO-2C

Foster a diversity of affordable housing types defined by the County's Comprehensive Development Master Plan to include single-family detached housing, single-family attached and duplex housing, multi-family housing and manufactured homes.

The Applicant's proposal will provide affordable housing.

OBJECTIVE HO-3

Assist the private sector in providing affordable housing products in sufficient numbers for existing and future residents throughout the County by the year 2025, (approximately 294,000 units), with an appropriate percentage (about 42 percent) of new housing available to very low, low and moderate-income households.

The Applicant's request will help the County meet the projected need of affordable housing.

OBJECTIVE HO-6

Increase affordable housing opportunities for very low, low, and moderate-income households within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.

The proposed housing units will be located within reasonable distance to mass transit, including the pending North Corridor of the Metrorail. Further, the Property will be near two potential employment centers, the Miami-Dade College North Campus and North Shore Hospital.

POLICY HO-7A

Ensure that growth management, housing design, and development alternatives form an integral part of a community of functional neighborhoods and town centers that promote community identity, and enhance the overall quality of life.

The proposed development will create a more robust community between the Property and the property to the south. Through the incorporation of urban design guidelines, the development

will be safer and more pedestrian-friendly. This will have a positive impact on the quality of life of the nearby residents and visitors of the Boys and Girls Club and the Park because residents and members of the public that live in or come to the area will be encouraged to visit the Lake and the Park without fear for their safety.

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 Applicant's low income housing development to mass transit services helps the County meet this objective and ensure quality transportation options for the residents of the Property.

POLICY MT-4A

Miami-Dade County, with private sector assistance, shall provide mass transit service appropriate for the mix and intensity of development of urban centers identified in the Land Use Element.

The increase in density at the Property and the North Corridor of the Metrorail are a perfect match.

POLICY MT-5D

The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.

The Property is perfectly situated near multiple bus routes and the pending North Corridor of the Metrorail. Granting the request for a low income housing development will ensure the promotion of affordable housing within close proximity to and an increased ridership of mass transit.

Conclusion. The Applicant's request represents a model infill application because it appropriately revitalizes an underutilized parcel in the Urban Infill Area. The Property is suitably located near existing transportation corridors and will be in close proximity to the pending North Corridor of the Metrorail. The combination of urban design and the Covenant will ensure creation of a safe and compatible multifamily development that will assist low and moderate income individuals and families. Granting the request will help spark the revitalization effort that will be needed in this area to take advantage of the new Metrorail line.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Location Map of Property
- 2) Aerial Photograph
- 3) Section Map
- 4) Survey
- 5) Declaration of Restrictions

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

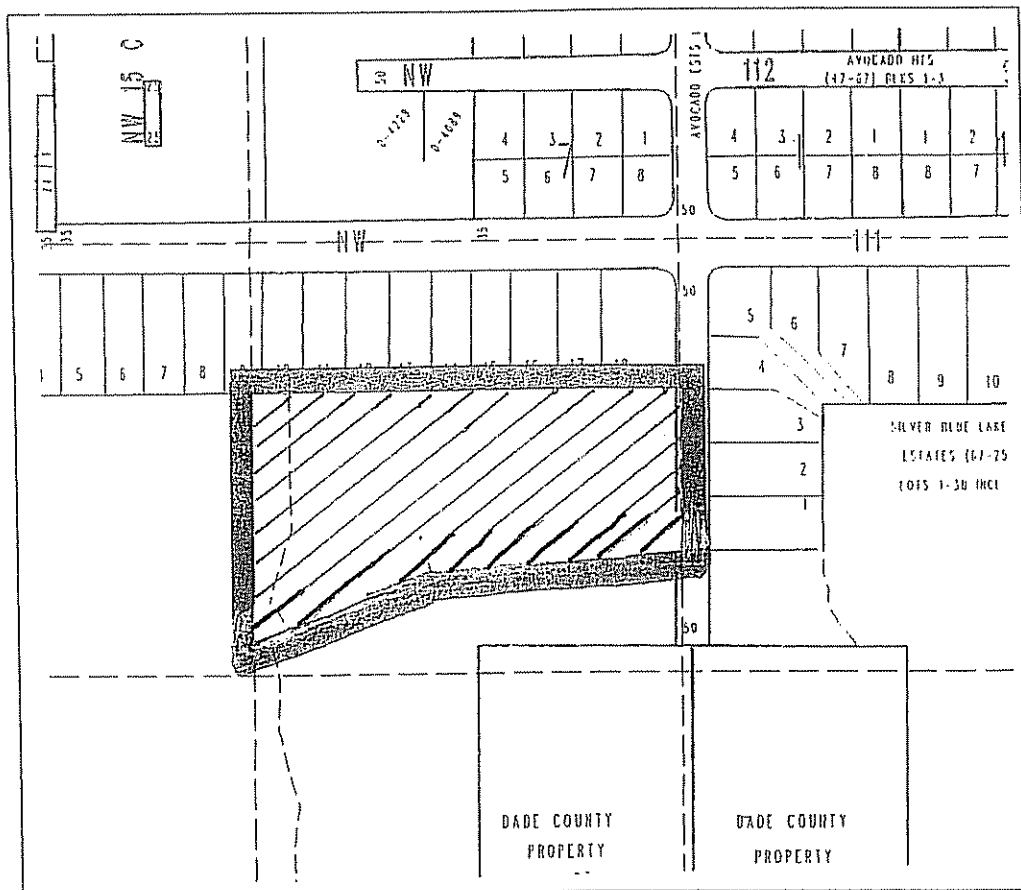
Sunshine Lakes, LLC
4661 SW 71 Avenue
Miami, Florida 33155

REPRESENTATIVES

Jeffrey Bercow, Esq. and Matthew Amster, 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, together with a portion of the Lake at the western edge of the Property, contains 4.693 gross acres located in Section 35, Township 52, Range 41. With the ROW, the Application Area contains 4.81 gross acres. The parcel is identified by Folio No. 30-2135-000-0133. The Applicant owns the parcel.



APPLICATION AREA



AREA OWNED BY APPLICANT



APPENDIX C

Miami-Dade County Public Schools Analysis

(Dated August 6, 2008)

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SCHOOL IMPACT REVIEW ANALYSIS

REVISED August 6, 2008

APPLICATION: No. 4, Sunshine Lakes

REQUEST: Change Land Use from Low-Medium Density Residential (6 to 13 dua) to Medium Density Residential (13 to 25 dua) plus one Density Increase with Urban Design (25 to 60 dua)

ACRES: 4.81 gross acres

LOCATION: 10940 NW 14 Avenue

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

NUMBER OF UNITS:		Proposed Land Use	Existing Land Use
	181 additional units*	288 MF	107 MF

**ESTIMATED STUDENT
POPULATION:** 80 additional students*

ELEMENTARY: 38

MIDDLE: 18

SENIOR HIGH: 24

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Lakeview Elementary – 1290 NW 115 Street

MIDDLE: Westview Middle – 1901 NW 127 Street

SENIOR: Miami Central Senior – 1781 NW 95 Street

All schools are located in North Central 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
Lakeview Elementary	557	500	111%	36	104%
	595 *		119%		111%
Westview Middle	661	1,007	66%	79	61%
	679 *		67%		63%
Miami Central Senior High	2,082	2,404	87%	309	77%
	2,106 *		88%		78%

*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. The total annual operating cost for additional students residing in this development, if approved, would total \$523,920.

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.

APPENDIX D

Applicant's Traffic Study

This is not required for small-scale amendments. However, the applicant submitted a traffic study report prepared by McMahon dated June 30, 2008. A summary of the report is herein included.

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INTRODUCTION

McMahon Associates, Inc. (McMahon) has prepared a traffic concurrency analysis for a small scale amendment to the Miami-Dade County Comprehensive Development Master Plan (CDMP) Land Use Plan Map (LUP) for the Sunshine Apartments property. The project is located in unincorporated Miami-Dade County at 10940 NW 14th Avenue. **Figure 1** shows the approximate location of the property. The subject property includes 4.81 acres and is directly south of NW 111th Street and directly west of NW 14th Avenue. The site is currently occupied by 84 apartment dwelling units. This small scale amendment consists of a change from the current land use designation of Low-Medium Density Residential to Medium Density Residential with Density Increase 1.

The owner is requesting this change in the land use designation so that the density on the property can be increased to permit 184 apartment dwelling units on the site, an increase of 100 units from what is currently on the site. This analysis was prepared in accordance with Miami-Dade County Traffic Concurrency Management requirements.

CONCLUSION

A traffic concurrency analysis was performed for a proposed small scale amendment to the Miami-Dade County CDMP to permit the owner of the Sunshine Lakes Apartments to increase to existing number of apartment dwelling units from 84 to 184. An analysis was done for three different densities per acre and it indicates that all of the impacted count stations have sufficient capacity to accommodate this project's impacts. The subject property is located within the Miami-Dade County UIA and is exempt from traffic concurrency management requirements. We recommend that the small scale amendment be approved.

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. 4 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 WASD's Hialeah/Preston 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.

Fire Rescue

Information Pending

Public Schools

Application No. 4 will result in 80 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 \$523,920. Based on the State's October 2007 student station cost factors, capital costs for the estimated additional students to be generated by the proposed development are:

School	Number of Additional Students	Capital Costs	Total
Lakeview Elementary	38	\$0	\$0
Westview Middle	18	\$0	\$0
Miami Central Senior High	24	\$0	\$0

Total Potential Capital Cost: * **\$0**

* Does not meet threshold

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APPENDIX F

Proposed Declaration of Restrictions

The applicant submitted a Declaration of Restrictions along with the application. This has been revised a number of times and the latest version received on September 2, 2008 is herein included.

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2008 SEP -2 P 5: 20

PLANNING & ZONING
METROPOLITAN PLANNING SECT

This instrument was prepared by:

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

Application 4
April '08 cycle

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DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, Sunshine Lakes, LLC ("Owner") holds the fee simple title to two adjacent parcels of land in Miami-Dade County, Florida, described as Parcel 1 (south parcel) and Parcel 2 (north parcel) in Exhibit "A," attached hereto, which is supported by the attorney's opinion; and

WHEREAS, Parcel 2 is the subject of a small-scale Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the April 2008 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of Parcel 2; and

WHEREAS, the Department of Planning and Zoning has recommended that the eastern 5.18 acres (excluding the western submerged land) of Parcel 1 be added to the Application; and

WHEREAS, the Department of Planning and Zoning has recommended a Land Use Plan change of the designation of Parcel 2 and the eastern 5.18 acres of Parcel 1, collectively hereinafter called the "Property," from "Low-Medium Density Residential" to "Medium Density Residential"; and

WHEREAS, the Property is located in the Urban Infill Area and the Transportation Concurrency Exception Area.

NOW THEREFORE, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of Amendment Application No. 4 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:

(Space reserved for Clerk)

Maximum Residential Units. The maximum number of residential units that may be developed on the Property shall be 308.

Workforce Housing Units. In order to obtain a twenty-five percent (25%) increase in CDMP residential density for the Property, the Owner shall provide five percent (5%) of the residential units as workforce housing units pursuant to Sections 33-193.3 – 33.193.15 of the Code of Miami-Dade County.

Workforce housing shall be deemed to be the sale or rental of property for persons within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development.

Notwithstanding anything to the contrary in this Declaration of Restrictions, the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of affordable and/or workforce housing on the Property.

School Concurrency. Owner agrees not to file a zoning application or Administrative Site Plan Approval application proposing a residential use on the Property until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

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.

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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"). 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.

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

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

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

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

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

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

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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.

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]

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APPENDIX G

Photos of the Application Site and Surroundings

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Subject Property (northern portion: 84 existing units)



Subject Property (southern portion: 125 existing units)



Controlled vehicular entry entrance (with a gate) to the subject property



Multi-family properties south of subject site beyond the Silver Blue Lake
(fronting NW 103 Street)



Single-family homes west of the subject property
(beyond the Silver Blue lake & on NW 17 Avenue)



Single-family homes north of the subject property along NW 111 Street



Children's Playground and Health/Exercise Center on the subject property



Single-family homes west of the subject property
(beyond the Silver Blue lake & on NW 17 Avenue)