

INITIAL RECOMMENDATIONS

OCTOBER 2010 APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



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INITIAL
RECOMMENDATIONS

OCTOBER 2010 APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

February 25, 2011

Miami-Dade County Department of Planning and Zoning
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INTRODUCTION

This report contains the initial recommendations by the Department of Planning and Zoning (DP&Z) addressing applications to amend the Comprehensive Development Master Plan (CDMP), which were filed for consideration during the October 2010 Plan Amendment Review Cycle. A total of three (3) applications were filed during this amendment cycle, all by private parties. Application Nos. 1 and 2 are small-scale Land Use Plan (LUP) map amendment requests while Application No. 3 is a standard LUP map amendment request. The report also contains the necessary background information and analyses upon which the initial recommendations are based.

Application Review Process and Schedule of Activities

Following is a summary of the Plan review, amendment activities and schedule that will be followed by this cycle to comply with the CDMP procedural requirements contained in Section 2-116.1, Code of Miami-Dade County and State law. The Schedule of Activities on page v lists the principal activities that will occur under this process and indicates the timeframes for those activities in accordance with the State requirements and the County Code. For this amendment cycle, the application filing period extended from October 1 through November 1, 2010.

The CDMP amendment process involves two phases. The first phase occurs between the time applications are filed and the time the Board of County Commissioners (Board) conducts its first hearing and takes action to transmit standard applications to the Florida Department of Community Affairs (DCA) and other associated State agencies for possible review and comment, and/or adopt eligible small-scale Land Use Plan (LUP) map amendments on an expedited schedule. During the first phase, affected and neighboring property owners are notified of the nearby LUP map amendment requests. Section 2-116.1 authorizes Community Councils to conduct public hearings and issue recommendations on applications that directly affect their areas. These hearings must be held before the Planning Advisory Board (PAB), acting as the County's "Local Planning Agency", and the Board.

The DP&Z will submit its initial recommendations to the PAB regarding each requested change, no later than February 25, 2011. Each Community Council in which a proposed amendment to the LUP map is located is scheduled to hold a public hearing to discuss the LUP map application(s) and may formulate recommendation(s) regarding the request(s) in March 2011. The PAB is scheduled to hold a public hearing on April 25, 2011 to receive comments and recommendations on the proposed amendments, and to formulate recommendations to the Board regarding adoption of the eligible small-scale amendments and transmittal to DCA. The Board is currently scheduled to hold a public hearing on May 18, 2011 taking final action on the eligible small-scale amendments, and to consider transmittal of the other requested amendments to DCA. "Transmittal" of a proposed amendment to the State for initial review does not constitute adoption of requested amendments.

The second phase of the review, addressing the standard applications, begins after transmittal of the applications to the DCA and associated State agencies. The CDMP amendment procedures in Section 2-116.1 of the County Code provide that the DCA will be requested by the County to review and comment on all transmitted amendment proposals. The DCA is expected to return comments addressing all transmitted amendment proposals in August 2011,

approximately within 75 days of the transmittal date. The PAB will then conduct its final public hearing(s) within 30 days after receiving comments from the DCA. No later than 60 days after receiving comments from the DCA, the Board could conduct a public hearing and take final action on the applications. During the DCA review period, the DP&Z will also review comments received at the transmittal hearings and any additional submitted material and may issue a "Revised Recommendations" report reflecting any new information prior to the final public hearings. Final action by the Board will be to adopt, adopt with change, or not adopt each of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made by the Board under a special amendment process, or by a party having an application undergoing the Development of Regional Impact (DRI) process requesting a concurrent amendment to the CDMP. Procedures for processing such special or DRI-related amendments are established in Section 2-116.1 of the Miami-Dade County Code.

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220; Miami, Florida 33128-1972; telephone 305/375-2835.

TABLE 1
SCHEDULE OF ACTIVITIES
OCTOBER 2010-2011 CDMP AMENDMENT CYCLE

| | |
|--|--|
| Pre-application Conference | Prior to November 1, 2010 |
| Application Filing Period | October 1- November 1, 2010 |
| Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies. | November 8, 2010 |
| Deadline for resubmittal of unclear or incomplete Applications | Seventh business day after Notice of Deficiency |
| Applications Report published by DP&Z | December 6, 2010 |
| Deadline for submitting Technical Reports | December 30, 2010 |
| Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report | January 28, 2011 |
| Initial Recommendations Report released by DP&Z | February 25, 2011 |
| Community Council(s) Public Hearing(s) | |
| Biscayne Shores Community Council | March 23, 2011 |
| Westchester Community Council | March 9, 2011 |
| South Bay Community Council (CC 15) | March 29, 2011 |
| Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA | April 25, 2011 County Commission Chamber 111 NW 1st Street Miami, Florida 33128 |
| Board Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA | May 18, 2011 County Commission Chamber 111 NW 1 Street Miami, Florida 33128 |
| Transmittal to DCA for State review | May or June 2011** |
| Deadline for Filing Supplementary Reports by the Public | Forty-five (45) days after Commission transmittal hearing |
| Receipt of DCA Objections, Recommendations and Comments (ORC) report | August 2011** (Approximately 75 days after transmittal) |
| Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency) | Specific date(s) to be set September 2011** (Within 30 days after receipt of DCA ORC report) |
| Public Hearing and Final Action on Applications: Board of County Commissioners | Specific date(s) to be set in October 2011** (No later than 60 days after receipt of DCA ORC report) |

Note: ** Estimated Date. All hearings will be noticed by newspaper advertisement.

Summary of Initial Recommendations
October 2010 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
February 25, 2011

| Application Number/ Type | Location/Acreage/ Requested Amendment | BCC District/ Commissioner | DP&Z Initial Recommendation February 25, 2011 | Community Council Recommendation, Resolution # and Date | Local Planning Agency Recommendation April 25, 2011 | BCC Recommendation May 18, 2011 |
|---------------------------------|--|-----------------------------------|---|--|--|--|
| 1/ Small-Scale | GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. West side of Biscayne Blvd. at theo. NE 112 Street and east of NE 14 Avenue From: Business and Office and Low-Medium Density Residential To: Business and Office | 4/ Heyman | Adopt as a Small-Scale Amendment | | | |
| 2/ Small-Scale | SunTrust Bank/Jeffrey Bercow, Esq. and Graham Penn, Esq. Southwest corner of SW 83 Avenue and SW 40 Street 1. From: Business and Office and Low Density Residential To: Business and Office 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element | 10/ Souto | Adopt as a Small-scale Amendment with Acceptance of the Proffered Declaration of Restrictions | | | |
| 3/ Standard | Wal-Mart Stores East, LLP/ Augusto E. Maxwell, Esq. and Joel E. Maxwell, Esq. Southeast corner of SW 137 Avenue and SW 288 Street From: Business and Office and Low Density Residential (2.5 to 6 du/ac) To: Business and Office | 9/ Moss | Transmit with Acceptance of the Proffered Declaration of Restrictions and Adopt | | | |

Source: Miami-Dade County Department of Planning and Zoning

Notes: DP&Z - Department of Planning and Zoning; BCC - Board of County Commissioners

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Application No. 1

Commission District 4 Community Council 7

APPLICATION SUMMARY

| | |
|--|---|
| Applicant/Representative: | GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 |
| Location: | Between Biscayne Boulevard and NE 14 Avenue along theoretical NE 112 Street |
| Total Acreage: | 3.96 Gross; 3.60 Net |
| Current Land Use Plan Map Designation: | "Low-Medium Density Residential" (6 to 13 DU/gross acre; 2.91 gross acres) and "Business and Office" (1.05 gross acres) |
| Requested Land Use Plan Map Designation: | "Business and Office" |
| Amendment Type: | Small-scale |
| Existing Zoning/Site Condition: | RU-4A (Hotel/Apartment House District – Apartments 50 units/net acre; Hotel/Motel 75 units/net acre) and BU-1A (Limited Business District) / Application site is vacant |

RECOMMENDATIONS

| | |
|---|--|
| Staff: | ADOPT AS A SMALL-SCALE AMENDMENT (February 25, 2011) |
| Biscayne Shores Community Council (7): | TO BE DETERMINED (March 23, 2011) |
| Planning Advisory Board (PAB) acting as the Local Planning Agency: | TO BE DETERMINED (April 25, 2011) |
| Board of County Commissioners: (Small-Scale Final Action) | TO BE DETERMINED (May 18, 2011) |
| Final Action of PAB acting as the Local Planning Agency (if transmitted): | TO BE DETERMINED (September 2011) |
| Final Action of Board of County Commissioners (if transmitted): | TO BE DETERMINED (October 2011) |

The Staff recommends to **ADOPT** as a small-scale amendment to the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) to redesignate the subject property from “Low-Medium Density Residential” (6 to 13 DU/gross acre) and “Business and Office” to “Business and Office” based on the Staff analysis as summarized in the Principal Reasons for Recommendations below.

Principal Reasons for Recommendations:

1. Policy LU-8E of the CDMP Land Use Element requires applications requesting amendments to the LUP map to be evaluated according to factors such as (i) the proposed development’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, (ii) impacts to County services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, (v) and the extent to which the proposed CDMP land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.
 - i *Need:* The subject property is located in Minor Statistical Area (MSA) 4.1, which contains 50 acres of vacant commercially zoned or designated land. The average annual absorption rate of the vacant commercial land projected for the 2010-2030 period in the MSA 4.1 is 0.35 acres per year. At the projected rate of absorption, the MSA will deplete its supply of vacant commercially zoned or designated land after 2030. Therefore, the proposed development would not satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County. However, the application site is located inside the Urban Infill Area (UIA), which is an area promoted by the CDMP for infill development. Land Use Element Objective LU-12, and Policies LU-1C and LU-12D, require the County to give priority to infill development on vacant sites within the UIA. The requested LUP map designation change to “Business and Office” would allow for a wider range of uses that could be developed on the site providing greater flexibility in the development of an area that is promoted for infill.
 - ii *Public Facilities and Services:* The impacts that would be generated from the maximum development allowable on the application site under the proposed “Business and Office” land use category, would not cause a violation in adopted level of services for public facilities and services. However, it is important to note that the City of North Miami, which owns the sewer force main and pump station servicing the application site, has stated that a capacity study is required before additional sewage flows can be allocated to the system.
 - iii *Compatibility:* The proposed LUP map amendment is compatible with existing uses in the vicinity of the application site. The application site abuts Biscayne Boulevard to the east and further east beyond Biscayne Boulevard is the Jockey Club, which includes residential towers, a hotel, and a marina, and vacant land. Properties abutting the application site on the north and south are vacant, and to the west and northwest are a Florida Power and Light (FPL) electrical substation (a utility use) and a church. Beyond the abutting vacant parcels to the north is the Biscayne Breeze Mobile Home Park. Beyond the abutting vacant parcels to the south are the Sun Surf Motel, duplexes, and small apartment buildings, the Gas Spot gasoline station, Los Antojos Steak and Seafood Restaurant.

The requested “Business and Office” can be compatible with adjacent land use designations on the LUP map. The eastern one-third of the application site as well as

properties to the north, east, and southeast are designated "Business and Office" on the LUP map. The adjacent areas to the west and south are designated "Low-Medium Density Residential" and the area to the northwest (the church site and a strip of land along the east side of NE 14 Avenue) is designated "Medium Density Residential" (13 to 25 DU/gross acre). At the time of zoning and site plan review, measures should be taken to ensure compatibility with these residentially designated properties.

- iv *Environmental and Historical Resources:* There are no historical or environmental resources on the application site.
- v *Transit Ridership and Pedestrianism:* The application site is located within 1/4 mile of a standard bus stop served by Metrobus Routes 3 and 93, both routes having peak period (AM/PM) headways of 18 minutes. In addition, business, office and residential uses are supportive of public transportation. Therefore, the proposed amendment is considered to promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.

STAFF ANALYSIS

Background

The current application site was included in two prior requests to amend the LUP map of the CDMP. The current application site was part of CDMP amendment Application No. 3 (identified as "Parcel D") filed in the April 2005 Cycle of Applications to amend the CDMP. The applicant requested a CDMP LUP map designation change on a ± 21.54 property to "Medium Density Residential" (13 to 25 DU/gross acre). The applicant proposed to develop a vertical mixed-use development on the 21.54-acre property to include residential uses, retail and office spaces, and a public school. The Department of Planning and Zoning (DP&Z) recommended that the Miami-Dade Board of County Commissioners (BCC) adopt the proposal. However, the applicant withdrew a 2.97-acre portion of Parcel D from the application by letter dated November 3, 2005 then later withdrew the remaining 1.73 acres of Parcel D by letter dated December 22, 2005. Subsequently, a ± 2.9 -acre portion of the current application site (approximately the western two thirds) was included in CDMP amendment Application No. 2 of the October 2005 Cycle of Applications to amend the CDMP (± 4.9 -acre subject property). The applicant requested a change to the LUP map designation of the ± 4.9 -acre property to "Office/Residential" and proffered a Declaration of Restrictions prohibiting residential uses on the site. The DP&Z recommended that the BCC adopt the proposal, since the property was already developed with two five-story buildings that housed the corporate headquarters of SFBC International; a firm that provides clinical research to pharmaceutical, biotechnology, and generic drug companies, as well as medical observation dormitories, and ancillary facilities. The BCC transmitted the proposed amendment to the Department of Community Affairs (DCA) without a recommendation. The application was subsequently withdrawn by the applicant through letter dated September 7, 2006 prior to the BCC final hearing.

Application Site

The application site is a vacant 3.96 gross acre site (3.60 net acres) located inside the Urban Infill Area (UIA), an area given priority for infill development. The application site is situated between NE 14 Avenue and Biscayne Boulevard, along theoretical NE 112 Street with roadway frontage on Biscayne Boulevard, a major commercial corridor. (See Appendix G: Photos of Application Site and Surroundings).

Existing Zoning

The western approximately two thirds of the application site (± 2.91 acres) is zoned RU-4A, which allows apartment structures at a density of 50 units per net acre and hotels/motels structures at 75 units per net acre. The remaining one third of the application site (± 1.05 acre) abuts Biscayne Boulevard and is zoned BU-1A (Limited Business District), which allows retail and service convenience facilities that satisfy the essential and frequent needs of the adjacent residential neighborhood(s), as well as specialized commercial facilities which may serve several neighborhoods.

Land Use Plan Map Designations

The RU-4A zoned western portion of the application site (± 2.91 acres) is currently designated "Low-Medium Density Residential" on the LUP map, which allows residential development at a density between 6 and 13 dwelling units (DU) per gross acre. The types of housing typically found in areas designated for this CDMP land use category include single-family homes, townhouses, and low-rise apartments. The remaining one-third (± 1.05 acres) of the subject

property that fronts on Biscayne Boulevard is designated “Business and Office” (see Appendix A: Map Series). The applicant requests a LUP map designation change on the application site from “Low-Medium Density Residential” and “Business and Office” to “Business and Office.” The “Business and Office” land use category allows the full range of sales and service activities including retail, wholesale, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Based on the 1938 zoning code, the application site was zoned BU-2 (Special Business District; on the eastern one-third of the site), RU-2 (Two-Family Residential District; on the western most 1-acre portion of the site) which allows single-family units and duplexes on 7,500 sq. ft. net lots, and GU (Interim; on remaining portion of the site) which allows uses based on the character of the surrounding neighborhood. The GU zoned portion of the application site was rezoned to RU-2 prior to 1946.

In May 1949, the BCC adopted Resolution No. 3211 approving a zoning district change on the subject property from RU-2 to RU-4A (western two-thirds of the site). Subsequently in March 1976, the BCC adopted Resolution No. Z-95-76 approving another zoning district boundary change on property that included the eastern one-third of the application site, from BU-2 to BU-1A. The March 1976 rezoning was the result of a joint application filed by the Directors of the Building and the Planning and Zoning Departments pursuant to recommendations of the Biscayne Shores Area Study that was accepted by the BCC on October 15, 1974.

Community Redevelopment Area Proposal

The application site is part of a ±28-acre area that was targeted by the County for rehabilitation and redevelopment. The ±28 acres are bounded on the north by NE 116 Street, on the south by theoretical NE 112 Street, on the east by Biscayne Boulevard, and on the west by NE 14 Avenue. In June 7, 2005, the BCC adopted Resolution No. 609-05 accepting a Finding of Necessity Study, dated January 20, 2005, which found the referenced 28-acre area to be a slum or blighted area (as defined in Section 163.340, F.S.), and concluded that the blighted area was in need of rehabilitation and redevelopment. The Study, commissioned by the BCC and prepared by The Curtis and Kimball Company, recommended that the blighted area be designated a Community Redevelopment Area (CRA) in order to improve its blighted conditions. CRAs are utilized to redevelop slum or blighted areas with funds generated through Tax Increment Financing (TIF). At a public hearing held on April 27, 2006, the BCC addressed the creation of the CRA in the area described above. The BCC ultimately decided to research the matter further, and deferred the proposal indefinitely.

Adjacent Land Use and Zoning

Existing Land Uses

Properties abutting the north, south and east of the application site are currently vacant. Further north, beyond the vacant properties, is the Biscayne Breeze Park Mobile Homes Park. Areas further south, along Biscayne Boulevard, are characterized by small retail/business operations such as the Gas Spot gasoline station, Los Antojos Steak and Seafood Restaurant, and the Sunsurf Motel. Small apartment buildings and duplexes are located to the south along NE 111 Street. Further east is the Jockey Club, containing a multi-family residential community and a hotel with a marina. Immediately west of the application site, across NE 14 Avenue, is an electrical power substation that is owned and operated by Florida Power & Light. El Shaddai Presbyterian Church is located to the northwest.

Land Use Plan Map Designations

The Adopted 2015-2025 LUP map of the CDMP shows that properties adjacent to the south and west of the application site, across NE 14 Avenue, are designated “Low-Medium Density Residential Communities (6 to 13 DU/gross acre)”. Properties adjacent to the north, southeast, and east (across Biscayne Boulevard) are designated “Business and Office”. Properties adjacent to the northwest are designated “Medium Density Residential Communities (13 to 25 DU/gross acre)”.

Zoning

The properties adjacent to the application site are zoned for residential and commercial purposes. Properties adjacent to the north of the application site are zoned BU-1A (Limited Business District) and RU-3M (Minimum Apartment House District), which allows residential development at 12.9 units per net acre. Properties adjacent to the south of the application site are zoned BU-1A and RU-4A (Hotel/Apartment House District). Properties located to the east of the application site, across Biscayne Boulevard, are zoned BU-2 (Special Business District). The purpose of the BU-2 Zoning District is to “provide large scale commercial and/or office facilities which service the needs of large urban areas” (see Section 33-252, Miami-Dade County Code). Properties immediately west of the application site are zoned RU-3M. (See Appendix A: Map Series).

Supply and Demand for Commercial Land

The subject property is located in Minor Statistical Area (MSA) 4.1. Currently, there are 50 acres of vacant, commercially zoned or designated, land in the subject MSA. The average annual absorption rate of commercially zoned or designated vacant land projected for the 2010-2030 period in MSA 4.1 is 0.35 acres per year. At the projected rate of absorption, the referenced MSA will be depleted of its supply of commercially zoned or designated land after 2030. It is important to note that the ratio of commercial acres per thousand persons in the referenced MSA is below the County average for both 2020 and 2030 (see “Projected Absorption of Land for Commercial Uses” table below). If approved, the proposed amendment would add 3.96 gross acres of commercial land to the County’s supply.

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

| Analysis Area | Vacant Commercial Land 2010 (Acres) | Commercial Acres in Use 2010 | Annual Absorption Rate 2010-2030 (Acres) | Projected Year of Depletion | Total Commercial Acres per Thousand Persons | |
|---------------|-------------------------------------|------------------------------|--|-----------------------------|---|------|
| | | | | | 2020 | 2030 |
| MSA 4.1 | 50.0 | 357.2 | 0.35 | 2030+ | 4.4 | 4.3 |
| Countywide | 2,942.9 | 13,768.9 | 124 | 2034 | 5.8 | 5.2 |

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011.

Analysis of the Trade Area

The trade area analysis is based on the location of the application site, which is considered as the focal point of the trade area. The trade area for the application site includes land located in MSAs 4.1, 1.3 and 2.1, within an approximate 1.5 mile radius from the center of the application site. Analysis of the trade area shows that there are 212.84 acres in existing commercial uses and 28.39 acres of vacant commercially zoned or designated land. Most of the vacant parcels

are located along US-1 to the north and south of the application site (see Trade Area Map in Appendix A: Map Series).

| Trade Area Analysis | | |
|---|--------------------------------|------------------------------|
| Trade Area Radius | Vacant Commercial Land (Acres) | Commercial Acres in Use 2010 |
| 1.5 Miles | 28.39 | 212.84 |
| Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011. | | |

Environmental Conditions

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

Flood Protection

| | |
|--|--|
| County Flood Criteria, National Geodetic Vertical Datum (NGVD) | +5.0 feet |
| Stormwater Management Drainage Basin | 5-year/1-day storm event Intracoastal Drainage Basin |
| Federal Flood Zone | AE, 100-year floodplain |
| Hurricane Evacuation Zone | NO |

Biological Conditions

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

Other Considerations

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

Drainage and Flood Protection

The application site lies within Flood Zone AE with a base flood elevation of 8.0 feet NGVD, according to the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. Although, the County's flood criteria indicates that the site shall be filled to a minimum elevation of 5.0 feet and an additional 8 inches for residential and 4 inches for commercial structures, because the County's flood elevation is less than the FIRM-established base flood elevation, the higher elevation will be used.

According to Miami-Dade Department of Environmental Resources Management (DERM), all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system for compliance with stormwater quality requirements. Furthermore, to comply with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm

event and shall also comply with the requirements of Section 11C of Miami-Dade County Code, and all State and Federal criteria. While the proposed development is located within the Intracoastal Drainage Basin, there are no primary or secondary canals in the surrounding area that provides drainage to the site.

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), designed to restore and preserve water resources in 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 developments be linked to new water supply sources, either through alternative water supply or reuse projects.

Effective January 11, 2011, WASD implemented a Water Supply Certification Program to assure water supply is available to all users as required by Policy CIE-5D and WS-2C of the County's Comprehensive Development Master Plan and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit. All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Certification Letter. This certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered; or during the Plat process prior to the final development order. At such time, the project will be evaluated for water supply availability and a water supply reservation will be made.

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 development, an assumption of 3 years for project completion from when final comprehensive plan amendment approval is made. For this small-scale project, the year 2014 will be used as project completion date. This timeframe allows for rezoning of the property, platting of property, permitting, and construction. Additionally, 3 years is the timeframe for which concurrency is applied.

Potable Water

The application site is within the water service area of the City of North Miami. However, the source of the water supply is the Hialeah/Preston Water Treatment Plant, which is owned and operated by WASD. At the present time, there is adequate water supply and capacity to service the application site.

As noted in the "Estimated Water Demand" table below, if the application site were developed with 158 dwelling units (maximum development allowed under its current CDMP land use designations of "Low-Medium Density Residential" and "Business and Office", which would generate the greatest demand for water service), water demand from the application site is estimated at a maximum of 23,700 gallons per day (gpd). If the application site were developed with retail, the estimated water demand would be 6,273. However, if developed with a maximum of 237 dwelling units allowable under the proposed CDMP land use designation of "Business and Office", water demand is estimated at a maximum of 35,550 gpd. Water demand estimates under the proposed CDMP land use designation will not cause the adopted level of service standard for potable water to be violated.

| 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 Potential Development | | | | |
| Low Medium Density Residential | MF Residential | 158 dwelling units | 150 gal/unit | 23,700 |
| Proposed Potential Development | | | | |
| Business and Office | Retail | 62,726 sq. ft. | 10 gal/100 sq. ft. | 6,273 |
| High Density Residential | MF Residential | 237 dwelling units | 150 gal/unit | 35,550 |

The County's adopted level of service (LOS) standard for water treatment is based on a regional treatment system. This system is comprised of the Hialeah-Preston and Alexander Orr Water Treatment Plants. The LOS 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. Based on the 12-month average (period ending 11-30-10) data provided by DERM, the regional treatment system has a DERM rated treatment capacity of 439.7 million gallons per day (mgd) and a maximum plant production of 345.8 mgd. As a result, the regional system has approximately 94 mgd or 21.4% of treatment plant capacity remaining. Additionally, the system has a 12-month average demand (for period ending 11-30-10) of 314.43 mgd, which is well within 2 percent of the system's 402.3 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Water Conservation

All future development will be required to comply with water use efficiency techniques for indoor water use in accordance with Sections 8-31, 32-84, and 8A-381 of Miami-Dade County Code. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

Wastewater Facilities

The County's adopted level of service standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system operate at 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.

The application site is located in the sewer service area of the City of North Miami. This municipality is a volume sewer customer of WASD. The wastewater flows generated within the City of North Miami's (the City) sewer service area are transmitted to WASD's North District Wastewater Treatment Plant (NDWTP) for treatment and disposal. This facility has a design capacity of 112.5 mgd and a 12-month average flow of 83.92 mgd or 74.6% of the plant's design capacity. Based upon the residential development scenario, it is estimated that the

application site will generate sewage flows of 35,550 gpd. These estimated flows will not cause the adopted level of service standard for wastewater treatment and disposal to be violated.

The closest public sanitary sewer line to the application site is an existing 8-inch force main abutting the subject property along Biscayne Boulevard. This force main directs sewage flows to the City's sewer force main 06-8FM I and Pump Station 06-1, then to WASD's Pump Station 30-0347, and finally to the NDWTP. The City's force main 06-8FM I and Pump Station 06-1 are in 'incomplete status' due to failure of the municipality to provide adequate information on the capacity of the force main running to the pump station. Additionally, the City has stated that a capacity study is required before additional sewage flows can be allocated to the City's wastewater collection/transmission system. WASD's Pump Station 30-0347 and the NDWTP are currently working within the mandated criteria set forth in the First and Second Partial Consent Decrees. DERM has determined that the County's sanitary sewer system has adequate treatment capacity for the proposed development.

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 level of service standard for the County's Solid Waste Management System is to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The DSWM issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. As of FY 2010/11, the DSWM is in compliance with this standard. The DSWM does not actively compete for non-residential waste collection at this time and the development of the application site would not cause the DSWM to violate its LOS standard. Therefore, the DSWM has no objection to the proposed amendment.

Parks

The adopted level of service standard for recreation open space requires 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas of Miami-Dade County; and adds that the County must provide open space of five acres or larger within three miles from a residential area. The subject application site is in Park Benefit District 1 (PBD-1), which has a surplus capacity of 400.64 acres of parkland when measured by the County's concurrency LOS standard for recreation open space. The "County Local Parks" table below indicates that there are three local parks within a 2-mile radius of the application site, one of which (the Biscayne Shores and Gardens Park) is larger than the required five acres (or larger) park. The parks are listed according to their proximity to the application site. The nearest park to the application site is the Biscayne Shores and Gardens Park located at 11550 NE 14 Avenue, approximately 700 feet north of the application site.

| County Local Parks Within a 2-Mile Radius of Application Site | | |
|--|---------|-------------------|
| Park Name | Acreage | Classification |
| Biscayne Shores and Gardens Park | 6.49 | Neighborhood Park |
| Military Trail Park | 1.66 | Neighborhood Park |
| North Shorecrest Park | 0.50 | Neighborhood Park |

Source: Miami Dade Parks and Recreation Department, January 2011

The proposed CDMP amendment, if approved, has the potential to increase population on the application site by 410 persons, resulting in a need for 1.13 acres of parkland (if the site were developed with residential uses). This park acreage demand is well within the surplus capacity of the PBD, and would not cause a violation of the park LOS standard.

Fire and Rescue Service

Miami-Dade County Fire Rescue Station 20, located at 13000 NE 16 Avenue, is the fire rescue facility that currently serves the application site. This station is equipped with an Advanced Life Support (ALS) Engine and a Rescue Unit, and staffed with a battalion totaling eight (8) firefighter/paramedics 24 hours a day, seven days a week.

According to Miami-Dade County Fire Rescue Department (MDFR), average travel time to incidents in the vicinity of the application site is approximately 6 minutes and 50 seconds. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to incidents in the vicinity of the application site complies with the referenced performance objective of national industry standards.

The application site's current CDMP land use designation of "Business and Office" and "Low Medium Density Residential" will allow a potential development that is anticipated to generate a total of 44 annual alarms. The proposed CDMP land use designation of "Business and Office" will allow a potential development on the application site that is anticipated to generate 67 annual alarms. The 67 annual alarms will result in a moderate impact to existing fire rescue services. Presently, fire and rescue services in the vicinity of the application site are adequate. It is important to note that under the MDFR evaluation system, 1 – 30 annual alarms would have minimal impact to fire and rescue services, 31 – 69 annual alarms would have a moderate impact, and 70+ annual alarms would have a severe impact.

The required fire flow for the proposed CDMP land use designation of "Business and Office" shall be 3,000 gallons per minute (gpm). Fire hydrants shall be spaced a minimum of 300' from each other and shall deliver not less than 1,000 GPM. Presently, there are no fire flow deficiencies in the vicinity of the application site.

Public Schools

On July 17, 2009, the County's Educational Plan Amendment and Interlocal Agreement which adopted a level of service standard for public school facilities (school concurrency), was found in compliance by the DCA. The level of service standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) with relocatable classrooms. The proposed amendment was reviewed based on this level of service standard and on planned public school facilities in the Miami-Dade County Facilities Five-Year Work Plan. This review is an initial cursory review and no concurrency reservation is required at this stage.

Students generated by the proposed amendment will attend those schools identified in the "Concurrency Service Area (CSA) Schools" table below. If the subject property were developed with the maximum residential units allowed under the proposed CDMP land use designation of "Business and Office", the student population of the schools serving the application site would be increased by 47 additional students. Twenty-two (22) students would attend David Lawrence Jr. K-8 Center, which has no seats available; eleven (11) students would attend North Miami

Middle, which has no seats available; and fourteen (14) students would attend Alonzo and Tracy Mourning Senior High, which has one-hundred fifty-two (152) seats available.

| Concurrency Service Area (CSA) Schools | | | | | |
|--|---------------------------------------|------------------------|----------------|---------|--------------|
| CSA ID | Facility Name | Net Available Capacity | Seats Required | LOS Met | Source Type |
| 5005 | David Lawrence Jr. K-8 Center | -184 | 22 | No | Current CSA |
| 561 | W J Bryan Elementary | 121 | 22 | Yes | Adjacent CSA |
| 6631 | North Miami Middle | -200 | 11 | No | Current CSA |
| 6411 | Horace Mann Middle | 659 | 11 | Yes | Adjacent CSA |
| 7048 | Alonzo and Tracy Mourning Senior High | 152 | 14 | Yes | Current CSA |

Source: Miami-Dade County Public Schools, January 2011

Note: An impact reduction of 15.3% was included for charter and magnet schools (schools of choice)

If the application site were developed with residential uses and based on the potential school capacity needs of the proposed amendment and the present school capacity in the applicable CSA, the proposed amendment would not cause the LOS standard for public school facilities to fail for Alonzo and Tracy Mourning Senior High. The LOS standard for public school facilities for David Lawrence Jr. K-8 Center and North Miami Middle is currently not being met.

However, Policy EDU-2C in the Educational Element of the CDMP states the following:

In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity, subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Public Schools that may limit the shifting of impacts to those facilities, located, either in whole or in part, within the same Geographic Areas (Northwest, Northeast, Southwest, or Southeast, see Figure 1A through 1D) as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180 (13)(e)1, Florida Statutes, and subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Public Schools as may further define the available proportionate share mitigation options. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms such as: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement, is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commission and must be identified in the Miami-Dade County Public Schools Facilities Work Program.

- c) The development's impacts are phased to occur when sufficient capacity will be available.

If none of the above conditions is met, the development shall not be approved. It is provided, however, that nothing in this element or in the Interlocal Agreement for Public School Facility Planning shall be construed or applied to effect a permanent or temporary taking of private property in violation of the United States Constitution or the Florida Constitution, to result in the unlawful abrogation of vested rights or other violation of law, to require the payment of compensation for impacts on private property, or to modify or eliminate any remedy available to prevent or rectify a taking, abrogation of vested rights, or violation of law.

As is indicated in the Concurrency Service Area (CSA) Schools table above, the CSA adjacent to the subject CSA have elementary and middle school facilities with available capacity. Therefore, the students that could be generated from the proposed development, under a residential use scenario, could be shifted to one or more contiguous CSAs due to the available capacity and meet the LOS standard for public school facilities.

Aviation

Miami-Dade County Aviation Department (MDAD) reviewed the proposed CDMP amendment and determined that the proposal is compatible with airport operations.

Roadways

Existing Conditions

Primary access to the subject site is from Biscayne Boulevard/SR-5/US 1, a six-lane divided arterial, which provides connections to other major corridors such as NE 123 Street (SR 922) and NE 6 Avenue (SR 915). NE 123 Street provides access to I-95.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable. Current traffic conditions on Biscayne Boulevard, between NE 123 and NE 87 Street is acceptable at level of service D, and from NE 87 to NE 79 Streets is also acceptable at level of service E+8%, which are above the adopted level of service E+50% standard applicable to these roadway segments. Traffic conditions on NE 125 Street between NE 6 Avenue and US 1 and NE 123 Street from US 1 to North Bayshore Drive are acceptable at level of service D and C, respectively, which are above the adopted level of service E+20% standard applicable for these roadway segments. See "Traffic Impact Analysis" table below.

Short-Term Traffic Evaluation

An evaluation of PM peak-period traffic conditions as of January 7, 2011 of Biscayne Boulevard (US 1/SR-5), NE 125 Street and NE 123 Street using the County's Traffic Concurrency Management System, indicates that these roadways would continue to operate at an acceptable LOS. The Traffic Concurrency Management System considers reserved trips from approved developments not yet constructed, any roadway capacity improvement programmed in the 2011 Transportation Improvement Program (TIP), and the PM peak trips that would be generated by the subject application under the requested LUP map designation (see "Traffic Impact Analysis" table below). It should be pointed out that there is no roadway capacity improvement programmed for roadways adjacent to or in vicinity of the application site in the County's 2011 TIP in fiscal years 2011-2015.

Application Impact

The “Estimated Peak Hour Trip Generation” table below identifies the estimated number of PM peak hour trips expected to be generated by the potential development that could occur under the requested CDMP land use designation, and compares them to the number of trips that would be generated by the potential development that could occur under the current CDMP land use designation.

Two development scenarios were analyzed for traffic impact under the requested CDMP land use designation of “Business and Office”. Scenario 1 shows that if the subject site were developed as a shopping center, with approximately 62,726 sq. ft. of commercial space, it would generate approximately 112 more PM peak hour trips than under the current CDMP land use designations of “Low-Medium Density Residential (6 to 13 DUs/Acre)” and “Business and Office”. In contrast, Scenario 2 shows that if the site were developed with residential use only (237 apartments) it would generate approximately 43 more PM peak hour trips than the current CDMP designation. It should be pointed out that the subject property is currently vacant, zoned RU-4 which allows 50 dwelling units per net acre, and is located inside the County’s Urban Infill Area.

| Estimated PM Peak Hour Trip Generation By Current and Requested CDMP Land Use Designations | | | |
|---|---|--|--|
| Application Number | Current Land Use Designation/ Assumed Development/ Estimated Trips | Requested Land Use Designation/ Assumed Development/ Estimated Trips | Estimated Trip Difference Between Current and Requested CDMP Land Use Designation |
| | Business & Office and Low-Medium Density Resid. (6 to 13 DUs/Acre) ¹ | Business & Office | |
| 1 (Scenario 1) | 16,552 sq. ft. Retail & 132 Multifamily Residential ² | 62,726 sq. ft. Retail ² | |
| | 233 | 345 | +112 |
| 1 (Scenario 2) | 158 Multifamily ³ | 237 Multifamily Units ⁴ | |
| | 105 | 148 | +43 |

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Department of Planning and Zoning and Public Works Department, January 2011.

Notes:

¹ “Business and Office” parcel (± 1.05 gross acres; ± 0.95 net acres) and “Low-Medium Density Residential” (± 2.91 gross acres; ± 2.65 net acres). The low-medium density residential area is zoned RU-4A which allows 50 dwelling units per net acre; The business and office area is zoned BU-1A.

² Retail trip adjusted for pass-by trips (max. 25% of project’s external trips).

³ Includes 26 apartments that could be developed on the 1.05-gross acre parcel currently designated “Business and Office” and 132 apartments that could be developed on the 2.65-net acre parcel currently zoned RU-4A, which allows 50 dwelling units per net acre.

⁴ Residential development may be authorized to occur in the “Business and Office” land use category at a density up to one density category higher than the LUP-designated land use category of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

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

| Roadway | Location/Link | Number Lanes | Adopted LOS Std.* | Peak Hour Capacity | Peak Hour Volume | Existing LOS | Approved D.O's Trips | Amend. Peak Hour Trips | Total Trips With Amend. | Short Term LOS with Amend. |
|-------------------------------------|-------------------------|--------------|-------------------|--------------------|------------------|--------------|----------------------|------------------------|-------------------------|----------------------------|
| Scenario 1: Commercial Development | | | | | | | | | | |
| Biscayne Boulevard (US 1/SR 5) | NE 123 St to NE 87 St. | 4 DV | E+50% | 5,100 | 2,986 | D | 43 | 188 | 3,217 | E (09) |
| Biscayne Boulevard (US 1/SR 5) | NE 87 St. to NE 79 St. | 4 DV | E+50% | 4,650 | 3,313 | E+8% | 34 | 157 | 3,504 | E+13% (09) |
| NE 125 ST (SR 922) | NE 6 Ave to US 1/SR 5 | 4 DV | E+20% | 3,720 | 2,073 | D | 0 | 87 | 2,160 | D (09) |
| NE 123 Street (SR 922) | US 1 to N. Bayshore Dr. | 4 DV | E | 3,400 | 1,602 | C | 0 | 31 | 1,633 | C (09) |
| Scenario 2: Residential Development | | | | | | | | | | |
| Biscayne Boulevard (US 1/SR 5) | NE 123 St to NE 87 St. | 4 DV | E+50% | 5,100 | 2,986 | D | 43 | 80 | 3,109 | D (09) |
| Biscayne Boulevard (US 1/SR 5) | NE 123 St to NE 87 St. | 4 DV | E+50% | 4,650 | 3,313 | E+8% | 34 | 68 | 3,415 | E+10% (09) |
| NE 125 ST (SR 922) | NE 87 St. to US 1/SR 5 | 4 DV | E+20% | 3,720 | 2,073 | D | 0 | 36 | 2,109 | D (09) |
| NE 123 Street (SR 922) | US 1 to N. Bayshore Dr. | 4 DV | E | 3,400 | 1,602 | C | 0 | 12 | 1,614 | C (09) |

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade County Public Works Department and Florida Department of Transportation, January 31, 2011.

Notes: DV= Divided Roadway

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

E+50% = 150% of LOS E, with extraordinary Transit (Express Bus) in Urban Infill Area (UIA); LOS E+20% with transit service with 20 minutes peak hour headway inside the UIA; LOS E inside the UIA and no transit service.

() Year traffic count was updated or LOS Revised

Transit

Existing Service

The subject property and surrounding areas are served by Metrobus Routes 3 and 93. The existing service frequencies of these routes are shown in the “Metrobus Route Service Summary” table below.

| Metrobus Route Service Summary | | | | | | | | |
|--------------------------------|-------------------------------|-------------------|----------------------|-----------|----------|--------|--------------------------------|-----------------|
| Route(s) | Service Headways (in minutes) | | | | | | Proximity to Bus Route (miles) | Type of Service |
| | Peak (AM/PM) | Off-Peak (Midday) | Evenings (After 8pm) | Overnight | Saturday | Sunday | | |
| 3 | 18 | 18 | 30 | 60 | 15 | 20 | 0.0 | F |
| 93 | 18 | 30 | N/A | N/A | N/A | N/A | 0.0 | F/E |

Source: Draft 2010 Transit Development Plan, Miami-Dade Transit

Notes:

L means Metrobus local route service

F means Metrobus feeder service to Metrorail

E means Express Metrobus service

Future Conditions

Transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and/or route alignment extensions/expansions are being planned for the next ten years as noted in the 2020 Recommended Service Plan within the Draft 2010 Transit Development Plan (TDP). The “Metrobus Recommended Service Improvements” table below shows the Metrobus service improvements programmed for the existing routes serving the application site.

| Metrobus Recommended Service Improvements | |
|---|--|
| Route(s) | Improvement Description |
| 3 | No planned improvements. |
| 93 | Route is to be transformed to the Biscayne Rapid Bus. This route would provide limited-stop service along Biscayne Boulevard between Aventura and Downtown Miami. Headway adjustments to both peak (12 min.) and mid-day (20 min.) service |

Source: Draft 2010 Transit Development Plan, Miami-Dade Transit.

No additional service improvements are programmed at this time. The estimated operating or capital cost of the projected bus service improvement is estimated to cost no additional or minimal funds as this enhanced service would be replacing the Biscayne MAX (Route 93). The new buses to be used for this Route would come from the savings of the Biscayne MAX and \$1.2 million to be funded by efficiencies and restructuring.

Major Transit Projects

Regarding future transit projects in the vicinity of the application site, Miami-Dade Transit (MDT) is developing premium transit services in the corridors approved by the People’s Transportation Plan (PTP). These services—enhanced bus corridors and express bus services—will incrementally build local ridership first to justify major improvements later. Enhanced bus

services include modern, high-tech buses with more direct routes, and operating more frequently with fewer stops. They will appear on various corridors including the Biscayne Boulevard Corridor. In the future, services will be further enhanced by increased passenger amenities such as improved park-and-ride facilities and real-time information.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) #201 where the application site is located. If the proposed amendment is approved, the expected transit impact produced by the proposed development is minimal and can be absorbed by the planned improvements to the existing transit service in the area.

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

The following CDMP goals, objectives, policies, concepts, and guidelines would be enhanced if the proposed CDMP land use amendment is approved.

- 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-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.
- 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.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.
- 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 Policy TC-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.

LU-12D. The County shall consider developing strategies that promote infill development in specific areas.

Guidelines for Urban Form No. 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

Guidelines for Urban Form No. 13: Avoid excessive scattering of industrial or commercial employment locations.

TC-1D. Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the Level of Service standards contained in Policy TC-1B, except as otherwise provided in the "Concurrency Management Program" section of the Capital Improvements Element.

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

The following CDMP goals, objectives, policies, concepts, and guidelines could be impeded if the proposed CDMP land use amendment is approved.

LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots.

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.

APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: Miami-Dade County Public Schools Analysis

Appendix D: Applicant's Traffic Study

Appendix E: Fiscal Impact Analysis

Appendix F: Proposed Declaration of Restrictions

Appendix G: Photos of Site and Surroundings

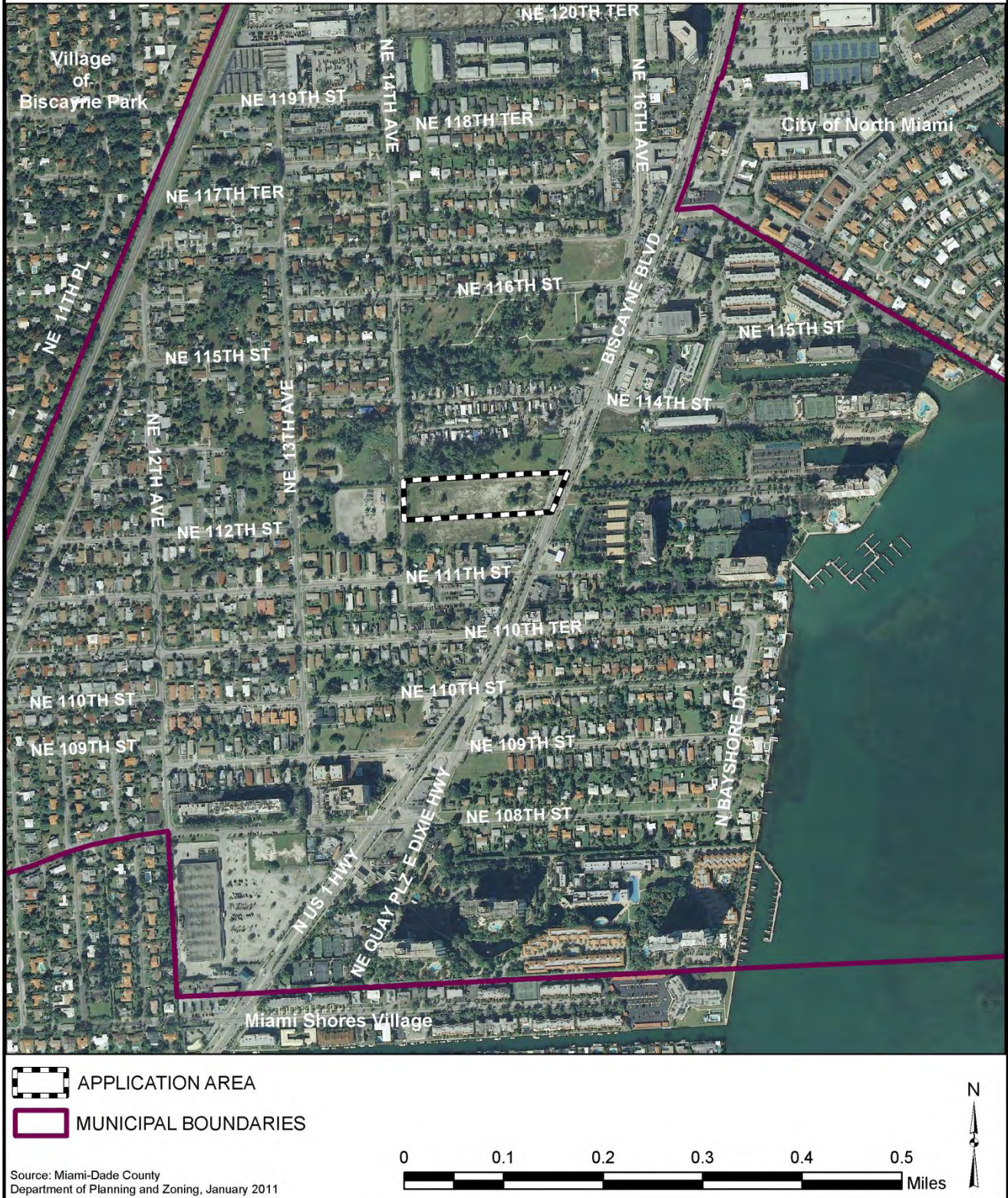
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APPENDIX A

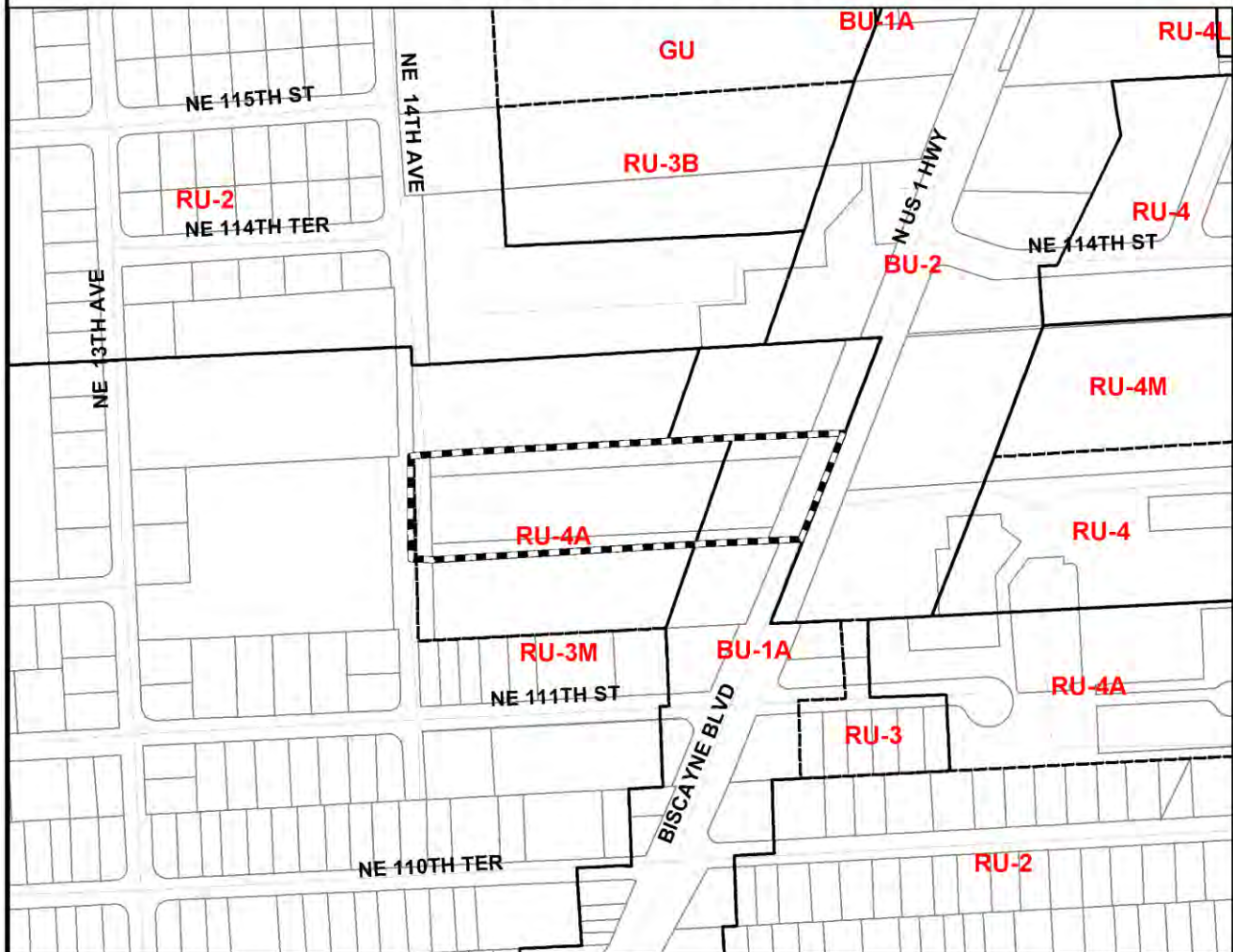
Map Series

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APPLICATION NO. 1 AERIAL PHOTO



APPLICATION NO. 1 CURRENT ZONING

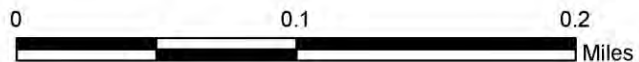


APPLICATION AREA

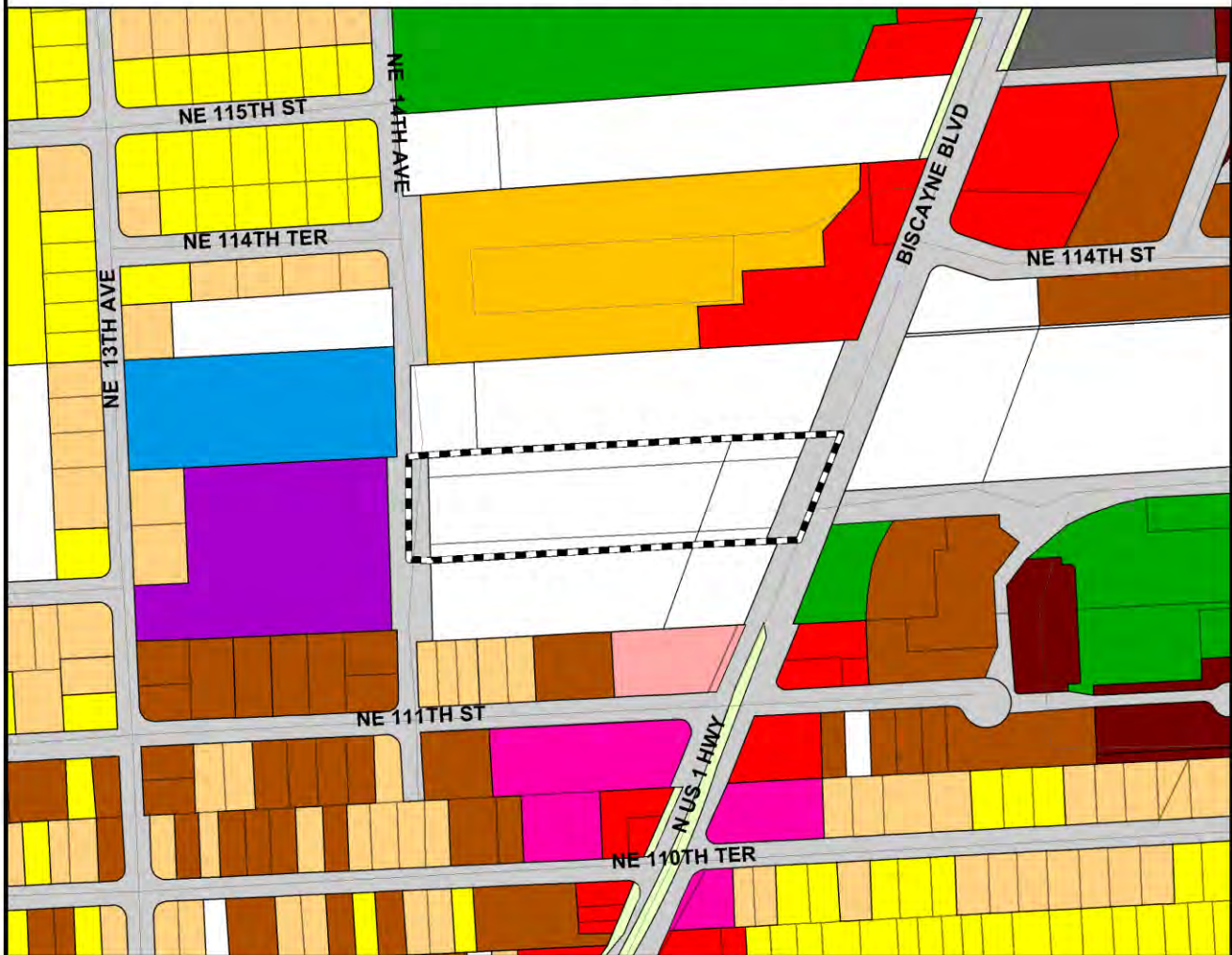
Source: Miami-Dade County
Department of Planning and Zoning, January 2011

ZONING DISTRICTS

| | |
|-------|--|
| GU | INTERIM |
| RU-2 | TWO-FAMILY (7,500 sq. ft. net) |
| RU-3 | FOUR UNIT APARTMENT HOUSE (7,500 sq. ft. net) |
| RU-3B | BUNGALOW COURT (10,000 sq. ft. net) |
| RU-3M | MINIMUM APARTMENT HOUSE (12.9 units/net acre) |
| RU-4 | HIGH DENSITY APARTMENT HOUSE (50 units/net acre) |
| RU-4A | HOTEL/APARTMENT HOUSE (Apts. 50 units/net acre; Hotels/Motels 75 units/net acre) |
| RU-4L | LIMITED APARTMENT HOUSE (23 units/net acre) |
| RU-4M | MODIFIED APARTMENT HOUSE (35.9 units/net acre) |
| BU-1A | LIMITED BUSINESS DISTRICT |
| BU-2 | SPECIAL BUSINESS DISTRICT |



APPLICATION NO. 1 EXISTING LAND USE
















Source: Miami-Dade County
Department of Planning and Zoning, January 2011



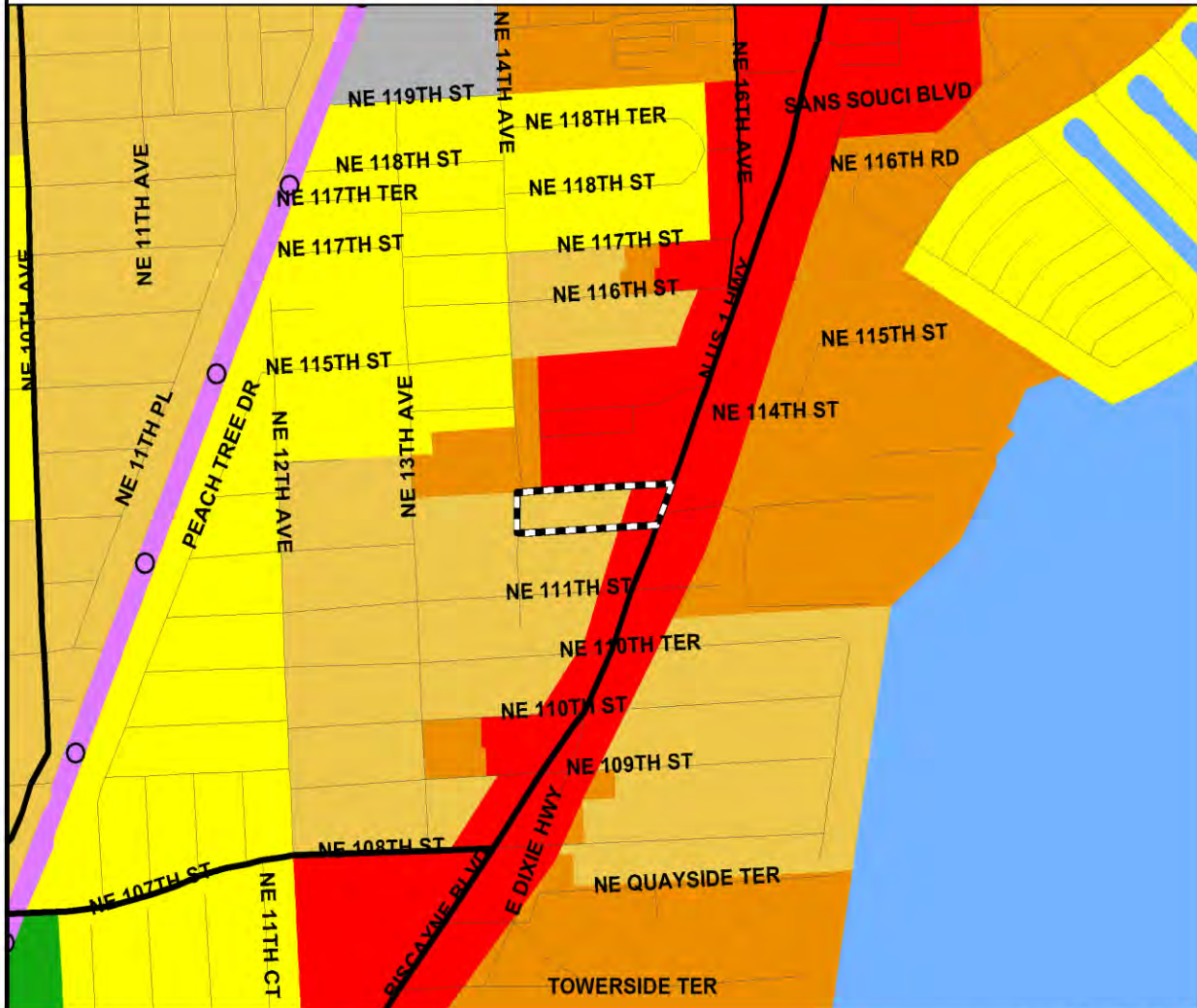
APPLICATION AREA

EXISTING LAND USES

| | |
|---|--|
|  SINGLE FAMILY RESIDENTIAL |  INDUSTRIAL |
|  TWO-FAMILY RESIDENTIAL (DUPLEXES) |  HOUSES OF WORSHIP |
|  MULTI-FAMILY (< 25 DU/GROSS ACRE) |  RECREATIONAL FACILITIES |
|  MULTI-FAMILY (> 25 DU/GROSS ACRE) |  ELECTRICAL POWER GENERATOR |
|  MOBILE HOMES PARK |  VACANT |
|  SALES AND SERVICES | |
|  OFFICE BUILDING | |
|  HOTEL / MOTEL | |



APPLICATION NO. 1 CURRENT CDMP LAND USE



APPLICATION AREA

CDMP LAND USES



LOW DENSITY RESIDENTIAL (2.5 - 6 DU/AC)



LOW-MEDIUM DENSITY (6 - 13 DU/AC)



MEDIUM DENSITY (13 - 25 DU/AC)



INDUSTRIAL AND OFFICE



BUSINESS AND OFFICE



PARKS AND RECREATION



WATER



TRANSPORTATION



EXPRESSWAYS



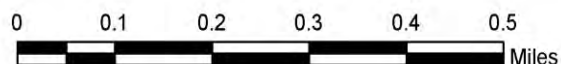
MAJOR ROADWAYS (3 OR MORE LANES)



MINOR ROADWAYS (2 LANES)

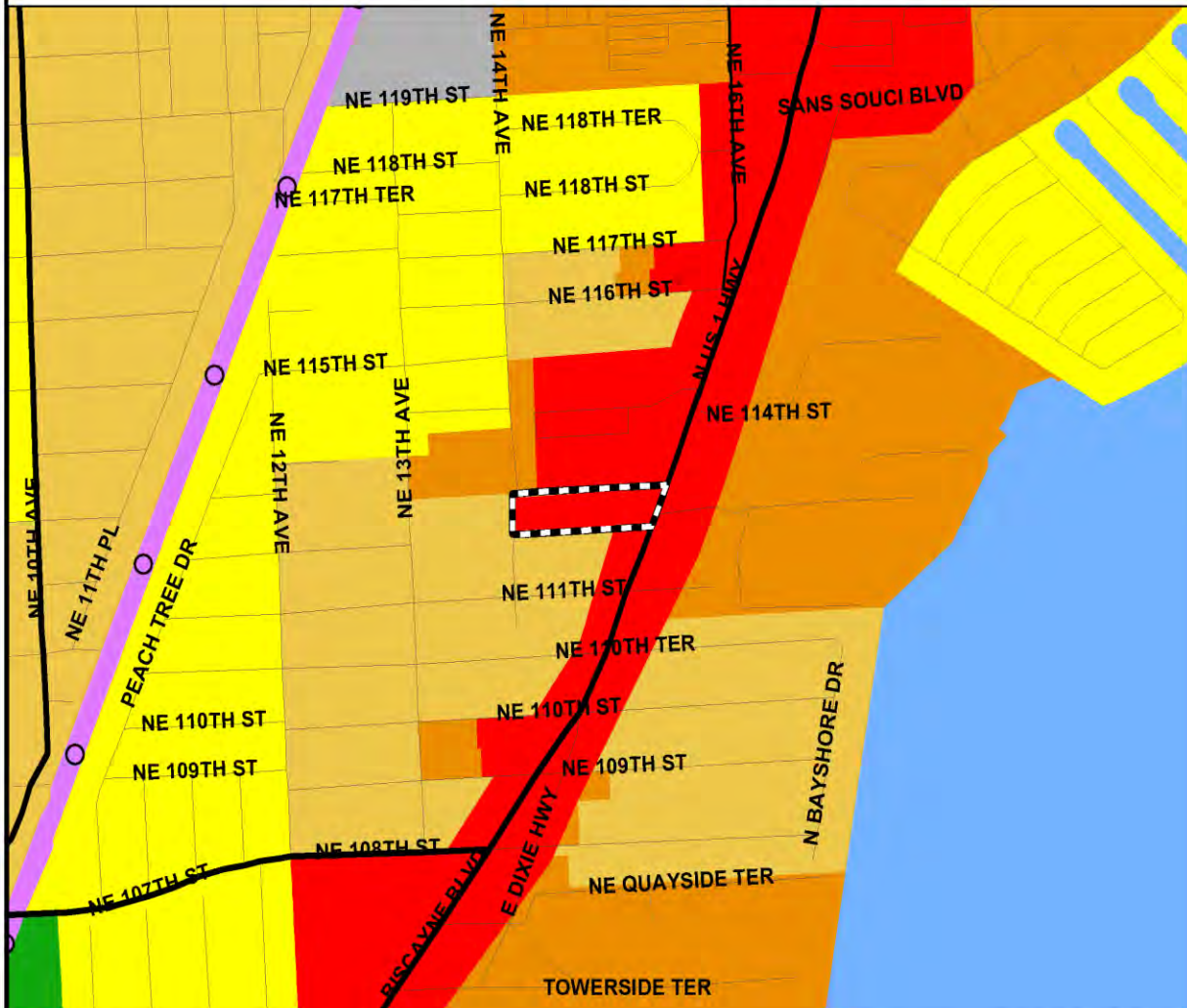


FUTURE RAPID TRANSIT



Source: Miami-Dade County
Department of Planning and Zoning, January 2011

APPLICATION NO. 1 PROPOSED CDMP LAND USE



Source: Miami-Dade County
Department of Planning and Zoning, January 2011



APPLICATION AREA

CDMP LAND USES



LOW DENSITY RESIDENTIAL (2.5 - 6 DU/AC)



LOW-MEDIUM DENSITY (6 - 13 DU/AC)



MEDIUM DENSITY (13 - 25 DU/AC)



INDUSTRIAL AND OFFICE



BUSINESS AND OFFICE



PARKS AND RECREATION



WATER



TRANSPORTATION



EXPRESSWAYS



MAJOR ROADWAYS (3 OR MORE LANES)



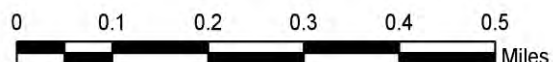
MINOR ROADWAYS (2 LANES)



STREET



FUTURE RAPID TRANSIT





APPENDIX B

Amendment Application

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

1. APPLICANT

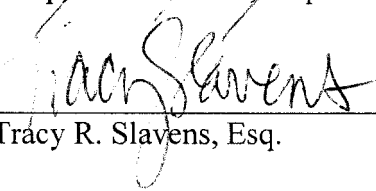
GRM Acquisition Corp.
1601 Washington Avenue, Suite 310
Miami Beach, Florida 33139

2. APPLICANT'S REPRESENTATIVES

Joseph G. Goldstein, Esq.
Tracy R. Slavens, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
(305) 374-8500
(305) 789-7799 (fax)

By: 
Joseph G. Goldstein, Esq.

10/29/10
Date

By: 
Tracy R. Slavens, Esq.

10/29/10
Date

PLANNING
DEPARTMENT
METROPOLITAN PLANNING SECT

2010 OCT 29 P 2:43

3. DESCRIPTION OF REQUESTED CHANGE

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

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office."

B. Description of the Subject Area.

The subject property consists of approximately 3.60± net acres of land located in Section 32, Township 52, Range 42, in unincorporated Miami-Dade County. More specifically, the subject Property is located on the west side of Biscayne Boulevard at theoretical NE 112 Street. A legal description of the subject property is provided in Exhibit "A."

C. Acreage.

Subject application area: 3.96± gross acres
3.60± net acres

Acreage owned by Applicant: 0 acres

D. Requested Change.

It is requested that the subject area be re-designated from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" on the Land Use Plan map through the small-scale amendment process.

4. REASONS FOR AMENDMENT

The subject Property is extraordinarily well-located on the west side of the Biscayne Boulevard corridor. Approximately one-third of the Property is designated "Business and Office" use, with the remaining two-thirds of the Property designated for "Low-Medium Density Residential" use. The Applicant requests the re-designation of the entire Property from "Low-Medium Density Residential" and "Business and Office" to "Business and Office" to enable a more flexible and unified approach to its future design and use. The Property was purchased by its current owners in 2004 and 2005 and is subject to a contract for sale to the Applicant. It has been used in a variety of ways over the past fifty years, including as a motel, but has been vacant since the structures were demolished several of years ago and the Property remained vacant since that time.

A. Property Location and Surrounding Area

The proposed change is compatible with the surrounding LUP Map and zoning designations as well as the actual land uses in the area.

Biscayne Boulevard, U.S. Highway 1, is one of the major north/south arterials serving Miami-Dade County and, in fact, the entire east coast of the United States, as it travels from the State of Maine to Key West. Biscayne Boulevard is configured as a five-lane divided roadway at this location and is served by two (2) Miami-Dade Transit bus routes (Route Numbers 3 and 93). The land along the east and west sides of Biscayne Boulevard in this portion of the County, both north and south of the Property, is designated "Business and Office," at least in part. However, the portion of the Property currently designated for "Business and Office" use, as well as the areas to the north and south, is configured as a very narrow strip, consistent with development patterns that existed decades ago when small retail stores fronted the boulevard. This narrow strip of "Business and Office" in this area is substandard and not wide enough to allow for true neighborhood-serving commercial development that would meet today's more rigorous design and market expectations. The Property is part of the Biscayne Corridor, which was defined by the County as a potential Redevelopment Area and is generally bounded on the north by NE 116 Street, on the east by Biscayne Boulevard, on the south by NE 112 Street, and on the west by NE 14 Avenue.

As noted above, approximately the east one-third of the Property is designated "Business and Office" and the western two-thirds of the Property is designated "Low-Medium Density Residential." The CDMP designations for the lands immediately surrounding the Property are:

- North: "Business and Office" and "Medium Density Residential;"
- East: "Business and Office" and "Medium Density Residential;"
- South: "Business and Office" and "Low-Medium Density Residential;" and
- West: "Low-Medium Density Residential" and "Low Density Residential."

The Property is currently zoned BU-1A (Limited Business District) on the east one-third and RU-4A (Hotel Apartment House District) on the western two-thirds. The BU-1A zoning category allows a full range of commercial, office and retail uses. While the RU-4A category, does not expressly allow a range of commercial and office uses as principal permitted uses, it does permit up to 50 residential or 75 hotel units per acre of development. The zoning designations for the lands immediately surrounding the Property are:

- North: BU-1A (Limited Business District), BU-2 (Special Business District), and RU-3M (Minimum Apartment House District);
- East: BU-2 (Special Business District), RU-4M (Modified Apartment House District), and RU-4 (High Density Apartment House District);
- South: BU-1A (Limited Business District) and RU-3M (Minimum Apartment House District); and
- West: RU-3M (Minimum Apartment House District).

As noted, the Property is currently vacant. A visit to the Property or review of the aerial photograph of the area reveals a significantly underdeveloped and underutilized portion of the County, particularly on the west side of Biscayne Boulevard. The existing development of the surrounding properties varies in density, intensity and use:

- North: Vacant;
- East: Multi-family residential;
- South: Vacant; and
- West: An electrical substation operated by Florida Power & Light.

A plant nursery, mobile home park, and adult entertainment establishment are located further to the north, while a one-story motel (circa 1951), older multi-family residential complex (circa 1972), and an office building (circa 1987) are located south of the Property on the west side of Biscayne Boulevard. There is a gas station on the east side of Biscayne Boulevard south of the Property. Behind the gas station and along the east side of the Biscayne Boulevard corridor between NE 106 to Street NE 116 Street, there exists a mix of single-family homes and approximately 2,000 multi-family residential units, including several high-rise residential towers (including The Jockey Club and the Towers at Quayside). It is expected that many of the residents from this area would benefit from the proposed changed use of the Property. There is a major need for community serving commercial and office uses to support the residents and passersby along this portion of the Biscayne Boulevard corridor.

B. "Business and Office" and Urban Infill Area

Designating the Property as "Business and Office" is consistent with the County's and State's stated planning goals which support greater flexibility to mix uses, densities and intensities in the County's Urban Infill Area ("UIA").

The Property is located within the County's Urban Infill Area. The UIA was established by Miami-Dade County in 1994 pursuant to Miami-Dade County Ordinance No. 94-192 and Chapter 163 of the Florida Statutes. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95. In connection with the UIA, the CDMP directs that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The goal of the UIA is also to promote the redevelopment of property along urban corridors, such as Biscayne Boulevard.

The current Future Land Use Plan map configuration would yield an underutilization of the Property in a manner that is inconsistent with CDMP Land Use Element Policy LU-1C. Policy LU-1C states, in relevant part, that "the County shall give priority to infill development on vacant sites in currently urbanized areas."

The area has experienced some reinvestment and redevelopment over the last fifty years. However, the configuration of land uses somewhat hinders extensive investment. Clearly, this application, which is seeking to expand the land use flexibility of the Property in order to facilitate its development with appropriate commercial uses pursuant to the "Business and Office" designation, achieves the County's policies. The State and County comprehensive plan goals to redevelop targeted mixed infill areas such as this, which feature ample infrastructure to serve redevelopment, promote such investment.

In fact, relating to the area's infrastructure, it should be noted that the Property is located within walking distance of the existing FEC rail line, which is designated on the FLUM as a Future Rapid Transit Corridor. The location of the Property between Biscayne Boulevard and this future potential rail based transit is undeniably consistent with State, Regional and local planning goals. For example, the County's Future Land Use Objective LU-7 provides:

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.

This application undoubtedly meets this Objective. In fact, to the extent that financing is sought in the future for a potential transit line, the intensification of the land use for the Property in such close proximity to the rail line would undoubtedly help justify and support such a request.

Given its location in the County's Urban Infill Area, the re-designation of the Property to "Business and Office" would be an appropriate FLUM amendment in furtherance of the goals and objectives of the CDMP and the State's Comprehensive Plan. The importance of satisfying these goals is that much more significant at this time, when the countywide unemployment rate is in excess of 14%.

C. Biscayne Corridor Community Redevelopment

Not only is the Property appropriate for promoting redevelopment as an infill parcel, it has been studied in detail and identified by the County Commission as blighted and appropriate for redevelopment.

The Property was included in the Necessity Study area for the proposed Biscayne Corridor Redevelopment Area. The Necessity Study examined conditions in the Redevelopment Area and concluded that slum and blight existed in the area, as defined by Chapter 163 of the Florida Statutes.¹ The Necessity Study, prepared by Curtis & Kimball and dated January 2005, was accepted by the Board of County Commissioners pursuant to Resolution No. R-609-05.

¹ 163.340 Definitions. The following terms, wherever used or referred to in this part, have the following meanings:

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

The Necessity Study assessed the Biscayne Corridor's current uses, site conditions, vacancy rates, housing types, economic conditions, and transportation facilities. It determined that the existing conditions in the Biscayne Corridor were leading to economic distress and risked endangering life and property. The Necessity Study further determined that the land use regulations applying to the area were defective. The land use regulations were determined defective, in part, because the narrow strip of commercially-zoned lands were not configured to yield the highest potential of development. The Necessity Study concluded that there was a need for redevelopment due to the area's deficiencies in attracting market-based investment of the same rate and quality as surrounding areas and the County as a whole and recommended that the Biscayne Corridor be designated a Community Redevelopment Area ("CRA") in order to improve the blighted condition of the area.

The proposed Biscayne Corridor Community Redevelopment Area was considered by the Board of County Commissioners in April 2006, but the item was deferred indefinitely, not because of a lack of need or opposition but because a private development plan had already been proposed for a portion the land, with the instruction to the County Manager and County Attorney to continue working to determine whether a Community Redevelopment Area was advisable. Unfortunately for the area, the private redevelopment plan never came to fruition due to the downturn in the real estate market and the Board of County Commissioners has yet to reschedule consideration of the Biscayne Corridor Community Redevelopment Area on its agenda because the current County budget would not be able to fund it. As a result, the slum and blight identified in the Necessity Study continues to exist in the area.

The Applicant is not advocating that a CRA be established for this portion of the Biscayne Corridor. In fact, the Applicant seeks at this time to redevelop this portion of the Biscayne Corridor without the need of CRA assistance. However, the findings of the Necessity Study make it abundantly clear that the proposed land use change is not only appropriate for this Property, but that it in fact should be promoted by the County. The State Comprehensive Plan, Policy 16(b)12, urges county and municipal governments to "promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers." CDMP Policy LU-10A states that "Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas... to promote energy conservation." Land Use Concept number 8 of the CDMP provides that the County should "[r]ejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses."

D. Minor Statistical Area 4.1

The Property is located within Minor Statistical Area ("MSA") 4.1, which encompasses lands east of Interstate I-95 and west of Biscayne Bay between I-195 and NE 125 Street. The MSA had an estimated population of 81,834 in 2000, and is projected to have a population of 95,674 in 2015 and 95,996 in 2025. The latest commercial land supply data for MSA 4.1 estimates that approximately 357.2 acres (87.8%) are in use and 50 acres (12.2%) are vacant. It is projected

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

that the supply of commercial land will be depleted in 2030+. Although the data shows current supply of commercial land to be sufficient for the next 20+ years, this figure is misleading. Much of the vacant commercial land within the MSA is located along the 1.7 mile strip of Biscayne Boulevard between NE 105 Street and NE 123 Street and is configured similarly to current designation on the Property -- with only a narrow strip of "Business and Office" use fronting the roadway. This configuration is substandard and does not support redevelopment or good and flexible urban design.

E. Consistency and Compatibility with CDMP Goals, Objectives and Policies

This application satisfies numerous County CDMP Goals, Objectives and Policies, several of which have already been discussed in this Application.

Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses. The current zoning designations on the Property would, at best, permit a version of mixed-use development with a narrow strip of commercial uses fronting Biscayne Boulevard and residential uses with a residential density of up to 50 residential units per acre on the remainder of the Property. The development of a mixed-use project of this kind has proven unfeasible for the Property owners and potential developers. The Property's current CDMP designations are substandard, inefficient and unmarketable. As a result, the Property has remained undeveloped and underutilized.

The Applicant believes that the approval of an amendment of the Future Land Use Map to "Business and Office" for the Property would be an appropriate change and will help to satisfy the deficiency of adequate, developable commercial land along the Biscayne Boulevard corridor. Accordingly, approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

LAND USE 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.

LAND USE 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.

LAND USE POLICY LU-1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily

warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE LU-2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY LU-2A: All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

LAND USE 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.

LAND 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.

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

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

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

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

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

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate continuous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to support energy conservation.

LAND USE OBJECTIVE LU-11: Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

LAND USE 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 a built-up area with urban services that is situated in a Community 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.

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 8: Rejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Property – Exhibit "A"
Disclosure of Interest Form – Exhibit "B"
Location Map for Application – Exhibit "C"
Aerial Photograph – Exhibit "D"
Section Sheet – Exhibit "E"
Resolutions R-1016-04 and R-609-05 - Exhibit "F"

EXHIBIT "A"

Legal Description of Subject Property:

Includes folio numbers 30-2232-008-0010, 30-2232-008-0030, 30-2232-000-0160

PARCEL 1:

That part of the South 1/2 of Tract "A" of Revised Plat of SEARENTO, according to the plat thereof, recorded in Plat Book 34, at Page 21, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning at a point on the West line of Biscayne Boulevard which point is 55.07 feet West of the Center line of Biscayne Boulevard and 50 feet South of the Northeast corner of said South 1/2 of Tract "A" of SEARENTO, thence run West parallel with and 45.40 feet South of the North line of the said South 1/2 of Tract "A" a distance of 794.41 feet to the West line of the said South 1/2 of Tract "A"; thence run South and along the West line of said South 1/2 of Tract "A" of SEARENTO a distance of 119.65 feet to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO; thence run East and along the South line of said South 1/2 of Tract "A" to the West line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard a distance of 131.73 feet more or less to the Point of Beginning.

ALSO PARCEL 2:

Beginning at a point 825 feet South of the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, said point also being the Southwest corner of the South 1/2 of Tract "A" of SEARENTO according to the revised plat thereof, recorded in Plat Book 34, at Page 21 of the Public Records of Miami-Dade County, Florida; thence run South along the West line of the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East and distance of 47.4 feet; thence run East parallel with and 47.4 feet South of the South line of said South 1/2 of Tract "A" of SEARENTO a distance of 717.90 feet more or less to the West line of Biscayne Boulevard which said point on the West line of Biscayne Boulevard is 55.05 feet West of the center line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard 53.09 feet to the Southeast corner of the South 1/2 of Tract "A" of SEARENTO; thence run West and along the South line of said South 1/2 of Tract "A" of SEARENTO to the Southwest corner of said South 1/2 of Tract "A" of SEARENTO, being the Point of Beginning; said tract of land being in the South 1/2 of the Northeast 1/4 of Section 32, Township 52 South, Range 42 East, Township 52 South, Range 42 East, Miami-Dade County, Florida, as shown on the Official Record Book 3032, Page 100.

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT: GRM Acquisition Corp.

1601 Washington Avenue, Suite 310

Miami Beach, FL 33139

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

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

| APPLICANT | OWNER OF RECORD | FOLIO NUMBER | SIZE IN ACRES |
|-----------|---------------------|------------------|-----------------|
| | 11190 Biscayne, LLC | 30-2232-000-0160 | +/- 32,469 s.f. |
| | | 30-2232-008-0030 | +/- 2.01 acres |
| | Searento Trust, LLC | 30-2232-008-0010 | +/- 36,743 s.f. |

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

| APPLICANT | OWNER | CONTRACTOR FOR PURCHASE | LESSEE | OTHER (Attach Explanation) |
|-----------|-------|----------------------------|--------|--------------------------------|
| | | X | | |

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

%

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

CORPORATION NAME GRM Acquisition Corp., a Florida corporation

| <u>NAME, ADDRESS, AND OFFICE (if applicable)</u> | <u>PERCENTAGE OF STOCK</u> |
|---|----------------------------|
| Doron Valero (President) | 70.5% |
| Rafael Zitvar (Vice President) | 24.5% |
| Alan Merkur (Vice President) | 5.0% |

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

TRUSTEES NAME: _____

| <u>BENEFICIARY'S NAME AND ADDRESS</u> | <u>PERCENTAGE OF INTEREST</u> |
|---------------------------------------|-------------------------------|
| | |
| | |

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

PARTNERSHIP NAME: _____

| <u>NAME AND ADDRESS OF PARTNERS</u> | <u>PERCENTAGE OF INTEREST</u> |
|-------------------------------------|-------------------------------|
| | |
| | |

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers,

stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

GRM Acquisition Corp.

See information provided in 2b

Date of Contract May 27, 2010

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

CORPORATION NAME: 11190 BISCAYNE LLC, AND SEARENTO TRUST, LLC

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF STOCK

PharmaNet Development Group, Inc., a Delaware company with substantial operations in professional services to the pharmaceutical industry world-wide, holds 100% ownership interest in both 11190 Biscayne, LLC and Searento Trust, LLC, the entities that own the real property which is the subject of this application. In turn, through a subsidiary, PharmaNet Development Group, Inc. is 100% owned by JLL PharmaNet Holdings, LLC, which is an investment vehicle in which JLL Partners Fund VI, L.P., a Delaware limited partnership, holds an 85% ownership interest. JLL Partners Fund VI, L.P. is one of several Delaware limited partnerships of JLL

Partners, Inc., a leading private equity investment firm in the United States for the past 23 years. Ownership of JLL Partners Fund VI, L.P. is held by 37 different typical private equity investors consisting of public and corporate pension funds, insurance companies, endowments and high-net worth individual investment vehicles. The remaining 15% ownership interest in JLL PharmaNet Holdings, LLC, the ultimate 100% owner of the real property which is the subject of this application, is held by NB/NJ Custom Investment Fund, LP (6%) and Zurich Insurance (9%), both private equity institutional co-investors to JLL Partners Fund VI, L.P. Specifically, the entity ownership chain for the real property which is the subject of this application is: (1) 11190 Biscayne, LLC and Searento Trust, LLC, of which (2) PharmaNet Development Group, Inc., owns 100% of each, of which (3) PDGI Holdco, Inc., owns 100%, and of which (4) JLL PharmaNet Holdings, LLC owns 100%.

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

TRUSTEE'S NAME: _____

| <u>BENEFICIARY'S NAME AND ADDRESS</u> | <u>PERCENTAGE OF INTEREST</u> |
|---------------------------------------|-------------------------------|
|---------------------------------------|-------------------------------|

| | |
|--|--|
| | |
| | |

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

PARTNERSHIP NAME: _____

| <u>NAME AND ADDRESS OF PARTNERS</u> | <u>PERCENTAGE OF OWNERSHIP</u> |
|-------------------------------------|--------------------------------|
|-------------------------------------|--------------------------------|

| | |
|--|--|
| | |
| | |

- d. **If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which**

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

NAME, ADDRESS AND OFFICE (if applicable) PERCENTAGE OF INTEREST

Date of Contract _____

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

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

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

GRM Acquisition Corp., a Florida corporation

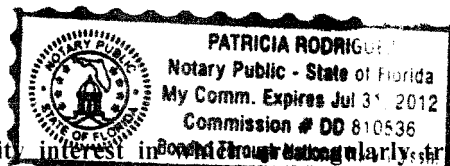
By: _____
Doron Valero, President

Sworn to and subscribed before me

this 21 day of October, 2010

My Commission Expires: 7-31-2012

[Signature]
Notary Public, State of Florida at Large (SEAL)

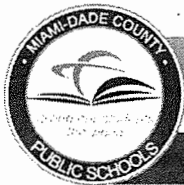


Disclosure shall not be required of any entity, the equity interest in which is publicly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one person or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

APPENDIX C

Miami-Dade County Public Schools Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Dr. Solomon C. Stinson, Chair
Perla Tabares Hantman, Vice Chair
Agustin J. Barrera
Renier Diaz de la Portilla
Dr. Lawrence S. Feldman
Dr. Wilbert "Tee" Holloway
Dr. Martin Stewart Karp
Ana Rivas Logan
Dr. Marta Pérez

January 24, 2011

VIA ELECTRONIC MAIL

Ms. Tracy Slavens, Esquire
Holland & Knight, c/o
GRM Acquisition Corp.
701 Brickell Avenue, Suite 3000
Miami, FL 33131

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
GRM ACQUISITION CORP – OCTOBER 2010 APPLICATION No. 1 (LAND USE)
LOCATED APPROXIMATELY AT N. US-1 HWY AND NE 111 STREET
PH3011011900002 – Folio No. 3022320000160**

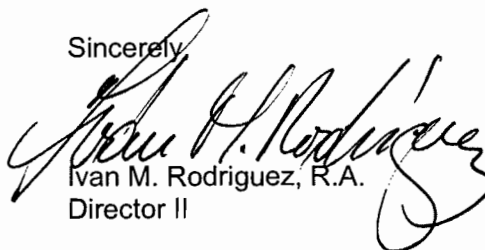
Dear Ms. Brown:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, attached please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the requested zoning would yield a maximum residential density of 237 multifamily units, which generates 47 students; 22 elementary, 11 middle and 14 senior high students. **At this time, the schools serving the area have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.
Director II

IMR:mo
L259
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File



Concurrency Management System (CMS)

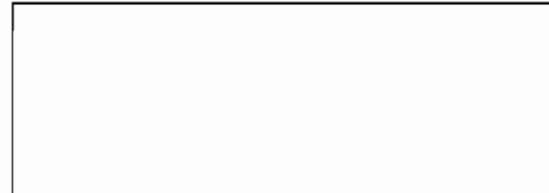
Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3011011900002 Local Government (LG): Miami-Dade
Date Application Received: 1/19/2011 10:19:05 AM LG Application Number: October 2010 - Application #1
Type of Application: Public Hearing Sub Type: Land Use
Applicant's Name: GRM Acquisition Corp
Address/Location: Biscayne Blvd NE 112 St East of 14 Av
Master Folio Number: 3022320000160
Additional Folio Number(s): 3022320080030; 3022320080010,

PROPOSED # OF UNITS 237
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 0
MULTIFAMILY UNITS: 237



CONCURRENCY SERVICE AREA SCHOOLS

| CSA Id | Facility Name | Net Available Capacity | Seats Required | Seats Taken | LOS Met | Source Type |
|--------|--|------------------------|----------------|-------------|---------|----------------------------|
| 5005 | DAVID LAWRENCE JR K-8 CENTER | -184 | 22 | 0 | NO | Current CSA |
| 5005 | DAVID LAWRENCE JR K-8 CENTER | 0 | 22 | 0 | NO | Current CSA Five Year Plan |
| 6631 | NORTH MIAMI MIDDLE | -200 | 11 | 0 | NO | Current CSA |
| 6631 | NORTH MIAMI MIDDLE | 0 | 11 | 0 | NO | Current CSA Five Year Plan |
| 7048 | ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY | 152 | 14 | 14 | YES | Current CSA |

ADJACENT SERVICE AREA SCHOOLS

| | | | | | | |
|------|----------------------|-----|----|----|-----|--------------|
| 561 | W J BRYAN ELEMENTARY | 121 | 22 | 22 | YES | Adjacent CSA |
| 6411 | HORACE MANN MIDDLE | 659 | 11 | 11 | YES | Adjacent CSA |

*An Impact reduction of 15.3% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
concurrency@dadeschools.net

APPENDIX D

Traffic Study

Not required for small-scale amendments

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APPENDIX E

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of the October 2010 Cycle Application No. 1 to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

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

Solid Waste Services

Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement. As of September 30, 2010, the average residential unit generated 2.27 tons of waste, which includes garbage, trash and recycled waste. This value is consistent with the average 2.28 tons reported annually for the April 2020 Cycle CDMP amendment applications. As reported to the State of Florida, Department of Environmental Protection, for FY 2008-09, the full cost per residential unit of providing waste collection service was \$451.

Waste Disposal Capacity and Service

The cost of providing disposal capacity for Waste Collection Service Area (WCSA) customers, municipalities and private haulers is paid for by system users. For FY 10-11, the DSWM charges at a contract disposal rate of \$60.30 per ton to DSWM Collections and to those private haulers and municipalities with long-term disposal agreements with the Department. The short-term disposal rate is \$79.50 per ton in FY 10-11. These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the system. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance

cost was based on \$1.3785 per 1,000 gallons for the water and \$1.5708 per 1,000 gallons for the sewer. However, the application site is located within the City of North Miami water and sewer service area. The water connection charges were calculated for the City of North Miami based on a special water connection charge rate of \$0.44 per average daily gallon. Therefore, water connection charges are estimated at \$15,642 and sewer connection charges are estimated at \$199,080. The connection fee was based on providing a 1-inch service line and meter. In addition, if the application site is built with 237 units of multi-family homes (maximum development allowed under the proposed CDMP land use designation of "Business and Office", which would generate the greatest demand for water and sewer service), the annual operating and maintenance costs for water and sewer service for the proposed development is estimated at \$38,269. This estimate is based on approved figures through September 30, 2009.

Flood Protection

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

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

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

Public Schools

The proposed amendment will result in 47 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 \$307,803. Since there is sufficient concurrency capacity to accommodate the additional students, there are no capital costs. If at time of issuing a development order and reserving student stations for the development, pursuant to the school concurrency, there is not sufficient capacity, the capital costs will be addressed at that time.

Fire Rescue

Information Pending

APPENDIX F

Proposed Declaration of Restrictions

The deadline for the applicant to submit a Declaration of Restriction (covenant) is January 28, 2011. No covenant was submitted by the applicant prior to this deadline.

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APPENDIX G

Photos of Application Site and Surroundings

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Application Site looking East Towards Biscayne Boulevard



Retail Establishments Along Biscayne Boulevard
East Of The Application Site



FP&L Electrical Sub-Station Located Immediately West of the Application Site



NE 14 Avenue, West of the Application Site

Application No. 2

Commission District 10

Community Council 10

APPLICATION SUMMARY

| | |
|--|--|
| Applicant/Representative: | SunTrust Bank/Jeffrey Bercow, Esq. & Graham Penn, Esq. Bercow Radell & Fernandez, P.A. 200 South Biscayne Blvd, Ste. 850 Miami, Florida 33131 |
| Location: | 8300 Bird Road (Southwest corner of Bird Road and SW 83 Avenue) |
| Total Acreage: | 4.73 Gross Acres, 4.07 Net Acres |
| Current Land Use Plan Map Designation: | "Business and Office" (2.43 gross acres) and "Low-Density Residential" (2.5 to 6 DU/Gross Acre; 2.3 gross acres) |
| Requested Land Use Plan Map Designation: | "Business and Office" |
| Other Requested Change: | Add to Land Use Element a proposed Declaration of Restrictions limiting residential development to a maximum of 10 dwelling units per gross acre |
| Amendment Type: | Small-scale |
| Existing Zoning/Site Conditions; | BU-1A (Limited Business) and RU-1 (Single Family Residential)/Existing SunTrust Bank building and a detached drive-through building |

RECOMMENDATIONS

| | |
|---|--|
| Staff: | ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (February 25, 2011) |
| Westchester Community Council: | TO BE DETERMINED (March 9, 2011) |
| Planning Advisory Board (PAB) acting as Local Planning Agency: | TO BE DETERMINED (April 25, 2011) |
| Board of County Commissioners (Small-Scale Final Action) : | TO BE DETERMINED (May 18, 2011) |
| Final Recommendation of PAB acting as Local Planning Agency (if transmitted): | TO BE DETERMINED (September 2011) |
| Final Action of Board of County Commissioners (if transmitted): | TO BE DETERMINED (October 2011) |

Staff recommends **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale Land Use Plan (LUP) map amendment to redesignate from “Business and Office” (2.43 gross acres) and “Low Density Residential” (2.5 to 6 dwelling units per gross acre; 2.3 gross acres) to “Business and Office” on the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

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

Need: The application site is located within Minor Statistical Area (MSA 5.4) contains 578 acres of in-use commercial land and 13.5 acres of available land zoned or designated for business uses. The annual absorption rate is 1.39 acres per year, of which the commercial supply of land would be depleted in the year 2020. The proposed redesignation could increase the commercial land supply in this MSA. The analysis of the Trade Area, 1.5 miles around the proposed project, for Application 2 shows that there are 286.55 acres in existing commercial uses and 13.21 acres of vacant commercially zoned or designated land. Most of the vacant parcels are located to the north along SW 24 Street. (See Appendix A – Trade Area Map).

Public Facilities and Services: Maximum development on the application site, under the proposed “Business and Office” CDMP land use category, would not cause the level of services for public facilities and services to violate their adopted level of service standards (see Staff Analysis below).

Compatibility: The proposed LUP map amendment would be compatible with existing business uses along Bird Road. The proposed land use change could be compatible with adjacent residential areas to the south and southeast with structures in good condition if at time of zoning or site plan review measures are taken to insure compatibility. Policy LU-4C states that “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.” Policy LU-4D states that potentially incompatible uses shall be permitted on sites only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements. To be consistent with these policies, measures addressing the concerns identified in Policy LU-4C will need to be considered at the time of zoning and site plan review.

Environmental and Historical Resources: There are no archaeological or historical resources on the application area and the proposed redesignation would have minimal environmental impacts. The application site is located within the average day time-travel of the Alexander Orr/Snapper Creek/ Southwest Wellfield Complex. Hazardous wastes shall not be used, generated, handled, discharged, disposed of or store on the subject property. Air quality management requirements of the Department of Environmental

Resources Management (DERM) regarding asbestos should be followed during demolition and redevelopment activities.

Transit Ridership and Pedestrianism: Policy LU-8E(v) in the Land Use Element states that for proposed land uses, "If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism." The application site is located adjacent to a standard bus stop served by Metrobus Route 40 with peak period (AM/PM) headways of 15 minutes. In addition, business, office and residential uses are activities that are supportive of public transportation. Therefore, the proposed amendment is one that promotes transit ridership and pedestrianism.

2. The proposed redesignation would be consistent with the Bird Road Corridor Study (January 2010), which was adopted by the Board of County Commissioners on April 6, 2010 (Resolution R-356-10). The study identifies the entire application site as being located within the Commercial Corridor Sub-Area, which consist of parcels and blocks directly on Bird Road. The Urban Design Recommendations section of this Study contains a figure on development intensities that recommends medium intensity on the northern portion of the application site and medium-low intensity on the southern portion. Intensity for non-residential development is measured by floor area ratio (FAR), which is calculated by dividing the building square footage (not counting parking structures) by the net lot area of the parcel. Medium intensity development would have a maximum FAR of 1.5, which could result in 309,058 square feet of floor area on the application site. The Urban Design Recommendations section also states that building heights should decrease as development moves away from Bird Road, tapering down in order to transition into the existing residential neighborhoods and limit differences in heights.
3. The applicant has requested that the application site of 4.73 gross acres be treated as a small-scale application, which allows the land use change to undergo an expedited review. Thus, staff has reviewed as the application as a small-scale application. State law requires that the subject property, as a small-scale amendment, not exceed a maximum density of 10 dwelling units per gross acre. Based on provisions in the Land Use Element, redesignating this property to "Business and Office" on the LUP map could allow up to 13 dwelling units per gross acre. To address this concern the applicant has submitted a declaration of restrictions or covenant limiting any potential residential development to a maximum of 10 DU/Ac (47 DU's).

STAFF ANALYSIS

Background

The applicant is requesting a redesignation of the entire site (4.73 gross acres) from the current designations of “Business and Office” (2.43 gross acres) and “Low Density Residential Communities” (2.3 gross acres) on the Adopted 2015-2025 Land Use Plan (LUP) map to “Business and Office” in order to allow the entire site to be redeveloped for a single unified commercial development. The applicant asserts that the application site is currently underutilized with a floor area ratio (FAR) of 0.15. The FAR is a measure of non-residential development intensity that is calculated by dividing the building square footage (not counting parking structures) by the net lot area of the parcel.

Declaration of Restrictions

The applicant has submitted a draft Declaration of Restrictions (covenant) to limit residential development to no more than 10 dwelling units per acre. The “Business and Office” land use designation would allow residential development up to 13 dwelling units per gross acre (du/ac) on the subject property unless modified by a covenant running with the land. A provision in the Land Use Element of the CDMP regarding land designated as “Business and Office” allows a one density category increase above the density allowed on adjacent residentially designated parcels if the properties are located on the same side of a major roadway. This provision applies to the application site since it borders a residential subdivision that is designated as “Low Density Residential Communities” on the LUP map, which allows 2.5 to 6 dwelling units per gross acre. Thus, the property could be developed at the next density category, “Low-Medium Density Communities” (6 to 13 du/ac).

Application Site

Location

The 4.73-gross acre application site is located at the southwest corner of Bird Road/SW 40 Street and SW 83 Avenue (8300 Bird Road) in the Westchester neighborhood in Unincorporated Miami-Dade County. The site is located one block west of Tropical Park, a major recreational facility, and slightly more than ½ mile west of the interchange of Bird Road with Palmetto Expressway.

Existing Land Use

The application site is currently occupied by a single-story, approximately 27,000-sq. ft. SunTrust Bank building that was constructed in 1962 and a free-standing two-story drive-through teller building. The remainder of the site is comprised of a surface parking lot interspersed with large shade trees.

Land Use Plan Map Designations

The 4.73-gross acre property is currently designated “Business and Office” (2.43 gross acres) and “Low Density Residential” (2.3 gross acres) on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

Zoning

Most of the application site is currently zoned BU-1A (Business-Limited District), which allows all which allows retail and service convenience facilities that satisfy the essential and frequent needs of the adjacent neighborhood(s), specialized commercial and service facilities/activities which may serve several neighborhoods plus residential uses if approved at a public hearing. In

addition, there is a 100-foot wide strip of land along SW 83 Avenue that is zoned RU-1 (Single Family Residential District; 7,500 square feet of net lot area). Permitted uses in the RU-1 zone include single-family residential, workforce housing, municipal and private recreation facilities, and group homes and daycare centers with conditions.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Available records show that on December 17, 1959, the Board of County Commissioners adopted Resolution No. 4340 which approved a zoning change from BU-2 (Special Business) and GU (Interim) to BU-2 on the subject property with conditions. The Metropolitan Dade County Zoning Appeals Board adopted on June 20, 1962 Resolution No. 2-ZAB-359-62, which approved a point-of-sale sign with a variance of size and setback requirements. A zoning application was filed in 1967 by the Director of the Building and Zoning Department to rezone a property that included the southern portion of the subject property from BU-2 to RU-1 in order to reduce conflicts with adjacent residential properties. However, the request was denied without prejudice (Resolution 3-ZAB-424-67). The Zoning Appeals Board on December 11, 1968, adopted Resolution No. 4-ZAB-89-68 which approved an Unusual Use to permit non-commercial parking on RU-1 (Single-Family Residential) zoned property with conditions related to the plot plan. On February 6, 1969, the Board of County Commissioners reaffirmed in Resolution Z-27-69 the Zoning Appeals Board's approval and adoption of Resolution No. 4-ZAB-89-68, which was appealed by the Directors of the Planning and the Building and Zoning Departments with additional conditions regarding the plot plan including a 15-foot landscaped setback along SW 83 Avenue. The Zoning Appeals Board adopted on February 7, 1972 Resolution No. 4-ZAB-80-72, which approved a variance of setback requirements to permit a 70-ft x 92-ft addition on the south side of the existing building with the setback being 20-ft. (31-ft. required) from the east property line, and to modify Condition No. 1 of Resolution No. Z-27-69 (February 6, 1969) concerning the layout of parking areas, entrances and exits in accordance with the plan rendered by Carl H. Blohm and Associates for Guaranty Bank of Miami dated October 6, 1971. The Board of County Commissioners adopted on March 25, 1977 Resolution Z-83-77, which rezoned a 14.04-acre parcel on the south side of Bird Road that included a large portion of the subject property, from BU-2 to BU-1A. This application was filed by the Directors of Planning and Building and Zoning Departments pursuant to the Tropical Park Area Study that was accepted and adopted by the Board of County Commissioners on October 28, 1976 (Ordinance 76-96).

In June 2007, Miami-Dade Code Enforcement issued one citation on the application site for "failure to provide emergency lights." The citation has since been resolved.

Adjacent Land Use and Zoning

Existing Land Use

The application site is located on Bird Road/SW 40 Street, a roadway with extensive strip commercial development that is generally more intense than the existing office use on the subject property with a FAR of 0.15. Located to the north and northwest of the application site across Bird Road are two small commercial strip shopping centers with FARs of 0.32 and 0.40 that include businesses such as the El Floridita restaurant, Cash America Pawn, Strictly Aquariums, a Dollar Store. Free-standing businesses to the north include Total Bank with a FAR of 0.10 and a Pueblito restaurant. Another strip shopping center, Avila Plaza, with a FAR 0.33 is located to the northeast. To the east of the site on the southeast corner of Bird Road and SW is another strip shopping center with a FAR of 0.27 that contains a USMC Recruiting Center and a Mattress Store, and a free-standing Subway restaurant. East of the site along SW 83

Avenue is the three-story office building of Granada Insurance Company, which has a FAR of 0.75. Immediately adjacent to the site on the west is the Bird 84 Shopping Plaza with a FAR of 0.44 that contains a Dunkin' Donuts restaurant, a Bingo Hall, a Body Plex Gym, Beatty Animal Clinic, Lucky Oriental Market and other retail and service activities. To the south along SW 41 Terrace and to the southeast along SW 83 Avenue and SW 41 Street are single-family detached homes in good condition that primarily built in the 1950s in the Gottlieb Subdivision.

Land Use Plan Map Designations

The land area immediately north, northeast and northwest of the application site is designated "Business and Office" on the Land Use Plan map. Land to the immediate south, southeast and southwest of the subject property is designated "Low Density Residential" (2.5 to 6 DU/Gross Acre).

Zoning Designations

The application site is surrounded by property in business and residential zoning districts. The land area immediately north of the application site is zoned BU-2 (Special Business District). Permitted uses in the BU-2 zone include parking garages, hospitals, hotels and motels, department stores, office parks and regional shopping centers. The land to the northeast and west is zoned BU-1A and the land to the immediate southeast and south is designated RU-1.

Other Planning Considerations

The application site is located within the "Bird Road Corridor Study" area, which was the result of a series of public community events held between December 2007 and April 2010. The study was approved by the BCC in April 2010 through Resolution R-356-10. The study focuses on the four-mile long section of Bird Road from the Palmetto Expressway to the Florida Turnpike, which is mainly fronted by commercial, residential and civic uses. In addition, the study examines the adjacent areas north and south of the corridor between SW 32 Street and SW 48 Street, respectively. The study area falls in the southern portion of the Westchester community.

The purpose of the study was to develop a community driven long-term vision for future development along the corridor and to propose specific recommendations for this major arterial roadway. The community's vision intends to enhance the existing conditions along the corridor by establishing a distinct character for the study area, encouraging pedestrian activity, allowing for effective land utilization and encouraging ease of circulation for both vehicles and pedestrians. The Bird Road Corridor Study as well as the 2010 Draft Evaluation and Appraisal Report on the County's Comprehensive Development Master Plan recommend establishing a Community Urban Center (CUC) at the east boundary of the study area, next to the Palmetto Expressway. The application site is located adjacent to the proposed CUC ½-mile radius. The study specifically recommends that redevelopment in this area creates visual interest, enhances the pedestrian environment and establishes a human scale by fronting buildings to the road, bringing them close to the sidewalk and placing parking to the rear or side of them. The Bird Road Corridor Study recommends that new development on the application site has the potential to accommodate medium intensity development along the corridor, while decreasing to medium-low intensity towards the rear of the site in order to create a transition into the existing residential neighborhood. Additionally, the study recommends new development along the corridor accommodate for a mix of uses.

Supply and Demand

The application site is located within Minor Statistical Area 5.4 (MSA 5.4). In 2010, MSA 5.4 contained 578 acres of in-use commercial uses and an additional 13.5 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2010-2030 period is 1.39 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, MSA 5.4 will deplete its supply of commercially zoned or designated land in the year 2020 (see table below). Approval of the application would add ±4.7 acres (approximately 3 years supply) to the commercial land supply which would bring the depletion year for commercial development within the MSA to year 2023.

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
Application No. 2 Analysis Area

| Analysis Area MSA 5.4 | Vacant Commercial Land 2010 (Acres) | Commercial Acres in Use 2010 | Annual Absorption Rate 2010-2030 (Acres) | Projected Year of Depletion | Total Commercial Acres per Thousand Persons | |
|--------------------------|-------------------------------------|------------------------------|--|-----------------------------|---|------|
| | | | | | 2020 | 2030 |
| Total | 13.5 | 578.0 | 1.39 | 2020 | 5.6 | 5.6 |

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011.

Analysis of the Trade Area

Analysis of the Trade Area, 1.5 miles around the proposed project, for Application No. 2 shows that there are 286.55 acres in existing commercial uses and 13.21 acres of vacant commercially zoned or designated land (see table below). Most of the vacant parcels are located to the north of the application area along SW 24 Street. (See Trade Area Map in Appendix A: Map Series.)

| Trade Area Analysis | | | |
|---------------------|-------------------|--------------------------------|------------------------------|
| Application | Trade Area Radius | Vacant Commercial Land (Acres) | Commercial Acres in Use 2010 |
| 2 | 1.5 | 13.21 | 286.55 |

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, February 2011.

Environmental Conditions

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

Flood Protection

| | |
|------------------------------|---------------------------------|
| County Flood Criteria (NGVD) | +8.5 Feet |
| Stormwater Management | Surface Water Management Permit |
| Drainage Basin | C-4 |
| Federal Flood Zone | AH; 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 | YES |
| Archaeological/Historical Resources | NO |
| Hazardous Waste | NO |

Drainage and Flood Protection

The application site lies within Flood Zone AH, where the base flood elevation is 11.0 feet NGVD, 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 8.5 feet and requires an additional 8 inches for residential and 4 inches for commercial structures. However, if the County flood elevation is less than the base flood elevation established by the FIRM maps, the higher elevation will be used.

According to Miami-Dade Department of Environmental Resources Management (DERM), all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system for compliance with stormwater quality requirements. Furthermore, to comply with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of Miami-Dade County Code, and all State and Federal criteria.

Specimen Trees

The application site may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49 of the Miami-Dade County Code provides for the preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees.

Wellfield Protection Area

The application site is within the average day travel-time contour of the Alexander Orr/Snapper Creek/Southwest Wellfield complex. Consequently, development of the application site shall be in accordance with Section 24.43 of the Miami-Dade County Code.

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), designed to restore and preserve water resources in 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 developments be linked to new water supply sources, either through alternative water supply or reuse projects.

Effective January 11, 2011, Miami-Dade Water and Sewer Department (WASD) implemented a Water Supply Certification Program to assure water supply is available to all users as required by Policy CIE-5D and WS-2C of the County's Comprehensive Development Master Plan and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit. All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Certification Letter. This certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered; or during the Plat process prior to the final development order. At such time, the project will be evaluated for water supply availability and a water supply reservation will be made.

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 development, an assumption of 3 years for project completion from when final comprehensive plan amendment approval is made. For this small-scale project, the year 2014 will be used as project completion date. This timeframe allows for rezoning of the property, platting of property, permitting, and construction. Additionally, 3 years is the timeframe for which concurrency is applied.

| Estimated Water Demand By Land Use Scenario | | | | |
|---|-----------------------|---------------------------------|---|------------------------------|
| Development Scenario | Use (Maximum Allowed) | Quantity (Units or Square Feet) | Water Demand Multiplier (Section 24-43.1 Miami-Dade Code) | Projected Water Demand (gpd) |
| Current Use | | | | |
| 1 | Commercial | 26,859 sq.ft. | 10 gal/100 sq.ft. | 2,685 |
| Proposed Use | | | | |
| 2 | Commercial | 70,916 sq.ft. | 10 gal/100 sq.ft. | 7,092 |

Source: Miami-Dade Water and Sewer Department, January 2011

Based on the above table, the maximum water demand for the current use is estimated at 2,685 gpd. Under the requested "Business and Office" proposed use, the maximum water demand that would be generated by the commercial development that could be built is estimated at 7,092 gpd. This represents an increase of 4,407 gpd above the water demand generated under the current use on the application site. A Water Supply Certification Letter will be required at the time of development, of which the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

Potable Water

The application site is located in the Miami-Dade Water and Sewer Department retail service area and the Alexander-Orr Water Treatment Plant will provide potable water supply. At this time, there are no programmed or planned improvements/projects adjacent to and/or in close proximity to the application site. At the present time there is adequate treatment and water supply capacity for this application.

The County's adopted level of service (LOS) standard for water treatment is based on a regional treatment system. This system is comprised of the Hialeah-Preston and Alexander Orr Water Treatment Plants. The LOS 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. Based on the 12-month average (period ending 11-30-10) data provided by DERM, the regional treatment system has a DERM rated treatment capacity of 439.7 million gallons per day (mgd) and a maximum plant production of 345.8 mgd. As a result, the regional system has approximately 94 mgd or 21.4% of treatment plant capacity remaining. Additionally, the system has a 12-month average demand (for period ending 11-30-10) of 314.43 mgd, which is well within 2 percent of the system's 402.3 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service is provided by an existing 12-inch water main that lies on SW 83 Avenue just south of SW 40 Street. Any public water main extension within the property shall be 12-inches minimum diameter and extend south along SW 83 Avenue to the most southeastern corner of the application site. If two or more fire hydrants are to be connected to a public water main extension within the property, the water system shall be looped with two points of connection.

Wastewater Facilities

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South Districts Wastewater Treatment Plants, 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. The regional wastewater treatment system has a design capacity of 368 million gallons per day (mgd) and a 12-month average (period ending 11-30-10) of 283.9 mgd. This represents approximately 78.9% of the regional system's design capacity. Therefore, the wastewater treatment system has 21.1% or 77.69 mgd of capacity remaining.

The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. A private pump station will be required, which the developer shall connect to an existing 8-inch sanitary sewer force main along SW 83 Avenue and extend a new, 8-inch minimum sanitary sewer force main to the property. Currently, the South District Wastewater Treatment Plant has sufficient capacity to treat current sewage flows and the additional flows that would be generated by the application, if approved.

Solid Waste

The application site is located inside the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collections. The DSWM provides collection services to residential units, while permitted haulers are hired by most commercial and multi-family

establishments. Private haulers purchase permits and vehicle decals to be allowed to haul solid waste on County roads. Commercial and multi-family establishments are required by Chapter 15 of the County Code to provide for a recycling program and the DSWM is proactively enforcing this law. 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. As of FY 2010-2011, the DSWM is in compliance with this standard. The DSWM issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain the adopted LOS system wide. The DSWM does not actively compete for non-residential waste collection. Thus the DSWM has no objection to the proposed changes.

Parks

The adopted level of service standard for recreation open space requires 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas of Miami-Dade County; and adds that the County must provide open space of five acres or larger within three miles from a residential area. The subject application site is in Park Benefit District 2 (PBD-2), which has a surplus capacity of 475.26 acres of parkland when measured by the County's concurrency LOS standard for recreation open space. The "County Local Parks" table below indicates that several local parks are within a 2-mile radius of the application site.

County Local Parks
Within a 2-Mile Radius of Application Site

| Park Name | Acreage | Classification |
|--------------------------------------|---------|---------------------|
| Humble Mini Park | 0.50 | Mini-Park |
| Brothers To The Rescue Memorial Park | 5.70 | Single Purpose Park |
| Banyan Park | 3.14 | Neighborhood Park |
| Rockway Park | 2.52 | Community Park |
| Miller Drive Park | 4.07 | Community Park |
| Blue Lakes Park | 6.00 | Neighborhood Park |
| Sunkist Park | 0.77 | Neighborhood Park |
| Francisco Human Rights Park | 3.78 | Mini-Park |
| Coral Villas Park | 0.37 | Mini-Park |

Source: Miami-Dade Parks and Recreation Department, January 2011

Under the requested "Business and Office" designation and as proposed through the proffered covenant, residential development on the application site would be restricted to 10 dwelling units per acre. Accordingly, the site could be developed with a maximum of 47 single-family units, which would generate a demand for 0.37 acres of additional local park area, which is well within the surplus capacity of 475.26 acres for PBD-2. Alternatively the site could be developed with a total of 70,916 square feet of retail, which would not generate an impact to parks.

Fire and Rescue Services

Miami-Dade County Fire Rescue (MDFR) Station No. 3, located at 3911 SW 82 Avenue, currently serves the application site. This station is equipped with an Advanced Life Support (ALS) Engine and Rescue unit, and is staffed with seven firefighters/ paramedics.

According to the MDFR, the average travel time to incidents in the vicinity of the application site is approximately 4 minutes and 52 seconds. National industry standards require the assembly of 15 to 17 firefighter's on-scene within 8 minutes at 90-percent of all incidents. Thus, the response time for incidents within the vicinity of the application site is in compliance with national industry performance objectives. The current CDMP designation allows a potential development that will generate a total of 14 annual alarms. Under the requested CDMP designation, potential development is anticipated to generate a total of 76 annual alarms, a net impact of 62 annual alarms. According to MDFR, this will result in a moderate impact to existing fire rescue services. Fire rescue service is adequate in the general application area.

The required fire flow for the proposed CDMP designation is as follows: Business uses 3,000 gallons per minute (GPM). Fire hydrants shall be spaced a minimum of 300-feet apart, and each fire hydrant shall deliver no less than 1,500 GPM.

Public Schools

On July 17, 2009, the County's Educational Plan Amendment and Interlocal Agreement adopting a level of service (LOS) standard for public school facilities (school concurrency) was found in compliance by the State of Florida Department of Community Affairs. The proposed LOS standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) with relocatable classrooms. The County's land use applications have been reviewed based on this LOS standard and based on projected planned facilities in the Miami-Dade County Facilities Five-Year Work Plan. This review is an initial cursory review and no concurrency reservation is required at this stage. This review was conducted by Miami-Dade County Department of Planning and Zoning.

Students generated by this application will attend those schools identified in the "Concurrency Service Area (CSA) Schools" table below. If the subject application site were developed for residential use, the student population of the schools serving the application site would be increased by an additional 14 students. Seven (7) students would attend Emerson Elementary, which has a net capacity of 173 students; three (3) students would attend Glades Middle, which has a net capacity of -286 students; and three (3) students would attend Southwest Miami Senior High, which has a net capacity of 93 students. Given that Glades Middle School has no remaining capacity, those students would attend Palmetto Middle School, which has a net available capacity of 218 students.

| Concurrency Service Area (CSA) Schools | | | | | |
|--|-----------------------------|------------------------|----------------|---------|--------------|
| CSA Id | Facility Name | Net Available Capacity | Seats Required | LOS Met | Source Type |
| 1641 | Emerson Elementary | 173 | 7 | Yes | Current CSA |
| 6211 | Glades Middle | -286 | 3 | No | Current CSA |
| 6701 | Palmetto Middle | 218 | 3 | Yes | Adjacent CSA |
| 7251 | Southwest Miami Senior High | 1,977 | 3 | Yes | Current CSA |

Source: Miami-Dade County Department of Planning and Zoning, January 2011
Miami-Dade County Public Schools, January 2011

Based on the potential school capacity needs of this application and the present school capacity in the applicable CSA, the schools serving this area have sufficient capacity available to serve this application area.

Roadways

Existing Conditions

Primary access to the subject site is from SW 40 Street/Bird Road (SR 976), a six-lane divided arterial, which provides connections to other major corridors such as the Palmetto Expressway (SR 826) and NW 87 Avenue (SR 973), NW 107 Avenue (SR 985), and the Homestead Extension of the Florida Turnpike (SR 821). The Palmetto and the HEFT provide access to other areas of the County.

Traffic conditions are evaluated by the roadway Level of Service (LOS), which is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable. Current traffic conditions on SW 40 Street, between SW 97 and SW 87 Avenues and from SW 87 Avenue to the Palmetto Expressway, are acceptable at Level of Service (LOS) D and E, respectively, which are above the adopted LOS E+20% standard applicable to these roadway segments. Traffic conditions on SW 87 Avenue, between SW 24 and SW 40 Streets and from SW 40 Street to SW 56 Street, are at LOS C and B, respectively, which are above the adopted LOS D standard applicable for these roadway segments. See Traffic Impact Analysis table below.

Short-Term Traffic Evaluation

An Evaluation of peak-period traffic conditions as of January 7, 2011 of SW 24 Street, SW 40 Street, SW 56 Street, and SW 87 Avenue using the County's Traffic Concurrency Management System, does not predict any substantial changes in the LOS of the subject roadways with the impact of the application, if approved. The Traffic Concurrency Management System considers reserved trips from approved developments not yet constructed, any roadway capacity improvements programmed in the first three years of the 2011 Transportation Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the application under the requested CDMP LUP map designation. There is no roadway capacity improvement programmed for the subject roadways in the County's 2011 TIP in fiscal years 2011-2013.

Application Impact

The "Estimated Peak Hour Trip Generation" Table below identifies the estimated number of PM peak hour trips expected to be generated by the potential development that could occur under the requested CDMP land use designation, and compares them to the number of trips that would be generated by the potential development that could occur under the current CDMP land use designation.

Two development scenarios were analyzed for traffic impact under the requested CDMP land use designation (Business and Office). Scenario 1 assumes the application site developed with commercial use only (70,916 sq. ft. shopping center) and Scenario 2 assumes the application site is developed with residential use only, limited by a covenant proffered by the applicant to 10 dwelling units per acre (47 single-family attached units). Scenario 1 would generate approximately 298 more PM peak hour trips than the current CDMP land use designation. In contrast, Scenario 2 shows if the site were developed with residential use (47 apartments) it would generate less PM peak hour trips than the current CDMP designation. It should be pointed out that the subject property is improved with a 26,859 sq. ft. office building currently occupied by SunTrust Bank; thus, the estimated trip difference between the requested CDMP land use designation and the current use are approximately 298 (Scenario 1). The estimated trip difference for Scenario 2 is negative (see the table below).

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

| Scenario | Current Land Use Designation/ Existing & Assumed Development/ Estimated Trips | Requested Land Use Designation/ Assumed Development/ Estimated Trips | Estimated Trip Difference Between Current and Requested CDMP Land Use Designation |
|----------|--|--|---|
| | "Business & Office" and "Low Density Resid. (2.5 to 6 DUs/Acre)" ¹ | "Business & Office" | |
| 1 | 26,859 sq. ft. Office Bldg. ² 76 | 70,916 sq. ft. Retail ⁵ 374 | +298 |
| 2 | 13 Single-family detached ³ & 31 Single-family attached ⁴ 40 | 47 Single-family attached ⁶ 32 | - 8 |

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Department of Planning and Zoning and Public Works Department, January 31, 2011.

Notes: ¹ Business and Office (+ 2.43 gross acres; + 2.04 net acres); Low Density Residential (+ 2.3 gross acres); Most of the Property is zoned BU-1A and small strips along SW 83 Avenue is zoned RU-1.

² Application site is improved with 26,859 sq. ft. office building currently occupied by Suntrust Bank.

³ Includes 13 single-family detached dwelling units that could be developed on the 2.3-gross acre parcel currently designated "Low-Density Residential.

⁴ Residential development may be authorized to occur in the "Business and Office" land use category at density up to one density higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

⁵ Application site may be developed with a 70,916 sq. ft. shopping center under the requested "Business and Office" land use designation. Retail trips were adjusted for pass-by trips (max. 25% of project's external trips).

⁶ Applicant proffered a declaration of restrictions limiting residential development on the application site to 10 dwelling units per gross acre.

CDMP Amendment Application No. 2
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

| Roadway | Location/Link | Number Lanes | Adopted LOS Std.* | Peak Hour Capacity | Peak Hour Volume | Existing LOS | Approved D.O's Trips | Amend. Peak Hour Trips | Total Trips With Amend. | Short-Term LOS with Amend. |
|---|--------------------------|--------------|-------------------|--------------------|------------------|--------------|----------------------|------------------------|-------------------------|----------------------------|
| Scenario 1: Commercial Development Under the Requested "Business and Office" Land Use Designation | | | | | | | | | | |
| SW 40 Street/Bird Road (SR 976) | SW 97 Ave. to SW 87 Ave. | 6 DV | E+20% | 6,180 | 3,775 | D | 74 | 30 | 3,887 | D (09) |
| SW 40 Street/Bird Road (SR 976) | SW 87 Ave. to SR 826 | 6 DV | E+20% | 5,616 | 4,576 | E | 30 | 114 | 4,720 | E+1% (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 24 St. to SW 40 St. | 4 DV | E | 3,400 | 2,134 | C | 57 | 20 | 2,211 | C (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 40 St. to SW 56 St. | 4 DV | E | 3,560 | 2,028 | B | 10 | 33 | 2,050 | B (09) |
| SW 24 Street/Coral Way | SW 97 Ave. to SW 87 Ave. | 4 DV | E+20% | 4,500 | 3,354 | D | 39 | 19 | 3,412 | E (09) |
| SW 24 Street/Coral Way | SW 87 Ave. to SR 826 | 6 DV | E+20% | 6,408 | 3,870 | D | 117 | 35 | 4,022 | D (09) |
| SW 56 Street/Miller Drive | SW 97 Ave. to SW 87 Ave. | 4 DV | D | 2,990 | 2,646 | D | 7 | 19 | 2,672 | D (09) |
| SW 56 Street/Miller Drive | SW 87 Ave. to SR 826 | 4 DV | D | 3,160 | 2,827 | C | 17 | 19 | 2,863 | D (09) |
| Scenario 2: Residential Development Under the Requested "Business and Office" land Use Designation | | | | | | | | | | |
| SW 40 Street/Bird Road (SR 976) | SW 97 Ave. to SW 87 Ave. | 6 DV | E+20% | 6,180 | 3,775 | D | 74 | 4 | 3,853 | D (09) |
| SW 40 Street/Bird Road (SR 976) | SW 87 Ave. to SR 826 | 6 DV | E+20% | 5,616 | 4,576 | E | 30 | 13 | 4,619 | E (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 24 St. to SW 40 St. | 4 DV | E | 3,400 | 2,134 | C | 57 | 2 | 2,193 | C (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 40 St. to SW 56 St. | 4 DV | E | 3,560 | 2,028 | B | 10 | 3 | 2,041 | B (09) |
| SW 24 Street/Coral Way | SW 97 Ave. to SW 87 Ave. | 4 DV | E+20% | 4,500 | 3,354 | D | 39 | 2 | 3,395 | D (09) |
| SW 24 Street/Coral Way | SW 87 Ave. to SR 826 | 6 DV | E+20% | 6,408 | 3,870 | D | 117 | 4 | 3,991 | D (09) |
| SW 56 Street/Miller Drive | SW 97 Ave. to SW 87 Ave. | 4 DV | D | 2,990 | 2,646 | D | 7 | 2 | 2,655 | D (09) |
| SW 56 Street/Miller Drive | SW 87 Ave. to SR 826 | 4 DV | D | 3,160 | 2,827 | C | 17 | 2 | 2,846 | C (09) |
| Scenario 3: Mixed Use Development Under the Requested Land Use Designation | | | | | | | | | | |
| SW 40 Street/Bird Road (SR 976) | SW 97 Ave. to SW 87 Ave. | 6 DV | E+20% | 6,180 | 3,775 | D | 74 | 62 | 3,911 | D (09) |
| SW 40 Street/Bird Road (SR 976) | SW 87 Ave. to SR 826 | 6 DV | E+20% | 5,616 | 4,576 | E | 30 | 186 | 4,792 | E+2% (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 24 St. to SW 40 St. | 4 DV | E | 3,400 | 2,134 | C | 57 | 32 | 2,223 | C (09) |
| SW 87 Ave/Galloway Rd (SR 973) | SW 40 St. to SW 56 St. | 4 DV | E | 3,560 | 2,028 | B | 10 | 56 | 2,094 | B (09) |
| SW 24 Street/Coral Way | SW 97 Ave. to SW 87 Ave. | 4 DV | E+20% | 4,500 | 3,354 | D | 39 | 32 | 3,425 | E (09) |
| SW 24 Street/Coral Way | SW 87 Ave. to SR 826 | 6 DV | E+20% | 6,408 | 3,870 | D | 117 | 58 | 4,045 | D (09) |
| SW 56 Street/Miller Drive | SW 97 Ave. to SW 87 Ave. | 4 DV | D | 2,990 | 2,646 | D | 7 | 32 | 2,685 | D (09) |
| SW 56 Street/Miller Drive | SW 87 Ave. to SR 826 | 4 DV | D | 3,160 | 2,827 | C | 17 | 31 | 2,875 | C (09) |

Source: Miami-Dade County Public Works Department, January 2011.

Notes: DV= Divided Roadway; E+20% = 120% of LOS E with express bus service within the area between the Urban Development Area (UDB) and the Urban Infill Area (UIA).

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

() Year traffic count was updated or LOS Revised.

Transit

Existing Service

Application No. 2 and neighboring areas are served by Metrobus Route 40. The table below shows the existing service frequency in summary form.

| Metrobus Routes Service | | | | | | |
|-------------------------|-----------------------|----------|-----|-----|--------------------------------|-----------------|
| Route | Headways (in minutes) | | | | Proximity to Bus Route (Miles) | Type of Service |
| | AM/PM Peak | Off-Peak | Sat | Sun | | |
| 40 | 15 | 30 | 60 | 60 | 0.0 | F |

Source: 2010 Transit Development program, Miami-Dade Transit, September 2010.

Note: F means feeder service to Metrorail.

Future Conditions

Transit improvements to the existing Metrobus service, such as alignment extensions and headway improvements, are being planned for the next ten years as noted in the 2020 Recommended Service Plan within the 2010 Transit Development Plan. However, for Route 40 there are no planned improvements shown for the next 10 years. Additionally, there are no transit plans to improve the Bird Road Corridor at this site location.

Major Transit Projects

No major transit improvements are planned for the next ten years as noted in the draft 2010 TDP for the existing system in the vicinity of the application area.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 994 where the application is located. If the application is approved the expected transit impact produced by this application is minimal and can be absorbed by the current transit service in the area.

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

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

- 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-7C. On all streets served by Metrobus and all arterial or collector streets designated in the Mass Transit Subelement as year 2015 or 2025 potential service areas,

- i) New non-residential buildings and substantial alterations¹ of existing non- residential buildings, and residential buildings wherever practical, shall provide at least one full-time building entrance that is recognizable and accessible from the street and is comparably as close to the street and/or bus stop as it is to the primary parking lot; and
- ii) New residential and non-residential developments, subdivisions and replats shall provide for buildings that front the transit street, or provide streets or pedestrian connections that intersect with the transit street in close proximity to bus stops not more than 700 feet apart and, as appropriate, shall provide for new bus stops and/or pullouts.

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.

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

LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

Guidelines for Urban Form No. 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

Guidelines for Urban Form No. 13: Avoid excessive scattering of industrial or commercial employment locations.

¹ Substantial alteration, as the term is used in this section, shall mean repair, modification, reconstruction, addition to, or other change to a building during any ten-year period which exceeds 50 per cent of the fair market value of the building.

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

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

LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots.

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.

APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: Miami-Dade County School Board Analysis

Appendix D: Fiscal Impact Analysis

Appendix E: Proposed Declaration of Restrictions

Appendix F: Photos of Site and Surroundings

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APPENDIX A

Map Series

- Aerial Photo
- Current Zoning Map
- Existing Land Use Map
- CDMP Land Use Map
- Proposed CDMP Land Use Map
- Trade Area Map

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APPLICATION NO. 2 AERIAL PHOTO



APPLICATION NO. 2 CURRENT ZONING

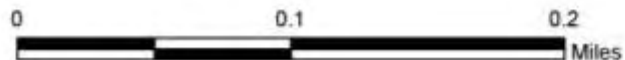


APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, January 2011

ZONING DISTRICTS

| | |
|-------|--|
| GU | INTERIM |
| RU-1 | SINGLE-FAMILY (7,500 sq. ft. net) |
| RU-2 | TWO-FAMILY (7,500 sq. ft. net) |
| RU-3B | BUNGALOW COURT (10,000 sq. ft. net) |
| RU-4M | MODIFIED APARTMENT HOUSE (35.9 units/net acre) |
| RU-5A | SEMI-PROFESSIONAL OFFICE (10,000 sq. ft. net) |
| BU-1A | LIMITED BUSINESS DISTRICT |
| BU-2 | SPECIAL BUSINESS DISTRICT |
| BU-3 | LIBERAL BUSINESS DISTRICT |













APPLICATION NO. 2 EXISTING LAND USE



 APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, January 2011

EXISTING LAND USES

| | |
|---|---|
|  SINGLE FAMILY RESIDENTIAL |  HOUSES OF WORSHIP |
|  TWO-FAMILY RESIDENTIAL (DUPLEXES) |  GOVERNMENT/ PUBLIC ADMIN. |
|  MULTI-FAMILY (< 25 DU/GROSS ACRE) |  VACANT |
|  TOWNHOUSES | |
|  SALES AND SERVICES | |
|  OFFICE BUILDING | |
|  RECREATIONAL FACILITIES | |



APPLICATION NO. 2 CURRENT CDMP LAND USE



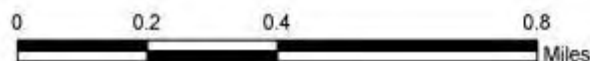
Source: Miami-Dade County
Department of Planning and Zoning, January 2011

APPLICATION AREA

CDMP LAND USES

- LOW DENSITY (2.5 - 6 DU/AC)
- LOW-MEDIUM DENSITY (6 - 13 DU/AC)
- MEDIUM DENSITY (13 - 25 DU/AC)
- MEDIUM HIGH DENSITY (25 - 60 DU/AC)
- RESTRICTED INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- PARKS AND RECREATION
- WATER
- TRANSPORTATION

- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET
- CANAL



APPLICATION NO. 2 PROPOSED CDMP LAND USE



Source: Miami-Dade County
Department of Planning and Zoning, January 2011

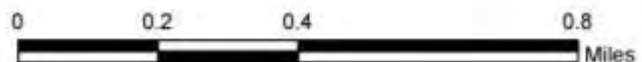


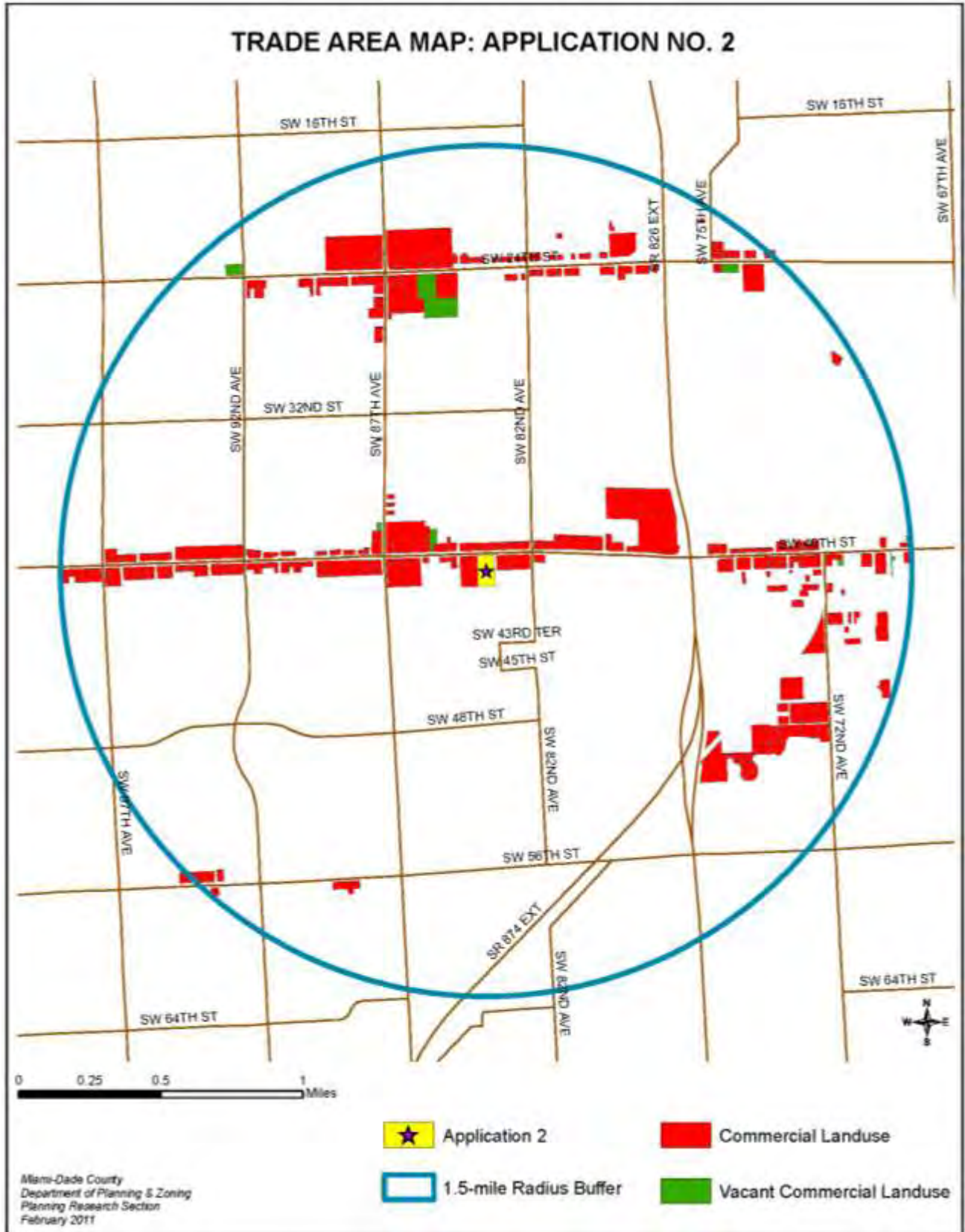
APPLICATION AREA

CDMP LAND USES

- LOW DENSITY (2.5 - 6 DU/AC)
- LOW-MEDIUM DENSITY (6 - 13 DU/AC)
- MEDIUM DENSITY (13 - 25 DU/AC)
- MEDIUM HIGH DENSITY (25 - 60 DU/AC)
- RESTRICTED INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- PARKS AND RECREATION
- WATER
- TRANSPORTATION

- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET
- CANAL





APPENDIX B

Amendment Application

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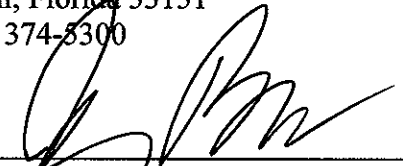
**SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2010-2011 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

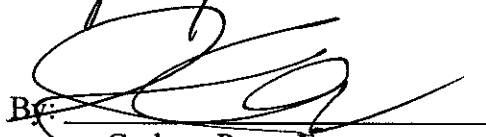
SunTrust Bank
303 Peachtree Street, N.E.
Atlanta, GA 30308

2. APPLICANT'S REPRESENTATIVES

Jeffrey Bercow, Esq.
Graham Penn, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard
Suite 850
Miami, Florida 33131
(305) 374-8300

By: 
Jeffrey Bercow, Esq.

Date: November 1, 2010

By: 
Graham Penn, Esq.

Date: November 1, 2010

3. DESCRIPTION OF REQUESTED CHANGES

A revision to the Comprehensive Development Master Plan ("CDMP") Land Use Plan map is requested:

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

B. Description of Application Area

The Application Area consists of 4.73 gross acres (4.07 net acres) located at 8300 Bird Road in Section 22, Township 54, Range 40 in unincorporated Miami-Dade County. See attached Sketch.

C. Acreage

Application Area: 4.73 gross acres (4.07 net acres).

Acreage owned by Applicant: 4.07 net acres.

D. Requested Changes

- 1) The applicant requests an amendment to the Land Use Plan Map to change the designation of the application area from "Business and Office and Low-Density Residential" to "Business and Office."
- 2) The applicant requests that the application be processed under the expedited "small scale" amendment process.

4. REASONS FOR AMENDMENT

Description of Application Area. The application area, consisting of 4.07 net acres, is located at the southeast corner of Bird Road and S.W. 83 Avenue (8300 Bird Road). The application area is currently developed with a single story commercial building of approximately 27,000 square feet and accessory bank "drive thru" structure on the southern edge of the area. The existing structure was constructed in 1962. The area surrounding the application area is a mix of older commercial uses to the north, west and northeast and low density residential uses to the south and east.

The approximate northern half of the Application Area is currently designated for Business and Office use. The approximate southern half of the Application Area is currently designated for Low-Density Residential use. The vast majority of the Application Area is zoned for Limited Business (BU-1A) use, while a narrow strip on the southeast portion of the Application Area is zoned for Single Family Residential (RU-1) use.

Development History. The application area's development history is fairly typical for the surrounding neighborhood. In 1959, the Application Area was rezoned to allow a commercial development of the property. Utilizing a common technique of the 1950s and 1960s, the Board of County Commissioners required the east one hundred (100) feet of the approximately 285 southern feet of the Application Area to remain zoned for residential uses (RU-1) to act as a buffer for the low density residential uses to the south, east, and southeast of the Application Area. This rather crude tool has since generally been replaced in modern zoning practice by site plan controls.

Subsequent to the initial zoning action, the applicant's predecessor in interest obtained zoning approvals to permit the use of the RU-1 zoned portion of the Application Area for parking serving the commercial use, subject to additional restrictions. The RU-1 zoned portion has thereafter functioned as part of the commercial development of the Application Area. The existing development of the Application Area consists of a underutilization of the site, with a Floor Area Ratio of just .15.

Upon the adoption of the County's modern CDMP the Future Land Use Plan Map designations for the Application Area followed the existing zoning line as applied to the RU-1 zoned land and also designated the southern portion of the land for Low Density Residential use despite its commercial use and zoning.

Redevelopment Proposed. The applicant now plans on redeveloping the Application Area with a single unified commercial development. In order to realize a reasonable modern commercial development of the land, it will be necessary to unify the Application Area's Future Land Use Plan Map designations to the Business and Office category. The approval of the Application would permit the redevelopment of a site that has functioned as a commercial property for over forty years, despite its mixed Land Use Plan Map designations.

Consistency of Request. The instant application is consistent with multiple provisions of the CDMP Land Use Element.

Need for Commercial Land (Policy LU-8E). According to the Planning Department's analysis in the Draft 2010 Evaluation and Appraisal Report, there is a need for additional commercial land in Minor Statistical Area 5.4 ("MSA 5.4"). The MSA has 13.5 acres of vacant commercial land, which is expected to be exhausted by 2020, and is located in the Planning Tier with the smallest amount of commercial land supply in the County. Therefore, there is a recognized need for additional commercial land in this area. The approval of the instant application will assist in increasing that supply, especially in that it will allow the redevelopment of the Application Area with a modern commercial use that can more efficiently utilize the land.

The instant application is also consistent with the remaining standards of LU-8E. Based on a review of the available records, it appears that adequate infrastructure capacity will exist to support a redevelopment of the Application Area. The commercial use of the Application Area is compatible with the surrounding neighborhood (and has been for over forty years). Finally, the redevelopment of the Application Area would not impact environmental or historic resources. The instant application therefore is consistent with all of the requirements of Policy LU-8E for a Land Use Plan Map revision.

Redevelopment of Existing Urban Sites and Infill Development (Policies LU-1C, LU-1S, LU-10A). The CDMP Land Use Element encourages the redevelopment of "underdeveloped" sites contiguous to existing urban development and urban infill development. The approval of the instant application would be consistent with those Policies.

Guidelines for Urban Form. The Land Use Element text would typically require commercial uses to be located at “Activity Nodes” located at the intersection of section line roadways. However, the Land Use Element recognizes that the “general pattern of use, intensity and infrastructure which exists in an established neighborhood” would permit an exception to this development pattern (Land Use Element, pg. I-26). The pattern of development in the immediate surrounding area includes a commercial strip of varying depth running along the length of Bird Road. The CDMP expressly recognizes the existing pattern of “strip” commercial development along the Bird Road corridor. Given that the Application Area is an existing long-standing commercial site, the formal extension of the Business and Office designation to the entire parcel is consistent with the interpretative language of the Land Use Element.

Limit on Residential Development. The applicant has no immediate plans to seek residential development of the Application Area. In order to assure the County that the approval of the instant application would not lead to the development of a significant number of residential units, while still leaving room for future flexibility, the applicant is submitting a draft “Declaration of Restrictions” providing that any residential development on the Application Area shall not exceed ten (10) units per gross acre.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Draft Declaration of Restrictions
- 2) Aerial Photograph/Section Map
- 3) Reduced Survey

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.

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: SunTrust Bank

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

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

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

| | APPLICANT | OWNER OF RECORD | FOLIO NUMBER | SIZE IN ACRES |
|---|---------------|-----------------|------------------|------------------|
| A | SunTrust Bank | SunTrust Bank | 30-4022-010-0060 | 4.07 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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

| APPLICANT | OWNER | LESSEE | CONTRACTOR FOR PURCHASE | OTHER (Attach Explanation) |
|-----------|-------|--------|----------------------------|-------------------------------|
| A | X | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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

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

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

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

CORPORATION NAME: SunTrust Bank

| <u>NAME, ADDRESS, AND OFFICE (if applicable)</u> | <u>PERCENTAGE OF STOCK</u> |
|---|--------------------------------|
| SunTrust Banks, Inc., A Publicly Traded Corporation | 100% |
| 303 Peachtree Street, N.E. | |
| Atlanta, GA 30308 | |

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

TRUSTEES

NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

| | |
|--|--|
| | |
| | |
| | |
| | |

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

PARTNERSHIP NAME: N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
INTEREST

| | |
|--|--|
| | |
| | |
| | |

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

NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

Date of Contract:

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

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.
- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

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

CORPORATION NAME: Same As Above

| <u>NAME, ADDRESS, AND OFFICE (if applicable)</u> | <u>PERCENTAGE OF STOCK</u> |
|--|----------------------------|
| | |
| | |
| | |

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

TRUSTEE'S NAME: N/A

| <u>BENEFICIARY'S NAME AND ADDRESS</u> | <u>PERCENTAGE OF INTEREST</u> |
|---------------------------------------|-------------------------------|
| | |
| | |
| | |

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

PARTNERSHIP N/A
NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF OWNERSHIP

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

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

N/A

Date of Contract: _____

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

N/A

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

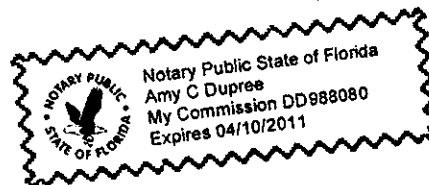
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

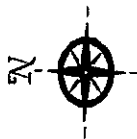
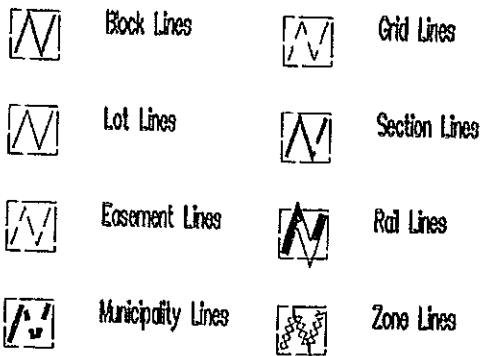
Kevin M. Pomet
Kevin Pomet
First Vice President
SunTrust Bank - Corporate Real Estate

Sworn to and subscribed before me
this 27th day of October, 20 10.

Notary Public, State of Florida at Large (SEAL)
My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



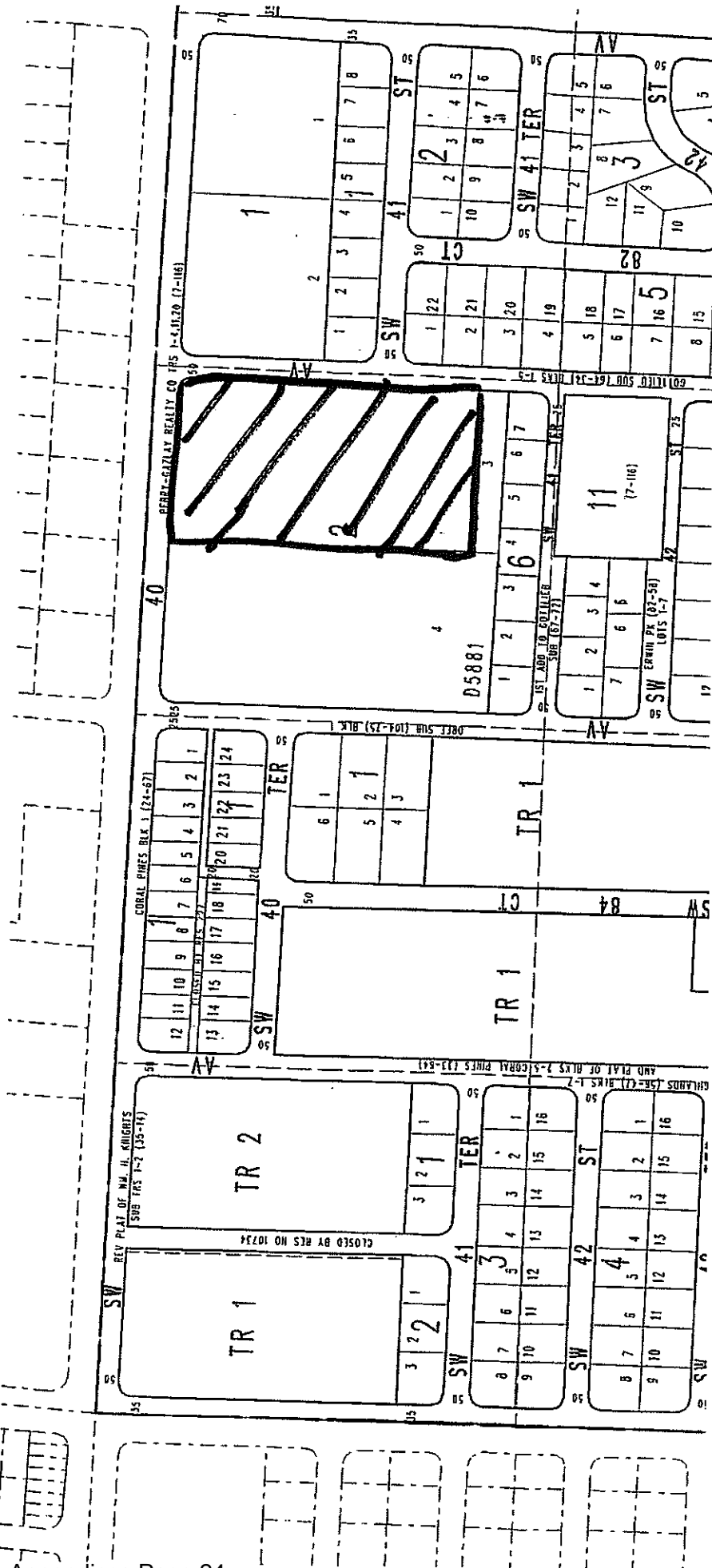
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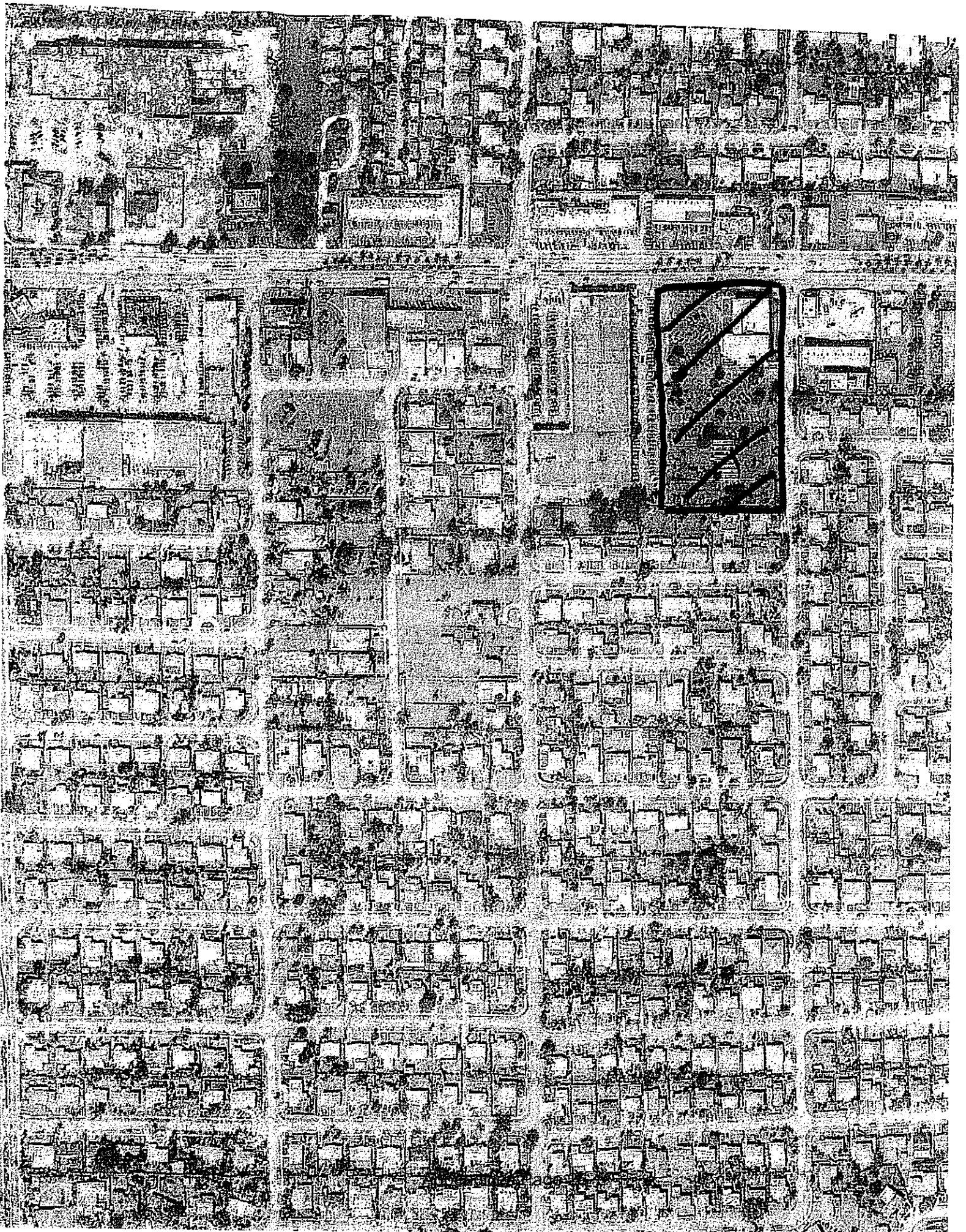
NOTE:

The portion of this map which lies within the limits of a Municipality is not updated regularly and may be incomplete or contain errors.

NOTICE

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APPENDIX C

Miami-Dade County Public Schools Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

January 31, 2011

VIA ELECTRONIC MAIL

Graham Penn, Esquire
Bercow Radell & Fernandez, P.A., c/o
SunTrust Bank
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
SUNTRUST BANK – OCTOBER 2010 - APPLICATION No. 2 (LAND USE)
LOCATED AT 8300 BIRD ROAD
PH3011011900003 – Folio No. 3040220100060**

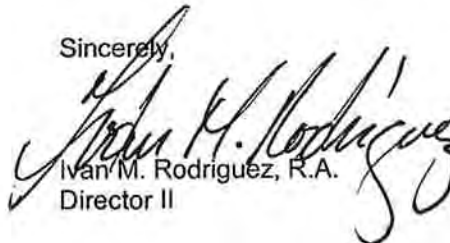
Dear Mr. Penn:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, attached please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the requested land use would yield a maximum residential density of 47 single family attached units, which generates 14 students; 7 elementary, 3 middle and 4 senior high students. **At this time, the schools serving the area have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.
Director II

IMR:mo
L264

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Facilities Planning, Design and Sustainability

Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132

305-995-7285 • 305-995-4760 (FAX) • arj@mdadeschools.net

Appendices Page 29



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3011011900003 Local Government (LG): Miami-Dade
Date Application Received: 1/19/2011 10:35:02 AM LG Application Number: October 2010 - Application #2
Type of Application: Public Hearing Sub Type: Land Use
Applicant's Name: Sun Trust Bank
Address/Location: SW 83 Avenue & 20 Street
Master Folio Number: 3040220100060
Additional Folio Number(s):

PROPOSED # OF UNITS 47
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 47
MULTIFAMILY UNITS: 0



CONCURRENCY SERVICE AREA SCHOOLS

| CSA Id | Facility Name | Net Available Capacity | Seats Required | Seats Taken | LOS Met | Source Type |
|--------|-----------------------------|------------------------|----------------|-------------|---------|----------------------------|
| 1641 | EMERSON ELEMENTARY | 173 | 7 | 7 | YES | Current CSA |
| 6211 | GLADES MIDDLE | -286 | 3 | 0 | NO | Current CSA |
| 6211 | GLADES MIDDLE | 0 | 3 | 0 | NO | Current CSA Five Year Plan |
| 7741 | SOUTHWEST MIAMI SENIOR HIGH | 93 | 4 | 4 | YES | Current CSA |

ADJACENT SERVICE AREA SCHOOLS

| | | | | | | |
|------|-----------------|-----|---|---|-----|--------------|
| 6701 | PALMETTO MIDDLE | 218 | 3 | 3 | YES | Adjacent CSA |
|------|-----------------|-----|---|---|-----|--------------|

*An Impact reduction of 15.3% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
concurrency@dadeschools.net

APPENDIX D

Fiscal Impact Analysis

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Fiscal Impact Analysis

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 2 of the October 2010 Cycle of Applications 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

Residential Collection and Disposal Service

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charged to the user. Currently, that fee is \$439 per residential unit. As of September 30, 2010, the average residential unit generated 2.27 tons of waste, which includes garbage, trash and recycled waste. This value is consistent with the average 2.28 tons reported annually for the April 2010 CDMP applications. As reported to the State of Florida, Department of Environmental Protection, for Fiscal Year 2008-2009, the full cost per unit of providing waste collection service was \$451.

Non-Residential Collection and Disposal Service

The DSWM does not actively compete for non-residential waste collection at this time to include; commercial, business, and office, and industrial services.

Waste Disposal Capacity and Service

The incremental and cumulative cost of providing disposal capacity for DSWM Collections, municipalities and other haulers are paid for by the users. For FY 2010 - 2011, the DSWM charges at a contract rate of \$60.30 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 \$79.50 per ton in FY 2010 - 2011. 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

Water and Sewer

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The

water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.3785 per 1,000 gallons for the water and \$1.5708 per 1,000 gallons for the sewer. The connection fee was based on providing a 1-inch service line and meter. Assuming the subject site is developed with 94,954 square feet of retail space, the fees paid by the developer would be \$13,335 for water impact fee, \$53,723 for sewer impact fee, and \$1,300 per unit for connection fee. Annual operating and maintenance cost, based on approved figures through September 30, 2009, is estimated at \$10,327. Additionally, the estimated cost of constructing the required 12-inch potable water main, 8-inch sanitary sewer force main, and the private sewer pump station is \$470,137.

Flood Protection

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

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

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

Public Schools

The proposed amendment could result in 14 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 \$91,686. Since there is sufficient concurrency capacity to accommodate the additional students, there are no capital costs. If at time of issuing a development order and reserving student stations for the development, pursuant to the school concurrency, there is not sufficient capacity, the capital costs will be addressed at that time.

Fire Rescue

Data from Miami-Dade County Fire and Rescue Department is pending.

APPENDIX E

Proposed Declaration of Restrictions

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This instrument was prepared by:

Name: Graham Penn, Esq.

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

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County Florida, described in Exhibit "A," attached to this Declaration (the "Property"), which is supported by the submitted attorney's opinion;

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. X of the October 2010 Amendment Cycle;

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Business and Office" and "Low Density Residential" to "Business and Office."

NOW THEREFORE, in order to assure the Miami-Dade County (the "County") that the representations made by the Owner during the consideration of the Application 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:

Development Limitations. In the event that the Property is developed for residential purposes, the maximum residential density shall not exceed ten (10) units per gross acre.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the 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

(Space reserved for Clerk)

Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). 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

(Space reserved for Clerk)

or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

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. Invalidity 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.

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Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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]

APPENDIX F

Photos of Site and Surroundings

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View of east façade from SW 83 Av



View of north façade from SW 40 St/Bird Road



View of west façade from SunTrust parking lot



View of east façade from SW 40 St and SW 83 Av



View of south façade from SunTrust Parking Lot



View of drive-thru windows from SunTrust parking lot

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|---|
| <div style="text-align: center;"><h1>Application No. 3</h1><h2>Commission District 9 Community Council 15</h2></div> |
|---|

APPLICATION SUMMARY

| | |
|--|--|
| Applicant/Representative: | Wal-Mart Stores East, LP/Augusto E. Maxwell, Esq. and Joel E. Maxwell, Esq; Akerman, Senterfitt, P.A. |
| Location: | Southeast corner of SW 137 Avenue (Speedway Boulevard) and SW 288 Street (Biscayne Drive) |
| Total Acreage: | ±18.5 Gross Acres (±16.8 Net Acres) |
| Current Land Use Plan Map Designation: | Business and Office (3.7 gross acres) and Low Density Residential (2.5 to 6 dwelling units per gross acre; 14.8 gross acres) |
| Requested Land Use Plan Map Designation: | Business and Office |
| Other Requested Change | Add to Land Use Element a proposed Declaration of Restrictions prohibiting residential development on the subject property (received January 24, 2011) |
| Amendment Type: | Standard |
| Existing Zoning, Use and Site Condition: | BU-1A on B/O-designated portion; and AU on LDR-designated portion; cropland site currently vacant and cleared of all vegetation; no trees. |

RECOMMENDATIONS

| | |
|---|--|
| Staff: | TRANSMIT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTICTIONS AND ADOPT (February 25, 2011) |
| South Bay Community Council (15): | TO BE DETERMINED (March 29, 2011) |
| Planning Advisory Board (PAB) acting as Local Planning Agency: | TO BE DETERMINED (April 25, 2011) |
| Board of County Commissioners: | TO BE DETERMINED (May 18, 2011) |

Final Recommendation of PAB
acting as Local Planning Agency:

TO BE DETERMINED (September, 2011)

Final Action of Board of County
Commissioners:

TO BE DETERMINED (October, 2011)

Staff recommends **TRANSMIT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** the proposed standard amendment to redesignate the application site from “Business and Office” and “Low Density Residential” to all “Business and Office” on the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

Principal Reasons for Recommendations:

1. The application site is located within an “activity node”, which has already been established by existing commercial activity at the intersection of two section line roads, SW 288 Street and SW 137 Avenue. Approval of the requested “Business and Office” designation of the entire application site would conform with and promote implementation of Guideline No. 4 of the CDMP “Guidelines for Urban Form”. This guideline provides that intersection of section line roadways should be planned to serve as activity nodes for the surrounding residential communities. The guideline further provides that activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses, and when commercial uses are warranted, they should be located within these activity nodes. This proposed amendment will not only compliment the established commercial uses on the other three quadrants of the activity node but will serve the nearby residential neighborhoods within a mile of the site especially the residences on the east, north and west vicinity of the application site.
2. Policy LU-8E of the Land Use Element of the CDMP requires applications requesting amendments to the LUP map to be evaluated according to factors such as, the proposed development’s ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County, impacts to County services, compatibility with abutting and nearby land uses, impacts to environmental and historical resources, and the extent to which the proposed CDMP land use would promote transit ridership and pedestrianism.

Need: No deficiency in the supply of vacant commercial land exists in the analysis area Minor Statistical Area (MSA) 7.4 in which the application site is located. At the projected rate of absorption, reflecting the past rate of commercial uses, the analysis area will deplete its supply of commercially zoned or designated land beyond the year 2030.

Public Facilities and Services: Maximum development on the application site, under the proposed “Business and Office” CDMP land use category, would not cause the level of services for public facilities and services to violate their adopted level of service standards (see Staff Analysis below).

Compatibility: The proposed LUP map amendment would be compatible with existing business uses at the intersection of SW 288 Street and SW 137 Avenue. This

amendment to redesignate the application site from “Business and Office” and “Low Density Residential” to “Business and Office” on the adopted LUP map would be consistent with the land use designations and compatible with existing commercial development on the other three corners of the roadway intersection. All three corners are designated as “Business and Office” on the adopted LUP map. The Biscayne Shoppes shopping center on the northwest corner includes Home Depot, Chase Bank and Burger King. Waterstone Plaza shopping center with Publix grocery store as an anchor store is located on the southwest corner in the City of Homestead. Also, on the southwest corner are a free-standing Walgreens Pharmacy store and a Bank of America with drive-through facilities. Directly north of the application site across SW 288 Street is a free-standing Wendy’s fast-food restaurant, a vacant office building for lease and vacant land. The area to the northeast of the application site across SW 288 Street contains a Day Care Learning Center, The Spot Barbershop, a Boost Mobile telephone franchise, a Math/Reading Learning Center and a few vacant office spaces marked for leasing.

Compatibility of commercial development with the adjacent Keystone residential development to the east is at least partially addressed by an existing concrete fence wall that separates the application site and the residential neighborhood. Additional buffering could be addressed during the zoning process. Policy LU-4A of the CDMP Land Use Element requires the County to consider factors such as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering and safety, as applicable, when evaluating compatibility among proximate land uses.

Environmental and Historical Resources: There are no historical or environmental resources on the application site. Therefore, approval of the proposed amendment would have no impact on historical or environmental resources.

Transit Ridership and Pedestrianism: Policy LU-8E(v) in the Land Use Element states that for proposed land uses, “If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism.” The Closest Route, Route 70, is a ½ mile from the application site with 30-minute headways. The application site does not meet these requirements.

STAFF ANALYSIS

Background

The applicant is requesting a redesignation of the entire site (18.5 gross acres) from the current designations of "Business and Office" and "Low Density Residential Communities" on the Adopted 2015-2025 Land Use Plan (LUP) map to "Business and Office" for the entire property in order to allow a Wal-Mart Supercenter development. Under the requested Business and Office category, the entire site could be potentially developed as commercial development with a maximum 292,723 sq. ft. of retail use at an assumed floor area ratio (FAR) of 0.4. The FAR is a measure of non-residential development intensity that is calculated by dividing the building square footage (not counting parking structures) by the net lot area of the parcel. Alternatively, the entire site could potentially be developed for residential use with a maximum of 240 single family attached dwellings. This potential number of units is based on a provision in the Land Use Element of the CDMP regarding land designated as "Business and Office" that allows a one density category increase above the density allowed on adjacent residentially designated parcels if the properties are located on the same side of a major roadway. This provision applies to the application site since it is adjacent to a residential subdivision, Keystone, along Biscayne Drive (SW 288 Street), which is designated "Low Density Residential Communities" on the LUP map, which allows 2.5 to 6 dwelling units per gross acre (du/ac). Thus, the property could be developed at the next density category, "Low-Medium Density Communities" (6 to 13 du/ac). However, the applicant proffered a Declaration of Restrictions (covenant), which prohibits residential development on the subject property.

Application Site

Location

The application site is an 18.5-gross-acre property located at the southeast corner of the intersection of SW 137 Avenue (Speedway Boulevard) and SW 288 Street (Biscayne Drive) in the unincorporated southern area of Miami-Dade County. The application site does border the City of Homestead which is located to the west and southwest. Biscayne Drive in this area serves to link Homestead Extension of the Florida Turnpike (HEFT) with Homestead Air Reserve Base (HARB). The subject property is situated one block east of the interchange with HEFT and approximately ½ mile west of HARB.

Existing Land Use

The entire site is classified as an agricultural cropland by the existing land use file. The subject property currently has an agricultural classification for the purpose of assessing property taxes.

Land Use Plan Map Designations

Currently, the northern approximately 3.7 gross acres of the subject property fronting the Biscayne Drive is designated "Business and Office" on the Adopted 2015-2025 LUP map. This land use category allows a full range of sales and service activities and also allows residential uses and/or mixing of residential with non-residential (commercial, office and hotel) land uses. The remainder of the property, approximately 14.8 gross acres is designated "Low Density Residential Communities", which allows 2.5 to 6 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Zoning

The northern approximately 3.7 gross acres of the subject property fronting the Biscayne Drive is currently zoned BU-1A (Business- Limited District), which allows all uses permitted in the BU-1 zoning district, additional retail and service activities plus residential uses if approved at a public hearing. The remainder of the property is zoned AU (Agricultural District), which allows agricultural activities plus residential development at a density of one dwelling unit per five gross acres.

Zoning History

The BCC adopted Resolution No. 2637 on January 8, 1959 to rezone the northern portion of the subject property (approximately 400 feet deep) from AU to BU-1A. The remaining portion has remained AU.

Adjacent Land Use and Zoning

Existing Land Use

This area is developing as a commercial node east of Homestead Air Reserve Base with access to HEFT. The 18.5 gross-acre application site is situated east and south of a small parcel located on the southeast corner of the SW 137 Avenue and SW 288 Street that contains Steve's Academy and Pre-school and vacant land.

The other three corners of the intersection and the area to the northeast across SW 288 Street are occupied by commercial activities. The Biscayne Shoppes shopping center on the northwest corner includes Home Depot, Chase Bank and Burger King. Waterstone Plaza shopping center with Publix grocery store as an anchor store is located on the southwest corner in the City of Homestead. Also, on the southwest corner are a free-standing Walgreens Pharmacy store and a Bank of America with drive-through facilities. Directly north of the application site across SW 288 Street is a free-standing Wendy's fast-food restaurant, a vacant office building for lease and vacant land. The area to the northeast of the application site across SW 288 Street contains a Day Care Learning Center, The Spot Barbershop, a Boost Mobile telephone franchise, a Math/Reading Learning Center and a few vacant office spaces marked for leasing.

Residential developments are located to the east and southwest. The Keystone Subdivision, consisting of detached single family homes on zero-lot line lots, abuts the subject property to the east. A concrete fence wall surrounds this subdivision and provides a buffer between the residences and the application site. The South Dade Venture Community residential development in the City of Homestead with one and two-story homes is located to the southwest across SW 137 Avenue.

The area to the south is utilized for agricultural purposes. Abutting the application site on the south is Two Sisters Nursery, Inc. Development of the agricultural area in the future will be limited by its proximity to Homestead Air Reserve Base.

Land Use Plan Map Designations

The properties immediately to north, northwest and west of the application site are designated "Business and Office" on the Adopted 2015-2025 LUP map. Properties to the east and south are designated "Low Density Residential Communities." The area to the southwest is designated "Low -Medium Density Residential Communities," which allows 6 to 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments.

The designations on the CDMP LUP map to the west and southwest of the application site are reflective of the City of Homestead Comprehensive Plan. The City's Future Land Use Map dated January 2009 appears to designate the area to the west as "Light Commercial Use" and the area to the southwest as "Medium Density Residential Use." Permitted activities in the "Light Commercial Use" land use category include hotel/motel, office, retail and other business uses which have insignificant nuisance and negative visual characteristics, generate little truck traffic, and generally require frontage locations on major roadways. Permitted activities in the "Medium Density Residential Use" land use category include residential use up to 10 dwelling units per acre.

Zoning

The zoning pattern reflects a commercial node surrounded by a developing residential area. The properties to the northwest and northeast of the application site are zoned by the County to BU-1A. The property immediately to the north is zoned BU-1 (Neighborhood Business). The property abutting the application site on the east is zoned RU-1Z (Single-family Zero Lot Line with lots of 4,500 net sq. ft.). The abutting property to the south is zoned AU.

The areas to the west and southwest are zoned by the City of Homestead. The property to the west on the southwest corner of SW 137 Avenue and SW 288 Street is zoned B-2 (Retail Commercial). The property situated to the southwest of the application site is zoned PUD (Planned Unit Development). The predominant land use in any PUD must be that of the underlying land use designation on City's Future Land Use Map. As stated above, the area southwest of the site is designated as "Medium Density Residential Use" on City's Future Land Use Map. Thus, residential use up to 10 dwelling units per acre may be permitted.

Supply and Demand

The Analysis Area for Application No. 3 (MSA 7.4) contained 366.5 acres of in-use commercial uses in 2010 and an additional 316.7 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2010-2030-period is 13.19 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, MSA 7.4 will deplete its supply of commercially zoned or designated land beyond the year 2030 (See Table below). Notwithstanding other factors being considered for this application, there is no need at this time for additional commercial land in the Analysis area and the application, if approved, would add ± 14.8 acres (approximately 1-year worth of supply) to the commercial land supply.

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
Application No. 3 Analysis Area

| Analysis Area | Vacant Commercial Land 2010 (Acres) | Commercial Acres in Use 2010 | Annual Absorption Rate 2008-2025 (Acres) | Projected Year of Depletion | Total Commercial Acres per Thousand Persons | |
|----------------|-------------------------------------|------------------------------|--|-----------------------------|---|------------|
| | | | | | 2015 | 2025 |
| MSA 7.4 | 316.7 | 366.5 | 13.19 | 2030+ | 5.5 | 4.1 |

Source: Miami-Dade County Department of Planning & Zoning, Planning Research Section, February 2011.

Environmental Conditions

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

Flood Protection

| | |
|--|---------------------------------|
| County Flood Criteria, National Geodetic Vertical Datum (NGVD) | +5.5 feet |
| Stormwater Management | Surface Water Management Permit |
| Drainage Basin | C-103 Mowry Canal |
| Federal Flood Zone | AH; 100-year floodplain |
| Hurricane Evacuation Zone | NO |

Biological Conditions

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

Other Considerations

| | |
|-------------------------------------|----|
| Within Wellfield Protection Area | NO |
| Archaeological/Historical Resources | NO |
| Hazardous Waste | NO |
| Air Quality Management | NO |

Drainage and Flood Protection:

The application site is located within Flood Zone AH, where the base flood elevation is 6.0 feet NGVD, 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 5.5 feet and requires an additional 8 inches for residential and 4 inches for commercial structures. However, if the County flood elevation is less than the base flood elevation established by the FIRM maps, the higher elevation will be used. Flood protection for the application site is available through C-103 Canal (Mowry Canal).

According to Miami-Dade Department of Environmental Resources Management (DERM), all stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system for compliance with stormwater quality requirements. Furthermore, to comply with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of Miami-Dade County Code, and all State and Federal criteria.

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, and is inconsistent with the goals of the Comprehensive Everglades Restoration Plan (CERP), which is designed to restore and preserve the water resources of the South Florida ecosystem, including the Everglades. In 2005, the South Florida Water Management District (SFWMD) promulgated new rules that prohibited withdrawals from the Biscayne Aquifer to accommodate future development. The SFWMD requires that all future development be linked to new water supply sources, either through alternative water supply or reuse projects.

Effective January 11, 2011, Miami-Dade Water and Sewer Department (WASD) implemented a Water Supply Certification Program to assure water supply is available to all users as required by Policy CIE-5D and WS-2C of the County's Comprehensive Development Master Plan and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit. All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Certification Letter. This certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered; or during the Plat process prior to the final development order. At such time, the project will be evaluated for water supply availability and a water supply reservation will be made.

The assessment of available water supply, as it relates to comprehensive plan amendments, is difficult given that there is no specific timing of the development. Therefore, to determine if adequate water supply will be available for the proposed amendment, an assumption of three years for project completion from final comprehensive plan amendment approval is made, for this project the year 2014 will be used. This timeframe allows for rezoning of the property, platting of property, permitting and construction. Additionally, this is the timeframe for which concurrency is applied.

The application site is proposed to be restricted to non-residential development through the covenant proffered by the applicant. As noted in the table below, should the subject site be developed with 88 units of single-family detached homes and 58,544 square feet (sq.ft.) of retail as allowed under the current land use designations, a water demand of 25,214.4 gallons per day (gpd) would be generated. The maximum water demand that would be generated by the commercial development that could be built under the requested "Business and Office" designation is estimated at 29,272 gpd. Since maximum development under the current land use designations could generate a water demand of 25,214.4 gpd, approval of the application with acceptance of the proffered covenant would result in a 4,057.9 gpd increase in projected water demand, and thus a slight increase in impact to the water supply system. A Water Supply Certification Letter will be required at the time of development, of which the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

| 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/Allowable Use | | | | |
| 1 | SF Residential and Commercial | 88 units and 58,544 sq.ft. | 220 gal/unit and 10 gal/100 sq.ft. | 25,214.4 |
| Proposed Use | | | | |
| 2 | Commercial Only | 292,723 sq.ft. | 10 gal/100 sq.ft. | 29,272.3 |

Source: Miami-Dade Water and Sewer Department, January 2011

Potable Water

The application site is located in the Miami-Dade Water and Sewer Department retail service area and the Alexander-Orr Water Treatment Plant will provide potable water supply. According to the information provided by DERM this plant has sufficient capacity to provide current water demand and is presently producing water that meets Federal, State, and County drinking water standards.

The County's adopted level of service (LOS) standard for water treatment is based on a regional treatment system. This system is comprised of the Hialeah-Preston and Alexander Orr Water Treatment Plants. The LOS 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. Based on the 12-month average (period ending 11-30-10) data provided by DERM, the regional treatment system has a DERM rated treatment capacity of 439.7 million gallons per day (mgd) and a maximum plant production of 345.8 mgd. As a result, the regional system has approximately 94 mgd or 21.4% of treatment plant capacity remaining. Additionally, the system has a 12-month average demand (for period ending 11-30-10) of 314.43 mgd, which is well within 2 percent of the system's 402.3 mgd permitted annual average withdrawal, and therefore meets the LOS standard for water treatment facilities.

Potable water service would be provided by MDWASD through an existing 16-inch main on SW 137 Avenue extending south along SW 137 Avenue south of SW 288 Street and by extending the 16-inch main to the southwest corner of the application site. Any public water main extension within the property shall require a 12-inch minimum diameter main connected to the 16-inch main extension. If two or more fire hydrants are to be connected to a public water main extension within the property, the water system shall be looped with two points of connection.

Wastewater Facilities

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South Districts Wastewater Treatment Plants, 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. The regional wastewater treatment system has a design capacity of 368 million gallons per day (mgd) and a 12-month average (period ending 11-30-10) of 283.9 mgd. This represents approximately 78.9% of the regional system's design capacity. Therefore, the wastewater treatment system has 21.1% or 77.69 mgd of capacity remaining.

Based upon the commercial development scenario (discussed under the Water Supply section above), it is estimated that this site will generate sewage flows of 29,272.3 gpd (0.0293 mgd). The estimated flows would not cause the adopted LOS standard for the regional wastewater treatment system to be exceeded.

The closest available public sanitary sewer line to the application site is an existing 10-inch force main abutting the north side of the property running along SW 288 Street, to which a new 8-inch force main would be connected and extended onto the application site. A new private pump station would also be required. According to DERM, sewage flows from this site would be discharged directly to Pump Station (PS) 30-1019 and then to the South District Wastewater Treatment Facility. The pump station has sufficient capacity to handle sewage flows that would be generated from the potential development on the application site. The treatment plant and pump station are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. Currently, the South District Wastewater Treatment Plant has sufficient capacity to treat current sewage flows and the additional flows that would be generated by the application, if approved. However, a capacity modeling evaluation may be required at the time of development.

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. As of FY 2010-2011, the DSWM is in compliance with the level of service. The DSWM does not actively compete for commercial collection at this time and the requested amendment, with proffered covenant that seeks to prohibit residential development on the site, would not impact DSWM service.

Parks

The adopted level of service standard for recreation open space requires 2.75 acres of local recreation open space per 1,000 permanent residents in unincorporated areas of Miami-Dade County; and adds that the County must provide open space of five acres or larger within three miles from a residential area. The subject application site is in Park Benefit District 3 (PBD-3), which has a surplus capacity of 229.36 acres of parkland when measured by the County's concurrency LOS standard for recreation open space. The "County Local Parks" table below indicates that several local parks are within a 2-mile radius of the application site.

County Local Parks
Within a 2-Mile Radius of Application Site

| Park Name | Acreage | Classification |
|-----------------------|---------|-------------------|
| Pine Island lake Park | 17.98 | Neighborhood Park |
| Leisure Park | 1.90 | Neighborhood Park |
| Leisure lakes Park | 8.68 | Community Park |
| Palmland Park | 5.05 | Neighborhood Park |
| Naranja Lakes Park | 1.48 | Neighborhood Park |
| Modello Park | 10.00 | Community Park |
| Royal Colonial Park | 25.40 | Community Park |
| Naranja Park | 10.00 | Community Park |

Source: Miami-Dade Parks and Recreation Department, January 2011

Under the requested "Business and Office" designation the application site could be developed with 240 single-family units with a projected population of 737 persons. This projected population would generate a demand for 0.66 acres of additional local park area, which is well within the surplus capacity of 229.36 acres for PBD 3. However, as proposed through the proffered covenant, residential development would be prohibited on the application site. As such, the proposed development of the site for a Wal-Mart Store or any other non-residential use (up to 292,723 square feet retail) would not generate a need for additional park acreage.

Fire and Rescue Service

The subject property is currently served by Miami-Dade Fire-Rescue Station No. 6, which is located at 15890 SW 288 Street. The station is equipped with a rescue unit, tanker, and a battalion totaling eight (8) firefighters/paramedics, operating 24 hours daily. Average travel time to incidents in the vicinity of the subject property is approximately 6.58 minutes, which complies with the travel time of 8 minutes required by the performance objectives of the National Industry

Standards to assembly 15-17 firefighters on scene at 90% of all incidents. The maximum development allowable under the current designations would generate approximately 42 annual alarms. Under the requested "Business and Office" designation, if developed with the maximum allowable retail, the site would generate 86 annual alarms, a net impact of 44 annual alarms, which is considered a moderate impact to existing fire rescue services. Fire rescue service is adequate in the general application area.

There are no planned stations in the vicinity of the subject property. The required "fire flow" for the proposed CDMP designation is 3,000 gallons per minute (gpm) at 20-PSI residual on the system. Each fire hydrant requires a minimum of 1,000 gpm. No fire flow deficiencies exist in the vicinity of the application area.

Public Schools

The applicant has proffered a covenant that would prohibit residential development on the application site should the application be approved with acceptance of the covenant. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed.

Aviation

The Miami-Dade County Aviation Department (MDAD) has indicated that the proposed Land Use Plan map amendment application is compatible with the airport operations.

Roadways

Existing Conditions

Primary access to the application site is from SW 137 Avenue/Lindgren Road and SW 288 Street, two four-lane divided arterials. SW 137 Avenue, a north-south major arterial, provides connections to other major corridors such as South Dixie Highway (US 1/SR 5) and the Homestead Extension of the Florida Turnpike (HEFT/SR 821). US 1 and the HEFT provide access to other areas of the County.

Traffic conditions are evaluated by the roadway Level of Service (LOS), which is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable. Current traffic conditions on SW 288 Street, between the HEFT and SW 112 Avenue, and SW 137 Avenue, from the HEFT to SW 288 Street, are acceptable at LOS D and B, respectively, at or above the adopted LOS D standard applicable to these roadway segments. Traffic conditions on SW 268 Street, SW 312 Street, SW 328 Street, and SW 344 Street in the vicinity of the application site are also acceptable at LOS A, B and C, which are above the adopted LOS D standard applicable to these roadway segments. See "Traffic Impact Analysis" Table below.

Application Impact

The "Estimated Peak Hour Trip Generation" Table below shows the number of PM peak hour trips estimated to be generated by the potential development that could occur on the subject site under the requested "Business and Office" land use designation, and compares them to the number of trips that would be generated by the potential development that could occur under the current "Business and Office" and "Low Density (2.5 to 6 DU/Acre)" land use designations. Two developments scenarios were analyzed for traffic impact under both the current and requested CDMP land use designations. Scenario 1 assumes the application site developed with commercial use only (a 292,723 sq. ft. shopping center). Scenario 2 assumes the subject

site developed with residential use only (240 single-family attached units). Scenario 1 is estimated to generate approximately 528 more PM peak hour trips than the commercial (58,544 sq. ft.) and residential (88 single-family units) development that can occur under the current CDMP land use designations. In contrast, Scenario 2 is estimated to generate less PM peak hour trips than the residential development (48 single-family attached and 88 single-family detached units) that could occur on the site under the current CDMP designation. It should be pointed out that the subject property is currently undeveloped.

| Estimated PM Peak Hour Trip Generation By Current and Requested CDMP Land Use Designations | | | |
|---|---|--|--|
| Application Number | Current Land Use Designation/ Existing & Assumed Development/ Estimated Trips | Requested Land Use Designation/ Assumed Development/ Estimated Trips | Estimated Trip Difference Between Current and Requested CDMP Land Use Designation |
| | "Business & Office" and "Low Density Resid. (2.5 to 6 DUs/Acre)" | "Business & Office" | |
| 3 (Scenario 1) | 58,544 sq. ft. Retail & 88 Single-family detached dwelling units ¹ | 292,723 sq. ft. Retail ³ | |
| | 426 | 954 | +528 |
| 3 (Scenario 2) | 48 Single-family attached & 88 Single-family detached dwelling units ² | 240 Single-family attached ⁴ | |
| | 129 | 123 | - 6 |

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works Department, January 2011.

Notes: ¹ Business and Office (\pm 3.70 gross acres; \pm 3.36 net acres); Low Density Residential (\pm 14.8 gross acres). The area of the application site designated "Business and Office" can be developed with 58,544 sq. ft. of retail space; the area designated "Low Density Residential" can be developed with 88 single-family detached dwelling units. Retail trips were adjusted for pass-by trips (max. 25% of project's external trips).

² Residential development may be authorized to occur in the "Business and Office" land use category at density up to one density higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

³ Under the requested land use designation, the property site may be developed with 292,723 sq. ft. of retail space.

⁴ Residential development may be authorized to occur in the "Business and Office" land use category at density up to one density higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

Short-Term Traffic Evaluation

An evaluation of PM peak-period traffic conditions as of January 7, 2011, on SW 288 Street and SW 137 Avenue using the County's Traffic Concurrency Management System - which considers reserved trips from approved developments not yet constructed, any programmed roadway capacity improvements listed in the first three years of the 2011 Transportation Improvement Program- does not predict any substantial changes in the LOS of the subject roadways. See Traffic Impact Analysis table above.

CDMP Amendment Application No. 3
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

| Roadway | Location/Link | Number Lanes | Adopted LOS Std.* | Peak Hour Capacity | Peak Hour Volume | Existing LOS | Approved D.O's Trips | Amend. Peak Hour Trips | Total Trips With Amend. | Short-Term LOS with Amend. |
|-------------------------------------|----------------------------|--------------|-------------------|--------------------|------------------|--------------|----------------------|------------------------|-------------------------|----------------------------|
| Scenario 1: Commercial Development | | | | | | | | | | |
| SW 268 Street/Moody Drive | SW 137 Ave. to SW 112 Ave. | 4 DV | D | 2,270 | 740 | A | 110 | 27 | 877 | B (10) |
| SW 288 Street/Biscayne Drive | HEFT to SW 137 Avenue | 4 DV | D | 2,520 | 1,555 | D | 215 | 382 | 2,152 | D (10) |
| SW 312 Street/Campbell Drive | HEFT to SW 147 Avenue | 4 DV | D | 3,310 | 2,103 | C | 2 | 50 | 2,155 | C (10) |
| SW 328 Street/N. Canal Drive | HEFT to SW 137 Avenue | 2 UD | D | 1,400 | 300 | B | 0 | 52 | 350 | B (10) |
| SW 344 Street/Palm Drive | SW 147 Ave. to SW 137 Ave. | 4 DV | D | 1,830 | 363 | B | 0 | 22 | 385 | B (10) |
| SW 137 Ave./Tallahassee Road | HEFT to SW 288 Street | 4 DV | D | 3,460 | 1,698 | B | 200 | 423 | 2,319 | B (10) |
| Scenario 2: Residential Development | | | | | | | | | | |
| SW 268 Street/Moody Drive | SW 137 Ave. to SW 112 Ave. | 4 DV | D | 2,270 | 740 | A | 110 | 3 | 853 | B (10) |
| SW 288 Street/Biscayne Drive | HEFT to SW 137 Avenue | 4 DV | D | 2,520 | 1,555 | D | 215 | 49 | 2,672 | D (10) |
| SW 312 Street/Campbell Drive | HEFT to SW 147 Avenue | 4 DV | D | 3,310 | 2,103 | C | 2 | 7 | 2,112 | C (10) |
| SW 328 Street/N. Canal Drive | HEFT to SW 137 Avenue | 2 UD | D | 1,400 | 300 | B | 0 | 6 | 306 | B (10) |
| SW 344 Street/Palm Drive | SW 147 Ave. to SW 137 Ave. | 4 DV | D | 1,830 | 363 | B | 0 | 3 | 366 | B (10) |
| SW 137 Ave./Tallahassee Road | HEFT to SW 288 Street | 4 DV | D | 3,460 | 1,698 | B | 200 | 55 | 1,953 | B (10) |

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, January 2011.

Notes: DV= Divided Roadway, UD= Undivided Roadway

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

() Year traffic count was updated or LOS Revised

Future Conditions

According to the 2011 Transportation Improvement Program, the following roadway capacity improvement projects are programmed for construction in fiscal years 2011-2015 in the vicinity of the application site (see table below).

Programmed Road Capacity Improvements

Fiscal Years 2010/2011 – 2014/2015

| Roadway | From | To | Type of Improvement | Fiscal Year |
|---------------|---------------|---------------|---------------------|-------------|
| SW 328 Street | SW 152 Avenue | SW 137 Avenue | Add lanes & | 2010-2011 |
| SW 328 Street | US 1 | SW 162 Avenue | Widen to 4 lanes | 2010-2011 |
| SW 137 Avenue | US 1 | HEFT | Widen to 4 lanes | 2010-2012 |

Source: Transportation Improvement Program 2011, Miami-Dade County Metropolitan Planning Organization, June 17, 2010.

According to the 2035 Miami-Dade Long Range Transportation Plan, Cost Feasible Plan, the following roadway capacity improvement projects are planned for capacity improvement in the vicinity of the application site (see table below).

Planned Roadway Capacity Improvements

Fiscal Years 2010/2011 – 2034/2035

| Roadway | From | To | Type of Improvement | Priority |
|-------------------|---------------|-------------|--------------------------------|----------|
| SW 137 Ave. | SW 200 St. | US 1 | Complete as 2 continuous lanes | I |
| SW 137 Avenue | SW 184 Street | US 1t | Widen 2 to 4 lanes | II |
| SW 264/268 Street | SW 147 Ave. | SW 112 Ave. | Roadway and | II |
| SW 328 Street | US 1 | | Intersection Improvement – | II |
| | | | Add turn lanes | |
| SW 312 Street | HEFT | | Access ramps | IV |

Source: Miami-Dade Transportation Plan to the Year 2035, Cost Feasible Plan, Metropolitan Planning Organization, October 2009.

Priority I - Projects scheduled to be funded by 2014; Priority II - Projects to be funded between 2015 and 2020

Priority III - Projects to be funded between 2021 and 2025; Priority IV - Projects to be funded between 2026 and 2025

Future (2035) traffic analysis evaluated roadway conditions adjacent to and in the vicinity of the application site to determine the adequacy of the roadway network to handle the demand of the subject CDMP amendment application and to meet the adopted LOS standards through the year 2035.

The V/C ratio is a representation of the roadway volumes proportionate to the roadway capacity and is an expression of the roadway LOS. The correlation between roadway LOS and the V/C ratio is as follows:

- V/C ratio less than or equal to 0.70 is equivalent to LOS B or better;
- V/C ratio of 0.71 to 0.80 is LOS C;
- V/C ratio of 0.81 to 0.90 is LOS D;
- V/C ratio of 0.91 to 1.0 is LOS E; and
- V/C ratio of more than 1.0 is LOS F.

The future (2035) traffic condition analysis, which was performed by the Metropolitan Planning Organization (MPO) using the FSUTMS Model, indicates that most roadways adjacent to and in the vicinity of the Application site are projected to operate at acceptable level of service, with or without the application's traffic impact. However, some roadway segments are projected to exceed by 2035 their adopted LOS standard without the impact of the subject application. It

should be pointed out that the proposed CDMP Application would not significantly impact the roadway segments analyzed, including the adjacent SW 137 Avenue and SW 288 Street, where the projected LOS would remain at LOS B for both roadways under the retail development scenario. See the “2035 Volume-to-Capacity (V/C) Ratios” table below.

October 2010 CDMP Amendment Application No. 3
2035 Volume to Capacity (V/C) Ratios

| Roadway Segments | Adopted LOS Std ¹ | No. Of Lanes | (Base Scenario) | | Scenario 1: | | Scenario 2: | |
|-------------------------------------|------------------------------------|-----------------|-------------------------|---------------|----------------------------|---------------|---------------------------------|---------------|
| | | | Without application | | Site Developed with Retail | | Site Developed with Residential | |
| | | | V/C Ratios ² | Projected LOS | V/C Ratios ² | Projected LOS | V/C Ratios ² | Projected LOS |
| SW 268 Street | | | | | | | | |
| US 1 to SW 137 Avenue | D | 4 | 0.45 - 0.54 | B | 0.45 – 0.54 | B | 0.47 – 0.55 | B |
| SW 137 Ave. to SW 112 Ave. | D | 4 | 0.62 – 0.73 | B/C | 0.63. – 0.72 | B/C | 0.69 – 0.74 | B/C |
| SW 280 Street/Waldin Drive | | | | | | | | |
| US 1 to SW 137 Avenue | D | 4/2 | 0.29 – 1.38 | B/F | 0.28 – 1.38 | B/F | 0.29 – 1.39 | B/F |
| SW 288 Street/Biscayne Drive | | | | | | | | |
| US 1 to SW 152 Avenue | D | 4 | 0.63 | B | 0.63 | B | 0.62 | B |
| SW 152 Ave. to SW 137 Ave. | D | 4 | 0.47 -0.62 | B | 0.49 – 0.68 | B | 0.47 – 0.65 | B |
| SW 312 Street/Campbell Drive | | | | | | | | |
| US 1 to HEFT | D | 4 | 0.54 - 0.73 | B/C | 0.55 - 0.75 | B/C | 0.55 – 0.90 | B/D |
| HEFT to SW 137 Avenue | D | 4 | 0.17 – 0.27 | B | 0.16 – 0.27 | B | 0.16 – 0.27 | F |
| SW 320 Street/Mowry Drive | | | | | | | | |
| US1 to SW 157 Avenue | D | 2 | 1.13 – 1.84 | F | 1.15 – 1.81 | F | 1.14 – 1.81 | F |
| SW 157 Ave to SW 137 Ave | D | 2 | 0.67 – 0.93 | B/E | 0.65 – 0.94 | B/E | 0.66 – 0.93 | B/E |
| SW 328 Street/N. Canal Drive | | | | | | | | |
| US 1 to HEFT | D | 4 | 0.57 – 0.58 | B | 0.57 | B | 0.57 | B |
| HEFT to SW 137 Ave | D | 4 | 0.07 – 0.74 | B/C | 0.07 – 0.74 | B/C | 0.06 – 0.73 | B/C |
| SW 152 Avenue | | | | | | | | |
| US 1 to SW 280 Street | D | 2 | 0.69 | B | 0.65 | B | 0.65 | B |
| SW 280 Street to SW 288 Street | D | 2 | 0.89 – 1.01 | D/F | 0.87 – 0.99 | D/E | 0.87 – 0.99 | D/E |
| SW 288 Street to SW 296 Street | D | 2 | 1.16 | F | 1.14 | F | 1.13 | F |
| SW 296 Street to SW 312 Street | D | 2 | 0.68 - 0.89 | D | 0.65 – 0.80 | B/C | 0.67 – 0.82 | B/C |
| SW 137 Avenue | | | | | | | | |
| US 1 to HEFT | D | 4 | 0.92-1.19 | E/F | 0.90-1.17 | D/F | 0.91-1.16 | E/F |
| HEFT to SW 312 Street | D | 4 | 0.71-0.77 | C | 0.70-0.77 | B/C | 0.68-0.75 | B/C |
| SW 312 Street to SW 328 Street | D | 4 | 0.18-0.46 | B | 0.17-0.45 | B | 0.17-0.45 | B |

Notes: ¹ Minimum Peak-period operating Level of Service (LOS) standard for State and County roadways.

² Volume-to-Capacity (v/c) ratio, which is the ratio of the number of vehicles using the road to the road capacity. The v/c model output is expressed using daily volumes.

Applicant's Traffic Impact Analysis

The applicant submitted the “*Wal-Mart Traffic Study*” report, dated January 3rd, 2011, in support of the application. The report, which was prepared by Richard Garcia & Associates, Inc., evaluated the transportation impacts resulting from the requested CDMP Land Use Plan map amendment, based on a proposed development of 152,686 sq. ft. of retail space and two outparcels which can potentially be developed as a bank, retail space or fast food restaurants. The two outparcels were evaluated with fast food land use since this type of land use generates the greatest traffic volume. It should be pointed out that the applicant proffered a declaration of restrictions prohibiting residential uses on the property, but did not limit the intensity of the potential retail development on the property to 152,686 sq. ft. of retail space. The resulting trip generation calculation revealed that the store and fast food restaurants will generate approximately 594 PM peak hour net vehicles trips. The study evaluates the traffic impacts to the adjacent roadways and intersections. The arterial LOS analyses were performed for concurrency condition (2013) as well as future condition (years 2015 and 2025). In addition, a signal warrant analysis was performed for the median opening on SW 137 Avenue for the Publix driveway, south of SW 288 Street. The report concludes that sufficient roadway capacity exists to support the project and that the arterials and intersections most impacted by this application will operate at acceptable levels of service. However, the southbound left turn lane on SW 137 Avenue (southern project driveway) evaluation found that a turn lane is needed due to the projected traffic. The signal warrant analysis found sufficient evidence to justify signal control at that Publix driveway intersection. An Executive Summary of the Applicant's traffic study is provided in Appendix D of this report.

Miami-Dade County Public Works Department and Department of Planning and Zoning staff reviewed the January 2011 Traffic Impact Study and had some issues regarding the percentage of pass-by trips used in the analysis, the total trips applied to the driveway volumes, the growth factor used in the future analyses, and the traffic count stations considered in the future condition analysis, and requests that additional traffic count stations and intersections be included in the traffic study. It should be pointed out that notwithstanding any outstanding concerns that DP&Z and PWD staff may have regarding the traffic study, DP&Z staff is of the opinion that the roadway facilities adjacent to and in the vicinity of the application site have enough capacity to handle the traffic demand that will be generated by the proposed land use change. However, the consultant will have to address the above DP&Z and PWD concerns prior to final approval of the subject application. County staff will work with the applicant and the transportation consultant in order to address the outstanding issues.

Transit

Existing Service

The area within Application No. 3 has no adjacent transit service. However, there is transit service half a mile to the east of the application site along SW 132nd Avenue provided by Metrobus Route 70. The table below shows the existing service frequency in summary form.

| Metrobus Routes Service | | | | | | |
|-------------------------|-----------------------|----------|-----|-----|-----------------------------------|--------------------|
| Route | Headways (in minutes) | | | | Proximity to Bus Route (miles) | Type of Service |
| | AM/PM Peak | Off-Peak | Sat | Sun | | |
| 70 | 30 | 60 | 60 | 60 | 0.5 | L |

Source: 2010 Transit Development Plan, Miami-Dade Transit.

Note: L means feeder service route

Future Conditions

Transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions are being planned for the next ten years as noted in the 2020 Recommended Service Plan within the 2010 Transit Development Plan. The table below shows the Metrobus service improvements programmed for the existing routes serving this application.

| Metrobus Routes Service Improvements | |
|--------------------------------------|--|
| Route | Improvement Description |
| 70 | Route would be truncated at Southland Mall when the Cutler Bay Circulator begins service. |
| Cutler Bay Circulator | New service to be provided with this circulator to Cutler Bay and Saga Bay area, replacing the Route 70. |

The new circulator would be replacing the service being cut from Route 70; therefore, this planned bus service improvement would not generate additional capital or operating costs.

Major Transit Projects

Regarding future transit projects within the application area, MDT is developing premium transit services in the corridors approved by the People's Transportation Plan. These services (enhanced bus corridors and express bus services) will incrementally build local ridership first to justify major improvements later. However, there are no major transit projects within the immediate vicinity of this application. The closest premium transit corridor is the South Miami-Dade Busway located 2.5 miles to the west of this application site.

Application Impacts in the Traffic Analysis Zone

A preliminary analysis was performed in the Traffic Analysis Zones 1381 where the application is located. If the Application is approved, the estimated transit impact that would be generated by this application is minimal and can be absorbed by the current and scheduled transit service in the area.

Other Planning Considerations

Appropriate Guideline of Urban Form should be considered for this site. Below is the applicable guideline as listed in the CDMP.

Guideline 4- Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any non-residential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

Consistency with CDMP Goals, Objectives, Policies and Concepts

The following CDMP goals, objectives, policies, concepts, and guidelines would be enhanced if the proposed amendment is approved.

- 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.
- LU-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- TC-1D. Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the Level of Service standards contained in Policy TC-1B, except as otherwise provided in the "Concurrency Management Program" section of the Capital Improvements Element.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

The following CDMP goals, objectives, policies, concepts, and guidelines could be impeded if the proposed amendment is approved.

- 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.

APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: Miami-Dade County Public Schools Analysis

Appendix D: Applicant's Traffic Study Executive Summary

Appendix E: Fiscal Impact Analysis

Appendix F: Proposed Declaration of Restrictions

Appendix G: Photos of Site and Surroundings

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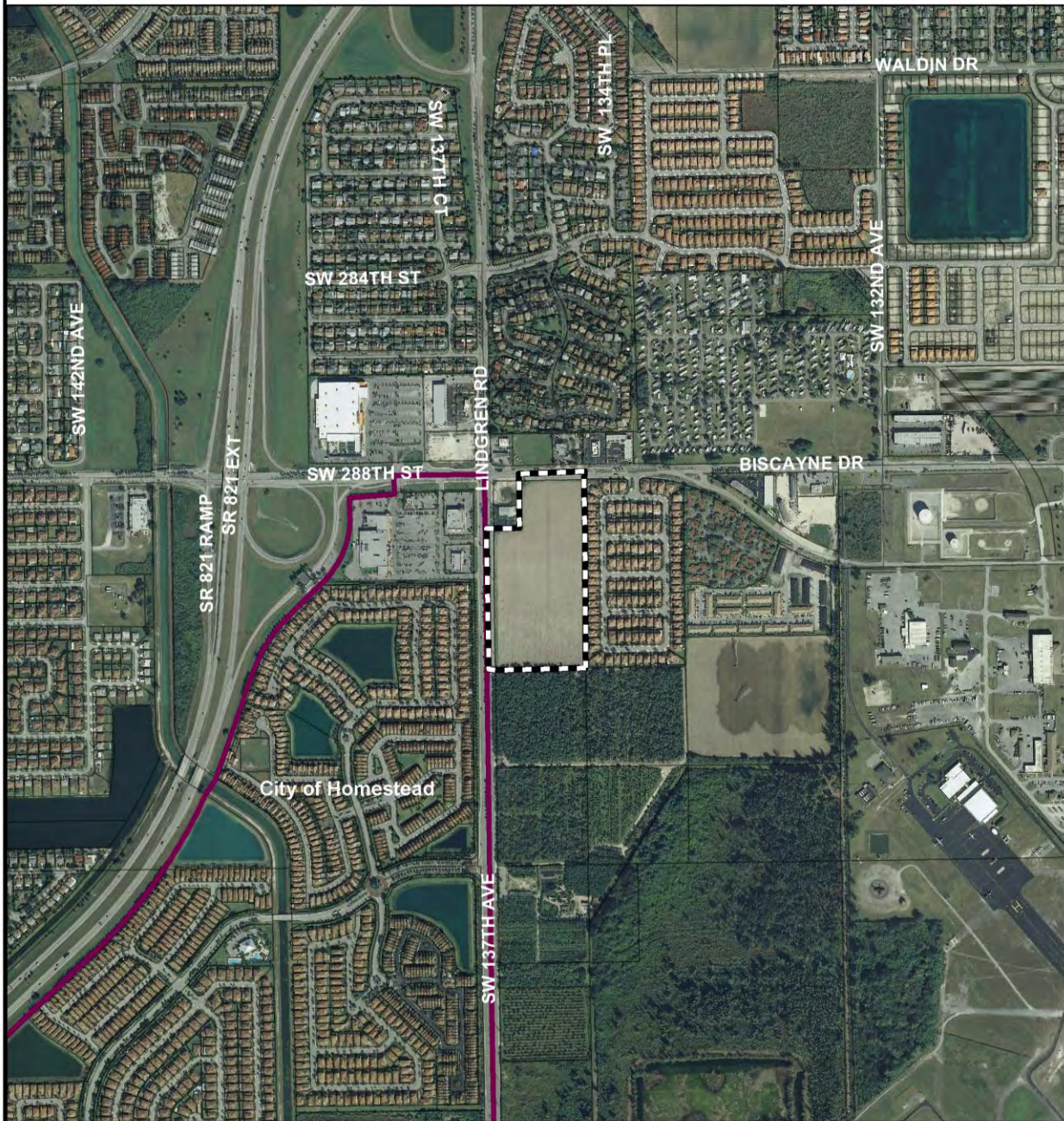
APPENDIX A



Map Series

- Aerial Photo
- Current Zoning Map
- Existing Land Use Map
- CDMP Land Use Map
- Proposed CDMP Land Use Map

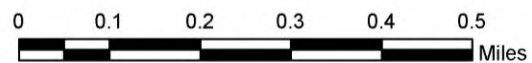
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APPLICATION NO. 3 AERIAL PHOTO

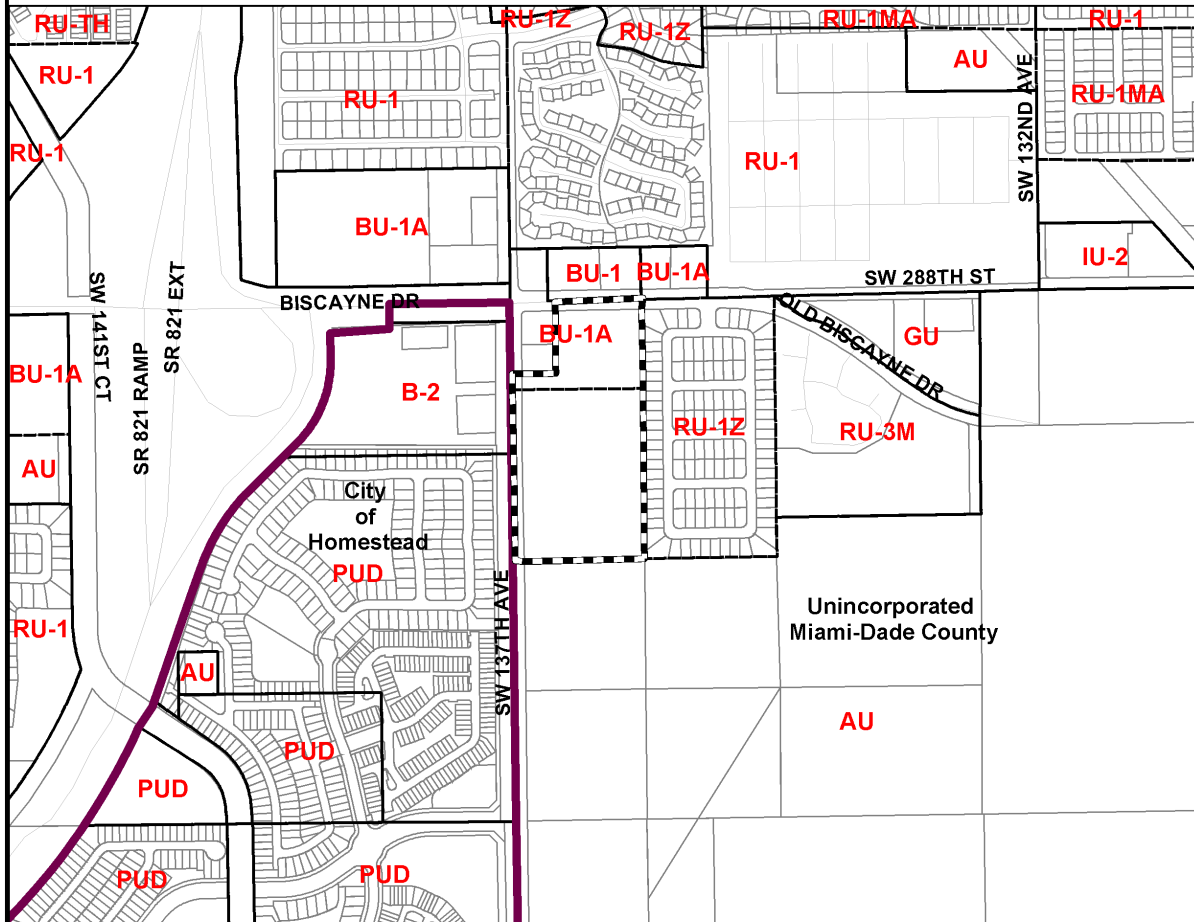


-  APPLICATION AREA
-  MUNICIPAL BOUNDARIES

Source: Miami-Dade County
Department of Planning and Zoning, January 2011



APPLICATION NO. 3 CURRENT ZONING



Source: Miami-Dade County
Department of Planning and Zoning, January 2011



APPLICATION AREA

MIAMI-DADE COUNTY ZONING DISTRICTS

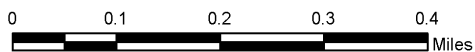
| | |
|----------|---|
| GU | INTERIM |
| AU | AGRICULTURAL |
| RU-1 | SINGLE-FAMILY (7,500 sq. ft. net) |
| RU-1Z | SINGLE-FAMILY (4,500 sq. ft. net) |
| RU-1M(a) | SINGLE-FAMILY MODIFIED (5,000 sq. ft. net) |
| RU-TH | TOWNHOUSE (8.5 units/net acre) |
| RU-3M | MINIMUM APARTMENT HOUSE (12.9 units/net acre) |
| BU-1 | NEIGHBORHOOD BUSINESS |
| BU-1A | LIMITED BUSINESS |
| IU-2 | HEAVY INDUSTRIAL MANUFACTURING |

CITY OF HOMESTEAD ZONING DISTRICTS

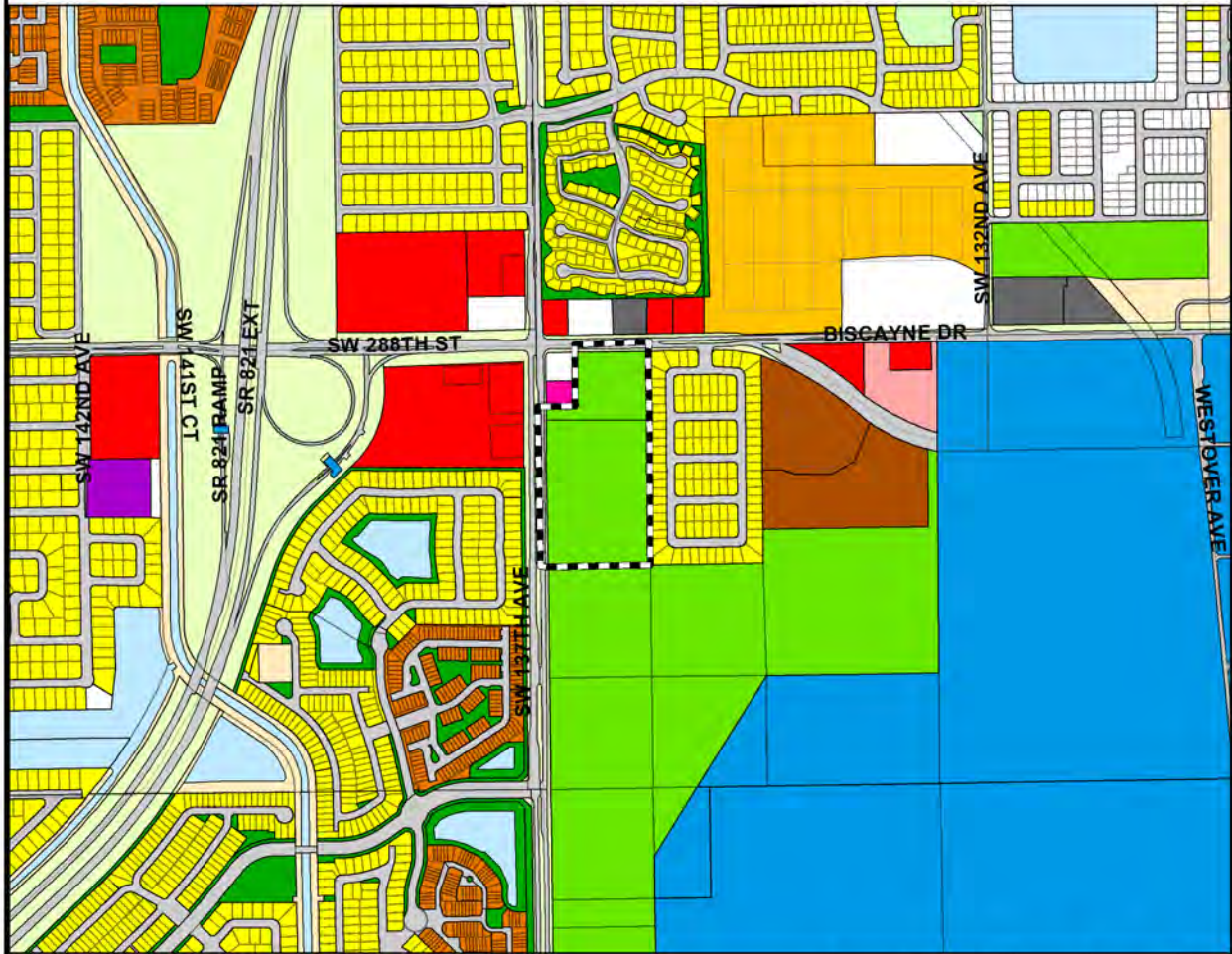
| | |
|-----|--------------------------|
| AU | AGRICULTURAL |
| B-2 | RETAIL COMMERCIAL |
| PUD | PLANNED UNIT DEVELOPMENT |



MUNICIPAL BOUNDARIES



APPLICATION NO. 3 EXISTING LAND USE



APPLICATION AREA

0 0.1 0.2 0.3 0.4
Miles

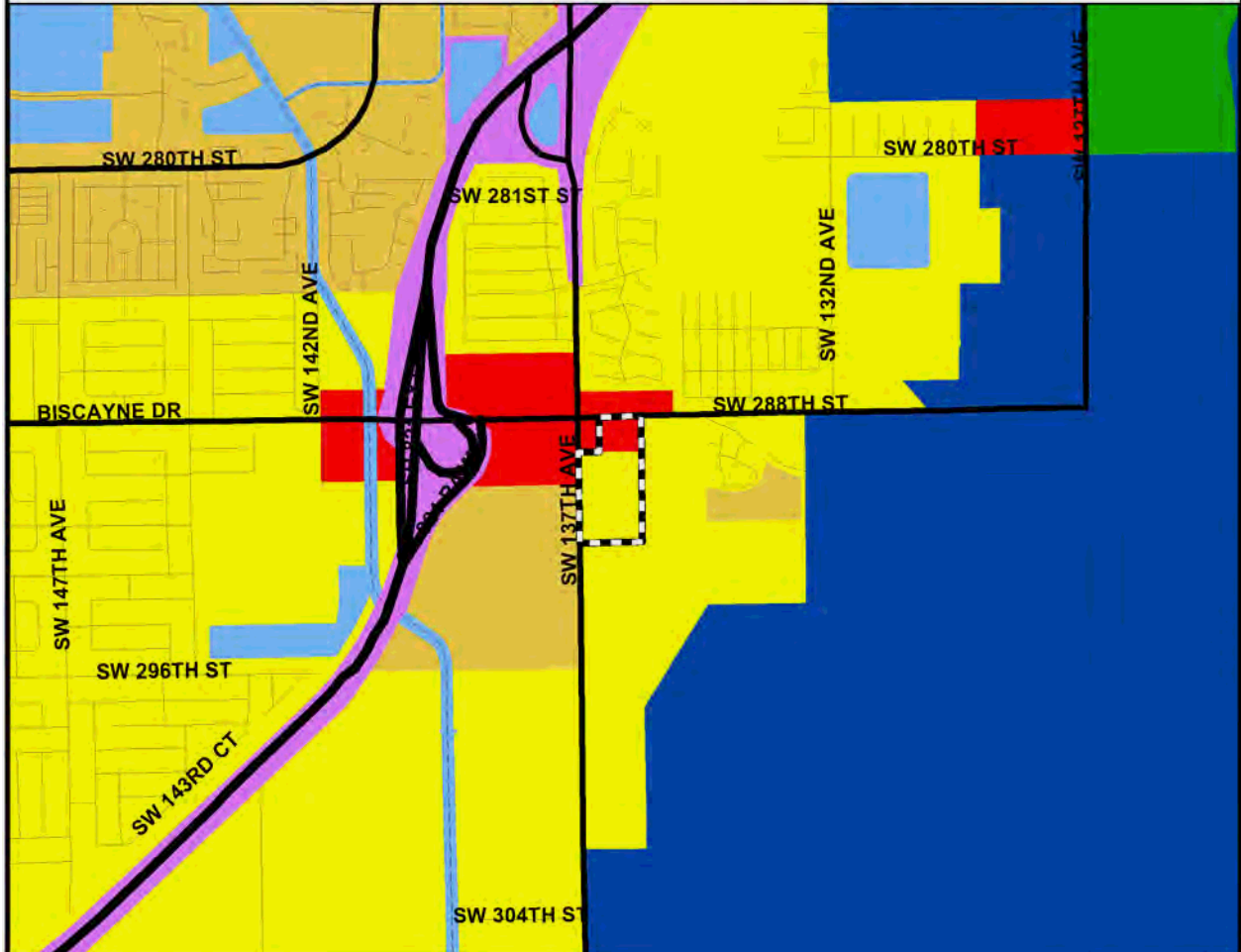
Source: Miami-Dade County
Department of Planning and Zoning, January 2011

EXISTING LAND USES

| | |
|---|---|
|  SINGLE FAMILY RESIDENTIAL |  HOTEL / MOTEL |
|  MULTI-FAMILY (< 25 DU/GROSS ACRE) |  INDUSTRIAL |
|  MOBILE HOMES PARK |  MILITARY FACILITIES |
|  TOWNHOUSES |  GOVERNMENT/ PUBLIC ADMIN. |
|  SALES AND SERVICES |  INLAND WATER |
|  OFFICE BUILDING |  WATER SUPPLY PLANT |
|  RECREATIONAL FACILITIES |  VACANT (PRIVATELY OWNED) |
|  ROW AND FIELD CROPLAND |  VACANT (GOVT. OWNED) |



APPLICATION NO. 3 CURRENT CDMP LAND USE



Source: Miami-Dade County
Department of Planning and Zoning, January 2011



APPLICATION AREA

CDMP LAND USES

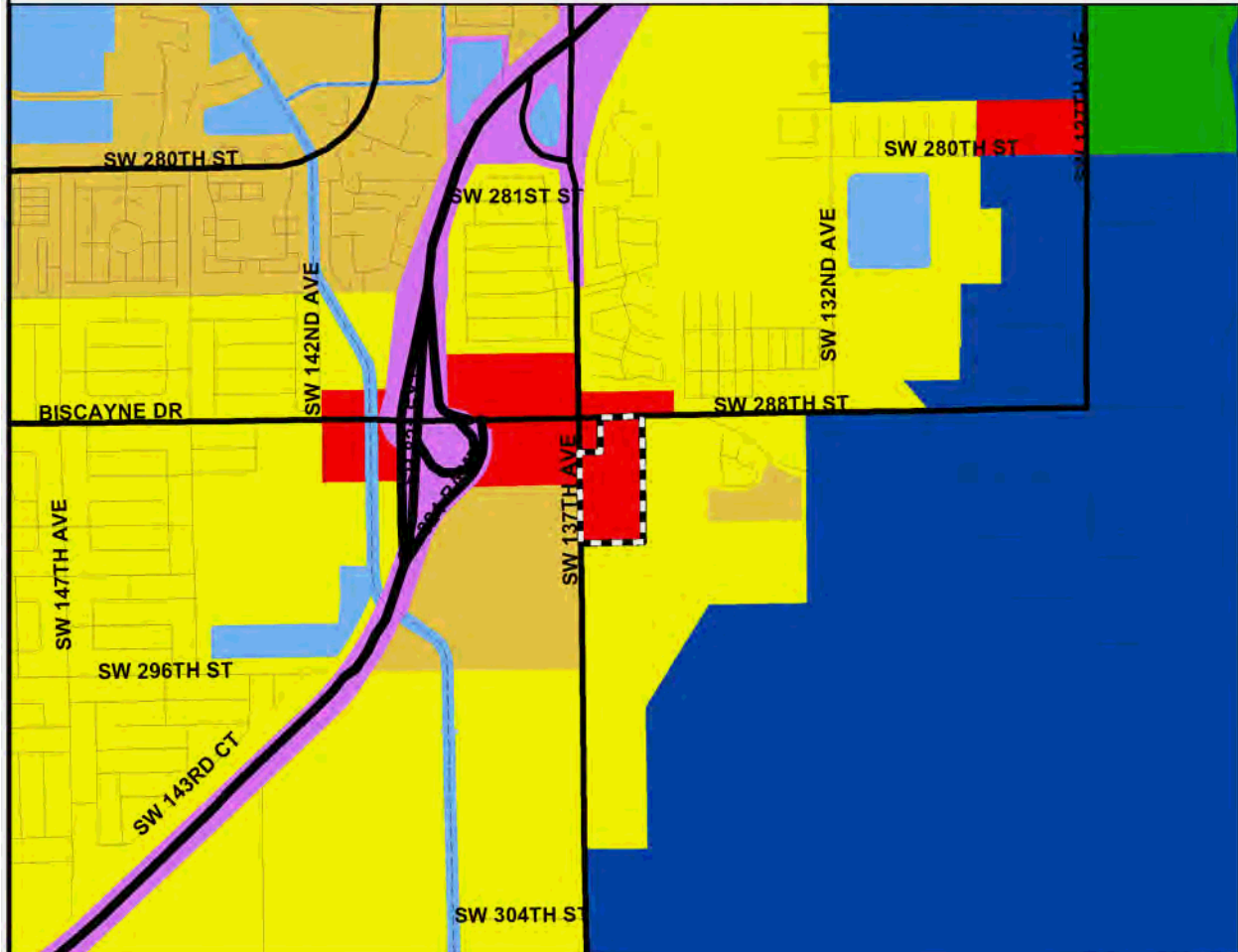
- LOW DENSITY (2.5 - 6 DU/AC)
- LOW-MEDIUM DENSITY (6 - 13 DU/AC)
- INSTITUTIONS, UTILITIES AND COMMUNICATIONS
- BUSINESS AND OFFICE
- PARKS AND RECREATION
- WATER
- TRANSPORTATION

- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET
- CANAL

0 0.5 1 Miles



APPLICATION NO. 3 PROPOSED CDMP LAND USE



Source: Miami-Dade County
Department of Planning and Zoning, January 2011



APPLICATION AREA

CDMP LAND USES

- LOW DENSITY (2.5 - 6 DU/AC)
- LOW-MEDIUM DENSITY (6 - 13 DU/AC)
- INSTITUTIONS, UTILITIES AND COMMUNICATIONS
- BUSINESS AND OFFICE
- PARKS AND RECREATION
- WATER
- TRANSPORTATION

- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- STREET
- CANAL

0 0.5 1 Miles



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APPENDIX B

Amendment Application

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

2010 OCT 29 A 11:34
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

**WAL-MART STORES EAST, L.P.
2001 S.E. 10th Street
Bentonville, Arkansas 72716-0550
Attention: Brian E. Hooper
Vice President, Wal-Mart Stores East, LP**

2. APPLICANT'S REPRESENTATIVE

Augusto E. Maxwell, Esq.
Joel E. Maxwell, Esq.
Akerman, Senterfitt, P.A.
One Southeast Third Avenue, 25th Floor
Miami, FL 33131-1741
(305) 374-5600
(305) 374-5095 (fax)

By: Joel E. Maxwell
Joel E. Maxwell, Esq.

10/29/10
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element Land Use Plan Map (Item A.1(d) in the fee schedule) is requested to re-designate the Subject Area from "Low Density Residential (LDR 2.5-6 DU/AC)" and "Business and Office" to "Business and Office."

B. Description of Subject Area.

The Subject Area consists of approximately 18.5± gross acres that is a parcel of land (folio number 30-7902-000-0110) the LUP Map currently designates as "Low Density Residential (LDR 2.5-6 DU/AC) and "Business and Office." See Composite Exhibit "A".

For convenience, this Application will refer to these approximately 18.5± acres as the "Subject or Application Area," and the Net Acres as the "Parcel." The Parcel is located in Township 57, Range 39, Section 02, on the southeast corner of the intersection of S.W. 288th Street (a/k/a "Biscayne Drive") and S.W. 137th Avenue (a/k/a "Speedway Boulevard").

C. Acreage.

Subject Area: 18.5± Gross acres
16.8± Net Acres

Acreage owned by Applicant: 0 Acres (Applicant has a contract to purchase the Property)

D. Requested Changes.

It is requested that the Land Use Plan Map be amended to re-designate the subject area from "Low Density Residential (LDR 2.5-6 DU/AC)" and "Business and Office" to "Business and Office."

4. REASONS FOR AMENDMENT

This application seeks an extension of the existing "Business and Office" designation that exists along the northern portion of this approximately 17 acre parcel southward to encompass the entirety of the Property and thereby allow the development of a Wal-Mart Supercenter. Among the many reasons supporting this re-designation are (1) that it would conform the existing "Business & Office" designation to the property's existing parcelization; (2) that such a larger "Business & Office" designation will conform the Property with similarly large "Business & Office" designations and uses on two of the three abutting quadrants at the intersection of two Major Roadways; and (3) that such re-designation will allow for a significant commercial development not possible under the Property's current "Low Density Residential," which given the recent extended economic downturn is no longer realistic.

The Property is within the Urban Development Boundary, approximately 1/3 of a mile west of Homestead Air Force Base and 1/3 of a mile east from the Homestead Extension of the Florida Turnpike. It is essentially a rectangular parcel at the southeast intersection of two Major Roadways -- SW 288th Street a.k.a. as Biscayne Drive and 137th Avenue a/k/a Speedway Boulevard. The Property's northwest corner is notched with two small cut out parcels -- one is vacant and the other is a small day care facility. The Property itself is owned by South Miami Hospital and is currently leased for agricultural use. It is the subject of purchase and sale agreement with Wal-Mart Stores East, L.P. that is contingent on County approval of the proposed Wal-Mart Supercenter.

The Property is already designated "Business & Office" along its northern quarter which is presumably in conformance with its current BU-1A zoning. The balance of the Property is designated "Low Density Residential," and is zoned Agricultural. Abutting the Property along its

east is a single family development, and to its south are farm uses. On its west, the Property abuts the two small cut out parcels described above, and SW 137 Avenue (Speedway Boulevard). Beyond these are the *Tallahassee Shopping Center* with Publix, Walgreens, Pollo Tropical and a Bank of America among other retail uses. Also to the west and to the south of the shopping center is Waterstone – an expansive and gated single family residential development. On the Property's north, abut the two small parcels and SW 288th Street (Biscayne Drive.) Beyond these lie a service station and other retail uses such as Wendy's and other retail uses. On the northwest quadrant of the intersection of SW 288th Street and 137th Avenue is *Biscayne Shops*, another large retail development that includes a Home Depot, a Burger King and a bank among other retail uses. The current CDMP designations for all these surrounding properties track their existing zoning and established uses such that they are also designated "Business & Office," "Low Density Residential," and Low Medium Density Residential," respectively. This Property is the only parcel at this intersection of two Major Roadways which is undeveloped under its existing, split land use designations.

Given the recent economic crisis, particularly the market collapse for single family homes in south Miami-Dade County, it is highly unlikely that there will be future demand within the applicable planning framework for additional single family homes as currently contemplated by the Property's existing "Low Density Residential" designation. Accordingly, extension of the existing "Business and Office" designation to the balance of the Property is a relatively minor amendment that will allow for a significant commercial investment with resulting retail services and employment opportunities for the surrounding residential communities.

Such a change is expressly consistent with the following CDMP Land Use Goals, Objectives and Policies:

GOAL

PROVIDE THE BEST POSSIBLE DISTRIBUTION OF LAND USE AND SERVICES TO MEET THE PHYSICAL, SOCIAL, CULTURAL AND ECONOMIC NEEDS OF THE PRESENT AND FUTURE POPULATIONS IN A TIMELY AND EFFICIENT MANNER THAT WILL MAINTAIN OR IMPROVE THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT AND AMENITIES, AND PRESERVE MIAMI-DADE COUNTY'S UNIQUE AGRICULTURAL LANDS.

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.

Policies

- LU-1B. Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.
- LU-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-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-IG. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

Objective LU-2

Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

Policies

- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

- LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map.

Objective LU-4

Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.

Policies

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4E. Zoning shall be examined to determine consistency with the Comprehensive Plan, and if deemed necessary to remedy an inconsistency, rezoning action shall be initiated....
- LU-4F. Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.

Objective LU-8

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

Policies

- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities Density patterns should reflect the Guidelines for Urban Form contained in this Element.

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

LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;

ii) Enhance or impede provision of services at or above adopted LOS Standards;

iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and

v) Enhance or degrade environmental or historical resources, features or systems of County significance; and If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

5. ADDITIONAL MATERIAL SUBMITTED

a) Aerial Photograph

b) Section Map

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibits "B" and "C"

Attachments: Composite Exhibit "A" – Location Maps of Subject Area
Disclosure of Interest Forms – Exhibits "B" and "C"

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: WAL-MART STORES EAST, L.P., a Delaware limited partnership

2001 S.E. 10th Street

Bentonville, Arkansas 72716-0550

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

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

| APPLICANT | OWNER OF RECORD | FOLIO NUMBER | SIZE IN ACRES |
|-------------------------------|-----------------------------------|------------------|---------------|
| A: Wal-Mart Stores East, L.P. | South Miami Hospital, Inc. | 30-7902-000-0110 | 14.54 |
| | 6200 S.W. 73 rd Street | | |
| | Miami, FL 33143 | | |

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

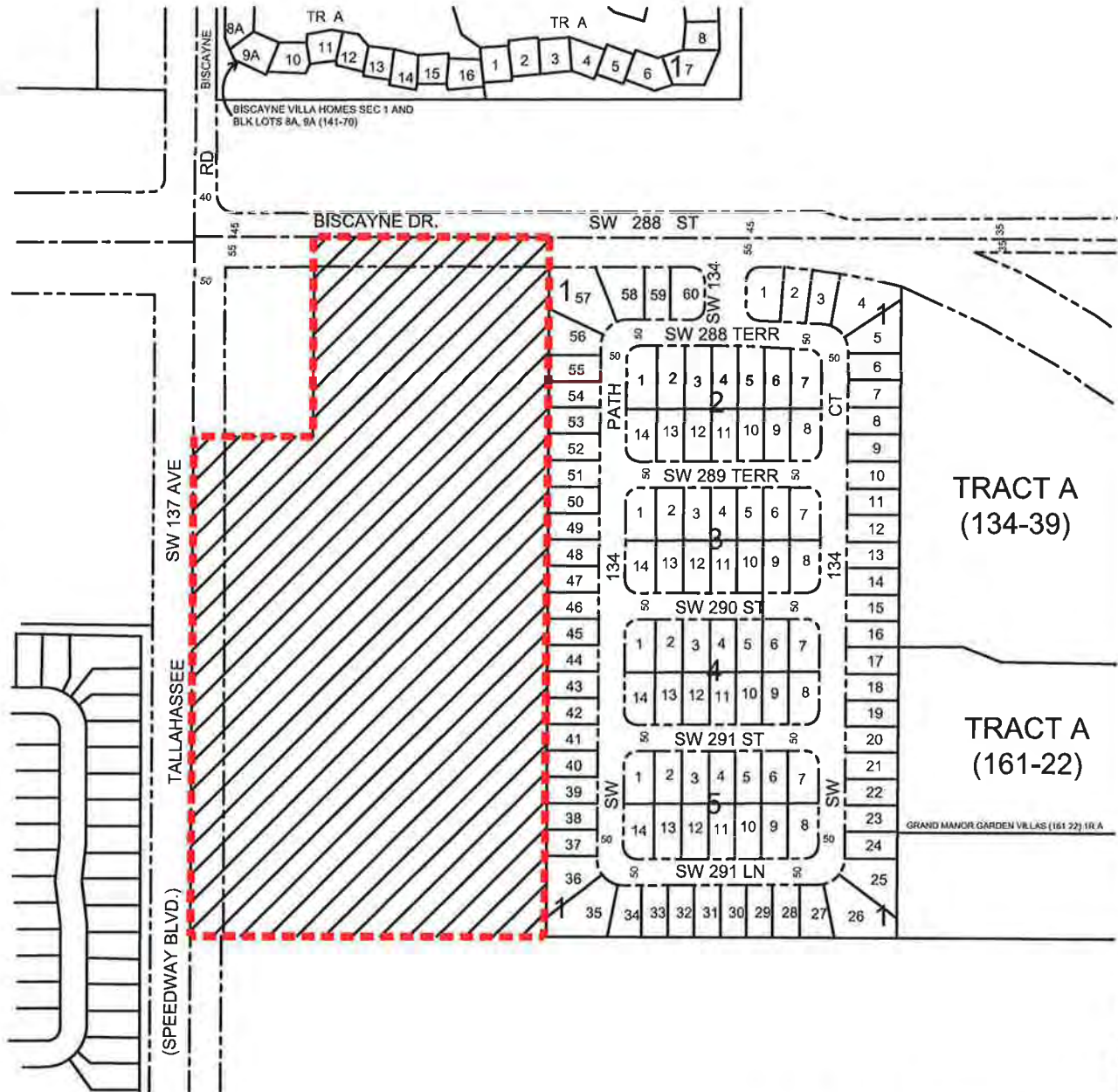
| APPLICANT | OWNER | LESSEE | CONTRACTOR FOR PURCHASE | OTHER (Attach Explanation) |
|--------------------------------|-------|--------|----------------------------|--------------------------------|
| A: Wal-Mart Stores, East, L.P. | | | X | |
| | | | | |
| | | | | |

COMPOSITE EXHIBIT "A-1"
WAL-MART STORES EAST, L.P.

LOCATION MAP FOR APPLICATION TO AMEND
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

LOCATION MAP

----- APPLICATION AREA (18.5 ± GROSS) / (16.8± NET)



CREECH
ENGINEERS, INC.

728 S.E. FEDERAL HIGHWAY, SUITE 100, FT. LAUDERDALE, FL 33304 (772) 283-1413
OFFICES ALSO IN JUPITER, MELBOURNE AND TALLAHASSEE, FL.
BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NUMBER 5159
PROFESSIONAL SURVEYORS AND MAPS, LICENSED CERTIFICATE NO. 10400101



1 inch = 300 ft.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

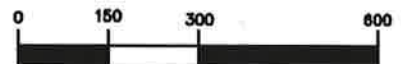
AERIAL LOCATION MAP

----- APPLICATION AREA (18.5± GROSS) / (16.8± NET)



CREECH
ENGINEERS, INC.

REGULATORY ENGINEERS
TALLAHASSEE, FLORIDA 32310-4400
OFFICES ALSO IN JUPITER, MELBOURNE AND TALLAHASSEE, FL.



1 inch = 300 ft.

This document, together with the concepts and designs presented herein, is an instrument of service, prepared only for the specific purpose and client for which it was prepared. No other use or reliance on this document without written authorization and adaptation by CREECH ENGINEERS, INC. shall be without liability to CREECH ENGINEERS, INC.

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: WAL-MART STORES EAST, L.P., a Delaware limited partnership

2001 S.E. 10th Street

Bentonville, Arkansas 72716-0550

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

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

| APPLICANT | OWNER OF RECORD | FOLIO NUMBER | SIZE IN ACRES |
|-------------------------------|-----------------------------------|------------------|---------------|
| A: Wal-Mart Stores East, L.P. | South Miami Hospital, Inc. | 30-7902-000-0110 | 16.8± |
| | 6200 S.W. 73 rd Street | | |
| | Miami, FL 33143 | | |

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

| APPLICANT | OWNER | LESSEE | CONTRACTOR FOR PURCHASE | OTHER (Attach Explanation) |
|--------------------------------|-------|--------|----------------------------|--------------------------------|
| A: Wal-Mart Stores, East, L.P. | | | X | |

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

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

CORPORATION NAME

PERCENTAGE OF
STOCK

NAME, ADDRESS, AND OFFICE (if applicable)

N/A

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

TRUSTEES

NAME:

N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

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

PARTNERSHIP NAME: Wal-Mart Stores East, L.P., a Delaware limited partnership

| <u>NAME AND ADDRESS OF OFFICE (if applicable)</u> | <u>PERCENTAGE OF INTEREST</u> |
|---|-------------------------------|
|---|-------------------------------|

See attached Exhibit "C"

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

| <u>NAME AND ADDRESS</u> | <u>PERCENTAGE OF INTEREST</u> |
|-------------------------|-------------------------------|
|-------------------------|-------------------------------|

Wal-Mart Stores East, L.P., a Delaware limited partnership

See attached Exhibit "C"

Date of Contract July 15, 2010

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

N/A

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

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

South Miami Hospital, Inc., a Florida not-for-profit corporation, f/k/a South Miami
Hospital Foundation, Inc.
6200 S.W. 73rd Street, Miami, FL 33143

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF
STOCK

South Miami Hospital, Inc., is a Florida not-for-profit corporation, and as such has no principals or stockholders. This corporation is managed by a Board of Directors, each of which is an independent person with no ownership interest in this corporation.

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

TRUSTEES

NAME:

N/A

PERCENTAGE OF
BENEFICIARY'S NAME AND ADDRESS

INTEREST

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

PARTNERSHIP NAME: N/A

| <u>NAME AND ADDRESS OF PARTNERS</u> | <u>PERCENTAGE OF OWNERSHIP</u> |
|-------------------------------------|--------------------------------|
|-------------------------------------|--------------------------------|

N/A

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

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

Wal-Mart Stores East, L.P., a Delaware limited partnership

See attached Exhibit "C"

Date of Contract July 15, 2010

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

N/A

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

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

WAL-MART STORES EAST, L.P.,

a Delaware limited partnership

WSE Management, LLC,

it's General Partner

By: 
Brian E. Hooper
Vice President *Real Estate*

STATE OF ARKANSAS)
) ss
COUNTY OF BENTON)

In the State of Arkansas, County of Benton, on this 20th day of October 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared BRIAN E. HOOPER, to me personally known to me to be the person who executed as such officer the within instrument of writing on behalf of such corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

WITNESS my hand and notarial seal subscribed and affixed in said county and state, the day and year in this certificate above written.




Sheri Fiel
Notary Public

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership,

and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT "C"
to
Disclosure of Interest

- 1) Wal-Mart Stores East, L.P. a Delaware limited partnership
2001 S.W. 10th Street
Bentonville, Arkansas 72716-0550

Percentage of Interest

• General Partner:

| | |
|--|----|
| WSE Management, LLC, a Delaware limited liability company 702 S.W. 8 th Street Bentonville, Arkansas 72716-0555 a wholly owned subsidiary of Wal-Mart Stores East, Inc., an Arkansas corporation, which is a wholly owned subsidiary of Wal-Mart Stores, Inc., a PUBLICLY TRADED COMPANY | 1% |
|--|----|

• Limited Partner:

| | |
|---|-----|
| WSE Investment, LLC, a Delaware limited liability company 1301 Southeast 10 th Street Bentonville, Arkansas 72716-0555 a wholly owned subsidiary of Wal-Mart Stores East, Inc., an Arkansas corporation, which is a wholly owned subsidiary of Wal-Mart Stores, Inc., a PUBLICLY TRADED COMPANY | 99% |
|---|-----|

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APPENDIX C

Miami-Dade County Public Schools Analysis

Not applicable. The Declaration of Restrictions proffered by the applicant prohibits residential development on the application site.

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APPENDIX D

Applicant's Traffic Study Executive Summary

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Executive Summary

This report is being prepared to evaluate the traffic impacts for the proposed Walmart Store in north Homestead. This project consists of a Walmart Store and two (2) out-parcels which can potentially be developed as a Bank, Retail Space, Office or Fast-Food. The subject site is located on the east side of SW 137th Avenue and south of SW 288th Street in Miami-Dade County, Florida. This site is currently vacant.

The trip generation characteristics for the subject project were obtained from ITE's **Trip Generation Manual, 8th Ed.** Note that the Outparcels were evaluated with four (4) potential land uses (i.e. Bank, Retail, Office and Fast-Food). Since the Fast-Food land use generated the greatest traffic volume, it was utilized in the subsequent analyses. The resulting Trip Generation calculations revealed there will be 594 net vehicles trips of which 294 vehicle trips are inbound and 300 vehicle trips are outbound from the site during the adjacent street PM peak hour. These peak hour trips correspond to the Site's Peak traffic demand. Lastly, the net trips included pass-by trips that were obtained from the ITE data. Although some additional model split can be associated with pedestrian/bicycle and transit usage (i.e. MetroBus), no further trip generation modal splits were made. Likewise, no internalization was utilized. However, these adjustments may be made in subsequent traffic analyses if necessary.

The Traffic Analysis Zone (TAZ) for the subject project is TAZ 1381 as assigned by the Metropolitan Planning Organization's (MPO). As such, the calculated weekday PM peak hour trips were distributed consistent with the distribution percentages of TAZ 1381. This TAZ distribution was based on interpolation of the 2005 and 2035 Directional Trip Distribution Report from the Miami-Dade 2035 Long Range Transportation Plan for the design year of 2013. For the purposes of the CDMP amendments, we have also interpolated to the year 2015 as requested by county staff.

In order to evaluate the traffic impacts to the adjacent roadways, intersection Level of Service (LOS) analyses were performed and documented in this report. Manual Turning Movement Counts (TMC's) were collected at the intersections most impacted. These counts were averaged, adjusted for peak seasonal conditions and used in the intersection Level of Service (LOS) analysis. These analyses were performed utilizing the Synchro/SimTraffic software that adheres to the 2000 Highway Capacity Manual methodology. As a result, the intersection LOS analysis yielded the following results:

| LOS SUMMARY | | | PM PEAK HOUR | | | | | | |
|---------------|---|--|----------------------|---------------------------|---------------------|---|---------------------|--|---------------------|
| | | | Intersection Control | Existing Condition (2010) | | Proposed Condition w/o Project Traffic (2013) | | Proposed Condition w/ Project Traffic (2013) | |
| Intersections | | | | LOS | Ave Veh Delay (sec) | LOS | Ave Veh Delay (sec) | LOS | Ave Veh Delay (sec) |
| 1 | SW 288 Street & SW 137 Avenue | | Signalized | D | 36.7 | D | 37.3 | E | 58.4 |
| | Optimized (Split Optimization) | | | N/A | N/A | N/A | N/A | D | 49.1 |
| 2 | SR-821 (SB) & SW 288 Street | | Signalized | C | 26.9 | C | 30.8 | C | 34.8 |
| | Optimized (Split Optimization) | | | N/A | N/A | N/A | N/A | C | 26.0 |
| 3 | SR-821 (NB) & SW 288 Street | | Signalized | A | 5.7 | A | 5.8 | A | 6.7 |
| 4 | SW 137 Avenue & Median Opening (S/O SW 288 St) | | Unsignalized | A | 3.5 | A | 4.0 | B | 11.3 |
| | Traffic Signal (Warranted) | | Signalized | N/A | N/A | N/A | N/A | C | 24.9 |
| 5 | SW 288 Street & Median Opening (E/O SW 137 Ave) | | Unsignalized | A | 0.9 | A | 1.0 | A | 1.0 |
| 6 | SW 288 Street & Driveway 1 | | Unsignalized | N/A | N/A | N/A | N/A | A | 0.1 |
| 7 | SW 137 Avenue & Driveway 2 (Right IN/OUT) | | Unsignalized | N/A | N/A | N/A | N/A | A | 0.0 |
| 8 | SW 137 Avenue & Driveway 3 (Southernmost) | | Unsignalized | N/A | N/A | N/A | N/A | A | 0.0 |

Similar to the intersections, an arterial analysis was performed by taking the seasonally adjusted existing condition and augmenting Walmart's site traffic and background traffic growth. These arterial Level of Service (LOS) analyses were performed for a projected 2013 condition as well as the 2015 condition. The 2013 design year represents the proposed opening year of this project. The year 2015 arterial analysis was performed for the purposes of the CDMP amendments in the event the project is not completed by 2013. Lastly, a long term 2025 analysis has been included as requested by the Planning and Zoning Department. As a result, the arterials analyzed yielded LOS C. Provided below is a table with a summary of the LOS results.

| PM PROPOSED CONDITION WITH PROJECT TRAFFIC (2013, 2015 & 2025) | | | | | | | | | | |
|--|------------------------|--------|------|---------------------------------|------------------------------|------------------------------|----------------------------------|---------------------------|---------------------------|---------------------------|
| ROADWAY | | SOURCE | DIR | 2013 PM PEAK HOUR VOLUMES | 2015 PM PEAK HOUR VOLUMES | 2025 PM PEAK HOUR VOLUMES | JURISDICTIONAL CLASSIFICATION | PROPOSED LOS (2013) | PROPOSED LOS (2015) | PROPOSED LOS (2025) |
| NAME | AT | | | | | | | | | |
| SW 288 Street | East of SW 137 Avenue | RGA | EB | 851 | 868 | 976 | 4-Lane Non-State | C | C | C |
| | | | WB | 969 | 989 | 1,112 | Divided -Class II | C | C | C |
| | | | LINK | 1,820 | 1,857 | 2,088 | | | | |
| SW 137 Avenue | South of SW 288 Street | RGA | NB | 1,246 | 1,271 | 1,429 | 4-Lane Non-State | C | C | C |
| | | | SB | 1,340 | 1,367 | 1,537 | Divided-Class I | C | C | C |
| | | | LINK | 2,586 | 2,638 | 2,966 | | | | |

As discussed with the Miami-Dade Traffic Engineering Department (TED) several auxiliary turn lanes were analyzed. These Turn Lanes (TL) include the following:

- TL1: Eastbound Right Turn Lane on SW 288th Street (Project Driveway)
- TL2: Southbound Left Turn Lane on SW 137th Avenue (Northern Project Driveway)
- TL3: Southbound Left Turn Lane on SW 137th Avenue (Southern Project Driveway: Truck Traffic)
- TL4: Northbound Left Turn Lane on SW 137th Avenue @ SW 288th Street (Existing)

TL1's evaluation was found not to have any queue since this traffic is free flowing and the adjacent eastbound through traffic is minimal (i.e. $v/c=0.24$). Therefore, it is not recommended that a right-turn lane is needed or justified.

TL2's evaluation was found that a turn lane is needed due to the significant project traffic. Therefore, this turn lane should be designed to allow for the maximum stacking distance (i.e. 150 feet or more) within the geometry of the existing northbound left turn lane.

TL3's evaluation was found that a turn lane is needed to accommodate the truck traffic into the site. This lane should have a queue distance of approximately 50 feet. This was not based on the 95th percentile queue since the traffic models could not generate a queue due to the low volume during the PM peak.

Since TL4 is an existing condition, its evaluation was based on the available queue and required queue distance. As such, this lane is expected to have significant queue as a result of conservative traffic estimates that send the majority of the traffic west toward the Turnpike. Our queuing analysis suggested that this lane should have a queue distance of approximately 240 feet based on the 95th percentile queue. Therefore, the existing stacking lane of 200 feet may experience some overflow and should be increased by 50 feet. Note: a northbound dual left turn lane was also evaluated but resulted in greater delays and decreased LOS, since dual left turns require protected only signal phasing. Therefore, a northbound dual left turn lane is not recommended at this time since there is room in the existing median for expansion in the future.

A Signal Warrant analysis was performed for the intersection (median opening/Publix driveway) on SW 137th Avenue just south of SW 288th Street as per MUTCD. Since the proposed Walmart is not yet constructed and operational, traffic volumes were projected based on the AM peak, PM peak and Daily (24-hour) trip generation data. Two (2) separate site traffic warrant volumes were evaluated as follows:

- Westbound Driveway Approaching Volume (Outbound Traffic)
- Southbound Left Turn Volume (Inbound Traffic)

The warrant analysis finds sufficient evident exists that the existing intersection/median opening on SW 137th Avenue just south of SW 288th Street will experience traffic volumes and delay to justify signalization based on the satisfaction of Warrants 1, 2 and 3. As such, we have provided the Level of Service Analysis for signal control above.

Lastly, a Concurrency review of traffic was performed for the proposed condition Level of Service (LOS) that included background growth and site traffic. This analysis included Miami-Dade County traffic Count Stations 9824 and 9928, and was performed for the expected design year (opening year) of 2013 and 2015 as requested by the Department of Planning and Zoning. Additionally, a 2025 analysis was likewise performed for long-term purposes. The table below provides a summary of the analysis that resulted in LOS C or better.

| MIAMI-DADE COUNTY TRAFFIC COUNT STATIONS | | | | | | | | | | | | |
|--|------------------------|------------------------|---------|-------|-----------|-----------|-------------|-----------------|---|---|---|------------------------------------|
| STA # | ROADWAY | LOCATION | MAX LOS | PHP | START | DOS TRIPS | START | AVAIL TRIPS | PROPOSED 2013 PHP (W/O PROJECT) | PROPOSED 2015 PHP (W/O PROJECT) | PROPOSED 2025 PHP (W/O PROJECT) | CONCURRENCY LOS (2013, 2015, 2025) |
| 9928 | SW 288 Street | West of SW 137 Avenue | 2,640 | 1,503 | 1,137 | 215 | 215 | 922 | 1,770 | 1,806 | 1,995 | C |
| 9824 | SW 137 Avenue | North of SW 288 Street | 3,190 | 1,594 | 1,596 | 200 | 200 | 1,396 | 1,848 | 1,886 | 2,083 | B |
| MIAMI-DADE COUNTY TRAFFIC COUNT STATIONS | | | | | | | | | | | | |
| ROADWAY | LOCATION | MAX LOS | PHP | START | DOS TRIPS | START | AVAIL TRIPS | PROJECT TRAFFIC | PROPOSED 2013 PHP (W/ PROJECT) Vol / LOS | PROPOSED 2015 PHP (W/ PROJECT) Vol / LOS | PROPOSED 2025 PHP (W/ PROJECT) Vol / LOS | |
| SW 288 Street | West of SW 137 Avenue | 2,640 | 1,503 | 1,137 | 215 | 215 | 922 | 396 | 2,114 C | 2,156 C | 2,382 C | |
| SW 137 Avenue | North of SW 288 Street | 3,190 | 1,594 | 1,596 | 200 | 200 | 1,396 | 136 | 1,930 B | 1,969 B | 2,175 B | |

In conclusion, the result contained in this report finds acceptable Level of Service (LOS) at the intersections and arterials most impacted by this project. Please note the arterial Level of Service (LOS) remained the same for the existing, proposed condition with and without the project traffic. Therefore, sufficient roadway capacity exists to support this project.

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APPENDIX E

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 3 of the October 2010 Cycle of Applications 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 Department of Solid Waste Management (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 this standard.

Residential Collection and Disposal Service

Not applicable. The proposed declaration of restrictions submitted by the applicant on January 24, 2011, restricts residential development on the application site.

Waste Disposal Capacity and Service

The incremental and cumulative cost of providing disposal capacity for DSWM Collections, municipalities and other haulers are paid for by the users. For FY 2009 -10, the DSWM charged a disposal tipping fee at a contract rate of \$59.77 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 \$78.90 per ton in FY 2009 -10. 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

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.379 per 1,000 gallons for the water and \$1.571 per 1,000 gallons for the sewer. The connection fee was based on providing a 1-inch service line and 1-inch meter. With no residential development proposed on the site, the maximum commercial development allowed under the proposed re-designation to "Business and Office", which would generate the a total 29,273 gpd demand for water and sewer services, the fees to be paid by the developer would be \$40,688 for water impact fee, \$163,925 for sewer impact fee and \$1,300 per unit for connection fee. Annual operating and maintenance cost, based on approved figures through September 30, 2009, is estimated at \$31,511. In addition, the estimated cost of constructing the required 16- and 12-inch potable water mains, the required 8-inch gravity sanitary sewer main, and the private sewer pump station is \$528,905. This does not include the Engineering Fees (10% of the total fees = \$52,891) and Contingency (15% of the Subtotal = \$87,269). The grand total is estimated at \$669,065 for this application.

Flood Protection

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

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

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

Public Schools

Not applicable. Applicant's proffered declaration of restrictions supporting the application prohibits residential development on the subject property.

Fire Rescue

Data from Miami-Dade County Fire and Rescue Department is pending.

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APPENDIX F

Proposed Declaration of Restrictions

The applicant submitted a Declaration of Restrictions, which restricts residential development on the subject property. The Declaration of Restrictions was submitted within schedule on January 21, 2011.

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2011 FEB -2 P 2: 08

PLANNING & ZONING
METROPOLITAN PLANNING SECT

VIA E-MAIL AND HAND-DELIVERY

January 21, 2011

Marc C. LaFerrier, Director
Miami-Dade County Department of Planning and Zoning
111 N.W. 1st Street
Miami, Florida 33128

Joel E. Maxwell

Akerman Senterfitt
One Southeast Third Avenue
25th Floor
Miami, Florida 33131
Tel: 305.374.5600
Fax: 305.374.5095

RECEIVED
JAN 24 2011

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
201101333

Re: Wal-Mart Stores East, LP, CDMP Application No. 3, October 2010 Cycle; Proffer of Draft Restrictive Covenant and Draft Opinion of Title

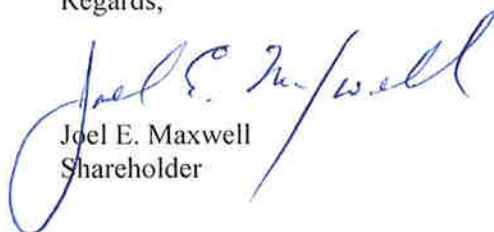
Dear Director LaFerrier,

As requested and required by the Miami-Dade County Department of Planning and Zoning in connection with the subject CDMP amendment application, attached, hereto, please find the following items related to the subject, pending, October 2010 Cycle, Wal-Mart Stores East, L P, CDMP application:

- a) Current property owner, South Miami Hospital, Inc., Declaration of Restrictions (UNEXECUTED Covenant) relating to prohibited residential uses on the site; and
- b) Draft Opinion of Title dated December 21, 2010, for the subject property.

Please contact me or Augusto Maxwell should you have any questions or comments regarding these submissions.

Regards,


Joel E. Maxwell
Shareholder

JEM/ac

Attachments

cc: Dickson I. Ezeala
Joseph Goldstein
Michael Goldstein
Thomas Kier
Augusto Maxwell
Frank McCune
Patrick Moore
John Okwubanego
Mark Woerner

akerman.com

BOCA RATON DALLAS DENVER FORT LAUDERDALE JACKSONVILLE LAS VEGAS LOS ANGELES MADISON MIAMI NEW YORK
ORLANDO PALM BEACH TALLAHASSEE TAMPA TYSONS CORNER WASHINGTON, D.C. WEST PALM BEACH

This instrument was prepared under
the supervision of:

Name: Joel E. Maxwell, Esq.
Address: Akerman Senterfitt & Eidson
One Southeast Third Avenue, 25th Floor
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

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

WHEREAS, an application has been filed to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County with the Planning and Zoning Department (the "Planning and Zoning Department"), which application is officially designated as CDMP Application No. 3 (October 2010 Cycle) (the "Application"), seeking to re-designate the land use designation on the Property from "*Business and Office*" and "*Low Density Residential*" to "*Business and Office*."

NOW, THEREFORE, in order to assure the Miami-Dade County Board of County Commissioners (the "Board of County Commissioners") that the representations made by the Owner during consideration of the Application shall be binding commitments to be performed by

the Owner, its successors and assigns, freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

1. **Restrictions on the Use and Development of the Property.** Notwithstanding the Land Use Plan map designation of the Property of "*Business and Office*," residential uses shall not be permitted on the Property.
2. **Miscellaneous.**
 - A. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and may be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.
 - B. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

C. 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 Property, provided that the same is also approved by the Board of County Commissioners. Any such modification or release shall be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans, and Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding the previous sentence, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration shall be subject to Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans 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, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans and by the provisions for the

adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

D. 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.

E. 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.

F. 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.

- G. 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.
- H. Severability.** Invalidity of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect.
- I. Recordation and Effective Date.** This Declaration shall be filed of record, at the Owners' expense, in the public records of Miami-Dade County, Florida, following adoption by the Miami-Dade County Board of County Commissioners of an ordinance approving the Application and the expiration of any applicable appeal period. This Declaration shall become affective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal does not result in final approval of the Application, then this Declaration shall be null and void and of no further effect. Upon the disposition of such appeal that does not result in final approval of the Application, 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 acknowledging that this Declaration is null and void and of no further effect.

- J. Acceptance of Declaration of Restrictive Covenants.** The Owner acknowledges that approval of the Application and acceptance of the Declaration of Restrictions does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.

[signature pages follow]

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this _____ day of

_____, 2011.

WITNESSES

SOUTH MIAMI HOSPITAL, INC.,
a Florida not-for-profit corporation

Signature

Printed Name

Signature

Printed Name

By: _____
Lincoln Mendez, Chief Executive Officer

STATE OF FLORIDA

)

) SS

COUNTY OF MIAMI-DADE

)

The foregoing instrument was acknowledged before me by Lincoln Mendez, Chief Executive Officer, on behalf of **SOUTH MIAMI HOSPITAL, INC.**, a Florida not-for-profit corporation, for the purposes stated herein. He is personally known to me or has produced _____ as identification. Witness my signature and official seal this _____ day of _____, 2011, in the County and State aforesaid.

My Commission Expires:

Notary Public - State of Florida

Printed Name

EXHIBIT "A"

Legal Description of the Property

The West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, LESS the North 55 feet and the West 53 feet for roads, and less beginning at the Northwest corner of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, then South 378 feet, East 228 feet, North 378 feet, West 228 feet to the Point of Beginning, Township 57, Range 39, Section 2, Dade County, Florida.

LESS AND EXCEPT that land conveyed to Metropolitan Petroleum Company by that certain Quit Claim Deed recorded in Official Records Book 18184, Page 274, of the public records of Miami-Dade County, Florida.

December 21, 2010

DRAFT
ATTORNEY'S OPINION OF TITLE FOR RESTRICTIVE COVENANT

Board of County Commissioners
Miami-Dade County
111 N.W. 1st Street, Suite 220
Miami, FL 33128

Re: Attorney's Opinion of Title for Restrictive Covenant
Property: 16.79 acres on the S.E. quadrant of S.W. 288th Street and S.W. 137th Avenue
Folio No. 30-7902-000-0110

Ladies and Gentlemen:

A search of the public records of Miami-Dade County, Florida, from the beginning through November 1, 2010 at 8:00 AM, made by Stewart Title Guaranty Company under File No. 1007646 reveals the following matters with respect to the lands referenced above and more particularly described in Exhibit A attached hereto (the "Property"):

A. Legal Description:

See legal description as set forth in Exhibit A attached hereto and made a part hereof.

B. Owner of Record:

SOUTH MIAMI HOSPITAL, INC., a Florida non-profit corporation, f/k/a South Miami Hospital Foundation, Inc., a Florida non-profit corporation, by virtue of those certain conveyances recorded in Official Records Book 16521, Page 199, Official Records Book 16354, Page 2732, Official Records Book 14284, Page 1010, Official Records Book 13010, Page 1174, Official Records Book 10377, Page 1103, and Official Records Book 9819, Page 1440, all of the public records of Miami-Dade County, Florida.

C. Mortgage Holders of Record:

NONE.

D. Easements, Rights-of-Way, and Other Matters of Record Affecting the Property:

1. Unrecorded 3M Media Lease Agreement dated May 23, 1994, in favor of National Advertising Company, as evidenced by Memorandum of Lease Agreement dated

May 23, 1994, and recorded August 1, 1994, in Official Records Book 16459, Page 735, of the public records of Miami-Dade County, Florida.

2. Unrecorded Agricultural Lease in favor of Alger Farms, Inc., dated April 26, 2010.

E. Rights-of-Way/Easements Abutting or Necessary for Legal Access to the Property:

1. S.W. 288th Street abuts the north boundary of the Property.
2. S.W. 137th Avenue abuts the west boundary of the Property.

F. Taxes and Assessments:

Folio No.: 30-7902-000-0110

Status of 2010 Tax Year Payment: Paid

Assessed Value: \$41,998 (Agricultural)

Gross Amount: \$859.16

Amount Paid: \$824.79

The foregoing attorney's opinion of title is made for the purpose of furnishing the information required for the acceptance of the referenced restrictive use covenant pursuant to Section 2-116.1(9) of the Code of Miami-Dade County. It has been prepared expressly for the addressee of this opinion, and it is not to be relied upon by any other group or person for any other purpose.

EDWARDS COHEN

By: _____
Rosel R. Pine, Esq.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, LESS the North 55 feet and the West 53 feet for roads, and less beginning at the Northwest corner of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, then South 378 feet, East 228 feet, North 378 feet, West 228 feet to the Point of Beginning, Township 57, Range 39, Section 2, Dade County, Florida.

LESS AND EXCEPT that land conveyed to Metropolitan Petroleum Company by that certain Quit Claim Deed recorded in Official Record Book 18184, Page 274, of the public records of Miami-Dade County, Florida.

APPENDIX G

Photos of Application Site and Surroundings

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The vacant and cleared application site viewed from the west side across SW 137 Avenue and showing a wall-fenced-in residential community on the eastern boundary of the property on the background.



The above-referenced residential neighborhood abutting the western portion of the application site with its main entrance fronting SW 288 Street as shown.



The southern portion of the application site is shown with tall nursery palm trees on the abutting property owned by the Two Sisters Nursery. Photo taken from across SW 137 Avenue.



The Two Sisters Nursery on a property abutting the application site to the south. Photo also shows a clearly marked "Right Lane Bicycle Only" sign and lane along SW 137 Avenue.



West of the application site showing free-standing Bank of America with drive-thru facilities (to the left end), and free-standing Walgreen Pharmacy. These with anchor Publix Store constitute the Waterstone Shopping Center at the northwest corner of intersection of SW 137 Avenue and SW 288 Street. The prominent road on the photo is the SW 137 Avenue



The intersection of SW 137 Avenue and SW 288 Street around 2 P.M. The truck and the two cars are on northbound lanes on SW 137 Avenue about to cross SW 288 Street.



North of the application site across SW 288 Street showing a Chevron Gas station, U-Hall Trucks Rental Storage and a vacant grassy property used for temporary parking of the rental trucks. Further straight and behind the gas station canopy is Chase Bank.



Free-standing Wendys fast food restaurant with ped path directly north of the application site across SW 288 Street. The vacant grassy property referenced above is sandwiched by this Wendys and the Chevron gas station. To the right of Wendys is a small retail center with learning centers, barber shop, Boost mobile, etc.