

# **Application No. 2**

## **Commission District 11 Community Council 11**

### **APPLICATION SUMMARY**

Applicant/Representative: Kendall Investors 172, LLC./Juan J. Mayol, Esq.

Location: South of SW 88 Street/Kendall Drive and west of SW 167 Avenue

Total Acreage: ±42 Gross Acres (38.5 Net Acres)

Current Land Use Plan Map Designation: Business and Office

Requested Change: Release and delete current Declaration of Restrictions that prohibits residential development on the 42-acre application area from the Restrictions Table in the Land Use Element on Page I-74.1

Amendment Type: Standard

Existing Zoning/Site Condition: BU-1A (Limited Business District)/Vacant

### **RECOMMENDATIONS**

Staff: **TRANSMIT AND ADOPT** (February 25, 2012)

West Kendall Community Council (11): **TRANSMIT AND ADOPT** (March 20, 2012)

Planning Advisory Board (PAB) acting as Local Planning Agency: **TRANSMIT AND ADOPT** (April 16, 2012)

Board of County Commissioners: **TRANSMIT AND ADOPT** (May 16, 2012)

Final Action of Planning Advisory Board: **TO BE DETERMINED** (August 20, 2012)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (October 3, 2012)

Staff recommends **TRANSMIT AND ADOPT** the proposed standard amendment to release and delete the current Comprehensive Development Master Plan (CDMP) Declarations of Restrictions that prohibits residential development on the 42-acre application area from the Restrictions Table in the CDMP Land Use Element on page I-74.1, based on the staff analysis summarized in the Principal Reasons for Recommendation below:

**Principal Reasons for Recommendation:**

1. The Miami-Dade Board of County Commissioners (BCC) adopted Ordinance No. 08-45 in April 2008 that approved Application No. 8 of the April 2007 CDMP amendment cycle. The approval expanded the 2015 Urban Development Boundary to include the 42-acre application site and redesignated the site from “Agriculture” to “Business and Office” on the CDMP adopted 2015 and 2025 Land Use Plan (LUP) map. In addition, the BCC accepted two declarations of restrictions (covenant) that were proffered in support of the application. One covenant provides for the construction of SW 172 Avenue from Kendall Drive/NW 88 Street to the southern boundary of the subject property and for a traffic signal, if warranted, at the intersection of Kendall Drive and SW 172 Avenue. The second covenant prohibits residential development on the application site, and is the subject of the request to release and delete the covenant contained in this current application.

The application states that the subject property is well suited for a mixed-use project and that the requested covenant release and deletion would allow for residential development on the property. If approved, the application would not affect the subject property’s potential for non-residential development (maximum 670,824 square feet of commercial uses) but would allow for alternative development scenarios of residences on the entire property (a maximum 546 multi-family dwelling units) or a combination of residences and non-residential uses on the property.

The April 2007 Application No. 8 was approved to provide commercial services to the area residents and any development on the property should include such commercial services. Therefore, staff generally supports the potential mix of uses (residential and non-residential) on the application site by removing the current prohibition for residential units.

2. The introduction of residential as an allowable use on the application site, as requested and discussed above, was evaluated for impacts to county services, environmental and historical resources, and for compatibility with abutting and nearby land uses, as is required for LUP map amendments pursuant to CDMP Land Use Element Policy LU-8E. While this application is not a LUP map amendment, this analysis is to ensure that, if the application is approved, any impacts that would be generated by the additional allowable use on the property is identified and appropriately mitigated.

*County Services:* If the application were approved, the impacts that could be generated by the maximum allowable residential development on the subject property would not cause any violations in the adopted levels of service standards for public facilities and services of the County.

*Compatibility:* The development of residential uses or any mixing of residential uses with the currently allowed commercial uses on the subject property would be compatible with the adjacent Kendall Commons Traditional Neighborhood Development (TND) to the south, which is presently under construction, and would be generally compatible with the adjacent agricultural lands to the west, north and east.

*Environmental and Historical Resources:* If approved, the application would not impact any historical or archaeological resources, but, could generate impacts to environmental resources. The environmental resources that could be impacted include the West Wellfield (subject property is within the West Wellfield Protection Area) and wetlands located on the southwestern portion of the application site. Development within the Wellfield Protection Area is subject to and regulated by Section 24-43 of the Miami-Dade County Code. The Miami-Dade County Department of Permitting, Environment and Regulatory Affairs (PERA) has indicated that there is an existing violation for unauthorized wetlands impacts on the application site and that a restoration plan is required for those wetlands impacts.

Furthermore, staff analysis indicates that if approved, the impacts to environmental resources from the maximum 546 multi-family units that could be built on the application site may not exceed the estimated impacts of the 670,824 square feet of commercial uses currently allowed under the property's "Business and Office" LUP map designation.

# STAFF ANALYSIS

## Background

The Miami-Dade Board of County Commissioners adopted Ordinance No. 08-45 in April 2008 that approved Application No. 8 of the April 2007 CDMP amendment cycle. The approval expanded the 2015 Urban Development Boundary to include the 42-acre application site and redesignated the site from “Agriculture” to “Business and Office” on the CDMP adopted 2015 and 2025 Land Use Plan (LUP) map, and was with acceptance of two proffered declarations of restrictions (covenant). One of the two covenants provides for the construction of SW 172 Avenue from Kendall Drive/NW 88 Street to the southern boundary of the subject property and for a traffic signal, if warranted, at the intersection of Kendall Drive and SW 172 Avenue (recorded in Official Records Book 26405 Pages 3397 to 3405). The other covenant prohibits residential development on the application site, and is the subject of the request for release and deletion in this current application. This covenant is recorded in Official Records Book 26405 Pages 3406 to 3412 and is included as Exhibit B in the amendment application as filed (see Appendix B: Amendment Application).

The requested release and deletion of the covenant, if approved, would not affect the subject property’s potential for non-residential development (maximum 670,824 square feet of commercial uses) but would allow for alternative development scenarios of residences on the entire property (a maximum 546 multi-family dwelling units) or a combination of residences and non-residential uses on the property. The April 2007 Application No. 8 was approved to provide commercial services to the area residents and any development on the property should, therefore, include such commercial services.

## Application Site

### Location

As indicated above, the application site is a 42.0 gross acre parcel located on the south side of SW 88<sup>th</sup> Street/Kendall Drive, west of SW 167th Avenue; and is currently being farmed. The property is approximately a half mile west of the Kendall Town Center development and approximately three miles northwest of the Kendall-Tamiami Executive Airport.

### Existing Land Use

The application site is currently in agricultural use and part of the southwest portion of the site is within a wetland that contains an environmentally sensitive tree island.

### Land Use Plan Map Designation

The application site is currently designated as “Business and Office” on the Adopted 2015 and 2025 Land Use Plan (LUP) map of the CDMP. The “Business and Office” LUP designation allows the full range of sales and service activities, which include “retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities. The category also allows residential uses, and the mixing of residential use with commercial, office and hotels provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact but provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity”.



### Existing Zoning

The application site is currently zoned BU-1A (Limited Business District). (See Zoning Map in Appendix A: Map Series.)

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The application site was originally zoned GU (Interim), which allows land uses based upon the character of the surrounding neighborhood. On July 14, 2010, the County Community Zoning Appeals Board 11 (CZAB11) adopted Resolution No. CZAB11-11-10, with acceptance of a proffered zoning covenant, and thereby rezoned the application site from GU to its current BU-1A zoning district. The zoning covenant prohibits residential uses on the subject property and requires the construction a segment of SW 172 Avenue, the construction of a landscape buffer on the property's southern boundary adjacent to the approved Kendall Commons Traditional Neighborhood Development (TND), among other requirements.

## **Adjacent Land Use and Zoning**

### Existing Land Use

The properties to the west, north and east of the subject site are in agricultural use. The properties to the south are vacant and are the site of the Kendall Commons TND and are undergoing site preparation activities.

### Land Use Plan Map Designation

The properties to the west, north and east of the subject site are designated "Agriculture" on the LUP map and the properties to the south, the Kendall Commons TND properties, are designated "Low Density Residential" (2.5 to 6 dwelling units per gross acre).

### Zoning

The properties adjacent to the west, north and east of the site are zoned GU (Interim District). The properties to the southwest are zoned AU (Agricultural District) and the properties to the south is zoned TND (Traditional Neighborhood Development District: 40 acres gross minimum parcels, mixed uses).

## **Supply and Demand**

### Supply and Demand for Commercial land

The Analysis Area for Application 2 (MSA 6.1 and 6.2) contained 1,075.1 acres of in-use commercial uses in 2012 and an additional 286.7 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2012-2030- period is 26.79 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, the study area will deplete its supply of commercially zoned land in the year 2023 (See Table below).

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

Analysis Area	Vacant Commercial Land 2012 (Acres)	Commercial Acres in Use 2012	Annual Absorption Rate 2012-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
6.1	42.6	533.60	13.00	2015	2.8	2.5
6.2	244.1	541.50	13.79	2030	4.7	4.3
<b>Total</b>	<b>286.7</b>	<b>1,075.10</b>	<b>26.79</b>	<b>2023</b>	<b>3.6</b>	<b>3.3</b>

Source: Miami-Dade County, Sustainability, Planning and Economic Enhancement Department, Planning Division, Research Section, January 2012.

**Supply and Demand for Residential Land**

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Areas 6.1 and 6.2) in 2012 was estimated to have a capacity for 6,317 dwelling units, with approximately 33 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 1,565 units per year in the 2010-2015 period to 1,831 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units occurring in 2014 and for multi-family beyond the year 2030 (See Residential Land Supply/Demand Analysis table below). The supply of residential land for both single-family and multi-family units is projected to be depleted in the year 2016.

**Residential Land Supply/Demand Analysis  
2012 to 2030: (MSAs 6.1 and 6.2)**

ANALYSIS DONE SEPARATELY FOR EACH TYPE I.E.  
NO SHIFTING OF DEMAND BETWEEN SINGLE &  
MULTIFAMILY TYPE

STRUCTURE TYPE

	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2012	4,222	2,095	6,317
DEMAND 2010-2015	1,494	71	1,565
CAPACITY IN 2015	0	1,882	1,622
DEMAND 2015-2020	1,436	68	1,504
CAPACITY IN 2020	0	1,542	0
DEMAND 2020-2025	753	35	788
CAPACITY IN 2025	0	1,367	0
DEMAND 2025-2030	1,748	83	1,831
CAPACITY IN 2030	0	952	0
<b>DEPLETION YEAR</b>	<b>2014</b>	<b>2030+</b>	<b>2016</b>

Residential capacity is expressed in terms of housing units.

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

Source: Miami-Dade County, Sustainability, Planning and Economic Enhancement Department, Planning Division, Research Section, January 2012.

## **Environmental Conditions**

### **Flood Protection**

County Flood Criteria, National Geodetic Vertical Datum (NGVD)	+9.0 feet
Stormwater Quality Management	5-year/1-day storm event
Drainage Basin	C-1
Federal Flood Zone	AH-8 and X-99

### **Biological Conditions**

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

### **Other Considerations**

Within Wellfield Protection Area	West Wellfield Interim- 210 day & 100 day
Hazardous Waste	NO

### **Drainage, Flood Protection, and Stormwater Management**

This proposed amendment has been reviewed to ensure that resulting development can comply with the County's Stormwater Management (Drainage) Level of Service Standards (LOS). Stormwater management standards include a flood protection component and a water quality component. The County's water quality standard helps protect water quality by minimizing the pollutants carried offsite in rainwater. This standard requires all stormwater to be retained on-site utilizing a properly designed seepage or infiltration drainage system for a 5-year storm/1-day storm event. (CDMP Policy CON-5A)

The flood protection standard helps to ensure that proposed development does not cause flooding on adjacent properties and roads. This standard requires that site grading and development accommodates full on-site retention of rainwater from the 25-year/3-day storm event. Off-site flood protection is provided by the C-1 canal, operated by the South Florida Water Management District.

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The site shall be filled to the County's minimum required flood elevation for this area or the base flood elevation established by Federal Flood Insurance Rate Maps (FIRM) for this area of Miami-Dade County, whichever is higher. The application site lies within Flood Zone AH-8 and X-99 as per the federal FIRM maps.

A PERA Class II permit will be required if the proposed drainage system for the development contains an outfall or overflow system in, on, or upon any water body of Miami-Dade County. Since portions of the proposed project fall within the 100-day and 210-day contour of the West Wellfield Interim protection area, drainage restrictions are applied in accordance with Section 24-43 of the County Code.

The proposed request to allow residential development will not affect the future conditions (flooding level of service) in the area, C-1 sub-basin C1-N-2. The area of the application is in C1-Basin where the fill encroachment and water management criteria ("cut and fill criteria") are required as Best Management Practices for water quality and flooding mitigation. The flooding system should be designed for the full application area, in a comprehensive solution.

#### Wetlands

As noted in the analysis during the initial review of this application (Application #8, April 2007 CDMP Application Cycle), inspections of the application site indicate that properties with folios 30-4931-001-0530 and-0580 contain wetlands as defined by Section 24-5 of the County Code. Therefore, a Class IV Wetland Permit will be required before any work can be performed on the jurisdictional wetland portions of these properties.

The County has recently notified the owner of the aforementioned properties of a violation for unauthorized impacts to wetlands. A restoration plan for the impacts is required. Proposed development on the application site must consider avoidance and minimization of all impacts to these wetlands. Any proposed development designs should include open space buffers and green areas adjacent to the wetland areas in order to avoid any further secondary impacts. It should be noted that due to the wetland area that extends into the application site and the property to the south, the alignment of S.W. 172nd Avenue was shifted to the east to avoid impacts to the wetland. The developer must contact the Wetlands Resources Section of PERA for further information and also seek a Surface Water Management General Permit from the South Florida Water Management District. Permits from the United States Army Corps of Engineers may also be required for this site.

#### Endangered Species

The wetlands on the application site are located within the Core Foraging Area for four rookeries, located in nearby Everglades National Park and Water Conservation Area 3B, that are occupied by woodstorks, a federally listed endangered species, and other wading bird species listed by the State of Florida as Threatened or Endangered. The CDMP affords a high standard of protection to wetlands that provide habitat for threatened or endangered species. Policy CON-7A states, ". . . Habitats critical to endangered or threatened species shall not be destroyed." Policy CON-9B states that, "All nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, where necessary." An analysis of the wildlife usage of the wetlands located on the application site will be required associated with any application for a Class IV Wetland Permit (required, as noted above) to determine whether portions of the site provide habitat for woodstorks and/or other threatened or endangered species, and should, therefore, be preserved, protected, and buffered from surrounding development.

### Tree Preservation

The subject properties contain tree resources along the right of way of SW 88th Street. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24 of the Code.

In addition, it is recommended that as a condition of approval for this application, prohibited plant species shall be eradicated from all portions of the site prior to development. (CDMP Policy CON-8I)

### Wellfield Protection

The application site is located within the 100-day and 210-day travel time contour of the West Wellfield Interim Protection Area and is subject to stringent wellfield protection measures that restrict development and regulate land uses within the wellfield protection area. The West Wellfield Interim Protection Area specifically has allowable land uses listed in Table E-1 of Section 24.43(1) of the Code. Hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on that portion of the property located within the West Wellfield Interim Protection Area.

### Air Quality Management

The County works to reduce human exposure to air pollution (CDMP Objective CON-1) and to reduce carbon dioxide levels (CDMP Policy CON-1J). Minimizing vehicle emissions through reduced traffic congestion, vehicle travel time and vehicle trips help to minimize air pollutants. The County requires air quality modeling for certain roadway segments, intersections, and parking facilities to reduce congestion. The County promotes mass transit as an alternative to the personal automobile (CDMP Policy TE-1A), and also supports bicycle use, and trips made by foot to minimize vehicle trips and air pollution. The CDMP Objective LU-10 also recommends land use patterns to achieve energy efficient development.

In addition, demolition, removal and/or renovation of any existing structure(s) and/or underground utilities, resulting from the implementation of any of the changes proposed for this site, will require an asbestos survey from a Florida-licensed consultant prior to any construction activities. The application must contact PERA for further information as to the County's required asbestos review process and associated federal and state regulatory 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, 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 CDMP Policies CIE-5D and WS-2C, and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit (WUP). 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 that time, the project will be evaluated for water supply availability and a water supply reservation will be made.

Although a Water Certification Letter is not required at the time of CDMP application, the applicant should be cognizant of the County's focus on water conservation and requirements to comply with its 20-year Water Use Permit with the WASD.

#### Water Treatment Plant Capacity.

The County's adopted level of service (LOS) standard for water treatment is based on the regional treatment system. 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 (CDMP Policy WS-2A(1)). Based on the 12-month average (period ending November 30, 2011), the regional treatment system has a rated treatment capacity of 439.74 million gallons per day (mgd) and a maximum plant production of 345.84 mgd. As a result, the regional system has approximately 116.13 mgd or 26.40% of treatment plant capacity remaining.

The application site would be served by the Alexander Orr Water Treatment Plant which provides water that meets federal, state, and county drinking water standards and has capacity to provide current water demand. As noted above, a Water Supply Certification will be required for this project at the time of development to determine water supply availability.

#### **Estimated Future Water/Sewer Flow for Proposed Development**

Land Use Designation	Use type	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami- Dade Code)	Projected Water Demand (gpd)
Proposed Potential Development				
No change	Retail	670,824	10 gpd/100 sq. ft.	67,082
OR				
No change	Single-family attached	546 units	180 gpd/unit	98,280
Projected Sewer Demand				67,037 or 92,280

Source: Miami-Dade County Water and Sewer Department, January 2012.

\*\* Note: This information is used to assess the highest potential water demands that may result from approval of this CDMP amendment.

The requested amendment would allow retail or attached residential uses. As noted in the "Estimated Future Water/Sewer Flow for Proposed Development" table above, if the application site were developed with retail uses, water and sewer demand estimates would total 67,082 gallons per day (gpd) each. If developed with 546 attached residential units, water and sewer demand estimates for the application site would be 98,280 gpd each.

### Water System Connectivity

A previous hydraulic analysis, and adopted Water and Sewer Department rules and regulations require water and sewer connections on at least two sides of developed properties. The developer would connect to an existing thirty (30) -inch water main at SW 88th, located 400 feet east of SW 169th Avenue. A new twenty four (24) –inch water main would have to be extended northwest along Kendall Drive to connect to the northwest corner of the application site. A twelve (12) –inch water main would then be installed to extend to the south along proposed SW 172nd Avenue to SW 88th Street. A Water Supply Certification Letter would be required prior to connection for this project. Connectivity would be based upon water supply availability, and a pressure analysis at the time of development will determine the final water main size required for the project.

### Water Conservation

All future development are 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.

### Sewer Treatment Plant Capacity

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 (CDMP Policy WS-2(2)). The regional wastewater treatment system has a design capacity of 368 million gallons per day (MGD) and a 12-month average (period ending October 31, 2011) of 277.26 mgd. This represents approximately 75.34% of the regional system design capacity. Therefore, the regional wastewater treatment system has 20.11% or 74.0 mgd of capacity remaining. Although the South District Wastewater Treatment Plant has sufficient capacity to treat current wastewater generation, at the time of development, a capacity modeling evaluation may be required to connect to the regional sewer system through this plant.

### Sewer System Connectivity

A previous hydraulic analysis, and adopted Water and Sewer Department rules and regulations require water and sewer connections on at least two sides of developed properties. The developer would be required to connect to an existing thirty (30)-inch sewer force main on SW 88th Street west of SW 167th Avenue. From the connection point, the developer must install a twenty (20) –inch sewer force main heading west along SW 88th Street to a point west of theoretical SW 169th Avenue (approximately 1,500 feet total length). A twelve (12) –inch sewer force main would then be installed heading northwest along Kendall Drive to a point abutting the application site (approximately 2,600 feet total length). From there, an eight (8) –inch sewer force main must be installed to extend south along the proposed S.W. 172nd Avenue to a public pump station within the application site. Any proposed sewer extensions must be eight (8) – inch minimum. The pump stations anticipated to receive flow from this application site (30-0559 and 30-Tandem OR 30-0536 and 30-Tandem) on the way to the MDWASD's South District Wastewater Treatment Plant are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree.<sup>1</sup>

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<sup>1</sup> The Miami-Dade Water and Sewer Department (MDWASD) regional wastewater treatment and disposal facilities have limited available capacity. Consequently, approval of development orders which will generate additional



## **Solid Waste**

The application site is located inside the Miami-Dade County Department of Public Works and Waste Management (PWWM) Waste Collection Service Area (WCSA), which consists of all residents of the Unincorporated Municipal Service Area (UMSA) and nine municipalities.

### Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient solid waste disposal capacity to accommodate waste flows committed to the System through long-term interlocal contracts or agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows for a period of five years. The PWWM assesses the solid waste capacity on system-wide basis since it is not practical or necessary to make determination concerning the adequacy of solid waste disposal capacity relative to individual application. As of FY 2011/2012, the PWWM is in compliance with this standard.

### Application Impacts

Application No. 2 is requesting the release and deletion of the current Declaration of Restrictions that prohibits residential development on the 42-acre application site. Deletion of the restrictions may not affect service, depending on whether single-family or multi-family units are developed on the site. If the application site is developed with single-family residential units, the current waste collection fee will cover all associated costs since the residential development is within the Department's waste collection service area. If the application site is developed with multi-family residential units, then waste collection service will most likely be provided by a private waste hauler. The PWWM does not actively compete for multi-family residential waste collection service at this time. Therefore, the requested amendment will have no impact or any associated costs to the County. The PWWM has no objections to the proposed amendment.

## **Parks**

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 2 (PBD-2), which encompasses the area of the County between SW 8 Street and SW 184 Street.

### Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency is greater than five acres. Currently, Park Benefit District 2 has a surplus capacity of 478.06 acres of parkland, when measured by the County's concurrency LOS standard of 2.75

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wastewater flows are evaluated by DERM on a case-by-case basis. Approvals are only granted if the application for any proposed development order is certified by DERM so as to be in compliance with the provisions and requirements of the settlement agreement between Miami-Dade County and the State of Florida Department of Environmental Protection (FDEP) and also with the provisions of the United States Environmental Protection Agency consent decree.

acres of local recreation open space per 1,000 permanent residents in unincorporated Miami-Dade County.

The Table below lists all parks within a 2-mile radius of the application site. One of these parks, Sandpiper Park, is smaller than the required five acres (or larger) park. The nearest local park to the application site is Sun Lakes Park, which is located approximately 0.7 miles from the application site.

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

Park Name	Acreage	Classification
Sun Lakes Park	7.14	Neighborhood Park
Forest Lakes Park	5.67	Neighborhood Park
Lago Mar Park	11.07	Neighborhood Park
Westwind Lakes SP TX Dist TR A	9.2	Neighborhood Park
Water Oaks Park	5.05	Neighborhood Park
Hammocks Community Park	21.51	Community Park
Sandpiper Park	4.74	Neighborhood Park
Olympic Park	7.08	Neighborhood Park
West Kendall District Park	155.76	District Park

Source: Miami Dade Parks, Recreation and Open Space Department, January 2012

**Application Impacts**

The application is seeking the release and deletion of a currently accepted Declaration of Restrictions that prohibits residential development on the application site. The amendment, if approved, would permit a mixed-use project with residential and commercial uses. The potential development under the existing CDMP land use designation as restricted by the recorded covenant won't generate any residential population; therefore, the CDMP Open Space LOS standard does not apply under the existing approval. The amendment (release of the Declaration of Restrictions), if approved, will allow the application site to be developed as a residential use (546 single-family attached residential units), which would generate a potential population of 1,507 persons, resulting in an impact of 4.14 acres of parkland. The amendment would lower the concurrency LOS from 3.55 acres to 3.54 acres per 1,000 residents, but still would remain well above the adopted minimum LOS standard of 2.75 acres of open space per 1,000 residents.

**Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 56 (West Sunset), located at 16250 SW 72 Street. This station is equipped with a Rescue and Hazardous Material Advanced Life Support Engine, and is staffed with seven (7) 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 15 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 performance objective of national industry standards. MDFR

recognizes that the developer will install a traffic signal at its intersection with Kendall Drive. The construction of SW 172 Avenue along with the signalized intersection will enhance emergency response times to surrounding communities.

#### Level of Service Standard

CDMP Policy WS-2A establishes the minimum Level of Service standard for potable water in Miami-Dade County. This policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 3,000 gallons per minute (gpm) is required for all business and industrial uses.

#### Application Impacts

The current CDMP land use designation of "Business and Office" will allow a potential development that is anticipated to generate 199 annual alarms. According to the application, the current CDMP designation will remain, but the release of the declaration of restrictions will allow the applicant the option to construct 546 residential units. This potential development scenario is anticipated to generate 153 annual alarms. This development scenario will result in a severe impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. There are no planned fire rescue stations in the vicinity of the application site.

The required fire flow for the current CDMP land use designation (Business and Office) shall be 3,000 gallons per minute (GPM). Fire hydrants shall be spaced a minimum of 300 feet 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.

#### **Aviation**

Miami-Dade County Aviation Department (MDAD) reviewed the proposed CDMP amendment and determined that the proposal is compatible with airport operations. Development plans for this property must comply with MDAD's Airport Zoning, Chapter 33 of the Code of Miami-Dade County.

#### **Public Schools**

##### Level of Service Standard

The adopted Level of Service (LOS) standard for all public schools in Miami-Dade County is 100% utilization of Florida of Inventory of School Houses (FISH) capacity with relocatable classrooms (CDMP Policy EDU-2A). This LOS standard, except for magnet schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by Miami-Dade County Public Schools.

A planning level review, which is considered a preliminary school concurrency analysis, was conducted on this application based on the adopted LOS standard, the Interlocal Agreement (ILA) for Public Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and current available capacity and school attendance boundaries. Section 7.5 of the ILA provides for "Public Schools Planning Level Review" (Schools Planning Level Review), of CDMP amendments containing residential units. This type of review does not constitute a public school concurrency review and, therefore, no concurrency reservation is required. Section 7.5 further states that "...this section shall not be construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application."

### Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 211 students – this number reflects an impact reduction of 17.64% for charter and magnet schools (schools of choice). Of the 211, 99 will attend elementary schools, 49 will attend middle schools students and 63 will attend senior high schools. The students will be assigned to those schools identified in the “Concurrency Service Area (CSA) Schools” and “Adjacent Concurrency Service Area Schools” in the table below. At this time, schools have sufficient capacity available to serve the application.

#### **Concurrency Service Area (CSA) Schools**

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Christina M Eve Elem.	48	99	49	No	Current CSA
Christina M Eve Elem.	0	51	0	No	Current CSA
Hammocks Middle	277	49	49	Yes	Current CSA
Felix Varela Senior	-198	63	0	No	Current CSA

Source: Miami-Dade County Public Schools, January 2011.

#### **Adjacent Concurrency Service Area Schools**

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Dante B Fascell Elem.	194	51	51	Yes	Adjacent CSA
Miami Southridge Senior	320	63	63	Yes	Current CSA

Source: Miami-Dade County Public Schools, January 2011.

Section 9 of the ILA discusses implementation of school concurrency, indicating the test for school concurrency is at the time of a final subdivision, site plan or functional equivalent, not at the time of application for land use. Miami-Dade County Public Schools is required to maintain the adopted LOS standard throughout the five-year planning period. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

### **Roadways**

The application site is currently designated “Business and Office” on the Adopted 2015 and 2025 Land Use Plan (LUP) map of the CDMP. The application is seeking the release and deletion of a currently accepted and recorded Declaration of Restrictions that prohibits residential development on the application site. The amendment, if approved, would allow commercial and residential use only or mixed-use development on the application site.

The application site is located south of SR 94/SW 88 Street (Kendall Drive), east of theoretical SW 167 Avenue and in close proximity to SR 994/SW 177 Avenue/Krome Avenue in unincorporated Miami-Dade County. Existing north-south arterials in the vicinity of the application site include: SW 177 Avenue, SW 167 Avenue, SW 157 Avenue, Hammocks Boulevard, SW 152 Avenue, SW 147 Avenue, and SW 137 Avenue. East-west arterials include: SW 42 Street/Bird Road, SW 56 Street/Miller Drive, SW 72 Street/Sunset Drive, SW 88 Street/Kendall Drive, SW 104 Street, and SW 120 Street.

The Sustainability, Planning, and Economic Enhancement Department (SPEED) in cooperation with the Department of Public Works and Waste Management (PWWM) performed a short-term (Concurrency) traffic impact analyses to assess the traffic impact that the application site, if developed with residential use, would have on the roadways adjacent to the application site and the surrounding roadway network.

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.

#### Existing Conditions

Existing traffic conditions on the major roadway in the vicinity of the applications site which are currently monitored by the County and the State are listed in the “Existing Traffic Conditions Roadway Lanes and Peak Period Level of Service (LOS)” table below. The table shows that most of roadways in the area that are currently monitored are operating at acceptable levels of service. However, Krome Avenue from SW 8 Street to SW 184 Street is operating at LOS C – its currently adopted LOS standard; SW 147 Avenue from SW 56 Street to SW 120 Street, SW 152 Avenue between SW 88 Street to SW 96 Street, SW 147 Avenue between SW 56 Street and SW 120 Street, SW 137 Avenue between SW 72 and SW 88 Street, and SW 56 Street between SW 147 Avenue and SW 137 Avenue, are operating at LOS D –the adopted LOS standard applicable to these roadway segments. Only one roadway segment, Hammocks Boulevard between SW 88 Street to SW 104 Street, is operating at LOS E, exceeding its adopted LOS D standard. The rest of the roadways are operating at acceptable levels of service. See “Existing Traffic Conditions” Table below.

#### Trip Generation

Two potential development scenarios were analyzed. Scenario 1, which is based on current CDMP land use designation of “Business and Office” and the accepted and recorded Declaration of Restrictions, assumes the application site developed with commercial use only (670,824 sq. ft. shopping center). Scenario 2 assumes the currently recorded Declaration of Restrictions released and deleted and the application site developed with residential use only (546 Residential Condominium/Townhouses). If the application site were developed with commercial use only, this development scenario would generate approximately 1,765 PM peak hour vehicle trips. On the other hand, if the recorded Declaration of Restrictions is released and the application site is developed with residential use only, this development scenario would generate approximately 242 PM peak hour vehicle trips, 1,523 less PM peak hour vehicle trips than the commercial development. See “Estimated PM Peak Hour Trip Generation By Current CDMP Land Use Designation and Requested Amendment” Table below.

**Existing Traffic Conditions  
Roadway Lanes and Peak Period Level of Service (LOS)**

Roadway	Location/Link	Lanes	LOS Std.*	LOS
SW 177 Ave./SR 997/Krome Ave.	SW 8 Street to SW 88 Street	2 UD	C	C (2010)
	SW 88 Street to SW 184 Street	2 UD	C	C (2010)
SW 157 Avenue	SW 72 Street to SW 88 Street	4 DV	E+20%	C (2010)
	SW 88 Street to SW 112 Street	4 DV	D	C (2010)
Hammocks Boulevard	SW 88 Street to SW 104 Street	4 DV	D	E (2010)
SW 152 Avenue	SW 88 Street to SW 96 Street	2 UD	D	D (2010)
SW 147 Avenue	SW 42 Street to SW 56 Street	4 DV	E+20%	C (2010)
	SW 56 Street to SW 72 Street	4 DV	D	D (2010)
	SW 72 Street to SW 88 Street	4 DV	D	D (2010)
	SW 88 Street to SW 104 Street	4 DV	D	D (2010)
	SW 104 Street to SW 120 Street	4 DV	D	D (2010)
SW 137 Avenue	SW 42 Street to SW 56 Street	6 DV	E+20%	D (2010)
	SW 56 Street to SW 72 Street	4 DV	D	C (2010)
	SW 72 Street to SW 88 Street	4 DV	D	D (2010)
	SW 88 Street to SW 104 Street	6 DV	E	B (2010)
	SW 104 Street to SW 128 Street	6 DV	E	B (2010)
	SW 120 Street to SW 136 Street	6 DV	E	C (2010)
SW 42 Street/Bird Road	SW 157 Ave. to SW 147 Ave.	4 DV	D	C (2010)
	SW 147 Ave. to SW 137 Ave.	4 DV	D	C (2010)
SW 56 Street/Miller Dr.	SW 152 Ave. to SW 147 Ave.	4 DV	E+20%	C (2010)
	SW 147 Ave. to SW 137 Ave.	4 DV	D	D (2010)
SW 72 Street/Sunset Dr.	SW 162 Ave. to SW 157 Ave.	4 DV	E+20%	D (2010)
	SW 152 Ave. to SW 147 Ave.	4 DV	E+20%	C (2010)
	SW 147 Ave. to SW 137 Ave.	4 DV	E+20%	D (2010)
SW 88 Street/Kendall Dr.	SW 177 Ave. to SW 167 Ave.	4 DV	D	B (2010)
	SW 167 Ave. to SW 157 Ave.	4 DV	E+20%	C (2010)
	SW 157 Ave. to SW 147 Ave.	6 DV	E+20%	C (2010)
	SW 147 Ave. to SW 137 Ave.	6 DV	D	C (2010)
SW 104 Street	SW 157 Ave. to SW 147 Ave.	4 DV	E+20%	C (2010)
	SW 147 Ave. to SW 137 Ave.	4 DV	E+20%	D (2010)
SW 120 Street	SW 147 Ave. to SW 137 Ave.	4 DV	D	C (2010)

Source: Compiled by the Department of Sustainability, Planning and Economic Enhancement, February 2012; Miami-Dade Public Works and Waste Management Department and Florida Department of Transportation.

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

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

\*LOS Std. means the adopted minimum acceptable peak period Level of Service standard for all State and County roadways; E+20% means 120% of roadway capacity (LOS E).

**Estimated PM Peak Hour Trip Generation  
Under the Current CDMP Land Use Designation and Requested Amendment**

Application Number	Scenario 2 Assumed Residential Use under the current CDMP Designation and Requested Amendment/ Estimated No. Of Trips	Trip Difference Between Commercial and Residential Development under Current CDMP Land Use Designation
2	<p>“Business and Office”</p> <p>670,824 sq. ft. retail<sup>1</sup> /</p> <p>1,765</p>	<p>“Business and Office”</p> <p>546 SF attached<sup>2</sup> /</p> <p>242</p> <p>- 1,523</p>

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Public Works and Waste Management Department, February 2012; compiled by Miami-Dade County Department of Sustainability, Planning and Economic Enhancement.

Notes: <sup>1</sup> This development scenario assumes the application site, which is currently designated “Business and Office” on the Adopted 2015 and 2025 Land Use Plan (LUP) map of the CDMP and restricted to retail commercial use only by the currently accepted and recorded Declaration of Restrictions, developed with approximately 670,824 sq. ft. of retail commercial use.

<sup>2</sup> The “Business and Office” land use category may also allow residential uses, and the mixing of residential use with commercial, office and hotels, provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of the adjacent or adjoining development and zoning. This development scenario assumes the current declaration of restrictions released and deleted and the application site developed with residential use only.

**Traffic Concurrency Evaluation**

An evaluation of peak-period traffic concurrency conditions as of September 14, 2011, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the MPO’s adopted 2012 Transportation Improvement Program (TIP), and the peak hour vehicle trips estimated to be generated by the two potential development scenarios that may occur on the site if the Declaration of Restrictions is released, indicates that the roadways analyzed will operate at acceptable peak-period concurrency LOS conditions. See the “Traffic Impact Analysis” table below.

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

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend
<b>Scenario 1: "Business and Office" with 670,824 sq. ft. of retail commercial uses</b>												
9665	SW 72 Ave./Sunset Dr.	SW 157 Ave. to SW 162 Ave.	4 DV	E+20%	2388	917	D	604	D	39	1560	D
2529	SW 88 St./Kendall Dr.	SW 152 Ave. to SW 167 Ave.	6 DV	E+20%	4080	2034	C	981	D	23	3182	D
9724	SW 104 St.	SW 147 Ave. to SW 157 Ave.	4 DV	E+20%	4248	2367	C	64	C	5	2471	C
F-10	SW 88 St./Kendall Dr.	SW 167 Ave. to SW 177 Ave.	4 DV	D	3560	1224	B	94	B	208	2837	B
<b>Scenario 1: "Business and Office" with 546 SF attached residential units</b>												
9665	SW 72 Ave./Sunset Dr.	SW 157 Ave. to SW 162 Ave.	4 DV	E+20%	2388	917	D	604	D	6	1527	D
2529	SW 88 St./Kendall Dr.	SW 152 Ave. to SW 167 Ave.	6 DV	E+20%	4080	2034	C	981	D	23	3038	D
9724	SW 104 St.	SW 147 Ave. to SW 157 Ave.	4 DV	E+20%	4248	2367	C	64	C	5	2436	C
F-10	SW 88 St./Kendall Dr.	SW 167 Ave. to SW 177 Ave.	4 DV	D	3560	1224	B	94	B	208	1526	B

Source: Compiled by the Sustainability, Planning, and Economic Enhancement Department, Miami-Dade Public Works Department and Florida Department of Transportation, February 2012.

Notes: Scenario 1 is based on Business and Office" with 546 SF attached residential units, with a release of the Declaration of Restrictions which will allow for residential use.

DV= Divided Roadway; UD= Undivided Roadway.

\*County adopted roadway level of service standard applicable to the roadway segment: E +20% (120% capacity) for roadways serviced with transit service having 20 minutes headways between the Urban Development boundary (UDB) and Urban Infill Area (UIA).

() Indicates the year traffic count was taken.



### Future Conditions

The Metropolitan Planning Organization's (MPO) adopted *2012 Transportation Improvement Program* lists the following roadway capacity improvement project for construction in FY 2014-2015 (see table below).

#### **Programmed Road Capacity Improvements Fiscal Years 2011/2012 – 2015/2016**

Roadway	From	To	Type of Improvement	Fiscal Year
Krome Ave./SW 177 St.	SW 88 St./Kendall Dr.	SW 8 St.	Add lanes and reconstruct	2014-2015

Source: 2012 Transportation Improvement Program, Miami-Dade County Metropolitan Planning Organization, June 23, 2011.

The *Miami-Dade 2035 Long Range Transportation Plan (LRTP)*, Cost Feasible Plan lists a number of additional roadway capacity improvements planned for construction within the study area. The "Planned Roadway Capacity Improvements" Table below lists these planned Priority I, Priority II, Priority III and Priority IV improvement projects. Construction of these projects are planned to be funded between 2012 and 2035.

#### **Planned Roadway Capacity Improvements Fiscal Years 2011/2012 through 2034/2035**

Roadway	From	To	Type of Improvement	Priority
SW 136 Street	SW 149 Ave.	SW 139 Ct.	Widen 2 to 4 lanes	I
SW 157 Avenue	SW 54 Terr.	SW 52 St.	Widen 2 to 4 lanes	I
SW 162 Ave./SW 47 St.	SW 47 St./SW 160 Ave.	SW 48 Terr./SW 162 Ct.	Widen SW 162 Ave. 2 to 4 lanes/Widen SW 47 St. 2 to 3 lanes	I
SW 177 (Krome) Ave.	SW 136 St.	SW 88 St. (Kendall Dr.)	Widen from 2 to 4 lanes	II
SW 177 (Krome) Ave.	SW 88 St. (Kendall Dr.)	SW 8 St.	Widen from 2 to 4 lanes	II
SW 72 St. (Sunset Dr.)	SW 117 Ave.	SW 157 Ave.	Widen from 4 to 6 lanes	IV
SW 104 St. (Killian Pkwy.)	SW 160 Ave.	SW 167 Ave.	New 4 lanes/widen to 4 lanes	IV

Source: Miami-Dade Transportation Plan to the Year 2035, Metropolitan Planning Organization for the Miami Urbanized Area, October 2009.

Notes: Priority I – Project improvements to be funded by 2014; Priority II – Project improvements planned to be funded between 2015 and 2020; Priority III – Project improvements planned to be funded between 2021 and 2025; and Priority IV – Projects planned to be funded between 2026 and 2035.

All these roadway improvements when implemented will help alleviate any congestion in the vicinity of the application site.

### Application Impact

The "Estimated Peak Hour Trip Generation By Current CDMP Land Use Designations" Table above identifies the estimated number of PM peak hour trips that would be generated by the two potential development scenarios analyzed - the 670,824 sq. ft. shopping center and the 546-unit residential development. If the application site were developed with commercial use only, this development scenario would generate approximately 1,765 PM peak hour vehicle trips. On the other hand, if the recorded Declaration of Restrictions is released and the application site were to be developed with residential (546 townhouses) use only, this development scenario would generate approximately 242 PM peak hour vehicle trips, 1,523 less PM peak hour trips than the commercial development. Therefore, the release and deletion of the accepted and recorded Declaration of Restrictions won't cause any additional traffic impact to the roadway network adjacent to or in the vicinity of application site.

## Transit

### Existing Service

The subject application site and surrounding areas are currently served by Metrobus Routes 104, 204/Killian KAT and 272/Sunset KAT. The 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		
104	(24/60) (30)	60	60	N/A	60	60	0.4	L
204 (Killian KAT)	7.5	N/A	15	N/A	N/A	N/A	0.3	F/E
272 (Sunset KAT)	12	N/A	N/A	N/A	N/A	N/A	0.3	F/E

Source: 2011 Transit Development Plan, Miami-Dade Transit (November 2011 Line Up)

Notes: L means Metrobus local route service

F means Metrobus feeder service to Metrorail

E means Express or Limited-Stop Metrobus service

### Future Conditions

Currently, there are no transit improvements programmed or planned to the existing Metrobus services in the vicinity of the applications site or surrounding area for the next ten years as noted in the 2021 Recommended Service Plan of the Adopted 2011 Transit Development Plan (TDP).

### Major Transit Projects

There are no future major transit projects planned within the vicinity of the application site.

### Application Impacts

A preliminary analysis was performed in Traffic Analysis Zone (TAZ) 1251 where the application site is located. If the proposed amendment is approved, the expected transit impact generated by the potential development on the application site can be absorbed by 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 will be enhanced if the proposed designation is approved:

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), except as otherwise provided in the "Concurrency Management Program" section of the 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.

- 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.
- 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-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.
- LU- 9U: The County shall consider provisions to allow horizontal mixed-use developments, defined as the horizontal integration of parcels with different primary uses within the same site or block, in appropriate future land use categories in the Urban Development Boundary.
- 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.

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# APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: Miami-Dade County Public Schools Analysis

Appendix D: Applicant's Traffic Study Executive Summary

Appendix E: Fiscal Impact Analysis

Appendix F: Proffered 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

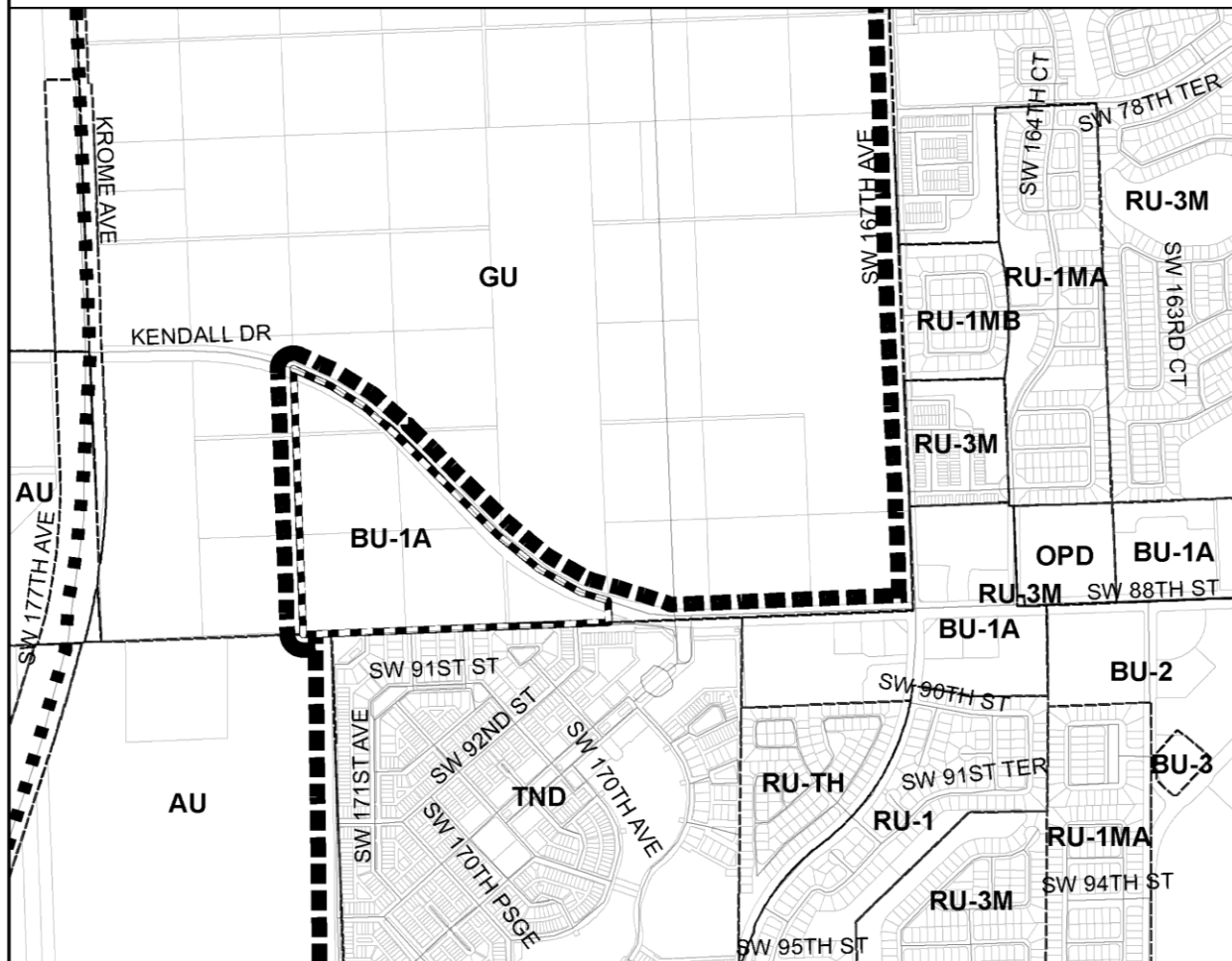
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## APPLICATION NO. 2 AERIAL PHOTO



# APPLICATION NO. 2 ZONING MAP



APPLICATION AREA



2015 URBAN DEVELOPMENT BOUNDARY



2025 URBAN EXPANSION AREA

## ZONING DISTRICTS

GU INTERIM

AU AGRICULTURAL

RU-1 SINGLE FAMILY RESIDENTIAL (7, 500 sq. ft. net)

RU-1M(a) SINGLE FAMILY MODIFIED RESIDENTIAL (5, 000 sq. ft. net)

RU-1M(b) SINGLE FAMILY MODIFIED RESIDENTIAL (6, 000 sq. ft. net)

RU-TH TOWNHOUSE (8.5 units/net acre)

RU-3M MINIMUM APARTMENT HOUSE (12.9 units/net acre)

OPD OFFICE PARK DISTRICT

TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

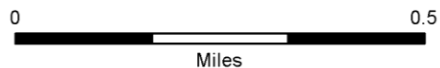
BU-1A LIMITED BUSINESS

BU-2 SPECIAL BUSINESS

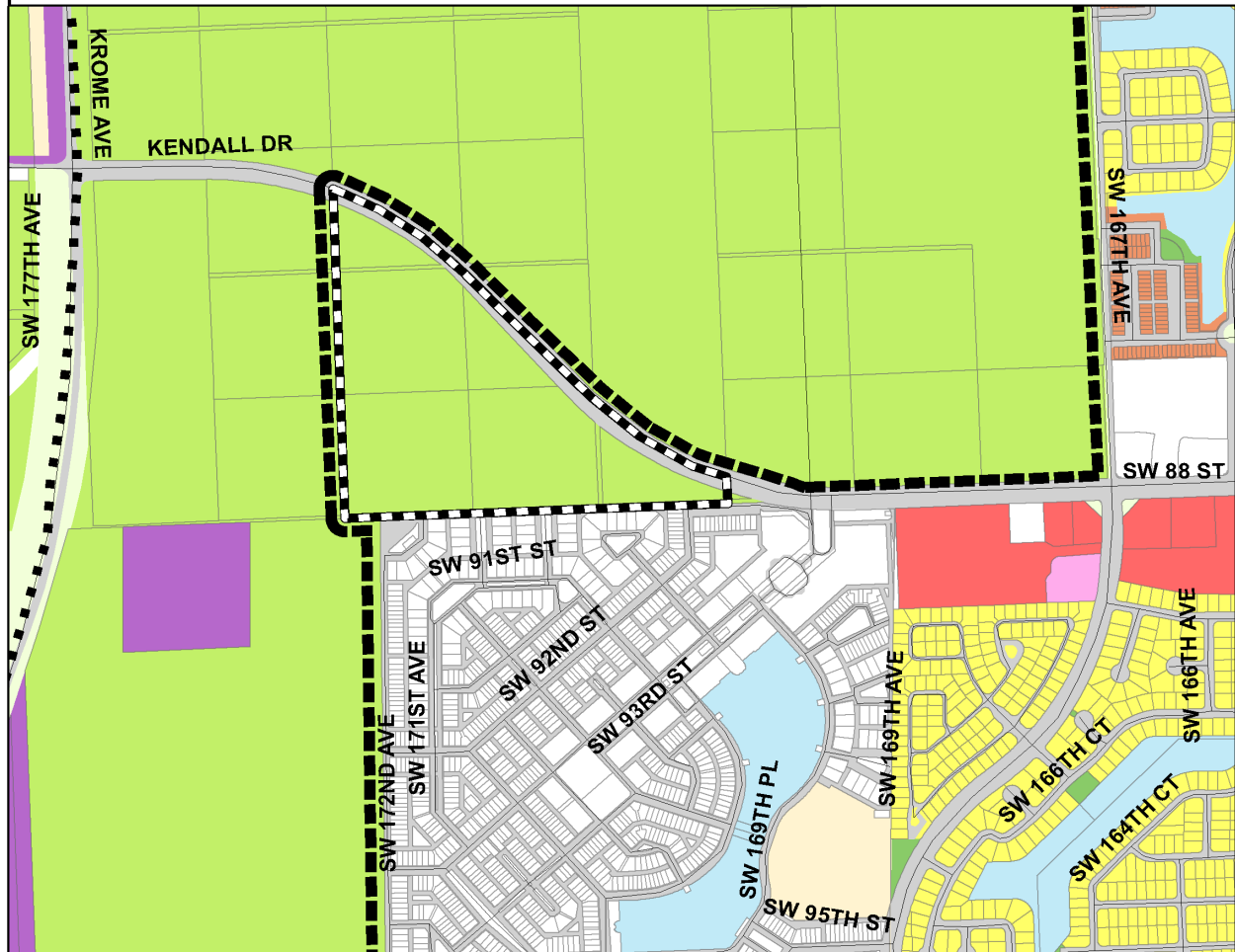
BU-3 LIBERAL BUSINESS

Source: Miami-Dade County

Sustainability, Planning and Economic Enhancement Department  
January 2012



# APPLICATION NO. 2 EXISTING LAND USE



APPLICATION AREA



2025 URBAN DEVELOPMENT BOUNDARY



2015 URBAN EXPANSION AREA

## EXISTING LAND USE



SINGLE-FAMILY



TOWNHOUSES



COMMERCIAL, SHOPPING CENTERS, STADIUM



OFFICE



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



AGRICULTURE



PARKS, PRESERVES, CONSERVATION AREAS



VACANT GOVERNMENT OWNED



INLAND WATERS



VACANT PRIVATELY OWNED

Source: Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
January 2012

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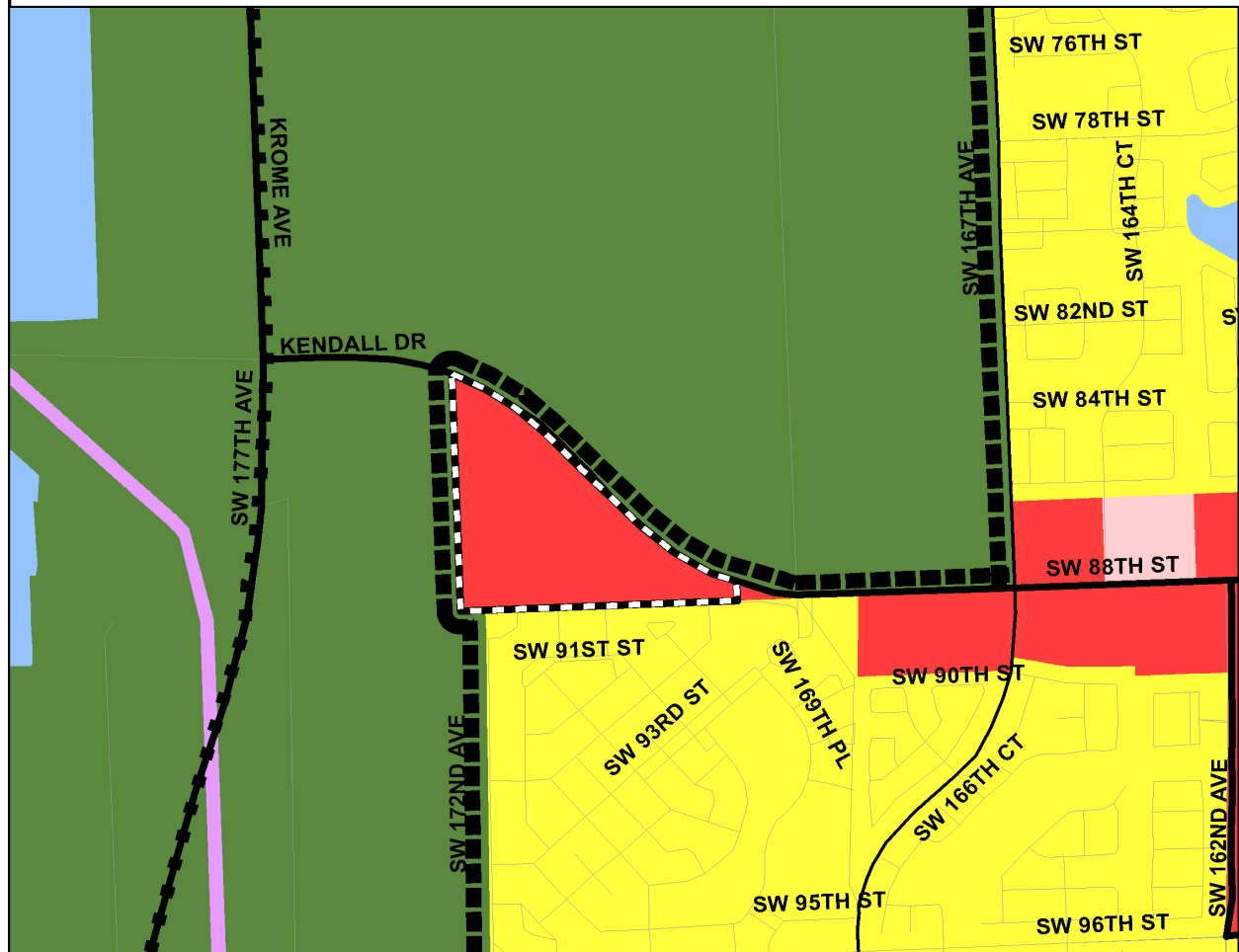
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# APPLICATION NO. 2 CDMP LAND USE



APPLICATION AREA



2015 URBAN DEVELOPMENT BOUNDARY



2025 URBAN EXPANSION AREA

## CDMP LAND USE



LOW DENSITY (2.5-6 DU/AC)



BUSINESS AND OFFICE



OFFICE/RESIDENTIAL



AGRICULTURE



WATER



TRANSPORTATION



MAJOR ROADWAYS (3 OR MORE LANES)



MINOR ROADWAYS (2 LANES)

Source: Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
January 2012

0



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# **APPENDIX B**

## **Amendment Application**

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

1. APPLICANT

Kendall Investors 172, LLC  
8530 SW 124<sup>th</sup> Avenue, Suite 206  
Miami, Florida 33183

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

By: 

Juan J. Mayol, Jr.  
October 31, 2011

2011 OCT 31 A 10:55  
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

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

1. Release of Declaration of Restrictions Recorded in Official Records Book 26405 at Page 3406 in the Public Records of Miami-Dade County, Florida. The Applicant requests a release of that certain Declaration of Restrictions Recorded in Official Records Book 26405 at Page 3406 in the Public Records of Miami-Dade County, Florida.
3. Delete Declaration of Restrictions contained in the Land Use Element Table Titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."

B. Description of the Subject Area.

The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 42.0± gross acres of land located in Section 31, Township 54, Range 39, in unincorporated Miami-Dade County. More

specifically, the subject property is located on the south side of North Kendall Drive, on both sides of theoretical SW 172<sup>nd</sup> Avenue.

C. Acreage.

Subject Application Area: 42.0± gross acres (38.5± net acres)

Acreage Owned by Applicant: 42.0± gross acres (38.5± net acres)

D. Requested Change.

It is requested that a release of the Declaration of Restrictions recorded in Official Records Book 26405 at Page 3406 of the Public Records of Miami-Dade County, Florida, as it applies to the entirety of the subject Property be accepted. Concurrently it is requested that the Declaration of Restrictions be deleted from the Land Use Element Table Titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."

4. REASONS FOR AMENDMENT

The Property is designated for Business and Office development on the Land Use Plan map of the County's Comprehensive Development Master Plan (the "CDMP"). While residential development is permitted in land designated for Business and Office development, the Property may not currently be developed with residential uses under the terms of that certain Declaration of Restrictions recorded in Official Records Book 26405 at Page 3406 of the Public Records of Miami-Dade County, Florida (the "Previous Covenant"), a copy of which is attached hereto as Exhibit B.

Policy LU-8F of the Land Use Element of the CDMP states that the UDB "should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after the adoption of the most recent Evaluation and Appraisal Report plus a five year surplus (a total 15 year Countywide supply beyond the date of the EAR adoption)". The 2010 Evaluation and Appraisal Report (the "2010 EAR"), adopted by the Board of County Commissioners on March 24, 2011, concluded that the County has enough residential land capacity within the Urban Development Boundary (the "UDB") to accommodate projected growth and development through 2021. As such, Policy LU-8F requires that the County maintain enough capacity inside the UDB to sustain residential demand until 2026. Therefore, currently the County has a deficiency in the supply of residential land of six (6) years. The release of the Previous Covenant would allow the inclusion of residential development into the future development of the Property to help mitigate the residential deficiency in an area of the County that is entirely suitable for residential uses.

Moreover, because of the Property's Business and Office designation, the Property is ideally suited for the development of a mixed-use project with residential and non-residential uses, in furtherance of several of the important CDMP goals and objectives.



## Background

The Property was the subject of CDMP Amendment Application No. 8 in the April 2007 Amendment Cycle which resulted in a redesignation of the Property for "Business & Office" development on the Land Use Plan map. In connection with the redesignation, and in addition to the Previous Covenant, the Property owner proffered a Declaration of Restrictions recorded in Official Records Book 26405 at Page 3397 of the Public Records of Miami-Dade County (the "SW 172<sup>nd</sup> Avenue Covenant"), a copy of which is attached hereto as Exhibit C, that requires the owner of the Property to dedicate and construct, at its sole cost and expense, an extension of SW 172<sup>nd</sup> Avenue from the southern boundary of the Property to the northern boundary of the Property and to install, at its sole cost and expense, a traffic signal at SW 172<sup>nd</sup> Avenue and North Kendall Drive (SW 88<sup>th</sup> Street).

On July 14, 2010, pursuant to Resolution No. CZAB 11-11-10 (the "Resolution"), a copy of which is attached hereto as Exhibit C-1, the Property was rezoned to BU-1A. In addition to restating the limitations imposed by the Previous Covenant and the affirmative obligation to dedicate and construct SW 172<sup>nd</sup> Avenue, the Resolution also imposed a requirement to construct a landscaping buffer on the southern boundary of the Property adjacent to the approved traditional neighborhood development of Kendall Commons (the "TND"). Additionally, the Resolution requires three (3) pedestrian/bicycle access points along the border with the TND to allow for greater connectivity.

## Location, Accessibility and Surrounding Area

The Property fronts on North Kendall Drive, a major four- and six-lane arterial east-west roadway. In accordance with the SW 172<sup>nd</sup> Avenue Covenant, the Property owner will not only enjoy direct access to North Kendall Drive, but will also be bisected by SW 172<sup>nd</sup> Avenue.

The Property abuts the TND to the south and east. North Kendall Drive to the east of the Property is substantially developed.

The addition of residential would allow a better transition to the TND. The Business and Office designation is practically the only land use designation that allows for a flexible mixing of residential and non-residential uses. The presence of the TND to the south, along with the conditions in the Resolution that require pedestrian and bicycle connectivity, would allow for a more harmonious and compatible development of the Property. A mixed-use project would promote the goals, objectives and policies of Land Use Objectives LU-7, LU-9 and LU-10, and Land Use Policies LU-7I, LU-8A, LU-8E and LU-9D.

All public services and facilities, including transit services, required to serve the Property are available or can be made available to the Property. The Property is three blocks from a stop for the Route 204 Killian KAT (which stops at the corner of North Kendall Drive and SW 167<sup>th</sup> Avenue), and which connects to the Metrorail at the Dadeland North Station. Connection to water and sewer is available or may be readily available at the owner's expense.

The Property is located in an area generally known as West Kendall, a highly desirable neighborhood that has led the way in population growth over the last 20 years. In fact, Minor Statistical Area (MSA) 6.2, where the Property is located, was the 15<sup>th</sup> largest MSA in the County in 1990 with a population of 67,648. By 2010 MSA 6.2 was the 5<sup>th</sup> largest MSA (in terms of population) in the County with a population of 144,679 (EAR Report, Table 1.1-3). Moreover, the Property abuts MSA 6.1, which is the second-largest MSA in the County.

#### Statistical Support Data

On a more localized level, the EAR estimates that MSAs 6.1 and 6.2, which taken jointly are referred to as the South Central Tier, only have sufficient capacity to accommodate projected residential demand through the year 2017. Even more specifically, the capacity for residential demand in the western half of the South Central Tier (west of the Florida Turnpike), where the Property is located, is projected to be depleted by 2014 (EAR Report, 1.1-36). Given the desirability of this suburban area and the projected population increases, increased residential supply is needed to meet the anticipated demand.

#### Consistency and Compatibility with CDMP Goals, Objectives and Policies

Given its location, removal of the Previous Covenant would help to mitigate the existing deficiency of residential land within the UDB, be compatible with existing land uses in the area and an appropriate amendment in furtherance of the goals and objectives of the CDMP.

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

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-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.

**LAND USE POLICY 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
- (iv) 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.

**LAND USE POLICY LU-8F:** The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after the adoption of the most recent Evaluation and Appraisal Report plus a five year surplus (a total 15 year Countywide supply beyond the date of the EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in Policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities

**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

## EXHIBIT "G"

### **LOCATION MAP FOR APPLICATION TO AMEND THE LAND USE ELEMENT OF THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

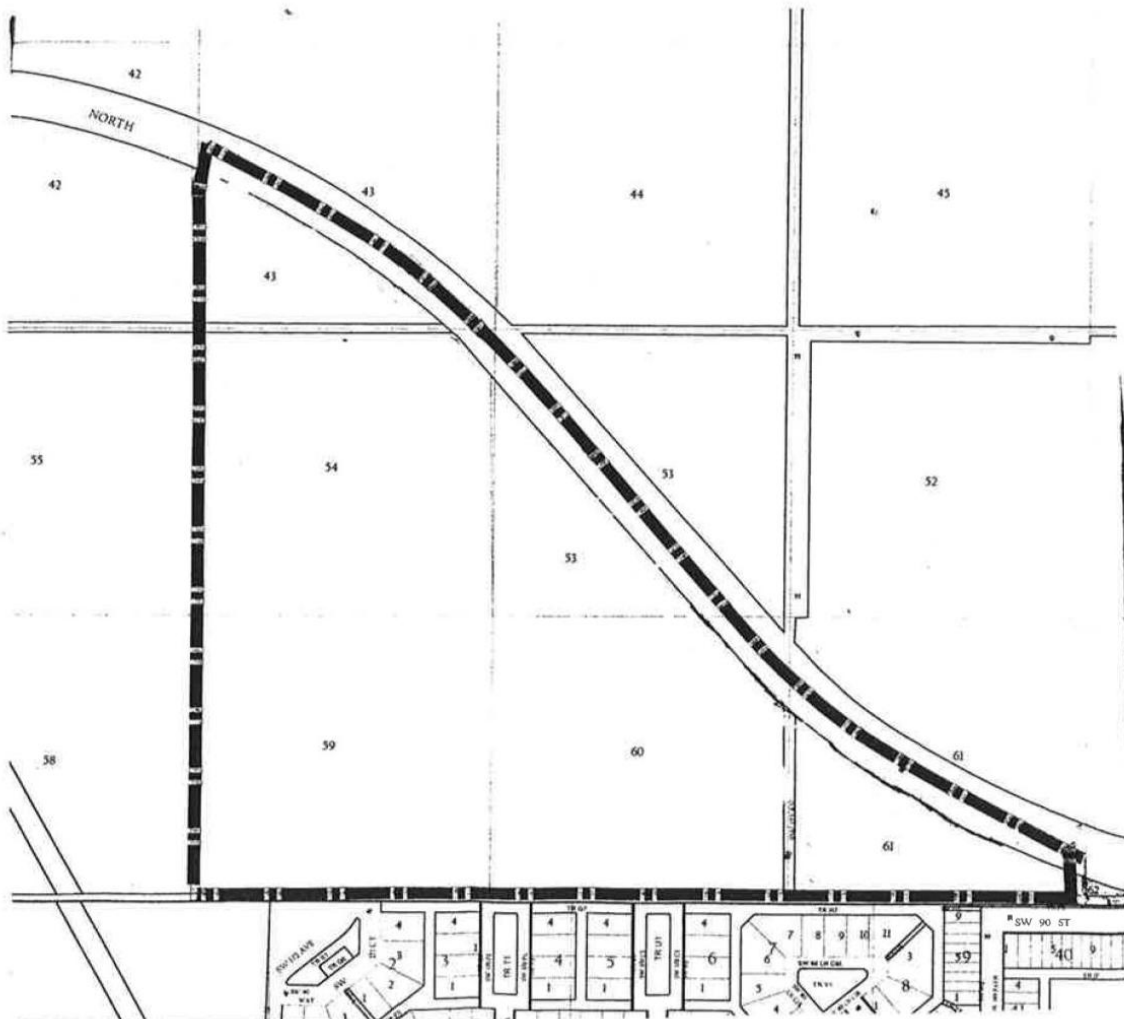
#### APPLICANT / REPRESENTATIVE

Kendall Investors 172, LLC / Juan J. Mayol, Esq.

#### DESCRIPTION OF SUBJECT AREA

The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 42.0± gross acres of land located in Section 31, Township 54, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located on the south side of North Kendall Drive, on both sides of theoretical SW 172<sup>nd</sup> Avenue.

#### LOCATION MAP



**EXHIBIT "D"**  
**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: Kendall Investors 172, LLC, a Florida limited liability company  
8530 SW 124 Avenue Suite 206  
Miami, , Florida 33183

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
X	Kendall Investors 172, LLC	30-4931-001-0601	+/- 3.47
		30-4931-001-0590	+/- 9.53
		30-4931-001-0521	+/- 2.95
		30-4931-001-0421	+/- 2.37
		30-4931-001-0530	+/- 9.87
		30-4931-001-0580	+/- 10.00

**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)
X	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>
	%

- 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: Kendall Investors 172, LLC, a Florida limited liability company

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

See attached Exhibit "D-1" for ownership information

- 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

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

- 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** \_\_\_\_\_



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

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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: \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS      PERCENTAGE OF INTEREST

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- 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: \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS      PERCENTAGE OF OWNERSHIP

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- 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.**

Kendall Investors 172, LLC, a Florida limited liability company

By: \_\_\_\_\_

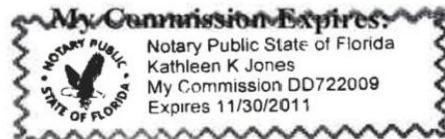
Name: VICTOR BROWN

Title: MGR

**Sworn to and subscribed before me**

this 27 day of OCT, 2011

Kathleen K Jones  
Notary Public, State of Florida at Large (SEAL)



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 "D-1" TO DISCLOSURE OF INTEREST**

GAM Property Investments, LLC		12.88%
Members		
Gamal Marwan	100.00%	
Kendall Five Investors, LLC		7.82%
Members		
Richard Richter	26.09%	
Vinson Richter	26.09%	
Bradley Richter	8.70%	
Kevin Richter	13.04%	
James Siegel	26.09%	
Fredrick W. McCarthy		3.40%
Fredrick W. McCarthy III		3.40%
Ana V. Godoy		1.70%
David Chin & Gladys Chin		1.36%
Levy A. Wong Revocable Trust		1.00%
Beneficiaries		
Gary A. Wong	25.00%	
Maria A. Chow	25.00%	
Karen A. Chan	25.00%	
David A. Wong	25.00%	
Mavis M. Wong Revocable Trust		1.00%
Beneficiaries		
Gary A. Wong	25.00%	
Maria A. Chow	25.00%	
Karen A. Chan	25.00%	
David A. Wong	25.00%	
Maria A. Chow		0.50%
Karen Wong-Chan		0.50%
Gary Wong & Cindy Wong		0.50%
David Wong		0.50%
David Brown		21.84%
Victor Brown		21.84%
Peter Brown		4.08%
Dale Moses		4.08%
James and Barbara Eroncig		6.80%
Peninsula Corp.		6.80%
		<hr/> 100.00%

This instrument was prepared by:  
Name: Chad Williard, Esq.  
Address: 999 Ponce de Leon Blvd.  
Suite 1000  
Coral Gables, Florida 33134  
305.444.1500



CFN 20080445423  
DR Bk 26405 Pgs 3406 - 3412 (7pgs)  
RECORDED 05/30/2008 14:31:08  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

A/1

(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 hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*WHEREAS*, the Property is the subject of Comprehensive Development Master Plan Amendment Application No. 8 of the April 2007 Amendment Cycle, seeking a change from "Agriculture" to "Business & Office" (the "CDMP Application");

*WHEREAS*, the intent of the Applicant is to seek approval of the "Business & Office" designation for the Property and intends, subject to the terms and conditions set forth below, to develop the Property with non-residential uses (e.g., commercial/retail).

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

**Prohibition on Residential Uses.** The Owner agrees, subject to the approval of the CDMP Application, to develop the Property with non-residential uses.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their

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lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**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 land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, 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, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**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.

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**Folio number:**

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**Authorization for Miami-Dade County (or successor municipal corporation) 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 (or any successor municipal corporation) 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 (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), 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.

**Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

**Severability.** Invalidation 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. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

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**olio number:**

**(Public Hearing)**

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**Page 4**



Signed, witnessed, executed and acknowledged this 26 day of FEB . 2008

Witnesses:

Helene M Asch

Print Name:

Helene M Asch

Print Name:

Virginia Donahue

BLOOM FAMILY INVESTMENTS, LTD.,  
a Florida limited partnership

By: LCRS BLOOM INVESTMENTS, INC.,  
a Florida corporation as sole managing  
general partner

By:

Lauri Bloom

Lauri Bloom, President

STATE OF FLORIDA  
COUNTY OF ~~MIAMI-DADE~~

Palm Beach

The foregoing instrument was acknowledged before me this 26 day of FEB 2008 by Lauri Bloom, President, LCRS Bloom Investments, Inc., a Florida corporation as sole managing general partner of Bloom Family Investments, Ltd., a Florida limited partnership who is personally known to me or produced FCDC as identification.

Helene M Asch

Notary Public, State of Florida  
at large  
My Commission Expires



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(Public Hearing)

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Folio number:

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Declaration of Restrictions  
Page 6

Witnesses:

[Signature]

Print Name: Cynthia Bolanos

[Signature]

Print Name: Luis Fernandez

NEWEST KENDALL, LLC  
By: Lufer Investments, Inc., a  
British Virgin Island Corp., its  
Managing Member

By: [Signature]  
Print Name: Luis Fernandez  
Title: President

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 22nd day of February 2008 by Luis Fernandez, as President of Newest Kendall, LLC, who is personally known to me or produced \_\_\_\_\_ as identification.

[Signature]



EILEEN LOSADA  
MY COMMISSION # DD 730941  
EXPIRES: November 18, 2011  
Bonded Third Budget Notary Services

Notary Public, State of Florida  
at large  
My Commission Expires

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Section-Township-Range:  
Folio number:

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that part of Tracts 53, 60, 61 and 62 lying South and West of North Kendall Drive right-of-way in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

Tract 59 of Section 31, Township 54 South, Range 39 East, "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", according to the plat thereof, recorded in Plat Book 2, Page 3, of the Public Records of Miami-Dade County, Florida.

All of Tract 43 lying South of North Kendall Drive, and all of Tract 54, less right-of-way for North Kendall Drive, in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, Page 3 of the Public Records of Miami-Dade County, Florida. Containing 1,677,127 square feet or 38.50 acres, more or less. And the street dedications shown on the above described property.

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Section-Township-Range:  
Folio number:

(Public Hearing)

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Page 7 of 7

This instrument was prepared by:  
Name: Chad Williard, Esq.  
Address: 999 Ponce de Leon Blvd.  
Suite 1000  
Coral Gables, Florida 33134  
305.444.1500



CFN 20080445422  
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HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

A/z

(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 hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

*WHEREAS*, the Property is the subject of Comprehensive Development Master Plan Amendment Application No. 8 of the April 2007 Amendment Cycle, seeking a change from "Agriculture" to "Business & Office" and inclusion of the Property within the Miami-Dade County Urban Development Boundary (the "CDMP Application");

*WHEREAS*, the intent of the Applicant is to seek approval of the "CDMP Application" and intends, subject to the terms and conditions set forth below, to develop the Property with non-residential uses only (e.g., commercial/retail).

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

**SW 172 Avenue Right of Way.** The Owner agrees, subject to the approval of the CDMP Application and subject to the approval of the Florida Department of Transportation ("FDOT") and the Miami-Dade County Public Works Department ("M-D PWD"), to dedicate to Miami-Dade County and construct, a seventy foot (70') wide right-of-way containing four (4), travel lanes - identified as SW 172 Avenue (the "Roadway Improvement"). The Owner further agrees that the Roadway Improvement shall be open to traffic prior to the issuance of any Certificates of Occupancy for permanent structures on the Property. The Roadway Improvement shall: extend SW 172 Avenue from the southern boundary of the Property to the northern boundary of the Property and be at the Owner's sole cost and expense.

**SW 172 Avenue Traffic Signal.** Prior to the approval of a final plat for the Property, the Owner shall submit a traffic signal warrant study for a traffic signal at SW 172 Avenue and SW 88 Street (the "SW 172 Avenue Traffic Signal"). If FDOT and M-D PWD concur that a traffic signal is warranted, the Owner shall be responsible to install

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the traffic signal at the Owner's expense. A bond for the estimated cost of signal installation must be posted prior to final plat approval.

If FDOT or M-D PWD conclude that a signal is not warranted as a result of the proposed development on the Property at the time of final plat, the Owner shall pay its proportionate share of the cost of the SW 172 Avenue Traffic Signal. The Owner's level of contribution to the cost of the SW 172 Avenue Traffic Signal shall be determined by the M-D PWD Director prior to final plat approval; provided, however, this cost determination shall be based on the procedures memorialized in the M-D PWD Policy entitled "Participation Of Developers For Traffic Signals Installation" (dated/revised January 2, 2008), attached hereto as "Exhibit "B".

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

**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 land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the

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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, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**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 (or successor municipal corporation) 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 (or any successor municipal corporation) 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 (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), 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.

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**Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

**Severability.** Invalidation 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. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Page Follows]

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**Declaration of Restrictions**  
**Page 5**

Signed, witnessed, executed and acknowledged this 26 day of FEB - 2008

Witnesses:

Helene M Asch

Print Name:

Helene M Asch

Print Name:

Virginia Donahoe

BLOOM FAMILY INVESTMENTS, LTD.,  
a Florida limited partnership

By: LCRS BLOOM INVESTMENTS, INC.,  
a Florida corporation as sole managing  
general partner

By:

Lauri Bloom  
Lauri Bloom, President

STATE OF FLORIDA  
COUNTY OF ~~MIAMI-DADE~~

Palm Beach

The foregoing instrument was acknowledged before me this 26 day of FEB 2008 by Lauri Bloom, President, LCRS Bloom Investments, Inc., a Florida corporation as sole managing general partner of Bloom Family Investments, Ltd., a Florida limited partnership who is personally known to me or produced FCDL as identification.

Helene M Asch

Notary Public, State of Florida  
at large  
My Commission Expires



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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that part of Tracts 53, 60 and 61 lying South and West of North Kendall Drive right-of-way in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, at Page 3, of the Public Records of Miami-Dade County, Florida.

Tract 59 of Section 31, Township 54 South, Range 39 East, "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", according to the plat thereof, recorded in Plat Book 2, Page, 3, of the Public Records of Miami-Dade County, Florida.

All of tract 43 lying South of North Kendall Drive, and all of Tract 54, less right-of-way for North Kendall Drive, in Section 31, Township 54 South, Range 39 East, according to the plat thereof of "MIAMI EVERGLADES LAND COMPANY SUBDIVISION", recorded in Plat Book 2, page 3 of the Public Records of Miami-Dade County, Florida. Containing 1,671,598 square feet or 38.37 acres, more or less. And the street dedications shown on the above described property.

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**Section-Township-Range:**  
**Folio number:**

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Approved

**EXHIBIT "B"**

Effective: January 2, 2008

  
Esther L. Calas, P.E., Director  
Public Works Department**PARTICIPATION OF DEVELOPERS  
FOR TRAFFIC SIGNALS INSTALLATION****PURPOSE:**

The purpose of this procedure is to provide guidance to the developers in order to identify conditions that require installation of a new traffic signal, modification of an existing signal, or a contribution towards the future installation of a new traffic signal based on the development impact on the existing signals or major intersections, within or surrounding the developments.

**ROAD IMPACT FEE CREDIT:**

The costs associated with this policy shall be deemed as an "on-site" improvement; therefore, it will not be eligible for consideration as "a contribution in lieu of payment of Road Impact Fee."

The exception to this policy applies to only those cases, where previous contributions have been made to finance said improvement. As such, the developer will be entitled to the Road Impact Fee credit to the extent of the contribution amount received by the Public Works Department (PWD) for that installation.

**THE AMOUNT OF CONTRIBUTION FOR FUTURE INSTALLATIONS:**

The amount of the contribution required is based on a complete signal installation as of the effective date of this policy ~~to \$200,000.00~~. This amount is based on the current average cost for the installation of signals by contracts. This amount may be adjusted from time to time, based on the current average cost of signal installation by the contractors.

**PAYMENT OF CONTRIBUTIONS:**

Developers are required to submit payments to the Chief of Land Development Division, in the amount of the contribution payable to the Miami-Dade County Board of County Commissioners prior to final plat approval.

**SIGNAL JUSTIFICATION AND INSTALLATION:**

Developers are required to submit a traffic study report, which must be signed and sealed by a State of Florida Registered Professional Engineer, justifying the need for such an installation either at partial completion or at build-out year.

Should the study identify the need for such a signal installation, the developers, upon obtaining the necessary approvals and permits from PWD, shall proceed with the traffic signal construction at the appropriate time. Once the signal installation is completed and approved by PWD, the traffic signal will be accepted, maintained, and owned by PWD.

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**DESIGN CRITERIA AND RIGHT-OF-WAY REQUIREMENTS:**

The design and installation or modification of all traffic signals and other roadway improvements shall be based on all applicable County, State, and Federal standards.

The roadway geometrics and the signalization shall be designed as directed by the PWD in such a manner as to eliminate, or minimize, at the Department's discretion, the detrimental effect of the signal and of the development in general, on the public. Such requirements may include dedicating additional rights-of-way to the adjacent roadways, adding multiple lanes approaching and departing from the signalized intersection, or adding free-flow RT movements, etc.

**DEDICATION OF INTERSECTION**

Developers are required to dedicate to the County the signalized intersection and one road that connects the intersection to the County's roadway network to eliminate jurisdictional confusion regarding maintenance of the signal by PWD on private property.

**CONDITION NO. 1: SIGNAL WARRANTED AS A RESULT OF THE DEVELOPMENT**

When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies the need for the signal, the affected developer shall be required to install the traffic signal, even if the project is limited to a single quadrant. The implementation of the signal may be required at considerable completion or a complete build-out of the development. The developer shall submit the signal plan to the Traffic Engineering Division for review and approval, and proceed with the signal installation through a Miami-Dade County licensed contractor upon obtaining the required permits from appropriate agencies.

Since the developer is required to install the signal due to a direct impact from the development, contributions will not be accepted by PWD for this condition.

**CONDITION NO. 2: SIGNAL WARRANTED INDEPENDENTLY OF THE DEVELOPMENT**

When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies the need for the signal, independently of the upcoming development, the cost of the installation shall be financed entirely by the County.

Should the developer desire an expeditious installation, the Director may authorize the developer to proceed with the installation of the signal and authorize Road Impact Fee credits to cover the cost.

**CONDITION NO. 3: SIGNAL NOT WARRANTED AT THE TIME OF THE DEVELOPMENT**

When the property boundaries for a new development abut any corner of an intersection, a section or a half-section-line road or a major arterial highway, and the traffic study identifies that a traffic signal is not warranted at the time the land is being developed or at complete build-out,

Revised 01-02-2008



the developer's required traffic study report, signed and sealed by a State of Florida Registered Professional Engineer, should state that the intersection does not meet the signal warrants as stipulated in the *Manual on Uniform Traffic Control Devices*, by the Federal Highway Administration, U.S. Department of Transportation.

Nonetheless, when the property boundaries for a new development abut any corner of an intersection, of a section or a half-section-line road or a major arterial highway, and such intersection does not warrant a traffic signal based on either the future conditions at partial completion or complete build-out of the development, the developer is required to contribute ~~\$50,000.00~~, (25% of the \$200,000.00 cost) for each quadrant being developed. This contribution will be utilized by PWD for the future installation of the signal.

#### **CONDITION NO. 4: SIGNAL WITHIN THE DEVELOPMENT**

In those cases where a new signal is required as per MUTCD by PWD staff within the development boundaries, the developers of the project prompting said modifications or installation must assume the full cost of the improvements. This case applies uniformly even if the roadway is not a full or a half-section-line road.

The installation of the traffic signal will be the developer's sole responsibility and the developer will not be entitled to any Road Impact Fee credit. Upon obtaining the necessary approvals and permits from PWD, the developer shall proceed with the traffic signal construction. Once the signal installation is completed and approved by the PWD, the traffic signal will be accepted, maintained, and owned by the PWD.

#### **CONDITION NO. 5: SIGNAL MODIFICATION**

When the property boundaries for a new development abut any corner of an intersection, of a section or a half-section-line road or a major arterial highway, and such intersection is signalized but modifications are required as a result of the development's impact, the developers of the project prompting said modifications must assume the full cost of the improvements. This case applies uniformly, even if the roadway is not a full or a half-section-line road.

The traffic signal modification will be the developer's sole responsibility and the developer will not be entitled to any Road Impact Fee credit. Upon obtaining the necessary approvals and permits from PWD, the developer shall proceed with the traffic signal modification. Once the signal modification is completed and approved by the PWD, the traffic signal will be accepted, maintained, and owned by the PWD.

#### **ENFORCEMENT OF THE POLICY:**

This policy applies to all zoning and platting actions and building permit applications. Staff is required to enforce the conditions of this policy by adding the requirements on all pertinent applications.

Revised 01-02-2008





**RESOLUTION NO. CZAB11-11-10**

*WHEREAS*, KENDALL INVESTORS 172 L. L. C. applied for the following:

GU to BU-1A

**SUBJECT PROPERTY:** All of Tract 59, and all of Tract 43, lying south of North Kendall Drive and all of Tract 54, less the right-of-way for North Kendall Drive, and all that part of Tracts 53, 60 and 61, lying south and west of North Kendall Drive right-of-way all in Section 31, Township 54 South, Range 39 East, MIAMI EVERGLADES LAND COMPANY SUBDIVISION, Plat book 2, Page 3.

**LOCATION:** Lying south of S.W. 88 Street and lying on both sides of theoretical S.W. 172 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant had requested a waiver of the re-filing period, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Administrative Site Plan Review.** That subject to the limitations set forth below, prior to the issuance of a building permit for any building within the Property, the Owner shall obtain approval of a site plan (the "Site Plan") from the Department of Planning and Zoning (the "Department") in accordance with Section 33-251.5 of the Code of Miami-Dade County, whether or not such approval would otherwise be required by Section 33-251.5 or any other provision of the Code.
  - A. That the Site Plan shall depict the proposed improvements on the Property, but may show out parcels for future development in accordance with the Code. Future development of such out parcels will not be subject to any additional site plan review that may be required pursuant to Paragraph 1 of this Declaration, but will be subject to all applicable Code provisions in effect at the time of the development of the out parcels.
  - B. That no building over two (2) stories in height may be located any closer than fifty feet (50') from the Property's southern boundary.
  - C. That no building over two (2) stories in height may be located any closer than twenty feet (20') from the Property's western boundary, unless the adjacent property is re-designated to a non-residential category on the Land Use Plan map of the County's Comprehensive Development Master Plan and rezoned to a non-residential zoning classification, unless, in compliance with the Code of Miami-Dade County, the Director approves a lesser setback during the site plan review.

- D. That the Owner shall set aside and maintain as a landscaped area the southern fifteen (15') feet of the Property, where the Property abuts the TND zoned area to the south, lying east of SW 172<sup>nd</sup> Avenue, except where adjacent to a stormwater retention area (the "Landscaped Buffer"). That the Owner shall build or install, as applicable, the following within the Landscaped (except that pedestrian access to and from the property to the south through the Landscaped Buffer may also be permitted in accordance with the provisions of the County Code): (a) a six foot high wall, which wall shall be installed along the outside line (i.e., adjacent to the TND zoned area) of the Buffer; and (b) a row of trees, of such species as may be approved by the Department, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center. The wall and the required landscaping shall be installed by the Owner prior to the issuance of a certificate of occupancy for any retail or office building located east of SW 172<sup>nd</sup> Avenue. The Landscaped Buffer may also be occupied by pedestrian walkways.
- E. That the Owner shall incorporate within the right-of-way for SW 172<sup>nd</sup> Avenue a pedestrian path or sidewalk to physically connect the Property with the adjacent TND to the south. In addition, as may be permitted under the provisions of the Code without the need to secure a variance from the requirements of the Code, the Owner shall provide a minimum of three (3) pedestrian/bicycle access points along the southern boundary of the Property, where the Property abuts the TND zoned property to the south. Moreover, in an effort to enhance vehicular connectivity to the south, but subject to the approval of the Public Works Department, the consent of the adjacent property owner, and the provisions of this Declaration, the Owner agrees to provide an additional vehicular driveway east of SW 172<sup>nd</sup> Avenue.
- F. That nothing in this paragraph shall require the Owner to obtain site plan approval for the development of the Property prior to the approval of a boundary tentative plat and final plat may include any required lake/retention area tracts or utility tracts.
2. **Use Restrictions.** That the Owner agrees to develop the Property with non-residential uses. Nothing in this paragraph shall be interpreted to prohibit the development of a hotel, hospital, adult congregate living facility or clinic.
3. **Dedication and Construction of SW 172 Avenue.** That subject to the approval of the Florida Department of Transportation ("FDOT") and the County's Public Works Department ("PWD"), the Owner agrees to dedicate to the County and construct, a seventy foot (70') wide right-of-way, containing four (4) travel lanes – to be identified as SW 172<sup>nd</sup> Avenue (the "Roadway Improvement"). That the Owner further agrees that the Roadway Improvement shall be open to traffic prior to the issuance of any Certificates of Occupancy for permanent structures on the Property. The Roadway Improvement shall extend SW 172<sup>nd</sup> Avenue from the southern

boundary of the Property to the northern boundary of the Property and be at the Owner's sole cost and expense.

4. **SW 172 Avenue Traffic Signal.** That prior to the approval of a final plat for the Property, the Owner shall submit to FDOT and PWD a traffic signal warrant study to evaluate the feasibility of a traffic signal at SW 172<sup>nd</sup> Avenue and SW 88<sup>th</sup> Street (the "SW 172 Avenue Traffic Signal"). If FDOT and the PWD concur that a traffic signal is warranted, the Owner shall be responsible to install the traffic signal at the Owner's expense. A bond for the estimated cost of signal installation must be posted prior to final plat approval.

That if FDOT or the PWD conclude that a signal is not warranted at the time of final plat as a result of the proposed development of the Property at the time of final plat, the Owner shall nonetheless pay its proportionate share of the cost of any future SW 172 Avenue Traffic Signal. The Owner agrees to contribute toward payment of the cost of such a SW 172 Avenue Traffic signal at a level that shall be determined by the PWD Director prior to final plat approval; provided, however, that this cost determination shall be based on the procedures memorialized in the PWD's Policy Statement entitled "Participation of Developers for Traffic Signals Installation," dated/revised January 2, 2008, a copy of which is attached to this Declaration as "Exhibit B."

5. That the Owner shall comply with all of the applicable conditions, requirements, recommendations and requests of the various departments as contained in the Departmental Memoranda, which are part of the May 26, 2010 DIC record of the application, except as may be amended by the DIC Executive Council at its meeting on May 26, 2010, and attached hereto as Composite Exhibit "C", which conditions, requirements, recommendations and requests may be later adjusted, waived or modified by the applicable department.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to BU-1A would be compatible with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be

approved, and that the proffered Declaration of Restrictions should be accepted, and that the request to waive the re-filing period should be granted, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions, to approve the application, and to grant the waiver of the re-filing period was offered by Lleana R. Vazquez, seconded by Joseph E. Delaney, and upon a poll of the members present the vote was as follows:

Joseph E. Delaney     aye  
Beatrice Suarez       aye

Lleana R. Vazquez     aye  
Jeffery Wander         aye

Patricia G. Davis       aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the request to waive the re-filing period be and the same is hereby granted, and that the re-filing is hereby waived.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 14<sup>th</sup> day of July, 2010.


Hearing No. 10-7-CZ11-1  
ej

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-11-10 adopted by said Community Zoning Appeals Board at its meeting held on the 14<sup>th</sup> day of July, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





# **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 12, 2012

**VIA ELECTRONIC MAIL**

Juan Mayol, Esquire  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

**RE: FOR INFORMATIONAL PURPOSES ONLY  
PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
KENDALL INVESTORS 172, LLC (OCTOBER 2011 APPLICATION No. 2)  
(F/K/A DAVID, STEVEN AND VICTOR BROWN – OCTOBER 2007 CYCLE APP. No. 8)  
LOCATED APPROXIMATELY AT SW 88 STREET AND SW 169 AVENUE  
PH3012010500005 – Folio No. 3049310010601**

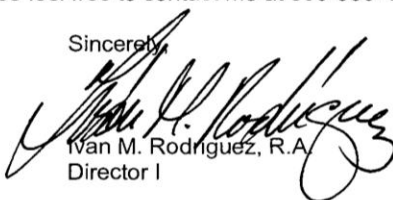
Dear Applicant:

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, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed project would yield a maximum residential density of 546 single-family attached units, which generates 211 students; 99 elementary, 49 middle and 63 senior high students. **At this time, schools 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 I

IMR:mo  
L322  
Enclosure

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

*Facilities Planning, Design and Sustainability*  
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# Application Details



## Concurrency Management System (CMS)

Miami Dade County Public Schools

### Miami-Dade County Public Schools

#### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3012010500005 Local Government (LG): Miami-Dade  
 Date Application Received: 1/5/2012 12:53:55 PM LG Application Number: October 2011 - Application #2  
 Type of Application: Public Hearing Sub Type: Land Use  
 Applicant's Name: Kendall Investors 172, LLC  
 Address/Location: 701 Brickell Av., Ste 3000, Miami FL 33131  
 Master Folio Number: 3049310010601  
 Additional Folio Number(s): 3049310010590, 3049310010521, 3049310010421, 3049310010530, 3049310010580,  
 PROPOSED # OF UNITS 546  
 SINGLE-FAMILY DETACHED UNITS: 0  
 SINGLE-FAMILY ATTACHED UNITS: 546  
 MULTIFAMILY UNITS: 0

#### CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
1691	CHRISTINA M EVE ELEMENTARY	48	99	48	NO	Current CSA
1691	CHRISTINA M EVE ELEMENTARY	0	51	0	NO	Current CSA Five Year Plan
6221	HAMMOCKS MIDDLE	277	49	49	YES	Current CSA
7781	FELIX VARELA SENIOR HIGH	-198	63	0	NO	Current CSA
7781	FELIX VARELA SENIOR HIGH	0	63	0	NO	Current CSA Five Year Plan

#### ADJACENT SERVICE AREA SCHOOLS

1811	DANTE B FASCELL ELEMENTARY	194	51	51	YES	Adjacent CSA
7731	MIAMI SOUTHRIDGE SENIOR HIGH	320	63	63	YES	Adjacent CSA

\*An Impact reduction of 17.64% 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.**

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 concurrency@dadeschools.net

1/11/2012

# **APPENDIX D**

## **Applicant's Traffic Study Executive Summary**

The applicant did not submit a traffic study for this application.

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# **APPENDIX E**

## **Fiscal Impact Analysis**

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## **Fiscal Impacts On Infrastructure and Services**

On October 23, 2001, the Board of County Commissioners adopted Ordinance 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 2011 Cycle Application No. 2 to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property 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**

#### Concurrency

Since the Public Works and Waste Management Department (PWWM) assesses solid waste disposal 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 PWWM 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 as of FY 2011-2012.

#### 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, 2011, 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 October 2011 Cycle CDMP amendment applications. As reported to the State of Florida, Department of Environmental Protection, for FY 2010-11, the full cost per residential unit of providing waste collection service was \$429.

#### 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 2011-2012, the PWWM charges at a contract disposal rate of \$62.59 per ton to PWWM Collections and to those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$82.52 per ton in FY 2011-2012. These rates adjust annually with the Consumer Price Index, South Region. In addition, the PWWM 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 (WASD) provides for the majority of water and sewer service needs 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 the actual labor and materials 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 \$1.4381 per 1,000 gallons for water and \$1.7252 per 1,000 gallons for sewer.

Application 2 is requesting amendments to the CDMP to release and delete the Declaration of Restrictions (Official Records Book 26405 at Page 3406) associated with the application site to allow residential development. If the site is development with 670,824 sq. ft. of retail uses, water connection charges/impact fees would be \$93,245, and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for retail uses would be \$375,661 and total annual operating and maintenance costs would total \$77,454. If the site is developed with 546 single family attached units (townhouses), water connection charges/impact fees would be \$136,609, and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for single family uses would be \$550,368, and total annual operating and maintenance costs would total \$113,475.

Additionally, the estimated cost of constructing the needed 24-inch water main (3,550 linear feet) is \$1,136,000, and the 12-inch water main (1,800 linear feet) is \$324,000. To handle sewage from the application site, costs would include installation of a 20-inch sanitary sewer force main (1,500 ft) for \$375,000, a 12-inch sanitary sewer force main (2,600 ft) for \$468,000, and an eight-inch sanitary sewer force main (900 ft) for \$139,500. A new public pump station would be required to be constructed on the application site and would cost \$250,000. (However, if additional development occurs in the surrounding vicinity in the future, the developer may recuperate some pump station costs.) The total potential cost for connecting to the regional sewer system would be \$3,406,013 (with all engineering fees and contingency fees included.)

### **Flood Protection**

The Miami-Dade County Permitting, Environment and Regulatory Affairs Department (PERA) is responsible for 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, PERA 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 PERA that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

### **Public Schools**

The proposed amendment, if approved, would result in a potential maximum development of 546 residential units, which would generate 211 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 the affected portions of the application site, if approved, would total approximately \$1,381,839. At this time, there is sufficient concurrency capacity to accommodate the additional students in the concurrency service area school. However, a final determination of Public School Concurrency and capacity reservation will be made at the time of approval of final plat, site plan or functional equivalent. If at that time there is not sufficient capacity, the capital costs will be addressed pursuant to the school concurrency system.

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# **APPENDIX F**

## **Proffered Declaration of Restrictions**

No declaration of restrictions was submitted by the applicant

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# **APPENDIX G**

## **Photos of Application Site and Surroundings**

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The application site from SW 88 Street



Active Agricultural land with crops east and north of the application site and across SW 88 Street



Kendall Commons TND site south and adjacent to the application site



4-lane divided SW 88 Street north of the application site