

# **Application No. 1**

## **Commission District 4    Community Council 2**

### **APPLICATION SUMMARY**

Applicant/Representative:	Weitzer Aventura, LLC/Jeffrey Bercow, Esq. & Graham Penn, Esq.
Location:	Southeast corner of the intersection of NE 213 Street and NE 26 Avenue
Total Acreage:	±4.4 Gross Acres (±3.17 Net Acres)
Current Land Use Plan Map Designations:	Low-Medium Density Residential (6 to 13 DU/gross acre) and Business and Office
Requested Land Use Plan Map Designation and Other Changes:	<ol style="list-style-type: none"><li>1. Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design and Business and Office</li><li>2. Revise the Restrictions Table in the Land Use Element to add the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners</li></ol>
Amendment Type:	Small-scale
Existing Zoning/Site Condition:	RU-3M and BU-1/Property is currently vacant

### **RECOMMENDATIONS**

Staff:	<b>ADOPT (AS A SMALL-SCALE AMENDMENT) WITH CHANGE AND WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS</b> (August 25, 2012)
Northeast Community Council (2):	<b>TO BE DETERMINED</b> (September 19, 2012)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (October 9, 2012)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 7, 2012)
Final Action of Planning Advisory Board Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (February 2013)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (March 2013)

Staff recommends to **Adopt with Change and with Acceptance of the Proffered Declaration of Restrictions** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map to redesignate the ±3.4 gross acre “Low-Medium Density Residential” (6 to 13 dwelling units per acre) portion of the site to “Low-Medium Density Residential with One Density Increase (DI-1)” (13 to 25 dwelling units per acre with Urban Design) for the following reasons:

**Principal Reasons for Recommendation:**

1. The application as originally filed requested the redesignation of the entire ±4.4 gross-acre site from “Low Medium Density Residential” and “Business and Office” to “Medium-High Density Residential (25 to 60 dwelling units per acre). Under this original request, the application site could be developed with a maximum of 264 multifamily units (approximately four to five-story high buildings), which would be out of character and incompatible with the adjacent single-family residential development.

The Applicant has subsequently requested, by letter dated August 6, 2012 to revise the application to ensure a well planned development that, among other things, addresses compatibility with the predominantly single family residential development adjacent the site. Currently, the application site can be developed with a maximum of 69 residential units. If the revised application is approved then the site could be developed with a maximum of 145 units, an increase in density attainable only through the application of urban design principles, consistent with the CDMP provisions discussed below. Additionally, the applicant has proffered a Declaration of Restrictions (covenant) that proposes to restrict residential development on the site to a maximum of 125 units and commits to the incorporation of urban design principles into the development of the property. These urban design principles would ensure compatibility with the existing neighborhood and the creation of a pedestrian friendly environment on the site and adjacent streets.

The CDMP Land Use Element provides that property with the DI-1 overlay designation may be developed at one density category higher than the underlying Land Use Plan map designation. This density is attainable only when good urban design principles are incorporated into the design of the proposed development on the subject property, otherwise, the maximum density of the underlying land use designation would apply.

2. The application site is located within the County’s Urban Infill Area (UIA) and its development as proposed in the proffered Declaration of Restrictions would be consistent with CDMP Land Use Element Policies LU-1C and LU-10A and Objective LU-12. These policies and objective require the County to promote, facilitate and give priority to infill development on vacant sites in currently urbanized areas.
3. CDMP Land Use Element Policy LU-8E requires LUP map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.

- i. *Need:* Approval of the application, with acceptance of the proffered covenant, would add a net of 56 residential units or approximately 2 months of supply to the residential land capacity in Minor Statistical Area (MSA) 2.1, where the application site is located. The residential land capacity in MSA 2.1 is projected to be depleted by the year 2018 for both single family and multifamily units (see Supply and Demand Analysis on page 1-6). Therefore, any well planned increase in the number of residential units, such as proposed in this application, would provide additional residential capacity in the subject MSA and be of benefit to the area.
- ii. *Public Facilities and Services:* The impacts that would be generated from the maximum development allowed on the application site, if the subject application were approved, would not cause a violation in the level of service standards for public services and facilities.
- iii. *Compatibility:* The revised application request for the DI-1 overlay designation on the “Low-Medium Density Residential” designated portion of the site is compatible with the “Low-Medium Density Residential” and “Business and Office” designations of the properties to the north, east and south of the site, and generally compatible with the “Low Density Residential” designated properties to the west. As discussed in Reason No. 1 above, compatibility of the proposed development on the application site with the adjacent residential development would be attained through the provisions of the proffered covenant, limiting the density of the proposed residential development and incorporating urban design principles into the design of the development.
- iv. *Environmental and Historic Resources:* The subject CDMP application, if approved, would not impact any historic or archaeological resources, but could impact environmental resources. The application site may contain specimen-sized trees (trunk diameter of 18 inches or greater) that are to be preserved pursuant to Section 24.9.2(II) of the Code of Miami-Dade County.
- v. *Transit Ridership and Pedestrianism:* Development of the application site under the provisions of the proffered covenant could support pedestrianism and transit ridership. As mentioned above, the covenant provides a commitment to creating a pedestrian friendly environment on and adjacent to the site. The site is currently served by Metrobus Route 105, which provides limited stop with 30-minute AM/PM peak period headways service along Biscayne Boulevard. The closest bus stop is located over 0.28 miles east of the application site.

# STAFF ANALYSIS

## Background

The application as originally filed requested redesignation of the ±4.4 gross-acre application site, on the Miami-Dade County Comprehensive Development Master Plan (CDMP) Adopted 2015 and 2025 Land Use Plan (LUP) map, from “Low-Medium Density Residential” (6 to 13 dwelling units per acre) and “Business and Office” to “Medium-High Density Residential” (25 to 60 dwelling units per acre). Under the current designation the site can be developed with a maximum of 69 residential units and under the “Medium-High Density Residential” designation the site could be developed with a maximum of 260 residential units. This increase in density would be out of scale and incompatible with the adjacent residential neighborhood.

By letter dated August 6, 2012 the Applicant revised the application to now request that the site retain its current Land Use Plan map designations and that the “One Density Increase (DI-1)” overlay designation be applied to the ±3.4-acre “Low-Medium Density Residential” designated portion of the site. The CDMP Land Use Element provides that property with the DI-1 overlay designation may be developed at one density category higher than the density of the underlying Land Use Plan map designation, and that the increased density is attainable only when good urban design principles are incorporated into the design and development of the property to which it applies. If development proposed for a site having the DI-1 overlay designation does not incorporate good urban design principles, then the density increase would not be applicable and the maximum density of the underlying designation would apply. Therefore, the application as changed by the Applicant ensures that development of the site would be compatible with the surrounding neighborhood, among other things.

Under the current request for “Low-Medium Density Residential with DI-1” (13 to 25 dwelling units per acre with urban design) the application site could be developed with a maximum of 145 residential units. Furthermore, the Applicant has proffered a Declaration of Restrictions that among other things would limit residential development on the site to a maximum of 125 units (see Proffered Declaration of Restrictions discussion below). The applicant states that the requested amendment would facilitate the development of a well-designed multi-family residential or mixed use development on the site.

## Application Site

### Location

The ±4.4 gross acre site is located at the southeast corner of the intersection of NE 213 Street and NE 26 Avenue, along West Dixie Highway. The subject property is situated inside the Urban Infill Area an area generally east and south of SR 826/Palmetto Expressway where infill development is encouraged and given priority pursuant to CDMP Land Use Element Policies LU-1C and LU-10A and Objective LU-12. These policies and objective require the County to facilitate and give priority to infill development on vacant sites in currently urbanized areas and promote infill development in the Urban Infill Area.

### Existing Land Use

The application site is currently vacant and is an assemblage of all parcels within Block C of the Biltmore Park Subdivision (see Appendix A: Map Series and Appendix G: Photos of Site and Surroundings).

### Land Use Plan Map Designation

The application site is designated “Low-Medium Density Residential Communities (6 to 13 DU/gross acre)” on the western  $\pm 3.4$  gross acres portion of the application site and “Business and Office” on the eastern  $\pm 1.0$  acre portion of the site (see CDMP Land Use Map in Appendix A: Map Series). The housing types typically developed on land designated “Low-Medium Density Residential” include single family homes, townhouses and low-rise apartments. The “Business and Office” CDMP land use designation allows the full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

### Proffered Declaration of Restrictions

On August 6, 2012 the Applicant proffered a Declaration of Restrictions (covenant) that limits residential development on the application site to a maximum of 125 units and commits to the incorporation of urban design principles into any development that would utilize the DI-1 density increase. The urban design principles would create a pedestrian friendly environment on the site and adjacent streets and would ensure compatibility with surrounding development through landscaping, buffers, architectural styles that complement the surrounding development, building design and height transitions, uniform street furniture and lighting standards, and parking shall be on the rear of buildings. The covenant also provides that the owner shall work with Miami-Dade Transit to accommodate future transit facilities such as bus shelters and pull-out bays within the property or in adjacent streets in an effort to promote public transportation in the area.

### Zoning

The western  $\pm 3.4$ -acre residentially-designated portion of the application site is zoned RU-3M (Minimum Apartment House); this zoning district allows residential development at a maximum density of 12.9 dwelling units per net acre. The eastern  $\pm 1.0$ -acre portion of the application site is zoned BU-1 (Neighborhood Business); this zoning district allows retail and service convenience facilities that satisfy the essential and frequent needs of adjacent neighborhoods. See Zoning Map in Appendix A: Map Series.

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Zoning records indicate that the subject property was zoned RU-2 (Two-Family Residential) in 1939. In December 1949, the BCC adopted Resolution No. 3502 approving a zoning district boundary change, affecting  $\pm 1.0$  acre of the eastern most portion of the application site, from RU-2 to BU-2A (Special Business-Masonry). In October 1976, the BCC adopted Resolution No. Z-270-76 approving a zoning district boundary change, affecting that one acre of the eastern most portion of the application site, from BU-2 (Special Business District) to BU-1. Subsequently, on July 11, 2007, the Community Zoning Appeals Board 2 adopted Resolution No. CZAB2-2-07 that rezoned the western  $\pm 3.4$  acre portion of the subject property from RU-2 to RU-3M.

### **Adjacent Land Use and Zoning**

#### Existing Land Uses

To the east of the application site, across West Dixie Highway, is the Florida East Coast (F.E.C.) railway right-of-way and East Dixie Highway. Further east, beyond the F.E.C. right-of-way and East Dixie Highway are office buildings and the Aventura Hospital-Medical Center that are within the City of Aventura. Immediately south of the subject property are two-family homes

(duplexes) that are in good condition. Further south of the subject property is the Aventura Waterways K-8 Center. West of the subject property, across NE 26 Avenue, are single family detached homes in good condition. Immediately north of the subject property, across NE 213 Street, are single- and two-family homes that are in good condition. Further north are professional offices and businesses such as the Feel the Heal Massage Parlor, Arkidesign, Inc., Beach City Realty, Construction Source, LLC, Fanny Haim & Associates, and Miami Mobile. (See Appendix G: Photos of Site and Surroundings.)

#### Land Use Plan Map Designations

Properties located to the east of the application site, across East Dixie Highway, are designated “Low-Medium Density Residential” on the LUP map. Properties adjacent to the south of the application site are designated “Low-Medium Density Residential” and “Business and Office”. Properties located to the west of application site, across NE 26 Avenue, are designated “Low Density Residential Communities (2.5 to 6 DU/Ac)”. Properties located immediately to the north are designated “Low-Medium Density Residential” and “Business and Office” (see CDMP Land Use Map in Appendix A: Map Series.)

#### Zoning

Properties adjacent to the east of the application site are zoned BU-1. Properties adjacent to the south of the application site are zoned RU-2 (Two-Family Residential District) and BU-1. The RU-2 Zoning District allows two-family residential units (duplexes) in 7,500 square feet net lots. Properties to the west of the application site, across NE 26 Avenue, are zoned RU-1 (Single-Family Residential District). The RU-1 Zoning District allows single-family residential development in 7,500 square feet net lots. Properties immediately to the north of the application site, across NE 213 Street, are zoned RU-2 and BU-1 (see Zoning Map in Appendix A: Map Series).

### **Supply and Demand Analysis**

#### Residential Land

The combined vacant land in 2012 for single-family and multi-family residential development in Minor Statistical Area (MSA) 2.1, where the application site is located, was estimated to have a capacity for 1,886 dwelling units, with approximately 18 percent of these units intended for multi-family. The annual average residential demand for both types in MSA 2.1 is projected to increase from 212 units per year in the 2012-2015 period to 339 units per year in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows depletion for single-family to occur by 2019 and for multi-family by 2017. The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2018. See “Residential Land Supply/Demand Analysis” table below. The property can currently be developed with a total of 69 multifamily units. Approval of the application with acceptance of the proffered covenant would allow the property to be developed with a maximum of 125 multifamily units, which would add a net of 56 residential units or approximately 2 months of supply to the residential land capacity in MSA 2.1.

**Residential Land Supply/Demand Analysis  
2012 to 2030: MSA 2.1**

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTI-FAMILY	BOTH TYPES
CAPACITY IN 2012	1,546	341	1,886
DEMAND 2012-2015	166	46	212
CAPACITY IN 2015	1,047	203	1,250
DEMAND 2015-2020	247	69	316
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	241	71	322
CAPACITY IN 2025	0	0	0
DEMAND 2025-2030	265	74	339
CAPACITY IN 2030	0	0	0
<b>DEPLETION YEAR</b>	<b>2019</b>	<b>2017</b>	<b>2018</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 Department of Regulatory and Economic Resources, Planning Research Section, 2012.

## Environmental Conditions

### Flood Protection

County Flood Criteria, National Geodetic  
Vertical Datum (NGVD)  
Stormwater Management

+5.0 to +5.2 Feet  
Surface Water Management  
General Permit  
Biscayne Bay Basin  
AE-6 and X-99

Drainage Basin  
Federal Flood Zone

### Biological Conditions

Wetlands Permits Required  
Native Wetland Communities  
Specimen Trees  
Natural Forest Communities  
Endangered Species Habitat

NO  
NO  
May Contain  
NO  
NO

### Other Considerations

Within Wellfield Protection Area  
Archaeological/Historical Resources  
Hazardous Waste

NO  
NO  
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. 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; these systems are designed to filter the most harmful pollutants from rainwater draining from the site (CDMP Policy CON-5A).

The proposed use will require a Surface Water Management General Permit from the Water Control Section of Environmental Resources Management (ERM) for the construction and operation of the required surface water management system. This permit must be obtained prior to development of the site, final plat, and/or prior to obtaining a building permit approval. 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.

The area is located in the intra-coastal hydrological basin, which is not included in the Miami-Dade County stormwater master plan since the hurricane surge flood is the governing factor. Also, the drainage system in this area is old and the area has reported several historical flooding complaints and losses. If this application is approved, the proposed project could change the total impervious area of the 3.17 gross acre site from 64% to 70% (Impervious cover is any type of development or construction, such as the footprint of a building or a parking lot, which does not allow rainfall to naturally be absorbed into the soil and ultimately, the aquifer below the surface). Consequently, the runoff volume and peak flow will increase. The additional runoff should remain within the proposed development by providing an adequate drainage system in parking lots and spaces with similar use. In addition, the application site lies within Flood Zone AE-6 as per the Flood Insurance Rate Maps (FIRM) for Miami-Dade County. According to the County's flood criteria, the site shall be filled to a minimum elevation of 5.2 feet NGVD, plus 8 inches for residential or 4 inches for commercial development.

#### Specimen Trees

Section 24-49 of the Miami-Dade County Code provides for the preservation and protection of tree resources; therefore, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any identified specimen-sized trees. A Tree Removal Permit (2007-TREE-PER-00227) issued for this property in 2007 identified three (3) Strangler Figs, seven (7) Live Oaks and two (2) Red Bay trees that are required to be preserved. The permit expired on October 17, 2008; therefore, the required replanting and final inspection as per the above-mentioned permit must take place and a final inspection should be requested to avoid violation of permit conditions.

#### **Water and Sewer**

##### Water Supply

The application site is located within the Miami-Dade Water and Sewer Department (WASD) franchised water and sewer service area. The Hialeah-Preston Water Treatment Plant is the water supply source for this area. There are no planned projects in close proximity to the application site. At the present time, there is adequate treatment and water supply capacity for this application; however, a Water Supply Certification will be required for this project at the time of development to determine water supply availability. At the time of development the project will be evaluated for water supply availability and a water supply reservation will be made.

##### Water Treatment Plant Capacity

The County's adopted level of service standard for water treatment is based on regional treatment system. This level of service standard requires the regional system to operate with a

rated maximum daily capacity of no less than two (2) percent above the maximum daily flow for the preceding year, and an average daily capacity two (2) percent above the average daily system demand for the preceding five (5) years. 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 current and requested CDMP land use designations would allow residential and retail uses. As noted in the "Estimated Future Water/Sewer Flow Demand By Potential Development Scenario" table below, the maximum water demand for Residential and Residential and Commercial development scenarios under the Current CDMP Land Use designations, are estimated at 12,420 gallons per day (gpd) and 9,068 gpd respectively. The maximum water demand for Residential development under the Requested CDMP Land Use designation is estimated at 47,520 gpd. This represents an increase of approximately 35,100 gpd to 38,452 gpd than the demand under the current CDMP land use designations. On July 18, 2012, the applicant proffered a Declaration of Restrictions limiting residential development on the application site to 125 multi-family units. If the application site were developed with 125 multifamily units, maximum water demand is estimated at 22,500 gpd. A Water Supply Certification Letter will be required at the time of development, of which the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

#### **Estimated Future Water/Sewer Flow Demand by Potential Development Scenario**

CDMP Land Use Designation	Use Type (Maximum Allowed)	Quantity (Units or Sq. Ft.)	Water Demand Multiplier (Sec. 24-43.1 Miami- Dade Code)	Projected Water/Sewer Demand (gpd)
<u>Current CDMP Development Potential</u>				
Low-Medium Density Residential & Business and Office	Residential	44 Single-Family Attached DUs and 25 Multi-family DUs	180 gpd	12,420
		Or		
Low-Medium Density Residential & Business and Office	Residential and Commercial	44 Single-Family Attached DUs and 11,848 sq. ft. Retail	180 gpd 100 gpd/100 sq. ft.	7,920 1,148
Projected Sewer Demand				12,420 or 9,068
<u>Requested CDMP Development Potential</u>				
Low-Medium Density Residential with DI with Urban Design	Multi-family Residential	125 Multi-family DUs	180 gpd	22,500

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

Notes:

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

DUs means dwelling units

#### Water System Connectivity

The development on the application site shall connect to an existing 8-inch water main located at NE 212 Terrace, east of NE 26 Avenue, with a new 8-inch water main in an easterly direction along NE 212 Terrace to interconnect with an existing 12-inch water main located inside the property. There is also an existing 16-inch water main along NE 26 Avenue and along NE 213 Street and a 12-inch water main on West Dixie Highway and inside the property where the applicant may connect. Any public water main extension within the property shall be 8-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, the water system shall be looped with two points of connection.

#### 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 the Miami-Dade County Code. In addition, all future developments are 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, consisting of North, Central and South District Wastewater Treatment Plants, operate with capacity that is two (2) percent above the average daily per capita flow for the preceding five (5) 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 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 wastewater treatment system has capacity remaining.

#### Sewer System Connectivity

The wastewater flows for this application will be transmitted to the North District Wastewater Treatment Plant for treatment and disposal. The application site if developed shall connect to an existing 8-inch gravity sewer line located at NE 209 Street, east of NE 26 Avenue, from which the developer shall connect and install a new 8-inch gravity sewer line heading westerly on NE 209 Street to NE 26 Avenue, then northerly along NE 26 Avenue to NE 212 Terrace to a point as required to provide sewer service to the application site. Any proposed sewer extension inside of the property shall be an 8-inch minimum. A capacity modeling evaluation will be required at the time of development.

#### **Solid Waste**

The Miami-Dade County Public Works and Waste Management Department (PWWM) Solid Waste division oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

The subject application site is located inside the 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 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 applications. As of FY 2011/2012, the PWWM is in compliance with the adopted level of service standard.

#### Application Impacts

Application No. 1 is requesting the re-designation of approximately 4.4 gross acres (3.17 Net Acres) from "Low-Medium Density Residential" and "Business and Office" to "Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design" and "Business and Office" on the Adopted 2015 and 2025 LUP map. The PWWM does not actively compete for multifamily waste collection services at this time, thus waste collection services may be provided by a private waste hauler. The PWWM has determined that the requested amendment will have no impact or any associated costs to the County; therefore, 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 (PBD). The subject application site is located inside Park Benefit District 1 (PBD-1), which encompasses the area of the County north of SW 8 Street and AIA/MacArthur Causeway to the Miami-Dade/Broward County line.

#### Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum level of service standard for the provision of recreation open space in the 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 of the County 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 level of service standard is calculated for each Park Benefit District. A Park Benefit District is considered below level of service standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-1 has a surplus capacity of 310.91 acres of parkland, when measured by the County's concurrency level of service standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site. Three parks, Ives Estates Tot Lot, Ojus Park and Ives Estates Tennis Center, are smaller than the required five acres (or larger) park. The nearest local park to the application site is Highland Oaks Park, which is located approximately 0.5 miles from the application site.

**County Local Parks  
Within a 3-Mile Radius of Application Site**

Park Name	Acreage	Classification
Ives Estates Tot Lot	0.22	Mini Park
Ojus Park	1.73	Community Park
Ives Estates Tennis Center	4.81	Single-Purpose Park
Ives Estates Park	99.52	District Park
Highland Oaks Park	39.09	Community Park

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

**Application Impact**

The potential development of the application site under the current CDMP land use designation could generate a potential population of 163, resulting in an impact of 0.45 acres based on the minimum level of service standard for local recreational open space. The original request change would generate a potential population of 430, or an increase of 267 persons, resulting in an impact of an additional 0.73 acres of local parkland.

The Applicant revised the application and proffered a Declaration of Restrictions limiting residential development on the application site to 125 dwelling units. If the proposed amendment is approved with acceptance of the proffered Declaration of Restrictions, the proposed development could generate a population of approximately 204 persons; or an additional 41 persons over the potential population that could be generated under the current CDMP land use designation of the application site. Therefore, the impacts to the Level of Service for parks would be an additional 0.11 acres that would be accommodated by the 310.91-acre park surplus.

**Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 8 (Aventura North), located at 2900 NE 199 Street. This station is equipped with an Engine, Rescue unit and Battalion Chief, and is staffed with eight (8) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately 5 minutes and 49 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.

**Level of Service Standard for Minimum Fire Flow and Application Impacts**

CDMP Policy WS-2A establishes the County's minimum level of service standard for potable water. This CDMP 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 business and industrial uses.

The current CDMP land use designation of "Low-Medium Density Residential" and "Business and Office" will allow a potential development on the application site that is anticipated to

generate approximately 19 annual alarms. The proposed CDMP land use designations of “Low-Medium Density Residential with DI-1 with Urban Design” and “Business and office” will allow a potential development that is anticipated to generate 74 annual alarms which will result in a moderate impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. The MDFR has no plans for new fire rescue stations in the vicinity of the application site.

The required fire flow for the proposed CDMP land use designations of “Low-Medium Density Residential with DI-1 with Urban Design” and “Business and Office” shall be 1,500 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.

## **Public Schools**

Pursuant to Section 9.4, Exceptions and Vested Development, of the Interlocal Agreement for Public School Facility Planning (ILA) between Miami-Dade County and Miami-Dade County Public Schools which states in part that:

“The following types of developments shall be considered vested from the requirements of public school concurrency:

- b. Development that have an executed and recorded covenants or have provided monetary mitigation payments, as of the effective date of this Agreement, under the School Board’s current voluntary mitigation procedures.”

The application site was the subject of a 2007 zoning approval (Resolution CZAB2-2-07) for a 32 residential unit development on the western ±3.4 acres of the site. At that time, the owner of the property proffered a covenant running with the land that was approved by the Miami-Dade School Board in April 2007 prior to the implementation of school concurrency in the ILA. The covenant provides for a monetary donation over and above impact fees in the amount of \$39,365 payable to the Miami-Dade County Public Schools prior to approval of final plat of the property. However, the current CDMP amendment application with the proffered CDMP covenant proposes a maximum 125 residential unit development on the property. The Miami-Dade Public Schools has indicated that the impact fees due to the Miami-Dade County Public Schools will be prorated in accordance with the provisions of the April 2007 covenant to reflect the increase in number of residential units from 32 to 125 (see Appendix C: Miami-Dade County Public Schools Analysis).

## **Aviation**

Miami-Dade County Aviation Department (MDAD) reviewed the proposed CDMP amendment and determined that the proposal is compatible with airport operations provided that the development complies with MDAD’s Airport zoning, Chapter 33 of the Code of Miami-Dade County.

## Roadways

The application site is located inside the County's Urban Infill Area (UIA)<sup>1</sup>, the County's designated Transportation Concurrency Exception Area (TCEA). The Concurrency Management Program in the Capital Improvement Element (CIE) of the CDMP states that "...development located within the UIA will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan (CIE page. IX-17).

Primary access to the subject site is from NE 213 Street on the north, NE 26 Avenue on the west and NE 27 Avenue/West Dixie Highway on the east. NE 213 Street, NW 26 Avenue and NE 27 Avenue/West Dixie Highway are two lane undivided roadways. NE 26 and NE 27 Avenues connect to NE 215 Street/County Line Road to the north of the application site and to NE 203 Street/Ives Dairy Road to the south, which provide access to both I-95 and US 1/Biscayne Boulevard –two major north/south corridors. NE 27 Avenue/West Dixie Highway is classified as County Minor Arterial.

Roadway traffic conditions are evaluated by 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

Exiting traffic conditions on roadways adjacent to or in the vicinity of the application site, which is currently monitored by the County or the Florida Department of Transportation (FDOT), are as follows: West Dixie Highway between NE 215 Street and NE 203 Street is operating at the acceptable LOS E –adopted LOS standard is E+50%; West Dixie Highway between NE 203 Street and NE 186 Street is operating at LOS E+35% –adopted LOS standard is E+50%; NE 203 Street/Ives Dairy Road between I-95 and Biscayne Boulevard is operating at LOS C –adopted LOS standard is E+50%; NE 192 Street/Lehman Causeway between Biscayne Boulevard and SR A1A is operating at LOS C –adopted LOS standard is E+20%; and Biscayne Boulevard south of Broward County Line to NE 192 Street is operating at LOS D –adopted LOS standard is of E+20%.

### Trip Generation

The application was analyzed for traffic impact under the currently requested CDMP land use designations of "Low-Medium Density Residential with DI-1 with urban design" and "Business and Office" and with the proffered declaration of restrictions. The proffered declaration of restrictions would, among other things, restrict the site to a maximum of 125 residential dwelling units. The analysis assumes the application site developed with 125 multifamily dwelling units and an estimated 5,700 square feet of retail uses and is estimated to generate approximately 94 PM peak hour trips –21 more PM peak hour trips than under this potential development scenario. See "Estimated Peak Hour Trip Generation" table below.

---

<sup>1</sup> UIA is defined as that part of Miami-Dade County located east of, and including, SR 826 (Palmetto Expressway) and NW/SW 77 Avenue, excluding the area north of SR 826 and west of I-95, and the City of Islandia (Comprehensive Development Master Plan, pages II-8 and IX-17).

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

Application Number	Assumed Use for Current CDMP Designations/ Development Program/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Development Program/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
1	<p>“Low Medium Density Residential (6-13 DU/acre)” and “Business and Office”</p> <p>44 single-family units and 11,848 sq. ft. retail<sup>1</sup></p> <p style="text-align: center;">73</p>	<p>“Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design” and “Business and Office”</p> <p>125 dwelling units (apartments) 5,700 sq. ft. retail<sup>2</sup></p> <p style="text-align: center;">94</p>	<p>+ 21</p>

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Department of Regulatory and Economic Resources and Miami-Dade County Public Works and Waste Management Department, July 2012.

Notes: <sup>1</sup> Application site assumed to be developed with 44 single-family attached dwelling units and 11,848 square feet of retail space under the current CDMP land uses.

<sup>2</sup> Application site assumed to be developed with 125 apartments and estimated 5,700 square feet retail based on applicant's proffered declaration of restrictions.

**Short Term Traffic Evaluation (Concurrency)**

An evaluation of peak-period short term traffic (concurrency) conditions as of July 23, 2012 (utilizing 2011 traffic counts), which considers reserved trips from approved developments not yet constructed, any roadway capacity improvements programmed in the first three years of the 2013 *Transportation Improvement Program* (TIP) and the PM peak hour trips estimated to be generated by the application under the requested CDMP LUP map designation, does not project any of roadways analyzed to violate their adopted LOS standards. All the roadways currently monitored and analyzed are projected to continue to operate at acceptable levels of service. However, the roadway segment of West Dixie Highway from NE 183 Street to NE 203 Street, south of the application site, would operate at LOS E+43%, but still below its adopted LOS standard of E+50%. See the “Traffic Impact Analysis on Roadways Serving the Application Site” table below.

**Traffic Impact Analysis on Roadways Serving the Application 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.	Conc. LOS with Amend.
<b>“Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design” and “Business and Office” (125 dwelling units and retail space)</b>												
9982	West Dixie Highway	NE 203 St. to NE 215 St.	2 UD	E+50%	972	491	E	2	E	31	524	E
9980	West Dixie Highway	NE 183 St. to NE 203 St.	2 DV	E+50%	750	673	E+35%	0	E+35%	22	695	E+37%
9196	NE 203 St.	I-95 to Biscayne Blvd.	6 DV	E+50%	7170	4529	C	81	C	18	4628	C
F-152	NE 192 St.	Biscayne Blvd. to SR A1A	6 LA	E+20%	6432	2223	B	0	B	5	2228	B
F-15	Biscayne Blvd.	NE 186 St. to NE 192 St.	6 DV	E+50%	7020	5812	E+24%	2	E+24%	10	5824	E+25%

Source: Compiled by Miami-Dade County Department of Regulatory and Economic Resources; Miami-Dade County Public Works and Waste Management Department and Florida Department of Transportation, July 2012.

Notes: DV= Divided Roadway; UD = Undivided roadway; LA = Limited access 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 inside the Urban Infill Area (UIA); E+50% (150% capacity) for roadway serviced with extraordinary transit such as I-95 Express Bus Route.

Application site assumed to be the developed with 125 dwelling units (apartments) and 5,700 square feet retail under the requested “Low-Medium Density Residential with DI-1 with Urban Design” and “Business and Office” CDMP land use designations.

It should be pointed out that there is no roadway capacity improvement programmed in the County's 2013 TIP in fiscal years 2012-2015 for the roadway segments analyzed; however, since the application site is located in the County's Transportation Concurrency Exception Area, if the application is consistent with the adopted Comprehensive Development Master Plan, then the development will not be denied concurrency approval for transportation facilities.

## Transit

### Existing Service

The application site and surrounding areas are currently served by Metrobus Route 105(E). The service frequency of this bus route is shown in the "Metrobus Route Service Summary" Table below.

<b>Metrobus Route Service Summary</b>								
Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (Middays)	Evenings (After 8pm)	Overnight	Saturday	Sunday		
105 (E)	30	45	60	N/A	50	50	0.28	L

Source: Miami-Dade Transit Agency, July 2012

Notes: L means Metrobus local route service  
 F means Metrobus feeder service to Metrorail  
 E means Express or Limited-Stop Metrobus service

### Future Conditions

There are no Transit improvements to the existing Metrobus service being planned for the next ten years.

### Major Transit Projects

There is no transit improvement planned for the existing Metrobus service, nor any future major transit projects within the vicinity of the application site.

### Application Impacts

A preliminary analysis was performed in Traffic Analysis Zone (TAZ) 72 where the application site is located. If the proposed amendment is approved, the expected transit impact produced by the proposed development can be absorbed by the existing transit service in the area.

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

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

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-1E. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- LU-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-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

- LU-12. Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.
- CON-8A. Specimen trees and Natural Forest Communities in Miami-Dade County shall be protected through the maintenance and enforcement of the County's Tree and Forest Protection and Landscape Code, as may be amended from time to time. The County's Natural Forest Inventory shall be revised periodically to reflect current Natural Forest Community conditions. A Natural Forest Community shall not be removed from the inventory unless its quality and resource values have been degraded to the point where it cannot be restored.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.
- CHD-2B. Encourage well designed infill and redevelopment to reduce vehicle miles traveled and improve air quality.

Concept No. 1: Control the extent and phasing of urban development in order to coordinate development with the programmed provision of public services.

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# APPENDICES

	Appendices Page
Appendix A: Map Series .....	3
Appendix B: Amendment Application .....	9
Appendix C: Miami-Dade County Public Schools Analysis .....	25
Appendix D: Applicant's Traffic Study Executive Summary .....	29
Appendix E: Fiscal Impact Analysis .....	31
Appendix F: Proffered Declaration of Restrictions .....	37
Appendix G: Photos of Site and Surroundings .....	45

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# **APPENDIX A**

## **Map Series**

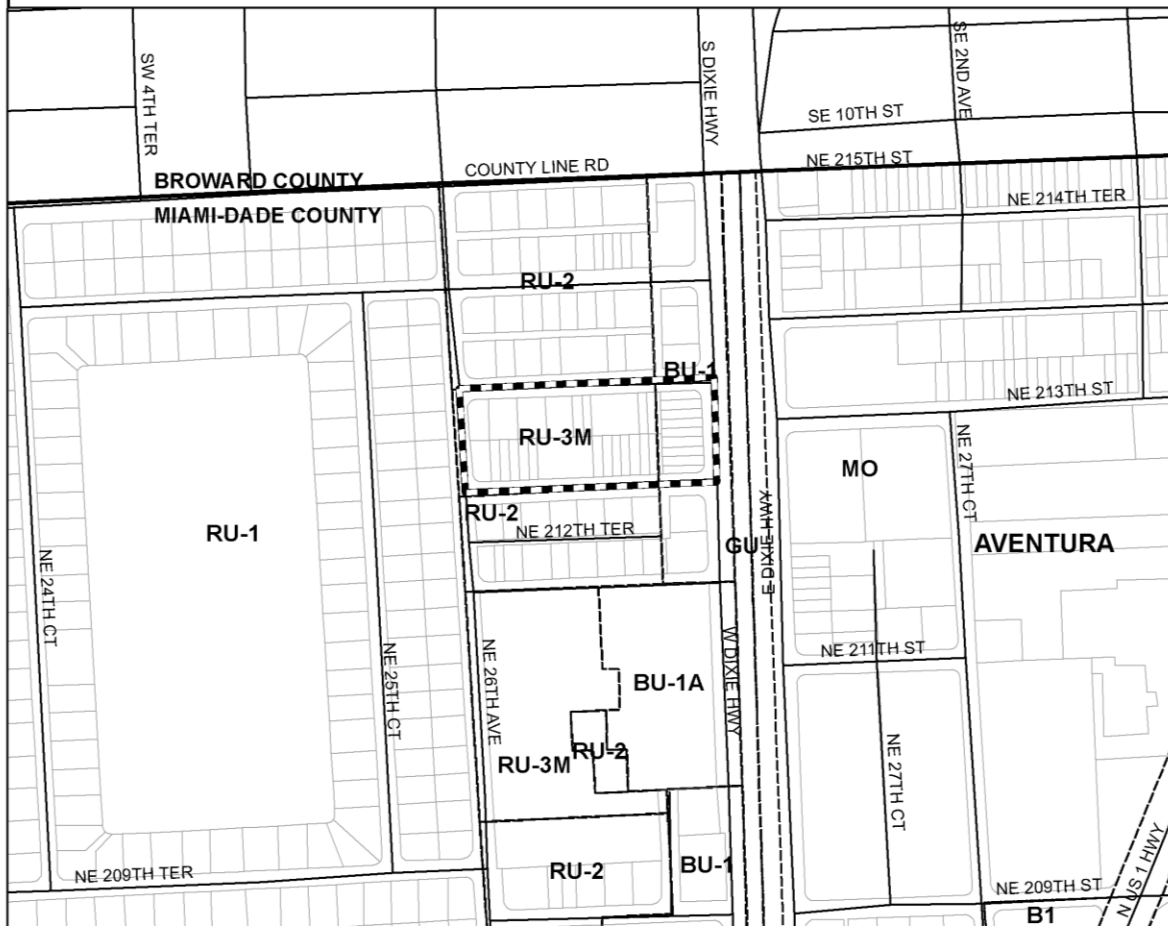
- Aerial Photo
- Current Zoning Map
- Existing Land Use Map
- CDMP Land Use Map

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# APPLICATION NO. 1 AERIAL PHOTO



# APPLICATION NO. 1 ZONING MAP



- APPLICATION AREA
- CITY OF AVENTURA
- COUNTY BOUNDARY

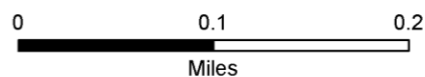
## MIAMI-DADE ZONING DISTRICTS

- GU INTERIM DISTRICT
- RU-1 SINGLE FAMILY RESIDENTIAL (7, 500 sq. ft. net)
- RU-2 TWO FAMILY RESIDENTIAL (7, 500 sq. ft. net)
- RU-3M MINIMUM APARTMENT HOUSE (12.9 units/net acre)
- BU-1 NEIGHBORHOOD BUSINESS
- BU-1A LIMITED BUSINESS

## AVENTURA ZONING DISTRICTS

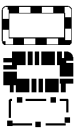
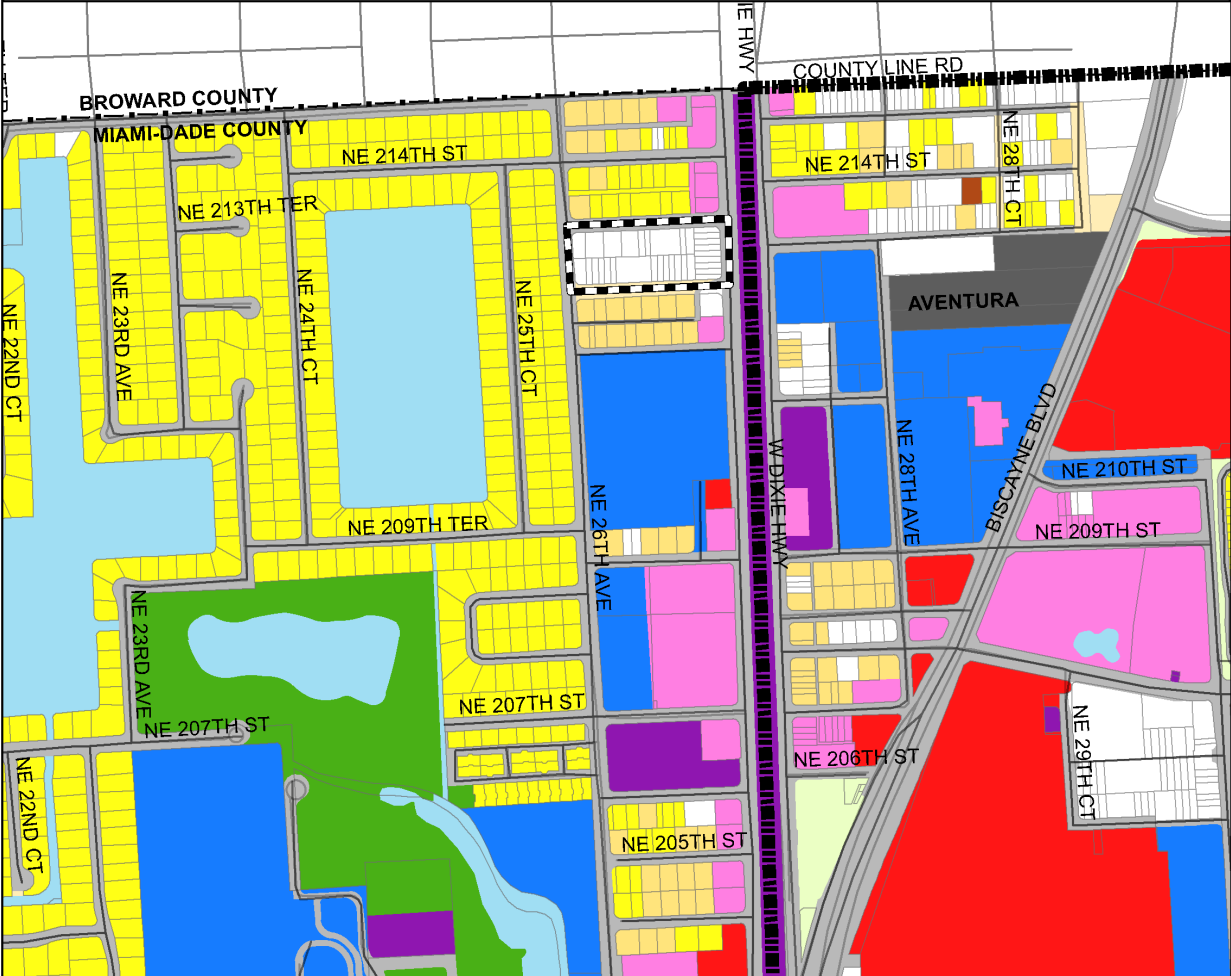
- B1 NEIGHBORHOOD BUSINESS
- MO MEDICAL OFFICE

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2012



# APPLICATION NO. 1

## EXISTING LAND USE



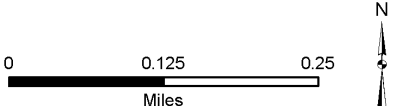
**APPLICATION AREA**  
**MUNICIPAL BOUNDARY**  
**COUNTY BOUNDARY**

### EXISTING LAND USE

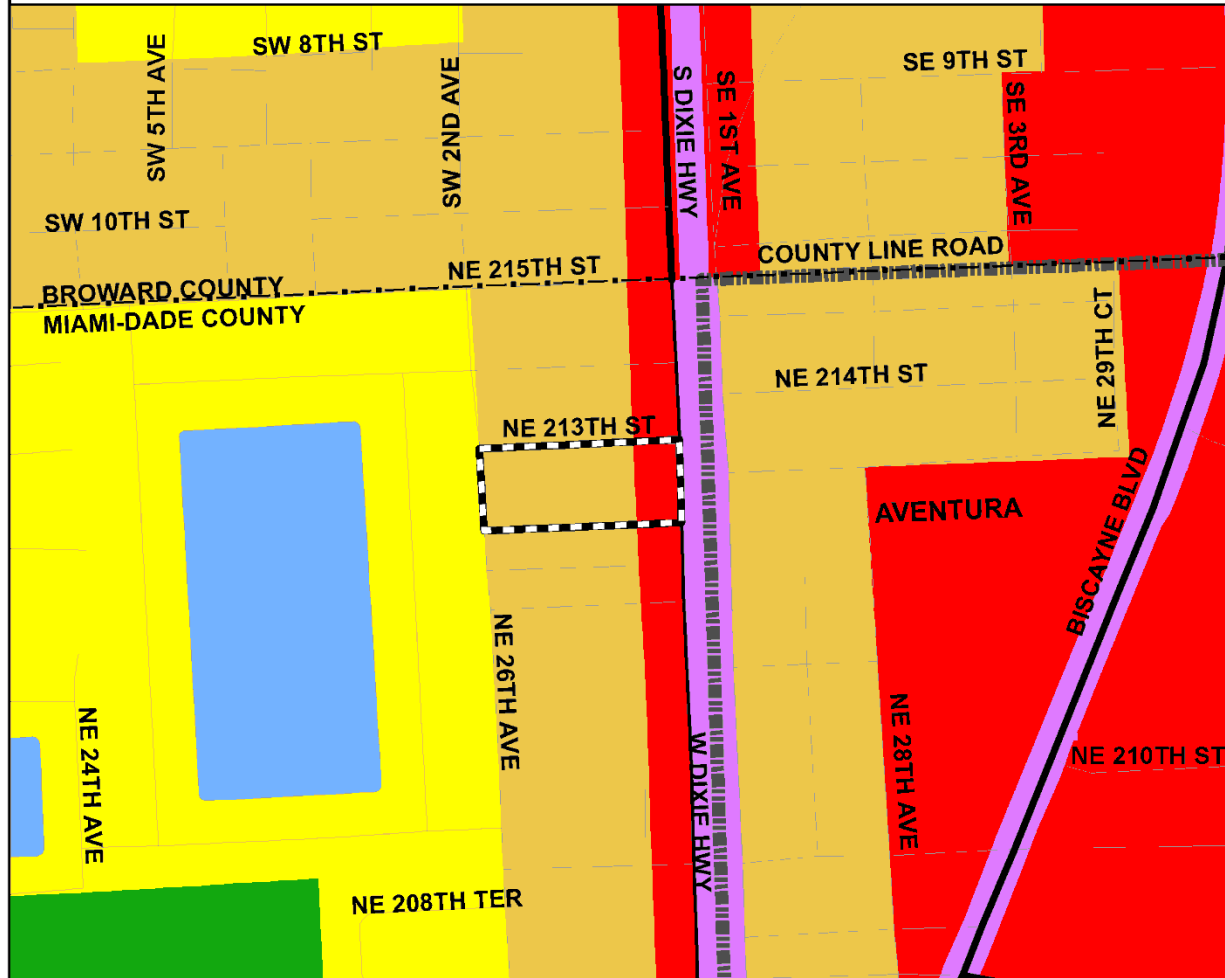
- SINGLE-FAMILY
- TWO-FAMILY DUPLEXES
- LOW-DENSITY MULTI FAMILY
- COMMERCIAL, SHOPPING CENTERS, STADIUMS
- OFFICE
- INSTITUTIONAL
- INDUSTRIAL
- COMMUNICATIONS, UTILITIES, TERMINALS
- STREETS, ROADS, EXPRESSWAYS, RAMPS

- VACANT PRIVATELY OWNED, UNPROTECTED
- VACANT, PROTECTED, PRIVATELY OWNED
- INLAND WATERS

Source: Miami-Dade County  
 Department of Regulatory and Economic Resources  
 June 2012



# APPLICATION NO. 1 CDMP LAND USE



APPLICATION AREA



MUNICIPAL BOUNDARY



COUNTY BOUNDARY

## CDMP LAND USE



LOW DENSITY (2.5-6 DU/AC)



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



BUSINESS AND OFFICE



PARKS AND RECREATION



WATER



TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

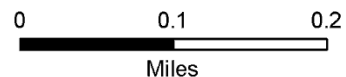


MAJOR ROADWAYS (3 OR MORE LANES) - 10 point



MINOR ROADWAYS (2 LANES)

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2012



# **APPENDIX B**

## **Amendment Application**

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**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229  
Email: [gpenn@brzoninglaw.com](mailto:gpenn@brzoninglaw.com)

2012 AUG -6 P 4: 20

VIA HAND DELIVERY

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

August 6, 2012

Jack Osterholt, AICP  
Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
Stephen P. Clark Center  
111 Northwest 1st Street, 11th Floor  
Miami, Florida 33128

RE: Modification to Application No. 1, April 2012 Comprehensive Development  
Master Plan ("CDMP") Cycle.

Dear Mr. Osterholt:

This law firm represents Weitzer Aventura, LLC (the "the Applicant"), the applicant in the above-referenced Comprehensive Development Master Plan "CDMP" application. Please consider this letter the Applicant's formal modification of its application requests.

As you know, the application area consists of land currently designated Business and Office and Low-Medium Density Residential. The Applicant's development goal has been, and remains, the construction of a compatible residential and/or mixed use development on the combined parcels. The development plans that are being completed are intended to meet the requirements of the CDMP Land Use Element language implementing the Land Use Plan Map's "DI-1 Overlay."

While the Applicant had requested a designation of Medium-High Density Residential for the entire assemblage, it has become clear that such a designation is not necessary to accommodate the proposed development.

Accordingly, the Applicant hereby revises the first application request as follows:

It is requested that the Application Area be redesignated on the Land Use Plan Map from Low-Medium Density Residential / Business and Office to

WACHOVIA FINANCIAL CENTER • 200 SOUTH BISCAYNE BOULEVARD, SUITE 850 • MIAMI, FLORIDA 33131  
PHONE. 305.374.5300 • FAX. 305.377.6222 • [WWW.BRZONINGLAW.COM](http://WWW.BRZONINGLAW.COM)

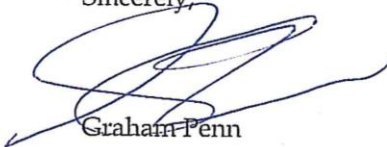
Jack Osterholt, AICP  
Director  
Regulatory and Economic Resources Department  
August 6, 2012  
Page 2

Low-Medium Density Residential with a DI-1 Overlay / Business and Office.

As provided in the Applicant's draft "Declaration of Restrictions" attached hereto, the Applicant has agreed to limit the residential density of development on the property to no more than 125 residential units. That density assumes the approval of a development consistent with the DI-1 Overlay requirements and the recognition that the Business and Office portion of the property will be entitled to a one density category increase over the portion of the property designated Low-Medium Density Residential with a DI-1 Overlay.

Conclusion. We look forward to continuing to work with the Department on this exciting development. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229.

Sincerely,



Graham Penn

Enclosures

cc: Eric Silva, AICP  
Mark Woerner, AICP  
Garrett Rowe, Supervisor, CDMP Administration  
Frank McCune  
Harry Weitzer  
Jeffrey Bercow, Esq.

**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

**NOTE: See "Appendix F: Proffered Declarations of Restrictions" on Appendices Page 37 for referenced draft Declarations of Restrictions.**

**SMALL SCALE AMENDMENT REQUEST  
TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
APRIL 2012-2013 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

Weitzer Aventura, LLC  
3725 NE 214 Street  
Aventura, Florida 33180

**2. APPLICANT'S REPRESENTATIVES**

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

2012 APR 30 P 4: 20  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

By: \_\_\_\_\_  
Jeffrey Bercow, Esq.

Date: April 30, 2012

By: \_\_\_\_\_  
Graham Penn, Esq.

Date: April 30, 2012

**3. DESCRIPTION OF REQUESTED CHANGES**

An amendment to the Comprehensive Development Master Plan Land Use Plan Map is requested.

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

B. Description of Application Area

The Application Area consists of approximately 4.4 gross (3.17 net) acres located in Section 34, Township 51, and Range 42 in unincorporated Miami-Dade County (the Property”). See attached Sketch of Application Area.

C. Acreage

Application Area: 3.17 acres.

Acreage owned by Applicant: 0 acres.

D. Requested Changes

- 1) It is requested that the Application Area be redesignated on the Land Use Plan Map from Low-Medium Density Residential / Business and Office to Medium-High Density Residential.
- 2) It is requested that this Application be processed as a small-scale amendment under the expedited procedures.

**4. REASONS FOR AMENDMENT**

The Application Area. The Application Area consists of an entire block of the Biltmore Park Subdivision, recorded in Plat Book 10, Page 69 of the Public Records of Miami-Dade County, Florida. The Application Area is currently undeveloped. The Application Area lies within the current Urban Development Boundary (“UDB”) at the far northern edge of Miami-Dade County, just south of the Broward County line and just west of the City of Aventura.

The Application Area is bordered by a mix of single family and office development to the north, an office and assisted living facility to the east, and additional single family residential development to the immediate south and west. A public school lies two blocks south of the Application Area. In the larger neighborhood are commercial and residential uses in the City of Aventura and the Gulfstream Racetrack and related mixed-use development.

Proposed Development. The applicant proposes to develop the Application Area with a well-designed multifamily development that is consistent with the current and likely future development pattern in this area of the County.

Consistency with CDMP Objectives and Policies. This application addresses several policies and objectives within the Land Use Element and Housing Element of the CDMP.

**Objective LU-1 – The location and configuration of Miami-Dade County’s urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.**

The application will redevelop an unused property that is currently a detriment to the character of the neighborhood.

**Policy LU-1C – Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized area, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.**

This Application Area is in one of the oldest developed areas of Miami-Dade County, having been platted in 1925. The Application Area's location, immediately adjacent to the Florida East Coast Railway line and near to various County bus routes, makes it an ideal candidate for infill development.

**Policy LU-1F – To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.**

The application will add to the variety of housing types in this community. The area surrounding the Application Area includes mostly single-family homes and older apartment buildings. The inclusion of higher density multifamily housing units in the area will promote Policy LU-1F by providing a variety of housing sizes and styles for residents of the neighborhood.

**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 of Urban Form contained in this Element.**

The Application Area is in the ideal location for residential infill development. The Application Area is in a portion of the County with adequate existing infrastructure, readily accessible services, and good accessibility to employment.

**Policy LU-8F – The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of 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 therefore shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

Land Supply. The Application Area is located within the eastern part of the North Miami-Dade planning analysis tier. Table 1.1-8 of the 2010 Evaluation and Appraisal Report (EAR) indicates that capacity of both single-family and multifamily housing will be depleted in the North Central Tier by 2019. The application proposes to gain in residential capacity.

The approval of the application will result in a slight diminution of available commercial land. However, Table 1.1-12 of the 2010 EAR projects depletion of commercial land in MSA 2.1 at “2030+”. The approval of the application would therefore not result in a measurable diminution of available commercial land.

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

Compatibility. Compatibility issues will be primarily addressed during the site plan process for the development project. However, the well-designed multifamily residential community proposed for the Property is certainly compatible with surrounding uses. Also, the proximity to mass transit and major roadways will enhance the accessibility to the site.

Infrastructure. The Applicant believes that both water and sewer connections are available adjacent to the site. As to potable water and sewer capacity, the applicant believes that the County’s treatment plants are currently operating within the LOS standards. Although the Applicant does not anticipate that the approval of this application will result in a deficiency in the LOS, the Applicant will work with DERM and/or WASD to address any potential concerns.

Schools. Pursuant to Table 2.10-1 of the 2010 EAR, the overall capacity of public schools at the end of 2009-2010 was 85% and has been steadily decreasing since 2003-2004. As such, there is not any anticipated school inventory issues for this area.

Historical and Environmental Resources. There are no historically or archeologically significant structures on the Property. Therefore, this application will have no impact on the County's historical or environmental resources.

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Sketch of Application Area
- 2) Aerial Photograph
- 3) Section Map

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

## **6. COMPLETE DISCLOSURE FORMS: See attached.**

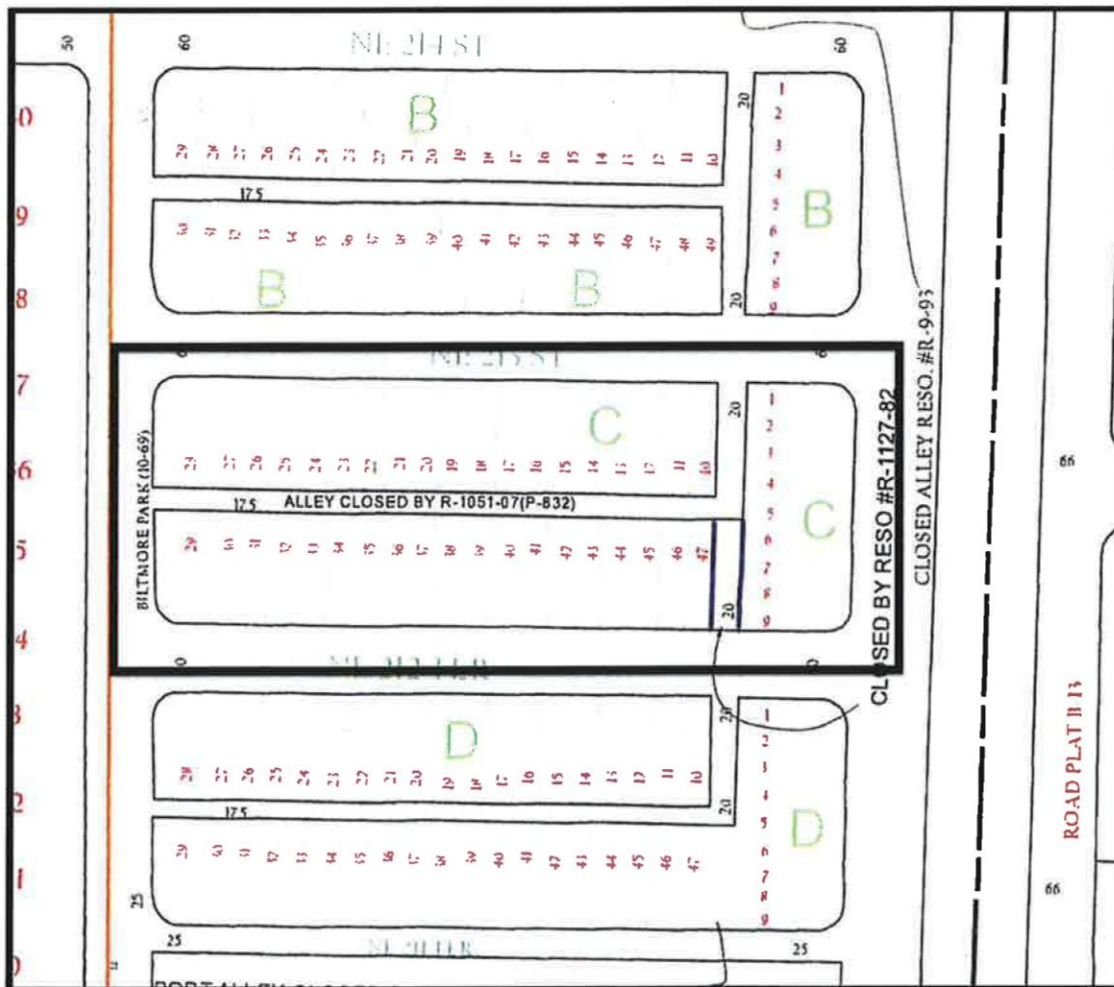
**LOCATION MAP FOR APPLICATION  
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER  
PLAN**

**APPLICANT/REPRESENTATIVE**

WEITZER AVENTURA, LLC / BERCOW RADELL & FERNANDEZ PA

**DESCRIPTION OF SUBJECT AREA**

The Subject Property consists of approximately 4.4 gross acres (3.17 net) located in Section 34, Township 51, Range 42. The Property is more accurately described as Block C of the of the Biltmore Park Subdivision, recorded in Plat Book 10, Page 69 of the Public Records of Miami-Dade County, Florida. The site is located south of NE 213 Street between NE 26 Avenue and West Dixie Highway. The applicant does not own any of the Subject Property.



## 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.

### APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Weitzer Aventura, LLC

APPLICANT B: \_\_\_\_\_

APPLICANT C: \_\_\_\_\_

APPLICANT D: \_\_\_\_\_

APPLICANT E: \_\_\_\_\_

APPLICANT F: \_\_\_\_\_

APPLICANT G: \_\_\_\_\_

APPLICANT H: \_\_\_\_\_

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.

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
A	Great Florida Bank	30-1234-003-0740	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0750	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0760	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0770	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0780	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0790	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0800	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0810	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0820	2,750 sq. feet
A	Great Florida Bank	30-1234-003-0960	5,399 sq. feet
A	Great Florida Bank	30-1234-003-0930	8,175 sq. feet

A	Great Florida Bank	30-1234-003-0900	8,175 sq. feet
A	Great Florida Bank	30-1234-003-0890	8,175 sq. feet
A	Great Florida Bank	30-1234-003-0870	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0860	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0850	13,625 sq. feet
A	Great Florida Bank	30-1234-003-0840	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0830	3,815 sq. feet
A	Great Florida Bank	30-1234-003-1100	3,815 sq. feet
A	Great Florida Bank	30-1234-003-1090	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1080	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1070	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1060	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1050	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1040	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1030	16,350 sq. feet
A	Great Florida Bank	30-1234-003-1020	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1010	2,725 sq. feet
A	Great Florida Bank	30-1234-003-1000	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0990	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0980	2,725 sq. feet
A	Great Florida Bank	30-1234-003-0970	4,847 sq. feet

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

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR FOR PURCHASE</u>	<u>OTHER (Attach Explanation)</u>
A			X	

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

- b. **If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (5), 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:** Weitzer Aventura, LLC

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

Weitzer, Inc.  
3725 NE 214 Street  
Aventura, FL 33180

100%

100% of the stock in Weitzer, Inc. is owned by Harry Weitzer, whose corporate address is 3725 NE 214 Street Aventura, FL 33180

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

**TRUSTEES**

**NAME:**

N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

- 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.

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

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

CORPORATION NAME: Great Florida Bank

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

Great Florida Bank is a publicly traded corporation.

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

TRUSTEE'S  
NAME: \_\_\_\_\_

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

- d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be

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

**PARTNERSHIP NAME:**

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENT AGE OF OWNERSHIP</u>
N/A	

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

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
Weitzer Aventura, LLC	
Date of Contract: 4/30/12	

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

N/A

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

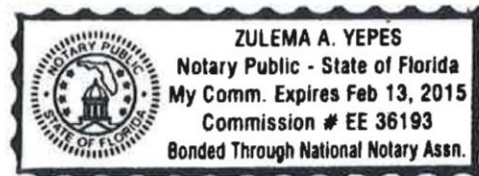
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Harry Weitzer  
Weitzer Aventura, LLC

Sworn to and subscribed before me  
this 9th day of May, 20 12.

Notary Public, State of Florida at Large (SEAL)  
My Commission Expires: 2/13/2015



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

# **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

August 23, 2012

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

**VIA ELECTRONIC MAIL**

Mr. Graham Penn, Esquire  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard, Suite 850  
Miami, FL 33131

[gpenn@brzoninglaw.com](mailto:gpenn@brzoninglaw.com)

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
PH3012072400317 PREPARED FOR WEITZER AVENTURA, LLC  
LAND USE APPLICATION #1 APRIL 2012 CYCLE - Folio No. 3012340031030**

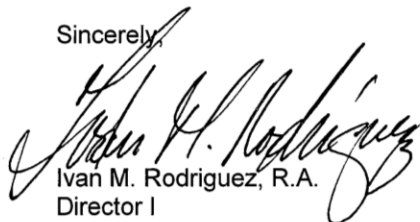
Dear Applicant:

This is to advise you that upon further review of the above-referenced application and after discussion with County staff, we found that the entire tract of land (not just a portion as previously thought) for this 125-unit proposed development is governed by an executed and recorded Covenant Running with the Land (Covenant), which was proffered and approved by the School Board prior to the implementation of school concurrency (approved on April 18, 2007). The Covenant provides for a monetary donation over and above educational facilities impact fees for a 32-unit development, in the amount of \$39,365 due and payable prior to the approval of final plat of the property. Since the applicant is contemplating a 125-unit development, the amount due will be prorated accordingly to reflect the increased number of units.

This letter serves as the School Level Planning Review for this application, and confirms that mitigation for the impact of the proposed 125-unit development shall be implemented pursuant to the Covenant, as adjusted to reflect the increase in the number of units.

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

Sincerely,



Ivan M. Rodriguez, R.A.  
Director I

IMR:ir  
L-072

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

Facilities Planning, Design and Sustainability  
Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132  
305-995-7285 • 305-995-4760 (FAX) • [arijo@dadeschools.net](mailto:arijo@dadeschools.net)

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# **APPENDIX D**

## **Applicant's Traffic Study Executive Summary** Not required for small-scale amendments

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# **APPENDIX E**

## **Fiscal Impact Analysis**

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

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 1 of the April 2012 Cycle of Applications to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

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

### **Solid Waste Services**

#### Concurrency

Since the 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 and code enforcement. As of September 30, 2011, the average residential unit generated 2.15 tons of waste, which includes garbage, trash and recycled waste.

#### Waste Disposal Capacity and Service (WCSA)

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. For FY 2011-12, the PWWM charges a contract disposal rate of \$62.59 per ton to PWWM Collections and those private haulers and municipalities with long term disposal agreements. The short-term disposal rate is \$82.52 per ton for FY 2011-12.

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, remediation and long-term care are funded by a portion of the Utility Service Fee charged to all customers of the County's Water and Sewer Department.

## **Water and Sewer**

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project 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 \$1.3957 per 1,000 gallons for water and \$1.8572 per 1,000 gallons for sewer.

The applicant requests a land use designation change on Miami-Dade County's CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map, on the application site, from "Low-Medium Density Residential" and "Business and Office" to "Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design" and "Business and Office." On August 6, 2012, the applicant proffered a Declaration of Restrictions (covenant) limiting residential development on the application site to 125 multi-family units.

If the application site is developed with the 125 multi-family units, water connection charges/impact fees would be \$26,063. Water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees would be \$105,000. Total annual operating and maintenance costs would total \$22,262.

Additionally, the estimated cost of installing 450 linear feet of 8-inch water main to connect to the County's regional water system is \$69,750. The estimated cost to install 1,500 linear feet of 8-inch sanitary sewer gravity main to connect to the regional sewer system is \$232,500. The total potential cost for connecting to the regional water and sewer system including Engineering fees (10%) and contingency fees (15%) are estimated at \$382,346.

## **Flood Protection**

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

Additionally, Department staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee is 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 the Department that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

### **Public Schools**

This information is pending.

### **Fire Rescue**

This information is pending.

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# **APPENDIX F**

## **Proffered Declaration of Restrictions**

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2012 AUG -6 P 4: 20

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow Radell & Fernandez, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

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### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to an assemblage of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the submitted attorney's opinion, and

*WHEREAS*, the Property is the Application Area of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 1 of the April 2012 Amendment Cycle; and

*WHEREAS*, the Owner has sought to change the designation of a portion of the Application Area from "Low-Medium Density Residential" to "Low-Medium-Density Residential with a DI-1 Overlay."

*NOW THEREFORE*, in order to assure the Miami-Dade County (the "County") that the representations made by the Owner during the consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

**Maximum Residential Density.** The maximum residential development of the Property shall be 125 residential units.

**Project Design.** Any development application seeking to use the density increase provided by the "DI-1 Overlay" shall utilize the Miami-Dade County's Urban Design Manual endorsed by Resolution R-1360-98 as a guideline for the Property's development, and at a minimum, shall incorporate the following design principles:

---

1. Buildings shall be human-scaled and compatible with surrounding development or made compatible through the use of, among other methods: landscaping; buffers such as walls and fences; architectural styles that complement surrounding development; and building height transitions.

2. Buildings shall be built close to the sidewalk to create a public space in the street corridor that is comfortable, interesting, and safe for pedestrians. The Owner shall seek, if necessary, variances of the County's zoning regulations to accommodate this requirement. If any variances necessary to meet this requirement are not approved by Miami-Dade County at the time the Property or any portion thereof is subject to a district boundary change to accommodate the density increase provided by the "DI-1 Overlay," the Owner shall develop buildings as reasonably close as possible to the minimum setback permitted by the County's zoning standards.

3. Buildings shall have abundant windows and doors at street level and incorporate a variety of architectural features and treatments on all facades such as, but not limited to: balconies; a variety of materials such as stone, metal, stucco, concrete and brick; modulation and articulation of building surfaces; and changes in roof levels. Large expanses of opaque or blank building walls shall be avoided.

4. Uniform street furniture and lighting standards shall be provided throughout the Property.

5. All on-site parking shall be to the rear or side of the buildings. No on-site parking shall be allowed between the street frontage and the front building line of any building(s). This shall not prevent parking with the right-of-way, if approved by the County.

**Transit Improvements.** In an effort to promote public transportation in the area, prior to the approval of a final plat for the Property, the Owner shall work with Miami-Dade Transit or its successor Department in good faith to accommodate future transit facilities within the Property or in streets adjacent to the Property, including bus shelters, pull-out bays, and other facilities. This paragraph shall not require any modifications to a recorded final plat for the Property.

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**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. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to all of the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments

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

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

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

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

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

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any

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material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

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

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

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

[Execution Pages Follow]

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# **APPENDIX G**

## **Photos of Site and Surroundings**

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Application Site



Residential Area Immediately West of Application Site



Professional Offices Immediately North of Application Site



Residential Area Immediately South of Application Site