

<div><h1>Application No. 2</h1><div>Commission District 10    Community Council 10</div></div>
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## APPLICATION SUMMARY

Applicant/Representative:	TRR Everglades, LLC, c/o J. Kenneth Tate / Patricia M. Baloyra, Esq.
Location:	Southeast corner of the intersection of SW 40 Street and SW 107 Avenue
Total Acreage:	±2.38 Gross Acres; ±2.38 Net Acres
Current Land Use Plan Map Designations:	"Low Density Residential (2.5 to 6 dwelling units per gross acre)"
Requested Land Use Plan Map Designation:	"Business and Office"
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	BU-1 (Business - Neighborhood) / Developed with a Pep Boys automotive service facility

## RECOMMENDATIONS

Staff:	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS</b> (February 25, 2015)
Westchester Community Council (10):	<b>TO BE DETERMINED</b> (March 26, 2015)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (April 20, 2015)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (May 6, 2015)

Staff recommends to **ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020 and 2030 Land Use Plan (LUP) map to redesignate the ±2.38 gross-acre site from “Low Density Residential” to “Business and Office” for the following reasons:

**Principal Reasons for Recommendation:**

1. Approval of the application would be in keeping with the existing use and zoning of the subject property. The application site is developed with a Pep Boys automotive service facility and is zoned BU-1 (Neighborhood Business). The purpose of the BU-1 zoning district is to provide for retail and service convenience facilities, which satisfy the essential and frequent needs of the adjacent residential neighborhoods. Thus, approval of the proposed amendment to “Business and Office” would change the land use designation on the application site to a CDMP land use designation that is more consistent with the existing business use on the property and the current BU-1 zoning. (See “Zoning Map” on page 2-5 and “Existing Land Use” map on page 2-6.) Furthermore, the applicant has proffered a Declaration of Restrictions that would prohibit residential development on the property.
2. Approval of the application would be consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the 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 to Accommodate Population or Economic Growth.* Approval of the application would have no effect on the supply of residential acreage or the commercially-designated acreage in Minor Statistical Area (MSA) 5.4, where the application site is located. As discussed in Principal Reason 1 above, the application site is zoned and currently in use for commercial purposes—the site is developed with a Pep Boys automotive service facility. Approval of the application could facilitate the growth of the existing business on the property and generate additional employment, which could be of benefit to the area. (Also see Supply and Demand Analysis on page 2-11.)
  - ii. *Public Facilities and Services.* The impacts that would be generated from the maximum potential redevelopment on the site (41,469 square feet of retail), if the application is approved, would not cause a violation in the level of service (LOS) standards for public services and facilities. Approval of the application would be consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not cause a violation in adopted level of standards for public facilities and services.
  - iii. *Compatibility:* The requested “Business and Office” land use designation and the maximum redevelopment that could occur on the site, if the application is approved, would be compatible with the abutting and adjacent development. The properties

north of the application site are designated "Business and Office" and developed with commercial uses. The properties to the west beyond SW 104 Avenue are developed with single family residences and are designated "Low Density Residential" (2.5 to 6 dwelling units per gross acre). The properties abutting to the south and east are designated "Low Density Residential" and developed with the Pinecrest Cove Preparatory Academy and River of Hope Presbyterian Church, respectively.

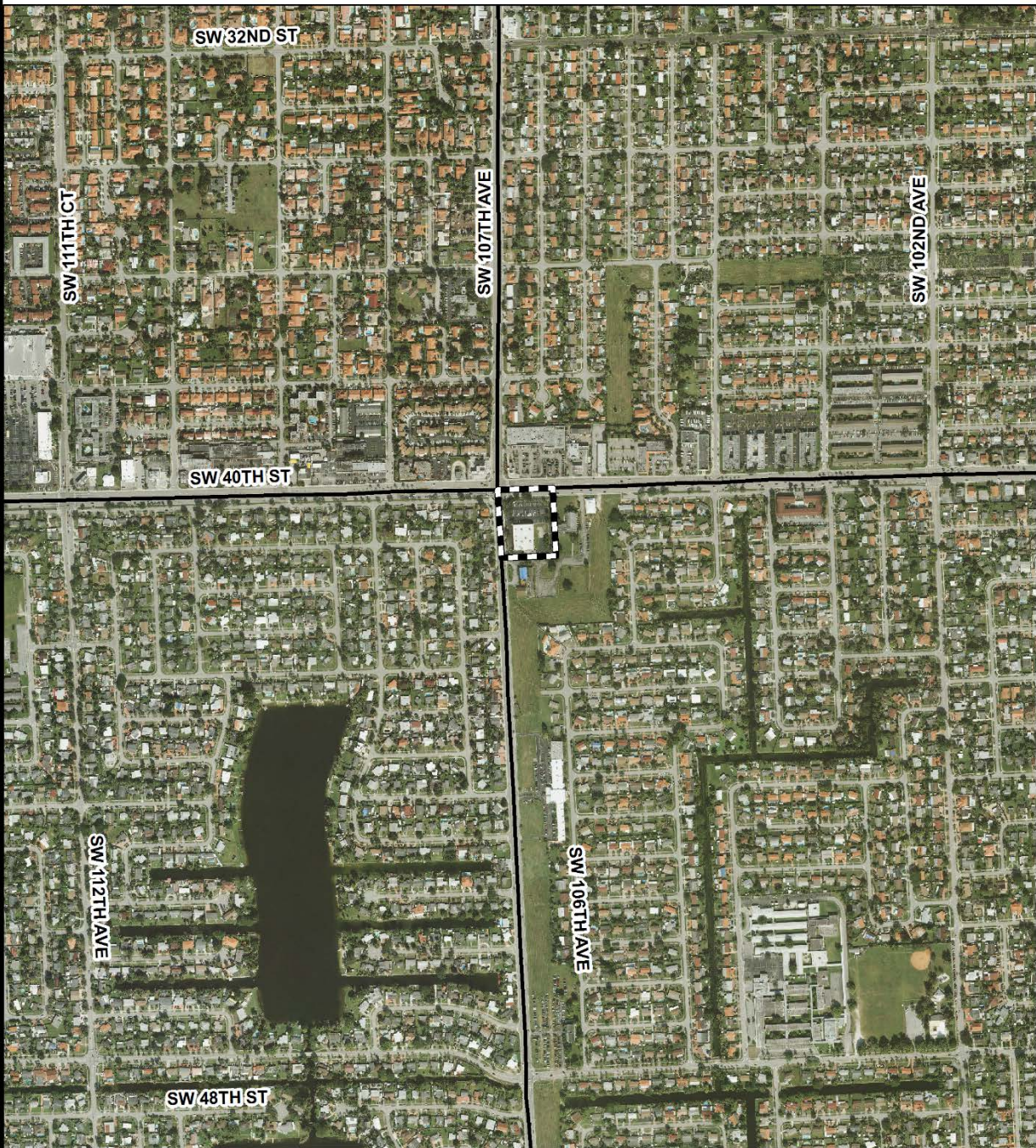
- iv. *Environmental and Historic Resources.* The application, if approved, would not impact any historic resources but may impact environmental resources. The subject property is located within the Alexander Orr Wellfield protection area. Therefore, development of the subject property shall be in accordance with Section 24-43 of Miami-Dade County Code (Code).

In addition, the subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires these specimen-sized trees to be preserved, where reasonably possible (see "Environmental Conditions" section on page 2-13).

- v. *Transit Ridership and Pedestrianism.* The application, if approved, could support transit ridership and pedestrianism. The application site is served by Metrobus Route 40, which provides local route service to the application site at 15 and 20-minute headways during the AM/PM peak periods on weekdays. The nearest bus stop is located adjacent to the application site and there are sidewalks adjacent to and in the vicinity of the application site.



## APPLICATION NO. 2 AERIAL PHOTO



**APPLICATION AREA**

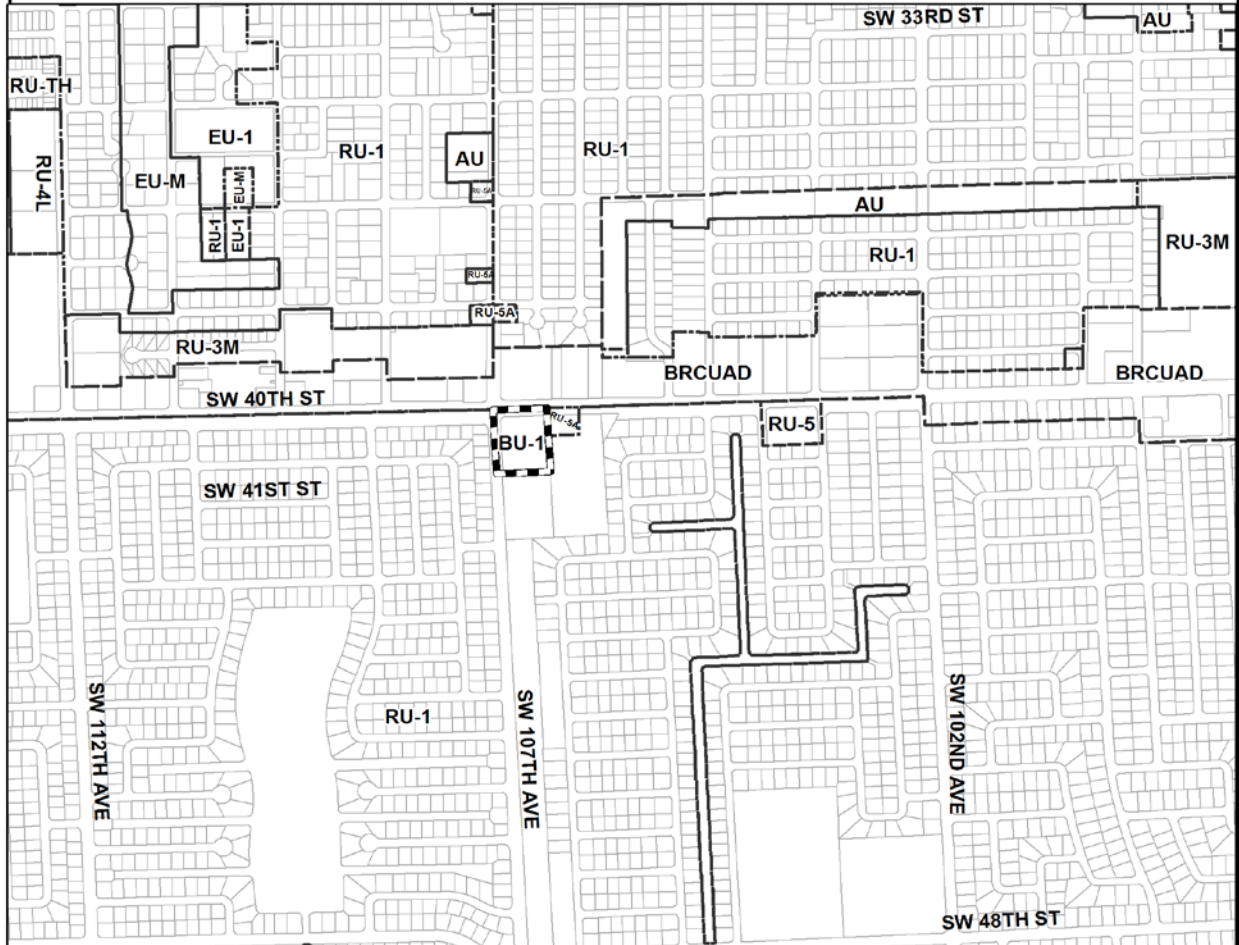
Source: Miami-Dade County  
Department of Regulatory and Economic Resources, January 2015  
2014 Aerial

0 0.2 Miles





## APPLICATION 2 ZONING MAP

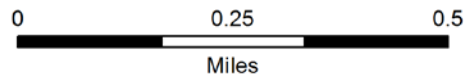


### APPLICATION AREA

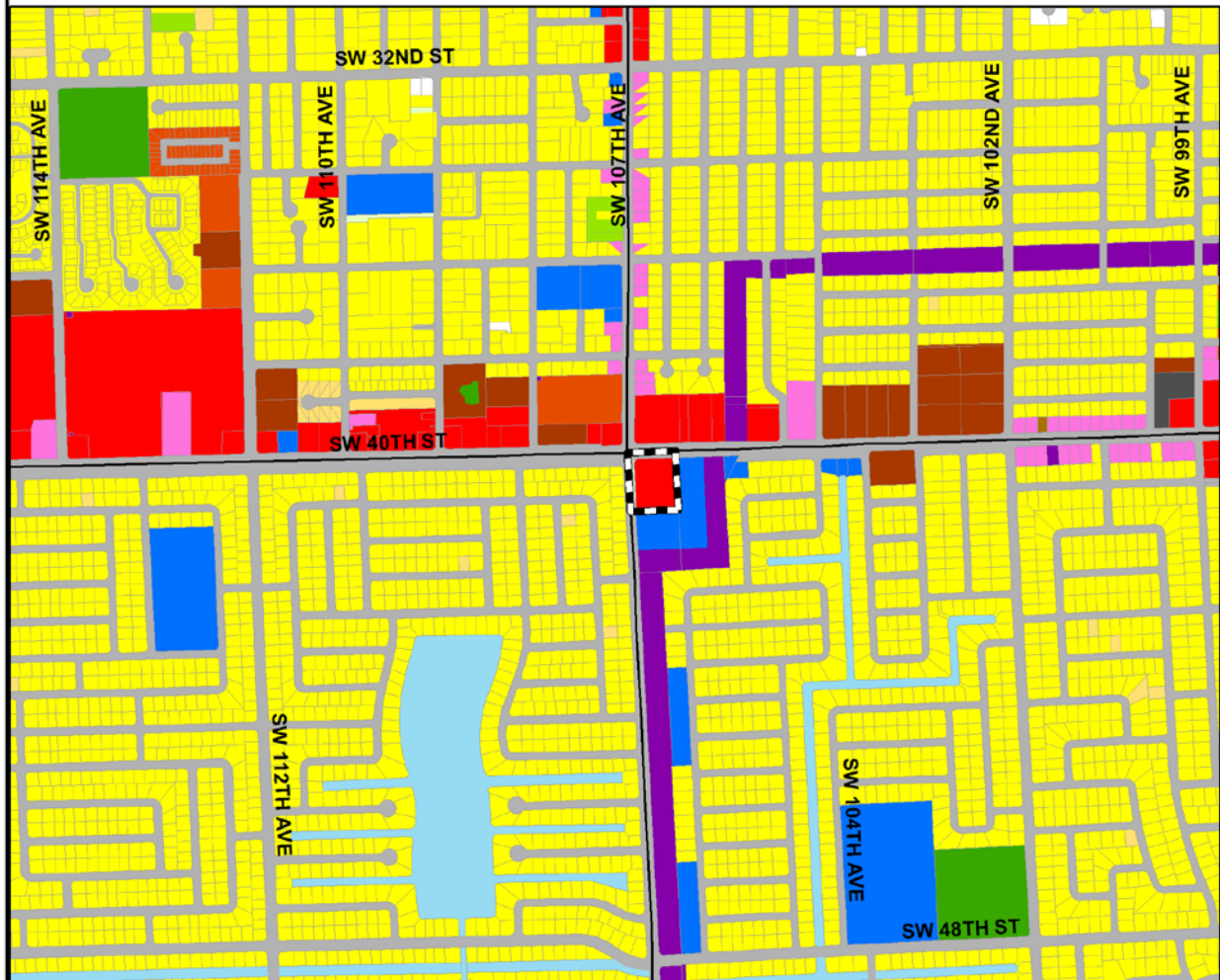
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
January 2015

### MIAMI-DADE ZONING DISTRICTS

AU	AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
BU-1A	BUSINESS DISTRICTS, LIMITED
BRCUAD	BIRD ROAD CORRIDOR URBAN AREA
EU-1	ESTATES, SINGLE-FAMILY, 1 ACRE OR MORE IN AREA
EU-M	ESTATES MODIFIED, SINGLE-FAMILY, MINIMUM LOT AREA 15,000 FT2 NET
RU-1	SINGLE-FAMILY RESIDENTIAL
RU-3M	MINIMUM APARTMENT HOUSE
RU-4	HIGH DENSITY APARTMENT HOUSE DISTRICT
RU-5	SEMI-PROFESSIONAL OFFICES AND APARTMENTS
RU-5A	SEMI-PROFESSIONAL OFFICE
RU-TH	TOWNHOUSE



## APPLICATION NO. 2 EXISTING LAND USE



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
January 2015

### EXISTING LAND USE

- SINGLE-FAMILY
- TWO-FAMILY DUPLEXES
- TOWNHOUSES
- LOW-DENSITY MULTI-FAMILY
- COMMERCIAL
- OFFICE
- INSTITUTIONAL
- INDUSTRIAL
- COMMUNICATIONS, UTILITIES, TERMINALS

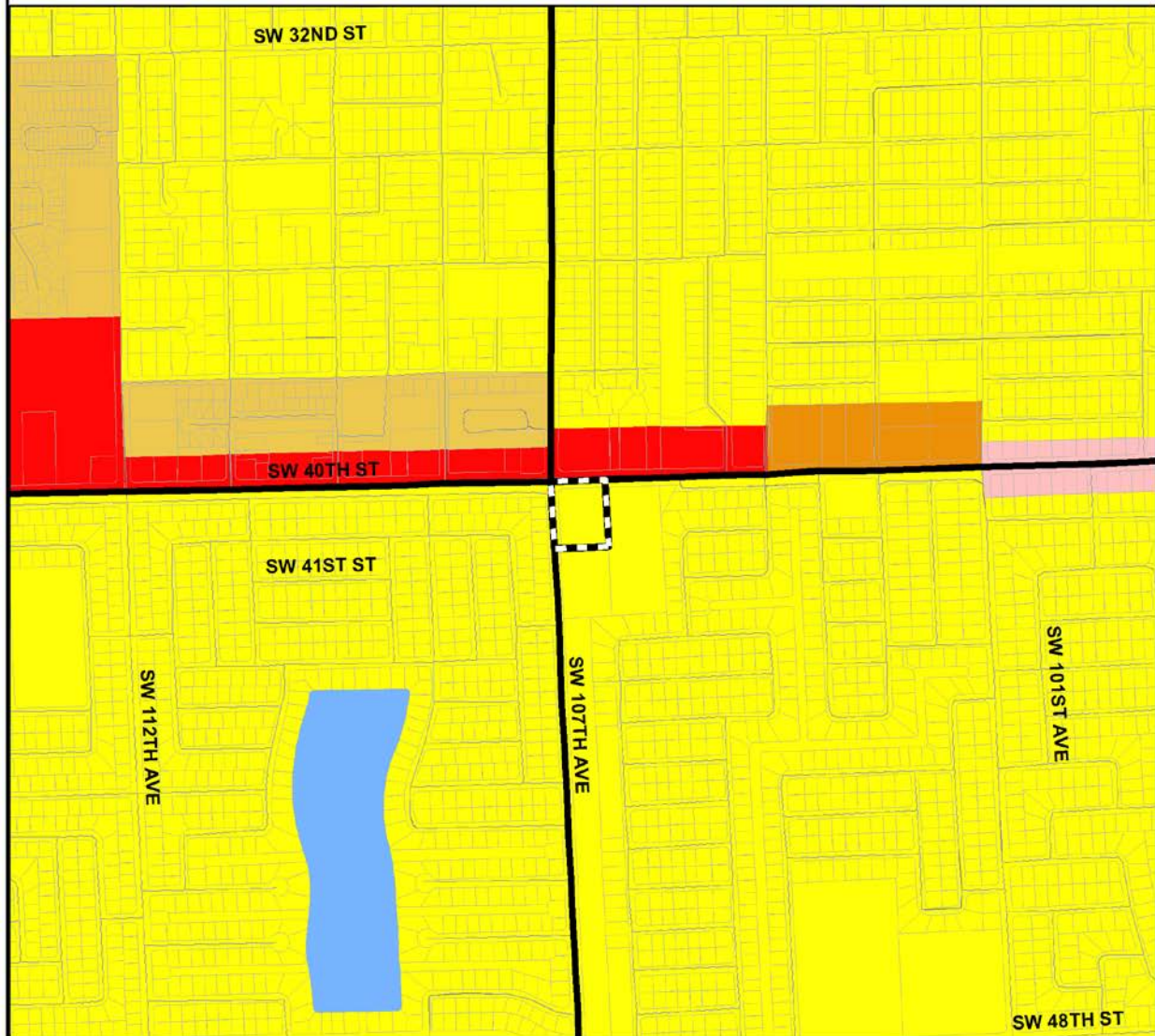
- STREETS, ROADS, EXPRESSWAYS, RAMPS
- PARKS, PRESERVES, CONSERVATION AREAS
- VACANT PRIVATELY OWNED, UNPROTECTED
- INLAND WATERS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)

0 0.075 0.15  
Miles



# APPLICATION NO. 2

## CDMP LAND USE



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
January 2015

### CDMP LAND USE

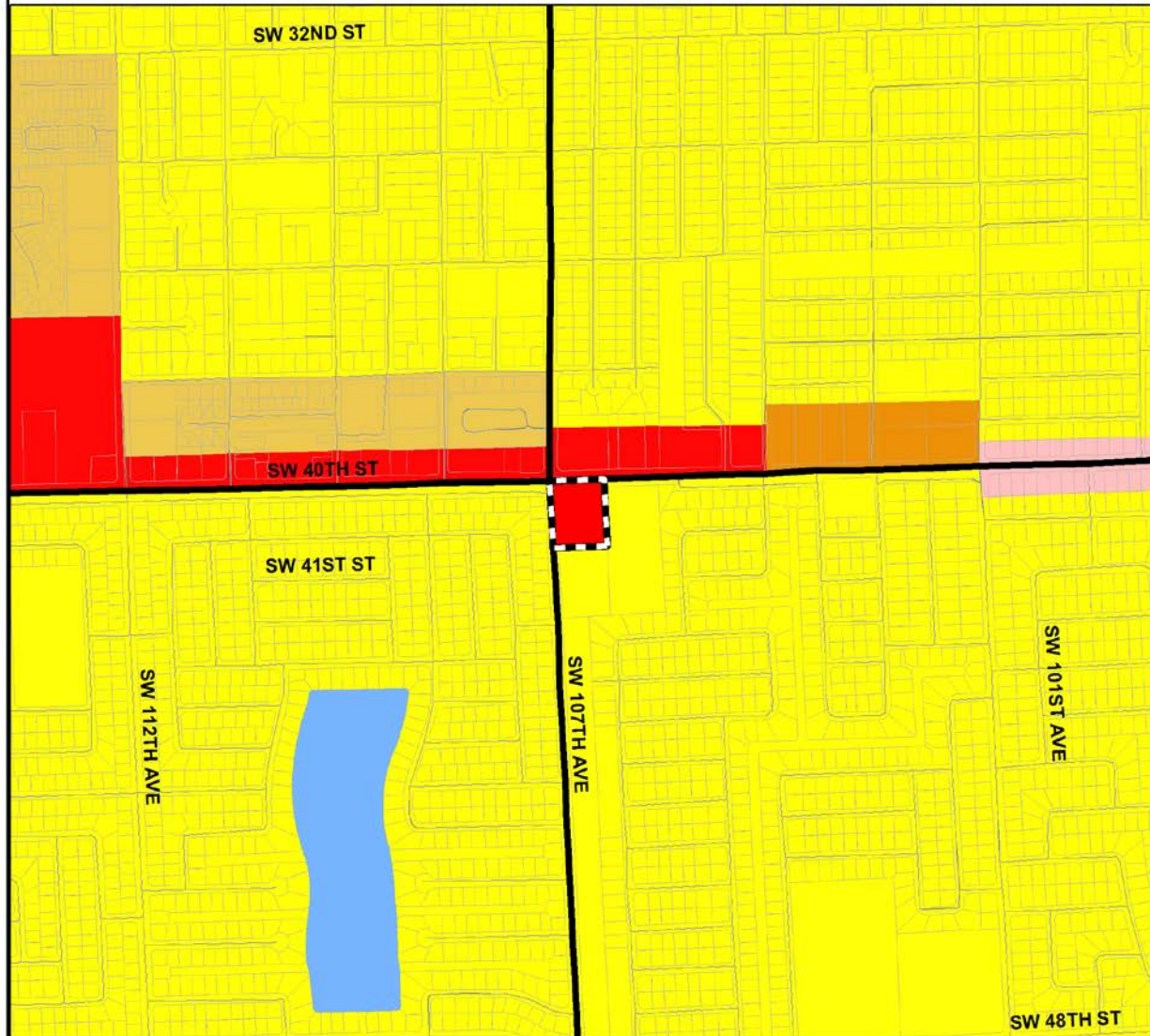
- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- MEDIUM DENSITY (13-25 DU/AC)
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- MAJOR ROADWAYS (3 OR MORE LANES)

0 0.075 0.15 0.3  
Miles





## APPLICATION NO. 2 PROPOSED CDMP LAND USE

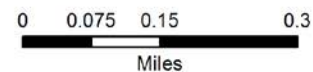


APPLICATION AREA

### CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- MEDIUM DENSITY (13-25 DU/AC)
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- MAJOR ROADWAYS (3 OR MORE LANES)

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
January 2015





# STAFF ANALYSIS

## Application Site

### Location

The ±2.38 gross-acre site is located at the southeast corner of the intersection of SW 40 Street and SW 107 Avenue, two Major Roadways, in unincorporated Miami-Dade County (see map series on pages 2-4 through 2-8).

### Existing Land Use

The application site is comprised of a single lot that is currently developed with a 19,487 sq. ft. Pep Boys automotive service facility (see “Existing Land Use” map on page 2-6).

### Land Use Plan Map Designation

The application site is currently designated “Low Density Residential” on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map, (see “CDMP Land Use” map on page 2-7). The “Low- Density Residential” CDMP land use category allows a range in densities from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. The types of housing typically found in areas designated “Low Density Residential” includes single family detached, cluster, and townhouses. The applicant requests a land use designation change on the application site to “Business and Office.” This land use category 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 (see “Proposed Land Use” map on page 2-8).

Under the current CDMP land use designation of “Low Density Residential,” the application site could be developed with a maximum of 14 single-family detached homes, but is developed with 19,487 square feet of retail as permitted by property’s current zoning. Under the applicant’s requested CDMP land use designation of “Business and Office,” the application site could be developed with a maximum of 30 townhomes or 41,469 square feet of retail. However, on February 23, 2015, the applicant proffered a Declaration of Restrictions that would prohibit residential development on the application site (see Appendix F: Declaration of Restrictions).

### Zoning

The application site is zoned BU-1 (Neighborhood Business). The purpose of the BU-1 zoning district is to provide for retail and service convenience facilities, which satisfy the essential and frequent needs of the adjacent residential neighborhoods. (See “Zoning Map” on page 2-5.)

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Zoning records indicate that the application area was zoned AU (Agricultural) and EU-1 (One Acre Estates) in 1961. On November 7, 1961, Miami-Dade Board of County Commissioners adopted Resolution No. Z-196-61 approving a zoning district boundary change on the subject property from AU and EU-1 to BU-1 (Neighborhood Business) and RU-5 (Residential, Semi-Professional). On April 26, 1985, the Board adopted Resolution No. Z-82-85 approving a zoning district boundary change on the subject property from RU-5 (Residential, Semi-Professional) and BU-1 to BU-1 (Neighborhood Business); the subject property’s current zoning.

## **Adjacent Land Use and Zoning**

### Existing Land Uses

The application site is located south of a commercial strip that stretches for over one mile along SW 40 Street, from SW 104 Avenue west to the Florida Turnpike. The area north of the application site, across SW 40 Street, is characterized by retail and business operations such as Walgreens, Checkers Fast Food Restaurant, Radio Shack, Pizza Hut, Pet Supermarket, Cakeworld Bakery, Wester Gas Station, Bookbarn, Payless Shoe Source and Sherwin Williams. The area adjacent to the west of the application site is developed with by single-family dwelling units that are in good condition. The area adjacent to the east of the application site is developed with the River of Hope Presbyterian Church, an FPL transmission line easement and single-family residences further east. The area adjacent to the south of the application site is developed with the Pinecrest Cove Preparatory Academy, FPL easement and single-family residences.

### Land Use Plan Map Designations

Properties adjacent to the east, west (across SW 107 Avenue) and south of the application site are designated “Low Density Residential” on the CDMP Adopted 2020 and 2030 LUP map. Properties adjacent to the north of the site, across SW 40 Street, are designated “Business and Office” (see “CDMP Land Use” map on page 2-7).

### Zoning

Properties to the north of the application site, across SW 40 Street, are zoned BRCUAD (Bird Road Corridor Urban Center Area District) and may be developed with mixed uses or residential development at a density of up to 36 units per net acre, pursuant to the BRCUAD District Regulations. Properties adjacent to the west, south and east of the application site are zoned RU-1, which permits the development of single-family dwelling units. There is also a lot adjacent to the east of the application site that is zoned RU-5A, which permits the development of semi-professional offices (see “Zoning Map” on page 2-5).

## **Supply and Demand Analysis**

The capacity of the CDMP Adopted 2020 and 2030 LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this small-scale amendment, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

### Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.4) in 2014 was estimated to have a capacity for about 131 dwelling units, with about 82 percent of these units intended as single family. The annual average residential demand for MSA 5.4 is projected to increase from 22 units per year, in the 2010-2015 period, to 49 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family and multi-family units occurring in 2017 (see the “Residential Land Supply/Demand Analysis” table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2017. Approval of the application would not impact the supply of residential acreage or the commercially-designated acreage in MSA 5.4 as the property is currently in use for commercial purposes.

Residential Land Supply/Demand Analysis  
2014 to 2030: (MSA 5.4)

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE			
	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2014	109	22	131
DEMAND 2010-2015	18	4	22
CAPACITY IN 2015	91	18	109
DEMAND 2015-2020	33	7	40
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	36	8	44
CAPACITY IN 2025	0	0	0
DEMAND 2025-2030	40	9	49
CAPACITY IN 2030	0	0	0
<b>DEPLETION YEAR</b>	<b>2017</b>	<b>2017</b>	<b>2017</b>

Residential capacity is expressed in terms of housing units.

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

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research Section, February 2014.

### Commercial

The Analysis Area (MSA 5.4) contained 566.40 acres of in-use commercial uses in 2015 and an additional 5.2 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2015-2030 period is 1.28 acres per year. At the projected rate of absorption, the Analysis Area will deplete its supply of commercially zoned land by the year 2019 (see "Projected Absorption of Land for Commercial Uses").

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
Application 2 Analysis Area

Analysis Area	Vacant Commercial Land 2015 (Acres)	Commercial Acres in Use 2015	Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
<b>MSA 5.2</b>	<b>5.2</b>	<b>566.40</b>	<b>1.28</b>	<b>2019</b>	<b>5.6</b>	<b>5.5</b>

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Research Section, February 2015

### **Analysis of the Trade Area**

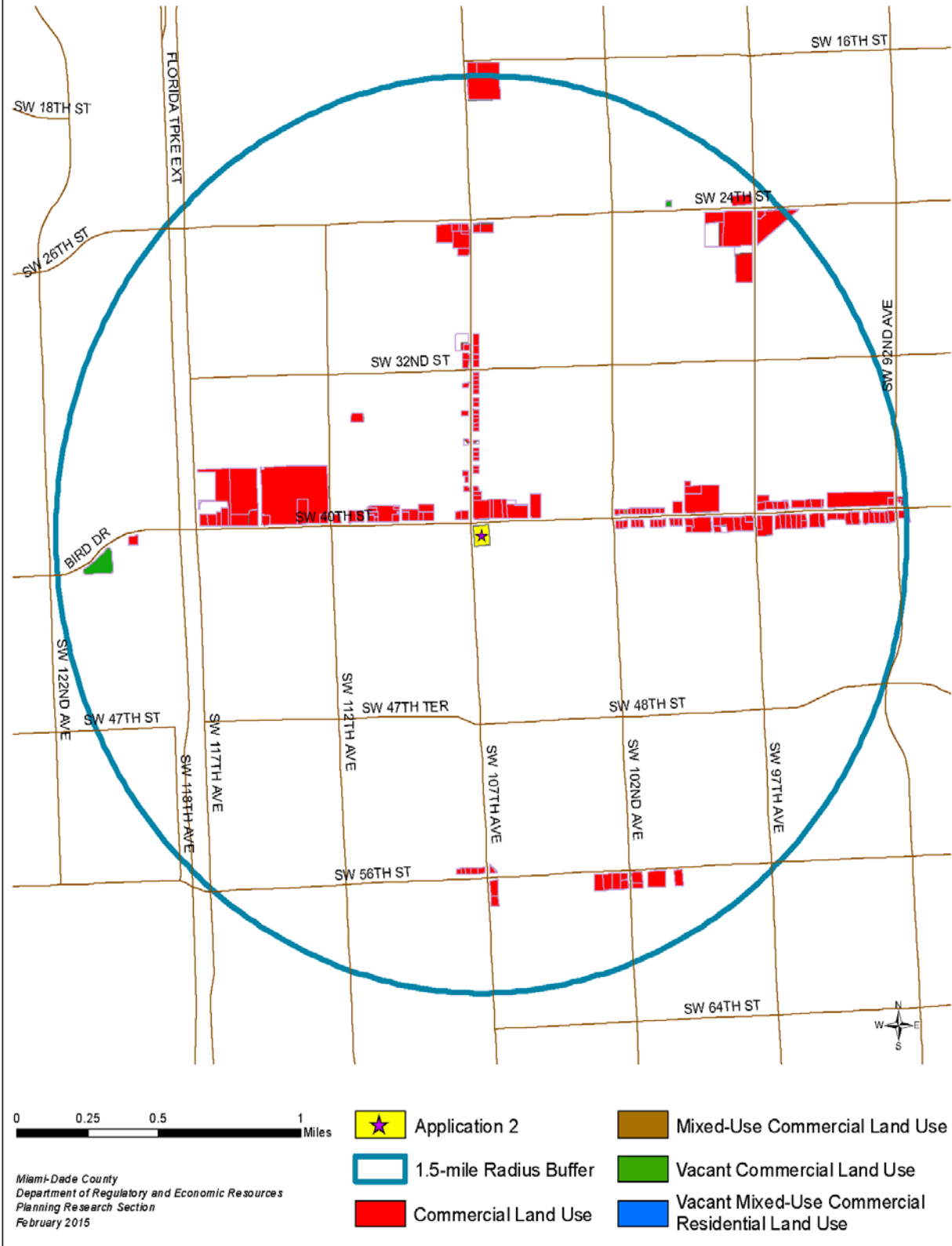
Analysis of the Trade Area, a 1.5-mile radius from the application site, shows that there are approximately 169 acres of existing commercial uses and 3.65 acres of vacant commercially zoned or designated land (see "Trade Area Analysis" table). Most of the vacant parcels are located on Bird Road (SW 40<sup>th</sup> Street) west of the proposed application (see "Trade Area Map").

Trade Area Analysis			
Application Number	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2008
2	1.5	3.65	168.86

Source: Miami-Dade Department regulatory and Economic Resources, Planning Research Section, February 2015.



## TRADE AREA MAP: APPLICATION NO. 2



## Environmental Conditions

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

### Flood Protection

Federal Flood Zone	X
Stormwater Management Permit	DERM Surface Water Management Standard Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	8 feet

### Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	Undetermined
Endangered Species Habitat	Undetermined
Natural Forest Community	No

### Other Considerations

Within Wellfield Protection Area	Yes Alexander Orr Wellfield Maximum & Average
Hazardous Waste	No
Contaminated Site	No

### Wellfield Protection

The property is located within the Maximum and the Average Pumpage Protection Area of the Alexander Orr Wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Pursuant to Section 24-43(5) of the Code, hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr Wellfield. Furthermore, the Code requires that the owner of the subject property shall submit a covenant to DERM prohibiting hazardous wastes on the property.

### Drainage, Flood Protection and Stormwater Management

The proposed development is determined to be in Zone X or above the flood plain as determined by FEMA. Any new development planned for the future will have to comply with the requirements of Chapter 11C of the Code for flood protection. The site shall be filled to a minimum elevation of 8 feet NGVD or County Flood Criteria.

For compliance with stormwater quality requirements, all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. For compliance with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code and all State and Federal Criteria.

The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP. The proposed change would not result in changes in impervious areas, since the property had been already developed as business; there are no potential impacts to flood protection levels of service due to this change.

### Tree Preservation

The subject application may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

### **Water and Sewer**

#### Water Supply

The water supply for this application will be provided by the Alexander-Orr Water Treatment Plant. At the present time, there is adequate treatment and water supply capacity for this application. The plant is presently producing water that meets Federal, State and County drinking water standards.

#### Water Treatment Plant Capacity

The County's adopted LOS standard for potable water treatment facilities requires that the regional water treatment system, consisting of Hialeah, Preston and Alexander Orr District Treatment Plants, shall operate with a rated maximum daily capacity no less than two percent above the maximum daily flow for the preceding year and an average two percent above the average daily flow for the preceding five years. The water must also meet all applicable federal, state, and county primary drinking water standards.

The regional water treatment system has a rated design capacity of 439.74 million gallons per day (MGD). The regional water treatment system shall operate no less than two percent, which is equivalent to 430.95 MGD. The total available water treatment plant capacity, 55.95 MGD, is calculated using the available plant capacity (430.95 MGD), subtracting the maximum day flow (55.95 MGD) and subtracting the water that is reserved through development orders (22.00 MGD).

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Residential (Scenario 1) or Business (Scenario 2) development under the current CDMP Land Use designation is estimated at 3,080 gallons per day (gpd) and 1,949 gpd respectively. The maximum water demand for Business (Scenario 1) or Residential (Scenario 2) development under the Requested CDMP Land Use designations, are estimated at 4,147 gpd and 5,400 gpd respectively. This represents an increase of up to 2,320 gpd over the demand under the current CDMP land use designations. A Water Supply Certification Letter will be required at the time of development, at which time the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

Estimated Water Demand/Sewer Flow  
For Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential				



Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
1	Residential	14 units	220 gpd	3,080 gpd
2	Business	19,487 sq. ft. retail	10 gpd/100 sq. ft.	1,949 gpd
Requested CDMP Designation				
1	Business	41,469 sq. ft. retail	10 gpd/100 sq. ft.	4,147 gpd
2	Residential	30 townhomes	180 gpd	5,400 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; January 2015

#### Water System Connectivity:

The application site is within WASD's service area. The proposed land use would be required to connect to public water pursuant to Chapter 24 of the Code. There is an existing 16-inch water main in SW 107<sup>th</sup> Avenue and a 12-inch water main in SW 40<sup>th</sup> Street, abutting the property to the west and to the north respectively, to which the developer may connect to provide service to the property.

Any public water main extensions within the property shall be 12-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two points of connection. At the time of development, a Water Supply Certification letter will be required. At such time, the project will be evaluated for water supply availability and a water supply reservation will be made. At this time, there are no planned projects within close proximity to this application site.

#### Sewer Treatment Plant Capacity

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South District Wastewater Treatment Plants, operate with a capacity that is two percent above the average daily flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow.

The regional wastewater treatment system can treat up to 375.5 MGD. The sum of the annual average flow (303.81 MGD) for the preceding 5 years and the capacity reserved for development orders (31.27 MGD) is 335.08 MGD. According to the CDMP, the regional system shall have the capacity to treat 102% of the average daily sewage demand of the preceding 5 years which totals 341.78 MGD. Therefore, the available wastewater treatment plant capacity is 33.72 MGD.

#### Sewer System Connectivity:

The subject application is within MDWASD's service area. The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plan (SDWWTP) for treatment and disposal. Currently, there is average wastewater treatment capacity for this

application consistent with Policy WS-2A(2) of the CDMP. Please note that at the time of development, a capacity modeling evaluation may be required for all proposed development within the application area.

The proposed land use would be required to connect to the public sewer system pursuant to Chapter 24 of the Code of Miami-Dade County. There is an 8-inch gravity main abutting the site on SW 107<sup>th</sup> Avenue which directs the sewage flow first to pump station 30-0615, then to pump station 30-0626, then to pump station 30-0683, then to pump station 30-0536 or to pump station 30-0559, then to pump station 30-TANDEM and finally to the South District Wastewater Treatment Plant. There is also an 8-inch force main along SW 40<sup>th</sup> Street abutting the property which directs the sewage flow to pump station 30-0187, then to the Central District Wastewater Treatment Plant. The aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant are owned and operated by WASD and are currently working within the mandated criteria set forth in the new Consent Decree (case 1:12-cv-24400-FAM), effective December 6, 2013.

### **Solid Waste**

The Miami-Dade County Public Works and Waste Management Department (PWWM) Solid Waste Functions 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 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 eight municipalities.

### Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The 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 2014-2015, the PWWM is in compliance with the adopted LOS standard.

### Application Impacts

The applicant requests the re-designation of the application site from "Low Density Residential" to "Business and Office" on the Adopted 2020 and 2030 LUP map. The "Business and Office" designation will likely result in the development of a commercial establishment. Per Chapter 15 of the County Code, the PWWM does not actively compete for non-residential waste collection such as multi-family, commercial, business, office, and industrial services at this time; therefore 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 objection to the proposed amendment.

## Parks

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

### Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in 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 LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 491.32 acres of parkland, when measured by the County's concurrency LOS 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; eleven parks (Rockway, International Gardens, Millers Pond, McMillan, Snapper Creek, Boys & Girls Club of Miami, Ruben Dario, Tropical Estates, Blue Lakes, Southern Estates, Coral Estates, and Concord) are larger than the required five acre park.

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

Park Name	Acreage	Classification
Banyan Park	3.09	Neighborhood Park
Rockway Park	5.01	Community Park
Westwood Park	4.33	Community Park
Tamiami Lakes Park	4.82	Neighborhood Park
International Gardens Park	5.26	Neighborhood Park
Royale Green Park	3.38	Neighborhood Park
Millers Pond Park	12.85	Community Park
McMillan Park	20.83	Single purpose Park
Tamiami Trail Park (North)	1.81	Neighborhood Park
Snapper Creek Park	5.62	Neighborhood Park
Boys & Girls Club of Miami - Kendall Unit	22.87	Community Park
Sunset Park	3.81	Neighborhood Park
Kendalwood Park	2.71	Neighborhood Park
Francisco Human Rights Park	2.88	Mini Park
Tamiami Canal Park	1.52	Neighborhood Park
Ruben Dario Park	14.97	Community Park



Park Name	Acreage	Classification
Tropical Estates Park	9.08	Community Park
Miller Drive Park	3.93	Community Park
Blue Lakes Park	6.40	Neighborhood Park
Sunkist Park	0.57	Neighborhood Park
Southern Estates Park	13.00	Neighborhood Park
Westbrook Park	2.10	Neighborhood Park
Coral Estates Park	5.26	Community Park
Concord Park	8.86	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2015.

#### Application Impacts

The potential development of the site under the existing CDMP land use designation has a potential population of 44, resulting in an impact of 0.12 acres based on the adopted minimum LOS standard for local recreational open space. The potential for residential development under the proposed land use designation is estimated at 30 single-family dwelling units with an estimated population of 95, resulting in an impact of an additional 0.26 acres of local parkland. This would lower the concurrency LOS from 491.32 acres to 491.06 acres per 1,000 residents but still above the adopted minimum LOS standard. If developed as a non-residential use, there would be no increase in population and there would be no additional impact to the CDMP Open Space spatial standards.

#### **Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 47 (Westchester), located at 9361 SW 24 Street. This station is equipped with a Rescue and an Aerial, and is staffed with seven (7) 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 six (6) minutes. 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

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 the Business and Office CDMP designation. Presently, there are no fire flow deficiencies in the vicinity of the application site.

#### Application Impacts

The current CDMP land use designation of "Low Density Residential" will allow a potential development on the application site that is anticipated to generate approximately six (6) annual alarms. The proposed CDMP land use designation of "Business and Office" is anticipated to generate approximately 12 annual alarms, and would result in a minimal impact to existing fire

rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. However, in an effort to further enhance fire-rescue service, MDRF is searching for a suitable parcel of land in the vicinity of Bird Road and the Florida Turnpike to construct a new fire station.

## **Public Schools**

The applicant proffered a Declaration of Restrictions that would prohibit residential development on the application site, should the application be approved with acceptance of the proffered Declaration of Restrictions. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed (see Appendix C: Applicant's Proffered Declaration of Restrictions.)

## **Roadways**

The application site is a ±2.38 net acre property located on the southeast corner of the intersection of SR 976/SW 40 Street (Bird Road) and SR 925/SW 107 Avenue. The application site is located in unincorporated Miami-Dade County inside the County's Urban Development Boundary (UDB).

Access to the application site is provided on the north by SW 40 Street and on the west by SW 107 Avenue. SW 40 Street, a major east-west six-lane divided State Principal Arterial, connects to SR 821/Homestead Extension of the Florida Turnpike (HEFT) on the west and to SR 826/Palmetto Expressway on the east. SW 107 Avenue, a major north-south four- and six-lane divided State Minor Arterial, connects to SR 836/Dolphin Expressway on the north and to SW 72 Street, SW 88 Street and SW 104 Street on the south.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with A generally representing the most favorable driving conditions and F representing the least favorable.

### Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2013) and the County (Year 2014), are operating at acceptable levels of service. The roadway segments of SW 107 Avenue between SW 24 Street and SW 72 Street are operating at LOS C (E is the adopted LOS standard); the roadway segments of SW 40 Street between the HEFT and SW 97 Avenue are operating at LOS C (E+20% is the adopted LOS standard); and the roadway segments of SW 56 Street between SW 117 Avenue and SW 97 Avenue are operating at LOS B (LOS D is the adopted LOS standard). See "Traffic Impact Analysis" table below.

### Trip Generation

The applicant is requesting the re-designation of approximately 2.38 net acres on the County's adopted 2020 and 2030 Land Use Plan map from "Low Density Residential (2.5-6 DU/Ac)" to "Business and Office." Two potential development scenarios (Scenario 1 and Scenario 2) for each of the current and requested CDMP land use designations were compared and analyzed for traffic impacts. Under the existing "Low Density Residential" land use designation, the application site is assumed to be developed with 14 single-family detached units (Scenario 1); however, the application site which currently zoned BU-1 (Neighborhood Business District) is improved with 19,487 sq. ft. of commercial space (Scenario 2). Under the requested "Business and Office" land use designation, the application site could be redeveloped with 30 townhouses

(Scenario 1), or with 41,469 sq. ft. of retail uses (Scenario 2). A trip generation analysis for the existing and requested CDMP land use designations indicates that if the application were approved and the subject site developed with residential uses (Scenario 1) it would generate approximately 22 PM peak hour vehicle trips under the requested CDMP land use designation and 18 PM peak hour vehicle trips under the existing CDMP land use designation. On the other hand, if the application site were developed with retail/commercial uses (Scenario 2) it would generate approximately 265 PM peak hour vehicle trips under the requested CDMP land use and 81 PM peak hour vehicle trips under the existing commercial use. See “Estimated PM Peak Hour Trip Generation” table below.

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

Application No. 2	Current CDMP Designation <sup>1</sup> and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation <sup>2</sup> and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use
Scenario 1	“Low Density Residential (2.5-6 DU/Ac)” 14 SF detached/  18	“Business and Office” 30 SF attached <sup>3/</sup>  22	+4
Scenario 2	“Low Density Residential (2.5-6 DU/Ac)” 19,487 sq. ft. retail/  81	“Business and Office” 41,469 sq. ft. retail <sup>4/</sup>  265	+184

Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012; Miami-Dade County Department of Regulatory and Economic Resources, January 2015.

Notes: <sup>1</sup> Under the current CDMP land use designation (Low Density Residential), the application site is assumed to be developed with 14 single-family detached residences (Scenario 1); however, the application site is currently improved with 14,469 sq. ft. of commercial space (Scenario 2).

<sup>2</sup> Under the requested CDMP land use designation (Business and Office), the application site is assumed to be developed with 30 townhouses (Scenario 1), or with 41,469 sq. ft. of retail space.

#### Traffic Concurrency Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of January 2015, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2015 Transportation Improvement Program (TIP), and the PM peak hour vehicle trips estimated to be generated by the application under the requested CDMP LUP map designation, indicates that all roadways—adjacent to and in the vicinity of the application site—that were analyzed have available capacity to handle the additional traffic impacts that would be generated by this application and are projected to operate at acceptable levels of service. See “Traffic Impact Analysis” table below.

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

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amend-ment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
<b>Scenario 1 "Business and Office" (30 SF attached residences (townhouses))</b>													
1091	SW 107 Ave.	SW 24 St. to SW 40 St.	4 DV	E	3580	1949	C	16	1965	C	74	2039	C
47	SW 107 Ave.	SW 40 St. to SW 56 St.	4 DV	E	3580	2049	C	0	2049	C	97	2146	C
46	SW 107 Ave.	SW 56 St. to SW 72 St.	4 DV	E	3580	1784	C	0	1784	C	55	1839	C
74	SW 40 St.	SW 107 Ave. to SW 97 Ave.	6 DV	E+20%	6468	3861	C	2	3863	C	46	3909	C
72	SW 40 St.	HEFT to SW 107 Ave.	6 DV	E+20%	6468	3073	C	0	3073	C	23	3096	C
9266	SW 56 St.	SW 107 Ave. to SW 97 Ave.	4 DV	D	3860	2631	B	7	2638	B	28	2666	B
9268	SW 56 St.	SW 117 Ave. to SW 107 Ave.	4 DV	D	3720	2448	B	2	2450	B	39	2489	B
<b>Scenario 2 "Business and Office" (41,469 sq. ft. of retail space)</b>													
1091	SW 107 Ave.	SW 24 St. to SW 40 St.	4 DV	E	3580	1949	C	16	1965	C	6	1971	C
47	SW 107 Ave.	SW 40 St. to SW 56 St.	4 DV	E	3580	2049	C	0	2049	C	8	2057	C
46	SW 107 Ave.	SW 56 St. to SW 72 St.	4 DV	E	3580	1784	C	0	1784	C	5	1789	C
74	SW 40 St.	SW 107 Ave. to SW 97 Ave.	6 DV	E+20%	6468	3861	C	2	3863	C	4	3867	C
72	SW 40 St.	HEFT to SW 107 Ave.	6 DV	E+20%	6468	3073	C	0	3073	C	2	3075	C
9266	SW 56 St.	SW 107 Ave. to SW 97 Ave.	4 DV	D	3860	2631	B	7	2638	B	2	2640	B
9268	SW 56 St.	SW 117 Ave. to SW 107 Ave.	4 DV	D	3720	2448	B	2	2450	B	3	2453	B

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation, January 2015.

Notes: DV= Divided Roadway; UD=Undivided Roadway.

\* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity) for roadways serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA).

Scenario 1 under the requested CDMP land use designation assumes the application site developed with 30 single-family attached residences (townhouses).

Scenario 2 under the requested CDMP land use designation assumes the application site developed with 41,469 sq. ft. of retail space.



### Application Impact

The “Estimated PM Peak Hour Trip Generation” table above shows the estimated number of PM peak hour vehicle trips that would be generated by the two potential development scenarios (Scenario 1 and Scenario 2) that could occur under the existing and requested CDMP land use designations. Under the existing “Low Density Residential” land use designation, the application site is assumed to be developed with 14 single-family detached units (Scenario 1); however, the application site is currently improved with 19,487 sq. ft. of commercial space (Scenario 2). Under the requested “Business and Office” land use designation, the application site could be redeveloped with 30 townhouses (Scenario 1), or with 41,469 sq. ft. of retail uses (Scenario 2). A comparison analysis of the potential development scenarios under the existing and requested CDMP land use designations indicates that if the application were approved and the subject site developed with 30 single-family attached (townhouses) under the requested “Business and Office” land use designation would generate approximately four (4) more PM peak hour vehicle trips than the 14 single-family detached dwelling units that could be developed under the existing “Low Density Residential (2.5 - 6 DU/Acre).” On the other hand, if the application site were redeveloped with a 41,469 sq. ft. shopping center it would generate approximately 184 more PM peak hour vehicle trips than the existing 19,487 sq. ft. commercial development currently in place on the subject site. In summary, the traffic impact analysis indicates that the roadways adjacent to and in the vicinity of the application site analyzed have enough capacity to handle the additional traffic impact that would be generated by this application. This transportation analysis was performed prior to the submittal of the Declaration of Restrictions by the applicant on February 23, 2015, that would prohibit residential development on the application site (see Appendix F: Declaration of Restrictions).

### **Transit**

#### Existing Service

The application site and surrounding area is currently served by Metrobus Routes 40. The service frequency of this route is shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary

Route	Service Headways (in minutes)					Proximity to Bus Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday			
40	(15/20/30)/ (15/30)	(30/60)	(30/50)	60	60	0	0	L

Source: 2014 Transit Development Plan, Miami-Dade Transit (November 2014 Line Up), January 2015.

Notes: L means Metrobus Local route service.

#### Future Conditions

The 2024 Recommended Service Plan within the 2014 Transit Development Plan does not identify any improvements to the existing Metrobus service or any new Metrobus routes in the immediate vicinity of the application site for the next ten years.

The 2024 Recommended Service Plan within the 2014 Transit Development Plan does not identify any new Metrobus routes being implemented in the immediate vicinity of the application site for the next ten years.

#### Major Transit Projects

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

#### Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 961 where the application was requested. If the application is approved, no transit impact is expected to be produced by approval of this application.

#### **Aviation**

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.

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

The proposed application would 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-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-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-7. Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- 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.

# APPENDICES

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# **APPENDIX A**

## **Amendment Application**

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**APPLICATION TO AMEND THE  
LAND USE PLAN MAP OF THE  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2014 DEC -1 A 11: 06

1. APPLICANT

TRR Everglades, LLC  
c/o J. Kenneth Tate, President of  
Tate Management, Manager  
1175 NE 125 Street  
North Miami, FL 33161

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

2. APPLICANT'S REPRESENTATIVE

Patricia M. Baloyra  
Broad and Cassel  
2 South Biscayne Boulevard, Suite 2100  
Miami, Florida 33131  
305-373-9470 (Office)  
305-995-6396 (Fax)

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



Patricia M. Baloyra, Esq.

26 nov 2014

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Changes to the Land Use Plan Map.

Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Low Density Residential" to "Business and Office."

B. Description of the Subject Property (the "Property").

The Property contains approximately  $\pm 3.10$  gross acres ( $\pm 2.38$  net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road in Section 20 Township 54, Range 40. , according to the Plat thereof, as recorded in Plat Book 50, at Page 15, of the Public Records of Miami-Dade County, Florida.

C. Gross and Net Acreage.

Application area:  $\pm 3.10$  gross acres ( $\pm 2.38$  net acres)  
Acreage Owned by Applicant:  $\pm 2.38$  net acres

D. Requested Change.

Applicant requests that the Property be re-designated on the Land Use Plan map from LOW DENSITY RESIDENTIAL to BUSINESS AND OFFICE. As a small-scale amendment, this application seeks expedited review.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Low Density Residential" to "Business and Office." The Property consists of ±3.10 gross acres (±2.38 net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road.

The property is currently zoned BU-1. Therefore, pursuant to the Business and Office section of the Land Use Element of the CDMP, the BU-1 zoning is deemed consistent with the master plan map, effectively rendering the parcel as Business and Zoning:

Uses and Zoning Not Specifically Depicted. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

CDMP, Land Use Element at I-43. Nevertheless, this application will serve to clarify the Business and Office category uses to which the property is already subject.

The Property has direct frontage on two major roadways, SW 107 Avenue and Bird Road. The Property currently has a commercial use on it (a Pep Boys store), despite the fact that it is designated Low Density Residential. Given the Property's location and current use, the re-designation to a more appropriate designation of Business and Office would be more consistent with the Comprehensive Development Master Plan. Moreover, the property is separated from nearby residential uses by a parcel containing a church and school, which in turn is separated from adjacent residential uses by a wide FPL easement.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The proposed designation of the Property to reflect business and commercial uses will be more compatible with the character of the surrounding area than the existing "Low Density Residential" designation. With respect to connectivity and accessibility, the Property is located along Metrobus route 40, which connects to the Douglas Road Metrorail Station, various commercial corridors, and area retail. The proximity of the Property to the Metrobus route will promote transit and pedestrianism for the Property's visitors and patrons.



Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial services within the UDB.

Accordingly, approval of the requested Amendment would advance the following CDMP objectives and policies:

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

LAND USE POLICY 1B. Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

LAND USE POLICY 1C. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE 2. Miami-Dade County shall maintain a process of periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 2B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE POLICY 3B. 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 and economic growth of the County;
- ii. Enhance or impede provision of services at or above adopted LOS Standards;

- iii. Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv. Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v. If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU7, herein.

LAND USE OBJECTIVE 3: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY 3A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

5. ADDITIONAL MATERIAL SUBMITTED

Additional items in support of this application may be submitted at a later date.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Descriptions of Property and Parcels – Composite Exhibit "A"  
Disclosure of Interest Form – Exhibit "B"  
Location Map for Application – Exhibit "C"  
Aerial Photograph – Exhibit "D"  
Certified Survey – Exhibit "E"

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Tract "A", PEP BOYS – BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Miami-Dade County, Florida

## EXHIBIT "C"

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

#### APPLICANTS/REPRESENTATIVE

TRR Everglades Holdings, LLC/Patricia M. Baloyra, Esq.

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately gross acres (net acres) of land located in Section 20, 20 Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Property lies on the southeast corner of the intersection of SW 107 Avenue and Bird Road.

#### LOCATION MAP



**EXHIBIT "D"**

**CERTIFIED SURVEY**



## EXHIBIT "A"

### LEGAL DESCRIPTION:

TRACT "A", PEP BOYS – BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Dade County, Florida.

### SURVEYOR'S NOTES:

- This site lies in Section 20, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- This is NOT a "Boundary Survey" but only a graphic depiction of the descriptions shown hereon.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- Lands within the Legal Description shown hereon containing 103,741 square feet, or 2.38 acres, more or less.
- Lands shown hereon containing the gross area of 134,854 square feet, or 3.10 acres, more or less.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on November 19, 2014, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

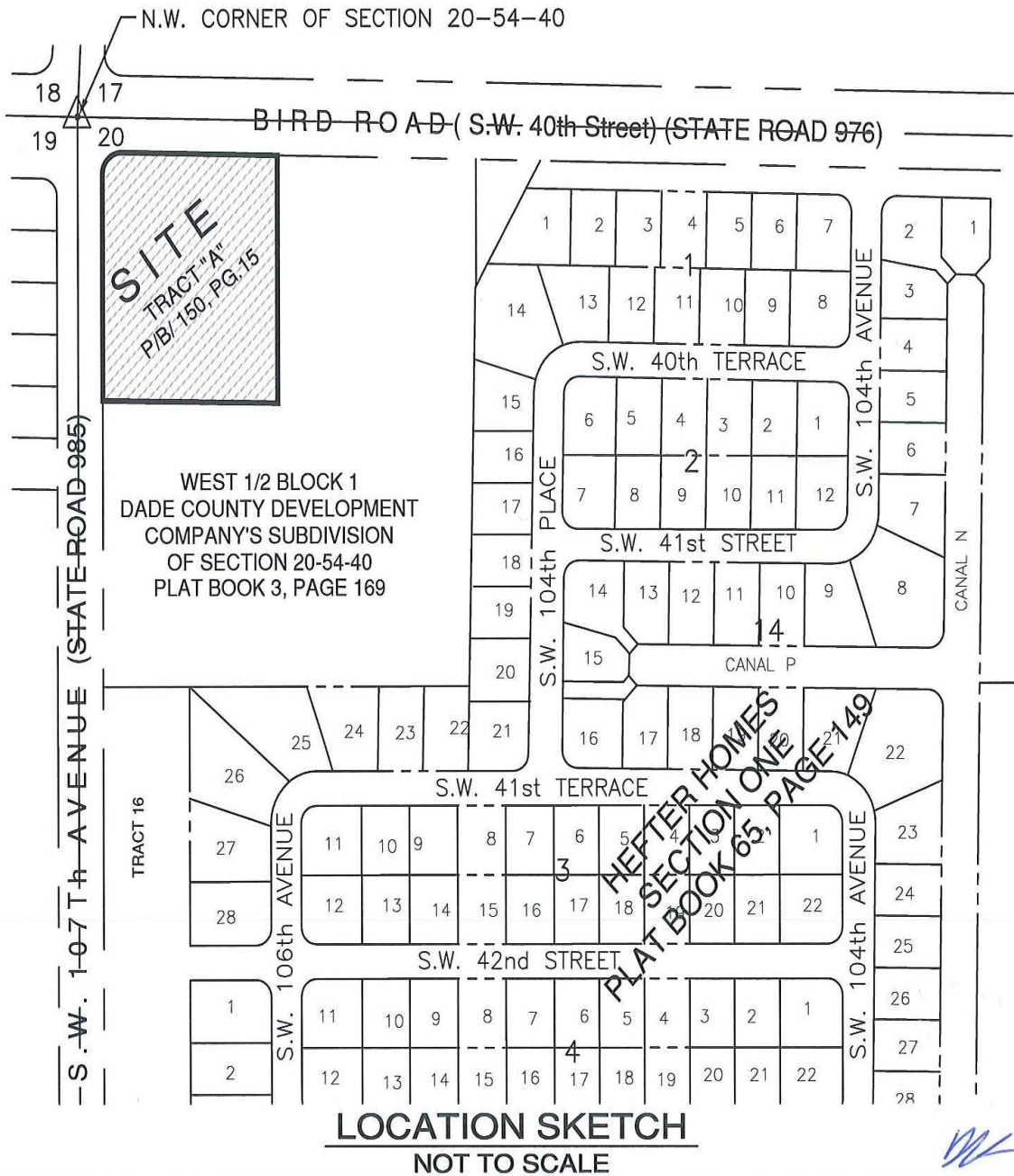
FORTIN, LEAVY, SKILES, INC., LB3653

By: 

Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

Drawn By BLS	LEGAL DESCRIPTION, SURVEYOR'S NOTES & CERTIFICATION	Date 11/19/14
Cad. No. 141343	<b>FORTIN, LEAVY, SKILES, INC.</b> CONSULTING ENGINEERS, SURVEYORS & MAPPERS FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th Street / North Miami Beach, Florida 33162 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	Scale NONE
Ref. Dwg. 296-129		Job. No. 141343
		Dwg. No. 1014-083
Plotted: 11/19/14 2:36p		Sheet 1 of 3

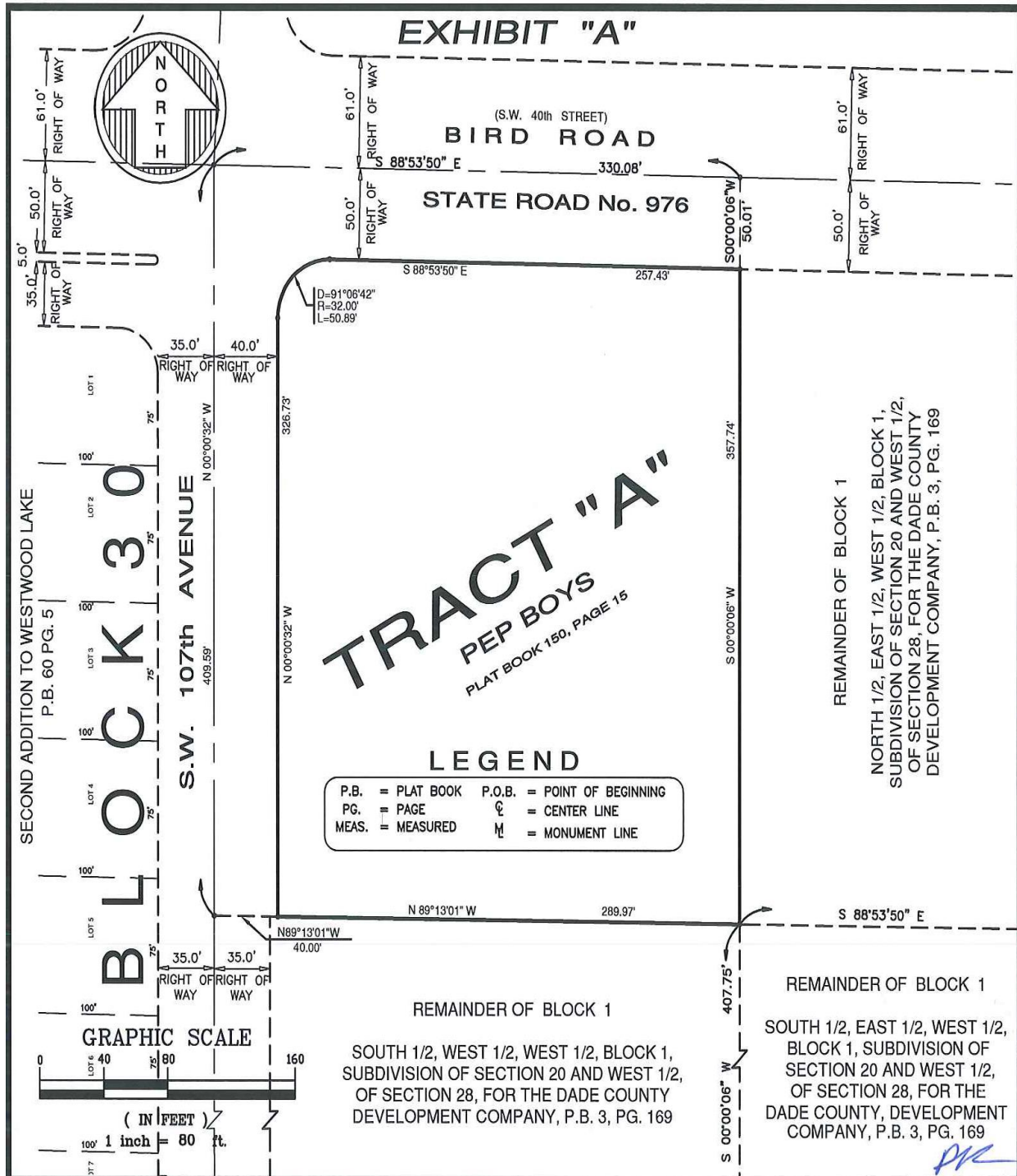
# EXHIBIT "A"



Drawn By	BLS
Cad. No.	141343
Ref. Dwg.	296-129
Plotted:	11/19/14 2:36p

LOCATION SKETCH	
<b>FORTIN, LEAVY, SKILES, INC.</b>	
CONSULTING ENGINEERS, SURVEYORS & MAPPERS	
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	
180 Northeast 168th Street / North Miami Beach, Florida 33162	
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

Date	11/19/14
Scale	NONE
Job. No.	141343
Dwg. No.	1014-083
Sheet	2 of 3



Drawn By	BLS
Cad. No.	141343
Ref. Dwg.	296-129
Plotted:	11/19/14 2:36p

**SKETCH OF DESCRIPTION**

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	11/19/14
Scale	1" = 80'
Job. No.	141343
Dwg. No.	1014-083
Sheet	3 of 3

## EXHIBIT "B"

### DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

Applicant A: TRR Everglades Holdings, LLC

Applicant B: \_\_\_\_\_

Applicant C: \_\_\_\_\_

Applicant D: \_\_\_\_\_

Applicant E: \_\_\_\_\_

Applicant F: \_\_\_\_\_

Applicant G: \_\_\_\_\_

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
------------------	------------------------	---------------------	----------------------

<u>TRR Everglades Holdings, LLC</u>		<u>30-4020-017-0010</u>	<u>2.38 acres</u>
-------------------------------------	--	-------------------------	-------------------

_____			
_____			
_____			
_____			
_____			
_____			
_____			



TRR Everglades Holdings, LLC	Owner
------------------------------	-------

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

	n/a
--	-----

CORPORATION'S NAME: \_\_\_\_\_

[illegible]

	n/a
--	-----

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

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

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

n/a

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

PARTNERSHIP NAME: TRR Everglades Holdings, LLC

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

Jimmy Tate and Sergio Rok c/o Broad and Cassel

70%

Rialto c/o Broad and Cassel

30%

- e. If the applicant 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.]

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

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

Applicant's Signatures and Printed Names

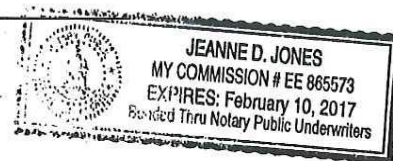
James D. Tate President  
James D. Tate President  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to and subscribed before me

This 25th day of November, 2014

Jeanne D. Jones  
Notary Public, State of Florida at Large (SEAL)

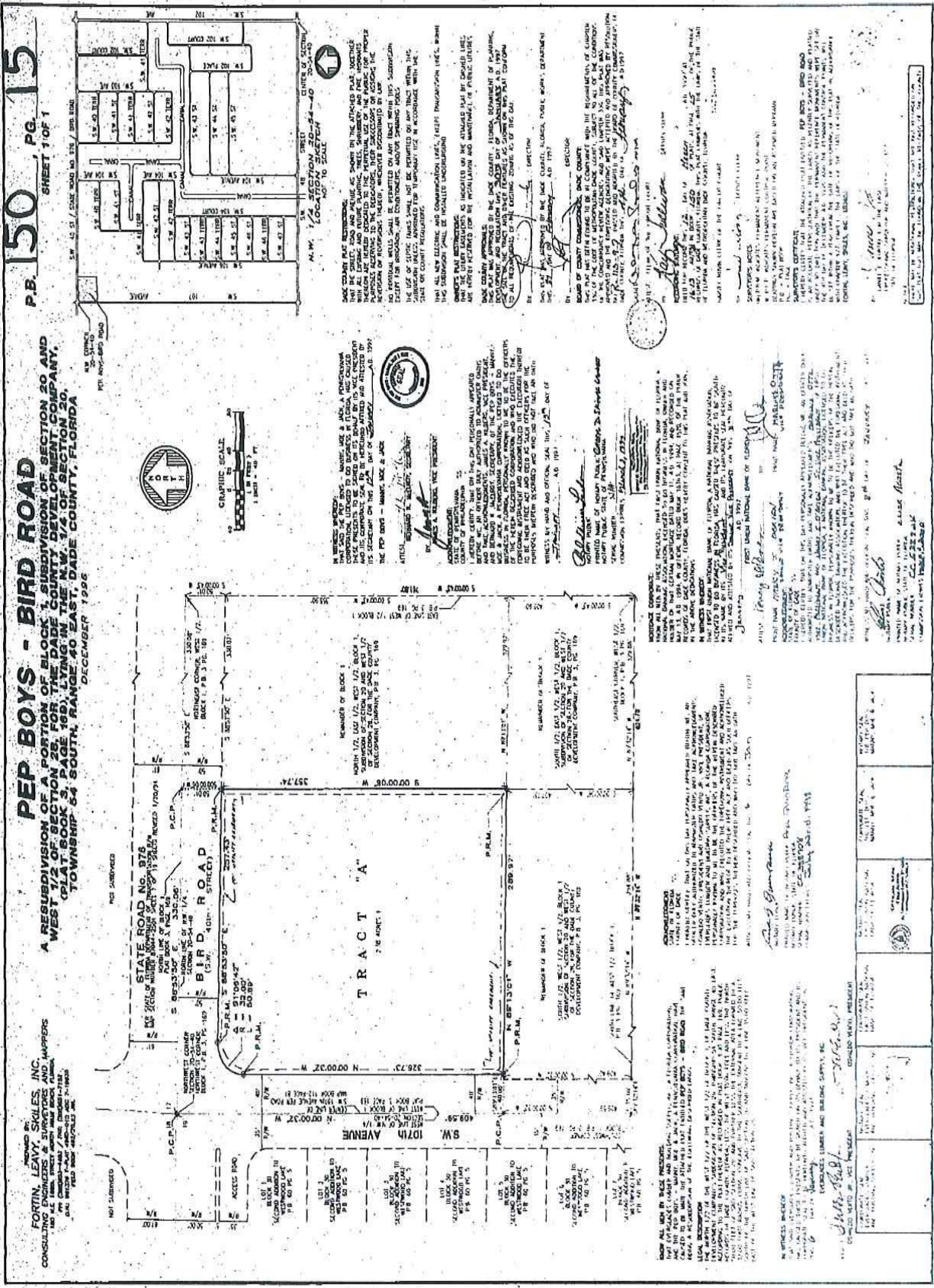
My Commission Expires:



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



**EXHIBIT "E"**  
**COPY OF PLAT**



# **APPENDIX B**

## **Miami-Dade County Public Schools Analysis**

Applicant proffered a Declaration of Restriction that would prohibit residential development on the application site. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed

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# **APPENDIX C**

## **Applicant's Proffered Declaration of Restrictions**

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This instrument was prepared by:

Name: Patricia Baloyra, Esq.

Address: Broad and Cassel

One Biscayne Tower

21<sup>st</sup> Floor

2 S. Biscayne Blvd

Miami, FL 33131

2015 FEB 23 A 11: 53  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

(Space reserved for Clerk)

---

**DECLARATION OF RESTRICTIONS**

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

WHEREAS, the property is the application area that is the subject of a Comprehensive Development Master Plan ("CDMP") Amendment Application No. 2 of the November 2014 Amendment Cycle;

WHEREAS, the owner has sought a Land Use Plan amendment to change the designation of the application area from "Low Density Residential" to "Business and Office";

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

- 1) There shall be no residential uses on the Property.

**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 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 or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. In the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources 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.

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

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

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

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

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

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

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources 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]*

**TRR EVERGLADES HOLDINGS LLC, a**  
Florida limited liability company

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Printed Name

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

Print

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA )

) ss.

COUNTY OF MIAMI-DADE )

On \_\_\_\_\_, 2015, before me, the undersigned notary public in and for said  
County and State, personally appeared \_\_\_\_\_,

\_\_\_\_\_ personally known to me [or]  
\_\_\_\_\_ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) \_\_\_\_\_ subscribed to the within instrument and  
acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ of TRR  
EVERGLADES HOLDINGS LLC, a Florida limited liability company, and that, by \_\_\_\_\_  
signature(s) on the instrument, the person(s) or the entity(ies) upon behalf of which the person(s) acted  
executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
*Notary Public State of Florida*

*My commission expires on*  
\_\_\_\_\_

**JOINDER AND CONSENT OF MORTGAGEE  
TO DECLARATION OF RESTRICTIONS**

**TRR EVERGLADES INVESTMENTS, LLC, a Florida limited liability company** ("TRR Mortgagee") is the owner and holder of: (i) that certain Mortgage and Security Agreement from Everglades Warehouses Corp., a Florida corporation, f/k/a Everglades Lumber & Building Supply, Inc., a Florida corporation, to Regions Bank, recorded September 17, 2009 in Official Records Book 27016, Page 1503, in the original principal amount of \$7,000,000.00; as modified by that Modification of Mortgage recorded in Official Records Book 27301, Page 3008, as assigned to TRR Everglades Investments, LLC, a Florida limited liability company, by Assignment of Mortgage recorded August 9, 2012 in Official Records Book 28223, Page 1954, as affected by Assignment of Final Judgment of Foreclosure recorded August 9, 2012 in Official Records Book 28223, Page 1962, and as affected by that certain Notice of Voluntary Dismissal with prejudice recorded January 28, 2014, in Official Records Book 29007, Page 211, and (ii) that certain Third Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing from Everglades Warehouses Corp., a Florida corporation (Mortgagor), to Regions Bank (Mortgagee), recorded on April 7, 2011 in Official Records Book 27645, Page 1458, in the original principal amount of \$753,198.53, as assigned to TRR Everglades Investments, LLC, a Florida limited liability company, by Assignment of Mortgage recorded August 9, 2012 in Official Records Book 28223, Page 1956, as affected by Assignment of Final Judgment of Foreclosure recorded August 9, 2012 in Official Records Book 28223, Page 1962, and as affected by that certain Notice of Voluntary Dismissal with prejudice recorded January 28, 2014, in Official Records Book 29007, Page 211, Each of the foregoing recorded amongst the Public Records of Miami-Dade County, Florida (collectively, "TRR Loan Documents"), which encumbers the Land described in Exhibit "A" ;

**REGIONS BANK, an Alabama banking corporation** ("Regions Mortgagee") is the owner and holder of: (i) that certain Mortgage, Security Agreement and Assignment of Rents and Leases by TRR Everglades Holdings, LLC, a Florida limited liability company, to Regions Bank, an Alabama banking corporation, dated August 6, 2012, recorded August 9, 2012 in Official Records Book 28223, Page 2018, (ii) that certain Non-Disturbance and Attornment Agreement recorded August 9, 2012 in Official Records Book 28223, Page 2035, (iii) UCC-1 Financing Statement recorded November 29, 2012, in Official Records Book 28377, Page 2385, and (iv) Subordination, Non-Disturbance and Attornment Agreement dated January 18, 2013 and recorded January 31, 2013, in Official Records Book 28468, Page 219. Each of the foregoing recorded amongst the Public Records of Miami-Dade County, Florida (collectively, "Regions Loan Documents"), which encumbers the Land described in Exhibit "A";

(the TRR Loan Documents and the Regions Loan Documents, are collectively referred to as "Loan Documents")

(TRR Mortgagee and Regions Mortgagee, are collectively referred to as "Mortgagee")

TRR Mortgagee and Regions Mortgagee do hereby consent to the Declaration of Restrictions ("Declaration"), to which this Consent is attached, and acknowledge that the terms thereof are superior to the lien set forth in the Loan Documents and shall be binding upon the undersigned Mortgagee, and its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Consent on this \_\_\_\_ day of \_\_\_\_\_, 2015.

WITNESSES: **TRR MORTGAGEE:**

**TRR EVERGLADES INVESTMENTS, LLC,**  
**a Florida limited liability company**

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

Printed Name: Printed Name:

Title:

Printed Name:

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, the \_\_\_\_\_ of **TRR EVERGLADES INVESTMENTS, LLC, a Florida limited liability company**, freely and voluntarily under authority duly vested in him by said limited liability company. He is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2015.

My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed, printed or stamped name of Notary Public

WITNESSES:

REGIONS MORTGAGEE:

**REGIONS BANK, an Alabama banking  
corporation**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_, the \_\_\_\_\_ of **REGIONS BANK, an Alabama banking corporation**, freely and voluntarily under authority duly vested in him/her by said limited liability company. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2015.

My Commission Expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed, printed or stamped name of Notary Public

## **EXHIBIT A**

Tract "A" of Pep Boys — Bird Road, according to the plat thereof as recorded in Plat Book 150, Page 15, of the Public Records of Miami-Dade County, Florida.

Folio No. 30-4020-017-0010



## **OPINION OF TITLE**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined First American Title Insurance Company Owner's Policy of Title Insurance Policy Number 5011412-0068738e dated August 9, 2012 at 13:55:32 p.m. (as to Parcel 6 only as referenced in said Owner's Policy) and updated through January 27, 2015 at 8:00 a.m., inclusive, Miami-Dade County, Florida, of the following described property:

Tract "A" of Pep Boys – Bird Road, according to the plat thereof as recorded in Plat Book 150, Page 15, of the Public Records of Miami-Dade County, Florida.

Folio No. 30-4020-017-0010

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

**TRR EVERGLADES HOLDINGS, LLC, a Florida limited liability company pursuant to that certain Special Warranty deed recorded August 9, 2012, in Official Records Book 28223, Page 2003, of the Public Records of Miami-Dade County, Florida.**

**Note: Per the Operating Agreement dated July 31, 2012, for the above ownership entity, James D. Tate, as President, J. Kenneth Tate, as Vice President, and Barry E. Somerstein, as Vice President, are authorized signatories for the ownership entity listed above.**

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

**1. RECORDED MORTGAGES:**

- a. Mortgage, Security Agreement and Assignment of Rents and Leases by TRR Everglades Holdings, LLC, a Florida limited liability company, to Regions Bank, an Alabama banking corporation, dated August 6, 2012, recorded August 9, 2012 in Official Records Book 28223, Page 2018.
- b. Non-Disturbance and Attornment Agreement recorded August 9, 2012 in Official Records Book 28223, Page 2035.
- c. UCC-1 Financing Statement recorded November 29, 2012, in Official Records Book 28377, Page 2385.

- d. Subordination, Non-Disturbance and Attornment Agreement dated January 18, 2013 and recorded January 31, 2013, in Official Records Book 28468, Page 219.
- e. Mortgage and Security Agreement from Everglades Warehouses Corp., a Florida corporation, f/k/a Everglades Lumber & Building Supply, Inc., a Florida corporation, to Regions Bank, recorded September 17, 2009 in Book 27016, Page 1503, in the original principal amount of \$7,000,000.00; as modified by that Modification of Mortgage recorded in Book 27301, Page 3008, as assigned to TRR Everglades Investments, LLC, a Florida limited liability company, by Assignment of Mortgage recorded August 9, 2012 in Official Records Book 28223, Page 1954, as affected by Assignment of Final Judgment of Foreclosure recorded August 9, 2012 in Official Records Book 28223, Page 1962, and as affected by that certain Notice of Voluntary Dismissal with prejudice recorded January 28, 2014, in Official Records Book 29007, Page 211.
- f. Third Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing from Everglades Warehouses Corp., a Florida corporation (Mortgagor), to Regions Bank (Mortgagee), recorded on April 7, 2011 in Book 27645, Page 1458, in the original principal amount of \$753,198.53, as assigned to TRR Everglades Investments, LLC, a Florida limited liability company, by Assignment of Mortgage recorded August 9, 2012 in Official Records Book 28223, Page 1956, as affected by Assignment of Final Judgment of Foreclosure recorded August 9, 2012 in Official Records Book 28223, Page 1962, and as affected by that certain Notice of Voluntary Dismissal with prejudice recorded January 28, 2014, in Official Records Book 29007, Page 211.

**Note: All recording references refer to Miami-Dade County, Florida unless otherwise noted.**

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

NONE.

3. **GENERAL EXCEPTIONS:**

See **Exhibit "A"** attached hereto and made a part hereof.

4. **SPECIAL EXCEPTIONS:**

The mortgage described in Item 1, above.

*I HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions and therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Regions Bank an Alabama banking corporation	Mortgagee	<b>1a. through 1d., inclusive</b>
TRR Everglades Investments, LLC, a Florida limited liability company	Mortgagee	1e. and 1f.

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying No. of Entries Period Covered</u>
FA#5011412-0068738e	First American Title Insurance Company Owner's Policy having an effective date of August 9, 2012 at 13:55:32 pm (as to Parcel 6 only as referenced in said Owner's Policy)
FA# 1062-2699536	First American Title Update having a search from date of August 9, 2012 at 13:55:32 pm through January 27, 2015 at 8:00 am

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this \_\_\_\_ day of February, 2015.

Printed Name: Barry E. Somerstein, Esq.  
Florida Bar No. 0212563

STATE OF FLORIDA)  
                  ) ss:  
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2015, by Barry E. Somerstein, Esq., who is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Public  
Printed Name

My Commission Expires:

**EXHIBIT "A"**  
**GENERAL EXCEPTIONS**

1. Taxes for the year 2015 and subsequent years, which are not yet due and payable.
2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of PEP BOYS - BIRD ROAD, as recorded in Plat Book 150, Page(s) 15, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
3. All of the terms and provisions set forth and contained in that certain Lease between Everglades Lumber and Building Supply, Inc., a Florida corporation, Lessor, and The Pep Boys - Manny, Moe & Jack, a Pennsylvania corporation, Lessee, a memorandum of which is recorded in Book 17451, Page 2308; and as further affected by that Subordination, Non-Disturbance and Attornment Agreement recorded in Book 17953, Page 1531, as affected by that Non-Disturbance and Attornment Agreement recorded August 9, 2012 in Official Records Book 28223, Page 2035, of the Public Records of Miami-Dade County, Florida.
4. Agreement For Water and Sanitary Sewage Facilities recorded on April 1, 1997 in Book 17585, Page 762.
5. Survey prepared by Forton, Leavy, Skiles, Inc., dated June 14, 1996/September 17, 1997, under Job No. 9621-E, Drawing No. 296C-118 and Drawing No. 296D-129, reveals the following encroachments: (a) curbs and curb cuts onto the platted 10-foot utility easement(s) along all boundary lines; (b) FP&L light transformer in the Southeasterly portion of property; and (c) various catch basins along the Easterly and Westerly portions of property.
6. Notice of Lien Prohibition recorded December 29, 2014, in Official Records Book 2944 Page 2877.
7. Resolution No. 2005-1088 by the Miami Zoning Board recorded in Book 24382, Page 3836.
8. Resolution No. 06-1254 by the Miami Zoning Board recorded in Book 25281, Page 4338.

Note: All recording references refer to Miami-Dade County, Florida unless otherwise noted.

# **Appendix D**

## **Applicant's Traffic Impacts Report**

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. 2 of the November 2014 Cycle 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 owner(s) or will require general taxpayer support and includes an estimate of that support.

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

### **Solid Waste Services**

#### Level of Service Standard

The adopted level of service standard (LOS) for the County Public Works and Waste Management System (PWWM) is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. As of FY 2014-15, the PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

#### Fiscal Impact for Provision of Solid Waste Services - Concurrency

Since the PWWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by-case basis. Instead, the PWWM issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain the adopted LOS system-wide.

#### Fiscal Impact – 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.

#### Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2014-15, the PWWM charges a contract disposal rate of \$66.34 per ton to PWWM Collections and those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$87.47 per ton in FY 2014-15.

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 (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.3252 per 1,000 gallons for water and \$1.6987 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate the subject ±0.47-gross acre site from "Low Density Residential" to "Business and Office," which would allow a maximum development of 41,469 square feet of retail. If the application site is developed with the 41,469 square feet of retail, the water connection charges/impact fees are estimated at \$5,764. Sewer connection charges/impact fees are estimated at \$23,223. Total annual operating and maintenance costs would total \$4,577. The estimated cost of installing the required 16 linear feet of 12-inch water main for maximum development to connect to the County's regional water system is estimated at \$2,880. The total potential cost for connecting to the regional water and sewer system including engineering fees (10%) and contingency fees (15%) is estimated at \$3,643.

### **Flood Protection**

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

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

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

### **Public Schools**

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

### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department indicates that fire and rescue service in the vicinity of the application site is adequate.

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# **APPENDIX F**

## **Photos of Site and Surroundings**

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Pep Boys automotive service facility  
on the application site



Retail operations along SW 107 Avenue  
north of the application site





Residential properties  
west of the application site across SW 107 Avenue



Pinecrest Cove Preparatory Academy  
located south of the application site