

# **Application No. 1**

## **Commission District 3      Community Council 7**

### **APPLICATION SUMMARY**

Applicant/Representative:	Mayres LLC,/Stanley B. Price, Esq. & Brian S. Adler, Esq.
Location:	Northeast Corner of the Intersection of NE 109 Street and NE 13 Avenue
Total Acreage:	±1.16 Gross Acres (±0.828 Net Acres)
Current Land Use Plan Map Designation:	"Medium Density Residential (13 to 25 dwelling units per gross acre)"
Requested Land Use Plan Map Designation:	1. "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	RU-3M / vacant

### **RECOMMENDATIONS**

Staff:	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (AS A SMALL-SCALE AMENDMENT)</b> (August 25, 2015)
Biscayne Shores Community Council (7):	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (AS A SMALL-SCALE AMENDMENT)</b> (September 30, 2015)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (October 19, 2015)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 18, 2015)

Staff recommends **ADOPT WITH ACCEPTANCE OF THE PROFERRED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map to redesignate the ±1.16 gross-acre application site from “Medium Density Residential” to the “Business and Office” land use category for the following reasons:

**Principal Reasons for Recommendation:**

1. The application seeks to allow the development of a parking lot on the application site that would facilitate the redevelopment of the shopping center abutting to the east of the application site consistent with the Goals, Objectives and Policies of the CDMP. The redesignation of the application site from “Medium Density Residential” to “Business and Office” is required to allow the site to be developed with the proposed commercial parking. Land Use Element Objective LU-1 and Policies LU-1C and LU-10A require the County to give priority to infill development on vacant sites and redevelopment of underdeveloped environmentally suitable urban areas contiguous to existing urban development where urban services and facilities have the capacity to accommodate additional demand. As discussed in Principal Reason No. 2 below, existing public facilities have adequate capacities to accommodate the proposed development on the application site.

The redesignation of the application site from “Medium Density Residential” to “Business and Office” would allow the property to be developed with a parking lot that, as stated in the application, would serve as additional parking for the abutting shopping center that is currently being redeveloped. The application states that the provision of additional parking on the application site is to prevent the spillage of parking into the adjacent residential areas. Furthermore, the applicant has proffered a Declaration of Restrictions (Covenant) that would limit the use of the property to ground level commercial parking and such residential uses and densities that are presently allowed under the current “Medium Density Residential” land use designation on the site. The Covenant also provides for a landscape buffer between the proposed parking facility on the application site and the abutting residences to the north.

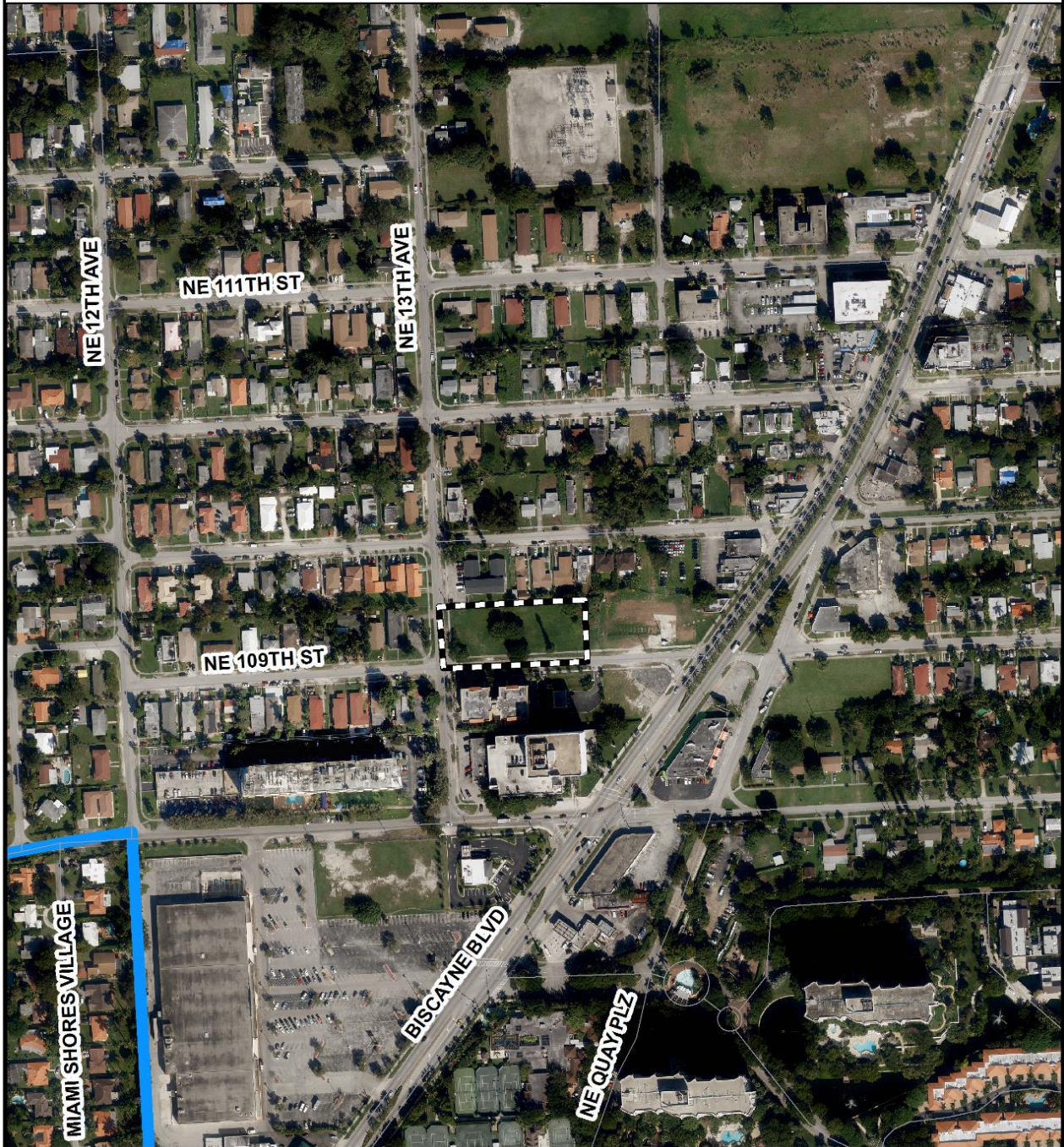
2. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires LUP map amendment applications to be evaluated according to factors such as (i) the ability 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. Each factor is discussed below.
  - i. *Need to Accommodate Economic or Population Growth:* The requested redesignation of the application site from the current “Medium Density Residential” to “Business and Office” would not have a significant impact on the overall residential land supply within the analysis area (Minor Statistical Area 4.1) where the site is located. The requested redesignation to “Business and Office” would facilitate the redevelopment of the abutting shopping center which could

support economic growth and generate some employment in the area. (See Supply and Demand Analysis on page 1-10.)

- ii. *Public Facilities and Services:* The impacts that would be generated from the proposed parking lot or the maximum potential development that could be built on the application site under the requested Business and Office designation 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 proposed parking lot would be generally compatible with the adjacent properties. The Applicant's proffered covenant proposes a landscape buffer between the parking lot and the abutting residences and limits residential development on the site to that which is currently allowed under the site's "Medium Density Residential" designation. Properties abutting to the north of the application site are designated "Medium Density Residential" on the LUP map and developed with multi-family and duplex residences. The property abutting to the east is designated "Business and Office" and is the shopping center being redeveloped and would be served by the proposed parking lot on the application site. Properties to the south and west of the application site are designated "Low-Medium Density Residential" and developed with multi-family units. Additionally, the ground level commercial parking that could be developed on the application site, with adequate buffering, would be generally compatible with the adjacent multi-family residential units to the east.
- iv. *Environmental and Historic Resources:* The subject application, if approved, would not impact any historic resources, but could impact environmental resources. The subject application may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Miami-Dade County Code requires specimen-sized trees be preserved whenever reasonably possible.
- v. *Transit Ridership and Pedestrianism:* The application, if approved could support transit ridership and pedestrianism. The site is currently served by Metrobus Routes 3 and 93, which provides local route services to the application area. Metrobus Route 3 provides a 20-minute AM/PM peak period headways service on weekdays, a 30-minute headway service in the evening after 8 pm, 20-minute headway service on Saturdays and 30-minute headway service on Sundays. Metrobus Routes 93 provides a 15-minute AM/PM peak period headways service on weekdays. The application site is located within 0.1 miles ( $\pm$ 520 feet) of the closest bus stop.



# APPLICATION NO. 1 AERIAL PHOTO



APPLICATION AREA



MUNICIPALITY

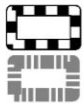
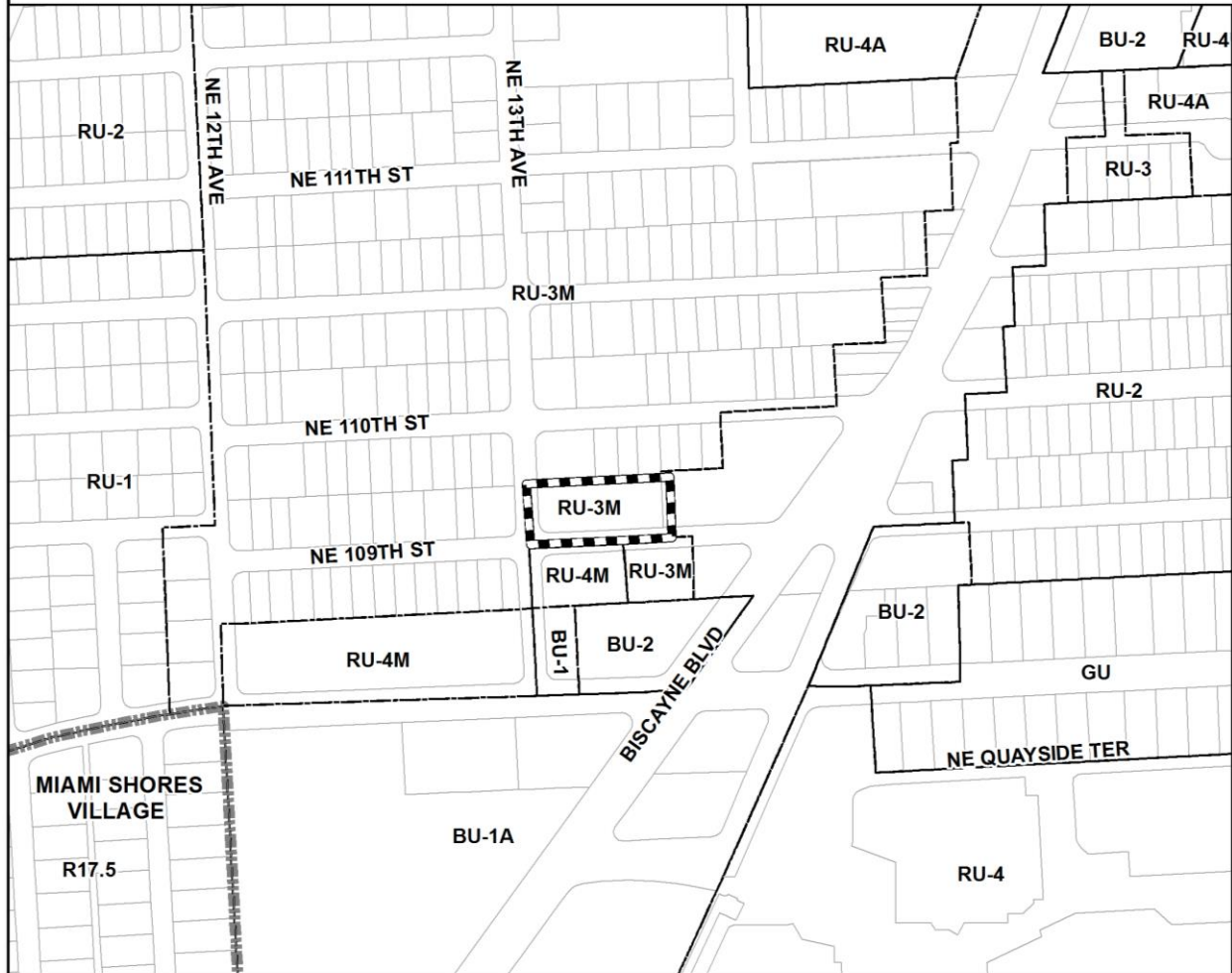
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

0 0.1 Miles





# APPLICATION 1 ZONING MAP



APPLICATION AREA



MUNICIPAL BOUNDARY

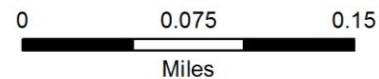
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

## MIAMI-DADE COUNTY ZONING DISTRICTS

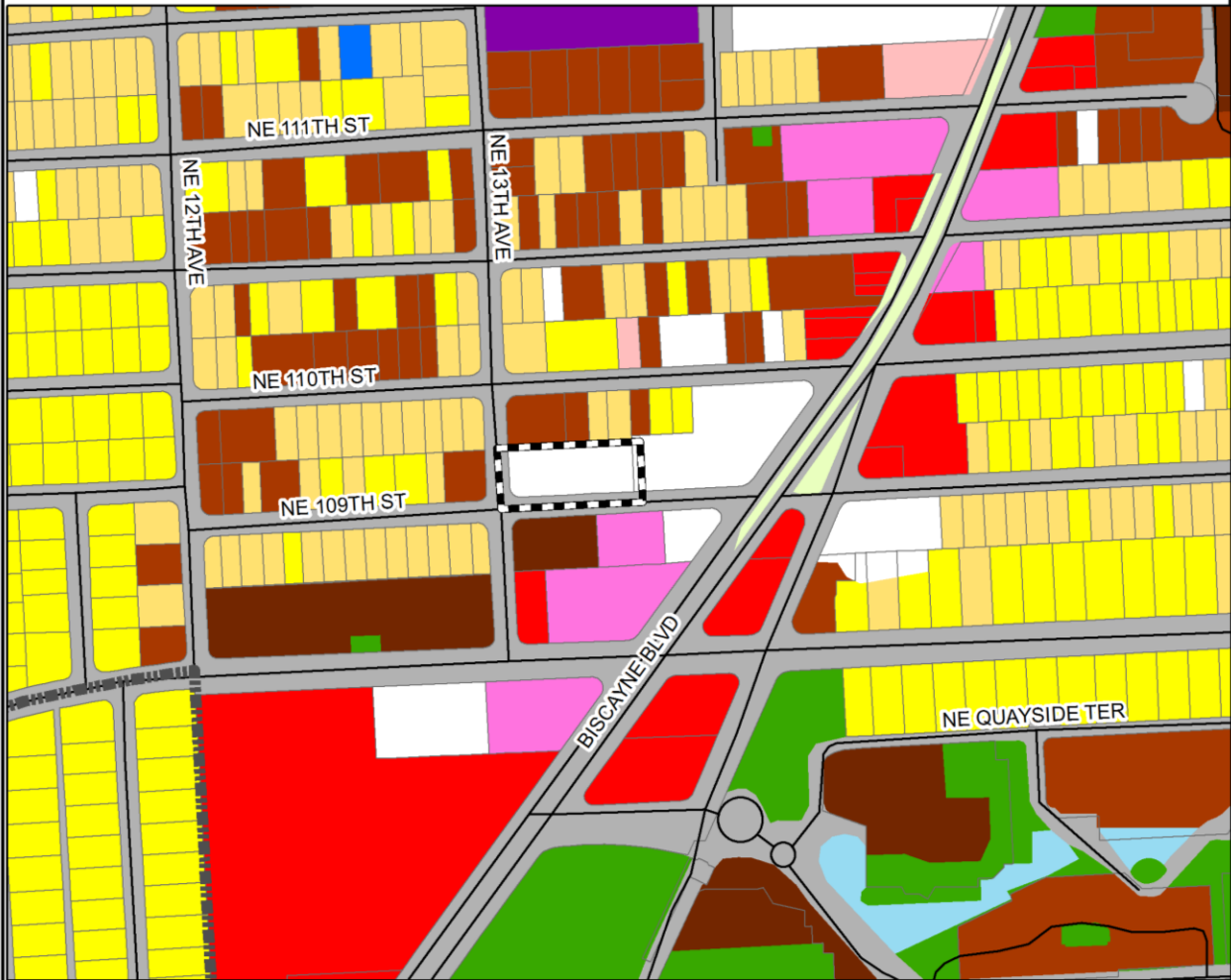
BU-1	BUSINESS DISTRICTS, NEIGHBORHOOD
BU-1A	BUSINESS DISTRICTS, LIMITED
BU-2	BUSINESS DISTRICTS, SPECIAL
GU	INTERIM DISTRICT
RU-1	SINGLE-FAMILY RESIDENTIAL
RU-2	TWO-FAMILY RESIDENTIAL DISTRICT, 7,500 FT <sup>2</sup> NET
RU-3	FOUR-UNIT APARTMENT DISTRICT
RU-3M	MINIMUM APARTMENT HOUSE
RU-4	HIGH DENSITY APARTMENT HOUSE DISTRICT
RU-4A	HOTEL/MOTEL DISTRICT
RU-4M	MODIFIED APARTMENT HOUSE

## MIAMI SHORES VILLAGE ZONING DISTRICT

R17.5 ONE FAMILY 17500 CF



# APPLICATION NO. 1 EXISTING LAND USE





APPLICATION AREA





MUNICIPALITY


## EXISTING LAND USE


 SINGLE-FAMILY


 TWO-FAMILY DUPLEXES


 LOW-DENSITY MULTI-FAMILY


 HIGH-DENSITY MULTI-FAMILY


 TRANSIENT-RESIDENTIAL (HOTELS, MOTELS)

 COMMERCIAL, SHOPPING CENTERS


 OFFICE

 COMMUNICATIONS, UTILITIES, TERMINALS

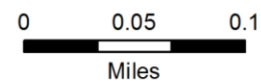
 STREETS, ROADS, EXPRESSWAYS, RAMPs

 PARKS, PRESERVES, CONSERVATION AREAS

 VACANT PRIVATELY OWNED, UNPROTECTED

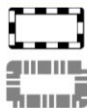
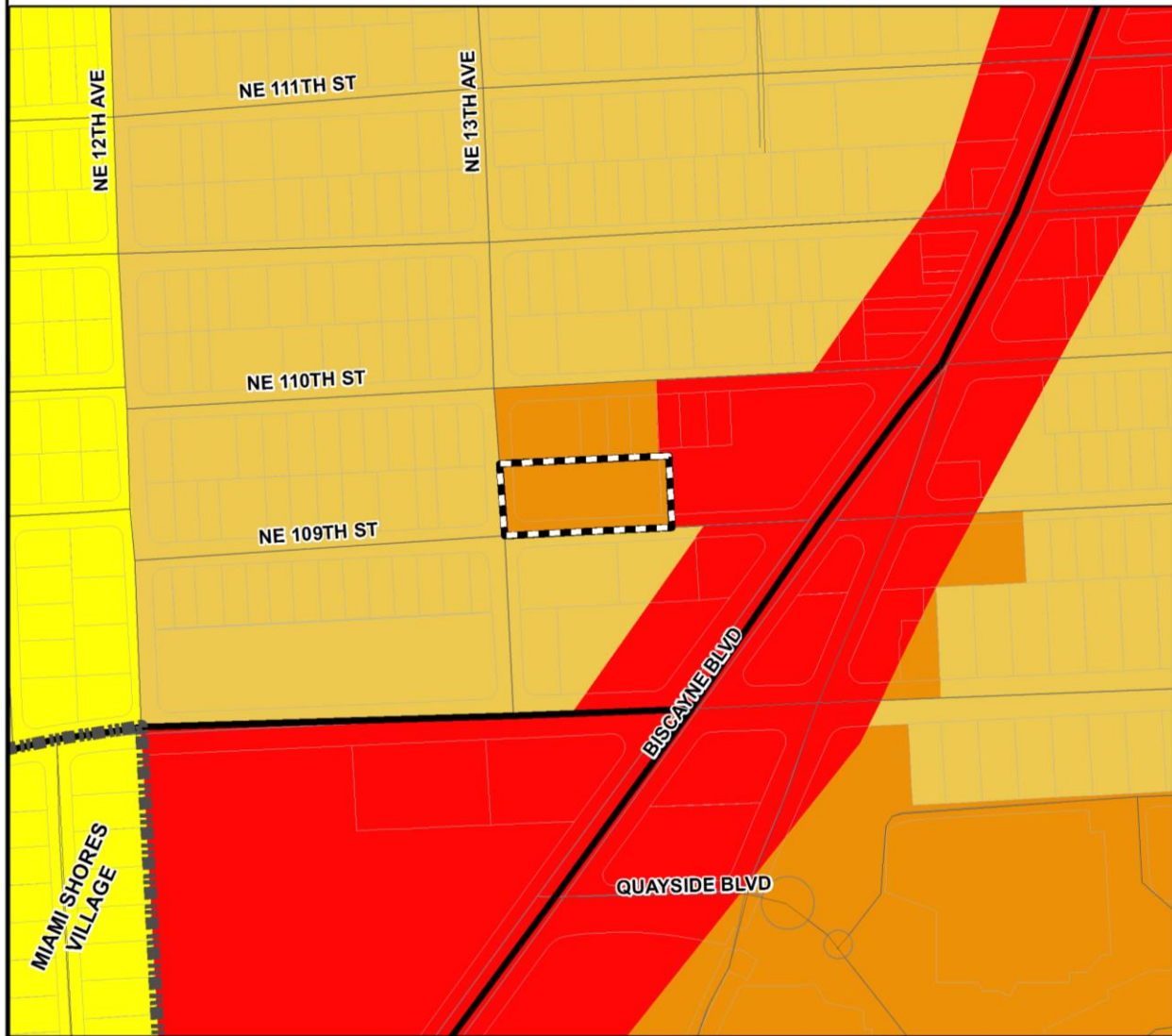
 INLAND WATERS

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



# APPLICATION NO. 1

## CDMP LAND USE



APPLICATION AREA

MUNICIPALITY

### 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
- MINOR ROADWAYS (2 LANES)
- MAJOR ROADWAYS (3 OR MORE LANES)

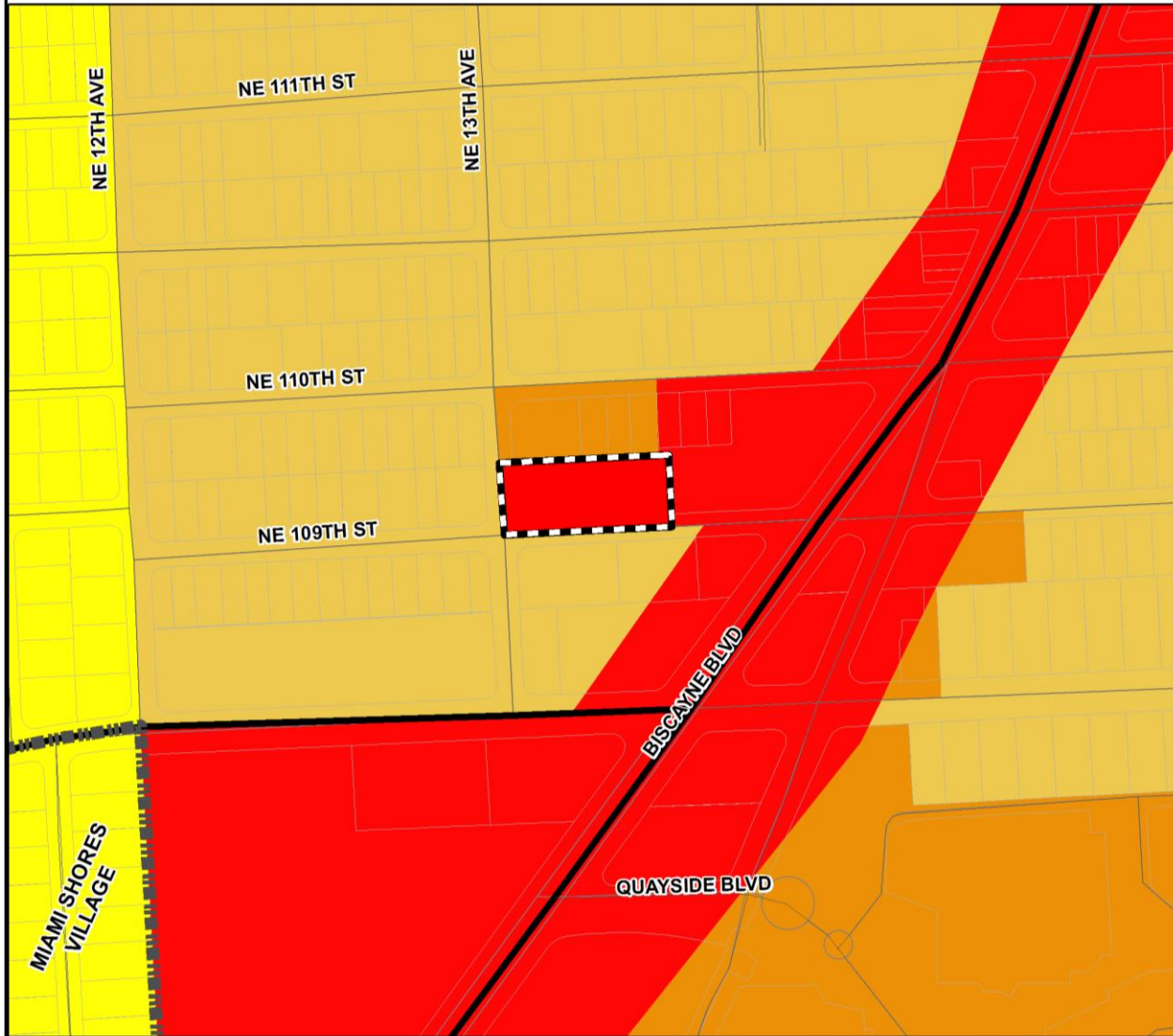
Source: Department of Regulatory and Economic Resources  
June 2015

0 0.025 0.05  
Miles





# APPLICATION NO. 1 PROPOSED CDMP LAND USE



APPLICATION AREA



MUNICIPALITY

## 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

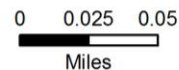


MINOR ROADWAYS (2 LANES)



MAJOR ROADWAYS (3 OR MORE LANES)

Source: Department of Regulatory and Economic Resources  
June 2015





# STAFF ANALYSIS

## Application Site

### Location

The ±1.16-acre site is located inside the Urban Development Boundary (UDB) at the northeast corner of N.E. 109<sup>th</sup> street and N.E. 13 Avenue in unincorporated Miami-Dade County (see map series on pages 1-4 through 1-8), and within the County's Urban Infill Area (UIA), where infill and redevelopment is prioritized and promoted.

### Existing Land Use

The application site is currently vacant (see "Existing Land Use" map on page 1-6).

### Land Use Plan Map Designation/Request

The application site is currently designated "Medium Density Residential" on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map, (see "CDMP Land Use" map on page 1-7). The Medium Density Residential land use category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments. The application requests a redesignation of the application site on the LUP map to "Business and Office" (see "Proposed CDMP Land Use" map on page 1-8). The "Business and Office" 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.

Under the current designation, the site could be developed with a maximum of 29 multi-family residential units. Under the applicant's requested "Business and Office" designation, the application site could be developed with a maximum of 14,417 square feet of retail or 65 multi-family residential units.

### Proffered CDMP Declaration of Restrictions

The Applicant has proffered a Declaration of Restrictions (Covenant) that commits to permit only Business and Office commercial use on the application site to a ground level commercial parking and to such other uses permitted in and consistent with the Medium Density Residential land use designation. So long as the abutting property to the north is developed with residential uses, if the application site is developed with ground level commercial parking, a landscape buffer will be provided on the application site abutting the residential property to the north.

### Zoning

The application site is currently zoned RU-3M (see "Zoning Map" on page 1-5). The RU-3M zoning district permits apartment houses at a density of 12.9 dwelling units per net acre.

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Based on Miami-Dade County zoning records, the application site was zoned RU-2 (Two-Family Residential, 7,500 net square feet lots). On April 29, 1947, the Miami-Dade Board of County Commissioners (Board) adopted Resolution No. 2506 approving a rezoning on property that included the application site to RU-4A (High Density Apartment House District, 50 net units/acre or Hotel/Motel 75 units/net acre). On January 14, 1975, the Board adopted Resolution No. Z-14-

75 approved a zoning district boundary change on the property from RU-4A to its current RU-3M (Minimum Apartment House 12.9 units/net acre) zoning district.

## **Adjacent Land Use and Zoning**

### Existing Land Uses

The properties to the north of the application are developed with multi-family units and duplexes within the Biscayne Shores residential subdivision. The property abutting to the east of the application site is a shopping center on the west side of Biscayne Boulevard that is currently being redeveloped. The properties directly to the south of the application site are developed with a multi-family units within the Palm Condo residential subdivision. Further south of the application site is an office building and a vacant parcel that abuts Biscayne Boulevard. Directly west of the site beyond NE 13 Avenue there are multi-family units within the Bay Ridge and Biscayne Shores residential subdivisions. (See Appendix E: Photos of Site and Surroundings on Appendices pages 40 - 42).

### Land Use Plan Map Designations

Properties abutting to the north of the application site are designated “Medium Density Residential (13 to 25 dwelling units per gross acre)” on the LUP map. Properties further north, west and south of the site are designated “Low-Medium Density (6 to 13 dwelling units per gross acre)” on the LUP map. Properties abutting to the east of the site are designated “Business and Office.” (See “CDMP Land Use” map on page 1-8.)

### Zoning

The residential properties to the north and west of the application site are zoned RU-3M (Minimum Apartment House 12.9 units/net acre). The properties to the east of the application site are zoned as BU-1A (limited Business). Properties to the south of the site are zoned RU-4M (Modified Apartments 35.9 units per net acre), BU-1A or BU-1 (neighborhood Business), BU-1A (limited Business), and RU-3M (Minimum Apartment House 12.9 units/net acre). (See “Zoning Map” on page 1-5).

## **Supply and Demand Analysis**

The capacity of the 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 Application No. 1 land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

### Residential land

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 4.1) in 2015 was estimated to have a capacity for about 4,310 dwelling units, with about 88 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 209 units per year in the 2015-2020 period to 239 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units occurring in 2019 and for multi-family beyond 2030 (see “Residential Land Supply/Demand Analysis” table below). The supply of residential land for both single-family and multi-family units is projected to be depleted beyond 2030.

The table below addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. Application 1 is a small-scale amendment

requesting a change from “Medium Density Residential” to “Business and Office.” Given the existing capacity in the Analysis Area, this application, if approved, is projected to potentially increase multi-family capacity by 69 units. The Applicant has proffered a covenant that commits to permitting only commercial use on the application site to a ground level commercial parking and to such other uses permitted in and consistent with the “Medium Density Residential” CDMP land use designation. This will not impact the depletion year in a significant way.

Residential Land Supply/Demand Analysis  
2015 to 2030: (MSA 4.1)

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 2015	504	3,806	4310
DEMAND 2015-2020	105	104	209
CAPACITY IN 2020	0	3,286	3,265
DEMAND 2020-2025	105	104	209
CAPACITY IN 2025	0	2,766	2,220
DEMAND 2025-2030	120	119	239
CAPACITY IN 2030	0	2,171	1,025
<b>DEPLETION YEAR</b>	<b>2019</b>	<b>2030+</b>	<b>2030+</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, July 2015.



**TRADE AREA MAP: APPLICATION NO. 1**

0 0.25 0.5 1 Miles

Miami-Dade County  
Department of Regulatory and Economic Resources  
Planning Research & Economic Analysis  
July 2015

Application No. 1

1.5-mile Radius Buffer

Commercial Land Use

Mixed-Use Commercial Land Use

Vacant Commercial Land Use

Vacant Mixed-Use Commercial Residential Land Use

## 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	AE
Stormwater Management Permit	DERM Surface Water Management Standard Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	5 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	No
Hazardous Waste	No
Contaminated Site	No

### Drainage, Flood Protection and Stormwater Management

The site is determined to be in Zone AE 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 5 feet, NGVD (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 application, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

### Endangered Species

The subject property and adjacent properties are not located within a federally designated critical habitat area. DERM is not aware of any documented threatened and endangered species on this or adjacent properties. CON-9A states "All activities that adversely affect habitat that is critical to federal or state designated, endangered or threatened species shall be prohibited unless such activity(ies) are a public necessity and there are no possible alternative sites where the activity(ies) can occur."

### 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 Application site is within the City of North Miami's water service area but the water is supplied by MDWASD. The source for this water supply is the Winson Water Plant which is owned and operated by the North Miami Water and Sewer Department. The plant is presently producing water that meets Federal, State, and County drinking water standards. A Water Supply Certification will be required from MDWASD as the water is supplied by MDWASD. Said Certification is required to assure adequate water supply is available to all water users of the MDWASD as required by CDMP Policies CIE-5D and WS-2C and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

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) development under the current CDMP Land Use designation is estimated at 4,350 gallons per day (gpd). The maximum water demand for Residential (Scenario 1) and Business (Scenario 2) under the Requested CDMP Land Use designations, is estimated at 10,350 gpd and 1,443 gpd, respectively. This represents an increase of up to 6,000 gpd over the demand under the current CDMP land use designations. The applicant has proffered a Declaration of Restrictions limiting the development to commercial parking and uses permitted in and consistent with the Medium Density Residential land use category. If the application site were developed according to the proffered Declaration of Restrictions (Scenario 3), there would be no net increase over the current maximum water demand. 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				
1	Residential	29 units	150 gpd	4,350 gpd
Requested CDMP Designation				
1	Residential	69 units	150 gpd	10,350 gpd
2	Business	14,427 sq. ft. retail	10 gpd/100 sq. ft.	1,443 gpd
3	Residential	29 units	150 gpd	4,350 gpd

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



#### Water System Connectivity:

The Application site is within the City of North Miami's water service area but the water is supplied by MDWASD. The proposed land use would be required to connect to public water pursuant to Chapter 24 of the Code. There is a North Miami 12-inch water distribution main abutting the subject area along NE 13<sup>th</sup> Avenue and a 6-inch water main inside the property. The applicant should consult with the City of North Miami Utility Department for any infrastructure that they may have in their service area.

#### 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 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional wastewater treatment system is equivalent to 368.14 MGD. The available capacity is calculated by subtracting the annual average flow (307.73 MGD) for the preceding 5 years and the capacity reserved for development orders (31.07 MGD) from the system capacity (368.14 MGD). Therefore, the available wastewater treatment plant capacity is 29.34 MGD.

#### Sewer System Connectivity:

The proposed development is located within the City of North Miami's sewer service area. North Miami is a volume sewer customer of MDWASD, and the City's wastewater is transmitted to MDWASD's North District Wastewater Treatment Plant for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with CDMP Policy WS-2A of the CDMP.

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 a City of North Miami 12-inch force main running along NE 13<sup>th</sup> Avenue which directs the sewage flow to sanitary sewer pump station 30-0347 and then to the North District Wastewater Treatment Plant. The aforementioned pump station as well as the North District Wastewater Treatment Plant are owned and operated by MDWASD and are currently working within the mandated criteria set forth in the Consent Decree Case: N0. 1:12-cv-24400-FAM, effective Dec 6, 2013. In addition, DERM issued sewer extension permit for the property folio No. 3022320101220 (2014-SEW-EXT-00107) on October 30, 2014. The work approved under this permit has not been certified.

#### **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

Application 1 requests redesignation of the site from "Medium Density Residential" to "Business and Office." The "Business and Office" designation typically results in development of commercial establishments. Per Chapter 15 of the County Code, the PWWM does not actively compete for non-residential waste collection service such as commercial, business, office, and industrial services at this time. Waste collection services will most likely be provided by a private waste hauler. However, the applicant has proffered a Declaration of Restrictions that would limit development on the site to a parking lot. The requested amendment will have no impact or any associated costs; therefore PWWM has no objection to the proposed changes.

#### **Parks**

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 1 (PBD-1), which generally encompasses the area of the County north of SW 8 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-1 has a surplus capacity of 156.45 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 the park within a 3-mile radius of the application site; one park (Biscayne Shores and Gardens) is larger than the required five acre park.

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

Park Name	Acreage	Classification
Biscayne Shores and Gardens Park	6.16	Neighborhood Park

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

#### Application Impacts

The potential development of the site under the existing CDMP land use designation has a potential population of 52, resulting in an impact of 0.14 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 69 multi-family dwelling units with an estimated population of 125, resulting in an impact of an additional 0.34 acres of local parkland. This would lower the concurrency LOS from 156.45 acres to 156.11 acres, but remain above the adopted minimum LOS standard. However, if the application site is developed with the business use of a ground level commercial parking according to the Declaration of Restrictions proffered, there would be no increase in population and there would be no additional impact to the local recreation space.

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

The application site is currently served by Miami-Dade County Fire Rescue Station No. 20 (North Miami East), located at 13000 NE 16 Avenue. This station is equipped with a Rescue, Engine and Battalion, and is staffed with eight (8) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately five (5) minutes and 30 seconds. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Presently, travel time to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

#### Level of Service Standard for Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 1,500 gallons per minute (gpm) is required for the "Office/Residential" CDMP designation. Presently, there are no fire flow deficiencies in the vicinity of the application site.

The current CDMP land use designation of "Medium Density Residential" will allow a potential development on the application site that is anticipated to generate approximately 8 annual alarms. The proposed CDMP land use designation of "Business and Office" is anticipated to generate approximately 19 annual alarms. Although fire and rescue service in the vicinity of the subject application site is adequate, 19 annual alarms will result in a moderate impact to Station No. 20.

Miami-Dade Fire Rescue currently leases a parcel of land from the City of North Miami—located on the northwest corner of NE 138 Street and NE 5 Avenue—intended to be used for the construction of Station No. 18 (North Miami Central). MDRF anticipates that upon completion of



Station No. 18, which is estimated for completion in 2017 or 2018, the additional number of alarms generated by this application will be properly handled

## Public Schools

### Level of Service Standard

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

A planning level review, which is considered a preliminary school concurrency analysis, was conducted on this application based on the adopted LOS standard, the Interlocal Agreement (ILA) for Public Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and current available capacity and school attendance boundaries.

Section 7.5 of the ILA provides for “Public Schools Planning Level Review” (Schools Planning Level Review), of CDMP amendments containing residential units. This type of review does not constitute a public school concurrency review and, therefore, no concurrency reservation is required. Section 7.5 further states that “...this section shall not be construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application.”

### Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 12 students – this number reflects an impact reduction of 22.36% for charter and magnet schools (schools of choice). Of the 12 students, 6 will attend elementary schools, 3 will attend middle schools students and 3 will attend senior high schools. The students will be assigned to those schools identified in the “Concurrency Service Area (CSA) Schools” table below. At this time, the schools have sufficient capacity available to serve the application.

**Concurrency Service Area (CSA) Schools**

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
David Lawrence Jr K-8 Center (Eleme Comp)	-328	6	0	No	Current CSA/ 5 Year Plan
David Lawrence Jr K-8 Center (Middle Comp)	-170	3	0	No	Current CSA/ 5 Year Plan
North Middle	76	3	3	Yes	Current CSA
Alonzo and Tracy Mourning Senior	-169	3	0	No	Current CSA/ 5 Year Plan
Adjacent Concurrency Service Area Schools					
W J Bryan Elementary	29	6	6	Yes	Adjacent CSA
North Miami Beach Senior	401	3	3	Yes	Adjacent CSA
Source: Miami-Dade County Public Schools, August 2015.					

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Miami-Dade County Department of Regulatory and Economic Resources, August 2015.					

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

## 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.

## Roadways

The application site is a  $\pm 1.16$  gross acre ( $\pm 0.828$  net acre) property located on the northeast corner of the intersection of NE 109 Street and NE 13 Avenue. The subject application site is located in unincorporated Miami-Dade County inside the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA). The Concurrency Management Program in the Capital Improvement Element (CIE) of the CDMP states that "A proposed development located within the Urban Infill Area will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan..." (CIE page IX-17).

NE 109 Street and NE 13 Avenue are both undivided two-lane roadways which provide direct access to the application site. NE 13 Avenue provides connectivity on the south to NE 108 Street, which along with NE 109 Street connects in the east to Biscayne Boulevard, a four-lane roadway and a major north-south corridor which provides access to other areas of the County.

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 2014) and the County (Year 2014), are operating at acceptable levels of service. See "See "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

### Trip Generation

Under the current "Medium Density Residential (13–25 DU/Ac.)" land use designation, one potential residential development scenario (29 apartments) was analyzed for traffic impacts. The 29 apartments are estimated to generate approximately 19 PM peak hour vehicle trips. Under the requested "Business and Office" land use designation, two potential development scenarios

were analyzed for traffic impacts: Scenario 1, the retail development (14,427 sq. ft. shopping center), is estimated to generate approximately 108 PM peak hour vehicle trips, or 89 more PM peak hour vehicle trips than the potential residential development that may be developed under the current CDMP designation. Scenario 2, the residential development scenario (69 apartments), is estimated to generate approximately 30 PM peak hour vehicle trips, or 11 more PM peak hour vehicle trips than the potential residential development under the current CDMP land use designation. 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. 1	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 Designation
Scenario 1	“Medium Density Residential (13-25 DU/Ac)” 29 MF (Apartments) <sup>1</sup> /  19	“Business and Office” 14,427 sq. ft. retail <sup>2</sup> /  108 <sup>3</sup>	+ 89
Scenario 2	“Medium Density Residential (13-25 DU/Ac)” 29 MF (Apartments) <sup>1</sup> /  19	“Business and Office” 69 MF (Apartments) <sup>2</sup> /  30	+ 11

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

Notes: <sup>1</sup> Under the current CDMP land use designation, the application site can be developed with up to 29 multi-family residential dwelling units (apartments). The applicant proffered a Declaration of Restrictions, submitted June 23, 2015, which limits development of the application site to ground level commercial parking and to residential uses permitted in and consistent with the “Medium Density Residential (13-25 du/ac)” land use designation.

<sup>2</sup> Under the requested CDMP land use designation the application site is assumed to be developed with 14,427 sq. ft. of retail uses (Scenario 1), or with 69 multi-family residential dwelling units (apartments) (Scenario 2).

<sup>3</sup> Trips adjusted for the pass by trip reduction.

#### Traffic Concurrency Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of July 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 2016 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the potential development scenarios analyzed under the requested CDMP LUP map designation, determined 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 the subject application and are projected to operate at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” 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" - 14,427 sq. ft. retail</b>													
522	Biscayne Blvd.	NE 87 St. to NE 79 St.	4 DV	E+50%	4560	2824	D	62	2886	D	26	2912	D
524	Biscayne Blvd.	NE 123 St. to NE 87 St.	4 DV	E+50%	4560	3082	E+1%	95	3177	E+5%	25	3202	E+5%
1023	NE 123 St./Broad Cswy.	US-1 to Bayshore Dr.	4 DV	E	3040	1719	D	0	1719	D	7	1726	D
9290	NE 10 Avenue	NE 125 St. to NE 108 St.	2 DV	E+20%	1404	284	A	0	284	A	23	307	A
2080	NE 103 Street	I-95 to NE 6 Ave.	4 DV	E	3580	1678	C	8	1686	C	28	1714	C
<b>Scenario 2: "Business and Office" 69 MF units (apartments)</b>													
522	Biscayne Blvd.	NE 87 St. to NE 79 St.	4 DV	E+50%	4560	2824	D	62	2886	D	7	2893	D
524	Biscayne Blvd.	NE 123 St. to NE 87 St.	4 DV	E+50%	4560	3082	E+1%	95	3177	E+5%	7	3184	E+5%
1023	NE 123 St./Broad Cswy.	US-1 to Bayshore Dr.	4 DV	E	3040	1719	D	0	1719	D	2	1721	D
9290	NE 10 Avenue	NE 125 St. to NE 108 St.	2 DV	E+20%	1404	284	A	0	284	A	6	290	A
2080	NE 103 Street	I-95 to NE 6 Ave.	4 DV	E	3580	1678	C	8	1686	C	7	1693	C

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

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

\* County adopted roadway level of service standard applicable to the roadway segment: E (100% capacity); E+20% (120% capacity) and E+50% (150% 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 14,427 sq. ft. of retail uses.

Scenario 2 under the requested CDMP land use designation assumes the application site developed with 69 multi-family residential dwelling units (apartments),

### Application Impact

One potential development scenario was analyzed under the current "Medium Density Residential (13-25 DU/Ac.)" land use designation for traffic impacts. The 29 residences are estimated to generate approximately 19 PM peak hour vehicle trips. Two potential development scenarios under the requested "Business and Office" land use designation were analyzed for traffic impacts. The 14,427 sq. ft. of retail development (Scenario 1) is estimated to generate approximately 108 PM peak hour vehicle trips, or 89 more PM peak hour vehicle trips than the potential residential development that could be developed under the current CDMP land use designation; and the 69 apartments (Scenario 2) are estimated to generate approximately 30 PM peak hour vehicle trips, or 11 more PM peak hour vehicle trips than the residential development. See "Estimated PM Peak Hour Trip Generation" table above. In summary, the traffic impact analysis performed indicates that the roadways adjacent to and in the vicinity of the application site that were analyzed have enough capacity to handle the additional traffic that would be generated by either development scenario under the requested land use designation.

### **Transit**

#### Existing Service

The application site and surrounding areas are currently served by Metrobus Routes 3 and 93. The service frequencies of these routes are shown in the "Metrobus Route Service Summary" table below.

Metrobus Route Service Summary

Routes	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			
3	20	20	30	15	20	0.1	0.1	L
93	15	30	n/a	n/a	n/a	0.1	0.1	E

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Notes: L means Metrobus Local route service; E means Express or Limited-Stop Metrobus service.

#### Future Conditions

The following transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions are planned for the next ten years as noted in the draft 2015 *Transit Development Plan (TDP)*. The table below shows the Metrobus service improvements programmed for the existing routes serving this application area. It should be noted that these projects are currently funded.

Metrobus Recommended Service Improvements and Service Plan

Route	Improvement Description	Implementation Year
3	Replace 8 of the 13 buses with new articulated buses	2016
93	Replace 10 existing standard size buses with 10 new articulated buses	2016
3	Replace 5 articulated buses with 5 standard size buses	2021
93	Route to be transformed to Biscayne Enhanced Bus (delete route)	2021
Biscayne Enhanced Bus	New route providing premium limited-stop transit service along Biscayne Blvd./US-1 from Downtown Miami to Aventura Mall	2021

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Note: Based on the CDMP threshold for traffic and/or transit service objectives within a ½ mile distance; the estimated operating or capital costs of maintaining the existing bus service is not associated with this application.

### Major Transit Projects

The draft 2015 *TDP* identifies the Biscayne Enhanced Bus Service (EBS) project which is being planned for the next 10 years and is located in the immediate vicinity of the application site.

The Biscayne EBS Project will provide premium limited-stop transit service along Biscayne Boulevard/US-1 from Downtown Miami to Aventura Mall. This route provides service to the Adrienne Arsht Performing Arts Center, and a direct connection to Little Haiti, Miami Shores, North Miami and North Miami Beach. Service headways will be 15 minutes during the AM/PM peak hour and 30 minutes during the mid-day. Revenue service is anticipated to begin in 2016 using 10 new 60-foot alternative fuel buses. The bus purchase component is considered Phase I for this corridor.

The Miami-Dade Metropolitan Planning Organization (MPO) in cooperation with Miami-Dade Transit (MDT) developed a detailed plan for the staged implementation of Bus Rapid Transit (BRT) along Biscayne Boulevard. This EBS route will feature robust stations, WiFi, real-time “Where is the Bus?” arrival times via the internet or on web-enabled mobile devices, real-time “Next Bus” arrival information via electronic signs, Transit Signal Priority (TSP), and Park-and-Rides. Phase II for the Biscayne Enhanced Bus Service project will feature 10 minute service headways during the AM/PM peak-hour and 20 minutes during the mid-day using an additional five (5) new 60-foot alternative fuel buses. Phase II is expected to be completed by 2021.

### Application Impacts

A preliminary analysis performed in the Traffic Analysis Zone (TAZ) 197, where the application site is located, indicates that if the application is approved, no transit impact would be generated by this application.

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

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

- LU-1. The location and configuration of Miami-Dade County’s urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-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-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Infill Area and Transportation Concurrency Exception Areas. Second priority shall be given to serve the area between the Urban Infill Area and the Urban Development Boundary. And third priority shall support the staged development of the Urban Expansion Area (UEA).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- 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.

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# APPENDICES

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# **APPENDIX A**

## **Amendment Application**

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**APPLICATION FOR AN AMENDMENT  
TO THE LAND USE PLAN MAP  
OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN  
SMALL SCALE AMENDMENT  
MAY 2015 CYCLE**

---

1. APPLICANT

Mayres LLC, a Florida limited liability company  
C/O Sanford Reinhard  
1290 Weston Road, Suite 201  
Weston, FL 33326  
786-285-1128

2. APPLICANT'S REPRESENTATIVE

Stanley B. Price, Esq.  
Brian S. Adler, Esq.  
Wendy Francois, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
1450 Brickell Ave, Suite 2300  
Miami, Florida 33131  
(305) 350-2351 (Brian S. Adler)  
FAX (305) 351-2206 (Brian S. Adler)

By:

  
Brian S. Adler

Date

June 1, 2015

2015 JUN -1 P 3:07  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

A. A change to the Land Use Plan Map. Item A.1 in the fee schedule is requested.

The applicant is requesting a change to the Miami-Dade County Future Land Use Map of the Comprehensive Development Master Plan as detailed below.

B. Description of the Subject Property

The subject property (the "Property") consists of approximately 1.16+/- gross acres located at the northeast corner of N.E. 109th Street and N.E. 13th Avenue in unincorporated Miami-Dade County, Florida, lying in Section 32, Township 52, Range 42 East. The Property consists of folio 30-2232-006-0010 and the westernmost portion of folio 30-2232-010-1220. The Property is bordered on the East by property under the same ownership as the applicant consisting of the

developed with residential property a landscape buffer will be provided on the application Property.

The "Adjacent Property" has a zoning history dating back to 1950 which reveals that Adjacent Property, although previously zoned RU-3M, housed commercial development since 1938 and has had numerous uses over the years including beer and wine bars, package sales, palmistry studios and enjoyed other variances and uses. A portion of the Adjacent Property had been rezoned to BU-1A in 1987 pursuant to Resolution Z-160-87. That resolution left approximately 2.26 +/- acres of the Adjacent Property as BU-1A and approximately .41 +/- acres as RU-3M. The entirety of the Adjacent Property was then redesignated to Business and Office in the October 2005 cycle through Ordinance 06-73.

In 2006, subsequent to the redesignation of the Adjacent Property on the Master Plan to Business and Office, the owner of the Adjacent Property obtained a rezoning of the entirety of the Adjacent Property to BU-1A for commercial use pursuant to Miami-Dade County Resolution CZAB7-2-07. As part of the application the owner tied the Adjacent Property to a site plan illustrating one story buildings.

Extending the Business and Office designation on the Property will be consistent with the depth of commercial on the West side of Biscayne Boulevard which angles south in this area. The North side of NE 108th Street is developed with commercial uses extending westward to NE 13th Avenue, and the Kmart located between NE 106th and NE 108th Streets, which extends westward to NE 12th Avenue.

Further, additional rezoning and development approvals in the area over the last several years support redesignation of the Property. These approvals include but are not limited to:

- a. The property diagonally across the street to the southeast of the Adjacent Property was redesignated under the October 2005 cycle from Business and Office and Low-Medium Density Residential to Medium-High Density Residential and combined with additional property and the portion rezoned to BU-2 to allow a multifamily mixed use 7 story development pursuant to Resolution CZAB7-3-08.
- b. The property located between NE 112th Street and NE 115th Street, West of Biscayne Boulevard to NE 13th Avenue, was redesignated in the April 2005 Application Cycle to Business and Office and Medium Density Residential to allow for further infill development.
- c. The Property located at 11150 and 11190 Biscayne Boulevard which is zoned BU-1A but was approved for a 9 story, 402 residential dwelling unit development pursuant to Resolution CZAB 7-1-14.

The Property is located in an area that was not previously the focus of redevelopment. There have been very few applications for new development in this Section of property. However, in the last decade, there has been increased focus on redeveloping this area which traditionally has been neglected. The renewed focus in this area has resulted in re-development and overall improvements which will continue to transform the corridor.

Biscayne Boulevard was recently widened and beautified in this general area and the Property is located to the south of the Biscayne Corridor Community Redevelopment Area. Although not in the actual redevelopment area, utilization of the subject Property will help further the goals espoused by the redevelopment corridor area. Further, with the recent increased interest in residential multifamily development in the area, and the development of various commercial properties for residential, the redesignation of the Property for commercial use will not negatively impact the residential capacity in the area but will help continue to service the growing residential community.

The subject Property is currently vacant. Approval of this application would be consistent with the Miami-Dade County Comprehensive Development Master Plan as it would further the following Goals and Policies:

#### Objective LU-1

The location and configuration of Miami-Dade County's urban growth through the year 2030 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.

#### Policy LU-1C

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

#### Objective LU-8

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

#### Policy LU-8B

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

#### Policy LU-9H

Miami-Dade County shall continue its special area planning program with emphasis on the preparation of physical land use and urban design plans for strategic and high-growth

locations, such as urban centers and certain transportation corridors as defined in the CDMP.

#### Policy LU-9J

Miami-Dade County shall continue to use the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

#### Business and Office: Page I-43 of the CDMP:

The depth of the ribbon for commercial development and other uses permitted under the Business and Office land use category is more generalized. In general, the depth should be limited to the norm for the strip, but may be approved at such other depth that will provide a logical transition to adjacent commercial and residential uses or accommodate vehicular parking to serve an adjacent use, provided that liberal permanent buffering is provided or other site planning or design features are used, to provide compatibility with any adjoining and adjacent residential uses that exist or are designated on the Land Use Plan map, in keeping with the Plan's policies.

#### 5. LOCATION MAP FOR APPLICATION

See attached

#### 6. ATTACHMENTS:

Disclosure of Interest  
Aerial  
Location

#### 7. COMPLETED DISCLOSURE FORMS

See Attached.



Application No. 1

## 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: Mayres LLC, a Florida limited liability company, C/O Sanford Reinhard,  
1290 Weston Road, Suite 201, Weston, FL 33326

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
Mayres LLC	Yes	30-2232-006-0010	0.9175 +/- net acres
		30-2232-010-1220	0.05 +/- subject to application, 1.88 +/- total for folio

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

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
Mayres LLC	X			

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

CORPORATION NAME: Mayres LLC

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Adriana Varela</u>	<u>2%</u>
<u>Rafi Design LTD (BVI)</u>	<u>98%</u>
<u>Hugo Belcastro</u>	<u>50% of Rafi Design LTD (BVI)</u>
<u>Adriana Varela</u>	<u>50% of Rafi Design LTD (BVI)</u>

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

TRUSTEES NAME: \_\_\_\_\_

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

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

PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
_____	_____
_____	_____

- e. If the applicant is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners, [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities,

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

NAME AND ADDRESS

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

Date of Contract \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

CORPORATION NAME: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

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

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

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

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

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

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

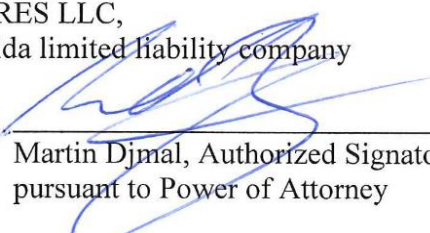
For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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

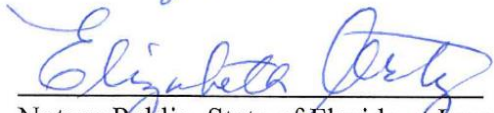
Applicant's Signature and Printed Name

MAYRES LLC,  
a Florida limited liability company

By:

  
\_\_\_\_\_  
Martin Djalal, Authorized Signatory  
pursuant to Power of Attorney

Sworn to and subscribed before me this  
18 day of June, 2015

  
Notary Public, State of Florida at Large



ELIZABETH ORTIZ  
MY COMMISSION # FF 175982  
EXPIRES: December 17, 2018  
Bonded Thru Budget Notary Services

(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) 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.



### LIMITED POWER OF ATTORNEY

I, **JULIO ALVAREZ**, as Manager of **MAYRES, LLC**, a Florida limited liability company (the "**Owner**"), having an address at c/o Sanford N. Reinhard, P.A. 1290 Weston Rd., Suite 201, Weston, FL 33326, as the Owner of that property described on **Exhibit "A"** attached hereto, currently having an assigned folio number of ~~30-2232-006-0010~~, ~~30-2232-010-1220~~ (the "**Property**"), hereby makes, constitutes and appoints **MARTIN DJMAL** ("**Agent**"), through its officers, as Owner's true and lawful attorney and agent, and gives and grants unto said Agent, individually, full power and authority to, in Owner's name, place, and stead:

(1) correspond on Owner's behalf with Miami-Dade County, the State of Florida, and with any agencies of the United States of America related to the development of the Property (the "**Project**");

(2) prepare, execute, file and amend any applications and associated documents, letters and plans related to the Project with Miami-Dade County, the State of Florida, and with agencies of the United States of America, as may be necessary to complete the Project, including, but not limited to, covenants or declarations in lieu of unity of title, assignments of any unused zoning, land use and related entitlements, credits, allocations, rights and uses pertaining to and/or benefiting the Property, platting of the Property, approvals from Miami-Dade County Department of Environmental Resource Management, applications for water and sewer facilities and service through Miami-Dade County Water and Sewer Department, amendments to the existing major use special permit and any lesser-included permits approved by the City of Miami, and applications for building permits through Miami-Dade County; and

(3) represent and appear on behalf of the Owner at any meeting or public hearings related to the Project and to take, or cause to be taken, any and all other action, in the name and on behalf of the Owner or otherwise, that in the Agent's judgment is necessary, desirable, or appropriate in order to complete the Project.

Subject to the limitations and qualifications set forth herein, the Owner grants unto Agent as the Owner's attorney-in-fact full power and authority to execute and deliver such instruments and to take such actions as if the Owner were personally present, hereby ratifying and confirming all that Agent as the Company's attorney-in-fact shall lawfully do or cause to be done by authority hereof.

Anything contained herein to the contrary notwithstanding, the power and authority granted to Agent to execute any document on behalf of Owner shall be limited only to the following individuals: **MARTIN DJMAL**.

Third parties may rely upon the powers granted under this Power of Attorney upon the exercise of any such powers by Agent as Owner's attorney-in-fact and authorized agent and may assume that all conditions precedent to the exercise of any such powers have been satisfied.

If any part of any provision of this Power of Attorney shall become invalid and unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity.

only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

This instrument shall remain in full force and effect until such time as a revocation has been executed by the parties or upon the date of closing of a contract for purchase and sale of the Property by which title to the Property is transferred from Owner to Agent.

IN WITNESS WHEREOF, the undersigned has executed this instrument and caused its seal to be affixed as of this 29<sup>th</sup> day of May, 2015.

Signed, sealed and delivered  
in the presence of

MAYRES, LLC, a Florida limited liability company

Print Name:

Tara Halko  
Tara Halko

By:

Print Name: JULIO ALVAREZ

Print Title: Manager

STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May, 2015 by **JULIO ALVAREZ**, as Manager of MAYRES, LLC, a Florida limited liability company, who [ ] is personally known to me or [ ] produced a valid driver's license as identification.

[NOTARIAL SEAL]

Notary Public, State of Florida

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

My commission expires: \_\_\_\_\_



**EXHIBIT "A"**

Lots 1, 2, 3, 4, 5, 6, 7, 8 and the South 13.93 feet of Lots 9, 10 and 11, in Block 9, of BISCAYNE SHORES CORRECTED PLAT, according to the plat thereof as recorded in Plat Book 23, Page 52, of the Public Records of Miami - Dade County, Florida.

AND

Lots 1, 2, 3, 7, 8, 9, 10, 11, 12, 29, 30, 31, 32 and 33, in Block 1, of AMENDED PLAT OF BAY RIDGE, according to the plat thereof as recorded in Plat Book 20, Page 8, of the Public Records of Miami - Dade County, Florida.

AND

All of the property formerly occupied by an alley and closed pursuant to Resolution No. R-467-05 recorded in Official Records Book 26261, Page 940, of the Public Records of Miami - Dade County, Florida, more particularly described as follows:

A portion of land located in Block 1, AMENDED PLAT OF BAY RIDGE, according to the plat thereof as recorded in Plat Book 20, Page 8, of the Public Records of Miami - Dade County, Florida, more particularly described as follows:

Begin at the Southwest corner of Lot 33 of said Block 1; thence Northerly along the Westerly line of said Lot 33 and its extension Northerly also being the Westerly line of Lots 29, 30, 31 and 32 of said Block 1, for a distance of 124.93 feet to the Northwest corner of said Lot 29 and the Northerly limits of said AMENDED PLAT OF BAY RIDGE and the Southerly line of Lot 8, Block 9, of BISCAYNE SHORES CORRECTED PLAT, as recorded in Plat Book 23, Page 52, of the Public Records of Miami - Dade County, Florida; thence Westerly along the Southerly line of said Lot 8 for a distance of 10 feet to the Northeast corner of Lot 12, Block 1 of aforesaid AMENDED PLAT OF BAY RIDGE; thence Southerly along the Easterly line of said Lot 12 a distance of 124.93 feet to the Southeast corner of said Lot 12 and the Northerly Right-of-Way line of NE 109th Street; thence Easterly along said Northerly Right-of-Way line a distance of 10 feet to the Point of Beginning.

### LIMITED POWER OF ATTORNEY

I, **ADRIANA VARELA**, as Director of **RAFI DESIGN, LTD.**, a **British Virgin Islands company**, (the "**Owner**"), having an address at c/o Sanford N. Reinhard, P.A. 1290 Weston Rd., Suite 201, Weston, FL 33326, as the Owner of that property described on **Exhibit "A"** attached hereto, currently having an assigned folio number of ~~2232-006-0010~~, ~~30-2232-010-1220~~ (the "**Property**"), hereby makes, constitutes and appoints **MARTIN DJMAL** ("**Agent**"), through its officers, as Owner's true and lawful attorney and agent, and gives and grants unto said Agent, individually, full power and authority to, in Owner's name, place, and stead:

(1) correspond on Owner's behalf with Miami-Dade County, the State of Florida, and with any agencies of the United States of America related to the development of the Property (the "**Project**");

(2) prepare, execute, file and amend any applications and associated documents, letters and plans related to the Project with Miami-Dade County, the State of Florida, and with agencies of the United States of America, as may be necessary to complete the Project, including, but not limited to, covenants or declarations in lieu of unity of title, assignments of any unused zoning, land use and related entitlements, credits, allocations, rights and uses pertaining to and/or benefiting the Property, platting of the Property, approvals from Miami-Dade County Department of Environmental Resource Management, applications for water and sewer facilities and service through Miami-Dade County Water and Sewer Department, amendments to the existing major use special permit and any lesser-included permits approved by the City of Miami, and applications for building permits through Miami-Dade County; and

(3) represent and appear on behalf of the Owner at any meeting or public hearings related to the Project and to take, or cause to be taken, any and all other action, in the name and on behalf of the Owner or otherwise, that in the Agent's judgment is necessary, desirable, or appropriate in order to complete the Project.

Subject to the limitations and qualifications set forth herein, the Owner grants unto Agent as the Owner's attorney-in-fact full power and authority to execute and deliver such instruments and to take such actions as if the Owner were personally present, hereby ratifying and confirming all that Agent as the Company's attorney-in-fact shall lawfully do or cause to be done by authority hereof.

Anything contained herein to the contrary notwithstanding, the power and authority granted to Agent to execute any document on behalf of Owner shall be limited only to the following individuals: MARTIN DJMAL

Third parties may rely upon the powers granted under this Power of Attorney upon the exercise of any such powers by Agent as Owner's attorney-in-fact and authorized agent and may assume that all conditions precedent to the exercise of any such powers have been satisfied.

If any part of any provision of this Power of Attorney shall become invalid and unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity

only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

This instrument shall remain in full force and effect until such time as a revocation has been executed by the parties or upon the date of closing of a contract for purchase and sale of the Property by which title to the Property is transferred from Owner to Agent.

IN WITNESS WHEREOF, the undersigned has executed this instrument and caused its seal to be affixed as of this 29 day of May, 2015.

Signed, sealed and delivered  
in the presence of

RAFI DESIGN, LTD.,  
a British Virgin Islands company

Print Name: Tara Halko

Print Name: Tara Halko

STATE OF FLORIDA

COUNTY OF BROWARD

By: Adriana Varela

Print Name: ADRIANA VARELA

Print Title: Director

)  
) SS:  
)

The foregoing instrument was acknowledged before me this 29 day of May, 2015 by **ADRIANA VARELA**, as Director of RAFI DESIGN, LTD, a British Virgin Islands company, who [ ✓ ] is personally known to me or [ ] produced a valid driver's license as identification.

[NOTARIAL SEAL]

Notary Public, State of Florida

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

My commission expires: \_\_\_\_\_



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# **APPENDIX B**

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

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# Miami-Dade County Public Schools

*giving our students the world*

Superintendent of Schools  
Alberto M. Carvalho

Miami-Dade County School Board

Perla Tabares Hantman, Chair  
Dr. Lawrence S. Feldman, Vice Chair  
Dr. Dorothy Bendross-Mindingall  
Susie V. Castillo  
Dr. Wilbert "Tee" Holloway  
Dr. Martin Karp  
Lubby Navarro  
Dr. Marta Pérez  
Raquel A. Regalado

August 12, 2015

**VIA ELECTRONIC MAIL**

Mr. Brian S. Adler, Esquire  
Bilzin Sumberg  
1450 Brickell Avenue, Suite 2300  
Miami, FL 33131  
[badler@bilzin.com](mailto:badler@bilzin.com)

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
MAYRES, LLC, C/O STANLEY B. PRICE, BRIAN S. ADLER  
APPLICATION 1, MAY 2015 CYCLE  
1305 NE 109 STREET  
PH3015062300543 – FOLIO Nos.: 3022320060010, 3022320101220**

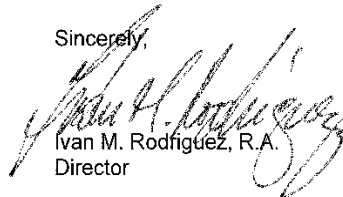
Dear Applicant:

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

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 69 multifamily units, which generate 12 students; 6 elementary, 3 middle and 3 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

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

Sincerely,



Ivan M. Rodriguez, R.A.  
Director

IMR:ir  
L-081

Enclosure

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

*Planning, Design & Sustainability*

Ms. Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132  
305-995-7265 • 305-995-4760 (FAX) • [arijo@dadeschools.net](mailto:arijo@dadeschools.net)



## Concurrency Management System (CMS)

Miami Dade County Public Schools

### Miami-Dade County Public Schools

#### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3015062300543 Local Government (LG): Miami-Dade  
Date Application Received: 6/23/2015 3:22:15 PM LG Application Number: Application 1, May 2015  
Type of Application: Public Hearing Sub Type: Land Use  
Applicant's Name: Mayres, LLC, c/o Stanley B. Price, Brian S. Adler,  
Address/Location: 1450 Brickell Avenue, Suite 2300, Miami, fl 33131  
Master Folio Number: 3022320060010  
Additional Folio Number(s): 3022320101220,

PROPOSED # OF UNITS 69

SINGLE-FAMILY DETACHED  
UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 69

#### CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	-328	6	0	NO	Current CSA
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	0	6	0	NO	Current CSA Five Year Plan
5006	DAVID LAWRENCE JR K-8 CENTER (MID COMP)	-170	3	0	NO	Current CSA
5006	DAVID LAWRENCE JR K-8 CENTER (MID COMP)	0	3	0	NO	Current CSA Five Year Plan
6631	NORTH MIAMI MIDDLE	76	3	3	YES	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	-169	3	0	NO	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	0	3	0	NO	Current CSA Five Year Plan

#### ADJACENT SERVICE AREA SCHOOLS

561	W J BRYAN ELEMENTARY	29	6	6	YES	Adjacent CSA
7541	NORTH MIAMI BEACH SENIOR	401	3	3	YES	Adjacent CSA

\*An Impact reduction of 22.36% included for charter and magnet schools (Schools of Choice).

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

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

# **APPENDIX C**

## **Applicant's Traffic Impact Report**

Not Required for Small-scale Amendments

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# **APPENDIX D**

## **Proffered Declaration of Restrictions**

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This instrument prepared by  
Brian S. Adler, Esquire  
Bilzin Sumberg Baena Price & Axelrod LLP  
1450 Brickell Avenue  
Suite 2300  
Miami, Florida 33131-3456

---

(Space Above For Recorder's Use Only)

### **DECLARATION OF RESTRICTIONS**

KNOW ALL BY THESE PRESENTS that the undersigned owner, Mayres LLC, a Florida limited liability company ("Mayres" or "Owner"), hereby makes, declares and imposes on the land herein described, the this Declaration of Restrictions ("Declaration") running with the title to the land, which shall be binding on the Owner, its heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them;

WHEREAS, Mayres holds the fee simple title to approximately 0.828± acres of land in Miami-Dade County, Florida, as legally described in Exhibit "A," attached to this Declaration (the "Property");

WHEREAS, the Property is part of the Application Area that is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No.1 of the May 2015 Amendment Cycle "(Application)" of Miami-Dade County (the "County");

WHEREAS, Mayres filed an application to amend the Miami-Dade County Comprehensive Development Master Plan designation on the Property from Medium Density Residential to Business and Office, which application is known as Amendment Application No.1 of the May 2015 Amendment Cycle "(Application)" of Miami-Dade County (the "County");

NOW THEREFORE, in order to assure the County that the representations made by the Owner during the consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, Owner submits this Declaration covering and running with the Property:

1. Permitted Uses. Notwithstanding the Business and Office designation of the Property, the only commercial use on the Property shall consist of ground level commercial parking and such uses otherwise permitted in and consistent with the Medium Density Residential land use designation category. So long as the abutting property to the north is developed with residential uses, if the Property is developed with ground level commercial parking, a landscape buffer will be provided on the Property abutting the residential property to the north.

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

3. 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 Declaration in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

4. Modification, Amendment, Release. This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, including joinders of all mortgages, if any, or any portion thereof, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida or such other successor governmental body having jurisdiction over the Property.

Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation 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. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments, or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances,

subject to Chapter 163 and by the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a property owners association and/or a written instrument(s) executed by the individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded associations(s), and must be evidenced by an executed written instrument.

5. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, the 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.

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

7. 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.

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

9. 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.

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

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

[Execution Pages Follow]

IN WITNESS WHEREOF, the undersigned have duly executed this Declaration effective as of the \_\_\_\_ day of \_\_\_\_\_ 2015.

WITNESSES:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

OWNER:

MAYRES, LLC,  
a Florida limited liability company

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

STATE OF FLORIDA                    }  
  ) SS  
COUNTY OF MIAMI-DADE         }

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, as \_\_\_\_\_ of Mayres LLC, a Florida limited liability company, who is personally known to me or produced a valid driver's license as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
Sign Name: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Serial No. (None, if blank): \_\_\_\_\_  
(NOTARIAL SEAL)

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# **APPENDIX E**

## **Fiscal Impact Analysis**

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

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 1 of the May 2015 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**

#### Concurrency

Since the Public Works and Waste Management Department (PWWM) assesses solid waste disposal capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the PWWM issues a periodic assessment of the County's status in terms of 'concurrency'; that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds this standard as of FY 2014-2015.

#### Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement.

#### Waste Disposal Capacity and Service

The cost of providing disposal capacity for Waste Collection Service Area (WCSA) customers, municipalities and private haulers is paid for by the system users. For FY 2014-2015, the PWWM charges at a contract disposal rate of \$66.34 per ton to PWWM Collections and to those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$87.47 per ton in FY 2014-2015. These rates adjust annually with the Consumer Price Index, South Region. In addition, the PWWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the system. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department.

## **Water and Sewer**

The Miami-Dade County Water and Sewer Department (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.3766 per 1,000 gallons for water and \$1.7267 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate a ±1.16-acre application site from Medium Density Residential to "Business and Office," which could allow a maximum of 14,427 square feet of office or 69 multi-family attached residential units. However, the applicant proffered a Declaration of Restrictions which commits to permit only the Business and Office commercial use on the application site to a ground level commercial parking and to such other uses permitted in and consistent with the Medium Density Residential land use designation. The ground level commercial parking would not impact water and sewer fees. Alternatively, if the application site is developed with 69 multi-family attached residential units, permitted under the Medium Density Residential land use designation, the water connection charges/impact fees would be \$14,387 and water service line and meter connection fees would cost \$1,300. The sewer connection charges/impact fees for the residential land use would be \$57,960 and the annual operating and maintenance costs would total \$11,723.

## **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 Declaration of Restrictions (Covenant) that commits to permit only Business and Office commercial use on the application site to a ground level commercial parking and to such other uses permitted in and consistent with the Medium Density Residential land use designation. So long as the abutting property to the north is developed with residential uses. The ground level commercial parking would not impact student fees. Alternatively, if the application site is developed with 69 multi-family attached residential units, permitted under the Medium Density Residential land use designation, could result in 12 additional students. The average cost for K-12 grade students amounts to \$9,337 per student. Of the 12 students, 6 will attend elementary schools, 3 will attend middle schools students and 3 will attend senior high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$112,044. Since there is sufficient concurrency capacity to accommodate the additional students, there are no capital costs. If at the time of issuing a development order and reserving student stations for the development, pursuant to the school concurrency, there is not sufficient capacity, the capital costs will be addressed at that time.

### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department indicates that fire and rescue service in the vicinity of the subject application is adequate and that no stations are planned in the vicinity of the application site.

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# **APPENDIX F**

## **Photos of Site and Surroundings**

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Application site, viewed from the west, looking east



Residential property adjacent to the north of Application Site





Commercial property adjacent to the east of Application Site



Residential property west of Application Site





Residential property south of Application Site



Multi-Family building and office building southeast of the Application Site

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