Application No. 3

Commission District 10 Community Council 11

APPLICATION SUMMARY

Applicant/Representative: Southeast Investments, Inc./Juan J. Mayol, Esq.,

Hugo P. Arza, Esq., Richard A. Perez, Esq., Alejandro J. Arias, Esq., and Pedro Gassant, Esq.

Location: Southeast corner of SW 127 Avenue and SW 56

Street/Miller Road

TO BE DETERMINED

Total Acreage: ±10.0 Gross Acres (±8.45 Net Acres)

Current Land Use Plan Map Designations: "Agriculture"

Requested Land Use Plan Map "Business and Office"

Designation:

Amendment Type: Small-Scale

Existing Zoning District/Site Condition: GU (Interim)/Pasture and single-family residence

RECOMMENDATIONS

Staff: **DENY** (August 25, 2015)

West Kendall Community Council (11): **DENY** (September 24, 2015)

Planning Advisory Board (PAB) Acting as

the Local Planning Agency: (October 19, 2015)
Final Action of Board of County
Commissioners: (November 18, 2015)

Staff recommends **DENY** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map to redesignate the ±10.0 gross-acre application site from "Agriculture" to "Business and Office" based on staff analysis summarized in the "Principal Reasons for Recommendation" below.

Principal Reasons for Recommendation:

1. The application proposes a small-scale Land Use Plan map amendment for a ±10-acre site within the 'Horse Country' community that is inconsistent with the "Agriculture" designation of the area and is detrimental to the unique character of community. A similar application Land Use Plan map was filed for this property in the April 2012 CDMP amendment cycle. That prior application was recommended for denial by staff and by the West Kendall Community Council 11 at its September 2012 public hearing, and was subsequently withdrawn by the Applicant on October 3, 2012.

The Horse Country community is a two square mile area that has historically and intentionally retained its rural character despite its location inside the County's Urban Development Boundary. Horse Country is the only "Agriculture" designated area inside of the Urban Development Boundary and has retained this distinction to protect and preserve the area's rural character in keeping with the recommendations of the Bird Kendall Ranch Area study of 1975 and the West Dade — Ranch Area Study adopted by the Board of County Commissioners in 1981 (see Background on page 3-10). The "Agriculture" land use designation provides for agriculture and agriculture-related uses, therefore, plant nurseries, landscape supply companies, and horse riding and boarding academies exist within this unique community; large lot residential development is also permitted within "Agriculture" designated areas. The requested "Business and Office" designation allows the full range of sales and service activities including urban commercial uses such as auto body shops, department stores and private clubs that are incompatible with agriculture. Urban commercial uses are prohibited in the "Agriculture" designated areas. Approval of the application would set a precedent and be a catalyst for future non-agricultural Land Use Plan map amendments on land within the Horse Country community.

- 2. The application requests a future land use designation change that does not demonstrate proper consideration of the unique character of the Horse Country area as required by CDMP Land Use Element Policy LU-8B and as provided by the Guidelines for Urban Form. Policy LU-8B provides that the distribution of neighborhood and community serving retail uses and personal and professional offices should reflect population distribution in addition to social, economic and physical considerations. The Guidelines for Urban Form consider exceptions "...to conform the density, intensity, use, building, envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements and the general pattern of use, intensity and infrastructure which exists in an established neighborhood". Therefore, the impact of a commercial/retail development on the unique character of the Horse Country area and its preservation should be a primary consideration in any land use change within the area.
- 3. The Applicant inappropriately cites the CDMP Guidelines for Urban Form, specifically the provisions of Guideline No. 4, as a justification for locating urban commercial uses within the rural Horse Country community without giving the required consideration to the unique character of the community. Guideline No. 4 provides that the intersection of section line roads shall serve as focal points of activity or "activity nodes" that shall be occupied by

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non-residential components of the neighborhood, and when commercial uses are warranted they should be located within such activity nodes. The application site is located on the southeast corner of SW 56 Street/Miller Road and SW 127 Avenue, both of which are section line roads. The property in the northeast corner of the intersection is also within Horse Country, is designated "Agriculture" and contains a single-family home and a plant nursery. The properties in the northwest and southwest corners of the intersection are residentially designated and developed with single and multifamily residences (see map series on pages 3-5 through 3-9). Pursuant to the CDMP provisions discussed in Principal Reason No. 2 above, Guideline No. 4 is not applicable given the non-urban character of the Horse Country area. Therefore, the location of commercial uses within the area as proposed in the application is inconsistent with the CDMP.

4. The Applicant cites a deficiency of commercial land within Minor Statistical Area (MSA) 6.1, where the application site is located, as a reason for the application. However, given the unique character of Horse Country, the recommendations of the West Dade - Ranch Area Study to preserve the Horse Country area as adopted by the Board of County Commissioners, and the proximity of existing retail and commercial centers along Kendall Drive and Bird Road, the subject property is not an appropriate location for the requested land use change. The Supply and Demand Analysis conducted for MSA 6.1 indicates that the MSA has 525.10 acres of in-use commercial land and 33.8 acres of additional land designated for commercial use. The analysis also identifies the average annual absorption rate for commercial land as 6.97 acres per year. At this rate of absorption, the MSA would deplete its vacant commercial land by the year 2020. Redesignation of the application site to "Business and Office" could add ±10 acres to the commercial land supply of the wider MSA. However, the urbanization of land within the rural Horse Country community, as proposed in the application, should not be used to address the commercial land deficiency in the urbanized portion of the MSA.

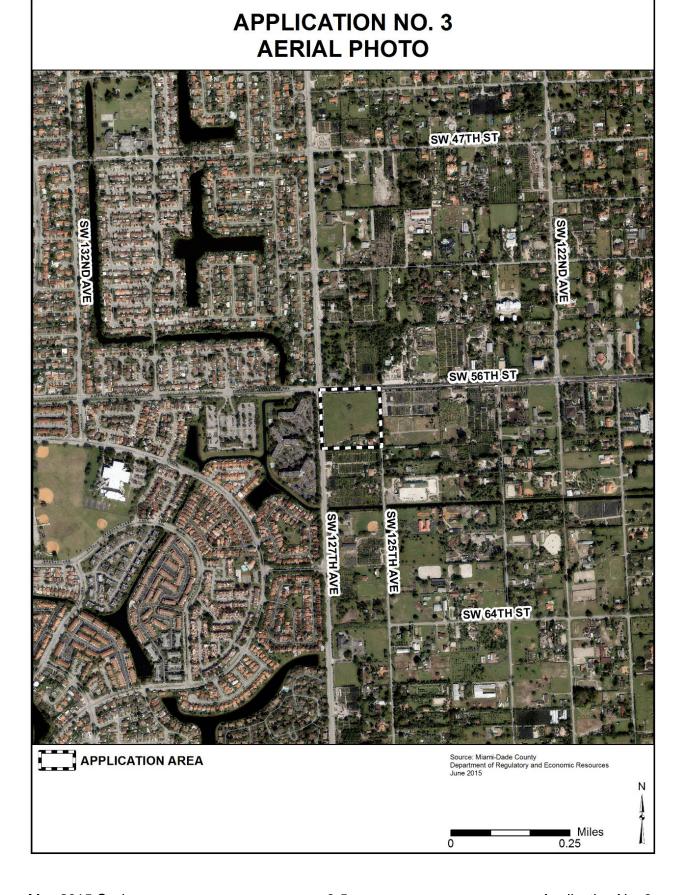
Notwithstanding the projected depletion of commercial land in MSA 6.1, there is no demonstrated need for neighborhood serving commercial development as proposed in the application that justifies the potential deleterious impacts to the rural character of the Horse Country Community. An analysis of the trade area within a 1.5 mile radius of the application site indicates that there are 122.22 acres of existing commercial uses containing over 1 million square feet of commercial development, providing ample shopping opportunities for Horse Country residents. Some of the existing commercial uses within the 1.5-mile radius area include the Miller Square Shopping Center, one-mile west of the site at the intersection of SW 137 Avenue and SW 56 Street, and the T. J. Maxx Plaza at SW 117 Avenue and SW 72 Street. There are also numerous shopping centers along SW 88 Street/Kendall Drive in the general vicinity of the application site, as well as shopping centers along SW 40 Street/Bird Road including the Westbird Shopping Center at SW 117 Avenue. With the depletion of commercial land in the MSA projected for 2020, there is no impending need for additional commercial land in the area that warrants the detrimental impacts to the unique rural character of the Horse Country community as proposed in the application.

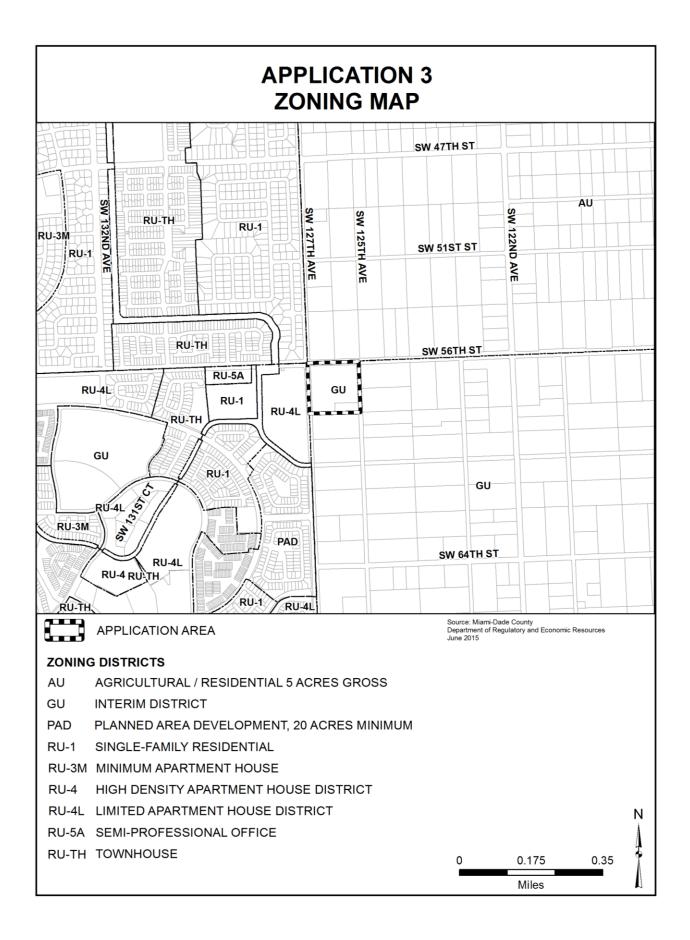
5. The Applicant has submitted a Declaration of Restrictions (covenant) prohibiting residential development on the site and limiting the site to 75,000 square feet of development, less than half the 147,240 square feet of development that would be allowed on the site without the covenant. The trade area analysis mentioned above identified that there are 4.24 acres of vacant commercial land within the 1.5-mile radius trade area. Alternative to the proposed development, the vacant 4.24 acres could be developed with

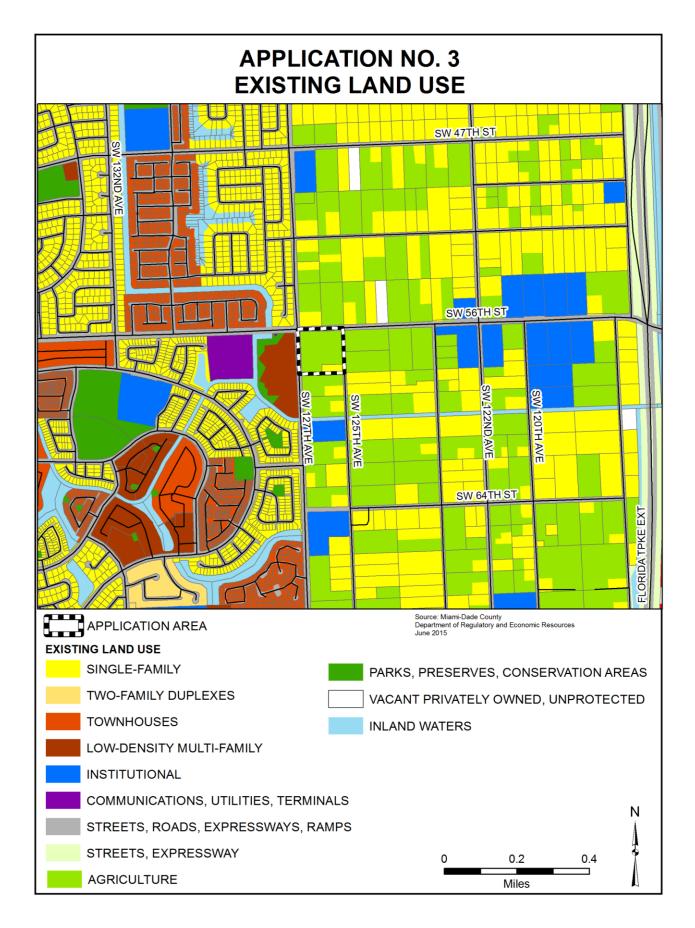
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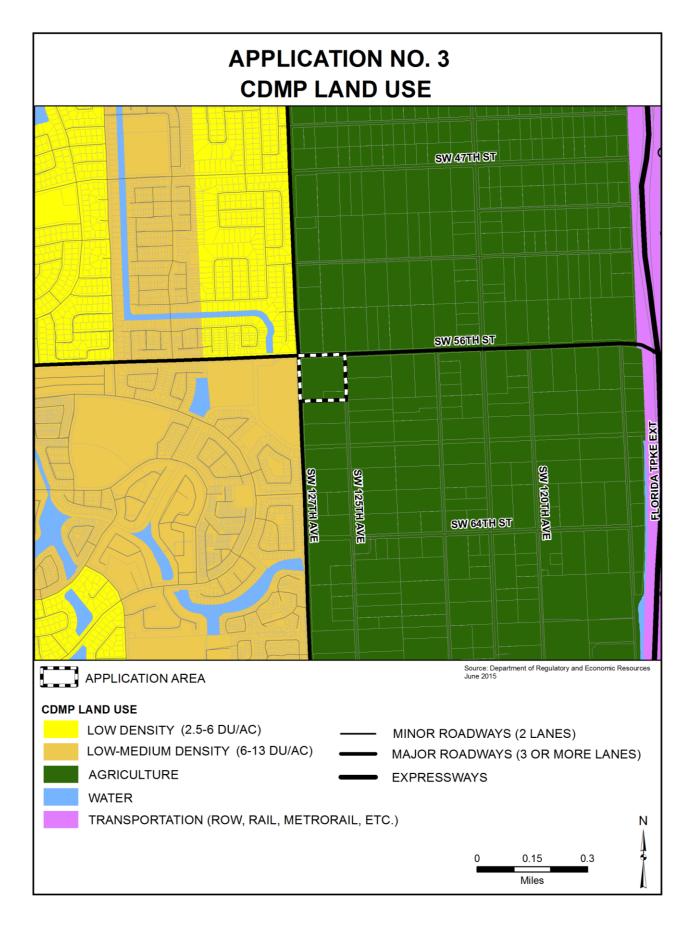
- a maximum of 73,877 square feet of commercial development adjacent to the Horse Country community with no significant negative impact to the community. (See Appendix B: Proffered Declaration of Restrictions on Appendices Page 19.)
- 6. The Applicant has concluded that Horse Country has very little "classic agriculture" and has mostly become an area of plant nurseries, religious and educational uses, and private residences. It must be highlighted that such uses as horse boarding and riding stables, and landscape nurseries are among legitimate and recognized agriculture activities currently within Horse Country. While it is true these are the predominate type of agricultural uses within Horse Country, this phenomenon has taken place since the 1950's, but not in overwhelming numbers and basically along the periphery of the Horse Country area. Currently there are 22 such institutions in the Horse Country area, the breakdown is as follows: 12 churches, 3 church/school combined, and 5 schools including Charter Schools. When further examining these parcels by year built a more nuanced pattern appears. For example: 20% percent were built before 1960; 25% percent between 1960 and 1980; 10% percent between 1980 and 1990; 25% percent between 1990 and 2000; and only 5% percent since the year 2000. In addition, it should be noted that schools and religious institutions are allowed where compatible in the "Agriculture" designated Horse Country area, pursuant to provisions of the CDMP.

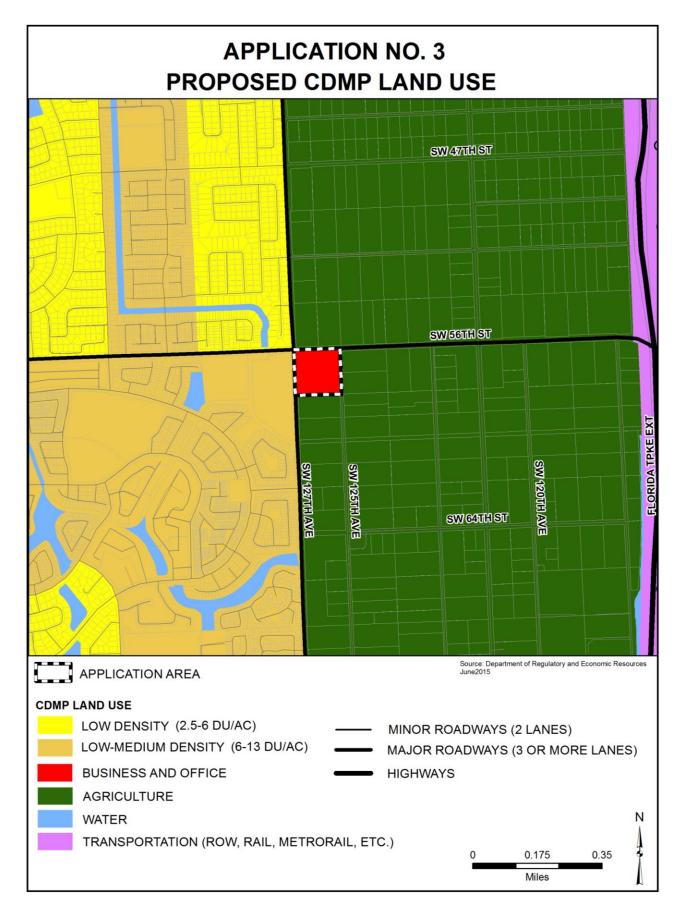
Furthermore, on June 30, 2015, the Board of County Commissioners (Board) adopted Resolution No. R-605-15 directing the Mayor or the Mayor's designee to organize a charrette for the Horse Country area, and to place the completed charrette report on the Board's agenda no later than January 2016. The charrette will allow residents and other stakeholders in the community to develop a unified vision for the future development of the entire Horse Country community and express that vision in the charrette report that is to be brought before the Board. Notwithstanding the fact the application is inconsistent with the CDMP as discussed above, it would also be premature to consider the land use change and development proposed in the application without having had the benefit of the community's vision for its development as to be presented in the required charrette report.











STAFF ANALYSIS

Background

The application site is located in a two-square mile area known as "Horse Country" or the "Ranch Area," a rural community that has historically and intentionally retained a rural character despite being within the County's Urban Development Boundary. As such, "Horse Country" has an "Agriculture" land use designation in order to protect and preserve its rural character. This designation provides for agriculturally-related commercial uses and, as such, plant nurseries, landscape supply companies, and horse riding and boarding academies exist within this community. In response to urban development pressures resulting from the growth of the greater West Kendall area, the Horse Country area was addressed in the Bird Kendall Ranch Area study of 1975 and the subsequent West Dade - Ranch Area Study initiated in the late 1970's and concluded in 1981.

The Bird Kendall Ranch Area Study identified ranch style and large estate as the predominant use in the "Ranch Area" then identified as an approximate $2\frac{1}{2}$ square mile area between the Homestead Extension of the Florida Turnpike (HEFT) and SW 127 Avenue and between SW 40 Street and SW 88 Street/Kendall Drive. The Study identified several existing churches and schools located in the "Ranch Area" and recommended the properties fronting on SW 40 Street be developed with low density residential uses with a maximum density of one unit per acre, the area south of SW 76 Street be developed with institutional uses and low density residential uses. The Study further recommended that the remainder of the "Ranch Area" be developed primarily with agricultural type uses (including the current 2-square mile Horse Country).

The West Dade - Ranch Area Study was a three part study for an approximate 6-square mile area between the HEFT and SW 137 Avenue and between SW 40 Street and SW 88 Street/Kendall Drive, including the approximate 21/2 square mile Ranch Area and adjacent areas to the west. This study identified that "Over the years, the majority of the Ranch Area population has opposed rezoning requests that would change the agricultural character of the Ranch Area" (West Dade -Ranch Area Study; 1981 Summary). The study recognized that it encompassed and addressed two distinct subareas, the eastern half which contains the horse ranch and agriculturally oriented Ranch Area, and the western half which was rapidly being developed as a suburban single-family and townhouse community. The study anticipated that the Ranch Area will continue to be used for horse-related activities, nurseries, and agricultural uses and thereby recommended no change to the agricultural land use Ranch Area. The report was adopted by the Board of County Commissioners in 1981. Subsequently the '1990 and 2005 Land Use Plan' adopted with amendments in 1985 and 1987, showed the horse country area between SW 40 Street/Bird Road and SW 72 Street/Sunset Street for agricultural development/uses and between SW 72 and SW 83 Streets for estate density development. This development pattern remains to date and is depicted on each update of the CDMP Adopted Land Use Plan map since 1975.

In recent years, Horse Country has been subjected to continued and sustained development pressures. In April 2012, a similar CDMP amendment application was filed for the subject property requesting a land use change from "Agriculture" to "Business and Office" and the Declaration of Restrictions (covenant) proffered at the time proposed to prohibit residential development on the property, but, proposed to limit commercial development to 80,000 square feet rather than the 75,000 square feet in the current covenant. The application was recommended for denial by staff and the West Kendall Community Council 11 at its September 2012 public hearing and the applicant subsequently withdrew the application by letter dated October 3, 2012.

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On June 30, 2015, the Board of County Commissioners (Board) adopted Resolution No. R-605-15 directing the Mayor or the Mayor's designee to organize a charrette for the Horse Country area—bounded by SW 40 Street/Bird Road on the north, SW 88 Street to the south, the Florida Turnpike to the east, and SW 127 Avenue to the west—and to place the completed report on the Board's agenda no later than January 2016. Since the last study of Horse Country was conducted more than 30 years ago, it would be beneficial to allow the residents of Horse Country the opportunity to develop a vision for the future of the entire community, and to identify its needs before approval of any proposed land use or zoning change.

Application Site

The application site is a ± 10 -gross acre property at the southeast corner of SW 127 Avenue and SW 56 Street/ Miller Road in the Horse Country area of Unincorporated Miami-Dade County (see "Aerial Photo" on page 3-5). The site is comprised of two parcels, a ± 1.0 -acre parcel and a ± 9.0 -acre parcel.

Existing Land Use

The ±1.0-acre parcel of the site is currently developed with a single family residence that is in fair condition and the ±9.0-acre parcel is undeveloped and utilized as a horse pasture. (There were several horses on the ±9.0-acre parcel during a recent site visit).

Land Use Plan Map Designation

The ±10-acre property is currently designated "Agriculture" on the Comprehensive Development Master Plan (CDMP) Adopted 2020 and 2030 Land Use Plan (LUP) map (see "CDMP Land Use" map on page 3-8). The Applicant's request is to change the LUP map designation of the application site to "Business and Office," which would allow a maximum of 147,232 square feet of commercial development on the site.

<u>Declaration of Restrictions</u>

The applicant has submitted a Declaration of Restrictions (covenant) limiting the development to a maximum of 75,000 square feet of a use(s) permitted under the "Business & Office" land use designation; residential use(s) will not be permitted.

Zoning Designation

The application site is zoned GU (Interim District). Permitted uses for land zoned GU are dependent on the character of the neighborhood, otherwise the EU-2 standards (Single-family five acre Estate District) shall apply (see "Zoning" map on page 3-6).

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938 and zoning records indicate the application site was originally zoned GU and retains that classification to date. Between 1994 and 2015 Miami-Dade County Code Enforcement Officers have issued twelve code violations on the application site, including: "illegally maintaining or depositing junk or trash," "failure to comply with schedule," "allowing a violation to continue," "unauthorized use within a district," "failure to obtain required inspection," "illegally maintaining a Class A temporary sign," "maintaining a fence or wall sign in a residential district," and "failure to maintain the right-of-way swale area." According to the Clerk of Courts records two citations, with \$2,510.00 in outstanding penalties, remain open including: "placing an article in the public right-of-way without a permit," issued on February 11, 2015 (Citation No. 2015-T052327), and "unauthorized use in an agricultural zone," issued on April 23, 2015 (Citation No. 12015-T053544).

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Adjacent Land Use and Zoning

Existing Land Use

The application site is located on the southeast corner of SW 127 Avenue and SW 56 Street/Miller Road, a high-traffic intersection along the western edge of Horse Country. A single-family home, *Florida Landscape Nursery* and *Cimago's Nursery* are located north of the application site on the north side of SW 56 Street/Miller Road; *Rene's Landscaping* and *Cordero* (a nursery) are located to the immediate south; a vacant former nursery and the *West Point Academy* (horse boarding, training and sales) are located to the east of the application site on the east side of SW 125 Avenue; and the *Miller Gardens* and *Royale Green* condominium communities are located to the west and northwest, respectively, of the application site on the west side of SW 127 Avenue.

Land Use Plan Map Designations

The land area immediately north, south and east of the application site is designated "Agriculture" on the Land Use Plan map. Land to the west is designated "Low-Medium Density Residential (6 to 13 DU/Gross Acre)" and to the immediate northwest is designated "Low Density Residential (2.5 to 6 DU/Gross Acre)." See "CDMP Land Use" map on page 3-8.

Zoning Designations

The land area to the north is zoned AU (Agriculture District), to the south and east is zoned GU, to the immediate west is zoned RU-4L (Limited Apartment House District; 23 units net acre) and the land to the northwest is zoned RU-1 (Single-Family Residential District; 7,500 sq. ft. net). See "Zoning" map on page 3-6)

The AU zoning district permits agriculture and residential development at one unit per five acre. The RU-4L designation permits all uses permitted in the RU-1, RU-1M(a), RU-1(b), RU-2, RU-3, RU-TH and RU-RH districts; workforce housing; and multi-family housing subject to conditions. And the RU-1 designation permits single-family housing, workforce housing, municipal recreation facilities and parks, golf courses, and daycare facilities and group homes with certain conditions.

Economic Analysis

The Miami Economic Associates, Inc. (MEAI) submitted a letter dated July 27, 2015 providing a socio-economic analysis in support of the application that the MEAI believes provides justification for the approval of the application (see Appendix D: Applicant's Socio-Economic Analysis). The MEAI analysis indicates that Redesignation of the subject property would ameliorate a deficiency in commercial land in MSA 6.1 without adversely impacting the housing supply inside of the Urban Development Boundary (UDB), and would provide significant fiscal and economic benefits to Miami-Dade County.

Staff reviewed the MEAI analysis and presents the following comments:

MEAI states that the majority of the residential parcels in Horse Country are less than five
acres and consequently smaller than the typical parcels under agricultural use (basically
outside the UDB). This implies that those parcels in Horse Country are not used for
agricultural uses and are not meaningful.

While it is true that the majority of the residential parcels in Horse Country are less than 5 acres, 41 percent of those parcels have an agricultural exemption status from Miami-Dade Property Appraiser. In addition, the intensity and use of parcels used for agriculture and located outside the UDB can't be compared to the type and intensity of these prevalent in

the Horse Country area. Furthermore, the requirement of a minimum of five acres, if you want to build a housing unit, outside the UDB is not based on profitability or feasibility of an agricultural use in such parcels, but its intent was the preservation of agricultural land.

- MEAI contends that over the past 15 to 20 years, considerable amounts of land within Horse Country have been converted to sites for religious institutions and/or schools. While it is true that there are these uses in Horse Country, this phenomenon has taken place since the 1950's, but not in overwhelming numbers and basically along the periphery of the Horse Country area. Currently, there are 22 such institutions in the Horse Country area. The breakdown is as follows: 12 churches, 3 church/school combined, and 5 schools including Charter Schools. When further examining these parcels by year built, a more nuanced pattern appears. For example: 20% percent were built before 1960; 25% percent between 1960 and 1980; 10% percent between 1980 and 1990; 25% percent between 1990 and 2000; and only 5% percent since the year 2000. In addition, it should be noted that schools are only allowed within the UDB and both schools and religious institutions are allowed, where compatible, within the "Agriculture" designated Horse Country area pursuant to the provisions of the CDMP.
- MEAI asserts that MSA 6.1 is one of the most undeserved MSAs within Miami-Dade County. This is based on a commercial acre per 1,000 population ratio that is below the total for the County. It should be noted that this ratio is only one of the conditions that could indicate a need. Furthermore, as mixed-use and higher intensity development takes place, this ratio, in isolation, might not be an appropriate measure.
- Based on information obtained from CoStar, there are currently approximately 4,700,000 square feet of retail commercial uses in shopping centers within MSA 6.1. In addition, there is an additional 1,000,000 square feet of retail that is outside of shopping centers. This adds up to a total of 5,700,000 square feet of retail uses in MSA 6.1.
- MEAI contends that of the 33.8 acres of vacant land as reported there are a number of parcels that should not be considered as available for commercial development. Our response to each objection is as follows:

Three Parcels, 0.12 Acres that are Right-of-Way:

1. Two parcels with a total of 0.12 acres are right-of-way. Acres are reported as gross acres and sites might suffer small modifications, such as dedications.

Eight parcels with less than 2 acres:

- 2. "One was rezoned to RU-5 and it does not permit retail development." This is correct, but it does permit office, and could be rezoned.
- 3. A "parcel that is restricted by an approved site plan to the construction of a day care center." Staff could not identify this parcel.
- Two Parcels that MEAI claims to have restricted access by not fronting a major road. Staff does not agree with that not fronting a major road constraints development.
- 5. Parcels that are not adjacent to each other (4.38 acres). These parcels are vacant could be developed, and are part of capacity.

Two Parcels between 2 and four acres:

- 6. A parcel located adjacent to the Columbia LeGrange Hospital (Bird Road). "Is zoned OPD and restricted by County Resolution Z-48-97 only to medical uses." The parcel is restricted to office and is reflected as such in our capacity analysis, but is not restricted only to medical uses. There is no covenant and a more recent approval depicts a multi-story office complex (Z2007000249).
- 7. The other parcel is comprised of 2.85 acres. The parcel is vacant and part of capacity.

Two Parcels, both 8 to 9 acres:

- 8. "MEAI mentions two parcels (8 to 9 acres) that are comparable to application 3 in size but states that one is planned as a skilled nursing facility and the other will be developed as a shopping center. At the time the data for this analysis was tabulated, there was a zoning application for the "skilled nursing" facility. Since then, it was approved and this site will be removed from commercial capacity. The second site mentioned by MEAI indicates that a shopping center will be developed. As of the date of this report it remains vacant. Nevertheless, it will be commercial use.
- MEAI contends that the supply of commercially designated land is poorly distributed with the largest concentrations along Tamiami Trail, and North Kendall Drive. While there are concentrations along Tamiami Trail and North Kendall Drive, there is also significant development along Bird Road and Coral Way. Yet by examining the current distribution of banks, pharmacies and supermarkets, the uses most likely to be part of the proposed development for application 3, we find them widely distributed throughout MSA 6.1 (see "Shopping Centers Within 1.5 Miles" map below). There are a total of 29 commercial banks, 43 pharmacies, and 22 supermarkets. Also within a 1.5 mile radius of the proposed site, information from CoStar identified 11 shopping centers ranging in size from 9,805 square feet to 256,800 square feet for a total of 915,808 square feet. (See "Shopping Centers" table on page 3-16 below). In addition, there is an additional 167,441 square feet of free standing retail bringing the total (within the 1.5 mile radius) to 1,083,249 square feet.
- An updated report from InfoUSA shows that there are 572 persons employed in the Horse Country area. The contention that at one point 50% percent of those who consider themselves as farmers worked less than full-time does not take away any of the arguments about agricultural use or the unique character of the area. Horse stables or other agricultural related enterprise might be used to supplement income from a primary employment source for those that, by choice, reside in Horse Country. It should be noted that the source of the data makes a difference, and, what at first glance appears contradictory, is not. For example the socio-economic profile published in 2011 by the Department is based on an area that extended to Kendall Drive. Additionally, as MEAI correctly reports, the data is based on the 2005 – 2009 5 year average ACS (Census) data. This data is self-reported, but more importantly reflects employment by place of residence and not by place of work. Consequently, any person that lives outside Horse Country, but works in Horse Country will not be reported. The intent of that table was to show the primary employment of those persons employed 16 years old and over. Currently, there are 90 businesses in the Horse Country area (excluding those located and others deleted by staff for meeting

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standards). Of those businesses located in Horse Country approximately 42 percent are in parcels within an agricultural exemption as designated by the Miami-Dade Property Appraiser. The total employment associated with the above referenced businesses is 572.

- In reference to the Economic impact of the proposed development, staff conducted its analysis using the REMI model version 1.7.2 for the proposed \$11 million retail center and the results are as follows:
 - The temporary impact of the construction/investment will result in 108 direct jobs and 71 indirect and induced jobs for a total of 179 jobs for the construction period.
 - 2. The net impact on Miami-Dade's economy of the proposed 75,000 square feet of retail, assumes, as reported by MEAI, 120 permanent retail jobs. Staff estimated the minimum and maximum impact as follows:
 - a. The minimum impact is measured when we account for crowding and effects (competition and substitution) will result in a net impact of 33 direct jobs, and approximately 14 indirect and induced jobs. This represents 47 net new jobs for the Miami-Dade Economy.
 - b. The maximum impact assuming no competition and substitution, will produce 120 direct jobs and 109 indirect jobs for a total net impact of 229 jobs.

Supply and Demand Analysis

In 2015, the Analysis Area (MSA 6.1) contained 525.10 acres of active commercial uses and 33.8 acres of land zoned or designated for commercial uses. The annual average absorption rate for the 2015-2030 period is 6.97 acres per year. At the projected rate of absorption, MSA 6.1 will deplete its supply of commercially zoned land by the year 2020 (see "Projected Absorption of Land for Commercial Uses" table below). Of the 33.8 acres of available commercial land, approximately 28.5 acres are designated for retail uses.

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

	Vacant Commercial	Commercial	Annual Absorption Rate	Projected		nercial Acres nd Persons
Analysis Area	Land 2015 (Acres)	Acres in Use 2015	2015-2030 (Acres)	Year of Depletion	2020	2030
MSA 6.1	33.8	525.10	6.97	2020	2.9	2.7

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

Analysis of the Trade Area

The applicant proposes to develop a retail type of development of approximately 75,000 square feet. This corresponds to what is commonly known as a neighborhood type shopping center. Consequently, a 1.5 mile radius (standard for such centers) was used as a market area to perform our analysis. The result of such an analysis shows that there are 117.822 acres in existing commercial uses and 4.24 acres of vacant commercially zoned or designated land. Of the 4.24 acres, 0.87 acres are designated for retail/business uses and 3.38 acres for office (see "Trade Area Analysis" table and "Trade Area" maps below). In addition, there are 11 shopping centers within a 1.5 mile radius of the application site (see "Shopping Centers" table and map below).

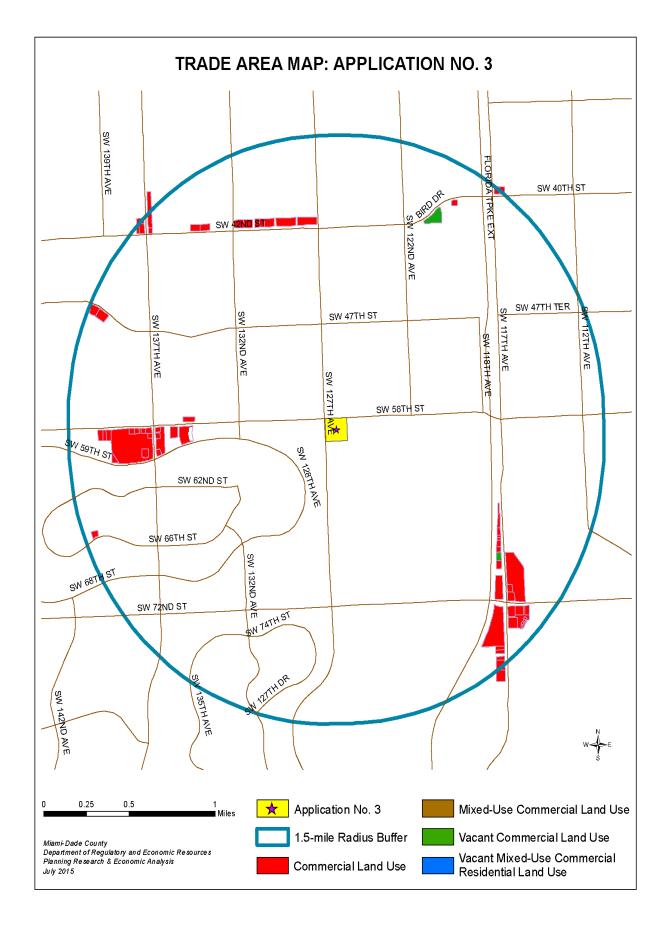
Trade Area Analysis					
Vacant					
	Trade	Commercial	Commercial		
Application	Area	Land (Acres)	Acres in Use		
	Radius		2015		
3	1.5	4.24	117.822		

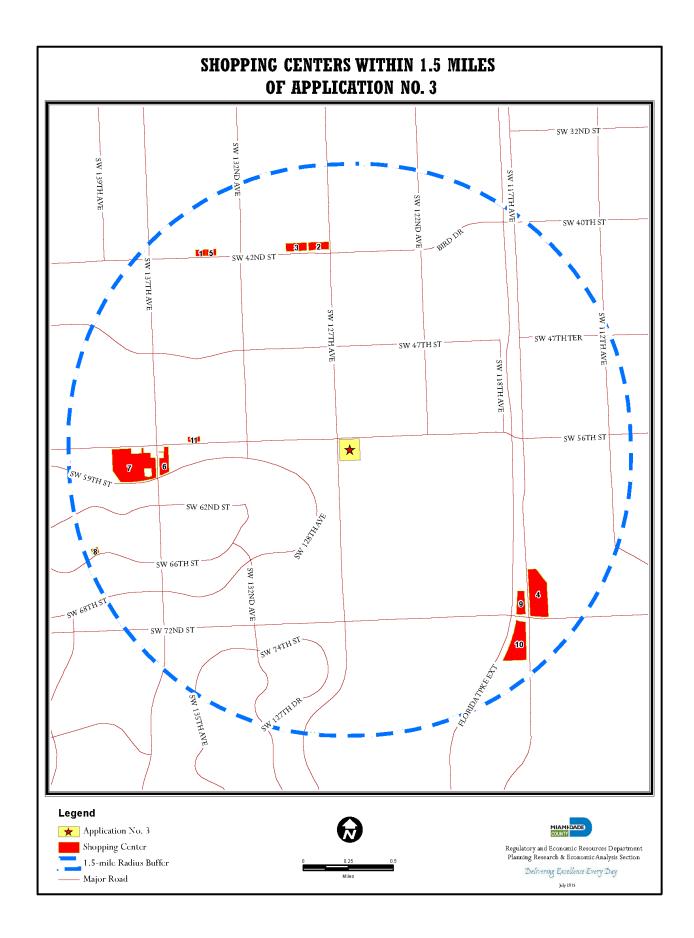
Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research and Economic Analysis Section, July 2015.

Shopping Centers
Within 1.5 miles of Application Site

VVILLI	in 1.5 miles of Application Site	
		Rentable
Building park	Address	Building Area (Sq. Ft.)
Bird Road Plaza	13353-13399 SW 42nd Street	17,488
Birdgate Shopping Center	12721-12781 SW 42nd Street	77,498
Birdside Centre	12803-12897 SW 42nd Street	69,461
Kendall Value Center	6901-7183 SW 117th Avenue	198,651
Leslie Plaza	13301-13349 SW 42nd Street	14,807
Miller Plaza	5661-5895 SW 137th Avenue	50,000
Miller Square Shopping Center	13710-13876 SW 56th Street	256,801
No Name Plaza 1	13901-13927 SW 66th Street	9,805
Snapper Creek Shopping Center	7074-7190 SW 117th Avenue	38,910
T.J. Maxx Plaza	7200-7580 SW 117th Avenue	166,550
The Miller Shops	13401-13445 SW 56th Street	15,837
Total in Centers		922,348
Not in Center Total		160,901
Grand Total		1,083,249

Source: Costar; Department of Regulatory & Economic Resources, Planning Research & Economic Analysis





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 AH

Stormwater Management Permit SFWMD Environmental Resources Permit

County Flood Criteria, National 7.5 feet

Geodetic Vertical Datum (NGVD)

Biological Conditions

Wetlands Permit Required No Native Wetland Communities No Specimen Trees No

Endangered Species Habitat Not federally designated critical habitat

Natural Forest Community No

Other Considerations

Within Wellfield Protection Area Yes. West Wellfield Interim, Southwest and

Alexander Orr Wellfield

Hazardous Waste No

Contaminated Site No DERM records however former agricultural site*

<u>Drainage</u>, Flood Protection and Stormwater Management

The proposed development is determined to be in Zone AH or above the flood plain as determined by FEMA. Any development will have to comply with the requirements of Chapter 11C of the Code for flood protection. The site is a former agricultural site, therefore a DERM Class IV permit might be required. The site shall be filled to a minimum elevation of 7.5 feet, NGVD (County Flood Criteria). Any proposed development within the subject property may require an Environmental Resource Permit from South Florida Water Management District for the construction and operation of the required surface water management system.

For compliance with stormwater quality requirements, all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. For compliance with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code and all State and Federal Criteria. The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

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."

Wellfield Protection

The property is located within the West Wellfield Interim, Southwest and Alexander Orr Wellfield protection areas. Pursuant to Section 24-43 of the Code, hazardous materials and hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored within the aforementioned wellfields. Furthermore, DERM approval of future development orders will require the property owner to submit a land use restrictive covenant running with the land prohibiting hazardous materials and hazardous wastes on the property.

Pollution Remediation

There are no DERM records of current or historical contamination issues on the property or on sites directly abutting the application site. Based on the former agricultural use of the site, it is recommended that a Phase 1 and Phase 2 Environmental Assessment be conducted on the property prior to development. Site development may require review and approval from the Environmental Monitoring and Restoration Division of DERM.

Water and Sewer

Water Supply

The source of water for this area is the Alexander Orr Water Treatment Plant which is owned and operated by MDWASD. At the present time, there is adequate treatment and water supply capacity for this application. The plant is presently producing water that meets Federal, State, and County drinking water standards.

Water Treatment Plant Capacity

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

The regional water treatment system has a rated design capacity of 439.74 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional water treatment system is equivalent to 430.95 MGD. The total available water treatment plant capacity, 63.54 MGD, is calculated using the available plant capacity (430.95 MGD), subtracting the maximum day flow (343.2 MGD) and subtracting the water that is reserved through development orders (24.21 MGD).

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Residential (Scenario 1) development under the current CDMP Land Use designations, is estimated at 440 gallons per day (gpd). The maximum water demand for Business (Scenario 1) or Residential (Scenario 2) development under the Requested CDMP Land Use designations, are estimated at 17,424 gpd and 23,400 gpd respectively. This represents an increase of up to 22,960 gpd over the demand under the current CDMP land use designations. The applicant proffered a Declaration of Restrictions limiting the development to a maximum of 75,000 square feet of retail development and prohibiting residential development. If the application site were developed with 75,000 square feet of Business (Scenario 3), maximum water demand is estimated at 7,500 gpd, a 7,060 gpd 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.

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

Scenario	Use (Maximum	Quantity (Units or Square	Water Demand Multiplier (Section 24-43.1	Projected Water
Scenario	Allowed)	Feet)	Miami-Dade Code)	Demand (gpd)
		Current CDMP Pote	ential	
1	Residential	2 units	220 gpd	440 gpd
	R	equested CDMP Desi	gnation	
1	Business	147,232 sq. ft. retail	10 gpd/100 sq. ft.	17,424 gpd
2	Residential	130 townhomes	180 gpd	23,400 gpd
3	Business	75,000 sq. ft. retail	10 gpd/100 sq. ft.	7,500 gpd

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

Water System Connectivity:

Per Miami-Dade County Water and Sewer Rules and Regulations, a new 16-inch water main along SW 56 Street will be required. There is an existing 16-inch water main abutting the property along SW 127 Avenue to which the Developer may connect and extend a new 12-inch water main to the property. Any public water main extension within the property shall be twelve (12)-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two points of connection. At this time, there are no planned projects within close proximity to this application site.

Sewer Treatment Plant Capacity

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

The regional wastewater treatment system can treat up to 375.5 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 application site is located within the MDWASD franchised service area. The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plan (SDWWTP) for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A(2) of the CDMP. At the time of development, a capacity modeling evaluation may be required.

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The proposed land use would be required to connect to public sanitary sewer system pursuant to Chapter 24 of the Code. The nearest point of connection to the sanitary sewer is an 8-inch sanitary gravity sewer line located at SW 56 Street, west of SW 127 Avenue, to which the developer may connect and install a new 8-inch gravity sewer line heading easterly on SW 56 Street to a point as required to provide service to the property. Any proposed sanitary sewer extension shall be 8-inch minimum. This gravity main discharges the sewage flow to pump station 30-0512, then to either pump station 30-0559 or 30-0536 and then to the South District Wastewater Treatment Plant. The aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department; in addition, they are currently working within the mandated criteria set forth in the Consent Decree Case: No. 1:12-cv-24400-FAM, effective Dec 6, 2013. Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Environmental Wastewater Permitting Section of DERM prior to approval of final development orders.

Solid Waste

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

The application site is located inside the PWWM Waste Collection Service Area (WCSA), which consists of all residents of the Unincorporated Municipal Service Area (UMSA) and eight municipalities.

Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The PWWM assesses the solid waste capacity on system-wide basis since it is not practical or necessary to make determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2014-2015, the PWWM is in compliance with the adopted LOS standard.

Application Impacts

The application seeks the re-designation of the application site from "Agriculture" to "Business and Office" on the Adopted 2020 and 2030 LUP map. The "Business and Office" designation will 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. The PWWM has determined that the requested amendment will have no impact or any associated costs to the County; therefore, the PWWM Department has no objection to the proposed amendment.

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Parks

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

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 491.32 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site; six parks (A.D. Barnes, Tropical, Coral Estates, Brothers to the Rescue, Rockway and Blue Lakes) are larger than the required five acres (or larger) park. The nearest local park to the application site is Brothers to the Rescue Memorial Park, which is located approximately 0.34 miles from the application site.

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

	Park Name	Acreage	Classification
	West Kendale Lakes Park	5.03	Neighborhood Park
	Westwind Lakes SP TX Dist TR GPI 1	5.12	Neighborhood Park
	Westwind Lakes SP TX Dist TR FP 2	2.7	Neighborhood Park
	Westwind Lakes SP TX Dist TR G	5.04	Neighborhood Park
	Tamiami Park	244.82	District Park
	Kendale Lakes SP Tax Dist Lot 38	0.44	Mini-Park
	Kendale Lakes SP Tax Dist Lot 1	0.57	Mini-Park
	Kendale Lakes SP Tax Dist Lot A3a	0.46	Mini-Park
	Westwind Lakes SP Tax Dist TR A	9.2	Neighborhood Park
	Concord Park	8.86	Neighborhood Park
	Calusa Club Estates Park	6.99	Neighborhood Park
	Kings Meadow Park	5.44	Neighborhood Park
	Westwood Park	4.33	Community Park
	Tropical Estates Park	9.08	Community Park
	Miller Drive Park	3.93	Community Park
	Kendall Indian Hammocks Park	128.01	Community Park
	Snapper Creek Park	5.62	Neighborhood Park
	Tamiami Lakes Park	4.82	Neighborhood Park
-			•

Park Name	Acreage	Classification
International Gardens Park	5.26	Neighborhood Park
Bent Tree Park	5.68	Neighborhood Park
Bird Lakes Park	8.86	Community Park
Royale Green Park	3.38	Neighborhood Park
Millers Pond Park	12.85	Community Park
McMillan Park	20.83	Single Purpose Park
Westwind Lakes Park	20.75	Community Park
Kendale Lakes Park	15.53	Community Park
Kendale Park	3.86	Neighborhood Park
Devon Aire Park	12.43	Community Park
Kendall Green Park	25.89	Neighborhood Park
Kendall Soccer Park	43.14	Single Purpose Park
Southern Estates Park	13.00	Neighborhood Park

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

Application Impacts

The maximum residential development of the site under the existing CDMP land use designation has a potential population of 6 persons, resulting in an impact of 0.02 acres based on the adopted minimum LOS standard for local recreational open space. The proposed change, without the proffered covenant limiting the site to no residential units, would result in a potential population of 426, or an increase of 420 persons, resulting in an impact of an additional 1.17 acres of local parkland. This impact would be mitigated against the existing 491.32 acres of surplus parkland capacity in PBD-2.

Fire-Rescue Service

The application site is currently served by Miami-Dade Fire Rescue Station No. 9 (Kendall) located at 7777 SW 117 Avenue. The station is equipped with a Rescue and Aerial totaling seven (7) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately 6:50 minutes. 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 national industry performance 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 3,000 gallons per minute (gpm) is required for the Business and Office CDMP designation.). Fire hydrants shall be spaced a minimum of 300' from each other and shall deliver not less than 1,000 GPM. Presently, there are no fire flow deficiencies in the vicinity of the application site.

The current CDMP designation (Agriculture) will allow a potential development which will generate two (2) annual alarms. The proposed CDMP designation (Business and Office) will allow a

proposed potential development which is anticipated to generate 51 annual alarms. The 51 annual alarms will result in a moderate impact to existing fire rescue service. Presently, fire and rescue service in the vicinity of the subject application is adequate. Based on the current call volume for Station No. 9 and as a result of existing stations within close proximity of the subject application, all stations combined are capable of mitigating the additional number of alarms. Additional stations include Station No. 57 (West Kendall) located at 8501 SW 127 Avenue and Station No. 37 (West Bird) located at 4200 SW 142 Avenue. There are no planned stations in the vicinity of the subject application.

The Miami-Dade Fire Rescue Department has no objection to the proposed amendment.

Public Schools

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

Roadways

Access to the application site is by SW 56 Street and by SW 127 Avenue, both four lane divided roadways designated in the CDMP as major roadways (three or more lanes) and also section line roadways. SW 56 Street/Miller Drive provides access to SR 826/Palmetto Expressway on the east, which provides connectivity to other areas in the County, and to SW 137 Avenue on the west, a major north-south roadway.

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 "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

Trip Generation

One potential development scenario under the current "Agriculture" land use designation was analyzed and compared with two potential development scenarios that could occur under the requested "Business and Office" land use designation. Currently, the application site could be developed with two single-family detached residences—one of the parcels in the application site is currently developed with a single-family detached unit. Under the requested CDMP land use designation, the application site could be developed with the maximum potential development of 147,232 sq. ft. of retail uses (Scenario 1); however, the applicant proffered a Declaration of Restrictions limiting the development of the site to 75,000 sq. ft. of commercial uses (Scenario 2). The two single-family detached residences are estimated to generate approximately two (2) PM peak hour vehicle trips; the 147,232 sq. ft. shopping center (Scenario 1) is estimated to generate approximately 504 PM peak hour vehicle trips; and the 75,000 sq. ft. commercial development (Scenario 2) is estimated to generate approximately 287 PM peak hour vehicle trips. See "Estimated PM Peak Hour Trip Generation" table below.

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

Application No. 3	Current CDMP Designation ¹ and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation ² and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Scenario 1	"Agriculture" 2 SF detached ¹ /	"Business and Office" 147,232 sq. ft. retail ² /	
	2	504	+ 502
Scenario 2	"Agriculture" 2 SF detached ¹ /	"Business and Office" 75,000 sq. ft. retail ³ /	
	2	287	+ 285

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

Notes: ¹ Currently, the application site is developed with a single-family residence but can be developed with up to two single-family detached residential dwelling units.

<u>Traffic Concurrency Evaluation (Concurrency)</u>

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 funded for construction 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 application under the requested "Business and Office" 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 application, if approved, and are projected to operate at acceptable levels of service. See "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

² Under the requested CDMP land use designation the application site is assumed to be developed with the maximum potential development of 147,232 sq. ft. of retail uses (Scenario 1), or

³ Developed the application site in accordance with the Applicant's proffered Declaration of Restrictions, which limits development on the site to 75,000 sq. ft. of retail uses (Scenario 2) and prohibits residential uses.

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.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Scena	rio 1: "Business ar	nd Office" - 147,232 sq. ft. retail											
9776	SW 127 Avenue	SW 42 St. to SW 56 St.	4 DV	D	2510	1136	D	0	1136	D	21	1157	D
9778	SW 127 Avenue	SW 56 St. to SW 72 St.	4 DV	D	2310	1186	С	0	1186	С	78	1264	С
9780	SW 127 Avenue	SW 72 St. to SW 88 St.	4 DV	D	3380	1719	Α	1	1720	Α	75	1795	Α
9106	SW 40/42 Street	SW 127 Ave. to HEFT	4 DV	Е	4270	3164	С	6	3170	С	106	3276	С
9272	SW 56 Street	SW 137 Ave. to SW 127 Ave.	4 DV	D	2680	2429	D	1	2430	D	57	2487	D
9270	SW 56 Street	SW 127 Ave. to SW 117 Ave.	4 DV	D	3350	2835	В	6	2841	В	140	2981	В
9660	SW 72 Street	SW 137 Ave. to SW 127 Ave.	4 DV	E+20%	3864	2454	D	1	2455	D	50	2505	D
9659	SW 72 Street	SW 127 Ave. to SW 117 Ave.	4 DV	E+20%	3936	2519	С	3	2522	С	55	2577	С
Scena	rio 2: "Business ar	nd Office" - 75,000 sq. ft. retail											
9776	SW 127 Avenue	SW 42 St. to SW 56 St.	4 DV	D	2510	1136	D	0	1136	D	12	1148	D
9778	SW 127 Avenue	SW 56 St. to SW 72 St.	4 DV	D	2310	1186	С	0	1186	С	45	1231	С
9780	SW 127 Avenue	SW 72 St. to SW 88 St.	4 DV	D	3380	1719	Α	1	1720	Α	43	1763	Α
9106	SW 40/42 Street	SW 127 Ave. to HEFT	4 DV	Е	4270	3164	С	6	3170	С	60	3230	С
9272	SW 56 Street	SW 137 Ave. to SW 127 Ave.	4 DV	D	2680	2429	D	1	2430	D	33	2463	D
9270	SW 56 Street	SW 127 Ave. to SW 117 Ave.	4 DV	D	3350	2835	В	6	2841	В	79	2920	В
9660	SW 72 Street	SW 137 Ave. to SW 127 Ave.	4 DV	E+20%	3864	2454	D	1	2455	D	29	2484	D
9659	SW 72 Street	SW 127 Ave. to SW 117 Ave.	4 DV	E+20%	3936	2519	С	3	2522	С	31	2553	С

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

Notes: DV= Divided Roadway.

^{*} County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E 100% capacity) and E+20% (120% capacity) for roadways serviced with mass transit service having 20 minutes or less peak hour headways in the area between the Urban Development Boundary (UDB) and the Urban Infill Area (UIA).

Scenario 1 under the requested CDMP land use designation assumes the application site developed with the maximum potential development of 147,232 sq. ft. of retail uses.

Scenario 2 under the requested CDMP land use designation assumes the application site developed in accordance with the Applicant's proffered Declaration of Restrictions, which limits development on the application site to 75,000 sq. ft. of retail uses and prohibits residential uses.

Application Impact

One potential development scenario under the current "Agriculture" land use designation was analyzed and compared with the two potential development scenarios that could occur under the requested "Business and Office" land use designation. Currently, the subject application site could be developed with two single-family detached dwelling units. However, under the requested CDMP land use designation the application site could be developed with 147,232 sq. ft. of retail uses (Scenario 1) or with the 75,000 sq. ft. retail uses (Scenario 2) in accordance with applicant's proffered Declaration of Restrictions. Two single-family detached residences are estimated to generate approximately two (2) PM peak hour vehicle trips. A 147,232 sq. ft. shopping center (Scenario 1) is estimated to generate approximately 504 PM peak hour vehicle trips, and a 75,000 sq. ft. commercial development (Scenario 2) is estimated to generate approximately 287 PM peak hour vehicle trips. See "Estimated PM Peak Hour Trip Generation" table above. To summarize, the traffic impact analysis performed indicates that the roadways adjacent to, and in the vicinity of, the application site have enough capacity to handle the additional traffic that would be generated by this application and are projected to operate at acceptable levels of service.

Transit

Existing Service

The application site and surrounding areas are currently served by Metrobus Route 56, and its service frequency is shown in the "Metrobus Route Service Summary" table below.

		Proximity	Proximit					
Routes	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday	to Bus Stop (miles)	y to Bus Route (miles)	Type of Service
56	40	60	n/a	n/a	n/a	0	0	L

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

Notes: L means Metrobus Local route service; 0 means there is a Metrobus stop located directly opposite of the application site.

Future Conditions

The draft 2015 Transit Development Plan does not identify any improvements to the existing Metrobus service, and no new Metrobus route is planned in the immediate vicinity of the application site for the next ten years.

Major Transit Projects

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

Application Impacts

A preliminary analysis of Traffic Analysis Zone (TAZ) 938, where the application site is located, indicates that if the application is approved no transit impact would be generated by this application.

Based on the CDMP threshold for traffic and/or transit service objectives within a $\frac{1}{2}$ mile distance, the estimated operating or capital costs of maintaining the existing bus service is not associated with this application.

Applicant's Transportation Analysis

As outlined in the May 2015 CDMP Instructions for Preparing Applications Requesting Amendments to the Miami-Dade County Comprehensive Development Master Plan May 2015-16 Amendment Cycle, July 1, 2015 was the deadline for submission of technical reports such as Traffic Studies in support of an application. The applicant submitted a transportation analysis report entitled "CDMP Transportation Analysis May 2015 CDMP Amendment Application No. 3" prepared by Cathy Sweetapple & Associates Transportation and Mobility Planning dated August 6, 2015, which was received by the Department staff on August 11, 2015. At the time of publication of the "Initial Recommendations" report for the May 2015 Applications to Amend the Comprehensive Development Master Plan, staff from RER and Public Works and Waste Management Department were still reviewing the transportation analysis report. However, County staff will work with the applicant and the transportation consultant to address any traffic impact issues that might arise prior to the Board of County Commissioners' adoption hearing on November 18, 2015.

Aviation

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

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

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

- 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-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.

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

- 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-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

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- LU-5B. All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
- LU-8C. Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.
- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
 - iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
 - iv) Enhance or degrade environmental or historical resources, features or systems of County significance;
- LU-9D. Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

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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 ELEMENT OF THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. <u>APPLICANT</u>

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Date

3. <u>DESCRIPTION OF REQUESTED CHANGE</u>

- A. The following change to the Land Use Element Land Use Plan Map(item A.1 (d) in the fee schedule) is being requested:
 - 1. <u>A Change to the Land Use Element, Land Use Plan Map.</u> The Applicant requests a change to the Land Use Element's Land Use Plan (LUP) map to redesignate the subject property from "Agriculture" to "Business and Office."

B. <u>Description of the Subject Area.</u>

The subject property, which is legally described in Exhibit A (the "Property") consists of approximately 10 gross acres of land located in Section 25, Township 54, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located on the southeast corner of the intersection of SW 127th Avenue and Miller Road (SW 56th Street).

2. Acreage.

Net 8.45 +/-

Application Area: ± 10 gross acres (± 8.45 net acres) Acreage Owned by Applicant: None

3. Requested Change.

- a. It is requested that the subject property be redesignated on the LUP Map from "Agricultural" to "Business and Office."
- b. It is requested that this application be processed as a Small-Scale amendment under the expedited procedures.

REASONS FOR AMENDMENT

The Property is located on the southeast corner of a prominent intersection of two four-lane, section line roadways—Miller Road (SW 56th Street) and SW 127 Avenue in Southwest Miami-Dade County. The Property is designated Agriculture on the Comprehensive Development Master Plan (the "CDMP") LUP Map. The Property is at the western edge of "Horse Country," the only Agriculture designated land inside the Urban Development Boundary, but is located in the midst of a highly urbanized area. On the west side of SW 127th Avenue, south of Miller Road, the land is designated Low-Medium Density, while north of Miller Road and west of SW 127th Avenue, the land is designated Low-Medium Density and Low Density.

In fact, to the west of the Property, substantially all of the area has been developed under the Low Density, Low-Medium and Medium Density designations until SW 167th Avenue. This covers an area from SW 42nd Street (Bird Road) all the way south to SW 88th Street (North Kendall Drive), an area of approximately 16 square miles.

As mentioned, while the Property is located in "Horse Country," a community that has historically contained horse farms and certain agricultural businesses, Horse Country has very little classic agriculture—whether it be row crops or groves—and instead has mostly become an area of plant nurseries, large religious and educational uses and private homes. Particularly along Miller Road, which bisects Horse Country (which runs from SW 42nd Street and SW 72nd Street), the vast

majority of uses are related to plant nurseries and outdoor garden stores. Indeed, Miller Road from SW 127th Avenue east to the Florida Turnpike (the eastern boundary of Horse Country) is mostly a destination retail corridor of plant nurseries selling a wide array of ornaments for the garden.

While the CDMP strives to protect Agriculture designated lands and recognizes the economic impact of the agricultural industry in Miami-Dade County, it also encourages that development occur within the Urban Development Boundary. To that end, the 2010 Evaluation and Appraisal Report, adopted March 23, 2011, (the "2010 EAR") states at Page 1.1-51, "[A]lthough agricultural land conversions have also occurred inside the urban development boundary, these conversions were anticipated and are consistent with the overall intent of the CDMP which calls for the intensification of development inside the UDB." (emphasis added)

The Property is located in Minor Statistical Area (MSA) 6.1, which runs from SW 8th Street to SW 88th Street and west of the Florida Turnpike. MSA 6.1 is the County's second most populous MSA, with a population of 184, 938 in 2010 and a projected population of 230,187 residents by 2030. Despite the population growth in MSA 6.1, the area remains underserved by commercial or business uses. In fact, according to the 2010 EAR, commercial land in MSA 6.1 is scheduled to be depleted by 2015(2010 EAR at Page 1.1-38). Beyond the depletion figures, a simple look at the LUP Map helps to highlight the deficiency in commercial land for retail and other neighborhood uses. Along SW 127th Avenue, a major north-south thoroughfare, there is no commercially designated land from SW 42nd Street to SW 88th Street. Similarly, along Miller Road there is no commercially designated land, despite being a four lane divided roadway, from SW 107th Avenue (east of the Florida Turnpike) to SW 137th Avenue. Thus Horse Country residents are forced to travel out of their neighborhood to acquire any type of retail, office or personal service.

The CDMP strongly encourages the concentration of commercial facilities along major roadways and in those locations where countrywide access is convenient. Miller Road is a four lane roadway that serves as a key entry point to the West Kendall neighborhoods. Similarly, SW 127th Avenue is a four lane roadway from SW 42nd Street (Bird Road) all the way south to SW 124th Street. In addition, Bird Road provides a direct link to the Homestead Extension of the Florida Turnpike and the regional transportation network. Miller Road and SW 127th Avenue are both section line roads, and as such their intersection creates an "activity node" in accordance with the CDMP's guidelines for urban form. These guidelines strongly encourage the placement of higher intense and nonresidential uses in activity nodes.

Redesignation of the Property would also help to alleviate a key deficiency—commercial land—by looking to selectively infill in a location that is accessible from all sides, and in a location that already serves as a retail corridor for plant nurseries and other landscaping needs. Further, the subject property is well served by water, sewer and other utilities, or may be readily connected to County services at no cost to the County. Finally, public transportation serves this location via Metrobus 56, which runs along Miller Road.

In sum, the redesignation of the Property from Agriculture to Business and Office on the LUP Map would help to satisfy an imminent deficiency in commercial land in MSA 6.1 at a location that is strategically located at the intersection of two section line roads in accordance with

the County's guidelines for urban form. The Applicant will submit a Declaration of Restrictions to provide additional guidance for the future development of the Property.

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

LAND USE OBJECTIVE LU-1: The location and configuration of Miami-Dade County's urban growth through the year 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.

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

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

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

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

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

LAND USE POLICY LU-9H: Miami-Dade County shall continue its special area planning program to emphasize 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.

LAND USE 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.

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

LAND USE POLICY 10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

5. LOCATION MAP for APPLICATION

Attached.

6. <u>COMPLETED DISCLOSURE FORMS</u>

Attached.

7. <u>ADDITIONAL MATERIAL SUBMI</u>TTED

Legal Description (See Exhibit A)

Section Sheet (See Exhibit B)

Aerial (See Exhibit C)

Draft Declaration of Restrictions (Exhibit D)

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

Exhibit "A"

Legal Description for Property:

PARCEL 1:

THE SOUTH 125 FEET OF THE EAST 1/2, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 25 FEET FOR ROAD RIGHT OF WAY, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

NW 1/4 OF THE NW 1/4 OF THE NW 1/4 LESS THE SOUTH 125 FEET OF THE EAST 1/2 AND LESS THE NORTH 50 FEET, THE WEST 35 FEET AND THE EAST 25 FEET IN SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

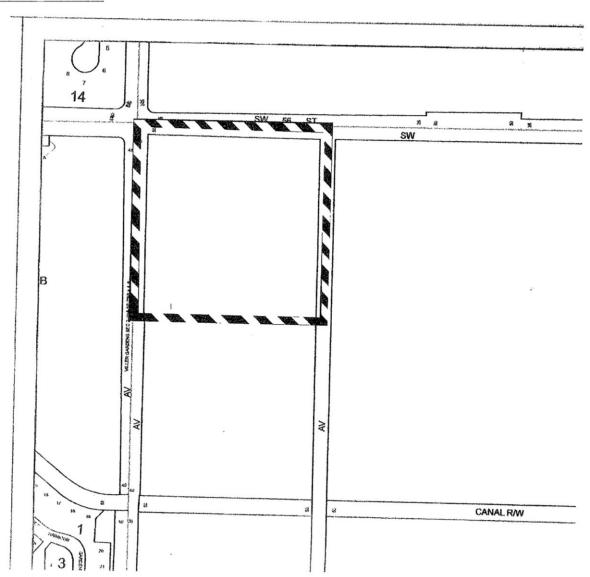
APPLICANTS/REPRESENTATIVE

Southeast Investments, Inc. / Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq., and Pedro Gassant, Esq.

DESCRIPTION OF SUBJECT AREA

The Property contains approximately 10 gross acres (± 8.45 net acres) of land located in Section 25, Township 54, Range 39, and located on the southeast corner of the intersection of SW 127 Arest and Miller Road (SW 56 Street) in unincorporated Miami-Dade County. The Property is more specifically described in Exhibit "A" to this application.

LOCATION MAP



APPLICANT A. Southea	OWNER st Investments	LESSEE , Inc. (Contract Purch	CONTRACTOR FOR PURCHASE aser & Applicant)	OTHER Explanation)	(Attach
Miller Co	untry Plaza, In	c. (Owner)			
		APPLICANT'S INTER	REST: Complete all appapplicable.	propriate secti	ons and
			ural person) list the appentage of interest held by		other
INDIVIDUAL'	S NAME AND A	ADDRESS		PERCENTAGE OF INTEREST	
ac [N	idress of the lote: where the	principal stockholders principal officers or	N, list the corporation's and the percentage of stockholders, consist of	stock owned another corpor	by each. ation (s),
ac [N tru wl	idress of the lote: where the ustee(s), partnoich discloses vnership intere	principal stockholders e principal officers or ership(s) or other sim the identity of the indust est in the aforemention	s and the percentage of stockholders, consist of nilar entities, further disci- dividual(s) (natural personed entity.]	stock owned another corpor losure shall be ons) having the	by each. ation (s), required
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ac [N tri W ov CORPORATI	idress of the lote: where the ustee(s), partnoich discloses whership intere	principal stockholders e principal officers or ership(s) or other sim the identity of the in st in the aforemention utheast Investment	s and the percentage of stockholders, consist of nilar entities, further disci- dividual(s) (natural personed entity.]	stock owned another corpor osure shall be ons) having the coration PERCENTAGE	by each. ation (s), required ultimate
CORPORATI NAME, ADDI c. If the	idress of the lote: where the ustee(s), partnership interection on NAME: Sourceship interections applicant is a eneficiaries of the beneficiaries of the beneficiaries of the individual of the individual of the lote.	principal stockholders principal officers or ership(s) or other sim the identity of the in est in the aforemention utheast Investment FICE (if applicable) TRUSTEE, list the to the trust, and the pe lary/beneficiaries con es, further disclosure	s and the percentage of stockholders, consist of nilar entities, further disci- dividual(s) (natural personed entity.]	stock owned another corpor osure shall be ons) having the coration PERCENTAGE OF STOCK and address of by each. [Note arthership(s), eth discloses the	by each. ation (s), required uttimate

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:

APPLICAT	IT A: Southeast Investments, Inc., a Florida Corporation, 151 Sawgrass Corner Drive, Ponte Vedra Beach, FL 32082
APPLICA	
APPLICA	IT C:
<u>APPLICAI</u>	NT D:
APPLICAL	NT E:
APPLICA	NT F:
APPLICA	NT G:
Use the a	bove alphabetical designation for applicants in completing Sections 2 and 3, below.
ap	ROPERTY DESCRIPTION: Provide the following information for all properties in the plication area in which the applicant has an interest. Complete information must be ovided for each parcel.
	SIZE IN
APPLICAN A.Southeast	OWNER OF RECORD FOLIO NUMBER AACRES (nvestments, Inc. (Contract Purchaser & Applicant) 30-4925-000-0320 (net acres: 7.57)
30-4925-000	0-0310 (net acres: .88)
<u> </u>	

	BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
d.	If the applicant is a PARTNERSHIP or LIMITED PARTNERS the partnership, the name and address of the principals including general and limited partners and the percentage of partner. [Note: where the partner (s) consist of an corporation (s) trust (s) or other similar entities, further disclowhich discloses the identity of the individual (s) (natural ultimate ownership interest in the aforementioned entity].	s of the partnership, interest held by each other partnership(s), sure shall be required
	PARTNERSHIP NAME:	- 10 - 11 - 11 - 11 - 11 - 11 - 11 - 11
	NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF INTEREST
<u> </u>		
e.	If the applicant is party to a CONTRACT FOR PURCHASE, within application or not, and whether a Corporation, Trustee, or names of the contract purchasers below, including the stockholders, beneficiaries, or partners. [Note: where the stockholders, beneficiaries, or partners consist of another partnership, or other similar entities, further disclosure shadiscloses the identity of the individual(s) (natural persons) ownership interest in the aforementioned entity.	or Partnership, list the he principal officers, ne principal officers, er corporation, trust, all be required which

	NAME AND ADDRESS	PERCENTAGE OF INTEREST
South	east Investments, Inc., a Florida Corporation	MILENEST
See Ex	xhibit A	
a		
	Date of Co	ontract: 3/13/2015
	y contingency clause or contract terms involve additional pa ers if a corporation, partnership, or trust.	rties, list all individuals or
5.	DISCLOSURE OF OWNER'S INTEREST: Complete only applicant is the owner of record as shown on 2.a., above.	if an entity other than the
a.	If the owner is an individual (natural person) list the a individual owners below and the percentage of interest held	
	INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
b.	If the owner is a CORPORATION, list the corporation's na of the principal stockholders and the percentage of stowhere the principal officers or stockholders consist of trustee(s) partnership(s) or other similar entities, further dwhich discloses the identity of the individual(s) (natural percentage) interest in the aforementioned outlity.	ck owned by each. [Note of another corporation(s) lisclosure shall be required

CORP	PORATION NAME: Miller Country Plaza, Inc.	
	NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF STOCK
Raquel	Carro, PST	100%
C/O A1	berto J. Parlade, Esq.	
7050 S	W 86 th Avenue, Miami, FL 33143	
c.	If the owner is a TRUSTEE, and list the trustee's name, the beneficiaries of the trust and the percentage of interest he beneficiary/beneficiaries consist of corporation(s), and or other similar entities, further disclosure shall be required of the individual(s) (natural persons) having the ultimate aforementioned entity].	eld by each. [Note: where ther trust(s), partnership(s) which discloses the identity
	TRUSTEE'S NAME:	
	BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
d.	If the owner is a PARTNERSHIP or LIMITED PARTNERS partnership, the name and address of the principals of general and limited partners, and the percentage of interwhere the partner(s) consist of another partnership(s), consimilar entities, further disclosure shall be required which conditional individual(s) (natural persons) having the ultimate of aforementioned entity].	the partnership, including erest held by each. [Note: poration(s) trust(s) or other discloses the identity of the
	PARTNERSHIP NAME:	

	NAME AND ADDRESS OF PARTNERS	PERCENTAGE OF OWNERSHIP
e.	If the owner is party to a CONTRACT FOR PURCHASE application or not, and whether a Corporation, Trustee, or of the contract purchasers below, including the principle beneficiaries, or partners. [Note: where the principle beneficiaries, or partners consist of another corporation, similar entities, further disclosure shall be required which individual(s) (natural persons) having the ultimate of aforementioned entity].	r Partnership, list the names cipal officers, stockholders pal officers, stockholders trust, partnership, or other discloses the identity of the
	NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF INTEREST
Raquel Ca		100%
C/O Alber	rto J. Parlade, Esq.	
7050 SW	86 th Avenue, Miami, FL 33143	·
	Date of Co	ontract: 3/13/2015
	ontingency clause or contract terms involve additional parties, list ion, partnership, or trust.	all individuals or officers, if a
		, , , , , , , , , , , , , , , , , , , ,
For any	changes of ownership or changes in contracts for purchase soon, but prior to the date of the final public hearing, a supplemental	ubsequent to the date of the

May 2015 Cycle

filed.

86
7
75

My Commission Expires:

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

DISCLOSURE OF INTEREST

Exhibit "A"

The contract purchaser, Southeast Investment, Inc., has entered into an agreement with Mr. Ray Gonzalez. Under the terms of the agreement, Southeast Investment, Inc. will assign the contract to 2015 Miller Road Associates, LLC, a single purpose limited liability company. The interest in 2015 Miller Road Associates, LLC is held as follows:

Members	Memmership Interest and Sharing Ratio			
The Ferber Company, Inc., a Florida Corporation, Member	67%			
Ray Gonzalez, Member	33%			
The Ownership interest in the Ferber Company				
Paul S. Ferber, Manager	50%			
The Ferber Company, Inc., a Florida Corporation, Member Ray Gonzalez, Member The Ownership interest in the Ferber Company	50%			
	•			

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APPENDIX B

Applicant's Declaration of Restrictions (Covenant)

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This instrument was prepared by:

Name:

Juan J. Mayol, Esq.

Address:

Holland & Knight LLP

701 Brickell Avenue, Suite 3300

Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, Miller Country Plaza, Inc., a Florida Corporation (the "Owner") holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, which is more

particularly described in Exhibit "A" to this Declaration;

WHEREAS, Southeast Investments, Inc., a Florida Corporation (the "Applicant"), is the

contract purchaser of the Property and is applying for an amendment to the Miami-Dade County

Comprehensive Development Master Plan (the "CDMP") in the May 2015 Cycle (the

"Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Agriculture" to

"Business and Office" on the Miami-Dade County Comprehensive Development Master Plan

Future Land Use Plan Map ("LUP").

NOW, THEREFORE, in order to assure Miami-Dade County (the "County") that the

representations made by the Applicant during the consideration of the Application will be abided

by, the Owner freely, voluntarily, and without duress, makes the following Declaration of

Restrictions covering and running with the Property:

1. Permitted Uses; Prohibition on Residential Development. Notwithstanding the

re-designation of the Property to "Business and Office" on the County's LUP map, the maximum

development of the Property shall not exceed 75,000 square feet of such uses as may be permitted

under the Business and Office land use designation; provided, however, that no residential development shall be allowed on the Property.

2. Miscellaneous.

- A. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- B. Term. This Declaration of Restrictions 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 of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.
- C. <u>Modification, Amendment, Release</u>. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided

that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, Florida or successor regulation governing amendments to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, Florida, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners of Miami-Dade County, Florida in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his/her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

- D. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions 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.
- Withhold Permits and Inspections. In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration of Restrictions is complied with.
- F. <u>Election of Remedies</u>. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.
- G. <u>Presumption of Compliance</u>. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipality), and inspections made and approval of occupancy given by the County (or any successor municipality), then such construction, inspection, and approval

shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

- H. <u>County Inspection</u>. As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, Florida, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- I. <u>Severability</u>. Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- Recordation and Effective Date. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner(s) following the approval of the Application by the Board of County Commissioners of Miami-Dade County, Florida. This Declaration of Restrictions 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 of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in

charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner(s) to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

L. Owners. The term "Owners" shall include the Owners and their successors and assigns.

[Signature Page Follow]

IN WITNESS WHER	EOF, we have execu	ated this Dec	laration of Restri	ctions as of this
day of	, 2015.			
WITNESSES:				
			ountry Plaza, Inc Corporation	e.
				wite.
		Ву:		
Signature		Name: Title:		1786 - 461 1780 - 14
Printed Name				
Signature				
Printed Name	- 41			
•			# 19 ¹	
		17. 17.4	e Ngjar	
STATE OF) aa			
COUNTY OF) SS)		%.	
The foregoing	g instrument was			by, as corporation, and for the
purposes stated herein	on behalf of the co	mpany. He i	is personally kno	wn to me or has produced
	#			2015
Witness my si the County and State a		seal this	day of	, 2015, in
the County and State of	atoresaid.			
My Commission Exp	oires:			
			Notary Pub	lic
	•		Printed Nar	ne

EXHIBIT "A"

LEGAL DESCRIPTION

Folio No. 30-4925-000-0320

NW 1/4 OF THE NW 1/4 OF THE NW 1/4 LESS THE SOUTH 125 FEET OF THE EAST 1/2 AND LESS THE NORTH 50 FEET, THE WEST 35 FEET AND THE EAST 25 FEET IN SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMIDADE COUNTY, FLORIDA

Folio No. 30-4925-000-0310

THE SOUTH 125 FEET OF THE EAST 1/2, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF SECTION 25, TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 25 FEET FOR ROAD RIGHT OF WAY, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

APPENDIX C

Applicant's Traffic Impact Report (Executive Summary)

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May 2015 CDMP Amendment Application No. 3 CDMP Amendment Transportation Analysis

Executive Summary

This proposed change to the Miami-Dade County CDMP has been submitted by Southeast Investments, Inc. for 10 gross acres (8.45 net acres), located in Section 25, Township 54, Range 39, and which is bounded by SW 56 Street on the north and SW 127 Avenue on the west. This proposed change seeks to redesignate the subject property from "Agriculture" to "Business and Office" to enable the development of neighborhood serving retail and business uses located at the intersection of two four-lane divided county section-line roadways. The Applicant has proposed a Declaration of Restrictions to limit site development to no more than 75,000 square feet of retail and business uses. The gross and net new trips resulting from the proposed change are outlined below.

Net External Trip Generation Summary – AM and PM Peak Hours								
Uses Proposed	Timeframe	ITE	Scale of	Gross	25% Pass-by	Net External	Trips	Trips
		LUC	Development	Trips	Reduction	Trips	In	Out
Retail Shopping Center	Daily	820	75,000 SF	5,663	1,408	4,225	2,113	2,112
Retail Shopping Center	AM Peak Hour	820	75,000 SF	131	33	98	61	37
Retail Shopping Center	PM Peak Hour	820	75,000 SF	494	124	370	178	192

Vehicular Access

The Amendment Site is located in the southeast corner of two section line roadways, at the signalized intersection of SW 56 Street and SW 127 Avenue. SW 56 Street is a 4 lane divided County Minor Arterial and SW 127 Avenue is a 4 lane divided County Collector. Access to and from the Amendment Site will be provided through driveway connections to both county section line roadways.

Transit Access

MDT Route 56 provides weekday transit service at 40 minute headways during the AM and PM peak hours and 60 minute headways during off-peak hours. MDT Route 56 provides a direct connection east to the University Metrorail Station providing regional access to and from the Amendment Site without using a single occupant vehicle.

Traffic Concurrency Standards

Pursuant to the Miami-Dade County Concurrency Management System, all study area traffic count stations on roadways adjacent to the Amendment Site have been found to operate at acceptable levels of service during the peak hour period for the Year 2018 Short Term Planning Horizon, accounting for existing traffic, previously approved committed development traffic, plus the traffic from the Amendment Site. Available capacity and acceptable levels of service are maintained for the adjacent count stations and the study area roadway segments, meeting the traffic concurrency standards from the Miami-Dade County CDMP.

Year 2030 Traffic Conditions

An evaluation of the Year 2030 traffic conditions has been completed to determine the adequacy of the roadway infrastructure to meet the adopted LOS standards through the 2030 Horizon Year of the CDMP. Year 2030 traffic conditions incorporate funded transportation improvements from TIP 2016, planned transportation improvements from Priority III of the LRTP, future background traffic conditions reflecting growth in background traffic and traffic from approved committed developments, and the traffic impact from the Amendment site based upon 75,000 SF of retail and business use. A year 2030 level of service analysis has been provided along with a significance determination analysis to evaluate the adequacy of the study area roadway network. The findings from the regional analysis are outlined below.

- All study area roadways were found to operate within adopted LOS standards through the Year 2030.
- No roadways were found to carry project traffic that would exceed 5% of the adopted maximum service volume.
- No state or regionally significant roadway was found to operate below adopted level of service standards in the year 2030 with the traffic impact from 75,000 SF of retail and business use for the Amendment Site.

May 2015 CDMP Amendment Application No. 3

CDMP Amendment Transportation Analysis
Executive Summary

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APPENDIX D

Applicant's Socio-economic Analysis

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Miami Economic Associates, Inc.

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PERFERS & ZOHING METROPOLITAN PLANKING SECT

July 27, 2015

Mr. Jack Osterholt Director Department of Regulatory and Economic Resources Miami-Dade County Miami, Florida

Re:

Proposed CDMP Amendment No. 3

May 2015 Cycle

Dear Mr. Osterholt:

Miami Economic Associates, Inc. (MEAI) has analyzed the above-captioned application to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which was filed on behalf of Southeast Investments, Inc. as part of the May 2015 Cycle. The purpose of our analysis was to evaluate whether a need exists to re-designate approximately 8.45 net acres of property located on the southeast corner of the intersection of Miller Road (S.W. 56th Street) and S.W. 127th Avenue from "Agriculture" to "Business and Office". We understand that development of the subject property, if redesignated, would be restricted by a convenant that would require the approval of the Board of County Commissioners to modify to no more than 75,000 square feet of commercial uses. Further, the covenant would prohibit residential uses to be developed on the property.

In conducting our analysis, consideration has been given to the No.1 Goal of the Land Use Element of the CDMP as well as to specific objectives and policies as stated therein as follows:

- Goal. Provide the best possible distribution of land use and services to meet the physical, social, cultural and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands.
- LU-8. Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

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- **LU-8B**. Distribution of neighborhood- or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient, social economic and physical considerations.
- LU-8F. ...The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers. Half-Tiers and combinations thereof shall be considered along with Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

The purpose of this letter report is to apprise you of the findings of our analysis.

Summary of Findings

The proposed amendment should be adopted based on the following findings of our analysis:

- The subject property is located in MSA 6.1 which extends westward from the Homestead Extension of Florida's Turnpike (HEFT) to Krome Avenue between Tamiami Trail (S.W. 8th Street) on the north, and N. Kendall Drive (S.W. 88th Street) on the south. It is also located on the western edge of the two square mile area within MSA 6.1 that is known as "Horse County". Horse Country is the only area inside Miami-Dade County's Urban Development Boundary (UDB) that is designated "Agriculture". That designation was applied in keeping with the Bird Kendall Ranch Study of 1975 and the West Dade Ranch Area Study adopted by the Board of County Commissioners in 1981. However, the following points should be noted:
 - At the time the first of the studies referenced above was issued, the HEFT had been fully open for the entire distance between the Turnpike's mainline which terminates just south of the Miami-Dade County/Broward County boundary line and Florida City for only about one year. Further, substantial portions of the land now contained within MSA 6.1 inside the UDB was still in Agriculture use. Today the portion of MSA 6.1 that is within the UDB is substantially developed with urbanized uses and has approximately 180,000 residents, a figure at least twice the amount that lived there when the second study referenced was adopted. We would further note, as will be discussed in greater detail later in this report, that very few of the 542 acres within MSA 6.1 that are designated for commercial and industrial remain undeveloped and are available for the development of a project of the type proposed on the subject site.
 - Horse County is a community which has historically contained horse farms and nurseries but none of the large-scale row crop, grove, tree-farm or ornamental

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operations that are the economic mainstays of the Miami-Dade County's agricultural sector. MEAI also notes that the majority of the residential parcels are less than the five acres in size that the County now requires in areas designated Agriculture. In fact, the preponderance of residential parcels are less than two acres in size, which was is why they have not for the most part been economically meaningful. Further, less than 40 percent of them have received agricultural exemptions from the Property Appraiser for ad valorem tax purposes. While MEAI has been unable to confirm this, we believe that a considerably higher percentage would have qualified for agricultural exceptions when the two studies referenced above were prepared or even 10 years ago.

Over the past 15 to 20 years, considerable amounts of land within Horse County has been taken out of agricultural use to become the sites of religious institutions and/or schools. We agree with the position taken by County planners in 2012 in a review of a prior application involving the subject property that those institutional uses are generally located on the periphery of the area and not on the interior. However, the proliferation of religious and educational uses has contributed to the decline of Horse County as an agricultural area by significantly reducing the amount of land being used for agricultural activities.

MEAI also acknowledges the point made by the County's planners in their recommendation regarding the prior application that the Business and Office designation allows the full range of sales and service activities including urban commercial uses such as body shops, department stores and private clubs. However, to the extent that there are uses that are deemed particularly incompatible with the residential and agriculture uses in Horse County they can be limited by covenant either during the land use process currently underway or during the zoning process and site plan review processes that would follow the adoption of the proposed amendment.

As discussed, it is the No. 1 Goal of the Land Use element to "provide the best possible distribution of land use and services to meet the physical, social, cultural and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands." Land Use Objective 8 recognizes that meeting that goal is an evolving process that needs to address conditions that change over time. In this instance, it will also involve resolving the conflict between the needs of the urbanized community that has grown significantly since the Horse County designation was applied to the area in which the subject property is located and the diminished level of agricultural activity that currently exists within Horse County. MEAI does not believe that conflict can be be resolved by treating studies prepared more than 30 years ago when the conditions on the ground were substantially different as if they are "settled law". We also do not believe that repeatedly stating the an area is "unique" because of policy

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decisions made more than 30 years ago means that it needs to remain so, particularly given the transformation that has already occurred in Horse Country as it has changed from an equestrian/agricultural community into a largely residential and institutional community with a few plant nurseries, which at their core are retail businesses.

- According to data compiled by the Planning Division of the Miami-Dade County Department of Regulatory and Economic Resources in February, 2015, MSA 6.1 contains a total of 530 acres designated for commercial use, which means that in 2020 it will have 2.9 acres of commercial property per 1,000 projected residents. At that level, it will have only 53 percent of the commercial land per 1,000 projected residents as the County as a whole does and will be one of the five most poorly served commercial areas among the County's 31 urbanized MSA's.
- The data compiled by the County which was referenced in the preceding paragraph also showed the there are 33.8 vacant commercially-designated acres in MSA 6.1 and projects that it would will be depleted by 2022, which would be well within the County's 15-year planning horizon. On that basis alone, a plan deficiency exists. However, review of thidata compiled by the County shows that there is in fact considerable less land on which to develop a project such as that being proposed on the subject property than the County's estimate of vacant acreage suggests and none within close proximity to Horse Country. In this regard, the following points are noted:
 - The 33.8 acres in the County's estimate vacant land supply is comprised of 17 parcels, three of which are adjacent to each other and which would form a parcel totaling 8.54 acres in size when consolidate. Included among these parcels are:
 - Three parcels containing a total of 0.12 acres that are right-of-way.
 - Eight parcels that are less than 2 acres in size including: 1) one that is zoned RU-5 that does not permit retail commercials uses; 2) another that is restricted by an approved site plan to the construction of a day care center; and 3) two that have severely restricted access with no frontage on a major roadway. The remaining five, which are not adjacent to each other, contain a total of 4.38 acres.
 - Two parcels that are between 2 and 4 acres in size. Included aong them is one parcel which is 1) located adjacent to the Columbia LeGrange Hospital complex on Bird Road; 2) zoned OPD; and 3) restricted by County Resolution No. Z-48-97 only to medical uses. The other one is comprised of 2,85 acres.
 - The remaining two parcels are both 8 to 9 acres in size, hence comparable in terms of size to the subject property. The owner of one of these, however, plans to develop a skilled nursing facility on his

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property. A shopping center is the proposed use of the other parcel, which is the assemblage of three adjacent tracts discussed above; however, this parcel is located in the southwesternmost corner of MSA 6.1 on the northeast corner of the intersection of N. Kendall Drive (SW 88 Street) and SW 167 Avenue, over 5 miles from the subject property.

In addition to the supply of commercially-designated land in MSA 6.1 being deficient, it is poorly distributed with the largest concentrations of it being located along Tamiami Trail, the MSA's northern boundary or N. Kendall Drive, its southern boundary. Particularly poorly served is the 4 square mile area in which the subject site is centrally located. This area, which extends from the HEFT west to S.W. 137th Avenue, and from Bird Road south to Sunset Drive, contains a total of only 5 commercially-designated acres, which are already developed with retail, restaurant and automotive uses. Hence, the subject site already is located in a commercially-depleted area.

MEAI recognizes that the half of the delineated area which is located east of S.W. 127th Avenue contains "Horse County" where no commercial development has been historically permitted. However, the portion of the area not located in Horse Country, i.e. between S.W. 127th and S.W. 137th Avenue, is occupied by urbanized residential uses with substantial portions of it designated for Low-Medium Residential. That designation allows up to 13 units per acre. Under the County's guidelines, the two urbanized sections of land west of S.W. 127th Avenue would be allowed a total of 80 acres of commercial uses rather than the 5 acres that actually exist. That quantity of acreage could accommodate in excess of 700,000 square feet of commercial space.

As discussed above, the County's planners recommended against redesignating the subject property for commercial use in 2012. In their recommendation, they chose to use a one and a half mile radius as the basis of their supply and demand analysis. In that context they identified five shopping centers with a total of 491.248 square feet that serve the area. It is interesting to note that approximately 257,000 square feet, or more than 52 percent of that space, was located at the Miller Square shopping center, which is outside MSA 6.1 and at very the edge of the area defined by the one and a half mile radius and east of the turnpike. In fact, for the people living in the western portion of the four square mile area that MEAI defined as its market area, who represent the preponderance of the population in our market area, it is further than one and a half miles away. Reliance on it will cause more traffic to be generated overall and specifically in the both Horse County and in the area where Miller Square is located. It will also be inconsistent with Land Use Policy LU-8B.

In their prior recommendation, the County's planners also stated that there are 4.5 acres of vacant commercial land within one and a half mile radius of the subject property in 2012. The specific parcels included in that estimate were not identified; however, MEAI believes 3.38 acres, or approximately 75 percent, was comprised of the site discussed above which is adjacent to the Columbia La Grange Hospital complex and the development of which is restricted by County resolution to medical uses.

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- A review of the adopted 2020 and 2030 Miami-Dade County Land Use Plan shows that the preponderance of the land in MSA 6.1 is designated for residential uses at varying densities. The remainder of the land is designated for one of the following uses: 1) Business and Office: 2) Open Space and Recreation in the case of a County park site and a golf course: 3) Institutional in the case of a substantial parcel of land in the northeast quadrant of the North Kendal. Drive and S.W. 127th Avenue which is occupied by the County as water and sewer facilities; and 4) Agricultural in the case of Horse Country. There is no vacant land within MSA 6.1 designated for industrial use. Accordingly, if the deficiency of commercially-designated land discussed above is to be corrected, it will be necessary to either re-designate residential and/or agricultural land for that purpose. However, it is noted that there are no vacant residentially-designated parcels that are sized similar to the subject property nor is there any residentially-designated vacant land well-situated to serve the 4-section area bounded by Bird Road, the HEFT, Sunset Drive and S.W. 137th Avenue that MEAI defined as the market area for the subject property
- In addition to helping to redress the deficiency in commercially-designated land that currently exists in MSA 6.1, the re-designation of the subject property for Business and Office, thereby allowing for the development of a retail facility of up to 75,000 square feet, will provide fiscal and economic benefits to Miami-Dade County and its residents. The bulleted paragraphs that follow describe the most significant of these benefits:
 - The term "fiscal benefits" refers to the positive impacts that a project such as the proposed retail facility would have on the finances of Miami-Dade County and the other taxing authorities in which it would be located. MEAI estimates that when the proposed retail facility is completed, it will generate ad valorem taxes for Miami-Dade County (inclusive of all its funds including the UMSA fund) on an annual recurring basis in the amount of \$167,511 and for the Miami-Dade County Public School District in the amount of \$137,631. In the current fiscal year, the County will collect ad valorem taxes on the subject property totaling less than \$150 for all its funds and the Public School District will collect approximately \$120. The estimated tax amounts assume that the subject property when developed will have a total taxable value of \$17.26 million including a land value, based on a review of comparable properties, of \$6,26 million and an improvements value consistent with the hard costs of construction of \$11.0 million. The property, when developed, will also generate occupational license fees and utility taxes and franchise fees on an annual recurring basis for Miami-Dade County; however, the amounts that will be generated cannot be estimated based on the information currently available.
 - The term "economic benefits" refers to the positive impact that a project such as the proposed retail facility would have on the overall economy of Miami-Dade County. Development of the proposed facility is projected to cost \$11.0 million, approximately 50 percent of which will be used pay the wages and salaries of the on-site workforce, and will provide a basis for approximately 108 worker-years of direct construction employment during the development period

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Mr. Jack Osterholt. Director
Department of Regulatory and Economic Resources
Miami-Dade County
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as well as an approximately equal number of indirect and induced jobs. It is anticipated that once the proposed retail facility is completed, the permanent workforce on-site would total 150 people on a full-time equivalent (FTE) basis, who will earn an average of between \$20,000 and \$30,000 annually depending on the mix of tenants that actually occupy the space. Finally, it is estimated that the operations of the proposed retail facility would provide support for an approximately equal indirect and induced jobs. In considering this estimate of permanent employment, it should be noted that the figure indicated reflects full-time equivalents. The actual number of individuals hired may be considerably greater since a substantial percentage of workers in the retail sector are part-time workers.

In its prior recommendation regarding the subject property in 2012, the County's planners estimated that the agricultural activity currently occurring in Horse Country employs approximately 615 people. As the Agriculture Retention Study performed for the County approximately a decade or so ago, showed, however, more than 50 percent of the people who consider themselves farmers work in Agriculture less than full-time. We also note that the estimate of agricultural workers in Horse Country in the 2012 recommendation differs significantly from information presented in a socioeconomic profile of the "Horse Country Neighborhood" complied by the County's planners in 2011. Specifically, the referenced document contains data obtained from the U.S. Census Bureau's American Community Survey 2005 --2009 Five Year Estimates that estimates that the area had a total of 18 agricultural workers. The document also contained the results of a business survey conducted in the area that classified only 3 establishments as agricultural establishments. The area was reported to have 15 nurseries, which were apparently classified as retail establishments under the NAICS Code 444. which pertains to Building Equipment and Garden Equipment and Supplies Dealers, and estimated to have a total of 59 employees.

Finally, as discussed above, the subject property is located on the periphery of Horse County rather than in the interior just like the religious and educational institutions discussed above. There is no evidence to indicate that its development with commercial uses will cause other commercial uses to be developed in the interior of Horse Country where they would lack the visibility they require for success. Accordingly, it is reasonable to believe that if the subject site is developed with commercial uses, it will cause 150 FTE jobs to be created while the agricultural jobs in the area presently, whatever their actual number, will be retained.

Closing

In summary, since the re-designation of the subject property for Business and Office would: 1) help redress the deficiency that currently exists in MSA 6.1 in terms of commercially-designated land without adversely impacting the housing supply inside the

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156 Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net Mr. Jack Osterholt. Director Department of Regulatory and Economic Resources Miami-Dade County July 27, 2015 Page 8

UDB; and 2) provide significant fiscal and economic benefits to Miami-Dade County and its residents, MEAI strongly believes that the subject application to amend the CDMP should be approved.

Sincerely.

Miami Economic Associates, Inc.

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Andrew Dolkart President

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APPENDIX E

Fiscal Impact Analysis

Fiscal Impacts On Infrastructure and Services

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

Application No. 3

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 ±10-acre application site from "Agriculture" to "Business and Office" which, along with a proffered covenant, would allow a maximum of 75,000 square feet of office space. If the application site is developed as requested with the 75,000 square feet of office, the water connection charges/impact fees would be \$10,425 and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for the retail land use would be \$42,000 and the annual operating and maintenance costs would total \$8,495. Alternatively, if the application site is developed at the maximum allowable 147,232 square feet without the proffered covenant, the water connection charges/impact fees would be \$24,219 and water service line and meter connection fees would cost \$1,301. The sewer connection charges/impact fees for the residential land use would be \$95,574 and the annual operating and maintenance costs would total \$19,736. And if the application site is developed with 130 single-family attached residential units, the water connection charges/impact fees would be \$32,526 and water service line and meter connection fees would cost \$1,302. The sewer connection charges/impact fees for the residential land use would be \$131,040 and the annual operating and maintenance costs would total \$26,505.

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

Fire Rescue

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

APPENDIX F

Photos of Site and Surroundings



View of the application site to the northwest from SW 125 Avenue



View of the application site to the southwest from SW 125 Avenue



View of the single family home on the application site from SW 125 Avenue



View of Florida Landscape Nursery on SW 56 Street at SW 125 Avenue



View of Cimago's Nursery on SW 56 Street at SW 125 Avenue



View of a former nursery immediately east of the application site