

**OCTOBER 2009
APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



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OCTOBER 2009
APPLICATIONS TO AMEND
THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN

December 5, 2009

Miami-Dade County
Department of Planning and Zoning
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Suite 1210
Miami, Florida 33128-1972
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BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend Miami-Dade County's Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the October 2009 amendment review cycle. Amendments to the Plan may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the Plan to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period along with a list and table summarizing all of the applications, followed by a Department summary page and a complete copy of each application. The next report will be the October 2009 Initial Recommendations report to be published on February 25, 2010.

Section 2-116.1 of the Miami-Dade County Code establishes the exclusive procedures for the CDMP to be reevaluated and amended periodically, usually semiannually. These procedures involve thorough County and State review as required by Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code. Current procedures provide for the filing of applications in April and October, with the amendment process generally taking eleven months to complete. The April 2011 filing period is the next cycle that is in the odd numbered year, when the Miami-Dade County Department of Planning and Zoning allow for changes to the Land Use Plan map that are located outside the Urban Development Boundary (UDB) to be considered. Plan components eligible for amendment application during the various semiannual filing periods are summarized below. *

Application Filing Period (month)	Plan Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
April Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Mandatory Cycle]	All Components Including UDB and UEA [Mandatory Cycle]
October Filing Period	All Components Except UDB, UEA and Land Use Outside UDB [Optional Cycle]	All Components Except UDB and UEA and Land Use Outside UDB [Mandatory Cycle]

*Source: Section 2-116.1, Code of Miami-Dade County.

The Plan review and amendment process provides for the filing of amendment applications, staff analysis of the applications, and public participation in the process. Each application will be thoroughly evaluated by the Department of Planning and Zoning and will be subject to review at a series of public hearings. The final action adopting, adopting with a change, or denying each of the applications will be made by the Board of County Commissioners. Further details about the hearings and the review process are discussed in the next section.

Application Review Process and Schedule of Activities

Following is a summary of the Plan review and amendment activities and tentative schedule as required by Section 2-116.1, Code of Miami-Dade County (See Table 1). After all privately filed applications were finalized; the Department of Planning and Zoning published this Applications Report on December 5, 2009 listing all applications filed.

The Department of Planning and Zoning (DPZ) will submit its initial recommendations to the Planning Advisory Board (PAB) regarding each requested change, no later than February 25, 2010. Community Councils, which have been elected into districts throughout unincorporated Miami-Dade County, at their option may make recommendations to the PAB and Board of County Commissioners on local planning matters, including proposals to amend the CDMP. Each Community Council, in which a proposed amendment to the Land Use Plan map is located, will have the opportunity to hold a public hearing in March 2010 to discuss the application(s) and to formulate recommendation(s) regarding the request(s). The PAB, acting as Miami-Dade County's Local Planning Agency (LPA) pursuant to Chapter 163, Part 2, Florida Statutes, will hold a public hearing scheduled for April, 2010, to receive comments on the proposed amendments and on the initial staff recommendations, and to formulate its recommendations to the Board of County Commissioners regarding adoption of requested "small-scale" amendments and regarding transmittal to the Florida Department of Community Affairs (DCA) for review and comment of all requested standard amendments for initial review and comments by State agencies. The Board of County Commissioners is scheduled to hold a public hearing in May 2010, to consider taking final action on requested "small-scale" amendments, and to consider transmittal of the requested standard amendments to DCA, as well as any of the requested "small-scale" amendments that the commission elects to process through the regular standard procedure. Adopted small-scale amendments will become effective 31 days after adoption unless there is a citizen challenge.

Transmittal of "standard" (non-small-scale) amendment proposals to DCA for review and comment does not constitute adoption of requested amendments. A second phase of the review addressing the standard applications begins after transmittal of the applications to the DCA and associated State agencies. Also, the Board of County Commissioners may opt to either adopt or deny a requested small-scale amendment at its first public hearing but may, instead, decide to transmit to DCA for State-agency review and comment as a "standard" amendment request.

With transmittal to DCA expected to occur in or around May 2010, DCA will return its Objections, Recommendations and Comments (ORC) report in early August 2010 addressing all transmitted applications. The PAB acting as the Local Planning Agency would then conduct its final public hearing during September 2010, and the Board of County Commissioners would conduct a public hearing and take final action in October 2010. During the DCA review period, the Department of Planning and Zoning will also review comments received at the transmittal hearings and any additional submitted material and may issue a Revised Recommendations report reflecting any new information prior to the final public hearings. Final action by the Board of County Commissioners will be to adopt, adopt with change, or not adopt each of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made only by the County Commission under a "Special" amendment process, or by an applicant for approval or amendment of a Development of Regional Impact (DRI), or for a closed or realigned military base. Procedures for processing such "Special" or DRI- or military base-related amendments are established in Section 2-116.1 of the Miami-Dade County Code.

Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-Scale" amendments as defined in Section 163.3187(1)(c), F.S. This procedure authorizes the Board of County Commissioners to take final action on small-scale requests to amend the Land Use Plan Map (version dated October 2009) at the transmittal public hearing. During the October 2009 filing period, no amendment applications were filed as eligible for expedited processing as "small-scale" amendment under the following conditions:

1. The proposed amendment involves a land use change of 10 acres or less.
2. The cumulative annual acreage of all small-scale amendments shall not exceed 120 acres, and not more than 60 acres of the total can be located outside of areas designated in the CDMP as urban infill or urban redevelopment transportation concurrency exception areas, or in the Dadeland Chapter 380 Regional Activity Center.
3. Outside of the foregoing infill and redevelopment areas and Regional Activity Center, amendments involving residential land uses are limited to maximum density of 10 dwelling units per acre, but amendments inside these designated areas are eligible to request and density.
4. The proposed amendment does not involve the same property granted an amendment in the prior 12 months; and
5. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.
6. The proposal cannot involve any text changes to the Plan's goals, objectives, and policies.
7. The proposed amendment is not in an area of critical state concern; and
8. The proposal involves the construction of affordable housing units, meeting the affordability criteria of Section 420.0004(3), Florida Statutes, on property which will be the subject of a restricted land use agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or allocation of federal tax credits through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration.

Applicants who want their eligible applications processed under the expedited "small-scale" amendment procedure must explicitly make such a request in the application. Generally, small-scale amendments will not be reviewed by the Florida Department of Community Affairs (DCA) or issued a notice of intent, and they will take effect 31 days after adoption by the Commission unless a challenge is filed.

At its initial public hearing to address the October 2009 cycle applications, the Commission could elect to adopt, adopt with change, or not adopt small-scale amendments. If it does not adopt a small-scale amendment, the Commission may elect to transmit it to DCA for review along with the standard amendment requests and take final action at its second public hearing, which will occur after State-agency review. Of course, failure to adopt as a small-scale amendment or to transmit effectively denies approval of the application.

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1210; Miami, Florida 33128-1972; telephone (305) 375-2835.

Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Restrictive Covenant

According to Ordinance 03-40 pertaining to CDMP procedures, no applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use plan map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board a specific future use or uses for an application site without proffering a restrictive covenant. The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form.

TABLE 1
SCHEDULE OF ACTIVITIES
OCTOBER 2009-2010 CDMP AMENDMENT CYCLE

Pre-application Conference for the Private Sector	September 1- September 30, 2009
Application Filing Period	October 1- November 2, 2009
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	November 9, 2009
Deadline for re-submittal of unclear or incomplete Applications	Seventh business day after Notice of Deficiency
Applications Report published by DP&Z	December 5, 2009
Deadline for submitting Technical Reports	December 29, 2009
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	January 28, 2010
Initial Recommendations Report released by DP&Z	February 25, 2010
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2010
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	April 5, 2010* County Commission Chamber 111 NW 1st Street Miami, Florida 33128
Board Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	May 5, 2010* County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	May, 2010**
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Commission transmittal hearing
Receipt of DCA Objections, Recommendations and Comments (ORC) report	August, 2010** (Approximately 75 days after transmittal)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	September 20, 2010
Public Hearing and Final Action on Applications: Board Of County Commissioners	October 6, 2010

Note: * Date is subject to change. All hearings will be noticed by newspaper advertisement.

** Estimated Date.

Deadlines for Submitting Covenants to be Considered

Deadlines exist for providing covenants to be considered in the Department's written recommendations and at public hearings. The deadline for covenants to be submitted to staff is January 28, 2010 to be considered in the Initial Recommendations Report. If the Community Council, the Planning Advisory Board or the Board of County Commissioners is to consider a covenant in its decision-making, the deadline for submittal is 17 days prior to the hearing. If the Department is to consider the covenant in its written recommendation on an application in the Revised Recommendations Report, it must be received at least four weeks prior to the final hearing of the Planning Advisory Board.

TABLE 2
SCHEDULE OF DECLARATION of RESTRICTIONS DEADLINES
OCTOBER 2008-2009 CDMP AMENDMENT CYCLE

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	January 28, 2010
Deadline for submitting revised Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	Seventeen days prior to hearing
Deadline for submitting revised Declaration of Restrictions to be considered at Board (BCC) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	Seventeen days prior to hearing
Deadline for submitting Declaration of Restrictions to be considered in the Revised Recommendations Report	4 weeks prior to PAB Final Public Hearing
Deadline for submitting Declaration of Restrictions to be considered at PAB Hearing Regarding Final Recommendations	Seventeen days prior to hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC Hearing Regarding Adoption of Standard Amendments	Seventeen days prior to hearing

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OVERVIEW OF THE OCTOBER 2009 AMENDMENT APPLICATIONS

Ten (10) applications comprising eight (8) private and two (2) staff applications to amend the Comprehensive Development Master Plan (CDMP) were filed in this October 2009 Cycle of amendments. Three (3) of the 8 private applications (Application Nos. 1, 2 and 3) are CDMP Land Use Plan (LUP) map amendments while the remaining five (Application Nos. 6 through 10), are text amendments to the Land Use Element.

The three private LUP map amendments meet the criteria for small-scale map amendments under expedited review process. Application Nos. 1 and 3 seek to redesignate their corresponding subject properties from "Low Density Residential" to "Business and Office" land use category, while Application No. 2 seeks to redesignate its subject property from "Low Density Residential" to "Medium Density Residential" land use category. The first two privately filed text amendments (Application Nos. 6 and 7), seek to amend and/or be released from the bindings of previously adopted "Declarations of Restrictions associated with the corresponding subject properties for Application Nos. 7 and 3 of the October 2005 and April 2007 cycles of amendments to CDMP, respectively. These types of changes to an adopted Declaration of Restrictions for a property that underwent a CDMP amendment process, constitute a standard text amendment to the Land Use Element (LUE) of the CDMP. The remaining three privately filed text amendments (Application Nos. 8, 9 and 10), seek to revise text in the Land Use Element as specified in the individual applications.

For the staff applications, Application No. 4 is a LUP map amendment filed by Miami-Dade County General Service Administration (GSA). The application is to redesignate certain land from "Institutions, Utilities, and Communications" and "Low Medium Density Residential" to "Miami Metrozoo Entertainment Area II" for Parts A, B, & D, and "Environmentally Protected Parks" for Part C. Application No. 5 filed by the Department of Planning and Zoning (DP&Z) is also a LUP map amendment, which seeks to amend the "Adopted 2015 and 2025 Land Use Plan map to include a new community urban center in the northwestern part of the County.

The general location map on the next page indicates the general locations of the application sites for the requested Land Use Plan map changes as well as the amendment properties that were subject of the previously adopted declaration of restrictions. The individual applications are presented after the general location map.

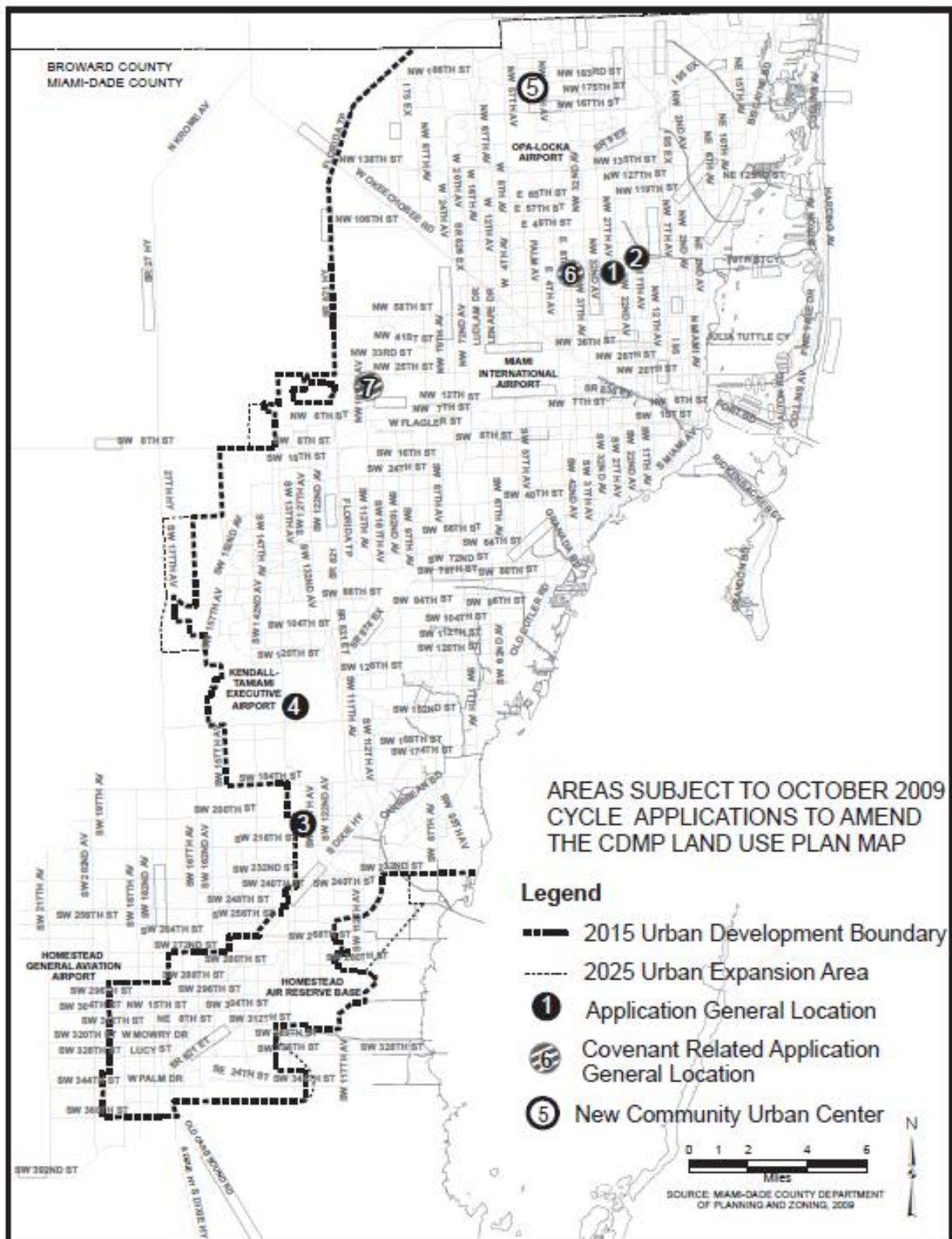


Table 3
LIST OF OCTOBER 2009 APPLICATIONS REQUESTING AMENDMENTS TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

Application Number	Applicant/Representative Location Requested Changes	Acres (Gross/Net)
Land Use Map Amendments		
1	Ellen Gardner 79 th St LLC/Michael Gil, Esq., Michael Larkin, Esq. Bercow Radell & Fernandez PA Location: Area between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues	
	<u>Requested Amendment to the Land Use Plan Map</u> From: Low Density Residential (2.5 to 6 dwelling units per gross acres (du/ac); 0.37 gross acres) and Business and Office (1.26 gross acres) To: Business and Office Small-Scale Amendment	1.63 Gross 1.1 Net
2	Tradewinds Associates, Ltd/Jeffrey Bercow, Esq., Michael J. Marrero, Esq., Bercow Radell & Fernandez PA Location: Southwest corner of NW 19 Avenue and NW 81 Street	
	<u>Requested Amendment to the Land Use Plan Map</u> From: Low Density Residential (2.5 to 6 du/ac) To: Medium Density Residential (13 to 25 du/ac) Small-Scale Amendment	3.79 Gross 3.24 Net
3	Apostolic Alliance Church of the Lord Jesus Christ, Inc./Felix Lasarte, Esq., The Felix Lasarte Law Firm, LLP Location: Southwest corner of SW 127 Avenue and SW 200 Street	
	<u>Requested Amendment to the Land Use Plan Map</u> From: Low Density Residential (2.5 to 6 du/ac) To: Business and Office Small-Scale Amendment	2.3 Gross 1.78 Net
4	Miami-Dade County General Service Administration/Wendy Norris, Director, Miami-Dade County General Service Administration Location: Southwest corner of SW 117 Avenue and SW 152 Street	
	<u>Requested Amendment to the Land Use Plan Map</u> From: Institutions, Utilities, And Communications And Low Medium Density Residential To: Miami Metrozoo Entertainment Area II for Parts A, B, & D; and Environmentally Protected Parks for Part C Standard Amendment	287.2 Gross 279.38 Net

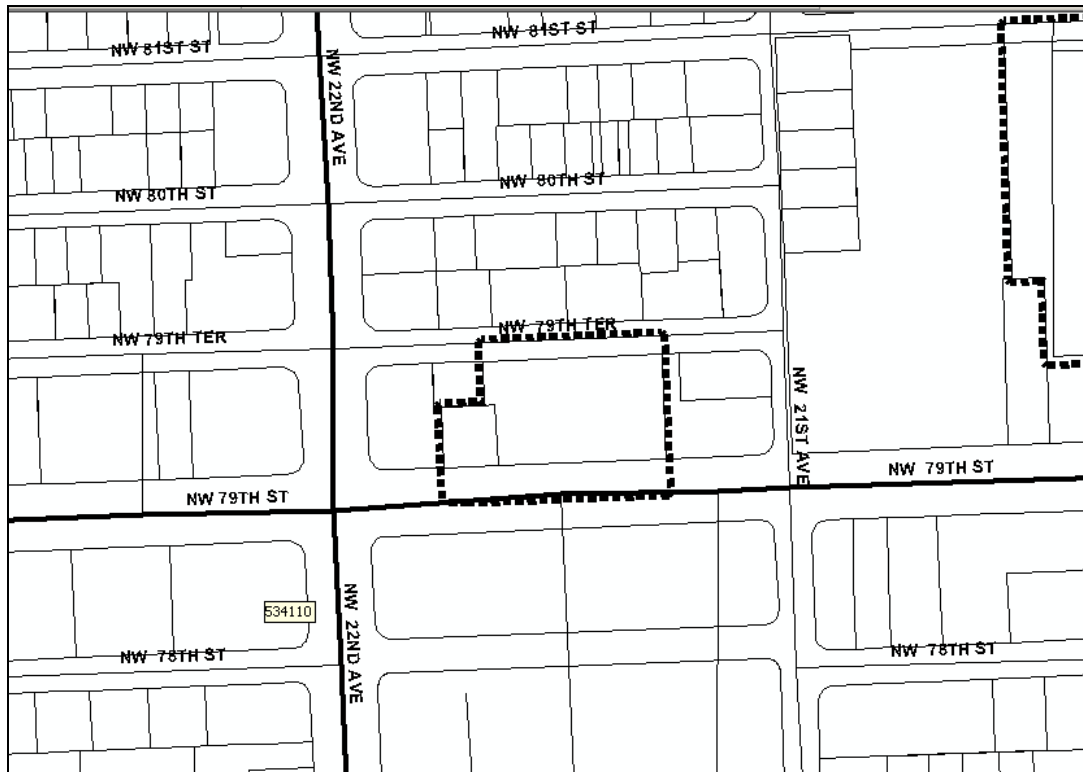
Application Number	Applicant/Representative Location Requested Changes	Acres (Gross/Net)
5	Department of Planning and Zoning/Marc LaFerrier, AICP, Director	
	<u>Requested Amendment to the Land Use Plan Map</u> Amend the Adopted 2015 and 2025 Land Use Plan to include a new Community Urban Center in the area generally bounded by NW 57 Avenue on the east, the Moors residential development on the west, NW 163 Street on the south and NW 183 Street on the north Standard Amendment	NA
Amendments To Previously Adopted Declarations of Restrictions		
6	Imperial Management, LLC/Jeffrey Bercow, Esq. & Michael J. Marrero, Esq., Bercow Radell & Fernandez PA Location: Southwest corner of NW 32 Avenue and NW 79 Street	
	<u>Requested Amendment to the Land Use Element</u> Release/delete Previously Proffered and Accepted Declaration of Restrictions for Application No. 7 of the October 2005 Cycle CDMP Amendments as indicated on Page I-74.2 of the CDMP; and perhaps, proffer a new Declaration of Restrictions for consideration by the Board of County Commissioners Standard Amendment	37 Gross 37 Net
7	107 th Avenue Gamma, LLC/Jeffrey Bercow, Esq. & Michael Gil, Esq. Bercow Radell & Fernandez PA. Location: Northwest corner of NW 107 Avenue and NW 12 Street	
	<u>Requested Amendment to the Land Use Element</u> Delete and Replace Previously Proffered and Accepted Declaration of Restrictions for Application No. 3 of the April 2007 CDMP Amendment Cycle as indicated in the Restrictions Table on Page I-74.5 of the CDMP Standard Amendment	63.95 Gross 54.24 Net
Text Amendments		
8	CEMEX Const. Materials Florida, LLC/Kerri L. Barsh, Esq. Greenberg Traurig	
	<u>Requested Amendment to the Land Use Element</u> Revise the Agriculture land use category text on page I-59 of the CDMP to include the expansion of bona fide quarrying as defined by Ordinance and ancillary uses onto property adjacent to existing quarrying operations Standard Amendment	NA

Application Number	Applicant/Representative Location Requested Changes	Acres (Gross/Net)
9	Vecellio & Grogan, Inc. d/b/a White Rock Quarries/Ms. Kerri L. Barsh, Esq. Greenberg Traurig	
	<u>Requested Amendment to the Land Use Element</u> Revise the Open Land Subarea 1 (Snake-Biscayne Canal Basin) text on Page I-63 of the CDMP on Page I-63 to include nurseries and tree farms in the list of allowable uses Standard Amendment	NA
10	Florida Power & Light Company/Jeffrey Bercow, Esq. and Michael A. Gil, Esq., Bercow Radell & Fernandez P.A.	
	<u>Requested Amendment to the Land Use Element</u> Revise the text of the Agriculture land use category text on Pages I- 58 & I-59 to add new text allowing for a private water management project in the Agriculture category subject to certain specific criteria to ensure consistency with the goals, objectives and policies of the CDMP Standard Amendment	NA

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**APPLICATION NO. 1
SMALL-SCALE AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
Ellen Gardner 79th St LLC 8126 SW 1st Manor Coral Springs, Florida 33071	Michael Gil,, Esq. Michael Larkin, Esq. Bercow Radell & Fernandez PA 200 South Biscayne Boulevard Suite 850 Miami, Florida 33131 Phone (305) 374-5300
<u>Requested Amendment to the Land Use Plan Map</u>	
From: Low Density Residential (2.5 to 6 dwelling units per gross acres (du/ac); 0.37 gross acres) and Business and Office (1.26 gross acres) To: Business and Office	
Location: Area between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues	
Acreage: Application area: 1.63 Gross Acres Application area: 1.1 Net Acres	
Acreage Owned by Applicant: 1.1 Acres	



- Notes: 1. This page is not part of the Application.
 2. Disclosure of Interest contains only those applicable pages; all others were deleted.

SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2009-2010 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN

2009 NOV -2 P 3: 24
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

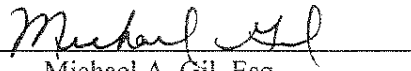
Ellen Gardner 79th St LLC
8126 S.W. 1st Manor
Coral Springs, Florida 33071

2. APPLICANT'S REPRESENTATIVES

Michael W. Larkin, Esq.
Michael A. Gil, Esq.
Bercow Radell & Fernandez P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

By: 
Michael W. Larkin, Esq.

Date: November 2, 2009

By: 
Michael A. Gil, Esq.

Date: November 2, 2009

3. DESCRIPTION OF REQUESTED CHANGES

A small-scale amendment to the Comprehensive Development Master Plan (CDMP) Land Use Plan Map (LUP) is requested.

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

Current Land Use Designation: Low Density Residential and Business and Office

Proposed Land Use Designation: Business and Office

- B. Description of Property

The Property consists of two parcels (Folio Nos. 30-3110-057-1820 and 30-3110-057-1840) collectively totaling approximately 1.11 net acres in size (the "Property") and located in Section 10, Township 53, Range 41 in unincorporated Miami-Dade County. See attached Sketch.

C. Acreage of Property

Gross Acreage = 1.63 acres

Net Acreage = 1.11 acres

Net Acreage owned by the Applicant = 1.11 acres

D. Requested Changes

- 1) The Applicant requests the redesignation of the Property from Low Density Residential and Business and Office to Business and Office.
- 2) It is requested that this Application be processed as a small-scale amendment under the expedited procedures.
- 3) If the CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.

4. REASONS FOR AMENDMENT

Applicant. Ellen Gardner 79th St LLC (the "Applicant") is the owner of the Property located in Miami-Dade County, which is the subject of the present application (the "Application").

Property. The Property consists of two contiguous parcels of land located on N.W. 79th Street in between N.W. 21st Avenue and N.W. 22nd Avenue in unincorporated Miami-Dade County (the "County"). The larger parcel, identified by Miami-Dade County Folio No. 30-3110-057-1820, is approximately 41,034 square feet in size, and the smaller parcel, identified by Miami-Dade County Folio No. 30-3110-057-1840, is approximately 7,200 square feet in size. Both parcels currently consist of vacant land. The Property is located inside the Urban Development Boundary and the Urban Infill Area of the County.

Land Use and Zoning. The northern approximately one-quarter of the Property is currently designated as Low Density Residential, while the southern approximately three-quarters of the Property is designated Business and Office. The Property is immediately surrounded by the following land use designations: Low Density Residential to the north (with narrow Low Density Residential portions also abutting to the west and east), and Business and Office primarily to the east, west, and south. Notably, the property located at the northeast corner of N.W. 79th Street and N.W. 21st Avenue contains a land use designation of Business and Office that extends north from N.W. 79th Street and is approximately twice as deep as the current Business and Office designation for the Property.

The approximate southern one-half of the Property has a BU-2 (Special Business District) zoning district classification. The approximate northern one-half of the Property has a RU-1 (Single-family Residential District) zoning district classification. The properties to the north are zoned RU-1, and the properties to the east and west, similar to the Property, are dual zoned; the approximately southern one-half of the properties are zoned BU-2 and the approximately northern

one-half are zoned RU-1. Finally, the property on the southern side of N.W. 79th Street is zoned BU-2.

Built Environment. The surrounding area consists primarily of retail uses. To the east of the Property, there is a Church's Chicken restaurant, and to the west, there is a UGas gasoline station. To the north of the Property, across the street from NW 79th Terrace, there are single family residences. Finally, to the south of the Property on the south side of N.W. 79th Street there is a two-story commercial building with a large surface parking lot.

Description of Development Proposal. The Applicant will develop the Property with community-serving retail uses. In addition, the Applicant reserves the right to develop the Property with residential uses as permitted by the Business and Office designation.

Projected Population Increase. The County recently updated their current Population Estimates and Projections in 2008. See Application No. 5 of the October 2007-08 Cycle to Amend the CDMP. For Metropolitan Statistical Area (MSA) 4.2, the analysis projected a 7.7% increase in population by 2015 and an 11.4% increase by 2025 from the base population of 80,689 in 2000. This significant population increase will necessitate additional employment opportunities and retail commercial development in the area in order to service this population growth. In sum, the new residents in this area will demand a greater number of retail uses. As CDMP Land Use Element Policy 8B provides, the "[d]istribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban areas shall reflect the spatial distribution of the residential population" (CDMP p. I-15). The Applicant's proposal will provide employment opportunities and retail services to this area.

Transportation System. The Property is situated on a main transit corridor and abuts a major roadway, N.W. 79th Street. In addition, the Property is located less than ten blocks away from the Northside Metrorail Station, which allows commuters to connect to 21 other Metrorail stations throughout the County. Notably, the Property is also located within approximately 15 blocks of the Tri-Rail/Metrorail Station and is also within walking distance of the Amtrak Train Station, which is located at 8303 NW 37th Avenue. The Tri-Rail Station provides access south to the Miami International Airport and the Amtrak Station and north to Broward and Palm Beach Counties. The Property is also well-served by public transportation. Two Metrobus routes, L and 79 (79 St MAX), service the Property and connect directly to the Northside Metrorail Station. Numerous other bus routes may be accessed at the intersection of N.W. 79th Street and N.W. 22nd Avenue, including the 12, 21, 22, and 246 (Night Owl). Therefore, the Property is very well serviced by public transportation.

Community Urban Center. The CDMP designates N.W. 27 Avenue, just north of N.W. 79th Street, as a Community Urban Center (CUC). CUCs are intended to contain a wide variety of mixed uses located on major roadways and supported by mass-transit. The Property is located in close proximity and within walking distance to both the CUC and multimodal transit opportunities. The most direct route to the CUC is along the major transit corridors of N.W. 79th Street and N.W. 27th Avenue. These corridors are the perfect place for commercial development that services the residents of the CUC. The Property is perfectly situated near the CUC and residential developments and small enough in size to provide retail uses that serve the surrounding community and encourage walking.

Residential and Commercial Land Supply and Demand. The Property currently consists of approximately .2 net acres designated Low Density Residential and approximately .9 acres designated Business and Office. The Applicant proposes to redesignate the Property in its

entirety to Business and Office. If the Property is eventually developed for commercial use, due to its small size (1.11 net acres), the reduced residential capacity will be insignificant for this area. A reduction of 12 residential units from the entire North Central Tier (assuming 6 dwelling units per acre for the Property's Low Density Residential portion of approximately .2 acres and 13 dwelling units per acre for the Property's Business and Office portion of approximately .9 acres) amounts to less than one-half of one percent of the residential supply of the North Central Tier.

Consistency with the CDMP. The Applicant's proposal will provide the surrounding community with necessary neighborhood retail uses. The redesignation request is consistent with several objectives, goals and policies of the Comprehensive Development Master Plan.

Consistency with the Land Use Element. The approval of the Application will be consistent with the following objectives and policies in the Land Use Element for the reasons set forth below:

OBJECTIVE LU-1

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

The Property is located in close proximity to a CUC as designated by the LUP Map. Pursuant to page I-47 of the CDMP, "[u]ses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces." These uses are particularly consistent with the Business and Office CDMP designation, which allows for retail, wholesale, personal and professional services, commercial and professional offices, among other uses described on page I-47 of the CDMP. The development of the Property as a community-serving retail project would be compatible with the pattern of development encouraged for Urban Centers within the County. While the Property is not included within the boundaries of the CUC, its redevelopment with a retail use will give the residents of the CUC an additional retail choice.

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.

The Property is a vacant parcel situated within the UIA in a currently urbanized area. A vacant parcel of land adjacent to major transportation corridors in Miami-Dade County is a substandard use of the Property. The redevelopment of any property within the UIA is beneficial because it revitalizes these older urban neighborhoods.

OBJECTIVE LU-7

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open

space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

The Property is located in an area with a high concentration of transit alternatives. Specifically, it is located a few blocks from the Northside Metrorail Station, the Tri-Rail/Metrorail Station, and the Amtrak Train Station. Moreover, the Property abuts N.W. 79th Street, a six lane divided thoroughfare considered a major roadway on the County's LUP Map. N.W. 79th Street is currently serviced by multiple Metrobus routes all connecting directly to the Northside Metrorail Station. Accordingly, the proposed commercial development of the Property will be a benefit to patrons of public transportation by giving them an additional retail choice on their way to and from the public transportation hubs.

POLICY LU-7D

Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.

The Property is within one-half mile of multiple bus routes, and the proposed development will incorporate pedestrian-friendly elements. Therefore, the Application is perfectly situated to attract and encourage pedestrian 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.

The Property, surrounded by a single family community to its north and a large multifamily residential development on the south side of NW 79th Street, is ideally situated to provide community-serving retail uses to this highly urbanized area.

POLICY LU-10A.

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

Because the Property is currently vacant, its use is currently substandard. This infill development will help serve the surrounding residential communities, thereby reducing carbon footprint and promoting energy conservation. By bringing neighborhood serving retail uses closer to the surrounding residential communities, the need for commuting by automobiles (and corresponding gas emissions) is reduced.

Conclusion. The Applicant proposes to develop the Property with community-serving retail uses. The County's current Population Estimates and Projections reflect a strong population growth within MSA 4.2. Accordingly, additional retail commercial development is necessary to service this population growth. Moreover, the redesignation of the Property in its entirety to Business and Office is compatible with the surrounding neighborhood, and is also consistent with the existing Business and Office designation of the property located at the northeast corner of N.W.

79th Street and N.W. 21st Street. Finally, the approval of the Application will be consistent with numerous objectives and policies in the CDMP's Land Use and Transportation Elements.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Location Map of Property
- 2) Aerial Photograph
- 3) Section Map

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

6. COMPLETE DISCLOSURE FORMS: See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

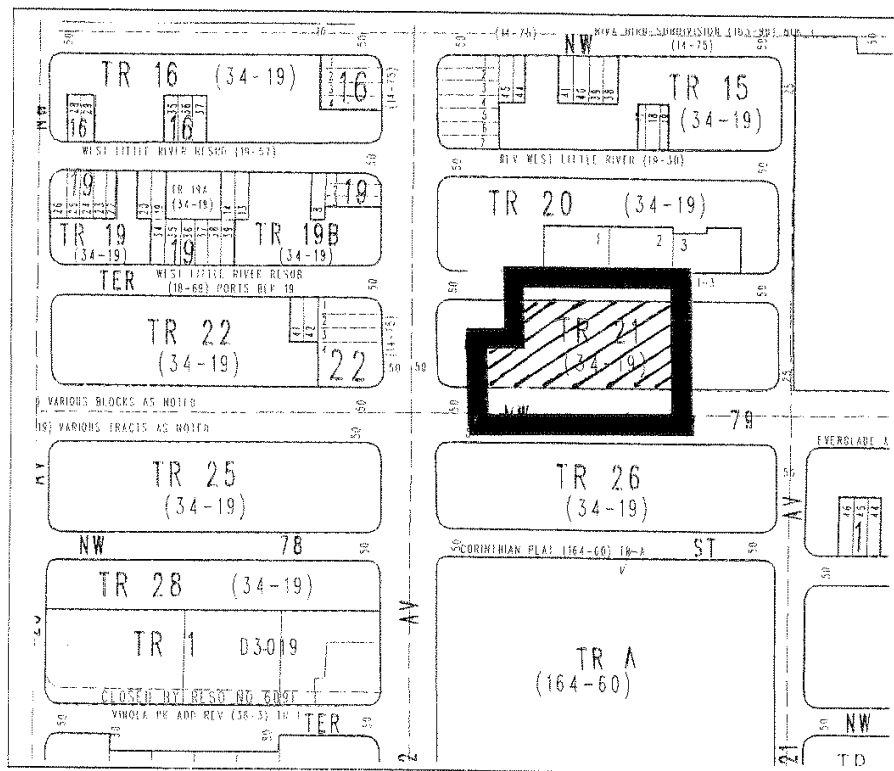
Ellen Gardner 79th St LLC
8126 S.W. 1st Manor
Coral Springs, Florida 33071



REPRESENTATIVES

Michael W. Larkin, Esq. & Michael A. Gil, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

DESCRIPTION OF SUBJECT AREA

The Property consists of two parcels that collectively contain 1.11 net acres located in Section 10, Township 53, Range 41. The parcels are identified by Folio Nos. 30-3110-057-1820 and 30-3110-057-1840. The Applicant owns the parcels.



 APPLICATION AREA
 AREA OWNED BY APPLICANT

SCALE
0 500'

DISCLOSURE OF INTEREST

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

APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Ellen Gardner 79th St LLC

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
<u>A</u>	<u>Same</u>	<u>30-3110-057-1820 & 30-3110-057-1840</u>	<u>1.11 acres</u>

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

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

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

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

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

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

CORPORATION NAME: Ellen Gardner 79th St LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>Ellen Gardner, 8126 SW 1st Manor, Coral Springs, Florida 33071</u>	<u>100%</u>

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

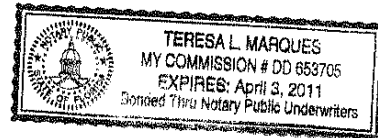
For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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

Applicant's Signatures and Printed Names

Ellen Gardner
Ellen Gardner

Sworn to and subscribed before me
this 28 day of October, 2009.



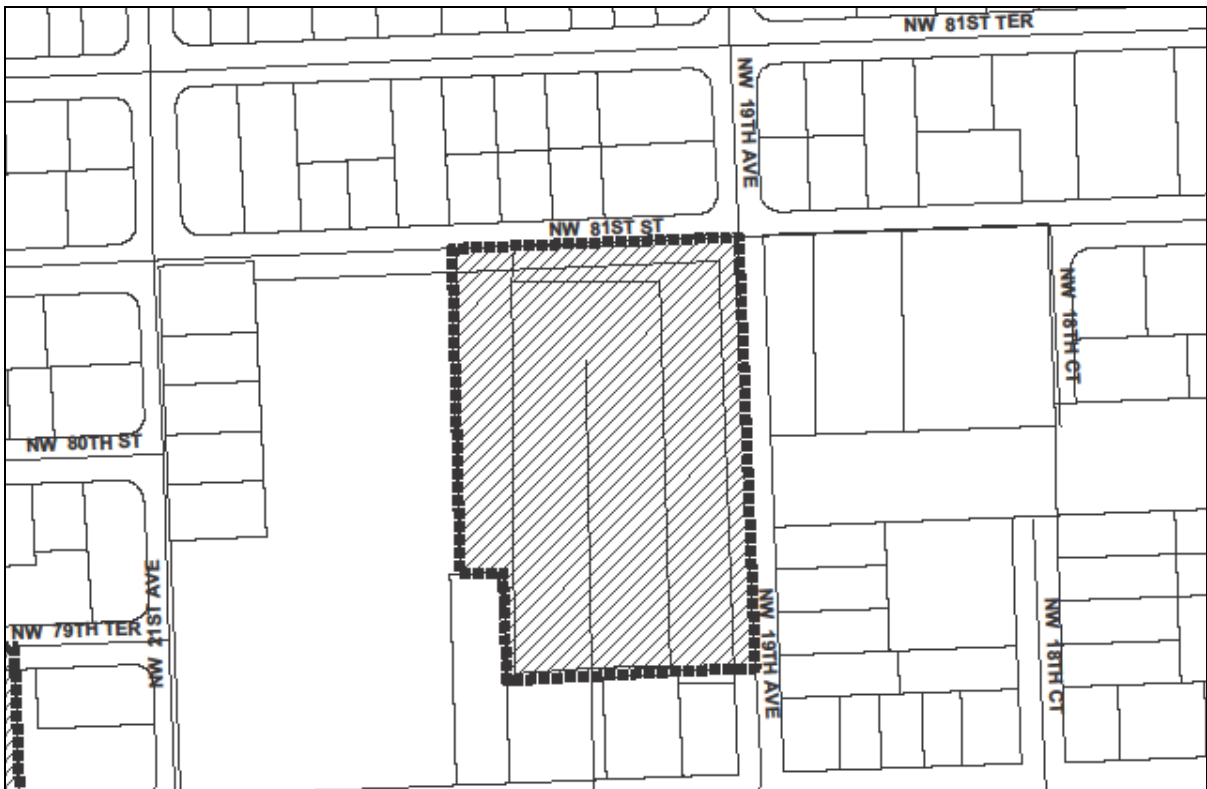
Notary Public, State of Florida at Large (SEAL)
My Commission Expires:

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

**APPLICATION NO. 2
SMALL-SCALE AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
Tradewinds Associates, Ltd 2100 Hollywood Boulevard Hollywood, Florida 33020	Jeffrey Bercow, Esq. Michael J. Marrero, Esq. Bercow Radell & Fernandez PA 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 Phone (305) 374-5300
<u>Requested Amendment to the Land Use Plan Map</u> From: Low Density Residential (2.5 to 6 dwelling units per gross acre) To: Medium Density Residential (13 to 25 dwelling units per gross acre) Location: Southwest corner of NW 19 Avenue and NW 81 Street Acreage: Application area: 3.79 Gross Acres Application area: 3.24 Net Acres Acreage Owned by Applicant: 0 Acres	



Notes: 1. This page is not part of the Application.
 2. Disclosure of Interest contains only those applicable pages; all others were deleted.

**SMALL SCALE AMENDMENT REQUEST
TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2009-2010 AMENDMENT CYCLE**

2019 NOV -2 P 3 26

**MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

Tradewinds Associates, Ltd.
2100 Hollywood Boulevard
Hollywood, Florida 33020

2. APPLICANT'S REPRESENTATIVES

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

By: 
Jeffrey Bercow, Esq.

Date: October 30, 2009

By: 
Michael J. Marrero, Esq.

Date: October 30, 2009

3. DESCRIPTION OF REQUESTED CHANGES

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

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

B. Description of Application Area

The Application Area consists of the residentially designated 3.24 acres of a 3.79 acre tract located in Section 10, Township 53, and Range 41 in unincorporated Miami-Dade County (the Property"). See attached survey. The Applicant proposes to redesignate these 3.24 acres.

C. Acreage

Application area: 3.24 acres.

Acreage owned by Applicant: 0 acres.

D. Requested Changes

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

4. REASONS FOR AMENDMENT

The Property. The Property is an irregularly shaped parcel situated on the north side of N.W. 79th Street just west of NW 19th Avenue, currently designated as Low Density Residential and Business and Office. The majority of the Application Area is zoned RU-1, while the southern portion of the Property adjacent to N.W. 79th Street is zoned BU-2. Currently, a mobile home park is located on the Property. Based upon the Property's proximity to major transportation corridors within Miami-Dade County, this is a substandard use of the Property. Additionally, the Property is located within the Urban Infill Area (UIA). The Property abuts single family to the north and duplexes and single-family homes located to the east. There is a large vacant commercial parcel situated to the west and several commercial uses situated to the south.

North Central Miami-Dade Charrette. The Property is located within the boundaries of the North Central Miami-Dade Charrette. The Citizens' Requests within the North Central Miami-Dade Charrette Report, adopted by the Board of County Commissioners of Miami-Dade County on April 27, 2004, included requests for home ownership, improvements along the edge of corridors, enhancements to main community arteries, infill trailer parks and the creation of a community identity. All of these goals could be enhanced by the adoption of this request. The Charrette Report further identified resident concerns with the aesthetic appearance of the North Central area. As to NW 79th Street, one criticism was that the corridor is dedicated almost exclusively to automobile traffic and no pedestrian traffic. A significant redevelopment of the parcels fronting NW 79th Street, such as the Application Area, will contribute to the aesthetic revival of the NW 79th Street corridor.

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

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

The application will redevelop what has become an eyesore for the community, a deteriorating trailer park. The existing New Tradewinds Mobile Home Park is blighted and in very poor condition. Furthermore, although its capacity is for 80 units which could serve as much as 400 residents, only about 40 residents live there today. The proposed affordable housing development will enhance the aesthetic character of the neighborhood and eliminate a blighted, underutilized park

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

Specifically, Policy LU-1C within the Land Use Element states that the County shall give priority to redevelopment of substandard properties in currently urbanized areas. The trailer park use of the Property is a substandard use. In addition, the Application Area is located within a heavily urbanized area within North Central Miami-Dade County.

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

The application further the inclusion of a variety of housing types in all residential communities. The area surrounding the Application Area includes many single-family homes. The inclusion of higher density affordable housing units in the area will promote Policy LU-1F by providing a variety of housing sizes and styles for residents of the neighborhood.

Policy LU-1K – Miami-Dade County will maintain and enhance the housing assistance and housing programs addressed in the Housing Element as a means to improve conditions of extremely low, very low, low and moderate income residents. This includes the provision of affordable workforce housing.

AND

Policy LU-8A – Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines of Urban Form contained in this Element.

AND

Policy HO-2C – Foster a diversity of affordable housing types defined by the County's Comprehensive Development Master Plan to include single-family detached housing, single-family attached and duplex housing, multi-family housing and manufactured homes.

AND

Policy HO-6C – Priority should be given to assisting affordable workforce housing projects which are proximate to employment concentrations, mass transit, or have easy access to a range of public services.

AND

Policy MT-5D - The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.

The Land Use and Housing Elements, and the Mass Transit Subelement of the Transportation Element of the CDMP puts great emphasis on the importance of providing affordable housing. The application will result in the construction of over 80 affordable or workforce housing units along a major corridor (NW 79th Street). The Property is also less than one mile from the Northside Metrorail Station, just one stop away from the Tri-Rail. Because of its proximity to a major corridor and to mass transit stations, the Property is an ideal location for affordable housing as it will facilitate pedestrian friendly opportunities for its residents.

Policy LU-8F – The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in Policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations therefore shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

Land Supply. The Property is located within the eastern part of the North Central Miami-Dade planning analysis tier. Table 5 of the Planning Considerations Report for the April and October 2008 states that the capacity, or supply, of multi-family and single family housing is expected to be depleted by the year 2017. Since the depletion year for the residential capacity in the North Central Miami-Dade planning analysis tier is expected to be reached in less than 8 years, it is appropriate to begin to increase the number of residential units in the residential inventory for the North Central Miami-Dade planning analysis tier in 2009.

The redesignation of this Property to a higher residential density category would also be consistent with Policy LU-8F within the Land Use Element which requires that the Urban Development Boundary (UDB) contain developable land having capacity to sustain projected Countywide residential demand for a period of 15 years of residential capacity beyond the date of adoption of the most recent evaluation and appraisal report (EAR). On a Countywide basis, Table 3 of the Planning Considerations Report for the April and October 2008 shows that the depletion year for both types of housing is 2018. Based upon an anticipated depletion year of 2018 and the mandatory UDB residential capacity set forth in Policy LU-8F, it is clear that now is an appropriate time to add residential capacity within Miami-Dade County.

Policy LU-8E – Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods;
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

Compatibility. Compatibility issues will be primarily addressed during the site plan process for the redevelopment project. However, the affordable housing residential community proposed for the Property is certainly compatible with surrounding uses. The project will be a welcome addition for the commercial uses surrounding it, and is compatible with the single family and duplex housing which it abuts. Furthermore, its proximity to mass transit and major roadways will enhance the accessibility to the site.

In addition, the Applicant believes that the site has a lot of potential to incorporate urban design. Placing buildings along NW 79th Street will line the main entry points of the Property with activated buildings that will act as deterrents to criminal acts and create an interior parking area

surrounded, at least on three sides, by activated uses that will again increase security. Furthermore, NW 79th Street is a half-section line road where activity is encouraged. The current underutilized mobile home park on the Property is inconsistent with the Guidelines for Urban Form. Typically, the design of development is handled at the zoning phase and more attention will be given to the design at that time.

Infrastructure. The Property is within the Urban Infill Area (UIA), therefore it is deemed to be in compliance with Transportation Currency. The Applicant believes that both water and sewer connections are available adjacent to the site. As to potable water, the Planning Considerations Report for the April and October 2008 Cycles states that all of the County's water treatment plants are currently operating within the LOS standards. This application should not have a significant impact. The same report addresses sewer capacity but warns that since some areas are at or close to capacity, DERM addresses the availability of water and sewer service on a case by case basis. Although the Applicant does not anticipate that the approval of this application will result in a deficiency in the LOS, the Applicant will work with DERM to address any potential concerns.

Schools. Pursuant to the Planning Considerations Report for the April and October 2008, the capacity of public schools in each planning area is measured by the Florida Inventory of School Houses (FISH) Rate. The FISH Rates for the North Central East area as follows are below 100% utilization: Elementary – 84.9%; Middle School – 70.4% and High School – 99.7%. As a result, the Applicant's project will not adversely impact the level of service of public schools in the area.

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

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Survey
- 2) Aerial Photograph
- 3) Section Map

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

6. COMPLETE DISCLOSURE FORMS: See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

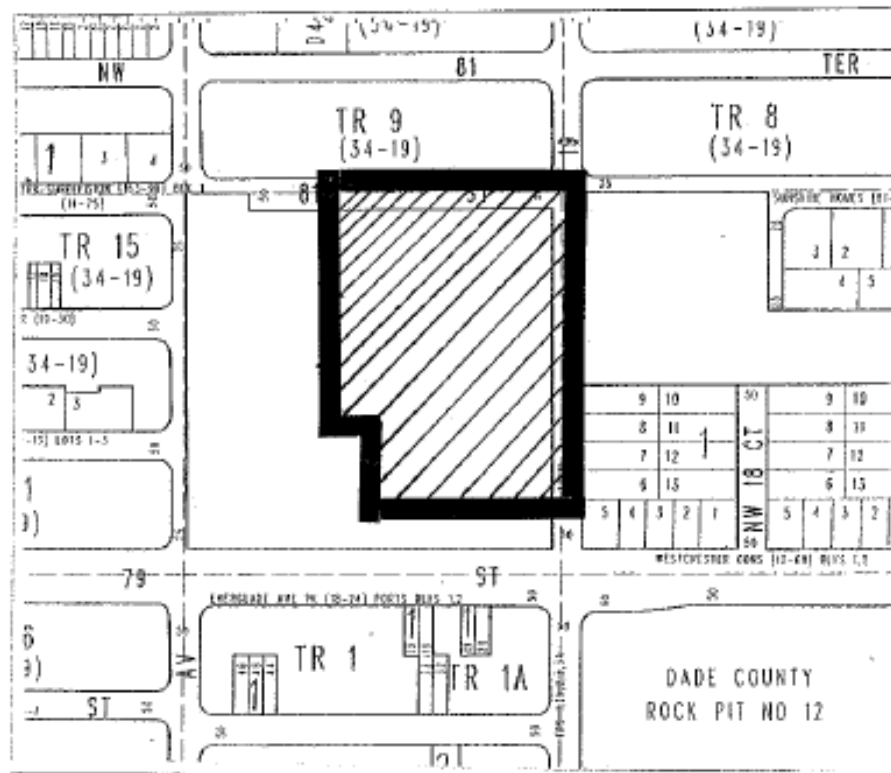
Tradewinds Associates, Ltd.
2100 Hollywood Boulevard
Hollywood, Florida 33020



REPRESENTATIVES

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

DESCRIPTION OF SUBJECT AREA

The Property consists of two parcels that contain 3.79 net acres located in Section 10, Township 55 Range 41. With the ROW, the Application Area contains 3.78 gross acres. The parcels are identified by Folio Nos. 30-3110-000-0020 and 30-3110-000-0010.



 APPLICATION AREA
 AREA OWNED BY APPLICANT

SCALE
0 500'

DISCLOSURE OF INTEREST

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

APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Tradewinds Associates, Ltd.

APPLICANT B: _____

APPLICANT C: _____

APPLICANT D: _____

APPLICANT E: _____

APPLICANT F: _____

APPLICANT G: _____

APPLICANT H: _____

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
<u>N/A</u>			

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

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

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

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

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

CORPORATION NAME: Tradewinds Associates, Ltd.

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENT AGE OF STOCK</u>
See Exhibit A	

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

TRUSTEES

NAME: N/A

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

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

CORPORATION NAME: New Tradewinds Trailer Park Co.

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>German Alvarez</u>	<u>100%</u>

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

TRUSTEE'S
NAME: _____

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

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

PARTNERSHIP NAME: _____

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

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

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Tradewinds Associates, Ltd.</u>	<u>100%</u>

August 5, 2009
Date of Contract:

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

See attached Exhibit A

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

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

Applicant's Signatures and Printed Names

TRADEWINDS ASSOCIATES, LTD.
BY: CORNERSTONE TRADEWINDS, LLC,
Sole General Partner

BY: MS. MADES FAMILY LIMITED PARTNERSHIP

BY: MS. MADES ASSOCIATES, LLC, Sole GP.

BY: MARGA S. MADES, MGR

Sworn to and subscribed before me
this 2nd day of NOV, 2009.

Notary Public, State of Florida at Large (SEAL)
My Commission Expires:



LEYANI ROMAN
MY COMMISSION # DO NOTED
EXPIRES: April 28, 2012
Bonded True Design Notary Service

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 person 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.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

DISCLOSURE OF INTEREST
Tradewinds Associates, Ltd.

By: **Cornerstone Tradewinds, L.L.C.**, sole general partner (100%)

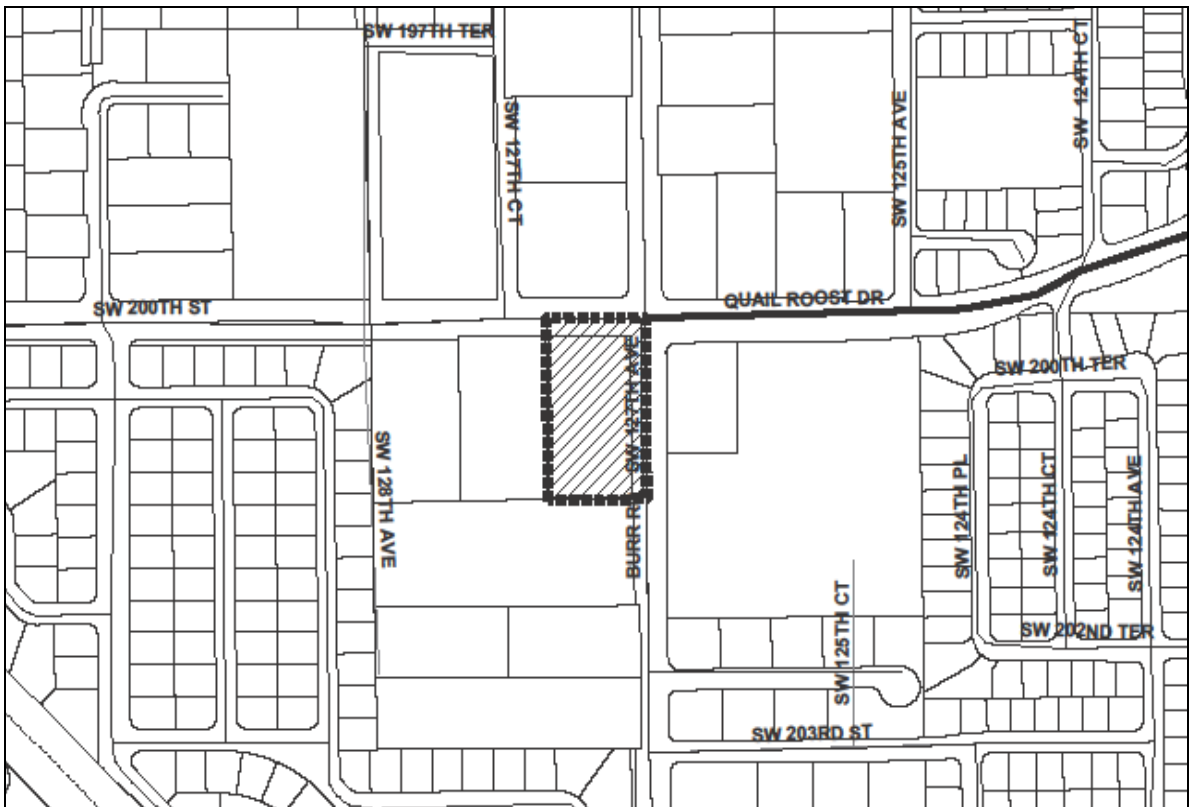
- | | | |
|-------|-----|--|
| 45% | By: | JL Holding Corp., managing member and limited partner
By: Jorge Lopez and Awilda Lopez, joint tenants by the entirety |
| 20% | By: | Stuart I. Meyers Family Partnership, Ltd., managing member and limited partner
By: SIM Family Holdings, L.L.C., sole general partner
By: Stuart I. Meyers, Managing Member |
| 17.5% | By: | M. S. Mades Family Limited Partnership managing member and limited partner
By: M.S. MADES ASSOCIATES, L.L.C., sole general partner
By: Mara S. Mades, Managing Member |
| 17.5% | By: | M3 Assets, LLC, managing member and limited partner
By: Leon J. Wolfe, managing member |

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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**APPLICATION NO. 3
SMALL-SCALE AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
Apostolic Alliance Church of the Lord Jesus Christ, Inc.	Felix Lasarte, Esq. The Felix Lasarte Law Firm, LLP 5835 Blue Lagoon Drive, Suite 1000 Miami, Florida 33126 (305) 269-7153 (305) 26907156 (fax)
<u>Requested Amendment to the Land Use Plan Map</u> From: Low Density Residential (2.5 to 6 du/ac) To: Business and Office Location: Southwest corner of SW 127 Avenue and SW 200 Street Acreage: Application area: 2.3 Gross Acres Application area: 1.78 Net Acres Acreage Owned by Applicant: 1.78 Acres	



- Notes: 1. This page is not part of the Application.
2. Disclosure of Interest contains only those applicable pages; all others were deleted.

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

1. APPLICANTS

Apostolic Alliance Church of the Lord Jesus Christ, Inc.

2. APPLICANT'S REPRESENTATIVE

Felix M. Lasarte, Esq.
The Lasarte Law Firm, LLP
5835 Blue Lagoon Drive Suite 1000
Miami, FL 33126
(305) 269-7153
(305) 269 7156 (fax)

By:


Felix M. Lasarte, Esq.

Date

11/2/09

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Future Land Use Plan map is requested. The Applicant is requesting the redesignation of the subject property from "Low Density Residential" to "Business and Office."

B. Description of Subject Area.

Subject property consists of approximately 2.3 +/- gross acres (1.78 +/- net acres) of land, located in Section 11, Township 56, Range 39, in unincorporated Miami-Dade County. This subject area is located at the Southwest corner of the intersection of SW 127th Avenue and Quail Roost Drive (SW 200 Street), as depicted on the location map accompanying the legal description provided herein.

C. Acreage.

1. Subject Application area: 2.3 +/- gross acres
2. Subject Application area: 1.78 +/- net acres
3. Acreage Owned by Applicant: 1.78 +/- net acres

D. Requested Changes.

1. It is requested that subject property be re-designated on the Future Land Use Plan map from "Low Density Residential" to "Business and Office."
2. It is the requested that this Application be processed as an expedited small scale amendment.

4. REASONS FOR AMENDMENT

The Applicant is requesting a redesignation of the subject property from "Low Density Residential" to "Business and Office." The subject property consists of approximately 2.3 +/- gross acres (1.78 +/- net acres), located in Section 11 of Township 56 South, Range 39 East. This subject property is located at the Southwest corner of the intersection of SW 127th Avenue and Quail Roost Drive (SW 200th Street).

The redesignation to "Business and Office" will allow the applicant to develop the Property into a commercial development. The proposed commercial development will serve the surrounding residential communities located to the north and south of the subject Property by providing much needed additional commercial retail opportunities to its residents.

The Property is ideally situated for a commercial/retail development because it is located at the intersection of two (2) major section-line roadways. The subject property is located between two major thoroughfares (SW 127th Avenue and SW 200th Street) and as recommended by the urban guidelines the proposed commercial development is located within an activity node.¹ The applicant can also provide adequate landscaping along the perimeter of the development to buffer the proposed commercial use from the residential developments to the south and the religious institutional use to the east. Furthermore, the Applicant will provide a traffic study depicting the level of service and impacts of the proposed Amendment.

The proposed land use change would also be compatible with the surrounding commercial and residential uses. The properties located directly to the North and South of the subject property are designated as "Business and Office" in the Land Use Plan map of the Comprehensive Development Master Plan (CDMP). The abutting property to the East is designated "Low Density Residential" and it occupied by a religious institution known as the "Apostolic Alliance Church of the Lord Jesus Christ." The proposed commercial development would provide a transition from the residentially designated properties to the East and the proposed "Business and Office" designation. The vacant parcel of land to the South is owned by the Miami-Dade Parks

¹ The guidelines for urban form provide that "intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. When commercial uses are warranted, they should be located within these activity nodes."

and Recreation Department and is designated as "Low Density Residential." Any proposed use by the Miami-Dade Parks and Recreation Department would be compatible with the proposed commercial development.

Based on the foregoing, the Applicant believes that there is a need to provide additional commercial services to both the surrounding existing residential community, as well as to future residents within the vicinity of the Property, and that the subject property is the appropriate location for this additional inventory.

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

LAND USE POLICY 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. (Business and Office/Commercial).

LAND USE POLICY 1E: In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic. (Mixed Use).

LAND USE POLICY 1H: 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. (Urban Form).

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "C"

Attachments: Legal Description - Exhibit "A"
Location Map for Application - Exhibit "B"
Disclosure of Interest Form - Exhibit "C"

EXHIBIT "A"

A portion of Lot 1 in TROPICO SUBDIVISION, as recorded in Plat Book 2, at Page 57, of the Public Records of Dade County, Florida, and more particularly described as follows:

From the Northeast corner of Lot 1, which is the Point of Beginning, in TROPICO SUBDIVISION, run Westerly along the North line of said Lot 1, 241.69 feet to a point, said line also being the North line of the Northeast Quarter (NE 1/4) of Section 11, Township 56 South, Range 39 East; thence run Southerly along a line parallel to the East line of said Lot 1 229.00 feet to a point; thence at an interior angle of 90 degrees, 30 minutes, 45 seconds, run Easterly 241.69 feet to a point on the East line of said Lot 1; thence at an interior angle of 89 degrees, 29 minutes, 15 seconds, run Northerly 228.90 feet along the East line of said Lot 1 to the point of beginning, less the North and East 35 feet thereof for road purposes, said lands containing 0.92 acres more or less, lying and being in the Northeast Quarter (NE 1/4) of Section 11, Township 56 South, Range 39 East, Dade County, Florida.

AND

From the Northeast Corner of Lot 1, in TROPICO SUBDIVISION, run Southerly along the East line of said Lot 1 228.90 feet to the Point of Beginning, said line also being the East line of the NE 1/4 of Section 11, Township 56 South, Range 39 East; thence continue and run Southerly along the East line of said Lot 1 for a distance of 180.21 feet to a point; thence at an interior angle of 89 degrees, 30 minutes, 34 seconds run Westerly 241.69 feet to a point; thence run Northerly along a line parallel to the East line of said Lot 1, 180.30 feet to a point; thence at an interior angle of 89 degrees, 29 minutes, 15 seconds run Easterly 241.69 feet to the Point of Beginning, less the East 35 feet thereof for road purposes, said land containing 0.86 acre, more or less, lying and being in the NE 1/4 of Section 11, Township 56 South, Range 39 East, Dade County, Florida.

Exhibit "B"

**LOCATION MAP
APPLICATION TO AMEND THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT/REPRESENTATIVE:

Apostolic Alliance Church of the Lord Jesus Christ, Inc. c/o Felix M. Lasarte, Esq.

DESCRIPTION OF SUBJECT AREA:

Subject property consists of approximately 2.3 +/- gross acres of land (1.78 +/- net acres), located in Section 11, Township 56, Range 39, in unincorporated Miami-Dade County. This subject area is located at the Southwest corner of SW 127th Avenue and SW 200th Street.

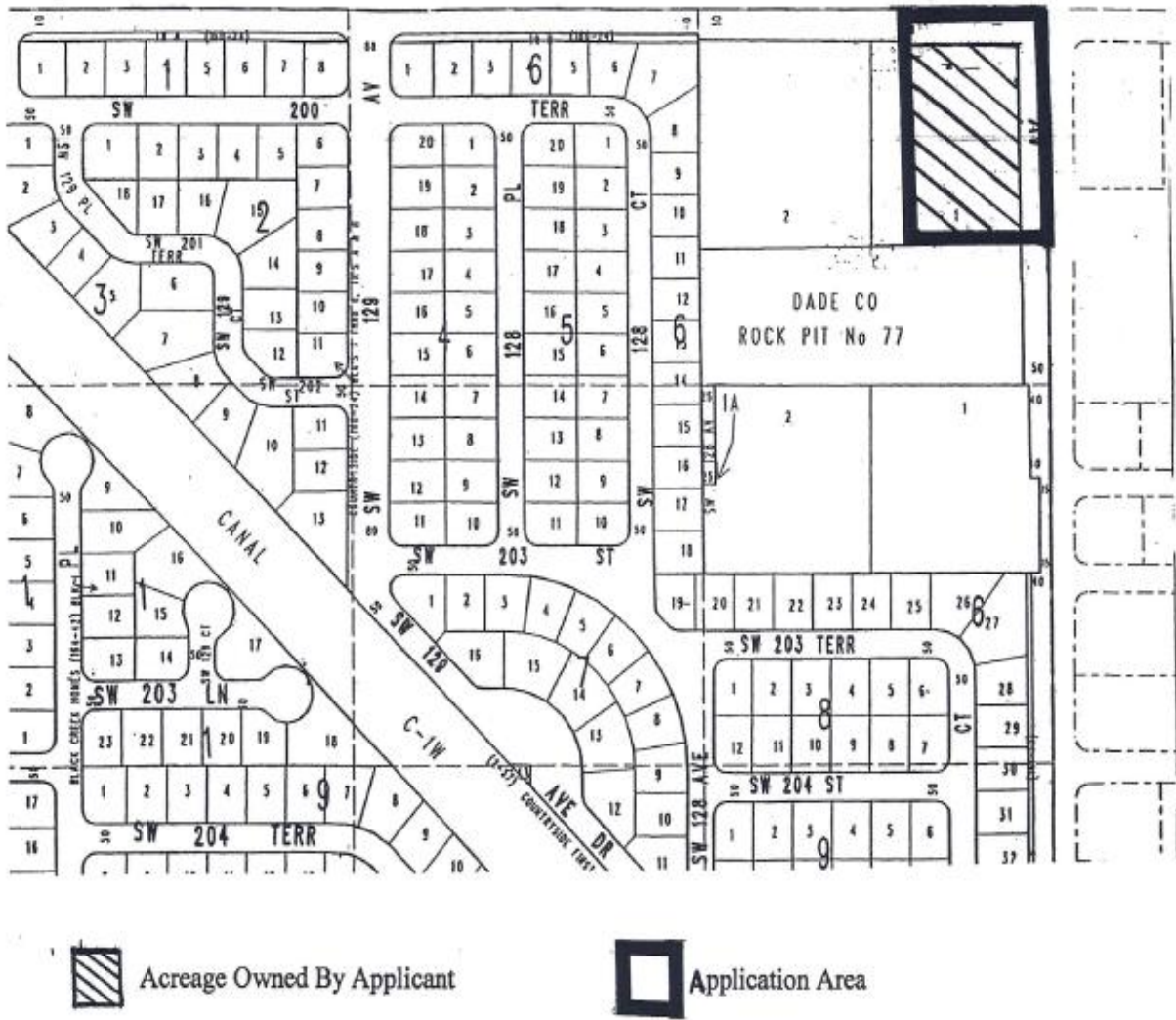


Exhibit "C"

DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

APPLICANT A: Apostolic Alliance Church of the Lord Jesus Christ, Inc.

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

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

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

<u>A</u>	<u>Apostolic Alliance Church of the Lord Jesus Christ, Inc.</u>	<u>30-6911-001-0010</u>	<u>2.3 Acres</u>
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Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACT FOR PURCHASE</u>	<u>OTHER</u>
<u>A</u>	<u>X</u>			

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

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

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

b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Apostolic Alliance Church of the Lord Jesus Christ, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Hernando Diaz, 20120 SW 113 Court Miami, Fl 33189</u>	<u>Non-Profit</u>
<u>Aleida Ramirez, 2880 SW 16 Street Ft. Lauderdale, Fl. 33312</u>	<u>Non-Profit</u>
<u>Fernando Ramirez, 2880 SW 16 Street Ft. Lauderdale, Fl. 33312</u>	<u>Non-Profit</u>
<u>Diaz Flor, 20120 SW 113 Court Miami, Fl 33189</u>	<u>Non-Profit</u>
<u>Juan Jose Rosa, 2628 Hianatha Avenue West Palm Beach, Fl</u>	<u>Non-Profit</u>

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

c. If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

NAME AND ADDRESS	Percentage of Interest
N/A	

d. If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership
N/A	

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

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
Sergio Delgado 146 Rosales Court Cocoplum, FL 33143	100%

Date of Contract: October 2009

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

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

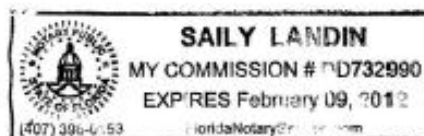
Signature of Applicants:

Signature: *Hernando*
Hernando Diaz, President (Applicant's Signature)
FL DL # D200320441320

Sworn to and subscribed before me this 30th day of October, 2009. Affiant is personally known to me or have produced Florida Driver License as identification.

Sally Landin
(Notary Public)

My commission expires Feb 9, 2012

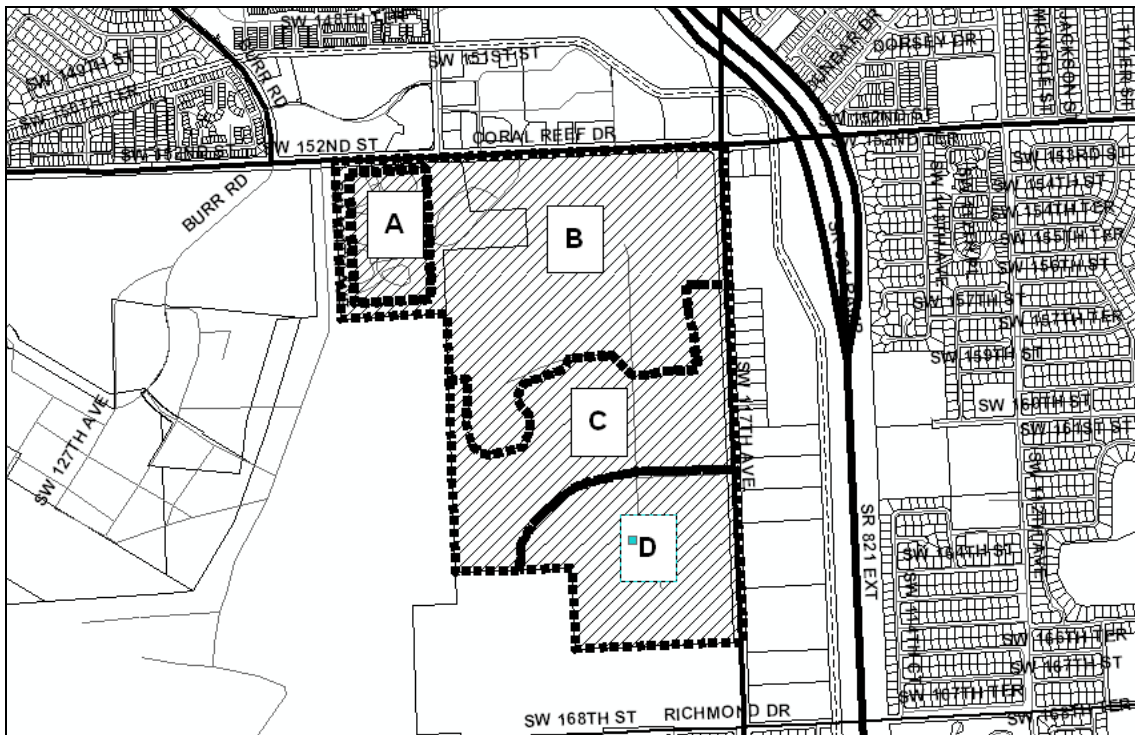


*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a 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.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

APPLICATION NO. 4 STANDARD AMENDMENT APPLICATION

<u>Applicant</u>	<u>Applicant's Representative</u>
Miami-Dade County General Service Administration 111 NW 1st Street, Suite 2410 Miami, FL 33128 (305) 375-2495	Wendy Norris, Director Miami-Dade County General Service Administration 111 NW 1st Street, Suite 2410 Miami, FL 33128
<p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: Institutions, Utilities, And Communications And Low Medium Density Residential To: Miami Metrozoo Entertainment Area II for Parts A, B, & D; and Environmentally Protected Parks for Part C</p> <p>Location: Southwest corner of SW 117 Avenue and SW 152 Street</p> <p>Acreage: Application area: 287.2 Gross Acres Application area: 279.38 Net Acres Acreage Owned by Applicant: 39.45 Acres Standard Amendment</p>	



- Notes: 1. This page is not part of the Application.
2. Disclosure of Interest contains only those applicable pages; all others were deleted.

**APPLICATION No. 4
REQUESTING AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Miami-Dade County General Service Administration
111 NW 1st Street, Suite 2410
Miami, FL 33128
(305) 375-2495

2. APPLICANT'S REPRESENTATIVE

Wendy Norris, Director
Miami-Dade County General Service Administration
111 NW 1st Street, Suite 2410
Miami, FL 33128

By: _____ December 28, 2009
(Signature of Applicant's Representative)

3. DESCRIPTION OF REQUESTED CHANGE

The Miami-Dade County General Services Administration is requesting that the interpretative text for the Miami Metrozoo Entertainment Area future land use category be modified and that the land use designation be extended to the Coast Guard property on the Adopted 2015 and 2025 Land Use Plan (LUP) map. The intent is to allow the construction of related theme park, resort hotel, and other recreational, entertainment, or lodging and ancillary uses on currently underutilized institutional lands.

A. Proposed Changes to the Miami Metrozoo Entertainment Area Land Use Category

The proposed amendment calls for changes to the Comprehensive Development Master Plan (CDMP) Land Use Element text and the LUP map. The Land Use Element text change seeks to establish Area I and Area II within the "Miami Metrozoo Entertainment Area" future land use category. Miami Metrozoo Entertainment Area I would apply to the site currently designated "Miami Metrozoo Entertainment Area" on the LUP map as established through a CDMP amendment approved by the Miami-Dade Board of County Commissioners (Board) by Ordinance No. 08-88 adopted July 3, 2008. The CDMP amendment was associated with a separate, but related, Notice of Proposed Changes (NOPC) to the Miami Metrozoo Development of Regional Impact (DRI), also approved by the Board on July 3, 2008. Miami Metrozoo Entertainment Area II would apply to a ±216 gross acre portion of the site subject to this CDMP application, which also seeks to redesignate the remaining ±71 gross acres of the subject site to Environmentally Protected Parks. The subject ±287-gross acre/±279-net acre site is located at the

southwest corner of SW 152 Street/Coral Reef Drive and SW 117 Avenue, northeast of the Miami Metrozoo.

The Miami Metrozoo Entertainment Area Land Use Category text with proposed changes identified by underline and strikethrough is as follows:

Miami Metrozoo Entertainment Area (Areas I and II)

This category is for tourist attractions and ancillary uses that are adjacent to the zoological park and that are themed to establish a unified Miami Metrozoo Entertainment Area. Primary uses in the Miami Metrozoo Entertainment Areas may include one or more of the following: attractions and recreation facilities (such as theme park and water park rides and attractions, family entertainment center, museums, and parks and open space) and hotels or other lodging. Certain other related and support activities such as theme-related retail concessions, food and beverage establishments, administrative offices, and passenger transportation facilities that are supportive of the primary uses may also be considered for approval in the Miami Metrozoo Entertainment Area category. The allowable primary uses shall be distributed as follows:

Miami Metrozoo Entertainment Area <u>(Areas I and II)</u>	Percent
Attractions and Recreation	60 -99
Hotels or other lodging	1- 40

~~The development program of the Miami Metrozoo Entertainment Area may include the following uses:~~

- ~~• Water Theme Park (23 acres)
2,500 visitors
Food service with 150 seats
500 parking spaces~~
- ~~• Family Entertainment Center (20 acres)
Entertainment and arcade (75,000 sq.ft.)
Food service with 200 seats
275 parking spaces~~
- ~~• Gold Coast Railroad Museum (45 acres)
New museum exhibition structures (50,000 sq.ft.)
Themed Retail (20,000 sq.ft.)
Restaurant space ancillary to the Museum (30,000 sq.ft.) with 600 seats
Transit railroad with stops throughout the Miami Metrozoo DRI site
385 parking spaces~~
- ~~• Hotels (15 acres)
200 hotel rooms
275 parking spaces~~

The specific range and intensity of uses appropriate in the Miami Metrozoo Entertainment Areas may vary by location as a function of the availability of and ease of access to public services and facilities, and compatibility with neighboring development. The areas within the Miami Metrozoo Entertainment Areas designated for the water theme park, theme park rides and attractions, and the Gold Coast Railroad Museum

shall have a maximum allowable floor area ratio (F.A.R.) of 0.30 and the areas designated for the family entertainment center and the hotels shall have a maximum F.A.R. of 0.40. The F.A.R. shall apply only to developable areas (building structures) and shall not apply to parking facilities, landscaped areas, environmentally protected lands, and other non-buildable common areas. Through the zoning review process, the use of particular sites or areas may be limited to something less than the maximum allowed in these categories. Moreover, special limitations may be imposed where necessary to protect environmental resources or to ensure compatibility with adjacent sites. Notwithstanding the foregoing, the use of the Gold Coast Railroad Museum property shall be limited to Parks and Recreation uses, museums, and ancillary food service and related retail establishments that support museum uses, as authorized pursuant to the approved General Plan and Program of Utilization (R-493-85) and Article 7 of the Home Rule Amendment and Charter, Miami-Dade County Florida, as amended from time to time.

The Miami Metrozoo Entertainment Areas shall be developed in a manner that: is consistent with the adopted goals, objectives, and policies of this plan and with all applicable environmental regulations; preserves Natural Forest Communities (NFC) and other environmentally sensitive areas that are at or adjacent to the site; enhances the quality, utility, or enjoyment of the site and its recreational, entertainment, natural, historical, or archaeological resources; and promotes a pedestrian-oriented environment and provides safe and easy transportation between the primary uses. The development program specific to each Miami Metrozoo Entertainment Area is as follows:

Miami Metrozoo Entertainment Area I: This area is located generally between SW 152 Street and theoretical SW 168 Street and between theoretical SW 122 Avenue and theoretical SW 132 Avenue and abuts the north side of the existing Miami Metrozoo. The development program of the Miami Metrozoo Entertainment Area I may include the following uses:

- Water Theme Park (23 acres)
2,500 visitors
Food service with 150 seats
500 parking spaces
- Family Entertainment Center (20 acres)
Entertainment and arcade (75,000 sq.ft.)
Food service with 200 seats
275 parking spaces
- Gold Coast Railroad Museum (45 acres)
New museum exhibition structures (50,000 sq.ft.)
Themed Retail (20,000 sq.ft.)
Restaurant space ancillary to the Museum (30,000 sq.ft.) with 600 seats
Transit railroad with stops throughout the Miami-Metrozoo DRI site
385 parking spaces
- Hotels (15 acres)
200 hotel rooms
275 parking spaces

Miami Metrozoo Entertainment Area II: This area is located at the southwest corner of SW 152 Street and SW 117 Avenue to the northeast of the existing Miami Metrozoo, and east of the Miami Metrozoo Entertainment Area I. The development program of the Miami Metrozoo Entertainment Area II may include the following uses:

- Resort Hotel (36 acres)
600 hotel rooms
Conference Center (350,000 sq.ft.) with ancillary restaurant and exposition space
Restaurant-Bar
Swimming Pool/Resort Amenities
- Theme Park (174 acres)
1,500,000 visitors
Entertainment Venues (3,000 seats)
Theme Park Rides and Related Attractions
Food service with 1,200 seats

B. Proposed Changes to the Adopted 2015/2025 Land Use Plan Map

The Applicant is requesting to change County and U.S. Coast Guard owned property Land Use Plan map designations as follows:

- Area A: ±20.0 gross/net acres
From: Low Medium Density Residential
To: Miami Metrozoo Entertainment Area Sub-Area II
- Area B: ±134.75 gross acres/±131.95 net acres
From: Institutions, Utilities and Communications
To: Miami Metrozoo Entertainment Area Sub-Area II
- Area C: ±70.9 gross acres/±69.80 net acres
From: Institutions, Utilities and Communications
To: Environmentally Protected Parks
- Area D: ±60.6 gross acres/±58.36 net acres
From: Institutions, Utilities and Communications
To: Miami Metrozoo Entertainment Area Sub-Area II

C. Gross and Net Acreage

Application area: 287.2 gross acres (279.38 net acres)
Acreage Owned by Applicant: 39.45 net acres

4. REASONS FOR AMENDMENT

For many years the Board has expressed its desire to further improve the Miami Metrozoo area by establishing an entertainment area as a means of enhancing the public benefit of the zoological park and providing for additional economic development in the south Miami-Dade area to offset the adverse consequences of both hurricane damage and military base closing. Through Ordinance No. 08-88, the Board amended the Comprehensive Development Master Plan and 2015/2025 Land Use Plan map to

redesignate 170 acres of the Metrozoo property and create the “Miami Metrozoo Entertainment Area”.

In 2006, the County Manager informed the Board (Legislative Item #061964) that development of a theme park would depend on the acquisition of the remainder of the Coast Guard property. In furtherance of this effort, the Board authorized (R-484-06) the County to purchase approximately 39 acres of an approximately 279 net acre parcel of land from the United States Coast Guard to advance the development of the Miami Metrozoo Entertainment Area.

To further advance the development of the Miami Metrozoo Entertainment Area, the County now seeks to facilitate the development of a theme park, resort hotel, and other recreational, entertainment, or lodging uses on the Coast Guard parcel. To allow the development of these recreational, entertainment, lodging, and ancillary uses, an amendment to the CDMP and 2015/2025 Land Use Plan map is required.

5. ADDITIONAL MATERIAL SUBMITTED

Legal Description and accompanying Sketch prepared by the Miami-Dade County Public Works Department in Appendix A

6. DISCLOSURE OF INTEREST

Disclosure of Interest Form is included in Appendix B

LOCATION MAP FOR APPLICATION No. 4 TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

Miami-Dade County General Services Administration/ Wendy Norris, Director

DESCRIPTION OF SUBJECT AREA

Subject Property consists of 287.2 gross acres and 279.38 net acres located in Section 25, Township 55, Range 39. Located at the southwest corner of SW 152 Street/Coral Reef Drive and SW 117 Avenue, northeast of the Miami Metrozoo.

Appendix A
Legal Descriptions

**LEGAL DESCRIPTION
COUNTY AND US COAST GUARD BASE**

A portion of Section 25, Township 55 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

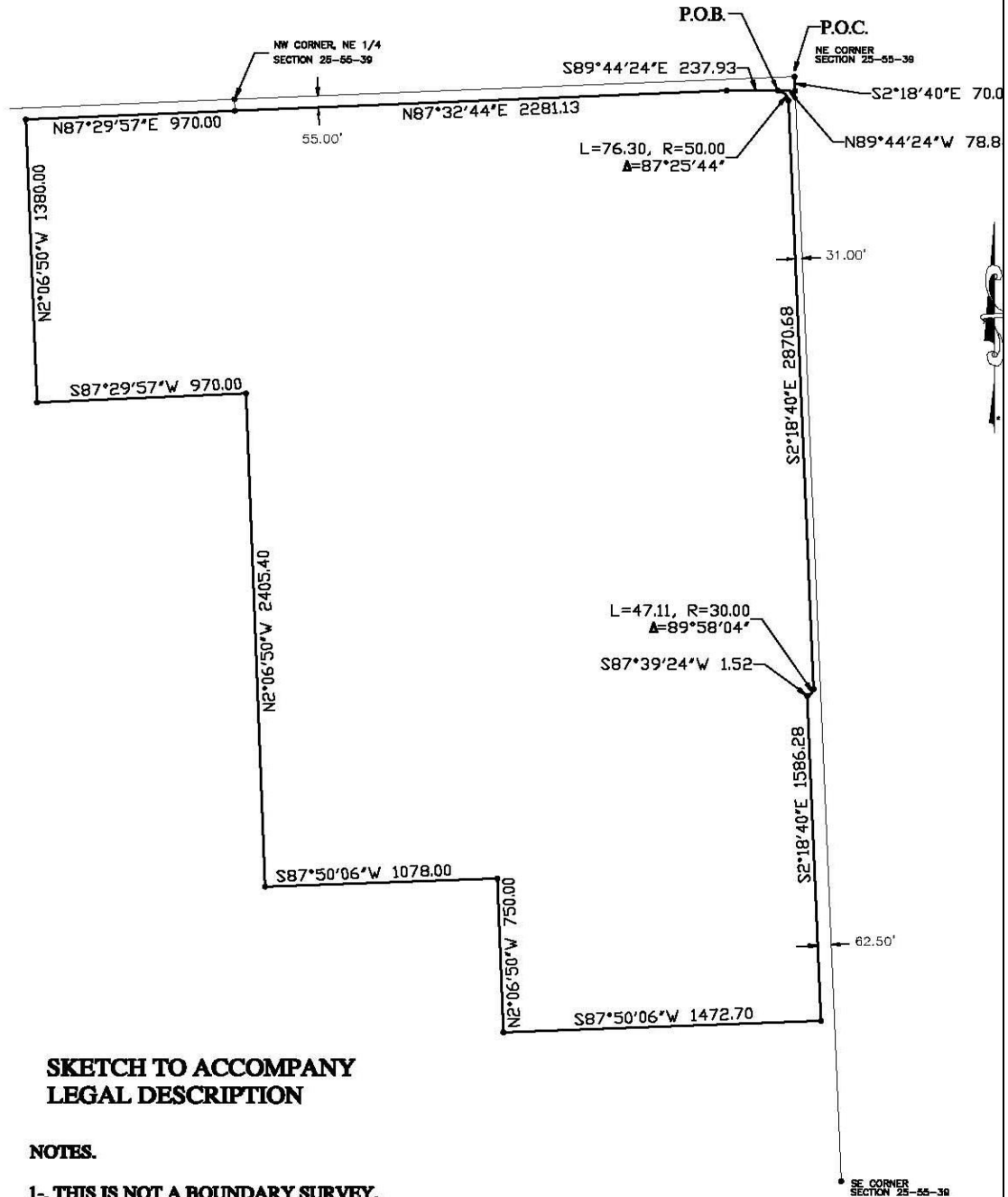
Commence at the NE corner of Section 25, Township 55 South, Range 39 East; thence, South 02°18'40" East, along the East line of said Section 25, for 70.00 feet; thence, North 89°25'44" West, for 78.84 feet to a point lying on the South Right of Way line of SW 152nd Street and the point of curvature of a circular curve concave to the Southwest and the Point of Beginning of the herein described parcel; thence, run Southeasterly and Southerly along the arc of said circular curve having a radius of 50.00 feet, through a central angle of 87°25'44" for an arc distance of 76.30 feet to a point 31.00 feet West of, as measured at right angles to the East line of said Section 25; thence, South 02°18'40" East, along a line 31.00 West of and parallel with said East line of said Section 25, for 2,870.68 feet to the point of curvature of a circular curve concave to the Northwest; thence, run Southerly and Southwesterly along the arc of said circular curve having a radius of 30.00 feet, through a central angle of 89°58'04" for an arc distance of 47.11 feet; thence, South 87°39'24" West, for 1.52 feet to a point 62.50 feet West of, as measured at right angles to the East line of said Section 25; thence, South 02°18'40" East along a line 62.50 feet West of and parallel with said East line of said Section 25, for 1,586.28 feet; thence, South 87°50'06" West, for 1,472.70 feet; thence, North 02°06'50 West, for 750.00 feet; thence, South 87°50'06" West, for 1,078.00 feet to a point on the West line of the Southeast ¼ of said Section 25; thence, along the West line of the Southeast ¼ and the Northeast ¼ of said Section 25, North 02°06'50" West, for 2,405.40 feet; thence, South 87°29'57" West, for 970.00 feet; thence, North 02°06'50" West, for 1,380.00 feet to a point on the South Right of Way line of SW 152nd Street, said point lying 55.00 feet South of, as measured at right angles to the North line of the Northwest ¼ of said Section 25; thence, North 87°29'57" East, along a line 55.00 feet South of and parallel with the North line of the Northwest ¼ of said Section 25, for 970.00 feet to a point on the South Right of Way line of SW 152nd Street, said point lying 55.00 feet South of, as measured at right angles to the Northwest corner of the Northeast ¼ of said Section 25; thence, North 87°32'44" East, along a line 55.00 feet South of and parallel with the North line of the Northeast ¼ of said Section 25, for 2,281.13 feet; thence, continue on the Southerly Right of Way line of SW 152nd Street South 89°44'24" East, for 237.93 feet to the Point of Beginning. Lying and being in Miami-Dade County, Florida and containing 12,169,991 square feet or 279.38 acres, more or less.

**MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY AND SURVEY DIVISION**

This Description and the accompanying Sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.
This Description and the accompanying Sketch are not valid one without the other.

EXHIBIT "A".

COAST GUARD PARCEL LEGAL DESCRIPTION



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NOTES.

- 1-. THIS IS NOT A BOUNDARY SURVEY.
- 2-. The Bearings shown hereon are based on The Florida State Plane Coordinate System, East Zone, North American Datum of 1983
- 3-. P.O.C. denotes point of commencement.
- 4-. P.O.B. denotes point of beginning.

SCALE: NOT TO SCALE

MIAMI-DADE COUNTY
PUBLIC WORKS
DATE: 08-25-2009

DISCLOSURE OF INTEREST

1. APPLICANT (S) NAME AND ADDRESS:

Wendy Norris, Director
Miami-Dade County General Services Administration
Address: 111 NW 1st Street, Suite 2410, Miami, FL 33128

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

Applicant	Owner of Record	Folio Number	Size
General Services Adm.	Miami-Dade County	3059250000035	39.00 Acres

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

Applicant	Owner / Lessee	Contract	Other
General Services Adm.	Owner		

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

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

Individual's Name and Address	Percentage of Interest
N/A	N/A

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

CORPORATION NAME: N/A

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

Name, Address, and Office (if applicable)	Percentage of Stock
---	---------------------

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

TRUSTEES NAME: N/A

Beneficiary's Name and Address	Percentage of Interest
--------------------------------	------------------------

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

PARTNERSHIP NAME: N/A

Name and Address of Partners	Percentage of Interest
------------------------------	------------------------

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

Name and Address	Percentage of Interest	Date of Contract
------------------	------------------------	------------------

N/A

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

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

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

Individual's Name and Address	Percentage of Interest
-------------------------------	------------------------

N/A

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

CORPORATION NAME: _____ N/A _____

Name, Address, and Office (if applicable)	Percentage of Stock
---	---------------------

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

TRUSTEE'S NAME: _____ N/A _____

Beneficiary's Name and Address	Percentage of Interest
--------------------------------	------------------------

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

PARTNERSHIP NAME: _____ N/A _____

Name and Address of Partners	Percentage of Ownership
------------------------------	-------------------------

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

Name, Address, and Office (if applicable)	Percentage of Interest
---	------------------------

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

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

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

Applicant's Signatures and Printed Names

Sworn to and subscribed before me
this _____ day of _____, 20____

Notary Public, State of Florida at Large (SEAL)
My Commission Expires:

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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**APPLICATION NO. 5
STANDARD AMENDMENT APPLICATION**

**APPLICATION REQUESTING AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Miami- Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972
(305) 375-2840

2. APPLICANT'S REPRESENTATIVE

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

By: 

Marc C. LaFerrier

November 25, 2009

3. DESCRIPTION OF REQUESTED CHANGES

It is recommended that the Adopted 2015 and 2025 Land Use Plan for Miami-Dade County be amended to include a community urban center in the area generally bounded by NW 57 Avenue on the east, the Moors residential development on the west, NW 163 Street on the south and NW 183 Street on the north.

4. REASON FOR CHANGE

The designation of a community urban center (CUC) will facilitate the implementation of the town center concept described in the Country Club/Palm Springs North Charrette Area Plan Report (Attachment A). On July 18, 2006, the Report was accepted by the Board of County Commissioners (Attachment B) and staff was authorized to prepare implementation strategies. This site satisfies the CDMP Urban Center criteria for land use, urban design and transit service.

Urban Center Criteria – Land Use and Urban Design

The Country Club/Palm Springs North Charrette Area Plan Report calls for a new town center between NW 57 Avenue on the east, the Moors residential development on the west, NW 163 Street on the south and NW 183 Street on the north. The proposed town center is currently a hub for big box retail development. Implementation of the main street and mixed-use development has been limited by the existing land use and zoning. Below is a description of the town center envisioned by the participants of the charrette area plan process.

Country Club/Palm Springs North residents participating in the charrette identified the area to the west of the Wal-Mart Supercenter on 57th Avenue as the desired site for a future town center. The site is suitable for a town center due to its proximity to 57th Avenue, Miami Gardens Drive and the Palmetto Expressway, convenient access to transit, and significant amount of vacant land and other properties with a high probability for redevelopment. The entire area is recommended to build upon the existing street network to develop into a series of blocks and squares to establish an urban neighborhood. This big-box retail destination has the potential to be transformed into a vibrant town center with a mixture of retail, office, residential, and entertainment areas all within walking distance.

The town center conceptual plan divides the site into three main areas, the main street area, the office/auto sales area, and the industrial area. The main street is anchored on a waterway plaza, extending westward from the Red Road Canal. This plaza features a linear lagoon from 57th to 59th Avenues lined on each side with shaded walkways and seating areas. The streets that border the waterway are lined by shops on both sides creating a dignified center for public gatherings and social events.

The office/auto sales area is located south of the Golden Glades Canal and north of the Palmetto Expressway. The plan recommends a connection from this area across the Golden Glades Canal to 59th Avenue. This new roadway link should alleviate traffic congestion along 57th Avenue. The plan recommends the redevelopment of several automobile dealerships by consolidating the vast parking areas into a system of blocks with parking garages lined by office and residential space. This will allow for a higher use of the site as well as the integration of other non-automobile related uses.

The industrial area consists of several existing warehouse-type buildings along NW 59th Avenue and NW 171st Street. The plan recommends that this area be enhanced by establishing architectural guidelines to ensure compatibility with surrounding future uses. Buildings should front the street and provide habitable space along the street edge to ensure pedestrian activity, integration with surrounding fabric, and natural surveillance of public space by adjoining properties. Building heights are expected to taper down on the western boundary to be compatible with the residential area to the west.

As described in the Country Club/Palm Springs North Charrette Area Plan Report and the Community Council 5 resolution (Attachment C) requesting a CUC designation, the resident's vision for this area is a mixed-use development with high quality urban design, moderate density and direct access to transit. Designation as a community urban center and subsequent adoption of zoning regulations to implement the community's vision will provide for better mobility and a clustering of uses that will allow residents to walk or bike for daily trips to work and shopping.

Urban Center Criteria – Adequate and Efficient Transit Service

As part of Miami-Dade County Transit's Service Efficiency and Restructuring Initiative (SERI), beginning on December 13, 2009, the proposed Country Club Community Urban Center will be served by the following bus routes:

Route 75

Route 75 will operate between the Miami Lakes Technical Education Center and FIU Biscayne Bay campus. Route 75 will be realigned to serve segments of the current Route 83 in North Dade as that route will be merged and restructured.

Service frequencies will be 30 minutes on weekdays. Route 75 will run every 45 minutes on Saturdays and every 60 minutes on Sundays. In addition, Route 75 will operate to NW 199 Street between NW 7 and 12 Avenue on weekdays only.

Route 83

Routes 83 and the 183 MAX will be combined into a single route called the Route 183 Local. The new Route 183 Local will operate along the same alignment as the current Route 183 between NW 87 Avenue and Aventura Mall but will make all local stops.

The new Route 183 Local will operate every 12 minutes in the weekday peak and 20 minutes in the midday and early evening. Between 6 a.m. and 8 p.m., every other trip will start and end at NW 57 Avenue instead of NW 87 Avenue. Buses on the new Route 183 Local will run every 20 minutes on Saturdays and every 24 minutes on Sundays. The service span will be 5 a.m. to 11 p.m. weekdays and 5 a.m. to 10:30 p.m. on weekends.

Route 49 (NEW)

The current Route 95 Express feeder segment from Carol City to Golden Glades will become a separate route called Route 49. This local route will operate along the same alignment as the Carol City leg of Route 95 Express between Carol City and Golden Glades. Passengers can transfer between the new Route 49 and the Route 95 Express at Golden Glades. Golden Glades is a major bus transfer station and connector to Tri-Rail.

Nearby Park and Ride Lot

A 124 space lot is currently under development a few blocks west of the proposed community urban center. The lot is on Miami Gardens Drive at the intersection of NW 73rd Avenue in the

southwest quadrant of the T-intersection. Construction is expected to be completed in February or March of 2010. It will be open for service four months after construction is completed.

Attachment D contains an aerial photograph of the bus routes servicing the area.

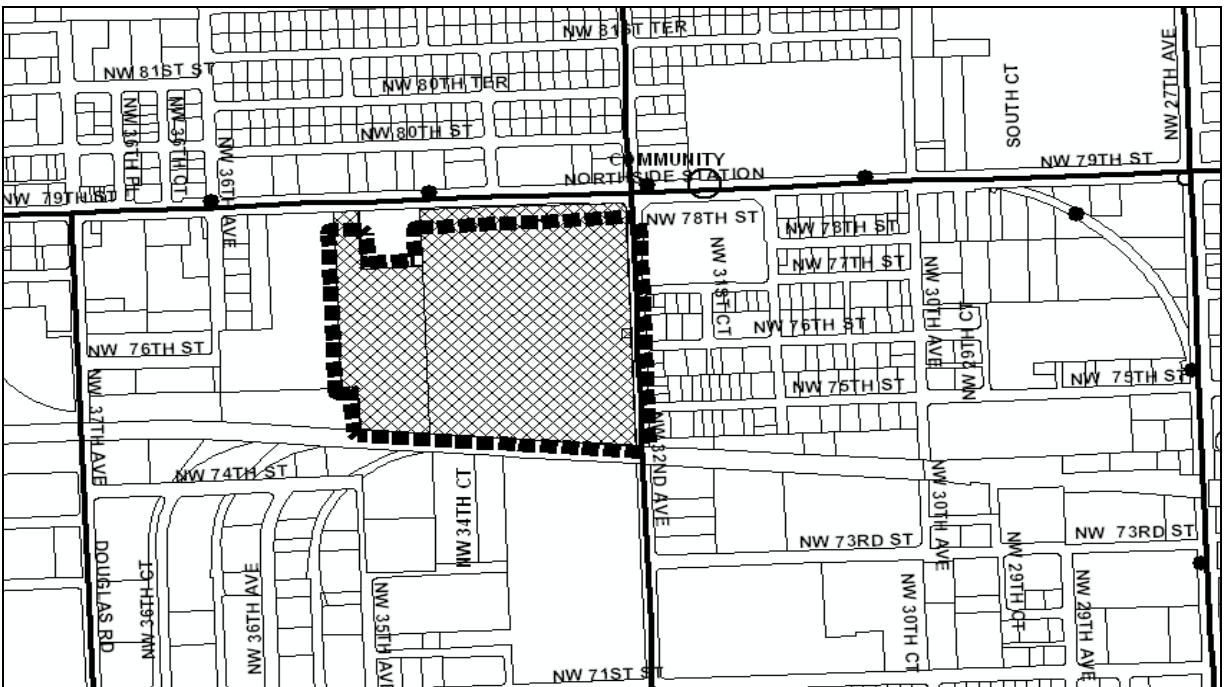
5. ADDITIONAL MATERIAL SUBMITTED

The following attachments will be included in the Initial Recommendations Report:

- Attachment A - Country Club/Palm Springs North Charrette Area Plan Report;
- Attachment B - BCC Resolution R-870-06 accepting the charrette area plan report;
- Attachment C - Community Council 5 Resolution requesting a community urban center; and
- Attachment D - Aerial photograph of the bus routes servicing the area.

APPLICATION NO. 6 **STANDARD AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
Imperial Management, LLC 15800 NW 48 Avenue Miami Gardens, Florida 33014	Jeffrey Berrow, Esq. Michael J. Marrero, Esq. Berrow Radell & Fernandez PA 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 Phone (305) 374-5300
<u>Requested Amendment to the Land Use Element</u> Release/delete previously proffered and accepted Declaration of Restrictions for Application No. 7 of the October 2005 Cycle CDMP Amendments as indicated on Page I-74.2 of the CDMP; and perhaps, proffer a new Declaration of Restrictions for consideration by the Board of County Commissioners Location: Southwest corner of NW 32 Avenue and NW 79 Street Acreage: Application area: 37.0 Gross Acres Application area: 37.0 Net Acres Acreage Owned by Applicant: 37.0 Acres Acreage of the October 2005 Cycle Application No. 7: 34.58 Acres	



Notes: This page is not part of the Application

**AMENDMENT REQUEST
TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2009-2010 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

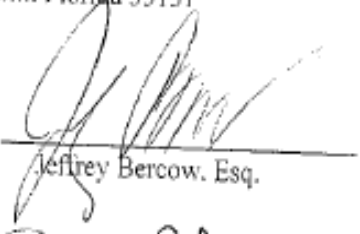
2009 NOV -2 P 3 24
PLANNING & ZONING
POLITICIAN PLANNING SECT

1. APPLICANT

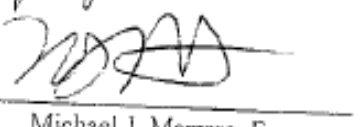
Imperial Management, LLC
15800 NW 48th Avenue
Miami Gardens, Florida 33014

2. APPLICANT'S REPRESENTATIVES

Jeffrey Bercow, Esq.
Michael J. Marrero, Esq.
Bercow & Radell, P.A.
200 South Biscayne Boulevard
Suite 850
Miami, Florida 33131

By: 
Jeffrey Bercow, Esq.

Date: October 30, 2009

By: 
Michael J. Marrero, Esq.

Date: October 30, 2009

3. DESCRIPTION OF REQUESTED CHANGES

A. The request is for the release of the Declaration of Restrictions (Official Records Book 25052 / Page 2263) proffered in connection with Application No. 7 from the October 2005 Cycle.

B. Description of the Subject Property

The subject property (the "Property") is an approximately 37 acre parcel of land located on the south side of N.W. 79 Street between theoretical NW 35 Avenue and NW 32 Avenue and identified by Miami-Dade County Folio Nos. 30-3109-034-0010 and 30-3109-000-0290.

C. Gross Acreage

Application area: 37 net acres

Acreage owned by Applicant: 37 net acres.

D. Requested Change

- 1) The Applicant requests the release of the Declaration of Restrictions (Official Records Book 25052 / Page 2263) proffered in connection with Application No. 7 from the October 2005 Cycle. See attached CDMP Covenant.
- 2) The Applicant requests the removal of the Declaration of Restrictions proffered in connection with Application No. 7 from the text of the Land Use Element (Page I-74.2).
- 3) If this CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.

4. REASONS FOR AMENDMENT

Property. The Property is an approximately 37 acre parcel of land located on the south side of N.W. 79 Street between theoretical NW 35 Avenue and NW 32nd Avenue, and identified by Miami-Dade County Folio Nos. 30-3109-034-0010 and 30-3109-000-0290. The Property is currently vacant. However, it was the subject of a previous CDMP application and zoning approvals that would have permitted, and were intended to allow for the development of, a Wal-Mart Supercenter along with associated retail uses. To the north of the Property across N.W. 79 Street is a mix of retail and industrial uses as well as a church. The Northside Metrorail Station is east of the Property across NW 32nd Avenue, as well as a mixture of commercial and residential uses. There are several industries uses located south of the Property. To the west, there are industrial uses and a mobile home park. The continued use of the Property under the Business and Office designation will be compatible with the area.

Land Supply. The Property is currently designated "Business and Office" on the Future Land Use Map and this application does not seek any change to that designation. Therefore, there will be no change to the commercial land supply upon the approval of this request.

History of CDMP Approvals. The property was the subject of Application No. 7 from the October 2005 CDMP Amendment Cycle. That request changed the land use designation of the property on the Future Land Use Map from "Business and Office" and "Industrial and Office" to "Business and Office". This change was approved in anticipation of a Wal-Mart Supercenter being built on the

property. During the land use amendment process, the Owner proffered a covenant which restricts the development of any residential uses on the property, as well as requires that retail development include at least one single retail use of at least 100,000 square feet. Following the redesignation, Wal-Mart obtained the zoning approvals required and had spent a considerable amount of time in the site plan approval process. However, at the last stage of the process, Wal-Mart decided against the development of the property and terminated the purchase contract.

Wal-Mart's termination of the contract has posed a significant obstacle to the future development of these vacant parcels. The restrictions imposed in the covenant, which were included specifically because Wal-Mart was involved, have limited any retail uses on the property to include a significant big box retailer of over 100,000 square feet. Today, this large and prominent property remains undeveloped. Although the Owner has been approached by a number of entities with potential development opportunities, these have not materialized due to the restrictions in the covenant, as well as the change in the national economic climate.

Consistency with the CDMP. The redevelopment of commercial property on NW 79 Street provides exactly the type of community enhancement which is contemplated in the CDMP. Policy LU-1C of the CDMP's Land Use Element states that the "County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand". This is further evidenced by CDMP Land Use Element Policy LU-1M, which provides for incentive credits for the redevelopment of urban areas.

According to CDMP Land Use Element Policy LU-1G, "[b]usiness 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." A commercial development on the Property would provide the kind of commercial neighborhood design specifically contemplated by the CDMP. Furthermore, the accessibility of several different roadways and mass transit lines to the Property provide an ideal location for commercial development consistent with the Business and Office designation.

Community Urban Center. It is important to note that the Property is located between two community urban centers as designated by the LUP Map. According to CDMP Land Use Element Policy LU-1A, "[h]igh intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility". Pursuant to page I-46 of the CDMP, "[u]ses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces." These uses are particularly consistent with the Business and Office CDMP designation, which allows for retail, wholesale, personal and professional services, commercial and professional offices, among other uses. The development of the Property as a unified community-serving retail project would be compatible with the pattern of development encouraged for Urban Centers within the County.

Roadways and Transit. Pursuant to the Land Use Element Policy LU-1B, major centers of activity, including regional shopping centers and other concentrations of significant employment "shall be sited on the basis of metropolitan-scale considerations of locations with good countywide, multi-

modal accessibility". With the proposed development of a retail project, the Property could be included in a major center of activity. There is more than sufficient access already present and more to be provided. Study Area B is bounded on the east by I-95, the Tri-Rail line on the west, on the south by the Airport Expressway (SR-112), and on the north by the Little River Canal and NW 95 Street.

North Central Enterprise Zone. The Property is located within the North Central Enterprise Zone. Enterprise Zones are designated areas within the County that are recognized as economically distressed. The County's Enterprise Zone program incorporates incentives to encourage development within these distressed areas. Policy LU-1J of the Land Use Element requires the County to employ the Enterprise Zone program as a tool to "expand the economy in locally distressed areas." The removal of the covenant restriction of the Property and the subsequent development of the Property with commercial development will bring investment to a long-ignored area and create much-needed jobs. This will be directly supportive of the goals of the Enterprise Zone program and CDMP Land Use Element Policy LU-1J.

Other Planning Considerations. Since this application does not propose any change to the Future Land Use Map, there is no impact on the availability of infrastructure; nor will there be any impact on environmental or historical resources to the Property and the surrounding areas.

5. ADDITIONAL MATERIAL SUBMITTED

1. Declaration of Restrictions
2. Aerial Photograph
3. Section Map

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

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

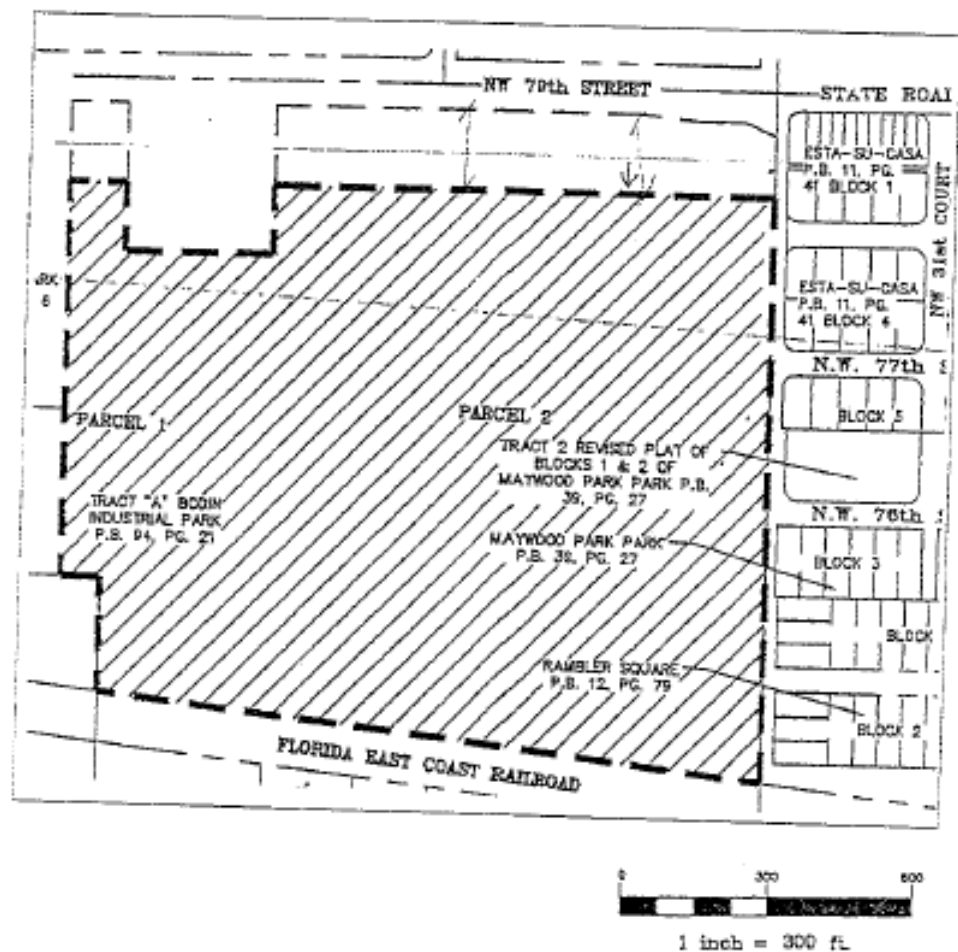
Imperial Management, LLC
15800 NW 48th Avenue
Miami Gardens, Florida 33014

REPRESENTATIVES

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

DESCRIPTION OF SUBJECT AREA

The subject property is an approximately 37 acre parcel of land located on the south side of N.W. 79 Street between theoretical NW 35 Avenue and NW 32 Avenue and identified by Miami-Dade County Folio Nos. 30-3109-034-0010 and 30-3109-000-0290.



DISCLOSURE OF INTEREST

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

APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Imperial Management, LLC
15800 NW 48th Avenue
Miami Gardens, FL 33014

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
A. Imperial Management, LLC	same	30-3109-034-0010	9 acres
B. Imperial Management, LLC	same	30-3109-000-0330	28 acres

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

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

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

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

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

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Imperial Management, LLC

NAME, ADDRESS, AND OFFICE (if applicable)		PERCENTAGE OF STOCK
Marcos Lapciuc	15800 NW 48 Avenue, Miami Gardens, FL 33014	19.19%
Tania Lapciuc	same	5.95%
Isaac Lapciuc	same	1.67%
Yair Lapciuc	same	14.19%
1995 Israel Lapciuc Revocable Living Trust	same	38%
Tania Lapciuc Revocable Living Trust	same	21%
Total		100%

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

TRUSTEES

NAME: N/A

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

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

PARTNERSHIP NAME: _____

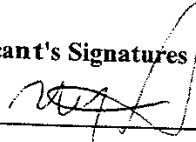
NAME AND ADDRESS OF PARTNERS	PERCENT AGE OF INTEREST
<u>N/A</u>	

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

Applicant's Signatures and Printed Names



Marcos Lapciuc

Sworn to and subscribed before me
this 2 day of November, 2009.

Notary Public, State of Florida at Large (SEAL)
My Commission Expires: 7/20/2013



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.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.



CFN 2006R1163333
DR Bk 25052 Pgs 2263 - 2273 (11pgs)
RECORDED 10/30/2006 10:57:16
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

A/11

This instrument was prepared under
the supervision of:

Name: Augusto E. Maxwell, Esq.
Address: Akerman Senterfitt & Eidson
One Southeast Third Avenue, 28th Floor
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned (the "Owner"), holds the fee simple title to that certain parcel of land that is legally described on Exhibit "A" to this Declaration (the "Property"); and

WHEREAS, an application has been filed to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County with the Planning and Zoning Department (the "Planning and Zoning Department"), which application is officially designated as CDMP Application No. 7 (October 2005 Cycle) (the "Application"), seeking to re-designate the land use designation on the Property from "Industrial and Office" to "Business and Office."

NOW, THEREFORE, in order to assure the Miami-Dade County Board of County Commissioners (the "Board of County Commissioners") that the representations made by the Owner during consideration of the Application shall be binding commitments to be performed by

{M2371988;1}

the Owner, its successors and assigns, freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

1. **Restrictions on the Use and Development of the Property.** Notwithstanding the Land Use Plan map designation of the Property of "Business and Office," residential uses shall not be permitted on the Property. Furthermore, to the extent that the Property is developed for retail uses, the development of the Property shall, at a minimum, include a single retail use of at least one hundred thousand (100,000) square feet.
2. **Miscellaneous.**
 - A. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and may be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.
 - B. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been

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recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

- C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners. Any such modification or release shall be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans, and Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding the previous sentence, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration shall be subject to Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans 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

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does not adopt such ordinances, subject to Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

{M2371988;1}

inspections or grant any approvals, until such time as this Declaration is complied with.

- F. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- G. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- H. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect.
- I. **Recordation and Effective Date.** This Declaration shall be filed of record, at the Owners' expense, in the public records of Miami-Dade County, Florida, following adoption by the Miami-Dade County Board of County Commissioners of an ordinance approving the Application and the expiration of any applicable appeal period. This Declaration shall become affective immediately upon recordation. Notwithstanding the previous

{M2371988;1}

sentence, if any appeal is filed, and the disposition of such appeal does not result in final approval of the Application, then this Declaration shall be null and void and of no further effect. Upon the disposition of such appeal that does not result in final approval of the Application, and upon written request; the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument acknowledging that this Declaration is null and void and of no further effect.

- J. **Acceptance of Declaration of Restrictive Covenants.** The Owner acknowledges that approval of the Application and acceptance of the Declaration of Restrictions does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part.

[signature pages follow]

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this 22 day of
September, 2006.

WITNESSES

MLIP, L.L.C., a Florida limited liability company,
f/n/a Bell Haven, LLC, and successor by merger
to West Bell Haven, LLC

Fanny Fainboim
Signature

FANNY FAINBOIM
Printed Name

[Signature]
Signature

SAMY FELD
Printed Name

By: [Signature]
Marcos Lapciuc, Manager

STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by Marcos Lapciuc, as Manager on behalf of MLIP, L.L.C., a Florida limited liability company, for the purposes stated herein. He is personally known to me or has produced FLID as identification. Witness my signature and official seal this 22 day of September, 2006, in the County and State aforesaid.

My Commission Expires:

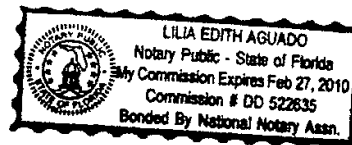
Feb 27, 2010

[Signature]

Notary Public - State of Florida

LILIA E. AGUADO

Printed Name



{M2371988;1}

EXHIBIT "A"

Legal Description

PARCEL 1:

TRACT A, OF BODIN INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 94, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE
COUNTY, FLORIDA. Folio 30-3109-034-0010

{M2371988;1}

PARCEL 2:

That portion of the East three-quarters (E 3/4) of the Northeast one-quarter (NE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, lying Northeastly of the Right-of-Way of Florida East Coast Railway Co.,

TOGETHER WITH:

That portion of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, lying Northeastly of the Right-of-Way of Florida East Coast Railway Co.

LESS:

1. The North 50 feet of the East three-quarters (E 3/4) of the Northeast one-quarter (NE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, comprising the right-of-way for N.W. 79th Street as evidenced by the recording of deeds in Deed Book 572, Page 317; Deed Book 1558, Page 18; Deed Book 2043, Page 408; Deed Book 2043, Page 410; and Deed Book 2043, Page 412;
2. The East 35 feet of the Northeast one-quarter (NE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, comprising the right-of-way for N.W. 32nd Avenue as evidenced by these deeds recorded in Official Records Book 10668, Page 2174; and Official Records Book 10770, Page 111;
3. The South 70.00 feet of the North 120.00 feet of the East 35.00 feet of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida; and

The external area formed by a 25.00 foot radius arc concave to the Southwest, tangent to the South line of the North 50.00 feet of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida, and tangent to the West line of the East 35.00 feet of the Southwest one-quarter (SW 1/4) of said Section 9, also known as Parcel No. 20 in that Eminent Domain proceeding under Case Number 78-17885, in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida;

M2371988.1}

4. A portion of the East one-half (E 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of the Southwest one-quarter (SW 1/4) of said Section 9, thence South 67°30'20" West, along the North line of the Southwest one-quarter (SW 1/4) of said Section 9 for a distance of 276.00 feet; thence South 02°21'40" East, for a distance of 50.00 feet to an intersection with a line that is 50.00 feet South of and parallel with the North line of the Southwest one-quarter (SW 1/4) of said Section 9, said intersection being the POINT OF BEGINNING of the herein described portion; thence South 67°07'26" East, for a distance of 120.50 feet; thence North 07°30'20" East, for a distance of 95.77 feet to the beginning of a curve concave to the Southwest having a radius of 25.00 feet and to which beginning a radial line bears North 02°12'40" West; thence Easterly, Southeastery and Southerly 39.34 feet along the arc of said curve through a central angle of 90°09'02" to a point of cusp with a line that is 25.00 feet East of and parallel with the East line of the Southwest one-quarter (SW 1/4) of said Section 9 and to which point of cusp a radial line bears North 67°47'22" East; thence North 02°12'30" West, along said East line for a distance of 11.00 feet to the beginning of a curve concave to the Southwest having a radius of 25.00 feet and to which beginning a radial line bears North 67°47'22" East; thence Northerly, Northwesterly and Westerly 39.34 feet along the arc of said curve through a central angle of 90°09'02"; thence on a tangent bearing of North 67°35'20" East, for a distance of 255.80 feet to the POINT OF BEGINNING, as evidenced by the recording of that Warranty Deed in Official Records Book 11308, Page 1170; and

5. The East 35 feet of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 9, Township 53 South, Range 41 East, comprising the right-of-way for N.W. 32nd Avenue, lying Northwesterly of the Right-of-Way of Florida East Coast Railway Co., as evidenced by that deed recorded under Clerk's File Number EE-126348.

Folio 30-3109-000-0290

{M2371988;1}

OB
OCEAN BANK

VIA FAX (305) 582-0144

September 22, 2006

Precision Trading Corp.
1430 NW 88th Avenue
Miami, FL 33172
Attn.: Lilia Aguado

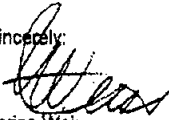
RE: OUR ACCOUNT NO. : 101-119-354-63
 SUBJECT : MLIP, LLC
 DESCRIPTION : Pay off Letter

Dear Ms. Aguado:

The loan of reference has been paid in full and we are preparing an original duplicate of the corresponding Satisfaction of Mortgage and UCC-3.

Should you have any questions, please contact Ismith Bocaille at (305) 569-5191.

Sincerely:



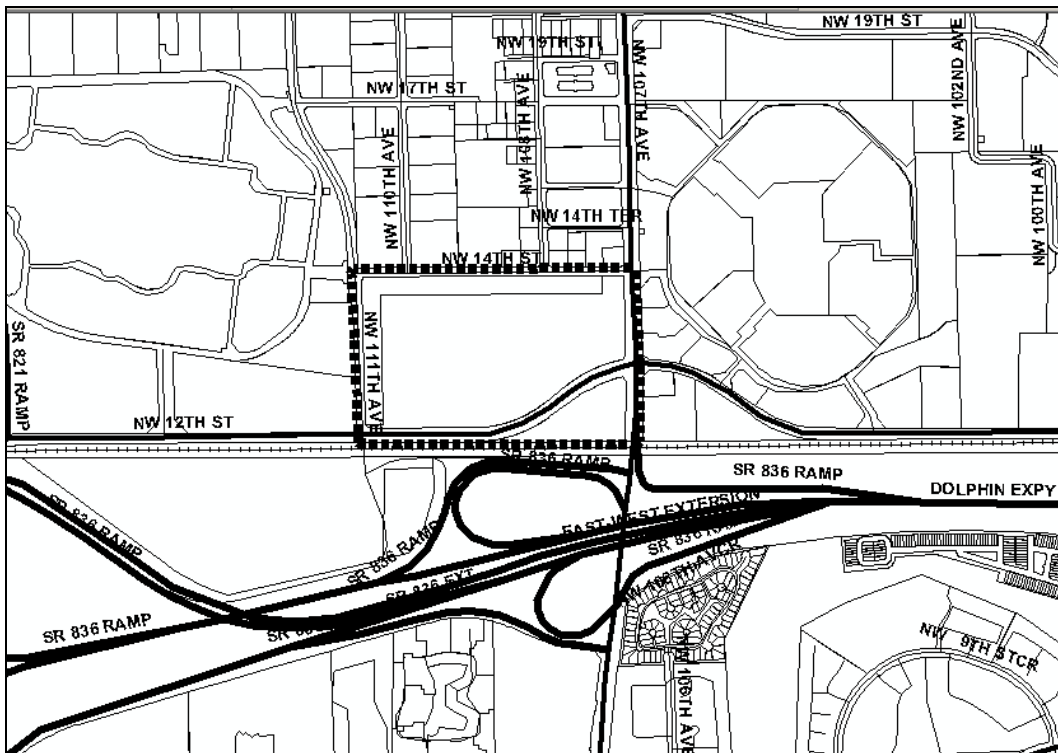
Terina Weiss,
Assistant Vice President Real Estate

/s/it

OCEAN BANK -- 780 N.W. 42nd Avenue -- Miami, Florida 33126
Real Estate Department * 4th Floor, Suite 413 *** Fax (305) 569-5450

**APPLICATION NO. 7
STANDARD AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
107 th Avenue Gamma, LLC 1717 Collins Avenue Miami Beach, Florida 33139	Jeffrey Bercow, Esq. Michael Gil, Esq. Bercow Radell & Fernandez PA 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 Phone (305) 374-5300
<p><u>Requested Amendment to the Land Use Element</u></p> <p>Delete and replace previously proffered and accepted Declaration of Restrictions for Application No. 3 of the April 2007 CDMP Amendment Cycle as indicated in the Restrictions Table on Page I-74.5 of the CDMP</p> <p>Location: Northwest corner of NW 107 Avenue and NW 12 Street Acreage: Application area: 63.95 Gross Acres Application area: 54.24 Net Acres Acreage Owned by Applicant: 54.24 Acres</p>	



Notes: This page is not part of the Application.

STANDARD AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2009-2010 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN

NOV -2 P 3: 21
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

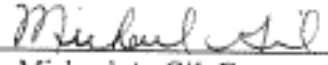
107th Avenue Gamma, LLC
1717 Collins Avenue
Miami Beach, FL 33139

2. APPLICANT'S REPRESENTATIVES

Michael W. Larkin, Esq.
Michael A. Gil, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard
Suite 850
Miami, Florida 33131
(305) 374-5300

By: 
Michael W. Larkin, Esq.

Date: November 2, 2009

By: 
Michael A. Gil, Esq.

Date: November 2, 2009

3. DESCRIPTION OF REQUESTED CHANGES

A deletion in its entirety of the previously proffered Declaration of Restrictions submitted in connection with Application No. 3 of the April 2007 Comprehensive Development Master Plan (CDMP) Amendment Cycle and the proffer of a new Declaration of Restrictions is requested.

- A. A deletion in its entirety of the Declaration of Restrictions accepted by the Board of County Commissioners ("BCC") in connection with Application No. 3 of the April 2007

CDMP Amendment Cycle ("Covenant") and the proffer of a new Declaration of Restrictions is requested.

B. Description of Application Area

The Application Area consists of 63.95 gross acres (54.20 net acres) located in Section 31, Township 53, Range 40 in unincorporated Miami-Dade County. See attached Sketch.

C. Acreage

Application Area: 63.95 gross acres (54.20 net acres).
Acreage owned by Applicant: 54.20 net acres.

D. Requested Changes

- 1) The applicant requests a deletion in its entirety of the Declaration of Restrictions accepted by the BCC in connection with Application No. 3 of the April 2007 CDMP Amendment Cycle (O.R.B. 26433 Pg. 1633) as indicated on page I-74.5 of the CDMP and the proffer of a new Declaration of Restrictions. Therefore, the request seeks a corresponding amendment to the table contained in the Land Use Element entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments."

4. REASONS FOR AMENDMENT

Description of Application Area

The Application Area consists of two parcels divided by NW 12th Street. The larger parcel is situated at the northwest corner of NW 12th Street and NW 107th Avenue. It is bounded by NW 107th Avenue to the east, NW 14th Street to the north, NW 111th Avenue to the west, and NW 12th Street to the south. The smaller parcel is irregularly shaped and situated at the southwest corner of NW 12th Street and NW 107th Avenue. The smaller parcel is bounded by NW 107th Avenue to the east, NW 12th Street to the north and west, and the State Road 836 (SR 836) ramp right-of-way to the south. The Application Area is currently designated as Business and Office and is zoned IU-2, IU-C and GU. Currently, the Application Area is vacant and has no existing use. There is a lake in the center of the Application Area that is currently being filled.

Amendment No. 3 of April 2007 CDMP Amendment Cycle

The Application Area was the subject of a standard CDMP amendment in the April 2007 Amendment Cycle ("Application No. 3"). Specifically, Application No. 3 sought (1) a Land Use Plan (LUP) amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office" and (2) an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center. Moreover, during

consideration of Application No. 3, the Department of Planning and Zoning ("DP&Z") recommended to the Board of County Commissioners ("BCC") that the graphic symbol for the Metropolitan Urban Center (MUC) designation on the LUP map of the CDMP be relocated to the Application Area from Miami International Mall which is now located within the boundaries of the City of Doral. On April 24, 2008, the BCC voted to adopt Application No. 3 with acceptance of the Covenant and with DP&Z's recommendation to relocate the graphic symbol for the MUC designation on the LUP map of the CDMP to the Property.

Proffered Covenant in Connection with Application No. 3

The Covenant voluntarily proffered to Miami-Dade County during consideration of Application No. 3 required the Applicant to, among other things:

- Fund and construct within the development a MetroBus Terminal for multiple MetroBus routes and to reserve within the Application Area sufficient area for a future possible Metrorail Station. Under the existing Covenant, the foregoing MetroBus Terminal improvements are required to be constructed within three years from the date that Application No. 3 became final and nonappealable. In addition, the MetroBus Terminal improvements are required to receive a temporary certificate of occupancy prior to the issuance of any certificate of occupancy for any building within the Property. The MetroBus Terminal improvements include the following:
 - 10 saw-tooth busbays;
 - A driveway network serving the bus bays;
 - A parking garage with 260 parking spaces;
 - Landscaping;
 - A kiss and ride area;
 - Restroom facilities;
 - Enclosed transit lounge; and
 - Transit-oriented commercial uses.
- Fund and construct several roadway improvements. The foregoing roadway improvements are required to be open to traffic prior to the issuance of any certificate of occupancy for any building within the Application Area with the exception of those buildings that constitute the Public Transportation Facility.
- Submit a site plan that satisfies specific design guidelines, pedestrian accessways, building design, landscaping, and parking.
- Represent that all buildings located within the Application Area will be "green" buildings and certified in accordance with the standards set forth by the United States Green Building Council.
- Incorporate, where practicable, water conservation measures into the design, construction, and operation of any residential and commercial development on the Application Area.
- Reserve a minimum of 10% of the residential units that will be constructed within the Application Area for workforce housing.

See attached recorded Covenant.

Proposed Modifications to Covenant

The Applicant is requesting a deletion of the existing Covenant and is proposing to proffer a new covenant to Miami-Dade County. However, please note that most of the language in the proposed covenant remains the same compared to the language in the original covenant. The following describes the modifications to the existing Covenant proposed by the Applicant:

(1) Extension of Time to Construct MetroBus Terminal Improvements

The Applicant is requesting to increase the time period permitted to commence construction of the MetroBus Terminal improvements to fifteen years from the date the current application becomes final and nonappealable (as opposed to three years from the date that Application No. 3 became final and nonappealable). In addition, prior to the expiration of the fifteen year period of time, the Applicant would be able to request an extension of time from the Director of Miami-Dade Transit or his designee for a maximum of five additional years. Unfortunately, the current economic crisis continues to have a severe impact on the real estate and credit markets. This difficult economic climate has made it virtually impossible to finance the construction of the required MetroBus Terminal improvements. While the Applicant will fund and construct the required improvements, the Applicant is requesting additional time to do so in order to permit a recovery in the credit markets. The BCC has already recognized the difficult real estate and credit markets. The effect this lingering recession has had on the construction industry formed the basis on which the BCC adopted Ordinance No. 09-10, which provides emergency relief to the construction industry by permitting the extension of building permits. Here, the Applicant is requesting similar recognition with regard to the difficulty in obtaining financing for the construction of a multimillion dollar MetroBus Terminal.

(2) Initial Retail Use

The Applicant is presently in negotiations with a very large retailer that is interested in constructing a store within the Application Area. This retailer may require up to 400,000 square feet of floor area for their business operations. Accordingly, the Applicant requests the ability to obtain a certificate of occupancy for the first 400,000 square feet of floor area for retail use within the Application Area without first having to obtain a temporary certificate of occupancy for the structures that will constitute the Public Transportation Facility. Moreover, as noted in the existing covenant, no structure within the Application Area can obtain a certificate of occupancy until either the Dolphin Fire Station (No. 68) has received a temporary certificate of occupancy or there is a new Fire Rescue Station designated by the Fire Rescue Department that can service the project. In order to permit this initial 400,000 square feet of retail use within the Application Area to move forward, the Applicant is requesting a similar exclusion from the prohibition on obtaining a certificate of occupancy prior to the issuance of a temporary certificate of

occupancy for the Dolphin Fire Station or the designation of a new fire rescue facility to service the Application Area.

The initial 400,000 square feet of retail use within the Application Area will provide an immediate and significant stimulant to the County's job market. Miami-Dade County's unemployment rate pushed past eleven (11) percent in July 2009 for the first time since 1983. In fact, Miami-Dade County's jobless rate is the highest among Florida's major urban counties. See <http://www.miamiherald.com/business/story/1197365.html>. Similarly, as noted in a recent statement by Frank Nero, President and CEO of The Beacon Council, "stimulating our local economy must be a priority, it will not happen overnight and that is why we must be steadfast in our efforts to market the business assets of Miami-Dade County, being both aggressive and collaborative, in order to stem the hemorrhaging on the employment side." See press release from the Beacon Council (July 17, 2009), available at <http://www.beaconcouncil.com/Web/NewsArticle.aspx?Page=newsArticle&id=369>. Here, a large retailer is interested in opening a store within the Application Area at a time when the local economy is struggling to produce new jobs. As a result, the current application seeks to amend the Covenant in order to permit this initial retail use to move forward in the near future.

(3) Location of Parking Garage Associated with the MetroBus Terminal Improvements

The Applicant is requesting the flexibility to construct the parking garage associated with the MetroBus Terminal Improvements either where the bus bays, the driveway network serving the bus bays, and the transit-oriented commercial uses will be located or within a maximum radius of 1,500 feet from the MetroBus Terminal/Metrorail station provided that the Applicant agrees to fund and operate a shuttle service or construct a pedestrian bridge over N.W. 12th Street between the parking garage and the MetroBus Terminal/Metrorail station. If the parking garage is not located adjacent to the bus bays, the driveway network serving the bus bays, and the transit-oriented commercial uses, then the Applicant will not be required to dedicate to the County the portion of the Application Area upon which the parking garage is located. However, the Applicant would still be under an obligation to dedicate to the County the portion of the Application Area on the south side of N.W. 12th Street where the Public Transportation Facility will be located.

The Applicant remains committed to funding and constructing the parking garage for the use of transit users. However, for planning purposes, the Applicant is requesting the flexibility to locate the parking garage on the north side of N.W. 12th Street within the Application Area. Because the MetroBus Terminal will be located within a portion of the Application Area on the south side of N.W. 12th Street, should the parking garage be constructed on the north side of N.W. 12th Street, within a 1,500 foot radius of the MetroBus Terminal, the Applicant agrees to either fund and operate a shuttle service or to construct a pedestrian bridge over N.W. 12th Street linking together the parking garage and Public Transportation Facility.

(4) Clarifications to Covenant

Finally, the Applicant is requesting to clarify the Covenant's language in a few instances. For example, with regard to the Applicant's obligation to fund the construction of the MetroBus Terminal improvements, the Applicant is clarifying in the Covenant that if Miami-Dade County does not permit the creation of a community development district, then the Applicant will be permitted to not only identify, but also to use an alternative source of funding for the construction of the improvements.

Please refer to the attached original recorded covenant and the draft redlined covenant that is enclosed to more easily review the proposed covenant modifications.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Recorded Covenant
- 2) Draft Covenant (redlined version)
- 3) Proposed New Covenant
- 4) Aerial Photograph/Section Map

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

6. COMPLETE DISCLOSURE FORMS: See attached.

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE
DEVELOPMENT MASTER PLAN

APPLICANT

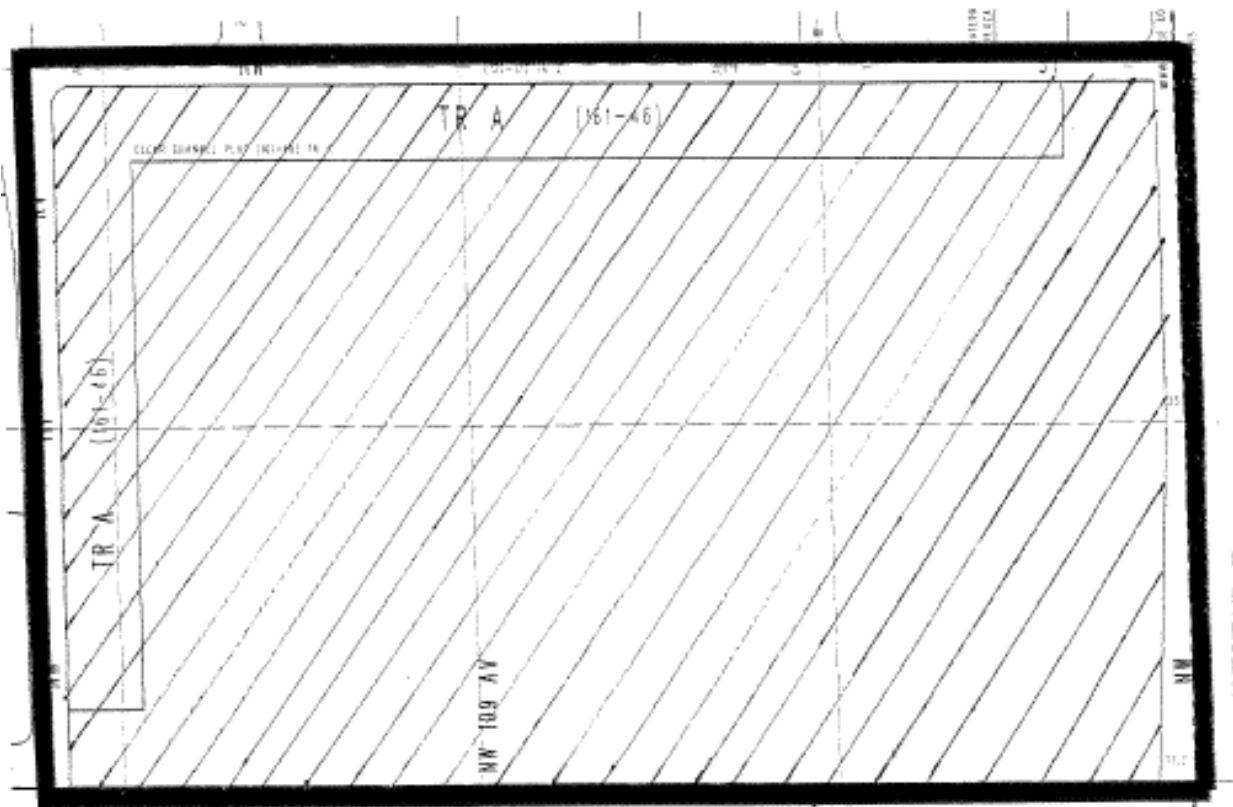
107th Avenue Gamma, LLC
1717 Collins Avenue
Miami Beach, Florida 33139

REPRESENTATIVES

Michael W. Larkin, Esq. & Michael A. Gil, Esq.
Bercow Radell & Fernandez, P.A.
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131
(305) 374-5300

DESCRIPTION OF SUBJECT AREA

The Property consists of two parcels that collectively contain 54.20 net acres located in Section 31, Township 53, Range 40. The parcels are identified by Folio Nos. 30-3031-000-0021 and 30-3031-035-0010. The Applicant owns the parcels.



APPLICATION AREA



AREA OWNED BY APPLICANT



DISCLOSURE OF INTEREST

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

APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: 107th Avenue Gamma, LLC, 1717 Collins Ave., Miami Beach, FL 33139

APPLICANT B: _____

APPLICANT C: _____

APPLICANT D: _____

APPLICANT E: _____

APPLICANT F: _____

APPLICANT G: _____

APPLICANT H: _____

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	ACRES IN SIZE (net)
107 th Avenue Gamma, LLC	Same	30-3031-000-0021 30-3031-035-0010	54.20 acres

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

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

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

CORPORATION NAME: 107th Avenue Gamma, LLC

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENT AGE OF STOCK

See enclosed disclosure of interest.

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

TRUSTEES NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

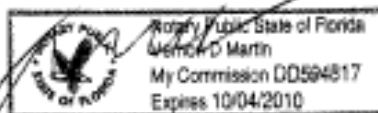
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names



Sworn to and subscribed before me
this 28 day of October, 2009.

Notary Public, State of Florida at Large (SEAL)
My Commission Expires:



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

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

Disclosure of Interest
107th Avenue Gamma, LLC

107th Avenue Gamma, LLC is owned 100% by Balzebre Gamma LP.

Balzebre Gamma LP is owned 99% by the Anthony Balzebre Trust and 1% by Balzebre Gamma, LLC.

Balzebre Gamma, LLC is owned 100% by the Anthony Balzebre Trust.

The trustee of the Anthony Balzebre Trust is Dorothy Balzebre, and the beneficiaries of the trust are as follows:

Anthony F. Balzebre, Jr.	16.666 % (1/6)
Janet Balzebre Murray	16.666 % (1/6)
Richard W. Balzebre	16.666 % (1/6)
Susan Balzebre Gordon	16.666 % (1/6)
Robert P. Balzebre	16.666 % (1/6)
Thomas W. Balzebre	16.666 % (1/6)

The address for all of the above-described entities/individuals is 1717 Collins Avenue, Miami Beach, Florida 33139.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

This instrument was prepared by:
Name: Michael W. Larkin, Esq.
Address: Berchow & Radell, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, 107th Avenue Gamma, LLC ("Owner") holds the fee simple title to a 54.20 net acre parcel of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property was the subject of a standard Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 in the April 2007 Amendment Cycle; and

WHEREAS, CDMP Amendment Application No. 3 sought (1) a Land Use Plan (LUP) amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office" and (2) an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center ("RAC") in accordance with relevant Florida Statutes and provisions of the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, during consideration of CDMP Amendment Application No. 3, the Department of Planning and Zoning ("DP&Z") recommended to the Board of County

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Commissioners ("BCC") that the graphic symbol for the Metropolitan Urban Center (MUC) designation on the LUP map of the CDMP be relocated to the Property from Miami International Mall which is now located within the boundaries of the City of Doral; and

WHEREAS, on April 24, 2008, the BCC voted to adopt CDMP Amendment Application No. 3 with acceptance of the proffered covenant and with DP&Z's recommendation to relocate the graphic symbol for the MUC designation on the LUP map of the CDMP to the Property; and

WHEREAS, the Owner desires to promote public transportation by incorporating within the Property a public transportation facility; and

NOW THEREFORE, in order to assure Miami-Dade County (the "County") that the representations made by the Owner during consideration of Amendment Application No. ___ in the October 2009 CDMP Amendment Cycle will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Maximum Development Program. The maximum development program for the Property ("MDP") shall be:

Residential	1050 dwelling units or 1,701,000 gross square feet
Retail/Service	799,900 gross square feet
Hotel	430 rooms or 225,000 gross square feet
Office	225,000 gross square feet

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Notwithstanding any transportation concurrency exemption that is granted for the Property, the Owner may simultaneously increase and decrease the MDP's land use categories provided that the cumulative impacts of the reallocated land uses may not exceed (a) the PM peak hour trips established for the MDP, which equates to 2,807 net PM peak hour trips, or (b) average daily potable water demand or maximum daily potable water demand of the MDP, which equate to .361 million gallons per day and .812 million gallons per day, respectively. The square footage (or floor area) in the MDP, as the MDP may be amended in the future if the Property is designated as a Metropolitan Urban Center, is based upon the entirety of the Property, including the portion of the Property that Owner will dedicate in the future to the County as described below.

Transit Improvements. The Owner intends to develop the Property as a project that promotes public transportation, and subject to County approval, the Owner shall incorporate within the development of the Property a MetroBus Terminal for multiple MetroBus routes. Additionally, Owner agrees to reserve within the portion of the Property that will be dedicated to the County as described below sufficient area for a future possible MetroRail Station, to be built only if and when all Federal Transit Administration requirements are met, so as not to preclude any future transit service enhancements to the Property. Such MetroRail station or MetroBus Terminal shall be referred to as the "Public Transportation Facility."

If the Public Transportation Facility is a MetroBus Terminal, the terminal shall include a maximum of ten (10) saw-tooth bus bays, the driveway network serving the bus bays, ("Parking Area"), 260 parking spaces designated for transit users, a restroom facility for bus operators and transit users, a kiss-and-ride area, transit-oriented commercial uses ("Commercial Area"), transit lounge, and landscaping for this area. The Owner agrees to construct a parking garage either where the bus bays, Commercial Area, and Parking Area will be located ("Parking Structure") or within a

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maximum radius of ____ feet from the Public Transportation Facility provided that Owner agrees to fund and operate a shuttle service or construct a pedestrian bridge over NW 12th Street between the Parking Structure and the Public Transportation Facility. The support columns and other structural and load bearing components within the Parking Structure shall be designed in a manner so that a fourth story can be added to the Parking Structure in the future if the Parking Structure is located adjacent to the bus bays, Commercial Area and Parking Area.

Owner shall fund and commence construction of the foregoing described MetroBus Terminal improvements within fifteen (15) years from the date that the current application (Amendment Application No. ____ in the October 2009 CDMP Amendment Cycle) becomes final and nonappealable. Owner shall coordinate the design of the Parking Structure with Miami-Dade Transit. If Owner is unable to obtain a certificate of occupancy for the foregoing improvements within fifteen (15) years from the date that the current application (Amendment Application No. ____ in the October 2009 CDMP Amendment Cycle) becomes final and nonappealable, prior to the expiration of the fifteen year period of time, the Owner may request an extension of time from the Director of Miami-Dade Transit or his designee for a maximum of five (5) additional years. If all or a portion of the funding is provided through local, state, or federal grant or similar subsidy, this shall reduce the Owner's responsibility to fund the construction of the MetroBus Terminal improvements by a proportionate amount.

Owner's obligation to fund and construct the foregoing described transit improvements is contingent upon the creation of a community development district, as defined by Florida Statutes, for the Property by the County. The community development district's powers may include, but not be limited to, the funding and construction of any other project, facility, or service required by a development approval, interlocal agreement, zoning condition, or permit issued by a governmental authority with jurisdiction in the district. If the County permits the creation of the

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community development district, the Owner agrees to apply for the creation of a multipurpose special taxing district to maintain the development's infrastructure such as roadways, storm drainage, water, sewer, and landscape should the community development district be dissolved or fail to fulfill its maintenance obligations. The special taxing district shall remain dormant until such time as Miami-Dade County determines to implement it. If the County does not permit the creation of a community development district, Owner shall identify and be permitted to use an alternative source of funding for the construction of the foregoing described improvements.

With the exception of the area of the Property on which the driveway network leading from NW 12th Street to the MetroBus Terminal Improvements will be located, Owner shall dedicate to the County on terms acceptable to the County and subject to County approval the portion of the Property on which the MetroBus Terminal Improvements will be located once the foregoing described improvements have received a certificate of occupancy from the County. Notwithstanding the foregoing, if the Parking Structure is not located adjacent to the bus bays, Commercial Area, and Parking Area, Owner shall not be obliged to dedicate to the County the portion of the Property upon which the Parking Structure is located. For the purpose of joint use of the foregoing described driveway network by Owner and County, at time of dedication, Owner shall grant an easement to the County that will permit ingress and egress from NW 12th Street to the Public Transportation Facility for all county employees and patrons of the facility. If the Parking Structure is located adjacent to the bus bays, Commercial Area, and Parking Area, the Owner shall (1) retain the right to install signage with regard to any use within the Property on the Parking Structure, and (2) shall retain exclusive lease rights to the Commercial Area, which include, but are not limited to, the right to all rent monies.

Roadway Improvements. The Owner shall fund and construct the roadway improvements described in Exhibit B. The foregoing roadway improvements shall be

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open to traffic prior to the issuance of any Certificate of Occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility. The roadway improvements described in Exhibit B shall be accepted by the County as a contribution in lieu of payment of all or a portion of the required Road Impact fees under Section 33E of the Code of Miami-Dade County.

Certificate of Occupancy Date. Owner agrees not to obtain a certificate of occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility, until such time as either the Dolphin Fire Rescue Station (No. 68) has received a temporary certificate of occupancy or any other new Fire Rescue Station designated by the Fire Rescue Department that will service the Property. Finally, Owner agrees not to obtain a certificate of occupancy for any building within the Property until such time as all of the buildings that constitute the Public Transportation Facility have received a temporary certificate of occupancy. Notwithstanding the foregoing, Owner may seek a certificate of occupancy for the first 400,000 square feet of floor area for retail use within the Property and its accessory parking.

Initial Retail Use. With the exception of the roadway improvements described in this covenant, the obligations set forth in this covenant shall not apply to the first 400,000 square feet of floor area for retail use.

Fire Rescue. Owner agrees to support the creation of a non ad valorem fire assessment fee.

Project Design. The Owner represents that the Property will be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles which reflect the general guidelines contained in Exhibit "C" ("Design Guidelines"). In that regard, with the exception of those buildings that will constitute the Public Transportation Facility, prior to any development approvals being sought for residential, retail, hotel, or office uses on the

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Property, the Owner agrees to seek and obtain site plan approval for the entire Property which reflects substantial conformity with the Design Guidelines or, alternatively, submit for approval to the Director of the Planning and Zoning Department (or its successor planning agency), or his/her designee, and upon receiving said approval, record an architectural code or equivalent design standards to govern development of the entire Property, which are substantially in accordance with the attached Design Guidelines.

LEED Certification. All buildings developed on the Property will be Leadership in Energy and Environmental Design (LEED) certified in accordance with the standards set forth by the United States Green Building Council.

Workforce Housing. Owner agrees that a minimum of 10% of the residential units on the Property shall be designated for workforce housing and shall meet the criteria of workforce housing in Miami-Dade County. Workforce housing shall be deemed to be the sale or rental of property for persons within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development. Notwithstanding anything to the contrary in this Declaration of Restrictions, the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of workforce housing on the Property.

The Owner shall, upon site plan approval or prior to obtaining the initial building permit for a residential structure on the Property, whichever is the required date according to the relevant County regulation, identify those units within such structure, if any, that satisfy this workforce housing requirement. A declaration of restrictive covenants, in form acceptable to the County, shall be recorded in the public records of Miami-Dade County, Florida stating that the unit is a workforce housing unit and shall remain as such for a period of 30 years from the time of recordation of the declaration of restrictive covenants.

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Water Conservation Regulations. The Owner shall incorporate the measures listed in Exhibit D, where practicable, into the design, construction and operation of any residential development on the Property. Similarly, the Owner shall incorporate the measures listed in Exhibit E, where practicable, into the design, construction and operation of any commercial development on the Property.

Subdivision of Property. In the event the Property is subdivided into multiple ownerships, responsibility for the obligations contained in this Declaration that are related to the provision of workforce housing units in the absence of a duly enacted ordinance shall be allocated on a pro-rata per acre basis. Workforce housing units on any particular subparcel of the Property shall be developed simultaneously with any market rate housing units on that subparcel.

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

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action

(Space reserved for Clerk)

or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections.

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

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

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

Severability. Invalidity of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and

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the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]

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**APPLICATION NO. 8
STANDARD AMENDMENT APPLICATION**

**APPLICATION TO AMEND THE
LAND USE PLAN MAP
OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2009 NOV -2 P 3:49
PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

CEMEX Construction Materials Florida, LLC

2. APPLICANT'S REPRESENTATIVE

Kerri Barsh, Esq.
Greenberg Traurig
1221 Brickell Avenue
Miami, FL 33131

By:



Kerri L. Barsh, Esq.

Nov. 2, 2009

Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. A change to the Text of the Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County (Fee Schedule § A.2)

The text change is proposed for Page I-59 of the Future Land Use Element as follows:

Agriculture

Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion (by ordinance or zoning application), including the expansion of *bona fide* quarrying and ancillary uses onto property adjacent to existing quarrying operations.

4. REASONS FOR AMENDMENT

The Future Land Use Element currently allows the expansion of quarrying within the Agricultural area. The proposed text change clarifies that *bona fide* quarrying operations may expand not only within property already used for quarrying operations but also onto adjacent properties. The text amendment also clarifies the means by which such approvals may be granted.

There are limited areas in the County where geologic, environmental and infrastructure make quarrying operations at all possible. The proposed text amendment recognizes the demand for construction grade aggregate at the local and state levels (for example, for aggregate that will support economic stimulus projects). The proposed text amendment ensures that local operations can meet that demand. At the same time, however, the proposed text amendment is limited--namely, it applies only to *bona fide* operations (*i.e.*, commercial quarrying operations by commercial quarrying entities) and the expansion of quarrying operations will be onto property adjacent to existing operations.

Accordingly, approval of the requested Amendment would be consistent with the implementation of the CDMP goals, objective and policies.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETE DISCLOSURE FORMS

Attached as Exhibit A.

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: CEMEX Construction Materials Florida, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>CEMEX S. A. B. de C. V., Traded on NYSE</u>	<u>Indirect owner of</u>
	<u>100%</u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

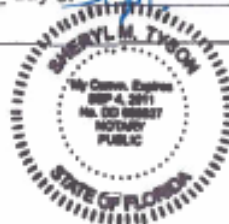
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____ (Pete Lyons)
 (Applicant)

Sworn to and subscribed before me this 4th day of Sept, 2009 Affiant is personally known to
 me or has produced _____ as identification.

Sheryl M. Tyson
 (Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) 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 every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a 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.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

**APPLICATION NO. 9
STANDARD AMENDMENT APPLICATION**

**APPLICATION TO AMEND THE
LAND USE PLAN MAP
OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2009 NOV -2 P 3:48
PLANNING & ZONING
METROPOLITAN PLANNING SECT -

1. APPLICANT

Vecellio & Grogan, Inc. d/b/a White Rock Quarries

2. APPLICANT'S REPRESENTATIVE

Kerri Barsh, Esq.
Greenberg Traurig
1221 Brickell Avenue
Miami, FL 33131

By: _____

Kerri L. Barsh, Esq.

Nov. 2, 2009

Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. A change to the Text of the Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County (Fee Schedule § A.2)

The text change is proposed for Page I-63 of the Future Land Use Element as follows:

Page I-63

Open Land Subarea 1 (Snake-Biscayne Canal Basin). This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses, nurseries and tree farms, and seasonal agriculture¹ may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

¹ For purposes of this chapter, seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation at or above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.

4. REASONS FOR AMENDMENT

The Future Land Use Element currently allows agricultural uses within lands designated Open Land and seasonal agriculture within Open Land Subarea 1. The proposed text change seeks to bring into conformity nursery and tree farm uses currently existing within Open Land Subarea 1, many of which have been in operation for many years, as well as to permit such nurseries and tree farms in the future.

The Open Lands Subarea 1 is an ideal location for nurseries and tree farms to operate for various reasons, including their proximity to similar agricultural uses that are permissible uses in this Subarea. This is a relatively isolated area, which would minimize any potential adverse impacts and some of the nurseries and tree farms in this particular area have been in existence and operating for more than fifteen years, without incident.

Accordingly, approval of the requested Amendment would not be inconsistent with the implementation of the CDMP goals, objectives and policies, which will be set forth in further detail under separate cover.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETE DISCLOSURE FORMS

Attached as **Exhibit A**.

Exhibit "A"

Disclosure of Interest

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each.

CORPORATION NAME: Vecellio & Grogan, Inc.

Name and Address	Percentage of Stock
<u>PO Box 15065</u> <u>West Palm Beach, FL 33416</u>	
<u>Leo A. Vecellio Jr</u>	<u>50%</u>
<u>Christopher D. Vecellio</u>	<u>24%</u>
<u>Michael A. Vecellio</u>	<u>24%</u>
<u>Kathryn C. Vecellio</u>	<u>2%</u>

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

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

Applicant's Signatures and Printed Names

Jim Hurley, President
Jim HURLEY

Sworn to and subscribed before me

This 30th day of October, 2009

Francine E. Hines

Notary Public, State of Florida at Large(SEAL)

My Commission Expires:

April 2, 2011



Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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**APPLICATION NO. 10
STANDARD AMENDMENT APPLICATION**

**STANDARD AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN/MAP
OCTOBER 2009-2010 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2009 NOV -2 P 4: 16
PLANNING & ZONING
METROPOLITAN PLANNING SECT


1. APPLICANT

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

2. APPLICANT'S REPRESENTATIVE

Jeffrey Bercow, Esq.
Michael Radell, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard
Suite 850
Miami, Florida 33131

By:


Jeffrey Bercow, Esq.

November 2, 2009

By:


Michael Radell, Esq.

November 2, 2009

3. DESCRIPTION OF REQUESTED CHANGES

It is recommended that the Land Use Element be amended as follows:

Revise the text of the Agriculture land use designation in the Land Use Element of the CDMP for the Agricultural area that is generally east of Homestead Air Reserve Base and south of the Military Canal to allow water management projects subject to certain specific criteria that will ensure such activities are consistent with the goals, objectives and policies of the CDMP.

A. Revisions to the Land Use Element

Revise Agriculture Language, CDMP pp. I-58 through I-59:

The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agriculture production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for use exists outside the Agriculture area.

Water management projects that enhance or support County, state or federal environmental goals, objectives or policies are deemed to be a public necessity and shall be allowed in the Agricultural designation as provided herein. For the purposes of this section, a "water management project" means a project and associated easements or dedications that provides for the storage of excess stormwater and the transfer of the water to an adjacent benefit area. Such water management projects may also produce aggregate to be used for the limited purposes set forth below, and shall be permitted only in that portion of the Agricultural area that lies east of Homestead Air Reserve Base and SW 117 Avenue, bounded on the north by Military Canal and on the South by SW 312 Street, and on the east by SW 107 Avenue, subject to all of the following conditions:

1) the water management project creates a public benefit because it demonstrably supports County, state or federal environmental goals, objectives or policies and is determined by the County in consultation with all appropriate local, state and federal agencies to be strategically designed and located to complement the environmental goals, objectives or policies;

2) the water management project will not adversely affect the Biscayne Bay Coastal Wetlands project;

- 3) the water management project shall be designed, constructed and operated in accordance with plans consistent with prevailing zoning and environmental regulations, and the Homestead Air Reserve Base Air Installation Compatibility Use Zone Report (October 2007);
- 4) the water management project shall be designed and constructed to incorporate best available technologies that will isolate the project from salt intruded groundwater containing greater than 250 parts per million of chloride, including vertical or horizontal migration of the salt intruded groundwater, and plans submitted for approval of the water management project shall indicate the depth detected to contain 250 ppm of chloride at the location of the water management project and shall specify that the maximum depth of any excavation shall be limited to ten (10) feet above such depth;
- 5) the water management project shall be designed, constructed, operated and monitored in a manner that will not contribute to salt water intrusion in the region nor will it adversely impact any public water supply or established public wellfield;
- 6) potential saltwater impacts to existing legal users, natural resources and other permitted operations shall be determined and avoided;
- 7) the water management project shall be designed to hold stormwater generated on site to prevent water quality impacts to adjacent wetlands and agricultural lands;
- 8) the owner(s) of the property shall affirmatively commit to convey ownership of the property containing the water management project to the County or other governmental agency, at no cost to the transferee, when construction of the water management project has been completed (and in the absence of a governmental agency willing to acquire ownership, the owner(s) and County with input from the appropriate environmental agencies, will identify a suitable not-for-profit organization to acquire the facility);
- 9) the owner(s) of the property and the transferee governmental agency shall agree upon commitments to assure the economic viability of operation and maintenance of the water management project for a forty (40) year period;
- 10) as a condition of public hearing approval, the aggregate from the water management project shall not be sold, and shall only be used as fill for the water management project or associated ecosystem restoration project, or by the County for public infrastructure projects, or for electric utility facilities and their ancillary uses including roadways; and
- 11) the specific intended use and amount of fill requested to be excavated shall be specified by the owner prior to obtaining zoning approval, and the amount of fill excavated from the water management project shall not exceed the amount necessary for the approved uses.

Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

In an effort to enable compatible diversification of the economy of Agriculture areas and provide additional land use options for owners of properties that surround structures having historical significances, after such time as the County adopts procedures for the establishment of Thematic Resource Districts (TRDs) pursuant to Policy LU-6L, and a TRD including architectural and landscape design guidelines is established in an area designated Agriculture, additional uses may be authorized in such TRDs established in Agriculture areas. Such additional uses must be designed and developed in accordance with TRD standards, must promote ecotourism activities in the Agriculture area, and must not be incompatible with nearby agriculture activities.

Also included in the Agriculture area are enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in this area except that lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the approval or expansion of any use inconsistent with this plan. To the contrary, it is the intent of this Plan to contain and prevent the expansion of inconsistent development in the Agriculture area.

4. REASON FOR CHANGE

Introduction. The East Glade area was one of the first areas farmed in South Miami-Dade. The East Glade area is a lowland area adjacent to Biscayne National Park and the coastal wetlands of southeast Miami-Dade County. The farmlands of the East Glade area are prone to flooding without positive drainage and a groundwater draw down during the winter growing season in order to keep the fields from flooding.

Environmental restoration objectives have focused on the area of the East Glade, commonly referred to as the Biscayne Bay Coastal Wetlands Study Area, in order to restore historic flows and mitigate the inland movement of the saltwater front in the Biscayne Aquifer. Therefore, it is proposed that the CDMP Land Use Element text concerning the Agricultural area be amended to permit water management projects in the East Glade subject to certain specific criteria. As long as the future water management project area is designed and constructed subject to stringent environmental controls, the resulting lake(s) can be managed and operated in a manner that would support environmental restoration objectives, not adversely affect the Biscayne Bay Coastal Wetlands project, and also be compatible with farming in the area. The proposed design standards for the water management project will enhance and support Miami-Dade County's CDMP goals, objectives and policies concerning enhancement of coastal wetlands. Specifically, CDMP Objective CM-1 of the Coastal Management Element addresses the need to "Protect, conserve and

enhance coastal wetlands and living marine resources in Miami-Dade County.” In addition, CDMP Policy CM-1B provides that “Natural surface water flow regimes into and through coastal wetland systems will be restored and maintained to the maximum extent possible.”

Background. The areas designated for “Agriculture” on the Land Use Plan map are considered to be farmable lands that are worthy of protection from incompatible uses. In general, the introduction of new uses into the Agricultural area is limited to those uses that are “compatible with agriculture and with a rural residential character . . . only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrate that no suitable site for the use exists outside the Agricultural area.” The intent of the proposed text is to identify water management projects that satisfy prescribed criteria as a public necessity and to allow such projects within the East Glade Agricultural area.

The geographic area east of the Homestead Air Reserve Base and south of the Military Canal is a suitable and appropriate location for water management projects subject to stringent environmental regulation requiring that the end product provide a public benefit by providing opportunities for environmental restoration of regional coastal wetlands. In addition, a water management project should not be in conflict with the dry season draw downs that have occurred in this area for the last sixty years. A water management project must also be managed so as not to become a source of undesirable exotic upland plants species.

Although most of the Agricultural land in the East Glade area is being farmed, a growing percentage of land has been acquired by government agencies, such as Miami-Dade County's EEL program, and significant studies and projects are proposed for ecosystem restoration in this region. The proposed water management project would be consistent and complimentary to the County's EEL program objectives.

Policy LU-1S of the Land Use Element requires the CDMP to be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission through Resolution R-664-03. A priority key outcome of the County's Strategic Plan is the “protection of viable agriculture and environmentally sensitive lands” (Miami-Dade County Strategic Plan, pg. 19). Specifically, the Strategic Plan communicates the dual desire to preserve for the benefit of future generations two valuable land uses, and does not establish a hierarchy or advocate the achievement of one outcome at the expense of the other. It is therefore clear that projects advancing one outcome, without causing harm to the other outcome are consistent with the County's Strategic Plan.

The Water Management Project Alternative. Although a water management project in the East Glade would take less than 1% of the County's agricultural land area out of production, a properly designed and implemented water management projects in this area would continue to be compatible with surrounding farming operations. Further, properly designed water management projects would contribute to countering salt water intrusion, an issue that presents a challenge to maintaining agricultural uses within the East Glade area. Accordingly, properly designed and operated water management project would serve to protect regional agricultural interests.

The overarching benefit offered by water management projects within this area is that they can be developed in a manner to provide needed environmental uplift. This uplift is provided in

two ways. The water management projects can serve as a source of re-hydration water to be released into adjacent coastal wetlands. A portion of the slugs of freshwater that are presently discharged directly to Biscayne Bay during storm events can be diverted to the water management project. These freshwater discharges present problems and disruptions to the near shore estuarine environment. By redirecting these flows to a water management project, the water flows into Biscayne Bay in a more natural manner. In the process, the coastal wetlands benefit by rehydration over an extended period of time and the impact of point releases of fresh water to Biscayne Bay is reduced. By inclusion of the limiting conditions in the proposed text, water management projects can be permitted within the East Glade area in a manner that is both compatible with existing agriculture and complementary to the environmental restoration goals of the coastal wetlands and Biscayne Bay.

Revisions to Application Filed During October 2008 Cycle. FPL's proposed CDMP text amendment application has incorporated and addressed the many comments and recommendations raised by the Board of County Commissioners (BCC), the Department of Planning and Zoning, Department of Environmental Resource Management, South Florida Water Management District (SFWMD), South Florida Regional Planning Council, Florida Department of Community Affairs, and the public on FPL's Application No. 1 filed in the October 2008 CDMP Cycle of applications. The revisions from the previously proposed text seek to embody these comments by providing criteria and performance standards that will provide assurances that any water management project that may be developed will be consistent with environmental policies and procedures for this area. In that regard, the principal revisions or additions that are included in this application are as follows:

1. In response to BCC comments, the area in which the water management project could be implemented has been reduced dramatically from over 900 acres to less than 450 acres.
2. Based on comments from the SFWMD, the amendment has been revised to require that the water management project enhance or complement County, state or federal goals, objectives or policies yet to be designed, constructed, operated and monitored independently as a stand alone project with the objective of providing environmental enhancement for coastal wetlands restoration. As a result, and pursuant to SFWMD request, all prior references to CERP have been eliminated. The proposed text has been revised for clarity, internal consistency as well as general uniformity with County and SFWMD policies and regulations.
3. The amendment now includes additional suggestions from SFWMD, including a requirement that the water management project will not adversely affect the current Biscayne Bay Coastal Wetlands project and that it shall be designed to hold stormwater generated on site to prevent water quality impacts to adjacent wetlands;
4. The proposed text amendment now includes criteria that specifically require that the project be designed, built and operated so as not to exacerbate salt intrusion or have an adverse impact on public water supplies (such as the Florida Keys Aqueduct Authority), other legal users, or the natural environment which would include

Biscayne National Park. These additions to the application were made at the request of the BCC, the SFWMD, and the Florida Department of Community Affairs.

5. FPL has added to the text amendment a requirement that the water management project be conveyed to a governmental agency at no cost when completed, with appropriate provisions for operation and maintenance.
6. Finally, the application has been revised in response to BCC comments to provide assurances that the water management project will not become a commercial mining operation. This has been accomplished by specifically constraining the volume of excavated material to the specific volume of material that is needed for the power plant project including ancillary facilities.

Consistency with CDMP Agricultural Policies. As discussed above, Policy LU-1S of the Land Use Element requires the CDMP to be consistent with the Miami-Dade County Strategic Plan. The area in question is shown on Figure 14 of the Land Use Element as a "Future Wetland". Therefore, the use of the area for water management projects that satisfy prescribed criteria is consistent with Policy LU-1S.

In the past, the position has been taken that the Strategic Plan, as incorporated into the CDMP through Policy LU-1S, requires that there be "no net loss" of agricultural lands outside the UDB. This position fails to take into account how the Strategic Plan is organized and is inconsistent with the Goals and Policies of the CDMP. The Strategic Plan is intended to present County staff with a "game plan" to guide future decision-making (Miami-Dade County Strategic Plan, pg. 2). Along with general goals, referenced in the Strategic Plan as "key priority outcomes," the Strategic Plan provides "measuring sticks" intended to help determine if the County is moving toward the stated goals. The "outcomes" cover a wide range of issues, from economic development, to public safety, to recreational opportunities offered County residents.

The "priority key outcome" relevant to agricultural land is the "[p]rotection of viable agriculture . . . lands" (Miami-Dade County Strategic Plan, pg. 19). The "no net loss" language appears only as a measurement of the County's success in complying with the priority outcome of the Strategic Plan; "no net loss" is not a key outcome of the Strategic Plan. While the CDMP incorporates, through Policy LU-1S, the Strategic Plan's goal of protecting viable agriculture lands, the "no net loss" concept simply provides the County with a performance standard. It is not a "policy" or "goal" of either the Strategic Plan or the CDMP, and therefore should have no bearing on this proposed amendment relating to the Agriculture land use designation.

5. COMPLETE DISCLOSURE FORMS

DISCLOSURE OF INTEREST

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

APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Florida Power & Light Company

APPLICANT B: _____

APPLICANT C: _____

APPLICANT D: _____

APPLICANT E: _____

APPLICANT F: _____

APPLICANT G: _____

APPLICANT H: _____

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
N/A			

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

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
N/A				

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

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

CORPORATION NAME: FPL Group, Inc.

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

Publicly traded on the New York Stock Exchange (NYSE) as FPL

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

TRUSTEES

NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

PARTNERSHIP NAME: N/A

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.

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

N/A

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

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

Applicant's Signatures and Printed Names

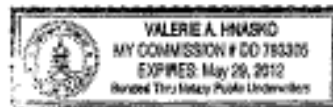
Stewart D. Scroggs

STEWART D. SCROGGS
SR. DIRECTOR, FPL

Valerie A. Hwasdo

Sworn to and subscribed before me
this 28 day of October, 20 09.

Notary Public, State of Florida at Large (SEAL)
My Commission Expires: 5/29/2012



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.

Note: Disclosure of Interest contains only those applicable pages; all others are deleted.