

**OCTOBER 2007
APPLICATIONS TO AMEND
THE COMPREHENSIVE
DEVELOPMENT
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



OCTOBER 2007
APPLICATIONS TO AMEND
THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN

December 5, 2007

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 Plan (CDMP) which were filed for evaluation during the October 2007 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 complete copy of each application. The next report will be the October 2007 Initial Recommendations report to be published on February 25, 2008.

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 2009 filing period is the next cycle that is in the odd numbered year, when the Miami-Dade County Department of Planning and Zoning (DP&Z) changes to the Land Use Plan map outside the Urban Development Boundary (UDB) may 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 DP&Z 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 DP&Z published this Applications Report on December 5, 2007 listing all applications filed.

The DP&Z will submit its initial recommendations to the Planning Advisory Board (PAB) regarding each requested change, no later than February 25, 2008. 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 2008 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, 2008, 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 2008, 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 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 neither 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 on or around May 2008, DCA will return comments or an Objections, Recommendations and Comments (ORC) report in August 2008 addressing all transmitted applications. The PAB acting as the Local Planning Agency would then conduct its final public hearing during September 2008, and the Board of County Commissioners would conduct a public hearing and take final action in October 2008. During the DCA review period, the DP&Z 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 September 2007) at the transmittal public hearing. During the October 2007 filing period, four amendment applications were 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 transportation concurrency exception areas, or in the Dadeland Chapter 380 Regional Activity Center.
3. Outside of the foregoing transportation concurrency exception 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 any density.
4. The proposed amendment does not involve the same property granted an amendment in the prior 12 months;
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 2007 cycle applications, the Commission may 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.

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, 2008. 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 1
DECLARATION OF RESTRICTIONS DEADLINES
October 2007-2008 CDMP Amendment Cycle

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	January 28, 2008
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

TABLE 2
SCHEDULE OF ACTIVITIES
OCTOBER 2007-2008 CDMP AMENDMENT CYCLE

Pre-application Conference for the Private Sector	September 1- September 30, 2007
Application Filing Period	October 1- October 31, 2007
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	November 7, 2007
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after notice of deficiency (November 16, 2007)
Applications Report published by DP&Z	December 5, 2007
Deadline for submitting Technical Reports	December 29, 2007
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	January 28, 2008
Initial Recommendations Report released by DP&Z	February 25, 2008
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2008
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	Specific date(s) to be set in April 2008* 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 29, 2008* County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	June, 2008**
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, 2008** (Approximately 75 days after transmittal)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	Specific date(s) to be set in September, 2008* (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action on Applications: Board	October 2, 2008* (No later than 60 days after receipt of DCA ORC report)

* Date is currently scheduled but subject to change. All hearings will be noticed by newspaper advertisement.

** Estimated Date.

Overview of October 2007 Amendment Applications

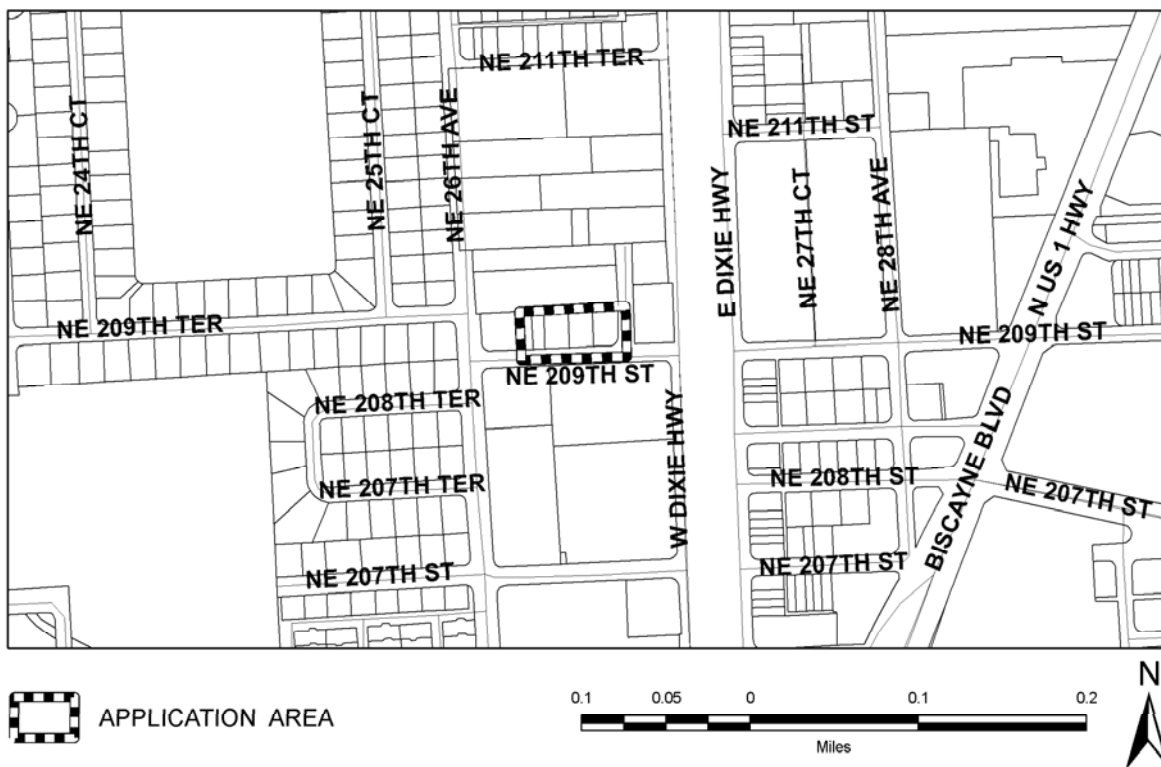
Four (4) private applications were filed during this amendment cycle requesting changes to the CDMP Land Use Plan map. Each application has requested to be processed in the expedited small-scale amendment process, whereby requesting the redesignation of approximately 12-acres on the Land Use Plan (LUP) map. The Department of Planning and Zoning (DP&Z) may file additional staff applications at the time of the Initial Recommendations Report.

Table 3
LIST OF OCTOBER 2007 APPLICATIONS REQUESTING AMENDMENTS TO THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

Application Number	Applicant / Representative Location REQUESTED CHANGE(S)	Acres
1	<p>209th Street Associates, LLC/Juan J. Mayol, Esq. and Tracy Slavens, Esq.</p> <p>Northwest corner of NE 209 Street and NE 26 Court From: Low-Medium Density Residential (6-13 DU/Ac) To: Office/Residential</p> <p>Small-Scale Amendment</p>	<p>1.12 Gross 0.85 Net</p>
2	<p>Aventura Commons, II, LLC/Juan J. Mayol, Esq. and Tracy Slavens, Esq.</p> <p>An area between NE 205 and NE 206 Streets on the east side of NE 26 Avenue From: Low-Medium Density Residential (6-13 DU/Ac) To: Office/Residential</p> <p>Small-Scale Amendment</p>	<p>2.98 Gross 2.23 Net</p>
3	<p>Urban League of Greater Miami/Jeffrey Bercow Esq. & Matthew Amster, Esq.</p> <p>An area between NW 51 and NW 53 Streets and between NW 23 Court and NW 24 Avenue From: Medium Density Residential (13-25 DU/Ac) To: Medium-High Density Residential (25-60 DU/Ac)</p> <p>Small-Scale Amendment</p>	<p>5.5 Gross 4.89 Net w/ROW 4.53 Net w/o ROW</p>
4	<p>Alfredo Garcia Menocal/Stanley B. Price, Esq.</p> <p>Northeast corner of SW 117 Avenue and SW 95 Street From: Estate Density (1-2.5 DU/Ac) To: Office/Residential</p> <p>Small-Scale Amendment</p>	<p>2.5 Gross 2.1 Net</p>

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

<u>Applicant</u>	<u>Applicant's Representative</u>
209 th Street Associates, LLC 10850 NW 21 Street, Suite 230 Doral, Florida 33172	Juan J. Mayol, Jr., Esq. & Tracy R. Slavens, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 305-374-8500
<p><u>Requested Amendment to the Land Use Plan Map</u></p> <p>From: Low-Medium Density Residential (6-13 DU/Ac)</p> <p>To: Office/Residential</p> <p>Location: Northwest corner of NE 209 Street and NE 26 Court</p> <p>Acreage: Application area: 1.12 Gross Acres Application area: 0.85 Net Acres</p> <p>Acreage Owned by Applicant: 0.63 Net Acres</p>	



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

1. APPLICANTS

2007 OCT 24 P 2:25

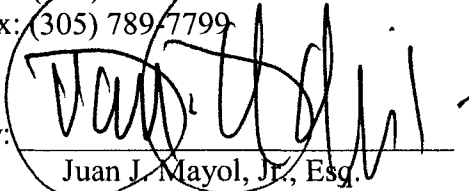
209th Street Associates, LLC
10850 NW 21 Street
Suite 230
Doral, Florida 33172

PLANNING & ZONING
METROPOLITAN PLANNING SECTION

2. APPLICANT'S REPRESENTATIVE

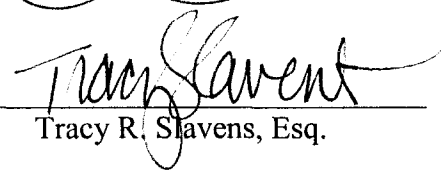
Juan J. Mayol, Jr., Esq.
Tracy R. Slavens, Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
Tel: (305) 374-8500
Fax: (305) 789-7799

By:


Juan J. Mayol, Jr., Esq.

10-22-07
Date

By:


Tracy R. Slavens, Esq.

10-22-07
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Land Use Plan map (Item A.1(d) in the fee schedule) is requested. 209th Street Associates, LLC (the "Applicant") is requesting a change in the property's designation from "Low-Medium Density Residential" to "Office/Residential." In addition, the Applicant requests expedited processing and review of the application as a "small-scale" amendment, as defined in Section 163.3187(1)(c)(1), Florida Statutes.

B. Description of Subject Area.

The subject property consists of approximately ±1.12 gross acres (±0.85 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicant has ±0.638

acres under contract. The balance of the land in the application, or ± 0.212 acres, is owned by others, as reflected in the attached disclosure of interest form. The property, located on the north side of NE 209 Street west of West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

C. Acreage.

Subject application area: ± 1.12 acres (gross)
 ± 0.85 acres (net)

D. Requested Changes.

1. It is requested that the Property be re-designated on the Land Use Plan map from "Low-Medium Density Residential" to "Office/Residential."
2. It is also requested that the application be processed as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation of the Property from "Low-Medium Density Residential" to "Office/Residential." The Property is located on the north side of NE 209 Street west of West Dixie Highway. The Property consists of approximately ± 1.12 gross acres. The Applicant intends to develop the Property with offices and other uses that would be complementary to and an appropriate transition from both the public school currently under construction, which abuts the Property to the north, and West Dixie Highway, a section line road. In this area, the West Dixie Highway commercial corridor is designated "Business and Office" on the Land Use Plan Map. The Property is currently developed with older single- and multi-family residential structures.

Because of its location adjacent to a future public school and the West Dixie Highway commercial corridor, the Property is ideally suited for an office development. The "Office/Residential" land use category allows professional and clerical offices, business uses ancillary to the on-site uses, hotels, motels, and residential uses. The range of intensities within the permitted uses vary from small-scale professional offices to large-scale office parks. The abutting school use to the north and "Business and Office" designation to the east will allow the Applicant to develop office uses on the Property compatible with the area.

The character of this neighborhood is changing rapidly and there is a need for office uses to support the unprecedented growth that is occurring in northeastern Miami-Dade County. The Property is located within the Urban Infill Area (the UIA). The UIA was established in Miami-Dade County pursuant to Chapter 163 of the Florida Statutes. Section 163.3164(27) defines "urban infill" as the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential

intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95 and the City of Islandia. It is one of the core land use policies of the CDMP, Policy LU-1C, that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proposed amendment for this Property is directly in line with this CDMP land use policy.

The Property is also located directly to the east of the Ojus Urban Area District. This urban area district was established following a charrette process in which residents, property and business owners, who represented a cross-section of the community, came together to devise their vision for the growth and development of the area. The charrette led to the implementation of the Ojus Urban Area District regulations pursuant to Article XXXIII(N) of the Miami-Dade County Code. The goal of the Ojus Urban Area District regulations is, among other objectives, to provide a framework that will facilitate development and investment in private land in this area of northeastern Miami-Dade County. With respect to economic development, the members of the community sought to encourage commercial development within the West Dixie Highway commercial corridor and attract businesses that would provide accessible jobs to both residents and commuters. The Property, if designated "Office/Residential," would complement the charrette and serve as an appropriate step to take in making this community's vision for growth and future development a welcome reality.

There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The UIA objectives, the implementation of the Ojus Urban Area District regulations, and recent zoning approvals on properties in the surrounding area have helped to promote the redevelopment of property along the West Dixie Highway commercial corridor from a run-down underdeveloped residential area to a modern mixed-use community. By amending the Land Use Plan map to "Office/Residential," the County will further promote urban infill and redevelopment along underutilized West Dixie Highway commercial corridor. This request is far more compatible and will serve to protect the residents of the area from the impacts that would result from the overly intense commercial uses of the adjacent "Business and Office" land use designation. The close proximity of the Property to residential uses will allow the proposed "Office/Residential" uses to serve the needs of the residents in the area and buffer residents the adjacent "Business and Office" uses. This may reduce traffic as well as bring jobs and services to the local community.

Approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

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.

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 urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

POLICY LU-1S: The CDMP shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies, and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agricultural and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.

POLICY LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.

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

POLICY LU-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 Element, 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, feature 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.

POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

POLICY LU-9I: Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

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

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-use projects to promote energy conservation.

OBJECTIVE LU-11: Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

OBJECTIVE LU-12: Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

POLICY LU-12D: The County shall consider developing strategies that promote infill development in specific areas.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

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

EXHIBIT "A"

Legal description of the subject property:

Lots 1, 2, 3 and 4, Block 1 of CHARGOLD ESTATES, according to the Plat thereof, as recorded in Plat Book 99, at Page 35, of the Public Records of Miami-Dade County, Florida.

Includes Folio Nos.:

30-1234-0051-0041
30-1234-0051-0040
30-1234-0051-0030
30-1234-0051-0020
30-1234-0051-0010

EXHIBIT "B"

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: 209th Street Associates, LLC, a Florida limited liability company

NAME AND ADDRESS		Percentage of Stock
Bernardo Kopel		100%
10850 NW 21 Street, Suite 230		
Miami, Florida 33172		

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

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

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: 209th Street Associates, LLC, a Florida limited liability company

NAME AND ADDRESS (if applicable)		Percentage of Interest
Bernardo Kopel		100%
10850 NW 21 Street, Suite 230		
Miami, Florida 33172		

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.

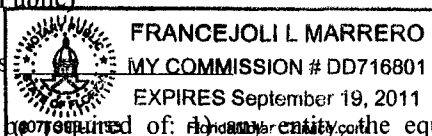
Signature: _____

Bernardo Kopel, Managing Member

Sworn to and subscribed before me this 22 day of October, 2007. Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

My commission expires _____



*Disclosure shall not be required of: 1) any entity, or 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.

4837462_v1

EXHIBIT "C"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT/REPRESENTATIVE

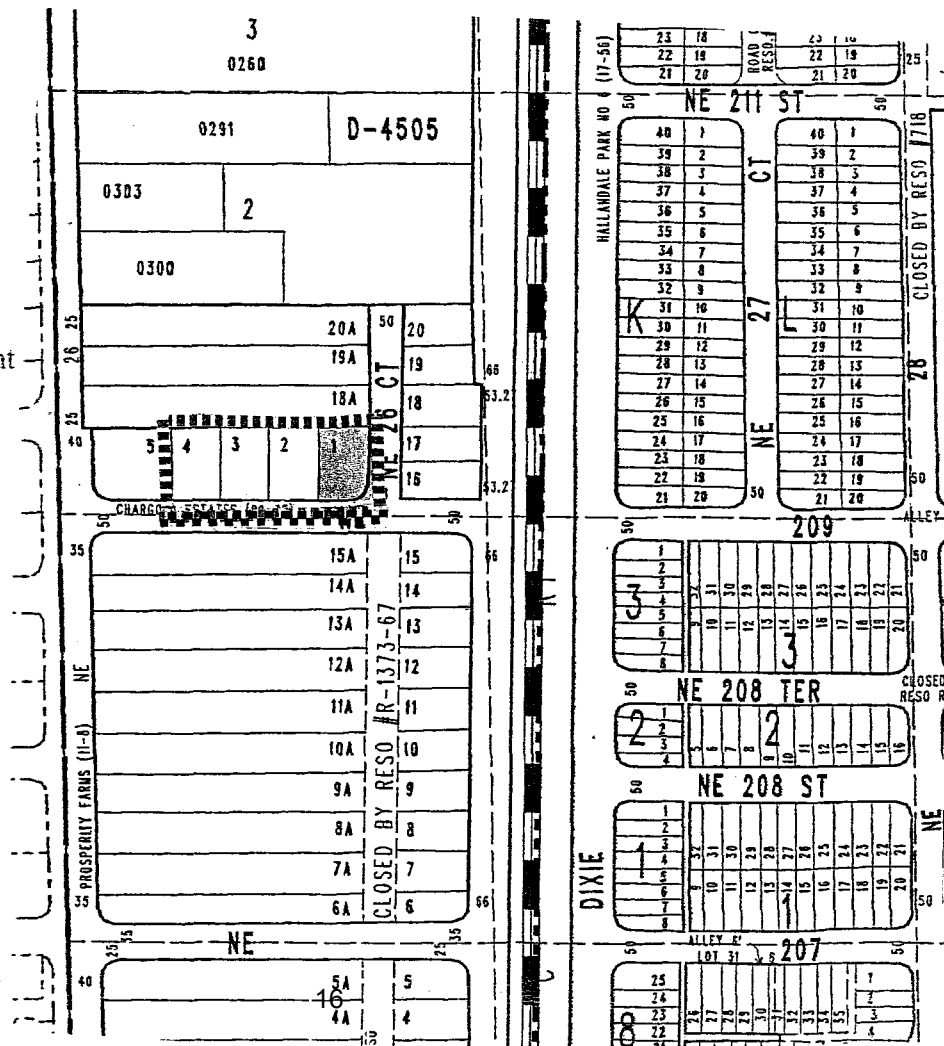
209th Street Associates, LLC / Juan J. Mayol, Jr., Esq.

DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately ± 1.12 gross acres (± 0.85 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicant has ± 0.638 acres under contract. The balance of the land in the application, or ± 0.212 acres, is owned by others. The property, located on the north side of NE 209 Street between NE 26 Avenue and West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

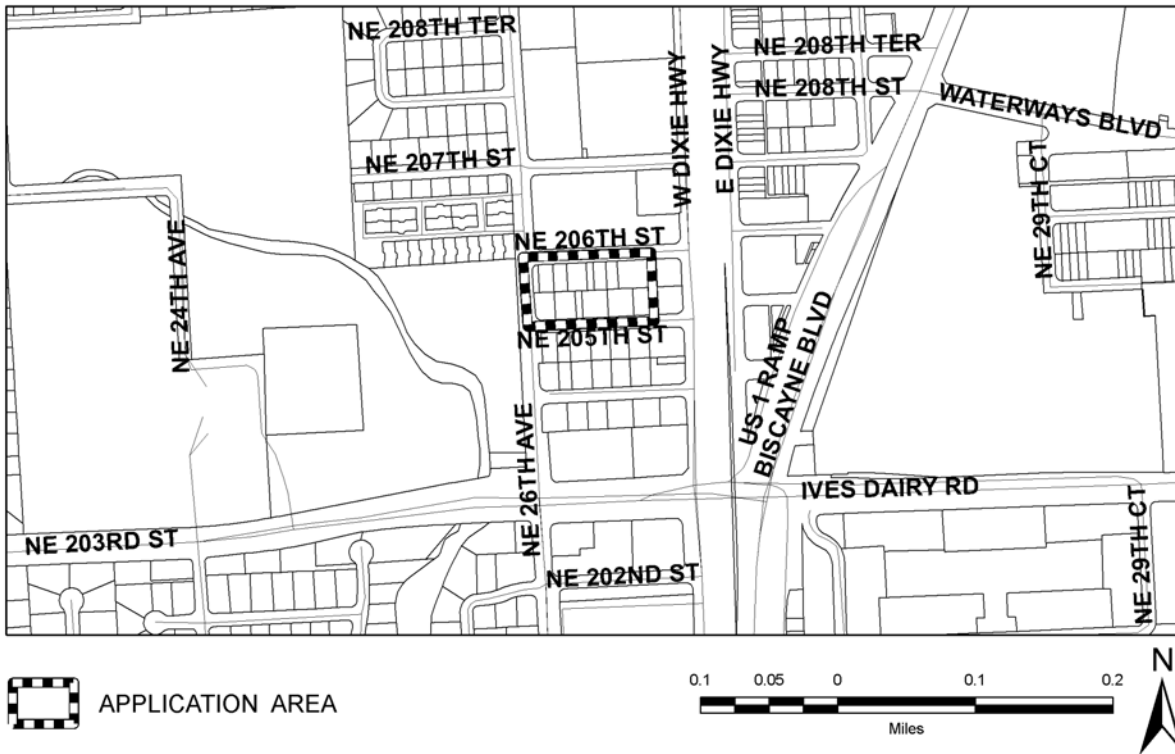
LOCATION MAP

- ☐ - Owned by Applicant
- ☐ - Under Contract by Applicant
- ☒ - Owned by Others



Application No. 2 SMALL-SCALE AMENDMENT APPLICATION

<u>Applicant</u>	<u>Applicant's Representative</u>
Aventura Commons, II, LLC 10850 NW 21 Street, Suite 230 Doral, Florida 33172	Juan J. Mayol, Jr., Esq. & Tracy R. Slavens, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 305-374-8500
Requested Amendment to the Land Use Plan Map From: Low-Medium Density Residential (6-13 DU/Ac) To: Office/Residential Location: An area between NE 205 and NE 206 Streets on the east side of NE 26 Avenue Acreage: Application area: 2.98 Gross Acres Application area: 2.23 Net Acres Acreage Owned by Applicant: 0.95 Gross Acres	



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

1. APPLICANTS

2007 OCT 24 P 2: 25

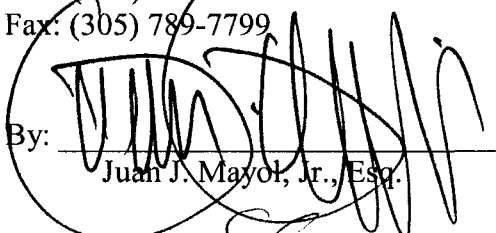
Aventura Commons II, LLC
10850 NW 21 Street
Suite 230
Doral, Florida 33172

PLANNING & ZONING
METROPOLITAN PLANNING SEC1

2. APPLICANT'S REPRESENTATIVE

Juan J. Mayol, Jr., Esq.
Tracy R. Slavens, Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
Tel: (305) 374-8500
Fax: (305) 789-7799

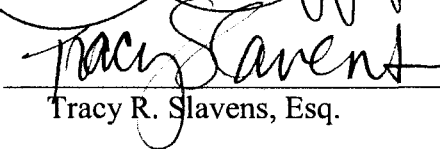
By:


Juan J. Mayol, Jr., Esq.

10-22-07

Date

By:


Tracy R. Slavens, Esq.

10-22-07

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Land Use Plan map (Item A.1(d) in the fee schedule) is requested. Aventura Commons II, LLC (the "Applicant") is requesting a change in the property's designation from "Low-Medium Density Residential" to "Office/Residential." In addition, the Applicant requests expedited processing and review of the application as a "small-scale" amendment, as defined in Section 163.3187(1)(c)(1), Florida Statutes.

B. Description of Subject Area.

The subject property consists of approximately ± 2.98 gross acres (± 2.23 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated

Miami-Dade County, Florida. Of the total acreage, the Applicant owns ± 0.955 acre. The balance of the land in the application, or ± 1.275 acres, is owned by others, as reflected in the attached disclosure of interest form. The property, located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

C. Acreage.

Subject application area: ± 2.98 acres (gross)
 ± 2.23 acres (net)

Acreage owned by applicants: ± 0.955 acre (gross)

D. Requested Changes.

1. It is requested that the Property be re-designated on the Land Use Plan map from "Low-Medium Density Residential" to "Office/Residential."
2. It is also requested that the application be processed as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation of the Property from "Low-Medium Density Residential" to "Office/Residential." The Property is located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway. The Property consists of approximately ± 2.98 gross acres. The Applicant intends to develop the Property with offices and other uses that would be complementary to and an appropriate transition from both the nearby Florida Power & Light Co. utility station, located on the north side of NE 206 Street, and West Dixie Highway, a section line road. In this area, the West Dixie Highway commercial corridor is designated "Business and Office" on the Land Use Plan Map. The Property is currently developed with older single- and multi-family residential structures.

Because of its proximity to the utility station and the West Dixie Highway commercial corridor, the Property is ideally suited for an office development. The "Office/Residential" land use category allows professional and clerical offices, business uses ancillary to the on-site uses, hotels, motels, and residential uses. The range of intensities within the permitted uses vary from small-scale professional offices to large-scale office parks. The nearby school use to the north and the "Business and Office" designation to the east combined with the utility station use demonstrate that the development of office uses on the Property would be wholly compatible with uses in the area.

The character of this neighborhood is changing rapidly and there is a need for office uses to support the unprecedented growth that is occurring in northeastern Miami-Dade County. The

Property is located within the Urban Infill Area (the UIA). The UIA was established in Miami-Dade County pursuant to Chapter 163 of the Florida Statutes. Section 163.3164(27) defines "urban infill" as the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area. Miami-Dade County has identified the UIA as that area lying to the east of and including SR 826 and NW/SW 77 Avenue, excluding the area of SR 826 west of I-95 and the City of Islandia. It is one of the core land use policies of the CDMP, Policy LU-1C, that the County give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proposed amendment for this Property is directly in line with this CDMP land use policy.

The Property is also located directly to the east of the Ojus Urban Area District. This urban area district was established following a charrette process in which residents, property and business owners, who represented a cross-section of the community, came together to devise their vision for the growth and development of the area. The charrette lead to the implementation of the Ojus Urban Area District regulations pursuant to Article XXXIII(N) of the Miami-Dade County Code. The goal of the Ojus Urban Area District regulations is, among other objectives, to provide a framework that will facilitate development and investment in private land in this area of northeastern Miami-Dade County. With respect to economic development, the members of the community sought to encourage commercial development within the West Dixie Highway commercial corridor and attract businesses that would provide accessible jobs to both residents and commuters. The Property, if designated "Office/Residential," would complement the charrette and serve as an appropriate step to take in making this community's vision for growth and future development a welcome reality.

There is a clearly identified need for increased urban infill and redevelopment in this portion of the County. The UIA objectives, the implementation of the Ojus Urban Area District regulations, and recent zoning approvals on properties in the surrounding area have helped to promote the redevelopment of property along the West Dixie Highway commercial corridor from a run-down underdeveloped residential area to a modern mixed-use community. By amending the Land Use Plan map to "Office/Residential," the County will further promote urban infill and redevelopment along underutilized West Dixie Highway commercial corridor. This request is far more compatible and will serve to protect the residents of the area from the impacts that would result from the overly intense commercial uses of the adjacent "Business and Office" land use designation. The close proximity of the Property to residential uses will allow the proposed "Office/Residential" uses to serve the needs of the residents in the area and buffer residents the adjacent "Business and Office" uses. This may reduce traffic as well as bring jobs and services to the local community.

Approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

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.

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 urbanized areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

POLICY LU-1S: The CDMP shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies, and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agricultural and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.

POLICY LU-4D: Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.

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

POLICY LU-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 Element, 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, feature 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.

POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

POLICY LU-9I: Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

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

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-use projects to promote energy conservation.

OBJECTIVE LU-11: Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.

OBJECTIVE LU-12: Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

POLICY LU-12D: The County shall consider developing strategies that promote infill development in specific areas.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

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

EXHIBIT "A"

Legal description of the subject property:

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41, Block 1 of NAPOLEON PARK, according to the Plat thereof, as recorded in Plat Book 24, at Page 16, of the Public Records of Miami-Dade County, Florida.

Includes Folio Nos.:

30-1234-015-0092
30-1234-015-0095
30-1234-015-0099
30-1234-015-0100
30-1234-015-0094
30-1234-015-0093
30-1234-015-0060
30-1234-015-0070
30-1234-015-0080
30-1234-015-0090
30-1234-015-0081
30-1234-015-0082
30-1234-015-0091
30-1234-015-0096

EXHIBIT "B"

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: Aventura Commons II, LLC, a Florida limited liability company

NAME AND ADDRESS		Percentage of Stock
Bernardo Kopel		100%
10850 NW 21 Street, Suite 230		
Miami, Florida 33172		

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

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

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: Aventura Commons II, LLC, a Florida limited liability company

NAME AND ADDRESS (if applicable)		Percentage of Interest
Bernardo Kopel		100%
10850 NW 21 Street, Suite 230		
Miami, Florida 33172		

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.

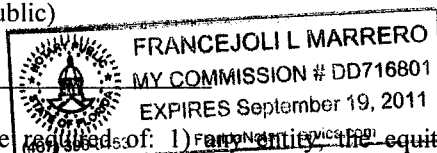
Signature: _____

Bernardo Kopel, Managing Member

Sworn to and subscribed before me this 5 day of October, 2007. Affiant is personally known to me or has produced _____ as identification.

Francejoli L Marrero
(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.

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EXHIBIT "C"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT/REPRESENTATIVE

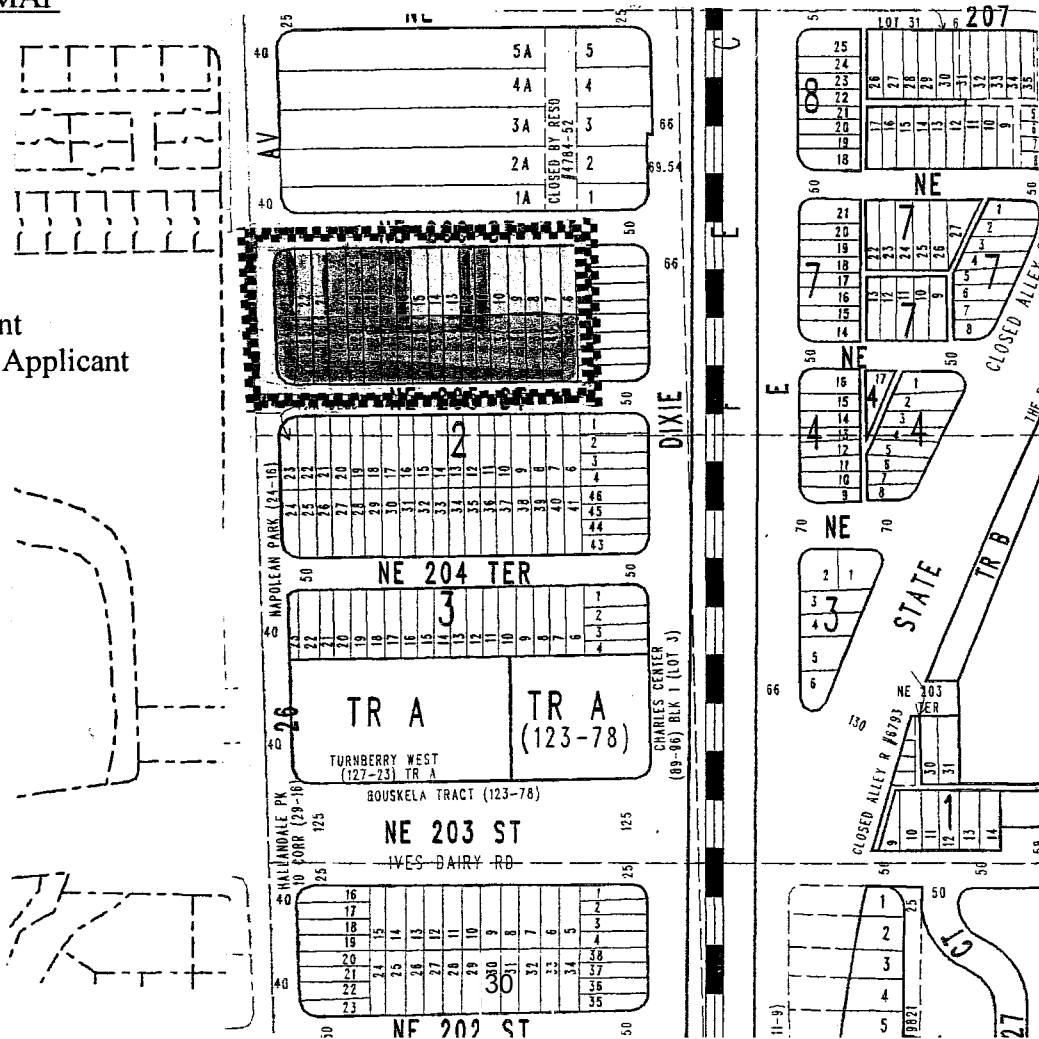
Aventura Commons II, LLC / Juan J. Mayol, Jr., Esq.

DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately ± 2.98 gross acres (± 2.23 net acres) of land located in Section 34, Township 51, Range 42, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicant owns ± 0.955 acres. The balance of the land in the application, or ± 1.275 acres, is owned by others. The property, located on the north side of NE 205 Street between NE 26 Avenue and West Dixie Highway, is more specifically described in Exhibit "A" to this application (the "Property").

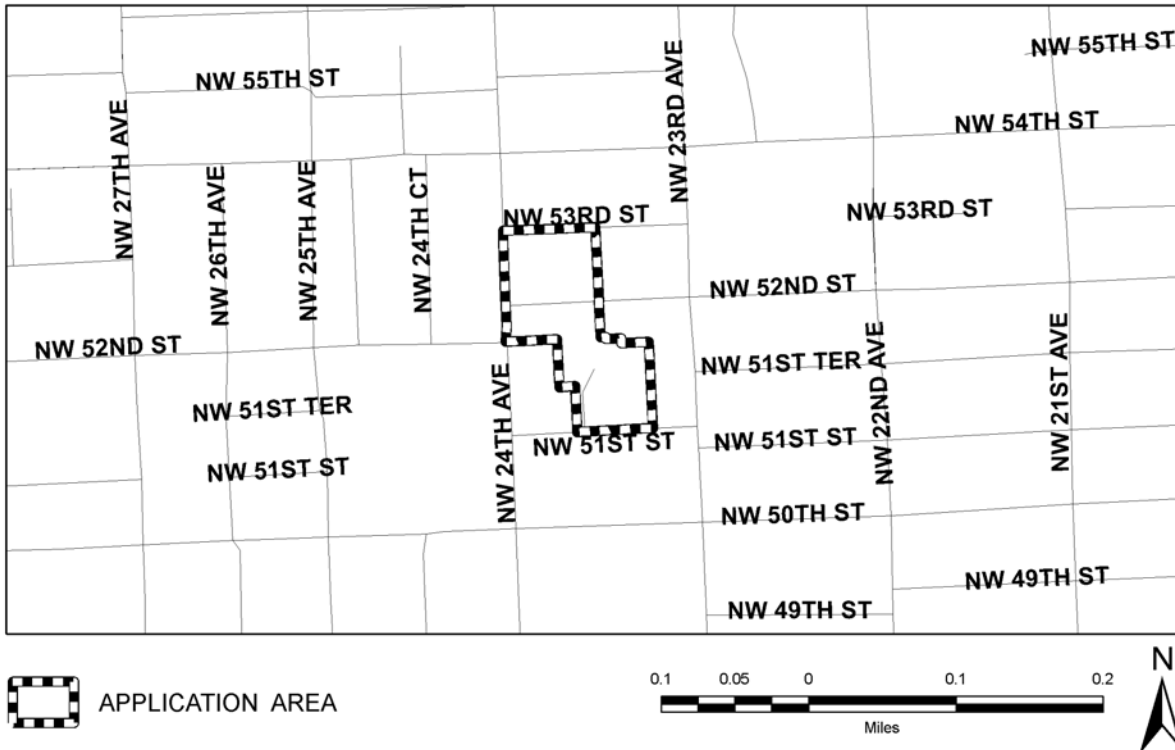
LOCATION MAP

- ☐ - Owned by Applicant
- ☐ - Under Contract by Applicant
- ☒ - Owned by Others



Application No. 3 SMALL-SCALE AMENDMENT APPLICATION

<u>Applicant</u>	<u>Applicant's Representative</u>
Urban League of Greater Miami 8500 NW 25 Avenue Miami, Florida 33147	Jeffrey Bercow, Esq. & Matthew Amster, Esq. Bercow Radell & Fernandez, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 305-374-5300
Requested Amendment to the Land Use Plan Map From: Medium Density Residential (13-25 DU/Ac) To: Medium-High Density Residential (25-60 DU/Ac) Location: An area between NW 51 and NW 53 Streets and between NW 23 Court and NW 24 Avenue Acreage: Application area: 5.50 Gross Acres Application area: 4.89 Net Acres w/ROW for NW 52 Street; 4.53 w/o ROW Acreage Owned by Applicant: 4.53 Net Acres	



**SMALL-SCALE AMENDMENT REQUEST TO THE
LAND USE ELEMENT/LAND USE PLAN MAP
OCTOBER 2007-2008 AMENDMENT CYCLE
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Urban League of Greater Miami, Inc.
8500 NW 25 Avenue
Miami, FL 33147

2. APPLICANT'S REPRESENTATIVES

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

By: 
Jeffrey Bercow, Esq.

Date: October 31, 2007

By: 
Matthew Amster, Esq.

Date: October 31, 2007

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: Medium Density Residential
Proposed Land Use Designation: Medium-High Density Residential

- B. Description of Application Area

The Application Area consists of three parcels (Folio Nos. 30-3122-000-0111, 30-3122-061-0010 and 30-3122-020-0060) that combine for a total of 4.890 gross acres (4.536 net acres) located in Section 22, Township 53, Range 41 in unincorporated Miami-Dade County. See Attached Sketch.

- C. Acreage of Application Area

Gross Acreage = 5.50 acres (including all dedicated rights-of-way to centerline of streets)
Net Acreage owned by Applicant = 4.53 acres (excluding all dedicated rights-of-way)
Net Acreage including NW 52 Street = 4.89 acres

D. Requested Changes

- 1) The Applicant requests the redesignation of the Application Area from Medium Density Residential to Medium-High Density Residential.
- 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. The Urban League of Greater Miami, Inc. (the “Applicant”) is a Florida non-profit organization committed to advocating for and establishing programs that encourage the social and economic growth of African Americans and similarly disadvantaged people. The Applicant strives to secure equal opportunities for all disadvantage persons and to revitalize urban areas by advocating for academic and employment opportunities, and by providing affordable housing for low and very low income individuals and families.

Application Area. The Application Area is located in a part of unincorporated Miami-Dade County (the “County”) known as Model City/Brownsville, which is inside the Urban Development Boundary and part of the Urban Infill Area of the County. The Application Area consists of three parcels located southeast of the intersection of NW 24th Avenue and NW 53rd Street. Specifically, the first parcel (identified by folio no. 30-3122-000-0111) consists of two parts, one that spans the block between NW 53rd and NW 52nd Streets and the other on the south side of NW 52nd Street. This parcel is currently vacant. The second and third parcels (identified by folio nos. 30-3122-061-0010 and 30-3122-020-0060) are located to the south and southeast of the first parcel and are in the middle of the block between NW 24th and NW 23rd Avenues and between NW 52nd and NW 51st Streets. The second and third parcels only front NW 51st Street. Both these parcels presently contain a number of one-story multifamily residential buildings built in 1959 that provide a total of 38 rental units. The Applicant owns all three parcels and is the landlord of the rental units.

Land Use and Zoning. The entire Application Area is currently designated as Medium Density Residential and it is surrounded by the same land use designation. The Application Area is located in the RU-2 zoning district and surrounded by the same, except for an RU-4 district located north of NW 53rd Street.

The Surrounding Area. The surrounding area is mainly residential, consisting of a mix of single-family, duplex units and multifamily public housing. A fair portion of the single-family and duplex units are rentals. The public housing is most notably located north and east of the Application Area. These properties are owned by the Miami-Dade County Miami-Dade Housing Agency and Development Corporation and have a higher density than the current land use permits. The property to the north contains a twelve-story building with 150 units and the property to the east (at the southwest corner of NW 22nd Avenue and NW 54th Street) contains a

fifteen-story, 200 unit tower and the Ward Tower Assisted Living Facility for elderly low-income residents.

There are numerous vacant lots in the nearby area, including a majority of the block south of the Application Area. Those vacant lots are owned by the Miami-Dade County Office of Community and Economic Development (OCED). We understand that in general, OCED will initiate land use amendments to begin the redevelopment process of many of their properties and we are researching to determine if the cited properties will be included. If so, we believe that OCED will seek the same redesignation request to Medium-High Density Residential as the Applicant proposes.

Schools. There are two schools operated by the School Board of Miami-Dade County in close proximity to the Application Area. Brownsville Middle at 4899 NW 24th Avenue is located one block south of the Application Area. An Alternative Outreach Program for at risk children at 5120 NW 24th Avenue is located adjacent to the Application Area on the west side of 24th Avenue. Both schools are in walking distance of the entire Application Area. With regard to student capacity, three of the four public schools that service the Application Area are below 100% utilization: Melrose Elementary – 93%; Earlington Heights Elementary – 73%; and Brownsville Middle – 69%. Miami Northwestern Senior High is presently at 105% utilization. However, the School Board forecasts a significant decrease in enrollment by 2010 and in that year the projected utilization drops to 70%. (Information based on data provided by the School Board on June 29, 2007.) As a result, the Applicant's project will not adversely impact the level of service of public schools in the area.

Community Center. One of the area's community and social focal points is also located within easy walking distance. The Joseph Caleb Community Center (the "Caleb Center") is located two to three blocks away at the northwest corner of NW 22nd Avenue and NW 54th Street.

Transportation System. The Application Area is currently well-served by public transportation, thanks in part due to the proximity of the Caleb Center and the Brownsville Metrorail Station, located three blocks to the west at NW 27th Avenue and approximately NW 52nd Street. Six bus routes are in the nearby area; three with stops one block north of the Application Area on NW 54th Street.

In addition, the North Corridor Metrorail Extension will provide service to the north of the Application Area along NW 27th Avenue. Seven new Metrorail Stations will be added from NW 79th Street to NW 215th Street. The project is presently in the design phase and construction is scheduled to begin in 2010 for an operation start date in 2014. The Metrorail expansion will provide further employment opportunities to residents of the Applicant's project.

Identification of the Need for Revitalization. The general area has already been identified by the United States Government and Miami-Dade County as needing revitalization.

Neighborhood Revitalization Strategy Area and Targeted Urban Area. The U.S. Department of Housing and Urban Development (HUD) designated the Model City/Brownsville area as a Neighborhood Revitalization Strategy Area. The County also designated the area as the Model City/Brownsville Targeted Urban Area. Through various projects focused at the community level, the Task Force on Urban Economic Revitalization seeks to improve the economic status of the residents and businesses within targeted areas.

Enterprise Zone. Also, the area is located in the Central Miami-Dade County Enterprise Zone. Enterprise Zones have been created through a program initiated by the State of Florida. The program provides financial incentives at both the State- and County-level to businesses that locate or expand within a zone and create employment opportunities for residents within the zone. The goal is to encourage local investment and create jobs in economically distressed areas. The incentives take the form of significant reductions in County property taxes and State of Florida sales tax, as well as a State of Florida job tax credits and corporate tax credits for new jobs and wages paid to residents of the Enterprise Zone.

Urban Center. Further, it appears that the Application Area may be located within the urban center located at the intersection of NW 27th Avenue and NW 54th Street. According to the CDMP, Urban Centers may extend from 700 to 1,800 feet. If this Urban Center has the maximum reach, part or all of the Application Area may be located within the Urban Center. Urban Centers call for an intensification of pedestrian-friendly mixed uses and increased density in areas adjacent to transit corridors. We are investigating the extent of the Urban Center.

Charrette. Moreover, the County has already recognized the urban characteristics of the area and initiated the process to create a well-organized urban area. The Application Area is located in the Model City/Brownsville Charrette Area Plan (the "Charrette"). To coordinate the required revitalization effort pursuant to the designation as a Neighborhood Revitalization Strategy Area, the County OCED Community Advisory Committee initiated the Charrette in 2003. The goal of the Charrette is to encourage new development and to foster high quality urban design along transportation corridors that are pedestrian friendly. The principals of urban design call for intensity of development in small areas, which normally leads to higher density and taller buildings suitable for infill development.

Some of the proposals in the Charrette are as follows: meaningful infill residential developments that provide a range of affordable housing types; redevelopment of NW 54th Street into a main street for the community; development of the Brownsville Metrorail Station to include retail, grocery stores, offices and residential uses; and redevelopment of the Caleb Center into a landmark community center. Specific to parcels two and three of the Application Area, the Charrette calls for over a 50% increase in density and a range of housing types. The Charrette is silent as to the vacant lands of parcel one.

The Board of County Commissioners (BCC) accepted the Charrette Report and its recommendations in Resolution R-598-04 on May 11, 2004. At present, the Department of Planning and Zoning is drafting regulations to implement the vision of the Charrette. As it has not been implemented into the zoning code, the full impact of the Charrette on the Application Area is unknown. However, it is clear that an increase in intensity and density and a range of housing types with affordable options are welcome in this area because of its proximity to NW 54th Street, the Caleb Center and the Brownsville Metrorail Station.

Description of Development Proposal. In the spirit of the Charrette, the Applicant plans to provide an array of affordable housing, including elderly housing, in a mix of high-rise and low-rise building types. The taller building(s) would be located in the north, immediately adjacent to the existing twelve-story public housing project, and then transition down to either or both townhouses or single-family homes.

To effectively utilize the three parcels of the Application Area, the Applicant intends to close the portion of NW 52nd Street located in the first parcel via the required road closing petition.

Closing the road will not affect connectivity in the area and it will reduce the traffic impact on the residential properties located to the east on NW 52nd Street.

The development will be sensitive to and cater to the existing transportation corridors and provide pedestrian access to the new main street. The Applicant will proffer a covenant that at a minimum will address project density and ensure that the project will implement water conservation measures.

Residential Land Supply and Demand. Table 3 of the Planning Considerations Report for the April and October 2007 Cycle Applications to Amend the CDMP indicates that overall Countywide residential capacity will be depleted in 2019. The outlook is slightly better for Minor Statistical Area (MSA) 4.2, in which the Application Area is located, and where the depletion date is 2023. See page 1-6 of the Initial Recommendations for Application No. 1 of the April 2007 Cycle. However, the 2003 Evaluation and Appraisal Report (EAR) shows that between the year 2000 and 2025, Miami-Dade County will require 294,200 new housing units and it estimated that about 42 percent of those units (117,680 units) will be needed by very low and low-income households. In addition, there is now widespread recognition of a lack of affordable housing. Therefore, while new housing is not immediately needed for the area, there is an urgent need for affordable housing. The Applicant's proposal will provide quality affordable housing in a prime location for workers due to the close proximity to multiple bus lines and the Brownsville Metrorail Station. As a result, the redesignation of the Application Area will not have a negative impact on the supply of residential land in the area.

Consistency with the CDMP. The Applicant's proposal will assist with the revitalization of the Model City/Brownsville area. 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 Applicant seeks to intensify development in close proximity to two centers of activity; the Caleb Center and the Brownsville Metrorail Station. Granting the request will encourage infill development that will revitalize a distressed area. In addition, the applicant intends to comply with Miami-Dade County's Urban Design Guidelines in order to ensure that this will be a well-designed project with a variety of housing types.

POLICY LU-1A

High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

The Application Area is located near and may be partly or fully inside the urban center located at the intersection of NW 27th Avenue and NW 54th Street. Even if not inside the urban center,

high intensity is still justified as the Application Area is only two to three blocks walking distance from the Brownsville Metrorail Station, which is in the process of being developed with mixed uses, and the Caleb Center, a hub of the community well-served by bus. In addition, by 2014 the North Corridor Metrorail Extension along NW 27th Avenue will provide residents easy access to seven new Metrorail stations to the north of the Application Area.

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 Application Area contains vacant parcels and as a whole is a substandard use within the Urban Development Boundary in a currently urbanized area.

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 Applicant is committed to providing a variety of housing types, including low- and high-rise multiple family buildings and townhouses.

POLICY LU-1K

Miami-Dade County will maintain and enhance the housing assistance and public housing programs addressed in the Housing Element as a means to improve conditions of low and moderate income residents.

As a Florida non-profit organization, the Applicant seeks to provide quality housing to low income residents and the entire proposed development will consist of affordable housing units. Therefore, the Applicant's request will certainly improve the conditions of low income residents.

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 Application Area is adjacent to a main transit corridor, NW 54th Street and is either in or very near to the urban center at NW 27th Avenue and NW 54th Street. Also, the Area is right in the middle of two other main corridors, NW 22nd and 27th Avenues. The Area is in close proximity to the Brownsville Metrorail station and the Caleb Center, both of which are well-served by multiple bus routes. All these transportation options are within a short walking

distance from the Application Area, therefore, due to the location and the proposed affordable housing, the proposed development will be pedestrian-friendly transit-oriented development that will promote the use of public transportation.

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 Applicant Area is well within one-half mile of the Brownsville Metrorail Station and multiple bus routes, being at most three blocks away, so the Area is perfectly situated to encourage pedestrian use.

POLICY LU-7F

Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.

The Applicant's request meets these minimum criteria and will be similar to the density of the existing residential towers located to the north and the northeast.

POLICY LU-7I

Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

The Applicant Area is well-positioned for higher density due to its proximity to transit options and therefore should be encouraged.

OBJECTIVE LU-12

Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in PolicyTC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible

area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

The Applicant's request supports infill development on vacant and underutilized property located in the Urban Infill Area, in the Model City/Brownsville Targeted Urban Area and the Central Enterprise Zone.

Consistency with the Housing Element. The approval of the application will be consistent with the following goal, objectives and policies in the Housing Element for the reasons set forth below:

GOAL 1

ENSURE THE PROVISION OF AFFORDABLE HOUSING THAT WILL MEET THE SPATIAL AND ECONOMIC NECESSITIES OF ALL CURRENT AND FUTURE MIAMI-DADE COUNTY RESIDENTS, REGARDLESS OF HOUSEHOLD TYPE OR INCOME.

Part of the Applicant's mission is to provide affordable housing to low and very low income individuals and families. All units of the proposed project will be affordable housing units.

OBJECTIVE HO-2

Designate by the year 2025 sufficient land (+/-25,000 acres) to accommodate sites at varying densities for a variety of housing types including manufactured homes, with special attention directed to units for very low, low, and moderate-income households.

The Applicant's request will provide residential development on vacant and underutilized lands and the proposed project will contain a variety of housing types that target the range of lower-income households.

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.

The Applicant's proposal will provide affordable housing with a variety of housing types.

OBJECTIVE HO-3

Assist the private sector in providing affordable housing products in sufficient numbers for existing and future residents throughout the County by the year 2025, (approximately 294,000 units), with an appropriate percentage (about 42 percent) of new housing available to very low, low and moderate-income households.

The Applicant's request will help the County meet the projected need of affordable housing.

OBJECTIVE HO-6

Increase affordable housing opportunities for very low, low, and moderate-income households within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.

The proposed affordable housing units will be located within walking distance of mass transit, including the Brownsville Metrorail Station, and the Caleb Center, a main community outreach and gathering place. Further, the Application Area will be near two potential employment centers. First, the proposed mixed use development at the Brownsville Metrorail Station, and second, pursuant to the Charrette Plan a new commercial corridor along NW 54h Street between the Metrorail Station and the Caleb Center.

OBJECTIVE HO-9

Provide for the special housing needs of the County's elderly, disabled, homeless, orphaned children, families in need, persons with AIDS and others in need of specialized housing assistance.

One component of the Applicant's proposal is elderly housing.

Consistency with the Transportation Element. The approval of the application will be consistent with the following objectives and policies in the Mass Transportation Subelement for the reasons set forth below:

OBJECTIVE MT-4

Provide convenient, accessible and affordable mass transit services and facilities.

The close proximity of the Applicant's affordable housing development to mass transit services helps the County meet this objective and ensure quality transportation options for the residents of the affordable housing.

POLICY MT-4A

Miami-Dade County, with private sector assistance, shall provide mass transit service appropriate for the mix and intensity of development of urban centers identified in the Land Use Element.

Sufficient mass transit services presently exist within walking distance of the Applicant Area and therefore the Applicant's request for increased intensity in an urban area will be well-served.

POLICY MT-5D

The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.

The Application Area is perfectly situated near multiple bus routes and the Brownsville Metrorail Station. Granting the request for an affordable housing development, including elderly housing, will ensure the promotion of affordable housing within close proximity to and an increased ridership of mass transit.

Conclusion. The Applicant's request represents a model infill application. The Application Area is located in close proximity to existing transportation corridors and contains both vacant and other underutilized lands that make the entire Application Area a substandard use. Granting the request will help spark the revitalization effort for this distressed area and provide needed affordable housing in the Urban Infill Area.

5. ADDITIONAL MATERIAL SUBMITTED

- 1) Location Map of Application Area
- 2) Aerial Photograph
- 3) Section Map
- 4) Specific Purpose Survey

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

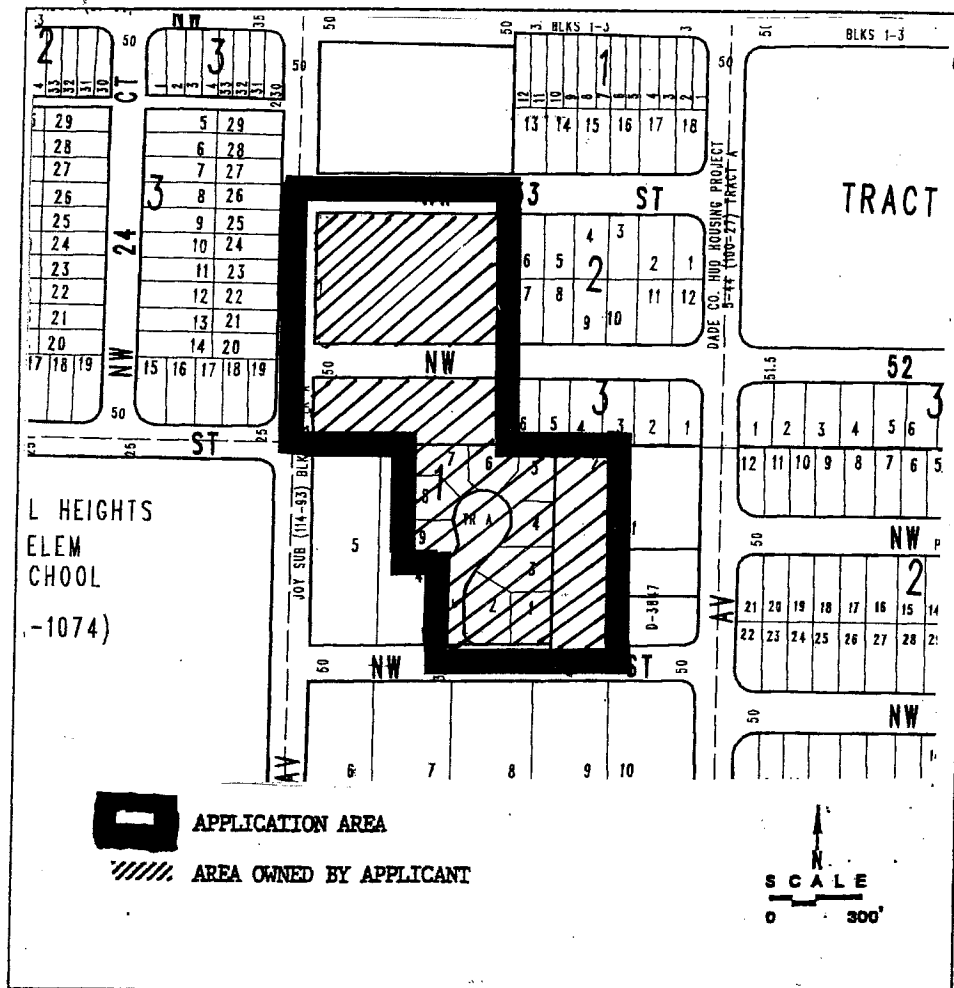
Urban League of Greater Miami, Inc.
8500 NW 25 Avenue
Miami, FL 33147

REPRESENTATIVES

Jeffrey Bercow, Esq. and Matthew Amster, 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 three parcels that, together with the right-of-way to the center line of all abutting streets, comprise 5.50 gross acres located in Section 22, Township 53, Range 41. The three parcels are identified by Folio Nos. 30-3122-000-0111, 30-3122-061-0010 and 30-3122-020-0060. The Applicant owns all three parcels.



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: Urban League of Greater Miami, Inc.

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 (gross)</u>
		30-3122-000-0111	
Urban League of		30-3122-061-0010	
Greater Miami, Inc.	Same	30-3122-020-0060	4.89 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			

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: Urban League of Greater Miami, Inc. – NON PROFIT

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

Talmadge W. Fair, President

8500 NW 25 Avenue

Miami, FL 33147

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

TRUSTEES NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

- 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 (5) trust (5) 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

N/A

- 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

N/A

Date of Contract: _____

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

N/A

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

- 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

N/A

- 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

N/A

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

PARTNERSHIP NAME: N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF OWNERSHIP

N/A

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

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

N/A

Date of Contract: _____

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.

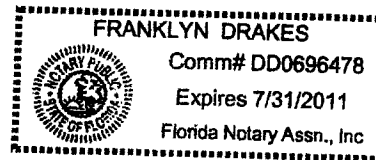
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Franklyn Drake
Trinidad W Fair

Sworn to and subscribed before me
this 29 day of OCTOBER, 20 07.

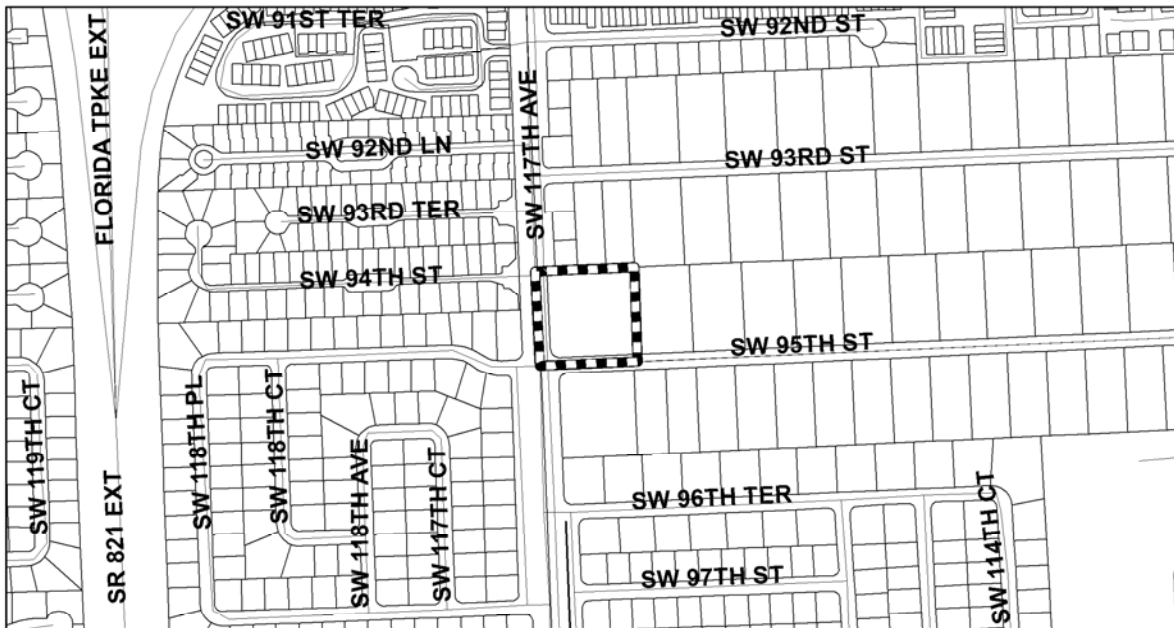
Notary Public, State of Florida at Large (SEAL)
My Commission Expires:



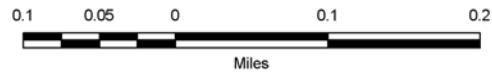
Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests 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.

APPLICATION NO. 4 **SMALL-SCALE AMENDMENT APPLICATION**

<u>Applicant</u>	<u>Applicant's Representative</u>
Alfredo Garcia Menocal 730 NW 107 Avenue, Suite 115 Miami, Florida 33172-3104	Stanley B. Price, Esq. Bilzin Sumberg Baena Price & Axelrod, LLC 200 South Biscayne Boulevard, Suite 2500 Miami, Florida 33131 305-374-7580
Requested Amendment to the Land Use Plan Map From: Estate Density Residential (1-2.5 DU/Ac) To: Office/Residential Location: Northeast corner of SW 117 Avenue and SW 95 Street Acreage: Application area: 2.5 Gross Acres Application area: 2.1 Net Acres Acreage Owned by Applicant: 2.1 Net acres	



APPLICATION AREA



**APPLICATION TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Alfredo Garcia Menocal
730 N.W. 107 Avenue, Suite 115
Miami, Florida 33172-3104

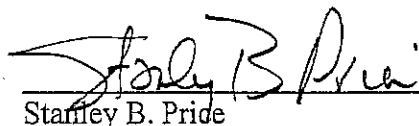
2. APPLICANTS' REPRESENTATIVE

Stanley B. Price, Esquire
Bilzin Sumberg Baena Price & Axelrod, LLC
200 South Biscayne Boulevard, Suite 2500
Miami, Florida 33131
Telephone: (305) 374-7580
FAX (305) 351-2250

PLANNING & ZONING
METROPOLITAN PLANNING SECT

2001 OCT 31 P 1:34

By:


Stanley B. Price

Date

10/31/07

3. DESCRIPTION OF REQUESTED CHANGE

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

B. Description of the subject property

The property comprises 2.5± gross acres located at the northeast corner of SW 117th Avenue and SW 95th Street lying in Section 6, Township 55, Range 40, Miami-Dade County, more particularly described that legal description attached hereto and incorporated herein as Exhibit "A" (hereinafter the "Property").

C. Gross and Net Acreage

Application area: 2.5 ± gross acres
Acreage owned by applicant: 2.1 ± net acres

D. Requested Change

- (1) It is requested that the application area be re-designated on the Land Use Plan Map from Estate Density Residential to Office/Residential.
- (2) It is requested that this application be processed as a "Small-Scale" Amendment under the expedited procedures.

4. REASON FOR AMENDMENT

The applicant seeks to change the Property's land use designation from Estate Density Residential to Office / Residential (the "Amendment"). The purpose of the Amendment, as set forth in the attached Declaration of Restrictions, is to permit an opportunity to redevelop the Property with a low-rise professional office building through the zoning review process. Pursuant to Policy LU-8E of the Land Use Element to the Miami-Dade County Comprehensive Development Master Plan (CDMP), applications requesting amendments to the 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) be compatible with abutting and nearby land uses and protect the character of established neighborhoods; (ii) satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the county; (iii) enhance or impede provision of services at or above adopted LOS standards; and (iv) enhance or degrade environmental or historical resources, features or systems of county significance. Based on the following evidence, we submit that the Amendment is consistency with the Goals, Objectives and Policies of the CDMP and the foregoing evaluation criteria.

To insure compatibility is promoted and maintained among land uses countywide, the CDMP incorporates Guidelines for Urban Form (the "Guidelines"). In pertinent part, the Guidelines promote the following planning concepts:

1. Section line roads should form the physical boundaries of neighborhoods;
2. The walling off of neighborhoods from arterial roadways should be avoided by alternatives such as placement of other compatible uses being along the periphery of suburban neighborhoods. These uses include public and semi-public uses, higher density residential building types, and office uses...; and
3. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

The Property is situated at the northeast corner of a section line road, SW 117th Avenue, and a half section line road, SW 95th Street. The Guidelines encourage the placement of transitional uses, including commercial, office, and multifamily residential uses, on property located at the intersection of a section line and half section line road. Where the abutting arterial road is serviced by the mass transit system, office uses are preferred.

The Amendment proposes to follow the planning principles set forth in the Guidelines with conditions, which are set forth in the attached Declaration of Restrictions, to insure compatibility with established uses within the subject area. SW 117th Avenue is supported daily with Metrobus services along Route 56 and, as such, is a preferred location for transitional office uses. The Property is also located within close proximity to several transit centers and less than a half mile south of Kendall Drive, one of the largest future rapid transit corridors in Miami-Dade County. Based in part on the availability of these services and the directives contained in the Guidelines, the Applicant has limited the Amendment to include non-medical professional offices as a permissible use of the Property.¹

The Applicant's proposal is compatible with existing development in the surrounding area. To south of the Property, across SW 95th Street, is the Kingdom Hall of Jehovah's Witness, a religious facility situated on a site that is nearly identical to the Property. Both the Property and the Kingdom Hall site share frontage along SW 117th Avenue and both extend nearly the same depth along SW 95th Street. Passage of the Amendment will serve to continue the existing depth of the non-residential ribbon established within the subject area. To the north and east of the Property are single-family homes and vacant land. To insure that the future use of the Property is compatible with these abutting properties, the Applicant has conditioned the Amendment to non-medical professional office uses with building heights not to exceed two (2) stories or thirty-five (35) feet above finished grade. Additionally, the Declaration of Restrictions provides that prior to the issuance of a certificate of occupancy for any professional office building on the Property, a decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines abutting residentially zoned property.

The Amendment is also consistent with development trends within Section 6, Township 55, Range 40. In accordance with the Guidelines, recent development patterns in the subject section have focused on accommodating area services by placing transitional uses at the periphery of the established residential communities, along section line roads. As an example, in 2004 a professional office center was developed at the southeast corner of SW 107th Avenue, a section line road, and SW 95th Street, the same half section line road where the subject property is located. Several other professional office centers, religious facilities, and neighborhood servicing uses can be found along the periphery of this section. Passage of the Amendment will serve to continue this development trend.

Passage of the Amendment will also satisfy a deficiency in the Plan map to accommodate the county's projected economic growth. The Property is located in the South-Central Planning Tier. According to the county's Projected Absorption of Commercial Land

¹ The applicant does not seek to increase the Property's residential development potential. As set forth in the Declaration of Restrictions, any future residential development of the Property will remain limited to the permitted density levels established in by the Property's existing Estate Density Residential land use category.

study, the South-Central Tier has the lowest volume of commercial land available in the county with a deficiency that ranges between 217.9 to 721.2 acres. Based on current absorption rates, the pool of available commercial land in the subject region (Minor Statistical Area 5.5) will be depleted in four years. Passage of the Amendment will serve to prolong this fast approaching depletion year and provide the region with an opportunity for additional professional office space allowing individuals to live, work, and receive professional services in one area.

Lastly, the Property is located in a heavily urbanized area serviced by existing public utilities and infrastructure. The small-scale development program proposed by the Amendment, coupled with the Declaration of Restrictions, will have a *de minimus* impact on existing services and will not impede the provision of services within the area. Also, the Amendment does not propose the introduction of hazardous uses or materials to the subject area and will not serve to degrade environmental or historical resources.

5. ADDITIONAL MATERIAL SUBMITTED

Exhibit "A" -- Property Legal Description
Exhibit "B" -- Location Map
Exhibit "C" -- Disclosure of Interest Form
Exhibit "D" -- Declaration of Restrictions
Exhibit "E" -- Aerial Photograph

6. COMPLETE DISCLOSURE FORMS

Attached as Exhibit "C"

EXHIBIT "A"

LEGAL DESCRIPTION

The Northwest 1/4, of the Southwest 1/4, of the Southwest 1/4, of the Northwest 1/4, of Section 6, Township 55 South, Range 40 East, LESS the West 35.00' feet thereof, and LESS the South 25.00' feet thereof, and bounded by a 25' foot radius arc concave to the Northeast, said arc being tangent to both of the last described portions being excepted herefrom, as set forth in Right-of-Way Deed to Miami-Dade County, Filed in O.R. Book 14641, Page 1873, as being described as follows:

The area bounded by the East line of the West 35.00' feet, of the N.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the N.W. 1/4, of Section 6, Township 55 South, Range 40 East, Miami-Dade County, Florida and bounded by the North line of the South 25.00' feet, of the N.W. 1/4, of the S.W. 1/4, of the S.W. 1/4, of the N.W. 1/4, of said Section 6, and bounded by a 25.00' foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

Containing: 92,105.2 Square Feet or 2.1 Acres, more or less.

Property Address: 11605 S.W. 95th Street, Miami Florida, 33176.

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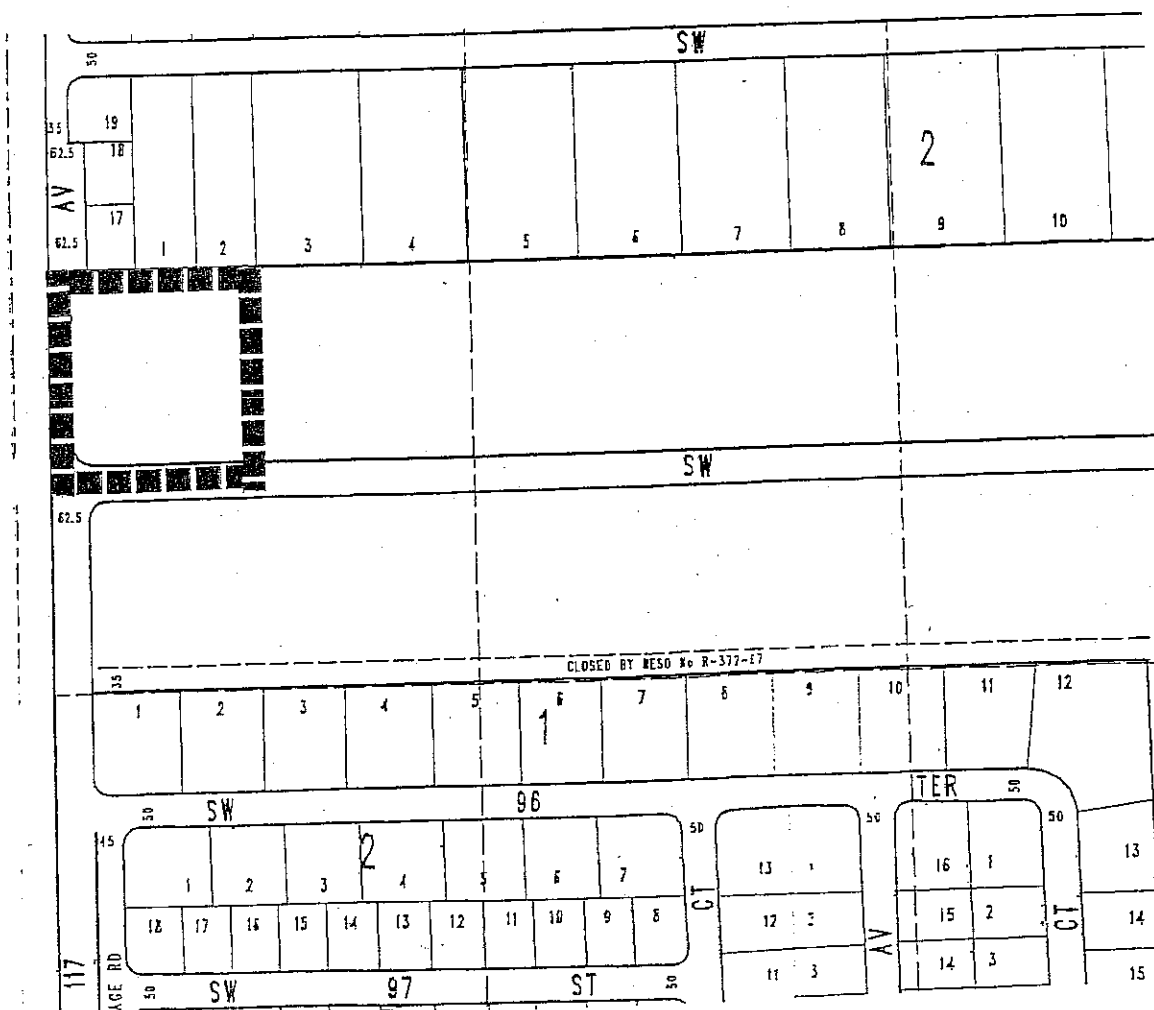
APPLICANT/REPRESENTATIVE

Stanley B. Price, Esquire
Bilzin Sumberg Baena Price & Axelrod, LLC
200 South Biscayne Boulevard, Suite 2500
Miami, Florida 33131

DESCRIPTION OF SUBJECT AREA

The Property comprises 2.5± gross acres located at the northeast corner of SW 117th Avenue and SW 95th Street lying in Section 6, Township 55, Range 40, Miami-Dade County, more particularly described that legal description attached hereto and incorporated herein as Exhibit "A".

Folio # 30-5006-000-0911



DISCLOSURE OF INTEREST

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

Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

Alfredo Garcia Menocal

730 N.W. 107 Avenue, Suite 115, Miami, Florida 33172-3104

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 (GROSS)
Alfredo Garcia Menocal	Yes	30-5006-000-0911	2.5±/gross 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 FOR PURCHASE	OTHER (Attach Explanation)
Alfredo Garcia Menocal	✓			

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

Alfredo Garcia Menocal

100%

- 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: Not Applicable

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF STOCK

- c. If the applicant is A TRUSTEE, list the trustees 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: Not Applicable

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: Not Applicable

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

Not Applicable

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officer 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

Not Applicable

- 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: Not Applicable

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

- b. 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: Not Applicable

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- c. 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: Not Applicable

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

- d. 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

Not Applicable

Date of Contract: _____


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.


ALFREDO GARCIA MENOCAL

Sworn to and subscribed before me
this 3rd day of OCTOBER, 2007



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

NOTARY PUBLIC-STATE OF FLORIDA
Andres J. Cardenal
Commission # DD590625
Expires: AUG. 30, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

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.

DRAFT

EXHIBIT

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D

This instrument prepared by:
Stanley B. Price, Esquire
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

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

WHEREAS, in October 2007 Owner filed an application (the "Application"), as part of the October 2007 Comprehensive Development Master Plan ("CDMP") amendment cycle, to amend the Property's designation on the future land use plan map of the Miami-Dade County CDMP from Estate Density Residential to Office / Residential, which Application has been designated as "Application ____" for the October 2007 CDMP amendment cycle; and

WHEREAS, in conjunction with the Application, the Owner wishes to voluntarily restrict the uses that are permitted on the Property.

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

1. Use Restrictions. The Property shall be limited to the following uses.

(A) Professional offices, excluding medical offices, with building heights not exceeding two (2) stories or thirty-five (35) feet above finished grade. Prior to the issuance of a certificate of occupancy for any professional office building on the Property, a decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other like material that will be compatible with the main structure, five (5) feet in height, shall be erected along all interior property lines abutting residentially zoned property.

(B) Residential uses not to exceed the maximum development density permitted in the Estate Density land use category and Section 33B-45, Miami-Dade County Code.

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

3. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and his 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. Owner, and his heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

5. 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 land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, 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, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. 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

(Public Hearing)

execute a written instrument effectuating and acknowledging such modification, amendment or release.

6. **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.

7. **Authorization for Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) 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.

8. **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.

9. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), 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.

10. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall 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 Owner, and his heirs, successors and assigns, including the Applicant, unless and until 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.

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

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

(Public Hearing)

Section-Township-Range: 6-55-40

Folio number: 30-5006-000-0911

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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.

13. Acceptance of Declaration of Restrictive Covenants. Approval of the Application and acceptance of the Declaration of Restrictive Covenants 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. The term "Owner" shall include the undersigned, his heirs, successors and assigns.

14. Owner. The term Owner shall include the Owner, and his heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

Declaration of Restrictions

Signed, witnessed, executed and acknowledged this ____ day of _____, 200__.

DRAFT

Witnesses:

By: _____
Alfredo Garcia Menocal

Print Name: _____

Address: _____

Print Name: _____

STATE OF FLORIDA) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____
by ALFREDO GARCIA MENOCAL, who is personally known to me or produced a valid
driver's license as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

Serial No. (None, if blank): _____

(Public Hearing)

Section-Township-Range: 6-55-40
Folio number: 30-5006-000-0911
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