

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

FOR MIAMI-DADE COUNTY, FLORIDA



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APRIL 2009  
APPLICATIONS TO AMEND  
THE COMPREHENSIVE DEVELOPMENT  
MASTER PLAN

June 5, 2009

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## BACKGROUND AND INTRODUCTION

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

Section 2-116.1 of the Miami-Dade County Code establishes the exclusive procedures for the CDMP to be reevaluated and amended periodically, usually semiannually. These procedures involve thorough County and State review as required by Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code. Current procedures provide for the filing of applications in April and October, with the amendment process generally taking eleven months to complete. The April 2011 filing period is the next cycle that is in the odd numbered year, when the Miami-Dade County Department of Planning and Zoning 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 Department of Planning and Zoning will be subject to review at a series of public hearings. The final action adopting, adopting with a change, or denying each of the applications will be made by the Board

of County Commissioners. Further details about the hearings and the review process are discussed in the next section.

### Application Review Process and Schedule of Activities

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

The Department of Planning and Zoning (DPZ) will submit its initial recommendations to the Planning Advisory Board (PAB) regarding each requested change, no later than August 25, 2009. 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 September 2009 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 October 2009, 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 November 2009, to consider taking final action on the Capital Improvements Element update as well as 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 nor 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 December 2009, DCA will return comments or an Objections, Recommendations and Comments (ORC) report in early February 2010 addressing all transmitted applications. The PAB acting as the Local Planning Agency would then conduct its final public hearing during March 2010,

and the Board of County Commissioners would conduct a public hearing and take final action in April 2010. During the DCA review period, the Department of Planning and Zoning will also review comments received at the transmittal hearings and any additional submitted material and may issue a Revised Recommendations report reflecting any new information prior to the final public hearings. Final action by the Board of County Commissioners will be to adopt, adopt with change, or not adopt each of the transmitted applications.

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

### Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-Scale" amendments as defined in Section 163.3187(1)(c), F.S. This procedure authorizes the Board of County Commissioners to take final action on small-scale requests to amend the Land Use Plan Map (version dated October 2001) at the transmittal public hearing. During the April 2009 filing period, amendment applications were filed as eligible for expedited processing as "small-scale" amendment under the following conditions:

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



be the subject of a restricted land use agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or allocation of federal tax credits through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration.

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

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

#### Additional Information

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

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

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

**TABLE 1**  
**SCHEDULE OF ACTIVITIES**  
**APRIL 2009-2010 CDMP AMENDMENT CYCLE**

Pre-application Conference for the Private Sector	March 1- March 30, 2009
Application Filing Period	April 1- April 30, 2009
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	May 7, 2009
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of deficiency
Applications Report published by DP&Z	June 5, 2009
Deadline for submitting Technical Reports	June 30, 2009
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	July 28, 2009
Initial Recommendations Report released by DP&Z	August 25, 2009
Community Council(s) Public Hearing(s)	Specific date(s) to be set in September 2009
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendment and Capital Improvements Element update; and Transmittal of Standard Amendment requests to DCA	October 5, 2009* County Commission Chamber 111 NW 1st Street Miami, Florida 33128
Board of County Commissioners Hearing and Action on Adoption of Small-Scale Amendment and Capital Improvements Element update; and Transmittal of Standard Amendment requests to DCA	November 4, 2009* County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	November, 2009**
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	February, 2010** (Approximately 75 days after transmittal)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	Specific date(s) to be set in March, 2010* (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action on Applications: Board of County Commissioners	Specific date(s) to be set in April, 2010* (No later than 60 days after receipt of DCA ORC report)

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

### **Deadlines for Submitting Covenants to be Considered**

Deadlines exist for providing covenants to be considered in the Department's written recommendations and at public hearings. The deadline for covenants to be submitted to staff is July 25, 2009. If the Community Council, the Planning Advisory Board or the Board of County Commissioners is to consider a covenant in its decision-making, the deadline for submittal is 17 days prior to the hearing. If the Department is to consider the covenant in its written recommendation on an application in the Revised Recommendations Report, it must be received at least four weeks prior to the final hearing of the Planning Advisory Board.

**TABLE 2**  
**SCHEDULE OF DECLARATION of RESTRICTIONS DEADLINES**  
**APRIL 2009-2010 CDMP AMENDMENT CYCLE**

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	July 25, 2009
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	September 18, 2009
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	October 19, 2009
Deadline for submitting Declaration of Restrictions to be considered in the Revised Recommendations Report	4 weeks prior to PAB Final Public Hearing
Deadline for submitting Declaration of Restrictions to be considered at PAB Hearing Regarding Final Recommendations	Seventeen days prior to hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC Hearing Regarding Adoption of Standard Amendments	Seventeen days prior to hearing

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## **Overview of April 2009 Amendment Applications**

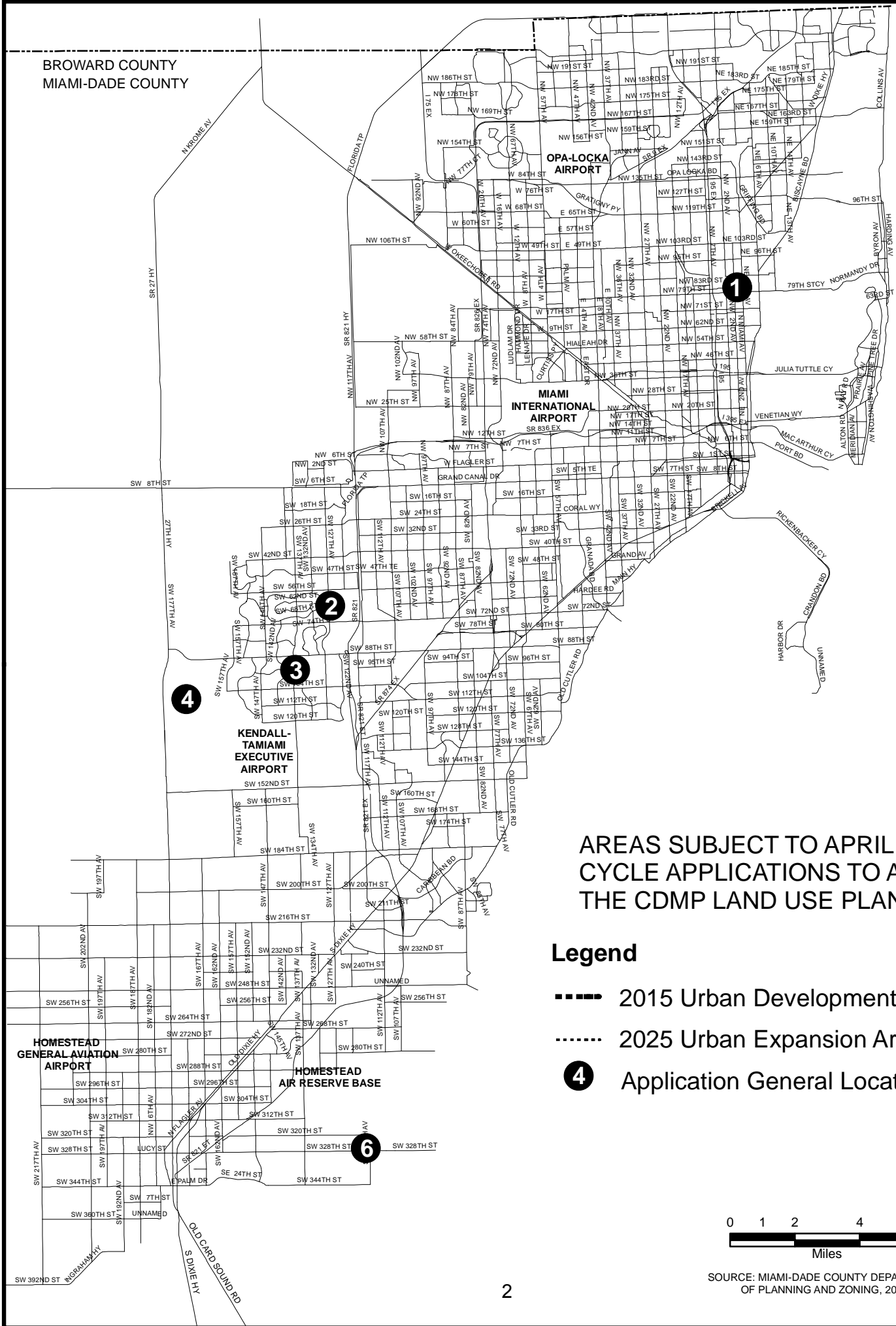
A total of seven applications were filed during this amendment cycle, of which six were filed by private parties and one was filed by the Department of Planning and Zoning (DP&Z). Four private applications (Applications Nos. 1, 2, 3 and 4) seek to amend land use designations on the CDMP Land Use Plan map (approximately 44 acres). Of these four applications, one application (Application No. 1) has requested to be processed in the expedited small-scale amendment process, whereby requesting the redesignation of approximately 3.32 gross acres on the LUP map. Application No. 4 seeks to redesignate a 9.9 acre-parcel on the LUP map outside the year 2015 Urban Development Boundary (UDB), and to expand the UDB to include this area.

One application (Application No. 6) is both a LUP map application and a text application. This application is seeking to revise the roadway network on the LUP map. In addition, it seeks to revise the text and map series in the Traffic Circulation Subelement of the Transportation Element.

Two applications (Application Nos. 5 and 7) seek only to revise the text of the CDMP. Application No. 5 was filed by a private party to revise text in the Land Use Element to expand the uses allowed in areas designated Open Land on the LUP map and in Open Land Subarea 1.

Application No. 7 was filed by DP&Z to update the Schedule of Improvements in the Capital Improvements Element (CIE). The Applications Report does not contain the tables to be amended due to the difference in scheduling of the CDMP amendment process and the preparation of the annual County budget. These CIE tables will be formulated during the budget preparation process and will be published in the "April 2009 Initial Recommendations Report" to be issued on August 25, 2009.

BROWARD COUNTY  
MIAMI-DADE COUNTY



## AREAS SUBJECT TO APRIL 2009 CYCLE APPLICATIONS TO AMEND THE CDMP LAND USE PLAN MAP

### Legend

- 2015 Urban Development Boundary
- ..... 2025 Urban Expansion Area
- ④ Application General Location



SOURCE: MIAMI-DADE COUNTY DEPARTMENT  
OF PLANNING AND ZONING, 2008

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

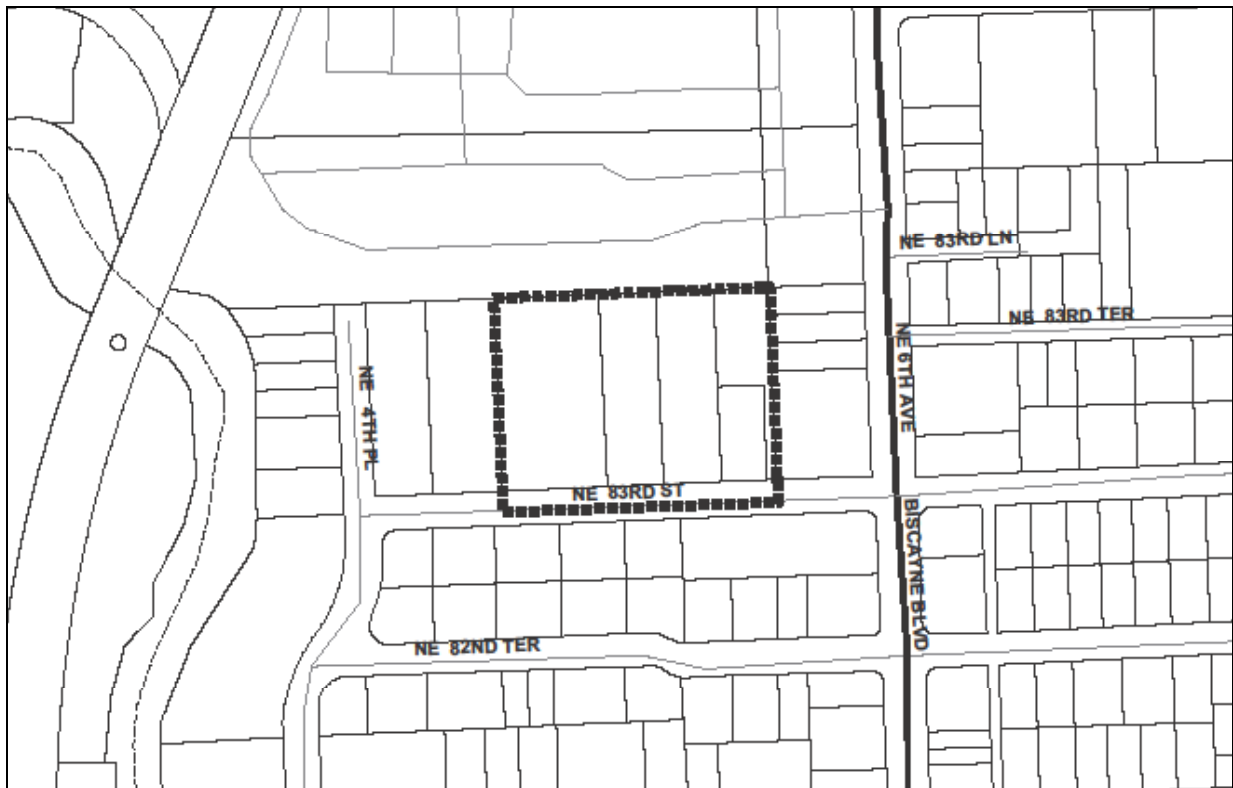
Application Number	Applicant/Representative Location Requested Changes	Acres
1	Biscayne Park, LLC/Ben Fernandez, Esq. and Matthew Amster, Esq., Bercow Radell & Fernandez, P.A. 150 Feet West of Biscayne Blvd and north of NE 83 Street  1. From: Medium-High Density Residential (25 to 60 DU/Ac) To: Business and Office 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment	3.32 Gross Acres 3.15 Net Acres
2	Archimedean Properties, LLC/Ryan D. Bailine, Esq. and Ethan B. Wasserman, Esq., Shutts & Bowen, LLP Northeast and northwest corners of Theo. SW 124 <sup>th</sup> Ave. and SW 72 <sup>nd</sup> St.  From: Agriculture (inside the Urban Development Boundary) To: Low Density Residential (2.5 to 6.0 DU/Ac) Standard Amendment	12.8 Gross Acres 12.5 Net Acres
3	Baptist Hospital of Miami, Inc./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq., Holland & Knight LLP Northeast corner of SW 137 Avenue and SW 96 Street  From: Office/Residential To: Business and Office Standard Amendment	19.55 Gross Acres 16.02 Net Acres
4	Ferro Investment Group II, LLC/ Miguel Diaz De la Portilla, Esq., Becker & Poliakoff Southeast corner of SW 167 Ave. and SW 104 <sup>th</sup> St.  1. From: Agriculture To: Business and Office 2. Include within the Urban Development Boundary 3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element  Standard Amendment	9.9 Gross Acres 8.38 Net Acres
5	F I R Investments, Corp./ Felix Rodriquez Land Use Element Revise text for new ancillary uses to be allowed in the OPEN LAND land use category as well as a more detailed list of allowable uses in the OPEN LAND Subarea 1. Standard Amendment	

Application Number	Applicant/Representative Location Requested Changes	Acres
6	<p>Florida Power &amp; Light Company / Jeffrey Bercow, Esq. and Michael A. Gil, Esq., Bercow Radell &amp; Fernandez P.A.</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> <li>1) Amend the Roadway network on the Adopted 2015-2025 Land Use Plan (LUP) map</li> <li>2) Amend the Transportation Circulation Subelement: <ol style="list-style-type: none"> <li>a) Add two new paragraphs of text for the definition of Temporary Roadways; and</li> <li>b) Planned 2025 Future Roadway Network map of the Future Traffic Circulation Map Series</li> <li>c) Add New Transportation map locating these Temporary Roadways.</li> </ol> </li> </ol> <p>Standard Amendment</p>	
7	<p>Department of Planning and Zoning/ Marc LaFerrier, AICP, Director</p> <p><u>Requested Amendment to the Capital Improvements Element</u></p> <p>Annual update to the projects found on the Table of future Capital Improvements.</p> <p>CAPITAL IMPROVEMENTS ELEMENT</p> <p>Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.</p> <p>Standard Amendment</p>	



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

<b><u>Applicant</u></b>	<b><u>Applicant's Representative</u></b>
Biscayne Park, LLC 1360 71 <sup>st</sup> Street Miami, FL 33141	Ben Fernandez, Esq. Matthew Amster, Esq. Bercow Radell & Fernandez, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305)374-5300
<p><b><u>Requested Amendment to the Land Use Plan Map</u></b></p> <p>1. From: Medium-High Density Residential (25 to 60 DU/Ac)  To: Business and Office</p> <p>2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element</p> <p>Location: 150 Feet West of Biscayne Blvd and north of NE 83 Street</p> <p>Acreage: Application area: 3.32 Gross Acres  Application area: 3.15 Net Acres</p> <p>Acreage Owned by Applicant: 1.26 Acres</p>	



**Notes:**

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

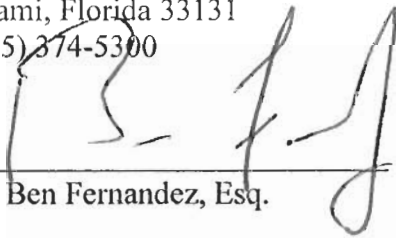
**SMALL-SCALE AMENDMENT REQUEST TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
APRIL 2009-2010 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

Biscayne Park, LLC  
1360 71<sup>st</sup> Street  
Miami, Florida 33141

**2. APPLICANT'S REPRESENTATIVES**

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

By:   
Ben Fernandez, Esq.

Date: April 30, 2009

By:   
Matthew Amster, Esq.

Date: April 30, 2009

**3. DESCRIPTION OF REQUESTED CHANGES**

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

**A. Change the Land Use Plan Map.**

This application requests a change to the Comprehensive Development Master Plan's  
Future Land Use Map.

Current Land Use Designation: Medium-High Density Residential

Proposed Land Use Designation: Business and Office

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

The property consists of five parcels (Folio Nos. 30-3207-020-0120, 30-3207-020-0210, 30-3207-020-0200, 30-3207-020-0190, and 30-3207-020-0180) located in Section 7, Township 53, Range 42 in unincorporated Miami-Dade County. The property is approximately 3.32 gross acres in size and is located approximately 150 feet west of

Biscayne Boulevard on the north side of NE 83<sup>rd</sup> Street. A sketch of the property location is attached as Exhibit A.

C. Acreage of Property

Gross Acreage = 3.32 acres

Net Acreage = 3.15 acres

Acreage owned by the Applicant = 1.26 acres

D. Requested Change

- 1) The Applicant is requesting that the Property be re-designated on the Land Use Plan map from Medium-High Density to Business and Office.
- 2) The Applicant is requesting that this application be processed as a small-scale amendment pursuant to the expedited procedures.
- 3) If the CDMP amendment is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of the 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.

3. REASONS FOR AMENDMENT

The Applicant believes that the increasingly urban character of the area combined with the need for additional commercial land supply, suggested by recent County projections, supports the change in land use for the Property. In addition, the Applicant owns approximately 15 acres of land abutting the Property that are currently designated for commercial and mixed-use development located in the Village of El Portal and in the City of Miami. The Applicant intends to apply for approvals to redevelop the Property together with these abutting properties, as a unified, mixed-use development. The proposed Business and Office designation for the Property would allow the Applicant to apply for zoning approvals that would provide a more contiguous mixed-use development over all of the properties.

Biscayne Boulevard. The Biscayne Boulevard Corridor has benefited from significant redevelopment and revitalization in recent years. These changes have brought more people to the area and, as a result, there has been an increase in demand for commercial properties along Biscayne Boulevard. This particular segment of the Boulevard, at its intersection with NE 79<sup>th</sup> Street and The Little River Parkway, a busy three lane one-way corridor, over time has become more commercial in character. However, revitalization north of NE 79<sup>th</sup> Street has been slower than to the south. The Property, and the area including both sides of the Boulevard up to NE 87<sup>th</sup> Street, is designated as a Targeted

Urban Area and an Enterprise Zone. Such designations recognize economic and social distress in the immediate area and the CDMP's objectives specifically call for specific measures to be taken in these areas to promote infill development. The proposed change to Business and Office will increase the Applicant's development options by allowing the Property to be developed as part of a mixed-use project, which the Applicant believes will facilitate further be more likely to result in infill development.

Re-development Plan. The Business and Office designation would allow maximum flexibility with respect to a potential mixed-use development plan. The Property is located approximately 150 feet west of Biscayne Boulevard on NE 83rd Street and is bounded on the east by commercial land located in the City of Miami, as well as by land designated for Office Park / Light Retail use located in the Village of El Portal on the north. A surface parking lot for the Hope Nazareen Church is adjacent to the property across NE 83rd Street as well as a multifamily building. The Applicant believes that the Business and Office designation would be compatible with the character of the surrounding area. In addition, the change to Business and Office will facilitate the Property's redevelopment by making it more consistent with both the commercial land use designation of the abutting property to the east and the land use designation of the commercial property to the north.

Urban Infill Area/Metropolitan Urban Center. The Property also lies within Miami-Dade County's Urban Infill Area (UIA) and immediately north of land designated as a Metropolitan Urban Center (MUC) on the CDMP Land Use Plan Map. Thus, the proposed change to Business and Office would be consistent with the various CDMP Land Use Objectives and Policies (referenced below) that seek to facilitate contiguous urban development and the redevelopment of underdeveloped parcels in these particular areas. It is significant to note that, despite the fact that the property is located just outside of a Metropolitan Urban Center, approximately 1.15 acres are vacant and the remainder of the property is underdeveloped considering its current Medium-High Density Residential designation.

Commercial Land Supply. The property is located within Miami-Dade County Minor Statistical Area (MSA) 4.1. According to the Planning Considerations Report For the April and October 2007 Cycle Applications, this MSA will contain only 4.9 "population serving" commercial acres of land per 1,000 persons by the year 2015 and only 4.7 acres per 1,000 persons by the year 2025. The projected county-wide ratio for 2015 is considerably higher at 6.1 acres per 1000 persons and 5.4 acres per 1000 by the year 2025. Therefore, the projected amount of "population serving" commercial acres in the area indicate that the population would be underserved as early as 2015. This indicator, when combined with the fact that demand is increasing along Biscayne Boulevard and that absorption rates are on the rise, strongly supports increasing the current stock of Business and Office land in the area at this time.

In addition, the fact that most of the Boulevard north and south of this area is characterized by "a ribbon" of commercial development, with few commercial nodes, suggests that existing nodes should be developed efficiently and that any necessary

increase in the stock of neighborhood serving commercial land would be most appropriate in these areas.

Consistency with the CDMP. The Applicant's proposal will provide the surrounding community with necessary neighborhood commercial uses while continuing to allow the Property to maintain a residential component. The re-designation would permit maximum redevelopment plan flexibility while at the same time remaining consistent and furthering the following objectives, goals and policies in the Land Use Element:

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2015 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

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

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

LAND USE POLICY LU-1O: Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

LAND USE 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.

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

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

LAND USE POLICY 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.

LAND USE 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.

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

**5. ADDITIONAL MATERIAL SUBMITTED**

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

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

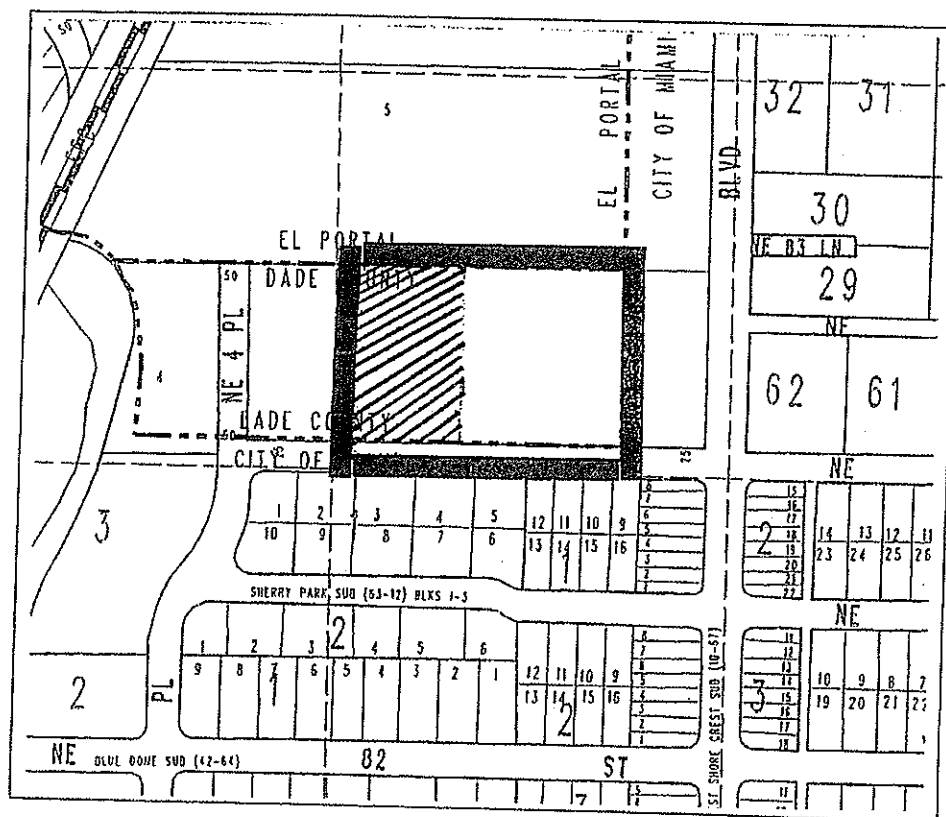
Biscayne Park, LLC  
1360 71st Street  
Miami Beach, Florida 33141

## REPRESENTATIVES

Ben Fernandez, 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 five parcels located on the north side of NE 83 Street and west of NE 6 Avenue in Section 07, Township 53, Range 42 in unincorporated Miami-Dade County, more specifically as follows: (1) Folio No. 30-3207-020-0-120; (2) 519 NE 83 Street, Folio No. 30-3207-020-0210; (3) 533 NE 83 Street, Folio No. 30-3207-020-0200; (4) 575 NE 83 Street, Folio No. 30-3207-020-0190; (5) 561 NE 83 Street, Folio No. 30-3207-020-0180. Together, all five parcels contain approximately 3.15 gross acres. The Applicant owns only parcel no. 1.



**APPLICATION AREA**  
**AREA OWNED BY APPLICANT**

SCALE  
0 300'

## 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: Biscayne Park, LLC

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

2. **PROPERTY DESCRIPTION:** Provide the following information for all properties in the 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>
Biscayne Park, LLC	Same	30-3207-020-0120	1.26 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:** Biscayne Park, LLC

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

Teresa Cardenas

100%

1360 71<sup>st</sup> Street

Miami Beach, FL 33141

- 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].

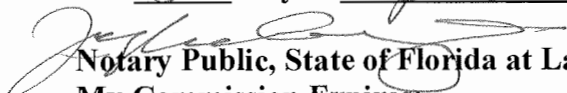
For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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

  
TERESA CARDENAS

Sworn to and subscribed before me  
this 30 day of April, 20 09.

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

NOTARY PUBLIC-STATE OF FLORIDA  
Josephine A. Carlozzi  
Commission # DD564186  
Expires: JUNE 14, 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.

Biscayne Park, LLC  
Legal Description

Beginning at the SE corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 7, Township 53 South, Range 42 East, Tallahassee Meridian in Florida; thence west along the South line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the aforesaid Section 7 and along the south line of Lot 4, of a subdivision of the NW  $\frac{1}{4}$  of Section 7 as aforesaid, according to the Plat thereof, recorded in Plat Book D, at Page 3, of the Public Records of Miami-Dade County, Florida, for a distance of 545 feet to a point; thence North parallel to the East line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the aforesaid Section 7 for a distance of 25 feet for the Point of Beginning of the tract of land herein described; thence continue North parallel to the east line of NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the aforesaid "Section 7 for a distance of 304.09 feet to a point on the North line of Lot 4 of Plat recorded in Plat Book B at Page 3 of the Public Records of Miami-Dade County, Florida; thence East along the North line of the aforesaid Lot 4 a distance of 90 feet to a point; thence South parallel to and 455 feet West of the East line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the aforesaid Section 7 for a distance of 304.14 feet to a point 25.00 feet North of the south line of the aforesaid Lot 4; thence West parallel to and 25.00 feet North of the South line of the aforesaid Lot 4 for a distance of 90 feet to the Point of Beginning of the Tract of land herein described.

Also described as Lot 11 of unrecorded plat made by Watson & Garris, C.E., dated August 1933, of Lot 4 of Subdivision in the NW  $\frac{1}{4}$  of Section 7, Township 53 South, Range 42 East, Tallahassee Meridian in Florida, by which Deeds have heretofore been made.

And:

The North half of Lot five Tuttle Subdivision in the Northeast quarter of the northwest quarter, Section 7, Township 53 South, Range 42 East, (Map of the NW  $\frac{1}{4}$  of Section 7, Plat Book B, Page 3).

And:

The South half of Lot five described as follows: Commencing at the southeast corner of lot numbered five of subdivision of the northwest quarter of section 7, Township 53 South, Range 42 East, according to the survey made by J.S. Frederick, C.E., plat of which is recorded in Plat Book B, on Page 3, Land records in the Office of the Clerk of the Circuit Court, in and for Dade County, Florida; and run from said point North 255 feet; thence West 930 feet, more or less to the right of way of the Florida East Coast Railway; thence southwesterly along said right of way 212 feet, more or less, to the center, or thread, of Little River; thence Southeasterly along the center of said Little River 115 feet, more or less to South line of said Lot Five; thence 920 feet, more or less to the place of beginning.

And:

Lot six in the subdivision of the northwest quarter of Section 7, Township 53 South, Range 42 East, according to the Plat thereof, recorded in Plat Book B, at Page 3, of the Public Records of Miami-Dade County, Florida; except the following described part of said lot six: West four hundred feet of east four hundred thirty five feet thereof.

AND

Beginning at the SE corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 7, Township 53 South, Range 42 East, Tallahassee Meridian in Florida; thence West along the South line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the aforesaid Section 7, and along the South line of Lot 4 of a subdivision of the NW $\frac{1}{4}$  of Section 7 as aforesaid, according to plat thereof recorded in Plat Book B at Page 3 of the Public Records of Dade County, Florida, for a distance of 455 feet to a point, thence North parallel to the East line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the aforesaid Section 7 for a distance of 25 feet for the Point of Beginning of the tract of land herein described; thence continue North parallel to the East line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the aforesaid Section 7 for a distance of 304.14 feet to a point on the North line of Lot 4 of plat recorded in Plat Book B, at Page 3, of the Public Records of Dade County, Florida; thence East along the North line of the aforesaid Lot 4, for a distance of 90 feet to a point; thence South parallel to and 365 feet West of the East line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the aforesaid Section 7 for a distance of 304.19 feet to the point 25 feet North of the South line of the aforesaid Lot 4; thence West parallel to and 25 feet North of the South line of the aforesaid Lot 4 for a distance of 90 feet to the Point of Beginning of the tract of land herein described.

SUBJECT to conditions, restrictions, limitations and easements of record, if any, and real estate taxes for the year 1979 and subsequent years.

SUBJECT FURTHER to a purchase money first mortgage, made, executed and delivered simultaneously with this conveyance, securing a promissory note in favor of the within grantors for the principal sum of \$155,000.00, together with interest as therein described.

AND

PARCEL 11:

The West 90 feet of the North 305 feet of the East 275 feet of Lot 4, less the North 1/2 and the East 15 feet of the South 1/2 of "TUTTLES SUBDIVISION OF SECTION 7-53-42", according to the plat thereof, recorded in Plat Book "B" at page 3 of the public records of Dade County, Florida;

also known as:

The South half (S 1/2), less the East fifteen (15) feet thereof, of that tract of land described as follows: Beginning at the SE corner of the NE 1/4 of the NW 1/4 of Section 7, Township 53 South, Range 42 East, Tallahassee Meridian in Florida; thence West along the South line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 and along the South line of Lot 4 of a subdivision of the NW 1/4 of Section 7, as aforesaid, according to plat thereof recorded in plat book B, at page 3 of the Public Records of Dade County, Florida, for a distance of 275 feet to a point, thence North parallel to the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 for a distance of 25 feet for the point of beginning of the tract of land herein described. Thence continue North parallel to the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 for a distance of 304.23 feet to a point on the North line of Lot 4 of plat recorded in plat book B, page 3 of the Public Records of Dade County, Florida; thence East along the North line of the aforesaid Lot 4 a distance of 90 feet to a point; thence South parallel to and 185 feet West of the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 for a distance of 304.28 feet to a point 28.00 feet North of the South line of the aforesaid Lot 4; thence West parallel to and 75.00 feet North of the South line of the aforesaid Lot 4 for a distance of 90 feet to the point of beginning of the tract of land herein described.

Also known as: 561 N.E. 83rd Street, Miami, Florida.

AND

PARCEL III:

Thy West 90 feet of the North 305 feet of the East 365 feet of Lot 4, "TURTLES SUBDIVISION", according to the plat thereof recorded in Plat Book "B" at page 3 of the public records of Dade County, Florida,

also known as:

Beginning at the SE corner of the NE 1/4 of the NW 1/4 of Section 7, Township 53 South, Range 42 East, Tallahassee Meridian in Florida; thence West along the South line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 and along the South line of Lot 4, of a subdivision of the NW 1/4 of Section 7 as aforesaid; according to the plat thereof recorded in Plat Book B, at Page 3 of the Public Records of Dade County, Florida, for a distance of 365 feet to a point, thence North parallel to the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 for a distance of 25 feet for the point of beginning of the tract of land herein described. Thence continue North parallel to the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7 for a distance of 304.19 feet to a point on the North line of Lot 4 of plat recorded in Plat Book B, Page 3 of the Public Records of Dade County, Florida; thence East along the North line of the aforesaid Lot 4 a distance of 90 feet to a point; thence South parallel to and 275 feet West of the East line of the NE 1/4 of the NW 1/4 of the aforesaid Section 7, for a distance of 304.23 feet to a point 25.00 feet North of the South line of the aforesaid Lot 4; thence West parallel to and 25.00 feet North of the South line of the aforesaid Lot 4 for a distance of 90 feet to the point of beginning of the tract of land herein described.

also known as: 533 N.E. 83rd Street, Miami, Florida.

AND

The North half and the East 15 feet of the South half of the West 90 feet of the North 305 feet, more or less, of the East 275 feet of Lot 4, JULIA D. TUTTLES, according to the Plat thereof, as recorded in Plat Book B, Page 3, of the Public Records of Dade County, Florida.

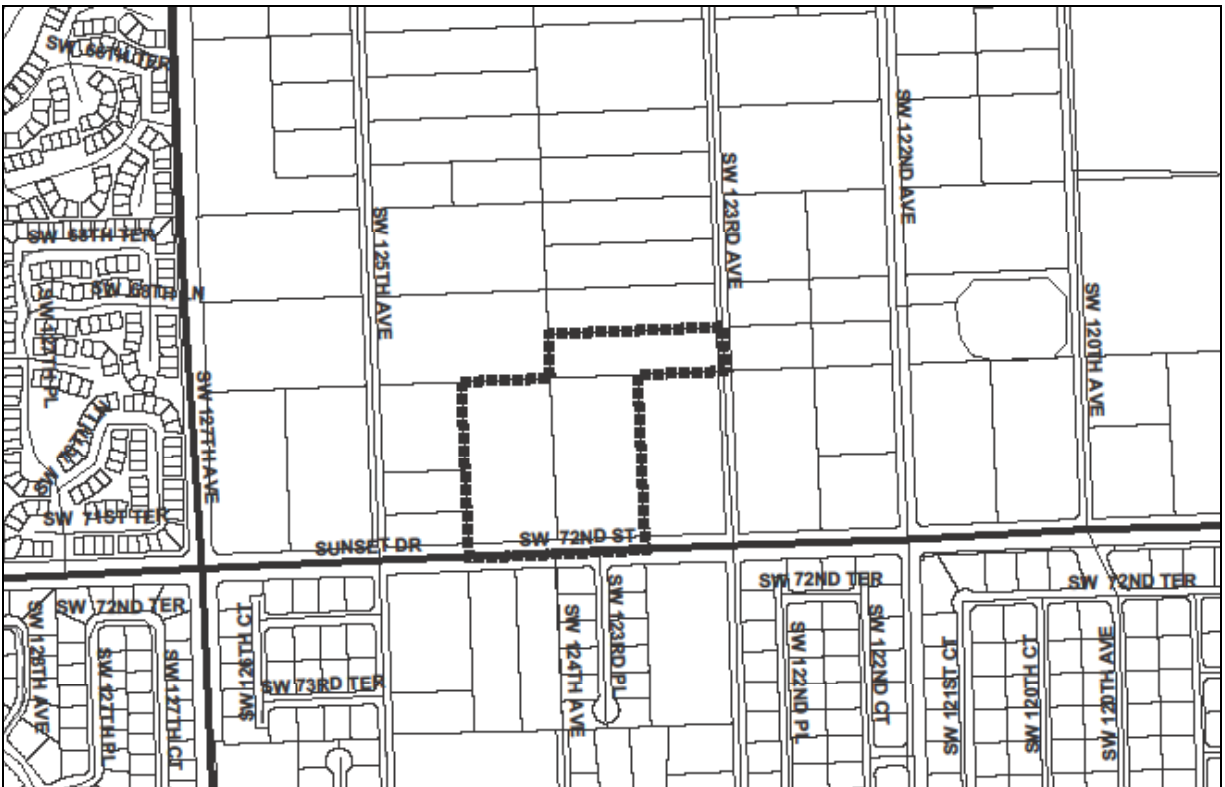
Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1993.

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## APPLICATION NO. 2 STANDARD AMENDMENT APPLICATION

<u>Applicant</u>	<u>Applicant's Representative</u>
Archimedean Properties, LLC 12425 S.W. 72nd Street Miami, FL 33183	Ryan D. Bailine, Esq. Ethan B. Wasserman, Esq. Shutts & Bowen, LLP 201 South Biscayne Boulevard, Suite 1500 Miami, FL 33131 (305) 374-7354 (305) 347-7821 Fax
<u>Requested Amendment to the Land Use Plan Map</u> From: Agriculture (inside the Urban Development Boundary) To: Low Density Residential (2.5 to 6.0 DU/Ac) Location: Northeast and northwest corners of Theo. SW 124 <sup>th</sup> Ave. and SW 72 <sup>nd</sup> St. Acreage: Application area: 12.8 Gross Acres Application area: 12.5 Net Acres Acreage Owned by Applicant: 12.5 Acres	



**Notes:**

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

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

**1. APPLICANT:**

Archimedean Properties, LLC  
12425 S.W. 72<sup>nd</sup> Street  
Miami, Florida 33183

**2. APPLICANT'S REPRESENTATIVES**


Ryan D. Bailine, Esq.  
[rbailine@shutts.com](mailto:rbailine@shutts.com)  
Ethan B. Wasserman, Esq.  
[ewasserman@shutts.com](mailto:ewasserman@shutts.com)  
Shutts & Bowen LLP  
Suite 1500  
201 South Biscayne Boulevard  
Miami, Florida 33131  
(305) 347-7354 Direct Dial  
(305) 347-7821 Facsimile

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

  
Ryan D. Bailine, Esq.  
Florida Bar No. 0616850

Date: April 28, 2009

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

  
Ethan B. Wasserman, Esq.  
Florida Bar No. 057875

Date: April 28, 2009

**3. DESCRIPTION OF REQUESTED CHANGES**

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

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

Current Land Use Designation: Agricultural (AG)

Proposed Land Use Designation: Low Density Residential (LDR)

B. Description of Property.

The Property consists of three (3) parcels (Folio Nos. 30-4925-000-0620; 30-4925-000-0681; and 30-4925-000-0690) containing approximately 12 +/- acres (the "Property") and located in Section 25, Township 54, Range 39, in unincorporated Miami-Dade County. See Attached Sketch.

C. Acreage of Property.

Gross Acreage = 12.8 +/- acres

Net Acreage = 12 +/- acres

Acreage owned by Applicant = 12 +/- acres

D. Requested Changes.

The Applicant requests the redesignation of the Property from Agriculture (AG) to Low Density Residential (LDR).

**4. REASONS FOR AMENDMENT**

Applicant. Archimedean Properties, LLC is the owner of the Property which is located in the southern portion of Miami-Dade County, and is the subject of this Application ("Application").

Property. The Property consists of three (3) parcels located at 12425 S.W. 72<sup>nd</sup> Street in unincorporated Miami-Dade County ("County"); identified under Folio Nos. 30-4925-000-0620; 30-4925-000-0681; and 30-4925-000-0690. The Property is located inside the Urban Development Boundary.

Land Use and Zoning. The Property is currently designated Agriculture (AG) on the LUP contained in the CDMP and is zoned GU with an Agricultural trend. The Property is bound on the North by residential uses, on the South by the Sunset Drive corridor, on the East by commercial uses and on the West by a private school currently operated by the Florida Conference Association of Seventh Day Adventists.

Description of Development Proposal. Approximately 70% of the Property is developed with a Public Charter School (“School”), including ancillary parking and outdoor recreational facilities. Upon approval of the requested land use change, the Applicant plans to expand the School to include developing new classrooms, a gymnasium, a cafetorium, reading lofts, media rooms, office/administrative space, special event parking, further recreational space, and a small performing arts theater. The proposed facilities will serve and support the School.

Consistency with CDMP. The Applicant is requesting the LUP amendment to reconcile the existing uses with the current CDMP regime to create land use compatibility and compliance with respect to the proposed expansion. As a result of previous zoning approvals the Property was developed with the existing uses. Based on prior interpretations regarding the uses permitted under the Property’s present AG land use designation, and through discussions with Department of Planning and Zoning staff, the Applicant decided to proactively request the LUP amendment.

Consistency with the Land Use Element. The approval of the Application will be consistent with the following objectives and policies found in the CDMP’s 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.**

## **Policies**

**LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.**

The Property is surrounded by residential neighborhoods and ancillary commercial uses. Approval of the requested LUP amendment will facilitate the development of additional school uses to serve the demands of the immediate and surrounding residential community.

**LU-1O. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.**

Approval of the proposed LUP amendment will create continuity by changing the LUP to account for the changed conditions and character of the surrounding area which is located approximately 4 miles inside the Urban Development Boundary.

**LU-1 P. While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks.**

The proposed use is compatible with the rural residential uses near the school as well as on-going agricultural uses in the vicinity. The School enhances the character of the community. Approval of the requested amendment fulfills the CDMP goals of encouraging alternative land uses where appropriate to promote and anchor agricultural communities.

**LU-1Q. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Objective EDU-2.**

Approval of the requested LUP amendment conforms with CDMP objective EDU-2. See analysis below.

## **Objective LU-8**

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

### **Policies**

**LU-8D. The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.**

Approval of the requested LUP amendment will promote consistency with respect to the CDMP's encouragement of the existing uses. The LUP amendment will also solidify connectivity between the Property and surrounding community, which has been built out with varying complimentary uses over the last several years. The changed character of the surrounding areas counsels in favor of adopting the amendment. Existing infrastructure, public facilities and utilities have capacity to absorb and service the Property's proposed LDR designation.

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

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County**

The area surrounding the Property has experienced large scale growth and urbanized development. Projected population growth both in the immediate area and County-wide, along with a pressing need for high quality public schools, counsel in favor of approving the amendment, as does the CDMP Objective to reconcile future land uses with existing uses.

## **Objective EDU-2**

**Obtain suitable sites for the development and expansion of public educational facilities.**

### **Policies**

**EDU-2A. It is the policy of Miami-Dade County that the Miami-Dade County Public School System shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.**

The Property is 4 miles inside the UDB. The Property satisfies the size and site criteria in the CDMP. Based on the Property's location and size, approval of the requested LUP amendment will facilitate additional development of the Property consistent with the CDMP.

**EDU-2B. In the selection of sites for future educational facility development, the County encourages the district to consider whether a school in that location would provide a logical focal point for community activities.**

The Property provides a strong educational foundation in the community. The areas East and West of the Property contain residential and commercial uses. Approval of the proposed amendment will permit the proposed School expansion aimed at servicing the growing community needs.

**EDU-2D. The County acknowledges and concurs that, when selecting a site, the district will consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.**

The Property, which contains 12 ± acres, satisfies State and County school size and site guidelines.

**EDU-2E. When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services.**

The Property satisfies local school developmental criteria. The School (including the Property) has been reviewed and approved by various County agencies multiple times over the last 5 years. In each instance, the Property was deemed to satisfy the above elements.

**EDU-2F. When considering a site for possible use as an educational facility the district should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.**

The District has reviewed the School's compatibility with the surrounding area. The District concluded that the use of the Property as a school is compatible and appropriate. Based on that analysis the District approved charters authorizing the Property to be used for educational purposes, for students in grades K-12.

### **Objective EDU-3**

**Miami-Dade County Public Schools, in conjunction with the County and other appropriate agencies, will strive to improve security and safety for students and staff.**

### **Policies**

**EDU-3A. Continue to cooperate with the Miami-Dade County Public School System to develop and/or implement programs and policies designed to reduce the incidence of violence, weapons and vandalism on school campuses.**

**Encourage the design of facilities which do not encourage criminal behavior and provide clear sight lines from the street.**

The School was designed to maximize the safety of all students. Future expansion will follow the existing model. After the LUP amendment is approved, all future educational facilities at the Property will be designed in accordance with these CDMP objectives.

**EDU-3D. Coordinate with the Miami-Dade County Public School System and municipalities to provide for pedestrian and traffic safety in the area of schools, and signalization for educational facilities.**

The Applicant has diligently worked with the District and with other County agencies (including Public Works) to provide effective signalization and traffic monitoring around the Property. These efforts include preparation of a comprehensive signage program and related advisory devices along the South right of way boundary.

#### **Objective EDU-4**

**Continue to develop programs and opportunities to bring the schools and community closer together.**

#### **Policies**

**EDU-4A. Cooperate with the Miami-Dade County Public School System in their efforts to provide “full service” schools, parent resource centers, adult and community schools and programs as appropriate.**

Approval of the requested LUP amendment will permit the Applicant to eventually develop additional facilities on the Property to serve the existing needs of the community.

#### **Conclusion.**

The Low Density Residential (LDR) designation is compatible with and a natural extension of the existing residentially designated parcels lying immediately South of the Property as well as the several parcels designated LDR situated North, West and East of the Property. The proposed LUP amendment is consistent with numerous Objectives, Goals and Policies contained in the CDMP. Approval of the Applicant’s request promotes the County’s goal of planning continuity between the existing uses and potential future uses authorized by the Future Land Use map in the CDMP.



**5. ADDITIONAL MATERIALS SUBMITTED**

1. Land Use Aerial
2. Location Map/Aerial Photograph
3. Land Use Maps
4. Zoning Map
5. Survey

The Applicant reserves the right to supplement the Application with additional documentation within the time periods permitted by the County Code.

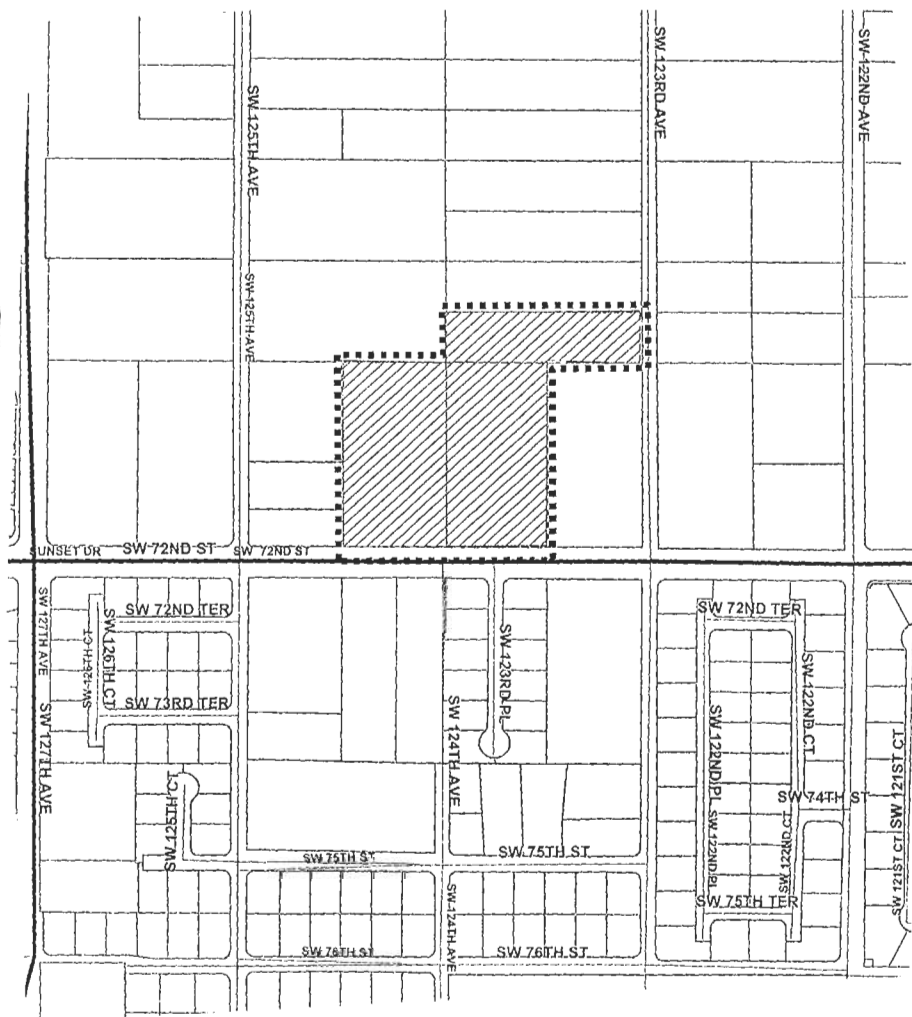
**6. COMPLETE DISCLOSURE FORMS:** See attached.

## APPLICANT

Archimedean Properties, LLC

## DESCRIPTION OF SUBJECT AREA

The Property consists of three (3) parcels (Folio Nos. 30-4925-000-0620; 30-4925-000-0681; 30-4925-000-0690) containing approximately 12 +/- acres and located in Section 25, Township 54, Range 39, in unincorporated Miami-Dade County.

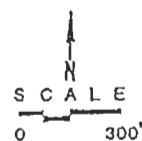


## LEGEND:



APPLICATION AREA

AREA OWNED BY APPLICANT



## **DISCLOSURE OF INTEREST**

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

**1. APPLICANT(S) NAME AND ADDRESS:**

ARCHIMEDEAN PROPERTIES, LLC  
12425 S.W. 72<sup>ND</sup> Street  
Miami, Florida 33183

APPLICANT A: ARCHIMEDEAN PROPERTIES, LLC

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A – Archimedean Properties, LLC	Archimedean Properties, LLC	30-4925-000-0620; 30-4925-000-0681; 30-4925-000-0690	12+/- 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)
A – Archimedean Properties, LLC	Archimedean Properties, LLC			

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

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

**INDIVIDUAL'S NAME AND ADDRESS**

**PERCENTAGE OF  
INTEREST**

N/A

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

**CORPORATION NAME:** Archimedean Properties, LLC

**NAME, ADDRESS, AND OFFICE (if applicable)**

**PERCENTAGE OF  
STOCK**

See attached Exhibit "A"

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

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

Applicant's Signatures and Printed Names

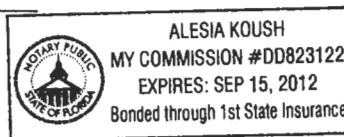
ARCHIMEDEAN PROPERTIES, LLC

  
**By: LAMBROS KATSOUFIS, MANAGER**

Sworn to and subscribed before me  
This 15 day of April, 2009.

  
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:

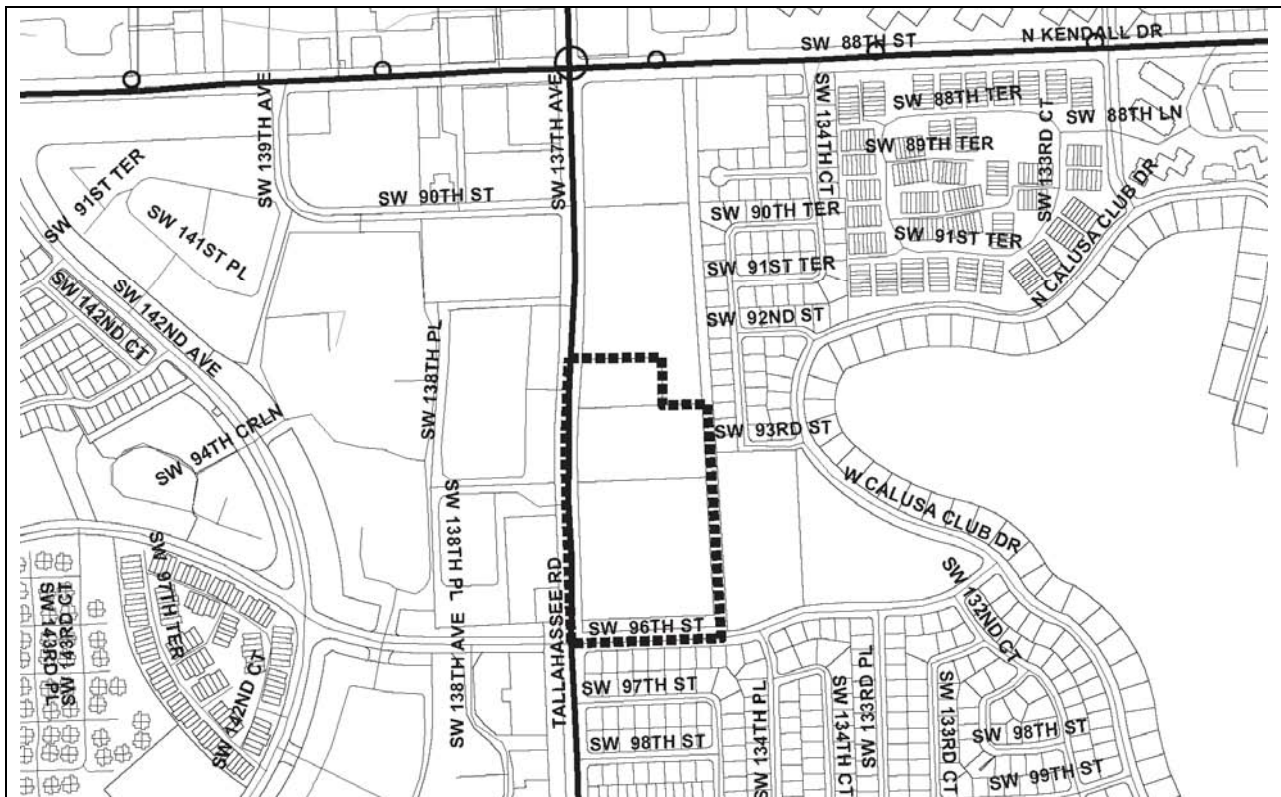


Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests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

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### APPLICATION NO. 3 STANDARD AMENDMENT APPLICATION

<u><b>Applicant</b></u>	<u><b>Applicant's Representative</b></u>
Baptist Hospital of Miami, Inc. 8900 N. Kendall Drive Miami, Florida 33176	Joseph G. Goldstein, Esq. Tracy R. Slavens, Esq. Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 305-374-8500 305-789-7799 fax
<u>Requested Amendment to the Land Use Plan Map</u> From: Office/Residential To: Business and Office Location: Northeast corner of SW 137 Avenue and SW 96 Street Acreage:       Application area: 19.55 Gross Acres Application area: 16.02 Net Acres Acreage Owned by Applicant: 13.98 Acres	



**Notes:**

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

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

1. APPLICANTS

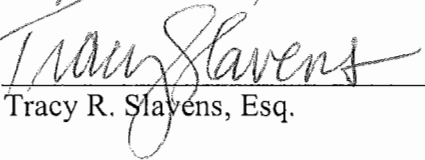
Baptist Hospital of Miami, Inc.  
8900 N. Kendall Drive  
Miami, Florida 33176

2. APPLICANTS' REPRESENTATIVES

Joseph G. Goldstein, Esq.  
Tracy R. Slavens, Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131  
(305) 374-8500  
(305) 789-7799 (fax)

By:   
Joseph G. Goldstein, Esq.

4/29/09  
Date

By:   
Tracy R. Slavens, Esq.

4/29/09  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicants request a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Office/Residential" to "Business and Office."

B. Description of the Subject Area.

The subject property consists of approximately 19.55± gross acres of land located in Section 2, Township 55, Range 39, in unincorporated Miami-Dade County. More specifically, the subject property is located at the northeast corner of SW 96 Street and SW 137 Avenue, in unincorporated Miami-Dade County, Florida. A legal description of the subject property is provided in Exhibit "A."



C. Acreage.

Subject application area: 19.55± gross acres (16.02± net acres)

Acreage owned by Applicants: 13.98± net acres

D. Requested Change.

It is requested that the subject area be re-designated on the Land Use Plan map from "Office/Residential" to "Business and Office."

4. REASONS FOR AMENDMENT

The subject Property is extraordinarily well-located just south of the intersection of the West Kendall Area's two main thoroughfares – N. Kendall Drive and SW 137 Avenue – which have evolved over time into effectively Main Street and Broadway for West Kendall. Notwithstanding the incredible growth of the West Kendall Area since 1990, this location, at the heart and virtual geographic center of West Kendall, is one of its last remaining vacant and under-entitled parcels. The Applicant requests the re-designation of the Property, which generally extends from the southern end of the existing Lowe's Home Center to SW 96 Street, from "Office/Residential" to "Business and Office" to permit a more flexible approach to its future use. The majority (approximately 14 net acres) of the Property that is the subject of this application was purchased by the Applicant, Baptist Hospital of Miami, Inc. ("Baptist"), in part (5 acres) in 1991, with the remainder (9 acres) acquired in 1997. This portion of the Property has remained vacant, save the consistent farming that has historically occurred on-site, since well before its acquisition by Baptist. The Property also contains a small, 2 acre, parcel that is currently owned and occupied by The Lord of Life Lutheran Church, which was built in 1981.

While Baptist Health South Florida, Inc. ("Baptist Health," the parent company of Baptist) has experienced extraordinary growth over the past two decades and the Property itself has been owned by Baptist for the past twelve to eighteen years, the Property was never able to be effectively incorporated into Baptist Health's plans. In essence, the Property is too small and lacked a sufficient land use designation for consideration as a hospital or for a significant administrative support facility and is generally too large for consideration to be a clinic or urgent care center. In fact, as a result and in order to provide a much-needed health care services to serve West Kendall, Baptist Health has two urgent care centers on smaller parcels in the area and acquired and sought entitlements to construct West Kendall Baptist Hospital, a 300 bed hospital within a 30 acre portion of the Kendall Town Center Development of Regional Impact. One of the urgent care centers is located within a shopping center at 13001 N. Kendall Drive and the other, which serves the community as both an urgent care center and a pediatric diagnostic center, is located at 13500 SW 152 Street on a 1.4± acre parcel of land. The West Kendall Baptist Hospital, located two miles west of the Property, is now well under construction. In a recent effort to consolidate some diffuse office and storage uses that are currently dispersed around the County, Baptist acquired and is seeking zoning approval of a 25 acre administrative support center on a parcel located at Coconut Palm Drive and Allapattah Road. In fact, Baptist Health evaluated whether this Property was appropriate for its administrative support needs prior to entering into negotiations and acquiring that 25 acre parcel, but determined that the

"Office/Residential" land use designation affecting this parcel would not allow the land uses needed to satisfy its requirements. Thus, Baptist Health needed to look elsewhere and ultimately decided to acquire the 25 acre parcel, which had a Future Land Use Plan Map designation of "Business and Office." As a result, a small tomato and pepper farm remains on this Property, in the middle of one of the most densely packed and urbanized areas of the State.

All of the land lying directly to the north of the Property and extending to N. Kendall Drive is designated "Business and Office" and is designated as a Community Urban Center. The CDMP Future Land Use Element authorizes that Community Urban Center boundaries may extend as far as a half to a full mile from their center, which would encompass this Property. The land immediately to the north had been a Costco for many years and is currently a Lowe's Home Center. North of that, on the corner of N. Kendall Drive and SW 137 Avenue, is the Carter Square Shopping Center. The Property is bounded on the east by the Lindgren Canal and, east of that, other than a few homes to the north, is the Calusa Elementary School/Park. West of the Property and immediately across SW 137 Avenue, are the Westbury Plaza Shopping Center (at the intersection with SW 96 Street) and the Heartland Health Care Center of Kendall senior facility. North of those parcels is a multi-family residential project. The Property is also bounded on the south by the Lindgren Canal and the half-section line road, SW 96 Street, which establish a well-defined geographic boundary that contains this commercial node. The area extending south from SW 96 Street, along SW 137 Avenue, is of a more residential character until it reaches SW 120 Street. Clearly, the proposed "Business and Office" designation is consistent with and complementary to the immediately surrounding land uses.

The Property is fully served by water and sewer and other utilities and it contains no significant environmental or historical resources, such as wetlands. It is located along or near two of the most significant arterials in west Miami-Dade County. SW 137 Avenue is currently configured as a six-lane divided roadway at this location and runs as a continuous arterial serving west Miami-Dade from the terminus of SR 836 (at approximately NW 12 Street) all the way south to SW 200 Street. North Kendall Drive, to the north, generally operates as an eight lane divided arterial, connecting US 1 to Krome Avenue. SW 96 Street, immediately south of the Property, extends east to Calusa Drive and to the west as a four-lane divided facility.

Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses. In fact, the five acres of "Business and Office" designated land that constitutes a small cutout from the northeast corner of the Property (east of the Church and north of the Baptist-owned land) was the subject of an application for a similar redesignation from "Office/Residential" to "Business and Office" use during the April 2006 Comprehensive Development Master Plan amendment cycle (Application 10), which the Department of Planning and Zoning recommended for approval. In its recommendation for Adoption/Approval of that application, the Department of Planning and Zoning Staff justified its support of that particular "Business and Office" redesignation due to:

1. The proximity of that property to the Community Urban Center node located at the intersection of North Kendall Drive and S.W. 137<sup>th</sup> Avenue, which promotes a wide variety and integration of uses, both horizontally and vertically;

2. The compatibility of that proposed redesignation with the abutting and nearby land uses;
3. The development of "Business and Office" use on the site would help accommodate the County's projected economic and population growth;
4. Public services already exist to serve the application site;
5. The property is within a quarter mile of superior transit headway; and
6. Limited impact upon environmental and historic resources.

These justifications apply in this instance as well. While the current CDMP designation for the Property would authorize the development of residential uses and limited offices, development of the Property as a single-user facility has proven unfeasible for Baptist and unmarketable as a multiple user office facility. While there may have been a perceived market for multifamily residential use at times over the past several years, that demand has since passed. In the meantime, Baptist had determined to retain the Property in consideration of the potential future needs of Baptist Health. As a result, the Property has remained undeveloped while the rest of West Kendall has evolved and continued to intensify, leaving this Property underutilized.

Baptist is now seeking to expand the land use flexibility of the Property in order to develop it with an appropriate mix of uses. This Property appears to be better served by a Future Land Use Plan Map designation that would authorize the ability to develop neighborhood and community serving retail and office uses at an appropriate intensity to satisfy the needs of the neighborhood and marketplace. However, the current Future Land Use Plan map limitations would yield an underdevelopment of the land that is contrary to Policy LU-1C and Policy LU-10A of the Goals and Objectives of the CDMP Land Use Element. Policy LU-1C states, in relevant part, that "the County shall give priority to infill development on vacant sites in currently urbanized areas" and Policy LU-10A states that "Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas... to promote energy conservation." Given its location, the redesignation of the Property to "Business and Office" would be compatible with existing land uses in the area and an appropriate amendment in furtherance of the goals and objectives of the CDMP.

The Property is located within Minor Statistical Area ("MSA") 6.2 and just to the south of MSA 6.1. MSA 6.2 is defined by N. Kendall Drive to the north, SW 117 Avenue to the east, SW 184 Street to the south, and SW 187 Avenue to the west. MSA 6.1 is generally located north of N. Kendall Drive and extends north to SW 8 Street. Approximately one third of the land within MSA 6.2 is outside of the Urban Development Boundary and the Kendall-Tamiami Executive Airport also lies within this MSA, thereby further reducing the amount of developable land within the area. The Department of Planning and Zoning estimates that MSA 6.2 had a population of 137,500 people in 2006, which will grow to 161,772 people by 2010, and 174,944 people by 2025. MSA 6.1 was estimated to have a population of 177,000 people in 2006, which is expected to increase to 195,139 people by 2010 and 222,735 people by 2025. The West Kendall Area has generally been underserved by true commercial/retail use in comparison to the rest of Miami-Dade County. The N. Kendall Drive corridor has served as a main commercial corridor for all of the Kendall region and SW 137 Avenue has evolved into a principal arterial supporting the West Kendall neighborhood, but a localized need for neighborhood/community-serving commercial use persists, particularly as energy costs continue to rise. Meanwhile, the

redesignation of the Property to "Business and Office" will not necessarily result in the statistical approval of new or additional commercial land uses within this MSA, as both the "Office/Residential" and "Business and Office" land use designations are considered "commercial" land under the CDMP. However, the redesignation of the Property to "Business and Office" would serve to meet the increasing demands of the area residents and meet the CDMP directive that communities be self-sufficient to the maximum possible extent.

Based on the foregoing, the Applicants believe that the approval of this application would be an appropriate change improvement to the future land use and will help to satisfy the deficiency of commercial land within the West Kendall Area.

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

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

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

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

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

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

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

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

LAND USE POLICY 10A: Miami-Dade County shall facilitate continuous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to support energy conservation.

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

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

## **EXHIBIT "A"**

### **Legal Description of Subject Property:**

The SW 1/4 of the SW 1/4 of the NW 1/4, less the West 35 feet, of Section 2, Township 55 South, Range 39 East, lying and being in Miami-Dade County, Florida

AND

Tract A of BAPTIST HOSPITAL WEST KENDALL, according to the plat thereof recorded in Plat Book 142, at Page 68 of the Public Records of Miami-Dade County, Florida

AND

Tract B of COSTCO KENDALL, according to the plat thereof recorded in Plat Book 142, at Page 60 of the Public Records of Miami-Dade County, Florida

Includes folio numbers 30-5902-000-0100, 30-5902-050-0010, 30-5902-049-0020

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

Baptist Hospital of Miami, Inc. / Joseph G. Goldstein, Esq.

The Property consists of approximately ±19.55 gross acres (±16.02 net acres) of land located in Section 2, Township 55, Range 39, in unincorporated Miami-Dade County, Florida. Of the total acreage, the Applicants own ±13.981 acres. The balance of the application subject property, ±2.04 acres, is owned by others. The Property, located on the northeast corner of SW 96 Street and SW 137 Avenue, is more specifically described in Exhibit "A" to this application.

Property owned by the Applicant

Property owned by others

43

## EXHIBIT "B"

### DISCLOSURE OF INTEREST

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

**1. APPLICANT (S) NAME AND ADDRESS:**

**APPLICANT:** Baptist Hospital of Miami, Inc.

8900 N. Kendall Drive

Miami, FL 33176

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
		30-5902-000-0100	+/- 9
	Baptist Hospital of Miami, Inc.	30-5902-050-0010	+/- 5

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

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

%



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

CORPORATION NAME Baptist Hospital of Miami, Inc., a Florida not for profit corporation

NAME, ADDRESS, AND OFFICE ( if applicable)

PERCENTAGE OF STOCK

Baptist Hospital of Miami, Inc., is a Florida not-for-profit corporation, and as such has no principals or stockholders. This corporation is managed by a Board of Directors, each of which is an independent person with no ownership interest in this corporation.

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

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

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: \_\_\_\_\_

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,

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.

BAPTIST HOSPITAL OF MIAMI, INC.,  
a Florida not for profit corporation

By:   
Albert L. Boulenger, Chief Executive Officer

Sworn to and subscribed before me

this 27 day of April, 2009

My Commission Expires:

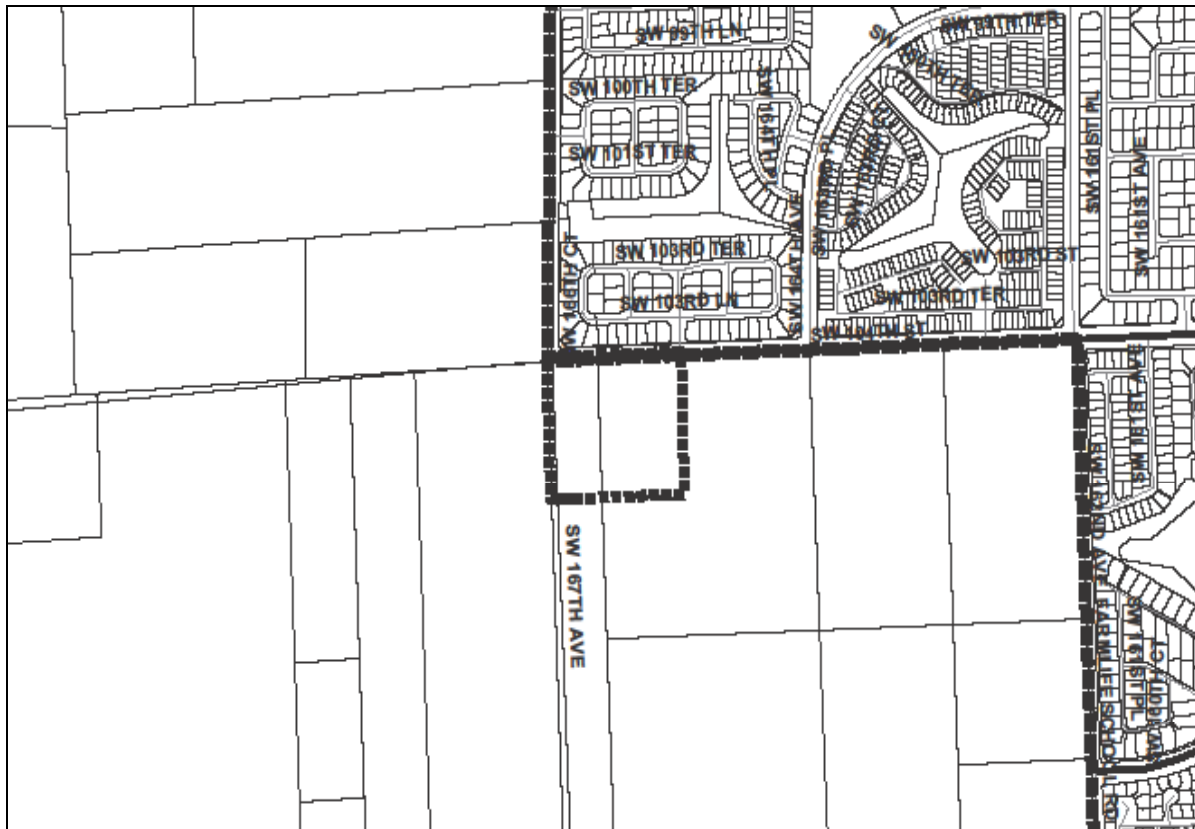
  
Notary Public, State of Florida at Large (SEAL)  


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

# 6271845\_v1

# **APPLICATION NO. 4** **STANDARD AMENDMENT APPLICATION**

<b><u>Applicant</u></b>	<b><u>Applicant's Representative</u></b>
Ferro Investment Group II, LLC C/o Mario Ferro, Jr. – Managing Member 8165 NW 155 Street Miami Lakes, FL 33016	Miguel Diaz De la Portilla, Esq. Becker & Poliakoff 121 Alhambra Plaza 10 <sup>th</sup> Floor Coral Gables, FL 33134 (305) 262-4433
<b><u>Requested Amendment to the Land Use Plan Map</u></b> 1. From: Agriculture To: Business and Office 2. Include within the Urban Development Boundary 3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Location: Southeast corner of SW 167 Avenue and SW 104 <sup>th</sup> Street Acreage:       Application area 9.9 Gross Acres Application area: 8.38 Net Acres Acreage Owned by Applicant: 8.38 Acres	



**Notes:**

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

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

**1. APPLICANT**

FERRO INVESTMENT GROUP II, LLC  
c/o Mario Ferro, Jr. - Managing Member  
8165 North West 155 Street  
Miami Lakes, FL 33016

**2. APPLICANT'S REPRESENTATIVE**

Miguel Diaz De la Portilla, Esq.  
Becker & Poliakoff  
121 Alhambra Plaza  
10<sup>th</sup> Floor  
Coral Gables, Florida 33134  
(305)262-4433  
[mdportilla@becker-poliakoff.com](mailto:mdportilla@becker-poliakoff.com)

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

Miguel Diaz De la Portilla, Esq.

Date: \_\_\_\_\_

4/30/09

**3. DESCRIPTION OF REQUESTED CHANGE**

A. Change to the Land Use Plan Map

A change to the Adopted 2007 Land Use Plan Map is requested.

B. Description of the Subject Property

Portions of the West 1/2 of the Northwest 1/4 of Section 8, and NE. 1/4 of Section 7, Township 55 South Range 39 East, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Section 7, per Map of Township 55 line of said Section 7, for 5,099.48 feet (Deed 5,097 feet) to the Northeast corner of parcel of land described in Deed recorded in Official Records Book 2737, Page 489 of the Public Records of Miami-Dade County, Florida, thence continue N 86° 20' 39" E for 257.85 feet to the NE. corner of said Section 7, also being the NW.

corner of said Section 8, and the POINT OF BEGINNING of the hereinafter described parcel of land; thence N87° 49' 33" E along the North line of said Section 8, for 414.13 feet; thence run S02° 16' 32" E, parallel with and 671.98 feet West of the West line of said Section 8, per Ford's 1940 Survey for 641.75 feet; thence S 87° 49' 33" W parallel with the North line of said Section 8 for 671.98 feet to the West line of said Section 8; thence N 02° 16' 32" W along the West line of said Section 8 for 641.75 feet to the NE. corner of Section 7, per Ford's 1940 Survey, also the SW. corner of Section 5, Township 55 South, Range 39 East per agreement recorded in Official Records Book 14242, at Page 597 of the Public Records of Miami-Dade County, Florida; thence N 87° 49' 33" E for 257.85 feet to the POINT OF BEGINNING.

C. Gross Acreage

Application area: ±8.38 Net Acres (9.9 Gross Acres)

Acreage Owned by Applicant: ± 8.38 Net Acres (9.9 Gross Acres)

D. Requested Change

1. It is requested that the Urban Development Boundary ("UDB") be extended to include the Applicant's Property.
2. It is requested that ± 8.38 Net (9.9 Gross) Acres of the subject area be re-designated on the Land Use Plan Map from "*Agriculture*" to "*Business and Office Use*".
3. If accepted by Board of County Commissioners, the applicant will submit a covenant at the appropriate time, whose restrictions shall be added to the Table of Land Use Element Text.

**4. REASONS FOR AMENDMENT**

The basis for this application is to provide both the County and the local area where the Property is located with local employment opportunities through the development of a modest and sustainable, neighborhood retail center, of approximately ± 8.38 Net (9.9 Gross) Acres. This application is consistent with the Comprehensive Development Master Plan (the "CDPM") for the following reasons (citing to specific provisions of the CDPM, with our comments in bold):

**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 subject Property is currently located within the UEA, and abuts the UDB to the North. As such, approval of this application would allow for contiguous urban expansion, rather than sprawl, providing local employment opportunities for the surrounding residential uses through the development of a neighborhood retail center, including uses that would allow for pedestrian activity in the area, serving the surrounding residential development, and providing local residents with an opportunity to remain in their neighborhood to procure good and services and potentially employment, as opposed to travel by automobile, or other mode of transportation.**

#### **Policy LU-1B**

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

**The subject application furthers Policy LU-1B to the extent that it does create a concentration of significant employment for the area surrounding the subject Property through the development of a neighborhood retail center, and the Property, does have good countywide, multi-modal accessibility, with additional mass transit improvements currently scheduled pursuant to Miami-Dade Transit. Furthermore, the proposed neighborhood retail center's proximity to the surrounding residential areas will provide employment opportunities to those in the immediate area, creating the potential for pedestrian access to place of employment.**

#### **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 subject Property is located contiguous to existing urban development and acceptable Levels of Service are available for development of the same. The site is currently vacant, in an environmentally suitable area, and thus, in concert with Policy LU-1C.**

#### **Policy LU-1G**

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

**The subject Property is located on a major roadway intersection of SW 167<sup>th</sup> Avenue and 104<sup>th</sup> Street. As such, the subject application, which seeks to create a business development through**

**the construction of a neighborhood retail center that is specifically related to adjacent residential development, furthers the policy as set for in Policy LU-1G.**

#### **Objective LU-8**

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

**The proposed “Business and Office” designation, offers a transitional use, density and intensity of development with respect to the surrounding land uses that include residential/educational development abutting the subject Property to the North. The subject Property is located within the UEA, an area that is set aside specifically to accommodate projected countywide growth through the CDMP.**

#### **Policy LU-8A**

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

**The surrounding land uses combined with the proposed Business and Office designation for the Property, serves to provide “proximity and accessibility to employment,” and commercial centers as contemplated by Policy LU-8A. Furthermore, it would allow for pedestrian activity, which would include those seeking good and services at the proposed neighborhood retail center, and potential employment opportunities in close proximity to the location of their residence.**

#### **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.

**Approval of this application would promote the distribution of neighborhood or community serving retail sales uses and professional offices, to reflect spatial distribution of the residential population which, in essence, surrounds the subject Property. The proposed development would provide the surrounding area with an opportunity to procure goods and services, and potentially employment, in close proximity to their residence.**

#### **Policy LU-8E**

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

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

**The Property satisfies Policy LU-8E(i) specifically by increasing the commercially zoned or designated supply in an area and County where similarly zoned or designated vacant property is rapidly nearing absorption. Furthermore, the application satisfies Policy LU-8E(ii) to enhance the County's provision of services because it is located inside the UEA. The County is currently considering expansion of the UDB into the UEA by planning infrastructure and services be extended to these areas. The application is also consistent with LU-8E(iii) as the abutting residential and educational uses to the North would be well served by a community retail center, and such a use, because of the location of the subject Property as it is separated by a public right-of-way, SW 104<sup>th</sup> Street, there is no danger to the character of the neighborhood to the North.**

#### **Policy LU-8F**

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

**The subject application is for non-residential use, specifically, the development of a neighborhood retail center. As such, and pursuant to a review of Miami-Dade County's**



**projected absorption of Land for Commercial Uses, with specific regard to Minor Statistical Area 6.2 (in which the Property is located), the supply of commercial zoned or designated land will be depleted by 2017, according to information provided by County Staff. Even if 2017 is the actual depletion year, the process to develop the subject Property, including this application, zoning applications, potential platting process and building permit process will take years to complete.**

#### **Policy LU-8G**

When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:

i) The following areas shall not be considered:

a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;

b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;

c) The Redland area south of Eureka Drive; and

ii) The following areas shall be avoided:

a) Future Wetlands delineated in the Conservation and Land Use Element;

b) Land designated Agriculture on the Land Use Plan map;

c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge;

d) Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project Implementation Reports; and

iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:

a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;

b) Land contiguous to the UDB;

c) Locations within one mile of a planned urban center or extraordinary transit service; and

d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

**The subject Property is not in an area that is not to be considered for inclusion within the UDB pursuant to LU-8G(i). Although, because of its current Agricultural designation, LU-8G(ii) indicates it should be avoided, a need does exist for commercially zoned or designated parcels, and this application is consistent with the CDMP for the following reasons: (i) depletion of commercial property is currently estimated by 2017, (ii) the Property abuts the UDB to the North, (iii) the Property is located in the UEA, a clear indication that the County has already envisioned that the Property will be included within the urban zone; (iv) the proximity of the Property to surrounding residential and educational uses minimizes any potential agricultural value of the Property; and (v) the Property's proximity to existing development, and surrounding conditions, make any agricultural use unviable. As such, this Application complies with Policy LU-8G(iii)(b) of the CDMP Land Use Element, which states that land contiguous to the UDB should be given priority for inclusion.**

**In conclusion, this application is consistent with the Goals, Objectives and Policies of the Miami-Dade County Comprehensive Development Master Plan.**

**5. ADDITIONAL MATERIAL SUBMITTED**

Property survey prepared by J.F. Lopez & Associates, Inc., dated April 21, 2009.

Supplemental information to be submitted at a later time, but prior to the June 29, 2009 deadline for technical reports.

**6. DISCLOSURE OF INTEREST**

A completed Disclosure of Interest Form is attached hereto.

**7. ATTACHMENTS**

**Exhibit "A" -Legal Description of Application Area**

**One Aerial Photo**

**One Section Map**

**Survey of Area**

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION OF APPLICATION AREA**

Portions of the West 1/2 of the Northwest 1/4 of Section 8, and NE. 1/4 of Section 7, Township 55 South Range 39 East, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Section 7, per Map of Township 55 line of said Section 7, for 5,099.48 feet (Deed 5,097 feet) to the Northeast corner of parcel of land described in Deed recorded in Official Records Book 2737, Page 489 of the Public Records of Miami-Dade County, Florida, thence continue N 86° 20' 39" E for 257.85 feet to the NE. corner of said Section 7, also being the NW. corner of said Section 8, and the POINT OF BEGINNING of the hereinafter described parcel of land; thence N87° 49' 33" E along the North line of said Section 8, for 414.13 feet; thence run S02° 16' 32" E, parallel with and 671.98 feet West of the West line of said Section 8, per Ford's 1940 Survey for 641.75 feet; thence S 87° 49' 33" W parallel with the North line of said Section 8 for 671.98 feet to the West line of said Section 8; thence N 02° 16' 32" W along the West line of said Section 8 for 641.75 feet to the NE. corner of Section 7, per Ford's 1940 Survey, also the SW. corner of Section 5, Township 55 South, Range 39 East per agreement recorded in Official Records Book 14242, at Page 597 of the Public Records of Miami-Dade County, Florida; thence N 87° 49' 33" E for 257.85 feet to the POINT OF BEGINNING.



## **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:**

Ferro Investment Group II, LLC

8165 North West 155 Street

Miami Lakes, FL 33016

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

### **2. PROPERTY DESCRIPTION:**

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

APPLICANT    OWNER OF RECORD    FOLIO NUMBER    SIZE IN ACRES

Ferro Investment Group II, LLC    30-5908-000-0030    41.28 (a portion included in Application Area)

Ferro Investment Group II, LLC    30-5907-000-0012    14.44 (a portion included in Application Area)

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

APPLICANT    OWNER    LESSEE    CONTRACT FOR PURCHASE    OTHER(attach explanation)

N/A

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

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

INDIVIDUALS NAME AND ADDRESS                      PERCENTAGE OF ITNEREST

N/A

b. If the owner is a COPOPRATION, 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 individuals(s) (natural persons) having the ultimate ownership interest in the aforementioned entity).

CORPORATION NAME:

Mario Ferro, Jr. - 50% Shareholder

Mario Ferro, Sr. - 50% Shareholder

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 INTEREST

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

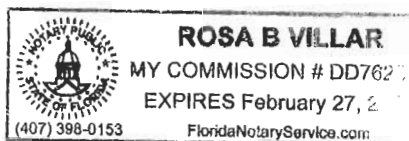
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Ferro Investment Group II, LLC, Florida Corporation

By: *Mario Ferro, Jr.*  
Mario Ferro, Jr. - Managing Member

Sworn to and subscribed before me  
this 30 day of April, 2009

*R. Villar*



Notary Public, State of Florida at Large

My Commission Expires: 02-27-2012

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

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**APPLICATION NO. 5**  
**APPLICATION FOR AN AMENDMENT TO THE**  
**LAND USE PLAN MAP**  
**OF THE MIAMI-DADE COUNTY**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

FIR Investments, Corp.

2. APPLICANT'S REPRESENTATIVE

Felix Rodriguez  
FIR Investments, Corp.  
315 Atlantic Isle  
Sunny Isles Beach, Florida 33160-4502

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

Felix Rodriguez

Date

4/30/09

3. DESCRIPTION OF REQUESTED CHANGE

- A. Change to the Text of the Adopted Components Comprehensive Development Master Plan for Miami-Dade County (October 2007 Edition, as revised by amendments adopted through November 26, 2008).

The text change is proposed for Pages I-61 and I-63 of the Future Land Use Element as follows:

Page I-61

**Open Land**

The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve or support one or more of the following functions: production and distribution of ~~such as~~ agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; land fills and resource recovery facilities; commercial equipment and vehicle storage; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood

Notes:

1. Disclosure of Interest contains only those applicable pages; all others were deleted.

conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.

Page I-63

**Open Land Subarea 1 (Snake-Biscayne Canal Basin).** This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and seasonal agriculture, storage of commercial vehicles on properties greater than 20 acres subject to environmental monitoring to maintain groundwater quality, and landfills and/or resource recovery facilities may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

#### 4. REASONS FOR AMENDMENT

The proposed text change seeks to remedy a deficiency in the CDMP that is currently not being sufficiently addressed by the existing CDMP's Land Use Element and adopted components. The specific uses addressed by this proposal (landfills, resource recovery facilities, and parking of commercial vehicles and equipment) are not being provided in adequate amounts under the existing planning scheme to satisfy the demand for these services.

The recent conversion of industrial properties to high-end office and warehouse space in various areas throughout the County including Doral, Medley, and the areas near the Tamiami Airport; as well as the outright prohibition of industrial uses in areas that formerly had potential for industrial development, such as the properties recently annexed into Hialeah, has resulted in a reduction in the availability of land to support these uses. Furthermore, sound planning does not support providing the aforementioned uses within the urban areas of the County because of the potential incompatibility of these uses with residential and/or commercial properties, as well as, the large amount of land and horizontal space necessary to accommodate these uses. Nonetheless, demand for these uses continues to increase and is a necessary component to support land use activities within the non-urban areas throughout the rest of the County.

The increased need for landfill and resource recovery facilities requires that adequate land be reserved to ensure these uses are viable to serve the future needs of the residents of Miami-Dade County. The need to accommodate these uses in areas outside of established urban areas is justified by the necessity to distance these uses from existing commercial and residential uses. Proximity to highways, which provide easy access to the rest of the County and abutting municipalities, is also an essential component to accommodate these uses. The "Open Land Subarea 1" is located in an ideal location which has good accessibility to highways and major roadways, while being situated far away from potentially incompatible residential and

commercial. An added advantage of this area is its close proximity to nearby rock mining operations and quarries. These operations do permit the parking of commercial vehicles as an ancillary use to their primary operations. However, the independent commercial vehicle operators who service these operations are not permitted to park their vehicles and store their equipment on any nearby property.

The amount of land on which the storage of commercial vehicles and equipment is permitted in Miami-Dade County and abutting municipalities is relatively non-existent. As a consequence of the lack of suitable lands for these types of uses, operators of commercial vehicles and equipment have attempted to park their vehicles wherever they can accommodate them irrespective of the underlying comprehensive plan designation or zoning. This has become a significant issue for code which negatively impacts the way of life for the residents of Miami-Dade County and the abutting municipalities. The proposed text change amendment addresses this problem by providing the residents of Miami-Dade County and surrounding municipalities with an effective solution by directing commercial vehicles and equipment storage to a defined area.

The "Open Lands Subarea 1" is an ideal location to accommodate the storage of commercial vehicles and equipment for various reasons, including the distance of the subarea to developed urban areas, the proximity to other uses which incorporate and depend upon the same or similar uses, the excellent accessibility to major roadways (Okeechobee/SR 27, the Florida Turnpike, and I-75), the compromised environmental status of the lands and wetlands, and the particular difficulty facing governmental agencies in enforcing regulations within the sub-area. The fact that similar uses may exist as ancillary to already permissible uses in the vicinity establishes that these uses may be maintained without further affecting environmental resources in the area. Further, this area is ideally suited to provide support services to other non-urban pseudo-industrial uses occurring on nearby lands such as rock crushing and is situated in an isolated location which would minimize any potential impacts.

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

LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

LU-3G. Any zoning action, or amendment to the Land Use plan map that would approve a use of property other than limestone quarrying, seasonal agriculture or permitted residential use in an area designated as Open Land on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional

uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.

LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.

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

LU-5B. All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Disclosure of Interest Form - Exhibit "A"  
Proposed Text Change for Application - Exhibit "B"

**Exhibit "A"**

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: FIR Investments, Corp.

NAME AND ADDRESS	Percentage of Stock
Felix I. Rodriguez	100%

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
See Attached Exhibit "A"	

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

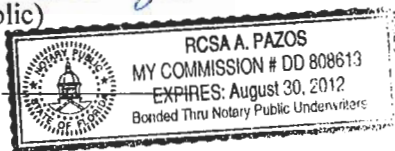
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature of Applicants:

Signature: \_\_\_\_\_  
Felix Rodriguez (Applicant's Signature)

Sworn to and subscribed before me this 30 day of April, 2009. Affiant is personally known to me or have produced FLA DRIVER license as identification.  
RCSA A. PAZOS  
(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.

## Exhibit "B"

Page I-61

### **Open Land**

The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve or support one or more of the following functions: production and distribution of such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; land fills and resource recovery facilities; commercial equipment and vehicle storage; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.

Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.

Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of five Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.

**Open Land Subarea 1 (Snake-Biscayne Canal Basin).** This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and seasonal agriculture<sup>1</sup>, storage of commercial vehicles on properties greater than 20 acres subject to environmental monitoring to maintain groundwater quality, and landfills and/or resource recovery facilities may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

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



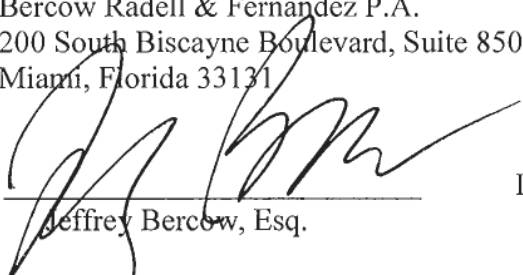
**APPLICATION NO. 6**  
**STANDARD AMENDMENT REQUEST TO THE**  
**LAND USE ELEMENT/LAND USE PLAN MAP**  
**APRIL 2009-2010 AMENDMENT CYCLE**  
**MIAMI-DADE COUNTY**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

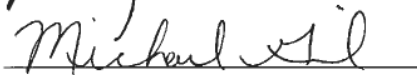
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408

**2. APPLICANT'S REPRESENTATIVES**

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

By:   
Jeffrey Bercow, Esq.

Date: April 30, 2009

By:   
Michael A. Gil, Esq.

Date: April 30, 2009

**3. DESCRIPTION OF REQUESTED CHANGE**

A standard amendment to the Comprehensive Development Master Plan (CDMP), Land Use Plan Map (LUP), and associated amendments to the Traffic Circulation Subelement of the Transportation Element are requested.

A. Requested Changes.

- 1) The Applicant requests an amendment to the CDMP's LUP map in order to indicate the following roadway segments as Major Roadways (three or more lanes):
  - a. SW 328<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
  - b. SW 117<sup>th</sup> Avenue (from SW 328<sup>th</sup> Street to SW 344<sup>th</sup> Street);
  - c. SW 117<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 359<sup>th</sup> Street);
  - d. SW 359<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
  - e. SW 359<sup>th</sup> Street (from SW 117<sup>th</sup> Avenue to the Turkey Point plant site);
  - f. SW 137<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 352<sup>nd</sup> Street);
  - g. SW 137<sup>th</sup> Avenue (from SW 352<sup>nd</sup> Street to SW 359<sup>th</sup> Street); and
  - h. SW 344<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue West to SW 137<sup>th</sup> Avenue East).

Notes:

1. Disclosure of Interest contains only those applicable pages; all others were deleted.

- 2) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element, Figure One, Planned Year 2025 Roadway Network, in order to indicate the following roadway segments as four lanes:
  - a. SW 328<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
  - b. SW 117<sup>th</sup> Avenue (from SW 328<sup>th</sup> Street to SW 344<sup>th</sup> Street);
  - c. SW 117<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 359<sup>th</sup> Street);
  - d. SW 359<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
  - e. SW 359<sup>th</sup> Street (from SW 117<sup>th</sup> Avenue to the Turkey Point plant site);
  - f. SW 137<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 352<sup>nd</sup> Street);
  - g. SW 137<sup>th</sup> Avenue (from SW 352<sup>nd</sup> Street to SW 359<sup>th</sup> Street); and
  - h. SW 344<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue West to SW 137<sup>th</sup> Avenue East).
- 3) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element, "Future Traffic Circulation Map Series," to include a new Figure 3.1 to be entitled "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant," a copy of which is attached hereto.
- 4) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element in order to add the following text on page II-17 immediately before the description of Figure 4:

A critical element of any community's infrastructure is its electrical power supply. Florida Power & Light Company (FPL) provides electrical power to most of Miami-Dade County. FPL's service area consists of some of the fastest-growing communities in the nation. The Board of County Commissioners has determined that the increased power generation capacity that will be provided by Turkey Point Units 6 and 7 is necessary to protect the public health and safety. Figure 3.1, Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant, indicates those roadways and associated facilities that may be required on a temporary basis during the construction of Turkey Point Units 6 and 7. For purpose of this paragraph and Figure 3.1, a temporary roadway is one that satisfies the following criteria:

1. The roadway serves to accommodate traffic during the construction of Turkey Point Units 6 and 7;
2. The roadway is constructed to a width necessary to support construction activities associated with Turkey Point Units 6 and 7;
3. The roadway provides a level of service that is not expected to be long term or permanent;
4. The roadway is designed in a manner that provides safe and secure access to the construction site; and
5. The roadways will be redesigned, reduced in width, and/or dedicated to Miami-Dade County once Turkey Point Units 6 and 7 become operational. FPL will work with Miami-Dade County to affect a permanent set of improvements on these roadways appropriate for the projected level of service following the construction of Turkey Point Units 6 and 7.

Any roadway designated as a temporary roadway on Figure 3.1 need not be indicated as a Minor Roadway or a Major Roadway on the LUP map.

- 5) 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**

Summary. Florida Power & Light Company (FPL) has identified a need to improve certain regional roadways to provide safe and efficient construction access for the proposed Turkey Point Units 6 and 7 project, the new nuclear units approved by Zoning Resolution No. Z-56-07 (“2007 UU Approval”). These proposed access roads will be designed to accommodate traffic during construction of Turkey Point Units 6 and 7. The proposed roadway improvements are depicted in the diagram attached as Exhibit A. These roadway improvements will not be required to accommodate the projected traffic after the construction period. FPL will work with Miami-Dade County to affect a permanent set of improvements on these roadways appropriate for the projected level of service following the construction of Turkey Point Units 6 and 7.

FPL has submitted a request for a determination from the Department of Planning and Zoning that each of the roadway segments identified above are consistent with the CDMP. The Department is in the process of reviewing this determination request and is awaiting further information from the Applicant. One possible result is that the Department may determine that some or all of the roadway improvements are consistent with the CDMP and thus do not require a CDMP amendment. The Applicant continues to reserve all of its rights with regard to such consistency determination.

Reason for Requested Changes. The proposed access roads to Turkey Point are located outside of the Urban Development Boundary (UDB). The text of the CDMP’s Land Use Element provides that “. . . extension or widening of Major or Minor Roadways beyond 2 lanes outside the Urban Development Boundary (UDB) of the LUP map may occur only if indicated on the LUP map” (p. I-56). Because the proposed roadways will be widened beyond two lanes to accommodate construction access to the plant site, FPL is requesting that the roadway improvements be indicated on the LUP map.

Similarly, the CDMP’s Traffic Circulation Subelement states that the purpose of Figure 1, Planned Year 2025 Roadway Network, is to “identify generally, where future throughways will be located to serve future travel demand” (p. II-17). In order to reflect the new roadway improvements that will help serve future travel demand during construction periods of Turkey Point Units 6 and 7, FPL is requesting to amend this map.

Following construction of the new units, FPL will work with Miami-Dade County to affect a permanent set of improvements on these roadways appropriate for the projected level of service.

Because the roadway improvements proposed by FPL are designed to accommodate traffic only during construction periods of Turkey Point Units 6 and 7, FPL seeks to make them temporary in nature. The CDMP currently does not provide for guidelines or criteria regarding the construction of temporary roadways for projects of countywide significance. Accordingly, FPL requests an amendment to the text of the CDMP's Traffic Circulation Subelement, page II -- 17, that provides as follows:

Figure 3, Roadway Functional Classification – 2025, indicates the roadway classification for State and County facilities on the 2025 network. The classification of roadways indicate the role of the various roadways in meeting the future mobility needs and serving land uses as well as the jurisdictional responsibility. The functional classification of most arterial highways and expressways is not projected to change through time. Only in certain instances are existing roadways anticipated for reclassification. This occurs where growth is planned and travel demand is projected to increase, thus causing these roads to function differently. All roads on the State highway system have been classified as arterials, and all roads on the County highway system have been classified as minor arterials or collectors.

A critical element of any community's infrastructure is its electrical power supply. Florida Power & Light Company (FPL) provides electrical power to most of Miami-Dade County. FPL's service area consists of some of the fastest-growing communities in the nation. The Board of County Commissioners has determined that the increased power generation capacity that will be provided by Turkey Point Units 6 and 7 is necessary to protect the public health and safety. Figure 3.1, Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant, indicates those roadways and associated facilities that may be required on a temporary basis during the construction of Turkey Point Units 6 and 7. For purpose of this paragraph and Figure 3.1, a temporary roadway is one that satisfies the following criteria:

1. The roadway serves to accommodate traffic during the construction of Turkey Point Units 6 and 7;
2. The roadway is constructed to a width necessary to support construction activities associated with Turkey Point Units 6 and 7;
3. The roadway provides a level of service that is not expected to be long term or permanent;
4. The roadway is designed in a manner that provides safe and secure access to the construction site; and

5. The roadways will be redesigned, reduced in width, and/or dedicated to Miami-Dade County once Turkey Point Units 6 and 7 become operational. FPL will work with Miami-Dade County to affect a permanent set of improvements on these roadways appropriate for the projected level of service following the construction of Turkey Point Units 6 and 7.

Any roadway designated as a temporary roadway on Figure 3.1 need not be indicated as a Minor Roadway or a Major Roadway on the LUP map.

All limited access facilities for the year 2025 are shown in Figure 4. Limited access facilities include all freeways and expressways in Miami-Dade County.

The corresponding Figure 3.1 to be added to the CDMP's Traffic Circulation Subelement is attached as Exhibit A.

Proposed Roadway Improvements. The proposed roadway improvements are more fully described as follows:

*a. SW 328th Street (from SW 137th Avenue to SW 117th Avenue).* SW 328th Street, between SW 137th Avenue and SW 117th Avenue, is proposed to be widened from two lanes to four lanes to accommodate construction access to the plant site. This roadway segment is indicated as a Major Roadway on the CDMP's LUP map, and a portion of it (between SW 132nd Avenue and SW 137th Avenue) is located within the City of Homestead.

*b. SW 117th Avenue (from SW 328th Street to SW 344th Street).* SW 117th Avenue, between SW 328th Street and SW 344th Street, will be widened from two lanes to four lanes to provide construction access to the plant site.

*c. SW 117th Avenue (from SW 344th Street to SW 359th Street).* SW 117th Avenue, between SW 344th Street and SW 359th Street, currently is a two lane road, which FPL proposes to improve to a four lane public road in order to accommodate construction access to the plant site. This proposed roadway improvement is located within the boundaries of the 2007 UU Approval. Specifically, the site plan entitled "FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan," associated with the 2007 UU Approval, depicts an access road for this roadway segment.

*d. SW 359th Street (from SW 137th Avenue to SW 117th Avenue).* SW 359th Street, between SW 137th Avenue and SW 117th Avenue, is proposed to be widened to three lanes to accommodate construction access to the plant site. This roadway segment is currently an unpaved access road for existing transmission lines. It will function as a private driveway.



e. SW 359th Street (from SW 117th Avenue to the Turkey Point Construction Site). SW 359th Street, between SW 117th Avenue and Turkey Point Units 6 and 7, is proposed to be widened into a four lane private driveway to accommodate construction access to the plant site. This roadway is currently a service access road for existing transmission facilities. Notably, this proposed roadway improvement is located within the boundaries of the 2007 UU Approval. Specifically, the site plan entitled “FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan,” associated with the 2007 UU Approval, depicts an access road for this roadway segment.

f. SW 137th Avenue (from SW 344th Street to SW 352nd Street). SW 137th Avenue, between SW 344th Street and SW 352nd Street, will be a new, three lane public road used to accommodate construction access to the plant site. This roadway segment is indicated as a Major Roadway on the CDMP’s LUP map and it currently consists of an existing road located within the City of Homestead.

g. SW 137th Avenue (from SW 352nd Street to SW 359th Street). SW 137th Street, between SW 352nd Street and SW 359th Street, will be a new, three lane public road used to accommodate construction access to the plant site. This roadway segment currently consists of an existing road.

h. SW 344th Street (from SW 137th Avenue West to SW 137th Avenue East). SW 344th Street (a section line road) is proposed to be widened from two to four lanes for several blocks between the unaligned segments of SW 137th Avenue. This roadway segment is located within the City of Homestead, but appears to be owned and maintained by the County. Moreover, this roadway segment is indicated as a Major Roadway on the CDMP’s LUP map.

Consistency with the CDMP. The Applicant’s requests are consistent with the Land Use Element and the Transportation Element of the CDMP.

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

## **POLICY LU-2B**

**Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map. Second priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agriculture and Open Land areas shall be avoided, except for those improvements necessary to protect public health and safety and which service the localized needs of these non-urban areas.**

A portion of the proposed widening to SW 117th Avenue is designated Open Land. This roadway's proposed widening to four lanes is necessary to accommodate traffic generated during construction of Turkey Point Units 6 and 7. FPL's service area consists of some of the fastest-growing communities in the nation. Between 2011 and 2020, FPL estimates that it will need to increase power generation capacity by approximately 33 percent to meet the growing needs of its customers. The increased power generation capacity that will be provided by Turkey Point Units 6 and 7 is necessary to protect the public health and safety. Since the proposed roadway improvement will allow these facilities to be constructed, it is likewise necessary to protect the public health and safety. Furthermore, the roadway will not support or encourage urban development other than the very specific and localized construction needs for Turkey Point Units 6 and 7.

## **POLICY LU-2D**

**Miami-Dade County agencies shall continue and, where possible, improve their efforts to coordinate projects to construct or repair infrastructure such as roadways and utilities in order to minimize the disruption and inconvenience caused by such construction activities.**

FPL has identified a need to improve certain regional roadways to provide safe and efficient construction access for the proposed Turkey Point Units 6 and 7 project. Accordingly, the proposed roadways are necessary in order to minimize the disruption and inconvenience caused by the project's construction phases.

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

## **POLICY TC-2A**

**The County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system. The County shall review roadway design standards and right-of-way reservations and shall propose changes as may be necessary to better accommodate projected vehicular and non-vehicular movement in the corridors and design features recommended in the Transportation and Land Use Elements.**

With the exception of SW 359th Street, all other improvements are proposed on section line roadways, which are zoned right-of-way pursuant to Section 33-133 of the County Code. This section of the County Code requires a full 80' cross-section which is intended to accommodate up to a four lane roadway. Accordingly, the proposed roadway improvements will help the County continue to maintain the minimum right-of-way requirements as established in Section 33-133 of the County Code.

#### **POLICY TC-4C**

**Miami-Dade County's priority in construction, maintenance, and reconstruction of roadways, and the allocation of financial resources, shall be given first to serve the area within the Urban Development Boundary of the Land Use Plan map. Second priority in transportation allocations shall support the staged development of the urbanizing portions of the County within the Urban Expansion Area. Transportation improvements which encourage development in Agriculture and Open Land areas shall be avoided, except for those improvements which are necessary for public safety and which serve the localized needs of these non-urban areas. Areas designated Environmental Protection shall be particularly avoided.**

#### **POLICY TC-6A**

**The County shall avoid transportation improvements which encourage or subsidize increased development in coastal high hazard areas or environmentally sensitive areas identified in the Coastal Management and Conservation Elements.**

#### **POLICY TC-6C**

**If no feasible alternative exists, needed transportation facilities may traverse environmental protection or conservation areas, however such access should be limited and design techniques should be used to minimize the negative impact upon the natural systems.**

The proposed roadway improvements will be constructed by FPL, and not by Miami-Dade County. These roads are required to provide adequate traffic circulation during construction of Turkey Point Units 6 and 7, deemed to be a public necessity by the Board of County Commissioners through its 2007 UU Approval. The existing roadway network to and from the plant is insufficient to accommodate the anticipated construction traffic, and no feasible alternatives exist. FPL will design the roadway improvements that are necessary for construction period traffic in a manner that will limit access and minimize impacts on natural systems. Upon completion of construction, FPL will work with Miami-Dade County to implement permanent improvements to these roadways appropriate for the projected level of service, and that will continue to minimize any negative impact upon natural systems.

#### **POLICY TC-6D**

**New roadways shall be designed to prevent and control soil erosion, minimize clearing and grubbing operations, minimize storm runoff, and avoid unnecessary changes in drainage patterns.**



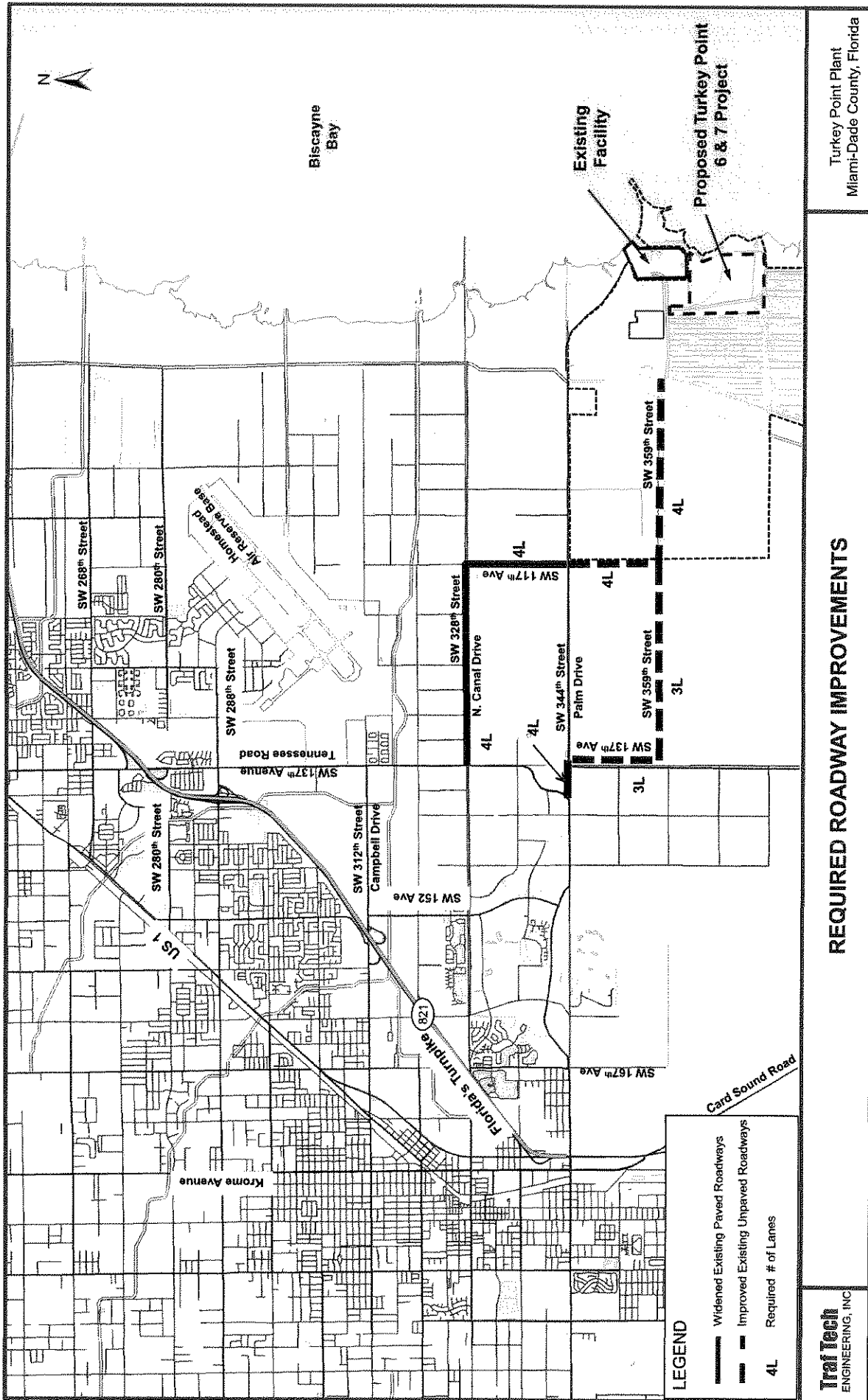
FPL will work closely with Miami-Dade County to design its proposed roadway improvements. These roadway improvements will be designed in manner that will minimize soil erosion, clearing and grubbing operations, and storm runoff.

**5. ADDITIONAL MATERIALS SUBMITTED**

1) Diagram of Proposed Roadway Improvements (Exhibit A)

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

**6. COMPLETE DISCLOSURE FORMS:** See attached.



## DISCLOSURE OF INTEREST

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

### APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Florida Power & Light Company

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

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

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

The roadway segments described in this Application traverse several sections of land in this area of Miami-Dade County. FP&L owns all or a portion of the land in a number of these sections. See Exhibit B. FPL will supplement this application to provide a more specific description of its ownership interest in lands within the right-of-ways of the subject roadways.

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

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

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

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

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

N/A

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

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

**CORPORATION NAME:** FPL Group, Inc.

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

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

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

**TRUSTEES NAME:** N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

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.

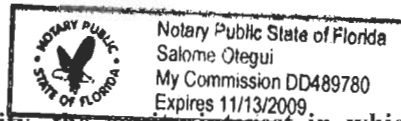
Applicant's Signatures and Printed Names

Jeffrey Berrow, as Attorney for Florida  
Power & Light Company

Sworn to and subscribed before me  
this 30<sup>th</sup> day of April, 20 09.

Notary Public, State of Florida at Large (SEAL)

My Commission Expires: 11/13/2009



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

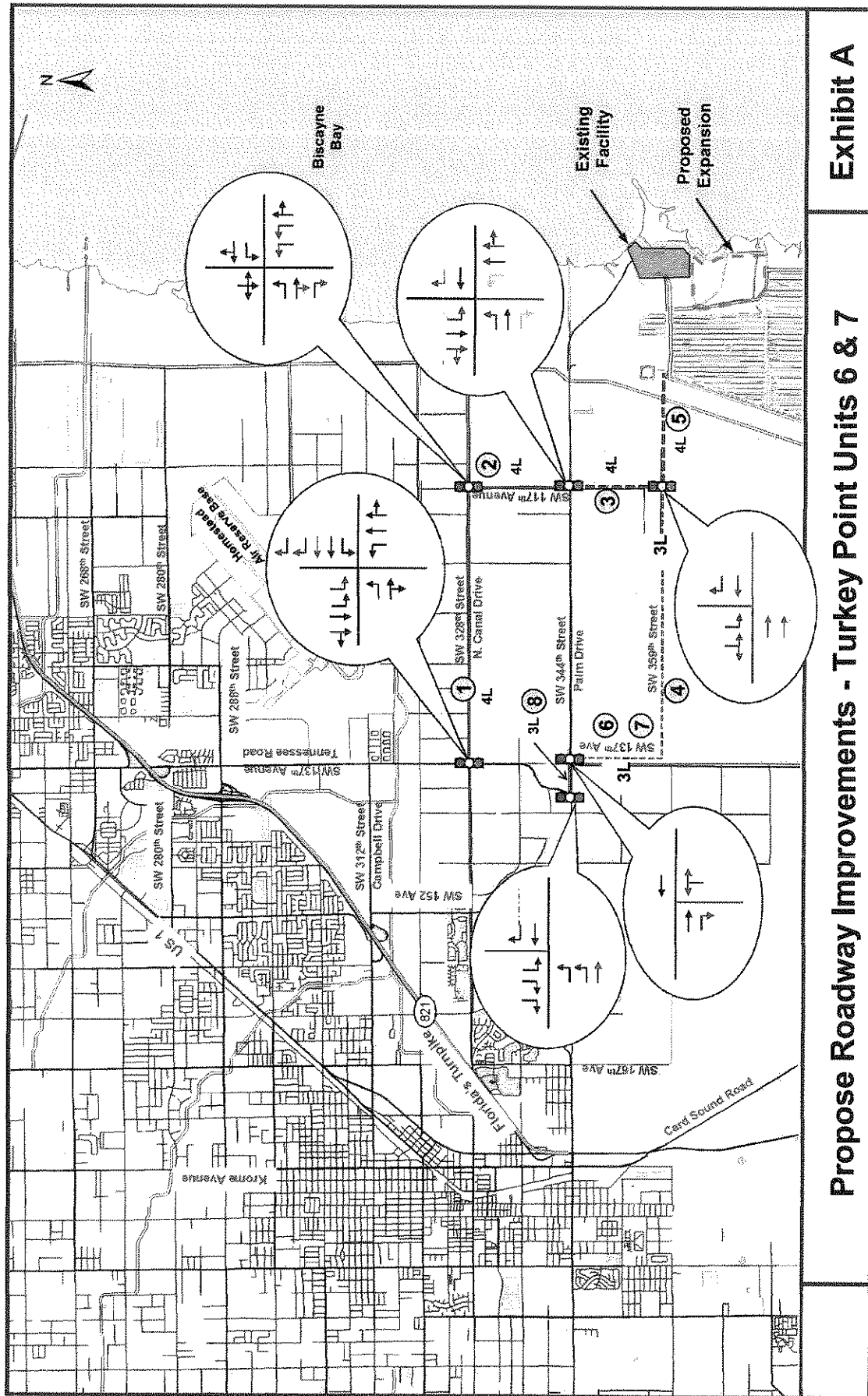


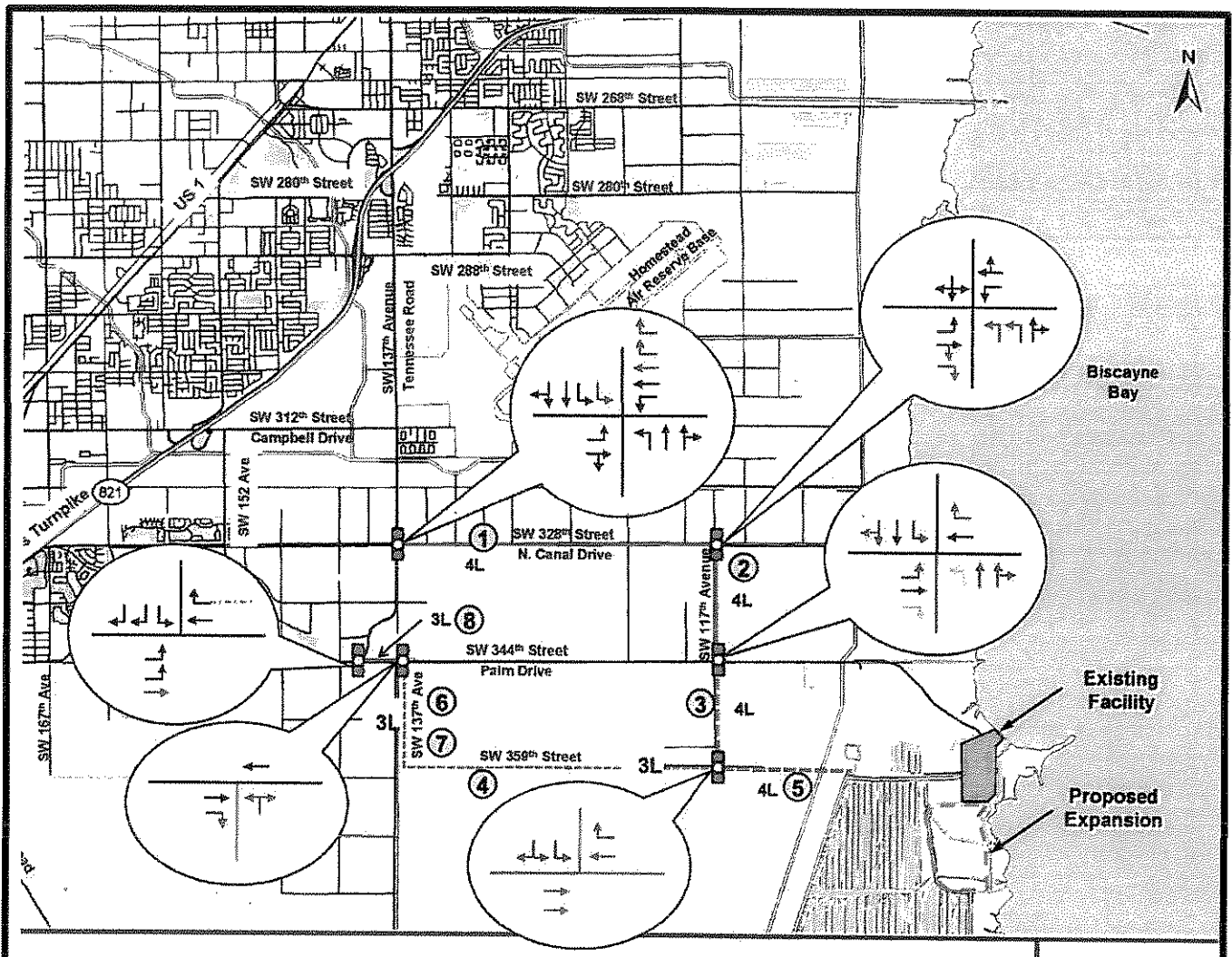
Exhibit A

Propose Roadway Improvements - Turkey Point Units 6 & 7

Exhibit B  
List of Section/Township/Range Information in which FPL Owns Property

29-57-40  
30-57-40  
19-57-40  
18-57-40  
25-57-39

\* FPL reserves the right to supplement the information in this Exhibit B.





## APPLICATION NO. 7

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

#### 1. APPLICANT

Miami-Dade County Department of Planning and Zoning  
111 NW 1 Street, Suite 1210  
Miami, Florida 33128-1972  
(305) 375-2835

#### 2. APPLICANT'S REPRESENTATIVE

Miami-Dade County Department of Planning and Zoning  
111 NW 1 Street, Suite 1210  
Miami, Florida 33128-1972

By:  June 1, 2009

#### 3. DESCRIPTION OF REQUESTED CHANGES

The following changes are requested to the Capital Improvements Element (CIE)<sup>1</sup>:

- A. In the CIE Schedules of Improvements, Tables of Proposed Projects, modify the following currently adopted tables as indicated in the attached tables: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.

Proposed additions are listed under the heading "Proposed Additions, April 2009 CDMP Amendment Cycle". Proposed deletions are indicated by dash lines and footnoted accordingly. All other Proposed Projects already exist in the CIE and remain essentially unchanged.

- B. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application.

#### 4. REASONS FOR CHANGE

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<sup>1</sup> Note: (The proposed updated Tables are not presented in the Applications Report but will be published in the Initial Recommendations Report in August 25, 2009 for reasons noted below.)

In accordance with Chapter 163, Part II, Florida Statutes as modified by the Growth Management Act of 2005, addition or deletion of projects along with the deferral or delay of the dates of construction projects in the Schedules of Improvements of the Capital Improvements Element must be accomplished by Plan amendment. Changes to the Schedules of Improvements that do not require an amendment but may be adopted by ordinance and transmitted to the Florida Department of Community Affairs (DCA) for record keeping purposes only include the following: a) corrections and modifications concerning costs of a project already included in the adopted schedule; b) corrections and modifications concerning revenue sources; and c) acceptance of facilities pursuant to dedications, which are consistent with the plan.

As conditions and priorities in the community change, the programs of capital facilities for the respective functional areas require modification. The requested changes contained in the application were initiated by the various operating departments and include, when necessary, adjustments to the scheduling, projects costs, or revenue levels and sources.

There are numerous reasons why operating departments propose to add or delete projects or defer or delay the dates of construction projects. Generally, they do so in following their department's capital improvements strategy, which, in turn, is driven by their functional plans and the associated element(s) of the CDMP. Most often, projects are added as needed and deleted as they are finished or no longer needed. The schedule date of construction of capital projects is the time in which construction is projected to be completed and the project becomes operational. The dates of construction projects can be delayed or deferred due to several reasons such as land acquisition, design, or permitting issues. Reasons for specific proposals will be outlined in the Initial Recommendations report.

It should be noted that the CDMP Capital Improvements Element (CIE) is closely coordinated with the production of the County's Resource Allocation and Multi-Year Capital Plan, in particular, the formulation of the County Manager's proposed budget that is published in June. The schedule for publishing April cycle CDMP amendment applications precedes the schedule for preparing the capital budget. Thus, the updated tables of CIE projects are not finalized at the time of printing of this application; the updated CIE tables will be published in the Initial Recommendations Report to be issued in August 2009 and will reflect the proposed budget. The proposals to be published will be subject to further review and adjustment during the period between their initial publication and prior to their final adoption as CDMP amendments in November, 2009, to reflect the Capital Budget adopted in September 2009.

## **5. ADDITIONAL MATERIALS SUBMITTED**

None