

**APPLICATION NO. 10**  
**WITHDRAWN**

Application No. 10 in the October 2009 CDMP Amendment Cycle was withdrawn by the applicant in a letter dated March 5, 2010

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# BERCOW RADELL & FERNANDEZ

ZONING, LAND USE AND ENVIRONMENTAL LAW

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PLANNING & ZONING  
METROPOLITAN PLANNING SECT.

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MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING  
201003236

March 5, 2010

Marc C. LaFerrier, Director  
Miami-Dade County  
Department of Planning and Zoning  
111 N.W. First Street, 11th Floor  
Miami, Florida 33128

Re: Application No. 10 - October 2009 Cycle to Amend the CDMP

Dear Mr. LaFerrier:

This law firm represents Florida Power & Light Company (FPL). We are writing to you in connection with Application No. 10 in the October 2009 CDMP Amendment Cycle (the "Application"), in order to inform the Department of FPL's intent to withdraw the Application and reassess its options.

DERM and other agencies originally encouraged FPL to seek an alternative to the original location of the borrow pit proposed in the 2007 application for unusual use approval relating to Turkey Point Units 6 and 7. FPL then submitted an application in good faith in the October 2008 CDMP Amendment Cycle to allow a water management project in lands designated for agricultural use. It was FPL's desire to creatively address the needs of the project and the needs of local environmental restoration efforts by designing the project to achieve multiple objectives. FPL revised and resubmitted the Application in the October 2009 CDMP Amendment Cycle in order to address comments that the prior application had received from all agencies and area stakeholders during the review process.

Following submission of the Application, FPL engaged staff from all pertinent County departments and other reviewing agencies in a series of meetings to address any questions or concerns prior to the Department's preparation of its initial recommendation. While these meetings were productive, staff's informal comments were general and conceptual in nature, as we all believed they should be during the CDMP planning process.

Marc C. LaFerrier, Director  
Miami-Dade County  
Department of Planning and Zoning  
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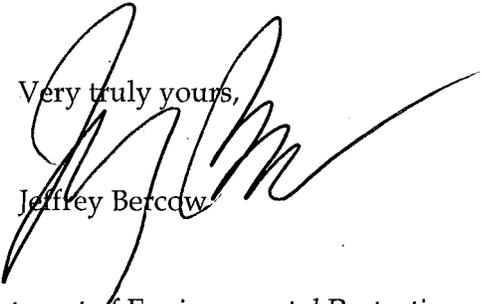
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FPL has now received written comments from the various County departments, as well as informal comments from other reviewing agencies. We are disappointed that these comments are more appropriate at the permitting phase, and seem to be misplaced within the context of a comprehensive plan text amendment. FPL proposed the text amendment as a planning tool, as the CDMP was intended, to provide an innovative alternative to the 2007 borrow pit application. With the Application, FPL intended to obtain approval of the project's concept and thereby establish the parameters for the zoning and permitting processes. Indeed, as we promised in September of last year, FPL went to extraordinary lengths to begin the preparation of a companion unusual use zoning application for a water management project, and engaged County staff from multiple departments in productive discussions regarding that application and the initial design plans for the water management project.

However, the detailed nature of the written comments on the Application from County departments make it clear that County staff expects FPL to design the water management project for permitting prior to issuance of the Department's Initial Recommendations. We are disappointed that our extraordinary efforts to create synergies have not been successful. Therefore, we are withdrawing the Application, pursuant to Section 2-116.1(3) (b) of the Miami-Dade County Code.

Thank you for your assistance and cooperation in this matter. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6220.

Very truly yours,

  
Jeffrey Bercow

cc: Sally B. Mann, Florida Department of Environmental Protection  
Kim Shugar, South Florida Water Management District  
Megan Clouser, Army Corps of Engineers  
Carlos Espinosa, Department of Environmental Resources Management  
Mark Lewis, Biscayne National Park  
Steve Scroggs