

**MAY 2013**  
**APPLICATIONS TO AMEND THE**  
**COMPREHENSIVE DEVELOPMENT**  
**MASTER PLAN**

**FOR MIAMI-DADE COUNTY, FLORIDA**



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MAY 2013  
APPLICATIONS TO AMEND  
THE COMPREHENSIVE DEVELOPMENT  
MASTER PLAN

June 21, 2013

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## BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the May 2013 amendment review cycle. Amendments to the CDMP may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the CDMP to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period, a table summarizing all of the applications, followed by a copy of each application, among other information.

Section 2-116.1 of the Miami-Dade County (County) Code establishes the exclusive procedures for the CDMP to be evaluated and amended periodically, usually semiannually. These procedures involve thorough reviews by the County, the State Land Planning Agency and other state and regional agencies (reviewing agencies) as required by Chapter 163, Florida Statutes (F.S.). Current procedures provide for the filing of applications in the months of May and November, staff analysis of the applications and public participation in the amendment process, which generally takes eleven months to complete. CDMP components eligible for amendment during the various semiannual filing periods are summarized below\*.

Application Filing Period/Cycle (month)	CDMP Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
May Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Including UDB and UEA
November Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB and UEA and Land Use Outside UDB

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

Each CDMP amendment application will be thoroughly evaluated by the Department of Regulatory and Economic Resources (Department) in coordination with other County departments and will be subject to further review at a series of public hearings. The final action adopting, adopting with change, or denying each or all of the applications will be made by the Miami-Dade Board of County Commissioners (Board). Further details about the hearings and the review process are discussed in the next section.

### Application Review Process and Schedule of Activities

The following is a summary of the CDMP review and amendment activities and the 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 published this Applications Report on June 21, 2013, presenting all applications filed.

The review process is primarily done in two phases. In the first phase, the Department will evaluate each application and submit its recommendations to the Planning Advisory Board (PAB) and the directly affected Community Councils regarding each requested change in an Initial Recommendations report due to be published on or before August 25, 2013. Each directly affected Community Council in which a proposed amendment to the Land Use Plan map is located, may, at its option, hold a public hearing in September 2013 to discuss the application(s), and to formulate recommendation(s) to the PAB and the Board regarding the request(s). The PAB acting as the County's Local Planning Agency (LPA), pursuant to Part 2 of Chapter 163, Florida Statutes (F.S.) will then hold one public hearing to be scheduled in October 2013 to receive comments on the proposed amendments and consider the Department's initial recommendations, and to formulate its recommendations to the Board. The LPA's recommendations will address adoption of requested "small-scale" amendments and transmittal of the "standard" amendments to the reviewing agencies for review and comment. The Board will conduct one public hearing to be scheduled in November 2013, to consider taking final actions on the requested "small-scale" amendments and to address transmittal of the "standard" amendments to the reviewing agencies. Transmittal of "standard" amendment applications to the reviewing agencies for review and comment does not constitute adoption of the requested amendments.

The second phase of the review process begins after transmittal of the applications to the reviewing agencies, which is expected to occur in or about November 2013. The reviewing agencies are each expected to issue their comments in or about January 2014 addressing all transmitted applications. During the review period for the reviewing agencies, the Department will also review comments received at the transmittal hearings and any additional document/materials submitted, and may issue a Final Recommendations report to reflect any new information received prior to the final public hearing. The Department may also address any issues raised by the reviewing agencies in their respective comments in the Final Recommendations report. The Board will conduct a final public hearing to be scheduled in February or March 2014 at which it will take final actions on the pending amendment applications. Final action by the Board will be to adopt, adopt with change, or not adopt each or all of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made only by the Board under a "Special" amendment process, or by an application for concurrent approval, or amendment of a Development of Regional Impact (DRI). Procedures for processing such "Special Amendment" or "Concurrent DRI/CDMP" amendments are established in Section 2-116.1 of the County Code.

Table 1  
Tentative Schedule of Activities  
May 2013-2014 CDMP Amendment Cycle

Pre-application Conference	Prior to May 1, 2013
Application Filing Period	May 1 to May 31, 2013
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	June 7, 2013
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of Deficiency
Applications Report published by Department	June 21, 2013
Deadline for submitting Technical Reports	July 1, 2013
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	July 29, 2013
Initial Recommendations Report released by Department	August 25, 2013
Community Council(s) Public Hearing(s)	Specific date(s) to be set in September 2013
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to State Land Planning Agency (SLPA)	October 21, 2013 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Board of County Commissioners (Board) Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to SLPA	November 20, 2013 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other Reviewing Agencies	December 2013** (Approximately 10 days after Board Transmittal Hearing)
Deadline for Filing Supplementary Reports by the Public	Thirty (30) days after Board transmittal hearing
Receipt of Comment Letters from Reviewing Agencies	January 2014** (Approximately 30 days after Transmittal)
Public Hearing and Final Action on Applications: Board	Specific date(s) to be set in February or March 2014** (No later than 45 days after receipt of Comment Letters from reviewing agencies)

Note: \*\* Estimated Date.

Dates are subject to change. All hearings will be noticed by newspaper advertisement.

### Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-scale" amendments to the Land Use Plan map as defined in Amended Section 163.3187(2), F.S. This procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan map at the May 2013 transmittal public hearing. An amendment application is eligible for expedited processing as a "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.
3. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.

Any applicant who wants his/her eligible application 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 SLPA or issued a notice of intent, and will take effect 31 days after adoption by the Commission unless a challenge is timely filed against the amendment.

Two (2) applications (Application Nos. 2 and 5), filed in the May 2013 CDMP amendment cycle are eligible and have requested to be processed under the small-scale amendment procedure.

### Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Declaration of Restrictions

According to County 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 or other recommending County board a specific future use or uses for an application site without such representation being proffered in a Declaration of Restrictions (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 covenant committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The covenant and associated opinion of title and joinders must be submitted to the Metropolitan Planning Section of the Department and a copy to the Office of the Assistant Director for Planning on the 12th floor. The applicant or applicant's representative should also deliver the fully executed documents with all signatures on the covenant, Opinion of Title, any and all joinders to the Metropolitan Planning Section. The Department will hold the final executed covenant until such time as the expiration of the challenge period and the adopted amendment becomes effective. The Department Administrative Staff will then contact the applicant(s) or the applicant's representative(s) for payment of the appropriate fee before recording the covenant through the Clerk of the Courts Office.

### Deadlines for Submitting Declaration of Restrictions By Applicants

The Department has established deadlines for the submission of Declaration of Restrictions at different stages throughout the CDMP application review process. These deadlines allow for adequate review of proffered Declaration of Restrictions by the Department, and for consideration by the affected Community Councils, the Planning Advisory Board and the Board of County Commissioners at their respective public hearings. The table below indicates these deadlines:

Table 2  
Declaration of Restrictions Deadlines  
May 2013-2014 CDMP Amendment Cycle

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	July 29, 2013
Deadline for submitting new or revised Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal/Adoption of Standard Amendments	17 days prior to PAB Hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Board of County Commissioners (Board)'s Hearing Regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendments	17 days prior to BCC Hearing
Deadline for submitting Declaration of Restrictions to be considered in the Final Recommendations Report	17 days prior to BCC Final Hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC Hearing Regarding Adoption of Standard Amendments	17 days prior to BCC Final Hearing

### 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 Regulatory and Economic Resources at 111 NW 1st Street, 12<sup>th</sup> Floor; Miami, Florida 33128-1972; telephone (305) 375-2835.

## OVERVIEW OF THE MAY 2013 AMENDMENT APPLICATIONS

A total of seven (7) applications were filed, all by private parties, in this May 2013 cycle of amendments to the Comprehensive Development Master Plan (CDMP). Application Nos. 1, 2, 4, 5, 6 and 7 are requests to amend the CDMP Adopted 2015 and 2025 Land Use Plan map while Application No. 3 is a request to modify an existing approved Declaration of Restrictions governing a  $\pm 41.0$  gross-acre property. Application Nos. 7 also includes a request to release and delete an existing Declaration of Restrictions governing the application site. Each application is further described in Table 3 below and their general locations are identified in Figure 1 on Page 4.

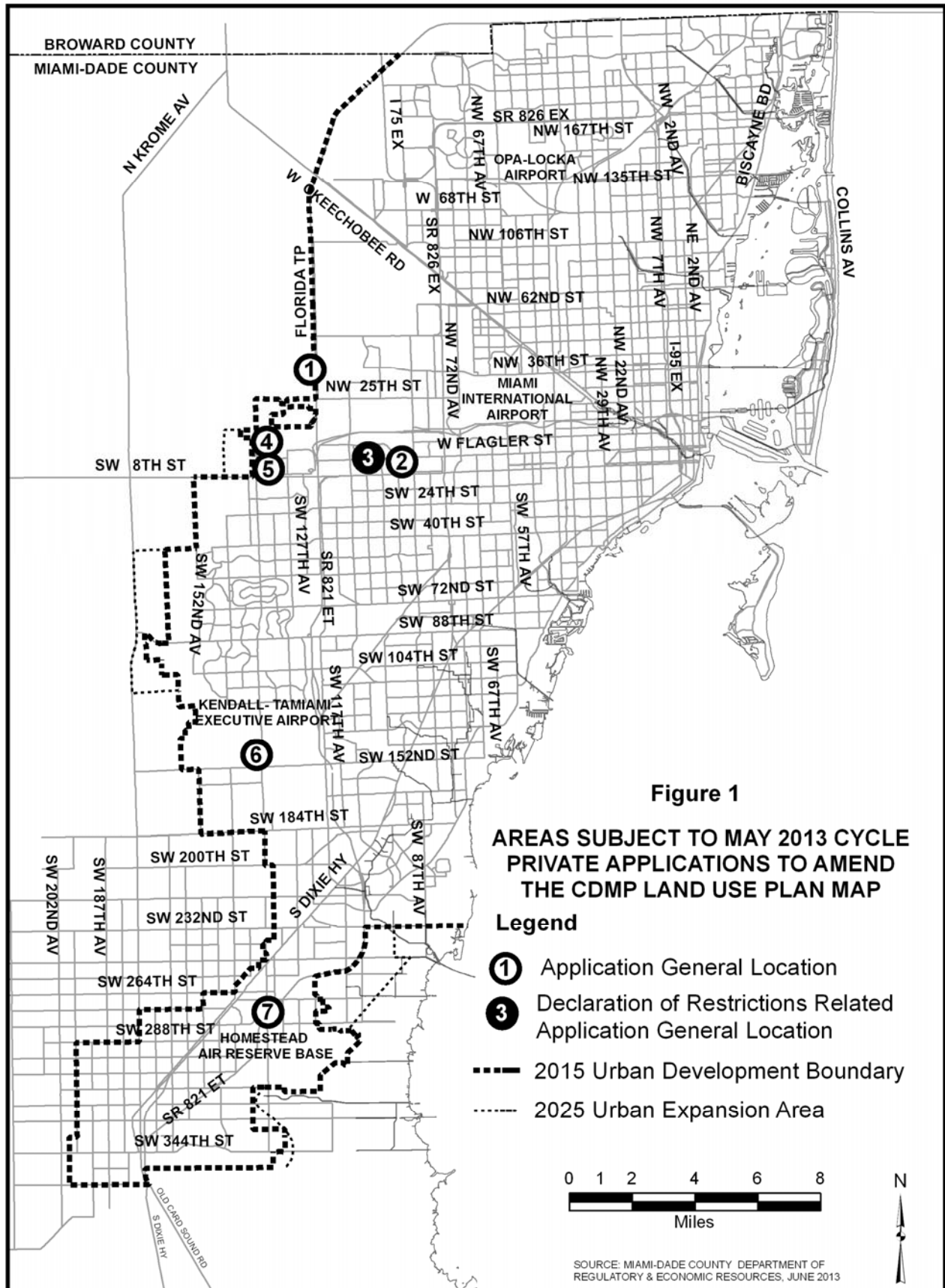
Table 3  
May 2013 Applications Requesting Amendments To  
The Comprehensive Development Master Plan

Application Number	Applicant/Representative Location Requested Change(s)	Acres
1	<p>Turnberry/Doral Development, Limited Partnership/Jeffrey Bercow, Esq. and Michael J. Marrero, Esq.</p> <p>Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT)</p> <ol style="list-style-type: none"> <li>Expand the Urban Development Boundary (UDB) to include the application site.</li> <li>Redesignate the application site on the Land Use Plan map From: Open Land To: Business and Office</li> <li>Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F.</li> </ol> <p>Standard Amendment</p>	<p><math>\pm 96.79</math> Gross <math>\pm 81.31</math> Net</p>
2	<p>OROT Flagler, LLC/Juan J. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.</p> <p>Southwest corner of the intersection of West Flagler Street and SW 92 Avenue.</p> <p>Redesignate the application site on the Land Use Plan map From: Office/Residential To: Business and Office</p> <p>Small-Scale Amendment</p>	<p><math>\pm 4.49</math> Gross <math>\pm 3.33</math> Net</p>

Application Number	Applicant/Representative Location Requested Change(s)	Acres
3	Fontainebleau Place, LLC/Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.  Northeast corner of the intersection of West Flagler Street and NW 102 Avenue.  Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 9 of the April 2008-09 cycle) on Page I-74.1 of the CDMP Land Use Element. to replace the commitment to develop a minimum of 150 "elderly housing" dwelling units with a provision allowing the development of "up to 250 dwelling units" on the subject property.  Standard Amendment	±41.0 Gross ±39.0 Net
4	Master Development, Inc/Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.  Southwest corner of the intersection of NW 6 Street and NW 137 Avenue.  Redesignate the application site on the Land Use Plan map From: Industrial and Office To: Business and Office  Standard Amendment	±11.49 Gross ±9.92 Net
5	Master Development, Inc/Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.  Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue  Redesignate the application site on the Land Use Plan map From: Industrial and Office To: Business and Office  Small-Scale Amendment	±9.84 Gross ±9.1 net



Application Number	Applicant/Representative Location Requested Change(s)	Acres
6	<p>Master Development, Inc/Jeffrey Bercow, Esq. and Monika Entin, Esq.</p> <p>Northwest corner of the intersection of theoretical SW 143 Street and SW 137 Avenue.</p> <p>Redesignate the application site on the Land Use Plan map From: Industrial and Office To: Business and Office</p> <p>Standard Amendment</p>	<p>±16.18 Gross ±13.7 Net</p>
7	<p>137 Holdings, LLC/Graham Penn, Esq. &amp; Melissa Tapanes Llahues, Esq.</p> <p>Southwest corner of the intersection SW 272 Street and SW 137 Avenue.</p> <ol style="list-style-type: none"> <li>Redesignate Parcel B of the application site on the Land Use Plan map From: Low-Medium Density Residential (6 -13 dwelling units per gross acre) and Business and Office To: Medium Density Residential (13 to 25 dwelling units per gross acre)</li> <li>Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records, which governs development of the Application site (Application No. 7 of the October 2003 cycle amendment).</li> </ol> <p>Standard Amendment</p>	<p>±12.0 Gross ±10.7 Net</p>



# **APPLICATION NO. 1** **STANDARD AMENDMENT APPLICATION**

<b>Applicant</b>	<b>Applicant's Representative</b>
Turnberry/Doral Development, Limited Partnership 19501 Biscayne Blvd., Suite 400 Aventura, Florida 33180	Jeffrey Bercow, Esq. & Michael J. Marrero, Esq. Bercow, Radell, & Fernandez, P. A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-5300

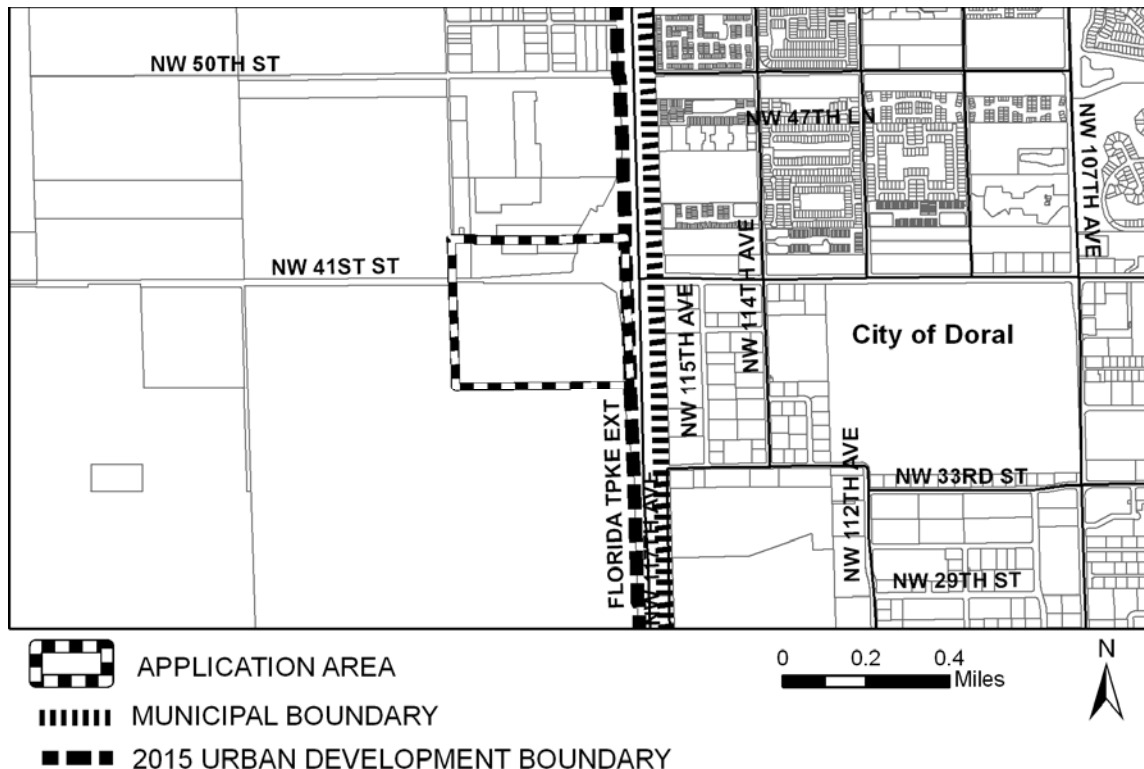
## **Requested Amendment to the CDMP**

1. Expand the 2015 Urban Development Boundary (UDB) to include the application site
2. Redesignate the application site on the LUP map  
From: Open Land  
To: Business and Office
3. Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F

Location: Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT)

Acreage of Application area: ±96.79 gross acres; ±81.31 net acres

Acreage Owned by Applicant: 63.64 net acres



## **Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

**STANDARD AMENDMENT REQUEST  
TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
MAY 2013 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2013 MAY 31 P 4:43  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

**1. APPLICANT**

Turnberry/Doral Development, Limited Partnership  
19501 Biscayne Blvd., Suite 400  
Aventura, Florida 33180

**2. APPLICANT'S REPRESENTATIVES**

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

By:   
Jeffrey Bercow, Esq.

Date: May 31, 2013

By:   
Michael J. Marrero, Esq.

Date: May 31, 2013

**3. DESCRIPTION OF REQUESTED CHANGES**

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

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

B. Description of Application Area

The Application Area consists of approximately 81.31 net acres of land (96.79 gross acres), designated as Open Land and located in Sections 24 and 25, Township 53 South, and Range 39 East in unincorporated Miami-Dade County (the "Property"). The Applicant proposes to redesignate the Property, and expand the Urban Development Boundary to include the same.

C. Acreage

Application Area: 96.79 Gross Acres; 81.31 Net Acres

Acreage owned by Applicant: 63.64 acres

D. Requested Changes

- 1) It is requested that the Urban Development Boundary (UDB) be expanded to include the Property.
- 2) It is requested that the Property be redesignated on the Land Use Plan Map from Open Land to Business & Office.
- 3) It is requested that the text of the Comprehensive Plan be amended to include the underlined language below, so that UDB expansion in the Northwest Wellfield may be considered, as follows:

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, except for parcels abutting the Homestead Extension of the Florida Turnpike and abutting 41<sup>st</sup> 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

4. REASONS FOR AMENDMENT

The Property. The Property consists of two rectangular shaped parcels situated on the north and south sides of NW 41st Street just west of the Homestead Extension of the Florida Turnpike, at approximately NW 117<sup>th</sup> Avenue, currently designated as Open Land Subarea 2 (Northwest Wellfield) on the Future Land Use Map (FLUM). The Property is zoned GU and, since it is outside of the UDB with no established development trend, it allows one dwelling unit per five acres, unless an unusual use has been approved. Based upon the Property's proximity to major transportation corridors within Miami-Dade County, this is a substandard use of the Property.

The Project. Several factors, including (1) the location of the Property with such a high residential and workforce population nearby, (2) its proximity to several major roadways and (3) the size of the Property – all work together to make this an ideal location for a Retail/Entertainment project. The Applicant is working to create Doral Crossings, which will be planned as a true Retail/Entertainment destination for the many residents of the immediate areas, as well as residents throughout the County and beyond. Preliminary plans for the project include a water ski area, a water park component with slides and other activities, approximately 600,000 square feet of retail floor area designed around a centrally located pedestrian shopping boulevard, an IMAX theater, and approximately 50,000 square feet of food, beverage and entertainment component. While an infill project could attempt to address the needs for such a retail/entertainment destination, it would be constrained by existing development and parcel size limitations. On the other hand, the Property includes over 80 acres of available land which will allow for a cohesive project combining many types of retail and entertainment components that collectively would generate natural synergy.

It should be noted that the County Commission directed staff to conduct a feasibility study regarding a retail/entertainment center within this area, specifically between NW 41<sup>st</sup> Street and the Dolphin Expressway, and just east of NW 117<sup>th</sup> Avenue. In its Retail and Entertainment District (RED) Study, which was published in March 2012, staff concluded that the retail demand in Miami-Dade County is growing from 94.5 million square feet to 112.1 million square feet in 2016. One of the principal drivers of this demand is international visitors, which account for two thirds of visitor shopping expenditures. In fact, visitors to the County spend substantially more per day than almost any other tourist destination including New York City, Honolulu, Las Vegas and Los Angeles.

The RED study area is particularly strong in this regard because of its central location and access to major roadways – including the Homestead Extension of the Florida Turnpike, the Dolphin Expressway (836) and the Palmetto Expressway (826). The study concludes that the area is well positioned to attract a variety of retailers, restaurants, clubs, entertainment centers and hotels. This area could support approximately 500,000 square feet of retail within the next five years. The study further suggests that “[t]he County and municipalities should advocate with the Beacon Council and State of Florida economic development entities to classify and recognize large scale retail development as a primary industry which is helping drive the local economy.” Therefore, the location of the Property, just adjacent to the RED study area, is the perfect location for the Doral Crossings project. In fact, Doral Crossings would have all the benefits identified in the RED assessment but not its principal problem – traffic congestion.

The RED report highlighted the area's attraction for retail development:

*The study area is one of the strongest major retail nodes in the County largely as a result of the investment made by two major malls, the area's central location, and terrific access.*

Even though the study area is an ideal location for retail development, the RED report also pointed out that Miami-Dade is lacking in a variety of options for family entertainment, and this plays itself out in visitor expenditure on entertainment and length-of-stay. The lack of family entertainment product translates into a lack of opportunity to capture local expenditure as well. The report also pointed out that many retail centers in the county offer similar attributes to other major malls anywhere in the country, but "do not capitalize on the natural ambiance and energy that Miami has to offer."

As a result, incentive is lacking for visitors to Miami, particularly the cruise market, to prolong their stay in the area. For example, while the malls benefit from the visitor market, with the exception of South Beach (mostly oriented to adults), "Greater Miami does not have a destination for retail or entertainment that convinces visitors to extend their stay and have a unique experience." The report concludes that "it is apparent the market does not have a large scale family entertainment destination (even by traditional standards), the challenge comes in defining what the new concept is (or will become) and developing an innovative destination to successfully capitalize on the budding concept." The Applicant has accepted this challenge by planning Doral Crossings as a creative response to the lack of family oriented retail entertainment destinations in Miami-Dade County.

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

- **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 use 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 use that**

**promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.**

CDMP Land Use Element Policy LU-8E provides evaluation criteria for applications seeking amendments to the CDMP Future Land Use Map. Approval of this application will accommodate additional economic growth in the County, will not impede the provision of services at or above adopted LOS standards, will be compatible with abutting and nearby land uses and protect the existing character of the area, and will not degrade environmental or historical resources.

Land Supply. Because of the limited availability of large potential retail development sites within this area, this application presents a unique opportunity to introduce a true retail entertainment destination consistent with the goals and findings of the RED Study. The Applicant is proposing not only a large regional retail destination, but will include several entertainment destination components that will attract tourists, and serve the greater Doral area and visitors from throughout Miami-Dade County.

The Property is located in MSA 3.2, the only area of the County in which portions of three major highways are located and the single largest employment center in the County. As a result of its highway access, MSA 3.2 is also the location of several retail uses that draw from a regional market, including International Mall and Dolphin Mall, as well as the multiple auto dealerships that operate along NW 12<sup>th</sup> Street east of International Mall. These facilities derive their primary market support from within MSA 3.2 as well as the portion of MSA 3.1 west of the Palmetto and MSA 6.1. Both of the latter two areas are undersupplied in terms of land designated in a manner that allows retail uses.

The primary market area for this area of the County had a population of more than 650,000 people in 2010, or more than 25 percent of the County's total population. It is projected to grow by 90,000 in the 2010 – 2030 time period, which is greater than the total current population of 22 of the County's 32 MSA's. According to the most current data provided by County staff, MSAs 3.1 and 3.2 have approximately 827 acres of vacant commercial acreage, which at the current pace of absorption would not be fully depleted until 2030. However, a substantial portion of those 827 acres are designated either Industrial and Office, or Office Residential, and not Business and Office. Thus those lands cannot be developed with retail uses, as proposed by the Applicant. A number of those Business and Office parcels do not front on major roadways, making it more likely that they will be developed with office rather than retail uses.

Within the market area of MSA 3.1 and 3.2, there are only 13 vacant parcels that are greater than ten acres in size. However, most of these sites are undergoing development or are in various stages of pre-development planning. There are three remaining sites that are neither under development nor otherwise being planned for development. However, each of those sites has significant disadvantages as a location for the type of development that Applicant is proposing, such as size, lack of major roadway access, location, development order limitations, and the like.

Compatibility. Applicant will address compatibility issues during the site plan approval process for the Doral Crossings project. The commercial uses proposed for the Property are certainly compatible with surrounding uses. The Doral Crossings project will be a welcome addition for



the residential uses nearby, and will be compatible with nearby institutional and industrial uses. Furthermore, its proximity to major roadways will enhance the accessibility to the site.

Infrastructure. The Applicant understands that both water and sewer connections are available adjacent to the site. As to potable water, the Planning Considerations Reports for the April and October 2012 Cycles state that all of the County's water treatment plants are currently operating within the LOS standards. This application should not have a significant impact. The same report addresses sewer capacity but warns that since some areas are at or close to capacity, DERM addresses the availability of water and sewer service on a case by case basis. Although the Applicant does not anticipate that the approval of this application will result in a deficiency in the LOS, the Applicant will work with DERM to address any potential concerns.

The roadway network is particularly well developed around the Application Area. While the Property currently sits just outside the UDB, it abuts the Homestead Extension of the Florida Turnpike (HEFT) and NW 41<sup>st</sup> Street, and is minutes away from the Dolphin and Palmetto Expressways. NW 41<sup>st</sup> Street is an improved two-lane roadway from the HEFT to just west of NW 147<sup>th</sup> Avenue; east of the HEFT NW 41<sup>st</sup> Street/Doral Boulevard is a divided six (6) lane roadway. Immediately west of the portion of the Property located on the north side of NW 41<sup>st</sup> street, NW 122<sup>nd</sup> Avenue has been improved as a two (2) lane roadway from NW 41<sup>st</sup> Street to NW 58<sup>th</sup> Street. South of NW 41<sup>st</sup> Street, the construction of NW 122<sup>nd</sup> Avenue between NW 25<sup>th</sup> Street and NW 41<sup>st</sup> Street is a development order condition of the Beacon Lakes DRI. Completion of this portion of the area roadway network will provide for convenient access to and from Doral Crossings.

Historical and Environmental Resources. There are no historically or archeologically significant structures on the Property. Therefore, this application will have no impact on the County's historical resources. As to the environmental considerations, the Applicant has retained an environmental engineer, as well as a hydrologist, to ensure that Doral Crossings will not have a negative impact on the County's drinking water and will comply with all applicable environmental regulations. In particular, Applicant and its consultant will address during the CDMP amendment process such environmental issues, as wetlands, wildlife, vegetation, and water. After any approval of the application, Applicant and its consultant will apply for and obtain any and all necessary environmental permits prior to commencing site development.

- **LU-8F. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total of 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.**

CDMP Land Use Element Policy LU-8F provides that 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 Application Area is adjacent to the developed City of Doral to the east, and includes a significant number of dwelling units within the immediate vicinity. The City of Doral alone has over 45,000 residents and the City of Sweetwater has over 14,000 residents. Furthermore, Doral is a major employment center and has an average daytime workforce of approximately 150,000 persons. While there is some available commercial land in this area of Miami-Dade County, there is a deficiency of large parcels needed for a well-planned, regional retail entertainment destination with proximity to major roadways.

The Property is located in Minor Statistical Area (MSA) 3.2, which is the only area in Miami-Dade County in which portions of 3 major highways are located – the Florida Turnpike, the Dolphin (836) Expressway and the Palmetto (826) Expressway. The only area comparable in terms of having a significant market for retail goods comprised of both residents and a large workforce is downtown Miami. However, while residents and workers in the eastern area of Miami-Dade County can enjoy Midtown Miami, Lincoln Road and South Beach, and other emerging developments – there is no comparable development in the greater Doral area. Applicant seeks to address that need for the residents and employees of the western portion of Miami-Dade County with its proposed Doral Crossings retail entertainment destination to be located on the Property.

- **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**

While the Property is located within the Northwest Wellfield Protection Area, this Application seeks an amendment to the text of the comprehensive plan which would permit expansion into the Northwest Wellfield Protection Area. The amendment to the text will provide a limited exception to this policy where the land is located adjacent to the HEFT, which will provide

superior access to the property, and to NW 41<sup>st</sup> Street. The HEFT is the most heavily traveled segment of the Florida Turnpike, with more than 178,000 daily vehicle trips at its busiest location, which happens to be along the Application Area, between the Southwest 8<sup>th</sup> Street exist and the Dolphin Expressway (836). Just west of the Property, 41<sup>st</sup> Street is a paved road with water and sewer infrastructure. Furthermore, the Applicant has retained a hydrologist to assure that the Applicant's development will not have any adverse impact on the County's drinking water supply and other natural resources.

The Property is not in a Water Conservation Area, Biscayne Aquifer Recharge Area or Everglades Buffer Area. In addition, the Application Area is not located in the Redland area south of Eureka Drive. Therefore, if the proposed text change is adopted, the Property may be considered for inclusion with the UDB.

- ii) **The following areas shall be avoided:**
  - a) **Future Wetlands delineated in the Conversation 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;**

The Property is not delineated as Future Wetlands in the Conservation and Land Use Element, or located within the Category 1 hurricane evacuation area or a Comprehensive Everglades Restoration Plan project footprint. Therefore, the Property may be included in the UDB.

- iii) **The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the forgoing 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.**

CDMP Land Use Element Policy LU-8G (iii) gives priority for certain lands to be included within the UDB. One of the factors under this policy is land contiguous to the UDB. The Property is contiguous to existing urban development where all necessary urban services exist, located on the eastern side of the Florida Turnpike Extension.

Another factor is that the location should have projected surplus service capacity where necessary facilities and services may be readily extended. Not only is NW 41<sup>st</sup> Street a paved section line road that bisects the Property, but water and sewer infrastructure is located under the road right-of-way. Once the UDB is expanded to include the Property, not only will the Applicant be allowed to connect its proposed project with the County's facilities, but the Northwest Wellfield regulations will require such connection. In addition, NW 122<sup>nd</sup> Avenue connects NW 41<sup>st</sup> and NW 58<sup>th</sup> Streets on the west side of the Property, and will connect NW 41<sup>st</sup> and 25<sup>th</sup> Streets in the near future.

The Property is directly west of the City of Doral and is west and southwest of a residential area located north of NW 41<sup>st</sup> Street and east of the HEFT. While these residential units will certainly benefit from the proximity of commercial development to the west, Doral Crossings will attract residents from throughout Miami-Dade County. The Property is also immediately west of several institutional and industrial uses, including the Miami-Dade College (MDC) West Campus which could benefit from the proximity of a developed commercial center. In fact, an existing bus route could serve the area for transit purposes (Metro Dade Bus Route 36) since it currently extends west because of the MDC West Campus location.

While the Property is within unincorporated Miami-Dade County, it shares a great deal of its character with the City of Doral. As a result, it is important to consider the City when analyzing the potential uses for the Property, which is connected to the city by 41<sup>st</sup> Street / Doral Boulevard, Doral's "main street." Doral is one of the fastest growing cities in Florida, not only as a result of its residential population but just as importantly, its growing business community which brings a strong and vibrant daily workforce to the immediate area.

This CDMP policy gives priority for expansion to the UDB where the land is contiguous to the UDB, and where there is a projected service capacity or where the necessary facilities and services may be readily extended. This application satisfies these criteria.

- **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.**

CDMP Land Use Element Policy LU-1G encourages business developments to be placed in clusters or nodes at the intersections of major roadways. The Property abuts the Florida

Turnpike to the east, and is bisected by NW 41<sup>st</sup> Street, both major roadways. The intersection of these roadways essentially creates an activity node where commercial development should be encouraged, consistent with the CDMP's Guidelines for Urban Form. The Property's proximity to the Turnpike makes it particularly suitable as a retail/entertainment destination, since existing roadways will provide easy access to the site. Additionally, the Property is in MSA 3.2, which also includes the Dolphin Expressway and the Palmetto Expressway. To the extent that any roadway deficiencies are identified, the Applicant will work with the County to address any deficiency by appropriate mitigation measures which will be incorporated in the declaration of restrictions to be proffered to the Board of County Commissioners.

- **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 size of the Property will dictate the scale of the proposed development, which will satisfy a deficiency in the County, i.e. well-planned commercial projects attracting regional users. As noted earlier, the Property is within the largest employment center in the County, only rivaled by downtown Miami. The daytime workforce of the City of Doral alone is 150,000 persons.

This policy encourages major centers of activity, including regional shopping centers, to be sited at locations with good countywide, multi-modal accessibility. The proximity of the Property to the Florida Turnpike and other major roadways like the Dolphin Expressway, Palmetto Expressway and 41<sup>st</sup> Street, makes this an ideal location for a major retail entertainment center. The area also is already served by at least one bus route because of its proximity to the MDC West Campus.

- **LU-10. 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.**

CDMP Land Use Element Policy LU-10 requires the County to "prevent discontinuous, scattered development at the urban fringe." The Property is surrounded by lands to the north, west and south that either have been or are under excavation; it is also contiguous with existing development on the opposite side of the HEFT. A well-planned commercial project would further enhance the uses to the east of the Property.

- **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 Services (LOS) standards specified in the Capital Improvements Element (CIE).**

The expansion proposed in the instant application, subject to the proffered declaration of restrictions, is expected to have no significant impact on public infrastructure. Because of the

location of the South Florida Reception Center Correctional Facility, west of the Property on 41<sup>st</sup> Street, a water main and sewer force main already exist and extend west of the site. The Applicant has begun discussions with the Miami-Dade Water and Sewer Department to ensure that it will be able to connect to these lines after approval of this Application.

- **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 resources degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.**

CDMP Land Use Element Policy LU-8A requires the County to strive to accommodate proximity and accessibility to employment, commercial and cultural centers, as well as create amenities. This proposed expansion of the UDB serves as an accessible employment and commercial center immediately adjacent to an existing residential area. Furthermore, the proximity to the HEFT makes it an ideal location for expansion.

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Aerial Photograph
- 2) Section Map

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

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



## 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: Turnberry/Doral Development, Limited Partnership

APPLICANT B: Turnberry/Doral Development, Limited Partnership

APPLICANT C: \_\_\_\_\_

APPLICANT D: \_\_\_\_\_

APPLICANT E: \_\_\_\_\_

APPLICANT F: \_\_\_\_\_

APPLICANT G: \_\_\_\_\_

APPLICANT H: \_\_\_\_\_

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
A	YES	30-3925-000-0010	63.64
B	NO	30-3924-001-0105	
Portions of 30-3924-001-0100, 30-3924-001-0103			
and 30-3924-001-0106			17.67

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

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



**PARTNERSHIP NAME:** Turnberry/Doral Development, Limited Partnership

NAME AND ADDRESS OF PARTNERS

See Exhibit A

PERCENT AGE OF  
INTEREST

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

NAME AND ADDRESS

PERCENT AGE OF  
INTEREST

N/A

Date of Contract: \_\_\_\_\_

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENT AGE OF  
INTEREST

N/A

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

**CORPORATION NAME:** 41st Street Development Corporation

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
See Exhibit B	

- 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:** \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS  
N/A

PERCENT AGE OF  
INTEREST

- d. If the owner is a **P ARTNERSHIP** 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:** \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS

N/A

PERCENT AGE OF  
OWNERSHIP

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

NAME, ADDRESS, AND OFFICE (if applicable)

Turnberry/Doral Development Corp, Limited Partnership

PERCENTAGE OF  
INTEREST

100%

Date of Contract: May 30, 2013

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

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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**

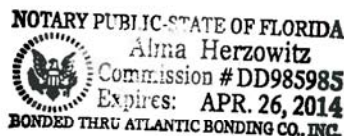
**Turnberry Doral Development, LP, a Florida limited partnership**

**By: Turnberry Doral GP, LLC, a Florida limited liability company, its general partner**

By:   
Jonathan Kurry, Authorized Signatory,  
its General Counsel

Sworn to and subscribed before me

this 18 day of June, 20 13.  
Notary Public, State of Florida at Large (SEAL)  
My Commission Expires:

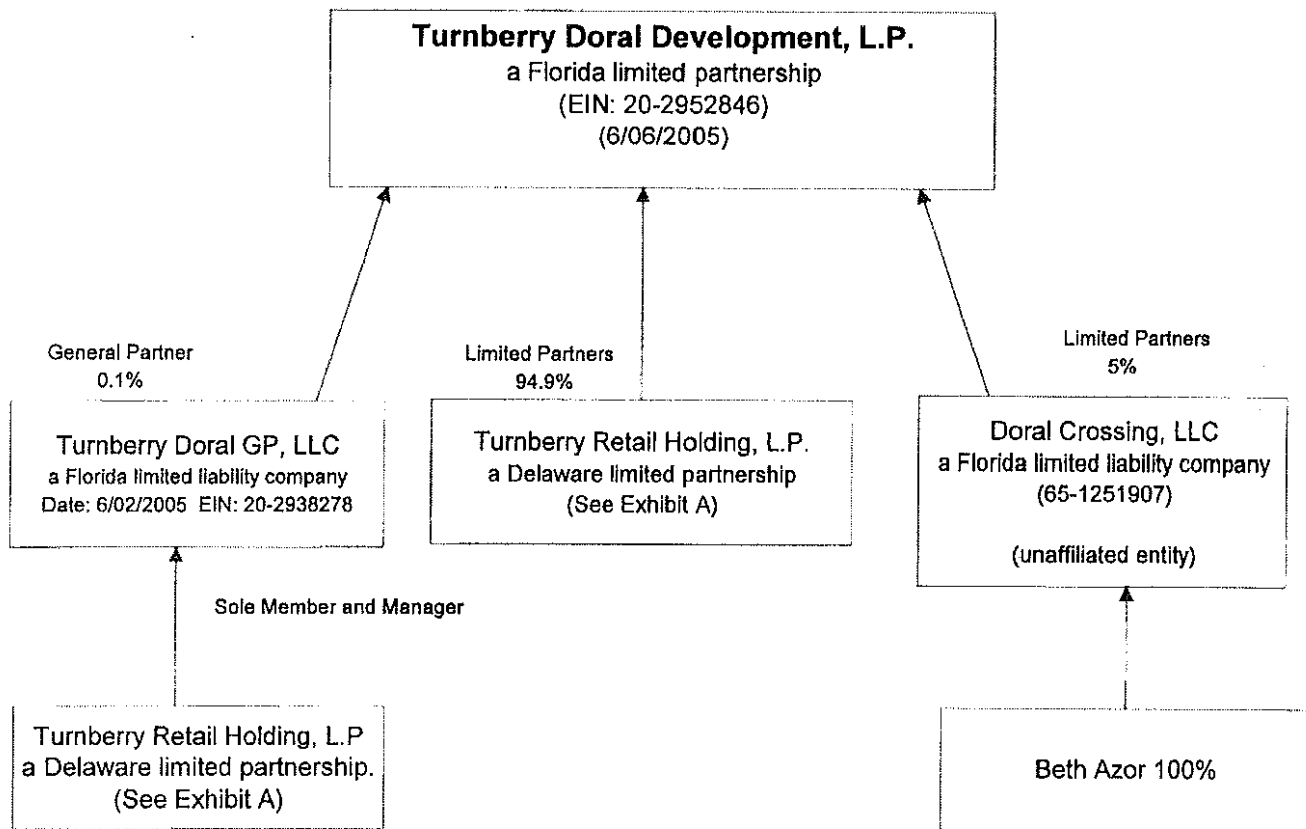


Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests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

EXHIBIT A

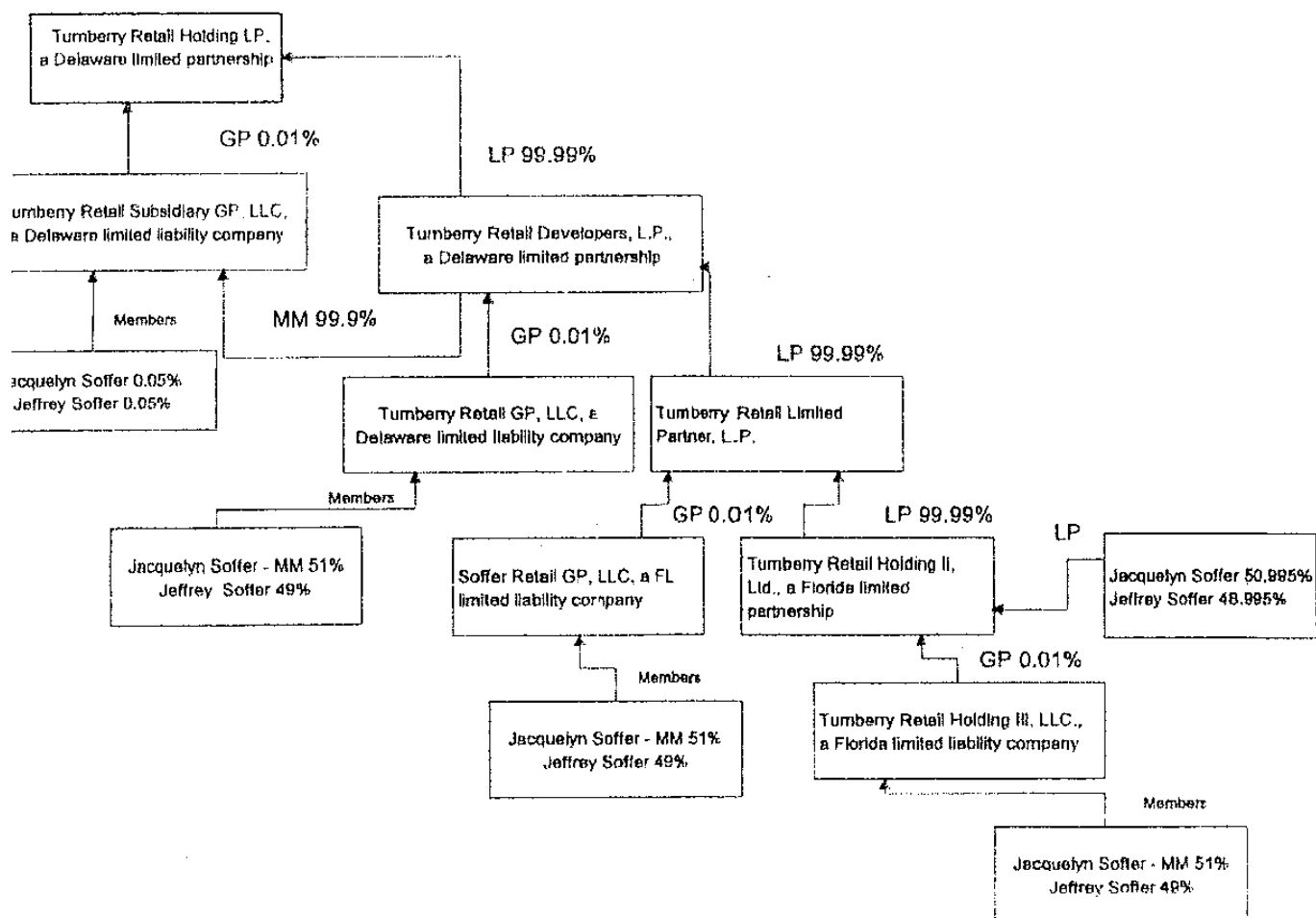


2013



# TURNBERRY RETAIL HOLDING, L.P.

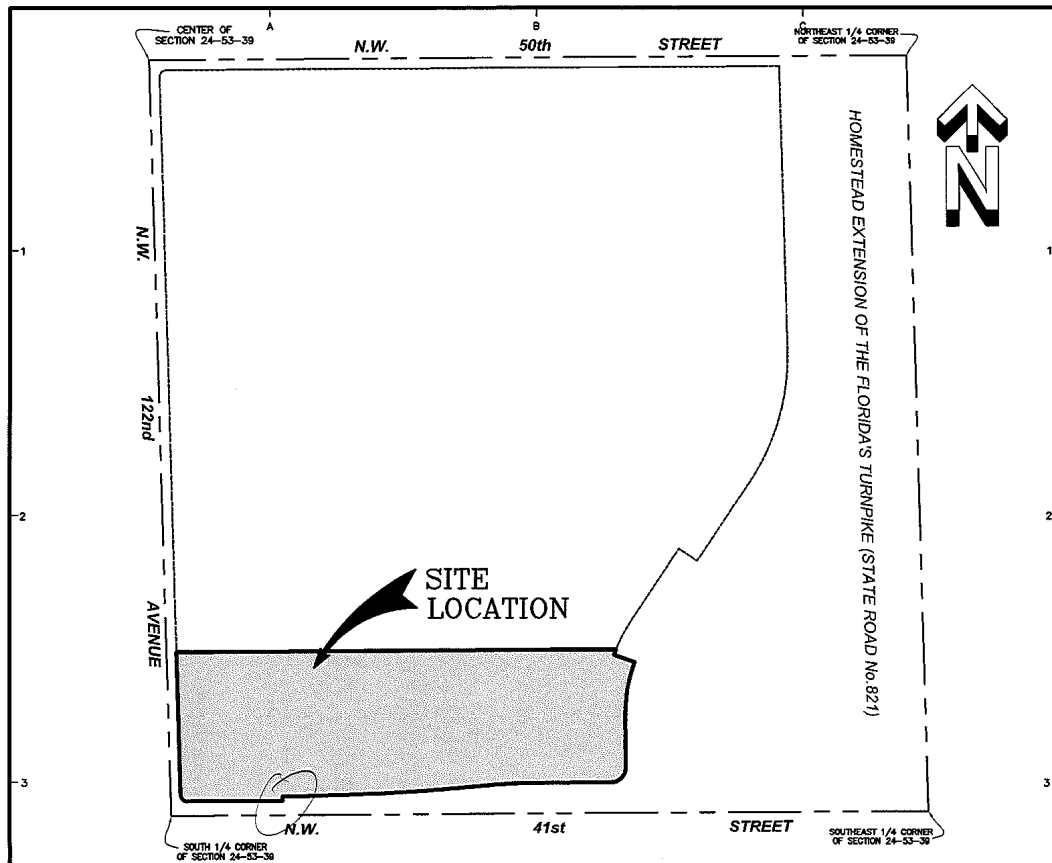
2013



## Exhibit B

### 41<sup>st</sup> Street Development Corporation

- Juan M. Delgado  
60 Edgewater Drive, Apt. 9D  
Coral Gables, FL 33133  
60% (Sixty Percent)
- Jesus Hill  
19611 West Lake Drive  
Miami FL 33015  
20% (Twenty Percent)
- Alicia & Nirma Pina as tenants by the entireties  
7081 Torphin Place  
Miami Lakes, FL 33014  
10% (Ten Percent)
- Alicia & Nirma Pina as Custodians for Christopher Pina  
7081 Torphin Place  
Miami Lakes, FL 33014  
4% (Four Percent)
- Alicia & Nirma Pina as Custodians for David A. Pina  
7081 Torphin Place  
Miami Lakes, FL 33014  
3% (Three Percent)
- Alicia & Nirma Pina as Custodians for Christy M. Pina  
7081 Torphin Place  
Miami Lakes, FL 33014  
3% (Three Percent)



LOCATION MAP  
SECTION 24, TOWNSHIP 53 SOUTH, RANGE 39 EAST  
MIAMI-DADE COUNTY, FLORIDA.  
(NOT TO SCALE)

#### SURVEYOR'S NOTES:

- 1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
- 4) -North Arrow direction and Bearings shown hereon are based on Township 53 South, assumed value of N01°43'47"W along the West Line of Southwest 1/4 of Section 24, Township 53 South, Range 39 East, as shown hereon.
- 5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

#### SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 5J-17 (Formerly Chapter 61G17-6), Florida Administrative Code.

*Ford, Armenteros & Manucy, Inc. L.B. 6557*

Date: MAY 16th, 2013.

Ricardo Rodriguez, P.S.M.

Professional Surveyor and Mapper  
State of Florida, Registration No.5936

## 41 STREET DEVELOPMENT CORP - FRONT PARCELS



FORD, ARMENTEROS & MANUCY, INC.  
1950 N.W. 94th AVENUE, 2nd FLOOR  
DORAL, FLORIDA 33172  
PH. (305) 477-6472  
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:	LOCATION MAP AND SURVEYOR'S NOTES	
PREPARED FOR:	41ST STREET DEVELOPMENT CORP	
DRAWN BY: E.REYES	DATE: MAY 16th, 2013.	SHEET: <b>1</b> OF 3 SHEETS
DWG. CHECKED BY:	SCALE: AS SHOWN	
CHECKED BY:	PROJECT No: 12A076-1000	

### LEGAL DESCRIPTION:

A portion of the SE ¼ of Section 24, Township 53 South, Range 39 East, Miami-Dade County, Florida, and being more particularly described as follows:

Commencing at the South ¼ corner of said Section 24-53-39, thence along the West line of the Southeast ¼ N01°43'47"W a distance of 73.60 feet, thence N88°16'17"E for a distance of 35.00 feet to the POINT OF BEGINNING of the herein described parcel. Thence along a line 35.00 feet East and parallel to the West line of the Southeast ¼ N01°43'47"W a distance of 500.52 feet; thence N89°39'23"E a distance of 1533.59 feet to a point on the West line of the Florida Turnpike; said point also being on the arc of a circular curve to the left, a radial line from this point bears S67°28'16"E; thence Southwesterly along the arc of said curve, having a radius of 576.79 feet through a central angle of 02°00'07" for an arc distance of 20.15 feet to a point of non-tangency; thence S71°03'50"E a distance of 77.06 feet to a point of tangent curve having a chord bearing of S10°12'01"W a radius of 500.00 feet, and a central angle of 21°08'51"; thence proceed Southwesterly along the arc of said curve, a distance of 184.56 feet to the end of said curve; thence S00°22'25"E a distance of 190.93 feet to a point of tangent curve having a chord bearing of S44°37'35"W, a radius of 50.00 feet, and a central angle of 90°00'00"; thence proceed Southwesterly along the arc of said curve a distance of 78.54 feet to the end of said curve; thence S89°37'35"W a distance of 235.47 feet to the point of tangent curve having a chord bearing of S87°02'41"W, a radius of 2500.00 feet, and a central angle of 05°09'48"; thence proceed Southwesterly along the arc of said curve, a distance of 225.29 feet to a point of reverse curvature of a curve having a chord bearing of S87°02'41"W, a radius of 7621.24 feet, and a central angle of 05°09'48"; thence proceed Southwesterly along the arc of said curve, a distance of 686.80 feet to the end of said curve; thence S00°22'25"E a distance of 17.41 feet to a point 50.00 feet North of the South line of the Southeast ¼ of Section 24-53-39; thence along said line of 50.00 feet North to the South line of the Southeast ¼ of said Section 24-53-39, S89°37'35"W a distance of 331.95 feet to a point of tangent curve having a chord bearing of N46°03'06"W, a radius of 25.00 feet, and a central angle of 88°38'37"; thence proceed Northwesterly along the arc of said curve, a distance of 38.68 feet to the end of said curve and also being the POINT OF BEGINNING of the herein described parcel.

Containing 769,960.49 Square Feet or 17.67 Acres more or less.

### LEGEND

CH - CHORD BEARING  
P.O.C. - POINT OF COMMENCE  
P.O.B. - POINT OF BEGINNING  
P.B. - PLAT BOOK  
PG. - PAGE

## 41 STREET DEVELOPMENT CORP - FRONT PARCELS

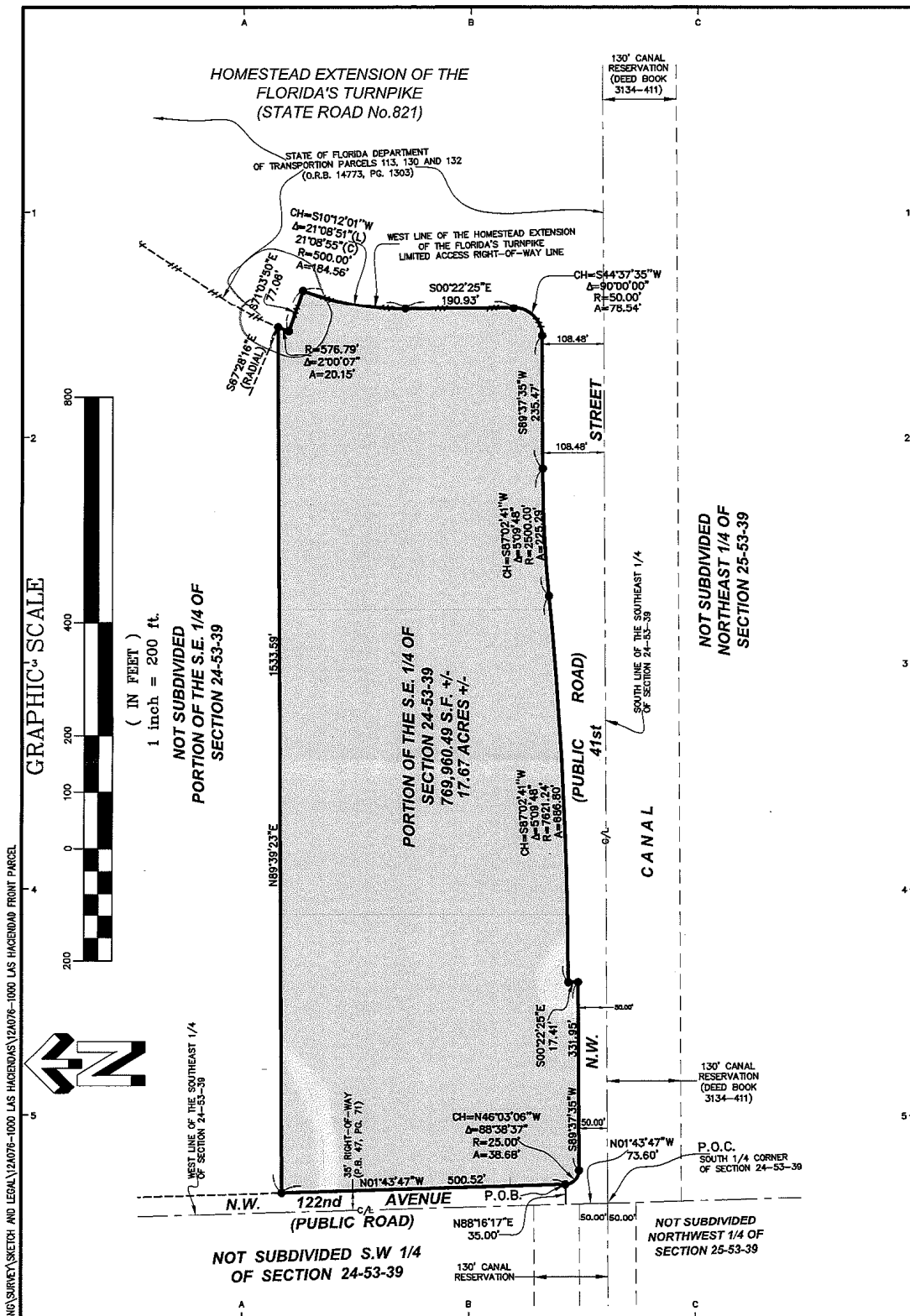


FORD, ARMENTEROS & MANUCY, INC.  
1950 N.W. 94th AVENUE, 2nd FLOOR  
DORAL, FLORIDA 33172  
PH. (305) 477-6472  
FAX (305) 470-2805

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH		
PREPARED FOR: 41ST STREET DEVELOPMENT CORP		
DRAWN BY: E. REYES	DATE: MAY 16th, 2013.	SHEET: 2 OF 3 SHEETS
CHK. CHECKED BY:	SCALE: N/A	
CHECKED BY:	PROJECT No: 12A076-1000	

Q:\FORD COMPANIES\ENGINEERING AND SURVEYING\SURVEY\SKETCH AND LEGAL\12A076-1000 LAS HACIENDAS\12A076-1000 LAS HACIENDAS FRONT PARCEL





41 STREET DEVELOPMENT CORP - FRONT PARCELS			
<p><b>FORD, ARMENTEROS &amp; MANUCY, INC.</b>            1950 N.W. 94th AVENUE, 2nd FLOOR            DORAL, FLORIDA 33172            PH. (305) 477-6472            FAX (305) 470-2805</p>	TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION SHEET NAME: SKETCH TO ACCOMPANY LEGAL DESCRIPTION PREPARED FOR: 41ST STREET DEVELOPMENT CORP		
	DRAWN BY: E. REYES	DATE: MAY 16th, 2013.	SHEET:
	DWG. CHECKED BY:	SCALE: AS SHOWN	<b>3</b> OF 3 SHEETS
	CHECKED BY:	PROJECT No: 12A076-1000	

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

<b>Applicant</b>	<b>Applicant's Representative</b>
OROT Flagler, LLC. c/o Manuel Grosskopf, Manager 1000 East Hallandale Beach Blvd Suite B Hallandale Beach, Florida 33009	Juan J. Mayol, Jr., Esq. Tracy R. Slavens, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)

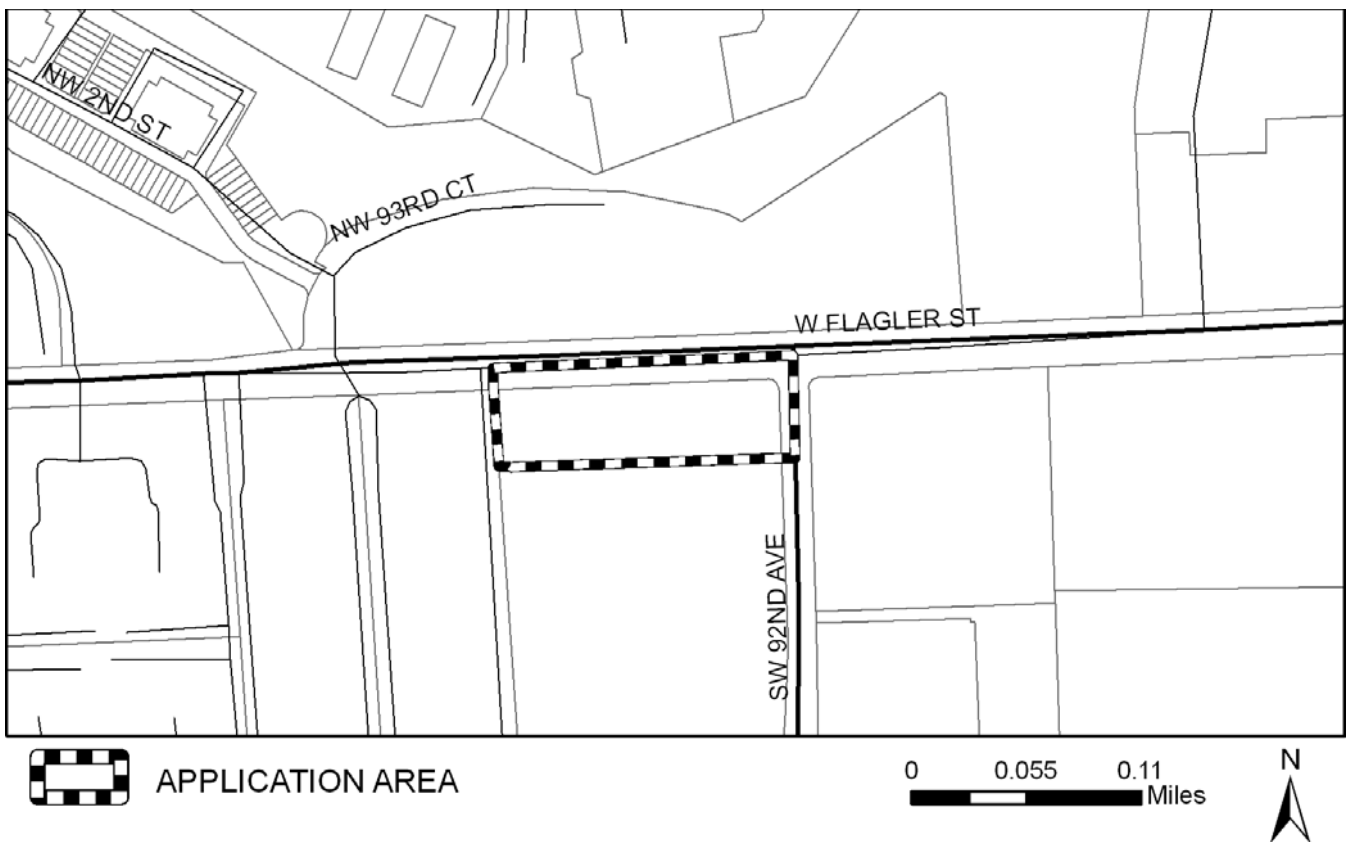
**Requested Amendment to the Land Use Plan Map**

From: Office/Residential  
To: Business and Office

Location: Southwest corner of the intersection of West Flagler Street and SW 92 Avenue

Acreage of Application area:  $\pm 4.49$  gross acres;  $\pm 3.33$  net acres

Acreage Owned by Applicant: 0 acres



**Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

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

2013 MAY 31 P 1: 56

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

**1. APPLICANT**

OROT Flagler, LLC  
c/o Manuel Grosskopf, Manager  
1000 E. Hallandale Beach Blvd., Suite B  
Hallandale Beach, Florida 33009

**2. APPLICANT'S REPRESENTATIVES**

Juan J. Mayol, Jr., Esq.  
Tracy R. Slavens, Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847  
(305) 374-8500  
(305) 789-7799

By:

  
Tracy R. Slavens, Esq.

5/31/13

Date

**3. DESCRIPTION OF REQUESTED CHANGE**

- A. A Small-Scale Change to the Land Use Plan Map. Applicant requests a small-scale change to the Land Use Plan (LUP) map designation on the subject property from "Office / Residential" to "Business and Office."
- B. Description of the Subject Property (the "Property").

The Property contains approximately  $\pm 4.38$  gross acres ( $\pm 3.33$  net acres) and is located on the southwest corner of West Flagler Street and SW 92 Avenue, in Section 04, Township 54 South, Range 40 East. The Property comprises a portion of Tract "A" of F.P. & L. Center, according to the Plat thereof, as recorded in Plat Book 102, at Page 10, of the Public Records of Miami-Dade County, Florida, and is more particularly described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area:  $\pm 4.38$  gross acres ( $\pm 3.33$  net acres)

Acreage Owned by Applicant: Same as above.

D. Requested Change.

1) Applicant requests that the Property be re-designated on the Land Use Plan map from OFFICE / RESIDENTIAL to BUSINESS AND OFFICE on  $\pm 4.38$  gross acres identified in Exhibit "A."

2) It is requested that this application be processed as a small-scale amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Office / Residential" to "Business and Office". The Property consists of  $\pm 4.38$  gross acres ( $\pm 3.33$  net acres) and is located on the southwest corner of West Flagler Street and SW 92 Avenue. The purpose of this request is to address the demand for additional neighborhood-supporting commercial uses in the community. The Applicant is seeking to develop the Property with a bank and restaurant, which are intended to attend to the needs of residents in the area.

The Applicant intends to redevelop the Property, which fronts West Flagler Street, to accommodate a bank and restaurant. The Property is located on the southwest corner of the "T" intersection of a section and half-section line road: West Flagler Street and SW 92 Avenue, respectively. The Property is bounded to the south by SW 4<sup>th</sup> Street and by the Southwinds residential community to the west. The parcel of land on the north side West Flagler Street is designated "Business and Office" but is currently vacant. The Property is located on the north portion of a larger parcel that is developed with a 671,088 square foot, six-story office building and parking lots that serves as offices for Florida Power and Light. The Property represents the portion of this larger parcel that has long been underutilized. The addition of new neighborhood commercial use will serve as infill development to accommodate the projected population and economic growth of the surrounding community.

As it stands, the intended use of the Property is generally consistent with the existing "Office / Residential" designation, which allows for the restaurant and bank as ancillary uses to an office development. However, the Applicant seeks to redesignate the Property to "Business and Office" to permit the intended uses to exist as of right and independently from the office development. The intended uses would be both consistent and compatible with the County's vision for the area and the adjacent land designations.

The Property is located within Minor Statistical Area ("MSA") 3.2 and just to the north of MSA 5.4. MSA 3.2 is defined by SW 177 Avenue to the west, SW 8 Street to the south, NW 72 Avenue to the east, and US 27 to the north. More than half of the land within MSA 3.2 is outside of the Urban Development Boundary ("UDB"). Current Miami-Dade County population

projections estimate a population increase in MSA 3.2 of roughly 20,275 residents by the year 2020.<sup>1</sup> The Property is surrounded to the east, west and south by a mix of "Medium Density Residential" ("MDR") and "Low-Medium Density Residential" ("LMDR") uses, which includes the Century Parc, Southwinds, and Versailles Gardens communities as well as single-family residences. Currently, the only lands designated "Business and Office" and offering commercial services to the community on the south side of West Flagler Street are located at the corners of SW 102 Avenue and SW 87 Avenue. This is a fifteen (15) block stretch of section line road lacking commercial services for local residents. Moreover, there are no business uses provided north of SW 8 Street, the next section line road to the south, within the three (3) mile span extending east from SW 109 Avenue to the west side of State Road 826. The property across West Flagler Street to the north of is designated "Business and Office" and thus the redesignation of the Property to "Business and Office" would mirror the land use designation the County already has in place on the north side of West Flagler Street.

The area is predominantly zoned RU-4 (High Density Apartment House District, maximum density 50 dwelling units per acre), RU-4L (Limited Apartment House District, maximum density 23 dwelling units per acre), RU-4M (Modified Apartment House District, maximum density 35.9 dwelling units per acre), and RU-TH (Townhouse District, maximum density 8.5 dwelling units per acre), with the exception of the Property and the land to the north across W. Flagler Street, which are zoned BU-2 (Business District, special) and BU-1A (Business District, limited), respectively. As the area has developed with these residential uses, the residents' need for commercial and retail uses has become acute. These residents have commercial and retail needs which are not currently met by the existing development in this general area. Thus, the re-designation of the property to "Business and Office" would serve to meet the demands of the area residents and meet the CDMP directive that communities be self-sufficient to the maximum possible extent.

It is anticipated that the approval of the proposed amendment will not the impact level of service standards of infrastructure in the surrounding area. "Business and Office" uses result in similar, if not less, vehicular trips generated by "Office / Residential" uses and therefore will not negatively impact the adjacent roadway network. The Property is currently served by Miami-Dade Transit Metrobus Routes 11 and 51 and there is a stop located on the Property. These routes also have stops located to the east and west of the Property. The availability of neighborhood-supporting services on the Property will encourage ridership along these routes. It is therefore expected that all infrastructure required to serve the property has capacity available to meet the needs of any future commercial development on the Property.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to promote the concentration of business uses at large roadway intersections to serve local communities. 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

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<sup>1</sup> As indicated in the Miami-Dade County Regulatory & Economic Resources Department Planning Research Section Population Estimates and Projections for 2010, 2020 and 2030, dated March, 2013.

around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

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-7I: Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

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

LAND USE 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.

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

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

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

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "C"

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



Exhibit "A"

Legal Description for Property:

The north 200' of Tract "A" of FP&L Center as recorded in Plat Book 102, Page 10, of the Public Records of Miami-Dade County, Florida.

## EXHIBIT "B"

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

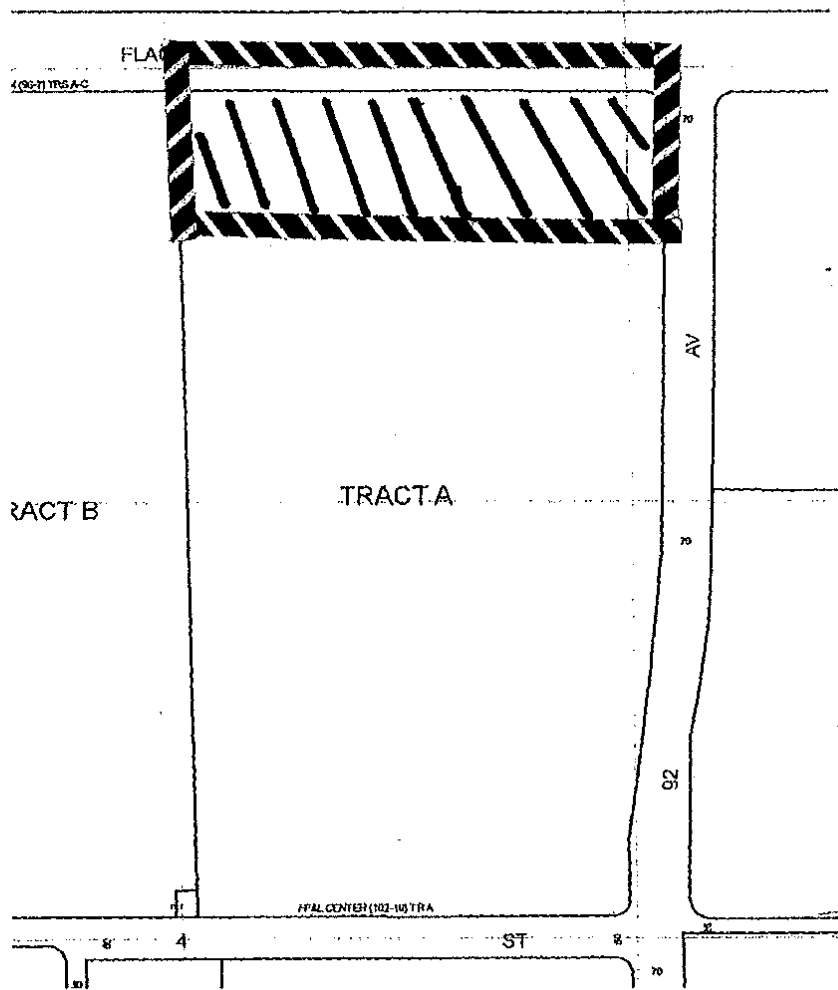
#### APPLICANTS / REPRESENTATIVE

OROT Flagler, LLC / Juan J. Mayol, Jr., Esq.

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 4.38$  gross acres ( $\pm 3.33$  net acres) of land located in Section 04, Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Property lies on the southwest corner of West Flagler Street and SW 92 Avenue, and is more specifically described in Exhibit "A" to this application.

#### LOCATION MAP



\*The Property is 100% owned by the Applicant.

## EXHIBIT "C"

### 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:** OROT Flagler, LLC, a Florida limited liability company  
1000 E. Hallandale Beach Blvd., Suite B  
Hallandale Beach, FL 33009

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
<u>OROT Flagler, LLC</u>	<u>OROT Flagler, LLC</u>	<u>30-4004-024-0010</u>	<u>+/- 3.33 net acres</u> (A portion of the above folio no.)

**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	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach Explanation)
<u>X</u>	<u>X</u>			

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

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

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

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

CORPORATION NAME OROT Flagler, LLC, a Florida limited liability company

NAME, ADDRESS, AND OFFICE ( if applicable)

PERCENTAGE OF STOCK

See attached information

- 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, stockholders, beneficiaries, or partners consist of another corporation, trust,

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

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

OROT Flagler, LLC, a Florida limited liability company

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

Name: Manuel Grosskopf

Title: Manager

Sworn to and subscribed before me

this 28<sup>th</sup> day of May, 2013

My Commission Expires:

3/29/2017

Daisy M. Sotolongo  
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.

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**APPLICATION NO. 3  
STANDARD AMENDMENT APPLICATION**

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**Applicant**

Fontainebleau Place, LLC.  
3750 Yacht Club Drive  
Aventura, Florida 33180

---

**Applicant's Representative**

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

---

Requested Amendment to the CDMP

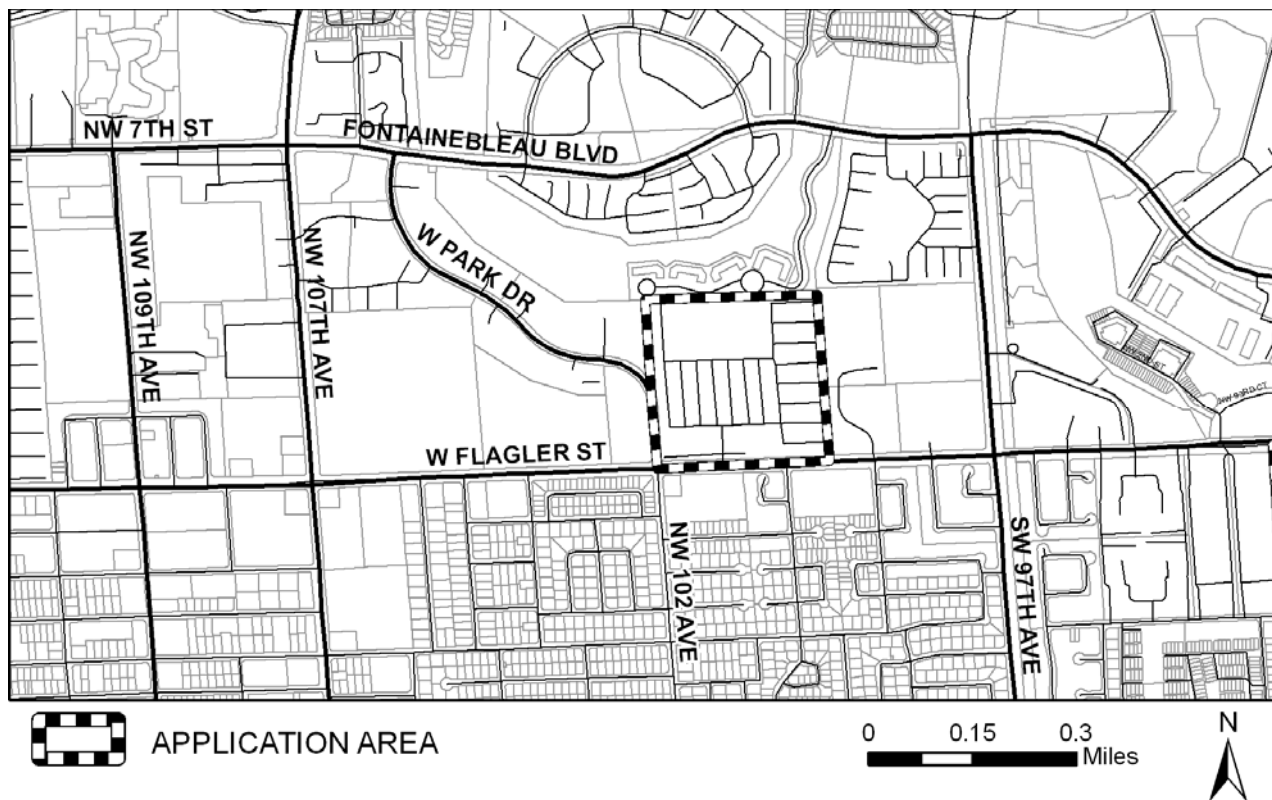
Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 9 of the April 2008-09 cycle) on Page I-74.1 of the CDMP to replace the commitment to develop a minimum of 150 "elderly housing" dwelling units with a provision allowing the development of "up to 250 dwelling units" on the subject property.

Location: Northeast corner of the intersection of West Flagler Street and NW 102 Avenue.

Acreage of Application area:  $\pm 41.0$  gross acres;  $\pm 39.0$  net acres

Acreage Owned by Applicant:  $\pm 39.0$  net acres

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**Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

**APPLICATION FOR A MODIFICATION OF  
DECLARATION OF RESTRICTIONS CONTAINED IN THE  
LAND USE ELEMENT OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

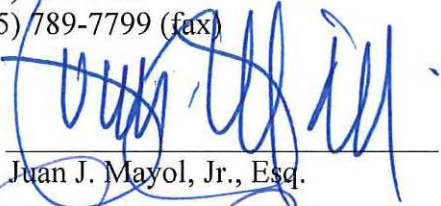
2013 MAY 31 1 2 18  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

1. APPLICANT

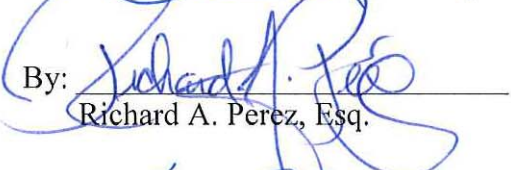
Fontainebleau Place, LLC  
3750 Yacht Club Drive  
Aventura, FL 33180

2. APPLICANT'S REPRESENTATIVES

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

By:   
\_\_\_\_\_  
Juan J. Mayol, Jr., Esq.

5.31.13  
\_\_\_\_\_  
Date

By:   
\_\_\_\_\_  
Richard A. Perez, Esq.

5-31-13  
\_\_\_\_\_  
Date

By:   
\_\_\_\_\_  
Tracy R. Slavens, Esq.

5/31/13  
\_\_\_\_\_  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following change to the Land Use Element is being requested:

1. Modification of Declaration of Restrictions contained in the Land Use Element table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments.  
The Applicant requests a modification to that certain Declaration of Restrictions contained in the Land Use Element table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."



2. Modification of Declaration of Restrictions recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida. The Applicant requests a modification to that certain Declaration of Restrictions recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida.

B. Description of the Subject Area.

The subject property, which is legally described in Exhibit "A" (the "Property"), consists of approximately 41.0± gross acres (39.0± net acres) of land located in Section 5, Township 54, Range 40, in unincorporated Miami-Dade County. More specifically, the subject property is located at 10001 West Flagler Street, on the northeast corner of West Flagler Street and NW 102 Avenue, in unincorporated Miami-Dade County, Florida.

C. Acreage.

Subject Application Area: 41.0± gross acres (39.0± net acres)

Acreage Owned by Applicant: 39.0± gross acres (39.0± net acres)

D. Requested Change.

The Applicant seeks a modification to that certain Declaration of Restrictions contained in the Land Use Element table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments" and as recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida and, in turn, a modification to that certain Declaration of Restrictions contained in the Land Use Element table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."

4. REASONS FOR AMENDMENT

The intent of this application is to modify the permitted residential housing types permitted on the Property, consisting of +/-41 gross acres located on the northeast corner of West Flagler Street and NW 102 Avenue, in unincorporated Miami-Dade County, Florida, as established under the terms of that certain Declaration of Restrictions, recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida (the "Declaration"). The Declaration limits the type of residential development permitted on the Property to elderly housing. A copy of the Declaration is attached hereto as Exhibit "C." The Applicant is seeking the approval of a modification of the Declaration to expand the residential development options given the scarcity of funding for elderly housing development and in consideration of the ongoing and anticipated growth in population in the area surrounding the Property.

The Property is located on the northeast corner of the intersection West Flagler Street and NW 102 Avenue in the western portion of Miami-Dade County. West Flagler Street is a major east/west arterial for this area of the County and connects the Turnpike to Downtown Miami. The section of West Flagler Street where the Property is located is developed predominantly with residential uses. In fact, the Property is surrounded by residential uses to the south, west, and north and Ruben Dario Park to the east. Approximately 0.4 mile to the west of the Property is the Florida International University College of Engineering and Computing campus.

The Property was approved for a Land Use Plan amendment to "Business and Office" with the acceptance of the Declaration pursuant to Application No. 9 of the April 2008 Comprehensive Development Master Plan Amendment Cycle. Recently, a site plan was approved for the Property that contemplated a mix of retail and residential use, to wit, elderly housing pursuant to Resolution No. CZAB10-15-12, passed and adopted on July 24, 2012. The residential portion of the approved site plan is located on a three (+/-3) acre tract in the northeast corner of the Property (the "Residential Parcel"). Throughout the land use amendment and rezoning processes, the owner of the property sought options to develop the elderly housing component. However, to date, the owner has been unsuccessful. The Applicant is under contract to purchase the residential parcel and seeks to expand the development options for the Residential Parcel. The proposed modification of the Declaration would provide the Applicant with greater flexibility to develop the "Residential Parcel."

The proposed modification of the Declaration would allow various types of multi-family residential use that would be designed in accordance with Miami-Dade County Code requirements as follows:

FROM:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed the following: (a) 375,000 square feet of retail, commercial, personal services and offices; and (b) no less than 150 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code (the "Code"), along with such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or elderly housing. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than

one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

TO:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 375,000 square feet of retail, commercial, personal services, and offices (the "Commercial Component"). In addition to the Commercial Component, the development of the Property may include up to two hundred fifty (250) dwelling units (the "Residential Component"). The Residential Component may include such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or residential use. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

Modifying the Declaration to provide an expanded universe of housing options will greatly enhance the ability to include residential uses as part of a mixed use development on the Property. Of course, elderly housing will remain one of the development options.

The Property is located within Minor Statistical Area (MSA) 3.2. MSA 3.2 is generally bounded by U.S. 27 (Okeechobee Road) on the north, S.W. 8<sup>th</sup> Street on the south, and S.W. 177<sup>th</sup> Avenue (Krome Avenue) on the west. It is also adjacent to MSA 5.4, which is bounded by S.W. 8<sup>th</sup> Street on the north, SR 826 and S.W. 70<sup>th</sup> Avenue on the east, S.W. 72<sup>nd</sup> Street on the south, and S.W. 117<sup>th</sup> Avenue on the west. The population of MSA 3.2 is projected to increase 14% from 2010 to 2020, from 147,957 to 168,682 and an additional 16% to 196,142 by 2030. Approximately one half of the land within MSA 3.2 is outside of the Urban Development Boundary, thereby further reducing the amount of developable land within the area. The Property is also in an area identified as "Fountainebleau" by the U.S. Census, which is generally the area between SW 8<sup>th</sup> Street and the SR 836 Extension and between SR 826 Extension and NW 117<sup>th</sup> Avenue. The 2010 Census estimated the total population of Fountainebleau as 59,764 with 84.4% of the population under the age of 65. In addition, the housing status data for Fountainebleau indicates a lack of available housing for the sub-area's population. The 2010

Census data showed a vacancy rate of only 934 units for available for rent or sale, which is in no way sufficient to accommodate the projected population growth for the area. These statistics are an indication of the growing demand for a wide variety of housing options for residents of all ages and demographics in both Fountainebleau and MSA 3.2 as a whole.

The modification would thus satisfy the CDMP directive that all communities be self-sufficient to the maximum possible extent. Furthermore, 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." The Property obtained its land use designation in 2009 and its current zoning approvals were granted in 2012. However, the expansion of the residential component of the project to include other options in addition to elderly housing will facilitate and enhance the development of the Property. Therefore, this application seeks the approval of the proposed modification language to permit an expanded residential use on the Property in furtherance of the implementation of the following CDMP policies:

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

POLICY LU-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.

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.

POLICY 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.

POLICY LU-1F: To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning, and housing finance activities

among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

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.

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.

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

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

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

POLICY LU-10A: Miami-Dade County shall facilitate 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.

OBJECTIVE HO-1: Promote housing choice for all Miami-Dade County citizens regardless of race, ethnicity, age, sex, family composition, disability or sexual orientation such that residential segregation indices are reduced to a value of 50 or less.

Based on the foregoing, the Applicant believes that the approval of this application would be an appropriate improvement to the future land use on the Property and will help to expand the available housing options in this area of Miami-Dade County.

5. ADDITIONAL MATERIAL SUBMITTED

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

Attachments: Legal Description of Subject Property – Exhibit "A"  
Location Map for Application – Exhibit "B"  
Draft Modification of Declaration of Restrictions instrument and Declaration of Restrictions recorded in ORB 26955, PG 723 – Exhibit "C"  
Disclosure of Interest Form – Exhibit "D"  
Aerial Photograph – Exhibit "E"  
Section Sheet – Exhibit "F"

## **EXHIBIT "A"**

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

Tracts 8, 9, 10, and 11 of Block 1 of Richardson-Kellet Land Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at Page 19, of the Public Records of Miami-Dade County, Florida.

## **EXHIBIT "B"**

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

#### **APPLICANT / REPRESENTATIVE**

Fontainebleau Place, LLC / Juan J. Mayol, Jr. Esq. & Richard A. Perez, Esq.

#### **DESCRIPTION OF SUBJECT AREA**

The Property consists of approximately  $\pm 41.0$  gross acres ( $\pm 39.0$  net acres) of land located in Section 5, Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Applicant owns 100% of the subject property. The Property, located on the northeast corner of West Flagler Street and NW 102 Avenue, is more specifically described in Exhibit "A" to this application.

#### **LOCATION MAP**



- Declaration of Restrictions subject property



## EXHIBIT "B"

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

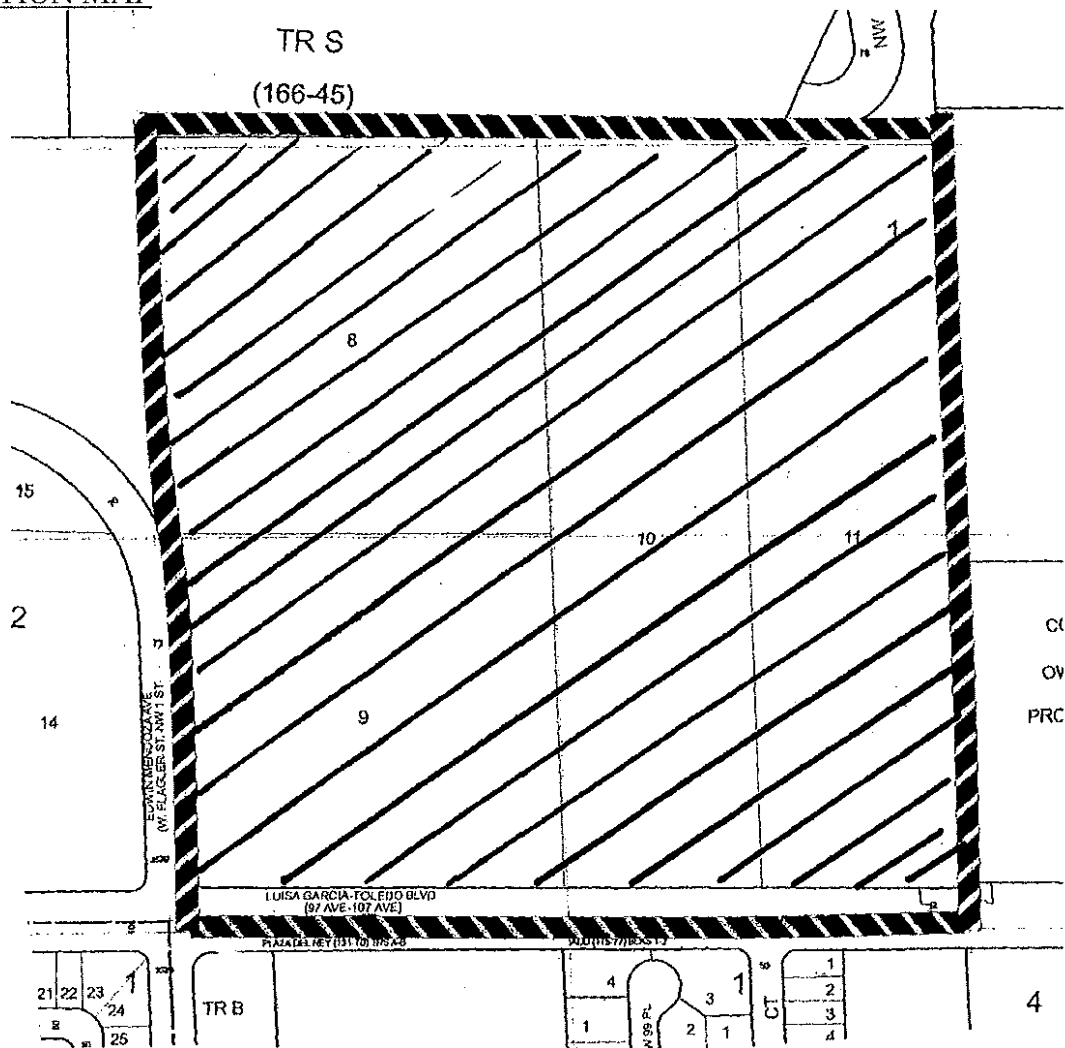
#### APPLICANT / REPRESENTATIVE

Fontainebleau Place, LLC / Juan J. Mayol, Jr. Esq. & Richard A. Perez, Esq.

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 41.0$  gross acres ( $\pm 39.0$  net acres) of land located in Section 5, Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Property, located on the northeast corner of West Flagler Street and NW 102 Avenue, is more specifically described in Exhibit "A" to this application.

#### LOCATION MAP



\*The Applicant does not own any portion of the subject property.

## **EXHIBIT "C"**

- 1) DRAFT Modification of Declaration of Restrictions instrument**
- 2) Declaration of Restrictions recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida.**

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space reserved for Clerk of Court)

**MODIFICATION OF DECLARATION OF RESTRICTIONS  
RECORDED AT OFFICIAL RECORDS BOOK 26955 AT PAGE 723**

THIS MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS is made this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by **Fontainebleau Place, LLC**, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "City").

**WITNESSETH:**

**WHEREAS**, the Owner holds fee simple title to that certain parcel of land located in unincorporated Miami-Dade County, Florida, which is more particularly described in the attached Exhibit "A" (the "Property"); and

**WHEREAS**, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was recorded in the Public Records of Miami-Dade County in Official Records Book 26955 at Page 723, which placed certain restrictions and conditions on the development of the Property, a copy of which is attached as Exhibit "B";

**WHEREAS**, the Miami-Dade County Board of County Commissioners held a public hearing on \_\_\_\_\_ wherein it adopted Ordinance No. \_\_\_\_\_ (the "Ordinance") to approve a modification to the Declaration;

**WHEREAS**, the Ordinance approved the modification of Paragraph No. 1 of the

Declaration as follows:

Paragraph No. 1:

FROM:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed the following: (a) 375,000 square feet of retail, commercial, personal services and offices; and (b) no less than 150 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code (the "Code"), along with such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or elderly housing. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

TO:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 375,000 square feet of retail, commercial, personal services, and offices (the "Commercial Component"). In addition to the Commercial Component, the development of the Property may include up to two hundred fifty (250) dwelling units (the "Residential Component"). The Residential Component may include such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water

retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or residential use. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

**NOW, THEREFORE,** IN ORDER TO ASSURE Miami-Dade County that the representations made by the Owner during its consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, hereby agrees as follows:

1. Paragraph No. 1 of the Declaration now reads as follows:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 375,000 square feet of retail, commercial, personal services, and offices (the "Commercial Component"). In addition to the Commercial Component, the development of the Property may include up to two hundred fifty (250) dwelling units (the "Residential Component"). The Residential Component may include such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or residential use. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

2. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect.

**[Signature Pages Follow]**

IN WITNESS WHEREOF, Fontainebleau Place, LLC, has caused these present to be signed in its name on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**WITNESSES:**

**Fontainebleau Place, LLC**  
a Florida limited liability company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Fontainebleau Place, LLC, a Florida limited liability company, on behalf of said partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public – State of Florida

\_\_\_\_\_  
Printed Name

## **EXHIBIT "A"**

### **Legal Description of the subject property:**

Tracts 8, 9, 10, and 11 of Block 1 of Richardson-Kellet Land Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at Page 19, of the Public Records of Miami-Dade County, Florida.

## **EXHIBIT "C"**

- 1) DRAFT Modification of Declaration of Restrictions instrument**
- 2) Declaration of Restrictions recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida.**



CFN 20090541576  
OR Bk 26955 Pgs 0723 - 732 (10pgs)  
RECORDED 07/27/2009 14:05:32  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This Instrument was Prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

A/1A

**DECLARATION OF RESTRICTIONS**

*WHEREAS, Blue Lake Development Corporation*, a Florida corporation (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

*WHEREAS, Blue Partners, LLC*, a Florida limited liability company (the "Applicant"), is the contract purchaser of the Property and has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as Application No. 9 in the April 2008 Cycle (the "Application");

*WHEREAS*, the Application seeks to re-designate the Property from "Low-Medium Density Residential" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

*NOW, THEREFORE, IN ORDER TO ASSURE* Miami-Dade County, Florida (the "County") that the representations made by the Applicant during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Permitted Uses.** Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed the following: (a) 375,000 square feet of retail, commercial, personal services

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and offices; and (b) no less than 150 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code (the "Code"), along with such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by any storm water retention areas that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or elderly housing. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west.

2. **Landscaped Buffer.** Prior to the issuance of a certificate of use and occupancy for any retail or office building within the Property, the Owner shall set aside and maintain as a landscaped area, the west twenty-five (25) feet, where the Property abuts the existing residential area to the west, and the northern fifteen (15) feet of the Property (the "Landscaped Buffer"). The Owner shall install the following within the Landscaped Buffer: (a) a six foot high CBS wall, which wall shall be installed along the outside line (i.e., adjacent to the residential area) of the Buffer (except for pedestrian access points on the north); (b) a hedge, consisting of ficus or

such similar species as may be approved by the Department of Planning and Zoning, to be installed on top of an earthen berm (which berm shall be three feet (3') in height, said hedge to be maintained at a height of no less than six (6) feet; and (c) two staggered rows of trees, of such species as may be approved by the Department of Planning and Zoning, which shall be planted at a minimum height of twelve (12) to fourteen (14) feet, and not farther than twenty-five (25) feet on center.

**3. Prohibited Uses.** Notwithstanding the approval of the Application, the establishment and maintenance of the following uses on the Property shall be prohibited:

- (a) private clubs, as defined in Section 33-247(35) of the Code;
- (b) nightclubs, as defined in Section 33-253(6) of the Code;
- (c) no portion of the premises within any building to be constructed on the Property (regardless of the percentage of the total floor area), even if screened to keep such area from the clear view of minors, may be used for the display, sale or rental of videotapes, printed matter, pictures, films, graphic or any materials, which activities require the exclusion of minors pursuant to Chapter 847, Florida Statutes;

- (d) donated goods center;
- (e) automobile light truck sales;
- (f) billiard and pool rooms;
- (g) motorcycle sales and repairs;
- (h) open air theatre;
- (i) skating rinks;
- (j) rental trucks.

4. **Access Restrictions.** The Owner agrees that the Property shall be developed in such a way as to prohibit delivery trucks from entering or exiting the Property from West Park Drive (102<sup>nd</sup> Avenue).

5. **Water Conservation and Re-Use.** The Owner hereby agrees to implement the following water conservation and re-use standards for the development of the Property:

(i) The development of the Property shall include appropriate pipes to permit the future connection of the Property into any regional wastewater re-use system that may be constructed by the County for irrigation purposes.

(ii) Upon the construction of a regional wastewater re-use system by Miami-Dade County that includes a connection point abutting the Property, the Owner (or its successors or assigns) shall connect the water re-use pipes in the Property to such regional wastewater re-use system.

6. **Transit Improvements.** In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter along the Property's frontage on West Park Drive (N.W. 102<sup>nd</sup> Avenue) and W. Flagler Street. The Owner's obligations under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

7. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, at Owner's expense, in the public records of Miami-Dade County, Florida, and shall

remain in full force and effect and be binding upon Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

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

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

116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said Department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

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

**F. Severability.** Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect.

**G. Recording.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon

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

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

**I. Owner.** The term "Owner" shall include the Owner, and its heirs, successors and assigns.

**[Signature Pages Follow]**

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24 day of April, 2009.

WITNESSES:

Mark C. Josberger  
Signature  
MARK C. JOSBERGER  
Printed Name

**Blue Lake Development Corporation**  
a Florida corporation

By: Bruce Rapée  
Name: Bruce Rapée  
Title: President

LeAnne Rapée  
Signature  
LeAnne Rapée  
Printed Name

STATE OF Florida )  
COUNTY OF Dade ) SS

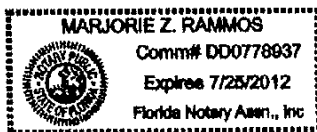
The foregoing instrument was acknowledged before me by Bruce Rapée as President of Blue Lake Development Corporation, a Florida corporation, and for the purposes stated herein on behalf of the corporation. He is personally known to me or has produced as identification.

Witness my signature and official seal this 24<sup>th</sup> day of APRIL, 2009, in the County and State aforesaid.

My Commission Expires:

Marjorie Z. Rammos  
Notary Public

Marjorie Z. Rammos  
Printed Name





**JOINDER BY MORTGAGEE  
CORPORATION**

The undersigned, Premier American Bank, a bank organized under the laws of the State of Florida, as Mortgagee under that certain Mortgage from Blue Lake Development Corporation, a Florida corporation, recorded in Official Records Book 25326, Page 2867, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions, does hereby consent to the execution of this Declaration of Restrictions by Blue Lake Development Corporation, Florida, a Florida corporation, and agrees that in the event Mortgagee or any other party shall obtain title to the property, in whole or in part, the property will be subject to this Declaration of Restrictions.

IN WITNESS WHEREOF, these presents have been executed this 29 day of April, 2009.

**WITNESSES:**

**Premier American Bank**, a bank organized under the laws of the State of Florida

[Signature]  
\_\_\_\_\_  
Joe L. Pruna  
Print or Type Name

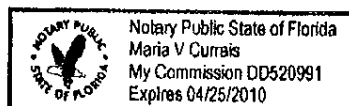
[Signature]  
\_\_\_\_\_  
Shirley Morales  
Print or Type Name

By: [Signature]  
Title: VICE PRESIDENT  
Print name: JAN CARLOS LACH  
Address: 5301 BLUE LAGOON DR. #200  
MIAMI, FL 33126

STATE OF FLORIDA       )  
  ) SS  
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 29 day of April, 2009 by Tan Carlos Lach, of Premier American Bank, a bank organized under the laws of the State of Florida, on behalf of the company. He/She is personally known to me or has produced \_\_\_\_\_, as identification and did/did not take an oath.

[Signature]  
\_\_\_\_\_  
Notary Public -State of \_\_\_\_\_  
Print Name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Tracts 8, 9, 10, and 11 of Block 1 of Richardson-Kellet Land Co.  
Subdivision according to the Plat thereof as recorded in Plat Book  
1, at Page 19, of the Public Records of Miami-Dade County,  
Florida.

# 5496584\_v13

## EXHIBIT "D"

### 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:** Fontainebleau Place, LLC

3750 Yacht Club Drive

Aventura, FL 33180

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
Fontainebleau Place, LLC	Blue Lake Development Corporation	30-4005-001-0080	+/- 39 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	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach Explanation)
	X		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 Fontainebleau Place, LLC

NAME, ADDRESS, AND OFFICE ( if applicable)

PERCENTAGE OF STOCK

Jabber One, LLC, c/o 3750 Yacht Club Dr, Aventura, FL 33180

50%

SEE ATTACHED FOR JABBER ONE, LLC DISCLOSURE INFORMATION

i3 Fontainebleau, LLC c/o 6101 Aqua Ave. #303, Miami Beach, FL 33141

50%

SEE ATTACHED FOR i3 FONTAINEBLEAU, LLC DISCLOSURE INFORMATION

- 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, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

Fontainebleau Place, LLC:

Jabber One, LLC, c/o 3750 Yacht Club Dr, Aventura, FL 33180 50%

SEE ATTACHED FOR JABBER ONE, LLC DISCLOSURE INFORMATION

i3 Fontainebleau, LLC c/o 6101 Aqua Ave. #303, Miami Beach, FL 33141 50%

SEE ATTACHED FOR i3 FONTAINEBLEAU, LLC DISCLOSURE INFORMATION

Date of Contract \_\_\_\_\_

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

CORPORATION NAME: Blue Lake Development Corporation

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF STOCK

See attached

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: \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF OWNERSHIP

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

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

Blue Lake Development Corporation

See attached

Date of Contract \_\_\_\_\_

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

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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.

FONTAINEBLEAU PLACE, LLC,  
a Florida limited liability company

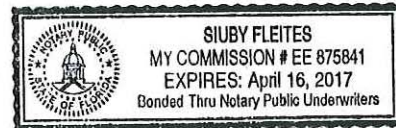
By:   
Robert L. Shapiro, Manager

Sworn to and subscribed before me

this 30<sup>th</sup> day of May, 2013

  
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



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

**Disclosure of Interest for Blue Lake Development Corporation:****Address:** 9823 SW 93 TERRACE, MIAMI, FL 33176**BLUE LAKE SHARE HOLDERS**

Total Shares =		3,332		Title	Relationship
Individuals		Holdings			
		Shares	%		
Bruce	Voting	100	3.0012005%	Pres. & Dir.	Married to LeAnne
Bruce	NonVoting	611	18.3373349%	"	"
LeAnne	" "	611	18.3373349%	Director	
Brieanne Stk Trust	" "	344	10.3241297%		Bruce's daughter
Stuart, Est of	Voting	100	3.0012005%	VP & Dir.	
Stuart Irrv Trust	NonVoting	548	16.4465786%	"	
Sonya Rev Trust	" "	548	16.4465786%	Director	Stuart's widow
Sheryl	" "	235	7.0528211%		Stuart's daughter
Jody	" "	235	7.0528211%		Stuart's daughter
Exact Totals		3,332	100.0000000%		

**Officer/Director Name & Address**

President & Director:  
 RAPEE, BRUCE  
 9823 SW 93 TERRACE  
 MIAMI, FL 33176

Director:  
 RAPEE, SONYA  
 3050 NE 208 ST  
 AVENTURA, FL 33181

Director:  
 RAPEE, LEANNE  
 9823 SW 93 TERRACE  
 MIAMI, FL 33176

Secretary:  
 RAMMOS, MARJORIE Z  
 9772 SW 92 TERRACE  
 MIAMI, FL 33176



**Disclosure of Interest for Jabber One, LLC:**

Robert L. Shapiro, 3750 Yacht Club Dr, Aventura, FL 33180 - 100%

**Disclosure of Interest for i3 Fontainebleau, LLC:**

Alan Amdur, 6101 Aqua Ave. #303, Miami Beach, FL 33141 - 30%

Amdur Investments, Ltd., 6101 Aqua Ave. #303, Miami Beach, FL 33141 - 70%

Amdur Investments Ltd., a Florida limited partnership, is owned:

1% Amdur Investments, Inc., a Florida corporation- which is the general partner  
33% Alan Amdur  
33% Adam Amdur  
33% Marc Amdur

Amdur Investments, Inc., a Florida corporation, is owned by Isabelle Amdur, as Trustee of the Isabelle Amdur Revocable Trust. Mrs. Amdur is the sole beneficiary of the trust.

#11752423\_v3

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

<b>Applicant</b>	<b>Applicant's Representative</b>
Master Development Inc. 150 Alhambra c/o Robert L. Shapiro 21101 NE 38 <sup>th</sup> Avenue Aventura, Florida 33180	Tracy R. Slavens, Esq. Hugo P. Arza, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 679-6305 (fax)

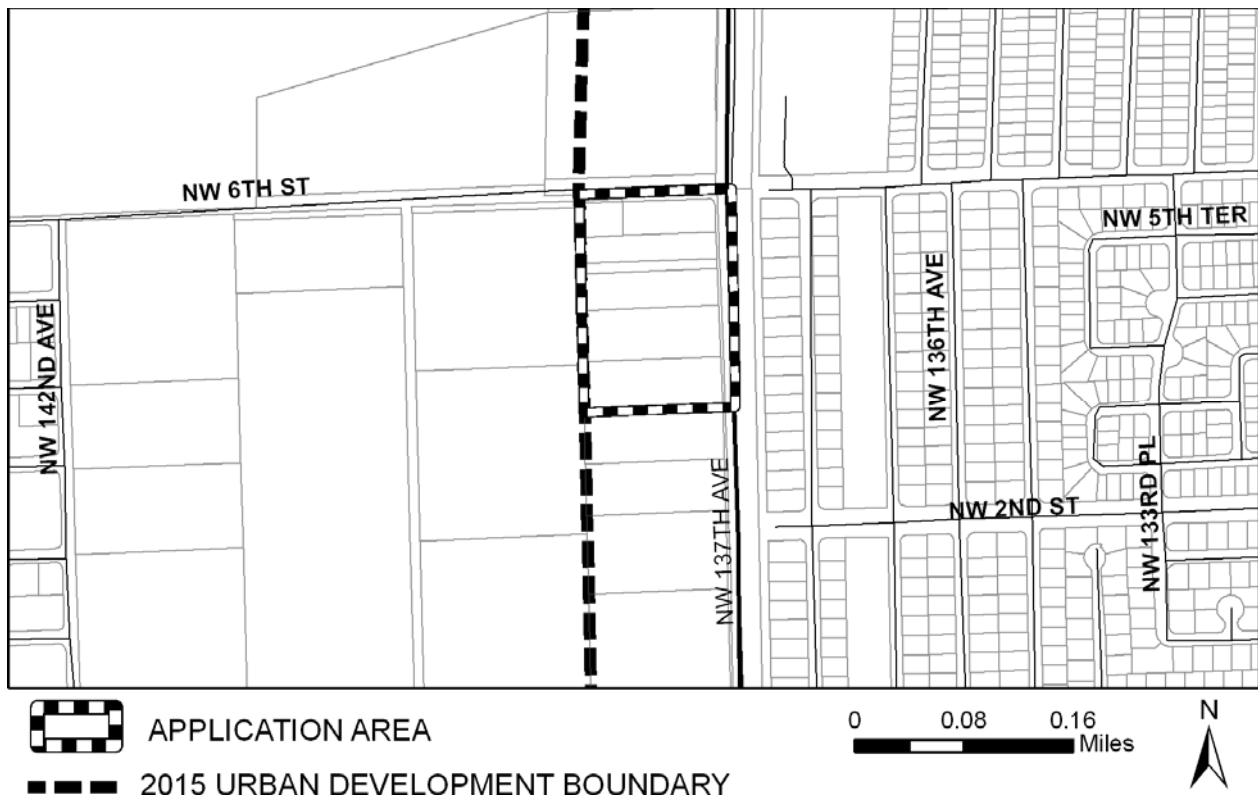
## Requested Amendment to the CDMP

Redesignate the application site on the Land Use Plan map  
 From: Industrial and Office  
 To: Business and Office

Location: Southwest corner of the intersection of NW 6 Street and NW 137 Avenue.

Acreage of Application Area: ±11.49 gross acres; ±9.92 net acres

Acreage Owned by Applicant: 0 acres



## Notes:

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

**APPLICATION TO AMEND THE  
LAND USE PLAN MAP OF THE  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

2013 MAY 31 P 2:09


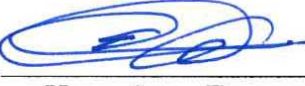
**1. APPLICANT**

Master Development, Inc.  
c/o Robert L. Shapiro  
21101 NE 38<sup>th</sup> Avenue  
Aventura, Florida 33180

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

**2. APPLICANT'S REPRESENTATIVES**

Tracy R. Slavens, Esq.  
Hugo Arza, Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847  
(305) 374-8500  
(305) 679-6305 (fax)

By: <u></u> Tracy R. Slavens, Esq.	<u>5/31/13</u> Date
By: <u></u> Hugo Arza, Esq.	<u>5/31/13</u> Date

**3. DESCRIPTION OF REQUESTED CHANGE**

A. Changes to the Land Use Plan Map. Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Industrial and Office" to "Business and Office."

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

The Property contains approximately  $\pm 11.49$  gross acres ( $\pm 9.92$  net acres) and is generally located on the southwest corner of NW 137 Avenue and NW 6 Street, in Section 03, Township 54 South, Range 39 East, and is more particularly described in Exhibit "A" to this application.

C. Gross and Net Acreage.

Application area:  $\pm 11.49$  gross acres ( $\pm 9.92$  net acres)  
Acreage Owned by Applicant: None

D. Requested Change.

Applicant requests that the Property be re-designated on the Land Use Plan map from INDUSTRIAL AND OFFICE to BUSINESS AND OFFICE on +/-11.49 gross acres identified in Exhibit "A."

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Industrial and Office" to "Business and Office". The Property consists of ±11.49 gross acres (±9.92 net acres) and is located at the intersection of two section line roads on the southwest corner of NW 137 Avenue and NW 6 Street. The purpose for this request is to help address the need for additional commercial uses in the community.

The Property is located on the southwest corner of the signalized intersection of NW 137 Avenue at NW 6 Street and just south of the SR 836 Extension terminus ramp. The Property is primarily undeveloped, but a portion of it is used for a truck parking operation. Lying north of the Property, on the north side of NW 6 Street, is the Miami-Dade County Public Schools school bus parking facility and the SR 836 Extension ramp is just further to the north. On the east side of NW 137 Avenue, which is a six (6) lane divided highway in this area, is a retaining wall, a canal, and there is a single-family residential neighborhood east of the canal. The land south of the Property is primarily undeveloped. The Urban Development Boundary runs along the Property's west property line, which is approximately 535 feet west of NW 137 Avenue.

Despite having been designated for "Industrial and Office" development, the Property has remained undeveloped. The lack of development on the Property is evidence that the "Industrial and Office" designation is not the most appropriate designation for the Property given its location, ownership, and dimensions. The Property currently consists of multiple parcels under multiple ownerships, none of which is larger than 2.46 acres. These parcels are too small and, even if assembled into larger parcels, would be too narrow for viable industrial development. The Applicant intends to assemble these parcels in order to rezone and develop the Property with a single, unified site plan for "Business and Office" uses. The approval of this request would facilitate and encourage opportunities for infill development. The proposed addition of commercially-designated land will, as a result, help to meet the existing and increasing demand for easily accessible commercial uses to serve the residents in the area. The development will be conveniently located on the west side (southbound) of NW 137 Avenue, an important commuter road.

A "Business and Office" designation at the intersection of NW 137 Avenue and NW 6 Street is consistent with the Comprehensive Development Master Plan's Guidelines for Urban Form. These Guidelines provide that "[i]ntersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any non-residential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes."

Consequently, the intersection of NW 137 Avenue and NW 6 Street is an appropriate location for the proposed commercial designation.

The proposed redesignation of the Property to "Business and Office" will satisfy a deficiency in the Plan map to accommodate the needs of both the current population and the projected population growth in this area of the County. The Property is located within MSA 3.2. MSA 3.2 is generally bounded by U.S. 27 (Okeechobee Road) on the north, SW 8 Street on the south, and SW 177 Avenue (Krome Avenue) on the west. The Property is also proximate to MSA 6.1, which is bounded by SW 8 Street on the north, SW 117 Avenue on the east, SW 88 Street on the south, and SW 177 Avenue on the west. The population of MSA 3.2 is projected to increase 14% from 2010 to 2020, from 147,957 to 168,682 and an additional 16% to 196,142 by 2030. Approximately one half of the land within MSA 3.2 is outside of the Urban Development Boundary, thereby further reducing the amount of developable land within the area. The Land Use Plan Map shows an absence of commercially designated land in the four (4) square mile portion of the County east of the Property and between the SR 836 Extension, the Homestead Extension of Florida's Turnpike, the north side of SW 8 Street, and the 137 Avenue Corridor. This area is developed with residential uses but there are no commercial nodes within these lands to serve the needs of residents. The redesignation of the Property to "Business and Office" would provide additional supply of neighborhood-serving commercial uses.

It is anticipated that the approval of the proposed amendment will not negatively impact level of service standards of infrastructure in the surrounding area. "Business and Office" uses result in less vehicular trips than "Industrial and Office" uses. As such, the redesignation will not result in less impacts on the adjacent roadway network. Moreover, the development of the Property will be served by SW 137 Avenue, a six-lane, divided roadway and a major north-south corridor for southwest Miami-Dade County.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The "Business and Office" category is more compatible with the abutting and nearby land uses than the existing "Industrial and Office" designation on the Property. Primarily, it is more desirable to place neighborhood-serving commercial uses than industrial uses in close proximity to residential uses. Existing natural buffers and boundaries enhance the compatibility of the proposed land use. The width of NW 137 Avenue along with the retaining wall and canal serve to buffer the proposed land use from the adjacent residential neighborhood to the east.

The Property is undeveloped but it does not contain any known environmental or historical resources. The Property is used, in part, for truck parking and is often the site of illegal dumping activities and four-wheel off-road vehicles. The approval of the proposed amendment will provide an opportunity for viable infill development, which, in turn, will curb illegal activities and help to protect from any potential environmental impacts from dumping.

The Property is not currently served by a Miami-Dade Transit Metrobus route. However, given that it is located on a major roadway and there are a number of bus routes in the area, including the SR 836 Express Enhanced, SW 137 Avenue Enhanced, and Flagler Enhanced routes, which may be made available to service the Property. The Applicant intends to work

with Miami-Dade Transit to determine the appropriate means of providing Metrobus service to the Property.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to promote the concentration of business uses at large roadway intersections to serve local communities. The redesignation of the Property to "Business and Office" would serve to meet the demands of the area residents and meet the CDMP directive that communities be self-sufficient to the maximum extent possible. Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

LAND USE POLICY LU-1E: In planning and designing all new residential development and redevelopment in the County, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.

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.

LAND USE POLICY LU-7I: Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

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

LAND USE 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.

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

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

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use, but not be limited exclusively to design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial, and industrial development in unincorporated Miami-Dade County.

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

5. ADDITIONAL MATERIAL SUBMITTED

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

6. ATTACHMENTS

Legal Descriptions for the Property and Parcels - Exhibit "A"  
Location Map for Application - Exhibit "B"  
Disclosure of Interest Form - Exhibit "C"  
Aerial Photograph – Exhibit "D"  
Section Sheet – Exhibit "E"



Exhibit "A"

Legal Description for Property:

Legal Description: A Portion of Tract 1, "EVERGLADES GARDENS", according to the Plat thereof as recorded in Plat Book 8 at Page 14 of the Public Records of Miami-Dade County, Florida, more particularly described as follow:

The West 167.00 feet of the North 165.00 feet of the East 1/4 of NE 1/4 of the Section 3, Township 54 South, Range 39 East, and less the North 15 feet thereof for road right-of-way.

AND

A portion of Tracts 1 and 16, EVERGLADES GARDENS, according to the plat as recorded in Plat Book 8 at Page 14, of the Public Records of Dade County, Florida, more particularly described as follows: The North 847.92 feet of the East 1/4 of the Northeast 1/4 of Section 3, Township 54 South, Range 39 East, less the East 120 feet and less the North 647.92 feet.

Subject to conditions, restrictions, limitations of record, if any, and taxes for the year 1983 and subsequent years and subject to a purchase money mortgage from grantee to grantor.

Subject to Florida Power and Light easement over the East 66 feet of the above described property.

AND

A portion of Tract 1, Everglades Gardens, according to the plat thereof as recorded in Plat Book 8, Page 14, of the Public Records of Miami-Dade County, Florida, more particularly described as follows: The North 647.92 feet of the East 1/4 of the Northeast 1/4 of Section 3, Township 54 South, Range 39 East, Miami-Dade County, Florida; less the East 120.00 feet thereof and less the North 447.92 feet thereof.

Less and Except that parcel conveyed to Miami-Dade County, by that certain Special Warranty Deed recorded August 15, 2002 in Official Records Book 20594, Page 3248, of the Public Records of Miami-Dade County, Florida

AND

A PORTION OF TRACT 1, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 165.00 FEET OF THE EAST 1/4 OF THE NE 1/4 OF SECTION 3 TOWNSHIP 54 SOUTH, RANGE 39 EAST, LESS THE EAST 120 FEET THEREOF AND LESS THE NORTH 15 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 1998.

AND

**PARCEL A:** The South 39.92 feet of the North 306.92 of the East 1/4 of the NE 1/4 of Section 3-54-39, less the East 120 feet thereof, a portion of Tract 1, EVERGLADES GARDENS, according to the map or plat thereof, as recorded in Plat Book 8, Page(s) 14, Public Records of Miami-Dade County, Florida.

**PARCEL B:** The South 102 feet of the North 267 feet of the East 1/4, of the NE 1/4, of Section 3, Township 54 South, Range 39 East, less the East 120 feet thereof, a portion of Tract 1 of EVERGLADES GARDENS, according to the Plat thereof, as recorded in Plat Book 8, Page 14 of the Public Records of Miami-Dade County, Florida.

**PARCEL C:** LESS any portion taken by the Eminent Domain Proceedings in Case No. 2003-18155 CA 11 (Miami-Dade County vs Lowe's Home Centers, Inc).

AND

The South 141 feet of the North 447.92 feet of the East 1/4 of the Northeast 1/4 of Section 3, Township 54 South, Range 39 East, LESS the East 120 feet thereof, a portion of Tract 1, EVERGLADES GARDENS, according to the Plat thereof as recorded in Plat Book 8, at Page 14 of the Public Records of Miami-Dade County, Florida.

Subject property consisting of folio numbers:

30-4903-003-0014  
30-4903-003-0013  
30-4903-003-0015  
30-4903-003-0012  
30-4903-003-0016  
30-4903-003-0017  
30-4903-003-0019

## EXHIBIT "B"

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

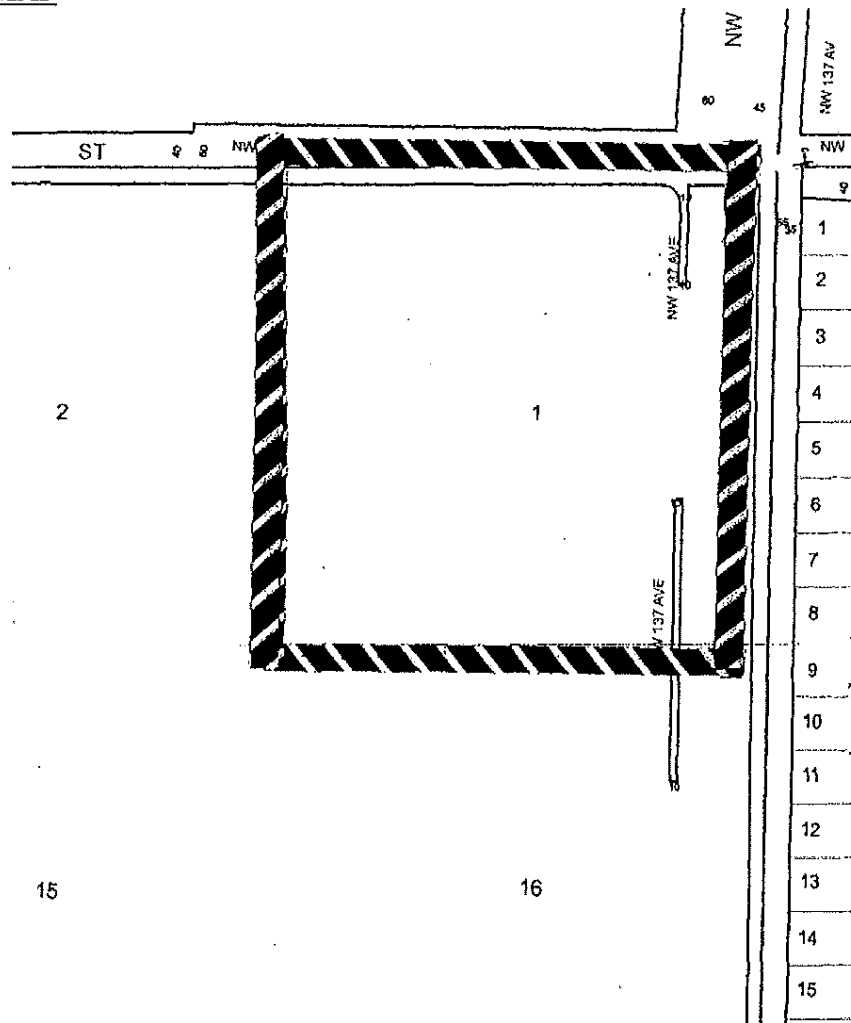
#### APPLICANTS / REPRESENTATIVE

Master Development, Inc. / Tracy R. Slavens, Esq.

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 11.49$  gross acres ( $\pm 9.92$  net acres) of land located in Section 03, Township 54, Range 39, in unincorporated Miami-Dade County, Florida. The Property lies on the southwest corner of NW 137 Avenue and NW 6 Street, and is more specifically described in Exhibit "A" to this application.

#### LOCATION MAP



\*The Applicant does not own any portion of the subject property.

## EXHIBIT "C"

### 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 ("A"):** Master Development, Inc., a Florida corporation

21101 NE 38<sup>th</sup> Avenue, Aventura, Florida 33180

**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	Delio Trasobares	30-4903-003-0014	+/- 0.56
A	Nereida Rodriquez, TR	30-4903-003-0013	+/- 1.17
A	LJP, LLC	30-4903-003-0015	+/- 1.29
A	LJP, LLC	30-4903-003-0019	+/- 0.50
A	Dolphins Gate, LLC	30-4903-003-0012	+/- 1.78
A	La Salle Alumnos, LLC	30-4903-003-0016	+/- 2.46
A	Mehner Corp.	30-4903-003-0017	+/- 2.46

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

(Attach) APPLICANT	FOLIO NUMBER	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER Explanation )
A	30-4903-003-0014				
A	30-4903-003-00013				
A	30-4903-003-0015				
A	30-4903-003-0019				

<u>A</u>	<u>30-4903-003-0012</u>
<u>A</u>	<u>30-4903-003-0016</u>
<u>A</u>	<u>30-4903-003-0017</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>

- 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** Master Development, Inc., a Florida corporation

<u>NAME, ADDRESS, AND OFFICE ( if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>Robert Shapiro</u>	<u>100%</u>
<u>21101 NE 38<sup>th</sup> Avenue, Aventura, Florida 33180</u>	

- 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:** \_\_\_\_\_

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

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

Master Development, Inc.

BY: \_\_\_\_\_

Robert Shapiro, President  
Master Development, Inc.

Sworn to and subscribed before me

this 30th day of May, 2013

Siuby Fleites  
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



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

**APPLICATION NO. 5  
SMALL-SCALE AMENDMENT APPLICATION**

<b>Applicant</b>	<b>Applicant's Representative</b>
Master Development Inc. c/o Robert L. Shapiro 21101 NE 38 <sup>th</sup> Avenue Aventura, Florida 33180	Tracy R. Slavens, Esq. and Hugo P. Arza, Esq. Holland & Knight, LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 679-6305 (fax)

**Requested Amendment to the CDMP**

Redesignate the application site on the Land Use Plan map

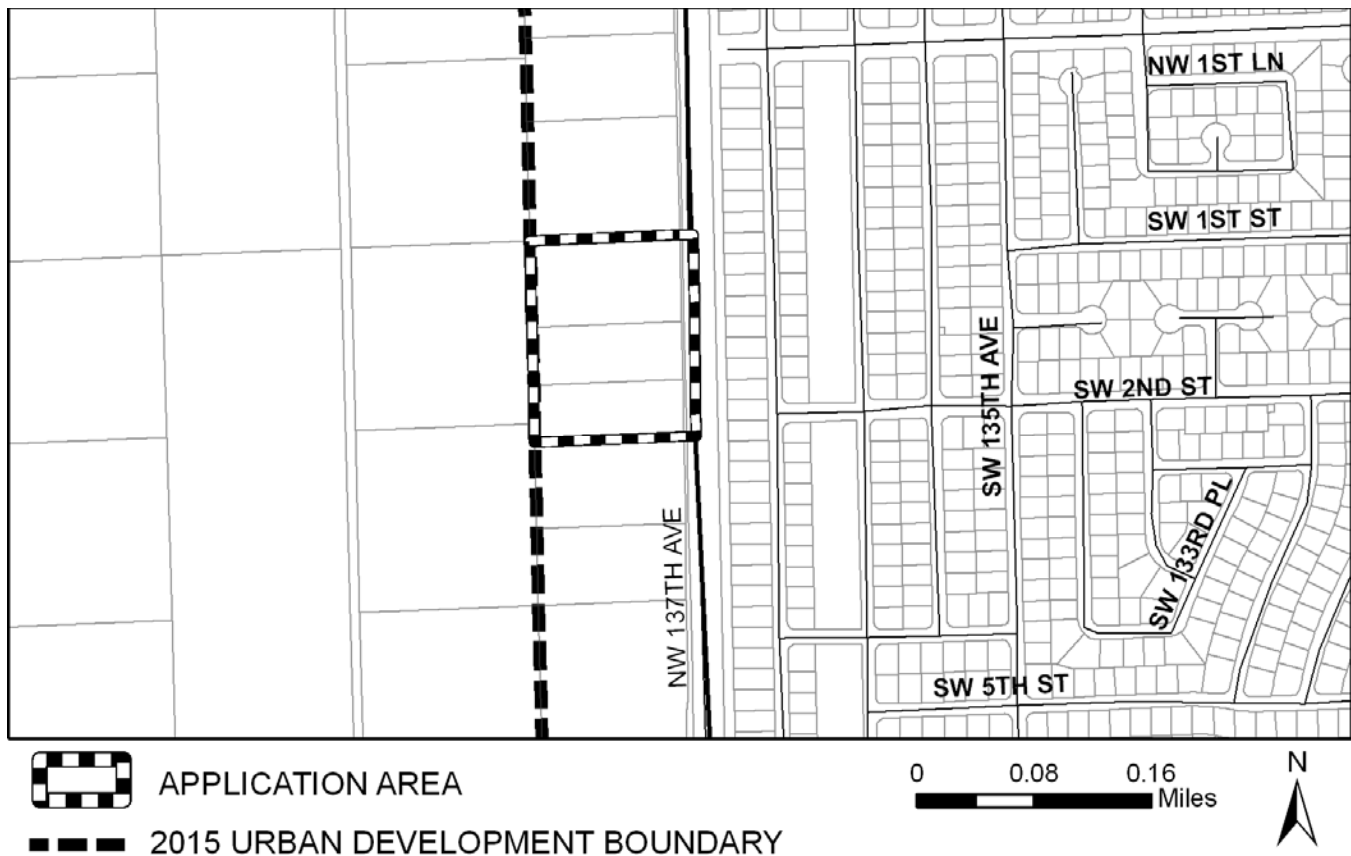
From: Industrial and Office

To: Business and Office

Location: Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue

Acres of Application Area: ±9.84 gross acres; ±9.1 net acres

Acres Owned by Applicant: 0 acres



**Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted

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

2013 MAY 31 P 2: 14

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

1. APPLICANT


Master Development, Inc.  
c/o Robert L. Shapiro  
21101 NE 38<sup>th</sup> Avenue  
Aventura, Florida 33180

2. APPLICANT'S REPRESENTATIVES

Tracy R. Slavens, Esq.  
Hugo Arza, Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847  
(305) 374-8500  
(305) 679-6305 (fax)

By:   
Tracy R. Slavens, Esq.

5/31/13  
Date

By:   
Hugo Arza, Esq.

5/31/13  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. A Small-Scale Change to the Land Use Plan Map. Applicant requests a small-scale change to the Land Use Plan (LUP) map designation on the subject property from "Industrial and Office" to "Business and Office."

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

The Property, comprised of four (4) parcels, contains approximately  $\pm 9.84$  gross acres ( $\pm 9.1$  net acres) and is located approximately 825 feet north of the northwest corner of SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue, in Section 03, Township 54 South, Range 39 East. The Property comprises parcels identified by Folio Nos. 30-4903-003-0290, 30-4903-003-0292, and 30-4903-003-0291, and is more particularly described in Exhibit "A" to this application.



C. Gross and Net Acreage.

Application area: ±9.84 gross acres (±9.1 net acres)

Acreage Owned by Applicant: ±0 acres.

D. Requested Change.

1) Applicant requests that the Property be re-designated on the Land Use Plan map from INDUSTRIAL AND OFFICE to BUSINESS AND OFFICE on +/- 9.84 gross acres identified in Exhibit "A."

2) It is requested that this application be processed as a small-scale amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Industrial and Office" to "Business and Office". The Property consists of ±9.84 gross acres (±9.1 net acres) and is located approximately 825 feet north of the northwest corner of SW 137 Avenue and SW 8 Street. The purpose for this request is to help address the need for additional commercial use in the community.

The Property has direct frontage on major roadway SW 137 Avenue to the east, and is bound by the Urban Development Boundary ("UDB") to the west. Due to these parameters, the Property is a mere ±530 feet wide, east to west. Such a narrow area does not lend itself to a viable industrial use, which typically requires expansive space for storage and/or access by large vehicles. It is no surprise that the Property has remained undeveloped for so long, as its physical attributes do not adequately support the permitted uses under the current designation as Industrial and Office.

The proposed land use designation will enable the Property to be rezoned and developed with commercial uses, which are more appropriate for the location and configuration of the Property. The approval of this request will help to meet the existing and increasing demand for services that are essential to the growing population of residents in the surrounding community and will provide easily accessible commercial space to serve those residents.

The Property is located within Minor Statistical Area ("MSA") 3.2 and just to the north of MSA 6.1. MSA 3.2 is defined by SW 177 Avenue to the west, SW 8 Street to the south, NW 72 Avenue to the east, and U.S. Road 27 to the north. More than half of the land within MSA 3.2 is outside of the Urban Development Boundary ("UDB"). Current Miami-Dade County population projections estimate a population growth of roughly 20,725 persons for MSA 3.2<sup>1</sup>. The areas to the east and south of the Property are designated Low Density Residential ("LDR"), and extend for miles in both directions. To the southeast of the Property are Medium Density Residential ("MDR") uses, followed by additional LDR designation. Re-designating the Property, which is

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<sup>1</sup> As indicated by the Miami-Dade County Regulatory & Economic Resources Department Planning Research Section Population Estimates and Projections dated March, 2013.

buffered from the single-family home uses directly to the east by a canal, eight to twelve foot concrete partitioning wall, and SW 137 Avenue, to "Business and Office" would be compatible with the existing and future development of the area. Extending the current Business and Office designation on the west side of SW 137 Avenue to north onto the Property serves to develop a commercial corridor along a section line, which is a more appropriate use than Industrial located across the street from residential community.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The proposed development of the Property with business uses will be more compatible with the character of the surrounding area than the existing "Industrial and Office" designation. The addition of new neighborhood retail will serve as infill development to accommodate the projected population and economic growth of the surrounding community. With respect to connectivity and accessibility, the Property is located within one half (0.5) miles of Metrobus routes 51 and 137, which connect to the MetroRail, various commercial corridors, area retail and residential communities. Moreover, the draft 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan three proposed new Metrobus Routes that will operate within the immediate vicinity of the Property.

The State Road 836 Express Enhanced Bus and the Flagler Enhanced Bus will provide premium transit service along the segment of SW 8 Street that runs parallel to the Tamiami Canal just south of the Property. Both routes will terminate at the proposed West Miami-Dade/SW 8 Street Park-and-Ride/Transit Terminal located at SW 8 Street and SW 147 Avenue. These routes provide a premium east-west transit connection between the Property, residential suburban areas of west Miami-Dade County and the MIC and the Downtown Central Business District. The State Road 836 Express Enhanced Bus and the Flagler Enhanced Bus both will feature enhanced bus stations at SW 137 Avenue and SW 8 Street. The proximity of the Property to the Metrobus routes will promote transit ridership and pedestrianism for its residents, their visitors, and patrons of the "Business and Office" portion of the development.

It is anticipated that the approval of the proposed amendment will not negatively impact level of service standards of infrastructure in the surrounding area. "Business and Office" uses result in less vehicular trips than "Industrial and Office" uses. It is anticipated that all infrastructure needed to serve the property will have capacity available to support future commercial development on the Property.

The Property is undeveloped but it does not contain any known environmental or historical resources. The Property is used, in part, for truck parking and is often the site of illegal dumping and four-wheel off-road vehicle activities. The approval of the proposed amendment will provide an opportunity for viable infill development, which, in turn, will curb illegal activities and help to protect from any potential environmental impacts from dumping.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial services in the area. Furthermore, the approval of the proposed amendment will promote appropriate development on the Property where Industrial and Office uses simply will

not fit.

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

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

LAND USE POLICY LU-1E: In planning and designing all new residential development and redevelopment in the County, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.

LAND USE POLICY LU-7I: Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

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

LAND USE 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.

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

LAND USE POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and

high growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use, but not be limited exclusively to design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial, and industrial development in unincorporated Miami-Dade County.

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

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "C"

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

Exhibit "A"

Legal Description for Property:

The North 312.30 feet of Tract 32 of EVERGLADES GARDENS, according to the Plat thereof, as recorded in Plat Book 8, at Page 14, of the Public Records of Miami-Dade County, Florida

And

TRACT 32, LESS THE NORTH 312.32 FEET; LESS THE SOUTH 138.80 FEET, LESS THE EAST 105 FEET IN SECTION 3, TOWNSHIP 54 SOUTH, RANGE 39 EAST OF "EVERGLADES GARDENS" AS RECORDED IN PLAT BOOK 8, PAGE 14, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

And

The South 138.80 feet of Tract 32 and the North 69.38 feet of Tract 33 less the East 105 feet in Section 3, Township 54 South, Range 39 East of "EVERGLADES GARDENS", as recorded in Plat Book 8, at Page 14, of the Public Records of Dade County, Florida.

## EXHIBIT "B"

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

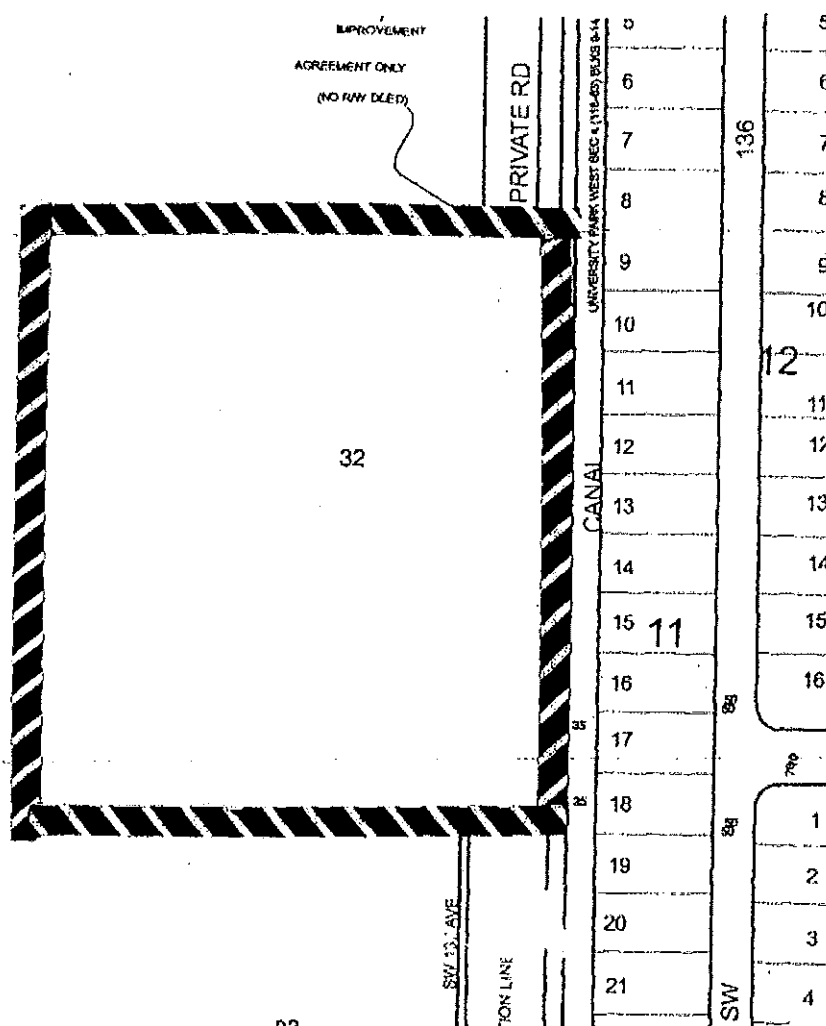
#### APPLICANTS / REPRESENTATIVE

Master Development, Inc. / Tracy R. Slavens, Esq.

#### DESCRIPTION OF SUBJECT AREA

The Property consists of approximately  $\pm 9.84$  gross acres ( $\pm 9.1$  net acres) of land located in Section 03, Township 54, Range 39, in unincorporated Miami-Dade County, Florida. The Property lies approximately 825 feet north of the northwest corner of SW 8<sup>th</sup> Street and SW 137<sup>th</sup> Avenue, and is more specifically described in Exhibit "A" to this application.

#### LOCATION MAP



The Applicant does not own any portion of the subject property.

## EXHIBIT "C"

### 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 ("A"):** Master Development, Inc., a Florida corporation

21101 NE 38<sup>th</sup> Avenue

Aventura, Florida 33180

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	Fernando G. Mendoza, Jr. Revocable Trust	30-4903-003-0290	+/- 3.9
A	The Marisa Group Warehouses, Inc.	30-4903-003-0291	+/- 2.6
A	Dolphins Gate, LLC	30-4903-003-0292	+/- 2.6

**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	FOLIO NUMBER	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation )
A	30-4903-003-0290				
A	30-4903-003-0291				
A	30-4903-003-0292				

**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

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- 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 Master Development, Inc., a Florida corporation

NAME, ADDRESS, AND OFFICE ( if applicable)

PERCENTAGE OF  
STOCK

Robert Shapiro 100%

21101 NE 38<sup>th</sup> Avenue, Aventura, Florida 33180

- 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

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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

BY:

Robert Shapiro, President  
Master Development, Inc.

Sworn to and subscribed before me

this 30<sup>th</sup> day of May, 20 13

Siuby Fleites  
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



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

#23258909\_v1

EXHIBIT "A"

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>
James Jones	President	1846 Sylvan SE, Grand Rapids, MI 49506
Beth Flystra	Secretary	16 E. Orchard Street., Allendale, NJ 07401
Harley VerBeek	Treasurer	8821 Buckridge Trail, Cedar Lake, IN 46303
John Van Sloten	Vice President	5128 33 <sup>rd</sup> Avenue SW, Calgary, AB T3E 6S1, Canada
Don Mullenburg	Director	7317 Lake Ridge Drive, Savage, MN 55378
Moses Chung	Director	2850 Kalamazoo Avenue SW, Grand Rapids, MI 49560

#23258892\_v1

**APPLICATION NO. 6  
STANDARD AMENDMENT APPLICATION**

<b>Applicant</b>	<b>Applicant's Representative</b>
Master Development, Inc. 21101 Northeast 38 <sup>th</sup> Avenue Aventura, Florida 33180	Jeffrey Berrow, Esq. and Monika Entin, Esq. Berrow, Radell, & Fernandez, P. A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-5300

**Requested Amendment to the Land Use Plan Map**

Redesignate the application site on the Land Use Plan map

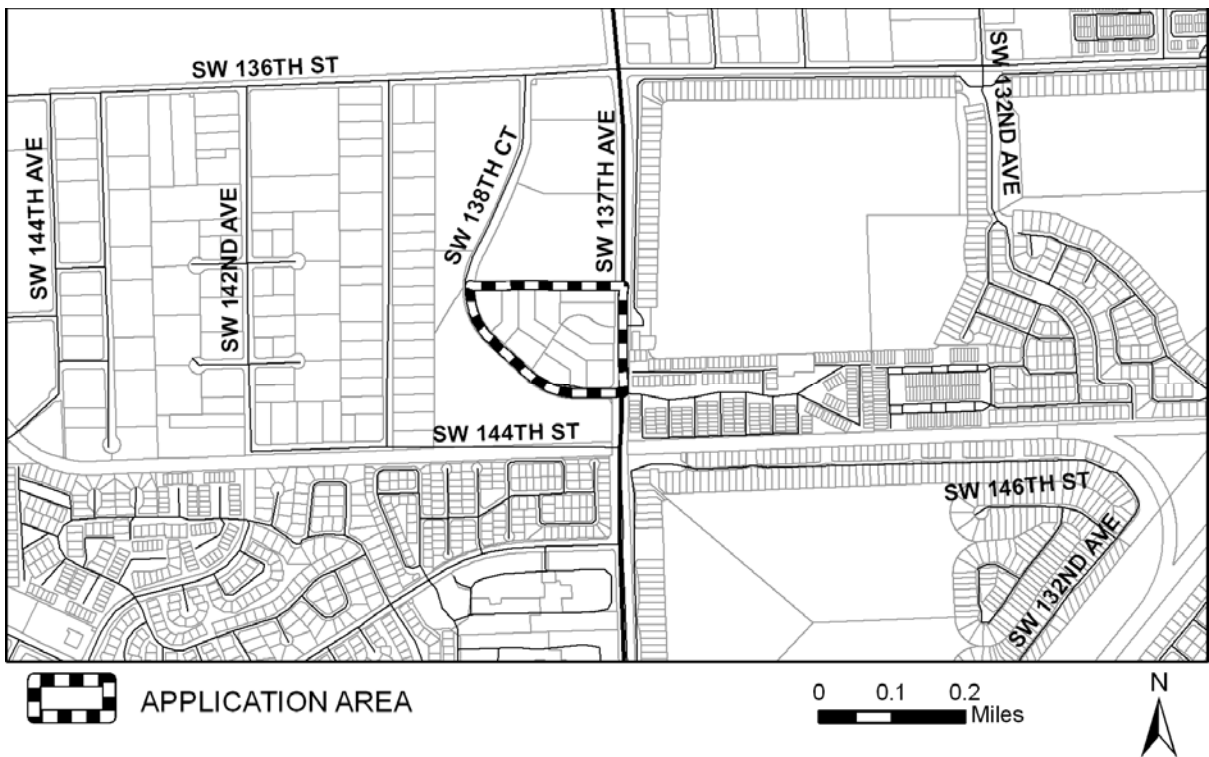
From: Industrial and Office

To: Business and Office

Location: Northwest corner of intersection of SW 143 Street and SW 137 Avenue

Acreage of Application area:  $\pm 16.18$  gross acres;  $\pm 13.7$  net acres

Acreage Owned by Applicant: 0 acres



**Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

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

2013 MAY 31 P 3: 10

PLANNING & ZONING  
METROPOLITAN PLANNING SEC

**1. APPLICANT**

Master Development, Inc.  
21101 Northeast 38<sup>th</sup> Avenue  
Aventura, Florida 33180  
(305) 936-8380

**2. APPLICANT'S REPRESENTATIVE**

Jeffrey Bercow, Esq.  
Monika Entin, Esq.  
Bercow Radell & Fernandez, P.A.  
Attorneys for Master Development, Inc.  
200 South Biscayne Blvd., Suite 850  
Miami, Florida 33131  
Tel: (305) 374-5300

By:   
Jeffrey Bercow, Esq.

Date: May 31, 2013


By:   
Monika H. Entin, Esq.

Date: May 31, 2013

**3. DESCRIPTION OF REQUESTED CHANGE**

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

**B. Description of the Subject Property**

The subject property (the Property) consists of 13.7<sup>Net</sup> acres located in Section 22, Township 55, Range 39. Refer to Exhibit A (Legal and Sketch). 

The application area is designated for Industrial and Office use on the CDMP Land Use Plan Map, and is zoned Limited Business District (BU-1A) and Industrial, Light Manufacturing District (IU-1).

The Applicant proposes to develop the Property with approximately 130,000 square feet of retail, restaurant, bank and service space with appropriate amounts of parking and landscaped open space in an attractive, shopping center designed to service the needs of the West Kendall area as well as the immediate neighborhood.

C. Gross and Net Acreage

Application area: approximately 16.18 gross acres (13.7 net acres)

Acreage Owned by Applicant: 0

Acreage under contract by Applicant: approximately 16.18 gross acres (13.7 net acres)

D. Requested Change

1. It is requested that the Property (approximately 13.7 net acres) be re-designated on the Land Use Plan Map from Industrial and Office to Business and Office. See Composite Exhibit B (Section Map, Aerial and printouts from Miami-Dade County Property Appraiser's Office).
2. If the CDMP amendment application is adopted by the Board of County Commissioners and a proffered covenant restricting the use of the Property 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 entitled "Restrictions accepted by the Board of County Commissioners in association with the Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines promulgated by the Department of Regulatory and Economic Resources.

4. REASONS FOR AMENDMENT

The Property is located within the Urban Development Boundary (UDB) at the northwest corner of SW 137<sup>th</sup> Avenue and SW 143<sup>rd</sup> Street. Approximately 4.7 acres, located on the along the northeast section of the Property, including folio numbers: 30-5922-073-0050, 30-5922-073-0060, and 30-5922-073-0070, are zoned for Industrial, Light Manufacturing (IU-1). The remaining 9 acres in the southwest section of the Property, including folio numbers 30-5922-073-0010, 30-5922-073-0020, 30-5922-073-0030, 30-5922-073-0040, 30-5922-073-0080, 30-5922-073-0090, 30-5922-073-0100, 30-5922-073-0110, and 30-5922-073-0120 are zoned Limited Business District (BU-1A).

The Property fronts on the west side of S.W. 137<sup>th</sup> Avenue, a major north-south roadway in the south central section of Miami-Dade County. The surrounding areas include land designated for Low to Medium Density Residential development, and land designated Industrial and Office. The Kendall-Tamiami Executive Airport is less than a mile from the Property.

The Property is located in Minor Statistical Area (MSA) 6.2 within the South Central

Planning Analysis Tier. See Planning Analyses Tiers and Minor Statistical Area, 2010 Evaluation and Appraisal Report, Adopted March 23, 2011. MSA 6.2 is comprised of numerous residential communities, a very large industrial section and minimal commercial uses located on the outskirts of the communities. The Property is ideally located adjacent to residential neighborhoods but separated by major roads which serve as buffers for the commercial use. The Property's current designation creates underutilization of land due to the lack of demand for industrial lands. The surrounding communities would be best served by the creation of commercial and office uses.

The proposed development of the Property would include approximately 130,000 s.f. of retail, restaurant and other commercial uses, including a bank and pharmacy which are intended to serve the needs of the immediate area. The incorporation of these uses, adjacent to residential communities and within a quarter (1/4) mile of bus stops, will promote pedestrianism and transit ridership, as well as reduce the average vehicular trip length for area residents who now must drive greater distances for their shopping and service needs.

Approval of this application will provide necessary retail and services to integrate this vacant land into the community. The project would generate jobs not only once it becomes operational, but also during the construction phase. Furthermore, the project will encourage local ownership of businesses.

Approval of this application is consistent with the following Goals, Objectives and Policies of the CDMP:

- **LU-8E. Applications requesting amendments to the CDMP Land Use 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:**
  - Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
  - Enhance or impede provision of services at or above adopted LOS Standards;
  - Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
  - Enhance or degrade environmental or historical resources, features or systems of County significance; and
  - If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

Policy LU-8E establishes evaluation criteria for applications seeking amendments to the CDMP Land Use Plan map. Approval of this application and acceptance of the covenant to be proffered will satisfy the criteria set forth within this policy. The average absorption rate of industrial land within the Tier has significantly decreased between issuance of the Planning Considerations Report for the April and October 2007 Cycle of Applications to Amend the Comprehensive Development Plan, and the adoption of the 2010 Evaluation and Appraisal Report (EAR) in March 23, 2011. In 2007 County staff estimated the average absorption rate for the Tier at 28.21 acres while in the EAR that rate had decreased to 16.50 acres. Since the MSAs for this Tier have demonstrated very low absorption rates for industrial land there has not been a need to increase the supply. Moreover, the largest supply of industrial land within this tier is located in MSA 6.2, which can meet the needs of the entire Tier.

Conversely, review of a combination of MSAs directly surrounding the Property suggests a decline in available commercial land in the community. MSAs 5.5 and 5.7, which are located directly east of the MSA 6.2 and the Property, reflected a decline in commercial lands in 2010 from what was projected in 2007. Specifically, vacant commercial land in MSA 5.5 declined from a projected vacant 12.8 acres in 2007 to 9.9 acres in 2010; and MSA 5.7 declined from a projected 15.9 acres in 2007 to less than half that amount in 2010 – 7.7 vacant acres. The decline in available commercial land, accompanied by the growing residential needs in the neighborhood and community, along with the overabundant amount of industrial land, all suggest that re-designating the Property to Business and Office would better serve the needs of the area. Accordingly, the proposed change is consistent with the CDMP Land Use Element policy LU-8F.

Development of the Property pursuant to this application will satisfy the deficiency in the Plan map by creating diversity in a predominantly residential area, encourage local ownership and economic growth, and due to its ideal location will promote transit ridership and pedestrianism. Furthermore, this application will not impede the provision of services at or above adopted LOS standards, will protect the existing character of the area and will not degrade environmental or historical resources.

- **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.**

As previously stated the Property is comprised of twelve (12) vacant parcels. These parcels are located along a major roadway. Southwest 137<sup>th</sup> Avenue is the principal north-south artery for the West Kendall area. Therefore, the infill development of these vacant parcels would not only be consistent with LU-1C, but would be preferable



to maintaining such vacant parcels adjacent to urbanized residential developments and along a well-traveled major roadway, such as S.W. 137<sup>th</sup> Avenue.

- **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.

Objective LU-1 emphasizes that well-designed communities should have a variety of uses and renew and rehabilitate blighted areas. Approval of the instant application will serve to satisfy both the foregoing elements. Specifically, this project will serve to rehabilitate a significant amount of land which has long been vacant on a major north-south roadway in the south central section of Miami-Dade County. Furthermore, most of the existing, surrounding, uses are low to medium density residential developments. Objective LU-1 encourages development of a well-designed community serving a variety of uses that complement each other. The retail uses contemplated for the Property would encourage development of a variety of housing types, would serve the needs of the surrounding communities, and would be consistent with this Objective.

- **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 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 business or 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 Property is comprised of twelve (12) vacant parcels, which are located along a major roadway, S.W. 137<sup>th</sup> Avenue. Southwest 137<sup>th</sup> Avenue is the principal north-south roadway in the south central section of Miami-Dade County. Surrounding the Property are small residential neighborhoods with retail and industrial uses on the outskirts of the area. The Guidelines for Urban Form (GUF) dictate that the section line roads should be the physical boundaries for neighborhoods and intersections of the section line roads shall serve as the focal points of activity, i.e. activity nodes. These nodes shall be comprised of approximately forty (40) acres of commercial uses that serve the community. Neither the northwest nor southwest corners of this section are designated for commercial uses that serve the community. The northeast activity



node for this section is the location for Lexus of West Kendall, a regional business while Country Walk Plaza, including a Publix is located at the southeast node. The northeast corner of SW 136<sup>th</sup> Street and 137<sup>th</sup> Avenue is developed for residential uses, while a gas station is located at the northeast corner of SW 152 Street and 137<sup>th</sup> Avenue. The amounts of commercial uses that serve the community for this section of the County are negligible.

The GUF creates exceptions which permit commercial uses outside of the nodes. Specifically, the GUF states that "exceptions may occur ... to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood." In the present case, the pattern of use which exists in this established neighborhood creates an exception to the GUF. The Property is located within an area designated in the Generalized Development Pattern map as a periphery area with or without offices. The lack of existing commercial uses that serve the community is clear, yet with each new residential use the demand for such uses and services increases. The location of the Property, along the principal roadway for the area is also ideal to be able to serve the entire community. Approval of the instant application would create a small cluster of retail, not only in the vicinity of a major roadway, but also within what are predominantly residential communities. The approximate 130,000 s.f. of retail, restaurant and other commercial uses, including a bank and pharmacy at the Property are intended to serve the needs of the immediate neighborhood. In addition, due to its location along S.W. 137<sup>th</sup> Avenue, the Property will also serve the West Kendall area.

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

The occupied parcels surrounding the Property are mostly low to medium density residential developments along with some industrial zoning. Similarly, the vacant property located just south of the subject Property (the southwest corner of SW 137<sup>th</sup> Avenue and 143<sup>rd</sup> Street) is zoned for Minimum Apartment House (RU-3M) use and, as of May 10, 2013 is the subject of an application with the Department of Regulatory and Economic Resources for the development of townhomes. The predominant use in MSA 6.2 is single family residential; there is not a great diversity of different housing types in the area. The development of the Property with retail establishments serving the surrounding residential communities will encourage a diversity of housing products which will promote and be consistent with the objectives of LU-1F.

- **Objective LU-4. Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive of the text, or with the character of the surrounding community.**

The character of the community surrounding the Property has changed over the years to more residential uses. Residential neighborhoods, by their very nature create needs for commercial and retail uses. The Property, as it sits now and has sat for a long period of time, does not serve the needs of the surrounding neighborhoods and thus has become inconsistent with the character of the surrounding community. The creation of retail uses upon this vacant land will better serve the surrounding community and be more consistent with the LUP map. Furthermore, since approximately 9 acres of the Property are zoned Limited Business District (BU-1A) and only 4.7 acres are zoned for Industrial, Light Manufacturing (IU-1) the Land Use amendment would also be more consistent with the current zoning classifications for the Property.

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

The current land use for the Property is Industrial and Office, while the zoning is mostly BU-1A. Clearly, the retail use is supportive by the zoning. The current Industrial and Office land use designation is potentially incompatible with surrounding and nearby residential uses, while the proposed use should be more compatible with the surrounding neighborhoods and communities. LU-4D specifically states that uses which may potentially be incompatible, but are supported on sites within functional neighborhoods, communities or districts shall be permitted where proper design solutions can be used to integrate the compatible and complementary elements. The proposed uses will be separated from residential uses by the roadway network and will be compatible with the surrounding neighborhoods and communities. The covenant to be proffered with this application will ensure that the proposed development offers proper design solutions to integrate the compatible and complementary elements and buffer any potentially incompatible elements to the surrounding community.

- **Objective LU-7. Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.**

The Property is located within walking distance from several residential communities, to the south, southwest and east. As a result, the creation of restaurants and other commercial uses, including a bank and pharmacy, will encourage a pedestrian mode of travel and utilization of transit services. Additionally the Property is located along the 137 West Dade Connection Bus Route. The 137 bus route provides two (2) bus stops less than a quarter (1/4) mile south of the Property. Likewise, the 137<sup>th</sup> West Dade Connection also provides another stop that is less than a half (1/2) mile north of the Property along 137<sup>th</sup> Avenue. The development is located along a planned transit corridor and will promote both pedestrianism and the use of Miami-Dade County transit systems.

- **LU-7D. Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause and 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.**

As indicated above, the Property is located within one-half mile of at least three (3) Miami-Dade bus stops. It is located along the 137 West Dade Connection Bus Route. The 137 bus route provides two (2) bus stops less than a quarter (1/4) mile south and another stop that is less than one-half (1/2) mile north of the Property along 137<sup>th</sup> Avenue. It is also located adjacent to several residential communities. Creation of the much needed retail services would promote pedestrian activity and not increase walking distances to any bus stop. Since such services will be located nearby the retail uses would create a much more comfortable and attractive area for pedestrians than the existing twelve (12) vacant parcels.

- **ECO-7A. Miami-Dade County's strategy for meeting countywide employment needs for the next several years should be to emphasize its strengths in international commerce, health services, the visitor industry, and aviation-related activities, and endeavor to expand in the areas of biomedical, film and entertainment, financial services, information technology and telecommunications, while simultaneously promoting the creation and development of small and medium-sized, labor intensive enterprises geared to the socio-economic needs and opportunities of specific neighborhoods and locations meant to serve a diversity of markets.**

Policy 7A of the CDMP's Economic Element emphasizes promoting the development of small and medium-sized, labor intensive enterprises geared to the socio-economic base and needs of specific neighborhoods, creating opportunities and diversity of markets. Approval of this application will promote the economic development contemplated by Policy 7A by allowing for the creation of a small retail cluster within this underserved community. It will promote growth of small to medium sized retail establishments and

local ownership and will serve a diversity of markets, including nearby residents, as well as commuters from Tamiami Executive Airport, which is within a mile of the Property.

**5. ADDITIONAL MATERIAL SUBMITTED**

- a. Exhibit A - 8 ½ X 11 sheet showing Property Location (Legal and Sketch)
- b. Composite Exhibit B – Section Map, Aerial Photograph and printouts from Miami-Dade County Property Appraiser's Office.

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.

**MASTER DEVELOPMENT, INC.**

**LOCATION MAP FOR APPLICATION**

**TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**APPLICANT/REPRESENTATIVE**

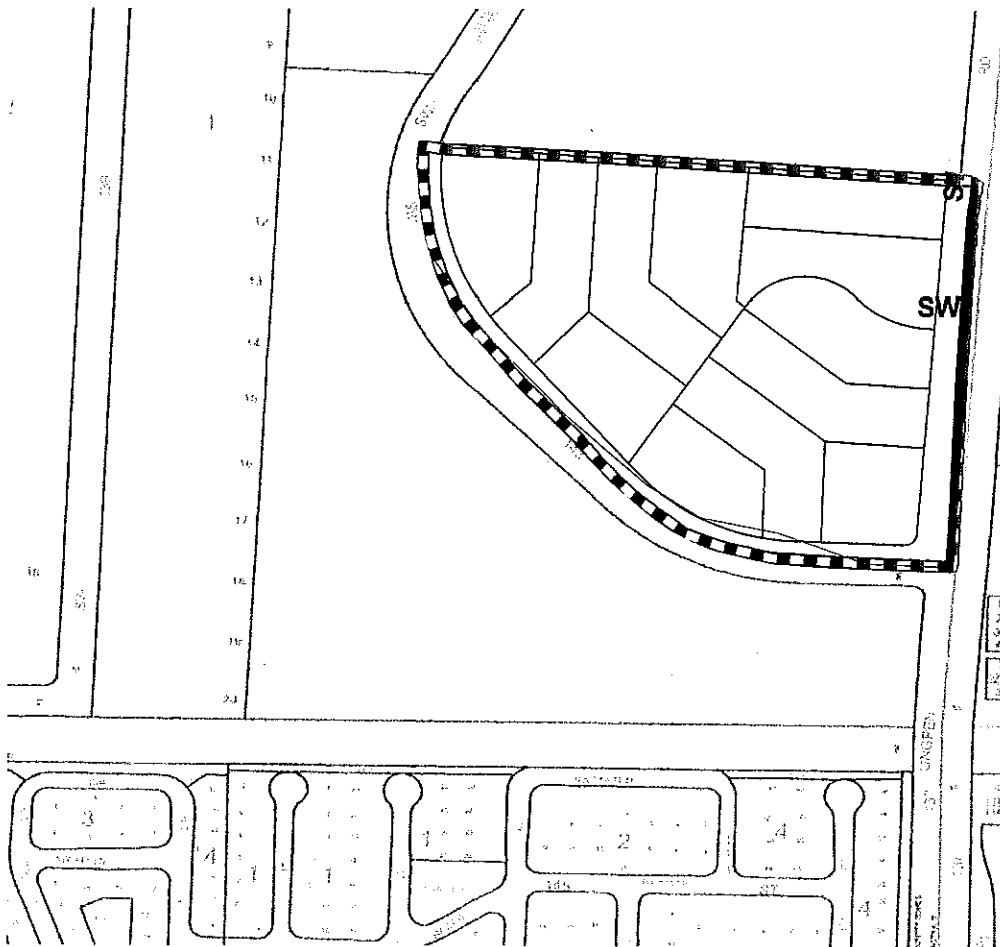
Master Development, Inc.

Jeffrey Bercow, Esq.

Monika H. Entin, Esq.

**DESCRIPTION OF SUBJECT AREA**

The Application Area consists of approximately 13.7 acres (16.18 gross acres) located in Section 22 Township 55 South, Range 39.



Net Acres 13.7  
Application  
Area

Gross Acres:  
16.18

## Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT

A

## Legal Description:

A PARCEL OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI - DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF COSMOPOLITAN CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA SAID POINT ALSO LYING ON THE WEST RIGHT-OF-WAY LINE SW 137TH AVENUE, THENCE RUN S 01°21'22" W, ALONG THE SAID WEST RIGHT-OF-WAY LINE OF SW 137TH AVENUE, A DISTANCE OF 715.73 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET, AND A CHORD BEARING AND DISTANCE OF S 45°00'08" W, 34.51 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°17'32" FEET, AN ARC LENGTH OF 38.09 FEET TO A POINT OF TANGENCY, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SW 143RD STREET (80' RIGHT-OF-WAY); THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE: RUN S 88°38'54" W, A DISTANCE OF 224.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 460.00 FEET, AND A CHORD BEARING AND DISTANCE OF N 69°16'09" W, 345.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°09'53", AN ARC LENGTH OF 354.58 FEET TO A POINT OF TANGENCY; THENCE RUN N 47°11'13" W A DISTANCE OF 386.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 460.00, AND A CHORD BEARING AND DISTANCE OF N 21°55'30" W, 392.62 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE 50°31'25", AN ARC LENGTH OF 405.63 FEET; THENCE DEPARTING SAID CURVE AND AFORESAID RIGHT-OF-WAY LINE RUN S 89°46'44" E, A DISTANCE OF 1018.97 FEET TO AN INTERSECTION WITH ON THE WEST RIGHT-OF-WAY LINE OF SW 137TH AVENUE AND THE POINT OF BEGINNING.

SUBJECT PARCEL CONTAINS 598,595 SQ FT, OR 13.74 ACRES MORE OR LESS.

## Abbreviation Legend:

(A) - ACTUAL	Δ - DELTA	GOV'T - GOVERNMENT	PC - POINT OF CURVATURE	R39E - RANGE 39 EAST
APPROX - APPROXIMATE	(D) - DEED	IP - IRON PIPE	PCC - POINT OF COMPOUND	R - RADIUS
AVG - AVERAGE	(DE) - DEED EXCEPTION	IR - IRON ROD	PG - CURVATURE	RAD - RADIAL
(BB) - BEARING BASIS	DEPT - DEPARTMENT	IR&C - IRON REBAR & CAP	PCP - PERMANENT CONTROL POINT	REC - RECOVERED
BLDG - BUILDING	D/U - DRAINAGE AND UTILITY	L - LICENSED BUSINESS NUMBER	PG - PAGE	REV - REVISION
BM - BENCH MARK	ELEV - ELEVATION	(M) - MEASURED	PGS - PAGES	RP - RADIUS POINT
(C) - CALCULATED	EQP - EDGE OF PAVEMENT	N & D - NAIL AND DISK	PI - POINT OF INTERSECTION	R/W - RIGHT-OF-WAY
C - CHORD	ESMT - EASEMENT	NR - NON-RADIAL	POB - POINT OF BEGINNING	SEC 22 - SECTION 22
CB - CHORD BEARING	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION	NT - NO SURVEYOR IDENTIFICATION	POC - POINT OF COMMENCEMENT	SQ - SQUARE
CCR # - CERTIFIED CORNER RECORD NUMBER	FF - FINISH FLOOR	OR - OFFICIAL RECORDS	POL - POINT ON LINE	SQ FT - SQUARE FEET
C/L - CENTERLINE	FND - FOUND	ORB - OFFICIAL RECORDS BOOK	PRC - POINT OF REVERSE CURVATURE	TB - TANGENT BEARING
CM - CONCRETE MONUMENT	FP&L - FLORIDA POWER AND LIGHT	(P) - PLAT	PRM - PERMANENT REFERENCE MONUMENT	TSSS - TOWNSHIP 55 SOUTH
CONC - CONCRETE	(G) - GRID (STATE PLANE)	PB - PLAT BOOK	PT - POINT OF TANGENCY	(TYP) - TYPICAL
COR - CORNER			FE - FLORIDA EAST COAST RAILWAY	UE - UTILITY EASEMENT
				W/ - WITH

## Surveyor's Notes:

- "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- "ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES."
- BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM AS BEING S01°21'22"W ALONG THE WEST RIGHT-OF-WAY LINE OF SW 137TH AVENUE.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

## Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on May 29, 2013. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Rule Chapter 5J-17 of the Florida Administrative Code.

For the Firm By:

Thomas J. Galloway  
Professional Surveyor and Mapper  
Florida Registration No. 6549

MAY 29 2013

TITLE BLOCK ABBREVIATIONS  
Eng. = ENGINEERING L.B. = LICENSED BUSINESS  
C.O.A. = CERTIFICATE OF AUTHORIZATION Arch. = ARCHITECTURAL  
Landsc. = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED  
No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT  
SHEETS 1 AND 2 OF 2.

Drawn by: JTF

Date: 5/29/2013

Job No. M15801

Scale: N/A

File: M15801\_CC.DWG

**cph**  
www.cphcorp.com

Prepared By:  
**CPH, Inc.**

Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA2600926  
Landsc. Lic. No. LC0000298

**COSMOPOLITAN CENTER**

SECTION 22-TOWNSHIP 55 SOUTH-RANGE 39 EAST  
MIAMI-DADE COUNTY, FLORIDA

**SKETCH AND DESCRIPTION**

Sheet

**1**

1 of 2

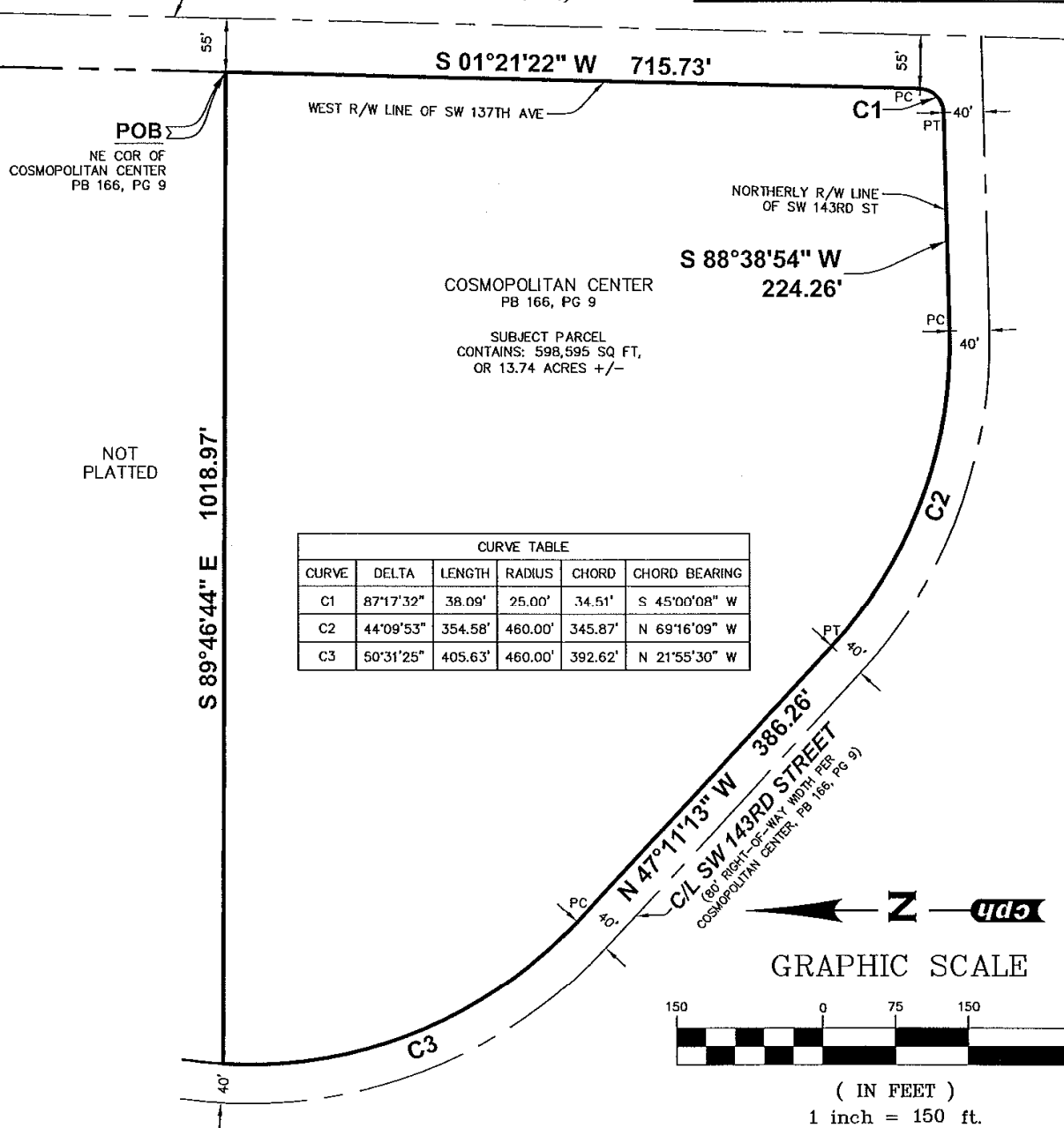
© 2013

500 W. Fulton St. ~ Sanford, FL 32771 ~ Ph: 407.322.6841

# Sketch and Description:

THIS IS NOT A SURVEY

C/L SW 137TH AVENUE (LINDGREN ROAD)  
(110' RIGHT-OF-WAY WIDTH PER  
COSMOPOLITAN CENTER, PB 166, PG 9)



TITLE BLOCK ABBREVIATIONS  
Eng. = ENGINEERING L.B. = LICENSED BUSINESS  
C.O.A. = CERTIFICATE OF AUTHORIZATION Arch. = ARCHITECTURAL  
Landsc. = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED  
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NOT VALID WITHOUT  
SHEETS 1 AND 2 OF 2.

Drawn by: JTF

Date: 5/29/2013

Job No. M15801

Scale: 1"=150'

File: M15801\_CC.DWG

**cph**  
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Prepared By:  
CPH, Inc.

Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA2600926  
Landsc. Lic. No. LC0000298

COSMOPOLITAN CENTER

SECTION 22-TOWNSHIP 55 SOUTH-RANGE 39 EAST  
MIAMI-DADE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

**2**

2 of 2

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500 W. Fulton St. ~ Sanford, Fl. 32771 ~ Ph: 407.322.6841

## 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: Master Development, Inc.  
21101 Northeast 38<sup>th</sup> Avenue  
Aventura, Florida 33180  
(305) 936-8380

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
Master Development, Inc.	75 Acres, LLC	30-5922-073-0120	
21101 NE 38 <sup>th</sup> Avenue	1401 Brickell Ave.	30-5922-073-0110	
Aventura, FL 33180	Suite 320	30-5922-073-0100	
	Miami, FL 33131	30-5922-073-0090	
		30-5922-073-0080	
		30-5922-073-0070	
		30-5922-073-0060	
		30-5922-073-0050	
		30-5922-073-0040	
		30-5922-073-0030	
		30-5922-073-0020	
		30-5922-073-0010	

Total: 13.7 net 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>
Master Development, Inc.			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

NOT APPLICABLE

- 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:** MASTER DEVELOPMENT, INC.

NAME, ADDRESS, AND OFFICE ( if applicable) PERCENTAGE OF STOCK

<u>Robert Shapiro, President</u>	<u>100%</u>
<u>21101 NE 38<sup>th</sup> Avenue</u>	
<u>Aventura, FL 33180</u>	

- a. 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:** NOT APPLICABLE

BENEFICIARY'S NAME AND ADDRESS PERCENTAGE OF INTEREST

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

**PARTNERSHIP NAME:** NOT APPLICABLE

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

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

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

Master Development, Inc.

21101 NE 38<sup>th</sup> Avenue

Aventura, FL 33180

Robert Shapiro, President

100%

21101 NE 38<sup>th</sup> Avenue

Aventura, FL 33180

Date of Contract: May 10, 2013

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

NOT APPLICABLE

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

NOT APPLICABLE

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

**CORPORATION NAME:** 75 ACRES, LLC

NAME, ADDRESS, AND OFFICE ( if applicable)

PERCENTAGE OF STOCK

Hans Baumberger, Member	29%
7431 SW 66 <sup>th</sup> Street	
Miami, FL 33143	
Rosa Altirriba	29%
7431 SW 66 <sup>th</sup> Street	
Miami, FL 33143	
Manuel Gonzalez	42%
7431 SW 66 <sup>th</sup> Street	
Miami, FL 33143	

- 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:** NOT APPLICABLE

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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

**PARTNERSHIP NAME:** NOT APPLICABLE

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

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

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

75 Acres, LLC

7431 SW 66<sup>th</sup> Street

Miami, FL 33143

<u>Hans Baumberger, Member</u>	<u>29%</u>
<u>7431 SW 66<sup>th</sup> Street</u>	
<u>Miami, FL 33143</u>	
<u>Rosa Altirriba</u>	<u>29%</u>
<u>7431 SW 66<sup>th</sup> Street</u>	
<u>Miami, FL 33143</u>	
<u>Manuel Gonzalez</u>	<u>42%</u>
<u>7431 SW 66<sup>th</sup> Street</u>	
<u>Miami, FL 33143</u>	

Date of Contract: May 10, 2013

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


NOT APPLICABLE

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.

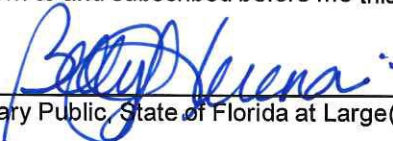
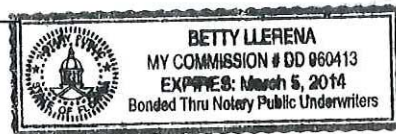
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Robert Shapiro, President  
Master Development, Inc.  
21101 NE 38<sup>th</sup> Avenue  
Aventura, FL 33180

  
\_\_\_\_\_

Sworn to and subscribed before me this 31<sup>st</sup> day of May, 2013

  
\_\_\_\_\_  
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.

APPENDIX C

DECLARATION OF RESTRICTIONS AND OPINION OF TITLE TEMPLATE

(Next Page)

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**APPLICATION NO. 7  
STANDARD AMENDMENT APPLICATION**

<b>Applicant</b>	<b>Applicant's Representative</b>
137 Holdings, LLC 2990 Ponce De Leon Blvd Suite 500 Coral Gables, Florida 33134	Melissa Tapanes Llahues, Esq. and Graham Penn, Esq. Bercow, Radell, & Fernandez, P. A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131 (305) 374-5300

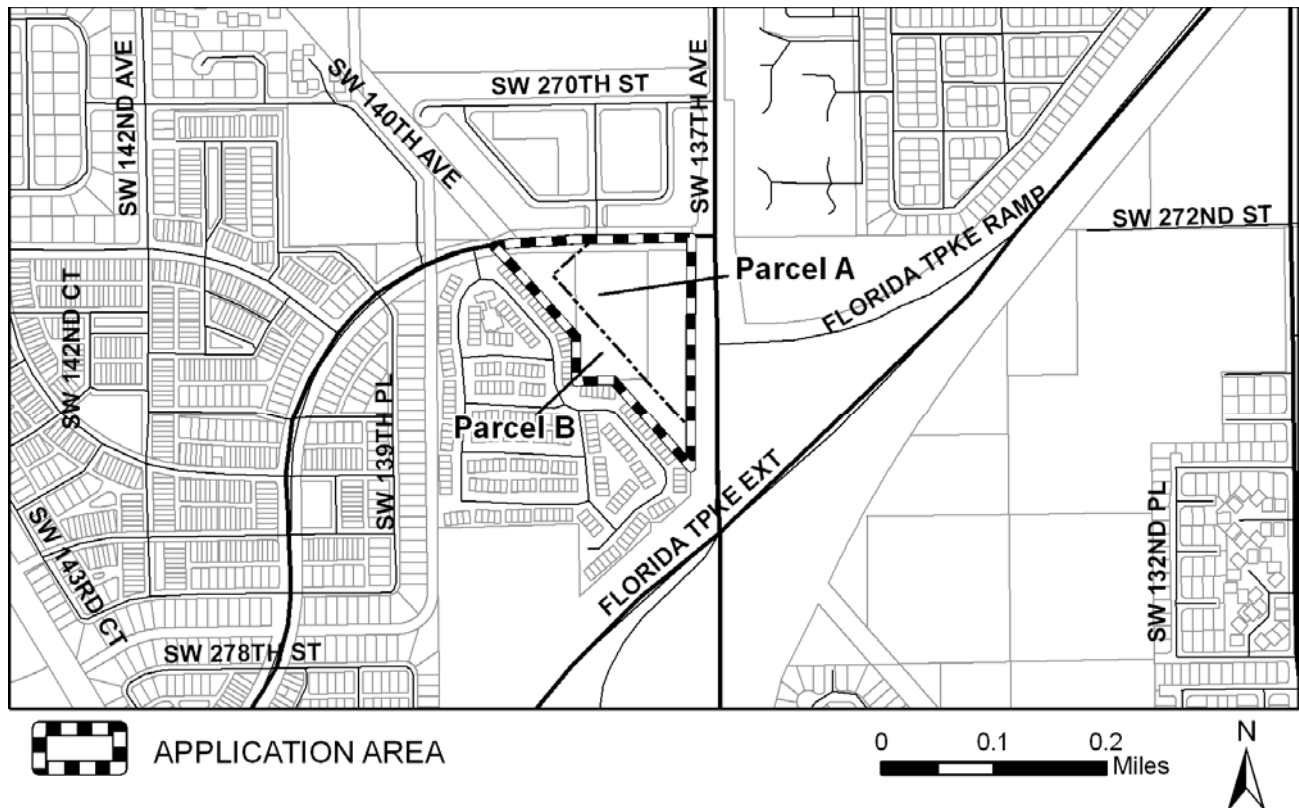
**Requested Amendment to the Land Use Plan Map**

1. Redesignate Parcel B of the application site on the Land Use Plan map  
From: Low-Medium Density Residential (6 to 13 dwelling units per gross acre) and Business and Office  
To: Medium Density Residential (13 to 25 dwelling units per gross acre)
2. Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records, which governs development of the Application site (Application No. 7 of the October 2003 cycle amendment).

Location: Southwest corner of the intersection SW 272 Street and SW 137 Avenue.

Acreage of Application Area: ±12.0 gross acres; ±10.7 net acres

Acreage Owned by Applicant: 0 acres



**Notes:**

1. This page is not part of the Application that was filed by the applicant.
2. The Disclosure of Interest published herein contains only those applicable pages; all others were deleted.

**STANDARD AMENDMENT REQUEST  
TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
MAY 2013-2014 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

137 Holdings, LLC  
2990 Ponce De Leon Blvd., Suite 500  
Coral Gables, FL 33134

**2. APPLICANT'S REPRESENTATIVES**

Melissa Tapanes Llahues, Esq.  
Graham Penn, Esq.  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard, Suite 850  
Miami, Florida 33131  
(305) 374-5300

By:   
Melissa Tapanes Llahues, Esq.

Date: May 30, 2013

By:   
Graham Penn, Esq.

Date: May 30, 2013

**3. DESCRIPTION OF REQUESTED CHANGES**

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

A. A change to the Land Use Element, Land Use Plan Map (item A. 1 in the fee schedule) and the deletion of a Declaration of Restrictions proffered for the approval of a previous Land Use Map change (item A.4 in the fee scheduled) are requested.

**B. Description of Application Area**

The Application Area consists of approximately 12 gross acres, excluding the SW 137 Avenue right-of-way, and approximately 10.597 net acres located in Section 34, Township 56, Range 39 (the "Property"). The Property is more accurately described on



the attached location map, sketch, and legal description. See attached Sketch of Application Area and Survey.

C. Acreage

Application Area: +/- 12 gross acres (10.597 net acres).

Acreage owned by Applicant: 0 acres.

D. Requested Changes

- 1) It is requested that 4.53 gross acres (3.57 net acres) of the Application Area be redesignated on the Land Use Plan Map from Low-Medium Density Residential / Business and Office to Medium Density Residential.
- 2) It is requested that the Declaration of Restrictions recorded at Official Record Book 22345, Pages 1710 through 1725 be released as to the Application Area and a new covenant accepted.

**4. REASONS FOR AMENDMENTS**

The Application Area. The Application Area is an approximate 12 gross acre (10.59 net acre) parcel, excluding the SW 137 Avenue right-of-way, located at the southwest corner of SW 137 Avenue and SW 272 Street (the "Application Area"). The Application Area is currently undeveloped. To the west and south of the parent tract is existing townhome style residential development. To the north of the parent tract across SW 272 Street is existing multi-family development. To the east of the parent tract is right of way for the Homestead Extension of Florida's Turnpike (the "HEFT") and additional undeveloped residential land.

The wider area surrounding the Application Area to the north and west includes land within the Naranja and Leisure City Community Urban Center Districts as well as the Mandarin Lakes Traditional Neighborhood District development. The Application Area is within the Naranja Lakes Community Redevelopment Area ("CRA"). The CRA was established in 1998, following the devastation of this portion of the County by Hurricane Andrew.

Prior Development Plan. In October 2003, the current owner of the Application Area filed an application to amend the Land Use Plan designation for a 9.99 acre portion of the land from Low-Medium Density Residential to Business and Office. After discussions with County staff, who expressed concern about the potential issues from a purely commercial development of the site, the owner agreed to a series of development limitations, which were incorporated into the Declaration of Restrictions recorded at Official Record Book 22345, Pages 1710 through 1725 (the "Existing Covenant"). Chief among the requirements of the Existing Covenant was the obligation of the owner to develop a portion of the parent tract with at least fifty (50) residential units and to attempt a development style consistent with the County's urban planning goals. Following the approval of the 2003 CDMP amendment, the owner obtained a zoning approval

consistent with the terms of the Existing Covenant. The owner thereafter spent most of the last decade attempting to develop and/or sell the Application Area as a mixed-use development without success. The location of the Application Area, far away from the area's commercial core along U.S. 1, was simply not amenable to the retail and service uses that had been contemplated.

Proposed Development. The applicant proposes to develop the Application Area with a well-designed multifamily development that is consistent with the current and likely future development pattern in this area of the County. The applicant believes that a residential development that incorporates the County's urban design principles will be consistent with the surrounding development. The higher density proposed for the development will help serve as a transition from the HEFT on the east to the lower scale townhouse and single story multifamily development that surround the parent tract on the north, south, and west. The applicant will be submitting a covenant requiring the proposed development to be designed in a manner consistent with the County's planning goals that will replace the Existing Covenant.

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

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

The application will redevelop an unused property that is currently a detriment to the character of the neighborhood and will help create a connection among the Naranja and Leisure City Urban Centers, the Homestead Extension of Florida's Turnpike, and the established residential developments in the area.

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

The Application Area is in an area of the County long targeted for infill development, through the County's CRA program, as well as other planning exercises such as the County's Urban Center program. The site is immediately adjacent to the SW 137 Avenue, which has been suggested as an "activity corridor" and the location of expanded premium bus service.

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

The application will add to the variety of housing types in this community. The area surrounding the Application Area includes single-family homes and small older multi-family developments. The inclusion of higher density multifamily housing units in the area will promote Policy LU-1F by providing a variety of housing sizes and styles for residents of the neighborhood.

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

The Application Area is in the ideal location for residential infill development. The Application Area is in a portion of the County with adequate existing infrastructure, readily accessible services, and good accessibility to employment.

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

Land Supply. The Application Area is located in MSA 7.4 the eastern part of the South Miami-Dade planning analysis tier. Table 1.1-11 of the 2010 Evaluation and Appraisal Report (EAR) indicates that capacity of both single-family and multifamily housing will be depleted in the eastern portion of the Tier by 2022. The application proposes to increase the residential capacity in this portion of the County.

The approval of the application will result in a slight diminution of available commercial land. However, Table 1.1-12 of the 2010 EAR projects depletion of commercial land in MSA 7.4 at “2030+”. The approval of the application would therefore not result in a measurable diminution of available commercial land, while increasing much-needed residential capacity.

**Policy LU-8E – Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all**

Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

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

Compatibility. Compatibility issues will be primarily addressed during the site plan process for the development project. However, the well-designed multifamily residential community proposed for the Application Area is certainly compatible with surrounding uses. Also, the proximity to mass transit and major roadways will enhance the accessibility to the site.

Infrastructure. The Applicant believes that both water and sewer connections are available adjacent to the site. As to potable water and sewer capacity, the applicant believes that the County's treatment plants are currently operating within the LOS standards. Although the Applicant does not anticipate that the approval of this application will result in a deficiency in the LOS, the Applicant will work with DERM and/or WASD to address any potential concerns.

Schools. Pursuant to Table 2.10-1 of the 2010 EAR Report, the overall capacity of public schools at the end of 2009-2010 was 85% and has been steadily decreasing since 2003-2004. As such, there is not any anticipated school inventory issues for this area.

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

## **5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Sketches and Legal Description of Application Area
- 2) Aerial Photograph
- 3) Section Map

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

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



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

**APPLICANT/REPRESENTATIVE**

137 HOLDINGS, LLC / BERCOW RADELL & FERNANDEZ PA

**DESCRIPTION OF SUBJECT AREA**

The Application Area consists of approximately 12 gross acres (10.597 net) located in Section 34, Township 56, Range 39. The site is located south of SW 272 Street and east of SW 137 Avenue. The applicant does not own any of the Subject Property.



## APPLICATION AREA

A PORTION OF THE N.E. 1/4 OF THE SE ¼ OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST. LYING WEST OF THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE AND LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET, AND LYING NORTHEASTERLY OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE HOMESTEAD AIR FORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

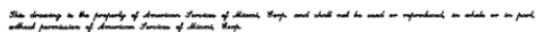
COMMENCE AT THE NORTHEAST CORNER OF THE SE ¼ OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE ¼ OF SAID SECTION 34 FOR 112.65 FEET THENCE S04°14'49"W ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE FOR 354.43 FEET THENCE S00°10'47"E ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE FOR 562.63 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIR FORCE BASE RAILROAD RIGHT OF WAY" AND THE POINT OF BEGINNING THENCE N41°09'09"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIR FORCE BASE RAILROAD RIGHT OF WAY" FOR 985.02' FEET TO A POINT; THENCE N.48°50'51"E. FOR A DISTANCE OF 171.09 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SW 272nd STREET; THENCE S89°16'57"W ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET; FOR 241.04 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTH AND HAVING FOR ITS ELEMENTS A RADIUS OF 1090.92 FEET AND A CENTRAL ANGLE OF 05°48'20" THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET FOR AN ARC DISTANCE OF 110.54 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIR FORCE BASE RAILROAD RIGHT OF WAY"; THENCE S41°09'09"E ALONG SAID RIGHT OF WAY LINE OF THE "HOMESTEAD AIR FORCE BASE RAILROAD RIGHT OF WAY"; FOR 512.63 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE SE 1/4 OF SAID SECTION 34: THENCE S0°05'24"E, ALONG THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 221.49 FEET TO THE S.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE N89°22'00"E ALONG THE SOUTH LINE OF THE W 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 191.38 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" THENCE S41°09'09"E ALONG SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 519.85 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE; THENCE

N00°10'47"W ALONG SAID RIGHT OF WAY LINE FOR 152.51 FEET TO THE  
POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY,  
FLORIDA AND CONTAINING AN AREA OF 3.576 ACRES, MORE OR LESS.

SCALE: 1" = 60'



## SCALE: NTS



**MIAMI**  
8380 S.W. 72nd Street, Suite 200  
MIAMI, FLORIDA, 33173  
PH: (305) 596-8400  
FAX: (305) 566-9877

ORDER NO.  
13-508-3  
SHEET NO.  
1



## OVERALL LEGAL

### PARCEL A

A PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE WEST 1/2 OF THE N.E. 1/4 OF THE NE ¼ OF THE SE ¼ OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST.

TOGETHER WITH THAT PORTION OF SAID WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 LYING ADJACENT TO SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY", LESS THE NORTH 55.00 FEET OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SE ¼ OF SAID SECTION 34, THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE ¼ OF SAID SECTION 34 FOR A DISTANCE OF 671.22 FEET TO THE N.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S00°05'24"E ALONG THE WEST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 55.00 FEET TO THE POINT OF BEGINNING THENCE CONTINUE S00°05'24"E, ALONG THE LAST DESCRIBED COURSE FOR 617.29 FEET TO THE S.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE N89°22'00"E ALONG THE SOUTH LINE OF THE W 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 336.13 FEET TO THE S.E. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 THENCE N00°08'06"W ALONG THE EAST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; FOR 617.78 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET; THENCE S89°16'57"W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 272ND STREET; AND A LINE 55.00 FEET SOUTH OF THE NORTH LINE OF THE S.E. 1/4 OF SAID SECTION 34, FOR 335.65 FEET TO THE POINT OF BEGINNING.

### PARCEL B

A PORTION OF THE N.E. 1/4 OF THE SE ¼ OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST. LYING WEST OF THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE AND LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET, AND LYING SOUTH AND EAST OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID

SECTION 34: AND LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF SAID S.E. 1/4 OF SECTION 34 FOR 112.65 FEET THENCE S04°14'49"W FOR 82.47 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 94°57'51" AND THE POINT OF BEGINNING: THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE FOR AN ARC DISTANCE OF 41.44 FEET TO A POINT OF TANGENCY ON THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 272ND STREET: THENCE S89°16'57"W ALONG SAID RIGHT OF WAY LINE FOR 191.48 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S00°08'06"E ALONG THE EAST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 617.70 FEET TO THE S.E. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34: THENCE S89°22'00"W ALONG THE SOUTH LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34: FOR 13.20 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" THENCE S41°09'09"E ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 319.23 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE THENCE N00°10'47"W ALONG SAID RIGHT OF WAY LINE FOR 562.63 FEET; THENCE N04°14'49"E ALONG SAID RIGHT-OF-WAY LINE FOR 271.96 FEET TO THE POINT OF BEGINNING.

#### PARCEL C

A PORTION OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 34 TOWNSHIP 56 SOUTH, RANGE 39 EAST LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA.

TOGETHER WITH THAT PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY"; LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF SW 272nd STREET AND LYING WEST OF THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE SE 1/4 OF SAID SECTION 34.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHEAST CORNER OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE  $\frac{1}{4}$  OF SAID SECTION 34 FOR 671.22 FEET TO THE NORTHEAST CORNER OF THE NW  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34; THENCE S00°05'24"E ALONG THE EAST LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34 FOR 55.00 FEET TO THE POINT OF BEGINNING; THENCE S89°16'57"W ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET; FOR 226.47 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTH AND HAVING FOR ITS ELEMENTS A RADIUS OF 1090.92 FEET AND A CENTRAL ANGLE OF 05°48'20" THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH RIGHT OF WAY LINE OF S.W. 272ND STREET FOR AN ARC DISTANCE OF 110.54 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY"; THENCE S41°09'09"E ALONG SAID RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY"; FOR 512.63 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  OF SAID SECTION 34; THENCE N00°05'24"W, ALONG THE EAST LINE OF THE N.W.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34 FOR 395.80 FEET TO THE POINT OF BEGINNING.

#### PARCEL D

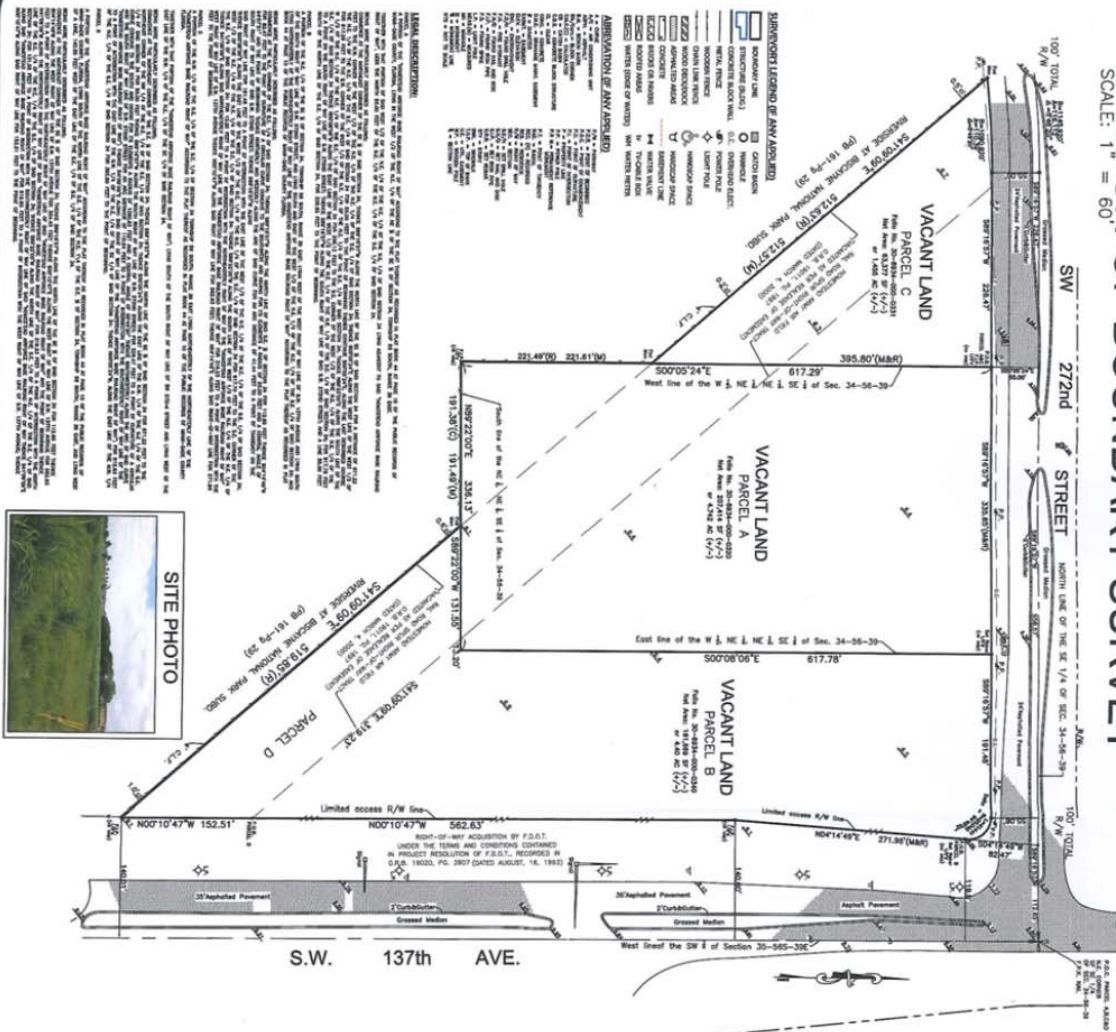
A PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING SOUTH OF THE NORTH LINE OF THE S.E.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST, AND LYING WEST OF A LINE, 140.00 FEET WEST OF THE EAST LINE OF THE S.E.  $\frac{1}{4}$  OF S.E.  $\frac{1}{4}$  OF SAID SECTION 34.

#### BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SE  $\frac{1}{4}$  OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE  $\frac{1}{4}$  OF SAID SECTION 34 FOR 112.65 FEET THENCE S04°14'49"W ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE FOR 354.43 FEET THENCE S00°10'47"E ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137TH AVENUE FOR 562.63 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" AND THE POINT OF BEGINNING THENCE N41°09'09"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 319.23 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE S.E.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34; THENCE S89°22'00"W ALONG THE NORTH LINE OF THE S.E.  $\frac{1}{4}$  OF THE N.E.  $\frac{1}{4}$  OF THE S.E.  $\frac{1}{4}$  OF SAID SECTION 34; FOR 131.55 FEET TO A POINT

OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID  
"HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY THENCE  
S41°09'09"E ALONG SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT  
OF WAY" FOR 519.85 FEET TO A POINT OF INTERSECTION WITH THE WEST  
RIGHT OF WAY LINE OF S.W. 137TH AVENUE; THENCE N00°10'47"W ALONG  
SAID RIGHT OF WAY LINE FOR 152.51 FEET TO THE POINT OF  
BEGINNING.

SCALE: 1" = 60'



LOCATION MAP  
SCALE: NTS  
272nd STREET



*This drawing is the property of American Fervent of Miami, Corp. and shall not be used or reproduced, in whole or in part, without permission of American Fervent of Miami, Corp.*

**AMERICAN SERVICES OF MIAMI, CORP.**  
Consulting Engineers . Planners . Surveyors

**MIAMI**  
8380 S.W. 72nd Street, Suite 200  
MIAMI, FLORIDA, 33173  
PH: (305) 598-5101  
FAX: (305) 598-8527

FOR CLIENT			
SCALE SHOWN	DESIGNED BY: EP	DRAWN BY: DRAWN	CHECKED BY: DG
DATE: 5/15/13	APPROVED BY: EP	FIELD BOOK No.	PAGE No. 135-48

## 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 A: 137 Holdings, 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 (net)</u>
A	Lucky Start at Centraland, LLC	30-6934-000-0340	4.40 acres
A	Lucky Start at Centraland, LLC	30-6934-000-0320	4.76 acres
A	Lucky Start at Centraland, LLC	30-6934-000-0331	67,082 sq. feet

**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: 137 Holdings, LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
AJP Ventures Corp. 2990 Ponce De Leon Blvd., Suite 500 Coral Gables, FL 33134	99%
CGARCO, LLC 12448 SW 127 Avenue Miami, FL 33186	1%

See attached for further disclosure.

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

**TRUSTEES**

**NAME:**

N/A

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

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership,

including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (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

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

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

<u>NAME AND ADDRESS</u>	<u>PERCENT AGE OF INTEREST</u>
<u>Lucky Start at Centraland</u>	<u>100%</u>
<u>8785 SW 165 Ave., Suite 301</u>	
<u>Miami, FL 33193</u>	

Date of Contract: \_\_\_\_\_

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

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

**PARTNERSHIP NAME:**

N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF  
OWNERSHIP

N/A

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

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF  
INTEREST

137 Holdings, LLC

Date of Contract:

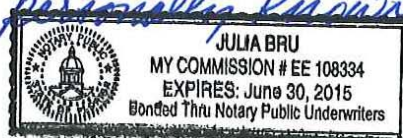
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

**Applicant's Signatures and Printed Names**

\_\_\_\_\_  
137 Holdings, LLC  
Alberto J. Perez, Managing Member

Sworn to and subscribed before me  
this 23rd day of May, 2013.

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.

## **Supplemental Disclosure of Interests**

### **Interests in AJP Ventures Corp.**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Albert J. Perez 2990 Ponce de Leon Blvd., Suite 500 Coral Gables, Florida 33134	99%
Kristi G. Perez 2990 Ponce de Leon Blvd., Suite 500 Coral Gables, Florida 33134	1%

### **Interests in CGARCO, LLC.**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Carlos M. Garcia 12448 SW 127 Avenue Miami, Florida 33186	100%

### **Interests in Lucky Start at Centraland, LLC.**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Abal Investments Corp. 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%
Ferben Investments, Inc. 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%
Ven-America Traders, Inc. 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%

### **Interests in Abal Investments Corporation**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Antonio Balestena 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	100%

### **Interests in Ferben Investments, Inc.**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Jorge Fernandez 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	100%

### **Interests in Ven-America Traders, Inc.**

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Jorge Fernandez 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%
Luis A. Fernandez 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%
Jose Fernandez 12515 N. Kendall Drive, Suite 328 Miami, Florida 33186	33.33%

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

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**DECLARATION OF RESTRICTIONS**

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

*WHEREAS*, a 9.99 acre portion of the Property described in Exhibit "B," attached hereto and hereinafter called the "Application Area" is the subject of small-scale Comprehensive Development Master Plan ("CDMP") Amendment No. 7 of the October 2003 Amendment Cycle; and

*WHEREAS*, the Owner has sought a Land Use Plan amendment to change the designation of the Application Area from "Low-Medium Density Residential" to "Business and Office;" and

*WHEREAS*, the staff of the Department of Planning and Zoning have noted that the department would prefer a mixed-use development on the Property; and

*NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County* ("the County") and the **Department of Planning and Zoning** that the representations made by the Owner during consideration of Amendment Application No. 7 (the "Application") will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Multiple Uses.** The Owner agrees, subject to receiving zoning and other approvals, to develop the Property with a mix of uses, which will include commercial uses



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(subject to the provisions of Paragraph 2 below), open space, community/institutional and public facility uses, and to develop such residential uses as may be approved by the County in accordance with the provisions of Paragraph 6 below.

2. **Commercial Uses.** Any retail and restaurant uses on the Property shall only be located on the Application Area. Commercial uses shall be limited to the types of uses permitted in the "Shopfront" use district of the County's Traditional Neighborhood Development Regulations, Section 33-284.51(C)(1)(a), as well as those uses permitted in the Neighborhood Business (BU-1) and Limited Business (BU-1A) zoning districts, except that the uses listed in Exhibit "C" shall be prohibited. Commercial uses will not be subject to the 4,000 square foot floor area limitation of the "Shopfront" use district, but each individual commercial or retail use shall not exceed 20,000 square feet in size.

3. **Commercial Development Mix.** The commercial development on the Property shall include **each** of the following uses:

- A) Offices.
- B) Retail shops.
- C) Restaurants and other eating establishments.

4. **Community/Institutional and Public Facility Uses.** No less than **one (1)** acre of the Property shall be reserved for one or more community/institutional and public facility uses. Such community/institutional and public facility uses shall include, but not be limited to, community or government offices; community centers; libraries; public, charter or private elementary and secondary schools; park/recreational uses; or similar uses as defined on page 43 of the Miami-Dade County CDMP Land Use Element.



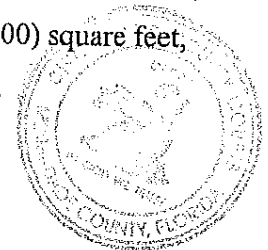
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5. **Open Space.** No less than one (1) acre of the Property shall be reserved for public open space in the form of one or more parks, squares, or greens. The public open space shall not be utilized as the required open space for any of the private uses on the Property. The Owner shall create and maintain a homeowners' association, property association, special taxing district or other similar entity which may be approved by the County in order to maintain the public open space in perpetuity.

6. **Review and Approval of Residential Uses.** In order to provide the County assurances that the Owner will seek to include residential uses on the Property, the Owner agrees that it shall include, as part of the initial request for rezoning of the Property or the Application Area, a bona fide request for residential uses within the Property, including such other requests as may be necessary for the specific approval of residential uses (the "Residential Request"), in accordance with the following.

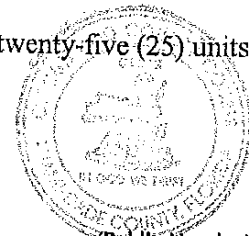
A) At the election of the Owner, such Residential Request shall take one or both of the following forms, for a total of not less than **fifty (50)** residential units:

- i) A request for a district boundary change on an area anywhere within the Property for single family, rowhouse, townhouse, and/or similar residential units. The residential development shall be situated and designed in such a manner as to integrate with the balance of the development proposed on the property.
- ii) A request for residential units physically located immediately above non-residential units located in the Application Area provided that the average size of such units shall be minimum of eight hundred (800) square feet, with a minimum unit size six hundred (600) square feet.



(Space reserved for Clerk

- B) The Owner must diligently pursue such Residential Request.
- C) In the event that the bona fide Residential Request is not approved, the Owner shall be obligated to make and diligently pursue a second bona fide Residential Request (the "Second Residential Request"). The Second Residential Request shall be materially different in design from the initial Residential Request, and shall to the extent practicable address the County's concerns with the prior application, but shall still be required to otherwise conform to the requirements of this Paragraph and all other requirements of this Declaration. However, in the event that the initial Residential Request is denied without the appropriate zoning board providing leave to refile an application without a waiting period, then the Owner may submit the Second Residential Request with a sufficiently reduced density to permit the filing of such application without the required waiting period, provided that the provisions of subparagraph A) are still complied with.
- D) The Owner shall only be required to make the two bona fide attempts to obtain approval of residential uses described above. In the event that neither the initial Residential Request nor the Second Residential Request (if necessary) is approved after being diligently pursued by the Owner, the requirements of this Paragraph shall be deemed satisfied. The Director of the Department of Planning and Zoning shall provide a written confirmation to that effect upon the request of the Owner, which confirmation may be recorded as evidence that this condition has been satisfied.
- E) Nothing herein shall preclude the Owner from making any additional requests for residential uses on the Property.
- F) In no event shall the residential density on the Property exceed twenty-five (25) units per gross acre.



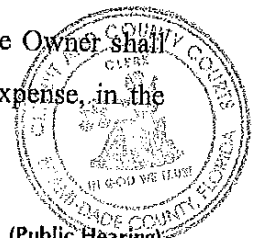


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7. **Design Guidelines.** The Property shall be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles that incorporate the general guidelines contained in Exhibit "D" ("Design Guidelines"), whether the Property is developed as a single parcel or multiple parcels. At the time of the initial rezoning of all or part of the Property from Interim ("GU") to any other zoning district, the Owner shall proffer a site plan for the entire Property which complies with the Design Guidelines, together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department and the County Attorney's Office requiring that development of the Property shall be substantially in accordance with the submitted site plan. In the alternative to proffering said site plan, the Owner, at its option, at the time of the initial rezoning may instead submit to the reviewing zoning board an architectural code or equivalent design standards governing the development of the Property, in accordance with the Design Standards provided in Exhibit "D," together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department and the County Attorney's Office requiring that development of the Property shall be substantially in accordance with the proffered standards, and record said declaration of restrictive covenants in the public records.

8. **Connectivity with Adjacent Parcel.** Within thirty (30) days following the approval of the Application, the Owner shall supplement the existing administrative site plan approval for the "Riverside Villas at Biscayne National Park" residential development located to the west of the Property. The supplementary plan shall provide for pedestrian connectivity in one or more locations between the "Riverside Villas at Biscayne National Park" parcel and the Property. No zoning application for the development of the Property shall be filed until the requirements of this paragraph have been satisfied.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the

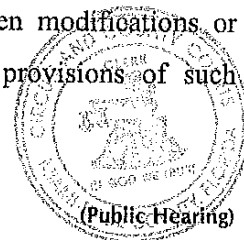


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public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during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

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

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



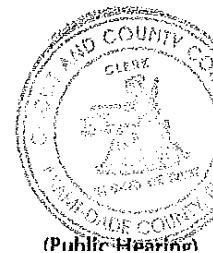
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ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

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



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

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

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

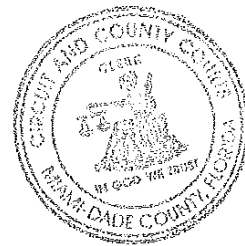


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**Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]



(Public Hearing)

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Signed, witnessed, executed and acknowledged on this 03 day of May, 2004.

IN WITNESS WHEREOF, Lucky Start at Centraland (Corporate name) has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

Q. Vigg  
Signature  
Q. Vigg  
Print Name

Fabrizio Peña  
Signature  
Fabrizio Peña  
Print Name

Lucky Start at Centraland, LLC

**Name of LLC**

**Address:**

12515 N. Kendall Drive, Suite 328  
Miami, Florida 33186

By [Signature]  
(Manager)

Print Name: Jorge L. Fernandez

STATE OF Florida

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by Jorge L. Fernandez  
(Name)  
the Manager of Lucky Start at Centraland LLC, on behalf of  
(Title)  
the LLC. He/She is personally known to me or has produced \_\_\_\_\_, as  
identification.

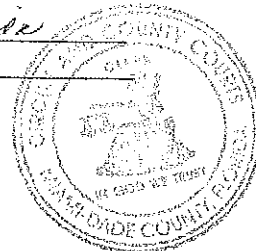
Witness my signature and official seal this 3 day of  
May, 2004, in the County and State aforesaid.



Eileen Losada  
My Commission DD238606  
Expires November 18, 2007

My commission Expires:

[Signature]  
Notary Public-State of Florida  
Eileen Losada  
Print Name



(Space reserved for Clerk)

**JOINDER BY MORTGAGEE  
CORPORATION**

The undersigned Bank of America, N.A., a Delaware corporation and Mortgagee under that certain mortgage from Lucky Start, A Limited Partnership recorded in Official Records Book 20854, Page 1888, of the Public Records of Miami-Dade County, Florida, as modified by First Mortgage Modification, Future Advance and Spreader Agreement recorded May 22, 2003 in Official Records Book 21273, Page 1866 of the Public Records of Miami-Dade County, Florida covering all of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 4th day of May, 2004.

**Witnesses:**

Signature

Print Name

Signature

Print Name

**Bank of America, N.A.**

E. E. Francisco

VICE PRESIDENT

By

Signature and Position

Print Name: EVITA E. FRANCOZ

STATE OF Florida

COUNTY OF Miami - Dade

The foregoing instrument was acknowledged before me by Evita E. Francoz of Bank of America, N.A. on behalf of the bank. He/she is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this 5th day of May, 2004, in the County and State aforesaid.

- ☒ did take an oath  
☐ did not take an oath

My Commission expires:

Eileen Losada  
Notary Public State of Florida

Print Name



Eileen Losada  
My Commission DD238606  
Expires November 18, 2007



# EXHIBIT "A"

## LEGAL DESCRIPTION: PARCEL A

A PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN THE WEST 1/2 OF THE N.E. 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 36 SOUTH, RANGE 39 EAST,

TOGETHER WITH THAT PORTION OF SAID WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 LYING ADJACENT TO SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY", LESS THE NORTH 55.00 FEET OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 34 FOR A DISTANCE OF 671.22 FEET TO THE N.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S00°05'24"E ALONG THE WEST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 55.00 FEET TO THE POINT OF BEGINNING THENCE CONTINUE S00°05'24"E ALONG THE LAST DESCRIBED COURSE FOR 617.29 FEET TO THE S.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE N89°22'00"E ALONG THE SOUTH LINE OF THE W 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 316.13 FEET TO THE S.E. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE N00°08'06"W ALONG THE EAST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; FOR 617.78 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF S.W. 272nd STREET; THENCE S89°16'57"W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 272nd STREET; AND A LINE 55.00 FEET SOUTH OFF THE NORTH LINE OF THE S.E. 1/4 OF SAID SECTION 34, FOR 335.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.761 ACRES ± OR 207415.826 SQUARE FEET ±.

## LEGAL DESCRIPTION: PARCEL B

A PORTION OF THE N.E. 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 36 SOUTH, RANGE 39 EAST, LYING WEST OF THE WEST RIGHT OF WAY LINE OF S.W. 137th AVENUE, AND LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF S.W. 272nd STREET, AND LYING SOUTH AND EAST OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; AND LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF SAID S.E. 1/4 OF SECTION 34 FOR 112.65 FEET THENCE S04°14'49"W FOR 82.47 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 94°57'51" AND THE POINT OF BEGINNING; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE FOR AN ARC DISTANCE OF 41.44 FEET TO A POINT OF TANGENCY ON THE SOUTH RIGHT OF WAY LINE OF SAID S.W. 272nd STREET; THENCE S89°16'57"W ALONG SAID RIGHT OF WAY LINE FOR 191.48 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S00°08'06"E ALONG THE EAST LINE OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 617.70 FEET TO THE S.W. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°22'00"W ALONG THE SOUTH LINE OF THE WEST 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; FOR 13.20 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" THENCE S41°09'09"E ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 319.23 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF S.W. 137th AVENUE THENCE N00°10'47"W ALONG SAID RIGHT OF WAY LINE FOR 562.63 FEET; THENCE N04°14'40"E ALONG SAID RIGHT OF WAY LINE FOR 271.96 FEET TO THE POINT OF BEGINNING, CONTAINING 3.436 ACRES ± OR 149715.208 SQUARE FEET ±.





EXHIBIT "A" (CONTINUATION)

LEGAL DESCRIPTION: PARCEL C

A PORTION OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 34 TOWNSHIP 56 SOUTH, RANGE 39 EAST LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

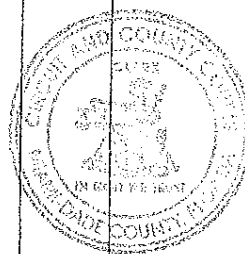
TOGETHER WITH THAT PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY", LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF S.W. 272nd STREET AND LYING WEST OF THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 34 FOR 671.22 FEET TO THE NORTHEAST CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S00°05'24"E ALONG THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 55.00 FEET THENCE S89°16'57"W ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 272nd STREET; FOR 226.47 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTH AND HAVING FOR ITS ELEMENTS A RADIUS OF 1090.92 FEET AND A CENTRAL ANGLE OF 05°48'20" THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH RIGHT OF WAY LINE OF S.W. 272nd STREET FOR AN ARC DISTANCE OF 110.34 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY"; THENCE S41°09'08"E ALONG SAID RIGHT OF WAY LINE OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 512.63 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE N00°05'24"W ALONG THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34 FOR 395.80 FEET TO THE POINT OF BEGINNING, CONTAINING 1.548 ACRES ± OR 67376.980 SQUARE FEET ±

LEGAL DESCRIPTION: PARCEL D

A PORTION OF THE "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 AT PAGE 10 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING SOUTH OF THE NORTH LINE OF THE S.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST, AND LYING WEST OF A LINE 140.00 FEET WEST OF THE EAST LINE OF THE S.E. 1/4 OF S.E. 1/4 OF SAID SECTION 34

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°16'57"W ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 34 FOR 112.65 FEET THENCE S04°14'49"W ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137th AVENUE FOR 354.43 FEET THENCE S00°10'47"E ALONG THE WEST RIGHT OF WAY LINE OF S.W. 137th AVENUE FOR 562.63 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" AND THE POINT OF BEGINNING THENCE N41°09'08"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 319.23 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE S.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; THENCE S89°22'00"W ALONG THE NORTH LINE OF THE S.E. 1/4 OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 34; FOR 131.55 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" THENCE S41°09'08"E ALONG SAID "HOMESTEAD AIRFORCE BASE RAILROAD RIGHT OF WAY" FOR 519.85 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF S.W. 137th AVENUE; THENCE N00°10'47"W ALONG SAID RIGHT OF WAY LINE FOR 152.31 FEET TO THE POINT OF BEGINNING, CONTAINING 0.953 ACRES ± OR 41953.232 SQUARE FEET ±



## Exhibit "B"

### Legal Description: Application Area

#### LEGAL DESCRIPTION:

A PORTION OF THE NE ¼ OF THE SE ¼ OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF THE SE ¼ OF SAID SECTION 34; THENCE S88°46'36"W ALONG THE NORTH LINE OF THE SE ¼ OF SAID SECTION 34 FOR A DISTANCE OF 105.00 FEET; THENCE S08°57'22"W FOR A DISTANCE OF 83.46 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE S03°44'28"W FOR A DISTANCE OF 271.96 FEET; THENCE S00°40'20"E FOR A DISTANCE OF 714.95 FEET TO A POINT ON THE EASTERLY BOUNDARY OF PARCEL "A" OF NARANJA ESPLANADE P.B. 120, PG. 93, MIAMI-DADE COUNTY, FLORIDA; THENCE N41°39'30"W, ALONG THE EASTERLY LINE OF SAID PARCEL "A", FOR A DISTANCE OF 519.51 FEET; THENCE S88°51'59"W FOR A DISTANCE OF 191.49 FEET; THENCE N00°35'37"W FOR A DISTANCE OF 221.61 FEET; THENCE N41°39'30"W FOR A DISTANCE OF 288.98 FEET; THENCE N48°20'30"E FOR A DISTANCE OF 271.03 FEET; THENCE N88°46'36"E FOR A DISTANCE OF 512.64 FEET TO A POINT OF CURVATURE; THENCE 41.44 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 94°58'25" TO A POINT OF TANGENCY AND ALSO THE POINT OF BEGINNING.



## **Exhibit "C"**

### **Prohibited Commercial Uses**

1. Automobile and light truck new sales or rental.
2. Automobile repair shops.
3. Automobile storage.
4. Automobile tires, batteries and accessories sales and installation.
5. Billiard rooms and poolrooms.
6. Medical observatory dormitories.
7. Mortuaries or funeral homes.
8. Motorcycles sales and repair.
9. Package stores.
10. Propagating and growing plants for sale.
11. Pubs and bars, except cocktail bars operated in full-service restaurants.
12. Self-service storage facilities.
13. Truck rentals.

Any similar uses to the foregoing or uses having impacts similar to the foregoing, as determined by the Director, that may be allowed in the future shall also be prohibited.



**Exhibit "D"**

**Design Guidelines**

1. The plan for development of the Property shall allow for a mix of uses, which will include commercial uses, open space, community/institutional uses (community or government offices; community center; library; public, charter or private elementary and secondary schools; park/recreational uses; or similar uses) and residential uses.
2. Pedestrian access shall be provided between the Property and the "Riverside Villas at Biscayne National Park" residential development to the west of the Property.
3. The proposed buildings shall be designed using compatible and complementary architectural styles and designs.
4. The development's site plan shall be designed in a manner compatible with the "Riverside Villas at Biscayne National Park" residential development and the "Discover Naranja" Charrette Report, which was accepted by the Miami-Dade Board of County Commissioners through Resolution R-945-03. This shall not require any particular architectural style for the buildings within the Property.
5. Design features shall be included at appropriate locations of the buildings, in order to maintain architectural and design continuity.
6. Landscaping within the parking areas shall be of varying plant materials and heights at the time of planting.
7. Consistent sign criteria and standards shall be established at the time of initial rezoning to encourage aesthetic compatibility within the sign program.
8. Large expanses of opaque or blank building wall shall be minimized and shall have landscaped areas providing a visual barrier, to the maximum extent feasible.
9. Uniform street furniture and lighting standards shall be provided throughout the Property.
10. Pedestrian crosswalks shall be clearly delineated on any proposed private roads within the Property and shall be designed with consideration to the special needs of the disabled.
11. The development pattern shall incorporate elements of the Miami-Dade County Urban Design Guidelines.

STATE OF FLORIDA, COUNTY OF DADE  
HEREBY CERTIFY that this is a true and correct copy of the  
original filed in this office on 27th day of May, A.D. 2007  
I HAVESS my hand and official seal.  
JARVEY MUVIN, CLERK of Circuit and County Courts  
By [Signature] D.C.



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