NOVEMBER 2013 APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA

December 23, 2013



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NOVEMBER 2013 APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

December 23, 2013

Miami-Dade County Department of Regulatory and Economic Resources Planning Division 111 NW First Street, 12th Floor Miami, Florida 33128-1972 Telephone: (305) 375-2835 This Page Intentionally Blank

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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 November 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 semi-annual filing periods are summarized below^{*}.

	CDMP Components Eligible for Amendment	
Application Filing Period/Cycle (month)	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 December 23, 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 February 25, 2014. 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 March 2014 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 April 2014 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 currently scheduled for May 21, 2014, 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 June 2014. The reviewing agencies are each expected to issue their comments in or about July 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 scheduled for October 1, 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 November 2013-2014 CDMP Amendment Cycle

Pre-application Conference	Prior to Filing Application
Application Filing Period	November 1 to December 2, 2013
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	December 9, 2013
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of deficiency
Applications Report published by Department	December 23, 2013
Deadline for submitting Technical Reports	December 23, 2013
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	December 23, 2013
Initial Recommendations Report released by the Department	February 25, 2014
Community Council(s) Public Hearing(s)	Specific date(s) to be set in March 2014
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)	April 2014** 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	May 21, 2014 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other Reviewing Agencies	June 2014** (Approximately 10 days after Board Transmittal Hearing)
Deadline for Filing Supplementary Reports by the Public	June 2014** Thirty (30) days after Board's transmittal hearing
Receipt of Comment Letters from Reviewing Agencies	July or August 2014** (Approximately 30 days after Transmittal)
Public Hearing and Final Action on Applications: Board	October 1, 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 2014 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.

One (1) application (Application No. 2) of the five (5) applications filed in the November 2013 CDMP amendment cycle is eligible and has 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 November 2013-2014 CDMP Amendment Cycle

Deadline for submitting proposed Declaration of Restrictions to be considered in the Initial Recommendations Report	December 23, 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, 12th Floor; Miami, Florida 33128-1972; telephone (305) 375-2835.

OVERVIEW OF THE NOVEMBER 2013 AMENDMENT APPLICATIONS

A total of five (5) applications were filed in this November 2013 cycle of amendments to the Comprehensive Development Master Plan (CDMP). Two of these applications, Application Nos. 1 and 2 were filed by private parties; and Application Nos. 3, 4, and 5 were filed by Miami-Dade County Department of Regulatory and Economic Resources (Department). The Miami-Dade County Internal Services Department and the Parks, Recreation and Open Space Department are co-applicants on Application Nos. 3 and 4, respectively. Application No. 1 is a request to modify an existing CDMP Declaration of Restrictions. Application Nos. 2, 3 and 4 are requests to amend to the CDMP Adopted 2020 and 2030 Land Use Plan map. Application No. 5 is a request to amend the CDMP Land Use Element text. Application No. 2 is eligible and is seeking expedited processing as a small-scale amendment.

Each application is further described in Table 3 below and their general locations are identified in Figure 1 on Page 3.

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

Application Number	Applicant/Representative Location Requested Change(s)	Acres
1	CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Arza, Esq. ±39.51 Gross ±36.27 Net North side of West Flagler Street at SW 92 Avenue. Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 8 of the April 2008 CDMP Amendment Cycle) in Appendix A of the CDMP Land Use Element (recorded 06-29-2009 in Book 26921, Pages 1562 to 1582 of the County Official record, CFN2009R0469946), pertaining to approved hours of business operations on the application site. Standard Amendment	
2	 TLG FL., LLC/Eric Milne, President Southwest corner of the intersection of SW 224 Street and SW 112 Avenue. Redesignate the application site on the Land Use Plan map From: Low Density Residential (2.5 to 6 dwelling units per gross acre) To: Business and Office Small-Scale Amendment 	±2.643 Gross ±1.954 Net

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Application	Applicant/Representative Location	
Number	Requested Change(s)	Acres
3	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources and Lester Sola, Director, Internal Services Department	±165.9 Gross ±160.5 Net
	West side of NW 47 th Avenue between Snake Creek Canal and NW 199 Street.	
	Redesignate the application site on the Land Use Plan map From: Institutions, Utilities, and Communication To: Business and Office	
	Standard Amendment	
4	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources and Jack Kardys, Director, Department of Parks, Recreation and Open Space	
	East side of SW 117 Avenue and south of SW 76 th Street.	
Redesignate the application site on the Land Use Plan map From: Institutions, Utilities, and Communication To: Parks and Recreation		
	Standard Amendment	
5	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources	NA
	1. Revise the Agriculture text in the Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an	
	existing arterial roadway; andRevise the Agriculture text in the Land Use Element to allow wineries to utilize imported products for winemaking.	
	Standard Amendment	



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APPLICATION NO. 1 STANDARD AMENDMENT APPLICATION

Applicant	Applicant's Representative
CJUF III Flagler, LLC	Juan J. Mayol, Jr., Esq. & Hugo Arza, Esq.
12000 Biscayne Boulevard, Suite 508	Holland & Knight, LLP
North Miami, Florida 33181	701 Brickell Avenue Suite 3000
	Miami, Florida 33131
	(305) 374-8500
	(305) 789-7799 (fax)

Requested Amendment to the CDMP Land Use Element

Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 8 of the April 2008 CDMP Amendment Cycle) in Appendix A of the CDMP Land Use Element (recorded 06-29-2009 in Book 26921, Pages 1562 to 1582 of the County Official record, CFN2009R0469946), pertaining to hours of operations for business on the application site.

Location: North side of West Flagler Street at SW 92 Avenue

Acreage of Application area: ± 39 gross acres; ± 35.49 net acres Acreage Owned by Applicant: 35.49 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 MODIFICATION OF DECLARATION OF RESTRICTIONS CONTAINED IN THE LAND USE ELEMENT OF THE MIAMI-DADE COUNTY <u>COMPREHENSIVE DEVELOPMENT MASTER PLAN</u>

1. <u>APPLICANT</u>

CJUF III Flagler, LLC 12000 Biscayne Boulevard, Suite 508 North Miami, Florida 33181

2. APPLICANT'S REPRESENTATIVES

Juan J. Mayol, Jr., Esq. Hugo P. Arza, Esq. Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, Florida 33131 (305) 374-8500 (305) 789-7799 (fax)

Hugo P. Arza, Esq.

November 8, 2013 Date 00

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3. DESCRIPTION OF REQUESTED CHANGE

- A. The following change to the Land Use Element is being requested:
 - 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."
 - Modification of Declaration of Restrictions recorded in Official Records Book 26921 at Page 1562 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 26921 at Page 1562 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 $39.51\pm$ gross acres ($36.27\pm$ net acres) of land located in Section 4, Township 54, Range 40, in unincorporated Miami-Dade County. More specifically, the subject property is located on the northside of West Flagler Street at approximately 92^{nd} Avenue, in unincorporated Miami-Dade County, Florida.

C. <u>Acreage</u>.

Subject Application Area: 39.51± gross acres (36.27± net acres) Acreage Owned by Applicant: 35.14± gross acres (31.9± net acres)

D. <u>Requested Change</u>.

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 26921 at Page 1562 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. <u>REASONS FOR AMENDMENT</u>

The intent of this application is to modify Section 8 of that certain Declaration of Restrictions, recorded in Official Records Book 26921 at Page 1562 of the Public Records of Miami-Dade County, Florida (the "Declaration") to amend the "Hours of Operation" on the Property to allow operations commencing at 5:00 a.m. daily. Section 8 of the Declaration currently allows operations to commence on the Property at 6:00 a.m. daily. A copy of the Declaration is attached hereto as Exhibit "C." The Applicant is seeking the approval of a modification of the Declaration in response to requests from tenants of the shopping center that is under construction who have requested the ability to open their stores at 5:00 a.m. on a daily basis to serve early-morning customers.

The Property is located on the northside of West Flagler Street at approximately 92nd Avenue, in unincorporated Miami-Dade County, Florida. The Property is under current site work and vertical development as an approximately 234,500 square foot shopping center. The Property abuts Medium Density and Parks and Recreation designated properties. Across West Flagler Street, an arterial corridor, are Office/Residential and Medium Density designated properties.

The Property was approved for a Land Use Plan amendment to "Business and Office" with the acceptance of the Declaration pursuant to Application No. 8 of the April 2008 Comprehensive Development Master Plan Amendment Cycle. Subsequently, the Property was rezoned to BU-1(A) and is currently under development in accordance with a site plan approved

and adopted by the Miami Dade County Board of County Commissioners in April 2012 pursuant to Resolution No. Z-11-12.

The proposed modification of the Declaration would allow for operations to commence daily at 5:00 a.m. as follows:

FROM:

"8. <u>Hours of Operation</u>. The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am Friday and Saturday: 6:00 am to 2:00 am"

<u>TO</u>:

"8. <u>Hours of Operation.</u> The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 5:00 am to 12:00 am Friday and Saturday: 5:00 am to 2:00 am"

Modifying the Declaration to provide an additional hour a day of operations will serve the community by providing greater services to the patrons of the proposed shopping center. 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. 8th Street on the south, and S.W. 177th Avenue (Krome 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. The Property is also in an area identified as "Fountainebleau" by the U.S. Census, which is generally the area between SW 8th Street and the SR 836 Extension and between SR 826 Extension and NW 117th Avenue. The 2010 Census estimated the total population of Fountainebleau as 59,764 residents. The area is historically under-retailed, particularly on West Flagler Street, and the development of the Property as a shopping center will help to serve the residents of the area who otherwise have to travel to Doral (across the SR 836 extension) for their shopping needs. The enhancement of the center by providing an extra hour each day of operations will only help to alleviate those needs of the local population.

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 pubic facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

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 interpretative text, or with the character of the surrounding community.

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

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.

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.

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.

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.

Based on the foregoing, the Applicant believes that the approval of this application would be an appropriate amendment to the Land Use Element table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments" and a benefit to the residents of the area.

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 26921, PG 1562 – Exhibit "C" Disclosure of Interest Form – Exhibit "D" Aerial Photograph – Exhibit "E" Section Sheet – Exhibit "F"

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Legal Description of Subject Property:

EXHIBIT "A"

LEGAL DESCRIPTION: RETAIL TRACT

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1, ALL OF TRACT "F", A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 2, AND A PORTION OF TRACTS "D", "E", "G", "H", "L" AND "P" OF FONTAINEBLEAU EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "D" ON, THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89'42'20" WEST ON THE SOUTH LINE OF SAID TRACT "D" AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00'13'59" EAST 526.51 FEET: THENCE NORTH 11'29'59" EAST 221.83 FEET; "THENCE NORTH 78'30'01" WEST 587.00 FEET; THENCE SOUTH 35'04'02" WEST 387.01 FEET; THENCE SOUTH 71'58'56" WEST 611.63 FEET; THENCE NORTH 61'07'09" WEST 328.68 FEET: THENCE SOUTH 87'21'52" WEST 233.71 FEET; THENCE NORTH 68'17'16" WEST 45.37 FEET; THENCE SOUTH 84'40'50" WEST 46.95 FEET; THENCE SOUTH 79'59'58" WEST 66.95 FEET; THENCE NORTH 57'56'58" WEST 37.64 FEET; THENCE NORTH 32'20'42" EAST 17.47 FEET; THENCE NORTH 56'53'49" WEST 407.67 FEET; THENCE SOUTH 33'06'11" WEST 361.01 FEET; THENCE SOUTH 57'56'58" EAST 184.68 FEET; THENCE SOUTH 57'21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 77'17'28" AND AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 2013'25" AND AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00'17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 70'25'31" AND AN ARC DISTANCE OF 30.73 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID FONTAINBLEAU EAST, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89'42'20" EAST ON THE SOUTH LINE OF TRACTS "E" AND "D" AND ON SAID NORTH RIGHT-OF-WAY LINE 2.103.19 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA CONTAINING 1,389,937 SQUARE FEET (31.9086 ACRES).

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	EXHIBIT A
A TELEPH	SKETCH AND LEGAL DESCRIPTION BY CE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNNISE, FLORIDA 33351 ONE: (954) 572-1777 • FAX: (954) 572-1778 pullicelandeurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870
A PORTION OF TRACT 2 OF F	ADDITIONAL PARK PARCEL TWO ONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF A, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89'42'20" EAST ON THE SOUTH LINE OF SAID TRACT 2 AND ON SAID NORTH RIGHT-OF-WAY LINE 712.25 FEET; THENCE NORTH 04'29'33" EAST, ON A LINE RADIAL TO THE NEXT DESCRIBED CURVE, 378.94 FEET TO THE POINT OF BEGINNING, A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,441.29 FEET AND A CENTRAL ANGLE OF 02'20'40" AN ARC DISTANCE OF 58.97 FEET; THENCE SOUTH 71'58'56" WEST 31.84 FEET; THENCE NORTH 61'07'09" WEST 32.44 FEET TO THE POINT OF BEGINNING. 389 SQUARE FEET, 0.0089 ACRES.	
2) THIS IS NOT A SKETCH OF	
FILE SHOMA DEVELOPMENT	SHEET 3 OF 3 THIS DOCUMENT IS NEITHER FULL NOR
8CALE: N/A ORDER NO: 52160-3	COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE
DATE: 01/26/09	
ADDITIONAL PARK PARCEL T	
FOR: FONTAINEBLEAU EAST	

Book26921/Page1581 CFN#20090469946

e E	XHIBIT A	
PULICE LAI	AND LEGAL DESCRIPTION BY ND SURVEYORS, INC. S81 NOB HILL ROAD NRISE, FLORIDA 33351 572-1777 • FAX: (954) 572-1778 eyors.com CERTIFICATE OF AUTHORIZATION LB#3870	
I CAL HEREOF AS RECORDED IN PLAT B	AL PARK PARCEL ONE EAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE OOK 90, PAGE 56 OF THE PUBLIC RECORDS OF DRE PARTICULARLY DESCRIBED AS FOLLOWS:	
COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE. OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27*44'40" WEST 247.91 FEET; 2) SOUTH 89*42'20" WEST 50.00 FEET; 3) NORTH 60*02'14" WEST 389.97 FEET; THENCE NORTH 33*06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33*06'11" EAST 362.12 FEET; THENCE SOUTH 56*53'49" EAST 234.97 FEET; THENCE NORTH 32*03'03" EAST 12.89 FEET; THENCE NORTH 57*56'57" WEST 734.30 FEET; THENCE SOUTH 69*39'18" WEST 201.95 FEET; THENCE SOUTH 2018'03" EAST 213.87 FEET; THENCE SOUTH 57*56'57" EAST 96.97 FEET; THENCE SOUTH 32*03'03" WEST 80.00 FEET; THENCE SOUTH 57*56'57" EAST 349.64 FEET TO THE POINT OF BEGINNING. CONTAINING 189,846 SQUARE FEET, 4.3583 ACRES.		
 NOTES: 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89*42'20"E. 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY. 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 4) Δ DENOTES: CENTRAL ANGLE. 5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK. 		
FILE: SHOMA DEVELOPMENT	SHEET 3 OF 3	
SCALE: N/A	THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1	
ORDER NO.: 52015	THROUGH 3 INCLUSIVE	
DATE: 10/29/08; REV. 02/23/09		
ADDITIONAL PARK PARCEL ONE		
-MIAMI-DADE COUNTY, FLORIDA	<u></u>	
TOTT TOTTAMEDLEAU EAST		

EXHIBIT "B"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

CJUF III Flagler, LLC / Hugo P. Arza, Esq.

DESCRIPTION OF SUBJECT AREA

The subject property, which is legally described in Exhibit "A" (the "Property"), consists of approximately $39.51\pm$ gross acres ($36.27\pm$ net acres) of land located in Section 4, Township 54, Range 40, in unincorporated Miami-Dade County. More specifically, the subject property is located on the northside of West Flagler Street at approximately 92^{nd} Avenue, in unincorporated Miami-Dade County, Florida.

LOCATION MAP



EXHIBIT "C"

1) DRAFT Modification of Declaration of Restrictions instrument

2) Declaration of Restrictions recorded in Official Records Book 26921 at Page 1562 of the Public Records of Miami-Dade County, Florida.

This instrument was prepared by:

Name: Address:	Juan J. Mayol, Jr., Esq. Holland & Knight LLP 701 Brickell Avenue Suite 3000 Miami, Florida 33131	
	mining rionua 55151	

(Space reserved for Clerk of Court)

MODIFICATION OF DECLARATION OF RESTRICTIONS RECORDED AT OFFICIAL RECORDS BOOK 26921 AT PAGE 1562

THIS MODIFICATION OF DECLARATION OF RESTRICTIONS is made this ____ day of ______, 201__, by the undersigned (the "Owners"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

<u>WITNESSETH</u>:

WHEREAS, the Owners hold 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 26921 at Page 1562, which placed certain restrictions and conditions on the development of the Property, a copy of which is attached as Exhibit "B";

WHEREAS, the Owners are aware of an application for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. _____ in the November 2013 Amendment Cycle (the "Application") for the purpose of nodifying the Declaration;

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 Section 8 of the Declaration as follows:

FROM:

"8. <u>Hours of Operation</u>. The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am Friday and Saturday: 6:00 am to 2:00 am"

<u>TO</u>:

"8. <u>Hours of Operation.</u> The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 5:00 am to 12:00 am Friday and Saturday: 5:00 am to 2:00 am"

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County that the representations made in the Application will be abided by, the Owners freely, voluntarily, and without duress, hereby agree as follows:

1. Section 8 of the Declaration now reads as follows:

"8. <u>Hours of Operation.</u> The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 5:00 am to 12:00 am Friday and Saturday: 5:00 am to 2:00 am"

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

[Signature Pages Follow]

IN WITNESS WHEREOF, CJUF III Flagler, LLC, has caused these present to be signed

in its name on this _____ day of ______, 201___,

WITNESSES:

CJUF III Flagler, LLC, a Delaware limited liability company

By: HM Six Member, LLC, a Florida limited liability company, Sponsor Member

By: HM Six, LLC, a Florida limited liability company, Manager

Witness	

Witness

Printed Name

Printed Name

By:	
Name: Eric Sheppard	
Title: Manager	

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of ______, 201___, by Eric Sheppard, as Manager of HM Six, LLC, a Florida limited liability company, as Manager of HM Six Member, LLC, a Florida limited liability company, as Sponsor Member of CJUF III Flagler, LLC, a Delaware limited liability company, on behalf of said company, who is personally known to me or has produced ______ as

) SS:

)

My Commission Expires:

Notary Public - State of Florida

Printed Name



This instrument was prepared by: Name: Felix M. Lasarte, Esq. Address: The Lasarte Law Firm 5835 Blue Lagoon Drive, Suite 100 Miami, Florida 33126

OR B& 2009R0469946 DR B& 26921 Pas 1562 - 15827 (21pas) RECORDED 06/29/2009 15:50:28 HARVEY RUVIN, CLERK DF CDURT MIAMI-DADE COUNTY, FLORIDA

to BU 1A for 31,9 acres by P. NKs for 4.37 acres (NW converse (Space reserved for Clerk) 2008 Cycle

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Fontainbleau Lakes, LLC (the "Owner"), holds the fee simple title to that certain parcel of land (hereinafter the "Property") located in Miami-Dade County, which is legally described as follows:

See Exhibit "A"

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. 8 in the April 2008 Amendment Cycle (the "Application");

WHEREAS, the Application seeks to re-designate approximately 31.9 acres of the Property from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" (see Exhibit "B") and approximately 4.37 acres of the Property from "Medium Density Residential" to "Parks and Recreation" (see Exhibit "C") 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 Owner during its consideration of the Application will be abided by the Owner freely, voluntarily, and without duress, Owner makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

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CFN#20090469946

Declaration of R stricti ns Page 2

(1) Conceptual Site Plan. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "West Flagler Commercial Development," prepared by Leo A. Daly, signed and sealed the 2nd day of May, 2008 ("Conceptual Site Plan"), a copy of which is attached to this Declaration as Exhibit "D." Any application filed to rezone the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the maximum number of square feet of the proposed buildings and the maximum height of those buildings, but it is not intended to show the exact location and orientation of the buildings, parking areas or other design features to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact location of the buildings, size of the buildings, height of the buildings, facade of the buildings, elevation of the buildings, distribution of the buildings, orientation of the buildings, and other requirements for compliance with all applicable zoning, fire and public works review standards.

(2) <u>Square Footage</u>. The development of the Property shall not exceed a total of 240,000 square feet of retail space under the proposed "Business and Office" land use designation.

(3) <u>Prohibited Uses</u>. Upon final zoning approval to BU-1(A), residential uses and office buildings as referenced under Section 33-238(24) of the Code of Miami-Dade County (2009) shall be prohibited on the Property.

Declaration of Restrictions Page 3

(4) <u>Permitted Uses</u>. The uses on the Property shall be limited to those uses permitted under the BU-1(A) zoning district and may include a public library or community center. The Notwithstanding any possible rezoning, the following BU-1(A) uses shall not be permitted:

- a. Donated Goods Center;
- b. Automobile Light Truck Sales;
- c. Automobile Service Stations;
- d. Motorc ycle Sales and Repairs;
- e. Lawn Mower, Retail Sales and Service Centers;
- f. Open Air Theaters;
- g. Skating Rinks;
- h. Rental Truck Agencies;
- i. Dance Halls;
- j. Night Clubs;
- k. Adult Entertainment Establishments.

(5) <u>Public Library Option</u>. Owner shall afford the Miami-Dade County Public Library Department (Library Department) the first choice to lease any space located on the West side of the proposed Conceptual Site Plan. The space shall accommodate a neighborhood library between 7,500 square feet to 15,000 square feet and the space will have the necessary electrical outlets and data wiring, as required by the Library Department. The Library Department will have one year from the date of final approval of the Application, in which to select a site located on the West side of the Conceptual Plan. If the Library Department has not selected a site within one year of the approval of the Application, then the Owner shall not have any obligation or responsibilities under this section.

(6) <u>Maximum Height</u>. The maximum height permitted for the development of the Property shall be forty-five (45) feet and shall only be one (1) story in height.

(7) <u>Pedestrian Connectivity</u>. The Owner shall maintain a pedestrian pathway between the proposed commercial and existing neighboring residential areas that shall be

Declaration of Restrictions Page 4

illuminated and landscaped to assure pedestrian connectivity throughout the proposed park adjacent to the Property.

(8) <u>Hours of Operation</u>. The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am Friday and Saturday: 6:00 am to 2:00 am

(9) <u>Miscellaneous</u>:

A. <u>Covenant Running with the Land</u>. 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. <u>Term</u>. 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. <u>Modification, Amendment, Release</u>. This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by

D claration of Re trictions Page 5

a written instrument executed by the then fee simple owner(s) of the Property, including joinders of all mortgages, if any, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County or such other successors governmental body having jurisdiction over the Property.

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.

Declaration of Restrictins Page 6

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In the event that there is a recorded property owners association covering any portion of the Property, said association may (in lieu of the signature or consent of the individual members or owners), on behalf of its members and in accordance with its articles of incorporation or bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the property owners association. Any consent made pursuant to a vote of the property owners association shall be evidenced by a written resolution of the property owners association and a certification executed by the secretary of the property owners association's board of directors affirming that the vote complied with the articles of incorporation and bylaws of the association.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a property owners association and/or a written instrument(s) executed by the individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded associations(s), and must be evidenced by an executed written instrument.

D. <u>Enforcement</u>. 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. <u>Election of Remedies</u>. 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.

- 6

Declaration of R strictions Page 7

F. <u>Severability</u>. 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.

C. Recording. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions 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 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.

[Execution Pages to Follow]
Declaration f Restrictions Page 8

IN WITNESS WHEREOF, we have hereunto set our hands and seal this $\frac{29}{49}$ day of - April, 2009.

SSES manire ØE Print Name

Fontainbleay Lakes, LLC a Florida limited liability compration

Name: Masoud Shojace Title: President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 29 day of AP2/2009 by Masoud Shojace, President of Fontainbleau Lakes, LLC. He is personally known to me or produced ______ (type of identification) as identification.

) 55:

)

NOTARY PUBLIC

(Print, Type or Stamp Commissioned Name of

MABEL O. MERAS MY CONNESSION # DD 750534 EXPIRES: February 2, 2012 Jacobier Public Underwriters Notary P My Com

8

JOINDER BY MORTGAGEE CORPORATION

The undersigned Bank of America, N.A., a national banking association, under that certain mortgage from Fontainbleau Lakes, LLC., a Florida limited liability company, recorded in Official Records Book 23887, Page 4607, of the Public Records of Miami-Dade County, Florida, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded in Official Records Book 25863, at Page 3204; as modified by Mortgage Modification Agreement recorded in Official Records Book 26579, at Page 4573; and UCC-1 Financing Statement recorded in Official Records Book 23887, at Page 4658 and rerecorded in Official Records Book 24246, at Page 4053 in the Public Records of Miami-Dade County, Florida, covering all/or a portion 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 <u>30</u> day of April,

Vitnesses Witnesses Signature Print Name Signature Signature Dule A Richards Print Name	Bank of America, N.A., a national banking association Name of Corporation Address:
	THUR NAME: THENEI D. B. hor

STATE OF FLORIDA COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Mich.	and C dal
the <u>Sn. Vice Michigan</u> of Bank of America NA on behal	u) U. Duban,
He/She personally known to me or has produced	f of Bank of America.
The one personally known to me of has produced	. as identification

Witness my signature and official seal this 20 day of April, 2009, in the County and State



Publics L Hel Notary Public-State of Florida Rebecci L Helwig

My Commission Expires: 7/1/10

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CFN#20090469946

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EXHIBIT "A"

Fontainbleau East:

TRACTS 1, 2, 3, 4 AND 7, FONTAINBLEAU PARK SUBDIVISION SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 90, AT PAGE 56, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN NORTH 89°58'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 4) FOR A DISTANCE OF 95.06 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTH 89°58'50" EAST ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 36.55 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 08°57'20" WEST, ALONG THE WEST LINE OF TRACT "F" FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN SOUTH 02°06'50" EAST, ALONG SAID WEST LINE OF TRACT "F" FOR A DISTANCE OF 58.88 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "F" (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 89°42'20" WEST, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF BLUE FONTAINE REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTH 02º06'50" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.89 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE SOUTH 89°58'36" WEST 1490.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°53'09" EAST 1035.40 FEET; THENCE NORTH 87°00'00" WEST 160.03 FEET; THENCE SOUTH 01°53'09" WEST 1043.85 FEET; THENCE SOUTH 89°58'36" EAST 160.09 FEET TO THE POINT OF BEGINNING.

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EXHIBIT "B"



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	AND SURVEYORS INC.	. 40
A	SUNRISE, EL ORIDA 2005	PLS
E-MAIL: surveys@pullcetond	54) 572-1777 • FAX: (954) 572-1778 surveyors.com CERTIFICATE OF AUTHORIZATION LB#3870	Å
		V
A PORTION OF TRACT 2 OF FONTAINE		
PLAT THEREOF AS RECORDED IN PLAT	BLEAU PARK SUBDIVISION SECTION ONE ACCORDING T BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF	TO THE
	MORE PARTICULARLY DESCRIBED AS FOLLOWS:	
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FOLLOWING 3 COURSES AND DISTANCE	THE SOUTHESTERLY BOUNDARY OF SAID TRACT	2 THE
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FEET: THENCE SOUTH 58'53'40" EAST	DZ4 07 CENTRUE CONTINUE NORTH 33'06'11" EAS	5 362 12
THENCE NORTH 57 56'57" WEAT 374 7	LOTION TELT, THENCE NORTH 32'03'03" EAST 12 8	Q FEET.
THENCE SOUTH 2018'03" EAST 213.87 THENCE SOUTH 32'03'03" WEST 80.00	7 FEET; THENCE SOUTH 69'39'18" WEST 201.95 FEE 7 FEET; THENCE SOUTH 57'56'57" EAST 96.97 FEET	.1; :
POINT OF BEGINNING	TEL, MENCE SOUTH 5/565/" EAST 349.64 FEE	T TO THE
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NOTES:		
1) BEARINGS ARE BASED ON THE COURT	H LINE OF TRACT 2 BEING N89'42'20"E.	
3) THIS SKETCH IS NOT VALID WITHOUT	THE CICHARDER REPRESENT A FIELD SURVEY.	
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5) O.R.B. DENOTES: OFFICIAL RECORDS	BOOK.	
LE: SHOMA DEVELOPMENT		
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RDER NO.: 52015	COMPLETE WITHOUT SHEETS THROUGH 3 INCLUSIVE	S 1
ATE: 10/29/08; REV. 02/23/09		
DOITIONAL PARK PARCEL ONE		
IAM-DADE COUNTY, FLORIDA		
OR: FONTAINEBLEAU EAST		
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SKETCH AND LEGAL DESCRIPTION	
PULICE LAND SURVEYORS, INC.	P
TELEPHONE: (954) 570 1777	
CERTIFICATE OF AUTHORIZATION LB/3870	
LEGAL DESCRIPTION: ADDITIONAL PARK PARCEL TWO A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICIL ADIA OF THE PUBLIC RECORDS OF	HE
SERVICE AN ICULARLY DESCRIBED AS FOLLOWS:	
COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89'42'20" EAST ON THE SOUTH LINE OF SAID TRACT 2 AND ON SAID NORTH RIGHT-OF-WAY LINE 712.25 FEET; THENCE NORTH 04'29'33" EAST, ON LINE RADIAL TO THE NEXT DESCRIBED CURVE, 378.94 FEET TO THE POINT OF BEGINNING, A PO ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,441.29 FEET AND A CENTRAL ANGLE OF 02'20'40" AN ARC DISTANCE OF 58.97 FEET; THENCE SOUTH 71'58'56" WEST 31.84 FEET; THENCE NORTH 61'07'0S 389 SQUARE FEET, 0.0089 ACRES.	T A DINT
NOTES: 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89'42'20"E. 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY. 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.	
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Book26921/Page1582

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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: CJUF III Flagler, LLC, a Delaware limited liability company

12000 Biscayne Blvd., Suite 508	
North Miami, Florida 33181	

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	OWNERS OF	FOLIO	SIZE IN
	RECORD*	NUMBERS	ACRES
CJUF III Flagler, LLC	CJUF III Flagler, LLC Fontainbleau Lakes, LLC	See below	+/- 36.27 net acres +/- 39.51 gross acres

*Fontainbleau Lakes, LLC owns +/- 4.37 acres (net and gross)(contained in numerous folios attached as list to this Disclosure) and CJUF III Flagler LLC owns +/- 31.9 Acres (net) (+/-35.04 acres gross) (folio 30-4004-084-0570)

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)	
v	v				

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 CJUF III Flagler, LLC, a Delaware limited liability company

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

CJUF III Flagler Member, LLC 2000 Avenue of the Stars, 11th Floor Los Angeles, California 100% of preferred member interest

HM Six Member, LLC 12000 Biscayne Blvd., Suite 508 North Miami, Florida 33181 100% of preferred member interest

See Attached Ownership Chart for Further 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].

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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

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.]

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CORPORATION NAME: Fontainbleau Lakes, LLC, a Florida Limited Liability Company

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

3470 NW 82nd Avenue, Suite 988, Doral, Florida 33122 See attached chart

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

Date of Contract

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

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

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

CJUF III Flagler, LLC, a Delaware limited liability Company

By: HM Six Member, LLC, a Florida limited liability company, Sponsor Member

By: HM Six, LLC, a Florida limited liability company, Manager

By:

Name: Eric Sheppard Title: Manager

Swor	n to and su	bscribed	before me	NUMBERFREY GO
this _	75	A	day of	_, 2013
Nota	ry Public, S	State of F	lorida at Large (S	E NO. 2 #EE62195 8: 4 5

Disclosure shall not be required of any entity, the equity interest how the 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 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 consisting of more than a total of 5% of the ownership interest in the partnership, corporation or trust are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate 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, corporation or trust.

FLAGLER ORGANIZATION CHART



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LIST OF FOLIO NUMBERS

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APPLICATION NO. 2 SMALL-SCALE AMENDMENT APPLICATION

Applicant	Applicant's Representative	
TLG FL, LLC.	Eric Milne, President	
444 Brickell Avenue	TLG FL, LLC	
Suite 900	444 Brickell Avenue, Suite 900	
Miami, Florida 33131	Miami, Florida 33131	
(305) 814-4040	(305) 814-4040	

Requested Amendment to the CDMP

Redesignate the application site on the Land Use Plan map From: Low Density Residential (2.5 to 6.0 dwelling units per gross acre) To: Business and Office

Location: Southwest corner of the intersection of SW 224 Street and SW 112 Avenue.

Acreage of Application Area: ±2.643 gross acres; ±1.954 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.

SMALL SCALE AMENDMENT REQUEST TO THE LAND USE ELEMENT/LAND USE PLAN MAP NOVEMBER 2013-2014 AMENDMENT CYCLE MIAMI-DADE COUNTY APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

TLG FL, LLC 444 Brickell Avenue, Suite 900 Miami, Florida 33131 (305) 814-4040

2. APPLICANTS' REPRESENTATIVE

Eric Milne as President of TLG FL, LLC 444 Brickell Avenue, Suite 900 Miami, Florida 33131 (305) 814-4040

<u>By:</u>

(Signature of Applicant's Representative)

3. DESCRIPTION OF REQUESTED CHANGE

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

The Property contains approximately +/-2.643 gross acres (+/-1.954 net acres) and consists of the entire southwest corner of SW 112th Avenue and SW 224th Street in the South Tier of the County (Section 18, Township 56 South, Range 40 East). The Property is currently undeveloped. The entire north boundary of the Property fronts SW 224th Street and the entire east boundary of the Property fronts SW 112th Avenue. Lying to the west and south of the Property is the Church of the Rock Jesus Christ. Immediately across from the Property on the east side of SW 112th Avenue at SW 224th Street, <u>both</u> the northeast *and* southeast corner have commercial land use designations. The southeast corner obtained a commercial designation in 2005 upon a successful small-scale amendment request to change the Land Use Plan map—an application entirely analogous to this Application. The Property is comprised of four parcels

Date

identified by Folio Nos. 30-6018-000-0480, 30-6018-000-0451, 30-6018-000-0452 and 30-6018-000-0462, and is more fully described in the attached Exhibit "A."

C. Gross and Net Acreage

Application area: Acreage Owned by Applicant: +/- 2.643 gross acres (+/-1.954 net acres) 0 acres

- D. <u>Proposed Development</u>. The Applicant proposes to develop the Property with a neighborhood-serving retail and commercial development that is consistent with the current development pattern along SW 112th Avenue.
- E. Requested Change
 - 1. It is requested that the Property be re-designated on the Land Use Plan map from "Low Density Residential" to "Business and Office."
 - 2. It is requested that this application be processed as a <u>Small-Scale</u> <u>Amendment under the expedited procedures</u>.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Low Density Residential" to "Business and Office" to permit the development of neighborhood-serving retail and commercial uses on the Property. The purpose of this Application is to address the need for neighborhood-serving commercial and retail uses in the area. In recent years, the area surrounding the Property has experienced significant residential housing growth in the form of large, higher-density subdivisions and communities. The development of local, neighborhood-serving commercial uses has not kept pace with this residential growth, creating a present need for local commercial use in the area around the Property. The Applicant proposes an appropriately sized commercial and retail development at the Property that will help provide for the basic good and service needs of the large and growing residential population in the area.

The Property has over 350 feet of frontage along SW 112th Avenue, a high volume, halfsection line road. Although SW 117th Avenue is the area's designated section line road, it is commonly recognized that SW 112th Avenue is in practice the area's *effective* section line road since it provides direct connectivity to (and north-bound and south-bound access onto) both the Florida Turnpike to the south and South Dixie Highway/US 1 to the north. SW 112th Avenue acts as the area's primary north-south commuter road and local arterial for those that live in the area and work in the Miami's downtown and Doral business districts. Commercial and retail uses are typically appropriate along main commuter roads to allow residents and commuters places to shop and trade along existing transportation routes without introducing additional vehicle trips into areas off main commuter roads.

With the construction of several new schools complementing parks and higher density multifamily units along SW 112th Avenue, the road has emerged as the area's main "activity corridor." Conveniently located at a main, lighted intersection on the SW 112th

Avenue activity corridor, the Applicant's proposed development would not only help meet the area's current and increasing demand for easily accessible, neighborhood-serving commercial uses, but also diversify the uses and activities within the SW 112th Avenue "activity corridor" by setting a reasonably-sized commercial use within the corridor's zone of schools, parks and higher density residential uses.

The Property is bordered by a church to the west and south and by roadways at the north and east. The Applicant has met with the Pastor and leaders of the church lying to the west and south and the Church has expressed initial support for the Applicant's proposed project and the economic benefits a new job creator would bring to an area hard hit by the economic events of the past several years. The Property does not border any existing residential areas with dwelling units, therefore, the proposed development would not impact any contiguous residential use.

The Property is in Minor Statistical Area ("MSA") 7.1. Currently, MSA 7.1 is experiencing extremely rapid residential growth and construction. See attached Exhibit B. Many of these residential developments began during the years preceding the 2008 financial crisis and subsequent economic collapse, when the County approved a significant number of medium to higher density projects for MSA 7.1. Due to the economic collapse, many of these residential projects were put on hold and have only now been restarted. The addition of new multi-family housing units into the Application area, has intensified an already dense residential part of the County. Zoning patterns in the area are primarily aimed at maximizing the area's overall density. For example, in the newer residential areas to the south of the Property, the predominant zoning is RU-3M (Minimum Apartment House District, maximum density 12.9 dwelling units per acre), RU-TH (Townhouse District, maximum density 8.5 dwelling units per acre), and RU-IM(a) (Modified Single-Family Residential District, 5,000 square foot net lots). Current data indicates that the effect of the County's zoning designations in these areas has been a substantial increase in population in the past few years. In the 1.5 mile radius around the Property the population in 2010 was 33,707 and is forecast to increase nearly 12% to 37,538 in 2018. Source: See Exhibit C: EASI Demographic Report. Based on current trends, the 5 year population growth from 2014 may be even more significant.

While residential projects have restarted in the area, commercial projects have not. Consequently, the area's new supply of residential housing is currently outpacing the development of commercial uses and, in the process, leaving new area residents without ample neighborhood-serving, local retail uses. The Land Use map indicates ample area for future residential growth in MSA 7.1, but few commercial nodes within these areas to meet current and future resident needs. Applicant's proposed commercial development at the Property will fill this gap, by providing the area's new and future residents with nearby commercial uses that are easily accessible by foot, bike or local transit and, in so doing, address a deficiency in the Plan map for commercial uses within an area of strong current and projected population growth. The Application site is needed to address the area's current and future commercial needs.

The 2013 depletion date for commercial space in MSA 7.1 is 2030+, with 97.2 acres of vacant commercial land in 2013 and 305.80 acres of commercial land in use in 2013. Countywide the projected year of depletion of commercial space is also 2030+. Seven

years ago, in 2006, vacant commercial land in MSA 7.1 was 99.1 acres and commercial acres in use was 311.3 acres, indicating *negative* net actual absorption during this time period of -3.6 acres (1.9 acres of vacant commercial land absorbed, offset by a loss of commercial acres in use equal to minus 5.5 acres during the time period). Therefore, during this seven-year period MSA 7.1 actually lost commercial acreage, based on the 2006 start- and 2013 end-point data.

The annual absorption rate projected for the period 2013-2030 is 2.91 acres per year for MSA 7.1, further evidencing the current imbalance between strong residential development and limited commercial development in the area. In 2006, the average annual absorption rate was 6.51 acres and the projected year of depletion was 2021. The data indicates that the rate of commercial development in the area has indeed decreased during this time.

Also significant, in 2013 MSA 7.1's amount of commercial land per thousand persons is 5.5 acres of commercial land per thousand persons in 2020 and 4.5 acres of commercial land per thousand persons in 2030. MSA 7.1's 2020 commercial land (acres) per thousand persons is consistent with the Countywide statistic of 5.4 for 2020, but its 2030 figure of 4.5 is *below* the Countywide statistic of 4.9 acres of commercial land per thousand persons. *Source for above: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Division, Research Section, July 2013 and Miami-Dade County Department of Planning & Zoning, Planning Division, July 2006.*

The Applicant believes that its proposed commercial and retail use at the Property will address this imbalance and, in so doing, meet and further the policies and objectives of:

- 1) the Land Use Element of the CDMP; and
- 2) the nearby Goulds and Princeton Community Urban Centers.

This Application address several policies and objectives within the Land Use Element of the CDMP. See below paragraph entitled "Consistency with CDMP Objectives and Policies." The Application also furthers the spirit and policy of the Goulds Community Urban Center to the north of the Property and the Princeton Community Urban Center to the southwest of the Property, both of which seek to integrate commercial areas into residential areas such that area residents (in particular those in areas with medium to higher density residential uses) have nearby places to shop and work within the residential fabric of a community.

The vast majority of the available vacant commercial land in MSA 7.1 is either north of the Property (at or beyond the Southland Mall area) or fronting South Dixie Highway/US 1. While on the surface it appears that MSA 7.1 has a healthy supply of vacant commercial land, very few of these areas provide neighborhood-serving commercial uses for the new and existing population areas surrounding the Property. The location of the Property at a heavily travelled, lighted intersection will allow residents in the population clusters to the west and south of the Property to easily walk, ride a bicycle or take the transit bus (bus stop in front of Property) to the proposed commercial uses at the Property without increasing vehicle trips and congestion on SW 112th Avenue. Applicant's proposed commercial development will additionally bring jobs to an area in need of

economic development.

It should be noted that commercial development at the Property will provide residents immediately surrounding the Property with the same type of retail and commercial uses that currently exist at the "Activity Node" at SW 232nd Street and SW 112th Avenue. While the Property is not at an "Activity Node," the intersection of SW 112th Avenue and SW 224th Street constitutes a "small neighborhood node" that will serve the residential areas immediately surrounding the Property. The 233nd Avenue "Activity Node" is 1/2 mile away from the Property and suited primarily to serve the adjacent 292 acre Silver Palms planned residential community and the to-be-built residential subdivision immediately to the east of Silver Palms. The primary commercial uses at the 232nd "Activity Node" are the Promenade at Silver Palm, a large 67.217 square foot Publix anchored shopping center, which has filled existing vacancies as the economy has improved, and single-tenant bank, fast food and small-retail pads across SW 112th Avenue to the west of the Promenade. With the northwest corner of the 232nd "Activity Node" already converted to residential use, this planned Activity Node is too small to serve the areas surrounding the Property ($\frac{1}{2}$ mile to the north) and perhaps will be too small to adequately service the new, higher-density residential developments within Silver Palms and the surrounding new subdivisions. The Southland Mall trade area is +/-1.1 miles away from the Property and the US 1 trade area corridor is +/-1.11.5 miles away from the Property.

Notwithstanding its current residential designation and the high level of new home construction in the immediate area, the Property has remained undeveloped. The absence of residential development at the Property supports the conclusion that the Property's residential designation is not appropriate given its location and physical attributes. The Property's long frontage along SW 112th Avenue and overall narrow frontage road depth does not provide a suitable configuration for single-family home development at the Property, as is envisioned by the current "Low Density Residential" designation. The addition of single-family homes at the intersection of SW 112th Avenue and SW 224th would require each homeowner to drive onto the major arterial of SW 112th Avenue, since the Property is arguably not deep enough to allow for individual home driveways <u>and</u> a private interior access road on the Property. This would create additional entering and exiting traffic onto an already busy roadway. Higher density residential uses on the Property would add to the current imbalance between residential and commercial growth in the immediate area.

As set forth in more detail below, the Property is currently served by the Miami-Dade Transit Route 70 bus with an active bus stop directly in front of the Property. The integration of commercial uses at an active bus stop enhances the County's goal of furthering commercial development around transit stops (see below).

On behalf of its proposed national-retail, anchor tenant at the Property, Applicant searched and conducted due diligence on multiple sites in MSA 7.1. The Property was chosen over other available sites in MSA 7.1 due to its ease of access at a busy traffic-lighted, small neighborhood node and its location in a trade area with demand for the type of everyday household items sold by Applicant's proposed anchor tenant. The Applicant believes that its proposed uses and tenant will provide a benefit to the community. For the foregoing reasons and those set forth below in furtherance of Comprehensive Development Master Plan ("CDMP") policies, the Applicant believes that approval of the requested small-scale amendment would improve the Land Use Plan map by furthering sound community planning and the CDMP's stated goal of having local communities operate as self-sufficient entities through the concentration of commercial uses at major roadway intersections on busy activity corridors within dense residential neighborhoods.

<u>Consistency with CDMP Objectives and Policies</u>. This application address several policies and objectives within the Land Use 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 of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

The Applicant proposes to develop an unused vacant property that is currently not contributing to local economy, local neighborhood or County tax base to the degree that if could if its development potential were realized. The proposed commercial development will allow for the addition of much needed local neighborhood retail and commercial uses into the area. The intersection of SW 112th Avenue and SW 224th Street, while not an "Activity Node," constitutes a small neighborhood node at a heavy traffic intersection. The integration of neighborhood-serving commercial uses into the area's existing and new residential development pattern furthers Objective LU-1 by concentrating and intensifying commercial development around an existing center of activity where commercial uses currently exist or have been approved.

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* [emphasis added]. Business developments shall be designated to relate to adjacent development and large uses should be planned and designated to relate to adjacent development, and large uses should be planned and designated to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

The Property is located at a "small neighborhood node" that is well suited for commercial use and will complement existing and future commercial activity across the street at the northeast and southeast corners of SW 112th Avenue and SW 224th Street.

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

While currently zoned "Agricultural," the Property is in an area that long ceased being used for agriculture. The Property is in a highly dense area of primarily multi-family housing and is not at an urban fringe Agriculture Area. The Property has remained underutilized and undeveloped for so long because its land use designation has not kept up with the evolution of the area surrounding the Property. Of the four corners of the SW 112th Avenue and SW 224th Street intersection, two have been designated with commercial use.

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

The Property is located in front of a Miami-Dade Transit bus stop (Route 70) on a busy transit route with service on approximately 8 to 10 minute intervals throughout the day (Source: Miami-Dade County Transit Route 70 Bus Schedule, as posted on the miamidade.gov website). The integration of commercial uses within a higher density residential area will, the Applicant believes, encourage further use of the Route 70 bus by providing residents a place to shop for necessities at an existing bus stop and create "a pedestrian-friendly environment that promotes the use of rapid transit services."

Policy LU-7A--Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human services in varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.

The Applicant believes that integrating commercial use at an existing transit stop, such at the bus stop in front of the Property, will, although not a transit station, "produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced...." (Policy LU-7A). Further, the Applicant believes that integrating commercial use at an existing transit bus stop will promote "transit use and decreases the dependence on automobiles...." (Policy LU-7G) in a manner that supports health, fitness and exercise by increasing the overall walkability score of the area surrounding the Property.

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.

SW 112th Avenue is a Miami-Dade Transit Route 70 bus corridor with service approximately every 8 to 10 minutes. (*Source: Miami-Dade County Transit Route 70 Bus Schedule, as posted on the miamidade.gov website*). In front of the Property is a "standard...Bus stop served by peak period headways of 20 or fewer minutes..." (Policy LU-8E).

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

The addition of commercial use at the Property will complement the spatial distribution of existing and future residential population in the area.

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 ¼ mile of an existing or planned transit station, exclusive busway stop, *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 pedestrian as indicated in the policies under Objective LU-7, herein [emphasis added].

As addressed above, the Applicant's proposed commercial use will help satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County. The commercial use proposed for the Property is compatible with existing retail development at the northeast corner of the SW 112th Avenue and SW 224th Street intersection, as well as the future commercial use planned for the southeast corner of the SW 112th Avenue and SW 224th Street intersection, as well as the future commercial use planned for the southeast corner of the SW 112th Avenue and SW 224th Street intersection (in the April 2005 Application Cycle to Amend the Comprehensive Development Master Plan, Kaza 112 Property Corporation successfully obtained a Small-Scale Amendment to the Land Use Plan Map on the .91 gross acre site immediately across SW 112th Avenue to the east--this site is entirely analogous to the Property that is the subject of this Application). The location of the proposed commercial use directly behind an active bus stop on a popular bus route will enhance Miami-Dade County's stated goal of locating community needs at transit stop

locations. To the knowledge of the Applicant, there are no historically or archeologically significant structures of record on the Property. Therefore, to the knowledge of the Applicant, this application will have no impact on the County's historical or environmental resources.

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

As noted above, the 2013 depletion date for commercial space in MSA 7.1 is 2030+, with 97.2 acres of vacant commercial land in 2013 and 305.80 acres of commercial land in use in 2013. Countywide the project year of depletion of commercial space is also 2030+. The annual absorption rate projected for the period 2013 -2030 is 2.91 acres per year. Significantly, the amount of commercial land per thousand persons, expressed in acres, is 5.5 acres of commercial land per thousand persons in 2020 and 4.5 acres of commercial land per thousand persons in 2030. MSA 7.1's 2020 commercial land (acres) per thousand persons is consistent with the Countywide statistic of 5.4 for 2020, but its 2030 figure of 4.5 is below the Countywide statistic of 4.9 acres of commercial land per thousand persons in 2030. Source for above: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Division, Research Section, July 2013. The Applicant is of the opinion that as residential populations continue to increase in MSA 7.1, this existing imbalance and shortage of future commercial space relative to future residential growth (especially when compared with the same Countywide data) will only grow larger. Given the number of platted and zoned residential lots in the area that have yet-to-be built on, it is unlikely that approval of the application would result in a significantly measurable diminution of residential land supply in the MSA.

This Application is accurate and complete to the best of Applicant's knowledge and belief, and may contain the opinion of Applicant in a variety of places.

ADDITIONAL MATERIAL SUBMITTED

- 1) Exhibit A: Legal Description and Location Map
- 2) Exhibit B: Photographs
- 3) Exhibit C: Demographic Report
- 4) Aerial Photograph
- 5) Section Map

5. COMPLETE DISCLOSURE FORMS: See Attached

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

APPLICANT: TLG FL, LLC

REPRESENTATIVE: Eric Milne, as President of TLG FL, LLC

DESCRIPTION OF PROPERTY APPLICATION AREA

The Property contains approximately 2.643 gross acre (1.954 net acre) located at the southwest corner of SW 112th Avenue and SW 224th Street in Section 18, Township 56 South, Range 40 East and Section 18, Township 56 South, Range 38 East. <u>The applicant is under contract to purchase the Property.</u>



Exhibit A

The property is more accurately described on the attached legal description and location map.

Legal Description

Parcel I:

The North 160 feet of the East 458.48 feet of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4, less the North 85 feet of the East 200 feet thereof, and less the East 50 feet and North 35 feet for road purposes, in Section 18, Township 56 South, Range 40 East, all lying and being in Miami-Dade County, Florida.

Parcel II:

Beginning at the West Right-of-Way of South Allapattah Drive on the North line of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 for the Point of Beginning, thence West 150 feet, thence South 50 feet, thence East 150 feet, thence North 50 feet to the Point of Beginning, less the North 35 feet for Road Right-of-Way, Section 18, Township 56 South, Range 40 East, all lying and being in Miami-Dade County, Florida.

Parcel III:

The South 35 feet of the North 85 feet of the East 200 feet of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4, less the East 50 feet thereof, Section 18, Township 56 South, Range 40 East, all lying and being in Miami-Dade County, Florida.

Parcel IV:

The East 210 feet of the South 222 feet of the North 382 feet of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4, less the East 50 feet thereof, Section 18, Township 56 South, Range 40 East, all lying and being in Miami-Dade County, Florida.

SOURCE: MIAMI-DADE PROPERTY APPRAISER

Location Map


EXHIBIT B

Existing Area Multifamily



New Area Multifamily Under Construction



Exhibit C



EASI Demographics on Demand Updated Site Selection Reports & Analysis Executive Summary

Location: Proposed Retail Site Goulds Address: sw 224th st and sw 112th ave miami Latitude: 25°: 33': 32"





Description	1.5 Miles	3 Miles	5 Miles
POPULATION BY YEAR			
Population (4/1/1990)	15,737	59,268	131,103
Population (4/1/2000)	22,242	73,095	152,354
Population (4/1/2010)	33,707	100,345	193,155
Population (1/1/2013)	35,237	104,790	201,228
Population (1/1/2018)	37,538	111,699	214,041
Percent Growth (2013/2010)	4.54	4.43	4.18
Percent Forecast (2018/2013)	6.53	6.59	6.37
HOUSEHOLDS BY YEAR			
Households (4/1/1990)	4,804	18,761	42,307
Households (4/1/2000)	6,803	22,582	46,398
Households (4/1/2010)	10,196	30,946	58,363
Households (1/1/2013)	10,641	32,251	60,787
Households (1/1/2018)	11,491	34,827	65,642
Percent Growth (2013/2010)	4.36	4.22	4.15
Percent Forecast (2018/2013)	7.99	7.99	7.99
GENERAL POPULATION CHARACTERISTICS			
Median Age	31,3	34.1	34.7
Male	16,658	50,532	97,876
Female	18,579	54,258	103,352
Density	4,661.0	2,961.3	2,935.5
Urban	35,237	104,392	199,682
Rural	0	398	1,546

GENERAL HOUSEHOLD CHARACTERISTICS

Households (1/1/2013)	10,641	32,251	60,787
Families	8,439	25,346	48,405
Non-Family Households	2,202	6,905	12,382
Average Size of Household	3,28	3,23	3.26
Median Age of Householder	46,5	48,3	49.0
Median Value Owner Occupied (\$)	164,092	194,494	208,125
Median Rent (\$)	809	904	922
Median Vehicles Per Household	2.0	2.2	2.2
GENERAL HOUSING CHARACTERISTICS			
Housing, Units	11,886	35,722	67,152
Housing, Owner Occupied	5,192	19,714	39,366
Housing, Renter Occupied	5,449	12,537	21,421
Housing, Vacant	1,245	3,471	6,365
POPULATION BY RACE			
White Alone	19,483	68,582	128,783
Black Alone	13,268	28,107	56,090
Asian Alone	428	1,716	3,933
American Indian and Alaska Native Alone	91	206	468
Other Race Alone	959	3,042	6,207
Two or More Races	1,008	3,137	5,747
POPULATION BY ETHNICITY			
Hispanie	19,279	62,802	114,579
White Non-Hispanic	2,798	12,980	27,999
GENERAL INCOME CHARACTERISTICS			
Total Household Income (\$) (533,264,539 2	212,824,568 4	,357,087,141
Median Household Income (\$)	42,862	54,127	57,783
Average Household Income (\$)	59,512	68,613	71,678
Per Capita Income (\$)	18,487	21,418	22,172
• , , , , , , , , , , , , , , , , ,	•		,
RETAIL SALES			
Total Retail Sales (including Food Services) (\$)	119,872	1,330,789	2,939,958
CONSUMER EXPENDITURES			
Total Annual Expenditures (\$800)	499,658.6	1,686,814.7	3,246,431.4
EMPLOYMENT BY PLACE OF BUSINESS			
Employees, Total (by Place of Work)	2,678	13,576	35,781
Establishments, Total (by Place of Work)	162	1,166	2,755
EASI QUALITY OF LIFE			
EASI Quality of Life Index (US Avg=100)	143	145	145
EASI Total Crime Index (US Avg=100; A=High)	58	60	67
EASI Weather Index (US Avg=100)	192	192	192
BLOCK GROUP COUNT	22	67	122

Footnotes:

Easy Analytic Software, Inc. (EASI) is the source of all updated estimates. All other data are derived from the US Census and other official government sources. Consumer Expenditure data are derived from the Bureau of Labor Statistics.

All estimates are as of 1/1/2013 unless otherwise stated.

Easy Analytic Software, Inc. 101 Haag Avenue, Bellmawr, NJ 08031 phone: 856.931.5780 fax: 856.931.4115

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:	TLG FL, LLC	444 Brickell Avenue, Suite 900, Miami FL 33131
APPLICANT B:		
APPLICANT C:		
APPLICANT D:		
APPLICANT E:		
APPLICANT F:		
APPLICANT G:		

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

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

FL, LLC	Carrie Kettles & Gloria Kettles Thompson Et Al. Carrie Kettles	30-6018-000-0480 30-6018-000-0451	.052
FL, LLC	-	30-6018-000-0451	.12
FL, LLC	Carrie Kettles	30-6018-000-0451	.12
FL, LLC	Gloria K Thompson & Carrie	30-6018-000-0452	.962
	Kettles & Carla K. Clayton		
G FL, LLC	Carrie Kettles & Gloria Kettles	30-6018-000-0462	.82
	Thompson Et. Al.		
		Kettles & Carla K. ClaytonG FL, LLCCarrie Kettles & Gloria Kettles	Kettles & Carla K. Clayton G FL, LLC Carrie Kettles & Gloria Kettles 30-6018-000-0462

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

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER Explanation)	(Attach
A	TLG FL, LLC		Х		

- 4. DISCLOSURE OF APPLICANT'S INTEREST:Complete all appropriate sections and indicate N/A for each section that is not applicable.
 - a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

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

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

CORPORATION NAME: The Applicant, TLG FL, LLC, is a Delaware Limited Liability Company

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

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

TRUSTEES		
NAME:	N/A	

NAME AND ADDRESS

PERCENTAGE OF INTEREST

<u>Applicant, TLG FL, LLC, is a party to a Contract for Purchase</u> TLG FL, LLC, is a Delaware Limited Liability Company			
444 Brickell Avenue, Miami, FL 33131.	Sole Member is Eric Milne	100%	
	Date of Contract:	7/24/13	

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

N/A		

- 5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.
 - a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
The Property is collectively owned by:	
Carrie Kettles, Gloria Kettles Thompson and Carla Kettles-Clayton	100%
19254 SW 92 Road Miami FL 33157-8804	
The Applicant, TLG FL, LLC does not own an interest in the Prope	erty 0%

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.]

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF OWNERSHIP

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

NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF INTEREST
The below owners of the Property are parties to a contract to purchase:	
Carrie Kettles, Gloria Kettles Thompson and Carla Kettles-Clayton	100%
19254 SW 92 Road Miami FL 33157-8804	
Date of Contract:	7/24/13

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

N/A

For any changes of ownership or changes in 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	
	TLG FL, LLC, Eric Milne as President	
Sworn to and subscribed before	K I I I I I I I I I I I I I I I I I I I	C.
this 2 nd d	doe a torot a	
Notary Public, State of Florida a	t Large(SEAL) Motary Public State of Florida Adriana T. Casulo My Commission EE 840414 Expires: 10/03/2016	

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 trust; or of any entity, the ownership interest of which are held in a 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 a total of 5% of the ownership interest in the partnership, corporation or trust consisting of more than a total of 5% of the ownership interest in the partnership, corporation or trust consisting of more than five thousand (5,000) separate 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

APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT:

Miami-Dade County 111 NW 1st Street Miami, Florida 33128-1972

2. APPLICANT REPRESENTATIVES:

Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources 111 NW 1st Street, 29th Floor Miami, Florida 33128-1972

By: _____ December 2013

Lester Sola, Director Internal Services Department 111 NW 1st Street, 13th Floor Miami, Florida 33128-1972

By: _____ December 2013

3. DESCRIPTION OF REQUESTED CHANGE:

A. Amend the Land Use Element, Future Land Use Plan Map to redesignate the ±165 gross acre subject property from 'Institutions, Utilities and Communications' to 'Business and Office'

NOTE: This Application is being finalized and will be incorporated herein in its entirety once complete.

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APPLICATION NO. 4 STANDARD AMENDMENT APPLICATION

Applicant	Applicant's Representative
Miami-Dade County 111 NW 1 st Street, Suite 1220 Miami, Florida 33128-1972	Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources 111 NW 1 st Street, 29 th Floor Miami, Florida 33128-1972
	Jack Kardys, Director Parks, Recreation and Open Space Department 275 NW 2 nd Street Miami, Florida 33128

Requested Amendment

Redesignate the application site on the Land Use Plan map

- From: Institutions, Utilities, and Communications
 - To: Parks and Recreation

Location: Southwest corner of the intersection SW 76 Street and SW 117 Avenue.

Acreage of Application Area: ± 20.0 gross acres; ± 18.84 net acres Acreage Owned by Applicant: ± 18.84 acres



Notes:

1. This page is not part of the Application that was filed by the applicant.

APPLICATION NUMBER 4

APPLICATION REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT:

Miami-Dade County 111 NW 1st Street Miami, Florida 33128-1972 (305) 375-2557

2. APPLICANT'S REPRESENTATIVES:

Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources 111 NW 1st Street, 29TH Floor Miami, Florida 331/28-197/2 //

December 2, 2013 Bv:

Jack Kardys, Director Parks, Recreation and Open Space Department 275 NW 2nd Street Miami, Florida 33128-1972 305-755-7800

GN) 12/19 By: December 2, 2013

- 3. DESCRIPTION OF REQUESTED CHANGE:
 - A. It is requested that the ±20 gross acre application area be redesignated on the Land Use Plan map from "Institutions, Utilities, and Communications" to "Parks and Recreation".
 - B. The subject site consists of ±18.84 net acres (±20.00 gross acres) on the south side of SW 76 Street and east of SW 117 Avenue, abutting the west side of the Kendall Indian Hammocks Park. The site is further described and shown on Exhibit A of this application.

4. REASONS FOR THE REQUESTED AMENDMENT:

The subject application seeks to add expand the "Parks and Recreation" designation onto land adjacent the Kendall Indian Hammocks Park, setting the stage for the Park's further growth and development. The Park is located generally between SW 117 and SW 107 Avenues and between SW 74 and SW 86 Streets within the Kendall community. The Miami-Dade Board of County Commissioners (Commission) adopted Resolution R-719-12 on September 4, 2012 directing the Mayor or Mayor's designee to provide for the expansion of the Park through amendment to the Kendall Indian Hammocks Park General Plan among other things. Resolution R-719-12 also recognized the need to expand and further develop the Kendall Indian Hammocks Park to meet the recreational needs of the Kendall community, and for the Park to develop into a regional recreation facility. This need was identified and expressed in the Expansion Feasibility Study for Kendall Indian Hammocks Park prepared in August 2010 and is referenced in the resolution.

Also on September 4, 2012 the Commission adopted Resolution R-718-12 directing the Mayor or Mayor's designee to file an application to amend the Comprehensive Development Master Plan to designate county-owned property adjacent to the Kendall Indian Hammocks Park as "Parks and Recreation" in order to accommodate the future growth and development of the Park.

This proposed Land Use Plan map amendment seeks to fulfill the requirement of Resolution R-718-12 and to facilitate the fulfillment of Resolution R-719-12 requirements.

5. DISCLOSURE OF INTEREST:

The ±18.84-acre real property is 100% owned by Miami-Dade County Parks, Recreation and Open Space Department.

6. NO NOTIFICATION TO PROPERTY OWNERS OTHER THAN THE APPLICANT BECAUSE NO OTHER PRIVATE PROPERTIES ARE INCLUDED WITHIN THE APPLICATION BOUNDARY:

The application is exclusive to the ownership of Miami-Dade County Department of Parks, Recreation and Open Space.

LEGAL DESCRIPTION:

(See legal description on attached Exhibit A).

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT

Miami-Dade County

APPLICANT REPRESENTATIVE(S)

Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources

Jack Kardys, Director Parks, Recreation and Open Space Department

DESCRIPTION OF SUBJECT AREA

The subject property, Folio Nos. 30-4031-025-0010, 30-4031-025-0020 and a ± 9 acre portion of 30-4031-004-0010 comprise a parcel of land 18.83 net acres in size located in Section 31-54-40.

The property is more accurately described as: (See legal description on attached Exhibit A–Surveyor's Notes and Boundary & Topographic Survey).



SURVEYOR'S NOTES:

1. Field Survey was completed on: January 17th, 2012.

2. LEGAL DESCRIPTION:

Parcel 1:

Tract A, Blocks 1 thru 8 and Tract B of SECOND ADDITION TO DADE COUNTY CEMETERY, according to the Plat thereof, as recorded in Plat Book 126, at Page 71, of the Public Records of Miami-Dade County, Florida, described as:

Commence at Northwest corner of said Section 31; thence run S01°27'37"E along the West line of the NW 1/4 of said Section 31 for a distance of 1919.12 feet to a Point on the North line of the South 1/2 of the SW 1/4 of the NW 1/4 of the said Section 31; thence run N87°37'18"E along the North line of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 31 for a distance of 35.00 feet to a Point on the East line of the West 35.00 feet of the NW 1/4 of said Section 31 and to the Point of Beginning of the herein described parcel; thence continue N87°37'18"E along the North line of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 31 for a distance of 1285.42 feet to the Northeast corner of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 31 thence run S01°27'22"E along the East line of the South 1/2 of the SW 1/4 of the NW 1/4 of said Section 31 for a distance of 362.65 feet to a Point of intersection with the arc of a circular curve concave to the Southwest, the center of which bears S49°51'32"W from said Point of intersection, thence run Northwesterly along the arc of said circular curve concave to the Southwest having a radius of 75.00 feet through a central angle of 04°43'16" for an arc distance of 6.18 feet to a Point of intersection with a non tangent line being the center line of right of way for the 50.00 feet wide entrance road for the Kendall Home Property from S.W. 117th Avenue; thence run S86°56'53"W along said center line of right of way for a distance of 1281.66 feet to a Point on the East line of the West 35.00 feet of the NW 1/4 of said Section 31; thence run N01°27'37"W along the East line of the West 35.00 feet of the NW 1/4 of said Section 31 for a distance of 372.99 feet to the Point of Beginning.

Containing 428,365 Square Feet or 9.83 acres, more or less, by calculation.

Parcel 2:

Block 7 through 16 of FIRST ADDITION TO DADE COUNTY CEMETERY, according to the Plat thereof, as recorded in Plat Book 81, at Page 7, of the Public Records of Miami-Dade County, Florida.

Containing 392,266 Square Feet or 9.01 acres, more or less, by calculation.





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APPLICATION NO. 5

APPLICATION REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

Miami-Dade County Department of Regulatory and Economic Resources 111 NW 1st Street, 12th Floor Miami, Florida 33128-1972 (305) 375-2835

2. APPLICANT'S REPRESENTATIVE

Jack Osterholt, Deputy Mayor/Director	
Miami-Dade County Department of Regi	ulatory and Economic Resources
111 NW 1 st Street, 29 th Floor	
Miami, Florigia <u>3/3128-1/9</u> 72 / /	
1 TT II WI	
By:	December 2, 2013

3. DESCRIPTION OF REQUESTED CHANGES

The following are the proposed text changes for the Land Use Element of the CDMP.

- 1. Revise the Agriculture text in the Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway; and
- 2. Revise the Agriculture text in the Land Use Element to allow wineries to utilize imported products for winemaking.

Agriculture

The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida (except that wineries may utilize imported products for winemaking), and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship. However, schools

shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-3A.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominantly and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, agricultural processing facilities for produce grown in Florida and uses that promote ecotourism and agritourism consistent with Policy LU-1P are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.

* * *

4. **REASONS FOR CHANGE**

Two amendments are proposed to the Land Use Element to further promote agriculturebased tourism for areas within the Agriculture land use category.

CDMP Policy LU-1P authorizes alternative land uses in the South Dade agricultural area ("the Redland") where such uses would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism and agritourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks. The current CDMP text that limits business uses in the Agriculture land use category to being located along arterial roadways inhibits the development of ecotourism- and agritourism-supportive businesses as authorized in Policy LU-1P. These businesses may be best located along roadways that have local significance and reflect the rural character of the area. The proposed amendment provides an exception for ecotourism and agritourism businesses, allowing these businesses to locate on roadways that are not designated as arterial roadways.

The CDMP currently permits uses that are ancillary to and directly supportive of agriculture, including wineries, in the Agriculture land use category. These uses are defined in the CDMP as those that are related to preserving, processing, packaging or selling of agricultural products from Florida. Wineries complement the agricultural economy and support the preservation of agricultural land in Miami-Dade County. However, local winemaking may require the use of imported products from outside of Florida. The proposed amendment provides an exception to the limitation that

agricultural products be from Florida to allow wineries to utilize imported products for winemaking.

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5. ADDITIONAL MATERIALS SUBMITTED

None

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