

**SMALL-SCALE AMENDMENT REQUEST TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
OCTOBER 2016-2017 AMENDMENT CYCLE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

Sunset Cove, LLC  
8818 SW 72<sup>nd</sup> Street, Unit F-136  
Miami, FL 33173-2529

**2. APPLICANT'S REPRESENTATIVES**

Ben Fernandez, Esq.  
Gregory Fontela, Esq.  
Bercow Radell & Fernandez  
200 South Biscayne Boulevard, Suite 850  
Miami, Florida 33131  
(305) 374-5300

**RECEIVED**  
2016 OCT 31 P 4:16  
PER-PLANNING DIVISION

By:   
Ben Fernandez, Esq.

Date: October 31, 2016

By:   
Gregory Fontela, Esq.

Date: October 31, 2016

**3. DESCRIPTION OF REQUESTED CHANGES**

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

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

Current Land Use Designation: Business and Office

Proposed Land Use Designation: Medium Density and Business and Office

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

The Property consists of one parcel (Folio No. 30-4033-001-0012) totaling approximately 6.12 gross acres (5.63 net acres) and located in Section 33,

Township 54, Range 40 in unincorporated Miami-Dade County. See Attached Sketch. The Property is bounded on the north by Sunset Drive (SW 72 Street) and on the south by SW 74 Street. The Property is roughly between SW 87th Court and SW 88th Place.

C. Acreage of Property

Application Area = 6.12 gross acres (5.63 net acres)  
Acreage owned by Applicant = 5.63 acres

D. Requested Changes

- 1) The Applicant requests the re-designation of the Property from Business and Office to Medium Density Residential on the southern 200 feet of the Property (the "Medium Density Area") the remaining portion of the Property is proposed to remain Business and Office (the "Business and Office Area").
- 2) It is requested that this Application be processed as a small-scale amendment under the expedited procedures.

**4. REASONS FOR AMENDMENT**

Approval of the application would facilitate the growth and redevelopment of the property with additional residential uses. The Property is currently developed with a 200 unit multifamily complex. The applicant is requesting the designation of the Property from Business and Office to Medium Density Residential and Business and Office. The applicant is seeking to redevelop the Property with a mixed use development consisting of a combination of commercial and multifamily residential uses intended to meet the growing needs of the area.

The surrounding area consists of a variety of uses. To the east of the Property is a retail shopping center, including a Winn-Dixie's grocery store. To the north of the Property are two gas stations. To the west of the Property there is a storage facility and to the south of the Property there is a residential single-family neighborhood.

The designation of the southern 200 feet of the Property to Medium Density Multifamily Residential will allow the applicant to create a transition in density from the higher density that would be allowed in the Business and Office Area, closest to Sunset Drive, to the lower density allowed in the Medium Density Area to be established along the south, adjacent to the low density residential area.

The Medium Density Residential designation would also be compatible with the commercial and residential land-uses adjacent to the site. The designation would allow the density on the Property to be increased closer to Sunset Drive which will allow for the creation of a buffer area along the south via a declaration of

restrictions that the applicant will proffer in order to protect and insure compatibility with the residential area to the south.

The proposed re-development of the Property would also foster further interaction between the Property and the shopping center on the east and the public storage facility use immediately abutting the property to the west.

With respect to the supply and demand for housing in the area, the proposed application would increase the present multifamily capacity and help to address the multifamily housing deficit for this area that the County has projected will begin in 2018. The combined vacant land for single-family and multifamily residential development in Minor Statistical Area (MSA) 5.4, immediately across from the Property, is estimated to have a capacity for only 138 dwelling units, with about 84% of these units intended as single family based on the May 2015 Cycle Initial Recommendations. At the same time, the annual average residential demand for MSA 5.4 was projected to increase from 40 units per year, in the 2015-20 period, to 49 units in the 2025–2030 period. The depletion of both single-family and multifamily units was projected to occur in 2018.

The proposed amendment would also support transit ridership and pedestrianism. There is a transit stop immediately in front of the property along Sunset Drive served by Metro Bus Route 72 and another stop immediately across Sunset Drive served by Route 272. Another transit stop, serviced by Route 87, serves the application area on Galloway Road. The site is also within a short walk of the commercial intersection of Galloway Road and Sunset Drive.

The application site is within the protection area of the Alexander Orr/snapper Creek southwest wellfield. Hazardous waste are prohibited within the wellfield protection area. Accordingly, the uses permitted under the Medium Density Residential designation are more compatible with the wellfield protection area than the potential range of commercial uses permitted under the present Business and Office designation.

The impact that would be generated by the application would not cause a violation in the level of service standards for public services and facilities. Both Sunset Drive and Galloway Road are presently operating within their respective adopted transportation level of service standard. With respect to parks, the property is located less than half a mile from Kendall Indian Hammocks Park an approximately 135 acre park which was recently improved and expanded.

The approval of the Application will be consistent with the following objectives and policies in the Land Use Element for the reasons set forth below:

#### *OBJECTIVE LU-1*

*The location and configuration of Miami-Dade County's urban growth through the year 2030 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 Property is located within a center of activity as it borders one section line road – SW 72 Street – and is in close proximity to another section line road – SW 87 Avenue. The Property also borders single family homes to the south. While the future land use designation of Business and Office fits well for the northern portion of the Property along SW 72 Street, the Property would better serve the character of the surrounding community if the southern 200 feet of the Property had a future land use designation of Medium Density residential. Such a re-designation would allow for a well-designed transition between the single-family neighborhood and the center of activity. To further serve this objective, the applicant intends to comply with Miami-Dade County's Urban Design Guidelines in order to ensure that this will be a well-designed project.

#### *POLICY LU-1C*

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

The Property is currently developed with three-story multifamily structures that can be considered substandard with how it complements the character of the community and can be considered underdeveloped considering its location within a center of activity. The Property is contiguous to existing urban development and all necessary urban services and facilities exist in the area to accommodate additional demand.

#### *POLICY LU-1F*

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

The Property is developed with an outdated development of multifamily structures. The re-designation of the southern 200 feet of the Property will allow

for redevelopment with a greater variety of housing types, where Medium Density residential dwellings can be built on the southern portion of the Property and higher intensity residential development can be built on the northern portion of the Property. This will allow for a better transition between the single-family residential area to the south of the Property and the commercial corridor along SW 72 Street.

Policy LU-3B all significant natural resources and systems shall be protected from incompatible land uses including Biscayne Bay, future coastal and inland wetlands, future potable water supply wellfield areas identified in the Land-use element or in adopted wellfield protection plans, and Forrest did portions of Environmentally sensitive natural forest communities as identified in the Natural forest inventory, as may be amended from time to time.

#### **OBJECTIVE LU-4**

*Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*

The lack of transition between the single family residences with a future land use designation of Low Density Residential to the south of the Property and the commercial corridor with a future land use designation of Business and Office along SW 72 Street is inconsistent with the character of the community.

#### **POLICY LU-8A**

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

The amendment will accommodate residential development which supports the recent trends in the shaping of the community and increase the variety of affordable housing options. The designation of the southern 200 feet of the Property as Medium Density residential will facilitate redevelopment of the Property more in line with the Guidelines for Urban Form.

The Guidelines for Urban Form promote a variety of residential types and densities, “with higher densities being located at the periphery, and lower densities in the interior.” As the Property is located along one section line—SW

72 Street—and in close proximity to another—SW 87 Avenue, the designation of the northern portion of the Property as Business and Office and the southern portion of the Property as Medium Density residential will support the transition from higher to lower densities.

The Guidelines for Urban Form specify that “intersections of section line roads shall serve as focal points of activity” referred to as activity nodes, and that the higher density residential uses should be located at or near the activity nodes. The Property is located near the intersection of SW 72 Street and SW 87 Avenue, which is an activity node. The proposed amendment will allow for higher density residential uses than are currently present or allowed near the activity node along SW 72 Street, with a better transition from Business and Office to Medium Density to the Low Density residential which is located within the interior of the section.

The Guidelines for Urban Form specifically promote the utilization of areas abutting and adjacent to activity nodes to serve as transition areas suitable for eligible higher residential densities.

#### *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 re-designations of the Property will enhance the distribution of community-serving retail uses while allowing for a better transition between the single-family residential uses to the south of the Property and the commercial corridor that exists along SW 72 Street.

#### *POLICY LU-10A.*

*Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-used projects to promote energy conservation.*

While the Property currently has three-story multifamily structures built upon it, the development is substandard. The current development is old and serves as an eyesore for the single-family houses to the south of it. Additionally, the current development does not do well in transitioning from the Low Density residential to the south of the Property to the high intensity activity center along SW 72 Street. The proposed changes in future land use designations on the Property will serve to facilitate contiguous urban development by providing for a

transition between the Low Density residential area to the south and the high density Business and Office area along the center line roads.

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

**OBJECTIVE MT-4**

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

The proximity of the Property to multiple Metrobus routes helps the County meet this objective and ensure quality transportation options for patrons of the Property.

**5. LOCATION MAP FOR APPLICATION**

See page 8.

**6. ADDITIONAL MATERIAL SUBMITTED**

1. Location Map of Property
2. Aerial Photograph
3. Section Map

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

**7. LEGAL DESCRIPTION**

See page 8.

**8. COMPLETE DISCLOSURE OF INTEREST FORM**

See page 9.

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

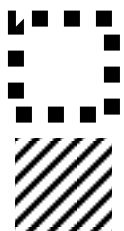
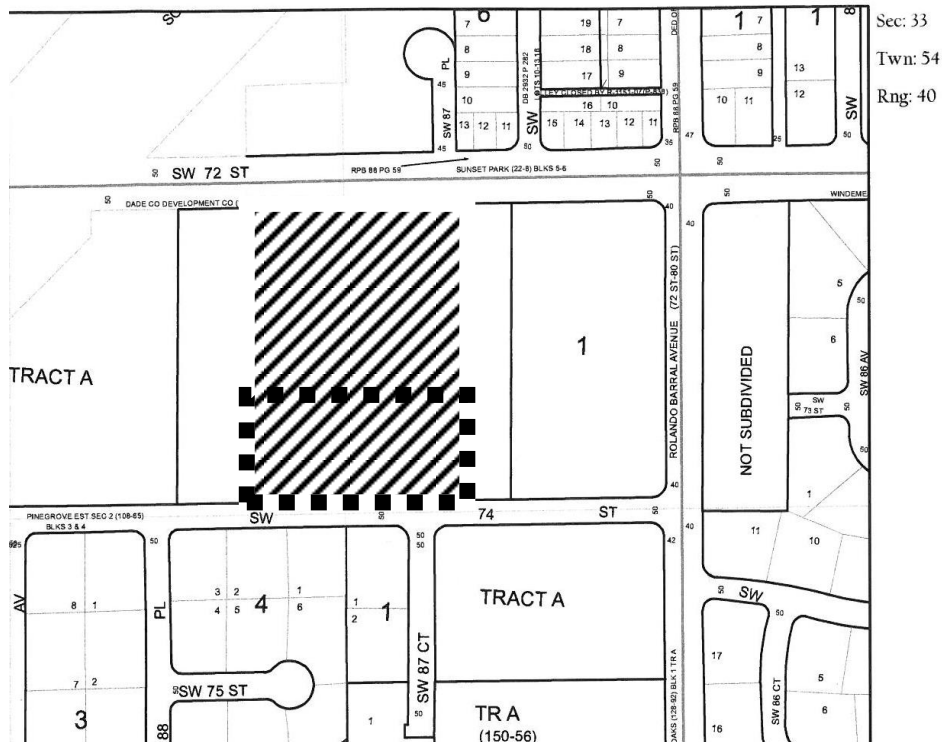
## **APPLICANT / REPRESENTATIVE**

Ben Fernandez, Esq. and Greg Fontela, Esq. On behalf of Sunset Cove, LLC

## **DESCRIPTION OF SUBJECT AREA**

That portion of Tracts 2 and 3 of "Dade County Development Company's Subdivision," of Section 33, Township 54 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 1 at Page 84 of the Public Records of Miami-Dade County, Florida, lying west of a line 560.00 feet west of the east line of said Section 33, less the north 50.00 feet and less the south 25.00 feet thereof previously dedicated for road purposes.

## **MAP**



Application Area

Area Owned by Applicant



## DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Sunset Cove, LLC, 8818 SW 72 Street, Unit F-136, Miami, FL 33173

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
A	Sunset Cove, LLC	30-4033-001-0012	5.63

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

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

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE  
OF INTEREST

Philip Sigel, 8818 SW 72<sup>nd</sup> Street,  
Unit F-136  
Miami, FL 33173-2529

100%

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

**CORPORATION NAME:** N/A

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF  
STOCK

N/A

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

**TRUSTEES NAME:** N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF  
INTEREST

N/A

---

---

---

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

**PARTNERSHIP NAME:** N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF  
INTEREST

N/A

---

---

---

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

NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

---

---

---

Date of Contract:

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

N/A

---

---

---

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

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF  
INTEREST

N/A

---

---

---

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

**CORPORATION NAME:** N/A

---

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF  
STOCK

N/A

---

---

---

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s),

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

**TRUSTEE'S NAME:** N/A

**BENEFICIARY'S NAME AND ADDRESS**

**PERCENTAGE OF  
INTEREST**

N/A

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

**PARTNERSHIP NAME:** N/A

**NAME AND ADDRESS OF PARTNERS**

**PERCENTAGE OF  
OWNERSHIP**

N/A

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

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF  
INTEREST

N/A

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

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

N/A

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

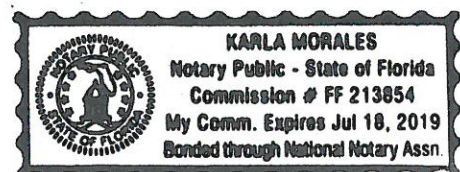
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Philip Sigel  
Philip Sigel

Sworn to and subscribed before me  
this 31 day of OCTOBER, 20 16.

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



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