

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

2014 DEC -1 A 11: 06

PLANNING & ZONING
METROPOLITAN PLANNING SECT

1. APPLICANT

TRR Everglades, LLC
c/o J. Kenneth Tate, President of
Tate Management, Manager
1175 NE 125 Street
North Miami, FL 33161

2. APPLICANT'S REPRESENTATIVE

Patricia M. Baloyra
Broad and Cassel
2 South Biscayne Boulevard, Suite 2100
Miami, Florida 33131
305-373-9470 (Office)
305-995-6396 (Fax)

By: 

Patricia M. Baloyra, Esq.

26 NOV 2014

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Changes to the Land Use Plan Map.

Applicant requests changes to the Land Use Plan (LUP) map designation on the subject property from "Low Density Residential" to "Business and Office."

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

The Property contains approximately ± 3.10 gross acres (± 2.38 net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road in Section 20 Township 54, Range 40. , according to the Plat thereof, as recorded in Plat Book 50, at Page 15, of the Public Records of Miami-Dade County, Florida.

C. Gross and Net Acreage.

Application area: ± 3.10 gross acres (± 2.38 net acres)
Acreage Owned by Applicant: ± 2.38 net acres

D. Requested Change.

Applicant requests that the Property be re-designated on the Land Use Plan map from LOW DENSITY RESIDENTIAL to BUSINESS AND OFFICE. As a small-scale amendment, this application seeks expedited review.

4. REASONS FOR AMENDMENT

The Applicant is requesting the re-designation of the Property from "Low Density Residential" to "Business and Office." The Property consists of ±3.10 gross acres (±2.38 net acres) and is located on the southeast corner of the intersection of SW 107 Avenue and Bird Road.

The property is currently zoned BU-1. Therefore, pursuant to the Business and Office section of the Land Use Element of the CDMP, the BU-1 zoning is deemed consistent with the master plan map, effectively rendering the parcel as Business and Zoning:

Uses and Zoning Not Specifically Depicted. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

CDMP, Land Use Element at I-43. Nevertheless, this application will serve to clarify the Business and Office category uses to which the property is already subject.

The Property has direct frontage on two major roadways, SW 107 Avenue and Bird Road. The Property currently has a commercial use on it (a Pep Boys store), despite the fact that it is designated Low Density Residential. Given the Property's location and current use, the re-designation to a more appropriate designation of Business and Office would be more consistent with the Comprehensive Development Master Plan. Moreover, the property is separated from nearby residential uses by a parcel containing a church and school, which in turn is separated from adjacent residential uses by a wide FPL easement.

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Development Master Plan elements. The proposed designation of the Property to reflect business and commercial uses will be more compatible with the character of the surrounding area than the existing "Low Density Residential" designation. With respect to connectivity and accessibility, the Property is located along Metrobus route 40, which connects to the Douglas Road Metrorail Station, various commercial corridors, and area retail. The proximity of the Property to the Metrobus route will promote transit and pedestrianism for the Property's visitors and patrons.

Based on the foregoing, the Applicant believes that the approval of this application would be a timely improvement to the Land Use Plan map and will help to satisfy the inadequate supply of commercial services within the UDB.

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

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

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

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

LAND USE OBJECTIVE 2. Miami-Dade County shall maintain a process of periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY 2B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE POLICY 3B. 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 and economic growth of the County;
- ii. Enhance or impede provision of services at or above adopted LOS Standards;

- iii. Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv. Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v. If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU7, herein.

LAND USE OBJECTIVE 3: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY 3A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Descriptions of Property and Parcels – Composite Exhibit "A"
Disclosure of Interest Form – Exhibit "B"
Location Map for Application – Exhibit "C"
Aerial Photograph – Exhibit "D"
Certified Survey – Exhibit "E"

EXHIBIT "A"

LEGAL DESCRIPTION

Tract "A", PEP BOYS – BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Miami-Dade County, Florida

EXHIBIT "C"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANTS/REPRESENTATIVE

TRR Everglades Holdings, LLC/Patricia M. Baloyra, Esq.

DESCRIPTION OF SUBJECT AREA

The Property consists of approximately gross acres (net acres) of land located in Section 20, 20 Township 54, Range 40, in unincorporated Miami-Dade County, Florida. The Property lies on the southeast corner of the intersection of SW 107 Avenue and Bird Road.

LOCATION MAP



EXHIBIT "D"

CERTIFIED SURVEY

EXHIBIT "A"

LEGAL DESCRIPTION:

TRACT "A", PEP BOYS – BIRD ROAD, according to the plat thereof as recorded in Plat Book 150 at Page 15 of the Public Records of Dade County, Florida.

SURVEYOR'S NOTES:

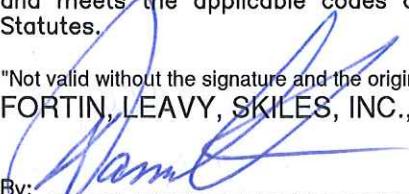
- This site lies in Section 20, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- This is NOT a "Boundary Survey" but only a graphic depiction of the descriptions shown hereon.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- Lands within the Legal Description shown hereon containing 103,741 square feet, or 2.38 acres, more or less.
- Lands shown hereon containing the gross area of 134,854 square feet, or 3.10 acres, more or less.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on November 19, 2014, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By:  _____

Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

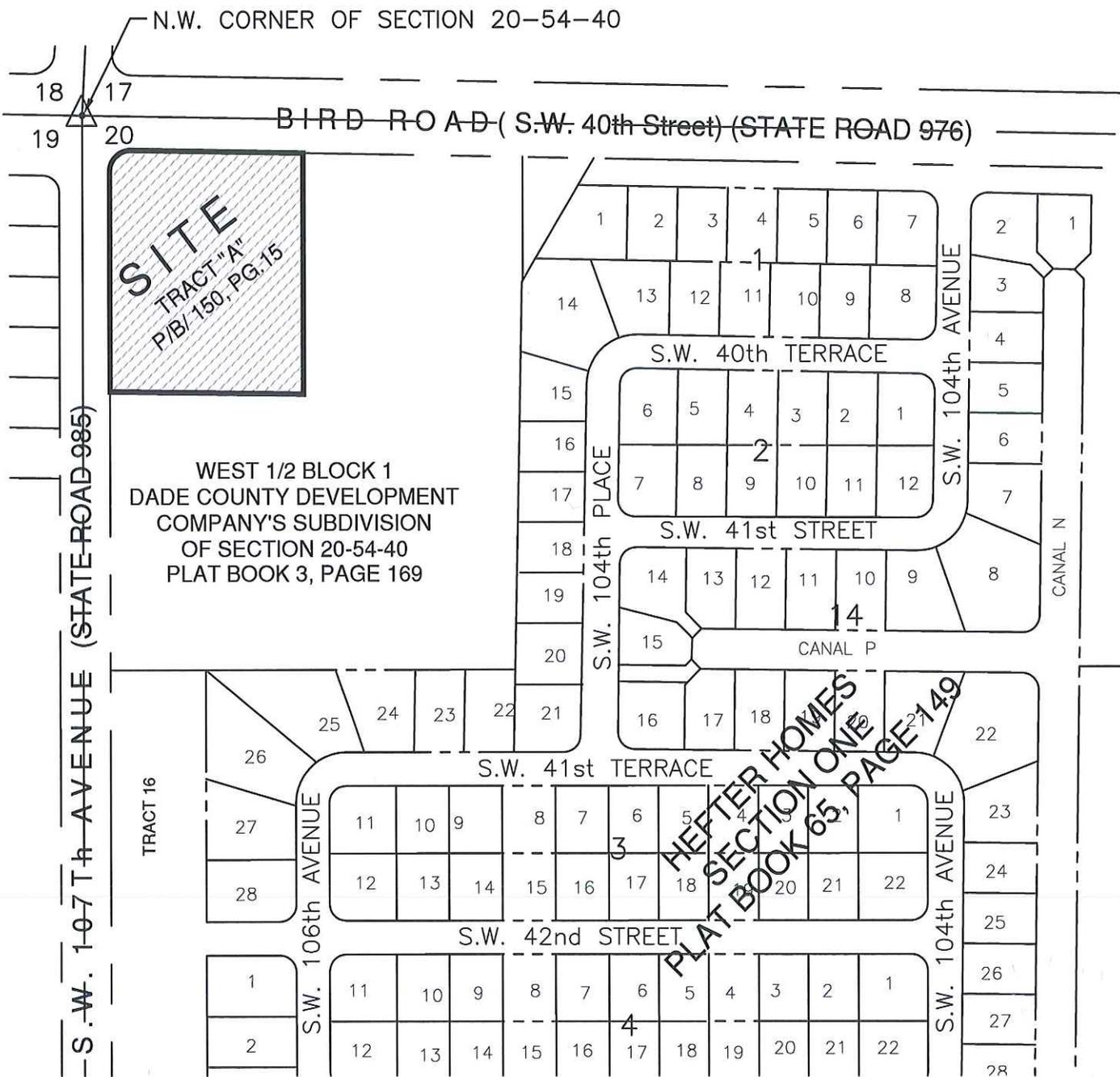
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Cad. No.	141343
Ref. Dwg.	296-129
Plotted:	11/19/14 2:36p

LEGAL DESCRIPTION, SURVEYOR'S NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	11/19/14
Scale	NONE
Job. No.	141343
Dwg. No.	1014-083
Sheet	1 of 3

EXHIBIT "A"



LOCATION SKETCH
NOT TO SCALE

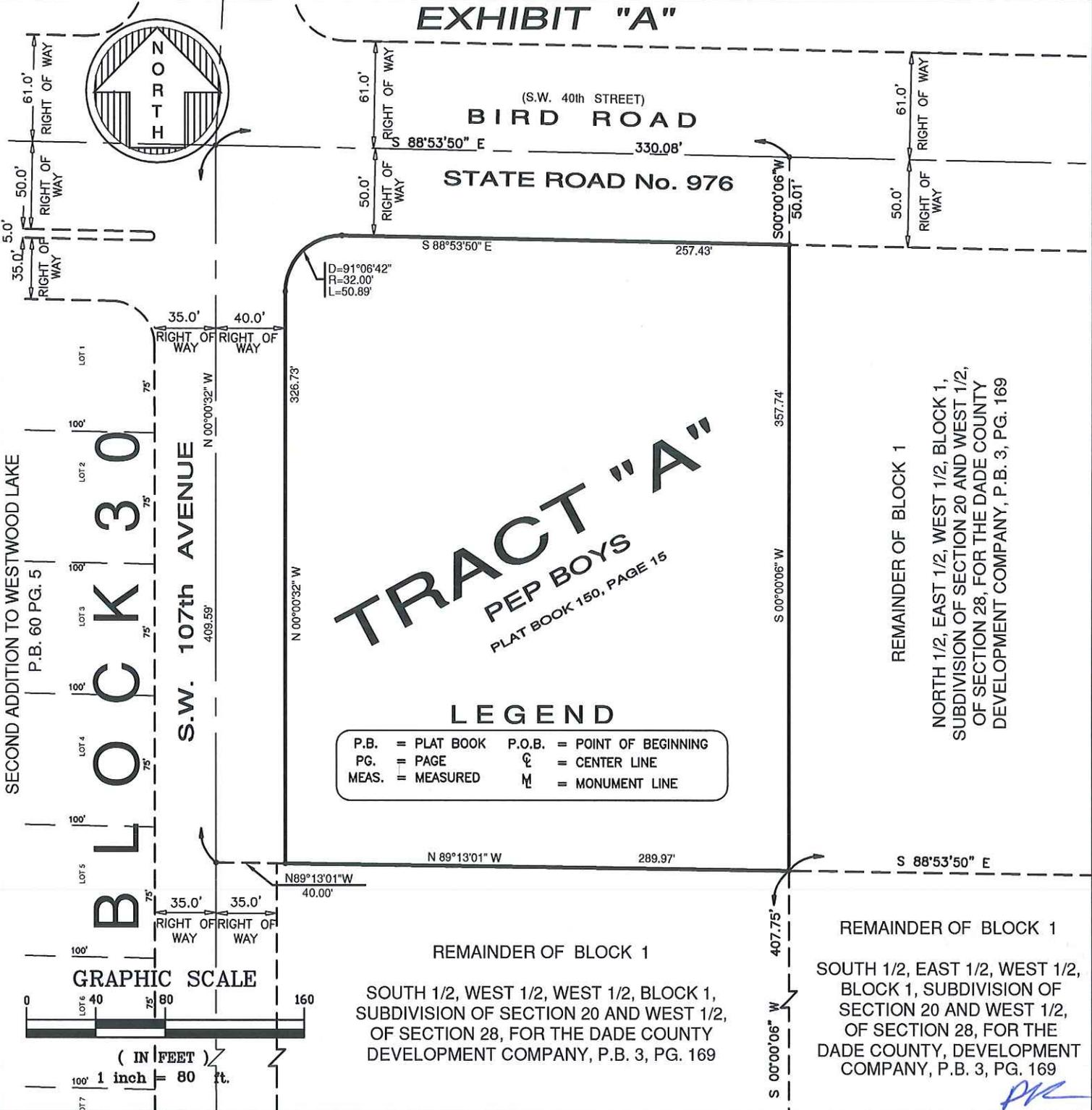
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Scale	NONE
Job. No.	141343
Dwg. No.	1014-083
Sheet	2 of 3

EXHIBIT "A"



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Cad. No.	141343
Ref. Dwg.	296-129
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SKETCH OF DESCRIPTION

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180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	11/19/14
Scale	1" = 80'
Job. No.	141343
Dwg. No.	1014-083
Sheet	3 of 3

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT(S) NAME AND ADDRESS:

- Applicant A: TRR Everglades Holdings, LLC
- Applicant B: _____
- Applicant C: _____
- Applicant D: _____
- Applicant E: _____
- Applicant F: _____
- Applicant G: _____

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

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

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
<u>TRR Everglades Holdings, LLC</u>		<u>30-4020-017-0010</u>	<u>2.38 acres</u>

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

TRUSTEE'S NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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<u>n/a</u>	
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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: TRR Everglades Holdings, LLC

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
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<u>Jimmy Tate and Sergio Rok c/o Broad and Cassel</u>	<u>70%</u>
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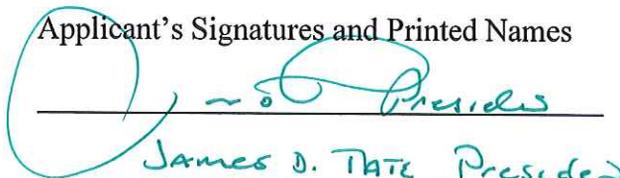
<u>Rialto c/o Broad and Cassel</u>	<u>30%</u>
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e. If the applicant party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

For any changes of ownership or changes in 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



James D. TATE President

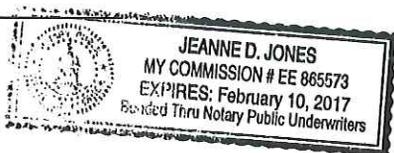
Sworn to and subscribed before me

This 25th day of November, 2014



Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



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

EXHIBIT "E"

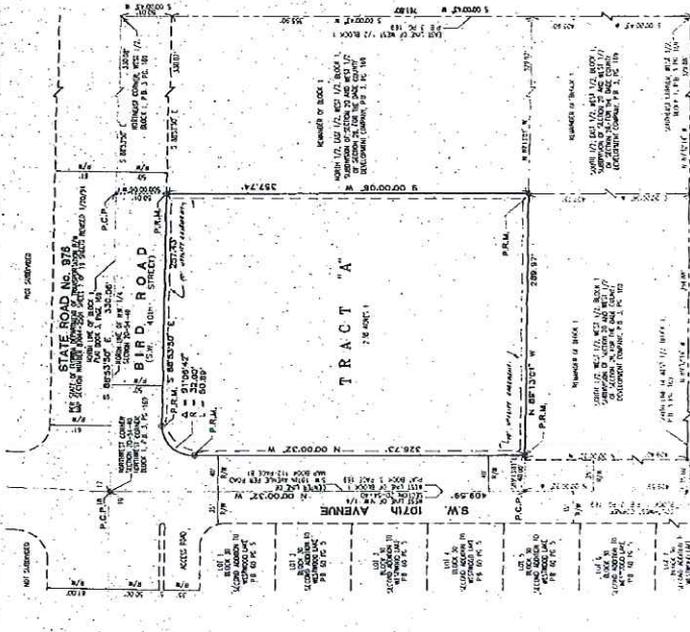
COPY OF PLAT

PEP BOYS - BIRD ROAD

A RESUBDIVISION OF A PORTION OF BLOCK 1, SUBDIVISION OF SECTION 20 AND WEST 1/2 OF SECTION 28, FOR THE DADE COUNTY DEVELOPMENT COMPANY, (PLAT BOOK 3, PAGE 168), LYING IN THE N.W. 1/4 OF SECTION 20, TOWNSHIP 54 SOUTH, RANGE 40 EAST, DADE COUNTY, FLORIDA

DECEMBER 1926

FORNIN, LEAVY, SOULES, INC.
CONSULTING ENGINEERS
100 N. MIAMI AVENUE
MIAMI, FLORIDA



IN THESE PLATS
THE LOCATION OF THE
PEP BOYS - BIRD ROAD
IS SHOWN BY THE
DOTTED LINE.



THESE PLATS
WAS MADE BY THE
DADE COUNTY DEVELOPMENT
COMPANY, INC.

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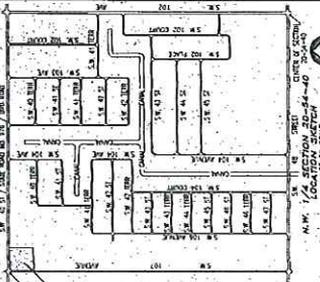
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FOR ALL THE PEP BOYS
PLATS IN DADE COUNTY
SEE THE PLATS IN THE
PLAT BOOK 3, PAGE 168.

FOR ALL THE PEP BOYS
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SEE THE PLATS IN THE
PLAT BOOK 3, PAGE 168.

FOR ALL THE PEP BOYS
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PLAT BOOK 3, PAGE 168.

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