

**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Board of County Commissioners Zoning Board**

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

Thursday, February 4, 2010
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Diane Collins, Acting Division Chief
Clerk of the Board Division

Zorana Gainer, Commission Reporter
(305) 375-3570



**CLERK'S SUMMARY AND OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
FEBRUARY 4, 2010**

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 Northwest First Street, Miami, Florida at 9:30 a.m., on February 4, 2010, there being present upon roll call: Chairman Dennis C. Moss and Commissioners Bruno A. Barreiro, Sally A. Heyman, Joe A. Martinez, Dorrin D. Rolle, Katy Sorenson, Rebeca Sosa, and Javier D. Souto (Vice Chairman Diaz, Commissioners Edmonson, Gimenez, Jordan, and Seijas were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Marc LaFerrier, Director, Department of Planning & Zoning, Jorge Vital, Special Projects Administrator, Department of Planning & Zoning; Senior Deputy Clerk Doris Dickens and Deputy Clerk Zorana Gainer.

The Board convened in a moment of silence, followed by the Pledge of Allegiance.

ALL WITNESSES AND THE INTERPRETER(S) WERE SWORN IN BY THE CLERK BEFORE PRESENTING TESTIMONY BEFORE THE BOARD.

Mr. Marc LaFerrier, Director, Department of Planning & Zoning announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised in the newspapers, notices were mailed, and the properties were posted within the prescribed timeframes. He noted additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

1. PRINCETON LAND INVESTMENTS LLC & COUNTRY PALM HOLDING, LLC (10-1-CC-1/09-006)

Mr. LaFerrier noted the foregoing application had neither protests nor waivers on file.

Mr. Jeffery Bercow, 200 S. Biscayne Boulevard, attorney representing applicant Princeton Land Investments, gave a brief description of the subject property. He noted the land was currently undeveloped and was partially located within the Princeton Community Urban Center (PCUC). He pointed out that the PCUC was created to encourage development and redevelopment after Hurricane Andrew, to create dense urban environments near the Transit Line and to create dense communities where residents could walk. Mr. Bercow said the foregoing application was consistent with those goals, and as a result received a favorable recommendation from the Developmental Impact Committee.

Mr. Bercow gave a historical description and timeline of the subject property. He noted the subject property had gone before the Board twice in a Zoning Hearing and in Comprehensive Plan Amendment applications. Mr. Bercow said in 2004 the subject

applicant filed zoning application (#04-404) which had two major components, a residential component with 467 units (single family), and town homes; however, the town home portion of the project was within the property that was pending PCUC re-zoning approval. He explained that the applicant also requested approval of a 1,440 student Kindergarten through eighth grade Charter School. Mr. Bercow said the covenant for the application tied the residential development to construction of the charter school because the residential development was using the Charter School as mitigation of its educational facilities impacts. Mr. Bercow said that mitigation was not acceptable to Miami-Dade County Public Schools (MDCPS) because MDCPS did not accept charter schools as a concept for mitigating educational facilities, nevertheless, the Board approved the application in 2005. The applicant subsequently purchased the land and began exploring ways to encourage Urban Center Development, said Mr. Bercow. He further explained at the time of the purchase, the Charrette had occurred and the plan for the Charrette was accepted by the Board but the PCUC regulations were not yet in place.

Mr. Bercow said the applicant believed in the idea of urban centers and wanted to extend the reach of the urban center to include additional land but the county's process for designating an area as an urban center did not allow for extension of those boundaries; therefore, the applicant filed an application to amend the Comprehensive Plan in 2005. He noted that application proposed to alter the land use designations of three parcels of land, raising the densities to low/medium and medium density residential development. In exchange for those density increases the property owner agreed to mitigate the educational facilities impacts; to provide 65 workforce housing units on the property; to provide two acres of parks and to design the homes on the property to be as consistent as possible with urban center regulations, and all of these items were listed in the covenant. Mr. Bercow pointed out that this amendment was unanimously approved by the Board because it was supportive of the goals of the PCUC.

Mr. Graham Penn, 200 S. Biscayne Boulevard, attorney representing the applicant, noted the applicant wanted to change the Charter school grades from Kindergarten through eighth grade to Kindergarten through 12th grade, and to remove the ties between the school and the residential development. Mr. Penn pointed out that the plan before the Board today was identical in all aspects of the one submitted in 2005, with the exception of the modification of the zoning legend to reflect the change in grade levels and adjustments had been made to landscape strip to make it seven feet, a slight difference from the previous dimensions.

Chairman Moss opened the public hearing; and the following persons appeared in opposition to the foregoing proposed application:

- Ms. Nancy Villazon-Sola 24365 SW 127th Avenue
- Ms. Marilyn Rolfs 24371 SW 123rd Avenue
- Mr. Jorge Cuadrado 23451 SW 123rd Avenue
- Ms. Janis Sramek 12300 SW 240th Street
- Mr. Alan J. Loso 12525 SW 240th Street
- Mr. Carl F. Sola 24365 SW 127th Avenue

- Mr. Victor Morris 23500 SW 124th Avenue
- Mr. Loran Dougherty 23875 SW 124th Avenue
- Mr. Richard L. Lester 23730 SW 124th Avenue

In rebuttal, Mr. Bercow pointed out that no written protests were on file for this application and that the applicant had attempted to address some of the residents' concerns; however, no agreement was made. He said all of the residents in opposition to the forgoing application had valid concerns; however, these concerns should have been raised seven years ago when the Urban Center Charrette held public hearings and these residents did not come forward during the previous zoning hearings.

Chairman Moss closed the public hearing.

Discussion ensued regarding efforts made by the applicant to inform the residents of their plans.

Commissioner Sorenson expressed concern that area residents did not have enough communication from the applicant and suggested that the applicant meet with these residents regarding the foregoing application. She also noted the Princeton area would not remain rural due to the growing population.

Commissioner Sosa expressed concern regarding the school on the subject property, noting that mixing young students with high school students would present a problem.

Chairman Moss noted that he was in support of deferring the item and emphasized the importance of residents meeting with the developer.

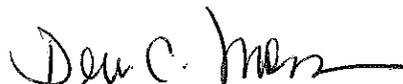
Commissioner Sorenson said that only parcel C of the subject property had gone through the Charrette and requested DP&Z staff meet with the neighbors prior to the community meeting with the developer, to inform them about negotiable and non-negotiable issues. She pointed out that it was in the community's best interest to understand what was previously approved and what could be accomplished. Commissioner Sorenson asked the developer to review the design criteria and green building standards.

It was moved by Commissioner Sorenson to defer the foregoing application to the March 4, 2010 Zoning Hearing. This motion was seconded by Commissioner Rolle and upon being put to a vote, passed by a vote of 8-0 (Commissioners Edmonson, Gimenez, Jordan, Seijas and Vice Chairman Diaz were absent).

All deferral dates on applications considered during the day's meeting were publicly announced.

All exhibits submitted for the record at the day's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 11:27 a.m.


Chairman Dennis C. Moss

ATTEST: HARVEY RUVIN, Clerk of Courts

By: 
Diane Collins
Deputy Clerk



Zoning Meeting
Board of County Commissioners
(Meeting Date)

Prepared by: Zorana Gainer

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	02/04/2010		Official Zoning Agenda
2	02/04/2010		Notices of Absence (Commissioners Jordan (2A), Edmonson (2B) and Seijas (2C).
3	02/04/2010		Exhibit Regarding Princeton Land Investments and County Palm Holdings subject property
4	02/04/2010		Speaker's Cards
5	02/04/2010		Zoning Action Sheet
6	02/04/2010		Service Awards Ceremony List



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

RECEIVED
By the Clerk for the record.

FEB 04 2010

Item _____
Exhibit 1
Meeting Zoning

COUNTY COMMISSION MEETING OF THURSDAY, FEBRUARY 4, 2010

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

1. PRINCETON LAND INVESTMENTS LLC & (10-1-CC-1/09-006)
COUNTY PALM HOLDINGS, LLC

24-56-39
BCC/District 8

- (1) RU-1M(a) and AU to RU-4

REQUEST #1 ON PARCELS "A," "B" AND "E"

- (2) MODIFICATION of Conditions #5 and #13 of Resolution Z-15-05, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "5. That in the approval of the plan, the same be substantially in accordance with that submitted for hearing entitled 'Somerset Academy at Country Palms,' by Civica, dated stamped received 2/10/05, except as modified herein to provide the 7' wide landscape strip along the rights-of-way."

TO: "5. That in the approval of the plan, the same be substantially in accordance with that submitted for hearing entitled 'Somerset Academy at Country Palms', as prepared by Civica, dated stamped received 9/24/09, consisting of 15 sheets."

FROM: "13. That the charter school use shall be limited to grades K-8 for a maximum of 1,440 students."

TO: "13. That the charter school use shall be limited to grades K-12 for a maximum of 1,440 students."

The purpose of request #2 is to permit the applicant to submit revised plans for the charter school showing an increase in grade levels.

- (3) DELETION of the Declaration of Restrictive Covenants recorded at Official Record Book 23798, Pages 4449-4466.

The purpose of request #3 is to permit the applicant to delete a covenant tying the site to specific plans and charter school requirements in order to proffer two separate covenants governing the residential and charter school developments which will provide both additional flexibility in phasing the development of their tracts separately.

REQUESTS #2 AND #3 ON PARCELS "A" THROUGH "D"

- (4) Applicant is requesting to permit apartment buildings with a Floor Area Ratio (FAR) of .85 (.80 permitted).
- (5) Applicant is requesting to permit apartment buildings with a 24% landscape open space (40% required).
- (6) Applicant is requesting to permit a minimum setback 2' (25' required) on the front, rear and side street property lines.
- (7) Applicant is requesting to permit 2,208 parking spaces (2,559 required).
- (8) Applicant is requesting to permit on-street parking (not permitted).
- (9) Applicant is requesting to permit a two-way drive 19' wide (20' required).
- (10) Applicant is requesting to permit a parking back-up aisle width of 18' (22' required).

REQUESTS #4 - #10 ON PARCELS "A," "B" AND "E"

- (11) Applicant is requesting to permit rowhouses with 4% common open space (12% required) and to permit garden apartments with 18.7% common open space (40% required).

REQUESTS #4 - #11 ON PARCELS "A," "B" AND "E"

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Princeton Commons", as prepared by Chisholm Architects-Planners-Interior Designers, date stamped received Oct. 9, 2009, consisting of 28 sheets and plans entitled 'Somerset Academy at Country Palms', as prepared by Civica, dated stamped received 9/24/09, consisting of 15 sheets. Plans may be modified at public hearing.

LOCATION: Lying between S.W. 124 Avenue and S.W. 129 Avenue and between S.W. 248 Street and U.S. Highway #1, Miami-Dade County, Florida.

SIZE OF PROPERTY: 94.43 Acres

Development Impact Committee
Recommendation:

Approval with conditions, subject to the Board's acceptance of the proffered covenants as set forth in the Department of Planning and Zoning's recommendation.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.



Memorandum
COMMISSIONER BARBARA J. JORDAN

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Item _____
Exhibit 2-A
Meeting Zoning

To: Honorable Dennis C. Moss, Chairman
*and Members, Board of County
Commissioners*

Date: February 3, 2010

From: Barbara J. Jordan, Commissioner
District 1

Subject: February 4, 2010 Board of County
Commissioners Zoning Meeting
Absence

A handwritten signature in cursive script that reads "Barbara J. Jordan".

Please be advised that I will be unable to attend the Board of County Commissioners Zoning meeting due to a schedule conflict.

C: Robert A. Cuevas, Jr., County Attorney
Diane Davis, Director, Agenda Coordinator's Office



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Feb 04 2010

MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER AUDREY M. EDMONSON
DISTRICT 3

Item _____
Exhibit 2B
Meeting Zoning

Date: February 4, 2010
To: The Honorable Dennis C. Moss, Chairman and
Members of the Zoning Committee
From: Audrey M. Edmonson
Commissioner, District 3
Subject: Absence from Zoning Meeting

A handwritten signature in cursive script that reads "Audrey M. Edmonson".

Please be advised that I will be absent from today's Zoning Meeting (Thursday, 2/4/10). I apologize for any inconvenience this may cause.

Thank you for your attention to this matter.

cc: George Burgess, County Manager
R.A. Cuevas, Jr., County Attorney
Diane Collins, Acting Clerk of the Board



CLERK OF THE BOARD

2010 FEB -4 AM 7:39

MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

TO: The Honorable Dennis Moss, Chairperson
and Members, Board of County Commissioners

FROM: Commissioner Natacha Seijas

DATE: February 4, 2010

SUBJECT: Absence from Zoning Meeting

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FEB 04 2010

Item _____
Exhibit 2C
Meeting Zoning

Please be advised that I will be unable to attend the Zoning Meeting of February 4, 2010.

cc: Bob Cuevas, County attorney
Dianne Collins, Clerk of the Board ✓

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FEB 04 2010

Item _____
Exhibit 3
Meeting Zoning

TAB

Reductions of Exhibits

A

2005 Zoning Covenant

B

2006 CDMP Covenant

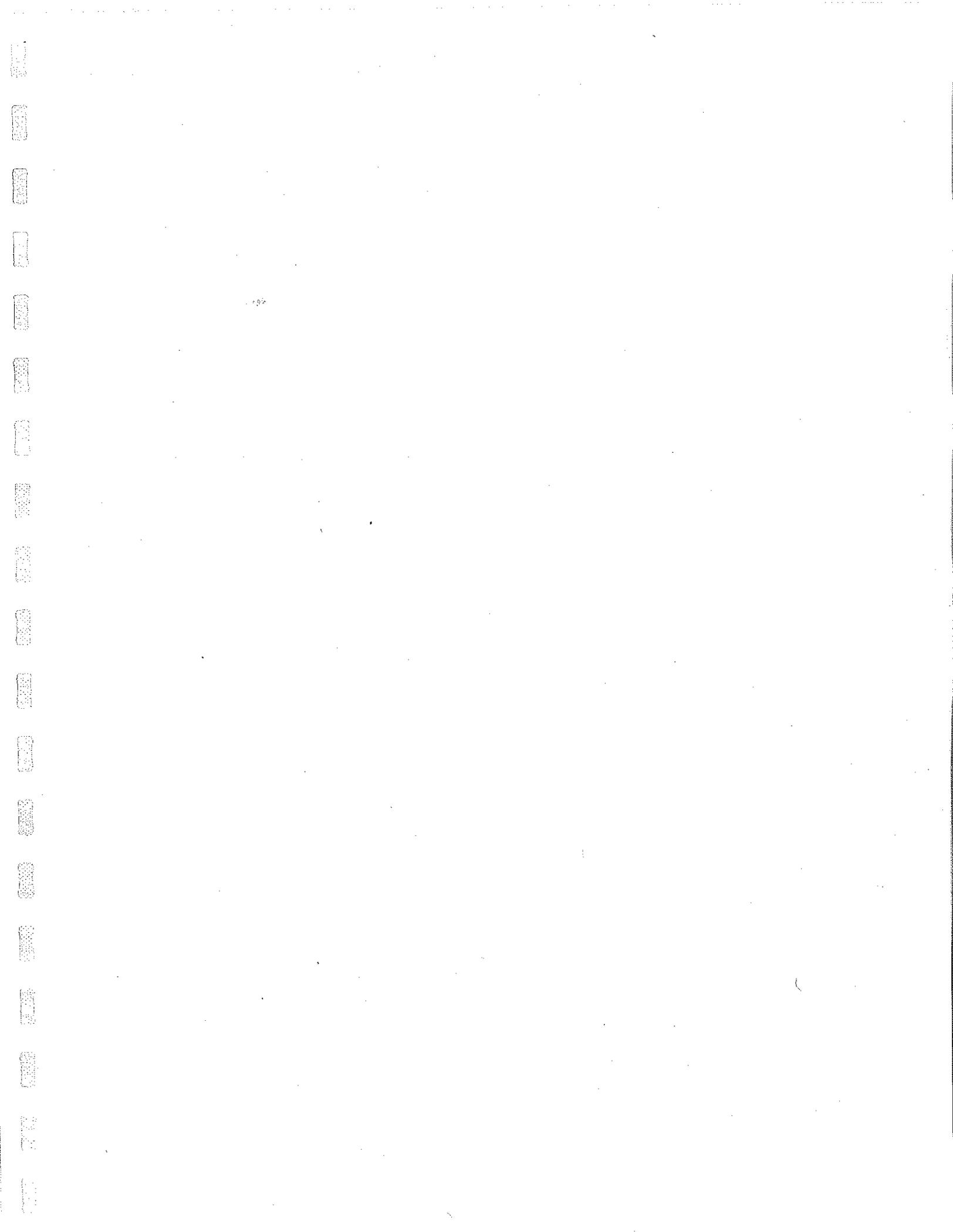
C

Current Zoning Covenants

D

**Information Related to
School Concurrency**

E



LOCAL JURISDICTIONS:
MIAMI-DAD COUNTY
MIAMI-DAD COUNTY, FLORIDA
MIAMI-DAD COUNTY, FLORIDA

SECTION 24:
THE SW 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 29 EAST, MIAMI-DAD COUNTY, FLORIDA
THE NW 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 29 EAST, MIAMI-DAD COUNTY, FLORIDA
THE SE 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 29 EAST, MIAMI-DAD COUNTY, FLORIDA
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THE SE 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 29 EAST, MIAMI-DAD COUNTY, FLORIDA

RU-1M(a) (277 UNITS)
(SEE SHEETS SP-2, SP-3, AND SP-5)

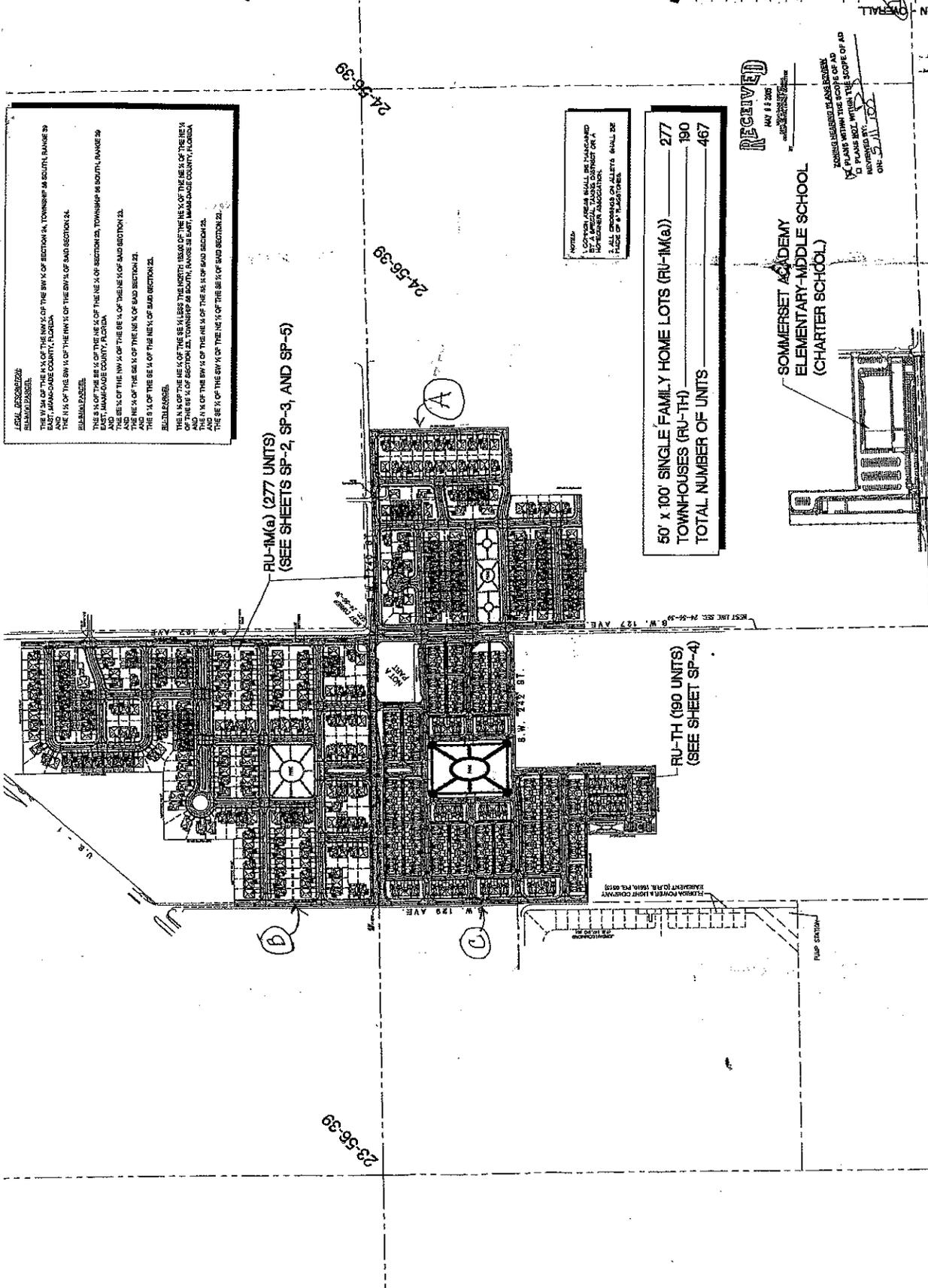
50' x 100' SINGLE FAMILY HOME LOTS (RU-1M(a)) 277
TOWNHOUSES (RU-TH) 190
TOTAL NUMBER OF UNITS 467

NOTES:
1. ALL UNITS SHALL BE FINISHED BY A PERMITTED TRADE CONTRACTOR OR A HOMEOWNERS ASSOCIATION.
2. ALL UNITS SHALL BE FINISHED BY A PERMITTED TRADE CONTRACTOR OR A HOMEOWNERS ASSOCIATION.
3. ALL UNITS SHALL BE FINISHED BY A PERMITTED TRADE CONTRACTOR OR A HOMEOWNERS ASSOCIATION.

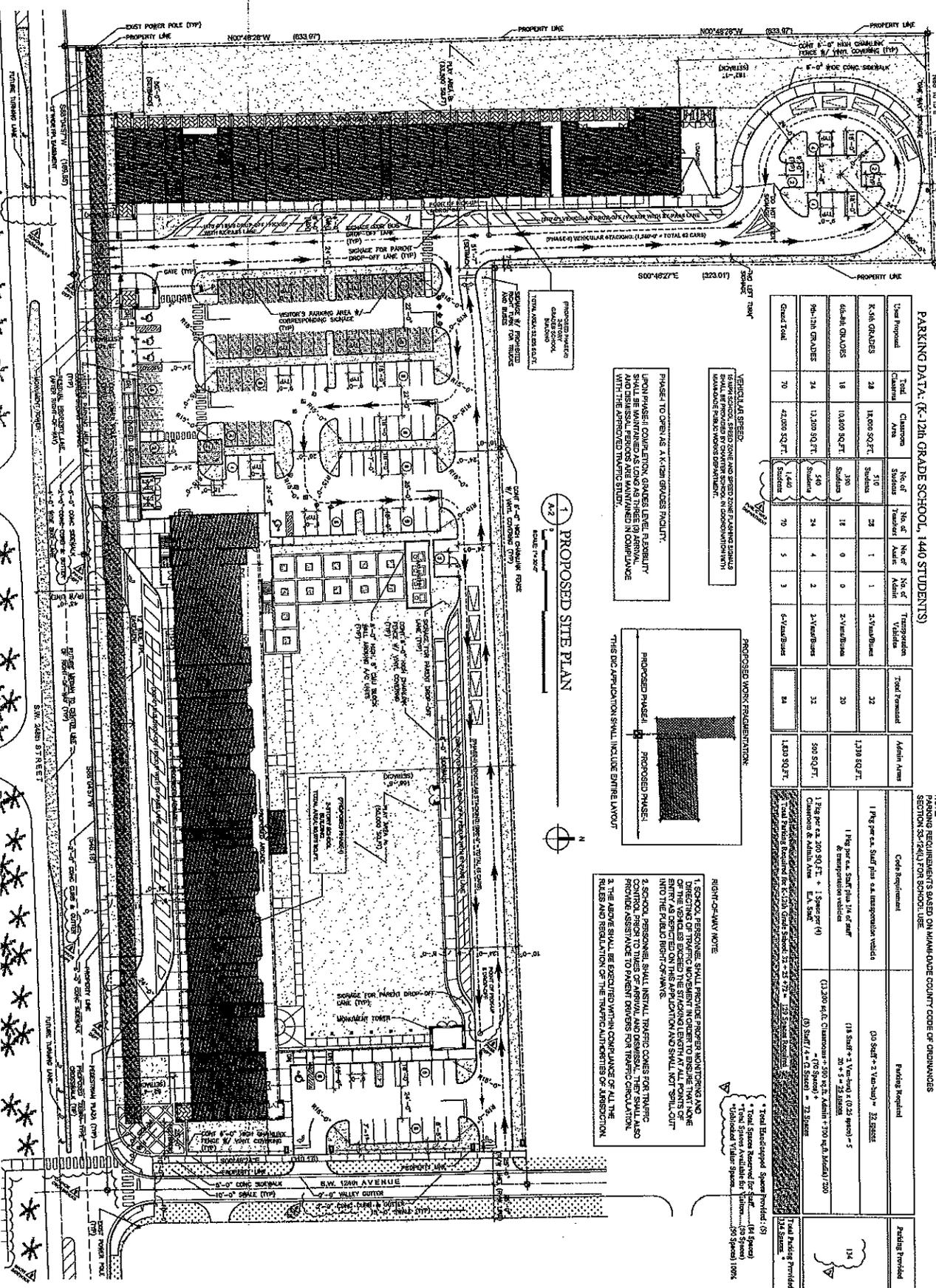
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MAY 12 2014

SOMMERSSET ACADEMY
ELEMENTARY-MIDDLE SCHOOL
(CHARTER SCHOOL)

SITE PLAN - OVERALL
SCALE: 1" = 100'



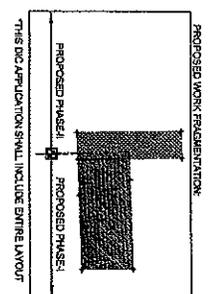
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PARKING DATA: (K-12th GRADE SCHOOL, 1440 STUDENTS)

Level	Grade	Classroom	No. of Students	No. of Vans	No. of Minivans	Temp. Vehicles	Total Required	Adult Areas	Code Requirement	Building Provided	Parking Provided
K-5th GRADES	2A	18,000 SQ.FT.	710	28	1	1	32	1,219 SQ.FT.	1.7 sq. per ea. Staff plus ea. transportation vehicle	03 Staff = 2 Vans = 22 Spaces	134
	2B	10,800 SQ.FT.	300	18	0	0	20	1,219 SQ.FT.	1.7 sq. per ea. Staff plus 1/2 of staff & transportation vehicle	(13 Staff + 3 Vans) = (0.25 vans) = 5	
6th-12th GRADES	2A	12,300 SQ.FT.	490	24	4	2	32	500 SQ.FT.	1.7 sq. per ea. 200 SQ.FT. + 1.5 sq. per (4) Classroom or Adult Area EA. 200	(12 Staff + 2 Vans) = (0.25 vans) = 5	134
	2B	42,000 SQ.FT.	1,640	70	5	3	81	1,630 SQ.FT.	1.7 sq. per ea. 200 SQ.FT. + 1.5 sq. per (4) Classroom or Adult Area EA. 200	(12 Staff + 2 Vans) = (0.25 vans) = 5	
Grand Total											

VEHICLE SPEED:
 5 MPH SCHOOL SPEED ZONE AND SPEED ZONE EXISTING SHOULD BE MAINTAINED BY CHANGING SPEED LIMITS IN CONFORMANCE WITH MINIMUM SPEED LAWS.
 PHASE TO OPEN AS A K-12th GRADES FACILITY.
 UPON PHASE II CONSTRUCTION, GRASSES, LANDSCAPE, ETC. SHALL BE MAINTAINED AS LONG AS THEM IN ANNUAL AND SEASONAL PERIODS ARE MAINTAINED IN COMPLIANCE WITH THE APPROVED TRAFFIC STUDY.



1 PROPOSED SITE PLAN



RIGHT-OF-WAY NOTE:
 1. SCHOOL PERSONNEL SHALL PROVIDE PROPER MONITORING AND DIRECTION OF TRAFFIC MOVEMENT IN ORDER TO ENSURE THAT NONE ENTER AS DEPICTED ON THE APPLICATION AND SHALL NOT "STILL-OUT" INTO THE PUBLIC RIGHT-OF-WAYS.
 2. SCHOOL PERSONNEL SHALL INSTALL TRAFFIC CONES FOR TRAFFIC CONTROL PRIOR TO TIMES OF ARRIVAL AND DEPARTURE. THEY SHALL ALSO PROVIDE ASSISTANCE TO PARENT DRIVERS FOR TRAFFIC CONCUSSION.
 3. THE ABOVE SHALL BE PERFORMED WITHIN COMPLIANCE OF ALL THE RULES AND REGULATIONS OF THE TRAFFIC AUTHORITIES OF JURISDICTION.

DEVELOPMENT HC:
 LDC
 2004-19
 CMC PROJECT NO.
 2004-19
 (ISSUED FOR DDC APPROVAL No. 04-04)

No.	DATE	REVISION	BY
1	04/22/04	ISSUED FOR APPROVAL	LDC
2	04/22/04	ISSUED FOR APPROVAL	LDC
3	04/22/04	ISSUED FOR APPROVAL	LDC
4	04/22/04	ISSUED FOR APPROVAL	LDC
5	04/22/04	ISSUED FOR APPROVAL	LDC

PROPOSED SITE PLAN
 A-2

CIVICA
 3910 SW 25th St.
 Miami, FL 33155
 Tel: 305.795.5358

PROJECT NAME:
 SOMERSET
 ACADEMY
 AT
 COUNTY PALMS
 15114 S.W. 11th Street
 MIAMI, FL 33187

DEVELOPMENT HC:
 LDC
 2004-19
 CMC PROJECT NO.
 2004-19

ISSUED FOR APPROVAL
 DDC
 No. 04-04

No.	DATE	REVISION	BY
1	04/22/04	ISSUED FOR APPROVAL	LDC
2	04/22/04	ISSUED FOR APPROVAL	LDC
3	04/22/04	ISSUED FOR APPROVAL	LDC
4	04/22/04	ISSUED FOR APPROVAL	LDC
5	04/22/04	ISSUED FOR APPROVAL	LDC

PROPOSED SITE PLAN
 A-2

PHILIP H. KIDDIAN & ASSOCIATES, INC.
 ARCHITECTS
 10000 W. BOCA RATON BLVD., SUITE 100
 BOCA RATON, FLORIDA 33433
 PHONE: (561) 991-1100
 FAX: (561) 991-1101
 WWW.PHKIDDIAN.COM

Project Name:
ZONING REZONING
PRINCETON COMMONS
 34 5TH AVENUE, 3RD STREET
 MANASSAS COUNTY, VIRGINIA

Revisions:
 1. 10/15/10
 2. 11/10/10
 3. 12/10/10
 4. 01/11/11
 5. 02/11/11
 6. 03/11/11
 7. 04/11/11
 8. 05/11/11
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Princeton Community Urban Center History

June 2003	Publicly Noticed Charrette Meetings Held
September 2004	Charrette Plan Accepted by Commission
June 2005	Zoning Application 04-404 Approved
July 2005	PCUC Regulations Approved by Commission
September 2005	CZAB 15 Hearing on CDMP Application
October 2005	PAB Hearing on CDMP Application
November 2005	PCUC Zoning Approved by Commission
November 2005	Commission Hearing on Transmittal of CDMP Application
March 2006	PAB Hearing on CDMP Application
April 2006	Commission Hearing on Adoption of CDMP Application

Number of Publicly Noticed Hearings: 8

SW 122ND Ave

SW 123RD Ave

SW 124TH Ave

SW 125TH Ave

SW 236TH St

SW 240TH St

SW 127TH Ave

SW 129TH Ave

SW 129TH Pk

SW 244TH St

SW 245TH St

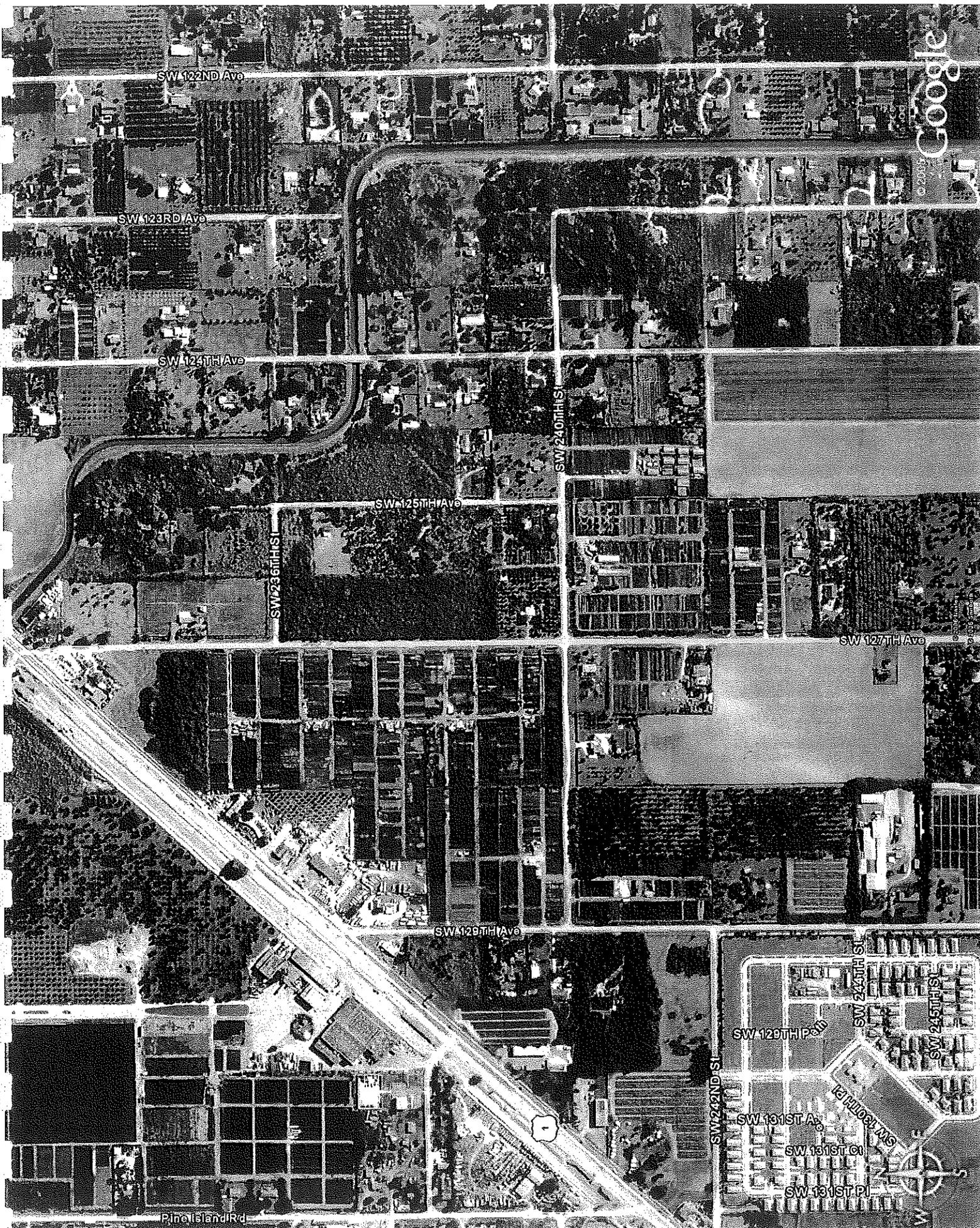
SW 242ND St

SW 131ST Ave

SW 131ST Ct

SW 131ST Pl

Pine Island Rd



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This instrument was prepared by:
 Name: Graham Penn, Esq.
 Address: Bercow & Radell, P.A.
 200 S. Biscayne Boulevard, Suite 850
 Miami, FL 33131

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DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" (Residential Parcels) and Exhibit "B" (School Parcel) attached hereto, and hereinafter called the "Property," which is supported by the submitted attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owners during consideration of Public Hearing No. 04-404 will be abided by the Owners freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. Development Limits.

- a. Parcels A, B and C. The Owners shall develop Parcels A and B, as described in the attached Exhibit "A," substantially in accordance with the site plans previously submitted, entitled "Country Palms" prepared by Bellon Milanes Architects and Planners consisting of twenty-four (24) sheets dated last revised April 29, 2005 (the "Residential Plans"). The Owners shall develop Parcel C either: (1) substantially in accordance with the Residential Plans; (2) or, alternatively, if Parcel C is hereafter rezoned after public hearing to the "Princeton Community Urban Center" zoning district, then in compliance with such comprehensive zoning regulations as may hereafter be enacted by Miami-Dade County for the "Princeton Community Urban Center" (the "PCUC Regulations"). If the PCUC Regulations are enacted and Parcel C is rezoned as described above, and if the Owners choose to develop Parcel

(Public Hearing)

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C in accordance with the PCUC Regulations and other applicable regulations, development of Parcel C shall also be subject to administrative site plan review and approval from the Department of Planning and Zoning.

- b. Parcel D. Parcel D, as described in the attached Exhibit "B" shall be developed substantially in accordance with the plans entitled "Somerset Academy: Elementary-Middle School" prepared by Civica Architects consisting of nine (9) sheets dated March 29, 2005 (the "School Plans"), subject to the charter school use being approved as a special exception by the Board of County Commissioners.

2. Charter School. A charter school shall be provided on Parcel D.

- a. Development of Charter School. Phase I of the charter school depicted on the School Plans (960 K-8 student stations) shall be open for attendance on Parcel D prior to the issuance of a building permit for the 277th residential unit on Parcels A, B, and C. It is provided, however, that the residential units developed on Parcel C under the PCUC Regulations shall not be included in the calculation of residential units that may obtain building permits prior to construction and opening of the charter school on Parcel D. Once Phase I of the charter school has been constructed and opened for attendance as provided above, the restrictions set forth in this Paragraph (2(a)) shall be deemed satisfied and, upon request of the owner(s) of Parcels A, B, and C, the Director of the Planning and Zoning Department shall execute a release of the obligations of the owners of Parcels A, B, and C as to this Paragraph (2(a)) only to allow the issuance of building permits above and beyond the 277 permits allowed to be issued prior to the construction and opening of Phase I of the charter school.

- b. Operation of Charter School. The operation of the charter school on Parcel D shall be subject to the following requirements:

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1. The charter school shall be limited to a maximum of 1,440 K-8 students.
 2. The operating hours of the school shall be limited to 7:00 A.M. to 6:00 P.M., except for normal and customary before and after school activities common to public schools.
 3. There will be two staggered arrival times and two staggered dismissal times for students.
 4. No outside speakers shall be permitted on the school property.
 5. The waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday, except that pick up shall not occur during arrival and dismissal times.
 6. The school gates shall be opened at least thirty (30) to forty-five (45) minutes prior to the arrival and dismissal times.
- c. **Cessation of Charter School Operation.** Subject to the applicable notice, consent, public hearing and other requirements in Paragraph 8 below, if Phases I and II of the charter school facility are constructed on Parcel D but fail to begin operation and/or the charter school fails after establishment, the then owner(s) of Parcel D, within thirty-six (36) months of the facility's failure to begin operation or closure, shall cause:
1. the facility to be in full compliance with all zoning regulations applicable to the Property and allowing a use other than the charter school use, or
 2. the operation of the charter school facility to be transferred to another charter school operator or the School Board, approved through applicable processes of the Miami-Dade County School Board, or
 3. the charter school facility to be converted to an allowable use within the zoning district, provided said allowable use has first been authorized through the issuance of the appropriate permits, or

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4. authorization to be obtained at public hearing by the appropriate zoning board to convert the charter school facility to a use not otherwise allowable within the zoning district.

3. Public Park(s). The Owners voluntarily agree to offer to convey one or more public parks on Parcels A, B, and/or C to Miami-Dade County. The size and location of the park areas on Parcels A and B shall be substantially in accordance with the park areas depicted on the Residential Plans. At the Owners' option, the size and location of each park area(s) within Parcel C shall be substantially in accordance with either: (1) the park areas depicted on the Residential Plans; or (2) the relevant park or similar public open space areas that are depicted in the PCUC Regulations and the subsequent zoning resolution rezoning Parcel C to the Princeton Community Urban Center zoning district (subject to both the enactment of PCUC Regulations and the rezoning of Parcel C to the Princeton Community Urban Center zoning district).

Subject to the foregoing, the exact size and location of each park area within Parcels A, B, and C shall be subject to the review of the Parks Department for appropriateness for use as County parks at the time of final plat approval for each Parcel (A, B, or C). The park areas shall be offered to be conveyed to the County by general warranty deed, in fee simple, free from all liens and encumbrances. The conveyance of an individual park area shall occur immediately after the recordation of the plat covering the portion of the Property in which the park area is located.

Conveyance shall occur only upon a determination by Miami-Dade County that the value of the donation, including both the value of the land and any proposed improvements, will be accepted by the County as a contribution in lieu of the payment of all or a portion of the required Park Impact Fee under Section 33H-7 of the Miami-Dade County Code.

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Prior to any conveyance, the Owners shall fund and provide to the County an Assessment Report(s) prepared by a licensed geotechnical firm, and shall further provide a Phase I Environmental Assessment and a Phase II Environmental Assessment if indicated by such Phase I Environmental Assessment Report.

The County shall retain the sole right to accept or reject the conveyance of each of the park areas in accordance with Section 33H-10 of the Code of Miami-Dade County governing the suitability of public park donations, as amended from time to time.

If the County accepts a proffered park area donation, the Owners shall construct on the park areas passive recreational improvements pursuant to a site plan and specification approved by the Miami-Dade County Parks and Recreation Department. The cost of the improvements shall be at least equal to the Owners' obligation to pay the improvement portion of the Park Impact Fee under Section 33H-7 of the Code of Miami-Dade County, as amended from time to time. The improvements specified in this paragraph for any individual park area shall be completed no later than the issuance of the 96th building permit for a residential unit on the Parcel (A, B, or C) in which the park area is located. Notwithstanding the foregoing, if Parcel C is developed pursuant to the PCUC Regulations, the improvements on Parcel C shall be completed prior to the issuance of the 250th residential building permit on Parcel C.

If the County accepts the proffered park area donations, the funding for the improvement and perpetual maintenance of the park areas shall be through a special taxing district, if approved by Miami-Dade County, or similar entity, as approved by Miami-Dade County.

In the event one or more of the proffered park areas are not accepted by the County, the Owners shall improve and maintain these park areas as private open space for the benefit of the owners and residents of Parcels A, B, and C. In this event, funding for the improvement and perpetual maintenance of the park areas shall be through a homeowner's

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association, special taxing district, if approved by Miami-Dade County, or similar entity, as approved by Miami-Dade County.

4. County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

5. Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

7. Modification, Amendment, Release – Parcels A, B, and C. In addition to the provision for release provided in Paragraph 2(a) above, this Declaration of Restrictions may be modified, amended or released as to Parcels A, B, or C, or any portion thereof, by a

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written instrument executed by the, then, owner(s) of all of Parcels A, B, and C, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by her assistant in charge of the office in her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

8. Modification, Amendment, Release -- Parcel D. This Declaration of Restrictions may be modified, amended or released as to Parcel D, or any portion thereof, as follows.

- a. Change Related to Use Prior to Completion of Phases I and II. Prior to: (1) the completion of construction; and (2) operation for at least one academic year of Phases I and II, any modification, amendment or release of the requirements of this covenant that would alter the use of Parcel D as a charter school site or reduce the required number of grades K-8 student stations below 1,440 may be accomplished by a written instrument executed by the, then, owner(s) of all of Parcels A, B, C, and D, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

- b. Change Related to Use After Completion of Phases I and II. After Phases I and II have been constructed in accordance with the School Plans and the charter school has been continuously open to provide 1,440 student stations serving grades K-8 for one academic year or more, a modification, amendment or release either to reduce

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the required number of student stations below 1,440 or to change the use of Parcel D or any portion thereof from a charter school use to any other use may be accomplished by a written instrument executed by the, then, owners of all of Parcel D, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. All owners of record of property within Parcels A, B, and C shall be sent mailed notice via certified mail of any application requesting such amendment, modification or release. All costs associated with sending the certified notices shall be borne by the owner(s) of Parcel D.

- c. Change Other Than Change of Use. Any modification, amendment or release of the requirements of this Declaration that would not alter the use of Parcel D or any portion thereof, as a charter school site, nor reduce the required number of 1,440 student stations serving grades K-8, may be accomplished by a written instrument executed by the, then, owner(s) of all of Parcel D, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

9. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and

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disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

14. Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding

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

15. Acceptance of Declaration. The Owners acknowledge that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

16. Owners. The term Owners shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]



CFN 2006R0452544
 DR Bk 24467 Pgs 3255 - 3267 (13pgs)
 RECORDED 04/27/2006 14:30:04
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

(A/B)

This instrument was prepared by:
 Name: Graham Penn, Esq.
 Address: Bercow & Radell, P.A.
 200 S. Biscayne Boulevard, Suite 850
 Miami, FL 33131

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DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County Florida, described in Exhibit "A," attached to this Declaration (the "Property"), which is supported by the submitted attorney's opinion;

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 22 of the April 2005 Amendment Cycle;

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of Parcels A and C of the Application Area from "Low Density Residential" to "Medium Density Residential" and Parcel B of the Application Area from "Low Density Residential" to Low-Medium Density Residential."

NOW THEREFORE, in order to assure the Miami-Dade County (the "County") that the representations made by the Owner during the consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Consistency with Princeton Community Urban Center and County Urban Design Manual. All development on the Property shall be designed to be compatible with the regulations governing the Princeton Community Urban Center (PCUC) district, subject to the limitations of the Property's zoning district(s). In the event of a conflict between the PCUC regulations and the standards of the Property zoning district(s), the Property's zoning regulations shall prevail. In order to ensure compatibility with the PCUC, the Property will be developed under the following standards:

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1. Roadway Network. All roadways within the Property will align as much as possible with corresponding roads in the PCUC in order to form a unified grid network.
2. Design of Development. The design of any development on the Property shall, to the extent practicable and feasible, be consistent with as many of the requirements of the PCUC "Residential", "Residential Modified," or "Mixed Use Main Street" districts as possible. These requirements shall include, but not be limited to, residential density and right of way design. Nothing set forth in this subparagraph shall require the Owner to apply for variances of the zoning regulations for the Property's requested zoning district(s).
3. Public Open Space. The Property shall be developed with at least two (2) acres of public open space, in the form of plazas, greens, or squares as defined under the Miami-Dade County Standard Urban Center District Regulations.

The development pattern of the Property shall also incorporate elements of the Miami-Dade County Urban Design Manual, subject to the limitations of the Property's zoning district(s).

Educational Facilities Mitigation. In order to help meet the future educational facility needs generated by the Application, the Owner shall submit to the Director of Planning and Zoning a plan to mitigate the impacts on Miami-Dade County Public School educational facilities for review and approval at the time the Owner files an application for a district boundary change on the Property to a residential zoning district more intense than Modified Single Family Residential (RU-1MA). Such mitigation plan may include, without limitation, the provision of charter school facilities (including the charter school proposed to serve up to 1,440 K-8 students approved in zoning application P.H. No. 04-404), allocation of land for the future construction of educational facilities, construction of a District owned school, and/or contribution of funds over and above impact fees.

Transit Improvements. In an effort to promote public transportation in the area, prior to the approval of a final plat for the Property, the Owner shall work with Miami-Dade Transit in good faith to accommodate future transit facilities within the Property (including bus shelters,

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pull-out bays, and other facilities) by allowing transit-related encroachments onto the Property. This obligation shall not require modifications to a final plat for the Property.

Traffic Impact. The Owner shall work in good faith with the Miami-Dade County Public Works Department and Department of Planning and Zoning to ensure that adequate infrastructure will be available to accommodate the traffic trips generated by the development of the Property.

Workforce Housing. The Owner shall voluntarily comply with all applicable Miami-Dade County, or successor municipality, workforce housing requirements, notwithstanding the applicability of any codified exemption. Workforce housing shall be deemed to be the sale or rental of property for persons within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development.

The number of workforce units developed on the Property shall be governed by an ordinance duly enacted by Miami-Dade County or successor municipality. The Owner reserves the right to develop workforce housing units in a number in excess of that required by any workforce housing ordinance. Notwithstanding anything to the contrary in this Declaration of Restrictions or the Property's CDMP Land Use Plan map designation(s), the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of workforce housing on the Property, including any bonuses recognized by the CDMP. The maximum density of residential development on the Property shall be limited by the CDMP or successor comprehensive plan.

The Owner shall, prior to obtaining the initial building permit for a residential structure on the Property, identify those units within such structure, if any, that satisfy this workforce housing requirement. A declaration of restrictive covenants, in form acceptable to the County, shall be recorded in the public records of Miami-Dade County, Florida stating that the unit is a workforce housing unit and shall remain as such for a period of 30 years or any other period required by an ordinance passed by Miami-Dade County or a successor municipality, if applicable, from the time of the unit's first occupancy.

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In the event that Miami-Dade County, or successor municipality, fails to enact an ordinance governing the development of workforce housing units on the Property, the Owner shall develop at least ~~50~~⁵⁵ of the residential units on the Property as workforce units.

C.D.X. Water Conservation Measures. The Owner agrees to utilize the following water conservation measures during the design and construction of any residential development on the Property:

- 1) Design and construct buildings with minimal impact on site topography and natural drainage ways; disturb only areas need to install foundations and roadways. Minimize driving on mud.
- 2) Insure that existing and new wells are protected (cased, sealed or grouted) from drainage and contamination.
- 3) Use silt fencing or biofiltration (permeable bags filled with chips, compost or bales of straw) to control erosion during construction.
- 4) Designate appropriate location for washing vehicles and equipment – away from surface waters, storm drains and slopes that could erode.
- 5) Sweep surfaces rather than spraying with water; dispose of sweepings in trash instead of down drains.
- 6) Immediately repair all equipment and vehicle leaks.
- 7) Choose low-flow equipment for toilet, shower, and faucets.
- 8) Remove non-native and nuisance plants without use of herbicides where possible.
- 9) Install zoned irrigation systems, including a rain sensor shut off.

Specimen Trees. During the permitting and development of the Property, the Owner shall make a reasonable good faith effort to preserve specimen trees on the Property in accordance with the requirements of Chapter 24 of the Miami-Dade County Code.

Existing Zoning Approval. Nothing set forth in this Declaration of Restrictions shall prohibit the development of the Property, or any portion thereof, pursuant to Zoning Resolution

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Z-15-05 (P.H. No. 04-404). The provisions of this Declaration of Restrictions shall be inapplicable to any portion of the Property developed in accordance with the site plan approved pursuant to Zoning Resolution Z-15-05 (P.H. No. 04-404).

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

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Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and

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approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

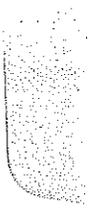
Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated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

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

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

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

[Execution Pages Follow]



D



This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

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DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. 09-006 will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Development Plans.** That said Property shall be developed substantially in accordance with the development plans previously submitted, entitled "Princeton Commons" prepared by Chisholm Architects, Inc., consisting of twenty-seven (27) sheets, dated October 7, 2009, except Sheet AS1.7, dated stamped received December 21, 2009 (the "Development Plans") said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. **Total Residential Density.** In no event shall the Property be developed with more than 1,320 residential units.

3. **Public Park(s).** The Owner voluntarily agrees to offer to convey two public parks on the Property to Miami-Dade County. The total size of the park areas shall be two (2)

(Public Hearing)

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acres. The location of the park areas shall be substantially in accordance with the park areas depicted on Parcels A and B of the Development Plans.

Subject to the foregoing, each park area shall be subject to the review of the Park and Recreation Department for appropriateness for use as County parks at the time of final plat approval for Parcel A or B. The park areas shall be offered to be conveyed to the County by general warranty deed, in fee simple, free from all liens and encumbrances. The conveyance of an individual park area shall occur immediately after the recordation of the plat covering the portion of the Property in which the park area is located.

Conveyance shall occur only upon a determination by Miami-Dade County that the value of the donation, including both the value of the land and any proposed improvements, will be accepted by the County as a contribution in lieu of the payment of all or a portion of the required Park Impact Fee under Section 33H-7 of the Miami-Dade County Code.

Prior to any conveyance, the Owner shall fund and provide to the County an Assessment Report(s) prepared by a licensed geotechnical firm, and shall further provide a Phase I Environmental Assessment and a Phase II Environmental Assessment if indicated by such Phase I Environmental Assessment Report.

The County shall retain the sole right to accept or reject the conveyance of each of the park areas in accordance with Section 33H-10 of the Code of Miami-Dade County governing the suitability of public park donations, as amended from time to time.

If the County accepts a proffered park area donation, the Owner shall construct on the park areas passive recreational improvements pursuant to a site plan and specification approved by the Miami-Dade County Parks and Recreation Department. The cost of the improvements shall be at least equal to the Owner's obligation to pay the improvement portion of the Park Impact Fee under Section 33H-7 of the Code of Miami-Dade County, as

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amended from time to time. The improvements specified in this paragraph for any individual park area shall be completed no later than the issuance of the 250th building permit for a residential unit on the Parcel (A or B) in which the park area is located.

If the County accepts the proffered park area donations, the funding for the improvement and perpetual maintenance of the park areas shall be through a special taxing district, if approved by Miami-Dade County, or similar entity, as approved by Miami-Dade County.

In the event one or more of the proffered park areas are not accepted by the County, the Owner shall improve and maintain these park areas as private open space for the benefit of the Owner and residents of Parcels A and B. In this event, funding for the improvement and perpetual maintenance of the park areas shall be through a homeowner's association, special taxing district, if approved by Miami-Dade County, or similar entity, as approved by Miami-Dade County.

4. Workforce Housing. In accordance with the Workforce Housing Development Program, Chapter 33, Article XIIA of the Code of Miami-Dade County (the "Code"), the development of the Property shall include 65 workforce housing units. Additionally, the Property shall be developed in accordance with the following specifications:

- (a) A workforce housing unit ("WHU" or "restricted WHU") shall mean a dwelling unit, the sale, rental or pricing of which, is restricted to households whose income range is established at between 65% and 140% of the most recent median family income for the County as reported by the U.S. Department of Housing and Urban Development (HUD) and as maintained by the Department of Planning and Zoning at the time of sale or rental of each WHU;
- (b) The development of the Property shall include 65 WHUs, which will be restricted by a Declaration of Restrictions in accordance with Chapter 33, Article XIIA of the Code and 1,255 unrestricted dwelling units, which may include market-rate dwelling units;
- (c) WHUs may be offered for sale or lease;

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(d) Each owner or lessee of the restricted WHUs will use the WHU as the owner or lessee's primary residence and subleasing shall be prohibited;

(e) The Property will be developed generally in accordance with the following estimated construction schedule which indicates the approximate dates when construction of the new residential dwelling units (including the restricted WHUs and unrestricted units) is currently anticipated to be initiated and completed:

Units	Anticipated Construction
1 - 330	2011
331 - 660	2013
661 - 990	2015
991 - 1320	2017

Market conditions may accelerate or slow the above construction schedule;

(f) The restricted WHUs on the Property will consist of apartment type units and will be developed in "garden apartment" style buildings in the project as depicted on the Development Plans;

(g) The final new residential building on the Property to be issued a building permit shall not contain only restricted WHUs;

(h) The restricted WHUs and unrestricted units will be built and made available for occupancy simultaneously except that building permits for the last 10% of the market-rate units shall be withheld until building permits have been issued for all of the WHUs; and

(i) Prior to the earlier of final plat approval or application for building permit for the first new residential unit on the Property, the Owner shall submit a Workforce Housing Agreement (the "Agreement") for the restricted WHUs on the Property to the Director of the Department of Planning and Zoning. The Agreement will encumber each restricted WHU in the entire development, and specify the restrictions of each of the restricted WHUs and such further arrangements, restrictive covenants, resale restrictions, and rental

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restrictions as are necessary to carry out the purposes of Chapter 17, Article IX, Sections 17-142 through 17-144 inclusive, of the Code, and shall include the following:

- i. A binding commitment that the restrictions of Chapter 33, Article XIIA and Chapter 17, Article IX of the Code shall run with the land for the entire 20-year control period of each of the WHUs;
- ii. A binding commitment that the covenants will bind the Owner, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in each of the WHUs;
- iii. A statement that the covenants shall be senior to all other liens or encumbrances on the Property, including all instruments securing permanent financing, except that tax and assessment liens shall be superior to the covenants; and
- iv. A binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article IX of the Code.

5. Educational Facilities Mitigation Plan. The Owner acknowledges that the development of the Property will be subjected to Miami-Dade County's uniform school concurrency system. In addition to any educational facilities mitigation required under the school concurrency system due to the impact of the students generated by the development of the Property, the Owner shall donate \$10,000 to Miami-Dade County Public Schools. The monetary donation shall be made prior to the approval of a final plat for any portion of the Property and shall be over and above any educational facilities impact fees paid for the development. The educational facilities mitigation shall not include the 1,440 student station charter school approved under Zoning Application No. 04-404.

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6. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

7. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

10. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

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Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by her assistant in charge of the office in her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

14. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and

(Space reserved for Clerk)

approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

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

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

[Execution Pages Follow]

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the **County** that the representations made by the Owner during consideration of Public Hearing No. 09-006 will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Development Plans.** That said Property shall be developed substantially in accordance with the development plans previously submitted, entitled "Somerset Academy at Country Palms" prepared by Civica, consisting of twelve (12) sheets, and dated September 17, 2009 (the "Development Plans") said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. **School Site.** The Property shall be developed as a school site.

2. **Operation of Charter School.** The operation of the charter school on the Property shall be subject to the following requirements:

- a) The charter school shall be limited to a maximum of 1,440 K-12 students.
- b) The operating hours of the school shall be limited to 7:00 A.M. to 6:00 P.M., except for normal and customary before and after school activities common to public schools.

(Public Hearing)

(Space reserved for Clerk)

- c) There will be three staggered arrival times and three staggered dismissal times for students as follows:
 - 1) The Phase I building, as depicted on the Development Plans, will operate with two shifts with the maximum number of students in each shift not to exceed 535 K-12 students.
 - 2) The Phase II building, as depicted on the Development Plans, will operate with one shift with a maximum number of 640 K-12 students.
 - d) Properly trained personnel shall be posted adjacent to and within the site during the school dismissal periods to facilitate traffic operations.
 - e) No outside speakers shall be permitted on the school property.
 - f) The waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday, except that pick up shall not occur during arrival and dismissal times.
 - g) The school gates shall be opened at least thirty (30) to forty-five (45) minutes prior to the arrival and dismissal times.
 - h) The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments as contained in the Departmental memoranda, which are part of the December 30, 2009 Developmental Impact Committee ("DIC") record of the Application, except as amended by the DIC Executive Council at its meeting on December 30, 2009, and incorporated herein by reference.
 - i) At time of Certificate of Use renewal, the Owner shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are then currently enrolled in said facility.
4. **Closure of School.** If the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:

(Space reserved for Clerk)

- (a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
- b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
- (c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
- (d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

5. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

6. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

(Space reserved for Clerk)

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

8. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by her assistant in charge of the office in her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

(Space reserved for Clerk)

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

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

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

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

14. Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and

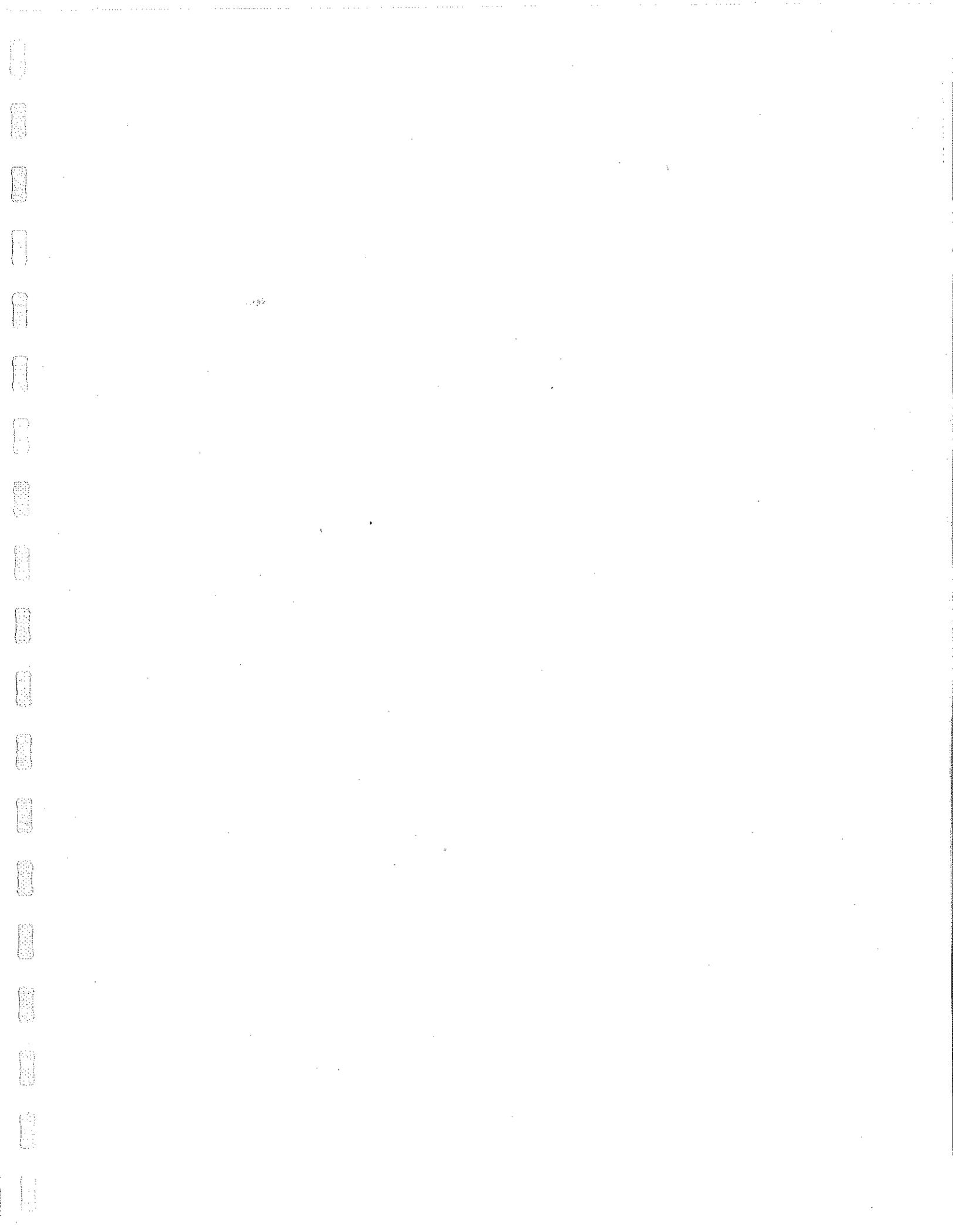
(Space reserved for Clerk)

Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]



Elementary Student Concurrency Analysis

273 Elementary Students Generated

School	October FTE	Total Permanent Capacity	Seats Available	Students Remaining to Place
Coconut Palm	947*	1,004*	57	221
Goulds Elementary	527	824	297	0
Pine Villa Elementary	391	834	443	0

* Elementary Students Only

% UTILIZATION REPORT 2009

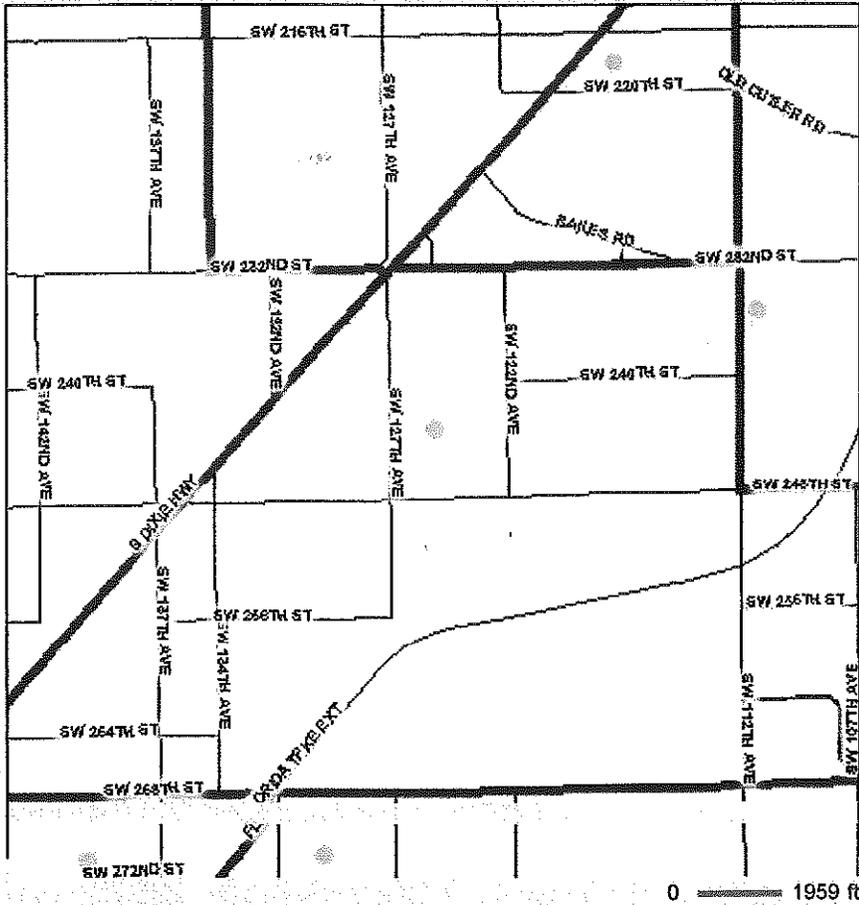
Region	SCHOOLS	Loc. #	October FTE	Permanent Capacity	% Util. Perm	Reloc Capacity	Total Capacity	% Util Total
REGION V								
5	Air Base Elementary School	0041	718	874	82%	18	892	80%
5	Mandarin Lakes K-8 Academy (†)	0073	1,375	1,508	91%	0	1,508	91%
5	Avocado Elementary School	0161	667	869	77%	66	935	71%
5	Bel-Aire Elementary School	0261	499	494	101%	134	628	79%
5	Goulds Elementary School	0311	527	824	64%	0	824	64%
5	Campbell Drive Elementary School	0651	723	931	78%	180	1,111	65%
5	Caribbean Elementary School	0661	756	965	78%	22	987	77%
5	Chapman, William A. Elementary School	0771	372	630	59%	108	738	50%
5	Coral Reef Elementary School	1041	928	1,005	92%	18	1,023	91%
5	Cutler Ridge Elementary School	1241	881	982	90%	18	1,000	88%
5	Florida City Elementary School	2001	752	810	93%	72	882	85%
5	Gordon, Jack D. Elementary School	2151	1,140	1,051	108%	162	1,213	94%
5	Gulfstream Elementary School	2321	679	699	97%	54	753	90%
5	Howard Drive Elementary School	2541	621	744	83%	0	744	83%
5	Leisure City K-8 Center	2901	1,165	1,137	102%	275	1,412	83%
5	Saunders, Laura C. Elementary School	2941	839	809	104%	54	863	97%
5	Martin, Frank C. K-8 Center	3101	1,168	1,239	94%	16	1,255	93%
5	Miami Heights Elementary School	3261	1,159	1,273	91%	152	1,425	81%
5	Moton, R. R. Elementary School	3541	447	715	63%	0	715	63%
5	Coconut Palm K-8 Academy (†)	3621	1,217	1,499	81%	0	1,499	81%
5	Gateway Environmental K-8 Learning Center (◇)	4031	697	1,497	47%	0	1,497	47%
5	Palmetto Elementary School	4221	601	598	101%	84	682	88%
5	Perrine Elementary School	4381	866	840	103%	0	840	103%
5	Peskoe, Irving & Beatrice Elementary School	4391	602	915	66%	18	933	65%
5	Pinecrest Elementary School	4421	909	1,185	77%	0	1,185	77%
5	Pine Lake Elementary School	4441	459	630	73%	18	648	71%
5	Pine Villa Elementary School	4461	391	834	47%	120	954	41%
5	Redland Elementary School	4581	926	903	103%	0	903	103%
5	Redondo Elementary School	4611	704	749	94%	40	789	89%
5	Beckford, E./Richmond Elementary School	4651	298	504	59%	36	540	55%
5	South Dade Middle (Grades 4-8)	5003	1,457	1,477	99%	0	1,477	99%
5	South Miami Heights Elementary School	5281	653	714	91%	62	776	84%
5	Vineland K-8 Center (e)	5671	742	872	85%	0	872	85%
5	West Homestead Elementary School	5791	676	794	85%	18	812	83%
5	Whispering Pines Elementary School	5951	683	712	96%	0	712	96%
5	Whigham, Dr. Edward L. Elementary School	5981	733	898	82%	22	920	80%
	ELEMENTARY TOTAL		28,030	33,180	84%	1,767	34,947	80%
5	Campbell Drive Middle School	6061	842	1,445	58%	0	1,445	58%
5	Centennial Middle School	6081	908	1,494	61%	0	1,494	61%
5	Cutler Ridge Middle School	6111	785	1,428	55%	99	1,527	51%
5	Homestead Middle School	6251	699	834	84%	139	973	72%
5	Mays Middle School	6431	523	943	55%	99	1,042	50%
5	Palmetto Middle School	6701	1,304	1,183	110%	99	1,282	102%
5	Redland Middle School	6761	772	1,218	63%	79	1,297	60%
5	Richmond Heights Middle School	6781	831	1,145	73%	158	1,303	64%
5	Southwood Middle School	6861	1,504	1,727	87%	0	1,727	87%
	MIDDLE TOTAL		8,168	11,417	72%	673	12,090	68%
5	Coral Reef Senior High School	7101	2,999	2,674	112%	0	2,674	112%
5	Homestead Senior High School	7151	1,834	2,893	63%	0	2,893	63%
5	Morgan, Robert Educ. Center	7371	2,389	1,956	122%	0	1,956	122%
5	Miami Palmetto Senior High School	7431	3,087	2,819	110%	214	3,033	102%
5	YMAACD at Miami Douglas MacArthur South	7631	174	446	39%	0	446	39%
5	South Dade Senior High School	7701	3,439	3,302	104%	0	3,302	104%

* Based on the Official October FTE and the Capacity of October 28, 2009

miamidade.gov



Services Near You



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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Dr. Solomon C. Stinson, Chair
Dr. Marta Pérez, Vice Chair
Agustin J. Barrera
Renier Diaz de la Portilla
Dr. Lawrence S. Feldman
Perla Tabares Hantman
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan

October 30, 2009

Mr. Marc C. LaFerrier, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

**RE: 09-006 – Princeton Land Investments LLC & County Palm Holdings LLC - DIC
Generally Southeast of U.S.1 and SW 127 Avenue**

Dear Mr. LaFerrier:

Miami-Dade County (County) has requested that the School District prepare an analysis of the impact that the proposed zoning application No. 09-006 would have on the public schools serving the area. Please note that the County and the School Board recently entered into a new Interlocal Agreement by which the County adopted school concurrency within its jurisdiction and is currently in the process of preparing the necessary enabling Administrative Orders. In the meantime, as a courtesy to the County, please find attached a school impact analysis (provided for informational purposes only) of the potential impacts generated by the application.

The proposed zoning application would permit 944 Garden Apartments (multifamily) and 376 Townhouses (single family attached). Based on this information, the permitted residential units would generate approximately 592 students: 278 Elementary; 136 Middle School; and 178 High School. At this time, there is not sufficient capacity at the elementary school serving the area to accommodate the density increase proposed under this application.

Please note that this is not to be construed as a public school concurrency review, and is solely meant to provide an overall picture of potential impacts on area schools, and the availability of student stations at this point in time. Individual determinations of public school concurrency and capacity reservations will be made at the time of approval of plat, site plan or functional equivalent. As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L147

Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian Villaamil

Planning, Design and Sustainability Department
Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

**09-006 – Princeton Land Investments LLC & County Palm Holdings LLC
FOR INFORMATIONAL PURPOSES ONLY
This Review Analysis does not constitute School Concurrency Review
October 30, 2009**

Student Generation Multiplier

MSA	Multiplier (Single Family Attached)	Multiplier (Multifamily)
7.1	.72	.34

Estimated Student Population Increase

Number of Units	Student Generation Multiplier	Number of Students
944 Multifamily	.34	321
376 Townhomes	.72	271

592 Total Students Generated

School Level	Generation Multiplier	Students	Students Generated
Elementary	.47	x 592	= 278
Middle	.23	x 592	= 136
Senior	.30	x 592	= 178

Potential Available Capacity at the Elementary School

Facility Name	2009 (Interim) FTE Membership	Perm Capacity	% Utilization Perm	Relocable Capacity	Total Capacity	% Utilization Total	Potential Available Capacity
Coconut Palm K-8 Academy	947	1,004	94%	0	1004	94%	57
TOTAL	947	1,004	94%	0	1,004	94%	57

Potential Available Capacity at Middle Schools

Facility Name	2009 (Interim) FTE Membership	Perm Capacity	% Utilization Perm	Reloc Capacity	Total Capacity	% Utilization Total	Potential Available Capacity
Coconut Palm K-8 Educational (Middle)	270	495	55%	0	495	55%	225
Redland Middle	772	1,218	63%	79	1,297	60%	525
TOTAL	1,042	1,713	60%	79	1,792	58%	750

Potential Available Capacity at the Senior High School

Facility Name	2007 (Interim) FTE Membership	Perm Capacity	% Utilization Perm	Reloc Capacity	Total Capacity	% Utilization Total	Potential Available Capacity
Homestead Senior High	1,834	2,893	63%	0	2,893	63%	1,059
TOTAL	1,834	2,893	63%	0	2,893	63%	1,059

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/16 BCC Mtg. Date: _____ Agenda Item#: 1 24-56-39

Subject: Princeton Land Investments LLC + County Palm Holdings

Name: Janis Sramek

Address: 12300 SW 240 St 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen you Entèprèt? Creole/Kreyol

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Item _____
Exhibit 4
Meeting Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2-4-10 BCC Mtg. Date: _____ Agenda Item#: 1-24-56-39

Subject: PRINCETON LAND INVESTMENT LLC

Name: ALAN J. KOSS

Address: 12525 SW 240 ST PRINCETON, FL 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
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Item _____
Exhibit 4
Meeting Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/2010 BCC Mtg. Date: _____ Agenda Item#: 24-56-39

Subject: PRINCESTON LAND INVESTMENT LLC & COUNTY PALM HOLDINGS LLC

Name: CARL F. SOLA

Address: 24365 SW 127th Av. Princeton FL 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
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4
Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/10 BCC Mtg. Date: _____ Agenda Item#: 10-1-CC-1/09-006?

Subject: PRINCESTON LAND INVESTMENTS LLC & COUNTY PALM HADINGS, LLC

Name: VICTOR MOLLIS

Address: 23600 SW 124 AVE PRINCESTON FLA

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

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Item _____
4
Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2-4-10 BCC Mtg. Date: _____ Agenda Item#: 1-24-56-39

Subject: Princeton Land Investment LLC

Name: Richard L Lester

Address: 23730 SW 124 Ave 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
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Item _____
Exhibit: 4
Meeting: Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/10 BCC Mtg. Date: _____ Agenda Item#: 24-56-39
Subject: Princeton Land Investment LLLP & County Palm Holdings LLC
Name: Nancy Villazon-Sola
Address: 24365 SW 127 Av.

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
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Item _____
Section 4
Meeting zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/10 BCC Mtg. Date: _____ Agenda Item#: 1-2456-30

Subject: Princeton Land Investments LLC

Name: MARILYN Rolfs

Address: 24371 SW 123 Ave Princeton, FL 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

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Item _____
Exhibit 4
Meeting Zoning

AGAINST Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 2/4/10 BCC Mtg. Date: _____ Agenda Item#: #1 (24-56-39 BCC/DISTRICT)

Subject: PRINCETON LAND INVESTMENTS LLC

Name: Jorge CUADRADO

Address: 23451 SW 123 AVE, HOMESTEAD, FL 33032

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes No

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

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By the Clerk for the Board

FEB 04 2010

Item: _____
Exhibit: 4
Meeting: Zoning

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 2/4/10

#Z-

ITEM: 1

APPLICANT: PRINCETON LAND INVESTMENTS LLC &
COURTY PALM HOLDINGS LLC (10-1-CC-1/09-006)

MOTION: Deferred to March 4, 2010

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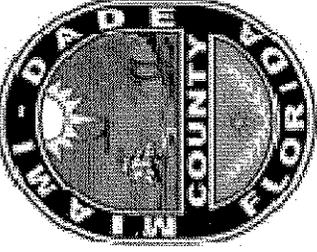
Item _____
Exhibit 5
Meeting Zoning

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Edmonson				X
Gimenez				X
Heyman		X		
Jordan				X
Martinez		X		
Rolle	S	X		
Seijas				X
Sorenson	M	X		
Sosa		X		
Souto		X		
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		8	0	5

FEB 04 2010

Item
Exhibit
Meeting

Svc. Awards Cer.



Carlos Alvarez
Mayor

Dennis C. Moss
Chairman

Jose "Pepe" Diaz
Vice Chairman

BOARD OF COUNTY COMMISSIONERS

Barbara J. Jordan
District 1

Dorin D. Rolle
District 2

Audrey M. Edmonson
District 3

Sally A. Heyman
District 4

Bruno A. Barreiro
District 5

Rebeca Sosa
District 6

Carlos A. Gimenez
District 7

Katy Sorenson
District 8

Dennis C. Moss
District 9

Senator Javier D. Souto
District 10

Joe A. Martinez
District 11

Jose "Pepe" Diaz
District 12

Natacha Seijas
District 13

Harvey Ruwin
Clerk of Courts

George M. Burgess
County Manager

R.A. Cuevas, Jr.
County Attorney

MISSION STATEMENT

To foster a work environment where every Miami-Dade County employee has an equal opportunity to be recognized for their professional achievements, personal accomplishments, contribution to the organization, and service to the community.

"Delivering Excellence Every Day"

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability. "It is the policy of Miami-Dade County to comply with all the requirements of the Americans with Disabilities Act."

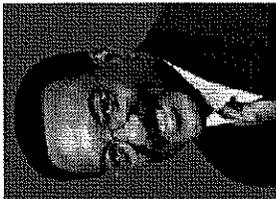
Service Award

Ceremony

February 4, 2010

8:00 a.m.

Board of County Commissioners
Miami-Dade County, Florida
Commission Chambers
111 N.W. 1st Street, 2nd Floor



- Honorable Chairman Dennis C. Moss

Miami-Dade County prides itself on "Delivering Excellence Everyday," a task that would be impossible if not for the loyalty and commitment of our employees. It is an honor to recognize the dedication and achievements of the honorees. Thank you for your outstanding public service and for making our community a better place to live.



- Honorable Commissioner Dorrin D. Rolle "Governor"

As a devoted public servant myself, it gives me great pleasure to recognize, honor and thank these fine employees for their loyal service to Miami-Dade County government.

"You Done Good!"

Program

Welcome and Opening Remarks

The Honorable Dorrin D. Rolle
Commissioner
Miami-Dade County Commission, District 2

Presentation of Service Awards

The Honorable Dennis C. Moss
Chairman
Miami-Dade County Commission, District 9

The Honorable Dorrin D. Rolle
Commissioner
Miami-Dade County Commission, District 2

OFFICE OF THE CHAIR, PROTOCOL, EMPLOYEE & ADVISORY BOARD RECOGNITION DIVISION CELEBRATES SERVICE AWARD HONOREES

John P. Berendsohn Miami-Dade Transit	30 Years	Napoleon Mc Nair Park & Recreation Department	30 Years
Wilfred G. Craig Miami-Dade Transit	30 Years	Martha G. Andollo Water and Sewer Department	30 Years
Joyce E. Efienne Miami-Dade Transit	30 Years	Hazel J. Boyd Water and Sewer Department	30 Years
Lamont T. Speights Miami-Dade Transit	30 Years	Raymond M. Gonzalez Water and Sewer Department	30 Years
Alvin N. Williams Miami-Dade Transit	35 Years		

"The achievements of an organization are the result of the combined efforts of each individual."

- Vincent Thomas

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Item

Exhibit

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Meeting Serv. Awards Cer.

BCC SERVICE AWARD PLAQUE PRESENTATION – February 4, 2010

	NAME	DEPARTMENT	DEPARTMENTAL REPRESENTATIVE	YRS OF SVC
1.	John P. Berendsohn Bus Hostler	Miami-Dade Transit	William Attias Section Chief	30
2.	Wilfred G. Craig Metromover Tech	Miami-Dade Transit	George Pardee Chief Supervisor, Metromover Maint.	30
3.	Joyce E. Etienne Secretary	Miami-Dade Transit	Derrick Gordon Asst. Director	30
4.	Lamont T. Speights Train Operator	Miami-Dade Transit	Gregory Robinson General Superintendent	30
5.	Alvin N. Williams Bus Operator	Miami-Dade Transit	Michael Howard Superintendent	35
6.	Napoleon Mc Nair Auto Equipment Operator 2	Park & Recreation Department	Jack Kardys Director	30
7.	Martha G. Andollo Environmental Chemist 2	Water and Sewer Department	Ray Diaz Chief, Lab Section Marilyn Castillo Admin Officer 3	30
8.	Hazel J. Boyd Cust Serv Rep 2	Water and Sewer Department	John Renfrow Director	30
9.	Raymond M. Gonzalez Maintenance Mechanic	Water and Sewer Department	Al Galambos Chief Rey Urquiola Asst. Superintendent Aroldo Hernandez Plant Mechanic	30

NAMES THAT ARE HIGHLIGHTED – RECEIVE A WATERMAN PEN FOR 35 YEARS OF SERVICE

RECEIVED

FEB 04 2010

Item _____
 Agenda _____
 Meeting 6 Serv. Award Cer.