



CDMP
April 24, 2008

Prepared by: Alicia Stephenson

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	4/24/2008		Service Award Presentations
2	4/24/2008		Order of the Day
3	4/24/2008		Resolution of the Miami-Dade Planning Advisory Board -4/2007 Apps.
4	4/24/2008		Resolution of the Miami-Dade Planning Advisory Board -0/2007 Apps.
5	4/24/2008		Minutes Miami-Dade County Planning Advisory Board -3/31/2008
6	4/24/2008		Application 1 –Advanced Transportation Engineering Consultants
7	4/24/2008		Application 1 Declaration of Restrictions
8	4/24/2008		Application No. 3. Submitted by the Anthony Balzebre Trust
9	4/24/2008		Declaration of Restrictions. Application No. 3
10	4/24/2008		App. 5. Lista De Asociaciones De Imperial Lake
11	4/24/2008		Application 5. Declaration of Restrictions
12	4/24/2008		Applications 5 & 8. Miami-Dad Expressway Authority
13	4/24/2008		CDMP Applications 5, 8, and 9. Exhibit B
14	4/24/2008		Application 6. Declaration of Restrictions
15	4/24/2008		Application 8. Figure 1. Planned Year 2025 Roadway Network
16	4/24/2008		App. 9. Becker & Polliakoff
17	4/24/2008		David Plummer & Associates. Re: Portofino Bay
18	4/24/2008		Application 9. Declaration of Restrictions
19	4/24/2008		Alternative Water Supply Plan
20	4/24/2008		Speaker's Cards

Memorandum



Date: April 8, 2008

To: Dianne Davis
Agenda Coordinator

From: Maria M. Casenas, Recognition Manager
Board of County Commissioners
~~Office of Chairman Bruno A. Barreiro~~
Media, Protocol and Employee Recognition Division

Subject: Service Award Presentations - For the BCC, April 22, 2008 Agenda

The following names should appear on the **April 22, 2008, Official Miami-Dade Board of County Commissioners Agenda** under Item 16A Service Award Presentations (Scheduled for Thursday, **April 24, 2008** at 8:00 a.m.)

<u>NAME</u>	<u>DEPARTMENT</u>	<u>YEARS</u>
Ernest H. Smith	Building Department	30
Betty J. Fuller	Corrections & Rehabilitation Department	30
Joann W. Hicks	Metro-Miami Action Plan Trust	30
Ethel R. Hadley	Miami-Dade Police Department	35
Ephesus Exum	Miami-Dade Transit	30
Ivory Johnson	Miami-Dade Transit	30
James L. Orr	Miami-Dade Transit	30
Angel G. Rodriguez	Miami-Dade Transit	30
Valerie D. Woods	Miami-Dade Transit	30
Evelyn Davis	Property Appraisal Department	30

Your usual assistance and cooperation are highly appreciated.

cc: Loreta Sanchez, Chief of Staff, Office of Chairman Bruno A. Barreiro
Annette Molina, Director, Protocol & Employee Recognition Division
Cenia Bryan, Agenda Supervisor
Becsy Porto, Employee Recognition Specialist, BCC Employee Recognition Division
Doris Dickens, Commission Reporter, Clerk of the Board
Alicia Stephenson, Commission Reporter, Clerk of the Board
Fara Diaz, Secretary, Clerk of the Board

4/24/2008 Service Award Plaque
Ceremony - Exhibit

Exhibit



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

THURSDAY, APRIL 24th, 2008

9:30 A.M. ZONING HEARING

CALL TO ORDER

ROLL CALL

MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE

SWEARING IN OF
ATTORNEY/WITNESSES

SWEARING IN OF TRANSLATOR

**COMPREHENSIVE DEVELOPMENT
MASTER PLAN HEARING**

CALL TO ORDER

WORKING LUNCH

ADJOURNMENT

4/24/2008 CDMP - Exhibit

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY
(LPA) ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY
COMMISSIONERS REGARDING FINAL DISPOSITION OF THE
STANDARD APRIL 2007 CYCLE APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the F.S. and F.A.C.; and

WHEREAS, 13 CDMP amendment applications were filed on or before April 30, 2007, and are contained in the document titled "April 2007 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2007; and

WHEREAS, four (4) additional CDMP amendment applications were filed in the "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan Volumes 1 and 2," dated August 25, 2007, bringing the total number of applications filed in the April 2007 Cycle CDMP amendments to 17; and

WHEREAS, of the 17 applications, 11 Land Use Plan (LUP) map amendments (Application Nos. 1 through 11) were privately filed, five (5) text amendments (Application Nos. 12, 13, 15, 16 and 17) were filed by the Department of Planning and Zoning (DP&Z) and one text/map amendment (Application No. 14) was filed by the Aviation Department; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, of the eleven Land Use Plan (LUP) map amendment applications filed for processing during the April 2007 CDMP amendment cycle, five applications (Application Nos. 1, 2, 7, 10 and 11) requested for an expedited adoption, if eligible, as small-scale plan amendments; and

WHEREAS, DP&Z published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan, Volumes 1 and 2", dated August 25, 2007; and

WHEREAS, Application No. 7 was lawfully withdrawn by applicant by letter dated October 10, 2007; and

WHEREAS, affected Community Councils conducted optional public hearings pursuant to Section 2-116.1 (3)(e), Code of Miami-Dade County, to address applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

WHEREAS, the PAB acting as the Local Planning Agency (LPA) acted in accord with the referenced State and County procedures, and conducted a duly noticed public hearing on October 15, 2007, to receive public comments and to address the Applications, the initial recommendations of the DP&Z, to address the adoption of the small-scale amendments, to address the transmittal by the Board to the Florida Department of Community Affairs (DCA) of the standard amendments and any small-scale amendments not recommended for approval by the Board, and to address subsequent action on the applications by the Board; and

WHEREAS, on November 27, 2007, the Board voted to adopt small-scale amendment Application Nos. 2 and 10 with acceptance of proffered covenant; adopt small-scale amendment Application No. 11 with change to Low Density Residential with One Density Increase (DI-1) with Urban Design (as Small-Scale Amendment) and with acceptance of proffered covenant; transmit Application Nos. 1, 3, 5, 6, 8, 9, and 12 to 17 to DCA for review and comment, and deny Application No. 4; and

WHEREAS, an Objections, Recommendations, and Comments (ORC) report on the April 2007 CDMP amendment cycle was issued by DCA on February 26, and March 6, 2008.

WHEREAS, DP&Z has published its revised recommendations addressing pending Applications and responding to the ORC report; and

WHEREAS, on March 31, 2008, the PAB acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on pending Application Nos. 1, 3, 5, 6, 8, 9 and 12 to 17 as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue final recommendations to the Board regarding final actions on the pending amendment applications; and

WHEREAS, final action by the Board may be to adopt, adopt with changes, or not adopt the pending CDMP applications.

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:

The LPA hereby adopts the following as its final recommendations to the Board:

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
1	Geovanis Medina/Gloria M. Velazquez, Esq. 100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street (1.57 gross acres) Request to Amend Land Use Plan map as follows: From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office	Deny

The motion to recommend Denial was offered by Board Member Sherouse, who moved for its adoption. Board Member Kaplan seconded the motion. The motion passed 10 to 1 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	No
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
3	Anthony Balzebre Trust/Jeffrey Bercow, Esq. & Michael Larkin, Esq. Northwest corner of NW 107 Avenue and NW 12 Street (63.95 gross acres) 1. Redesignate the subject property From: Industrial and Office & Business and Office To: Business and Office 2. Designate the subject property as a Regional Activity Center (Chapter 380.06, F.S.). 3. Revise the text of the subsection entitled "Chapter 380 Regional Activity Centers" in the Land Use Element 4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element (modified on November 27, 2007 by the Board to reflect the roadway improvements and the transit center as described in the letters of November 9 and 13, 2007. 5. A designation of Metropolitan Urban Center on the subject property.	Adopt with Acceptance of Covenant; the PAB's recommendation of Adopt with Acceptance of Covenant, which is to be modified to allow the Miami Dade Transit (MDT) and the applicant agree on the needed number of parking spaces, the applicant donates the parking garage to MDT and allows the MDT to collect and retain the parking fees

The motion to recommend adoption was offered by Board Member Maloof, who moved for its adoption. Board Member Kaplan seconded the motion. The motion passed 9 to 2 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	Yes
Serafin Leal	Yes		

Horacio Carlos Huembes, Vice Chair	Yes
Georgia Santiago, Chair	- Yes

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
5	LOWE'S HOME CENTERS, INC./Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq. of Holland & Knight, LLP Two parcels located near the Northwest corner of Theoretical SW 138 Ave and SW 8 Street (51.7 gross acres) 1. Request to Amend Land Use Plan map as follows: <u>Parcel A (21.6 gross acres)</u> From: Open Land To: Business and Office <u>Parcel B (30.1 gross acres)</u> From: Open Land To: Institutions, Utilities and Communications 2. Remove subject site from "Open Land Subareas" map (Figure 4). 3. Expand the UDB to include the subject property. 4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element.	Adopt with Acceptance of Proffered Covenant

The motion to recommend Adoption with Acceptance of Proffered Covenant was offered by Board Member Huembes, who moved for its adoption. Board Member Maloof seconded the motion. The motion passed 8 to 3 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
6	8440 Property, Inc./Ben Fernandez, Esq. & Graham Penn, Esq. 300 Feet west of SW 84 Avenue and south of SW 38 Street (1.59 gross acres) 1. Request to Amend Land Use Plan map as follows: From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Medium-High Density Residential (25 to 60 DU/Ac.) 2. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	Adopt with Acceptance of Amended Proffered Covenant

The motion to recommend Adoption with Acceptance of Proffered Covenant was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed 6 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Absent
Pamela Gray	No	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
8	David Brown, Steven Brown, and Victor Brown/Chad Williard, Esq. South side of SW 88 Street west of SW 167 Avenue (42.0 gross acres) 1. Request to Amend Land Use Plan map as follows: From: Agriculture To: Business and Office 2. Expand the UDB to include subject property. 3. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	Adopt with Acceptance of two Proffered Covenant

The motion to recommend Adoption with Acceptance of Proffered Covenant was offered by Board Member Maloof, who moved for its adoption. Board Member Riley seconded the motion. The motion passed 7 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	No
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
9	Ferro Investment Group II, LLC/Miguel Diaz De la Portilla, Esq., Crystal Conner-Lane, Esq. Area between SW 104 and SW 112 Streets and between SW 167 Avenue and theoretical SW 164 Avenue (94.84 gross acres) 1. Request to Amend Land Use Plan map as follows; <u>Part A</u> (84.84 gross acres) From: Agriculture To: Low Density Residential (2.5 to 6.0 DU/Ac.) <u>Part B</u> (10.0 gross acres) From: Agriculture To: Business and Office 2. Expand the UDB to include the subject property. 3. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element.	Deny

The motion to recommend Denial was offered by Board Member Sosna, who moved for its adoption. Board Member Sherouse seconded the motion. The motion passed 5 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Absent
Pamela Gray	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	No
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	No	
	Georgia Santiago, Chair	No	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
12	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director Revise texts and maps in the Land Use Element as follows: <u>Part A</u> 1. Revise the text in the Land Use Element to accurately describe the Parks and Recreation, Environmental Protected Parks, and Environmental Protection land use designations. <u>Part B</u> 2. Update Figure 5 (Environmental Protection Subareas) in the map series of the Land Use Element to remove the national parks and a portion of Open Land Subarea 1 from Environmental Protection Subarea A. 3. Add a new map titled "Environmentally Protected Parks" as Figure 4 in the map series of the Land Use Element to depict the national parks.	Adopt as Transmitted

The motion to recommend adoption as recommended by the department was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
13	Miami-Dade County Department of Planning and Zoning/Subrata Basu, Interim Director CAPITAL IMPROVEMENTS ELEMENT, Schedules of Improvements and Tables of Proposed Projects: 1. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities. 2. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application. 3. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the TIP and to provide definitions of future growth and existing deficiencies	Adopt as Transmitted With Additional Changes

The motion to recommend adoption as recommended by the department was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
14	<p>Aviation Department/Jose Abreu, P.E., Director LAND USE ELEMENT, AVIATION SUBELEMENT OF THE TRANSPORTATION ELEMENT, AND THE 2015-2025 LAND USE PLAN MAP</p> <p>Revise various portions of the Land Use Element, Aviation Sub-Element of the Transportation Element and the 2015-2025 Land Use map as follows:</p> <p><u>Part 1: Opa-Locka West Airport (Map Changes):</u> Northwest area of Miami-Dade County at the southeast corner of intersection of Okeechobee Road and the Miami-Dade/Broward County line. Amend the Land Use Plan map to change the land use designation for Opa-Locka West Airport: (420 gross acres) From: Terminals To: Open Land <i>(The request for the 420-acre subject property was originally 410 acres for "Open Land" and 10 acres for "Business and Office." This original request was modified in a memo dated October 12, 2007 from the applicant to 420 acres for "Open Land").</i></p> <p><u>Part 2: All County Airports (Map and Text Changes in Aviation Subelement)</u> <u>Section A</u> 1. Update the Aviation Facilities maps (Figures 1 and 2) and the airport schematic maps (Figures 3-8) of the Aviation Subelement map series. 2. Add four new Airport Land Use Master Plan maps depicting land uses at County airports to the map series of the Aviation Subelement related to: i: Miami International Airport ii: Opa-Locka Executive Airport iii: Kendall-Tamiami Executive Airport iv: Homestead General Aviation Airport <u>Section B</u> Amend Text, Goals, Objectives, and Policies, in the Aviation Subelement regarding the aforesaid aviation facilities.</p> <p><u>Part 3: Revise Text of the Land Use Element Section titled "Transportation"</u></p>	Deny
		Adopt as Transmitted With Additional Changes
		Adopt as Transmitted

The motion to recommend denial of Part 1 and adoption of Parts 2 and 3 was offered by Board Member Rinehart who moved for its adoption. Board Member Riley seconded the motion. The motion passed 5 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	No
Pamela Gray	No	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Absent	Jay Sosna	No
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
15	Miami-Dade County Department of Planning and Zoning/Subrata Basu, Interim Director LAND USE, COASTAL MANAGEMENT, AND CAPITAL IMPROVEMENTS ELEMENTS Revise texts in the CDMP pursuant to Section 163.3178, F.S., as follows: A. Revise and replace the text in the Land Use Element and the Coastal Management Elements to include the new definition of coastal high-hazard areas and other required modifications, pursuant 163.3178, F.S. B. Revise and replace Figure 10 (Floodplains) and Figure 11 (Areas Subject to Coastal Flooding) in the map series of the Land Use Element. The revisions shall include modifying the legend of Figure 10 and depicting the coastal-high hazard areas, as defined by Section 163.3178, F.S., on Figure 11. C. Revise the legend on Figure 1 (Hurricane Evacuation Zone map) in the Coastal Management Element.	Adopt as Transmitted With Additional Changes

The motion to recommend adoption as recommended by the department was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
16	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director WATER, SEWER AND SOLID WASTE; CONSERVATION, AQUIFER RECHARGE AND DRAINAGE; CAPITAL IMPROVEMENTS; AND INTERGOVERNMENTAL COORDINATION ELEMENTS Revise the texts in the CDMP pursuant to Section 163.3177(5) F.S., as follows: <u>Part A</u> Modifications and additions to the text, figures, and tables to the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element, including the addition of a 20-year Water Supply Facilities Workplan; <u>Part B</u> Modifications to Conservation, Aquifer Recharge and Drainage Element; <u>Part C</u> Modifications to the Intergovernmental Coordination Element; and <u>Part D</u> Modifications to the Capital Improvements Element.	Adopt as Transmitted With Additional Changes

The motion to recommend adoption as recommended by the department was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP LUP Map, Policies/Text	Final Recommendation
17	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director LAND USE AND HOUSING ELEMENTS Revise the Land Use and Housing Elements as follows: A. Revise the text in the Housing Element to include a provision that calls for adequate sites for affordable workforce housing to be identified, pursuant to Section 163.3177(6)(f), F.S. B. Revise the text in the Housing Element to require the adoption of a plan for affordable workforce housing by July 1, 2008, as per Section 163.3177, F.S. C. Revise the Housing Element to include a definition for affordable housing and affordable workforce housing. This shall include a definition of the income limits within each category. D. Revise the Land Use and Housing Elements to include "affordable workforce housing" and "extremely low-income households" as part of the income limit categories listed in the affordable housing policies. The addition of "extremely low-income households" is intended to create consistency with Miami-Dade County's housing programs.	Adopt as Transmitted With Additional Changes

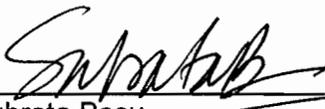
The motion to recommend adoption as recommended by the department was offered by Board Member Rinehart, who moved for its adoption. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

The foregoing resolution was offered by Board Member Huembes, who moved for its adoption. Board Member Rinehart seconded the motion, and upon being put to a vote, the motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgia Santiago, Chair	Yes	

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing held March 31, 2008 and is certified correct by Subrata Basu, Executive Secretary to the Planning Advisory Board.


Subrata Basu

4/24/2008 CDMP Exhibit

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF SMALL-SCALE AMENDMENT APPLICATIONS AND TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS OF THE OTHER SMALL-SCALE AND STANDARD OCTOBER 2007 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND ADOPTING RECOMMENDATIONS AS TO SUBSEQUENT ACTION

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; and

WHEREAS, five (5) CDMP amendment applications were filed on or before October 31, 2007, and are contained in the report titled "October 2007 Applications to Amend the Comprehensive Development Master Plan" dated December 5, 2007; and

WHEREAS, of the 5 applications, four (4) Land Use Plan (LUP) map amendments (Application Nos. 1 through 4) were privately filed, and one (1) text amendment (Application No. 5) was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z); and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, all four LUP map amendment applications filed for processing during the October 2007 CDMP amendment cycle request expedited adoption, if eligible, as small-scale plan amendments; and

WHEREAS, the DP&Z has published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations October 2007 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2008; and

WHEREAS, Application No. 1 was lawfully withdrawn by letter from the applicant dated March 17, 2008; and

WHEREAS, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

WHEREAS, the PAB acting as the Local Planning Agency (LPA) has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the Application, the initial recommendations of the DP&Z, to address the adoption of the small-scale amendments, to address the transmittal

by the Board to the Florida Department of Community Affairs (DCA) of the standard amendments and any small-scale amendments not recommended for approval by the LPA, and to address subsequent action on the applications by the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:

This Agency hereby makes the following recommendations to the Board regarding the adoption of the small-scale amendment applications; transmittal to the DCA of the standard amendments and any small-scale amendments not recommended for approval by the LPA; and the recommendations regarding subsequent action by the Board with the understanding that this LPA may further evaluate the transmitted applications and issue revised recommendations after the applications are reviewed by the DCA.

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE LAND USE PLAN MAP	Recommended Action on Small-scale Amendment
1	209 th Street Associates, LLC/Juan Mayol, Jr. Esq. and Tracy R. Slavens, Esq. Northwest corner of NE 209 Street and NE 26 Court (1.12 Gross Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Office/Residential	WITHDRAWN
2	Aventura Commons 11, LLC/Juan Mayol, Jr. Esq. and Tracy R. Slavens, Esq. An area between NE 205 and 206 Streets on the east side of NE 26 Avenue (2.98 Gross Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Office/Residential	Adopt

The motion to recommend adoption was offered by Board Member Rinehart, who moved for its adoption. Board Member Clyne seconded the motion. The motion passed 10 to 1 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William W. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	No
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Absent	
	Georgina Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE LAND USE PLAN MAP	Recommended Action on Small-scale Amendment
3	Urban League of Greater Miami, Inc./Jeffrey Bercow, Esq. and Matthew Amster, Esq. An area between NW 51 and NW 53 Streets and between NW 23 and NW 24 Avenues (5.50 Gross Acres) From: Medium Density Residential (13 to 25 DU/Ac) To: Medium-High Density Residential (25 to 60 DU/Ac)	Adopt with Acceptance of Proffered Covenant

The motion to recommend adoption was offered by Board Member Leal, who moved for its adoption. Board Member Maloof seconded the motion. The motion passed unanimously 12 to 0 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William W. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgina Santiago, Chair	Yes	

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE LAND USE PLAN MAP	Recommended Action on Small-scale Amendment
4	Alfredo Garcia Menocal/Stanley B. Price, Esq. Northeast corner of SW 117 Avenue and SW 95 Street (2.5 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Office/Residential	Deny

The motion to recommend denial was offered by Board Member Grey, who moved for its adoption. Board Member Sosna seconded the motion. The motion passed 10 to 2 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William W. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	No
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
	Horacio Carlos Huembes, Vice Chair	Yes	
	Georgina Santiago, Chair	No	

Application Number	Applicant/Representative Location (Size) REQUESTED TEXT CHANGES TO THE CDMP	<ul style="list-style-type: none"> Transmittal Recommendation Recommendation as to Subsequent Action
5	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director	
	LAND USE ELEMENT	Adopt and Transmit
	Revise the Population Estimates and Projections by replacing Figure 6.	

The motion to recommend adoption and transmittal was offered by Board Member Rinehart, who moved for its adoption. Board Member Clyne seconded the motion. The motion passed unanimously 12 to 0 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William W. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
Horacio Carlos Huembes, Vice Chair		Yes	
Georgina Santiago, Chair		Yes	

The foregoing resolution was offered by Board Member Rinehart, who moved for its adoption. Board Member Huembes seconded the motion. The motion passed unanimously 12 to 0 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William W. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		
Horacio Carlos Huembes, Vice Chair		Yes	
Georgina Santiago, Chair		Yes	

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on April 28, 2008, and is certified correct by Subrata Basu, Executive Secretary to the Planning Advisory Board.



 Subrata Basu

MINUTES

Miami-Dade County Planning Advisory Board
Acting as the Local Planning Agency

Public Hearing On October 2007 Cycle Applications To Amend
The Comprehensive Development Master Plan

Miami-Dade County Commission Chamber
111 NW 1 Street, Miami, Florida 33128

April 28, 2008

PAB Members Present

Reginald J. Clyne	Al Maloof
Pamela Gray	Wayne Rinehart
Horacio C. Huembes, Vice Chair	Ivan Rodriguez, Miami-Dade Public Schools Board Appointee
Rolando Iglesias	Georgina Santiago, Chair
Eddy Joachin	Christi Sherouse
Serafin Leal	Jay Sosna
Felipe Llanos	Larry Ventura, Homestead Air Reserve Base Appointee

Department of Planning and Zoning Staff Present

Subrata Basu, Interim Director
Paula Church, Section Supervisor, Long Range Planning
Patrick Moore, Section Supervisor, CDMP Administration
Manuel Armada, Chief, Planning Research Section
Bob Schwarzreich, Supervisor, Planning Research Section

Abigail Diaz, Planning Technician	Lynne Akulin Kaufman, Administrative Officer II
Mark Dorsey, Principal Planner	Gianni Lodi, Principal Planner
Dickson Ezeala, Principal Planner	Napoleon Somoza, Principal Planner
Claudia Flores, Planning Technician	Rommel Vargas, Senior Planner

Other County Staff Present

Eduardo I. Sanchez, Assistant County Attorney
Barbara Falsey, Miami-Dade County Park and Recreation
Armando Hernandez, Public Works Department
Elena Cata, Public Works Department
Bertha Goldenberg, Water and Sewer Department
John Garcia, Miami-Dade Transit

I. Opening Remarks

Ms. Georgina Santiago, Chair of the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), convened the public hearing at 2:00 PM on April 28, 2008. Ms. Santiago welcomed the audience to the PAB's public hearing on the proposed October 2007 Cycle Applications to Amend the Comprehensive Development Master Plan (CDMP). The Chair introduced all PAB members and stated that the Planning Advisory Board was established by Miami-Dade County Charter and that the Miami-Dade County Board of County Commissioners (BCC) appointed each of the 15 voting Board Members. Chair Santiago also stated that the Board has two non-voting members, Mr. Ivan Rodriguez, appointee of the Miami-Dade County School Board, and Mr. Larry Ventura from the Homestead Air Reserve Base. She added that all of the Board Members are residents of Miami-Dade County and serve on the Board without compensation.

Chair Santiago explained that the Board's responsibility is to make recommendations to the BCC on planning-related issues, and that the PAB, acting as the Local Planning Agency, will conduct the public hearing with assistance from the Department of Planning & Zoning (DP&Z) staff. The Chair continued to explain that the purpose of the hearing is for the Board to receive public comments on the proposed October 2007 Cycle CDMP amendments, initial recommendations from the DP&Z, recommendations from the affected community councils, and to formulate recommendations to the BCC regarding these applications. The Chair provided an overview of the procedures for the public hearing, which was followed by an introduction of Mr. Subrata Basu, Interim Director of the Department of Planning and Zoning, who summarized the October 2007 Cycle CDMP amendment applications before the Board.

II. Presentations

Application No. 2

Before introducing Application No. 2, Mr. Basu stated that the applicant withdrew Application No. 1 by letter dated March 17, 2008. He then proceeded to present Application No. 2, as a small-scale amendment on a site of 2.98 gross acres located in an area between NE 205 and 206 Streets on the east side of NE 26 Avenue. The applicant is requesting to re-designate the parcel from "Low-Medium Density Residential Communities (6 to 13 DU/Ac)" to "Office/Residential." Mr. Basu conveyed to the Board Members the recommendation on this application by the Northeast Community Council, which is to adopt, and stated that Staff's initial recommendation is to deny this application. He concluded his remarks by stating that the proposed office development is not compatible with the residential character of the established neighborhood surrounding the application site. He added that the proposed development would eliminate 14 dwelling units on the application site, and that there is adequate office land use designation in the area to serve the local community.

Juan Mayol, the applicant's legal representative, provided a brief presentation of the proposed application calling the Board Members' attention to the pattern of development in the vicinity of the application site, noting the existing office developments surrounding the subject property. He also referred to the Ojus Neighborhood Charrette Report, dated May 2001, which, among other things, concluded that the area in the vicinity of the application site is in need of redevelopment. Mr. Mayol stated that the applicant intends to build offices on the subject property and concluded his remarks by stating that, although not located within the Ojus Neighborhood charrette area, the proposed development is consistent with the recommendation of the charrette to build mixed-use developments in the area.

No residents spoke in support or opposition of the proposed development project. The Board Members proceeded to discuss the proposed amendment. Board Member Rinehart asked Mr. Mayol if any residents living in the adjacent block to the south of the application site were present at the community council public hearing for this application, to which Mr. Mayol responded that one resident was present and stated that she expressed her support for the proposed amendment during a conversation after the community council public hearing. Mr. Mayol then added that the applicant is willing to proffer a covenant restricting residential development in spite of its difficulty, given that the applicant controls or owns only a portion of the subject block. He concluded his remarks by stating that most of the residents on the subject application site are renters.

Board Member Rinehart offered a motion to recommend adoption of this application. Board Member Clyne seconded the motion. The motion passed 10 to 1 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Absent
Horacio C. Huembes	Absent	Wayne Rinehart	Yes
Rolando Iglesias	Yes	Georgina Santiago, Chair	Yes
Eddy Joachin	Yes	Christi Sherouse	No
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 3

Mr. Basu presented Application No. 3 as a small-scale amendment on a site of 5.50 gross acres located in an area between NW 51 and NW 53 Streets and between NW 23 and NW 24 Avenues. The applicant is requesting to re-designate the parcel from “Medium Density Residential Communities (13 to 25 DU/Ac)” to “Medium-High Density Residential Communities (25 to 60 DU/Ac).” Mr. Basu stated that originally, Staff’s initial recommendation was to deny this application, however, the applicant submitted a covenant limiting the height of the proposed development and limiting the number of dwelling units, in recognition of development patterns in the surrounding area of the application site. As a result, Staff’s initial recommendation to this application has changed to adopt with acceptance of the proffered covenant.

Jeff Bercow, the applicant’s legal representative, provided a brief overview of the merits of the proposed application and called the Board Members’ attention to his client’s commitment to provide programs that promote social and economic growth to the local community and also to provide affordable housing to the elderly and low-income individuals. Mr. Bercow indicated the various “positive factors that support the approval of the proposed application” by stating that the subject property is located in a Neighborhood Revitalization Strategy Area (NRSA) and in a Targeted Urban Area (TUA), thus located in areas slated economic revitalization. He concluded his remarks by stating that the subject property is also located in the Brownville/Model City Charrette Area, inside the Urban Infill Area, and inside an urban center, therefore, the application site is appropriate for more intense type of developments such as what is being proposed.

Matthew Amster, co-counsel and legal representative to the applicant, clarified issues regarding infrastructure for roadways, solid waste, and parks. He stated that a concerted effort was made to meet with local neighbors, the Brownville Neighborhood Civic Association, and the Arlington Heights Allinda Association to discuss the proposed development, and commended Mr.

Kenneth Kilpatrick for his leadership as Chair of the Brownsville Charrette Steering Committee and for his assistance in the discussions on the proposed development. Mr. Amster concluded his remarks by stating that the proposed amendment is consistent with the CDMP's Goals, Objectives and Policies, adding that the proposed development is consistent the CDMP's goals on providing housing diversity, and promoting urban infill, intense development and higher densities in areas located within urban centers.

No residents spoke in support or opposition of the proposed development. The Board Members proceeded to discuss the proposed amendment, providing favorable comments for the proposed project. Board Member Rinehart inquired as to the construction schedule, to which Mr. Bercow responded that the project would take about 18 to 24 months and added that government funding for the proposed project is pending. Mr. Basu called the Board Members' attention to various items on the proposed application and the proffered covenant and noted that the road closure on the subject property is a separate application from the CDMP land use amendment application. He added that there are no provisions for affordable, workforce, or elderly housing, and that the covenant should contain a provision for buffering the west side of the application site to protect the single-family dwelling on the west side of NW 24 Avenue. Mr. Bercow acknowledge Mr. Basu's concerns and added that the applicant is willing to provide either workforce or affordable housing.

Board Member Leal offered a motion to recommend adoption of this application with acceptance of proffered covenant. Board Member Maloof seconded the motion. The motion passed 12 to 0 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Absent
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Yes	Georgina Santiago, Chair	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 4

Mr. Basu presented Application No. 4 as a standard amendment on a site of 2.50 gross acres located at the northeast corner of SW 117 Avenue and SW 95 Street. The applicant is requesting to re-designate the parcel from "Estate Density Residential Communities (1 to 2.5 DU/Ac)" to "Office/Residential." Mr. Basu stated that Staff's initial recommendation is to deny this application because the proposed development is not compatible with the character of the established neighborhood surrounding the application site and the proposed CDMP land use designation is not compatible with the future CDMP land use designation surrounding the application site. He added that no adequate transit service in the vicinity of the application site is available to support the proposed development and concluded his remarks by stating that the Kendall Community Council recommended denial of this application.

Stanley Price, legal representative for the applicant, provided a brief historical background on prior land use change requests on the subject application site. He immediately called the Board Members' attention to the existing office developments in the neighborhood. He also addressed the status of SW 95 Street, arguing that its function is not that of a local street but that of a half-section line road, which according to Mr. Price, would support his proposal for office

development on the application site. He added that local neighbors support the proposed development, and concluded his remarks by stating that the Kendall Community Council concluded that residential development is not appropriate for the subject property and therefore, the proposed office development is sound planning that is consistent with the goals and objectives of the CDMP.

Eight members of the public spoke against the proposed development siting compatibility problems, traffic noise, and congestion along SW 117 Avenue in the vicinity of the application site. In addition, residents spoke in support of maintaining the residential and agricultural character of their neighborhood. One of the speakers, Mr. Michael Howe, member of the Executive Board of the Kendall Federation of Homeowners Association, conveyed his neighborhood association's resolution to oppose the proposed development. Rosa Bunch, a local resident, spoke against the proposed amendment and explained the reasoning behind the closure of SW 96 Street and why SW 95 Street is not a half-section line road but a local street, stating that the street closure was a result of an agreement between property owners and Miami-Dade Community College. She added that SW 95 Street has no sewer facilities and that it floods periodically, and that there is no adequate transit facility to support the proposed development. In response to Board Member Huembe's statement regarding similar existing office developments on SW 107 Avenue and SW 93 Street, Ms. Bunch stated that those properties "were grandfathered in," that these office developments "have been there for a long time." Mr. Marcus Senturian spoke in favor of the proposed office development noting the existing office developments near the application site and quoted traffic study requested by Miami-Dade County Board of County Commissioner Katy Sorenson that called for traffic calming devices and expansion for SW 95 Street, alluding that these recommendations would support the proposed office development.

In his rebuttal, Mr. Price called Armando Hernandez from the Public Works Department, and questioned him regarding the traffic conditions along SW 95 Street. Mr. Price concluded his final remarks by stating that the proposed office development is appropriate for the area because of the high volume of traffic generated from SW 95 Street and because there are commercial development such as plant nurseries along SW 95 Street close to the application site.

Board Members discussed the proposed amendment mostly expressing disapproval at the proposed amendment, siting incompatibility with the surrounding residential neighborhood. Board Member Grey stated that an office development on the application site would be an intrusion on an established residential neighborhood, and Board member Sosna reminded the Board Members that the County Commissioners had previously turned down an application to change the zoning on the application site from AU to EU-M, and added that an office development on the application site would be out of character with the surrounding residential neighborhood. Board member Sosna concluded his remarks by stating that there is no trend of office development in the vicinity of the application site and that the existing plant nurseries along SW 95 Street are being replaced with residential mansions.

Board Member Grey offered a motion to recommend denial of this application. Board Member Sosna seconded the motion. The motion passed 10 to 2 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Absent
Horacio C. Huembes	Yes	Wayne Rinehart	No

Rolando Iglesias	Yes	Georgina Santiago, Chair	No
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 5

Mr. Schwarzreich presented an overview of Application No. 5. He stated that the purpose of this Staff application is for DP&Z to revise and update its population estimates and projections on the Land Use Element of the CDMP. Mr. Schwarzreich explained the methodology used and provided the results of the population estimates and projections update.

Board Member Maloof offered a motion to recommend adoption and transmittal of this application. Board Member Rinehart seconded the motion. The motion passed 12 to 0 as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Absent
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Yes	Georgina Santiago, Chair	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Overall Resolution

Board Member Rinehart offered a motion to adopt the "straw votes" taken on Application Nos. 2, 3, 4, and 5. Board Member Huembes seconded the motion. All Board members present voted unanimously in favor of this motion as follows:

Reginald J. Clyne	Yes	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Absent
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Yes	Georgina Santiago, Chair	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

New business discussed revolved around new meeting hours for upcoming PAB public hearings. Chair Santiago stated that new meeting hours is required due to high costs and security concerns. Discussions among the Board Members ensued regarding this issue and alternative solutions were offered. After these discussions, Board Member Rinehart requested that Staff provide the results of the votes taken by the Board of County Commissioners at their final hearing held April 24, 2008 regarding the April 2007 Cycle applications to amend the CDMP.

The meeting adjourned at 7:30 P.M.

Holland Knight

Tel 305 374 8500
Fax 305 789 7799

Mark W.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131-2847
www.hklaw.com

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MAR 17 2008

Asst. Director Planning

2008 MAR 19 A 8:17

PLANNING & ZONING
METROPOLITAN PLANNING SECT

Tracy R. Slavens, Esq.
305 789 7642
tracy.slavens@hklaw.com

March 17, 2008

VIA HAND DELIVERY

Mr. Subrata Basu
Director, Miami-Dade County Department of Planning and Zoning
111 N.W. First Street, 11th Floor
Miami, FL 33128

**Re: 209th Street Associates, LLC
CDMP October 2007 Cycle Application No. 1**

Dear Mr. Basu:

We hereby withdraw the above-referenced application to amend the Miami-Dade County Comprehensive Development Master Plan and respectfully request that no further action be taken by the Department in connection with this application. We also hereby request a refund of the fees paid to date for the processing of this application.

Thank you for your considerate attention to this matter. As always, please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

Tracy Slavens
Tracy R. Slavens, Esq.

cc: Mr. Mark Woerner
Mr. Frank McCune
Mr. Bernardo Kopel
Juan J. Mayol, Jr., Esq.

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Fifth draft



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236
E-Mail: MAmster@BRZoningLaw.com

2008 MAY 12 A 11: 10
PLANNING & ZONING
METROPOLITAN PLANNING SECT

VIA HAND DELIVERY

May 12, 2008

Ms. Lynne Akulin
Miami-Dade Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, FL 33128

RE: Application No. 3, October 2007 Cycle to Amend the CDMP, Urban League of Greater Miami, Inc. - Revised Declaration of Restrictions

Dear Lynne:

Pursuant to the recommendation of the Planning Advisory Board, please see the attached five (5) copies of the revised Declaration of Restrictions for the above-referenced application. We will submit a fully executed covenant to Nancy Rubin prior to the Board of County Commissioners' hearing on May 29, 2008. If you have any questions or comments, please contact me at (305) 377-6236.

Sincerely,

Matthew Amster

Attachments

cc: Nancy Rubin, Esq.
Mr. Oliver Gross
Jeffrey Bercow, Esq.

This instrument was prepared by:

Name: Matthew Amster, 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, Urban League of Greater Miami, Inc. ("Owner") holds the fee simple title to a 4.53 net acre parcel of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of a small-scale Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 of the October 2007 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Medium" to "Medium-High"; and

WHEREAS, the Property is located in the Urban Infill Area and the Transportation Concurrency Exception Area.

NOW THEREFORE, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of Amendment Application No. 3 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:

Maximum Residential Units. The maximum number of residential units that may be developed on the Property shall be 280. However, this restriction shall not apply if a Community Urban Center or other area rezoning is adopted by Miami-Dade County and such rezoning permits the development of more residential units on the Property.

(Space reserved for Clerk)

Affordable and Workforce Housing. Owner agrees that all residential units constructed on the Property shall be designated for affordable and/or workforce housing and shall meet the criteria of affordable and/or workforce housing in Miami-Dade County.

Affordable housing shall be deemed to be the sale or rental of property where monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in the following subsections of Section 17-131 of the Code of Miami-Dade County: (4) Extremely-low-income person or household; (5) Low-income person or household; (6) Moderate-income person or household; or (9) Very-low-income person or household of. However, a household may devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

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.

Notwithstanding anything to the contrary in this Declaration of Restrictions, the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of affordable and/or workforce housing on the Property.

Height. The maximum height of buildings located in the north 1/3 of Parcel A shall not exceed seven (7) stories. The maximum height of buildings located in the west 1/2 of the south 2/3 of Parcel A shall not exceed five (5) stories. The maximum height of buildings located in the east 1/2 of south 2/3 of Parcel A shall not exceed four (4) stories. The maximum height of buildings in Parcels B and C shall not exceed three (3) stories.

Density. Pursuant to the maximum residential units section above, the maximum number of dwelling units in Parcel A shall be 240, of which no more than 140 may be located in the north 1/3 of Parcel A, and the maximum number of dwelling units in Parcels B and C combined shall be 40. In the event of the adoption by Miami-Dade County of a Community

(Space reserved for Clerk)

Urban Center or other area rezoning and such rezoning permits the development of more residential units than detailed above on the Property, a similar concentration and transition from higher to lower density shall be employed on each Parcel of the Property.

Design Guidelines. The Owner agrees to follow the design guidelines described in Exhibit "B" attached.

School Concurrency. Owner agrees not to file a zoning application or Administrative Site Plan Approval application proposing a residential use on the Property until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a

(Space reserved for Clerk)

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

(Space reserved for Clerk)

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 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

(Space reserved for Clerk)

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]

EXHIBIT A
LEGAL DESCRIPTION

PARCEL A

THE SOUTH 210 FEET OF THE NORTH 515 FEET OF THE WEST HALF (W. 1/2) OF THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 53 SOUTH, RANGE 41 EAST; LESS THE WEST 25 FEET THEREOF. LYING AND BEING IN DADE COUNTY, FLORIDA;

AND

THE WEST HALF (W. 1/2) OF THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LESS THE NORTH 565 FEET AND THE WEST 25 FEET THEREOF. LYING AND BEING IN DADE COUNTY, FLORIDA;

AND (area of NW 52 Street; not owned by Owner)

A PORTION OF THE WEST HALF (W. 1/2) OF THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF LAND LOCATED IN SECTION 22, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LYING AND BEING IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 22-53-41; THENCE RUN N89°47'38"W ALONG THE SOUTH LINE OF NW 1/4, NE 1/4, NW 1/4, OF SAID SECTION 22-53-41 (SAYING THAT LINE IS THE SAME CENTERLINE OF N.W. 52nd STREET) FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF A 50.00 FOOT WIDE STREET CLOSED, LYING 25.00 ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SHORTENING OR EXTENDING THE SIDE LINE THEREOF, SO AS TO CREATE A CONTINUOUS STRIP OF LAND) (SAYING THAT POINT OF BEGINNING FALLS ON THE EASTERLY RIGHT-OF-WAY LINE OF N.W. 24th AVENUE); THENCE RUN N89°47'38"W ALONG THE SOUTH LINE OF NW 1/4, NE 1/4, NW 1/4, OF SAID SECTION 22-53-41 (SAYING THAT LINE IS THE SAME CENTERLINE OF N.W. 52nd STREET) FOR A DISTANCE OF 308.07 FEET TO THE POINT OF TERMINATION (SAYING THAT POINT OF TERMINATION FALLS ON THE EASTERLY LINE OF W 1/2, NW 1/4, NE 1/4, NW 1/4 OF SAID SECTION 22-53-41

PARCEL B

LOT 2 LESS THE NORTH 25 FEET THEREOF, "CAMERON'S LITTLE FARMS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, AT PAGE 54, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. (SAID LAND LIES WHOLLY WITHIN THE SW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 53 SOUTH, RANGE 41 EAST)

PARCEL C

LOTS 3 AND 4, LESS THE WEST 44 FEET OF LOT 4 AND LESS THE FOLLOWING DESCRIBED TRACT OF LAND LYING WITHIN SAID LOT 4:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE RUN EAST ALONG THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EAST ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 60 FEET TO A POINT; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF SAID LOT 4 A DISTANCE OF 150 FEET TO A POINT; THENCE RUN WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 60 FEET TO A POINT; THENCE RUN SOUTH PARALLEL TO THE EAST LINE OF SAID LOT 4, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING, ALL OF THE ABOVE DESCRIBED PROPERTY BEING IN "CAMERON'S LITTLE FARMS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, AT PAGE 54, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA;

LESS;

THE EAST 52 FEET OF THE NORTH 10 FEET OF LOT 3, "CAMERON'S LITTLE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 35, PAGE 54, OF THE PUBLIC RECORDS DADE COUNTY, FLORIDA.

Exhibit B

Design Guidelines

1. The proposed buildings shall be designed using compatible and complementary architectural styles and designs.
2. Uniform street furniture and lighting standards shall be provided throughout the Property.
3. The development plan shall incorporate elements of the Miami-Dade County Urban Design Guidelines.
4. The architectural elements of the buildings at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian.
5. Design features shall be included at appropriate locations of the buildings, in order to maintain architectural and design continuity.
6. Large expanses of opaque or blank building wall shall be minimized and shall have landscaped areas providing a visual barrier, to the maximum extent feasible.
7. The buildings and their landscapes within the proposed development shall address the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable, interesting, as well as safe for pedestrians.
8. Ground floor units in the multifamily buildings shall be accessible from the street.
9. The only vehicular access to buildings located in Parcel A shall be to and from NW 53 Street.
10. All garages for single family lots shall be located in the rear of the lots.
11. Parking for the multifamily buildings shall be substantially hidden from view of the streets.

**Summary of Recommendations Matrix by L&Z, Community Councils, PAB and BCC
On the Proposed October 2007 Applications to Amend the CDMP
April 28, 2008**

Application Number/ Type of Application	Applicant, Location, Requested Designation and Size	BCC District/ Commissioner	DPZ Initial Recommendation February 25, 2008	Community Council Recommendation, with Resolution No. & date	Local Planning Agency Recommendation April 28, 2008	Board of County Commissioners Recommendation May 29, 2008
1 Small-Scale LUP Map	209th Street Associates, LLC/Juan J. Mayol, Esq. and Tracy Slavens, Esq. Northwest corner of NE 209 Street and NE 26 Court; 1.12 gross acres From: Low-Medium Density Residential (6-13 DU/Ac) To: Office/Residential	4/ Heyman	Adopt	Northeast Community Council (CC2) WITHDRAWN (By Applicant's letter dated March 17, 2008)	Withdrawn	
2 Small-Scale LUP Map	Aventura Commons, II, LLC/Juan J. Mayol, Esq. and Tracy Slavens, Esq. An area between NE 205 and NE 206 Streets on the east side of NE 26 Avenue; 2.98 gross acres From: Low-Medium Density Residential (6-13 DU/Ac) To: Office/Residential	4/ Heyman	Deny	Northeast Community Council (CC2) Adopt (March 19, 2008)	Adopt	
3 Small-Scale LUP Map	Urban League of Greater Miami/Jeffrey Berrow Esq. & Matthew Amster, Esq. An area between NW 51 and NW 53 Streets and between NW 23 Court and NW 24 Avenue; 5.5 gross acres From: Medium Density Residential (13-25 DU/Ac) To: Medium-High Density Residential (25-60 DU/Ac)	3/ Edmonson	Deny	North Central Community Council (CC8) Adopt with Acceptance of Proffered Covenant (March 26, 2008)	Adopt With Acceptance Of Proffered Covenant	
4 Small-Scale LUP Map	Alfredo Garcia Menocal/Stanley B. Price, Esq. Northeast corner of SW 117 Avenue and SW 95 Street; 2.5 gross acres From: Estate Density (1-2.5 DU/Ac) To: Office/Residential	8/ Sorenson	Deny	Kendall Community Council (12) Deny (March 19, 2008)	Deny	
5 Standard Text	Updates to Population Estimates and Projections	Countywide	Adopt and Transmit	NA	Adopt	

4/24/2008 CDMP Exhibit

MINUTES

Miami-Dade County Planning Advisory Board
Acting as the Local Planning Agency

Public Hearing On April 2007 Cycle Applications to Amend
The Comprehensive Development Master Plan

Miami-Dade County Commission Chamber
111 NW 1 Street, Miami, Florida 33128

March 31, 2008

PAB Members Present

Pamela Gray	William Riley
Horacio C. Huembes, Vice Chair	Ivan Rodriguez, Miami-Dade Public Schools Board Appointee
Daniel Kaplan	Georgina Santiago, Chair
Serafin Leal	Christi Sherouse
Felipe Llanos	Jay Sosna
Al Maloof	Larry Ventura, Homestead Air Reserve Base Appointee
Wayne Rinehart	

Department of Planning and Zoning Staff Present

Mark R. Woerner, Acting Assistant Director for Planning
Manuel Armada, Chief, Planning Research Section
Patrick Moore, Section Supervisor, CDMP Administration
Paula Church, Section Supervisor, Long Range Planning

Rosa Davis, Principal Planner	Lynne Akulin Kaufman, Administrative Officer II
Abigail Diaz, Planning Technician	Frank McCune, Senior Planner
Mark Dorsey, Principal Planner	Garett Rowe, Senior Planner
Dickson Ezeala, Principal Planner	Bob Schwarzreich, Supervisor, Planning Research Section
Claudia Flores, Planning Technician	Napoleon Somoza, Principal Planner
Steve Foren, Principal Planner	Rommel Vargas, Senior Planner
Aiman Hamdallah, Junior Planner	

Other County Staff Present

Eduardo I. Sanchez, Assistant County Attorney
Leigh MacDonald, Assistant County Attorney
Enrique Cuellar, Department of Environmental Resources Management
Barbara Falsey, Miami-Dade County Park and Recreation
Armando Hernandez, Public Works Department
Renee Bergeron, Miami-Dade Aviation Department
Jose Ramos, Miami-Dade Aviation Department
Ammad Riaz, Miami-Dade Aviation Department
Bertha Goldenberg, Water and Sewer Department
Maria Batista, Miami-Dade Transit Agency
Carlos Heredia, Miami-Dade Fire & Rescue Department

I. Opening Remarks

Ms. Georgina Santiago, Chair of the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), convened the public hearing at 2:00 P.M. Ms. Santiago welcomed the audience to the PAB's final public hearing on the pending April 2007 Cycle Applications to Amend the CDMP. The Chair introduced all PAB members and stated that the Planning Advisory Board was established by Miami-Dade County Charter and that the Miami-Dade County Board of County Commissioners (BCC) appointed each of the 15 voting Board Members. She introduced two new PAB members, Mr. Felipe Llanos, and Mr. Larry Ventura from the Homestead Air Reserve Base, and stated that all of the Board Members are residents of Miami-Dade County and serve on the Board without compensation.

Chair Santiago explained the Board's responsibility is to make recommendations to the BCC on planning-related issues, and that the PAB, acting as the Local Planning Agency, will conduct the public hearing with assistance from the Department of Planning & Zoning (DP&Z) staff. The Chair continued to explain that the purpose of the hearing is for the Board to receive public comments on the pending April 2007 Cycle CDMP amendments, revised recommendations from the DP&Z, recommendations from the affected community councils, and to formulate final recommendations to the BCC regarding these applications. The Chair provided an overview of the procedures for the public hearing, which was followed by an introduction of Mr. Mark Woerner, Acting Assistant Director for Planning for the Department of Planning and Zoning, who summarized the April 2007 Cycle CDMP amendment applications before the Board and presented a brief overview of CDMP amendment applications that will not be considered at this public hearing, either because they were adopted during the BCC transmittal hearing held on November 27, 2008 or because of their withdrawal by the applicants.

II. Staff Presentations

Application No. 1

Mr. Woerner presented Application No. 1, as a small-scale amendment on a site of 1.57 gross acres located on NW 27th Avenue between NW 87th Terrace and NW 89th Street. The applicant is requesting to re-designate the parcel from "Business and Office" and "Low-Medium Density Residential Communities (6 to 13 DU/Ac)" to "Business and Office." Mr. Woerner conveyed to the Board Members the recommendations on this application by the North Central Community Council, the BCC, and previous actions by the PAB, and stated Staff's revised recommendation, which is to deny this application. He proceeded to highlight the objection from the Department of Community Affairs (DCA) as provided on the Objections, Recommendations and Comments (ORC) report, stating that this application cannot be adopted until the necessary amendments to the Education Element of the CDMP and the revised interlocal agreement between the County and the School Board are adopted. Mr. Woerner concluded his remarks by re-stating Staff's reasons for its revised recommendation stating that the Department's reasons for its initial recommendation to deny this application still apply.

Gloria Velazquez, the applicant's legal representative, provided a brief overview of what transpired after the BCC transmittal hearing in regards to this application, including details of the covenant submitted by the applicant, and reasons as to why this application should be approved. She briefly addressed the school concurrency issue by stating that the applicant has not restricted the proposed development to commercial use until an effective date to the ordinance regarding school concurrency is determined. According to Ms. Velazquez, once this

date is known, a decision to proffer a covenant prohibiting residential use on the property will be made. Robert Holland, co-counsel and legal representative for the applicant, added that the proposed development is consistent with the North Central Charrette conducted in May of 2002. He explained that this workshop addressed, among other issues, the need to enhance the NW 27th Avenue commercial corridor. He also explained that the neighbors' concerns regarding noise pollution, truck traffic, buffering, and landscaping will be addressed when the proposed development is presented again to the community during the zoning hearing.

Two local residents spoke against the proposed development complaining about vicious dogs on the application site, and about noise pollution and dirt resulting from large trucks traveling to and from the site that also prevents residents from sleeping. Another local resident, Leo Bane, also spoke negatively about the dogs on the application site, and about the noise, pollution, and vibration resulting from large trucks and cranes operating on the site. He concluded his remarks stating that these trucks pose a serious health threat to children who play in the area.

Board Member Sherouse offered a motion to recommend denial of this application. Board Member Kaplan seconded the motion. The motion passed 10 to 1 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	No
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 3

Mr. Woerner presented Application No. 3 as a standard amendment on a site of 63.95 gross acres located on the northwest corner of NW 107th Avenue and NW 12th Street. The applicant is requesting to re-designate the parcel from "Industrial and Office" and "Business and Office" entirely to "Business and Office" and to designate the property as a Chapter 380 Regional Activity Center (RAC). Mr. Woerner provided an overview of previous recommendations on this application by the Westchester Community Council, the BCC, including previous actions on this application by the PAB further stating that Staff's revised recommendation is still to deny this application. He proceeded to explain DCA's objections to this application, which included the school concurrency issue, the applicant's failure to satisfy all the criteria for designation of a Chapter 380 Regional Activity Center, and that the proposed "Business and Office" CDMP land use designation including the RAC designation will negatively impact the local transportation system. Mr. Woerner concluded his remarks by highlighting various provisions of the applicant's revised traffic study including the applicant's most recent proffered covenant, which addresses transit and roadway improvements, impact to fire and rescue services, and the school concurrency issue.

Michael Larkin, the applicant's legal representative, provided a brief overview and the merits of the proposed development. He addressed DCA objections regarding school concurrency and the proposed development's impact to the County's fire and rescue services, public transit facilities, and roadways improvements by detailing all the provisions contained in the applicant's revised proffered covenant that mitigates and/or offsets these impacts.

Two speakers spoke against the proposed development. The Planning and Zoning Director for the City of Doral who stated that their City Council supports Miami-Dade County DP&Z's recommendation to deny this application due to the proposed development's impact to traffic, public facilities, and because of the school concurrency issue. John Edgar, Dolphin Mall representative, argued in opposition to the application stating that, because of its magnitude, the proposed development should be made to follow Development of Regional Impact (DRI) criteria as other surrounding developments of same or smaller size, such as Dolphin Mall, International Mall, all of which have gone through the DRI review process. He concluded his remarks by disagreeing with data and analysis submitted by the applicant that showed that the proposed development satisfied the criteria for designation as a RAC.

Board Members discussed the proposed development commending the applicant for contributing land to the County and asking if a covenant was needed to assure the provision of residential units with the RAC to which Mr. Larkin assured the Board that State administrative rules require this provision. Board Member Maloof asked Maria Batista from the Transit Agency about the amount of parking spaces needed from the proposed development to which she responded that about 260 parking spaces are required. Mr. Larkin reiterated that the applicant, who is proposing a 170-spaces parking garage, is at the edge of his generosity and that the proffered covenant is worded in such a way that the County may build additional stories to the parking garage in order to reach the Transit Agency's required number of parking spaces. However, the Board members were not satisfied with this condition and continued to require the developer to some flexibility regarding the provision of additional parking spaces. Board Members and Mr. Larkin agreed to modify the covenant to say that the applicant will build a parking facility contingent upon the Transit Agency and the applicant reaching an agreement as to the number of parking spaces the proposed development will provide and the Transit Agency collecting the parking fees.

Board Member Maloof offered a motion to recommend adoption of this application with acceptance of the proffered covenant as amended. Board Member Kaplan seconded the motion. The motion passed 9 to 2 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 5

Mr. Woerner presented Application No. 5 as a standard amendment on a site of 51.7 gross acres located on the northwest corner of theoretical SW 138th Avenue and SW 8th Street. The applicant is requesting to re-designate Parcel A of the property from "Open Land" to "Business and Office", and Parcel B from "Open Land" to "Institutions, Utilities, and Communications", and to extend the Urban Development Boundary (UDB) to include both parcels. Mr. Woerner provided an overview of previous recommendations on this application by the Country Club of Miami Community Council, the BCC, including previous actions on this application by the PAB.

He also stated Staff revised recommendation is still to deny this application because the applicant has not satisfied CDMP requirements justifying the expansion of the UDB. Mr. Woerner provided an overview of the provisions of the applicant's proffered covenant, which included no residential units on both parcels, a school site on parcel B, the construction of a two-lane road and four-lane bridge on the application site. Mr. Woerner also indicated DCA's objection to this application siting the lack of water supply to service the proposed development and its impact on local transportation facilities.

Juan Mayol, legal representative for the applicant, stated that the proposed development has had the support of the Country Club Community Council as well as from the PAB and the BCC, including support from 21 homeowner associations, representing about 4,000 residents. He also provided an overview of the merits of the proposed development siting the need for a home improvements store in the vicinity of the application site, and also highlighted the need for the school siting on Parcel B. He focused on data and analysis provided by the applicant that demonstrated the need for the proposed development on the subject site and data and analysis that showed there is a deficit of 3,709 student stations for the area, and showed that other school facilities such as Braddock Senior High cannot accommodate additional students. Mr. Mayol stated that Academica, a company that manages charter schools, would undertake the construction and management of the proposed educational facility on the application site. He also stated that the proposed development would provide \$3.5 million in annual tax revenues to the County and jobs to the local community, he stated that environmental and public school impacts have been mitigated, and is confident that transportation issues will be resolved.

Dawn Sherif, from Clean Water Action, spoke against the proposed development highlighting Staff and DCA objections to this application, and the lack of sound planning if this application were approved. About two or three dozen homeowner association members in attendance supported the proposed development siting the need for additional school facilities and a home improvements store in the area, the need for additional tax revenue to the County, including the additional employment that would be generated.

Board Members discussed the proposed development, mostly siting its merits and the appropriateness of moving the UDB for the proposed development. Vice-Chair Huembes noted the development would have a positive impact to local traffic and the County's public school system. Most of the PAB discussion revolved around the proposed charter school, asking the applicant to provide detail information from the proposed school facility regarding the nature of a charter school, the timing of its development, and the entity that would be operating the school facility. Board Member Gray stated the proposed school facility is not a guarantee and added that the applicant has not met the market demand threshold for a home improvements store in the area. Mr. Ivan Rodriguez, School Board representative, stated that the School Board is unable to take a position on the proposed amendment, clarified an "inaccurate representation" by the applicant regarding the need for a school facility in the area, and provided statistics on the number of student stations and public school funding to correct the applicant's inaccuracy.

Board Member Huembes offered a motion to recommend adoption of this application with acceptance of the proffered covenant. Board Member Maloof seconded the motion. The motion passed 8 to 3 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		

Application No. 6

Mr. Woerner presented Application No. 6, as a standard amendment on a site of 1.59 gross acres located 300 feet west of SW 84 Avenue and south of SW 38 Street. The applicant is requesting to re-designate the property from "Low-Density Residential Communities (2.6 to 6 DU/gross acres)" to "Medium-High Density Residential Communities (13 to 25 DU/gross acres)." Mr. Woerner provided an overview of previous recommendations on this application by the Country Club of Miami Community Council, the BCC, including previous actions on this application by the PAB. Mr. Woerner summarized staff's reasons for its revised recommendation to deny this application, primarily citing that the proposed multi-family development will not be compatible with the surrounding one-story single-family detached units and would eliminate 34 residential units from the neighborhood, which currently provide affordable housing to low-income residents, some of which are elderly residents that have lived in the area for approximately 20 years. Mr. Woerner stated that the applicant is committed, although not by covenant, to assisting tenants in relocating, by providing them with affordable housing units as they become available, in a 50-60-units development owned by the applicant located approximately one mile away from the proposed development.

Ben Fernandez, legal representative for the applicant, provided an overview of the merits of the proposed development, noting that the applicant would develop the site with a more modern type of housing structure, consistent with surrounding housing development. He directed the Board's attention to the fact that the proposed amendment is one of the few found consistent with the Regional Strategic Plan by the Florida Regional Planning Council, and addressed DCA's only objection to this application by highlighting a provision in the applicant's proffered covenant that no building permit will be obtained until the school concurrency issue is resolved. Mr. Fernandez also addressed the tenants relocation assistance issue, by stating that there will be a provision in the covenant before the upcoming and final BCC hearing on April 24, 2008, that the applicant will offer displaced residents an option to obtain housing units, within Miami-Dade County, at prices comparable to what the tenants are currently paying.

No residents from the public were present in support or against the proposed amendment. Board Members discussed the application expressing concerns for displaced tenants, and asking Mr. Fernandez details about provisions to mitigate displacement. Board member Riley expressed concerns regarding the relocating of tenants too far from their jobs noting that there may be tenants that do not have access to vehicles, to which Mr. Fernandez responded that the applicant is already providing more than is required in his efforts to assist these residents.

Board Member Rinehart offered a motion to recommend adoption of this application with acceptance of the proffered covenant. Board Member Leal seconded the motion. The motion passed 6 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Absent
Pamela Gray	No	William E. Riley	No
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		

Application No. 8

Mr. Woerner presented Application No. 8, as a standard amendment on a site of 42.0 gross acres located on the southside of SW 88 Street and west of SW 167 Avenue. The applicant is requesting to re-designate the property from "Agriculture" to "Business and Office" and to extent the Urban Development Boundary to include the subject property. Mr. Woerner provided an overview of previous recommendations on this application by the West Kendall Community Council, the BCC, including previous actions on this application by the PAB, and stating that Staff's revised recommendation is still to deny this application citing all of Staff's reasons in its initial recommendation to deny the proposed amendment. Mr. Woerner directed the Board's attention to new information received from the applicant and from state and regional agencies that objected to the proposed amendment and highlighted revisions to the development conditions and restrictions contained in the two covenants proffered by the applicant.

Chad Williard, legal representative for the applicant, opened his remarks by addressing DCA's concerns regarding impacts on local roadway and the public school system from the proposed development. Mr. Williard directed the Board's attention to his various disagreements with DP&Z Staff by first addressing comments provided by the Fire and Rescue Department, highlighting that although the proposed development will impact fire and rescue services, the applicant committed to constructing SW 172 Avenue, which will positively impact fire and rescue services in the area. He proceeded to argue that although the subject property is designated for agricultural use, the property is small in size, is a nuisance to residential areas due to pesticides and heavy equipment operating on the site, and is included in the urban expansion area, which is slated for urbanization. Furthermore, Mr. Williard contended that, based on DP&Z supply and demand data and CDMP criteria for moving the UDB, the property should be included within the Urban Development Boundary line. He concluded his remarks by stating that the proposed amendment is the only one out of the three "UDB applications" found consistent with the Regional Strategic Plan, was previously recommended for adoption by the West Kendall Community Council and the PAB, and emphasized the need for the construction of SW 172 Avenue.

Dawn Sherif, from Clean Water Action, called for planning that improve quality of life by arguing that the Board "must look at the bigger picture," citing decreased response time from fire and rescue services from the proposed development, noted that the County controls development near the West Wellfield Protection Area and that the proposed development is in an area where water runs and seeps into the Biscayne aquifer, which is in a state of crisis because of the water drought. Local residents were present in support of the proposed development citing the need for the construction of SW 172 Avenue and the need for additional commercial services and employment in the area.

In discussing the proposed development, Board Member Grey expressed concerns regarding conclusions from the applicant's comparative water study and asked the applicant whether the South Florida Water Management District (SFWMD) evaluated the study, to which the applicant's consultant responded that the SFWMD was not interested in evaluating the study. Board Member Sherouse cautioned the Board not to make decisions that would degrade the quality of life in the County and stated that the proposed development would hinder the Biscayne aquifer's ability to replenish. Board Member Sosna added that the construction of SW 172 Avenue would only exacerbate traffic along SW 177 Avenue (Krome Avenue) and called the Board's attention to all of the ongoing commercial development at the nearby Kendall Town Center, thus, doubting the need for the proposed commercial development. Board Member Kaplan, however, argued that the proposed development would address traffic congestion and the lack of retail facilities in the area. Board Members Leal and Rinehart stated that they did not see any reason to change their recommendation from their previous PAB transmittal hearing to adopt the proposed amendment.

Board Member Maloof offered a motion to recommend adoption of this application with acceptance of both proffered covenants. Board Member Riley seconded the motion. The motion passed 7 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	No
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	No	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Yes	Jay Sosna	No
Serafin Leal	Yes		

Application No. 9

Mr. Woerner presented Application No. 9, as a standard amendment on a 94.84 gross acre parcel located between SW 104 and SW 112 Streets and between SW 167 Avenue and theoretical SW 164 Avenue and stated that the applicant requested a land use amendment to two parcels: Parcel A, from "Agriculture" to "Low Density Residential Communities (2.5 to 6 DU/ gross acre)" and to Parcel B, from "Agriculture" to "Business and Office" and to expand the UDB to include the subject property. He stated that Staff's revised recommendation is to deny this application because the proposed amendment still does not meet CDMP requirements to expand the UDB. Mr. Woerner provided an overview of previous recommendations on this application by the West Kendall Community Council, the BCC, including previous actions on this application by the PAB. Mr. Woerner directed the Board's attention to new information received from the applicant by highlighting new provisions in the applicant's proffered covenant regarding affordable housing and the total number of dwelling units to be constructed.

Miguel Diaz de la Portilla, legal representative for the applicant, provided a brief general introduction about what areas are developable countywide. Guillermo Olmedillo, co-representative to the applicant, described and addressed the areas that are vacant and developable throughout the County, including how projected population is distributed countywide. He argued that most of these developable areas are "developable in theory," not in practice because these areas have proven over time to lack desirability, and are not feasible for

development. Therefore, the number of developable areas countywide is much less than what the County presents in its data and analysis. Mr. de la Portilla cited DP&Z data regarding depletion years for single-family homes (2007) and for both single-family and multi-family homes (2009) in the MSA. He argued that the proposed development would be completed in three to five years, hence, the Board should consider this fact in arriving at its decision. He also addressed CDMP policy that authorizes the County to avoid inclusion of agricultural land within the UDB by arguing that the subject property is located well within the Urban Expansion Area, which is slated for urbanization. Mr. de la Portilla concluded his remarks by assuring the Board that it is the intent of the applicant to meet all concurrency requirements given that, without these requirements, the applicant would not be able to obtain building permits also noting that their development proposal is among the first to offer 20% of its total residential development for workforce housing.

Dawn Sherif, from the Clean Water Action, referred to proposed development as “leapfrog development” and noted that given the current state of affairs with residential foreclosures, there will be excess of residential capacity countywide for the next three years, thus, no need for the proposed development. Mr. Olmedillo disagreed with these statements, arguing that the subject site abuts developed properties with existing infrastructure and thus the proposed development is not “leapfrog development.” He also argued that most of existing residential capacity is in Brickell, Omni, and Downtown Miami where builders build at \$200 per square foot and cater to “a different market” and not to “regular” individuals that can afford those homes. No other members of the public were present in support of against the proposed amendment.

In discussing the proposed development, Board Member Sosna questioned Mr. Olmedillo’s statements regarding the location of residential capacity arguing that there is ample vacant housing in Homestead, Cutler Ridge, etc., and sited a major developer, such as Lennar, that is cutting prices from its residential units countywide and also gave away developable land. He added that there will be an excess supply of residential units from upcoming foreclosed properties, the Vizcaya TND, and other residential properties “that are going under.” Ivan Rodriguez, school board representative, stated that in accordance with school board criteria, this application should be denied or deferred until the applicant properly addresses the impact of the proposed residential development on school facilities in the area. Mr. de la Portilla addressed all these issues clarifying his statements regarding residential capacity countywide; he reminded the Board that the applicant intends to meet all concurrency requirements and was confident that the school concurrency issue would be resolved within 90 to 120 days and provided Board Member Sherouse clarification regarding the type and magnitude of commercial facilities in the proposed development. Bertha Goldenberg, from the Water and Sewer Department, clarified to the Board the type of infrastructure improvements impact or connection fees will cover. Concluding remarks from the Board Members revolved around affordable housing being proposed in an area that lacks transportation facilities and dwindling quality of life countywide from continually recommending development to extend to areas currently outside the UDB.

Board Member Sosna offered a motion to recommend denial of this application. Board Member Sherouse seconded the motion. The motion passed 5 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Absent	Al Maloof	Absent
Pamela Gray	Yes	William E. Riley	No
Horacio C. Huembes	No	Wayne Rinehart	No
Rolando Iglesias	Absent	Georgina Santiago, Chair	No
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Application No. 12

Mr. Woerner presented a brief overview of Application No. 12 stating that the Staff application involves text changes including updates to maps and figures in the Land Use Element of the CDMP. No County agency or Board members had any questions to Staff regarding this application.

Application Nos. 13

Mr. Woerner presented a brief summary of this Staff application stating that the application is the annual amendment to the capital improvements element required by state law. He also provided a brief overview of the text changes to the CIE in lieu of the new requirements mandated by state law and highlighting additional changes made to CIE tables 8 and 12 as a result of objections from DCA to the Water Facilities Work Plan regarding water and sewer projects. No County agency or Board members had any questions to Staff regarding this application.

Application No. 15

Mr. Woerner presented this application and provided a brief summary of this two-part Staff application, which affects the Coastal Management Element of the CDMP. This application is the result of a change to state law on a new definition for coastal high hazard areas. Thus, policies on the Coastal Management Element had to be revised to reflect the new definition of coastal high hazard areas. No County agency or Board members had any questions to Staff regarding this application.

Application No. 16

Mr. Woerner provided a brief summary of this four-part application, stating that the intent of the application is for the inclusion of the Water Supply Facilities Workplan into the CDMP, which is required by state law for inclusion in Master Plans 18 months after the adoption of the Regional Water Supply Plan. He stated DCA had objections to this application relating to the names and timing of projects stemming from the consumptive use permit and that the County did not identify and evaluate the water utility serving unincorporated areas.

Application No. 17

Mr. Woerner provided a brief overview of Application No. 17, detailing the text changes to the Housing Element and the Land Use Element of the CDMP to reflect new state legislation mandating the inclusion of workforce housing and the definition of workforce housing. No County agency or Board members had any questions to Staff regarding this application.

Application No. 14

Mr. Woerner presented a brief summary of this application calling the Board Members' attention to Part 1 of the application, stating that the Aviation Department requested a land use change on a 420-acre parcel at the Opa-Locka West Airport, to redesignate the entire parcel from "Terminals" to "Open Land" for the purpose of mining the property. He provided a brief explanation of Part II of this application, which relates to updating maps and figures in the Aviation Subelement, and adding four new master plan maps for the Miami International, Opa-Locka West, Opa-Locka Executive, and Kendall Tamiami Airports.

In discussing this application, Board Member Rinehart expressed concerns regarding the future mining activity in the Opa-Locka West Airport Area due to a residential area located in the vicinity of this airport. He further stated that the County should not be "in the mining business," to which Board Member Maloof explained the County is currently involved, in conjunction with the State, in mining activities. Jose Ramos, Chief of Aviation Planning Division, explained that the sale of the rocks excavated would generate funds to the Aviation Department to be used for capital improvements, and that the actual mining will be performed by a third party. Mr. Ramos concluded his remarks by stating that the details of the venture are pending.

Board Member Rinehart offered a motion to deny Part I and adopt Parts II and III of this Staff application. Board Member Riley seconded the motion. The motion passed 5 to 4 as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	No
Pamela Gray	No	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	No
Daniel Kaplan	Absent	Jay Sosna	No
Leal	Yes		

The Board Members proceeded to vote on the remaining applications. Board Member Rinehart offered a motion for a "straw vote" on Application Nos. 12 through 17, excepting Application No. 14. Board Member Leal seconded the motion. All Board members present voted unanimously in favor of this motion as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Leal	Yes		

Overall Resolution

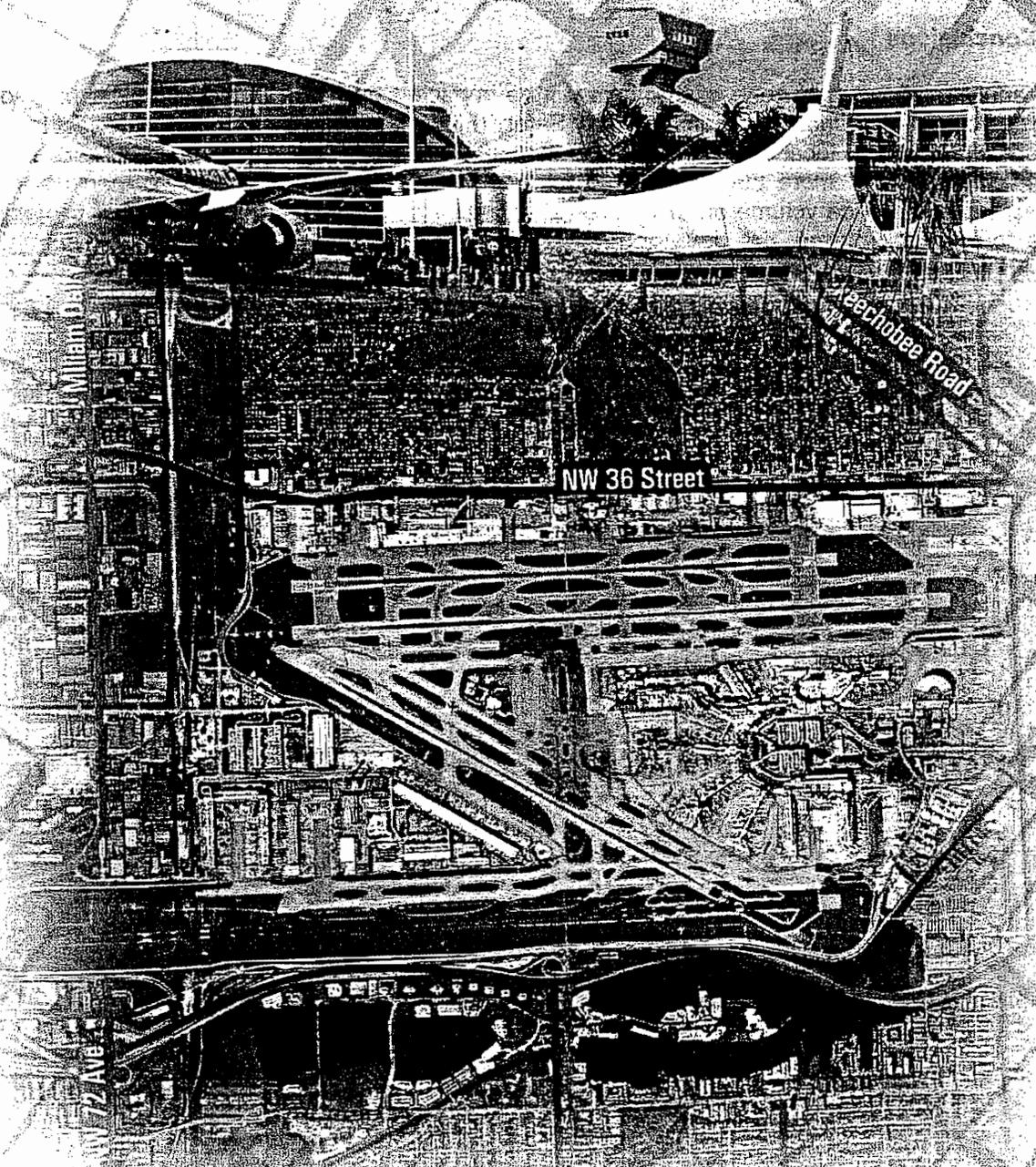
Board Member Rinehart offered a motion to adopt the “straw votes” taken on all applications. Board Member Huembes seconded the motion. All Board members present voted unanimously in favor of this motion as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Absent	Al Maloof	Yes
Pamela Gray	Yes	William E. Riley	Yes
Horacio C. Huembes	Yes	Wayne Rinehart	Yes
Rolando Iglesias	Absent	Georgina Santiago, Chair	Yes
Eddy Joachin	Absent	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Leal	Yes		

The new business discussed revolved around new ID cards that Board Members requested for future PAB sessions. Also, Chair Santiago requested a representative from the Parks and Recreation Department be present during a future PAB hearing to discuss the new open space master plan that this Department is currently preparing; Barbara Falsey, Chief of Planning and Research from Parks and Recreation accepted the invitation.

The meeting adjourned at 7:30 P.M.

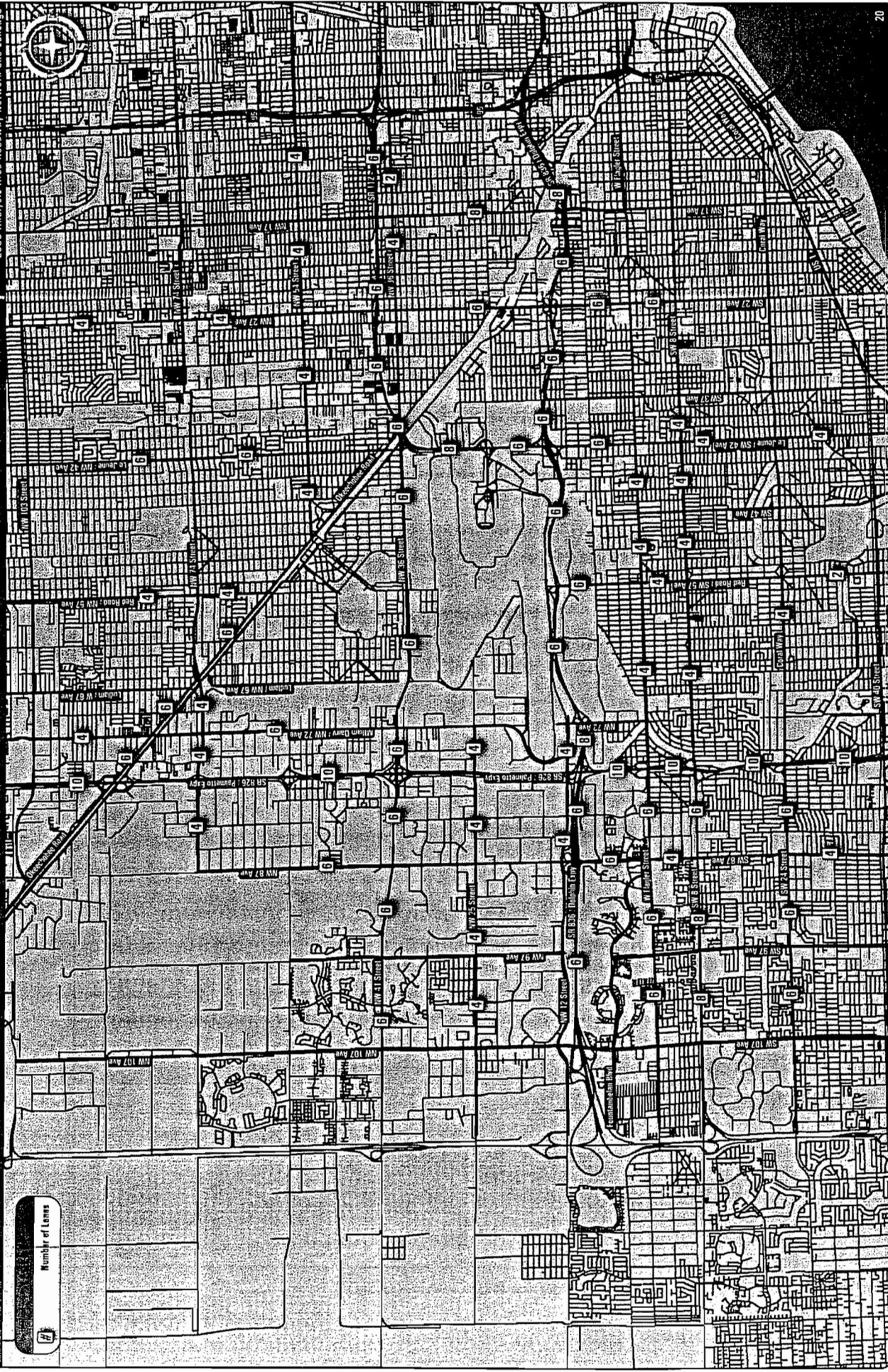
5/24/2008 CDMP Exhibit
Application No. 1



ATEC

Advanced Transportation
Engineering Consultants

12905 SW 42 St Suite 208 Miami, FL 33175
p: 305.480.9938 | f: 305.480.9964 | www.atectrans.com



Number of Leans





6.2. 2030 Without Project Conditions

The 2030 FSUTMS Model without-project condition was run to establish the benchmark traffic activity for the 2030 study area. **Table 8** presents the 2030 full-build level of service calculations.

Figure 7 exhibits the 2030 Analysis Area and roadway network and number of lanes for this study.

Figure 8 exhibits the study area LOS generated from the FSUTMS model output for the without-project condition. The maximum service volumes are based upon FDOT's 2002 Quality/Level of Service Handbook. The figure shows that many of the roadway links within the study area are expected to operate above capacity, exceeding the County's maximum adopted LOS standards of: LOS E, SUMA (State Urban Minor Arterial between Infill Area and Urban Development Boundary), LOS EE (120% of LOS E Capacity, Extraordinary Transit between Infill Area and Urban Development Boundary), LOS E + 20 (120 percent of LOS E capacity) and LOS E + 50 (150 percent of LOS E capacity).

6.3. 2030 Full Build (With Project) Conditions

Please note that **Table 8** also calculated the percentages of the project trips to the service volume for 2030 full-build conditions. To assess the impacts of the Project on the study area roadways, links identified as exceeding the LOS standards were reviewed to determine if the project trips added to each of these links exceeded 5 percent of the service volume (capacity) of the link. The calculation results show that there is no one roadway link that will be impacted by the airport project. The maximum percentage of projected trips to service volume is 2.78%, which is found on NW 42 Avenue/LeJeune Road from NW 25th Street to NW 36th Street. There are other three segments were found that the maximum percentage of projected trips to service volume is above two percent are listed as the follows:

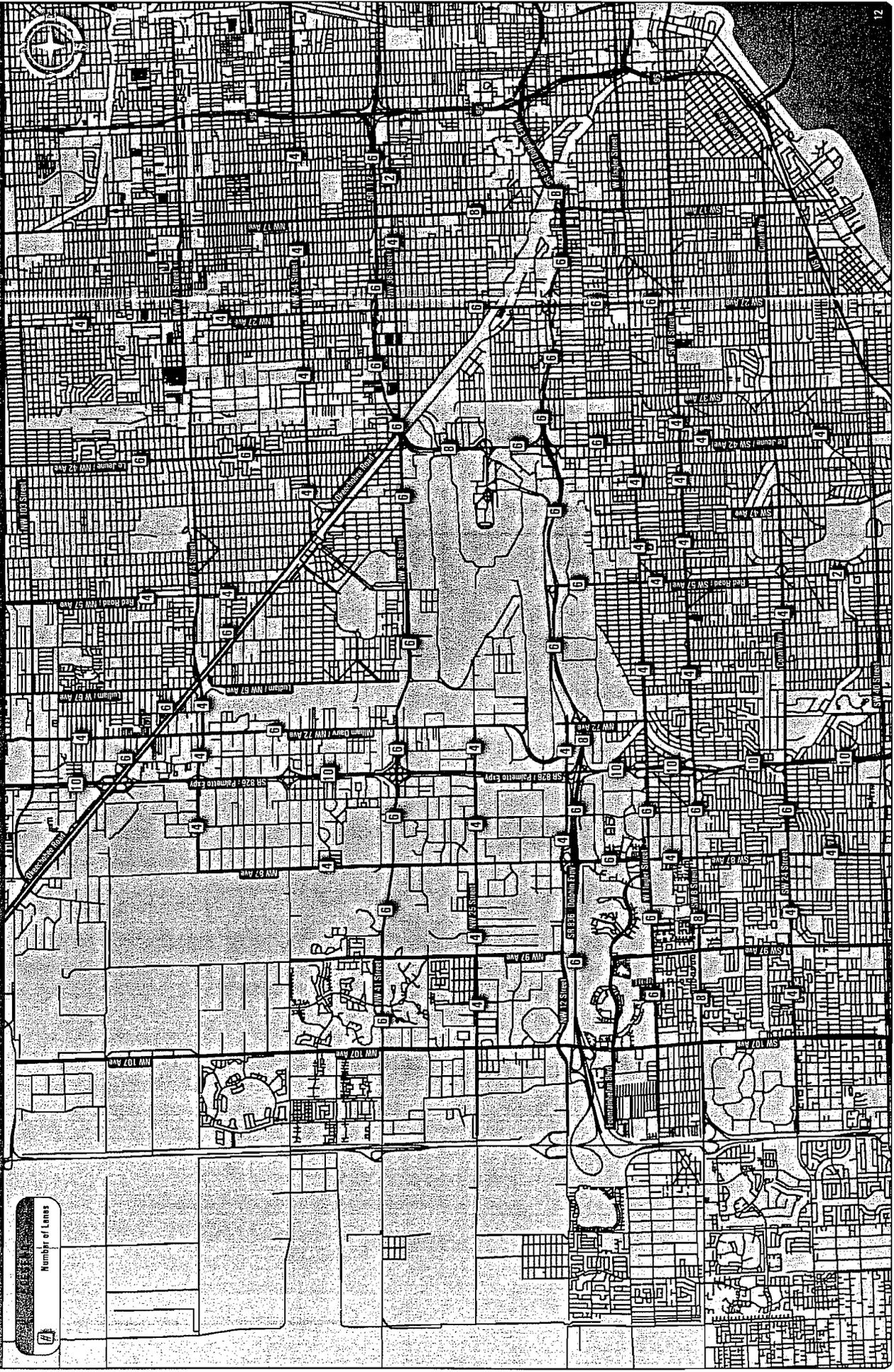
- NW 25th Street, from SR 826 to NW 72nd Avenue
- NW 36^h Street, from NW 12nd Avenue to NW 17th Avenue
- NW 72nd Avenue, from W Flagler Street to NW 12nd Street

Please note that all the four segments mentions above are not Florida Interstate Highway Safety (FIHS) links. All the other percentage numbers are less than two percent.

Figure 9 shows the results of the with-project LOS analysis for the study area.

6.4. Potential Long Range (2030) Roadway Improvements

As shown in **Table 8**, it is anticipated that there is no one roadway link that will be impacted by the airport project. Therefore, there is no potential long range (2030) roadway improvement.



Number of Lanes

2
4
6
8

Table 4 Traffic Concurrency Analysis

MIAMI INTERNATIONAL AIRPORT - PARCEL 3/AZ 789														
2011 (With Project)														
Station No.	ROADWAY	LOCATION	Available Capacity				Peak Hour Volume				Peak Hour Trips			
			Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Trips
1200	HW 72 AVE	S/O OF 12 ST	A6	E	4920	1913	0.39	B	2026	148	1947	0.39	B	0.60%
1202	HW 72 AVE	N/O NW 12 ST TO HW 25 ST	A6	E	4920	2581	0.52	B	1632	24	2665	0.53	B	0.48%
1203	HW 72 AVE	B/W HW 25 AND 36 ST	A6	E	4920	2710	0.55	C	2638	38	2748	0.56	C	0.78%
9400	HW 25 ST	E/O SR 825/PALMETTO TO 72 AVE	A4	E	3780	3143	0.92	E	3492	9	3492	0.92	E	0.24%
9356	HW 12 ST	W/O PALMETTO B/W 72 AND 87 AVE	A4	D	3000	2806	0.74	D	3084	45	2851	0.75	D	1.60%

MIAMI INTERNATIONAL AIRPORT - PARCEL 4/AZ 740														
2011 (With Project)														
Station No.	ROADWAY	LOCATION	Available Capacity				Peak Hour Volume				Peak Hour Trips			
			Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Trips
1203	HW 72 AVE	S/O OF 12 ST	A6	E	4920	1913	0.39	B	2018	20	1942	0.39	B	0.60%
1203	HW 72 AVE	N/O NW 12 ST TO HW 25 ST	A6	E	4920	2581	0.52	B	1632	6	2586	0.53	B	0.11%
1203	HW 72 AVE	B/W HW 25 AND 36 ST	A6	E	4920	2710	0.55	C	4204	61	2771	0.56	C	1.25%
9400	HW 25 ST	E/O SR 825/PALMETTO TO 72 AVE	A4	E	3780	3143	0.92	E	603	9	2493	0.92	E	0.23%
9356	HW 12 ST	W/O PALMETTO B/W 72 AND 87 AVE	A4	D	3000	2806	0.74	D	2809	41	2847	0.75	D	1.37%

MIAMI INTERNATIONAL AIRPORT - PARCEL 5/AZ 883														
2011 (With Project)														
Station No.	ROADWAY	LOCATION	Available Capacity				Peak Hour Volume				Peak Hour Trips			
			Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Trips
1172	HW 36 ST (SR 948)	E/O HW 72 AVE TO HW 57 AVE	A6	E	4920	4922	1.00	E	2538	8	4930	1.00	E	0.11%
1204	HW 72 AVE	S/O NW 36 ST TO NW 25 ST	A6	E	4920	3181	0.65	C	3123	11	3192	0.65	C	0.22%
1205	HW 72 AVE	S/O HW 41 ST FROM HW 39 ST TO NW 58 ST	A6	E	5680	2785	0.57	C	2036	7	2792	0.57	C	0.13%

MIAMI INTERNATIONAL AIRPORT - PARCEL 3, 4, 5 Concurrency Impact														
2011 (With Project)														
Station No.	ROADWAY	LOCATION	Available Capacity				Peak Hour Volume				Peak Hour Trips			
			Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Volume	Adopted LOS Standard	LOS	Peak Hour Service Volume (VPH)	Peak Hour Trips
1200	HW 72 AVE	S/O OF 12 ST	A6	E	4920	1913	0.39	B	2026	30	1983	0.40	B	1.43%
1202	HW 72 AVE	N/O NW 12 ST TO HW 25 ST	A6	E	4920	2581	0.52	B	1632	24	2612	0.53	C	0.64%
1203	HW 72 AVE	B/W HW 25 AND 36 ST	A6	E	4920	2710	0.55	C	2638	38	2644	0.56	C	2.73%
1204	HW 72 AVE	S/O HW 36 ST TO NW 25 ST	A6	E	4920	3181	0.65	C	3123	11	3315	0.67	C	0.13%
1205	HW 72 AVE	S/O HW 41 ST FROM HW 39 ST TO NW 58 ST	A6	E	5680	2785	0.57	C	2036	7	2792	0.57	C	0.11%
9400	HW 25 ST	E/O HW 72 AVE TO HW 57 AVE	A4	E	3780	3143	0.92	E	622	9	4930	0.92	E	0.11%
9356	HW 12 ST	W/O PALMETTO B/W 72 AND 87 AVE	A4	D	3000	2806	0.74	D	3084	45	2908	0.77	D	3.40%

Note: E=50 = 150% of LOS E. Extraordinary Transit in Inlet Area
 Based on County station 3/24/2007
 A = Attributed

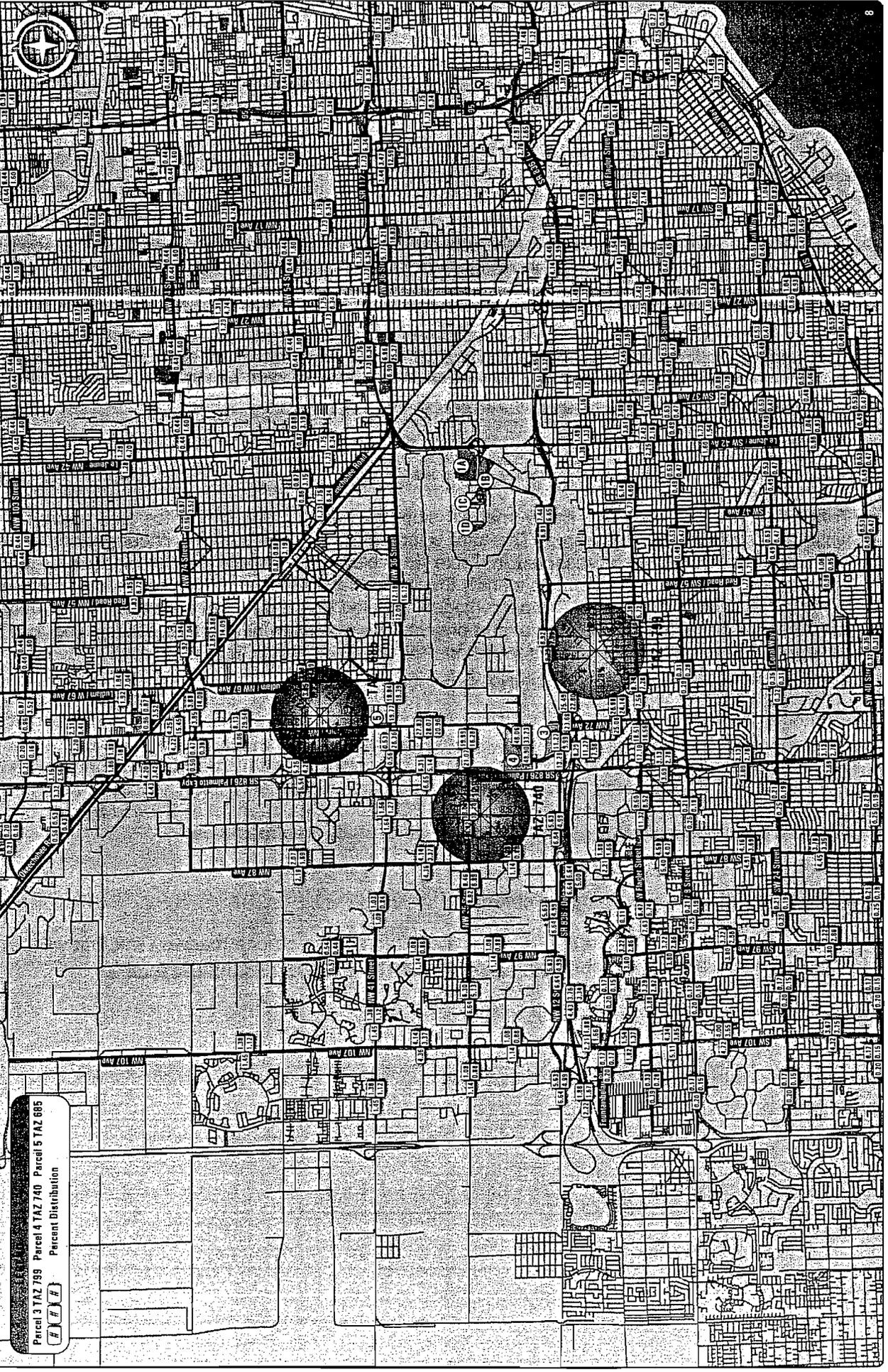


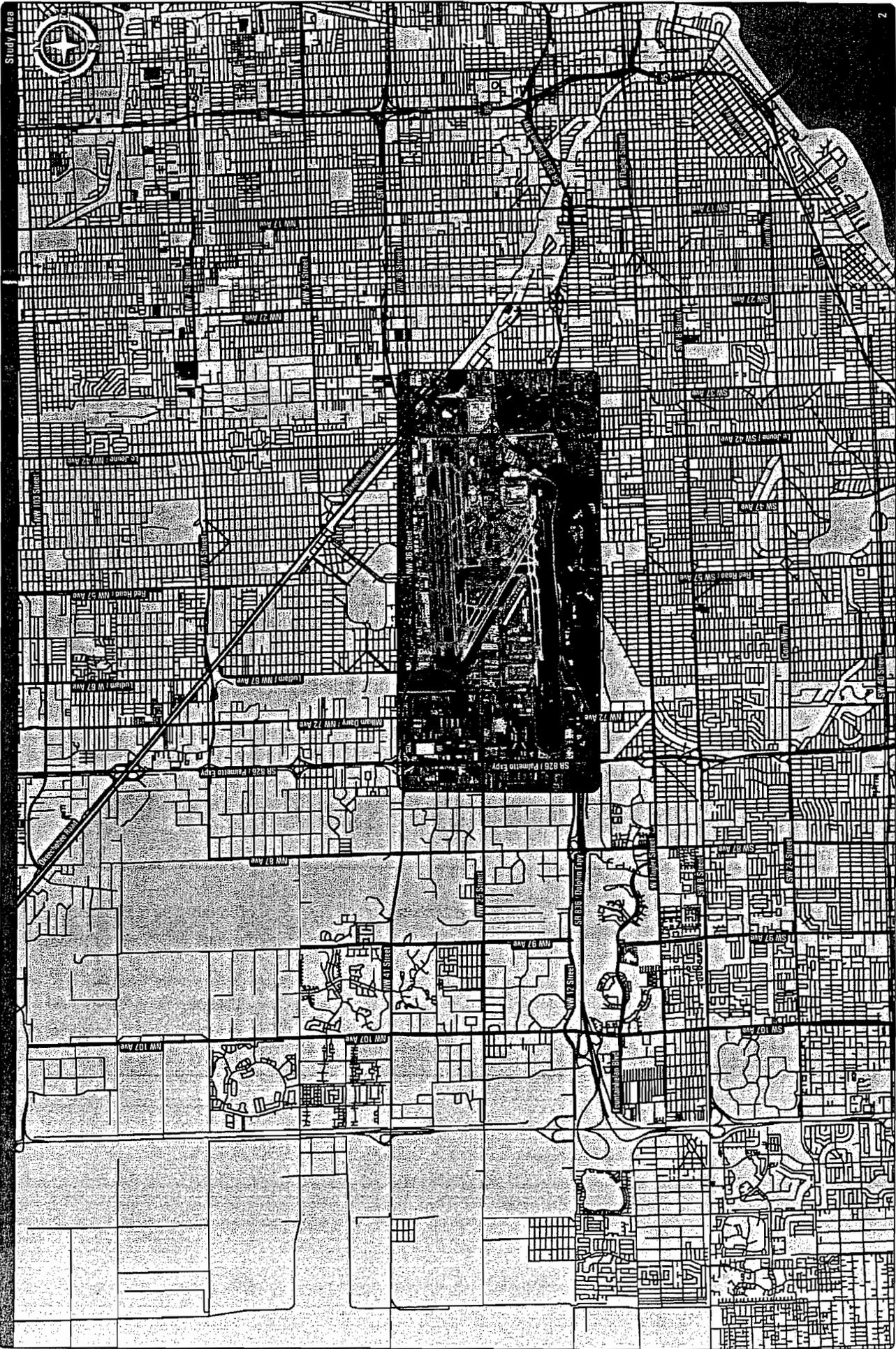
Table 3 Trip Generation for Present Land Use

Parcel	Bldg No.	Existing Facilities	ITE Land Use Codes	ITE Land Use Code Description	Quantity	Unit	Peak Hour	% Entering	% Exiting	Entering PM	Exiting PM	
1A	3030	Offices, Warehouses, IT Labs (Three Floors)	710	General office building	161	1000 GFA	259	17%	83%	44	215	
1A	3031	Sewage Pump House #4										
1A	3032	Interiors Warehouse	151	Mini warehouse	21	1000 GFA	6	51%	49%	3	3	
1A	3033	Police Station (Two Floors)	710	General office building	24	1001 GFA	106	17%	83%	18	88	
1A	3034	Tiltrotator										
1A	3036	FPL Substation										
1A	3036	Proposed American Eagle Maintenance Shop										
1A	3037	Office, Maintenance Mobile & Welding Shops and S	710	General office building	13	1000 GFA	93	17%	83%	16	77	
1A	3038	Procurement Offices & Warehouse, Maintenance Sh	150	Warehousing	175	1000 GFA	35	25%	75%	9	26	
1A	3040	Trash Compound		Trash Compound								
1A	3080	Mechanical/Emergency Equipment, FPL Vault, Chille	151	Mini warehouse	25	1000 GFA	7	51%	49%	3	3	
1A	3090	Carpenters Shop and Office Space	710	General office building	11	1000 GFA	91	17%	83%	16	76	
1A	3091	Sanitary Sewer Pump Station #40	170	Utilities	1	1001 GFA	1	45%	55%	0	0	
1A	3093	FPL Transformer Vault										
1A	3094	Parking Structure (1,105 Total Parking Spaces)		Parking Structure	1,105	Parking Spaces						
1A	3095	Offices	710	General office building	292	1000 GFA	406	17%	83%	69	337	
1A	3097	Maintenance Paint/Chemical Shop Storage	151	Mini warehouse	11	1000 GFA	3	51%	49%	1	1	
1A	3103	Central Base Gate										
1A	3104	Fire Well Pump Station #3										
1A	3105	Fire Well Pump Station #1										
1A	3106	Fire Well Pump Station #2										
							Sub-Total	1,905	18%	82%	179	826
1B	3039	Vacant										
1B	3042	Bus/Limo Dispatcher Restroom										
1B	3042A	Bus/Limo Dispatcher Building										
1B	3051	Gasoline Pump Station on NW 20th Street	945	Gasoline/ Service Station with Convenience Market	1	1000 GFA	104	50%	50%	52	52	
1B	3045	New Washrack on NW 20th Street										
1B	1-8	Open Storage Shed										
1B	3100	Office/Garages	150	Warehousing	4	1000 GFA	35	25%	75%	9	26	
							Sub-Total	139	44%	56%	61	78
3	Warehouse	Demolished Warehouse	150	Warehousing	159	1000 GFA	35	25%	75%	9	26	
							Sub-Total	35	25%	75%	9	26

Note: Source: MDAD Technical Support - MIA 2008 Property Location Plan



Similarly, the parcel B at present condition generates more traffic than the proposed future development in parcel B, which is a gasoline service station with convenience store. Parcel 3 generates two additional trips in future condition. **Therefore, the impact of traffic generated by the proposed development will be significantly offset by the current trips generated.** The traffic generation with present land uses of parcel 1A, 1B and 3 is depicted in **Table 3**.



Study Area



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Engineer's Certification

I, Javier S. Gonzalez, certify that I currently hold an active Professional Engineer's License in the State of Florida and I am competent through education and experience to provide engineering services in the civil and traffic engineering disciplines contained in this report. I further certify that this report was prepared by me or under my responsible charge as defined in Chapter 61G15-18.001 F.A.C. and that all statements, conclusions and recommendations made herein are true and correct to the best of my knowledge and ability.

PROJECT: Traffic Impact Study
LOCATION: Miami International Airport (MIA)

Javier S. Gonzalez
PE 49432

4/24/2008 CDMP Exhibit

This instrument was prepared by:

Name: Gloria M. Velazquez, Esq.
Gloria M. Velazquez, Esq. PA
Address: 1711 West 38th Place, Unit 1207
Hialeah, Florida 33012

2008 APR -7 A 10: 02
PLANNING & ZONING
METROPOLITAN PLANNING SECT

April 2007 cycle - Application 1

(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", and hereinafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B";

WHEREAS, the Property is the subject of a Comprehensive Development Master Plan ("CDMP") Amendment Application No. 1 of the April 2007 Amendment Cycle (the "Application");

WHEREAS, the owner has sought a land use amendment to change the designation of Property;

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

(1) A landscape site plan which is acceptable to the Director of Planning and Zoning will be submitted at the time of zoning that assures appropriate landscaping and buffering. The site plan will include landscaping and buffering to ensure that the residential lots abutting the Property provides for adequate buffering.

(2) The Property shall not be used for residential use until such time that the County adopt the Public School Facilities Element and has executed the Interlocal Agreement.

(Space reserved for Clerk)

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.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded , at Owner's expense, in the 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. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Authorization for Miami-Dade County (or successor municipal corporation) 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 (or any successor municipal corporation) 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 (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), 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.

Covenant Running with the Land. This Declaration shall constitute a covenant running with the land and shall 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, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that 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.

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.

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 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. 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.

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

[Execution Pages Follow]

LEGAL DESCRIPTION

Exhibit "A"

Parcel A

The West 100 Feet of Tract 5-A, of REVISED PLAT OF OXFORD GATE, a subdivision recorded in Plat Book 33, Page 65 of the Public Records of Miami-Dade County, Florida, less and except the part lying North of North line of SW 1/4 of SW 1/4 of SW 1/4 of Section 3, Township 53 South, Range 41 East, Miami-Dade County, Florida. The Parcel Identification Number is 30-3103-028-0270.

Parcel B

The East 100 Feet of West 200 Feet of Tract 5-A, of REVISED PLAT OF OXFORD GATE, a subdivision recorded in Plat Book 33, Page 65 of the Public Records of Miami-Dade County, Florida, less the part lying North of North line of SW 1/4 of SW 1/4 of SW 1/4 of Section 3, Township 53 South, Range 41 East, Miami-Dade County, Florida. The Parcel Identification Number is 30-3103-028-0240.

Parcel C

The West 150 Feet of Tract 4-A of OXFORD GATE according to the revised plat thereof, as recorded in Plat Book 33 at Page 65 of the Public Records of Miami-Dade County, Florida. The Parcel Identification Number is 30-3103-028-0090.

4/24/2008 CDMP Exhibit
App. 3

3

April 24, 2008

The Honorable Bruno A. Barreiro, Chairman,
and Members, Board of County Commissioners
Miami-Dade County
Stephen P. Clark Center
111 N.W. First Street
Miami, FL 33128

RE: CDMP Application No. 3 (April 2007 Cycle)
Submitted by the Anthony Balzebre Trust

Dear Chairman Barreiro and Commissioners:

We would like to express concerns about the above-referenced application. At an estimated 2.9 million s.f., this is a very large and intensive project which we feel warrants the thoroughness of a full Development of Regional Impact (DRI) review. Granting the requested Regional Activity Center (RAC) designation will effectively double the applicable DRI threshold for the retail portion of the project from 400,000 s.f. to 800,000 s.f. The applicant is proposing 799,900 s.f. of retail and there is also over an additional 2.0 million s.f. of residential, office and hotel uses being proposed in conjunction with this application. Just to put the size and intensity of this proposed project in perspective, it is roughly twice the square footage of Dolphin Mall but sits on roughly half the acreage of Dolphin.

From an equity standpoint, we feel that this property should not be treated differently than nearby large-scale projects such as Dolphin Mall, the Dolphin Commerce Center, International Mall, peripheral development surrounding International Mall, and Beacon Lakes - all of which underwent reviews as DRI's. All we are suggesting is that this proposal be afforded the same review treatment as nearby projects that are similar in their size and nature.

One of the criteria for granting the RAC designation is that the area receiving such designation must provide service to and be regularly used by a significant number of citizens of more than one county. We are not convinced that this application has met this criterion inasmuch as the data submitted by the applicant suggests only that the

many pre-existing built developments that surround the subject site (such as Dolphin Mall) perhaps collectively meet this requirement. The subject site, on the other hand, is a vacant parcel which currently provides no services whatsoever and is used by no one. As to what the future may or may not hold for this site, we feel there is insufficient information available on the specific nature of the future development that will be located here to justify a conclusion made now on a speculative basis that the development to one day be located on the subject site would cause this particular property, as a stand-alone parcel, to meet this criterion.

Of particular concern to us from the standpoint of infrastructure is the deterioration of capacity to the nearby roadway system resulting from the proposed project and the impact that will have both on our customers and others who use vicinity roadways. Dolphin Mall has spent in excess of \$30 million in today's dollars improving and constructing public roadways in the vicinity of the mall and the applicant's adjacent site and other DRI's have contributed tens of millions of dollars as well. We have a keen interest in protecting the valuable asset that is Dolphin Mall, and it is our hope that you share this interest. The applicant has proposed to construct some new thru lanes and turn lanes on some of the roads located immediately adjacent to its property. While this is admirable on the applicant's part, it should be noted that the impacts of the proposed project will extend far beyond the roads immediately bordering the subject site. The proffered roadway improvements will certainly enhance the proposed development's immediate site access but these improvements will not necessarily mitigate the project's impacts to the surrounding, also-affected area. It should also be noted that the applicant's covenant requests that impact fee credits be given for construction of the proposed adjacent roadway improvements, the net effect of this being that the Developer would end up spending no more money in enhancing public roadways than would have been required anyway with the Developer effectively being allowed to spend impact fee dollars enhancing its own site access rather than having those monies used on other local road improvements that could be deemed more critical if a comprehensive roadway needs analysis was performed.

I understand that the applicant's traffic consultant has issued a report indicating that applicable roadway levels of service will be met if this project is built. We have a great deal of respect for the applicant's consultant,

having previously utilized her services in studies associated with Dolphin Mall. As stated previously, however, we feel that the magnitude of this project warrants the more intensive scrutiny of a DRI-level traffic study - one which would include analysis of intersections rather than simply evaluating roadway segments as applicant has done, since it is typically a lack of vehicle capacity at intersections that causes traffic bottlenecks on roadways.

We are troubled by the fact that the proposed development plan for this project has been set up in a way that allows for up to 1,050 residential units to be constructed but does not actually require that a single residential unit ever be constructed at this location. This is especially troubling given the fact that it is the ostensible promise of delivering a minimum of 1,050 residential units as part of the applicant's proposed development plan that will enable the applicant to double the aforementioned DRI threshold for retail space from 400,000 s.f. to 800,000 s.f. in the event the RAC designation is granted. It should also be pointed out that 10% of the applicant's housing units to be constructed are to be "workforce" units but since there is no guarantee that any housing will ever be built as part of this project, the proffered workforce units may never actually materialize.

Should the County ultimately decide to grant the RAC designation, we feel it is entirely appropriate and warranted that the proffered covenant indicate either that all of the implicitly promised 1,050 residential units actually be constructed and have certificates of occupancy issued prior to any submittal for building permits for retail development cumulatively exceeding 400,000 s.f. or, alternatively, that from the outset of the project, the site's maximum programmed retail development allocation be developed over time no faster than on a proportional basis with the 1,050 promised residential units - for example, the Developer would not submit for building permits in excess of 100,000 cumulative s.f. of retail until at least 131 residential units were built and received certificates of occupancy. Then, no more than 200,000 cumulative s.f. of retail could be constructed until cumulative residential development of at least 262 housing units occurs, and so on.....

The applicant's coenant proposes language that the Owner may simultaneously increase and decrease uses as set out in the proposed maximum development program provided that the

net number of p.m. peak hour trips remains the same and potable water demand remains unchanged. While we philosophically have no problem with allowing development "tradeoffs" of this sort, in the event the RAC designation is to be granted, we feel it would be necessary to revise this covenant language to prohibit any such increase to retail development in excess of 800,000 s.f. without the applicant first obtaining approval through the DRI process.

We appreciate your attention in evaluating the preceding comments and respectfully request that you take our concerns into consideration when rendering your decision on this application.

Sincerely,



John S. Eggert
Dolphin Mall Associates LLC
11401 N.W. 12th Street
Miami, FL 33172

cc: The Honorable Carlos Alvarez, Mayor, Miami-Dade County
Tom Pelham, Secretary, Fla. Dept. of Community Affairs

4/24/2008 CDMP Exhibit

2008 APR -7 P 4: 09

PLANNING & ZONING
METROPOLITAN PLANNING SECT

This instrument was prepared by:

Name: Michael W. Larkin, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

April 2007 cycle - Application.

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, 107th Avenue Gamma, LLC ("Owner") holds the fee simple title to a 54.20 net acre parcel of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of a standard Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 of the April 2007 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office"; and

WHEREAS, the Owner has sought an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center ("RAC") in accordance with relevant Florida Statutes and provisions of the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the Owner desires to promote public transportation by incorporating within the Property a public transportation facility; and

(Space reserved for Clerk)

WHEREAS, the Owner desires to reserve unto itself, its successors and assigns, the Air Rights (hereafter defined) in and to the air space above the Public Transportation Facility (hereafter defined) and the Property, and other accompanying rights and easements more particularly set forth herein.

NOW THEREFORE, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of Amendment Application No. 3 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:

Maximum Development Program. The maximum development program for the Property ("MDP") shall be:

Residential	1050 dwelling units or 1,701,000 gross square feet
Retail/Service	799,900 gross square feet
Hotel	430 rooms or 225,000 gross square feet
Office	225,000 gross square feet

Notwithstanding any transportation concurrency exemption that is granted for the Property, the Owner may simultaneously increase and decrease the MDP's land use categories provided that the cumulative impacts of the reallocated land uses may not exceed (a) the PM peak hour trips established for the MDP, which equates to 2,807 net PM peak hour trips, or (b) average daily potable water demand or maximum daily potable water demand of the MDP, which equate to .361 million gallons per day and .812 million gallons per day, respectively.

(Space reserved for Clerk)

Transit Improvements. The Owner intends to develop the Property as a project that promotes public transportation, and subject to County approval, the Owner shall incorporate within the development of the Property a MetroBus Terminal for multiple MetroBus routes. Additionally, Owner agrees to reserve within the Property sufficient area for a future possible MetroRail Station, to be built only if and when all Federal Transit Administration requirements are met, so as not to preclude any future transit service enhancements to the Property. Such MetroRail station or MetroBus Terminal shall be referred to as the "Public Transportation Facility."

If the Public Transportation Facility is a MetroBus Terminal, the terminal shall include a maximum of ten (10) saw-tooth bus bays, the driveway network serving the bus bays, ("Parking Area"), 170 parking spaces designated for transit users, a restroom facility for bus operators and transit users, a kiss-and-ride area, transit-oriented commercial uses ("Commercial Area"), transit lounge, and landscaping for this area. The Owner agrees to construct a parking garage where the bus bays, Commercial Area, and Parking Area will be located ("Parking Structure"). The support columns and other structural and load bearing components within the Parking Structure shall be designed in a manner so that additional stories can be added to the Parking Structure in the future and to support Owner's intended construction within the reserved Air Rights.

Owner shall fund and construct the foregoing described MetroBus Terminal improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable. If Owner is unable for good cause to construct the foregoing improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable, the Owner may request an extension of time from the Director of Miami-Dade Transit or his designee provided that a building permit for the improvements has issued prior to the end of the three year period. If all or a portion of the funding is provided through local, state, or

(Space reserved for Clerk)

federal grant or similar subsidy, this shall reduce the Owner's responsibility to fund the construction of the MetroBus Terminal improvements by a proportionate amount. With the exception of the area of the Property on which the driveway network leading from NW 12th Street to the MetroBus Terminal Improvements will be located, Owner shall dedicate to the County the portion of the Property on which the MetroBus Terminal Improvements will be located once the foregoing described improvements have received a certificate of occupancy from the County. For the purpose of joint use of the foregoing described driveway network by Owner and County, at time of dedication, Owner shall grant an easement to the County that will permit ingress and egress from NW 12th Street to the Public Transportation Facility for all county employees and patrons of the facility.

The Owner shall retain the right to install signage with regard to any use within the Property on the Parking Structure. The Owner shall retain exclusive lease rights to the Commercial Area, which include, but are not limited to, the right to all rent monies. The Owner shall also have the right to operate the Parking Structure and charge a fee consistent with the fee charged by the County to utilize parking garages adjacent to MetroRail stations.

Air Rights Reserved. The Owner shall have and retain and specifically reserves unto itself, its successors and assigns, all air rights in and to the air space above the Public Transportation Facility and the Property ("Air Rights"), together with all accompanying rights and easements necessary or required in order to permit the development and construction of the Owner Improvements (hereafter defined) above, around, and connected to the Public Transportation Facility. Owner proposes to construct and reconstruct and alter from time to time in and upon the Air Rights and the Property certain improvements as deemed necessary or desirable by Owner (but subject to the MDP), in Owner's sole discretion (hereinafter called "Owner Improvements"). The easements reserved to Owner herein shall include but shall not

(Space reserved for Clerk)

be limited to a non-exclusive easement (hereinafter called "Owner's Support Easement") for support columns and other structural and load bearing components necessary for the Owner Improvements. Owner specifically reserves for itself, its successors and assigns, the right, privilege and easement to come upon, over, under and across all those portions of the Public Transportation Facility and the Property reasonably necessary or required in order for Owner to construct the Owner Improvements in the Air Rights and the Owner's Support Easement, subject, however, to the MDP and all applicable laws and ordinances provided, however, Owner shall use its reasonable efforts to minimize interference with the Public Transportation Facility and the activities therein.

Roadway Improvements. The Owner shall fund and construct the roadway improvements described in Exhibit B. The foregoing roadway improvements shall be open to traffic prior to the issuance of any Certificate of Occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility. The roadway improvements described in Exhibit B shall be accepted by the County as a contribution in lieu of payment of all or a portion of the required Road Impact fees under Section 33E of the Code of Miami-Dade County.

Certificate of Occupancy Date. Owner agrees not to obtain a certificate of occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility and any construction within the reserved Air Rights, until such time as either the Dolphin Fire Rescue Station (No. 68) has received a temporary certificate of occupancy or any other new Fire Rescue Station designated by the Fire Rescue Department that will service the Property. Finally, Owner agrees not to obtain a certificate of occupancy for any building within the Property until such time as all of the buildings that constitute the Public Transportation Facility and any construction with regard to the reserved Air Rights have received a temporary certificate of occupancy.

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Residential Uses. Owner agrees not to file a zoning application proposing a residential use on the Property until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

Fire Rescue. Owner agrees to support the creation of a non ad valorem fire assessment fee.

Project Design. The Owner represents that the Property will be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles which reflect the general guidelines contained in Exhibit "C" ("Design Guidelines"). In that regard, with the exception of those buildings that will constitute the Public Transportation Facility, prior to any development approvals being sought for residential, retail, hotel, or office uses on the Property, the Owner agrees to seek and obtain site plan approval for the entire Property which reflects substantial conformity with the Design Guidelines or, alternatively, submit for approval to the Director of the Planning and Zoning Department (or its successor planning agency), or his/her designee, and upon receiving said approval, record an architectural code or equivalent design standards to govern development of the entire Property, which are substantially in accordance with the attached Design Guidelines.

LEED Certification. All buildings developed on the Property will be Leadership in Energy and Environmental Design (LEED) certified in accordance with the standards set forth by the United States Green Building Council.

Workforce Housing. Owner agrees that a minimum of 10% of the residential units on the Property shall be designated for workforce housing and shall meet the criteria of workforce housing in Miami-Dade County. Workforce housing shall be

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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. Notwithstanding anything to the contrary in this Declaration of Restrictions, 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.

The Owner shall, upon site plan approval or prior to obtaining the initial building permit for a residential structure on the Property, whichever is the required date according to the relevant County regulation, 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 from the time of recordation of the declaration of restrictive covenants.

Water Conservation Regulations. The Owner shall incorporate the measures listed in Exhibit D, where practicable, into the design, construction and operation of any residential development on the Property. Similarly, the Owner shall incorporate the measures listed in Exhibit E, where practicable, into the design, construction and operation of any commercial development on the Property.

Subdivision of Property. In the event the Property is subdivided into multiple ownerships, responsibility for the obligations contained in this Declaration that are related to the provision of workforce housing units in the absence of a duly enacted ordinance shall be allocated on a pro-rata per acre basis. Workforce housing units on any particular subparcel of the Property shall be developed simultaneously with any market rate housing units on that subparcel.

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

(Space reserved for Clerk)

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 their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

(Space reserved for Clerk)

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.

(Space reserved for Clerk)

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

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

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

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

(Space reserved for Clerk)

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

[Execution Pages Follow]

Exhibit "A"

Legal Description

The South 1/2 of the South 1/2 of the East 2/5 of Section 31, Township 53 South, Range 40 East of Miami-Dade County, Florida; Less existing Right of Way of Records.

4/24/2008 COMP Exhibit-App.5

File Copy
App 5
DAB 3-31-08
4:49pm

LISTA DE ASOCIACIONES DE IMPERIAL LAKE

1-PACIFICA

LEIZAN ORIETA - MATA YEZITT

2-ROMANTICA

JOSE VALMANA - MENDOLA ROSA

3-REFLECTIONS

GONZALEZ VINICIO - TAFURA MARIANA

4-SHOMA HOMES

TIZAMI ANTONIO - CHAEL RAUL

5-MARINA REAL # 1

ALVAREZ HUMBERTO - NAVARRETE FRANSISCO

6-MARINA REAL # 2

QUIROGA MARTHA

7-MARINA REAL # 3

ASTIAZARAIN ROSA

8-MARINA REAL # 4

ALMEIDA NORBERTO - GONZALEZ ALEJANDRO

9-MARINA REAL # 5

KELLY GRACE - HERRERA LIBIA

10-MARINA REAL # 6

DIAZ DE ARCE OMAR - RIVERA ANTONIO

11-VILLA REAL # 1

MEIRELEZ RENE - UCROS JESUS -

12-VILLA REAL # 2
GARCIA LUIS R

13-VILLA REAL # 3

HASBUM OMAR A. - RODRIGUEZ ERNESTO

14-VILLA REAL # 4

VASQUEZ BEATRIZ - GOMEZ COSETTE

15-VILLA REAL # 5

PADILLA FRANK - YALILA RENDON

16-VILLA REAL # 6

CRUZ ISRAEL - GALLEGOS CARMEN

17-VILLA REAL # 7

IGOR ELLIS - CORONEL MARIA

18-PUERTO BELLO # 1

GONZALEZ JORGE - BLAS-LIZARAZO PIEDAD

19-PUERTO BELLO # 2

DEE VEGA CYNTHIA - DE LA HOZ EDGARDO

20-PUERTO BELLO # 3

VAN MEEK GUIDO - BUSTILLO OLGA

21-PARK PLACE VILLAS

WONG CARLOS - NIEVES SERGIO

4/24/2008 April 2007 cycle - Application 5
CDMP

This Instrument was Prepared by:

Name: Richard A. Perez, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

2008 APR -7 P 5: 04

PLANNING & ZONING
METROPOLITAN PLANNING SECT

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Lowe's Home Centers, Inc. ("Lowe's"), has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan ("CDMP") that is pending as Application No. 5 in the April 2007 Cycle (the "Application");

WHEREAS, the Application seeks to expand the urban development boundary to include Parcel A and Parcel B and to re-designate Parcel A from "Open Land" to "Business and Office" and Parcel B from "Open Land" to "Institutions, Utilities and Communication."

WHEREAS, Parcel A and Parcel B are located in unincorporated Miami-Dade County, Florida, Parcel A being legally described in Exhibit "A" attached to this Declaration of Restrictions ("Parcel A"), and Parcel B being legally described in Exhibit "B" attached to this Declaration of Restrictions ("Parcel B") (collectively, Parcel A and Parcel B shall be referred to as the "Property");

WHEREAS, Lowe's holds fee simple title to Parcel A and 139 Avenue SW 8 Street, LLC, a Florida limited liability company (the "Parcel B Owner"), holds fee simple title to Parcel B;

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County"), that the representations made by the Lowe's and the Parcel B Owner during the consideration of Comprehensive Development Master Plan Standard Amendment Application

No. 5 (the "Application") will be abided by, Lowe's and the Parcel B Owner freely, voluntarily, and without duress, make the following Declaration of Restrictions covering and running with the Property:

1. **Use Restrictions.**

(a) Notwithstanding the re-designation of the Property on the County's Land Use Plan map, Lowe's and the Parcel B Owner agree not to develop or maintain any residential uses within the Property.

(b) Upon the approval of the Application, Lowe's shall not seek building permits for the construction of any buildings on Parcel A without having first submitted for a building permit for the construction of a home improvement store on Parcel A.

(c) Concurrent with the construction of a home improvement store on Parcel A, Lowe's shall (i) construct a bridge with a minimum of four (4) lanes (if such bridge is approved by the applicable regulatory agencies) across the canal at the intersection of S.W. 8th Street and theoretical S.W. 139th Avenue (the "Canal Bridge"), (ii) install a traffic signal (if such traffic signal is approved by the applicable regulatory agencies) at the intersection of S.W. 139th Avenue and S.W. 8th Street (the "Traffic Signal"), and (iii) construct S.W. 139th Avenue as a minimum two-lane roadway (if such roadway is approved by the applicable regulatory agencies) from the southern boundary line of the Property to the northern boundary line of Parcel A, in accordance with the requirements of the Public Works Manual (the "139th Avenue Roadway"). Lowe's shall cause the Canal Bridge, Traffic Signal, and 139th Avenue Roadway (but only if each has been approved by the applicable regulatory agencies) to be completed and opened to traffic prior to obtaining a certificate of use and occupancy for a home improvement store on Parcel A.

Except as provided in Section 3, the cost of the Canal Bridge, Traffic Signal, and the 139th Avenue Roadway shall be borne by Lowe's.

2. Parcel B.

(a) **Charter School.** Upon the final approval of the Application, Lowe's shall make available Parcel B to a qualified operator of a public charter school ("Charter Operator") for a purchase price equal to the purchase price for Parcel B set forth in the purchase agreement by and between Lowe's and the Parcel B Owner, plus any extension fees associated therewith and any carrying and closing costs incurred by Lowe's on or before the closing date, and subject to the terms and conditions thereof. If the Charter Operator elects to exercise its option, then, on or before the ninetieth (90th) day after the final approval of the Application, the Charter Operator shall deliver written notice to Lowe's of the Charter Operator's intent to exercise the option. Lowe's hereby agrees to negotiate in good faith with the Charter Operator and to use best efforts to complete the sale of Parcel B to the Charter Operator. If the Charter Operator fails either (i) to provide written notice of the intent to exercise the option as set forth in the preceding sentence or (ii) to close on the purchase of Parcel B within one hundred twenty (120) days following receipt by Lowe's of the Charter Operator's notice of its intent to exercise the option, then the Charter Operator's option to purchase the Parcel B shall terminate. If a Charter Operator purchases Parcel B (either pursuant to the option set forth in this Section 2(a) or otherwise) and either (i) a "Designated Mortgage Holder" (as such term is defined below) forecloses on Parcel B or takes title to Parcel B by a deed in lieu of foreclosure or (ii) the charter of the public charter school on Parcel B is revoked or is terminated by the applicable governmental authority, then the use restrictions set forth in this Section 2(a) shall automatically terminate. A Designated Mortgage Holder means any entity

holding a mortgage on Parcel B that is not owned, controlled, or an affiliate of the Charter Operator on Parcel B or any person or entity owning any interest in such Charter Operator.

(b) **Public School Option.** Upon termination of the Charter Operator's option (without the exercise thereof pursuant to Section 2(a)), then Lowe's shall provide written notice to the Miami-Dade County School Board (the "School Board") that Parcel B is now available for purchase by the School Board upon the same material terms and conditions set forth in the School Purchase Agreement. The School Board shall then have a period of one hundred twenty (120) days after the delivery of such written notice to close on the purchase of Parcel B from Lowe's. If the School Board fails to then close on the purchase of Parcel B within the time specified in the preceding sentence, then the School Board's option to so purchase Parcel B from Lowe's shall terminate and neither Lowe's (or its successors or assigns) nor the Parcel B Owner (or its successors or assigns) shall have any further obligations or responsibilities under this Section 2 of this Declaration of Restrictions; provided, however, that owner of Parcel A shall use reasonable efforts to place the storm water management, water retention and, if applicable, preservation areas, required for the development on Parcel A and Parcel B within Parcel B. For the purposes of this Agreement, the phrase "reasonable efforts" shall not be deemed to require the owner of Parcel A to incur any unusual or extraordinary costs or expenses or initiate any legal or administrative actions.

3. **Infrastructure.** If the School Board closes on the purchase of Parcel B in the manner set forth Section 2(b) of this Declaration, then the owner of Parcel A shall cause the construction of the following improvements concurrently with its development of Parcel A: (i) the 139th Avenue Roadway (if such roadway is approved by the applicable regulatory agencies),

and (ii) the extension of water and sewer lines to the boundary of Parcel B of a sufficient size to support the operation of a 2,000 student station high school.

4. **Ingress and Egress to Parcel B.** The primary entrance to and from Parcel B shall be across the Canal Bridge (if the construction thereof is approved by the applicable regulatory authorities). The owner of Parcel B shall be obligated to maintain appropriate directional signs directing traffic to enter and exit Parcel B over and across the 139th Avenue Roadway (if such roadway is approved by the applicable regulatory agencies).

5. **Water Conservation and Re-Use.** An owner of any portion of the Property shall implement the following water conservation and re-use standards upon its portion of the Property:

(i) All structures or buildings thereon that contain a connection to the regional waste water system shall also be constructed to include pipes designed to permit future connection to a regional wastewater re-use system that may be constructed by the County;

(ii) Upon the construction of a regional wastewater re-use system by the County that includes a connection point abutting such owner's portion of the Property, such owner shall connect the water re-use pipes serving the structures and buildings located its portion of the Property to such regional wastewater re-use system; and

(iii) The water for any irrigation system used within Parcel A shall be supplied from a rain water capture system or other re-use system constructed for the benefit of Parcel A, and such irrigation system shall not use the public water supply system, except in the case of force majeure, including, but not limited to, droughts or mechanical failure.

6. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the Property shall constitute a covenant running with the land and shall be recorded by Lowe's, at Lowe's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon Lowe's and the Parcel B Owner and their heirs, successors, and assigns during the Term set forth in Section 6(B) below unless and until such time as the same is modified, amended or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

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

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the land covered by the proposed modification, amendment or release, provided that the same is also approved by the Board of County Commissioners and provided further that the automatic termination of the restriction set forth in Section 2(a) in the manner set forth therein shall not require a modification, amendment or release of this Declaration. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part

II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said Department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

E. Election of Remedies. All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to

constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

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

[Signature Pages Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2008.

WITNESSES:

139 AVENUE SW 8 STREET, LLC, a Florida limited liability company

Signature

Print Name

Signature

Print Name

By: _____

Name: _____

Title: _____

STATE OF _____)

)

SS.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, as _____ of 139 Avenue SW 8 Street, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification, and acknowledged that she did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

Notary Public, State of _____

Print Name

EXHIBIT A

"Parcel A"

ALL OF TRACTS 34 AND 47 AND ALL OF TRACTS 55 THROUGH 60, INCLUSIVE, ALL OF "EVERGLADES GARDENS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

4/24/2008 CDMP

EXHIBIT B

"Parcel B"

TRACT 46 a/k/a THE TRACT BETWEEN 45 AND 47 AND TRACTS 30, 35, 61, 62, 63, 64, 65, AND 66, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 14 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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4124/2008 CDMP Applications 508



MIAMI-DADE EXPRESSWAY AUTHORITY

AN AGENCY OF THE STATE OF FLORIDA

3790 N.W. 21st St. Miami, FL 33142 tel 305.637.3277 fax 305.637.3283
suncom 461.3277 www.mdx-way.com

2008 MAR 28 A 9:19
PLANNING & ZONING
METROPOLITAN PLANNING SECT

March 27, 2008

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- JAVIER RODRÍGUEZ, P.E.
Vice Executive Director
- MARIA LUISA NAVIA LOBO
Secretary

Subrata Basu, AIA, AICP
Interim Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1st Street
Miami, FL 33128

Re: Applications to Amend the Comprehensive Development Master Plan (CDMP) April 2007 Cycle. Applications #5 and #8.

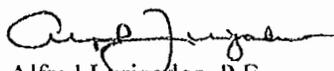
Dear Mr. Basu,

The Miami-Dade Expressway Authority has reviewed the Applications to Amend the Comprehensive Development Master Plan (CDMP) of April 2007 Cycle and has identified two sites per the documentation posted in the Miami-Dade website as of March 17, 2008, that are located within the study area of a future MDX project. These sites are identified as Applications #5 and #8

MDX is currently in the process of identifying future projects to improve mobility and enhance multimodal transportation in Miami-Dade County. One of the projects being considered in the southwest area is a southern extension of SR 836 from SW 137 Avenue to SW 136 Street (SR 836 Southwest Extension), which will be presented before the Long Range Transportation Plan Committee in this 2035 update cycle. A portion of the study area delineated for this proposed corridor planning study comprises the two above mentioned application sites. Further project development of this future limited access tolled facility will determine the proposed alignment and the needs of right of way acquisition and potential impacts on properties, such as those subject applications.

Please advise us on further reviews to have the opportunity to provide input on our future plans in the area. If you have any question, please contact me or Mayra Díaz at (305) 637-3277 ext. 2118.

Thank you
Sincerely,


Alfred Lorigados, P.E.
Director of Engineering

Cc: Mark Woerner, Miami-Dade DP&Z
Napoleon Somoza, Miami-Dade DP&Z

4/24/2008 CDMP Exhibit
Applications 5, 8, and 9
Exhibit B

Exhibit B

**Department of Planning and Zoning (DP&Z)
Revised Response to the Florida Department of Community Affairs (DCA)
Objections, Recommendations and Comments (ORC) Report
DCA No. 08-1 Addressing the April 2007 Cycle
Applications to Amend the Comprehensive Development Master Plan (CDMP)**

March 31, 2008

This report contains the initial responses of the Department of Planning and Zoning (Department), to the objections contained in the referenced Objections, Recommendations and Comments (ORC) Report issued by the Florida Department of Community Affairs (DCA) dated February 26, 2008. The DCA issued objections to all six (6) private applications and two of the text applications (Applications 14 and 16) transmitted for review and comment by the Miami-Dade County Board of County Commissioners.

In the following presentation, the DCA's Objection and corresponding Recommendation are presented, followed by a response of the Department of Planning and Zoning. Immediately after the Objection number, notations are provided indicating which Applications that the Objection and Recommendation address. The issuance of the responses contained herein does not preclude the issuance of other future responses by the Department. Moreover, the responses issued by the Department are not necessarily those of the applicants, Local Planning Agency (Planning Advisory Board), or Board of County Commissioners, which may offer their own responses to points raised in the ORC report.

***DCA OBJECTION #1: INADEQUATE PLANNING FOR POTABLE WATER SUPPLY
(Applies to Applications No. 5, 8, and 9)***

The proposed future land use changes in Amendments/Applications 5, 8, and 9 all increase the potential demand for potable water from the properties involved. All three applications also require that the County's Urban Development Boundary (UDB) be moved to accommodate the proposed urban uses. According to information provided by the South Florida Water Management District (District) in its report to the Department on Amendment 08-1, the 20-year Consumptive Water Use Permit (CUP) issued by the District to Miami-Dade County in November 2007 was based solely on population projections within the current UDB. The same population projections underlie DCA Table 1 in the settlement agreement between the Department and Miami-Dade County to bring Amendment 06-1 into compliance. DCA Table 1 demonstrates that the County Water and Sewer Department (WASD) will have a sufficient potable water supply to meet the expected demand in its service area out to 2030. The demand estimates were based on population projections for WASD's service area. The information contained in

DCA Table 1 was instrumental in the compliance agreement between the Department and County, because it demonstrated that the potable water demands of ordinary growth would be accommodated by the water to be produced from WASD's proposed new alternative water supply sources, which were included in the capital facilities schedule in the Miami-Dade County Capital Improvements Element.

The three proposed UDB amendments, however, are located outside the delineated WASD service area, which was the basis of the water demand projections agreed upon between the District and WASD for the CUP and for DCA Table 1. If this potable water service area is expanded to include the three UDB amendments, it would be expected to have a greater potential population and a greater potential water demand than the existing delineated service area used to provide the basis for the CUP. This greater potential water demand must be matched by an additional planned supply of water. The three UDB amendments fail to identify the new water supply source, nor are the amendments supported by adequate data and analysis to demonstrate they can be provided an adequate water supply based upon current water sources.

The District, in its report to the Department, also points out that until the new Hialeah Floridan Aquifer reverse osmosis facility goes on-line (4.72 million gallons a day scheduled for 2012), the County has limited "new" water to meet its anticipated growth within the UDB and must rely heavily on water conservation and system savings to avoid a deficit. A portion of the water from this plant is already committed to the City of Hialeah as part of the 2006 settlement agreement between the Department and Miami-Dade County (Case No. 06-2395GM). Therefore, data and analysis to document the availability of water to meet the anticipated municipal growth for the next 5 years is essential to ensure adequate water supply before approving land uses outside the UDB that might compete for the same supply. The District also notes—(1) that the requirements of the limiting conditions within the CUP would need to be met prior to providing water supply to any development(s) outside of the current service area; and (2) that any delays in completing the County's \$1.6 billion worth of new water and sewer infrastructure projects will cause a shortfall of water supply with respect to projected growth within the existing UDB.

DCA Recommendation:

The County should not adopt the proposed land use changes until it can demonstrate the necessary coordination of land use approvals with an assured supply of potable water. Revise the amendments to demonstrate coordination of the proposed land use changes with the planning and provision of potable water supplies. Identify any needed facility improvements for the 5- and 10-year planning time frame. These improvements should be coordinated with the Water, Sewer, and Solid Waste Element and the Capital Improvements Element, including implementation through the 6-year schedule of capital improvements of any facilities needed during that time frame.

Exhibit B

**Department of Planning and Zoning (DP&Z)
Revised Response to the Florida Department of Community Affairs (DCA)
Objections, Recommendations and Comments (ORC) Report
DCA No. 08-1 Addressing the April 2007 Cycle
Applications to Amend the Comprehensive Development Master Plan (CDMP)**

March 31, 2008

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In the following presentation, the DCA's Objection and corresponding Recommendation are presented, followed by a response of the Department of Planning and Zoning. Immediately after the Objection number, notations are provided indicating which Applications that the Objection and Recommendation address. The issuance of the responses contained herein does not preclude the issuance of other future responses by the Department. Moreover, the responses issued by the Department are not necessarily those of the applicants, Local Planning Agency (Planning Advisory Board), or Board of County Commissioners, which may offer their own responses to points raised in the ORC report.

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(Applies to Applications No. 5, 8, and 9)***

The proposed future land use changes in Amendments/Applications 5, 8, and 9 all increase the potential demand for potable water from the properties involved. All three applications also require that the County's Urban Development Boundary (UDB) be moved to accommodate the proposed urban uses. According to information provided by the South Florida Water Management District (District) in its report to the Department on Amendment 08-1, the 20-year Consumptive Water Use Permit (CUP) issued by the District to Miami-Dade County in November 2007 was based solely on population projections within the current UDB. The same population projections underlie DCA Table 1 in the settlement agreement between the Department and Miami-Dade County to bring Amendment 06-1 into compliance. DCA Table 1 demonstrates that the County Water and Sewer Department (WASD) will have a sufficient potable water supply to meet the expected demand in its service area out to 2030. The demand estimates were based on population projections for WASD's service area. The information contained in

DP&Z Response:

Miami-Dade County Department of Planning and Zoning, after each decennial census, generates its population estimates and projections for the County. These population estimates and projections are then disaggregated into the Minor Statistical Areas (MSAs), sub-areas of census tracts, to help identify the County's growth trends by geographic area and are routinely updated based upon local trends and conditions. Updates and amendments to the population projections, contained in the CDMP Land Use Element, are considered for adoption by the Board of County Commissioners approximately every four years; the latest projections being adopted in 2004. It was the 2004 adopted population estimates and projections that were utilized by WASD in their water supply planning efforts and formed the basis for determining future water demands in the WASD utility service area.

DCA has indicated that any change of land use outside of the service area (the Urban Development Boundary (UDB)) will result in an increase in water demand not accounted for by the recently approved Water Use Permit (WUP). The Department asserts that the UDB helps to manage potential development sprawl within the County but that movement of this line does not increase the population. The population growth of the County is based on rate of births, deaths, in-migration and out-migration and is determined independent of land use. The assignment of the County's estimated population to the MSAs takes into consideration the amount of zoned developable land and makes assumptions regarding the timing of this development based upon past trends. However, inclusion of additional vacant land into the UDB does not change the existing or projected population for the County, but rather may adjust the spatial distribution of the population assigned to the MSAs. Likewise the existing population within the WASD utility service area will not change should vacant land (no existing population) be added. However, the projected population for the utility service area may shift between MSAs based upon changes to the development pattern created by additional commercial or residential supply in that area.

To properly account for these potential shifts in population, as noted above, the County periodically revises its population projections, both at the countywide and the MSA levels, and prepares these updates for inclusion into the CDMP. Such updates are a routine component of any long-range planning process as documented in the legislative requirements to update the regional water supply plans every five years. This concept was also addressed with the issuance of the 20-year WUP, as limiting condition 49, which requires a compliance report that updates the components of the WUP, including population estimates and reuse and water supply project status, to "maintain a reasonable assurance the permittee's use will continue to meet the applicable rules and statute for the remainder of the permit duration.

As stated above the projected WASD service area population will not be increased by approval of these three land use amendments, and this population estimate will be revisited every five years and revised if necessary. The Department also recognizes that building trends are not linear and that more development occurs in some years than

others. This fluctuation in development and the resulting water demands may not coincide with the completion of those planned alternative water supply and reuse projects necessary to accommodate these anticipated water demands. An analysis of the finished water demands of the 3 applications, based on largest water demand produced by the proposed development scenarios are as follows:

Application No. 5 – The proposed development, based on the submitted application and proffered restrictive covenant, would prohibit residential units. The Land Use Plan map amendment would allow for two scenarios. The first is based on a commercial use of Parcel A and offices on Parcel B. The second scenario contemplates commercial development on Parcel A with a 2,000 student station High School on Parcel B. The estimated water demands for each of these scenarios, based upon water demand generation tables codified in Chapter 24, Miami-Dade County is as follows:

APPLICATION 5				
Scenario	Proposed Use	Square Feet (sf) / Number of Students	Water Demand rates (Chapter 24)	Estimated Water Demand (gpd)
1	Commercial/Retail	357,192 sf	10 gpd/100 sf	35,719
	Offices	655,578 sf	10 gpd/100 sf	65,558
Total Estimated Water Demand for Scenario 1				101,277
2	Commercial/Retail	357,192 sf	10 gpd/100 sf	35,719
	High School	2,000 students w/showers & 268 employees	20 gpd/student 15 gpd/employee	44,020
Total Estimated Water Demand for Scenario 2				79,739

Source: Miami-Dade County Department of Planning and Zoning, March 2008, base on criteria from Chapter 24, Miami-Dade County Code.

Gpd = gallons per day

Application No. 8 – the proposed development, based on the transmitted covenant as accepted by the BCC, would prohibit residential units. The water demand for a commercial scenario, based upon water demand generation tables codified in Chapter 24, Miami-Dade County is as follows:

APPLICATION 8				
Scenario	Proposed Use	Square Feet (sf)	Water Demand rates (Chapter 24)	Estimated Water Demand (gpd)
1	Commercial/Retail	670,824 sf	10 gpd/100 sf	67,082

Source: Miami-Dade County Department of Planning and Zoning, March 2008, base on criteria from Chapter 24, Miami-Dade County Code.

Gpd = gallons per day

Application No. 9 - the proposed development was transmitted to DCA without acceptance of a covenant. Therefore, the property could be developed under two scenarios. The first scenario would include residential on Parcel A and commercial development on Parcel B. A second scenario is based on residential development of both Parcels A and B. The water demands for each of these scenarios, based upon water demand generation tables codified in Chapter 24, Miami-Dade County is as follows:

APPLICATION 9				
Scenario	Proposed Use	Square Feet (sf) / Number of Students	Water Demand rates (Chapter 24)	Estimated Water Demand (gpd)
1	Commercial/Retail	174,240 sf	10 gpd/100 sf	17,424
	Single Family	509 detached units	350 gpd/unit	178,150
Total Estimated Water Demand for Scenario 1				185,574
2	Single Family	509 detached units	350 gpd/unit	178,150
	Townhome	130 attached	250 gpd/unit	32,500
Total Estimated Water Demand for Scenario 2				210,650

Source: Miami-Dade County Department of Planning and Zoning, March 2008, base on criteria from Chapter 24, Miami-Dade County Code.

Gpd = gallons per day

Using the estimated highest demand for each of the above development scenarios, the potential water demand of the three applications is estimated to be 379,000 gallons per day. Realistically, development of these properties would not be completed due to platting, zoning and permitting requirements until sometime between 2010 and 2012. Assuming a 3-year buildout timeframe of 2011, (similar to a concurrency review) the projected water demand of the WASD utility area is estimated at 359.54 million gallons per day (mgd). In accordance with DCA Table 1 (see Attachment 3), as agreed to by the County, DCA, and the SFWMD, the County is anticipated to have 12.36 mgd surplus water in 2011. Additionally, during the 2007 and 2012 timeframe, the timeframe prior to the first update of the WUP permit, surplus water is anticipated to range between 0.43 mgd in 2007 to 8.16 mgd in 2012. In no year during this timeframe does the surplus fall below 0.43 mgd; a level above the .359 mgd estimated for the projects. The WUP permit will be revisited in 2012 to update population estimates (based on the 2010 census data) and water supply projects, if necessary.

DCA points out concerns from the SFWMD that “until the new Hialeah Floridan Aquifer reverse osmosis facility goes on-line (4.72 million gallons a day scheduled for 2012), the County has limited “new” water to meet its anticipated growth within the UDB and must rely heavily on water conservation and system savings to avoid a deficit.” It is unclear why the SFWMD has these concerns since water conservation and systems savings have been proven to reduce demands and ultimately result in less water being required by growth. These are recognized as credits in the WUP issued by the SFWMD. The surplus water during the 2008-2011 timeframe is based on three factors; 1) the City of North Miami Beach no longer purchasing water from the County; 2) accelerated water

conservation measures undertaken by the County; and, 3) the addition of 4.7 mgd Floridan Aquifer Blending project at the Hialeah-Preston Water Treatment Plant scheduled for completion in 2009. These projects are discussed below.

The City of North Miami Beach is currently a retail customer. This City has its own water utility and alternative water supply projects, which are intended to serve the population within the City's service area. In 2007 the City came off the WASD system, with the exception of a 1 mgd demand that will be reduced to no demand by mid-2008. This reduction decreased the County's service area demand by approximately 25,000 persons, which equates to a water reduction of 3.875 mgd.

The County's water conservation efforts were projected to produce between 1.086 mgd in 2007 and 1.286 in 2012 based upon information provided in Table 5 (Appendix E) of the Revised Support Document. This savings has been accepted by the SFWMD and is included as a credit against the water demand in the WUP. Data supplied by WASD has indicated that the water savings realized during the 2007 calendar year was 1.48 mgd, an additional savings of .359 mgd.

This savings was due to extensive conservations and education efforts undertaken by the County, which resulted in WASD meeting all their targeted conservation goals and exceeding their goals in the following areas:

Conservation Measure	2007 Targeted Goal	2007 Actual	Percent Complete
Shower Exchange	3200 Showerheads	8117 Showerheads	253.7
Senior and Low Income Retrofits	750 Retrofits	806 Retrofits	107.5
High Efficiency Toilets	750 Rebates	750 Rebates	100.0
County Owned Facility Audits	25 Audits	50 Audits	200.0

A full listing of the conservation measure goals and completions are included in Attachment 4 attached along with the conservation events held by the County in 2007.

Finally, the SFWMD has incorrectly stated that the first permit project to come on online is the City of Hialeah Reverse Osmosis (RO) plant in 2012. WASD is currently using a blending of Floridan and Biscayne aquifer waters at the West and Southwest wellfields and is developing the infrastructure necessary to blend waters from these aquifers at the Hialeah-Preston plant. This project, listed in the WUP permit, is due to come on line in 2009 and will yield 4.7 mgd. The cost of the project, listed in the County's CIE as Project 20C on Table 12, is \$10.4 million dollars.

These above referenced projects demonstrate that the WASD utility has sufficient water to account for the normal growth of the County. The aggressive efforts by the County to promote water conservation has resulted in additional water which, if necessary would be used for planned growth. Additionally, WASD, to assure the continued availability of water supplies as new development occurs, is currently developing a water allocation

system in compliance with Section 163.3180(2)(a), Florida Statutes, which states that “prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent”.

The water allocation system will track the amount of water being allocated to serve all new construction, additions, renovations or changes in use requiring increases in water consumption. This system allows WASD to determine the current water supply available to serve new retail users within the WASD’s service area and wholesale customers, while ensuring that the allocation in the Miami Dade County’s 20-year water use permit is not exceeded. To ensure an equitable water allocation system, water will be allocated at the time of platting, at which time a parcel of land is evaluated to determine whether the existing water and sewer infrastructure can support the proposed project or the Developer must agree to improve the infrastructure to accommodate the development activity. This often occurs one to two years prior to the issuance of a building permit or its functional equivalent. The water allocation will be reserved as long as the developer complies with the terms and conditions of the agreement. In addition, water will be allocated prior to the issuance of a building permit. After the issuance of a building permit, the water will be reserved as long as the building permit remains active. The water allocation will be de-allocated when a water meter is set, or a Certificate of Occupancy or Use, or an Occupational License is issued. The total gallons of water required for a specific development activity or proposed use will be calculated according to the usage flows included in Chapter 24 of the Code of Miami-Dade County.

Currently, WASD is amending Chapter 32 of the Code of Miami Dade County to include requirements for water allocation. The law will not allow any development activity to be platted or such development approved or building permit to be issued without an approval letter from WASD specifying the amount of potable water allocated for such development activity. This law will extend to WASD’s wholesale customers. It is anticipated that revisions to Chapter 32 will be approved by the Board of County Commissioners by September 2008, and the water allocation system be fully implemented by the end of 2008

***DCA OBJECTION #2: 10-YEAR WATER SUPPLY FACILITIES WORK PLAN
(Applies to Applications No. 13 and 16)***

The Department objects to Application 13 because the proposed Water Supply Facilities Work Plan (Work Plan) does not identify and evaluate the potable water utilities serving the unincorporated areas of the County, other than the Miami-Dade County Water and Sewer Department (WASD).

In addition, according to the comments received from the South Florida Water Management District, the County’s 10-year water supply facilities work plan and the

associated water supply facility improvements listed in the Capital Improvements Element are not consistent with the projects, programs, and other requirements of the County's Consumptive Use Permit.

The County has not adopted potable water level of service standards for nonresidential uses such as office, industrial, and mixed-use. Such standards would be helpful in assessing future water supply needs for site-specific non-residential land use amendments.

See the attached report from the South Florida Water Management District for additional information concerning these objections.

DCA Recommendations:

Miami-Dade County should revise the Work Plan to include a plan for building water supply facilities, including development and use of alternative and traditional water supply projects and conservation and reuse programs necessary to serve existing and new development for a minimum 10-year period for each potable water utility serving the unincorporated area of the County.

The Work Plan and the CIE should be revised to be consistent with the projects, programs and other requirements of the CUP, as noted in the District's comments.

The County should adopt potable water levels of service standards for non-residential land uses such as office, industrial, and mixed-use.

The County should coordinate with the South Florida Water Management District in preparing its revised Work Plan, in response to the above objections.

DP&Z Response:

DCA has objected to the proposed County's Water Supply Facilities Work Plan for three reasons: 1) it does not "identify and evaluate the potable water utilities serving the unincorporated areas of the County, other than the Miami-Dade County Water and Sewer Department (WASD);" 2) the Capital Improvements Element (CIE) is "not consistent with the projects, programs, and other requirements of the County's Consumptive Use Permit;" and, 3) "The County has not adopted potable water level of service standards for non-residential users such as office, industrial, and mixed use." The following information is provided to address these objections.

Regarding the first issue raised above by DCA, WASD has been working with the other utilities (Florida City, Homestead, North Miami and North Miami Beach) that supply water to the County in order to evaluate the ability of these utilities to provide water to the County in the future. A new section has been added to the *Miami-Dade County Water Supply Facilities Work Plan, Support Document, revised March 2008*, (herein referred to as Revised Support Document) that evaluates the amount of water obtained

from these additional utilities. Furthermore, the Revised Support Document evaluated these utility's proposed alternative water supply and reuse projects and has determined that the proposed projects will provide sufficient additional water to meet the projected growth in these unincorporated areas. The Revised Support Document is included at the end of the Revised Recommendations Report on an attached CD.

Regarding the second issue raised by DCA, on November 15, 2007, the Governing Board of the SFWMD approved a 20-year Water Use Permit (WUP) for the County. Through this permit, MDWASD committed to implement a total of 170 mgd of reuse projects to be implemented between 2007 and 2030, to provide for an adequate water supply for the County's future population. These projects, which total over approximately \$1.6 billion were adopted into the County's Capital Improvements Element on June 5, 2007 of the April 2006 CDMP amendment cycle, DCA No. 07-01. However, in the month prior to the issuance of the permit, but after the issuance of the Initial Recommendations Report by this Department, several of the projects were renamed with some of the construction dates and finished water amounts being adjusted by the SFWMD. For example, a major wastewater reuse project, South District wastewater reclamation project, which consisted of 3 phases, was modified to require a new wastewater treatment plant in western Miami-Dade County. This new water reclamation plant project includes the construction of a new wastewater plant incorporating technologies capable of achieving those treatment levels required for canal recharge or any other alternative discharge that may be approved. As a result, Phase 2 and 3 of the South District Wastewater Treatment Plant Reuse Project is now referred to as the West District W.R.P. Canal Recharge Phase 2 and 3. These two West District projects will now yield a total of 39.6 mgd, rather than 35 mgd as originally designed for the South District Plant. Additionally, the completion dates for Phase 2 and Phase 3 have been advanced by 2 years to 2020 and 2025, respectively.

Regarding the third issue, DCA notes that several of the alternative water supply and reuse project names and dates are inconsistent with their permit counterparts. As stated above, this is due to the last minute modifications made to the WUP prior to its issuance. To rectify these inconsistencies, Tables 8 and 12 of the CIE, as included in Application 13 of the Revised Recommendations Report, have been revised to reflect the new project names, construction dates and project size consistent with the information identified in the WUP. Additionally, these proposed revisions were included in both the text and tables of the Revised Support Document, (enclosed on CD), and in the proposed amendment to add Table 1 to the Water and Sewer Subelement as shown in Application 16 of the Revised Recommendations Report. The County has coordinated diligently with the SFWMD to ensure that all revisions, both to the text and to the Revised Support Document as recommended in their comments, have been incorporated into Water Supply Facilities Work Plan and Support document. Some of the SFWMD staff comments were not incorporated as revisions to the policies or text of the CDMP, since these comments included requirements considered too detailed or regulatory and not appropriate for this type of planning document. Revisions made to the Revised Support Document incorporate both the initial comments made by the staff of the SFWMD subsequent to the ORC.

The last issue raised by DCA concerns a potable water Level of Service (LOS) for non-residential uses. The County has not developed an LOS for non-residential uses, nor is it required to adopt such a standard. Section 163.3180(2)(a) states that "Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent."

To assess total water supply demand for that portion of Miami-Dade County under WASD's jurisdiction, a gallons per capita day figure is utilized. This divides all water demands (commercial, industrial, institutional and residential) by the estimated population of the County; at the time of the WUP issuance this per capita demand for the WASD service area was estimated to be 155 gallons per capita day (gpcd). WASD's water supply planning efforts are based upon the estimated growth of the County, and total water demands over a 20-year period. The Water Supply Facilities Work Plan will be updated every five years, at a minimum, to make adjustments to the population estimates and water use figures, and providing additional alternative water supplies and reuse projects, if needed, to accommodate future growth.

The County currently evaluates land use plan map amendments for their impacts on water supply and water and sewer treatment facilities. Such evaluations, while common during the platting and zoning process are difficult to accurately assess at the time of a land use plan map amendment, since a change in a land use does not necessarily correlate to the actual development that will be realized when the property is permitted and built. Additionally, the timing of development is not known at the land use plan map amendment stage and is often dependent on market conditions. Therefore, land use amendments are evaluated based upon various development scenarios for a given property. Each property development scenario has a water demand calculated using the sewage flow rates (also used for water demands) outlined in Section 24.43-1(5) of the Miami-Dade County Code (MDCC). The development scenario with the greatest potential water demand is assumed when evaluating the application's impact on water supplies. This evaluation includes those water supply projects programmed to be completed within a 3-year timeframe, since few development projects have been built within 3 years of approval of their land use plan amendment.

The generation rates in Chapter 24 MDCC, originally developed to calculate septic tank loadings, conservatively reflect water demand and wastewater generation for various land uses. These generation rates include both residential and non-residential uses. A list of these uses and their correlating water demand and/or sewer generation rate is included in Appendix A. Since specific types of uses is unknown at the time of the land use plan amendment, water demand is calculated using the generic demand rates listed below:

Land Use	Water Demand Rate
Single Family Residential (detached)	350 gallons per day
Single Family Residential (attached)	250 gallons per day
Multi-Family Residential	200 gallons per day
Business and Office	10 gallons /100 square feet
Industrial and Office	5 gallons/100 square feet
School	10 gallons/student with additional gallons for showers, teachers and cafeteria

The County is currently in the process of developing a concurrency management ordinance for water supply. This ordinance outlines the review process for development orders and provides for water supply reservations similar to other concurrency management services. Furthermore, the review process will be linked to a new water allocation system being developed by WASD. Any development requesting water must enter into a water service agreement. This request will be evaluated for current water availability taking into consideration all pending development with an approved water agreement. If approved, the water demand is retained as a reservation for a period of time or until a certificate of use (CU) is obtained. Issuance of a CU indicates that the facility is occupied and that any demand will be reflected through metered use. The water allocation system is anticipated to be operational by November 2008. The Water Supply Concurrency Management ordinance is due to be heard for first reading in the summer of 2008.

DCA OBJECTION #3: INTERNAL INCONSISTENCY WITH COMPREHENSIVE PLAN (Applies to Application No. 5, 8, and 9)

Proposed Amendments 5, 8, and 9 are not consistent with the Miami-Dade County comprehensive plan. All three applications request a change of the future land use designation on the property to the Business and Office land use designation on the Miami-Dade County Future Land Use Map. Business and Office allows commercial use and residential use.

The Miami-Dade County comprehensive plan contains policy guidance for moving or expanding the UDB, particularly in Land Use Element Policy LU-8F. Policy LU-8F states that the UDB should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (2003) plus a 5-year surplus (a total 15-year countywide supply beyond the date of EAR adoption, out to 2018). Policy LU-8F also addresses the adequacy of non-residential land supplies and states that this shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the countywide supply within the UDB.

According to the Miami-Dade County comprehensive plan, therefore, demonstrated or calculated need for additional land designated on the FLUM for residential (or commercial) use is a key criterion for expansion of the UDB. If the current supply of vacant land designated for residential inside the UDB is sufficient until 2018, there is no need to move the boundary line; and, in fact, to move the boundary line in order to allow more residential-designated land would be inconsistent with the comprehensive plan, barring a demonstration that the supply of residential land inside the UDB will be depleted before 2018.

The Amendment 08-1 package included analyses by the Miami-Dade County Department of Planning and Zoning (DPZ) of the projected demand for and supply of residential (single-family and multi-family) and commercial land out to 2025, the end of the planning period. In performing this calculation, DPZ projects total countywide population and estimates the rate at which the existing vacant residentially designated land within the UDB is being depleted. DPZ calculates the countywide housing depletion date to be 2019, which is more than 15 years from the date of the last Miami-Dade County EAR (2003). Therefore moving the UDB at the present time for a residential FLUM amendment, as represented by Applications 5, 8, and 9, is not consistent with the Miami-Dade County comprehensive plan.

According to DPZ's supply and demand calculations, there is also no need to expand the UDB in order to add new commercial-designated land, as would be permitted in the proposed Business and Office land use designation for Applications 5, 8, and 9. Therefore, moving the UDB at the present time for a commercial FLUM amendment, as represented by Applications 5, 8, and 9, is also not consistent with the Miami-Dade County comprehensive plan.

Additional policy guidance on expanding the UDB is contained in Policy LU-8G in the Miami-Dade County comprehensive plan regarding what kind of lands should or should not be added to the UDB. Policy LU-8G states that the following areas (among others listed in the policy) shall be avoided: (a) future wetlands delineated in the Conservation and Land Use Elements, and (b) land designated Agriculture on the FLUM.

Regarding Application 5, this site contains wetlands delineated in the Conservation and Land Use Elements of the Miami-Dade County comprehensive plan and therefore should be avoided when considering lands to bring within the UDB, pursuant to Policy LU-8G. Regarding Applications 8 and 9, these sites are currently designated for agriculture on the FLUM and therefore should be avoided when considering lands to bring within the UDB, pursuant to Policy LU-8G.

The Department concludes that expanding the UDB to add the properties represented in Applications 5, 8, and 9 would be internally inconsistent with the Miami-Dade County comprehensive plan.

DCA Recommendations:

Retain the current land use designations and the current UDB location. Alternatively, provide data and analysis which demonstrates that the proposed land use and text amendments are consistent with Land Use Element Policies LU-8D, LU-8E, LU-8F, and LU-8G and with Chapter 163, F.S., and Rule Chapter 9J-5, F.A.C.

DP&Z Response:

DCA has identified the above referenced policies concerning demonstration of needs for additional lands for both residential and non-residential development and concerning areas that should be avoided when considering lands to be included within the UDB, which the Department evaluated during its review of the referenced Application Nos. 5, 8 and 9. In each of these applications, the Department clearly stated that the amendment applications did not meet the criteria specified in these policies. The subject Policies LU-8F and LU-8G were among the key factors in determining our recommendation of “deny and do not transmit” as contained in our Initial Recommendations report (Volumes 1 and 2) dated August 25, 2007. Since the transmittal of the proposed amendments to DCA till date, no new information or data addressing these particular policies has either been submitted by the applicants or established by the Department to nullify the original data and analysis that were considered in the initial evaluation. Therefore, staff still maintains its initial recommendation of denial to these applications.

DCA OBJECTION #4: FAILURE TO IMPLEMENT SCHOOL CONCURRENCY (Applies to Applications No.1, 3, 5, 6, 8, and 9)

Pursuant to s. 163.3177(12)(i), F.S., the Department of Community Affairs established a schedule for local governments to adopt the Public School Facilities Element and the required updates to the public schools interlocal agreement. For Miami-Dade County, the date established by the Department was 1 January 2008. Miami-Dade County has not adopted its revised public school facilities element or executed the updated public schools interlocal agreement with the Miami-Dade County School Board. Therefore, pursuant to s. 163.3177(12)(j), F.S., the County is prohibited from adopting amendments to its comprehensive plan, which increase residential density until the necessary school amendments have been adopted and transmitted to the Department.

This prohibition applies to Applications 1, 3, 5, 6, 8, and 9 in the Amendment 08-1 package. The County may not adopt these amendments until it adopts the updated Public School Facilities Element, enters into the public schools interlocal agreement, and makes any other changes needed in the comprehensive plan to implement public school concurrency.

DCA Recommendations:

Adopt the revised Public School Facilities Element, pursuant to the recommendations in the Department's ORC report on Miami-Dade County Amendment 08-PEFE1 and execute the Interlocal Agreement on Public Schools prior to adopting these amendments or provide appropriate data and analysis demonstrating that the County has adequately planned for the potential residential density increase allowed by the proposed amendments. Alternatively, adopt the amendments, after revising to address all applicable objections in this report, with site specific policies to limit onsite development to non-residential uses.

DP&Z Response:

Miami-Dade County has been working with Miami-Dade County Public Schools to develop a concurrency management system that will best serve the residents of this County. Unfortunately, the necessary amendments to the Educational Element of the Comprehensive Development Master Plan (CDMP) and the amendments to the School Interlocal Agreement have not yet been adopted.

Pursuant to the Miami-Dade County Code (MDCC), the County is obligated to review and take action on comprehensive plan amendments filed pursuant to Section 2-116.1 of the MDCC. Section 2-116.1(4) MDCC outlines the procedures for final actions after transmittal to state review agencies. This section requires the Planning Advisory Board (PAB), acting as the local planning agency to conduct a noticed public hearing not more than thirty (30) days after receipt of the Objections Recommendations and Comments (ORC) report from DCA, with the Board of County Commissioners (Board) conducting at least one advertised public hearings not later than sixty (60) days after receipt of the ORC. Such final hearings are scheduled for March 31, 2008 for the PAB and April 24, 2008 for the Board. The County recognizes that Section 163.3177(12)(j), Fla. Stat., provides that, until the County adopts the updated Public School Facilities Element, enters into the public schools interlocal agreement, and otherwise amends the comprehensive plan as necessary to implement public school concurrency, it cannot adopt land use plan amendments that will increase residential density. Accordingly, for any ordinance approving a land use plan amendment that will increase residential density, the County will provide an effective date clause specifying that the ordinance will not go into effect until the CDMP amendments and Interlocal Agreement necessary to implement school concurrency have been adopted and transmitted to DCA as required by Section 163.3177(12)(j), Florida Statutes.

Additionally, the ORC report states that this objection applies to Applications 1, 3, 5, 6,8 and 9. However it is important to note that Applications 5 and 8 were transmitted with a recommendation of "Adopt and Transmit with Proffered Covenant". CDMP covenants for both of these applications, if accepted by the Board of County Commissioners, restrict the development of the property to commercial and institutional uses only. Since neither of these two applications, if approved with the proffered covenant, will increase residential density, this objection would not apply.

DCA OBJECTION #5: IMPACT ON TRANSPORTATION FACILITIES (Applies to Applications No. 5, 8, and 9)

The Department objects to Applications 5, 8, and 9 because the County fails to coordinate the transportation system with the proposed future land use map changes and ensure that proposed population densities, housing and employment patterns, and land uses are consistent with the transportation modes and services proposed to serve these areas. The amendments do not demonstrate that adopted level of service standards will be maintained through the 5-year planning time frame with the development allowed in the proposed land use changes. The Department notes and supports the report submitted by the Florida Department of Transportation (FDOT), which recommended objections to Applications 5, 8, and 9.

Regarding Application 5, the amendment package contains inconclusive data and analysis regarding its impacts on vicinity roadways. Roadway capacity on SW 8 Street/SR 90 appears to be too high, and the peak season volumes on SW 8 Street/SR 90 appear to be too low based on a determination of the existing conditions. The revised existing trips and capacity calculations on SW 8 Street/SR 90 are likely to result in LOS E instead of LOS C as shown in the traffic study. The FDOT stated that it disagrees with the statement in the traffic study related to the potential of the new Lowe's to absorb shopping trips to similar uses. The FDOT stated that it does not have improvement projects programmed in the 5-year work program in the vicinity of this application.

Regarding Application 8, the FDOT objected to the forecasted data presented in the traffic study. The 2016 projected traffic on SW 88 Street/Kendall Drive/SR 94 to the east of SW 157 Avenue is stated in the amendment package to be less than the existing traffic counts. Additionally, there appear to be significant impacts to Krome Avenue, an FIHS roadway. The review should analyze the impacts to Krome Avenue based on its existing capacity as a 2-lane facility. The additional trips from this development are likely to result in Krome Avenue reaching LOS F (between SW 88 Street to SW 232 Street) versus the LOS C projected in the traffic study. The FDOT does not have improvement projects programmed in the 5-year work program on Krome Avenue south of SW 88 Street.

Regarding Application 9, the FDOT objected to the data presented in the traffic study. According to the FDOT review of this study, there appear to be significant impacts on FIHS roadways such as Krome Avenue and the Homestead Extension of the Florida Turnpike as the result of the proposed development. The number of residential units and the square footage of retail area appear to deviate substantially from the Miami-Dade DPZ analysis.

DCA Recommendations:

For Application 5, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of the development allowed by Application 5 on vicinity roadways. Review the roadway capacity on SW 8 Street/SR 90 and the peak season volumes on SW 8 Street/SR 90, noting the FDOT critical comments on this information in the amendment package. Coordinate with FDOT to review and revise as necessary in the supporting traffic analysis the ability of the proposed use on the Application 5 site to absorb vehicle trips from nearby shopping establishments.

For Application 8, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of the 2016 projected traffic on SW 88 Street/Kendall Drive/SR 94 to the east of SW 157 Avenue. Provide the necessary data and analysis to enable a determination of the effects of development of Application 8 on Krome Avenue, based on its existing capacity as a 2-lane facility. Coordinate with the FDOT regarding its statement that the additional trips from the development of Application 8 are likely to result in Krome Avenue between SW 88 Street to SW 232 Street reaching LOS F versus the LOS C projected in the traffic study. Revise the traffic study as necessary.

For Application 9, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of development of Application 9 on FIHS roadways such as Krome Avenue and the Homestead Extension of the Florida Turnpike. Revise the traffic study to analyze SW 88 Street/Kendall Drive/SR 94, west of SW 157 Avenue, as a 4-lane facility, not a 6-lane facility, pursuant to the FDOT recommendation.

For Applications 5, 8, and 9, demonstrate how the County will achieve and maintain its adopted level of service standards through the 5-year and 10-year or greater planning time frames, including the incorporation into the 6-year capital improvements schedule in the Capital Improvements Element of roadway improvements needed to achieve and maintain adopted level of service standards during the 5-year planning time frame. The schedule shall include estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities. Depict on the Land Use Plan Map and in the Transportation Element the roadway improvements needed to achieve and maintain adopted LOS standards because of the development allowed by Applications 5, 8, and 9, in order for these applications to be consistent with the CDMP.

DP&Z Response:

Application No. 5 - The Applicant submitted in January 2008 a new Traffic Impact Analysis for this Application. The new traffic analysis examines the transportation impacts associated with the proposed changes in land uses on Parcels A and B, and the ability of the transportation system to accommodate the potential development on

both parcels. The traffic report reviews the capacity and peak period volumes on both SW 8 Street, between SW 157 Avenue and SW 107 Avenue, and SW 137 Avenue, between NW 12 Street and SW 26 Street. The planning horizon of the analysis is the year 2015. The traffic analysis reports that SW 8 Street west of SW 137 Avenue has a high service volume (capacity) and concludes that the traffic impacts resulting from the proposed land use changes can be accommodated by the adjacent roadway system. A copy of the Traffic Impact Analysis report is included in Appendix 4 of Application No. 5 in Volume 1 of the Revised Recommendations Report (March 24, 2008).

Miami-Dade County DP&Z and PWD staff reviewed the Traffic Impact Analysis report and has concerns regarding the projected 2015 service volumes (6,310) for the six-lane roadway segment of SW 8 Street, between SW 152 Avenue and SW 137 Avenue, and recommends the use of FDOT's 2002 Quality Level of Service Handbook Table 4-4, Generalized Peak Hour Two-way Volumes for Florida's Urbanized Areas, for future service volumes. County staff also has concerns regarding the trip distribution, specifically the allocation of 88% of the project's trips to the roadway segment of SW 8 Street west of SW 137 Avenue.

On February 20 and March 7, 2008, DP&Z and PWD staff met with the applicant's traffic consultants to discuss staff's concerns regarding the January 2008 Traffic Impact Analysis report. The issues and concerns include: trip generation, trip distribution, the need to subdivide SW 8 Street between SW 152 Avenue and SW 137 Avenue into two roadway segments based on the geometry of the roadway, the use of uninterrupted flow highway in the analysis, the high g/c ratio used in the analysis, and the high service capacity of SW 8 Street. The traffic consultant submitted its responses addressing the issues on March 1 and March 17, 2008. DP&Z and PWD staff revised the responses submitted by the transportation consultants, but still has concerns regarding the trip distribution, the use of uninterrupted flow highway model, the use of high g/c ratio for future traffic lights, and the high service capacity volumes on SW 8 Street. Copies of the complete Traffic Impact Analysis and traffic consultant's responses to the County staff's comments are attached.

County staff agrees with the Florida Department of Transportation (FDOT) and the Department of Community Affairs' (DCA) comments that the roadway capacity on SW 8 Street, as shown in the Traffic Impact Analyses, appear to be too high, and the peak volumes on SW 8 Street appear to be too low. The Applicant's traffic consultant has been advised to review the roadway capacity for SW 8 Street, the project's trip distribution, and the peak hour volumes on SW 8 Street. See Appendix 5 of Application No. 5 in Volume 1 of the Revised Recommendations Report (March 24, 2008).

Application No. 8 - On November 15, 2007, the Applicant submitted a revised Declaration of Restrictions providing the owner's commitment to dedicate and built the extension of SW 172 Avenue as a 4-lane roadway within a 70-foot right-of-way from the southern boundary of the Application site north to Kendall Drive. The Declaration of Restrictions was revised on December 4, 2007, to indicate the applicant's commitment to fund and install a traffic signal at the intersection of SW 88 Street and SW 172

Avenue. On February 20, 2008, the covenant was again revised to indicate that the owner would prepare a traffic signal warrant study for a traffic signal at SW 172 Avenue and SW 88 Street, and install the traffic signal if warranted by FDOT and PWD. Copies of the revised Declarations of Restrictions are included in Appendix 1 of Application 8 in the Revised Recommendations Report (March 24, 2008).

In March 2008, the Applicant's traffic consultant submitted revised Traffic Impact Studies to consider in the traffic analysis the proposed roadway extension and to address DCA's ORC comments. The revised Traffic Impact Studies use the DP&Z assumption that the Application site can accommodate up to 670,824 sq. ft. of retail using a 0.40 FAR for the 38.5 net acres, provide a concurrency analysis, and a projected traffic analysis to the year 2015. Krome Avenue between SW 8 and SW 136 Streets was analyzed as a 4-lane facility, because the Miami-Dade Transportation Plan to the Year 2030 (December 2004) lists the widening of Krome Avenue between SW 8 Street and SW 136 Street from 2 to 4 lanes, and not as a 2-lane facility as recommended in the ORC. Copies of the traffic analyses are included in Appendix 7 of Application No. 8 in Volume 1 of the Revised Recommendations Report (March 24, 2008).

The DP&Z and PWD staff reviewed the revised Traffic Impact Studies (March 2008) and had several concerns. The transportation consultant addressed the County staff's concerns. These concerns are discussed in details in Appendix 6 of Application No. 8 in Volume 1 of the Revised Recommendations Report (March 24, 2008). The Transportation Analysis report concludes that twelve roadway segments within the Study Area were found to exceed 5.0% of the adopted maximum level of service (LOS) volumes by 2015; however, many of these segments are not classified as "regionally significant roadways." The 2015 traffic analysis also concludes, based upon the project traffic assignment, that the trips generated by the potential development will not have a significant impact upon SW 177 Avenue nor on SW 88 Street.

The PWD and DP&Z staff concurs with the traffic analyses' conclusions that the future roadway infrastructure will have adequate capacity to serve the demand of this application and will meet the CDMP-adopted LOS standards through the year 2015.

Application No. 9 - On March 11, 2008, the Applicant submitted a Declaration of Restrictions indicating the owner's intention to develop the Application site with mixed use and as a pedestrian friendly community, which incorporates neighborhood retail, town homes, detached single family homes, greens, squares, parks, water features, and 5 acres for public purpose. The proposed covenant limits development to 390 residential units, including both detached and attached single-family units, and provides for the owner to work in good faith with the Miami-Dade County Public Works Department and the Department of Planning and Zoning to ensure that adequate infrastructure will be available to accommodate the traffic impacts generated by proposed development on the application site. A copy of the proffered Declaration of Restrictions is included in Appendix 1 of Application No. 9 in Volume 1 of the "Revised Recommendations Report (March 24, 2008)".

However, the covenant does not provide information regarding retail development on Parcel B, nor the total number of single-family attached and single-family detached units. In the absence of a specific development program, the Department is unable to appropriately analyze the traffic impact as restricted by the covenant. Moreover, the Applicant has not submitted a revised traffic impact analysis to address the objections raised by DCA and FDOT. Therefore, the Department stands by its original traffic impact analysis.

DCA OBJECTION #6: AVIATION MASTER PLANS (Applies to Application No.14)

Application 14 comprises three parts. Part 1 is a FLUM change for 420 acres from Terminals to Open Land in order to permit rock mining at the decommissioned Opa-Locka West Airport in northwestern Miami-Dade County. Part 2 of Application 14 contains numerous changes to the Aviation Sub-Element of the Transportation Element which are intended to improve the existing descriptions of the Opa-Locka, Miami International, Kendall-Tamiami, and Homestead airports so that they may qualify as airport master plans under s. 163.3177(6)(k), F.S. Part 3 revises the Land Use Element to provide for internal consistency with the Part 2 revisions in the Aviation Sub-Element.

The Department objects to Part 2 in Application 14 because it does not comply with the requirements in s. 163.3177(6)(k), F.S. The Department does not object to Parts 1 and 3.

Pursuant to s. 163.3177(6)(k), F.S., a qualified adopted airport master plan that has been incorporated into the local comprehensive plan and aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan is exempt from Development of Regional Impact (DRI) review. In order to qualify for this exemption, the adopted airport master plan must address land use compatibility consistent with Chapter 333, F.S., regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency.

After reviewing the proposed airport master plans against the requirements of s. 163.3177(6)(k), F.S., the Department concludes that the master plans for Miami International Airport, Kendall-Tamiami Executive Airport, and Homestead General Airport do not meet the requirements in s. 163.3177(6)(k), F.S. They are not supported by appropriate data and analysis indicating the impact of the proposed airport development on public facilities and services and do not establish the necessary mitigation to ensure that adopted public facility level of service standards will be maintained, and any associated public facility improvements that may be required to maintain adopted level of service standards. In addition, none of the three airport master

plans demonstrates consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan, as required by s. 163.3177(6)(k), F.S.

The Department notes and supports the objection from the South Florida Regional Planning Council that the proposed Miami International Airport Master Plan is inconsistent with the adopted Miami International Airport Development of Regional Impact (DRI). Specifically, the airport master plan identifies several areas for non-aviation commercial/industrial use. The development of privately owned non-aviation uses (hotel, office, industrial, agricultural and retail) on airport property is not authorized by the DRI development order. Therefore, since the impacts were not addressed during the DRI review, additional data and analysis beyond what was presented during review of the Miami International Airport Application for Development Approval must be provided to determine the public facilities and roadway impacts of the proposed non-aviation uses.

The proposed revised Opa-Locka Airport Master Plan comes closer than the other three airport master plans to meeting the requirements of s. 163.3177(6)(k), F.S.; however, it also does not demonstrate consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan and is therefore objectionable.

The Department also objects to the Opa-Locka Airport Master Plan because, as noted by the South Florida Regional Planning Council in its report on Application 14, it fails to provide for any intergovernmental coordination between the Miami-Dade County Aviation Department and the City of Opa-Locka, which includes approximately one-third of the airport area within its city limits. Neither Figure 4 nor the color map of the Opa-Locka Airport in the airport master plan depict the Opa-Locka municipal boundary.

DCA Recommendations:

For the Miami International Airport, Kendall-Tamiami Executive Airport, and Homestead General Airport master plans, provide appropriate data and analysis indicating the impact of the proposed airport development on public facilities and services, the necessary mitigation to ensure that adopted public facility level of service standards will be maintained, and any associated public facility improvements which may be required to maintain adopted level of service standards. Required public facility capital improvements will need to be incorporated in the schedule of capital improvements in the adopted Capital Improvements Element.

In addition, for the Miami International Airport Master Plan, provide additional data and analysis to determine the public facilities and roadway impacts of the proposed non-aviation uses which were not authorized by the DRI development order.

For the Opa-Locka Airport Master Plan, include policies describing intergovernmental coordination with the City of Opa-Locka and include in the master plan a map or maps which depict the portion of the airport within the Opa-Locka municipal boundary. Revise the airport master plan to demonstrate its consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan.

DP&Z Response:

Application 14 Part 2: Since the publication the of Volume 2 of the Initial Recommendations Report (August 25, 2007) and the subsequent Miami-Dade County Board of Commissioners (BCC) transmittal public hearing on November 27, 2007, the Miami-Dade Aviation Department (MDAD) submitted additional information in support of Part 2, Application 14. The new information includes development programs and traffic impact studies for both the Miami International (MIA) and Kendall-Tamiami Executive Airports (TMB), and revised Land Use Master Plans for Miami International, Kendall-Tamiami Executive, and Homestead General Aviation (X51) Airports. The development programs include non-aviation uses at the MIA and TMB, and no change to the existing development at the X51. The development programs are included in Attachment 1.

The Miami-Dade County agencies conducted pertinent analyses on the non-aviation uses proposed for the MIA and the TMB. These analyses are presented in the Planning Considerations section in Volume 2 of the Revised Recommendations report (March 24, 2008). The analyses conclude that, with the exception of Fire and Rescue services and pending resolution of traffic issues discussed below, there is adequate capacity in public facilities and services to serve the proposed non-aviation related developments at these airports. The Miami-Dade Fire and Rescue Department (MDFR) has indicated that in addition to impact fees, a 2-acre site will be required for the construction of a fire station to serve the proposed development at the Kendall-Tamiami Executive Airport. The MDFR Fire and Water Engineering Bureau will further review the proposed developments at the MIA and TMB during the platting and permitting phases to assure compliance with National Fire Protection Association (NFPA). Regarding the pending traffic issues, DP&Z staff has concerns with some of the assumptions in the analysis and the conclusions of the traffic studies. See pages 14-42 and 14-43 for the MIA traffic issues and pages 14-55 and 1456 for the TMB traffic issues. However, DP&Z staff will work with MDAD staff and the transportation consultants to address the concerns regarding the assumptions, analyses and conclusions. It is anticipated that these issues will be resolved prior to the BCC's scheduled April 24, 2008, final adoption hearing.

With regard to the Opa-locka Airport Master Plan, DP&Z is proposing a new Policy AV-7F in the CDMP Aviation Subelement to assure intergovernmental coordination between Miami-Dade County and the City of Opa-locka. This new Policy AV-7F is included on page 14-8 of Volume 2 of the Revised Recommendations report (March 24, 2008) and is presented below.

AV-7F. The Miami-Dade County Aviation Department shall ensure, through coordination with the City of Opa-locka, that any concerns regarding the development and redevelopment of the Opa-locka Executive Airport and/or development and redevelopment of land in its vicinity are addressed on a timely basis to ensure compatibility of land use and zoning with the functions of the airport.

The Opa-locka Airport Land Use Master Plan and the CDMP Aviation Subelement 'Figure 4: Opa-locka Executive Airport 2015-2025' layout map were both revised to show the boundaries of the City of Opa-locka. These revised maps are included in Attachment 1 at the end of this report.

With regard to the consistency of the Opa-locka Airport Land Use Master Plan with the Miami-Dade Metropolitan Planning Organization's (MPO) Long-Range Transportation Plan to the year 2030 (LRTP), the MDAD has submitted a memo to the MPO dated March 19, 2008, requesting the inclusion of the widening of NW 57 Avenue/SR 823 between the Palmetto Expressway/SR 826 and NW 135 Street from 6 to 8 lanes, and the widening of NW 135 Street between NW 57 Avenue and NW 42 Avenue/SR 953 from 4 to 6 lanes in the LRTP as Priority III projects. A copy of this memo is included as Attachment 2 in this report.

The Homestead General Aviation Airport Land Use Master Plan initially included non-aviation uses. However, subsequent to the BCC's transmittal public hearing on November 27, 2007, the MDAD revised the Land Use Master Plan to exclude non-aviation uses. Therefore, no impact analysis is needed for the Homestead General Aviation Airport Land Use Master Plan.

DCA OBJECTION #7: DESIGNATION OF REGIONAL ACTIVITY CENTER (Applies to Application No.3)

The Application No. 3 site is proposed for a future land use change from Industrial and Office (38 acres) and Business and Office (16 acres) to Business and Office for the entire 54 (net) acres and to be designated as a Chapter 380 Regional Activity Center. The amendment would also add to the adopted table of restrictive covenants in the Miami-Dade County comprehensive plan a covenant which would set limits on type and amount of development and peak hour trips from the subject property; however, this restrictive covenant is not yet adopted.

A Regional Activity Center is defined under Rule 28-24.014(10), F.A.C., as a compact, high intensity, high density multi-use area designated as appropriate for intensive growth by the local government of jurisdiction and may include: retail; office; cultural, recreational and entertainment facilities; hotels and motels; or appropriate industrial activities.

Should the County determine to adopt this application, the adopting amendment would have to designate the site as a Regional Activity Center and as appropriate for intensive growth. The material submitted with the amendment package contains a proposed revision of the section of the Miami-Dade County comprehensive plan which defines and lists the Regional Activity Centers in the County, to include the subject property. If the plan is amended as recommended, this condition would be satisfied. Most of the other criteria in Rule 28-24.014(10), F.A.C., for designation of a Regional Activity Center

would be satisfied by the amendment if adopted as proposed, including the proffered restrictive covenant.

There is one criterion in Rule 28-24.014(10), F.A.C., however, which is not satisfied by the amendment as proposed, according to the data and analysis provided by Miami-Dade County DPZ in the amendment package. The particular criterion is that the Regional Activity Center shall contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or committed public facilities, as identified in the Capital Improvements Element of the local government comprehensive plan. According to Miami-Dade County DPZ, there are not currently sufficient public facilities and services to serve the proposed development in the RAC – particularly vicinity roadways. DPZ's analysis (see page 3-2 in the "Initial Recommendations" in the 08-1 Amendment package), submitted with the amendment, states that proposed development's additional vehicle trips will contribute to deterioration of two vicinity roadway segments (NW 12 Street between the HEFT and NW 107 Avenue and from NW 107 Avenue to NW 97 Avenue) to below their adopted LOS standards.

Fifty-five other vicinity roadway segments are predicted to drop below their adopted LOS standards by 2015, with or without the vehicle trips from Application 3 (page 3-25 of the "Initial Recommendations" document in the 08-1 Amendment package). Of these, the following segments predicted to fail by 2015 will be significantly affected (5 percent or more of the adopted PM peak-hour level of service standard volumes) by the maximum development of the Application 3 property:

NW 58 Street, from NW 87 Avenue to NW 97 Avenue
NW 41 Street, from the HEFT to NW 122 Avenue
NW 25 Street, from NW 87 Avenue to NW 97 Avenue
NW 12 Street, from SR 826 to NW 107 Avenue
Dolphin Expressway, from the HEFT to SR 826
West Flagler Street, from NW 79 Street to SR 826
SW 8 Street/Tamiami Trail, from the HEFT to SW 127 Avenue
NW 87 Avenue, from NW 25 Street to SR 836
NW 97 Avenue, from NW 58 Street to NW 41 Street
NW 97 Avenue, from NW 25 Street to West Flagler Street
NW 107 Avenue, from NW 25 Street to West Flagler Street
HEFT, from SR 836 to SW 40 Street
NW 122 Avenue, from NW 41 Street to NW 25 Street
NW 122 Avenue, from SW 8 Street to SW 26 Street
NW/SW 132 Avenue, from NW 12 Street to SW 18 Street

This condition for designating a Regional Activity Center is therefore not satisfied, because mitigation for impacts to these roads has not been addressed.

The Department concludes that the proposed Application 3 does not satisfy all of the criteria for designation as a Chapter 380 Regional Activity Center because it has not been demonstrated that the Regional Activity Center will contain adequate existing

public facilities as defined in Chapter 9J-5, F.A.C., or sufficient committed public facilities, as identified in the Miami-Dade County Capital Improvements Element.

The Department objects to the proposed future land use change to Business and Office for the entire site and to its designation as a Regional Activity Center, because of the potential impacts on the vicinity transportation system.

DCA Recommendations

The impacts on level of service on vicinity roadways identified by Miami-Dade County DPZ for Application 3 must be addressed. The Department observes that the applicant for Application 3 submitted a traffic analysis which demonstrates that acceptable levels of service are maintained on vicinity roads with the proposed development. Miami-Dade County DPZ stated in the amendment package that although it did not agree with the applicant's analysis, it was willing to work with the applicant to resolve the discrepancies between the two traffic analyses. The Department recommends that the discrepancies in the different traffic analyses be resolved. If, after this is done, there remain adverse impacts on level of service on vicinity roadways, the amount of development must be reduced or additional road improvements must be included in the 6-year schedule of capital improvements to mitigate the impacts.

DP&Z Response:

Application No. 3 - The DCA recommended that Miami-Dade County and the applicant resolve discrepancies in the traffic analyses and their impacts on level of service on vicinity roadways.

The Applicant addressed Miami-Dade County's concerns related to traffic concurrency for NW 12 Street on November 8, 2007. DP& Z staff revised pages 3-2 and 3-22 of the Initial Recommendations Report (August 25, 2007) to reflect the changes to the concurrency analysis on November 27, 2007. These pages were replaced in the Initial Recommendations Report prepared for the November 27, 2007 CDMP Amendment Transmittal Public Hearing. See page 3-2 revised and replaced on November 27, 2007 in the Initial Recommendations Report.

Miami-Dade staff analyzed the potential impact of a base scenario (without the application's traffic impact) and three potential development scenarios, including a mixed-use development scenario (Scenario 3) proposed by the applicant. The applicant submitted a draft covenant limiting the development impacts to mixed-use scenario (Scenario 3). Since the covenant was accepted as part of the CDMP Transmittal Hearing, Miami-Dade County staff has indicated that Scenarios 1 and 2 no longer need to be addressed in the infrastructure analysis. The conclusions reached by staff on page 3-27 of the Initial Recommendations Report indicated that the findings were based upon the impact of at least one or more of the development scenarios, which then generated the listing of roadway segments identified in the DCA objection above.

On February 1, 2008, the applicant's transportation consultant met with staff of Miami-Dade County to address Year 2015 traffic conditions for the roadway segments identified on page 3-27 of the Initial Recommendations Report (August 25, 2007). Subsequently, the applicant's transportation consultant submitted additional data and analysis based upon an impact evaluation which compared the Year 2015 model derived traffic forecasts for the Base Scenario to the Year 2015 model derived traffic forecasts with the application's impact.

The DP&Z and PWD staff reviewed the revised traffic data and analysis (March 2008) and had several concerns. The transportation consultant addressed the County staff's concerns. These concerns are discussed in details in Appendix 6 of Application No. 3 of Revised Recommendations Report. The revised data and analysis demonstrated that each of the 71 study segments analyzed were found to either meet the adopted level of service standards or were found to not significantly impact the study area roadway segments based upon the development of the property using the proposed Mixed Use Development Program. A copy of the revised traffic data and analysis is included in Appendix 6 of Application No. 3 of the Revised Recommendations Report (March 24, 2008).

The PWD and DP&Z staff concurs with the traffic analyses' conclusions that the future roadway infrastructure will have adequate capacity to serve the demand of this application and will meet the CDMP-adopted LOS standards through the year **2015**. **See Traffic Analysis section on page 3-8 of the Revised Recommendations Report (March 24, 2008).**

The applicant is committed to providing the following developer-funded roadway and transit improvements:

- 1) Intersection improvements at NW 12 Street and NW 111 Avenue;
- 2) Widen NW 111 Avenue from NW 12 Street to NW 14 Street;
- 3) Intersection improvement at NW 111 Avenue and NW 14 Street;
- 4) Widen NW 14 Street from NW 111 Avenue to NW 107 Avenue;
- 5) Intersection improvement at NW 14 Street and NW 107 Avenue;
- 6) Widen NW 107 Avenue from NW 14 Street to NW 12 Street; and
- 7) Provide signal modifications to accommodate all geometric improvements.

Even though the application site is well served with transit service, the applicant is proposing to fund and construct a transit center on the southwest corner of NW 12 Avenue and NW 107 Avenue. The transit center will consist of 10 bus bays, driver facilities and services, retail space, a "kiss-n-ride" drop off area and 150 to 170 commuter parking spaces. The applicant and Miami-Dade Transit are currently in the process of finalizing the Deed of Restrictions (covenant) to determine the exact number of parking spaces that would be provided for commuter parking, leasing rights for the retail space, air rights and other issues.

ATTACHMENT 1

Applicant's response to Department of Community Affairs's February 2008 Objection Recommendations and Comments (ORC) report and Exhibits dated March 4, 2008.

ATTACHMENT 1

Aviation Department's March 4, 2008 memo response to Department of Community Affairs February 2008 Objections, Recommendations, and Comments (ORC) report

The response includes the following:

The March 4, 2008, memo response includes the following attachments:

- Summary of Non-Aeronautical Mixed-Use Development Scenarios for Miami International and Kendall Tamiami Executive Airports
- Applicant's 'Exhibit A – Proposed Private Investment properties at Miami International Airport'
- Applicant's 'Exhibit B – Proposed Third party Development at Kendall Tamiami Executive Airport'
- Miami-Dade Aviation Department Aggregate Summary of Functional Areas
- Revised CDMP Aviation Subelement 'Figure 4 Opa-Locka Executive Airport 2015-2025' showing City of Opa-Locka boundary
- Revised Opa-Locka Executive Airport Land Use Master Plan 2015-2025 showing City of Opa-Locka boundary
- Board of County Commission Resolution Regarding Opa-Locka Development Task Force
- Opa-Locka Development Task Force Recommendations

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Memorandum



Date: March 4, 2008

To: Subrata Basu
Acting Director Department of Planning & Zoning

From: Sunil Harman
Division Director - Aviation Planning, Land-Use & Grants 

Subject: Response to Intergovernmental Comments Concerning the Miami-Dade Aviation Department's Comprehensive Development Master Plan Application No. 14

This memo serves as a response to the Florida Department of Community Affairs' (DCA) Objection, Recommendation and Comments (ORC) Report dated February 26, 2008 containing comments from the South Florida Regional Planning Council (SFRPC), the Florida Department of Environmental Protection and the Florida Department of Transportation (FDOT) concerning Miami-Dade Aviation Department's (MDAD) amendment to the Aviation Sub-Element of the County's Comprehensive Development Master Plan (CDMP) referenced as CDMP Amendment Application Number 14. The Department of Planning and Zoning (DP & Z) should be aware that MDAD is committed to providing outstanding data and analysis in a timely manner and has responses to the concerns identified in the ORC as follows:

- On March 3, 2008 MDAD provided DP & Z the Airport Development Plans for Miami International (MIA), Kendall-Tamiami Executive (TMB) and Homestead General Aviation (X-51) Airports indicating the parcel locations of proposed airport developments as attached. MDAD has already provided DP & Z the development program for Opa-locka Executive Airport (OPF). MDAD also included the land, aviation and aviation-related uses for these airport development programs. It should be noted, that DP & Z previously agreed that aviation and aviation related uses are exempt from concurrency impact analyses, however, on February 27, 2008, DP & Z requested that MDAD provide development quantities for these existing uses as well, with the understanding that these uses will not be considered for impact analyses.
- On February 29, 2008 MDAD, as attached, provided DP & Z a map depicting the location of Parcels 1, 3, 4, and 5 for MIA's proposed third-party on-airport non-aeronautical development which included information regarding the proposed hotel(s), conference center and convenience/service center all in various locations designated Parcel 1.
- On March 3, 2008, as attached, MDAD provided the land use development program for TMB to include aviation uses and proposed third party non-aviation uses.
- On March 3, 2008, MDAD advised DP & Z that it is not pursuing non-aviation uses at X-51 given the objections raised by Community Council 8 and DP & Z as well as the lack of third-party developer interest in on-airport development due to the improbability involved in investing in proposed development located outside the Urban District Boundary (UDB). Therefore, MDAD again requests text changes in the amendment to preclude non-aviation uses outside the UDB and for information purposes has provided the development program in square footage for aviation uses at X-51.
- At this time MDAD has a better understanding of the nature and composition of third party non-aeronautical developments at MIA and TMB and has initiated traffic studies for

appropriate data collection and analysis to identify impact (if any) of the proposed airport developments on public facilities and services. MDAD will identify the necessary mitigation to ensure that adopted public roadway facility Level of Service (LOS) will be maintained, and identify any associated public facility improvements that may be required to maintain adopted LOS.

- In the event that the non-aeronautical plans at MIA, OPF and TMB necessitate mitigation to maintain LOS, MDAD will request that they be integrated into the Metropolitan Planning Organization's (MPO) Long Range Transportation Plan (LRTP) as **unfunded** improvements since the Federal Aviation Administration (FAA) rules do not allow airport revenues to be diverted to off-airport improvements unless the airport related traffic is the highest percentage contributor.
- On March 3, 2008 MDAD provided detailed development data tables which DP & Z circularized on that same day to other agencies for impact analyses for the non-aviation uses planned for the MIA and TMB Airports noting that the aviation uses are exempt from concurrency analyses as per Section 163.3180(4)(b), F.S., which states that "The concurrency requirements as implemented in local comprehensive plans does not apply to public transit facilities and airport passenger terminals and concourses, air cargo facilities, and hangars for the maintenance or storage of aircraft." Therefore, the impact analysis must be based only on the non-aviation uses. DP & Z is requesting that the information be submitted for consideration on or before Monday, March 17, 2008. MDAD has an aggressive timeline with the consultants conducting the traffic analysis to meet DP & Z's submittal deadline.
- MDAD is providing herewith to DP & Z revisions to Figure 4 and the Opa-locka Executive Airport's (OPF) Master Plan map depicting the portion of the airport within the City of Opa-Locka's municipal boundary, although the FAA deed of conveyance of the former Navy Base is to the County and does not allow the city any jurisdictional authority over the public-use aviation facility. In addition, MDAD in October 2007 submitted a final draft of OPF's Zoning Ordinance to DP& Z for adoption. DP & Z is tasked with any inter-local agreements associated with this Ordinance. As for intergovernmental coordination with the City of Opa-locka, it should be noted that MDAD staff met with the City of Opa-locka's Community Development Department in 2007 to discuss proposed on-airport development, explain the proposed airport zoning ordinance, provide a draft of the proposed airport zoning ordinance and associated land use zoning map. As a direct result of this coordination, the City of Opa-locka routinely requests MDAD's assistance in the review of airspace and land use impacts associated with proposed development in proximity to OPF. In addition, as a corrective action measure from the FAA's 2005 Land Use Audit for OPF, MDAD has made concessions to the City of Opa-locka allowing for the interim use of airport property for non-profit, non-aeronautical purposes provided that the use is coordinated with the FAA in advance and issued a special use permit. Finally, the Opa-Locka Airport Task Force which included membership from the City made specific recommendations which the Board of County Commissioners adopted (copy attached).

MDAD has previously revised the Aviation Sub-Element in the CDMP to be consistent with and further the referenced goals and policies of the Strategic Regional Policy Plan for South Florida.

- MDAD will incorporate the required public facility capital improvements as needed, in the schedule of capital improvements in the adopted Capital Improvements Element.
- MDAD maintains that the Airport Master Plans are consistent with the provision of regional transportation facilities for the efficient use and operation of the transportation system and airports.
- MDAD will coordinate with the South Florida Water Management District to provide documentation that the proposed mining activities at the former Opa-locka West Airport site will not conflict with the construction or operation of the District's ACCELER8 project.

Should you have any questions, I may be reached at (305) 876-7090.

Attachments; Referenced submittals of maps and data

C: J. Abreu
J. Cospér
M. Fajardo
M. Southwell
G. Owens
J. Ramos
M. Warner
P. Moore
N. Somoza

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Summary of Non-Aeronautical Mixed-Use Development Scenarios for Miami International and Kendall-Tamiami Executive Airports

The landside portion of the Miami-Dade Aviation Department’s (MDAD) system of airports shall be deemed to consist of all portions of the airport where general public access is not restricted and may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least one third of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations. While the landside development at MDAD’s system of airports is primarily aeronautical in nature, this summary considers only the square footage of proposed non-aeronautical development.

Miami International Airport (MIA)

The Aviation Department is currently preparing a competitive selection process to solicit development and redevelopment proposals from private investors intended to generate business and revenue from presently unused land parcels and facilities. These parcels comprise approximately 77 acres and include 295,000 square feet of office, cafeteria, training, equipment and parts maintenance and simulator buildings which at a minimum require for occupancy code upgrades, modernization and other alterations depending on proposed uses. MDAD estimates that the development solicitation may result in incremental annual revenue of approximately \$7.6 million from ground rents alone. MDAD has received a response from various developers for the non-aeronautical development of four parcels. These parcels are identified on Exhibit “A”.

Parcel	Quantity	Unit	ITE Land Use Code	ITE Land Use Code Description
1A	600	Hotel Room	310	Hotel
1B	185,000	SF	945	Gasoline/Service Station with Convenience Market
1C	400	Hotel Room	310	Hotel
1D	50	Hotel Room	310	Hotel
3	278,000	SF	110	General Light Industrial (includes offices)
4	422,000	SF	110	General Light Industrial (includes offices)
5	41,000	SF	110	General Light Industrial (includes offices)

Kendall-Tamiami Executive Airport (TMB)

The airport is well-equipped to meet a diverse mix of general aviation needs, including corporate and business-use traffic, fixed-wing and helicopter flight training, governmental support and recreational/sport aviation. While on-airport development continues to be primarily aviation-related, one developer has expressed interest in developing 355,000 square feet for commercial use. This proposed development is identified on Exhibit "B".

Homestead General Aviation Airport (X51)

MDAD does not have any planned commercial development for the airport at this time. It is anticipated that any future development in the airport will only be aeronautical in nature and consistent with uses at the airport today such as hangars, aprons, etc.



SCALE IN FEET 1 Inch = 2000 Feet

MIA Height Zoning Map

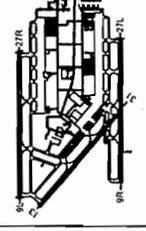
February 2008

MIA
MIAMI INTERNATIONAL AIRPORT
Aviation Planning Division

Exhibit "A" Proposed Private Investment Properties at Miami International Airport



AIRPORT DIAGRAM - ACTIVE RUNWAYS



Aviation Planning Division
February 8, 2007

Exhibit "B" Proposed Third Party Development at Kendall-Tamiami Executive Airport

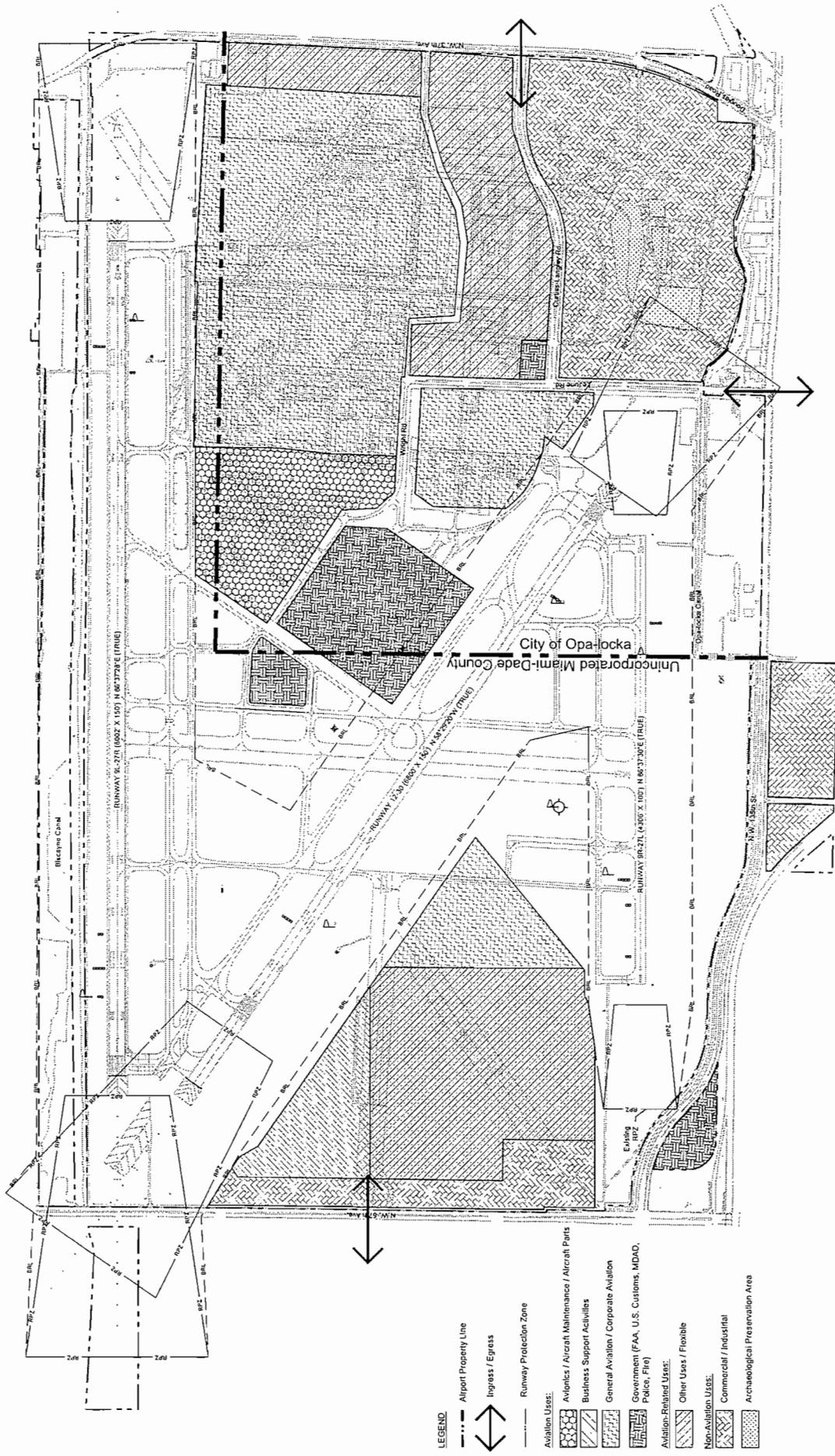
Miami-Dade Aviation Department
 Aggregate Summary of Functional Areas

	MIA			TMB			X51		
	Existing		Future	Existing		Future	Existing		Future
	Aviation	Non-Aviation	Aviation	Aviation	Non-Aviation	Aviation	Non-Aviation	Aviation	Non-Aviation
Terminal (SF)	6,200,000		7,500,000						
Cargo (SF)	3,550,000		4,049,410						
Maintenance (SF)	726,950		726,950					7,053	7,053
Support (SF)	3,803,131		3,069,999					112,006	112,006
Industrial Warehouse									
Service Center									
Commercial Retail Center									
Hotel (Rooms)		259 ^{1/}							355,000
Revenue Patron Parking (Spaces)		8,833			10,153				
Employee Parking (Park 8)		1,071							
Employee Parking (Surface Lot)		4,782							

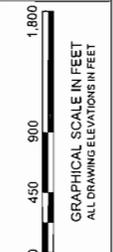
Notes:

^{1/} The existing Miami International Airport Hotel has a capacity of 259 rooms and is located in Terminal "E".

^{2/} This number represents additional hotel rooms anticipated to be developed in the future, it does not include the existing hotel rooms.



- LEGEND**
- Airport Property Line
 - Ingress / Egress
 - Runway Protection Zone
- Aviation Uses:**
- Avionics / Aircraft Maintenance / Aircraft Parts
 - Business Support Activities
 - General Aviation / Corporate Aviation
 - Government (FAA, U.S. Customs, MDAD, Police, Fire)
- Aviation-Related Uses:**
- Other Uses / Flexible
- Non-Aviation Uses:**
- Commercial / Industrial
 - Archaeological Preservation Area



MAGNETIC NORTH
DECLINATION = 5.53° W
ANNUAL RATE OF
CHANGE = 4° W
(JULY 24, 2006)



OPA-LOCKA
EXECUTIVE AIRPORT
AIRPORT LAND USE MASTER PLAN 2015-2025

REVISION DATE
PRINT DATE July 27, 2007
SCALE

Approved _____ Mayor
Veto _____
Override _____

Amended _____
Agenda Item No. 7(A)(2)(A)
3-1-05

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA**

RESOLUTION NO. R- 286-05

**RESOLUTION ESTABLISHING OPA-LOCKA
AIRPORT DEVELOPMENT TASK FORCE**

WHEREAS, Opa-locka Airport is a crucial asset in Miami-Dade County's system of airports, and as such merits careful study to maximize its potential; and

WHEREAS, Opa-locka Airport is ideally situated to continue to be developed over the coming years, due to a number of factors, including county-wide population growth, changes in the aviation industry, economic growth in the nearby communities, and other factors; and

WHEREAS, it is prudent to study and create a plan to manage such growth, both to assure maximizing the airport's best potential and also to protect the communities that are near the airport; and

WHEREAS, in order to gain the information necessary to prepare a useful and effective plan for the continued development of Opa-locka Airport, it is essential to obtain the insight of all interested parties, including representatives of all the communities surrounding Opa-locka Airport, the aviation industry, the airport development industry, relevant financial and banking interests, and other stakeholders,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. *Task force created.* The Miami-Dade County Opa-locka Airport Development Task Force is hereby established.

Section 2. Purpose. The purpose of the Task Force is to advise the Board of County Commissioners on issues relating to the development of Opa-locka Airport and the surrounding areas within the incorporated and the unincorporated areas of Miami-Dade County.

Section 3. Membership. The Task Force shall be comprised of nine (9) members, who shall be appointed by the County Manager as follows:

(1) four members who reside or work in proximity to Opa-locka Airport, two of whom shall be recommended by the County Commissioner representing District 1 and two of whom shall be recommended by the County Commissioner representing District 13, such districts having the largest populations to be affected by the continued development and use of Opa-locka Airport;

(2) two members who have demonstrated expertise in the field of airport and aviation-related development;

(3) two members who have demonstrated expertise in economic, finance and banking activities and impacts associated with the development of airports and their surrounding communities;

(4) one member who has demonstrated expertise in other aspects of airport related development, including but not limited to expertise in anticipating, assessing and addressing community impacts arising from development and use of airports, including but not limited to economic, compatibility and operational impacts of such development.

Section 4. Duties and Report. The Task Force shall have the duty to study and make recommendations to the Board of County Commissioners regarding the best alternatives for the successful continued development of Opa-locka Airport, with a view toward achieving environmentally sound, compatible, financially feasible development that maximizes the best

potential of Opa-locka Airport and the surrounding areas. The Task Force shall provide a preliminary report to the Board of County Commissioners, through the Regional Transportation Committee and the Community Empowerment and Economic Revitalization Committee, within ninety (90) days after the effective date of this resolution, and a final report with specific recommendations for Opa-locka Airport's future development within one (1) year after the effective date.

Section 5. Staff. The County Manager shall provide the Task Force with adequate staff and support services to enable it to carry out its purposes and duties.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan, Commissioner Sally A. Heyman and Commissioner Natacha Seijas and offered by

Commissioner ~~Natacha Seijas~~, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye		
Dennis C. Moss, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Dr. Barbara Carey-Shuler	aye
José "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	absent
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairman thereupon declared the resolution duly passed and adopted this 3rd day of March, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in cursive script, appearing to read "JAC", is written over a horizontal line.

Joni Armstrong Coffey

OPA-LOCKA AIRPORT DEVELOPMENT TASK FORCE Executive Summary

Vision for Opa-locka Airport:

“To be a self-sustaining, full-service domestic and international general aviation reliever airport with supporting aircraft maintenance, repair and overhaul operations, along with the maximization of non-aviation support revenues.”

While aviation demand in South Florida is beginning to exceed the capacity of the commercial and general aviation airports in the region, that is not the case at Opa-locka Airport. Opa-locka Airport served 137,000 operations in 2005, yet MDAD planners estimate OPF capacity at 406,400 annual operations.

Opa-locka Airport, centrally located between Miami International Airport (“MIA”) and Fort Lauderdale-Hollywood International Airport, is ideally situated to serve both Miami-Dade County and Broward County residents and businesses. The Airport is readily accessible from all directions from major roadways and expressways.

With more than five hundred (500) acres of vacant land available for aviation or non-aviation related development and business operations, the Airport is attracting increased interest in land leases and facility development by existing and prospective tenants.

After much research, study and discussion, the Task Force recommendations will enable Opa-locka Airport to capitalize upon development opportunities and become the self-sustaining, successful airport it once was, subsequently impacting positively on surrounding communities.

The Task Force recommends the County expedite the following measures to ensure completion in time for the influx of visitors expected for Superbowl 2007:

- beautify (on-airport signage, landscaping) the Airport as a “quick win” to spur further development;
- place signage on major roadways directing drivers to the Airport;
- work with the City of Opa-locka and Miami Gardens to rezone the eastern portion of the Airport to provide for commercial/industrial non-aviation development as quickly as possible;
- consider dedicating a portion of the Commission’s discretionary/commercial revitalization allocation to fund beautification or infrastructure projects at and/or on areas surrounding Opa-locka Airport;
- begin a dialogue with the Miami-Dade congressional delegation to earmark monies for development at the Airport;
- terminate inactive, non-performing leases;
- designate a marketing manager and funding dedicated solely to marketing Opa-locka Airport;
- allocate smaller parcels for leasehold opportunities for local small developers;

and

- change the Airport's name to Opa-locka Executive Airport to better align itself with its vision and to enhance marketing to potential customers.

The Task Force further recommends completion of the measures detailed below by the end of 2007:

- develop a Master Plan for OPF in order to best control and direct its future through planning;
- undertake a cost benefit analysis of the suggested uses and opportunities within this report to best determine how to accomplish the goal of developing Opa-locka Airport to its full potential;
- institute GAA representation at "an appropriate forum" (see Report) to advocate for Opa-locka Airport interests;
- pursuit of the following to expand development at the airport: General Aviation, Aviation Schools, Multinational Companies, Film Shoots, Army Reserve, and Wholesale/Retail.

OPA-LOCKA AIRPORT DEVELOPMENT TASK FORCE
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OPA-LOCKA AIRPORT DEVELOPMENT TASK FORCE Final Report -- March 2006

I. Introduction

A. A Brief History

Glenn Curtiss founded what is currently known as Opa-locka Airport ("OPF" or the "Airport") in 1927 before giving his Florida Aviation Camp to the United States Navy shortly before his death in 1930. The Airport was part of the United States Navy Training Command during World War II and served as the hub of six (6) naval training bases. Notably, Amelia Earhart departed on her ill-fated around-the-world flight attempt in 1937 from the former "Miami Municipal Airport," which was located near the Airport's main entrance. To date, numerous historic aircraft and buildings remain on site.

The Airport served as the Miami Naval Air Station and Miami Marine Corps Air Station during the Korean War. In the Cold War era, Opa-locka Airport played a part in both military and civilian efforts, including the infamous "Black Flights" to Guatemala in the 1950s, the Bay of Pigs invasion and the Cuban Missile Crisis. In early 1962, the deed for the Airport was signed and transferred to Miami-Dade County (the "County").

By 1967, OPF was the world's busiest airport with more than 650,000 flight operations. It is the only "Reliever Airport" with its own reliever airport (Opa-locka West). To date, it still has a military presence with the United States Coast Guard Air Station, which houses the "World's Busiest Air/Sea Rescue Station."

B. Great Potential

Aviation demand in South Florida is beginning to exceed the capacity of the commercial and general aviation airports in the region. However, airfield capacity limitations are not presently a constraint for Opa-locka Airport. OPF is well positioned to provide the capacity to serve the region's immediate and future air transportation needs in South Florida, and realize the economic benefits associated with satisfying that need.

Opa-locka Airport, centrally located between Miami International Airport ("MIA") and Fort Lauderdale-Hollywood International Airport, is ideally situated to serve both Miami-Dade County and Broward County residents and businesses. The Airport is readily accessible from all directions from major roadways and expressways.

Record flight delays at Fort Lauderdale-Hollywood International Airport ("FLL") prompted the Federal Aviation Administration ("FAA") in April 2005 to limit the number of aircraft allowed to land each hour. The FAA indicated it may expand the use of two (2) secondary runways, which would result in (i) flight activity directed over noise-sensitive areas, and (ii) limited general aviation operations. Plans to lengthen the south runway to accommodate commercial jets have been on hold since nearby residents and environmental activists expressed strong opposition. Delays in the lengthening of the south runway will likely lead

to the reservation of FLL's airfield capacity for commercial airline operations, and the divergence of general aviation traffic to other airports in Broward and Miami-Dade counties.

Fort Lauderdale Executive Airport ("FXE") is a general aviation airport owned and operated by the City of Fort Lauderdale. The FAA, through its National Plan of Integrated Airport Systems ("NPIAS"), has designated FXE as a reliever airport for FLL. FXE is one of the busiest general aviation airports in the country and has, in recent years, ranked in the top two (2) busiest general aviation airports for United States Customs processing.

In FXE's master plan update prepared in 2002, it was estimated that the airport's annual airfield capacity is approximately 273,000 operations. In 2004, FXE accommodated approximately 227,000 operations, according to Florida Department of Transportation ("FDOT") records. The airport is also reaching on-airport development saturation, as available land is becoming scarce.

The saturation at FXE and FLL counterpoints the situation at OPF. Opa-locka Airport served 137,000 operations in 2005, yet MDAD planners estimate OPF capacity at 406,400 annual operations. Clearly, OPF is underutilized and therefore available for growth.

With more than five hundred (500) acres of vacant land available for aviation or non-aviation related development and business operations, OPF is attracting increased interest in land leases and facility development by existing and prospective tenants.

OPF has two (2) long runways with three (3) precision approaches. These runways can accommodate all aircraft currently flying. OPF also has a parallel training runway that allows simultaneous approaches with its longest runway, which is used primarily by larger aircraft. A new airport rescue and fire fighting ("ARFF") facility was constructed at the Airport in 2004.

The County is well positioned to capture increasing shares of the corporate and general aviation demand in South Florida given the lack of available land to expand elsewhere in South Florida, and capacity constraints at nearby commercial and general aviation airports.

II. Task Force Overview

On March 3, 2005, the Miami-Dade Board of County Commissioners (“the Board” or “BCC”) approved Resolution No. R-286-05 creating the Opa-locka Airport Development Task Force (the “Task Force”) comprised of nine (9) members who either reside or work in proximity to Opa-locka Airport or have demonstrated expertise in designated areas. The Task Force was charged with creating a development plan to maximize the potential for Opa-locka Airport and the surrounding areas. Task Force composition was dictated by the resolution.

The Task Force submitted its preliminary report to the Regional Transportation Committee (“RTC”) and the Community Empowerment and Economic Revitalization Committee (“CEER”), in August 2005. Since that time, the Task Force has met bi-weekly, in duly noticed and recorded sessions, to further develop and expand upon its preliminary findings.

Meetings were staffed by the Miami-Dade Aviation Department (“MDAD”) and the County Attorney’s Office (“CAO”), and attended, at various times, by leaseholders, tenants, and prospective developers. A presentation by the Task Force was provided to the Opa-locka Airport Noise Abatement Task Force (“NATF”). A special public meeting was held in January 2006 at the City of Opa-locka Commission Chambers to gather input from surrounding communities, leaseholders, and the general public.

The Task Force established a vision for the Airport: “To be a self-sustaining, full-service domestic and international general aviation reliever airport with supporting aircraft maintenance, repair and overhaul operations, along with the maximization of non-aviation support revenues.”

III. OPF Today

A. Overview

Opa-locka Airport is located only ten (10) minutes from Dolphin Stadium, thirty-five (35) minutes from Downtown Miami, thirty (30) minutes from Miami Beach and twenty (20) minutes from Miami International Airport (see map, page 5). Designated as a reliever to MIA, Opa-locka Airport features no landing fees and quick and easy access.

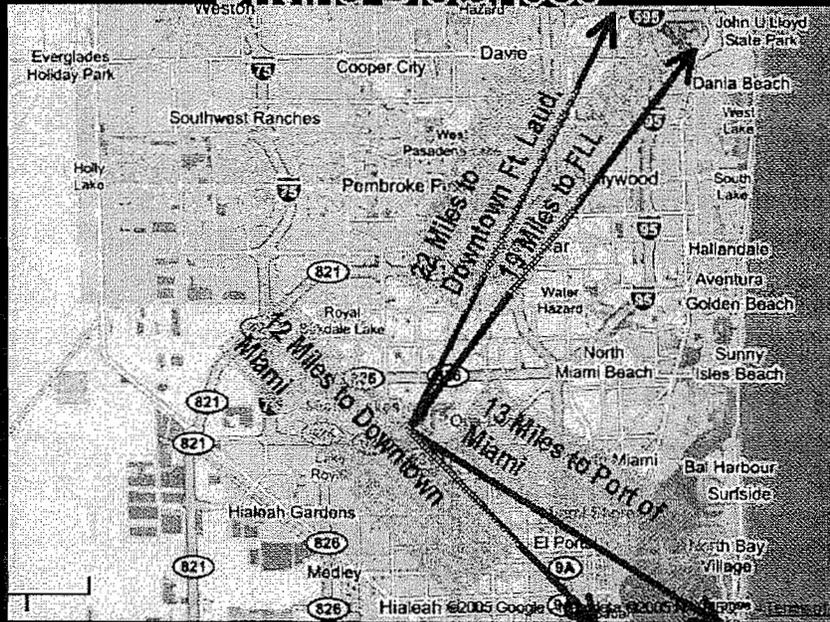
The Airport offers full fixed base operator (“FBO”) service; aircraft repair and maintenance on airframes, power plants and avionics; and United States Customs Service on the airfield. The Airport is also home to the busiest United States Coast Guard Air/Sea Rescue Station in the world.

Today, Opa-locka Airport serves corporate and business flights, with a moderate amount of flight training and some air taxi/charter activity (see chart, page 6). A United States Coast Guard search-and-rescue unit based at the Airport uses both fixed and rotor-wing aircraft. The Airport is well positioned to draw new general aviation and corporate technology, such as Small Aircraft Transportation System (“SATS”) (see attachment VI-A). Six (6) flight schools are on the Airport, with approximately twenty (20) based-aircraft. Florida Memorial University’s Aviation School utilizes the Airport as well. There is some industrial park activity primarily to the south and west of the Airport; however, none is controlled by MDAD.

Of approximately 140,000 annual operations, 8,500 per year are military-related, from Coast Guard helicopters to C-130 Hercules aircraft, and according to Florida Department of Transportation records, 310 aircraft are based at OPF (see chart, page 7). The based aircraft fleet consists of 137 single-engine aircraft, 104 multi-engine aircraft, 32 jet aircraft, 21 helicopters, and 16 military aircraft. Approximately 85 percent of the aircraft are tied-down on the existing aircraft aprons. The remainder of the based aircraft is stored in either conventional hangars or T-hangars.

Under existing County resolutions, OPF does not serve scheduled commercial operations and is precluded from serving such activities in the future. As such, the Airport’s role is limited to activities that maintain OPF as a primary general aviation reliever airport for Miami International Airport.

Driving Distances



Uses

Opa-locka	None	Low	Medium	High
Recreational Flying/Support		X		
Camping	X			
Sport/Experimental Aviation		X		
Gliders/Soaring	X			
Ultralights	X			
Banner Towing		X		
Sightseeing		X		
Sky Diving	X			
Real Estate Tours		X		
Traffic Reporting				X
Fire Fighting	X			
Flight Training			X	
Business/Corporate				X
Charter/Air Taxi				X
Military			X	
Coastal Patrol/Rescue		X		
Emergency/Medical Flights			X	
Environmental Patrol		X		
Agricultural Spraying	X			
Other (Cargo)			X	
Other (Government Charters)			X	
Other (Police and Fire)				X

FDOT

	YEAR	Based Aircraft	Annual Operations
HISTORIC BASED AIRCRAFT	1991	392	199,604
	1992	392	196,897
	1993	386	220,947
	1994	437	215,669
	1995	405	181,714
	1996	405	145,502
	1997	331	117,950
	1998	260	109,343
	1999	358	117,626
	2000	328	147,894
	2001	372	149,813
	2002	293	151,353
	2003	291	145,398
	2004	310	140,179
	2005	313	137,192
FORECAST BASED AIRCRAFT	2006	330	142,997
	2007	331	144,427
	2008	333	145,871
	2009	334	147,330
	2010	336	148,803
	2011	338	150,291
	2012	340	151,794
	2013	341	153,312
	2014	343	154,845
	2015	346	156,393

Forecast using FDOT and FAA calculations, verified and updated by MDAD Staff

B. Physical

1. Infrastructure

Infrastructure such as a redundant fire loop and utility connections are lacking, with leaseholders/developers expected to fund connection to water and sewer systems and upgrades to 16-inch pipes. There are two (2) fire loops – one each on the southeast and north central sides of the Airport – that meet current needs. There are no fire loops on the west side and the northeast side; these are required for development and represent a cost that developers must fund.

These infrastructure issues make the land less desirable because they represent a cost to developers and could hinder development of the Airport. Consideration must be given to improving infrastructure to encourage development.

2. Runways

OPF has four (4) active runways:

- Runway 9L-27R – 8,002 feet long by 150 feet wide, asphalt pavement in good condition, ILS CAT I, grooved.
- Runway 9R-27L – 4,306 feet long by 100 feet wide, asphalt pavement in good condition.
- Runway 12-30 – 6,800 feet long by 150 feet wide, asphalt pavement in good condition, ILS CAT I, grooved.
- Runway 18-36 – 4,394 feet long by 100 feet wide, asphalt pavement in fair condition.

All runways have full parallel taxiways 75 feet wide. The Airport has a 1,000 –square foot general aviation terminal and a 1,000 –square foot administration building.

Noise impacts are determined by which runway an aircraft uses. MDAD prefers pilots use Runway 12-30 (the diagonal runway) to limit noise impacts. Unfortunately, that runway is not the longest. The longest runway, which runs east-west on the northern side of the airport, impacts the most people with noise in surrounding communities. It can be difficult to get pilots to use the diagonal runway – even though it is longer than those at some international airports, and more than adequate length for all intended uses – because it is more economical and efficient for pilots to use the north runway and, because it is longest, pilots may request to use the north runway even when the runway is closed at night.

3. Air Traffic Control Tower

A replacement Air Traffic Control Tower costing an estimated \$10.9 million is required by June 30, 2007 under federal Occupational Safety & Health Administration (“OSHA”) regulations. The FAA, which operates the tower under the Contract Tower Program, is

poised to execute an Other Transaction Agreement ("OTA") for \$2.5 million, which includes a \$1.0 million Congressional earmark from the FY 2005 Omnibus Appropriations legislation.

MDAD will be able to access \$4.2 million in state funding, leaving a \$4.2 million shortfall. MDAD is requesting additional funding from the FAA for up to \$4.2 million to assist in funding the construction of the replacement tower. Without additional federal funding, MDAD and its airlines and tenants will be forced to absorb the additional cost of replacing the control tower, resulting in a partially unfunded federal mandate.

4. 40-Year Recertification

After Hurricane Andrew, all Airport buildings 40 years or older must be recertified as meeting the building codes of Miami-Dade County. Because the tenant must pay 50% of this cost, all MDAD leases now contain a recertification clause. The 40-year recertification of the Airport's buildings to bring them up to code is completed, except for those structures that will be demolished if they are not deemed of historical value.

5. Zoning

Opa-locka Airport is currently zoned "GU" for government use; therefore it is limited to aviation use only. Non-aviation uses such as warehousing, retail, and schools are currently not allowed except for parcels south of the Airport. MDAD realized the need to change the Airport's zoning. OPF lies within the boundaries of the City of Opa-locka (eastern side of Airport) and unincorporated Miami-Dade County (western side of Airport). The Board of County Commissioners recently passed and adopted Ordinance No. 06-20, which changed the zoning west of 47th Avenue. The zoning of the eastern side can be changed but a separate effort will be needed in concert with the City of Opa-locka and the City of Miami Gardens. The City of Opa-locka is currently working on such a measure.

C. Financing/budget

OPF generates a local economic impact of \$80 to \$100 million. The Airport's budget is less than \$2 million, \$800,000 of which is for the fire station. Airport maintenance is covered under Miami International Airport's budget, with \$700,000 for salaries, benefits and equipment. Replacement of vehicles and equipment is covered under the reserve budget. Security Improvement Projects are paid for by a state grant.

**Miami-Dade Aviation Department
Opa-locka Airport Budget Summary
FY 2006**

	Proposed Budget FY 2006
Revenues	
Aircraft Parking	\$ 4,500
Fuel & Oil	\$ 397,073
Building Rentals	\$1,213,214
Pavement	\$ 85,846
Ground Rentals	\$ 614,373
Electricity	\$ 800
Delinquency Charges	\$ 500
Miscellaneous Income	\$ 3,000
Security Deposits	\$ 0
Sales Tax	\$ 100,000
Total	\$2,419,306
Expenses	
Direct Operating Expenses	\$ (769,000)
Maintenance	\$ (817,867)
Properties Managers	\$ (94,790)
Total	\$(1,681,657)
Net Operating Revenues	\$ 737,649
Allocated Debt Service	\$(1,852,557)
Net Income/Loss after Allocated Debt Service	\$(1,114,908)
Administrative Support and Overhead	\$ (502,000)
Full Cost Allocation Surplus/Deficit	\$(1,616,908)

D. Market Area Characteristics

The market area for each Florida airport varies significantly in terms of its socioeconomic and demographic descriptions. The following table provides insight into five (5) key descriptors for the Airport's market area that help to bracket its characteristics in comparison to market areas for other public use airports in the state. This information is based on a standard thirty (30) minute service area for all airports.

Factor	Total	Florida Ranking	Florida Average
Population Growth (2000-2020)	802,738	3	174,454
Total Actual Employment	430,851	2	89,776
Post Secondary Enrollment	0	82	28,537
Hotel/Motel Rooms	2,790	36	4,375
Distance to 4-Lane Highway (Mi)	0	59	11.67

FDOT/FASP

E. Master, System, Strategic, and Land Use Plans

There are no current Master, Strategic, System, or Land Use Plans for Opa-locka Airport. Plans were developed but rejected by the Board of County Commissioners when the Resolution No. R-409-01 prohibiting development of a commercial airport was passed.

These plans are defined as follows:

Master Plan: FAA-mandated requirement for developing a needs assessment based on demand and identifying capacity, safety or other improvements to allow for optimal utilization of the airport. It results in an airport layout plan, which is a graphic and visual depiction of improvements. Opa-locka Airport does not have a master plan but it has an Airport Layout Plan from 1994, which the FAA accepts in place of a master plan. Funding permitting, MDAD will update the master plan and layout plan.

System Plan: Defines the airport's role within a system of airports. It is MDAD's intention to update the OPF plan as part of the Strategic Airport Master Planning process. If funded, this four-year process will begin by the end of 2006.

Strategic Plan: An extremely long-range master plan that looks at more than one alternative. It provides a menu of development alternatives based on demand or activity levels that would dictate development.

Land Use Plan: Details how the land is used.

F. Leases and Tenants

Four companies lease seventy percent (70%) of undeveloped land at Opa-locka Airport:

- JP Aviation since March 1998, 34.7 Acres (Phase 1A-25 years, 1B-25 years, 2A-35 years, 2B-25 years, 3-35 years)
- CDC- since Revised Amendment May 1997, 120 Acres plus 54 acres joint venture with OAG (40 years)
- OAG- since August 1999, approximately 240 acres and 54 acres joint venture with CDC (50 years with four 10 year extensions)
- Renaissance- since July 1999, 176 acres (55 years with two 15 year extensions)

Previously, leases had no definitive triggers for development, and many sat vacant for years, generating no revenue to the County or Airport. New leases include development requirements and timelines. Specifically, a statement that requires the tenant to develop the agreed amount of property with a specific time frame and a dollar amount they are required to develop for a specific lease term. The policy MDAD uses is \$10,000 per acre per year (For example: 10 acres x \$10,000 = \$100,000 x 20 years = \$2,000,000 investment). If the tenant does not meet the investment requirement, then the lease would reduce the term for the entire premises to a length consistent with the investment development (\$10,000 per acre per year).

The FAA has stated that no lease should exceed 25 years with a five-year development window; longer lease terms must be justified.

The Task Force has developed a recommendation for leaseholds (see Recommendations page 14).

G. Progress

In the past five (5) years, progress has been made at the Airport. In 2000, a new Customs Building and an Administration and Maintenance Facility were constructed and opened at a cost of \$1.0 million and \$1.7 million, respectively. In 2004, a \$2.6-million Airport Rescue and Fire Fighting facility opened.

J.P. Aviation constructed a 31,500-square-foot, five-bay hangar in 2003.

IV. Recommendations

A. Physical

1. Beautification

Currently, tenants report and the Task Force has observed it is difficult to determine where users enter and exit the Airport property, as there is not a definitive signage statement at the entrance. The Task Force recommends beautification (i.e., signage, landscaping) of the Airport as a "quick win" to spur further development. A \$1.6 million federal grant has been dedicated to Opa-locka Airport to beautify its two (2) entrances and to install a traffic light at LeJeune Road and Northwest 142nd Street where the Airport Administration building sits. Plans to implement these improvements were delayed by the 2005 hurricanes. MDAD anticipates completion of this project by year's end.

The Task Force has been informed that these funds are adequate to complete the projects; therefore, it recommends that these projects be expedited.

2. Signage

A lack of signage on surrounding major roadways is detrimental to the marketing, identity, and development of Opa-locka Airport. The Task Force recommends that this situation be rectified immediately within the constraints of the law. If a resolution or ordinance is deemed necessary in order to allow Airport directional signage on surrounding roadways, the Task Force urges such a measure.

3. Zoning

The Task Force supports the current rezoning ordinance passed and adopted by the Board and strongly recommends the County work with the City of Opa-locka and City of Miami Gardens to rezone the eastern portion of the Airport to provide for commercial/industrial non-aviation development as quickly as possible.

4. Infrastructure

The Task Force recommends consideration be given to funding infrastructure improvements at the Airport to encourage development.

5. Master Plan

The Task Force recommends development of a Master Plan for OPF in order to best control and direct its future through planning.

B. Financial

1. Funding

The Task Force understands that dedicated funding for Opa-locka Airport improvement is non-existent aside from the basic operational funds and \$1.6 million in federal grants

earmarked to beautify the Airport's two (2) entrances and install a traffic light at the Administration Building intersection.

Opa-locka Airport is located within the district of Commissioner Barbara Jordan, the Vice Chair of the Community Empowerment and Economic Revitalization Committee, and a member of the Infrastructure and Land Use Committee ("ILUC"). Commissioner Natacha Seijas' district is adjacent to the Airport and she is the Chair of the ILUC. In addition to Commissioners Jordan and Seijas, Commissioner Sally Heyman sponsored the resolution creating the Opa-locka Airport Development Task Force, and is a member of the Regional Transportation Committee.

The Task Force respectfully requests and recommends that the aforementioned Commissioners consider:

- a) dedicating a portion of their discretionary/commercial revitalization allocation to fund beautification and infrastructure projects at and/or on areas surrounding Opa-locka Airport;
- b) beginning a dialogue with the Miami-Dade congressional delegation to earmark monies for development at the Airport.

The Task Force further recommends conducting a cost benefit analysis of the suggested uses within this report to best determine how to accomplish the goal of developing Opa-locka Airport to its full potential.

2. Landing Fees

The County's General Aviation Airports ("GAAs") are currently subsidized by revenues from MIA. The MIA Users Group, comprised of airlines, tenants and MDAD staff, dictates how these aviation revenues are spent. Airlines at MIA do not want to subsidize GAAs.

Adding landing fees for general aviation was discussed even though that suggestion would be met with opposition from GAA users. GAA users currently pay a fuel flowage fee in lieu of landing fees, with MDAD receiving that fee.

The Task Force does not recommend charging landing fees at present but desires to keep that option open for future consideration.

3. Lease Termination

Several leaseholders have neither developed their leaseholds, nor paid any revenues to the County, and thereby prohibit development of Opa-locka Airport land that could generate revenue and benefit surrounding communities. The Task Force therefore recommends terminating inactive, non-performing leases. New leases should require an upfront payment and economic investment on the part of leaseholders within a *predetermined time frame*.

Further, the Task Force fully supports the current actions taken by the Board of County Commissioners and MDAD regarding the OAG lease, as this action will assist in the effort

for the Airport to become self-sufficient by adding leases with timelines and which produce revenue.

C. Business Development & Marketing

1. Local Small Business Participation

Paramount in discussions regarding the development of the Airport was a desire to ensure that local, small businesses have a chance to participate in and benefit from said development.

It is the Task Force's understanding that the FAA does not support local preferences unless a local preference program is in place (i.e., the Miami Intermodal Center ("MIC") Rental Car Facility, for which a local small business program was created).

The Task Force recommends that the County allocate smaller parcels for leasehold opportunities for local small developers. If needed, the Task Force recommends creation of a local small business program for the development of Opa-locka Airport.

2. GAA Industry Representation

Opa-locka Airport Development Task Force members recognized the success of the West Kendall Business Association, formerly the Tamiami Airport Business Association, with representatives from tenants, users, MDAD staff, and local business owners.

The Task Force recommends that GAA representation at "an appropriate forum" be instituted to advocate for Opa-locka Airport interests.

3. Marketing

Opa-locka Airport does not enjoy the reputation it deserves, and therefore, it does not garner the business it needs for self-sufficiency. Experience has demonstrated that general aviation flights prefer to land at Miami International Airport in spite of a charged landing fee, higher fuel costs, and having to integrate into the flight paths of large aircraft at MIA.

Opa-locka Airport handled 137,000 operations in 2005, yet MDAD planners estimate OPF capacity at 406,400 annual operations. Clearly, OPF is underutilized and therefore available for growth.

The MDAD Marketing Division presented to the Task Force a new brochure used to market OPF and other County GAAs. The brochure includes GAA layout plans, local business parks and attractions and is distributed at national shows. But even the best sales materials cannot work alone.

The Task Force strongly recommends designating a marketing manager and funding dedicated solely to marketing Opa-locka Airport. The increased business garnered from a dedicated manager could dramatically escalate the economic impact of Opa-locka Airport,

as evidenced by data from Sebring and Ft. Lauderdale Executive (see attachment VI-B).

As part of this effort to increase the Airport's visibility, the Task Force recommends changing the Airport's name to Opa-locka Executive Airport to better align itself with its vision and to enhance marketing to potential customers. This unanimous recommendation has the support of two key Task Force members: current and former Opa-locka Mayors Joseph Kelley and John Riley.

To further support the aforementioned efforts, the Task Force recommends that directional signage to Opa-locka Airport be placed on all major surrounding roadways.

D. Opportunities

Aviation consultants Ricondo & Associates has identified the major factors that are routinely identified by industry leaders as having the most significant potential influence on the future of general aviation.

The Task Force recommends a cost benefit analysis to determine which of the following options and recommended opportunities will best enhance the airport's development and allow it to become financially self-sustaining:

- Continued growth in business and corporate use of general aviation.
- Innovative ways of sharing the cost of aircraft ownership and/or new ways of accessing business aircraft.
- The potential expanded use of general aviation as an alternative to commercial passenger airline use by corporate travelers.
- Industry promotion of learn-to-fly programs, including the introduction of the Sport Pilot License.
- The pending introduction of very light jet ("VLJ") aircraft, consisting of relatively inexpensive one- and two-engine jet aircraft.
- The impact and/or utilization of the Small Aircraft Transportation System in the United States.

In exploring uses for the Airport, the Task Force was mindful of noise impacts generated from increased usage and development. The Opa-locka Noise Abatement Task Force established in 2001, created noise mitigation procedures (see attachment VI-F) that this Task Force wholeheartedly supports. The Task Force recommends keeping open for consideration in the future the option to extend the diagonal runway for noise mitigation purposes. Possible closure of the little used, short north/south runway may also be considered in the future to further development prospects.

1. Multinational Companies

In addition to encouraging small local businesses to invest at OPF, the Task Force recommends that multinational companies be aggressively and competitively pursued.

The Beacon Council is targeting labor-intensive projects – some that may require large workforces – and therefore create significant direct and indirect economic impacts on Opa-locka Airport and its surrounding communities. The projects/ targets are:

- Multi-national parts distributor/training facility
- Cargo import/export
- Maintenance Repair Overhaul (“MRO”) firm
- Airline composite shop
- Airline maintenance facility
- Health Maintenance Organization (“HMO”) provider
- Spare parts distributor.
- Aircraft part-out (chop shop)
- International Original Equipment Manufacturer (“OEM”) (assembly facility).
- Test equipment manufacturer
- Laundry facility (pillows, blankets, seat cushions, etc.)
- Food distributor
- International Air Show directed to the Americas

The Beacon Council reports that this list can be expanded as it increases advertising and promotion of OPF.

The Task Force recommends the County and MDAD work closely with the Beacon Council to further these efforts and consider tax breaks to encourage relocation of these important companies.

2. Aviation Schools

Aviation schools currently located at or near Opa-locka Airport include:

- ADF Airways
- ATP
- Endeavor Flight Training
- New Hope Flight Academy
- Platinum Aviation School
- Wayman Aviation

The Task Force has looked at the impact of educational institutions on aviation and concluded that the marriage of the two is a win-win situation, impacting positively on the upward mobility of the students and on the surrounding communities with the creation of jobs and the accompanying increased spending benefiting local communities.

Creation of a teaching airport, perhaps as a joint plan with airport staff enhancing Florida Memorial University (“FMU”) or combined with a relocation of the George T. Baker Aviation School (“Baker”) from its location just east of MIA to OPF, would greatly benefit the Airport, local aviation, and the surrounding communities. OPF is an ideal location for educational institutions including secondary, collegiate and technical schools.

3. Film Shoots

Producers have utilized Opa-locka Airport for film shoots for television shows, movies, and commercials, including Miami Vice, National Geographic, and a Chevrolet Cobalt commercial shot for Olympics airing. This is good business not only for the Airport and its surrounding environs, but also for the Miami/South Florida region as a whole.

The Task Force recommends that the County's Office of Filming & Entertainment pursue further commercial filming opportunities and utilization of Opa-locka Airport. This public relations endeavor will enhance the Airport's reputation and attract additional business investment.

4. General Aviation

As mentioned above, the County should make every effort to market business development and commercial/industrial revitalization on Airport property. Support activities such as retail and construction of hangars as well as the availability of a sound infrastructure, and promotion of the Airport by a marketing manager will contribute to the expansion of general aviation activity at Opa-locka Airport and a positive economic impact on surrounding communities.

5. Army Reserve

Miami-Dade County Transit, in an effort to relocate the Army Reserve at Northwest 119th Street and 27th Avenue, visited Opa-locka Airport in December 2005. This Army Reserve represents the only military unit in Kendrick Meek's district, and the Congressman has expressed a desire to keep it within his district. The County must work closely with Congressman Meek's office to negotiate an acceptable arrangement to relocate the Army Reserve to Opa-locka Airport.

6. Wholesale/Retail

The rezoning ordinance passed and adopted by the Board of County Commission will open the door for this important support sector. As aviation grows at Opa-locka, the need for restaurants, shopping, and service will grow in importance.

The Task Force supports Ordinance No. 06-20 adopted at the February 7, 2006, Board of County Commissioners meeting as being in the best interests of the Airport and surrounding environs.

Acronyms Used in this Report

AIP	Airport Improvement Program
ARFF	Airport Rescue and Fire Fighting
BCC	Board of County Commissioners
CAO	County Attorney's Office
CDC	Community Development Corporation
CEER	Community Empowerment and Economic Revitalization Committee
CIP	Capital Improvement Program
EDP	Economic Development Planning
FAA	Federal Aviation Administration
FBO	Fixed Base Operator
FDOT	Florida Department of Transportation
FLL	Fort Lauderdale-Hollywood International Airport
FMU	Florida Memorial University
FXE	Fort Lauderdale Executive Airport
FY	Fiscal Year
GAA	General Aviation Airport
ILUC	Infrastructure and Land Use Committee
MAAC	Miami Airport Affairs Committee
MIA	Miami International Airport
MIC	Miami Intermodal Center
MDAD	Miami-Dade Aviation Department
NATF	Noise Abatement Task Force
NPIAS	National Plan of Integrated Airport Systems
OPF	Opa-locka Airport
OSHA	Occupational Safety & Health Administration
OTA	Other Transaction Agreement
RTC	Regional Transportation Committee
SATS	Small Aircraft Transportation System
USCG	United States Coast Guard

VI. Attachments

- A. Small Aircraft Transportation System**
- B. General Aviation Airports Economic Development Planning**
- C. Zoning Ordinance**
- D. OPF Layout Map**
- E. OPF Business Directory**
- F. Noise Mitigation Evaluation for OPF**

ATTACHMENT 2

Applicant's March 19, 2008 memo request to Miami-Dade Metropolitan Planning Organization addressing NW 57 Avenue/SR 823 and NW 135 Street/SR 916

Memorandum



Date: March 19, 2008

To: José Luis-Mesa
Miami-Dade MPO Secretariat

From: José Abreu, P.E.
Aviation Director

Subject: Request for amendment to the Long-Range Transportation Plan

The Miami-Dade Aviation Department requests that the Miami-Dade MPO amend the Long-Range Transportation Plan (LRTP) to include capacity improvements by widening NW 57 Avenue (SR 823), between the Palmetto Expressway (SR 826) and NW 135 Street (SR 916) from 6 to 8 lanes; and the widening of NW 135 Street (SR 916), between NW 57 Avenue (SR 823) and NW 42 Avenue (SR 953), from 4 to 6 lanes, to be included in the Priority IV Unfunded list. These proposed improvements as supported by the attached traffic analysis are necessary to support the Aviation Department's plans for the long-term development of Opa-locka Executive Airport (OPF), which requires that Opa-locka Executive Airport's Master Plan be consistent with the Miami-Dade Metropolitan Planning Organization's Long Range Transportation Plan to the Year 2030.

Since the development projects at OPF are anticipated to occur in the 10 to 15 year time frame, resulting in a build-out year of approximately 2022 or 2023 and possibly longer given current market conditions, the long-term traffic impact analysis was rounded up to 2030 to correspond with the availability of the future roadway network planned for 2030. Therefore, the needed roadway improvements can be included in the Priority III (2016-2020) list projects of the 2030 LRTP. This approach will give MDAD staff time to work with the developer's ways to address this issue. MDAD understands that the County's CDMP Traffic Circulation Sub-element Figure 1, Planned Year 2025 Roadway Network, will be amended to depict the proposed improvements.

C: George M. Burgess, County Manager
Subrata Basu, Interim Director for Planning, DP&Z
John Cospers, Deputy Aviation Director
Sunil Harman, Planning Division Director, MDAD

ATTACHMENT 3

DCA TABLE 1

DCA TABLE 1 (3/6/2007)
Miami-Dade County Water and Sewer Department
Average Annual Daily Demand (AADD) Finished Water (MGD)
20-Year WUP Combined Biscayne Aquifer (BA) and AWS Water Demand Projection

1	2	3	4	5	6	7	8	9	10	11		
Year	Projections			Alternative Water Supply Projects							Totals	
	Population Served ^(a)	Finished Water (gpcd)	Projected AADD Finished Water ^(b) (MGD)	Biscayne Base Aquifer (BA)			New Upper Floridan Aquifer RO WTP ^(e) (MGD)				Available AADD Water Supply (MGD)	Contingency/ Surplus ^(h) (MGD)
				Finished Water Allocation ^(c) (MGD)	Water Conservation ^(d) (MGD)	Floran Aquifer Blending ^(f) (MGD)	Reuse (Irrigation)	Reuse/ Reclaimed Water ^(g) (MGD)	Recharge Credit			
TOTAL MDWASD WATER SYSTEM SERVICE AREA												
2006**	2,200,000	155	340.80	340.80								
2007	2,250,944	155	348.90	340.80	1.11	0.0	7.4	0.0	0.0	349.31	0.42	
2008	2,230,895	155	345.79	340.80	2.22	0.0	7.4	0.0	0.0	350.42	4.63	
2009	2,260,476	155	350.37	340.80	3.45	0.0	12.2	0.0	0.0	356.45	6.07	
2010	2,290,058	155	354.96	340.80	4.67	0.0	12.2	3.0	0.0	360.67	5.71	
2011	2,319,639	155	359.54	340.80	5.90	10.0	12.2	3.0	0.0	371.90	12.36	
2012	2,349,221	155	364.13	340.80	6.29	10.0	12.2	3.0	0.0	372.29	8.16	
2013	2,378,803	155	368.71	340.80	6.70	10.0	12.2	3.0	0.0	372.70	3.99	
2014	2,408,385	155	373.30	340.80	7.10	10.0	12.2	3.0	18.0	391.10	17.80	
2015	2,438,819	155	378.02	340.80	7.50	10.0	12.2	4.0	18.0	392.50	14.48	
2016	2,463,169	155	381.79	340.80	7.90	10.0	12.2	4.0	18.0	392.90	11.11	
2017	2,487,519	155	385.57	340.80	8.27	10.0	12.2	4.0	18.0	393.27	7.70	
2018	2,511,869	155	389.34	340.80	8.64	15.0	12.2	4.0	18.0	398.64	9.30	
2019	2,536,219	155	393.11	340.80	9.00	15.0	12.2	4.0	18.0	399.00	5.89	
2020	2,560,569	155	396.89	340.80	9.37	15.0	12.2	4.0	38.0	419.37	22.48	
2021	2,584,918	155	400.66	340.80	9.74	15.0	12.2	4.0	38.0	419.74	19.08	
2022	2,609,268	155	404.44	340.80	10.12	15.0	12.2	4.0	38.0	420.12	15.68	
2023	2,633,618	155	408.21	340.80	10.48	15.0	12.2	4.0	38.0	420.48	12.27	
2024	2,657,968	155	411.99	340.80	10.84	15.0	12.2	4.0	38.0	420.84	8.85	
2025	2,682,318	155	415.76	340.80	11.21	15.0	12.2	4.0	38.0	421.21	5.45	
2026	2,706,668	155	419.53	340.80	11.58	15.0	12.2	4.0	53.0	436.58	17.05	
2027	2,731,018	155	423.31	340.80	11.95	15.0	12.2	4.0	53.0	436.95	13.64	
2028	2,755,368	155	427.08	340.80	12.31	17.5	12.2	4.0	53.0	439.81	12.73	
2029	2,779,718	155	430.86	340.80	12.68	17.5	12.2	4.0	53.0	440.18	9.33	
2030	2,804,068	155	434.63	340.80	13.05	17.5	12.2	4.0	53.0	440.55	5.92	

Footnotes:

- a. Populations projections agreed to by the SFWMD. Population served includes both the WASD retail customers and the wholesalers/large users. City of North Miami Beach drops out after 2007.
- b. Finished AADD Projections between 2007 and 2030 assume 155 gpcd total water system demand. North Miami Beach drops out in 2008. Hialeah and North Miami are included through 2030.
- c. Average annual daily demands of finished water for 2006** represent the 12 months preceding 4/1/2006 per SFWMD Rule and equate to 347.8 MGD of Biscayne Aquifer raw water withdrawal. Finished water base allocation of 340.8 MGD equates to 347.3 MGD of Biscayne Aquifer raw water withdrawal.
- d. WASD will be undertaking the 20-year water conservation plan and expects reductions in unaccounted for water (UFW). Water Conservation projections were taken from a Water Conservation Best Management Practices (BMP) Planning Spreadsheet prepared by Malcolm Pirnie, Inc. dated 1/23/2007. Values reflect projections as of 2/2/2007. Water conservation projections do not reflect water demand reductions presented by the "Unaccounted Water Loss Reduction Plan (February 2007)" prepared by Malcolm Pirnie, Inc. and currently under review by MDWASD.
- e. New Upper Floridan Aquifer RO WTP (10.0 mgd Phase I by 2011) see CIE Table 12, Project 20D; (5.0 MGD Phase II by 2018); (2.5 MGD Phase III by 2028).
- f. Floridan Aquifer Blending at Alexander Orr Water Treatment Plant/West and SW Wellfields (assuming 4% of Finished Water Demand) (7.4 mgd) by 2007 including ASR (wet season). See CIE Table 12, Project 20A, Hialeah/Preston Floridan Aquifer Blending Wellfield (or equal) (assumes 3% of Finished Water Demand) (4.8 mgd) by 2009. See CIE Table 12, Project 20C.
- g. Tentative Alternative Water Supply Reuse/Reclaimed Water Projects (exclusive of any BBCW rehydration AWS credits) by 2015 to replace existing finished water demand (gallon for gallon credit).
 - 1. North District WWTP Reuse Projects. This excludes the 5 mgd that will be used by the City of North Miami Beach. See CIE Table 8, Project 29
 - 2. Central District WWTP Reuse Projects. See CIE Table 8, Project 30.
 - 3. Coastal Wetlands Rehydration Demonstration Project by 2015. See CIE Table 8, Project 27.

2.0 mgd +/-
1.0 mgd +/-
1.0 mgd +/-
4.0 mgd +/-

Total (est.)

h. South District Wastewater Treatment Plant (SDWWTP) Reuse Projects for groundwater recharge as shown in the table below. Exclusive of Coastal Wetland Rehydration AWS Credits.

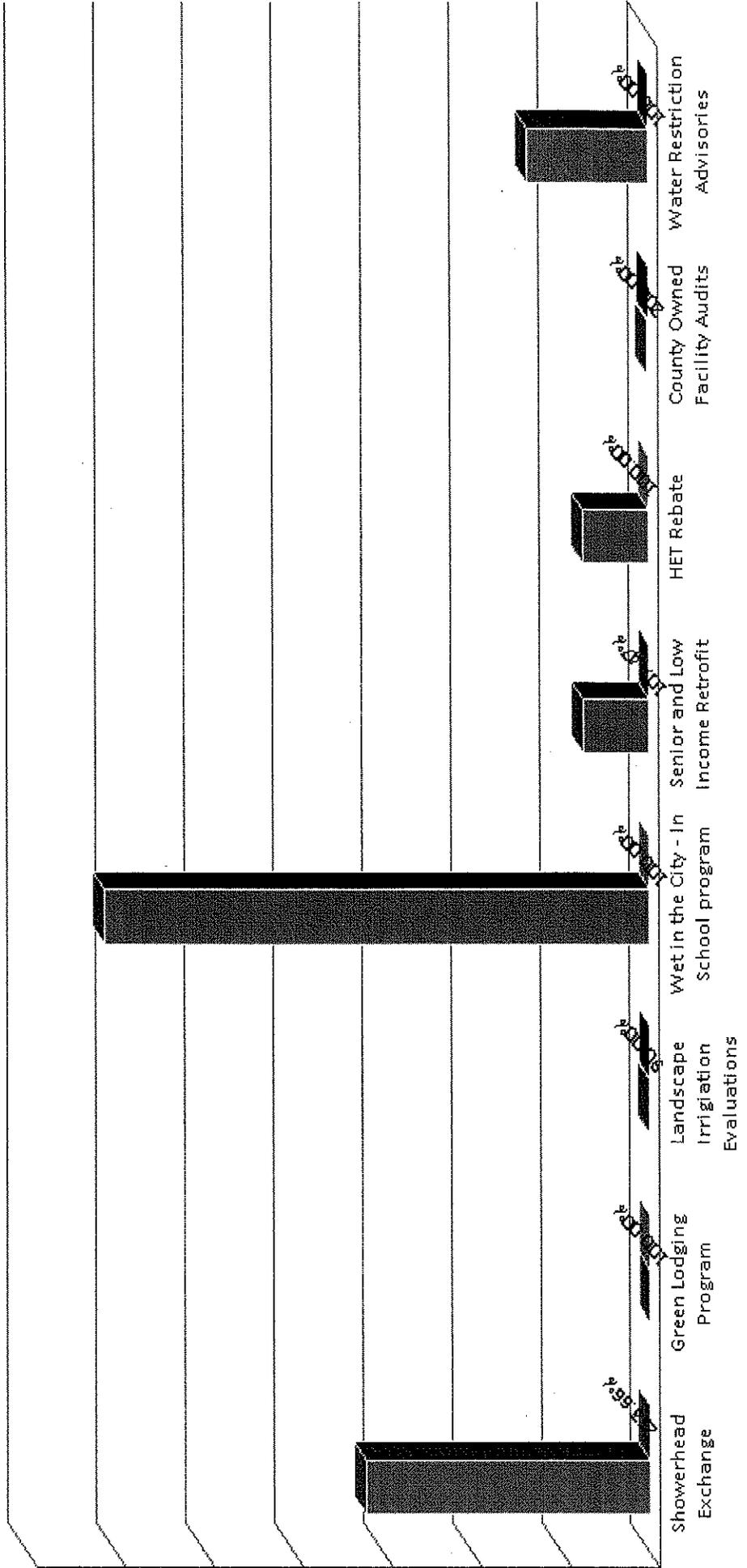
Phase	Recharge Area	Applied (MGD)	AADD (MGD)	Implementation Year	CIE Table 8 Project Number
1	S. Miami Heights	23	18	2014	31
2	Alex-Orr	21	20	2020	32
3	Alex-Orr	16	15	2026	33
Total (est.)		60	53		

ATTACHMENT 4

**WATER CONSERVATION EVENTS
AND
WATER CONSERVATION OBJECTIVES AND PROGRESS**

WUEP Project	Total Numbers	Targets	% Complete	WUEP Project	Total Numbers	Targets	% Complete
Showerhead Exchange	8117 Showerheads	3200	253.66%	Senior and Low Income Retrofit	806 Retrofits	750 Retrofits	107.47%
Green Lodging Program	1 Hotel	1	100.00%	HET Rebate	750 Rebates	750 Rebates	100.00%
Landscape Irrigation Evaluations	9 Homeowners Assoc.	10	90.00%	County Owned Facility Audits	50 Facilities	25 Facilities	200.00%
Wet in the City - In School program	6134 Students	6134	100.00%	Water Restriction Advisories	1362 Advisories	1362 Advisories	100.00%

WUEP Projects Percentage of Targeted Goals Achieved



EVENTS

<u>MONTH</u>	<u>EVENT</u>	<u>DATE</u>
April	Earthfest	04/22/07
May	Feria de La Mujer	05/05/07
	Adopt-a-Tree	05/12/07
June	District 8- Showerhead Distribution	06/18/07
	District 6- Showerhead Distribution	06/19/07
	Historical Museum- Water Stories Event	06/23/07
	Adopt-a-Tree	06/23/07
July	District 12- Green Lodging Event	07/17/07
	District 9- Showerhead Distribution	07/20/07
	Adopt-a-Tree	07/21/07
	City of Hialeah Showerhead Dist.	07/24/07
August	District 13- Showerhead Distribution	08/06/07
	Adopt-a-Tree	08/18/07
September	Adopt-a-Tree	09/15/07
	District 11-Dia de la Integracion Cultural	09/16/07
October	Adopt-a-Tree	10/13/07
November	Green Affordability Symposium	11/12-13/07
	Harvest Fest	11/17/07
December	District 4 - Showerhead Distribution	12/06/07

AWARDS

<i>FSAWWA Water Conservation Award for Excellence</i>		Orlando, FL
<i>Category Demand Management</i>		
Show of Excellence		HET Rebate Project
Meritorious		Senior Retrofit project
Conserve Florida	How to Develop a Water Conservation	Orlando, FL
<i>National Association of Counties (NACO)</i>		Richmond, VA
	Presentation & Panel Participation	
	Water Isn't Free: Managing Water Infrastructure and Supply Issues	

FEATURES

<u>SOURCE</u>	<u>ARTICLE/NEWSLETTER</u>	<u>DATE</u>
EPA	The WaterSense Current	Spring 2007
Miami Herald	H2O	07/10/07
EPA	The WaterSense Current	Summer 2007
CBS4	Miami-Dade Want Green Hotels	07/18/07
Miami Herald	Going Green has perks for business	07/22/07
Palmetto Bay	Moss Office Distributes showerheads	08/07/07
Miami Herald	Senor, gadgets save water	12/09/07
Miami Herald	Low-Flow Showerheads being distributed	12/09/07
Miami Herald	Conservationist go yard to yard	12/20/07
Historical Museum	Water Stories	06/23/07-01/20/08

4/24/2008 CDMP Exhibit

2008 APR -7 P 3:24

PLANNING & ZONING
METROPOLITAN PLANNING SECT

This instrument was prepared by:

Name: Graham Penn, Esq.

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

April 2007 cycle - Application 6

(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 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. 6 of the April 2007 Amendment Cycle;

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Low Density Residential" to "Medium-High 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:

Development Limitations. The Property shall be developed with no more than forty-nine (49) residential units. Furthermore, there shall be a minimum 30 foot setback from the northern property line and all residential buildings within the northern fifty (50) feet of the Property shall be a maximum of thirty-five (35) feet in height.

4/24/2008 CDMP

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Water Conservation Regulations. The Owner shall incorporate the measures listed in Exhibit B into the design, construction and operation of any residential development on the Property.

Workforce Housing. At least ten (10) percent of the residential units developed on the Property shall be either: (1) if offered for sale, initially sold to persons determined by the Miami-Dade County Housing Agency to be 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 (HUD) as maintained by the Department of Planning and Zoning; or (2) if offered for lease, leased to persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the median family income at no more than the Fair Market Rent for Miami-Dade County as defined by HUD.

As part of any application to rezone the Property from RU-3B to a zoning district that is consistent with the Medium-High Density land use designation, the Owner shall proffer a covenant to the Community Council that addresses the relocation of tenants by providing them with the option to rent comparably priced rental housing units located within Miami-Dade County.

Building Permits. Owner agrees not to apply for plat approval or a building permit for any building containing a residential use until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

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,

(Space reserved for Clerk)

acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

(Space reserved for Clerk)

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 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

(Space reserved for Clerk)

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]

(Space reserved for Clerk)

**ACKNOWLEDGMENT
CORPORATION**

Signed, witnessed, executed and acknowledged on this ____ day of _____, 2007.

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

Witnesses:

Signature

8440 Property, Inc.
5783 Bird Road, # 302
Miami, FL 33155

Print Name

Signature

By _____
(President, Vice-President or CEO*)

Print Name

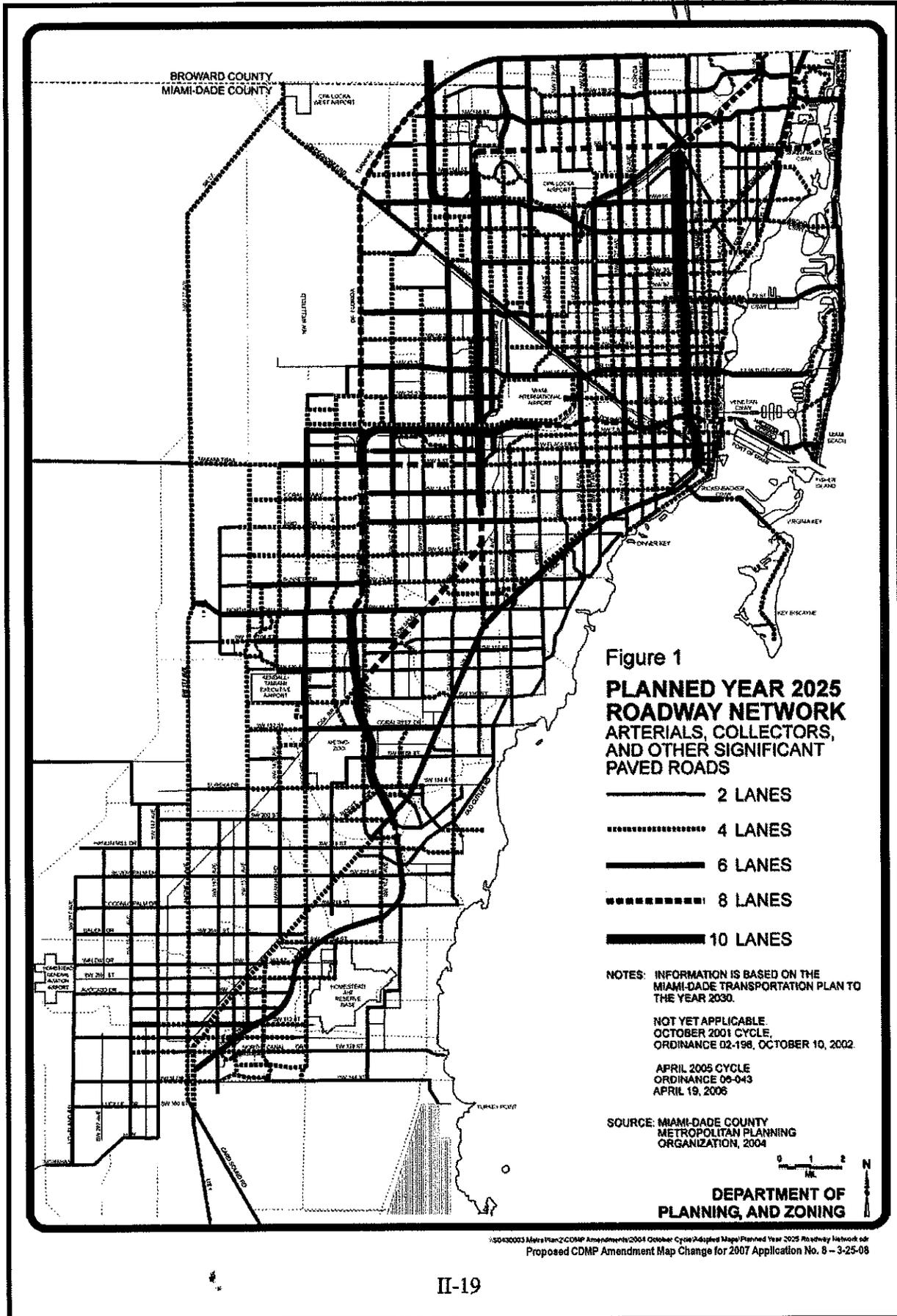
Print Name: _____
***Note: All others require attachment of original corporate resolution of authorization]**

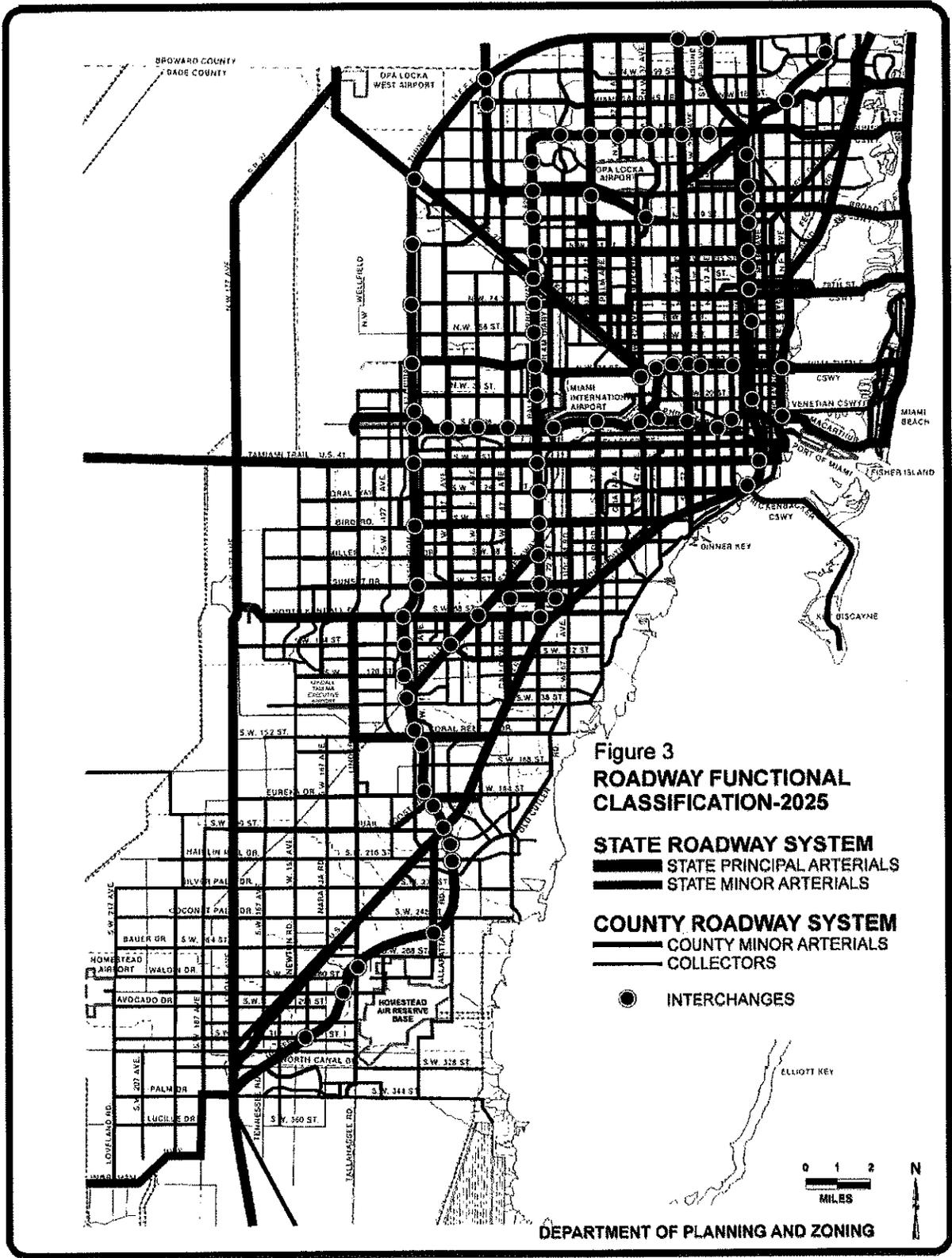
STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by _____ the _____ of 8440 Property, Inc., on behalf of the corporation. He/She is personally known to me or has produced _____, as identification. Witness my signature and official seal this _____ day of _____, 2007, in the County and State aforesaid.

My Commission Expires:

Notary, State of _____
Printed Name: _____





1304\00013\InfoPlan\2007\2007\Amendments\2004 October Cycle\Digitized Maps\Roadway Functional Classification 2025.cdr
 Proposed CDMP Amendment Map Change for 2007 Application No. 8 - 3-25-08

**TABLE 10
TRAFFIC CIRCULATION
CAPITAL IMPROVEMENT ELEMENT - 2007 CDMP AMENDMENT APPLICATION NO. 8**

Project Number	Project Name and Location	Year of Completion	(In Millions of Dollars)						Six Year Totals	Future Years	Project Totals	Funding Source	
			Prior Years	1 2007/08	2 2008/09	3 2009/10	4 2010/11	5 2011/12					6 2012/13
1	Build SW 172 Avenue as a 4LD roadway from Kendall Drive to theoretical SW 88 Street to meet up with the portion of SW 172 Avenue being built by Kendall Commons	2011	0.0000	0.0000	0.0000	0.1959	1.9586	0.0000	0.0000	2.1544	0.0000	2.1544	Developer Funded 507
2	Signalize the intersection of Kendall Drive and SW 172 Avenue	2012	0.0000	0.0000	0.0000	0.0000	0.0284	0.2843	0.0000	0.3128	0.0000	0.3128	Developer Funded 507
ESTIMATED IMPROVEMENT COSTS:			0.0000	0.0000	0.0000	0.1959	1.9870	0.2843	0.0000	2.4672	0.0000	2.4672	

**TABLE 10A
2007 CDMP AMENDMENT APPLICATION NO. 8
COST ESTIMATES FOR PROPOSED ROADWAY AND INTERSECTION IMPROVEMENTS**

NO	ROADWAY OR INTERSECTION	TYPE OF IMPROVEMENT	[1] UNIT COST	SEGMENT LENGTH IN MILES	ESTIMATED CONSTRUCTION COST	ESTIMATED DESIGN & PERMITTING COSTS@ 10%	TOTAL ESTIMATED COST
1	SW 172 AVENUE INTERSECTION KENDALL DRIVE TO SW 88 STREET	NEW 4LD ROADWAY	\$7,195,353 PER MILE	0.2722	\$1,958,575	\$195,858	\$2,154,433
2	KENDALL DRIVE AT SW 172 AVENUE	SIGNALIZE INTERSECTION	\$284,320	1 SIGNAL	\$284,320	\$28,432	\$312,752
ESTIMATED IMPROVEMENT COSTS:							\$2,467,185

[1] Developer's cost estimate including water and sewer mains

4/24/2008 CDMP Exhibit
App. 9

**BECKER &
POLIAKOFF**

121 Alhambra Plaza, 10th Floor
Coral Gables, Florida 33134
Phone: (305) 262-4433 Fax: (305) 442-2332
US Toll Free: (800) 533-4874

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
800.432.7712 U.S. TOLL FREE

WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM

April 23, 2008

Reply To:
Coral Gables
Crystal Connor-Lane, Esq.
Direct dial: (305) 262-4433
CLane@becker-poliakoff.com

VIA U.S. MAIL

Mr. Mark Woerner
Miami-Dade County
Department of Planning and Zoning
Planning Division, Metropolitan Planning Section
Stephen P. Clark Center, Suite 1220
111 N.W. First Street
Miami, Florida 33128

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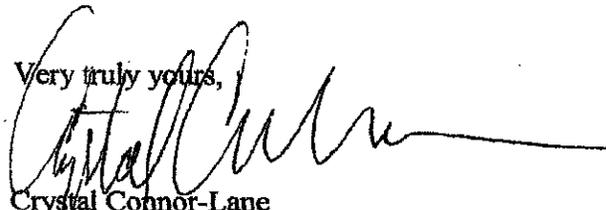
TEL AVIV

Re: **Withdrawal of Application No. 9, CDMP April 2007 Cycle
Client/Matter No. F11038/111321**

Dear Mr. Woerner:

At this time, on behalf of our client, Ferro Investment Group II, LLC, we are hereby requesting to withdraw Application #9 of the April 2007 CDMP cycle from further consideration. We will have an attorney from our firm at tomorrow's hearing.

Very truly yours,


Crystal Connor-Lane
For the Firm

CMC/mh

cc: Ms. Nancy Rubin
Mr. Subrata Basu
Ms. Lynn Akulin Kaufman
Mr. Patrick Moore

MIA_DB: 1046247_1

* by appointment only

LEGAL AND BUSINESS STRATEGISTS

MEMBERS OF CONSULEGIS AN INTERNATIONAL ASSOCIATION OF LAW FIRMS AND NETWORK OF LEADING LAW FIRMS

DAVID PLUMMER & ASSOCIATES

TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

April 14, 2008

Crystal Connor-Lane, Esq.
Alhambra Towers
121 Alhambra Plaza, 10th Floor
Coral Gables, FL 33134
Tel 305.262.4433, Ext. 2027 Fax 305.442.2232

1720 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA 33134
305 447-0900 • FAX 305 444-4946 • DPZ@DPLUMMER.COM

2008 APR 14 P 5:29

PLANNING & ZONING
METROPOLITAN PLANNING SECT

Re: Portofino Bay Land Use Amendment Traffic Study - #07168

Dear Ms. Conner-Lane:

The following are our responses to comments from DCA and Miami-Dade County Department of Planning and Zoning (DPZ) about the Portofino Bay Land Use Amendment (LUA) Traffic Study. The study conclusions remain the same. The project meets all applicable traffic criteria. For ease of review, we are repeating the comments below in italics, followed by our responses in bold font. The comments have been separated between DCA and DPZ comments

- 1. DPZ, Staff Review, April 2007, page 9-23: The number of residential units and the square footage of retail area appear to deviate substantially from the Miami-Dade DPZ analysis.*

The Miami-Dade Department of Planning and Zoning (DPZ) analysis of the proposed Portofino Bay project includes two maximum build-out scenarios: Scenario 1, 509 single family detached houses and 174,240 sq. ft. of commercial retail; Scenario 2, 509 single family detached houses and 130 townhomes. The DPZ analyzed the proposed project with maximum build-out scenarios because at the time of submittal the applicant did not submit a covenant limiting the development of the application site. However, the Portofino Bay project proposes build-out with the following development program: 223 single family detached houses, 193 townhomes and 60,000 sq. ft. of commercial retail.

A trip generation table comparing the DPZ scenarios and the proposed Portofino Bay development program can be seen below. The comparison shows that the proposed Portofino Bay development programs vehicular trips are 14% lower than the DPZ Scenario 2. Trip generation results from the Portofino Bay LUA Traffic Study can be seen in Attachment A.

4/24/2008 CDMP Exhibit
Application 9

CORAL GABLES • FORT MYERS • FORT LAUDERDALE



Trip Generation Comparison

Development Program	Trip Generation Results (Vehicular Trips)
DPZ Scenario 1	1068 ¹
DPZ Scenario 2	539 ¹
Proposed	461 ²

¹ Source: DPZ Staff Analysis for Application 9

² Source: Portofino Bay LUA Traffic Study (July 2007)

2. *DPZ, Staff Review, April 2007, page 9-23: In the year 2015, no roadway segments in the immediate vicinity of the application site are projected to operate at violate their adopted LOS standard, but Krome Avenue from theoretical SW 64 Street to SW 88 Street, which is projected to operate at LOS D, below the adopted LOS B standard, applicable to this roadway.*

Krome Avenue from Kendall Drive to SW 8 Street should have an adopted LOS standard of C. The LOS C is consistent with Chapter 14-94 of FAC code, Statewide Minimum Level of Service Standards. Further, the proposed Portofino Bay project is expected to increase the vehicular volumes of the roadway by less than 2% of the subject roadways maximum service volume, which is not a significant impact.

3. *DPZ, Revised Staff Review, March 24, 2008 update, page 9-7: An evaluation of peak-period traffic concurrency conditions as of July 24, 2007; SW 104 Street between SW 137 Avenue and SW 157 Avenues is still failing.*

SW 104 Street between SW 157 Avenue & SW 147 Avenue was re-analyzed based on peak-period traffic concurrency conditions (Station # 9724). The analysis involved using the February 26, 2008 Miami-Dade County Traffic Count Stations list. The proposed Portofino Bay project is expected to have a 40% vehicular distribution on the subject roadway. Combining the vehicular distribution with the peak hour trip generation results, the proposed project is expected to contribute 184 vehicular trips to the subject roadway. Based on the results of the concurrency analysis, the proposed Portofino Bay project will operate within the adopted LOS standard. The results of the analysis can be seen in the table below. The data for the analysis can be seen in Attachment B.



Ms. Conner-Lane

Re: Portofino Bay Land Use Amendment Traffic Study - #07168

Page 3

SW 104 Street between SW 157 Avenue & SW 147 Avenue
Concurrency Analysis

Max LOS	Peak Hour Trips	Reserved Trips	Available Trips	Project Trips	Peak Hour Trips with Project	Acceptable LOS?
3,696	2,812	98	786	184	2,996	Yes

*Based on the February 28, 2008 Miami-Dade County Traffic Count Stations list; Station # 9724

4. *DCA Review, page 7: According to the FDOT review of this study, there appear to be significant impacts on FIHS roadway Krome Avenue.*

The statewide minimum Level of Service (LOS) standards for Krome Avenue near the project vicinity is C. According to the 2007 Quality / Level of Service handbook, Table 4-4, Krome Avenue has a maximum service volume of 1,310 vehicles during the peak hour. The proposed Portofino Bay project is expected to have a 5% vehicular distribution on the subject roadway. Combining the distribution with the peak hour trip generation, it is expected that only 23 project trips will use Krome Avenue near the project vicinity. This is less than 2% of the subject roadways maximum service volume, which is not a significant impact.

5. *DCA Review, page 7: According to the FDOT review of this study, there appear to be significant impacts on the Homestead Extension of the Florida Turnpike as the result of the proposed development.*

The Portofino Bay LUA Traffic Study did not analyze HEFT because of the distance to the proposed project (approximately 6 miles). The adopted LOS standard for HEFT near Kendall Drive is D. The subject roadway from SW 40 Street to SW 120 Street is a 6-lane facility. According to the 2007 Quality / Level of Service handbook, Table 4-4, the HEFT has a maximum service volume of 10,050 vehicles during the peak hour. The proposed Portofino Bay project is expected to have a 10% vehicular distribution on the subject roadway. Combining the distribution with the peak hour trip generation, it is expected that only 46 vehicles will use the HEFT during the peak hours. This is less than 1% of the subject roadways maximum service volume, which is not a significant impact.



6. *DCA Review, page 7: Revise the traffic study to analyze SW 88 Street / Kendall Drive / SR 94, west of SW 157 Avenue, as a 4-lane facility, not a 6-lane facility, pursuant to the FDOT recommendations.*

Per recommendations from FDOT, Kendall Drive west of SW 157 Avenue was analyzed as a 4-lane roadway. The roadway is currently operating with an express bus service during the peak hours. Therefore, according to the Miami-Dade County Comprehensive Master Development Plan (CDMP), the subject roadways adopted LOS is E+20%. The maximum service volume for Kendall Drive west of SW 157 Avenue is 3,924 vehicles per peak hour.

The existing traffic volumes for the subject roadway and the growth rate in the area were obtained using the 2006 FDOT Traffic information DVD. It should be noted that the growth rate used was a conservative estimation. The future without project traffic volumes were calculated by applying the growth rate with the existing volumes for the year 2015. The project trips were then combined with the future without project traffic volumes in order to obtain the future with project traffic volumes. It is expected that 40% of the proposed Portofino Bay project trips will use the subject roadway. Therefore, 184 project trips are expected to use Kendall Drive west of SW 157 Avenue during the peak hours. The results of the future with project conditions show that the subject roadway will operate within the adopted LOS standard. The analysis can be seen in the table below. The data for the analysis can be seen in Attachment C.

Kendall Drive west of SW 157 Avenue
Future with Project Roadway Analysis (Peak Hour, Year 2015)

Existing Volumes ¹	Future without Project Volumes ²	Adopted LOS Standard	Service Volume ³	Project Trips	Future with Project Volumes	Acceptable LOS?
2,106	3,589	E+20%	3,924	184	3,773	Yes

¹ Obtained from the 2006 FDOT Traffic Information DVD

² Calculated combining the growth rate with existing volumes for year 2015

³ Obtained from the 2007 Quality / Level of Service Handbook, Table 4-4, for a 4-lane facility



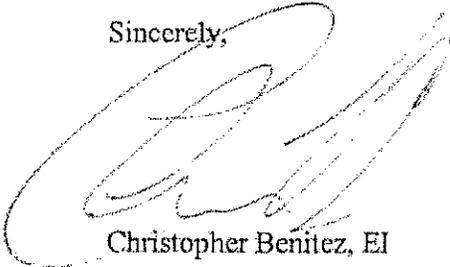
Ms. Conner-Lane

Re: Portofino Bay Land Use Amendment Traffic Study - #07168

Page 5

The results of the analysis remain unchanged and the proposed Portofino Bay project is not expected to adversely affect the roadways within the project vicinity. Please call me at (305) 447-0900 if you have any questions.

Sincerely,



Christopher Benitez, EI
Transportation Engineer

cc: File

comments_040208.doc



Attachment A
Trip Generation Results

2.2 Trip Generation

Trip generation was estimated for the proposed project using rates and/or equations published by the Institute of Transportation Engineers (ITE) in *Trip Generation*, 7th edition. ITE publishes rates and equations used for estimating trip generation for a wide range of land uses. The proposed development plan incorporates retail and residential land uses, which can satisfy the retail needs for some residents and visitors without making a trip off-site. The internalization percentage was taken from the Multi-Use Development Trip Generation and Internal Capture Summary in the *Trip Generation Handbook*, published by ITE in March 2001. This percentage was used to establish the appropriate number of internal project trips. A summary of the PM peak hour trip generation is provided in Exhibit 4.

**Exhibit 4
 Project Trip Generation**

Proposed Land Use	Number of Units	PM Peak		
		In	Out	Total
Single-Family Homes (Land Use 210)	223 DU	145	85	230
Condos / Townhomes (Land Use 230)	193 DU	69	34	103
Specialty Retail (Land Use 230)	60,000 SQ FT	71	91	162
Subtotal		285	210	495
Internal	1.29%	-17	-17	-34
Net New External PM Peak Hour Trips		268	193	461

Based on ITE Trip Generation 7th Edition

Source: David Plummer & Associates

Attachment B
SW 104 Street between SW 157 Avenue & SW
147 Avenue

MIAMI - DADE COUNTY TRAFFIC COUNT STATIONS
 *BASED ON 2007 TRAFFIC COUNTS

STA #	ROADWAY	LOCATION	CL	MAX LOS	PHP	START	DOS TRIPS	AVAIL TRIPS	5%	ADOPTED LOS	CONCURRENCY LOS	UPDATED
9716	SW 104 ST	W/O SW 107 AVE TO SW 117 AVE	A 6	6312	4469	1843	216	1627	N	EE	E	2/26/2008
9718	SW 104 ST	W/O HEFT SW 117 AVE TO SW 127 AVE	A 6	5376	5083	283	147	136	Y	EE	E+17%	2/26/2008
9720	SW 104 ST	W/O SW 127 AVE TO SW 137 AVE	A 6	6144	3839	2305	5	2300	N	EE	D	2/26/2008
9722	SW 104 ST	W/O SW 137 AVE TO SW 147 AVE	4	6240	2911	3329	15	3314	N	EE	C	2/26/2008
9724	SW 104 ST	W/O SW 147 AVE TO SW 157 AVE	4	3696	2812	884	98	786	N	EE	D	2/26/2008
9726	SW 107 AVE	S/O SW 88 ST TO SW 104 ST	A 4	3270	1898	1382	32	1350	N	SUMA	C	2/26/2008
9728	SW 107 AVE	S/O SW 160 ST BET SW 152-186 STS	2	1280	671	609	663	-54	Y	D	F	2/26/2008
9738	SW 112 AVE/ALLAPATTAH DR	N/O SW 268 ST TO HEFT	4	1950	1561	389	179	210	N	D	B	2/26/2008
9740	SW 112 ST	E/O US 1 TO SW 57 AVE	A 2	1310	800	510	24	486	N	D	C	2/26/2008
9742	SW 112 ST	E/O SW 112 AVE BET SW 99 -117 AVES	2	984	1270	-286	39	-325	Y	EE	F	2/26/2008
9743	SW 117 AVE	S/O TAMIAMI TRAIL TO CORAL WAY	2	2196	1217	979	0	979	N	EE	C	2/26/2008
9744	SW 117 AVE	S/O SW 56 ST BET SW 40 ST-SW 72 ST	A 4	2890	2742	148	90	58	Y	D	D	2/26/2008
9746	SW 117 AVE	S/O SW 72 ST TO SW 88 ST	A 4	3230	4543	-1313	153	-1466	Y	D	F	2/26/2008
9748	SW 117 AVE	S/O SW 88 ST TO SW 104 ST	A 4	3870	2773	1097	128	969	N	D	D	2/26/2008
9750	SW 117 AVE	S/O SW 112 ST BET SW 103 ST-SW 136 ST	A 4	4040	3542	498	171	327	N	D	D	2/26/2008
9752	SW 117 AVE	S/O SW 136 ST TO SW 152 ST	A 4	3430	2290	1140	176	964	N	D	C	2/26/2008
9754	SW 117 AVE	S/O SW 152 ST TO SW 164 ST	A 4	1740	1419	321	202	119	N	D	D	2/26/2008

Attachment C
Kendall Drive west of SW 157 Avenue Analysis

Florida Department of Transportation
 Transportation Statistics Office
 2006 Historical AADT Report

County: 87 - MIAMI-DADE

Site: 2529 - SR 94/KENDALL DR, 200' W SW 157 AV

Year	AADT	Direction 1	Direction 2	K Factor	D Factor	T Factor
2006	28500 C	E 14000	W 14500	7.39	58.66	6.30
2005	26000 C	E 13000	W 13000	7.70	65.70	2.00
2004	29500 C	E 14500	W 15000	8.20	67.10	10.80
2003	25500 C	E 12500	W 13000	8.10	72.30	4.80
2002	23000 C	E 11500	W 11500	9.20	68.00	6.20
2001	20000 C	E 10000	W 10000	8.20	53.50	3.90
2000	17800 C	E 8800	W 9000	8.20	53.10	7.10
1999	16300 C	E 8100	W 8200	9.10	52.70	3.90
1998	*14400 C	E 7200	W 7200	9.30	52.70	1.90
1997	12200 C	E 6000	W 6200	9.10	64.50	3.10
1996	10400 C	E 5100	W 5300	8.50	53.10	3.70

AADT Flags: C = Computed; E = Manual Estimate; F = First Year Estimate
 S = Second Year Estimate; T = Third Year Estimate; X = Unknown

Kendall Drive Growth Rates from 2006-2002

Station Number	2006 Volume	2005 Volume	2004 Volume	2003 Volume	2002 Volume
2529 Kendall Dr west of SW 157 Ave	28,500	26,000	29,500	25,500	23,000
Total	28,500	26,000	29,500	25,500	23,000

Yearly Growth Rate
Averaged Growth Rate

9.6% -11.9% 15.7% 10.9%

6.1%

This instrument was prepared by:

Name: Miguel Diaz de la Portilla, Esq.
Address: Becker and Poliakoff, P.A.
121 Alhambra Plaza, 10th Floor
Coral Gables, Florida 33134

2008 APR -7 P 5:04

PLANNING & ZONING
METROPOLITAN PLANNING SECT

April 2007 cycle- Application 9

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. 9 of the April 2007 Amendment Cycle;

WHEREAS, the Owner has sought to extend the urban development boundary to include the Property;

WHEREAS, the Owner has sought a Land Use Plan amendment to change the land use designation of +/- 73.625 acres of the Property from "Agriculture" to "Low Density Residential;"

WHEREAS, the Owner has a Land Use Plan amendment to change +/- 10 acres of the Property from "Agriculture" to "Business and Office Use."

NOW, THEREFORE, in order to assure Miami-Dade County ("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:

1. **Conceptual Plan.** It is the Owner's intention to develop a mixed use, pedestrian friendly, community which incorporates neighborhood retail, a minimum of seventy-nine (79) town home units, and a maximum of three-hundred and eleven (311) detached single family home units, greens, squares, parks, water features, and 5 acres for

*4/24/2008 CDMP Exhibit

public purposes. To that end, the Owner intends to generally develop the property along the lines indicated in the conceptual plan submitted with the CDMP Application No. 9 (2007 CDMP Amendment cycle).

2. **Development Limitations.** The Property shall be developed with no more than three hundred and ninety (390) residential units, including both detached and attached single family units.

3. **Workforce Housing.** The Workforce Development Program of Miami-Dade County recognizes that current development patterns have resulted in a persistent shortage of Workforce Housing Units, and, that for the foreseeable future, more than 50% of the new labor force, including many public employees such as teachers, police officers, public safety personnel and healthcare workers will require moderately priced housing units. In order to advance the goals of the Workforce Development Program, the Owner shall commit that seventy-nine (79) of the three hundred and ninety (390) dwelling units to be developed on the Property will be sold, leased or rented, to a bona fide third party purchaser for value or tenant at an amount which would be affordable to those who earn anywhere between sixty-five percent (65%) to one-hundred and forty percent (140%) of Miami-Dade County's median income as determined by the U.S. Department of Housing and Urban Development as to rental rates, and Director of the Miami-Dade County Department of Planning & Zoning as to unit sales price, as set forth in Sections 17-140(15) & (16) of the Code of Miami-Dade County.

4. **Phase-in of Development.** The Owner intends to phase-in the development of the Property. Consequently, the Owner will not apply for a certificate of use and/or certificate of occupancy for any structure on the Property prior to January 1, 2011. Additionally, the Owner will not complete build out the entire site any earlier than January 1, 2014.

5. **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:

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

6. **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 tips generated by the development of the Property. To this end, the Owner shall finance the widening of SW 104th Street between SW 162nd and SW 167th Avenues from two (2) lanes to four (4) lanes prior to the issuance of a certificate of occupancy for any new development located within the Property, provided that the Owner is credited for the costs associated with widening that section of SW 104th Street between SW 162nd and SW 164th Avenues if and when the owner(s) of that certain property located on SW 104th

Street between SW 162nd and SW 164th Avenues (the "Beneficiary Property") develops said Beneficiary Property. Miami-Dade County shall allocate a portion of the development fees associated with development of the Beneficiary Property, including but not limited to permit fees, impact fees, etc., to the Owner, in an amount equal to the costs expended by Owner to widen that section of SW 104th Street between SW 162nd and SW 164th Avenues.

7. **Transit Improvements.** In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter. The Owner's obligation under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

8. **Urban Design Guidelines.** The Owner will use reasonable good faith efforts to incorporate the Guidelines for Urban Form enumerated in pages I-26 through I-29 of the CDMP's Land Use Element when developing the Property. Additionally, the Owner will use reasonable good faith efforts to incorporate the design guidelines contained in Miami Dade County's Urban Design Manual when developing the Property.

9. **Public Purpose Parcel.** The Owner will dedicate approximately 5 acres of the Property (the "Public Purpose Parcel") to Miami-Dade County, at no cost, to be used as a public purpose parcel either for a police station, a fire station, a public park, or a public library.

10. **Concurrency.** The Owner will meet concurrency levels of service ("LOS") at the time of permitting for Local Recreation Open Space (Parks), Potable Water, Sanitary Sewer, Solid Waste, Traffic Circulation (Roadways), Mass Transit, and Drainage, as required by law. Owner agrees not to obtain a certificate of occupancy for any building containing a residential use until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the

Miami-Dade County Public School System with regard to school concurrency; and amended its Comprehensive Development Master Plan to implement school concurrency.

11. **Prohibition on Hazardous Uses**: The Owner will work with the Miami Dade County Department of Environment Resources Management (“DERM”), to ensure that there are no uses on the Property which generate, use, handle, dispose, of, or store hazardous waste.

12. **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.

13. **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 of 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.

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

adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such 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.

15. **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 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.

16. **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.

17. **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.

18. **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.

19. **Workforce Housing Requirements.** The owner will comply with any Workforce Housing Requirements which may be in place at the time of permitting .

20. **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 reputable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

21. **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.

22. **Severability.** Invalidation of any one of these covenants, but 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.

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

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

[EXECUTION PAGE FOLLOWS]

Signed, witnessed, executed and acknowledged this _____ day of _____, 2008.

Witnesses:

Print Name: _____

FERRO INVESTMENT GROUP II, LLC
BY MARIO FERRO, JR. , MANAGING MEMBER

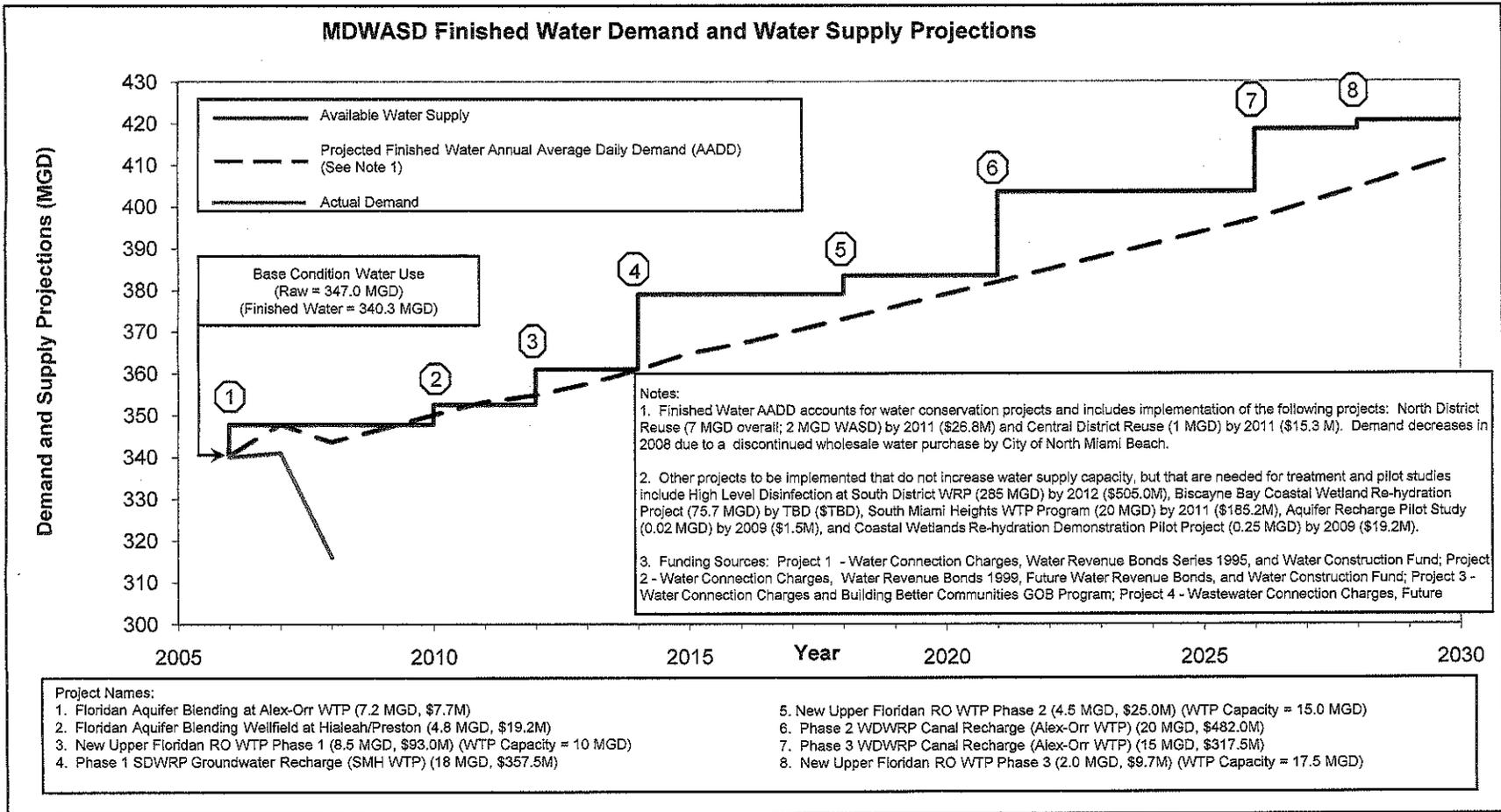
Print Name: _____

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me this ____ day of _____, 2008 by Mario Ferro, Jr., as Managing Member of Ferro Investment Group, II, LLC, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Alternative Water Supply Plan



INFORMATION

Speaker's Card

(For Appearance Before the Board of County Commission)

APP #3

Today's Date April 24, 08 BCC Mtg. Date April 24, 08 Agenda Item # 1A

Subject: To comment on comp Amendment #3

Name: Nathan Fagon - for City of Doral

Address: 8300 NW 53rd Street, Doral FL 33134

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Doral
Organization Firm Client

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

FOR



Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 5

Subject: Low's Application

Name: Chris Adkins

Address: 450 NW 89 St, El Portal, FL 33150

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date April 24, 2008 BCC Mtg. Date April 24, 2008 Agenda Item # 5

Subject: Both Regarding more unneeded Development
BEYOND U.B. Line

Name: DENNY R WOOD
Address: 13000 SW 92 ave B 403 Miami FL
33176

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: N

If yes, please list name: myself / _____ / _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes: _____ No: A

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date _____ Agenda Item # 5 ~~11/8~~

Subject: expansion of VDB

Name: Leslie Sternlieb

Address: 90 Edgewater Drive, Coral Gables

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: S + P Club,
Organization Firm Client

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

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date _____ Agenda Item # S 8

Subject: VDB

Name: BARRY J. WHITE

Address: 10001 SW 129 TERR

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: NON PROFIT CANT CITIZENS AGAINST NON CONCURRENT TRAFFIC, INR

Organization Firm Client

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

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date APRIL 24 '08 BCC Mtg. Date APRIL 24 '08 Agenda Item # 023 . 5+8

Subject: URBAN DEVELOPMENT BOUNDARY AMENDMENTS

Name: MARK ONCAVAGE

Address: 12200 SW 110 AVE, MIAMI FL 33196

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: X No: _____

If yes, please list name: SICERRA CLUB MIAMI GROUP
Organization Firm Client

Have you registered with the Clerk of the Board? Yes: _____ No: X IM AN UNPAID VOLUNTEER

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date _____ Agenda Item # 5 ^(OR) #8

Subject: Holding the UDB Line

Name: Connie Washburn

Address: 745 Majorca Av Coral Gables, FL 33134

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Friends of the Everglades / Young Friends of the Everglades
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # #5, 8

Subject: CDMP - Urban Development Boundary Applications

Name: Kahlil Ketting

Address: 1351 SE 7 Ave Apt 101, Dania Beach, FL 33004

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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:

National Parks Conservation
If yes, please list name: Association

Organization

Firm

Client

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

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 04/24/08 BCC Mtg. Date _____ Agenda Item # #5, #8

Subject: HOLD THE LINE - UDB

Name: DOUG YOUNG

Address: 10871 W. CLAIRMONT CIRCLE, TAMARAC, FL 33321

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Broward County Audubon Society
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 5, 8

Subject: Urban Development Boundary (UDM) Application

Name: Juliet Hill

Address: 444 Bickell Ave. Miami, FL 33131

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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:

Audubon of Florida

Organization

Firm

Client

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

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # App. 5+8

Subject: CMP LDB amendments

Name: Dawn Shirreffs

Address: 190 Wcs Dairy Rd #106 Miami FL 33179

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Clean Water Action
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # Apps 5E8

Subject: UDB

Name: Mark Kraus

Address: 8460 SW 141 St, Palmetto Bay FL 33158

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: _____ No: _____

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # App 5+8

Subject: Against Mary Mc UDB

Name: LARA Reynolds

Address: 5530 Sunset Drive, Miami FL 33143

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Tropical Audubon Society
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Comment on Back →

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date _____ Agenda Item # 5, 8

Subject: Urban Development Boundary

Name: Colleen Ahern Hettel

Address: 561 NE 95th St

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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:

Tuesday, April 22 to the Commission on

Given the Presentation on Climate Change and the
Impact on South Florida, Miami Dade County should

respect the UDB and continue to restrict development to

East of the boundary especially until ~~the~~ a Comprehensive
elevation map of the South Florida area can be completed and
reviewed for at risk lands. In addition, the open land
is necessary for recharge of the Biscayne Aquifer, especially
if the expected rise in temperature will increase arid conditions
water shortages.

Miami has enough development - we don't need anymore
stresses on our natural resources.

We don't need anymore:

Traffic

people

development

stressors on water resources

wastes

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 5 + 8

Subject: "Hold the Line" - development boundary

Name: Erin Healy

Address: 420 W. 37th St, Miami Beach, FL 33140

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: _____ No:

I believe the development boundary should be kept in place so as not to funnel tax dollars further away from downtown, where it is most needed. Further development prevents rainwater re-absorption, which naturally occurs via soil and replenishes water tables, which are connected to our drinking water. If this land is developed, rainwater will run off into the sea or overwhelm drainage systems and negatively influence our sources of drinking water. Why don't we address the economic crisis & high ~~rate~~ rate of foreclosures rather than sacrificing more natural space to only build more houses that people cannot afford. Furthermore, we don't need any more traffic, which already contributes to global warming.

AGAINST

Please read

Written Comment

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 5, 8

Subject: * Keep the urban development boundary in its current place.
I am against the Lowes application, the Brown application and
any other development proposals to be built outside the urban development
boundary.

Name: Sarah M. Ridley (private citizen)

Address: 1300 Collins Ave. #404, Miami Beach FL 33139

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: X

If yes, please list name: _____
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: _____ No: X

- DCA outlines that the Brown application will increase water use
- the Lowe's application will significantly impact environmental resources and wetlands within the N. Trail Basin, N. Trail Wetland Basin, and W. Wellfield Protection Area,
- Kendall Commons: above and beyond any water or other issues, it is entirely inappropriate and unnecessary to construct new residential developments outside the urban development boundary.

AGAINST

Comment on Brelc

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # _____

Subject: Against urban sprawl

Name: A. Taylor

Address: FIU 11200 SW 8th Street

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: _____ / _____ / ecologist
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: _____ No: _____

There is no reason for ^{our current} natural areas to be destroyed for the purpose of urban development/stimulation. We need to have understanding and spread the knowledge of the invaluable services and functions that wetlands perform for the landscape and human society. Wetland regions are not fit to handle the impact of ~~an~~ urban/housing developments.

The potential impacts of increased runoff, land ~~imp~~ compaction, loss of nutrient and pollution degradation, and increased demands on the water table, ^{cycling} will cost more in the ~~at~~ short and long-term than the economic benefits of urban sprawl.

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date April 24, 2008 BCC Mtg. Date _____ Agenda Item # UDB 5+8

Subject: UDB

Name: Michael A. Pizzi

Address: 15271 NW 60th Avenue

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Friendy Redmond
Organization _____ Firm _____ Client _____

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

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 578

Subject: VDB

Name: KIRK FORDHAM

Address: 4041 COLLINS AVE #504 MIAMI BEACH, FL 33140

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: EVERGLADES FOUNDATION

Organization	Firm	Client
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Have your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date _____ Agenda Item # 528

Subject: UDB

Name: Eric D. Prince

Address: 9230 SW 100 Ave Rd

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: EKHO
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: _____ No: _____

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 04-24-08 Agenda Item # 8

Subject: Brown's Project

Name: MANUEL A. Viera

Address: 8465 SW 156 Place Miami FL 33153

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: _____ No: _____

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4-24-08 BCC Mtg. Date 4-24-08 Agenda Item # 8

Subject: BROWN'S PROJECT

Name: CARLOS DOMINGUEZ

Address: 16651 SW 30 ST. MIAMI FL

3396

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: No:

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/2008 BCC Mtg. Date 4-24-08 Agenda Item # 8

Subject: BROWN'S PROJECT #8

Name: RICARDO HERNANDEZ

Address: 9145 SW 166 AVENUE MIAMI, FL 33196

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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 your registered with the Clerk of the Board? Yes: No:

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 4/24/08 BCC Mtg. Date 4/24/08 Agenda Item # 5, 829

Subject: C D B 5, 829

Name: ~~Art~~ Michael A. Pizzi

Address: _____

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: Friend of Repland
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No: _____

AGAINST

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 04-24-08 BCC Mtg. Date _____ Agenda Item # 14

Subject: opa-Locha west zoning change

Name: Jose Camps

Address: 2621 SW 93CT

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: off Road vehicles
Organization ~~XXXXXX~~ Firm _____ Client _____

Have your registered with the Clerk of the Board? Yes: _____ No:

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

* For your convenience, this form is provided in a fillable format and can be completed on your computer

Today's Date 4/24/08 BCC Mtg. Date 4 7 4 08 Agenda Item # 5

Subject: Lowes

Name: Indira Rivero

Address: 13341 S.W 88 Terr #D Mica, Fla 33176

Lobbyist Information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, 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: PineCrest Preparatory Academy /
Organization Firm Client

Have your registered with the Clerk of the Board? Yes: No:

