CDMP MEETING
Board of County Commissioners
November 6, 2008

Prepared by: Jill Thornton

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	11/06/2008		Order of the Day
2	11/06/2008		Roll Call Vote Sheets – 2 pages
3	11/06/2008	4	Letter to BCC from Mr. & Mrs. Earl Dennis re: Application No. 4 April 2008 CDMP Amendment Cycle for Property located at 10940 SW 14th Avenue
4	11/06/2008	3	CDMP Amendment Application No. 3 – Mixed Used Project
5	11/06/2008	3	First Modification of Declaration of Restrictions (CDMP) recorded at Official Records Book 23413, Page 1136
6	11/06/2008	4	CDMP Amendment Application No. 4 – Sunshine Lakes, LLC
7	11/06/2008	8	Declaration of Restrictions – Application No. 8
8	11/06/2008	9	CDMP Application No. 9 (April 2008, Cycle) – Gold River Corporation
9	11/06/2008	9	2008 Cycle – CDMP Application No. 9 Year 2015 Modeling Evaluation
10	11/06/2008	11	Supplementary Information Application No. 11 2008 CDMP Cycle – Builders Association of South Florida
11	11/06/2008	5,6,7, 8,9 &10	Speaker's Cards
12	11/06/2008		Submitted from the Department of Planning and Zoning: BCC Agenda Kit Package Contents – April 2008 Cycle CDMP Amendment Applications
13	11/06/2008		Minutes – Miami-Dade County Planning Advisory Board Acting as the Local Planning Agency
14	11/06/2008		Submitted from the Department of Planning and Zoning: Planning Advisory Board – Miami-Dade County October 6, 2008 – Application No. 2 – Tibor Hollo April 2008 CDMP Amendment Application Cycle
15	11/06/2008		Submitted from the Department of Planning and Zoning: Declaration of Restrictions – Application No. 3 – April 2008 Cycle

CDMP MEETING
Board of County Commissioners
November 06, 2008

Prepared by: Jill Thornton

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
16	11/06/2008		Submitted from the Department of Planning and Zoning: Declaration of Restrictions – Application No. 4 – April 2008 Cycle
17	11/06/2008		Submitted from the Department of Planning and Zoning: Amended Letter of Intent/ CDMP Application No. 8/ Consent of Condominium Associations/ Legal Description of Business and Office Area/ Legal Description of Parks and Recreation Area/ Declaration of Restrictions/ Modification of Prior Covenant
18	11/06/2008		Submitted from the Department of Planning and Zoning: Gold River Corporation/ CDMP Application No. 9/ April 2008 Cycle
19	11/06/2008		Submitted from the Department of Planning and Zoning: Letter from Holland & Knight, LLP re: Manuel Diaz/ Live Oak Partners LLC/ CDMP Amendment Application No. 10
20	11/06/2008		Submitted from the Department of Planning and Zoning: Supplementary Information Application No 11 April 2008 CDMP Cycle – Builders Association of South Florida
21	11/06/2008		Submitted from the Department of Planning and Zoning: Letter from Carlos Heredia, Planning Section Lead Worker, Miami-Dade Fire Rescue Department Re: MDFR Analysis of April 2008 Applications to Amend the CDMP
22	11/06/2008		Submitted from the Department of Planning and Zoning: Letters of Objection from Miami-Dade County School Board and the Department of Community Affairs re: April 2008 Cycle Applications to Amend the CDMP
23	11/06/2008		Resolution of the Miami-Dade County Planning Advisory Board Acting as the Local Planning Agency (LPA) Issuing Recommendations to the BCC re: Final Disposition of the Small-Scale and Update to the CIE Schedules of Improvements Amendment Applications and Transmittal to the Fla. Dept of Community Affairs…
24			

Exhibit

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

THURSDAY, NOVEMBER 6, 2008

9:30 A.M. **CALL TO ORDER**

ROLL CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ZONING HEARING

- **SWEARING IN OF ATTORNEY/WITNESSES/STAFF**
- **SWEARING IN OF TRANSLATOR**

COMPREHENSIVE DEVELOPMENT MASTER PLAN

WORKING LUNCH

ADJOURNMENT

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 11/6/2008 COMP

AGENDA ITEM: Application #1
MOTION: Withdraw Application

ROLL CALL	(M/S)	YES	NO	AB
Comr. Diaz		✓		
Comr. Edmonson				
Comr. Gimenez		✓		
Comr. Heyman				
Comr. Martinez		✓		
Comr. Moss		✓		
Comr. Rolle		✓		
Comr. Seijas		✓		
Comr. Sorenson		✓		
Comr. Sosa		✓		
Comr. Souto				
Vice Chairwoman Jordan		✓		
Chairman Barreiro		✓		
TOTAL		10		

AGENDA ITEM:
MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

AGENDA ITEM: Application #4
MOTION: Adopt application

ROLL CALL	(M/S)	YES	NO	AB
Comr. Gimenez		✓		
Comr. Heyman				
Comr. Martinez		✓		
Comr. Moss		✓		
Comr. Rolle		✓		
Comr. Seijas		✓		
Comr. Sorenson				
Comr. Sosa				
Comr. Souto		✓		
Comr. Diaz		✓		
Comr. Edmonson				
Vice Chairwoman Jordan		✓		
Chairman Barreiro		✓		
TOTAL		9	0	

AGENDA ITEM:
MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

AGENDA ITEM: Special Item No. 1
MOTION: Adopt applications 2, 3, & 5

ROLL CALL	(M/S)	YES	NO	AB
Comr. Martinez		✓		
Comr. Moss	S	✓		
Comr. Rolle		✓		
Comr. Seijas		✓		
Comr. Sorenson				
Comr. Sosa				
Comr. Souto		✓		
Comr. Diaz		✓		
Comr. Edmonson				
Comr. Gimenez		✓		
Comr. Heyman				
Vice Chairwoman Jordan	M	✓		
Chairman Barreiro		✓		
TOTAL		9	0	

AGENDA ITEM: Special Item 3
MOTION: Adopt resolution

ROLL CALL	(M/S)	YES	NO	AB
Comr. Moss		✓		
Comr. Rolle		✓		
Comr. Seijas		✓		
Comr. Sorenson				
Comr. Sosa				
Comr. Souto		✓		
Comr. Diaz	S	✓		
Comr. Edmonson				
Comr. Gimenez		✓		
Comr. Heyman				
Comr. Martinez	M	✓		
Vice Chairwoman Jordan		✓		
Chairman Barreiro		✓		
TOTAL		9		

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
COMP

ROLL CALL VOTE SHEET
BOARD OF COUNTY COMMISSIONERS
MEETING OF 11/6/2008 CDMP

AGENDA ITEM: Special Item #4

MOTION: Adopt on first reading

ROLL CALL	(M/S)	YES	NO	AB
Comr. Rolle		✓		
Comr. Seijas		✓		
Comr. Sorenson				
Comr. Sosa				
Comr. Souto		✓		
Comr. Diaz	S	✓		
Comr. Edmonson				
Comr. Gimenez		✓		
Comr. Heyman				
Comr. Martinez		✓		
Comr. Moss	M	✓		
Vice Chairwoman Jordan		✓		
Chairman Barreiro		✓		
TOTAL		9	0	

AGENDA ITEM:

MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

AGENDA ITEM:

MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

AGENDA ITEM:

MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

AGENDA ITEM:

MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Vice Chairwoman Jordan				
Chairman Barreiro				
TOTAL				

Exhibit - 11/6/2008 CDMP

Mr. & Mrs. Earl Dennis
11001 NW 14 Avenue
Miami, Florida 33167

November 5, 2008

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Board of County Commissioners
Miami-Dade County
Stephen P. Clark Center
111 NW 1st Street, 2nd Floor
Miami, FL 33128

RE: Application No. 4 April 2008 CDMP Amendment Cycle for Property Located at 10940 NW 14 Avenue, Miami-Dade County, Florida. - Letter of Support.

Dear Commissioners:

I own a single-family home and a vacant property on NW 14 Avenue directly east of the above-referenced property (the "Property"). I have spoken with the owner of the Property and the owner's representatives on multiple occasions regarding the land use amendment and the future plans for the Property. The owner has committed to and is working with the neighbors to address our concerns, both about the project and the traffic congestion. As a result, I support the owner's land use amendment and recommend that the Board of County Commissioners adopt this application.

Sincerely,

Earl Dennis

Earl Dennis
Lashonda Miles

CDMP Amendment Application No.3
(April 2008 Cycle)

Mixed Use Project

SW Corner of NE 135th Street & NE 3rd Court

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Table of Contents

Tab One - Aerial Photo of Neighborhood and Surrounding Development

Tab Two - Illustrative Site Plan and Cross Section

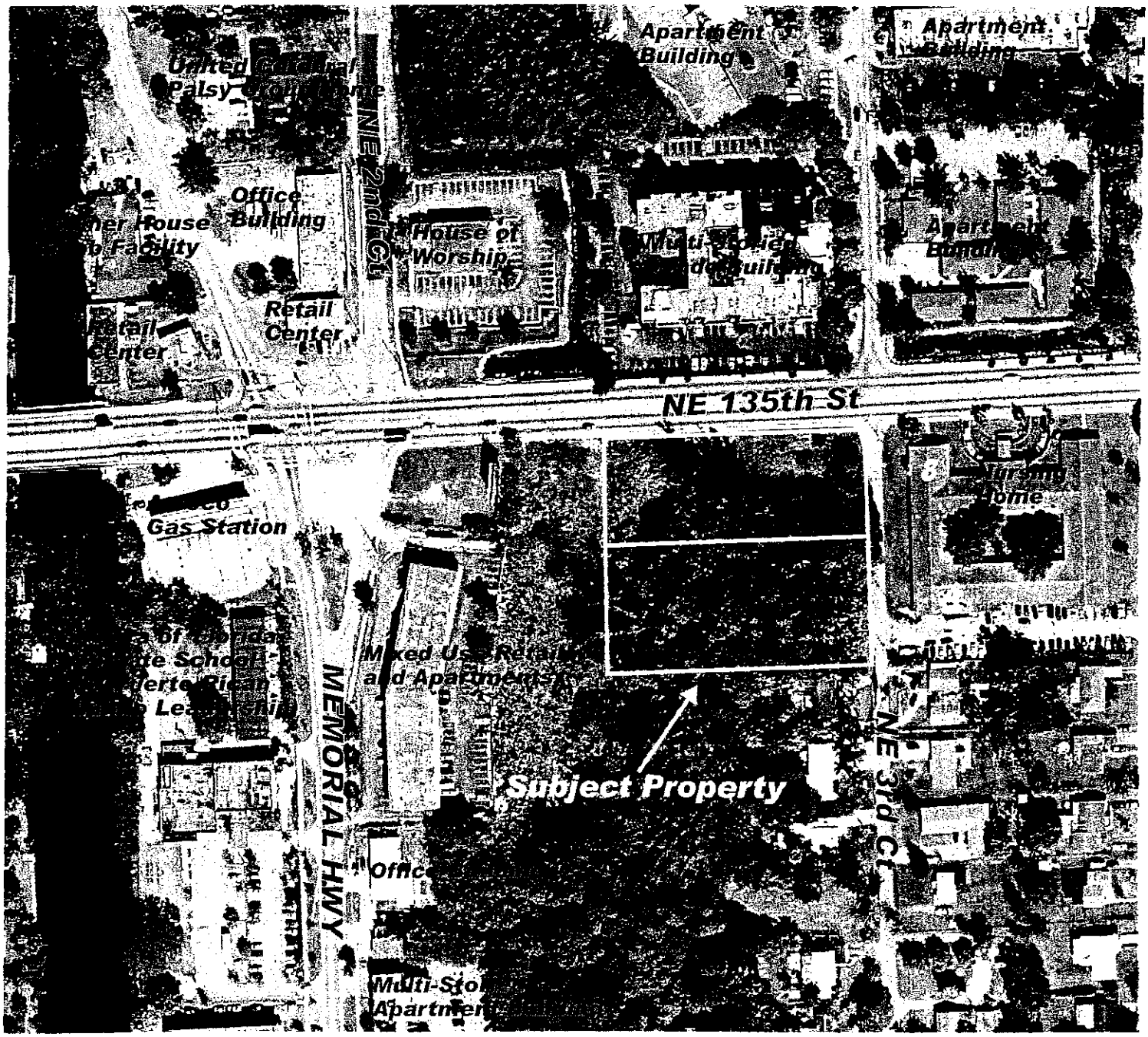
Tab Three - Traffic Study Comparisons

Tab Four - Photos of the Surrounding Neighborhood

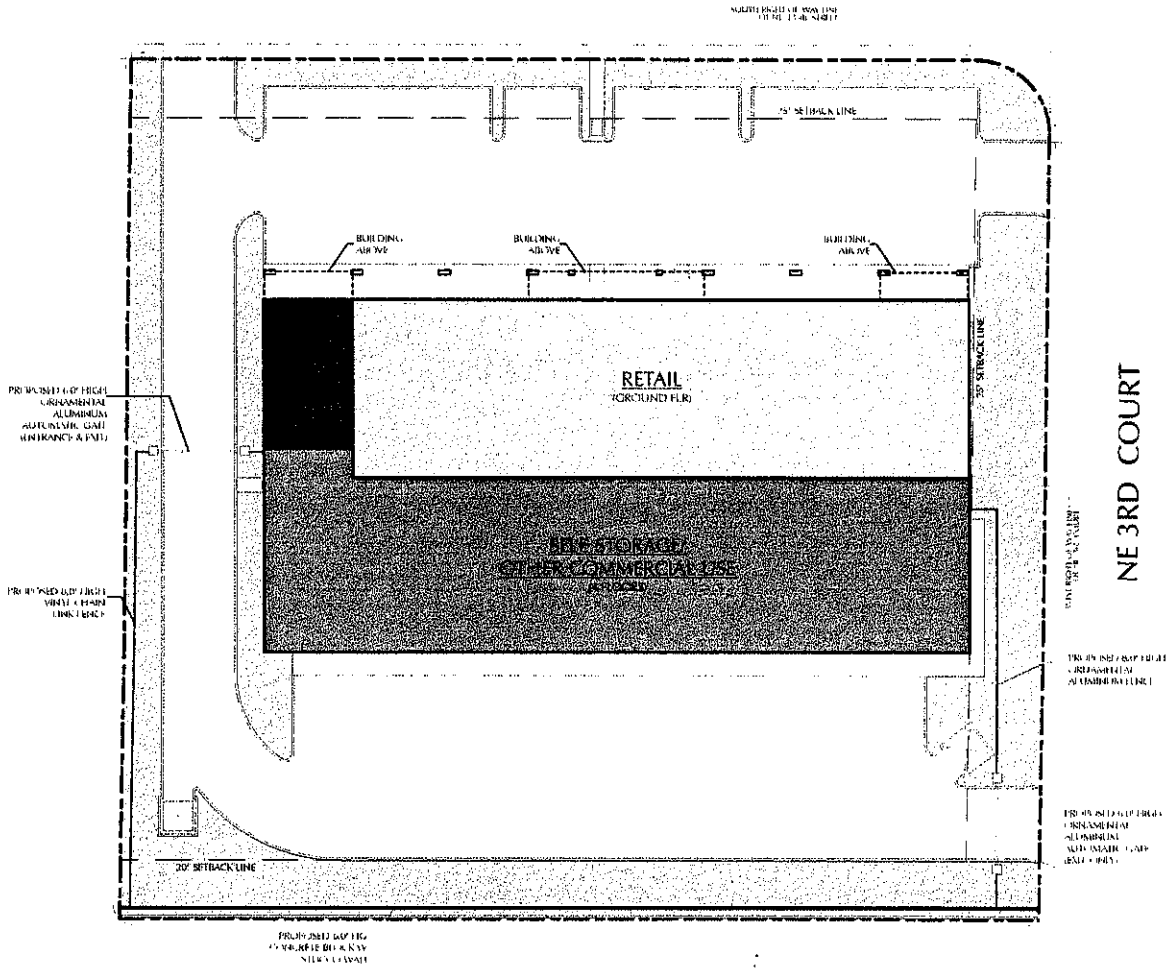
Tab Five - Minor Statistical Area Exhibits

Tab Six - Map of Nearby Land Designated Business & Office

Tab Seven - Proffered Covenant


Apartment Building
Apartment Building
Office Building
House of Worship
Retail Center
NE 135th St
Gas Station
Mixed Use Retail and Apartments
Subject Property
MEMORIAL HWY
NE 3rd Ct
Office

NE 135TH STREET



135TH STREET SELF STORAGE

PROPOSED LAND USE PLAN

LAND USE		SQ. FT.	%
DEVELOPMENT AREAS			
IMPERVIOUS SURFACES		[illegible]	[illegible]
BUILDING FOOTPRINT		[illegible]	[illegible]
OPEN AREAS		[illegible]	[illegible]
TOTAL AREA DEVELOPED		**91,713**	**100%**
BUILDING AREAS			
1ST FLOOR	RETAIL	[illegible]	[illegible]
1ST FLOOR	COURT	[illegible]	[illegible]
1ST FLOOR	SELF STORAGE	[illegible]	[illegible]
2ND FLOOR	SELF STORAGE	[illegible]	[illegible]
3RD FLOOR	SELF STORAGE	[illegible]	[illegible]
4TH FLOOR	SELF STORAGE	[illegible]	[illegible]
TOTAL SELF STORAGE/	OTHER COMMERCIAL USE	[illegible]	[illegible]
TOTAL BUILDING AREA		**102,600**	**100%**
BUILDING HEIGHT		**45'0"**	

LEGEND

- IMPERVIOUS SURFACES
- RETAIL
- COURT
- SELF STORAGE
- OPEN SPACE
- PROPERTY LINE

N

LAND USE PLAN

0 25 50 75 100
Feet

135th STREET SELF STORAGE

21st Century Storage

21st Century STORAGE

BUTZ WILBERN
Architecture • Planning
Interiors • Property Planning
6719 Walker Ave, # 120
McLean, Virginia 22101
703-356-0771 fax 356-7818

P-8

EXTERIOR FINISH SCHEDULE

1. MASONRY BASE DARKER COLOR W/WHITE MASONRY CAP
2. MASONRY BASE LIGHTER COLOR
3. EIFS - MATCH BEIGE COLOR
4. SPANISH TILE ROOFING SYSTEM AT CORNER FEATURES
5. EIFS WITH DECORATIVE FEATURE
6. STOREFRONT WINDOWS
7. DECORATIVE WHITE BRACKET
8. DECORATIVE LIGHT FIXTURE
9. DECORATIVE EIFS CORNICE
10. BUILDING SIGN - SIGN IS NOT PART OF THIS APPLICATION
11. RETAIL CENTER MAIN SIGN INTERNALLY LIT CHANNEL LETTERS - SIGN IS NOT PART OF THIS APPLICATION
12. INDIVIDUAL TENANT SIGNS - SIGN IS NOT PART OF THIS APPLICATION
13. PREFINISHED METAL ROLLUP DOORS
14. PAINTED MAN DOOR
15. AUTOMATIC SLIDER AT ELEVATOR LOBBY
16. CANOPY - SPANISH TILE ROOFING & DECORATIVE BRACKETS
17. SHARP LIFT OFF LIGHT FIXTURE
18. PREFINISHED METAL GUTTER AND DOWNSPOUT
19. PREFINISHED INSULATED METAL PANELS STUCCO TEXTURED TAN COLOR
20. PREFINISHED INSULATED METAL PANELS STUCCO TEXTURED CREAM COLOR

CONCEPT FRONT ELEVATION

PLANTINGS ARE SHOWN FOR ILLUSTRATION ONLY. SEE LANDSCAPE PLAN FOR MORE INFORMATION

0 25 50
Feet

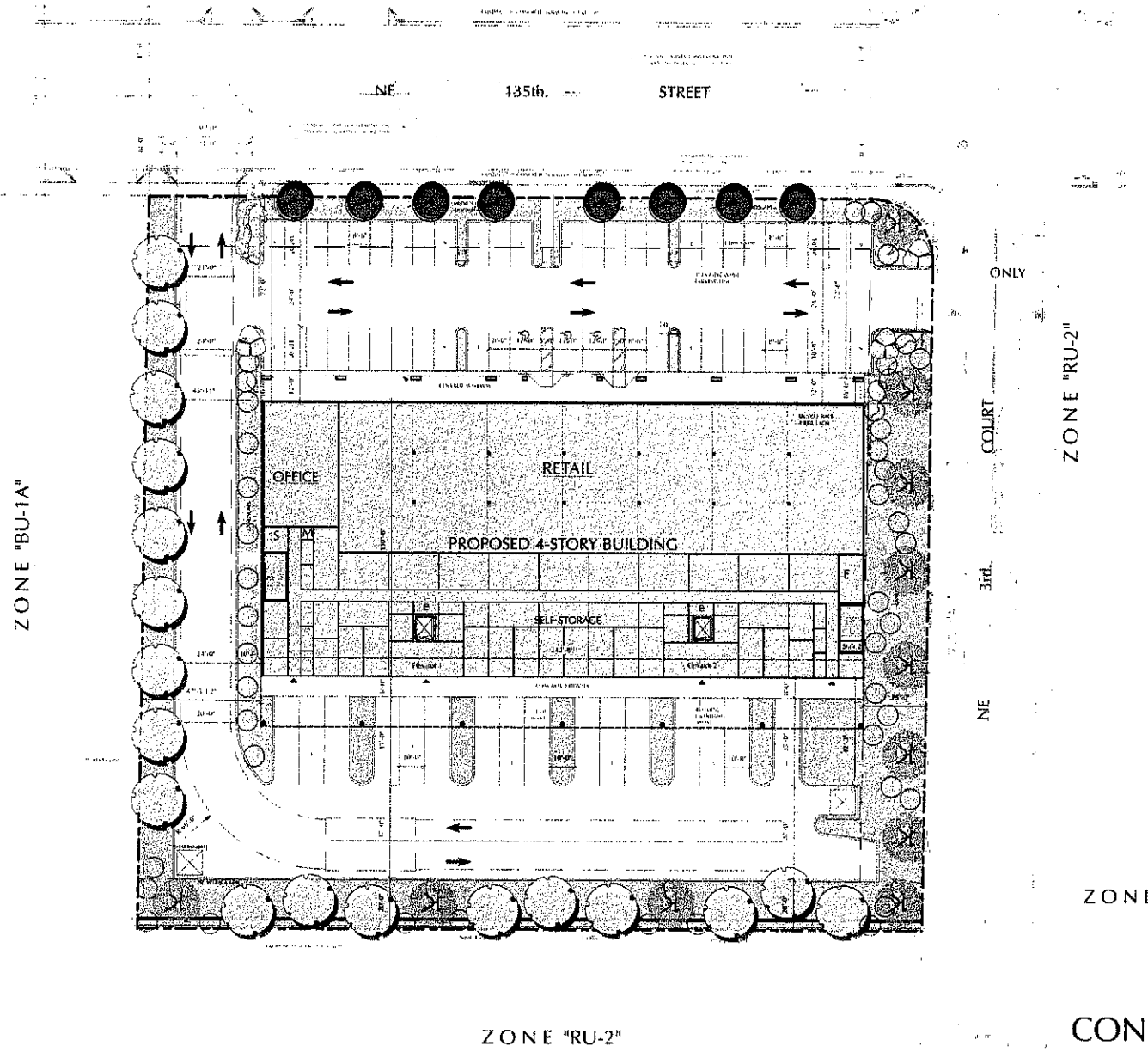
135th STREET SELF STORAGE

Owner's Name or Company
Street Address (Official Description)
Magisterial District, County, State

21st Century STORAGE

BUTZ WILBERN
Architecture • Planning
Interiors • Property Visioning
6718 Whittier Ave. Ste 100
McLean, Virginia 22101
703-356-8771 fax 356-0010

P-1



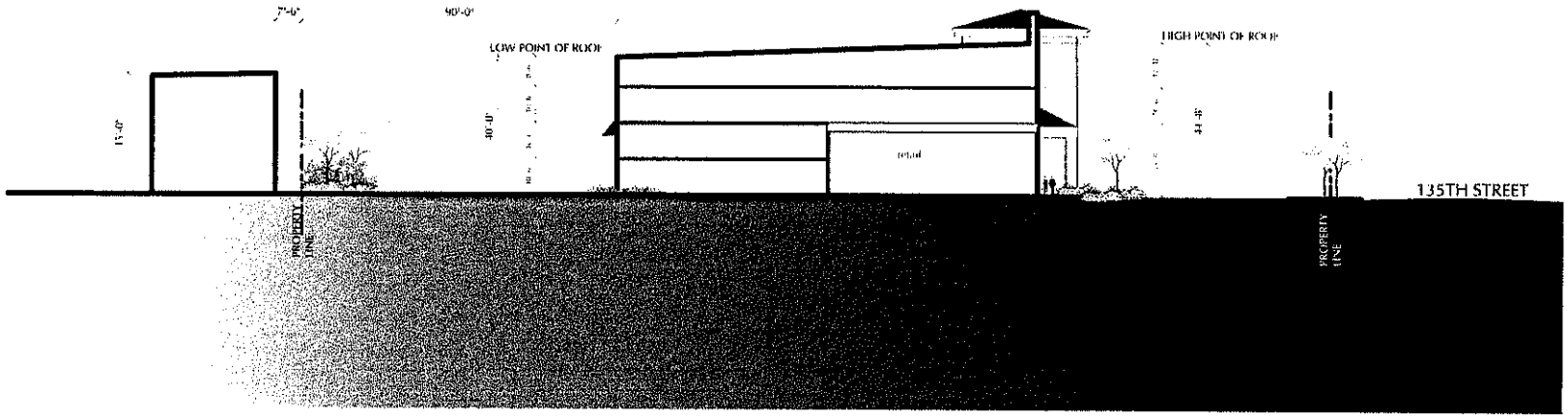
CONCEPT LANDSCAPE PLAN

135th STREET SELF STORAGE

21st Century Storage

BUTZ WILBERN

P-5R



2 CONCEPT SITE SECTION - OPT 90' AWAY

P-6

135th STREET SELF STORAGE

21st Century Storage

21st Century STORAGE

BUTZ WILBERN

Architecture • Planning
Interiors • Property Planning

P-6

EXHIBIT 1
Project Trip Generation Summary

ITE Land Use[1]	Units	PM Peak Hour Vehicle Trips		
		In	Out	Total
Mini-Warehouse (Land Use 151)	90,000 SF	12	12	24
Special Retail[2] (Land Use 814)	12,600 SF	4	6	10
Total		16	18	34

Source: David Plummer & Associates
[1]Based on ITE Trip Generation, 7th Edition.
[2]Includes pass-by trips adjustment factor for retail, ITE Trip Generation, 7th Edition.

EXHIBIT 2
County's Esitmated Peak Hour Trip Generation
By Land Use Designations

Scenario	ITE Land Use1	Units	Total PM Peak Hour Vehicle Trips
1	Shopping Center[2] (Land Use 820)	35,980 SF	152
2	Apartments (Land Use 220)	64 dwelling units	53

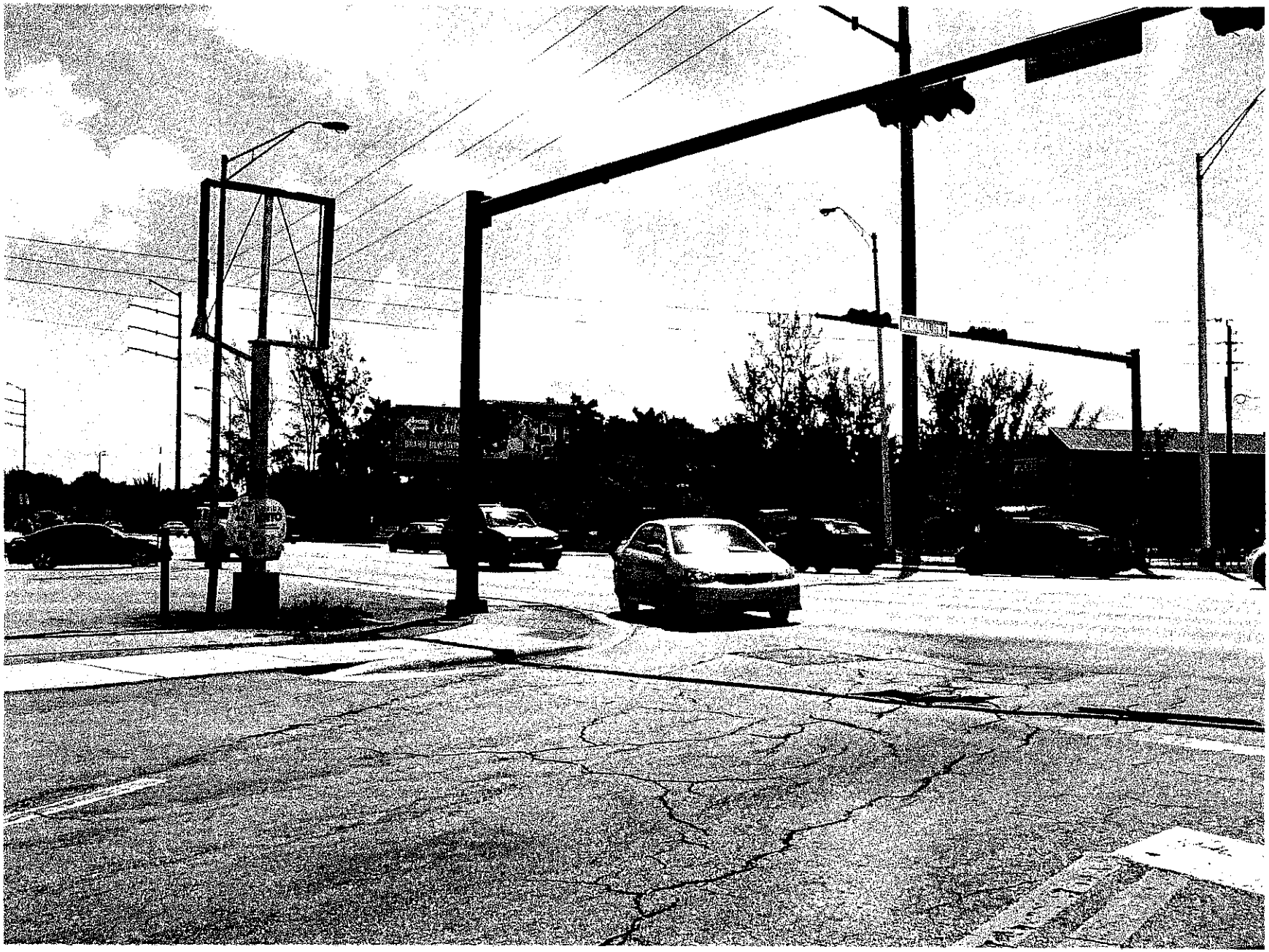
Source: Miami-Dade County Public Works Department, July 2008
[1]Based on ITE Trip Generation, 7th Edition.
[2]Includes pass-by trips adjustment factor for retail, ITE Trip Generation, 7th Edition.

EXHIBIT 3
Allowable Development under Current Land Use Designation
Trip Generation Summary

ITE Land Use[1]	Units	PM Peak Hour Vehicle Trips		
		In	Out	Total
Single-Family Detached Housing (Land Use 210)	33 dwelling units	25	15	40

Source: Miami-Dade County Public Works Department, July 2008
[1]Based on ITE Trip Generation, 7th Edition.

Proposed Project would generate six (6) less trips than existing zoning.



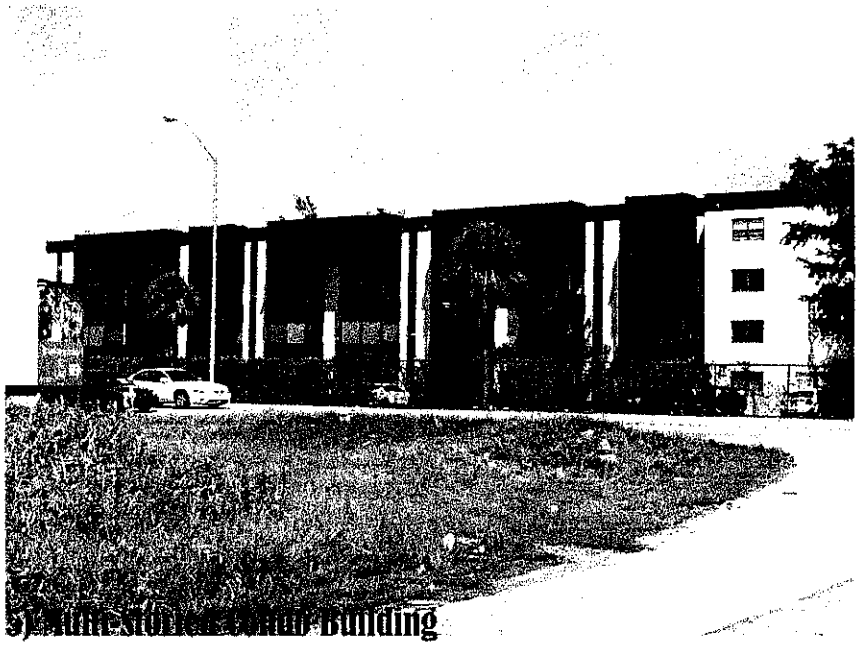
WARNING
$500.00 FINE MAX

1) Summer House Rehab Facility

2) Retail Center

3) Retail Center

4) House Of Worship

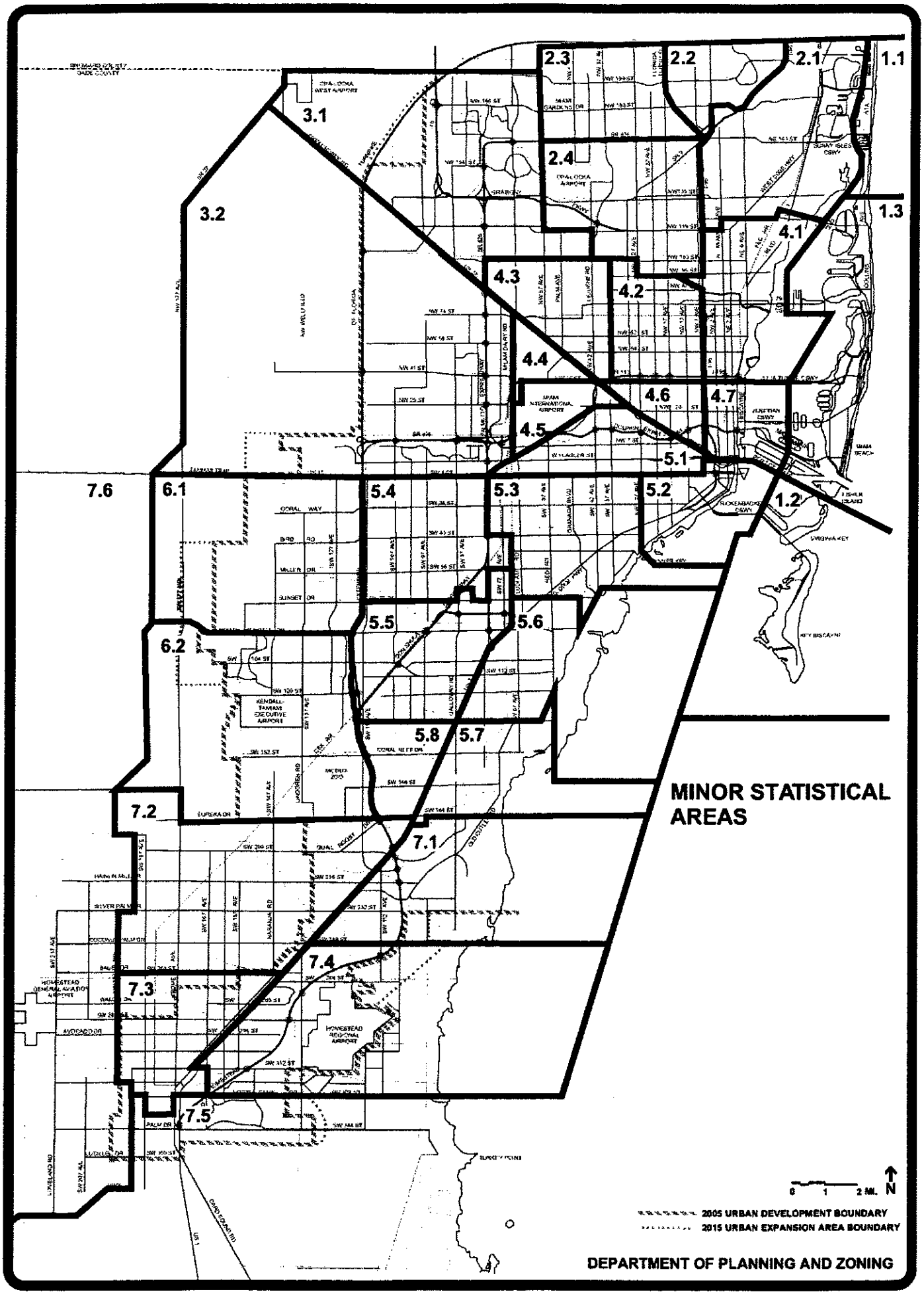


5) Multi-Story Commercial Building

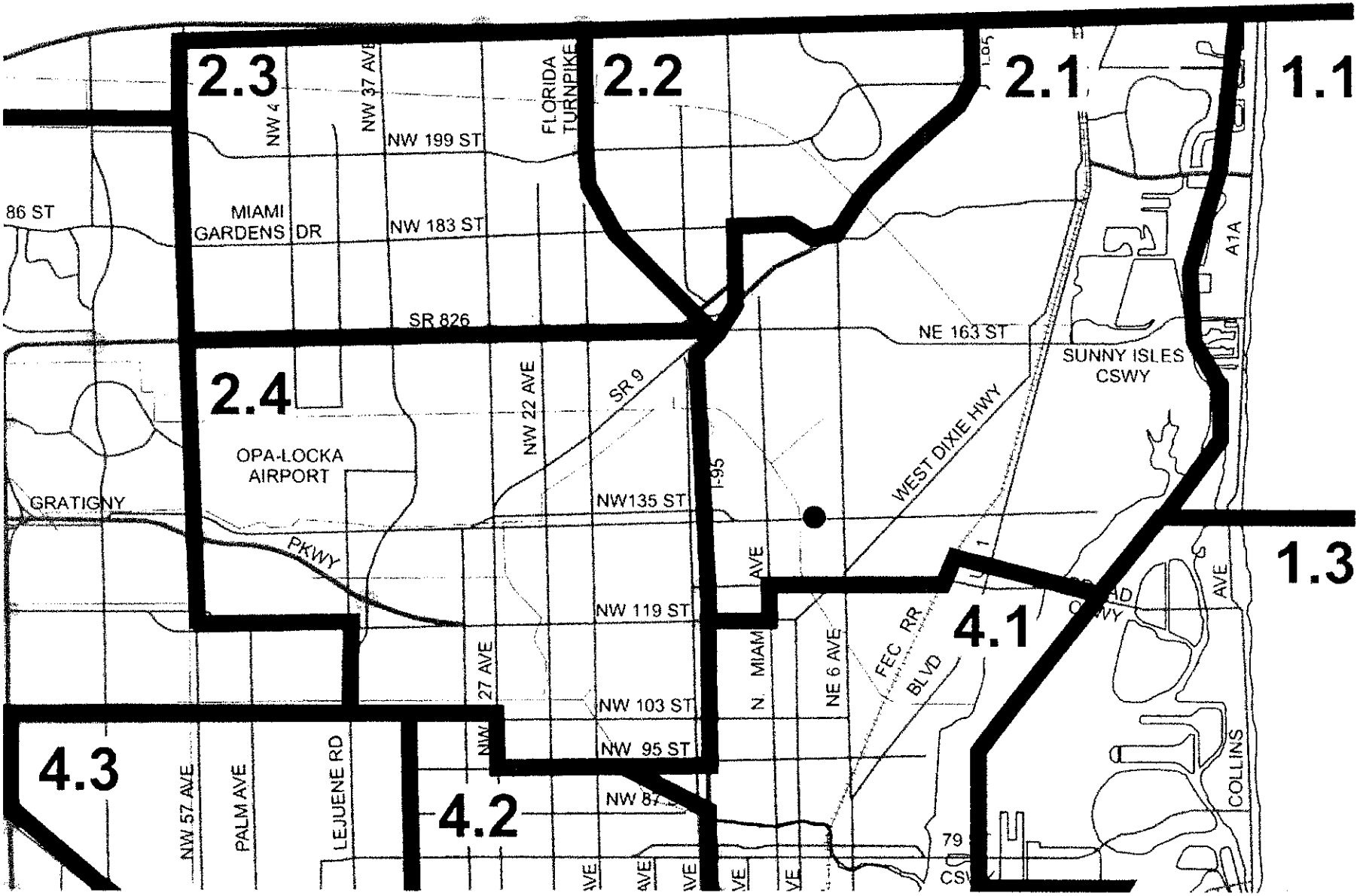
6) Amoco Gas Station

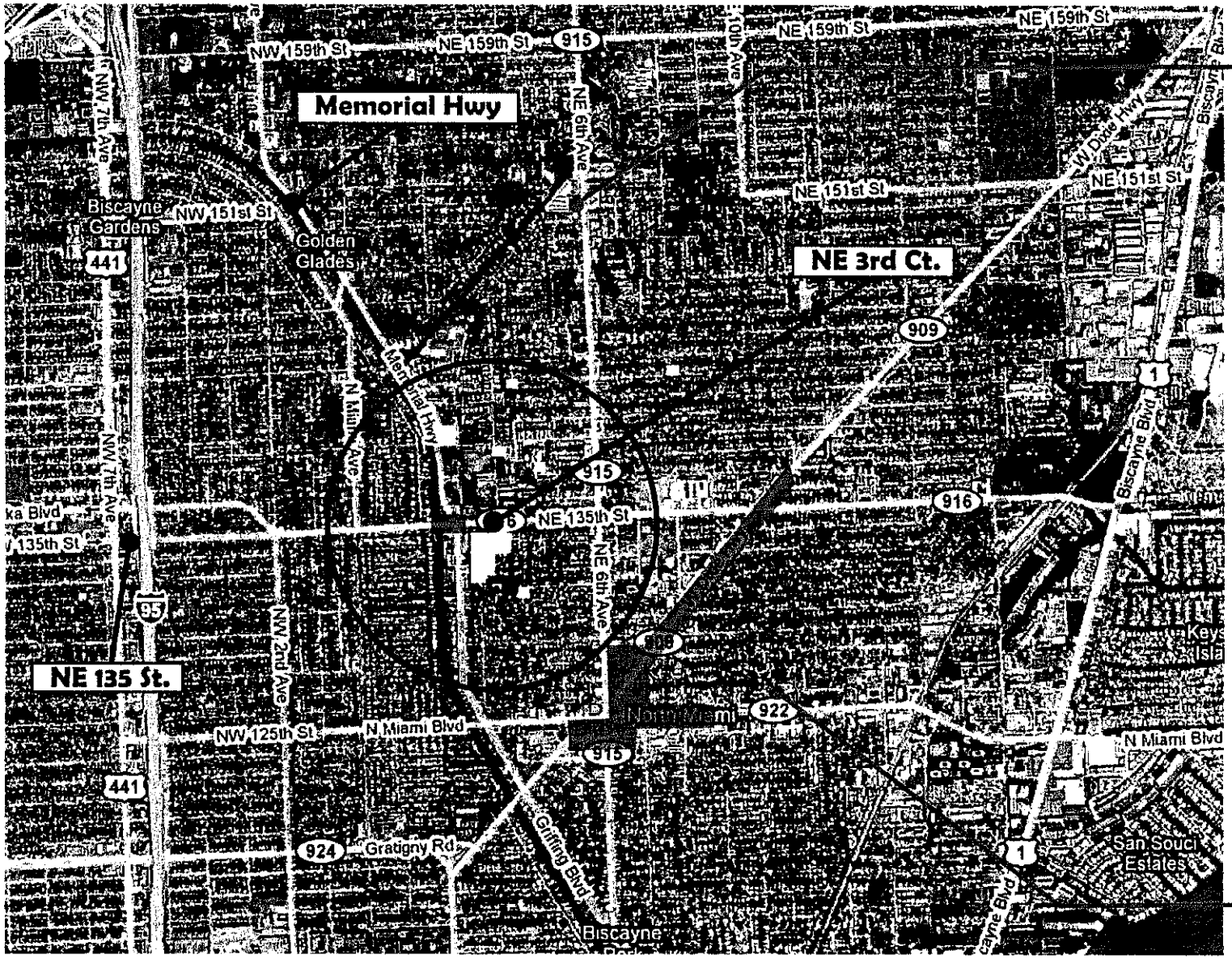
7) Mixed Use Retail & Apartment

8) Nursing Home


MINOR STATISTICAL AREAS
1.1
1.2
1.3
2.1
2.2
2.3
2.4
3.1
3.2
4.1
4.2
4.3
4.4
4.5
4.6
4.7
5.1
5.2
5.3
5.4
5.5
5.6
5.7
5.8
6.1
6.2
7.1
7.2
7.3
7.4
7.5
7.6
0 1 2 MI. N
2005 URBAN DEVELOPMENT BOUNDARY
2015 URBAN EXPANSION AREA BOUNDARY
DEPARTMENT OF PLANNING AND ZONING

6/00


2.3
2.2
2.1
1.1
1.3
2.4
4.1
4.2
4.3
NW 199 ST
NW 183 ST
MIAMI GARDENS DR
FLORIDA TURNPIKE
NW 37 AVE
86 ST
SR 826
NE 163 ST
SUNNY ISLES CSWY
A1A
SR 9
NW 22 AVE
OPA-LOCKA AIRPORT
GRATIGNY
PKWY
NW135 ST
I-95
WEST DIXIE HWY
NW 119 ST
N. MIAMI AVE
NE 6 AVE
FEC RR
BLVD
NW 103 ST
NW 95 ST
27 AVE
NW 57 AVE
PALM AVE
LEJUENE RD
COLLINS AVE



U-Store-it 15120 NE 6th ave. Miami, fl 33162

Designated Business/ Office

Vacant lots

Discount Self Storage 1100 NE 125th st, Miami Fl 33161

This instrument prepared by
and when recorded return to:
Mario J. Garcia-Serra, Esq.
Greenberg Traurig LLP
1221 Brickell Avenue
Miami, Florida 33131

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned 13500 NE 3rd Court, LLC, (the "Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter called the "Property", which is supported by the attorney's opinion; and

WHEREAS, in April of 2008 the Applicant filed an application (the "Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the Property's designation on the land use plan map of the Miami-Dade County Comprehensive Development Master Plan from Low-Medium Density Residential to Business and Office and that Application has been designated as "Application 3" for that cycle of Comprehensive Plan applications; and

WHEREAS, in conjunction with the Application, Owner wishes to voluntarily restrict the development permitted on the Property.

NOW THEREFORE, in consideration of the premises, and in order to assure the Miami-Dade County Board of County Commissioners, or its successor entity, that the representations made by the Owner and to assure the County Commission, or its successor entity, that this voluntary restriction shall be followed by the Owner, its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Conceptual Site Plan.** Subject to the approval of the Application, Owner agrees that in connection with any application to rezone any portion of the Property, the Owner shall submit a site plan for the Property. Said site plan shall be in substantial compliance, as defined by Section 33-310.1A(I) of the Miami-Dade Code of Ordinances, with the Conceptual Land Use Plan prepared by Butz Wilburn and Associates, dated July 22, 2008, consisting of 1 sheet, a copy of which is attached to this Declaration as Exhibit "B", (the "Conceptual Plan"), and which limits development of the Property to a maximum of 104,225 square feet of total floor area. The Owner acknowledges that the future rezoning and development of the said Property shall require one or more detailed site plan approvals by the County which will determine compliance with all applicable zoning, fire and public works review standards. Any and all removal or relocation of existing trees on the site shall be in accordance with the requirements of

Chapter 24 of the Miami-Dade County Code. The Owner acknowledges that the County's acceptance of this Declaration shall in no way be deemed a waiver on the part of the County, its boards, or departments, to require future site plan approval for the development of the Property.

(2) **Permitted Uses.** Owner agrees that the Property will only be utilized for retail, office, and commercial uses including self storage.

(3) **Residential Use Prohibited.** Owner agrees that the Property will not be utilized for any residential use.

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

(5) **Covenant Running with the Land**. This Declaration on the part of the 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.

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

(7) **Modification, Amendment, Release**. This Declaration may be modified, amended, added to, derogated or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of the Property, including joinder of all mortgagees, if any, provided that the same is also approved by the Miami-Dade Board of County Commissioners.

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

(8) **Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. 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 its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

(9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of the 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.

(10) **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.

(11) **Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by Miami-Dade County, and inspections made and approval of occupancy given by Miami-Dade 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.

(12) **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

(13) **Recording**. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County, at the cost of the Owner, upon approval of the Application by the Miami-Dade Board of County Commissioners. 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.

(14) **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.

(15) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

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

13500 NE 3rd Court, LLC

By:_____

_____, Managing Member

(SEAL)

STATE OF FLORIDA }
COUNTY OF MIAMI-DADE } SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____, as the Managing Member of 13500 NE 3rd Court LLC, who is personally known to me or produced a valid drivers license as identification.

_____

Notary Public
Sign Name:_____
Print Name:_____

My Commission Expires:

Serial No. (None, if blank):_____

[NOTARY SEAL]

Exhibit "A"

Legal Description of Subject Property

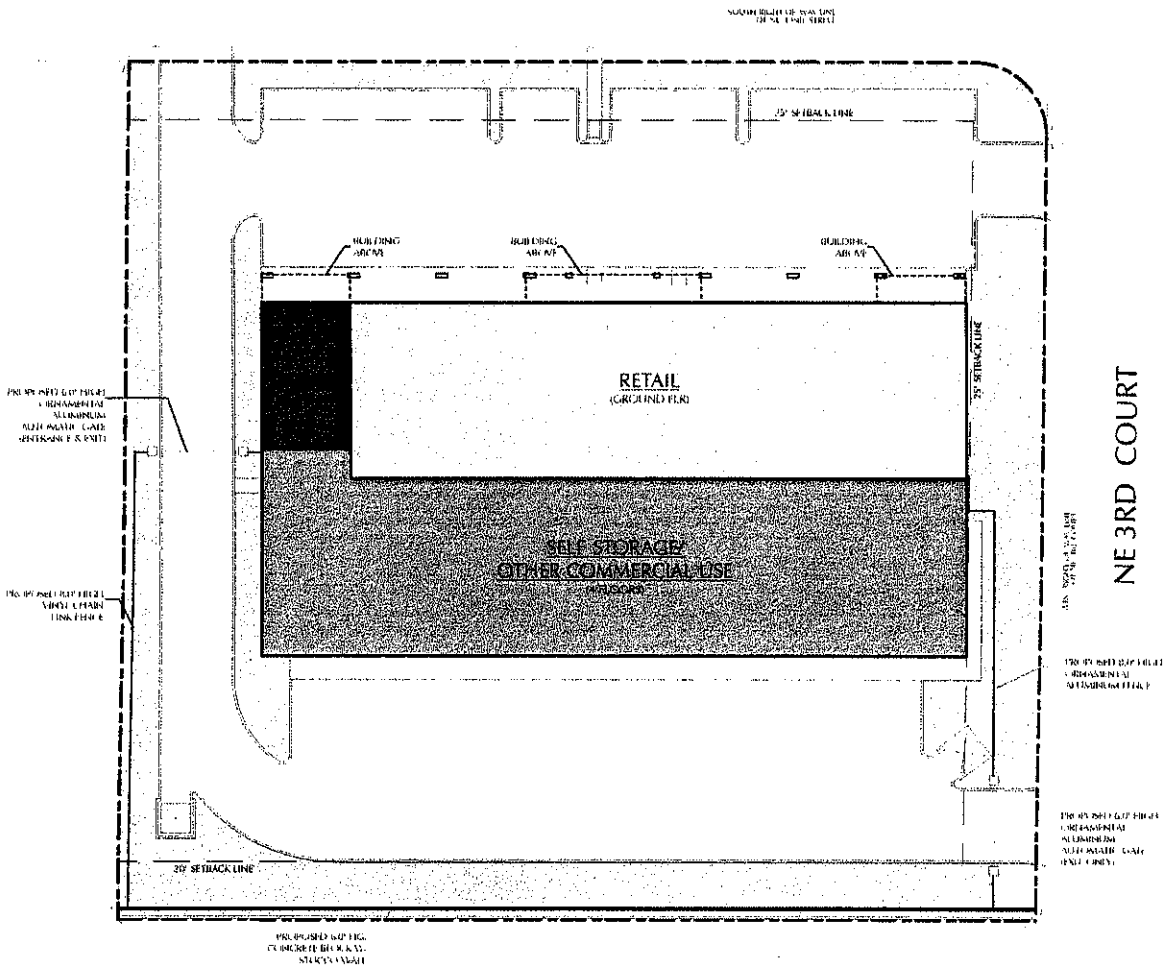
The NW ¼ of the NE ¼ of the NW ¼ of the NW ¼ (Less the East 25 Feet and the North 35 Feet thereof) of Section 30, Township 52 South, Range 42 East, in Miami-Dade County, Florida.

Exhibit "B"

Conceptual Plan

Plan follows on next page.

[This space intentionally left blank.]



135TH STREET SELF STORAGE

PROPOSED LAND USE PLAN

LAND USE		SQ. FT.	%
DEVELOPMENT AREAS			
[illegible]		[illegible]	[illegible]
[illegible]		[illegible]	[illegible]
[illegible]		[illegible]	[illegible]
TOTAL AREA DEVELOPED		91,713	100%
BUILDING AREAS			
[illegible]	RETAIL	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	SELF STORAGE	[illegible]	[illegible]
[illegible]	SELF STORAGE	[illegible]	[illegible]
[illegible]	SELF STORAGE	[illegible]	[illegible]
[illegible]	SELF STORAGE	[illegible]	[illegible]
TOTAL SELF STORAGE/ OTHER COMMERCIAL USE		90,000	88%
TOTAL BUILDING AREA		102,600	100%
BUILDING HEIGHT		45'0"	

LEGEND

- IMPERVIOUS SURFACES
- RETAIL
- OFFICE
- SELF STORAGE
- OPEN SPACE
- PROPERTY LINE

N

LAND USE PLAN

0 25 50 75 100
Feet

135th STREET SELF STORAGE

21st Century Storage

21st Century STORAGE

BUTZ WILBERN

Architecture • Planning
Interiors • Property Visioning

6718 Whittier Ave, # 120
McLean, Virginia 22101
703-356-6771 fax 356-7010

P-8

11/6/2008 CDMP Application 3

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

This instrument was prepared by
or under the supervision of:

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

(Space reserved for Clerk of Court)

FIRST MODIFICATION OF DECLARATION OF RESTRICTIONS (CDMP)
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136

THIS Modification of Declaration of Restrictions is made this ___ day of _____, 2008, by Fontainbleau Lakes, LLC, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

W I T N E S S E T H:

WHEREAS, the Owner holds the fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property";

WHEREAS, in April 2004, the Owner filed an application (the "Former Application") designated as "Application No. 3" part of the April 2004 Miami-Dade County Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from "Parks and Recreation" and "Medium Density Residential" to "Medium Density Residential" and "Parks and Recreation"; and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Board of County

Commissioners in connection with the Former Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property (attached hereto as Exhibit "B"); and

WHEREAS, the Owner subsequently filed a zoning application to rezone the Property from GU to RU-4M, which pursuant to Zoning Resolution No. CZAB10-21-06 a site plan was approved for the entire Property; and

WHEREAS, in April 2008, the Owner filed an application (the "New CDMP Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the land use designation for Parcel "B" (described in Exhibit "C") from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" and for Parcel "C" (described in Exhibit "D") from "Medium Density Residential" to "Parks and Recreation". The New CDMP Application has been designated as "Application No. 8" for the April 2008 CDMP cycle; and

WHERAS, in connection with the New CDMP Application the Owner is proffering a covenant that will place certain restrictions and conditions on the use of Parcel "B" and Parcel "C"; and

WHEREAS, the Owner as part of the New CDMP Application is seeking to modify the Declaration to exclude Parcel "B" and Parcel "C"; and

WHEREAS, the Declaration may only be modified pursuant to a CDMP Amendment process; and

WHERAS, a public hearing was held before the Board of County Commissioners (the "BCC") on November 6, 2008, at which hearing the BCC adopted Resolution No. _____ (the "Resolution"); and

WHEREAS, the Resolution approved the modification of Paragraphs 1 and 2 of the

Declaration as follows:

FROM:

1. **Conceptual Site Plan**. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public work review standards.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

TO:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

NOW, THEREFORE, the parties hereby agree as follows:

1. Paragraphs 1 and 2 of the Declaration shall now read as follows:

1. **Conceptual Site Plan**. The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units

proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

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

[Signature Page Follows]

IN WITNESS WHEREOF, Fontainbleau Lakes, LLC, has caused these present to be signed in its name on this ____ day of _____, 2008.

WITNESSES:

_____
Witness #1

_____
Printed Name

_____
Witness #2

_____
Printed Name

Fontainbleau Lakes, LLC.,
a Florida limited liability company

By: _____
Name: _____
Title: _____

CORPORATE SEAL

STATE OF _____)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2008, by _____, as _____, on behalf of Fontainbleau Lakes, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

_____
Notary Public

_____
Printed Name

Exhibit "A"

TRACTS 1, 2, 3, 4 AND 7, "FONTAINEBLEAU PARK SUBDIVISION SECTION ONE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 56, OF THE PUBLIC RECORDS OF DADE COUNTY TOGETHER WITH:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN NORTH 89°58'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.06 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTH 89°58'50" EAST ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.55 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" "BLUE FONTAINE TRACT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 08°57'20" WEST, ALONG THE WEST LINE OF TRACT "F" FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN SOUTH 02°06'50" EAST, ALONG SAID WEST LINE OF TRACT "F" FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "F" (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 89°42'20" WEST, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTH 02°06'50" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.59 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:
A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE SOUTH 89°58'36" WEST 1490.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°53'09" EAST 1035.40 FEET; THENCE NORTH 87°00'00" WEST 160.03 FEET; THENCE SOUTH 01°53'09" WEST 1043.86 FEET; THENCE SOUTH 89°58'20" EAST 160.09 FEET TO THE POINT OF BEGINNING.
AREA OF THIS PROPERTY IS: 6,408,309 SQUARE FEET (147.11 ACRES)

Exhibit "B"

CFN 2005R0539838
OR Bk 23413 Pgs 1136 - 1142; (7pgs)
RECORDED 05/26/2005 10:03:13
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

A/23

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Carolyn A. Sakolsky, as Trustee ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property"; and

WHEREAS, in April 2004, the Owner filed an application (the "Application"), as part the April 2004 Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from Parks and Recreation and Medium Density Residential to Medium Density Residential, and that Application has been designated as "Application 3" for that cycle of CDMP amendment applications.

NOW THEREFORE, in consideration of the premises, and subject to the approval of the Application, and in order to assure the Miami-Dade County ("County") Board of County Commissioners ("County Commission") that the representations made by the Owner concerning the type and manner of development and the number of units to be developed on the Property in the future will be adhered to notwithstanding the permitted uses and densities under said zoning district regulations and land use classification, and to assure the County Commission that this voluntary restriction will be followed by the Owner, and its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

(1) **Conceptual Site Plan**. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to

MIAMI 817468.13 7331719528

4-54-40

7

(1.1) Addressing Traffic Impacts on N. W. 87th Avenue.

Prior to rezoning of the Property, the Owner shall forward the proposed site plan, any traffic studies and proposals to address traffic impacts of the Zoning Application, and, in particular, the potential for adverse impacts on N.W. 87th Avenue.

allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public works review standards.

(2) **Number of Units**. Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

(3) **Educational Facility**. Owner recognizes that redevelopment of the Property may impact the educational facilities currently being served by the area surrounding the Property. Prior to final zoning approval, Owner, at its option, shall either 1) mitigate the impact on educational facilities of the proposed development by either securing the availability of an educational facility (charter or public school) located within three miles from the Property, or 2) have reached an agreement with the Miami-Dade County Public Schools addressing the impact on educational facilities in a manner acceptable to the Miami-Dade County Public Schools or 3) submit for review and approval to the Director of the Department of Planning and Zoning ("Director") a plan to mitigate the impacts on educational facilities in a manner acceptable to the Director. Nothing contained herein shall relieve the Owner of negotiating with the Miami-Dade County School District consistent with the Interlocal Agreement between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies, as amended, and as amended in the future from time to time.

(4) **Effectiveness of Declaration**. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County after final approval by the County Commission of the application.

(5) **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.

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

(7) **Modification, Amendment, Release**. This Declaration may be modified, amended, or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the County Commission of Miami-Dade County or such other successor governmental body having jurisdiction over the Property.

Any such modification or release shall also 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. Any such modification or release shall also be subject to Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade Comprehensive Plan. Notwithstanding the previous sentence, in the event that the Property is incorporated into 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 or releases of this Declaration shall be subject to the provisions of such ordinance 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, by the provisions for the adoption of zoning district boundary changes together with 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. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive office for the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument of effectuating and acknowledging such modification, amendment or release.

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

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

(8) **Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. The prevailing party in 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 its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

(9) **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.

(10) **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.

(11) **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.

(12) **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.

(13) **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 County Commission 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.

(14) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

(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 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.

[SIGNATURE PAGE FOLLOWS]

Signed, witnessed, executed and acknowledged this 6 day of May, 2005.

Witnesses:

Print Name PATRICIA HODGE

Print Name Mercedes Padron

Carolyn A. Sakolsky, Trustee
5233 Fisher Island Drive
Miami, FL 33109

Carolyn A. Sakolsky

STATE OF FLORIDA }
ss:
COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me this 6 day of May, 2005 by Carolyn A. Sakolsky Trustee, who is personally known to me or produced a valid driver's license as identification

Notary Public
Sign Name: Mercedes Padron
Print Name:
MY COMMISSION EXPIRES:

MERCEDES PADRON
MY COMMISSION # DD 150600
EXPIRES: November 9, 2006
Bonded Thru Pickard Insurance Agency

MIAMI 817468.13 7331719528

EXHIBIT "A"

LEGAL DESCRIPTION

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

AND

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

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S08°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°06'50"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

AND

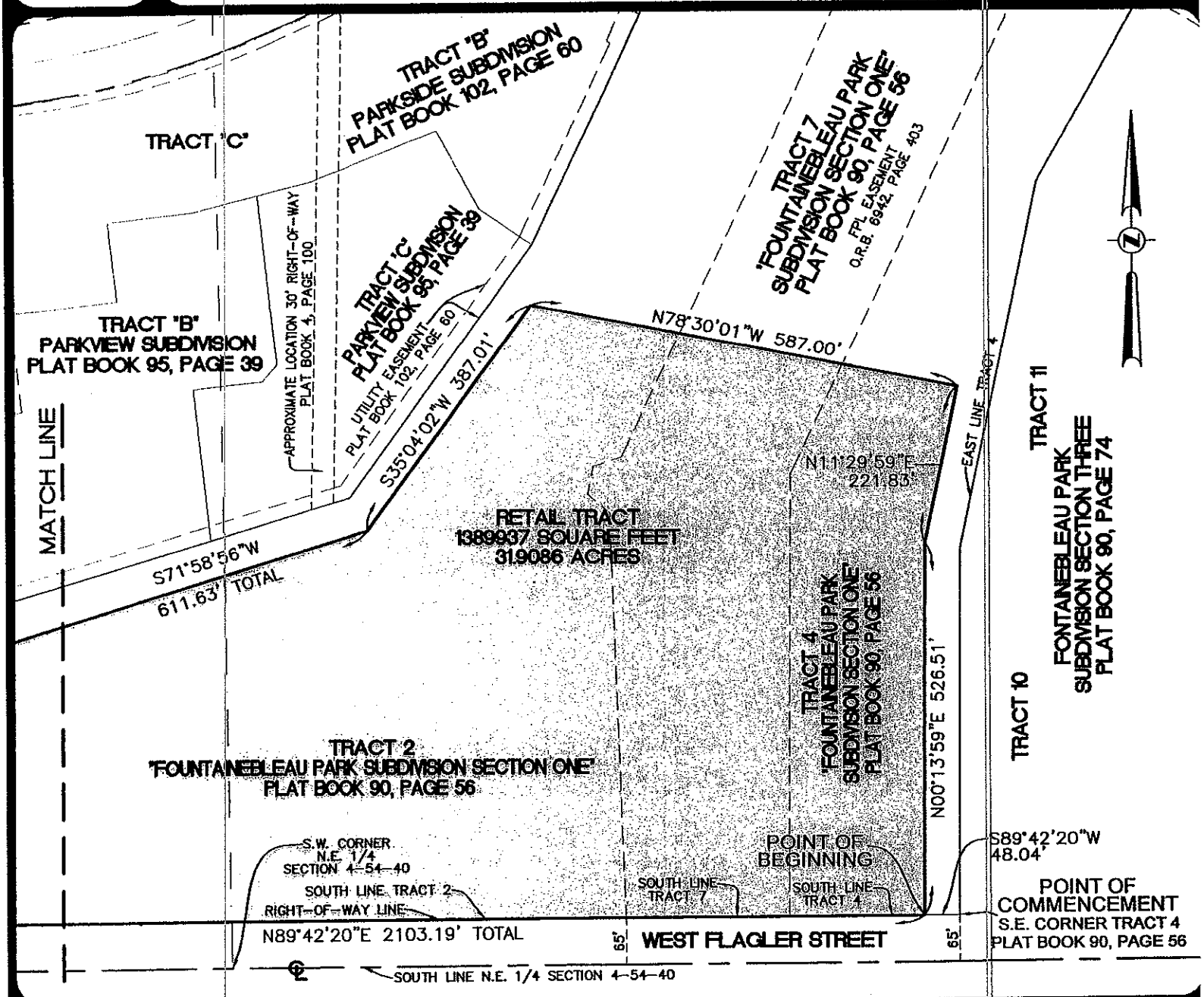
A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1435.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1036.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 160.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

Exhibit "C"

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT	
SCALE: 1"=200'	
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

SHEET 1 OF 4
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☑ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

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SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
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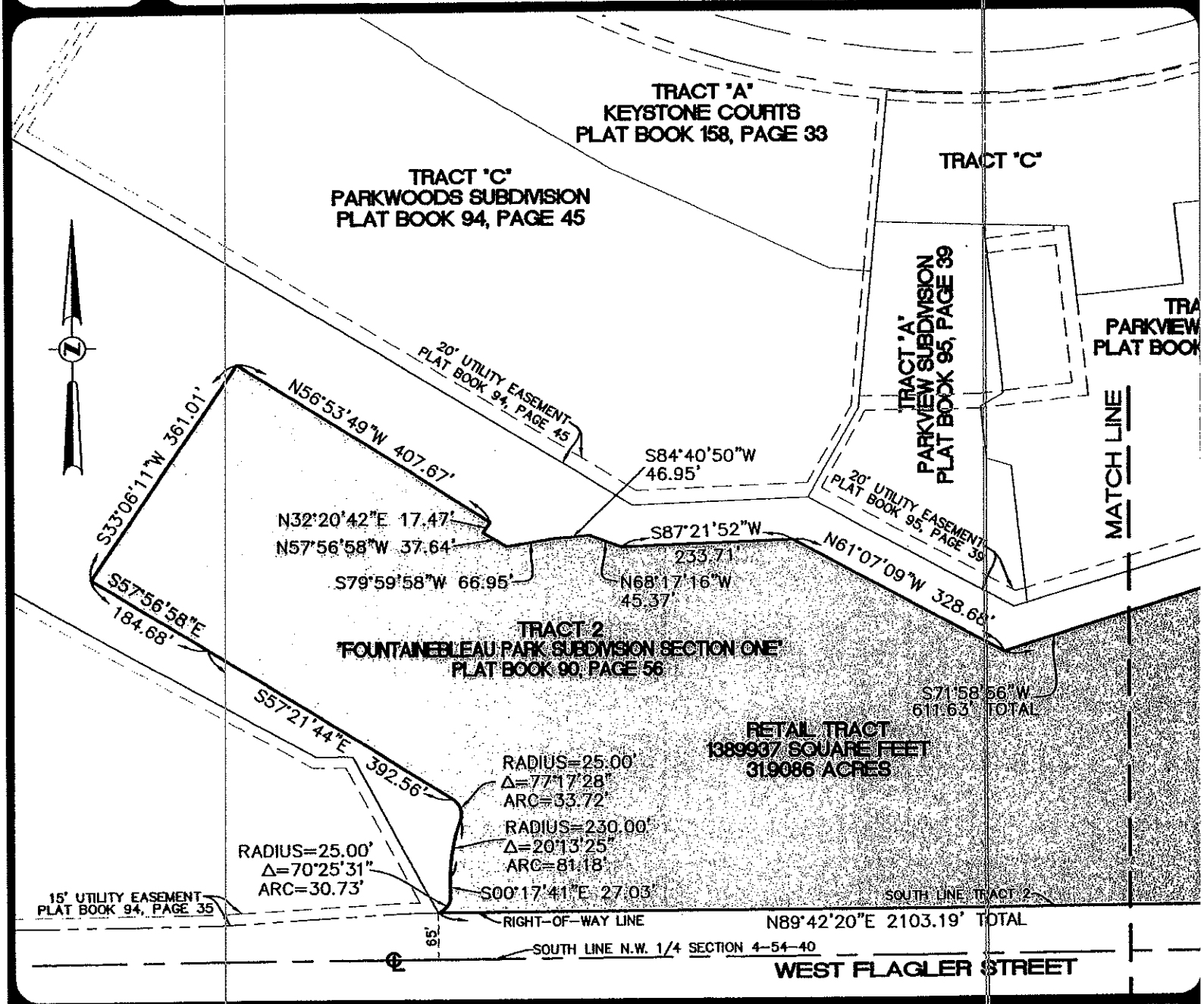

FILE: SHOMA DEVELOPMENT
SCALE: 1"=200'
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 2 OF 4

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
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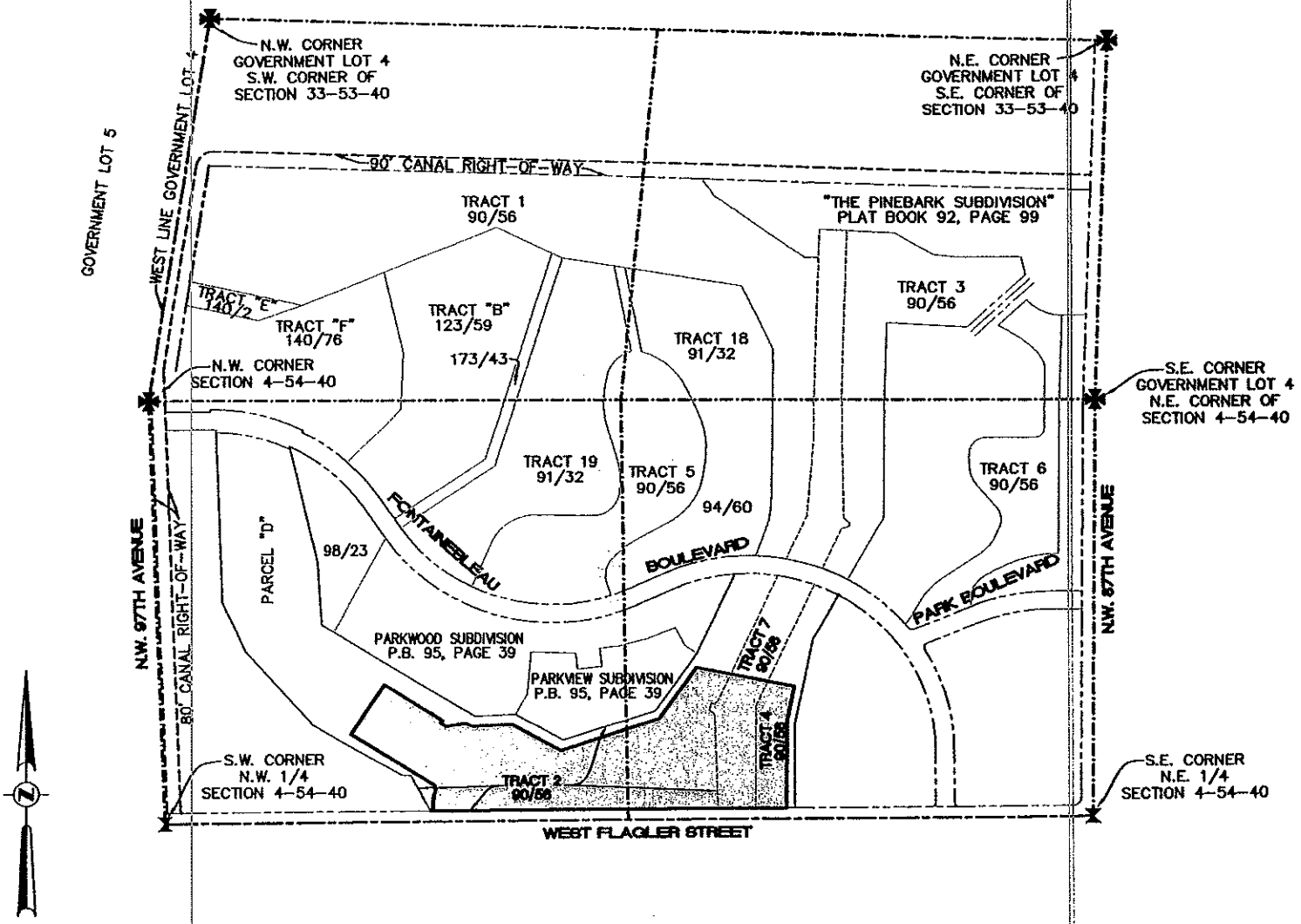


FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 3 OF 4

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: RETAIL TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 2, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT
SCALE: N/A
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

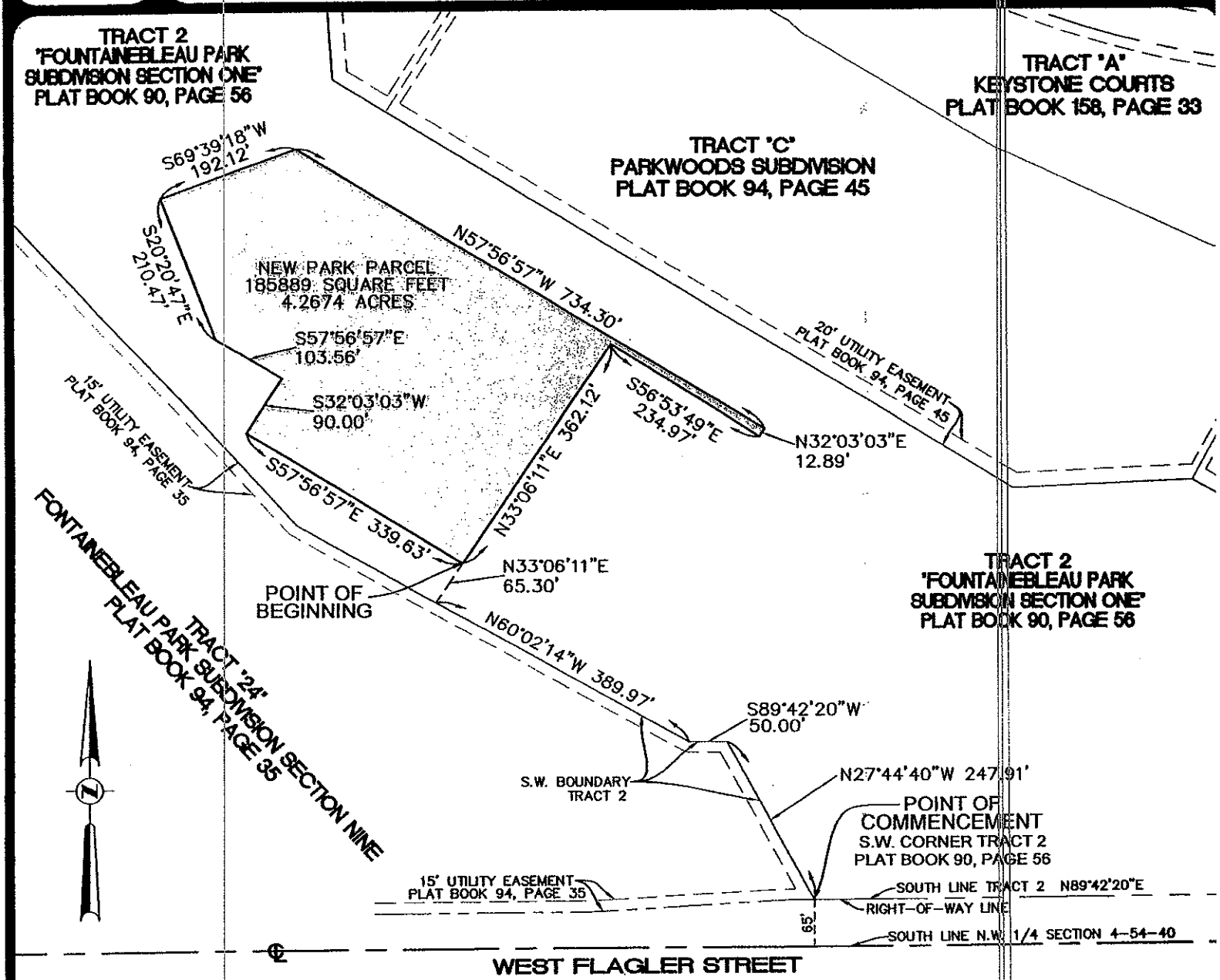
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

Exhibit "D"

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=200'
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 1 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
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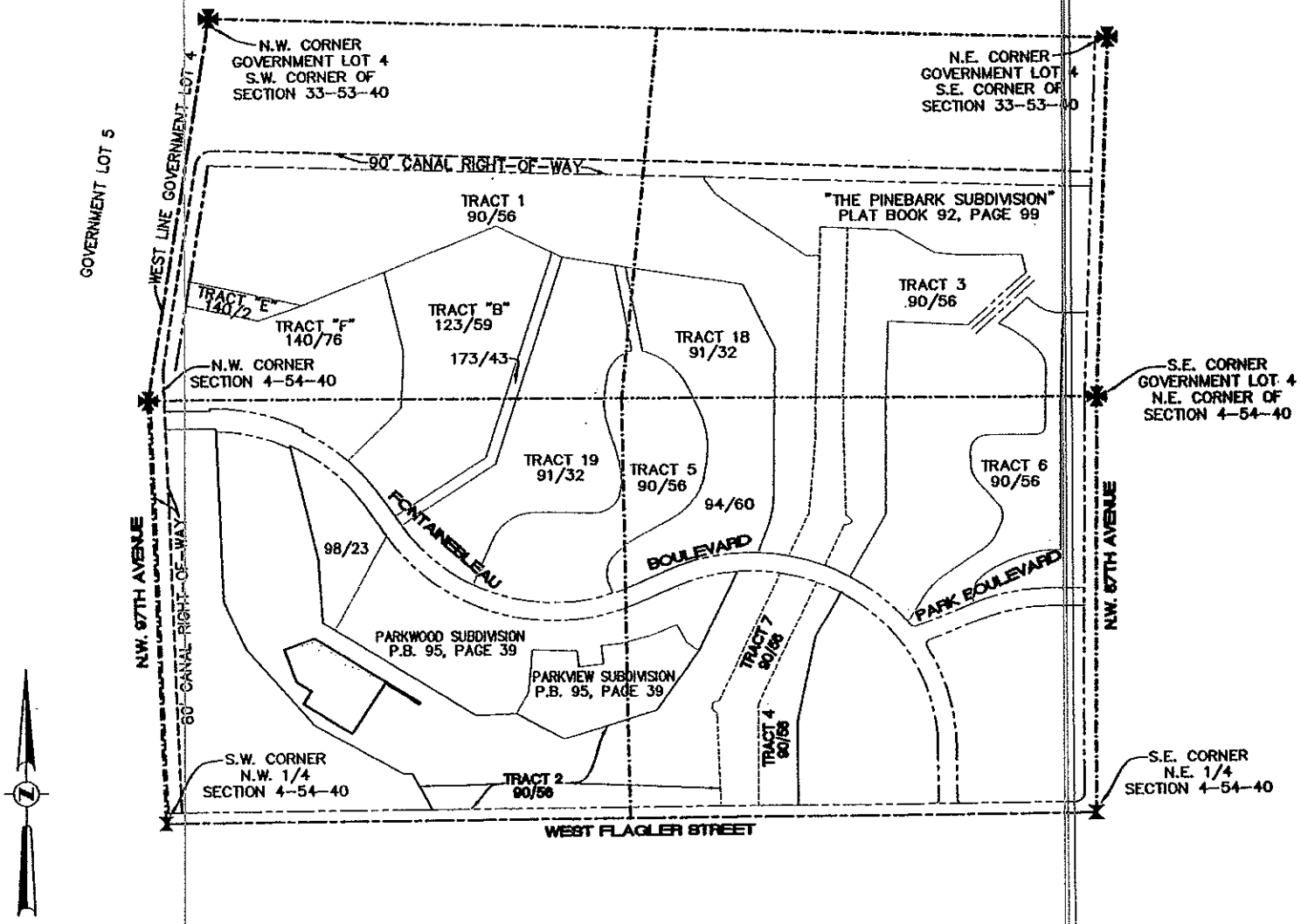


FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 2 OF 3
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: NEW PARK PARCEL

A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) S89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 192.12 FEET; THENCE SOUTH 20°20'47" EAST 210.47 FEET; THENCE SOUTH 57°56'57" EAST 103.56 FEET; THENCE SOUTH 32°03'03" WEST 90.00 FEET; THENCE SOUTH 57°56'57" EAST 339.63 FEET TO THE POINT OF BEGINNING.
CONTAINING 185,889 SQUARE FEET, 4.2674 ACRES.

NOTES:

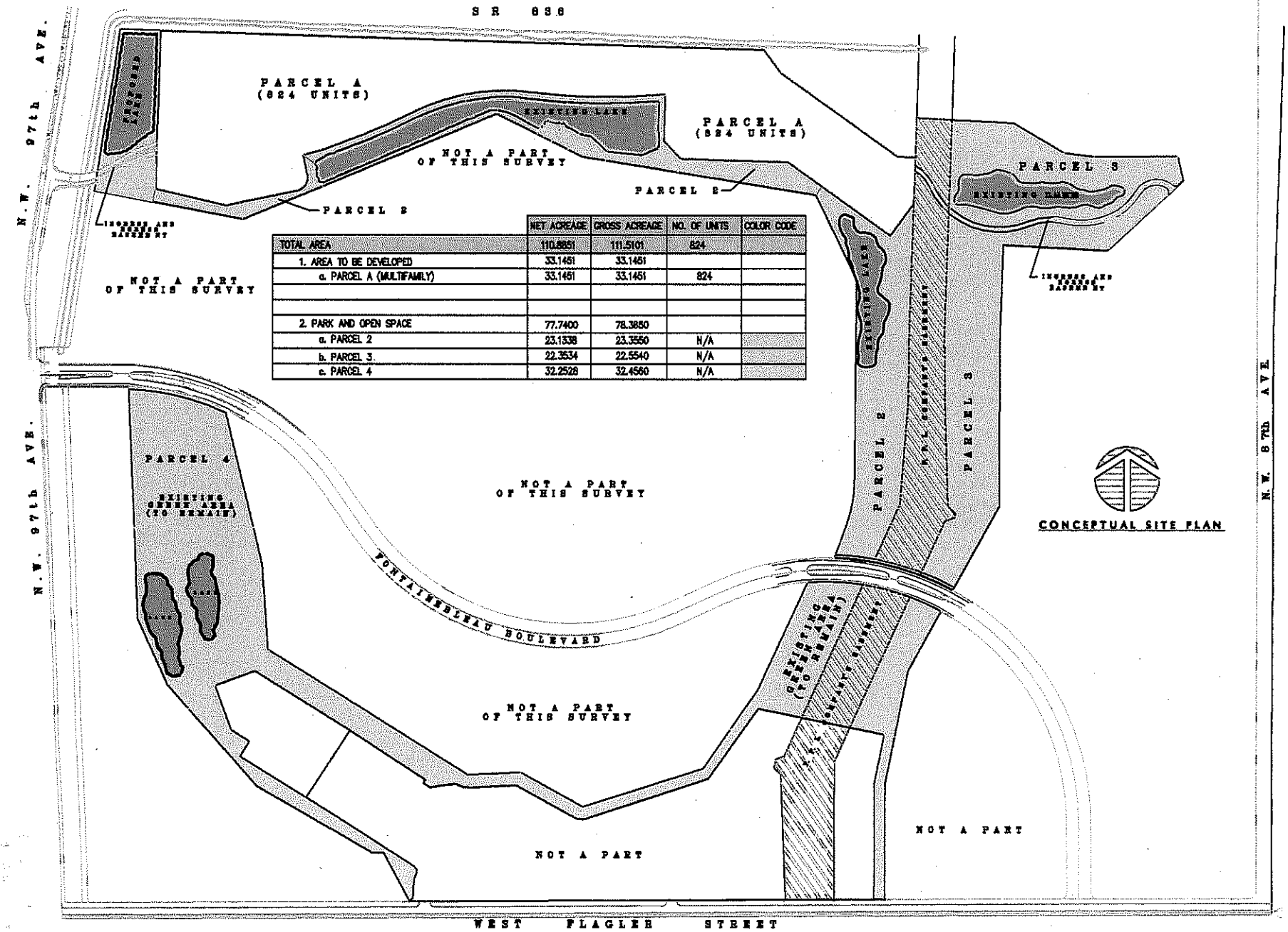
1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT
SCALE: N/A
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

Exhibit "E"

FONTAINEBLEAU EAST
SHOMA DEVELOPMENT
MIAMI-DADE COUNTY, FLORIDA



	NET ACREAGE	GROSS ACREAGE	NO. OF UNITS	COLOR CODE
TOTAL AREA	110.8851	111.5101	824	
1. AREA TO BE DEVELOPED	33.1451	33.1451		
a. PARCEL A (MULTIFAMILY)	33.1451	33.1451	824	
2. PARK AND OPEN SPACE	77.7400	78.3850		
a. PARCEL 2	23.1338	23.3550	N/A	
b. PARCEL 3	22.3534	22.5540	N/A	
c. PARCEL 4	32.2528	32.4560	N/A	

OLR

ARCHITECT

ORESTES LOPEZ-REGIO
AR0009350
DATE: OCT 29, 2008
1700 S.W. 57 AVENUE
SUITE 222
MIAMI, FLORIDA 33155
TELEPHONE: (305) 360-2836

BOARD OF COUNTY COMMISSIONERS
NOVEMBER 6, 2008

SUNSHINE LAKES, LLC
APPLICATION NO. 4

APRIL 2008
CDMP AMENDMENT CYCLE

HANDOUT

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
comp

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

Table of Contents

Aerial Photographs of Subject Property	**A**
Amendment Expansion Area	**B**
Declaration of Restrictions	**C**
Proposed Parking Lot for Park	**D**
Letters to Neighbors Concerning Alleviating Traffic Congestion	**E**

A-

SUNSHINE LAKES, LLC
APPLICATION NO. 4
APRIL 2008 - CDMP AMENDMENT CYCLE
North Shore Hospital
Twin Lakes
NW 95th Street
Little River Canal
Miami Central Senior High School
Multifamily
Multifamily
Multifamily
Multifamily
Multifamily
NW 103rd Street
Silver Blue Lake
Miami Shores Municipal Building
Miami-Dade Park
South Parcel
Boys & Girls Club
NW 17th Avenue
North Parcel
Offices
NW 14th Avenue
Church
N
NW 111th Street
Church

Sunshine Lakes, LLC
Application No. 4
April 2008 – CDMP Amendment Cycle

View Looking East

Sunshine Lakes, LLC
Application No. 4
April 2008 – CDMP Amendment Cycle

View Looking South

Sunshine Lakes, LLC
Application No. 4
April 2008 – CDMP Amendment Cycle

View Looking North

APPLICATION NO. 4
AERIAL PHOTO

Legend

APPLICATION AREA

DP&Z RECOMMENDED EXPANSION AREA

0 0.07 0.14 0.21

Miles

Source: Miami-Dade County
Department of Planning and Zoning, 2008

N

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, Sunshine Lakes, LLC ("Owner") holds the fee simple title to two adjacent parcels of land in Miami-Dade County, Florida, described as Parcel 1 (south parcel) and Parcel 2 (north parcel) in Exhibit "A," attached hereto, which is supported by the attorney's opinion; and

WHEREAS, Parcel 2 is the subject of a small-scale Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the April 2008 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of Parcel 2; and

WHEREAS, the Department of Planning and Zoning has recommended that the northeastern 5.18 acres (excluding the western submerged land and the southern 128.5 feet of the southern submerged land) of Parcel 1 be added to the Application; and

WHEREAS, the Department of Planning and Zoning has recommended a Land Use Plan change of the designation of Parcel 2 and the eastern 5.18 acres of Parcel 1, collectively hereinafter called the "Property," from "Low-Medium Density Residential" to "Medium Density Residential"; 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. 4 will

(Space reserved for Clerk)

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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 308.

Workforce Housing Units. In order to obtain a twenty-five percent (25%) increase in CDMP residential density for the Property, the Owner shall provide twelve and one-half percent (12.5%) of the residential units as workforce housing units pursuant to Sections 33-193.3 – 33.193.15 of the Code of Miami-Dade County.

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, as limited by the above maximum residential units.

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

School Concurrency. Owner may file a zoning application or Administrative Site Plan Approval application proposing a residential use on the Property, however Miami-Dade County shall not take final action on the application 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

(Space reserved for Clerk)

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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 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

(Space reserved for Clerk)

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officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

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

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

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

(Space reserved for Clerk)

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

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

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

[Execution Pages Follow]

Exhibit A

LEGAL DESCRIPTION (PARCEL 1):

All that part of the NE 1/4 of the NW 1/4 of the NW 1/4 of the SW 1/4 of Section 35. Township 52 South. Range 41 East. Miami-Dade County. Florida
And
The West 1/2 of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 35, Township 52 South, Range 41 East. Miami-Dade County, Florida, more particularly described as follows:
Commencing at the NE corner of the NE 1/4 of the NW 1/4 of the SW 1/4 of Section 35, Township 52 South, Range 41 East, run South along the East line of said NE 1/4, a distance of 210.00 feet to a point; thence run South 89 degrees 17 minutes 37.5 seconds West a distance of 25 00 feet to a point; thence run South 25.00 feet from and parallel to the East line of said NE 1/4 a distance of 276.93 feet to the Point of Beginning of the parcel to be hereinafter described: From the Point of Beginning as above established run South a distance of 170 00 feet to a point that lies on the South line of the said NE 1/4, and 25.00 feet Westerly from the SE corner of said NE 1/4; thence run South 89 degrees 21 minutes 00 5 seconds West a distance 306.32 feet along the South line of said NE 1/4 to the NE corner of the West 1/2, of the SE 1/4 of the NW 1/4, of the SW 1/4, of said Section 35; thence run South 00 degrees 04 minutes 51.875 seconds West along the East line of said West 1/2 a distance of 656.63 feet to a point at the SE corner of said West 1/2; thence run South 89 degrees 24 minutes 23 5 seconds West along the South line of said West 1/2 a distance of 332.25 feet to a point at the SW corner of said West 1/2; thence run North 0 degrees 09 minutes 43.75 seconds East along the West line of said West 1/2 and along the West line of the NE 1/4 of the NW 1/4 of the SW 1/4 of said Section a distance of 686.32 feet to a point; thence run --th 67 degrees 08 minutes 38.15 seconds East a distance of 291 10 feet to a point; thence run North 84 degrees 43 minutes 07.15 seconds East a distance of 370 85 feet to the Point of Beginning

Area of Site: Net = 5 008+/- Acres Gross = 6 837+/- Acres

LEGAL DESCRIPTION (PARCEL 2):

All that part of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 35. Township 52 South, Range 41 East. Miami-Dade County Florida, more particularly described as follows:
Commencing at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 35. Township 52 South, Range 41 East, run South along the East line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 a distance of 210 00 feet to a point; thence run South 89 degrees 17 minutes 37 5 seconds West a distance of 25 00 to the Point of Beginning of the parcel to be hereinafter described:
From the Point of Beginning as above established, run South 25 00 feet West of and parallel to the East line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 a distance of 276 93 feet to a point; thence run South 84 degrees 43 minutes 07 15 seconds West a distance of 370.85 feet to a point; thence run South 67 degrees 08 minutes 38.15 seconds West a distance of 291 10 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 35, Township 52 South, Range 41 East. thence run North 0 degrees 09 minutes 43.75 seconds East along the West line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 a distance of 416.30 feet to a point that lies 210 0 feet Southerly from the North line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4; thence run North 89 degrees 17 minutes, 37 5 seconds East a distance of 636.38 feet to the Point of Beginning Said parcel of land being all of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 35. Township 52 South. Range 41 East, lying Northerly of the lands conveyed by Deed dated October 28. 1968. recorded in Official Records Book 6151. Page 294. less the North 210 feet and Less the East 25 feet thereof

Area of Site: Net = 4 156+/- Acres Gross = 4 693+/- Acres

Exhibit B

Design Guidelines

1. The proposed buildings shall be designed using compatible and complementary architectural styles and designs.

2. The development shall be designed with a coordinated outdoor furniture and lighting system that is adequate, integrated into the project and compatible and harmonious with the surrounding areas.

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 in the buildings, in order to maintain architectural and design continuity.

6. A fence or similar device whether man-made and/or organic that allows the integration of opaque, translucent and landscape materials shall be added to the area adjacent to the east property line to help screen any new buildings from view from NW 14th Avenue.

7. A secondary egress (exit only) near the northeast corner of the Property may be introduced to help reduce traffic congestion at the main entrance located to the south.

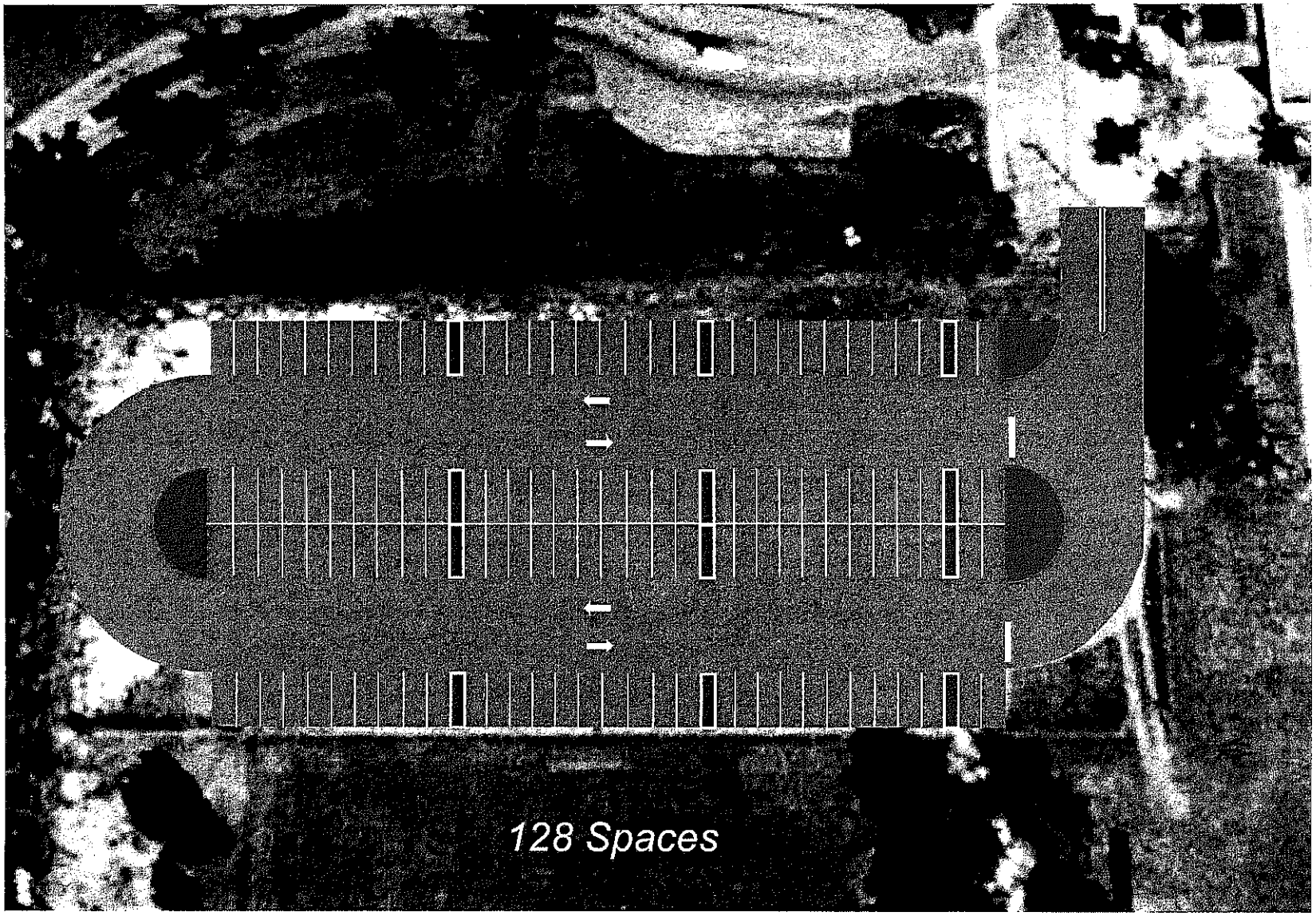

Figure 1

Parking Lot Alternative I

Miami-Shores Optimist Club Park

Miami-Dade County, FL

McMAHON
TRANSPORTATION ENGINEERS & PLANNERS

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

August 5, 2008

Mrs. Hattie Cooper
11021 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Illegal Parking on NW 14th Avenue

Dear Mrs. Cooper,

Thank you very much for attending our meeting last Tuesday night. We really appreciate your input and want to work with you in a cooperative and responsible manner.

The traffic problems from the football games held in the park at the end of NW 14 Avenue affect both of our properties. We have worked with Miami Dade County in the past; both the Public Works Department and the Police Department in order to minimize the impact of these games on NW 14th Avenue. We had the "No Parking" signs installed by Public Works in the right of way between NW 14 Avenue and our sidewalk. We then went on a campaign to monitor the parking and would call the Police to issue citations to the parking violators. As a result of these efforts we had many vehicles towed, the Police issued many citations and the illegal parking subsided.

Since it appears that the parking problem is surfacing once again we have contacted the Police Department and have instructed our security guards to enforce the "No Parking" policy to the best of their abilities. It would be a great help if neighbors like you would join us in this effort. The next time you witness illegal parking on NW 14th Avenue we urge you to call 311 and report this to the police department so that they can dispatch an officer to ticket the violators. The number 311 is the equivalent of 911 but for non-emergency matters.

Thank you for your cooperation and assistance with this matter. We look forward to stopping the illegal parking together with you. If you need any further information from us please do not hesitate to call me at 305-669-1740.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

August 5, 2008

Mr. Earl Dennis
11001 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Illegal Parking on NW 14th Avenue

Dear Mr. Dennis,

Thank you very much for attending our meeting last Tuesday night. We really appreciate your input and want to work with you in a cooperative and responsible manner.

The traffic problems from the football games held in the park at the end of NW 14 Avenue affect both of our properties. We have worked with Miami Dade County in the past; both the Public Works Department and the Police Department in order to minimize the impact of these games on NW 14th Avenue. We had the "No Parking" signs installed by Public Works in the right of way between NW 14 Avenue and our sidewalk. We then went on a campaign to monitor the parking and would call the Police to issue citations to the parking violators. As a result of these efforts we had many vehicles towed, the Police issued many citations and the illegal parking subsided.

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Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mrs. Hattie Cooper
11021 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mrs. Cooper,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

I am also attaching two preliminary sketches of parking alternatives for the park. We discussed the parking issue today with the Miami Dade County Parks & Recreation Department and they seemed to want to help solve the problem we are experiencing during the football games.

If you would like for me to review the site plans with you in person please do not hesitate to call me at 305-669-1740. Thank you for your cooperation and assistance with this matter.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mr. Earl Dennis
11001 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mr. Dennis,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

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If you would like for me to review the site plans with you in person please do not hesitate to call me at 305-669-1740. Thank you for your cooperation and assistance with this matter.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mr. James E. Johnson
1361 NW 111 Street
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mr. Johnson,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

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If you would like for me to review the site plans with you in person please do not hesitate to call me at 305-669-1740. Thank you for your cooperation and assistance with this matter.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

11/6/2008 CDMP Exhibit - Application 8

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

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

See Exhibit "A"

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

WHEREAS, the Application seeks to re-designate approximately 31.9 acres from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" (See Exhibit "B") and approximately 4.26 acres of the Property from "Medium Density Residential" to "Park and Recreation" (See Exhibit "C") on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Owner during its consideration of the Application will be abided by the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

(1) **Conceptual Site Plan.** Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled

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

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

(3) **Prohibited Uses.** Upon final zoning approval to BU-1(A), residential and office uses shall be prohibited on the Property.

(4) **Permitted Uses.** The uses on the Property shall be limited to those uses permitted under the BU-1(A) zoning category. Notwithstanding any possible rezoning, the following BU-1(A) uses shall not be permitted:

a. Donated Goods Center;
b. Automobile Light Truck Sales;
c. Automobile Service Station;
d. Billiard and Pool rooms;
e. Motorcycle Sales and Repairs;
f. Lawn Mower, Retail Sales and Service Centers;
g. Open Air Theater;
h. Skating Rinks;

i. Rental Trucks;
j. Dance Halls;
k. Night Clubs;
l. Banquet Halls;
m. Car Wash
n. Adult Entertainment

(5) **Maximum Height.** The maximum height permitted for the development of the Property shall be forty-five (45) feet and shall only be one (1) story in height.

(6) **Pedestrian Connectivity.** The Owner shall maintain a pedestrian pathway between the proposed commercial and existing neighboring residential areas that shall be illuminated and landscaped to assure pedestrian connectivity throughout the proposed park adjacent to the Property.

(7) **Hours of Operation.** The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 11:00 pm
Friday and Saturday: 6:00 am to 1:00 am

(8) **Miscellaneous:**

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

B. **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 then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **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 fee simple owner(s) of the Property, 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 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 Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

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

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

Fontainbleau Lakes, LLC a Florida corporation

_____
Name: Masoud Shojaee
Title: President

STATE OF FLORIDA)
) **ss:**
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by Masoud Shojaee, President of Fontainbleau Lakes, LLC. Who is personally known to me or produced_____ (type of identification) as identification.

NOTARY PUBLIC

_____

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

Exhibit "A"

Legal Description

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 2, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

AND

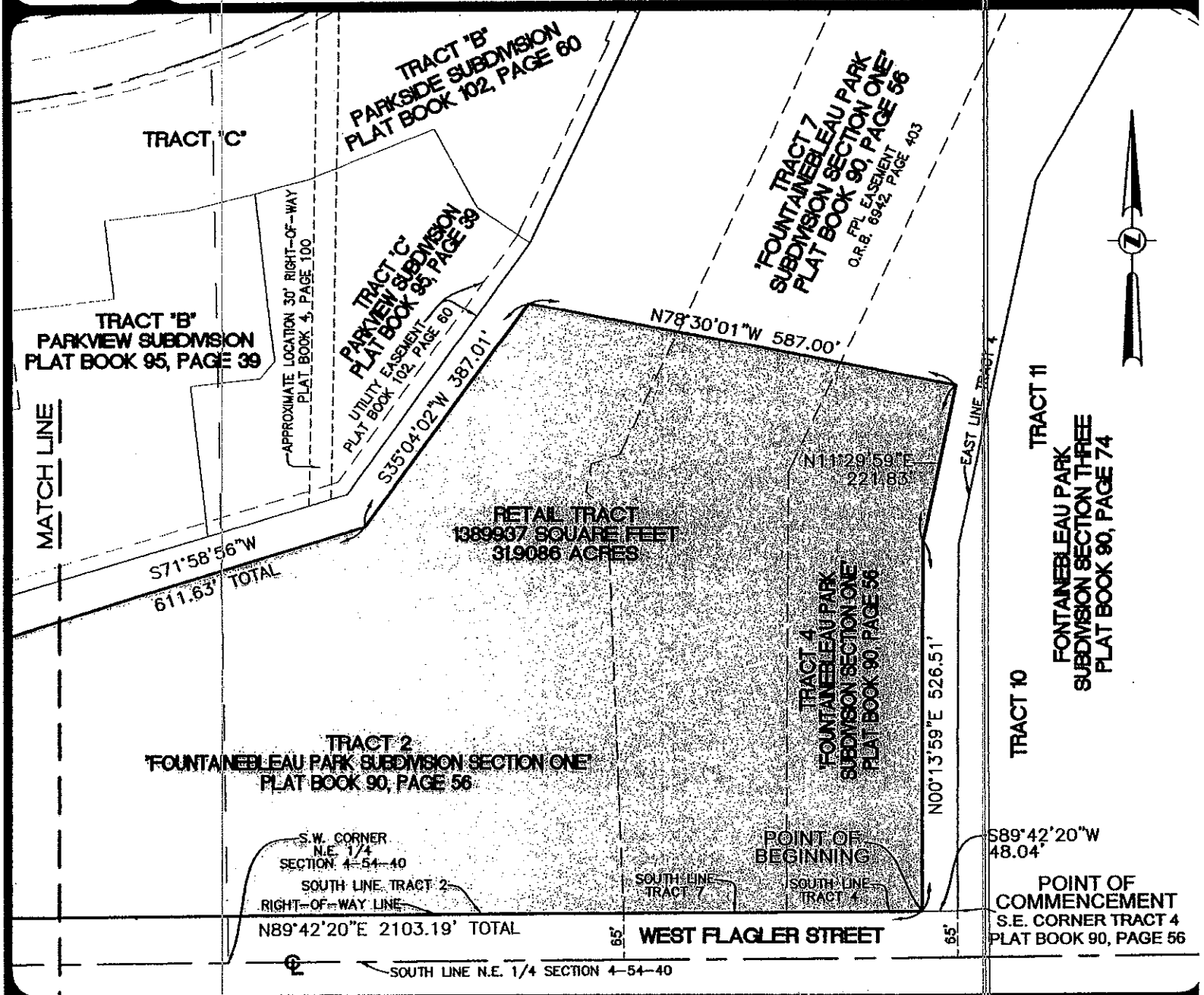
A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) S89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 192.12 FEET; THENCE SOUTH 20°20'47" EAST 210.47 FEET; THENCE SOUTH 57°56'57" EAST 103.56 FEET; THENCE SOUTH 32°03'03" WEST 90.00 FEET; THENCE SOUTH 57°56'57" EAST 339.63 FEET TO THE POINT OF BEGINNING.
CONTAINING 185,889 SQUARE FEET, 4.2674 ACRES.

Exhibit "B"

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT	
SCALE: 1"=200'	
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

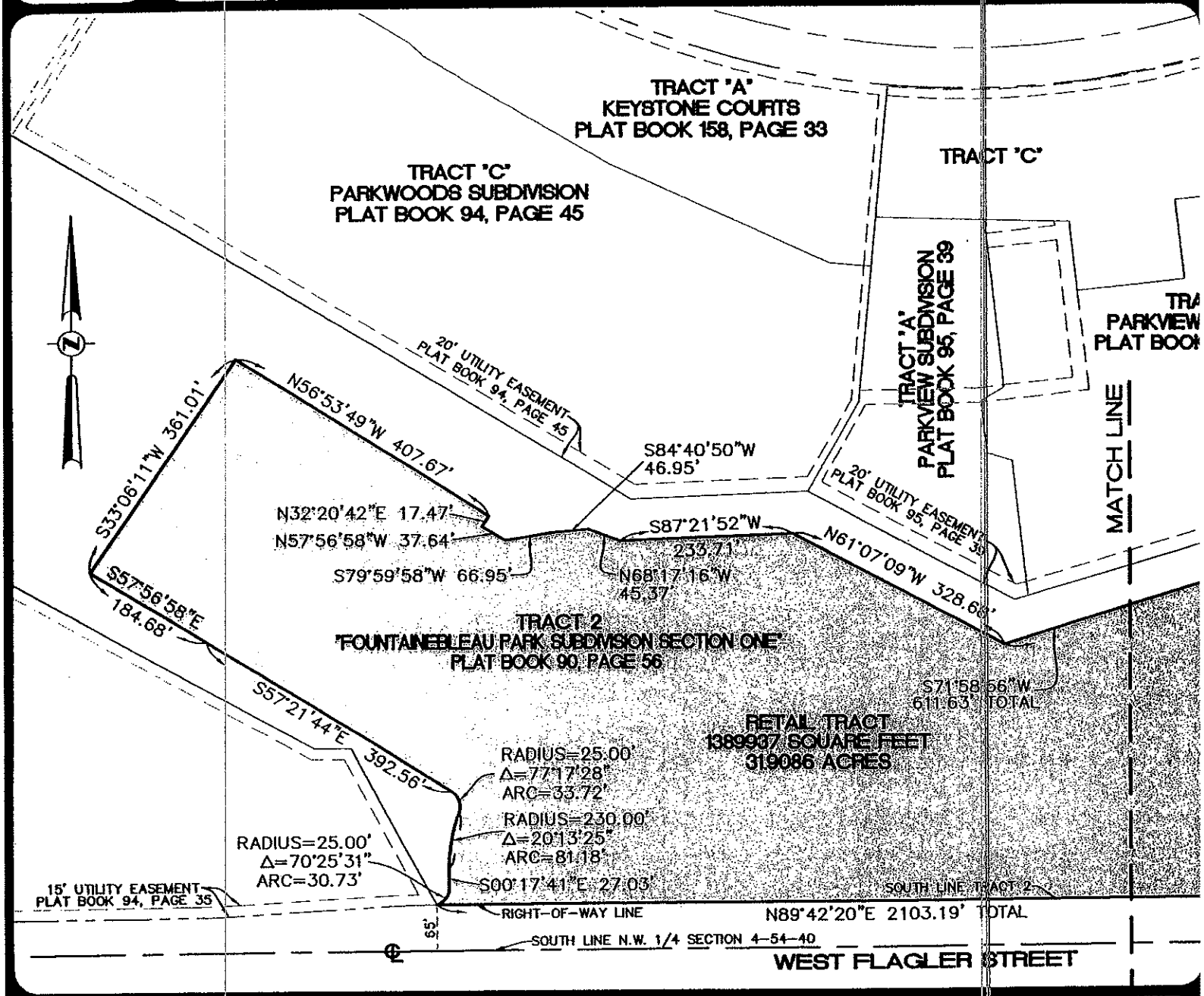
SHEET 1 OF 4
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☑ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT	
SCALE: 1"=200'	
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

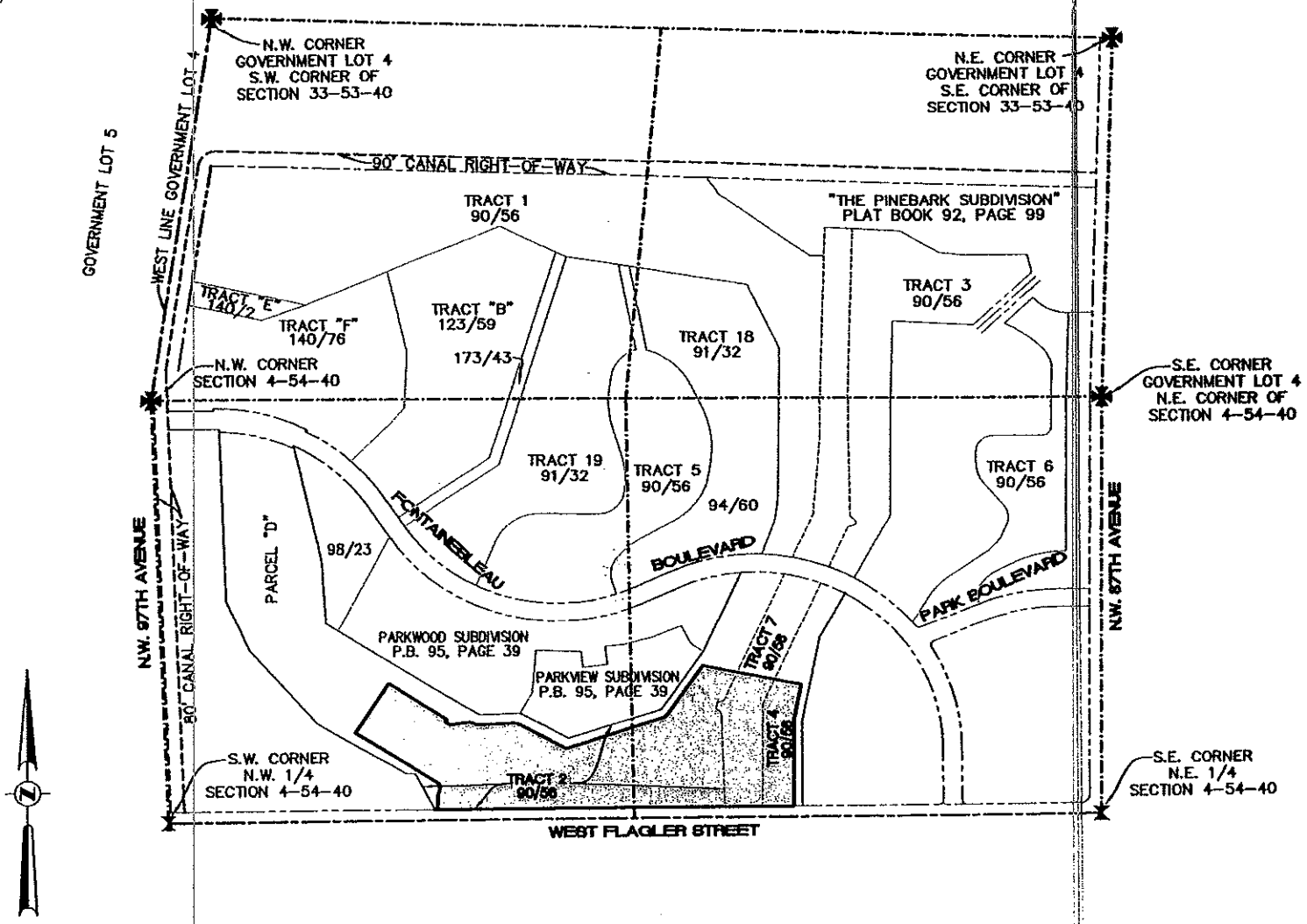
SHEET 2 OF 4

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 3 OF 4

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: RETAIL TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 2, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT
SCALE: N/A
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

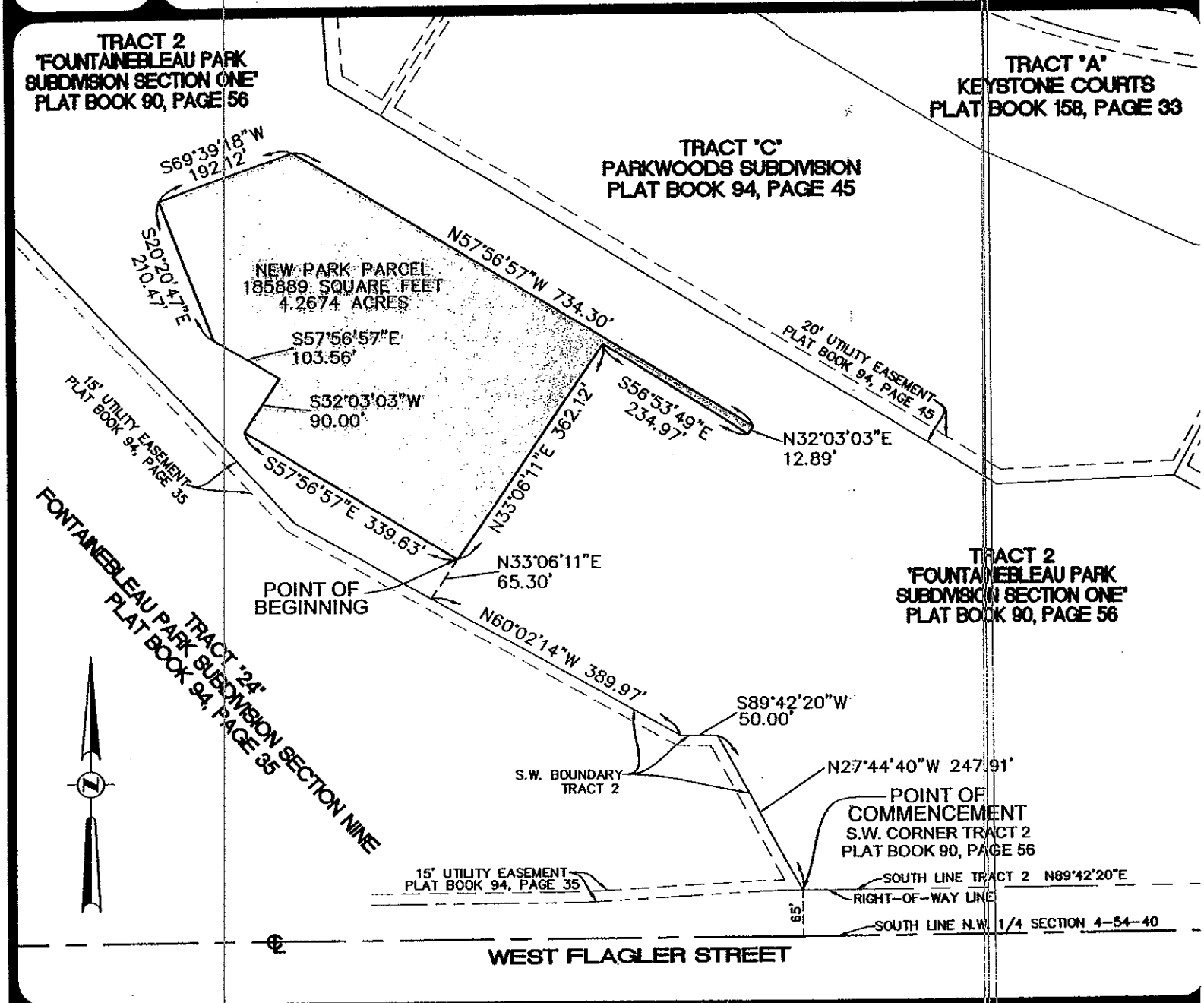
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

Exhibit "C"

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=200'
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 1 OF 3

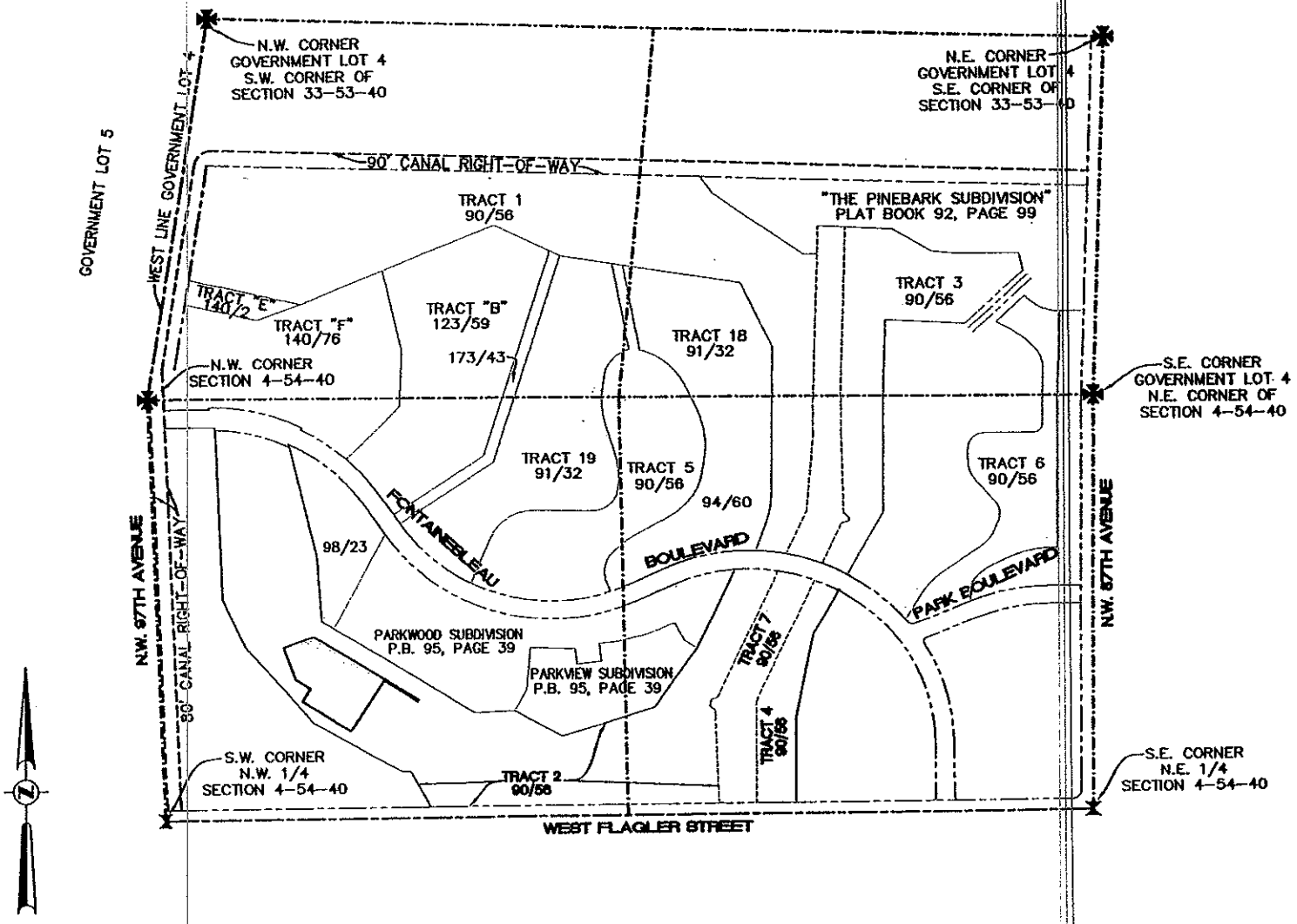
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

☑ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 2 OF 3

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: NEW PARK PARCEL

A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) S89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 192.12 FEET; THENCE SOUTH 20°20'47" EAST 210.47 FEET; THENCE SOUTH 57°56'57" EAST 103.56 FEET; THENCE SOUTH 32°03'03" WEST 90.00 FEET; THENCE SOUTH 57°56'57" EAST 339.63 FEET TO THE POINT OF BEGINNING.
CONTAINING 185,889 SQUARE FEET, 4.2674 ACRES.

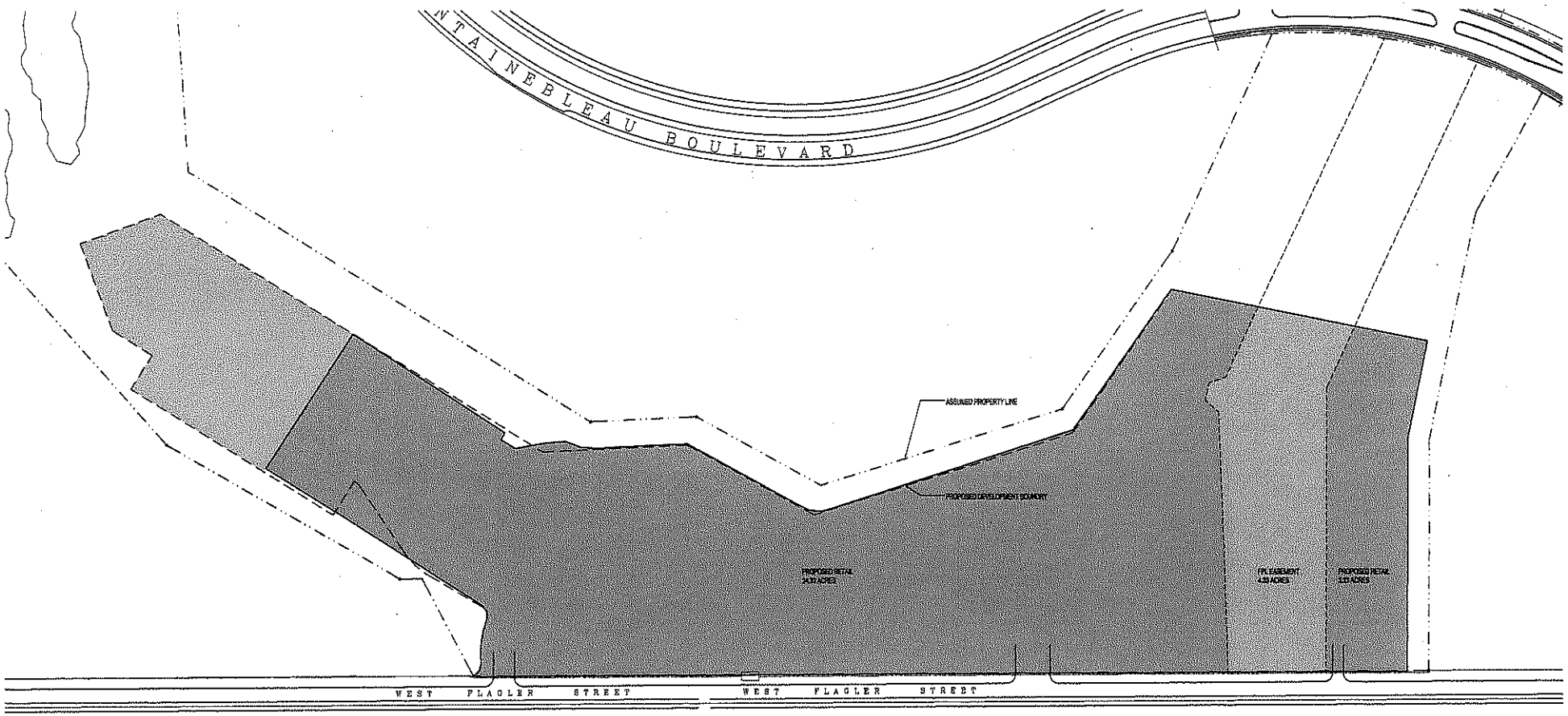
NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT
SCALE: N/A
ORDER NO.: 52015
DATE: 10/29/08
NEW PARK PARCEL
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE

Exhibit "D"



ITEM	SQUARE FEET	ACRES
TOTAL AREA OF PARCEL INCLUDING FPL EASEMENT		30.16
BUSINESS AND OFFICE		31.8
PARK AND RECREATION		4.36
TOTAL AREA APPLIED FOR	1,715,442	36.16
TOTAL GREEN SPACE	206,964	4.68
TOTAL "OPEN" SPACE	125,604	2.89
25'-0" LANDSCAPE BUFFER		
TOTAL BUILDING AREA	230,000 SQFT	
MAXIMUM HEIGHT	45'-0"	

WEST FLAGLER COMMERCIAL DEVELOPMENT
MIAMI, FLORIDA

SHOMA
DEVELOPMENT CORP.

LEO A DALY PLANNING ARCHITECTURE ENGINEERING INTERIORS ESTD. 1915

MAY 02, 2008

BUBBLE PLAN

SCALE: N.T.S.

FORE THE MIAMI-DADE COUNTY
BOARD OF COUNTY
COMMISSIONERS

GOLD RIVER CORPORATION

CDMP APPLICATION NO. 9 (APRIL 2008, CYCLE)

November 6, 2008

Holland + Knight

701 Brickell Avenue
Suite 3000
Miami, Florida 33131
(305) 374-8500 Phone
(305) 789-7799 Fax

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

RECYCLED PAPER

TO REORDER CALL 954-846-9399

LEGEND

1. HOLIDAY PLAZA
2. FIU SCHOOL OF ENGINEERING
3. PLAZA 10500
4. CENTRO COMMERCIAL MANAGUA
5. BILTMORE PLAZA
6. WOMAN'S PARK
7. DIVINE PROVIDENCE CATHOLIC CHURH
8. PLAZA DEL REY
9. CHURCH OF JESUS CHRIST/LATTER-DAY SAINTS
10. RUBEN DARIO PARK
11. E W F STIRRUP ELEMENTARY SCHOOL
12. RUBEN DARIO MIDDLE SCHOOL

RECYCLED PAPER

TO REORDER CALL 954-846-9399

City of Sweetwater

September 18, 2008

Chairman Carlos Manrique
and the Honorable Members
of The Community Council

Dear Chairman and Honorable Members of the Council:

I write to you today to respectfully express my support for Application No. 9 of the April 2008 cycle of amendments to the Comprehensive Development Master Plan (CDMP) that you will be considering on September 23, 2008.

The subject property consists of approximately 41 gross acres located on the Northeast corner of West Flagler Street and Northwest 102nd Avenue. Because of its close proximity to the boundaries of Sweetwater, I have taken the time to review the merits of the application and the comments by staff. Certainly, the previous use, which has since been abandoned, caused significant problems in our community. The former deteriorated trailer park, which had numerous building code and other violations, was an eye sore in our community. The question before you now is whether to change the designation of this property from Low-Medium Density Residential to Business and Office.

I know that many residents of my city, as well as adjacent communities, believe that this area is already is densely populated, whereas there are not sufficient community-based business and office uses that can serve our residents. Therefore, we would welcome a well planned business and office development in this area. However, my support is based on the understanding that at this point in the process, the applicant has expressed a willingness to work with members of adjacent residential communities, including the City of Sweetwater, to ensure that the ultimate development proposed at time of Zoning and Site Plan Approval will seek to minimize any impacts to adjacent residential areas, and minimize traffic impacts wherever possible.

The re-designation itself (together with the covenant submitted by the applicant) provides significant benefits, including lowering water consumption from what would otherwise be needed for a residential development, eliminating parks and recreation impacts, as well as impacts to our overcrowded schools in the area. I therefore respectfully request that you recommend approval and transmittal at this time, with the clear understanding that the applicant is committed to meeting with area neighbors, including the City of Sweetwater, prior to Zoning and Site Plan Approval, in order to address the neighbors' legitimate concerns in the area of aesthetics and visual impacts, traffic, and other significant issues. Ultimately, through this process, we would like to see a well planned development that is a product of the shared vision of both the applicant and the area residents.

500 S.W. 109th Avenue, Sweetwater, Florida 33174-1398 • Telephone: 305-221-0411 • Fax: 305-221-2541

I thank you for your consideration of my comments, and urge you to contact me if you have any questions or if I can be of further assistance.

Sincerely yours,

Manny L. Maroño
Mayor - City of Sweetwater

500 S.W. 109th Avenue, Sweetwater, Florida 33174-1398 • Phone: 305-221-0411 • Fax: 305-221-2541

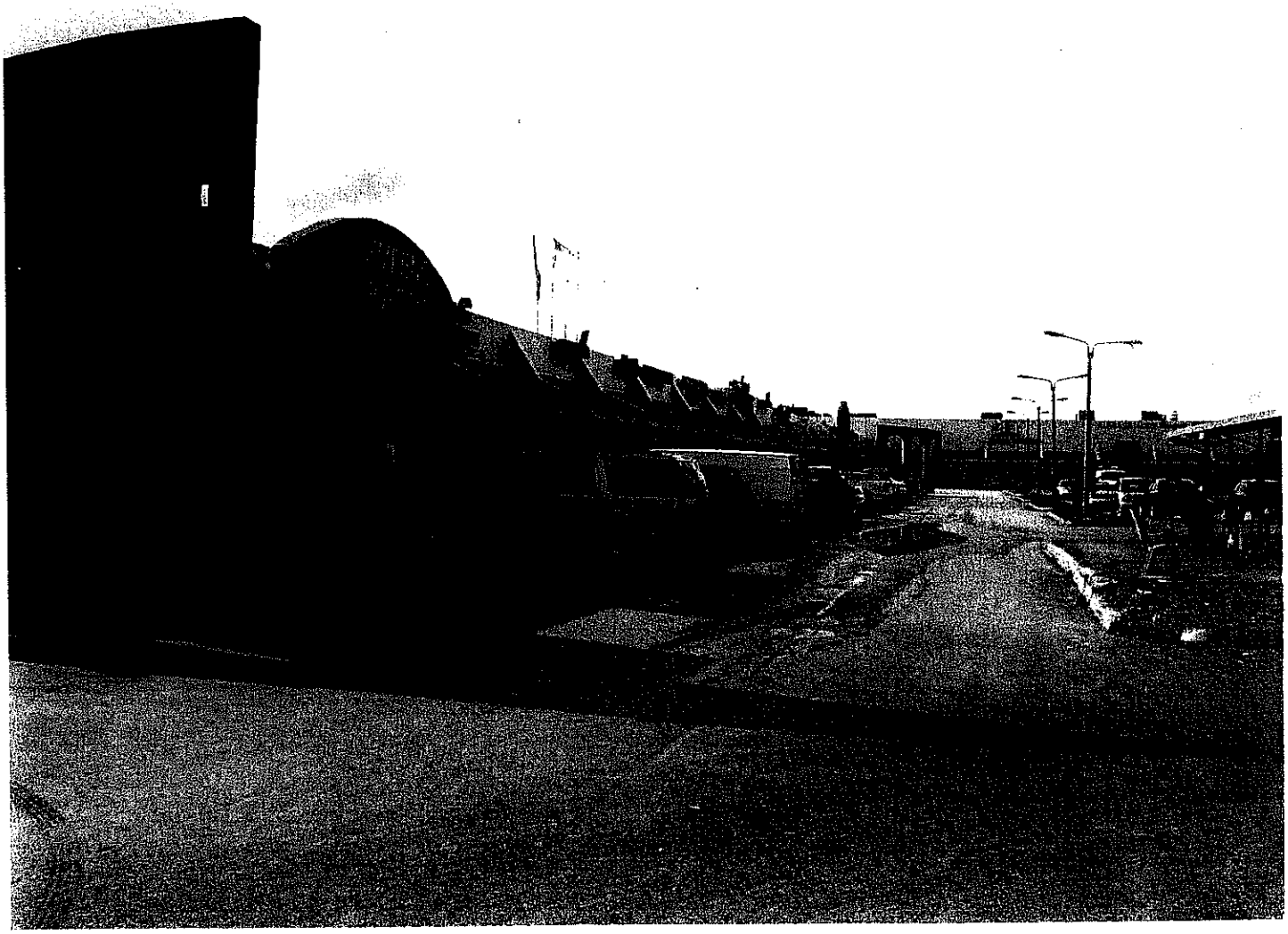
RECYCLED PAPER

TO REORDER CALL 954-846-9399

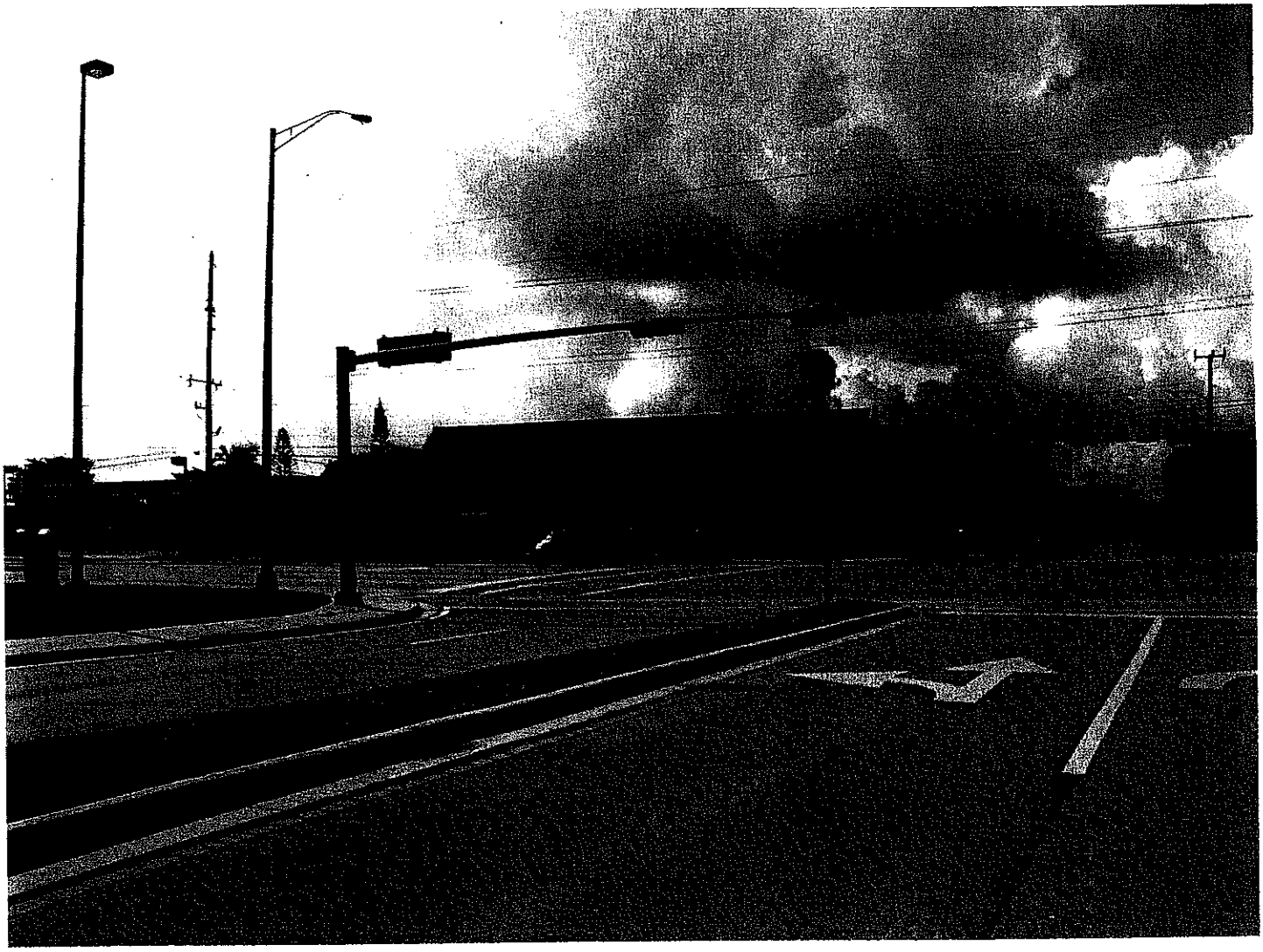
BILTMORE PLAZA

CENTRO COMERCIAL
MANAGUA

HOLIDAY PLAZA



PLAZA 10500



PLAZA DEL REY

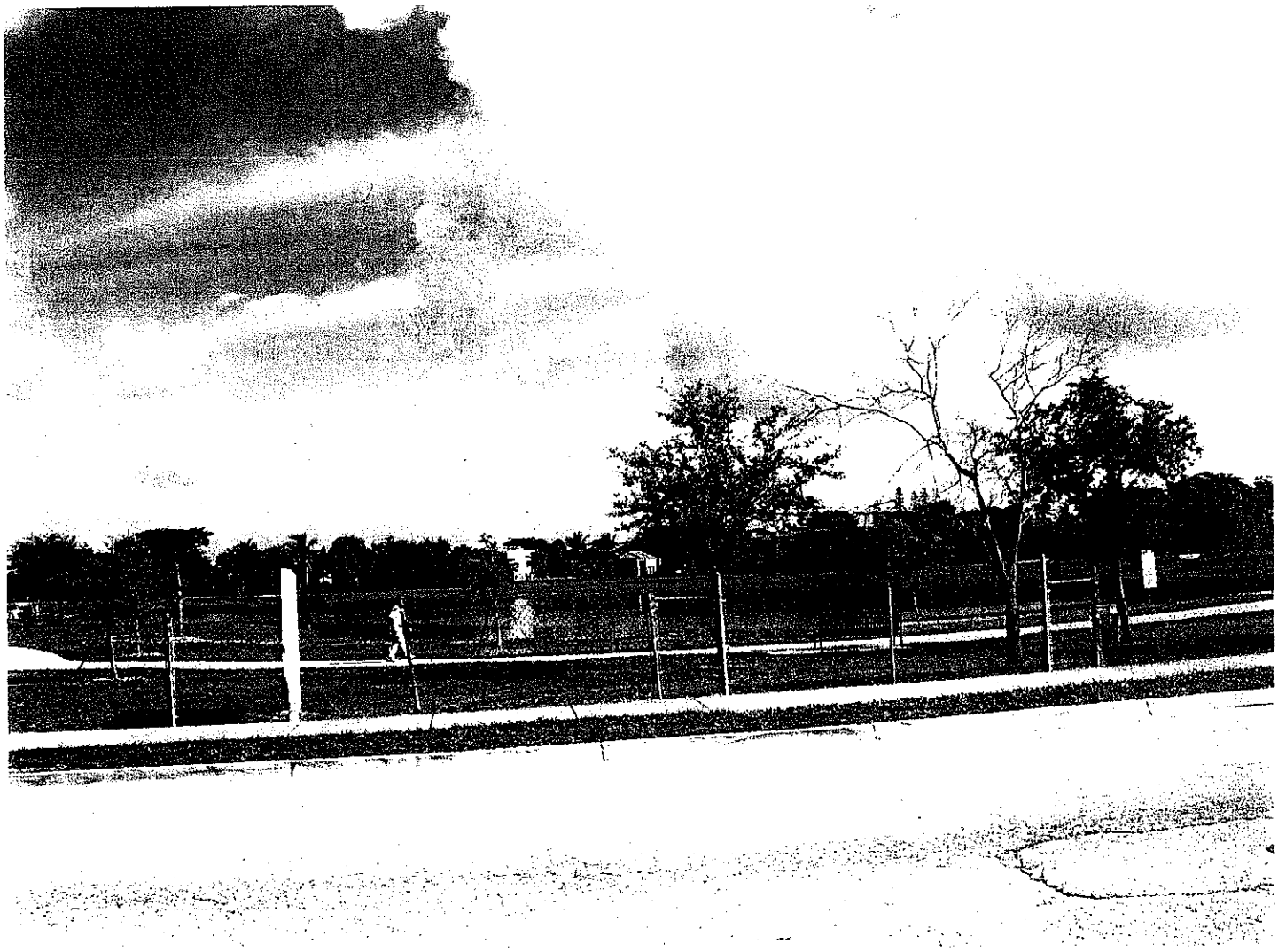
RUBEN DARIO PARK

RECYCLED PAPER

TO REORDER CALL 954-846-9399

FIU SCHOOL
OF ENGINEERING

WOMEN'S PARK



DIVINE PROVIDENCE
CATHOLIC CHURCH

CHURCH OF JESUS CHRIST /
LATTER DAY SAINTS

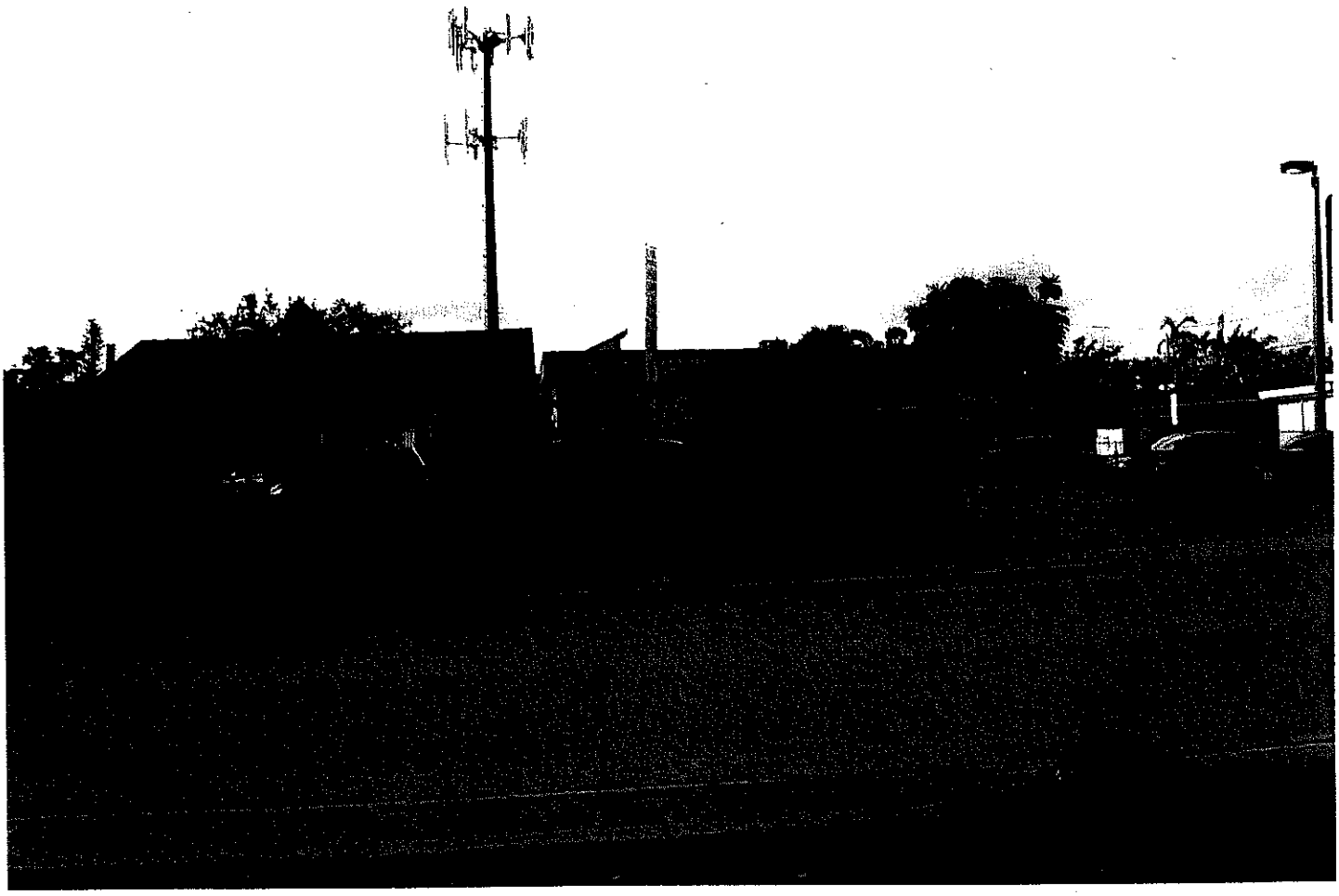
E.W.F. STIRRUP
ELEMENTARY SCHOOL

RUBEN DARIO
MIDDLE SCHOOL

MIAMI-DADE COUNTY
FIRE STATION

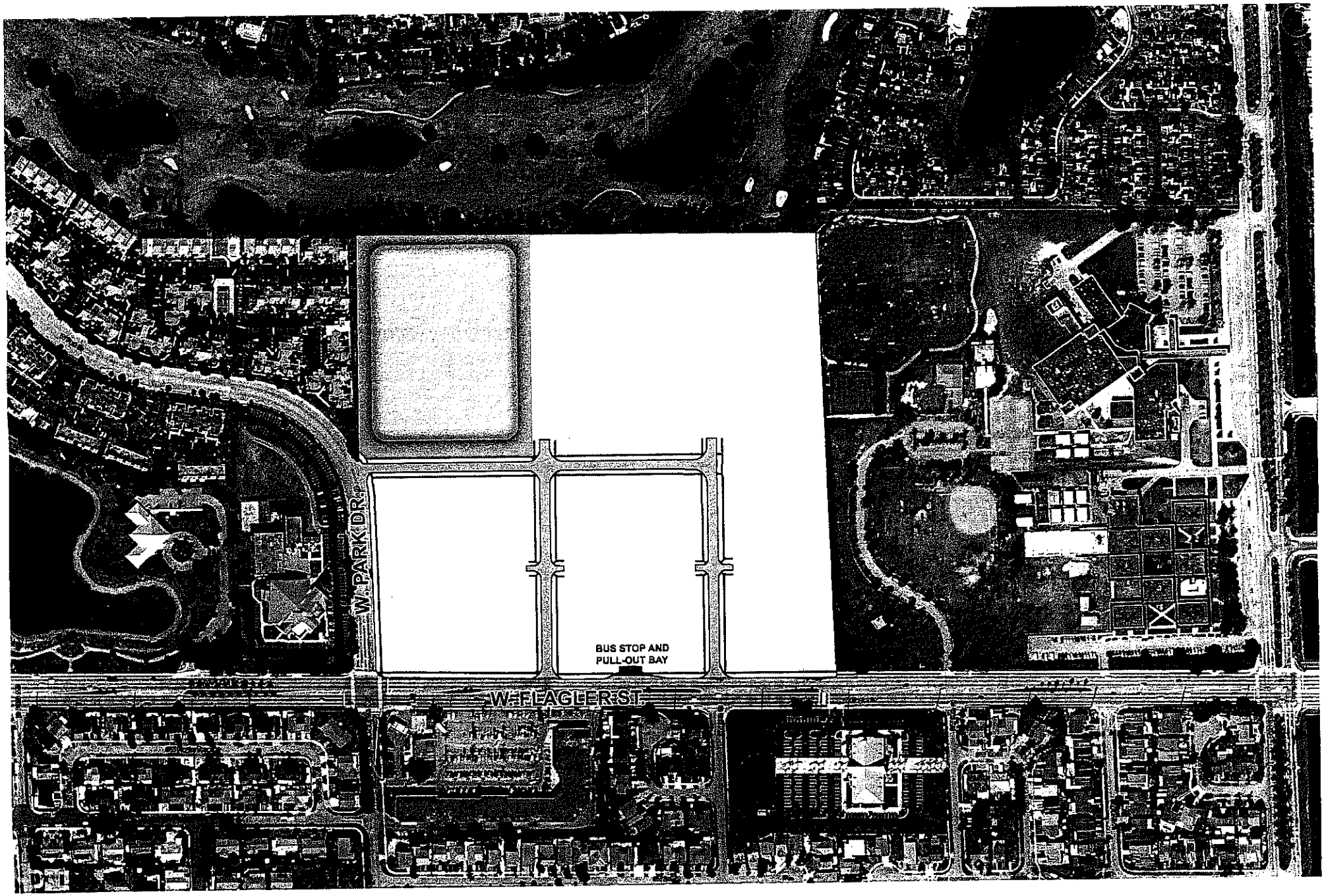
SWEETWATER
ELEMENTARY SCHOOL

SWEETWATER
SENIOR CENTER



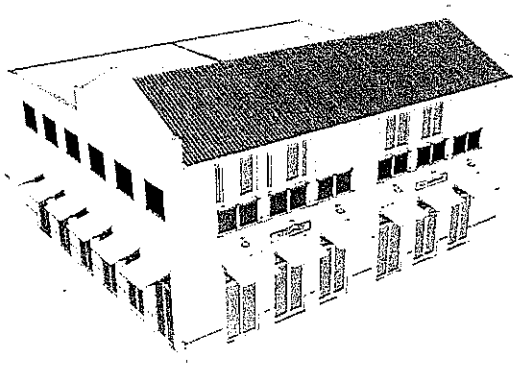
RECYCLED PAPER

TO REORDER CALL 954-846-9399


W. PARK DR.
BUS STOP AND
PULL-OUT BAY
W. FLAGLER ST.

CASE STUDY

OFFICE



Office

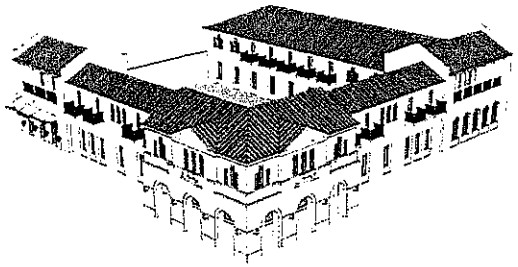
Coral Gables - Incremental Office Building

Traditions - Stand Alone Office Building

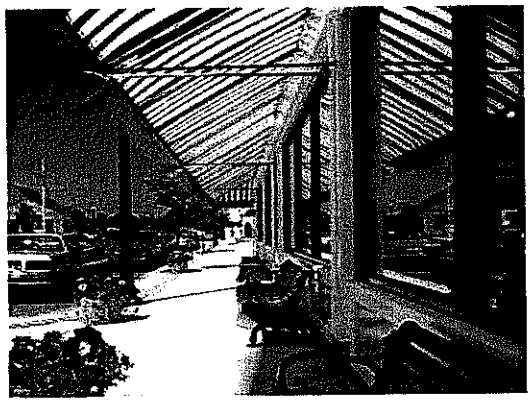
VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

MIXED-USE



Mixed-Use



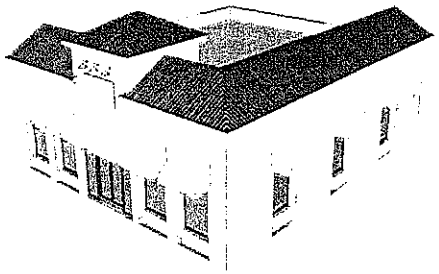
Meshpee - Sidewalk View

Meshpee - Mixed-Use Building

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

RETAIL ONLY



Retail Only

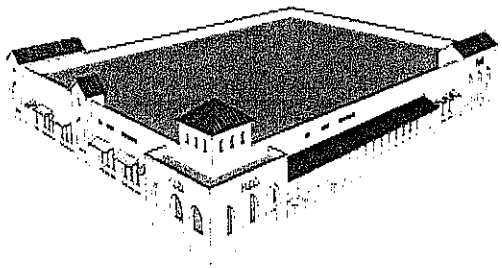
Pembroke Place - Sidewalk View

Pembroke Place - Retail Only

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

ANCHOR STORE



Anchor Store

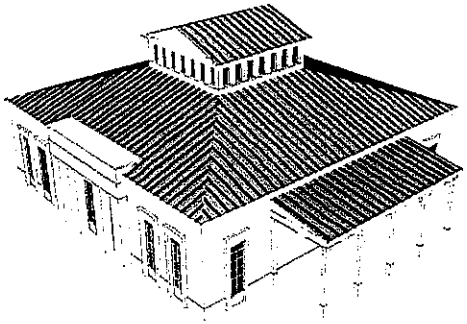
Midtown Miami - Sidewalk View

Midtown Miami - Anchor Store

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

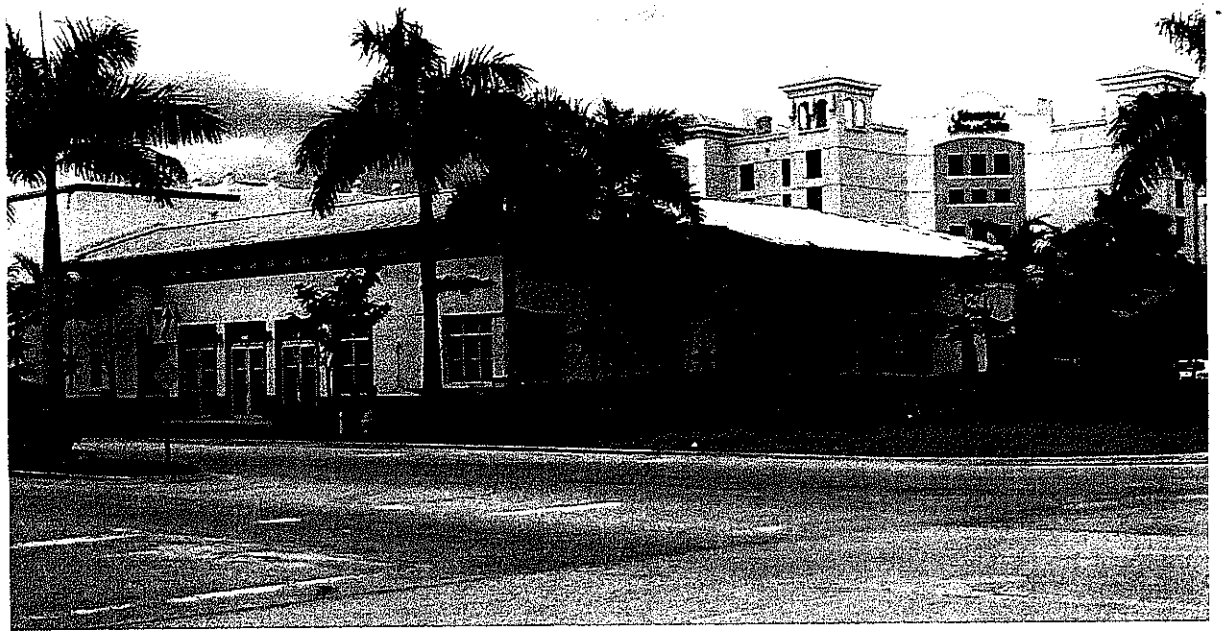
CASE STUDY

OUTPARCEL



Out-Parcel

Doral - Pedestrian View

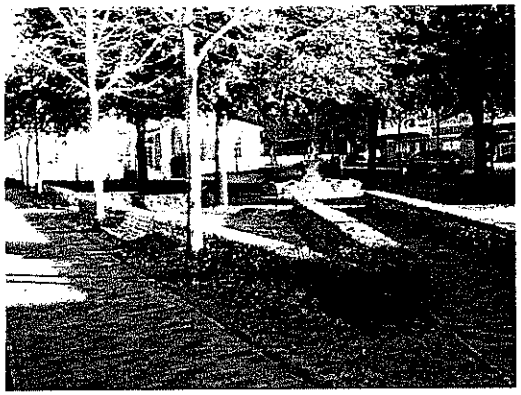


Doral - Out-Pacels

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

OPEN GREEN SPACE



Pocket Park

Civic Center

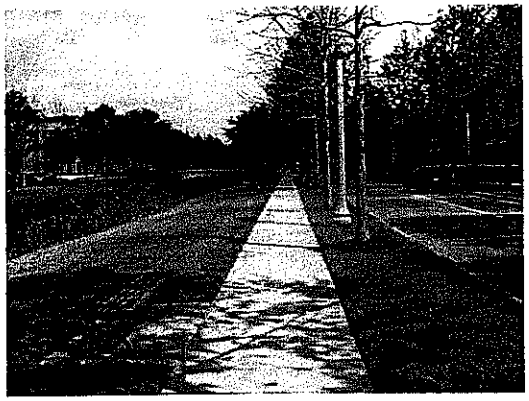
Linear Park

W AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

ENVIRONMENTAL

Orlando - Landscaping for Water Treatment



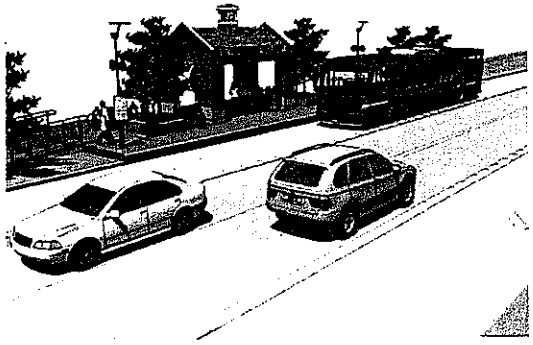
Celebration - Sidewalk Condition

Gainesville - Retention Area

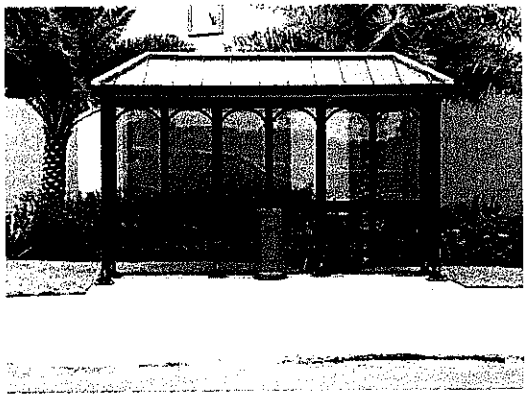
VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY

TRANSIT STOP



Gainesville - Bus Stop with Amenities



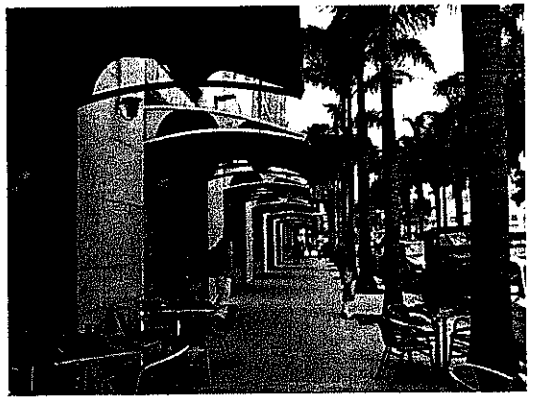
Pembroke Place - Bus Shelter

Pembroke Place - Drop off Bus Lane

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

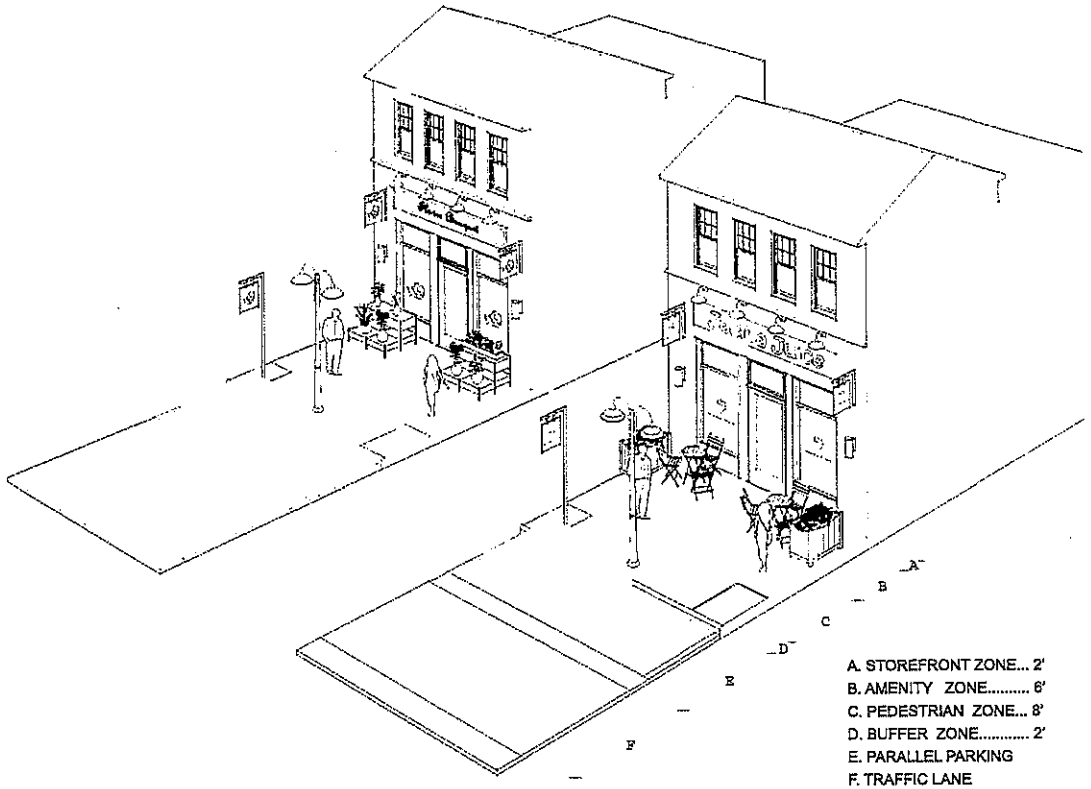
CASE STUDY

SIDEWALK STANDARDS



Miami Beach - Pedestrian View

Winter Park - Pedestrian View



Sidewalk Standards

W AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134. Tel. (305) 476-9212 Fax. (305) 476-9291

RECYCLED PAPER

TO REORDER CALL 954-846-9399

This Instrument was Prepared by:

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

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Blue Lake Development Corporation, a Florida corporation (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

WHEREAS, Gold River Corporation, a Florida corporation (the "Applicant"), is the contract purchaser of the Property and has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as Application No. 9 in the April 2008 Cycle (the "Application");

WHEREAS, the Application seeks to re-designate the Property from "Low-Medium Density Residential" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Applicant during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Permitted Uses.** Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, no residential dwelling units shall be

developed on the Property. The development of the Property shall not exceed 400,000 square feet of construction for any use or combination of uses permitted under the "Business and Office" land use category.

2. **Water Conservation and Re-Use.** The Owner hereby agrees to implement the following water conservation and re-use standards for the development of the Property:

(i) The development of the Property shall include appropriate pipes to permit the future connection of the Property into any regional wastewater re-use system that may be constructed by the County for irrigation purposes; and

(ii) Upon the construction of a regional wastewater re-use system by Miami-Dade County that includes a connection point abutting the Property, the Owner (or its successors or assigns) shall connect the water re-use pipes in the Property to such regional wastewater re-use system.

3. **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 along the Property's frontage on N.W. 102nd Avenue and W. Flagler Street. 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.

4. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, at Owner's expense, in the public records of Miami-Dade County, Florida, and shall

remain in full force and effect and be binding upon Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. **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 then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **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 fee simple owner(s) of the Property, 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 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 Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon

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

H. **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 County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

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

[Signature Pages Follow]

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

WITNESSES:

Blue Lake Development Corporation
a Florida corporation

By: _____
Name: _____
Title: _____

_____
Signature

_____
Printed Name

_____
Signature

_____
Printed Name

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Blue Lake Development Corporation, a Florida corporation, and for the purposes stated herein on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 2008, in the County and State aforesaid.

My Commission Expires:

_____
Notary Public

_____
Printed Name

EXHIBIT "A"

Legal Description

5496584_v3

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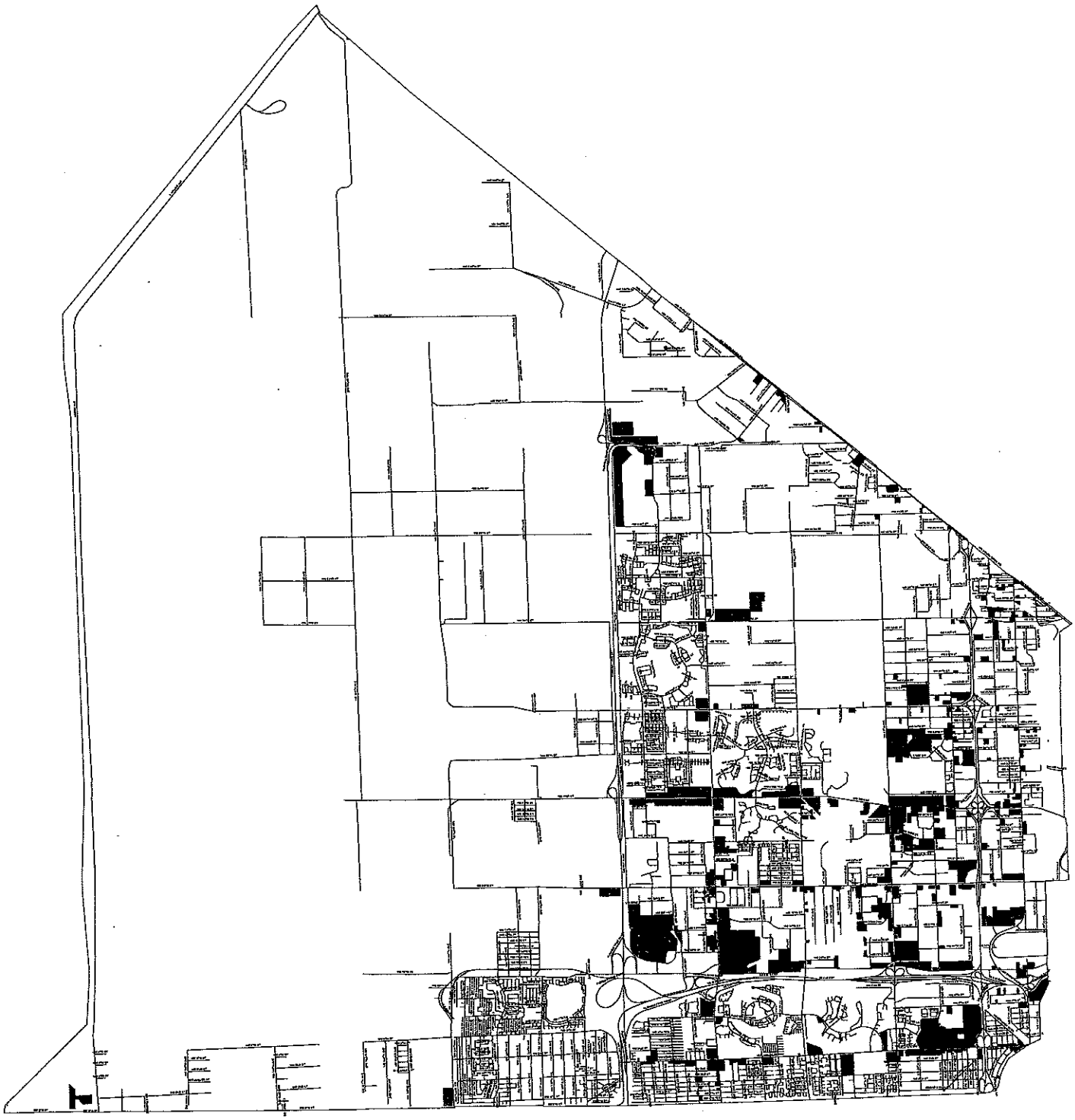
TO REORDER CALL 954-846-9399

EXISTING AND VACANT COMMERCIAL LAND FOR MSA 3.2



Legend

- Existing Commercial Properties
- Vacant Commercial Properties
- Streets

LABELS FOR EXISTING
E - Polygon ID

LABELS FOR VACANT

MIAMI-DADE COUNTY

Miami Dade County
Department of Planning and Zoning
Research Section
April 2008

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W E
S

0 0.45 0.9 1.8 2.7 3.6 Miles

RECYCLED PAPER

TO REORDER CALL 954-846-9399

EXISTING AND VACANT COMMERCIAL LAND FOR MSA 5.4

Legend

- Existing Commercial Properties
- Vacant Commercial Properties
- Streets

LABELS FOR EXISTING
- Polygon ID

LABELS FOR VACANT

MIAMI-DADE COUNTY

Miami Dade County
Department of Planning and Zoning
Research Section
April 2008

N
W E
S

0 0.15 0.3 0.6 0.9 1.2 Miles

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TO REORDER CALL 954-846-9399

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

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

Juan J. Mayol, Jr., Esq.
305 789 7787
juan.mayol@hklaw.com

July 2, 2008

HAND-DELIVERED

Mr. Mark Woerner
Chief of Metropolitan Planning
Miami-Dade County Department of Planning and Zoning
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Gold River Corporation / CDMP Application No. 9 (the "Applicant") / April 2008 Cycle

Dear Mr. Woerner:

On behalf of our client, Gold River Corporation (the "Applicant"), we have enclosed a revised report prepared by Miami Economic Associates, Inc. This report corrects scriveners errors found in the similar report submitted to your office on Monday, June 30, 2008.

Once again, we look forward to meeting with you and your staff to discuss the submitted reports further. We also look forward to receiving your findings. Should you have any questions regarding this matter, please do not hesitate to contact me at (305) 789-7787.

Sincerely,

Juan J. Mayol, Jr.

JJM/ma
Enclosure

5450795_v1

Miami Economic Associates, Inc.

June 22, 2008

Juan Mayol, Esq.
Holland & Knight
Miami, Florida

Re: Proposed CDMP Amendment No. 9
April 2008 Cycle

Dear Mr. Mayol:

Miami Economic Associates, Inc. (MEAI) has reviewed the application filed by Gold River Corporation in the April 2008 Cycle to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) to re-designate 39 net acres of property from Low-medium Density Residential to Business and Office Use. The subject property has frontage on West Flagler Street at N.W. 102nd Avenue. The purpose of our review was to evaluate whether a need exists for additional land designated for Business and Office Use at the location just indicated.

The purpose of this letter is to apprise you of the findings of our analysis. We understand that it will be submitted to the Miami-Dade County Department of Planning and Zoning (DP&Z) in support of the proposed CDMP amendment.

Summary of Findings

MEAI believes that the proposed amendment should be adopted because a need exists for additional land designated for Business and Office Use at the location identified above. We base this belief on the following considerations:

- According to DP&Z, the area of the County in which the subject property is located, Minor Statistical Area (MSA) 3.2, has the highest concentration of commercial acres (both vacant and in-use) among Miami-Dade County's MSA's. It estimated that MSA 3.2 contained a total of approximately 1900 commercially-designated acres, including approximately 1,587 acres in use and 313 vacant acres Based on this estimate, it calculated that MSA 3.2 had 11.3 acres of land designated for commercial use per 1,000 residents. However, a number of points should be considered with respect to this estimate, which are as follows:

    - The fact that MSA 3.2 contains such large quantities of commercially-designated property reflects that fact that it is the MSA within Miami-Dade

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Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meainc@bellsouth.net

County in which the largest number of workers are employed. This fact is, in turn, a function of the fact the it is the only MSA within the County through which 3 major highways pass. DP&Z analysis does not explicitly recognize either of these factors and, perhaps more significantly, the demand for retail goods generated by the area's large workforce. Therefore, to compare the amount of commercially-designated acreage in MSA 3.2 with that which may exist in other MSA's that are predominantly developed with residential uses is misleading.

- Approximately one-third of the approximately 1,587 commercial acres currently in use are occupied by office buildings. Further, a substantial portion of the acres that are occupied by office buildings are designated for Industrial and Office --- not Business and Office --- use. Land designated for Industrial and Office use can not be developed with retail facilities except to the extent that the retail uses are ancillary to the industrial and office uses. Gold River Corporation proposes to develop retail uses on part or all of the subject parcel that will be designed to serve households that reside within its immediate area including the Fontainebleau Park community. Currently, there are approximately 1,484 new residential units being developed in Fontainebleau Park.

- Approximately 100 of the commercial acres currently in use that DP&Z considers retail use within MSA 3.2 are occupied by automobile, truck and tractor/construction equipment dealerships, the preponderance on land designated for Industrial and Office rather than Business and Office use. It should be further noted that, contrary to DP&Z's evaluation, truck, tractor and construction equipment dealers are not involved in retail trade. Further, the automobile dealers located within MSA 3.2 serve a market that extends well beyond its boundaries, reflecting the accessibility provided by the highway network that runs through it and the fact that project approvals could be obtained without the normal opposition encountered when such uses attempt to locate near residential uses.

- Nearly 100 acres of the commercially-designated land in use within MSA 3.2 that DP&Z considers retail use are located in areas where there are no nearby residential communities including in the area bounded by N.W. 72nd Avenue, State Road 836, the east side of the Palmetto Expressway and Okeechobee Road as well as in the Town of Medley and at the Beacon Station project at N.W. 106th Street and the Turnpike.

- Included in DP&Z's estimate of commercially-designated land within MSA 3.2 are the sites of International Mall and Dolphin Mall, both which are located north of State Road 836, as compared to the subject property which is located south of that artery. Both sites enjoy excellent accessibility from S.R. 836 and/or Florida's Turnpike. Also within in MSA 3.2 is the Mall of the Americas, which is located south of State Road 836 at the intersection of the Palmetto Expressway and Flagler Street. These 3 projects combined occupy

approximately 250 acres, which account for more than 25 percent of all land currently in use within the MSA that is in retail use. All 3 projects serve areas that extend well beyond the limits of MSA 3.2. They are located within it to take advantage of the highly-developed highway network within it. MEAI further notes that Dolphin Mall's tenants include a substantial number of factory outlet stores not found anywhere else in Miami-Dade County other than a few instances in Homestead. Thus, it serves a market area that essentially extends countywide.

- More than 100 of the acres currently in retail use within MSA 3.2 not otherwise referred to in the preceding paragraphs are contained in parcels less than 5 acres in size, the preponderance in parcels 2 acres or less in size and in significant proportion occupied by fast food restaurants and gas stations. Approximately half of this acreage is also located in areas within MSA 3.2 characterized by non-residential uses, hence predominately serving a market comprised of workers rather than area residents.

As discussed above, the County calculates that MSA 3.2 has more than 11 acres of commercial land per 1,000 residents, inclusive of both land in use and vacant land designated for commercial use. However, when the acres currently in office use as well as those occupied by vehicle dealerships and those located in areas in which there is no residential development are subtracted, that ratio drops to below 5 acres per 1,000 residents.

Ultimately, the amount of retail development supportable is a function of income. The residential communities within MSA 3.2 are relatively affluent. Other affluent areas of the County such as MSA's 5.6 and 5.7 contain 6.3 and 9.3 acres per 1000 residents, respectively, which means that MSA 3.2 has considerably less land either currently or prospectively in retail use than those areas. It should be further noted that those two MSA's do not contain 250 acres of land occupied by retail facilities serving regional market areas. When that acreage is also eliminated from the equation, MSA 3.2 contains less than 3 acres per 1,000 residents. Only 2 of Miami-Dade County's 31 urbanized MSA's have fewer than 3 acres of commercial land per 1,000 residents.

- Not all areas within MSA 3.2 that contain substantial amounts of residential are equally well-served in terms of retailing. Our analysis shows that portion, consisting of the more than 3 square mile area located south of State Road 836 between S.W. 87th Avenue and Florida's Turnpike, is particularly poorly served. It contains fewer than 60 acres of land designated for Business and Office Use, hence capable of accommodating retail development. DP&Z guidelines for urban form envision the development of approximately 40 acres of commercially-designated land per square mile. In an area of 3 square miles, that would total 120 acres, essentially twice the amount with the 3 square mile study area just delineated. On this basis, the area's supply of land for retail development could appropriately be augmented by the subject property.

- MEAI also notes that the DP&Z's guideline for urban form applies to all areas of the County including those that exist in the County's South Central and Southern Tier where development is generally less dense than in the delineated study area. The Study area contains substantial amounts of medium density development including the garden and mid-rise rental apartment and condominium projects within the Fontainebleau Park area. Finally, it is noted that the delineated study area contains less than 0.4 acres of vacant land designated for Business and Office Use. Meanwhile, as indicated above, 1,484 new residential units are being developed in the Fontainebleau Park area by the Applicant.

- MEAI recognizes that DP&Zs guidelines for urban form propose that the 40 acres of commercial development with a square mile be located in parcels approximating 10 acres at size at the four points where the section line roads intersect. The subject property is not located at the intersection of section line roads. However, given the fact that the delineated study area, except for the properties owned by Fontainebleau Lakes, LLC, has been substantially developed, the ideal situation reflected in the guidelines for urban form can no longer be achieved. MEAI does not believe that the quality of life of County residents should be sacrificed to adherence to a guideline that in this instance is unrealistic given the conditions "on the ground".

- MEAI also recognizes that a substantial concentration of retail uses exists in the vicinity of the Mall of Americas, in addition to the mall itself, which can serve to augment retailing within the designated study area, thereby helping to address the needs of the residents of the delineated study area. However, we note that the segment of Flagler Street between the Palmetto Expressway and S.W. 87th Avenue is frequently congested, being unduly burdened by the fact that there is no ramp connecting the northbound Palmetto Expressway to State Road 836 westbound. Residents of the 3 square mile area west of S.W. 87th Avenue delineated above should not need to confront that traffic congestion when attending to their daily retail needs.

Closing

Based on the preceding findings, MEAI strongly believes that CDMP Amendment 9 of the April 2008 cycle should be approved.

Sincerely,
Miami Economic Associates, Inc.

Andrew Dolkart
President

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net

RECYCLED PAPER

TO REORDER CALL 954-846-9399

Miami Economic Associates, Inc.

October 21, 2008

Juan Mayol, Esq.
Holland & Knight
Miami, Florida

Re: Proposed CDMP Amendment No. 9
April 2008 Cycle

Dear Mr. Mayol:

Miami Economic Associates, Inc. (MEAI) has reviewed the application filed by Gold River Corporation in the April 2008 Cycle to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) to re-designate 39 net acres of property from Low-medium Density Residential to Business and Office Use. The subject property has frontage on West Flagler Street at N.W. 102nd Avenue. The purpose of our review was to evaluate whether a need exists for additional land designated for Business and Office Use at the location just indicated. We understand that the property, if re-designated, would be developed with a maximum of 400,000 square feet of retail and office space.

The purpose of this letter is to apprise you of the findings of our analysis. We understand that it will be submitted to the Miami-Dade County Department of Planning and Zoning (DP&Z) in support of the proposed CDMP amendment.

Summary of Findings

MEAI believes that the proposed amendment should be adopted because a need exists for additional land designated for Business and Office Use at the location identified above. We base this belief on the following considerations:

- According to DP&Z, the area of the County in which the subject property is located, Minor Statistical Area (MSA) 3.2, has the highest concentration of commercial acres (both vacant and in-use) among Miami-Dade County's MSA's. It estimated that MSA 3.2 contained a total of approximately 1900 commercially-designated acres, including approximately 1,587 acres in use and 313 vacant acres. Based on this estimate, it calculated that MSA 3.2 had 11.3 acres of land designated for commercial use per 1,000 residents. However, a number of points should be considered with respect to this estimate, which are as follows:
    - The fact that MSA 3.2 contains such large quantities of commercially-designated property reflects that fact that it is the MSA within Miami-Dade

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County in which the largest number of workers are employed. This fact is, in turn, a function of the fact the it is the only MSA within the County through which 3 major highways pass. DP&Z analysis does not explicitly recognize either of these factors and, perhaps more significantly, the demand for retail goods generated by the area's large workforce. Therefore, to compare the amount of commercially-designated acreage in MSA 3.2 with that which may exist in other MSA's that are predominantly developed with residential uses is misleading.

- Approximately one-third of the approximately 1,587 commercial acres currently in use are occupied by office buildings. Further, a substantial portion of the acres that are occupied by office buildings are designated for Industrial and Office --- not Business and Office --- use. Land designated for Industrial and Office use can not be developed with retail facilities except to the extent that the retail uses are ancillary to the industrial and office uses. Gold River Corporation proposes to develop retail uses on part or all of the subject parcel that will be designed to serve households that reside within its immediate area including the Fontainebleau Park community. Currently, there are approximately 1,484 new residential units being developed in Fontainebleau Park.

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approximately 250 acres, which account for more than 25 percent of all land currently in use within the MSA that is in retail use. All 3 projects serve areas that extend well beyond the limits of MSA 3.2. They are located within it to take advantage of the highly-developed highway network within it. MEAI further notes that Dolphin Mall's tenants include a substantial number of factory outlet stores not found anywhere else in Miami-Dade County other than a few instances in Homestead. Thus, it serves a market area that essentially extends countywide.

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As discussed above, the County calculates that MSA 3.2 has more than 11 acres of commercial land per 1,000 residents, inclusive of both land in use and vacant land designated for commercial use. However, when the acres currently in office use as well as those occupied by vehicle dealerships and those located in areas in which there is no residential development are subtracted, that ratio drops to below 5 acres per 1,000 residents.

Ultimately, the amount of retail development supportable is a function of income. The residential communities within MSA 3.2 are relatively affluent. Other affluent areas of the County such as MSA's 5.6 and 5.7 contain 6.3 and 9.3 acres per 1000 residents, respectively, which means that MSA 3.2 has considerably less land either currently or prospectively in retail use than those areas. It should be further noted that those two MSA's do not contain 250 acres of land occupied by retail facilities serving regional market areas. When that acreage is also eliminated from the equation, MSA 3.2 contains less than 3 acres per 1,000 residents. Only 2 of Miami-Dade County's 31 urbanized MSA's have fewer than 3 acres of commercial land per 1,000 residents.

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Amendment 8 of April 2008 together represent the quantity of development that would typically be feasible on the 60-acre shortfall in commercially-designated land that currently exists within 3-mile study area.

- MEAI also notes that the DP&Z's guideline for urban form applies to all areas of the County including those that exist in the County's South Central and Southern Tier where development is generally less dense than in the delineated study area. The Study area contains substantial amounts of medium density development including the garden and mid-rise rental apartment and condominium projects within the Fontainebleau Park area. Finally, it is noted that the delineated study area contains less than 0.4 acres of vacant land designated for Business and Office Use. Meanwhile, as indicated above, 1,484 new residential units are being developed in the Fontainebleau Park area by the Applicant.

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Closing

Based on the preceding findings, MEAI strongly believes that CDMP Amendment 9 of the April 2008 cycle should be approved.

Sincerely,
Miami Economic Associates, Inc.

Andrew Dolkart
President

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meainc@bellsouth.net

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TO REORDER CALL 954-846-9399

TABLE 1-A
TRIP GENERATION FOR THE PROPOSED USE - LIMITED TO 400,000 SF OF RETAIL

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	400,000 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	16,722	50%	8,361	50%	8,361
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	4,345	50%	2,173	50%	2,172
NET EXTERNAL TRIPS					**12,377**	50%	**6,188**	50%	**6,189**
RETAIL	AM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	360	61%	220	39%	140
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	94	61%	57	39%	37
NET EXTERNAL TRIPS					**266**	61%	**163**	39%	**103**
RETAIL	PM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	1,563	48%	750	52%	813
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	406	48%	195	52%	211
NET EXTERNAL TRIPS					**1,157**	48%	**555**	52%	**602**

TABLE 1-B
TRIP GENERATION FOR THE PROPOSED USE - NO LIMITS - BASED UPON 0.4 FAR

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	679,536 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	23,598	50%	11,799	50%	11,799
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	5,255	50%	2,628	50%	2,627
NET EXTERNAL TRIPS					**18,343**	50%	**9,171**	50%	**9,172**
RETAIL	AM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	494	61%	301	39%	193
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	110	61%	67	39%	43
NET EXTERNAL TRIPS					**384**	61%	**234**	39%	**150**
RETAIL	PM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	2,217	48%	1,064	52%	1,153
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	494	48%	237	52%	257
NET EXTERNAL TRIPS					**1,723**	48%	**827**	52%	**896**

TABLE 1-C
CHANGE IN TRIPS BASED UPON RETAIL SF LIMITATION

LAND USE	TIMEFRAME	UNITS	% CHANGE	TYPE OF CHANGE	TRIPS	% IN	TRIPS	% OUT	TRIPS
Limit to 400,000 SF	**Daily**	**-279,536 SQ. FT.**	**-32.52%**	TRIP REDUCTION	**-5,966**	50%	-2,983	50%	-2,983
Limit to 400,000 SF	**AM Peak Hour**	**-279,536 SQ. FT.**	**-30.61%**	TRIP REDUCTION	**-118**	61%	-72	39%	-46
Limit to 400,000 SF	**PM Peak Hour**	**-279,536 SQ. FT.**	**-32.87%**	TRIP REDUCTION	**-566**	48%	-272	52%	-295

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TO REORDER CALL 954-846-9399

Table 2-A
CDMP Amendment Application No. 9
First Directly Accessed Traffic Count Stations - Traffic Concurrency Capacity Analysis Based Upon 400,000 SF of Retail Use

10/5/2008

Count Station	Roadway	Location	Existing Lanes or Funded in TIP	[1] Capacity	Count Date	[2] 2007 PHP Vol	Capacity Available after PHP Vol	D.O.'s as of 8/28/2008	Capacity Available after D.O.'s	TAZ 813 Year 2015 Cardinal Distribution	[3] Project Distribution	[4] PM Peak Hour Trips 1,157	Total with Project	Capacity Available after Project	Adopted LOS	Current LOS
1218	NW 107 Ave	W. Flagler to SR 836	A 6	4,920	8/21-23/2007	4,243	677	173	504	NNW	11.57%	134	4,550	370	E	D
2580	SW 107 Ave	SW 8 St to W. Flagler	A 4	3,120	7/31-8/2/2007	2,617	503	30	473	SSW	9.67%	112	2,759	361	E	E
9156	W. Flagler St	NW 97 Ave to NW 107 Ave	A 6	6,672	9/10-12/2007	3,109	3,563	46	3,517	ENE+ESE	62.45%	723	3,878	2,794	EE	D
9158	W. Flagler St	NW 107 Ave to NW 114 Ave	6	5,820	10/23-25/2007	2,785	3,035	120	2,915	WNW+WSW	16.32%	189	3,094	2,726	EE	D
9494	NW 97 Ave	NW 25 St to NW 12 St	A 4	2,300	10/9-11/2007	1,537	763	47	716	NNE	15.53%	180	1,764	536	D	C
9698	SW 97 Ave	W. Flagler to S. of SW 8 St	2	3,000	4/10-12/2007	1,620	1,380	65	1,315	SSE	6.63%	77	1,762	1,238	D	C
											122.17%	1,414				

Source: Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[1] The maximum service volumes are based upon the Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[2] The PHP counts reflect 2007 volumes from the Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[3] Project distribution is based upon the Cardinal Directions for TAZ 813 based upon Interim Year 2015.
[4] See Table 1-A for the Net External PM Peak Hour trips for 400,000 square feet of retail use.

Table 2-B
CDMP Amendment Application No. 9
First Directly Accessed Traffic Count Stations - Traffic Concurrency Capacity Analysis Based Upon 679,536 SF of Retail Use

10/5/2008

Count Station	Roadway	Location	Existing Lanes or Funded in TIP	[1] Capacity	Count Date	[2] 2007 PHP Vol	Capacity Available after PHP Vol	D.O.'s as of 8/28/2008	Capacity Available after D.O.'s	TAZ 813 Year 2015 Cardinal Distribution	[3] Project Distribution	[4] PM Peak Hour Trips 1,723	Total with Project	Capacity Available after Project	Adopted LOS	Current LOS
1218	NW 107 Ave	W. Flagler to SR 836	A 6	4,920	8/21-23/2007	4,243	677	173	504	NNW	11.57%	199	4,615	305	E	D
2580	SW 107 Ave	SW 8 St to W. Flagler	A 4	3,120	7/31-8/2/2007	2,617	503	30	473	SSW	9.67%	167	2,814	306	E	E
9156	W. Flagler St	NW 97 Ave to NW 107 Ave	A 6	6,672	9/10-12/2007	3,109	3,563	46	3,517	ENE+ESE	62.45%	1,076	4,231	2,441	EE	D
9158	W. Flagler St	NW 107 Ave to NW 114 Ave	6	5,820	10/23-25/2007	2,785	3,035	120	2,915	WNW+WSW	16.32%	281	3,186	2,634	EE	D
9494	NW 97 Ave	NW 25 St to NW 12 St	A 4	2,300	10/9-11/2007	1,537	763	47	716	NNE	15.53%	268	1,852	448	D	C
9698	SW 97 Ave	W. Flagler to S. of SW 8 St	2	3,000	4/10-12/2007	1,620	1,380	65	1,315	SSE	6.63%	114	1,799	1,201	D	C
											122.17%	2,105				

Source: Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[1] The maximum service volumes are based upon the Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[2] The PHP counts reflect 2007 volumes from the Miami-Dade County Public Works Department Concurrency Report Dated August 28, 2008.
[3] Project distribution is based upon the Cardinal Directions for TAZ 813 based upon Interim Year 2015.
[4] See Table 1-B for the Net External PM Peak Hour trips for 679,536 square feet of retail use.

RECYCLED PAPER

TO REORDER CALL 954-846-9399

CHECKLIST
LOW-MEDIUM RESIDENTIAL
VS.
BUSINESS AND OFFICE

AREAS OF ANALYSIS	ANALYSIS
Water	Less Impact
Sewer	Less Impact
Parks	No Impact
Schools	No Impact
Environmental Issues	None
Fire/Rescue	Acceptable
Transit	Available
Solid Waste	Available
Traffic	Meets Concurrency Analysis On-Going

GTS RECYCLED PAPER TO REORDER CALL 954-846-9399

GOLD RIVER CORPORATION
CDMP APPLICATION NO. 9
(APRIL 2008 CYCLE)

ECONOMIC IMPACT OF PROJECT

ANNUAL TAXES / COUNTY	
County General Fund	$389,864.00
County Debt Service	$22,800.00
UMSA	$163,328.00
Fire	$176,536.00
Fire Debt Service	$3,360.00
Library	$30,736.00
TOTAL	[redacted]

ANNUAL TAXES / SCHOOL DISTRICT	
Schools	$602,640.00
School Debt Service	$21,120.00
TOTAL	[redacted]

EMPLOYMENT	
NO. OF JOBS	ESTIMATED ANNUAL INCOME
1,010	[redacted]

RECYCLED PAPER

TO REORDER CALL 954-846-9399

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

September 23, 2008

Juan J. Mayol, Jr. Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Flroida 33131-2847

Re: Request for Zoning Verification Letter / Tracts 8, 9, 10 and 11 of Block 11 of Richardson- Kellet Lando Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at page 19 of the Public Records of Miami-Dade County, Florida / Folio: 30-4005-001-0080 ("The Property").

Dear Mr. Mayol:

In response to your letter regarding the subject matter, this letter shall confirm that the mobile home park use previously approved and established on the Property may be reestablished in accordance with the resolutions running with the land and in conformity to the requirements of Section 33-174(B)(Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code of Miami-Dade County (the "Code"). Zoning records indicate that said Mobile Home Park was established in the late 1950's. In accordance with Section 33-169 of the Code, mobile home parks in existence prior to January 25, 1971 are permitted provided they conform to the requirements of Section 33-174 (B) (Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code.

Enclosed for your reference is a copy of Section 33-174(B)(Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code. Should you have any further questions or concerns, please do not hesitate to contact me at (305) 375-1806.

Sincerely,

Damon Holness, Coordinator
Zoning Information Section

Exhibit - 11/6/2008 CDMP

CATHY SWEETAPPLE & ASSOCIATES
TRANSPORTATION AND MOBILITY PLANNING

November 6, 2008

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Mr. Napoleon Samoza
Principal Planner
Miami-Dade County Department of Planning and Zoning
111 Northwest 1st Street, Suite 1220
Miami, Florida 33128

RE: **2008 Cycle - CDMP Amendment Application No. 9**
Year 2015 Modeling Evaluation

Dear Mr. Samoza,

This letter has been prepared to address the MPO Modeling outputs prepared for CDMP Amendment Application No. 9 as part of the 2008 Amendment Cycle. Attached is a summary table along with the MPO modeling plots to evaluate (in greater detail) the County findings from the Year 2015 analysis presented on pages 9-19 and 9-20 of the Application No. 9 Staff Report. The Year 2015 Modeling analysis is provided in attached **Table A**. A brief summary of the findings are provided below.

Year 2015 Modeling Evaluation for Application No. 9

The Year 2015 Modeling Evaluation provides detailed roadway capacity, level of service and significant impact analysis for those roadway segments either identified by Miami-Dade County as requiring additional review, or identified by the Applicant as being necessary to provide a more comprehensive understanding of project impact within the MPO modeling study area. The Year 2015 Modeling Evaluation compares the 2015 MPO Model Runs for the following scenarios:

- The Base Scenario – reflecting Year 2015 MPO traffic forecasts based upon the current land use designation;
- Scenario 1 - reflecting Year 2015 MPO traffic forecasts based upon the proposed land use designation as Business and Office allowing up to 679,536 square feet of retail use based upon an FAR of 0.4.

Please note that the Applicant is placing a 400,000 square foot limitation on development capacity under the proposed land use designation which will result in a 32.52% daily trip reduction onto the surrounding roadway network, however that limitation occurred after the MPO modeling took place. The analysis provided herein addresses in detail the 2015 traffic conditions evaluated by staff prior to the development limitations provided by the Applicant. Documentation of the trip generation modifications resulting from the 400,000 square foot development limitation is provided in **Table 1-A and Table 1-B** attached herein.

The development limitation and the 32.52% reduction in daily traffic impacts will have a positive overall impact on the surrounding roadway network by further reducing the Year 2015 traffic forecasts and further reducing the significance of the proposed land use change.

101 North Gordon Road, Fort Lauderdale, Florida 33301
954-463-8878 office 954-525-4303 fax 954-649-8942 cell Email: csweet@bellsouth.net

The Year 2015 MPO modeling forecasts have been evaluated based upon the following:

- The daily Year 2015 traffic forecasts have been compared to the daily roadway capacities from the FDOT generalized tables which correspond to the adopted level of service capacity values from the CDMP. A level of service evaluation for each roadway segment has been analyzed using the daily roadway capacity values established by FDOT based upon Table 4-1 from the 2002 Quality/LOS Handbook.

- The percent change of the Year 2015 traffic forecasts (with and without the amendment) has been evaluated to determine if the change is less than or equal to 5.0% in order to determine if the change is found not to be a Significant Impact.

- Corrections have been provided for lane geometry and roadway capacity based upon existing conditions, funded roadway improvements or planned roadway improvements.

Year 2015 Modeling Evaluation Conclusions

Table A demonstrates that for all links identified by Miami-Dade County as potential concerns in the Year 2015 located in the study area for Application No. 9, one or more of the following applies:

- Adopted LOS standards are maintained in the Year 2015 with the amendment on affected study area roadways;

- The comparison between the traffic volumes in the Year 2015 without the amendment and the traffic volumes in the Year 2015 with the amendment demonstrates that the percent change is less than 5.0%, and therefore the change is found not to be a Significant Impact; and/or

- The Year 2015 traffic forecasts with the amendment are found to be less than the Year 2015 traffic forecasts without the amendment, demonstrating that the proposed change is not found to be a Significant Impact.

Please do not hesitate to contact me if you have any questions or concerns with the information provided by this Year 2015 Modeling Evaluation.

Sincerely,

Cathy Sweetapple & Associates
Transportation and Mobility Planning

Cathy Sweetapple

Cathy S. Sweetapple, AICP
Principal Transportation Planner

cc: Juan Mayol
Tracy Slavens

C:\Documents and Settings\Cathy Sweetapple\My Documents\Gold River\Samoza - 11-5-08 - Modeling Evaluation - Application No. 9.doc

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954-463-8878 office 954-525-4303 fax 954-649-8942 cell Email: csweet@bellsouth.net

Table A - Year 2015 Model Evaluation for Application No. 9

Roadway	Segment Limits	2015 Lanes	2015 Adopted LOS	2015 Model Base Scenario V/C	2015 Model Scenario 1 V/C	% Change Base vs. Scenario 1	LOS and/or Significance Status or Percent Change with Amendment	Daily Capacity from 2015 Model	Daily Capacity from FDOT	2015 Model Base Daily Volumes	2015 Model Scenario 1 Daily Volumes	Base V/C Using FDOT Capacities	Scenario 1 V/C Using FDOT Capacities	% Change Base Scenario vs. Scenario 1	LOS and/or Significance Status or Percent Change with Amendment
HEFT	SR 836 to SW 8 St	8LD	D	0.97	0.97	-0.52%	Reduction in Impact	140,218	144,300	136,681	135,958	0.95	0.94	-0.50%	Meets Adopted LOS Standard
NW 107 Ave	NW 12 St to SR 836	7LD	D	1.41	1.43	2.12%	Not Significant = > 5% change	51,978	57,516	73,305	74,409	1.27	1.29	1.92%	Not Significant = > 5% change
	SR 836 to NW 7 St	7LD	E	1.44	1.46	1.10%	Not Significant = > 5% change	51,978	60,433	75,084	75,655	1.24	1.25	0.94%	Not Significant = > 5% change
	NW 7 St to W. Flagler	6LD	E	0.84	0.84	-0.13%	Meets Adopted LOS Standard	51,978	51,800	43,616	43,547	0.84	0.84	-0.13%	Meets Adopted LOS Standard
	W. Flagler to SW 8 St	6LD	E	1.11	1.15	4.82%	Not Significant = > 5% change	50,544	51,800	55,874	58,312	1.08	1.13	4.71%	Not Significant = > 5% change
NW 97 Ave	NW 12 St to NW 7 St	4LD	D	1.60	1.59	-0.51%	Reduction in Impact	32,956	31,100	52,573	52,405	1.69	1.69	-0.54%	Reduction in Impact
	NW 7 St to Flagler St	4LD	D	1.05	1.02	-3.12%	Reduction in Impact	32,956	31,100	34,663	33,635	1.11	1.08	-3.31%	Reduction in Impact
	Flagler St to SW 8 St	4LD	D	1.33	1.27	-5.78%	Reduction in Impact	32,956	31,100	43,746	41,841	1.41	1.35	-6.13%	Reduction in Impact
NW 87 Ave	SR 836 to Park Blvd	6LD	E	1.30	1.33	2.33%	Not Significant = > 5% change	50,544	51,800	65,804	66,984	1.27	1.29	2.28%	Not Significant = > 5% change
	Park Blvd to W. Flagler St	6LD	E	0.71	0.74	3.28%	Meets Adopted LOS Standard	50,544	51,800	35,970	37,628	0.69	0.73	3.20%	Meets Adopted LOS Standard
	W. Flagler St to SW 8 St	4LD	E	1.33	1.36	2.69%	Not Significant = > 5% change	34,348	34,500	45,629	46,553	1.32	1.35	2.68%	Not Significant = > 5% change
SR 826	SR 836 to W. Flagler St	10LD	D	1.40	1.40	-0.51%	Reduction in Impact	186,196	182,600	260,890	259,937	1.43	1.42	-0.52%	Reduction in Impact
	W. Flagler St to SW 8 St	10LD	D	1.34	1.33	-0.65%	Reduction in Impact	186,196	182,600	249,363	248,147	1.37	1.36	-0.67%	Reduction in Impact
SR 836	HEFT to NW 107 Ave	8LD	D	0.78	0.77	-0.32%	Meets Adopted LOS Standard	130,989	144,300	101,842	101,423	0.71	0.70	-0.29%	Meets Adopted LOS Standard
	NW 107 Ave to NW 87 Ave	8LD	D	0.79	0.79	0.58%	Meets Adopted LOS Standard	130,467	144,300	102,532	103,292	0.71	0.72	0.53%	Meets Adopted LOS Standard
	NW 87 Ave to SR 836	10LD	D	0.70	0.71	1.41%	Meets Adopted LOS Standard	118,815	182,600	82,943	84,614	0.45	0.46	0.92%	Meets Adopted LOS Standard
NW 12 St	NW 97 Ave to NW 87 Ave	4LD	D	1.16	1.16	-0.17%	Reduction in Impact	36,218	31,100	42,128	42,068	1.355	1.353	-0.19%	Reduction in Impact
	NW 87 Ave to SR 826	4LD	D	1.63	1.62	-1.67%	Reduction in Impact	34,348	31,100	56,137	55,564	1.81	1.79	-1.84%	Reduction in Impact
NW 7 St	NW 110 Ave to NW 107 Ave	4LD	D	1.52	1.50	-2.18%	Reduction in Impact	24,914	31,100	37,955	37,413	1.220	1.203	-1.74%	Reduction in Impact
	NW 107 Ave to NW 97 Ave	4LD	D	0.82	0.83	0.88%	Not Significant = > 5% change	32,956	31,100	27,099	27,390	0.871	0.881	0.94%	Not Significant = > 5% change
	NW 97 Ave to Park Blvd	4LD	D	1.20	1.22	2.06%	Not Significant = > 5% change	32,956	31,100	39,601	40,279	1.273	1.295	2.18%	Not Significant = > 5% change
	Park Blvd to NW 87 Ave	5LD	D	1.42	1.50	7.81%	See calculations using adopted LOS	24,914	38,875	35,339	37,284	0.909	0.959	5.00%	Meets Adopted LOS Standard
W. Flagler St	NW 114 Ave to NW 107 Ave	6LD	E+20%	0.96	0.96	-0.05%	Reduction in Impact	50,544	59,160	48,763	48,738	0.82	0.82	-0.04%	Meets Adopted LOS Standard
	NW 107 Ave to NW 102 Ave	6LD	E+20%	0.64	0.70	6.47%	Meets Adopted LOS Standard	50,544	59,160	32,163	35,435	0.54	0.60	5.53%	Meets Adopted LOS Standard
	NW 102 Ave to NW 97 Ave	6LD	E+20%	0.88	0.91	3.57%	Not Significant = > 5% change	50,544	59,160	44,333	46,137	0.75	0.78	3.05%	Meets Adopted LOS Standard
	NW 97 Ave to NW 92 Ave	6LD	E+20%	0.94	0.97	2.44%	Not Significant = > 5% change	50,544	59,160	47,754	48,989	0.81	0.83	2.09%	Meets Adopted LOS Standard
	NW 92 Ave to Park Blvd	6LD	E+20%	1.19	1.17	-1.88%	Reduction in Impact	50,544	59,160	60,001	59,049	1.01	1.00	-1.61%	Meets Adopted LOS Standard
	Park Blvd to NW 87 Ave	6LD	E+20%	1.22	1.18	-3.55%	Reduction in Impact	50,544	59,160	61,427	59,633	1.04	1.01	-3.03%	Reduction in Impact
	NW 87 Ave to SR 826	6LD	E+20%	1.28	1.26	-2.03%	Reduction in Impact	50,544	62,160	64,864	63,839	1.04	1.03	-1.65%	Reduction in Impact
SW 8 St	SW 87 Ave to SR 826	6LD	E+20%	1.25	1.26	0.88%	Not Significant = > 5% change	51,978	62,160	64,965	65,424	1.05	1.05	0.74%	Not Significant = > 5% change

TABLE 1-A TRIP GENERATION FOR THE PROPOSED USE - LIMITED TO 400,000 SF OF RETAIL									
			ITE	ITE 7TH EDITION		IN		OUT	
LAND USE	TIMEFRAME	UNITS	LUC	TRIP RATE OR FORMULA	TRIPS	%	TRIPS	%	TRIPS
RETAIL	Daily	400,000 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	16,722	50%	8,361	50%	8,361
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	4,345	50%	2,173	50%	2,172
NET EXTERNAL TRIPS					**12,377**	50%	**6,188**	50%	**6,189**
RETAIL	AM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	360	61%	220	39%	140
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	94	61%	57	39%	37
NET EXTERNAL TRIPS					**266**	61%	**163**	39%	**103**
RETAIL	PM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	1,563	48%	750	52%	813
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	406	48%	195	52%	211
NET EXTERNAL TRIPS					**1,157**	48%	**555**	52%	**602**

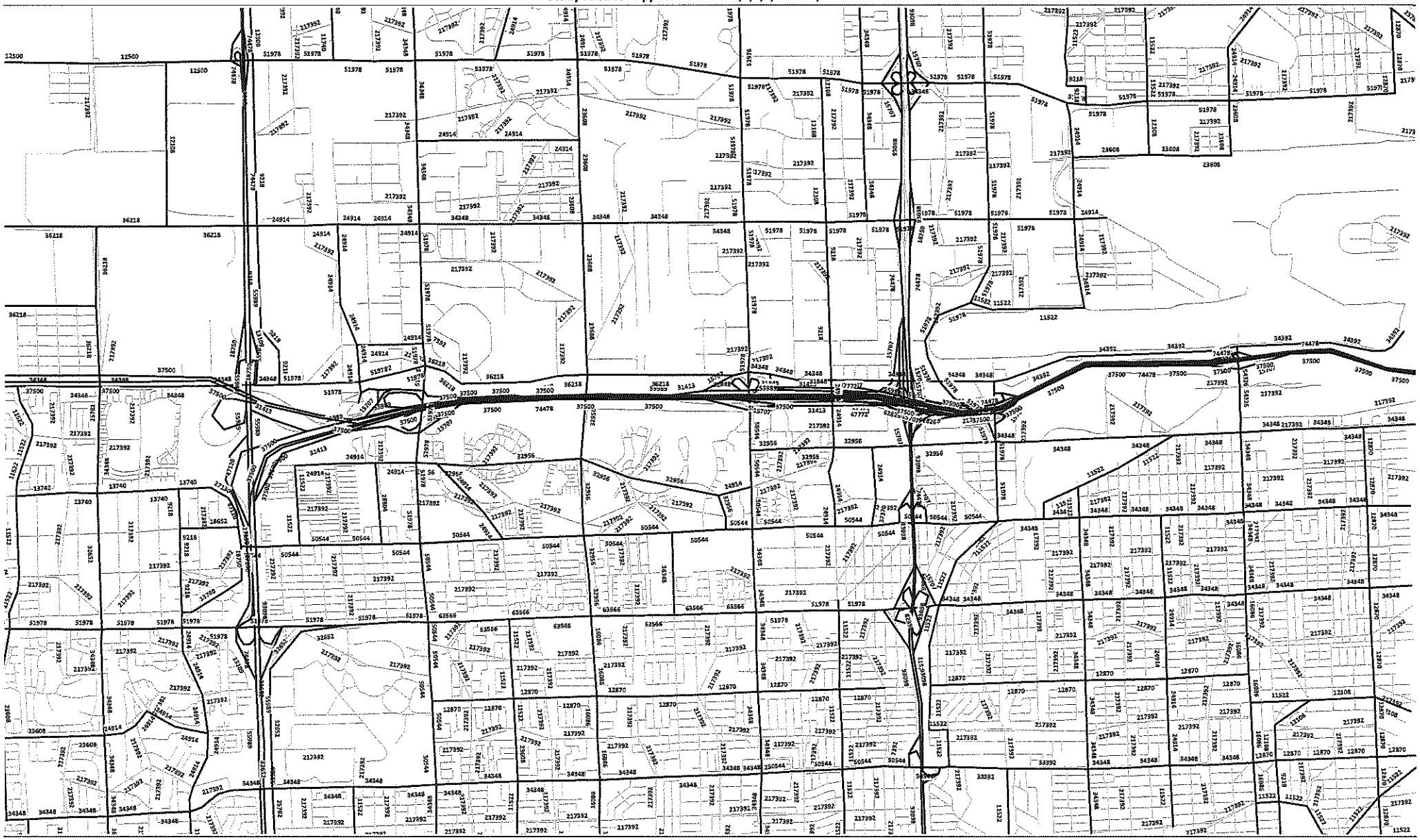
TABLE 1-B TRIP GENERATION FOR THE PROPOSED USE - NO LIMITS - BASED UPON 0.4 FAR									
			ITE	ITE 7TH EDITION		IN		OUT	
LAND USE	TIMEFRAME	UNITS	LUC	TRIP RATE OR FORMULA	TRIPS	%	TRIPS	%	TRIPS
RETAIL	Daily	679,536 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	23,598	50%	11,799	50%	11,799
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	5,255	50%	2,628	50%	2,627
NET EXTERNAL TRIPS					**18,343**	50%	**9,171**	50%	**9,172**
RETAIL	AM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	494	61%	301	39%	193
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	110	61%	67	39%	43
NET EXTERNAL TRIPS					**384**	61%	**234**	39%	**150**
RETAIL	PM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	2,217	48%	1,064	52%	1,153
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	494	48%	237	52%	257
NET EXTERNAL TRIPS					**1,723**	48%	**827**	52%	**896**

TABLE 1-C CHANGE IN TRIPS BASED UPON RETAIL SF LIMITATION									
LAND USE	TIMEFRAME	UNITS	% CHANGE	TYPE OF CHANGE	TRIPS	% IN	TRIPS	% OUT	TRIPS
Limit to 400,000 SF	**Daily**	**-279,536 SQ. FT.**	**-32.52%**	TRIP REDUCTION	**-5,966**	50%	-2,983	50%	-2,983
Limit to 400,000 SF	**AM Peak Hour**	**-279,536 SQ. FT.**	**-30.61%**	TRIP REDUCTION	**-118**	61%	-72	39%	-46
Limit to 400,000 SF	**PM Peak Hour**	**-279,536 SQ. FT.**	**-32.87%**	TRIP REDUCTION	**-566**	48%	-272	52%	-295

2030 Miami-Dade LRTP

2015 Base Scenario - Bidirectional Capacity

Study Area for Application Nos. 6,7,8,9, and 14, Parcel 3



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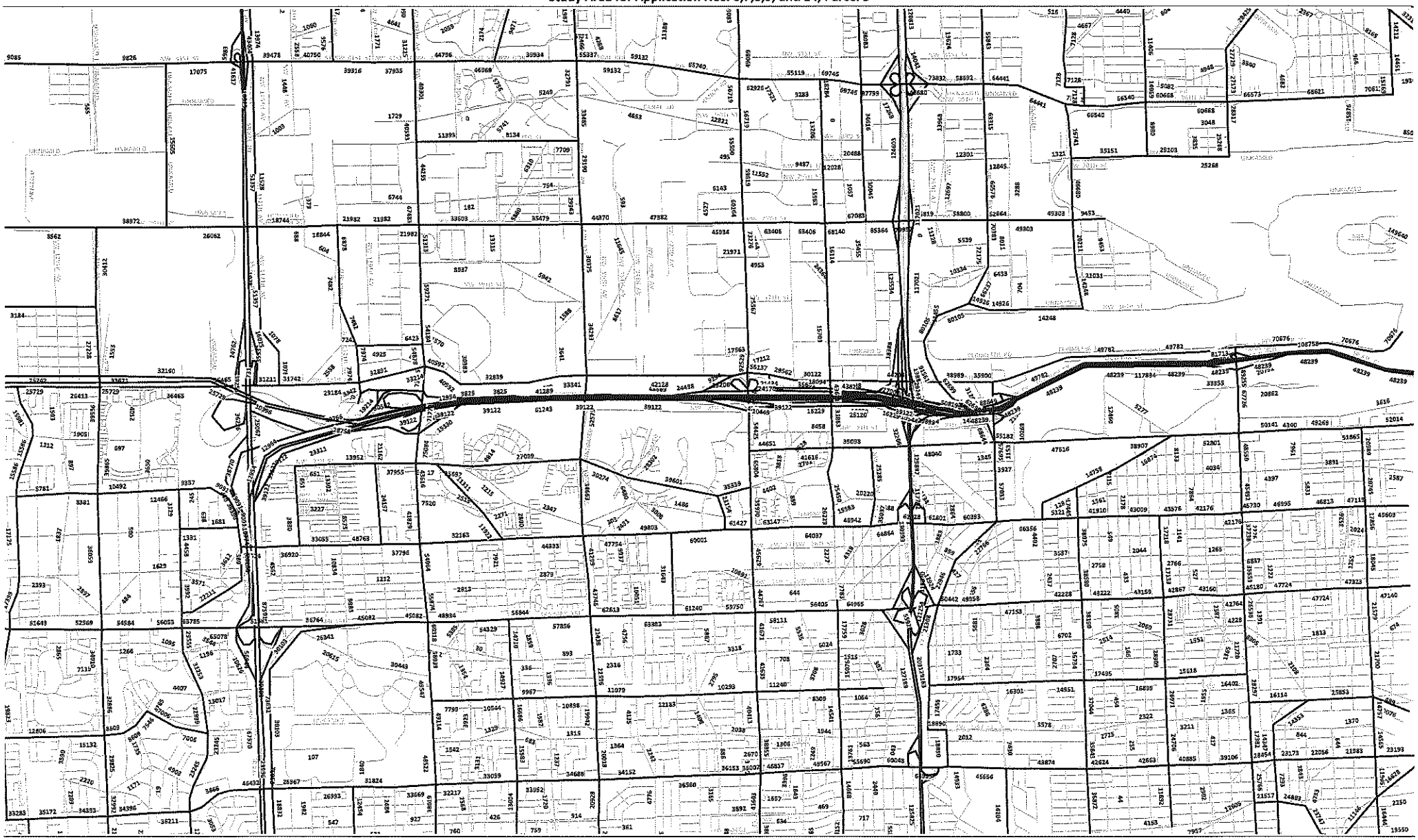
2030 Miami-Dade LRTP

2015 Base Scenario - Bidirectional Volume

Study Area for Application Nos. 6,7,8,9, and 14, Parcel 3



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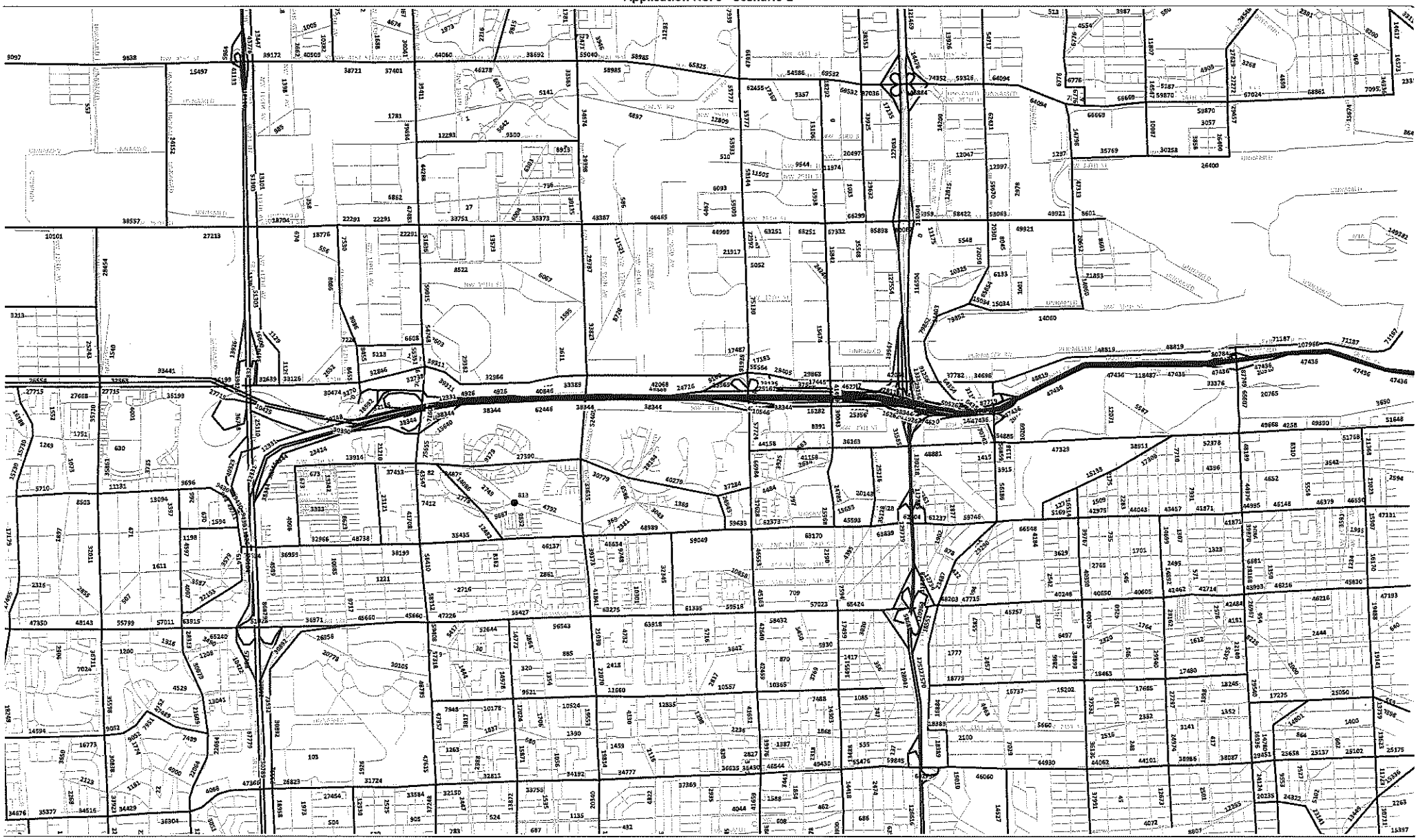
2030 Miami-Dade LRTP
2015 Bidirectional Volume
Application No. 9 - Scenario 1



cube

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TABLE 4 – 1

GENERALIZED ANNUAL AVERAGE DAILY VOLUMES FOR FLORIDA'S URBANIZED AREAS*

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	2,200	7,600	15,000	21,300	27,100
4	Divided	20,400	33,000	47,800	61,800	70,200
6	Divided	30,500	49,500	71,600	92,700	105,400

STATE TWO-WAY ARTERIALS

Class I (>0.00 to 1.99 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	4,200	13,800	16,400	16,900
4	Divided	4,800	29,300	34,700	35,700	***
6	Divided	7,300	44,700	52,100	53,500	***
8	Divided	9,400	58,000	66,100	67,800	***

Class II (2.00 to 4.50 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	1,900	11,200	15,400	16,300
4	Divided	**	4,100	26,000	32,700	34,500
6	Divided	**	6,500	40,300	49,200	51,800
8	Divided	**	8,500	53,300	63,800	67,000

Class III (more than 4.5 signalized intersections per mile and not within primary city central business district of an urbanized area over 750,000)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	**	5,300	12,600	15,500
4	Divided	**	**	12,400	28,900	32,800
6	Divided	**	**	19,500	44,700	49,300
8	Divided	**	**	25,800	58,700	63,800

Class IV (more than 4.5 signalized intersections per mile and within primary city central business district of an urbanized area over 750,000)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	**	5,200	13,700	15,000
4	Divided	**	**	12,300	30,300	31,700
6	Divided	**	**	19,100	45,800	47,600
8	Divided	**	**	25,900	59,900	62,200

NON-STATE ROADWAYS

Major City/County Roadways

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	**	9,100	14,600	15,600
4	Divided	**	**	21,400	31,100	32,900
6	Divided	**	**	33,400	46,800	49,300

Other Signalized Roadways
(signalized intersection analysis)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	**	4,800	10,000	12,600
4	Divided	**	**	11,100	21,700	25,200

Source: Florida Department of Transportation 05/17/07
Systems Planning Office
605 Suwannee Street, MS 19
Tallahassee, FL 32399-0450
http://www.dot.state.fl.us/planning/systems/sm/los/default.htm

FREEWAYS

Interchange spacing ≥ 2 mi. apart

Lanes	Level of Service A	B	C	D	E
4	23,800	39,600	55,200	67,100	74,600
6	36,900	61,100	85,300	103,600	115,300
8	49,900	82,700	115,300	140,200	156,000
10	63,000	104,200	145,500	176,900	196,400
12	75,900	125,800	175,500	213,500	237,100

Interchange spacing < 2 mi. apart

Lanes	Level of Service A	B	C	D	E
4	22,000	36,000	52,000	67,200	76,500
6	34,800	56,500	81,700	105,800	120,200
8	47,500	77,000	111,400	144,300	163,900
10	60,200	97,500	141,200	182,600	207,600
12	72,900	118,100	170,900	221,100	251,200

BICYCLE MODE

(**Note**: Level of service for the bicycle mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not number of bicyclists using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Paved Shoulder/ Bicycle Lane Coverage	Level of Service A	B	C	D	E
0-49%	**	**	3,200	13,800	>13,800
50-84%	**	2,500	4,100	>4,100	***
85-100%	3,100	7,200	>7,200	***	***

PEDESTRIAN MODE

(**Note:** Level of service for the pedestrian mode in this table is based on roadway geometrics at 40 mph posted speed and traffic conditions, not number of pedestrians using the facility.) (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Sidewalk Coverage	Level of Service A	B	C	D	E
0-49%	**	**	**	6,400	15,500
50-84%	**	**	**	9,900	19,000
85-100%	**	2,200	11,300	>11,300	***

BUS MODE (Scheduled Fixed Route)

Level of Service (Buses per hour)

(**Note:** Buses per hour shown are only for the **peak hour** in the **single direction** of the higher traffic flow.)

Sidewalk Coverage	Level of Service A	B	C	D	E
0-84%	**	>5	≥4	≥3	≥2
85-100%	>6	>4	≥3	≥2	≥1

ARTERIAL/NON-STATE ROADWAY ADJUSTMENTS

(alter corresponding volume by the indicated percent)

Lanes	Median	Left Turn Lanes	Adjustment Factors
2	Divided	Yes	+5%
2	Undivided	No	-20%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

ONE-WAY FACILITIES

Multiply the corresponding two-directional volumes in this table by 0.6.

* Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. Although presented as daily volumes, they actually represent peak hour direction conditions with applicable K and D factors applied. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Level of service letter grade thresholds are probably not comparable across modes and, therefore, cross modal comparisons should be made with caution. Furthermore, combining levels of service of different modes into one overall roadway level of service is not recommended. Calculations are based on planning applications of the Highway Capacity Manual, Bicycle LOS Model, Pedestrian LOS Model and Transit Capacity and Quality of Service Manual, respectively for the automobile/truck, bicycle, pedestrian and bus modes.

**Cannot be achieved using table input value defaults.

***Not applicable for that level of service letter grade. For automobile/truck modes, volumes greater than level of service D become F because intersection capacities have been reached. For bicycle and pedestrian modes, the level of service letter grade (including F) is not achievable, because there is no maximum vehicle volume threshold using table input value defaults.

TABLE 1-A
TRIP GENERATION FOR THE PROPOSED USE - LIMITED TO 400,000 SF OF RETAIL

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	400,000 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	16,722	50%	8,361	50%	8,361
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	4,345	50%	2,173	50%	2,172
NET EXTERNAL TRIPS					**12,377**	50%	**6,188**	50%	**6,189**
RETAIL	AM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	360	61%	220	39%	140
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	94	61%	57	39%	37
NET EXTERNAL TRIPS					**266**	61%	**163**	39%	**103**
RETAIL	PM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	1,563	48%	750	52%	813
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	406	48%	195	52%	211
NET EXTERNAL TRIPS					**1,157**	48%	**555**	52%	**602**

TABLE 1-B
TRIP GENERATION FOR THE PROPOSED USE - NO LIMITS - BASED UPON 0.4 FAR

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	679,536 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	23,598	50%	11,799	50%	11,799
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	5,255	50%	2,628	50%	2,627
NET EXTERNAL TRIPS					**18,343**	50%	**9,171**	50%	**9,172**
RETAIL	AM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	494	61%	301	39%	193
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	110	61%	67	39%	43
NET EXTERNAL TRIPS					**384**	61%	**234**	39%	**150**
RETAIL	PM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	2,217	48%	1,064	52%	1,153
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	494	48%	237	52%	257
NET EXTERNAL TRIPS					**1,723**	48%	**827**	52%	**896**

TABLE 1-C
CHANGE IN TRIPS BASED UPON RETAIL SF LIMITATION

LAND USE	TIMEFRAME	UNITS	% CHANGE	TYPE OF CHANGE	TRIPS	% IN	TRIPS	% OUT	TRIPS
Limit to 400,000 SF	**Daily**	**-279,536 SQ. FT.**	**-32.52%**	TRIP REDUCTION	**-5,966**	50%	-2,983	50%	-2,983
Limit to 400,000 SF	**AM Peak Hour**	**-279,536 SQ. FT.**	**-30.61%**	TRIP REDUCTION	**-118**	61%	-72	39%	-46
Limit to 400,000 SF	**PM Peak Hour**	**-279,536 SQ. FT.**	**-32.87%**	TRIP REDUCTION	**-566**	48%	-272	52%	-295

Supplementary Information
Application 11 April 2008 CDMP Cycle

Builders Association of South Florida

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Tab

A	Amended Application Language and Draft Interlocal Agreement Provisions
B	Analysis and Exhibits Prepared by Dr. Kathryn Wilbur
C	Additional Exhibits

A

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229
E-MAIL: gpenn@brzoninglaw.com

November 4, 2008

Marc C. LaFerrier, AICP
Director, Department of Planning & Zoning
Miami-Dade County
111 NW 1st Street
11th Floor
Miami, FL 33128

Re: Modifications to Proposed Charter School Mitigation Plan Language – Application 11 of the April 2008 Comprehensive Development Master Plan Amendment Cycle.

Dear Mr. LaFerrier:

Our firm represents the Builders Association of South Florida (the "BASF") in the above-referenced application. The application seeks to amend the text of the Educational Element of the Comprehensive Development Master Plan to permit, under certain limited circumstances, the use of charter schools as mitigation under the County's forthcoming school concurrency system.

Following the Planning Advisory Board hearing on the application, the BASF has agreed to make two small changes to the proposed text in order to address an issue raised by the County Attorney during the hearing. The BASF has amended the text to make it clear that charter schools used as mitigation for a lack of public school capacity would be permitted to establish enrollment "preferences" rather than enrollment "limits." This change was intended to make the amendment text more consistent with the terms employed by the relevant state statute.

We are enclosing a revised version of the amendment text as well as an amended version of the proposed change to the County's draft Amended and Restated Interlocal Agreement for Public School Facility Planning. As you know, we intend to request that the Board of County Commissioners amend the text of the draft Interlocal Agreement to make the Agreement consistent with the proposed Amendment text.

WACHOVIA FINANCIAL CENTER • 200 SOUTH BISCAYNE BOULEVARD, SUITE 850 • MIAMI, FLORIDA 33131
PHONE. 305.374.5300 • FAX. 305.377.6222

If you have any questions or concerns, please do not hesitate to phone my direct line at (307) 377-6229.

Sincerely yours,

Graham Penn

cc: Subrata Basu
Mark Woerner
Paula Church
Rey Melendi, BASF President
Truly Burton
Jeffrey Bercow, Esq.

Revised Proposed Changes to CDMP Educational Element:

EDU-2C

* * *

b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180(13)(e)1, Florida Statutes, and subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Schools as may further define the available proportionate share mitigation options. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion or payment for land acquisition or construction of a permanent public school facility; <u>the construction of a public charter school facility;</u> or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commissioners and must be identified in the Miami-Dade County Public Facilities Work Program. <u>The use of a charter school facility as mitigation shall be further limited as follows:</u>

1. <u>The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.</u>

2. <u>The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.</u>

3. <u>All charter school facilities must have binding restrictions upon their use that provide enrollment</u>

preferences to those students residing within the development or, where the facilities will provide capacity in excess of that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment preferences shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

4. All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

5. All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

6. In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, the school's charter shall contain provisions detailing the terms and conditions for the Miami-Dade County Public Schools to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

* * *

CHARTER SCHOOL-RELATED MODIFICATIONS TO THE CURRENT DRAFT OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY (July 1, 2008 Version)

* * *

Section 9. Implementation of Public School Concurrency

* * *

9.2 The School Board and County agree to the following principles for public school concurrency in Miami-Dade County:

* * *

f) *Proportionate Share Mitigation:* The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation:

* * *

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's Public School Facilities Element. Options shall include the following:

* * *

4. Charter School Facilities -- Build charter school facilities that will provide at least as many student stations as needed by the development. Any charter school mitigation plan shall be subject to the requirements set forth below.

   a) The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.

   b) The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.

   c) All charter school facilities must have binding restrictions upon their use that provide enrollment preferences to those students residing within the development or, where the facilities will provide capacity in

excess of that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment preferences shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

d) All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

e) All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

f) In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, Miami-Dade County Public Schools shall have the option to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

5~~4.~~ Mix and Match – Combine two or more of these options to provide sufficient capacity to mitigate impact of the residential development on the affected concurrency service areas.

6.~~5.~~ Mitigation banking – Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall only be transferred to developments within the same concurrency service area or a contiguous concurrency service area. Mitigation banking shall be administered by the School Board in accordance with the requirements of the concurrency mitigation system.

* * *

The County and the School Board shall consider the evaluation report and the options that may be available for proportionate share mitigation including the amendment of the District Facilities Work Program. If the County and the School Board find that options exist for proportionate share mitigation, they shall authorize

the preparation of a development agreement and other documentation appropriate to implement the proportionate share mitigation option(s). A legally binding development agreement shall be entered into between the School Board, the County, and the applicant and executed prior to the issuance of the final plat, site plan, or functional equivalent. Grounds for the refusal of either the County and/or Cities or the School Board to approve a development agreement proffering charter school facilities shall be limited to the agreement's compliance with the requirements of Section 9.2(f)(4) of this Amended and Restated Agreement. In that agreement, if the School Board accepts the mitigation, the School Board must commit to place the improvement required for mitigation in the first three (3) years of the Five Year Plan. This development agreement shall include the landowner's commitment to continuing renewal of the development agreement until the mitigation is completed as determined by the School Board. This agreement shall also address the amount of impact fee credit that may be due for the mitigation, and the manner in which it will be credited.

B

September 29, 2008

The attached Charter School report has been prepared and submitted by:

K. WILBUR CONSULTING, INC.
15805 S.W. 153 Avenue
Miami, Florida 33187

By: _____ Date: September 29, 2008
Kathryn Wilbur

Charter Schools

All charter schools in Florida are public schools and part of the state's program of public education. Fla. Stat. 1002.33. They are operated by a nonprofit organization, a municipality, or other legal entity under a performance contract or "charter." Charter schools provide freedom and flexibility from many regulations created for traditional public schools while being held accountable for academic and financial results.

Charter schools must fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods.
4. Require the measurement of learning outcomes.

Charter schools may also be created for the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

The limited use of charter schools is proposed as a mitigation option for school concurrency. In addition to the requirements set forth in Florida Statute 1002.33, a charter school mitigation plan shall be subject to the following requirements:

1. Limit its attendance boundaries to students residing within the new development or, if the school will offer excess capacity beyond the anticipated impacts of the residential development, students living within a reasonable distance of the school;

2. Be owned by a nonprofit entity or local government;

3. Be constructed so that classrooms and related facilities comply with SREF; and

4. Provide a mechanism in its charter giving an option to Miami-Dade County Public Schools (MDCPS) to assume operation/ownership of the school in the event the charter school ceases operation.

Economic Benefits to MDCPS

Operating Funds – Charter schools are funded similar to traditional public schools, through the Florida Education Finance Program (FEFP) based on each school's FTE figures. Pursuant to statute, a Sponsor must provide certain administrative and educational services to charter schools and may charge an administrative fee of up to 5% of the funds for up to and including 500 students per school. For 2008-09, the administrative fee for MDCPS is estimated to be more than $6,000,000.

Capital Outlay – Charter schools provide their own facilities with their own funding; as a result, MDCPS does not have to construct student stations and reaps a substantial savings of capital outlay. As indicated in the table below, if the 23,604 charter school students were to attend MDCPS schools instead, the current cost to construct the necessary student stations, exclusive of land, is more than $504 million. Additionally, by decreasing enrollments in MDCPS schools, the district has an increased ability to comply with class size requirements and avoid penalties, as well as to reduce its Level of Service (LOS), which can result in higher school concurrency/impact fee revenues.

Capital Outlay Savings to MDCPS from Charter Schools

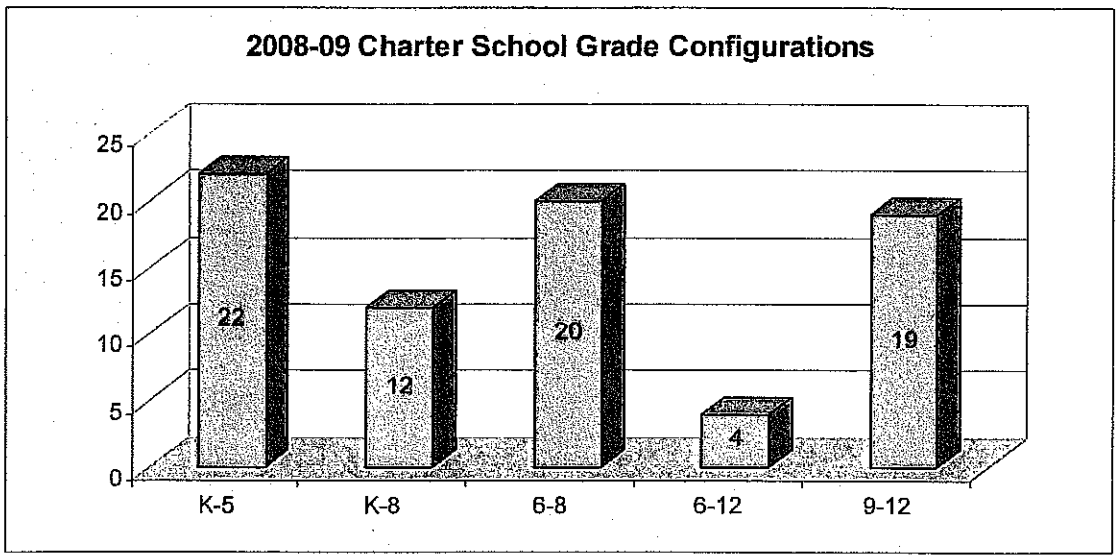
Type of Student Station	# of Student Stations	Cost Per Student Station*	**Total Capital Outlay**
Elementary	10,577	$19,161	$202,665,897
Middle	7,862	$20,691	$162,672,642
Senior High	5,165	$26,877	$138,819,705
Total	23,604		**$504,158,244**

* Florida Department of Education Student Station Cost Factors for June, 2008

Miami-Dade County Charter Schools

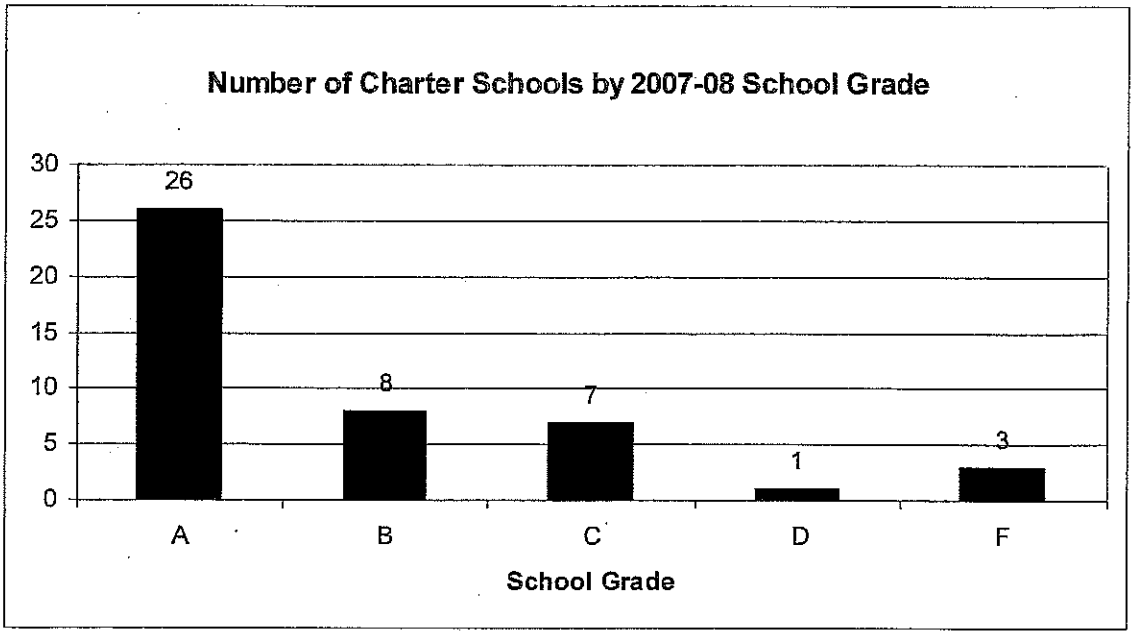
In 2008-09, there are 77 charter schools serving 23,604 students in Miami-Dade County. More than 53% of these students are economically disadvantaged (receiving free/reduced price lunches) and over 15% are LEP (limited English proficiency) or ESE (exceptional student education) students.

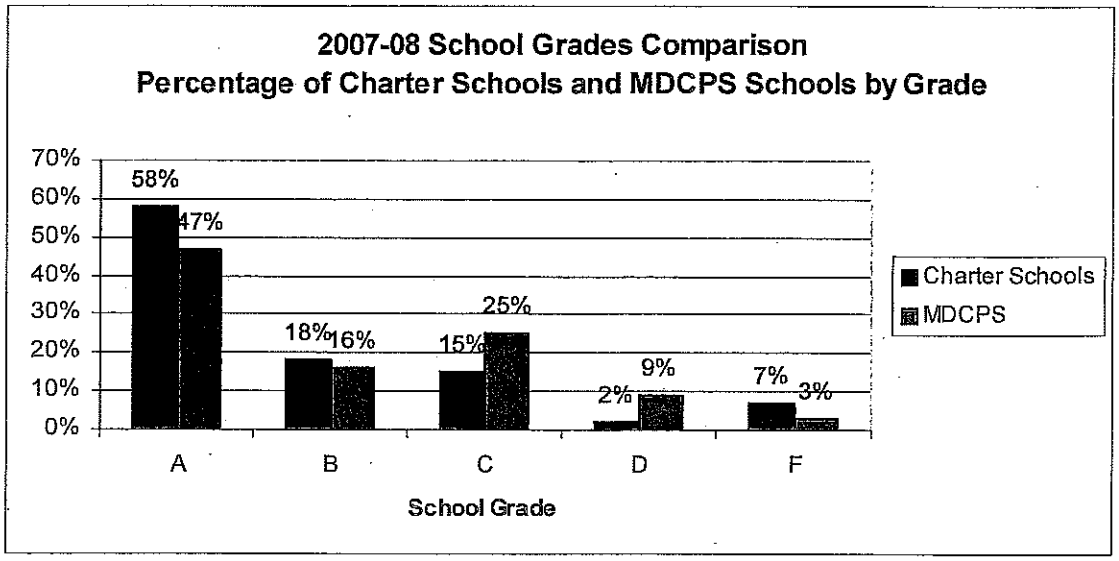
Types of charter schools:



Academic Performance

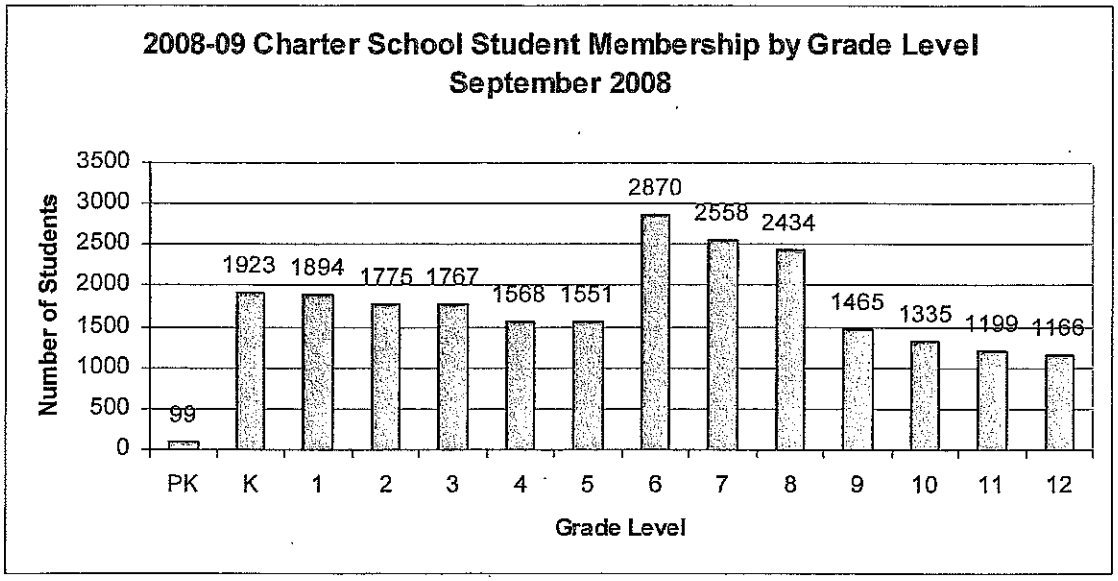
45 charter schools received a school grade in 2007-08. Of these, 34 charter schools (75%) received a grade of "A" or "B," as compared to 63% for Miami-Dade County Public Schools.





Student Membership

Over 53% of the 23,604 charter school students are economically disadvantaged (receiving free/reduced price lunches), and more than 15% are classified as LEP (limited English proficiency) or ESE (exceptional student education) students.



2008-09 Charter School Student Membership by Program September 2008								
Total # Charter School Students	Free/Reduced (F/R) Lunch		Limited English Proficiency (LEP)		Exceptional Student Education (ESE)		Gifted	
	#	%	#	%	#	%	#	%
23,604	12,522	53.1%	2,219	9.4%	1,389	5.9%	1,481	6.3%

C

PORTIONS OF THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

continuing in good faith, provided that the total reservation period does not exceed six (6) years, as further specified in the applicable concurrency management system regulations If the application was denied, the School Board's staff shall deduct from its database the students associated with the application.

(f) *Proportionate Share Mitigation*: The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation.

1. *Student Generation Multipliers* for single family and mobile home housing types for elementary, middle and high Student Generation Multipliers shall be developed as provided subsection 9.2(d) above;

2. *Cost per Student Station calculations* for elementary, middle and high schools. These calculations shall be based on the most recent Cost Per Student Station factors published by the Florida Department of Education (see http //edr state.fl.us/conferences/peco/station htm) for the year that the project is planned. The cost of ancillary facilities that generally support the School Board and the capital costs associated with the transportation of students shall not be included in the Cost per Student Station calculation used for proportionate share mitigation;

3 The *capacity* of each school; and

4 The current and *reserved enrollment* of each school.

The above factors shall be reviewed annually and certified for application for proportionate share mitigation purposes during the period that the District Facilities Work Program is in effect.

In the event that there is not sufficient capacity in the affected or contiguous concurrency service area to address the impacts of a proposed development, the following steps shall apply. Either (i) the project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or (ii) a condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's impacts shall be phased and building permits shall be delayed to a date when capacity enhancement and Level of Service can be assured; or (iii) the project must not be approved The school board and the County ~~affected local government~~ shall coordinate on the possibility of mitigation

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's ~~and Cities'~~

9.2(f) Proportionate Share Mitigation:

• • •

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's and Cities Public School Facilities Elements.

• • •

Public School Facilities Elements. Proportionate-share mitigation must be acceptable to the School Board. Options shall include the following.

1. Money – Contribute full capital cost of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, in the affected concurrency service areas, providing sufficient capacity to absorb the excess impacts of the development, on land owned by the School Board or donated by another development

2 Land - Donate land to and/or capital dollars equal to the cost of impact to the School Board needed for construction of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program in the affected concurrency service areas, and the School Board or some other entity funds the construction of or constructs the project.

3. Construction - Build a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, on land owned by the School Board or donated by another development, with sufficient capacity to absorb the excess impact of the development in the affected concurrency service area. (Usually, projects are more than one classroom).

4. Mix and Match - Combine two or more of these options to provide sufficient capacity to mitigate the estimated impact of the residential development on the affected concurrency service areas.

5. Mitigation banking - Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall only be transferred to developments within the same concurrency service area or a contiguous concurrency service area Mitigation banking shall be administered by the School Board in accordance with the requirements of the concurrency mitigation system.

If there is a lack of agreement among the applicant, the County ~~applicable local government~~ and the School Board on the option to be used for mitigation as set forth in options 1-5 above, the County ~~local government~~ may accept mitigation in the form of money (option 1 above) only in accordance with the following procedures:

(a) The County ~~local government~~ shall inform the School Board of an impasse in writing, which shall trigger a thirty (30) day period for final negotiations.

(b) Upon receipt of the written notice of an impasse, the School Board shall schedule a negotiation session with the applicant and the County ~~local government~~

Options shall include the following:

1 **Money**

2 **Land**

3 **Construction**

4 **Mix and Match**

5 **Mititgation banking**

CHAPTER 1002.33, FLORIDA STATUTES — CHARTER SCHOOLS

The 2008 Florida Statutes

Title XLVIII K-20 EDUCATION CODE	Chapter 1002 STUDENT AND PARENTAL RIGHTS AND EDUCATIONAL CHOICES	View Entire Chapter

1002.33 Charter schools.--

(1) AUTHORIZATION.--Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE.--

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools.

(2) GUIDING PRINCIPLES; PURPOSE.--

- Meet high standards of student achievement
- Promote enhanced academic success
- Improve student learning
- Innovative learning methods.
- Provide rigorous competition within the public school district
- Expand the capacity of the public school system.
- Mitigate the educational impact created by the development of new residential dwelling units.

ISSUES AND RESPONSES: MIAMI-DADE COUNTY PUBLIC SCHOOLS

ISSUE RAISED BY MIAMI-DADE COUNTY PUBLIC SCHOOLS	BASF RESPONSE
Charter schools generally have no attendance boundaries	Schools used for mitigation must provide enrollment preferences for students residing within a reasonable distance of the schools.
Charter schools can go out of business	Provision in charters regarding transfer of school to Miami-Dade County Public Schools
Charter schools generally are not built to SREF standards	Schools used for mitigation must be built to SREF standards, subject to same waivers applied to Miami-Dade County Public Schools

ISSUES AND RESPONSES: DEPARTMENT OF PLANNING AND ZONING

ISSUE RAISED BY DEPARTMENT OF PLANNING AND ZONING	BASF RESPONSE
Charter Schools should be in place by certificate of occupancy	Same standard should apply to all schools
Charter schools should be close to development served	Schools used for mitigation must be located in or within 1/2 mile of development
Charter schools should have same enrollment exceptions as District schools	Schools used for mitigation must include same enrollment exceptions as District schools and cannot discriminate
Clarity needed as to how ownership of closed charter schools can be transferred to Miami-Dade County Public Schools	Charters must include mechanism governing transfer to Miami-Dade County Public Schools, including potential refund of impact fees used in construction
Amendment is premature – Interlocal Agreement needs to be amended first	BASF has submitted a proposed amendment to the Interlocal Agreement

1002.33(18)(f), FLORIDA STATUTES — CHARTER SCHOOLS

633.025, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80, fees for building and occupational licenses, impact fees, service availability fees, and assessments for special benefits.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

(g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project

To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, ... some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity.

If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes.

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 11/6/08 BCC Mtg. Date 11/6/08 Agenda Item # 5, 6, 7, 10

Subject: Aviation Dept Amendments

Name: Graham Penn

Address: 200 S Biscayne Blvd Suite 850

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: MDIA, LLC / WMP Aviation /

Organization Firm Client

Have your registered with the Clerk of the Board? Yes: X No:____

FOR

CMP

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 11-6-08 BCC Mtg. Date _____ Agenda Item # Application 8

Subject: Fountainbleu Lakes, LLC / Felix Lasarte, Esq

Name: Alisha Castro

Address: 9363 Fountainebleu Blvd H-106

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 11/06/08 BCC Mtg. Date _____ Agenda Item # 8

Subject: Speak in reference with Fountainbleu Lakes project.

Name: JORGE GASTON

Address: 9440 FOUNTAINBLEAU BLVD APT. 304 MIA. FLA. 33172

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 NOV/06/08 BCC Mtg. Date _____ Agenda Item # _____

Subject: #8

Name: FELIX CARCAMO

Address: 9363 FONTAINEBLEAU BLVD H-109

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 11/6/08 BCC Mtg. Date Final Agenda Item # 8

Subject: Applicant #8 FONTAINEBLEAU LAKES

Name: William Echuarria

Address: 8830 FONTAINEBLEAU BLVD # 104

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 11-6-08 BCC Mtg. Date _____ Agenda Item # 8

Subject: Fontainebleau Lakes

Name: Sol Dominguez

Address: 545 W Park Dr #7

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 11/6/08 BCC Mtg. Date _____ Agenda Item # 8

Subject: Fontainebleau Lakes

Name: Claudia Fabre

Address: 10464 NW 5 Ter, Miami, FL 33172

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:_____

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 11/06/08 BCC Mtg. Date _____ Agenda Item # 8

Subject: APPLICATION # 8

Name: Uvaldo Rodriguez

Address: 9682 Fountainbleau Blvd. #408

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 11/6/08 BCC Mtg. Date _____ Agenda Item # 8

Subject: Fountainblue Lakes

Name: JESUS CARLASSES

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: KBEC / NONE / NONE

Organization Firm Client

Have your registered with the Clerk of the Board? Yes :_____ No: ✓

FOR

CDMP

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date _____ BCC Mtg. Date _____ Agenda Item # #9

Subject: GOLD RIVER CORP.

Name: CLAUDE FABRE

Address: 10464 NW 5 TER, MIAMI, FL 33172

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:_____

FOR

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 11-6-08 BCC Mtg. Date _____ Agenda Item # 9

Subject: Gold River Corp

Name: Joe Dominguez

Address: 545 W Park Dr #7

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 11/6/08 BCC Mtg. Date _____ Agenda Item # 9

Subject: GOLD RIVER CAMP

Name: JENS CARCASSES

Address: 780 NW 99 PL MIAMI FL 33172

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: KBGC (Organization), NONE (Firm), NONE (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 11/6/08 BCC Mtg. Date 11/6/08 Agenda Item # 10

Subject: CDMP Application #10

Name: Alan Kascher (on behalf of applicant)

Address: 701 Brickell 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: [illegible] / [illegible] / Manuel Diaz

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 11/6/08 BCC Mtg. Date 11/16/03 Agenda Item # App. 13

Subject: Application 13

Name: Katie Edwards

Address: 1850 Old Dixie Hwy, Homestead

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: Dade County, Farm Bureau,

Organization Firm Client

Have your registered with the Clerk of the Board? Yes: ✓ No:____

AGAINST

CDMP

Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date 11/6/2008 BCC Mtg. Date _____ Agenda Item # _____

Subject: APPLICATION #1 - PERTAINING TO THE COMMUNITY OF LANDMARK

Name: KATHI PEREZ-GURRI

Address: 20000 NW 47th Ave Building 2, MIAMI GARDENS, FL, 33055

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: HIS HOUSE CHILDREN'S Home.

Organization Firm Client

Have your registered with the Clerk of the Board? Yes : ____ No: ✓

CDMP

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

Today's Date: 11/6/08 BCC Mtg. Date: _____ Agenda Item#: 2

Subject: _____

Name: Dr Clyde House Ph.D.

Address: 6099 S.W. 118 St Pinecrest

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

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

If yes, please list name: _____

Organization Firm Client

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

Do you require an interpreter?

¿Necesita un intérprete? ❑ Spanish/*Español* *Èske w bezwen yon Entèpret?* ❑ Creole/*Kreyol*

BCC Agenda Kit Package Contents
April 2008 Cycle CDMP Amendment Applications

1. Draft Agenda
2. Special Item A – Report
3. Special Item 1 - Small Scale Ordinance
4. Special Item 2 - Capital Improvements Element Ordinance
5. Special Item 3 - Board of County Commissioners Resolution
6. Special Item 4 - Standard Ordinance

* * * * * *

7. Additional Information for Application Nos. 1, 2, 3, 4, 8, 9, 10 and 11
8. Additional Information from Fire Rescue and the Schools
9. PAB Minutes for the April 2008 Cycle applications public hearing held October 6, 2008
10. Initial Recommendations Report

RECEIVED
EXHIBIT
NOV 06 2008
Cmc

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

Public Hearing On April 2008 Cycle Applications to Amend
The Comprehensive Development Master Plan

Stephen P. Clark Center
111 NW 1 Street, Commission Chambers
Miami, Florida 33189

October 6, 2008

PAB Members

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

Ivan Rodriguez, Miami-Dade Public Schools Representative (non-voting)
Larry Ventura, Homestead Air Reserve Base Representative (non-voting)

Department of Planning and Zoning Staff Present

Mark R. Woerner, Chief, Metropolitan Planning Section
Patrick Moore, Section Supervisor, CDMP Administration
Paula Church, Section Supervisor, Long Range Planning

Rosa Davis
Mark Dorsey
Panos Efstathiou
Dickson Ezeala
Katie Halloran
Lynne Akulin-Kaufman
Frank McCune
Garett Rowe
Nancy Rubin
Bob Schwarzreich
Napoleon Somoza
Tom Spehar
Rommel Vargas

Other County Staff Present

Zafar Ahmed, OCED
Joni Armstrong-Coffey, CAO
Kevin Asher, PARD
Enrique Cuellar, DERM
Barbara Falsey, PARD
John Garcia, MDT
Armando Hernandez, PWD
Humberto Jimenez, PWD
Greg Owens, MDAD
Jose Ramos, MDAD
Leland Salomon, GSA

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

I. Opening Remarks

The hearing began at 9:40 A.M. Chair Santiago welcomed the public to the Board's public hearing on the pending April 2008 Cycle applications, which were filed to amend the Miami Dade County Comprehensive Development Master Plan (CDMP). Ms. Santiago introduced the other PAB members and Mark Woerner, Chief, Metropolitan Planning Section, Department of Planning and Zoning. Mr. Woerner stated there were 18 applications of which ten are land use map amendments, four applications, Nos. 2 through 5, are small-scale applications and the remaining applications are text amendments.

II. Staff Presentations

Application No. 1

Mark Woerner presented the application as a staff application to amend the Land Use Plan map for a site located between NW 47 Avenue to NW 55 Court and between NW 199 Street and the Snake Creek Canal. He said the staff proposes to reduce the application site from 165.8 acres to 48 acres, and re-designate the subject property from "Institutions, Utilities and Communications" to the following: Parcel A to "Industrial and Office," Parcel B to "Business and Office," and eliminate Parcel C. Mr. Woerner provided a brief historical background of the subject property and an overview of the proposed amendment stating that the Board of County Commissioners (BCC) directed the County Manager to file the necessary CDMP amendments and a plan to re-develop the property. He also addressed the impacts the proposed development would have on traffic noting that local roadways would need to be improved in order to re-develop the site.

Pike Rowley, representative of the "His House" program, spoke in support of the development. However, he objected to the conceptual plan noting that the plan would demolish several cottages that are currently being used to house mentally challenged children and that the program lacks the funding necessary to relocate these children. He proposed that the plan be re-designed to allow the cottages to remain at their current location.

Subrata Basu, Assistant Director for Planning, responded to Board Members' concerns regarding the design of the proposed development stating that the proposal is under a long process and that re-designing the development is not practical because doing so will considerably limit the development. He added that local residents will be part of the process, however, there is no guarantee that existing buildings would remain. Board Member Rinehart inquired about funding for infrastructure, to which Mr. Woerner responded that currently there is no funding designated for infrastructure.

Ivan Rodriguez, non-voting Miami-Dade School Board representative, reminded the Board that the County may not adopt plan amendments that increase residential density and, because the proposed amendment would increase residential density, the School Board recommends that the application be denied. Board Member Sherouse inquired about the status of the Interlocal Agreement between Miami-Dade County and the School Board, to which Mr. Woerner responded that negotiations between the parties are still underway. Paula Church, Long Range Planning Section Supervisor, added that issues regarding the final language for the Interlocal Agreement are still pending. Joni Armstrong-Coffey, Assistant County Attorney, stated that the Board may proceed and make recommendations to the BCC regarding the CDMP amendments despite the lack of an Interlocal Agreement between the County and the School District.

Board Member Rinehart offered a motion to Deny and Transmit the application with recommendation to staff to work with "His House" officials to allow residents to remain in existing structures or relocate on site and designate funding for infrastructure. Board Member Gray seconded the motion. The motion passed 11 to 1 as follows:

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

Application No. 2

Mr. Woerner presented Application No. 2 as a small-scale application to amend the LUP map on a site located on the west side of NW 7 Avenue between NW 155 Lane and the Biscayne Canal. He corrected the staff's statement in the report regarding the prohibition of gasoline stations in the covenant for the application site. Mr. Woerner said that gasoline stations are not prohibited by the covenant and will be allowed if the amendment is adopted.

Chair Santiago asked the Board if there's a need to listen to the applicant's presentation, and if not, requested for a motion.

Board Member Sosna offered a motion to recommend adoption with acceptance of the proffered covenant; Board Member Huembes seconded the motion. The motion passed 10 to 1 as follows:

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

Application No. 3

Mark Woerner introduced Application No. 3 and stated that any change to the site plan would require a land use amendment, given that the land use application is tied to a covenant that includes a site plan.

Patrick Range, the applicant's representative, described the application site and stated that the covenant would be revised to prohibit residential development and to include a conceptual site plan rather than the original site plan. Mr. Range disagreed with the staff's assumption regarding the traffic generated by the development. He also said that although the application site is located within MSA 2.1, and includes major retailers such as Aventura Mall and the 163rd Street Mall, the site is located at the edge of the MSA where there is limited retail. Mr. Range referenced a self-storage industry analysis that showed a potential demand for 146,000 sq. ft. of self-storage use

within a 1-mile radius of the application site, and a 1.1-million sq. ft. deficit within a 3-mile radius of the application site. He added that the existing retail development adjacent to the application site was outdated, and the proposed self-storage and retail project would provide new retail opportunities in the area.

Board Members Rinehart and Sherouse expressed concerns regarding stormwater runoff. Board Member Sosna stated that the site is below grade, and that traffic congestion on NE 135 Street need to be addressed regardless as to whether the project is adopted or not. Board Member Fraga asked for an explanation of the difference between specialty retail and shopping center retail. Tim Plummer, applicant's consultant, stated that specialty retail comprises less than 20,000 sq. ft. and shopping center retail comprises 20,000 sq. ft. or more.

Board Member Rinehart made a motion to recommend to Adopt; Board Member Fraga seconded the motion to include adoption with the revised covenant that indicates allowed uses and limits the development to a total floor area of 102,600 square feet. The motion passed 8 to 4 as follows:

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

Application No. 4

Mr. Woerner presented the application as originally having requested the land use change on 4.81 gross acres and that staff recommended to Adopt with Change by expanding the property to a total of 9.99 gross acres, and redesignate the property to Medium Density Residential without a Density Increase 1 (DI-1). He explained that the application does not qualify for the DI-1 provision because of the existence of a controlled vehicular gate at the entrance of the property. He further stated that a 25% density increase could occur under the Workforce Housing program should the applicant choose to participate. This density would allow the property to be developed with additional 100 dwelling units beyond the total existing 208 units on the property. He noted that the current covenant submitted by the applicant should be corrected to offer at least 12.5% of the workforce housing units (WHU) instead of 5% as currently stated in the draft covenant.

Chair Santiago asked Matthew Amster, applicant's representative, if he accepted the staff's recommendations. Mr. Amster responded that he accepts the staff recommendation, with the exception of the portion that requires "sound urban design standards." He also accepted amending the proffered covenant to provide 12.5% workforce housing units. Board Member Ivan Rodriguez, non-voting Miami-Dade School Board representative, corrected for the record the name of the elementary school the School Board had wrongfully identified in its impact review letter to the County. He said that the School Board's concerns would be concurrency and/or other mitigation plans that would be worked out with the applicant.

Board Member Sosna made a motion to recommend to Adopt with Change as recommended by staff (small-scale amendment) and with acceptance of the proffered covenant. Board Member Rinehart seconded the motion. The motion passed 8 to 2 as follows:

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

Application Nos. 5, 6 and 7

Application Nos. 5, 6 and 7 were heard simultaneously. There was no discussion on the items, however, the PAB voted on each application separately since Application No. 5 is a small-scale application and Application Nos. 6 and 7 are standard applications.

Board Member Rinehart offered a motion to recommend adoption of Application No. 5 with acceptance of proffered covenant; Board Member Sosna seconded the motion. The motion passed unanimously as follows:

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

Board Member Rinehart offered a motion to recommend Adoption and Transmittal of Application No. 6 with acceptance of proffered covenant; Board Member Iglesias seconded the motion. The motion passed unanimously as follows:

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

Board Member Huembes offered a motion to recommend Adoption and Transmittal of Application No. 7 with acceptance of proffered covenant; Board Member Leal seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Gray	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William E. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes

Eddy Joachin	Yes	Georgina Santiago, Chair	Yes
Daniel Kaplan	Absent	Christi Sherouse	Yes
Serafin Leal	Yes	Jay Sosna	Yes

NOTE: At this point during the public hearing, the Board agreed to discuss Application No. 20 as it was related to Application Nos. 5, 6 and 7, and while Miami-Dade Aviation Department staff was present.

Application No. 20

Mr. Woerner presented a brief introduction of this application, which was submitted by the DP&Z for the Aviation Department. Mr. Woerner said the is a text amendment to revise the text of the Transportation Land use category in the Land Use Element of the CDMP and text in the Aviation Subelement of the Transportation Element of the CDMP.

Greg Owens and Jose Ramos, both of Miami-Dade Aviation Department, stated that the text change would permit anywhere from 5% to 50% commercial uses at Miami International and Kendall-Tamiami airports. Board Member Rinehart questioned why it appears that the west side of Opa Locka Airport already exceeds the 5% to 25% commercial use that is being requested. Mr. Owens stated that the commercial percentages apply to the entire airport and not solely on the west portion of the airport.

Board Member Leal offered a motion to recommend Adopt and Transmit Application No. 20; Board Member Huembes seconded the motion. The motion passed 11 to 1 as follows:

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

Application No. 8

Mark Woerner stated that the application site was a portion of the Fontainebleau property that was subject to a land use amendment in the April 2003 and April 2004 amendment cycles. He said that the application was denied in the April 2003 cycle, but was approved in the April 2004 cycle, which resulted in a portion of the application site being redesignated from "Parks and Recreation" to "Medium Density Residential" (13 to 25 DU/Gross Acre). Mr. Woerner summarized the staff's reasons for a recommendation to Deny and Do Not Transmit to include inconsistency with the existing covenant, and non-conformance with the Guidelines for Urban Form as prescribed in the CDMP text. Other issues identified by Mr. Woerner included traffic impacts, which would cause adjacent roadways to operate below their projected Year 2015 level of service (LOS) standards, the loss of open space and 467 residential units, and no need for additional commercial land due to the number of existing shopping centers and malls within a 2-mile radius of the property.

Felix Lasarte, the applicant's representative, stated that the application site has been reduced to approximately 31 acres. He said that he has coordinated with Miami-Dade County Parks and Recreation to ensure that enough green space, and a buffer with a connection to the existing residents north of the subject property, are worked out effectively. He also said the applicant intends to provide a minimum 100-foot green buffer between residences north of the property and the proposed shopping center. The applicant is also committed to amending the existing covenant to address staffs concerns between the existing and new covenant(s). Mr. Lasarte also reported that a newly revised Fire-Rescue impact analysis indicates a drop in the potential number of alarms generated by the project. He also presented an animated video of the anticipated commercial shopping center with landscaping, parking and open space areas.

Guillermo Olmedillo, applicant's consultant, stated that there is not enough commercial development to serve the residents of the Fontainebleau and neighboring residential developments. Greg Kyle, applicant's consultant, said that the applicant's revised traffic analysis demonstrates that the traffic impacts that would result from the requested land use designation would not be significant, even through Year 2015. Approximately six members of the public spoke in support of the application, indicating their preference of the proposed shopping mall over the previously approved residential development. A representative from the Blue Green Committee states that they are currently supporting the staff recommendation but they are negotiating with the applicant. There was no opposition from the public.

Several PAB members concurred with the preference of commercial development over residential development. However, Board Member Fraga disagreed and was concerned over the potential loss of residential units and open space that were previously approved, and the traffic impacts on West Flagler Street. Mr. Woerner was concerned that (a piece of) the property would create an "island" of Medium Density Residential designated property west of the application site if the applicant excludes it from the reduced size of the application site. Mr. Lasarte responded that he would redraft the covenant and meet with the DP&Z and any other agency or party to address their concerns before the BCC meeting in November.

Board Member Iglesias made a motion to recommend to Adopt with Change by reducing the size of the property to 31.9 acres and Transmit with an acceptance of a proffered covenant; Board Member Huembes seconded the motion. The motion passed 7 to 4 as follows:

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

Application No. 9

Mark Woerner presented Application No. 9 as a standard application to amend the LUP map on a site located on the northeast corner of West Flagler Street and NW 102 Avenue. Mr. Woerner provided an overview of the proposed amendment including staff's initial recommendations.

Juan Mayol, applicant's representative, provided an overview of the proposed development and stated that the application has the support of the local neighborhood and the Mayor of Sweetwater.

Mr. Mayol detailed the provisions of the most recent covenant, addressed the amount of existing commercial uses in the area, and noted that because of the nature of the proposed commercial development, it will not compete with local small retailers. He also stated that the existing residential development within one square mile of the application site is currently underserved by retail.

Andrew Dolkart, applicant's economic consultant, addressed supply and demand of commercial land. Cathy Sweetapple, applicant's traffic consultant, addressed traffic impacts from the proposed development and stated that traffic counts will actually be reduced from the original estimate as a result of a provision in the covenant limiting development to 400,000 square feet of floor area. Mr. Mayol concluded his presentation by stating that the proposed project will have no impacts to the public school system, and will have a positive impact on the community by bringing jobs into the local area. Two residents opposed the project because of the impact the development would have on the community. One resident spoke in support of the application, stating that the proposed development will bring jobs to the area and cause less transit trips.

Board Member Iglesias and Chair Santiago expressed support for the amendment stating that the immediate area is underserved by commercial development. However, Board Member Sherouse disagreed, noting the amount of existing vacant commercial space available. She asked Mr. Mayol what his intentions were regarding the community council's desire to retain residential use, or develop the property as mixed-use. Mr. Mayol stated that he would have a development program in place next year, but the amount of commercial space would not change.

Board Member Iglesias offered a motion to recommend Adopt with Change to allow residential development and Transmit with acceptance of proffered covenant for Application No. 9; Board Member Fraga seconded the motion. The motion passed 9 to 3 as follows:

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

Application No. 10

Mark Woerner introduced Application No. 10 as a standard application to amend the land use plan map for a 35-acre property located on the southwest corner of SW 112 Avenue/Allapattah Road and SW 248 Street. Mr. Woerner stated that the application was part of the April 2002 CDMP Cycle—along with an accompanying parcel on the east side of Allapattah Road designated Business and Office—and was designated Office/Residential. He further identified the covenant limitations on the property. The applicant is now requesting a LUP map change to Business and Office since the parcel on the east side of Allapattah Road was recently sold to Baptist Health Systems for office development. Alan Krischer, applicant's representative, made a brief presentation. There was no discussion on the item.

Board Member Sosna offered a motion to recommend Adopt and Transmit with acceptance of proffered covenant for Application No. 10; Board Member Rinehart seconded the motion. The motion passed unanimously as follows:

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

Application No. 11

Paula Church, Section Supervisor for Long Range Planning, introduced Application No. 11 as a standard text amendment submitted by the applicant, Builders Association of South Florida to revise the Educational Element of the CDMP. The amendment allows the use of charter schools as a proportionate share mitigation option. This language is proposed to be included in Policy EDU-2C of the Educational Element as presented in the replacement pages for the Special Amendment to the "Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County, Florida, October 2006 Edition." The applicant, by letter dated October 1, 2008, provided additional proposed modified language revising the amendment to reflect the CDMP text approved by the County Commission on July 1, 2008, providing for all charter schools used for mitigation be located either within the proposed development or within ½ mile of the development, clarifying the permitted exceptions to enrollment requirements for charter schools be identical to those applied to Miami-Dade County Public Schools (MDCPS) and prohibiting discrimination in enrollment, the terms under which the facility could be assumed by MDCPS, and requiring charter schools to comply with F.S. 1002.33(18)(f), which details terms under which impact fees used to construct a charter school may be refunded to a local government upon the closure of the charter school.

Ms. Church stated that staff's initial recommendation is to deny and not transmit this application. She explained staff's reasons for denial are as follows: filing the proposed text amendment is premature and should not be considered until the Interlocal Agreement for Public School Facilities Planning (ILA) has been adopted. Though Miami-Dade County and the MDCPS are in agreement with the major components of school concurrency there are still some pending issues with the ILA. Mr. Woerner noted that each county and municipality must adopt a public school facilities element that is consistent with those adopted by other local governments within their county and must enter into an ILA. To date, there is not an executed ILA between all necessary municipalities, the County, and the School Board and no versions of the ILA ever included charter schools as a proportionate share mitigation option.

Graham Penn, the applicant's representative, asked the Board to approve the application. He informed the Board the reason for the proposed revisions to the text amendment provided by him is to address issues raised by the DP&Z and the School Board. He further informed the Board that charter schools are considered public schools in the Florida Statutes. Charter schools are public schools operated by a private entity through a contract with the School Board and provide educational services to students. Mr. Penn gave the Board an overview of the Charter School Statute 1002.33, noting one purpose fulfilled by charter schools is to mitigate educational impact created by new residential development. Last year during its transmittal hearing, for the School Concurrency Amendment to the Educational Element of the CDMP, this Board requested that charter schools be added as a proportionate mitigation option.

Kathy Wilbur, educational consultant for the applicant, provided additional information on charter schools, noting there are 77 charter schools in MDC with 23,600. The growth of charter school

students in MDC is approximately 2,000 students a year. She stated charter schools tend to be higher academic performing schools, they have more active parents, and there is a termination provision in the charter if they have two F's within a four-year period the charter is terminated. Currently the enrollment number for the MDCPS is down, however, if all charter students came back to MDCPS there would not be enough student stations to accommodate the students.

Mr. Penn informed the Board that charter schools are cheaper to build, cheaper to operate, and can be easily coordinated with private development. He further discussed that when a charter school is used for mitigation they will have attendance boundaries pursuant to statute, and the charter school statute allows for impact fees to be used for construction of charter schools, as long as the facility is constructed to State Requirements for Educational Facilities (SREF) standards. Thus, if a charter school ceases to operate it can easily be taken over by MDCPS. He noted that several of the large counties, Duval, Orange, and Broward recognize charter schools as an acceptable mitigation option for school concurrency, and the Department of Community Affairs (DCA) has approved those amendments. The amendment being proposed is consistent with those already approved by DCA and with Florida Statutes. Mr. Penn informed the Board that the attorney for the Miami-Dade County School Board had informed the School Board Concurrency Task Force that charter schools are not a statutory option.

Joni Armstrong-Coffey, County Attorneys Office, commented on the current language in the amendment she suggests a word change substituting the word "limit" with "priority" to indicate that students in nearby developments would be given priority enrollment in charter schools constructed for mitigation.

Board Member Rodriguez, MDCPS, stated that his agency agrees with DPZ staff that Application No. 11 should be denied and not transmitted and finds the proposed text amendments are premature. DCA will not review Policy EDU-2C and related amendments for compliance that were part of the special amendment adopted in July because no executed ILA between the County and the School Board currently exists. Mr. Rodriguez noted that state law requires a uniform district-wide school concurrency system and currently 23 municipalities within the County have adopted and executed an ILA with the School Board. Mr. Rodriguez informed the Board that the School Board Concurrency Task Force comprised of representatives from the School Board (two), Builders (four), the County (two), and the League of Cities (two), met for over an 18-month period and did not recommend Charter Schools as a mitigation option. He also noted that MDCPS treats charter schools as schools of choice.

Several members of the Board commented in favor of the amendment, noting that developers can build schools in half the time that it takes the school board to construct a facility and it has taken the School Board so many years to build the facilities to accommodate students. Members expressed concerns with allowing School Board final authority over construction in MCD. Board Member Sherouse commented that it is critical to get MDC into compliance with state law through the execution of an ILA and this amendment would disrupt the ILA process. Board Member Rinehart stated that he is in favor of the charter school option and noted that charter schools allow a quick response to market demand for new housing and the resulting need for new school facilities. In response to Mr. Rinehart's comment, Mr. Rodriguez explained school concurrency is designed to analyze whether school capacity is available and to require mitigation where existing school facilities are not sufficient to accommodate impacts of new development.

Board Member Leal offered a motion to recommend Adopt with Change as recommended by the applicant in a letter dated October 1, 2008 and further modified by the County Attorney, and Transmit the proposed amendment; Board Member Huembes seconded the motion. The motion passed 7 to 4 as follows:

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

Application No. 13

Paula Church introduced Application No. 13 as a standard text amendment submitted by DPZ Staff to add language to the Land Use Element of the CDMP to clarify the meaning of the term "ancillary to agriculture," to allow some uses to be "stand alone" rather than part of an active farm, and to allow owner-occupied, owner-operated Bed and Breakfast (B&B) establishments in Agriculture land use areas. The proposed text changes would also state that a designated historic structure may be converted into a Bed and Breakfast use. The text to be amended begins on page I-58 of the Land Use Element of the CDMP.

Mrs. Church explained that amending the text of the CDMP to expand uses allowed in Agriculture designated areas would provide farmers with more options to achieve economic viability and to maintain their property as agricultural land. She noted that the Bed and Breakfast use and other proposed uses may offer farmers an additional income stream. She noted that the designated historic structures would not need to have an agricultural classification by the property appraiser to open a B&B.

Five members of the public spoke in support of the proposed amendment. Edward Evans, Assistant Professor with the University of Florida stationed in Homestead at the Tropical Research and Education Center strongly supports the amendment and noted that value-added agriculture is not static and that farmers struggling financially need to have options to incorporate additional funding streams through tourism, processing, or similar. He also brought up the concept of value-added, namely how agricultural lands contribute to the general public good by providing other goods that are valued by society such as open space, recreation, and preservation of natural resources. Agri-tourism enables agricultural users to receive some financial benefit for the provision of the public goods listed above. Peter Schnebly, owner of Redlands Winery strongly supports the amendment and compares the potential of the Redland area to the Finger Lakes wine region of New York. Katie Edwards, Executive Director of the Dade County Farm Bureau, asked the Board to take a long-range perspective and adopt the amendment to preserve valuable agricultural land. The owner of Gaby's Farm Ice Cream stated that she incurs extra costs because she is not allowed to process her tropical fruit ice cream, made of local fruits, on her agricultural land in the Redland area. Brian Canessa, Executive Director of the Tropical Everglades Visitors' Association, notes that agri-tourism offers significant potential for MDC through tax revenue and job creation.

Two members of the public, a Redland resident and a Redland grower, spoke against the proposed amendment and called for more analysis. Both of these speakers were concerned about B&B's not really helping actual farmers, and wondered why the County would allow agricultural products not produced in the County to be brought here to be processed. They felt that replacing Florida with Miami-Dade County in the paragraph allowing agricultural products to be processed here.

Board Member Pamela Gray had concerns that only a few farmers would be able to take advantage of the amendment and that fire hazards for B&B's should be considered since the Redland is outside of the Urban Development Boundary. She would like the amendment to be examined by a community council. Board Member Ramirez opined that the amendment would allow ranch owners to sell their properties back to the farming community for bed and breakfast businesses. Board members discussed the issue of restricting products to those produced in the various options of Florida, South Florida, or Miami-Dade County. One suggestion was to add a minimum percentage of local products required to be processed.

Board Member Sosna moved to recommend Adopt with staff revisions dated October 2, 2008, and Transmit Application No. 13; Board Member Fraga seconded the motion. The motion passed 10 to 1 as follows:

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

NOTE: The Board agreed to hear the remaining text amendments together. Mark Woerner gave a brief overview of each text amendment as follows:

Application No. 12, filed by the Department with a recommendation to adopt, is the annual amendment to the Capital Improvements Element to update the Schedule of Improvements;

Application No. 15, filed by the Department with a recommendation to adopt and transmit, amends the Land Use Element to provide density bonus programs for affordable and workforce housing, and provides various criteria under which density bonuses would be allowed;
Application No. 17 is a text amendment in the Land Use Element under the Industrial and Office category to add parameters for allowing stand alone or freestanding retail to serve industrial workers. The Department recommends adopt and transmit;

Application No. 18 is an amendment to the Housing Element to clarify a policy adopted in the last amendment cycle, which provided for adopting an affordable workforce-housing plan that is required by the State. However, Mr. Woerner suggested that the words "...as amended from time to time." be stricken from the end of the policy, and to adopt with further change and transmit; and

Application No. 19 is a standard text amendment to update the Exotic Pest Plants List in the Conservation Element of the CDMP. The 2003 EAR inadvertently left off the List the species Australian pine, Air potato, and Ficus microcarpa. Staff recommends adoption with changes dated October 2, 2008.

Board Member Leal made a motion to Adopt Application No. 12; Board Member Fraga seconded the motion. The motion passed unanimously by voice vote.

Board Member Rodriguez expressed the School Board's concerns regarding Application No. 15 and the increased densities proposed by the application. Mr. Woerner stated that all of the LOS standards for schools and other conditions must be addressed before an applicant is eligible to receive the proposed density bonuses.

Board Member Fraga made a motion to Adopt and Transmit Application No. 15; Board Member Leal seconded the motion. The motion passed unanimously by voice vote.

Board Member Sosna made a motion to Adopt and Transmit Application No. 17; Board Member Rinehart seconded the motion. The motion passed unanimously by voice vote.

Board Member Leal made a motion to Adopt with further Change and Transmit Application No. 18; Board Member Huembes seconded the motion. The motion passed unanimously by voice vote.

Board Member Leal made a motion to Adopt with staff changes dated October 2, 2008 and Transmit Application No. 19; Board Member Huembes seconded the motion. The motion passed unanimously by voice vote.

III. Overall Resolution

Board Member Fraga made a motion to adopt a resolution for applications 1 through 20; Board Member Huembes seconded the motion. The motion passed unanimously as follows:

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

After the final vote, Board Member Fraga made a request that the School Board appear at the next PAB meeting to make a presentation on regarding their accomplishments over the last few years.

The hearing concluded at 4:13 P.M.

File Copy
PAB
10-6-08

PLANNING ADVISORY BOARD
MIAMI-DADE COUNTY
OCTOBER 6, 2008

TIBOR HOLLO
APPLICATION NO. 2

APRIL 2008 CDMP AMENDMENT APPLICATION CYCLE

HANDOUT

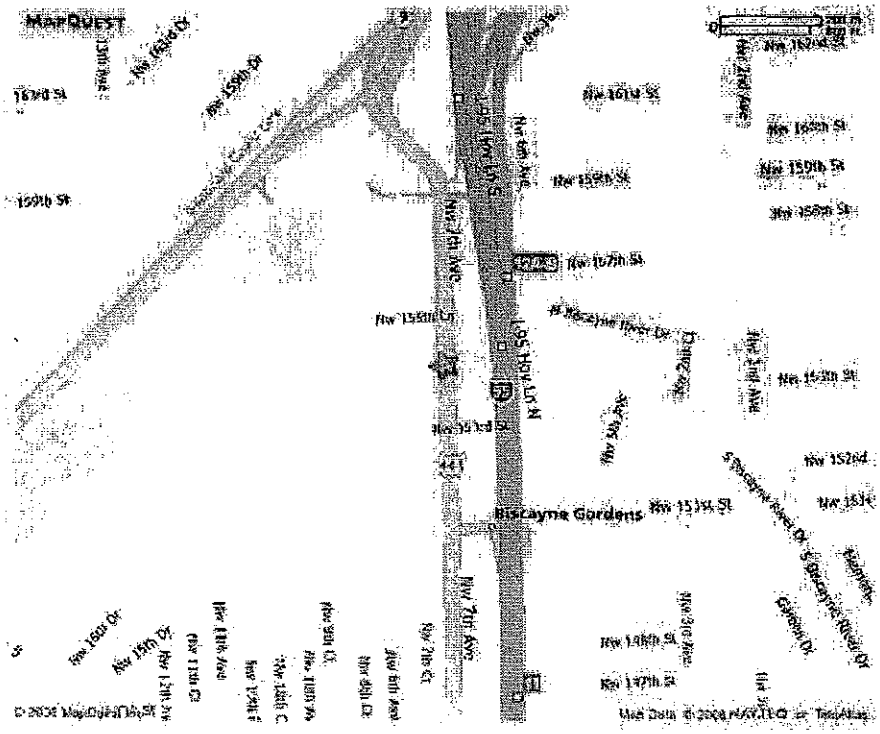
RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

TABLE OF CONTENTS

Property Location Map	A
Aerial Photograph of Commercial Corridor and Photographs of Surrounding Properties	B
Aerial Photograph Showing Transit Alternatives	C
Proffered Covenant	D

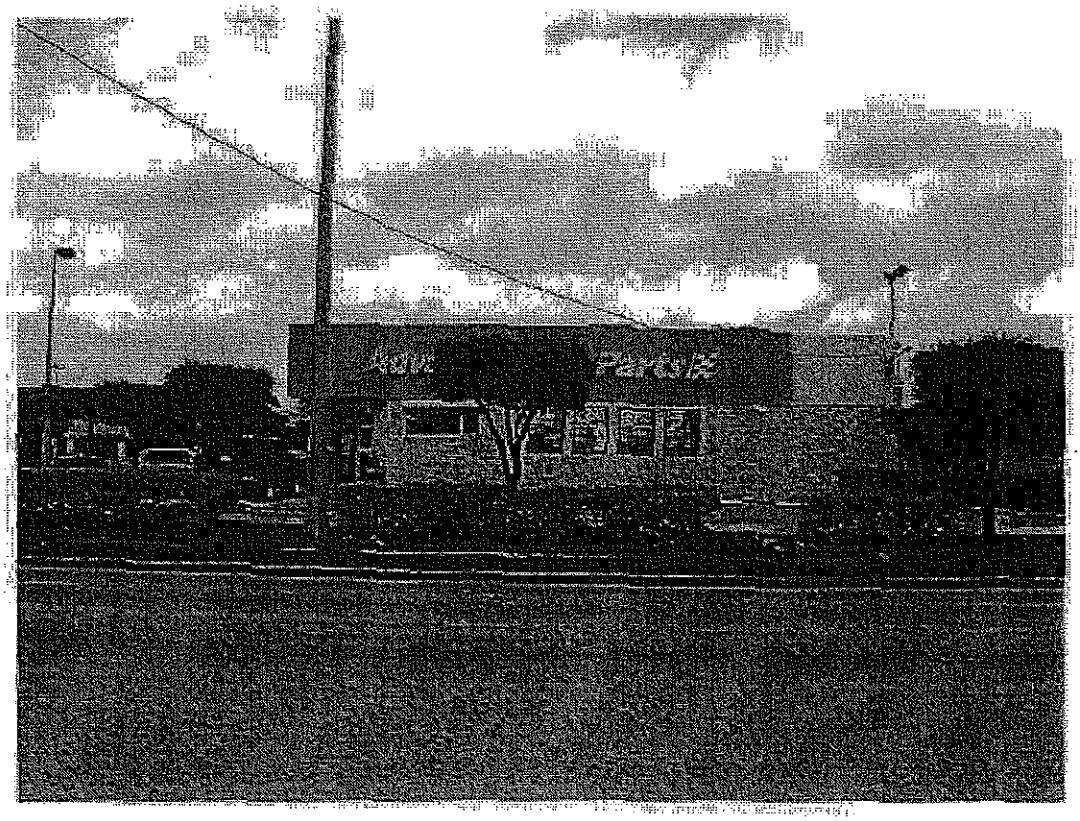
Location Map for Subject Property
(Southwest corner of NW 7 Avenue and NW 155 Lane)



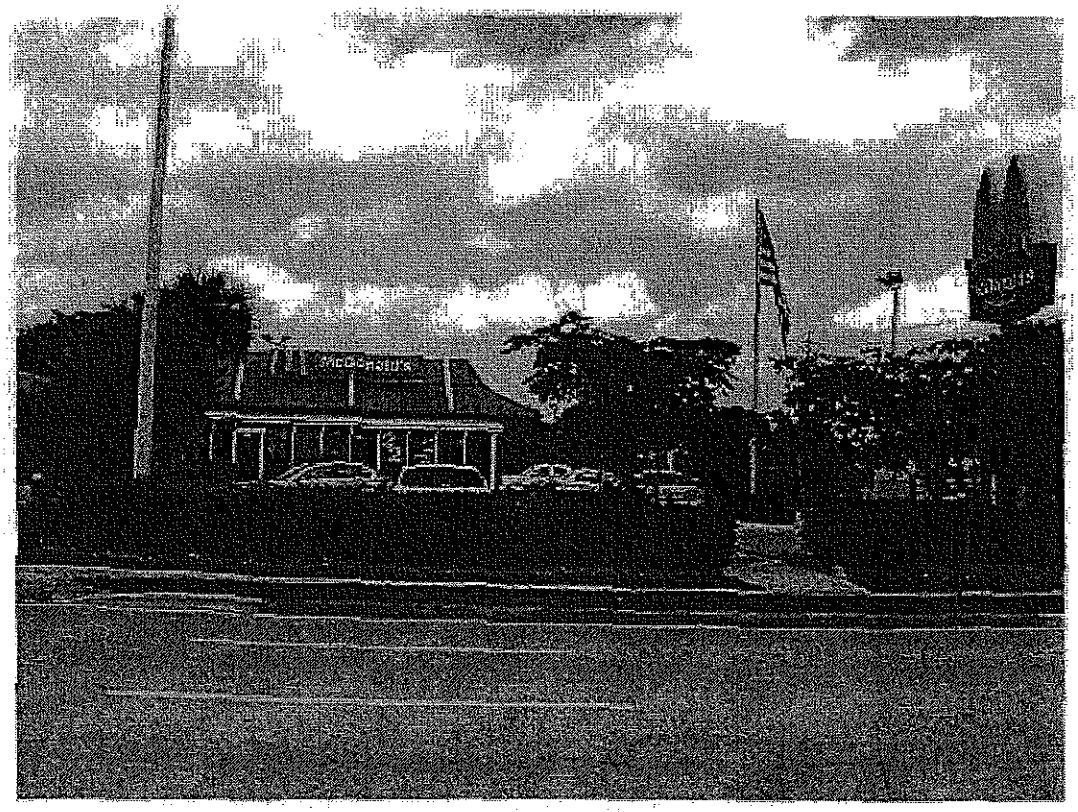
APPLICATION NO. 2, TIBOR HOLLO
APRIL 2008 APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

AERIAL VIEW OF COMMERCIAL CORRIDOR ALONG N.W. 7TH AVE.

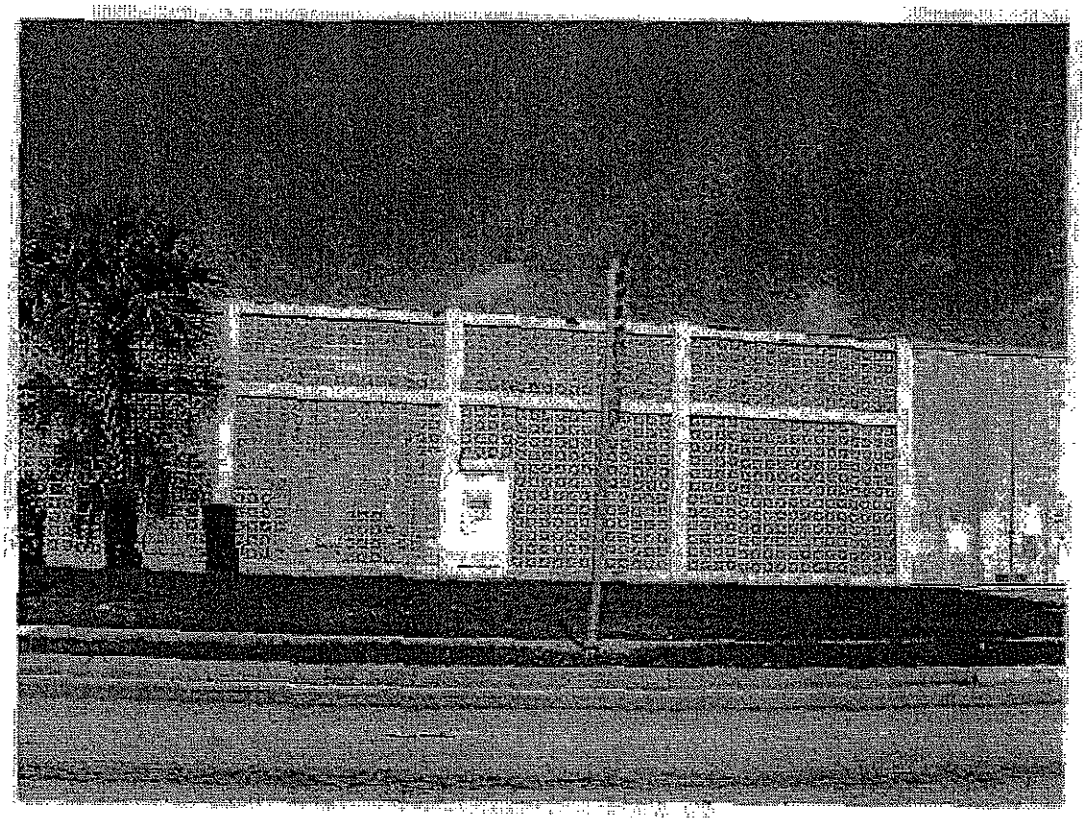
(A) Advance Auto Parts



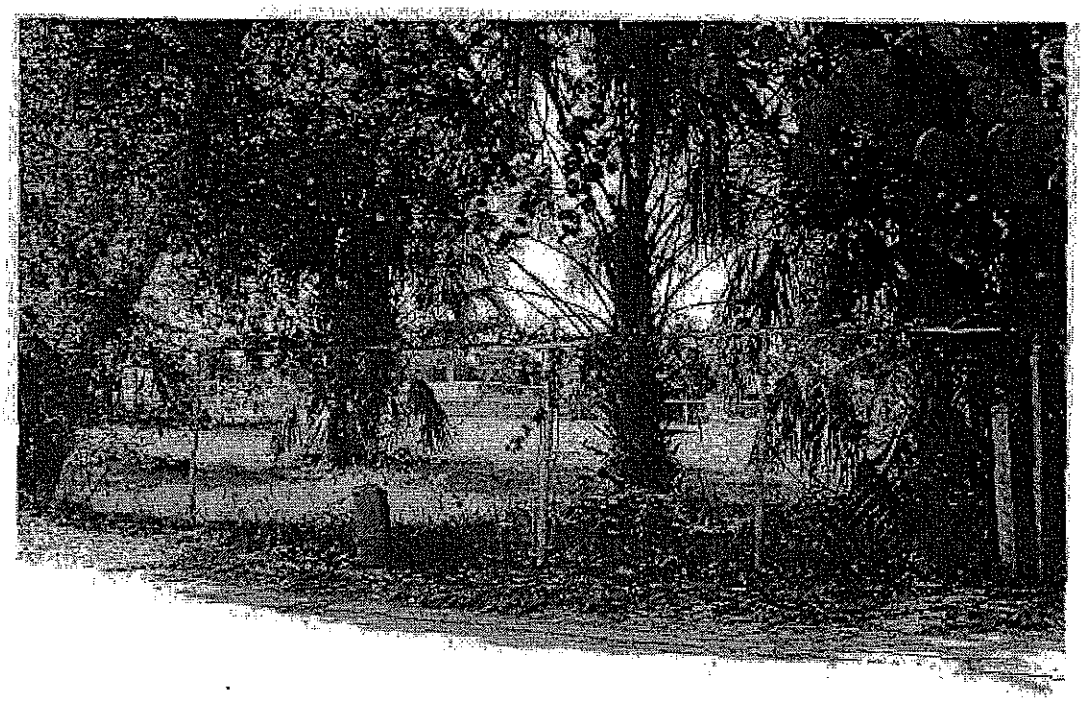
(B) McDonald's



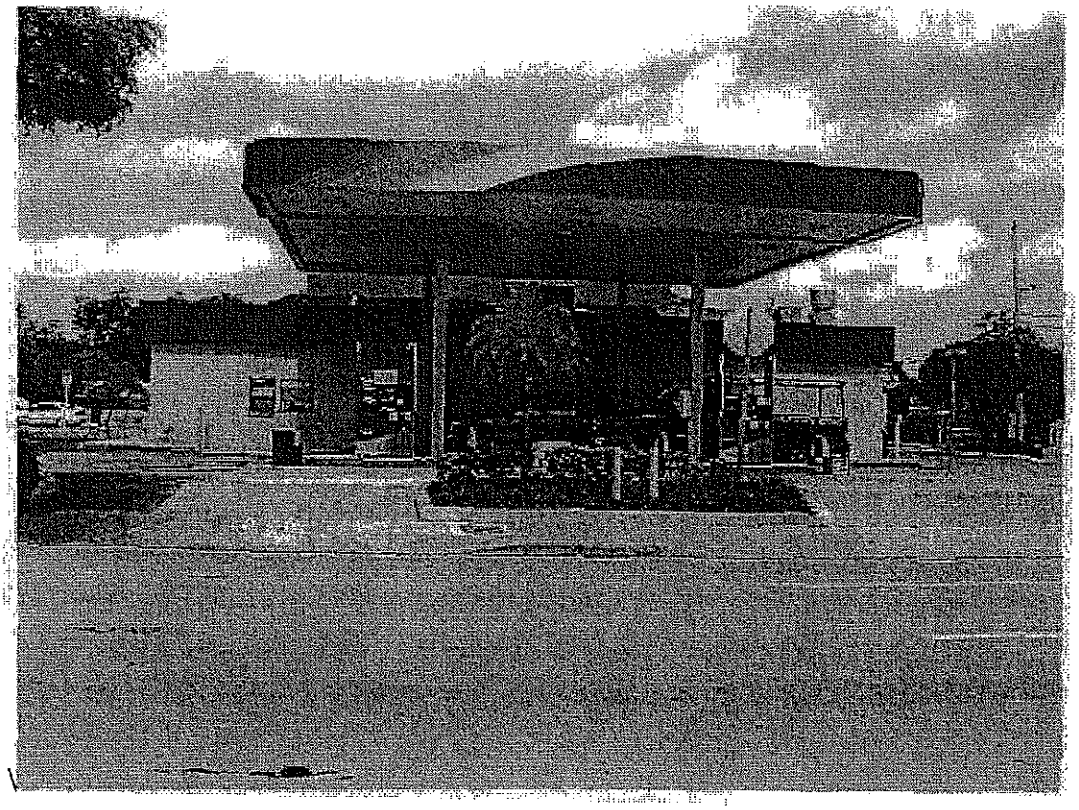
(C) FP&L Substation



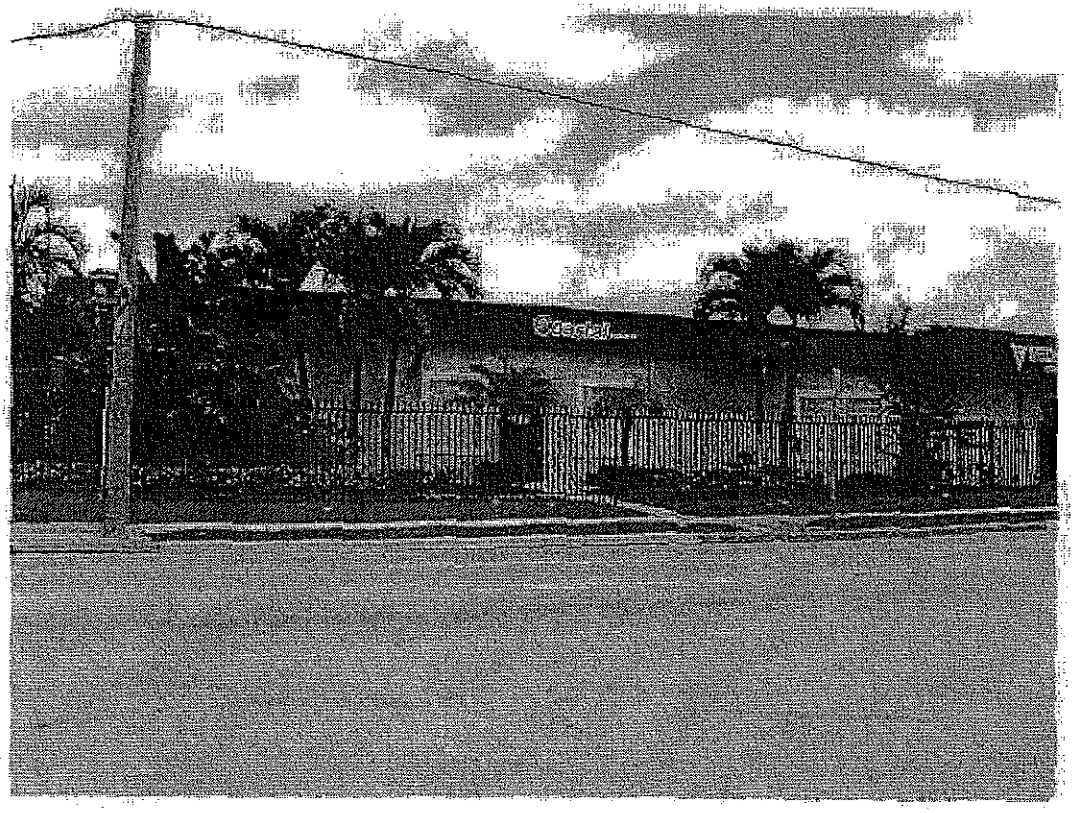
(D) Vacant Commercial Land



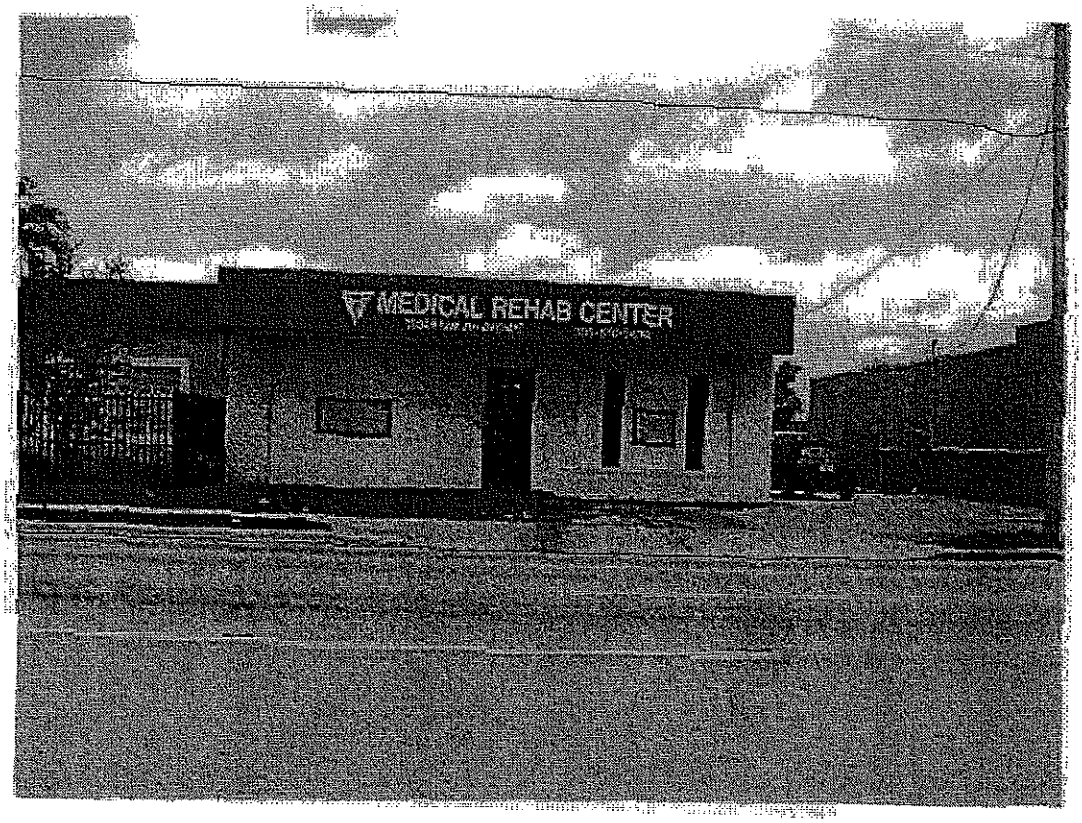
(E) Sunoco Gas Station



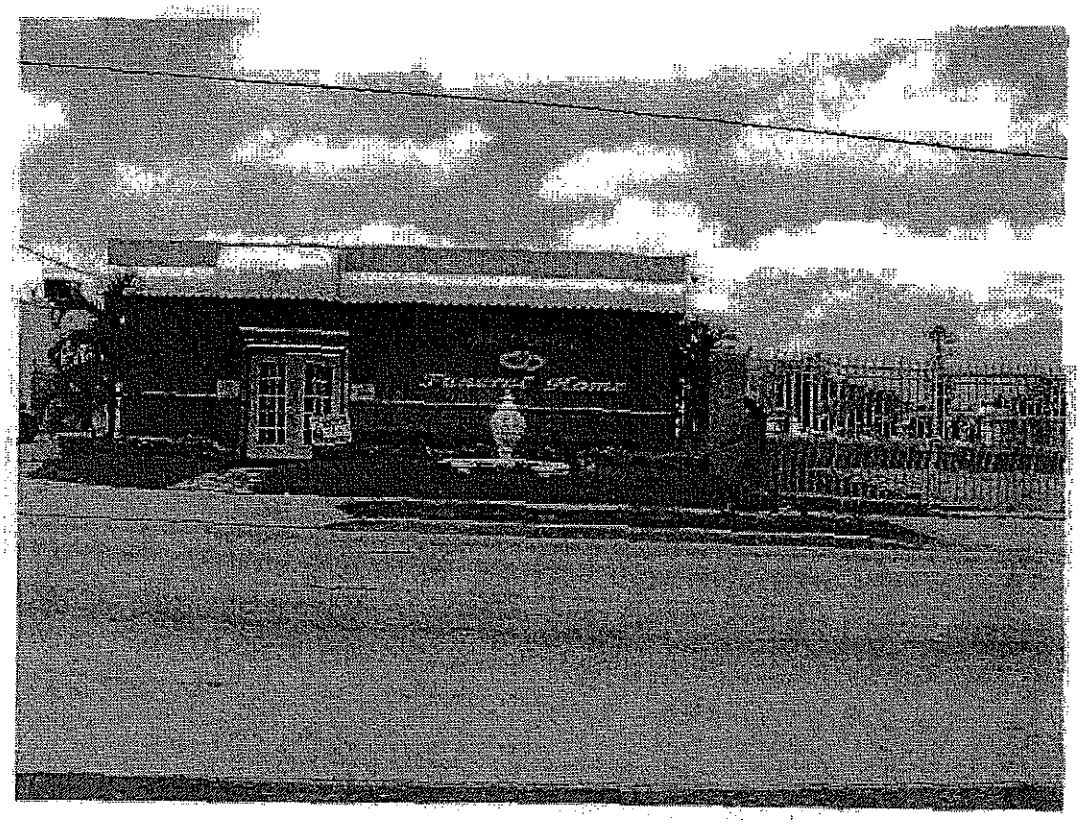
(F) Commercial Building Owned by Twin Oil Co.



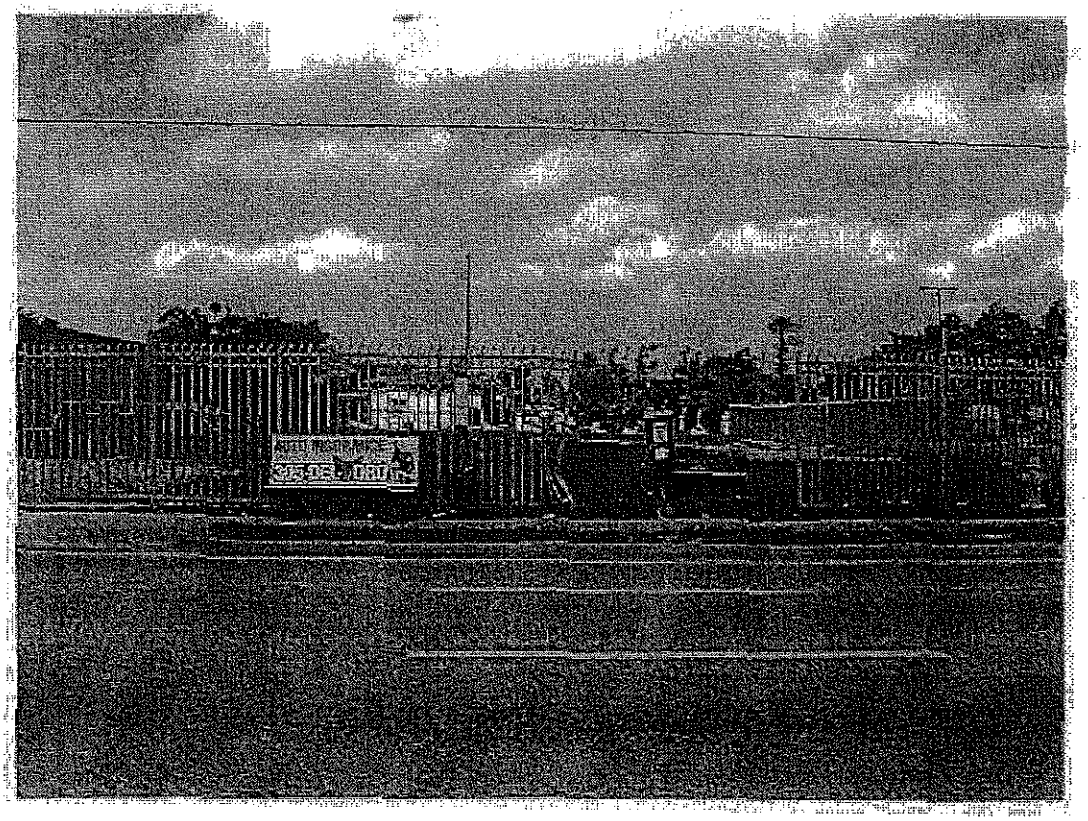
(G) Medical Rehab Center



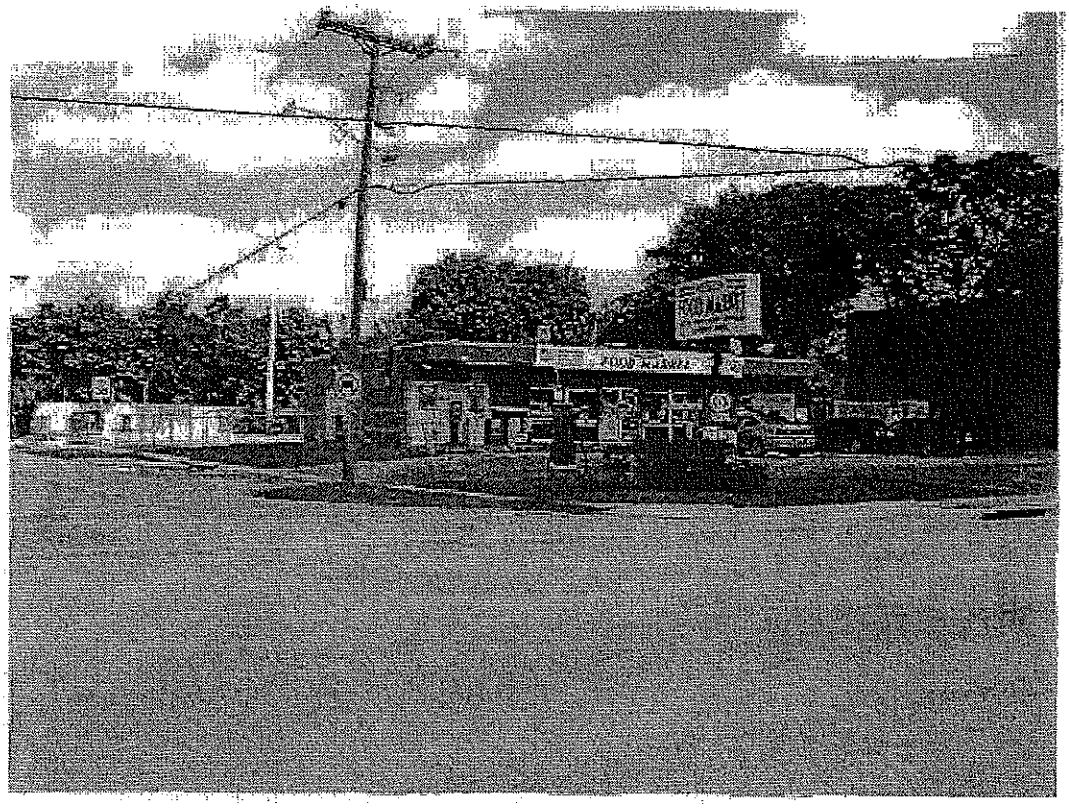
(H) Funeral Home



(I) Vacant Commercial Land

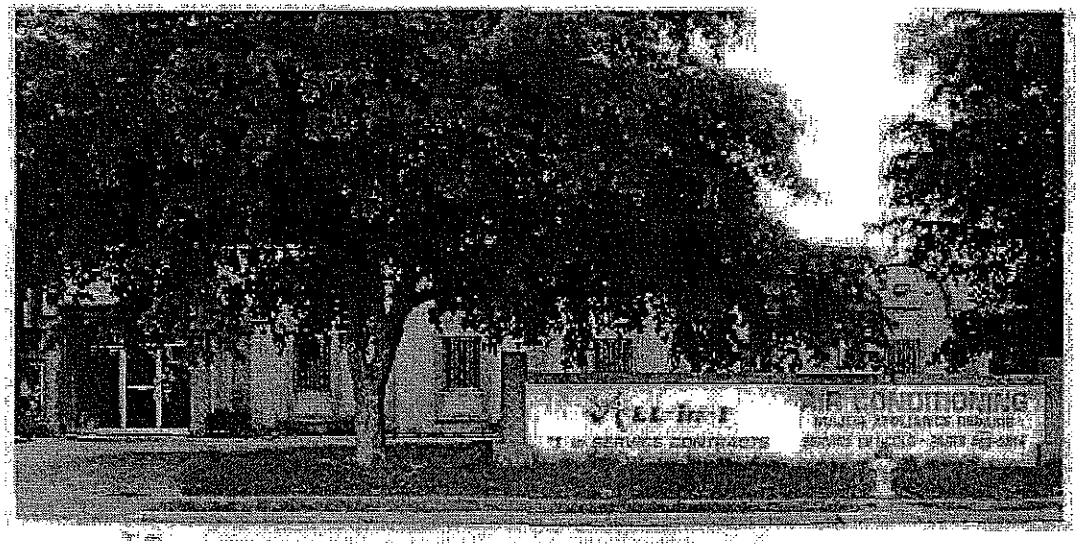


(J) Food Market

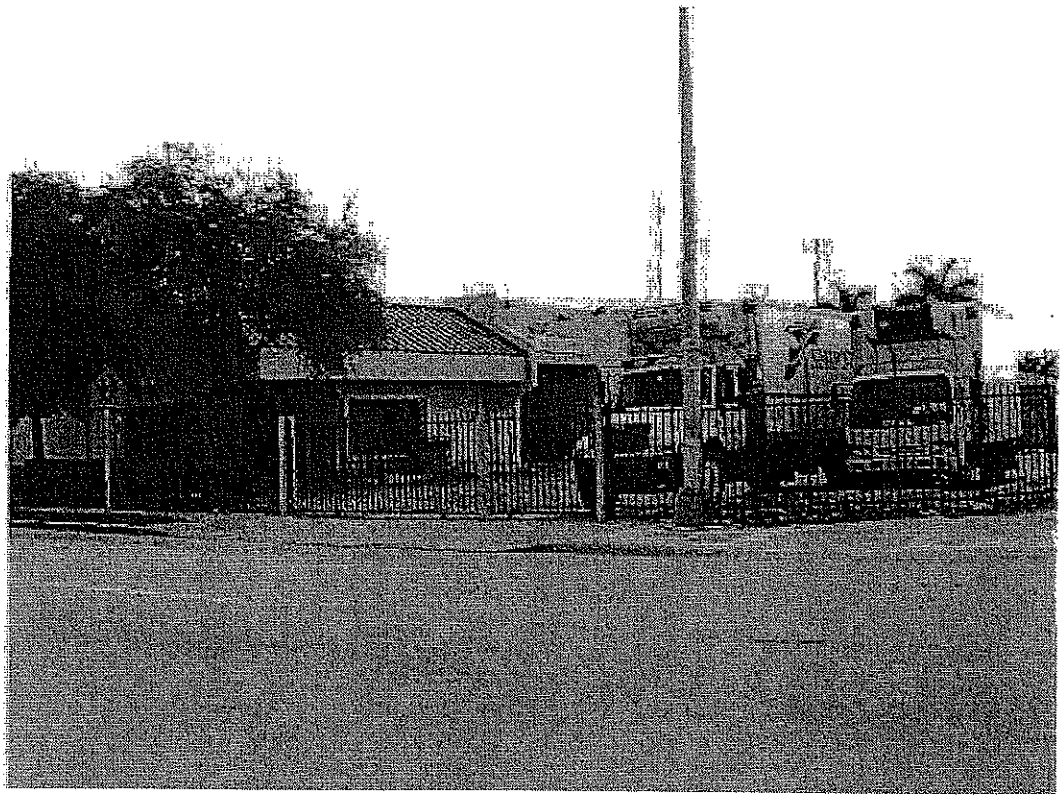


(K) Psychiatric Center

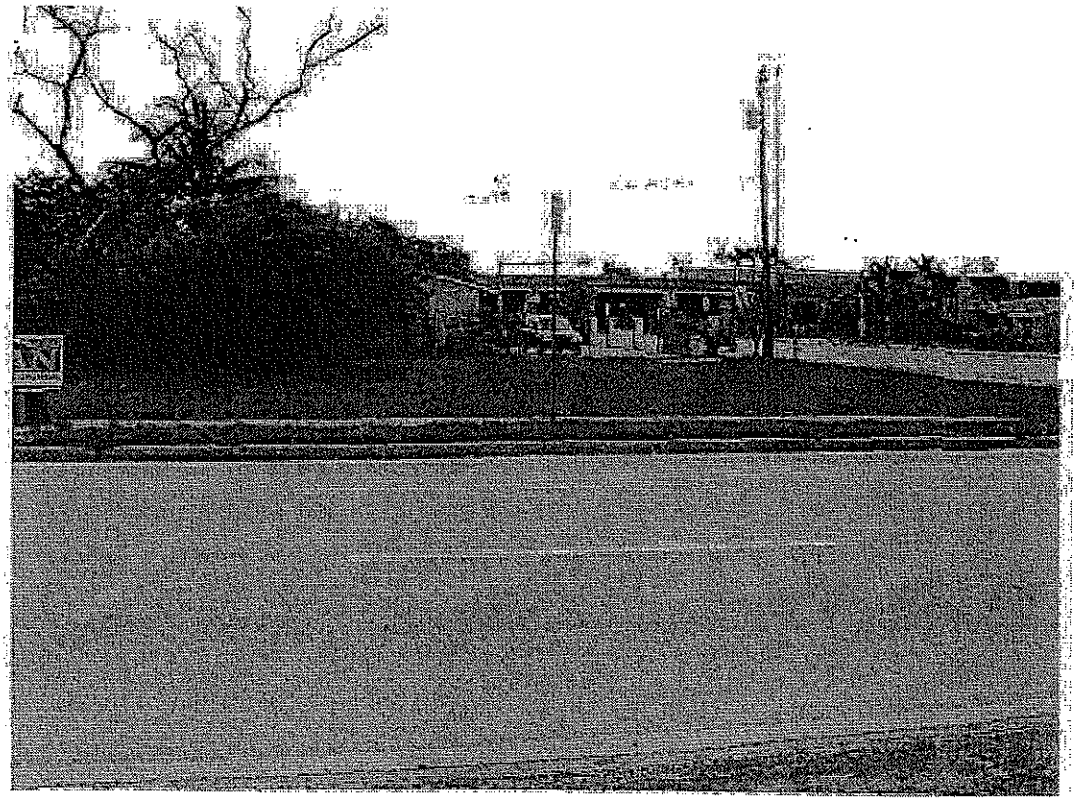
(L) Major Appliance Repair Center



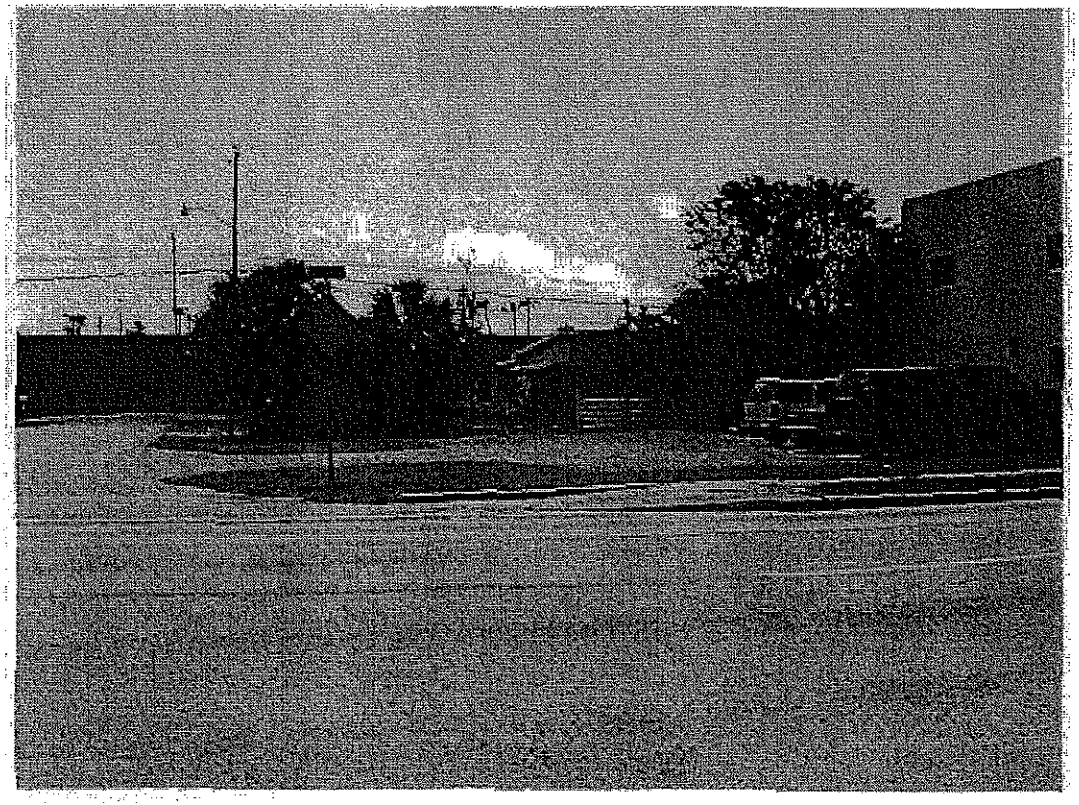
(M) Ship Supply Store



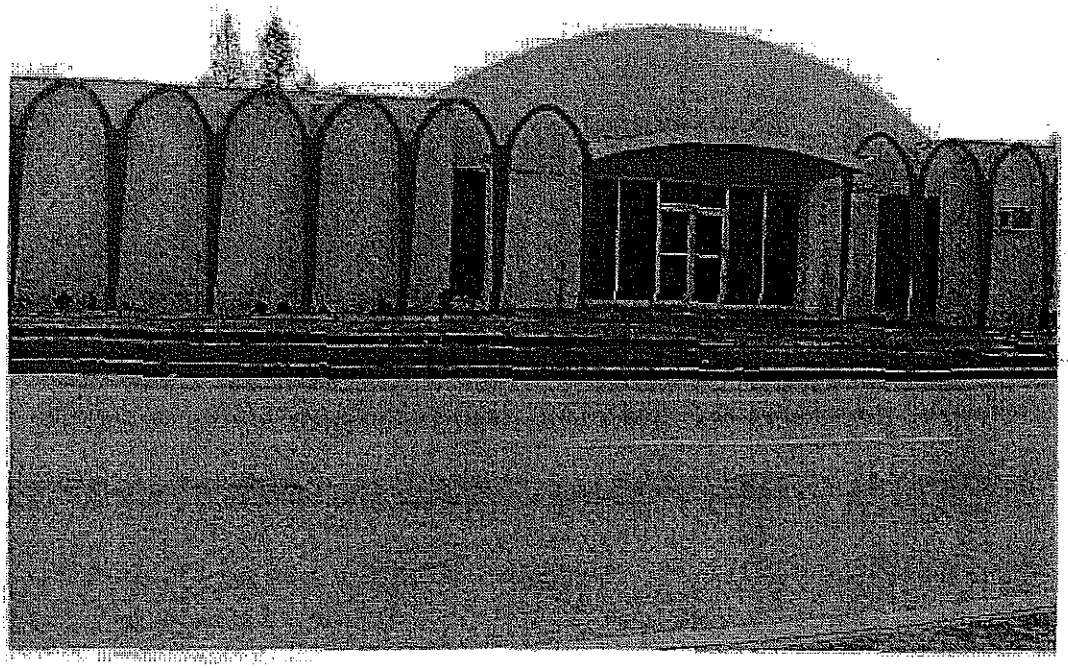
(N) Vacant Commercial Land

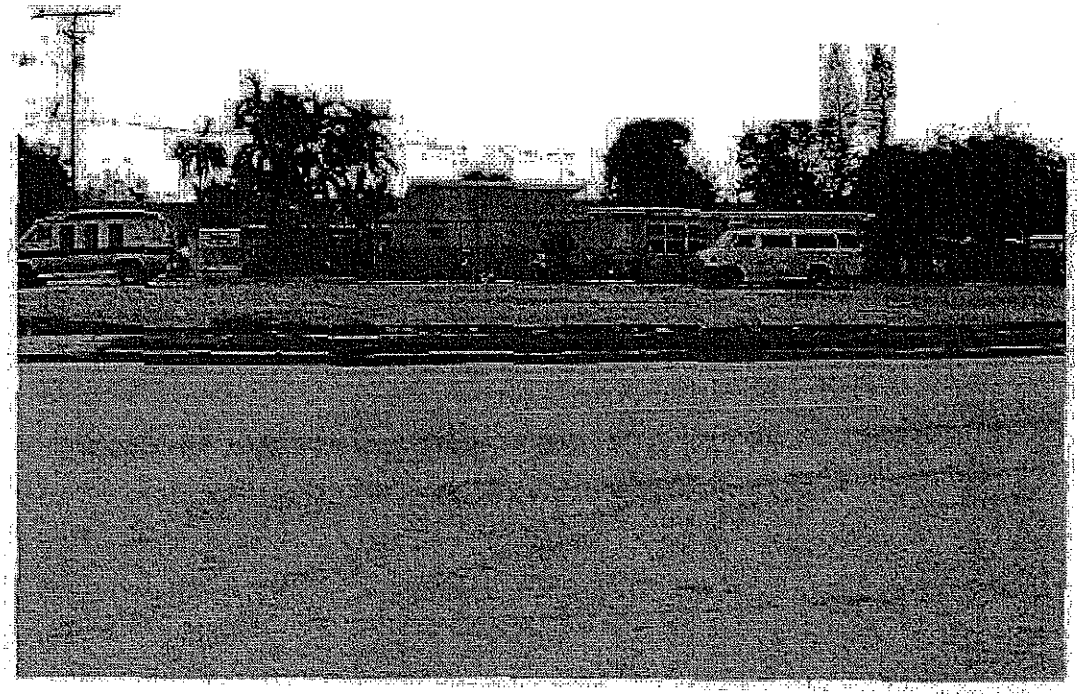


(O) Odeon Group Office Center



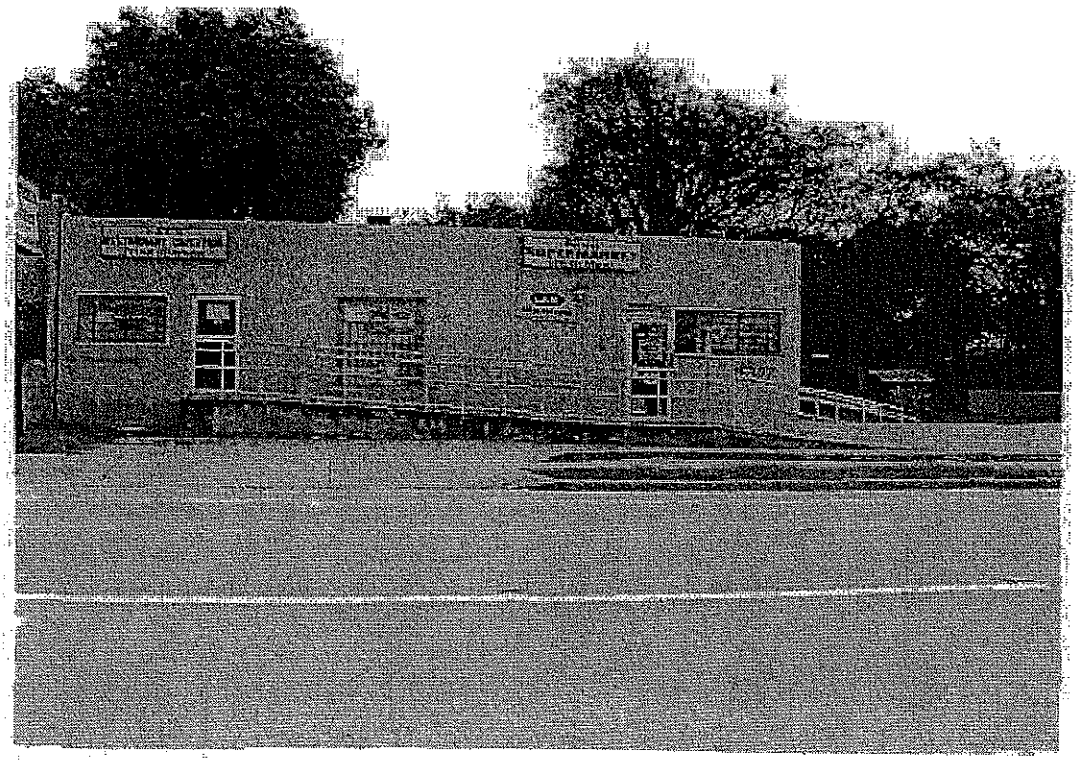
(P) Haitian Ministry Church



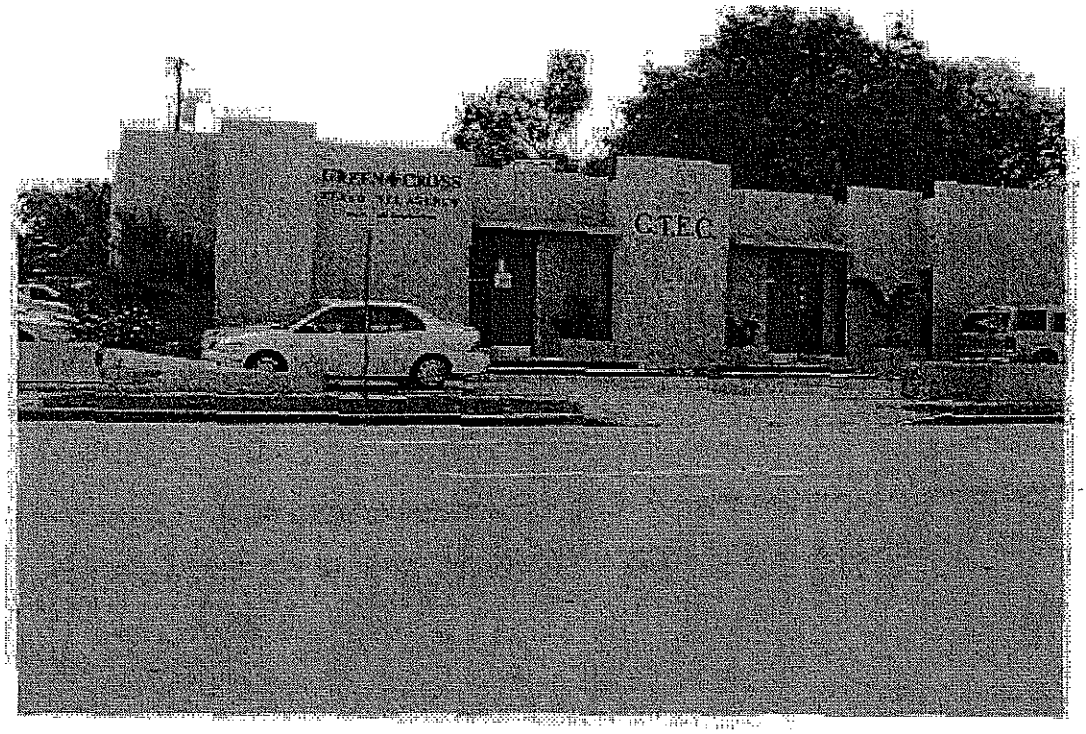


(Q) Office Building

(R) Supermarket

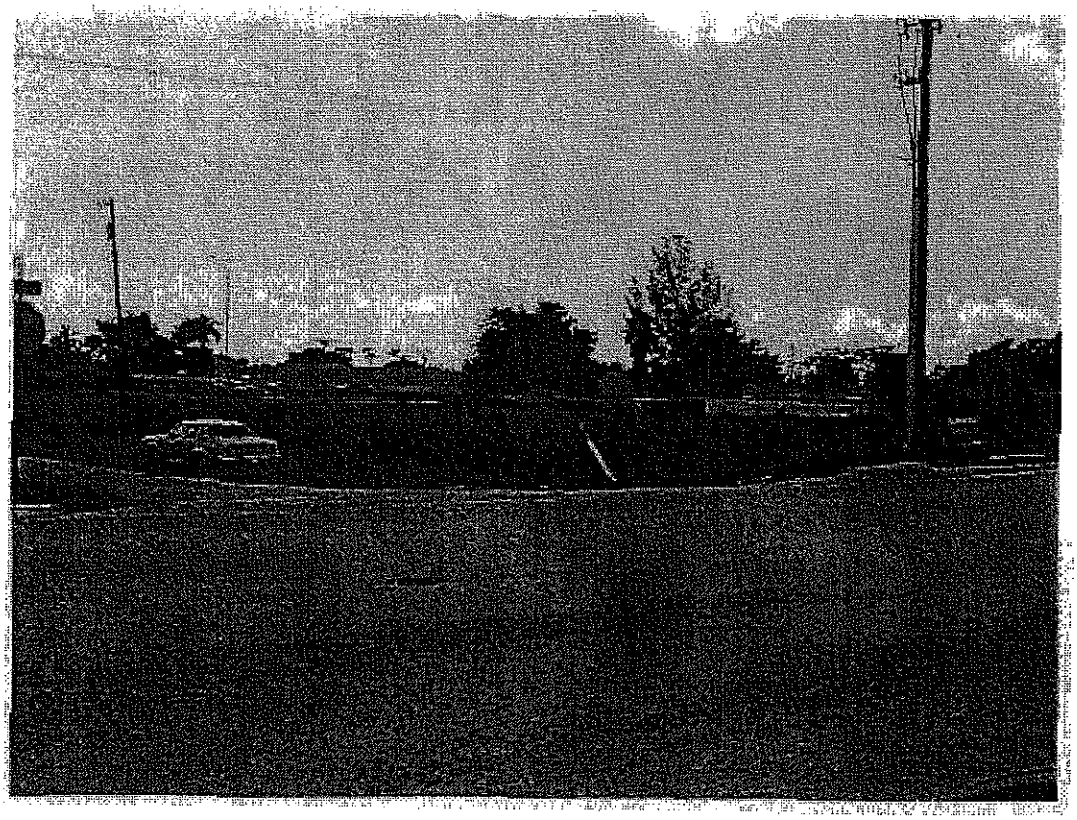


(S) Personnel Agency



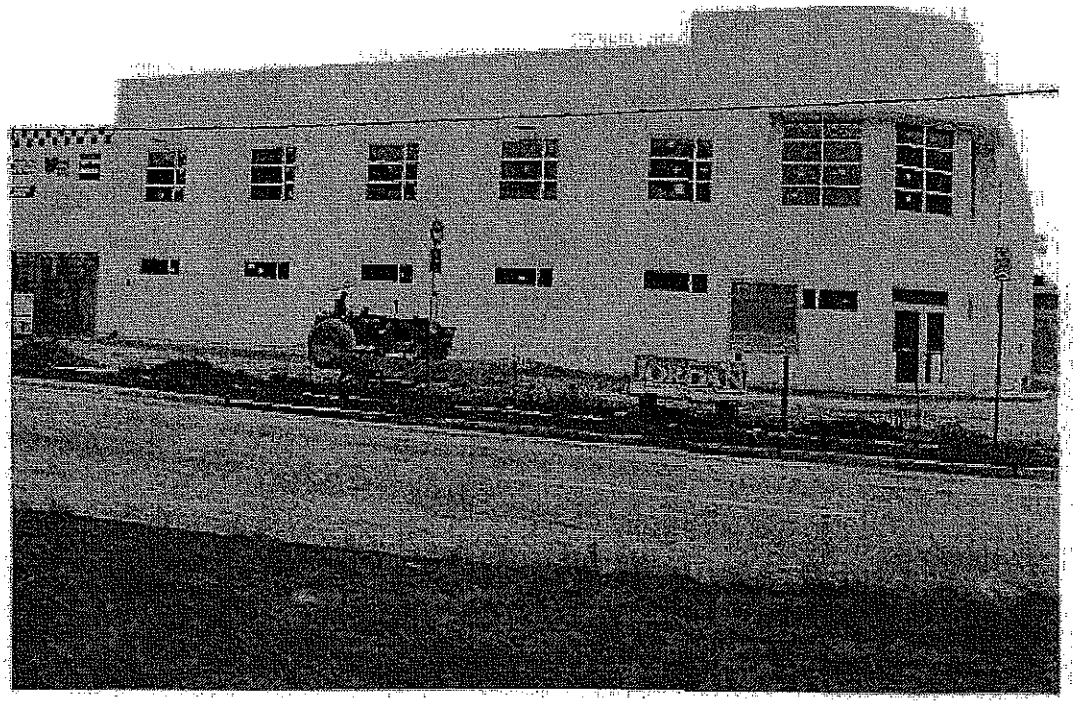
(T) Coastal Building Maintenance Office Building

(U) Vacant Land

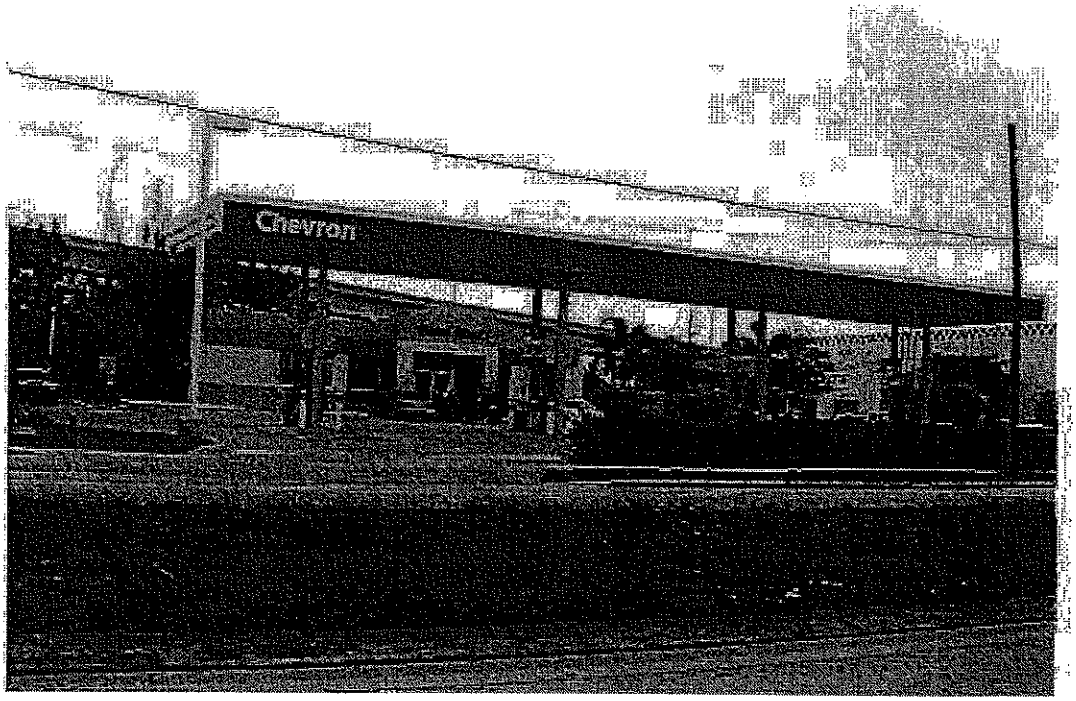


(V) Vacant Land

(W) Murray's Speed and Custom Car Shop



(X) Chevron Gas Station



APPLICATION NO. 2, TIBOR HOLLO
APRIL 2008 APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

AERIAL PHOTOGRAPH OF PROPERTY LOOKING NORTH

This instrument was prepared by:
Name: Jeffrey Bercow, 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, Tibor Hollo ("Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No 2 of the April 2008 Amendment Cycle; and

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

NOW THEREFORE, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of Amendment Application No. 2 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 equal to the maximum permitted under the existing Medium-High Density Residential designation.

(Space reserved for Clerk)

Use Restrictions. The Owner agrees not to seek approval for those uses described in Exhibit "B."

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 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").

(Space reserved for Clerk)

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 to make any inspections or grant any approvals, until such time as this declaration is complied with.

(Space reserved for Clerk)

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.

(Space reserved for Clerk)

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]

Exhibit "A"

Tract 1-A, GOLDEN LAKES, a subdivision according to the Plat thereof, as recorded in Plat Book 96, at Page 35, of the Public records of Miami-Dade County, Florida.

Exhibit "B"

1. Automobile parking garages (Section 33-253(2));
2. Hospitals (Section 33-253(2 1));
3. Hotel and motel uses (Section 33-253(2.2));
4. Major department stores (Section 33-253(4));
5. Marinas (Section 33-253(5));
6. Night clubs (Section 33-253(6));
7. Office parks (Section 33-253(7));
8. Regional shopping centers (Section 33-253(9));
9. Airports, airport hangars, and airplane repair facilities (Section 33-255(2));
10. Bakeries, retail and wholesale (Section 33-255(4));
11. Barbecue stands or barbecue pits (Section 33-255(5));
12. Bottling of beverages (Section 33-255(6));
13. Cabinet working and carpentry shops (Section 33-255(7));
14. Cold storage warehouse and pre-cooling plants (Section 33-255(8));
15. Contractor's plants and storage yards (Section 33-255(9));
16. Engines, gas, gasoline, steam and oil (sales and service) (Section 33-255(11));
17. Feed, hay and other livestock supplies (Section 33-255(12));
18. Fertilizer stores (Section 33-255(13));
19. Glass installations (Section 33-255(15));
20. Gun shops (Section 33-255(16));
21. Leather goods manufacturing, excluding tanning (Section 33-255(17));
22. Locksmith shops, sharpening and grinding shops (Section 33-255(18));
23. Lumber yards (Section 33-255(19));
24. Pawnbrokers (Section 33-255(20));
25. Poultry markets and commercial chicken hatcheries (Section 33-255(21));
26. Railroad motor truck and water freight and passenger stations (Section 33-255(22));
27. Secondhand stores for the disposal of furniture, fixtures and tools (Section 33-255(23));
28. Tire vulcanizing and retreading or sale of used tires (Section 33-255(25)); and
29. Upholstery and furniture repairs (Section 33-255(27)).

NOTE: All code sections referenced above relate to Miami-Dade County's Code.

App. 3
April '08 cycle

This instrument prepared by
and when recorded return to:
Mario J. Garcia-Serra, Esq.
Greenberg Traurig LLP
1221 Brickell Avenue
Miami, Florida 33131

2008 OCT 21 A 10: 17

PLANNING & ZONING
METROPOLITAN PLANNING SECT

(Space Above For Recorder's Use Only)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned 13500 NE 3rd Court, LLC, (the "Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter called the "Property", which is supported by the attorney's opinion; and

WHEREAS, in April of 2008 the Applicant filed an application (the "Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the Property's designation on the land use plan map of the Miami-Dade County Comprehensive Development Master Plan from Low-Medium Density Residential to Business and Office and that Application has been designated as "Application 3" for that cycle of Comprehensive Plan applications; and

WHEREAS, in conjunction with the Application, Owner wishes to voluntarily restrict the development permitted on the Property.

NOW THEREFORE, in consideration of the premises, and in order to assure the Miami-Dade County Board of County Commissioners, or its successor entity, that the representations made by the Owner and to assure the County Commission, or its successor entity, that this voluntary restriction shall be followed by the Owner, its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Conceptual Site Plan.** Subject to the approval of the Application, Owner agrees that in connection with any application to rezone any portion of the Property, the Owner shall submit a site plan for the Property. Said site plan shall be in substantial compliance, as defined by Section 33-310.1A(I) of the Miami-Dade Code of Ordinances, with the Conceptual Land Use Plan prepared by Butz Wilburn and Associates, dated July 22, 2008, consisting of 1 sheet, a copy of which is attached to this Declaration as Exhibit "B", (the "Conceptual Plan"), and which limits development of the Property to a maximum of 104,225 square feet of total floor area. The Owner acknowledges that the future rezoning and development of the said Property shall require one or more detailed site plan approvals by the County which will determine compliance with all applicable zoning, fire and public works review standards. Any and all removal or relocation of existing trees on the site shall be in accordance with the requirements of

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Chapter 24 of the Miami-Dade County Code. The Owner acknowledges that the County's acceptance of this Declaration shall in no way be deemed a waiver on the part of the County, its boards, or departments, to require future site plan approval for the development of the Property.

(2) **Permitted Uses.** Owner agrees that the Property will only be utilized for retail, office, and commercial uses including self storage.

(3) **Residential Use Prohibited.** Owner agrees that the Property will not be utilized for any residential use.

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

(5) **Covenant Running with the Land**. This Declaration on the part of the 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.

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

(7) **Modification, Amendment, Release**. This Declaration may be modified, amended, added to, derogated or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of the Property, including joinder of all mortgagees, if any, provided that the same is also approved by the Miami-Dade Board of County Commissioners.

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

(8) **Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. 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 its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

(9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of the 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.

(10) **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.

(11) **Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by Miami-Dade County, and inspections made and approval of occupancy given by Miami-Dade 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.

(12) **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

(13) **Recording**. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County, at the cost of the Owner, upon approval of the Application by the Miami-Dade Board of County Commissioners. 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.

(14) **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.

(15) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

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

13500 NE 3rd Court, LLC

By:_____

_____, Managing Member

(SEAL)

STATE OF FLORIDA }
COUNTY OF MIAMI-DADE } ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____, as the Managing Member of 13500 NE 3rd Court LLC, who is personally known to me or produced a valid drivers license as identification.

_____

Notary Public

Sign Name:_____

Print Name:_____

My Commission Expires:

Serial No. (None, if blank):_____

[NOTARY SEAL]

Exhibit "A"

Legal Description of Subject Property

The NW ¼ of the NE ¼ of the NW ¼ of the NW ¼ (Less the East 25 Feet and the North 35 Feet thereof) of Section 30, Township 52 South, Range 42 East, in Miami-Dade County, Florida.

Exhibit "B"

Conceptual Plan

Plan follows on next page.

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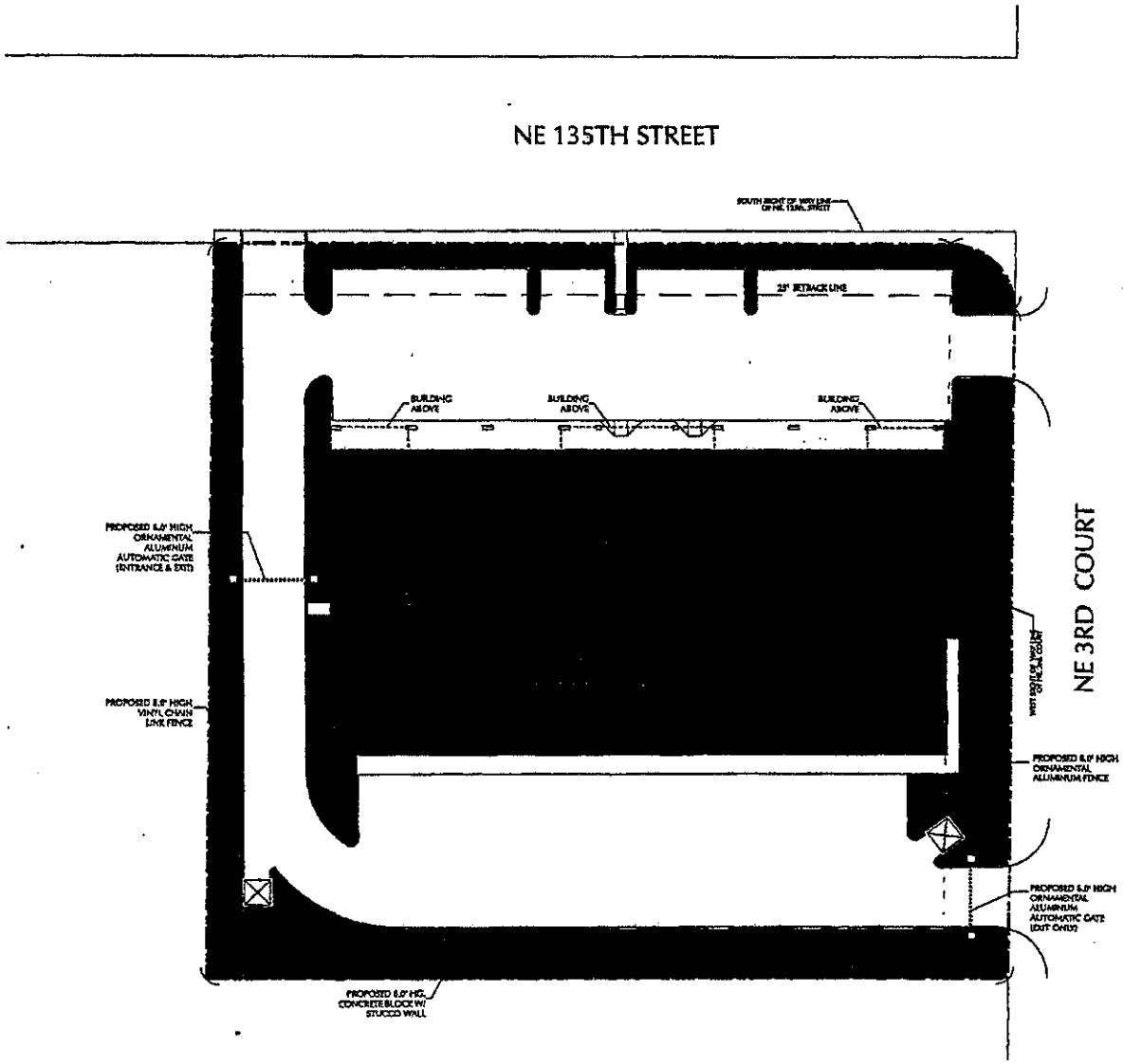


135TH STREET SELF STORAGE

PROPOSED LAND USE PLAN

LAND USE		SQ. FT.	%
DEVELOPMENT AREAS			
IMPERVIOUS SURFACES		41,486	45%
BUILDING FOOTPRINT		29,041	31%
OPEN AREA		20,186	22%
TOTAL AREA DEVELOPED		**91,713**	**100%**
BUILDING AREAS			
1ST FLOOR	RETAIL	12,672	12%
1ST FLOOR	OFFICE	1,175	1%
1ST FLOOR	SELF STORAGE	14,434	14%
2ND FLOOR	SELF STORAGE	14,434	14%
3RD FLOOR	SELF STORAGE	29,180	29%
4TH FLOOR	SELF STORAGE	30,185	29%
TOTAL SELF STORAGE/ OTHER COMMERCIAL USE		[illegible]	[illegible]
TOTAL BUILDING AREA		104,228	100%
BUILDING HEIGHT (MEASURED FROM TOP OF SLAB TO HIGH POINT OF ROOF @ NORTHERN EDGE OF BUILDING)		45'0"	

LEGEND

- IMPERVIOUS SURFACES
- RETAIL
- OFFICE
- SELF STORAGE
- OPEN SPACE
- PROPERTY LINE

N

LAND USE PLAN

0 25 50 75 100 Feet

06/13/06	CONCEPT SUBMITTAL
09/07/06	CONCEPT SUB. (DRT)
10/13/06	ZONING SUBMISSION

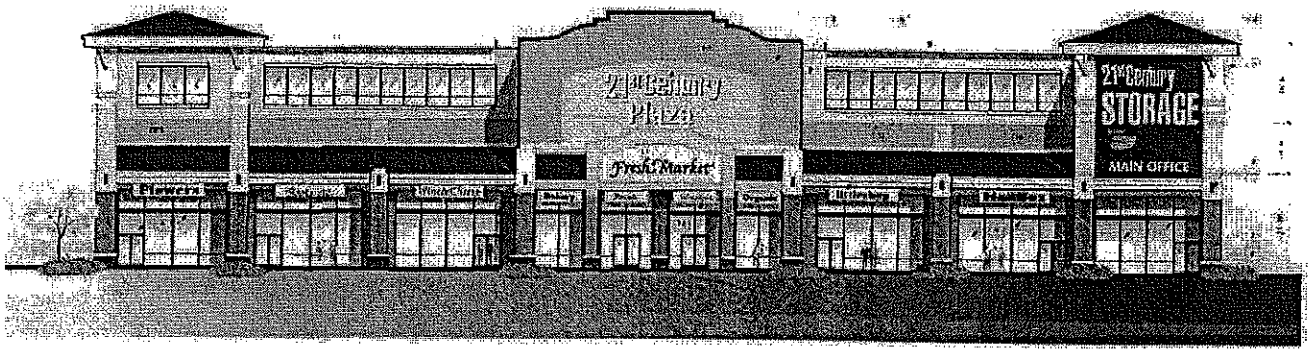
135th STREET SELF STORAGE

21st Century Storage
13600 NE 3rd Court
Miami-Dade County, Florida

21st Century STORAGE green

BUTZ WILBERN
Architecture • Planning
Interiors • Property Marketing
8124 Wilshire Blvd. # 120
Anaheim, Virginia 22112
Tel: 703-372-1111 Fax: 703-7[illegible]

21st Century
Retail/Self-Storage Project



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Tab One - Aerial Photo of Neighborhood and Surrounding Development

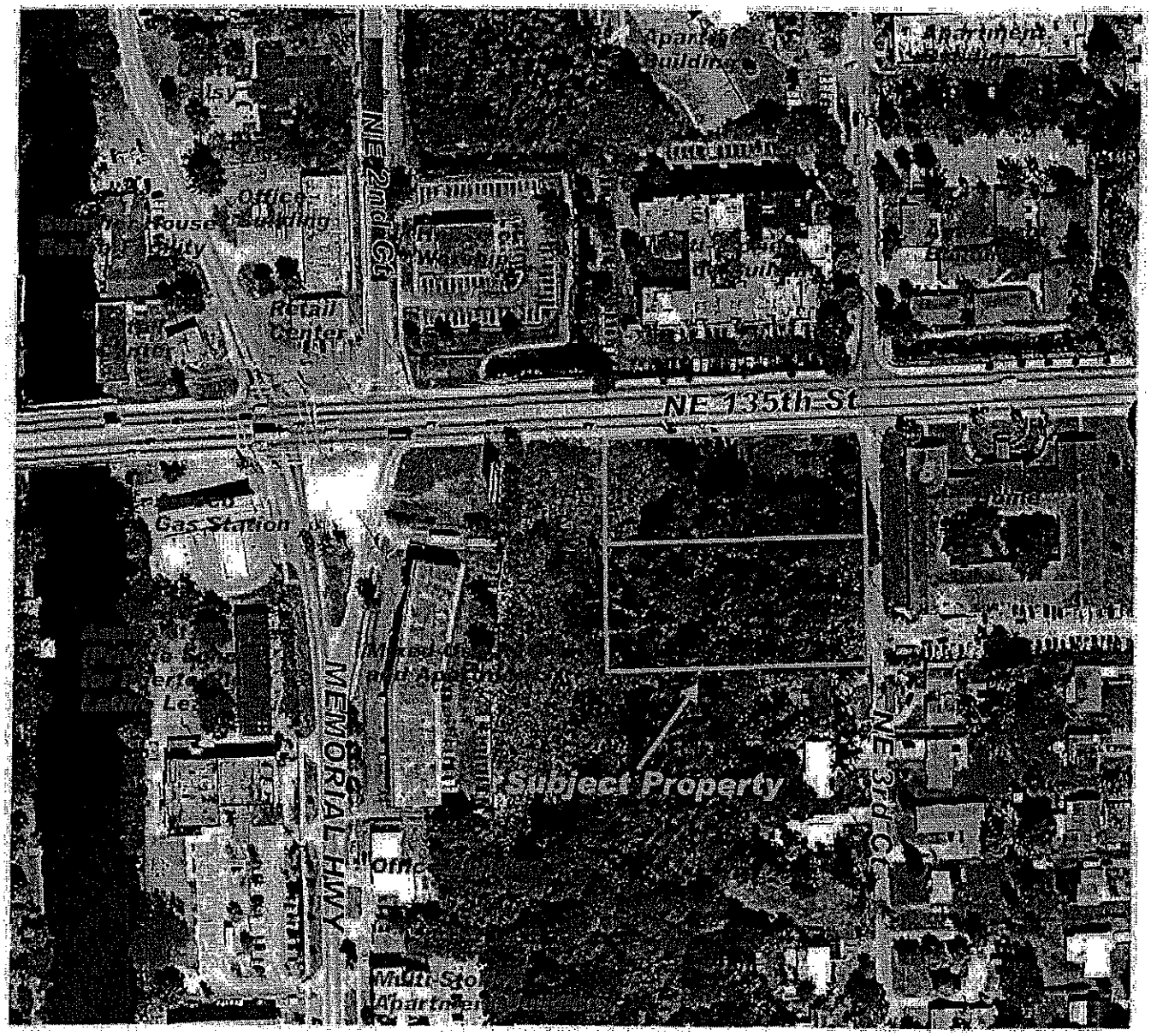
Tab Two - Conceptual Site Plan and Cross Section

Tab Three - Traffic Study Comparisons

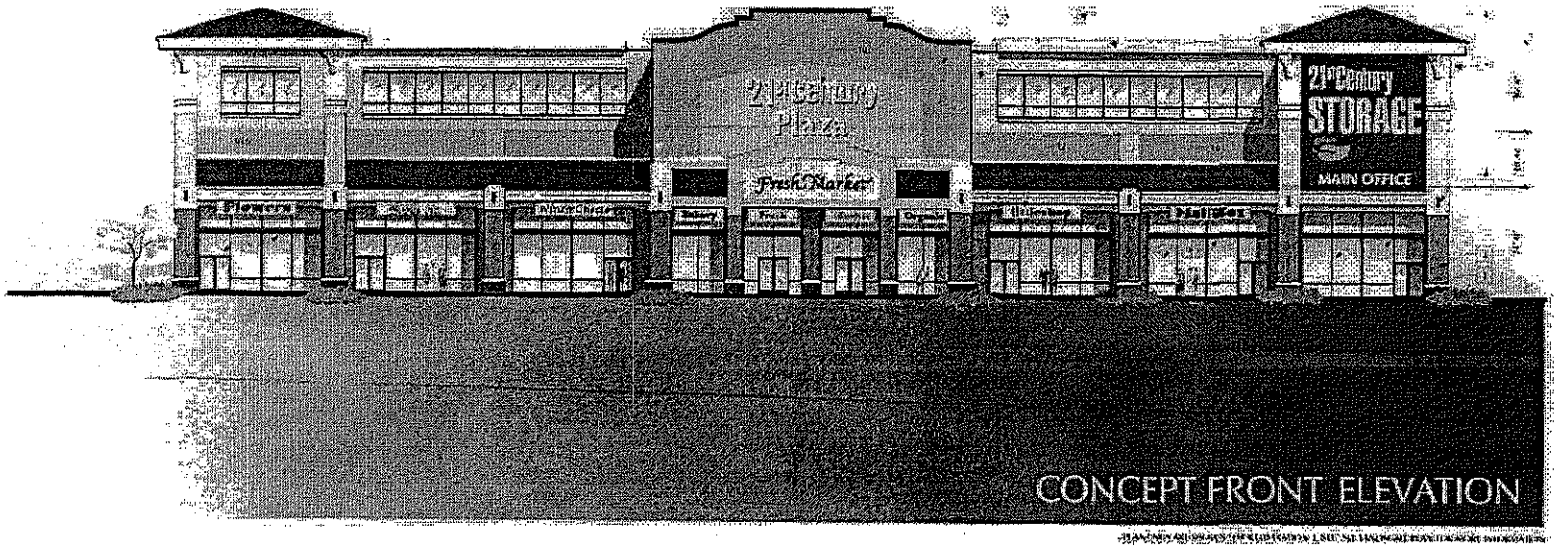
Tab Four - Photos of the Surrounding Neighborhood

Tab Five - Minor Statistical Area Exhibits

Tab Six - Map of Nearby Zone Land Available for Development of a Self-Storage Facility


NE 2nd Ct
Office
Retail
Center
NE 135th St
Gas Station
MEMORIAL HWY
Subject Property
NE 3rd Ct

EXTERIOR FINISH SCHEDULE



CONCEPT FRONT ELEVATION

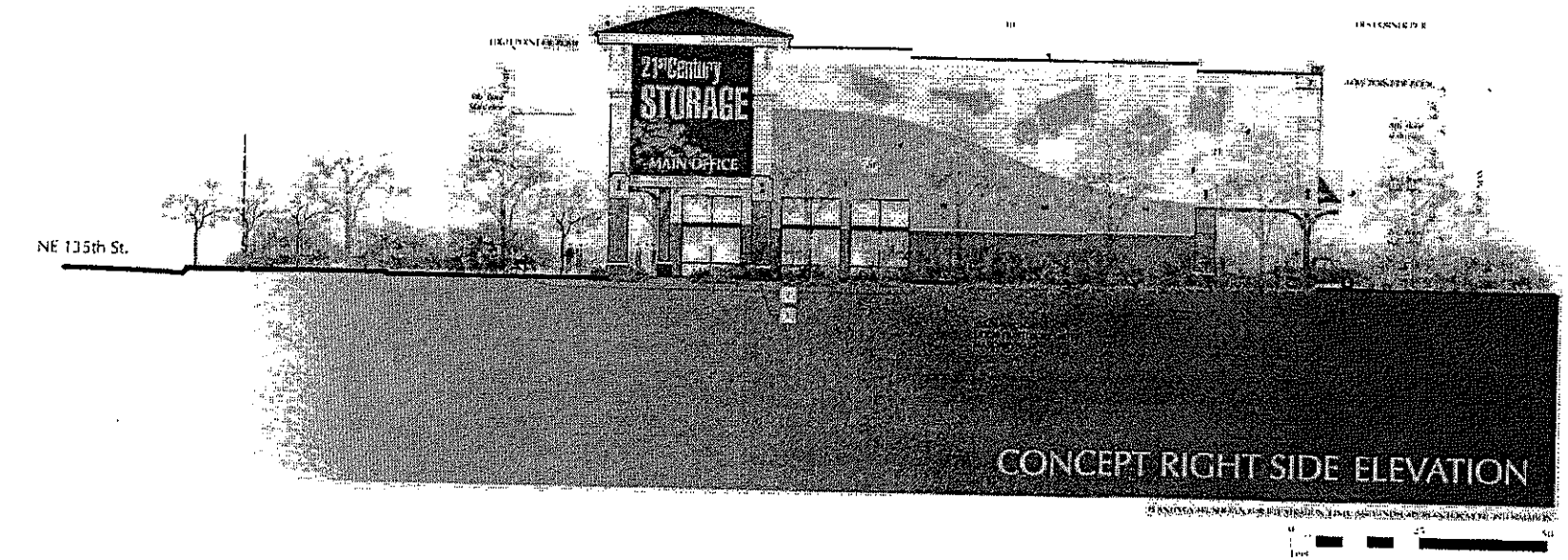
135th STREET SELF STORAGE

21st Century STORAGE

BUTZ WILBERN

P-1

EXTERIOR FINISH SCHEDULE



CONCEPT RIGHT SIDE ELEVATION

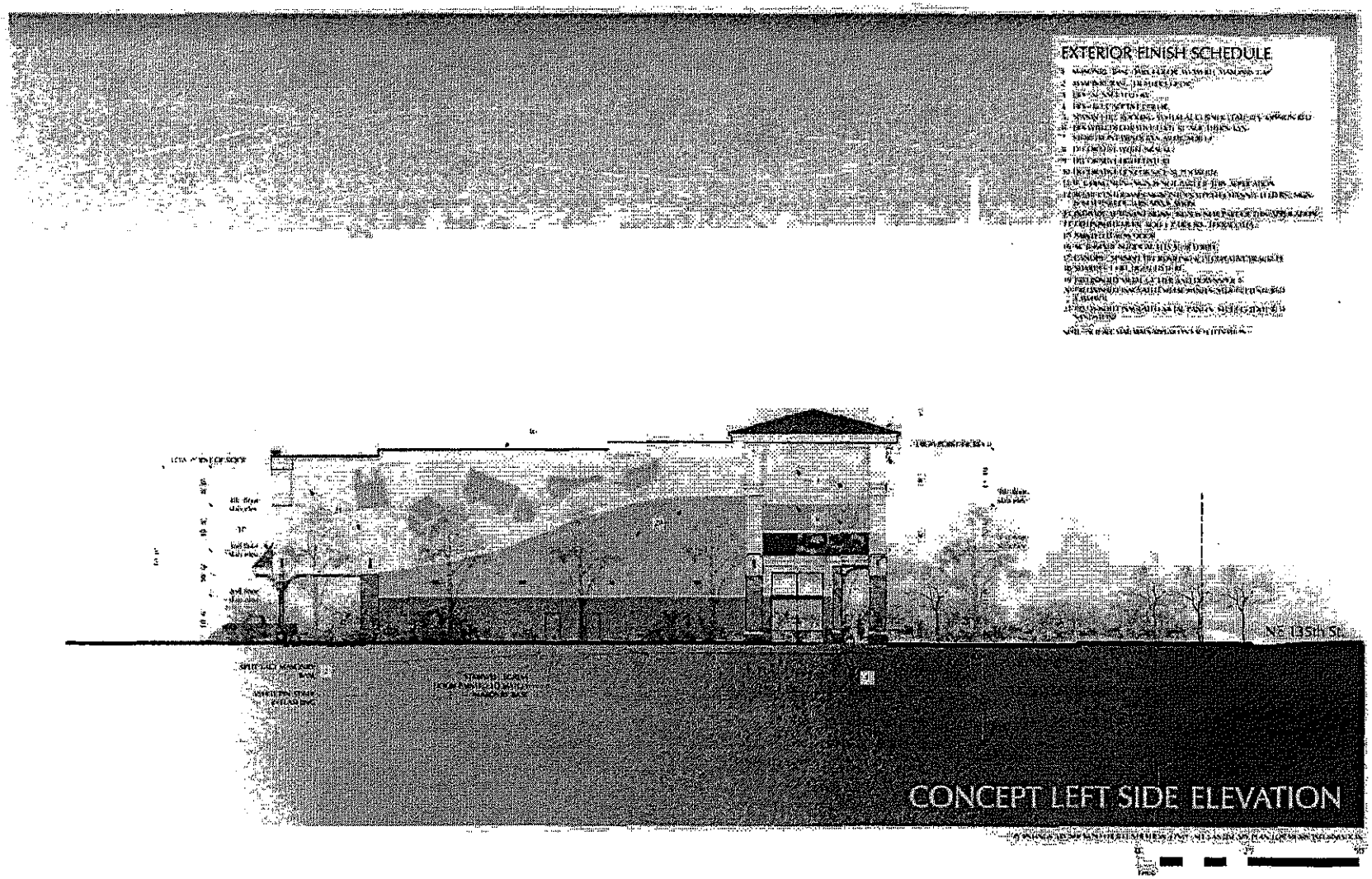
135th STREET SELF STORAGE

21st Century Storage

21st Century STORAGE

BUTZ WILBERN

P-2R



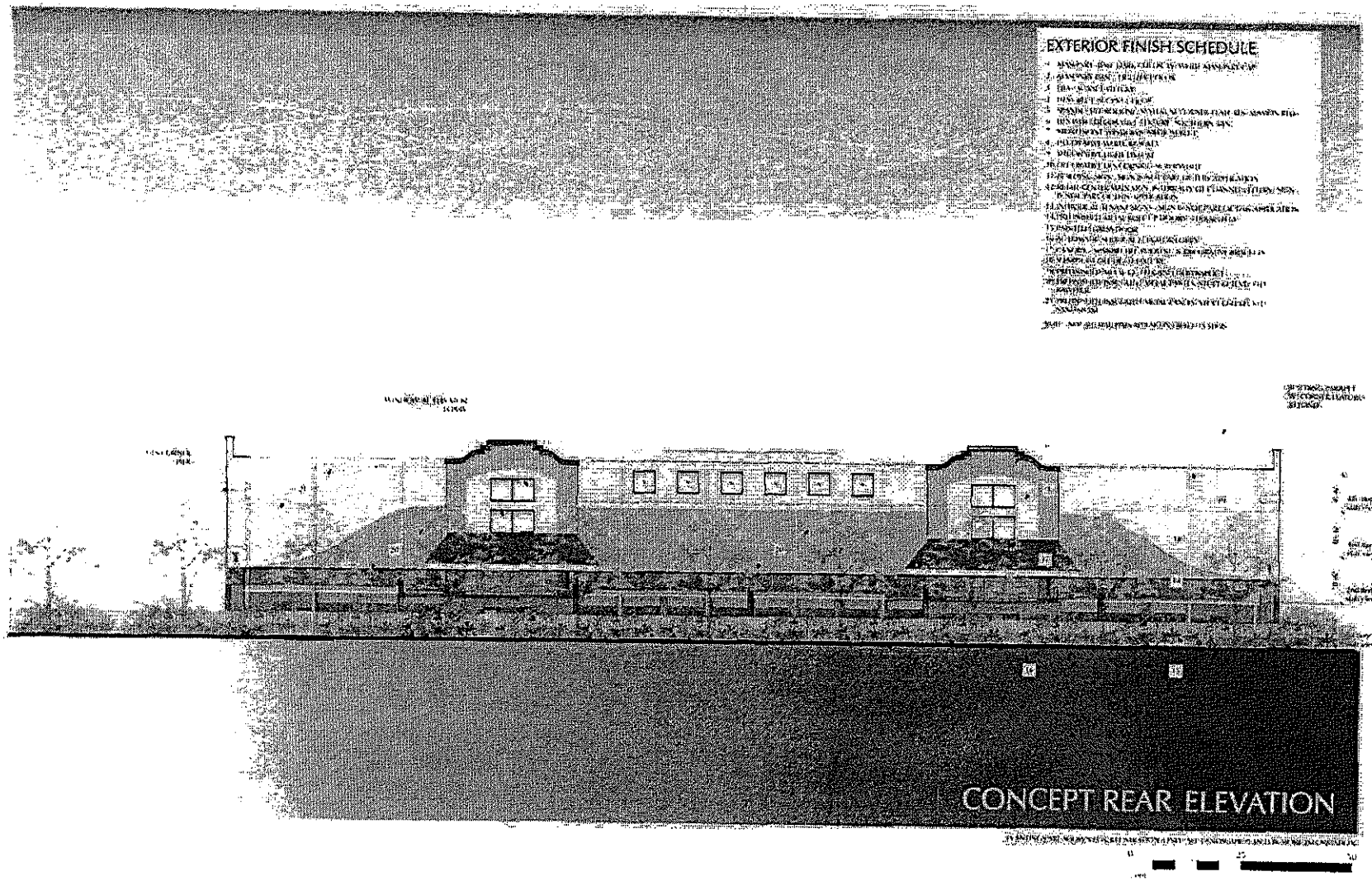
135th STREET SELF STORAGE

21st Century Storage

21st Century STORAGE

BUTZ WILBERN

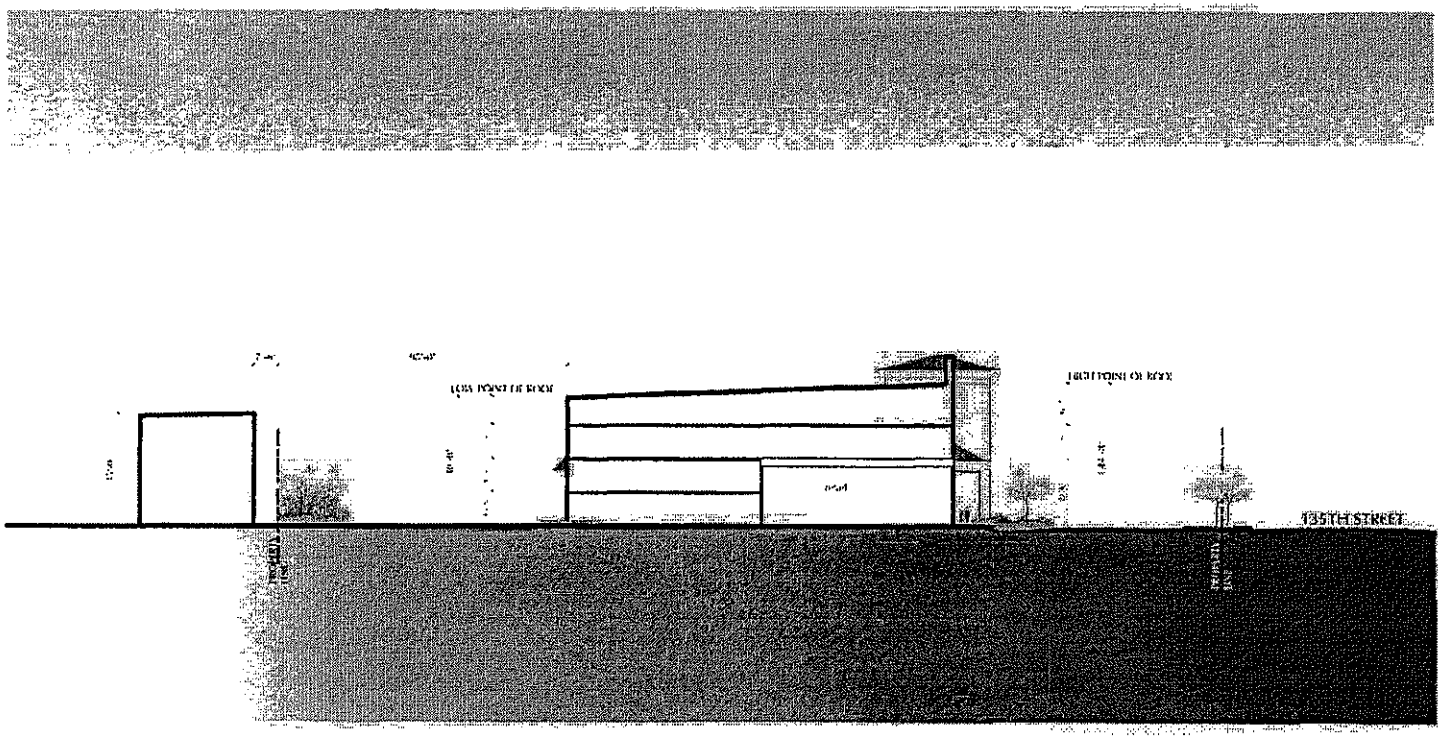
P-4R



135th STREET SELF STORAGE

BUTZ WILBERN

P-3R



2 CONCEPT SITE SECTION - OPT 90' AWAY

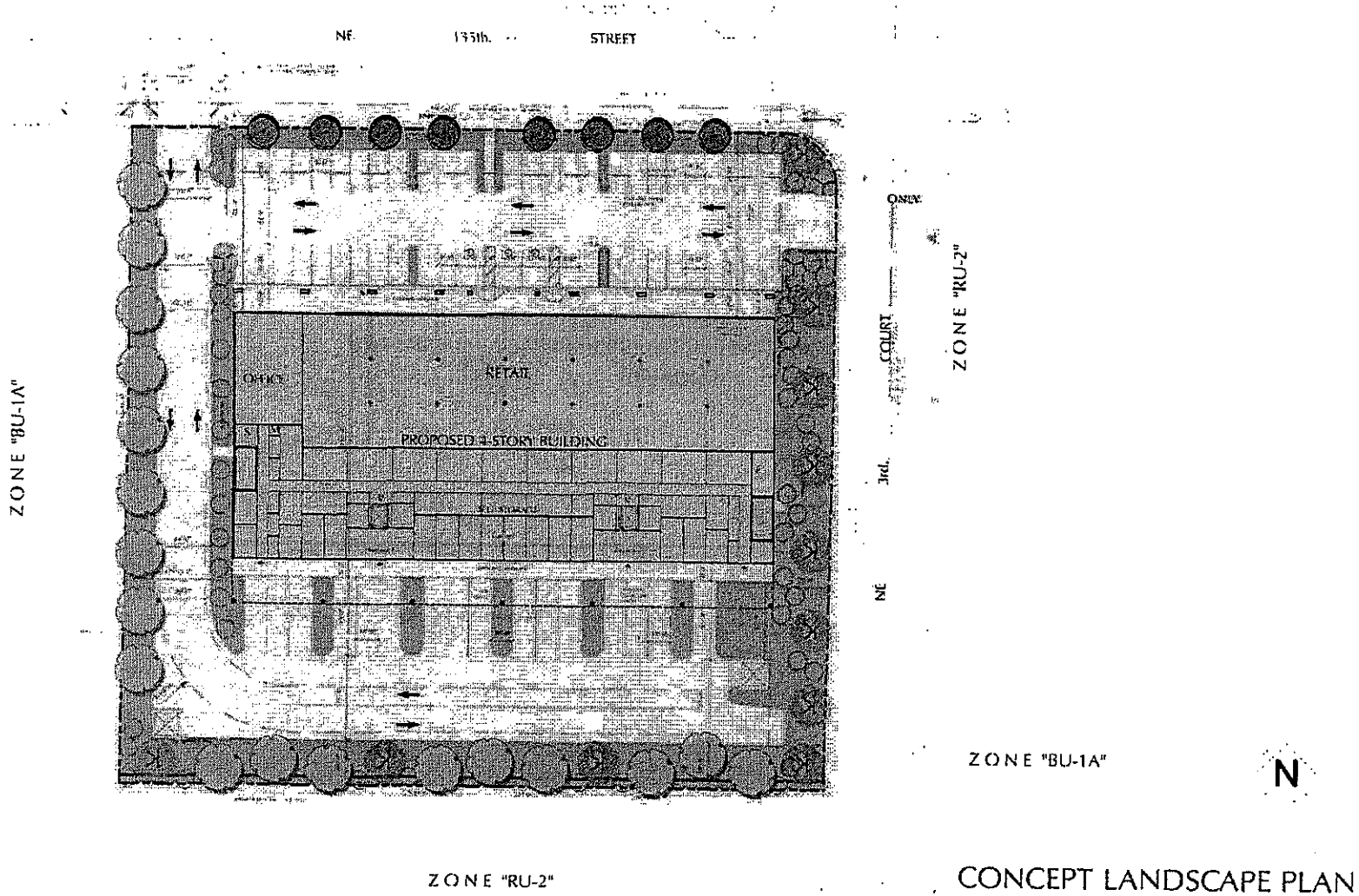
P-6

135th STREET SELF STORAGE

21st Century Storage

BUTZ WILBERN

P-6



CONCEPT LANDSCAPE PLAN

135th STREET SELF STORAGE

21st Century Storage

BUTZ WILBERN

P-5R

EXHIBIT 1
Project Trip Generation Summary

ITE Land Use[1]	Units	PM Peak Hour Vehicle Trips		
		In	Out	Total
Mini-Warehouse (Land Use 151)	90,000 SF	12	12	24
Special Retail[2] (Land Use 814)	12,600 SF	4	6	10
Total		16	18	34

Source: David Plummer & Associates
[1]Based on ITE Trip Generation, 7th Edition.
[2]Includes pass-by trips adjustment factor for retail, ITE Trip Generation, 7th Edition.

EXHIBIT 2
County's Esitmated Peak Hour Trip Generation By Land Use Designations

Scenario	ITE Land Use1	Units	Total PM Peak Hour Vehicle Trips
1	Shopping Center[2] (Land Use 820)	35,980 SF	152
2	Apartments (Land Use 220)	64 dwelling units	53

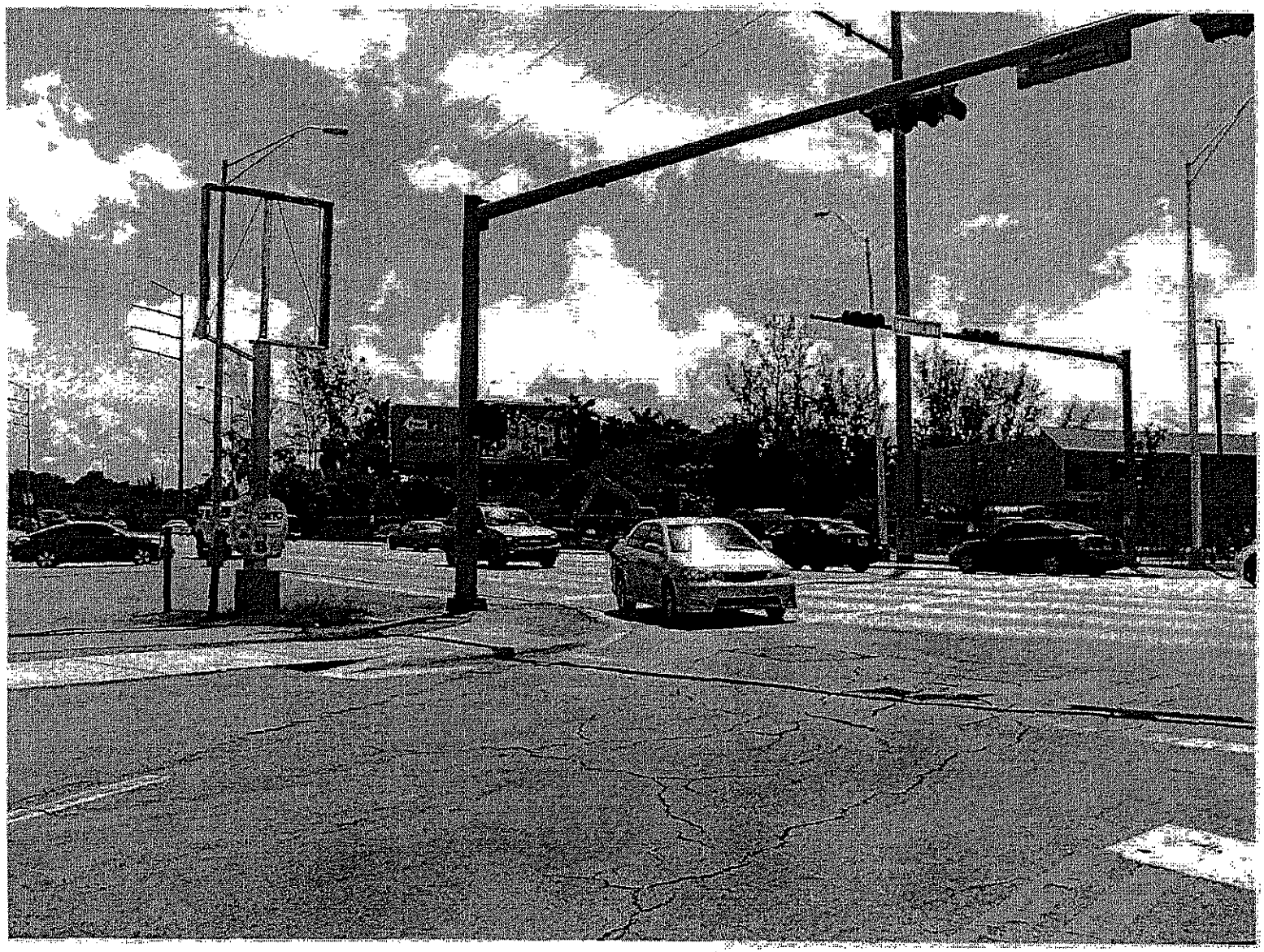
Source: Miami-Dade County Public Works Department, July 2008
[1]Based on ITE Trip Generation, 7th Edition.
[2]Includes pass-by trips adjustment factor for retail, ITE Trip Generation, 7th Edition.

EXHIBIT 3
Allowable Development under Current Land Use Designation Trip Generation Summary

ITE Land Use[1]	Units	PM Peak Hour Vehicle Trips		
		In	Out	Total
Single-Family Detached Housing (Land Use 210)	33 dwelling units	25	15	40

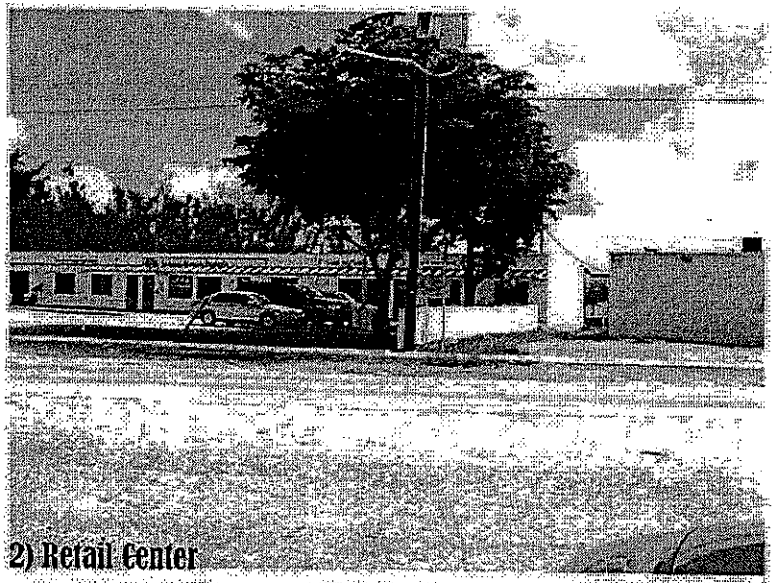
Source: Miami-Dade County Public Works Department, July 2008
[1]Based on ITE Trip Generation, 7th Edition.

Proposed Project would generate six (6) less trips than existing zoning.

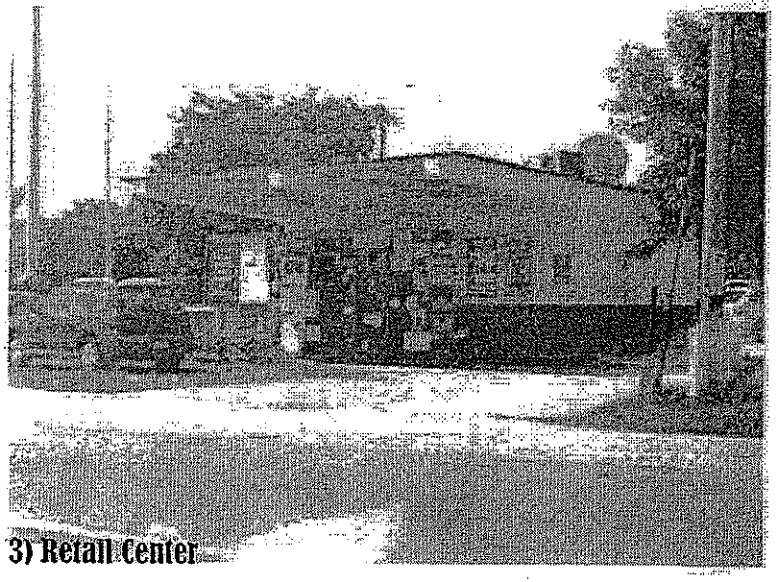


WARNING

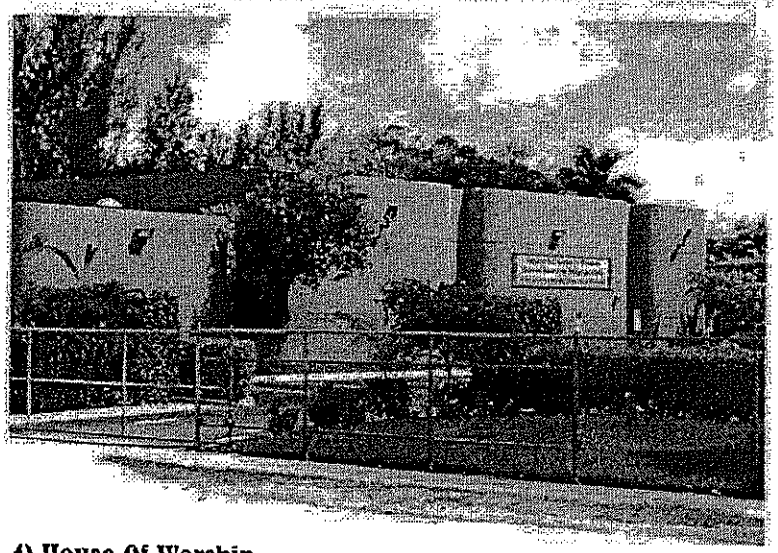
1) Summer House Rehab Facility



2) Retail Center



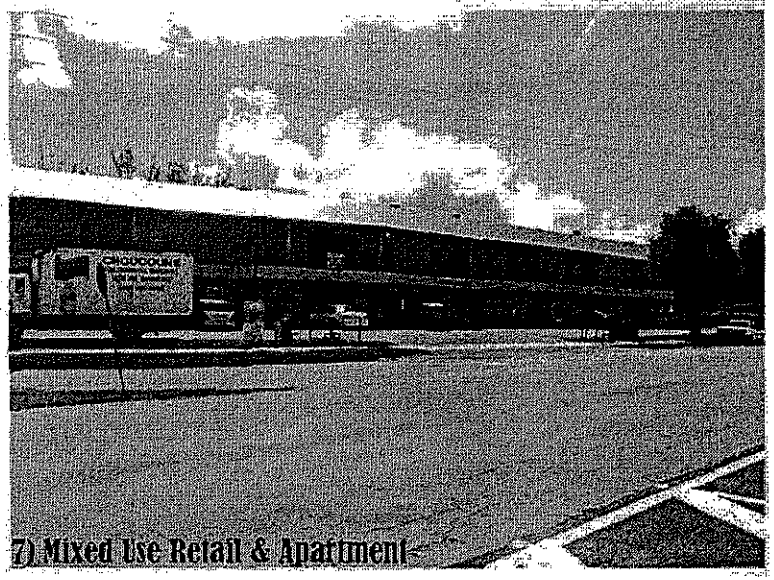
3) Retail Center



4) House Of Worship

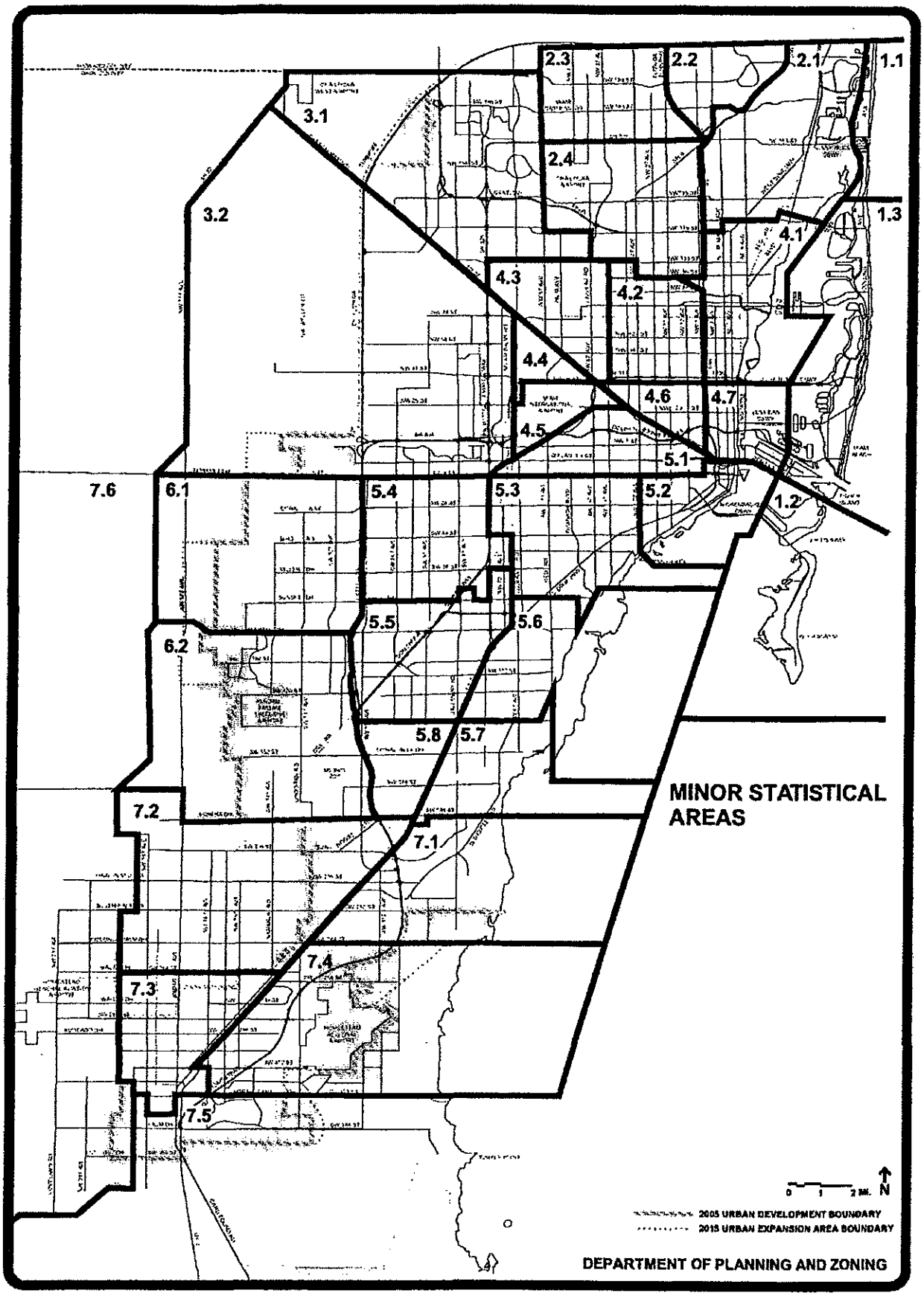
5) Multi-Storied Condo Building

6) Amoco Gas Station



7) Mixed Use Retail & Apartment

8) Nursing Home


MINOR STATISTICAL AREAS
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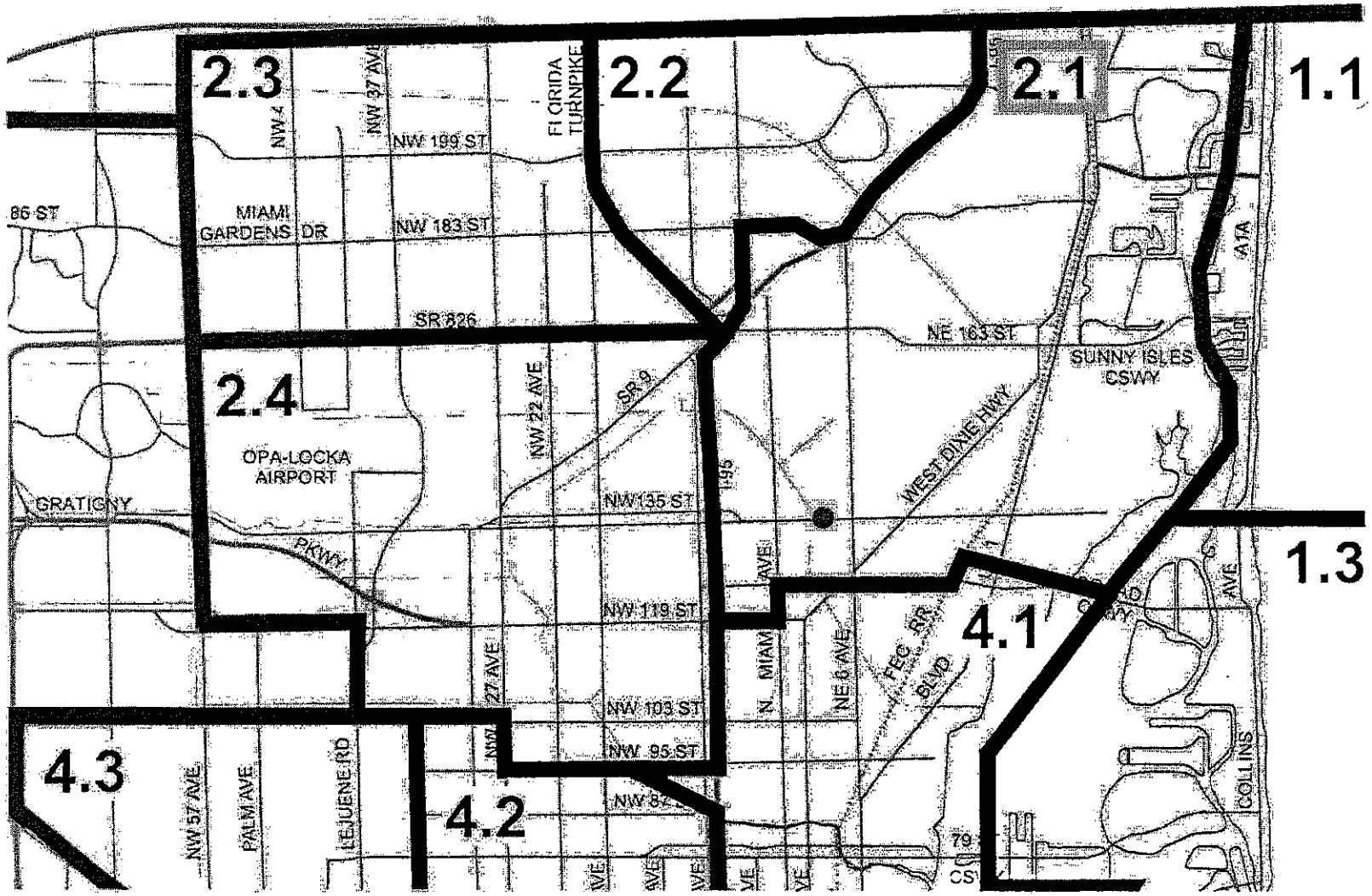
2005 URBAN DEVELOPMENT BOUNDARY
2015 URBAN EXPANSION AREA BOUNDARY
DEPARTMENT OF PLANNING AND ZONING

6-09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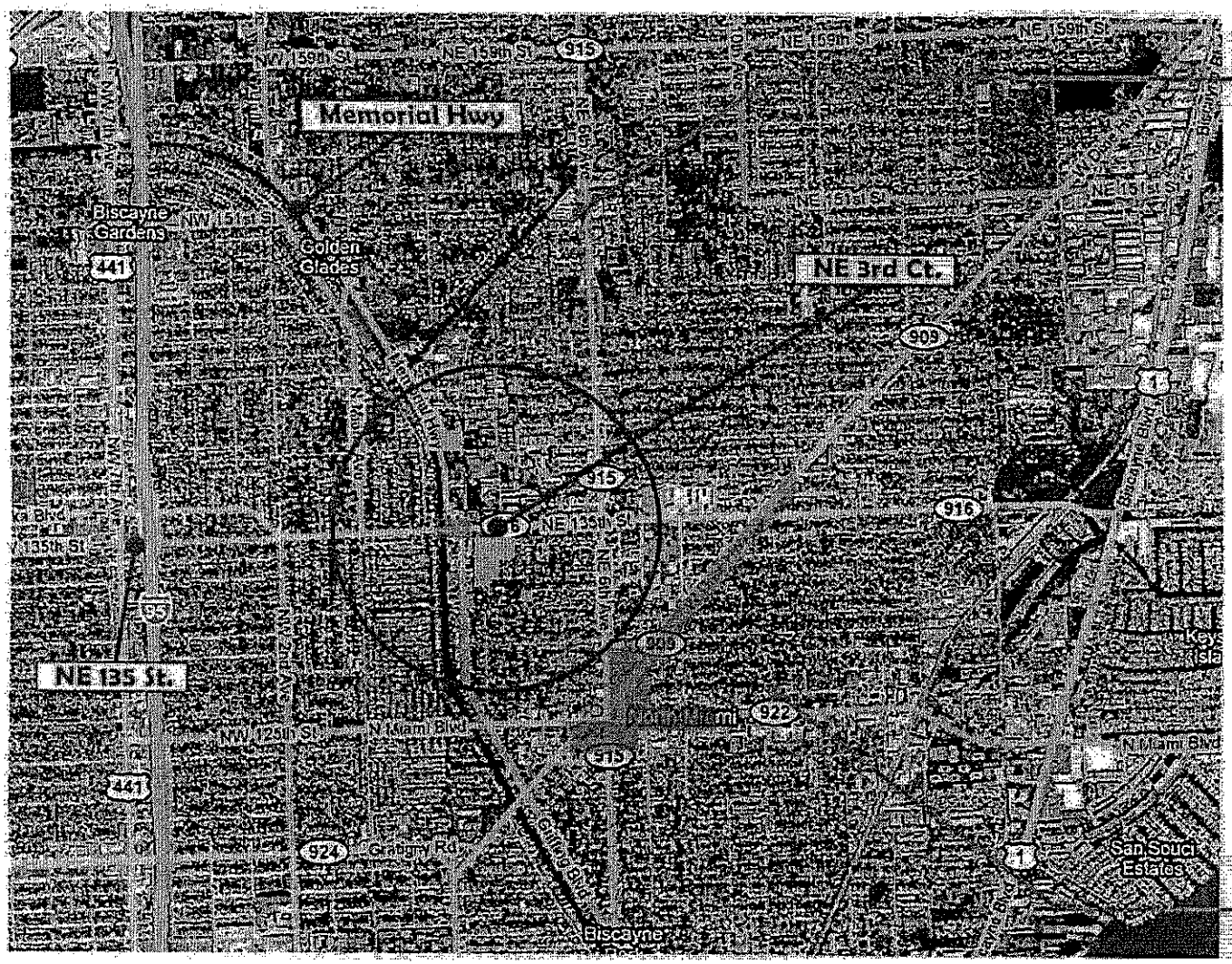
NW 199 ST
FLORIDA TURNPIKE
NW 37 AVE
NW 183 ST
MIAMI GARDENS DR
86 ST
SR 826
NE 163 ST
SUNNY ISLES CSWY
A1A
NW 22 AVE
SR 9
OPA-LOCKA AIRPORT
GRATIGNY
PKWY
NW 135 ST
WEST DIXIE HWY
NW 119 ST
N. MIAMI AVE
NE 6 AVE
FEC RR
BLVD
NW 103 ST
NW 95 ST
NW 57 AVE
PALM AVE
LEJEUNE RD
COLLINS AVE



U-Store-it 15120 NE 6th ave. Miami, fl 33162

Designated Business/ Office

Vacant lots

Discount Self Storage 1100 NE 125th st. Miami Fl. 33161

2008 OCT 27 P 3:09

PLANNING & ZONING
METROPOLITAN PLANNING SECT

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

App. 4
April '08 cycle

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, Sunshine Lakes, LLC ("Owner") holds the fee simple title to two adjacent parcels of land in Miami-Dade County, Florida, described as Parcel 1 (south parcel) and Parcel 2 (north parcel) in Exhibit "A," attached hereto, which is supported by the attorney's opinion; and

WHEREAS, Parcel 2 is the subject of a small-scale Comprehensive Development Master Plan ("CDMP") Amendment Application No. 4 of the April 2008 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of Parcel 2; and

WHEREAS, the Department of Planning and Zoning has recommended that the eastern 5.18 acres (excluding the western submerged land) of Parcel 1 be added to the Application; and

WHEREAS, the Department of Planning and Zoning has recommended a Land Use Plan change of the designation of Parcel 2 and the eastern 5.18 acres of Parcel 1, collectively hereinafter called the "Property," from "Low-Medium Density Residential" to "Medium Density Residential"; 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. 4 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:

(Space reserved for Clerk)

Maximum Residential Units. The maximum number of residential units that may be developed on the Property shall be 308.

Workforce Housing Units. In order to obtain a twenty-five percent (25%) increase in CDMP residential density for the Property, the Owner shall provide twelve and one-half percent (12.5%) of the residential units as workforce housing units pursuant to Sections 33-193.3 – 33.193.15 of the Code of Miami-Dade County.

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, as limited by the above maximum residential units.

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

(Space reserved for Clerk)

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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 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)

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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

(Space reserved for Clerk)

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

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

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

[Execution Pages Follow]

PAB file copy
10-6-08

PLANNING ADVISORY BOARD
OCTOBER 6, 2008

SUNSHINE LAKES, LLC
APPLICATION NO. 4

APRIL 2008
CDMP AMENDMENT CYCLE

HANDOUT

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

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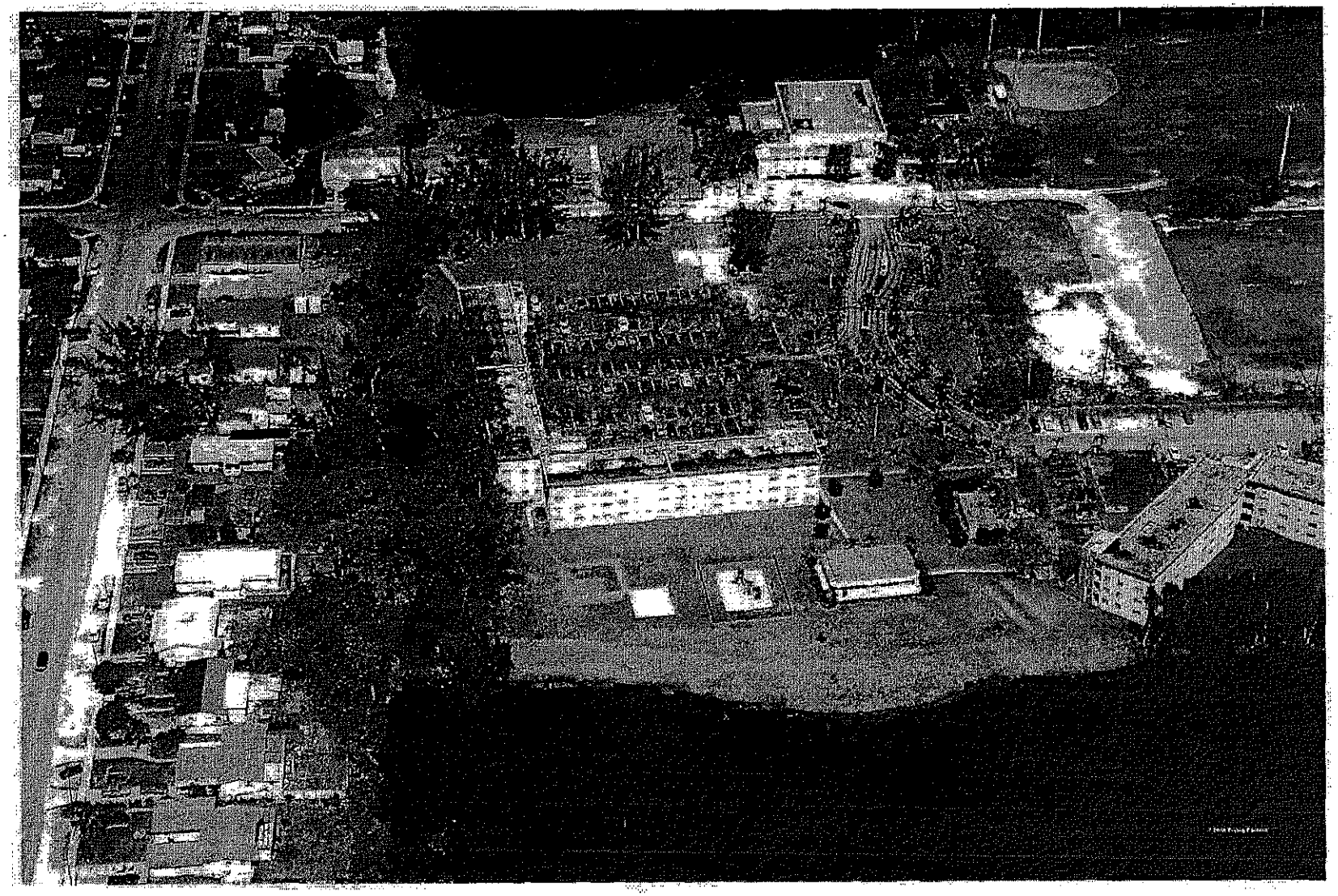
Aerial Photographs of Subject Property	**A**
Amendment Expansion Area	**B**
Declaration of Restrictions	**C**
Letters to Neighbors Concerning Alleviating Traffic Congestion	**D**

SUNSHINE LAKES, LLC
APPLICATION NO. 4
APRIL 2008 - CDMP AMENDMENT CYCLE
North Shore Hospital
Twin Lakes
NW 95th Street
Little River Canal
Miami Central
Senior High School
Multifamily
Multifamily
Multifamily
Multifamily
NW 103rd Street
Multifamily
Silver Blue Lake
Miami Shores
Municipal Building
Miami-Dade Park
South Parcel
Boys & Girls Club
NW 17th Avenue
North Parcel
Offices
NW 7th Avenue
Church
N
NW 111th Street
Church

Sunshine Lakes, LLC
Application No. 4
April 2008 – CDMP Amendment Cycle



View Looking East

Sunshine Lakes, LLC
Application No. 4
April 2008 – CDMP Amendment Cycle

View Looking South

Sunshine Lakes, LLC
Application No. 4
April 2008 - CDMP Amendment Cycle

View Looking North

APPLICATION NO. 4
AERIAL PHOTO

Legend

APPLICATION AREA

DP&Z RECOMMENDED EXPANSION AREA

0 0.07 0.14 0.21

Miles

N

Source: Miami-Dade County
Department of Planning and Zoning, 2008

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)

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(Space reserved for Clerk)

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[Execution Pages Follow]

Sunshine Lakes, LLC.
4661 SW 71 Avenue.
Miami, FL 33155

August 5, 2008

Mrs. Hattie Cooper
11021 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Illegal Parking on NW 14th Avenue

Dear Mrs. Cooper,

Thank you very much for attending our meeting last Tuesday night. We really appreciate your input and want to work with you in a cooperative and responsible manner.

The traffic problems from the football games held in the park at the end of NW 14 Avenue affect both of our properties. We have worked with Miami Dade County in the past; both the Public Works Department and the Police Department in order to minimize the impact of these games on NW 14th Avenue. We had the "No Parking" signs installed by Public Works in the right of way between NW 14 Avenue and our sidewalk. We then went on a campaign to monitor the parking and would call the Police to issue citations to the parking violators. As a result of these efforts we had many vehicles towed, the Police issued many citations and the illegal parking subsided.

Since it appears that the parking problem is surfacing once again we have contacted the Police Department and have instructed our security guards to enforce the "No Parking" policy to the best of their abilities. It would be a great help if neighbors like you would join us in this effort. The next time you witness illegal parking on NW 14th Avenue we urge you to call 311 and report this to the police department so that they can dispatch an officer to ticket the violators. The number 311 is the equivalent of 911 but for non-emergency matters.

Thank you for your cooperation and assistance with this matter. We look forward to stopping the illegal parking together with you. If you need any further information from us please do not hesitate to call me at 305-669-1740.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

August 5, 2008

Mr. Earl Dennis
11001 NW 14 Avenue
Miami, FL 33167

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Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mrs. Hattie Cooper
11021 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mrs. Cooper,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

I am also attaching two preliminary sketches of parking alternatives for the park. We discussed the parking issue today with the Miami Dade County Parks & Recreation Department and they seemed to want to help solve the problem we are experiencing during the football games.

If you would like for me to review the site plans with you in person please do not hesitate to call me at 305-669-1740. Thank you for your cooperation and assistance with this matter.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mr. Earl Dennis
11001 NW 14 Avenue
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mr. Dennis,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

I am also attaching two preliminary sketches of parking alternatives for the park. We discussed the parking issue today with the Miami Dade County Parks & Recreation Department and they seemed to want to help solve the problem we are experiencing during the football games.

If you would like for me to review the site plans with you in person please do not hesitate to call me at 305-669-1740. Thank you for your cooperation and assistance with this matter.

Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

Sunshine Lakes, LLC.
4661 SW 71 Avenue
Miami, FL 33155

October 2, 2008

Mr. James E. Johnson
1361 NW 111 Street
Miami, FL 33167

Re: Sunshine Lakes Apartments – Community Meeting of October 1, 2008

Dear Mr. Johnson,

We are sorry that you were not in attendance at our community meeting held yesterday October 1, 2008. We had a great turnout (13 people) and made a lot of progress with regards to solving the traffic congestion during the football games. We also unveiled three different preliminary site plans for our property. Attached herewith are copies of these site plans for your review and comments.

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Sincerely,

Alejandro Rodriguez
Managing Member
Sunshine Lakes, LLC.

The Lasarte LAW FIRM

P. 305.269.7153
F. 305.269.7156

The Lasarte Law Firm
5835 Blue Lagoon Drive
Suite 100
Miami, FL 33126
www.lasartelaw.com

Felix M. Lasarte, Esq.
felix@lasartelaw.com

2008 OCT 8 P 3:33

PLANNING & ZONING
METROPOLITAN PLANNING SECT

VIA HAND DELIVERY

October 8, 2008

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Marc C. LaFerrier
Director of Planning and Zoning
Miami Dade County
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, Florida 33128

Re: Amended Letter of Intent / CDMP Application No. 8 / Consent of Condominium Associations / Legal Description of Business and Office Area / Legal Description of Parks and Recreation Area / Declaration of Restrictions / Modification of Prior Covenant

Dear Mr. LaFerrier:

Please accept this as our 1st Amended Letter of Intent on behalf of CDMP Application No. 8 of the April 2008 Cycle. Our Original Application covered an area of approximately 40 acres. Our Amended Application only covers an area of 31.9 acres. We have attached the survey and legal description for the new area. We are also enclosing the legal description and survey for the New Park and Recreation Area. The New Park and Recreation Area will consist of approximately 36.52 acres; the Original Application had 28.42 acres of Park and Recreation.

We are also enclosing copies of the consent letters from the Associations that are the owners of the Fontainbleau Lakes development. These consent letters are being provided pursuant to Section 7 Paragraph 3 of the Declaration of Restrictions.

Also for your review we are enclosing 2 Declaration of Restrictions. The First document is a Modification to the Declaration of Restrictions recorded in Official Records Book 23413 Page 1136. This Amendment removes the portion of the property dealing with Application No. 8 from the above mentioned Declaration of Restrictions. The Second Declaration of Restrictions we submitted provides for development restrictions for the property that is the subject matter of this Application.

Due to the complexity of this Application we would respectfully request a meeting with your staff and legal advisor. As always, if you have any questions or concerns please do not hesitate to contact our office.

Sincerely,

THE LASARTE LAW FIRM

Felix M. Lasarte

FONTAINBLEAU LAKES TOWNHOMES EAST HOMEOWNERS' ASSOCIATION
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI, FL. 33126

VIA CERTIFIED MAIL

October 8, 2008

Marc C. LaFerrier
Director of Planning and Zoning
Miami Dade County
Stephen P. Clark Center
111 NW 1st Street, Suite 1210
Miami, Florida 33128

Re: Fontainbleau Lakes, LLC / Application #8 / April 2008 CDMP Cycle

Dear Mr. LaFerrier:

We are writing you this letter to express our consent for the modification of the Declaration of Restrictive Covenants recorded in Official Records Book 23413, at Page 1136 of the Public Records of Miami-Dade County and to support a modification of the previously approved site plan pursuant to Zoning Resolution No. CZAB10-21-06.

We understand that Fontainebleau Lakes, LLC has filed a Master Plan Amendment to redesignate a portion of the East Golf Course to "Business and Office." Pursuant to Section 7 Paragraph 3 of the Declaration of Restrictions, we are hereby providing consent to the proposed modification and amendment to both the Declaration of Restrictions and the prior approved site plan.

If you have any questions please contact our office.

Truly Yours,

Melissa Sires-Garcia

President

FONTAINBLEAU LAKES COURTYARDS EAST CONDOMINIUM ASSOCIATION
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI, FL. 33126

VIA CERTIFIED MAIL

October 8, 2008

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Director of Planning and Zoning
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Truly Yours,

~~Maria Carcas~~
Melissa Sires-Garcia
President

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5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI, FL. 33126

VIA CERTIFIED MAIL

October 8, 2008

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October 8, 2008

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October 8, 2008

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October 8, 2008

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October 8, 2008

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Melissa Sires-Garcia

President

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES TOWNHOMES EAST HOMEOWNERS' ASSOCIATION, INC.

Filing Information

Document Number	N08000001393
FEI Number	NONE
Date Filed	02/11/2008
State	FL
Status	ACTIVE

Principal Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Mailing Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Registered Agent Name & Address

SILVA, FRANK
5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Officer/Director Detail

Name & Address

Title STD

GARCIA, MELISSA S
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Title PD

CARCAS, MARIA
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Title VD

GLASER, HARVEY
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Annual Reports

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES MASTER ASSOCIATION, INC.

Filing Information

Document Number	N07000005946
FEI Number	261974464
Date Filed	06/14/2007
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	09/24/2008
Event Effective Date	NONE

Principal Address

5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Mailing Address

5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Registered Agent Name & Address

AMERICAN INFORMATION SERVICES, INC.
ONE S.E. 3RD AVENUE 28TH FLOOR
MIAMI FL 33131 US

Officer/Director Detail

Name & Address

Title DP

SIRES-GARCIA, MELISSA
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Title DST

MELENDI, CHANTEL
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Title DV

GLASER, HARVEY
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Annual Reports

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES GREENSPACE MAINTENANCE ASSOCIATION, INC.

Filing Information

Document Number	N07000007819
FEI Number	261974550
Date Filed	08/08/2007
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	09/24/2008
Event Effective Date	NONE

Principal Address

5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Mailing Address

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MIAMI FL 33126

Registered Agent Name & Address

AMERICAN INFORMATION SERVICES, INC.
ONE SE 3RD AVE, 28TH FLOOR
MIAMI FL 33131 US

Officer/Director Detail

Name & Address

Title PD

SIRES-GARCIA, MELISSA
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Title VD

GLASER, HARVEY
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Title STD

MELENDI, CHANTEL
5835 BLUE LAGOON DRIVE 4TH FLOOR
MIAMI FL 33126

Annual Reports

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES COURTYARDS WEST CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N08000002154
FEI Number	NONE
Date Filed	03/04/2008
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	09/24/2008
Event Effective Date	NONE

Principal Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Mailing Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Registered Agent Name & Address

SILVA, FRANK ESQUIRE
5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126 US

Officer/Director Detail

Name & Address

Title PD

GARCIA, MELISSA SIRES
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Title STD

MELENDI, CHANTEL
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Title VPD

GLASER, HARVEY
5835 BLUE LAGOON DRIVE, 4TH FLOOR

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES COURTYARDS EAST CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N08000001321
FEI Number	NONE
Date Filed	02/08/2008
State	FL
Status	ACTIVE

Principal Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Mailing Address

5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Registered Agent Name & Address

SILVA, FRANK ESQ.
5835 BLUE LAGOON DRIVE
4TH FLOOR
MIAMI FL 33126

Officer/Director Detail

Name & Address

Title STD

GARCIA, MELISSA S
5835 BLUE LAGOON DRIVE, 4TH FLOOR
MIAMI FL 33126

Title PD

CARCAS, MARIA
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MIAMI FL 33126

Title VD

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Annual Reports

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Non Profit Corporation

FONTAINBLEAU LAKES TOWNHOMES WEST HOMEOWNERS' ASSOCIATION, INC.

Filing Information

Document Number	N08000002156
FEI Number	NONE
Date Filed	03/04/2008
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	09/24/2008
Event Effective Date	NONE

Principal Address

5835 BLUE LAGOON DR., 4TH FLOOR
MIAMI FL 33126

Mailing Address

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MIAMI FL 33126

Registered Agent Name & Address

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MIAMI FL 33126

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MIAMI FL 33126

Title DVP

GLASER, HARVEY
5835 BLUE LAGOON DR., 4TH FLOOR
MIAMI FL 33126

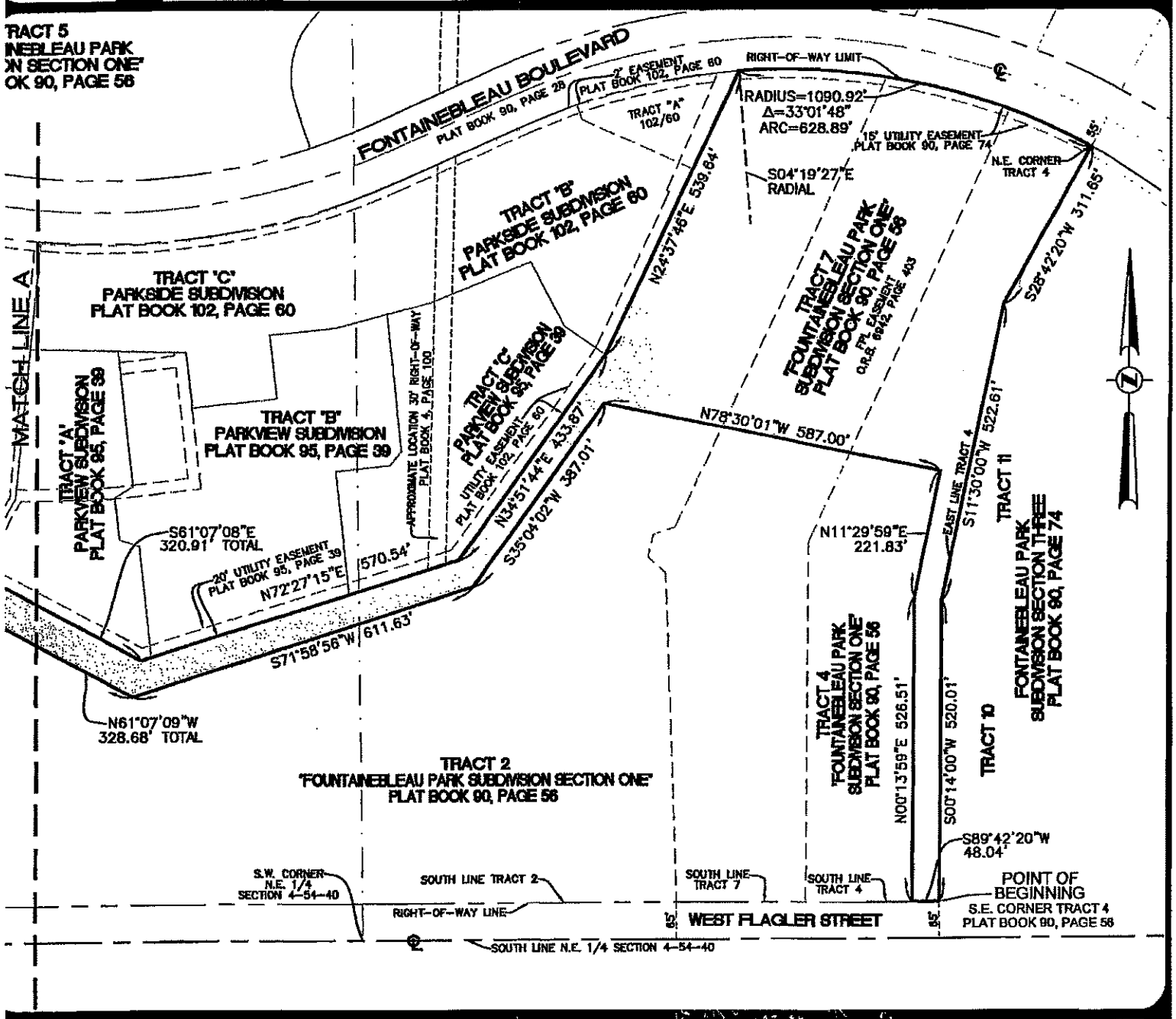
Annual Reports

Phase Area

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT

SCALE: 1"=250'

ORDER NO.: 51965B

DATE: 09/24/08

PARK TRACT

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 1 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5 INCLUSIVE

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☒ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

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SUNRISE, FLORIDA 33351
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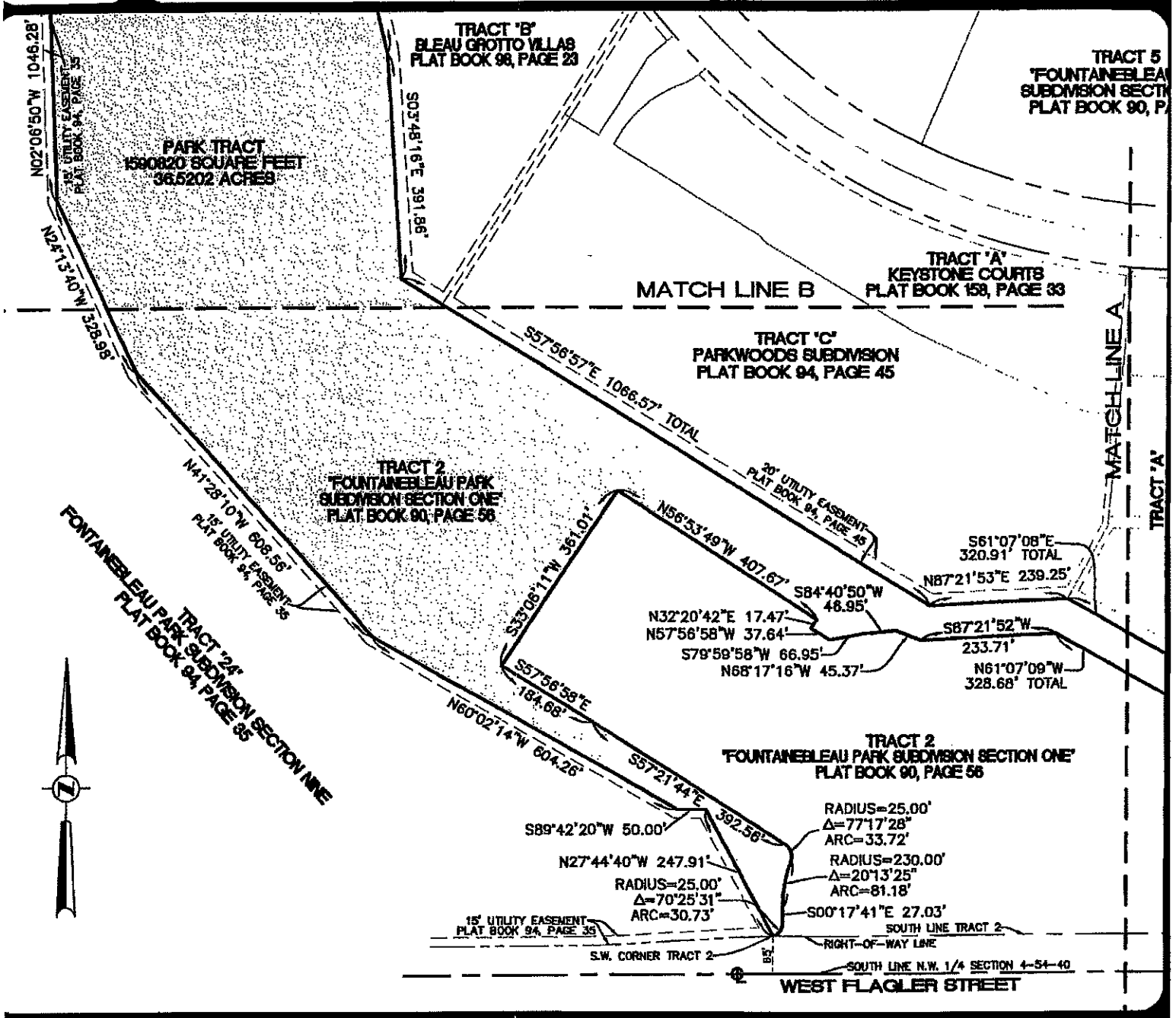

FILE: SHOMA DEVELOPMENT

SCALE: 1"=250'

ORDER NO.: 51965B

DATE: 09/24/08

PARK TRACT

MIAMI-DADE COUNTY, FLORIDA

FOR: FONTAINEBLEAU EAST

SHEET 2 OF 5

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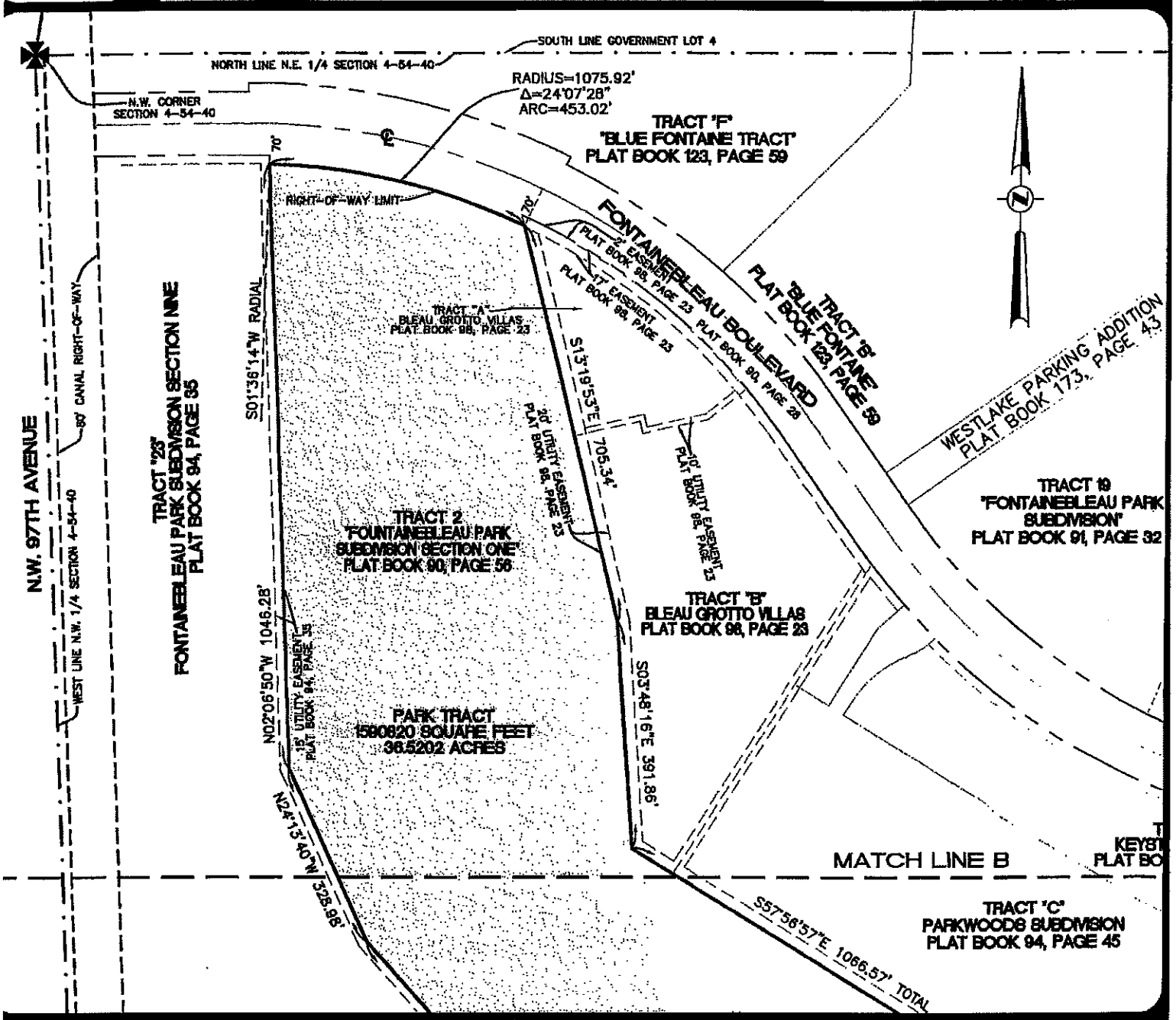

FILE: SHOMA DEVELOPMENT
SCALE: 1"=250'
ORDER NO.: 51965B
DATE: 09/24/08
PARK TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 3 OF 5
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SKETCH AND LEGAL DESCRIPTION
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SUNRISE, FLORIDA 33351
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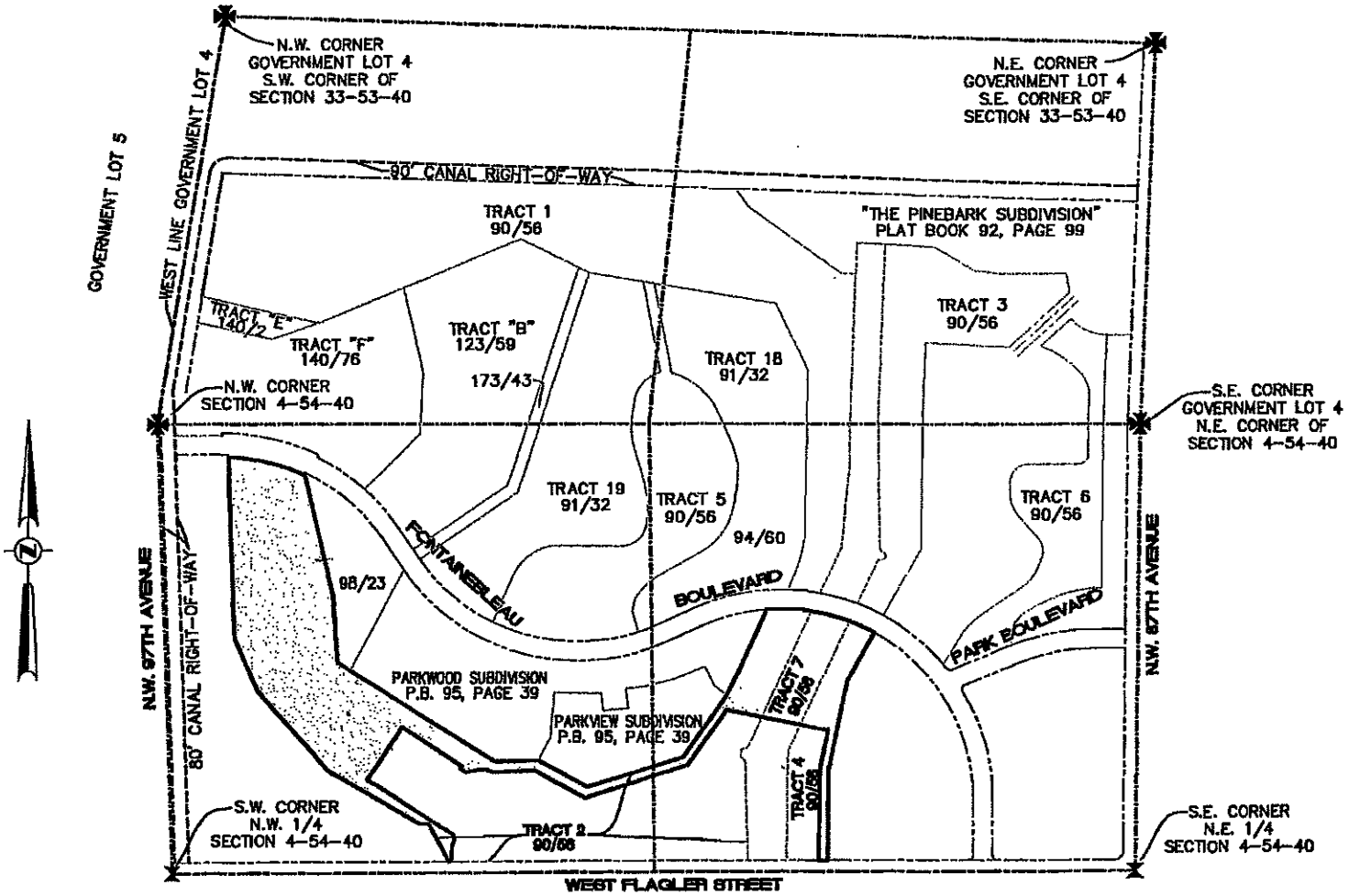

NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING S89°42'20"W.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT
SCALE: 1"=1,000' (LOCATION MAP)
ORDER NO.: 51965B
DATE: 09/24/08
PARK TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5 INCLUSIVE

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LEGAL DESCRIPTION: PARK TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE BOUNDARY OF SAID TRACT 2 THE FOLLOWING 16 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) SOUTH 89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 604.26 FEET; 4) NORTH 41°28'10" WEST 608.56 FEET; 5) NORTH 24°13'40" WEST 328.98 FEET; 6) NORTH 02°06'50" WEST 1,046.28 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LIMIT OF FONTAINEBLEAU BOULEVARD, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 01°36'14" WEST; 7) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,075.92 FEET AND A CENTRAL ANGLE OF 24°07'28" AN ARC DISTANCE OF 453.02 FEET; 8) SOUTH 13°19'53" EAST 705.34 FEET; 9) SOUTH 03°48'16" EAST 391.86 FEET; 10) SOUTH 57°56'57" EAST 1,066.57 FEET; 11) NORTH 87°21'53" EAST 239.25 FEET; 12) SOUTH 61°07'08" EAST 320.91 FEET; 13) NORTH 72°27'15" EAST 570.54 FEET; 14) NORTH 34°51'44" EAST 433.87 FEET; 15) NORTH 24°37'46" EAST 539.64 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LIMIT OF FONTAINEBLEAU BOULEVARD, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 04°19'27" EAST; 16) EASTERLY ON SAID RIGHT-OF-WAY LIMIT AND ON THE NORTHERLY BOUNDARY OF TRACTS 2, 7 AND 4 AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,090.92 FEET AND A CENTRAL ANGLE OF 33°01'48" AN ARC DISTANCE OF 628.89 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT 4; THENCE ON THE EASTERLY BOUNDARY OF SAID TRACT 4 THE FOLLOWING 3 COURSES AND DISTANCES: 1) SOUTH 28°42'20" WEST 311.65 FEET; 2) SOUTH 11°30'00" WEST 522.61 FEET; 3) SOUTH 00°14'00" WEST 520.01 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,590,820 SQUARE FEET, 36.5202 ACRES.

FILE: SHOMA DEVELOPMENT
SCALE: N/A
ORDER NO.: 51965B
DATE: 09/24/08
PARK TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

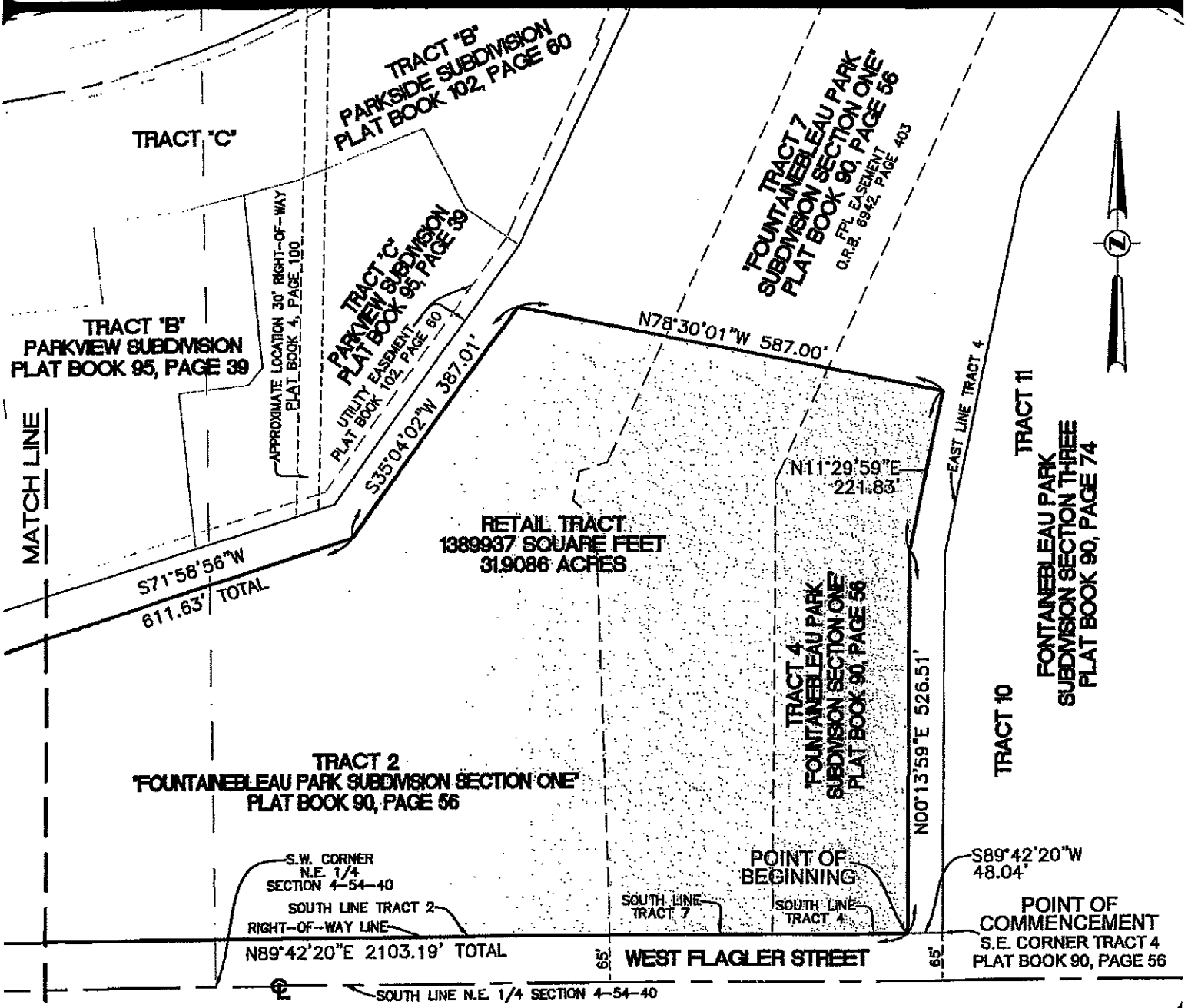
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 5 INCLUSIVE

Development Area

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SHOMA DEVELOPMENT
SCALE: 1"=200'
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 1 OF 4
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

Beth Burns

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☑ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
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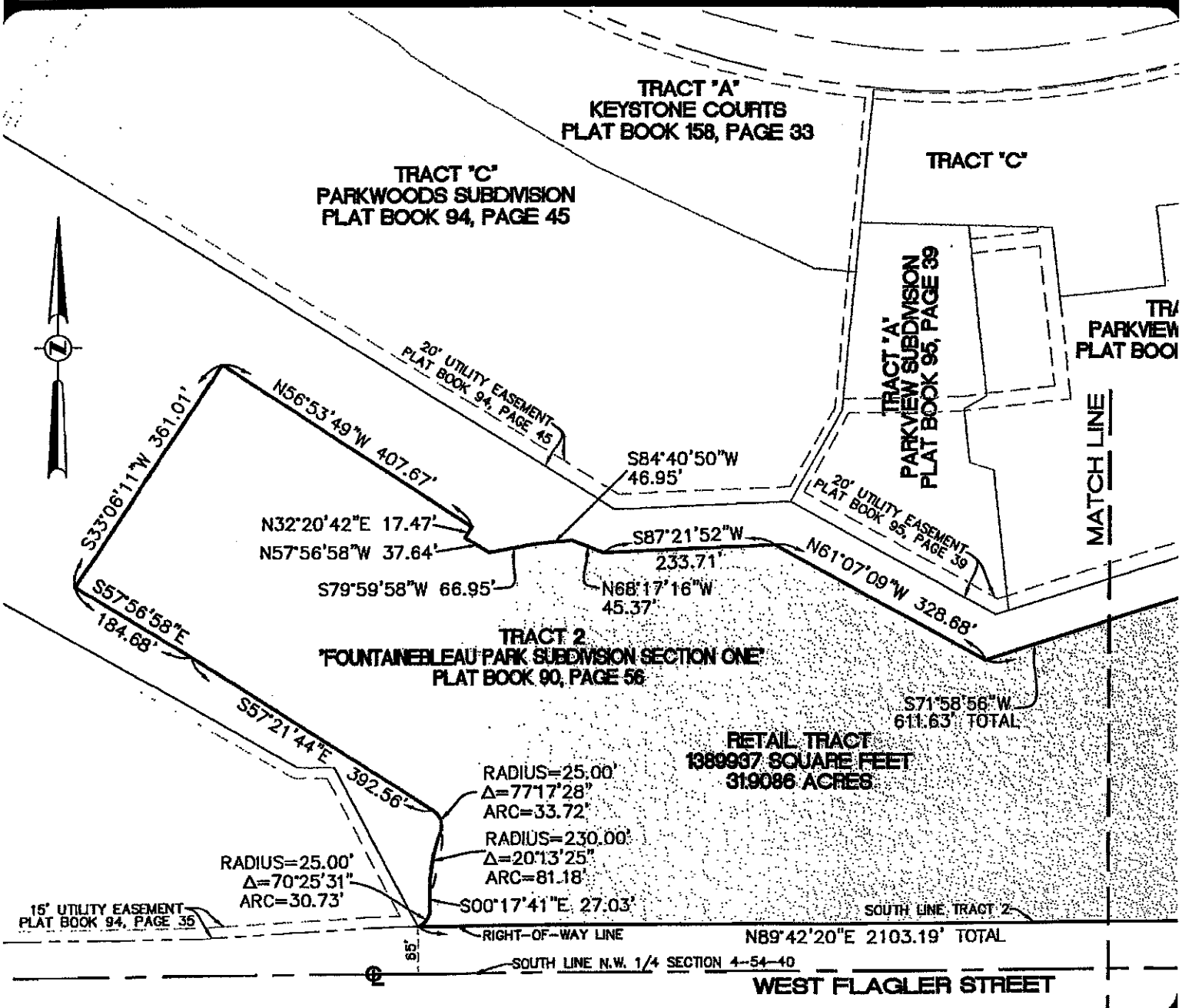

FILE: SHOMA DEVELOPMENT
SCALE: 1"=200'
ORDER NO.: 51965A
DATE: 09/23/08
RETAIL TRACT
MIAMI-DADE COUNTY, FLORIDA
FOR: FONTAINEBLEAU EAST

SHEET 2 OF 4
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
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SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
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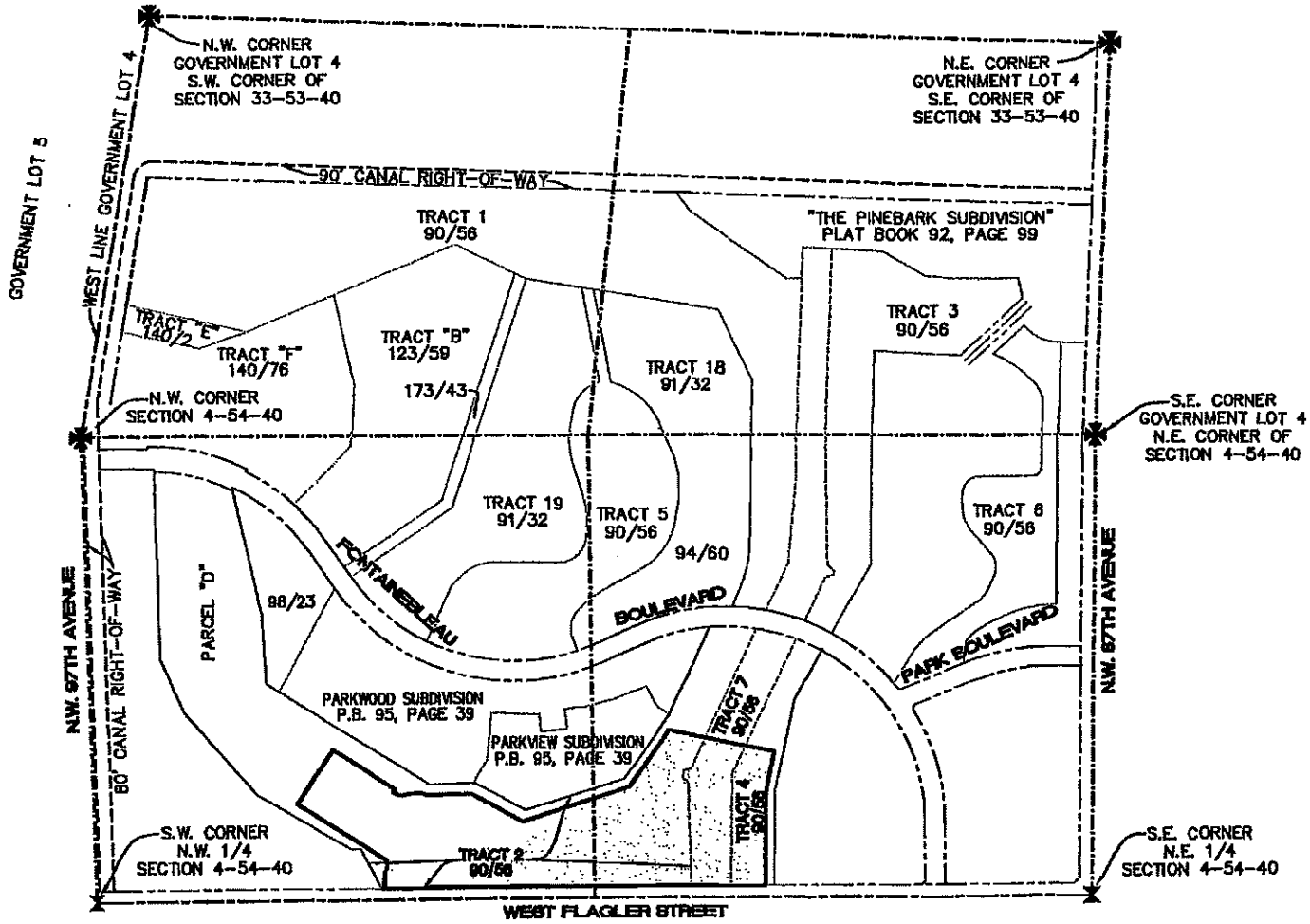


FILE: SHOMA DEVELOPMENT	SHEET 3 OF 4
SCALE: 1"=1,000' (LOCATION MAP)	THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: RETAIL TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 2, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT	SHEET 4 OF 4
SCALE: N/A	THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

PAB file copy 10-6-08

Kimley-Horn
and Associates, Inc.

September 30, 2008

Suite 109
5200 N.W. 33rd Avenue
Ft. Lauderdale, Florida
33309

Mr. Napoleón Somoza
Principal Planner
Miami-Dade County Department of Planning and Zoning
Miami, Florida 33128

Re: Fontainbleau Commercial CDMP Application
Traffic Impact Analysis

Dear Mr. Somoza:

Attached for your file is the revised Traffic Impact Analysis dated September 22, 2009, for the *Fontainbleau Commercial* Comprehensive Development Master Plan (CDMP) amendment application (Application No. 8). Table 5 of the report was updated for the roadway segment of NW 87th Avenue from SR 836 to Flagler Street based on the current concurrency table maintained by the Miami-Dade Public Works Department. The revised Table 5 demonstrates that the subject roadway segment will operate at its adopted level of service standard with the addition of trips associated with the CDMP amendment. Therefore, all study roadway segments are shown in Table 5 to operate at or above their adopted level of service for concurrency conditions.

As we discussed previously, since the project is expected to be built and occupied in advance of 2015, we believe the level of service analysis for concurrency conditions is most pertinent for this application. In addition, the traffic analysis demonstrates that the CDMP amendment will not significantly impact any roadway segments expected to operate below their adopted level of service standard in 2015. Therefore, we feel that the CDMP amendment is consistent with the standards defined in Miami-Dade's CDMP.

Please do not hesitate to contact me if you have questions or need additional information.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Greg Kyle

Gregory S. Kyle, AICP
Vice President

Attachment

Cc: Felix Lasarte, The Lasarte Law Firm

TEL 954 535 5100
FAX 954 739 2247

App. 8
April '08 cycle

2008 OCT 21 A 10: 08
PLANNING & ZONING
METROPOLITAN PLANNING SECT

This instrument was prepared by
or under the supervision of:

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

(Space reserved for Clerk of Court)

MODIFICATION OF DECLARATION OF RESTRICTIONS (CDMP)
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136

THIS Modification of Declaration of Restrictions is made this ___ day of _____, 2008, by Fontainebleau Lakes, LLC, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds the fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property";

WHEREAS, the Property described in Exhibit "A" is comprised of Parcel "A" (whose legal description is attached hereto as Exhibit "B") and Parcel "B" (whose legal description is attached hereto as Exhibit "C"); and

WHEREAS, in April 2004, the Owner filed an application (the "Former Application") as part of the April 2004 Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from Parks and Recreation and Medium Density Residential to Medium Density Residential; and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of the Miami-Dade County, was proffered and accepted by the Board of County Commissioners in connection with the Former Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property; and

WHEREAS, the Owner subsequently filed a zoning application to rezone the Property from GU to RU-4, which pursuant to Zoning Resolution No. CZAB10-21-06 a site plan was approved for the entire Property; and

WHEREAS, in April 2008, the Owner filed an application (the "New CDMP Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the land use designation for Parcel "B". The New CDMP Application seeks a redesignation on the CDMP Future Land Use Map of Miami Dade County from Parks and Recreation and Medium Density Residential to Business and Office, and this New CDMP Application has been designated as "Application No. 8" for the April 2008 CDMP cycle; and

WHERAS, in connection with the New CDMP Application the Owner is proffering a covenant that will place certain restrictions and conditions on the use of Parcel "B"; and

WHEREAS, the Owner as part of the New CDMP Application is seeking to modify the Declaration to exclude Parcel "B"; and

WHEREAS, this Declaration may only be modified pursuant to a CDMP Amendment process; and

WHERAS, a public hearing was held before the Board of County Commissioners (the "BCC") on November 6, 2008, at which hearing the BCC adopted Resolution No. _____ (the "Resolution"); and

WHEREAS, the Resolution approved the modification of Paragraphs _____ of the Declaration as follows:

FROM:

1. **Conceptual Site Plan**. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to allow for development of the Property ("Zoning Application."). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated and green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

TO:

1. **Conceptual Site Plan. Parcel A shall be developed in substantial conformity with the conceptual (bubble) plan entitled "_____," prepared by**

Pascual Perez Kiliddjian & Associates, signed and sealed the ___ day of _____, 2008 ("Conceptual Site Plan") and in substantial conformity with that portion of the site plan approved in connection with Zoning Resolution No. CZAB10-21-06. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for Parcel A, and the location of certain designated and green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on Parcel A.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of Parcel "A" shall not exceed a total of seven hundred and seventy (770) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

NOW, THEREFORE, the parties hereby agree as follows:

1. Paragraphs 1 and 2 of the Declaration shall now read as follows:

1. **Conceptual Site Plan**. Parcel A shall be developed in substantial conformity with the conceptual (bubble) plan entitled "_____," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the ___ day of _____, 2008 ("Conceptual Site Plan") and in substantial conformity with that portion of the site plan approved in connection with Zoning Resolution No. CZAB10-21-06. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for Parcel A, and the location of certain designated and green and buffered areas as further defined in this Declaration, but is not intended to show the exact location

and orientation of buildings, or other design features of the units to be located on Parcel A.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of Parcel "A" shall not exceed a total of seven hundred and seventy (770) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

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

[Signature Page Follows]

IN WITNESS WHEREOF, Fontainebleau Lakes, LLC, has caused these present to be signed in its name on this ____ day of _____, 2008.

WITNESSES:

_____
Witness #1

_____
Printed Name

_____
Witness #2

_____
Printed Name

Fontainebleau Lakes, LLC.,
a Florida limited liability company

By: _____
Name: _____
Title: _____

CORPORATE SEAL

STATE OF _____)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2008, by _____, as _____, on behalf of Fontainebleau Lakes, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

_____
Notary Public

_____
Printed Name

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

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

See Exhibit "A"

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

WHEREAS, the Application seeks to re-designate the Property from "Medium Density Residential" and "Park and Recreation" to "Business and Office" and "Parks and Recreation" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Owners during its consideration of the Application will be abided by, the Owners freely, voluntarily, and without duress, make the following Declaration of Restrictions covering and running with the Property:

(1) **Conceptual Site Plan.** Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "West Flagler Commercial Development," prepared by Leo A. Daly, signed and sealed the 2nd day

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

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

(3) **Prohibited Uses.** Residential and Office uses shall be prohibited on the Property.

(4) **Permitted Uses.** The uses on the Property shall be limited to those uses permitted under the BU-1(A) zoning category. Notwithstanding any possible rezoning, the following BU-1(A) uses shall not be permitted:

a. Donated Goods Center;
b. Automobile Light Truck Sales;
c. Automobile Service Station;
d. Billiard and Pool rooms;
e. Motorcycle Sales and Repairs;
f. Lawn Mower, Retail Sales and Service Centers;
g. Open Air Theater;
h. Skating Rinks;
i. Rental Trucks;
j. Dance Halls;

k. Night Clubs;
l. Banquet Halls;
m. Car Wash
n. Adult Entertainment

(5) **Maximum Height.** The maximum height permitted for the development of the Property shall be forty five (45) feet and shall only be one (1) story in height.

(6) **Pedestrian Connectivity.** The Owner shall maintain a pedestrian pathway between the proposed commercial and existing residential areas that shall be illuminated and landscaped to assure pedestrian connectivity throughout the proposed park adjacent to the Property.

(7) **Hours of Operation.** The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 11:00 pm

Friday and Saturday: 6:00 am to 1:00 am

(8) **Miscellaneous:**

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

B. **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 then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **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 fee simple owner(s) of the Property, 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 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 Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

[Execution Pages to Follow]

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

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

Shoma Fontainbleau Lakes, LLC a Florida corporation

_____
Name: Masoud Shojaee
Title: President

STATE OF FLORIDA)
) **ss:**
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by Masoud Shojaee, President of Shoma Fontainbleau Lakes, LLC. Who is personally known to me or produced_____ (type of identification) as identification.

NOTARY PUBLIC

_____

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

Exhibit "A"

SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: RETAIL TRACT

A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 2, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.

NOTES:

1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E.
2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) Δ DENOTES: CENTRAL ANGLE.
5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.

FILE: SHOMA DEVELOPMENT	SHEET 4 OF 4
SCALE: N/A	THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE
ORDER NO.: 51965A	
DATE: 09/23/08	
RETAIL TRACT	
MIAMI-DADE COUNTY, FLORIDA	
FOR: FONTAINEBLEAU EAST	

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

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

2008 OCT 23 P 2:22

PLANNING & ZONING
METROPOLITAN PLANNING SECT

Juan J. Mayol, Jr., Esq.
305 789 7787
juan.mayol@hklaw.com

October 23, 2008

HAND-DELIVERED

Mr. Mark Woerner
Chief of Metropolitan Planning
Miami-Dade County Department of Planning and Zoning
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Gold River Corporation / CDMP Application No. 9 (the "Applicant") / April 2008 Cycle

Dear Mr. Woerner:

On behalf of the Applicant, enclosed for your review and consideration is a revised report prepared by Miami Economic Associates, Inc. Please let us know how many extra copies of the report you would like us to submit prior to the County Commission hearing.

Should you have any questions regarding this matter, please do not hesitate to contact me at (305) 789-7787.

Sincerely,

Juan J. Mayol, Jr.

JJM/ma
Enclosure

5450795_v2

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
Comp

Miami Economic Associates, Inc.

October 21, 2008

Juan Mayol, Esq.
Holland & Knight
Miami, Florida

Re: Proposed CDMP Amendment No. 9
April 2008 Cycle

Dear Mr. Mayol:

Miami Economic Associates, Inc. (MEAI) has reviewed the application filed by Gold River Corporation in the April 2008 Cycle to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) to re-designate 39 net acres of property from Low-medium Density Residential to Business and Office Use. The subject property has frontage on West Flagler Street at N.W. 102nd Avenue. The purpose of our review was to evaluate whether a need exists for additional land designated for Business and Office Use at the location just indicated. We understand that the property, if re-designated, would be developed with a maximum of 400,000 square feet of retail and office space.

The purpose of this letter is to apprise you of the findings of our analysis. We understand that it will be submitted to the Miami-Dade County Department of Planning and Zoning (DP&Z) in support of the proposed CDMP amendment.

Summary of Findings

MEAI believes that the proposed amendment should be adopted because a need exists for additional land designated for Business and Office Use at the location identified above. We base this belief on the following considerations:

- According to DP&Z, the area of the County in which the subject property is located, Minor Statistical Area (MSA) 3.2, has the highest concentration of commercial acres (both vacant and in-use) among Miami-Dade County's MSA's. It estimated that MSA 3.2 contained a total of approximately 1900 commercially-designated acres, including approximately 1,587 acres in use and 313 vacant acres. Based on this estimate, it calculated that MSA 3.2 had 11.3 acres of land designated for commercial use per 1,000 residents. However, a number of points should be considered with respect to this estimate, which are as follows:
    - The fact that MSA 3.2 contains such large quantities of commercially-designated property reflects that fact that it is the MSA within Miami-Dade

6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meainc@bellsouth.net

County in which the largest number of workers are employed. This fact is, in turn, a function of the fact the it is the only MSA within the County through which 3 major highways pass. DP&Z analysis does not explicitly recognize either of these factors and, perhaps more significantly, the demand for retail goods generated by the area's large workforce. Therefore, to compare the amount of commercially-designated acreage in MSA 3.2 with that which may exist in other MSA's that are predominantly developed with residential uses is misleading.

- Approximately one-third of the approximately 1,587 commercial acres currently in use are occupied by office buildings. Further, a substantial portion of the acres that are occupied by office buildings are designated for Industrial and Office --- not Business and Office --- use. Land designated for Industrial and Office use can not be developed with retail facilities except to the extent that the retail uses are ancillary to the industrial and office uses. Gold River Corporation proposes to develop retail uses on part or all of the subject parcel that will be designed to serve households that reside within its immediate area including the Fontainebleau Park community. Currently, there are approximately 1,484 new residential units being developed in Fontainebleau Park.

- Approximately 100 of the commercial acres currently in use that DP&Z considers retail use within MSA 3.2 are occupied by automobile, truck and tractor/construction equipment dealerships, the preponderance on land designated for Industrial and Office rather than Business and Office use. It should be further noted that, contrary to DP&Z's evaluation, truck, tractor and construction equipment dealers are not involved in retail trade. Further, the automobile dealers located within MSA 3.2 serve a market that extends well beyond its boundaries, reflecting the accessibility provided by the highway network that runs through it and the fact that project approvals could be obtained without the normal opposition encountered when such uses attempt to locate near residential uses.

- Nearly 100 acres of the commercially-designated land in use within MSA 3.2 that DP&Z considers retail use are located in areas where there are no nearby residential communities including in the area bounded by N.W. 72nd Avenue, State Road 836, the east side of the Palmetto Expressway and Okeechobee Road as well as in the Town of Medley and at the Beacon Station project at N.W. 106th Street and the Turnpike.

- Included in DP&Z's estimate of commercially-designated land within MSA 3.2 are the sites of International Mall and Dolphin Mall, both which are located north of State Road 836, as compared to the subject property which is located south of that artery. Both sites enjoy excellent accessibility from S.R. 836 and/or Florida's Turnpike. Also in MSA 3.2 is the Mall of the Americas, which is located south of State Road 836 at the intersection of the Palmetto Expressway and Flagler Street. These 3 projects combined occupy

approximately 250 acres, which account for more than 25 percent of all land currently in use within the MSA that is in retail use. All 3 projects serve areas that extend well beyond the limits of MSA 3.2. They are located within it to take advantage of the highly-developed highway network within it. MEAI further notes that Dolphin Mall's tenants include a substantial number of factory outlet stores not found anywhere else in Miami-Dade County other than a few instances in Homestead. Thus, it serves a market area that essentially extends countywide.

- More than 100 of the acres currently in retail use within MSA 3.2 not otherwise referred to in the preceding paragraphs are contained in parcels less than 5 acres in size, the preponderance in parcels 2 acres or less in size and in significant proportion occupied by fast food restaurants and gas stations. Approximately half of this acreage is also located in areas within MSA 3.2 characterized by non-residential uses, hence predominately serving a market comprised of workers rather than area residents.

As discussed above, the County calculates that MSA 3.2 has more than 11 acres of commercial land per 1,000 residents, inclusive of both land in use and vacant land designated for commercial use. However, when the acres currently in office use as well as those occupied by vehicle dealerships and those located in areas in which there is no residential development are subtracted, that ratio drops to below 5 acres per 1,000 residents.

Ultimately, the amount of retail development supportable is a function of income. The residential communities within MSA 3.2 are relatively affluent. Other affluent areas of the County such as MSA's 5.6 and 5.7 contain 6.3 and 9.3 acres per 1000 residents, respectively, which means that MSA 3.2 has considerably less land either currently or prospectively in retail use than those areas. It should be further noted that those two MSA's do not contain 250 acres of land occupied by retail facilities serving regional market areas. When that acreage is also eliminated from the equation, MSA 3.2 contains less than 3 acres per 1,000 residents. Only 2 of Miami-Dade County's 31 urbanized MSA's have fewer than 3 acres of commercial land per 1,000 residents.

- Not all areas within MSA 3.2 that contain substantial amounts of residential are equally well-served in terms of retailing. Our analysis shows that portion, consisting of the more than 3 square mile area located south of State Road 836 between S.W. 87th Avenue and Florida's Turnpike, is particularly poorly served. It contains fewer than 60 acres of land designated for Business and Office Use, hence capable of accommodating retail development. DP&Z guidelines for urban form envision the development of approximately 40 acres of commercially-designated land per square mile. In an area of 3 square miles, that would total 120 acres, essentially twice the amount with the 3 square mile study area just delineated. On this basis, the area's supply of land for retail development could appropriately be augmented by the subject property. In fact, the 400,000 square feet of commercial space proposed for the subject site and 240,000 square being proposed for the property that is subject to

Amendment 8 of April 2008 together represent the quantity of development that would typically be feasible on the 60-acre shortfall in commercially-designated land that currently exists within 3-mile study area.

- MEAI also notes that the DP&Z's guideline for urban form applies to all areas of the County including those that exist in the County's South Central and Southern Tier where development is generally less dense than in the delineated study area. The Study area contains substantial amounts of medium density development including the garden and mid-rise rental apartment and condominium projects within the Fontainebleau Park area. Finally, it is noted that the delineated study area contains less than 0.4 acres of vacant land designated for Business and Office Use. Meanwhile, as indicated above, 1,484 new residential units are being developed in the Fontainebleau Park area by the Applicant.

- MEAI recognizes that DP&Zs guidelines for urban form propose that the 40 acres of commercial development with a square mile be located in parcels approximating 10 acres at size at the four points where the section line roads intersect. The subject property is not located at the intersection of section line roads. However, given the fact that the delineated study area, except for the properties owned by Fontainebleau Lakes, LLC, has been substantially developed, the ideal situation reflected in the guidelines for urban form can no longer be achieved. MEAI does not believe that the quality of life of County residents should be sacrificed to adherence to a guideline that in this instance is unrealistic given the conditions "on the ground".

- MEAI also recognizes that a substantial concentration of retail uses exists in the vicinity of the Mall of Americas, in addition to the mall itself, which can serve to augment retailing within the designated study area, thereby helping to address the needs of the residents of the delineated study area. However, we note that the segment of Flagler Street between the Palmetto Expressway and S.W. 87th Avenue is frequently congested, being unduly burdened by the fact that there is no ramp connecting the northbound Palmetto Expressway to State Road 836 westbound. Residents of the 3 square mile area west of S.W. 87th Avenue delineated above should not need to confront that traffic congestion when attending to their daily retail needs.

Closing

Based on the preceding findings, MEAI strongly believes that CDMP Amendment 9 of the April 2008 cycle should be approved.

Sincerely,
Miami Economic Associates, Inc.

Andrew Dolkart
President

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meainc@bellsouth.net

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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

2008 OCT 10 P 1:00
PLANNING & ZONING
METROPOLITAN PLANNING SECT

September 26, 2008

Mr. Marc LaFerrier, A.I.C.P., Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor
Miami, Florida 33128

Re: **Land Use Amendment April 2008 Cycle**
Application No. 9
Gold River Corporation

Dear Mr. LaFerrier:

At a dialogue held on August 28, 2008 between the applicant and the School District, the applicant's attorney advised that the applicant has proffered a covenant to Miami-Dade County indicating a prohibition of residential uses on the subject property. Since the applicant is not considering a residential development, the above referenced zoning application will not impact area schools. As such, no further action is required. Should you have any questions, please call me at (305) 995-4899.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Corina S. Esquijarosa
Coordinator III

CSE:rr
L-141
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

RECEIVED
OCT - 8 2008
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE

PAB file copy 10-6-08

Kimley-Horn
and Associates, Inc.

September 30, 2008

Suite 109
5200 N.W. 33rd Avenue
Ft. Lauderdale, Florida
33309

Mr. Napoleón Somoza
Principal Planner
Miami-Dade County Department of Planning and Zoning
Miami, Florida 33128

Re: Fontainbleau Commercial CDMP Application
Traffic Impact Analysis

Dear Mr. Somoza:

Attached for your file is the revised Traffic Impact Analysis dated September 22, 2009, for the *Fontainbleau Commercial* Comprehensive Development Master Plan (CDMP) amendment application (Application No. 8). Table 5 of the report was updated for the roadway segment of NW 87th Avenue from SR 836 to Flagler Street based on the current concurrency table maintained by the Miami-Dade Public Works Department. The revised Table 5 demonstrates that the subject roadway segment will operate at its adopted level of service standard with the addition of trips associated with the CDMP amendment. Therefore, all study roadway segments are shown in Table 5 to operate at or above their adopted level of service for concurrency conditions.

As we discussed previously, since the project is expected to be built and occupied in advance of 2015, we believe the level of service analysis for concurrency conditions is most pertinent for this application. In addition, the traffic analysis demonstrates that the CDMP amendment will not significantly impact any roadway segments expected to operate below their adopted level of service standard in 2015. Therefore, we feel that the CDMP amendment is consistent with the standards defined in Miami-Dade's CDMP.

Please do not hesitate to contact me if you have questions or need additional information.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Greg Kyle

Gregory S. Kyle, AICP
Vice President

Attachment

Cc: Felix Lasarte, The Lasarte Law Firm

TEL 954 535 5100
FAX 954 739 2247

FAB file copy
10-6-08
App 9

TABLE 1-A
TRIP GENERATION FOR THE PROPOSED USE - LIMITED TO 400,000 SF OF RETAIL

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	400,000 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	16,722	50%	8,361	50%	8,361
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	4,345	50%	2,173	50%	2,172
NET EXTERNAL TRIPS					**12,377**	50%	**6,188**	50%	**6,189**
RETAIL	AM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	360	61%	220	39%	140
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	94	61%	57	39%	37
NET EXTERNAL TRIPS					**266**	61%	**163**	39%	**103**
RETAIL	PM Peak Hour	400,000 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	1,563	48%	750	52%	813
PASS BY REDUCTION			25.98%	Ln (TP) = -0.291 Ln (X) + 5.001	406	48%	195	52%	211
NET EXTERNAL TRIPS					**1,157**	48%	**555**	52%	**602**

TABLE 1-B
TRIP GENERATION FOR THE PROPOSED USE - NO LIMITS - BASED UPON 0.4 FAR

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN %	IN TRIPS	OUT %	OUT TRIPS
RETAIL	Daily	679,536 SQ. FT.	820	Ln (T) = 0.65 Ln (X) + 5.83	23,598	50%	11,799	50%	11,799
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	5,255	50%	2,628	50%	2,627
NET EXTERNAL TRIPS					**18,343**	50%	**9,171**	50%	**9,172**
RETAIL	AM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.60 Ln (X) + 2.29	494	61%	301	39%	193
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	110	61%	67	39%	43
NET EXTERNAL TRIPS					**384**	61%	**234**	39%	**150**
RETAIL	PM Peak Hour	679,536 SQ. FT.	820	Ln (T) = 0.66 Ln (X) + 3.40	2,217	48%	1,064	52%	1,153
PASS BY REDUCTION			22.27%	Ln (TP) = -0.291 Ln (X) + 5.001	494	48%	237	52%	257
NET EXTERNAL TRIPS					**1,723**	48%	**827**	52%	**896**

TABLE 1-C
CHANGE IN TRIPS BASED UPON RETAIL SF LIMITATION

LAND USE	TIMEFRAME	UNITS	% CHANGE	TYPE OF CHANGE	TRIPS	% IN	TRIPS	% OUT	TRIPS
Limit to 400,000 SF	**Daily**	-279,536 SQ. FT.	-32.52%	TRIP REDUCTION	-5,966	50%	-2,983	50%	-2,983
Limit to 400,000 SF	**AM Peak Hour**	-279,536 SQ. FT.	-30.61%	TRIP REDUCTION	-118	61%	-72	39%	-46
Limit to 400,000 SF	**PM Peak Hour**	-279,536 SQ. FT.	-32.87%	TRIP REDUCTION	-566	48%	-272	52%	-295

BEFORE THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD

GOLD RIVER CORPORATION

CDMP APPLICATION NO. 9 (APRIL 2008, CYCLE)

October 6, 2008

Holland + Knight

701 Brickell Avenue
Suite 3000
Miami, Florida 33131
(305) 374-8500 Phone
(305) 789-7799 Fax

City of Sweetwater

September 18, 2008

Chairman Carlos Manrique
and the Honorable Members
of The Community Council

Dear Chairman and Honorable Members of the Council:

I write to you today to respectfully express my support for Application No. 9 of the April 2008 cycle of amendments to the Comprehensive Development Master Plan (CDMP) that you will be considering on September 23, 2008.

The subject property consists of approximately 41 gross acres located on the Northeast corner of West Flagler Street and Northwest 102nd Avenue. Because of its close proximity to the boundaries of Sweetwater, I have taken the time to review the merits of the application and the comments by staff. Certainly, the previous use, which has since been abandoned, caused significant problems in our community. The former deteriorated trailer park, which had numerous building code and other violations, was an eye sore in our community. The question before you now is whether to change the designation of this property from Low-Medium Density Residential to Business and Office.

I know that many residents of my city, as well as adjacent communities, believe that this area is already is densely populated, whereas there are not sufficient community-based business and office uses that can serve our residents. Therefore, we would welcome a well planned business and office development in this area. However, my support is based on the understanding that at this point in the process, the applicant has expressed a willingness to work with members of adjacent residential communities, including the City of Sweetwater, to ensure that the ultimate development proposed at time of Zoning and Site Plan Approval will seek to minimize any impacts to adjacent residential areas, and minimize traffic impacts wherever possible.

The re-designation itself (together with the covenant submitted by the applicant) provides significant benefits, including lowering water consumption from what would otherwise be needed for a residential development, eliminating parks and recreation impacts, as well as impacts to our overcrowded schools in the area. I therefore respectfully request that you recommend approval and transmittal at this time, with the clear understanding that the applicant is committed to meeting with area neighbors, including the City of Sweetwater, prior to Zoning and Site Plan Approval, in order to address the neighbors' legitimate concerns in the area of aesthetics and visual impacts, traffic, and other significant issues. Ultimately, through this process, we would like to see a well planned development that is a product of the shared vision of both the applicant and the area residents.

500 S.W. 109th Avenue, Sweetwater, Florida 33174-1398 • Telephone: 305-221-0411 • Fax: 305-221-2541

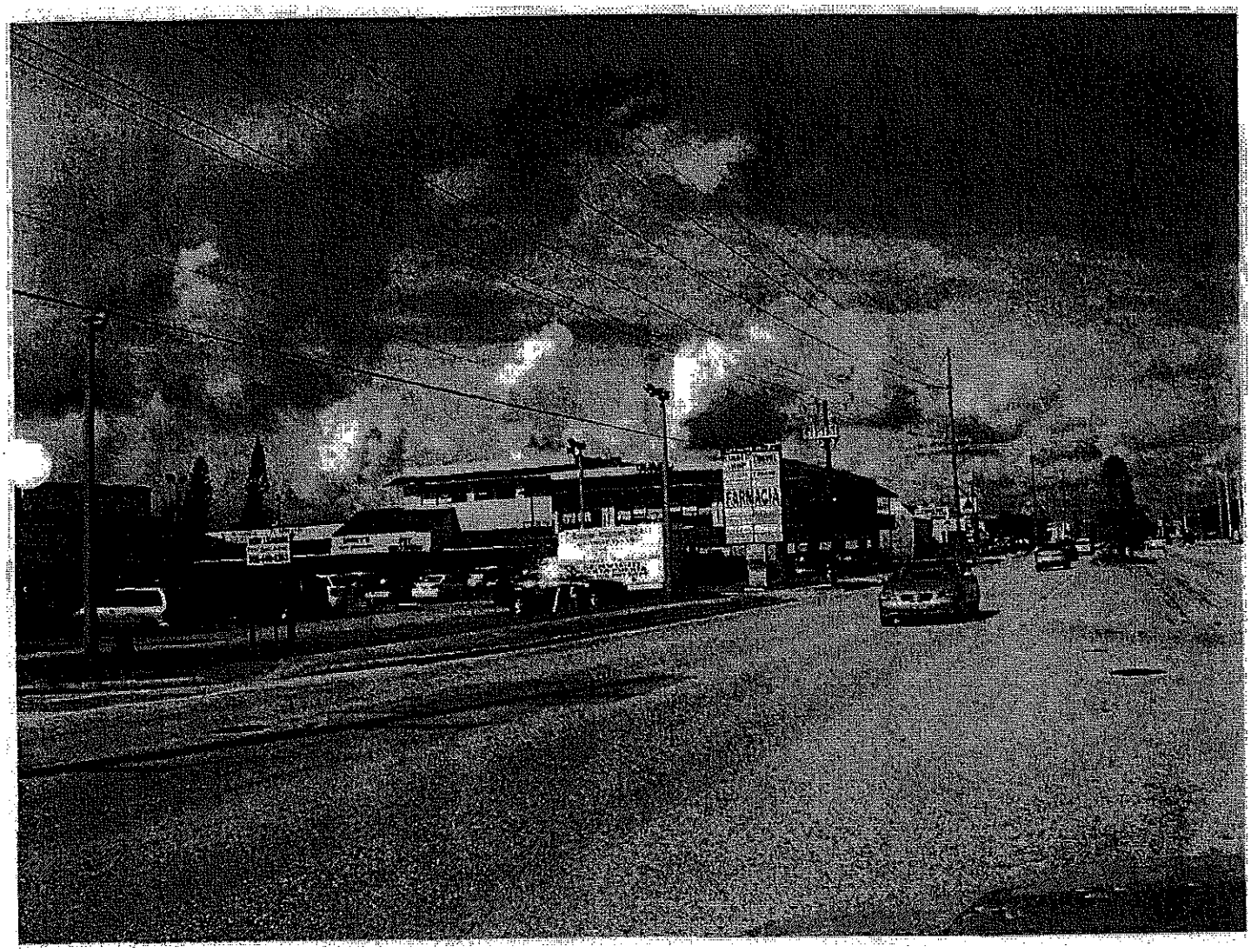
I thank you for your consideration of my comments, and urge you to contact me if you have any questions or if I can be of further assistance.

Sincerely yours,

Manny L. Maroño
Mayor - City of Sweetwater

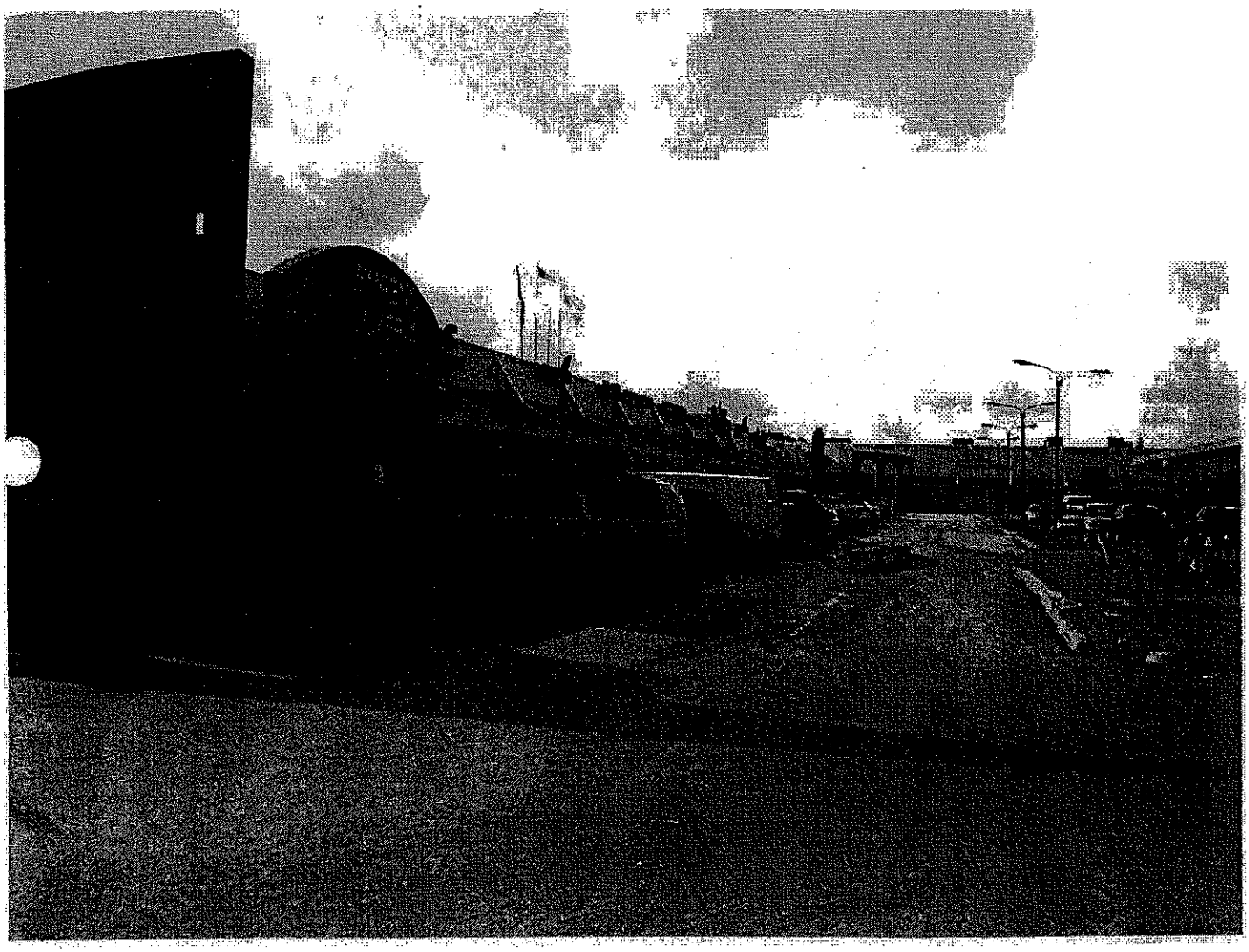
500 S.W. 109th Avenue, Sweetwater, Florida 33174-1398 • Phone: 305-221-0411 • Fax: 305-221-2541

BILTMORE PLAZA



CENTRO COMERCIAL
MANAGUA

HOLIDAY PLAZA



PLAZA 10500

PLAZA DEL REY

FIU SCHOOL
OF ENGINEERING

WOMEN'S PARK

DIVINE PROVIDENCE
CATHOLIC CHURCH

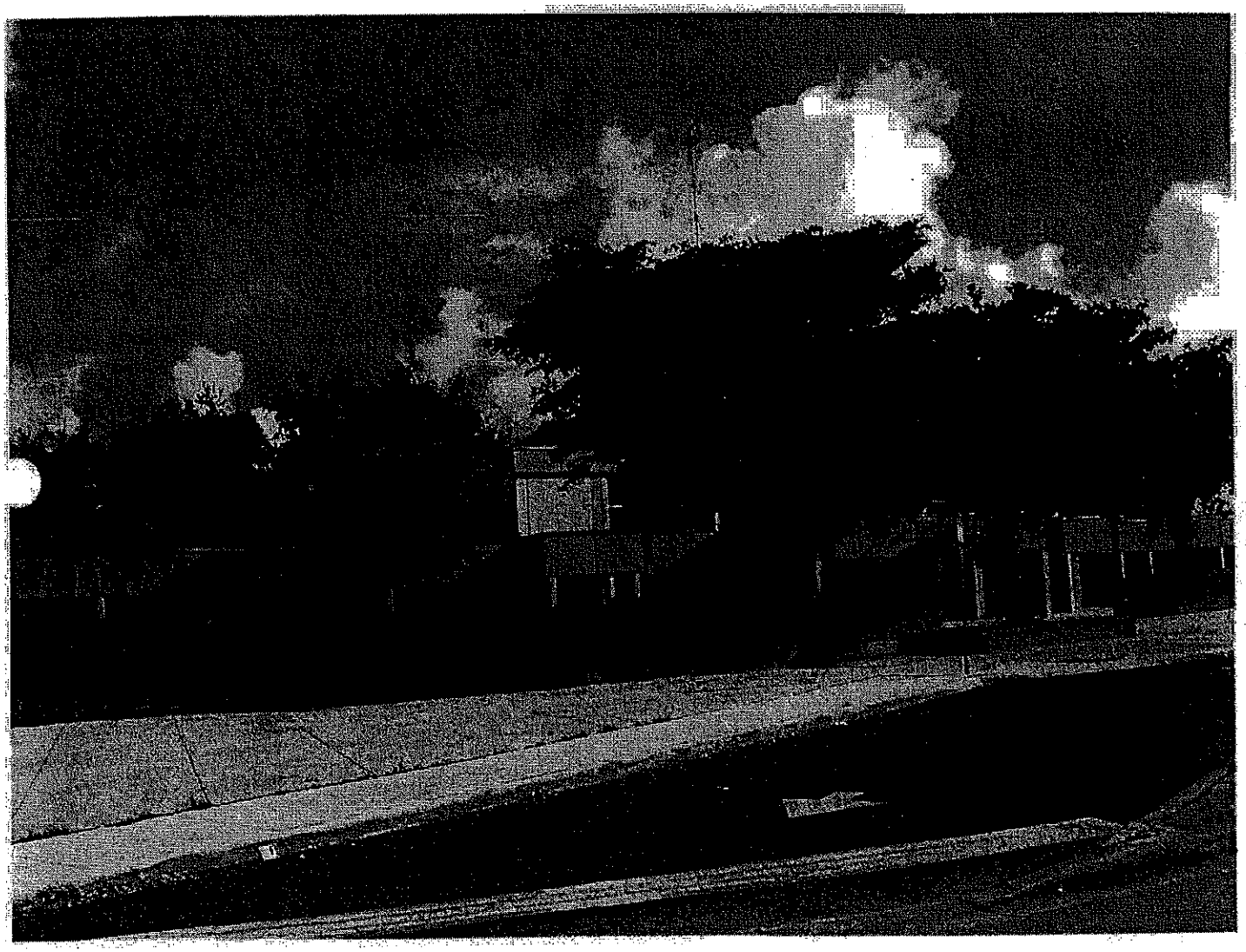
CHURCH OF JESUS CHRIST /
LATTER DAY SAINTS

E.W.F. STIRRUP
ELEMENTARY SCHOOL

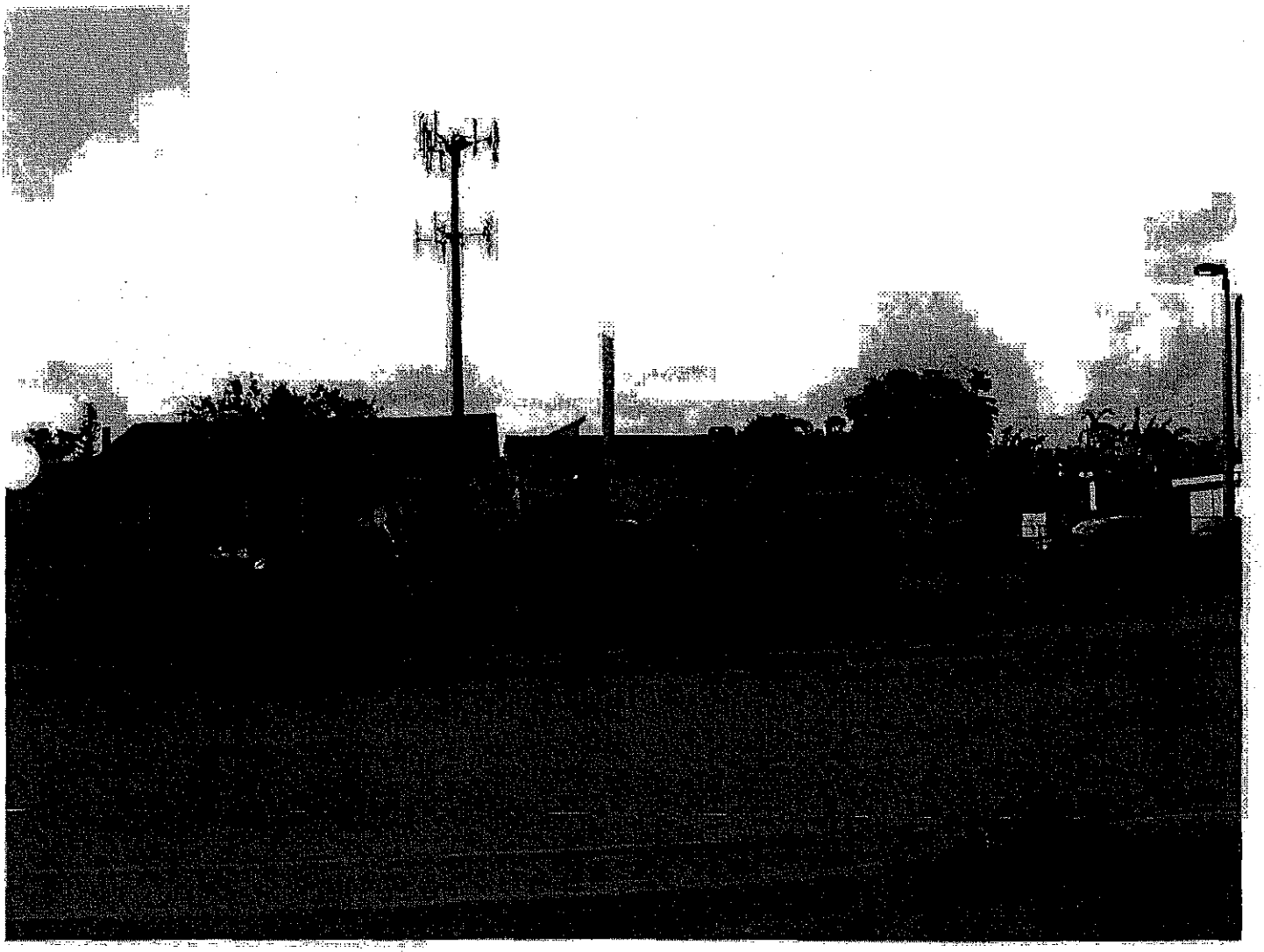
RUBEN DARIO
MIDDLE SCHOOL

MIAMI-DADE COUNTY
FIRE STATION

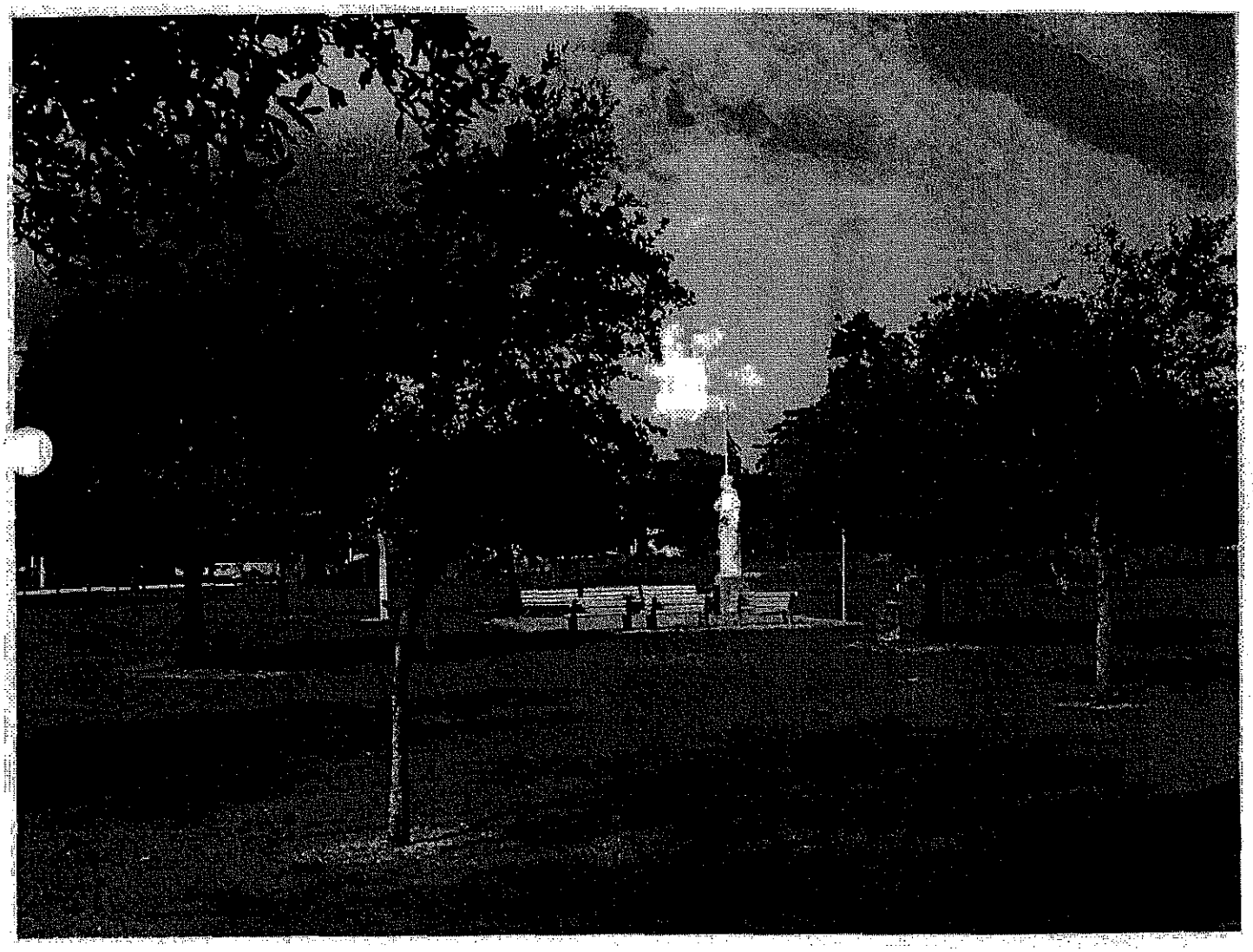
SWEETWATER
ELEMENTARY SCHOOL



SWEETWATER
SENIOR CENTER



RUBEN DARIO PARK



W. PARK DR.
BUS STOP AND
PULL-OUT BAY
W. FLAGLER ST.

CASE STUDY
ENVIRONMENTAL

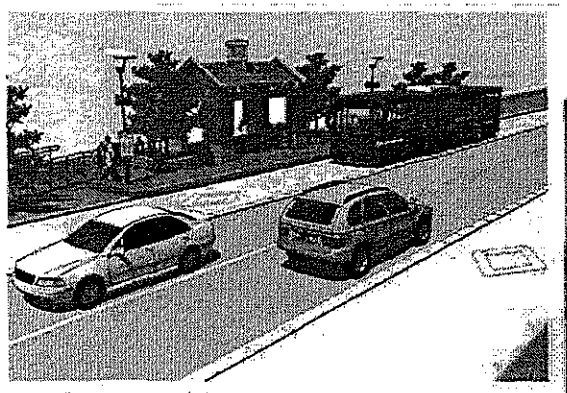
Orlando - Landscaping for Water Treatment

Celebration - Sidewalk Condition

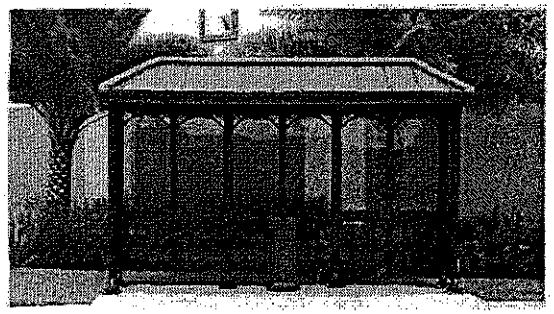
Gainesville - Retention Area

VV AND PARTNERS
194 Minorca Avenue, Coral Gables, FL 33134, Tel. (305) 476-9212 Fax. (305) 476-9291

CASE STUDY
TRANSIT STOP



Gainesville - Bus Stop with Amenities



Pembroke Place - Bus Shelter

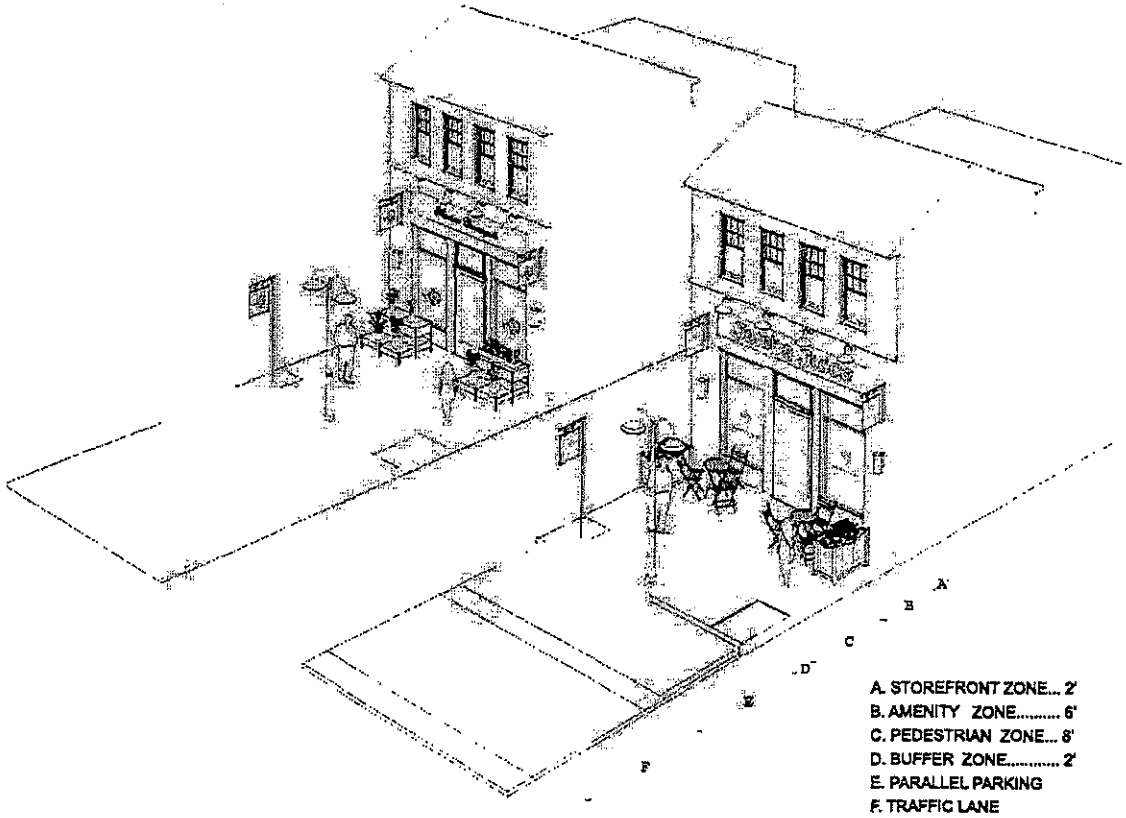
Pembroke Place - Drop off Bus Lane

W AND PARTNERS
194 Merrick Avenue, Coral Gables, FL 33134, Tel: (305) 476-9212 Fax: (305) 476-9291

CASE STUDY
SIDEWALK STANDARDS

Miami Beach - Pedestrian View

Winter Park - Pedestrian View



Sidewalk Standards

VV AND PARTNERS
194 Menores Avenue, Coral Gables, FL 33134, Tel: (305) 476-9212 Fax: (305) 476-9291

This Instrument was Prepared by:

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

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Blue Lake Development Corporation, a Florida corporation (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

WHEREAS, Gold River Corporation, a Florida corporation (the "Applicant"), is the contract purchaser of the Property and has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as Application No. 9 in the April 2008 Cycle (the "Application");

WHEREAS, the Application seeks to re-designate the Property from "Low-Medium Density Residential" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Applicant during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Permitted Uses**. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, no residential dwelling units shall be

developed on the Property. The development of the Property shall not exceed 400,000 square feet of construction for any use or combination of uses permitted under the "Business and Office" land use category.

2. **Water Conservation and Re-Use.** The Owner hereby agrees to implement the following water conservation and re-use standards for the development of the Property:

(i) The development of the Property shall include appropriate pipes to permit the future connection of the Property into any regional wastewater re-use system that may be constructed by the County for irrigation purposes; and

(ii) Upon the construction of a regional wastewater re-use system by Miami-Dade County that includes a connection point abutting the Property, the Owner (or its successors or assigns) shall connect the water re-use pipes in the Property to such regional wastewater re-use system.

3. **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 along the Property's frontage on N.W. 102nd Avenue and W. Flagler Street. 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.

4. **Miscellaneous.**

A. **Covenant Running with the Land**. This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, at Owner's expense, in the public records of Miami-Dade County, Florida, and shall

remain in full force and effect and be binding upon Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. **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 then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **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 fee simple owner(s) of the Property, 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 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 Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon

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

H. **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 County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

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

[Signature Pages Follow]

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

WITNESSES:

Blue Lake Development Corporation
a Florida corporation

_____
Signature

_____
Printed Name

By: _____
Name: _____
Title: _____

_____
Signature

_____
Printed Name

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Blue Lake Development Corporation, a Florida corporation, and for the purposes stated herein on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 2008, in the County and State aforesaid.

My Commission Expires:

_____
Notary Public

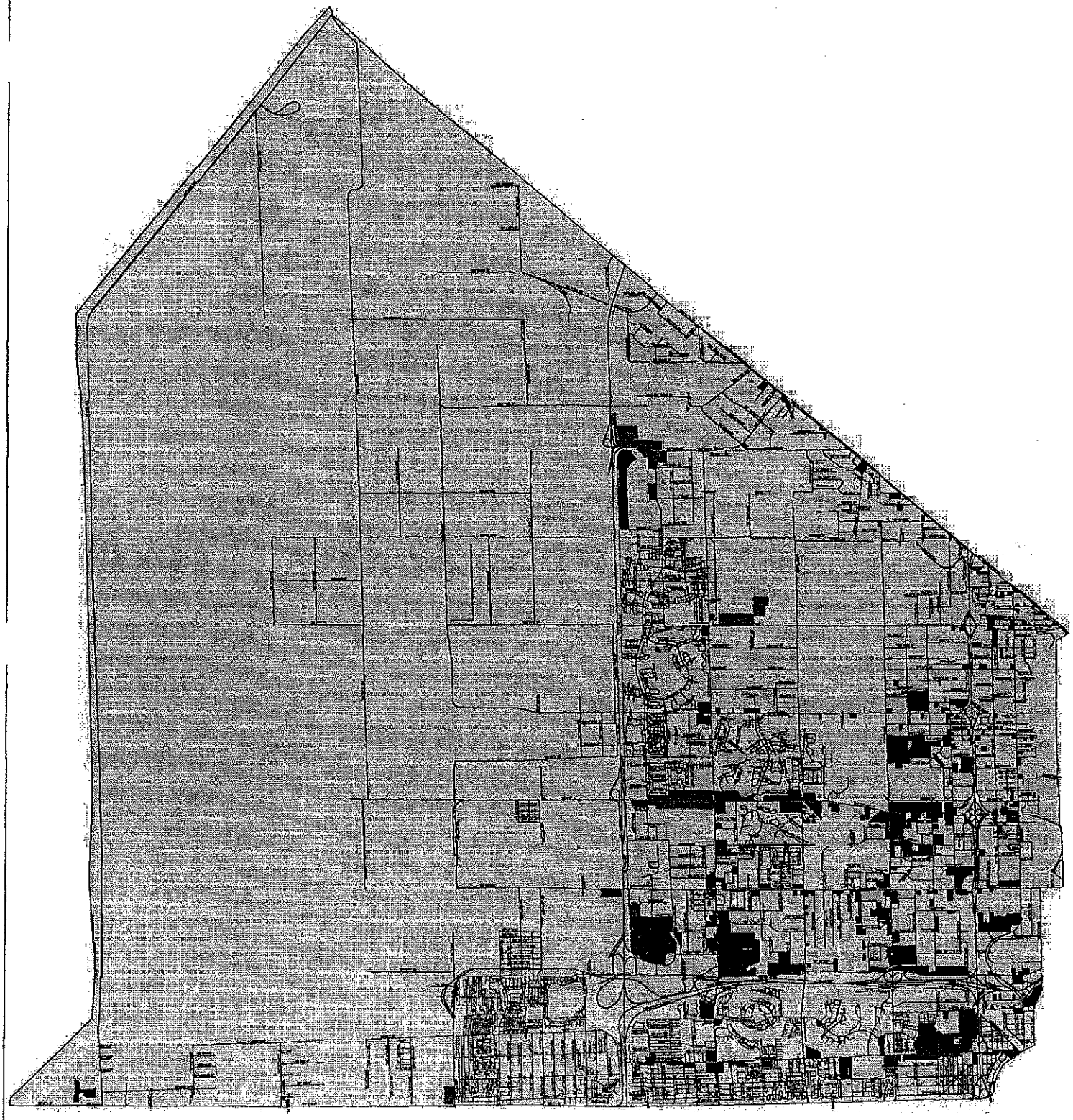
_____
Printed Name

EXHIBIT "A"

Legal Description

5496584_v3

EXISTING AND VACANT COMMERCIAL LAND FOR MSA 3.2



Legend

- Existing Commercial Properties
- Vacant Commercial Properties
- Streets

MIAMI-DADE COUNTY

Miami Dade County
Department of Planning and Zoning
Research Section
April 2008

N
W E
S

0 0.45 0.9 1.8 2.7 3.6 Miles

EXISTING AND VACANT COMMERCIAL LAND FOR MSA 5.4

Legend

- Existing Commercial Properties
- Vacant Commercial Properties
- Streets

LABELS FOR EXISTING

LABELS FOR VACANT

MIAMI-DADE COUNTY

Miami Dade County
Department of Planning and Zoning
Research Section
April 2008

N
W E
S

0 0.15 0.3 0.6 0.9 1.2 Miles

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

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

Juan J. Mayol, Jr., Esq.
305 789 7787
juan.mayol@hklaw.com

July 2, 2008

HAND-DELIVERED

Mr. Mark Woerner
Chief of Metropolitan Planning
Miami-Dade County Department of Planning and Zoning
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Gold River Corporation / CDMP Application No. 9 (the "Applicant") / April 2008 Cycle

Dear Mr. Woerner:

On behalf of our client, Gold River Corporation (the "Applicant"), we have enclosed a revised report prepared by Miami Economic Associates, Inc. This report corrects scriveners errors found in the similar report submitted to your office on Monday, June 30, 2008.

Once again, we look forward to meeting with you and your staff to discuss the submitted reports further. We also look forward to receiving your findings. Should you have any questions regarding this matter, please do not hesitate to contact me at (305) 789-7787.

Sincerely,

Juan J. Mayol, Jr.

JJM/ma
Enclosure

5450795_v1

Miami Economic Associates, Inc.

June 22, 2008

Juan Mayol, Esq
Holland & Knight
Miami, Florida

Re: Proposed CDMP Amendment No. 9
April 2008 Cycle

Dear Mr. Mayol:

Miami Economic Associates, Inc (MEAI) has reviewed the application filed by Gold River Corporation in the April 2008 Cycle to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) to re-designate 39 net acres of property from Low-medium Density Residential to Business and Office Use. The subject property has frontage on West Flagler Street at N.W. 102nd Avenue. The purpose of our review was to evaluate whether a need exists for additional land designated for Business and Office Use at the location just indicated.

The purpose of this letter is to apprise you of the findings of our analysis. We understand that it will be submitted to the Miami-Dade County Department of Planning and Zoning (DP&Z) in support of the proposed CDMP amendment.

Summary of Findings

MEAI believes that the proposed amendment should be adopted because a need exists for additional land designated for Business and Office Use at the location identified above. We base this belief on the following considerations:

- According to DP&Z, the area of the County in which the subject property is located, Minor Statistical Area (MSA) 3.2, has the highest concentration of commercial acres (both vacant and in-use) among Miami-Dade County's MSA's. It estimated that MSA 3.2 contained a total of approximately 1900 commercially-designated acres including approximately 1,587 acres in use and 313 vacant acres. Based on this estimate, it calculated that MSA 3.2 had 11.3 acres of land designated for commercial use per 1,000 residents. However, a number of points should be considered with respect to this estimate, which are as follows:

    - The fact that MSA 3.2 contains such large quantities of commercially-designated property reflects that fact that it is the MSA within Miami-Dade

6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meaink@bellsouth.net

County in which the largest number of workers are employed. This fact is, in turn, a function of the fact the it is the only MSA within the County through which 3 major highways pass. DP&Z analysis does not explicitly recognize either of these factors and, perhaps more significantly, the demand for retail goods generated by the area's large workforce. Therefore, to compare the amount of commercially-designated acreage in MSA 3.2 with that which may exist in other MSA's that are predominantly developed with residential uses is misleading.

- Approximately one-third of the approximately 1,587 commercial acres currently in use are occupied by office buildings. Further, a substantial portion of the acres that are occupied by office buildings are designated for Industrial and Office --- not Business and Office --- use. Land designated for Industrial and Office use can not be developed with retail facilities except to the extent that the retail uses are ancillary to the industrial and office uses. Gold River Corporation proposes to develop retail uses on part or all of the subject parcel that will be designed to serve households that reside within its immediate area including the Fontainebleau Park community. Currently, there are approximately 1,484 new residential units being developed in Fontainebleau Park.

- Approximately 100 of the commercial acres currently in use that DP&Z considers retail use within MSA 3.2 are occupied by automobile, truck and tractor/construction equipment dealerships, the preponderance on land designated for Industrial and Office rather than Business and Office use. It should be further noted that, contrary to DP&Z's evaluation, truck, tractor and construction equipment dealers are not involved in retail trade. Further, the automobile dealers located within MSA 3.2 serve a market that extends well beyond its boundaries, reflecting the accessibility provided by the highway network that runs through it and the fact that project approvals could be obtained without the normal opposition encountered when such uses attempt to locate near residential uses.

- Nearly 100 acres of the commercially-designated land in use within MSA 3.2 that DP&Z considers retail use are located in areas where there are no nearby residential communities including in the area bounded by N.W. 72nd Avenue, State Road 836, the east side of the Palmetto Expressway and Okeechobee Road as well as in the Town of Medley and at the Beacon Station project at N.W. 106th Street and the Turnpike.

- Included in DP&Z's estimate of commercially-designated land within MSA 3.2 are the sites of International Mall and Dolphin Mall, both which are located north of State Road 836 as compared to the subject property which is located south of that artery. Both sites enjoy excellent accessibility from S.R. 836 and/or Florida's Turnpike Also within in MSA 3.2 is the Mall of the Americas, which is located south of State Road 836 at the intersection of the Palmetto Expressway and Flagler Street These 3 projects combined occupy

approximately 250 acres, which account for more than 25 percent of all land currently in use within the MSA that is in retail use. All 3 projects serve areas that extend well beyond the limits of MSA 3.2 They are located within it to take advantage of the highly-developed highway network within it. MEAI further notes that Dolphin Mall's tenants include a substantial number of factory outlet stores not found anywhere else in Miami-Dade County other than a few instances in Homestead. Thus, it serves a market area that essentially extends countywide.

- More than 100 of the acres currently in retail use within MSA 3.2 not otherwise referred to in the preceding paragraphs are contained in parcels less than 5 acres in size, the preponderance in parcels 2 acres or less in size and in significant proportion occupied by fast food restaurants and gas stations. Approximately half of this acreage is also located in areas within MSA 3.2 characterized by non-residential uses, hence predominately serving a market comprised of workers rather than area residents.

As discussed above, the County calculates that MSA 3.2 has more than 11 acres of commercial land per 1,000 residents, inclusive of both land in use and vacant land designated for commercial use However, when the acres currently in office use as well as those occupied by vehicle dealerships and those located in areas in which there is no residential development are subtracted, that ratio drops to below 5 acres per 1,000 residents.

Ultimately, the amount of retail development supportable is a function of income. The residential communities within MSA 3.2 are relatively affluent. Other affluent areas of the County such as MSA's 5.6 and 5.7 contain 6.3 and 9.3 acres per 1000 residents, respectively, which means that MSA 3.2 has considerably less land either currently or prospectively in retail use than those areas. It should be further noted that those two MSA's do not contain 250 acres of land occupied by retail facilities serving regional market areas. When that acreage is also eliminated from the equation, MSA 3.2 contains less than 3 acres per 1,000 residents. Only 2 of Miami-Dade County's 31 urbanized MSA's have fewer than 3 acres of commercial land per 1,000 residents.

- Not all areas within MSA 3.2 that contain substantial amounts of residential are equally well-served in terms of retailing. Our analysis shows that portion, consisting of the more than 3 square mile area located south of State Road 836 between S.W 87th Avenue and Florida's Turnpike, is particularly poorly served. It contains fewer than 60 acres of land designated for Business and Office Use, hence capable of accommodating retail development. DP&Z guidelines for urban form envision the development of approximately 40 acres of commercially-designated land per square mile. In an area of 3 square miles, that would total 120 acres, essentially twice the amount with the 3 square mile study area just delineated On this basis, the area's supply of land for retail development could appropriately be augmented by the subject property.

- MEAI also notes that the DP&Z's guideline for urban form applies to all areas of the County including those that exist in the County's South Central and Southern Tier where development is generally less dense than in the delineated study area. The Study area contains substantial amounts of medium density development including the garden and mid-rise rental apartment and condominium projects within the Fontainebleau Park area. Finally, it is noted that the delineated study area contains less than 0.4 acres of vacant land designated for Business and Office Use. Meanwhile, as indicated above, 1,484 new residential units are being developed in the Fontainebleau Park area by the Applicant

- MEAI recognizes that DP&Zs guidelines for urban form propose that the 40 acres of commercial development with a square mile be located in parcels approximating 10 acres at size at the four points where the section line roads intersect. The subject property is not located at the intersection of section line roads. However, given the fact that the delineated study area, except for the properties owned by Fontainebleau Lakes, LLC, has been substantially developed, the ideal situation reflected in the guidelines for urban form can no longer be achieved. MEAI does not believe that the quality of life of County residents should be sacrificed to adherence to a guideline that in this instance is unrealistic given the conditions "on the ground"

- MEAI also recognizes that a substantial concentration of retail uses exists in the vicinity of the Mall of Americas, in addition to the mall itself, which can serve to augment retailing within the designated study area, thereby helping to address the needs of the residents of the delineated study area. However, we note that the segment of Flagler Street between the Palmetto Expressway and S.W. 87th Avenue is frequently congested, being unduly burdened by the fact that there is no ramp connecting the northbound Palmetto Expressway to State Road 836 westbound. Residents of the 3 square mile area west of S.W. 87th Avenue delineated above should not need to confront that traffic congestion when attending to their daily retail needs.

Closing

Based on the preceding findings, MEAI strongly believes that CDMP Amendment 9 of the April 2008 cycle should be approved.

Sincerely,
Miami Economic Associates, Inc.

Andrew Dolkart
President

Miami Economic Associates, Inc. 6861 S.W. 89th Terrace Miami, Florida 33156
Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net

CHECKLIST
LOW-MEDIUM RESIDENTIAL
VS.
BUSINESS AND OFFICE

AREAS OF ANALYSIS	ANALYSIS
Water	Less Impact
Sewer	Less Impact
Parks	No Impact
Schools	No Impact
Environmental Issues	None
Fire/Rescue	Acceptable
Transit	Available
Solid Waste	Available
Traffic	Meets Concurrency Analysis On-Going

GOLD RIVER CORPORATION
CDMP APPLICATION NO. 9
(APRIL 2008 CYCLE)

ECONOMIC IMPACT OF PROJECT

ANNUAL TAXES / COUNTY	
County General Fund	$389,864.00
County Debt Service	$22,800.00
UMSA	$163,328.00
Fire	$176,536.00
Fire Debt Service	$3,360.00
Library	$30,736.00
TOTAL	[redacted]

ANNUAL TAXES / SCHOOL DISTRICT	
Schools	$602,640.00
School Debt Service	$21,120.00
TOTAL	[redacted]

EMPLOYMENT	
NO. OF JOBS	ESTIMATED ANNUAL INCOME
1,010	[redacted]

GOLD RIVER CORPORATION
CDMP APPLICATION NO. 9
(APRIL 2008 CYCLE)

ECONOMIC IMPACT OF PROJECT

ANNUAL TAXES / COUNTY	
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School Debt Service	$21,120.00
TOTAL	[redacted]

EMPLOYMENT	
NO. OF JOBS	ESTIMATED ANNUAL INCOME
1,010	[redacted]

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Office on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

September 23, 2008

Juan J. Mayol, Jr. Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Flroida 33131-2847

Re: Request for Zoning Verification Letter / Tracts 8, 9, 10 and 11 of Block 11 of Richardson- Kellet Lando Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at page 19 of the Public Records of Miami-Dade County, Florida / Folio: 30-4005-001-0080 ("The Property").

Dear Mr. Mayol:

In response to your letter regarding the subject matter, this letter shall confirm that the mobile home park use previously approved and established on the Property may be reestablished in accordance with the resolutions running with the land and in conformity to the requirements of Section 33-174(B)(Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code of Miami-Dade County (the "Code"). Zoning records indicate that said Mobile Home Park was established in the late 1950's. In accordance with Section 33-169 of the Code, mobile home parks in existence prior to January 25, 1971 are permitted provided they conform to the requirements of Section 33-174 (B) (Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code.

Enclosed for your reference is a copy of Section 33-174(B)(Minimum yard areas/setbacks for mobile homes on mobile home space) of the Code. Should you have any further questions or concerns, please do not hesitate to contact me at (305) 375-1806.

Sincerely,

Damon Holness, Coordinator
Zoning Information Section

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
ce on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

September 23, 2008

Juan J. Mayol, Jr. Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Flroida 33131-2847

Re: Request for Zoning Verification Letter / Tracts 8, 9, 10 and 11 of Block 11 of Richardson- Kellet Lando Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at page 19 of the Public Records of Miami-Dade County, Florida / Folio: 30-4005-001-0080 ("The Property").

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Sincerely,

Damon Holness, Coordinator
Zoning Information Section

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

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

Juan J. Mayol, Jr.
305 789 7787
juan.mayol@hklaw.com

September 19, 2008

HAND-DELIVERED

2008 SEP 23 A 9: 18
PLANNING & ZONING
METROPOLITAN PLANNING SECT.

Mr. Mark Woerner
Chief of Metropolitan Planning
Miami-Dade County Department of Planning and Zoning
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Blue Lake Partners, LLC / CDMP Application No. 9 / April 2008 Cycle

Dear Mr. Woerner:

We wish to take this opportunity to inform your office that the original applicant, Gold River Corporation, has assigned its interest in the above referenced application to Blue Lake Partners, LLC (hereafter referred to as the "Applicant"). As such, we have enclosed a revised disclosure of interest form.

Should you have any questions regarding this matter, please do not hesitate to contact me at (305) 789-7787.

Sincerely,

FOR

Juan J. Mayol, Jr.

JJM/ma
Enclosure

5618128_v1

DISCLOSURE OF INTEREST

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

1. **APPLICANT (S) NAME AND ADDRESS:**

APPLICANT A: Blue Lake Partners, LLC

444 Brickell Avenue, Suite 210

Miami, FL 33131

2008 SEP 23 A 9 15
PLANNING & ZONING
METROPOLITAN PLANNING SEC

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

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

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
	Blue Lake Development Corp	30-4005-001-0080	+/- 39

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

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A			X	

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

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

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

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

_____

_____

_____

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

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

Blue Lake Partners, LLC

By: Urban Capital Holdings, LLC, Manager
Name: Carlos Rodriguez
Title: Manager

Sworn to and subscribed before me

this 28 day of September, 2008

Louis Lakatos
Notary Public, State of Florida at Large (SEAL)

My Commission Expires: Feb 9, 2010.

LOUIS LAKATOS
Notary Public - State of Florida
My Commission Expires Feb 9, 2010
Commission # DD 518789
Bonded By National Notary Assn.

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

5279852_v2

Exhibit "A"

Disclosure of Interest
Blue Lake Partners, LLC on Flagler

- Urban Capital Holdings, LLC ----------20 %
  (Oscar Rodriguez 50 %)
  (Carlos Rodriguez 50 %)

  Beth Azor Revocable Trust----------5 %
  (Beth Azor 100 %)

- Nirma Pina ----------18.75 %

- Nery Villar ----------18.75 %

- Lolalulu, LLC ----------18.75 %
  (Leonor Castano 100 %)

- Mega River, LLC ----------18.75 %
  (Pilar Pineros 100 %)

5618096_v1

BLUE LAKE STOCKHOLDERS

Total Shares = 3,332

Individuals		Holdings		Title
		Shares	%	
Bruce Rapee	Voting	100	3.0012005%	Pres. & Dir.
Bruce Rapee	NonVoting	611	18.3373349%	"
LeAnne Rapee	" "	611	18.3373349%	Director
LeAnne Rapee, Trustee	" "	344	10.3241297%	-
Stuart Rapee	Voting	100	3.0012005%	VP & Dir.
Stuart Rapee, Trustee	NonVoting	548	16.4465786%	"
Sonya Rapee, Trustee	" "	548	16.4465786%	Director
Sheryl Rapee Adams	" "	235	7.0528211%	-
Jody Rapee Saxe	" "	235	7.0528211%	-
	Totals	3,332	100.0000000%	

EXHIBIT
8

4.

Holland+Knight

Tel 305 374 8500
Fax 305 789 7799

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

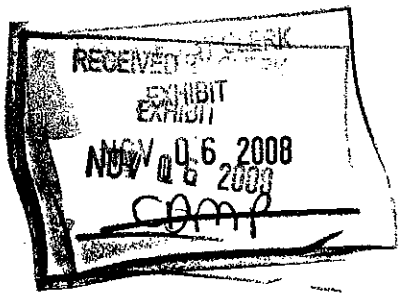
2008 OCT 29 P 4: 25

PLANNING & ZONING
METROPOLITAN PLANNING SECT

Joseph G. Goldstein, Esq.
305 789 7782
joseph.goldstein@hklaw.com

October 29, 2008

VIA HAND DELIVERY



Mr. Marc LaFerrier
Director, Miami-Dade County Dept. of Planning & Zoning
111 N.W. First Street, 11th Floor
Miami, Florida 33128

Re: Manuel Diaz / Live Oak Partners LLC
CDMP Amendment Application No. 10

Dear ~~Mr. LaFerrier:~~ Marc:

This letter is being submitted on behalf of Manuel Diaz and Live Oak Partners, LLC (the "Applicants") for Comprehensive Development Master Plan Amendment Application No. 10 (the "Application") in response to the Miami-Dade Public Schools (MDPS) letter of objection to applications within the April 2008 cycle for amendments to the Comprehensive Development Master Plan (CDMP) dated October 2, 2008. MDPS has stated that Application represents "a potential increase in residential density" to the subject property and has recommended against the Application. The Applicants strongly disagree with the statement that the Application represents a potential increase in residential density to the subject property.

This Application will not result in an increase in the residential density contemplated by the CDMP. The Application is requesting the re-designation of the subject property, located at the southwest corner of SW 248 Street and SW 112 Avenue, from "Office/Residential" to "Business and Office" to permit the development of commercial and retail uses for the purpose of addressing the need for additional commercial use in that area. Under both the "Office/Residential" and "Business and Office" designations, residential density may be approved up to one category higher than the Land Use Plan designated density allowed in the adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. See Miami-Dade County Comprehensive Development Master Plan Land Use Element, Pages I-42 and I-44 (attached hereto for your reference). Therefore, if approved, the Application would not yield any change in the planned residential density on the subject property whatsoever.

MDPS has verbally advised that their analysis of potential impacts from a CDMP amendment application is based on a comparison of the residential density permitted as of right

under the current zoning of that application's subject property versus the maximum potential residential density of the highest residential zoning district permitted under the requested CDMP Land Use Plan designation. This methodology is flawed. The comparison of the potential existing zoning density to CDMP Land Use Plan designation is not the appropriate planning level analysis. The Application under review is not a request to change from the subject property's existing zoning. MDPS should be comparing planned residential density under the existing CDMP designation to that which would be allowed under the proposed CDMP designation, in order to give the Department of Planning & Zoning, the Board of County Commissioners, the Department of Community Affairs, and the public an accurate assessment of the potential impacts resulting from an application. In this case, the Application will not result in any change to the approved maximum residential density allowed under the current CDMP Land Use Plan designation for the subject property.

There appears to be some inconsistency in the preliminary recommendation for the application, which may be the basis of the mistake in the MDPS analysis. In the discussion of potential impacts to Water and Sewer systems on page 10-8, and in the discussion of potential Parks impacts on page 10-11, and in the discussion , the recommendation correctly notes that the application will generate the same number of potential residential units as the existing designation. However, the Public Schools section on page 10-12 incorrectly identifies an increase in potential residential population. As noted above, the correct analysis is that reflected in the Water and Sewer and Parks sections – that both the current and proposed comprehensive plan designations allow the exact same residential densities, and therefore the Application will result in no increase in residential population (and therefore students).

Therefore, we respectfully ask that the Department of Planning & Zoning advise MDPS of its inappropriate methodology and assumptions, request a revised analysis for transmittal, and address this in the Planning and Zoning staff recommendation for this Application. We would also request that a copy of this correspondence be included in any transmittal package to the Department of Community Affairs.

Thank you for your considerate attention to this matter. As always, should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

Joseph G. Goldstein

CC: Mr. Mark Woerner
Mr. Patrick Moore

Supplementary Information

Application 11 April 2008 CDMP Cycle

Builders Association of South Florida

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

Tab

A Amended Application Language and Draft Interlocal Agreement Provisions

B Analysis and Exhibits Prepared by Dr. Kathryn Wilbur

C Additional Exhibits

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229
E-MAIL: gpenn@brzoninglaw.com

October 1, 2008

Marc C. LaFerrier, AICP
Director, Department of Planning & Zoning
Miami-Dade County
111 NW 1st Street
11th Floor
Miami, FL 33128

Re: Modifications to Proposed Charter School Mitigation Plan – Application 11 of the April 2008 Comprehensive Development Master Plan Amendment Cycle.

Dear Mr. LaFerrier:

Our firm represents the Builders Association of South Florida (the "BASF") in the above-referenced application. The application seeks to amend the text of the Educational Element of the Comprehensive Development Master Plan to permit, under certain limited circumstances, the use of charter schools as mitigation under the County's forthcoming school concurrency system.

Proposed Modified Language. Following the review of your staff's recommendation on the application, the BASF has agreed to make several changes to the proposed text in order to address the Department's concerns. The revised text is attached as Exhibit "A" to this letter.

The specific changes are as follows:

1. We have revised the format of the amendment to reflect the CDMP text as approved by the County Commission on July 1, 2008.

2. We have provided that all charter schools used for mitigation must be located either within a proposed development or within one-half mile of the development. This will ensure that all charter schools used for mitigation will remain true neighborhood schools.

3. We have clarified that the permitted exceptions to enrollment requirements will be identical to those applied by Miami-Dade County Public Schools. Moreover, we have added language clearly prohibiting discrimination in enrollment.

4. We have added clarifying language the requires each school's charter to include provisions detailing the terms under which the facility could be assumed by Miami-Dade County Public Schools in the event of a closure of the charter school.

5. Finally, we have added language that would require charter schools to comply with State Statute 1002.33(18)(f), which details the terms under which impact fees used to construct a charter school may be returned to a local government upon the closure of the school.

Amendment to Capital Improvements Element. To maintain consistency among the various elements of the CDMP, we are proposing a small amendment to the text of the "Concurrency Management Program" section of the Capital Improvements Element. The change, attached as Exhibit "B" to this letter, reflects the addition of charter schools to the list of mitigation options.

Amendment to Draft Interlocal Agreement. Finally, we are enclosing draft revised language for the "Interlocal Agreement for Public School Facility Planning Between Miami-Dade County and Miami-Dade County Public Schools" as Exhibit "C." These revisions would recognize charter schools as concurrency mitigation and propose to track the requirements the BASF has placed in its CDMP amendment.

If you have any questions or concerns, please do not hesitate to phone my direct line at (307) 377-6229.

Sincerely yours,

Graham Penn

cc: Subrata Basu
Mark Woerner
Paula Church
Rey Melendi, BASF President
Truly Burton
Jeffrey Bercow, Esq.

EXHIBIT "A"

Revised Proposed Changes to CDMP Educational Element:

EDU-2C

* * *

b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180(13)(e)1, Florida Statutes, and subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Schools as may further define the available proportionate share mitigation options. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion or payment for land acquisition or construction of a permanent public school facility; the construction of a public charter school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commissioners and must be identified in the Miami-Dade County Public Facilities Work Program. The use of a charter school facility as mitigation shall be further limited as follows:

1. The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.

2. The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.

3. All charter school facilities must have binding restrictions upon their use that limit enrollment to those students residing within the development or, where the facilities will provide capacity in excess of that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment requirements shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

4. All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

5. All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

6. In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, the school's charter shall contain provisions detailing the terms and conditions for the Miami-Dade County Public Schools to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

* * *

EXHIBIT "B"

Proposed Amendment to Capital Improvement Element Text, Concurrency Management Plan:

7. The County, in coordination with the Miami-Dade County Public Schools shall be ordinance, include proportionate share mitigation methodologies and options for public school facilities in its concurrency management program and Interlocal Local Agreement for Public Facility Planning between Miami-Dade County Public Schools, Miami-Dade County and the Cities in Miami-Dade County, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion or payment for land acquisition or construction of a permanent public school facility; the construction of a public charter school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

EXHIBIT "C"

CHARTER SCHOOL-RELATED MODIFICATIONS TO THE CURRENT DRAFT OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY (July 1, 2008 Version)

* * *

Section 9. Implementation of Public School Concurrency

* * *

9.2 The School Board and County agree to the following principles for public school concurrency in Miami-Dade County:

* * *

f) *Proportionate Share Mitigation:* The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation:

* * *

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's Public School Facilities Element. Options shall include the following:

* * *

4. Charter School Facilities -- Build charter school facilities that will provide at least as many student stations as needed by the development. Any charter school mitigation plan shall be subject to the requirements set forth below.

   a) The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.

   b) The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.

c) All charter school facilities must have binding restrictions upon their use that limit enrollment to those students residing within the development or, where the facilities will provide capacity in excess of that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment requirements shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

d) All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

e) All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

f) In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, Miami-Dade County Public Schools shall have the option to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

5~~4.~~ Mix and Match – Combine two or more of these options to provide sufficient capacity to mitigate impact of the residential development on the affected concurrency service areas.

6.~~5.~~ Mitigation banking – Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall only be transferred to developments within the same concurrency service area or a contiguous concurrency service area. Mitigation banking shall be administered by the School Board in accordance with the requirements of the concurrency mitigation system.

* * *

The County and the School Board shall consider the evaluation report and the options that may be available for proportionate share mitigation including the

September 29, 2008

The attached Charter School report has been prepared and submitted by:

K. WILBUR CONSULTING, INC.
15805 S.W. 153 Avenue
Miami, Florida 33187

By: _____ Date: September 29, 2008
Kathryn Wilbur

Charter Schools

All charter schools in Florida are public schools and part of the state's program of public education. Fla. Stat. 1002.33. They are operated by a nonprofit organization, a municipality, or other legal entity under a performance contract or "charter." Charter schools provide freedom and flexibility from many regulations created for traditional public schools while being held accountable for academic and financial results.

Charter schools must fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods.
4. Require the measurement of learning outcomes.

Charter schools may also be created for the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

The limited use of charter schools is proposed as a mitigation option for school concurrency. In addition to the requirements set forth in Florida Statute 1002.33, a charter school mitigation plan shall be subject to the following requirements:

1. Limit its attendance boundaries to students residing within the new development or, if the school will offer excess capacity beyond the anticipated impacts of the residential development, students living within a reasonable distance of the school;

2. Be owned by a nonprofit entity or local government;

3. Be constructed so that classrooms and related facilities comply with SREF; and

4. Provide a mechanism in its charter giving an option to Miami-Dade County Public Schools (MDCPS) to assume operation/ownership of the school in the event the charter school ceases operation.

Economic Benefits to MDCPS

Operating Funds – Charter schools are funded similar to traditional public schools, through the Florida Education Finance Program (FEFP) based on each school's FTE figures. Pursuant to statute, a Sponsor must provide certain administrative and educational services to charter schools and may charge an administrative fee of up to 5% of the funds for up to and including 500 students per school. For 2008-09, the administrative fee for MDCPS is estimated to be more than $6,000,000.

Capital Outlay – Charter schools provide their own facilities with their own funding; as a result, MDCPS does not have to construct student stations and reaps a substantial savings of capital outlay. As indicated in the table below, if the 23,604 charter school students were to attend MDCPS schools instead, the current cost to construct the necessary student stations, exclusive of land, is more than $504 million. Additionally, by decreasing enrollments in MDCPS schools, the district has an increased ability to comply with class size requirements and avoid penalties, as well as to reduce its Level of Service (LOS), which can result in higher school concurrency/impact fee revenues.

Capital Outlay Savings to MDCPS from Charter Schools

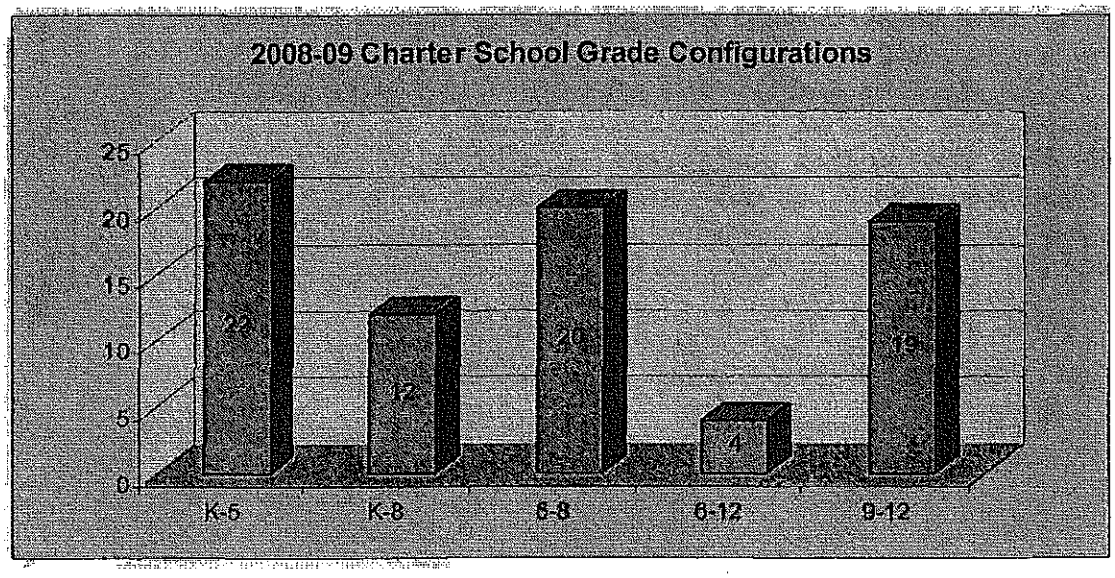
Type of Student Station	# of Student Stations	Cost Per Student Station*	**Total Capital Outlay**
Elementary	10,577	$19,161	$202,665,897
Middle	7,862	$20,691	$162,672,642
Senior High	5,165	$26,877	$138,819,705
Total	23,604		**$504,158,244**

* Florida Department of Education Student Station Cost Factors for June, 2008

Miami-Dade County Charter Schools

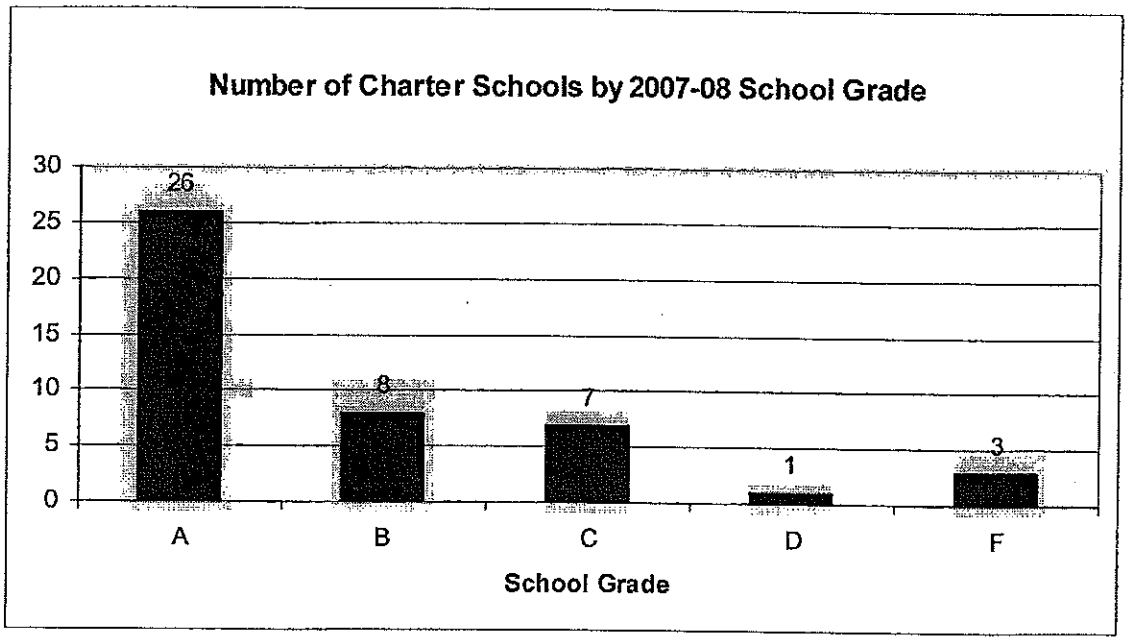
In 2008-09, there are 77 charter schools serving 23,604 students in Miami-Dade County. More than 53% of these students are economically disadvantaged (receiving free/reduced price lunches) and over 15% are LEP (limited English proficiency) or ESE (exceptional student education) students.

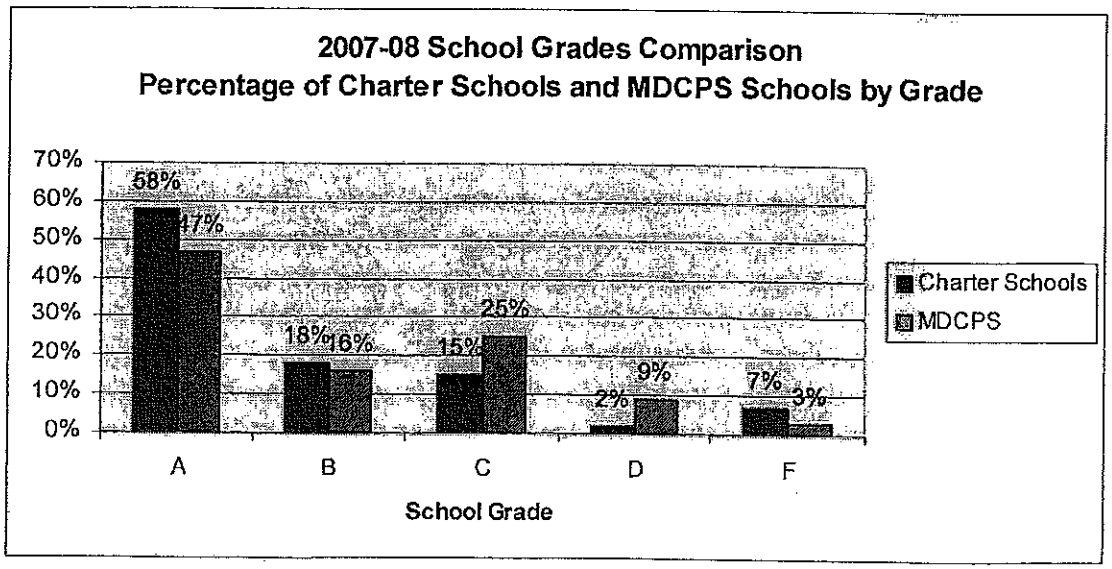
Types of charter schools:



Academic Performance

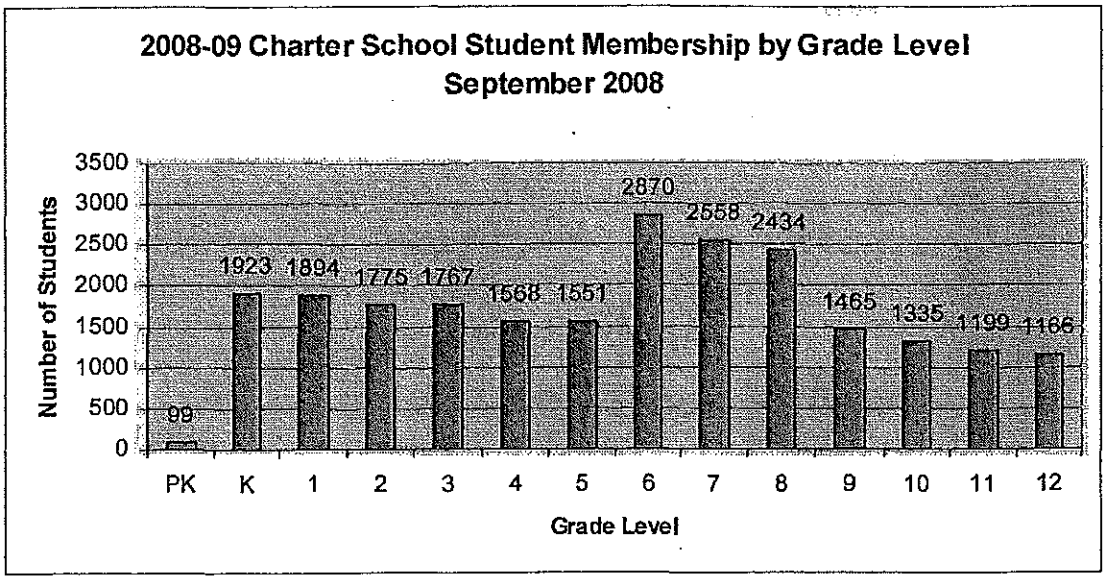
45 charter schools received a school grade in 2007-08. Of these, 34 charter schools (75%) received a grade of "A" or "B," as compared to 63% for Miami-Dade County Public Schools.





Student Membership

Over 53% of the 23,604 charter school students are economically disadvantaged (receiving free/reduced price lunches), and more than 15% are classified as LEP (limited English proficiency) or ESE (exceptional student education) students.



2008-09 Charter School Student Membership by Program September 2008								
Total # Charter School Students	Free/Reduced (F/R) Lunch		Limited English Proficiency (LEP)		Exceptional Student Education (ESE)		Gifted	
	#	%	#	%	#	%	#	%
23,604	12,522	53.1%	2,219	9.4%	1,389	5.9%	1,481	6.3%

ISSUES AND RESPONSES: DEPARTMENT OF PLANNING AND ZONING

ISSUE RAISED BY DEPARTMENT OF PLANNING AND ZONING	BASF RESPONSE
Charter Schools should be in place by certificate of occupancy	Same standard should apply to all schools
Charter schools should be close to development served	Schools used for mitigation must be located in or within 1/2 mile of development
Charter schools should have same enrollment exceptions as District schools	Schools used for mitigation must include same enrollment exceptions as District schools and cannot discriminate
Clarity needed as to how ownership of closed charter schools can be transferred to Miami-Dade County Public Schools	Charters must include mechanism governing transfer to Miami-Dade County Public Schools, including potential refund of impact fees used in construction
Amendment is premature – Interlocal Agreement needs to be amended first	BASF has submitted a proposed amendment to the Interlocal Agreement

1002.33(18)(f), FLORIDA STATUTES — CHARTER SCHOOLS

633.025, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80, fees for building and occupational licenses, impact fees, service availability fees, and assessments for special benefits.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

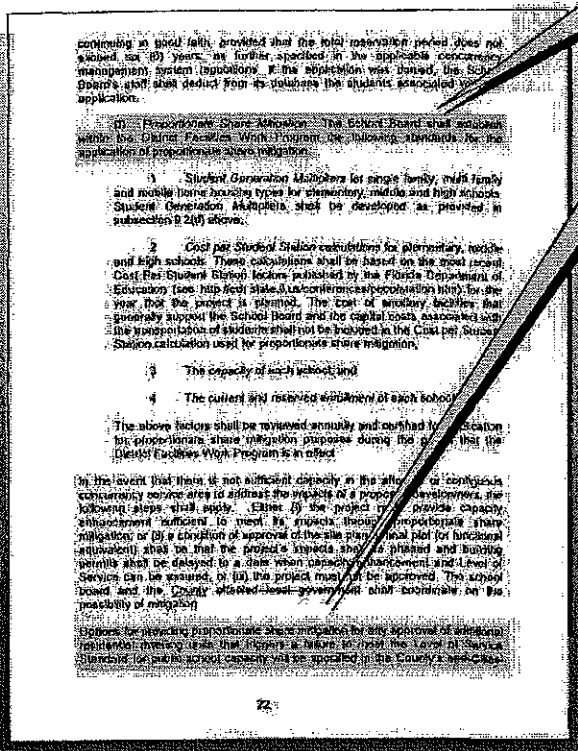
(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

(g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project .

To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, ... some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity.

If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities it the facilities cease to be used for educational purposes.

PORTIONS OF THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING



continuing in good faith, provided that the total reservation period does not exceed six (6) years, as further specified in the applicable concurrency management system regulations. If the application was denied, the School Board's staff shall deduct from its database the students associated with the application.

(f) Proportionate Share Mitigation. The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation:

1 *Student Generation Multipliers* for single family, multi family and mobile home housing types for elementary, middle and high schools. Student Generation Multipliers shall be developed as provided in subsection 9.2(d) above.

2 *Cost per Student Station calculations* for elementary, middle and high schools. These calculations shall be based on the most recent Cost Per Student Station factors published by the Florida Department of Education (see http://cdf.state.fl.us/conferences/peculiation.htm) for the year that the project is planned. The cost of ancillary facilities that generally support the School Board and the capital costs associated with the transportation of students shall not be included in the Cost per Student Station calculation used for proportionate share mitigation.

3 *The capacity of each school*; and

4 *The current and reserved enrollment of each school.*

The above factors shall be reviewed annually and certified for application for proportionate share mitigation purposes during the [illegible] that the District Facilities Work Program is in effect.

In the event that there is not sufficient capacity in the affected or contiguous concurrency service area to address the impacts of a proposed development, the following steps shall apply. Either (i) the project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or (ii) a condition of approval of the site plan, final plat (or functional equivalent) shall be that the project's impacts shall be phased and building permits shall be delayed to a date when capacity enhancement and Level of Service can be assured, or (iii) the project must not be approved. The school board and the County affected local government shall coordinate on the possibility of mitigation.

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's and Cities

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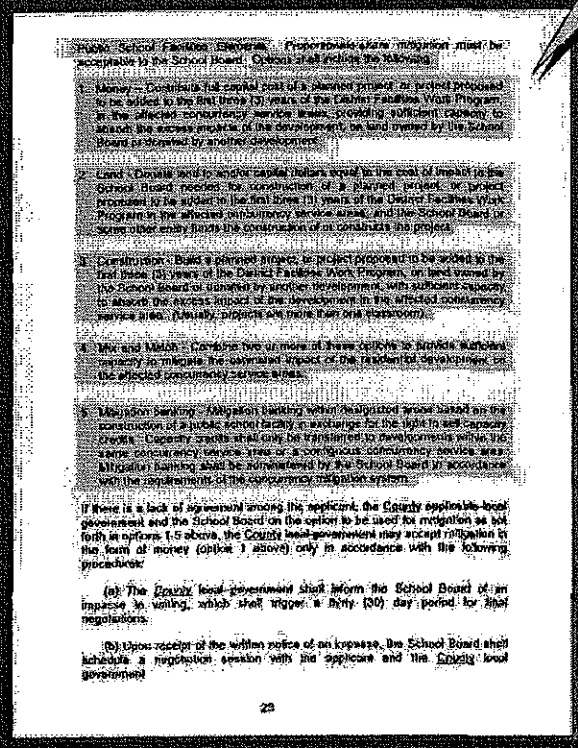

Public School Facilities Elements. Proportionate share mitigation must be acceptable to the School Board. Options shall include the following:

1 Money – Contribute full capital cost of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, in the affected concurrency service areas, providing sufficient capacity to absorb the excess impacts of the development, on land owned by the School Board or donated by another development.

2 Land - Donate land to and/or capital dollars equal to the cost of impact to the School Board needed for construction of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program in the affected concurrency service areas, and the School Board or some other entity funds the construction of or constructs the project.

3 Construction - Build a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, on land owned by the School Board or donated by another development, with sufficient capacity to absorb the excess impact of the development in the affected concurrency service area. (Usually, projects are more than one classroom).

4 Mix and Match - Combine two or more of these options to provide sufficient capacity to mitigate the estimated impact of the residential development on the affected concurrency service areas.

5 Mitigation banking - Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall only be transferred to developments within the same concurrency service area or a contiguous concurrency service area. Mitigation banking shall be administered by the School Board in accordance with the requirements of the concurrency mitigation system.

If there is a lack of agreement among the applicant, the County applicable local government and the School Board on the option to be used for mitigation as set forth in options 1-5 above, the County local government may accept mitigation in the form of money (option 1 above) only in accordance with the following procedures:

(a) The County local government shall inform the School Board of an impasse in writing, which shall trigger a thirty (30) day period for final negotiations.

(b) Upon receipt of the written notice of an impasse, the School Board shall schedule a negotiation session with the applicant and the County local government.

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9.2(f) Proportionate Share Mitigation: The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation.

Options for providing proportionate share mitigation for any approval of additionalresidential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's and Cities Public School Facilities Elements.

Options shall include the following:

1 Money - Contribute full capital cost of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, in the affected concurrency service areas, providing sufficient capacity to absorb the excess impacts of the development, on land owned by the School Board or donated by another development

2 Land - Donate land to and/or capital dollars equal to the cost of impact to the School Board needed for construction of a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program in the affected concurrency service areas, and the School Board or some other entity funds the construction of or constructs the project.

3 Construction - Build a planned project, or project proposed to be added to the first three (3) years of the District Facilities Work Program, on land owned by the School Board or donated by another development, with sufficient capacity to absorb the excess impact of the development in the affected concurrency service area. (Usually, projects are more than one classroom).

4 Mix and Match - Combine two or more of these options to provide sufficient capacity to mitigate the estimated impact of the residential development on the affected concurrency service areas.

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ISSUES AND RESPONSES: MIAMI-DADE COUNTY PUBLIC SCHOOLS

ISSUE RAISED BY MIAMI-DADE COUNTY PUBLIC SCHOOLS	BASF RESPONSE
Charter schools generally have no attendance boundaries	Schools used for mitigation must have attendance boundaries
Charter schools can go out of business	Provision in charters regarding transfer of school to Miami-Dade County Public Schools
Charter schools generally are not built to SREF standards	Schools used for mitigation must be built to SREF standards, subject to same waivers applied to Miami-Dade County Public Schools

CHAPTER 1002.33, FLORIDA STATUTES — CHARTER SCHOOLS

Statutes & Constitution View Statutes ->2008->Ch1002->Section 33 Online Sunshine 9/19/08 1:32 PM

Select Year: 2008 Go

The 2008 Florida Statutes

Title XLVIII	Chapter 1002	View Entire Chapter
K-20 EDUCATION CODE	STUDENT AND PARENTAL RIGHTS AND F[illegible]IONAL CHOICES	

1002.33 Charter schools.--

(1) AUTHORIZATION.--Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it h[illegible] approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE.--

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_St[illegible]h1002/SEC33.HTM&Title=->2008->Ch1002->Section%2033#1002.33 Page 1 of 23

Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools.

(2) GUIDING PRINCIPLES; PURPOSE.--

- Meet high standards of student achievement
- Promote enhanced academic success
- Improve student learning
- Innovative learning methods.
- Provide rigorous competition within the public school district
- Expand the capacity of the public school system.
- Mitigate the educational impact created by the development of new residential dwelling units.

2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_St[illegible]h1002/SEC33.HTM&Title=->2008->Ch1002->Section%2033#1002.33 Page 2 of 23

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10-6-08

MEMORANDUM August 14, 2008

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Rudolph F. Crew, Superintendent of Schools

SUBJECT: REVISED UNOFFICIAL MEETING SUMMARY MINUTES OF THE FINAL SCHOOL BOARD CONCURRENCY TASK FORCE MEETING OF OCTOBER 29, 2007

Attached for your information are revised Unofficial Meeting Summary Minutes (Minutes) for the final meeting of the School Board Concurrency Task Force (Task Force) on October 29, 2007. The Minutes were recently amended to reflect updated information. As you may recall, the Task Force was created to provide recommendations for the implementation of school concurrency.

Should you have questions on any of the above, please contact Mr. Jaime G. Torrens, Chief Facilities Officer, Office of School Facilities, at 305-995-1401, or Mr. Fernando Albuerne, Administrative Director, Facilities Planning, at 305-995-7286.

RFC/JGT:aj
M198

Attachment

cc: School Board Attorney
Superintendent's Cabinet
Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
School Board Concurrency Task Force

FOLLOW-UP SCHOOL BOARD CONCURRENCY TASK FORCE MEETING

School Board Administration Building
1450 NE 2nd Avenue, Conference Room 726B
Miami, Florida 33132

Revised
Unofficial Meeting Summary Minutes
Monday, October 29, 2007

FINAL MEETING

DRAFT

Task Force Members Present:
Dr. Martin Karp, Vice Chair
representing Miami-Dade County Public Schools

Ms. Evelyn Langlieb Greer, School Board Member
representing Miami-Dade County Public Schools

Mr. Antonio Fraga, Fraga Properties Inc.
representing Miami-Dade County

Mr. Stanley Price, Esquire, Bilzin, Sumberg, Baena, Price & Axelrod LLP
representing the Builders Association of South Florida

Ms. Barby Rodriguez, Director of Governmental Relations
representing Latin Builders Association

Councilwoman Ileene Wallace, Town of Bay Harbor Islands
representing Miami-Dade League of Cities

Task Force Members Absent:
Mr. Silvio Cardoso, President, United Homes International, Inc.
representing the Builders Association of South Florida

The Honorable Mariette Saintvil, Mayor of Village of El Portal
representing Miami-Dade League of Cities

Ex-Officio Non-voting Member Present:
Mr. Robert Daniels, Assistant to the Director for the Policy and Planning
representing South Florida Regional Planning Council

Ex-Officio Non-voting Member Absent:
Ms. Leslie Coller, representing the Citizens' Oversight Committee

Other Attendees:
Ms. Helen A. Brown, Miami-Dade County Planning and Zoning
Ms. Truly Burton, Builders Association of South Florida
Ms. Ana Craft, School Board Attorney's Office
Mr. Tom David, Weisenfeld and Association, PA

Ms. Corina Esquijarosa, Miami-Dade County Public Schools, Facilities Planning
Mr. Gary Held, Miami Beach
Ms. Susan Marie Kairalla, Florida School Choice
Ms. Ana Lara, Assistant to Ms. Perla Tabares Hantman
Ms. Mindy McNichols, School Board Attorney's Office
Mr. Graham Penn, Bercow & Randell
Ms. Libby Pérez, School Board Office
Ms. Ana Rijo-Conde, AICP, Miami-Dade County Public Schools, Facilities Planning
Mr. Ivan M. Rodriguez, Miami-Dade County Public Schools, Facilities Planning
Ms. Silvia Rojas, Miami-Dade County Public Schools, Treasury Management
Ms. Susan L. Trevarthen, Weiss Serota Helfman Pastoriza Cole & Boniske
Ms. Vivian G. Villaamil, Miami-Dade County Public Schools, Facilities Planning
Ms. Ellen Wright, Miami-Dade County Public Schools, Charter School Operations

****

Opening: Councilwoman Ileene Wallace called the School Board Concurrency Task Force (Task Force) meeting to order at 10:05 a.m.

Roll Call: Councilwoman Wallace asked Mr. Ivan M. Rodriguez to call the roll. He announced quorum was attained.

Approval of Minutes: Ms. Wallace moved to approve the August 27, 2007 Summary Minutes. Mr. Price seconded the motion. Ms. Wallace requested to include the names of Mr. Antonio Fraga and Ms. Barby Rodriguez in the minutes under members present, and to correct the spelling of her name. The approval of the minutes (with corrections) passed unanimously.

Update on the School Concurrency Implementation: (see attached PowerPoint presentation)

Slide No. 2-3: Ms. Vivian G. Villaamil started with a summary of what would be discussed at the meeting.

Ms. Villaamil stated that the DCA's Objections, Recommendations and Comments (ORC) report was received regarding the Miami-Dade County Comprehensive Plan (CDMP) Submittal. Although the report seemed to be lengthy, it had very minor objections. The one that staff wants to highlight involves the Level-of-Service (LOS) of magnet schools. Initially, a LOS for magnet schools had not been proposed because they do not have attendance boundaries. DCA indicated the District would need to establish a LOS for those schools. Staff worked closely with Miami-Dade County (County) and the municipalities and addressed this issue by establishing a LOS standard of 100% FISH, including portables, based on District-wide enrollment and capacity.

Ms. Helen Brown stated that the revised recommendations were looked at by County attorneys and would be submitted to the County's Planning Advisory Board on Monday, November 5, 2007 and then it would go to the County Commission on November 27, 2007.

Ms. Villaamil explained that this Task Force only needs to take action on the Restated and Amended Interlocal Agreement (ILA) because the Educational Element and all the CDMPs are really not under the District's jurisdiction. The ILA would be presented for the School Board's consideration at the November 20th meeting.

Slide No. 4: Ms. Villaamil provided an overview of the action that was taken at the Task Force meeting of September 28.

Slide No. 5: Ms. Villaamil highlighted that the District has consistently recommended that mitigation credit not be provided for a builder providing a charter school for the reasons the Task Force had previously discussed at length, among them that charter schools are schools of choice and they do not have any established attendance boundaries. Therefore, they would not necessarily mitigate the impact of the particular new residential development.

Slide No. 6: Ms. Villaamil explained that the Task Force already had approved the impact credit for charter and magnet schools, which are appropriate and have been deemed acceptable by both DCA and the Department of Education (DOE). This credit is based on the October Full Time Equivalent (FTE) enrollment. The magnet and charter school impact credit increased to **10.6%** from the one initially approved by this Task Force of **7.24%** based on the prior year's data. This number would be updated on an annual basis to account for the increase (or decrease) in enrollment for charter and magnet schools.

Ms. Greer stated that she had reviewed this information and thought about it plenty between the last meeting and today's meeting and she expressed that she would not support a proposal to allow charter schools as mitigation.

Mr. Price stated that he believes that most students who attend charter schools built as part of a specific development attend from within two miles of that development. If that is so, he went back to the part of fairness. If a charter school serves 80% of the population within two miles, the credit of 10.6% does not reflect the real world.

Ms. Ana Rijo-Conde reiterated that charter schools are schools of choice and students can come from anywhere in the District. She understands that builders wish to proffer a charter school in conjunction with a development, but there is no assurance that children who live in that development would attend that school. She cited a recent case where a charter school, "Charter School on the Beach", actually ended up locating in Opa-Locka. This situation reflects the fact that charter schools can (re) locate anywhere in the County.

Mr. Price replied that it would be better statistically to prove that. He believes that there are charter schools in the community that do serve the immediate area. He asked what the problem is in providing the statistical data because for him it is a fairly simple exercise. The District must know who is attending the charter schools.

Ms. Rijo-Conde replied that the information would need to be provided directly by the Charter Schools.

Ms. Rijo-Conde further stated that at the very foundation of that question is whether or not every body can agree that charter schools are schools of choice and cannot pull from specific boundaries? If the answer is yes, then the question of where the children come from becomes irrelevant. Statistics can change from year to year. Charter schools do not have boundaries. You cannot prescribe that children from a specific area will attend this school the same way that a traditional school would be able to do.

Mr. Price thinks that there is a distinction between charters granted to individuals who do not have a fixed location, and the situation where as part of a development, the local zoning authority whether it be a municipality or a community council will tell you that they are not going to approve a site plan, unless a charter school is incorporated in that site plan. The motivation is that they want to ensure the school will be there at the time of the first CO for the community. This is the information he is looking for.

Ms. Greer suggested incorporating language that says that a municipality will not require charter schools in developments where schools in that community are not overcrowded because essentially by 2010 we have to meet Class Size Reduction. There will be no overcrowded schools. Demographics indicate this community will continue to lose students.

Ms. Wallace, based upon Ms. Greer statement, asked if the Task Force could request municipalities not to insist that a charter school be built with a new development and how to do it.

Ms. Susan Trevarthen replied that it is appropriate to consider including language in the ILA because a lot of what Mr. Price is referring to will be under a system that is uniform and statutorily authorized. Now that there is a standardized way provided for in the Statue, this Task Force could recommend such an amendment to the ILA.

Ms. Greer suggested that in order to conserve the allocation of educational resources and in order not to create under enrolled or under capacity in public and charter schools, we encourage zoning authorities, cities, municipalities and community councils be encouraged not to require a construction of a charter school, as a condition of a development approval, where it has not been established that the local school does not have the capacity to accept these additional students.

Mr. Greer also stated that in order not to have the fight at the County or have cities feel that we are restricting their discretion, she proposed adding a strong paragraph about resource allocation, and the goals to provide quality education and not spreading the dollars too thin in an under funded system, by stating that local governments should be strongly encouraged (after the development has undergone school concurrency review) not to require charter school facilities as a condition of local development approval where it has not been established that local schools cannot serve the students. Ms. Wallace asked Ms. Greer if this is a motion, and she replied yes. Dr. Karp seconded this motion. All present voted in favor. Mr. Antonio Fraga entered the meeting shortly thereafter.

At the end of this discussion, Mr. Price requested District staff to provide the statistics on charter schools because he needs some justification as to the number of students. Ms. Ellen Wright from Charter School Operations stated that the FTE membership that comes from a particular charter school is based on each charter school. The District does not collect the data in terms of knowing where each particular child would originally come from. As was stated before, some students come from within Dade County and a lot of the students come from private schools so we do not necessarily know what home base school they would go to anyway. We probably could go back and try to get maybe this year's data, but she does not know how reliable it really would be for 2 – 3 years.

Ms. Truly Burton on behalf of the Builders Association of South Florida (BASF) stated that their concern continues to be very similar to what Mr. Price mentioned. She understands Ms. Greer's point about resource allocation. However, again, mitigation using charter schools with some criteria either similar to Broward County or some other combination, will be more fair especially when we

are basically taking the place of the School Board. Those students are going to schools some place, which is money that the School Board does not have to spend.

Slides No. 7 - 9: Ms. Rijo-Conde stated that the balance of the presentation was the research that staff conducted as it relates to what the School Board in Broward County may be considering for charter schools, but again that may not be necessary given the motion that the Task Force already made. Therefore, Ms. Villaamil moved to slide No. 10.

Slide No. 10: Ms. Villaamil stated that these are the remaining actions that need to be taken by the Task Force:

1. The first bullet in response to DCA's ORC, to recommend the LOS standard for magnet schools to be at 100% FISH utilization capacity based on District-wide enrollment. **Ms. Wallace moved to approve. Dr. Karp seconded this motion, which passed unanimously.**

2. Second bullet suggests revising the credit against impacts of proposed developments for magnet and charter schools to allow for credits for all magnet and charter school enrollment, regardless of utilization.

   After some discussion, Dr. Karp moved to approve. Ms. Greer seconded this motion, which passed unanimously.

Ms. Villaamil stated that all Task Force recommendations would be submitted to the School Board at the November 20th meeting.

Mr. Tom David asked how the District intends to address item #7 of the ORC (page 3 of ORC Report referencing mitigation option).

Ms. Trevarthen stated that the initial (School) Element does not list the proportionate share mitigation options detailed in statute, it only references the law. The ORC actually requests a list of all the options. So the revised Element will list the statutory options accordingly. And charter schools are not a statutory option.

Mr. Price questioned whether statutes provide for mitigation options to include the building of new public schools.

Ms. Trevarthen clarified that the construction of new capacity is one form of mitigation. Mr. Price highlighted that it's the construction of public schools.

Ms. Trevarthen responded that is the area where the School District interpretation differs. (Mr. Price's) interpretation is that for concurrency purposes, whenever public schools are referenced it could also mean charter schools. But the way it is being interpreted around the state is that it does not work because there are so many differences in how charter schools function from traditional public schools. For instance, charter schools are not subject to statutory limitations, such as LOS.

Ms. Trevarthen further stated that DCA legal and administrative staff have been looking into this issue. Prior administration was more outspoken in favor of including charter schools in school

ADDED

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concurrency. Now DCA staff has advised that it is under review and it is safe to say that their position is not the same as the previous administration.

Mr. Price proffered a motion stating that in the event that DCA determines that charter schools are a proper means of mitigation that the Task Force Committee re-visit the question, at the appropriate time. Ms. Barby Rodriguez seconded the motion and it passed. Ms. Greer voted against the motion. ADDED

Remarks:

1. Ms. Greer thanked everybody for participating in this process. She then further asked what would happen if the School District is held-up in this matter because of the County, just as it happened with the Educational Facilities Impact Fees, and what are the legal consequences would be. ADDED

2. Ms. Trevarthen explained that there are a couple of different things that would happen. However, there are more consequences for the County than for the School District. First of all, the School Board faces the potential of financial sanctions that would affect the money to build new schools and that is up to 5% of this certain specified construction money. Secondly, the local governments could face two penalties: one is also a potential for financial sanctions for local government, that is up to 5% of various streams of revenue that relates to infrastructure for growth; the second one that is applicable to local governments is the inability to amend their Comprehensive Plan to increase residential density if they have not adopted school element.

Councilwoman Wallace adjourned the meeting at 10:55 a.m.

DRAFT

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW
DIRECT LINE: 305-377-6220
E-MAIL: jbercow@BRZoningLaw.com

VIA HAND DELIVERY

October 27, 2008

2008 OCT 28 P 3:59
PLANNING & ZONING
METROPOLITAN PLANNING SECT

Alex Munoz
Assistant County Manager
Miami-Dade County
Stephen P. Clark Center
111 NW 1st Street
29th Floor
Miami, FL 33128

Re: Application No. 11 – April 2008 Cycle to Amend the CDMP and Related Modification to Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Dear Mr. Munoz:

This law firm represents the Builders Association of South Florida (the "BASF") in the captioned matter. On November 6, 2008 the Board of County Commissioners Board will consider the above-referenced application to amend the Educational Element of the Miami-Dade County Comprehensive Development Master Plan (the "CDMP"). The BASF application seeks to permit charter schools, on a very limited and controlled basis, to be used to mitigate a lack of school capacity in Miami-Dade County. A copy of the relevant portion of the CDMP application is attached for your review.

The BASF proposal is consistent with the adopted concurrency management *programs of Florida's larger metropolitan jurisdictions, including Orange,* Hillsborough, Duval, and Broward counties. The Florida Department of Community Affairs has approved these programs as being consistent with state law.

The BASF application contains protections that will result in charter schools that have all of the educational innovation and flexibility that is the hallmark of the charter school movement while providing the permanence of district-owned schools. The application would require any charter school constructed as mitigation to remain a permanent public school facility serving local children.

We understand that state law requires comprehensive plan provisions related to school concurrency to be consistent with an adopted interlocal agreement. We have therefore also proposed a corresponding amendment to the current draft of the

Interlocal Agreement for Public School Facility Planning in Miami-Dade County (copy enclosed) and will be requesting the Board of County Commissioners to instruct staff to amend the Interlocal Agreement accordingly at the November 6, 2008 hearing on the CDMP amendment. We are enclosing the materials to ensure that you are aware of the BASF proposal. As always, thank you for your assistance. If you have any questions or concerns, please do no hesitate to phone my direct line at (305) 377-6229.

Sincerely yours,

Jeffrey Bercow

cc: Rey Melendi, BASF President
Ms. Truly Burton
Graham Penn, Esq.

Revised Proposed Changes to CDMP Educational Element:

EDU-2C

* * *

b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180(13)(e)1, Florida Statutes, and subject to such provisions in the Interlocal Agreement for Public School Facility Planning with Miami-Dade County Schools as may further define the available proportionate share mitigation options. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion or payment for land acquisition or construction of a permanent public school facility; the construction of a public charter school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commissioners and must be identified in the Miami-Dade County Public Facilities Work Program. The use of a charter school facility as mitigation shall be further limited as follows:

1. The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.

2. The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.

3. All charter school facilities must have binding restrictions upon their use that limit enrollment to those students residing within the development or,

where the facilities will provide capacity in excess of that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment requirements shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

4. All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

5. All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

6. In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, the school's charter shall contain provisions detailing the terms and conditions for the Miami-Dade County Public Schools to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

* * *

CHARTER SCHOOL-RELATED MODIFICATIONS TO THE CURRENT DRAFT OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY (July 1, 2008 Version)

* * *

Section 9. Implementation of Public School Concurrency

* * *

9.2 The School Board and County agree to the following principles for public school concurrency in Miami-Dade County:

* * *

f) *Proportionate Share Mitigation:* The School Board shall establish within the District Facilities Work Program the following standards for the application of proportionate share mitigation:

* * *

Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure to meet the Level of Service Standard for public school capacity will be specified in the County's Public School Facilities Element. Options shall include the following:

* * *

4. Charter School Facilities -- Build charter school facilities that will provide at least as many student stations as needed by the development. Any charter school mitigation plan shall be subject to the requirements set forth below.

   a) The construction of the charter school must be phased so that facilities adequate to accommodate the demand created will be in place or under construction within three (3) years after issuance of a final subdivision plat or functional equivalent.

   b) The land where the charter school will be located shall be clearly identified and shall be located either within a proposed development or within one-half of a mile of the development.

   c) All charter school facilities must have binding restrictions upon their use that limit enrollment to those students residing within the development or, where the facilities will provide capacity in excess of

that required or utilized by the proposed development, those students residing within a reasonable distance of the school. Exceptions to enrollment requirements shall be limited to those employed in district owned schools. No person shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from enrollment.

d) All charter school facilities must be owned by a non-profit entity, municipality, or other public entity as provided by law.

e) All charter school facilities shall be built to the State Requirements for Educational Facilities (SREF); provided however, that that such facilities shall be subject to the same exceptions and exemptions from SREF requirements normally and typically available for district owned schools.

f) In the event that any charter school is closed for any portion of an academic year, excepting temporary closures necessitated by Acts of God or natural disasters, Miami-Dade County Public Schools shall have the option to assume ownership of the charter school facility and land upon which the facility is located in order to operate the former charter facility as a traditional educational facility. Any charter school closure shall be subject to the terms of Chapter 1002.33(18)(f), Florida Statutes.

5~~4.~~ Mix and Match – Combine two or more of these options to provide sufficient capacity to mitigate impact of the residential development on the affected concurrency service areas.

6~~5.~~ Mitigation banking – Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall only be transferred to developments within the same concurrency service area or a contiguous concurrency service area. Mitigation banking shall be administered by the School Board in accordance with the requirements of the concurrency mitigation system.

* * *

The County and the School Board shall consider the evaluation report and the options that may be available for proportionate share mitigation including the amendment of the District Facilities Work Program. If the County and the School Board find that options exist for proportionate share mitigation, they shall authorize

the preparation of a development agreement and other documentation appropriate to implement the proportionate share mitigation option(s). A legally binding development agreement shall be entered into between the School Board, the County, and the applicant and executed prior to the issuance of the final plat, site plan, or functional equivalent. Grounds for the refusal of either the County and/or Cities or the School Board to approve a development agreement proffering charter school facilities shall be limited to the agreement's compliance with the requirements of Section 9.2(f)(4) of this Amended and Restated Agreement. In that agreement, if the School Board accepts the mitigation, the School Board must commit to place the improvement required for mitigation in the first three (3) years of the Five Year Plan. This development agreement shall include the landowner's *commitment to continuing renewal of the development agreement until the mitigation* is completed as determined by the School Board. This agreement shall also address the amount of impact fee credit that may be due for the mitigation, and the manner in which it will be credited.

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

WACHOVIA FINANCIAL CENTER
200 S. BISCAYNE BLVD. SUITE 850
MIAMI, FL 33131

Alex Muñoz
Assistant County Manager
Miami Dade County
Stephen P. Clark Center
111 NW 1st Street, 29th Floor
Miami, FL 33128

Memorandum

MIAMI-DADE COUNTY

Date: September 15, 2008

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Carlos Heredia, Planning Section Lead Worker Carlos Heredia
Miami-Dade Fire Rescue Department

Subject: Miami-Dade Fire Rescue Analysis of April 2008 Applications to Amend the CDMP

In response to the electronic memorandum dated June 17, 2008 regarding the impact of April 2008 Cycle Application to amend the Comprehensive Development Master Plan (CDMP) on fire rescue services, Miami-Dade Fire Rescue has prepared the following:

Application No. 1 is currently served by Miami-Dade Fire Rescue Station 51, Honey Hill, located at 4775 NW 199th Street, equipped with an Advanced Life Support (ALS) Engine, and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 1*** is approximately 5:50 minutes for Life Threatening Emergencies and 4:27 minutes for Structure Fires. The current CDMP designation (Institutions, Utilities & Communications) will allow a potential development which will generate a total of 794 annual alarms. The proposed CDMP designation (Industrial & Office, Business & Office and Low Medium Density) will allow a proposed potential development which is anticipated to generate 712 annual alarms. This will result in a severe impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

The required fire flow for the proposed CDMP designations is as follows: Industrial & Business, 3,000 gallons per minute (GPM); Office & Low-Medium Density Residential, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 2 is currently served by Miami-Dade Fire Rescue Station 32, Uleta, located at 358 NE 168th Street, equipped with an Advanced Life Support (ALS) Engine, and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 2*** is approximately 6:50 minutes for Life Threatening Emergencies. No structure fires were reported. The current CDMP designation (Medium High Density) will allow a potential development which will generate a total of 14 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 29 annual alarms. This will result in a minimal impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 3 is currently served by Miami-Dade Fire Rescue Station 19, North Miami West, located at 650 NW 131st Street, equipped with a 65' Advanced Life Support (ALS) Aerial and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

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CDMP

Average travel time to incidents in the vicinity of ***Application No. 3*** is approximately 6:14 minutes for Life Threatening Emergencies and 4:11 minutes for Structure Fires. The current CDMP designation (Low Medium Density) will allow a potential development which will generate a total of 9 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 18 annual alarms. This will have a minimal impact to existing fire rescue service which will be mitigated upon completion of planned Station 67 (1275 NW 79th Street) in 2011.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 4 is currently served by Miami-Dade Fire Rescue Station 19, North Miami West, located at 650 NW 131st Street, equipped with a 65' Advanced Life Support (ALS) Aerial and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 4*** is approximately 6:26 minutes for Life Threatening Emergencies and 3:46 minutes for Structure Fires. The current CDMP designation (Low Medium Density) will allow a potential development which will generate a total of 30 annual alarms. The proposed CDMP designation (Medium Density) will allow a proposed potential development which is anticipated to generate 81 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 67 (1275 NW 79th Street) in 2011.

The required fire flow for the proposed CDMP designation is 1,500 gallons per minute (GPM). Each fire hydrant shall deliver not less than 750 GPM.

Application No. 5 is currently served by Miami-Dade Fire Rescue Station 17, Virginia Gardens, located at 7050 NW 36th Street, equipped with a 75' Advanced Life Support (ALS) Ladder with Hazardous Materials support, and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 5*** is approximately 4:48 minutes for Life Threatening Emergencies. No structure fires were reported. The current CDMP designation (Institutions, Utilities & Communications) will allow a potential development which will generate a total of 12 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 38 annual alarms. This will result in a moderate impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 6 is currently served by Miami-Dade Fire Rescue Station 17, Virginia Gardens, located at 7050 NW 36th Street, equipped with a 75' Advanced Life Support (ALS) Ladder with Hazardous Materials support, and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 6*** is approximately 7:58 minutes for Life Threatening Emergencies. No structure fires were reported. The current CDMP designation (Industrial & Office and Transportation Terminals) will allow a potential development which will generate a total of 72 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 139 annual alarms. This will result in a severe impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 7 is currently served by Miami-Dade Fire Rescue Station 17, Virginia Gardens, located at 7050 NW 36th Street, equipped with a 75' Advanced Life Support (ALS) Ladder with Hazardous Materials support, and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 7*** is approximately 6:29 minutes for Life Threatening Emergencies. No structure fires were reported. The current CDMP designation (Industrial & Office) will allow a potential development which will generate a total of 15 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 190 annual alarms. This will result in a severe impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 8 is currently served by Miami-Dade Fire Rescue Station 48, Fontainebleau, located at 8825 NW 18th Terrace, equipped with a Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 8*** is approximately 7:43 minutes for Life Threatening Emergencies and 2.34 minutes for Structure Fires. The current CDMP designation (Parks & Recreation and Medium Density) will allow a potential development which will generate a total of 131 annual alarms. According to an unrecorded Declaration of Restriction presented by the applicant, the proposed development of the property shall not exceed a total of 240,000 square feet under the proposed "Business and Office" land use designation. The proposed development is anticipated to generate 71 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 68 (NW 112th Avenue & NW 17th Street) in 2011. Presently, Station 48 will be able to mitigate the additional number of alarms.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 9 is currently served by Miami-Dade Fire Rescue Station 29, Sweetwater, located at 351 SW 107th Avenue, equipped with a 50' Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 9*** is approximately 7:25 minutes for Life Threatening Emergencies and 4:08 minutes for Structure Fires. The current CDMP designation (Low Medium Density) will allow a potential development which will generate a total of 149 annual alarms. According to the applicant, the proposed development of the property shall not exceed a total of 400,000 square feet (340,000 sq. ft. commercial/retail & 60,000 sq. ft. office) under the proposed Business & Office land use designation. The proposed development is anticipated to generate 114 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 68 (NW 112th Avenue & NW 17th Street) in 2011. Presently, Station 29 will be able to mitigate the additional number of alarms.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

Application No. 10 is currently served by Miami-Dade Fire Rescue Station 34, Cutler Ridge, located at 10850 SW 211th Street, equipped with a 60' Basic Life Support (BLS) Aerial and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of ***Application No. 10*** is approximately 4:11 minutes for Life Threatening Emergencies. No structure fires were reported. The current CDMP designation (Office/Residential) will allow a potential development which will generate a total of 150 annual alarms. The proposed CDMP designation (Business & Office) will allow a proposed potential development which is anticipated to generate 162 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 70 (SW 248th Street and SW 114th Place) in 2011.

The required fire flow for the proposed CDMP designations is as follows: Business, 3,000 gallons per minute (GPM); Office, 1,500 GPM. Each fire hydrant shall deliver not less than 750 GPM.

MOBILE HOME PARK APPLICATIONS (MHP)

Honey Hill MHP is currently served by Miami-Dade Fire Rescue Station 51, Honey Hill, located at 4775 NW 199th Street, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***Honey Hill MHP*** is approximately 4:41 minutes for Life Threatening Emergencies and 4:14 minutes for Structure Fires. The CDMP Land Use Designation (Low Medium Density) will allow a current potential development that will generate a total of 176 annual alarms. The maximum potential development is anticipated to generate 339 annual alarms. This will have a severe impact to existing fire rescue service.

Royal Country MHP is currently served by Miami-Dade Fire Rescue Station 51, Honey Hill, located at 4775 NW 199th Street, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***Royal Country MHP*** is approximately 7:13 minutes for Life Threatening Emergencies and 4:36 minutes for Structure Fires. The CDMP Land Use Designation (Low Medium Density) will allow a current potential development that will generate a total of 635 annual alarms. The maximum potential development is anticipated to generate 1,222 annual alarms. This will have a severe impact to existing fire rescue service.

Lil Abner MHP is currently served by Miami-Dade Fire Rescue Station 29, Sweetwater, located at 351 SW 107th Avenue, equipped with a 50' Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***Lil Abner MHP*** is approximately 5:50 minutes for Life Threatening Emergencies and 3:53 minutes for Structure Fires. The CDMP Land Use Designation (Medium Density) will allow a current potential development that will generate a total of 708 annual alarms. The maximum potential development is anticipated to generate 1,700 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 68 (NW 112th Avenue & NW 17th Street) in 2011.

University Lakes MHP is currently served by Miami-Dade Fire Rescue Station 58, Tamiami, located at 12700 SW 6th Street, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***University Lakes MHP*** is approximately 6:49 minutes for Life Threatening Emergencies and 5:11 minutes for Structure Fires. The CDMP Land Use Designation (Medium Density) will allow a current potential development that will generate a total of 631 annual alarms. The maximum potential development is anticipated to generate 1,248 annual alarms. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 68 (NW 112th Avenue & NW 17th Street) in 2011.

AFFORDABLE HOUSING SITE APPLICATIONS (AHS)

82ND Street AHS is currently served by Miami-Dade Fire Rescue Station 30, Miami Shores, located at 9500 NE 2nd Avenue, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***82nd Street AHS*** is approximately 7:10 minutes for Life Threatening Emergencies and 4:42 minutes for Structure Fires. The CDMP Land Use Designation (Business & Office and Low Medium Density) will allow a current potential development that will generate a total of 112 annual alarms. The maximum potential residential development is anticipated to generate 389 annual alarms and 256 annual alarms with Assumptions. This will have a severe impact to existing fire rescue service which will be mitigated upon completion of planned Station 67 (1275 NW 79th Street) in 2011.

Family Resource Center AHS is currently served by Miami-Dade Fire Rescue Station 2, Model Cities, located at 6460 NW 27th Avenue, equipped with a 65' Basic Life Support (BLS) Aerial and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***Family Resource Center AHS*** is approximately 5:26 minutes for Life Threatening Emergencies and 4:57 minutes for Structure Fires. The CDMP Land Use Designation (Low Medium Density) will allow a current potential development that will generate a total of 8 annual alarms. The maximum potential residential development is anticipated to generate 28 annual alarms and 18 annual alarms with Assumptions. This will have a minimal impact to existing fire rescue service which will be mitigated upon completion of planned Station 67 (1275 NW 79th Street) in 2011.

Gran Via AHS is currently served by Miami-Dade Fire Rescue Station 58, Tamiami, located at 12700 SW 6th Street, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***Gran Via AHS*** is approximately 5:34 minutes for Life Threatening Emergencies. No structure fires were reported. The CDMP Land Use Designation (Business & Office) will allow a current potential development that will generate a total of 24 annual alarms. The maximum potential residential development is anticipated to generate 83 annual alarms and 41 annual alarms with Assumptions. This will have a moderate impact to existing fire rescue service which will be mitigated upon completion of planned Station 68 (NW 112th Avenue & NW 17th Street) in 2011.

West Dade Library AHS is currently served by Miami-Dade Fire Rescue Station 47, Westchester, located at 9361 SW 24th Street, equipped with an Advanced Life Support (ALS) Engine and a Rescue and staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

Average travel time to incidents in the vicinity of the ***West Dade Library AHS*** is approximately 3:09 minutes for Life Threatening Emergencies and 4:13 minutes for Structure Fires. The CDMP Land Use Designation (Low Density) will allow a current potential development that will generate a total of 15 annual alarms. The maximum potential residential development is anticipated to generate 62 annual alarms and 152 annual alarms with Assumptions. This will have a severe impact to existing fire rescue service. There are no planned stations in the vicinity of the subject application.

c: Mark Woemer, AICP, Acting Assistant Director of Planning
Patrick Moore, Metropolitan Planning
Rommel Vargas, Senior Planner
Scott Mendelsberg, Assistant Director
Carlos Heredia, Lead Worker
MDFR control file

Miami-Dade County Public Schools

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Superintendent of Schools
Alberto M. Carvalho

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

2008 OCT 10 P 1:00
PLANNING & ZONING
METROPOLITAN PLANNING SECT

September 26, 2008

Mr. Marc LaFerrier, A.I.C.P., Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor
Miami, Florida 33128

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Re: **Land Use Amendment April 2008 Cycle**
Application No. 9
Gold River Corporation

Dear Mr. LaFerrier:

At a dialogue held on August 28, 2008 between the applicant and the School District, the applicant's attorney advised that the applicant has proffered a covenant to Miami-Dade County indicating a prohibition of residential uses on the subject property. Since the applicant is not considering a residential development, the above referenced zoning application will not impact area schools. As such, no further action is required. Should you have any questions, please call me at (305) 995-4899.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Corina S. Esquijarosa
Coordinator III

CSE:rr
L-141
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

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October 2, 2008

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DIRECTOR'S OFFICE

Mr. Marc C. LaFerrier, A.I.C.P., Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor
Miami, Florida 33128

Re: Miami-Dade County Public Schools' Objections to Applications within the April 2008 Cycle for Amendments to the Comprehensive Development Master Plan

Dear Mr. LaFerrier:

I am writing you in regard to several proposed amendments within the April 2008 Comprehensive Development Master Plan (the "CDMP") Amendment Cycle, which are scheduled to be heard by the Planning Advisory Board on October 6, 2008. In particular, the School Board is concerned with Application Number 11, which seeks to amend Policy EDU-2C to permit charter schools as a proportionate share mitigation option, and Application Numbers 1, 2, 3, 4, 10 and 15, proposing a map amendment that would increase residential density on a property. Each of the School Board's concerns is discussed in detail below.

I. Application Number 11 – BASF's Proposed Text Amendment to Include Charter Schools as a Proportionate Share Mitigation Option in the Educational Element.

The School Board agrees with the County staff that Application Number 11 should be denied and not transmitted. As noted in the County staff's recommendation, the proposed text amendments are premature. Under Florida law, a CDMP amendment becomes effective and incorporated into the CDMP only after the Department of Community Affairs ("DCA") issues a Notice of Intent finding the proposed amendment in compliance with state law and the 21 day period for appeal expires. To date, DCA has not issued the required Notice of Intent.[1]

In addition, as noted by County staff, Florida law requires that there be a uniform districtwide school concurrency system. Under Florida law, charter schools are not one of the statutorily required proportionate share mitigation options. Therefore, the decision as to whether or not to include charter schools as a proportionate share mitigation option is a local decision to be made by the parties to the Interlocal Agreement.

In fact, DCA has refused to review Policy EDU-2C for compliance with state law, because this Policy was not supported by the necessary data and analysis. Please see enclosed DCA correspondence dated August 22, 2008. Specifically, Policy EDU-2C and the related amendments to the Educational Element, Capital Improvements Element and Intergovernmental Coordination Element that were recently transmitted to DCA were not accompanied by an executed Public Schools Facilities Interlocal Agreement between the County and the School Board, and DCA therefore returned the amendment package containing the revised Policy EDU-2C as incomplete in August.

As of the date of this letter, the School Board and 23 municipalities within Miami-Dade County have adopted and executed a Public School Facility Planning Interlocal Agreement, which does not include charter schools as a proportionate share mitigation option. Nor have any of the pending versions of the School Board-County Agreement ever included charter schools as a mitigation option. The School Board further agrees with the County staff that the inclusion of charter schools as a proportionate share mitigation option is not possible without first obtaining the unanimous agreement of the School Board and municipalities, because to do otherwise would disturb the uniformity of the existing public school concurrency system in Miami-Dade County.

For the reasons enumerated above, the School Board respectfully requests that the Planning Advisory Board endorse the County staff's recommended denial of this application.

II. Application Numbers 1, 2, 3, 4, 10, and 15 – Proposals Resulting in Residential Density Increases

Application Numbers 1, 2, 3, 4, 10 and 15 propose to amend the CDMP Future Land Use Plan Map, all of which represent a potential increase in residential density on those properties. The County was required, pursuant to DCA's phased schedule, to adopt an updated public schools facilities element and enter into a Public Schools Facilities Interlocal Agreement, by January 1, 2008. As noted above, the County did not meet this deadline, and as such, presently, under Florida law, the County is precluded from adopting amendments to the comprehensive plan, which increase residential density. As you may be aware, DCA has returned the County's prior group of plan amendments with increased residential density for that same reason (please see enclosed DCA correspondence dated March 6, 2008). As such, the School Board respectfully requests that the Planning Advisory Board recommend denial of Application Numbers 1, 2, 3, 4, 10 and 15.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II
(PAB School Board Representative – Non-Voting Member)

IMR:ir
L145
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Mchael A. Levine
Ms. Vivian Villaamil
Ms. Corina Esquijarosa

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

THOMAS G. PELHAM
Secretary

August 22, 2008

Mr. Patrick F. Moore, CDMP Administrator
Miami-Dade County
Department of Planning & Zoning
111 NW 1st Street, Suite 1210
Miami, Florida 33128-1994

Dear Mr. Moore:

We have received the Miami-Dade County 08-PEFE1 (previously 07-PEFE1) adopted plan amendment. Please note that the amendment was renumbered from 07-PEFE1 to 08-PEFE1 due to its adoption date occurring in 2008. The adopted amendment package, received by the Department is incomplete because it does not include all of the information required in Section 163.3184, F.S. and Rule 9J-11.011, F.A.C. Your submittal package for the adopted amendment does not include the following:

- Please provide three copies of the executed interlocal agreement pursuant to Section 163.3177(12), F.S. The interlocal agreement that was submitted with the amendment was not signed by Miami-Dade County or the School Board of Miami-Dade County.

- Copy of the Citizen Courtesy Information List. In event no individuals sign up to receive a courtesy information statement, indicate on sign-in form that no requests were made and include the form in the adopted package. [9J-11.015(5)(b)4 and 163.3184(15)(c),F.S.]

The adopted amendment, received on August 19, 2008, will not be processed until the required information is received, as required by section 163.3187, F.S. If we may be of further assistance, please contact myself or Terri Stoutamire, Plan Processor at (850) 922-1804.

Sincerely,

D. Ray Eubanks
Plan Review and Processing Administrator

DRE/ts
cc: Carolyn A. Dekle, Executive Director,
South Florida RPC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850-488-8466 (p) • 850-921-0781 (f) • Website: www.dca.state.fl.us
• COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) •
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) •

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Secretary

MEMORANDUM

TO: **Jim Quinn, DEP**
Susan Harp, DOS
Wendy Evans, AG
Mary Ann Poole, FWC
Phil Steinmiller, FDOT 6
Carolyn A Dekle, South Florida RPC
P.K. Sharma, South Florida WMD

Date: March 10, 2008

Subject: Proposed Comprehensive Plan Amendment Review Objections, Recommendations and Comments Reports

---

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Miami-Dade Co 08-1 Correction Letter

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: http://www.dca.state.fl.us

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DEPARTMENT OF COMMUNITY AFFAIRS
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Secretary

March 6, 2008

The Honorable Bruno A. Barreiro
Chairman, Miami-Dade County
Board of County Commissioners
111 Northwest First Street, Suite 220
Miami, Florida 33128

Dear Commissioner Barreiro:

On February 26, 2008 the Department completed its review of the proposed Miami-Dade County comprehensive plan amendments (DCA Number 08-1) and mailed our Objections, Recommendations, and Comments (ORC) Report to you. Subsequent to mailing our report, we found an error in the recommendation for the School Concurrency objection. The purpose of this letter is to correct this error.

Objection Number 4 (Failure to Implement School Concurrency) in the ORC report objects to six proposed amendments that have the potential to increase residential density. The objection notes that the County was to adopt its Public Education Facilities Element by January 1, 2008, but has not done so. Therefore, pursuant to Section 163.3177(12)(j), Florida Statutes, the County is prohibited from adopting amendments to the comprehensive plan that increase residential density until the necessary school amendments have been adopted and transmitted to the Department.

The recommendation following this objection advises the County to not adopt the proposed amendments until the County has adopted the Public School Facilities Element (DCA Number 08-PEFE1) and has executed the Interlocal Agreement. As an alternative, this recommendation advises that the County may "provide appropriate data and analysis demonstrating that the County has adequately planned for the potential residential density increase allowed by the proposed amendments."

While the first part of this recommendation accurately describes the statute prohibition on adopting increases in residential density when a local government has not adopted its Public Education Facilities Element by the scheduled due date, a situation applicable to Miami-Dade County, the alternative solution in the recommendation quoted in the paragraph above is erroneous.

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COMMUNITY PLANNING
Phone: 850-488-2356/SUNCOM 278-2356
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402
Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7956/SUNCOM 278-7956
Fax: 850-922-5623/SUNCOM 292-5623

The statute contains an outright prohibition on amendments that increase residential density and does not allow for exceptions. Therefore, the alternative solution quoted above is not a viable option.

To correct the error in the Recommendation, the Recommendation is revised as follows:

> 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 08-PEFE1 on Public Schools prior to adopting these amendments <u>and</u> provide appropriate data and analysis demonstrating that the County has 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.

We regret the error and apologize for any confusion and inconvenience that may have resulted from the previous Objections, Recommendations, and Comments Report. Please include this letter with the previous letter sent to you on February 26, 2008. If you or the County staff has any questions or requires any additional information about this letter, please call me or Bob Dennis, Regional Planning Administrator, for assistance at (850) 487-4545.

Sincerely,

Mike McDaniel

Mike McDaniel, Chief
Office of Comprehensive Planning

MDM/bd

cc: Mr. Subrata Basu, Interim Director, Department of Planning and Zoning
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

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 SMALL-SCALE AND UPDATE TO THE CIE SCHEDULES OF IMPROVEMENTS AMENDMENT APPLICATIONS AND TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS OF THE ADOPTED SMALL-SCALE AND UPDATE TO THE CIE SCHEDULES OF IMPROVEMENTS, AND STANDARD APRIL 2008 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND ADOPTING RECOMMENDATIONS AS TO SUBSEQUENT ACTION.

RECEIVED BY CLERK
EXHIBIT
NOV 06 2008
CDMP

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, 18 CDMP amendment applications were filed on or before April 30, 2008, and are contained in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2008; and

WHEREAS, two (2) additional CDMP amendment applications were filed prior to the publication of the "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan," dated August 25, 2008, bringing the total number of applications filed in the April 2008 Cycle CDMP amendments to 20; and

WHEREAS, of the 20 applications, six (6) Land Use Plan (LUP) map amendments (Application Nos. 2 to 4 and 8 to 10) and one (1) text amendment (Application No. 11) were privately filed, three (3) LUP amendments (Application Nos. 5 to 7) were filed by the Aviation Department, and one (LUP) map (Application No. 1) and nine (9) text amendments (Application Nos. 12 - 20) were filed by the Department of Planning and Zoning (DP&Z); and

WHEREAS, Application Nos. 14 and 16 were withdrawn by DP&Z before the publication of the Initial Recommendations report; 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, Section 163.3177(3)(b)2, F.S., provides for the expedited processing of the annual update to the schedules of improvements of Capital Improvements Element (CIE) (Application No. 12); and

WHEREAS, of the ten Land Use Plan (LUP) map amendment applications filed for processing during the April 2008 CDMP amendment cycle, four 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 April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, affected Community Councils have held 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 held a duly noticed public hearing 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 and the update of the schedules of improvements of the CIE, 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 and the updates to the schedules of improvements of the CIE; the 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 STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
1	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director NW 47 Avenue to 660' east of NW 57 Avenue and between NW 199 Street and Snake Creek Canal (165 gross acres) From: Institutions, Utilities, and Communications To: A. Industrial and Office (25 gross acres) B. Business and Office (60 gross acres) C. Low-Medium Density Residential (6 to 13 DU/ac.) (80 gross acres) Standard Amendment	Deny and Transmit with recommendation to Staff to work with "His House" officials to allow residents to remain in existing structures or relocate on site and designate funding for infrastructure

The motion to recommend denial and transmittal with recommendations to staff as noted above was moved by Board Member Rihehart. Board Member Gray seconded the motion and it passed by 11 to 1 votes as follows:

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

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Recommended Action on Small-Scale Amendment
2	Tibor Hollo/Jeffrey Bercow, Esq. & Michael J. Marrero, Esq. West side of NW 7 Avenue between NW 155 Lane and Biscayne Canal (0.84 gross acres) From: Medium-High Density (25 to 60 DU/ac.) To: Business and Office Small-Scale Amendment	Adopt with Acceptance of Proffered Covenant

The motion to recommend adoption with the acceptance of proffered covenant was moved by Board Member Sosna. Board Member Huembes seconded the motion and it passed by 10 to 1 votes as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Recommended Action on Small-Scale Amendment
3	Lunar Real Estate Services, Inc./Mario J. Garcia-Serra, Esq. & N Patrick Range II, Esq. Southwest corner of NE 135 Street and NE 3 Ct. (2.5 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office Small-Scale Amendment	Adopt with Acceptance of Revised Covenant indicating uses and 102,600 sq. ft. of floor area

The motion to recommend adoption with acceptance of proffered covenant revised as stated above was moved by Board Member Rinehart. Board Member Fraga seconded the motion and it passed by 8 to 4 votes as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Recommended Action on Small-Scale Amendment
4	Sunshine Lakes LLC/Jeffrey Bercow, Esq. & Matthew Amster, Esq. 10940 NW 14 Avenue (an area SW of intersection of NW 111 Street) (+4.81 gross acres From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Medium Density Residential with one Density 1 Increase with Urban Design (DI-1; 13-60 DU/acres) Small-Scale Amendment	Adopt with Change as recommended by staff and with Acceptance of Proffered Covenant

The motion to recommend adoption with change as recommended by staff and with acceptance of proffered covenant was moved by Board Member Sosna. Board Member Rinehart seconded the motion and it passed by 8 to 2 votes as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Recommended Action on Small-Scale Amendment
5	Miami-Dade County Aviation Department/ Jose Abreu, P.E., Director East side of Milam Dairy Road/NW 72 Avenue between NW 36 and NW 41 Streets (±3.4 Gross Acres) From: Institutions, Utilities, and Communications To: Business and Office Small-Scale Amendment	Adopt with Acceptance of Proffered Covenant

The motion to recommend adoption with acceptance of proffered covenant was moved by Board Member Rinehart. Board Member Sosna seconded the motion and it passed unanimously as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
6	Miami-Dade County Aviation Department/ Jose Abreu, P.E., Director Between the Palmetto Expressway (SR 826) and Milam Dairy Road/NW 72 Avenue and between NW 14 and NW 19 Streets, west of the Miami International Airport (31.04 gross acres) From: Transportation Terminals (15 Acres) & Industrial and Office (16 Acres) To: Business and Office Standard Amendment	Adopt with Acceptance of Proffered Covenant and Transmit

The motion to recommend adoption with acceptance of proffered covenant and transmittal was moved by Board Member Rinehart. Board Member Iglesias seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
7	Miami-Dade County Aviation Department/ Jose Abreu, P.E., Director Northeast corner of Milam Dairy Road/NW 72 Avenue and NW 12 Street, at the SW corner of the Miami International Airport (+16.9 gross acres) From: Industrial and Office To: Business and Office Standard Amendment	Adopt with Acceptance of Proffered Covenant and Transmit

The motion to recommend adoption with acceptance of proffered covenant and transmittal was moved by Board Member Huembes. Board Member Leal seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Yes
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	Recommended Action on Small-Scale Amendment
8	Fontainbleau Lakes, LLC/Felix M. Lasarte, Esq. North side of West Flagler Street between theoretical NW 90 and 94 Avenues (+41 gross acres) From: Parcel A: Medium Density Residential (13 to 25 DU/Ac) (23 gross acres) & Parcel B: Parks and Recreation (18 gross acres) To: Business and Office Standard Amendment	Adopt with Change to recognize reduction in property size and with Acceptance of Proffered Covenant and Transmit

The motion to recommend adoption with change as stated above and with acceptance of proffered covenant and transmittal was moved by Board Member Iglesias. Board Member Huembes seconded the motion and it passed by 7 to 4 votes as follows:

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

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
9	Gold River Corporation/Juan J. Mayol, Jr., Esq. Northeast corner of West Flagler Street and NW 102 Avenue (41.04 gross acres) From: Low-Medium Density Residential (6 to 13 DU/ac.) To: Business and Office Standard Amendment	Adopt with Change to allow residential development and with Acceptance of Proffered Covenant and Transmit

The motion to recommend adoption with change as stated above and with acceptance of proffered covenant and transmittal was moved by Board Member Iglesias. Board Member Fraga seconded the motion and it passed by 9 to 3 votes as follows:

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

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
10	Manual C. Diaz and Live Oak Partners, LLC/Joseph G. Goldstein, Esq., Alan S. Krischer, Esq. & Tracy R. Slavens, Esq. Southwest corner of SW 112 Avenue and SW 248 Street (35 gross acres) 1. From: Office/Residential To: Business and Office 2. Replace existing covenant with new covenant Standard Amendment	Adopt with Acceptance of Proffered Covenant and Transmit

The motion to recommend adoption with acceptance of proffered covenant and transmittal was moved by Board Member Sosna, who moved for its adoption. Board Member Rinehart seconded the motion and it passed unanimously as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
11	Builders Association of South Florida/Jeffrey Bercow, Esq. & Graham Penn, Esq. Revise text in the Educational Element as follows: Add language to allow the use to Charter schools as a proportionate share mitigation option. The option is proposed to be included into Policy EDU-2C of the Educational Element as presented in the replacement pages for the Special Amendment to the "Adopted CDMP October 2006 Edition." Standard Amendment	Adopt with Changes submitted in letter from applicant dated October 1, 2008 and further modified by County attorney and Transmit

The motion to recommend adoption with changes as noted above and transmittal was moved by Board Member Leal. Board Member Huembes seconded the motion and it passed by 7 to 4 votes as follows:

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

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Recommended Action on CIE Amendment
12	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director Capital Improvements Element, Tables of Proposed Projects. 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. 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. Standard Amendment	Adopt

The motion to recommend adoption was moved by Board Member Leal. Board Member Fraga seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
13	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director In the Land Use Element, add language clarifying the meaning of the term "ancillary to agriculture", to allow some uses to be "stand alone" rather than part of an active farm, and to allow Bed and Breakfast establishments in the Ag Area. The text to be amended begins on page I-58 of the Land Use Element in the "Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County, Florida, October 2006 Edition." Standard Amendment	Adopt with Staff Changes Dated October 2, 2008 and Transmit

The motion to recommend adoption with changes as noted above and transmittal was moved by Board Member Sosna. Board Member Fraga seconded the motion and it passed by 10 to 1 votes as follows:

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

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
15	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director Land Use Element 1. Revise the 17% density bonus for not-for-profit organizations described in the Land Use Element of the CDMP to allow the density bonus to apply to residential developers (not just not-for-profit organizations) as long as it is certified that 30% of the housing units will be made affordable to low income households. 2. Add a subsection to the Land Use Element entitled "Density Bonus Programs for Affordable and Workforce Housing" which consolidates the text of all existing and proposed density bonus incentives in one location. The subsection shall describe the existing 17% density bonus for affordable housing and the 25% density bonus for workforce housing, as well as the proposed 30% density bonus for affordable/workforce multifamily infill housing, and the 60% density bonus for not-for-profit or government/public sponsored affordable housing providers. Standard Amendment	Adopt And Transmit

The motion to recommend adoption and transmittal was moved by Board Member Fraga. Board Member Leal seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
17	Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director Revise the text in the Land Use Element under the category entitled "Industrial and Office" to adopt 2003 Evaluation and Appraisal Report-based recommendations to reduce the conversion of industrially designated land to non-industrial uses. Standard Amendment	Adopt And Transmit

The motion to recommend adoption and transmittal was moved by Board Member Sosna. Board Member Rinehart seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
18	Miami-Dade County Department of Planning and Zoning/ Marc F. LaFerrier, Director Revise the text in the Housing Element to adopt the "Miami-Dade County Workforce Housing Plan, 2008 to 2015" by reference as part of the CDMP, as required by 163.3177, F.S. Standard Amendment	Adopt With Further Changes and Transmit

The motion to recommend adoption was moved by Board Member Leal, who moved for its adoption. Board Member Huembes seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
19	Miami-Dade County Department of Planning and Zoning/ Marc F. LaFerrier, Director Revise the CDMP text in Policy CON-8I of the Conservation, Aquifer Recharge and Drainage Element, pages IV-14 through IV-15, and replace the Exotic Pest Plant List, to mirror the expanded list proposed for inclusion in Chapter 24, Miami-Dade County Code (MDCC). Standard Amendment	Adopt With Staff Changes Dated October 2, 2008 and Transmit

The motion to recommend adoption with changes as noted above was moved by Board Member Leal. Board Member Huembes seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	Yes		

Georgina Santiago, Chair Yes

Application Number	Applicant/Representative Location (Size) REQUESTED STANDARD AMENDMENTS TO THE CDMP	• Transmittal Recommendation • Recommendation as to Subsequent Action
20	Miami-Dade County Department of Planning and Zoning/ Marc F. LaFerrier, Director 1. Revise the text of the Transportation Land Use category in the Land Use Element of the CDMP limiting the percentage range of non-aviation related uses at Kendall-Tamiami Executive Airport and Miami International Airport. 2. Revise the text in the Aviation Subelement of the Transportation Element limiting the percentage range of non-aviation related uses at Kendall-Tamiami Executive Airport and Miami International Airport. Standard Amendment	Adopt and Transmit

The motion to recommend adoption and transmittal was moved by Board Member Leal. Board Member Huembes seconded the motion and it passed by 11 to 1 votes as follows:

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

The adoption of the foregoing resolution was moved by Board Member Fraga. Board Member Huembes seconded the motion and it passed unanimously as follows:

Reginald J. Clyne	Absent	Felipe Llanos	Absent
Antonio Fraga	Yes	Al Maloof	Absent
Pamela Grey	Yes	Ralph Ramirez	Yes
Horacio C. Huembes	Yes	William A. Riley	Absent
Rolando Iglesias	Yes	Wayne Rinehart	Yes
Eddy Joachin	Yes	Christi Sherouse	Yes
Daniel Kaplan	Absent	Jay Sosna	Yes
Serafin Leal	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 October 6, 2008, and is certified correct by Marc C. LaFerrier, Executive Secretary to the Planning Advisory Board.

Marc C. LaFerrier