

REVISED RECOMMENDATION

BEACON LAKES DRI APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



April 25, 2008

Miami-Dade County Department of Planning and Zoning
1110 Stephen P. Clark Center
111 NW 1 Street
Miami, Florida 33128-1972
(305) 375-2835

Carlos Alvarez
Mayor

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Executive Secretary

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INTRODUCTION

This report contains the revised recommendation of the Miami-Dade County Department of Planning and Zoning (DP&Z) on the pending Beacon Lakes Development of Regional Impact (DRI) application to amend the Comprehensive Development Master Plan (CDMP). The application is being processed concurrently with proposed changes to the existing Beacon Lakes DRI under a special procedure established in Chapter 380.06, Florida Statutes (F.S.), and Section 2-116.1 of the Code of Miami-Dade County.

Previous Action

On December 20, 2007, the Board of County Commissioners held a public hearing on the Beacon Lakes DRI application to amend the CDMP. At the public hearing, the Board recommended to Adopt and Transmit the application as submitted by the applicant. On January 9, 2008, the application was transmitted to the Department of Community Affairs (DCA) and other State agencies for review and comment. An extension to the application processing timeline was requested on April 8, 2008. Pursuant to Section 380.06, 6(b)(3) F.S., another extension was granted. The section that follows provides the final recommendation for the CDMP amendment application and the principle reasons for the recommendation.

Schedule of Activities Beacon Lakes DRI/CDMP Amendment Process

| | |
|---|--|
| CDMP Amendment Application Filed | October 30, 2007 |
| Country Club Of Miami, Community Council (5) Public Hearing to Formulate Recommendations Regarding Transmittal and Subsequent Final Action | December 7, 2007, 7:00 P.M. Country Club Middle School Media Center 18305 NW 75th Place |
| Hearing of the Planning Advisory Board (PAB), Acting as the Local Planning Agency (LPA), to Formulate Recommendations Regarding Transmittal and Subsequent Final Action | December 10, 2007, 5:30 P.M. County Commission Chamber 111 N.W. 1 st Street |
| Board of County Commissioners Hearing and Action on Transmittal of Proposed Amendments to DCA and Review Agencies | December 20, 2007, 9:30 A.M. County Commission Chamber 111 N.W. 1 st Street |
| Transmittal of Proposed Amendment to DCA for Comment | January 9, 2008 (Approximately 10 working days after Commission Transmittal hearing) |
| Receipt of DCA Objections, Recommendations, and Comments (ORC) Report | March 10, 2008 |
| Applicant Extension | April 8, 2008 |
| Hearing of Planning Advisory Board (Local Planning Agency) and Final Recommendations | May 5, 2008, 5:30 P.M. County Commission Chamber 111 N.W. 1 st Street |
| Board of County Commissioners Public Hearing and Final Action | July 3, 2008, 9:30 A.M. County Commission Chamber 111 N.W. 1 st Street |

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Exhibit 1: Objections, Recommendations and Comments (ORC) Report dated March 10, 2008 from the Florida Department of Community Affairs (DCA)

Exhibit 2: Declaration of Restrictions Received on February 20, 2008

Exhibit 3: Updated Legal Description and Property Survey, dated February 20, 2008 and updated Future Land Use Maps

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Beacon Lakes DRI Application to Amend the CDMP

Commission District 12 Community Council 5

APPLICATION SUMMARY

Applicant/Representative:

AMB Codina Beacon Lakes, LLC/
Joseph G. Goldstein, Esq.
Holland & Knight, LLP

Location:

Generally near the northeast corner of
State Road 836 Extension and NW 137
Avenue, in the southwest section of the
Beacon Lakes DRI

Total Acreage:

+48 gross acres
45.59 net acres

The applicant submitted an updated
survey of the application site on
February 20, 2008 decreasing the total
acreage from 48 to 45.59 net acres.

Current Land Use Plan Map Designation:

Restricted Industrial and Office

Requested Land Use Plan Map Designation:

Business and Office

Provisions of Declaration of Restrictions

Prohibits residential use

Amendment Type:

Concurrent DRI/CDMP Amendment

Existing Zoning/Site Condition:

Zoning: IU-1 (Industry-Light)
Site Condition: Vacant Land

Environmental Concerns:

Located in Northwest Wellfield
Protection Area

RECOMMENDATIONS

Staff:

DENY AND DO NOT TRANSMIT
(November 21, 2007)

Country Club of Miami Community Council (5):

ADOPT AND TRANSMIT
(December 7, 2007)

Planning Advisory Board (PAB) acting as Local Planning Agency:

TRANSMIT WITH NO RECOMMENDATION
(December 10, 2007)

Board of County Commissioners:

ADOPT AND TRANSMIT
(December 20, 2007)

Revised Staff Recommendation

ADOPT WITH CHANGE AND ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS
(April 25, 2008)

Final Recommendation of PAB acting as Local Planning Agency:

TO BE DETERMINED
(May 5, 2008)

Final Action of Board of County Commissioners:

TO BE DETERMINED
(June 19, 2008)

Revised Staff Recommendation and Principle Reasons

Based on new information obtained since the transmittal of the Beacon Lakes DRI amendment application, the Department of Planning and Zoning now recommends to **ADOPT WITH CHANGE AND ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed application. The change refers to a revision in the net acreage of the application site from ± 48 acres to 45.59 net acres due to the dedication of the NW 14 Street right of way. The following provides a summary of the principle reasons for the revised recommendation:

1. Staff originally recommended denial of the proposed CDMP amendment application due, in part, to incompatibility with existing surrounding uses. The specific concern was over potential incompatibility with a fat rendering plant located approximately 180 feet from the eastern boundary of the application site. The noxious odors released by the existing plant were perceived to be a potential "nuisance" to the type of residential and restaurant uses allowed under the proposed "Business and Office" designation. To address the issue of incompatibility, the applicant proffered a Declaration of Restrictions (covenant) on February 20, 2008 prohibiting residential use on the application site. In addition, the proposed development will be subject to a development order condition that will require the applicant to proffer and record a covenant requiring the owner of the property to issue a statement disclosing the existence of the fat rendering

plant to any party interested in purchasing or leasing any portion of the property. Should the Department of Environmental Resource Management (DERM) conclude that the odor issues related to the fat rendering plant have been permanently mitigated or if the plant ceases to exist, the disclosure requirement will no longer apply. Compliance with the above provisions will allow the County to remain consistent with Policy LU-4B of the Land Use Element, which states that uses which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic **shall** be protected from damaging encroachment by future approval of new incompatible uses, such as residential uses.

2. Between November 7 and December 11, 2007 the Department of Environmental Resource Management (DERM) inspected the referenced fat rendering property in response to complaints of objectionable odors emanating from the facility. DERM inspectors confirmed that the inside air handling and filtration system of the plant were non-operational, resulting in the reoccurrence of the objectionable odors. A Field Notice of Violation was issued on November 16, 2007 to the facility for being out of compliance with the DERM Air Emissions Annual Operating Permit, the Florida Department of Environmental Protection (FEDP) Permit, and Chapter 24 of the Miami-Dade County Environmental Protection Ordinance. Since the issuance of the Notice of Violation, the plant has taken corrective measures to come into compliance with these regulations. At the last inspection of the facility on December 11, 2008, no odor was detected. It should be noted, however, that the odor problem with the fat rendering plant has a history of being recurrent. As such, it is important to require a disclosure statement in reference to the fat rendering plant, as discussed above, until such time that the odor related issues are permanently addressed.
3. The applicant's transportation consultant submitted a revised traffic concurrency analysis on March 11, 2008, in response to concerns raised by County staff in the Initial Recommendation report of November 21, 2007. The transportation analysis was further revised on April 18, 2008. Staff's specific concerns were the lack of analysis for the NW 12 Street segment between NW 137 and 127 Avenues; the high percentage trip allocated to NW 25 Street; and the consideration in the analysis of NW 132 Avenue from/to NW 12 Street as another direct access point to the application site. The latest revision of the traffic concurrency analysis adequately addresses staff's concerns and determines that the roadways, which would be impacted by the application, are all projected to operate within their adopted LOS standard. County staff concurs with the findings of the applicant's revised traffic analysis.
4. Although staff is recommending approval of the application, it should be noted that concerns remain regarding transit service to the subject property. Though Miami-Dade Transit (MDT) indicates that they could provide transit service to the application site by extending/realigning existing service, they determined that any extension of service from the Dolphin Mall to the application site would have an estimated annual operating cost in excess of \$900,000. Given the County's

current budgetary constraints and MDT's planned June 2008 transit service reduction, it may not be financially feasible for MDT to provide service to the site without significant financial commitments. Since Policy MT-4B of the Mass Transit Sub-element states that Miami-Dade County, with appropriate private sector contributions, **shall** provide a network of regular and/or special services to facilitate access to major commercial and employment centers, Staff recommends that the applicant, prior to commencement of any construction of the project, perform a detailed transit service demand analysis to identify the most feasible means of serving the application site. The analysis should explore the option for route extension/realignment and neighborhood circulators, as well as the potential for applicant/developer contributions. Although Miami-Dade County has not previously required an applicant/developer to pay operational costs for the provision of transit service, the Florida Department of Community Affairs (DCA) has indicated that DRI applicants can be required, through development order conditions, to fund operational costs for transit service, provided there is a nexus or logical justification for the payment in the context of serving the purposes of the Development Order. The Gulf Stream DRI, in the City of Hallandale Beach, serves as an example of a DRI that has implemented such practices. Miami-Dade County should explore all such options for providing transit service to the application site, particularly since the proposed development will be a major commercial and employment center.

New Information

Since the transmittal public hearing on December 20, 2007, the Department of Planning and Zoning has received additional information regarding the proposed CDMP amendment application. This includes the covenant and the revised traffic analysis, which were discussed above. The following provides a brief summary of additional new information received, including the Florida Department of Community Affairs (DCA) "Objections, Recommendations, and Comments" report and a revised land survey of the site. This section also provides a more detailed review of the updated Transit Impact Report from Miami-Dade Transit.

Objections, Recommendations and Comments Report from DCA

On March 10, 2008, the Florida Department of Community Affairs (DCA) issued its "Objections, Recommendations and Comments" (ORC) report in reference to the proposed CDMP amendment. The ORC indicated that the application did not have any significant State or regional impact. As such, no objections were issued by DCA or any State agencies with respect to the application. The ORC report is contained in Exhibit 1.

Transit Impact Report

In the Initial Recommendation Report of November 21, 2007, Miami-Dade Transit (MDT) staff indicated that the proposed development should have direct transit service since the application involves the development of a major commercial center. However, further analysis was needed since this would require realigning or extending existing transit services.

On February 2008, MDT submitted an updated Transit Impact Report. The report indicated that extending Metrobus service to the application site would require the realignment of existing service since new service to the application site is not planned or programmed in the five year Transportation Development Program. The re-alignment of Metrobus Route 147 was initially considered because the additional cost for the service expansion was less than extending other routes that currently use the Dolphin Mall as their westernmost terminus. However, an update to the Transit Impact Report revealed that Miami-Dade Transit's service plans for June 2008 now call for the Route 147 service to be discontinued. According to the update, other alternatives for providing service to the Beacon Lakes application site now require the extension of service further west by any route stopping at the Dolphin Mall. The exception was the realignment of Route 137 which was not considered as a viable alternative. This was due to the fact that any realignment to Route 137 to serve the application site would negatively impact a substantial number of riders along portions of the route's alignment (along SW 8 Street, NW 6 Street, West Flagler Street, NW 112 Avenue, and NW 7 Street).

Any extension of service from the Dolphin Mall to the application site would require a 4-5 mile one-way trip. This approximates to an additional 50,000 annual service miles depending on which route would be extended to the application site. The operational cost for a service extension to the application site would be in excess of \$900,000 annually. While the analysis concluded that transit service could be provided to the application site, it was also determined that the estimated annual cost to provide bus service to the application site would be prohibitive to Miami-Dade Transit without significant financial commitments to fund this service extension.

Policy MT-4B of the Mass Transit Sub-element, states that Miami-Dade County, with appropriate private sector contributions, shall provide a network of regular and/or special services to facilitate access to major commercial and employment centers. Since the proposed development will be a major commercial center open to the general public, it should be required that the applicant, prior to the commencement of any construction, perform a detailed transit service demand analysis to identify the most feasible means of serving the application site, including route extension/realignment and neighborhood circulators, as well as the potential for applicant/developer contributions.

It is acknowledged that the County might not have previously required an applicant/developer to pay operational costs for the provision of transit service. However, It should be noted that the Gulf Stream DRI in the City of Hallandale Beach, Broward County, was required in November 2006 to post surety of \$3.0 million to fund the construction of a north/south rail station or alternatively fund programmed transit improvements serving the City. These transit improvements include reduction in weekday headways on existing routes and the implementation of new limited stop and high capacity transit service. The Florida Department of Community Affairs (DCA) and the South Florida Regional Planning Council (SFRPC) have indicated that DRI applicants can be required through development order conditions to fund operational costs for transit service. This requirement can be made provided there is a nexus or logical justification for the payment in the context of serving the purposes of the

Development Order. The nexus or justification for the payment would be established through the above mentioned transit service demand analysis which would identify the need for the service, the cost of providing the service, and the availability of funds.

Map Revisions

The applicant submitted an updated survey of the application site to the Department of Planning and Zoning dated February 20, 2008. The updated survey provides an updated legal description of the application site's boundaries to exclude NW 14 Street right-of-way. The NW 14 Street right-of-way was included in the previous legal description of November 25, 2007, but was subsequently dedicated and conveyed to the County and therefore removed from the application. As a result of this change, the acreage of the application site is reduced from approximately 48 acres to 45.59 net acres. Updated copies of the survey, legal description, and Future Land Use Maps of the application site are contained in Exhibit 3.

Exhibits

- Exhibit 1: Objections, Recommendations and Comments (ORC) Report dated March 10, 2008 from the Florida Department of Community Affairs (DCA)
- Exhibit 2: Declaration of Restrictions Received on February 20, 2008
- Exhibit 3: Updated Legal Description and Property Survey dated February 20, 2008, and updated Future Land Use Maps

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Exhibit 1

Objections, Recommendations and Comments (ORC) Report dated March 10, 2008
from the Florida Department of Community Affairs (DCA)

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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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 08D1

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>



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 10, 2008

The Honorable Bruno A. Barreiro
Chairman, Miami-Dade County
Board of County Commissioners
111 NW 1 Street, Suite 220
Miami, Florida 33128

Dear Commissioner Barreiro:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for the Miami-Dade County Comprehensive Plan (DCA No. 08D-1), which was received on January 10, 2008. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes. The Department does not identify any objections and this letter serves as the Objections, Recommendations and Comments Report.

For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions, please call Denise Papajorgji, Planner, at (850) 922-1827.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MDM/dp

Enclosures: Review Agency Comments
Transmittal Procedures

cc: Mr. Subrata Basu, Interim Director, Department of Planning and Zoning
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

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

TRANSMITTAL PROCEDURES

This proposed comprehensive plan amendment is associated with a development of regional impact. Therefore, Miami-Dade County may adopt this proposed amendment or determine that the County will not adopt the proposed amendment at the same time as the development order for the development of regional impact is considered for adoption. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.



11 B1)
3/3/08

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

District Six
Office of Director of Transportation Development
1000 NW 111 Avenue, Miami, FL 33172
Phone: 305-470-5464 Fax: 305-470-5610

STEPHANIE C. KOPELOUSOS
SECRETARY

February 5, 2008

Mr. Ray Eubanks
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**SUBJECT: Beacon Lakes DRI Application to Amend the Miami-Dade
County Comprehensive Development Master Plan (DCA #08-
D1)**

Dear Mr. Eubanks:

In accordance with your request, and the provisions of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the Beacon Lakes DRI Application to Amend the Miami-Dade County Comprehensive Development Master Plan.

The proposed CDMP amendment requests the re-designation on the Adopted 2015 and 2025 Land Use Plan map of approximately 48 acres of land from "Restricted Industrial and Office" to "Business and Office." The intent of the amendment is to allow the development of 420,000 sq. ft. of retail space on the subject property. The site is located near the northeast corner of State Road 836 and NW 137th Avenue.

Access points have not been requested along SR 836 or any other state facility by this application. The proposed land use change is expected to generate 418 new external trips to the surrounding roadway network. The traffic analysis submitted with this application demonstrates that the application will not significantly impact any state facilities found to be operating below the adopted Level-of-Service standards. Therefore, the Department has no objections or recommendations for this amendment at this time.

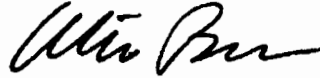
Mr. Ray Eubanks

February 5, 2008

Page 2

Please contact Phil Steinmiller at 305-470-5825, if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice Bravo", written in a cursive style.

Alice N. Bravo, P.E.

District Director of Transportation Systems
Development

Cc: Aileen Boucle, AICP
Phil Steinmiller



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

February 22, 2008

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Miami-Dade County, DCA #08-D1
SFWMD Comments on Proposed Comprehensive Plan Amendment
Package**

The South Florida Water Management District (District) has completed its review of the proposed amendment. The amendment seeks to re-designate ± 48 gross acres of the Beacon Lakes Development of Regional Impact (DRI) from "Restricted Industrial and Office" to "Business and Office" to allow construction of 420,000 square feet of commercial/retail development. The developer is proposing to modify the approved DRI development program to reduce the industrial/warehouse square footage from 6,600,000 square feet to 5,300,000 to accommodate the proposed commercial/retail development. These changes will result in a reduction in approved development square footage and potable water demand. Therefore, we forward no recommended comments for inclusion in your review comments to the County

We appreciate the opportunity to collaborate with the County and the Department of Community Affairs on developing sound, sustainable solutions to meet the County's future water needs. For assistance or additional information, please contact Jim Golden at (561) 682-6862 or jgolden@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Merriam", is written over a faint, larger signature.

Chip Merriam
Deputy Executive Director
Water Resources

c: George M. Burgess, Miami-Dade County
Carolyn Dekle, SFRPC
Bob Dennis, DCA
Jim Golden



11 BD
2/1/08

FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

February 1, 2008

Re: Historic Preservation Review of the Miami-Dade County (08D1) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Miami-Dade County Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map changing the land use designation of 48 acres of the Beacon Lakes DRI, to consider the potential effects of this action on historic resources. The application package indicates that the Miami-Dade County Historic Preservation Officer indicates that this parcel is a high probability area for potentially significant archaeological resources and recommends that a Phase I Archaeological Survey be conducted prior to any ground disturbing activities. This agency concurs with the Miami-Dade County recommendations regarding the potential for archaeological resources. It is the county's responsibility to ensure that the proposed revision will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

xc: Mr. Bob Dennis

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245 6300 • FAX: 245 6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245 6452

☒ Historic Preservation
(850) 245 6333 • FAX: 245 6437

☐ Historical Museums
(850) 245 6400 • FAX: 245 6433

☐ South Regional Office
(904) 316 2115 • FAX: 316 2149

☐ North Regional Office
(850) 245 6445 • FAX: 245 6435

☐ Central Regional Office
(813) 772 3843 • FAX: 772 2310



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

February 6, 2008

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Miami-Dade 08-D1

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the report, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the report pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

Christopher J. Stahl
Environmental Specialist
Office of Intergovernmental Programs

/cjs

11 BD
2/7/08



MEMORANDUM

AGENDA ITEM #6c

DATE: FEBRUARY 4, 2008

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On January 8, 2008 Council staff received proposed amendment #08D1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

With a 2007 population estimated at 2,462,292, Miami-Dade County is the most populous county in Florida. The County's population has grown by 9.3% since 2000, and is expected to increase by an additional half a million by 2020. The percentage of the population that is of working age or younger is larger in Miami-Dade County than the state average. The County also has higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

The structure of the County's economy is heavily service and trade oriented, with approximately 57% of total employment in these sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks ninth in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world and one of the largest container ports in the southeast. The urbanized portion of the County lies between two national parks, Everglades and Biscayne National Parks. The close relationship of tourism to the preservation of Miami-Dade County's unique native plants and wildlife has been recognized as an economic as well as an environmental issue. In order to manage growth, the County's Comprehensive Development Master Plan (CDMP) establishes an Urban Development Boundary (UDB), which distinguishes the area where urban development may occur from areas where it should not occur.

Additional information regarding the County or the Region may be found on the Council's website at www.sfrpc.com.

Summary of Staff Analysis

Proposed amendment package #08D1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) contains one amendment to the Future Land Use Map. The general location of the County is shown as Attachment 1. The amendment site is shown in Attachment 2.

The proposed amendment would change the land use designation of a 48 acre site within the Beacon Lakes Development of Regional Impact (DRI) from "Restricted Industrial and Office" to "Business and Office". It has been filed with a concurrent amendment to the DRI development order. The site is located at the northeast corner of S.R. 836 Extension and NW 137 Avenue, in the southwest section of Beacon Lakes DRI. It is currently undeveloped. The applicant proposes to utilize the subject site for commercial and retail uses, including an open air retail center with stores and restaurants that would serve residents living in neighborhoods the south of the site.

Site History

Beacon Lakes DRI was originally approved on May 30, 2002 to provide large capacity warehouse/distribution space with direct access to Miami International Airport, located eight miles to the east and the Port of Miami via the Dolphin Expressway (S.R. 836). The 408.04 acre DRI was approved as an industrial/warehouse project with limited office and retail uses, in response to a lack of available industrial land to support Miami International Airport. The DRI boundary is shown on Attachment 2.

A concurrent CDMP amendment to expand the Urban Development Boundary (UDB) was also reviewed in 2002. Although the South Florida Regional Planning Council objected to the amendment, citing inconsistency with the infrastructure policies of the 1995 SRPP, the Department of Community Affairs did not object. The amendment and the DRI development order became effective in 2002. Beacon Lakes was subsequently designated as a Brownfield Area on May 20, 2003. To date, less than one third of the site has been developed.

Proposed Future Land Use Map Amendment

The amendment is being concurrently reviewed with a Notice of Proposed Change (NOPC) to amend the DRI development order. The NOPC proposes a revised development program with increased retail and office uses and a reduction in warehouse use. However, the primary land use within the DRI would remain industrial/warehouse. No residential or hotel uses are proposed.

| DRI Land Use | Approved DRI | Proposed | Net Change |
|----------------------|---------------------|-------------------|---------------------|
| Industrial/Warehouse | 6,600,000 sq. ft. | 5,300,000 sq. ft. | - 1,300,000 sq. ft. |
| Office | 150,000 sq. ft. | 175,000 sq. ft. | + 25,000 sq. ft. |
| Retail | 75,000 sq. ft. | 495,000 sq. ft. | + 420,000 sq. ft. |

The NOPC was filed with the South Florida Regional Planning Council on December 22, 2006. Council staff review (dated February 27, 2007) indicated that the addition of 420,000 sq. ft. of retail space exceeds the substantial deviation determination criteria in 380.06(19), F.S. The applicant intends to rebut this presumption at a public hearing, before the Miami-Dade County Commission, by demonstrating that the simultaneous increase of retail/office and decrease of warehouse space will not create any additional adverse regional impacts. A detailed traffic study submitted with the NOPC shows that the proposed development will increase external PM trips by 12.4 percent (418 trips), which would not significantly impact the surrounding regional road network.

The amendment site is located within the Northwest Wellfield Protection Area. On September 1, 2006, the developer executed a covenant to limit the use of the site to specific land uses that are compatible with wellfield protection (office, warehouse, restaurant and residential uses are permitted).

Potable water is provided by Miami-Dade Water and Sewer Department's (WASD). The proposed retail uses would increase potable water demand by 12,600 gallons per day on the amendment site. However, this would be offset by the reduction in warehouse space elsewhere within the Beacon Lakes DRI which would have a net effect of reducing total potable water demand by 2,494 gallons per day. Council staff analysis finds that the proposed amendment will have minimal impacts on other public facilities.

The "Business and Office" land use category permits residential and hotel development. However, such uses would require amendment to the DRI development order. At this time, the developer has not entered into a restrictive covenant limiting the project to nonresidential development. Therefore, the proposed amendment has the potential to allow future residential use on this site and the potential to generate impacts on the public school system, which would have to be mitigated. Miami-Dade School Board has indicated that the amendment has the potential to generate 127 students and that there is capacity in existing public schools to accommodate this number of students.

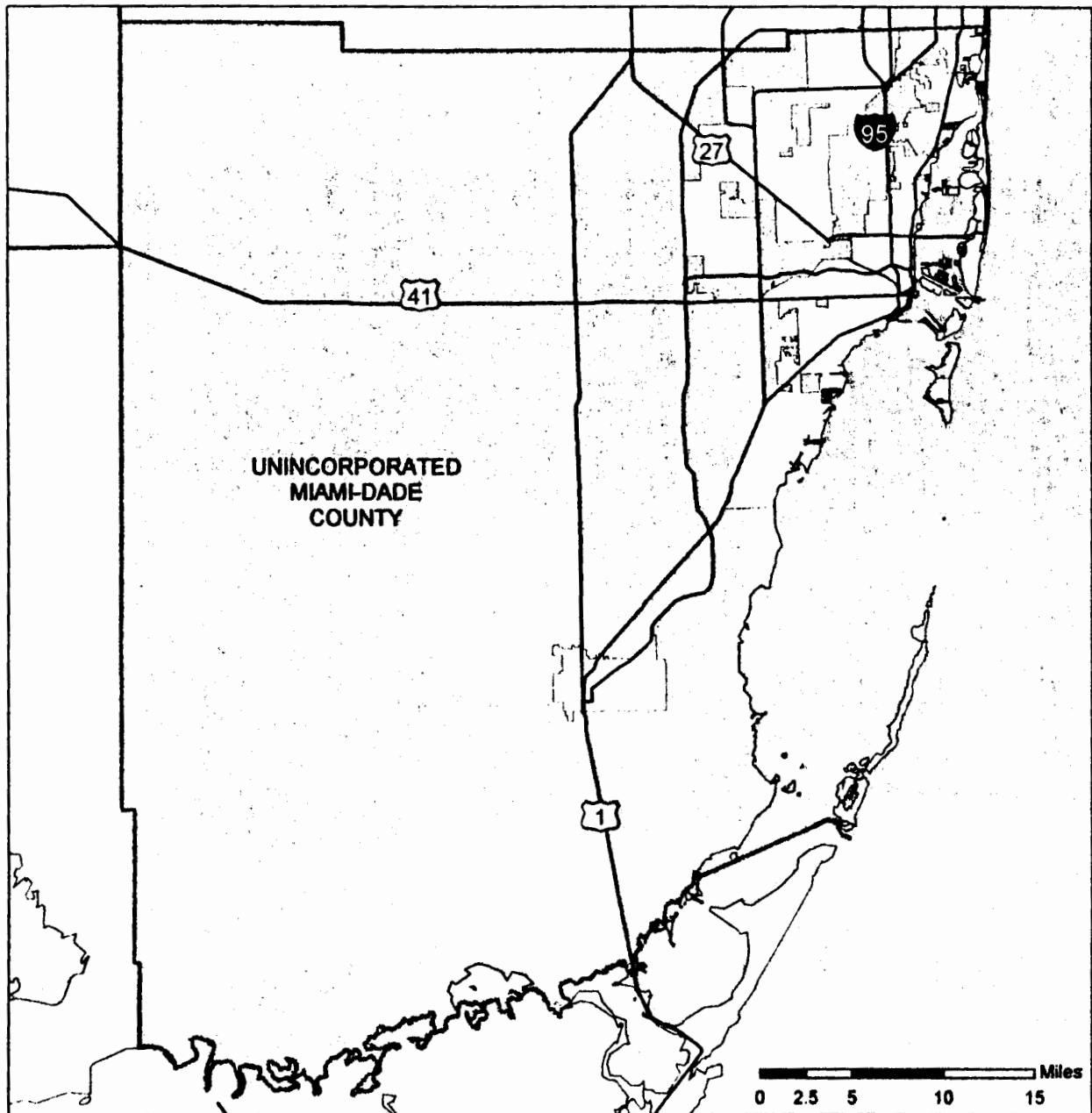
This amendment has gone through a multi-step review process, providing for public input, at the local level. Miami-Dade County staff recommended denial of the amendment. Country Club of Miami Community Council recommended adoption. On December 10, 2007, the Miami-Dade County Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the proposed amendment and voted to transmit with no recommendation. On December 20, 2007, the Miami-Dade County Commission voted 11 to 2 to adopt and transmit this amendment to the Florida Department of Community Affairs for review.

Staff analysis confirms that the proposed text amendment is compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Recommendation

Find proposed Miami-Dade County amendment #08D1 generally consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Miami-Dade County
Proposed Amendment #08D1

Sources: FDEP, SEWMD, Miami-Dade County, SFRPC.

Note: For planning purposes only. All distances are approximate.

Exhibit 2

Declaration of Restrictions Received on February 20, 2008

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This instrument was prepared under
the supervision of:

Name: Joseph G. Goldstein, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned (the "Owner"), holds the fee simple title to that certain parcel of land that is legally described on Exhibit "A" to this Declaration of Restrictions (the "Property"); and

WHEREAS, an application has been filed to amend the Comprehensive Development Master Plan ("CDMP") of Miami-Dade County with the Planning and Zoning Department (the "Planning and Zoning Department"), which application is known as The Beacon Lakes DRI Application to Amend the CDMP (the "Application"), seeking to re-designate the land use designation on the Property from "Restricted Industrial and Office" to "Business and Office." The Application was filed in association with a Notice of Proposed Change ("NOPC") to the Beacon Lakes DRI (the "DRI") and is being processed pursuant to a special procedure established in Chapter 380.06, Florida Statutes, and Section 2-116.1, Miami-Dade County Code.

NOW, THEREFORE, in order to assure the Miami-Dade County Board of County Commissioners (the "Board of County Commissioners") that the representations made by the Owner during consideration of the Application shall be binding commitments to be performed by

the Owner, its successors and assigns, freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

1. **Restrictions on the Use and Development of the Property.** Notwithstanding the Land Use Plan map designation of the Property of "Business and Office," residential land use as implemented in accordance with Chapter 380.06, Florida Statutes, shall not be permitted within the Property..

2. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, and its 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, the then owner(s) of the real 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 released pursuant to Section C below.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to Property, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same

is also approved by the Board of County Commissioners. 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 which may, from time to time, govern amendments to comprehensive plans, and 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 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 or releases of this Declaration of Restrictions shall be subject to Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans 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, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans 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, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions 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.

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

F. 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.

G. 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 the 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 of Restrictions.

H. Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect.

I. Recordation and Effective Date. This Declaration of Restrictions shall be filed of record, at the Owner's expense, in the public records of Miami-Dade County, Florida, following adoption by the Miami-Dade County Board of County Commissioners of an ordinance approving the Application, a finding of "in compliance" by the State Land Planning Agency, and the expiration of any applicable appeal period. 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 does not result in final approval of the Application, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of such appeal that does not result in final approval of the Application, 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 acknowledging that this Declaration of Restrictions is null and void and of no further effect.

J. Acceptance of Declaration of Restrictive Covenants. The Owner acknowledges that approval of the Application and acceptance of the Declaration of Restrictions does not 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.

[Signature pages follow]

IN WITNESS WHEREOF, I have executed this Declaration of Restrictions as of this ____
day of _____, 2008.

WITNESSES:

AMB CODINA BEACON LAKES, LLC,
a Delaware limited liability company

By: FEC Lakes, LLC, a Florida limited
liability company

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

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

The foregoing instrument was acknowledged before me by _____, as
_____ of FEC Lakes, LLC, Member of AMB Codina Beacon Lakes, LLC, a
Delaware limited liability company, on behalf of the said limited liability company and for the
purposes stated above. He/she personally appeared before me, is personally known to me or
produced _____ as identification, and who acknowledges that he/she did
execute this instrument freely and voluntarily for the purposes stated herein.

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

My Commission Expires:

Notary Public, State of Florida

Print Name: _____

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Exhibit 3

Updated Legal Description and Property Survey dated February 20, 2008,
and updated Future Land Use Maps

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LEGAL DESCRIPTION:

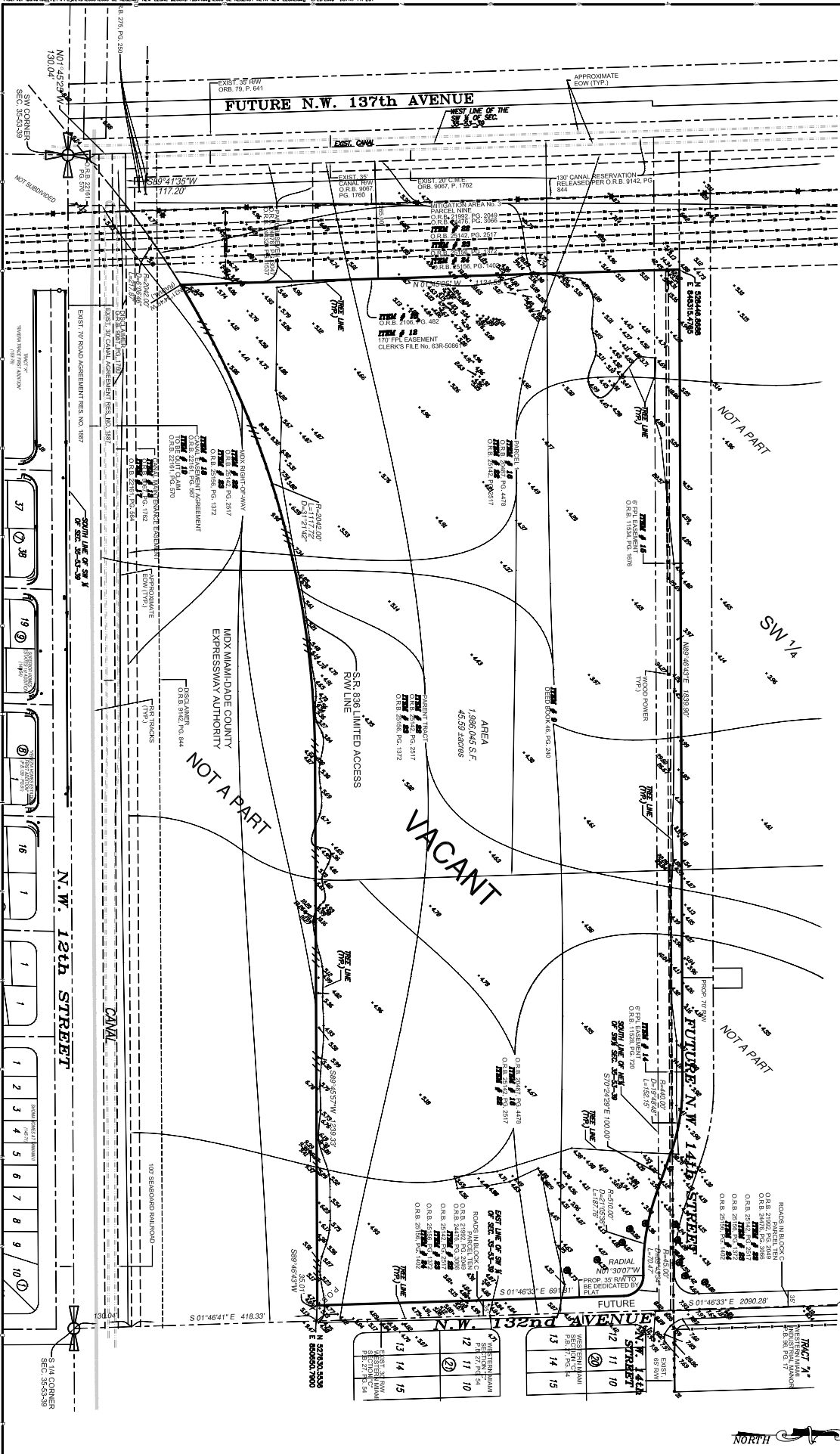
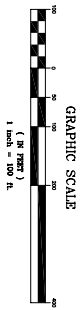
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA; THENCE N01°45'25"W ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 35, AS BASIS OF BEARING, FOR 130.04 FEET; THENCE N89°41'35"E ALONG A LINE 130 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR 117.20 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS N37°42'32"W; THENCE 217.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 6°06'47" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N01°45'25"W ALONG A LINE 300 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 1124.59 FEET; THENCE N89°46'43"E FOR A DISTANCE OF 1839.90 FEET TO A POINT OF CURVATURE; THENCE 152.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 19°48'48" TO A POINT OF TANGENCY; THENCE S70°24'29"E FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE; THENCE 187.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 21°05'38" TO A POINT OF INTERSECTION WITH A REVERSE CURVE, A RADIAL LINE TO SAID POINT BEARS N01°30'07"W; THENCE 70.47 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF 89°43'34" TO A POINT OF TANGENCY; THENCE S01°46'33"E ALONG A LINE 35.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHWEST ¼ OF SECTION 35 FOR A DISTANCE OF 691.81 FEET TO A POINT ON THE SR 836 LIMITED ACCESS R/W LINE ; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S89°45'57"W FOR A DISTANCE OF 1239.33 FEET TO A POINT OF CURVATURE; THENCE 1117.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2042.00 FEET AND A CENTRAL ANGLE OF 31°21'42" TO THE POINT OF BEGINNING.
CONTAINING 45.59 ACRES MORE OR LESS.

ALTA/ACSM SURVEY

N.W. 17th STREET
(UNDER CONSTRUCTION)

SURVEYOR'S NOTE:

THE LIMITS OF THE EXISTING TREES WITHIN THE SURVEY AREA HAVE BEEN LOCATED AND ARE SHOWN BY THE TREE LINES. THE EXISTING TREE LINE AND SPECIFIC TREES FOUND WITHIN THE LIMITS OF THE SURVEY AREA AND AUSTRALIAN PINE TREES ONLY.



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| ALTA/ACSM SURVEY | | MIAMI-DADE COUNTY, FLORIDA | |  | | LUDOVICI & ORANGE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | </ |
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ALTA/ACSM SURVEY

[illegible]

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT No.: NCS-279,325-FTL
DATE ISSUED: FEBRUARY 16, 2007
DATE EFFECTIVE: FEBRUARY 1, 2007 AT 8:00 a.m.
SCHEDULE B-II
EXCEPTIONS

9. OIL, GAS AND MINERAL RESERVATIONS CONTAINED IN DEED, RECORDED IN DEED BOOK 46, PAGE 240. (AFFECTS THE PROPERTY)(PLOTTED)

AFFECTED BY: INSTRUMENT, RECORDED IN O.R. BOOK 2274, PAGE 533.
(DOES NOT AFFECT THE PROPERTY) (PLOTTED)

11. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY BY INSTRUMENT RECORDED IN U.S. BOOK 275, PAGE 250. (DOES NOT AFFECT THE PROPERTY) (PLOTTED)

CLERK'S FILE NO. 6JR-50861. (DOES NOT AFFECT THE PROPERTY)(PLOTTED)

14. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY BY INSTRUMENT RECORDED IN O.R. BOOK 11528 PAGE 720. (AFFECTS THE PROCEEDING ATTEN)

15. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY BY INSTRUMENT RECORDED IN O.R. BOOK 11534, PAGE 1676. (AFFECTS THE PROPERTY) (PLOTTED)

16. DECLARATION OF RESTRICTIONS RECORDED IN U.S. BOOK 20487, PAGE 4478, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, ETHNIC STATUS OR NATIONAL ORIGIN.

(AFFECTS THE PROPERTY)(PLOTTED)

MAINTENANCE EASEMENT, RECORDED IN O.R. BOOK 22161, PAGE 564. (DOES NOT AFFECT THE PROPERTY PLOTTED)

MAINTENANCE EASEMENT AGREEMENT, RECORDED IN O.R. BOOK 22161, PAGE 567.
(DOES NOT AFFECT THE PROPERTY/PLOTTED)

19. TENS AND PROVISIONS CONTAINED IN MIAMI--DADE COUNTY, FLORIDA, DISCLAIMER CANAL RESERVATION, RECORDED IN O.R. BOOK 22161, PAGE 570, (DOES NOT AFFECT THE PROPERTY)/(PLOTTED)

229668, PAGE 1278. (DOES NOT AFFECT THE PROPERTY)(NO PLOTTED)

BOOK 22368, PAGE 1296. (DOES NOT AFFECT THE PROPERTY)/(NO PLOTTED)

23. CORRECTED COVENANT RUNNING WITH THE LAND RECORDED IN O.R. BOOK 25156, PAGE 1372

OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42

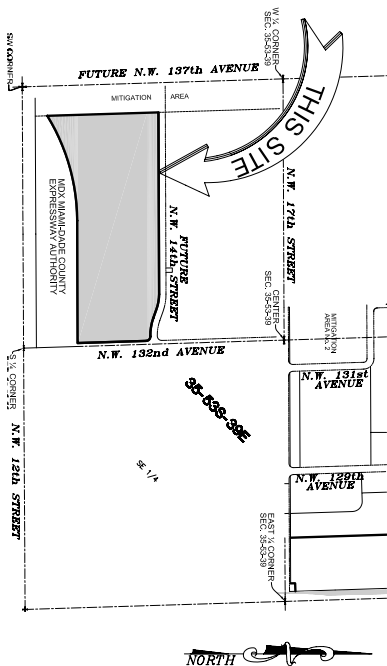
24. CORRECTED COVENANT RUNNING WITH THE LAND RECORDED IN O.R. BOOK 25156, PAGE 1402
RIT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION

NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(c). (DOES NOT AFFECT THE PROPERTY)PLOTTED)

NOTE: ALL THE RECORDING INFORMATION CONTAINED HEREIN REFERS TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA UNLESS OTHERWISE INDICATED. ANY REFERENCE HEREIN TO A

INDICATED TO THE CONTRARY.

A vertical line with four points labeled a , b , c , and d from top to bottom.



FLOOD NOTE:
THIS PROPERTY IS IN ZONE AH EL. 7 OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 1202500155, WHICH BEARS AN EFFECTIVE DATE OF MARCH 2, 1994.

CERTIFIED TO:
AUB CODINA BEACON LAKES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
REGENCY REALTY GROUP, INC., A FLORIDA CORPORATION,
FIRST AMERICAN TITLE INSURANCE COMPANY.

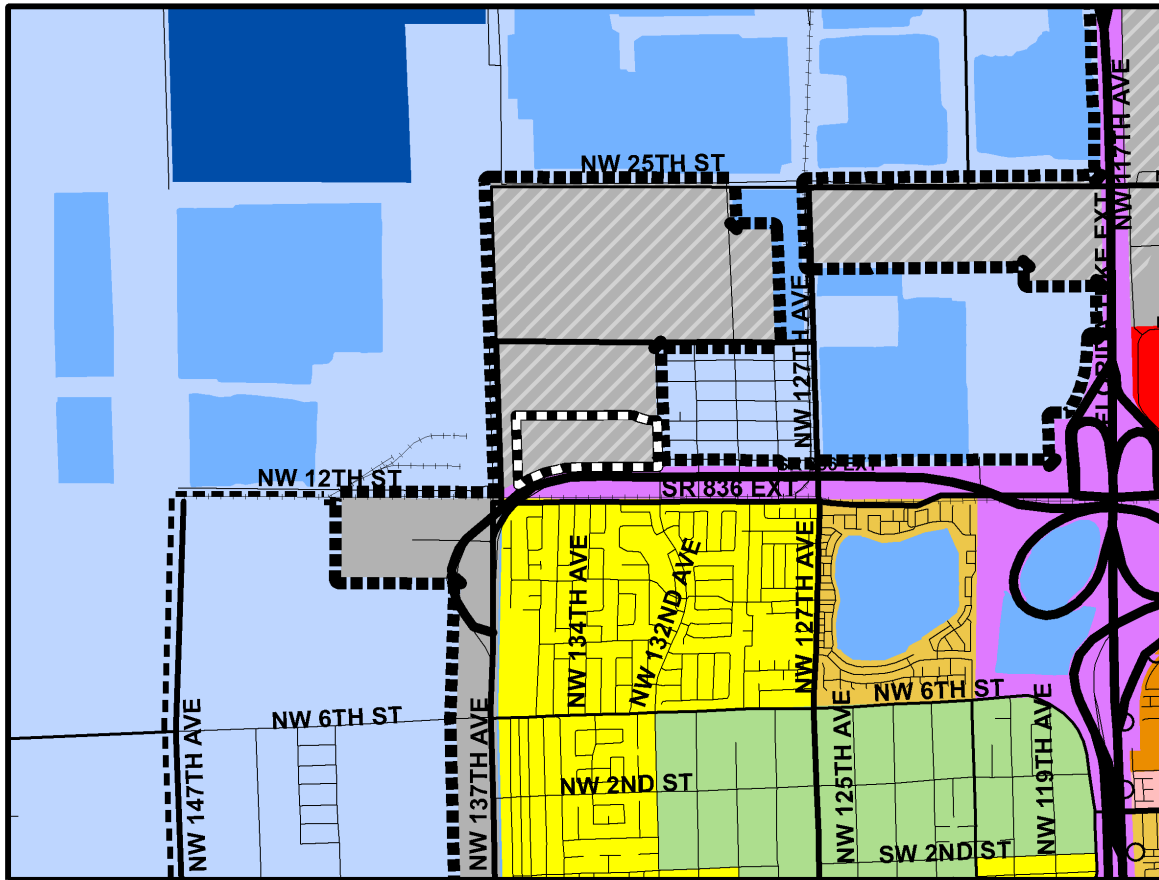
[illegible][illegible]

SURVEYOR'S CERTIFICATE:
 This certifies that this map or plat and the survey on which it is based were made in accordance with MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/ASPM AND TITLE STANDARDS jointly established and adopted by ALTA and NSPS in 2005, and include items 1, 2, 3, 8, 9, 10, 11, 13, 14, 16, and 17 of Table A therein. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and ASPM and in effect on the date of this certification, undersigned further certifies that, in my professional opinion, as a land surveyor registered in the State of Florida, the Relative Horizontal Accuracy of this survey does not exceed that which is specified therein.

Surveyor and Mapper 2629
State of Florida
Update Survey Date: 10-25-2007 / 2-20-2008

[illegible]

2015 - 2025 CDMP LAND USE PLAN: BEACON LAKES DRI CDMP AMENDMENT SITE



LEGEND



APPLICATION AREA

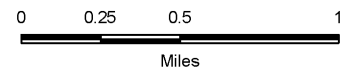
CDMP LAND USE

RESIDENTIAL COMMUNITIES

- ESTATE DENSITY RESIDENTIAL (EDR) 1 TO 2.5 DU/AC
- LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC
- LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6 TO 13 DU/AC
- MEDIUM DENSITY RESIDENTIAL (MDR) 13 TO 25 DU/AC

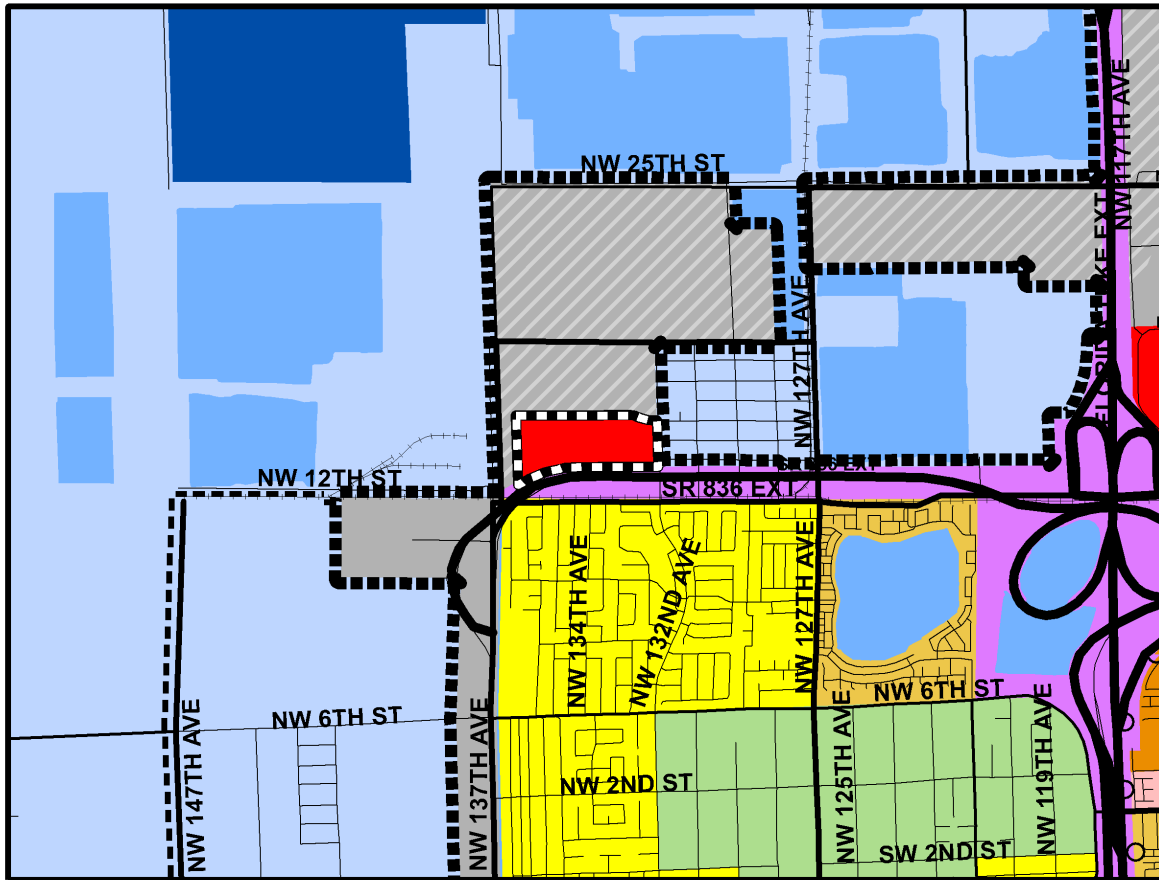
- INDUSTRIAL AND OFFICE
- RESTRICTED INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- INSTITUTIONAL AND PUBLIC FACILITY
- OPEN LAND
- WATER

- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- EXPRESSWAYS
- MAJOR ROADWAY
- MINOR ROADWAY
- RAIL
- 2015 URBAN DEVELOPMENT BOUNDARY
- 2025 EXPANSION AREA BOUNDARY



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, SEPTEMBER 2007

PROPOSED 2015 - 2025 CDMP LAND USE PLAN: BEACON LAKES DRI CDMP AMENDMENT SITE



LEGEND



APPLICATION AREA

CDMP LAND USE

RESIDENTIAL COMMUNITIES

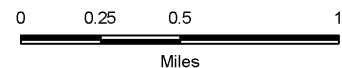
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- EXPRESSWAYS
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SOURCE: MIAMI-DADE COUNTY, DEPARTMENT
OF PLANNING AND ZONING, SEPTEMBER 2007

