

APPLICATION AND INITIAL RECOMMENDATION

**DOLPHIN CENTER PROPERTIES, LLC,
APPLICATION TO AMEND THE MIAMI-DADE
COUNTY COMPREHENSIVE DEVELOPMENT
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



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APPLICATION
AND
INITIAL RECOMMENDATION

DOLPHIN CENTER PROPERTIES, LLC, APPLICATION TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

January 18, 2011

Miami-Dade County Department of Planning and Zoning
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INTRODUCTION

This report contains an application requesting amendments to the Miami-Dade County Comprehensive Development Master Plan (CDMP), the Department of Planning and Zoning's (DP&Z) initial recommendation addressing the application, and the data and analysis that forms the basis for the DP&Z's initial recommendation. The CDMP amendment application was filed for concurrent processing with a separate, but related, Notice of Proposed Change (NOPC) to the Dolphin Center North Development of Regional Impact (DRI) in accordance with Chapter 380.06, Florida Statutes (F.S.), Chapter 163, F.S., and Section 2-116.1 of the Miami-Dade County Code (the Code). A portion of the DRI NOPC detailing the proposed DRI changes is included in this report as Appendix D. The complete DRI NOPC can be obtained from the DP&Z, upon request.

The CDMP amendment application outlines the requested amendments to the adopted 2015 and 2025 Land Use Plan (LUP) map and text of the CDMP, and is included as Appendix B of this report. The DP&Z's initial recommendation to the Miami-Dade County Board of County Commissioners (BCC) on action to be taken on the Application and the reasons for the recommendation are included in Chapter 1. The necessary data and analysis upon which the DP&Z's initial recommendation is based are contained in Chapter 2, including an assessment of the consistency of the proposed amendment with the CDMP. The fiscal impacts of the proposed amendment on public facilities and services as well as supporting data, maps and reports associated with the Application are included in the Appendices. The Department may issue a revised recommendation after comments are received from the State and regional review agencies, in accordance with the Code and Chapters 163 and 380.06 F.S., and before the final public hearings as outlined in the Table 1, Schedule of Activities, on the next page.

CDMP Amendment Application Review and Amendment Process

Following is a summary of the CDMP amendment application review and amendment process in accordance with the CDMP procedural requirements contained in Section 2-116.1 of the Code and in State law.

The regular filing periods for applications requesting amendments to the CDMP, including the LUP map, extend generally from the first through the last day of April and October for the respective April and October CDMP Amendment Cycles. Miami-Dade County's adopted procedures allow for the filing of requests to amend all provisions of the CDMP during these filling periods, except that applications to amend the 2015 Urban Development Boundary (UDB) depicted on the LUP map of the CDMP or to change the land use designation of land outside the UDB may only be filed during the April CDMP Amendment Cycle of every odd numbered year. Additionally, applications requesting amendment to the UDB can be filed out of cycle as provided by the DRI process mentioned below.

The CDMP amendment process involves two phases. The first phase occurs between the time applications are filed and the time the BCC conducts its first hearing and takes action to transmit standard applications to the Florida Department of Community Affairs (DCA) and other associated State agencies for possible review and comment, and/or adopt eligible small-scale Land Use Plan (LUP) map amendments on an expedited schedule. During the first phase,

TABLE 1
SCHEDULE OF ACTIVITIES
DOLPHIN CENTER PROPERTIES, LLC, CDMP AMENDMENT APPLICATION

Application Filing	December 20, 2010
Initial Recommendation Report released by DP&Z	January 18, 2011
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations Regarding Transmittal and Subsequent Final Action	January 24, 2011* County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Miami-Dade Board of County Commissioners Hearing and Action on Transmittal of Proposed Amendments to DCA and Review Agencies	Specific Date To Be Determined County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	March 2011
Receipt of DCA Objections, Recommendations and Comments (ORC) report	May 2011 (Approximately 75 days after transmittal)
Public Hearing and Final Recommendation: Planning Advisory Board (Local Planning Agency)	Specific date(s) to be determined (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action: Miami-Dade Board of County Commissioners	Specific date(s) to be determined (No later than 60 days after receipt of DCA ORC report)

Note: *Dates are tentative and subject to change based on extension of deadlines by the Applicant, pursuant to Chapter 380, F.S., and Section 2-116.1 of the Code of Miami-Dade County.

affected and neighboring property owners are notified of the nearby LUP map amendment requests. Section 2-116.1 authorizes Community Councils to conduct public hearings and issue recommendations on applications that directly affect their areas. These Community Council hearings are usually held before the first public hearings of the Planning Advisory Board (PAB), acting as the County's "Local Planning Agency", and the BCC. It should be noted that, no community council hearing will be held for this application due to its site location within the City of Miami Gardens.

The second phase occurs between the time the County receives DCA's related Objections, Recommendations and Comments (ORC) report following its completion of the review of the transmitted applications and the time the PAB and BCC conclude their final public hearings at which BCC takes final action on the pending amendment applications. The final actions by the BCC will subsequently be transmitted back to DCA for their compliance review, determination and publication of the compliance status of the adopted amendments. The adopted amendments become effective 21 days after DCA's issuance of a Notice of Intent (NOI) to find the adopted amendments in or not in compliance provided no petitions have timely been filed within that period. If a petition is timely filed by any affected party challenging DCA's finding, a settlement review process will ensue as stipulated by Florida law.

Concurrent DRI/CDMP Application Review Process

The County's procedure for processing CDMP amendment applications concurrently with requests for approval or modification of an adopted Development of Regional Impact (DRI) is

established in the County Code, as noted above, generally consistent with the requirements contained in Chapter 380.06 and Chapter 163, Part 2, F.S. The concurrent process calls substantially for the same activities as that for standard amendment applications, except that this procedure: 1) relies largely on the DRI-NOPC to provide the background data and analysis necessary to evaluate the proposal to amend the CDMP; 2) modifies the DRI adoption schedule to conform to the Chapter 163, F.S. schedule for adopting comprehensive plan amendments; 3) allows for CDMP amendments to be filed and transmitted outside of the April and October CDMP Amendment Cycles; and 4) provides for adoption of a DRI or DRI NOPC and its associated Development Order (D.O.) Conditions to occur at the same public hearing as the comprehensive plan amendment. The schedule of activities for considering the adoption of the subject Dolphin Center Properties, LLC, Application to amend the CDMP (the Application) is presented in Table 1, Schedule of Activities, on the previous page.

Proposed CDMP Amendment and DRI Changes

The Application seeks to re-designate the a \pm 38.6-gross-acre property within the existing Dolphin Center North DRI boundary from its current “Office/Residential” to “Business and Office” land use category of the County’s Land Use Plan (LUP) map of the CDMP. Also, the Application seeks to add a proffered Declaration of Restrictions (covenant) to the CDMP Land Use Element if it is approved and accepted by the BCC. The County owns a 2.44-net-acre area, which is reserved for archeological preservation under the DRI area. Generally, the applicant (Dolphin Center Properties, LLC) is requesting the DRI NOPC and CDMP amendment in order to amend the development program set out in the existing DRI and enable the development of a water park. The application site is currently approved for 100,000 square feet of office space under the approved DRI and is sought to be developed with a high quality Water Park in place of the approved offices. The Water Park may feature family raft slides, a tube flume complex, a lazy river, wave pool, mat slides and other waterslides, as well as retail, food and beverage concessions, support facilities and administrative offices. The requested CDMP text and LUP map changes are more specifically described in the Application attached to this report as Appendix B.

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220; Miami, Florida 33128-1972; telephone 305/375-2835.

Application and Initial Recommendation
Dolphin Center Properties, LLC, Application to Amend the
Comprehensive Development Master Plan for Miami-Dade County, Florida
January 24, 2011

Application Type	Applicant/Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation January 18, 2011	Local Planning Agency Recommendation January 24, 2011	BCC Recommendation (To Be Determined)
Standard	<p>Dolphin Center Properties, LLC/2269 Dan Marino Boulevard, Miami Gardens, FL 33056/±38.6 gross acres</p> <ol style="list-style-type: none"> 1. Re-designate the ±38.6-acres application site within the DRI on the adopted 2015-2025 Land Use Plan (LUP) map from "Office/Residential" to "Business and Office"; and 2. Add a proffered Declaration of Restrictions, if accepted by the Commission, to the Land Use Element table titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments." 	District 1/ Jordan	Transmit with Acceptance of Proffered Declaration of Restrictions	Adopt and Transmit with Acceptance of Proffered Declaration of Restrictions and with instructions to the private parties to resolve the private settlement agreement issues before the BCC transmittal hearing date on the Dolphin Center Properties, LLC Application to amend the CDMP	

Source: Miami-Dade County Department of Planning and Zoning

Notes: DP&Z means Department of Planning and Zoning; BCC means Miami-Dade Board of County Commissioners

*Dates are tentative and subject to change based on extension of deadlines by the Applicant, pursuant to Chapter 380, F.S., and Section 2-116.1 of the Code of Miami-Dade County.

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CHAPTER 1

DOLPHIN CENTER PROPERTIES, LLC **Application to Amend the CDMP** Commission District 1

APPLICATION SUMMARY

Applicant/Representative:	Applicant: Dolphin Center Properties, LLC 2269 Dan Marino Boulevard Miami Gardens, FL 33056 Representatives: Joseph G. Goldstein, Esq. and Alan S. Krischer, Esq. Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, FL 33131
Location:	Between NW 199 and NW 195 Streets, and between the Florida Turnpike and NW 22 Avenue
Total Acreage:	±38.6 Acres
Current Land Use Plan Map Designation:	“Office/Residential”
Requested Land Use Plan Map Changes:	1. Re-designate the ±38.6-acre application site on the adopted 2015-2025 Land Use Plan (LUP) map from “Office/Residential” to “Business and Office”
Other Proposed Changes:	2. Add proffered Declaration of Restrictions, if accepted by the Commission, to Land Use Element table titled “Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments”
Amendment Type:	Standard Concurrent DRI/CDMP Amendment
Existing Zoning/Site Condition:	OPD/Paved and used for parking

RECOMMENDATIONS

Staff:	TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (January 18, 2011)
Planning Advisory Board (PAB) acting as Local Planning Agency:	ADOPT AND TRANSMIT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS and with instructions to the private parties to resolve the private

settlement agreement issues before the BCC transmittal hearing date on the Dolphin Center Properties, LLC Application to amend the CDMP (January 24, 2011)

Board of County Commissioners: **TO BE DETERMINED** (March 2011)

Final Action of the PAB acting as Local Planning Agency: **TO BE DETERMINED**

Final Action of Board of County Commissioners: **TO BE DETERMINED**

Staff recommends **“TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed amendment. The recommendation is based on the staff analysis summarized in the Principal Reasons for Recommendation below:

Principal Reasons for Recommendation:

1. The application seeks to facilitate the construction of a water park through the requested CDMP Land Use Plan (LUP) map change from “Office/Residential” to “Business and Office”. The proposed water park use is an amusement type use that is not allowable within the “Office/Residential” land use category, but may be allowed under the “Business and Office” and “Industrial and Office” categories. Additionally, the application site was approved for 100,000 square feet of offices in 1985 through BCC Resolution Z-210-85 that approved the Dolphin Center Development of Regional Impact (DRI). Despite the office use entitlement for the site, it has remained generally undeveloped for over 25 years and is currently used for additional stadium event parking. A Notice of Proposed Change (NOPC) to the Dolphin Center North DRI that is being processed concurrently with this CDMP amendment application also seeks to change the DRI Development Order (DO) approved use for the application site from offices to the proposed water park use. This change in the approved use for the property to allow the water park could generate an economic development benefit to the County. The application site is situated at the southwest corner of the interchange of the Florida Turnpike with NW 199 Street, is near the border of Miami-Dade and Broward Counties and easily accessible to both counties via the Florida Turnpike (Sunshine State Parkway). [The Dolphin Center DRI was bifurcated creating the Dolphin Center North and the Dolphin Center South DRIs.]
2. Land Use Element Policy LU-8E requires that LUP map amendment applications be evaluated against factors such as the proposed development’s i) ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County; ii) impacts to County services at or above level of service (LOS) standards; iii) compatibility with abutting and nearby land uses; iv) impacts to environmental and historical resources; and v) promotion of transit ridership and pedestrianism in accordance with Land Use Element Objective LU-7. These factors are addressed as follows:
 - i. *Need:* Approval of this application, re-designating the subject property from “Office/Residential” to “Business and Office”, would have no impact on the supply of commercial land in MSA 2.3, neither increasing nor decreasing it, since both office and business uses are considered in the calculation of the supply of commercial land.

Furthermore, it would not address a deficiency in land supply to accommodate projected population or economic growth. The depletion year for the supply of commercially zoned or designated land is beyond the year 2030 for Minor Statistical Area (MSA) 2.3. As stated in Reason 1 above, the application is to allow for the proposed water park use on the site, which could generate an economic development benefit to the County.

- ii. *Public Facilities and Services:* The application has limited impact on County facilities and services because the site is located within the City of Miami Gardens and is generally served by public facilities and services under the City's jurisdiction or other municipal providers. Water and sewer collection services to the site are provided by the City of North Miami Beach. In a letter dated September 20, 2010, the City of North Miami Beach stated it will be able to provide both water and sewer services to the site. The City has over ten million gallons in reserve capacity at the Norwood Oeffler Water Treatment Plant and it would be able to provide water service to the application up to that capacity. However, water and sewer mains will need to be extended to the site.

The Miami-Dade Water and Sewer Department (MDWASD), Miami-Dade Transit (MDT), Miami-Dade Fire Rescue Department (MDFR), and Miami-Dade Public Works Department, and Miami-Dade County Public Schools are the agencies that provide County services to the application site. Based on available information, there will be no impacts to public services that would cause the LOS standards to be violated with development of the application site. The MDWASD currently has adequate capacity at the North Dade Waste Water Treatment Plant to treat the additional flow from the application site. According to the short-term traffic impact analysis prepared by the Department of Planning and Zoning, and the short-term and long-term analyses prepared by the Applicant's transportation consultant, there are no anticipated roadway LOS violations. Public schools would not be impacted since residential development would not occur on the site since the development program for Dolphin Center North Development of Regional Impact currently limits development on the site to 100,000 square feet of office space and the requested change is for a water park.

- iii. *Compatibility:* The proposed amendment to the adopted Land Use Plan (LUP) to redesignate the property from "Office/Residential" to "Business and Office" could be compatible with surrounding areas. The proposed amendment is compatible with the property to the north, Sun Life Stadium and adjacent parking lots, which is already designated "Business and Office" on the LUP map.

Policy LU-4C states, "Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic." The property is bordered by publicly owned lands on the west, south and east that already serve to buffer nearby residential areas from development on the application site as a result of the original approval of the Dolphin Center DRI in 1985. A Natural Forest Community and the South Neighborhood Protective Buffer, which are owned by the Park and Recreation Department, provide an approximate 350-foot wide buffer between the application site and the Windward Estates and Rolling Oaks Estates single-family residential subdivisions to the south. The Neighborhood Protective Buffer narrows to approximately 110 feet on the Westside of the application site and provides buffer to the Bell Gardens and Greendale Estates residential subdivisions to the west. The

Environmentally Endangered Lands Preserve, which is owned by the Department of Environmental Resources Management, and the Florida Turnpike right-of-way provide a broad buffer between the application site and the Norwood Estates residential subdivision to the east. Even with these buffer areas, there could be impacts from noise and height of structures on the residential areas to the south and west if the property is not properly site planned to mitigate these concerns. Therefore, a line-of-site study regarding structure heights and a noise study should be prepared to address compatibility with these adjacent residential areas.

- iv. *Environmental and Historical Resources:* Environmental and archaeological resources could be impacted if the application is approved and the site developed as proposed. The application site is adjacent to a ±6.3-acre County owned Natural Forest Community (NFC) and the ±4-acre "Dolphin Center Addition Preserve", which is also owned by the County and managed by the Department of Environmental Resources Management's (DERM) Environmentally Endangered Lands (EEL) program. The NFC and EEL sites abut the south and east boundaries of the application site, respectively. The NFC and EEL sites are maintained through periodic ecological prescribed burning generally performed once every three years. This management technique reduces the threat of wildfires and is beneficial to wildlife and the rare plant species that inhabit the plant community. The application site is within the smoke dispersion corridor of the NFC and EEL sites and will consequently be impacted by periodic smoke events from the prescribed burns or wildfires, which may impact the operation of the proposed water park depending on the timing of the seasonal timing of the operations of the water park use. The timing of the prescribed burns by the County should be coordinated with seasonal and hours of operation of the proposed use by the applicant. This coordination would be appropriately addressed in proposed Development Order conditions for the NOPC and in any rezoning restrictions appropriate to the issues. The CDMP Conservation, Aquifer Recharge and Drainage Element Objective CON-8 and attendant policies require the protection of upland forests included on the County's Natural Forest Community inventory. Pursuant to this objective and policies, the proposed development of the application site should provide enough safeguards to ensure no adverse impacts will be generated from construction and operation of the water park on the maintenance and preservation of the NFC and EEL properties. Additionally, the NFC site was identified and addressed in the originally approved 1985 Dolphin Center DRI DO conditions, which required preservation of the NFC site. It is further noted that the current Dolphin Center North DRI DO conditions, approved through Board of County Commissioners (BCC) Resolution Z-26-08, also require preservation of the NFC site. Therefore, it is recommended that the applicant coordinate with DERM to adequately address the proposed construction and operation of the water park in relation to the management of the NFC and EEL properties, and prepare appropriate NOPC Development Order conditions and zoning restrictions to address these issues.

The application site contains a ±2.44-acre Archaeological Midden that is owned by the County and identified as the Honey Hill Archaeological site at Chittohatchee Park. The County's Office of Historic Preservation indicates that this archeological Midden is one of the most significant archaeological resources in the County and that the Midden is dedicated to the study and interpretation of the ways of life of the Seminole, Tequesta and their ancestors. It is noted in the application that the Midden is reserved for archaeological preservation and that no change is proposed or would be made to the preservation of the Midden or to the related Dolphin Center North DRI DO conditions

addressing the Midden. The DRI DO originally approved through Board of County Commissioners (BCC) Resolution Z-210-85 included DO conditions that require the Archaeological Midden to be preserved as described in a 1985 approved Archaeological Management Plan. That obligation was fulfilled by the then DRI applicants. The Archaeological Midden will be preserved even with the LUP map re-designation. The application site may contain additional archaeological resources. Therefore, it is recommended that an archaeological assessment be conducted by a professional archaeologist to identify and record archaeological resources prior to any development on the application site. In the event that additional archaeological resources are identified within the application site (outside of the existing Midden) that cannot be preserved on site then an Archaeological Mitigation Plan shall be developed to guide the recovery of such resources.

Furthermore, the proposed development of the water park presents an opportunity for a joint cooperation between the County and the Applicant to enhance the utilization of the archaeological Midden for educational purposes, while providing an added attraction to the proposed development of the site. The Midden is currently fenced, has an entry gate and is currently accessible to the public through appointments only. A joint operation of the Midden and proposed water park should be explored and could serve to make the Midden more accessible to the public and add entertainment/attraction value to the proposed water park.

- v. *Transit Ridership and Pedestrianism:* The application site is not located within an urban center or a transit corridor, and is not within 1/4 mile of an existing or planned transit station, transit center, or bus stop. The application site is proximate to, but, located outside the boundaries of the 2006 North Corridor Station Area Plan for the then planned NW 199 Street Metrorail Station located along NW 27 Avenue, and is approximately 0.6 miles from the nearest bus stop. Therefore, the application is not considered to promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.

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CHAPTER 2

PLANNING STAFF ANALYSIS

Background

The Application seeks to re-designate the ±38.6-gross-acre site within the existing Dolphin Center North Development of Regional Impact (DRI) boundary from its current “Office/Residential” to “Business and Office” land use category of the County’s Land Use Plan (LUP) map of the CDMP. On January 7, 2011, the applicant submitted a CDMP Declaration of Restrictions (covenant) with the Department of Planning and Zoning (DP&Z) limiting the uses on the subject property to those uses that are permitted under the application site’s current “Office/Residential” CDMP land use category and a water park tourist attraction, together with such ancillary, associated and accessory uses customary thereto (See Appendix C).

The proposed CDMP amendment was submitted concurrent with a request to amend the development program in the existing Dolphin Center North DRI, which is generally bounded on the north by the Snake Creek Canal, on the east by SR 91/Florida’s Turnpike, on the south by theoretical NW 195 Street, and on the west by SR 817/NW 27 Avenue. The Notice of Proposed Change (NOPC) Application, which was submitted to the South Florida Regional Planning Council (SFRPC), seeks to change the approved DRI land development program. The NOPC Application eliminates the 100,000 square feet of office use previously approved for the application site also known as Dolphin Center East 2 and replaces the approved use with a Water Park. The proposed DRI development program consists of the following: A Stadium, the Sun Life Stadium (74,916 seats), which is already built; Retail (140,000 sq. ft.); Office (225,000 sq. ft.); Hotels (450 rooms); Fitness Center (50,000 sq. ft.); and the proposed Water Park. The changes to the existing DRI are proposed pursuant to Chapter 380, F.S.

Application Site

This ±38.6-gross acre CDMP application site is located south of Sun Life Stadium at the southwest corner of the NW 199 Street (Ives Dairy Road) and the Florida Turnpike (Sunshine State Parkway), and is located within the City of Miami Gardens. Although the application site is located within the City of Miami Gardens; the Miami Gardens Charter, provides that Miami-Dade County retains the jurisdiction over the Dolphin Center North Development of Regional Impact (DRI) properties, zoning and building approvals, water and sewer installation, compliance with environmental regulations, street maintenance, and utility regulations.

Existing Land Use and Applicable Development Regulations

The application site is currently comprised of a ±2.44-acre County owned archaeological preserve and a paved parking lot that is owned by the applicant. The Honey Hill Archaeological Site is located at Chittohatchee Park on the application site, which is dedicated to the study and interpretation of the Tequesta Native American Tribe, their ancestors, and Seminole way of life. The site is one of the County’s most significant archaeological resources. The remainder of the application site is currently used as a parking lot for the Sun Life Stadium located immediately to the northwest of the application site, across NW 199 Street.

The zoning district and the Dolphin Center North DRI regulate development on the site. The subject property is currently zoned OPD (Office Park District) by the County, which allows office buildings and laboratories for scientific and industrial research. The application site is identified

as Dolphin Center East 2 in the DRI, which is currently limits development to 100,000 square feet of office space.

Land Use Plan Designations

The subject property is designated “Office/Residential” on the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) which allows uses such as professional and clerical offices, hotels, motels, and residential uses. The applicant requests a land use change to the LUP map, on the subject property, from “Office/Residential” to “Business and Office”. The proposed CDMP land use category allows the full range of sales and service activities including retail, wholesale, commercial and professional offices, and residential development under certain conditions.

The application site is designated “Commerce” on the City of Miami Gardens Adopted 2016 Future Land Use Plan Map. According to the City’s Comprehensive Development Master Plan, this land use designation allows a wide range of uses ranging from medium density residential areas (16-25 dwelling units per acre) to urban industrial areas.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The subject property was originally zoned AU (Agricultural District) in 1938. However, on September 6, 1956, the Board of County Commissioners (BCC) adopted Resolution No. 10255 approving a zoning district boundary change from AU to RU-1 (Single-Family Residential) on a parcel that included the subject property. Subsequently, on September 26, 1985, as part of the Dolphin Center DRI development order (or approval to proceed with the proposed development), the BCC adopted Resolution No. Z-211-85 approving a zoning district boundary change on the subject property from RU-1 to OPD, which its current zoning..

The Dolphin Center DRI was approved in 1985, and has been amended several times between 1985 and 2008. In 1995, additional DRI modifications were made to accommodate professional baseball games in the stadium, and changes were made to Dolphin Center East 1, East 2 and West parcels to regulate short-term and long-term parking for stadium events. In 1999, the DRI Development Order was amended to change the buildout date to October 11, 2007. In 2008, the Dolphin Center DRI was bifurcated to create the Dolphin Center North DRI (Resolution No. Z-27-06) and the Dolphin Center DRI South (Resolution No. Z-27-08), and the buildout date of both DRIs was changed to October 10, 2017.

Adjacent Land Use and Zoning

Existing Land Use

The application site is adjacent to major entertainment area and a residential area. Sun Life Stadium and its parking lots are located to the north. The property is adjacent to and bordered by publicly owned lands on the west, south and east that serve to separate nearby residential areas from development on the application site. A Natural Forest Community and the South Neighborhood Protective Buffer, which are owned by the Park and Recreation Department, provide buffers between the application site and the Bell Gardens, Windward Estates and Rolling Oaks Estates single-family residential subdivisions in good condition to the west and south. The buffer between the application site and Rolling Oaks Estates has a depth of 350 feet. A buffer with a depth of 110 feet separates the application site from Bell Gardens and Windward Estates. The Environmentally Endangered Lands Preserve, which is owned by the Department of Environmental Resources Management, and the Florida Turnpike right-of-way provide a

broad buffer between the application site and the Norwood Estates residential subdivision and Norwood Elementary School to the east.

Land Use Plan Designations

The adopted LUP has a variety of designations for surrounding areas. Properties immediately to the north of the application site, across NW 199 Street, are designated "Business and Office". Properties adjacent to the west and south of the subject property are designated "Low Density Residential Communities", which allow residential development at 2.5 to 6 dwelling units per gross acre. Properties adjacent to the east and southeast are designated "Environmentally Protected Parks" (see Appendix A: Map Series).

The City of Miami Gardens Comprehensive Development Master Plan has designated adjacent areas for two uses. The buffer areas to the south and southwest, and immediately to the east, of the application site are designated "Preservation." This land use category is intended to apply to the City's natural and manmade resources that are anticipated to remain as permanent land uses for the foreseeable future. Areas adjacent to the east, west and south of the subject property are designated "Neighborhood," which allows a limited range of uses such as residential, limited commercial and office and mixed-use.

Zoning

Miami-Dade County zoning applies to those parcels that are located in the Dolphin Center North DRI. Areas immediately to the north of the subject property are zoned BU-2 (Special Business District), which allow the development of large scale commercial and/or office facilities that service the needs of large urban areas. The buffer areas immediately to the east, west and south of the application site are zoned RU-1 (Single-Family Residential).

The City of Miami Gardens zoning applies to the adjacent areas outside Dolphin Center North DRI. Areas adjacent to the east, southeast and of the application site are zoned R-1 (Single-Family). This zoning district allows one-family detached dwelling units at low densities, essential services and facilities, and select public and institutional uses. The R-1 Zoning District implements the lowest residential density range of the "Neighborhood" land use category, allowing up to six dwelling units per acre. Norwood Elementary School at the southeast corner of the Turnpike and NW 199 Street is zoned GP (Government Property).

North Corridor Station Area Plan

The application site is located just east of the area addressed by the North Corridor Station Area Plan. In November 6, 2007, the BCC adopted Resolution No. 1225-07, accepting the North Corridor Station Area Planning Charrette Report for the NW 199 Street Metrorail Station, dated December 6, 2006. The vision of the plan is to build on the "area's role as a regional destination for sports and entertainment and to create the most important and dynamic new place in Miami-Dade County away from the ocean". The plan envisions mixed-use development along the NW 27 Avenue corridor; high-intensity retail and entertainment center with a mix of restaurant, shops and entertainment facilities within a ¼ mile radius of the proposed Metrorail Station at NW 27 Avenue and NW 199 Street; a large community park north of the Sun Life Stadium that would include a baseball, football, and soccer fields, and small neighborhood parks south of NW 199 Street and east of NW 27 Avenue. The Plan also calls for improved circulation throughout the proposed Metrorail Station for pedestrian, bicyclist, and transit. The proposed water park use, if approved, would not be inconsistent with the vision of the North Corridor Station Area Plan.

Supply and Demand

The Analysis for Minor Statistical Area 2.3 (MSA 2.3) within which the application site is located indicates that the MSA contains 650.60 acres of in-use commercial uses in 2010 and an additional 138.7 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2010 through to 2030 period is 3.39 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, the study area will deplete its supply of commercially zoned or designated land beyond the year 2030 (See Table below). This is beyond the CDMP's long-term time horizon of year 2025.

Table 2
Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data

Analysis Area	Vacant Commercial Land 2010 (Acres)	Commercial Acres in Use 2010	Annual Absorption Rate 2010-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
MSA 2.3	138.7	650.60	3.39	2030+	8.8	8.5

Source: Miami-Dade County Department of Planning & Zoning, Planning Research Section, January 2011.

Approval of this application, re-designating the subject property from "Office/Residential" to "Business and Office", would have no impact on the supply of commercial land in MSA 2.3, neither increasing nor decreasing it, since both office and business uses are considered in the calculation of the supply of commercial land. Furthermore, it would not address a deficiency in land supply to accommodate projected population or economic growth. The depletion year for the supply of commercially zoned or designated land is beyond the year 2030 for Minor Statistical Area (MSA) 2.3 as indicated in Table 2 above.

Environmental Conditions

Natural Forest Communities

Natural Forest Communities (NFC) are upland natural areas that contain the presence of endangered, threatened, rare or endemic species; low percentage of exotic plant species cover; high overall plant diversity; wildlife habitat values; and geological features. Areas designated as NFC's are regulated by Section 24-49 of the Code of Miami-Dade County and the Environmentally Endangered Lands Program, for preservation and management, in Section 24-50 of the Code. Development on parcels adjacent to the NFC/EEL preserves must avoid adverse impacts associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, erosion, alterations to hydrology, and other such activities. Also, in order to avoid causing damage to plants and substrate, heavy machinery should not be parked along side or inside the NFC/EEL preserves. Roads would be preferable to buildable lots abutting the natural area property line. Prior to any development or work on the Florida Stadium, LLC properties, a barrier, approved by DERM, shall be erected in order to protect the preserves from potential impacts and shall remain in place until DERM authorizes its removal.

Endangered plant species, such as scrub palmetto (sabal etonia), are present in the EEL preserve, which contains one of only two EEL-protected xeric scrub habitats in all Miami-Dade

County. Therefore, the design, construction and operation of the development should avoid adverse impacts to the natural area including, but not limited to, the need for a buffer area and/or firebreak between the development and the preserve; impediments to prescribe burning, the use of only compatible landscaping that does not include invasive species; setbacks for development facilities; shields from lighting; and mechanisms to prevent out-flows, aerosols, chemicals, and other substances from entering the preserve from the development.

This preserve is maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by the plant community. Such burning is generally performed once every three years. The subject property lies within the smoke dispersion corridor of this preserve. Consequently the subject property will be affected by periodic smoke events from the prescribed burns or unexpected wildfires, which may impact the operation of the water park. It is recommended that the applicant coordinate with DERM to adequately address the proposed construction and operation of the water park in relation to the management of the NFC and EEL properties, and prepare appropriate NOPC Development Order conditions and zoning restrictions to address these issues.

Archaeological/Historical Resources

The application site contains a ±2.44-acre Archaeological Midden that is owned by the County and identified as the Honey Hill Archaeological site at Chittohatchee Park. The County's Office of Historic Preservation indicates that this archeological Midden is one of the most significant archaeological resources in the County and that the Midden is dedicated to the study and interpretation of the ways of life of the Seminole, Tequesta and their ancestors. It is noted in the application that the Midden is reserved for archaeological preservation and that no change is proposed or would be made to the preservation of the Midden or to the related Dolphin Center North DRI DO conditions addressing the Midden. The DRI DO originally approved through Board of County Commissioners (BCC) Resolution Z-210-85 included DO conditions that require the Archaeological Midden to be preserved as described in a 1985 approved Archaeological Management Plan. That obligation was fulfilled by the then DRI applicants and the Archaeological Midden will be preserved even with the LUP map re-designation. However, the application site may contain additional archaeological resources. Therefore, it is recommended that an archaeological assessment be conducted by a professional archaeologist to identify and record archaeological resources prior to any development on the application site. In the event that additional archaeological resources are identified within the application site (outside of the existing Midden) that cannot be preserved on site then an Archaeological Mitigation Plan shall be developed to guide the recovery of such resources.

Water and Sewer

The Miami-Dade Water and Sewer Department (WASD) reviewed the proposed application's impact on water and sewer services assuming the application site will be developed as proposed. The availability of both water and sewer service for the application site is subject to the approval and issuance of permits from all applicable governmental agencies having jurisdiction over the process. Additionally, DERM indicates that the County's wastewater treatment system has the capacity to handle the sewer demands that would be generated.

Water Supply

The proposed development is located within the City of North Miami Beach water service area. The WASD review for water usage assumes the 38.6-gross acre site would be developed as a

water park facility. Water demand from the proposed development is estimated at 109,370 gallons per day (GPD).

Wastewater

The proposed development is located within the City of North Miami Beach sewer service area. The municipality is a volume sewer customer of WASD. The wastewater flows generated within the City's service area are transmitted to WASD for treatment and disposal at the North District Wastewater Treatment Plant (NDWTP). The WASD review for sewer service indicates that the total wastewater demand for the proposed water park facility is 109,370 gpd as noted in the table below. Average treatment capacity to treat the additional flow from the proposed water park presently exists at the NDWTP. At time of development, capacity evaluations of the plant for average flow and peak flows may be required, depending on the compliance status of the United States Environmental Protection Agency (EPA) Second and Final Consent Decree.

Table 3
Projected Water Park Sewage Loading

Proposed Uses	Flow Rate	Sewage Loading
Swimming Facility's (filter backlash)	Lump Sum	6,720
Park (with toilets and showers)	20 gpd/person	100,000
Fast Food Restaurant	50 gpd/100 sq. ft.	2,650
Total		109,370

Source: Miami-Dade Department of Water and Sewer, January, 2011

Water Conservation

All future development for the application site will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 for the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of the Code.

Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) analysis indicates that the proposed water park facility will have minimal impact of MDFR's delivery of service, and will increase travel time during peak hours on weekends and vacation periods. Fire Rescue service is adequate for the area. The following Fire Rescue stations currently service the area in the vicinity of the application site (including the subject property):

Table 4
Existing Fire Rescue Services

Station	Address	Equipment	Staff
11	18705 NW 27 Avenue	Rescue, Aerial	7
38	575 NW 199 Street	Rescue, Aerial	7
51	4775 NW 27 Street	Rescue, Engine	7
54	15250 NW 27 Avenue	Rescue, Engine	7

Source: Miami-Dade Fire Rescue, January 2011

It is not anticipated that the proposed Water Park would generate any greater impacts to Fire and Rescue service than would be generated by the use currently approved for the application site under the Dolphin Center North DRI. The MDFR will have adequate access to the Water Park via public roads, streets and highways (including the Florida Turnpike, NW 199 Street, and NW 27 Avenue).

Parks

The Miami-Dade County Parks and Recreation Department (PARC) indicates that the application site is located in Park Benefit District 1 which has a surplus capacity of 400.64 acres. There are no County-owned local parks or recreation facilities within two miles of the application site. The applicant proffered a Declaration of Restrictions limiting development on the subject property solely to those uses that are permitted under the "Office/Residential" CDMP land use category and a water park facility.

Solid Waste

The Department of Solid Waste Management (DSWM) assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors. DSWM indicates that it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to an individual CDMP amendment application. Instead, the DSWM issues a periodic assessment of the County's status in terms of concurrency, which is the ability to maintain a minimum of five (5) years of system-wide waste disposal capacity. According to DSWM 2010 concurrency determination, which is filed with DP&Z on an annual basis, there is sufficient system-wide waste disposal capacity to meet the County's adopted five-year level-of-service standard. Additional system capacity is programmed and will be available in the near future to ensure that the County continues to meet its solid waste concurrency obligation.

Aviation

Miami-Dade Aviation Department (MDAD) considers the proposed use on the application site to be compatible with operations from the Opa-locka Executive Airport. Any proposed construction at this location reaching or exceeding 200 feet above mean sea level (AMSL) is required to be filed with the Federal Aviation Administration (FAA) using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project at this location reaching or exceeding 200 feet AMSL must be filed by the construction contractor using the same form.

Public Schools

The application does not include residential uses, as restricted by the proffered covenant, and therefore would not generate impacts to schools, if approved.

Roadways

The CDMP Application seeks to change the land use designation of the application site (the Dolphin Center East 2) parcel from "Office/Residential" to "Business and Office" and the acceptance of a proffered covenant (see Appendix C). The proffered covenant proposes to limit the development of the subject parcel to a) those uses that are permitted under the "Office/Residential" land use designation and b) a water use park tourist attraction, together with such ancillary, associated and accessory uses. The Dolphin Center North DRI East 2 parcel is

located in the southeastern portion of the DRI, south of NW 199 Street between the Florida's Turnpike and theoretical NW 22 Avenue (see Appendix A).

The Department of Planning and Zoning, in cooperation with the County's Public Works Department (PWD), performed a short-term (Concurrency) traffic impact analysis to determine the impact the requested land use change would have on the roadways adjacent to and in the vicinity of the application site. The analysis was based on the proposed Water Park use.

Existing Conditions

The roadways operating conditions, levels of service (LOS), are represented by one of the letters "A" through "F," with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

The existing operating conditions of the roadways analyzed are shown in the "Traffic Impact Analysis" table below. The analysis indicates that the major roadways adjacent to and in the vicinity of the application site are operating at or above their adopted LOS standards.

Trip Generation

The "Estimated Peak Hour Trip Generation" Table below identifies the estimated number of daily, AM and PM peak hour trips that would be generated by the proposed Water Park use. If the application site were developed with the Water Park under the requested "Business and Office" land use designation, it would generate approximately 1,331 more daily trips and 159 more PM peak hour external trips than the currently approved 100,000 sq. ft. of open space under the current "Office/Residential" land use designation.

Table 5
Estimated Weekday Daily, AM and PM Peak Hour Trip Generation
And Saturday Daily and Peak Hour Trip Generation
By Current and Requested CDMP Land Use Designations

Application	Current CDMP Designation/ Approved Development Estimated No. of Trips	Requested CDMP Designation/ Proposed Development Estimated No. of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Dolphin Center North (East 2 Parcel)	Office/Residential; 100,000 sq. ft. Office ¹	Business and Office; Water Park (39.99 acres) ²	
Weekday Daily	1,334	2,838	+1,331
AM Peak	188	313	+125
PM Peak	191	350	+159
Saturday Daily	232	3,638	+3,406
Peak	37	488	+451

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade Public Works Department, January 2011.

Notes: ¹ Trips generated using trip generation rates of ITE Land Use Code 710, General Office Building; ITE Trip Generation, 8th Edition.

² Trips generated using trip generation rates of ITE Land Use Code 414, Water Slide Park; ITE Trip Generation 8th Edition.

Table 6
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
Proposed Land Use Development Scenario: Business and Office use (Water Park with 1,250 parking spaces)												
F-1167	NW 27 Ave./SR 817	County Line to NW 183 Street	6 DV	E+20%	6,180	3,860	D	200	D	52	4,112	D(09)
F-559	NW 27 Ave./SR 817	NW 183 Street to NW 167 Street	6 DV	E+20%	6,180	3,705	C	254	D	45	4,004	D(09)
F-502	Fla. Turnpike	N/O NW 199 Street	6 LA	D	10,150	8,178	C	0	C	52	8,230	C(09)
F-2504	Fla. Turnpike	S/O NW 199 Street	6/8 LA	D	10,150	7,607	C	0	C	29	7,636	C(09)
9558	NW 199 Street	NW 37 Ave. to NW 27 Ave.	4 DV	E+20%	3,840	1,916	D	36	D	47	1,999	D(09)
9556	NW 199 Street	NW 27 Ave. to Fla. Turnpike	6 DV	D	5,092	1,207	C	35	C	193	1,435	C(09)
F-1232	NW 183 St./SR 860	NW 37 Ave. to NW 27 Ave.	6 DV	E+20%	6,432	2,152	B	647	B	48	2,847	B(09)
F-146	NW 183 St. /SR 860	NW 27 Ave. to NW 12 Ave.	6 DV	E+20%	6,180	3,200	C	51	C	33	3,284	C(09)

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, January 2011.

Notes: DV= Divided Roadway

*County adopted roadway level of service standard applicable to the roadway segment: E +20% (120% capacity) for roadways serviced with transit service having 20 minutes headways inside the Urban Infill Area (UIA); E+50% (150% capacity) for roadway serviced with extraordinary transit such as 95 Express Bus Route.

() Indicates the year traffic count was taken and/or Level of Service updated

Scenario assumes a Water Park development with 1,250 parking spaces on application site under the requested "Business and Office" land use designation.

Short-Term Traffic Impact Evaluation

An evaluation of peak period concurrency conditions as of January 14, 2011, which considers reserved trips from approved development not yet constructed and programmed roadway capacity improvements which may be listed in the first three years of the County's 2011 Transportation Improvement Program, predicts that the roadways adjacent to and in the vicinity of the application site will continue to operate at or above their adopted LOS standards with the application's traffic impact (see "Traffic Impact Analysis" table above).

Future Conditions

Standard CDMP Amendment Applications require a traffic impact study, signed and sealed by a Florida registered professional engineer. The traffic impact study must be conducted using a professional methodology accepted by the Department. The applicant is required to prepare a short-term traffic analysis (concurrency analysis) with and without the impact of the requested amendment application, and indicate which roadways segments meet or violate the County's adopted LOS standards. This analysis must be prepared using the most current State and County traffic count stations data published by the Miami-Dade County Public Works Department, or the most recently available traffic counts. Also, a future conditions analysis must be performed assessing the impacts of the proposed land use change on the transportation system for the project's buildout year or the CDMP's long planning horizon (year 2025). The analysis must include short-term and long-term LOS conditions on the roadway network without the proposed land use change and with the land use change; identify which roadway segments will violate the adopted minimum LOS standards; and address the need for new facilities or expansion of existing facilities to provide a safe and efficient transportation network, enhance mobility, and maintain the adopted level of service standards through the short-term and long-term time frames.

Transportation and Mobility Planning Consultant Cathy Sweetapple and Associates, prepared a Traffic Study, *NOPC Application Traffic Study And Site Specific Traffic Study For The Water Park (September 2010)*, for the proposed modifications to the Dolphin Center North Development of Regional Impact (DRI) and the proposed amendment to the County's Comprehensive Development Master Plan (CDMP).

As indicated above, the applicant has proposed a NOPC to change the existing DRI development program to eliminate the 100,000 sq. ft. office space approved for the Dolphin Center East 2 parcel and replace the use with a 39.99-acre Water Park. Therefore, the traffic study evaluated the traffic impacts resulting from the proposed changes to the DRI on the roadway network adjacent to the DRI. The applicant used the simultaneous increase and decrease provision in Section 380.06(19), Florida Statutes, to support the proposed change to the DRI, and to demonstrate that no additional traffic impact would be generated. A proposed Water Park Site Plan depicts the Water Park on the east side of the Dolphin Center North East 2 parcel (occupying 19.99 acres) and the supporting parking on the west side of the parcel (occupying 20 acres). The Applicant is estimating daily attendance at 5,000 patrons on a peak day, requiring 1,250 parking spaces as per Section 33-124 (k) (12) of the Miami-Dade County Code (one parking space for each four persons). However, the applicant is proposing to provide 1,351 parking spaces (1,307 spaces on the west side and 44 on the east side of the East 2 parcel).

The traffic study provided an evaluation of existing and projected traffic conditions on the roadway network adjacent to and in the vicinity of the application site and at the access intersections. The proposed DRI development program changes were evaluated using AM and PM peak hour trip generation calculations derived using ITE Trip Generation 8th Edition rates

and formulas. The trip generation analysis indicates that there is a net reduction of 180 AM peak hour trips and 33 PM peak hour trips with the proposed DRI modifications. The traffic study evaluates existing traffic conditions using 2009 traffic count station data from the Florida Department of Transportation (FDOT) and Miami-Dade County Public Works Department. The specific timeframes analyzed include: AM and PM weekday peak hour periods (the two highest consecutive hours in a weekday) for traffic concurrency analysis, and existing and future (Year 2017) PM peak hour and Saturday peak hour traffic conditions. To address the impact of the proposed change, the trips anticipated from the unbuilt portions of the Dolphin Center North and South DRIs and committed trips from other approved development not yet built were also considered in the future traffic analysis.

The study impact area included all major roadways south of the Broward/Miami-Dade County line to NW 183 Street and between SR 91/Florida's Turnpike and SR 817/ NW 27 Avenue. In addition, the traffic study provided intersection analyses of existing and future traffic conditions for the PM peak hour and Saturday peak hour at the project access intersections serving the Water Park use.

The traffic study concludes that all roadways adjacent to and in the vicinity of the application site were found to operate at acceptable levels of service through the 2017 buildout year of the DRI. The intersection analysis indicates that a traffic control improvement (traffic signal) will be required at the intersection of NW 199 Street and Water Park's center driveway. A summary of the *NOPC Application Traffic Study and Site Specific Traffic Study for the Water Park (September 2010)* is provided in Appendix E of this report.

Staff of the Miami-Dade County Planning and Zoning Department and Public Works Department reviewed the September 2010 Traffic Study and had several questions, comments and concerns, which include the combined impact of the concurrent operation of the existing Sun Life Stadium and the proposed Water Park; the use of some ITE land use code for the trip generation; the analysis period; the elimination of parking currently used to serve the Sun Life Stadium due to proposed Water Park; the use of average percents for trip distribution; the need to use the latest (January 7, 2011) County database for Concurrency Analysis; inclusion of NW 37 Avenue, NW 2 Avenue and NW 183 Street in the future (Year 2017) traffic impact analysis. It should be pointed out that notwithstanding any outstanding concerns that DP&Z and PWD staff may have regarding the traffic study, staff of the Department of Planning and Zoning does not expect substantial changes to the study's conclusions. DP&Z staff is of the opinion that the existing roadway facilities adjacent to and in the vicinity of the application site have enough capacity to handle the traffic demand that will be generated by the proposed change. However, the consultant will have to address the above DP&Z and PWD concerns prior to approval of the proposed use. The Miami-Dade County Public Works Department has also requested that site plan and geometric details be presented during later phases of the project for evaluation.

It should be pointed out that in the event the combined traffic analysis of the Stadium and Water Park operations indicate there are traffic problems, the applicant could manage the Stadium and Water Park operations and traffic through a series of highly coordinated traffic management practices which may include the distribution of information to spectators, installation of directional signage, deployment of off-duty police officers to manage traffic either arriving or departing the Stadium to override control of key signalized intersections.

Transit Service

Existing Service

The area surrounding this application site is covered by Metrobus service. The nearest bus service is along NW 27th Avenue, which is about 0.6 miles west of the application site, is provided by Routes 27, 97 and Route 99. Table 1 below provides a summary of current Metrobus service.

Table 7
Metrobus Route Service Summary

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
27	15	15	30	N/A	20	30	0.6	L/F
97	20	40	N/A	N/A	N/A	N/A	0.6	L/F
99	30	30	45	N/A	N/A	40	0.6	L

Source: Miami-Dade Transit, 2011

Notes: *L means Metrobus local route service*

F means Metrobus feeder service to Metrorail

E means Metrobus Express or Limited-Stop service

Future Conditions for the Immediate Area

Transit improvements to the existing Metrobus service are being planned for the next ten years as noted in the 2020 Recommended Service Plan of the 2010 Transit Development Plan (TDP). Table 2 shows the Metrobus service improvements programmed for the existing routes identified above.

Table 8
Metrobus Recommended Service Improvements

Route(s)	Improvement Description
27	No planned improvements.
97	Route to be transformed to 27th Avenue Enhanced Bus, connecting to the Miami Intermodal Center (MIC)
99	No planned improvements.

Source: 2010 Transit Development Plan, Miami-Dade Transit.

Major Transit Projects

As noted in Table 2, the Route 97 would be transformed to the 27th Avenue Enhanced Bus. This is the first step of an incremental service plan for the 27th Avenue Corridor. This plan is included in the 2010 TDP under the Committed Improvements Chapter. For the North Corridor, along 27th Avenue, Miami-Dade Transit (MDT) continues to pursue incremental and affordable transit improvements along the corridor, until heavy rail funding options are identified. The MDT is also identifying park/ride locations along this corridor. Enhanced Bus Service is scheduled to commence in 2012 and is scheduled to add the park and ride component by 2016.

Application Impacts in the Traffic Analysis Zone

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) where the application is requested. In TAZ 128 where this application is located, if granted, the expected transit impact produced by this application would be minimal. TAZ 128 encompasses the stadium and the transit mode split for this area seems to favor travelling by car and not transit. A similar mode split would be expected for the water park proposal.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The following CDMP goals, objectives, policies, concepts, and guidelines would be enhanced if the proposed amendment is approved.

LU Concept 11. Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

LU-4D. Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.

LU-6A. Miami-Dade County shall continue to identify, seek appropriate designation, and protect properties of historic, architectural and archaeological significance

LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

ECO-7A. Miami-Dade County's strategy for meeting countywide employment needs for the next several years should be to emphasize its strengths in international commerce, health services, the visitor industry, and aviation-related activities, and endeavor to expand in the areas of biomedical, film and entertainment, financial services, information technology and telecommunications, while simultaneously promoting the creation and development of small and medium-sized, labor intensive enterprises geared to the socio-economic needs and opportunities of specific neighborhoods and locations meant to serve a diversity of markets.

ICE-7. Encourage the achievement of a coordinated strategy for regional economic development that addresses opportunities and threats and promotes assets in South Florida for sports and entertainment, international business, tourism and other economic development activities.

CIE-3B. Service and facility impacts of new development must be identified and quantified so that sufficient public facilities will be planned and programmed to be available when needed. All development orders authorizing new, or significant expansion of existing urban land uses, shall be contingent upon the provision of services at levels which meet or exceed the adopted LOS standards except as otherwise provided in the "Concurrency Management Program" section of the CIE.

The following CDMP goals, objectives, policies, concepts, and guidelines could be impeded if the proposed designation is approved.

LU-3B. All significant natural resources and systems shall be protected from incompatible land use including Biscayne Bay, future coastal and inland wetlands, future potable water-supply wellfield areas identified in the Land Use Element or in adopted wellfield protection plans, and forested portions of Environmentally Sensitive Natural Forest Communities as identified in the Natural Forest Inventory, as may be amended from time to time.

LU-4C. Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- iii) Enhance or impede provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- v) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- vi) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

Objective CON-8: Upland forests included on Miami-Dade County's Natural Forest Inventory shall be maintained and protected.

CON-8H. Miami-Dade County's tree preservation and landscape requirements shall be coordinated. Tree preservation programs should focus primarily on Natural Forest Communities and specimen tree protection, maintenance, and restoration. The County shall adopt and enforce a comprehensive landscape code and promote xeriscape principles and the planting and protection of trees with an emphasis upon the provision and preservation of canopy for aesthetics, physical comfort, energy savings, economic benefits, and wildlife habitat.

APPENDICES

Appendix A: Map Series

Appendix B: CDMP Amendment Application

Appendix C: Declaration of Restrictions received January 7, 2011

Appendix D: Notification of a Proposed Change to the Previously Approved Dolphin Center North Development of Regional Impact (DRI) - Excerpt

Appendix E: Traffic Report Executive Summary (pending)

Appendix F: Dolphin Center Properties, LLC, Letter dated January 12, 2011 Extending Timeframes That Govern CDMP Amendment Process for Applications Relating to a DRI

Appendix G: Dolphin Center Properties, LLC, Letter dated January 6, 2011 to Ms. Wendi Norris, Miami-Dade General Services Administration, and Jack Kardys, Miami-Dade County Parks and Recreation

Appendix H: Fiscal Impact Analysis (pending)

Appendix I: Photos of Site and Surroundings (from site visit)

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APPENDIX A

Map Series

- Aerial Photo
- Current Zoning Map
- Existing Land Use Map
- CDMP Land Use Map

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**DOLPHIN CENTER PROPERTIES, LLC CDMP APPLICATION
AERIAL PHOTO**



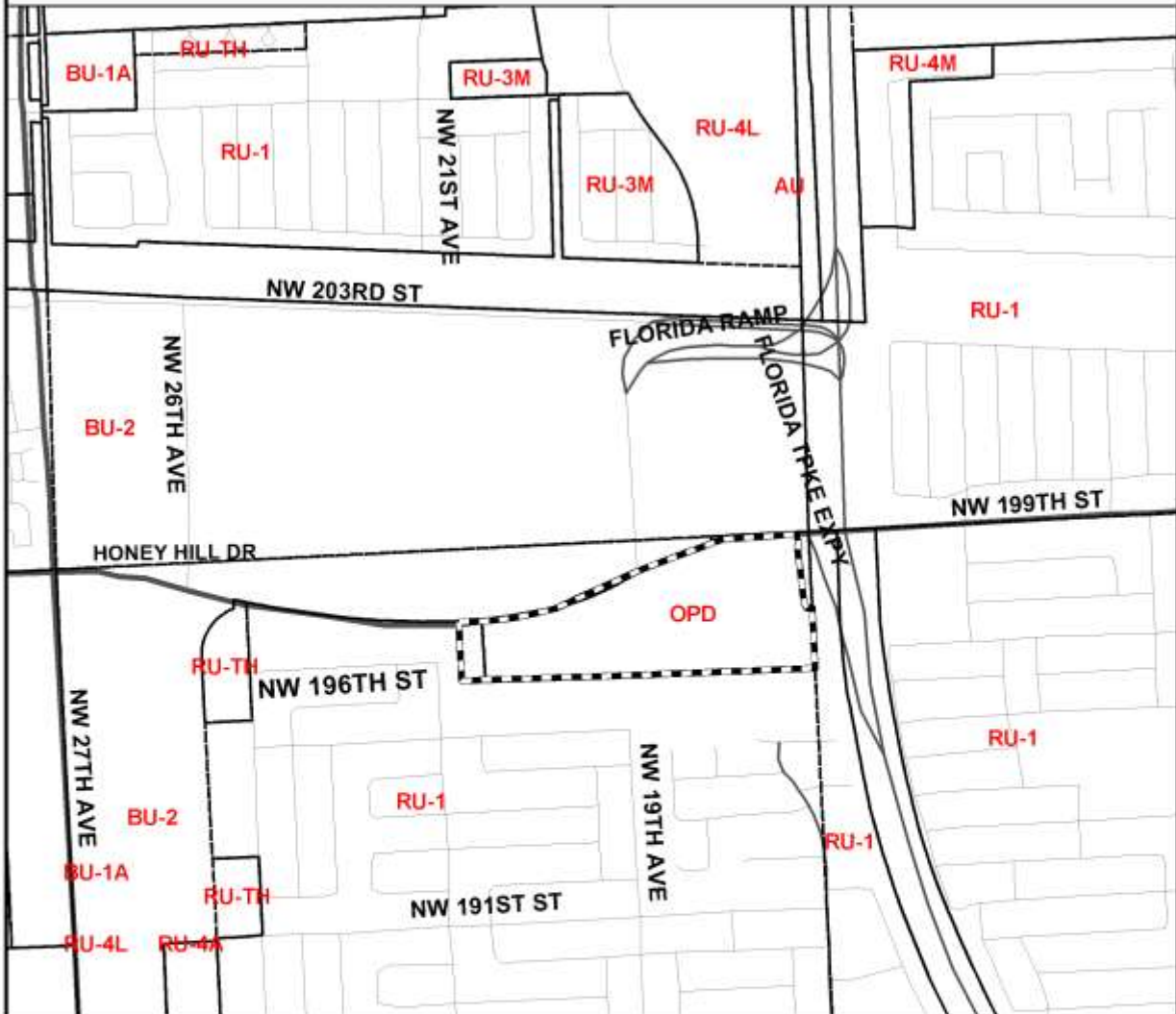
APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, January 2011

0 0.1 0.2 0.3 0.4
Miles



DOLPHIN CENTER PROPERTIES, LLC CDMP APPLICATION CURRENT ZONING



APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, January 2011

ZONING DISTRICTS

AU AGRICULTURAL
RU-1 SINGLE FAMILY RESIDENTIAL DISTRICT
RU-TH TOWNHOUSE DISTRICT
RU-3M MINIMUM APARTMENT HOUSE DISTRICT
RU-4L LIMITED APARTMENT HOUSE DISTRICT
RU-4M MODIFIED APARTMENT HOUSE DISTRICT
RU-4A HOTEL/APARTMENT HOUSE DISTRICT

OPD OFFICE PARK DISTRICT
BU-1A LIMITED BUSINESS DISTRICT
BU-2 SPECIAL BUSINESS DISTRICT

0 0.1 0.2 0.3
Miles



DOLPHIN CENTER PROPERTIES, LLC CDMP APPLICATION EXISTING LAND USE



APPLICATION AREA

Source: Miami-Dade County
Department of Planning and Zoning, January 2011

EXISTING LAND USE

- SINGLE FAMILY
- TOWNHOUSES
- MULTI FAMILY - LOW DENSITY
- GOVERNMENT/PUBLIC ADMINISTRATION
- PUBLIC SCHOOLS
- SPORT STADIUMS, ARENAS AND TRACKS
- INDUSTRIAL
- COMMUNICATIONS
- HIGHWAYS AND EXPRESSWAYS RIGHT OF WAYS

- PARKS
- WATER
- VACANT

0 0.1 0.2 0.3
Miles



DOLPHIN CENTER PROPERTIES, LLC, CDMP APPLICATION CDMP LAND USE



Source: Miami-Dade County Department of Planning and Zoning, January 2011

APPLICATION AREA

CDMP LAND USES

- LOW DENSITY (2.5 - 6 DU/AC)
- LOW-MEDIUM DENSITY (6 - 13 DU/AC)
- MEDIUM DENSITY (13 - 25 DU/AC)
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- PARKS AND RECREATION
- ENVIRONMENTALLY PROTECTED PARKS
- TRANSPORTATION

- METROPOLITAN URBAN CENTER
- WATER
- CANAL
- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)
- FUTURE RAPID TRANSIT

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Miles



APPENDIX B

CDMP Amendment Application

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**APPLICATION FOR AN AMENDMENT TO THE LAND USE PLAN MAP OF THE
MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN
CONCURRENTLY WITH A PENDING APPLICATION TO AMEND A
DEVELOPMENT OF REGIONAL IMPACT**

1. APPLICANT

Dolphin Center Properties, LLC
2269 Dan Marino Boulevard
Miami Gardens, Florida 33056

2. APPLICANT'S REPRESENTATIVES

Joseph G. Goldstein, Esq.
Alan S. Krischer, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
(305) 374-8500
(305) 789-7799 (fax)

By: 

Joseph G. Goldstein, Esq.

12/20/10

Date

By: 

Alan S. Krischer, Esq.

12/20/10

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map and Text are being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element, Land Use Plan Map to re-designate the subject property from "Office/Residential" to "Business and Office."
2. Acceptance of proffered covenant.

B. Description of the Subject Area.

The subject property consists of approximately 38.6± gross acres of land located in Section 03, Township 52, Range 41, in unincorporated Miami-Dade County. More specifically, the subject Property is located on the south side of NW 199

PLANNING & ZONING
METROPOLITAN PLANNING SECT

2010 DEC 20 P 1:57

Street and west of the Florida Turnpike Expressway. A legal description of the subject property is provided in Exhibit "A."

C. Acreage.

Subject application area: 38.6± gross acres / 36.68± net acres

Acreage owned by Applicant: 34.24± net acres

D. Requested Change.

1. It is requested that the subject area be re-designated from "Office/Residential" to "Business and Office" on the Land Use Plan map as an amendment processed concurrently with a pending application to amend a Development of Regional Impact pursuant to Section 2-116.1(5)(a) of the Miami-Dade County Code.

2. If this CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County under separate cover.

4. REASONS FOR AMENDMENT

The subject property is located on the southeast side of the Dolphin Center North Development of Regional Impact (the "DRI"). The majority of the DRI is currently designated "Business and Office," with the remaining area designated "Office/Residential" (the subject property) or "Environmentally Protected Parks." The Applicant requests the re-designation of the entire subject property from "Office/Residential" to "Business and Office" to enable the development of a water park tourist attraction.

The proposed amendment is being submitted concurrent with a request to amend the development program set out in the existing DRI. Although the DRI is physically located within the City of Miami Gardens, Miami-Dade County retains jurisdiction over the DRI; a Notice of Proposed Change (NOPC) has been submitted to Miami-Dade County under separate cover. The DRI currently allows for a number of attraction and commercial uses, perhaps most prominently the existing Sun Life Stadium. The change sought under the NOPC would change the permitted development program to simultaneously add 39.99 acres of Water Park attraction facilities to the DRI, while decreasing the permitted office development from 325,000 square feet to 225,000 square feet. Under this change, the development program would consist of:

73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f), Florida Statutes);

7,350 paved parking spaces on the stadium site;

39.99 acres of Water Park attraction facilities;
225,000 square feet of office development;
50,000 square feet of fitness center development;
140,000 square feet of retail/commercial development; and
450 hotel rooms.

To date, the DRI has only been developed with the 74,916 stadium seats and 7,350 paved parking spaces.

Within the subject property, there is an approximately 2.44 acre parcel that is owned by Miami-Dade County, and which is currently reserved for archeological preservation under the DRI (the "Midden Parcel"). For convenience, the Midden Parcel has been included as part of the requested Future Land Use Map amendment. However, no changes to the current archeological preservation of the property or the DRI conditions relating to that parcel are being proposed by the Applicant.

The purpose of the proposed amendment is to accommodate the use of the 34.24 acre parcel for a high quality water park attraction, comparable to some of the most popular facilities in the world and featuring some of the newest technologies in the field. The facility is currently contemplated to provide family raft slides, a tube flume complex, a lazy river, wave pool, mat slides and other waterslides, as well as retail, food and beverage concessions, support facilities, and 1,351 parking spaces. There will be approximately 58,000 square feet of building area constructed within the Water Park to provide shelters, concession operations, changing and rest rooms, children's activity areas, physical plant facilities, and ancillary uses including water park storage and administrative offices. A site plan detailing the specific configuration and layout of the proposed Water Park has been submitted to the County as part of the application for zoning public hearing approval.

As noted above, the property is presently designated "Office/Residential" on the Future Land Use Map. The proposed amendment to "Business and Office" is intended solely to accommodate the proposed additional use of the 34.24 acre parcel as a water park (together with the ancillary and accessory uses customary thereto). The Applicant does not intend to use the subject property for any other uses that are authorized in the Business and Office designation, but not in the Office/Residential designation. In order to provide assurances to the County to that effect, the Applicant intends to provide the Department with a covenant to be recorded on the property (less the Midden Parcel owned by the County) restricting the use of the property solely to those uses permitted by the existing Office/Residential designation and a water park (together with the ancillary and accessory uses customary thereto). Thus, the requested amendment would not add to the existing inventory of commercial and retail lands located within the County.

The request is compatible with the surrounding LUP Map and zoning designations as well as the land uses in the area. The majority of the DRI is designated "Business and Office" and is located within a Metropolitan Urban Center on the Miami-Dade County Land Use Plan Map. As noted above, perhaps the most prominent use of the DRI property is the existing Sun Life Stadium, the home of both the Miami Dolphins professional football team and the Florida Marlins professional baseball team. It is also the site of numerous other activities, such as Jazz in the

Gardens. The establishment of another attraction use would contribute further to the development of the DRI as an important attraction and recreation destination.

One characteristic of this Metropolitan Urban Center is its convenient, direct connections to a nearby expressway or major roadway to ensure a high level of countywide accessibility. The DRI is bounded on the east by the Florida Turnpike Expressway with a direct exit to the DRI and on the west by NW 27 Avenue, a major county roadway which will also eventually have Metrorail service and a station at this location. The goal of the Metropolitan Urban Center is to accommodate a concentration and variety of uses and activities that will attract large numbers of both residents and visitors to the area and, pursuant to the CDMP, it is the responsibility of the governmental agencies to encourage and support such development. Uses may include retail, business, professional services, restaurants, hotels, recreational, and entertainment uses, among others.

The property is further buffered from the residential properties to the south and west. It is bordered on the east by the Florida Turnpike, on the north by N.W. 199th Street, and on the south and east an over 350 foot Neighborhood Protective Buffer that was established at the time that the Dolphin Center DRI was originally approved. This buffer is comprised of a wall and large dry retention area, a 6.28 acre natural scrub oak preserve, a 4.3 acre park, a 21.86 acre landscaped buffer / linear park, as well as a vacant area which the DC North DRI DO provides that residential zoning shall remain. The proposed development sites the water park proper on the easternmost portion of the property, while the western portion will remain used for parking.

The existing DRI contains conditions relating to these buffers, as well as conditions prescribing height limitations on development proximate to the residential areas in order to ensure compatibility. The Applicant is not proposing that these conditions be modified. The water park structures have been designed to comply with the existing height restrictions and setbacks currently set forth in the DRI and zoning resolutions governing Dolphin Center North.

The proposed Water Park will be designed using some of the latest water and energy conservation technologies. Included as part of an overall water/energy reduction strategy, the water park has been designed to take advantage of the benefits of Regenerative Media (RM) filtration technology. The benefits of RM filtration include pristine water quality with filtration down to 1 micron and the conservation of water, energy, chemicals and waste when compared to traditional sand filtration systems. RM filtration also occupies less building space when compared to High Rate Sand systems, thus resulting in a smaller carbon footprint. The use of RM filtration eliminates high-flow backwash cycles associated with traditional sand filtration systems, reducing water consumption by up to 90%. The RM filters need only be drained on an average once every four (4) to six (6) weeks, compared to three (3) to five (5) backwashes per week for an equivalent sand filtration system. Capital and sewer cost are also reduced, due to a smaller sewer waste line and lower flows to treatment plants. The benefit of smaller amounts of water leaving the system is the significant reduction in the use of pool chemicals and heating demands (typically by 30%). These savings are a result of the elimination of reheating requirements, thus reducing electrical demand. RM filtration is an environmentally friendly and more sustainable alternative to traditional sand filtration through the reduction of energy and water consumption. They are economically beneficial through a reduction of operational and maintenance costs, and socially desirable by providing pristine and clean safe water.

As noted above, the subject property is currently vacant and the majority of the DRI remains undeveloped. The existing development of the surrounding properties varies in density, intensity and use:

- North: Vacant (parking lots);
- East: Florida Turnpike Expressway;
- South: Parks; and
- West: Stadium attraction facility and vacant land (parking lots).

The Property is located within Minor Statistical Area ("MSA") 2.3, which encompasses lands south of the Miami-Dade County line to NW 167 Street and west of the Florida Turnpike Expressway to NW 57 Avenue. The MSA had an estimated population of 82,976 in 2000, and is projected to have a population of 87,330 in 2015 and 91,343 in 2025. The unemployment rate in the MSA was 13.1% as of October 2010. The latest commercial land supply data for MSA 2.3 estimates that 138.7 acres (4.7%) of the total 2,942.9 acres currently are vacant. It is projected that the supply of commercial land will be depleted in 2030+. However, as noted above, the requested amendment - including the proffered covenant limiting uses solely to those presently permitted and the proposed water park - would **not** add to the inventory of land available for commercial uses in either the MSA or the County as a whole. It will, however, provide numerous construction and permanent jobs, add to the County's tax base, and promoted appropriate entertainment and tourism options not currently available in Miami-Dade County.

Consistency and Compatibility with CDMP Goals, Objectives and Policies

This application satisfies numerous County CDMP Goals, Objectives and Policies, several of which have already been discussed in this Application. Based on its location and level of accessibility and infrastructure, the Property is well-suited for "Business and Office" uses within the Metropolitan Urban Center. The Applicant believes that the approval of an amendment of the Future Land Use Map to "Business and Office" for the Property would be an appropriate change. Accordingly, approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

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

LAND USE POLICY LU-1A: High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

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

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE OBJECTIVE LU-2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY LU-2A: All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

LAND USE OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

LAND USE POLICY LU-7I: Miami -Dade County will review development incentives to encourage higher density, mixed-use and transit-oriented development at or near existing and future transit stations and corridors.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of the physical land use and urban

design plans for strategic and high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE OBJECTIVE LU-10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate continuous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to support energy conservation.

LAND USE CONCEPT 5: Minimize consumption of energy for transportation purposes and the amount of air pollution from transportation sources by encouraging a more compact urban form.

LAND USE CONCEPT 8: Rejuvenate decayed areas by promoting redevelopment, rehabilitation, infilling and the development of activity centers containing a mixture of land uses.

LAND USE CONCEPT 9: Promote development of concentrated activity centers of different sizes and character to provide economies of scale and efficiencies of transportation and other services for both the public and private sectors.

LAND USE CONCEPT 10: Redirect higher density development towards activity centers or areas of high countywide accessibility.

LAND USE CONCEPT 11: Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.

LAND USE CONCEPT 13: Avoid excessive scattering of industrial or commercial employment locations.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information has been provided as part of the Notice of Proposed Change and application for zoning public hearing; further additional information may be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attachments: Legal Description of Property – Exhibit "A"
Disclosure of Interest Form – Exhibit "B"
Location Map for Application – Exhibit "C"
Aerial Photograph – Exhibit "D"
Section Sheet – Exhibit "E"

EXHIBIT "A"

Legal Description of Subject Property:

Includes folio numbers 34-2103-001-0170 and 34-1134-011-0020

EXHIBIT "C"

LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVES

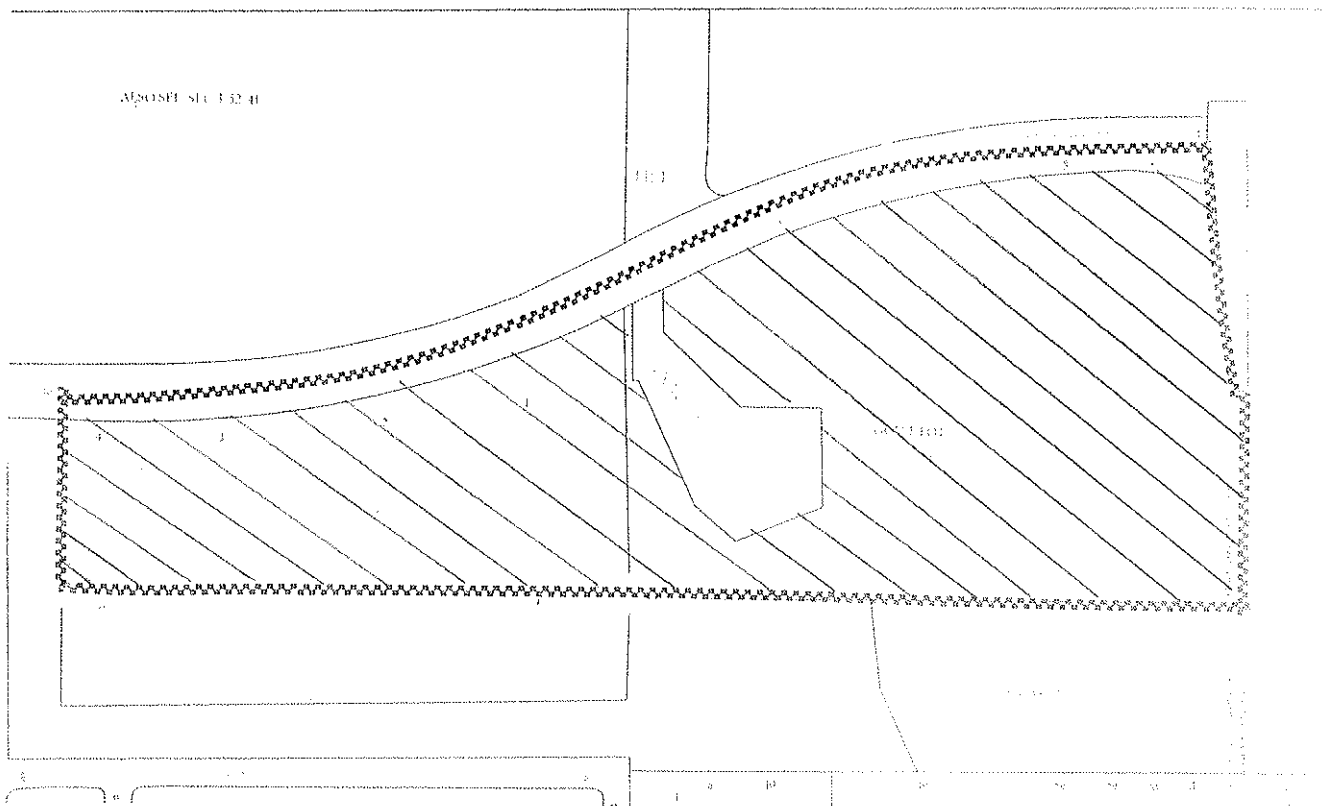
Applicant: Dolphin Center Properties, Inc.

Representatives: Joseph G. Goldstein, Esq. & Alan S. Krischer, Esq.

DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately ± 38.6 gross acres/ ± 36.68 net acres of land located in Section 3, Township 52, Range 41, in unincorporated Miami-Dade County, Florida. The Applicant owns ± 34.24 acres of the subject property but is the contract purchaser for the Property. The subject property, located on the south side of NW 119 Street west of the Florida Turnpike Expressway, is more specifically described in Exhibit "A" to this application.

LOCATION MAP



☒ Property owned by the Applicant

#9955662_v1



Keith and Schnars, P.A.

6500 Andrews Avenue, Fort Lauderdale, Florida 33309
Certificate of Authorization Number: LB1337

Engineers - Planners - Surveyors

Phone: (954) 776-1616 - Fax: (954) 351-7643

Surveyor's Report

This report is made for the purpose of providing a legal description for the Midden parcel for the Dolphin Stadium East Two property.

I am a Professional Surveyor and Mapper under the laws of the State of Florida holding Certificate No. 6408 and being employed by Keith and Schnars, P.A..

I have reviewed the following legal description and found the following description to be a true and correct description of the Midden parcel.

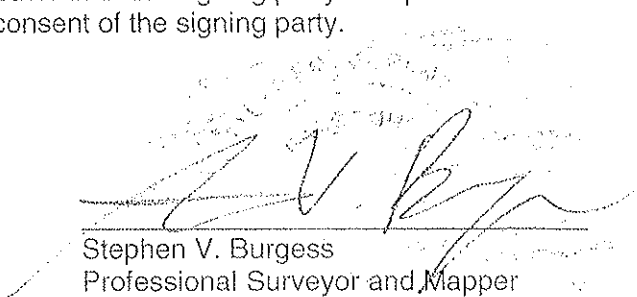
Legal Description:

A PORTION OF "MIAMI GARDENS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 96 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 41 EAST, DADE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT "B", DOLPHIN CENTER-STADIUM SITE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, PAGE 91 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

This surveyor's report or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

Revisions to this surveyor's report by other than the signing party or representative for the party is prohibited without written consent of the signing party.



Stephen V. Burgess
Professional Surveyor and Mapper
Florida Certificate No. 6408

LEGAL DESCRIPTION:

A PORTION OF TRACTS 1, 2, 3, 4, 21, 22, 23 AND 24, "MIAMI GARDENS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 96 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND A PORTION OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 41 EAST, DADE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE SOUTH 02°47'53" EAST ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 543.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02°47'53" EAST ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 429.40 FEET TO THE NORTHEAST CORNER OF TRACT 'C' OF SAID DOLPHIN CENTER - STADIUM SITE; THENCE SOUTH 87°07'49" WEST ALONG THE NORTH LINE OF SAID TRACTS "C" AND "D" OF SAID DOLPHIN CENTER - STADIUM SITE, 1321.17 FEET; THENCE SOUTH 02°46'37" EAST, CONTINUING ALONG THE NORTH LINE OF SAID TRACT "D", 216.00 FEET; THENCE SOUTH 87°07'49" WEST CONTINUING ALONG THE NORTH LINE OF SAID TRACT "D", 1161.25 FEET; THENCE NORTH 02°45'22" WEST CONTINUING ALONG THE NORTH LINE OF SAID TRACT "D", 618.68 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.W. 199TH STREET AS SHOWN ON SAID DOLPHIN CENTER - STADIUM SITE, SAID POINT ALSO BEING ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 6924.43 (A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF SOUTH 01°11'37" EAST); THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF N.W. 199TH STREET, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°40'49", A DISTANCE OF 203.05 FEET TO A POINT OF COMPOUND CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 2238.50 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF N.W. 199TH STREET, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°19'13", A DISTANCE OF 1106.44 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2043.50 FEET; THENCE CONTINUING NORTHEASTERLY AND EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE SAID N.W. 199TH STREET, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°16'37", A DISTANCE OF 1008.52 FEET TO A POINT OF TANGENCY; THENCE NORTH 87°04'59" EAST, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID N.W. 199TH STREET, 166.88' FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE "FLORIDA TURNPIKE"; THENCE SOUTH 02°47'53" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA TURNPIKE", 50.32 FEET; THENCE SOUTH 06°56'41" EAST CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA TURNPIKE", 401.05 FEET; THENCE SOUTH 32°58'17" EAST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA TURNPIKE", 37.80 FEET; THENCE NORTH 87°12'07" EAST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA TURNPIKE", 35.00 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN DADE COUNTY, FLORIDA CONTAINING 39.988 ACRES, MORE OR LESS.

LESS AND EXCEPTING

RESIDENTIAL PARCEL LEGAL DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3;

THENCE SOUTH 02°47'53" EAST ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 972.58 FEET TO THE NORTHEAST CORNER OF TRACT 'C' OF SAID DOLPHIN CENTER - STADIUM SITE; THENCE SOUTH 87°07'49" WEST, ALONG THE NORTH LINE OF TRACT 'C' AND THE NORTH LINE OF TRACT 'D', FOR 1,321.17" FEET TO THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING; THENCE, SOUTH 02° 46' 37" EAST, ALONG THE NORTHERLY LINE OF SAID TRACT 'D' FOR 216.00 FEET; THENCE CONTINUE, SOUTH 87° 07' 49" WEST, ALONG SAID NORTHERLY LINE, FOR 1,161.25 FEET; THENCE, NORTH 02° 45' 22" WEST, ALONG THE EAST LINE OF THE AFORESAID TRACT 'D' FOR 215.99 FEET; THENCE NORTH 87° 07' 49" EAST FOR 1,161.17 FEET TO THE POINT OF BEGINNING;

CONTAINING 250,803.57 SQUARE FEET, OF 5.76 ACRES MORE OR LESS.

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Z:\Projects\13283\DOLPHIN EAST TWO\CADD FILES\13283-035241-EAST TWO-LEGAL.dwg

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

**DOLPHIN EAST TWO
AT THE STADIUM SITE,
(PB. 129, PG 91 M.D.C.R.)**

MIAMI-DADE COUNTY, FLORIDA

DATE: 12/20/2010

SCALE: AS NOTED

FIELD BK: N/A

DWG. BY: SVB

CHK. BY: SVB

DATE REVISIONS



KEITH and SCHNARS, P.A.

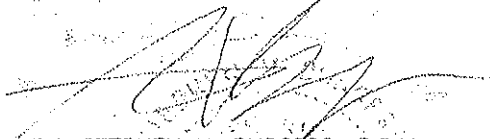
ENGINEERS - PLANNERS - SURVEYORS
6500 N. ANDREWS AVENUE,
FT. LAUDERDALE, FLORIDA 33309-2132
(954) 776-1616
LB 1337

SHEET NO. 1 OF 2 SHEETS
PROJECT NO. 13283-00

NOTES:

1. PURPOSE OF THIS SKETCH AND DESCRIPTION IS TO DOCUMENT THE PERIMETERS OF THE DOLPHIN EAST TWO PROPERTY ACCORDING TO THE PLAT OF DOLPHIN CENTER - STADIUM SITE.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE PLAT OF DOLPHIN CENTER-STADIUM SITE PLAT, AS RECORDED IN PLAT BOOK 129, PAGE 91 OF THE PUBLIC RECORDS OF MIAMI-DADE, COUNTY, FLORIDA, AS SHOWN HEREON.
4. THIS DOCUMENT IS WRITE PROTECTED, ANY CHANGES TO THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF KEITH AND SCHNARS, P.A., OR A LEGAL REPRESENTATIVE THEREOF, IS STRICTLY PROHIBITED.
5. DIMENSIONS ARE IN UNITED STATES SURVEY FEET AND DECIMALS THEREOF.
6. THIS IS NOT A BOUNDARY SURVEY.
7. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
8. THE "LEGAL DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
9. THIS DOCUMENT DOES NOT IDENTIFY THE LIMITS OR EXTENT OF POTENTIAL JURISDICTIONAL BOUNDARIES.

KEITH AND SCHNARS, P.A.
ENGINEERS-PLANNERS-SURVEYORS


BY: STEPHEN V. BURGESS, P.S.M.
FLORIDA REGISTRATION NO. 6408

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Z:\Projects\13283\DOLPHIN EAST TWO\CADD FILES\13283-035241-EAST TWO-LEGAL.dwg

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

**DOLPHIN EAST TWO
AT THE STADIUM SITE,
(PB. 129, PG 91 M.D.C.R.)**

MIAMI-DADE COUNTY, FLORIDA

DATE: 12/20/2010

SCALE: AS NOTED

FIELD BK: N/A

DWG. BY: SVB

CHK. BY: SVB

DATE	REVISIONS



KEITH and SCHNARS, P.A.

ENGINEERS - PLANNERS - SURVEYORS
6500 N. ANDREWS AVENUE,
FT. LAUDERDALE, FLORIDA 33309-2132
(954) 776-1616
LB 1337

SHEET NO. 2 OF 2 SHEETS
PROJECT NO. 13283-00

EXHIBIT "B"

DISCLOSURE OF INTEREST

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

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT: Dolphin Center Properties, LLC

2269 Dan Marino Boulevard

Miami Gardens, FL 33065

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
<u>X</u>	<u>Dolphin Center Properties, LLC</u>	<u>34-2103-001-0170</u>	<u>+/- 39.99 acres</u>
	<u>Miami-Dade County Parks & Rec</u>	<u>34-1134-011-0020</u>	<u>+/- 2.44 acres</u>

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	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach) Explanation)
<u>X</u>	<u>X</u>			

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

%

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the

individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME Dolphin Center Properties, LLC

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

See Tab 1 attached hereto.

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

TRUSTEES NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

Date of Contract _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner 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

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF STOCK

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

TRUSTEE'S NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- c. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF OWNERSHIP

- d. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

Date of Contract _____

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.

DOLPHIN CENTER PROPERTIES, LLC,
a Florida limited liability company

By: _____
Stephen M. Ross, Manager

Sworn to and subscribed before me

this 20th day of December, 2010

Linda A. Shay
Notary Public, State of Florida at Large (SEAL)

My Commission Expires:

LINDA A SHAY
NOTARY PUBLIC, State of New York
No. 4868112
Qualified in Suffolk County
Commission Expires August 25, 2014

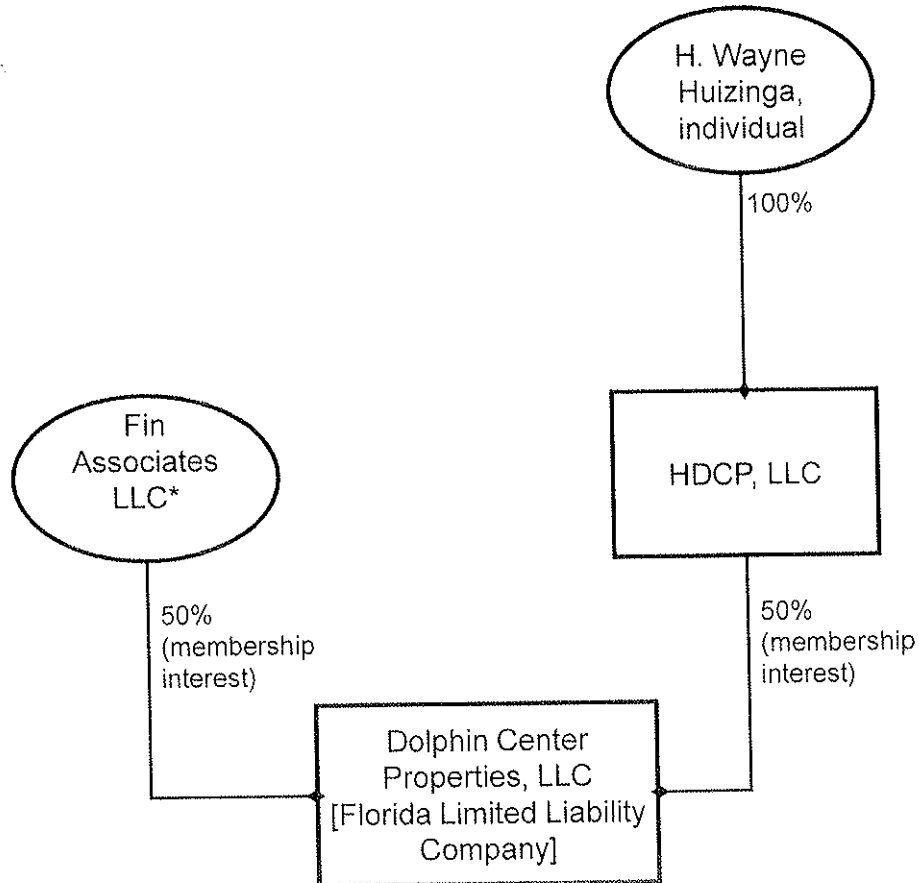
Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of

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.

EXHIBIT B, TAB 1

Disclosure of interest information for Dolphin Center Properties, LLC:

Dolphin Center Properties, LLC



* Disclosure of interest for Fin Associates, LLC on next page.

Name of Company	Owners/Primary Purpose	Voting Interest	Equity Interest
Fin Associates LLC	<u>Manager</u> South Florida Football Associates LLC	100%	0%
	<u>Non-Managing Members</u> Stephen M. Ross	0%	61.394%
	1996 SMR Trust III Trustee(s): Martin L. Edelman, Jorge Perez and Ronald Katz Beneficiary(s): Kimberly Ross and Jennifer Ross	0%	36.520%
	SMR Funding, Inc.	0%	.723%
	Unrelated Corp.	0%	.369%
	Les Soeurs, LLC	0%	.331%
	Estefin, LLC	0%	.221%
	Richport Sports Media, LLC	0%	.221%
	Are You Ready For Some Football, LLC	0%	.221%
South Florida Football Associates LLC	Stephen M. Ross	100%	100%
SMR Funding Inc.	Stephen M. Ross	100%	100%
Unrelated Corp.	Stephen M. Ross	100%	100%
Les Soeurs, LLC	Serena J. Williams Revocable Trust Trustee(s): Serena J. Williams Beneficiary(s): Serena J. Williams	66 2/3 %	66 2/3%
	Venus E. Williams Revocable Trust Trustee(s): Venus E. Williams Beneficiary(s): Venus E. Williams	33 1/3%	33 1/3%
Estefin, LLC	Numoon, Inc.	100%	100%
Richport Sports Media, LLC	Marc Anthony	100%	100%
Are You Ready For Some Football, LLC	Stacy Ferguson	100%	100%

Name of Company	Owners/Primary Purpose	Voting Interest	Equity Interest
Fin Associates LLC	<u>Manager</u> South Florida Football Associates LLC	100%	0%
	<u>Non-Managing Members</u> Stephen M. Ross	0%	61.394%
	1996 SMR Trust III Trustee(s): Martin L. Edelman, Jorge Perez and Ronald Katz Beneficiary(s): Kimberly Ross and Jennifer Ross	0%	36.520%
	SMR Funding, Inc.	0%	.723%
	Unrelated Corp.	0%	.369%
	Les Soeurs, LLC	0%	.331%
	Estefin, LLC	0%	.221%
	Richport Sports Media, LLC	0%	.221%
	Are You Ready For Some Football, LLC	0%	.221%
South Florida Football Associates LLC	Stephen M. Ross	100%	100%
SMR Funding Inc.	Stephen M. Ross	100%	100%
Unrelated Corp.	Stephen M. Ross	100%	100%
Les Soeurs, LLC	Serena J. Williams Revocable Trust Trustee(s): Serena J. Williams Beneficiary(s): Serena J. Williams	66 2/3 %	66 2/3%
	Venus E. Williams Revocable Trust Trustee(s): Venus E. Williams Beneficiary(s): Venus E. Williams	33 1/3%	33 1/3%
Estefin, LLC	Numoon, Inc.	100%	100%
Richport Sports Media, LLC	Marc Anthony	100%	100%
Are You Ready For Some Football, LLC	Stacy Ferguson	100%	100%

APPENDIX C

Declaration of Restrictions received January 7, 2011

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This Instrument was Prepared by:

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

2011 JAN -7 A 9:14

PLANNING & ZONING
METROPOLITAN PLANNING SECT

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Dolphin Center Properties, LLC, a Florida limited liability company (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, Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is identified as Dolphin Center Properties, LLC Application to Amend the CDMP (the "Application");

WHEREAS, the Application seeks to re-designate the Property from "Office/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, the development of the Property shall be limited solely to: (a) those uses that are permitted under the "Office/Residential" designation

(Space reserved for Clerk)

within the Comprehensive Development Master Plan, as such may be amended from time to time; and (b) a water park tourist attraction, together with such ancillary, associated and accessory uses customary thereto.

2. 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. 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.

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.

(Public Hearing)

(Space reserved for Clerk)

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 of the municipality's ordinances that apply to 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,

(Public Hearing)

(Space reserved for Clerk)

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. Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event that 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.

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, and inspections made and approval of occupancy, 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.

(Space reserved for Clerk)

H. 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.

I. 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.

J. 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.

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

(Public Hearing)

(Space reserved for Clerk)

[Signature Pages Follow]

(Space reserved for Clerk)

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2011.

WITNESSES:

Dolphin Center Properties, LLC

a Florida limited liability company

Signature

Printed Name

By: _____

Name: _____

Title: _____

Signature

Printed Name

STATE OF _____)

) SS

COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Dolphin Center Properties, LLC, a Florida limited liability company, 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 _____, 2011, in the County and State aforesaid.

My Commission Expires:

Notary Public

Printed Name

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APPENDIX D

**Notification of a Proposed Change to the Previously Approved Dolphin Center North
Development of Regional Impact (DRI) - Excerpt**

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
850/488-4925



**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **Joseph G. Goldstein, Esq.**, the undersigned authorized representative of **South Florida Stadium, LLC, County Line South Properties, LLC, and Dolphin Center Properties, LLC**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Dolphin Center North** Development of Regional Impact, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Miami-Dade County, to the South Florida Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

Date

9/20/10



Joseph G. Goldstein, Esq.

2. Applicant (name, address, phone).

***South Florida Stadium, LLC
2269 Dan Marino Boulevard
Miami, Florida 33056
Attn: Mr. Michael Dee, President***

***County Line South Properties, LLC
c/o The Related Group
60 Columbus Circle
New York, NY 10023
Attn: Mr. Jay Cross***

***Dolphin Center Properties, LLC
c/o The Related Group
60 Columbus Circle
New York, NY 10023
Attn: Mr. Jay Cross***

3. Authorized Agent (name, address, phone).

***Joseph G. Goldstein, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
305-789-7782***

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

***Unincorporated Miami-Dade County (for the purpose of all Land Use, Zoning and Permitting Jurisdiction)*
Section 34, Township 51, Range 41
Legally described in Exhibit A.***

**** The property is technically located within the territorial boundaries and jurisdiction of the City of Miami Gardens, Florida. However, the City of Miami Gardens Charter contains an express provision which reserves jurisdiction over land use, development and permitting matters to Miami-Dade County (see City of Miami Gardens Charter, Section 9.6; Attached as Exhibit B).***

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The Applicant requests a modification of the Dolphin Center North Development of Regional Impact Development Order, as amended from time to time (the "Dolphin Center North DO"), to provide for a 39.99 acre water park while simultaneously decreasing the existing and approved office development by 100,000 square feet to 225,000 square feet.

These changes in development program / land uses necessitate a change to Figure 1, Map H, the Proposed Land Use Map to reflect the proposed water park use and the reduction of office use. A revised Figure 1, Map H is attached as Exhibit "C". In addition, this request proposes a modification of condition 1.a. of the Dolphin Center North DO to reflect the water park use.

An analysis of the transportation impacts of the proposed water park use and the decrease in office square footage was prepared by Cathy Sweetapple & Associates and is attached as Exhibit "D". This analysis shows that the proposed change will actually result in a slight reduction of pm peak hour traffic. An analysis of the impacts of the proposed new water park use and reduction of office space square footage on utilities and infrastructure was prepared by Langan Engineering & Environmental Services, and is attached as Exhibit "E". This study confirms that there is sufficient infrastructure capacity to serve the proposed water park.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

The completed Substantial Deviation Chart is attached hereto as Exhibit "F".

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The following is a list of the approved modifications to Resolution No. Z-210-85, the original 1985 DRI Development Order as they relate to Dolphin Center North. In 2008, the Miami-Dade County Board of County Commissioners approved and adopted Resolution No. Z-26-08, which approved an amended and restated DRI Development Order for Dolphin Center North. A copy of Resolution No. Z-26-08 is provided in the attached binder as Exhibit "G." Copies of the previous resolutions will be provided upon request.

Resolution No. Z-147-86: Approved a substantial deviation determination as well as several modifications related to the timing of certain roadway improvements and the provisions of plans and studies.

Resolution No. Z-342-87: Approved modifications to multiple sections of the DRI Development Order. The changes involved portions of the Development Order dealing with roadway improvements, payments to the Dade County Fire Department, and other similar issues.

Resolution No. Z-157-88: Approved modifications related to the scheduling of events at the then Dolphin Stadium as well as changes related to required roadway improvements.

Resolution No. Z-195-88: Approved one requested roadway modification that had been deferred at the time Resolution No. Z-157-88 was approved.

Resolution No. Z-185-90: Approved modifications related to the scheduling of required roadway improvements.

Resolution No. Z-40-93: Approved the revision to the DRI Master Plan (Figure 1) that permitted uses within the Dolphin Center South (as well as other portions of the DRI) to be relocated within the parcel. This zoning approval represented a major revision to the overall DRI Development Order.

Resolution No. Z-11-95: Approved a substantial deviation determination as well as modification related to scheduling of required roadway improvements and the holding of professional baseball games at the Dolphin Stadium.

Resolution No. Z-131-95: Approved a substantial deviation determination to modify the timing of certain roadway improvements.

Resolution No. Z-30-99: Approved a substantial deviation determination to extend the buildout date of the DRI until October 2007 and to relocate some retail floor area from one area of the DRI to another.

Resolution No. Z-26-08: Approved a substantial deviation determination to bifurcate the Dolphin Center DRI into two (2) separate development orders, specifically, Dolphin Center North and Dolphin Center South and approved an extension of the buildout date of the Dolphin Center North DRI until October 10, 2017.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

No lands have been purchased or optioned within 1/4 mile of the original DRI site.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES _____ NO X

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

The proposed change does not change the buildout date.

11. Will the proposed change require an amendment to the local government comprehensive plan?

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

The proposed change will not require an amendment to the Miami-Dade County Comprehensive Development Master Plan.

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

An updated Figure 1, Map H, Proposed Land Use Map is attached hereto as Exhibit "C".

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;
- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.

The Applicant is seeking to modify Dolphin Center North DO Condition No. 1a to allow additional attraction uses, specifically, a 39.99 acre water park while simultaneously decreasing the office development to 225,000 square feet . The requested modification is as follows:

FROM:

1. The Dolphin Center DRI Project, in addition to changes required by other conditions of this DRI Development Order, shall be developed and maintained consistent with the following:

a. The project shall consist of up to:

73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f), Florida Statutes.

7,350 paved parking spaces on the stadium site

325,000 square feet of office development.

50,000 square feet of fitness center development

140,000 square feet of retail/commercial development

450 hotel rooms

TO:

1. The Dolphin Center North DRI, in addition to changes required by other conditions of this DRI Development Order, shall be developed and maintained consistent with the following:

a. The project shall consist of up to:

73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f), Florida Statutes)

7,350 paved parking spaces on the stadium site

39.99 acres of Water Park attraction facilities

225,000 square feet of office development

50,000 square feet of fitness center development

140,000 square feet of retail/commercial development

450 hotel rooms

The proposed development program modification has been reflected in an updated Figure 1 - Map H - Proposed Land Use Map for the DRI, dated September 2010 and attached hereto (the "DRI Land Use Map"). The DRI Land Use Map is intended to be utilized as an exhibit to the modified DRI Development Order.

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DOLPHIN CENTER NORTH
Development of Regional Impact
Notice of Proposed Change
September 20, 2010

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- A. Legal Description
- B. Miami Gardens Charter 9.6
- C. Map H - Proposed Land Use Map
- D. Transportation Analysis as prepared by Cathy Sweetapple & Associates
- E. Infrastructure Impact Analysis as prepared by Langan Engineering & Environmental Services
- F. Substantial Deviation Determination Chart
- G. Resolution No. Z-26-08

Dolphin Center North

Tract "A" of Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129 at page 91 of the public records of Miami-Dade County, Florida.

Said lands lying in Miami-Dade County, Florida.

Together with:

Tract "B" of Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129 at page 91 of the public records of Miami-Dade County, Florida.

Said lands lying in Miami-Dade County, Florida.

Together with:

Tract "C" of Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129 at page 91 of the public records of Miami-Dade County, Florida.

Said lands lying in Miami-Dade County, Florida.

Together with:

Tract "D" of Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129 at page 91 of the public records of Miami-Dade County, Florida.

Said lands lying in Miami-Dade County, Florida.

Together with:

A parcel of land being a portion of Section 34, Township 51 South, Range 41 East, and a portion of Section 3, Township 52 South, Range 41 East, Miami-Dade County, Florida and being more particularly described as follows:

Commence at the southeast corner of said Section 34; thence North $01^{\circ}40'22''$ West, along the east line of said Section 34, a distance of 90.94 feet to a point on the west right-of-way line of the "Florida's Turnpike" and the Point of Beginning; thence South $87^{\circ}04'59''$ West along the westerly right-of-way line of the "Florida's turnpike," 84.76 feet; thence South $02^{\circ}47'53''$ East, continue along the west right-of-way line of the Florida's Turnpike, 30.92 feet to a point on the north right-of-way line of N.W. 199th Street, as shown on the Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129, page 91 of the public records of Miami-Dade County, Florida; thence South $87^{\circ}04'59''$ West, along the north right-of-way line of said N.W. 199th Street, 167.13 feet to a point of curvature of a tangent curve concave to the southeast and having a radius of 2163.50 feet; thence westerly and southwesterly, continue along the north right-of-way line of said N.W. 199th Street, and along the arc of said curve to the left having a central angle of $21^{\circ}48'06''$, for an arc distance of 823.23 feet to a point on the east line of Tract "E," of said Dolphin Center — Stadium Site, said point also being a point of reverse curvature of a tangent curve concave to the northeast and having a radius of 50.00 feet; thence southwesterly, northwesterly and northerly, along the east line of said Tract "E," and along the arc of said curve to the right, having a central angle of $113^{\circ}02'15''$ for an arc distance of 98.64 feet to a point of tangency; thence North $01^{\circ}40'53''$ West, continue along the east line of said Tract "E," 1044.62 feet to a point on the arc of a non-tangent curve concave to the southeast and having a radius of 280.00 feet (a radial line of said curve through said point having a bearing of north $65^{\circ}22'27''$ west); thence northerly, northeasterly, and easterly, continuing along the easterly

line of said Tract "E," and along the arc of said curve to the right, having a central angle of $67^{\circ}30'40''$ for an arc distance of 329.92 feet to a point of tangency; thence South $87^{\circ}51'46''$ East, continue along the east line of said Tract "E," 787.79 feet to a point of curvature of a tangent curve concave to the south and having a radius of 280.00 feet; thence easterly, continue along the easterly line of said Tract "E" and along the arc of said curve to the right, having a central angle of $13^{\circ}36'50''$ for an arc distance of 66.53 feet to a point on a non-tangent line, said line being the east line of said Section 34; thence South $01^{\circ}40'22''$ East along the east line of said Section 34, a distance of 972.84 feet to the Point of Beginning:

Said land situated in Miami-Dade County, Florida containing 28.104 acres, more or less.

Together with:

A portion of Tracts 1, 2, 3, 4, 21, 22, 23 and 24, "Miami Gardens," according to the plat thereof as recorded in Plat Book 2, page 96 of the public records of Miami-Dade county, Florida, and a portion of Section 3, Township 52 South, Range 41 East, Miami-Dade County, Florida, said parcel being more particularly described as follows:

Commencing at the northeast corner of said Section 3; thence south $02^{\circ}47'53''$ East along the east line of said Section 3, a distance of 543.17 feet to the Point of Beginning; thence continuing South $02^{\circ}47'53''$ East along the east line of said Section 3, a distance of 429.40 feet to the northeast corner of Tract "C" of said Dolphin Center — Stadium Site; thence South $87^{\circ}07'49''$ West along the north line of said Tracts "C" and "D" of said Dolphin Center — Stadium Site", 1321.17 feet; thence South $02^{\circ}46'37''$ East, continuing along the north line of said Tract "D," 216.00 feet; thence South $87^{\circ}07'49''$ West continuing along the north line of said Tract "D," 1161.25 feet; thence North $02^{\circ}45'22''$ West continuing along the north line of said tract "D," 618.68 feet to a point on the south right-of-way line of N.W. 199th Street as shown on said Dolphin Center — Stadium Site, said point also being on the arc of a non-tangent curve concave to the north and having a radius of 6924.43 (a radial line of said curve through said point having a bearing of South $01^{\circ}11'36''$ East); thence easterly along said south right-of-way line of N.W. 199th Street, and along the arc of said curve, through a central angle of $01^{\circ}40'49''$, a distance of 203.07 feet to a point of compound curvature of a tangent curve concave to the northwest and having a radius of 2238.50 feet; thence northeasterly along said south right-of-way line of N.W. 199th Street, and along the arc of said curve, through a central angle of $28^{\circ}19'13''$, a distance of 1106.45 feet to a point of reverse curvature of a tangent curve concave to the southeast and having a radius of 2043.50 feet; thence continuing northeasterly and easterly along the south right-of-way line of the said N.W. 199 Street, and along the arc of said curve, through a central angle of $28^{\circ}16'37''$, a distance of 1008.52 feet to a point of tangency; thence North $87^{\circ}04'59''$ East, continuing along the south right-of-way line of said N.W. 199th Street, 27.70 feet to a point of a tangent curve concave to the south and having a radius of 298.00' feet; thence easterly along the south right-of-way of said N.W. 199th Street, and along the arc of said curve, through a central angle of $27^{\circ}49'34''$, a distance of 144.73 feet to a point on the west right-of-way of the "Florida Turnpike"; thence South $02^{\circ}47'53''$ East along the west right-of-way line of the "Florida Turnpike," 15.86 feet; thence South $06^{\circ}56'41''$ East continuing along the west right-of-way line of the "Florida Turnpike," 401.05 feet; thence South $32^{\circ}58'17''$ East, continuing along the west right-of-way line of the "Florida Turnpike," 37.80 feet; thence North $87^{\circ}12'07''$ East, continuing along the west right-of-way line of the "Florida Turnpike," 34.97 feet to the Point of Beginning.

Less therefrom: Tract "B," Dolphin Center — Stadium Site, according to the plat thereof, as recorded in Plat Book 129, page 91 of the public records of Miami-Dade county, Florida.

Said lands lying in Miami-Dade county, Florida containing 39.988 acres, more or less.

Together with:

A parcel of land being a portion of Tracts 10 and 11 of "Miami Gardens" according to the plat thereof as recorded in Plat Book 2, page 96, of the public records of Miami-Dade county, Florida, and a portion of Section 34, Township 51 South, Range 41 East, Miami-Dade County, Florida, together with that certain 20 foot right-of-way lying north of said Tracts 10 and 11 being more particularly described as follows:

Commence at the southwest corner of said Section 34; thence North $01^{\circ}47'18''$ West along the west line of said Section 34, 961.32 feet to a point on the east right-of-way of Northwest 27th Avenue as shown on "Dolphin Center — Stadium Site" according to the plat thereof as recorded in Plat Book 129, page 91, of the public records of Miami-Dade County, Florida, said point also being the Point of Beginning; thence continue North $01^{\circ}47'18''$ West along the west line of said Section 34 and along the east right-of-way of said Northwest 27th Avenue 849.60 feet to the point of curvature of a curve concave to the southeast having a radius of 50.00 feet; thence northerly, northeasterly and easterly along the arc of said curve, through a central angle of $93^{\circ}55'32''$, an arc distance of 81.97 feet to a point on the south right-of-way of Northwest 203rd Street as shown on said plat of "Dolphin Center — Stadium Site"; thence South $87^{\circ}51'46''$ East along the south right-of-way of said Northwest 203rd Street 766.22 feet to the point of curvature of a curve concave to the southwest having a radius of 90.00 feet; thence easterly, southeasterly and southerly along the arc of said curve through a central angle of $86^{\circ}04'28''$, an arc distance of 135.21 feet to a point on the west right-of-way of Northwest 26th Avenue as shown on said plat of "Dolphin Center — Stadium Site"; thence south $01^{\circ}47'18''$ east along the west right-of-way of said Northwest 26th Avenue 1086.38 feet to the point of curvature of a curve concave to the west having a radius of 8553.53 feet; thence southerly along the west right-of-way of said Northwest 26th Avenue and along the arc of said curve, through a central angle of $02^{\circ}00'00''$, an arc distance of 298.58 feet; thence South $00^{\circ}12'42''$ West along the west right-of-way of said Northwest 26th Avenue, 365.85 feet to the point of curvature of a curve concave to the northwest having a radius of 50.00 feet; thence southerly, southwesterly and westerly along the arc of said curve, through a central angle of $103^{\circ}49'23''$, an arc distance of 90.60 feet to a point on the north right-of-way of Northwest 199th Street as shown on said plat of "Dolphin Center — Stadium Site"; thence North $75^{\circ}57'55''$ West along the north right-of-way of said Northwest 199th Street, 236.26 feet to the point of curvature of a curve concave to the south having a radius of 1968.58 feet; thence westerly along the north right-of-way of said Northwest 199th Street and along the arc of said curve, through a central angle of $03^{\circ}31'18''$, an arc distance of 121.00 feet to the easterly corner of a 12 foot additional right-of-way as shown in Official Records Book 12940, page 669, of the public records of Miami-Dade County, Florida; thence North $78^{\circ}16'03''$ West along the northerly line of said 12 foot additional right-of-way, 179.79 feet to the point of curvature of a non-tangent curve concave to the south, having a radius of 1980.58 feet (a radial line to said point bears north $05^{\circ}18'21''$ east); thence westerly along the northerly line of said 12 foot additional right-of-way and along the arc of said curve, through a central angle of $05^{\circ}04'32''$, an arc distance of 175.45 feet; thence South $00^{\circ}13'49''$ West 12.00 feet to the point of curvature of a non-tangent curve concave to the northeast having a radius of 50.00 feet, (a radial line to said point bears South $00^{\circ}13'49''$ West), said point also being on the north right-of-way of

aforesaid Northwest 199th Street; thence westerly, northwesterly and northerly along the arc of said curve, through a central angle of $86^{\circ}59'45''$, an arc distance of 75.92 feet to a point on the east right-of-way of aforesaid Northwest 27th Avenue, thence North $02^{\circ}46'26''$ West along the east right-of-way of said Northwest 27th Avenue, 92.74 feet to the point of curvature of a curve concave to the west having a radius of 5808.65 feet; thence northerly along the east right-of-way of said Northwest 27th Avenue and along the arc of said curve through a central angle of $02^{\circ}02'40''$, an arc distance of 207.27 feet; thence North $09^{\circ}50'03''$ West along the east right-of-way of said Northwest 27th Avenue, 180.66 feet to the point of curvature of a non-tangent curve concave to the west having a radius of 5795.65 feet, (a radial line to said point bears North $83^{\circ}24'08''$ East); thence northerly along the east right-of-way of said Northwest 27th Avenue and along the arc of said curve, through a central angle of $02^{\circ}48'37''$, an arc distance of 284.27 feet; thence North $09^{\circ}24'29''$ West along the east right-of-way of said Northwest 27th Avenue, 92.25 feet to the point of beginning.

Said lands lying in Miami-Dade county, Florida, containing 36.543 acres (1,591,421.04 square feet), more or less.

#9749719_v1

WATER AND SEWER DEPARTMENT	
Regional Pump Station 421	20215 NW 2 nd Avenue
Regional Pump Station 422	3150 NW 208 th Terrace
Regional Pump Station 1310	NW 151 st Street & 37 th Ave.

The list of facilities may be revised by the Miami-Dade County Board of County Commissioners from time to time.

Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by the City. Additionally, the City shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facilities. Jurisdiction over the listed sites for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any City code, or ordinance provision to the contrary.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County in any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any of these facilities of countywide significance. This section shall not apply to particular site listed above if there has been an official determination by the Board of County Commissioners of Miami-Dade County that a site will no longer be used by Miami-Dade County.

Section 9.6 Stadium Properties; Dolphin Center DRI

In recognition of the fact that Stadium Properties, referenced in Appendix "C", has significant importance to the economy and well-being of all of Miami-Dade County, jurisdiction over the Properties for purposes of zoning and building approvals, water and sewer installations (if applicable), compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall remain with Miami-Dade County.

The City will preserve the rights and approvals of Stadium Properties, as referenced in Appendix "C", and its surrounding development which are laid out in the DRI Development Order Resolution Z-210-85, dated September 26, 1985, and zoning resolutions and ordinances affecting Stadium Properties, as amended through December 31, 2012. Notwithstanding the foregoing, jurisdiction for the Dolphin Center DRI Development Order and any amendments thereto shall remain with Miami -Dade County. Commencing with

the date of incorporation, the City shall have all other jurisdiction over the property described in Appendix "D".

Within one hundred eighty (180) days after the election of a municipal council, the City and Miami-Dade County will enter into an interlocal agreement that includes the provisions of this Section.

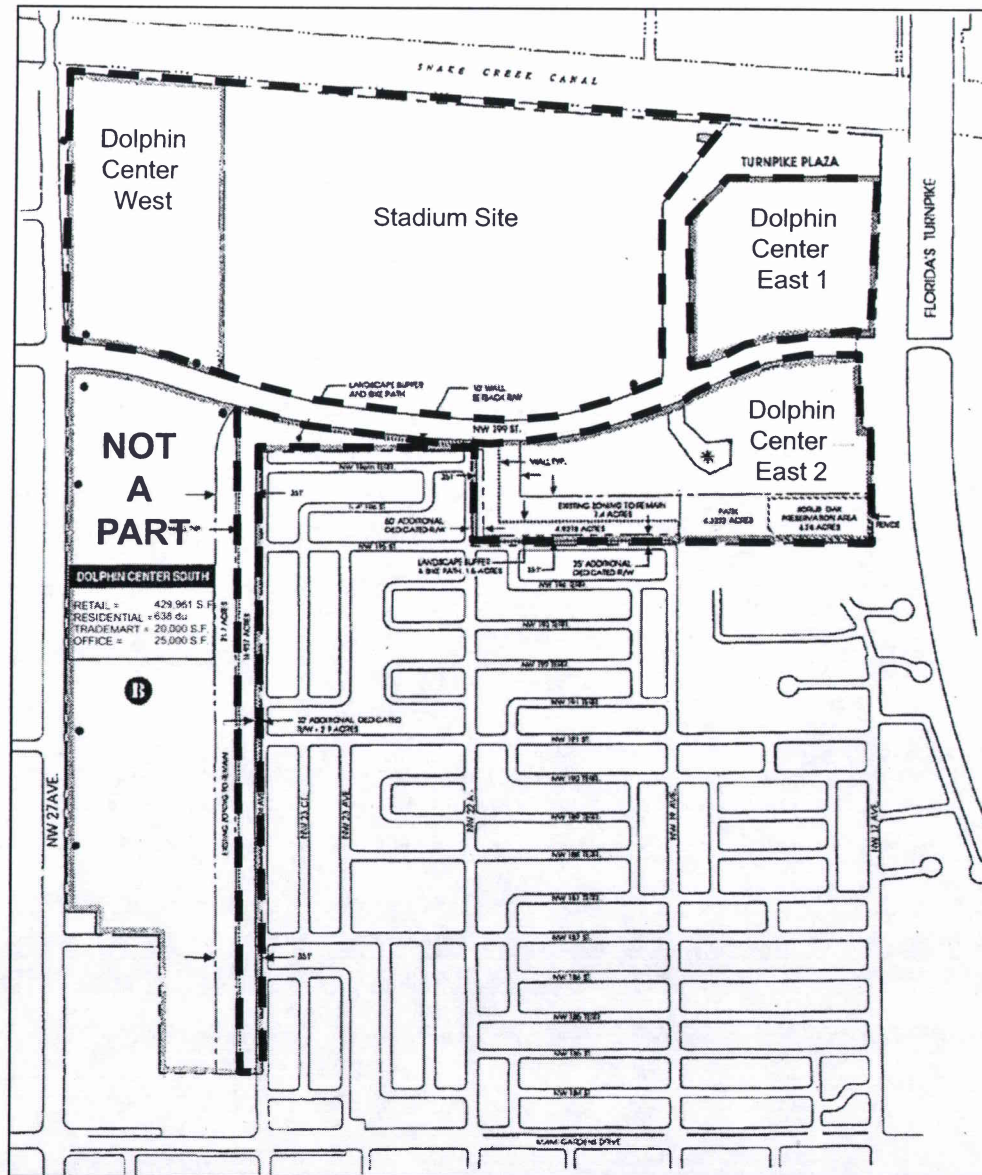
Section 9.7 Continuing Obligations as to County Bonds.

The County has heretofore issued \$41,580,000.00 Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bond") of which \$ 38,805,000.00 remains outstanding as of May 1, 2002, payable from stormwater utility fees collected in the unincorporated area and within a limited number of cities. The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, as amended from time to time and Section 403.0893, Florida Statutes, as amended from time to time (the "Stormwater Utility Fees").

The County has issued \$77,640,000.00 Public Service Tax Revenue Bonds (UMSA Public Improvements) Series 1999 (the "Series 1999 Public Service Bonds") currently outstanding in the principal amount of \$71,295,000.00 and will issue an additional series of bonds in an amount not to exceed \$60,000,000.00 (the "Series 2002 Public Service Bonds") prior to the City's incorporation payable from Public Service Taxes (defined below) collected in the unincorporated area. The County receives a public service tax pursuant to Section 166.231, Florida Statutes, as amended from time to time, and as of October 1, 2001, from a discretionary communications tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "The Public Service Tax"). If required by the County the City agrees to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the discretionary services tax a rate no less than the rate established by the County for communications services prior to the incorporation of the City.

The Stormwater Bonds, the Series 1996 Public Service Bonds, the Series 1999 Public Service Bonds, the Series 2002 Public Service Bonds, and any bonds issued in the future, provided that the City remains a part of the Stormwater utility system, that are secured either through Stormwater Utility Fees or Public Service Taxes are referred to collectively in this Section as the "Bonds".

The City agrees that until the Bonds are retired the County shall have the right to receive and apply to debt service on the Bonds all of the Stormwater Utility Fees and the Public Service Taxes collected within the unincorporated area and within the boundaries of the City. After the County has paid or satisfied the debt service requirements on the Bonds, the County shall make a payment to the City, equal to its share of the remaining Stormwater Utility Fees and Public Services Taxes on deposit with the County. Its share shall be determined as follows: the County will distribute to the City the net proceeds available from these taxes. The net proceeds will be calculated by taking the gross taxes attributable to the City and then subtracting the City's share of the debt service payments. The City's share will be determined by calculating the cost of the projects funded by the



15150 N.W. 79th Court, Suite 200 Miami Lakes, FL 33016 T: 786-264-7200 F: 786-264-7201

To: Joseph Goldstein, Esquire

From: Leonardo Rodriguez, P.E.

Info: Jay Cross, George Leventis, P.E., Cristina Gonzalez, P.E., Eric Schwarz, P.E., Mike Carr, E.I.

Date: 13 September, 2010

Re: Potable Water Demand, Sanitary Sewage Loading, Solid Waste and Stormwater Management
Dolphins Center East II
SW Quadrant of Intersection of NW 199th Street and the Florida Turnpike in the City of Miami Gardens, Florida
Langan Project No.: 300055901

The purpose of this memorandum is to summarize the potable water demand and sanitary sewage loading of the proposed Dolphins Water Park that will be located in the Dolphin Center East II parcel. This memorandum also addresses the Solid Waste service for the proposed project and stormwater management. The potable water demand and the sanitary sewage loading was developed per the Miami-Dade County Department of Environmental Resources Management sewage loading contained in Chapter 24-13(5) of the County Code.

Project Location and Description

The proposed water park will be located on the Dolphin Center East Two parcel located at the southwest quadrant of the intersection of NW199th Street and the Florida Turnpike within the City of Miami Gardens, Florida as depicted on the attached sketch. The proposed water park will contain water slides, lazy rivers, a wave pool, fast food restaurants, bus parking, parking for patrons and employee parking.

Potable Water

The Dolphins Center East II is located within the potable water service area of the City of North Miami Beach. The projected potable water demand for the project is 119,320 GPD as depicted in Table-1 below. A 16 inch diameter DIP water main is located along NW 22nd Avenue and a 16 inch diameter DIP water main runs along the south bank of the Snake Creek Canal. There is no potable water main abutting the project site. Therefore, the City of North Miami Beach will require at a minimum one water main extension from one of these two existing water mains to service the project. Table-2 below provides a summary of the water demand and sewage loading per the land uses depicted in Zoning Resolution Z-26-08 for Dolphin Center East II.

Table-1: Proposed Water Park Projected Water Demand and Sewage Loading

Uses		Loading/Use	Potable Water Demand and Sewage Loading (GPD)
Swimming Facilities	1	6,720 GPD/ day	6,720
Park with Restrooms	5,000 Attendants	20 GPD/ person	100,000
Fast Food Restaurant	360 Seats	100 GPD/seat	12,600
TOTAL			119,320

MEMO

Table -2: Dolphins Center East II Water Demand and Sewage loading Per Zoning Resolution Z-26-08

Existing Uses		Loading/Use	Potable Water Demand and Sewage Loading (GPD)
Office	100,000 sf	10 GPD/ 100 SF	10,000
TOTAL			10,000

To accommodate the proposed water park, 100,000 square feet of office space will not be developed. The construction of the proposed water park will increase the potable water demand by 109,320 GPD. The City of North Miami Beach has advised in a letter of water and sewer availability that 10 million gallons of reserve capacity is available at the City's water treatment plant to service this project. Therefore, adequate potable water capacity is available for the project.

Sanitary Sewage

The City of North Miami Beach is the utility providing sanitary sewage collection and transmission service for the area where the project is located. However, the Miami-Dade Water and Sewer Department is the utility that manages and operates the wastewater treatment plant that treats the sewage received from the City of North Miami Beach sewage collection and transmission system. The projected sanitary sewage loading that will be generated by the proposed water park project is 119,320 GPD as depicted in Table-1. Per the Miami-Dade Water and Sewer Department sanitary sewer service Atlas a 30 inch diameter force main runs along the south bank of the Snake Creek Canal. In addition there is a sanitary lift station located on the north side of the stadium building with a gravity collection system that surrounds the building. This lift station conveys sewage into the referenced 30 inch force main via a 12 inch force main. There is no existing gravity sewer or sanitary force main abutting the project site. Therefore, a new sanitary lift station at the project site and a force main extension from the project site to either the existing 30 inch force main or the referenced 12 inch force main will be required to service this project.

The construction of the proposed water park will increase the sewage loading by 109,320 GPD. The Miami-Dade Water and Sewer Department sewage treatment plant that will receive the sewage generated by this project is the North Dade Wastewater Treatment Plant. We have received a letter of treatment capacity verification from Miami-Dade Water and Sewer Department dated 14 September, 2010 that confirms there is presently adequate treatment capacity to treat the sewage generated by this project. Therefore, there is adequate wastewater treatment capacity at the wastewater treatment plant to service this project.

Solid Waste

The Department of Solid Waste does not measure waste disposal capacity on a case by case basis. Disposal capacity is determined on a system wide basis based on the demand generated by parties who have committed their waste flows to the system through interlocal agreements, long term contracts and anticipated non-committed waste flows in accordance with the level of service standards. Based on this criteria, the Department of Solid Waste has indicated that the County's solid waste management system has adequate capacity to meet the level of service standard through Fiscal Year 2016 or two years beyond the minimum standard capacity of five years as stated in the attached memo from Miami-Dade County Department of Solid Waste Management dated September 22, 2009. Therefore the Department of Solid Waste has advised that the current level of service is adequate to service the project. The closest Miami-Dade County solid waste facility to the Dolphins Center East 2 site is the North Dade Trash and Recycling Center located at 21500 NW 47th Avenue, approximately 3.0 miles away.

Stormwater Management

MEMO

Potable Water Demand, Sanitary Sewage Loading, Solid Waste and Stormwater Management
Dolphin Center East II
SW Quadrant of Intersection of NW 199th Street and the Florida Turnpike in the City of Miami Gardens, Florida
Langan Project No.: 300055901
13 September, 2010- Page 3 of 3

The stormwater management system that will serve the proposed Water Park will be designed in conformance with the South Florida Water Management District (SFWMD) Permit No. 951129-12 currently on file for Dolphin Center East II. The stormwater management system will consist of on-site dry detention areas interconnected to two on-site control structures that overflow into the NW 199th Street drainage system. The off-site discharge criteria indicated by the referenced permit will be met by the proposed site improvements. Langan has completed preliminary stormwater management calculations and has confirmed that the proposed development will be in general conformance with the SFWMD Permit No. 951129-12 for Dolphin Center East II.

FL Certificate of Authorization No. 6601

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**Miami-Dade Water and Sewer Department**

P. O. Box 330316 • 3071 SW 38th Avenue

Miami, Florida 33233-0316

T 305-665-7471

miamidade.gov

September 14, 2010

Mr. Leonardo Rodriguez, P.E.
Project Manager
Langan Engineering & Environmental Services
15150 NW 79th Court, Suite 200
Miami Lakes, FL 33016

Re: Wastewater Treatment Capacity Verification Request
Dolphin Center East Two Water Park Development

Dear Mr. Rodriguez:

This letter is in response to your request for verification of wastewater treatment capacity. This project is located south of NW 199th Street and west of the Florida Turnpike. The proposed development is located within the City of North Miami Beach (NMB) sewer service area. The City of NMB is a volume sewer customer of the Miami-Dade Water and Sewer Department (MDWASD). The wastewater flows generated within the City's service area are transmitted to MDWASD for treatment and disposal to the North District Wastewater Treatment Plant (NDWWTP).

The total average wastewater demand for this project is 119,320 gallons per day (gpd) as noted in the table below:

Projected Water Park Sewage Loading			
Proposed Uses		Flow Rate	Sewage Loading (GPD)
Swimming Facility's (Filter Backwash)	6,720 gallons/day	Lump Sum	6,720
Park (with toilets and showers)	5,000 Attendants	20 gpd/person	100,000
Restaurant (Fast Food)	360 seats	35 gpd/seat	12,600
TOTAL			119,320

Please note that based on 5,000 attendants, a total wastewater flow of 100,000 gpd is generated for the Park as per the flow rate in Table 2 of the Department's adopted connection fees and charges. The average treatment capacity presently exists at the NDWWTP to treat this additional flow. At the time of development, capacity evaluations of the plant for average flow and peak flows may be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

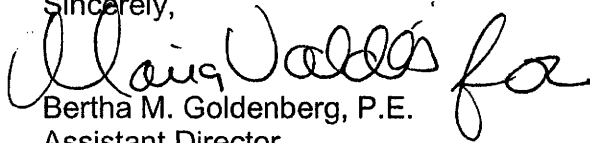
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Animal Services
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Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
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 Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

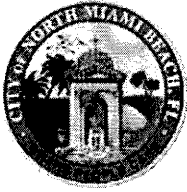
September 14, 2010
Mr. Leonardo Rodriguez, P.E.
Wastewater Treatment Capacity Verification Request
Dolphin Center East Two Water Park Development

Please note that the availability of sewer service is subject to the approval of all applicable governmental agencies having jurisdiction over these matters. Should you have any questions, please call me at (786) 552-8120.

Sincerely,

A handwritten signature in black ink, appearing to read "Bertha M. Goldenberg" followed by a stylized flourish.

Bertha M. Goldenberg, P.E.
Assistant Director
Regulatory Compliance and Planning



City of North Miami Beach, Florida

PUBLIC SERVICES DEPARTMENT

September 20, 2010

Leonardo Rodriguez, P.E.
Langan Engineering & Environmental Services
15150 NW 79 Court, Suite 200
Miami Lakes, FL 33016

Re: Dolphin Water Park – Dolphin Center East 2 – Letter of Water & Sewer Availability
Langan Project No: 300055901

Dear Mr. Rodriguez:

In response to your written request dated September 2, 2010, and subsequent revised letter dated September 13, 2010, this is to advise that the City of North Miami Beach is able and willing to provide both water and sewer service to the above referenced project site.

The City of North Miami Beach has over 10 million gallons of reserve capacity at its Norwood Oeffler Water Treatment Plant at this time and will be able to provide service to your project up to that capacity. The City, the County and DERM all compute their water allocation in a slightly different manner, so rather than state a specific gallonage in this letter, we opted to state capacity available. Actual gallonage will be evaluated at time of permitting based on plans and engineer's report submitted with this project.

As you know, the City does not treat wastewater and so you will need to secure sewer treatment capacity directly with the Miami-Dade Water and Sewer Department.

This parcel was never developed and so there is no water or sewer infrastructure abutting to it. Therefore, both a water and sewer main extension will be required to bring service to this site. We can discuss possible points of connection upon request.

Any necessary infrastructure improvements to accomplish the above will be the sole responsibility of the developer of this site to design, permit and construct.

Water and sewer impact fees will also be assessed at the time of building plans review.

Feel free to contact me at (305) 948-2967 ext. 7962 should you have any questions in regards to the above as I will be your main point of contact here at the City.

Very truly yours,

A handwritten signature in cursive script that reads "Karim Rossy".

Karim Rossy
Utilities Engineering Manager

KR/cf

cc: Shari Kamali, Interim Director of Public Services
Karl C. Thompson, P.E., Assistant Director of Public Services

Kr-dolphin water park – 9 14 10

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces	Increase of 1,250 parking spaces for water park use (which may also be used for stadium)	Up to 7,350 paved spaces Min. 7,200 grass spaces 14,385 spaces to serve Stadium use	3,500 additional spaces on DC East or DC West until transit is provided per condition 17b. of Resolution Z-131-95, resulting in 17,885 paved, improved and/or unpaved spaces for Stadium use
	# Spectators			
	# Seats	No Change	73,000 seats	73,000 seat stadium plus 1,916 additional seats (74,916 total seats) in the stadium as permitted by Section 380.06(24)(f), Florida Statutes per Resolution Z-40-93, approved April 8, 1993.
	Site locational changes	N/A		
	Acreage, including drainage, ROW, easements, etc.	39.99 acre water park added (includes 20 acres for required parking)	N/A	N/A
	External Vehicle Trips	158 gross PM peak hour trips		
	D.O. Conditions			
	ADA Representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Airports N/A	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals N/A	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Industrial N/A	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Mining Operations N/A	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Office	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)	225,000 sf of Office reflecting a decrease of 100,000 sf of office from the East 2 parcel.	550,000 sf of Office Use (for entire Dolphin Center DRI)	Removed 200,000 sf of office from Dolphin Center South parcel per Resolution Z-27-06. 325,000 sf of office remaining on Dolphin Center North after bifurcation per Resolution Z-26-08 approved October 23, 2008.
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips	410 gross PM peak hour trips reflecting a reduction of 191 gross PM peak hour trips.		601 gross PM peak hour trips (using ITE 8 th Edition Rates) for the 100,000 sf of office on the West parcel, the 125,000 sf of office on the East 1 parcel and the 100,000 sf of office on the East 2 parcel.
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Petroleum/Chemical Storage N/A	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, ect.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas) N/A	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Residential N/A		# Dwelling units			
		Type of dwelling units			
		# of lots			
		Acreage, including drainage, ROW, easements, etc.			
		Site locational changes			
		# External vehicle trips			
		D.O. Conditions			
Wholesale, Service	Retail,	Acreage, including drainage, ROW, easements, etc.			
		Floor Space (gross square feet)	No change	465,000 gsf of Retail Use (for entire Dolphin Center DRI)	Added 104,961 sf of retail use to Dolphin Center South parcel per Resolution Z-27-06. 140,000 gsf of retail use remaining on Dolphin Center North after bifurcation per Resolution Z-26-08 approved October 23, 2008.
		# Parking Spaces			
		# Employees			
		Site locational changes			
		# External vehicle trips	No change.		980 gross PM peak hour trips (using ITE 8 th Edition Rates) for the 100,000 sf of retail on the West parcel and the 40,000 sf of retail on the East 1 parcel.
		D.O. Conditions			
		ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Hotel/Motel	# Rental Units	No change	750 rooms	450 rooms on Dolphin Center North per Resolution Z-27-06 (which removed 300 hotel rooms from the Dolphin Center South parcel).
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips	No change		286 gross PM peak hour trips (using ITE 8 th Edition Rates) for the 150 hotel rooms on the west parcel and the 300 hotel rooms on the East 1 parcel.
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

APPENDIX E

**Traffic Report Executive Summary
(pending)**

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APPENDIX F

**Dolphin Center Properties, LLC, Letter dated January 12, 2011
Extending Timeframes That Govern CDMP Amendment Process for Applications
Relating to a DRI**

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Holland & Knight

701 Brickell Avenue, Suite 3000 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Joseph G. Goldstein
(305) 789-7782
joseph.goldstein@hklaw.com

2011 JAN 12 P 2: 16

PLANNING & ZONING
METROPOLITAN PLANNING SECT

January 12, 2011

Via Electronic Mail and Hand Delivery

Mr. Mark R. Woerner
Chief, Metropolitan Planning Section
Department of Planning & Zoning
111 NW 1st Street, 12th Floor
Miami, Florida 33128

Re: Dolphin Center North Development of Regional Impact Comprehensive Plan
Amendment Application Consent to the Proposed Hearing Timeframes

Dear Mark:

Pursuant to Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, this letter shall serve as the formal request by Dolphin Center Properties, LLC (the "Applicant") for an extension of various deadlines that govern the Comprehensive Development Master Plan (CDMP) amendment process for applications relating to a development of regional impact. As provided in that subsection, the timeframes established in subsections 2-116.1(5)(a)(2) through (5) may be extended upon the request of the Applicant.

In our discussions with the professional staff of the County's Planning and Zoning Department, we have been advised that a tentative schedule has been established for the hearings that will be held on this amendment. It is contemplated that review of the application will be conducted on the following dates:

Transmittal Hearings

Planning Advisory Board - January 24, 2011

Board of County Commissioners - February 28, 2011

**Department of Community Affairs issues its Objections, Recommendations
and Comments Report - May ±9, 2011**

Final Hearings

Planning Advisory Board - June 20, 2011

Board of County Commissioners - July 7 or 21, 2011

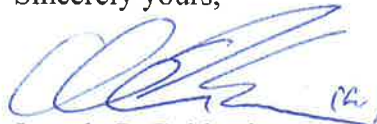
Mark R. Woerner
January 12, 2011
Page 2

We have been advised that these timeframes will allow sufficient time for Miami-Dade County Department of Planning and Zoning Staff to review the Application, notify the public of the public hearings, and schedule the Application for the required public hearings. The Applicant agrees with these proposed timeframes.

Therefore, to the extent and degree that any of the dates in the above schedule of hearings is inconsistent with the deadlines set forth in Subsections 2-116.1(5)(a)(2)-(5), the Applicant hereby requests that such deadlines be extended to accommodate those dates. A copy of Section 2-116.1(5), Miami-Dade Code, is attached for your convenience.

As always, please do not hesitate to contact me if you need any additional information or documentation regarding this application.

Sincerely yours,



Joseph G. Goldstein

JGG:tdw
Attachments

APPENDIX G

**Dolphin Center Properties, LLC, Letter dated January 6, 2011 to Ms. Wendi Norris,
Miami-Dade General Services Administration,
and Jack Kardys, Miami-Dade County Parks and Recreation**

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Holland & Knight

701 Brickell Avenue, Suite 3000 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Joseph G. Goldstein
305 789 7782
joseph.goldstein@hklaw.com

2011 JAN 12 P 4: 30

PLANNING & ZONING
METROPOLITAN PLANNING SECT

January 6, 2011

VIA FEDERAL EXPRESS

Ms. Wendi Norris, Director
Miami-Dade General Services Administration
111 N.W. 1st Street, 24th Floor
Miami, Florida 33131

Mr. Jack Kardys, Director
Miami-Dade Parks and Recreation Department
275 NW 2nd Street, 4th Floor
Miami, Florida 33128

Re: Dolphin Center Properties, LLC Application to Amend Comprehensive
Development Master Plan / Property located at 1880 NW 199 Street

Dear Ms. Norris and Mr. Kardys:

This firm represents Dolphin Center Properties, LLC, the owner of a certain lands located on the south side of NW 199 Street, on the west side of the Florida Turnpike ("Dolphin Center East 2"). This letter is to advise you that, on December 20, 2010, Dolphin Center Properties, LLC, filed an Application for an Amendment to the Miami-Dade County (the "County") Comprehensive Development Master Plan Future Land Use Plan Map that is to be processed concurrently with an already pending application to amend the Dolphin Center North Development of Regional Impact development order (the "Application").

The pending Application affects 38.6± acres of land lying south of N.W. 199 Street and currently designated "Office/Residential" on the County's Land Use Plan Map (the "Property"). The Property that is the subject of the Application includes 2.44± acres of land located at 1880 NW 199 Street, which is owned by Miami-Dade County and maintained by the County's Parks and Recreation Department as an archeological site (the "Midden Parcel"). The Application requests an amendment to the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map to re-designate the land use of the Property from "Office/Residential" to "Business and Office." The proposed amendment to "Business and Office" is intended solely to accommodate the proposed use of the portion of the portion Property that is owned by Dolphin Center Properties, LLC (the "Dolphin Center Properties Parcel") as a tourist attraction/water park along with the ancillary, accessory and associated uses customary thereto. In that regard, the

Ms. Wendi Norris, Director
Mr. Jack Kardys, Director
January 6, 2011
Page 2

Application proffers a Declaration of Restrictions which so limits the use of that portion of the Dolphin Center Properties Parcel. The Midden Parcel has been included as part of the requested Future Land Use Map amendment. However, no changes to the current archeological preservation of the Property or the Development of Regional Impact conditions relating to the Midden Parcel are being proposed or suggested by the Applicant, nor will the Midden Parcel be included within or limited by the Declaration of Restrictions.

For your records, enclosed is a copy of the Application that was filed with the Miami-Dade County Department of Planning and Zoning yesterday. If you have any questions or concerns, please do not hesitate to contact me at (305) 789-7782 or joseph.goldstein@hklaw.com.

Sincerely yours,

HOLLAND & KNIGHT LLP



Joseph G. Goldstein, Esq.

Enclosure

Cc: Mr. Marc LaFerrier, AICP
Mr. Mark Woerner, AICP
Mr. Frank McCune
Mr. Jay Cross
Mr. Michael Dee
Alan S. Krischer, Esq.

APPENDIX H

**Fiscal Impact Analysis
(pending)**

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APPENDIX I

**Photos of Site and Surroundings
(from site visit)**

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Paved Application site (currently a parking lot for the Sun Life Stadium; looking deep east)



Paved Application site (currently a parking lot for the Sun Life Stadium; looking deep south)



Proposed Project Development Sign



Sun Life Stadium north or Application Site across NW 199 Street and west of Florida Turnpike



South-bound ramp to Florida Turnpike south of NW 199 Street and northeast of Application site



Residential neighborhood south of the Application site



Portion of Chittohatchee Park at Honey Hill (archaeological/Historic site)



Portion of Chittohatchee Park south of Application site (also showing South Neighborhood Protection Buffer)