

**ADDITIONAL ITEMS**  
**DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (DEPARTMENT)**  
**MAY 2013 CYCLE APPLICATIONS TO AMEND THE**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP)**

- Country Club of Miami and Westchester Community Councils Resolutions;
- Minutes of the Planning Advisory Board Public Hearing held October 21, 2013; and
- Planning Advisory Board Resolution from Public Hearing held October 21, 2013.

Application No. 1

- Article titled “Climate Change and the Rising Sea; We Must Prepare” excerpted from the ‘Tropical Audubon Society-The Voice of Conservation in South Florida’ magazine, Fall 2013 issue, Page 14; submitted by Laura Reynolds at the Planning Advisory Board public hearing held October 21, 2013;
- Email correspondence dated September 11, 2013, from Jeffrey Bercow submitting an additional request to amend Policy CON-3E of the CDMP Conservation, Aquifer Recharge and Drainage Element in support of Application No. 1;
- Florida Statute excerpts of Section 337.0261 and Section 373.4149 regarding Construction Aggregate Materials and The Lake Belt Plan respectively, and aerials illustrating active rockmining operations submitted by Kerri Barsh in opposition to Application No. 1;
- Letter dated October 18, 2013, submitted by Jeffrey Straw in opposition of Application No. 1;
- Letter dated September 25, 2013, submitted by the Applicant in support of Application No. 1, transmitted the following:
  - Memorandum dated September 17, 2013 from Steve Langley of EAS Engineering Inc. addressing impacts to rockmining burrow pits;
  - Letter dated September 18, 2013 from Hydrologic Associates U.S.A. Inc., addressing the Departments comments regarding the Northwest Wellfield Protection Area; and
  - Doral Crossings Urban Sprawl Analysis.
- Letter dated September 18, 2013, submitted by Ana Maria Rodriguez, Councilwoman for the City of Doral in support of Application No. 1;
- Letter dated September 11, 2013, submitted by Christi Fraga, Councilwoman for the City of Doral in support of Application No. 1;
- Letter of Intent dated September 4, 2013, signed by Kerri Barsh for a zoning hearing application for property located at 2501 NW 122 Avenue and 2250 NW 117 Avenue, Miami, Florida; submitted by Jeffrey Bercow at the Planning Advisory Board public hearing held October 21, 2013;
- Declaration of Restrictions proffered by the Applicant on October 16, 2013, in support of Application No. 1; and
- PowerPoint presentation on Application No. 1 presented by Jeffrey Bercow at Planning Advisory Board public hearing held October 21, 2013.

Application No. 2

- Declaration of Restrictions proffered by the Applicant on October 24, 2013, in support of Application No. 2.

Application No. 3

- Declaration of Restrictions proffered by the Applicant on October 17, 2013, in support of Application No. 3.

Application No. 7

- PowerPoint presentation on Application No. 7 presented by Melissa Tapanes Llahues at Planning Advisory Board public hearing held October 21, 2013;

RESOLUTION NO. CC 5-03-13

RESOLUTION OF THE COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) ISSUING RECOMMENDATION ON MAY 2013 CYCLE STANDARD AMENDMENT APPLICATION NO. 1 REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applications; and

WHEREAS, at its meeting of September 26, 2013, Country Club of Miami Community Council (5) conducted a public hearing as authorized by Section 20-41 of the County Code;

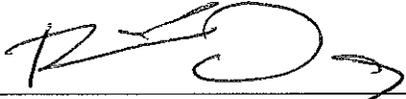
NOW, THEREFORE, BE IT RESOLVED THAT COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) recommends that the May 2013 Cycle (Standard) CDMP amendment Application No. 1 be Transmitted with the Proffered Declaration of Restrictions and Denied.

The forgoing resolution was offered by Council Member Garcia, who moved its adoption and was seconded by Council Member Perez, and upon being put to a vote, the vote was as follows:

Alexander Senderoff	Yes	Leonardo A. Perez	Yes
Jessica Fortich	Yes	Juan A. Garcia, Vice Chair	Yes
Lissett M. Caraza Borges	Yes		
Joanne Carbana, Chair, Yes			

Chair Joanne Carbana thereupon declared the resolution duly passed and adopted this 26th day of September 2013.

I hereby certify that the above information reflects the action of the Council.

  
Rommel Vargas, Executive Secretary



RESOLUTION NO. CC 10-01-13

RESOLUTION OF THE WESTCHESTER COMMUNITY COUNCIL (10)  
ISSUING RECOMMENDATION ON MAY 2013 CYCLE AMENDMENT  
APPLICATION NO. 2 REQUESTING SMALL-SCALE AMENDMENT TO  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes, and the Florida Administrative Code; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding either ultimate adoption, adoption with change, or denial of the application, or transmittal of the application as a standard amendment to the State Land Planning Agency and other State and Regional agencies for review and comment; and

WHEREAS, at its meeting of September 25, 2013, Westchester Community Council (10) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT WESTCHESTER COMMUNITY COUNCIL (10) recommends that the May 2013 Cycle CDMP amendment Application No. 2 be Adopted as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions.

The forgoing resolution was offered by Council Member Planas, who moved its adoption and was seconded by Council Member Rodriguez, and upon being put to a vote, the vote was as follows:

Julio Caceres	Absent	Gerardo Rodriguez	Yes
Miriam Planas	Yes	Toufic Zakharia, Vice Chair	Yes
Manuel Valdes	Yes	Robert Suarez	Yes
Richard M. Gomez, Chair, Absent			

Vice-Chair Toufic Zakharia thereupon declared the resolution duly passed and adopted this 25th day of September 2013.

I hereby certify that the above information reflects the action of the Council.

  
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Noel Stillings, Executive Secretary



RESOLUTION NO. CC 10-02-13

RESOLUTION OF THE WESTCHESTER COMMUNITY COUNCIL (10)  
ISSUING RECOMMENDATION ON MAY 2013 CYCLE STANDARD  
AMENDMENT APPLICATION NO. 3 REQUESTING AMENDMENT TO  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applications; and

WHEREAS, at its meeting of September 25, 2013, Westchester Community Council (10) conducted a public hearing as authorized by Section 20-41 of the County Code;

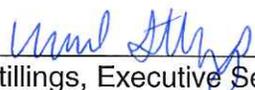
NOW, THEREFORE, BE IT RESOLVED THAT WESTCHESTER COMMUNITY COUNCIL (10) recommends that the May 2013 Cycle (Standard) CDMP amendment Application No. 3 be Denied and Transmitted.

The forgoing resolution was offered by Council Member Rodriguez, who moved its adoption and was seconded by Council Member Planas, and upon being put to a vote, the vote was as follows:

Julio Caceres	Absent	Gerardo Rodriguez	Yes
Miriam Planas	Yes	Toufic Zakharia, Vice Chair	No
Manuel Valdes	Yes	Robert Suarez	No
Richard M. Gomez, Chair, Absent			

Vice-Chair Toufic Zakharia thereupon declared the resolution duly passed and adopted this 25th day of September 2013.

I hereby certify that the above information reflects the action of the Council.

  
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Noel Stillings, Executive Secretary



RESOLUTION NO. CC 5-02-13

RESOLUTION OF THE COUNTRY CLUB COMMUNITY COUNCIL (5)  
ISSUING RECOMMENDATION ON MAY 2013 CYCLE STANDARD  
AMENDMENT APPLICATION NO. 4 REQUESTING AMENDMENT TO  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applications; and

WHEREAS, at its meeting of September 26, 2013, Country Club of Miami Community Council (5) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) recommends that the May 2013 Cycle (Standard) CDMP amendment Application No. 4 be Transmitted with Acceptance of the Proffered Declaration of Restrictions and Adopted.

The forgoing resolution was offered by Council Member Senderoff, who moved its adoption and was seconded by Council Member Fortich, and upon being put to a vote, the vote was as follows:

Alexander Senderoff	Yes	Leonardo A. Perez	Yes
Jessica Fortich	Yes	Juan A. Garcia, Vice Chair	Yes
Lissett M. Caraza Borges	Yes		
Joanne Carbana, Chair, Yes			

Chair Joanne Carbana thereupon declared the resolution duly passed and adopted this 26th day of September 2013.

I hereby certify that the above information reflects the action of the Council.

  
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Rommel Vargas, Executive Secretary



RESOLUTION NO. CC 5-03-13

RESOLUTION OF THE COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) ISSUING RECOMMENDATION ON MAY 2013 CYCLE AMENDMENT APPLICATION NO. 5 REQUESTING SMALL-SCALE AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes, and the Florida Administrative Code; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding either ultimate adoption, adoption with change, or denial of the application, or transmittal of the application as a standard amendment to the State Land Planning Agency and other State and Regional agencies for review and comment; and

WHEREAS, at its meeting of September 26, 2013, Country Club of Miami Community Council (5) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) recommends that the May 2013 Cycle CDMP amendment Application No. 5 be Adopted as Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions.

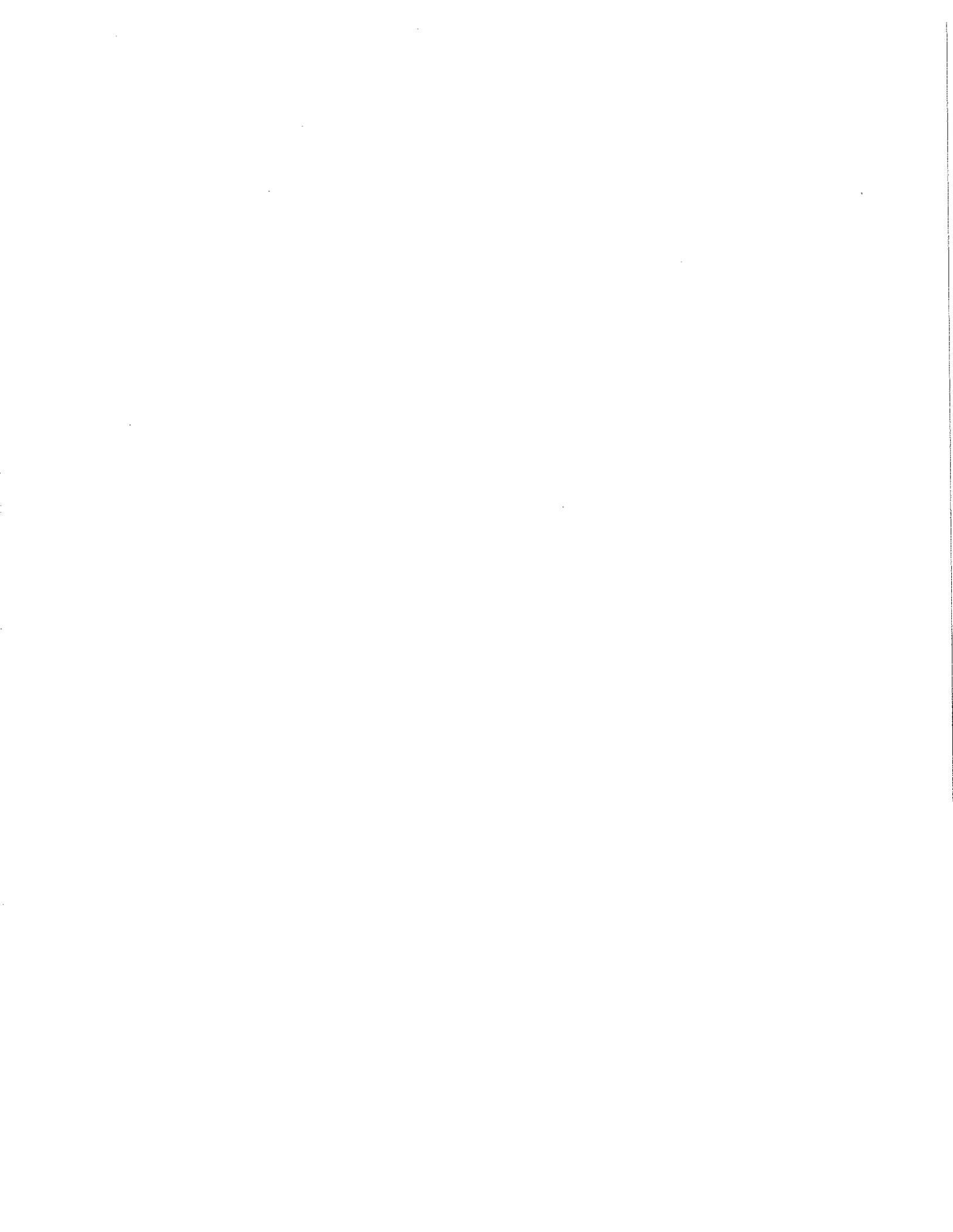
The forgoing resolution was offered by Council Member Garcia, who moved its adoption and was seconded by Council Member Senderoff, and upon being put to a vote, the vote was as follows:

Alexander Senderoff	Yes	Leonardo A. Perez	Yes
Jessica Fortich	Yes	Juan A. Garcia, Vice Chair	Yes
Lissett M. Caraza Borges	Yes		
Joanne Carbana, Chair, Yes			

Chair Joanne Carbana thereupon declared the resolution duly passed and adopted this 26th day of September 2013.

I hereby certify that the above information reflects the action of the Council.

  
Rommel Vargas, Executive Secretary



## MINUTES

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

Public Hearing on the May 2013 Applications to  
Amend the Comprehensive Development Master Plan

Stephen P. Clark Center  
111 NW 1 Street, Commission Chambers  
Miami, Florida 33128

**October 21, 2013**

### **Planning Advisory Board Members**

Wayne Rinehart, Chair	Paul Wilson (Absent)
William W. Riley, Vice Chair	Joseph James
Carla Ascencio-Savola	Jesus R. Vazquez
Jose Bared (Absent)	Serafin Leal
Aida Bao-Garciga	Raymond Marin
Reginald J. Clyne (Absent)	Robert Meador
Peter DiPace	Javier Muñoz
Horacio C. Huembes (Absent)	Georgina Santiago

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

### **Department of Regulatory and Economic Resources (Department) Staff Present**

Mark R. Woerner, AICP, Assistant Director for Planning  
Manuel Armada, Chief, Planning Research  
Garrett Rowe, Section Supervisor, Metropolitan Planning  
Bob Schwarzreich, Section Supervisor, Demographics  
Dickson Ezeala, Principal Planner, Metropolitan Planning  
Kimberly Brown, Principal Planner, Metropolitan Planning  
Frank McCune, Senior Planner, Metropolitan Planning  
Rommel Vargas, Senior Planner, Metropolitan Planning  
Noel Stillings, Senior Planner, Metropolitan Planning  
Abby Diaz, Planning Technician, Metropolitan Planning  
Lee Hefty, Assistant Director, DERM  
Christine Velazquez, Chief, Office of Code Coordination & Public Hearing

### **Other County Staff Present**

John Bowers, PROS	Abbie Schwaderer-Raurell, CAO
Nilia Cartaya, MDT	Lauren Morse, CAO
Michelle Glenn, PWWM	Bertha Goldberg, WASD
Maria Valdez, WASD	

## **I. Opening Remarks**

The public hearing began at 2:07 PM. Planning Advisory Board (PAB) Chair Wayne Rinehart welcomed the public to the hearing on the May 2013 Cycle Applications filed to amend the Comprehensive Development Master Plan (CDMP). He introduced the PAB Members present and stated the purposes of the public hearing.

The Chair introduced Mr. Mark R. Woerner, Assistant Director for Planning of the Department of Regulatory and Economic Resources (Department) to present the May 2013 Cycle Applications.

Mr. Woerner informed the PAB that the May 2013 Cycle includes a request in Application No. 1 to amend the Urban Development Boundary (UDB) as allowed in May Cycle of odd numbered years, and that Application No. 6 was withdrawn by the applicant by letter submitted to the Department on October 15, 2013. He also reminded the PAB members that this October 21, 2013 public hearing is the only PAB hearing on the May 2013 Cycle applications.

## **II. Staff Presentation**

### Application No. 1

Mr. Woerner presented Application No. 1 as a standard amendment to the CDMP, involving a ±96.79 Gross Acres (±81.31 Net Acres) site located on the north and south sides of NW 41 Street and west of the Homestead Extension of the Florida Turnpike (HEFT/SR-821). He stated that the subject property is designated "Open Land" on the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map. Mr. Woerner outlined that the application makes the following requests: that the 2015 Urban Development Boundary (UDB) be expanded to include the subject property; to change the CDMP land use on the property to "Business and office"; to amend Policy LU-8G(i) in the CDMP Land Use Element to allow the subject property to be considered for inclusion within the UDB; to revise the "Restrictions Table" in the CDMP Land Use Element to include the Proffered Declaration of restrictions; and amend CDMP Policy CON-3E in the Conservation, Aquifer Recharge and Drainage Element to allow for urban land uses on the subject property. Mr. Woerner stated that the Department recommendation on the subject application is to Deny and Do Not Transmit, adding that the Country Club of Miami Community Council (CC 5) recommendation on the application is to 'Transmit with the Proffered Declaration of Restrictions and Deny'. Mr. Woerner explained that the applicant proposes a commercial development of approximately 850,000 square feet, which would include a minimum 4.5-acre water park.

Mr. Woerner stated that there is an adequate supply of commercially-designated land within the UDB to accommodate economic growth in the County beyond the year 2030. He cited the Retail/Entertainment District Assessment report prepared for the Board of County Commissioners that identified areas within the County within the UDB, specifically in the area west of Miami International Airport, east of the Turnpike, north of State Road 836, and south of NW 41 Street, where Retail/Entertainment Districts (RED) could be established. Mr. Woerner stated that the RED report did not identify or demonstrate that there is a need to expand the UDB to accommodate economic growth or the establishment of a Retail Entertainment District in the County. He also stated that the proposed amendment is contrary to the underlying principles of the CDMP Policies LU-8G and CON-3E that it seeks to amend. He explained that Policies LU-8G(i)(a) and CON-3E implement the Northwest Wellfield protection principles by preventing the urbanization of the area west of the Turnpike and North of NW 25 Street (including the application site) and protecting the area and the rockmining interests operating in the area, from incompatible land uses. He added that the Northwest Wellfield and the

rockmining operations west of the Turnpike have been deemed compatible by State law and County code, but only with strict regulatory controls in place to limit and control possible contamination of the area.

Mr. Woerner explained that the Northwest Wellfield is the primary source for potable drinking water for the County. He added that the area surrounding the wellfield is protected from development and that the wellfield is the County's primary reserve for potable water production should the other wellfields in the County become inoperable. He stated that approval of the proposed amendment would set a precedent for additional requests for expansion of the UDB west of the Turnpike and north of NW 25 Street, which would further jeopardize the future viability of the Northwest Wellfield. Mr. Woerner explained that the proposed amendment is inconsistent with numerous CDMP policies that seek to protect the wellfield area and its water resources. Mr. Woerner further explained that the Northwest Wellfield and the Rockmining Overlay Zoning Area, where rockmining occurs in the County, coexist because of the limitation of uses imposed by the County for this specific area. He added that the introduction of any urban use in the area, as proposed in the application, would compromise the water supply in the wellfield and the economic viability of the rockmining industry to continue operating for another 50 years. He stated that current CDMP policy provides certainty to the rockmining industry of its viability and provides protection of the quality of the County's water supply.

Mr. Woerner indicated that the applicant's proffered Declaration of Restrictions included the following restrictions: total development on the application site would be restricted to 850,000 square feet, which would include retail, restaurant, entertainment, etc.; the subject property would also be restricted to certain zoning districts; the property would be prohibited from residential uses; provisions for the protection of the Northwest Wellfield; provisions for transit and roadway improvements; the development of a minimum of 4.5-acres as a water park; owner agrees not to object to legally permitted rockmining activities proximate to the subject property, and the owner would include this same provision on each lease on the subject property.

Jeffrey Bercow, legal representative for the applicant, provided a brief background of the proposed amendment and stated that the applicant has a reputation for building first class commercial development, citing as examples certain developments in Aventura, Destin Commons, the Fontainebleau Hotel, and Turnberry Isle Hotel. He provided an overview of the existing uses surrounding the application site, such as the Beacon Lakes commercial/industrial development to the south, residential, commercial and industrial uses to the east of the turnpike within the City of Doral, and correctional facilities to the west.

Mr. Bercow cited the RED report, stating that, according to the report, spending from international visitors in the commercial area between SR 836 and Doral Boulevard and between the Palmetto Expressway and the Turnpike is increasing significantly, adding that by 2016 total retail spending would be 14.5 billion, of which 11 billion would be from international visitors. He stated that the report noted that Miami-Dade is lacking family-oriented destinations and that the proposed commercial project is seeking to remedy that. Mr. Bercow explain that the proposed project would consist of 850,000 square feet of retail, restaurant and family entertainment, and a water park, which would consist of a minimum of 4.5 acres. He stated that the proposed development would entice international visitors to come and stay, which would mean more spending from international visitors and more jobs for Miami-Dade County residents. He added that the proposed development would be a great family destination for County residents as well.

Mickey Marrero, co-counsel for the applicant, argued for the commercial and retail needs of the area. He stated that existing commercially-designated lands within the 2015 Urban Development Boundary does not satisfy the applicant's needs for his project. He added that if

the applicant were to develop a series of small commercial establishments, then the land would be available within the UDB, however, he added that small commercially-designated areas do not satisfy the proposed development's need. He indicated that the RED report shows that the area in the vicinity of the application site is in need of commercial development. He explained that the application site has excellent access from SR 836, the Palmetto Expressway, and the Turnpike and the application site is in close proximity to the City of Doral. Mr. Marrero addressed staff's conclusion that commercial land demand for the area could be satisfied by the Zoo Miami project; he stated that a water park near the Zoo Miami has been planned even before the RED report was accepted by the Board of County Commissioners. He added that both the Zoo Miami and the proposed development can successfully co-exist.

Cathy Sweetapple, Transportation Consultant for the applicant, indicated that their long-term and short-term traffic impact analysis show that there would be no deficiency in the level of service standards for roadways in the vicinity of the application site from the proposed development. She indicated that the applicant made the commitment to improve NW 41 Street from NW 117 Avenue to the west of the property, from a 2-lane to a 4-lane roadway segment. She added that there is an opportunity to work with Beacon Lakes to improve traffic conditions along NW 122 Avenue between NW 25 and NW 41 Streets, as Beacon Lakes implements a requirement related to its Development of Regional Impact (DRI) to add two roadway lanes. She added that the applicant will also work with the City of Doral to improve the Trolley Routes that service the area in the vicinity of the application site and the Miami-Dade College West Campus.

Edward Swakon, Environmental Consultant for the applicant, stated that the proposed development would not negatively impact the Northwest Wellfield protection area, adding that existing Miami-Dade County code provisions do not prohibit development within wellfield protection areas, but provides guidelines for development. He stated that the applicant proffered a Declaration of Restrictions (covenant) that provide protection for the Northwest Wellfield far beyond than what Chapter 24 of the Code provides. Mr. Swakon explained that the proposed development would be connected to public water and sewer; all stormwater runoff would be retained onsite; retained stormwater would be treated onsite before being discharged; and land would be set aside to address flooding issues that may arise. He addressed concerns regarding possible contamination to local lakes from drainage, stating that this would not occur since stormwater would be retained onsite. Mr. Swakon argued that the modeling techniques used to create the protection zones around the existing wellfields is outdated, adding, as an example, that the protection zone currently in place in the Northwest Wellfield cross over to the Florida Turnpike; noting that there is an existing hydrologic divide at the Snapper Creek Canal that prevents the wellfield from reaching beyond the Florida Turnpike. Mr. Swakon stated that existing uses in the vicinity of the application site include residential and correctional facilities that are much closer to the Northwest Wellfield than the proposed development. He added that the Northwest Wellfield has only been pumping approximately 20 percent of its capacity or 45 million gallons of water per day.

Mr. Bercow addressed compatibility of the proposed development to the existing uses surrounding the application site, stating that the residential area to the east are buffered from the proposed development by the Florida Turnpike and NW 117 Avenue. He stated that in the proffered covenant, the applicant has made great efforts to mitigate the impacts of the proposed development on the local rockmining operations by prohibiting residential development on the application site; the applicant agreed not to object to the rockmining operations, since it is a pre-existing use; the applicant agreed to include in the leases that future tenants would not object to the rockmining operations; that building structures would be designed to withstand seismic vibrations from blasting; and that there would be no litigation from the applicant resulting from

damages from the blasting to buildings on the application site. Mr. Bercow stated that he believes there is no active blasting in the rockmining areas.

Miguel De Grandy, representative of White Rock Quarries, argued that there is no need to expand the UDB to include the application site to accommodate the proposed commercial development because there are two existing malls within 1.5 miles from the application site. He added that there are parcels, within the UDB, large enough to accommodate the proposed commercial development noting that there is a vacant parcel of over 117 acres east of the application site in the City of Doral and that the County recently expanded the UDB and added hundreds of acres of land for development in the Beacon Lakes area. Mr. De Grandy explained that County staff is not being over protective of the Northwest Wellfield Protection Area because this water source is the most pristine water source for the County and serves as back-up to other wellfields in case of contamination or saltwater intrusion to the other wellfields. He pointed out that the applicant wants to change CDMP Policy LU-8G and Policy CON-3E that prohibit the area north of NW 25 Street and West of the Turnpike from being urbanized even if there is a demonstrated need to add land to the UDB. He added that the intent of these CDMP policies is to protect the Northwest Wellfield and the everglades from development. Mr. De Grandy further explained that the applicant's proposed commercial development would not be compatible with rockmining operations in the area because the rockminers would be unable to maintain the blasting impact to the nearest occupied structure at the required minimum level. He also addressed the analysis of the RED report stating that the report has nothing to do with the subject application since the application site is not within the study area of the report. Mr. De Grandy stated that the report identified more viable areas for commercial/entertainment type development than the application site such as the Zoo Miami. He mentioned that the County is analyzing a proposal from 20<sup>th</sup> Century Fox to build a destination park adjacent to Zoo Miami, with a projected investment of 1 billion that would include such uses a 70-acre park; a 16-acre water park; a 400-unit hotel; 60,000 square feet of retail, restaurants, bowling alley, and movie theaters. He added that this Zoo Miami project would generate over 8,200 construction jobs in a six-year period and 5,000 jobs when operational, and urged the PAB that Zoo Miami project is the type of family-oriented development that is needed in the County.

Kerri Barsh, legal representative of White Rock Quarries, cited Chapter 373.4149, Florida Statutes, (F.S.), which require that uses located within 1 mile of the Lake Belt Area, be compatible with limestone mining activities. She explained that the Lake Belt Area is an 89 square-mile area located south of the Miami-Dade/Broward County line, west of the Homestead Extension of the Florida Turnpike (HEFT), east of NW/SW 177 Avenue (Krome Avenue), and north of SW 88 Street (Kendall Drive); the application site is located within this area. She explained that the Lake Belt Plan described in Chapter 373.4149, F.S protects environmentally sensitive lands within the Lake Belt Area including the Northwest Wellfield Protection Area. She added that the Plan also provides certainty of mining to rockminers in the area, in an attempt by the State of Florida to balance the interest between local governments, environmental groups, private property owners and the rockmining industry in the County. She explained that the state adopted this provision because 50 percent of the aggregate material used in the state for the road construction and other activities is extracted from the Lake Belt Area. Ms. Barsh stated that the proposed regional mall and the water park does not achieve compatibility with rockmining operations in the area, as required by Florida statutes and mentioned the impacts of heavy truck traffic, dust, blast vibrations, and noise that the adjacent rockmining operations would have on the development proposed for the application site.

Jeffrey Straw, Vice President of GeoSonics, stated that there is active blasting in the areas surrounding the application site. He stated that areas along NW 122 Avenue, in the vicinity of

the application site, remain to be blasted and is currently being planned for blasting. He added that Cemex SCL, a mining operation west of the application site, regularly conducts blasting at locations approximately 2.5 to 3 miles from the application site. Mr. Straw explained that White Rock Quarries has a "Good Neighbor Policy" with local residents to the east of the Florida Turnpike, for White Rock Quarries to maintain blasting activity to a minimum. He added that approval of the application would eliminate that policy because the rockminers would then need to decrease blasting intensity and thus increase the number of blasting events due to the proximity of the proposed development. Mr. Straw stated that it would also be impossible for rockminers to comply with state statutes regarding blasting because of the proximity of the proposed development. He explained that in year 2000, the State of Florida gave the State Fire Marshal the exclusive right to control blasting at commercial mining operations; therefore, no covenant restricting blasting would be enforceable.

Celeste De Palma, a local resident, argued in opposition of the proposed development, stating that there's no need for an additional mall with a water park and that the approval of the application would compromise the water quality in the County.

Marta Visiedo, representative from TRUCK a Political Action Committee for transit-related issues in Miami, argued in opposition of the proposed development, stating that the proposed development would increase County expenditure on roads and that the proposed commercial development would not be sustainable.

Martha Singleton, a local resident, argued in opposition of the proposed development, stating that Miami is a world class destination with plenty of family-oriented attractions. She noted that an art museum and a museum of science will be opening within the next two years. She also stated that water is our most valuable commodity, adding that as development is approved at the UDB, the County's water supply and the local environment will suffer.

Walter Walkington, a local resident, argued in opposition of the proposed development, stating that he is not against development but managing growth. He stated that the County should focus on improving existing development and the local environment, adding that developing the area above the County's water supply is simply wrong.

Laura Reynolds, representative from the Tropical Audubon Society, argued in opposition of the proposed development, urging the PAB Members to keep in mind that the Northwest Wellfield is the County's most significant reserve source for future potable water supply. She explained that an existing water and sewer line that is by the application site was installed by the County solely for the correctional facility use and does not mean that these water and sewer lines would have capacity to serve additional development. She stated that the RED report never concluded that there is a need to expand the UDB to accommodate commercial development and that there is sufficient commercially-designated land within the UDB to accommodate economic growth. She distributed a document that details ten reasons for not expanding the UDB; she focused on Reason No. 2 stating that the application site and surrounding areas are low-lying areas that would be negatively affected in the future by sea level rise.

Pete Marrero, General Manager of the Dolphin Mall, argued in opposition of the proposed development, stating that there is no need for additional commercial development in the area because there are two existing regional commercial centers within 3 miles of the application site such as the Dolphin Mall and the Miami International Mall. He added that there are two parcels, within the UDB, large enough to accommodate the proposed retail development. One is an

approximately 50-acre parcel south of the Beacon Lakes DRI, and the second parcel (over 50 acres) is located just east of Dolphin Mall.

Valerie Robbin, representative from the Sierra Club, stated that there is no need to move the UDB and that the Sierra Club supports staff recommendation to deny and not transmit the application.

Victoria Tomas, Executive Director of the Miami-Dade Limestone Products Association, argued in opposition of the proposed development. She stated that there are sufficient commercial developments in the area and that her association has worked diligently with the local schools and residents to maintain truck traffic away from the residential area.

Carrie Cleland, a local resident, argued in opposition of the proposed development. She stated that the County receives a large number of tourists just to see the Everglades and urged the PAB not to expand the UDB line.

Jeffrey Bercow stated that the two parcels located within the UDB mentioned as available for commercial uses are actually designated on the LUP map as "Industrial and Office". He added that the applicant welcomes the entertainment development proposal at Zoo Miami and mentioned that the proposal requires the County to invest 130 million into the project, which is highly unlikely. Mr. Bercow addressed the rockminers argument that their operation would be forced to comply with more restrictive standards for blasting if the proposed development is approved. He added that state statues already requires rockminers to comply with more restrictive standards for blasting, because the rockminers are within two miles of a residential area to the east of the rockmining operations. He cited a letter of intent submitted by Ms. Barsh to the Department, dated September 4, 2013, where Florida Rock Industries, Inc., states it would not continue blasting on its operations as it will continue to complete a lake excavation and ancillary activities related to rockmining operations to the south and west of the application site. Mr. Bercow argued that the proposed amendment should at least be transmitted to the state for review in order to have the Florida Department of Transportation's input on the impact of the proposed development to the limestone mining industry.

The motion to recommend Deny and Not Transmit was moved by Board Member DiPace. Board Member Muñoz seconded the motion and it passed 7 to 5 as follows:

Carla Ascencio-Savola	No	Joseph James	No
Aida G. Bao-Garciga	No	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William A. Riley, Vice Chair, No  
Wayne Rinehart, Chair, No

Board Member Ascencio-Savola expressed that she was not sufficiently clear on the motion and would like to change her vote. Board Member Santiago made a motion to reconsider the previous vote. The motion was seconded by Board Member Bao-Garciga and it passed 11 to 1 as follows:

Yes	Joseph James	No
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Carla Ascencio-Savola			
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William A. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

Board Members voted a second time on the motion that was moved by Board Member DiPace and seconded by Board Member Munoz to Deny and Not Transmit the application. The motion passed 10 to 2 as follows:

Carla Ascencio-Savola	Yes	Joseph James	No
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William A. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, No

Mr. Garrett Rowe, CDMP Administration Section Supervisor, introduced himself and indicated that he will be presenting the remaining CDMP applications on the agenda.

Application No. 2

Mr. Rowe introduced Application No. 2 as a small-scale amendment to the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map for a ±3.3 gross-acre property located at the southwest corner of West Flagler Street and SW 92 Avenue. He stated that the application site is a part of a larger ±20-acre parcel that is currently designated "Office and Residential" on the LUP map. He outlined that the ±20-acre parcel is currently zoned BU-2, which typically permits commercial/retail developments, but is restricted by a zoning Declaration of Restrictions (covenant) to office type development only. He indicated that the applicant is requesting a redesignation of the ±3.3 gross-acre application site to "Business and Office" and that the applicant has proffered covenant prohibiting residential development on the site, in an effort to facilitate commercial/retail development on the subject application site.

Mr. Rowe stated that the Department recommends to "Adopt as a small-scale amendment with acceptance of the proffered covenant". He added that Westchester Community Council (CC 10) also recommended to "Adoption as a small-scale amendment with the acceptance of the proffered covenant".

Mr. Hugo Arza, the applicant's legal representative, made a brief presentation on the application and urged the PAB members to accept and support the recommendations of the Department and the Westchester Community Council 10. He explained that the application is for uses that would normally be allowed under the current zoning district of BU-2. However, the application is seeking for a Business and Office designation to enable the application site to be developed

independently from the larger parcel for two free standing small businesses on an out-parcel. He stated that his client is proffering a covenant that would prohibit residential development on the site. He continued that the proposed commercial retail development is compatible with developments on the surrounding lands including the Fontainebleau commercial development directly opposite and north of the application site across West Flagler Street, which is currently under construction. He further stated that no adverse impacts on roadways and other public facilities and services, including school impacts, will result from the development of the site as proposed.

No one from the public spoke for or against the proposed amendment.

PAB Member Muñoz asked about the type of commercial development envisioned on the application site given its size and how would parking be addressed. Mr. Arza responded that the development would be typical of free standing develop such as a bank or fast food restaurant and that parking would be addressed at the time of site plan approval.

The motion to recommend "Adopt as a Small-scale Amendment with Acceptance of the Proffered Declaration of Restrictions" was moved by Board Member Santiago. Board Member Leal seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application No. 3

Mr. Rowe introduced Application No. 3 as a request to modify an existing CDMP covenant that restricts development on a ±41 gross-acre subject property. He outlined that the covenant was accepted by the Board of County Commissioners in May 2009 on adoption of the April 2008-09 CDMP amendment cycle Application No. 9 that redesignated the ±41-acre property to "Business and Office". He outlined that the subject covenant restricts development on the property to 375,000 square feet of retail development and no less than 150 elderly housing units and the requested modification seeks to replace the requirement for 150 elderly housing units. Mr. Rowe explained that the applicant initially sought to replace the elderly housing requirement in the covenant with a provision that would allow for the development of a minimum of 125 and a maximum of 250 housing units of any type, including elderly housing units. He further explained that the applicant has proffered a new covenant modification that would replace the elderly housing requirement with a provision that would allow for three options of development. He stated that the options include the development of no less than 150 and no more than 200 dwelling units designated for elderly housing, or no less than 125 and no more than 150 dwelling units designated for student housing, or no less than 150 and no more than 175 conventional multi-family units.

Mr. Rowe stated that the Department recommended the application with the initial request be "Transmitted with Change and Adopt". He explained that the Department's recommended change was to maintain the requirement for a minimum of 150 residential units in the covenant rather than 125 units as the applicant initially proffered. He indicated that the Department concurs with the applicant's current covenant modification and explained that the Department's recommendation remains to transmit with change and adopt the application as currently revised. He stated that the Westchester Community Council (CC 10) recommendation is to "Transmit and Deny" the application and is based on the prior version of proffered covenant modifications.

Mr. Rowe indicated that approval of the requested covenant modification would not generate impacts that would be significantly greater than the impacts previously analyzed when the property was redesignated to "Business and Office" and that public facilities and services will continue to operate within the adopted level of service standards.

Mr. Juan Mayol, the applicant's legal representative, expression of his appreciation of Department's recommendation on the application. He stated that the covenant subject of the modification request was proffered when the property was redesignated from "Low-Medium Density" to "Business and Office" with subsequent site plan approval for commercial retail and residential housing development for the elderly. He indicated that construction activities for the commercial component of the development are underway. He reiterated that the application before the PAB is to expand the options of the types of housing as stated by Mr. Rowe.

Mr. Mayol disclosed that his client submitted a Disclosure of Interest to the Department advising that his client has contracted to sell the residential portion of the property to a nationally renowned student housing developer who intends to develop student housing on the property to help meet the demand for student housing in the area. He stated that a study conducted in 2011 by the Florida International University, which documented that there is a significant need for student housing in the area that the application would partly address. He added that other residential development options are included in the most recent version of the proffered covenant, should student housing not be developed on the property, and urged members of the PAB to recommend transmittal and approval of the application.

Two members of the public spoke expressing their support of the application if the housing that would be developed on the subject property were student housing or housing for the elderly and expressed concern and opposition to the application if conventional multi-family units exceeding 13 units per acre were to be developed on the property.

Chair Rinehart and Board Member Vasquez questioned the density and height restrictions being considered for the proposed development. Mr. Mayol explained that the proffered covenant modification proposes height restrictions limiting development to five stories, that the covenant modification and proposed project were explained to the neighbors, and that the details of density and parking would be addressed during the site plan review and approval process.

The motion to recommend "Transmit with Change and Adopt with Acceptance of the Proffered Declaration of Restrictions" was moved by Board Member Vazquez. Board Member Baogarciga seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

Application Nos. 4 and 5

Mr. Rowe indicated that he will be presenting Application Nos. 4 and 5 together as the subject properties are in close proximity of each other (within ±1,100 feet), the applicant is the same for both applications, and the requests are similar. He introduced Application No. 4 as a standard LUP map amendment for a ±11.49 gross-acre property located at the southwest corner of NW 6 Street and NW 137 Avenue. He then introduced Application No. 5 as a small-scale LUP map amendment for a ±9.84 gross-acre property located at the northwest corner of theoretical SW Street and SW 137 Avenue. He stated that both Application Nos. 4 and 5 each request land use designation change on the LUP map for the respective subject properties from “Industrial and Office” to “Business and Office” and that applicant has proffered a covenant for each that proposes prohibit residential development on the subject property and to restrict the maximum development that can be built on each site. He outlined that for Application No. 4 the proffered covenant limits development on the application site to no more than 100,000 square feet site, and for Application No. 5 the proffered covenant limits development to no more than 113,700 square feet.

Mr. Rowe indicated that the Department reviewed the two applications separately and cumulatively due to the close proximity of each subject property to the other. He pointed out that individually, neither application is projected to generate impacts that would cause a violation in level of service standards for public services and facilities. He went on to explain that based on the Department’s initial traffic analysis that utilized 2011 traffic count data, cumulatively the applications were projected to cause the segment of NW/SW 137 Avenue between NW 6 Street and SW 8 Street to operate in violation of the adopted level of service standard ‘D’ (LOS D). Mr. Rowe stated that based on this analysis, the Department issued its initial recommendations of “Transmit and Deny” for Application No. 4 and “Adopt as a small scale amendment with acceptance of the proffered covenant” for Application No. 5.

Mr. Rowe explained that Application No. 4 is more suitably located for commercial development than Application No. 5 hence the Department’s recommendations. He outlined however that the Department believes Application No. 4 has merit and recommended transmittal of the application to allow for the traffic issue to be addressed.

Mr. Rowe stated that since the issuance of its initial recommendations, the Department has reanalyzed the projected traffic impacts of both applications utilizing 2012 traffic count data, which analysis demonstrates that all impacted roadways including NW/SW 137 Avenue between NW 6 Street and SW 8 Street would operate within their respective adopted level of service standards. Consequently, the Department has revised its initial recommendation for Application No. 4 is to “Transmit and Adopt with acceptance of the proffered covenant”.

He pointed out that the Country Club of Miami Community Council (CC 5), at its public hearing on the applications, recommended for Application No. 4 to "Transmit and Adopt with acceptance of the proffered covenant" and for Application No. 5 to "Adopt as a small-scale amendment with acceptance of the proffered covenant".

No one from the public spoke in support or against the proposed amendments.

Mr. Juan Mayol, legal representative for the applicant, briefly described the applications and highlighted that despite being designated "Industrial and Office" on the LUP map and zoned for industrial development the sites have remained vacant for decades. He indicated that the site is more suited for commercial/retail development given its location and requested that the PAB support the Department's and community council recommendations for both applications.

Board Member Muñoz questioned how Application No. 5 site would be accessed and would the sites of both Application Nos. 4 and 5 would be buffering landscaping. Mr. Mayol responded that among the approvals for the Target development to the south of Application No. 5 is a new signalized intersection along SW 137 Avenue and a bridge over the Tamiami Canal adjacent to SW 8 Street/Tamiami Trail that would provide access to the site and that there would be landscaping on each application site.

For Application No. 4, the motion to recommend "Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions" was moved by Board Member Muñoz. Board Member Meador seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

For Application No. 5, the motion to recommend "Adopt as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions" was moved by Board Member DiPace. Board Member Leal seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

Application No. 7

Mr. Rowe introduced Application No. 7 as a standard LUP map amendment for a ±12.0 gross acre (±10.70 net acres) property located at the southwest corner of the intersection SW 272 Street and SW 137 Avenue. He outlined that the applicant is requesting the following: a land use change on Parcel B of the subject property (±4.53 gross acres; ±3.57 net acres) from “Low-Medium Density Residential (6 to 13 DU/gross acre)” and “Business and Office” to “Medium Density Residential (6 to 13 DU/gross acre)” and “Business and Office” to remain on Parcel A (±7.47 gross acres; ±7.13 net acres); release and delete the existing CDMP Declaration of Restrictions that currently governs development of the application site and to replace the existing covenant with a new Proffered Declaration of Restrictions, if accepted by the Board of County Commissioners.

Mr. Rowe explained that the existing covenant restricts the subject property to a mixed-use development including a minimum of 50 dwelling units, and that the new proffered covenant proposes to restrict development on the application site to a maximum 272 multi-family units and at least 0.80 acres of publicly accessible open. He stated that Department recommendation on the application be is to Transmit and Adopt with acceptance of the proffered covenant. Mr. Rowe stated that the proposed development is generally compatible with the residential development trend in the area; that the proposed development would not cause county services and facilities to operate below their adopted level of service standards; and there would be no impact to the County’s historic or environmental resources. He mentioned that South Bay Community Council (CC 15) had no quorum at its public hearing on the application.

Melissa Tapanes-Llahues, Legal representative for the applicant, stated that the property was the subject of October 2003 Cycle Application No. 7, adopted in May 2004 by the Board of County Commissioners. She indicated that the applicant at that time proposed to develop a commercial center, that has not materialized has become unfeasible due in part to the property’s lack of direct access from the abutting SW 137 Avenue, leaving the property with a single point of access from SW 272 Street. She explained that the current applicant is seeking to develop residential units and has committed through the new proffered covenant to a maximum of 272 units and to provide 0.8 acres of open space. Ms. Tapanes-Llahues explained that the proposed development would decrease traffic impact in the area. She further explained that the proposed residential development would be compatible with the redevelopment vision for the Naranja Community Redevelopment Area.

The motion to recommend Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Bao-Garciga. The motion was seconded by Board Member James and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

### III. Overall Resolution

Board Member Marin made a motion to "Adopt" the preliminary votes for all the applications (Application Nos. 1, 2, 3, 4, 5 and 7). Board Member James seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes
Aida G. Bao-Garciga	Yes	Paul Wilson	Absent
Jose Bared	Absent	Serafin Leal	Yes
Reginald J. Clyne	Absent	Raymond Marin	Yes
Peter DiPace	Yes	Robert Meador	Yes
Horacio Huembes	Absent	Javier Muñoz	Yes
Jesus R. Vazquez	Yes	Georgina Santiago	Yes

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

### IV. New Business/Old Business

Board Member Ascencio-Savola commented on the meetings of the PAB's Incorporation and Annexation Subcommittee occurring immediately before meetings of the PAB. She suggested that the Subcommittee meetings would serve better if held in the areas being considered for annexation/incorporation and would give the community more access to the Subcommittee meetings.

### ADJOURNMENT

Being no further business before the Board, Chair Rinehart adjourned the meeting by 4.35 PM.

Respectfully submitted,



Jack Osterholt  
Executive Secretary

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF SMALL-SCALE AMENDMENT APPLICATIONS AND TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF THE STANDARD MAY 2013 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND ADOPTING RECOMMENDATIONS AS TO SUBSEQUENT FINAL ACTION.

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Commission) in November 1988; and

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

**WHEREAS**, seven (7) applications to amend the CDMP were filed on or before May 31, 2013, all by private parties, and are contained in the document titled "May 2013 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2013; and

**WHEREAS**, of the seven (7) applications, six (6) are Land Use Plan map amendments (Application Nos. 1, 2, 4, 5, 6 and 7) and one (1) is a Land Use Element text amendment (Application No. 3); and

**WHEREAS**, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

**WHEREAS**, of the six (6) Land Use Plan map amendments filed in the May 2013 CDMP Amendment Cycle, Application Nos. 2 and 5 requested expedited adoption, if eligible, as small-scale CDMP amendments; and

**WHEREAS**, Miami-Dade County's Department of Regulatory and Economic Resources (Department) has published its initial recommendations addressing the referenced CDMP amendment applications in the report titled "Initial Recommendations May 2013 Applications to Amend the Comprehensive Development Master Plan," dated September 13, 2013; and

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

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the referenced CDMP amendment applications, the initial recommendations of the Department, the transmittal by the Commission of standard CDMP amendments to the State Land Planning Agency and other state and regional agencies (the reviewing agencies) for review and comment, and to address the subsequent final action on standard CDMP amendments by the Commission.

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

This Agency hereby makes the following recommendations to the Commission regarding the adoption of small-scale Land Use Plan map amendment Application Nos. 2 and 5; the transmittal to the reviewing agencies of the standard Land Use Plan map amendment Application Nos. 1, 4, 6 and 7 and standard text amendment Application No. 3; and the recommendations regarding the subsequent final actions by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
1	<p>Turnberry/Doral Development, Limited Partnership, LLC/Jeffrey Bercow, Esq. and Michael J. Marrero, Esq.</p> <p>Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT) (±96.79 Gross; ±81.31 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Expand the 2015 Urban Development Boundary (UDB) to include the application site.</li> <li>2. Redesignate the application site on the Land Use Plan map               <ul style="list-style-type: none"> <li>From: "Open Land"</li> <li>To: "Business and Office"</li> </ul> </li> <li>3. Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F.</li> <li>4. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Commission.</li> <li>5. Amend Policy CON-3E in the CDMP Conservation, Aquifer Recharge and Drainage Element to allow for urban land uses on the site.</li> </ol>	<p>Deny and Do Not Transmit</p>
<p>Standard Amendment</p>		

The motion to recommend Deny and Do Not Transmit was moved by Board Member DiPace. Board Member Munoz seconded the motion. The motion passed 10 to 2 as follows:

Carla Ascencio-Savola	Yes	Joseph James	No	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	No		

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	Recommended Action on Small-Scale Amendment
2	<p>OROT Flagler, LLC/Juan J. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.</p> <p>Southwest corner of the intersection of West Flagler Street and SW 92 Avenue (±3.3 Gross; ±2.3 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>1. Redesignate application site on the Land Use Plan (LUP) map:  From: "Office/Residential"  To: "Business and Office"</p> <p>2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Commission</p> <p>Small Scale Amendment</p>	<p>Adopt as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions</p>

The motion to recommend Adopt as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Santiago. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
3	<p>Fontainebleau Place, LLC/Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.</p> <p>Northeast corner of the intersection West Flagler Street and NW 102 Avenue</p> <p><u>Requested CDMP Amendment</u></p> <p>Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 9 of the April 2008-09 Cycle) on Page I-74.1 of the CDMP Land Use Element. to replace the commitment to develop a minimum of 150 "elderly housing" dwelling units with a provision allowing the development of a "minimum of 150 dwelling units up to a maximum of 250 dwelling units" on the subject property</p> <p>Standard Amendment</p>	<p>Transmit with Change and Adopt with Acceptance of the Proffered Declaration of Restrictions</p>

The motion to recommend Transmit with Change and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Vazquez. Board Member Bao-Garciga seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
4	Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.  Southwest corner of the intersection of NW 6 Street and NW 137 Avenue (±11.49 Gross; ±9.92 Net)  1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office"  2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Commission  Standard Amendment	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions

The motion to recommend Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Munoz. Board Member Meador seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	Recommended Action on Small-Scale Amendment
5	Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.  Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue (±9.84 Gross; ±9.1 Net)  1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office"  2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Commission  Small-Scale Amendment	Adopt as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions

The motion to recommend Adopt as a Small-Scale Amendment with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member DiPace. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
6	Master Development, Inc./Jeffrey Bercow, Esq. and Monika Entin, Esq.  Northwest corner of the intersection of theoretical SW 143 Street and SW 137 Avenue (±16.18 Gross; ±13.7 Net)  1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office"  2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Commission  Standard Amendment	WITHDRAWN by the Applicant by letter submitted October 15, 2013

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
7	137 Holdings, LLC/Graham Penn, Esq. and Melissa Tapanes Llahues, Esq.  Southwest corner of the intersection of SW 137 Avenue and SW 272 Street (±12.0 Gross; ±10.7 Net)  1. Redesignate Parcel B of the application on site on the LUP map: From: Low-Medium Density Residential (6 -13 dwelling units per gross acre) and Business and Office To: Medium Density Residential (13 to 25 dwelling units per gross acre)  2. Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records; and  3. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the new Proffered Declaration of Restrictions, if accepted by the Commission  Standard Amendment	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions

The motion to recommend Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Bao-Garciga. Board Member James seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

The motion to adopt the foregoing resolution was moved by Board Member Marin. Board Member James seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Joseph James	Yes	Javier Muñoz	Yes
Jose Bared	Absent	Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Yes	Serafin Leal	Yes	Jesus R. Vazquez	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes	Paul Wilson	Absent
Horacio Huembes	Absent	Robert Meador	Yes		
		William A. Riley, Vice Chair	Yes		
		Wayne Rinehart, Chair	Yes		

The above action was taken by the Planning Advisory Board, acting as the Local Planning Agency, at the conclusion of its public hearing on October 21, 2013, and is certified correct by Jack Osterholt, Executive Secretary to the Planning Advisory Board.



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Jack Osterholt, Director  
Department of Regulatory and Economic  
Resources

# CLIMATE CHANGE AND THE RISING SEA WE MUST PREPARE

## 10 STEPS FOR MIAMI TO HELP BECOME A MORE RESILIENT COMMUNITY

by Laura Reynolds and Katy Sorenson

The Intergovernmental Panel on Climate Change is expected to release a report this fall containing new data that will no doubt predict a more aggressive timeline for flooding in low-lying areas. And in a recent National Geographic article, climate scientists now estimate Greenland and Antarctica combined have lost an average of 50 cubic miles of ice since 1992. Many think that translates into a minimum of a three-foot increase in sea level by 2100. This is especially critical in South Florida, where we live at sea level. It is important that we stop ignoring this very important issue and take aggressive steps to prepare.

One way to take action is to elect leaders who understand the importance of resilience for South Florida and who will work to implement a more aggressive agenda to help us prepare for sea level rise impacts.

Tell your elected leaders and friends to help move our agenda for a resilient community forward. Become an advocate for your future. We need to pool our resources and move swiftly to ensure the future of Miami's economic viability. We need to invest our money in the right places to ensure we are prepared.

Here are 10 areas we must focus on:

**1. Accelerate Everglades Restoration Projects** and increase the amount of publicly owned lands that help clean and store water. Water quality and access to clean, cheap water drives our economy.

**2. Keep the Urban Development Boundary intact** and help keep the remaining undeveloped areas GREEN and producing food, providing habitat for wildlife and recreation for residents and tourists. Focus Miami's development goals on smart growth, urban infill and increased density in the urban core, while resisting developers' efforts to sprawl west, creating more need for infrastructure, roads and services in low lying areas.

**3. Reinforce, repair, and/or replace water and sewer infrastructure** and develop a maintenance plan. We have a backlog of \$12 billion in infrastructure needs that do not take into account sea level rise.

**4. Expand and improve mass transit.** We need to stop building roads into the western part of Miami-Dade County, and start making better investments in Metrorail, light rail, increased connectivity and the FEC railroad along the eastern ridge. Seventy-five percent of all tolls collected in Miami Dade should go directly into public transit.

**5. Implement the county's Open Space Master Plan.** Focus more on healthy communities --community gardens, getting rid of the food deserts, creating walkable, bikeable, livable communities.

**6. Maintain and improve the health of Biscayne Bay** for economic stability, quality of life, and sea level rise considerations.

**7. Incentivize and educate the community on the Green Print Program** and what best practices individuals and businesses can put in place to reduce their carbon footprints to become more environmentally responsible.

**8. Adopt and implement the recommendations of the Climate Change Task Force** starting with denial of development applications in low lying areas, and retrofitting all infrastructure for sea level rise.

**9. Prioritize the funding of the elimination of ocean outfalls,** and look for beneficial uses of "reuse" water. Start by retrofitting and using "reuse" water in every government building and incentivizing this activity for the entire county.

**10. Pursue ENERGY production that uses less water** and does not impact Biscayne Bay's fragile ecosystem. Continue to explore and incentivize alternative energy for Florida and make it easy for solar companies to do business here.





## **Rowe, Garrett A. (RER)**

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**From:** Jeffrey Bercow <jbercow@brzoninglaw.com>  
**Sent:** Wednesday, September 11, 2013 5:08 PM  
**To:** Osterholt, Jack (Office of the Mayor)  
**Cc:** Arnold, Diane (Office of the Mayor); Woerner, Mark (RER); Rowe, Garrett A. (RER); Hefty, Lee (RER); Mayorga, Wilbur (RER); Velazquez, Christine (RER); Gonzalez P.E., Jose (RER); 'eswakon@eas-eng.com'; 'bwaller@haimiami.com'; Brown, Timothy L. (tbrown@turnberry.com); beth@azoradvisoryservices.com; Coller, Craig (CAO); Kerbel, Dennis A. (CAO); Alexander Heckler (aheckler@LSNpartners.com); Krys, Alex; Kurry, Jonathan; Mickey Marrero; Mike Radell  
**Subject:** Turnberry/Doral - UDB (CDMP Amendment Application No. 1, May 2013 Cycle – Turnberry Doral Development LP)  
**Attachments:** Doral Crossings CDMP Amendment Covenant 091113 (Rev 8) CLEAN.docx; Doral Crossings CDMP Amendment Covenant 091113 (Rev 8) redlined against Rev 5.docx  
**Importance:** High

**Dear Mr. Osterholt:**

**As indicated by this afternoon’s previous email, I am attaching to this email message a revised (clean and redlined) versions of the declaration of restrictions that the applicant is proffering in connection with the captioned application.**

**The modifications in this proffered covenant:**

- **strengthen the Wellfield hazardous materials restrictions and prohibitions;**
- **add drainage / stormwater provisions, including ERP approval, and DERM review and approval of cut and fill calculations prior to site plan approval; and**
- **supplement the transportation improvements provision to include language that assures NW 122 Avenue will be improved from a substandard to a standard half-section line road right-of-way.**

**In addition, we noticed in the DERM September 9, 2013 report a citation to Policy CON-3E of the CDMP Conservation Element that states: “... the entire area west of the Turnpike, north of NW 25th Street and south of Okeechobee Road shall remain unurbanized.” Similarly, Application No. 1 requested a modification to CDMP Land Use Element Policy LU-8G to read as follows:**

- i) The following areas shall not be considered:
- a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street, except for parcels abutting the Homestead Extension of the Florida Turnpike and abutting 41st Street, and the West Wellfield Protection Area  
West of SW 157 Avenue between SW 8 Street and SW 42 Street;

Accordingly, in order to assure that the CDMP remains internally consistent, we request that the text of Policy CON-3E of the Conservation Element be amended as follows:

CON-3E. The area west of the Turnpike, east of the Dade-Broward Levee, north of NW 12th Street and south of Okeechobee Road shall be reserved for limestone mining and approved ancillary uses as provided for in Chapters 24 and 33 of the Miami-Dade County Code and the entire area west of the Turnpike, north of NW 25th Street and south of Okeechobee Road, except for parcels abutting the Turnpike and abutting NW 41st Street, shall remain unurbanized.

Based on the foregoing we request that the planning division delay issuance of its Initial Recommendation until DERM has had an opportunity to review the revised covenant for Application No. 1, and consider further revisions to its report.

Thank you for your continued patience, courtesy and cooperation in this matter.

Very truly yours,

Jeffrey Bercow

Jeffrey Bercow  
Bercow Radell & Fernandez, P.A.  
200 S. Biscayne Blvd., Suite 850  
Miami, FL 33131  
(305) 377 6220 office

(305) 898 3881 cell  
(305) 377 6222 fax  
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[www.brzoninglaw.com](http://www.brzoninglaw.com)



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# Florida Statutes

## 337.0261 Construction aggregate materials.—

(1) **DEFINITIONS.**—“Construction aggregate materials” means crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.

(2) **LEGISLATIVE INTENT.**—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state’s construction industry, transportation system, and overall health, safety, and welfare. In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.

(3) **LOCAL GOVERNMENT DECISIONMAKING.**—No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state. The failure of the Department of Transportation to provide this information shall not be a basis for delay or invalidation of the local government action. No local government may impose a moratorium, or combination of moratoria, of more than 12 months’ duration on the mining or extraction of construction aggregate materials, commencing on the date the vote was taken to impose the moratorium. January 1, 2007, shall serve as the commencement of the 12-month period for moratoria already in place as of July 1, 2007.

(4) **EXPEDITED PERMITTING.**—Due to the state’s critical infrastructure needs and the potential shortfall in available construction aggregate materials, limerock environmental resource permitting and reclamation applications filed after March 1, 2007, are eligible for the expedited permitting processes contained in s. 403.973. Challenges to state agency action in the expedited permitting process for establishment of a limerock mine in this state under s. 403.973 are subject to the same requirements as challenges brought under s. 403.973(14)(a), except that, notwithstanding s.120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

**History.**—s. 30, ch. 2007-196; s. 67, ch. 2008-4; s. 3, ch. 2009-89; s. 65, ch. 2010-5.

# The Miami-Dade Lakebelt Plan

- The Miami-Dade Lake Belt was first established by the Florida Legislature in 1992.
- The Lake Belt Plan became law in 1998 after hundreds of public meetings.
- The Lake Belt Plan Committee included the following agencies and stakeholder groups:

**South Florida  
Water Management District**  
Gerardo Fernandez, Chairman

**Miami-Dade County  
Water & Sewer Department**  
Bill Brant

**Miami-Dade of Environmental  
Resources Management**  
John Renfrow

**U.S. Army Corp of Engineers**  
Bob Barron

**Office of the Governor**  
Allison DeFoor & Dennis Harmon

**Florida Audubon Society**  
Karsten Rist

**Flagler Properties & Investments**  
Austin Forman

**Miami-Dade Department  
of Planning & Zoning**  
Guillermo Olmedillo

**Florida Fish & Wildlife  
Conservation Commission**  
Stephen Lau

**Florida Department of  
Environmental Protection**  
Janet Llewellyn & Melissa Meeker

**U.S. Geological Survey**  
Aaron Higer

**Florida Senator**  
Mario Diaz-Balart

**Friends of the Everglades**  
Juanita Green

**South Florida Limestone  
Mining Coalition**  
Hardy Johnson, Bob O'Brien,  
Leo Vecellio & Karl Watson

**South Florida Regional  
Planning Council**  
Carlos Gonzalez

**Florida Department of  
Community Affairs**  
Jim Robinson

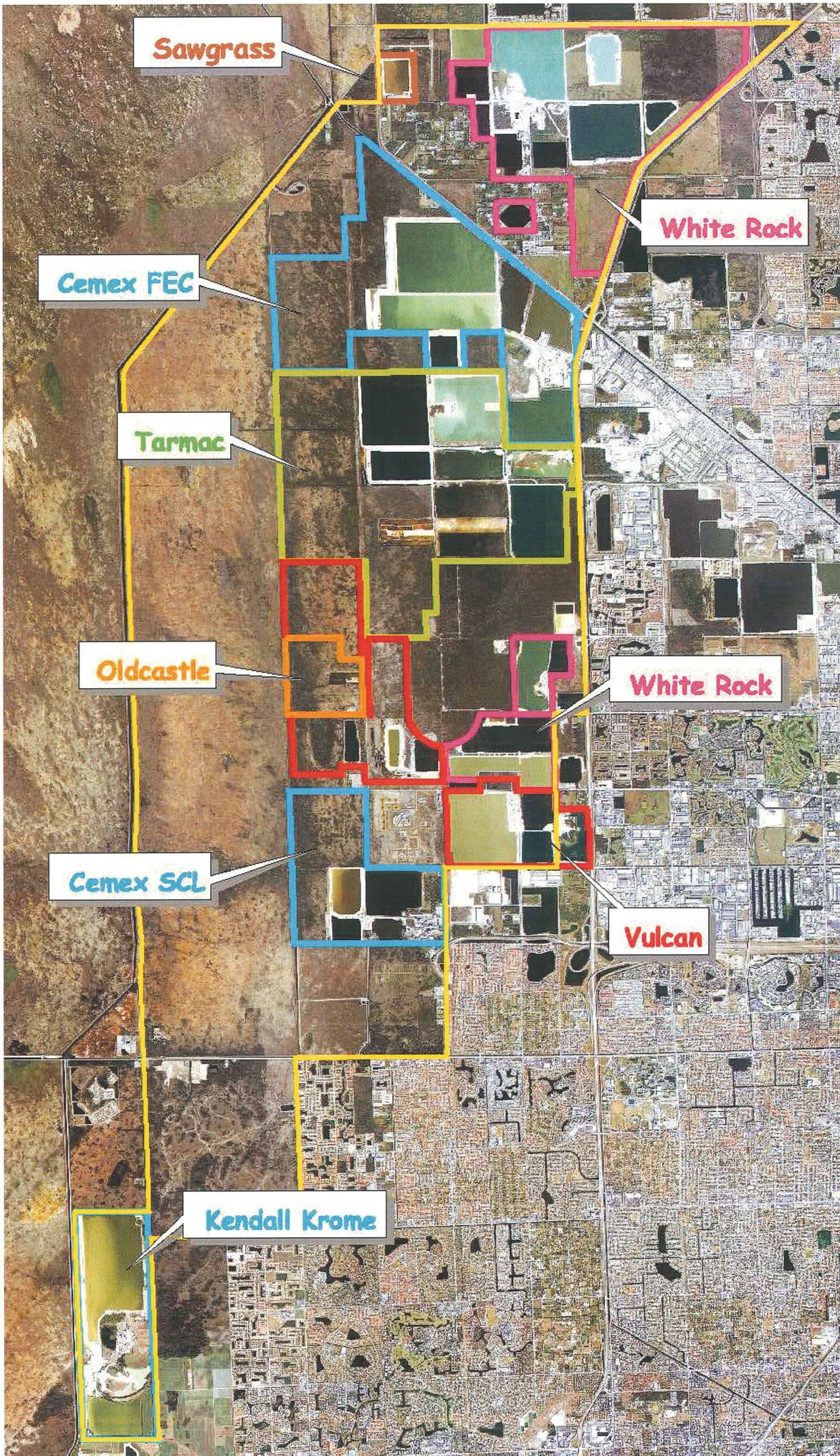
**U.S. Environmental  
Protection Agency**  
Richard Harvey

**Everglades National Park**  
Karyn Ferro

**Florida House Representatives**  
Luis Rojas & Alex Villalobos

**Sierra Club**  
Jonathan Ullman

**Non-Rockmining Landowners**  
Domingo Rodriguez, Andrew Gonzalez,  
Jacqueline Rose & Peter Mestre



Sawgrass

White Rock

Cemex FEC

Tarmac

Oldcastle

White Rock

Cemex SCL

Vulcan

Kendall Krome

# Florida Statutes

## 373.4149 Miami-Dade County Lake Belt Plan.—

- (2) (a) The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.
- (b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.

\*\*\*

- (4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations...Rezoning or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations...

**History.**—s. 21, ch. 92-132; s. 5, ch. 94-122; s. 1010, ch. 95-148; s. 10, ch. 97-222; s. 1, ch. 99-298; s. 22, ch. 2000-197; ss. 1, 2, ch. 2000-285; s. 3, ch. 2001-172; s. 1, ch. 2006-13; s. 249, ch. 2011-142.

Pennsuco  
Wetlands

# Active Mining Operations

17+ Year Supply  
(at Current Mining Rate)

26 Year Supply  
(at Current Mining Rate)

Proposed  
UDB  
Expansion

50+ Year  
Processing Plant

11 Year Supply  
(at Current Mining Rate)





DAB Exhibit  
Application #1



October 18, 2013

Kerri L. Barsh, Esquire  
Greenberg Traurig, LLC  
Suite 4400  
333 Avenue of the Americas  
Miami, FL 33131

[GeoSonics.com](http://GeoSonics.com)

4313 Southwest 64 Avenue  
Davie, FL 33314

Phone 954.327.7882  
Fax 954.327.7886

Re: Turnberry Doral – UDB relocation

Dear Ms. Barsh:

I have reviewed the Turnberry Doral request to relocate the Urban Development Boundary (UDB) in the area of N. W. 41<sup>st</sup> Street and west of the Florida Turnpike Extension. I also was in attendance at the Community Council meeting to hear the presentation made by the applicant. Based upon the presentation and our review I would have the following comments.

GeoSonics, Inc. is a vibration and acoustic consulting firm performing mandatory vibration measurement of blasting operations that are conducted under State of Florida Construction Materials Mining Activity permits. We are experts in the measurement of vibration and noise from mining operations specifically blasting and evaluating the effects of vibration on adjacent structures. The mining operations west of the turnpike are within the Lakebelt designation of land of which commercial aggregate quarry operations are approved. The mining operations are separated from residential communities by the turnpike and the UDB in order to maintain the separation from mining operations which incorporate blasting using commercial explosives as a main component of the excavation operation. The blasting produces ground vibration and air overpressure (airblast) as part the process. The levels permitted off property were established by State Statute (Chapter 552.30) in 2000. These levels are measured at the closest structure not owned by the permit holder or blasting contractor.

In modifying the UDB location the County would be changing a number of items related to blasting operations that would create problems for the existing residences east of the Turnpike as well as causing the mining operations to have significant blasting issues in performing work. First, mining operations on the north side of N. W. 41<sup>st</sup> Street have areas that will require blasting adjacent to the parcel Turnberry would want included in the UDB. The testimony at the Community Council indicated that mining was “primarily” completed. That is entirely wrong. The N. W. 123<sup>rd</sup> Avenue corridor is the division line from the Turnberry proposal to White Rock Quarries – South quarry. This operation has multiple areas of blasting that will be completed in upcoming years. In terms of

blasting affects, we have calculated that blasting would be conducted as close as 120 feet from the adjacent property line. Any construction along this area east of N. W. 123 Avenue would receive high levels of vibration. The requirements of the State limit vibration for areas within the UDB to a level of 0.50 inch per second. This would be applicable at the Turnberry property if the UDB is changed. The UDB location currently allow the mining operations to have separation of thousands of feet to the east of the Turnpike. However, based upon the distance to the property the levels expected would be on the order of 2.30 inches per second or over four times the maximum permitted level. This could not be reduced and would have the operation exceeding State limits. To modify blasting operations, which may not be possible to achieve the limit for the UDB, mining operations would have to blast multiple times per day and per location. This provides additional complaint / annoyance concerns which the mining industry has strived to limit. This would also increase significant cost to the mining operations with modified blasting.

Further, operations are located south of the parcel being requested in the area of the Vulcan Materials Company, Miami Quarry and to the west the CEMEX – SCL Quarry. Those areas blast multiple times per week and have separations that exist. This would change that separation and would only subject residents and business to increased vibration levels and more frequency blasting.

In conclusion, we would recommend and request denial of the request to relocate the Urban Development Boundary. The mining operations within the lakebelt have made considerable investment in reducing complaints, reducing events and being good neighbors with those existing residents. However, the relocation of the UDB for this project would modify those blasting operations and would create significant effects upon adjacent structures. There is no amount of conditioning that could be attached to this application for blasting. The State statute gives the State Fire Marshal “sole and exclusive” control directly and indirectly over this - type blasting and Miami-Dade County cannot restrict or modify blasting operations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Straw', with a long horizontal flourish extending to the right.

Jeffrey A. Straw  
Vice President and Area Manager



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

Direct: 305-377-6238  
E-Mail: [MMarrero@brzoninglaw.com](mailto:MMarrero@brzoninglaw.com)

2013 SEP 25 P 1:00

VIA HAND DELIVERY

September 25, 2013

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

Jack Osterholt  
Deputy Mayor  
Director, Department of Regulatory and Economic Resources  
Miami-Dade County Office of the Mayor  
111 NW First Street, 29<sup>th</sup> Floor  
Miami, Florida 33128

Re: Application No. 1 - CDMP May 2013 Cycle  
Turnberry/Doral Development, LP - Doral Crossings

Dear Mr. Osterholt:

As you know, this office represents Turnberry/Doral Development, LP, the applicant associated with Application No. 1 of the May 2013 CDMP Amendment Cycle. We have reviewed your staff recommendation received last week and have asked our technical team to address some of the issues raised by staff. To that end, I am enclosing (1) a September 17, 2013 memorandum from Steve Langley of EAS Engineering, Inc. which clarifies how Doral Crossings will not have any negative impacts to rock mining pits as a result of runoff, (2) a letter from Brad Waller of Hydrologic Associates, providing a detailed response to some of the comments made by DERM staff regarding the Northwest Wellfield Protection Area, and (3) a response to staff's analysis regarding urban sprawl prepared by our office.

Please call me if you have any questions regarding this matter.

Sincerely,

Michael J. Marrero

Enclosures

cc: Mark Woerner  
Tim Brown  
Beth Azor  
Jonathan Kurry, Esq.  
Jeffrey Bercow, Esq.

# Memorandum

**To:** File  
**From:** Steve Langley  
**Date:** 9/17/2013  
**Project:** 2013-02  
**Re:** Turnberry/Doral CDMP Application

---

## **Compatibility with Adjacent Quarries**

Item #4 of the Application #1 Summary discusses the project's compatibility with adjacent rock mines. It cites the Corps of Engineers' Lakebelt EIS, claiming that the EIS determined that "...borrow pits can be contaminated by runoff from urban land uses including commercial uses."

We have reviewed the Lakebelt EIS, section 6.2.1.2 (Pollutant Inputs), and it does state that the water quality of borrow pits can be degraded as a result of surrounding land use. However, this conclusion is based on the assumption that the borrow pits receive storm water runoff from adjacent properties. The EIS concluded that eliminating runoff to borrow pits would eliminate the likelihood of degradation of borrow pits. Agricultural activities adjacent to borrow pits were not found to alter water quality, because embankments left during excavation limited direct runoff to the borrow pits.

This project will be designed to retain the runoff from a 100 year storm. There will not be any off-site discharge of storm water, so adjacent rock mines will not be adversely affected by storm water runoff.

introduce several points of internal inconsistencies within the CDMP, if the application were approved. Furthermore, CDMP Policy LU-8D provides that the maintenance of internal consistency among all elements of the CDMP shall be a prime consideration in evaluating all requests for amendments to the CDMP.

3. The application proposes the unwarranted expansion of urban development into the cone of influence (the 1985 Northwest Wellfield Protection Area) for the County's most significant water supply source, which could jeopardize the County's ability to expand potable water production to meet future needs. The Northwest Wellfield is the County's largest source of drinking water, has the largest reserve capacity for potable water production, and is one of the County's most pristine wellfields due to its location in an unurbanized portion of the County. The Northwest Wellfield Protection Area has primarily remained unurbanized consistent with the Northwest Wellfield Protection Plan as implemented through the CDMP policies and Chapter 24 of the Miami-Dade County Code. As discussed above, several policies and provisions of the CDMP require the area north of NW 25 Street and west of the Turnpike to remain unurbanized.

It is important to note that while the Northwest Wellfield Protection Area currently extends into currently urbanized areas east of the Turnpike and south of NW 25 Street; these urbanized portions of the Wellfield Protection Area are separated through hydrologic divides from the unurbanized portion of the protection area. Additionally, Policy LU-3B requires the protection of all significant natural resources and systems such as the Northwest Wellfield from incompatible land uses. Similarly, Objective CON-2 requires the protection of ground and surface water resources. The CDMP Water, Sewer and Solid Waste Element Policy WS-1D requires the County to protect the integrity of groundwater within the wellfield protection areas, and Objective WS-6 and Policies WS-6B and WS-6D require the County to take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and for future expansion through measures that include, but not limited to, the expansion of the County's wellfield protection measures. The Applicant's proffered Declaration of Restrictions (covenant) includes commitments that the proposed development would comply with the requirements of Chapter 24 of the County Code for development within the Wellfield Protection Area. However, the UDB is a primary regulatory tool used to prevent the proliferation of incompatible land uses within the Northwest Wellfield. Expansion of the UDB as requested in the application, would be inconsistent with the protection and preservation of the Northwest Wellfield requirements of the CDMP policies mentioned above. Furthermore, if the application were to be approved, it would set a precedent for additional requests for expansion of the UDB west of the Turnpike and north of NW 25 Street, which would further jeopardize the future viability of the Northwest Wellfield.

4. The proposed development is incompatible with the adjacent rockmining uses west of the subject property. The application site is immediately east of the Rockmining Zoning Overlay Area (ROZA) where rockmining activities are allowed as a matter of right as established by the Miami-Dade County Code (Article XLI). In fact, property abutting the western boundary of the application site is the site of a mining operation. Section 373.4149(4), Florida Statutes, provides that amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. Furthermore, CDMP Policy LU-4A states that when evaluating compatibility among proximate land uses, the County shall consider factors such as noise, runoff, traffic, vibration and buffering, as applicable. A report prepared by the United States Army Corps of Engineers titled 'Rock Mining – Freshwater Lakebelt Plan: Final Programmatic Environmental Impact Statement', dated May 2000, determined that borrow pits can be contaminated by runoff from urban land uses including commercial uses. The Applicant's proposed development has the

potential of generating urban runoff that could contaminate the adjacent quarries thereby impacting viability of existing rock mining operations within the Lake Belt Area and the quality of the potable water supply within the Northwest Wellfield Protection Area.

Policies LU-4B and CON-6A require uses such as rockmining that cause or generate significant noise, dust and vibration to be protected from damaging encroachment by new incompatible uses. The applicant has not addressed the impacts the proposed development would have on the mining industry that operates as a matter of right within the adjacent ROZA. Furthermore, the applicant has not addressed the impact the mining industry would have on the proposed development. The dust and vibrations from the adjacent mining operations could negatively impact the proposed development.

5. Chapter 163.3177(6)(a)9, Florida Statutes (F.S.), requires future land use elements and future land use element amendments to discourage urban sprawl and provides indicators of the proliferation (13 indicators) and the discouragement (8 indicators) of urban sprawl (see page 1-38, Other Planning Considerations section of this report). The statute further provides that a plan amendment shall be determined to discourage urban sprawl if it incorporates a development pattern or urban form that achieves 4 or more indicators for the discouragement of urban sprawl. The application has not demonstrated that it achieves any of the 8 indicators for the discouragement of urban sprawl. Instead, staff's review of the application demonstrates that it meets 7 indicators for the proliferation of urban sprawl. These indicators include the promotion of single use development, promotion of urban development in an isolated pattern emanating from existing urban development, failure to protect and conserve natural resources, failure to provide clear separation of rural and urban areas, discourages urban infill and redevelopment, and fails to encourage a functional mix of uses, poor accessibility among linked or related land uses, and loss of significant amounts of functional open space. Pursuant to Chapter 163.3177(6)9, F.S., if the proposed amendment were approved it would not discourage urban sprawl, but instead, would constitute urban sprawl. Therefore, approval of the application would be in contravention of the statutory requirement to discourage urban sprawl.
6. The proposed development is not consistent with the overarching intent of the CDMP as expressed in Objective LU-1 and supporting policies. The objective and policies provide that the location and configuration of the County's urban growth shall emphasize concentration and intensification of well-designed development around centers of activity with multi modal accessibility, containing a variety of uses, public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

The pattern of land use and urban growth promoted since the CDMP was adopted in 1975 has consistently articulated that the intensification of physical development and expansion of the urban area should be managed to occur at a rate commensurate with projected population and economic growth; in a contiguous pattern centered around a network of high-intensity urban centers well connected by multimodal transportation facilities; and in locations which optimize efficiency in public service delivery and conservation of valuable natural resources. This is supported in part by the provisions of Policies LU-8F and LU-8G discussed in Principal Reason No. 1 above that establish when and where the urban expansion should and should not occur. Therefore, requests to move the UDB need to be carefully considered.

As indicated in Principal Reason No. 1 above, the Applicant inaccurately and inappropriately cites the findings of the Retail/Entertainment District Assessment report (the RED report) to support the application. The RED report addressed bolstering existing retail development in the report study area and included a key recommendation that the area between the Dolphin and

investigators found the effluent to have no impact on the rock pit water quality. The investigators attributed the water quality maintenance in the rock pit to the continual removal of nutrients, organics, and trace metals from the water column by calcite precipitation. The effect of nutrient removal, particularly phosphorous in the form of calcium phosphate minerals (e.g., apatite), was also observed in marl lakes that were artificially supplemented with excess fertilizer (Hooper and Ball 1964). The fertilizer applications were found to be ineffective at increasing lake productivity, which Hooper and Ball attributed to phosphorous precipitation to the bottom sediments. The absence of measurable phosphorous in the borrow pits in comparison to groundwater and canal water samples may also provide evidence that calcite precipitation removes phosphorous. The result of this is the low productivity of the borrow pits, as indicated by the low chlorophyll a.

The Lakebelt water quality inventory results indicated a gradient effect, with the eastern borrow pits containing lower alkalinity and calcium than the adjacent western borrow pits. Since groundwater flow is likely to be from west to east in the area, the results may reflect water movement from the westerly borrow pit, in which calcite precipitation has occurred, to the easterly borrow pit, resulting in the lower alkalinity and calcium concentrations. This may result in lower calcite precipitation and lower water quality remediation potential in the easterly borrow pits. In a large open water system, as in the proposed Lakebelt, groundwater will continue to supply water to the western edge of the proposed Lakebelt. However, due to distances across the Lakebelt and barriers left in place from historic mining, mixing of waters may be limited and lower alkalinities and calcium concentrations, well below saturation, in eastern portions of the Lakebelt may occur. Maintenance of a west to east groundwater flow gradient through the remaining Biscayne Aquifer and adequate mixing within the proposed Lakebelt will be essential for maintaining the calcite precipitation process. This process is required for long-term compliance with ambient water quality standards of the proposed Lakebelt.

#### 6.2.1.2 Pollutant Inputs

Literature indicates that the water quality of borrow pits can be degraded as a result of surrounding land use; for instance, the input of excessive nutrients. Jackson and Maurrasse (1976a and 1976b) found that both rock-mined pits and real estate lake water exhibited cultural eutrophication because of excessive nutrient inputs from residential nonpoint runoff and point source discharges. This cultural eutrophication resulted in excessive algal growth, forming aesthetically displeasing algal mats and odors. Adverse water quality impacts included depletion of oxygen, even at shallow depths, together with elevation of ammonia and sulfides. In a more recent study, Hudy and Gregory (1984) found that borrow pits located in urban areas may be impacted by eutrophication, which could deplete dissolved oxygen in the hypolimnion of the lakes.

Weinberg et al. (1980) provides supporting evidence of lake contamination from urbanization. The investigator reported elevated levels of several contaminants,

including chloride, total kjeldahl nitrogen, and chemical oxygen demand, in a lake receiving runoff from a high-density residential area. Beaven and McPherson (1978) examined borrow pits in the vicinity of a highway. They found elevated levels of chromium in water samples and lead in sediments relative to borrow pits in mostly undisturbed areas. Contamination of borrow pits from urban runoff is possible. Studies by Miller et al. (1979) and Matraw and Miller (1981) indicate that runoff from a variety of land uses in South Florida, including residential, commercial, and highways, contains elevated nutrients, trace metals, chemical oxygen demand, dissolved solids, and indicator bacteria.

Stability of water quality in the borrow pits is a function of the limited amount of development in the Lakebelt area. Agricultural activities adjacent to borrow pits were not found to alter borrow pit water quality. This is probably a result of embankments left during excavation; hence there is limited direct runoff to the borrow pits. Urbanization may remove these barriers and cause surface runoff to be directed into the borrow pits, thereby eliminating the remediation provided by groundwater infiltration. This would suggest that land use planning adjacent to the Lakebelt, coupled with runoff control measures, will be necessary to prevent excessive nutrients/contaminants from entering the proposed Lakebelt.

### 6.2.2 Drinking Water Supply

The borrow pit monitoring in the Lakebelt area also found existing water quality to be in compliance with drinking water standards (refer to **Appendix B**). This indicates that water quality in borrow pits in the Lakebelt area is adequate as a public water supply. In fact, a number of parameters were lower in the borrow pits than surrounding groundwater (e.g., iron, manganese, and TOC). This suggests that an increase of open water may be beneficial to the water supply. Lowering iron and manganese will improve the aesthetic quality (taste and odor) of the water and reduce the amount of chemical treatment required and sludges produced. TOC reduction will reduce the amount of chlorinated hydrocarbons, a byproduct of chlorination. This may reduce the health risk of the water supply to the public.

Analysis of the monitoring program results did not identify any factors, such as borrow pit morphology, mining/reclamation practices, or proximity to canals that would cause an exceedance of drinking water standards. However, if alterations to source water occurs, such as input of point source discharges and non-point source runoff (via canals), exceedance of drinking water standards for several parameters may result.

Current water quality in borrow pits in the Lakebelt area is linked to limnological processes in the borrow pits and geochemical processes in the source groundwater. Future water quality is likely to continue to be greatly influenced by these same processes as well as changes in the surrounding area that result in additional input of pollutants from point and non-point source runoff. The impacts of these two factors on water quality in the proposed Lakebelt were previously discussed.



# HYDROLOGIC ASSOCIATES U.S.A., INC.

ENVIRONMENTAL CONSULTANTS • HYDROGEOLOGIC TESTING  
WELL DRILLING SERVICES • PETROLEUM CONTRACTOR

September 18, 2013

Mr. Jack Osterholt  
Miami-Dade County  
Office of the Mayor

**Re: Turnberry/Doral Development:  
Response to comments by the  
Miami-Dade County Planning Dept  
review of Application Number 1**

Dear Mr. Osterholt,

The following comments are made in response to the review of application 1 for the Turnberry – Doral Crossings proposed development. The comments follow the same page numbers as in the response document.

Page 1-5. The cone of depression caused by pumpage made by actual measurements of the water table and generally presented as a 2 or 3 dimensional plot. Thus, wellfield water table maps can be used to illustrate drawdown, ground water flow direction, ground water divides, recharge areas, and to estimate ground water velocities. The Northwest Wellfield Protection Overlay (to be updated by the US Geological Survey) is a mathematical simulation of the ground water travel times (as related to ground water gradients) under maximum pumpage and extreme drought conditions.

Page 1-6: All stormwater generated at the Doral Crossings for up to the 3-day 100 year will be to undergo retention and detention treatment. There will be no direct urban runoff entering the quarry lakes.

Page 1-21 CDMP LU 3B No incompatible land uses within a wellfield protection are being recommended, The Snapper Creek Extension Canal (SCEC) sometimes serves as a hydrologic divide between the NWWF (Northwest Wellfield) and the developed areas to the east. Currently the SCEC north of the

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NW 58<sup>th</sup> Street structure in the Dressels Dairy Canal is managed for aquifer recharge and to the south of NW 58<sup>th</sup> Street it is managed for the drainage of the area including the Doral Crossings property.

Page 1-23 (2): The NWWF is currently pumping at 20 percent design capacity and has been for 10 years. This is not considered short term. It is understood that the NWWF could be pumped at design capacity if warranted.

Page 1-23 (4): Two of the water level monitoring stations operated since 2004 for Beacon Lakes measure the water elevation along NW 41<sup>st</sup> Street. It is not considered inappropriate to draw conclusions on a property located at NW 41<sup>st</sup> Street with these two Beacon Lakes stations.

4a. The Biscayne Aquifer is an unconfined water table aquifer. The canals and lakes in Miami-Dade County reflect the exposed water table elevations. The evaluation presented is not considered inappropriate.

4b. Groundwater levels integrate all the factors that effect the hydrologic cycle (rainfall, ET recharge, outflow etc.) Therefore, average water level calculations not instantaneous or short term provide an excellent indication of the water table gradient on a yearly or long term basis.

4c. The quarry lakes (and canals) flatten the water table gradients thus reducing the velocity of the ground water flow. This was considered in the evaluation

Page 41 (2): Because the Biscayne aquifer is an unconfined, water table aquifer, recharge occurs throughout most of Miami-Dade County. It does not matter if the recharge area is a wetland, a shopping center, housing, parks, golf courses or a business park. As long as the recharge water is not discharged to tide it will infiltrate in an unpaved area and percolate into the aquifer.

Page 47. All wellfield protection ordinances will be adhered to when developing Doral Crossings. The NWWF protection overlay is currently being updated and the exact boundaries cannot be reviewed or addressed at this time. Again, as stated before, the Wellfield Protection Overlay is a mathematical simulation of the water table conditions and travel times of extremely rare worst case conditions which are maximum pumpage and extreme drought.

## CONCLUSIONS

1. The proposed Doral Crossings development is compatible with the Northwest Wellfield Protection Criteria.
2. The proposed land use is more restrictive than identified by Miami-Dade County regulations for Wellfield protection areas.
3. No hazardous materials will be used or stored on the property.
4. Water and Sewer services will be provided for the entire complex.
5. Stormwater generated onsite for up to the 100 year, 3-day storm will be retained onsite and undergo retention and/or detention before discharge to ground. There will be no direct discharge to any surface water bodies.
6. Under current pumping conditions (i.e. over the last 10 years), the Doral Crossings property is not in the Cone of Influence of the Northwest Wellfield.
7. Under the current water management conditions, Miami-Dade County is providing drainage of the proposed Doral Crossings property by drainage via the Snapper Creek Extension Canal through the 25<sup>th</sup> Street (North Line) Canal water control structure.
8. Under maximum pumping conditions (225 MGD) and extreme drought the Northwest Wellfield Protection Area will probably include a portion of the Doral Crossings property. This is subject to review of the USGS model overlay currently being compiled.
9. Any groundwater flow derived from the Doral Crossings property that is moving towards the Northwest Wellfield will have to travel through open, quarry lakes where the physical effects of dispersion and dilution will occur and any contaminants would also be subject to biogeochemical reactions.

10. Recent modeling results indicate that most of the recharge to the Northwest Wellfield occurs from the West and North – away from the Doral Crossings development.

Sincerely,



Bradley G. Waller, President  
Principal Hydrologist

Cc: Mark Woener  
Lee Hetty  
Jeff Bercow  
Mickey Marrero

# Doral Crossings Urban Sprawl Analysis

Chapter 9J-5 of the Florida Administrative Code defines how development programs should be judged to determine whether they are proliferating sprawl in regards to comprehensive plan amendments. Based on this analysis, it is clear that the Doral Crossings project does not encourage sprawl, and has been designed to enhance the lifestyles of nearby residents and the South Florida community:

**(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.**

The development is certainly not low-density (or any density) in that it is not providing any dwelling units. Nor is the project a single-use development as a unique mix of retail, restaurants, a recreational water park and other entertainment uses will attempt to provide a lively blend of experiences.

**(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.**

Doral Crossings is not located in a rural area that is a substantial distance from urban areas, as it is immediately west of the existing and very populated City of Doral. It can be reached from Doral along NW 41<sup>st</sup> Street (Doral Boulevard), which actually bisects the application are. While there are lands available throughout Miami-Dade County for commercial purposes, there is little opportunity for a major retail entertainment project, such as Doral Crossings, that requires a significant amount of aggregated land, with convenient access to roads and highways.

**(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.**

Doral Crossings is located immediately west of the City of Doral and the Florida Turnpike, at a natural location which can be supported by the adjacent roadways and residential communities. Therefore, the location does not promote development in a manner that is associated with traditional "sprawl" patterns as set forth in this criterion.

**(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.**

While the application area is located on wetlands and within the Northwest Wellfield Protection Area, the applicant has provided a comprehensive series of restrictions in the form of a restrictive covenant. The covenant includes provisions to prohibit the use of any hazardous materials, prohibit run-off and a commitment to work closely with all environmental agencies to ensure that any sensitive areas are adequately protected.

**(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.**

There are no immediately adjacent agricultural areas as the application area is generally surrounded by rock mining, and a well-populated municipality, the City of Doral, to the east.

**(VI) Fails to maximize use of existing public facilities and services.**

Doral Crossings will utilize existing public facilities, including NW 41<sup>st</sup> Street which already extends further west than the application area. Additionally, the Applicant has confirmed that it can utilize existing water and sewer lines located within the right-of-way of NW 41<sup>st</sup> Street, adjacent to the application property, upon development. Both NW 41<sup>st</sup> Street and the water and sewer lines extend beyond the application area because of the presence of two correctional facilities further west. Wherever inadequate, the Applicant is committed to improving facilities and roadways. For example, the restrictive covenant proffered by the Applicant commits to the expansion of NW 122 Avenue to a four-lane roadway. Since no residential units are proposed, there will be no impacts to the school system.

**(VII) Fails to maximize use of future public facilities and services.**

While the Fire Department has indicated that response times will be adequate for this location, Miami-Dade County Fire Station No. 69 (Doral North) just recently become operational and will serve Doral Crossings. The recent addition of a new fire station that will serve the area is a perfect example of the project's efficient use of a new, or future, public facility. Additionally, the Beacon Lakes project has already committed to roadway improvements that will serve Doral Crossings, and will be further improved

pursuant to the commitments made by the Doral Crossings Applicant. As set forth above, the proposed Doral Crossings project will use existing water and sewer lines located within the right-of-way of NW 41<sup>st</sup> Street, adjacent to the application property, at the time of development.

**(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.**

Because of the project's proximity to the City of Doral, as well as 41<sup>st</sup> Street (Doral Boulevard), the Florida Turnpike and other highways – it will not disproportionately increase the cost in time, money and energy to provide services. Furthermore, the Applicant is committed to assist in improving any roadways (specifically NW 122 Avenue) or other public facilities that could further enhance access and the expedient provision of services to the Property.

**(IX) Fails to provide a clear separation between rural and urban uses.**

Since the application area is immediately adjacent to a major highway and then the City of Doral, it will be a natural continuation to a vibrant, populated urban area. Therefore, any rural areas will be further west or otherwise away from populated and developed areas adjacent to the application area.

**(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.**

Doral Crossings does not do anything to discourage or inhibit infill development in existing neighborhoods because existing neighborhoods are generally not capable of accommodating a project of this nature.

**(XI) Fails to encourage a functional mix of uses.**

A strong residential population exists in the immediate area of the application. The vibrant City of Doral's western areas are filled with multiple residential communities. As a result, there is no need for additional dwelling units but the Doral Crossings project will provide retail, restaurant and entertainment options for the benefit of the existing residential community, South Florida residents and tourists of the area.

**(XII) Results in poor accessibility among linked or related land uses.**

Accessibility is particularly strong with the Doral Crossings project. The application area is immediately adjacent to the Florida Turnpike and is only minutes away from the Palmetto Expressway (SR826) and the Dolphin Expressway (SR836). Additionally, NW 41<sup>st</sup> Street (Doral Boulevard) runs through the application area and links the City of Doral directly to the project.

**(XIII) Results in the loss of significant amounts of functional open space.**

There is no functional open space being lost as a result of the Doral Crossings project. In fact, a great deal of functional open space will be created as a result of the development of the regional water park and its associated uses. While much of the area around the property is undeveloped, the existence of rock mining activity throughout the area does not constitute means that it does not serve as functional open space.



Ana Maria Rodriguez

September 18, 2013

Councilwoman  
City of Doral

Jack Osterholt  
Deputy Mayor  
Director, Department of Regulatory and Economic Resources  
Miami-Dade County Office of the Mayor  
111 N.W. First Street, 29th Floor  
Miami, Florida 33128

Re: CDMP Application No. 1 – Turnberry Doral Development, LP

Dear Mr. Osterholt:

I am a member of the City of Doral City Council, and as a result am very interested in proposed development within our City and surrounding its boundaries. I became aware of the proposed "Doral Crossings" development, which is the subject of Application No. 1 in the May 2013 Comprehensive Development Master Plan (CDMP) Amendment Cycle, when representatives of the project contacted me to discuss the project. I was very impressed with what I saw and believe that their project would provide a great benefit to our community. In addition, the project was presented to the Doral City Council at our meeting of August 21, 2013.

While I understand that what we have been shown is only conceptual at this point, I believe the applicant is moving in the right direction. The Council has instructed Doral staff to analyze the proposal for its impacts on our City and its residents. The applicant has provided our staff with all the documents and reports submitted to your office. Our Council will voice a formal position after our staff has completed its analysis. However, I ask that the County give serious consideration to this project, because it could provide a great opportunity to do something special for the County and for the Doral area.

Please feel free to contact me if you would like to discuss the project further.

Sincerely,

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez", is written over the typed name and title.

Ana Maria Rodriguez  
Councilwoman





September 11, 2013

Jack Osterholt  
Deputy Mayor  
Director, Department of Regulatory and Economic Resources  
Miami-Dade County Office of the Mayor  
111 N.W. First Street, 29th Floor  
Miami, Florida 33128

Christi Fraga

Re: CDMP Application No. 1 – Turnberry Doral Development, LP

Councilwoman  
City of Doral

Dear Mr. Osterholt:

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While I understand that what we have been shown is only conceptual at this point, I believe the applicant is moving in the right direction. The Council has instructed Doral staff to analyze the proposal for its impacts on our City and its residents. The applicant has provided our staff with all the documents and reports submitted to your office. Our Council will voice a formal position after our staff has completed its analysis. However, I ask that the County give serious consideration to this project, because it could provide a great opportunity to do something special for the County and for the Doral area.

Please feel free to contact me if you would like to discuss the project further.

Sincerely,

Christi Fraga  
Councilwoman  
City of Doral

A handwritten signature in black ink, appearing to read "Christi Fraga", is written over the typed name and title.







2013 OCT 16 A 10: 57  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

This instrument was prepared by:

Name: Michael J. Marrero, Esq.  
Address: Bercow Radell, & Fernandez, P.A.  
200 S. Biscayne Boulevard, Suite 850  
Miami, FL 33131

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owners hold the fee simple title to approximately 81.31 acres of land in Miami-Dade County, Florida, described in Exhibit "A," attached to this Declaration (the "Property"), which statement as to title is supported by the attorney's opinions attached to this Declaration as Exhibit "B";

*WHEREAS*, the Property is the Application Area that is the subject of a Comprehensive Development Master Plan ("CDMP") Amendment Application No. 1 of the May 2013 Amendment Cycle;

*WHEREAS*, the Owner has sought a Land Use Plan amendment to change the designation of the Application Area from "Open Land" to "Business and Office," in addition to including the Property within the Urban Development Boundary;

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

**Permitted Uses.** The Property shall only be used for uses that are consistent with the Business and Office land use designation, including but not limited to retail, restaurant and other commercial uses. Development of the Property shall not exceed a total of 850,000 square feet of total development, which may include retail, restaurant, entertainment, service and office uses. Furthermore, the Property shall not be rezoned to BU-3, IU-1, IU-2, IU-3 or IU-C zoning

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districts. The foregoing limitations shall include ~~the approximately~~ a minimum of 4.5 acres within the Property ~~that is intended~~ to be used as a recreational water park. No residential uses will be permitted on the Property.

**Wellfield Protection.** In order to assure Miami-Dade County that the development and use of the Property will not have an adverse environmental impact on the groundwater quality in the Northwest Wellfield protection area, the plan of development to be proposed by the Owner shall be consistent with the following factors:

1. The land use will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of water pollution within the Northwest Wellfield protection area, and all such uses will be served by public water and public sanitary sewers;
2. Except for pre-packaged hazardous materials, the use, generation, handling, disposal of, discharge or storage of hazardous materials shall be prohibited within the Northwest Wellfield protection area;
3. The only liquid waste (excluding stormwater) which will be generated, disposed of, discharged, or stored within the Northwest Wellfield protection shall be domestic sewage discharged to a public sanitary sewer;
4. Stormwater runoff shall be retained in accordance with the approved surface water management plan;
5. Prior to physical development of the Property, or any portion thereof, the Owner shall obtain (a) construction surface water management permit(s) (Environmental Resource Permit/ "ERP") from the South Florida Water Management District (SFWMD) or its successor agency for construction and operation of a required surface water management system, and (b) approval of a master paving and drainage plan(s).
6. Owner shall comply with appropriate Cut and Fill criteria for stormwater retention areas promulgated by the Environmental Resources Management (ERM) Division of the Department of Regulatory and Economic Resources (RER)
7. Owner agrees as follows:

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A. Hazardous materials, shall not be used, generated, handled, disposed of, discharged or stored on that portion of the Property within the Northwest Wellfield protection area unless a variance is granted by the Environmental Quality Control Board, pursuant to Chapter 24 of the Code of Miami-Dade County, and if so granted; said hazardous materials or hazardous wastes may be used, handled, generated, disposed of, discharged or stored on the Property only to the extent permitted by any such variance from the Environmental Quality Control Board of Miami-Dade County.

B. Fuels and lubricants required for rockmining operations (lake excavations, concrete batch plants, rock crushing and aggregate plants); and electrical transformers serving non-residential land uses, shall not be prohibited when the following water pollution prevention and abatement measures and practices will be provided.

- (i) Monitoring and detection of water pollution caused by hazardous materials, and
- (ii) Secondary containment of water pollution caused by hazardous materials, and
- (iii) Inventory control and record-keeping of hazardous materials, and
- (iv) Stormwater management of water pollution caused by hazardous materials, and
- (v) Protection and security of facilities utilized for the generation, storage, usage, handling, disposal or discharge of hazardous materials.

Said water pollution prevention and abatement measures and practices shall be subject to the approval of the Director of the Department of Environmental Resources Management or his designees.

C. The use, handling or storage of factory pre-packaged products intended primarily for domestic use or consumption determined by the Director of the

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Department of Environmental Resources Management or his designee to be hazardous materials shall not be prohibited, provided however, that:

- (i) The use, handling or storage of said factory pre-packaged products occurs only within a building, and
- (ii) The non-residential land use is an office building use (or equivalent municipal land use) or a business district use (or equivalent municipal land use) engaged exclusively in retail sales of factory pre-packaged products intended primarily for domestic use or consumption, and
- (iii) The non-residential land use is served or is to be served by an operable public water main and an operable public sanitary sewer, and
- (iv) Said building is located more than thirty (30) days travel time from any public utility potable water supply well.

D. Prior to the entry into a landlord-tenant relationship with respect to the Property, the undersigned agree(s) to notify in writing all proposed tenants of the property of the existence and contents of this Covenant.

**Environmental Permits.** Prior to the start of any site work, all required environmental wetlands permits (County, State and federal) will be obtained. Owner agrees that County environmental permits shall require that Owner provide appropriate onsite or offsite mitigation to compensate for all direct impacts to jurisdictional wetlands as a result of the development of the Property as described herein.

**Drainage/Stormwater.** Prior to physical development of the Property, or any portion thereof, the Owner shall obtain (a) construction surface water management permit(s) (Environmental Resource Permit/ "ERP") from the State of Florida, or the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) or its successor agency, as applicable, for construction and operation of a required surface water management system; (b) approval of a master paving and drainage plan(s) ; and (c) DERM review of cut and fill calculations, to be approved prior to site

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plan approval. Any drainage plan for the Property shall be designed to provide on-site retention of 100-year 3-day storm (zero discharge).

**Transit Improvements.** The Owner commits to work with the Miami-Dade County Transit Department and the City of Doral to incorporate a transit stop and/or other transit facilities at the site.

**Roadway Improvements.**

(a) Owner agrees to improve NW 41<sup>st</sup> Street from its existing condition to a full four-lane divided roadway section (approximately 80 feet of right-of-way) from the Homestead Extension of the Florida Turnpike to NW 122<sup>nd</sup> Avenue. Additionally, connections to 41<sup>st</sup> Street from both the north and south parcels of the Property shall be located outside the Homestead Extension of the Florida Turnpike limited access right-of-way limits, unless a waiver of this requirement is obtained.

(b) The Beacon Lakes project (as approved by Miami-Dade County Resolution Z-11-02 and further modified by Resolutions Z-20-08 and Z-21-08) is required to construct NW 122<sup>nd</sup> Avenue, from NW 25<sup>th</sup> Street to NW 41<sup>st</sup> Street, as a two-lane roadway. Owner agrees to construct the required additional two lanes for NW 122<sup>nd</sup> Avenue, for a standard half-section line road, provided that Beacon Lakes has constructed NW 122 Avenue as required; and, provided further, that (i) all required right-of-way is available and dedicated, and (ii) Owner has obtained approval for the construction of the additional two lanes as a contribution in lieu of roadway impact fee, pursuant to Chapter 33E-10 of the County Code.

**Limestone Excavation.** Owner recognizes that legally permitted limestone excavation/rock mining activities currently exist proximate to the Property. Therefore, Owner agrees:

(a) not to object or otherwise attempt to impede any legally permitted limestone excavation/rock mining activities proximate to the Property;

(b) to provide all future tenants and prospective owners of the Property notice of the existing limestone excavation/rock mining activities and will include a provision to agree not to object to legally permitted limestone excavation/rock mining activities in each lease;

(Space reserved for Clerk)

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(c) that it is solely the Owner's responsibility to design its structures to accommodate seismic vibrations association with legally permitted limestone excavation/rock mining activities; and

(d) that it will not pursue any claims for liability, loss or damage, whether through litigation or otherwise, against permittees engaging in limestone excavation/rock mining activities, related to damage to Owner's structures that might result from legally permitted limestone excavation/rock mining activities.

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

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

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, or any portion thereof, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the

(Space reserved for Clerk)

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

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

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

(Space reserved for Clerk)

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

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

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

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

**Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board

**(Space reserved for Clerk)**

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of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

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

[Execution Pages Follow]





# *Turnberry Associates*

DORAL CROSSING  
AN ENTERTAINMENT RETAIL CENTER  
MAY 2013

# Turnberry: Aventura Mall



# Turnberry: Aventura Mall



# Turnberry: Destin Commons



# Turnberry: Destin Commons



# Turnberry: Town Center Aventura



# Turnberry: Fontainebleau



# Turnberry: Fontainebleau



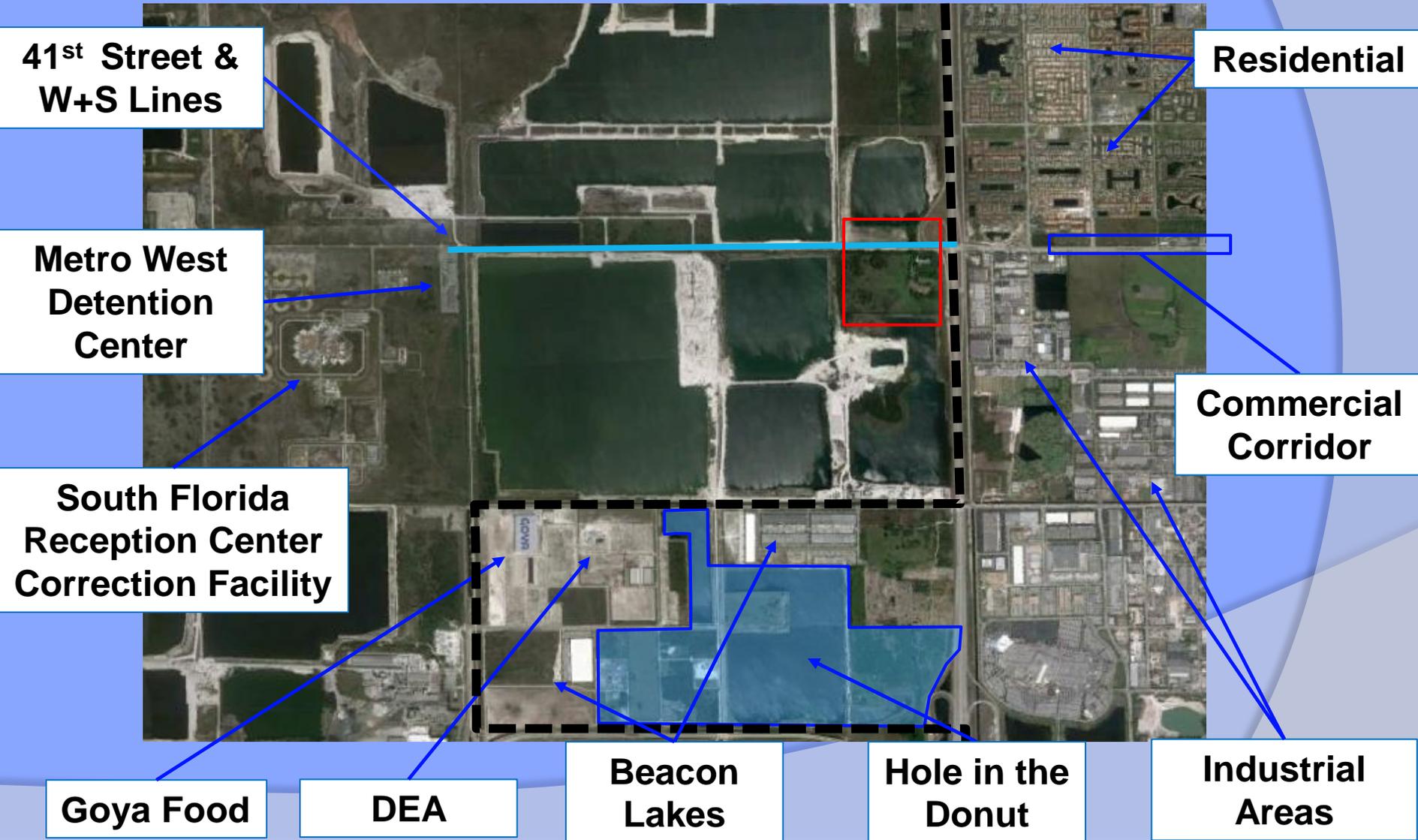
# Turnberry: Country Club



# Turnberry: Country Club Center

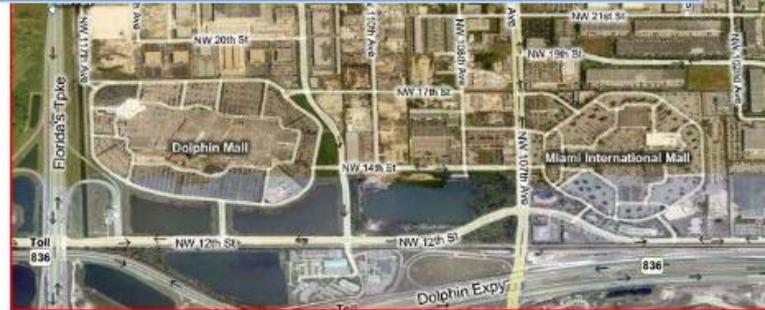


# Aerial View



# Genesis of Project

## Miami-Dade County Retail/Entertainment District Assessment



# Genesis of Project

*Overall (all categories) international visitor expenditure in Greater Miami surged 15.1% annually from \$4.2 billion in 2003 to \$11.2 billion in 2009. International visitors accounted for two-thirds of all visitor expenditure in 2009.*

*We estimate that by 2016, total retail related (food and beverage, shopping, entertainment) expenditure for both domestic and international visitors will exceed \$14.5 billion; the majority of which (\$11.0 billion) will come from international visitors*

## Miami-Dade County Retail/Entertainment District (RED) Assessment

construction of a new science museum among other family entertainment activities should all help expand this market over the next five years to the extent that they are well implemented and come on-line in short order. However, one of the key aspects of this analysis is to define what is an entertainment district today and how does it relate to retail, if at all. This is discussed in more detail in the Future of Retail/Entertainment Roundtable Section;

Large scale mall type retail continues to be concentrated in the northern and central portions of the County, and we expect that this concentration will continue with the market focusing on infill development or expansion of existing centers as opposed to a single new suburban style mall in the central or northern areas of the County. The recent announcements around a major new retail development in the Brickell area, Miami Herald site redevelopment, repositioning of the Design District, proposed expansion of Midtown, and the continued focus on the Biscayne Landing site in North Miami all speak to the focus on infill sites given the lack of suburban large scale developable parcels north of Kendall Drive. One area which will increasingly be underserved when the housing market recovers and the area begins to grow again is the southern area of the County (south of Kendall Drive).

We expect that existing centers will be able to be repositioned and improved over the next decade in the southern portion of the County and focused new development; particularly in centers where retail, entertainment, and eating and drinking are integrated are likely to be developed on a modest scale.

While the demand for retail locally is quite strong, there is a systemic problem in the retail industry which slows the expansion of new large mall development in any mature market in the US similar to Miami no matter the strength of the market. The increasingly limited number of quality mall type tenants has plagued the shopping center industry for over a decade now. There are only so many Banana Republic's, Macy's or Apple stores which can be located in a 10 or 15 mile radius even when there is

a distinction between full priced and discount stores. The number of strong national brand name retailers has actually decreased over the past few years, and the existing malls have a built in advantage to be able to attract strong retailers who are not yet in the market (i.e., H & M). As a result, no matter how strong the demand, it is increasingly difficult to develop a retail center today beyond several hundred thousand square feet often anchored by big box stores unless the center is being built in a chronically underserved high density area of the County such as downtown and Midtown Miami.

*Overall (all categories) international visitor expenditure in Greater Miami surged 15.1% annually from \$4.2 billion in 2003 to \$11.2 billion in 2009. International visitors accounted for two-thirds of all visitor expenditure in 2009.*

*We estimate that by 2016, total retail related (food and beverage, shopping, entertainment) expenditure for both domestic and international visitors will exceed \$14.5 billion; the majority of which (\$11.0 billion) will come from international visitors*

# Genesis of Project

inside is due to change while the physical structure and development plan will set the stage over the long term for whatever happens inside;

- The area between the Dolphin and International malls has potential to support additional entertainment venues in the form of restaurants, clubs and potentially a ride, water feature, or themed experience; however, this will be strengthened through the further development and potential co-development of more hotel rooms in the area to both serve the entertainment and existing malls. Additionally, any future planning with the existing malls in the area should try to make transit and pedestrian connections from the malls through any new development in between. This may help alleviate traffic, and to the extent that there is a re-affirmation of experience and offerings in the area, potentially lengthen the stay of visitors, which is of broad benefit to the community and in many cases the new and existing businesses in the area. One existing gap in the retail market which was noted in this area was in the home goods and furniture category. It was felt by the panelists given the mix of visitors and reasonably affluent residents in the area, that once the local housing market recovers, there is an opportunity to attract a handful of these retailers to the area.

*The study area is one of the strongest major retail nodes in the County largely as a result of the investment made by two major malls, the area's central location, and terrific access.*

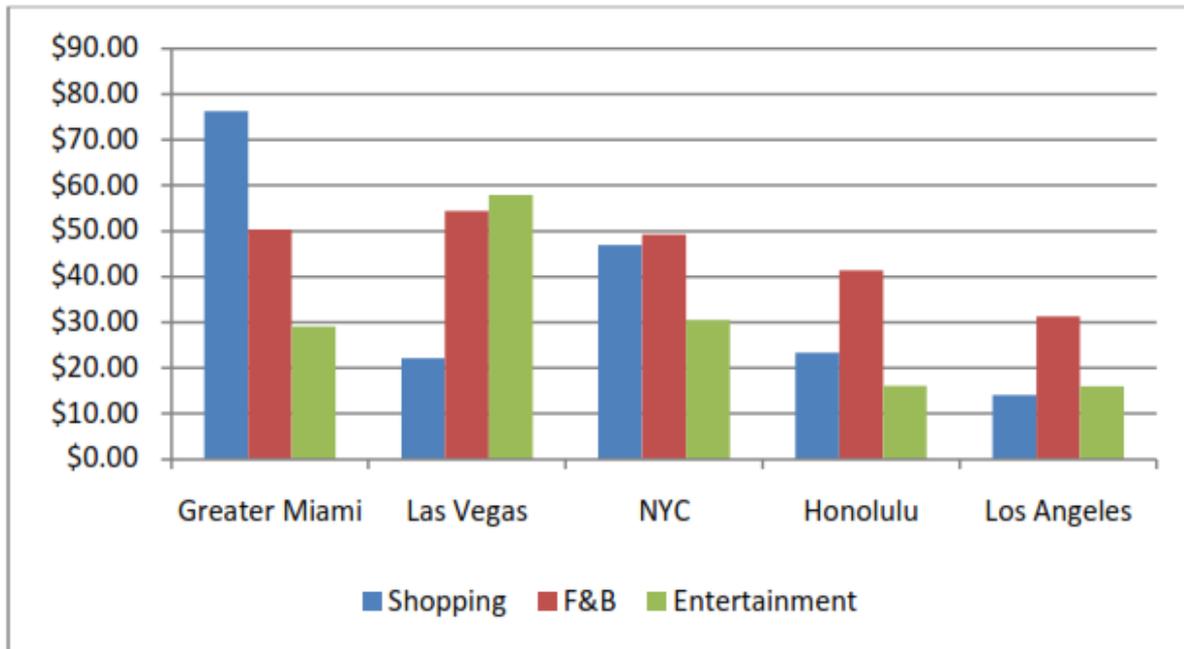
*The study area is one of the strongest major retail nodes in the County largely as a result of the investment made by two major malls, the area's central location, and terrific access.*

One of the principal challenges in the area is traffic congestion. Expansion or construction of any substantial new retail in the area is only going to exacerbate the problem. A traffic analysis should be completed which would indicate methods the county could employ to alleviate the congestion in the short term and the extent different build out scenarios on available sites would impact overall traffic with and without various traffic and intra-area transit improvements;

# Genesis of Project

**Figure 9: Greater Miami Visitor Expenditure Comparison, Per Person Per Day Expenditure**

Source: Greater Miami CVB; Las Vegas CVB; LA CVB; NYCCVB; Hawaii Dept. of Tourism



## Section 1

on entertainment than any other destination and 50 percent more on entertainment than visitors to Greater Miami.

**Figure 9: Greater Miami Visitor Expenditure Comparison, Per Person Per Day Expenditure**

Source: Greater Miami CVB; Las Vegas CVB; LA CVB; NYCCVB; Hawaii Dept. of Tourism



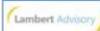
On a per day/per visitor basis, domestic visitors spend an average of \$35 on shopping, while international visitors spend \$122, 3.5 times higher than domestic visitors. Although this seems extraordinary, the fact that 66 percent of international visitors (85 percent of total visitors) originate from Latin America, makes a vast majority of shopping purchases by Latin American visitors in Miami are intended for day-to-day overseas consumption. It is much more common for Latin American visitors to make ordinary purchases in the US in comparison to European visitors to New York, or Japanese visitors to Honolulu. Unlike Europe of Japan, the range of products and retailers is still much better in the U.S. in comparison to most Latin American countries, and despite the continuing reduction in tariffs, prices for U.S. and European brand goods still tend to be cheaper than in Latin America.

including gambling. In other U.S. tourist destinations, visitors tend to spend the majority of their recreation budgets on food and beverage, with Honolulu and Los Angeles visitors spending more than 50 percent eating out. In comparison, visitors to Miami spend almost 50 percent of their budget on shopping. As it relates to entertainment, visitors to Las Vegas spent on average 40 percent more

# Genesis of Project

*We estimate retail demand in Miami-Dade to grow from 94.5 million square feet in 2011 to 112.1 million in 2016. The 2016 estimated demand is nearly 5.0 million square feet above existing supply.*

*Miami-Dade is certainly lacking in its variety of options for family entertainment and this plays itself out in expenditure on entertainment and potentially length-of-stay among visitors.*



## Miami-Dade County Retail/Entertainment District (RED) Assessment

### Overall Market for a Retail/Entertainment District

Our conclusions from our analysis of the overall county/region wide market associated with the demand for a new or expanded Retail/Entertainment District include the following:

- Retail demand will be a bright spot over the next five years in the Miami-Dade economy. We estimate demand to grow from 94.5 million square feet of retail space in 2011 to 112.1 million in 2016. The 2016 estimated demand for 112.1 million square feet of space is greater than the estimated 107.2 million square feet of existing retail space. Additionally, the estimated demand for an additional 17.6 million square feet of space between 2011 and 2016 is in excess of the amount which can be absorbed by well located vacant retail space in the County. As a result, we estimate that substantial new retail space will need to be built in the County over the next five years to keep pace with demand.
- There are three principal drivers of retail demand in the County: residents, visitors and non-resident workers with residents and visitors accounting for over 99 percent of retail sales. What is extraordinary, both in terms of existing demand, and in terms of growth, is the importance of overnight visitors, and primarily international overnight visitors to the Miami-Dade retail market. Data from the Greater Miami Convention & Visitors Bureau suggests that international visitors account for two-thirds of all visitor shopping expenditures in the County, and we estimate that visitors will be responsible for nearly half of the total increase in retail space demanded over the next five years.

- As the data in this report indicates, visitors to Miami are substantially more on shopping per person per day than in any other major tourist destination in the country including New York City, Honolulu, Las Vegas, and Los Angeles.

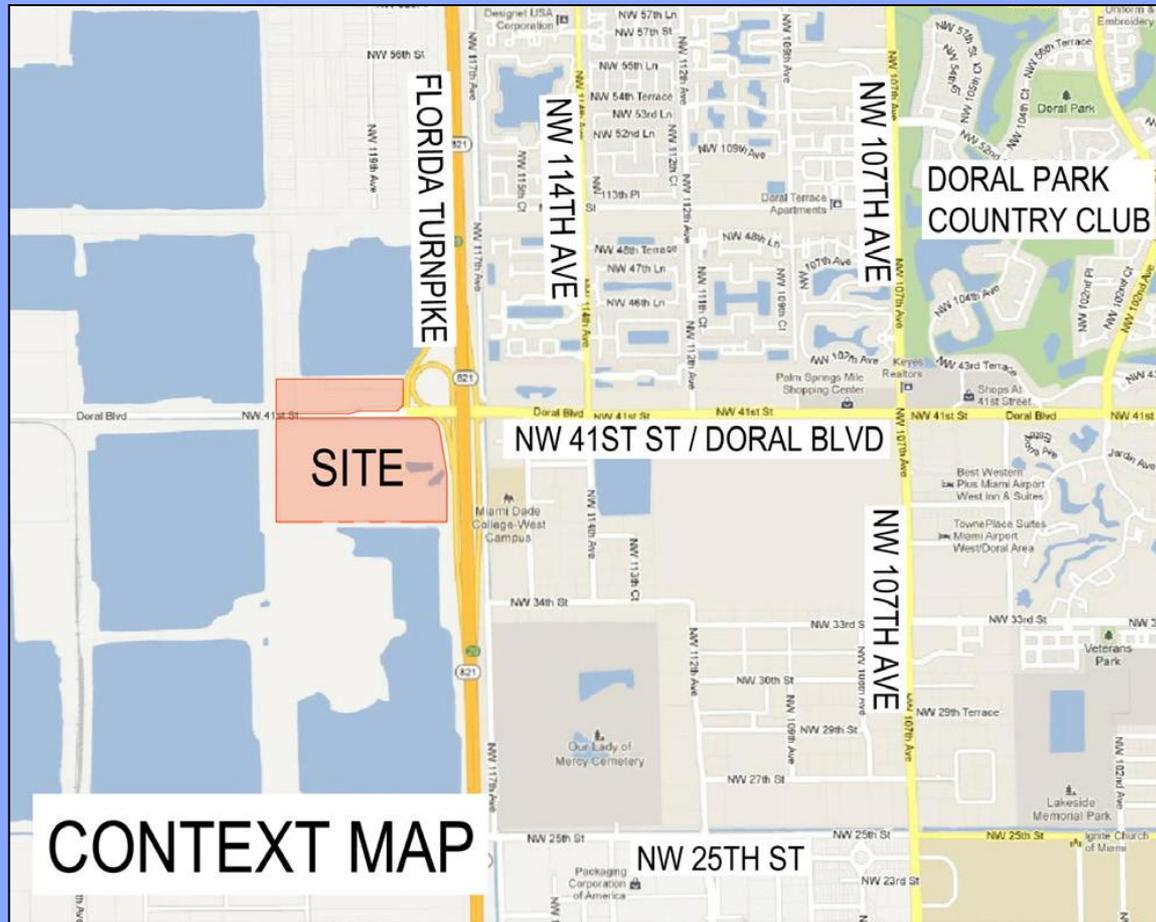
*We estimate retail demand in Miami-Dade to grow from 94.5 million square feet in 2011 to 112.1 million in 2016. The 2016 estimated demand is nearly 5.0 million square feet above existing supply.*

*Miami-Dade is certainly lacking in its variety of options for family entertainment and this plays itself out in expenditure on entertainment and potentially length-of-stay among visitors.*

- In contrast to these other major tourist destinations, visitors to Miami, particularly those from North America, which make up two-thirds of international visitors, are doing their day clothing, furniture, electronics, and non-perishable purchases in Miami given the lack of quality and variety in the visitors' markets. This is unlike European visitors to New York or Japanese visitors to Honolulu who have high quality and diversified shopping options at home. Many Latin American visitors to Greater Miami act more like the border travelers to the US along the Mexican or Canadian borders although Miami is substantially more affluent Latin American shopper profile, especially when compared to shoppers from Mexico who shop in major cities in Texas, Arizona, and California.

- Large scale entertainment, such as a standalone business from retail, does not generate the degree of expenditure in Miami-Dade as it does in other visitor markets. It is difficult to compete with a Las Vegas or Orlando, Miami-Dade is certainly lacking in variety of options for family entertainment, and this plays out in visitor expenditure on entertainment and potentially length-of-stay. Beyond visitors, the lack of product translates a lack of opportunity to capture local expenditure as particularly as it relates to family entertainment. The water proposal at Zoo Miami, expansion of the children's museum

# Proposed Location



# DORAL CROSSING

LIKE NO PLACE ELSE IN SOUTH FLORIDA



# Proposed Development



# Concept



# Concept



# Proposed Development



# Job Generation

## ⦿ Construction

- 1,050 direct construction jobs over two years
  - 1,850 indirect and induced jobs
- 2,900 Construction Jobs

## ⦿ Permanent Workforce

- 1,352 full-time retail positions
  - 1,500 indirect and induced jobs
- 2,852 Permanent Jobs

**5,752 Total Jobs Created**

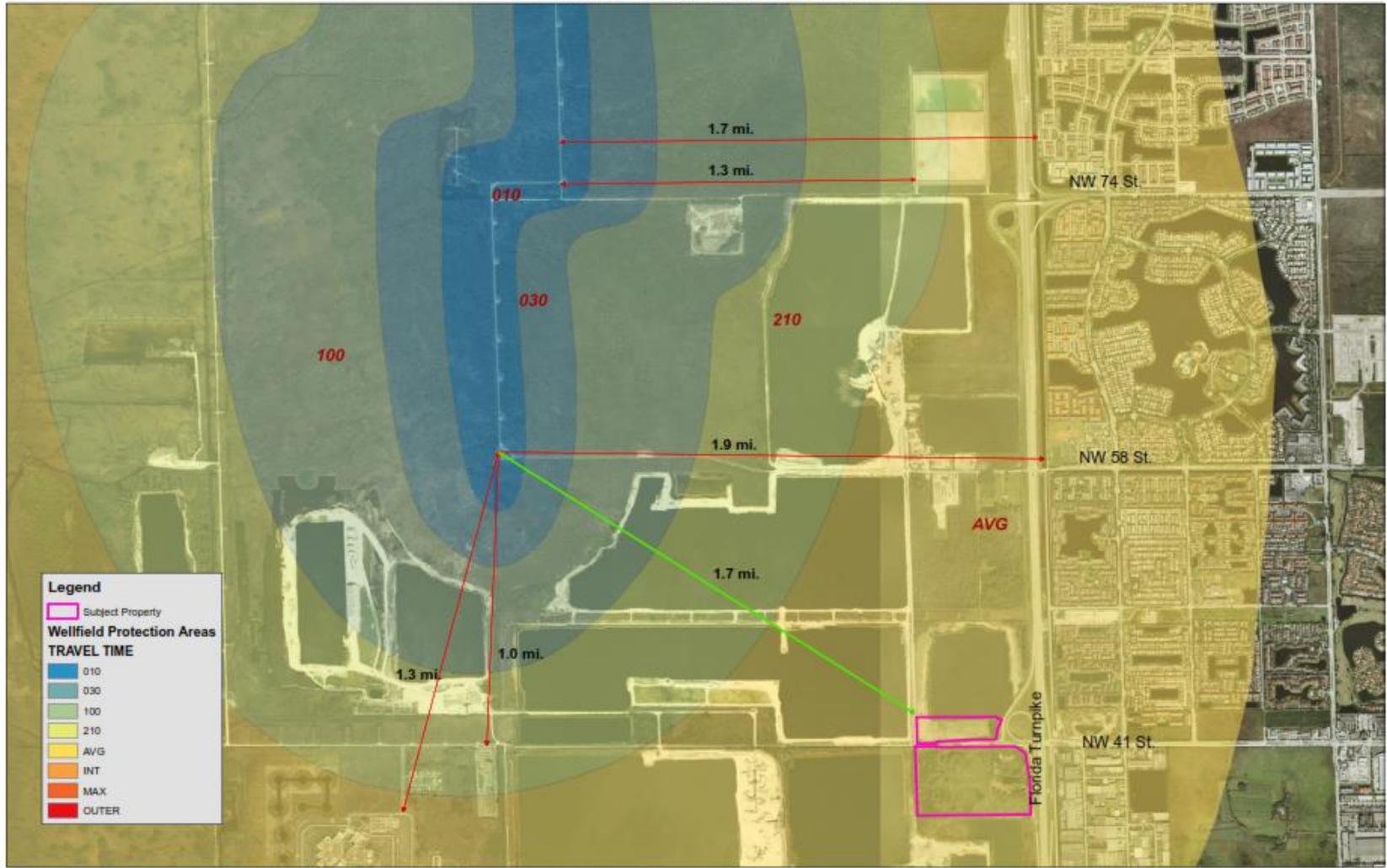
# Tax Benefits

- ◎ Ad Valorem  
\$2,680,291 annually
- ◎ Miami-Dade County Public Schools  
\$2,244,239 annually
- ◎ Occupational license fees, utility taxes,  
and franchise fees on an annual  
recurring basis



# Northwest Wellfield

## Turnberry Doral Development LP



Wellfields\_other\_development.pdf



0 0.25 0.5 1 Miles

2012 Aerial Photo

EAS ENGINEERING, INC.

# Distance to Rock Mining



# Rock Mining



# Florida Statutes 373.4149

## The 2013 Florida Statutes

[Title XXVIII](#)  
NATURAL RESOURCES; CONSERVATION, RECLAMATION,  
AND USE

[Chapter 373](#)  
WATER  
RESOURCES

[View Entire Chapter](#)

### 373.4149 Miami-Dade County Lake Belt Plan.—

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt

Report and Plan, dated February 2012, as amended, collectively known as the Phase I Lake Belt Plan, for the supply for Miami-Dade County. The plan shall maximize efficient recovery and protecting the environment.

(2)(a) The Legislature recommends the use of aggregates, cement, and rock products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection.

(b) The Legislature recommends the use of aggregates, cement, and rock products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection.

(3) The Miami-Dade County Lake Belt Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezoning or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezoning or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

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(5) The secretary of the Department of Environmental Protection, the executive director of the Department

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezoning or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

# Florida Statutes 337.0261

## The 2013 Florida Statutes

[Title XXVI](#)  
PUBLIC

[Chapter 337](#)  
CONTRACTING; ACQUISITION, DISPOSAL, AND USE OF  
PROPERTY

[View Entire Chapter](#)

TRANSPORTATION

### 337.0261 Construction aggregate materials.—

(1) DEFINITIONS.—“Construction aggregate materials” means crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state’s construction industry, transportation system, and overall health, safety, and welfare. In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.

(3) LOCAL GOVERNMENT DECISIONMAKING.—No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state. The failure of the Department of Transportation to provide this information shall not be a basis for delay or invalidation of the local government action. No local government may impose a moratorium, or combination of moratoria, of more than 12 months’ duration on the mining or extraction of construction

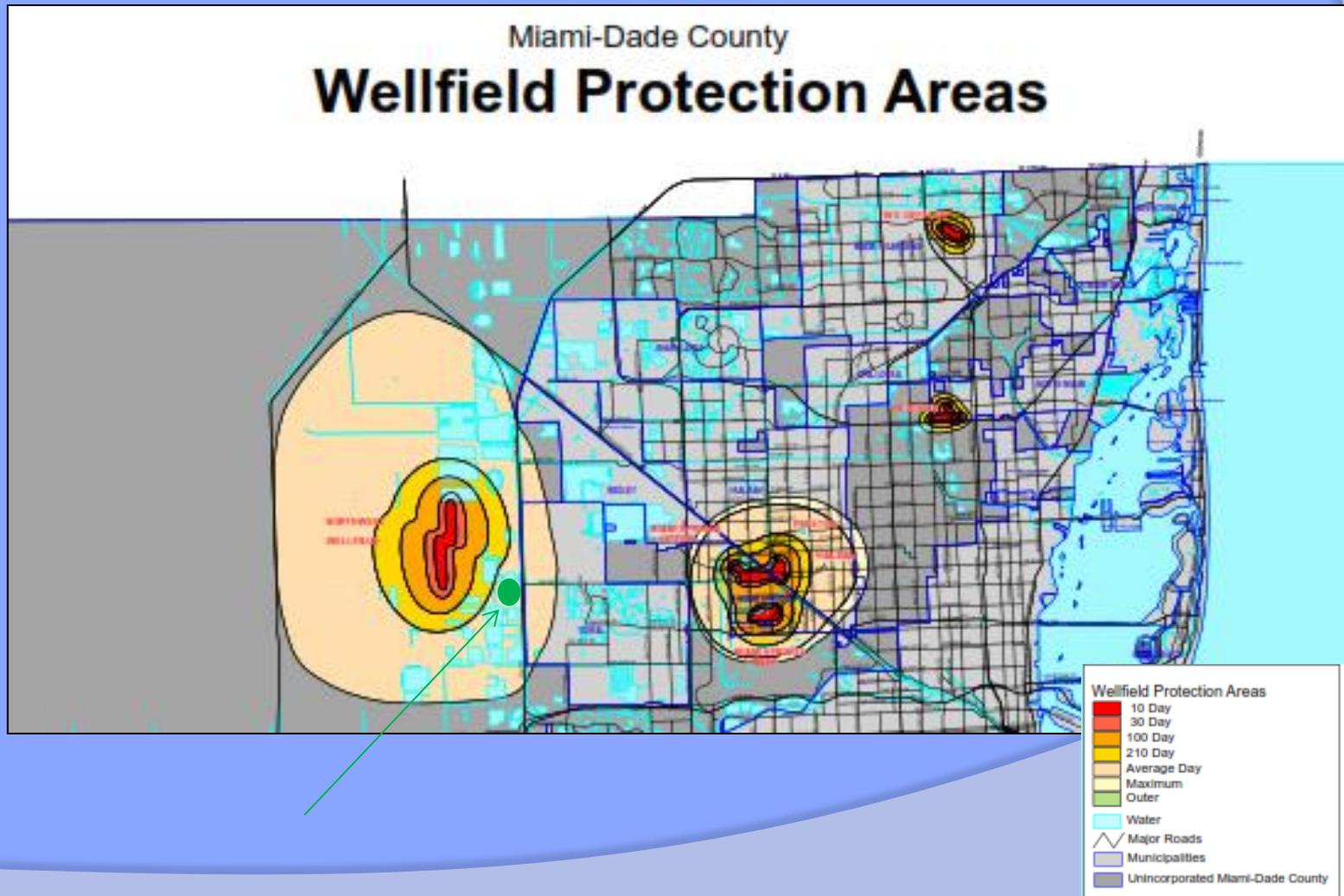
**(3) LOCAL GOVERNMENT DECISIONMAKING.—No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state.** The failure of the Department of Transportation to provide this information shall not be a basis for delay or invalidation of the local government action. No local government may impose a moratorium, or combination of moratoria, of more than 12 months’ duration on the mining or extraction of construction aggregate materials, commencing on the date the vote was taken to impose the moratorium. January 1, 2007, shall serve as the commencement of the 12-month period for moratoria already in place as of July 1, 2007.

# DORAL CROSSING

LIKE NO PLACE ELSE IN SOUTH FLORIDA



# Northwest Wellfield



# Northwest Wellfield

The Northwest Wellfield consists of 15 supply wells that have a maximum design capacity pumping of 225 MGD.

Average Monthly Pumpage by year at the Northwest Wellfield

Year	Average Monthly Pumpage (MGD)
2008	68.588
2009	59.302
2010	49.708
2011	48.636
2012	44.338



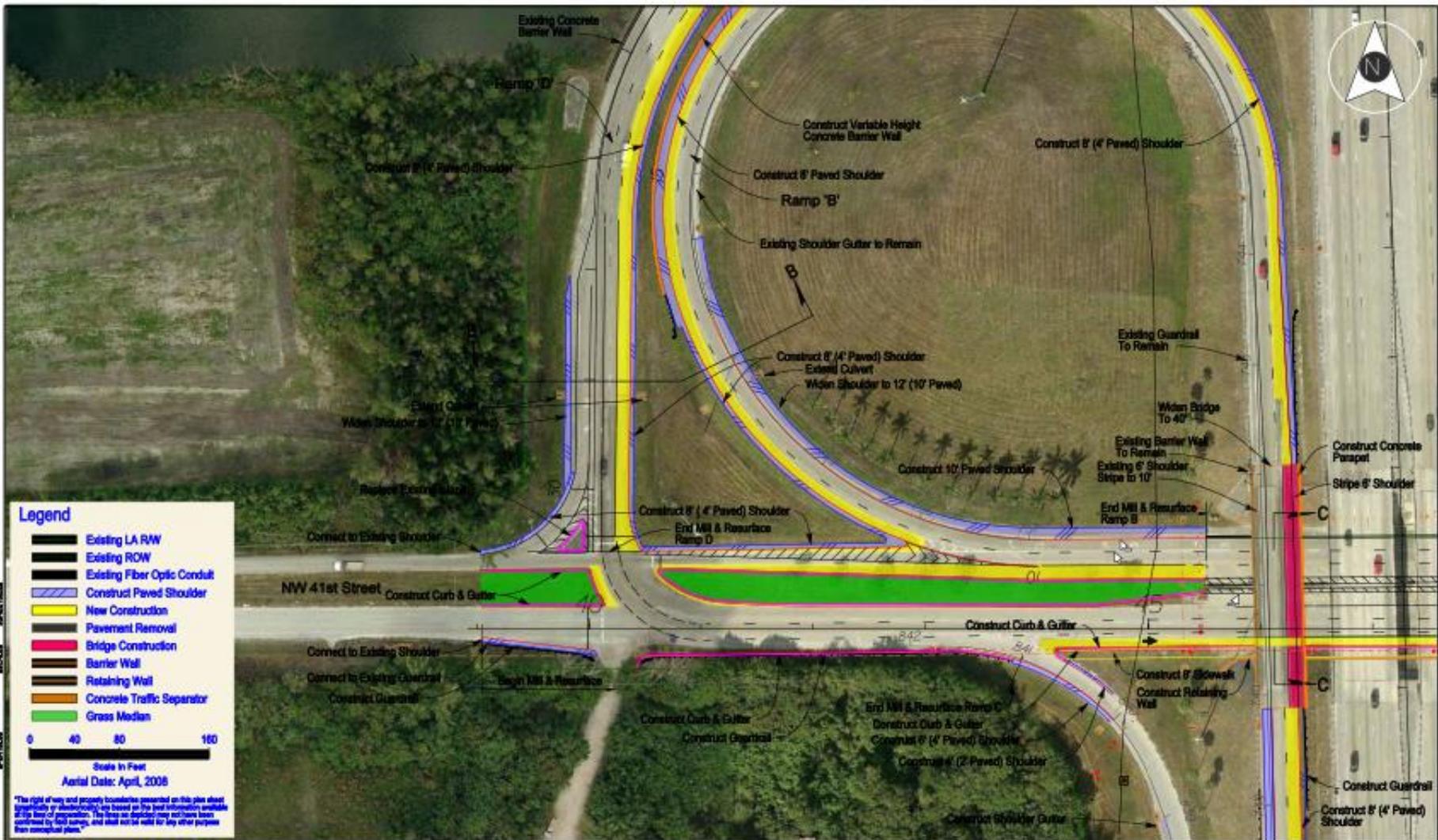
Design Concept Report

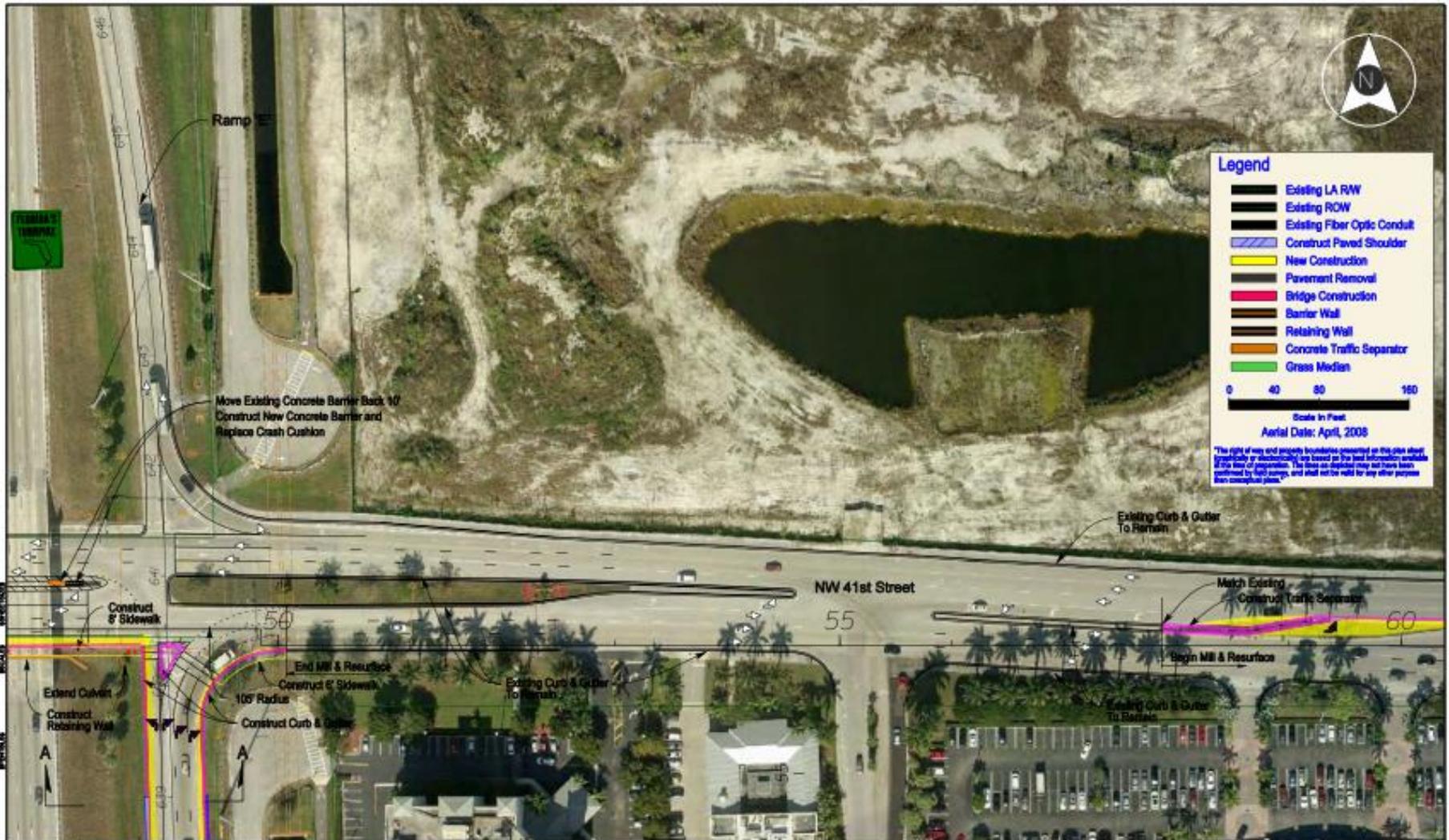
HEFT At NW 41st Street  
Intersection Improvement

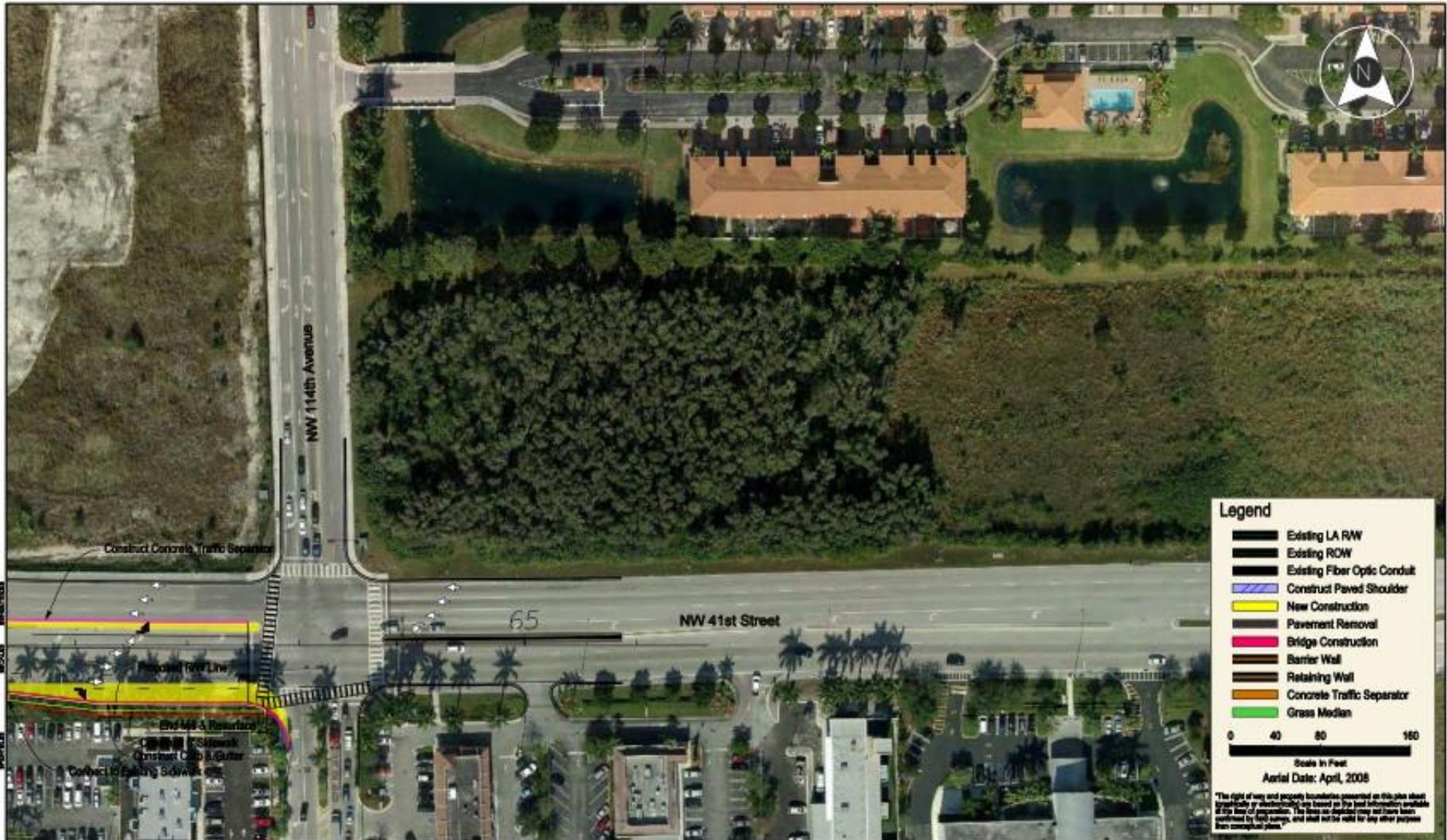
Plan Sheet  
Alternative 2

Exhibit

1 of 5







Design Concept Report

HEFT At NW 41st Street  
Intersection Improvement

Plan Sheet  
Alternative 2

Exhibit

4 of 5



COMMISSIONER OF TRANSPORTATION  
FLORIDA DEPARTMENT OF TRANSPORTATION  
STATE STREET



This Instrument was Prepared by:

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

2013 OCT 24 A 9: 32  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

(Space Reserved for Clerk of the Court)

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### DECLARATION OF RESTRICTIONS

*WHEREAS, OROT Flagler, 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*, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. 2 in the May 2013 Amendment Cycle (the "Application"); and

*WHEREAS*, the Application seeks to re-designate the Property from "Office/Residential" to "Business and Office" on the CDMP Land Use Plan Map.

*IN ORDER TO ASSURE* Miami-Dade County, Florida (the "County") that the representations made by the Owner 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; Prohibition on Residential Development.** Notwithstanding the re-designation of the Property to "Business and Office" on the CDMP Land Use Plan Map, no residential development shall be allowed on the Property.

2. **Miscellaneous.**

A. **County Inspection.** As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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 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 Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all 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 shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures.

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

**E. Authorization of Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies

available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as his Declaration of Restrictions is complied with.

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

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

**H. Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the Property and for the public welfare.

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

effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**J. Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner 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 Department of Regulatory and Economic Resources 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.

**K. Acceptance of Declaration.** Acceptance of this Declaration of Restrictions 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.

**L. Owner.** The term "Owner" shall include the Owner and its successors and assigns.

**[Signature Page Follow]**



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

The north 200' of Tract "A" of FP&L Center as recorded in Plat Book 102, Page 10, of the Public Records of Miami-Dade County, Florida.

DRAFT



2013 OCT 17 P 3: 03

This instrument was prepared by:

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

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

(Space reserved for Clerk of Court)

**MODIFICATION OF DECLARATION OF RESTRICTIONS  
RECORDED AT OFFICIAL RECORDS BOOK 26955 AT PAGE 723**

THIS MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS is made this \_\_\_ day of \_\_\_\_\_, 201\_\_\_, by **Fontainebleau Place, LLC**, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "City").

**WITNESSETH:**

**WHEREAS**, the Owner holds fee simple title to that certain parcel of land located in unincorporated Miami-Dade County, Florida, which is more particularly described in the attached Exhibit "A" (the "Property"); and

**WHEREAS**, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was recorded in the Public Records of Miami-Dade County in Official Records Book 26955 at Page 723, which placed certain restrictions and conditions on the development of the Property, a copy of which is attached as Exhibit "B";

**WHEREAS**, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. 3 in the May 2013 Amendment Cycle (the "Application") for the purpose of modifying the Declaration;

**WHEREAS**, the Miami-Dade County Board of County Commissioners held a public hearing on \_\_\_\_\_ wherein it adopted Ordinance No. \_\_\_\_\_ (the "Ordinance") to approve a modification to the Declaration;

**WHEREAS**, the Ordinance approved the modification of Paragraph No. 1 of the Declaration as follows:

Paragraph No. 1:

FROM:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed the following: (a) 375,000 square feet of retail, commercial, personal services and offices; and (b) no less than 150 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code (the "Code"), along with such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of the elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or elderly housing. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west."

TO:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 375,000 square feet of retail, commercial, personal services, and offices (the "Commercial Component"). In addition to the Commercial Component, the development of the Property ~~may~~shall include a residential component (the "Residential Component"), consisting of one of the following development scenarios:

(a) no less than 150 and no more than 200 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code; or

(b) no less than 125 and no more than 150 dwelling units designated for student housing; or

(c) no less than 150 and no more than 175 conventional multi-family dwelling units.

In the event that the Residential Component is developed with an elderly housing facility, it may include such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of said elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or residential use. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west. The height of any building in the Residential Component may not exceed five (5) stories."

**NOW, THEREFORE,** IN ORDER TO ASSURE Miami-Dade County that the representations made by the Owner during its consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, hereby agrees as follows:

1. Paragraph No. 1 of the Declaration now reads as follows:

"1. Permitted Uses. Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 375,000 square feet of retail, commercial, personal services, and offices (the "Commercial Component"). In addition to the Commercial Component, the development of the Property may include up to two hundred fifty (250) dwelling units but no less than one hundred twenty-five (125) dwelling units shall include a residential component (the "Residential Component"), consisting of one of the following development scenarios:

(a) no less than 150 and no more than 200 dwelling units designated for elderly housing, as such term is defined under Section 202 of the Fair Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code; or

(b) no less than 125 and no more than 150 dwelling units designated for student housing; or

(c) no less than 150 and no more than 175 conventional multi-family dwelling units.

In the event that the Residential Component is developed with an elderly housing facility, it may include such ancillary and accessory uses as may be desirable, necessary or complementary to satisfy the service needs of the residents, such as, but not limited to, counseling, medical, nutritional, and physical therapy, provided that such ancillary and accessory uses shall not exceed fifteen percent (15%) of the floor area of said elderly housing facility.

In an effort to enhance the compatibility of the proposed development of the Property with the existing residential development to the north and west, the north two (2) acres of the Property may only be occupied by a storm water retention area that may be required or desirable to develop the Property, driveways, pedestrian access, access roads, and landscaped or open space areas or residential use. In addition, the following building restrictions shall apply to the future development of the Property: (i) no building may be located any closer than one-hundred feet (100') from the adjacent residential property on the west; and (ii) no building or portion thereof may exceed a height of 2 stories within two-hundred feet (200') of the adjacent residential property on the west. The height of any building in the Residential Component may not exceed five (5) stories."

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

**[Signature Pages Follow]**

IN WITNESS WHEREOF, Fontainebleau Place, LLC, has caused these present to be signed in its name on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**WITNESSES:**

**Fontainebleau Place, LLC**  
a Florida limited liability company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF FLORIDA )

) SS:

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Fontainebleau Place, LLC, a Florida limited liability company, on behalf of said partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires:

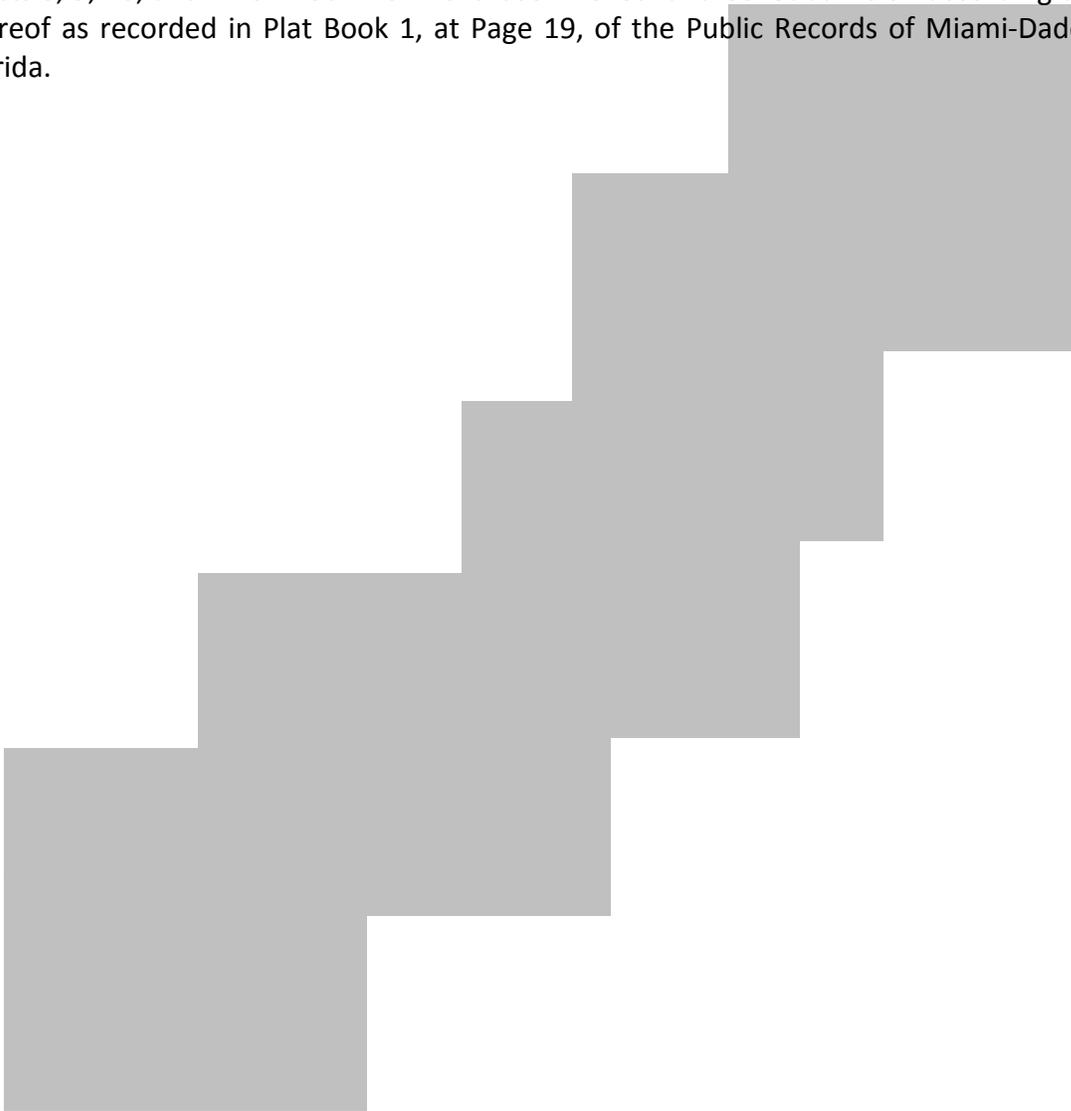
\_\_\_\_\_  
Notary Public – State of Florida

\_\_\_\_\_  
Printed Name

**EXHIBIT "A"**

**Legal Description of the subject property:**

Tracts 8, 9, 10, and 11 of Block 1 of Richardson-Kellet Land Co. Subdivision according to the Plat thereof as recorded in Plat Book 1, at Page 19, of the Public Records of Miami-Dade County, Florida.



**EXHIBIT "B"**

**Declaration of Restrictions recorded in Official Records Book 26955 at Page 723 of the Public Records of Miami-Dade County, Florida:**



Document comparison by Workshare Professional on Thursday, October 17, 2013  
1:31:50 PM

<b>Input:</b>	
Document 1 ID	interwovenSite://HKDMS/Active/23272567/3
Description	#23272567v3<Active> - Master Development / Fontainebleau Place / Modification of CDMP Declaration of Restrictions
Document 2 ID	interwovenSite://HKDMS/Active/23272567/4
Description	#23272567v4<Active> - Master Development / Fontainebleau Place / Modification of CDMP Declaration of Restrictions
Rendering set	standard

<b>Legend:</b>	
<a href="#">Insertion</a>	
<del>Deletion</del>	
<del>Moved from</del>	
<del>Moved to</del>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

<b>Statistics:</b>	
	Count
Insertions	8
Deletions	2
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	10

# **137 Holdings, LLC**

Application No. 7

May 2013 CDMP Amendment Cycle



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW



SW 268 Street

Hidden Grove Apartments

SW 272 Street

Mandarin Lakes TND

Riverside Townhomes

Larkin Hospital Property

South Dixie Highway

SW 280 Street

SW 137 Avenue

Turnpike

SW 288 Street

Application Area

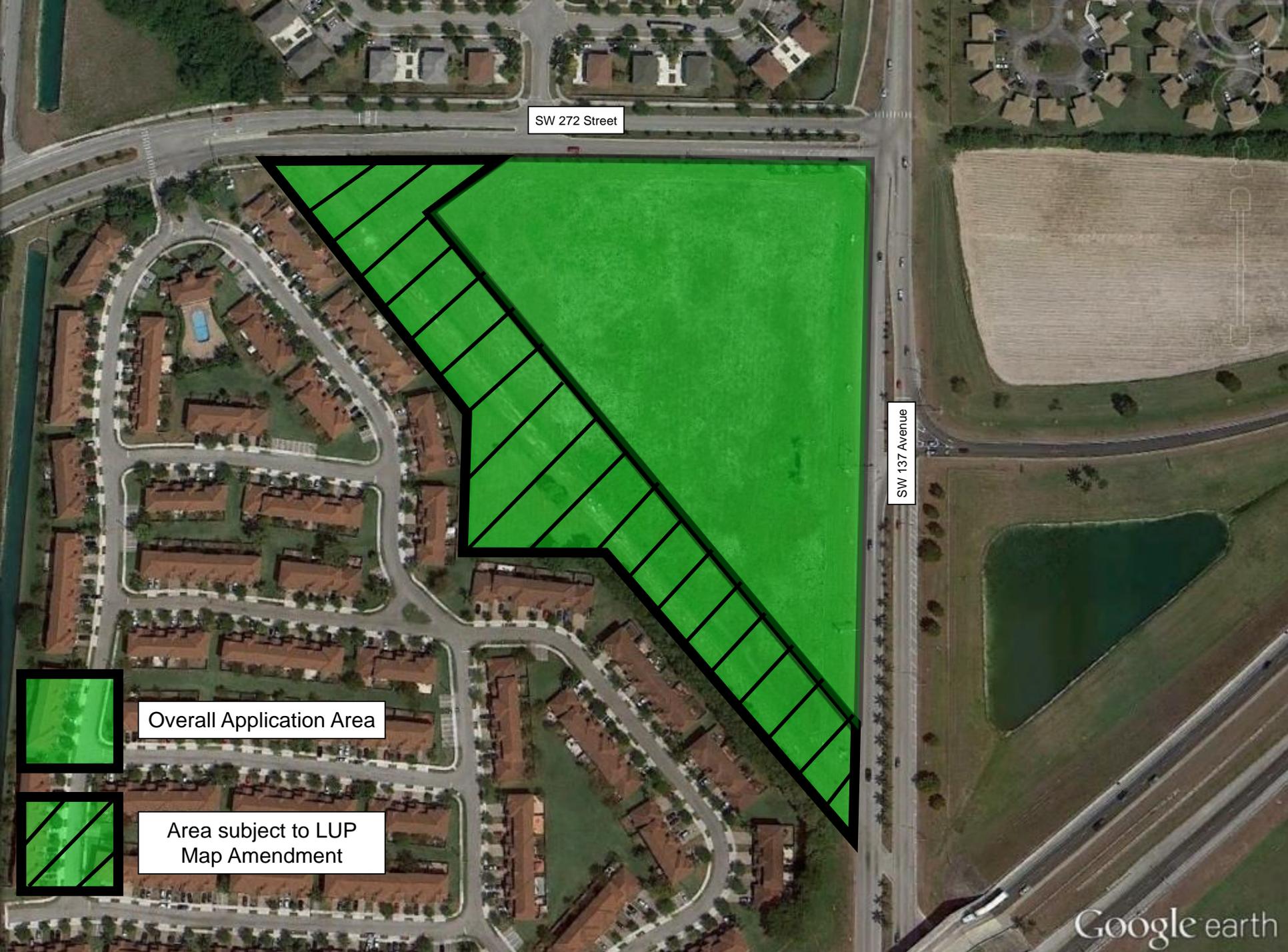
Existing Retail Development

SW 272 Street

SW 137 Avenue

Overall Application Area

Area subject to LUP  
Map Amendment







S.W. 272nd Street

CLUBHOUSE

S.W. 137th AVE.



