

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

- 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 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 **
 - Doral Crossings Urban Sprawl Analysis**
- Declaration of Restrictions proffered by the Applicant on September 26, 2013 in support of Application No. 1**

***Item compiled into a document titled *Turnberry/Doral Development, LP, Doral Crossing May 2013 CDMP Amendment Cycle Application No. 1 Miami-Dade County Community Council 5*, dated September 26, 2013, submitted at the Country Club of Miami Community Council public hearing on September 26, 2013 by the applicant in support of Application No. 1*

Rowe, Garrett A. (RER)

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

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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

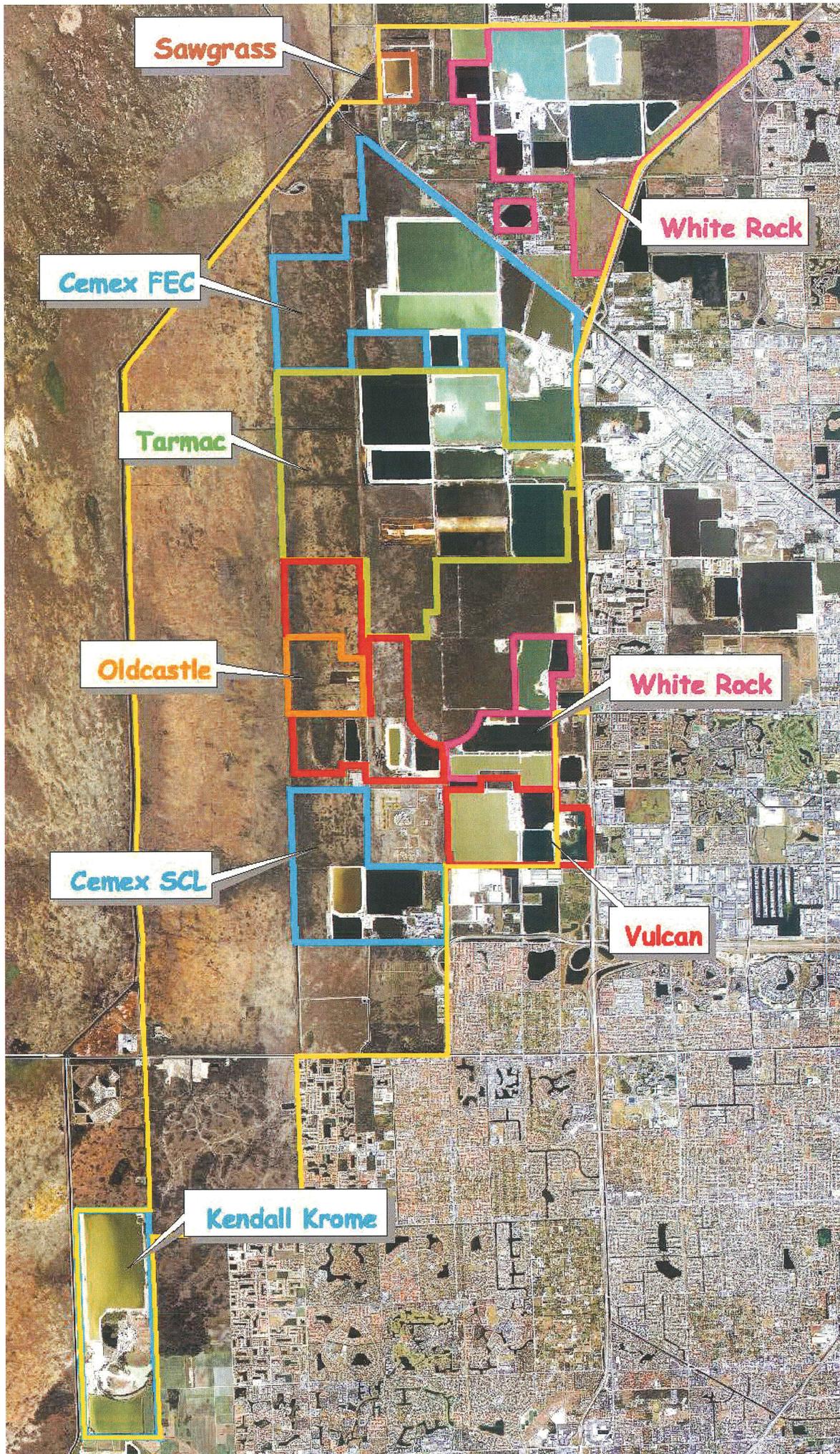
**U.S. Environmental
Protection Agency**
Richard Harvey

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

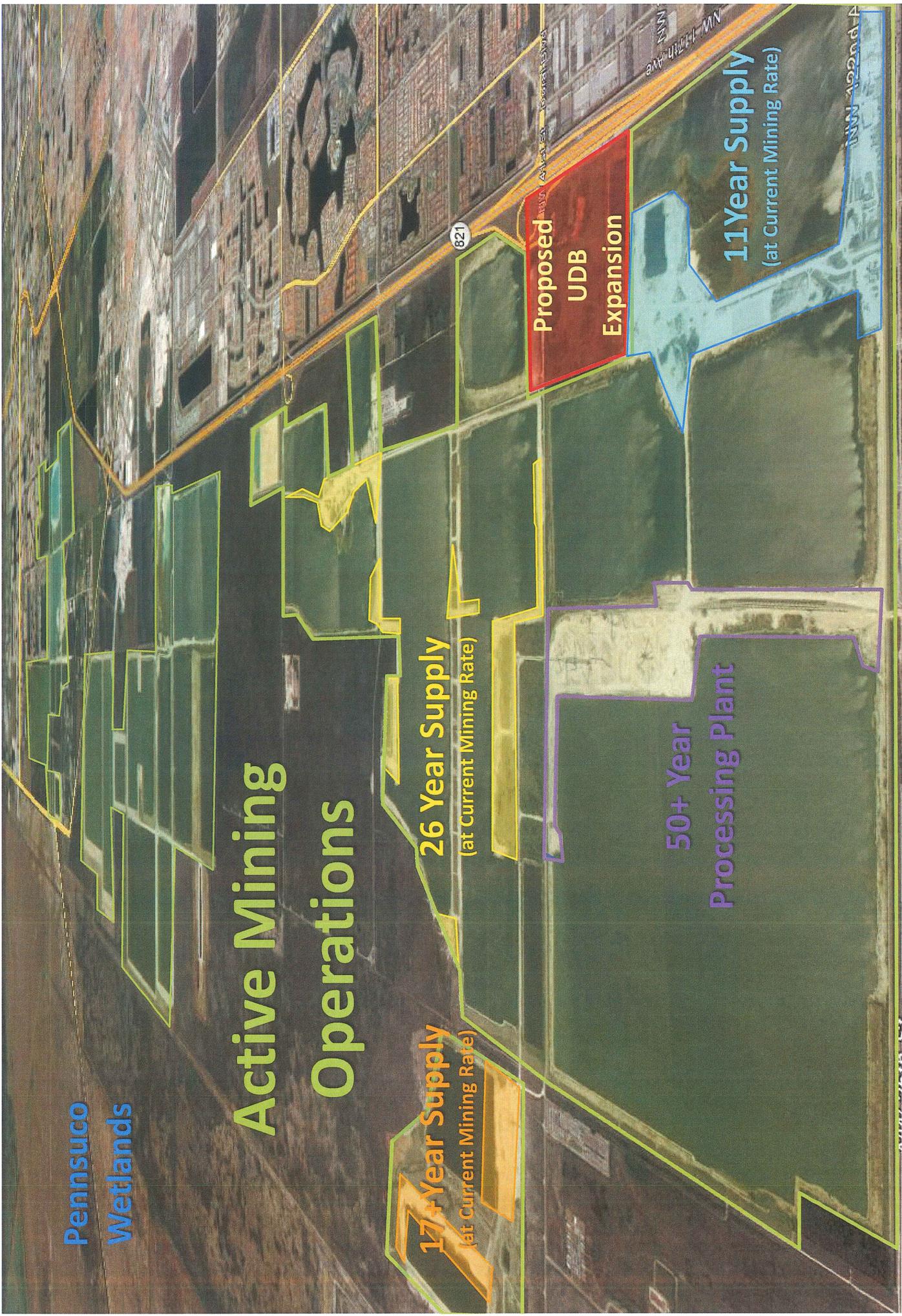
17+ Year Supply
(at Current Mining Rate)

26 Year Supply
(at Current Mining Rate)

Proposed
UDB
Expansion

50+ Year
Processing Plant

11 Year Supply
(at Current Mining Rate)





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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, 29th 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 58th Street structure in the Dressels Dairy Canal is managed for aquifer recharge and to the south of NW 58th 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 41st Street. It is not considered inappropriate to draw conclusions on a property located at NW 41st 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 25th 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 41st 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 41st 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 41st Street, adjacent to the application property, upon development. Both NW 41st 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 41st 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 41st 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 41st 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.

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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

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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 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 41st 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 122nd Avenue. Additionally, connections to 41st 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 122nd Avenue, from NW 25th Street to NW 41st Street, as a two-lane roadway. Owner agrees to construct the required additional two lanes for NW 122nd 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;

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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

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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.

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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

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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]

