

Application No. 2

Commission District 10 Community Council 10

APPLICATION SUMMARY

Applicant/Representative: Fontainebleau Lakes, LLC/Jorge Navarro, Esq.
The Lasarte Law Firm, LLP
3470 NW 82 Avenue, Suite 660
Doral, Florida 33122

Location: Between SR 836 (Dolphin Expressway) and Fontainebleau Boulevard and between NW 97 Avenue and NW 87 Avenue.

Total Acreage: 13.117 Gross Acres (13.117 Net Acres)

Current Land Use Plan Map Designation: Parks and Recreation

Requested Land Use Plan Map Designation: 1. Medium Density Residential (13 to 25 dwelling units per gross acre)
2. Modify current governing Declaration of Restrictions over the application site and revise Restrictions Tables as appropriate in the Land Use Element of the CDMP

Amendment Type: Standard

Existing Zoning/Site Condition: GU (Interim – uses depend on the character of neighborhood; otherwise EU-2 applies)/Vacant

RECOMMENDATIONS

Staff: **TRANSMIT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** (August 25, 2011)

Westchester Community Council (10): **TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** (September 20, 2011)

Planning Advisory Board (PAB) Acting as the Local Planning Agency: **TO BE DETERMINED** (October 17, 2011)

Board of County Commissioners: **TO BE DETERMINED** (November 16, 2011)

Final Action of Planning Advisory Board Acting as the Local Planning Agency: **TO BE DETERMINED** (2012)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (2012)

Staff recommends **TRANSMIT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** the proposed standard amendment to the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) to redesignate the 13.117 gross-acre properties from “Parks and Recreation” to “Medium Density Residential” (13 to 25 du/ac) and add the proffered Declarations of Restrictions (proposing to modify the underlying covenant) to the Table of Restrictions in the Land Use Element for the following reasons:

Principal Reasons for Recommendations:

1. The application site is a part of the former Fontainebleau East Golf Course and abuts a ±33.15-acre portion of the former golf course that was previously redesignated to “Medium Density Residential” and limited by covenant to a maximum development of 824 residential units. If approved, the application would increase the residentially designated portion of the former golf course from ±33.15 acres to ±46.3 acres. The application states that the ±46.3 acres would be developed with single family residences and the applicant has proffered a covenant modification to limit development on the ±46.3 acres by reducing the maximum allowable residential units that could be built from 824 to 325 units.

Pursuant to CDMP Land Use Element Policy LU-1F, the County is required to promote a variety of housing types in all residential communities. The application, if approved, would introduce single-family residential units into the multifamily community further supporting the intent of Policy LU-1F.

2. Policy LU-8E (i) of the CDMP Land Use Element requires amendments to the Adopted 2015-2025 LUP map to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the Adopted 2015-2025 LUP map of the CDMP to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.
 - i. Need: While the application proposes less residential units than the land use designation allows, through the covenant modification, the application would introduce single-family residential units into an area developed predominantly with multifamily units. The application site is located within Minor Statistical Area (MSA) 6.2 that is projected to deplete its single-family residential land supply by the year 2014 and has a multifamily supply until 2026. Approval of the application (325 single-family units) would add approximately 6 months to the MSA’s single-family residential land supply while marginally impacting the multifamily supply.
 - ii. Public Facilities and Services: The impacts that would be generated from the maximum allowable development (325 single-family residential units), if the application were approved, would not cause a violation to the level of service standards for public services and facilities.
 - iii. Compatibility: The requested redesignation of the application site to “Medium Density Residential” is compatible with the “Medium Density Residential” and

“Parks and Recreation” designation on the adjacent properties. Additionally, the proposed single-family development would be compatible with adjacent multifamily residential developments in the vicinity of the application site.

- iv. Environmental and Historic Resources: If adopted, the application would not impact any environmental, historic, or archaeological resources.
 - v. Transit Ridership and Pedestrianism: The application site is located within ½ mile of several standard bus stops served by Metrobus Routes 7, 11, 51/Flagler Max and 87. The Metrobus Route 51/Flagler Max provides limited-stop transit service and along with Metrobus Route 11 provide service to the general application area at peak period headways of 15 minutes. Therefore, the application site is well served by transit service and development of the site, as proposed, could promote transit ridership.
3. The CDMP Land Use Element text for the “Parks and Recreation” land use category provides for, subject to conditions, the development of portions of golf courses (such as the former Fontainebleau East Golf Course) or other private open spaces that were previously limited by a restrictive covenant subject to certain conditions. One condition provides that a minimum of 50% of the land area of such golf courses subject to a new development plan shall be retained as “Parks and Recreation” or private open spaces (see Background under the Staff Analysis section in this report).

If approved, the application would reduce the open space area within the former Fontainebleau East Golf Course from ±90 acres to ±76.8 acres or approximately 52% of the total acreage of the former ±147.1-acre golf course, above the minimum “Parks and Recreation” or open space acreage retention requirement.

STAFF ANALYSIS

Background

The application site is a part of the remaining open space area (±89.15 acres) within the former ±147.1-acre Fontainebleau East Golf Course (the former Golf Course). The former Golf Course was established as part of a multifamily residential development to provide residents of the adjacent multifamily units with open space, and is located between SR 836 (Dolphin Expressway) and Fontainebleau Boulevard and between NW 97 Avenue and NW 87 Avenue. The development was approved pursuant to Miami-Dade Board of County Commissioner Resolution Z-208-69 approved in July 1969 and amended by Resolution Z-329-69 in November 1969. Resolution Z-208-69 required that, among others, the golf course be kept in perpetuity and Z-329-69 changed this condition to require retention of the golf course as a golf course for a period of 30 years. This 30 year golf course retention period has expired. Originally, the entire ±147.1 acre golf course has been designated primarily "Parks and Recreation" on the LUP map (±47 acres designated as "Medium Density Residential") and has been subject to two LUP map amendments since the expiration of the covenanted 30-year golf course retention period.

Previous Amendments and Covenants

Application No. 3 of the April 2004 amendment cycle was approved with acceptance of proffered Declaration of Restrictions (covenant) allowing a maximum development of 1,176 residential units on the former Fontainebleau East Golf Course. The CDMP covenant was executed on May 6, 2005 (the May 2005 Covenant) and recorded in the County's Official Records Book 23413, Page 1136 and restricts the development of the ±147.1 acres former Golf Course, including the current application site. Application No. 3 redesignated the northern ±33.15 acres (along the Dolphin Expressway) and the southern ±24.8 acres (along West Flagler from Parks and Recreation to Medium Density Residential and redesignated the ±47 acres of the former golf course originally designated as "Medium Density Residential" to "Parks and Recreation".

Subsequent to the approval of the April 2004 CDMP amendment cycle Application No. 3, the Medium Density Residential designated portions of the former ±147.1 acre Fontainebleau East Golf Course were rezoned to RU-4M and approved for the development of a maximum 770 condominium units on the northern ±33.15 acres and 352 units on the southern ±24.8 acres mentioned above (Resolution CZAB 10-21-06 adopted in March 2006).

Application No. 8 of the April 2008 CDMP amendment cycle was adopted in May 2009 with acceptance of two proffered covenants changed the LUP map designation on ±35.1 acres, including the southern ±24.8 acres of the former Golf Course mentioned above, from Parks and Recreation and Medium Density Residential to Business and Office. One of the proffered covenants (recorded in Book 26955, Page 0908 of Public Records) amended the May 2005 covenant reducing the maximum allowable residential units on the Golf Course from 1176 to 824 units. The second covenant limited development on the ±39 acre Business and Office designated land to a maximum 240,000 square feet of retail (recorded in Book 26921, Page 1562 of Public Records).

Open Space Retention

The CDMP Land Use Element text for the "Parks and Recreation" land use category provides for, subject to conditions, the development of portions of golf courses (such as the former Fontainebleau East Golf Course) or other private open spaces that were previously limited by a

restrictive covenant subject to certain conditions. One condition provides that a minimum of 50% of the land area of such golf courses or private open spaces shall be retained as "Parks and Recreation" or private open spaces.

The application, if approved, would reduce the remaining ±89.15 acres to ±76.03 acres or approximately 52% of the total acreage of the former ±147.1-acre Fontainebleau East Golf Course, above the minimum 50% "Parks and Recreation" or open space acreage retention requirement.

Application Site

Location

The ±13.117 gross-acre application area is located between SR 836 (Dolphin Expressway) and Fontainebleau Boulevard and between NW 97 Avenue and NW 87 Avenue. The application site comprises three separate parcels that abut the ±33.15 acre Medium Density Residential designated portion of the former Golf Course that was limited to 824 units by the above mentioned May 2005 Covenant. Of the three parcels, one parcel is between NW 97 Avenue and theoretical NW 92 Avenue abutting ±33.15-acre area on the west and the south (a sliver). The other two parcels abut the ±33.15-acre area on the east and extend southward toward Fontainebleau Boulevard.

Existing Land Use

The application site contains a man-made lake on the western portion of the site, and is vacant with tall grasses. The application site is a part of the open space that remains from the former Fontainebleau East Golf Course. (See Existing Land Use map in Appendix B: Map Series.)

Land Use Plan Map Designations and Proposed Use

The application site is designated Parks and Recreation on the Adopted 2015 and 2025 LUP map and the applicant requests redesignation to Medium Density Residential. This would increase the Medium Density Residential-designated land area within the former Golf Course to a total of ±46.27 acres. The applicant indicates that this expansion of residentially designated land is to facilitate the development of 325 single single-family units on the entire ±46.27 acres in place of the maximum 824 units allowed under the existing CDMP covenant for the ±33.15-acre portion of the former Golf Course.

Proffered Declaration of Restrictions (covenant)

The applicant has proffered a covenant to amend the existing CDMP covenant to reduce the maximum number of residential units allowable on the former Golf Course from 824 to 325 units.

Zoning

The application areas are currently zoned GU "Interim District" with uses depending on the character of the neighborhood or the EU-2 standards (single family five acre Estate District) would apply. (See Zoning Map in Appendix B: Map Series.)

Zoning History

In July 1969, the Miami-Dade Board of County Commissioners (Board) adopted Resolution No. Z-208-69 that, among other actions, rezoned the subject application site from IU-2 and AU to GU and approved an unusual use for certain lands to be used as a golf course (the former Fontainebleau East Golf Course). Resolution Z-208-69 required the golf course to be platted simultaneously with residential lots and be maintained in perpetuity as a golf course, and that a

formal restrictive covenant running with the land be recorded to ensure that the golf course is maintained in perpetuity. The Board later adopted Resolution Z-329-69 in November 1969 that removed the requirement for the Golf Course to be maintained for a period of 30 years. The 30-year retention period has since expired.

Adjacent Land Use and Zoning

Existing Land Use

North of the western portion of application site are vacant land (the ±33.15 acres approved for 824 residential units) and the Dolphin Expressway. The remaining open space areas of the former golf course adjacent to this application area are vacant. The remaining lands to the east, south and generally west of the application area are developed with multi-family residential units, and some vacant land is west of the western portion of the site. Areas to the north beyond the Dolphin Expressway are developed with commercial and industrial uses such as warehouses. (See Existing Land Use map in Appendix B: Map Series.)

Land Use Plan Map Designations

The remaining open space areas within the former golf course that abut are adjacent to the application site are designated “Parks and Recreation” on the LUP map. The area north of the western portion of the application site is designated “Medium Density Residential”. The remaining areas to the north, east, south and west of application area are designated “Medium density Residential” while the Dolphin Expressway right-of-way is designated as Transportation. (See CDMP Land Use map in Appendix B: Map Series.)

Zoning

The remaining open space areas within the former golf course that abut are adjacent to the application site are zoned GU. The vacant ±33.15 acres abutting the western portion of the application site is zoned RU-4M and the properties further north of the application area, and land north of SR 836 (Dolphin Expressway) are zoned IU-2 (Heavy Industrial Manufacturing District). The properties adjacent to the east and south of the western portion of the application site are zoned RU-4M (Modified Apartment House District-7,500 sq. ft. net) and RU-4 (High Density Apartment House District -50 units/net acre), respectively. Properties west of NW 97 Avenue are zoned RU-M. Properties north of the eastern portions of the application site are zoned RU-4M and RU-4. (See Zoning Map in Appendix B: Map Series.)

Supply and Demand for Residential Land

Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 3.2) in 2011 was estimated to have a capacity for 11,880 dwelling units, with approximately 82 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to decrease from 1,275 units per year in the 2011-2015 period to 1,260 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units occurring in 2014 and for multi-family by 2026 (See Residential Land Supply/Demand Analysis table below). The supply of residential land for both single-family and multi-family units is projected to be depleted in the year 2020.

**Residential Land Supply/Demand Analysis
2011 to 2030: (MSA 3.2)**

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2011	2,139	9,741	11,880
DEMAND 2010-2015	664	611	1,275
CAPACITY IN 2015	0	7,297	6,780
DEMAND 2015-2020	693	637	1,330
CAPACITY IN 2020	0	4,112	130
DEMAND 2020-2025	694	639	1,333
CAPACITY IN 2025	0	917	0
DEMAND 2025-2030	694	604	1,260
CAPACITY IN 2030	0	0	0
DEPLETION YEAR	2014	2026	2020

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on proposed population projections.

Source: Miami-Dade Department of Planning and Zoning, Planning Research Section, July 2011.

Environmental Conditions

Flood Protection

County Flood Criteria, National Geodetic Vertical Datum (NGVD)	+7.0 feet
Stormwater Quality Management Permit	Surface Water Management General Permit No. 13-03819-P is in effect
Drainage Basin	C-4
Federal Flood Zone	AH-8

Biological Conditions

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

Other Considerations

Within Wellfield Protection Area	NO
Hazardous Waste	YES

Tree Preservation

Tree Removal Permit 2006-577 was issued for several properties, including the application site and expired on December 4, 2009. As per this permit, the application site falls within the west developed area and tree #190, as shown on the permitted site plans, is required to be preserved. A final inspection was performed by DERM staff on August 25, 2009, which revealed that the site conditions were in compliance with Tree Removal Permit 2006-577.

County policy supports the preservation of urban trees to help reduce temperatures and to shelter pedestrians (CDMP Policy CON-8A and CON-8H). A new Miami-Dade County Tree Removal Permit or an amendment to this permit is required prior to the removal or relocation of any other tree on the subject property. Developers are advised to contact DERM staff (305-372-6600) for information regarding tree permitting requirements prior to development.

Drainage and Flood Protection

This proposed amendment has been reviewed to ensure that resulting development can comply with the County's Stormwater Management (Drainage) Level of Service Standards (LOS). Stormwater management standards include a flood protection component and a water quality component. The County's water quality standard helps protect water quality by minimizing the pollutants carried offsite in rainwater. This standard requires all stormwater to be retained on-site utilizing a properly designed seepage or infiltration drainage system for a 5-year storm/1-day storm event; these systems are designed to filter the most harmful pollutants from rainwater draining from the site (CDMP Policy CON-5A).

The flood protection standard helps to ensure that proposed development does not cause flooding on adjacent properties and roads. This standard requires that site grading and development accommodates full on-site retention of rainwater from the 25-year/3-day storm event. Off-site flood protection is provided by the C-4 canal, operated by the South Florida Water Management District. Surface Water Management General Permit Number 13-03819-P is in effect for the application site. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

Site development must also comply with the requirements of Section 11C of Miami-Dade County Code, and all State and Federal criteria. The site shall be filled to the County's minimum required flood elevation for this area or the base flood elevation established by Federal Flood Insurance Rate Maps (FIRM) for this area of Miami-Dade County, whichever is higher. The application site lies within Flood Zone AH-8 as per the federal FIRM maps.

Hazardous Waste

County staff regularly reviews properties surrounding the perimeter of CDMP application sites for historical or current records indicating onsite contamination. This application site is part of the larger Fontainebleau Golf course development area. These properties are currently under assessment for contaminants typically associated with golf course herbicides. These current assessment activities are an extension of the assessment activities on the abutting properties to the south which have records of current Arsenic contamination assessment/remediation issues (Fontainebleau Golf Course, 9155 W. Flagler Street, AW-235/ File -9606).

Air Quality Management

The County works to reduce human exposure to air pollution (CDMP Objective CON-1) and to reduce carbon dioxide levels (Policy CON-1J). Minimizing vehicle emissions through reduced congestion, travel time and vehicle trips helps to minimize air pollutants. The County requires air quality modeling for certain intersections and parking facilities to reduce congestion. The County promotes mass transit as an alternative to the personal automobile (TE-1A), and also supports bicycle use, and trips made by foot to minimize vehicle trips and air pollution. Adopted policy also recommends land use patterns to achieve energy efficient development. (Objective LU-10)

Water and Sewer

Water Supply

The Biscayne Aquifer is the primary water supply source for the millions of people living in South Florida. However, overuse of this aquifer has resulted in lowered water levels in the Everglades, which is inconsistent with the goals of the Comprehensive Everglades Restoration Project (CERP), designed to restore and preserve water resources in the South Florida ecosystem, including the Everglades. In 2005, the South Florida Water Management District (SFWMD) promulgated new rules that prohibited withdrawals from the Biscayne Aquifer to accommodate future development. The SFWMD requires that all future developments be linked to new water supply sources, either through alternative water supply or reuse projects.

Effective January 11, 2011, WASD implemented a Water Supply Certification Program to assure water supply is available to all users as required by Policy CIE-5D and WS-2C of the County's Comprehensive Development Master Plan (CDMP) and in accordance with the permitted withdrawal capacity in the WASD 20-year Water Use Permit (WUP). All new construction, addition, renovation or changes in use resulting in an increase in water consumption will require a Water Certification Letter. This certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered; or during the Plat process prior to the final development order. At that time, the project will be evaluated for water supply availability and a water supply reservation will be made.

Although a Water Certification Letter is not required at the time of CDMP application, the applicant should be cognizant of the County's focus on water conservation and requirements to comply with its 20-year Water Use Permit.

Water Treatment Plant Capacity

The County's adopted level of service (LOS) standard for water treatment is based on the regional treatment system. The LOS requires that the regional treatment system operate with a rated maximum daily capacity of no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily system demand for the preceding 5 years (CDMP Policy WS-2A(1)). Based on the 12-month average (period ending 12-31-10), the regional treatment system has a rated treatment capacity of 439.74 million gallons per day (mgd) and a maximum plant production of 345.8 mgd. As a result, the regional system has approximately 94 mgd or 23.35% of treatment plant capacity remaining.

The Hialeah-Preston Water Treatment Plant specifically provides water for this area of the County. This plant has sufficient treatment capacity to provide for current demand and produces water that meets Federal, State, and County drinking water standards.

Water System Connectivity

The application site is within the water service area of the MDWASD. For the west portion of the application site located just east of NW 97th Avenue, the developer shall connect to an existing 16-inch water main located on Fontainebleau Boulevard, east of NW 97th Avenue and extend an 8-inch water main north to the application site within an access road. For the east portion of the application site located approximately 1,600 feet west of NW 87th Avenue, the developer shall connect to a 16-inch water main located on Fontainebleau Boulevard and extend an 8-inch water main north to the application site. In addition, if two or more fire hydrants are to be connected to a public water main extension within the property, the water system shall be looped with two (2) connection points. As noted above, a Water Supply

Certification Letter will also be required prior to connection for this project. Connectivity will be based upon water supply availability.

Water Conservation

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

The proposed land use designation and draft covenant submitted to the County on July 18, 2011, for this application site would allow a maximum of 325 residential dwelling units, if approved. As noted in Table 1 below, "Comparison of Residential Water Use", if the application site were developed with single family detached units of less than 3,000 square feet, water demand from the application site is estimated at 220 gallons per day (gpd) per unit. If the proposed single family units are between 3,001 and 5,000 square feet, water demand per unit increases to 320 gpd. If the single family units are over 5,000 square feet, water usage reaches 325 gpd.

Although water demand estimates under this proposed CDMP land use designation will not cause the adopted level of service standard for potable water to be violated for this area, it should be noted that single family detached residences use significantly more water than attached residential and multifamily units such as townhouses and apartments (using 180 and 150 gpd, respectively). It is County policy to conserve and use water resources efficiently and to promote water conservation by residential, commercial and industrial consumers. (Objective WS-5, Policy WS-5D)

Comparison of Residential Water Use Code Section 24-43.1 Type of Land Use/ Gallons per day (GPD)			
	Approximate number of gallons of water used in this land use type per day	Proposed No. Units	Potential Water Usage (gpd)
Unit Types Proposed			
Single Family Residence			
Less than 3001 sq. ft	220 gpd/unit	325	71,500
3001-5000 sq. ft	320 gpd/unit	325	104,000
More than 5000 sq. ft	550 gpd/unit	325	178,750
Unit Types Currently Planned			
Townhouse Residence	180 gpd/unit	770	138,600
Apartment	150 gpd/unit	770	115,500

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

To help minimize the use of water for the proposed 325 homes, the applicant or future developer may consider the merits of low-impact-development design including site and landscaping features that surpass the County's Code requirements to minimize water use and the use of energy. County staff is available to assist the developer to integrate these features to further reduce development and maintenance costs.

Sewer Treatment Plant Capacity

The County's adopted level of service standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system operate at a capacity that is two percent above the average daily per capita flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and County standards and all treatment plants must maintain the capacity to treat peak flows without overflow. The Central District Wastewater Treatment Plant has a design capacity of 368 million gallons per day (mgd) and a 12-month average (period ending 11-30-10) of 283.9 mgd. This represents approximately 78.9% of the regional system capacity. Therefore, the wastewater treatment system has 21.1% or 77.69 mgd of capacity remaining.

The wastewater flows generated within the application site will be collected by a gravity network with several pump stations. Wastewater will be directed to pump station 30-0026 or 30-0027, and then to station 30-0187 and then transmitted to the Central District Wastewater Treatment Plant for treatment and disposal. The aforementioned pump stations are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree¹ and consistent with CDMP Policy WS-2A(2). Please note that at the time of development, a capacity modeling evaluation may be required.

Sewer System Connectivity

For the west portion of the subject application, the developer shall connect to an existing 8-inch sanitary sewer force main located on Fontainebleau Boulevard and extend a new 8-inch sanitary sewer force main to the developer's property. A private pump station will be required.

For the east portion of the subject application, the developer shall connect to an existing 15-inch sanitary sewer gravity line located on Fontainebleau Boulevard and extend an 8-inch sanitary sewer gravity line to the developer's property provided that there is sufficient depth and that there are no obstacles which would preclude construction of the sewer. Any proposed sewer extension inside the developer's property shall be eight (8)-inch minimum.

Solid Waste

The application site is located inside the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collections. The adopted level of service standard for the County's Solid Waste Management System is to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years (CDMP Policy SW-2A). The DSWM issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. As of FY 2010-11, the DSWM is in compliance with this standard. The DSWM does not actively compete for non-residential waste collection at this time and the development of the application site would not cause the DSWM to violate its LOS standard.

¹ The Miami-Dade Water and Sewer Department (MDWASD) regional wastewater treatment and disposal facilities have limited available capacity. Consequently, approval of development orders which will generate additional wastewater flows are evaluated by DERM on a case-by-case basis. Approvals are only granted if the application for any proposed development order is certified by DERM so as to be in compliance with the provisions and requirements of the settlement agreement between Miami-Dade County and the State of Florida Department of Environmental Protection (FDEP) and also with the provisions of the United States Environmental Protection Agency consent decree.

Parks

The adopted Level of Service (LOS) standard for recreational open space is 2.75 acres per 1,000 permanent residents in unincorporated Miami-Dade County, and the County must provide open space of five acres or larger within three miles of residential development (CDMP Policy ROS-2A). The subject application site is located in Park Benefit District 1 (PBD-1), which has a surplus capacity of 407.2 acres when measured by the County's adopted concurrency LOS standard for the unincorporated area. The "County Local Parks" table below lists the five local parks within a 2-mile radius of the application site, three of which (Ruben Dario Park, Coral Estates Park and The Women's Park) are larger than the required five acres (or larger) park. The nearest park to the application site is the Ruben Dario Park, approximately 1.32 miles from the application site.

County Local Parks Within a 2-Mile Radius of Application Site

Park Name	Acreage	Classification
Ruben Dario Park	14.97	Community Park
Coral Estates Park	5.26	Neighborhood Park
The Women's Park	15.16	Single Purpose Park
Francisco Human Rights Park	2.88	Mini-Park
Westbrook Park	2.10	Neighborhood Park

Source: Miami Dade Parks and Recreation Department, July 2011.

The proposed CDMP amendment has the potential to increase population on the application site by 801 persons, resulting in an impact of 2.2 acres of parkland (if the site were developed with residential use). This park acreage demand is well within the surplus capacity of PBD-1, and would not cause a violation of the park LOS standard.

Fire and Rescue Service

The application site is currently served by Miami-Dade County Fire Rescue Station No. 48 (Fontainebleau), located at 8825 NW 18 Terrace. This station is equipped with an Advanced Life Support (ALS) Engine, and staffed with a Rescue unit and a Battalion Chief totaling eight firefighter/paramedics 24 hours a day, seven days a week.

According to Miami-Dade County Fire Rescue Department (MDFRD), the average travel time to incidents in the vicinity of the application site is approximately 6 minutes and 12 seconds. Travel time to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

The application site's current CDMP land use designation of "Parks and Recreation" will allow a potential development that is anticipated to generate 12 annual alarms. The proposed CDMP land use designation of "Medium Density Residential" will allow a potential development on the application site that is anticipated to generate 92 annual alarms. The 92 annual alarms will result in a severe impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. The anticipated number of annual alarms will be mitigated upon completion of planned Fire Rescue Station No. 68 to be located at NW 112 Avenue and NW 17 Street. Although MDFRD owns the property, funding for construction of this station remains unfunded and an estimated construction schedule is unavailable at this time.

The minimum fire flow required for the proposed CDMP land use designation of “Medium Density Residential” shall be 1,500 gallons per minute (gpm). However, since the application site will be developed with single-family residences the minimum fire flow required shall be 500 gpm. Fire hydrants shall be spaced a minimum of 300 feet from each other and shall deliver not less than 500 gpm. Presently, there are no fire flow deficiencies in the vicinity of the application site.

Public Schools

The adopted level-of-service (LOS) standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) with relocatable classrooms. A “planning level review”, which is a preliminary school concurrency analysis, is usually conducted on this type of application. The analysis is in accordance with Miami-Dade County’s adopted Educational Element of the Comprehensive Development Master Plan (CDMP) and the Interlocal Agreement (ILA) for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and based on the adopted LOS standard for public schools, current available capacity and current school attendance boundaries.

Section 7.5 of the ILA provides for “Public Schools Planning Level Review” (Schools Planning Level Review) of CDMP amendments containing residential units. This type of review does not constitute a “Public School Concurrency Review” and, therefore, no concurrency reservation is required.

Application Impact

This application is requesting the modification of a CDMP Declaration of Restriction which allows the development of 824 residential units and the change of the land use designation of approximately 13.117 acres from “Park and Recreation” to “Medium Density Residential” to allow on the northern portion of the NE Golf Course the development of 325 single-family residential units through a revised Declaration of Restrictions submitted by the applicant. It should be pointed out that in 2006 the subject area was approved through a zoning action for the development of 770 condominium units (multi-family units). A multi-family development of 770 units would generate approximately 228 public school students, while the 325 single-family residential units would generate 121 public school students. The impact of 770 multi-family units on the public school system is greater than that of 325 single-family detached residences. Also, at the time the zoning application was considered, the applicant proffered a monetary donation in the amount of \$1,000,000 to the Miami-Dade County School Board (School Board). This proffer applies to the application encompassing Fontainebleau East and West Development, for a total of 1,870 residential units, including this CDMP application site. Pursuant to the Interlocal Agreement for Public Schools Facility Planning, Section 9.4, developments that have provided a monetary mitigation payment are considered vested from the requirements of public school concurrency, to the extent that there is no increase in the number of residential units. The proposed project associated with this CDMP application reduces the number of residential units currently approved; therefore, the proposed project is vested for schools and there is no need for school concurrency review.

Aviation

Miami-Dade County Aviation Department (MDAD) reviewed the proposed CDMP amendment and determined that the proposal is compatible with airport operations.

Roadways

Application No. 2 is requesting the modification of a CDMP Declaration of Restrictions which limits the development of the north portion of the Fontainebleau East Golf course to 824 residential units, and to change the land use designation of an additional 13.117 acres from “Park and Recreation” to “Medium Density Residential (13-25 DU/Acre)”. In 2006, a residential development was approved for the subject area through a zoning action for the development of 770 condominium units (multi-family units). The applicant is seeking to modify the CDMP Declaration of Restrictions to allow the development of 325 single-family residential units instead of the 770 condominiums.

Existing Conditions

Primary access to the subject site is from primarily from NW 97 Avenue and Fontainebleau Boulevard. Fontainebleau Boulevard is a four-lane County collector and connects to NW 107, NW 97 and NW 87 Avenues and West Flagler Street. North-south expressways and arterials include: SR 826/Palmetto Expressway, SR 973/NW 87 Avenue, NW 97 Avenue, SR 985/NW 107 Avenue, and SR 836/Dolphin Expressway. East-west expressway and arterials include: SR 836/Dolphin Expressway, NW 12 Street, West Flagler Street, SR 90/SW 8 Street, and SW 24 Street. Both NW 87 and 97 Avenues provide access to Flagler Street in the south, which provides access to SR 826 and the HEFT. The HEFT, SR 826 and SR 836 provide access to other areas of the County.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters “A” through “F”, with A generally representing the most favorable driving conditions and F representing the least favorable.

Most roadways in the vicinity of the application site are currently operating at acceptable levels of service. The following roadway segments are reported to be operating at their adopted LOS standards: NW 36 Street from NW 97 to the HEFT, NW 25 Street from SR 826 to NW 107 Avenue, SR 826 from SR 836 to SW 8 Street, NW 87 Avenue from NW 36 Street to Flagler Street, SW 97 Avenue from SW 8 Street to SW 24 Street, and NW 107 Avenue from NW 41 Street to NW 25 Street and between Flagler Street and SW 8 Street. All these roadway segments are currently monitored and operating at their adopted LOS D and E standards. One roadway segment of SR 826/Palmetto Expressway from NW 36 Street to SR 836 is operating at LOS E in violation of its adopted LOS D standard. All other roadways currently monitored show acceptable peak-period LOS conditions (see the “Traffic Impact Analysis” table below).

Trip Generation

The “Estimated Peak Hour Trip Generation” Table below identifies the estimated number of PM peak hour trips expected to be generated by the proposed development that could occur under the requested CDMP land use designation and the modified previously accepted Declaration of Restrictions, and compares them to the number of trips that would be generated by the maximum residential development that was approved in the current CDMP Declaration of Restrictions.

As indicated above, the applicant had previously submitted, and the Board of County Commissioners (BCC) had accepted, a Declaration of Restrictions which limits residential development on the application site to no more than 824 multifamily residential units. The applicant is now proffering a modified Declaration of Restrictions which would limit development on the application areas to 325 single-family units. Under this scenario, the 325 units would

generate approximately 183 less PM peak trips than the 824 multifamily dwelling units previously approved. See the table below.

**Existing Traffic Conditions
Roadway Lanes and Peak Period Level of Service (LOS)**

Roadway	Location/Link	Lanes	LOS Std.	LOS
NW 25 Street	SR 826 to NW 87 Ave.	A4	D	D (2010)
	NW 87 Ave. to NW 97 Ave.	A4	D	D (2010)
	NW 97 Ave. to NW 107 Ave.	A4	D	D (2010)
	NW 107 Ave. to NW 117 Ave.	A4	D	B (2010)
NW 12 Street	NW 72 Ave. to NW 87 Ave.	A4	D	C (2010)
	NW 87 Ave. to NW 107 Ave.	4	E	C (2010)
	NW 112 Ave. to NW 117 Ave.	6	D	B (2010)
SR 836/Dolphin Expy.	SR 826 to NW 87 Ave.	6	D	C (2010)
	NW 87 Ave. to NW 107 Ave.	6	D	C (2010)
	NW 107 Ave. to HEFT	6	D	B (2010)
<u>Flagler Street</u>	NW/SW 72 Ave. to NW/SW 87 Ave.	A6	E+20%	D (2010)
	NW/SW 87 Ave. to NW/SW 97 Ave.	A6	E+20%	D (2010)
	NW/SW 97 Ave. to NW/SW 107 Ave.	A6	E+20%	D (2010)
	NW/SW 107 Ave. to NW/SW 114 Ave.	6	E+20%	D (2010)
	NW/SW 114 Ave. to NW/SW 118 Ave.	6	E+20%	D (2010)
SW 8 St./Tamiami Trail	SR 826 to SW 87 Ave.	A6	E+20%	B (2010)
	SW 87 Ave. to SW 107 Ave.	A8	E+20%	B (2010)
	SW 107 Ave. to HEFT	A6	E+20%	D (2010)
SW 24 Street/Coral Way	SR 826 to SW 87 Ave.	A6	E+20%	D (2010)
	SW 87 Ave. to SW 97 Ave.	4	E+20%	D (2010)
	SW 97 Ave. to SW 107 Ave.	A6	E+20%	C (2010)
	SW 107 Ave. to SW 117 Ave.	A4	E+20%	E (2010)
<u>SR 826/Palmetto Expy.</u>	NW 36 St. to SR 836.	8	D	E (2010)
	SR 836 to Flagler St.	8	D	D (2010)
	W. Flagler St. to SW 8 St.	8	D	D (2010)
	SW 8 St. to SW 24 St.	8	D	D (2010)
<u>NW/SW 87 Avenue</u>	<u>NW 36 St. to NW 25 St.</u>	A6	E	E (2010)
	<u>NW 25 St. to NW 12 St.</u>	A6	D	D (2010)
	SR 836 to Flagler St.	A6	E	E (2010)
	Flagler St. to SW 8 St.	A4	E	C (2010)
	SW 8 St. to SW 24 St.	A4	E	D (2010)
NW/SW 97 Avenue	NW 41 St. to NW 25 St.	4	D	C (2010)
	NW 25 St. to NW 12 St.	A4	D	B (2010)
	SW 8 St. to SW 24 St.	2	D	D (2010)
NW/SW 107 Avenue	NW 41 St. to NW 25 St.	A6	D	D (2010)
	NW 25 St. to NW 12 St.	A6	D	C (2010)
	SR 836 to Flagler St.	A6	E	D (2010)
	Flagler St. to SW 8 St.	A4	E	E (2010)
	SW 8 St. to SW 24 St.	A6	E	D (2010)
HEFT	Okeechobee Rd. to SR 836	6	D	B (2010)
	SR 836 to SW 8 St.	6	D	C (2010)
	SW 8 St. to SW 40 St.	6	D	B (2010)

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

Note: () in LOS column identifies year traffic count was updated or LOS traffic analysis revised
 DV= Divided Roadway, UD= Undivided Roadway, LA= Limited Access
 LOS Std. means the adopted minimum acceptable peak period Level of Service standard for all State and County roadways.

**Estimated Peak Hour Trip Generation
By Current CDMP and Requested Use Designations**

Application Number	Assumed Use for Current CDMP Designation/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
2 (Scenario 1)	“Medium Density Residential Communities (13-25 DU/gross acre)” 824 apts. ¹ /	“Medium Density Residential Communities 3-25 DU/gross acre” (325 single-family units) ² /	
	511	328	-183

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

Notes: ¹ Based on an accepted CDMP Declaration of Restrictions in connection with the adopted April 2008 CDMP amendment No. 8 limiting development on application site to no more than 824 apartments.

² Based on a proposed CDMP Declaration of Restrictions in connection with the current application limiting development on the property to no more than 325 single-family units.

According to the adopted 2012 Transportation Improvement Program, the following roadway capacity improvement projects are programmed for construction in fiscal years 2012-2016 in the vicinity of the application site (see table below).

**Programmed Road Capacity Improvements
Fiscal Years 2011/2012 – 2015/2016**

Roadway	From	To	Type of Improvement	Fiscal Year
SR 826 / SR 836 Interchange Improvements	SR 826	SR 836	New construction – 4-lane divided express lanes	2011-2012, 2012-2013, 2014-2015, 2015-2016
NW 25 St. Viaduct	NW 82 Ave.	SR 826	New road construction	2011-2012
NW 25 Street	NW 89 Ct.	SR 826	Add lanes and reconstruct	2011-2012
SW 107 Avenue	SW 12 St.	SW 4 St.	Add lanes	2015-2016

Source: 2012 Transportation Improvement Program, Miami-Dade County Metropolitan Planning Organization, June 23, 2011.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of July 14, 2011, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County’s adopted 2012 Transportation Improvement Program (TIP), and the peak hour trips estimated to be generated by the proposed project on the application site, does not predict any substantial changes in the concurrency LOS of the roadways analyzed with the additional traffic impact of the proposed application’s project. All roadways analyzed adjacent to and in the vicinity of the application site are projected to continue to operate at or below their adopted LOS standards. See “Traffic Impact Analysis” table below.

CDMP Amendment Application No. 2
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend
Scenario 1: Residential (325 single-family units)												
F-1211	NW 87 Ave./ Galloway Rd.	SR 836 to Flagler Street	6 DV	E	4680	4325	E	196	E	79	4600	E (2010)
F-44	SW 87 Ave./ Galloway Rd.	Flagler St. to SW 8 Street	4 DV	E	3560	3088	C	122	C	47	3257	C (2010)
9494	NW 97 Ave.	NW 25 St. to NW 12 Street	4 DV	D	3080	2004	B	14	B	24	2042	B (2010)
9698	SW 97 Ave.	SW 8 St. to SW 24 Street	2 UD	D	2130	1223	D	57	D	27	1307	D (2010)
9158	Flagler St.	NW 114 Ave. to NW 107 Ave.	6 DV	E+20%	5868	2447	D	6	D	19	2472	D (2010)
9156	W. Flagler St.	NW 107 Ave. to NW 97 Ave.	6 DV	E+20%	6300	3015	D	38	D	64	3117	D (2010)
9154	W. Flagler St.	NW 97 Ave. to NW 87 Ave.	6 DV	E+20%	5916	3640	D	71	D	117	3828	E (2010)
F-1218	NW 107 Ave./SR 985	SR 836 to Flagler Street	6 DV	E	5150	4254	D	96	D	17	4367	D (2010)
F-2580	SW 107 Ave.	Flagler St. to SW 8 St.	4 DV	E	3100	2805	E	30	E	19	2854	E (2010)

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

Notes: Scenario 1 is based on a proposed modification to an existing CDMP Declaration of Restrictions in connection with CDMP application limiting development to no more than 325 single-family units.

DV= Divided Roadway; UD= Undivided Roadway.

*County adopted roadway level of service standard applicable to the roadway segment: E +20% (120% capacity) for roadways serviced with transit service having 20 minutes headways between the Urban Development boundary (UDB) and Urban Infill Area (UIA).

() Indicates the year traffic count was taken.

Application Impact

The “Estimated Peak Hour Trip Generation” Table above identifies the estimated number of PM peak hour trips to be generated by the 824 multifamily residential units as limited by the CDMP Declaration of Restrictions accepted by the Board of County Commissioners in relation to the adopted April 2008 CDMP Amendment Cycle application No. 8, and by the 325 single-family residential units proposed in the modified CDMP Declaration of Restrictions. The 325 units would generate approximately 183 less PM peak trips than the 824 multifamily dwelling units. See “Estimated Peak Hour Trip Generation By Current CDMP and Requested Use Designations” Table above.

Applicant’s Trip Generation Analysis

The applicant, Fontainebleau Lakes, LLC, proffered a modified in connection with the current CDMP application a Declaration of Restrictions limiting the proposed development on the north portion of the Fontainebleau East Golf course to a total of 325 single-family residential units. The applicant also submitted a Trip Generation Analysis (August 1, 2011) in support of the subject application. The analysis, which was prepared by Kimley-Horn and Associates, Inc., presents the trip generation associated with a previously approved zoning application for 770 condominiums (Resolution No. CZAB 10-21-06) and the proposed 325 single-family residential units. The proposed single-family residential development is expected to generate fewer (304 PM peak hour) trips than the previously approved development (321 PM peak hour) trips.

In summary, the currently proposed plan for the Fontainebleau East Golf course represents a decrease in traffic in comparison to the previously approved plan for the application site.

Transit

Existing Service

The application site and surrounding areas are served by Metrobus Routes 7, 11, 51/Flagler MX and 87. The existing service frequencies of these routes are summarized in tabular form in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (Midday)	Evenings (After 8pm)	Overnight	Saturday	Sunday		
7	30	40	60	n/a	40	40	0.1	F
11	15	24	60	60	24	30	0.5	F
51/Flagler MAX	15	30	30	n/a	n/a	n/a	0.5	F/E
87	30	45	60	n/a	45	60	0.3	F

Source: Adopted 2011 Transit Development Plan (July 2011), Miami-Dade Transit

Notes: L means Metrobus local route service
F means Metrobus feeder service to Metrorail
E means Express Metrobus service

Future Conditions

Transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions, are being planned for the next ten years as noted in the 2021 Recommended Service Plan in the adopted 2011 Transit Development Plan. The “Metrobus Recommended Service Improvements” Table below shows the Metrobus service improvements programmed for the existing routes serving the application site.

Metrobus Recommended Service Improvements

Route(s)	Improvement Description
7	Extend service to the MIC, serving the Marlins Ballpark. Improve service frequency in the evening.
11	Improve headways to 20 minutes during the Marlins’ 81 home games.
51	Route to be transformed to Flagler Enhanced Bus and extend to future terminal at SW 147th Avenue and SW 8 St.
87	Extend to Flagler Station in Medley.

Source: Adopted 2011 Transit Development Plan (July 2011), Miami-Dade Transit.

Based on the CDMP threshold for traffic and/or transit service within a half-mile distance, the estimated operating or capital costs of these planned bus service improvements are not associated with this application.

Major Transit Projects

Miami-Dade Transit is developing premium transit services in the corridors approved by the People’s Transportation Plan. These services—enhanced bus corridors and express bus services—will incrementally build local ridership first to justify major improvements later. Enhanced bus services include modern-looking, high-tech buses running in straighter, more direct routes, and running more frequently with fewer stops. They will appear on various corridors including West Flagler Street.

The Flagler Enhanced Bus is scheduled for implementation in FY 2014. Miami-Dade Transit is pursuing incremental improvements along Flagler corridor by providing enhanced bus service from west Miami-Dade County to downtown Miami and Metrorail. This service will serve and connect the new Marlins Ballpark along NW 7 Street, Miami-Dade College Wolfson Campus, American Airlines Arena, the Metropolitan Hospital, and the Magic City Casino. This route will also serve a proposed park-and-ride lot located at SW 8 Street and SW 147 Avenue starting in fiscal year 2016. Route 51’s current 15 minute peak period headways would be improved to 12 minutes and Mid-Day service would remain the same. The stops along West Flagler Street would remain the same as they are for the current Route 51 operations; new stops from SW 107 Avenue west include SW 112 Avenue at SW 8 Street, SW 137 Avenue at SW 8 Street, and the park-and-ride lot at SW 147 Avenue. The estimated cost of this enhanced bus service is approximately \$1.5 million in annual operating costs and a one-time capital cost of \$3.8 million.

Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) #808 where the application site is located. If the proposed amendment is approved, the expected transit impact produced by the proposed development is minimal and can be absorbed by the planned improvements to the existing transit service in the area.

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

The proposed application will further the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-8B. Distribution of neighborhood or community serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic, and physical considerations.
- TC-1D. Issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the Level of Service standards contained in Policy TC-1B, except as otherwise provided in the "Concurrency Management Program" section of the Capital Improvement Element.
- CIE-3: CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

APPENDICES

Appendix A: Map Series

Appendix B: Amendment Application

Appendix C: Miami-Dade County Public Schools Analysis

Appendix D: Applicant's Traffic Study Executive Summary

Appendix E: Fiscal Impact Analysis

Appendix F: Proposed Declaration of Restrictions

Appendix G: Photos of Site and Surroundings

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APPENDIX A

Map Series

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

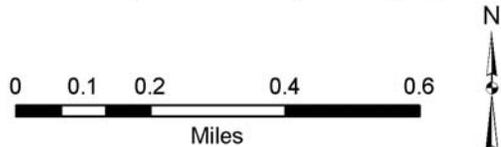
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APPLICATION NO. 2 AERIAL PHOTO

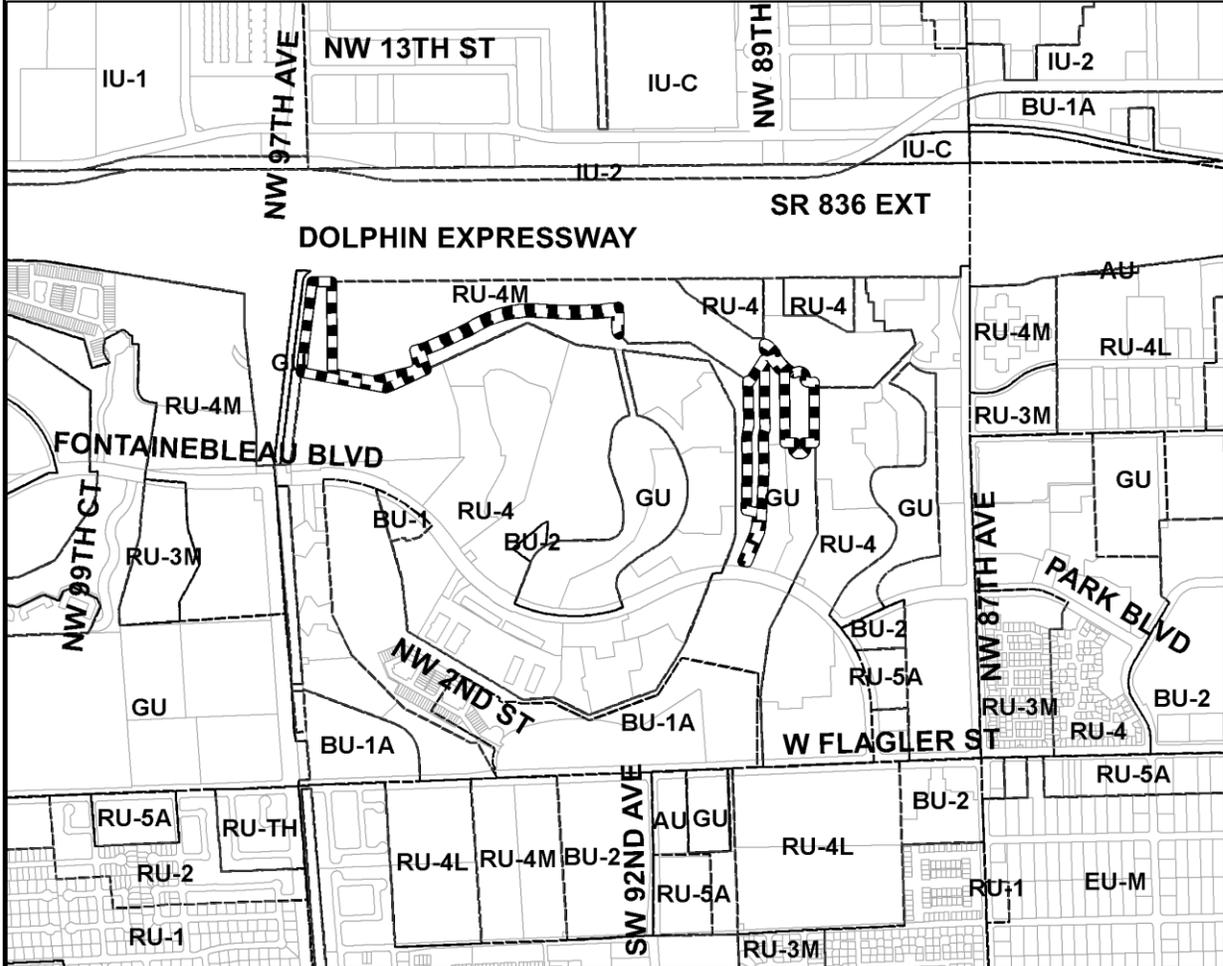


-  APPLICATION AREA
-  AREA COVERED BY EXISTING CDMP COVENANT (AS AMENDED IN MAY 2009)

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



APPLICATION NO. 2 ZONING MAP

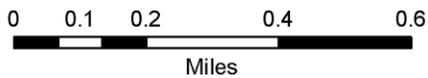


APPLICATION AREA

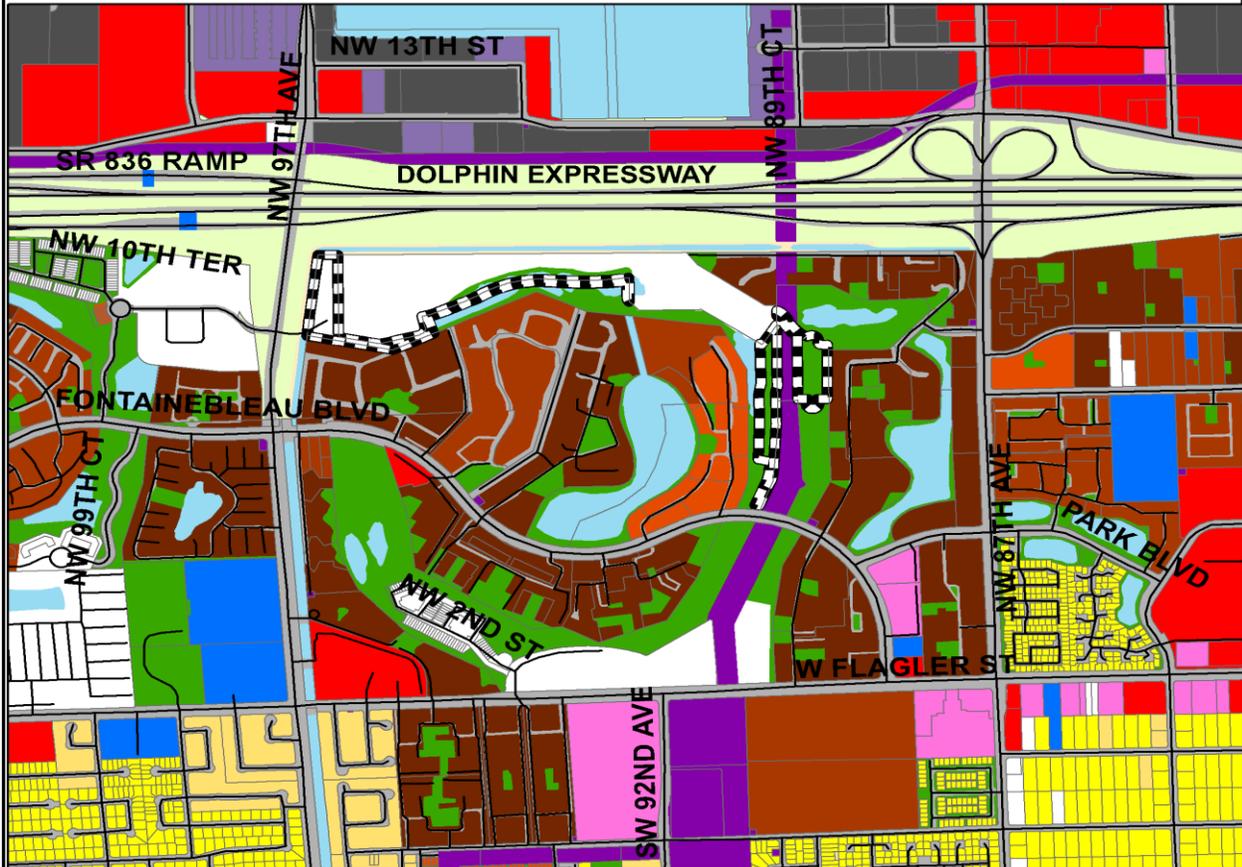
Source: Miami-Dade County
Department of Planning and Zoning, July 2011

ZONING DISTRICTS

GU	INTERIM	BU-2	SPECIAL BUSINESS
AU	AGRICULTURAL	IU-1	LIGHT INDUSTRIAL MANUFACTURING
EU-M	SINGLE-FAMILY MODIFIED ESTATE	IU-2	HEAVY INDUSTRIAL MANUFACTURING
RU-1	SINGLE FAMILY RESIDENTIAL (7, 500 sq. ft. net)	IU-C	CONDITIONAL INDUSTRIAL
RU-2	TWO FAMILY RESIDENTIAL (7, 500 sq. ft. net)		
RU-TH	TOWNHOUSE (8.5 units/net acre)		
RU-3M	MINIMUM APARTMENT HOUSE (12.9 units/net acre)		
RU-4L	LIMITED APARTMENT HOUSE (23 units/net acre)		
RU-4M	MODIFIED APARTMENT HOUSE (35.9 units/net acre)		
RU-4	HIGH DENSITY APARTMENT HOUSE (50 units/net acre)		
RU-5A	SEMI PROFESSIONAL OFFICE (10,000 sq. ft. net)		
BU-1	NEIGHBORHOOD BUSINESS		
BU-1A	LIMITED BUSINESS		



APPLICATION NO. 2 EXISTING LAND USE



 APPLICATION AREA

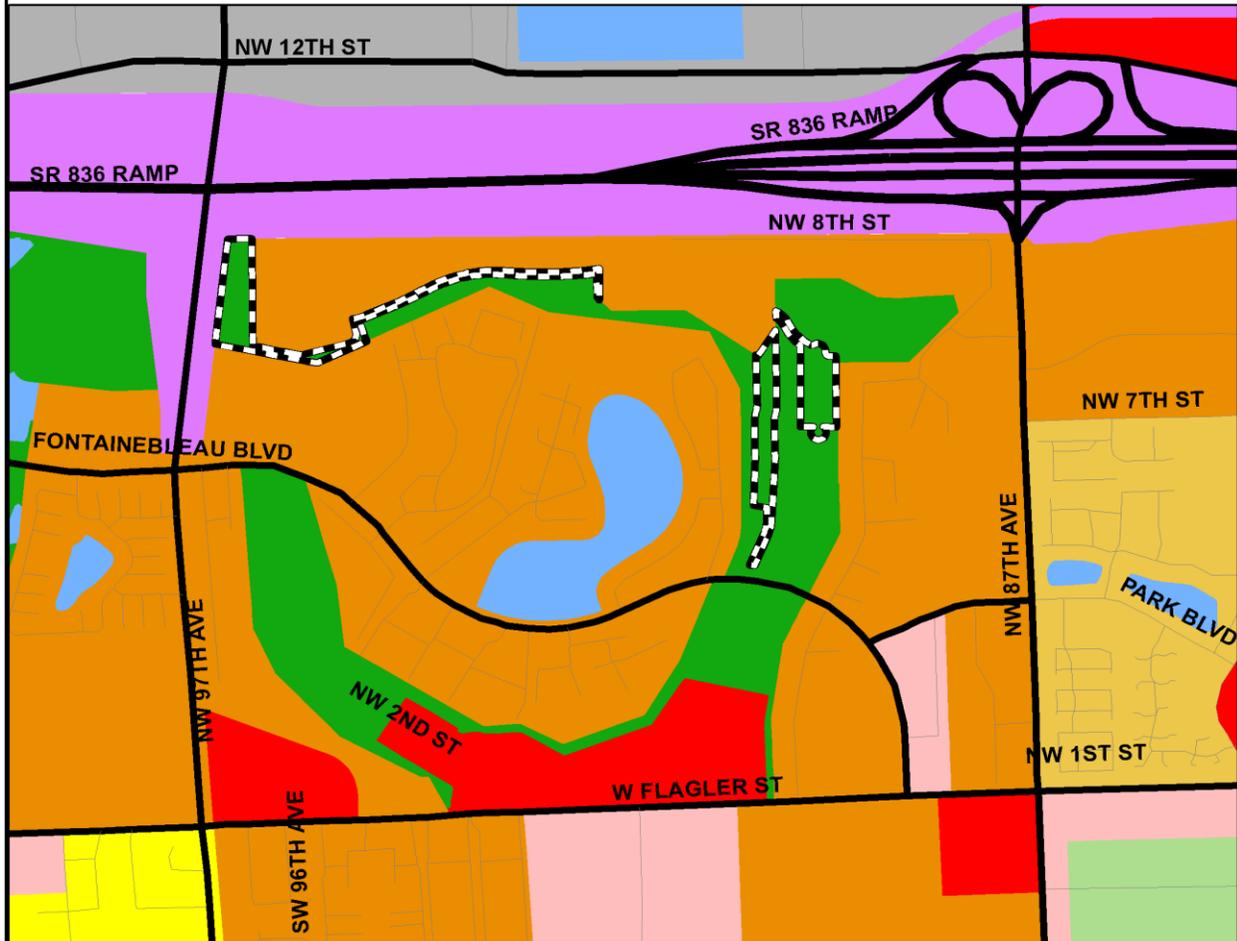
Source: Miami-Dade County
Department of Planning and Zoning, July 2011

EXISTING LAND USE

- | | |
|---|--|
|  SINGLE FAMILY |  COMMUNICATIONS |
|  TWO-FAMILY DUPLEXES |  STREETS, ROADS, EXPRESSWAYS, RAMPS |
|  TOWNHOUSES |  PARKS |
|  LOW-DENSITY MULTI-FAMILY |  VACANT, PRIVATELY OWNED |
|  HIGH-DENSITY MULTI-FAMILY |  WATER |
|  COMMERCIAL | |
|  OFFICE | |
|  INSTITUTIONAL | |
|  INDUSTRIAL | |



APPLICATION NO. 2 CDMP LAND USE



APPLICATION AREA

CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- MEDIUM DENSITY (13-25 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- PARKS AND RECREATION
- ESTATE DENSITY (1-2.5 DU/AC)
- WATER
- TRANSPORTATION

- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)
- MINOR ROADWAYS (2 LANES)

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



APPENDIX B

Amendment Application

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**APPLICATION FOR AN AMENDMENT TO THE
LAND USE PLAN MAP
OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

Fontainebleau Lakes, LLC

2. APPLICANT'S REPRESENTATIVE

Jorge L. Navarro, Esq.
The Lasarte Law Firm, LLP
3470 N.W. 82nd Avenue, Suite 660
Doral, FL 33122
(305) 594-2877
(305) 594-2878 (fax)

By: _____

Jorge L. Navarro, Esq.

5-2-11

Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Future Land Use Plan map is requested. The Applicant is requesting the redesignation of the subject property from "Park and Recreation" to "Medium Density Residential." The Applicant is also requesting to modify the underlying Declaration of Restrictions recorded in Official Records Book 23413, Page 1136 of the public records of Miami-Dade County, as modified by the First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908 of the public records of Miami-Dade County.

B. Description of Subject Area.

Subject property consists of approximately 13.117 +/- acres of land located between Section 04, Township 54, Range 40 and Section 33, Township 53, Range 40 in unincorporated Miami-Dade County. This subject area is located East of NW 97th Avenue, North of Fontainebleau Blvd, South of the 836 Dolphin Expressway, and West of NW 87th Avenue as depicted on the location map accompanying the legal description provided herein.

C. Acreage.

1. Subject application area: 13.117 +/- gross acres (13.117 +/- net acres)
 - A. "Park and Recreation" to "Medium Density Residential": 13.117 +/- acres
 - B. Acreage owned by applicant: 210 +/- acres (147 acres East Course and 63 acres West Course)

D. Requested Changes.

1. It is requested that subject property be re-designated on the Future Land Use Plan map from "Parks and Recreation" to "Medium Density Residential."
2. Modification of the underlying Declaration of Restrictions recorded in Official Records Book 23413 Page 1136 of the Public Records of Miami-Dade County, as modified by the First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908 of the public records of Miami-Dade County.

4. REASONS FOR AMENDMENT

The Applicant is requesting a redesignation of the subject property from "Park and Recreation" to "Medium Density Residential." The subject property consists of approximately 13.117 +/- acres, located between Section 04, Township 54, Range 40 and Section 33, Township 53, Range 40 in unincorporated Miami-Dade County (the "Property"). The Property is located East of NW 97th Avenue, North of Fontainebleau Blvd, South of the 836 Dolphin Expressway, and West of NW 87th Avenue. The Property is in an area commonly known as "Fontainebleau". The Fontainebleau area is a highly dense residential community with a variety of housing types and residential densities.

The Applicant is currently developing a mixed-use infill project known as Fontainebleau Lakes which was approved by the Miami-Dade County Community Zoning Appeals Board 10 (CC10) in 2006. The approval originally permitted the development of 1,836 units on the former Fontainebleau Golf Course (the "Golf Course"). The approval also created a passive park for the residents of Fontainebleau with numerous lakes and pedestrian walkways.

The Golf Course is divided into the East and West Course. The East and West Course are respectively divided into the Northeast (NE), Southeast (SE), Northwest (NW), and Southwest (SW) corners. In April 2004, the East Course was the subject of a Comprehensive Development Master Plan (CDMP) application that amended the land use designation on a portion of the East Course from "Parks and Recreation" and "Medium Density Residential" to "Medium Density Residential." The West Course is currently designated for development as "Low Medium Density Residential."

The SE portion of the Golf Course was recently the subject of a CDMP Application in April 2008 which amended approximately 31.9 acres from “Medium Density Residential” and “Parks and Recreation” to “Business and Office” and approximately 4.26 acres from “Medium Density Residential” to “Parks and Recreation.” The intent of the Applicant was to develop the Fontainebleau Lakes project into a mixed use development with a retail component to serve the Fontainebleau community.

The Applicant now seeks to amend the prior approved development plan for the NE portion of the Golf Course. This portion of the Golf Course already has a land use designation of “Medium Density Residential” on approximately 33.15 +/- acres. This area was originally approved in 2004 by CC10 for the development of 770 condominium units. The intent of the Applicant is to re-develop the NE Golf Course by replacing the condominium units which were approved on the Property with single family homes.

In order to accommodate these single family units, the Applicant is requesting the re-designation of an additional 13.117 +/- acres of land on the NE Corner of the Golf Course “Parks and Recreation” to “Medium Density Residential.” The amendment is necessary in order to expand the foot print of the prior approved residential development to accommodate these additional single family units. Approval of the application would result in a total of 46.27 +/- acres designated as “Medium Density Residential” on the NE Corner of the Golf Course.

The subject property is surrounded by existing residential developments which consist of mostly mid-rise apartments and condominiums. The proposed request to “Medium Density Residential” would be compatible with the abutting land uses and consistent with the surrounding residential densities in the area. This single family development will be a much welcomed change from the surrounding dense residential developments which comprise the Fontainebleau area. The detached single family housing product will also provide a better quality of life for the future residents of Fontainebleau by offering them larger square foot homes, more individual green space, and greater privacy.

Additionally, the Application will create a much needed mix of housing types in the area. Based on the current economic downturn and market demand for additional single family homes, the Applicant believes there is a need for this use and that the subject area is the appropriate location for this additional inventory. Additionally, the single family units will have less of an impact on the County’s existing infrastructure and facilities in the area.

Based on the foregoing, the Applicant believes that there is a need to provide additional single family housing units to both the surrounding existing residential community, as well as, to the future residents of the area. Accordingly, approval of the requested Amendment would preserve the residential character of the Fontainebleau community and further the implementation of the following CDMP goals, objectives and policies:

LAND USE OBJECTIVE 1: The Location and configuration of Miami- Dade County’s urban growth through the year 2015 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities

containing a variety of uses, housing types and public and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY 1E: In Conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami- Dade County shall seek to facilitate the planning of residential areas and neighborhoods which include recreational, educational, and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

LAND USE POLICY 1G: To promote housing diversity and to avoid creation of monotonous developments, Miami- Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami- Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

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

LAND USE POLICY 8A: Miami- Dade County shall strive to accommodate residential development in suitable location and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patters should reflect the Guidelines for Urban Form contained in this Element.

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

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Description - Exhibit "A"
Disclosure of Interest Form - Exhibit "B"
Location Map for Application - Exhibit "C"

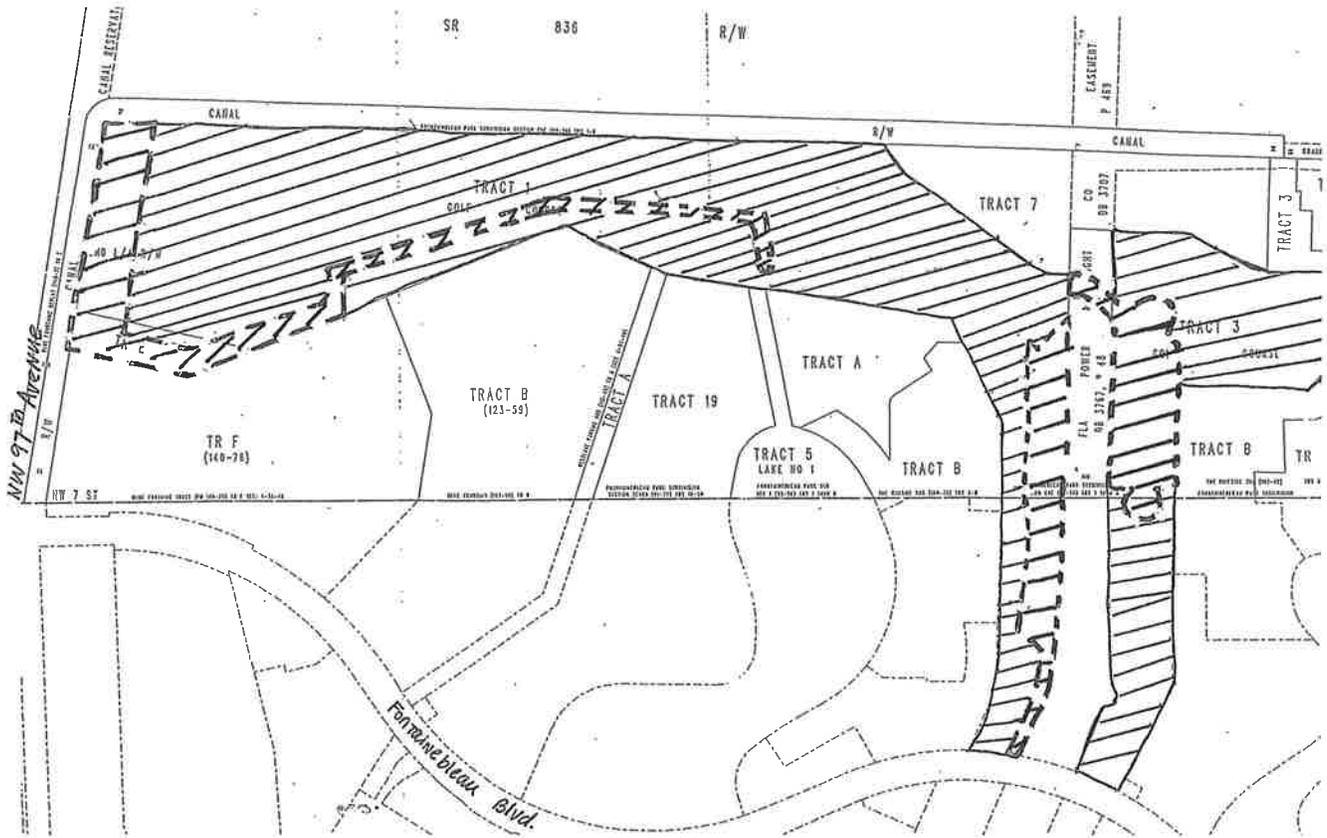
Exhibit "C"

LOCATION MAP FOR APPLICATION

APPLICANT/REPRESENTATIVE
Fontainebleau Lakes, LLC c/o Felix M. Lasarte, Esq.

DESCRIPTION OF SUBJECT AREA

Subject property consists of approximately 11.09 +/- acres of land located between Section 04, Township 54, Range 40 and Section 33, Township 53, Range 40 in unincorporated Miami-Dade County. This subject area is located East of NW 97th Avenue, North of Fontainebleau Blvd, South of the 836 Dolphin Expressway, and West of NW 87th Avenue as depicted on the location map accompanying the legal description provided herein.



Application Area 

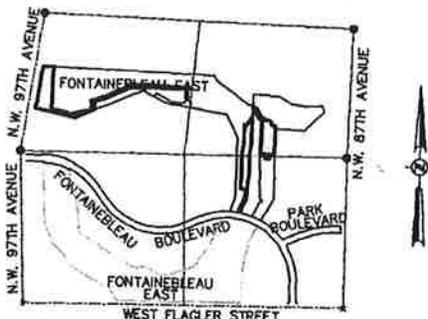
Area Owned by Applicant 



SKETCH AND LEGAL DESCRIPTION
BY
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SUNRISE, FLORIDA 33351

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LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PORTIONS OF TRACTS "A", "B" AND "C" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS "A" AND "B" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN (POINT OF BEGINNING "A") AT THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE SOUTH 88° 11'45" EAST ON THE NORTH LINE OF SAID TRACT "B" 182.18 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH 01°48'15" WEST ON THE WEST LINE OF SAID TRACT "A" 720.18 FEET; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "A" THE FOLLOWING 11 COURSES AND DISTANCES; 1) SOUTH 76°38'26" EAST 325.27 FEET; 2) NORTH 78°10'18" EAST 326.63 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 3) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 94.25 FEET TO A POINT OF TANGENCY; 4) NORTH 11°49'42" WEST 95.13 FEET; 5) NORTH 80°14'56" EAST 11.26 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 6) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 435.00 FEET AND A CENTRAL ANGLE OF 11°09'30" AN ARC DISTANCE OF 84.72 FEET TO A POINT OF TANGENCY; 7) NORTH 69°05'26" EAST 175.74 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 8) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,257.00 FEET AND A CENTRAL ANGLE OF 6°23'36" AN ARC DISTANCE OF 251.84 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; 9) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 929.00 FEET AND A CENTRAL ANGLE OF 34°42'08" AN ARC DISTANCE

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMF BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 1 OF 8

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NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE


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



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

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OF 562.66 FEET TO A POINT OF POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; 10) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,635.00 FEET AND A CENTRAL ANGLE OF 12°10'10" AN ARC DISTANCE OF 559.67 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 10) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1560.87 FEET AND A CENTRAL ANGLE OF 1°45'23" AN ARC DISTANCE OF 47.85 FEET; 11) SOUTH 01°48'15" WEST 212.29 FEET; THENCE NORTH 43°11'44" WEST ON THE WESTERLY EXTENSION OF A SOUTHERLY LINE OF SAID TRACT "A" 28.06 FEET; THENCE NORTH 00°16'26" EAST 160.02 FEET; THENCE SOUTH 85°34'44" WEST 18.65 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, THE RADIUS POINT OF WHICH BEARS NORTH 04°46'12" WEST; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,665.00 FEET AND A CENTRAL ANGLE OF 12°10'10" AN ARC DISTANCE OF 566.04 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 899.00 FEET AND A CENTRAL ANGLE OF 34°42'08" AN ARC DISTANCE OF 544.49 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,287.00 FEET AND A CENTRAL ANGLE OF 06°23'36" AN ARC DISTANCE OF 255.19 FEET TO A POINT OF TANGENCY; THENCE SOUTH 69°05'26" WEST 175.74 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 465.00 FEET AND A CENTRAL ANGLE OF 08°22'33" AN ARC DISTANCE OF 67.98 FEET; THENCE SOUTH 15°35'48" EAST 131.13 FEET TO THE INTERSECTION WITH A SOUTH LINE OF SAID TRACT "B"; THENCE ON THE BOUNDARY OF SAID TRACT "B" THE FOLLOWING 3 COURSES AND DISTANCES; 1) SOUTH 67°12'20" WEST 374.89 FEET; 2) NORTH 77°02'40" WEST 680.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; 3) NORTH 08°57'20" EAST 720.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACTS "B" AND "C" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE THE MOST EASTERLY NORTHEAST CORNER OF TRACT "A" (POINT OF COMMENCEMENT "B"); THENCE SOUTH 01°53'09" WEST ON THE EASTERLY LINE OF TRACT "A" 25.21 FEET TO POINT OF BEGINNING "B", SAID POINT BEING ON THE BOUNDARY OF THE 42.00 FOOT INGRESS/EGRESS EASEMENT DEPICTED ON SAID PLAT, ALSO BEING A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 26°34'39" WEST; THENCE SOUTHEASTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 201.00 FEET AND A CENTRAL ANGLE OF 38°53'15" AN ARC DISTANCE OF 136.42 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 319.00 FEET AND A

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMF BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 2 OF 8

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THROUGH 8 INCLUSIVE



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



CENTRAL ANGLE OF 35°26'42" AN ARC DISTANCE OF 197.34 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 57°44'34" AN ARC DISTANCE OF 25.20 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 127°35'40" AN ARC DISTANCE OF 111.35 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 93°19'29" AN ARC DISTANCE OF 40.72 FEET TO THE INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE AFOREMENTIONED 42.00 FOOT INGRESS/EGRESS EASEMENT, A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ON SAID SOUTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 361.00 FEET AND A CENTRAL ANGLE OF 07°32'29" AN ARC DISTANCE OF 47.52 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A LINE 10.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "C"; THENCE SOUTH 01°53'09" WEST ON SAID NORTHERLY EXTENSION AND ON SAID PARALLEL LINE 486.06 FEET; THENCE NORTH 88°06'51" WEST 83.69 FEET TO THE INTERSECTION WITH THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 44°00'28" WEST; THENCE SOUTHERLY, WESTERLY AND NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 275°45'22" AN ARC DISTANCE OF 240.64 FEET; THENCE NORTH 88°06'51" WEST 84.11 FEET; THENCE NORTH 01°53'09" EAST 557.90 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTHERLY BOUNDARY OF THE 42.00 FOOT INGRESS/EGRESS EASEMENT, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 38°46'50" EAST; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 361.00 FEET AND A CENTRAL ANGLE OF 26°41'04" AN ARC DISTANCE OF 168.13 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 159.00 FEET AND A CENTRAL ANGLE OF 31°42'13" AN ARC DISTANCE OF 87.98 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT "B" AND TO REFERENCE POINT "A"; THENCE NORTH 01°52'52" EAST ON SAID EASTERLY LINE 47.60 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT "B" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID AFOREMENTIONED REFERENCE POINT "A" (POINT OF COMMENCEMENT "C"); THENCE SOUTH 01°53'09" EAST ON AN EASTERLY LINE OF TRACT "A" 138.68 FEET TO POINT OF BEGINNING "C"; THENCE CONTINUE SOUTH 01°53'09" WEST ON THE EASTERLY LINE OF TRACT "A" 523.87 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY ON THE ARC

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 3 OF 8

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THROUGH 8 INCLUSIVE



SKETCH AND LEGAL DESCRIPTION

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SUNRISE, FLORIDA 33351

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OF SAID CURVE, WITH A RADIUS OF 216.00 FEET AND A CENTRAL ANGLE OF 16°00'21" AN ARC DISTANCE OF 60.34 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 184.00 FEET AND A CENTRAL ANGLE OF 17°39'30" AN ARC DISTANCE OF 56.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°14'00" WEST 247.57 FEET; THENCE SOUTH 04°46'10" WEST 437.89 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 232.00 FEET AND A CENTRAL ANGLE OF 19°51'36" AN ARC DISTANCE OF 80.42 FEET TO A POINT OF TANGENCY; THENCE SOUTH 24°37'46" WEST 232.27 FEET TO THE INTERSECTION WITH THE NORTHERLY BOUNDARY OF THE 15.00 FOOT UTILITY EASEMENT AS DEPICTED ON SAID PLAT AND AS RECORDED IN PLAT BOOK 90, PAGE 56 OF SAID PUBLIC RECORDS, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 09°53'12" WEST; THENCE WESTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,215.92 FEET AND A CENTRAL ANGLE OF 01°33'54" AN ARC DISTANCE OF 33.21 FEET; THENCE NORTH 24°37'46" EAST 241.16 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 19°51'36" AN ARC DISTANCE OF 69.33 FEET TO A POINT OF TANGENCY; THENCE NORTH 04°46'10" EAST 100.75 FEET; THENCE NORTH 77°46'14" WEST 91.96 FEET; THENCE NORTH 03°18'12" EAST 308.30 FEET; THENCE NORTH 00°14'00" EAST 254.17 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 316.00 FEET AND A CENTRAL ANGLE OF 17°39'30" AN ARC DISTANCE OF 97.39 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 84.00 FEET AND A CENTRAL ANGLE OF 16°00'21" AN ARC DISTANCE OF 23.47 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°53'09" EAST 395.47 FEET TO THE INTERSECTION WITH A SOUTH LINE OF TRACT "A"; THENCE SOUTH 54°16'34" EAST 38.14; THENCE NORTH 35°43'23" EAST 180.16 FEET TO THE POINT OF BEGINNING.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA CONTAINING 571,376 SQUARE FEET (13.1170 ACRES) MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF TRACT "A" BEING S88°11'45"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.
- 6) CA DENOTES: CENTRAL ANGLE.

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 4 OF 8

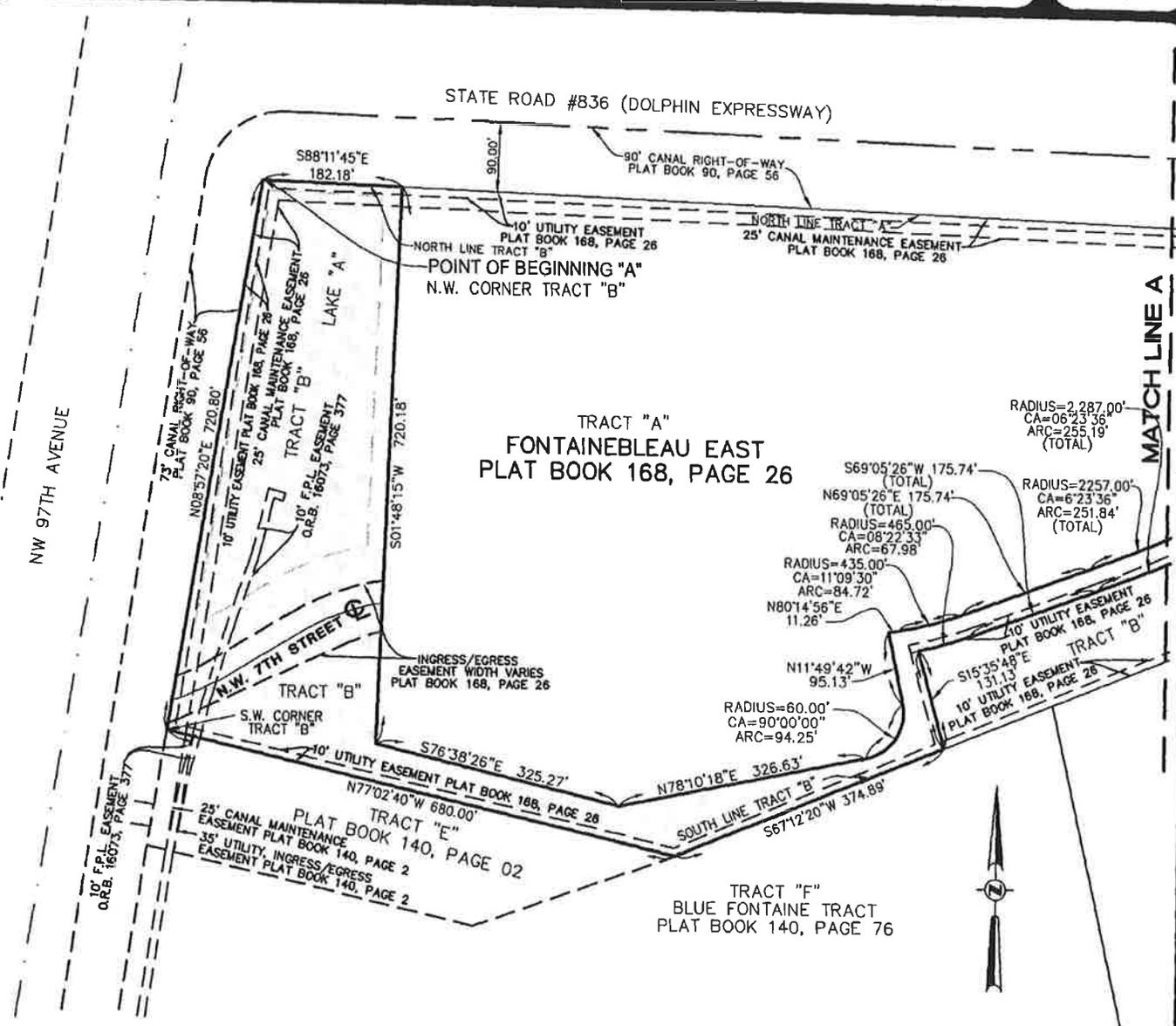
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FILE: SHOMA GROUP
SCALE: 1"=200'
ORDER NO.: 53640
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MIAMI-DADE COUNTY, FLORIDA
FOR: SHOMA

SHEET 5 OF 8

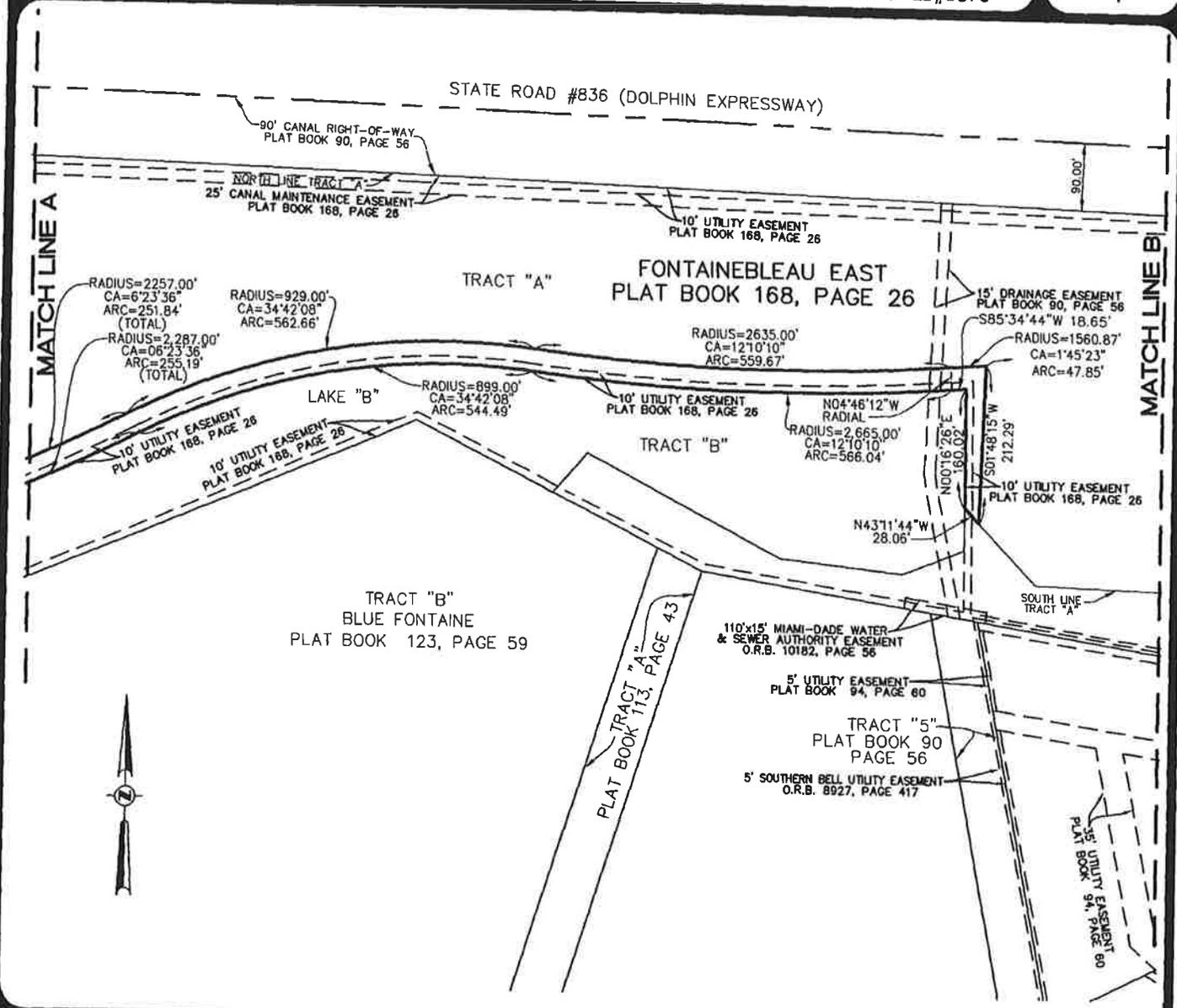
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FONTAINEBLEAU NORTHEAST CDMF BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 6 OF 8

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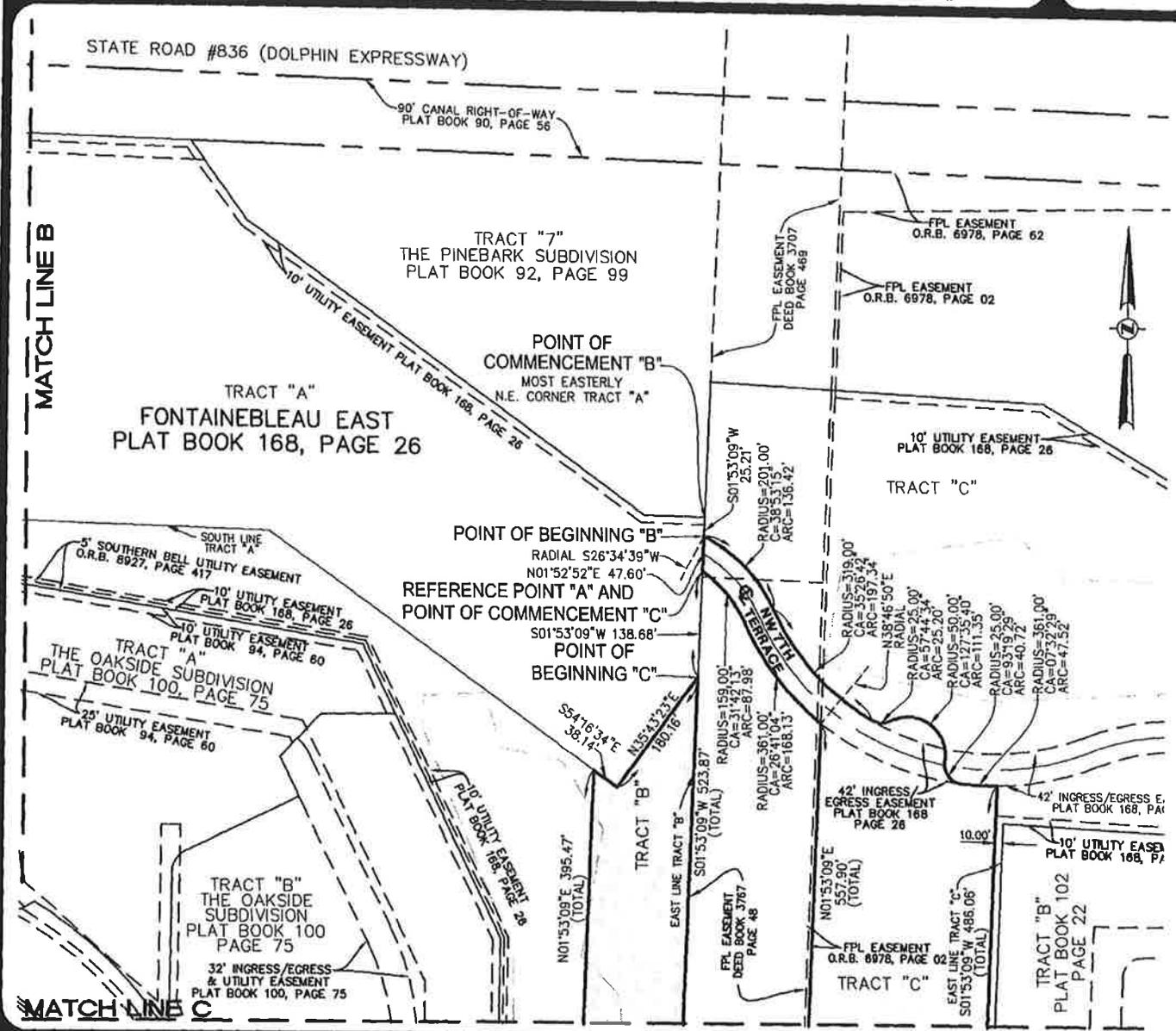


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SHEET 7 OF 8

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3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACT FOR PURCHASE</u>	<u>OTHER</u>
A	X			

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Fontainbleau Lakes, LLC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Please see Exhibit "D"	

c. If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust

beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

NAME AND ADDRESS	Percentage of Interest
N/A	

d. If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership
N/A	

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

_____ N/A _____

Date of Contract: _____

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

N/A

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

a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS

Percentage of Stock

N/A

c. If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS

Percentage of Interest

N/A

d. If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership
N/A	

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

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

Date of Contract: _____

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

N/A

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature of Applicants:

Signature: _____
Masoud Shojaee, President (Applicant's Signature)

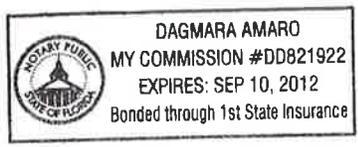
The foregoing instrument was acknowledged before me this 2nd day of May, 2011, by Masoud Shojaee as President, on behalf of Fontainbleau Lakes, LLC. They are personally known to me or produced _____ (type of identification) as identification.

NOTARY PUBLIC

(Signature of Notary Public)

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

My Commission Expires:



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT “D”

DISCLOSURE OF ALL PARTIES IN INTEREST

Shoma Development Corp.
5835 Blue Lagoon Drive, 4th Floor
Miami, Florida 33126
100%



Fontainbleau Lakes, LLC
100%



Urbanika Holdings, LLC
3470 NW 82nd Avenue, Ste. #988
Doral, Florida 33122

70%



Masoud Shojaee
Manager

Maria L. Shojaee
Manager

30%



Terra Fontainbleau Investments, LLC
990 Biscayne Blvd., Ste. #302
Miami, Florida 33132

Pedro A. Martin
Manager

APPENDIX C

Miami-Dade County Public Schools Analysis

Pursuant to the Interlocal Agreement for Public Schools Facility Planning, Section 9.4, developments that have provided a monetary mitigation payment such as this during the previous approval process, are considered vested from the requirements of public school concurrency, to the extent that there is no increase in the number of residential units. The proposed project associated with this CDMP application reduces the number of residential units currently approved; therefore, the proposed project is vested for schools and there is no need for school concurrency review.

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

August 22, 2011

VIA ELECTRONIC MAIL

Mr. Jorge L. Navarro
The Lasarte Law Firm
3470 NW 82nd Avenue, Suite 660
Doral, Florida 33122

**RE: MONETARY DONATION VESTED LETTER
FONTAINEBLEAU LAKES LLC – APRIL 2011 CYCLE APPLICATION No. 2
04-299 FONTAINEBLEAU GOLF COURSE (EAST AND WEST)
LOCATED NORTH OF FONTAINEBLEAU BOULEVARD, SOUTH OF SR 836 WEST OF
NW 87 AVENUE, AND EAST OF NW 97 AVENUE
A PORTION OF FOLIO No. 30-4004-084-0540/0550 (13.117 ACRES)**

Dear Mr. Lasarte:

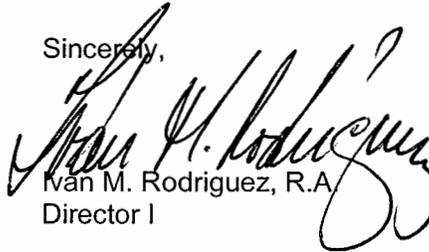
This letter is to confirm that the above-referenced application, which includes a portion of the listed folios, is considered vested from the requirements of public school concurrency.

The referenced application was reviewed under the 2003 Interlocal Agreement for Public School Facility Planning and pursuant to the District's procedures; the applicant voluntarily proffered a Declaration of Restrictions (Covenant) to the School Board providing for a monetary donation over and above educational facilities impact fees in the amount of \$1,000,000. The Covenant was approved by the School Board at its meeting of January 18, 2006, and the monetary donation was subsequently received by the District on May 22, 2006. This proffer applied to the application encompassing Fontainebleau East and West Development, for a total of 1,870 units.

Therefore, pursuant to the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools (ILA) section 9.4, this application is considered vested from the requirements of public school concurrency, to the extent that there is no increase in the number of residential units.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.
Director I

IMR:mo
L101

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil

Miami-Dade County
School Concurrency Master File

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APPENDIX D

Applicant's Traffic Study Executive Summary

The applicant submitted a letter dated August 1, 2011, summarizing that a trip generation analysis performed for the application traffic impact study indicates a decrease in traffic impacts in comparison with the previously approved plan of development.

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Kimley-Horn
and Associates, Inc.

August 1, 2011

Mr. Napoleon Somoza
Miami-Dade County Department of Planning and Zoning
111 NW 1st Street, Suite 1220
Miami, FL 33128

■
5200 NW 33rd Avenue
Suite 109
Fort Lauderdale, Florida
33309

RE: Fontainebleau East Development

Dear Mr. Somoza:

Kimley-Horn and Associates, Inc. has performed a trip generation analysis for the Fontainebleau East development. Per Resolution CZAB 10-21-06, a plan was approved for the north portion of the Fontainebleau East development consisting of 770 multi-family residential units. This plan is now proposed to be modified to consist of 325 single-family residential units.

The attached tables present the trip generation associated with the previously approved plan (770 multi-family residential units) and the currently proposed plan (325 single-family residential units), respectively. As indicated on the attached tables, the currently proposed plan is expected to generate fewer trips than the previously approved plan on a daily basis (3,075 versus 3,798) as well as during the A.M. (237 versus 264) and P.M. (304 versus 321) peak hours.

In summary, the currently proposed plan for the Fontainebleau East development represents a decrease in traffic in comparison to the previously approved plan for the site. Please do not hesitate to contact us if you have any questions regarding our analysis.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.


Gregory S. Kyle, AICP
Vice President

Cc: Jorge Navarro, Esq., The Lasarte Law Firm

Attachments

K:\FTL_TPTO\042232001-Fontainebleau Redev\NE Quadrant\Trip Generation Analysis 08.01.11.docx

■
TEL 954 535 5100
FAX 954 739 2247

TRIP GENERATION

PREVIOUSLY APPROVED DEVELOPMENT DAILY TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Residential Condominium/Townhouse	8	230	770	du	50%	50%	1,899	1,899	3,798	0.0%	0	1,899	1,899	3,798	0.0%	0	1,899	1,899	3,798
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							1,899	1,899	3,798			1,899	1,899	3,798			1,899	1,899	3,798

PREVIOUSLY APPROVED DEVELOPMENT AM PEAK HOUR TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Residential Condominium/Townhouse	8	230	770	du	17%	83%	45	219	264	0.0%	0	45	219	264	0.0%	0	45	219	264
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							45	219	264			45	219	264			45	219	264

PREVIOUSLY APPROVED DEVELOPMENT PM PEAK HOUR TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		DRIVEWAY VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Residential Condominium/Townhouse	8	230	770	du	67%	33%	215	106	321	0.0%	0	215	106	321	0.0%	0	215	106	321
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							215	106	321			215	106	321			215	106	321

TRIP GENERATION

PROPOSED DEVELOPMENT DAILY TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Single-Family Detached Housing	8	210	325	du	50%	50%	1,538	1,537	3,075	0.0%	0	1,538	1,537	3,075	0.0%	0	1,538	1,537	3,075
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							1,538	1,537	3,075			1,538	1,537	3,075			1,538	1,537	3,075

PROPOSED DEVELOPMENT AM PEAK HOUR TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		GROSS VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Single-Family Detached Housing	8	210	325	du	25%	75%	59	178	237	0.0%	0	59	178	237	0.0%	0	59	178	237
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							59	178	237			59	178	237			59	178	237

PROPOSED DEVELOPMENT PM PEAK HOUR TRIP GENERATION

ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		DRIVEWAY VOLUMES			INTERNAL CAPTURE		EXTERNAL TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
					In	Out													
1 Single-Family Detached Housing	8	210	325	du	63%	37%	192	112	304	0.0%	0	192	112	304	0.0%	0	192	112	304
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
Total:							192	112	304			192	112	304			192	112	304

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APPENDIX E

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 2 of the April 2011 Cycle of Applications to amend the CDMP from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants; federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

Solid Waste Services

Concurrency

Since the Department of Solid Waste Management (DSWM) assesses capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency'; that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds this standard.

Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement. As of September 30, 2010, the average residential unit generated 2.27 tons of waste, which includes garbage, trash and recycled waste. This value is consistent with the average 2.28 tons reported annually for the April 2010 Cycle CDMP amendment applications. As reported to the State of Florida, Department of Environmental Protection, for FY 2009-10, the full cost per residential unit of providing waste collection service was \$429.

Waste Disposal Capacity and Service

The cost of providing disposal capacity for Waste Collection Service Area (WCSA) customers, municipalities and private haulers is paid for by system users. For FY 2010-2011, the DSWM charges at a contract disposal rate of \$60.30 per ton to DSWM Collections and to those private haulers and municipalities with long-term disposal agreements with the Department. The short-term disposal rate is \$79.50 per ton in FY 2010-2011. These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the system. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.38 per 1,000 gallons for the water and \$1.57 per 1,000 gallons for the sewer.

Application 2 is requesting change to the CDMP Land Use Plan map to re-designate the Application site from "Park and Recreation" to "Medium-Density Residential (13 to 25 DU/Ac)" and a modified Declaration of Restrictions limiting development to 325 single family units.

If the application site is developed with 325 single family units, the fees payable by the developer would be \$99,3858 for water impact fee, \$400,400 for sewer impact fee, \$1,300 for water meter installation fee, and \$76,969 for annual operating and maintenance costs based on figures approved through September 30, 2009. Additionally, the estimated cost of constructing the needed 8-inch water main is \$152,675. The needed 8-inch sanitary sewer force main cost is \$131,750, and the 8-inch sanitary gravity sewer cost is \$10,075. The total potential cost for water and sewer infrastructure would total \$372,543 (with all engineering fees and contingency fees included.)

Flood Protection

The Department of Environmental Resource Management (DERM) is restricted to the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems. Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

Public Schools

Applicant's proffered declaration of restrictions supporting the application proposes to reduce the number of residential units already approved for the application area from 824 units to 325. Pursuant to the Interlocal Agreement for Public Schools Facility Planning, Section 9.4, developments that have provided a monetary mitigation payment are considered vested from the requirements of public school concurrency, to the extent that there is no increase in the number of residential units. The proposed project associated with this CDMP application reduces the number of residential units currently approved; therefore, the proposed project is vested for schools and there is no need for school concurrency review.

Fire Rescue

Information pending.

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APPENDIX F

Proposed Declaration of Restrictions

The applicant submitted a proposed Declaration of Restrictions, which reduces the number of residential development already approved for the application area from 824 to 325 units. The revised draft Declaration of Restrictions was submitted on August 19, 2011.

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This instrument was prepared by
or under the supervision of:

2011 AUG 19 P 3: 33

Name: Jorge L. Navarro, Esq.
Address: The Lasarte Law Firm
3470 NW 82 Avenue
Doral, Florida 33122

PLANNING & ZONING
METROPOLITAN PLANNING SECT

(Space reserved for Clerk of Court)

**SECOND MODIFICATION TO COMPREHENSIVE PLAN
DECLARATION OF RESTRICTIONS
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136**

This Second Modification to Comprehensive Plan Declaration of Restrictions Recorded at Official Records Book 23413, Page 1136 is made this ___ day of _____, 2011, by Fontainebleau Lakes, LLC, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

W I T N E S S E T H:

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

See attached Exhibit "A"

hereinafter referred to as the "Property";

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

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Miami-Dade County Board of County Commissioners (the "BCC") in connection with the Original CDMP Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property; and

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

WHEREAS, in April 2008, the Owner filed an application (the "Former CDMP Application") designated as "Application No. 8" to the April 2008 CDMP Amendment Cycle, to amend the designation on approximately 36.27 acres of the Property located north of Flagler Street between theoretical NW 90th and 94th Avenues (described in Exhibit "B" and referred to as the "SEG Property") on the County's Land Use Plan Map from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" and "Parks and Recreation"; and

WHEREAS, in connection with the Former CDMP Application, a First Modification to Comprehensive Plan Declaration of Restrictions was proffered and accepted by the BCC and recorded in the Public Records of Miami-Dade County in Official Records Book 26955, at Page 908, which, among other things, modified the Declaration to exclude the SEG Property (the "First Modification"); and

WHEREAS, in April 2011 the Owner filed an application (the "New CDMP Application"), designated as "Application No. 2" to the April 2011 CDMP Amendment Cycle, to amend the designation on approximately 13.117 acres of the Property located north of Fontainebleau Blvd between NW 97th Avenue and theoretical NW 89th Avenue (described in Exhibit "C" and

referred to as the “New CDMP Application Area”) on the County’s Land Use Plan Map from “Parks and Recreation” to “Medium Density Residential”; and

WHEREAS, the Owner as part of the New CDMP Application is seeking, among other things, to modify the Declaration in order to clarify the total number of residential units which shall be permitted on the Property in light of the New CDMP Application; and

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

WHEREAS, a public hearing was held before the BCC on the ___ day of _____, 2012, at which hearing the BCC adopted Ordinance No. _____ (the "Ordinance"); and

WHEREAS, the Ordinance approved the modification of Paragraphs 1 and 2 of the Declaration, as amended by the First Modification, as follows:

FROM:

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

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units.

Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

TO:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 18th day of August, 2011 ("Conceptual Site Plan") (attached hereto as Exhibit "D"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of three hundred twenty-five (325) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

NOW, THEREFORE, in consideration of the foregoing, and in order to assure Miami-Dade County, Florida (the "County") that the representations made by the Owner during Consideration of the New CDMP Application will be abided by the Owner, freely, voluntarily and without duress, Owners submits this Modification covering and running with the Property:

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

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled “Fontainebleau East Shoma Development,” prepared by Orestes Lopez-Recio, signed and sealed the 18th day of August, 2011 (“Conceptual Site Plan”) (attached hereto as Exhibit “D”). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of three hundred twenty-five (325) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

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

[Signature Page Follows]

EXHIBIT "A"

All of FONTAINEBLEAU EAST, according to the Plat thereof, as recorded in Plat Book 168, at Page 26 of the Public Records of Miami-Dade County, Florida. Area of this Property is 6,408,309 SQUARE FEET (147.11 ACRES)

EXHIBIT "B"

LEGAL DESCRIPTION:

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

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

AND

A PORTION OF TRACT "D", "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "D"; THENCE NORTH 00°14'00" EAST ON AN EAST LINE OF SAID TRACT "D" 520.01 FEET; THENCE

NORTH 11°30'00" EAST ON SAID EAST LINE 218.38 FEET; THENCE NORTH 78°30'01" WEST 471.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 78°30'01" WEST 164.05 FEET; THENCE NORTH 01°10'41" EAST 85.25 FEET TO THE INTERSECTION WITH A WEST LINE OF SAID TRACT "D"; THENCE NORTH 24°37'46" EAST ON SAID WEST LINE 539.64 FEET TO A NORTHWEST CORNER OF SAID TRACT "D" ON THE SOUTHERLY RIGHT-OF-WAY LIMIT OF FONTAINEBLEAU BOULEVARD, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 04°19'27" EAST; THENCE EASTERLY ON THE NORTHERLY BOUNDARY OF SAID TRACT "D", SAID SOUTHERLY RIGHT-OF-WAY LIMIT AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1090.92 FEET AND A CENTRAL ANGLE OF 11°06'07" AN ARC DISTANCE OF 211.38 FEET; THENCE SOUTH 24°37'46" WEST 664.42 FEET TO THE POINT OF BEGINNING.
CONTAINING 124,208 SQUARE FEET, 2.8514 ACRES.

AND

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

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) SOUTH 89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 201.95 FEET; THENCE SOUTH 20°18'03" EAST 213.87 FEET; THENCE SOUTH 57°56'57" EAST 96.97 FEET; THENCE SOUTH 32°03'03" WEST 80.00 FEET; THENCE SOUTH 57°56'57" EAST 349.64 FEET TO THE POINT OF BEGINNING.
CONTAINING 189,846 SQUARE FEET, 4.3583 ACRES.

EXHIBIT "C"

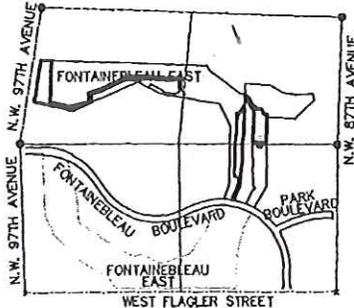


SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PORTIONS OF TRACTS "A", "B" AND "C" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS "A" AND "B" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN (POINT OF BEGINNING "A") AT THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE SOUTH 88° 11'45" EAST ON THE NORTH LINE OF SAID TRACT "B" 182.18 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH 01°48'15" WEST ON THE WEST LINE OF SAID TRACT "A" 720.18 FEET; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "A" THE FOLLOWING 11 COURSES AND DISTANCES; 1) SOUTH 76°38'26" EAST 325.27 FEET; 2) NORTH 78°10'18" EAST 326.63 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 3) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 94.25 FEET TO A POINT OF TANGENCY; 4) NORTH 11°49'42" WEST 95.13 FEET; 5) NORTH 80°14'56" EAST 11.26 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 6) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 435.00 FEET AND A CENTRAL ANGLE OF 11°09'30" AN ARC DISTANCE OF 84.72 FEET TO A POINT OF TANGENCY; 7) NORTH 69°05'26" EAST 175.74 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; 8) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,257.00 FEET AND A CENTRAL ANGLE OF 6°23'36" AN ARC DISTANCE OF 251.84 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; 9) NORTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 929.00 FEET AND A CENTRAL ANGLE OF 34°42'08" AN ARC DISTANCE

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 1 OF 8

THIS DOCUMENT IS NEITHER FULL
NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE

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



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



OF 562.66 FEET TO A POINT OF POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; 10) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,635.00 FEET AND A CENTRAL ANGLE OF 12°10'10" AN ARC DISTANCE OF 559.67 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 10) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1560.87 FEET AND A CENTRAL ANGLE OF 1°45'23" AN ARC DISTANCE OF 47.85 FEET; 11) SOUTH 01°48'15" WEST 212.29 FEET; THENCE NORTH 43°11'44" WEST ON THE WESTERLY EXTENSION OF A SOUTHERLY LINE OF SAID TRACT "A" 28.06 FEET; THENCE NORTH 00°16'26" EAST 160.02 FEET; THENCE SOUTH 85°34'44" WEST 18.65 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, THE RADIUS POINT OF WHICH BEARS NORTH 04°46'12" WEST; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,665.00 FEET AND A CENTRAL ANGLE OF 12°10'10" AN ARC DISTANCE OF 566.04 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 899.00 FEET AND A CENTRAL ANGLE OF 34°42'08" AN ARC DISTANCE OF 544.49 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 2,287.00 FEET AND A CENTRAL ANGLE OF 06°23'36" AN ARC DISTANCE OF 255.19 FEET TO A POINT OF TANGENCY; THENCE SOUTH 69°05'26" WEST 175.74 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 465.00 FEET AND A CENTRAL ANGLE OF 08°22'33" AN ARC DISTANCE OF 67.98 FEET; THENCE SOUTH 15°35'48" EAST 131.13 FEET TO THE INTERSECTION WITH A SOUTH LINE OF SAID TRACT "B"; THENCE ON THE BOUNDARY OF SAID TRACT "B" THE FOLLOWING 3 COURSES AND DISTANCES; 1) SOUTH 67°12'20" WEST 374.89 FEET; 2) NORTH 77°02'40" WEST 680.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; 3) NORTH 08°57'20" EAST 720.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACTS "B" AND "C" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE THE MOST EASTERLY NORTHEAST CORNER OF TRACT "A" (POINT OF COMMENCEMENT "B"); THENCE SOUTH 01°53'09" WEST ON THE EASTERLY LINE OF TRACT "A" 25.21 FEET TO POINT OF BEGINNING "B", SAID POINT BEING ON THE BOUNDARY OF THE 42.00 FOOT INGRESS/EGRESS EASEMENT DEPICTED ON SAID PLAT, ALSO BEING A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 26°34'39" WEST; THENCE SOUTHEASTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 201.00 FEET AND A CENTRAL ANGLE OF 38°53'15" AN ARC DISTANCE OF 136.42 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 319.00 FEET AND A

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 2 OF 8

THIS DOCUMENT IS NEITHER FULL
NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.

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CENTRAL ANGLE OF 35°26'42" AN ARC DISTANCE OF 197.34 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 57°44'34" AN ARC DISTANCE OF 25.20 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 127°35'40" AN ARC DISTANCE OF 111.35 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 93°19'29" AN ARC DISTANCE OF 40.72 FEET TO THE INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE AFOREMENTIONED 42.00 FOOT INGRESS/EGRESS EASEMENT, A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ON SAID SOUTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 361.00 FEET AND A CENTRAL ANGLE OF 07°32'29" AN ARC DISTANCE OF 47.52 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A LINE 10.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "C"; THENCE SOUTH 01°53'09" WEST ON SAID NORTHERLY EXTENSION AND ON SAID PARALLEL LINE 486.06 FEET; THENCE NORTH 88°06'51" WEST 83.69 FEET TO THE INTERSECTION WITH THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 44°00'28" WEST; THENCE SOUTHERLY, WESTERLY AND NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 275°45'22" AN ARC DISTANCE OF 240.64 FEET; THENCE NORTH 88°06'51" WEST 84.11 FEET; THENCE NORTH 01°53'09" EAST 557.90 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTHERLY BOUNDARY OF THE 42.00 FOOT INGRESS/EGRESS EASEMENT, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 38°46'50" EAST; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 361.00 FEET AND A CENTRAL ANGLE OF 26°41'04" AN ARC DISTANCE OF 168.13 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 159.00 FEET AND A CENTRAL ANGLE OF 31°42'13" AN ARC DISTANCE OF 87.98 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT "B" AND TO REFERENCE POINT "A"; THENCE NORTH 01°52'52" EAST ON SAID EASTERLY LINE 47.60 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT "B" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID AFOREMENTIONED REFERENCE POINT "A" (POINT OF COMMENCEMENT "C"); THENCE SOUTH 01°53'09" EAST ON AN EASTERLY LINE OF TRACT "A" 138.68 FEET TO POINT OF BEGINNING "C"; THENCE CONTINUE SOUTH 01°53'09" WEST ON THE EASTERLY LINE OF TRACT "A" 523.87 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY ON THE ARC

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 3 OF 8

THIS DOCUMENT IS NEITHER FULL
NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE



SKETCH AND LEGAL DESCRIPTION
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

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OF SAID CURVE, WITH A RADIUS OF 216.00 FEET AND A CENTRAL ANGLE OF 16°00'21" AN ARC DISTANCE OF 60.34 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 184.00 FEET AND A CENTRAL ANGLE OF 17°39'30" AN ARC DISTANCE OF 56.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°14'00" WEST 247.57 FEET; THENCE SOUTH 04°46'10" WEST 437.89 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 232.00 FEET AND A CENTRAL ANGLE OF 19°51'36" AN ARC DISTANCE OF 80.42 FEET TO A POINT OF TANGENCY; THENCE SOUTH 24°37'46" WEST 232.27 FEET TO THE INTERSECTION WITH THE NORTHERLY BOUNDARY OF THE 15.00 FOOT UTILITY EASEMENT AS DEPICTED ON SAID PLAT AND AS RECORDED IN PLAT BOOK 90, PAGE 56 OF SAID PUBLIC RECORDS, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 09° 53'12" WEST; THENCE WESTERLY ON SAID NORTHERLY BOUNDARY AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,215.92 FEET AND A CENTRAL ANGLE OF 01°33'54" AN ARC DISTANCE OF 33.21 FEET; THENCE NORTH 24°37'46" EAST 241.16 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 19°51'36" AN ARC DISTANCE OF 69.33 FEET TO A POINT OF TANGENCY; THENCE NORTH 04°46'10" EAST 100.75 FEET; THENCE NORTH 77°46'14" WEST 91.96 FEET; THENCE NORTH 03°18'12" EAST 308.30 FEET; THENCE NORTH 00°14'00" EAST 254.17 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 316.00 FEET AND A CENTRAL ANGLE OF 17°39'30" AN ARC DISTANCE OF 97.39 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY; THENCE NORTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 84.00 FEET AND A CENTRAL ANGLE OF 16°00'21" AN ARC DISTANCE OF 23.47 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°53'09" EAST 395.47 FEET TO THE INTERSECTION WITH A SOUTH LINE OF TRACT "A"; THENCE SOUTH 54°16'34" EAST 38.14; THENCE NORTH 35°43'23" EAST 180.16 FEET TO THE POINT OF BEGINNING.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA CONTAINING 571,376 SQUARE FEET (13.1170 ACRES) MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF TRACT "A" BEING S88°11'45"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.
- 5)  DENOTES: CENTERLINE.
- 6)  DENOTES: CENTRAL ANGLE.

FILE: SHOMA GROUP

SCALE: 1"=200'

ORDER NO.: 53640

DATE: 05/02/11

FONTAINEBLEAU NORTHEAST CDMP BOUNDARY

MIAMI-DADE COUNTY, FLORIDA

FOR: SHOMA

SHEET 4 OF 8

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NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE

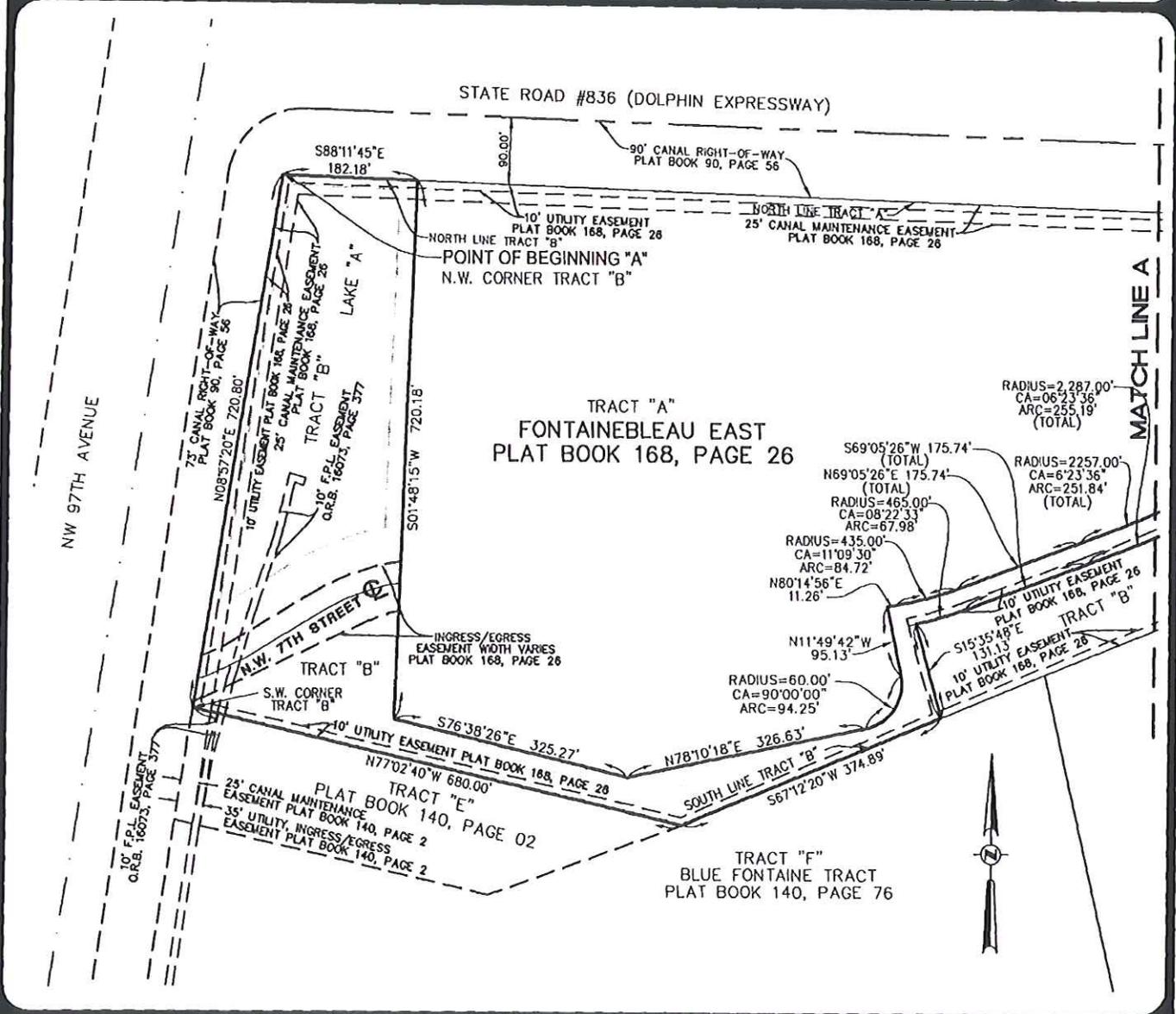


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FILE: SHOMA GROUP
SCALE: 1"=200'
ORDER NO.: 53640
DATE: 05/02/11
FONTAINEBLEAU NORTHEAST CDMP BOUNDARY
MIAMI-DADE COUNTY, FLORIDA
FOR: SHOMA

SHEET 5 OF 8

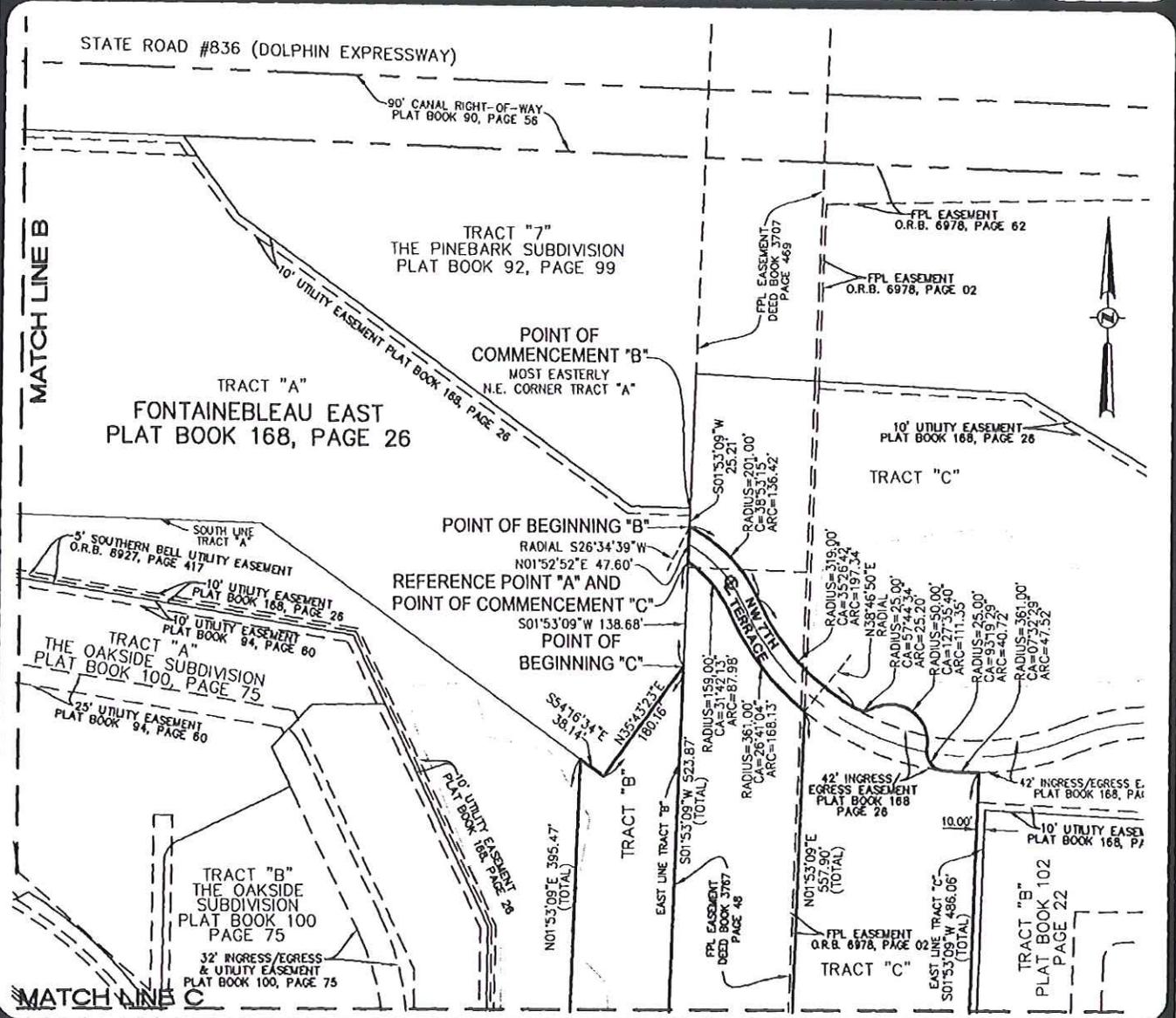
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 8 INCLUSIVE



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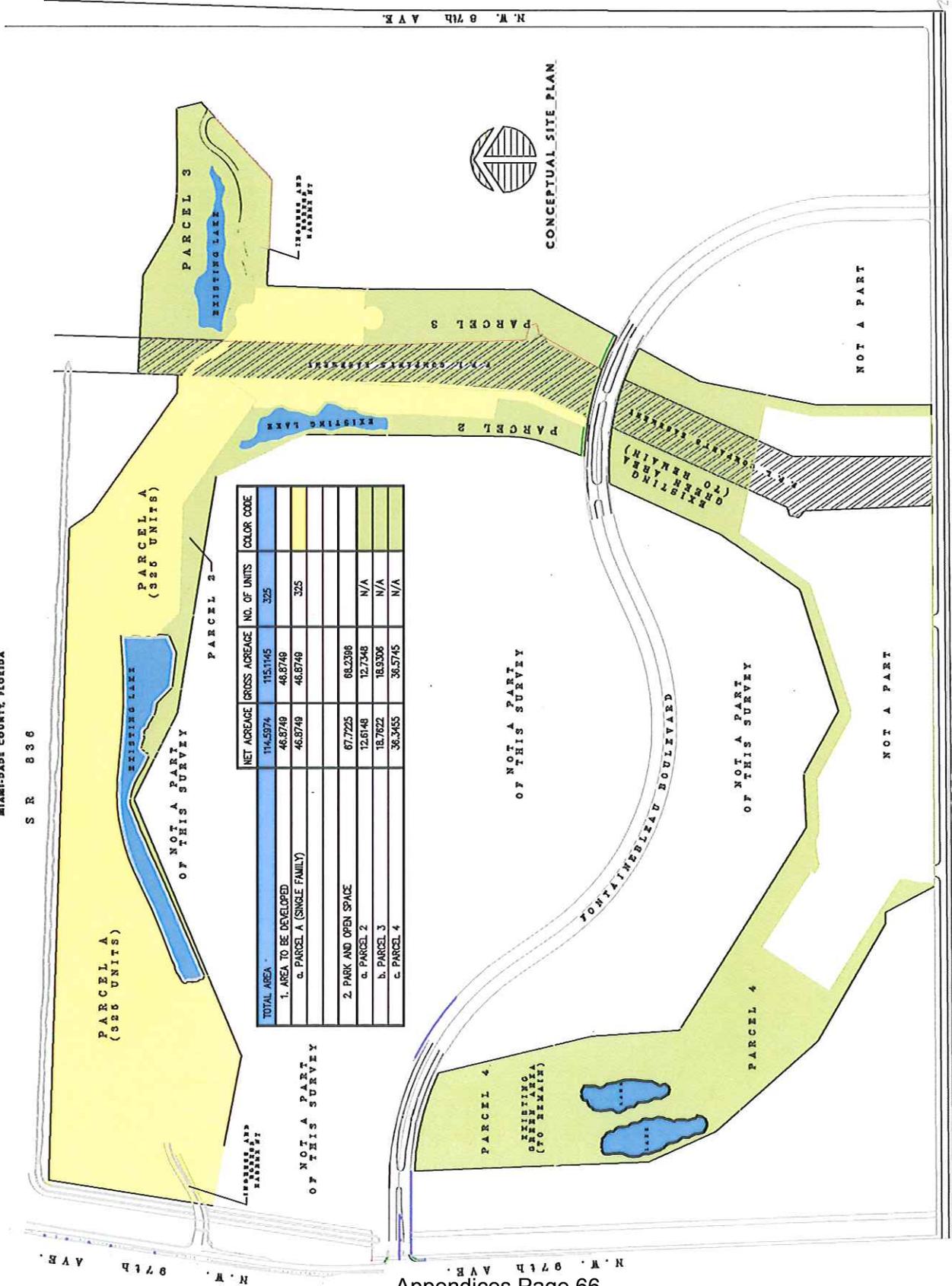
FILE: SHOMA GROUP
SCALE: 1"=200'
ORDER NO.: 53640
DATE: 05/02/11
FONTAINEBLEAU NORTHEAST CDM P BOUNDARY
MIAMI-DADE COUNTY, FLORIDA
FOR: SHOMA

SHEET 7 OF 8
THIS DOCUMENT IS NEITHER FULL
NOR COMPLETE WITHOUT SHEETS 1
THROUGH 8 INCLUSIVE

"EXHIBIT D"

**FONTAINEBLEAU EAST
SHOMA DEVELOPMENT
MIAMI-DADE COUNTY, FLORIDA**

S R 836



TOTAL AREA	NET ACREAGE	GROSS ACREAGE	NO. OF UNITS	COLOR CODE
	114.5974	115.1145	325	
1. AREA TO BE DEVELOPED	46.8749	46.8749		
c. PARCEL A (SINGLE FAMILY)	46.8749	46.8749	325	
2. PARK AND OPEN SPACE	67.7225	68.2396		
a. PARCEL 2	12.6148	12.7348	N/A	
b. PARCEL 3	13.7822	13.9306	N/A	
c. PARCEL 4	36.3455	36.5745	N/A	



CONCEPTUAL SITE PLAN

OLR
ARCHITECT

DATE: AUGUST 18, 2011
 ORESTES LOPEZ-RECIO
 AR0000350

5985 S.W. 32 STREET
 MIAMI, FLORIDA 33155
 TELEPHONE: (305) 380-2836

APPENDIX G

Photos of Application Site and Surroundings

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Application area and adjacent residential community viewed NW 97



Existing lake on the northwest portion of the application area adjacent to existing residential community



Vacant properties north of the western portion of the application area



FPL power lines in the former Fontainebleau East Golf Course