KITS

9-22-2008 Version # 1

MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR

111 NW 1 Street, Miami

Thursday, October 23, 2008 at 9:30 a.m.

PREVIOUSLY DEFERRED

						DISTRICT
A.	08-6-CZ11-3	KROME GOLD RANCHES II, LLLP	(APPEAL)	07-417	13-55-38	9
B.	08-9-CC-1	DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL	(DEVELOPMENT OF REGIONAL IMPACT)	06-125	34-51-41 & 03-52-41	1

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 23, 2008

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

A. **KROME GOLD RANCHES II L. L. L. P (08-6-CZ11-3/07-417)** **13-55-38**
BCC/District 9

Applicant is appealing the decision which COMMUNITY ZONING APPEALS BOARD #11 denied without prejudice on the following:

(1) GU to EU-2

(2) UNUSUAL USE to permit a lake excavation.

(3) UNUSUAL USE to permit a private recreational facility; to wit: a clubhouse, including stables and boat storage.

(4) Applicant is requesting to waive the zoning regulations requiring half-section line rights-of-way to be 70' in width; to permit no dedication for theoretical S.W. 182 Avenue and theoretical S.W. 128 Street.

(5) Applicant is requesting to permit Lots 33, 34 and 35 with frontages varying from 94.52' to 138.02' (200' required).

(6) Applicant is requesting to waive the subdivision regulations requiring lots to have frontage on a public street; to permit a lot containing the private recreation facility with no frontage on a public street and to have access to the said lot by means of a private easement.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #4 and #5 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #6 must be considered under Chapter 28 §19(A) of the Public Works Code.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Paradise Lake Ranches, Krome Gold Ranches II, LLLP," as prepared by Perez, Pascual and Kiliddjian and Assocs., consisting of 25 sheets and dated stamped received 2/29/08. Plans may be modified at public hearing.

LOCATION: Lying north of S.W. 136 Street, between S.W. 177 Avenue and S.W. 187 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 466 Acres

Department of Planning and Zoning Recommendation: Approval of request #2; approval of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV); withdrawal without prejudice of requests #1, #3, #5, and #6, all subject to the Board's acceptance of the proffered covenant and the conditions imposed herein.

Protests: 25 Waivers: 5

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

Deferred from 9-18-08

B. DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL (08-9-CC-1/06-125)

34-51-41 & 3-52-41
BCC/District 1

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19) of the Florida Statues with respect to the bifurcation of the Dolphin Center DRI, an extension of time for the build out date, and the inclusion of workforce housing on the South Parcel.

(2) DELETION of Resolution No. Z-210-85, as amended by Z-147-86, as further amended by Z-342-87, as further amended by Z-157-88, further amended by Z-195-88, further amended by Z-185-90, further amended by Z-40-93, further amended by Z-11-95, further amended by Z-131-95, and last modified by Z-30-99 (as it pertains to the North and South Parcels) and by Z-27-06 (as it pertains to the South Parcel only).

(3) Approval of an amended Development Order for the North Parcel, to be named Dolphin Center North.

REQUEST #3 ON SCHEDULE 1

(4) Approval of an amended Development Order on the South Parcel, to be named Dolphin Center South.

REQUEST #4 ON SCHEDULE 2

The purpose of these requests is to modify the existing development order into two (2) separate development orders and to extend the buildout date on both, and to provide for the inclusion of workforce housing and the provision of easements for the proposed Metrorail North Corridor on the South Parcel. The above referenced Resolutions are on file with the Department of Planning and Zoning and may be accessed through the Miami-Dade County website.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SCHEDULE 1

Dolphin Center North

DRI Development Order

THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS JOINTLY OR SEVERALLY WILL:

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

   a. The project shall consist of up to:

      73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f) Florida Statues).
      7,350 paved parking spaces on the stadium site.
      325,000 square feet of office development
      50,000 square feet of fitness center development
      140,000 square feet of retail/commercial development.
      450 hotel rooms.

   b. Maintain the North and South Neighborhood Protective Buffers and the park to be developed in association with the South Neighborhood Protective Buffer, in accordance with Conditions 9, 10, and 11 herein.
      [Note: This condition has been satisfied.]

   c. Schedule project completion for October 10, 2017, pursuant to Section 380.06(19)(c), F.S., to recognize the tolling of time for the buildout date during the pendency of administrative or judicial proceedings relating to development permits for the project, the extension of the date of buildout of any phase thereof for twelve (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation.

2. Conduct a comprehensive air quality study, develop a plan and program for carbon monoxide monitoring and abatement, and implement all actions necessary to reduce carbon monoxide emissions during stadium events to meet State air quality standards, according to the following minimum requirements:

   a. Submit, within ninety days of the effective date of the Development Order, a detailed study design for modeling carbon monoxide concentrations associated with the stadium to the Florida Department of Environmental Regulation (FDER), the South Florida Regional Planning Council (Council) and Miami-Dade County Department of Environmental Resources Management (DERM) for review and approval.

   b. Submit and have approved, within nine months of the effective date of the Development Order, a comprehensive air quality study according to the study design approved pursuant to 2a above.

   c. Within 10 months of the effective date of the Development Order, submit and have approved by the above agencies, a comprehensive pollution abatement plan and implementation program, detailing project design, construction, and/or

operational measures, with associated standards and implementation schedules, to abate projected air quality exceedances.

d. Submit a program for monitoring the effects of implementing the pollution abatement plan in accordance with timing and review procedure specified in 2c above.

e. Implement the plan and program as approved by FDER, the council and DERM, and prior to, requesting any Certificates of Occupancy, enter into a formal agreement with DERM to provide air quality monitoring at a cost of $60,000 as required by the plan. This monitoring to include the identification of a permanent air monitoring site which would be available to DERM as needed.

f. As part of the air quality program for Phase B lands, observe Miami-Dade County traffic volumes for the intersection of N.W. 199 Street and U.S. 441 for years 1992, 1993 and 1994. Compare actual average weekday traffic (AWDT) volumes to the following threshold AWDT volumes for each year listed below:

1992 = 46,879
1993 = 47,239
1994 = 47,602

Record and submit the results of this comparison in the project's annual status report.

g. If actual AWDT volumes exceed the AWDT threshold volumes identified in Condition 2f above, the owners of Phase B lands shall conduct air quality modeling of carbon monoxide (CO) impacts. The air quality modeling shall follow Florida Department of Environmental Regulation (FDER) guidelines and shall:

(i) Be based on actual AWDT traffic counts for the intersection of N.W. 199 Street and U.S. 441; and

(ii) Be conducted for the period between December and February, and

(iii) Be submitted during the month of April after exceedance determination and during the same year, in a detailed analysis to FDER and Miami-Dade County Department of Environment Resources Management (DERM) for comment and review, and to the SFRPC for review and approval.

h. If the results of the air quality modeling study, as described in Condition 2g, above, exceed 85% but less than 100% of the State standard for CO concentrations:

(i) The owners of Phase B lands shall submit within 180 days, a detailed air quality monitoring plan to FDER and DERM for review and comment and SFRPC for review and approval.

i. If the results of the air quality modeling study, as described in Condition 2.g., above, or any monitoring results pursuant to Condition 2.h., above, exceed State standards for CO concentrations:

(i) The owners of Phase B lands shall provide acceptable documentation which clearly indicates that CO exceedances will not occur, or that project development seeking approval will not contribute to the predicted CO violation, or that any potential CO additions for additional project development on Phase B lands has been or will be mitigated prior to issuance of building permits for the additional project development. This documentation must be submitted to FDER and DERM for comment and review, and to the SFRPC for review and approval.

[Note: The conditions set forth in Paragraphs 2.a. – 2.e. have been satisfied.]

3. Incorporate the following into the design and operation of the non-stadium portion of the project:

a. Designate five percent of office employee parking spaces, located as close as possible to building entrances, for exclusive car or van pool use.

b. Actively encourage and promote car and van pooling by office employees by establishing a car pool information program.

c. Provide Metrobus and Metrorail route and information in convenient locations throughout the project.

d. Encourage mass transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership as transit service is made available to the site.

e. Mulch, spray or grass exposed areas during construction to prevent soil erosion and minimize air pollution.

4. Design, construct, and maintain the stormwater management system to meet the following standards:

a. Retain the first one inch of runoff from all project surface parking areas in vegetated retention areas.

b. Retain the first inch of runoff from roadways in vegetated retention areas or dry exfiltration trenches.

c. Design, develop, and maintain the vegetated retention areas to allow retained stormwater to infiltrate in less than 24 hours.

d. Construct the drainage system in accordance with applicable South Florida Water Management District and DERM standards.

e. Develop up to 7,200 of the total stadium parcel parking as grassed - not paved - spaces.

f. Install pollution retardant structures to treat all stormwater runoff from each drainage basin by using a down-turned inlet pipe or other device to separate oil and grease.

g. Install oil and grease baffles in canal discharge structures.

h. Periodically remove pollutant accumulations from the stormwater system.

i. Limit application of pesticides and fertilizers in vegetated retention areas to once per year for preventive maintenance and to emergencies, such as uncontrolled insect infestation.

j. Vacuum sweep all non-stadium parking lots and roadways at least once per week from May through October and once every two weeks from November through April.

k. Subject to DERM approval and in accordance with applicable regulations, provide appropriate measures to prevent overland stormwater runoff from entering the canal.

[Note: The conditions set forth in this paragraph have been completed for the Stadium and all roadways and parking areas completed to date.]

5. Develop the project in accordance with the following hazardous materials and hazardous waste accident, prevention, and mitigation standards; and incorporate these standards into all lease and sales agreements, restrictive covenants, and association regulations, as applicable:

a. Require all areas within buildings where hazardous materials or hazardous wastes (ignitable, corrosive, toxic, or reactive, including those identified in Exhibit 1) are to be used, handled, generated, or stored, to be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.

b. Prohibit any and all outside storage of hazardous materials or hazardous waste.

c. Require hazardous waste generators (tenants classified in a SIC code listed in Exhibit 2 that use, handle, store, or display hazardous materials and/or generate hazardous wastes) to contract with a licensed public or private hazardous waste disposal service or processing facility and to annually provide to Miami-Dade County and maintain on file for a period of at least five years, copies of one of the following types of documentation of proper hazardous waste management practices:

- a hazardous waste manifest;
- a bill of lading from a transporter indicating shipment to a permitted hazardous waste management facility; or
- a confirmation of receipt of materials from a FDER-approved recycler of waste exchange operation.

d. Require such hazardous waste generators to submit to the Applicant such information as is necessary for Applicant compliance with the annual monitoring and reporting requirements in Condition 24 and 41 below.

e. Notify tenants generating hazardous wastes of the penalties for improper disposal of hazardous waste pursuant to Section 403.727, Florida Statutes.

f. Allow reasonable access to facilities for monitoring by Miami-Dade County and FDEP.

6. Remove all invasive exotic plans from the project site as the site is cleared; preserve the native oak area identified in Exhibit 3; use only those plant species identified in Exhibit 4 in project landscaping; and either preserve, relocate within the site, or transplant to another location in the Region all healthy wax myrtle, red bay, and oaks scattered throughout the project site. In the event the relocation of the existing wax myrtle, red bay, or oak trees is not feasible, then replacement with suitable native landscape material shall be required subject to DERM approval.

[Note: This condition has been satisfied.]

7. Provide to, and on a schedule established by the Miami-Dade County Historic Preservation Division (MDHPD) funds necessary for MDHPD to hire an archaeological assistant to monitor Dolphin Center development.

8. a. Dedicate the preserved archaeological midden shown in Exhibit 3 for open space, or donate the land to Miami-Dade County or another agency/organization acceptable to both Miami-Dade County, the Department of Community Affairs (DCA), and the Council for perpetual maintenance as an archaeological site.

b. The archaeological midden shown in Exhibit 3 shall be maintained in its native condition and within 12 months of the effective date of this Development Order be surrounded by an 8-foot high chainlink fence, or other barrier suitable to Miami-Dade County.

c. Provide within 3 months of the effective date of this Development Order an accurate legal description approved by the Miami-Dade County Historic Preservation Division of the archaeological midden shown in Exhibit 3.

9. As shown on Exhibits 5a and 5b, develop a South Neighborhood Protective Buffer in the area extending 351' inward from the Dolphin Center property line along N.W. 24th Avenue, with a park built to Miami-Dade County standards and approved by the Parks Department. A meandering bicycle path shall extend the length of the Buffer, according to the following standards:

a. Road right-of-way (ROW) as needed for fully expanded residential roadway sections along the property line between Dolphin Center and Crestview/Rolling Oaks neighborhood ("Current Property Line") shall be dedicated and improved by the Applicant within 12 months of the effective date of the Development Order. These ROW requirements are defined as follows unless determined to be otherwise by Miami-Dade County:

- N.W. 24th Avenue, 30' from the Current Property Line (CPL)
- N.W. 22nd Avenue, 50' from the CPL
- N.W. 195th Street extended, 25' from the CPL

The interior property line resulting from this required ROW dedication shall be referenced herein as the "ROW Line."

b. Measuring a minimum of 110' to 130' toward the interior of the project from the ROW line, a "Wall Construction Line" shall be delineated for location and construction of an attractive masonry wall, approved by the Planning Department 6' to 8' in height to permanently bar access and reduce noise transmission between the project site and the adjacent neighborhood. The Wall Construction Line shall vary as necessary to:

- accommodate the park on the east end of the South Neighborhood Protective Buffer shown on Exhibits 5a and 5b, and

- west of 24 Avenue, extend northward to within 10' of N.W. 199 Street right-of-way, and then follow the alignment of N.W. 199 Street to at least 110' east of N.W. 22 Avenue extended.

c. On the neighborhood side of the Wall Construction Line, develop and maintain the area according to the following:

- A landscape plan approved by the Miami-Dade County Department of Planning & Zoning which provides a continuous, effective visual barrier for adjacent neighborhood residents and addresses security and maintenance concerns. The plan should provide a visual barrier at least 20' in height after 5 years of growth and to 30' in height after 10 years of growth.

- Adjacent to the ROW Line referenced in 9a above, construct an 8-foot wide bike path meandering through a 20-40 foot wide bike path right-of-way.

- The 20 to 40 foot bike path right-of-way shall be landscaped to be compatible with and enhance adjacent residential areas.

- Construct and maintain an irrigation system in the landscaped areas of the South Neighborhood Protective Buffer.

- Plant a 10-foot wide grassed separation strip between the landscaped area and the masonry wall.

- Construct, as shown in Exhibit 5b, a 5-acre park abutting the 5-acre pine-oak preservation area, pursuant to Condition 6 herein, and subject to design and specifications approved by the Parks Department.

d. The pine-oak preservation area shown in Exhibit 3 shall be maintained in its native condition and be surrounded by an 8-foot high chain link fence, or other barrier subject to County approval.

e. Provide within three months of the effective date of this Development Order an accurate legal description, approved by DERM, of the pine-oak preservation area shown in Exhibit 3.

f. The masonry wall shall be constructed and the landscaping completed within 12 months of the effective date of this Development Order, and the remainder of the Neighborhood Protective Buffer requirements specified in this Condition 9 shall be completed in an additional 12 months.

g. Provide within 3 months of the effective date of this Development Order, provisions for the maintenance of that portion of the Neighborhood Protective Buffer not provided for in b and c above.

[Note: The conditions set forth in this paragraph have been satisfied.]

10. Apply for and fully cooperate in the establishment of a special taxing district or districts within 12 months of the effective date of this Development order, encompassing all real property within the DRI application site, and only that property, to provide for the maintenance of and improvements to the 40' landscaped North Neighborhood Protective Buffer and the 110'-130' wide linear park and bike path within the South Neighborhood Protective Buffer, the park on the east end of the South Neighborhood Protective Buffer, the archaeological midden area, and the pine-oak preservation area. Pay all taxes or assessments levied by said district or districts. All lands subject to maintenance and improvement under the special taxing district or districts must be dedicated to Dade County in fee simple free and clear of all liens, encumbrances and encroachments within the 12 months period specified in this paragraph.

[Note: This condition has been satisfied.]

11. Develop a North Neighborhood Protective Buffer, by planting a permanent landscaping barrier along the north edge of the property beginning at the southern edge of the South Florida Water Management District (SFWMD) right-of-way and extending 40' south, unless specific permission is obtained from the SFWMD allowing a portion of their right-of-way to be dedicated for perpetual use as part of the North Neighborhood Protective Buffer to be developed and maintained by the Applicant. This 40-foot wide North Neighborhood Protective buffer shall contain an irrigation system installed and maintained in operating condition by the applicant and be planted consistent with the illustration in Exhibit 6, using the species in Exhibit 4, prior to issuance of a certificate of occupancy for the stadium.

[Note: This condition has been satisfied.]

12. Develop the property in accordance with the Archaeological Management Plan in Exhibit 7.

[Note: This condition has been satisfied.]

13. a. Provide to Miami-Dade County Fire Rescue Department at the time of issuance of the first building permits in each phase or portion thereof $0.08 (1984 dollars) per square foot of office/commercial development, and $80 (1984 dollars) per hotel room. In addition thereto, prior to requesting any certificate of occupancy

for the stadium, provide the Fire Department the lump sum of $164,735 to cover the prorata cost of necessary fire/rescue equipment for the stadium. In addition, maintain a helicopter landing area according to Miami-Dade County Fire Department regulations prior to the issuance of a Certificate of Occupancy.

[Note: This condition has been satisfied for the development to date.]

b. Provide to Miami-Dade County Fire Rescue Department, prior to the issuance of a Certificate of Occupancy for the additional 1,916 seats in the stadium, a single payment of $5,269 to cover the prorata cost of necessary fire/rescue equipment to service this stadium expansion.

[Note: This condition has been completed.]

14. a. Cooperate with the Miami-Dade Police Department and incorporate security measures and systems into the design and operation of Dolphin Center, including the following:

- Security Office (with a holding cell) at each end of the stadium;
- An area which can be used as a police command post within the stadium, shielded from the weather, and large enough to hold roll call for assigned personnel;
- Television cameras located in sensitive areas throughout the stadium with television monitors placed in one of the security offices.

b. Provide to the Miami-Dade County Police Department, prior to requesting any Certificate of occupancy, the sum total of $128,249 to be used to reimburse the Department for equipment purchased to provide adequate police service for stadium events.

[Note: The conditions set forth in this paragraph have been satisfied.]

15. a. Incorporate the following energy conservation measures into the stadium development:

- Water flow restricters and low water use fixtures in all restrooms.
- No hot water in restrooms.
- Where hot water is provided in the skyboxes, use small incremental water heaters.
- Natural gas for hot water heating in locker rooms and management areas.
- At least 7,200 parking spaces with grass surfaces.

b. Include the following operational or design improvements into the Final Dolphin Stadium Plans prior to January 1, 1987.

- A traffic management plan for major stadium events which maximizes efficient traffic flow, reversible traffic levels on N.W. 199 Street, and the separation of bus movements from that of vehicular traffic. In addition to bus separation when bus and other vehicular traffic move in the same direction, the plan must account for the separation of exiting buses (during vehicular egress) for return bus trips.

- Improve the bus terminal drop off plan to (a) enlarge the size of the terminal by increasing the number of bus bays to at least 25, and (b) minimize or eliminate bay cross flow of bus passenger/pedestrian movement and vehicular traffic.

- Agree to offer and sell transit passes and other fare media; through the mail to season ticket purchasers who would wish to access stadium events via transit.

[Note: The conditions set forth in this paragraph have been satisfied.]

16. Incorporate the following emergency conservation measures into the non-stadium portion of the development.

a. Exterior shading and tinted or reflective glass to reduce solar heat gain.

b. Hot water temperatures set at or below 105° F unless higher temperatures are required by building code or for sanitary reasons.

c. Energy efficient cooling systems.

d. Maximum flexibility of air conditioning system to cool only occupied areas (on a floor-by-floor basis at minimum).

e. Air distribution using a variable air volume system, where practical.

f. Air conditioning energy efficiencies (EER) of 10.0 or greater.

g. Measures that effectively yield, in the cooling mole, at least R-7 in walls and R-19 in ceilings.

h. Isolate heat producing areas and equipment (cooking, water heating, etc.) from air conditioned areas.

i. Natural gas or other non-electric energy sources for cooking, space heating, and water heating in restaurants and hotels, where feasible.

j. Individual electric metering of office tenants.

k. Solar water heaters or waste heat recovery units to preheat cooking and washing hot water in restaurants, hotel, etc., where feasible.

l. Lavatory water flow of 0.8 gallon per minute or less and water closets that use no more than three and one-half gallons per flush, or in accordance with the requirements of the South Florida Building Code, whichever is more restrictive.

m. Where possible, orientation of structures with no more than 40% of total wall surface facing east and west.

n. Landscaping to shade, on the average, 50% of paved parking space, between 10:00 a.m. and 5:00 p.m. after eight years of growth (one tree for every six spaces, assuming 15-foot canopy).

o. Bicycle support facilities such as secure bike racks or storage areas, and, if feasible, lockers and showers for project employees.

p. A coordinated system of bicycle paths.

q. Central energy management systems in office buildings that will provide start/stop optimization, time of day scheduling, night temperature setback/startup, and if feasible, programmed maintenance and building lighting control.

r. Minimum use of incandescent lighting, and use of fluorescent task lighting and indirect sunlight where possible.

s. Light-reflecting and/or light colored wall and roof surfaces, with solar absorption coefficients less than or equal to 0.50.

17. a. Limit the location (as identified in revised Figure 1) and design of all project ingress and egress to the minimum standards for design and construction for street and highways as approved by the State of Florida, and/or Miami- Dade County as applicable.

b. Until such time as the Dolphins Stadium is served directly by fixed or commuter rail transit, make available for stadium parking a minimum of 3,500 spaces collectively within Dolphin Center East and West, or as additional parking within the stadium site (Phase A), for all stadium events occurring on Saturday, Sunday, or after 7:00 p.m., on weekdays. Nothing herein restricts the use of the property on which the 6,600 unimproved parking spaces have been designated. Such location can be determined at any time, provided however, that prior to such termination, South Florida Stadium Corp. (or its successor) shall submit and receive approval of an alternate parking plan and construct the relocated spaces, subject to the provisions of section 380.06 (19) F. S. (2007), (if applicable) and the relevant provisions of the Miami-Dade County Code.

18. a. Withhold from requesting any Certificates of occupancy for the Dolphin Stadium until the following roadway improvement is complete:

Improvements	Exhibit No.
Hollywood Boulevard - I-75 to University	Add 2L (4LD)

[Note: This condition has been satisfied.]

b. Prior to January 1, 1987, Applicant will cause the acquisition of the necessary right-of-way (Exhibits #9-14) for the recommended improvement of the U.S. 441/N.W. 199 Street intersection. Failure of the Applicant or a governmental agency to acquire the necessary right-of-way on or before January 1, 1987, will

authorize Miami-Dade County Building Department to withhold any further permits, refuse inspections, or withhold any approvals for the Dolphin Stadium.

[Note: This condition has been satisfied.]

c. Prior to January 1, 1987, Applicant will cause construction to begin on the Ives Dairy Road/I-95 intersection in accordance with Exhibit 9 - 22 Revised. Failure of the Applicant or a governmental agency to commence construction on or before January 1, 1987 will authorize the Miami-Dade County Building Department to withhold any further permits, refuse inspections, or withhold any approvals for the Dolphin Stadium.

[Note: This condition has been satisfied.]

d. Restrict attraction and recreation uses within Dolphin Center North to professional football and baseball games, and in addition, other events which may only occur on Saturday and/or Sunday until those transportation improvements listed below and contained in Conditions 18b, 18c and 18e are completed. As used in this condition, the word "Event" shall mean any use of the stadium seating designed to view field events which is open to the general public by either paid or unpaid admission. As used in this condition, the word "annually" shall mean a 12 month period of time commencing on August 1st and running until August Ist of the following year. In addition, complete the following transportation related improvements prior to the dates listed:

Improvements	Required Completion Date	Exhibit No.
University Drive/ Miramar Parkway Intersection	Completed	Exhibit 9-28
University Drive/HEFT Interchange	Completed	Exhibit 9-5
Miramar Parkway/Flamingo Road Intersection	Completed	Exhibit 9-13
Miramar Parkway/U.S. 441 Intersection	Completed	Exhibit 9-15
SR 7/Hollywood Boulevard Intersection	Completed	Exhibit 8
NW 27 Avenue/Miami Gardens Dr. Intersection	*	Exhibit 9-7a**

* Prior to issuance of Certificate of Occupancy for 7:00 pm baseball game start time.
** attached

Notwithstanding anything in this Condition 18d to the contrary, weekday Events (other than professional baseball games, and up to two other televised events annually) shall not have scheduled starting times between the hours of 5:00 p.m. and 8:00 p.m.; and weekday professional baseball games in within Dolphin Center North, shall not have scheduled starting times between the hours of 5:00 p.m. and 7:00 p.m. and Events, shall not have scheduled starting times between the hours of 5:00 p.m. and 7:30 p.m. Weekday attendance at any concert event shall not exceed 55,000 persons.

e. Prior to July 1, 1986, the Applicant will enter into agreement with governmental agencies including, but not limited to Miami-Dade County, Broward County, various municipalities, or with the FDOT. Said agreement(s) shall cause the construction of the following recommended improvements to be completed on or before August 1, 1988:

Improvement	Exhibit No. 9
Florida Turnpike/N.W. 199 Street Interchange	1, 2 (Completed)
Florida Turnpike, add 2 lanes on mainline Turnpike at vicinity of N.W. 199 Street	8 (Completed)
Florida Turnpike-Golden Glades to Miramar Parkway widen to 6 lanes	8 (Completed)

[Note: This condition has been satisfied.]

f. Prior to July 1, 1986, the Applicant will enter into an agreement with FDOT ensuring completing of the following improvements on or before January 1, 1990:

Improvement	Exhibit No. 9
Red Road/Flamingo Road - Miami Gardens Drive to Hollywood Boulevard, 6 lanes, divided	13,18,19, 20
Red Road/HEFT - Interchange	20
HEFT/Turnpike - New Ramps	17

[Note: This condition has been satisfied.]

g. Prior to requesting a Certificate of Use and Occupancy for the additional 1,916 seats with the stadium, provide to the Miami-Dade County Public Works Department the appropriate Roadway Impact Fee in accordance with the requirements of Chapter 33E of the Code of Miami-Dade County.

[Note: This condition has been satisfied.]

h. During weekday Stadium events which occur concurrently with the scheduled arrivals and departures of Norwood Elementary and Madie Ives Elementary School students, the owner of the Stadium, at its sole cost and expense, shall cause the following minimum number of uniformed Miami-Dade Police Officers and equipment to be assigned at each location listed below for the purpose of traffic control necessary to assist school children in crossing N.W. 199 Street, as follows:

a. Two uniformed Miami-Dade Police Officers and one uniformed patrol car or motor unit at the intersection of N.W. 14 Court and N.W. 199 Street.

b. One uniformed Miami-Dade Police officer and one uniformed patrol car or motor unit at the intersection of N.W. 12 Avenue and N.W. 199 Street.

c. One uniformed Miami-Dade Police Officer and one uniformed patrol car or motor unit at the intersection of N.W. 7 Avenue and N.W. 199 Street.

d. One uniformed Miami-Dade Police officer and one uniformed patrol car or motor unit within the marked crossing zone at N.E. 12 Avenue and Ives Dairy Road.

The Stadium Manager's Office shall deliver at least one week prior notification of each weekday stadium event that will occur concurrently with the scheduled arrivals and departures of students of Norwood Elementary and Madie Ives Elementary Schools. Upon receipt of such notice, representatives from the Miami-Dade County Public Schools Safety Department and the on site school administrators shall determine and advise the Stadium Manager's Office of the need for additional police officers and/or equipment, if any, for school safety traffic control during such events. The owners of the Stadium shall provide the additional officers and equipment at their sole cost and responsibility.

In the event that the owners of the Stadium fail to provide the uniformed police officers or equipment required by this condition, the School Board of Miami-Dade County shall have the right to provide said officers and equipment and the owners of the Stadium shall reimburse the School Board for the costs of said officers and equipment upon the submission of an invoice therefor.

[Note: This condition has been satisfied.]

19. a. Prior to January 1, 1987, Applicant will coordinate with FDOT the completion of a revenue and feasibility study for the I-75/HEFT ramps (Exhibit 9 - 21).

[Note: This condition has been satisfied.]

b. If determined financially feasible under Condition 19a above, prior to January 1, 1989, Applicant will enter into an agreement with FDOT to cause the construction of the I-75/HEFT ramps. Construction must commence no later than January 1, 1992.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible, therefore, this condition has been satisfied.]

c. Should the FDOT or other public or private agency fund from other revenue sources and construct the I-75/HEFT ramps (Exhibit 9 - 21) according to the schedule herein, the Applicant's obligation towards this improvement shall be eliminated.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible, therefore, this condition has been satisfied.]

d. In the event that FDOT or another entity is unable to begin construction of the I-75/HEFT ramps by January 1, 1992, regardless of the reasons, the Applicant shall immediately be liable for the construction of the following arterial improvements, which are identified in the Dolphin Center ADA as necessary alternatives to the I-75/HEFT ramps if projected traffic volumes are to be adequately supported (LOS "D").

Improvement	Exhibit No.
Palm Avenue: Hollywood Boulevard to Pembroke Road, 2 to 4 lanes, divided	None

[Note: This condition has been satisfied.]

20. a. Prior to requesting any Certificates of Occupancy for any Phase B retail, hotel, fitness, office or trademart development on property abutting the intersection at N.W. 27th Avenue and N.W. 191st Street, cause the construction of the following improvements:

Improvement	Exhibit No. 9 Reference
N.W. 27 Avenue and 191 Street - Intersection 6	Revised

b. In the event that another developer, Broward County, Miami-Dade County, and/or FDOT constructs the improvement identified in 20a, within the specified time frame, the Applicant will not be held responsible for that particular improvement.

c. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown below) worth of Phase B retail, hotel, fitness, office or trademart development (Revised Table 1), construct the following recommended roadway improvements or, at the option of the applicable public agencies or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $700,000 (1992 dollars) for their construction:

Vehicle trip generation rates for Phase B land uses	
Retail	4.38/1,000 SF
Office	1.42/1,000 SF
Trademart	1.33/1,000 SF
Fitness Center	2.06/1,000 SF
Hotel	0.67/Room

Improvement	Exhibit No.
Pembroke Road/University Drive, Intersection	9-26

d. In the event that another developer, Broward County, Miami-Dade County, and/or the FDOT, constructs the improvements identified in 20c, the $700,000 (1992 dollars) shall be reduced by the amount assessed the Applicant for that particular improvement.

e. After gaining FDOT District IV and VI approval based upon the submittal of a detailed operational analysis for the reversible lane facility, and prior to the issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of Phase B retail, hotel, fitness, office or trademart development, construct the following recommended roadway improvement or, at the option of the applicable public

agencies, or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $750,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
N.W. 27th Avenue from H.E.F.T. to N.W. 191st Street Remove median. Restripe to 8 lanes Operate as a reversible Roadway with 6 variable Message Signs during the AM and PM peak hours.	None

If for any reason this improvement is not deemed feasible by FDOT District IV and VI, the Applicant must recommend a comparable alternative improvement that resolves the projected capacity constraint of the roadway to be approved by the FDOT District IV and VI, the SFRPC and the Miami-Dade County Department of Public Works.

f. The owners of Phase B lands shall comply with this condition of the development order to address Miami-Dade County's concurrency requirements with respect to N.W. 199th Street from N.W. 27th Avenue to N.W. 37th Avenue. The owners of Phase B Lands shall perform a concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue at the conclusion of the April 1993 Amendment process to Dade County's "Comprehensive Development Master Plan." The analysis will incorporate existing plus projected traffic as set forth in the approved Question 21, Transportation Analysis for the Amended Dolphin Center DRI. If such analysis indicates a deficient level of service in accordance with applicable Miami-Dade County concurrency standards then in effect, the owners of Phase B lands shall modify the signal timing at N.W. 199th Street and N.W. 27th Avenue within 120 days of County's review of the aforedescribed concurrency analysis, subject to approval by Miami-Dade County. Within 60 days of modifying the signal timing, the owners of Phase B lands shall perform an additional concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue which incorporates existing plus projected traffic as set forth in the approved Question 21 transportation analysis for the Amended Dolphin Center DRI. If such analysis indicates a deficient level of service in accordance with applicable Dade County concurrency standards, then the owners of Phase B lands shall enter into an agreement with governmental agencies including, but not limited to Miami-Dade County or FDOT, to cause the construction (at the applicant's expense) of the following recommended improvement to be completed within one (1) year:

Improvement
N.W. 199th Street: N.W. 27th to 37th Avenue, 4 to 6 lanes, divided.

g. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of Phase B retail, hotel, fitness, office or trademart development, or within twenty-four months from the effective date of the amended development order

(whichever occurs first), construct the following recommended roadway improvement, or at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a Letter of Credit in the amount of $300,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
Miramar Parkway/Douglas Road Intersection	9-23 (Revised)

21. Execute agreements with the FDOT to:

a. Guarantee the bonds and cover any shortfall for the 199th Street interchange with the Turnpike (Exhibits 9-1 and 9-2) to ensure its construction prior to August 1, 1988.

[Note: This condition has been satisfied.]

b. Provide all necessary rights-of-way including the $1.5 million in right-of-way cost for the 199th Street interchange; and

[Note: This condition has been satisfied.]

c. Construct the ramps connecting I-75 and HEFT (Exhibit 9-21), if determined economically feasible by FDOT.

[Note: The study performed pursuant to Condition 19a. determined that the I-75/HEFT ramps were not economically feasible. Therefore this condition has been satisfied.]

22. By July 1, 1987, enter into agreements with Broward County and Miami-Dade County to provide payment sufficient to cover the following costs imposed on local governments in Broward and Miami-Dade Counties by the Dolphin Center DRI:

a. Maintenance of the archaeological preserve established by Condition 8 herein.

b. Maintenance of the South Neighborhood Protective Buffer, pursuant to Condition 9 and Condition 10 herein.

c. Provision of increased public safety and Fire Rescue personnel for security, and traffic control, and fire and accident response during stadium events.

d. Design, engineering, right-of-way, and construction costs of any transportation improvements necessitated by federal or state regulations.

e. Operational and maintenance costs of providing transit service to stadium events and/or weekday transit service to the site.

[Note: The conditions set forth in this paragraph have been satisfied.]

23. Integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy each to Broward and Dade Counties, and one copy to the Florida Department

of Community Affairs (FDCA) within 90 days of this Development Order. The CADA shall be prepared as follows:

a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of the DO whether in response to a formal statement of information needed or otherwise, the original page of the ADA will be replaced with revised pages.

b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

24. Prepare an annual report in accordance with the requirements specified in Condition 39 herein and submit copies to the Council, Broward County, Miami-Dade County, and FDCA.

THE COUNTY WILL:

25. Approve no more than the amount of development described in Condition 1, herein, for Dolphin Center Stadium North, with no building permits issued that would exceed the permitted seats, square feet or number of units in each land use category. However, it is understood that more than 74,916 attraction and recreation seats may be constructed on site, so long as no more than 74,916 attraction and recreation seats will be in operation at any time.

26. Issue subsequent development permits for the project only if plans and applications for such permits are in substantial compliance with the maximum development totals specified in Condition 1 herein and the terms and conditions of this DRI Development Order. Any change to the project, shall be governed by the requirements of Subsection 380.06(19), F.S. (2007), provided, however, that under no circumstances, shall any change be proposed, approved, or constructed that would allow (either individually or when considered cumulatively with prior changes) more total development, as identified in Table 2 attached.

27. Stay the effectiveness of the DRI Development Order and withhold further permits, approvals, and services, within 30 days of receiving notice of, and verifying, Applicant violation of any of the conditions herein or other failure to act in substantial compliance with the Development Order.

28. If the results of the air quality monitoring study for Phase B lands, as described in Condition 2.g., above, or any monitoring results pursuant to Conditions 2.h. and 2.i., above, exceeds 85% but less than 100% of the State standard for CO concentrations or exceeds State standards for CO concentrations, withhold the issuance of any building permits for additional project development on Phase B lands that shows CO exceedances, until the monitoring plan is approved and necessary mitigation improvements have been funded or bonded (bond, letter of credit, or other acceptable assurance) with the applicable public agency.

29. Construct the following improvements prior to August 1, 1987:

- N.W. 199th Street - from Turnpike to US 441 - 2 to 5 lanes, including intersections.
- N.W. 199th Street - from 27th to 52nd Avenue, 2 to 4 lanes, divided.
- Miami Gardens Drive - from N.W. 77th Avenue to I-75, new 4-lane, divided.

[Note: This condition has been satisfied.]

30. Prior to issuance of certificate of occupancy for the Stadium, construct a grade separated pedestrian walkway accessible to the handicapped over N.W. 199 Street, within 200' of the Norwood Elementary School entrance, prior to extending and opening N.W. 199 Street west of the Turnpike, or an alternative approved by Miami-Dade County; and the School Board.
[Note: This condition has been satisfied.]

31. Withhold all Certificates of Occupancy for the Dolphin Stadium until the following roadway improvement is complete:

Improvement	Exhibit No.
Hollywood Boulevard: SR 7 (U.S. 441) to N.W. 64 Avenue, Add 2L (4LD) Incl.	(Exhibit 8)

[Note: This condition has been satisfied.]

32. Withhold the issuance of Certificates of Occupancy for more than 18 events annually for the Dolphin Stadium including professional football until such time as the following improvements are constructed and completed. The determination as to what constitutes a "completed" road improvement, as required in this condition, shall be made by the Miami-Dade County Public Works Director.

Improvement	Exhibit No.
U.S. 441/N.W. 199 St., Intersection (Recommended)	9-14 Revised (Completed)
Florida Turnpike/N.W. 199 St. Interchange (Recommended)	1,2 Completed
Florida Turnpike, add 2 lanes at vicinity of N.W. 199 Street (Recommended)	8 Completed

In addition, the following roadway improvements must be completed prior to the date listed.

Improvement	Completion Date	Exhibit No.
University Drive/Miramar Parkway Intersection	Completed	Exhibit 9-28
University Drive/HEFT Interchange	Completed	Exhibit 9-5
Miramar Parkway (New) Flamingo Rd. Intersection	Completed	Exhibit 9-3
Miramar Parkway/U.S. 441 Intersection	Completed	Exhibit 9-15
SR 7 and Hollywood Blvd. Intersection	Completed	Exhibit 8

[Note: This condition has been satisfied.]

33. Make a diligent effort to enter into an agreement with the Applicant pursuant to Condition 22 herein.

[Note: This condition has been satisfied.]

GENERAL:

34. The Amended ADA is hereby incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Amended ADA is a condition for approval unless waived or modified by agreement among the Council, County and Applicant, its successors, and/or assigns.

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the buildout period **(October 10, 2017)** sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this Development Order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.0. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) The issuance of a further local Development Order (as defined in Chapter 33G, Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

35. Each of the following, in and of itself, shall constitute a substantial deviation from the DRI Development Order and require an Amended DRI/ADA to be submitted to the County, Council and State:

    a. An increase by 15% in the number of trips generated by the project compared to the projections in the Amended ADA for either the Weekday PM peak-hour or Sunday peak-hour, pursuant to Section 380.06(19)(b)(13), F. S. (2007).

    b. Any use of the South Neighborhood Protective Buffer not specified in Condition 9 herein or failure of the Applicant to develop and maintain the Buffer according to the standards specified in that condition and Conditions 10 and 22 herein.

c. A violation of the air quality planning and implementation requirements that continues in excess of the 3 months from the time periods specified in Condition 2 herein.

d. Extension of any neighborhood access road through the site.

e. Change in any publicly dedicated project entrance/stadium access point.

f. Failure of the Applicant to enter into an agreement for roadway construction, acquire right-of-way, or construct the transportation improvements identified in Conditions 18b, 18c, 18f, 18g and 19b within 90 days of the dates specified.

g. Failure of FDOT to construct the Turnpike/199 Street Interchange (Exhibits 9-1 and 9-2) prior to August 1, 1988.

h. Failure of the Applicant to receive a certificate of occupancy for a stadium within three years of the effective date of the DRI Development Order.

i. Failure of Miami-Dade County to construct and operate 199 Street, from U.S. 441 to N.W. 27 Avenue, as a reversible lane facility for stadium events.

j. Failure of the Applicant to dedicate the 110'-130' wide linear park and bike path of the South Neighborhood Protective Buffer, private property contained within the North Neighborhood Protective Buffer, the park located on the east end of the South Neighborhood Buffer, the archaeological midden, and the pine-oak preservation area to Miami-Dade County and establish a special taxing district for maintenance and improvement of the above-referenced areas within 12 months of the effective date of this Development Order.

36. In the event the Applicant, its successors, and/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of the Planning and Zoning Department that such violation has occurred. With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

October 10, 2017, is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.

37. The Director of the Department of Planning & Zoning is hereby authorized to stay the effectiveness of the DRI Development Order in accordance with the provisions of Condition 36 above upon notification and verification of a violation of any condition herein.

38. a. The Director of the Department of Planning & Zoning is hereby required to monitor compliance with all conditions of the Development Order and shall make certain that the Development Order conditions are reviewed by the County prior to issuance of any local development permit; and

b. For any conditions that cannot reasonably be monitored as part of the local permitting and inspection processes, the Director of the Department of Planning & Zoning shall require a notarized affidavit from the Applicant assuring compliance with such Development Order conditions and shall be included as part of the annual report required by Condition 39 herein.

39. The Applicant shall annually prepare, and submit to the County, Council, and State on the anniversary date of the DRI Development Order, a report to include the following:

a. A complete response to each question in Exhibit 11.

b. Identification of any changes in the plan of development, or in the representations contained in the amended ADA, or in the phasing for the reporting year and for the next year.

c. A summary comparison of development activity proposed and actually conducted for the year.

d. Listing of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer.

e. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued.

f. An assessment or the Applicant and the local government compliance with the conditions of approval contained in the DRI development order and the commitments contained in the amended ADA.

g. Identification of DRI application for development approval amendments or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

h. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.

i. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each.

j. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and 380.06(18), F.S. (2007).

k. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Section 380.06(15)(f), F.S. 92007).

l. Copies of the following documentation of appropriate disposal of all hazardous waste:

- a hazardous waste manifest;
- a bill of lading from a bonded hazardous waste transporter indicating shipment to a licensed hazardous waste facility; or
- a confirmation of receipt of material from a recycler, a waste exchange operation, or other permitted hazardous waste management facility.

m. Any other information required by the FDCA in accordance with Sections 380.06(15) and (18), F.S. (2007), and Rule 9J-2.25(16), Florida Administrative Code.

40. The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center **North** Development Order as amended and specifying that the Development. Order runs within the land and is binding on all the applicants, its successors, and/or assigns, jointly and severally. **(This condition was amended to reflect the "North" D. O.)**

41. All exhibits referred to in this Development Order are attached hereto and made a part hereof.

42. The Council Amended ADA DRI Assessment is hereby incorporated by reference into this Development Order.

43. This development order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to Section 380.06(19), Florida Statutes. Bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with Section 380.06(19), F. S. (2007).
[This is a new condition].

SCHEDULE 2

Dolphin Center - South

DRI Development Order

WHEREAS, the Applicant filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order for a portion of the Dolphin Center Development of Regional Impact and propose to create an independent DRI Development Order for the subject property and renaming it Dolphin Center South DRI as follows:

THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS JOINTLY OR SEVERALLY WILL:

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

    a. The project shall consist of up to 429,951 square feet of retail development, up to 20,000 square feet of trademart development, up to 25,000 square feet of office development, and up to 638 residential units.

    b. Maintain the South Neighborhood Protective Buffer in accordance with Conditions 7 and 8 herein.

    [Note: This condition has been satisfied.]

    c. Schedule project completion for October 10, 2017, pursuant to Section 380.06(19)(c), F.S. (2007), to recognize the tolling of time for the buildout date during the pendency of administrative or judicial proceedings relating to development permits for the project, the extension of the date of buildout of any phase thereof for twelve (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation.

2. Conduct a comprehensive air quality study, develop a plan and program for carbon monoxide monitoring and abatement, and implement all actions necessary to reduce carbon monoxide emissions during stadium events to meet State air quality standards, according to the following minimum requirements:

    a. Submit, within ninety days of the effective date of the Development Order, a detailed study design for modeling carbon monoxide concentrations associated with the stadium to the Florida Department of Environmental Regulation (FDER), the South Florida Regional Planning Council (Council) and Miami-Dade County Department of Environmental Resources Management (DERM) for review and approval.

    b. Submit and have approved, within nine months of the effective date of the Development Order, a comprehensive air quality study according to the study design approved pursuant to 2a above.

    c. Within 10 months of the effective date of the Development Order, submit and have approved by the above agencies, a comprehensive pollution abatement

plan and implementation program, detailing project design, construction, and/or operational measures, with associated standards and implementation schedules, to abate projected air quality exceedances.

d. Submit a program for monitoring the effects of implementing the pollution abatement plan in accordance with timing and review procedure specified in 2c above.

e. Implement the plan and program as approved by FDER, the council and DERM, and prior to, requesting any Certificates of Occupancy, enter into a formal agreement with DERM to provide air quality monitoring at a cost of $60,000 as required by the plan. This monitoring to include the identification of a permanent air monitoring site which would be available to DERM as needed.

f. The Applicant shall submit a Carbon Monoxide (CO) air quality analysis for any surface parking areas generating 1,500 (or greater) vehicle trips/hour or any parking garage generating 750 (or greater) vehicle trips/hour. The analysis shall be reviewed and approved by DERM, the Florida Department of Environmental Protection (FDEP), the SFRPC and Miami-Dade County prior to the issuance of the first building permit for the portion of the project generating the parking impacts. It shall incorporate the methodology of the latest FDEP guidelines. The study should include, if necessary, mitigation measures for which the Applicant shall be responsible.

3. Incorporate the following into the design and operation of the non-stadium portion of the project:

a. Designate five percent of office employee parking spaces, located as close as possible to building entrances, for exclusive car or van pool use.

b. Actively encourage and promote car and van pooling by office employees by establishing a car pool information program.

c. Provide Metrobus and Metrorail route and information in convenient locations throughout the project.

d. Encourage mass transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership as transit service is made available to the site.

e. Mulch, spray or grass exposed areas during construction to prevent soil erosion and minimize air pollution.

4. Design, construct, and maintain the stormwater management system to meet the following standards:

a. Retain the first one inch of runoff from all project surface parking areas in vegetated retention areas.

b. Retain the first inch of runoff from roadways in vegetated retention areas or dry exfiltration trenches.

c. Design, develop, and maintain the vegetated retention areas to allow retained stormwater to infiltrate in less than 24 hours.

d. Construct the drainage system in accordance with applicable South Florida Water Management District and DERM standards.

e. Install pollution retardant structures to treat all stormwater runoff from each drainage basin by using a down-turned inlet pipe or other device to separate oil and grease.

f. Install oil and grease baffles in canal discharge structures.

g. Periodically remove pollutant accumulations from the stormwater system.

h. Limit application of pesticides and fertilizers in vegetated retention areas to once per year for preventive maintenance and to emergencies, such as uncontrolled insect infestation.

i. Vacuum sweep all non-stadium parking lots and roadways at least once per week from May through October and once every two weeks from November through April.

j. Subject to DERM approval and in accordance with applicable regulations, provide appropriate measures to prevent overland stormwater runoff from entering the canal.

[Note: The conditions set forth in this paragraph have been completed for the roadways and parking areas completed to date.]

5. Develop the project in accordance with the following hazardous materials and hazardous waste accident, prevention, and mitigation standards; and incorporate these standards into all lease and sales agreements, restrictive covenants, and association regulations, as applicable:

a. Require all areas within buildings where hazardous materials or hazardous wastes (ignitable, corrosive, toxic, or reactive, including those identified in Exhibit 1) are to be used, handled, generated, or stored, to be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.

b. Prohibit any and all outside storage of hazardous materials or hazardous waste.

c. Require hazardous waste generators (tenants classified in a SIC code listed in Exhibit 2 that use, handle, store, or display hazardous materials and/or generate hazardous wastes) to contract with a licensed public or private hazardous waste disposal service or processing facility and to annually provide to Miami-Dade County and maintain on file for a period of at least five years, copies of one of the following types of documentation of proper hazardous waste management practices:

- a hazardous waste manifest;
- a bill of lading from a transporter indicating shipment to a permitted hazardous waste management facility; or
- a confirmation of receipt of materials from a FDER-approved recycler of waste exchange operation.

d. Require such hazardous waste generators to submit to the Applicant such information as is necessary for Applicant compliance with the annual monitoring and reporting requirements in Condition 17 and 31 below.

e. Notify tenants generating hazardous wastes of the penalties for improper disposal of hazardous waste pursuant to Section 403.727, Florida Statutes.

f. Allow reasonable access to facilities for monitoring by Miami-Dade County and FDEP.

6. Remove all invasive exotic plans from the project site as the site is cleared;; use only those plant species identified in Exhibit 4 in project landscaping; and either preserve, relocate within the site, or transplant to another location in the Region all healthy wax myrtle, red bay, and oaks scattered throughout the project site. In the event the relocation of the existing wax myrtle, red bay, or oak trees is not feasible, then replacement with suitable native landscape material shall be required subject to DERM approval.

[Note: This condition has been satisfied.]

7. As shown on Exhibits 5a and 5b, develop a South Neighborhood Protective Buffer in the area extending 351' inward from the Dolphin Center property line along N.W. 24th Avenue, with a park built to Miami-Dade County standards and approved by the Parks Department. A meandering bicycle path shall extend the length of the Buffer, according to the following standards:

a. Road right-of-way (ROW) as needed for fully expanded residential roadway sections along the property line between Dolphin Center and Crestview/Rolling Oaks neighborhood ("Current Property Line") shall be dedicated and improved by the Applicant within 12 months of the effective date of the Development Order. These ROW requirements are defined as follows unless determined to be otherwise by Miami-Dade County:

- N.W. 24th Avenue, 30' from the Current Property Line (CPL)
- N.W. 22nd Avenue, 50' from the CPL
- N.W. 195th Street extended, 25' from the CPL

The interior property line resulting from this required ROW dedication shall be referenced herein as the "ROW Line."

b. Measuring a minimum of 110' to 130' toward the interior of the project from the ROW line, a "Wall Construction Line" shall be delineated for location and construction of an attractive masonry wall, approved by Department of Planning and Zoning 6' to 8' in height to permanently bar access and reduce noise

transmission between the project site and the adjacent neighborhood. The Wall Construction Line shall vary as necessary to:

- accommodate the park on the east end of the South Neighborhood Protective Buffer shown on Exhibits 5a and 5b, and

- west of 24 Avenue, extend northward to within 10' of N.W. 199 Street right-of-way, and then follow the alignment of N.W. 199 Street to at least 110' east of N.W. 22 Avenue extended.

c. On the neighborhood side of the Wall Construction Line, develop and maintain the area according to the following:

- A landscape plan approved by the Miami-Dade County Department of Planning and Zoning which provides a continuous, effective visual barrier for adjacent neighborhood residents and addresses security and maintenance concerns. The plan should provide a visual barrier at least 20' in height after 5 years of growth and to 30' in height after 10 years of growth.

- Adjacent to the ROW Line referenced in 9a above, construct an 8-foot wide bike path meandering through a 20-40 foot wide bike path right-of-way.

- The 20 to 40 foot bike path right-of-way shall be landscaped to be compatible with and enhance adjacent residential areas.

- Construct and maintain an irrigation system in the landscaped areas of the South Neighborhood Protective Buffer.

- Plant a 10-foot wide grassed separation strip between the landscaped area and the masonry wall.

- Construct, as shown in Exhibit 5b, a 5-acre park abutting the 5-acre pine-oak preservation area, pursuant to Condition 6 herein, and subject to design and specifications approved by the Parks Department.

d. The pine-oak preservation area shown in Exhibit 3 shall be maintained in its native condition and be surrounded by an 8-foot high chain link fence, or other barrier subject to County approval.

e. Provide within three months of the effective date of this Development Order an accurate legal description, approved by DERM, of the pine-oak preservation area shown in Exhibit 3.

f. The masonry wall shall be constructed and the landscaping completed within 12 months of the effective date of this Development Order, and the remainder of the Neighborhood Protective Buffer requirements specified in this Condition 9 shall be completed in an additional 12 months.

g. Provide within 3 months of the effective date of this Development Order, provisions for the maintenance of that portion of the Neighborhood Protective Buffer not provided for in b and c above.

[Note: These conditions have been satisfied.]

8. Apply for and fully cooperate in the establishment of a special taxing district or districts within 12 months of the effective date of this Development order, encompassing all real property within the DRI application site, and only that property, to provide for the maintenance of and improvements to the 110'-130' wide linear park and bike path within the South Neighborhood Protective Buffer, and the park on the east end of the South Neighborhood Protective Buffer. Pay all taxes or assessments levied by said district or districts. All lands subject to maintenance and improvement under the special taxing district or districts must be dedicated to Miami-Dade County in fee simple free and clear of all liens, encumbrances and encroachments within the 12 months period specified in this paragraph.

[Note: This condition has been satisfied.]

9. Provide to Miami-Dade County Fire Rescue Department at the time of issuance of the first building permits in each phase or portion thereof $0.08 (1984 dollars) per square foot of office/commercial development or pay the required Fire Impact Fees, whichever is greater.

10. Incorporate the following emergency conservation measures into the development.

a. Exterior shading and tinted or reflective glass to reduce solar heat gain.

b. Hot water temperatures set at or below 105° F unless higher temperatures are required by building code or for sanitary reasons.

c. Energy efficient cooling systems.

d. Maximum flexibility of air conditioning system to cool only occupied areas (on a floor-by-floor basis at minimum).

e. Air distribution using a variable air volume system, where practical.

f. Air conditioning energy efficiencies (EER) of 10.0 or greater.

g. Measures that effectively yield, in the cooling mole, at least R-7 in walls and R-19 in ceilings.

h. Isolate heat producing areas and equipment (cooking, water heating, etc.) from air conditioned areas.

i. Natural gas or other non-electric energy sources for cooking, space heating, and water heating in restaurants and hotels, where feasible.

j. Individual electric metering of office tenants.

k. Solar water heaters or waste heat recovery units to preheat cooking and washing hot water in restaurants, hotel, etc., where feasible.

l. Lavatory water flow of 0.8 gallon per minute or less and water closets that use no more than three and one-half gallons per flush, or in accordance with the requirements of the South Florida Building Code, whichever is more restrictive.

m. Where possible, orientation of structures with no more than 40% of total wall surface facing east and west.

n. Landscaping to shade, on the average, 50% of paved parking space, between 10:00 a.m. and 5:00 p.m. after eight years of growth (one tree for every six spaces, assuming 15-foot canopy).

o. Bicycle support facilities such as secure bike racks or storage areas, and, if feasible, lockers and showers for project employees.

p. A coordinated system of bicycle paths.

q. Central energy management systems in office buildings that will provide start/stop optimization, time of day scheduling, night temperature setback/startup, and if feasible, programmed maintenance and building lighting control.

r. Minimum use of incandescent lighting, and use of fluorescent task lighting and indirect sunlight where possible.

s. Light-reflecting and/or light colored wall and roof surfaces, with solar absorption coefficients less than or equal to 0.50.

11. Limit the location (as identified in revised Figure 1) and design of all project ingress and egress to the minimum standards for design and construction for street and highways as approved by the State of Florida, and/or Miami-Dade County as applicable.

12. a. Prior to July 1, 1986, the Applicant will enter into agreement with governmental agencies including, but not limited to Miami-Dade County, Broward County, various municipalities, or with the FDOT. Said agreement(s) shall cause the construction of the following recommended improvements to be completed on or before August 1, 1988:

Improvement	Exhibit No. 9
Florida Turnpike/N.W. 199 Street Interchange	1, 2 (Completed)
Florida Turnpike, add 2 lanes on mainline Turnpike at vicinity of N.W. 199 Street	8 (Completed)
Florida Turnpike-Golden Glades to Miramar Parkway widen to 6 lanes	8 (Completed)

[Note: This condition has been satisfied.]

b. Prior to July 1, 1986, the Applicant will enter into an agreement with FDOT ensuring completion of the following improvements on or before January 1, 1990:

Improvement	Exhibit No. 9
Red Road/Flamingo Road - Miami Gardens Drive to Hollywood Boulevard, 6 lanes, divided	13,18,19, 20
Red Road/HEFT - Interchange	20
HEFT/Turnpike - New Ramps	17

[Note: This condition has been satisfied.]

13. a. Prior to January 1, 1987, Applicant will coordinate with FDOT the completion of a revenue and feasibility study for the I-75/HEFT ramps (Exhibit 9 - 21).

[Note: This condition has been satisfied.]

b. If determined financially feasible under Condition 13a above, prior to January 1, 1989, Applicant will enter into an agreement with FDOT to cause the construction of the I-75/HEFT ramps. Construction must commence no later than January 1, 1992.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible; therefore, this condition has been satisfied.]

c. Should the FDOT or other public or private agency fund from other revenue sources and construct the I-75/HEFT ramps (Exhibit 9 - 21) according to the schedule herein, the Applicant's obligation towards this improvement shall be eliminated.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible; therefore, this condition has been satisfied.]

d. In the event that FDOT or another entity is unable to begin construction of the I-75/HEFT ramps by January 1, 1992, regardless of the reasons, the Applicant shall immediately be liable for the construction of the following arterial improvements, which are identified in the Dolphin Center ADA as necessary alternatives to the I-75/HEFT ramps if projected traffic volumes are to be adequately supported (LOS "D").

Improvement	Exhibit No.
Palm Avenue: Hollywood Boulevard to Pembroke Road, 2 to 4 lanes, divided	None

[Note: This condition has been satisfied.]

14. a. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown below) worth of residential, retail, office or trademart development (Revised Table 1), construct the following recommended roadway improvements or, at the option of the applicable public agencies or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $700,000 (1992 dollars) for their construction:

Vehicle trip generation rates for land uses

Retail	4.38/1,000 SF
Office	1.42/1,000 SF
Trademart	1.33/1,000 SF
Residential	0.52/du

Improvement	Exhibit No.
Pembroke Road/University Drive, Intersection	9-26

b. In the event that another developer, Broward County, Miami-Dade County, and/or the FDOT, constructs the improvements identified in 20c, the $700,000 (1992 dollars) shall be reduced by the amount assessed the Applicant for that particular improvement.

c. After gaining FDOT District IV and VI approval based upon the submittal of a detailed operational analysis for the reversible lane facility, and prior to the issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of residential, retail, office or trademart development, construct the following recommended roadway improvement or, at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $750,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
N.W. 27th Avenue from H.E.F.T. to N.W. 191st Street Remove median. Restripe to 8 lanes Operate as a reversible Roadway with 6 variable Message Signs during the AM and PM peak hours.	None

If for any reason this improvement is not deemed feasible by FDOT District IV and VI, the Applicant must recommend a comparable alternative improvement that resolves the projected capacity constraint of the roadway to be approved by the FDOT District IV and VI, the SFRPC and the Miami-Dade County Department of Public Works.

[Note: The Applicant has proposed an alternative improvement strategy to relieve traffic congestion on N.W. 27 Avenue. The proposed improvement option would involve the provision of traffic cameras to FDOT and Miami-Dade County and the payment for pedestrian access improvements to the N.W. 27 Avenue for the City of Miami Gardens. The required payment for the roadway improvement has been made to Miami-Dade County.]

d. The owner shall comply with this condition of the development order to address Miami-Dade County's concurrency requirements with respect to N.W. 199th Street from N.W. 27th Avenue to N.W. 37th Avenue. The owner shall perform a concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue at the conclusion of the April 1993 Amendment process to Dade

County's "Comprehensive Development Master Plan." The analysis will incorporate existing plus projected traffic as set forth in the approved Question 21, Transportation Analysis for the Amended Dolphin Center DRI (1993). If such analysis indicates a deficient level of service in accordance with applicable Miami-Dade County concurrency standards then in effect, the Applicant shall modify the signal timing at N.W. 199th Street and N.W. 27th Avenue within 120 days of County's review of the aforedescribed concurrency analysis, subject to approval by Miami-Dade County. Within 60 days of modifying the signal timing, the owners of Phase B lands shall perform an additional concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue which incorporates existing plus projected traffic as set forth in the approved Question 21 transportation analysis for the Amended Dolphin Center DRI (1993). If such analysis indicates a deficient level of service in accordance with applicable Dade County concurrency standards, then the Applicant shall enter into an agreement with governmental agencies including, but not limited to Miami-Dade County or FDOT, to cause the construction (at the applicant's expense) of the following recommended improvement to be completed within one (1) year:

Improvement

N.W. 199th Street: N.W. 27th to 37th Avenue, 4 to 6 lanes, divided.

[Note: An updated concurrency analysis was submitted to Miami-Dade County in July of 1997 (as part of the analysis for Resolution Z-30-99), and again in August of 2005 (as part of the analysis for Resolution Z-27-06 covering Dolphin Center South). Acceptable levels of service were found to be maintained on NW 199 Street between NW 27 Avenue and NW 37 Avenue with the existing 4-lane divided roadway geometry. Furthermore updates to the concurrency analysis have been prepared as part of the March 2006 NOPC Application to create the Dolphin Center North DRI and Dolphin Center South DRI, and acceptable levels of service have again been found to be maintained on NW 199th Street with the existing 4 lane divided roadway geometry. Based upon the continued evaluation of this roadway segment and its ability to meet the adopted level of service standards within the underlying comprehensive plan.]

e. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 14a herein) worth of residential, retail, office or trademart development, or within twenty-four months from the effective date of the amended development order (whichever occurs first), construct the following recommended roadway improvement, or at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a Letter of Credit in the amount of $300,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
Miramar Parkway/Douglas Road Intersection	9-23 (Revised)

15. Execute agreements with the FDOT to:

a. Guarantee the bonds and cover any shortfall for the 199th Street interchange with the Turnpike (Exhibits 9-1 and 9-2) to ensure its construction prior to August 1, 1988.

[Note: This condition has been satisfied.]

b. Provide all necessary rights-of-way including the $1.5 million in right-of-way cost for the 199th Street interchange; and

[Note: This condition has been satisfied.]

c. Construct the ramps connecting I-75 and HEFT (Exhibit 9-21), if determined economically feasible by FDOT.

[Note: The study performed pursuant to Condition 13a. determined that the I-75/HEFT ramps were not economically feasible. Therefore this condition has been satisfied.]

16. By July 1, 1987, enter into agreements with Broward County and Miami-Dade County to provide payment sufficient to cover the following costs imposed on local governments in Broward and Miami-Dade Counties by the Dolphin Center South DRI:

a. Maintenance of the South Neighborhood Protective Buffer, pursuant to Condition 7.

b. Design, engineering, right-of-way, and construction costs of any transportation improvements necessitated by federal or state regulations.

[Note: The conditions set forth in this paragraph have been satisfied.]

17. Integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy each to Broward and Miami-Dade Counties, and one copy to the Florida Department of Community Affairs (DCA) within 90 days of this Development Order. The CADA shall be prepared as follows:

a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of the DO whether in response to a formal statement of information needed or otherwise, the original page of the ADA will be replaced with revised pages.

b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

18. Prepare biennial reports in accordance with the requirements specified in Condition 30 herein and submit copies to the Council, Broward County, Miami-Dade County, and DCA.

THE COUNTY WILL:

19. Approve no more than the amount of development described in Condition 1, herein, for Dolphin Center Stadium South, with no building permits issued that would exceed the permitted square feet or number of units in each land use category.

20. Issue subsequent development permits for the project only if plans and applications for such permits are in substantial compliance with the maximum development totals specified in Condition 1 herein and the terms and conditions of this DRI Development Order. Any change to the project, shall be governed by the requirements of Subsection 380.06(19), F.S. (2007), provided, however, that under no circumstances, shall any change be proposed, approved, or constructed that would allow (either individually or when considered cumulatively with prior changes) more total development, as identified in Figure One – Map H attached.

21. Stay the effectiveness of the DRI Development Order and withhold further permits, approvals, and services, within 30 days of receiving notice of, and verifying, Applicant violation of any of the conditions herein or other failure to act in substantial compliance with the Development Order.

22. If the results of the air quality monitoring study for Phase B lands, as described in Condition 2.g., above, or any monitoring results pursuant to Conditions 2.h. and 2.i., above, exceeds 85% but less than 100% of the State standard for CO concentrations or exceeds State standards for CO concentrations, withhold the issuance of any building permits for additional project development on Phase B lands that shows CO exceedances, until the monitoring plan is approved and necessary mitigation improvements have been funded or bonded (bond, letter of credit, or other acceptable assurance) with the applicable public agency.

23. Construct the following improvements prior to August 1, 1987:
    - N.W. 199th Street - from Turnpike to US 441 - 2 to 5 lanes, including intersections.
    - N.W. 199th Street - from 27th to 52nd Avenue, 2 to 4 lanes, divided.
    - Miami Gardens Drive - from N.W. 77th Avenue to I-75, new 4-lane, divided.

    [Note: This condition has been satisfied.]

24. Make a diligent effort to enter into an agreement with the Applicant pursuant to Condition 12 herein.

    [Note: This condition has been satisfied.]

GENERAL:

25. The Amended ADA is hereby incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Amended ADA is a condition for approval unless waived or modified by agreement among the Council, County and Applicant, its successors, and/or assigns.

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the buildout period (**October 10, 2017**) sufficient infrastructure capacities will be

available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.0. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) The issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

26. Each of the following, in and of itself, shall constitute a substantial deviation from the DRI Development Order and require an Amended DRI/ADA to be submitted to the County, Council and State:
    a. An increase by 15% in the number of trips generated by the project compared to the projections in the Amended ADA for either the Weekday PM peak-hour or Sunday peak-hour, pursuant to Section 380.06(19)(b)(14), F.S. (2007).
    b. Any use of the South Neighborhood Protective Buffer not specified in Condition 7 herein or failure of the Applicant to develop and maintain the Buffer according to the standards specified in that condition and Conditions 8 and 16 herein.
    c. A violation of the air quality planning and implementation requirements that continues in excess of the 3 months from the time periods specified in Condition 2 herein.
    d. Extension of any neighborhood access road through the site.
    e. Change in any publicly-dedicated project entrance.
    f. Failure of FDOT to construct the Turnpike/199 Street Interchange (Exhibits 9-1 and 9-2) prior to August 1, 1988.
    [Note: This improvement has been completed.]

    g. Failure of the Applicant to dedicate the 110'-130' wide linear park and bike path of the South Neighborhood Protective Buffer, private property contained within the North Neighborhood Protective Buffer, the park located on the east end of the South Neighborhood Buffer, the archaeological midden, and the pine-oak preservation area to Miami-Dade County and establish a special taxing district for maintenance and improvement of the above-referenced areas within 12 months of the effective date of this Development Order.

27. In the event the Applicant, its successors, and/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the

development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of the the Department of Planning and Zoning that such violation has occurred. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 1, 2008. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

October 10, 2017 is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center South Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.

28. The Director of the Department of Planning and Zoning is hereby authorized to stay the effectiveness of the DRI Development Order in accordance with the provisions of Condition 27 above upon notification and verification of a violation of any condition herein.

29. a. The Director of the Department of Planning and Zoning is hereby required to monitor compliance with all conditions of the Development Order and shall make certain that the Development Order conditions are reviewed by the County prior to issuance of any local development permit; and

    b. For any conditions that cannot reasonably be monitored as part of the local permitting and inspection processes, the Director of the Department of Planning & Zoning shall require a notarized affidavit from the Applicant assuring compliance with such Development Order conditions and shall be included as part of the annual report required by Condition 30 herein.

30. The Applicant shall biennially prepare, and submit to the County, Council, and State on the anniversary date of the DRI Development Order, a report to include the following:

    a. A complete response to each question in Exhibit 11.

    b. Identification of any changes in the plan of development, or in the representations contained in the amended ADA, or in the phasing for the reporting year and for the next year.

    c. A summary comparison of development activity proposed and actually conducted for the year.

    d. Listing of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer.

    e. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued.

f. An assessment or the Applicant and the local government compliance with the conditions of approval contained in the DRI development order and the commitments contained in the amended ADA.

g. Identification of DRI application for development approval amendments or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

h. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.

i. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each.

j. A statement that all persons have been sent copies of the annual report in conformance with Sections 380.06(15) and (18), Florida Statutes.

k. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Section 380.06(15)(f), Florida Statues.

l. Copies of the following documentation of appropriate disposal of all hazardous waste:

- a hazardous waste manifest;
- a bill of lading from a bonded hazardous waste transporter indicating shipment to a licensed hazardous waste facility; or
- a confirmation of receipt of material from a recycler, a waste exchange operation, or other permitted hazardous waste management facility.

m. Any other information required by the DCA in accordance with Section 380.06(15) and (18), Florida Statutes (2007).

31. Consistent with the Declaration of Restrictions recorded in favor of the City of Miami Gardens at Official Record Book 24840, Page 3471 of the Public Records of Miami-Dade County, at least ten (10) percent of the residential units developed on the property shall be initially sold to persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development. The owner shall provide a bi-annual inventory report to the City of Miami Gardens of all such units sold. The reporting requirement for any particular unit shall terminate upon the initial sale of any such unit sold under the terms of this paragraph. **[This condition amends Resolution No. Z-27-06 to reflect the "initial sale" among other things.]**

32. As determined by the Director of the Miami-Dade Transit Department to be necessary and appropriate to construct the Metrorail guideway and operate the Metrorail line, applicant shall grant to Miami-Dade County an easement to no more that those portions

of the land area within: (1) the Cornerstone parcel depicted on the Cornerstone ("Emerald Place") site plan introduced at public hearing before the Board of County Commissioners on June 22, 2006; and (2) the Home Depot parcel depicted on the Miami-Dade County Transit Department exhibit introduced at public hearing on the same date. The easement shall encompass the area lying between NW 27 Avenue and a line depicted by a marked dotted line shown as adjacent to NW 27 Avenue on the Emerald Place site plan exhibit and the equivalent area on the transit exhibit. Such easement shall be conveyed subject to the understanding that the Miami-Dade Transit Department will work with the then owners of those parcels to allow parking on, and ingress and egress to and from, the sites.

33. The Applicant shall not file any application with the City of Miami Gardens or other government entity for any development approval, order or permit that exceeds the maximum development totals contained in this Development Order or that is inconsistent in any manner with either this Development Order. To ensure compliance with this condition, applicant shall file as a part of the biennial report required under Section 380.06 (18), F. S. (2007), a statement of current zoning approvals on the property. Simultaneously with the filing of any applications for development permit order, the applicant shall deliver notice of such application to the Director of the Department of Planning and Zoning and shall not proceed to final approval until the Department of Planning and Zoning has provided notice of consistency with this Development Order to the City of Miami Gardens.

34. That all future development orders and permits obtained by the Applicant from the City of Miami Gardens shall be consistent with the D.R.I. Development Order. The City of Miami Gardens shall receive and review recommendations from the Department of Environmental Resources Management and Miami-Dade Fire Department, or equivalent City departments, if such departments are created, before approving any zoning application for the subject property.

35. The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F. S. (2007), a Notice of the Adoption of the Dolphin Center **South** Development Order as amended and specifying that the Development. Order runs within the land and is binding on the Applicant, its successors, and/or assigns, jointly and severally.
[This condition was amended to reflect the "South" D.O.]

36. All exhibits referred to in this Development Order are attached hereto and made a part hereof.

37. The Council Amended ADA DRI Assessment is hereby incorporated by reference into this Development Order."

38. This Development Order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to section 380.06(19), F. S. (2007).

39. This bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that changes to each will assume that such

modifications will be analyzed assuming the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent proposed modifications to the Dolphin Center South DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent proposed modifications to the Dolphin Center North DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with section 380.06(19), F. S. (2007). [This is a new condition.]

LOCATION: Lying between N.W. 17 Avenue and N.W. 27 Avenue and on both sides of N.W. 199 Street, City of Miami Gardens, Florida.

SIZE OF PROPERTY: 350 Acres

Developmental Impact Committee Recommendation: See Below:

DIC RECOMMENDATION:

The Executive Council adopted the recommendation of the Department of Planning & Zoning with modifications, as noted below. Specifically, the Executive Council found that the proposed application does not create a substantial deviation (Request #1) and that the approval of requests #2 and #3 with conditions and the modified approval with conditions of request #4 (relating to the Department of Planning and Zoning's proposed conditions 31, 34, 38, 39, and 41) will be **consistent** with the CDMP, **compatible** with the surrounding area, and would not have an unfavorable effect on the economy of Miami-Dade County, Florida. In addition, the Executive Council found that this application also would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction.

Approval with conditions as set forth in the Department's recommendation with additional changes. The following is a list of all new conditions and modifications to existing conditions as recommended by the Executive Council:

1. Condition #40 of request #3 (set forth in Schedule 1) is recommended to read as follows (this is a modification of an existing condition):

   The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center North Development Order as amended and specifying that the Development Order runs with the land and is binding on all the applicants, its successors, and/or assigns, jointly and severally.

2. Condition #43 of request #3 (set forth in Schedule 1) is recommended to read as follows (this is a new condition):

This development order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to Section 380.06(19), Florida Statutes. This bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that subsequent proposed changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with Section 380.06(19), F.S.

3. Condition #44 of request #3 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

   That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

4. Condition #45 of request #3 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

   That the applicants comply with all the conditions in this Development Order.

5. Condition #31 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a modification of an existing condition):

   That the applicant submit a revised covenant with the City of Miami Gardens to reflect the following work force housing language: That prior to the issuance of the building permit for any dwelling unit, the owner shall designate at least ten (10) percent of the residential units on the Dolphin Center South property for persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the most recent median family income for Miami-Dade County reported by the United States Department of Housing and Urban Development as maintained by the Department of Planning and Zoning. The work force housing units shall have a one-time-only ten (10) year control period. The owner shall record in the public records a Declaration of Restrictions in a form acceptable to Miami-Dade County that encumbers the work force housing units in the entire development, specifying the restrictions of the work force housing units and such further arrangements, restrictive covenants, and resale restrictions. The applicant shall provide a biannual inventory report to the City of Miami Gardens of all such units sold.

6. Condition #34 of request #4 (set forth in Schedule 2) is recommended to read as follows (this is a modification of an existing condition):

That all future development orders, permits, and zoning actions obtained by the Applicant from the City of Miami Gardens shall be consistent with this D.R.I. Development Order. The City of Miami Gardens shall receive and review recommendations from the Department of Environmental Resources Management and Miami-Dade Fire Department, or equivalent City departments, if such departments are created, before approving any zoning application for the subject property.

7. Condition #35 of request #4 (set forth in Schedule 2) is recommended to read as follows (this is a modification of an existing condition):

The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center South Development Order as amended and specifying that the Development Order runs with the land and is binding on the Applicant, its successors, and/or assigns, jointly and severally.

8. Conditions #38 and #39 of request #4 (set forth in Schedule 2) are recommended to be combined into a single condition #38 and modified to read as follows (this is a new condition):

This Development Order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to section 380.06(19), Florida Statutes (2007). Bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that subsequent proposed changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with section 380.06(19), F.S.

9. Condition #39 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments on both Dolphin Center North and Dolphin Center South as contained in the departmental memoranda, which are part of the record of this recommendation incorporated herein by reference.

10. Condition #40 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

That the applicants comply with all the conditions in this Development Order.

11. Condition #41 of request #4 (set forth in Section J of the Department's Recommendation) is rejected as redundant.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 9-18-08

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. KROME GOLD RANCHES II, LLLP
(Applicant)

08-6-CZ11-3 (07-417)
BCC/District 9
Hearing Date: 10/23/08

Property Owner (if different from applicant) **Same**

Is there an option to purchase ☐/lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: September 18, 2008 **#Z-**

ITEM: 1.

APPLICANT: KROME GOLD RANCHES (08-6-CZ11-3)

ACTION: Deferred to October 23, 2008.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman				X
Martinez				X
Moss	M	X		
Rolle		X		
Seijas				X
Sorenson	S	X		
Sosa				X
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		8	0	5

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

3

APPLICANT'S NAME: KROME GOLD RANCHES II, LLLP

REPRESENTATIVE: **JUAN MAYOR (attorney)**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-6-CZ11-3 (07-417)	JUNE 11, 2008	CZAB11		08

REQ: (1) GU to EU-2 (2) UU lake exc (3) UU priv. rec fac.; to wit: Clubhouse, w/stables & boat storage (4) Waive Z regs: ½ sec. line R-O-W 70' width; no dedication for theo S.W. 182 Ave & 128 St. (5) Lots 33-35 w/frontages 94.52' to 138.02'. (6) Waive Z & Sub regs req'g non-res lots frontage on public st; permit priv rec fac no frontage on public st & access to lot by pvt easement.

REC: DWOP

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____

■ DEFER: ☐ INDEFINITELY ■ TO: **JULY 08, 2008** ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

■ NOTES:
- **PREVIOUS VOTE FOR APPROVAL FAILED 4-3 AS SUPERMAJORITY VOTE IS REQUIRED**
- **CONDITIONS PROFFERED BY APPLICANTS NOTED AS EXHIBIT 3-2**

TITLE	M/S	NAME	YES	NO	ABSENT
VICE-CHAIRMAN		Miguel CERVERA		X	
COUNCILWOMAN	M	Patricia G. DAVIS	X		
COUNCILMAN	S	Jay REICHBAUM	X		
COUNCILWOMAN		Beatriz SUAREZ		X	
COUNCILWOMAN		Ileana R. VAZQUEZ		X	
COUNCILMAN		Jeffrey WANDER	X		
CHAIRMAN		Domingo CASTILLO	X		
		VOTE:	4	3	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **EDUARDO SANCHEZ**

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Krome Gold Ranches II L.L.L.P. **PH:** Z07-417 (08-6-CZ11-3)

SECTION: 13-55-38 **DATE:** October 23, 2008

COMMISSION DISTRICT: 9 **ITEM NO.:** A

==========

A. INTRODUCTION

o REQUESTS:

Applicant is appealing the decision of Community Zoning Appeals Board #11 which denied without prejudice the following:

(1) GU to EU-2

(2) UNUSUAL USE to permit a lake excavation.

(3) UNUSUAL USE to permit a private recreational facility; to wit: a clubhouse, including stables and boat storage.

(4) Applicant is requesting to waive the zoning regulations requiring half-section line rights-of-way to be 70' in width; to permit no dedication for theoretical S.W. 182 Avenue and theoretical S.W. 128 Street.

(5) Applicant is requesting to permit Lots 33, 34 and 35 with frontages varying from 94.52' to 138.02' (200' required).

(6) Applicant is requesting to waive the zoning and subdivision regulations requiring non-residential lots to have frontage on a public street; to permit a lot containing the private recreation facility with no frontage on a public street (200' required) and to have access to the said lot by means of a private easement.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 and #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #6 must be considered under Chapter 28 §19(A) of the Public Works Code.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Paradise Lake Ranches, Krome Gold Ranches II, LLLP," as prepared by Perez, Pascual and Kiliddjian and Assocs., consisting of 25 sheets and dated stamped received 2/29/08. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant is appealing the decision of the Community Zoning Appeals Board-11 (CZAB-11) which denied this application in its entirety. The requests would allow the rezoning of the property from GU, Interim District, to EU-2, Single-Family 5 Acre Estate District, an Unusual Use to permit a lake excavation and a private recreational facility.

Additional requests would allow the waiver of the zoning regulations requiring half-section line roads to be 70' wide, permit 3 lots with reduced frontage, and permit a non-residential lot to have 0' frontage on a public street.

- **LOCATION:**

  Lying north of S.W. 136 Street, between S.W. 177 Avenue and S.W. 187 Avenue, Miami-Dade County, Florida.

- **SIZE:** 466 acres

- **IMPACT:**

  Approval of this application will allow the applicant to provide additional housing, a lake to provide fill for the development of the site, provide the required water management, and provide an amenity for the residents and their guests. However, the additional units will increase traffic and activity in the area and would generate additional students to the local schools. Approval of the requests to waive the road dedications for half-section roads could also impact traffic circulation on the surrounding roadways.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.5 miles** west of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

2. In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. Other uses compatible with agriculture and with the rural residential

character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

3. **Water.** This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.**
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

5. **Policy LU-1O**. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

6. **Policy LU-1R**. Miami-Dade County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.

7. **Uses and Zoning Not Specifically Depicted.** Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

8. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as **"unusual uses"** in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

9. **TC-2D.** The section line, half section-line, and quarter section-line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected.

10. **LU-3F. Super-Majority Vote:** Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.

11. CON-5A. The Stormwater Management (Drainage) Level of Service (LOS) Standards for Miami-Dade County contain both a Flood Protection (FP) and Water Quality (WQ) component. The minimum acceptable Flood Protection Level of Service (FPLOS) standards for Miami-Dade County shall be protection from the degree of flooding that would result for a duration of one day from a ten-year storm, with exceptions in previously developed canal basins, where additional development to this base standard would pose a risk to existing development. All structures shall be constructed at, or above, the minimum floor elevation specified in the federal Flood Insurance Rate Maps for Miami-Dade County, or as specified in Chapter 11-C of the Miami-Dade County Code, whichever is higher.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU (with an agricultural trend); row crops	Agriculture
Surrounding Properties:	
NORTH: GU (with an agricultural trend); single-family residences, row crops, vacant parcels	Agriculture

SOUTH:	GU (with an agricultural trend); vacant parcels, row crops,single-family residences	Agriculture
EAST:	GU (with an agricultural trend)& AU; row crops	Agriculture
WEST:	GU (with an agricultural trend); vacant parcels, Single-family residences	Agriculture

The subject property is located north of S.W. 136 Street, between S.W. 177 Avenue and S.W. 187 Avenue. The surrounding area is mainly characterized by agricultural parcels with row crops, vacant parcels and a few single-family residences located to the south, west and north of the subject property.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted)
Scale/Utilization of Site:	Acceptable
Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Energy Considerations:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change, Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and

highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Sec. 28-19. Variances of the Public Works Code.

(a) ***Authority of Community Zoning Appeals Board.*** The County's Community Zoning Appeals Board may authorize a variance from these regulations. The Community Zoning Appeals Board may vary the regulations so that substantial justice may be done, provided

that such variance will not have the effect of nullifying the intent and purpose of the overall community plan. In granting any variance, the County's Community Zoning Appeals Board shall prescribe any conditions that are deemed necessary to or desirable for the public interest. In making its findings, the Community Zoning Appeals Board shall take into account among other things the nature of the proposed use of the land and the existing use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the County's Community Zoning Appeals Board finds, among other things, that all three (3) of the following conditions exist in regard to the land concerned:

(1) That there are special circumstances or conditions affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

Sec. 24-48.3.

(1) Miami-Dade County Environmental Resources Management Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, upon the following evaluation factors, when applicable:

(a) The potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, navigation, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and faunal values, rare, threatened and endangered species, natural flood damage protection, wetland values, land use classification, recreation, and any other environmental values, affecting the public interest.

(b) An on-site retention system of applicable design storm shall be utilized as the first priority for the disposal of stormwater runoff at any location in Miami-Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Miami-Dade County's cut and fill criteria.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**

Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The item was deferred from the September 18, 2008, meeting of the Board of County Commissioners (BCC). The applicant is appealing the decision of the Community Zoning Appeals Board-11 (CZAB-11), which denied this application without prejudice. The subject property is a 464-acre site that is currently zoned GU, Interim District, and has an agricultural trend. The site is located north of S.W. 136 Street, between S.W. 177 Avenue (Krome Avenue) and S.W. 187 Avenue, approximately 1.5 miles west of and outside the Urban Development Boundary (UDB). The applicant, Krome Gold Ranches II L.L.L.P., is requesting a zone change from GU to EU-2, Single-Family 5 Acre Estate District (request #1). The applicant is also seeking Unusual Uses to permit a lake excavation (request #2) and to develop a private recreational facility with a clubhouse, boathouse and horse stables (request #3). Additionally, the applicant seeks to waive the zoning regulations requiring half-section line roads to be 70' in width for theoretical SW 182 Avenue and SW 128 Street (request #4); to permit 3 lots with frontages varying from 94' to 138.02' (200' required) (request #5) and to waive the zoning and subdivision regulations requiring non-residential lots to have frontage on a public street in order to permit a lot containing the private recreation facility with no frontage on a public street (200' required) and to have access to said lot by means of a private easement (request #6). The applicant had originally submitted plans depicting the aforementioned requests and a total of 58 residences. At the public hearing on July 8, 2008, the applicant introduced a proposal to further reduce the density of the development to 48 residences on 5-gross acres. However, CZAB-11 denied without prejudice the aforementioned requests by a vote of 6 to 1, pursuant to Resolution #CZAB11-14-08. On July 11, 2008, the applicant appealed the CZAB–11's decision to the BCC citing that the Board's decision to deny the requested district boundary change and the accompanying requests was not based on substantial competent evidence, was based on incorrect statements by objectors and an erroneous interpretation of the CDMP by staff that imposed on the applicant an extra-ordinary voting requirement. Staff notes that all existing, legally established uses and zoning are consistent with the CDMP. As such, the CZAB-11's decision to deny this application, deny the zone change, the lake excavation, and the accompanying requests, and retain the existing GU zoning, is consistent with the CDMP.

Policy **LU-3F** of the interpretative text of the CDMP requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than two-thirds of the total membership of the Board of County Commissioners then in office, where such Board of County Commissioners (BCC) issues a decision. The subject property is located approximately 1.5 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. Staff is of the opinion that approval of request #2, an Unusual Use to permit a lake excavation, will require an affirmative vote by nine (9) members of the BCC since said use does not involve the

direct production of agriculture, is not a permitted residential use in an agriculturally designated land, and its approval would liberalize the standards or allowances governing such uses.

The applicant has submitted a revised letter of intent and revised plans that show the reduction of the proposed development from the original 58 farm residences to a maximum of 47 farm residences on lots ranging in size from 5 to 17 gross acres. The revised letter of intent indicates that the applicant will be requesting the withdrawal of the zone change to EU-2 (request #1), and will develop the property with the current GU, Interim District, with an agricultural trend. The reduction in the number of lots, and the increase in lot areas will allow more land for ancillary agricultural uses and a potential for agricultural production. The submitted plans also show the reduction of the proposed lake by 41.24 acres, from a total of 173.55 acres to 132.31 acres. The lake area is equivalent to 28.5% of the total area of land required by the Department of Environmental Resources Management (DERM) for flood protection. The applicant has indicated that the lake will be stocked with fish to maximize the lake potential and to attract waterfowl and wildlife. The applicant has also indicated the intent to withdraw request #3 to permit a private recreational facility and its ancillary request #6 permitting 0 ft. frontage on a public street. The applicant also intends to request the withdrawal of request #5 since the new lot layout and configuration indicates that all the lots meet the required frontages. A 35 ft. vehicular and pedestrian roadway and a 15 ft. equestrian trail will be provided throughout the entire site. The equestrian trail is approximately 4 miles in length and is connected to the 24-mile Everglades Trail, a designated public trail for hikers, bikers, and equestrians which forms a part of the South Dade Greenway Network. The residences have been designed to preserve a rural ranch-style character with decorative dormers, brick covered chimneys, and texture has been added to the facades with different stone and wood design features. The landscape plans for the proposed development show abundant landscaping surrounding the development, the clubhouse and the individual residences consisting of Mahogany, Gumbo Limbo and Royal Poinciana trees among others, as well as continuous hedges consisting of Ixora, and Silver Buttonwood. The applicant has proffered a covenant restricting the development of the site to the submitted plans allowing for either a 47th farm residence, or horse stables on the parcel where the private recreational facility would have been sited; a strict adherence to all the design features shown on all the residential facades; specific traffic improvements; the maintenance of the site through the establishment of a homeowners' association; the implementation of a plan to ensure the lake potential for fishing and to attract waterfowl and wildlife; the type of safety equipment to be stored on the premises; the requirement that any part of the subject property within 200' of SW 136 Street and Krome Avenue may only be used for agricultural uses, activities and structures; the requirement that any future application to subdivide any of the residential lots not be made within 5 years from the date of approval of this application and be first approved by all the owners of record of the entire development; and a disclosure in every contract for purchase addressing the potential of certain inconveniences that the residents will experience as a result of future agricultural uses and production on the premises.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Their memorandum states that, due to the location of the property outside the UDB, the primary canal system has insufficient storage capacity to provide flood protection. DERM will require that water management areas be designed to be equivalent to 28.5% of the total land area for a lake, or 39% of the total land for dry retention area. The DERM memorandum further states that in the event that connection to the public water supply system is not feasible due to the location of the subject property outside of the UDB, the applicant shall be required to obtain a variance from DERM's Environmental Quality Control Board (EQCB). Their

memorandum also indicates that the proposed development order, if approved, will not result in a reduction of the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order. The **Public Works Department does not object** to this application. They, however indicate in their memorandum that a wall will be required at time of platting along the north and southwest boundaries of the property as a buffer for the proposed private road designed to serve this development. Said Department further indicates that this application meets traffic concurrency criteria and will generate **66** additional PM daily peak hour **vehicle trips**. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of area roadways, which are currently operating at LOS "B" and "C". Miami-Dade Fire Rescue Department **(MDFR) has no objections** to this application and indicates that their estimated response time **is 14:24 minutes**. Miami-Dade County Public Schools **(MDCPS)** also has **no objections** to this application and indicates that the previously proposed 58–unit development is below the maximum of the 93 units allowed on the site and, therefore, no additional students will be generated by this development. At the time of this writing the Department was not in receipt of a revised memorandum addressing the number of students that the most recent proposal would generate.

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Agriculture** use. The applicant's intent to develop the property in accordance with the current GU, Interim Zoning District, with an agricultural trend, is **consistent** with the CDMP. The Master Plan's interpretative text provides that all existing lawful uses and zoning are deemed to be consistent with this Plan. As such, staff opines that the applicant's proposal to withdraw the request for a zone change to EU-2 and develop the property in compliance with the agricultural zoning regulations is **consistent** with the CDMP.

The applicant is seeking an unusual use to permit a lake excavation on the subject property (request #2). The Master Plan specifies that certain uses are not authorized under any LUP map category, including many of the uses listed as **"unusual uses"** in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area by any of the following: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

Staff is of the opinion that, based on the memoranda from Public Works, Fire Rescue and DERM, the proposed unusual use would not have an unfavorable effect on the surrounding area, create an undue burden on transportation facilities or other services, including fire, or pose a threat to the natural environment. Staff has been supportive of several unusual use requests in the Agriculturally designated area. In 1980, staff was supportive of an unusual use request to permit a landing field on a property located to the south of the subject property. Said use was solely to serve the property owners on 8 ten-acre tracts and was approved pursuant to Resolution #4-ZAB-201-80; staff has also supported several telecommunication towers; a biomedical research facility permitting the breeding and raising of monkeys in 1972 with expansions in 1988, 1992, and 2005;

and an unusual use to permit several lake excavations to serve residential lots. Although staff supported the aforementioned lake excavations and found them to be consistent with the CDMP, the CZAB-14 denied the application. In 2007, the Department was also supportive of a Governmental Facility application for a lake excavation at the Fruit and Spice Park. The Department found said use consistent with the CDMP and the application was ultimately approved by this Board.

In addition, the CDMP indicates that the **Water category** includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and **water-related uses may be permitted for flood control or recreational purposes. Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.** The proposed lake excavation is in keeping with the minimum lake area required by DERM in order to meet stormwater management requirements, to ensure stormwater retention on site, and to prevent on-site and off-site flooding. As previously mentioned, the CDMP indicates that unusual uses may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that **the use would be compatible with and would not have an unfavorable effect or detrimentally impact the surrounding area**. The proposed lake excavation would be compatible with the area, would prevent the possible threat of flooding, and would not detrimentally impact the surrounding community. In fact, it is **consistent** with the CDMP since it provides the protection that the surrounding area would need to prevent the damage that a flooding event could cause. As mentioned above, under **the water designation the CDMP allows, in any land use category, man-made water bodies that would provide flood control or recreational purposes, subject to applicable environmental regulations.** The proposed lake is **consistent** with the CDMP since environmental regulations require the excavation of the lake to provide the necessary flood control measures. In addition, the lake will be used to irrigate the agricultural uses and landscape elements on the site; for recreational purposes, including boating and fishing; and as an attraction for waterfowl and wildlife.

The CDMP allows, under the Agricultural designation, uses ancillary to and necessary to support the rural residential community. In addition, the CDMP indicates that other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. The applicant has indicated the intent to develop the property, as a matter of right, in accordance with the zoning regulations, and has submitted a site plan indicating the development of the site with ninety-three (93) five-acre lots. The applicant has submitted this plan for comparison with the presently proposed plan. Both, the CDMP and the Zoning Code, allow the development of this site with one unit on five acres of land. Although permitted by the zoning regulations, the 93-lot option would be incompatible with the area and contrary to the public interest since it would not only have the appearance and character of an urban development but would further encourage more urbanized development in this agriculturally designated area where the land values are not as high as inside the UDB. Even if the applicant chose to develop the 93-lot option, the environmental regulations governing water management would require that 28.5% of the site be developed with a lake or that 39% of the land be dry retention area. Chapter 24 indicates that the Department of Environmental Resources Management shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, subject to the potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, navigation, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and

faunal values, rare, threatened and endangered species, **natural flood damage protection**, wetland values, land use classification, recreation, and any other environmental values, **"affecting the public interest."** An **"on-site retention system"** of applicable design **shall be utilized as the first priority for the disposal of stormwater runoff** at any location in Miami-Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Miami-Dade County's cut and fill criteria. As such, the excavation of 28.5% of the subject site, as proposed by the applicant, and as required by County and State environmental regulations if a wet retention option is used, would provide the "**on-site retention system"** which, according to Chapter 24 is the first priority to be utilized for disposal of stormwater runoff and natural flood damage protection. The CDMP indicates that uses compatible with agriculture and with the rural residential character may be approved in the Agricultural designated areas only if deemed to be a public necessity, or if deemed to be **"in the public interest"** and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Since an "on-site retention system" is required in order to develop this site, no suitable site for the use exists outside the Agriculture area. In addition, the use would be in the "public interest" since it would provide the safeguard necessary to prevent the losses that a flood event could cause. In addition, the applicant's proposal with farm residences on large lots, would encourage agricultural activities more than the 5-acre plan option would. As such, the unusual use request for a lake excavation is **consistent** with the CDMP. Therefore, staff recommends approval with conditions of request #2 to permit a lake excavation.

Request #4, to permit 0' dedication for SW 182 Avenue and SW 128 Street, may be considered for approval under Section 33-311(A)(4)(b), upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. If required to be dedicated, both of these rights-of-way would bisect the property from north to south and from east to west, and would prevent the development of the site as proposed by this application, since it would not allow the lake excavation. The subject property abuts section line roadways on 3-sides, SW 136 Street to the south, Krome Avenue (SW 177th Avenue) to the east, and SW 187 Avenue to the west. These three (3) roadways provide adequate east-west and north-south connection in this section of the County. The Public Works Department has indicated that they have no objections to this request, and staff is of the opinion that allowing its approval would not be detrimental to the community since the major roads used to access this site and allow connectivity and accessibility to all the surrounding areas will not be impacted. Based on the aforementioned, staff recommends approval with conditions of request #4 under Section 33-311(A)(4)(b).

When request #4 is considered under Section 33-311(A)(4)(c), which requires that the applicant demonstrate that a literal enforcement of the provisions will result in unnecessary hardship, that substantial justice be done, and that the same be the minimum non-use variance that will permit the reasonable use of the premises, staff notes that the applicant has not demonstrated how the denial of this request under this Section would result in unnecessary hardship. As such, staff recommends that this request be denied without prejudice under Section 33-311(A)(4)(c).

As such, staff is of the opinion that, subject to the Board's acceptance of the proffered covenant and imposed conditions, the approval of request #2; the approval of request #4 under Section 33-311(A)(4)(b); the denial without prejudice of request #4 under Section 33-311(A)(4)(c); and the

withdrawal without prejudice of requests #1, 3, 5 and 6, would be **consistent** with the CDMP and **compatible** with the surrounding area.

I. **RECOMMENDATION:** Approval of request #2; approval of request #4 under Section 33-311(A)(4)(b), and denial without prejudice of same under Section 33-311(A)(4)(c); withdrawal without prejudice of requests #1, 3, 5 and 6, all subject to the Board's acceptance of the proffered covenant and the conditions imposed herein.

J. **CONDITIONS:**

1. That the plans submitted for a building permit be substantially in accordance with those submitted for the hearing entitled "Paradise Lake Ranches, Krome Gold Ranches II, LLLP," as prepared by Perez, Pascual and Kiliddjian and Assocs., consisting of 18 sheets C1-C2, SP1-SP5 and L1-L5, dated stamped received September 12, 2008, and sheets A1- A6, dated stamped received February 29, 2008.

2. That the use be established and maintained in accordance with the approved plan.

3. That the lake tract be platted; no building permit shall be issued for the site until the lake excavation is completed and lake as-built drawings submitted to and approved by the Department of Planning and Zoning.

4. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Paradise Lake Ranches," as prepared by Pascual, Perez, Killiddjian and Associates, Inc., dated stamped received 09/12/08 on sheets C-1 and C-2.

5. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director of the Department of Planning and Zoning or the Director of the Department of Environmental Resources Management (DERM).

6. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.

7. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department of Environmental Resources Management (DERM); said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.

8. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of the Department of Environmental Resources Management.

9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited.

10. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.

11. That the hours of the lake excavation operation shall be controlled by the Director of the Department of Planning and Zoning to ensure that the same does not become a nuisance to the surrounding area.

12. That, once the lake excavation operation commences, it shall be carried on continuously and expeditiously so that the entire project will be completed in three (3) years.

13. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises.

14. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Planning and Zoning; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

15. Upon the issuance of a lake excavation permit, the title of the property in question shall not be transferred without the approval of the Director of the Department of Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.

16. That the applicant obtain an Excavation Use Permit from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

17. All excavations shall be completely enclosed by a safety barrier, with a minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.

18. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

19. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management.

20. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

21. That the applicant comply with all applicable conditions and requirements of the Fire-Rescue Department.

DATE INSPECTED: 01/28/08
DATE TYPED: 05/16/08
DATE REVISED: 05/22/08, 05/23/08, 05/30/08, 06/02/08, 06/03/08, 06/04/08, 06/05/08, 06/26/08, 07/25/08, 07/29/08, 08/01/08, 08/12/08, 08/16/08, 09/08/08 09/09/08, 09/10/08, 09/29/08, 10/02/08; 10/13/08
DATE FINALIZED: 10/13/08
MCL:MTF:LVT:CH

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

MIAMI-DADE COUNTY

Date: March 7, 2008

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-11 #Z2007000417
Krome Gold Ranches II, LLLP
Northwest Corner of S.W. 177th and S.W. 136th Street
District Boundary Change from GU to EU-2, Unusual Use to Permit a Lake Excavation and Request to Waive the Right-of-Way
(GU) (446 Acres)
13-55-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

The closest public water main is located approximately 8,100 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with Section 43.1(3) of the Code.

However, the subject property is located outside of the UDB; therefore, connection to the public water supply system may not be feasible. In the event that connection to public water is not feasible, the applicant shall be required to obtain a variance from the above noted code section from the Environmental Quality Control Board (EQCB).

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

Stormwater Management
The subject property is located outside of the Urban Development Boundary (UDB), where the primary canal system has been found to have insufficient storage capacity to provide flood protection for land uses other than agriculture. DERM does not object to the requested zoning change from GU to EU-2, provided that the following conditions are complied with, in any proposed development:

Cut and Fill shall be enforced to provide water management areas adequately designed to retain the rainfall generated by a 100-year/3-day storm event. Said water management areas shall be equivalent to 28.5 % of the total land for a lake: or 39% of the total land for dry retention area and shall be subject to review and approval by the DERM Water Control Section.

A Class II Permit from DERM will be required for the construction of any drainage system with an overflow outfall into the lake.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject property does not contain jurisdictional wetlands as defined by Chapter 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
There are no tree resources issues on the subject property.

Enforcement History
DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

REVISION 2
PH# Z2007000417
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:KROME GOLD RANCHES II, LLLP

This Department has no objections to this application.

This Department has no objections to the request to permit 0 feet of dedication for SW 182 Avenue and 0 feet for SW 128 Street.

This Department has no objections to the request to waive the subdivision regulations requiring lots to have frontage on a public street.

Entrance Features are not part of this application and must be filed separately.

A wall will be required along the north and southwest boundary of the property as a buffer to the proposed road abutting the adjacent properties.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

Additional improvements may be required at time of platting.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 53 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-682	SW 177 Ave. s/o SW 88 St.	C	C
9880	SW 184 St. e/o SW 177 Ave.	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Raul A Pino, P.L.S.

27-AUG-08

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY GH. AMOUNT OF FEE $975.11

RECEIPT # I2008257I7

DATE HEARD: 07/08/2008

BY CZAB # 11

RECEIVED
JUL 11 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. **07-417**

Filed in the name of (Applicant) **Krome Gold Ranches II, LLLP**

Name of Appellant, if other than applicant **Same**

Address/Location of APPELLANT'S property: **Lying north of S.W. 136th Street, between S.W. 177th Avenue and S.W. 187th Avenue, Miami-Dade County, Florida.**

Application, or part of Application being Appealed (Explanation): **Entire Application**

Appellant (name): **Krome Gold Ranches II, LLLP** hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby make application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

See Attached Letter of Intent

RECEIVED
209.417
JUL 11 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

APPELLANT MUST SIGN THIS PAGE

Date: 9th day of ~~June~~ July, 2008

Signed _____

Krome Gold Ranches II, LLLP
Armando Guerra, Managing Member of Krome Gold Ranches Management, LLC, its General Partner
Print Name

1390 South Dixie Highway, Coral Gables, Florida 33146-2947
Mailing Address

786-621-5226 305.789.7799
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Krome Gold Ranches II, LLLP, a Florida limited liability limited partnership
Representing

Signature

Juan J. Mayol, Jr., Esq. & Jorge A. Lima, Esq.
Print Name

701 Brickell Avenue, Suite 3000
Address

Miami FL 33131
City State Zip

305-789-7787
Telephone Number

Subscribed and Sworn to before me on the 9th day of ~~June~~ July, year 2008

Notary Public

(stamp/seal)

Commission expires:

MIGUEL FREIRE
MY COMMISSION # DD 506141
EXPIRES: January 11, 2010
Bonded Thru Notary Public Underwriters

RECEIVED
207-417
JUL 11 2008
ZONING HEARINGS
MIAMI-DADE PLANNING AND ZONING
BY

24

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Armando Guerra, Managing Member of Krome Gold Ranches Management, LLC, the General Partner of Krome Gold Ranches II, LLLP (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

____ 1. Participation at the hearing
_X_ 2. Original Applicant
____ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Christina Scicchitano
Print Name

Signature

JUAN V. MAYOL, JR.
Print Name

Appellant's signature

Armando Guerra
Managing Member of Krome Gold Ranches Management, LLC, the General Partner of Krome Gold Ranches II, LLLP

Sworn to and subscribed before me on the 9th day of July, 2008

Appellant is personally know to me or has produced _____ as identification.

Notary
(Stamp/Seal)
Commission Expires:

MIGUEL FREIRE
MY COMMISSION # DD 506141
EXPIRES: January 11, 2010
Bonded Thru Notary Public Underwriters

RECEIVED
JUL 11 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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July 10, 2008

VIA HAND DELIVERY

Marc C. LaFerrier, A.I.C.P.
Director
Miami-Dade County Department of Planning and Zoning
111 N.W. First Street, 11th Floor
Miami, Florida 33128

Re: Krome Gold Ranches II, LLLP / PH 07-417 / Petition for Appeal

Dear Mr. La Ferrier:

This Petition of Appeal is submitted on behalf of Krome Gold Ranches II, LLLP (the "Applicant") and seeks to appeal the decision of the Miami-Dade Community Zoning Appeals Board 11 ("CZAB 11") which denied, without prejudice, Zoning Application No. 07-417 (the "Application"), on July 8th, pursuant to Resolution No. CZAB11-14-08 (copy attached).

In accordance with the original letter of intent, the Application affects that certain 465-acre property lying north of S.W. 136th Street, between S.W. 177th Avenue and S.W. 187th Avenue in Miami-Dade County, Florida (the "Property"). Specifically, the Application requests: (1) a district boundary change ("DBC") from GU (Interim District) to EU-2 (Five-Acre Single Family Estate District) (hereinafter, the "Rezoning Request"); (2) an unusual use to permit a lake excavation (hereinafter, the "Lake Excavation Request"); (3) an unusual use to permit a private recreational facility; (4) a variance of the zoned rights-of-way for theoretical S.W. 182 Avenue and theoretical S.W. 128th Street; (5) variance to allow three parcels with reduced lot frontage; and (6) a variance to allow access to the parcels by means of private drives.

While the underlying GU zoning allows the development of up to ninety-three (93) farm residences as a matter of right, the original plans submitted indicate fifty-eight (58) 5-gross acre farm residences and an ancillary fish-stocked lake. Moreover, under the terms of a proposed Declaration of Restrictions introduced at the public hearing, the Applicant sought to further reduce the density to forty-eight (48) 5-gross acre farm residences, a permitted density reduction of 52%. Each homestead will be improved with a farm residence and be permitted every customary incidental use, but not necessarily limited to, a guesthouse, servant's quarters, and

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recreational amenities such as swimming pools, boat piers or slips for the docking of privately owned watercraft, and stables for livestock and the keeping of horses including horse boarding. Agricultural uses such as raising of poultry and fowl, horses and livestock, truck gardening, and beekeeping will also be permitted. Access to the homesteads will be provided by private roadways and an equestrian path. The proposed equestrian path is ideally situated in close proximity to the Everglades Trail, a designated public trail for hikers, bikers, and equestrians which forms part of the South Dade Greenway Network. The trail is approximately 24-miles (38.6 km) in length and spans from S.W. 136th Street southward to S.R. 9336

We hereby submit that the denial of the Application was not based on substantial competent evidence inasmuch as the CZAB 11 based its decision on incorrect statements by objectors and on the report prepared by the Department of Planning and Zoning (the "DP&Z Report") which contained an analysis that was flawed, based on mere speculation with regard to its finding that the Application would be incompatible with the surrounding area, an incorrect interpretation of a principal use vs. an ancillary uses in the Agricultural land use designation, and an incorrect interpretation and application of the goals, policies, and objectives of the Miami-Dade County Comprehensive Development Master Plan (CDMP) as they pertain to the Agricultural land use designation. The incorrect interpretation of the CDMP, including, but not limited to, land use policy LU-3F, resulted in an incorrect voting requirement of the CZAB 11. In effect, the incorrect voting requirement reversed a 4-3 vote by the CZAB 11 to approve the Application subject to revised standard conditions and acceptance of the proffered covenant.

Additionally, the DP&Z Report is flawed as to the Rezoning Request, Lake Excavation Request and accompanying variances. The Rezoning Request's proposed EU-2 zoning district is compatible and consistent with the Agricultural land use designation which allows 5-acre residences. The EU-2 zoning classification allows certain agricultural uses that are also permitted within the Agricultural zoning district, as per Miami-Dade County Code Sec. 33-279. Staff fails to recognize this compatibility and offers no analysis as to why it concludes otherwise.

The DP&Z Report, while acknowledging that the proposed community would be compatible and consistent with the CDMP, indicated that limited agricultural uses would be incompatible with the unlimited agricultural uses permitted in the surrounding area. Yet, the DP&Z Report provided no evidence that limited agriculture and unlimited agriculture are incompatible with one another. It is a well known that: (1) there is no spacing requirement in the Code of Miami-Dade County (the "Code) between parcels that is applicable to the Agriculture areas, and (2) the Agriculture areas contain parcels of land with varying yard dimensions and sizes, many of which are improved with farm residences on parcels that are smaller than 5 gross acres due to road rights-of-way and other reservations upon their properties, the creation of the parcels prior to the adoption of the 5-gross acre standard lot size in 1974, or the approval of non-use variances of the lot area and lot frontage regulations pursuant to zoning actions at public hearings. As such, farm residences with varying degrees of agricultural activities can and do occur on both large and small parcels of land throughout the Agriculture areas, such combinations are often contiguous and compatible with one another.

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We further submit that the DP&Z Report and decision by the CZAB 11 with regard to the Lake Excavation Request was based upon an incorrect interpretation of the goals, policies, and objectives of the Miami-Dade County Comprehensive Development Master Plan (CDMP) as they pertain to the Agricultural land use designation. The proposed lake use is ancillary to the proposed rural residential community and not a principal use. Unlike the draft report, the final DP&Z Report failed to acknowledge that the lake excavation is ancillary to and necessary to support the development of residences on the Property as evidenced by the report prepared by the staff of the Department of Environmental Resources Management (DERM) (the "DERM Report"). The DERM Report not only approved the Application, having satisfied all environmental code requirements, but also noted that the lake satisfied stormwater management regulations which require at least 28.5% of the total land for a lake, and recognized that the lake helped to alleviate the insufficient flood protection in the area. As such, the DERM Report acknowledges that the lake provides a water management area designed to retain the rainfall generated by a 100-year/3-day storm event.

CZAB 11's decision must observe the essential requirements of the law and be supported by substantial competent evidence. Florida courts have described substantial competent evidence as such evidence that will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. It is such relevant evidence that a reasonable mind would accept as adequate to support a conclusion. CZAB 11's decision to deny the Application neither observed the essential requirements of the law nor was based on substantial competent evidence. The evidence used by CZAB 11 to support its decision fails to adequately support the conclusion.

Based on the foregoing, we respectfully request the Department's favorable consideration of this Petition of Appeal. Thank you for your considerate attention to this matter. As always, should you have any questions or require additional information, please do not hesitate to contact me at (305) 789-7787.

Respectfully submitted,

Holland & Knight, LLP.

Juan J. Mayol, Jr.

cc: Mr. Armando Guerra
Mr. Sergio Pino
Jorge A. Lima, Esq.

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RESOLUTION NO. CZAB11-14-08

WHEREAS, **KROME GOLD RANCHES II L. L. L. P.** applied for the following:

(1) GU to EU-2

(2) UNUSUAL USE to permit a lake excavation.

(3) UNUSUAL USE to permit a private recreational facility; to wit: a clubhouse, including stables and boat storage.

(4) To waive the zoning regulations requiring half-section line rights-of-way to be 70' in width; to permit no dedication for theoretical S.W. 182 Avenue and theoretical S.W. 128 Street.

(5) To permit Lots 33, 34 and 35 with frontages varying from 94.52' to 138.02' (200' required).

(6) To waive the zoning and subdivision regulations requiring non-residential lots to have frontage on a public street; to permit a lot containing the private recreation facility with no frontage on a public street (200' required) and to have access to the said lot by means of a private easement.

Upon demonstration that the applicable standards have been satisfied, approval of requests #4 and #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #6 must be considered under Chapter 28 §19(A) of the Public Works Code.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Paradise Lake Ranches, Krome Gold Ranches II, LLLP," as prepared by Perez, Pascual and Kiliddjian and Assocs., consisting of 25 sheets and dated stamped received 2/29/08.

SUBJECT PROPERTY: The south ¾ of Section 13, Township 55 South, Range 38 East, less the following parcels:

The east ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 13, Township 55 South, Range 38 East, less the south 40' thereof for right-of-way purposes; A/K/A: Lot 74 of CIARA INVESTMENTS, INC. AND: The west ½ of the SE ¼ of the SW ¼ of the SW ¼ of Section 13, Township 55 South, Range 38 East, less the south 40' thereof for right-of-way purposes; A/K/A: Lot 75 of CIARA INVESTMENTS, INC.; AND: The east ½ of the SE ¼ of the SW ¼ of the SW ¼ of Section 13, Township 55 South, Range 38 East, less the south 40' thereof for right-of-way purposes; A/K/A: Lot 76 of CIARA INVESTMENTS, INC.

LOCATION: Lying north of S.W. 136 Street, between S.W. 177 Avenue and S.W. 187 Avenue, Miami-Dade County, Florida, and

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WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned

in the matter were given an opportunity to be heard, at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual uses to permit a lake excavation (Item #2) and a private recreational facility; to wit: a clubhouse, including stables and boat storage (Item #3), and the requests to waive the zoning regulations requiring half-section line rights-of-way to be 70' in width; to permit no dedication for theoretical S.W. 182 Avenue and theoretical S.W. 128 Street (Item #4), to permit Lots 33, 34 and 35 with frontages varying from 94.52' to 138.02' (Item #5) and to waive the zoning and subdivision regulations requiring non-residential lots to have frontage on a public street; to permit a lot containing the private recreation facility with no frontage on a public street and to have access to the said lot by means of a private easement (Item #6), would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual uses (Items #2 & 3) would have an adverse impact upon the public interest and should be denied, and

WHEREAS, a motion to deny Items #1 through 6 without prejudice, was offered by Ileana R. Vazquez, seconded by Jay Reichbaum, and upon a poll of the members present the vote was as follows:

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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-11-08 adopted by said Community Zoning Appeals Board at its meeting held on the 8th day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16th day of July, 2008.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

ZONING APPEALS BOARD DADE COUNTY FLORIDA

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Memorandum

Date: 16-JAN-08

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2007000417

Fire Prevention Unit:

APPROVAL
Fire Engineering and Water Supply Bureau has no objection to plans date stamped December 19, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed only to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2007000417
located at LYING NORTH OF S.W. 136 STREET AND SOUTH OF S.W. 123 ST, BETWEEN SW 177 AVE & 187 AVE
in Police Grid 1975 is proposed as the following:

58 dwelling units	residential	N/A square feet	industrial
N/A square feet	Office	N/A square feet	institutional
N/A square feet	Retail	N/A square feet	nursing home/hospitals

Based on this development information, estimated service impact is: 16.27 alarms-annually.
The estimated average travel time is: 14:24 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 50' Squrt, Battalion

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped December 19, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 09/30/08
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

KROME GOLD RANCHES II, LLLP	LYING NORTH OF SW 136 STREET, BETWEEN SW 177 AVENUE AND SW 187 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2007000417

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations observed on 09-30-08

Jose Lopez

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent 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

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

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: KROME GOLD RANCHES II, LLLP, 1390 South Dixie Highway, Suite 2120, Coral Gables, Florida, 33146-2927

NAME AND ADDRESS	Percentage of Ownership
Please see attached	

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If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of fina

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 13 day of December 2007. Affiant is personally known to me or has produced _____ as identification.

Leticia R. Valdes
(Notary Public)

LETICIA R VALDES
Notary Public - State of Florida
My Commission Expires May 28, 2011
Commission # DD 635763
Bonded Through National Notary Assn.

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.

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KGR II Percentage Ownership (Breakdown)

Company Name	Members	% Ownership in KGR II LLLP
My Refuge LLP	John McClure	0.174166610%
	Tomas F. Gamba	0.174166610%
	Angel Beristartu	0.174166610%
	Daniel E. Thomas	0.174166610%
	Robert E. Chisholm	0.174166610%
	Robert M. Chisholm	0.03483390%
	Alberto A. Latour	0.174166610%
	Inter-Vivos Trust of Antonio Prado	0.174166610%
	Otis Wragg	0.174166610%
	Ramon F. Casas	0.174166610%
	Francisco R. Angones	0.174166610%
Total		**1.7765000%**
ALA II LLC	Concepcion Perdomo	1.1321000%
Total		**1.1321000%**
DLD Investments Inc	Daniel F. Valdes	0.3773655%
	Leticia R. Valdes	0.3773690%
	David L. Valdes	0.3773655%
Total		**1.1321000%**
First Southeast Equities Inc	James Dorsy	1.7208000%
Total		**1.7208000%**
General Real Estate Corp	Agustin Herran	4.5284000%
Total		**4.5284000%**
Fortune Gold Ranches, LLC	Miguel Poyastro	8.3600370%
	Ezra Katz	2.7866630%
Total		**11.1467000%**
Heys Investment, Inc.	Jose & Maria Herran	0.6883167%
	Jose A & Lourdes Herran	0.3441608%
	Ana Mary Herran & Alexander Ynastrilla	0.3441608%
	Daniel Herran & Nancy San Emeterio Herran	0.3441608%
Total		**1.7208000%**
US Investments LLC	Alexander Ynastrilla	0.7315000%
	Ana Mary Herran	0.7315000%
Total		**1.4630000%**
Machado Krome Investments, LLC.	Jose Luis Machado III, Revocable Trust	1.3899820%
	Vivian M Isern	0.0332788%
	Jose Luis Machado Jr, Grandchildrens Irrev Trust #1	0.0316939%
	Jose Luis Machado Jr, Grandchildrens Irrev Trust #2	0.0316939%
	Jose Luis Machado Jr, Grandchildrens Irrev Trust #3	0.0332788%
	Jose Luis Machado Jr, Grandchildrens IrrevTrust #4	0.0332788%
	Jose Luis Machado III, Irrevoable Trust #3	0.0316938%
Total		**1.5849000%**
Pedrena Development, Corp	Manuel A Herran	9.0567000%
Total		**9.0567000%**
Prime Site Investments LLC	Antonio E Placeres & Yolanda J Placeres	0.3773655%
	Angel Diaz Norman	0.3773655%
	Daisy M Diaz & Jose F Diaz	0.3773690%
Total		**1.1321000%**
GARSH Investments LLLP	Jose & Ileana Garcia	4.1905461%
	Jose A Garcia Retained Annuity Trust #1	0.8427249%
	Jose A Garcia Retained Annuity Trust #2	0.8427249%
	Ileana Garcia Retained Annuity Trust #1	0.8427249%
	Ileana Garcia Retained Annuity Trust #2	0.8427249%
	Garcia Family Trust FBO Gillian Garcia	0.7023455%
	Garcia Family Trust FBO Alejendro Garcia	0.7023455%
Total		**9.0567000%**
Puente Land Holding, LLC	Jim Puente	0.6531498%
	Michael E Stein	0.6531498%
Total		**1.3063000%**
J.I.R. Investments, LLC	Jirasak Prasertlum	0.6792577%
	Ileana Ramirez	0.2264211%
	Ricardo Rodriguez	0.2264212%
Total		**1.1321000%**

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The Pros at Okeechobee, LLC	Seth Benes	0.0338512%
	Allan Benes	0.0338512%
	Michael Wittels	0.5835951%
	Howard Wittels	0.1221544%
	Joel Benes	0.3586483%
Total		**1.1321000%**
Tres Hermanos LLP	Adrianne J Guerra Trust	0.5225000%
	Corinne M Guerra Trust	0.5225000%
	Eric A Guerra Trust	0.5225000%
Total		**1.5675000%**
Seventeen Holdings LLC	Antonio R Gonzalez	0.5660483%
	Joaquin A Gonzalez	0.3396300%
	Orlando Delgado	0.11321170%
	Maria Delgado	0.11321170%
Total		**1.1321000%**
Summit Group Properties, Inc.	Armando J & Maria C Guerra	1.7417000%
Total		**1.7417000%**
C.M.G. Holdings, LLC	Carlos M Garcia	2.2642000%
Total		**2.2642000%**
Phi Alpha Holdings, LLC	Ana Diaz Cordero	0.4528350%
	L Frank Cordero	0.4528350%
Total		**0.9056700%**
Brosis Gift Limited Liability Company	Alejandro Diaz	0.4528350%
	Ana Diaz Cordero	0.4528350%
Total		**0.9056700%**
Rodney Barreto	Rodney Barreto	4.5284000%
Total		**4.5284000%**
Steven M Henriques, Katherine V Henriques & Rebecca A Henriques, Joint Tenants in Common	Steven M Henriques	0.3018911%
	Katherine V Henriques	0.3018911%
	Rebecca A Henriques	0.3018878%
Total		**0.9056700%**
Bernardo Goenaga	Bernardo Goenaga	3.3962000%
Total		**3.3962000%**
Ezequiel Herran as Trustee of the Ezequiel Herran Revocable Trust and Nancy Herran as Trustee of the Nancy Herran Revocable Trust	Ezequiel Herran Revocable Trust	0.5660500%
	Nancy Herran Revocable Trust	0.5660500%
Total		**1.1321000%**
Sergio Pino	Sergio Pino	4.5284000%
Total		**4.5284000%**
The Sasha and Natasha Andrade Irrevocable Trust	The Sasha and Natasha Andrade Irrevocable Trust	0.9056700%
Total		**0.9056700%**
Daniel R Valdes	Daniel R Valdes	2.3095000%
Total		**2.3095000%**
Jorge Guerra Revocable Trust	Jorge Guerra Revocable Trust	1.1321000%
Total		**1.1321000%**
Antolin G Herran Revocable Trust	Antolin G Herran Revocable Trust	1.1321000%
Total		**1.1321000%**
Henry Quintana, Mercedes Quintana as tenants in common	Henry Quintana	0.4528350%
	Mercedes Quintana	0.4528350%
Total		**0.9056700%**
Maria C Guerra Irrevocable Trust	Maria C Guerra Irrevocable Trust	15.0896000%
Total		**15.0896000%**
Krome Gold Ranches Management, LLC	Armando J Guerra	0.0290356%
	Maria C Guerra	0.0290322%
	Maria C Guerra Irrevocable Trust	0.0290322%
Total		**0.0871000%**
Karl Garcia Irrevocable Trust	Karl Garcia Irrevocable Trust	0.9056700%
Total		**0.9056700%**
Krome Gold Ranches Investors, LLC.	**Total**	**5.5036800%**

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KROME GOLD RANCHES INVESTORS

Carlos F Arazoza as Trustee of the Carlos F Arazoza Revocable Trust	Carlos F Arazoza as Trustee of the Carlos Farazoza Revocable Trust	0.0694253%
CALE Investments LLC c/o Maria Chacon	Manuel Chacon	0.0086782%
	Maria Chacon	0.0086782%
	Juan C Ledesma	0.0086782%
	Suzett Ledesma	0.0086782%
Brialan Corp	Alberto Guerra	0.3471266%
	Vivian Guerra	0.3471266%
Siberio Investments LLC	Daniel & Ana Siberio	0.0867816%
	Frank & Patricia Siberio	0.0781035%
	Nicholas Siberio	0.0086782%
Ten Talents Investments, LLC	Howard Todd Mckinnis	0.0347127%
	Deborah Sue Mckinnis	0.0347127%
ENS Consulting	Emiliano Herran	0.2082760%
	Emiliano E Herran	0.2082760%
Veneciana Investments, LLC	Claudia Puig	0.0867816%
	Richard Amundsen	0.0867816%
Jorge E Alvarino	Jorge E Alvarino	0.2256323%
Alberto Guerra Irrevocable Child's Trust Agreement #1	Alberto Guerra Irrevocable Child's Trust Agreement #1	0.5206838%
Alberto Guerra Irrevocable Child's Trust Agreement #2	Alberto Guerra Irrevocable Child's Trust Agreement #2	0.5206838%
Armando J Guerra Revocable Trust & Maria C Guerra Revocable Trust, as tenants in common	Armando J Guerra Revocable Trust	0.3471266%
	Maria C Guerra Revocable Trust	0.3471266%
Eric Arman Guerra	Eric Arman Guerra	0.0242889%
Corinne Guerra	Corinne Guerra	0.0329770%
Adrianne Guerra	Adrianne Guerra	0.0381840%
Leticia R Valdes	Leticia R Valdes	0.0902529%
Donald Fritch & Marta Fritch	Donald Fritch	0.1041380%
	Marta Fritch	0.1041380%
Belinda Money	Belinda Money	0.1041380%
Lawrence Money III	Lawrence Money III	0.0694253%
Laurie A Money I.T.F. Brittani Alexandra Small	Laurie A Money I.T.F. Brittani Alexandra Small	0.0173563%
Carlos M Garcia	Carlos M Garcia	0.3471266%
Daniel F Valdes Revocable Trust	Daniel F Valdes Revocable Trust	0.0451265%
David L Valdes Revocable Trust	David L Valdes Revocable Trust	0.0451265%
Emma M Guerra Revocable Trust	Emma M Guerra Revocable Trust	0.0902529%
Ramon E Rasco & Ana Lauda Rasco	Ramon E Rasco	0.1579426%
	Ana Lauda Rasco	0.1579426%
Gabriel M & Maria C Bustamante as tenants by the entirety	Gabriel M Bustamante	0.1735633%
	Maria C Bustamante	0.1735633%
Cristina L Rasco	Cristina L Rasco	0.0451265%
Richard A Rasco	Richard A Rasco	0.0451265%
Ramon A Rasco	Ramon A Rasco	0.0451265%
Total: Krome Gold Ranches II Investors		**5.503680%**

Total: Krome Gold Ranches II LLLP	100.0000000%

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MIAMI-DADE PLANNING AND ZONING DEPT.
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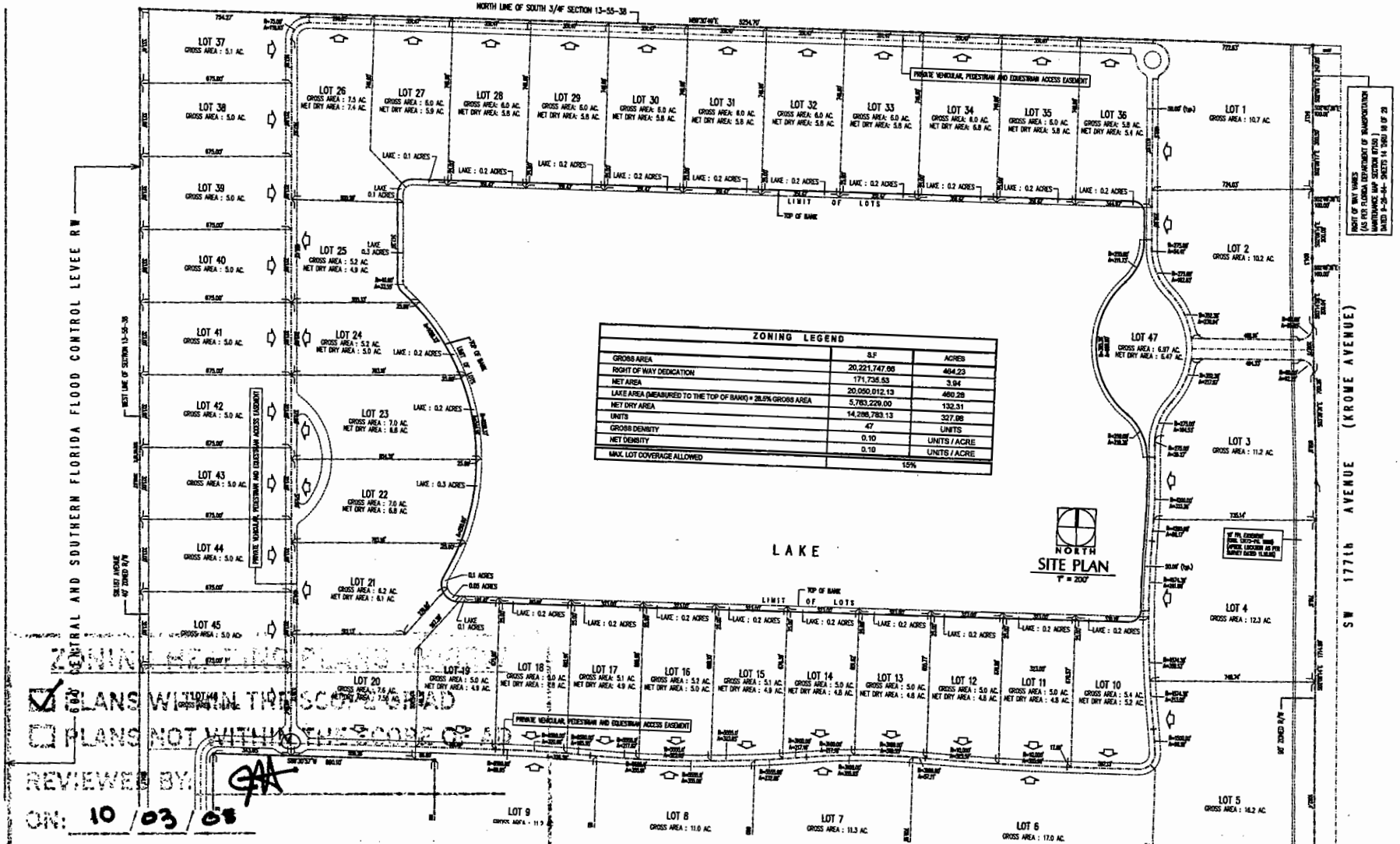
39



ZONING LEGEND		
	S.F.	ACRES
GROSS AREA	20,221,747.66	464.23
RIGHT OF WAY DEDICATION	171,735.53	3.94
NET AREA	20,050,012.13	460.28
LAKE AREA (MEASURED TO THE TOP OF BANK) = 28.5% GROSS AREA	5,763,229.00	132.31
NET DRY AREA	14,286,783.13	327.98
UNITS	47	UNITS
GROSS DENSITY	0.10	UNITS / ACRE
NET DENSITY	0.10	UNITS / ACRE
MAX. LOT COVERAGE ALLOWED	15%	

ZONING HEARINGS PLANS REVIEW

☑ PLANS WITHIN THE SCOPE OF R-AD

☐ PLANS NOT WITHIN THE SCOPE OF R-AD

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ON: 10/03/08

ZONING EVALUATOR

☑ PLANS ACCEPTABLE

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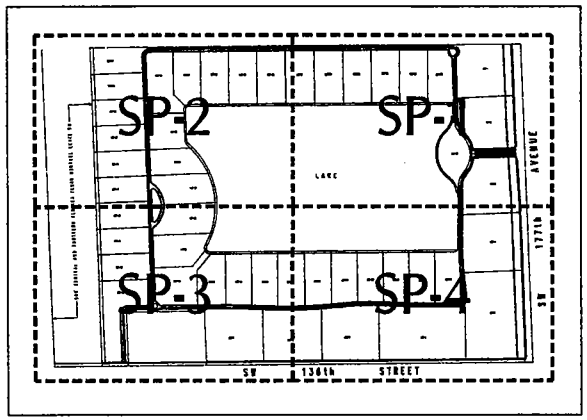
"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

SITE PLAN



NOTES:

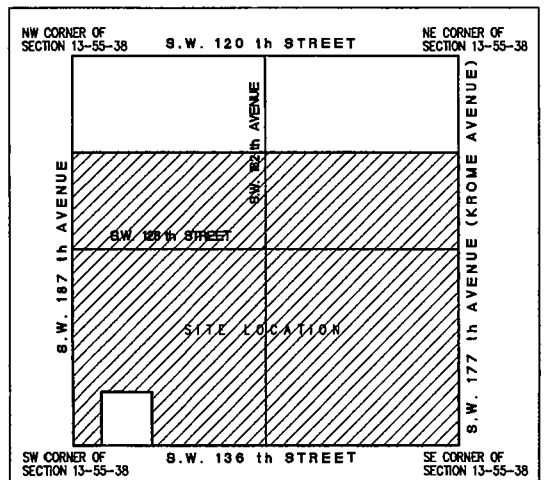
-The boat house, including the room labeled "country store," and the stables, boat storage and pavilion, and marina are all ancillary to the residential project and form an integral part of the proposed private recreational facility. These uses will only be accessible to the residents of this private community, their guests and assigns. Said uses will not be open to the general public and do not, in any way, constitute a commercial marina. For all of the aforementioned reasons, we respectfully disagree that a zone change to a BU commercial designation or a "use variance" would be necessary.

-The entrance feature detail on Sheet SA-1 is conceptual. Currently, the entrance feature consists of a combination of decorative walls, trellises, a guardhouse, and landscaping. All of the structures shown will conform to the applicable height regulations. An entrance feature application may be approved at a public hearing as an "unusual use" pursuant to Section 33-13 of the Code of Miami-Dade County, or pursuant to an entrance feature application that is administratively approved by the Miami-Dade County Plat Committee (the "Plat Committee"). Entrance features do not entail a "use variance." We are not seeking the approval of an "unusual use" to permit an entrance feature at this time. Instead, we intend to submit an entrance feature application and detailed entrance feature plans to the Plat Committee after the project is approved. We will note the plans accordingly.

-The structures will conform to the height regulations of the proposed EU-2 district. As such, structures will not exceed a height of two stories and/or 35 feet as measured

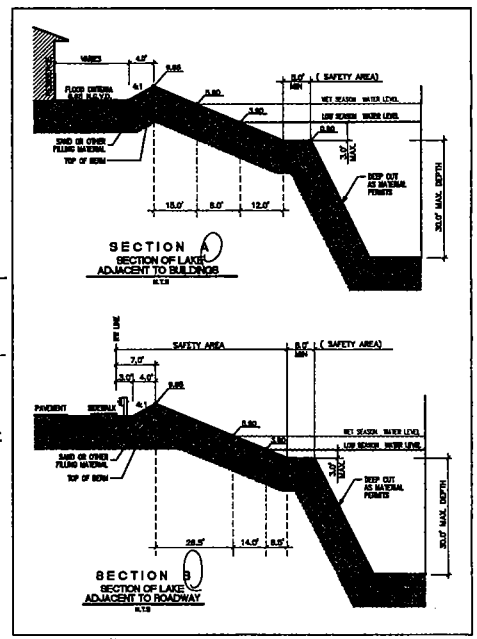
-The plans of the residential amenities are conceptual so that the adopting Board will understand and appreciate the project theme. All amenities will conform to the regulations of the proposed EU-2 zoning district. Detailed drawings of the amenities will be submitted at time of building permit since the actual design may vary between property owners. We will note the plans accordingly.

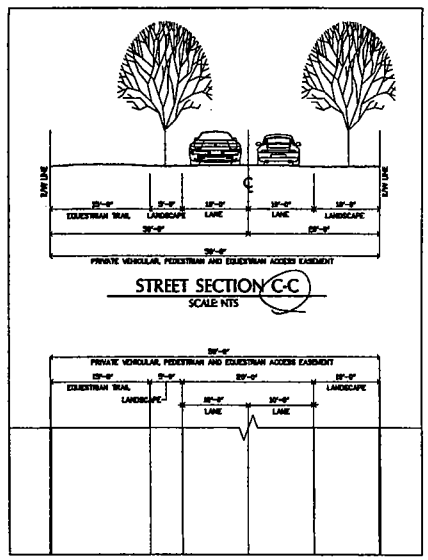
-Water service to be provided by individual wells.
-Sewer service to be provided by individual septic tanks.



SECTION 13-55-38
MIAMI-DADE COUNTY, FLORIDA

NORTH
LOCATION MAP
NTS





ZONING HEARING PLANS REVIEW
☑ PLANS WITHIN THE SCOPE OF AD
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ON: 10/03/08
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☑ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE
By: [signature] 10/13 SEE 08 SHEETS SP-1 & SP-2 SP-5 for wall & street sections.

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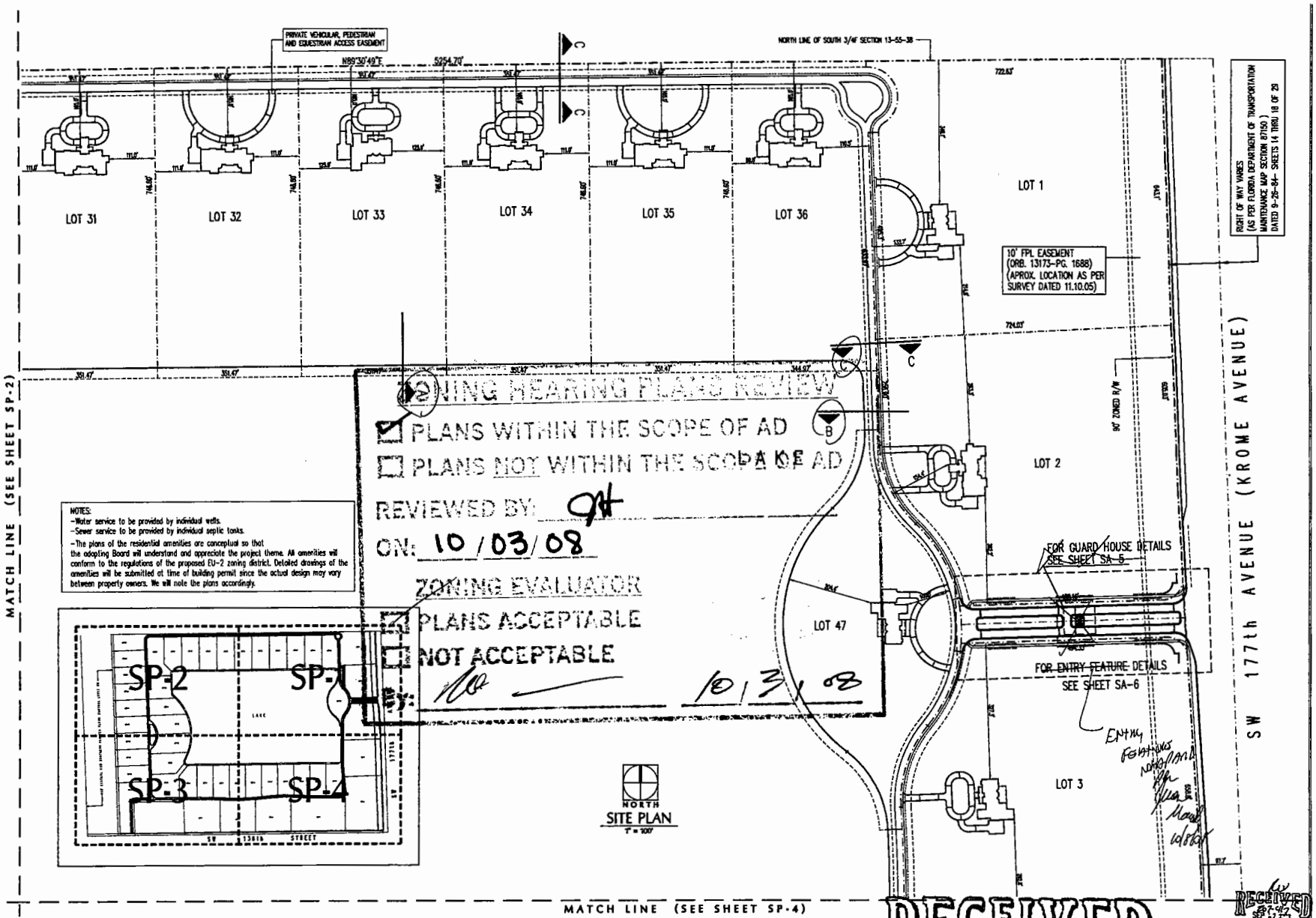
"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

DETAILS
DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

C-2
SHEET NO.:

41



NOTES:
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- Sewer service to be provided by individual septic tanks.
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"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

SITE PLAN
DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

SP-1
SHEET NO.:

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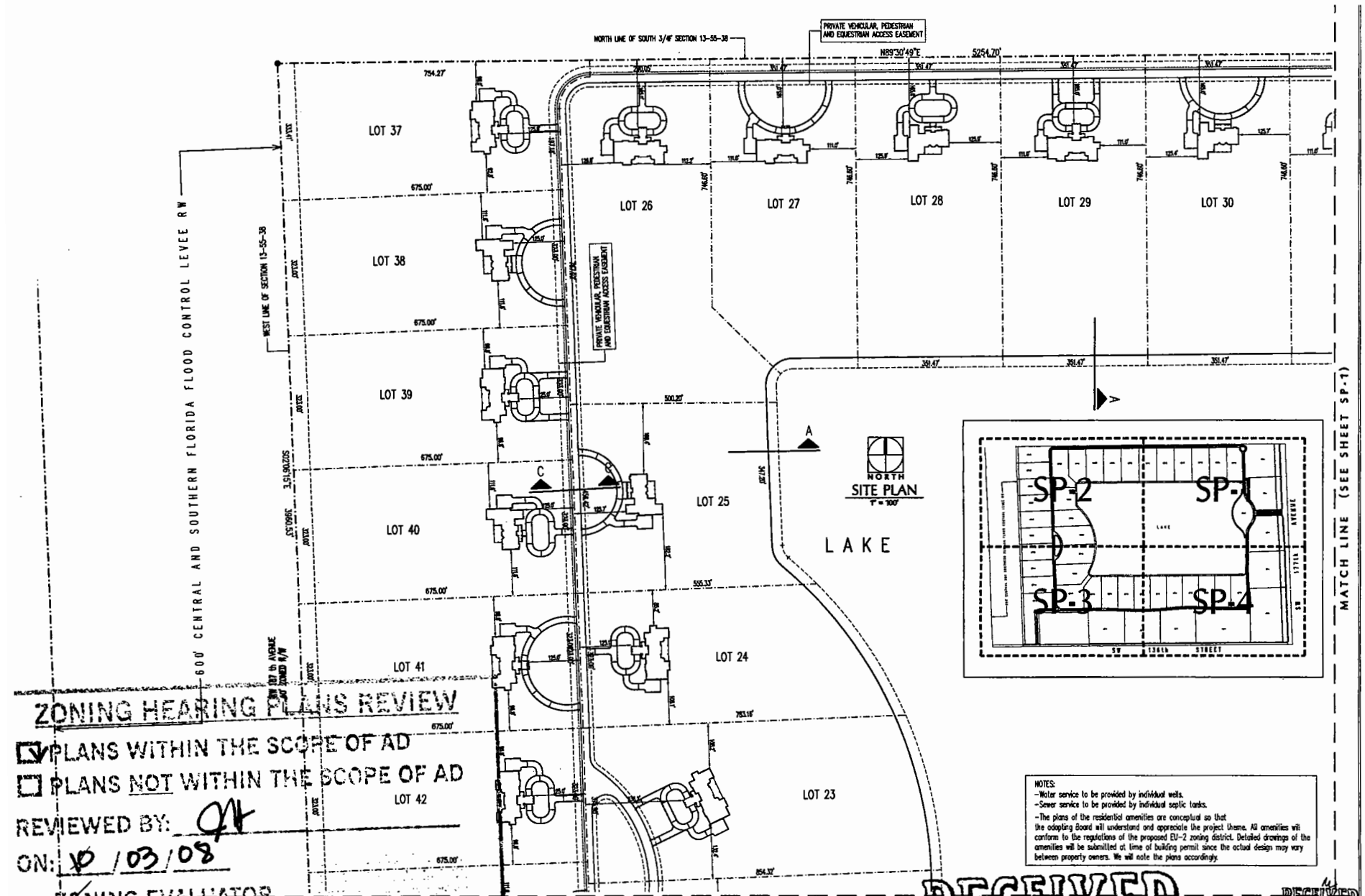
TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE FIRE-SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITIES IN ACCORDANCE WITH THIS SECTION 105.13.4 AND 633 FLORIDA STATUTES.



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Paradise Lake Ranches
Krome Gold Ranches II LLLP
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SITE PLAN
DATE: 12.03.2007
SCALE: IND.
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ZONING HEARING PLANS REVIEW

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ON: 10/03/08

ZONING EVALUATOR

☑ PLANS ACCEPTABLE

☐ NOT ACCEPTABLE

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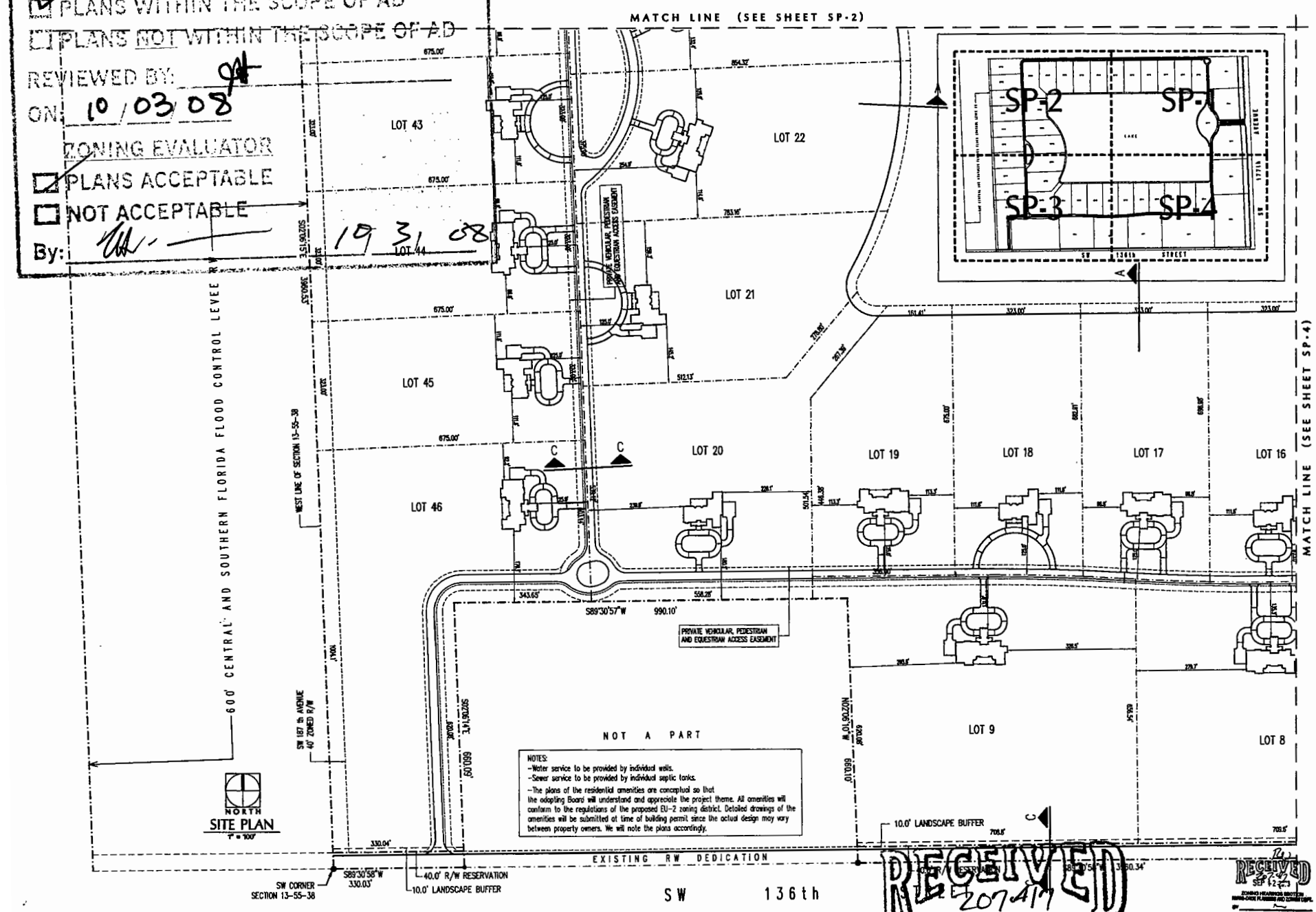

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MIAMI DADE COUNTY, FLORIDA

SITE PLAN

DATE: 12.03.2007

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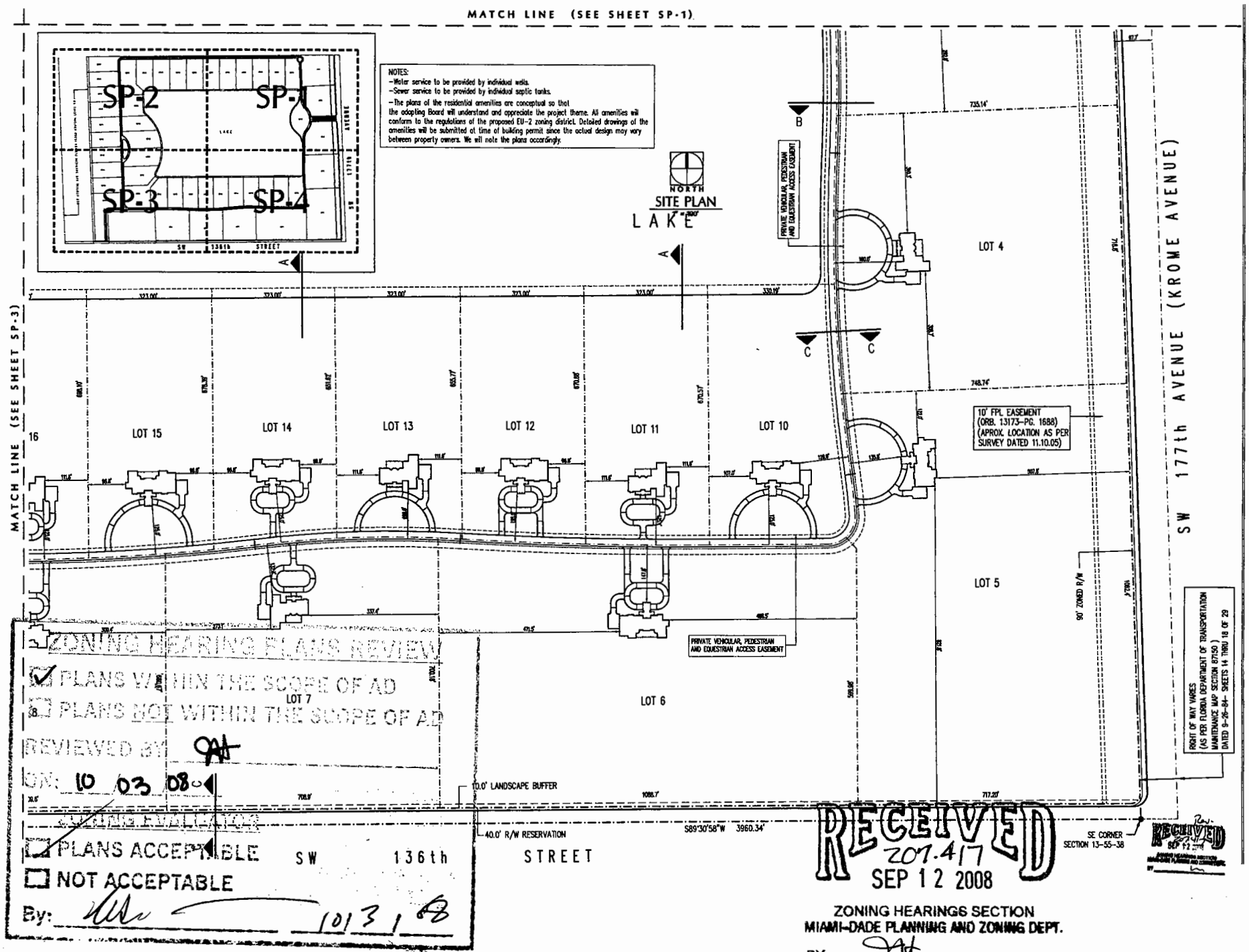
JOB NO.:

SP-3

SHEET NO.:

44



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MIAMI DADE COUNTY, FLORIDA

SITE PLAN
DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

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DATE: 10/03/08
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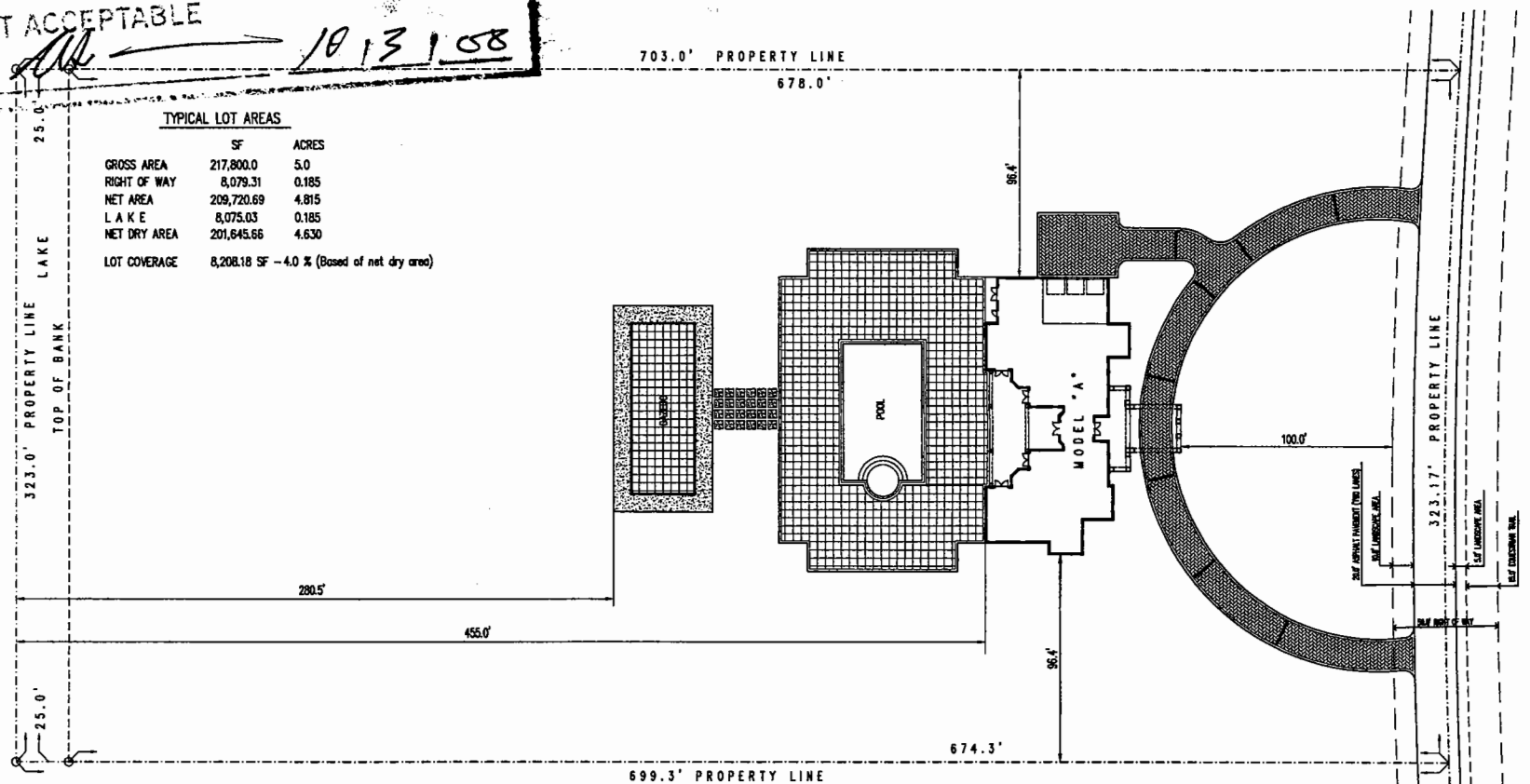
"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA



TYPICAL LOT AREAS

	SF	ACRES
GROSS AREA	217,800.0	5.0
RIGHT OF WAY	8,079.31	0.185
NET AREA	209,720.69	4.815
L A K E	8,075.03	0.185
NET DRY AREA	201,645.66	4.630

LOT COVERAGE 8,208.18 SF – 4.0 % (Based of net dry area)

TYP. LOT
1" = 30'

NOTE: THIS PLOT PLAN REPRESENTS THE LARGEST CONCEPTUAL FLOOR PLAN IN THE SMALLEST LOT.

NOTE: FLOOR PLANS OF INDIVIDUAL UNITS ARE CONCEPTUAL.
FINAL FLOOR PLANS OF UNITS FOR CONSTRUCTION MUST COMPLY WITH A 15% MAX LOT COVERAGE.

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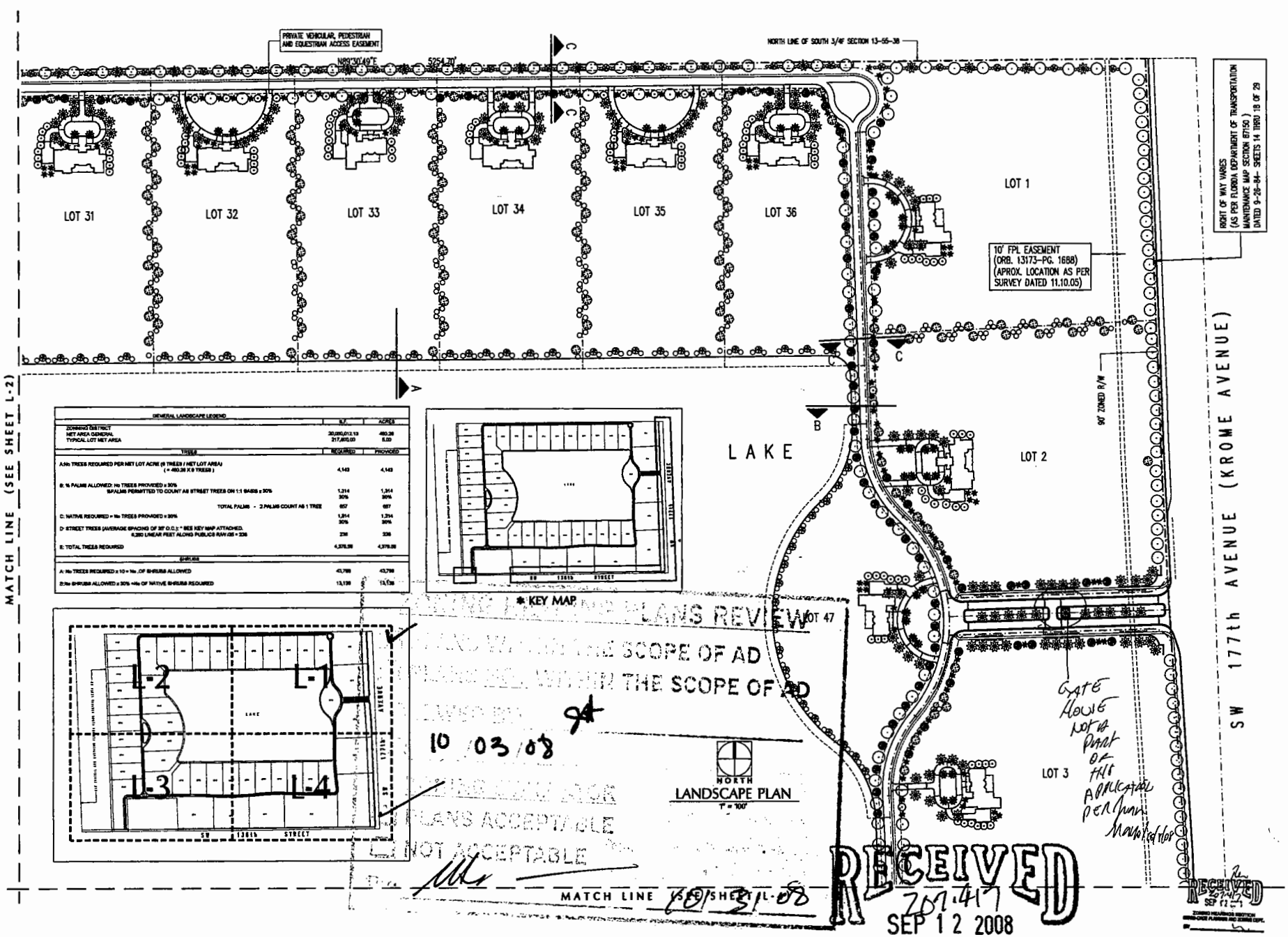

GENERAL LANDSCAPE LEGEND		
	S.F.	ACRES
ZONING DISTRICT		
NET AREA GENERAL	20,000,012.13	460.38
TYPICAL LOT NET AREA	217,800.00	5.00
TREES	REQUIRED	PROVIDED
A: No TREES REQUIRED PER NET LOT ACRE (6 TREES / NET LOT AREA) (= 460.38 X 6 TREES)	4,143	4,143
B: % PALMS ALLOWED: No TREES PROVIDED x 30% %PALMS PERMITTED TO COUNT AS STREET TREES ON 1:1 BASIS x 30%	1,314 30%	1,314 30%
TOTAL PALMS - 2 PALMS COUNT AS 1 TREE	657	657
C: NATIVE REQUIRED = No TREES PROVIDED x 30%	1,314 30%	1,314 30%
D: STREET TREES (AVERAGE SPACING OF 30' O.C.): * SEE KEY MAP ATTACHED. 8,280 LINEAR FEET ALONG PUBLICS RAW/35 = 236	236	236
E: TOTAL TREES REQUIRED	4,378.58	4,378.58
SHRUBS		
A: No TREES REQUIRED x 10 = No. OF SHRUBS ALLOWED	43,798	43,798
B: No SHRUBS ALLOWED x 30% =No OF NATIVE SHRUBS REQUIRED	13,138	13,138

PLANS REVIEW
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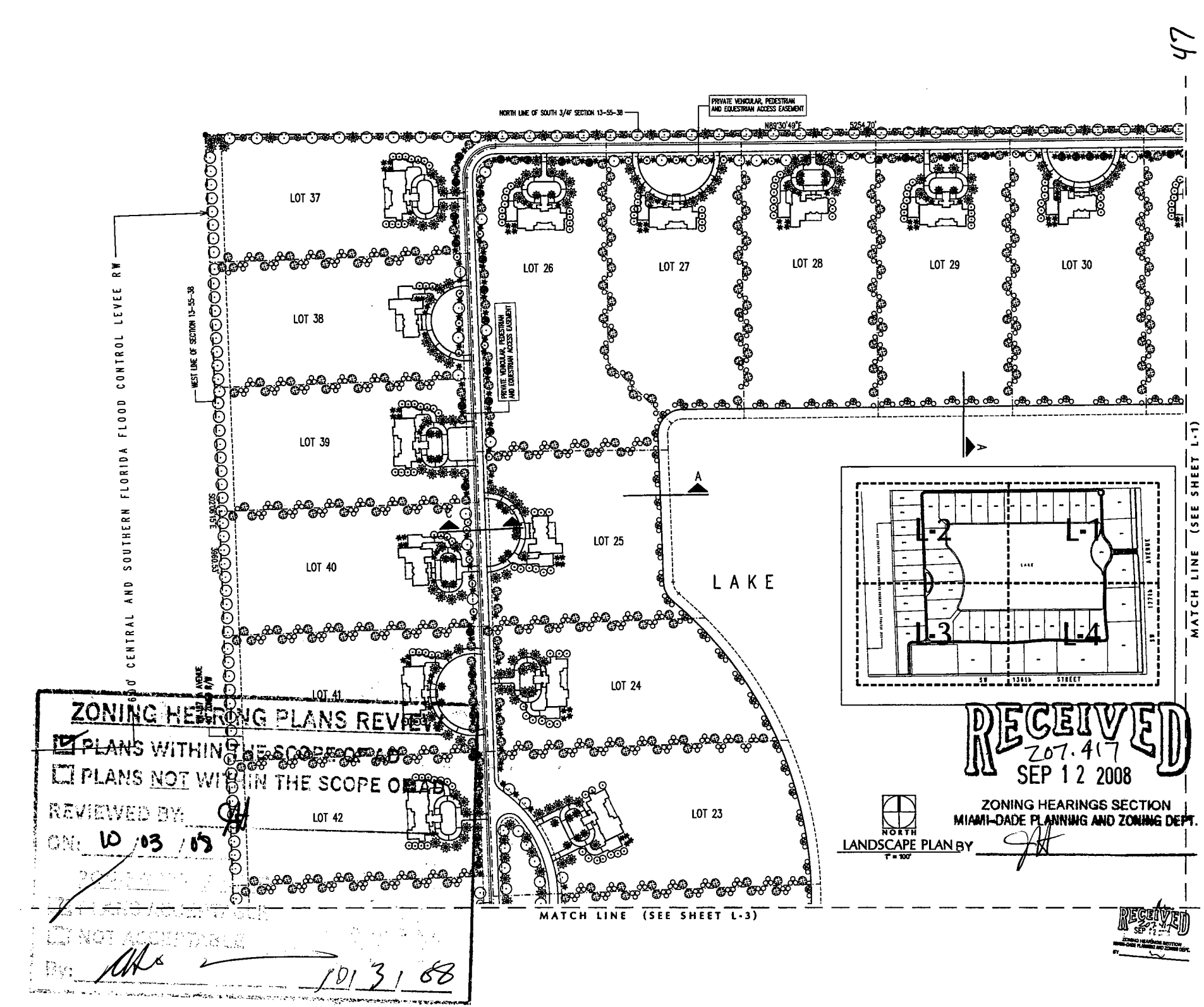
"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

LANDSCAPE PLAN
DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:
L-1
SHEET NO.:



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MIAMI DADE COUNTY, FLORIDA

LANDSCAPE PLAN
DATE: 12.03.2007
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JOB NO.:

L-2
SHEET NO.:

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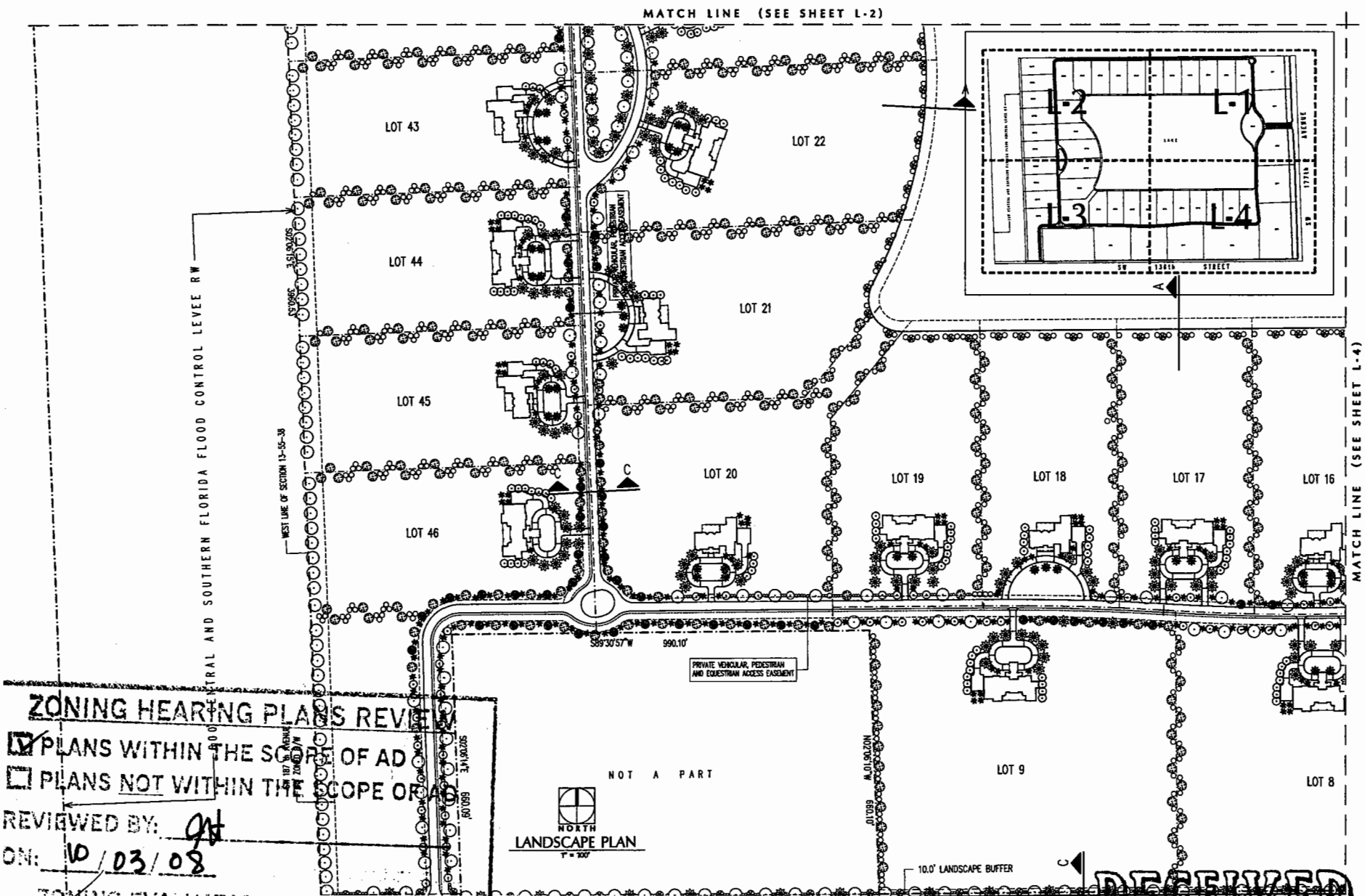

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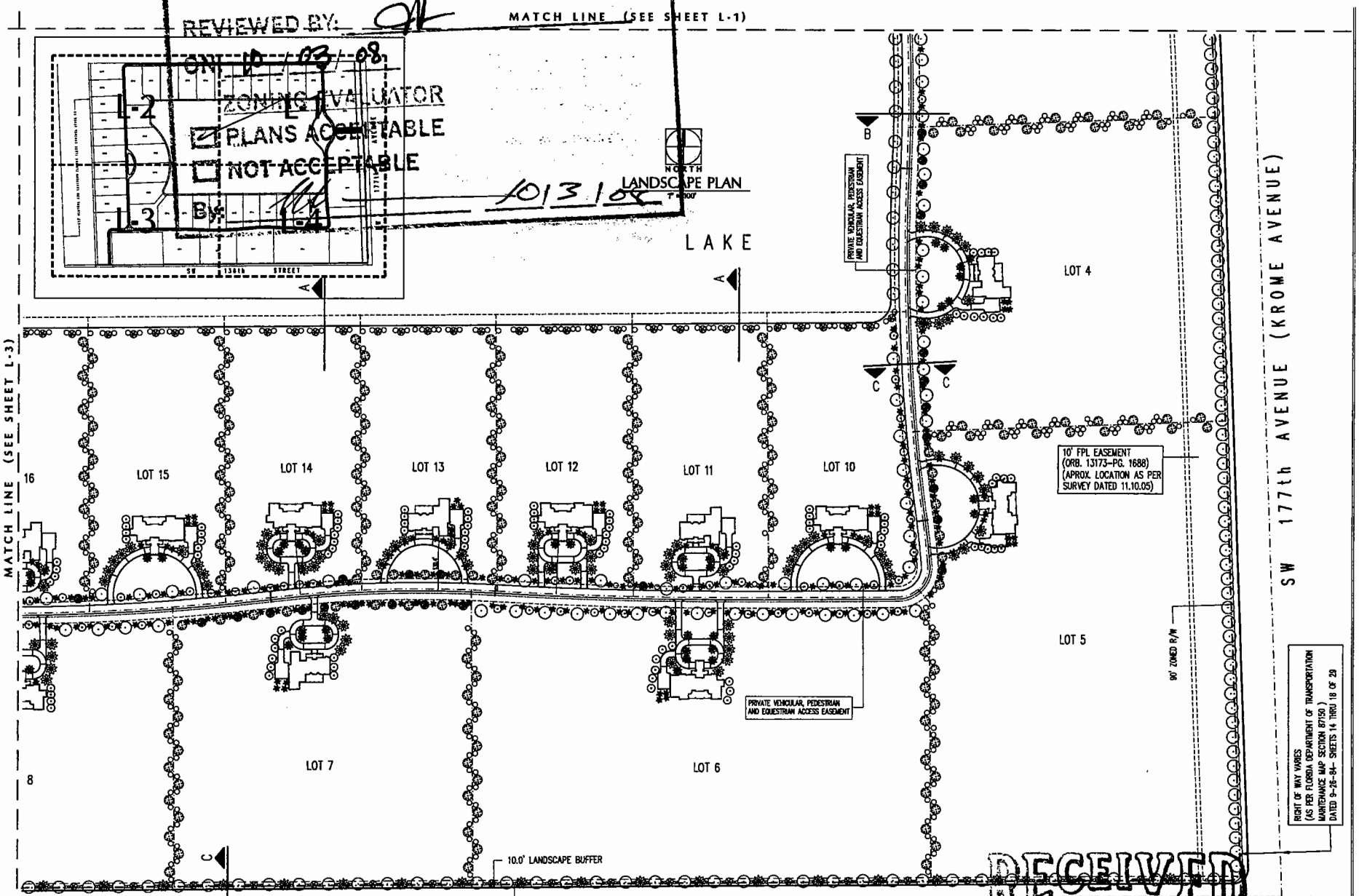

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ON: 10 / 03 / 08

ZONING EVALUATOR

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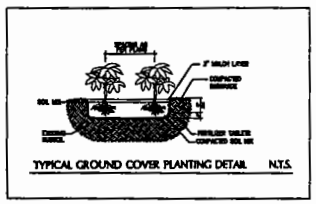
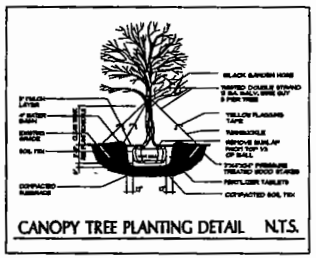
☐ NOT ACCEPTABLE

BY: 10/31/08

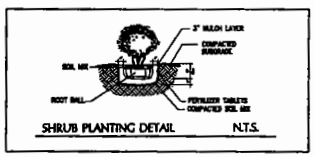
50



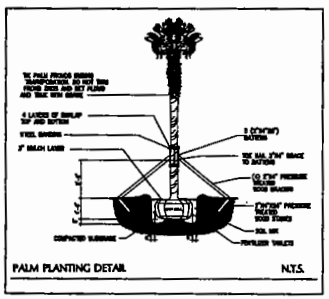
TYPICAL GROUND COVER PLANTING DETAIL N.T.S.



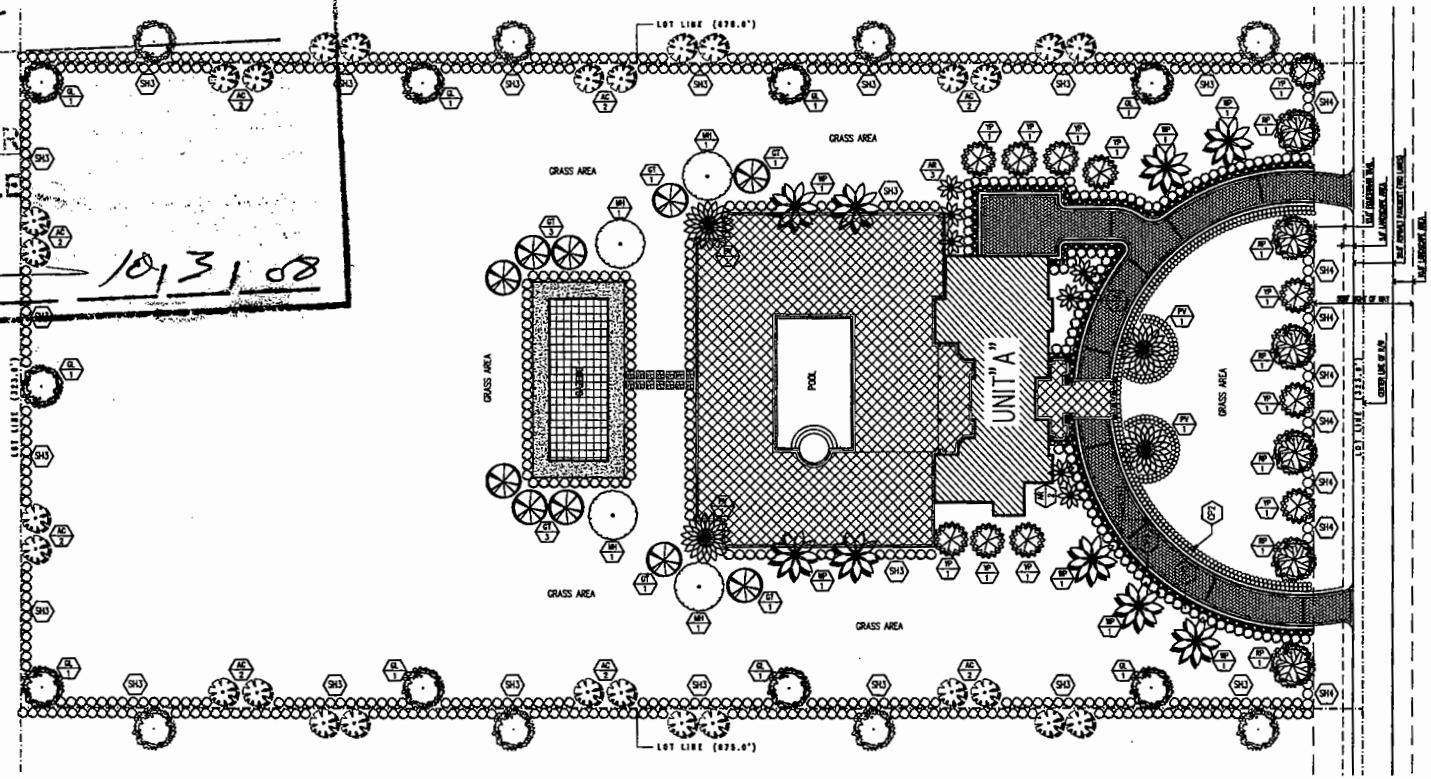
CANOPY TREE PLANTING DETAIL N.T.S.



SHRUB PLANTING DETAIL N.T.S.



PALM PLANTING DETAIL N.T.S.



TYP. LOT (LANDSCAPE PLAN)

1" = 30'

GENERAL NOTES

1. PLAN QUALITY
ALL PLANT MATERIAL SHALL BE EQUAL TO OR BETTER THAN FLORIDA NO. 1 AS CLASSIFIED BY GRADES AND STANDARDS FOR NURSERY PLANTS" BY THE DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE. THEY SHALL HAVE A GROWTH HABIT THAT IS NORMAL FOR THE SPECIES, HEALTHY, VIGOROUS, FREE FROM INSECTS, DISEASE AND INJURY.

2. PLANTING SOIL
ALL PLANT MATERIAL WITH THE EXCEPTION OF PLANT TREE AND BEACH MATERIAL SHALL BE PLANTED WITH THE FOLLOWING SOIL: SOIL SAND AND SOIL MUCK. THERE MUST BE SLIGHT ACID REACTION TO TO THE SOIL WITH NO EXCESS OF CALCIUM OR CARBONATE. SOIL SHALL BE DELIVERED IN A LOSE FRIABLE CONDITION. ANY OTHER SOIL MIX MUST BE SUBMITTED TO AND APPROVED BY THE LANDSCAPE ARCHITECT.

3. FERTILIZER
THE FERTILIZER SHALL BE UNIFORM IN COMPOSITION, DRY AND FREE FLOWING AND SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL UNOPENED CONTAINERS, BEARING THE MANUFACTURE'S GUARANTEED ANALYSIS.

FERTILIZER FOR TREES, SHURBS, CONTAINERIZED GROUNDCOVERS AND VINES SHALL BE AS FOLLOWS: 5 LBS. FTE--3-24-6 #1308 AS MANUFACTURED BY FLORIDA EAST COAST FERTILIZER, CO; HOMESTEAD, FLORIDA AND 2 LBS. FTE--15-5-5--- #2500 OR EQUAL PER CUBIC YARD OF SOIL. FERTILIZER FOR GROUNDCOVER SEEDLING BEDS: BROADCAST 40 OF THE ABOVE MIX FOR EACH 500 SQUARE FEET OF BED AREA. FERTILIZER FOR TURF ESTABLISHMENT: BROADCAST 10# OF FEC-7-11-7 OR EQUAL PER SQUARE FEET (850# PER ACRE)

4. MULCH
SHALL BE SHREDDERED PINE OR EUCHLYTUS MULCH, AND MUST BE APPROVED BY THE LANDSCAPE ARCHITECT.
PLANTING AREAS NOT COVERED BY GRASS SHALL BE MULCHED, TO A DEPH OF TWO INCHES TO PRESENT A FINISHED APPEARANCE. THIS INCLUDES, BUT NOT LIMITED TO, ALL SHURB AND GROUND COVER AREAS.

5. ALL AREAS DESIGNATED AS "SOD" SHALL BE COVERED WITH ST AUGUSTINE 'FLORATAM' SOLID SOD LAID OVER FINELY GRADED 2" SOIL BLANKET.

6. REFER TO THE PLANTING DETAILS ON PAGES C0 THRU 83 IN THE DADE COUNTY LANDSCAPE MANUAL FEBRUARY 1996.

LANDSCAPE LEGEND

1. ALL PLANTS MATERIAL SHALL BE FL NO 1 OR BETTER IN GRADE AND QUALITY.
2. THE SOD MATERIAL TO BE PLANTED SHALL BE ST AUGUSTINE FLORATUM
3. A MINIMUM OF 30% OF THE REQUIRED TREES AND/ OR PALMS SHALL BE NATIVE SPECIES
4. A MAXIMUM OF 20% OF THE NATIVE TREES CAN BE SABAL PALMETTO (CABBAGE PALM)
5. A MINIMUM OF 30% OF THE REQUIRED SHURBS SHALL BE NATIVE SPECIES.

TREE SCHEDULE

SYMBOL ON PLANS			PLANT NAME		NATIVE	CALIPER		HEIGHT		CANOPY
SYMBOL	NEW	EXIST	Botanical	Common	Yes	No	Installed	Installed	Maturity	Maturity
SW	X		Swietenia Mahogani	Mahogany	X		5"	12' Min.	35'-60'	15'-25'
BS	X		Bursera Simaruba	Gumbo Limbo	X		4"	12' Min.	40'-60'	25'-35'
DR	X		Delonix Regia	Royal poinciana	X		4"	12' Min.	25'-40'	40'-50'
AF	X		Acacia farnesiana	Sweet Acacia		X	4"	10' Min.	10'-12'	25'-35'
CS	X		Cordia sebestiana	Geiger Tree	X		5"	12' Min.	40'-50'	to 30'
PP	X		Peltophorum pterocarpum	Yellow poinciana (Caesalpinia)		X	3"	12' Min.	25'-40'	40'-50'

PALM SCHEDULE

SYMBOL ON PLANS			PLANT NAME		NATIVE	CALIPER	HEIGHT		CANOPY
SYMBOL	New	Exist.	Botanical	Common	Yes	No	Installed	Installed	Maturity	Maturity
WR	X		Washingtonia robusta	Washington Palm		X	-	12' Min.	50'-70'	-
SR	X		Syagrus romanzoffiana	Queen Palm		X	-	12' Min.	10'-40'	-
PD	X		Phoenix dactylifera	Date Palm	X		-	12' Min.	60'-70'	-
CC	X		Chrysalidocarpus Cabadae	Areca Palm		X	-	12' Min.	15'-20'	-
RR	X		Roystonea elata	Florida Royal Palm		X	-	12' Min.	50'-70'	-

SHRUB SCHEDULE

SYMBOL ON PLANS			PLANT NAME		NATIVE		SIZE	HEIGHT		SPACING
Symb.	New	Exist.	Botanical	Common	Yes	No	Installed	Installed	Maturity	Installed
GA	X		Galphimia Gracilis	Thrialle			1 Gal.	20"	4'-0"	20" O.C.
IC	X		Ixora	Ixora SP		X	1 Gal.	24"	3'-6"	24" O.C.
CE	X		Conocarpus Erectus	Silver Buttonwood	X		1 Gal.	16"	3'-6"	16" O.C.

GROUND COVERS

SYMBOL ON PLANS			PLANT NAME		NATIVE		SIZE	HEIGHT		SPACING
Symb.	New	Exist.	Botanical	Common	Yes	No	Installed	Installed	Maturity	Installed
RT	X		n/a	Red Tip Cocoplum	X		1 Gal.	-	24"	10" O.C.
HD	X		Helianthus Debilis	Beach Sunflower	X		1 Gal.	-	12"	8" O.C.
VO	X		Tulbaghia Violacea	Society Garlic	X		1 Gal.	-	12"	18" O.C.

LANDSCAPE LEGEND (FOR A TYPICAL LOT)		
	S.F.	ACRES
ZONING DISTRICT TYPICAL LOT NET AREA	217,800.00	5.00
OPEN SPACE	REQUIRED	PROVIDED
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHAPTER 33, AS INDICATED ON SITE PLAN: NET LOT AREA 217,800 SF x 35% = 76,230 SF	76,230.00	173,792.89
B.SQUARE FEET OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 18A,AS INDICATED ON SITE PLAN. No PARKING SPACES 0 x 10 SF = 0	N/A	N/A
C. TOTAL SF OF LANDSCAPE OPEN SPACE REQUIRED BY CHAPTER 33 = A+B	76,230.00	173,792.89
LAWN AREA CALCULATION		
A.TOTAL SF OF LANDSCAPE OPEN SPACE REQUIRED BY CHAPTER 33	76,230.00	173,792.89
B.MAXIMUM LAWN AREA (ROD PERMITTED - 60%) 76,230 x 0.60	45,738.00	45,060.20
TREES	REQUIRED	PROVIDED
A.No TREES REQUIRED PER NET LOT ACRE (5 TREES / NET LOT ACRE) LESS EXISTING NUMBER OF TREES MEETING MINIMUM REQUIREMENTS	40.0	48 8 1 16 16 4
B. % PALMS ALLOWED: No TREES PROVIDED x 30% %PALMS PERMITTED TO COUNT AS STREET TREES ON 1:1 BASIS x 30%	16.8 30%	20 30%
TOTAL PALMS - 2 PALMS COUNT AS 1 TREE	8	10.0
Washingtonia robusta (Washington Palm) Roystonea elata (Florida Royal Palm) Chrysalidocarpus Cabadae (Areca Palm)		5 2 7
C. NATIVES REQUIRED No TREES PROVIDED x 30%	16.0 30%	29 43%
D. STREET TREES (MAXIMUM AVERAGE SPACING OF 30' O.C.): 323 LINEAR FEET ALONG STREET (35 + 10	10.0	10 5
Delonix Regia (Royal poinciana)		5
E.TOTAL TREES PROVIDED	63.25	68.00
A.No SHRUBS REQUIRED	833	880
B.% NATIVES ALLOWED x 30% (NATIVE SHRUB REQUIRED	160	800

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REVISIONS :
1 - 02. 26. 2008
2 - 08. 22. 2008
3 - 09. 09. 2008

"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

TYP. LOT LANDSCAPE PLAN

DATE : 12.03.2007
SCALE : IND.
DRAWN : ID
JOB NO. :

L-5

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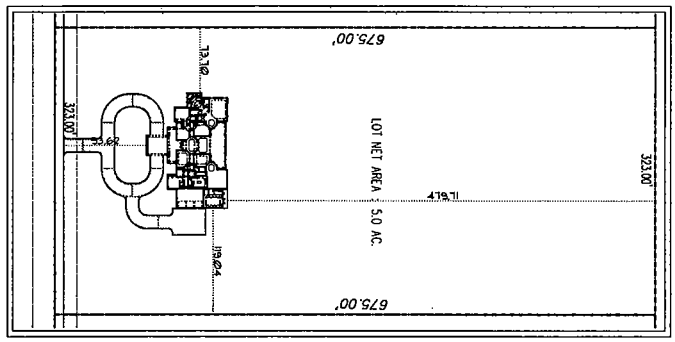

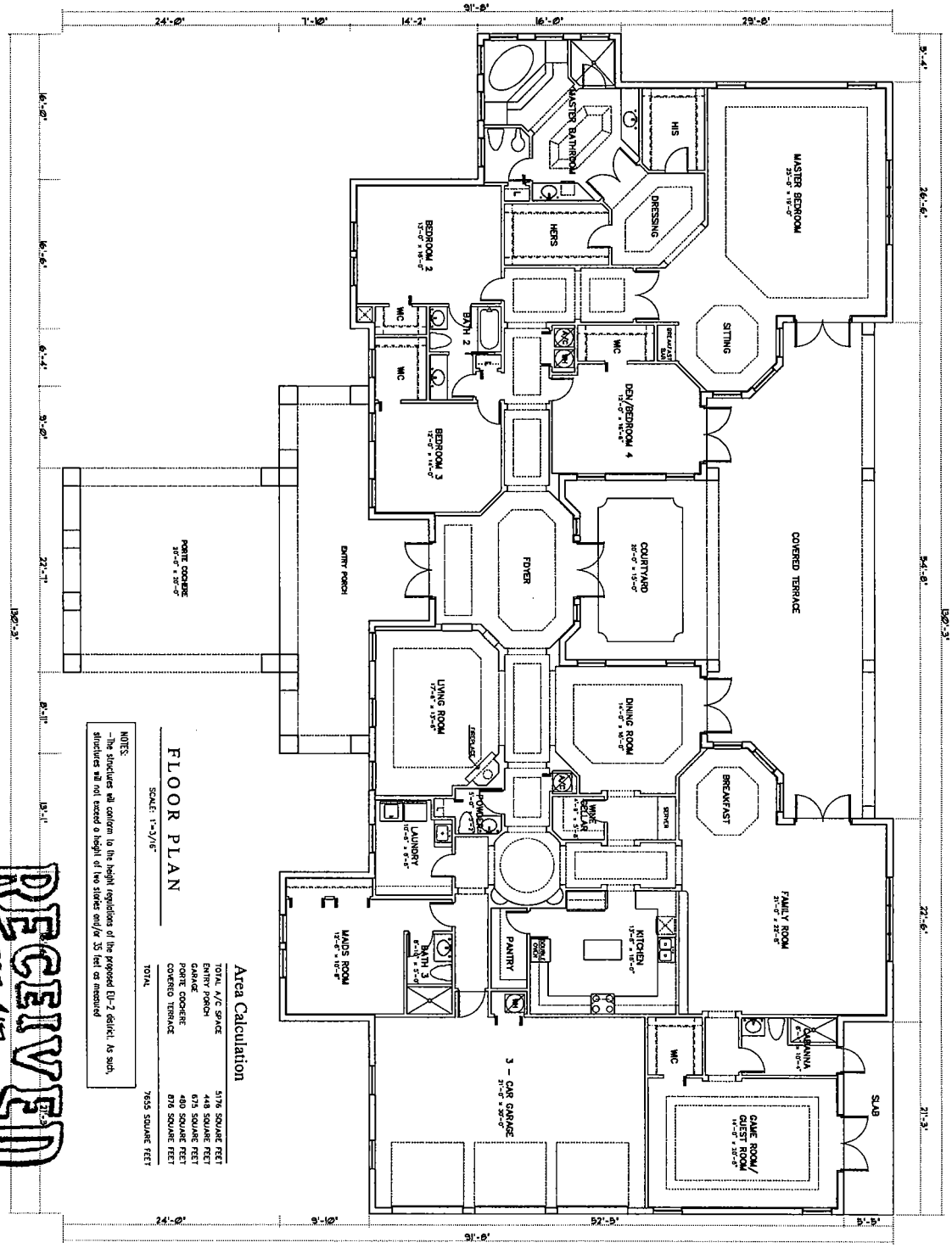

FLOOR PLAN

SCALE: 1"=1'/16"

NOTES:
- The structures will conform to the height regulations of the proposed EU-2 district. As such, structures will not exceed a height of two stories and/or 35 feet as measured

Area Calculation

TOTAL A/C SPACE	5176 SQUARE FEET
ENTRY PORCH	448 SQUARE FEET
GARAGE	675 SQUARE FEET
PORTE COCHERE	480 SQUARE FEET
COVERED TERRACE	876 SQUARE FEET
TOTAL	7655 SQUARE FEET

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MIAMI DADE COUNTY, FLORIDA

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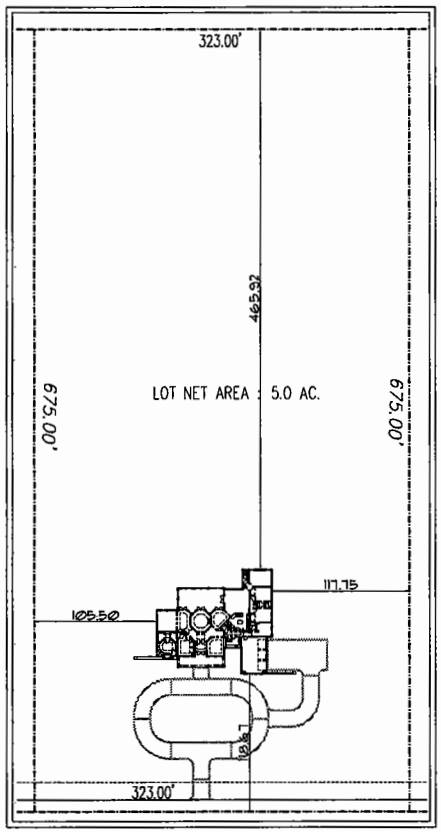
REVISIONS:
1- 02.26.2008

UNIT "A"
FLOOR PLAN
DATE: 12.03.2007
SCALE: 1/8"
DRAWN: RD
JOB NO.:

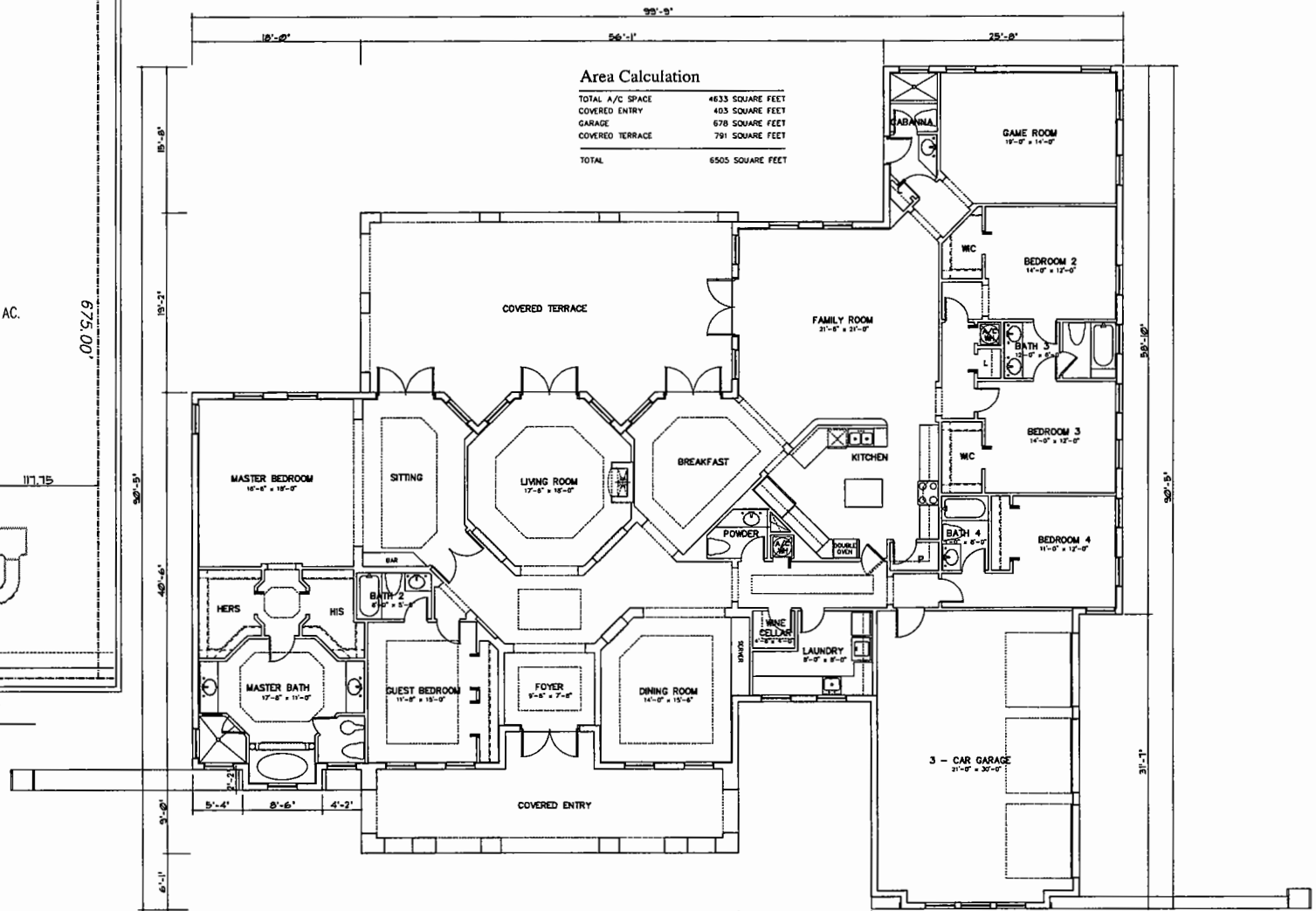
SHEET NO.: A-1

52



FLOOR PLAN

N.T.S



Area Calculation

TOTAL A/C SPACE	4633 SQUARE FEET
COVERED ENTRY	403 SQUARE FEET
GARAGE	678 SQUARE FEET
COVERED TERRACE	791 SQUARE FEET
TOTAL	6505 SQUARE FEET

FLOOR PLAN

SCALE: 1"=1/8"

NOTES:
-The structures will conform to the height regulations of the proposed CO-2 district. As such, structures will not exceed a height of two stories and/or 75 feet as measured

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REVISIONS:
1 - 02. 28. 2008

"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

UNIT "B"

FLOOR PLAN

DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

A-4

SHEET NO.:

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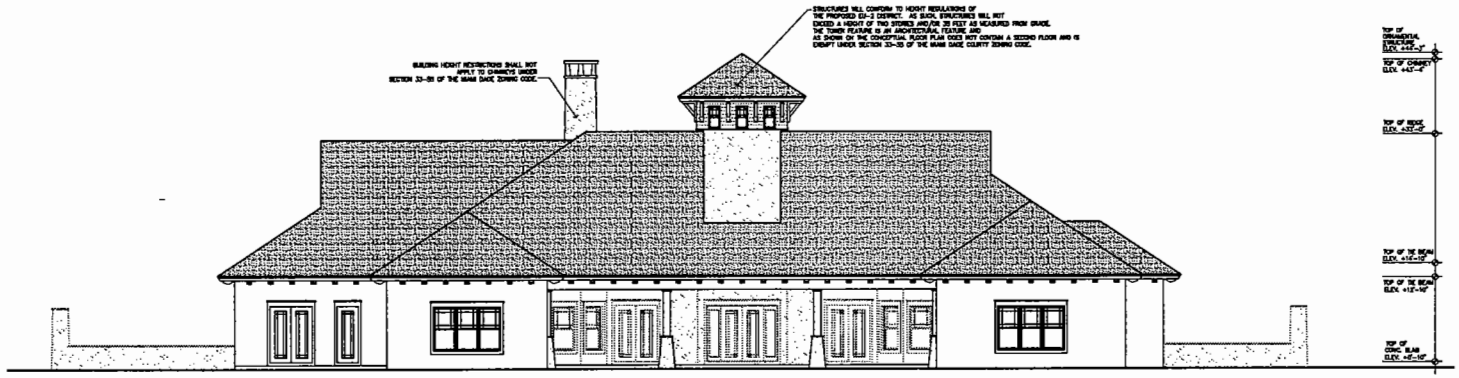
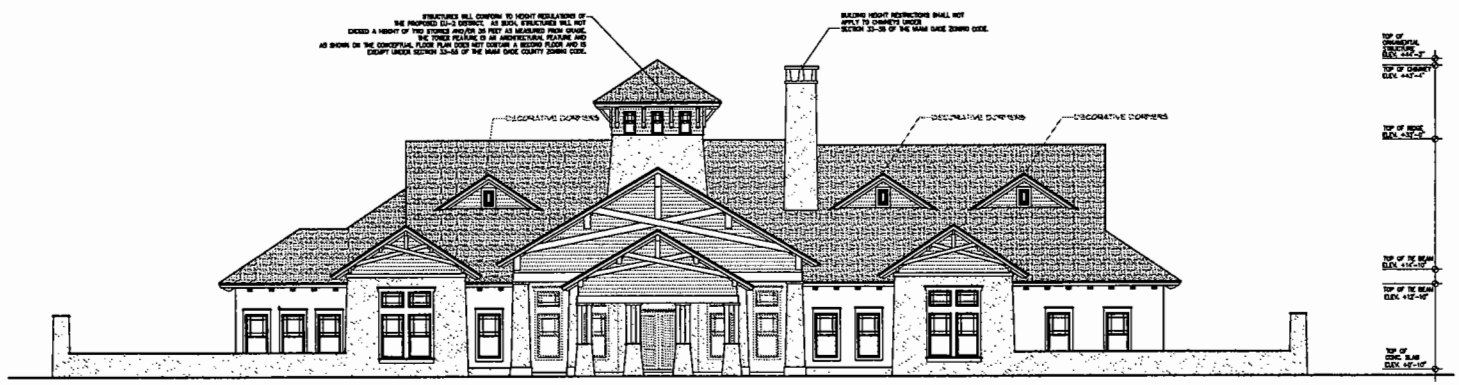
53



REAR ELEVATION

SCALE: 1"=1/8"



FRONT ELEVATION

SCALE: 1"=1/8"

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"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

UNIT "A"

FRONT & REAR ELEVATION

DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

A-2

SHEET NO.:

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MIAMI-DADE COUNTY
PLACE: FEB 29 2008
DATE: FEB 29 2008
BY: CARDEN

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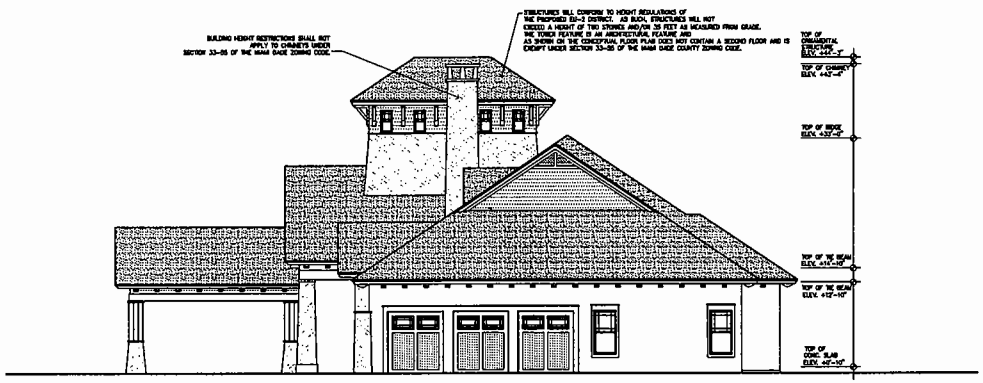
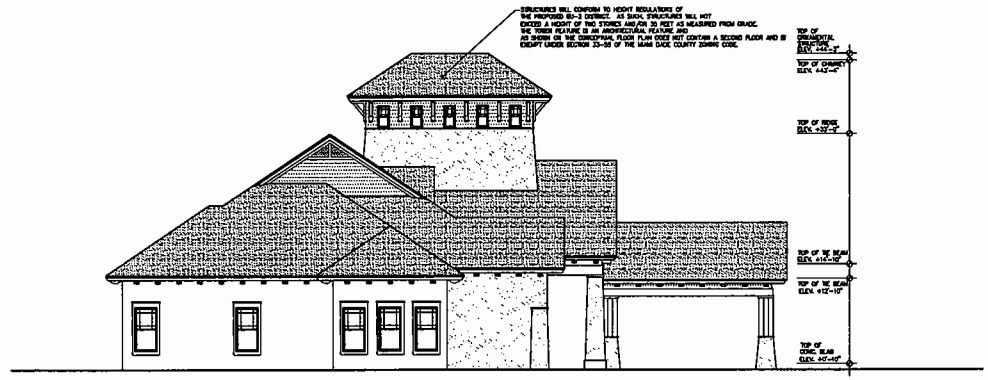


LEFT SIDE ELEVATION

SCALE: 1"=1/8"



RIGHT SIDE ELEVATION

SCALE: 1"=1/8"

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"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

UNIT "F"

RIGHT & LEFT SIDE ELEVATIONS

DATE: 12.03.2007
SCALE: NO.
DRAWN: ID
JOB NO.:

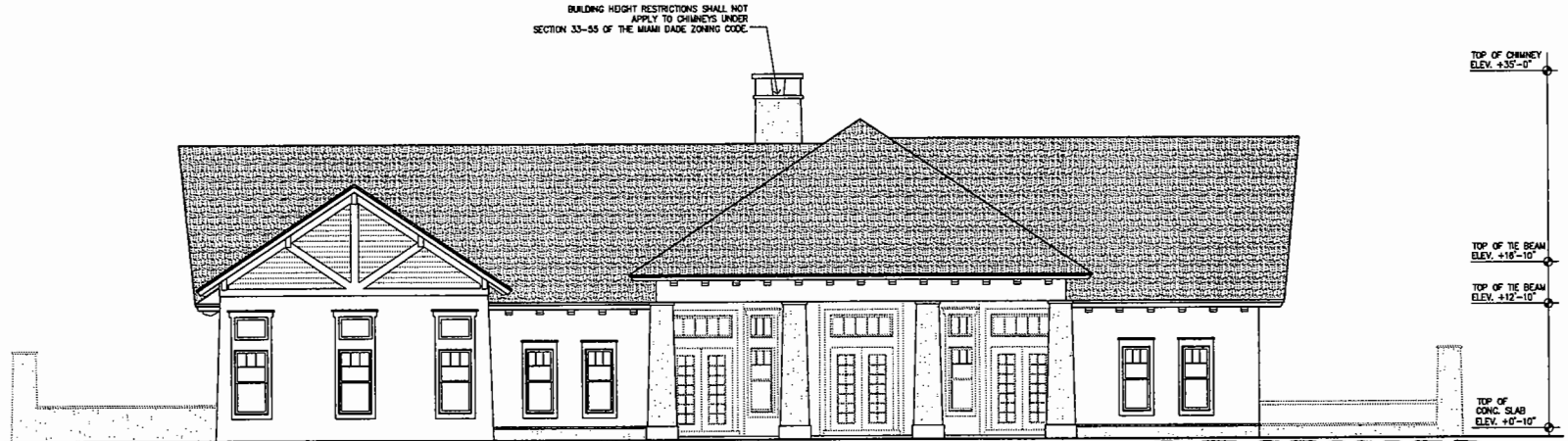
A-3

SHEET NO.:

55

FRONT ELEVATION

SCALE: 1'=1/8"



REAR ELEVATION

SCALE: 1'=1/8"

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REVISIONS:
1 - 02. 28. 2008

"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

UNIT "B"

FRONT & REAR ELEVATION

DATE: 12.03.2007
SCALE: IND.
DRAWN: ID
JOB NO.:

A-5

SHEET NO.:

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MIAMI-DADE COUNTY
PROCESSING DIVISION
DATE: 2/28/2008
BY: CHARLIE

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1- 02.26.2008

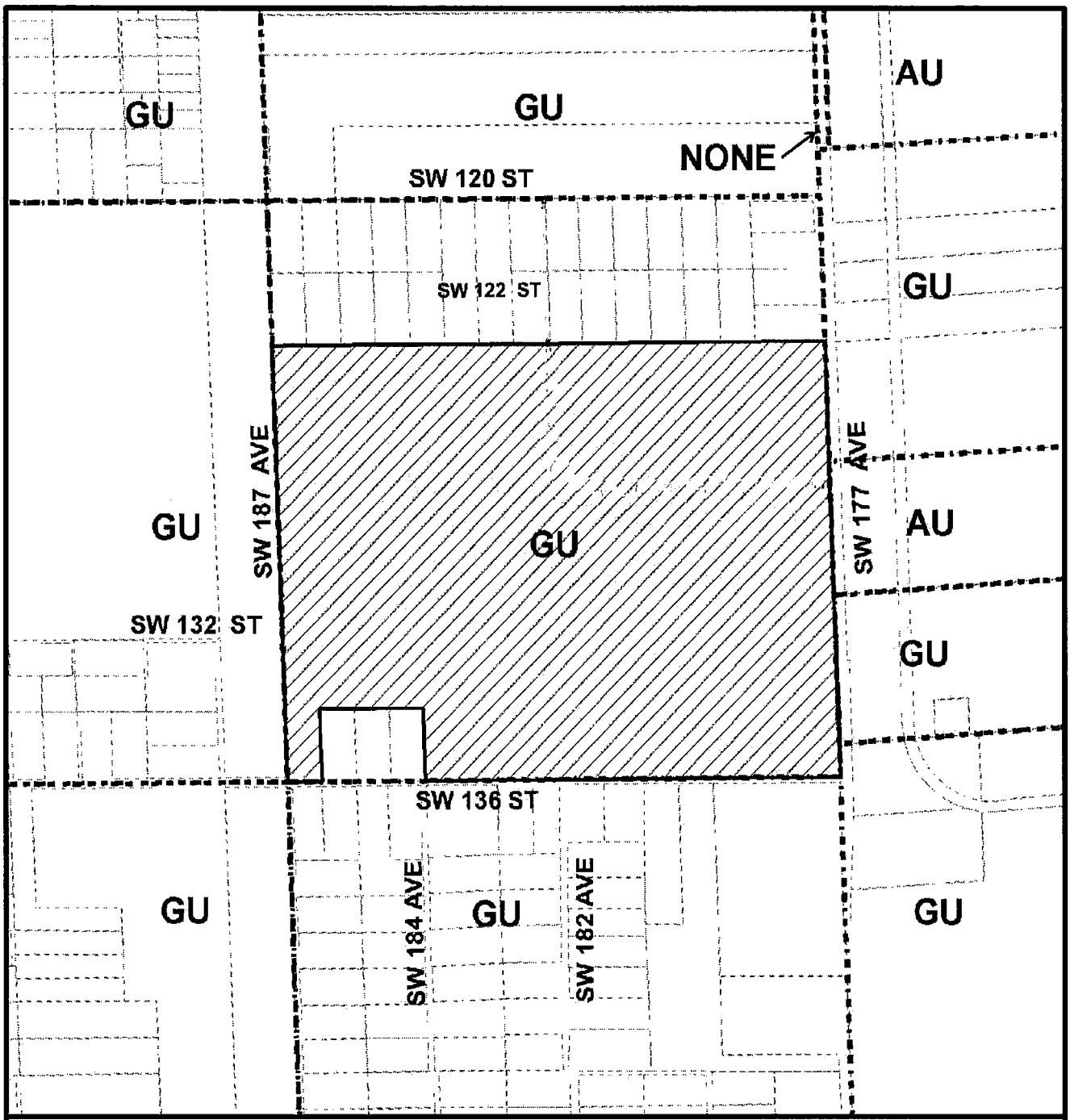
"Paradise Lake Ranches"
Krome Gold Ranches II LLLP
MIAMI DADE COUNTY, FLORIDA

UNIT "A"

ROOF & 1ST. SEE ELEVATIONS

DATE: 12/07/2007
SCALE:
DRAWN: EG
JOB NO.:

A-6
SHEET NO.:



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-417

N

SUBJECT PROPERTY

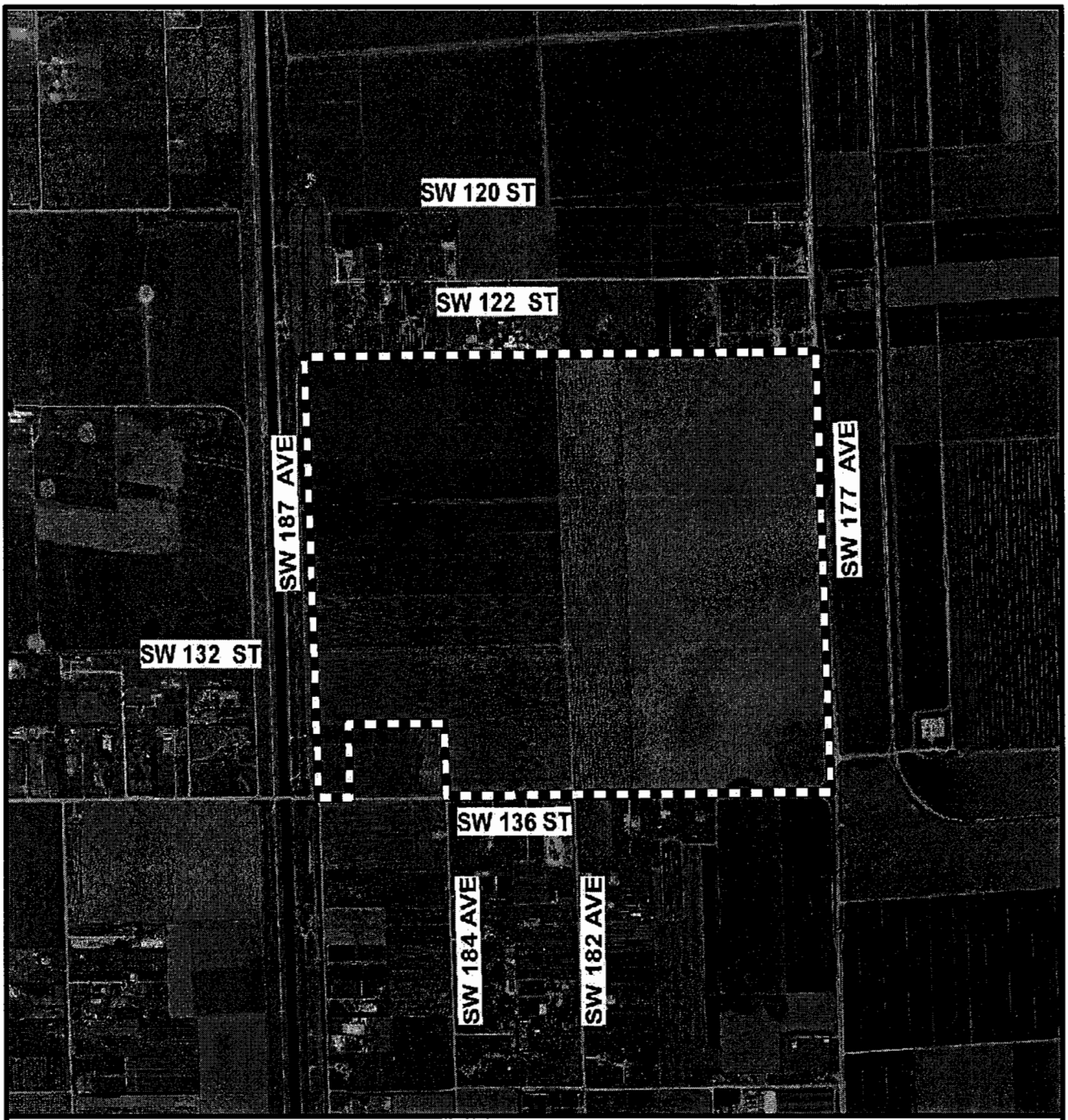
Section: 13 Township: 55 Range: 38
Applicant: KROME GOLD RANCHES II, LLLP
Zoning Board: BCC
District Number: 09
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 01/14/08

REVISION	DATE	BY
Remove Zone A, Zone Line, Change Board to BCC	01/24/08 08/28/08	BS KWS

57



MIAMI-DADE COUNTY
AERIAL

Process Number
07-417

N

SUBJECT PROPERTY

Section: 13 Township: 55 Range: 38
Applicant: KROME GOLD RANCHES II, LLLP
Zoning Board: BCC
District Number: 09
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 01/14/08

REVISION	DATE	BY
Remove Zone & Zone Line Change Board to BCC	01/14/08 08/28/08	KS KWS

B. DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL
(Applicant)

08-9-CC-1 (06-125)
BCC/District 1
Hearing Date: 10/23/08

Property Owner (if different from applicant) **County Line So. Properties, Ltd.: So. Fl. Stadium Corp., Dolphin Center Properties, Fin Associates, LLC, and David & Peter Morton.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1956	Larem, Inc.	- Zone change from AU, RU, and RU to RU-1. - Special exception to permit a lift station.	BCC	Approved in part w/conds.
1956	Larem, Inc.	Modification of resolution.	BCC	Approved
1977	Emil Morton	Zone change from RU-TH to BU-1 and BU-1A.	BCC	Approved w/conds.
1977	Janis Enterprises	Zone change from RU-1 and AU to RU-1, RU-TH, BU-1 and BU-1A.	BCC	Approved w/conds.
1985	Dolphin Stadium Corporation & Joseph Robbie, and Emil & Lottie Morton	Development of Regional Impact (DRI).	BCC	Approved w/conds.
1985	Dolphin Stadium Corporation and Joseph Robbie; & E. I. Morton and L. Morton Trust	- Zone change from RU-TH, RU-1, BU-1 and BU-1A to BU-2 and RU-4A. - Unusual Use sport stadium, hotel. - Non-Use variance of zoning regulations.	BCC	Approved w/conds.
1986	Dolphin Stadium Corp.	Amendment to DRI.	BCC	Approved w/conds.
1987	Dolphin Stadium Corp.	Amendment to DRI.	BCC	Approved
1987	Dolphin Stadium Corp.	Variance of signs.	BCC	Approved
1988	Robbie Stadium Corp.	Amendment and modification to DRI.	BCC	Approved
1988	Robbie Stadium Corp.	Amendment and modification to DRI.	BCC	Approved
1990	Robbie Stadium Corp.	- Amendment and modification to DRI. - Modification of conditions.	BCC	Approved on a modified basis
1993	Robbie Stadium Corp.	Modification of resolution and amendment to DRI.	BCC	Approved on a modified basis
1993	Robbie Stadium Corp.	Modification of one condition of a previous resolution.	BCC	----

Continuation from Page 1

B. DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL (Applicant)

08-9-CC-1 (06-125)
BCC/District 1
Hearing Date: 10/23/08

Year	Applicant	Request	Board	Decision
1995	Richard Morton, et al (Robbie Stadium Corp. et al)	Modification of condition of resolution.	BCC	Approved on a modified basis
1995	Robbie Stadium Corp.	To make Substantial Deviation Determination & modification of condition.	BCC	Approved w/conds.
1995	Robbie Stadium Corp.	- Zone change from RU-4A to BU-2. - Special exception to permit Hotel, parking. - Non-Use variance of zoning regulations. - Modification of resolution.	BCC	Approved w/conds.
1996	Robbie Stadium Corp.	- Non-Use variance of zoning regulations. - Unusual Use to permit outdoor dining.	ZAB	Approved w/conds.
1998	Dolphin Center Properties	Modification of resolution.	CZAB-3	Approved w/conds.
1999	Robbie Stadium Corp., et al	Amendment & modification to a DRI.	CZAB-3	Denied
2004	County Line South Properties, Ltd.	Modification of a resolution.	BCC	Approved w/conds.
2005	Peter Morton Trust, et al	- Amendment to DRI. - Zone change from BU-2 and RU-4A to BU-2 and RU-4A. - Special exception to permit a commercial development. - Non-Use variance of zoning regulations.	BCC	Approved in part
2006	Richard Morton, et al	Amendment and modification to DRI.	BCC	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

2

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: September 18, 2008 **#Z-**

ITEM: 3.

APPLICANT: DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL (08-9-CC-1)

ACTION: Deferred the application to October 23, 2008 and directed the Offices of the County Manager and County Attorney to meet with the applicant to address issues related to this application.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				X
Edmonson				X
Gimenez		X		
Heyman				X
Martinez				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson	S	X		
Sosa				X
Souto		X		
Vice Chairwoman Jordan	M	X		
Chairman Barreiro		X		
TOTAL		7	0	6

Memorandum

MIAMI-DADE COUNTY

Date: October 23, 2008

To: Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Dolphin Center Properties, et al (Z06-125)

SUMMARY OF REQUESTS:

The applicants are seeking a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes in order to bifurcate the Dolphin Center Development of Regional Impact (DRI) into two DRI Development Orders (D.O.s), Dolphin Center North and Dolphin Center South, to extend the time for the build out date for both parcels, and to allow the inclusion of workforce housing on the South Parcel. Additionally the applicant is seeking to delete multiple resolutions which approved and amended the original DRI and to permit the adoption of a separate Development Order for the North Parcel to be named Dolphin Center North and the approval of a separate Development Order on the South Parcel to be named Dolphin Center South. Although the entire DRI is within the City of Miami Gardens, this matter is before the Board of County Commissioners because the City of Miami Gardens Charter provides that Miami-Dade County retain jurisdiction over the Dolphin Center DRI Development Order. The City of Miami Gardens has zoning jurisdiction over the South Parcel only; and the zoning for the North Parcel remains within the County's jurisdiction.

LOCATION: Lying between N.W. 17 Avenue and N.W. 27 Avenue and on both sides of N.W. 199 Street, City of Miami Gardens, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting a modification of conditions of a previously approved DRI. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

The Executive Council adopted the recommendation of the Department of Planning & Zoning with modifications, as noted below. Specifically, the Executive Council found that the proposed application does not create a substantial deviation (Request #1) and that the approval of requests #2 and #3 with conditions and the modified approval with conditions of request #4 (relating to the Department of Planning and Zoning's proposed conditions 31, 34, 38, 39, and 41) will be **consistent** with the CDMP, **compatible** with the surrounding area, and would not have an unfavorable effect on the economy of Miami-Dade County, Florida. In addition, the Executive Council found that this application also would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction.

Approval with conditions as set forth in the Department's recommendation with additional changes. The following is a list of all new conditions and modifications to existing conditions as recommended by the Executive Council:

1. Condition #40 of request #3 (set forth in Schedule 1) is recommended to read as follows (this is a modification of an existing condition):

   The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center North Development Order as amended and specifying that the Development Order runs with the land and is binding on all the applicants, its successors, and/or assigns, jointly and severally.

2. Condition #43 of request #3 (set forth in Schedule 1) is recommended to read as follows (this is a new condition):

   This development order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to Section 380.06(19), Florida Statutes. This bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that subsequent proposed changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with Section 380.06(19), F.S.

3. Condition #44 of request #3 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

   That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the

departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

4. Condition #45 of request #3 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

That the applicants comply with all the conditions in this Development Order.

5. Condition #31 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a modification of an existing condition):

That the applicant submit a revised covenant with the City of Miami Gardens to reflect the following work force housing language: That prior to the issuance of the building permit for any dwelling unit, the owner shall designate at least ten (10) percent of the residential units on the Dolphin Center South property for persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the most recent median family income for Miami-Dade County reported by the United States Department of Housing and Urban Development as maintained by the Department of Planning and Zoning. The work force housing units shall have a one-time-only ten (10) year control period. The owner shall record in the public records a Declaration of Restrictions in a form acceptable to Miami-Dade County that encumbers the work force housing units in the entire development, specifying the restrictions of the work force housing units and such further arrangements, restrictive covenants, and resale restrictions. The applicant shall provide a biannual inventory report to the City of Miami Gardens of all such units sold.

6. Condition #34 of request #4 (set forth in Schedule 2) is recommended to read as follows (this is a modification of an existing condition):

That all future development orders, permits, and zoning actions obtained by the Applicant from the City of Miami Gardens shall be consistent with this D.R.I. Development Order. The City of Miami Gardens shall receive and review recommendations from the Department of Environmental Resources Management and Miami-Dade Fire Department, or equivalent City departments, if such departments are created, before approving any zoning application for the subject property.

7. Condition #35 of request #4 (set forth in Schedule 2) is recommended to read as follows (this is a modification of an existing condition):

The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center South Development Order as amended and specifying that the Development Order runs with the land and is binding on the Applicant, its successors, and/or assigns, jointly and severally.

8. Conditions #38 and #39 of request #4 (set forth in Schedule 2) are recommended to be combined into a single condition #38 and modified to read as follows (this is a new condition):

This Development Order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to section 380.06(19), Florida Statutes (2007). Bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that subsequent proposed changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with section 380.06(19), F.S.

9. Condition #39 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

   That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments on both Dolphin Center North and Dolphin Center South as contained in the departmental memoranda, which are part of the record of this recommendation incorporated herein by reference.

10. Condition #40 of request #4 (set forth in Section J of the Department's Recommendation) is recommended to read as follows (this is a new condition):

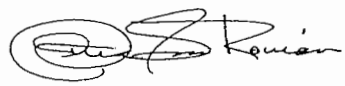
    That the applicants comply with all the conditions in this Development Order.

11. Condition #41 of request #4 (set forth in Section J of the Department's Recommendation) is rejected as redundant.

APPLICATION NO. Z06-125
DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL

Respectfully Submited,

DIC Executive Council
August 06, 2008

Susanne M. Torriente Assistant County Manager		AYE
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department		AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat		AYE
Marc C. LaFerrier, AICP, Director Department of Planning and Zoning		AYE
Esther Calas, P.E., Director Public Works Department		AYE
Carlos Espinosa, P.E., Director Department of Environmental Resources Mgmt		Absent
John W. Renfrow, P.E., Director Miami-Dade Water and Sewer Department		Absent

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENTAL IMPACT COMMITTEE

APPLICANT: Dolphin Center Properties, David Morton, Et Al **PH:** 06-125

SECTION: 34-51-41 & 3-52-41 **DIC DATE:** August 6, 2008

COMMISSION DISTRICT: 1

==========

A. INTRODUCTION

o REQUESTS:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19) of the Florida Statues with respect to the bifurcation of the Dolphin Center Development of Regional Impact (DRI), an extension of time for the build out date, and the inclusion of workforce housing on the South Parcel.

(2) DELETION of Resolution No. Z-210-85, as amended by Z-147-86, as further amended by Z-342-87, as further amended by Z-157-88, further amended by Z-195-88, further amended by Z-185-90, further amended by Z-40-93, further amended by Z-11-95, further amended by Z-131-95, and last modified by Z-30-99 (as it pertains to the North and South Parcels) and by Z-27-06 (as it pertains to the South Parcel only).

(3) Approval of an amended Development Order for the North Parcel, to be named Dolphin Center North.

REQUEST #3 ON SCHEDULE 1:

(4) Approval of an amended Development Order on the South Parcel, to be named Dolphin Center South.

REQUEST #4 ON SCHEDULE 2:

The purpose of these requests is to modify the existing development order into two (2) separate development orders and to extend the buildout date on both, and to provide for the inclusion of workforce housing and the provision of easements for the proposed Metrorail North Corridor on the South Parcel. The above referenced Resolutions are on file with the Department of Planning and Zoning and may be accessed through the Miami-Dade County website.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under Section 33-311(A)(7) (Generalized Modification Standards) or Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

- **SUMMARY OF REQUESTS:**

The applicants are seeking a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes in order to bifurcate the Dolphin Center Development of Regional Impact (DRI) into two DRI Development Orders (D.O.s), Dolphin Center North and Dolphin Center South, to extend the time for the build out date for both parcels, and to allow

the inclusion of workforce housing on the South Parcel. Additionally the applicant is seeking to delete multiple resolutions which approved and amended the original DRI and to permit the adoption of a separate Development Order for the North Parcel to be named Dolphin Center North and the approval of a separate Development Order on the South Parcel to be named Dolphin Center South. Although the entire DRI is within the City of Miami Gardens, this matter is before the Board of County Commissioners because the City of Miami Gardens Charter provides that Miami-Dade County retain jurisdiction over the Dolphin Center DRI Development Order. The City of Miami Gardens has zoning jurisdiction over the South Parcel only; and the zoning for the North Parcel remains within the County's jurisdiction.

- **LOCATION:** Lying between N.W. 17 Avenue and N.W. 27 Avenue and on both sides of N.W. 199 Street, City of Miami Gardens, Florida.

- **SIZE:** 350 acres

- **IMPACT:**

  The approval of the application would extend the buildout date, bifurcate the current DRI into two Development Orders, one governing the Dolphin Center North Parcel and the other governing the Dolphin Center South Parcel. However, since the entitlements of the total square footage of development allowed by the DRI will not be amended, the application will not create any additional impacts to public services than those previously considered by all agencies. Additionally, the inclusion of workforce housing and the provision of easements for the proposed Metrorail North Corridor on the South Parcel will not create additional impacts on the surrounding community.

B. ZONING HEARING HISTORY:

In 1956, pursuant to Resolution #10255, the Board of County Commissioners (BCC) approved a district boundary change on a portion of the subject property from AU, Agricultural District, GU, Interim District, and RU-1, Single Family Resident District, to RU-1, which also included a special exception to permit the installation of a sewage lift station and main pump station. Subsequently, in 1956, Resolution #10577 amended Resolution #10255, allowing the reconfiguration of the lots on the subject property. The BCC approved the following zone changes on the various parcels of the subject property pursuant to Resolution #Z-84-77: from RU-1 to RU-TH, Townhouse District, from AU and RU-1 to RU-1, from RU-1 to BU-1 and from BU-1 to BU-1A, Limited Business District. Pursuant to Resolution #Z-255-77, in 1977, the BCC approved a district boundary change from RU-TH, Townhouse District, to BU-1, Neighborhood Business District. Pursuant to Resolutions #Z-210-85 (the original D.O.) and #Z-211-85, the BCC approved the Dolphin Center Development of Regional Impact (DRI) and a district boundary change from RU-TH and RU-1 to OPD, Office Park District. In June 1986, pursuant to Resolution #Z-147-86, the BCC made a finding of no substantial deviation and modified certain conditions of Resolution #Z-210-85. The BCC, pursuant to Resolution # Z-342-87, in December 1987, modified various conditions of Resolution #Z-210-85 based on a finding that said changes did not constitute a substantial deviation. Also in December 1987, pursuant to Resolution #Z-343-87, a non-use variance was approved on the subject property varying sign heights, clearance and logo restrictions. Resolutions #Z-157-88 and Z-195-88, which the BCC approved in July and September 1988, modified the D.O. based on a finding that said modification did not constitute a substantial deviation. In September 1990, pursuant to

Resolution #Z-185-90, the BCC modified conditions of the previous Development Order. In 1993 and 1995 pursuant to Resolutions #Z-40-93, Z-11-95 and Z-131-95 several modifications to the Development Order were approved. Resolution #Z-131-A95 was approved in 1995 by the BCC and included a district boundary change from RU-4A, Apartment Hotel/Motel District, to BU-2, Special Business District, a special exception to permit a hotel in the BU-2 zone, a special exception requesting site plan approval for a parking lot, non-use variances to waive parking regulations requiring parking areas to be striped and to be topped with oil and sand or with asphalt, non-use variances to waive a 5' high decorative masonry wall set in 10' from the rear (north) property line and waiving the 10' strip of land to be landscaped and waiving the required 5' high decorative masonry wall along the common property line separating the RU4-A and BU-2 Districts. Additional requests included an unusual use to permit the expansion of the stadium and a modification of a condition of Resolution #Z-131A-95. Pursuant to Resolution #5-ZAB-84-96, in 1996, the Zoning Appeals Board approved a non-use variance waiving the requirement that all uses be conducted within completely enclosed buildings, to permit two tents to be used for the sale of food, alcoholic beverages, retail merchandise and for entertainment purpose, a non-use variance waiving the requirement that all uses be conducted within completely enclosed buildings, to permit certain outdoor games and activities to occur in conjunction with the stadium events, an unusual use to permit outdoor dining in conjunction with the tents and a special exception of spacing requirements as applied to alcoholic beverage establishments to permit the sale of alcoholic beverages from the tents to be spaced less than the required 1500' from other existing alcoholic beverage establishments and less than the required 2500' from existing schools. In 1998, pursuant to Resolution #CZAB3-13-98, the Community Zoning Appeals Board #3 approved a modification of Resolution #Z-131A-95 to waive the conditions imposed only during the 1999 Superbowl festivities. Resolution #CZAB3-6-99 requesting a substantial deviation determination and modification of previous conditions was denied by Community Zoning Appeals Board #3 in 1999. In 2004, pursuant to Resolution #Z-34-04, the BCC approved the modification of conditions to Resolutions # Z-131A-95 and Z-211-85. In 2005, the BCC, pursuant to Resolution #Z-1-05 approved, on a portion of the subject property, a district boundary change from RU-4A to BU-2, a special exception to permit site plan approval for a commercial development, waiving the landscape regulations for trees in the swale area or property lines along right-of-way and found there was not a substantial deviation. In 2006, pursuant to Resolution #Z-27-06, the BCC made a finding of no substantial deviation and modified various conditions of Resolutions #Z-210-85, as last modified by Resolution # Z-30-99 on a portion of the subject property.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan designates the subject property (BU-2, RU-4A, and OPD portions) as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks,

municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.

2. The adopted 2015 and 2025 Land Use Plan designates a portion of the subject property (RU-TH, RU-1 portions) as being within the Urban Development Boundary for **Low Density Residential.** The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

3. The adopted 2015 and 2025 Land Use Plan designates a portion of the subject property (OPD portion along N. W. 199 Street and abutting the Florida Turnpike) as being within the Urban Development Boundary for **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunications facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

4. The adopted 2015 and 2025 Land Use Plan designates a portion of the subject property abutting the Florida Turnpike to the east and N.W. 195 Street to the south as being within the Urban Development Boundary for **Environmentally Protected Parks.** The land designated as "Environmentally Protected Parks is environmentally sensitive and includes tropical hardwood hammocks, high-quality Dade County pinelands and viable mangrove

forests. Some sites proposed for public acquisition under Miami-Dade County Environmentally Endangered Lands (EEL), Florida's Conservation and Recreational Lands (CARL) and Florida Forever programs are identified in this category on the LUP map although they may be as small as ten acres in size. All portions of parkland designated Environmentally Protected Parks or other parkland which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development for the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas.

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

6. **Policy LU-1A.** High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

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

8. **Policy LU-1G.** Business developments shall preferably be placed in cluster or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

9. **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.

10. **Objective LU-6.** Miami-Dade County shall protect, preserve, ensure the proper management, and promote public awareness of historical, architectural and archaeologically significantly sites and districts in Miami-Dade, and shall continue to seek the addition of new listings to the National Register, and increase the number of locally designated historical and archeological sites, districts and zones.

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

12. **Policy 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.

13. **Uses and Zoning Not Specifically Depicted on the LUP Map.** Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

14. **Policy HO-3F.** By the end of 2006 an inclusionary zoning program which involves private sector developments in the provision of work force housing will be implemented. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.

15. **Objective HO-6.** Increase affordable housing opportunities for very low, low, and moderate-income households within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.

16. **Urban Center.** Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate to high intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to nearby expressway or major roadways to ensure a high level of countywide accessibility.

    The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

    The core of the centers should contain business, employment, civic, and/or high or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be

increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning and evening commute or lunch hour.

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development of these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Activities

Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses are encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Radius

The area developed as an urban center shall extend to one mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile form such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1300 feet.

Streets and Public Spaces

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edged landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixture and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenade, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances.

Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Buildings

Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Intensity

Regional and Metropolitan Urban Centers shall be intensively developed. They should be developed at the highest intensities of development in the urbanized area. Floor area ratios (FARs) in Regional Urban Centers designated on the LUP map should average not less than 4.0, including parking structures, in the core of the center and around mass transit stations, and should taper to an average of not less 2.0 near the edge of the center. Average FARs, including parking structures, for developments in Metropolitan Urban Centers designated on the LUP map should not be less than 3.0 at the core adjacent to transit stations sites and should taper to not less than 0.75 at the edge. Community Centers should average a FAR of 1.5, including parking structures, at the core adjacent to transit station sites and should taper to an average of approximately 0.5 at the edge, but around rail rapid transit stations they shall be developed at densities and intensities no lower than those provided in Policy 7F. Height of buildings at the edge of Metropolitan Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Land Use Policy LU-7F.

17. **Policy HO-3F.** By the end of 2006 an inclusionary zoning program which involves private sector developments in the provision of work force housing will be implemented. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1,RU-TH, RU-4A, BU-2, OPD vacant property, retail stores, stadium *City of Miami Garden	Business and Office, Low Density Residential, 2.5 to 6 dua, Office/ Residential, Environmentally Protected Parks
Surrounding Properties:	
NORTH: RU-1, RU-3M, AU, RU-4L; canal, single-family residences, vacant land	Business and Office
SOUTH: BU-2, RU-1; single-family residences	Business and Office
EAST: RU-1, GP, AU, BU-1A; Florida Turnpike	Low Density Residential, 2.5 to 6 dua
WEST: BU-1A, BU-2, RU-4L, RU-1;	Low Medium Density Residential 6 to 13 dua

The subject property is located on the northern boundary of Miami-Dade County, within the City of Miami Gardens. The Dolphin Stadium, parking areas, two large retail stores, single-family homes and townhouse developments characterize the area. Commercial centers, restaurants and office uses are found along NW 27 Avenue, between NW 199 Street and NW 183 Street (Miami Garden Drive).

E. SITE AND BUILDINGS:

Site Plan Review: (No plans submitted)

F. PERTINENT REQUIREMENTS/STANDARDS:

Florida Statutes §380.06(19) Developments of Regional Impact-Substantial Deviation
The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 10 percent or 330 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 10 percent or 1,100 spectators, whichever is greater.

5. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.

6. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

8. An increase in commercial development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10-percent increase of either of these, whichever is greater.

9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.

11. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

12. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

13. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

14. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 5., 8., 9., and 12., excluding residential uses, and in subparagraph 13., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to the development permits. Any extension of the buildout date of the project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the

2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) 1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided a developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.

l. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or

without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k. and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

   a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

   b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

(f) **1.** The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the

developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 33-311(A)(7) (Generalized Modification Standards). The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The Community Zoning Appeals shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and modify or eliminate

any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs of this section have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Water and Sewer	No objection
Solid Waste	No objection
Aviation	No objection*
Historical Preservation	No objection

*Subject to conditions indicated in their memoranda

H. ANALYSIS

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes as it pertains to Resolution #Z-210-85 (the original Development Order). Said Development Order (D.O.) was amended by Resolutions #Z-147-86, #Z-342-87, #Z-157-88, #Z-195-88, #Z-185-90, #Z-40-93, Z-11-95, #Z-131-95, #Z-30-99 and last modified by #Z-27-06 (as it pertains to the South Parcel only). The purpose of this substantial deviation determination is pursuant to the proposed bifurcation of the Dolphin Center DRI into two (2) Development Orders; to extend the buildout date as last modified by Resolution #Z-30-99 from October 11, 2007 to October 10, 2017; and include workforce housing on the South Parcel. The applicants are also seeking to delete Resolution #Z-210-85 and all of the modifications to this D. O. from 1985 to 2006 (request #2). The bifurcation would allow a separate Development Order for the North Parcel to be named Dolphin Center North (request #3) and one for the South Parcel to be named Dolphin Center South (request #4). Schedule I (Dolphin Center North) and Schedule II (Dolphin Center South) are provided as part of this application. The two schedules reflect both the original Development Order and the new Development Orders' conditions referenced in bold type. The original DRI was approved by the Board of County Commissioners (BCC) on September 26, 1985 on 432 acres more or less, consisting of a 73,000 seat sports stadium, retail uses containing a total of 540,000 square feet, office/trademart facilities containing a total of 400,000 square feet, office space of 1,800,000 square feet, 2 hotels with a combined total of 800 rooms, and a sports medicine/fitness center containing 100,000 square feet. The intent of this request is to bifurcate the North and South portions of the subject property to enable the owners of the North and South portions of the Dolphin Center DRI to operate separately and apart from the other,

provided that future changes to each D.O.s will be analyzed taking in account the unbuilt development on both D.O.s as committed development in any subsequent impact analysis. Therefore, staff recommends as a condition for approval of this application that any subsequent proposed modifications to the Dolphin Center South DRI Development Order development program or buildout dates will be reviewed for impacts cumulatively with the Dolphin Center North DRI, and any subsequent proposed modifications to the Dolphin Center North DRI Development Order development program or buildout dates will be reviewed cumulatively for impacts with the Dolphin Center South DRI, consistent with section 380.06(19) of the Florida Statutes. As of the date of this hearing, the Dolphin Center North has been approved for a 74,916-seat stadium, 140,000 sq. ft. retail and 325,000 sq. ft. office space, a 450 room hotel and a 50,000 sq. ft. fitness center. In addition, a 21.85 acre landscape buffer and bike path, park, scrub oak preserve and archaeological midden are part of the North development. Currently, the stadium and parking lots are developed on the North Parcel. The Dolphin Center South includes 429,951 sq. ft. of retail, a 20,000 sq. ft. trade mart, 25,000 sq. ft. of office and 638 units of residential. Currently the South Parcel is developed with a big-box retail development totaling 23,000 sq. ft.

Section 380.06(19) of the Florida Statutes states that an extension of the date of buildout of a Development of Regional Impact, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to the development permits. Any extension of the buildout date of the project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The project was originally approved in 1985 with a completion date of 1992. However litigation began in 1985 and did not end until 1995. In 1999, pursuant to Resolution # Z-30-99, the buildout date was extended to October 11, 2007. As part of this application, the applicants have requested the buildout date to be extended to October 10, 2017. Staff notes that from the original 1992 buildout date to the requested 2017, there are a total of 25 years. The tolling of time for judicial proceedings amounts to a combined total of 10 years. Since this time is not counted in the total time extension, the 25 year extension may be reduced to 15 years. In addition, when the automatic 3-year time extension due to market conditions is deducted from the 15 years, the applicant is actually seeking a 12-year time extension. Pursuant to Section 380.06(19) of the Florida Statutes as addressed above, the requested 12 year extension is presumed to create a substantial deviation. However, this presumption may be rebutted by clear and convincing evidence. The Florida Statutes state that a 15-percent increase in the number of external vehicle

trips generated by the development above that which was projected during the original development-of-regional-impact review would be considered a substantial deviation. The applicant has submitted a traffic study that indicates that the approved DRI uses will not result in additional traffic impacts above those already reviewed, mitigated and approved for the Dolphin Center DRI and that there is not a trip generation increase of 15 percent. The memoranda from the Public Works Department and Miami-Dade Transit indicate that the project continues to meet their concurrency standards and that there is no additional impact on infrastructure and the surrounding community. Noting all the aforementioned, staff is of the opinion that the clear and convincing evidence presented by the applicant does clearly rebut the presumption that the requested time extension would create a substantial deviation requiring further development of regional impact review.

Section 380.06(19) does not specifically address the standards required to be reviewed by a local government when a bifurcation of a Development of Regional Impact is requested; however, staff opines that the bifurcation is not a substantial deviation primarily because there is no proposed change in the land use entitlements on each parcel that would generate additional impacts to traffic, water and sewer, mass transit, police or fire rescue services. The requested bifurcation is primarily to facilitate operational issues allowing the different individual owners the ability to function independently of each other while still bound by the overall DRI Development Order. Any future request to modify either the North and South portions (Parcels A and B) will become more complex when the proposed residential component on the south portion is developed under multiple ownerships. The South Florida Regional Planning Council (SFRPC) has reviewed the Notice of Proposed Change (NOPC) as it relates to the proposed buildout date and the bifurcation and has indicated that, based on their analysis, the proposed changes to the development order do not exceed any of the thresholds for a review as a substantial deviation. The residential portion of the DRI will be located on Dolphin Center South. The applicants have recorded a covenant for workforce housing with the City of Miami Gardens and have requested that the County's bifurcation to the D.O. include the workforce housing language similar to that proffered by the owners of the South Parcel to the City of Miami Gardens. Staff opines that the inclusion of workforce housing is not a substantial deviation as there is no material change in the number of units and/or scope of the residential component of the Dolphin Center DRI. However, to insure long term affordability of the work force housing, staff recommends as a condition for approval that the applicant submit a revised covenant to the City of Miami Gardens which provides that the work force housing units have a twenty (20) year control period and a new 20-year control period shall commence upon any resale and/or transfer to a new owner within the initial 20-year control period. Staff is of the opinion that the requested bifurcation and the inclusion of workforce housing do not constitute a substantial deviation requiring further development of regional impact review. In addition, the applicant has submitted evidence to rebut the presumption that said extension would be considered a substantial deviation requiring further development of regional impact review.

The Department of Environmental Resources Management **(DERM) does not object** to this application. Additionally, the Miami-Dade County Aviation Department **(MDAD) does not object** to this application and states in their memorandum that the site is compatible with operations from Opa-Locka Executive Airport. Further, the Department of Solid Waste Management **(SWM),** the Miami-Dade Police Department **(MDPD),** and the Miami-Dade Water and Sewer Department **(WASD) do not object** to this project. The Miami-Dade Fire and Rescue Department **(MDFR) does not object** to this application; MDFR notes in their

memorandum that the average travel time to the vicinity of the proposed development is **6.58** minutes, which **complies** with the performance objective of the national industry. The Public Works Department **(PWD) does not object** to this application, and indicates that the updated traffic study submitted by the applicants reveals that no additional roadway capacity is needed to accommodate projected traffic through the new DRI buildout date. Miami Dade Transit **(MDT) does not object** to this application and their memorandum indicates that the application is concurrent with the Level of Service (LOS) standards established for Miami-Dade County. In addition, MDT's memorandum states that the 2008 Transportation Improvement Plan (TIP) shows, under the Primary State Highway and Intermodal Projects section, the North Corridor Metrorail extension. The 2030 Long Range Transportation Plan (LRTP) identifies the same improvement listed in the 2008 TIP. In addition, the applicant has submitted evidence to rebut the presumption that said extension would be considered a substantial deviation requiring further development of regional impact review.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates portions of the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses. The CDMP states that some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan. The retail, office, trademart and hotel uses have been previously approved on the subject property and are, therefore, **consistent** with interpretative text of the CDMP, are uses that are allowed in the Business and Office LUP map category and are, therefore, consistent with the CDMP.

The Adopted 2015 and 2025 Land Use Plan designates portions of the subject property (the RU-TH and RU-1-zoned portions) for **Low Density Residential.** The residential densities allowed in this category range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10 dwelling units per gross acre. This density category is

generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Additionally, the adopted 2015 and 2025 Land Use Plan designates a portion of the subject property (the OPD-zoned portion of Parcel A) as being within the Urban Development Boundary for **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunications facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

The adopted 2015 and 2025 Land Use Plan also designates a southeastern portion (Parcel B) of the subject property abutting the Florida Turnpike to the east and N.W. 195 Street to the south as being within the Urban Development Boundary for **Environmentally Protected Parks.** The land designated as "Environmentally Protected Parks is environmentally sensitive and includes tropical hardwood hammocks, high-quality Dade County pinelands and viable mangrove forests. Some sites proposed for public acquisition under Miami-Dade County Environmentally Endangered Lands (EEL), Florida's Conservation and Recreational Lands (CARL) and Florida Forever programs are identified in this category on the LUP map although they may be as small as ten acres in size. All portions of parkland designated Environmentally Protected Parks or other parkland which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development for the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas. Staff notes that the portion of the site designated Environmentally Protected Parks is not affected by the current proposal and, will be managed in a manner **consistent** with the goals, objectives and policies for development for the protected area. The development planned for the north portion (Parcel A) and the south portion (Parcel B) is **consistent** with the Business and Office, Low-Density Residential, Office Residential and Environmentally Protected Parks designations.

When request #2 is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area and will be **compatible** with same. Request #2 would allow the applicant to delete Resolutions #Z-210-85, #Z-147-86, #Z-342-87, #Z-157-88, #Z-195-88, #Z-85-90, #Z-40-93, #Z-11-95, #Z-131-95 and Resolution #Z-30-99 as last modified by Resolution #Z-27-06. The purpose of this request is to eliminate the existing Development Order for the Dolphin Center DRI to allow for the creation of two new separate Development Orders attached herein and made a part of this

recommendation as Schedules I and II, and to provide for the inclusion of workforce housing and the provision of easements for the proposed Metrorail North Corridor. A covenant has been recorded with the City of Miami Gardens which provides for the inclusion of workforce housing on the Dolphin Center South. As previously mentioned, Miami Dade Transit has indicated in their memorandum that the Metrorail North Corridor has been included in the 2008 TIP and their Long Range Transportation Plan. Noting that although request #2 is deleting all the D.O.s, the accompanying two (2) Exhibits do not increase the already approved entitlements and, as such would not impact the surrounding area, generate excessive traffic, tend to create or to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that request #2 will not have an unfavorable effect on same and will not be contrary to the public interest. Therefore, staff recommends approval with conditions of the deletion of the Resolutions under Section 33-311(A)(7) (Generalized Modification Standards) subject to the approval of requests #3 and #4 and the acceptance of Schedules I and II.

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to analyze request #2 under said standards and, as such, this request should be denied without prejudice under same.

When analyzing requests # 3 and #4, staff notes that these requests are germane to request #2 as mentioned above. The deletion of the Development Orders for the Dolphin Center DRI would permit the creation of two separate DRIs, the Dolphin Center North and Dolphin Center South. The subject property has been owned primarily by two parties throughout its existence. However, as development has progressed, ownership has increased and the proposed residential development will further increase the number of property owners. Continued administration of the DRI under a single Development Order will become increasingly difficult as the ownership is further subdivided amongst an increasing number of entities and individuals. The bifurcation of the DRI Development Order would provide ease of administration for current and future owners. A majority of the improvements required under the Development Order have been completed (See Schedules I and II) and each portion of the DRI will remain responsible for its respective improvements and relevant development limitations under the proposed bifurcation. In order to ensure long-term affordability of the workforce house units, staff is recommending a modified approval of Condition #31. In 2006, pursuant to Resolution # Z-27-06 the development order stated as follows:

> "That prior to the issuance of the building permit for any dwelling unit, the owner shall designate a minimum of 10 percent of the dwelling units on the residential property as work force housing. Work force housing shall be residential dwelling units that are made available for sale or rent by the owner to persons with incomes ranging from 65% up to 140% of the most recent median family income for Miami-Dade County as reported by the U.S. HUD. The work force housing units shall be limited to a price of

> $175,000 as of the date hereof, subject to price increases based on the Consumer Price Index. Prior to obtaining a building permit for any residential building, the owner shall record in the public records a Declaration of Restrictions, in a form acceptable to the City of Miami Gardens that limits ten percent of the residential units to work force housing."

As previously stated, the applicants have recorded a covenant with the City of Miami Gardens which provides workforce housing in compliance with Resolution #Z-27-06. However, the language in the recorded covenant and that proposed in Condition #31 of Schedule II, as proposed by the applicants, contains the following language:

> "Consistent with the Declaration of Restrictions recorded in favor of the City of Miami Gardens at Official Record Book 24840, Page 3471 of the Public Records of Miami-Dade County, at least ten (10) percent of the residential units developed on the property shall be initially sold to persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development. The owner shall provide a bi-annual inventory report to the City of Miami Gardens of all such units sold. The reporting requirement for any particular unit shall terminate upon the initial sale of any such unit sold under the terms of this paragraph."

In order to ensure long-term affordability of the workforce house units, staff is recommending a modified approval of Condition #31Staff is recommending a modified approval of request #4 as it applies to Condition #31 of Schedule II to read as follows:

> "That prior to the issuance of the building permit for any dwelling unit, the owner shall designate a minimum of 63 residential units on the Dolphin Center South property for persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the most recent median family income for Miami-Dade County reported by the United States Department of Housing and Urban Development as maintained by the Department of Planning and Zoning. The work force housing units shall have a twenty (20) year control period and a new 20-year control period shall commence upon any resale and/or transfer to a new owner within the initial 20-year control period. The owner shall record in the public records a Declaration of Restrictions in a form acceptable to Miami-Dade County that encumbers the work force housing units in the entire development, specifying the restrictions of the work force housing units and such further arrangements, restrictive covenants, and resale restrictions. The applicant shall provide a biannual inventory report to the City of Miami Gardens of all such units sold."

Staff notes that there has been no significant change in the area and the impacts have not changed. Staff opines that the creation of Dolphin Center North and Dolphin Center South, the extension of the build-out date, and the inclusion of workforce housing does not change the land use or intensity of the Dolphin Center DRI and therefore should be approved with conditions.

Accordingly, staff recommends approval of request #1, upon a finding that this application does not constitute a substantial deviation requiring further Development of Regional Impact review; approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards) and

denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing); approval with conditions of request #3 (Schedule I) and modified approved with conditions of request #4 (Schedule II) as it applies to Condition #31 of the Development Order.

I. RECOMMENDATION:

Approval of request #1 upon a finding that this application does not constitute a substantial deviation; approval of request #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 (Schedule I) and modified approval with conditions of request #4 (Schedule II) as it applies to Condition #31.

J. CONDITIONS:

Additional Conditions on Dolphin Center North

44. That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

45. That the applicants comply with all the conditions in this Development Order.

Additional Conditions on Dolphin Center South

Request #31 shall read as follows:

31. That applicant submit a revised covenant with the City of Miami Gardens to reflect the following work force housing language: That prior to the issuance of the building permit for any dwelling unit, the owner shall designate a minimum of 63 residential units on the Dolphin Center South property for persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the most recent median family income for Miami-Dade County reported by the United States Department of Housing and Urban Development as maintained by the Department of Planning and Zoning. The work force housing units shall have a twenty (20) year control period and a new 20 year control period shall commence upon any resale and/or transfer to a new owner within the initial 20-year control period. The owner shall record in the public records a Declaration of Restrictions in a form acceptable to Miami-Dade County that encumbers the work force housing units in the entire development, specifying the restrictions of the work force housing units and such further arrangements, restrictive covenants, and resale restrictions. The applicant shall provide a biannual inventory report to the City of Miami Gardens of all such units sold.

39. That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments on both Dolphin Center North and Dolphin Center South as contained in the departmental memoranda, which are part of the record of this recommendation incorporated herein by reference.

40. That the applicants comply with all the conditions in this Development Order.

41. That all future zoning actions and permits obtained by the applicants from the City of Miami Gardens shall be consistent with the South Parcel Development Order.

DATE TYPED: 10/02/07
DATE REVISED: 11/26/07,11/28/07,12/01/07, 6/09/08, 6/10/08, 6/11/08, 6/12/08, 6/23/08, 6/26/08, 6/26/08, 6/27/08, 7/3/08, 7/4/08, 7/07/08, 7/10/08, 7/11/08, 7/15/08, 7/16/08, 7/17/08, 7/18/08, 7/28/08, 7/29/08, 7/30/08, 7/31/08

DATE FINALIZED: 7/31/08

MCL:MTF:LT:NN:CI

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NOR

Date: January 30, 2008 Revised September 16, 2008

To: Marc C. LaFerrier
Interim Director
Planning & Zoning Department

From: Esther L. Calas, P.E., Director
Public Works Department

Subject: DIC06-125 NOPC to Dolphin Center DRI
Name: Dolphin Center
Location: N & S of NW 199th Street e/o NW 27th Avenue to the Florida's Turnpike
Sec. 34 Twp. 51 Rge. 41

I SCOPE

Changes to the Dolphin Center DRI consist of dividing the original application in two sections: one being the area occupied by the Stadium and adjacent parking lots, north of NW 199th Street (to be known as the Dolphin Center North DRI) and the other being the area located south of NW 199th Street east of NW 27th Avenue (to be known as the Dolphin Center South DRI). The Application includes an extension of the DRI build out date (for both Dolphin Center North and Dolphin Center South) which has been supported by an updated traffic study analyzing the surrounding regional roadway network to ensure that acceptable levels of service are maintained through the DRI build out date for any roadway segment carrying project traffic equal to or greater than 5.0% of the adopted maximum service volume consistent with Rule 9J-2.045, F.A.C., governing Development's of Regional Impact.

II LAND USE

No changes to the previously approved DRI land uses are being proposed.

III TRAFFIC IMPACT

A traffic study prepared for the proposed bifurcation of the DRI and the extension of the DRI build out date reveals that no additional regional impacts are found resulting from the proposed time extension, and that no additional roadway capacity is needed to accommodate project traffic through the new DRI build out date. Several roadway improvements were completed since the DRI was approved. ~~In addition, the proposed North corridor Metro Rail line has moved forward and has increased the adopted level of service standard for NW 27th Avenue to E+20%. Furthermore, the approved City of Miami Gardens Comprehensive Plan further enhances NW 27th Avenue to an adopted level of service standard of E+50%.~~ The City of Miami Gardens adopted in its Comprehensive Development Master Plan the E+20% level-of-service (LOS) standard, the same as the County's, for NW 27 Avenue between NW 215 Street and NW 151 Street, this is the current LOS standard. This LOS standard is based on the existing bus service provided by Metro bus route 27 MAX. In addition, the City also adopted a future LOS E+50% standard for the same corridor once the North Corridor Metrorail Extension is built.

IV ADDITIONAL IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT

The changes to the Dolphin Center North DRI or the Dolphin Center South DRI do not relieve the developer (s) of any mitigation required by the original development Order, as amended.

V CONCURRENCY

This application **meets** the criteria for traffic concurrency for an Initial Development Order.

cc: Joan Shen, P.E., Traffic Division, Assistant Chief
Public Works Department

Jeff Cohen, P.E., Traffic Division, Assistant Chief
Public Works Department

Nicholas Nitti, Development Impact Coordinator.
Planning and Zoning Department

Armando E. Hernandez, Special Administrator for Concurrency.
Public Works Department

Memorandum

Date: July 14, 2008

To: Nicolas Nitti
Department of Planning and Zoning

From: Jeff B. Ransom, County Archaeologist
Department of Planning and Zoning
Office of Historic Preservation and Archaeological Resources

Subject: Dolphins Stadium Development of Regional Impact (DRI)

After evaluating the above noted application, this agency finds that the applicant is in compliance with the conditions of development.

One archaeological site, Honey Hill (DA411), is located within the subject area. This is a county designated historic site and will soon become a county park known as the Honey Hill Archaeological Park.

There are no objections to this application.

Memorandum

MIAMI-DADE COUNTY

Date: June 8, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: DIC No. Z2006000125-Revised
County Line South Properties, Ltd., South Florida Stadium Corp.
Southeast Corner of N.W. 199 Street and N.W. 27 Avenue
Modification of Previous Approved DRI Order for Dolphin Center North (OPD) (350 Acres)
34-51-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service

The subject property is located within the franchised water service area of the Miami-Dade County Water and Sewer Department (MDWASD). The closest public water is a 16-inch water main abutting the subject property along N.W. 22nd Avenue and N.W. 203rd Street. Connection of the proposed development to the public water supply system shall be required, in accordance with Code requirements. The estimated demand for this project is 326,748 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Hialeah Preston Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State, and County drinking water standards.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding that adequate system capacity is available for this project, DERM will require that water-conserving plumbing fixtures be installed, in accordance with the requirements of the Florida Building Code, in order to use the Southeast Florida water resources more efficiently.

It is recommended that the landscaping conform to Xeriscape concepts. Included in these concepts is the use of drought-tolerant plants, which reduce the use of turf grass, together with efficient irrigation system design. Details of Xeriscape concepts are set forth in the "Xeriscape Plant Guide II" from the South Florida Water Management District.

Sanitary Sewer Service

The property is located within the franchised sewer service area of the MDWASD. The closest public sanitary sewer is an existing 8-inch gravity sewer line within the subject property. This gravity system directs the flow to Pump Station 07-024. Next, the flow discharges via a 12-inch force main to the 30-inch force main along N.W. 203rd Street. Downstream flow is directed to the North District Treatment Plant, which has adequate capacity to meet projected demands from this project. Connection of the proposed development to the public sanitary sewer system shall be required, in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted, in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade County Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation

The subject property is associated with DERM historical storage tank tracking numbers UT-5684, UT-2070, and Industrial Waste Permit IW5-9852. The subject property currently has no records of current contamination assessment or remediation issues.

The following site, which abuts the subject property, has records of current contamination assessment or remediation issues:

Miller & Nesmith Cleaners
IW5-3328
2513 NW 183 Street
Dry cleaning solvent contaminated site. Currently in a State-administered cleanup program awaiting cleanup funding.

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
Although the subject property is not located within a designated wetland basin, portions of the subject property, specifically folios 34-1134-000-0081 and 34-1135-000-0080, contain jurisdictional wetlands, as defined by Section 24-5 of the Code. A Class IV Wetland Permit (FW 96-153 R) was issued to County Line South Properties, Ltd. on November 8, 2001, for the demucking and filling of approximately 4.785 acres of jurisdictional wetlands at these locations. Although Permit FW 96-153 R expired on November 8, 2003, a photographic aerial review has revealed that work on the subject property was completed prior to the expiration date. Therefore, DERM has no objection, provided that no impacts occur beyond what were permitted on these sites. Any additional work in jurisdictional wetlands will require a new Class IV Permit.

Not included in the previously mentioned wetland permit, another portion of the subject property, folio 34-2103-001-0710, also contains jurisdictional wetlands, as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required for this parcel.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Natural Forest Communities
A parcel within the subject property, folio 34-1134-011-0030, is a Miami-Dade County-designated Natural Forest Community (NFC), and as such, is protected under the environmental regulations contained in the Code. NFC's are upland natural areas that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. Section 24-49.2 of the Code generally requires that trees and other vegetation, including shrubs and groundcover plants, in or outside of the NFC's boundaries must be preserved. A permit is required for any work within an NFC, and permits may only be issued for limited clearing consistent with the detailed standards in Section 24-49.2 (I)(A) of the Code. Section 24-49.3 (B)(1) of the Code states "If it is determined that the proposed development site is within natural forest community... the standards set forth in 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation of denial from the Department". The parcel with folio 34-1134-011-0020 contains archaeologically sensitive areas. Temporary barriers should be installed adjacent to these areas providing protection from any proposed work.

Also, the parcels with folios 34-2103-001-0170 and 34-1134-011-0040 abut a designated NFC (34-1134-000-0030) and a County-owned Environmentally Endangered Land (EEL) (34-1134-000-0032).

Development on parcels adjacent to the NFC and the EEL properties must avoid adverse impacts to the preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, and erosion. In order to minimize potential damage to the NFC, an erect barrier should be placed along the edge of the properties prior to commencing any work. Also, in order to avoid causing damage to plants and substrate, heavy machinery should not be parked alongside the road or inside the NFC. The applicant is advised that this NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The portions of subject property (34-2103-001-0170 and 34-1134-011-0040) lie within the potential smoke dispersion corridor. Consequently, the subject properties may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

In accordance with Code requirements, zoning resolution Z-210-85 Exhibit 3 depicts folios 34-1134-011-0030 and 34-1134-011-0020 as the required preservation area and archaeological area, respectively.

Tree Preservation

An on-site inspection performed by DERM staff of the subject property with folio 34-1134-000-0081, revealed the presence of five specimen-sized (trunk diameter 18 inches or greater) live oak trees, which will require preservation. The properties with folios 34-1134-000-0080, 34-1134-011-0010 and 34-2103-001-0170 also contain tree resources. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the sites. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on the sites will be required prior to reviewing the tree removal permit application.

A Tree Removal Permit 2005-320 was issued for the property with folio 34-2103-001-0710, on August 30, 2005, and expired on August 30, 2006. A final inspection performed by DERM staff on June 13, 2006 revealed that the applicant is in compliance with all requirements for this permit. The applicant is advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other trees on the subject property.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

Memorandum

Date: October 2, 2007

To: Subrata Basu, Interim Director
Department of Planning & Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: DIC # 2006000125 – County Line South Properties
Lying north and south of NW 199 Street, between NW 27 Avenue and the Florida Turnpike,
Miami-Dade County, Florida.

EXISTING SERVICES

Based on data retrieved during calendar year 2006, the average travel time to the vicinity of the proposed development was 6.58 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
11	18705 NW 27 Avenue	Rescue, BLS 50' Squrt	7
51	4775 NW 199 Street	Rescue, ALS Engine	7
38	575 NW 199 Street	Rescue, 50' ALS Squrt	7
54	15250 NW 27 Avenue	Rescue, ALS Engine	7

SITE PLAN REVIEW:

No plans were submitted as part of this application. However, at time of permitting, the applicant must demonstrate that all access roads associated with the future development conform with the minimum standard identified in the document entitled 'Miami-Dade Fire Rescue Access Road Synopsis,' consisting of five (5) pages and last revised on August 3, 2006 at 8:05 AM, or with all prevailing Miami-Dade Fire Rescue access road standards then in effect.

If you need additional information, please contact the Planning Section at 786-331-4540.

Memorandum

MIAMI-DADE COUNTY

Date: February 6, 2008

To: Nicholas Nitti
DIC Coordinator
Miami-Dade Planning and Zoning

From: Maria Batista
Principal Planner
Miami-Dade Transit - Planning & Development Division

Subject: Review of DIC Project No. 06-125 - Dolphin Center DRI

Project Description

The applicant is requesting a bifurcation of the Dolphin Center Development of Regional Impact (DRI) Development Order in order to create two development orders; one governing the Dolphin Center South Parcel and the second governing the remainder of the original DRI Property and the deletion of conditions inapplicable to the Dolphin Center South parcel. They are also requesting an extension of the build-out date for the DRI as applied to Dolphin South, to 2014.

Current Transit Service

There is direct transit service within the immediate vicinity of the proposed site. The closest transit service is provided by Metrobus Routes 27, 91, 97 (27 Avenue MAX) and 99 along NW 27th Avenue. Routes 91 and 99 also provide service along NW 199 Street west of the application site. The service headways (in minutes) are as follows:

Route	Peak	Off-Peak	Evening	Overnight	Sat	Sun
27	15	15	24	60	20	30
91	30	60	45	n/a	60	60
97	20	30	n/a	n/a	n/a	n/a
99	30	60	60	n/a	60	60

Future Transportation/Transit Improvements

The 2008 Transportation Improvement Plan (TIP) shows under the Primary State Highways and Intermodal Projects section, the North Corridor Metrorail extension. The 2030 Long Range Transportation Plan (LRTP) identifies the same improvement listed in the 2008 TIP.

In addition, the 2007 Transit Development Plan (TDP) identifies in its 2012 Recommended Service Plan the following improvements on the existing routes serving the vicinity of the project:

Route 27: Improve Saturday headways from 20 to 15 minutes and Sunday headways from 30 to 20 minutes.

Route 91: Extend service to the future Northeast Transit Terminal.

Route 97: Improve peak headway from 20 to 10 minutes.

Baja Connection – New circulator service to Lake Lucerne and Carol City connecting to the NW 27th Avenue/NW 183rd Street transfer stop area.

MDT Comments/Recommendations

The applicant has revised the above application by withdrawing Alternative B from the application. Among other things, Alternative B sought 1000 residential units on the North parcel. Although not a transit component, MDT did not welcome the removal of the residential units and would have liked to see a true "mixed" development in the area, which ultimately works better for transit. Nevertheless, based on the information presented for transit purposes, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum

MIAMI-DADE COUNTY

Date: April 20, 2007

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Randy Koper
Property Management Section
Planning and Research Division
Park and Recreation Department

Subject: DIC 06-125
County Line South Properties, et. al.
Sec. 3 Twp 52 Rge 41
Sec. 34 Twp 51 Rge 41

The applicant is requesting a substantial deviation determination pursuant to Section 380.06(19), Florida Statues, and a modification of the Development Order in order to extend the buildout date and change the development program only as it pertains to the northern parcel. The application is also seeking to bifurcate the northern parcel from the southern parcel in order to create two stand alone DRI's. The subject property is 434 acres and is located north and south of NW 199 Street between NW 27 Avenue and the Florida Turnpike, Miami-Dade County, FL.

Because this application is within the City of Miami Gardens, the CDMP Open Space Spatial Standards do not apply and therefore, this Department has no objection to this application.

cc: Barbara Falsey, Planning and Research Division

Memorandum

Date: April 20, 2007

To: Nicholas D. Nitti, DIC Committee
Department of Planning and Zoning

From: J.D. Patterson, Assistant Director
Miami-Dade Police Department
Support Services

Subject: DIC Application – County Line South Properties, LTD. 06-125

APPLICATION

The applicant is requesting a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes, and a modification of the Development Order in order to extend the buildout date and change the development program only as it pertains to the northern parcel. The application is also seeking to bifurcate the northern parcel from the southern parcel in order to create two (2) stand alone Developments of Regional Impact (DRI's). The subject property is 434 acres and is located north and south of N.W. 199 Street, between N.W. 27 Avenue and the Florida Turnpike, Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The proposed development will be located in Miami-Dade County, in The City of Miami Gardens, which is currently contracted with the Miami-Dade Police Department (MDPD) for police services. The City of Miami Gardens Police Department is located at 18805 N.W. 27 Avenue, Miami, Florida. The MDPD holds the responsibility for local patrol police services and our current staffing permits an average emergency response time of eight minutes. As the demand for police services increases, additional sworn personnel may be required to maintain current levels of service.

REVIEW

No information other than the application was provided to the MDPD for review. Although the police department does not object to the proposed change described in the application, any future development of the site could impact the MDPD resources. Lieutenant Carl Wright of the Miami Gardens District, who is thoroughly familiar with the area and neighborhood was involved with the proposed development, along with the designated MDPD representative to the DIC, Sergeant Nicole Donnelly, reviewed the application and visited the location. The police department does not object to the proposed development.

If you need additional information or assistance, please contact Sergeant Nicole Donnelly at (305) 471-2099.

JDP/nd

Memorandum

MIAMI-DADE COUNTY

Date: May 1, 2007

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: Chris Rose
Acting Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC #06-125
County Line South Properties, Ltd. et al

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Cornelius Allen at 305-514-6649. Thank you.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #06-125

County Line South Properties, Ltd. et al

Application: ***County Line South Properties, Ltd. et al*** is requesting a substantial deviation determination pursuant to Section380.06 (19), Florida Statues, and a modification of the Development Order in order to extend the buildout date and change the development program only as it pertains to the northern parcel. The application is also seeking to bifurcate the northern parcel from the southern parcel in order to create two stand alone DRI's.

Size: The subject property is 434 acres.

Location: The subject property is located north and south of NW 199 Street between NW 27 Avenue and the Florida Turnpike, Miami - Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 15, 2006, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

This project proposes commercial uses and may also incorporate multifamily or mixed-use residential uses. Chapter 15-2 of the Miami-Dade County Code requires the following of multi-family and commercial uses located in unincorporated Miami-Dade County:

Section 15-2 - "every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department."

3. Recycling

As it relates to the multi-family uses, **Section15-2.2** requires that "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family
(1) Newspaper
(2) Glass (flint, emerald, amber)
(3) Aluminum cans
(4) Steel cans
(5) Plastics (PETE, NDPE-natural, HDPE colored)"

Also, the following language from **Section 15-2.3** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

1) High grade office paper;
2) Mixed paper;
3) Corrugated cardboard;
4) Glass (flint, emerald, amber);
5) Aluminum (cans, scrap);
6) Steel (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored);
9) Textiles
10) Wood"

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at (305) 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code".

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
b. "T" shaped turnaround 60 feet long by 10 feet wide.
c. Paved throughway of adequate width (minimum 15 feet).

In addition any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accord with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally there should be no "dead-end" alleyways developed. Also, a sufficient waste setout zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

Date: September 17, 2007

To: Subrata Basu, Interim Director, Department of Planning and Zoning

From: Kathleen Woods-Richardson, Director, Department of Solid Waste Management

Subject: Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2014 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2008), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Christopher Rose, Deputy Director, Administration
James Bostic, Assistant Director, Operations
Asok Ganguli, Assistant Director, Technical Services

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2007-08 Through Fiscal Year 2016-17

		RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****
FISCAL YEAR PERIOD	WASTE PROJECTION	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL
OCT. 1, 2007 TO SEPT. 30, 2008	1,885,000	828,686	155,000	673,686	2,518,633	307,000	2,211,633	2,068,785	355,000	1,713,785	250,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,885,000	673,686	155,000	518,686	2,211,633	307,000	1,904,633	1,713,785	355,000	1,358,785	250,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,885,000	518,686	155,000	363,686	1,904,633	307,000	1,597,633	1,358,785	355,000	1,003,785	250,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,885,000	363,686	155,000	208,686	1,597,633	307,000	1,290,633	1,003,785	355,000	648,785	250,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,885,000	208,686	155,000	53,686	1,290,633	307,000	983,633	648,785	355,000	293,785	250,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,885,000	53,686	53,686	0	983,633	408,314	575,319	293,785	293,785	0	311,215
OCT. 1, 2013 TO SEPT. 30, 2014	1,885,000	0	0	0	575,319	567,000	8,319	0	0	0	500,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,885,000	0	0	0	8,319	8,319	0	0	0	0	500,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,885,000	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2016 TO SEPT. 30, 2017	1,885,000	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				5			7			5	

ANNUAL DISPOSAL RATE (in tons)	
RESOURCES RECOVERY ASHFILL	155,000
SOUTH DADE LANDFILL	307,000
NORTH DADE LANDFILL	355,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	1,067,000

* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.
** South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.
*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to South Dade Landfill and WMI.
**** Maximum Contractual Tonnage per year to WMI is 500,000 tons, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.
All capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Brown and Caldwell based on the actual January, 2007, survey with actual tons from January, 2007, through June, 2007, and projected tons for July, August and September, 2007.

Memorandum

MIAMI-DADE COUNTY

Date: April 18, 2007

To: Subrata Basu, Interim Director
Department of Planning & Zoning

From: Sunil Harman, Director, Aviation Planning & Grants Administration
Aviation Department

Subject: DIC Application #06-125
Countyline South Properties

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #06-125 "Countyline South Properties". The applicant is requesting a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes, and a modification of the Developmental Order in order to extend the buildout date and change the development program only as it pertains to the northern parcel. The applicant is also seeking to bifurcate the northern parcel from the southern parcel in order to create two stand alone DRI's. The subject property is 434 acres and is located north and south of NW 199 Street between NW 27 Avenue and the Florida Turnpike, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the referenced requests to extend the buildout date and to bifurcate the northern parcel from the southern parcel are compatible with operations from Opa-Locka Executive Airport. Please note, our cursory review of the application indicates there is no project height associated with this application, thus MDAD cannot conduct a review for conformity to the Height Zoning Ordinance at this time. If in the future, the project height meets or exceeds an elevation of 200 feet Above Mean Sea Level (AMSL), the plans will need to be resubmitted to this Department for re-evaluation.

This height determination is an estimate issued on a preliminary basis. A preliminary height determination does not constitute approval by MDAD for construction until a "No-Hazard" determination from the Federal Aviation Administration (FAA) is obtained. Before proceeding with design, any proposed structure or construction crane greater than 116 feet AMSL at this location will be required to file with the FAA using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. This form should be sent with a 45 day advance notice prior to raising the crane. The form is available through this office or through the FAA website: http://oeaaa.faa.gov and clicking on the "forms" link. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, one may "e-file" online at: https://oeaaa.faa.gov.

Should you have any questions, please contact Mr. José A. Ramos, Chief of Aviation Planning at 305-876-8080.

SH/rb

C: S. Harman
File DIC

RECEIVED
APR 23 2007
Asst. Director Planning

MEMORANDUM

TO: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

DATE: April 10, 2007

SUBJECT: DIC

FROM: Phillip Torres, P.E.
for Plans Review Section

The Miami-Dade Water and Sewer Department comments and recommendations are as follows:

1. Project: County Line South Properties, Ltd. (06-125)

Location: North and South of NW 199 St. between NW 27 Ave. and the Florida Turnpike.

WATER:
City of N.M.B. Service Area. There are water mains within the property, either in existing dedicated right of way or easements, which need to be removed and relocated if in conflict with the proposed development. Easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In case of right of ways to be closed and vacated within the property, mains shall be removed and relocated if needed before closing/vacating them. In the event that the existing facilities are to be removed and relocated, replacement mains shall be installed, tested and accepted by the department before existing ones can be removed.

SEWER:
City of N.M.B. Service Area.

GENERAL NOTES:
The size of the required water mains will depend upon the subject property's approved zoning, being twelve (12)-in. min. in diameter required for high density residential, commercial, business, industrial, hospitals, public buildings, etc. and eight (8)-in. min. in diameter required for low and medium density residential zonings. Please note that the aforementioned zonings are Miami-Dade County or equivalent, based on total amount of units per acre.

Please be advised that the right to connect the referenced property to the Department's sewer system is subject to the terms, covenants and conditions set forth in the Settlement Agreement between the Florida Department of Environmental Protection ("DEP") and the County dated July 27th, 1993, the First Amendment to Settlement Agreement between DEP and County dated December 21st, 1995, the First Partial Consent Decree and the Second and Final Partial Consent Decree entered in the United States of America Environmental Protection Agency vs. Metropolitan Dade County (Case Number 93-1109 CIV-MORENO), as currently in effect or as modified in the future, and all other current, subsequent or future agreements, court orders, judgments, consent orders, consent decrees and the like entered into between the County and the United States, State of Florida and/or any other governmental entity, and all other current, subsequent or future enforcement and regulatory actions and proceedings.

Should you have any questions, please do not hesitate to call me at 305-669-7658.

Cc: Jorge S. Rodriguez, Associate Director

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent 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: Dolphin Center Properties, Joint Venture

NAME AND ADDRESS	Percentage of Stock
See attached Exhibit "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

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

RECEIVED
206-125
MAY 0 2 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Returned
RECEIVED
206-092
MAR 2 2 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Home Depot, U.S.A., Inc.

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
✓ Home Depot U.S.A. is a publicly traded company	

Date of contract: APRIL 22, 2005

NAME OF PURCHASER: Cornerstone Group Holdings, Inc.

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
✓ Stuart Meyers	20%
2121 Ponce De Leon Blvd., PH	
Coral Gables, Florida 33134	
✓ Jorge Lopez	45%
2121 Ponce De Leon Blvd., PH	
Coral Gables, Florida 33134	
✓ Leon Wolfe	17.5%
2121 Ponce De Leon Blvd., PH	
Coral Gables, Florida 33134	
✓ Mara Mades	17.5%
2121 Ponce De Leon Blvd., PH	
Coral Gables, Florida 33134	

Date of contract: AUGUST 6, 2004

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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 19th day of April, 2006. Affiant is personally known to me ~~or has produced~~ _____ ~~as identification~~.

Rebecca Z. Rivera
(Notary Public)

My commission expires _____

REBECCA Z RIVERA
Notary Public - State of Florida
My Commission Expires Apr 19, 2008
Commission # DD278026
Bonded By National Notary Assn.

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MAY 02 2006
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

*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 a other 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 percent (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.

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Exhibit "C"
REVISED 7/15/08

Disclosure of Interest:

County Line South Properties, Ltd., a Florida limited liability partnership

Fin Associates, LLC ownership information provided below	50%
HCLSP, LLC	50%
- H. Wayne Huizenga, Sr. *450 East Las Olas Boulevard, Suite 1500* *Ft. Lauderdale, Florida 33301*	*100% Owner of HCLSP, LLC.*

South Florida Stadium Corporation, a Florida corporation

Fin Associates, LLC ownership information provided below	50%
South Florida Stadium Holding Corporation	50%
- H. Wayne Huizenga, Sr. *450 East Las Olas Boulevard, Suite 1500* *Ft. Lauderdale, Florida 33301*	*100% Owner of South Florida Stadium Holding Corporation.*

Dolphin Center Properties, a Joint Venture

Fin Associates, LLC ownership information provided below	50%
HDCP, LLC	50%
- H. Wayne Huizenga, Sr. *450 East Las Olas Boulevard, Suite 1500* *Ft. Lauderdale, Florida 33301*	*100% Owner of HDCP, LLC.*

Fin Associates, LLC, a Delaware limited liability company

Stephen M. Ross, Individual	35%
SMR Funding, L.P., a New York limited partnership	65%
Stephen M. Ross, Individual	*42.1353% Owner of SMR Funding, L.P.*
SMR Funding Inc., a Delaware corporation *- Stephen M. Ross is the 100% Owner of SMR Funding, Inc.*	*1.1123% Owner of SMR Funding, L.P.*
Unrelated Corporation, a New York corporation *- Stephen M. Ross is the 100% Owner of Unrelated Corp.*	*0.56724% Owner of SMR Funding, L.P.*
1996 SMR Trust III, a New York trust *- Trustees: Marty Edelman, Jorge Perez, Ron Katz* *- Beneficiaries: Jennifer Ross 50%, Kimberly Ross 50%*	*56.184876% Owner of SMR Funding, L.P.*

DISCLOSURE OF INTEREST

THE MORTONS

The addresses and percentages of interest of all of the Mortons as Applicants are the following:

Estate of Lottie Morton, deceased - as to an undivided 36-2/3% interest, under which David Morton and Peter Morton are Co-Personal Representatives and sole residuary heirs;

David Morton, individually - as to an undivided 6-2/3% interest; and

Peter M. Morton, as Trustee of the Peter M. Morton Revocable Trust - as to an undivided 6-2/3% interest, under which Peter M. Morton is beneficiary.

The addresses for Estate of Lottie Morton, David Morton, individually and Peter M. Morton, as Trustee, is: c/o Donald S. Rosenberg, Esq., Suite 3050, One S.E. Third Avenue, Miami, FL 33131.

Richard Morton, individually, as to an undivided 16-2/3% interest;

Stadium South Properties, LLC, a Florida limited liability company, as to an undivided 16-2/3% interest, under which Richard Morton is sole Manager.

Richard Morton, as Trustee of five (5) separate Trusts under the Last Will and Testament of Lawrence Morton, deceased, for the respective benefit of: Cindy Beth Morton - as to an undivided 3-1/3% interest; James Andrew Morton - as to an undivided 3-1/3% interest; Alexandra Morton - as to an undivided 3-1/3% interest; Eden Morton Thibeault - as to an undivided 3-1/3% interest; and Adam Morton Trust - as to an undivided 3-1/3% interest;

The address for Richard Morton, individually and as Trustee and for Stadium South Properties, LLC is: 6740 E. Rogers Circle, Boca Raton, FL 33487.

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DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent 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: See Attached

NAME AND ADDRESS	Percentage of Stock

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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: See Attached

NAME AND ADDRESS	Percentage of Interest

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: Wal-Mart Stores East, LP

NAME AND ADDRESS	Percent of Ownership
WSE Management, LLC	100%

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

N/A	

Date of contract:_____

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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 16 day of ~~September~~ October, 2008. Affiant is ~~personally known to~~ me or has produced _____ as identification.

Connie D. Rockwell
(Notary Public)

CONNIE D. ROCKWELL
NOTARY PUBLIC
My Commission Expires
October 16, 2011
Cobb County, Georgia

My commission expires_____

*Disclosure shall not be required of: 1) any entity whose equity interests in which are regularly traded on an established securities market in the United States or a other 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 percent (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.

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

N/A _____ _____

_____ _____

_____ _____

_____ _____

Date of contract: _____

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 his application to the best of my knowledge and belief.

Signature: By: _____
(Applicant)

Sworn to and subscribed before me this 12 day of June, 2007. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

JULIE BARRANCO
Notary Public - State of Florida
My Commission Expires Nov 21, 2010
Commission # DD 616816
Bonded Through National Notary Assn.

My commission expires NOV 21, 2010

*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 a other 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 percent (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.

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BY _____

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

N/A _____ _____

_____ _____

_____ _____

_____ _____

Date of contract: _____

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 his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 16 day of September 2008 Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires August 1, 2011

*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 a other 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 percent (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.

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Updated Ownership Disclosure – Dolphin Center South

Interests in Home Depot U.S.A., Inc.

Name and Address	Percentage of Interest
Publicly traded corporation	

Interests in Wal-Mart Stores East, L.P

Name and Address	Percentage of Interest
Ultimate interests are publicly traded	

Interests in Cornerstone CW, L.L.C.

Name and Address	Percentage of Interest
Stuart Meyers 2121 Ponce De Leon Blvd., PH Coral Gables, Florida 33134	20%
Jorge Lopez 2121 Ponce De Leon Blvd., PH Coral Gables, Florida 33134	45%
Leon Wolfe 2121 Ponce De Leon Blvd., PH Coral Gables, Florida 33134	17.5%
Mara Mades 2121 Ponce De Leon Blvd., PH Coral Gables, Florida 33134	17.5%

Interests in Cornerstone CW Commercial, L.L.C.

Name and Address	Percentage of Interest
Stuart Meyers 2121 Ponce De Leon Blvd., PH Coral Gables, Florida 33134	20%
Jorge Lopez	45%

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PLANNING AND ZONING DEPT.
BY:

2121 Ponce De Leon Blvd., PH
Coral Gables, Florida 33134

Leon Wolfe — 17.5%
2121 Ponce De Leon Blvd., PH
Coral Gables, Florida 33134

Mara Mades — 17.5%
2121 Ponce De Leon Blvd., PH
Coral Gables, Florida 33134

Interests in Playa Plaza, L.L.C.

Name and Address	**Percentage of Interest**
J. Mark Blieden Kaden Tower, Sixth Floor, 6100 Dutchman's Lane, Louisville, KY 40205	75%
William N. Wagner Kaden Tower, Sixth Floor, 6100 Dutchman's Lane, Louisville, KY 40205	25%

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BY

DATE: 08/20/08

TEAM METRO

ENFORCEMENT HISTORY

DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL	LYING BETWEEEN N.W. 17 AVENUE AND N.W. 27 AVENUE AND ON BOTH SIDES OF N.W. 199 ST, CITY OF MIAMI GARDENS, FLORIDA.
APPLICANT	**ADDRESS**

Z2006000125

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

PROPERTY LIES WITHIN JURISDICTION OF CITY OF MIAMI GARDENS. TEAM METRO DOES NOT PROVIDE ENFORCEMENT SERVICES TO THE CITY OF MIAMI GARDENS

WENDY OGANDO

Schedule 1
Dolphin Center North

SCHEDULE 1

Dolphin Center North

DRI Development Order

THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS JOINTLY OR SEVERALLY WILL:

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

   a. The project shall consist of up to:

      73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f) Florida Statues).
      7,350 paved parking spaces on the stadium site.
      325,000 square feet of office development
      50,000 square feet of fitness center development
      140,000 square feet of retail/commercial development.
      450 hotel rooms.

   b. Maintain the North and South Neighborhood Protective Buffers and the park to be developed in association with the South Neighborhood Protective Buffer, in accordance with Conditions 9, 10, and 11 herein.
      [Note: This condition has been satisfied.]

   c. Schedule project completion for October 10, 2017, pursuant to Section 380.06(19)(c), F.S., to recognize the tolling of time for the buildout date during the pendency of administrative or judicial proceedings relating to development permits for the project, the extension of the date of buildout of any phase thereof for twelve (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation.

2. Conduct a comprehensive air quality study, develop a plan and program for carbon monoxide monitoring and abatement, and implement all actions necessary to reduce carbon monoxide emissions during stadium events to meet State air quality standards, according to the following minimum requirements:

   a. Submit, within ninety days of the effective date of the Development Order, a detailed study design for modeling carbon monoxide concentrations associated with the stadium to the Florida Department of Environmental Regulation (FDER), the South Florida Regional Planning Council (Council) and Miami-Dade County Department of Environmental Resources Management (DERM) for review and approval.

   b. Submit and have approved, within nine months of the effective date of the Development Order, a comprehensive air quality study according to the study design approved pursuant to 2a above.

c. Within 10 months of the effective date of the Development Order, submit and have approved by the above agencies, a comprehensive pollution abatement plan and implementation program, detailing project design, construction, and/or operational measures, with associated standards and implementation schedules, to abate projected air quality exceedances.

d. Submit a program for monitoring the effects of implementing the pollution abatement plan in accordance with timing and review procedure specified in 2c above.

e. Implement the plan and program as approved by FDER, the council and DERM, and prior to, requesting any Certificates of Occupancy, enter into a formal agreement with DERM to provide air quality monitoring at a cost of $60,000 as required by the plan. This monitoring to include the identification of a permanent air-monitoring site which would be available to DERM as needed.

f. As part of the air quality program for Phase B lands, observe Miami-Dade County traffic volumes for the intersection of N.W. 199 Street and U.S. 441 for years 1992, 1993 and 1994. Compare actual average weekday traffic (AWDT) volumes to the following threshold AWDT volumes for each year listed below:

1992 = 46,879
1993 = 47,239
1994 = 47,602

Record and submit the results of this comparison in the project's annual status report.

g. If actual AWDT volumes exceed the AWDT threshold volumes identified in Condition 2f above, the owners of Phase B lands shall conduct air quality modeling of carbon monoxide (CO) impacts. The air quality modeling shall follow Florida Department of Environmental Regulation (FDER) guidelines and shall:

(i) Be based on actual AWDT traffic counts for the intersection of N.W. 199 Street and U.S. 441; and

(ii) Be conducted for the period between December and February, and

(iii) Be submitted during the month of April after exceedance determination and during the same year, in a detailed analysis to FDER and Miami-Dade County Department of Environment Resources Management (DERM) for comment and review, and to the SFRPC for review and approval.

h. If the results of the air quality modeling study, as described in Condition 2g, above, exceed 85% but less than 100% of the State standard for CO concentrations:

(i) The owners of Phase B lands shall submit within 180 days, a detailed air quality monitoring plan to FDER and DERM for review and comment and SFRPC for review and approval.

i. If the results of the air quality modeling study, as described in Condition 2.g., above, or any monitoring results pursuant to Condition 2.h., above, exceed State standards for CO concentrations:

(i) The owners of Phase B lands shall provide acceptable documentation which clearly indicates that CO exceedances will not occur, or that project development seeking approval will not contribute to the predicted CO violation, or that any potential CO additions for additional project development on Phase B lands has been or will be mitigated prior to issuance of building permits for the additional project development. This documentation must be submitted to FDER and DERM for comment and review, and to the SFRPC for review and approval.

[Note: The conditions set forth in Paragraphs 2.a. – 2.e. have been satisfied.]

3. Incorporate the following into the design and operation of the non-stadium portion of the project:

a. Designate five percent of office employee parking spaces, located as close as possible to building entrances, for exclusive car or van pool use.

b. Actively encourage and promote car and van pooling by office employees by establishing a car pool information program.

c. Provide Metrobus and Metrorail route and information in convenient locations throughout the project.

d. Encourage mass transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership as transit service is made available to the site.

e. Mulch, spray or grass exposed areas during construction to prevent soil erosion and minimize air pollution.

4. Design, construct, and maintain the stormwater management system to meet the following standards:

a. Retain the first one inch of runoff from all project surface parking areas in vegetated retention areas.

b. Retain the first inch of runoff from roadways in vegetated retention areas or dry exfiltration trenches.

c. Design, develop, and maintain the vegetated retention areas to allow retained stormwater to infiltrate in less than 24 hours.

d. Construct the drainage system in accordance with applicable South Florida Water Management District and DERM standards.

e. Develop up to 7,200 of the total stadium parcel parking as grassed - not paved - spaces.

f. Install pollution retardant structures to treat all stormwater runoff from each drainage basin by using a down-turned inlet pipe or other device to separate oil and grease.

g. Install oil and grease baffles in canal discharge structures.

h. Periodically remove pollutant accumulations from the stormwater system.

i. Limit application of pesticides and fertilizers in vegetated retention areas to once per year for preventive maintenance and to emergencies, such as uncontrolled insect infestation.

j. Vacuum sweep all non-stadium parking lots and roadways at least once per week from May through October and once every two weeks from November through April.

k. Subject to DERM approval and in accordance with applicable regulations, provide appropriate measures to prevent overland stormwater runoff from entering the canal.

[Note: The conditions set forth in this paragraph have been completed for the Stadium and all roadways and parking areas completed to date.]

5. Develop the project in accordance with the following hazardous materials and hazardous waste accident, prevention, and mitigation standards; and incorporate these standards into all lease and sales agreements, restrictive covenants, and association regulations, as applicable:

a. Require all areas within buildings where hazardous materials or hazardous wastes (ignitable, corrosive, toxic, or reactive, including those identified in Exhibit 1) are to be used, handled, generated, or stored, to be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.

b. Prohibit any and all outside storage of hazardous materials or hazardous waste.

c. Require hazardous waste generators (tenants classified in a SIC code listed in Exhibit 2 that use, handle, store, or display hazardous materials and/or generate hazardous wastes) to contract with a licensed public or private hazardous waste disposal service or processing facility and to annually provide to Miami-Dade

County and maintain on file for a period of at least five years, copies of one of the following types of documentation of proper hazardous waste management practices:

- a hazardous waste manifest;
- a bill of lading from a transporter indicating shipment to a permitted hazardous waste management facility; or
- a confirmation of receipt of materials from a FDER-approved recycler of waste exchange operation.

d. Require such hazardous waste generators to submit to the Applicant such information as is necessary for Applicant compliance with the annual monitoring and reporting requirements in Condition 24 and 41 below.

e. Notify tenants generating hazardous wastes of the penalties for improper disposal of hazardous waste pursuant to Section 403.727, Florida Statutes.

f. Allow reasonable access to facilities for monitoring by Miami-Dade County and FDEP.

6. Remove all invasive exotic plans from the project site as the site is cleared; preserve the native oak area identified in Exhibit 3; use only those plant species identified in Exhibit 4 in project landscaping; and either preserve, relocate within the site, or transplant to another location in the Region all healthy wax myrtle, red bay, and oaks scattered throughout the project site. In the event the relocation of the existing wax myrtle, red bay, or oak trees is not feasible, then replacement with suitable native landscape material shall be required subject to DERM approval.

[Note: This condition has been satisfied.]

7. Provide to, and on a schedule established by the Miami-Dade County Historic Preservation Division (MDHPD) funds necessary for MDHPD to hire an archaeological assistant to monitor Dolphin Center development.

8. a. Dedicate the preserved archaeological midden shown in Exhibit 3 for open space, or donate the land to Miami-Dade County or another agency/organization acceptable to both Miami-Dade County, the Department of Community Affairs (DCA), and the Council for perpetual maintenance as an archaeological site.

b. The archaeological midden shown in Exhibit 3 shall be maintained in its native condition and within 12 months of the effective date of this Development Order be surrounded by an 8-foot high chainlink fence, or other barrier suitable to Miami-Dade County.

c. Provide within 3 months of the effective date of this Development Order an accurate legal description approved by the Miami-Dade County Historic Preservation Division of the archaeological midden shown in Exhibit 3.

9. As shown on Exhibits 5a and 5b, develop a South Neighborhood Protective Buffer in the area extending 351' inward from the Dolphin Center property line along N.W. 24th Avenue, with a park built to Miami-Dade County standards and approved by the Parks Department. A meandering bicycle path shall extend the length of the Buffer, according to the following standards:

   a. Road right-of-way (ROW) as needed for fully expanded residential roadway sections along the property line between Dolphin Center and Crestview/Rolling Oaks neighborhood ("Current Property Line") shall be dedicated and improved by the Applicant within 12 months of the effective date of the Development Order. These ROW requirements are defined as follows unless determined to be otherwise by Miami-Dade County:

      - N.W. 24th Avenue, 30' from the Current Property Line (CPL)
      - N.W. 22nd Avenue, 50' from the CPL
      - N.W. 195th Street extended, 25' from the CPL

      The interior property line resulting from this required ROW dedication shall be referenced herein as the "ROW Line."

   b. Measuring a minimum of 110' to 130' toward the interior of the project from the ROW line, a "Wall Construction Line" shall be delineated for location and construction of an attractive masonry wall, approved by the Planning Department 6' to 8' in height to permanently bar access and reduce noise transmission between the project site and the adjacent neighborhood. The Wall Construction Line shall vary as necessary to:

      - accommodate the park on the east end of the South Neighborhood Protective Buffer shown on Exhibits 5a and 5b, and

      - west of 24 Avenue, extend northward to within 10' of N.W. 199 Street right-of-way, and then follow the alignment of N.W. 199 Street to at least 110' east of N.W. 22 Avenue extended.

   c. On the neighborhood side of the Wall Construction Line, develop and maintain the area according to the following:

      - A landscape plan approved by the Miami-Dade County Department of Planning & Zoning which provides a continuous, effective visual barrier for adjacent neighborhood residents and addresses security and maintenance concerns. The plan should provide a visual barrier at least 20' in height after 5 years of growth and to 30' in height after 10 years of growth.

      - Adjacent to the ROW Line referenced in 9a above, construct an 8-foot wide bike path meandering through a 20-40 foot wide bike path right-of-way.

- The 20 to 40 foot bike path right-of-way shall be landscaped to be compatible with and enhance adjacent residential areas.

- Construct and maintain an irrigation system in the landscaped areas of the South Neighborhood Protective Buffer.

- Plant a 10-foot wide grassed separation strip between the landscaped area and the masonry wall.

- Construct, as shown in Exhibit 5b, a 5-acre park abutting the 5-acre pine-oak preservation area, pursuant to Condition 6 herein, and subject to design and specifications approved by the Parks Department.

d. The pine-oak preservation area shown in Exhibit 3 shall be maintained in its native condition and be surrounded by an 8-foot high chain link fence, or other barrier subject to County approval.

e. Provide within three months of the effective date of this Development Order an accurate legal description, approved by DERM, of the pine-oak preservation area shown in Exhibit 3.

f. The masonry wall shall be constructed and the landscaping completed within 12 months of the effective date of this Development Order, and the remainder of the Neighborhood Protective Buffer requirements specified in this Condition 9 shall be completed in an additional 12 months.

g. Provide within 3 months of the effective date of this Development Order, provisions for the maintenance of that portion of the Neighborhood Protective Buffer not provided for in b and c above.

[Note: The conditions set forth in this paragraph have been satisfied.]

10. Apply for and fully cooperate in the establishment of a special taxing district or districts within 12 months of the effective date of this Development order, encompassing all real property within the DRI application site, and only that property, to provide for the maintenance of and improvements to the 40' landscaped North Neighborhood Protective Buffer and the 110'-130' wide linear park and bike path within the South Neighborhood Protective Buffer, the park on the east end of the South Neighborhood Protective Buffer, the archaeological midden area, and the pine-oak preservation area. Pay all taxes or assessments levied by said district or districts. All lands subject to maintenance and improvement under the special taxing district or districts must be dedicated to Dade County in fee simple free and clear of all liens, encumbrances and encroachments within the 12 months period specified in this paragraph.

[Note: This condition has been satisfied.]

11. Develop a North Neighborhood Protective Buffer, by planting a permanent landscaping barrier along the north edge of the property beginning at the southern edge of the South

Florida Water Management District (SFWMD) right-of-way and extending 40' south, unless specific permission is obtained from the SFWMD allowing a portion of their right-of-way to be dedicated for perpetual use as part of the North Neighborhood Protective Buffer to be developed and maintained by the Applicant. This 40-foot wide North Neighborhood Protective buffer shall contain an irrigation system installed and maintained in operating condition by the applicant and be planted consistent with the illustration in Exhibit 6, using the species in Exhibit 4, prior to issuance of a certificate of occupancy for the stadium.

[Note: This condition has been satisfied.]

12. Develop the property in accordance with the Archaeological Management Plan in Exhibit 7.

[Note: This condition has been satisfied.]

13. a. Provide to Miami-Dade County Fire Rescue Department at the time of issuance of the first building permits in each phase or portion thereof $0.08 (1984 dollars) per square foot of office/commercial development, and $80 (1984 dollars) per hotel room. In addition thereto, prior to requesting any certificate of occupancy for the stadium, provide the Fire Department the lump sum of $164,735 to cover the prorata cost of necessary fire/rescue equipment for the stadium. In addition, maintain a helicopter landing area according to Miami-Dade County Fire Department regulations prior to the issuance of a Certificate of Occupancy.

[Note: This condition has been satisfied for the development to date.]

b. Provide to Miami-Dade County Fire Rescue Department, prior to the issuance of a Certificate of Occupancy for the additional 1,916 seats in the stadium, a single payment of $5,269 to cover the prorata cost of necessary fire/rescue equipment to service this stadium expansion.

[Note: This condition has been completed.]

14. a. Cooperate with the Miami-Dade Police Department and incorporate security measures and systems into the design and operation of Dolphin Center, including the following:

- Security Office (with a holding cell) at each end of the stadium;
- An area which can be used as a police command post within the stadium, shielded from the weather, and large enough to hold roll call for assigned personnel;
- Television cameras located in sensitive areas throughout the stadium with television monitors placed in one of the security offices.

b. Provide to the Miami-Dade County Police Department, prior to requesting any Certificate of occupancy, the sum total of $128,249 to be used to reimburse the Department for equipment purchased to provide adequate police service for stadium events.

[Note: The conditions set forth in this paragraph have been satisfied.]

15. a. Incorporate the following energy conservation measures into the stadium development:

- Water flow restricters and low water use fixtures in all restrooms.
- No hot water in restrooms.
- Where hot water is provided in the skyboxes, use small incremental water heaters.
- Natural gas for hot water heating in locker rooms and management areas.
- At least 7,200 parking spaces with grass surfaces.

b. Include the following operational or design improvements into the Final Dolphin Stadium Plans prior to January 1, 1987.

- A traffic management plan for major stadium events which maximizes efficient traffic flow, reversible traffic levels on N.W. 199 Street, and the separation of bus movements from that of vehicular traffic. In addition to bus separation when bus and other vehicular traffic move in the same direction, the plan must account for the separation of exiting buses (during vehicular egress) for return bus trips.
- Improve the bus terminal drop off plan to (a) enlarge the size of the terminal by increasing the number of bus bays to at least 25, and (b) minimize or eliminate bay cross flow of bus passenger/pedestrian movement and vehicular traffic.
- Agree to offer and sell transit passes and other fare media; through the mail to season ticket purchasers who would wish to access stadium events via transit.

[Note: The conditions set forth in this paragraph have been satisfied.]

16. Incorporate the following emergency conservation measures into the non-stadium portion of the development.

a. Exterior shading and tinted or reflective glass to reduce solar heat gain.

b. Hot water temperatures set at or below 105° F unless higher temperatures are required by building code or for sanitary reasons.

c. Energy efficient cooling systems.

d. Maximum flexibility of air conditioning system to cool only occupied areas (on a floor-by-floor basis at minimum).

e. Air distribution using a variable air volume system, where practical.

f. Air conditioning energy efficiencies (EER) of 10.0 or greater.

g. Measures that effectively yield, in the cooling mole, at least R-7 in walls and R-19 in ceilings.

h. Isolate heat producing areas and equipment (cooking, water heating, etc.) from air conditioned areas.

i. Natural gas or other non-electric energy sources for cooking, space heating, and water heating in restaurants and hotels, where feasible.

j. Individual electric metering of office tenants.

k. Solar water heaters or waste heat recovery units to preheat cooking and washing hot water in restaurants, hotel, etc., where feasible.

l. Lavatory water flow of 0.8 gallon per minute or less and water closets that use no more than three and one-half gallons per flush, or in accordance with the requirements of the South Florida Building Code, whichever is more restrictive.

m. Where possible, orientation of structures with no more than 40% of total wall surface facing east and west.

n. Landscaping to shade, on the average, 50% of paved parking space, between 10:00 a.m. and 5:00 p.m. after eight years of growth (one tree for every six spaces, assuming 15-foot canopy).

o. Bicycle support facilities such as secure bike racks or storage areas, and, if feasible, lockers and showers for project employees.

p. A coordinated system of bicycle paths.

q. Central energy management systems in office buildings that will provide start/stop optimization, time of day scheduling, night temperature setback/startup, and if feasible, programmed maintenance and building lighting control.

r. Minimum use of incandescent lighting, and use of fluorescent task lighting and indirect sunlight where possible.

s. Light-reflecting and/or light colored wall and roof surfaces, with solar absorption coefficients less than or equal to 0.50.

17. a. Limit the location (as identified in revised Figure 1) and design of all project ingress and egress to the minimum standards for design and construction for street and highways as approved by the State of Florida, and/or Miami- Dade County as applicable.

b. Until such time as the Dolphins Stadium is served directly by fixed or commuter rail transit, make available for stadium parking a minimum of 3,500 spaces collectively within Dolphin Center East and West, or as additional parking within the stadium site (Phase A), for all stadium events occurring on Saturday, Sunday, or after 7:00 p.m., on weekdays. Nothing herein restricts the use of the property on which the 6,600 unimproved parking spaces have been designated. Such location can be determined at any time, provided however, that prior to such termination, South Florida Stadium Corp. (or its successor) shall submit and receive approval of an alternate parking plan and construct the relocated spaces, subject to the provisions of section 380.06 (19) Florida Statutes, (if applicable) and the relevant provisions of the Miami-Dade County Code.

18. a. Withhold from requesting any Certificates of occupancy for the Dolphin Stadium until the following roadway improvement is complete:

Improvements	Exhibit No.
Hollywood Boulevard - I-75 to University	Add 2L (4LD)

[Note: This condition has been satisfied.]

b. Prior to January 1, 1987, Applicant will cause the acquisition of the necessary right-of-way (Exhibits #9-14) for the recommended improvement of the U.S. 441/N.W. 199 Street intersection. Failure of the Applicant or a governmental agency to acquire the necessary right-of-way on or before January 1, 1987, will authorize Miami-Dade County Building Department to withhold any further permits, refuse inspections, or withhold any approvals for the Dolphin Stadium.

[Note: This condition has been satisfied.]

c. Prior to January 1, 1987, Applicant will cause construction to begin on the Ives Dairy Road/I-95 intersection in accordance with Exhibit 9 - 22 Revised. Failure of the Applicant or a governmental agency to commence construction on or before January 1, 1987 will authorize the Miami-Dade County Building Department to withhold any further permits, refuse inspections, or withhold any approvals for the Dolphin Stadium.

[Note: This condition has been satisfied.]

d. Restrict attraction and recreation uses within Dolphin Center North to professional football and baseball games, and in addition, other events which may only occur on Saturday and/or Sunday until those transportation improvements listed below and contained in Conditions 18b, 18c and 18e are

completed. As used in this condition, the word "Event" shall mean any use of the stadium seating designed to view field events which is open to the general public by either paid or unpaid admission. As used in this condition, the word "annually" shall mean a 12 month period of time commencing on August 1st and running until August 1st of the following year. In addition, complete the following transportation related improvements prior to the dates listed:

Improvements	Required Completion Date	Exhibit No.
University Drive/ Miramar Parkway Intersection	Completed	Exhibit 9-28
University Drive/HEFT Interchange	Completed	Exhibit 9-5
Miramar Parkway/Flamingo Road Intersection	Completed	Exhibit 9-13
Miramar Parkway/U.S. 441 Intersection	Completed	Exhibit 9-15
SR 7/Hollywood Boulevard Intersection	Completed	Exhibit 8
NW 27 Avenue/Miami Gardens Dr. Intersection	*	Exhibit 9-7a**

* Prior to issuance of Certificate of Occupancy for 7:00 pm baseball game start time.
** attached

Notwithstanding anything in this Condition 18d to the contrary, weekday Events (other than professional baseball games, and up to two other televised events annually) shall not have scheduled starting times between the hours of 5:00 p.m. and 8:00 p.m.; and weekday professional baseball games in within Dolphin Center North, shall not have scheduled starting times between the hours of 5:00 p.m. and 7:00 p.m. and Events, shall not have scheduled starting times between the hours of 5:00 p.m. and 7:30 p.m. Weekday attendance at any concert event shall not exceed 55,000 persons.

e. Prior to July 1, 1986, the Applicant will enter into agreement with governmental agencies including, but not limited to Miami-Dade County, Broward County, various municipalities, or with the FDOT. Said agreement(s) shall cause the construction of the following recommended improvements to be completed on or before August 1, 1988:

Improvement	Exhibit No. 9
Florida Turnpike/N.W. 199 Street Interchange	1, 2 (Completed)
Florida Turnpike, add 2 lanes on mainline Turnpike at vicinity of N.W. 199 Street	8 (Completed)
Florida Turnpike-Golden Glades to Miramar Parkway widen to 6 lanes	8 (Completed)

[Note: This condition has been satisfied.]

f. Prior to July 1, 1986, the Applicant will enter into an agreement with FDOT ensuring completing of the following improvements on or before January 1, 1990:

Improvement	Exhibit No. 9
Red Road/Flamingo Road - Miami Gardens Drive to Hollywood Boulevard, 6 lanes, divided	13,18,19, 20
Red Road/HEFT - Interchange	20
HEFT/Turnpike - New Ramps	17

[Note: This condition has been satisfied.]

g. Prior to requesting a Certificate of Use and Occupancy for the additional 1,916 seats with the stadium, provide to the Miami-Dade County Public Works Department the appropriate Roadway Impact Fee in accordance with the requirements of Chapter 33E of the Code of Miami-Dade County.

[Note: This condition has been satisfied.]

h. During weekday Stadium events which occur concurrently with the scheduled arrivals and departures of Norwood Elementary and Madie Ives Elementary School students, the owner of the Stadium, at its sole cost and expense, shall cause the following minimum number of uniformed Miami-Dade Police Officers and equipment to be assigned at each location listed below for the purpose of traffic control necessary to assist school children in crossing N.W. 199 Street, as follows:

a. Two uniformed Miami-Dade Police Officers and one uniformed patrol car or motor unit at the intersection of N.W. 14 Court and N.W. 199 Street.

b. One uniformed Miami-Dade Police officer and one uniformed patrol car or motor unit at the intersection of N.W. 12 Avenue and N.W. 199 Street.

c. One uniformed Miami-Dade Police Officer and one uniformed patrol car or motor unit at the intersection of N.W. 7 Avenue and N.W. 199 Street.

d. One uniformed Miami-Dade Police officer and one uniformed patrol car or motor unit within the marked crossing zone at N.E. 12 Avenue and Ives Dairy Road.

The Stadium Manager's Office shall deliver at least one week prior notification of each weekday stadium event that will occur concurrently with the scheduled arrivals and departures of students of Norwood Elementary and Madie Ives Elementary Schools. Upon receipt of such notice, representatives from the Miami-Dade County Public Schools Safety Department and the on site school administrators shall determine and advise the Stadium Manager's Office of the need for additional police officers and/or equipment, if any, for school safety traffic control during such events. The owners of the Stadium shall provide the additional officers and equipment at their sole cost and responsibility.

In the event that the owners of the Stadium fail to provide the uniformed police officers or equipment required by this condition, the School Board of Miami-Dade County shall have the right to provide said officers and equipment and the owners of the Stadium shall reimburse the School Board for the costs of said officers and equipment upon the submission of an invoice therefor.

[Note: This condition has been satisfied.]

19. a. Prior to January 1, 1987, Applicant will coordinate with FDOT the completion of a revenue and feasibility study for the I-75/HEFT ramps (Exhibit 9 - 21).

[Note: This condition has been satisfied.]

b. If determined financially feasible under Condition 19a above, prior to January 1, 1989, Applicant will enter into an agreement with FDOT to cause the construction of the I-75/HEFT ramps. Construction must commence no later than January 1, 1992.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible, therefore, this condition has been satisfied.]

c. Should the FDOT or other public or private agency fund from other revenue sources and construct the I-75/HEFT ramps (Exhibit 9 - 21) according to the schedule herein, the Applicant's obligation towards this improvement shall be eliminated.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible, therefore, this condition has been satisfied.]

d. In the event that FDOT or another entity is unable to begin construction of the I-75/HEFT ramps by January 1, 1992, regardless of the reasons, the Applicant shall immediately be liable for the construction of the following arterial improvements, which are identified in the Dolphin Center ADA as necessary alternatives to the I-75/HEFT ramps if projected traffic volumes are to be adequately supported (LOS "D").

Improvement	Exhibit No.
Palm Avenue: Hollywood Boulevard to Pembroke Road, 2 to 4 lanes, divided	None

[Note: This condition has been satisfied.]

20. a. Prior to requesting any Certificates of Occupancy for any Phase B retail, hotel, fitness, office or trademart development on property abutting the intersection at N.W. 27th Avenue and N.W. 191st Street, cause the construction of the following improvements:

Improvement	Exhibit No. 9 Reference
N.W. 27 Avenue and 191 Street - Intersection 6	Revised

b. In the event that another developer, Broward County, Miami-Dade County, and/or FDOT constructs the improvement identified in 20a, within the specified time frame, the Applicant will not be held responsible for that particular improvement.

c. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown below) worth of Phase B retail, hotel, fitness, office or trademart development (Revised Table 1), construct the following recommended roadway improvements or, at the option of the applicable public agencies or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $700,000 (1992 dollars) for their construction:

Vehicle trip generation rates for Phase B land uses

Retail	4.38/1,000 SF
Office	1.42/1,000 SF
Trademart	1.33/1,000 SF
Fitness Center	2.06/1,000 SF
Hotel	0.67/Room

Improvement	Exhibit No.
Pembroke Road/University Drive, Intersection	9-26

d. In the event that another developer, Broward County, Miami-Dade County, and/or the FDOT, constructs the improvements identified in 20c, the $700,000 (1992 dollars) shall be reduced by the amount assessed the Applicant for that particular improvement.

e. After gaining FDOT District IV and VI approval based upon the submittal of a detailed operational analysis for the reversible lane facility, and prior to the issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of Phase B retail, hotel, fitness, office or trademart development, construct the following recommended roadway improvement or, at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $750,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
N.W. 27th Avenue from H.E.F.T. to N.W. 191st Street	None

Remove median.
Restripe to 8 lanes
Operate as a reversible Roadway with 6 variable Message Signs during the AM and PM peak hours.

If for any reason this improvement is not deemed feasible by FDOT District IV and VI, the Applicant must recommend a comparable alternative improvement that resolves the projected capacity constraint of the roadway to be approved by the FDOT District IV and VI, the SFRPC and the Miami-Dade County Department of Public Works.

f. The owners of Phase B lands shall comply with this condition of the development order to address Miami-Dade County's concurrency requirements with respect to N.W. 199th Street from N.W. 27th Avenue to N.W. 37th Avenue. The owners of Phase B Lands shall perform a concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue at the conclusion of the April 1993 Amendment process to Dade County's "Comprehensive Development Master Plan." The analysis will incorporate existing plus projected traffic as set forth in the approved Question 21, Transportation Analysis for the Amended Dolphin Center DRI. If such analysis indicates a deficient level of service in accordance with applicable Miami-Dade County concurrency standards then in effect, the owners of Phase B lands shall modify the signal timing at N.W. 199th Street and N.W. 27th Avenue within 120 days of County's review of the aforedescribed concurrency analysis, subject to approval by Miami-Dade County. Within 60 days of modifying the signal timing, the owners of Phase B lands shall perform an additional concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue which incorporates existing plus projected traffic as set forth in the approved Question 21 transportation analysis for the Amended Dolphin Center DRI. If such analysis indicates a deficient level of service in accordance with applicable Dade County concurrency standards, then the owners of Phase B lands shall enter into an agreement with governmental agencies including, but not limited to Miami-Dade County or FDOT, to cause the construction (at the applicant's expense) of the following recommended improvement to be completed within one (1) year:

Improvement

N.W. 199th Street: N.W. 27th to 37th Avenue, 4 to 6 lanes, divided.

g. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of Phase B retail, hotel, fitness, office or trademart development, or within twenty-four months from the effective date of the amended development order (whichever occurs first), construct the following recommended roadway improvement, or at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a Letter of Credit in the amount of $300,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
Miramar Parkway/Douglas Road Intersection	9-23 (Revised)

21. Execute agreements with the FDOT to:

    a. Guarantee the bonds and cover any shortfall for the 199th Street interchange with the Turnpike (Exhibits 9-1 and 9-2) to ensure its construction prior to August 1, 1988.

    [Note: This condition has been satisfied.]

    b. Provide all necessary rights-of-way including the $1.5 million in right-of-way cost for the 199th Street interchange; and

    [Note: This condition has been satisfied.]

    c. Construct the ramps connecting I-75 and HEFT (Exhibit 9-21), if determined economically feasible by FDOT.

    [Note: The study performed pursuant to Condition 19a. determined that the I-75/HEFT ramps were not economically feasible. Therefore this condition has been satisfied.]

22. By July 1, 1987, enter into agreements with Broward County and Miami-Dade County to provide payment sufficient to cover the following costs imposed on local governments in Broward and Miami-Dade Counties by the Dolphin Center DRI:

    a. Maintenance of the archaeological preserve established by Condition 8 herein.

    b. Maintenance of the South Neighborhood Protective Buffer, pursuant to Condition 9 and Condition 10 herein.

    c. Provision of increased public safety and Fire Rescue personnel for security, and traffic control, and fire and accident response during stadium events.

    d. Design, engineering, right-of-way, and construction costs of any transportation improvements necessitated by federal or state regulations.

    e. Operational and maintenance costs of providing transit service to stadium events and/or weekday transit service to the site.

    [Note: The conditions set forth in this paragraph have been satisfied.]

23. Integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy each to Broward and Dade Counties, and one copy to the Florida Department of Community Affairs (FDCA) within 90 days of this Development Order. The CADA shall be prepared as follows:

a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of the DO whether in response to a formal statement of information needed or otherwise, the original page of the ADA will be replaced with revised pages.

b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

24. Prepare an annual report in accordance with the requirements specified in Condition 39 herein and submit copies to the Council, Broward County, Miami-Dade County, and FDCA.

THE COUNTY WILL:

25. Approve no more than the amount of development described in Condition 1, herein, for Dolphin Center Stadium North, with no building permits issued that would exceed the permitted seats, square feet or number of units in each land use category. However, it is understood that more than 74,916 attraction and recreation seats may be constructed on site, so long as no more than 74,916 attraction and recreation seats will be in operation at any time.

26. Issue subsequent development permits for the project only if plans and applications for such permits are in substantial compliance with the maximum development totals specified in Condition 1 herein and the terms and conditions of this DRI Development Order. Any change to the project, shall be governed by the requirements of Subsection 380.06(19), Florida Statutes (2007) provided, however, that under no circumstances, shall any change be proposed, approved, or constructed that would allow (either individually or when considered cumulatively with prior changes) more total development, as identified in Table 2 attached.

27. Stay the effectiveness of the DRI Development Order and withhold further permits, approvals, and services, within 30 days of receiving notice of, and verifying, Applicant violation of any of the conditions herein or other failure to act in substantial compliance with the Development Order.

28. If the results of the air quality monitoring study for Phase B lands, as described in Condition 2.g., above, or any monitoring results pursuant to Conditions 2.h. and 2.i., above, exceeds 85% but less than 100% of the State standard for CO concentrations or exceeds State standards for CO concentrations, withhold the issuance of any building permits for additional project development on Phase B lands that shows CO exceedances, until the monitoring plan is approved and necessary mitigation improvements have been funded or bonded (bond, letter of credit, or other acceptable assurance) with the applicable public agency.

29. Construct the following improvements prior to August 1, 1987:

- N.W. 199th Street - from Turnpike to US 441 - 2 to 5 lanes, including intersections.
- N.W. 199th Street - from 27th to 52nd Avenue, 2 to 4 lanes, divided.

- Miami Gardens Drive - from N.W. 77th Avenue to I-75, new 4-lane, divided.

[Note: This condition has been satisfied.]

30. Prior to issuance of certificate of occupancy for the Stadium, construct a grade separated pedestrian walkway accessible to the handicapped over N.W. 199 Street, within 200' of the Norwood Elementary School entrance, prior to extending and opening N.W. 199 Street west of the Turnpike, or an alternative approved by Miami-Dade County; and the School Board.

[Note: This condition has been satisfied.]

31. Withhold all Certificates of Occupancy for the Dolphin Stadium until the following roadway improvement is complete:

Improvement	Exhibit No.
Hollywood Boulevard: SR 7 (U.S. 441) to N.W. 64 Avenue, Add 2L (4LD) Incl.	(Exhibit 8)

[Note: This condition has been satisfied.]

32. Withhold the issuance of Certificates of Occupancy for more than 18 events annually for the Dolphin Stadium including professional football until such time as the following improvements are constructed and completed. The determination as to what constitutes a "completed" road improvement, as required in this condition, shall be made by the Miami-Dade County Public Works Director.

Improvement	Exhibit No.
U.S. 441/N.W. 199 St., Intersection (Recommended)	9-14 Revised (Completed)
Florida Turnpike/N.W. 199 St. Interchange (Recommended)	1,2 Completed
Florida Turnpike, add 2 lanes at vicinity of N.W. 199 Street (Recommended)	8 Completed

In addition, the following roadway improvements must be completed prior to the date listed.

Improvement	Completion Date	Exhibit No.
University Drive/Miramar Parkway Intersection	Completed	Exhibit 9-28
University Drive/HEFT Interchange	Completed	Exhibit 9-5

Miramar Parkway (New) Flamingo Rd. Intersection	Completed	Exhibit 9-3
Miramar Parkway/U.S. 441 Intersection	Completed	Exhibit 9-15
SR 7 and Hollywood Blvd. Intersection	Completed	Exhibit 8

[Note: This condition has been satisfied.]

33. Make a diligent effort to enter into an agreement with the Applicant pursuant to Condition 22 herein.

[Note: This condition has been satisfied.]

GENERAL:

34. The Amended ADA is hereby incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Amended ADA is a condition for approval unless waived or modified by agreement among the Council, County and Applicant, its successors, and/or assigns.

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the buildout period **(October 10, 2017)** sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this Development Order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.0. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) The issuance of a further local Development Order (as defined in Chapter 33G, Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements

or local development regulations in effect at the time such modification or change occurs.

35. Each of the following, in and of itself, shall constitute a substantial deviation from the DRI Development Order and require an Amended DRI/ADA to be submitted to the County, Council and State:

a. An increase by 15% in the number of trips generated by the project compared to the projections in the Amended ADA for either the Weekday PM peak-hour or Sunday peak-hour, pursuant to Section 380.06(19)(b)(15), Florida Statutes.

b. Any use of the South Neighborhood Protective Buffer not specified in Condition 9 herein or failure of the Applicant to develop and maintain the Buffer according to the standards specified in that condition and Conditions 10 and 22 herein.

c. A violation of the air quality planning and implementation requirements that continues in excess of the 3 months from the time periods specified in Condition 2 herein.

d. Extension of any neighborhood access road through the site.

e. Change in any publicly dedicated project entrance/stadium access point.

f. Failure of the Applicant to enter into an agreement for roadway construction, acquire right-of-way, or construct the transportation improvements identified in Conditions 18b, 18c, 18f, 18g and 19b within 90 days of the dates specified.

g. Failure of FDOT to construct the Turnpike/199 Street Interchange (Exhibits 9-1 and 9-2) prior to August 1, 1988.

h. Failure of the Applicant to receive a certificate of occupancy for a stadium within three years of the effective date of the DRI Development Order.

i. Failure of Miami-Dade County to construct and operate 199 Street, from U.S. 441 to N.W. 27 Avenue, as a reversible lane facility for stadium events.

j. Failure of the Applicant to dedicate the 110'-130' wide linear park and bike path of the South Neighborhood Protective Buffer, private property contained within the North Neighborhood Protective Buffer, the park located on the east end of the South Neighborhood Buffer, the archaeological midden, and the pine-oak preservation area to Miami-Dade County and establish a special taxing district for maintenance and improvement of the above-referenced areas within 12 months of the effective date of this Development Order.

36. In the event the Applicant, its successors, and/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or

conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of the Planning and Zoning Department that such violation has occurred. With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

October 10, 2017, is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.

37. The Director of the Department of Planning and Zoning is hereby authorized to stay the effectiveness of the DRI Development Order in accordance with the provisions of Condition 36 above upon notification and verification of a violation of any condition herein.

38. a. The Director of the Department of Planning and Zoning is hereby required to monitor compliance with all conditions of the Development Order and shall make certain that the Development Order conditions are reviewed by the County prior to issuance of any local development permit; and

b. For any conditions that cannot reasonably be monitored as part of the local permitting and inspection processes, the Director of the Department of Planning & Zoning shall require a notarized affidavit from the Applicant assuring compliance with such Development Order conditions and shall be included as part of the annual report required by Condition 39 herein.

39. The Applicant shall annually prepare, and submit to the County, Council, and State on the anniversary date of the DRI Development Order, a report to include the following:

a. A complete response to each question in Exhibit 11.

b. Identification of any changes in the plan of development, or in the representations contained in the amended ADA, or in the phasing for the reporting year and for the next year.

c. A summary comparison of development activity proposed and actually conducted for the year.

d. Listing of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer.

e. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued.

f. An assessment or the Applicant and the local government compliance with the conditions of approval contained in the DRI development order and the commitments contained in the amended ADA.

g. Identification of DRI application for development approval amendments or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

h. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.

i. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each.

j. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes (2007).

k. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(15)(f), Florida Statutes (2007).

l. Copies of the following documentation of appropriate disposal of all hazardous waste:

- a hazardous waste manifest;
- a bill of lading from a bonded hazardous waste transporter indicating shipment to a licensed hazardous waste facility; or
- a confirmation of receipt of material from a recycler, a waste exchange operation, or other permitted hazardous waste management facility.

m. Any other information required by the FDCA in accordance with Section 380.06(15) and (18), Florida Statutes (2007), and Rule 9J-2.25(16), Florida Administrative Code.

40. The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center **North** Development Order as amended and specifying that the Development Order runs with the land and is binding on all the applicants, its successors, and/or assigns, jointly and severally. **(This condition was amended to reflect the "North" D.O.)**

41. All exhibits referred to in this Development Order are attached hereto and made a part hereof.

42. The Council Amended ADA DRI Assessment is hereby incorporated by reference into this Development Order.

43. This development order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to Section 380.06(19), Florida Statutes. This bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that changes to each will assume that such modifications will be analyzed incorporating the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent modifications to the Dolphin Center South DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent modifications to the Dolphin Center North DRI development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with Section 380.06(19), F.S. (This is a new condition.)

Schedule 2
Dolphin Center South

SCHEDULE 2

Dolphin Center - South

DRI Development Order

WHEREAS, the Applicant filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order for a portion of the Dolphin Center Development of Regional Impact and propose to create an independent DRI Development Order for the subject property and renaming it Dolphin Center South DRI as follows:

THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS JOINTLY OR SEVERALLY WILL:

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

    a. The project shall consist of up to 429,951 square feet of retail development, up to 20,000 square feet of trademart development, up to 25,000 square feet of office development, and up to 638 residential units.

    b. Maintain the South Neighborhood Protective Buffer in accordance with Conditions 7 and 8 herein.

    [Note: This condition has been satisfied.]

    c. Schedule project completion for October 10, 2017, pursuant to Section 380.06(19)(c), F.S.(2007), to recognize the tolling of time for the buildout date during the pendency of administrative or judicial proceedings relating to development permits for the project, the extension of the date of buildout of any phase thereof for twelve (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation.

2. Conduct a comprehensive air quality study, develop a plan and program for carbon monoxide monitoring and abatement, and implement all actions necessary to reduce carbon monoxide emissions during stadium events to meet State air quality standards, according to the following minimum requirements:

    a. Submit, within ninety days of the effective date of the Development Order, a detailed study design for modeling carbon monoxide concentrations associated with the stadium to the Florida Department of Environmental Regulation (FDER), the South Florida Regional Planning Council (Council) and Miami-Dade County Department of Environmental Resources Management (DERM) for review and approval.

    b. Submit and have approved, within nine months of the effective date of the Development Order, a comprehensive air quality study according to the study design approved pursuant to 2a above.

c. Within 10 months of the effective date of the Development Order, submit and have approved by the above agencies, a comprehensive pollution abatement plan and implementation program, detailing project design, construction, and/or operational measures, with associated standards and implementation schedules, to abate projected air quality exceedances.

d. Submit a program for monitoring the effects of implementing the pollution abatement plan in accordance with timing and review procedure specified in 2c above.

e. Implement the plan and program as approved by FDER, the council and DERM, and prior to, requesting any Certificates of Occupancy, enter into a formal agreement with DERM to provide air quality monitoring at a cost of $60,000 as required by the plan. This monitoring to include the identification of a permanent air-monitoring site, which would be available to DERM as needed.

f. The Applicant shall submit a Carbon Monoxide (CO) air quality analysis for any surface parking areas generating 1,500 (or greater) vehicle trips/hour or any parking garage generating 750 (or greater) vehicle trips/hour. The analysis shall be reviewed and approved by DERM, the Florida Department of Environmental Protection (FDEP), the SFRPC and Miami-Dade County prior to the issuance of the first building permit for the portion of the project generating the parking impacts. It shall incorporate the methodology of the latest FDEP guidelines. The study should include, if necessary, mitigation measures for which the Applicant shall be responsible.

3. Incorporate the following into the design and operation of the non-stadium portion of the project:

a. Designate five percent of office employee parking spaces, located as close as possible to building entrances, for exclusive car or van pool use.

b. Actively encourage and promote car and van pooling by office employees by establishing a car pool information program.

c. Provide Metrobus and Metrorail route and information in convenient locations throughout the project.

d. Encourage mass transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership as transit service is made available to the site.

e. Mulch, spray or grass exposed areas during construction to prevent soil erosion and minimize air pollution.

4. Design, construct, and maintain the stormwater management system to meet the following standards:

a. Retain the first one inch of runoff from all project surface parking areas in vegetated retention areas.

b. Retain the first inch of runoff from roadways in vegetated retention areas or dry exfiltration trenches.

c. Design, develop, and maintain the vegetated retention areas to allow retained stormwater to infiltrate in less than 24 hours.

d. Construct the drainage system in accordance with applicable South Florida Water Management District and DERM standards.

e. Install pollution retardant structures to treat all stormwater runoff from each drainage basin by using a down-turned inlet pipe or other device to separate oil and grease.

f. Install oil and grease baffles in canal discharge structures.

g. Periodically remove pollutant accumulations from the stormwater system.

h. Limit application of pesticides and fertilizers in vegetated retention areas to once per year for preventive maintenance and to emergencies, such as uncontrolled insect infestation.

i. Vacuum sweep all non-stadium parking lots and roadways at least once per week from May through October and once every two weeks from November through April.

j. Subject to DERM approval and in accordance with applicable regulations, provide appropriate measures to prevent overland stormwater runoff from entering the canal.

[Note: The conditions set forth in this paragraph have been completed for the roadways and parking areas completed to date.]

5. Develop the project in accordance with the following hazardous materials and hazardous waste accident, prevention, and mitigation standards; and incorporate these standards into all lease and sales agreements, restrictive covenants, and association regulations, as applicable:

a. Require all areas within buildings where hazardous materials or hazardous wastes (ignitable, corrosive, toxic, or reactive, including those identified in Exhibit 1) are to be used, handled, generated, or stored, to be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.

b. Prohibit any and all outside storage of hazardous materials or hazardous waste.

c. Require hazardous waste generators (tenants classified in a SIC code listed in Exhibit 2 that use, handle, store, or display hazardous materials and/or generate hazardous wastes) to contract with a licensed public or private hazardous waste disposal service or processing facility and to annually provide to Miami-Dade County and maintain on file for a period of at least five years, copies of one of the following types of documentation of proper hazardous waste management practices:

- a hazardous waste manifest;
- a bill of lading from a transporter indicating shipment to a permitted hazardous waste management facility; or
- a confirmation of receipt of materials from a FDER-approved recycler of waste exchange operation.

d. Require such hazardous waste generators to submit to the Applicant such information as is necessary for Applicant compliance with the annual monitoring and reporting requirements in Condition 17 and 31 below.

e. Notify tenants generating hazardous wastes of the penalties for improper disposal of hazardous waste pursuant to Section 403.727, Florida Statutes.

f. Allow reasonable access to facilities for monitoring by Miami-Dade County and FDEP.

6. Remove all invasive exotic plans from the project site as the site is cleared;; use only those plant species identified in Exhibit 4 in project landscaping; and either preserve, relocate within the site, or transplant to another location in the Region all healthy wax myrtle, red bay, and oaks scattered throughout the project site. In the event the relocation of the existing wax myrtle, red bay, or oak trees is not feasible, then replacement with suitable native landscape material shall be required subject to DERM approval.

[Note: This condition has been satisfied.]

7. As shown on Exhibits 5a and 5b, develop a South Neighborhood Protective Buffer in the area extending 351' inward from the Dolphin Center property line along N.W. 24th Avenue, with a park built to Miami-Dade County standards and approved by the Parks Department. A meandering bicycle path shall extend the length of the Buffer, according to the following standards:

a. Road right-of-way (ROW) as needed for fully expanded residential roadway sections along the property line between Dolphin Center and Crestview/Rolling Oaks neighborhood ("Current Property Line") shall be dedicated and improved by the Applicant within 12 months of the effective date of the Development Order. These ROW requirements are defined as follows unless determined to be otherwise by Miami-Dade County:

- N.W. 24th Avenue, 30' from the Current Property Line (CPL)

- N.W. 22nd Avenue, 50' from the CPL
- N.W. 195th Street extended, 25' from the CPL

The interior property line resulting from this required ROW dedication shall be referenced herein as the "ROW Line."

b. Measuring a minimum of 110' to 130' toward the interior of the project from the ROW line, a "Wall Construction Line" shall be delineated for location and construction of an attractive masonry wall, approved by Department of Planning and Zoning 6' to 8' in height to permanently bar access and reduce noise transmission between the project site and the adjacent neighborhood. The Wall Construction Line shall vary as necessary to:

- accommodate the park on the east end of the South Neighborhood Protective Buffer shown on Exhibits 5a and 5b, and

- west of 24 Avenue, extend northward to within 10' of N.W. 199 Street right-of-way, and then follow the alignment of N.W. 199 Street to at least 110' east of N.W. 22 Avenue extended.

c. On the neighborhood side of the Wall Construction Line, develop and maintain the area according to the following:

- A landscape plan approved by the Miami-Dade County Department of Planning and Zoning which provides a continuous, effective visual barrier for adjacent neighborhood residents and addresses security and maintenance concerns. The plan should provide a visual barrier at least 20' in height after 5 years of growth and to 30' in height after 10 years of growth.

- Adjacent to the ROW Line referenced in 9a above, construct an 8-foot wide bike path meandering through a 20-40 foot wide bike path right-of-way.

- The 20 to 40 foot bike path right-of-way shall be landscaped to be compatible with and enhance adjacent residential areas.

- Construct and maintain an irrigation system in the landscaped areas of the South Neighborhood Protective Buffer.

- Plant a 10-foot wide grassed separation strip between the landscaped area and the masonry wall.

- Construct, as shown in Exhibit 5b, a 5-acre park abutting the 5-acre pine-oak preservation area, pursuant to Condition 6 herein, and subject to design and specifications approved by the Parks Department.

d. The pine-oak preservation area shown in Exhibit 3 shall be maintained in its native condition and be surrounded by an 8-foot high chain link fence, or other barrier subject to County approval.

e. Provide within three months of the effective date of this Development Order an accurate legal description, approved by DERM, of the pine-oak preservation area shown in Exhibit 3.

f. The masonry wall shall be constructed and the landscaping completed within 12 months of the effective date of this Development Order, and the remainder of the Neighborhood Protective Buffer requirements specified in this Condition 9 shall be completed in an additional 12 months.

g. Provide within 3 months of the effective date of this Development Order, provisions for the maintenance of that portion of the Neighborhood Protective Buffer not provided for in b and c above.

[Note: These conditions have been satisfied.]

8. Apply for and fully cooperate in the establishment of a special taxing district or districts within 12 months of the effective date of this Development order, encompassing all real property within the DRI application site, and only that property, to provide for the maintenance of and improvements to the 110'-130' wide linear park and bike path within the South Neighborhood Protective Buffer, and the park on the east end of the South Neighborhood Protective Buffer. Pay all taxes or assessments levied by said district or districts. All lands subject to maintenance and improvement under the special taxing district or districts must be dedicated to Miami-Dade County in fee simple free and clear of all liens, encumbrances and encroachments within the 12 months period specified in this paragraph.

[Note: This condition has been satisfied.]

9. Provide to Miami-Dade County Fire-Rescue Department at the time of issuance of the first building permits in each phase or portion thereof $0.08 (1984 dollars) per square foot of office/commercial development or pay the required Fire Impact Fees, whichever is greater.

10. Incorporate the following emergency conservation measures into the development.

a. Exterior shading and tinted or reflective glass to reduce solar heat gain.

b. Hot water temperatures set at or below 105° F unless higher temperatures are required by building code or for sanitary reasons.

c. Energy efficient cooling systems.

d. Maximum flexibility of air conditioning system to cool only occupied areas (on a floor-by-floor basis at minimum).

e. Air distribution using a variable air volume system, where practical.

f. Air conditioning energy efficiencies (EER) of 10.0 or greater.

g. Measures that effectively yield, in the cooling mole, at least R-7 in walls and R-19 in ceilings.

h. Isolate heat producing areas and equipment (cooking, water heating, etc.) from air conditioned areas.

i. Natural gas or other non-electric energy sources for cooking, space heating, and water heating in restaurants and hotels, where feasible.

j. Individual electric metering of office tenants.

k. Solar water heaters or waste heat recovery units to preheat cooking and washing hot water in restaurants, hotel, etc., where feasible.

l. Lavatory water flow of 0.8 gallon per minute or less and water closets that use no more than three and one-half gallons per flush, or in accordance with the requirements of the South Florida Building Code, whichever is more restrictive.

m. Where possible, orientation of structures with no more than 40% of total wall surface facing east and west.

n. Landscaping to shade, on the average, 50% of paved parking space, between 10:00 a.m. and 5:00 p.m. after eight years of growth (one tree for every six spaces, assuming 15-foot canopy).

o. Bicycle support facilities such as secure bike racks or storage areas, and, if feasible, lockers and showers for project employees.

p. A coordinated system of bicycle paths.

q. Central energy management systems in office buildings that will provide start/stop optimization, time of day scheduling, night temperature setback/startup, and if feasible, programmed maintenance and building lighting control.

r. Minimum use of incandescent lighting, and use of fluorescent task lighting and indirect sunlight where possible.

s. Light-reflecting and/or light colored wall and roof surfaces, with solar absorption coefficients less than or equal to 0.50.

11. Limit the location (as identified in revised Figure 1) and design of all project ingress and egress to the minimum standards for design and construction for street and highways as approved by the State of Florida, and/or Miami-Dade County as applicable.

12. a. Prior to July 1, 1986, the Applicant will enter into agreement with governmental agencies including, but not limited to Miami-Dade County, Broward County, various municipalities, or with the FDOT. Said agreement(s) shall cause the construction of the following recommended improvements to be completed on or before August 1, 1988:

Improvement	Exhibit No. 9
Florida Turnpike/N.W. 199 Street Interchange	1, 2 (Completed)
Florida Turnpike, add 2 lanes on mainline Turnpike at vicinity of N.W. 199 Street	8 (Completed)
Florida Turnpike-Golden Glades to Miramar Parkway widen to 6 lanes	8 (Completed)

[Note: This condition has been satisfied.]

b. Prior to July 1, 1986, the Applicant will enter into an agreement with FDOT ensuring completion of the following improvements on or before January 1, 1990:

Improvement	Exhibit No. 9
Red Road/Flamingo Road - Miami Gardens Drive to Hollywood Boulevard, 6 lanes, divided	13,18,19, 20
Red Road/HEFT - Interchange	20
HEFT/Turnpike - New Ramps	17

[Note: This condition has been satisfied.]

13. a. Prior to January 1, 1987, Applicant will coordinate with FDOT the completion of a revenue and feasibility study for the I-75/HEFT ramps (Exhibit 9 - 21).

[Note: This condition has been satisfied.]

b. If determined financially feasible under Condition 13a above, prior to January 1, 1989, Applicant will enter into an agreement with FDOT to cause the construction of the I-75/HEFT ramps. Construction must commence no later than January 1, 1992.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible; therefore, this condition has been satisfied.]

c. Should the FDOT or other public or private agency fund from other revenue sources and construct the I-75/HEFT ramps (Exhibit 9 - 21) according to the schedule herein, the Applicant's obligation towards this improvement shall be eliminated.

[Note: The study determined that the I-75/HEFT ramps were not financially feasible; therefore, this condition has been satisfied.]

d. In the event that FDOT or another entity is unable to begin construction of the I-75/HEFT ramps by January 1, 1992, regardless of the reasons, the Applicant shall immediately be liable for the construction of the following arterial improvements, which are identified in the Dolphin Center ADA as necessary alternatives to the I-75/HEFT ramps if projected traffic volumes are to be adequately supported (LOS "D").

Improvement	Exhibit No.
Palm Avenue: Hollywood Boulevard to Pembroke Road, 2 to 4 lanes, divided	None

[Note: This condition has been satisfied.]

14. a. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown below) worth of residential, retail, office or trademart development (Revised Table 1), construct the following recommended roadway improvements or, at the option of the applicable public agencies or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $700,000 (1992 dollars) for their construction:

Vehicle trip generation rates for land uses

Retail	4.38/1,000 SF
Office	1.42/1,000 SF
Trademart	1.33/1,000 SF
Residential	0.52/du

Improvement	Exhibit No.
Pembroke Road/University Drive, Intersection	9-26

b. In the event that another developer, Broward County, Miami-Dade County, and/or the FDOT, constructs the improvements identified in 20c, the $700,000 (1992 dollars) shall be reduced by the amount assessed the Applicant for that particular improvement.

c. After gaining FDOT District IV and VI approval based upon the submittal of a detailed operational analysis for the reversible lane facility, and prior to the issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 20c herein) worth of residential, retail, office or trademart development, construct the following recommended roadway improvement or, at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a letter of credit in the amount of $750,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
N.W. 27th Avenue from H.E.F.T. to N.W. 191st Street Remove median. Restripe to 8 lanes Operate as a reversible Roadway with 6 variable Message Signs during the AM and PM peak hours.	None

If for any reason this improvement is not deemed feasible by FDOT District IV and VI, the Applicant must recommend a comparable alternative improvement that resolves the projected capacity constraint of the roadway to be approved by the FDOT District IV and VI, the SFRPC and the Miami-Dade County Department of Public Works.

[Note: The Applicant has proposed an alternative improvement strategy to relieve traffic congestion on N.W. 27 Avenue. The proposed improvement option would involve the provision of traffic cameras to FDOT and Miami-Dade County and the payment for pedestrian access improvements to the N.W. 27 Avenue for the City of Miami Gardens. The required payment for the roadway improvement has been made to Miami-Dade County.]

d. The owner shall comply with this condition of the development order to address Miami-Dade County's concurrency requirements with respect to N.W. 199th Street from N.W. 27th Avenue to N.W. 37th Avenue. The owner shall perform a concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue at the conclusion of the April 1993 Amendment process to Dade County's "Comprehensive Development Master Plan." The analysis will incorporate existing plus projected traffic as set forth in the approved Question 21, Transportation Analysis for the Amended Dolphin Center DRI (1993). If such analysis indicates a deficient level of service in accordance with applicable Miami-Dade County concurrency standards then in effect, the Applicant shall modify the signal timing at N.W. 199th Street and N.W. 27th Avenue within 120 days of County's review of the aforedescribed concurrency analysis, subject to approval by Miami-Dade County. Within 60 days of modifying the signal timing, the owners of Phase B lands shall perform an additional concurrency analysis for N.W. 199th Street between N.W. 27th Avenue and N.W. 37th Avenue which incorporates existing plus projected traffic as set forth in the approved Question 21 transportation analysis for the Amended Dolphin Center DRI (1993). If such analysis indicates a deficient level of service in accordance with applicable Dade County concurrency standards, then the Applicant shall enter into an agreement with governmental agencies including, but not limited to Miami-Dade County or FDOT, to cause the construction (at the applicant's expense) of the following recommended improvement to be completed within one (1) year:

Improvement:

N.W. 199th Street: N.W. 27th to 37th Avenue, 4 to 6 lanes, divided.

[Note: An updated concurrency analysis was submitted to Miami-Dade County in July of 1997 (as part of the analysis for Resolution Z-30-99), and again in August of 2005 (as part of the analysis for Resolution Z-27-06 covering Dolphin Center South). Acceptable levels of service were found to be maintained on NW 199 Street between NW 27 Avenue and NW 37 Avenue with the existing 4-lane divided roadway geometry. Furthermore updates to the concurrency analysis have been prepared as part of the March 2006 NOPC Application to create the Dolphin Center North DRI and Dolphin Center South DRI, and acceptable levels of service have again been found to be maintained on NW 199th Street with the existing 4 lane divided roadway geometry. Based upon the continued evaluation of this roadway segment and its ability to meet the adopted level of service standards within the underlying comprehensive plan.]

e. Prior to issuance of building permits for more than 555 PM peak hour trips (as estimated using the trip generation rates shown in Condition 14a herein) worth of residential, retail, office or trademart development, or within twenty-four months from the effective date of the amended development order (whichever occurs first), construct the following recommended roadway improvement, or at the option of the applicable public agencies, or at the Applicant's option, fund, bond or provide a Letter of Credit in the amount of $300,000 (1992 dollars) for its construction:

Improvement	Exhibit No.
Miramar Parkway/Douglas Road Intersection	9-23 (Revised)

15. Execute agreements with the FDOT to:

a. Guarantee the bonds and cover any shortfall for the 199th Street interchange with the Turnpike (Exhibits 9-1 and 9-2) to ensure its construction prior to August 1, 1988.

[Note: This condition has been satisfied.]

b. Provide all necessary rights-of-way including the $1.5 million in right-of-way cost for the 199th Street interchange; and

[Note: This condition has been satisfied.]

c. Construct the ramps connecting I-75 and HEFT (Exhibit 9-21), if determined economically feasible by FDOT.

[Note: The study performed pursuant to Condition 13a. determined that the I-75/HEFT ramps were not economically feasible. Therefore this condition has been satisfied.]

16. By July 1, 1987, enter into agreements with Broward County and Miami-Dade County to provide payment sufficient to cover the following costs imposed on local governments in Broward and Miami-Dade Counties by the Dolphin Center South DRI:

    a. Maintenance of the South Neighborhood Protective Buffer, pursuant to Condition 7.

    b. Design, engineering, right-of-way, and construction costs of any transportation improvements necessitated by federal or state regulations.

    [Note: The conditions set forth in this paragraph have been satisfied.]

17. Integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy each to Broward and Miami-Dade Counties, and one copy to the Florida Department of Community Affairs (DCA) within 90 days of this Development Order. The CADA shall be prepared as follows:

    a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of the DO whether in response to a formal statement of information needed or otherwise, the original page of the ADA will be replaced with revised pages.

    b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

18. Prepare biennial reports in accordance with the requirements specified in Condition 30 herein and submit copies to the Council, Broward County, Miami-Dade County, and DCA.

THE COUNTY WILL:

19. Approve no more than the amount of development described in Condition 1, herein, for Dolphin Center Stadium South, with no building permits issued that would exceed the permitted square feet or number of units in each land use category.

20. Issue subsequent development permits for the project only if plans and applications for such permits are in substantial compliance with the maximum development totals specified in Condition 1 herein and the terms and conditions of this DRI Development Order. Any change to the project, shall be governed by the requirements of Subsection 380.06(19), Florida Statutes (2007) provided, however, that under no circumstances, shall any change be proposed, approved, or constructed that would allow (either individually or when considered cumulatively with prior changes) more total development, as identified in Figure One – Map H attached.

21. Stay the effectiveness of the DRI Development Order and withhold further permits, approvals, and services, within 30 days of receiving notice of, and verifying, Applicant violation of any of the conditions herein or other failure to act in substantial compliance with the Development Order.

22. If the results of the air quality monitoring study for Phase B lands, as described in Condition 2.g., above, or any monitoring results pursuant to Conditions 2.h. and 2.i., above, exceeds 85% but less than 100% of the State standard for CO concentrations or exceeds State standards for CO concentrations, withhold the issuance of any building permits for additional project development on Phase B lands that shows CO exceedances, until the monitoring plan is approved and necessary mitigation improvements have been funded or bonded (bond, letter of credit, or other acceptable assurance) with the applicable public agency.

23. Construct the following improvements prior to August 1, 1987:
- N.W. 199th Street - from Turnpike to US 441 - 2 to 5 lanes, including intersections.
- N.W. 199th Street - from 27th to 52nd Avenue, 2 to 4 lanes, divided.
- Miami Gardens Drive - from N.W. 77th Avenue to I-75, new 4-lane, divided.

[Note: This condition has been satisfied.]

24. Make a diligent effort to enter into an agreement with the Applicant pursuant to Condition 12 herein.

[Note: This condition has been satisfied.]

GENERAL:

25. The Amended ADA is hereby incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Amended ADA is a condition for approval unless waived or modified by agreement among the Council, County and Applicant, its successors, and/or assigns.

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the buildout period **(October 10, 2017)** sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.0. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a)

The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) The issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

26. Each of the following, in and of itself, shall constitute a substantial deviation from the DRI Development Order and require an Amended DRI/ADA to be submitted to the County, Council and State:

    a. An increase by 15% in the number of trips generated by the project compared to the projections in the Amended ADA for either the Weekday PM peak-hour or Sunday peak-hour, pursuant to Section 380.06(19)(b)(14), Florida Statutes (2007).

    b. Any use of the South Neighborhood Protective Buffer not specified in Condition 7 herein or failure of the Applicant to develop and maintain the Buffer according to the standards specified in that condition and Conditions 8 and 16 herein.

    c. A violation of the air quality planning and implementation requirements that continues in excess of the 3 months from the time periods specified in Condition 2 herein.

    d. Extension of any neighborhood access road through the site.

    e. Change in any publicly-dedicated project entrance.

    f. Failure of FDOT to construct the Turnpike/199 Street Interchange (Exhibits 9-1 and 9-2) prior to August 1, 1988.

    [Note: This improvement has been completed.]

    g. Failure of the Applicant to dedicate the 110'-130' wide linear park and bike path of the South Neighborhood Protective Buffer, private property contained within the North Neighborhood Protective Buffer, the park located on the east end of the South Neighborhood Buffer, the archaeological midden, and the pine-oak preservation area to Miami-Dade County and establish a special taxing district for maintenance and improvement of the above-referenced areas within 12 months of the effective date of this Development Order.

27. In the event the Applicant, its successors, and/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of the the Department of Planning and Zoning that such violation has occurred. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 1, 2008. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

October 10, 2017 is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center South Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.

28. The Director of the Department of Planning and Zoning is hereby authorized to stay the effectiveness of the DRI Development Order in accordance with the provisions of Condition 27 above upon notification and verification of a violation of any condition herein.

29. a. The Director of the Department of Planning and Zoning is hereby required to monitor compliance with all conditions of the Development Order and shall make certain that the Development Order conditions are reviewed by the County prior to issuance of any local development permit; and

b. For any conditions that cannot reasonably be monitored as part of the local permitting and inspection processes, the Director of the Department of Planning & Zoning shall require a notarized affidavit from the Applicant assuring compliance with such Development Order conditions and shall be included as part of the annual report required by Condition 30 herein.

30. The Applicant shall biennially prepare, and submit to the County, Council, and State on the anniversary date of the DRI Development Order, a report to include the following:

a. A complete response to each question in Exhibit 11.

b. Identification of any changes in the plan of development, or in the representations contained in the amended ADA, or in the phasing for the reporting year and for the next year.

c. A summary comparison of development activity proposed and actually conducted for the year.

d. Listing of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer.

e. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued.

f. An assessment or the Applicant and the local government compliance with the conditions of approval contained in the DRI development order and the commitments contained in the amended ADA.

g. Identification of DRI application for development approval amendments or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

h. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.

i. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each.

j. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (2007).

k. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes (2007).

l. Copies of the following documentation of appropriate disposal of all hazardous waste:

- a hazardous waste manifest;
- a bill of lading from a bonded hazardous waste transporter indicating shipment to a licensed hazardous waste facility; or
- a confirmation of receipt of material from a recycler, a waste exchange operation, or other permitted hazardous waste management facility.

m. Any other information required by the DCA in accordance with Section 380.06(15) and (18), Florida Statutes (2007).

31. Consistent with the Declaration of Restrictions recorded in favor of the City of Miami Gardens at Official Record Book 24840, Page 3471 of the Public Records of Miami-Dade County, at least ten (10) percent of the residential units developed on the property shall be initially sold to persons determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S.

Department of Housing and Urban Development. The owner shall provide a bi-annual inventory report to the City of Miami Gardens of all such units sold. The reporting requirement for any particular unit shall terminate upon the initial sale of any such unit sold under the terms of this paragraph. (This condition amends Resolution No. Z-27-06 to reflect the "initial sale" among other things.)

32. As determined by the Director of the Miami-Dade Transit Department to be necessary and appropriate to construct the Metrorail guideway and operate the Metrorail line, applicant shall grant to Miami-Dade County an easement to no more that those portions of the land area within: (1) the Cornerstone parcel depicted on the Cornerstone ("Emerald Place") site plan introduced at public hearing before the Board of County Commissioners on June 22, 2006; and (2) the Home Depot parcel depicted on the Miami-Dade County Transit Department exhibit introduced at public hearing on the same date. The easement shall encompass the area lying between NW 27 Avenue and a line depicted by a marked dotted line shown as adjacent to NW 27 Avenue on the Emerald Place site plan exhibit and the equivalent area on the transit exhibit. Such easement shall be conveyed subject to the understanding that the Miami-Dade Transit Department will work with the then owners of those parcels to allow parking on, and ingress and egress to and from, the sites.

33. The Applicant shall not file any application with the City of Miami Gardens or other government entity for any development approval, order or permit that exceeds the maximum development totals contained in this Development Order or that is inconsistent in any manner with either this Development Order. To ensure compliance with this condition, applicant shall file as a part of the biennial report required under Section 380.06 (18), Fla. Stat., a statement of current zoning approvals on the property. Simultaneously with the filing of any applications for development permit order, the applicant shall deliver notice of such application to the Director of the Department of Planning and Zoning and shall not proceed to final approval until the Department of Planning and Zoning has provided notice of consistency with this Development Order to the City of Miami Gardens.

34. That all future development orders and permits obtained by the Applicant from the City of Miami Gardens shall be consistent with the D.R.I. Development Order. The City of Miami Gardens shall receive and review recommendations from the Department of Environmental Resources Management and Miami-Dade Fire Department, or equivalent City departments, if such departments are created, before approving any zoning application for the subject property.

35. The Applicant shall, within 30 days of the effective date of this Development Order, record with the Clerk, Miami-Dade County Circuit Court, pursuant to Section 380.06(15)(f), F.S. (2007), a Notice of the Adoption of the Dolphin Center **South** Development Order as amended and specifying that the Development Order runs with the land and is binding on the Applicant, its successors, and/or assigns, jointly and severally. **. (This condition was amended to reflect the "South" D.O.)**

36. All exhibits referred to in this Development Order are attached hereto and made a part hereof.

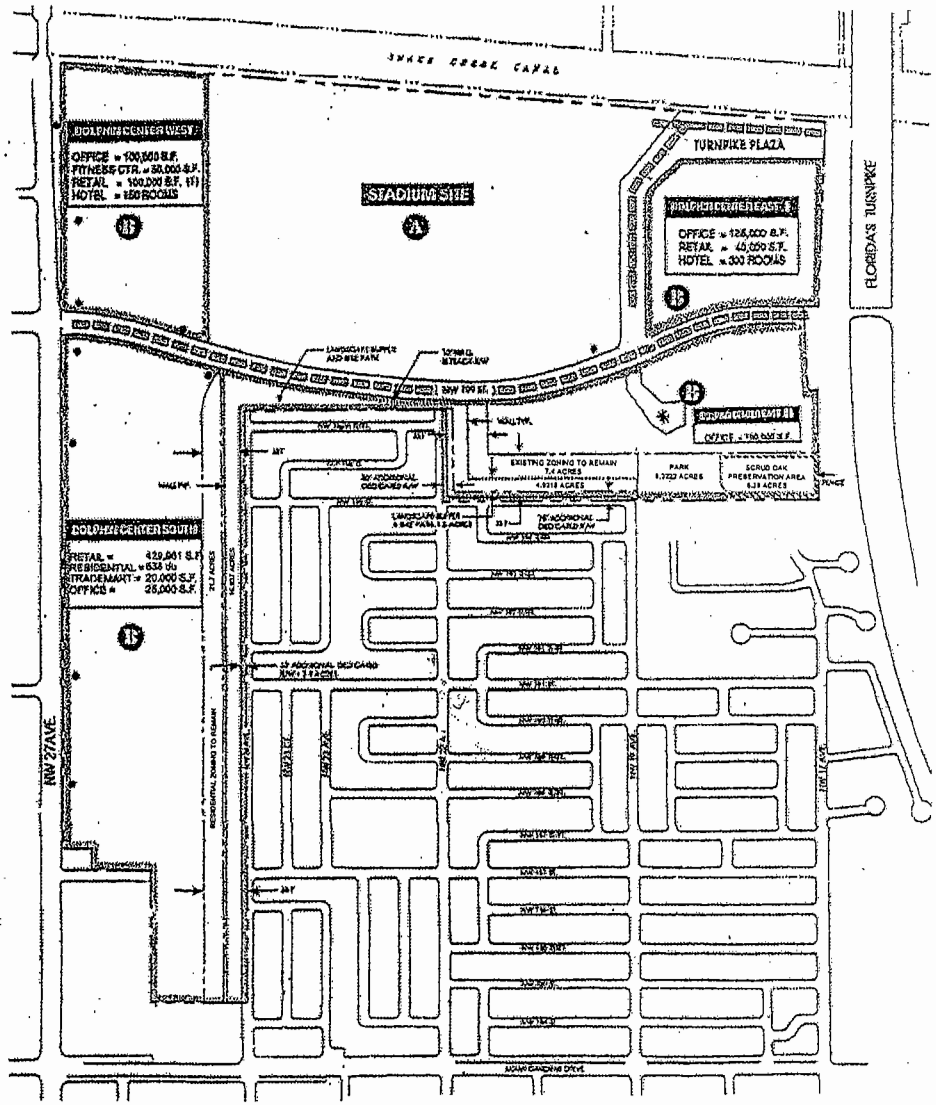
37. The Council Amended ADA DRI Assessment is hereby incorporated by reference into this Development Order.

38. This Development Order was approved as a bifurcation of the Dolphin Center Development of Regional Impact (Resolution No. Z-210-85), as amended, to create the Dolphin Center South DRI Development Order and the Dolphin Center North DRI Development Order. This bifurcation has been found not to create a substantial deviation pursuant to section 380.06(19), Florida Statutes (2007). (This is a new condition.)

39. This bifurcation is intended to enable the respective Dolphin Center North and Dolphin Center South developments to operate separately and without specific regard to the other, provided that changes to each will assume that such modifications will be analyzed assuming the unbuilt development from the other as committed development in any subsequent impact analyses. Any subsequent proposed modifications to the Dolphin Center South DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center North DRI and any subsequent proposed modifications to the Dolphin Center North DRI Development Order development program or buildout dates will be reviewed cumulatively with the Dolphin Center South DRI, consistent with section 380.06(19), F.S (2007). (This is a new condition.)

Development Order Exhibits
for

Dolphin Center North
&
Dolphin Center South



DOLPHIN CENTER LAND USE TABULATION				
USE	EAST	WEST	SOUTH	TOTAL
Phase A - Stadium	-	-	-	157.5 acres
Phase B Lands				
Retail	40000 SF	100,000 SF	429,951 SF	569,961 SF
Trademart	-	-	20,000 SF	20,000 SF
Office	225,000 SF	100,000 SF	25,000 SF	350,000 SF
Hotel	300 rooms	150 rooms	-	450 rooms
Fitness Center	-	50,000 SF	-	50,000 SF
Residential	-	-	638 DU	638 DU
Buffers, Parks and Preserves:	25.364 acres	-	38.637 acres	64.001 acres
Residential Zoning to Remain	7.4 acres	-	21.7 acres	29.1 acres
Landscape Buffer and Bike Path	4.9218 acres	-	16.937 acres	21.8588 acres
Park	4.3222 acres	-	-	4.3222 acres
Scrub Oak Preserve	6.28 acres	-	-	6.28 acres
Archaeological Midden	2.44 acres	-	-	2.44 acres

● Proposed bus stop locations. See mass transit sections for bus turnout lane details.
* Present Archaeological Site.

Notes:
Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-6,000 (not to exceed 6,600) temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East I and 3,000 temporary unpaved parking spaces may be provided in Dolphin Center South for a period of up to five years.

An additional 3,500 paved parking spaces may be provided in Dolphin Center East II.

Appropriate zoning must be in place within each Dolphin Center DRI development area prior to site redevelopment.

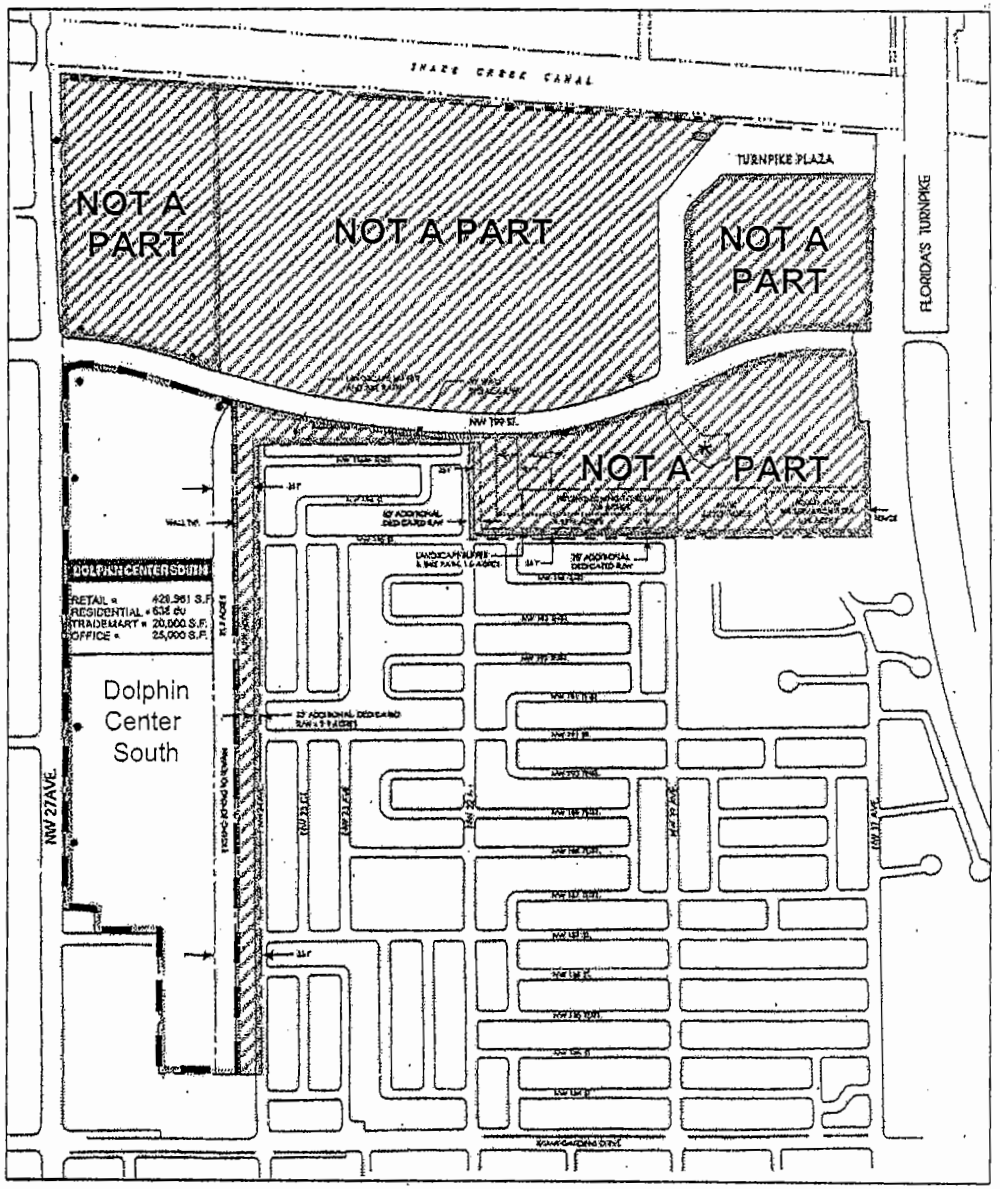
Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the State of Florida, subject to Miami-Dade County approval.

(1) Up to 50,000 square feet of retail space may be relocated from Dolphin Center West or Dolphin Center East I to the Stadium Site.

Revisions: Sept. 19, 1985, Sept. 26, 1985, Sept. 27, 1985, Dec. 21, 1989, Jan. 2, 1990, Jul. 1, 1991, Dec. 23, 1991, Jun. 26, 1992, Sept. 1, 1992, Dec. 10, 1992, Jun. 15, 1993, Aug. 6, 1993, Nov. 30, 1993, Oct. 6, 1994, Dec. 2, 1996, Aug. 15, 2005.

Revised Figure 1 - Map H - Proposed Land Use and Phasing Map
Dolphin Center DRI
August 2005

Source: The Curtis Group and Cathy Sweetapple & Associates



DOLPHIN CENTER SOUTH LAND USE TABULATION	
USE	**SCALE**
Retail	429,951 SF
Trademart	20,000 SF
Office	25,000 SF
Residential	638 DU
Buffers, Parks and Preserves:	
Residential Zoning to Remain	21.7 acres

- The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan approval.

Notes:

Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Appropriate zoning must be in place within each Dolphin Center DRI development area prior to site redevelopment.

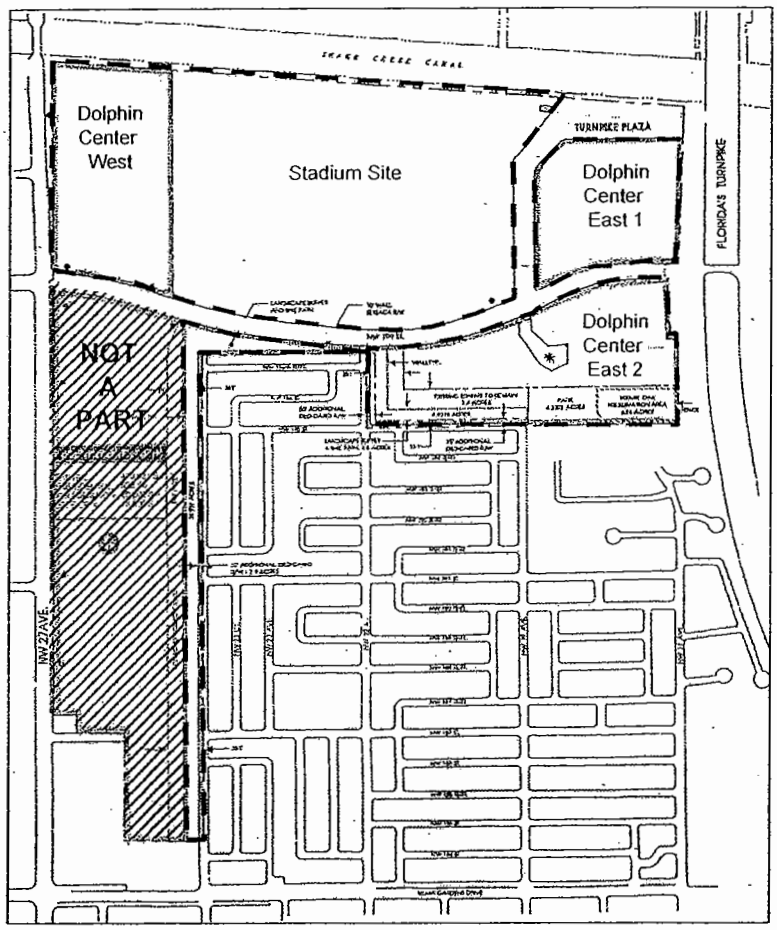
Refer to Condition 17 of the Dolphin Center South Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the State of Florida, subject to Miami-Dade County approval.

N

Revisions: Sept. 19, 1985, Sept. 26, 1985, Sept. 27, 1985, Dec. 21, 1989, Jan. 2, 1990, Jul. 1, 1991, Dec. 23, 1991, Jun. 26, 1992, Sept. 1, 1992, Dec. 10, 1992, Jun. 15, 1993, Aug. 6, 1993, Nov. 30, 1993, Oct. 6, 1994, Dec. 2, 1996, Aug. 15, 2005, Feb. 20, 2007

Figure 1 - Map H - Proposed Land Use Map
Dolphin Center South DRI
February 2007

Source: The Curtis Group and Cathy Sweetapple & Associates



DOLPHIN CENTER NORTH LAND USE TABULATION	
USE	**SCALE**
Attraction Seats	74,916 seats
Retail	140,000 SF
Office	325,000 SF
Hotel	450 rooms
Fitness Center	50,000 SF
Buffers, Parks and Preserves:	25.364 acres
Residential Zoning to Remain	7.4 acres
Landscape Buffer and Bike Path	21.8588 acres
Park	4.3222 acres
Scrub Oak Preserve	6.28 acres
Archaeological Midden	2.44 acres

● The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan development.

★ Present Archaeological Site.

Notes:
Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-6,000 (not to exceed 6,600) temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East I.

An additional 3,500 paved parking spaces may be provided in Dolphin Center East II.

Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the State of Florida, subject to Miami-Dade County approval.

Subject to appropriate zoning approvals: (1) Uses may be relocated from Dolphin Center West or Dolphin Center East 1 between each other and to the Stadium site. (2) Dolphin Center East 2 is limited to up to 100,000 sf of office use. However, all use within Dolphin Center East 2 may be relocated to Dolphin Center East 1, Dolphin Center West and the Stadium site. Attraction seats may only be located on the Stadium site.

N

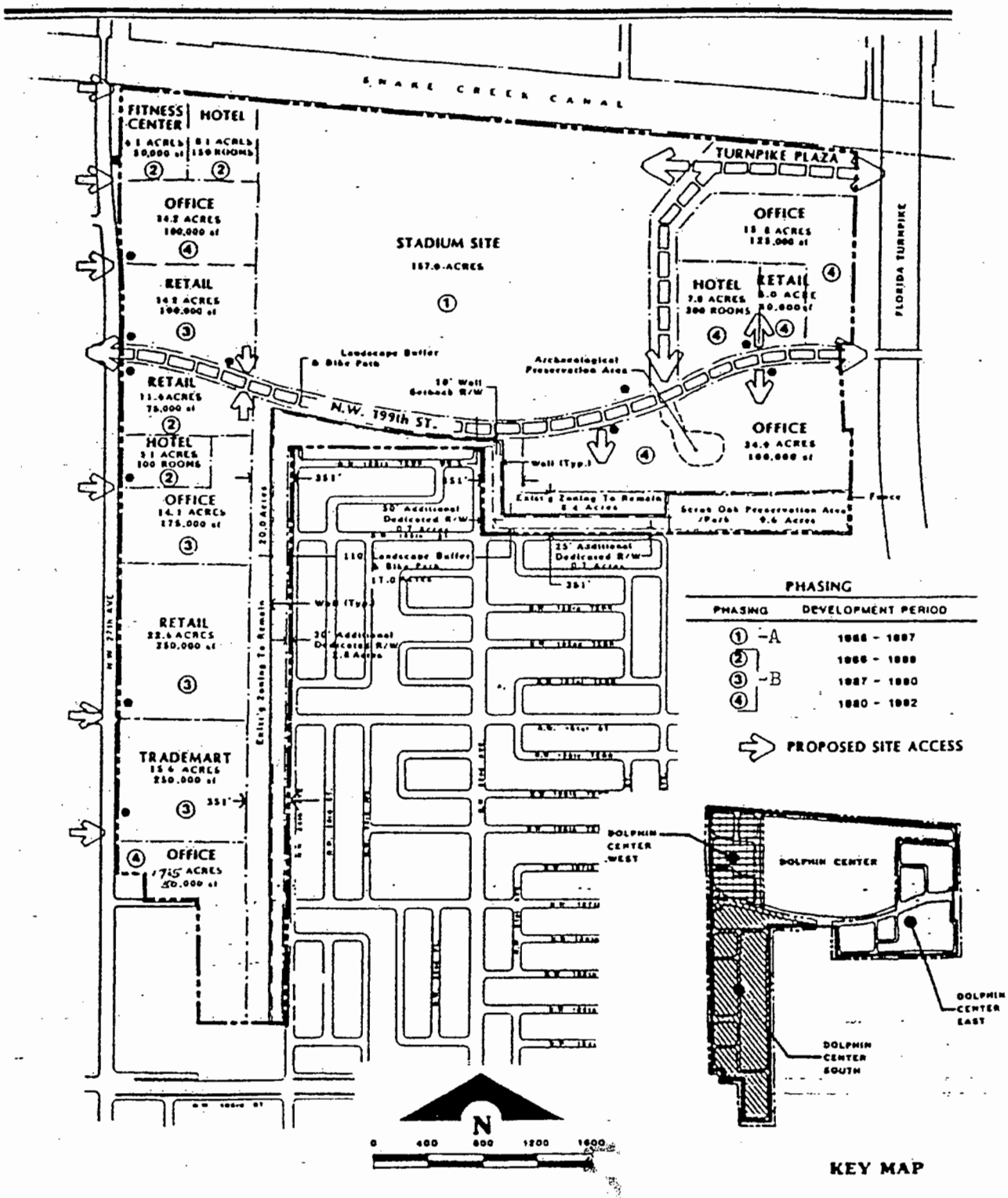
Revisions: Sept. 19, 1985, Sept. 26, 1985, Sept. 27, 1985, Dec. 21, 1989, Jan. 2, 1990, Jul. 1, 1991, Dec. 23, 1991, Jun. 26, 1992, Sept. 1, 1992, Dec. 10, 1992, Jun. 15, 1993, Aug. 6, 1993, Nov. 30, 1993, Oct. 6, 1994, Dec. 2, 1996, Aug. 15, 2005, Mar. 20, 2006, May 29, 2007

Figure 1 - Map H - Proposed Land Use Map
Dolphin Center North DRI
May 2007

Source: The Curtis Group and Cathy Sweetapple & Associates

FIGURE 1

REVISED LAND USE AND PHASING PLAN



SOURCE: ADA

TABLE 1

REVISED LAND USE AND PHASING PLAN*

Dolphin Center	Retail Sq. Ft.	Office Sq. Ft.	Trademart Sq. Ft.	Fitness Center Sq. Ft.	Total Sq. Ft.	Hotel Rooms	Stadium Acres
East	40,000	225,000			265,000	300	
West	100,000	100,000		50,000	250,000	150	
South	325,000	225,000	250,000		800,000	300	
TOTAL	465,000	550,000	250,000	50,000	1,315,000	750	158

* Refer to Figure 1 for phasing

SOURCE: ADA

TABLE 2

PROPOSED PROJECT DEVELOPMENT AND PHASING

Traffic Phase	Development Phase	Retail Sq. Ft.	Office/ Trademart Sq. Ft.	Office Sq. Ft.	Fitness Center Sq. Ft.	Total Sq. Ft.	Hotel Rooms	Stadium Acres*	Construction Begin	Construction End
A	I					-		158	1985	1987
B	II	75,000			100,000	175,000	200		1986	1989
	III	390,000	400,000	350,000		1,140,000	300		1987	1990
C	IV	75,000		1,100,000		1,175,000			1990	1992
	V			350,000		350,000	300		1993	1995
TOTAL		540,000	400,000	1,800,000	100,000	2,840,000	800	158		

* The stadium site is 158 acres plus 3 acres included in NW 199th Street right-of-way.

SOURCE: ADA

CODE FOR WASTE TYPES COMMONLY ASSOCIATED WITH EACH SIC INDUSTRY

A	Waste pesticides
B	Washing and rinsing solutions containing pesticides
C	Empty pesticide containers
D	Spent toxaphene solutions or sludges from dipping
E	Spent pesticide solutions or sludges other than toxaphene from dipping
F	Dust containing heavy metals
G	Washings and rinsing solutions containing heavy metals
H	Wastewater treatment sludges containing heavy metals
I	Waste ink
J	Ignitable paint wastes containing flammable solvents (flash point less than 140°F)
K	Liquid paint wastes containing heavy metals (cadmium, chromium, mercury or lead)
L	Spent solvents
M	Still bottoms from the distillation of solvents
N	Filtration residues from dry cleaning operations
O	Cyanide wastes
P	Strongly acidic or alkaline wastes
Q	Spent plating wastes
R	Waste ammonia
S	Photographic wastes
T	Ignitable wastes (flash point less than 140°F)
U	Wastewater sludges containing pentachlorophenol, creosote, or arsenic
V	Waste formaldehyde
W	Lead-acid batteries
X	Waste explosives
Y	Waste oil
Z	Other ignitable, corrosive, reactive, or toxic wastes

LIST OF POTENTIAL HAZARDOUS WASTE GENERATORS BY SIC CODE*

SIC Code	Waste Types	Description
		0115-0783: AGRICULTURE
0115	ABC	Corn
0131	ABC	Cotton
0132	ABC	Tobacco
0133	ABC	Sugar Crops
0161	ABC	Vegetable and Melon Farmers
0171	ABC	Berry Crops
0174	ABC	Citrus Fruit Growers
0181	ABC	Ornamental Floriculture & Nursery Products
0191	ABC	General Farms, primarily Crop
0211	ABC	Beef Cattle Feedlots
0212	ABC	Beef Cattle, except Feedlots (e.g., Ranches)
0214	ABC	Sheep and Goat Farms
0291	ABC	General Livestock
0711	ABCY	Soil Preparation Services
0721	ABCY	Crop Planting, Cultivation, and Protection
0722	LPWY	Crop Harvesting, Primarily by Machine
0724	Y	Cotton Ginning
0729	AY	General Crop Services
0751	A	Livestock Services, except Services for Animal Specialities
0782	A	Lawn and Garden Services
0783	AY	Ornamental Shrub and Tree Services
		0811-0851: FORESTRY
0811	ABC	Timber Tracts
0821	ABC	Forest Nurseries & Tree Seed Gathering & Extracting
0851	ABCY	Forestry Services
		1611-1799: CONSTRUCTION
1611	LPWXY	Highway and Street Construction
1622	LPWXY	Bridge, Tunnel, and Elevated Highway Construction
1711	PT	Plumbing, Heating (except Electric) and Air Conditioning
1721	JKLT	Painting, Paper Hanging, and Decorating, Heavy Construction, NEC
1743	LT	Terrazzo, Tile, Marble, and Mosaic Work
1752	JKLT	Floor Laying and Other Floorwork, NEC
1761	LT	Roofing and Sheet Metal Work
1793	LT	Glass and Glazing Work
1794	LPWY	Excavating and Foundation Work
1799	JKLPWY	Special Trade Contractors
		2032-3999: MANUFACTURING INDUSTRIES
2032		Canned Specialties
2091		Canned and Cured Fish and Seafoods
2231	LM	Broad Woven Fabric Mills, Wool
2251	LM	Womens Full Length and Knee Hosiery
2252	LM	Hosiery, except Women's Full Length & Knee Length
2253	LM	Knit Outerwear Mills
2254	LM	Knit Underwear Mills
2257	LM	Circular Knit Fabric Mills
2258	LM	Warp Knit Fabric Mills
2259	LM	Knitting Mills, NEC
2261	LM	Finishers of Broad Woven Fabrics of Cotton
2262	LM	Finishers of Broad Woven Fabrics of Man-Made Fiber and Silk
2269	LM	Finishers of Broad Woven Fabrics, Man-Made Fiber and Silk
2271	LM	Woven Carpets and Rugs
2272	LM	Tufted Carpets and Rugs
2279	LM	Carpets and Rugs, NEC
2434	JKLT	Wood Kitchen Cabinets
2435	JKLT	Hardwood Veneer and Plywood
2436	JKLT	Softwood Veneer and Plywood
2451	JKLT	Mobile Homes
2452	JKLT	Prefabricated Wood Buildings and Components
2491	H	Wood Preserving
2492	LTY	Particleboard
2511	JKLMT	Wood Household Furniture, except Upholstered
2514	HLOPQ	Metal Household Furniture
2517	JKLMT	Wood TV and Radio Cabinets
2519	JKLMT	Household Furniture, NEC
2521	JKLMT	Wood Office Furniture
2522	HLMOP	Metal Office Furniture
2541	JKLMT	Wood Partitions and Fixtures
2542	HLMOPQ	Metal Partitions and Fixtures
2611	LMPTY	Pulp Mills
2621	LMPTY	Paper Mills, Except Building Paper Mills
2631	LMPTY	Paperboard Mills
2641	ILP	Paper Coating and Glazing
2643	ILP	Bags, Except Textile Bags
2645	ILP	Die-Cut Paper and Paperboard and Cardboard
2646	ILP	Pressed and Molded Pulp Goods
2649	ILP	Converted Paper and Paperboard Products, NEC
2651	ILP	Folding Paperboard Boxes
2652	ILP	Set-up Paperboard Boxes
2653	ILP	Corrugated and Solid Fiber Boxes

*Each industry has been identified as a potential generator of hazardous was on the basis that the industry may generate corrosive, reactive, ignitable, and/or toxic wastes. For example, SIC code 0711, Soil Preparation Services, is a potential generator of toxic peaticide wastes. Each SIC code listed in Table 1 has previously been documented in the literature as a potential generator of hazardous waste.

NEC = Not elsewhere classified

NEC = Not elsewhere classified

EXHIBIT 7

SIC Code	Waste Types	Description
2654	ILPY	Sanitary Food Containers
2655	ILPY	Fiber Cans, Tubes, Drums, and Similar Products
2661	LMPTY	Building Paper and Building Board Mills
2711	HILOPQ	Newspapers: Publishing and Printing
2721	HILOPQ	Periodicals, Publishing & Printing
2731	HILOPQ	Books: Publishing and Printing
2732	HILOPQ	Book Printing
2751	HILOPQ	Commercial Printing, Letterpress and Screen
2752	HILOPQ	Commercial Printing, Lithographic
2753	HILOPQ	Engraving and Plate Printing
2754	HILOPQ	Commercial Printing, Gravure
2761	HILOPQ	Manifold Business Forms
2771	HILOPQ	Greeting Card Publishing
2782	HILOPQ	Blankbooks, Looseleaf Binders, and Devices
2789	HILOPQ	Bookbinding and Related Work
2791	HILOPQ	Typesetting
2812	Y	Alkalies and Chlorine
2816	FOPY	Inorganic Pigments
2819	FOPQRSY	Industrial Inorganic Chemicals, NEC
2821	LMTY	Plastics, Materials, Synthetic Resins, and Non-vulcanizable Elastomers
2822	LMTY	Synthetic Rubber
2823	LMTY	Cellulosic Man-Made Fibers
2824	LMTY	Synthetic Organic Fibers, except Cellulosic
2831		Biological Products
2833		Medicinals and Botanicals
2834	LP	Pharmaceutical Preparations
2841	FLMTY	Soap and Other Detergents, except Speciality Cleaners
2842	ALMPTY	Specialty Cleaners, Polishes, and Sanitation Preparations
2843	FLMTY	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants
2844	FLTY	Perfumes, Cosmetics, and Other Toilet Preparations
2851	FGLMPY	Paint and Allied Products
2861	LMPTY	Gum and Wood Chemicals
2865	Y	Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners)
2869	LMPTY	Industrial Organic Chemicals, NEC
2873		Nitrogenous Fertilizers
2879	ABCLMY	Pesticide and Agricultural Chemicals, NEC
2891		Adhesives and Sealants
2892		Explosives
2893	FGLMP	Printing Ink
2899	LMOPTY	Chemical Preparations
2911	Y	Petroleum Refining
2952	Y	Asphalt Felts and Coatings
2992	Y	Lubricating Oils and Greases
2999	Y	Products of Petroleum and Coal, NEC
3079	JLMY	Miscellaneous Plastic Products
3111	L	Leather Tanning and Finishing

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
3131	L	Boots & Shoe Cut Stock & Findings
3151	L	Leather Gloves & Mittens
3144	L	Women's Footwear, except Athletic
3161	L	Luggage
3171	L	Women's Handbags & Purses
3172	L	Personal Leather Goods
3199	L	Leather Goods, NEC
3211	FT	Flat Glass
3251	JKL	Brick and Structural Clay Tile
3253	JKL	Ceramic Wall and Floor Tile
3261	JKL	Vitreous China Plumbing Fixtures and Bathroom Accessories
3262	JKL	Vitreous China Table and Kitchen Articles
3263	JKL	Fine Earthenware (Whiteware) Table & Kitchen Articles
3264	JKL	Porcelain Electrical Supplies
3269	JKL	Pottery Products, NEC
3291	T	Abrasive Products
3293	LT	Gaskets, Packing and Sealing Devices
3312	Y	Blast Furnaces, Steel Works, and Rolling Mills
3313	Y	Electrometallurgical Products
3315	Y	Steel Wire Drawing and Steel Nails and Spikes
3316	Y	Cold Rolled Steel Sheet, Strip, and Bars
3317	Y	Steel Pipe and Tubes
3321	Y	Gray Iron Foundries
3322	Y	Malleable Iron Foundries
3325	Y	Steel Foundries, NEC
3332	Y	Primary Smelting and Refining of Lead
3333	Y	Primary Smelting and Refining of Zinc
3334	Y	Primary Production of Aluminum
3339	Y	Primary Smelting and Refining of Nonferrous Metals, NEC
3341	Y	Secondary Smelting and Refining of Nonferrous Metals
3351	HLMOPQY	Rolling, Drawing and Extruding of Copper
3353	HLMOPQY	Aluminum Sheet, Plate and Foil
3354	HLMOPQY	Aluminum Extruded Products
3355	HLMOPQY	Aluminum Rolling and Drawing, NEC
3356	HLMOPQY	Rolling, Drawing and Extruding of Nonferrous Metal, Except Copper and Aluminum
3357	HLMOPQY	Drawing and Insulating of Nonferrous Wire
3361	Y	Aluminum Foundries (Castings)
3362	Y	Brass, Bronze, Copper and Copper Base Alloy Foundries
3369	Y	Nonferrous Foundries (Castings), NEC
3398	HLMOPQY	Metal Heat Treating
3399	HLMOPQY	Primary Metal Products, NEC
3411	HLMOPQY	Metal Cans
3412	HLMOPQY	Metal Shipping Barrels, Drums, Kegs, and Pails (Drum Refinishing)
3421	HLMOPQ	Cutlery

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
3423	HLMOPQY	Hand and Edge Tools, Except Machine Tools and Hand Saws
3425	HLMOPQY	Hand Saws & Saw Blades
3429	HLMOPQY	Hardware, NEC
3431	HLMOPQ	Enameled Iron and Metal Sanitary Ware
3432	HLMOPQY	Plumbing Fixture Fittings and Trim (Brass Goods)
3433	HLMOPQY	Heating Equipment, except Electric and Warm Air Furnaces
3441	HLMOPQY	Fabricated Structural Metal
3442	HLMOPQY	Metal Doors, Sash, Frames, Moldings, and Trims
3443	HLMOPQY	Fabricated Plate Work
3444	HLMOPQY	Sheet Metal Work
3446	HLMOPQY	Architectural and Ornamental Metal Work
3448	HLMOPQY	Prefabricated Metal Buildings and Components
3449	HLMOPQY	Miscellaneous Metal Work
3451	HLMOPQY	Screw Machine Products
3452	HLMOPQY	Bolts, Nuts, Screws, Rivets, and Washers
3462	HLMOPQY	Iron and Steel Forgings
3465	HLMOPQY	Automotive Stampings
3469	HLMOPQY	Metal Stampings, NEC
3471	HLMOPQY	Electroplating, Polishing, Plating, Anodizing, and Coloring
3479	HLMOPQY	Coating, Engraving, and Allied Services, NEC
3482		Small Arms Ammunition
3483		Ammunition, except for Small Arms, NEC
3489		Ordnance and Accessories, NEC
3511	HLMOPQ	Steam, Gas, and Hydraulic Turbines
3519	HLMOPQY	Internal Combustion Engines, NEC
3523	HLMOPQY	Farm Machinery and Equipment
3524	HLMOPQY	Garden Tractors & Lawn & Garden Equipment
3531	HLMOPQY	Construction Machinery and Equipment
3532	HLMOPQY	Mining Machinery and Equipment, except Oil Field
3533	HLMOPQY	Oil Field Machinery and Equipment
3535	HLMOPQ	Conveyors and Conveying Equipment
3537	HLMOPQY	Industrial Trucks, Tractors, Trailers, and Stackers
3541	HLMOPQY	Machine Tools, Metal Cutting
3542	HLMOPQY	Machine Tools, Metal Forming
3544	HLMOPQY	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds
3545	HLMOPQY	Machine Tool Accessories & Measuring Devices
3546	HLMOPQY	Power Driven Hand Tools
3549	HLMOPQY	Metal Working Machinery, NEC
3551	HLMOPQY	Food Products Machinery
3552	HLMOPQY	Textile Machinery
3553	HLMOPQY	Woodworking Machinery
3554	HLMOPQY	Paper Industries Machinery
3555	HLMOPQY	Printing Trades Machinery and Equipment
3559	HLMOPQY	Special Industry Machinery, NEC
3561	HLMOPQY	Pumps and Pumping Equipment
3562	HLMOPQY	Ball and Roller Bearings

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
3563	HLMOPQ	Air and Gas Compressors
3564	HLMOPQ	Blower and Exhaust Ventilation Fans
3567	HLMOPQY	Industrial Process Furnace & Ovens
3568	HLMOPQY	Mechanical Power Transmission Equipment, NEC
3569	HLMOPQY	General Industrial Machinery and Equipment, NEC
3573	HLMOPQ	Electronic Computing Equipment
3574	HLMOPQ	Calculating & Accounting Machines, except Electronic Equipment
3579	HLMOPQ	Office Machines, NEC
3582	HLMOPQY	Commercial Laundry, Dry Cleaning, and Pressing Machines
3585	HLMOPQ	Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment
3586	HLMOPQ	Measuring and Dispensing Pumps
3589	HLMOPQ	Service Industry Machines, NEC
3592	HLMOPQY	Carburetors, Pistons, Piston Rings & Valves
3599	HLMOPQY	Machinery, Except Electrical, NEC
3612	HLMOPQY	Power, Distribution and Specialty Transformers
3613	HLMOPQ	Switchgear and Switchboard Apparatus
3621	HLMOPQ	Motors & Generators
3622	HLMOPQ	Industrial Controls
3623	HLMOPQ	Welding Apparatus, Electric
3624	HLMOPQ	Carbon & Graphite Products
3629	HLMOPQ	Electrical Industrial Apparatus, NEC
3632	HLMOPQ	Household Refrigerators and Home and Farm Freezers
3634	HLMOPQ	Electric Housewares and Fans
3636	HLMOPQ	Sewing Machines
3639	HLMOPQ	Household Appliances, NEC
3641	HLMOPQ	Electric Lamps
3643	HLMOPQ	Current-Carrying Wire Devices
3645	HLMOPQ	Residential Electric Lighting Fixtures
3646	HLMOPQ	Commercial, Industrial, and Institutional Lighting Fixtures
3647	HLMOPQ	Vehicular Lighting Equipment
3651	HLMOPQ	Radio & Television Receiving Sets
3652	HLMOPQ	Phonograph Records and Pre-recorded Magnetic Tape
3662	HLMOPQ	Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus
3674	HLMOPQ	Semiconductors and Related Devices
3675	HLMOPQ	Electronic Capacitors
3677	HLMOPQY	Electronic Coils, Transformers, and Other Inductors
3679	HLMOPQ	Electronic Components, NEC
3691	HPQW	Storage Batteries
3692	HPQ	Primary Batteries, Dry and Wet
3711		Motor Vehicles and Passenger Car Bodies
3714	HLMOPQY	Motor Vehicle Parts and Accessories
3716	HLMOPQ	Motor Homes
3721	HLMOPQ	Aircraft
3724	HLMOPQY	Aircraft Engines and Engine Parts
3728	HLMOPQY	Aircraft Parts and Auxiliary Equipment, NEC

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
3731	HLMOPQY	Ship Building and Repairing
3732	HLMOPQY	Boat Building and Repairing
3811	HLMOPQ	Engineering, Scientific, Laboratory and Research Instruments
3822	HLMOPQ	Automatic Controls for Regulating Residential and Commercial Environments and Appliances
3823	HLMOPQ	Industrial Instruments for Measuring, Display, and Control of Process Variables, and Related Products
3824	HLMOPQ	Totalizing Fluid Meters and Counting Devices
3825	HLMOPQ	Instruments for Measuring and Testing of Electricity and Electric Signals
3829	HLMOPQ	Measuring and Controlling Devices, NEC
3832	HLMOPQ	Optical Instruments and Lenses
3841	HLMOPQ	Surgical and Medical Instruments and Apparatus
3842	HLMOPQ	Orthopedic, Prosthetic, and Surgical Appliances and Supplies
3843	HLMOPQ	Dental Equipment and Supplies
3851	HLMOPQ	Ophthalmic Goods
3861	HLMOPQ	Photographic Equipment and Supplies
3873	HLMOPQ	Watches, Clocks, etc.
3911	HLMOPQT	Jewelry, Precious Metal
3914	HLMOPQT	Silverware, Plated Ware, and Stainless Steel Ware
3915	HJLMOPQ	Jeweler's Findings & Materials & Lapidary Work
3961	HJKLMOPQ	Costume Jewelry and Costume Novelties, except Precious Metal
3964	HJKLMOPQ	Needles, Pins, Hooks and Eyes, and Similar Notions
3993	HIJKLMOPQ	Signs and Advertising Displays
3995	HJKLMOPQ	Burial Caskets
3999	HJKLMOPQTY	Manufacturing Industries
	4011-4959:	TRANSPORTATION AND PUBLIC UTILITIES
4011	JKLTY	Railroads, Line-Haul Operating
4111	LPWY	Local and Suburban Transit
4013	JKLTY	Switching & Terminal Establishments
4119	LPWY	Local Passenger Transportation, NEC
4121	LPWY	Taxicabs
4131	LPWY	Intercity and Rural Highway Passenger Transportation
4151	LPWY	School Buses
4172	Y	Maintenance & Service Facilities for Motor Vehicle Passenger Transportation
4212	JKLPWY	Local Trucking without Storage
4213	JKLPWY	Trucking, Except Local
4214	JKLPWY	Local Trucking with Storage
4231	JKPTY	Trucking Terminal Facilities
4311	JKLPWY	U.S. Postal Service (Vehicle Maintenance Only)
4411	Y	Deep Sea Foreign Transportation
4463		Marine Cargo Handling
4469	JKLTWY	Water Transportation Services, NEC

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
4511	Y	Air Transportation, Certificated Carriers
4582	Y	Airports and Flying Fields
4583	LTY	Airport Terminal Services
4612	JKLPTY	Crude Petroleum Pipe Lines
4613	JKLPTY	Refined Petroleum Pipe Lines
4619	JKLPT	Pipe Lines, NEC
4811	LT	Telephone Communication (Wire or Radio)
4832	LT	Radio Broadcasting
4833	LT	Television Broadcasting
4911	Y	Electric Services
4931	Y	Electrical & Other Services
4932	Y	Gas & Other Services
4939	Y	Combination Utilities, NEC
4952	Y	Sewerage Systems
4953	Y	Refuse Systems
4959	ABCY	Sanitary Services, NEC
	5093-5198:	WHOLESALE TRADE
5093	Y	Scrap & Waste Materials, Wholesale
5161	LPTY	Chemicals and Allied Products Wholesale
5191	A	Farm Supplies
5198	JKLT	Paints, Varnishes, and Supplies
	5231-5984:	RETAIL TRADE
5231	JKLT	Paint, Glass, and Wallpaper Stores
5251	AJKT	Hardware Stores
5271	JKLP	Mobile Home Dealers
5311	AIJKT	Department Stores
5399	AIJKT	Miscellaneous General Merchandise Stores
5511	LPWY	Motor Vehicle Dealers (New & Used)
5521	LPWY	Motor Vehicle Dealers (Used Only)
5531	LPW	Auto & Home Supply Stores
5541	LPWY	Gasoline Service Stations, Retail
5551	LPWY	Boat Dealers
5571	LPWY	Motorcycle Dealers
5599	LPWY	Automotive Dealers, NEC
5722		Household Appliance Stores, Retail
5962	LT	Automatic Merchandising Machine Operators
5982	Y	Fuel & Ice Dealers
5983	Y	Fuel Oil Dealers
5984	Y	Liquefied Petroleum Gas Dealers
	7215-8081:	SERVICES INDUSTRIES
7215	LH	Coin Operated Laundries and Dry Cleaning
7216	LH	Dry Cleaning Plants, Except Rug Cleaning
7217	LH	Carpet and Upholstery
7218	LH	Industrial Launderers
7261	LT	Funeral Services and Crematories
7312	IJKLT	Outdoor Advertising Services

NEC = Not elsewhere classified

SIC Code	Waste Types	Description
7319	IJK	Advertising, NEC.
7331	IJK	Direct Mail Advertising Services
7332	LOT	Blueprint and Photocopying Services
7333	LOT	Commercial Photography Art, and Graphics
7342	ACH	Disinfecting and Extermination Services
7349	PRT	Cleaning and Maintenance Services to Dwellings and Other Buildings, NEC
7391	LPT	Research and Development Laboratories
7395	OPQRST	Photofinishing Laboratories
7397	LPT	Commercial Testing Laboratories
7399		Fire Extinguisher Charging Services
7512	LPWY	Passenger Car Rental and Leasing, without Drivers
7513	LPWY	Truck Rental and Leasing, without drivers
7519	LPW	Utility Trailer and Recreational Vehicle Rental
7531	LPW	Top and Body Repair Shops, Automotive
7534	LPW	Tire Retreading and Repair Shops, Automotive
7535	LPW	Paint Shops, Automotive
7538	LPWY	General Automotive Repair Shops
7539	LPWY	Automotive Repair Shops, NEC
7622	LPT	Radio & Television Repair Shops
7623	LPT	Refrigeration & Air Conditioning Service & Repair Shops
7629	LPT	Electrical & Electronic Repair Shops, NEC
7631	LT	Watch, Clock, and Jewelry Repair
7641	JKLT	Reupholstery and Furniture Repair
7692	LPW	Welding Repair
7694	LT	Armature Rewinding Shops
7699	LT	Repair Shops and Related Services, NEC (including Taxidermists)
7819	LOT	Services Allied to Motion Picture Production
7922	JKLT	Theatrical Producers (except Motion Pictures) and Miscellaneous Theatrical Services
7992	ABC	Public Golf Courses
7993	LPT	Coin-Operated Amusement Devices
7996	JKLPT	Amusement Parks
7999	AJK	Amusement and Recreation Services, NEC
8062	LPT	General Medical and Surgical Hospitals
8069	LPT	Specialty Hospitals, except Psychiatric
8071	LPT	Medical Laboratories
8072	LPT	Dental Laboratories
8081	LPT	Outpatient Care Facilities
		8211-8331: EDUCATIONAL SERVICES
8211	JKLPT	Elementary and Secondary Schools
8221	JKLPT	Colleges, Universities, Professional Schools, and Junior Colleges
8249	JKLPTY	Vocational Schools, except Vocational High Schools, NEC
8299	JKLPT	Schools and Educational Services, NEC
8331	JKLT	Job Training and Vocational Rehabilitation Services

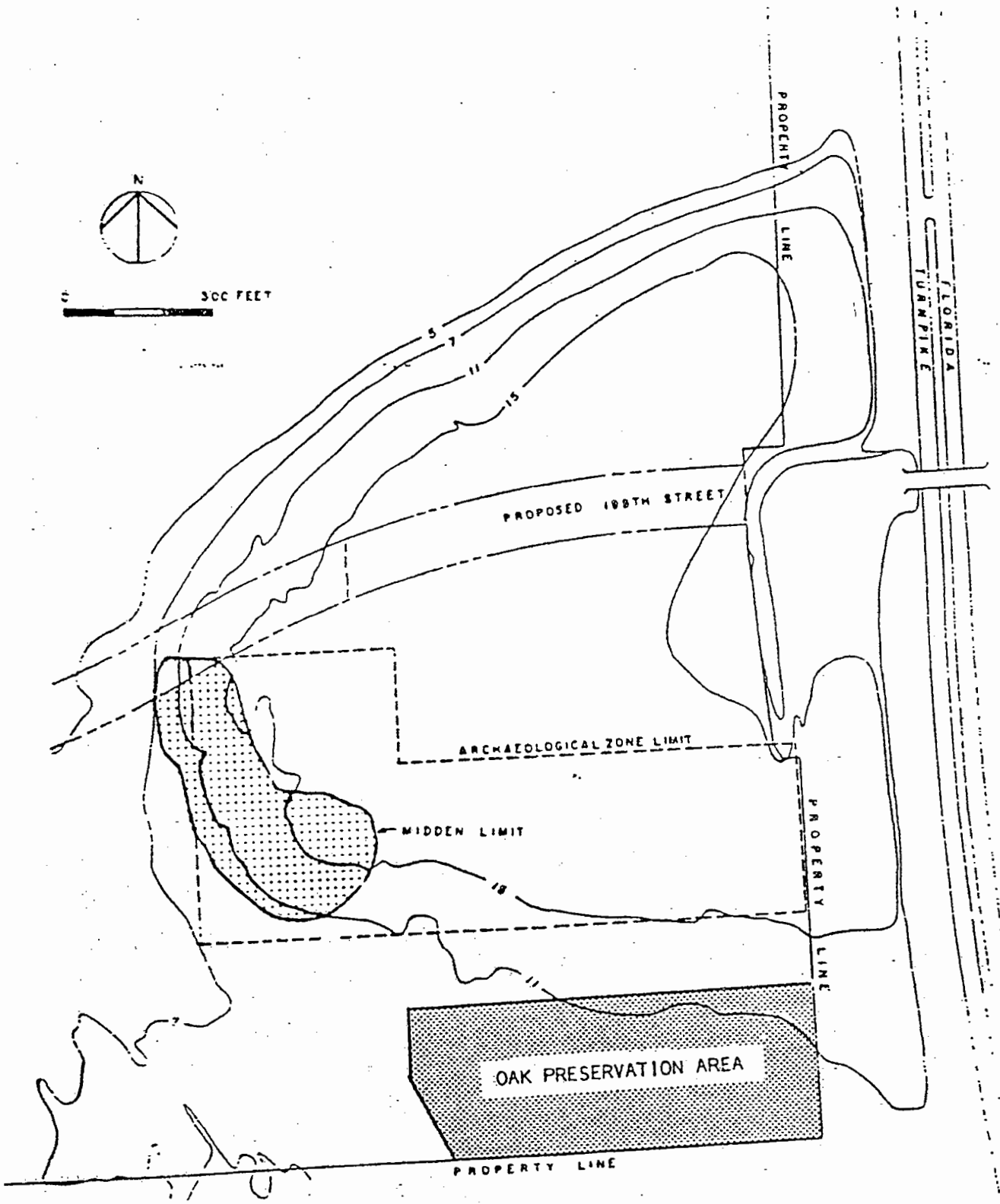
NEC = Not elsewhere classified

SIC Code	Waste Types	Description
		8411-8999: MISCELLANEOUS
8411	JKLPT	Museums and Art Galleries
8421	ABC	Arboreta, Botanical and Zoological Gardens
8922	LPT	Noncommercial Educational, Scientific, and Research Organizations
8999	JK	Services, NEC

NEC = Not elsewhere classified

EXHIBIT 3

PINE–OAK PRESERVATION AREA



SOURCE: KEITH AND SCHNARS, SFRPC

RECOMMENDED SPECIES

Trees

Acacia cyanophylla* (Beach acacia)

Acacia farnesiana (Sweet acacia)

Achras zapota (Sapodilla)

Acoelorrhaphe wrightii (Paurotis palm, Cape sabel palm)

Arecastrum romanzoffianum* (Queen palm)

Avicennia germinans (Black mangrove)

Brassaia actinophylla (Schefflera)

Bucida buceras* (Black olive)

Busera simaruba (Gumbo limbo)

Butia capitata (Pindo palm)

Calliandra haematocephala (Powderpuff)

Callistemon rigidus* (Erect bottlebrush)

Callistemon spp.* (Bottlebrush)

Canella winterana (Wild cinnamon)

Cassia fistula* (Golden shower)

Ceiba pentandra (Ceiba)

Chamaedorea spp. (Household palms)

Chamaerops humilis* (European fan palm)

Chorisia speciosa (Floss silk tree)

Chrysalidocarpus lutescens* (Areca palm, Madagascar palm)

Chrysophyllum oliviforme (Satinleaf)

Citrus aurantifolia* (Key lime)

Citrus paradisi* (Minneola Tangelo)

Citrus reticulata* (Minneola Tangelo)

Clusia rosea (Pitch apple)

Coccoloba diversifolia (Pigeon plum)

Coccoloba grandiflora (Big leaf sea grape)

Coccoloba uvifera (Sea grape)

Coccothrinax argentata (Florida silver palm)

Cochlospermum vitifolium (Buttercup tree)

Cocos nucifera "may pan"* (May pan coconut palm)

Conocarpus erectus (Buttonwood)

Conocarpus erectus "sericea" (Silver buttonwood)

Cordia sebestana (Geiger tree)

Delonix regia* (Royal poinciana)

Drypetes lateriflora (Guiana plum)

Eriobotrya japonica* (Loquat)

Erythina crista-galiii* (Cockspur coral-tree)

Eugenia axillaris (White stoppers)

Eugenia confusa (Red stoppers)

Eugenia foetida (Spanish stoppers)

Ficus citrifolia (Short leaf fig)

Grevillea banksii (Banks grevillea)

EXHIBIT 4

Grevillea robusta (Silk oak)
Very large tree, not for residential use.

Guaiacum sanctum (Lignum-vitae)

Ilex cassine (Dahoon holly)

Jacaranda acutifolia* (Jacaranda)

Juniperus silicicola (Southern red cedar)

Krugiodendron ferreum (Black ironwood)

Lagerstroemia indica* (Crape-Myrtle)

Laguncularia racemosa (White mangrove)

Licaria triandra (Gulf licaria)

Licuala grandis* (Licuala palm)

Licuala spp.* (Licuala palm)

Lysiloma bahamensis (Wild tamarind)

Lysiloma latisiliqum (Wild tamarind)

Manilkara bahamensis (Wild dilly)

Mastichodendron foetidissimum (Mastic)

Musa hybrids* (Banana)

Myrica cerifera (Southern wax myrtle)

Parkinsonia aculeata* (Jerusalem thorn)
Thorns

Peltophorum inerme* (Yellow poinciana)

Pinus clausa (Sand pine)

Pinus elliotii (Slash pine)

Pinus elliotii var. caribea (Keys slash pine)

Piscida piscipula* (Jamaica dogwood)

Pisonia longifolia (Blolly)

Plumeria spp.* (Frangipani)

Poinciana pulcherrima (Dwarf poinciana)

Pseudophoenix sargentii (Florida cherry palm)

Ptychosperma elegans (Seafrothia palm)

Ptychosperma macarthurii (MacArthur palm)

Quercus virginina (Live oak)

Rhizophora mangle (Red mangrove)

Roystonea elata (Royal palm)

Roystonea regia (Cuban royal palm)

Sabal palmetto (Cabbage palm)

Serenoa repens (Saw palmetto)

Simarouba glauca (Paradise tree)

Swietenia mahogani (West Indies mahogany)

Tabebuia argentea* (Tree of gold)

Tabebuia pallida* (Pink trumpet tree)

Tamarindus indica* (India Tamarind)

Terminalia catappa (Tropical almond)

Taxodium (Cypress)

Thespesia populnea* (Portia tree, seaside mahoe)

Thrinax morrisii (Keys thatch palm)

Thrinax parviflora (Thatch palm)

Thrinax radiata (Florida thatch palm)

Thrinax sapp. (Thatch palm)

Washington robusta (Washington palm)

KEY: * Exotic species

Source: SFRPC

Shrubs, vines, and ground covers

Acalypha hispida* (Chenille plant)

Acalypha wilkesiana* (Copperleaf)

Alocasia spp. (Elephant ear)

Alpinia spp. (Shell flower)

Amonium* (Torch ginger)

Ardisia Crenata (Christmas berry)
Pests

Aspergus spp. (Aspergus fern)

Begonia spp.* (Rex begonia)

Beaucarnea recuruata (Pony-tail)

Bougainvillea spp. (Bouganvillea)
Thorns

Brassaia actinophylla (Schefflera)

Byrosonima lucida (Locustberry)

Calliandra haematocephala (Powderpuff)

Callicarpa americana (American beautybush)

Campsis radicans* (Trumpet vine)

Cassia spp.* (Cassia)

Cassia Bahamersis* (Cassia)

Chrysobalanus icaco (Cocoplum)

Cladium (Sawgrass)

Codiaeum variegatum* (Croton)

Conocarpus erectus (Green buttonwood)

Conocarpus erectus sericeus (Silver buttonwood)

Costus spp. (Spiral flag)

Dizygotheca kerchoueana (False aralia)

Dodonaea viscosa (Varnish leaf)

Dombeya wallichii (Pink ball)

Eranthemum nervosum* (Blue sage)

Eugenia axillaris (White stopper)

Eugenia confusa (Red berry)

Eugenia foetida (Spanish stopper)

Eugenia myrtoides (Spanish stopper)

Forestiera segregata (Florida privet)

Gardenia Jasminoides* (Gardenia)

Guapira discolor (Blolly)

Hamelia patens (Scarletbush, firebush)

Hedychium coronarium (Butterfly lilly)

Hedychium flavum (Yellow lilly)

Hedychium garonerianum (Kahili lilly)

Hedychium spp. (Ginger lilly)

Helianthus dibilis (Beach sunflower)

Hibiscus rosa-sinensis* (Hibiscus)

Hymenocallis latifolia* (Spider lilly)

Ilex glabra* (Gallberry)

Ilex vomitoria nana* (Dwarf yaupon holly)

Ipomoea spp. (Morning glories, railroad vine)

Iva fructenscens (Mrsh elder)

Iva imbricata (Seacoast marsh elder)

Jacquinia keyensis (Joewood)

Jatropha multifida* (Peregrina)

Juniperus chinensis columnaris* (Junipers)

Juniperus conferta* (Shore juniper)

Lagerstroemia indica* (Crape-Myrtle)

Lantana depressa (Dwarf lantana)

Lantana montevidensis (Dwarf lantana)

Ligustrum spp.* (Privet)
Pests.

Liriope muscari* (Lilly turf)

Myrcianthes fragrens (Simpson stopper)

Myrciaria cauliflora* (Jaboticaba)

Myrica cerifera (Southern wax myrtle, Bayberry)

Nephrolepis bostoniersis (Boston fern)

Ophiopogon japonicus* (Mondo grass)

Peperomia obtusifolia (Peperomia)

Petrea volubilis* (Queen's wreath)

Phaeomeria speciosa* (Torch ginger)

Philodendron spp.* (Celloum, philodendrun)

Pinus elliottee variety densa (Dade county pine)

Pithecelbium guadalupense* (Blackbead)

Plumeria spp. (Frangipani)

Podocarpus spp.* (Podocarpus)

Polyscias balfouriana*, (Balfour aralia)

Pontederia (Pickerelweed)

Psychotria nervosa (Wild coffee)

Randia aculeata (Randia, White Indian berry)

Reynosia septentrionalis (Darling plum)

Sagittaria (Arrowhead)

Scaevola plumieri (Inkberry)

Scirpus (Bulrush)

Sophora tomentosa (Necklace pod)

Stenolobium stans* (Yellow elder)

Suriana maritima (Bay cedar)

Tecomeria capensis (Cape honeysuckle)

Taxodium (Cypress)

Tecomaria capensis (Cape honeysuckle)

Tetrazygia bicolor (Tetrazygia, West Indian lila)

Thumbergia erecta* (Kings - Mantle)

Thumbergia spp.* (Clock vine)

Thyrallis glauca (Thyrallis)

Trachelospermum jasminoides* (Confederate jasmine)

Uniola paniculata (Sea oats)

Viburnum suspensum* (Sandankwa viburnum)

Yucca elephantipes (Spineless yucca)

Zamia floridana (Coontie)

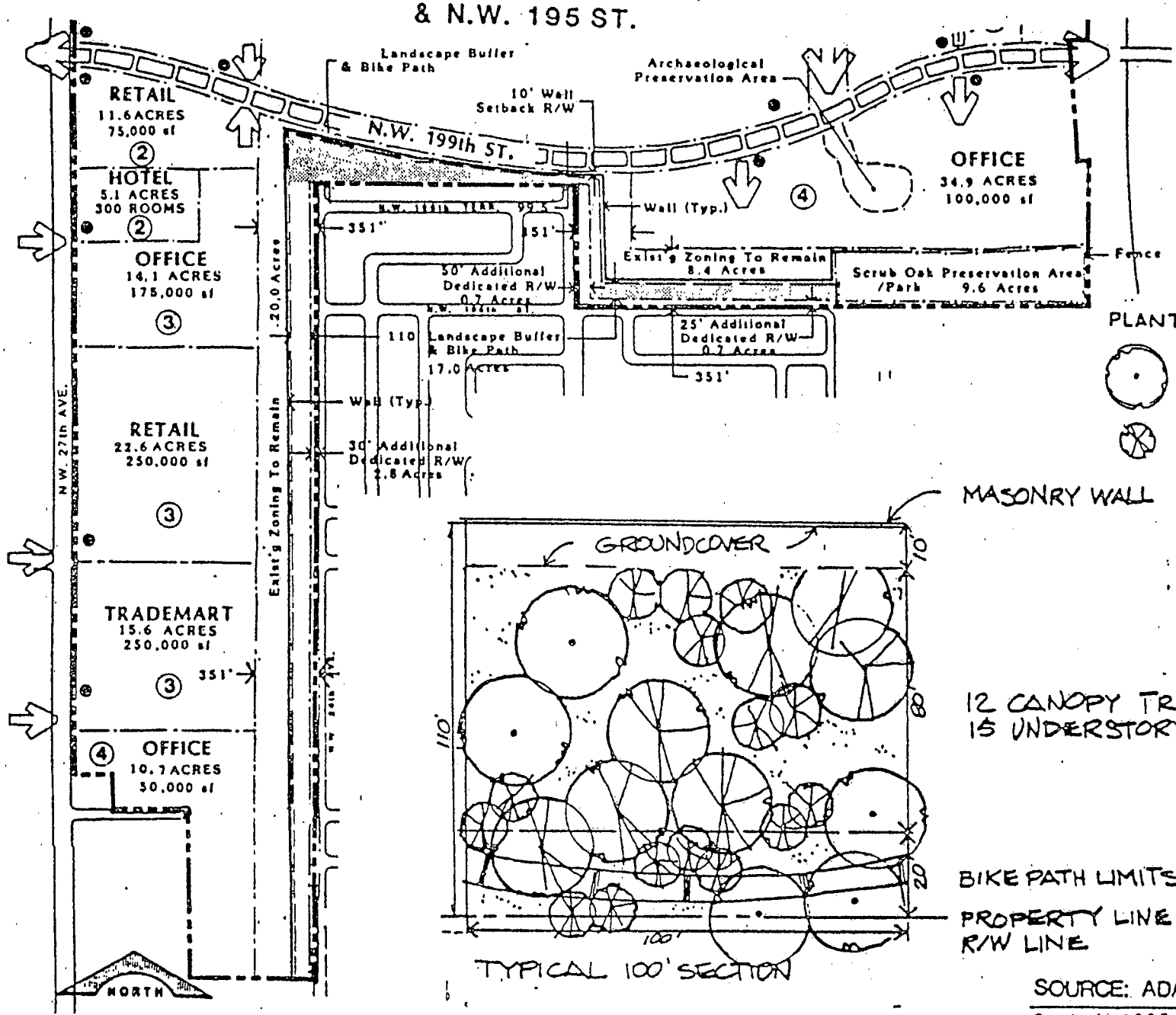
Zanthoxylum fagara (Wild lime)

KEY: * Exotic species

Source: SFRPC

EXHIBIT 5A

SOUTH LANDSCAPE BUFFER
NORTH OF N.W. 196 TER.
& N.W. 195 ST.



SOURCE: ADA, SFRPC

Sept. 4, 1985

EXHIBIT 5B

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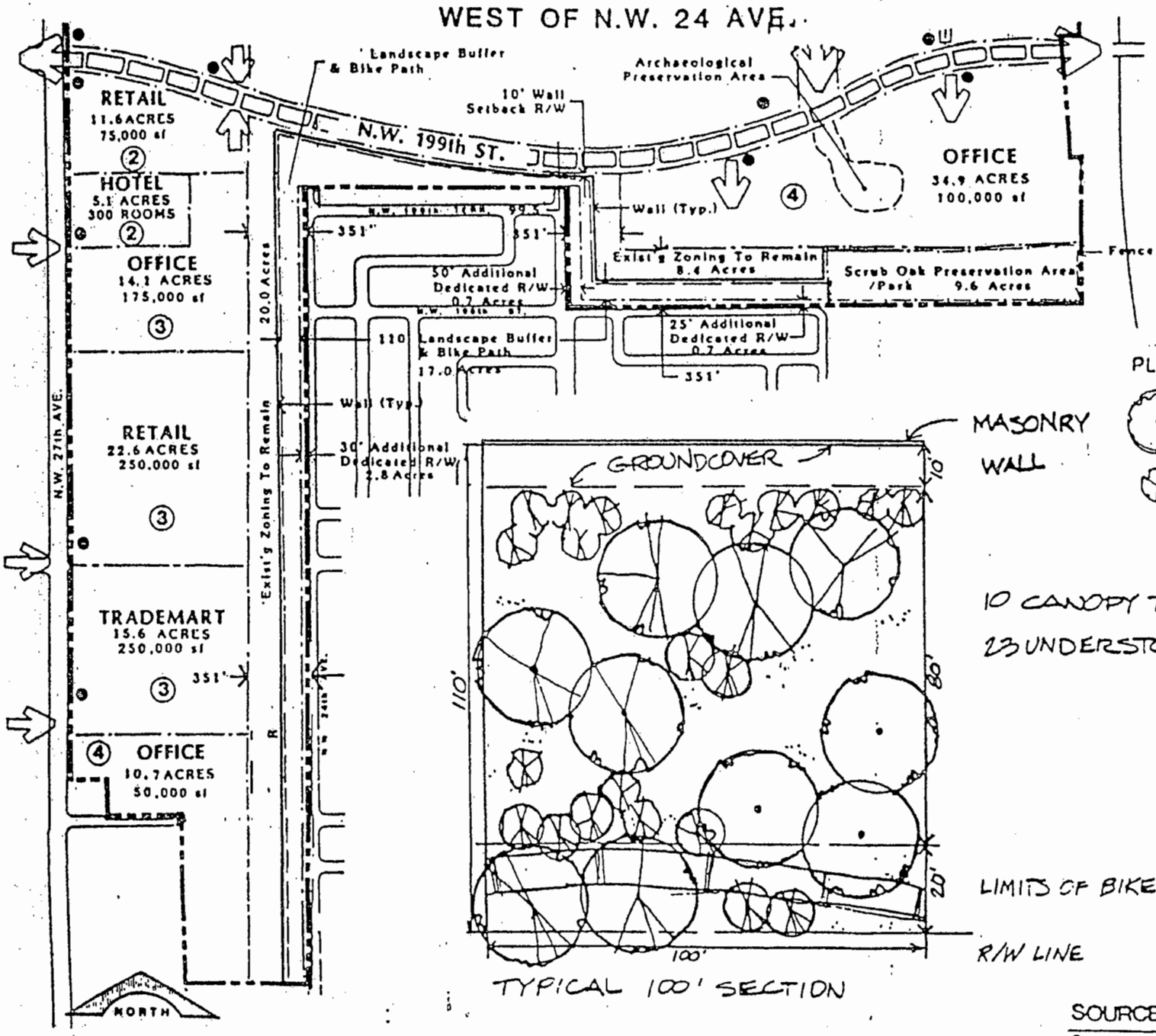
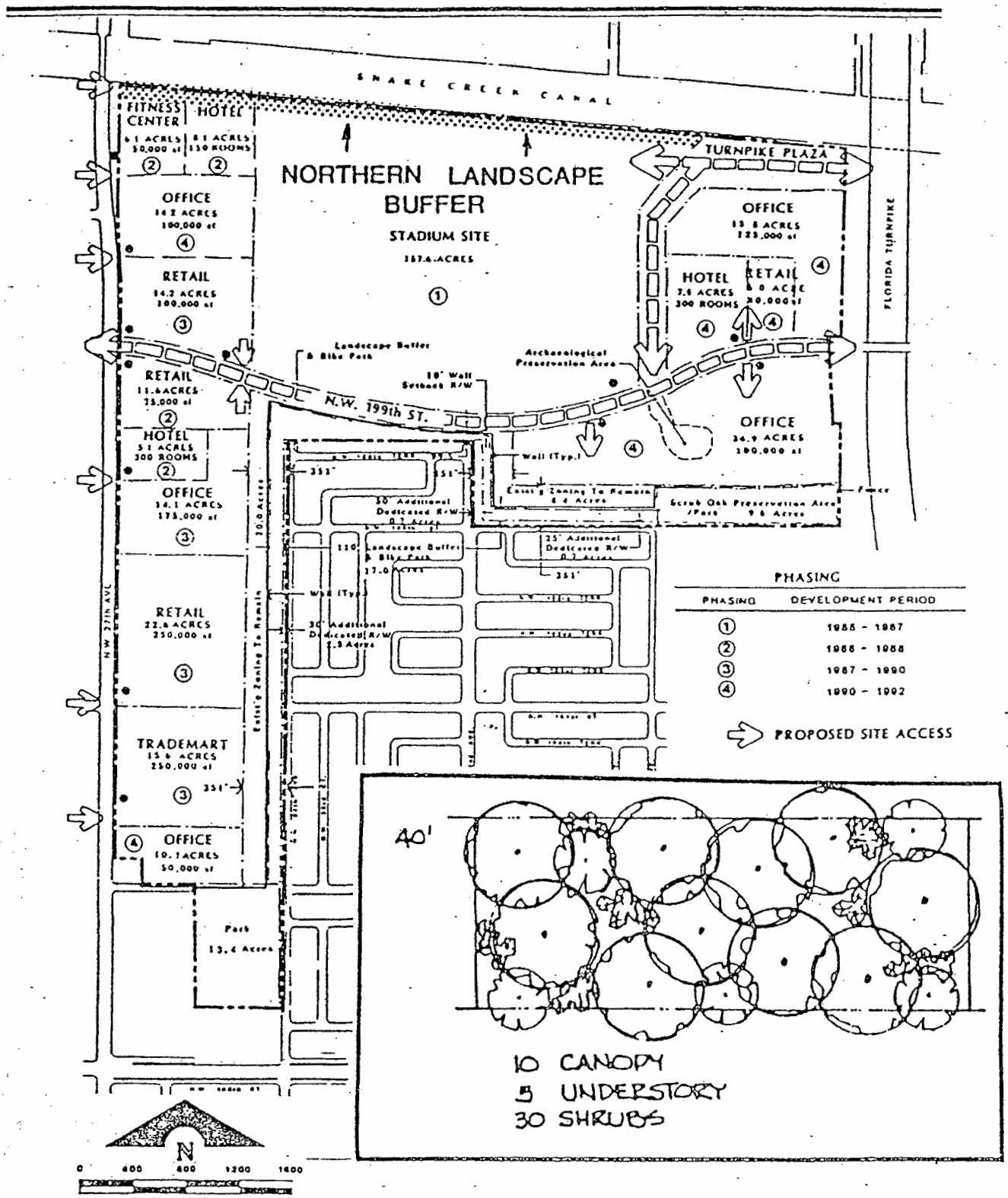
SOUTH LANDSCAPE BUFFER
WEST OF N.W. 24 AVE.



SOURCE: ADA, SFRPC

EXHIBIT 6

NORTHERN LANDSCAPE BUFFER



SOURCE: ADA

EXHIBIT 7

ARCHAEOLOGICAL MANAGEMENT PLAN

The Dolphin Center archaeological management plan will be administered as described below for the four designated management areas:

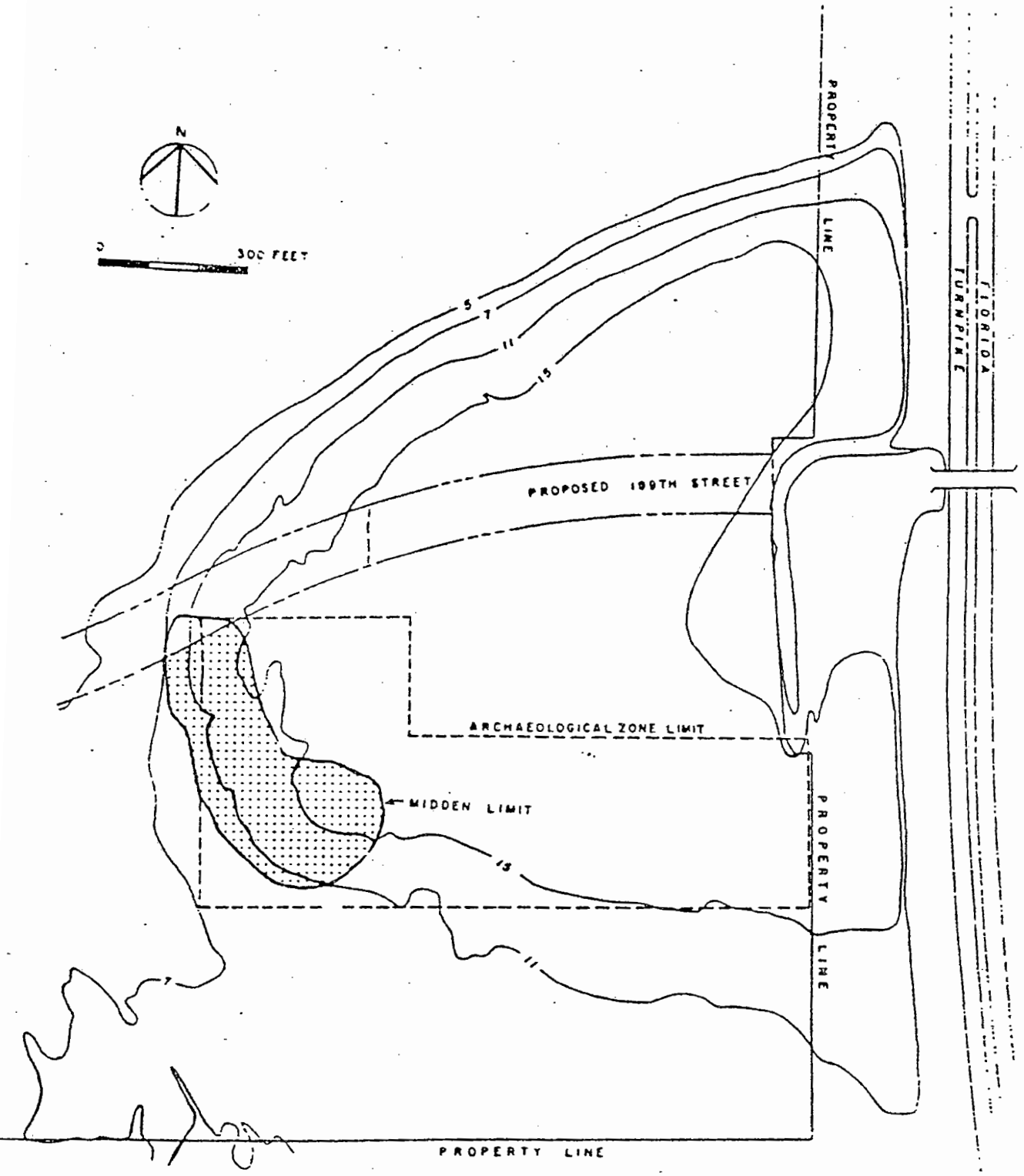
Area I: Green Space Preservation. The majority of the Tequesta midden will be preserved as a green space set-aside (Figure 7-1). This area will be clearly marked with fence posts, or, if necessary, with metal fencing prior to construction activities in adjacent areas, to prevent damage. No disturbance of this area is permitted, excepting minor preservation activity such as planting grass. No vehicles shall park, drive or be stored in this area.

Area II: Controlled Stripping. The northern tip of the midden and a segment of the plow zone area are within the 199th Street right-of-way (Figure 7-2). Although the research value of this area of the midden and of the scatter is unknown, the potential exists for burials and features to be present. Controlled stripping will be conducted to investigate this possibility, from the eastern fringe of the scatter west to the seven foot contour, within the right-of-way and construction easement. Stripping to the seven foot contour is necessary to investigate previously submerged areas which may yield Tequesta burials.

Controlled stripping involves the removal of all but 2 to 5 cm of the midden and/or plow zone with heavy equipment. The remaining midden will be manually shovel-scraped to reveal any submidden features or burials.

FIGURE 7–1

ARCHAEOLOGICAL MANAGEMENT AREA I



SOURCE: GARROW AND ASSOCIATES

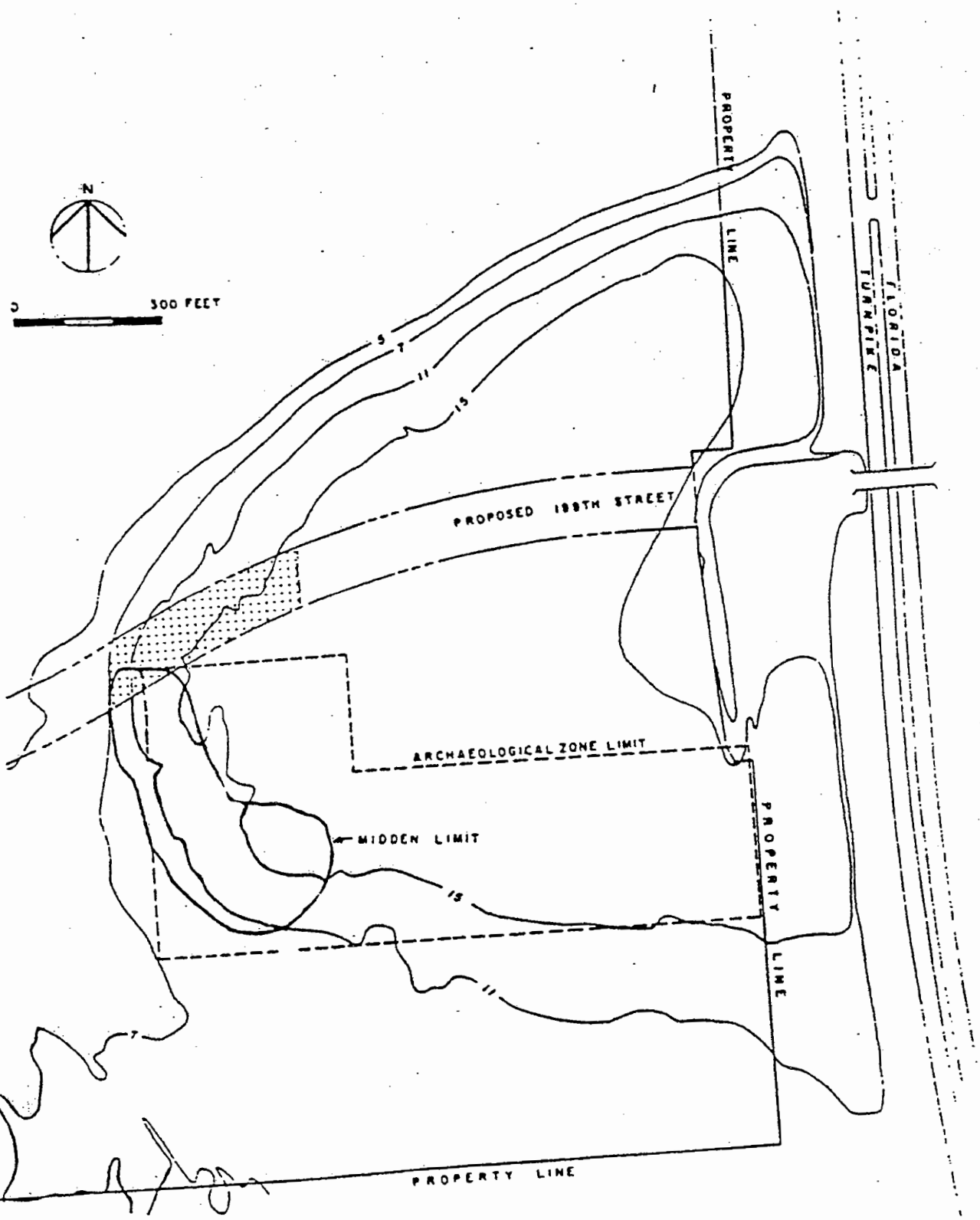
it may be necessary to manually remove the overburden in the wooded, western section of this area. All discovered features and burials will be mapped, photographed, and completely excavated. If construction activities reach the vicinity of this zone before the controlled stripping, it will be to marked with posts.

Area III: Monitored Stripping. Those areas between the seven and eleven foot contours, and are outside Areas I and II are to be subjected to monitored stripping. Area III is defined on the north by the disturbed area of Australian Pines, and on the south and east by the property line (Figure 7-3). In other areas this zone has been found to contain archaeological materials of limited research potential due to the fact that it has been plowed. However, the location of this zone indicates that there is potential for burials or features to be present that can be uncovered by monitored stripping. Monitored stripping differs from controlled stripping in that the former involves only limited shovel-scraping in areas of soil anomalies. Furthermore, monitored stripping allows machine removal of trees, while controlled stripping does not. Monitored stripping will be conducted only in those portions of Area III that will be impacted by construction activities. The monitoring will be undertaken by the Metro-Dade County Archaeologist or his designee.

Area IV: Spot Monitoring and Operator Education and Awareness. Equipment operators will be trained to identify any soil anomalies within the area of extremely low archaeological potential. Also, the Metro-Dade

FIGURE 7–2

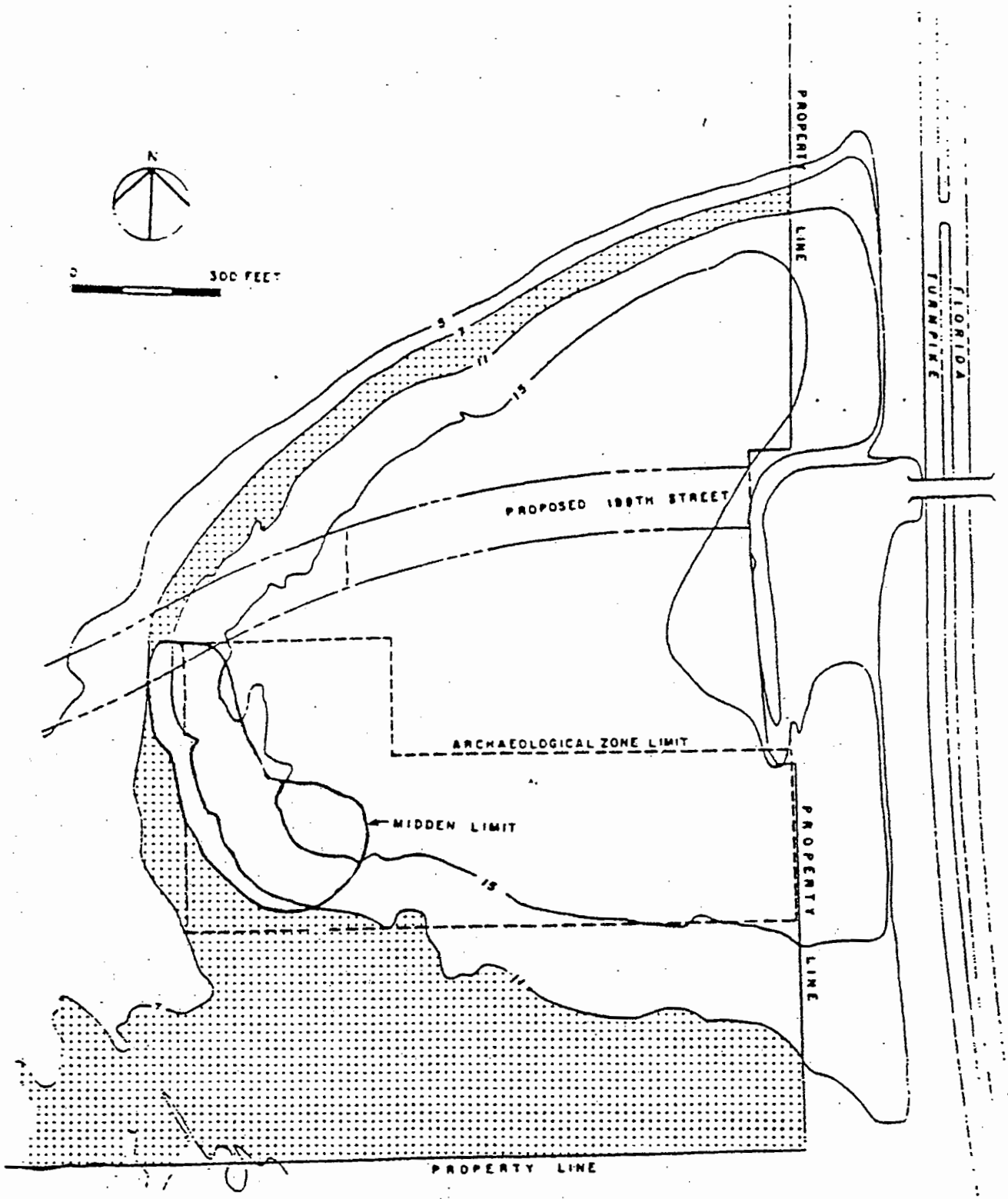
ARCHAEOLOGICAL MANAGEMENT AREA II



SOURCE: GARROW AND ASSOCIATES

FIGURE 7-3

ARCHAEOLOGICAL MANAGEMENT AREA III



SOURCE: GARROW AND ASSOCIATES

Archaeologist or archaeological assistant will be present during clearing or earth work in this area to assist in monitoring for soil anomalies. If the anomaly is determined probably to be cultural in origin, and if impact cannot be avoided, it must be excavated by a professional archaeologist. Area IV contains the area in Figure 7-4 plus the remainder of the site that is not within Areas I, II, or III.

The construction foreman and the machine operators are to be briefed by the archaeologists, who will teach them how to recognize cultural features and burial sites. They are to flag and leave undisturbed any possible site or feature until the archaeologist or assistant has taken necessary actions.

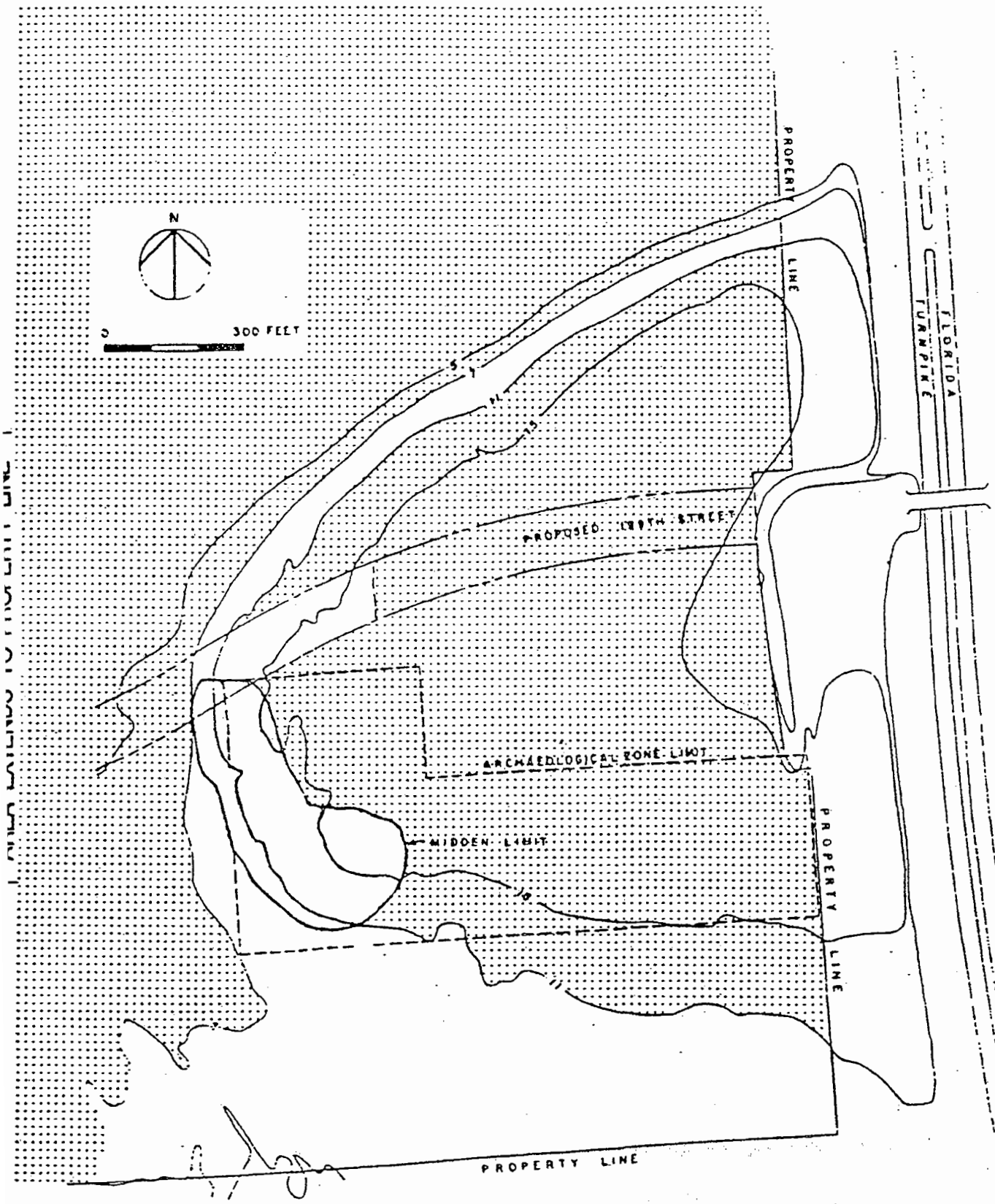
In addition to the above, the following stipulations will govern site construction:

- The developer will ensure that copies of the field notes, other site records and all artifacts recovered shall be curated at a facility where they will be available to future researchers.

- Copies of any reports resulting from the archaeological activities shall be provided to DAHRM and Dade County.

- Dade County Historic Preservation Division staff shall be granted access to the archaeological site during working hours in order to monitor excavation and construction activities.

FIGURE 7-4
ARCHAEOLOGICAL MANAGEMENT AREA IV



SOURCE: GARROW AND ASSOCIATES AND SFRPC

- Dade County staff shall also determine if the marked fence posts are adequately controlling access to Area I and other areas with soil anomalies. If this arrangement is inadequate to protect the preservation area, metal fencing shall be provided by the developer around the area of concern.

- The Applicant will donate to Dade County Historic Preservation Division (DHPD) the funds necessary for DHPD to hire an archaeological assistant to monitor all site construction.

EXHIBIT 8

PROGRAMMED TRANSPORTATION IMPROVEMENTS

Phase A (1987) Improvements

Exhibit	Location	Improvement	Funding Agency	Year of Construction	Cost (x $1,000)	Applicant Fair-Share (In dollars) Amount of Development Approved		
						Phase B (665KØ)	Phase B (1,315KØ)	Phase C (Entire Pro
1,2	Florida Turnpike at NW 199th Street	Add Interchange	Turnpike*	1987	9,500	0	0	0
3	NW 199th Street- NW 27th Avenue to Turnpike	New 8LU	Turnpike*	1987	3,800	0	0	0
4	NW 199th Street/ NW 27th Avenue	Add NB LT, RT lanes SB 2 LT, RT lanes EB 3 Thru lanes WB 2 LT, 3 Thru, RT	Turnpike*	1987	300	0	0	0
	NW 27th Avenue at C-9 Canal	Add NB RT lane SB 2 LT lanes WB 3 lanes	Turnpike*	1987	275	0	0	0
5	University Drive/ County Line Road, HEFT	Add NB 2 lanes EB RT lane	Turnpike*	1987	150	0	0	0
6	NW 27th Avenue/ NW 191st Street	Add NB LT, RT lanes SB 2 LT, RT lanes EB LT, 2 Thru lanes WB 2 LT, 2 Thru, RT	Turnpike*	1987	181	0	0	0
7	NW 27th Avenue/ Miami Gardens Drive	Add NB LT, RT lanes SB LT, RT lanes EB LT, Thru lanes WB LT, Thru lanes	Turnpike*	1987	317	0	0	0
8	SR 826 EB, SR 826 WB/ NW 27th Avenue	Add SB lane	Turnpike*	1987	26.5	0	0	0
	Florida Turnpike near NW 199th Street	Add 2L(6LX)	Turnpike*	1987	7,500	0	0	0
	Florida Turnpike Golden Glades to Miramar Parkway with exception at NW 199th Street	Add 2L(6LX)	Turnpike	1986	3,407	0	0	0

PROGRAMMED TRANSPORTATION IMPROVEMENTS (Continued)

Exhibit

	NW 199th Street from Turnpike to US 441	Add 3L(5LR)	Dade County	1987	2,100	0[2]	0	0
	NW 199th Street from NW 52nd Avenue to NW 27th Avenue	Add 2L(4LD)	Dade County	1986	3,235	0[2]	0	0
	Miami Gardens Drive from NW 77th Avenue to I-75	New 4LD	Dade County	1985	1,674	0[3]	0	0
	Hollywood Blvd. SR 7 (US 441) to NW 64th Avenue	Add 2L(6LD)	FDOT	1986	2,200	18,437	27,139	46,180
	SR 7 & Hollywood Blvd.	Add NB LT lane SB LT lane EB LT lanes WB LT lane	FDOT	1986	375	2,171	2,897	4,587
9	Hollywood Blvd. I-75 to University	Add 2L(4LD) Incl. Expanded Intersections at University Drive Add EB LT, RT lanes WB LT, Thru lanes	FDOT	1986	2,000	17,985	25,589	44,099
10		Palm Avenue Add NB Thru lane SB Thru lane EB Thru, RT lanes WB Thru, RT lanes						
11		Douglas Road Add NB Thru lane SB Thru lane EB Thru, RT lanes WB Thru, RT lanes						
12	Miramar Parkway/Palm Ave. to Flamingo Road	New 4LD Expanded Intersections at Palm Avenue Add NB LT lane SB LT lane EB LT, Thru, Thru/RT lanes WB Thru lane	FDOT	1985	3,070	33,257	57,730	110,964
13		Flamingo Road EB Thru, RT lanes WB Thru, RT lanes						
	I-75 SR 826 to Hollywood Blvd.	New 8LX	FDOT	1985	91,250	0[2]	0	0
14	US 441/NW 199th Street	Add SB LT lane EB LT, Thru lanes WB LT lane	FDOT	1987	379	43,991	62,357	85,770

PROGRAMMED TRANSPORTATION IMPROVEMENTS (Continued)

Exhibit								
	SR 826 from NW 12th Avenue to Golden Glades	Add 2L(6LX)	FDOT	1986	1,000	0[2]	0	0
15	Miramar Pkwy./ US 441	Add NB LT lane SB LT lane EB LT lane WB LT lane	FDOT	1987	350	6,023	9,873	18,970
16	Pembroke Road/ US 441	Add EB LT lane WB LT lane	FDOT	1987	337	0[3]	0	0
Phase B (1990) Improvements								
17	HEFT at Turnpike	New Ramps: EB HEFT to SB Turnpike NB Turnpike to WB HEFT EB County Line Rd. to SB Turnpike	Turnpike	1990	6,250	0	0	0
	Flamingo Road Hollywood Blvd. to HEFT	Realign w/ Red Road; Add 4L(6LD) Incl. Expanded Intersections	Turnpike	1990	6,600	0	0	0
13		at Miramar Parkway Add NB 2 Thru, RT lanes SB 2 Thru, RT lanes						
18		Pembroke Road Add NB 2 Thru, RT lanes SB 2 Thru, RT lanes EB Thru, RT lanes WB Thru, RT lanes						
19		Hollywood Boulevard Add NB 2 Thru, RT lanes SB 2 Thru RT lanes EB Thru, RT lanes WB Thru, RT lanes						
20	HEFT at Red Road	Add Interchange	Turnpike	1990	3,667	0	0	0
	Red Road HEFT to NW 199th Street	New 6LD	Turnpike	1990	1,988	0	0	0
	Red Road NW 199th Street to Miami Gardens Drive	Add 4L(6LD)	Turnpike	1990	2,936.8	0	0	0
	I-95 - Golden Glades to County Line	Add 2L(8LX)	FDOT	1990	18,090	0	0	0

I-95 - County Line to Sheridan Street	Add 2L(8LX)	FDOT	1988	20,000	0	0	0
Pembroke Road I-95 to US 441	Add 2L(6LD)	FDOT	1990	5,540	0	0	0
Miramar Parkway at University Drive	Add NB LT, RT lanes SB LT, RT lanes EB LT, Thru lanes WB LT, Thru, RT lanes	Turnpike*	1990	88.5	0	0	0
TOTAL				198,786.8	121,864	185,242	310,480

1 An Applicant fair-share is not assessed for Turnpike funded improvements since their costs are covered by user tolls.

2 Improvement is either under construction or funds have been programmed in a public agency 1985-86 budget.

3 No project traffic was assigned to this link/intersection.

* Improvement is included in Turnpike package to be guaranteed by Applicant. Additional design cost ($900,000) is included in Turnpike/NW 199th Street interchange cost.

NB - northbound
SB - southbound
EB - eastbound
WB - westbound
RT - right turn
LT - left turn
L - lanes
D - divided
U - undivided
X - expressway

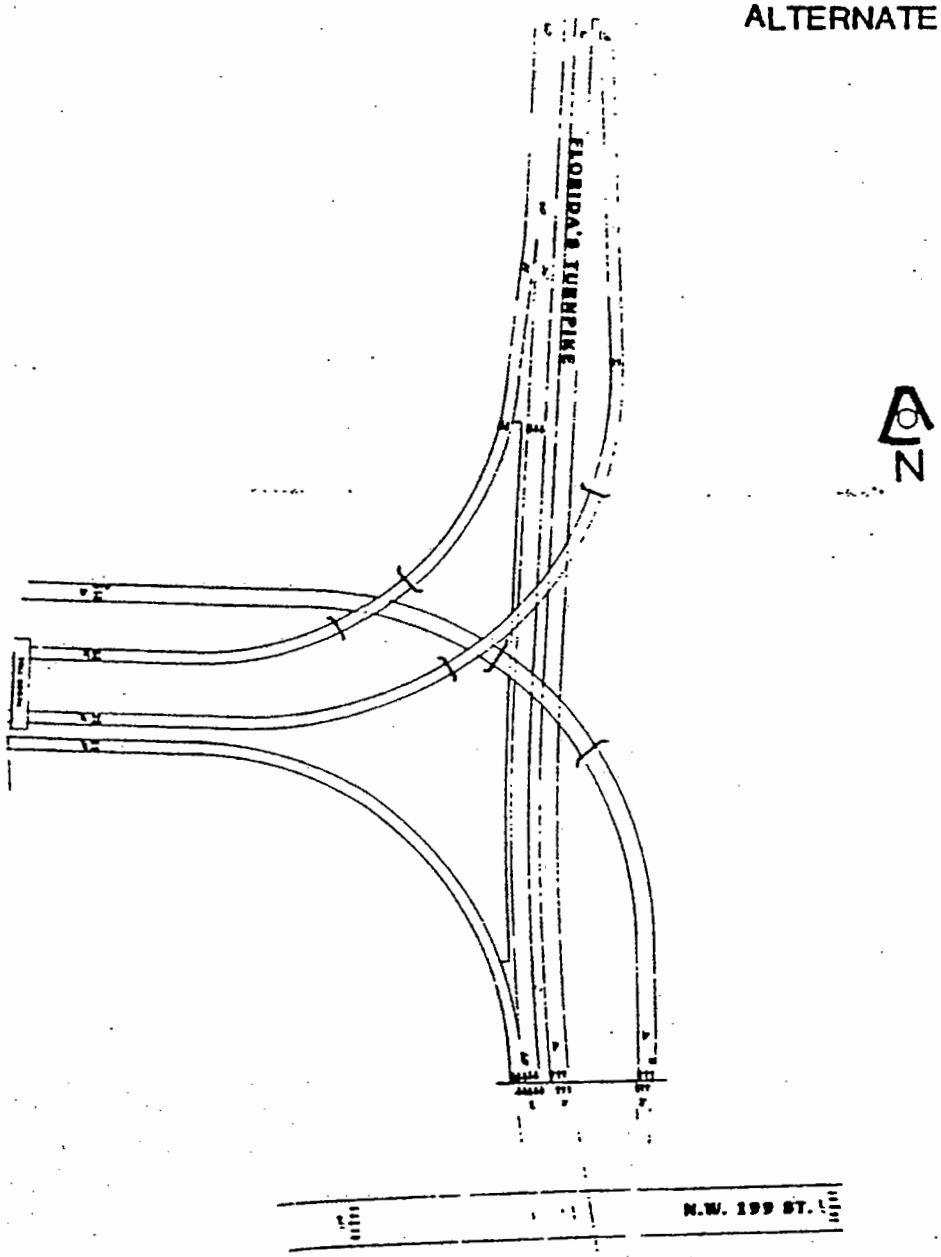
SOURCE: SFRPC

EXHIBIT 9-1

PROGRAMMED TRANSPORTATION IMPROVEMENTS

TURNPIKE / NW 199TH ST INTERCHANGE

ALTERNATE "A"



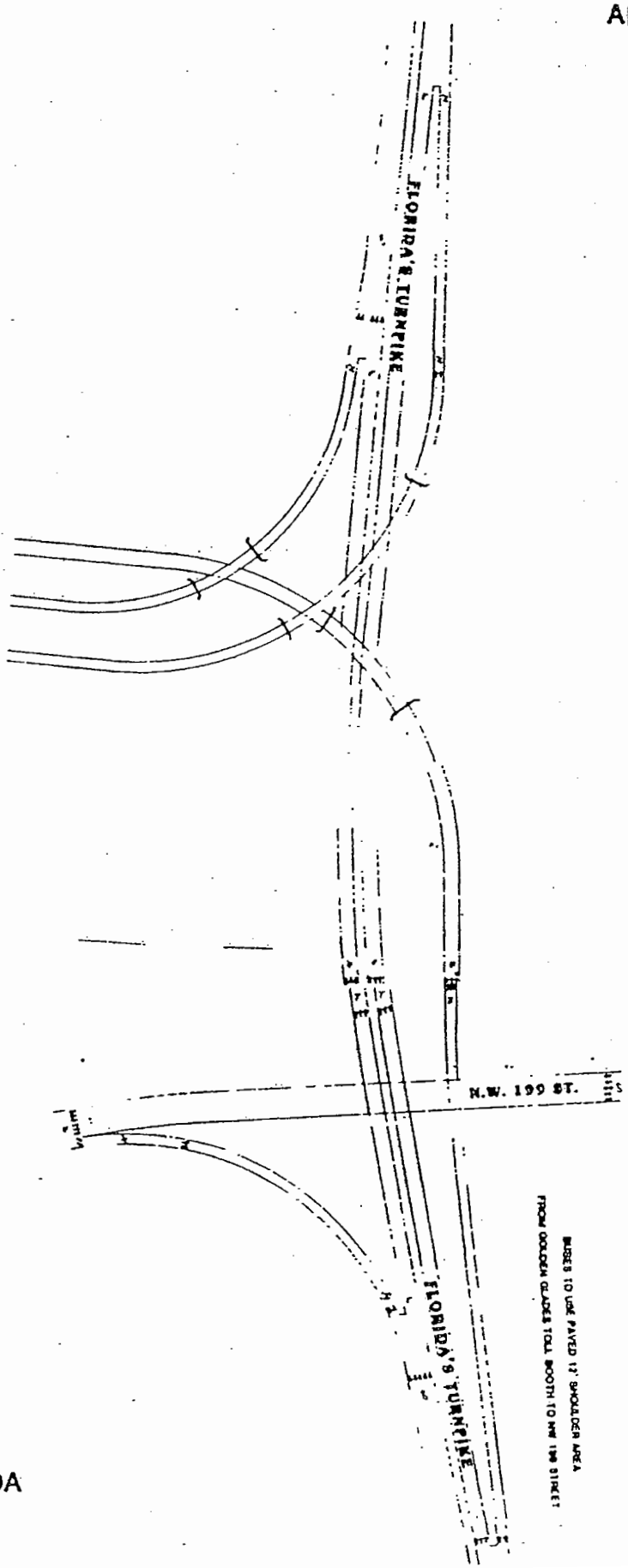
SOURCE: ADA

EXHIBIT 9-2

PROGRAMMED TRANSPORTATION IMPROVEMENTS

TURNPIKE / NW 199TH ST INTERCHANGE

ALTERNATE "B"

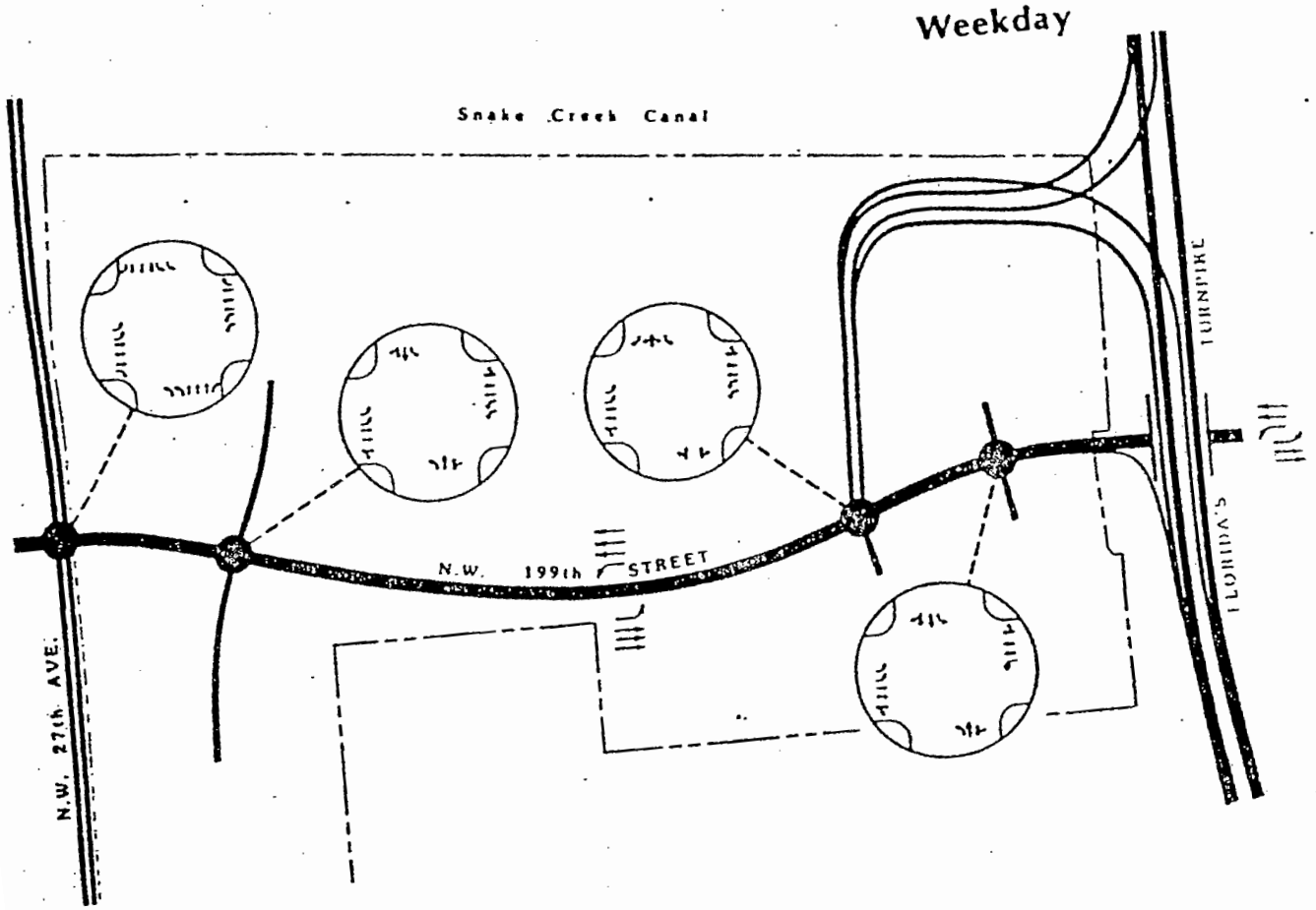


SOURCE: ADA

EXHIBIT 9-3A

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 199TH ST – NW 27TH AVE
TO TURNPIKE

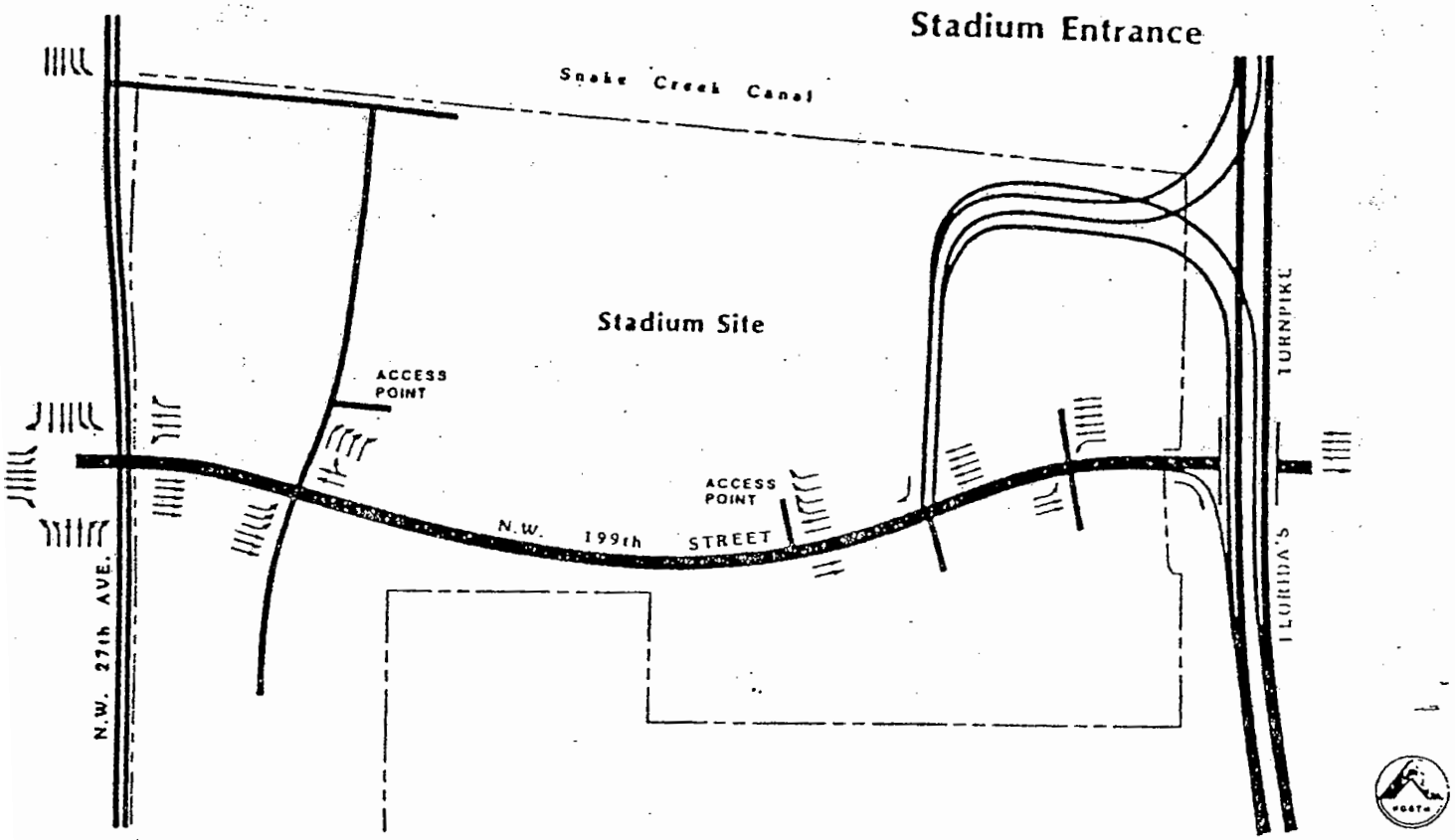


SOURCE: ADA

EXHIBIT 9–3B

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 199TH ST – NW 27TH AVE TO TURNPIKE

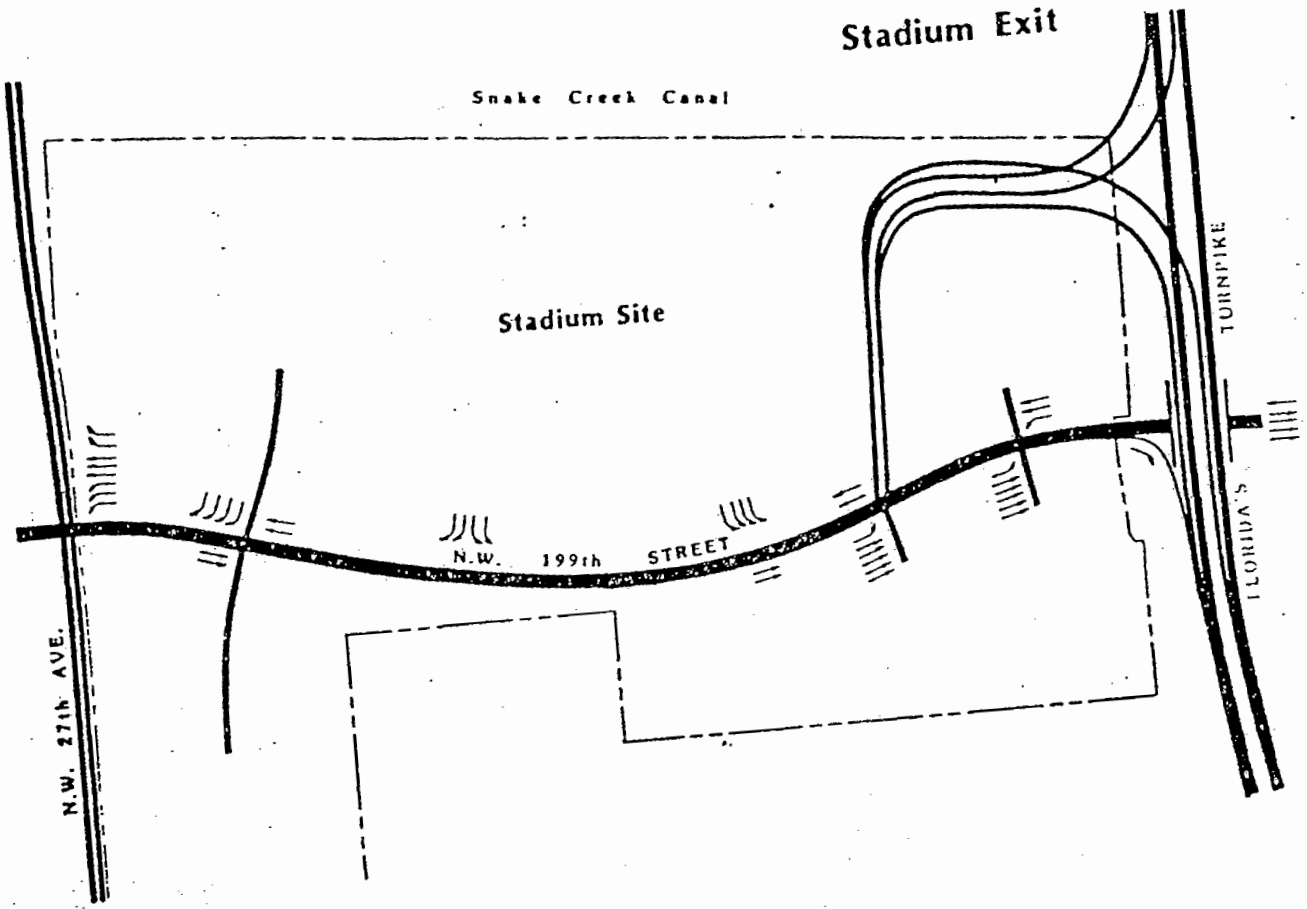


SOURCE: ADA

EXHIBIT 9–3C

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 199TH ST – NW 27TH AVE
TO TURNPIKE

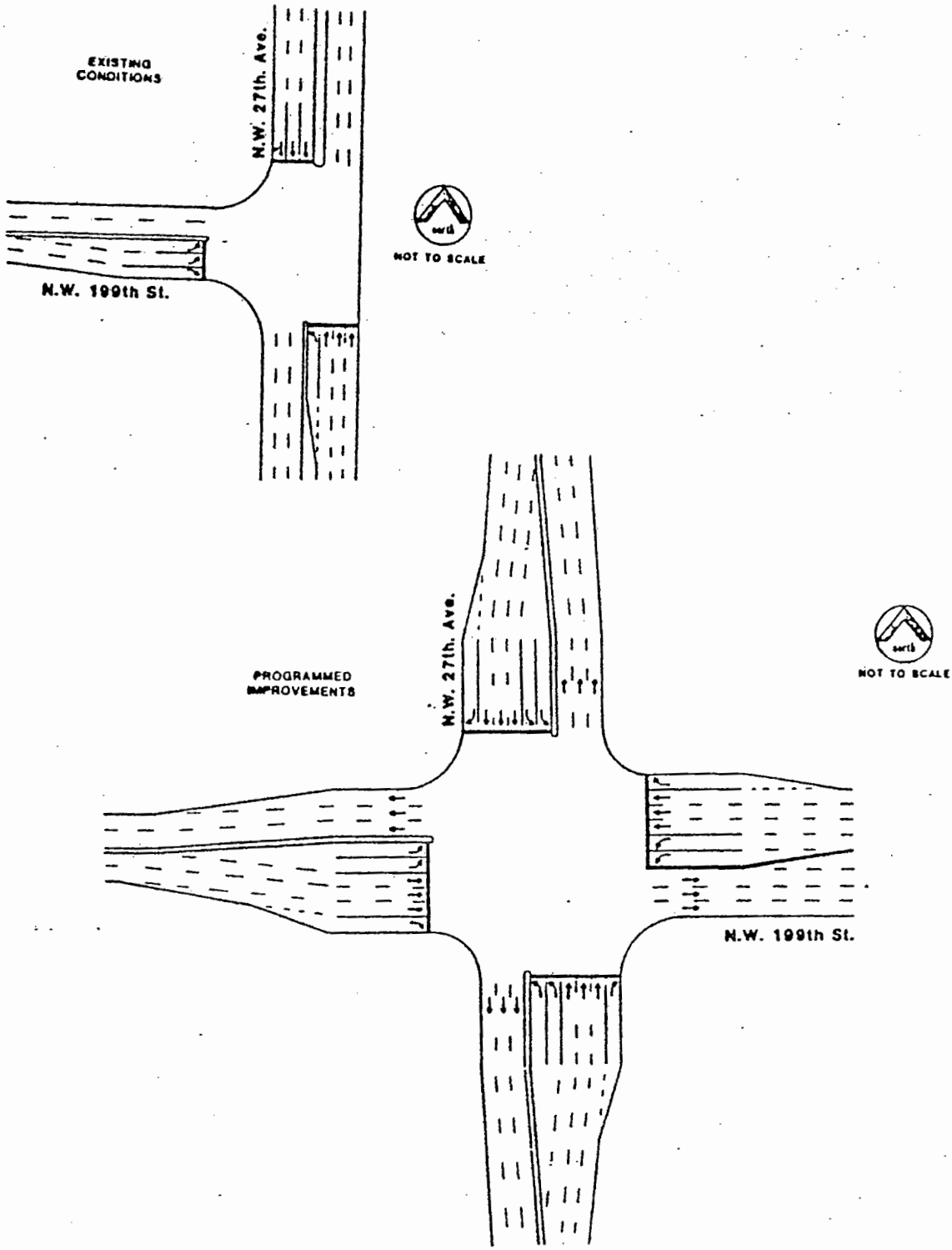


SOURCE: ADA

EXHIBIT 9-4

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 199TH ST – NW 27TH AVE

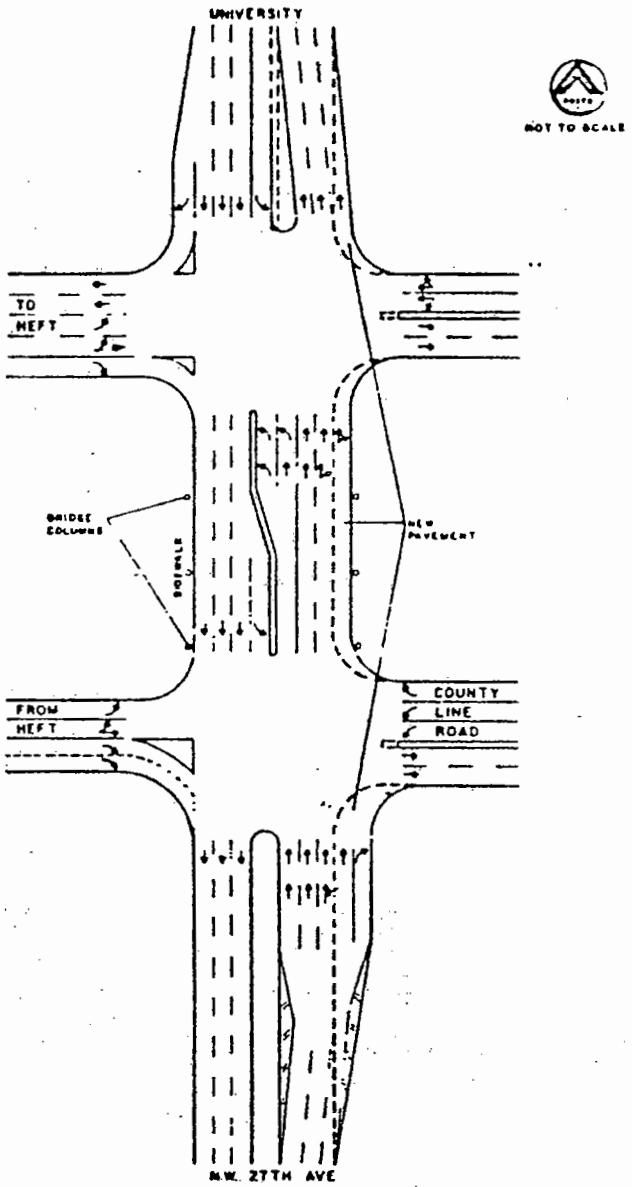


SOURCE: ADA

EXHIBIT 8-5

PROGRAMMED TRANSPORTATION IMPROVEMENTS

UNIVERSITY DR – COUNTY LINE RD – HEFT

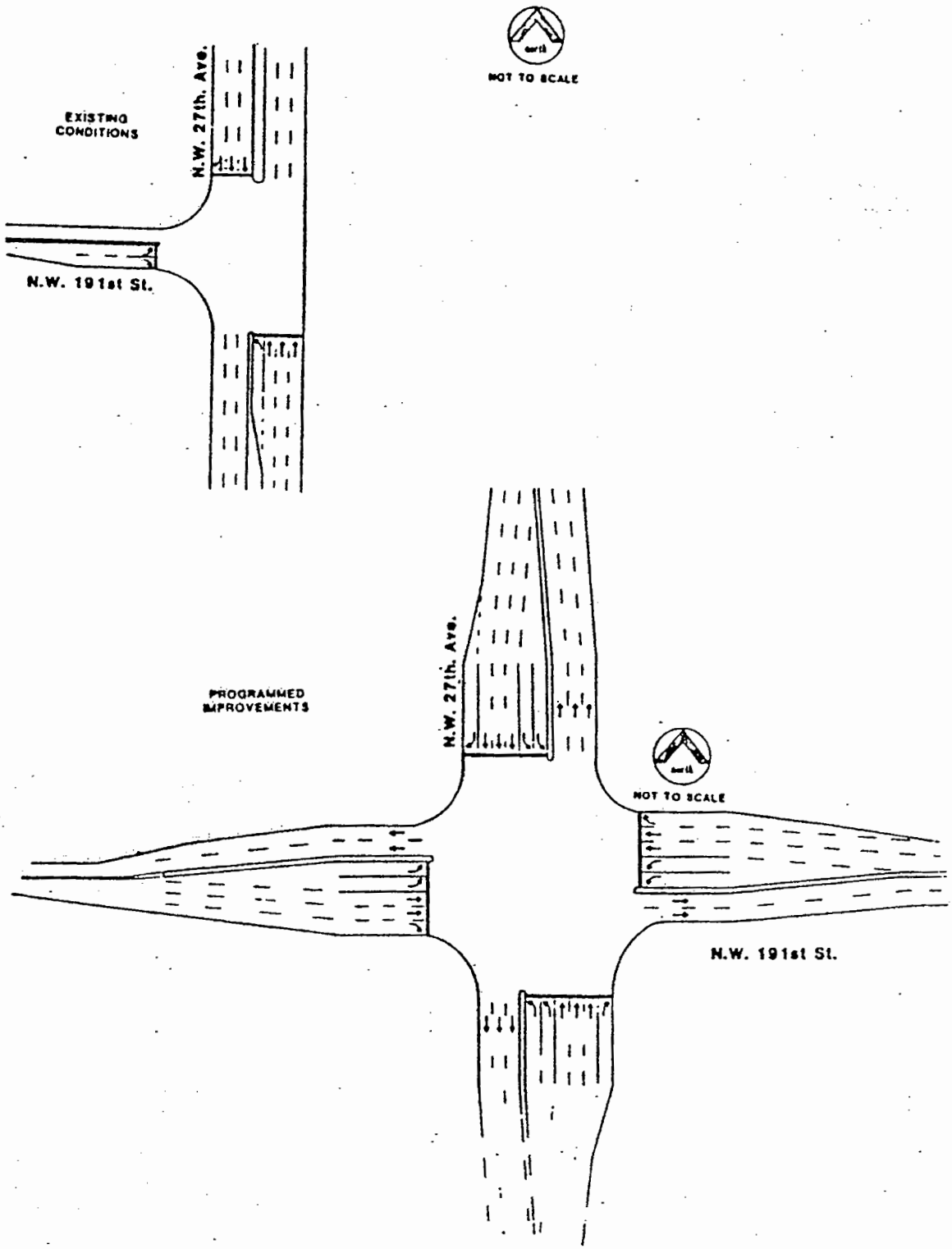


SOURCE: ADA

EXHIBIT 9-6

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 27TH AVE – NW 191ST ST

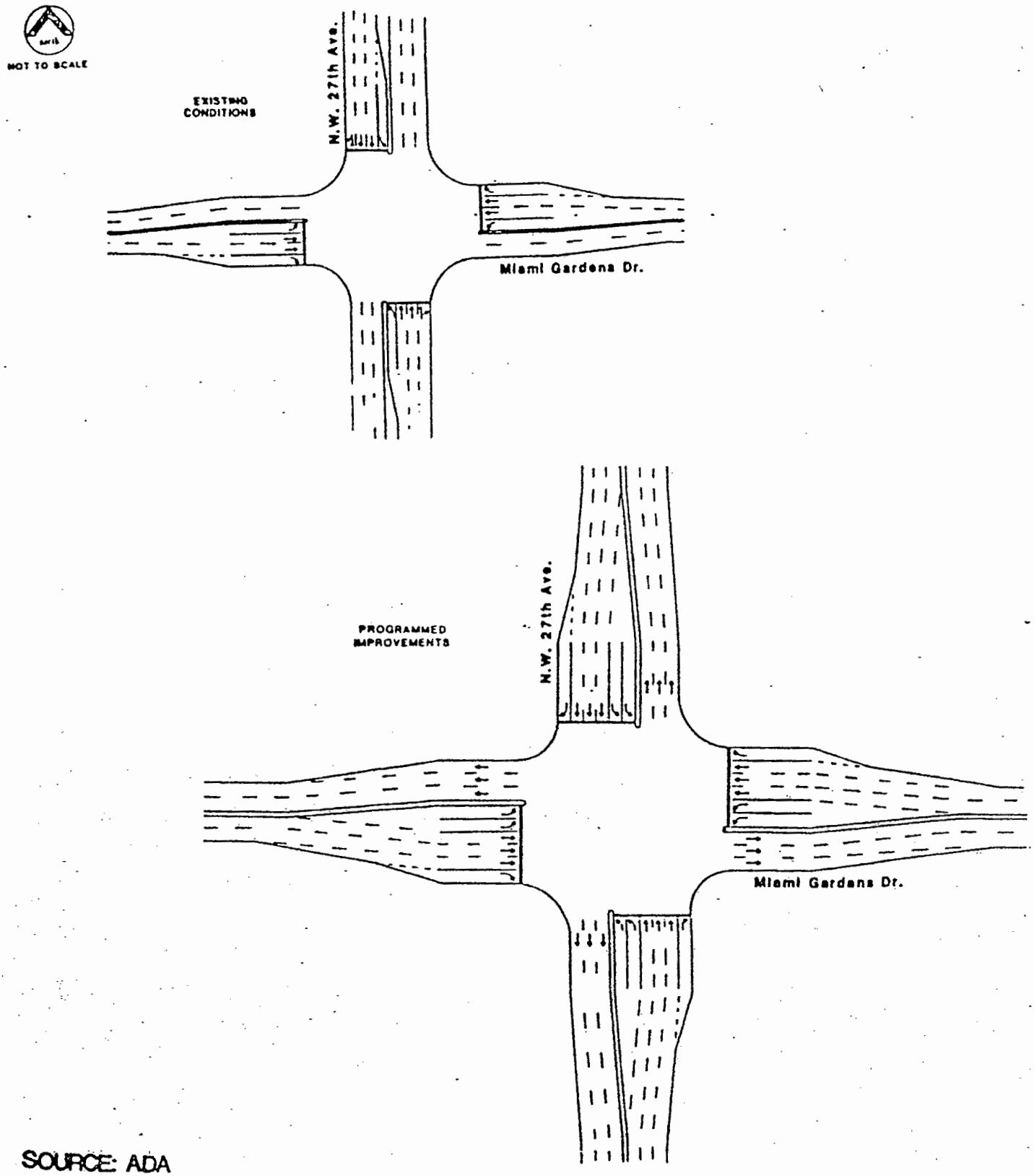


SOURCE: ADA

EXHIBIT 9-7

PROGRAMMED TRANSPORTATION IMPROVEMENTS

NW 27TH AVE – MIAMI GARDENS DR

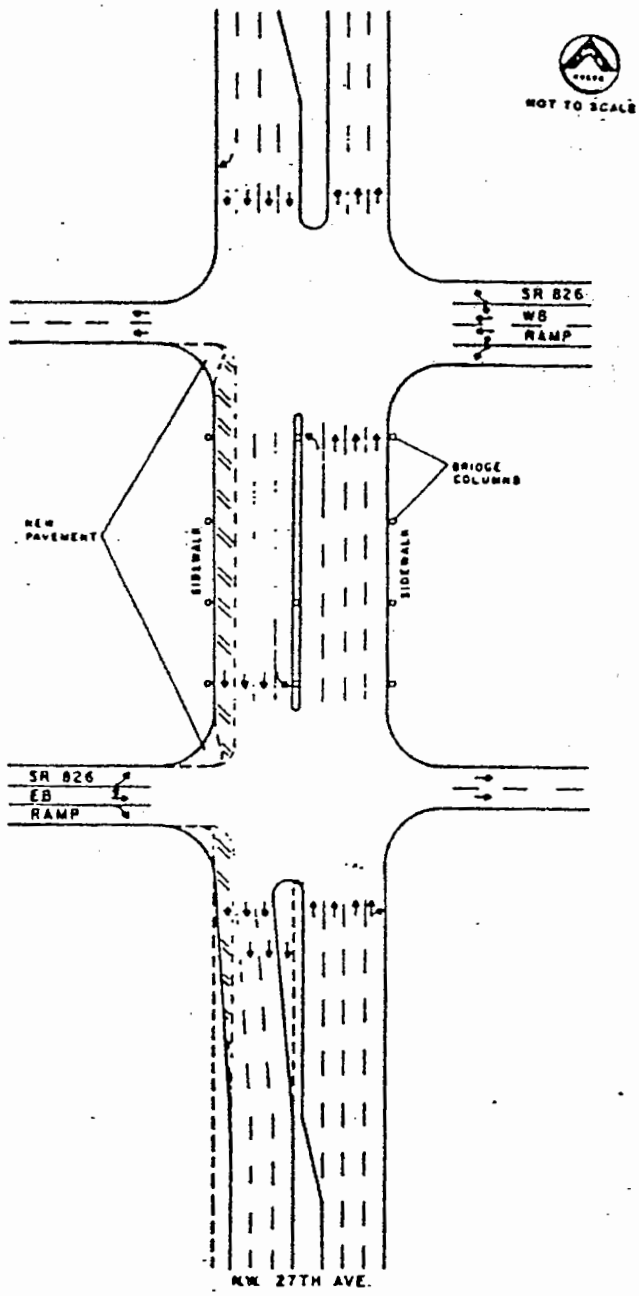


SOURCE: ADA

EXHIBIT 9-8

PROGRAMMED TRANSPORTATION IMPROVEMENTS

SR 826 EASTBOUND RAMP – SR 826 WESTBOUND RAMP/ NW 27TH AVE

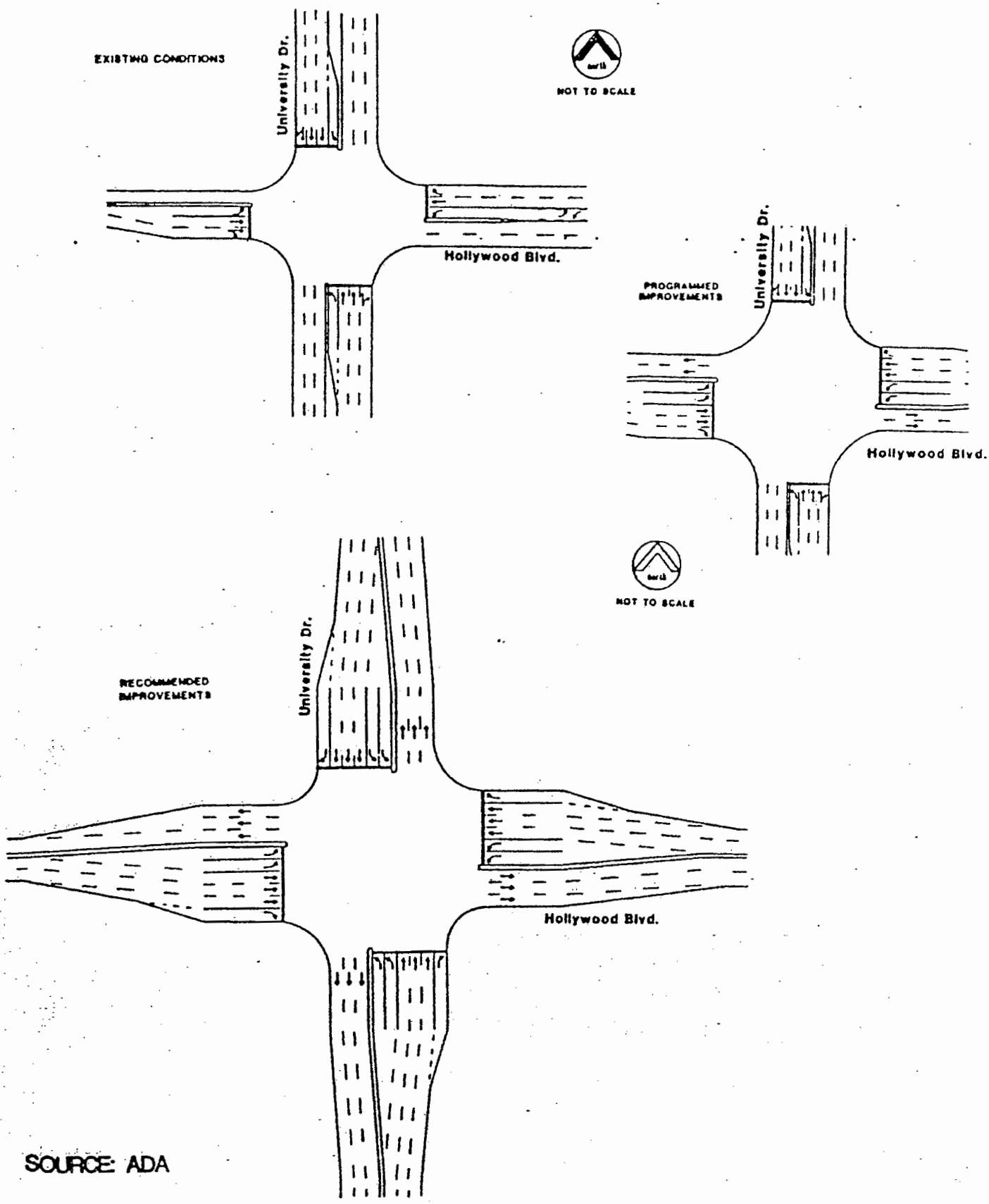


SOURCE: ADA

EXHIBIT 9-9

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

HOLLYWOOD BLVD – UNIVERSITY DR

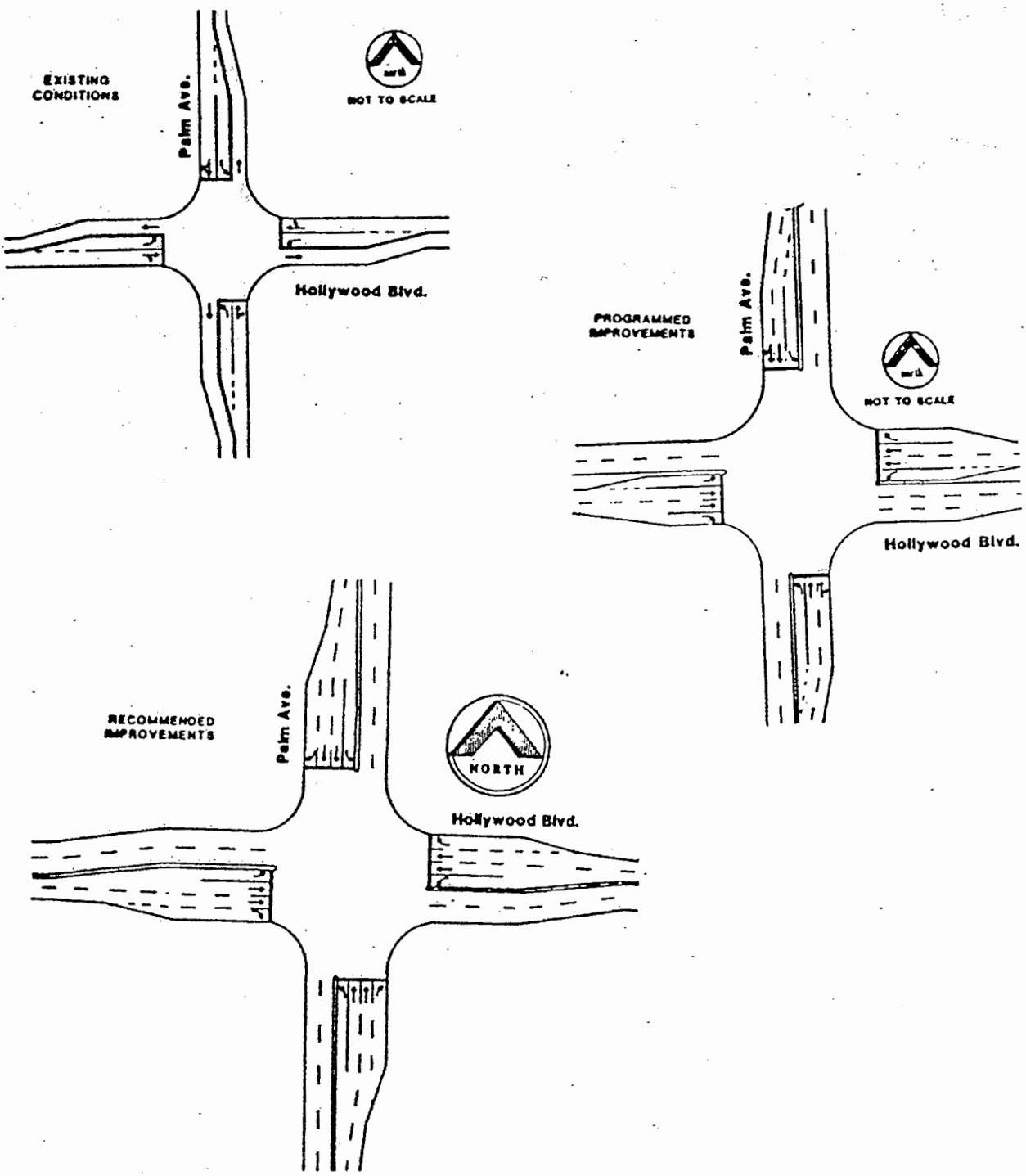


SOURCE: ADA

EXHIBIT 9–10

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

HOLLYWOOD BLVD – PALM AVE

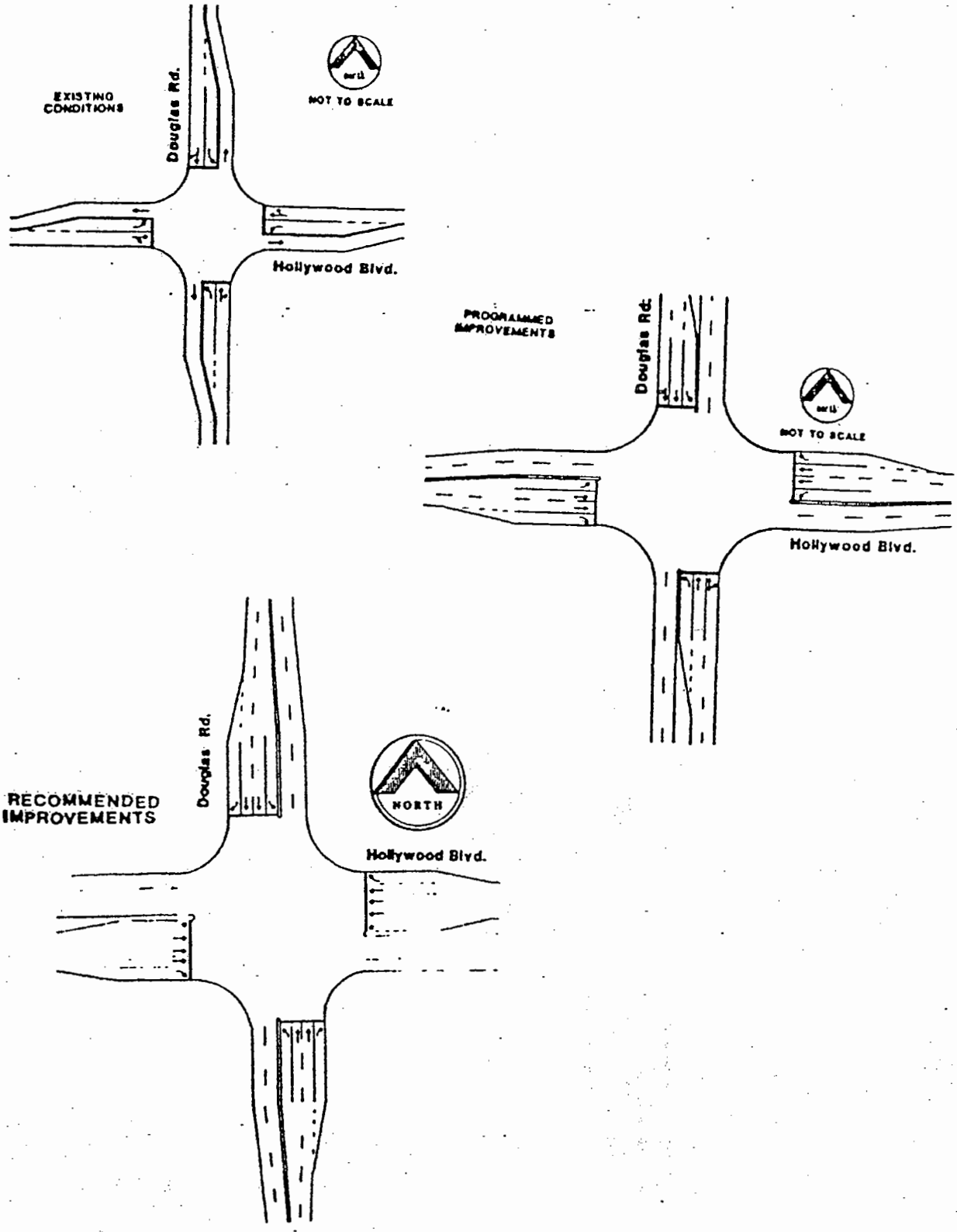


SOURCE: ADA

EXHIBIT 9—11

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

HOLLYWOOD BLVD – DOUGLAS RD

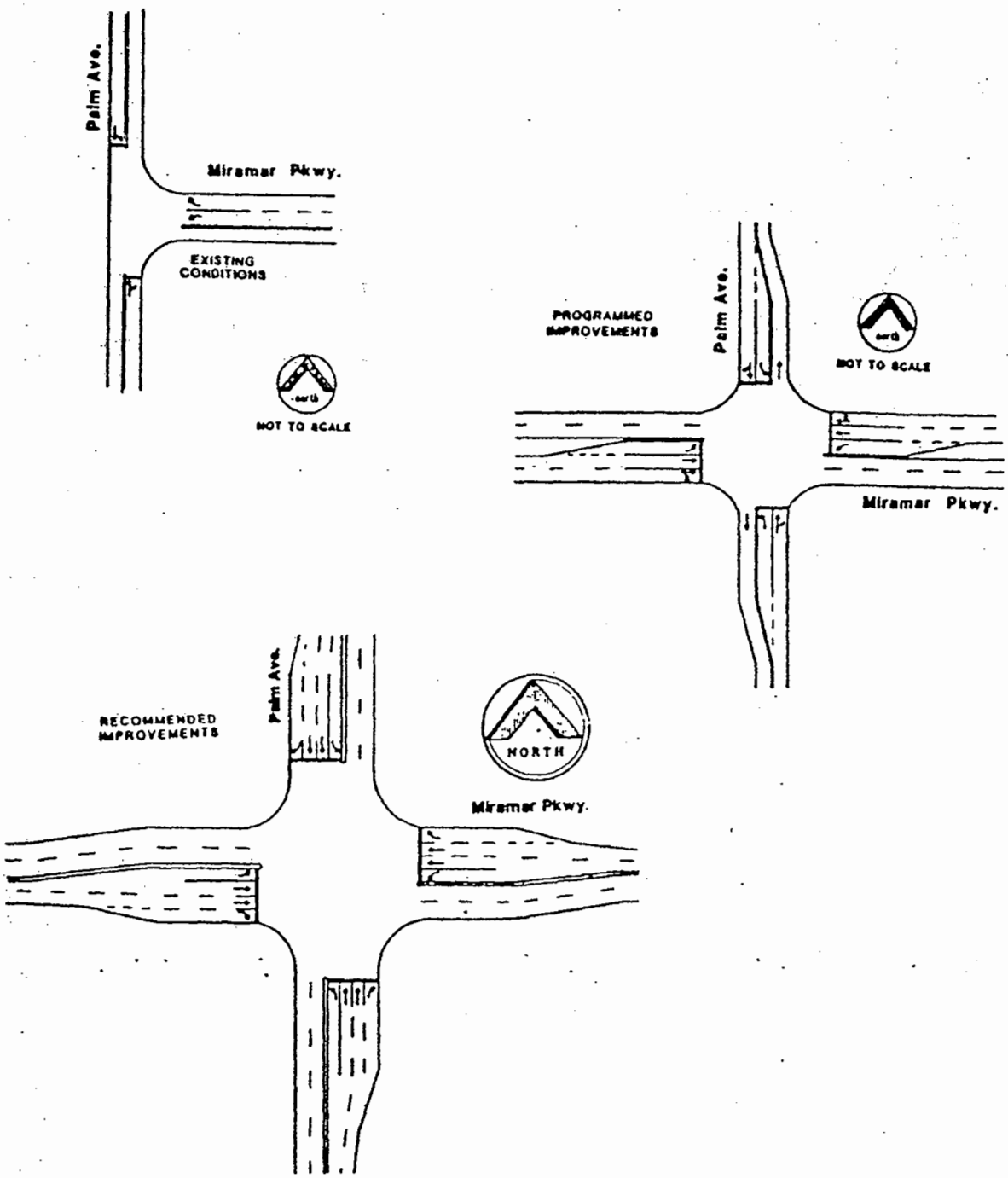


SOURCE: ADA

EXHIBIT 9-12

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

MIRAMAR PKWY – PALM AVE

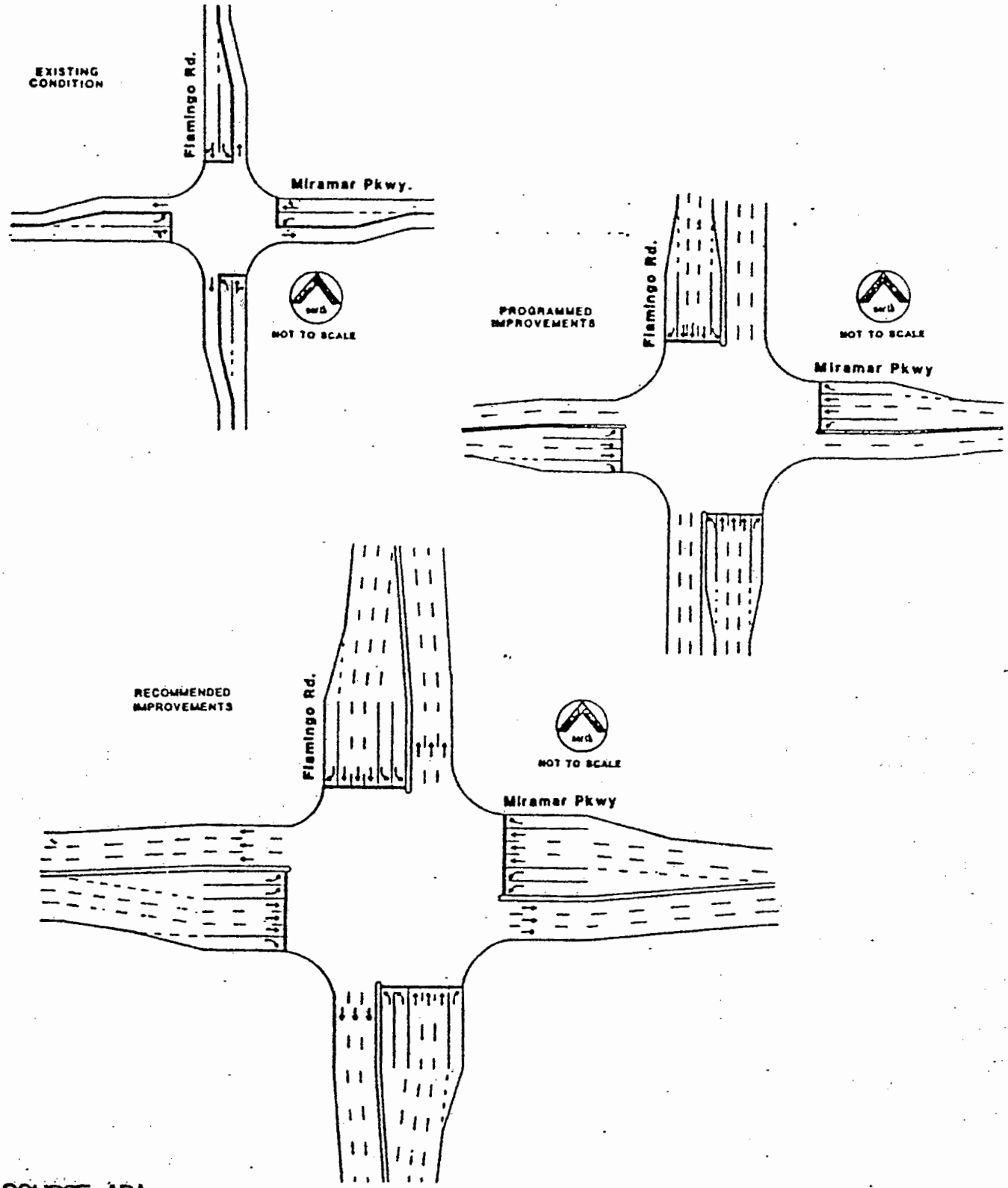


SOURCE: ADA

EXHIBIT 9—13

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

MIRAMAR PKWY—FLAMINGO RD

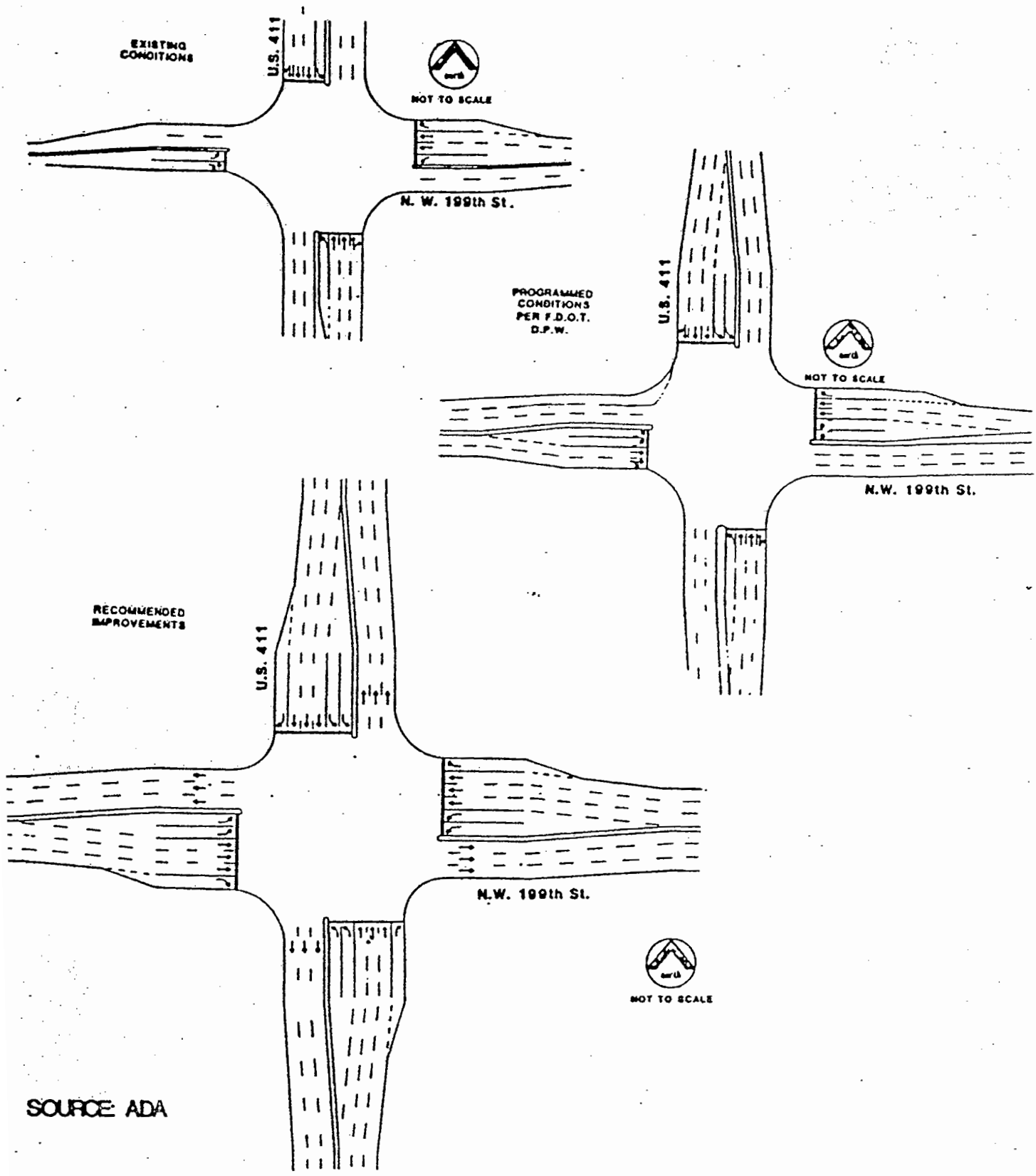


SOURCE: ADA

EXHIBIT 9–14

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

US 411 – NW 199TH ST

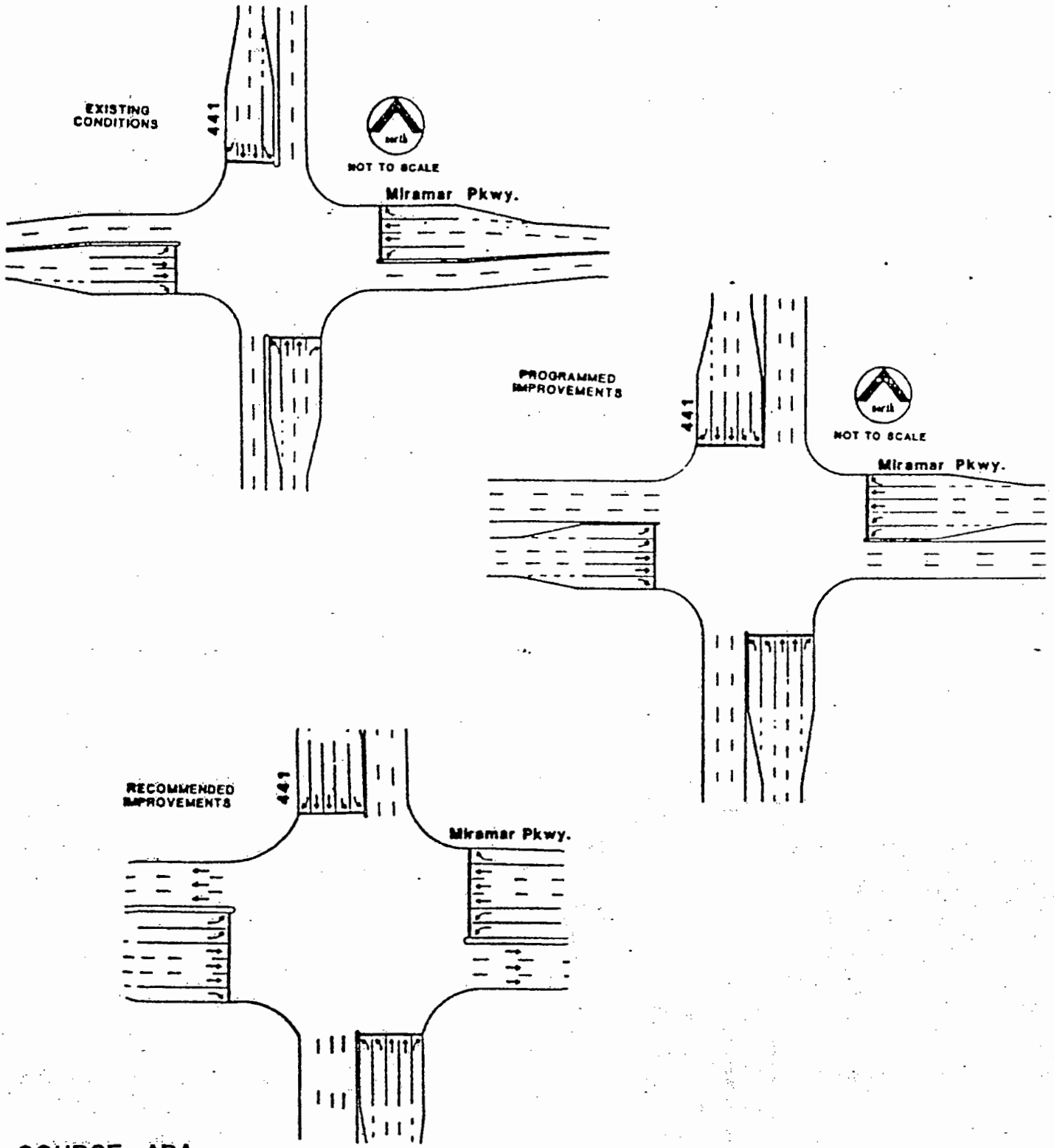


SOURCE: ADA

EXHIBIT 8-15

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

MIRAMAR PKWY – US441

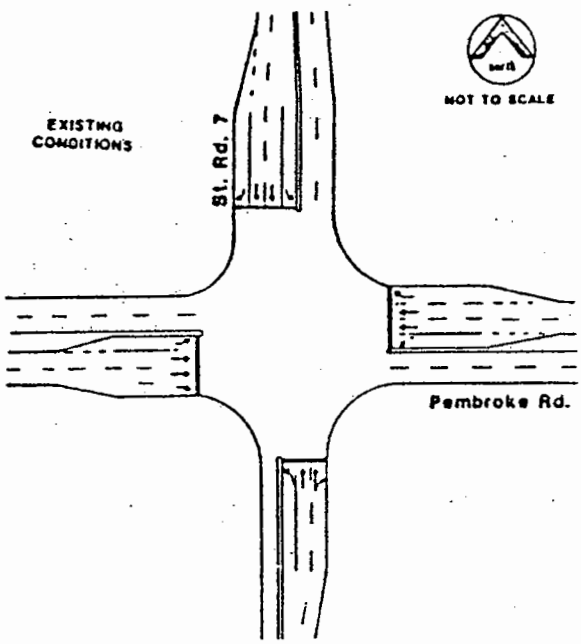


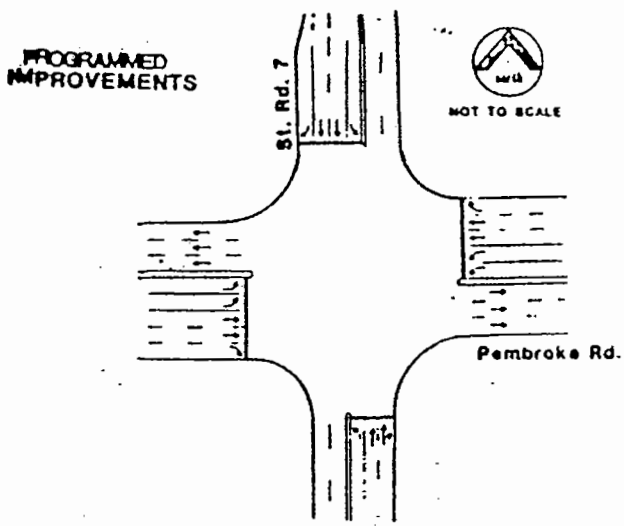
SOURCE: ADA

EXHIBIT 9-16

PROGRAMMED TRANSPORTATION IMPROVEMENTS

PEMBROKE RD – US 441



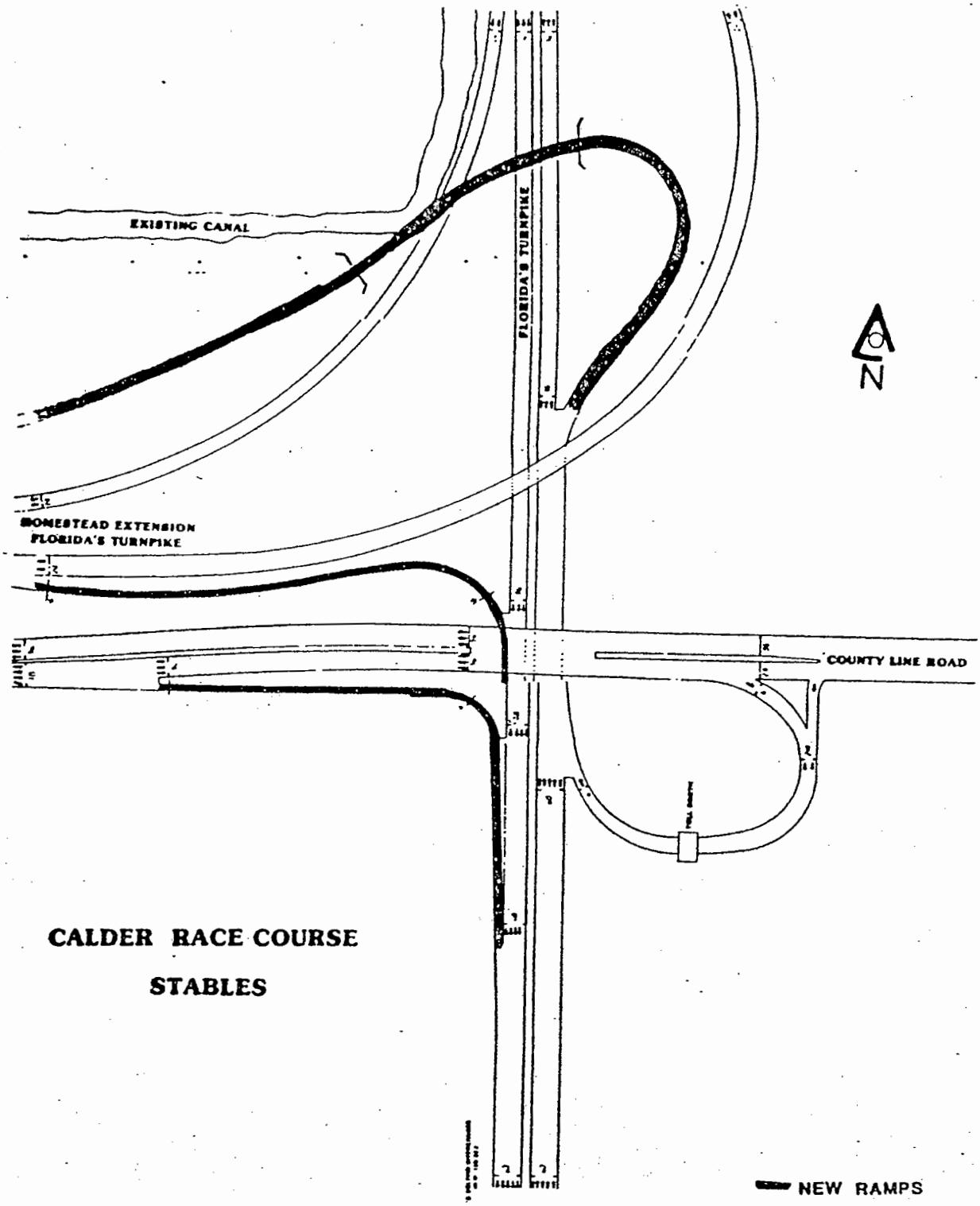


SOURCE: ADA

EXHIBIT 9-17

PROGRAMMED TRANSPORTATION IMPROVEMENTS

HEFT / TURNPIKE RAMPS

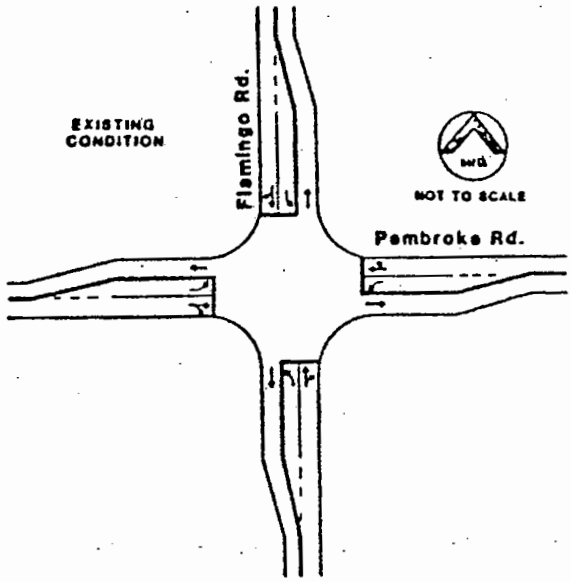


SOURCE: ADA

EXHIBIT 9-18

PROGRAMMED TRANSPORTATION IMPROVEMENTS

FLAMINGO RD – PEMBROKE RD



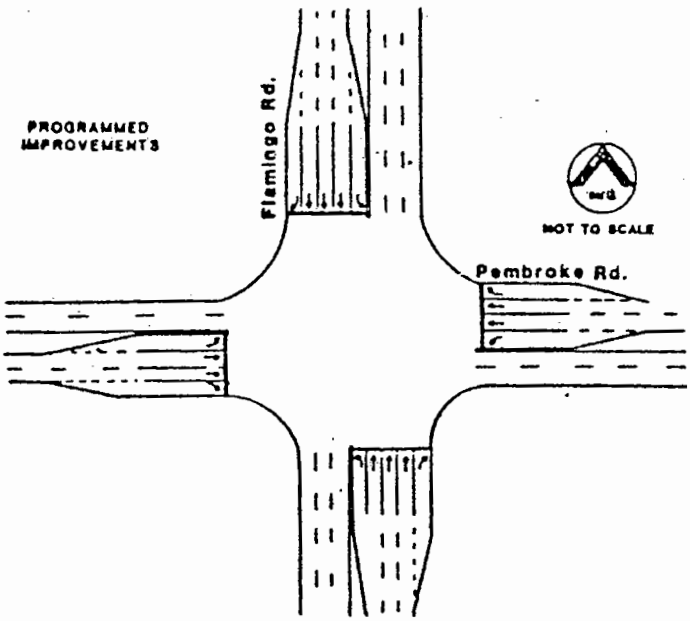


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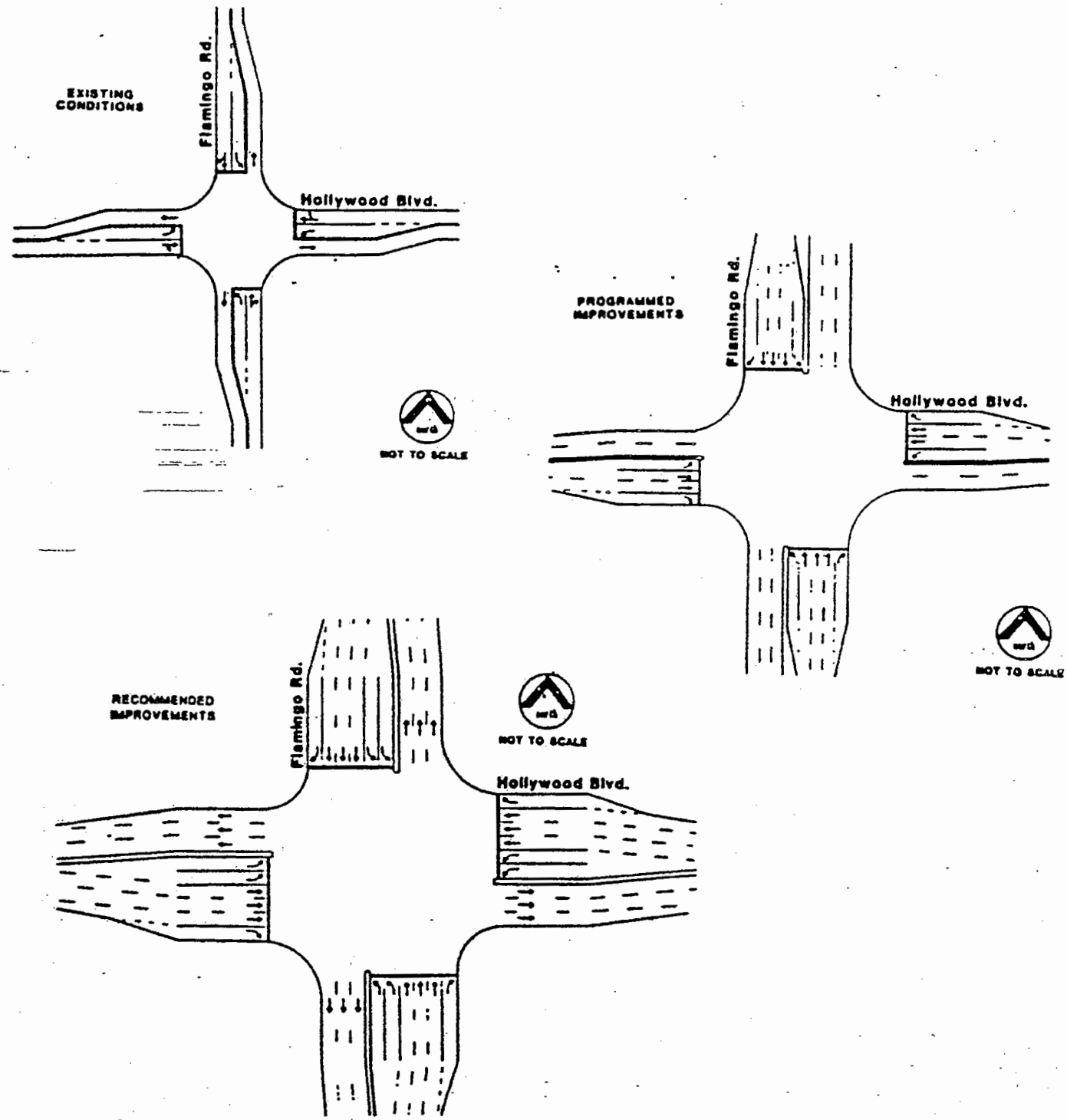
EXHIBIT 9-18

PROGRAMMED AND RECOMMENDED TRANSPORTATION IMPROVEMENTS

HOLLYWOOD BLVD – FLAMINGO RD

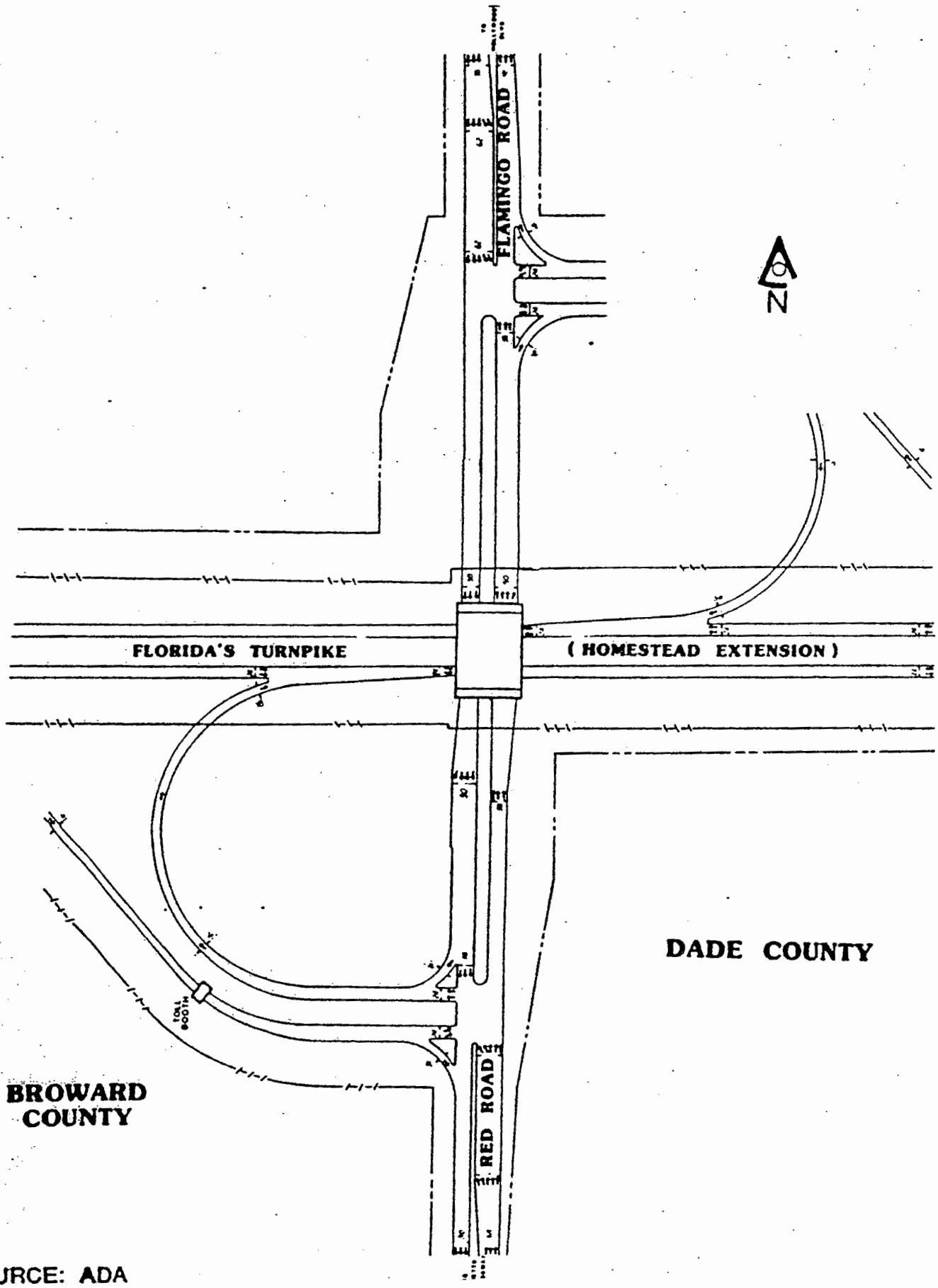


SOURCE: ADA

EXHIBIT 9–20

PROGRAMMED TRANSPORTATION IMPROVEMENTS

HEFT / RED RD INTERCHANGE

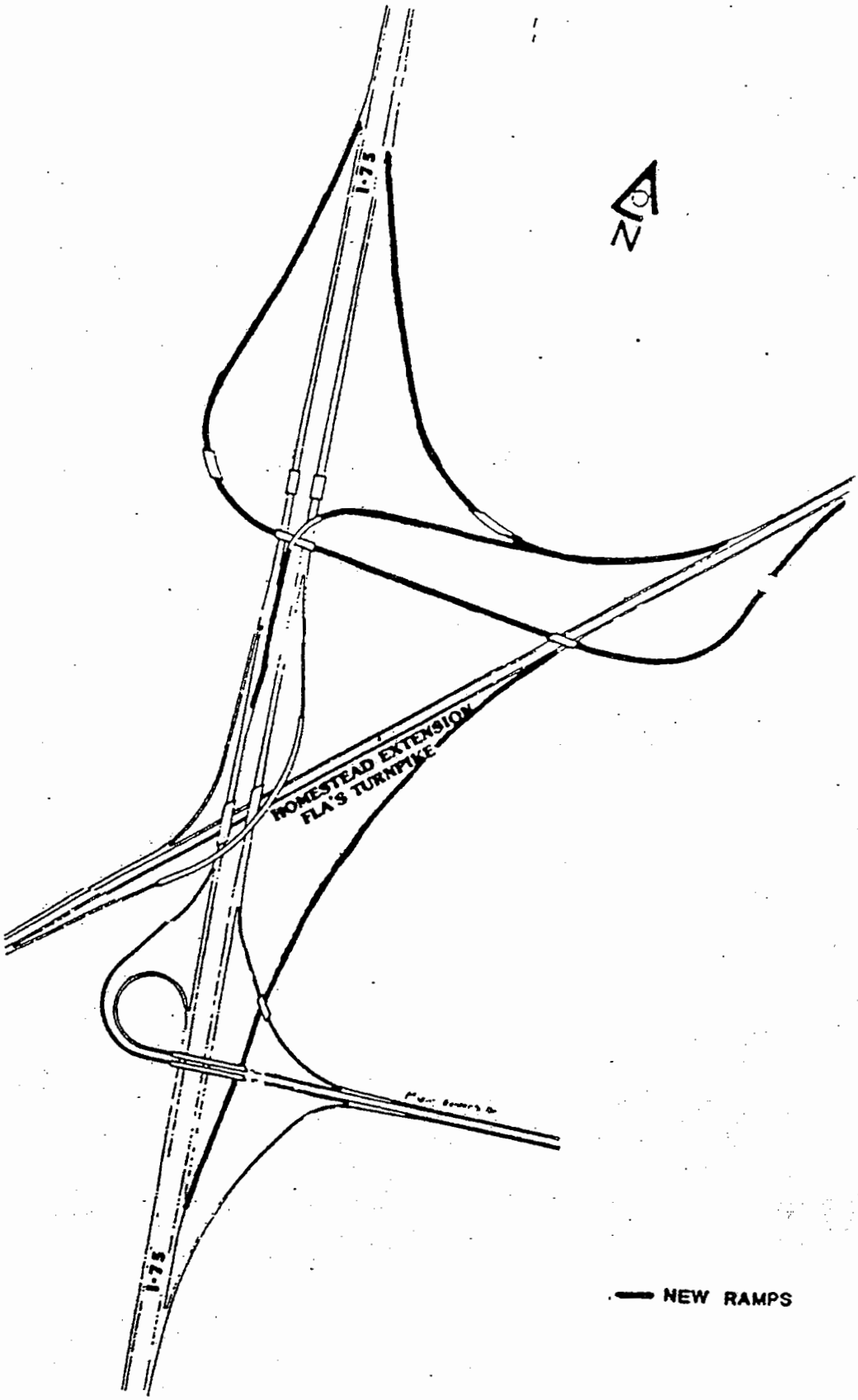


OURCE: ADA

EXHIBIT 9-21

RECOMMENDED TRANSPORTATION IMPROVEMENTS

I-75 / HEFT

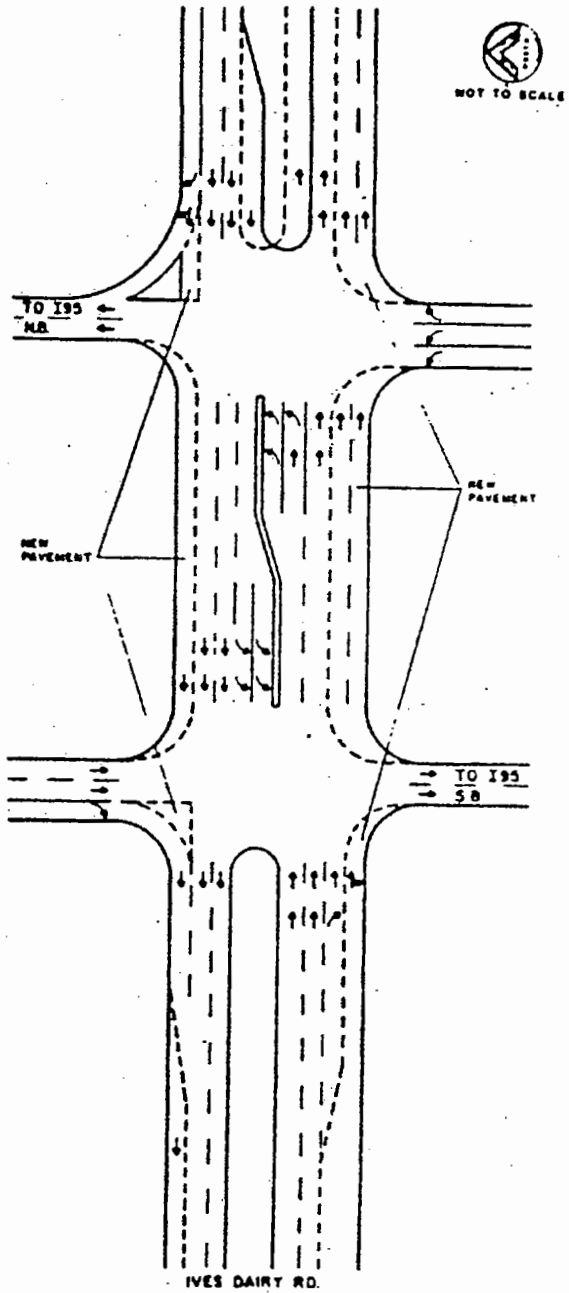


SOURCE: ADA

EXHIBIT 9-22

RECOMMENDED TRANSPORTATION IMPROVEMENTS

I-95 NORTHBOUND AND SOUTHBOUND RAMPS/ IVES DAIRY RD

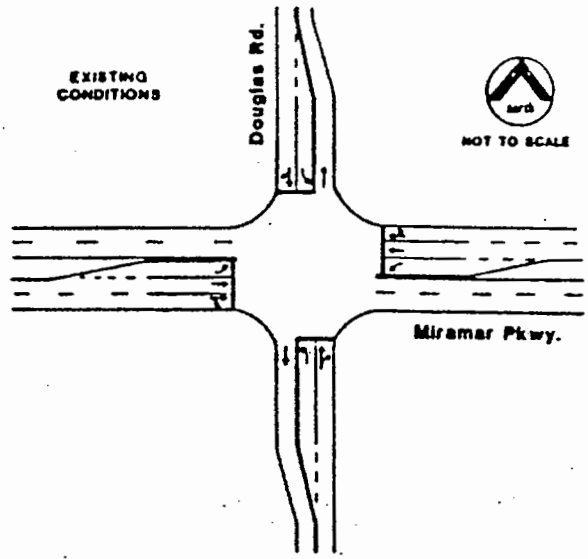


SOURCE: ADA

EXHIBIT 9-23

RECOMMENDED TRANSPORTATION IMPROVEMENTS

MIRAMAR PKWY – DOUGLAS RD



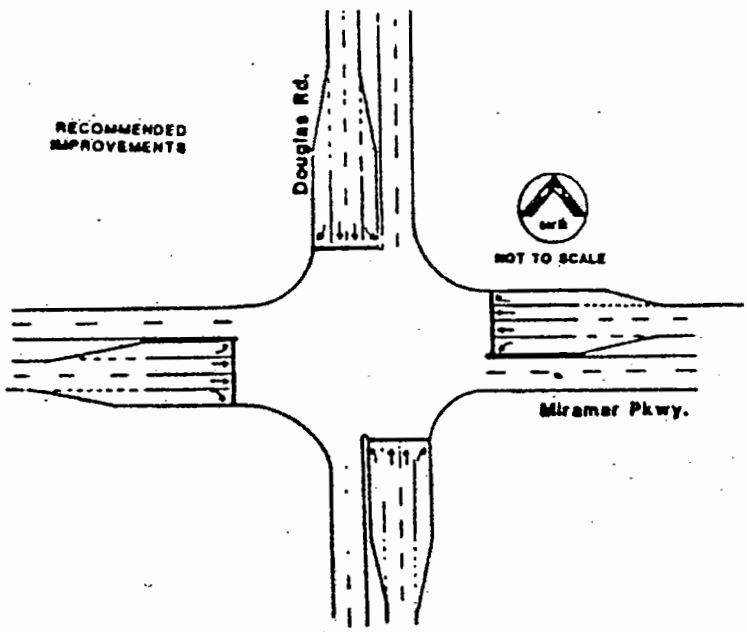


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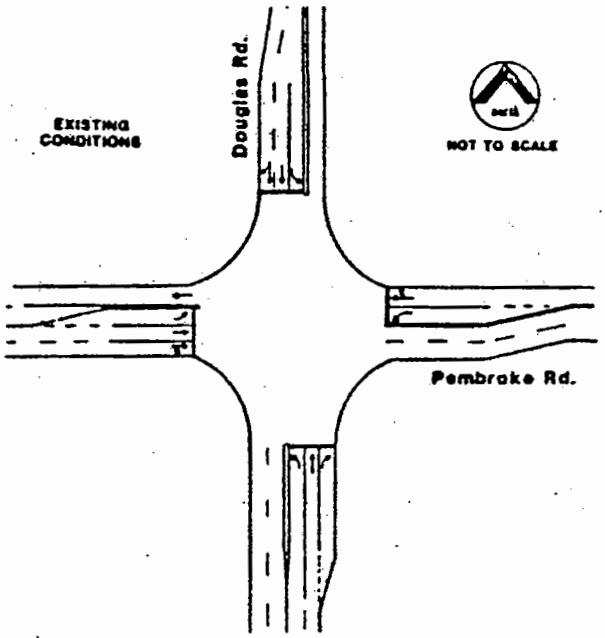
EXHIBIT 9–24

RECOMMENDED TRANSPORTATION IMPROVEMENTS

PEMBROKE RD – DOUGLAS RD



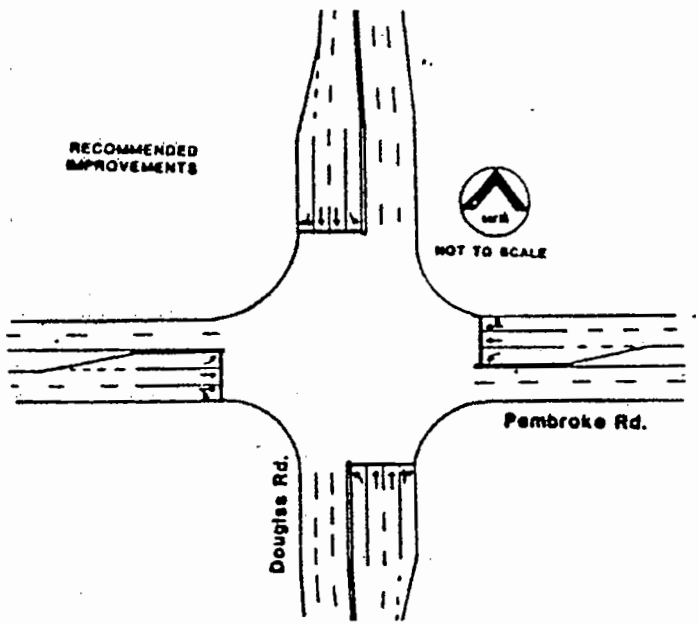


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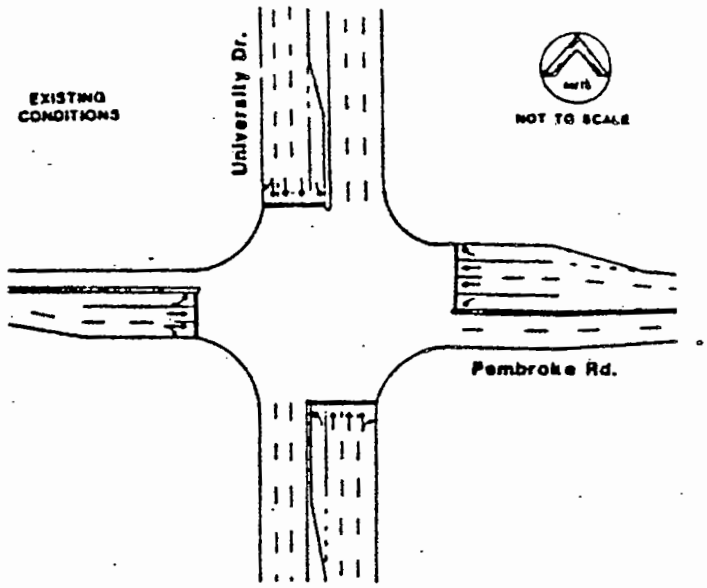
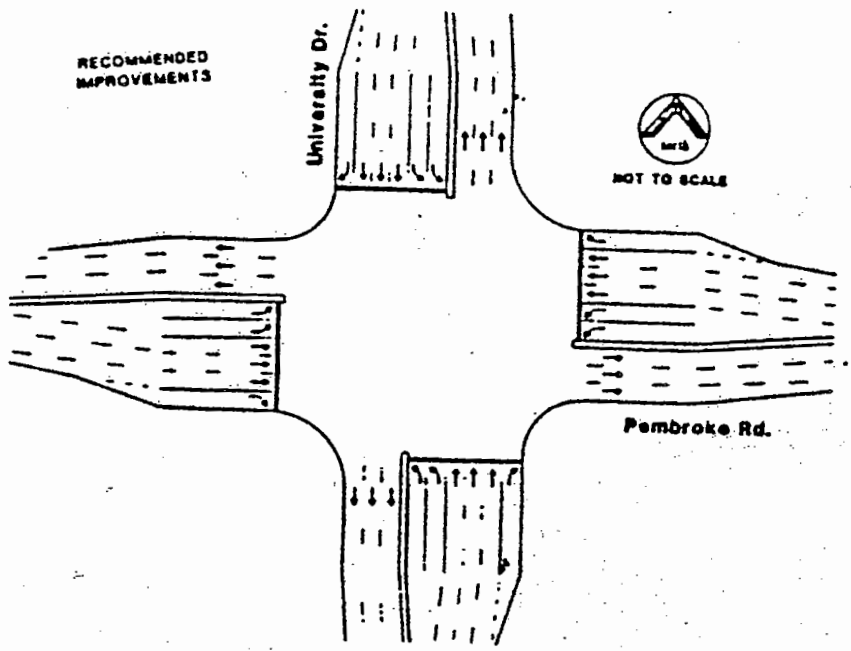
EXHIBIT 9-26

RECOMMENDED TRANSPORTATION IMPROVEMENTS

PEMBROKE RD - UNIVERSITY DR



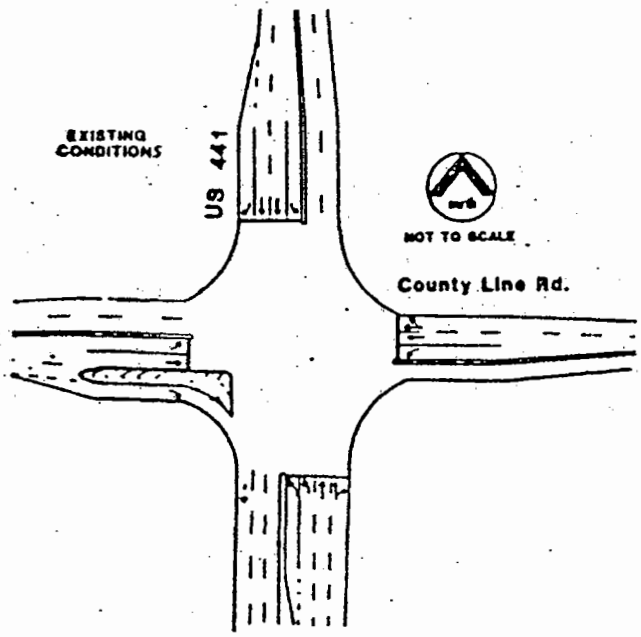


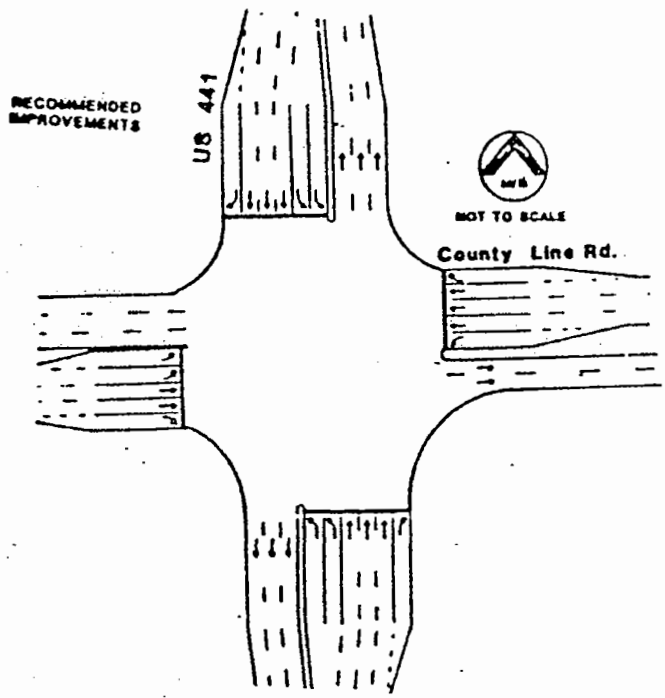
SOURCE: ADA

EXHIBIT 9–27

RECOMMENDED TRANSPORTATION IMPROVEMENTS

COUNTY LINE RD – US 441





SOURCE: ADA

EXHIBIT 11

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LAND AND WATER MANAGEMENT
2571 Executive Center Circle, East
Tallahassee, Florida 32301-8244
(904) 488-4925

BLWM-07-85

Subsection 380.06(16), Florida Statutes, places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an annual report to the local government, the Regional Planning Council, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the Development Order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the annual report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Enforcement Coordinator at, (904) 488-4925.

Please send the original completed annual report to the designated local government official stated in the development order with (1) copy to each of the following:

a) The regional planning agency of jurisdiction;

b) All affected permitting agencies;

c) Division of Resource Planning and Management
Bureau of Land and Water Management
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Please format your Annual Status Report after the format example provided below.

ANNUAL STATUS REPORT

Reporting Period:_____ to _____
Month/Day/Year Month/Day/Year

Development:_____
Name of DRI

Location:_____, _____
City County

Developer: Name:_____
Company Name

Address:_____
Street Location

_____
City, State, Zip Code

1) Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Please note any actions (substantial determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit "A" a detailed desciption of each change and copies of the modified site plan drawings. Exhibit "A" should also address the following additional items if applicable.

a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), F.S.

2) Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Please provide a copy of the order adopted by the annexing local government.

3) Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit "B."

4) Provide a summary comparison of development activity proposed and actually conducted for the reporting year.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response if to be more than one sentence, attach as Exhibit "C."

5) Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Please provide maps which show the tracts involved.

Tract	Buyer

Note: If a response is to be more than one sentence, attach as Exhibit "D."

6) Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit "E."

7) List any substantial local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit "F."

8) Assess the development's and local government's continuing compliance with any conditions of approval contained in the DRI development order.

Note: Attach as Exhibit "G." (See attached form)

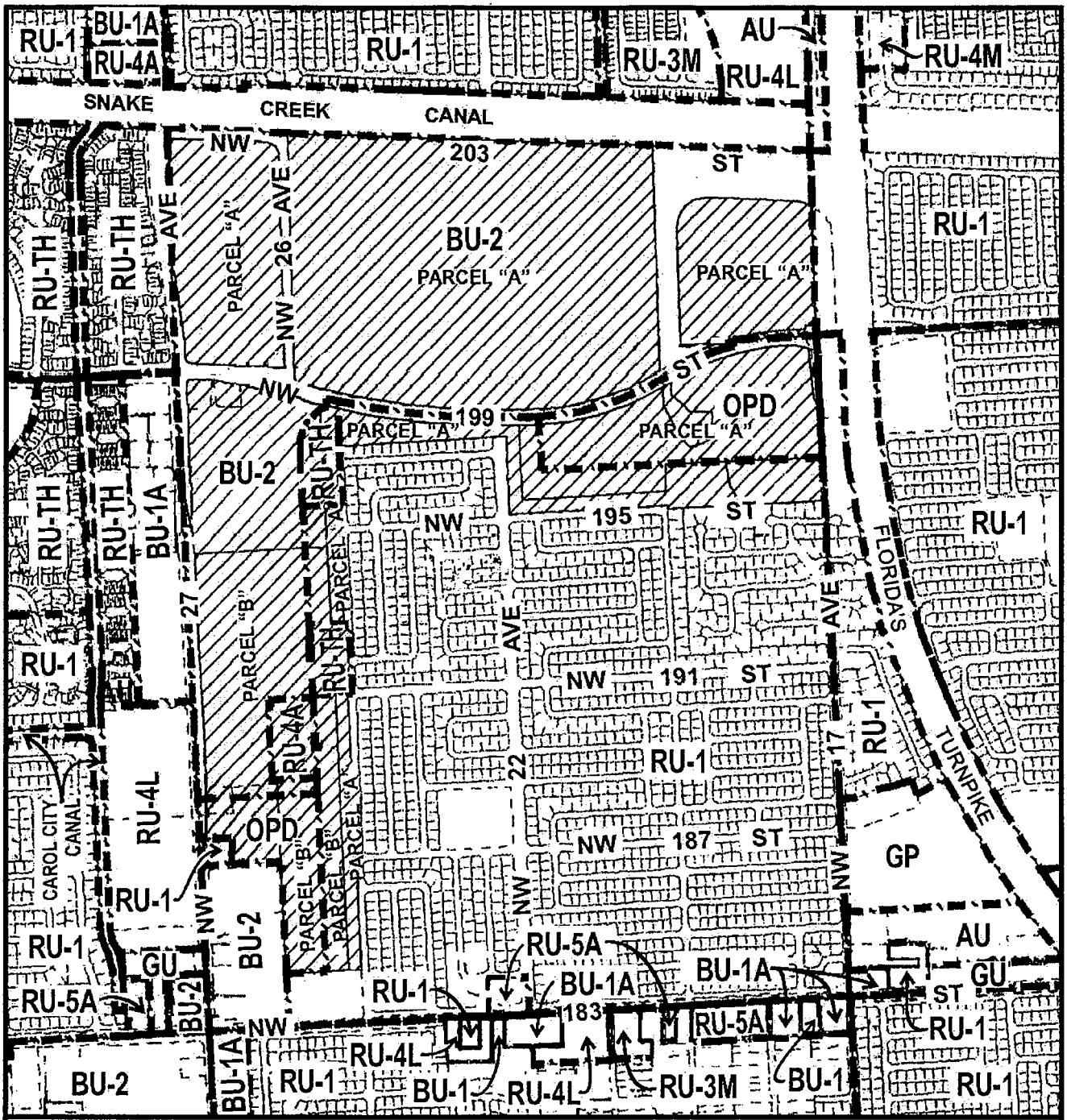
9) Provide any information that is specifically required by the Development Order to be included in the annual report.

10) Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), F.S.

Person completing the questionnaire:_____

Title:_____

Representing:_____



MIAMI-DADE COUNTY

HEARING MAP

Process Number
06-125

S C A L E
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SUBJECT PROPERTY

Section: 3 Township: 52 Range: 41
Section: 34 Township: 51 Range: 41
Process Number: 06-125
Applicant: Dolphin Center Properties & David Morton , ET AL.
Zoning Board: BCC
District Number: 1
Drafter ID: JESUS

MIAMI-DADE COUNTY

G: ZONING DRAFTING 06-125. 05/06.
REVISED 04/16/07, PARCEL NAMES.AFT
REVISED 07/30/08, ST NAME JGURD

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 03 Township: 52 Range: 41

Section: 34 Township: 51 Range: 41

Applicant: Dolphin Center Properties & David Morton, ET AL

Zoning Board: BCC

Commission District: 01

Drafter ID: Keeling

Scale: NTS

---------- Zoning

Process Number

06-125

SUBJECT PROPERTY

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MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/23/08

REVISION	DATE	BY