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10-1-2009 Version # 2

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 22, 2009 at 9:30 a.m.

CURRENT

							DISTRICT
1.	09-10-CC-1	FONTAINBLEAU LAKES L.L.C.	(DEVELOPMENTAL IMPACT COMMITTEE)	08-233	04-54-40	N	10

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 22, 2009

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

1. **FONTAINBLEAU LAKES L. L. C. (09-10-CC-1/08-233)** **04-54-40**
BCC/District 10

(1) GU and RU-4M to BU-1A

REQUEST #1 ON PARCEL "A"

(2) GU and RU-4M to GU

REQUEST #2 ON PARCEL "B"

(3) UNUSUAL USE to permit 2 lake excavations.

REQUEST #3 ON PARCELS "B" AND "C"

(4) MODIFICATION of Condition #2 of the General Conditions and Conditions #1 and #2 for the lake excavations and golf course of Resolution No. Z-208-69, passed and adopted by the Board of County Commissioners, last modified by Resolution No. CZAB10-21-06, passed and adopted by Community Zoning Appeals Board #10, only as it applies to the subject property, reading as follows:

GENERAL CONDITIONS:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau East,' as prepared by Pascual, Perez, Kiliddjian & Associates, consisting of 68 sheets, dated signed and sealed 12/22/05."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

LAKE EXCAVATION AND GOLF COURSE CONDITIONS:

FROM: "1. That detailed plans be submitted to and must meet with the approval of the Directors of Public Works Department and the Department of Planning and Zoning; that said plan be substantially in compliance with that submitted for the hearing entitled 'Lake Areas,' as prepared by Milian, Swain & Associates, Inc., consisting of 4 pages and dated, signed and sealed 6/27/05."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

FROM: "2. That the perimeter be backfilled and graded and slopes to be substantially in accordance with the plans submitted entitled 'Lake Area,' as prepared by Milian, Swain & Associates, Inc. and consisting of four pages dated, signed and sealed 6/27/05."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

(5) MODIFICATION of Condition #4 of Resolution CZAB-10-21-06, passed and adopted by the Community Zoning Appeals Board #10, only as it applies to the subject property, reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau East,' (68 pages) and 'Fontainebleau West,' (51 pages), as prepared by Pascual, Perez, Kiliddjian & Associates Architects Planners, dated, signed and sealed December 21, 2005 (East Parcel) and August 5, 2005 (West Parcel), except as herein modified to provide the required number of parking spaces."

TO: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

(6) MODIFICATION of Paragraphs #1 and #2 of a Declaration of Restrictions, recorded in Official Record Book 24467, Pages 3173-3181, only as it applies to the subject property, reading as follows:

FROM: "1. The Property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual, Perez, Kiliddjian & Associates, entitled 'Fontainebleau East,' consisting of 68 sheets dated, signed and sealed February 8, 2006, and 'Fontainebleau West,' consisting of 51 sheets dated, signed and sealed February 8, 2006, ('Site Plan'), said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration."

TO: "1. The Property shall be developed substantially in accordance with the plans previously submitted, entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, and plans entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., all dated stamped received 7/07/09, consisting of 17 sheets."

FROM: "2. Notwithstanding the zoning on the Property, the total new residential development will not exceed one thousand one hundred twenty-two (1,122) residential dwelling units on the east golf course, described as the Fontainebleau Overall East, attached as Exhibit B, and seven hundred fourteen (714) residential dwelling units on the west golf course, described as the Fontainebleau Overall West, attached as Exhibit C."

TO: "2. Notwithstanding the zoning on the property, the total new development on the subject property will contain zero (0) dwelling units and a 235,000 sq. ft. commercial development on 36.16 acres (Parcel "A") of the east golf course.

The purpose of Requests #4 through #6 is to allow the applicant to submit a new site plan reducing the number of residential units on a 39.1 acre portion of the previously approved Fontainebleau East parcel and replacing them with a new shopping center and showing relocation of 2 previously approved lakes.

REQUESTS #4 through #6 ON PARCELS "A," "B" AND "C"

(7) Applicant is requesting to waive the required 5' high masonry wall where the BU zoned property abuts GU zoned property.

REQUEST #7 ON PARCEL "A"

Upon a demonstration that the applicable standards have been satisfied, approval of Requests #4-#6 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) and approval of Request #7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

LOCATION: North of West Flagler Street, lying on both sides of theoretical N.W. 92 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 39.1 Acres

Development Impact Committee Recommendation: Approval with conditions, subject to the Board's acceptance of the proffered covenants as set forth in the Department of Planning and Zoning's recommendation.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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.

1. **FONTAINBLEAU LAKES L.L.C.** (Applicant)

09-10-CC-1 (08-233)
Area BCC/District 10
Hearing Date: 10/22/09

Property Owner (if different from applicant) **FONTAINBLEAU LAKES L.L.C.**

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
1955	Planning & Zoning	- Section 28	ZC	Approved
1969	Trafalgar Developers	- Zone Change from AU to RU-4 & GU	BCC	Approved
1969	Trafalgar Developers, LTD	- Zone Change from AU to RU-4 & GU	BCC	Approved w/conds.
1969	Trafalgar Developers	- Zone Change from AU to RU-4 & GU	ZAB	Recommended for approval
2006	Carolyn A. Sakolsky	- Multiple Zone Changes	CZAB 10	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.

Memorandum

MIAMI-DADE COUNTY

Date: October 22, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Fontainbleau Lakes LLC (Z08-233)

SUMMARY OF REQUESTS:

The applicant is requesting to change the zoning on the property from RU-4M, Modified Apartment House District and GU, Interim District to BU-1A, Limited Business District (on Parcel A) and from GU and RU-4M to GU (on Parcel B). Additionally, the applicant seeks an unusual use for a lake excavation (on Parcel B & C), to modify conditions of resolutions and modify paragraphs of a covenant on the property to allow the applicant to submit a new site plan that reduces the number of residential units and replaces them with a new shopping center and showing relocation of 2 previously approved lakes and requesting to waive the required 5' high masonry wall where the BU zoned property abuts the GU zoned property.

LOCATION: North of West Flagler Street, lying on both sides of theoretical NW 92 Avenue, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee due to the size of the property. 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:

Approval with conditions, subject to the Board's acceptance of the proffered covenants as set forth in the Department of Planning and Zoning's recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application, with the acceptance of the proffered covenants, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z08-233
FONTAINBLEAU LAKES L.L.C.

Respectfully Submited,

DIC Executive Council
September 02, 2009

Ysela Llort Assistant County Manager	Absent
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat	AYE
Subrata Basu, Assistant Director of Planning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	AYE
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

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

APPLICANT: Fountainbleau Lakes LLC. **PH:** Z08-233 (09-BCC)

SECTION: 4-54-40 **DATE:** October 22, 2009

COMMISSION DISTRICT: 10

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A. INTRODUCTION:

o REQUESTS:

(1) GU and RU-4M to BU-1A

REQUEST #1 on Parcel "A"

(2) GU and RU-4M to GU

REQUEST #2 on Parcel "B"

(3) UNUSUAL USE to permit 2 lake excavations.

REQUEST #3 ON PARCELS "B" AND "C"

(4) MODIFICATION of Condition #2 of the General Conditions and Conditions #1 and #2 for the lake excavations and golf course of Resolution No. Z-208-69, passed and adopted by the Board of County Commissioners, last modified by Resolution No.CZAB-10-21-06, passed and adopted by the Community Zoning Appeals Board #10, only as it applies to the subject property and reading as follows:

GENERAL CONDITIONS:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau ~~East,~~' as prepared by ~~Pascual, Perez, Kiliddjian & Associates, consisting of 68 sheets,~~ dated signed and sealed 12/22/05."

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FROM: "2. Notwithstanding the zoning on the Property, the total new ~~residential~~ development will ~~not exceed one thousand one hundred twenty-two (1,122) residential~~ dwelling units ~~on~~ the east golf course~~, described as the Fontainbleau Overall East, attached as Exhibit B, and seven hundred fourteen (714) residential dwelling units on the west golf course, described as the Fontainbleau Overall West, attached as Exhibit C.~~"

TO: "2. Nothwithstanding the zoning on the Property, the total new development on the subject property will contain zero (0) dwelling units and a 235,000 sq. ft. commercial development on 36.16 acres (Parcel "A") of the east golf course.

The purpose of requests #4 through #6 is to allow the applicant to submit a revised site plan that eliminates 352 residential units on the subject site from a previously approved larger site that totaled 1,122 residential units and replaces them with a new 235,000 sq. ft. commercial development and 2 new lakes.

REQUESTS #4 through #6 ON PARCELS "A," "B" AND "C"

(7) Applicant is requesting to waive the required 5' high masonry wall where the BU zoned property abuts GU zoned property.

REQUEST #7 ON PARCEL "A"

Upon a demonstration that the applicable standards have been satisfied, approval of Requests #4-#6 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) and approval of request #7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  Approval of this application will allow the applicant to change the zoning on the property from RU-4M, Modified Apartment House District and GU, Interim District to BU-1A, Limited Business District (on Parcel A) and from GU and RU-4M to GU (on Parcel B). Additionally, the applicant seeks an unusual use for a lake excavation (on Parcel B&C), to modify conditions of resolutions and modify paragraphs of a covenant on the property to allow the applicant to submit a new site plan that reduces the number of residential units and replaces them with a new shopping center and showing relocation of 2 previously approved lakes and requesting to waive the required 5' high masonry wall where the BU zoned property abuts the GU zoned property.

- **LOCATION:**

  North of West Flagler Street, between lying on both sides of theoretical NW 92 Avenue, Miami-Dade County, Florida.

- **SIZE:** 39.1 acres

B. ZONING HEARINGS HISTORY:

In 1969, pursuant to Resolutions 4-ZAB-325-69 and Z-208-69, portions of the subject property were granted various rezonings. In addition, special exceptions to permit multiple family apartment development, variances for height and to permit a private club and lodge were granted, unusual use requests to permit a lake and a canal were approved and various other special exceptions and unusual uses pertaining to the golf course and water facilities were granted. Additionally, pursuant to Resolution Z-329-60, a clerical error in the covenant and plat restriction was corrected. In 2006, pursuant to Resolution CZAB10-21-06, the subject property was granted a rezoning from GU to RU-4M on various parcels, an unusual use to permit lake excavations and lake fills and various setbacks, frontage, parking, spacing and easement variances were also granted.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The subject property was granted a CDMP plan amendment by the Board of County Commissioners on May 6, 2009. The 2015 and 2025 Adopted Land Use Plan designates Parcel A on the subject property as being located 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 Parcel B on the subject property as being within the Urban Development Boundary for **Parks and Recreation.** The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Park and Open Space, and Capital Improvement Elements, and by the goals, objectives and policies of the CDMP. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large-scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.

The long-term use of golf courses or other private recreation or open space on privately owned land designated as Park and Recreation may be previously limited by deed restriction or restrictive covenant. A new development plan governing such land set-aside for park, recreation or open space use (restricted lands) may be approved at public hearing by the Board of County Commissioners or the applicable zoning board only if the following is demonstrated: (1) that the restricted land is subject to a restrictive covenant relating to the development served by the open space, that such restrictive covenant continues to limit the use of the land to open space, and that this limitation in the restrictive covenant may be modified only with the written consent of adjacent or proximate property owners or a prescribed percentage thereof; (2) that the required written consents of the adjacent or proximate property owners have been obtained; and (3) that the proposed development will replace park or recreation land or open space that has fallen into prolonged disuse or disrepair to the detriment of the surrounding neighborhood. The development plan for such land (1) shall provide for development compatible with adjacent development; (2) shall provide by restrictive covenant that not less than two-thirds of the land subject to the new development plan (or such other proportion deemed appropriate by the Board of County Commissioners and/or appropriate Community Zoning Appeals Board but in no event less than 50 percent of such land) shall be maintained as Park, Recreational or open space for use by residents or other residents or users of the entire development for which the open space had originally been provided; (3) shall provide a financial means of assuring such maintenance, by homeowner's association, special tax district or other comparable means approved at public hearing or by the Director of Planning and Zoning or successor agency; and (4) shall provide that the residential density of the portion of the Park and Recreation-designated land eligible for development shall not exceed either the gross existing density of the development in connection with which the park-designated land was originally set-aside, or the gross density of all the ownership parcels immediately abutting the entire park-designated land whichever is lower. An approval pursuant to this provision may allow the gross density of the combined new and existing development, and its existing zoning, to exceed the maximum otherwise allowed by the LUP map, but only to the extent necessary to enable reuse of the park designated land in accordance with this provision. Nothing herein shall be construed to permit development of property subject to a restrictive covenant accepted by the county or other public entity without compliance with the terms that covenant including, but not limited to, those terms governing modification or amendment thereof.

3. **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.

4. **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 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.

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

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

7. **Policy LU-4E.** Zoning shall be examined to determine consistency with the Comprehensive Plan, and if deemed necessary to remedy an inconsistency, rezoning action shall be initiated. Examination could occur through a special zoning study, area planning activity, or through a study of related issues.

8. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

9. **Guidelines for Urban Form.**
The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.

9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.

10. **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.**

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:	
RU-4M and GU; vacant land	Business & Office and Parks and Recreation

Surrounding Properties

NORTH:	RU-4; residences	Parks and Recreation Medium Density Residential 13-25 dua
SOUTH:	GU, RU-4L, RU-4M, BU-2, AU; office building, power plant, residences	Medium Density Residential 13-25 dua Office/ Residential
EAST:	GU; park	Parks and Recreation Medium Density Residential 13-25 dua
WEST:	GU; lake, park	Parks and Recreation

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:	**N/A**
Urban Design:	**Acceptable**

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 water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(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)(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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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 and Covenants After Public Hearing. The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to 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 under this section has 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.

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.

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 from the terms of the zoning regulations 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)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(i) An alternative opening in a wall otherwise required by this code to be a solid, unbroken barrier when a parcel adjoins or lies adjacent to a residential district, shall be approved after public hearing upon demonstration of the following:

(1) the width of the wall opening is the minimum width necessary for pedestrians to access the parcel from adjoining or adjacent residential development(s); and

(2) the wall opening is immediately adjoining or adjacent to a residential lot, parcel or tract which is restricted in use as common open space.

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

(1) will result in a significant diminution of the value of property in the immediate vicinity; or

(2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

(3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.

(l) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic

viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:

(A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

(B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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 comment**
Solid Waste	**No objection**
Aviation	**No objection**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is currently zoned GU and RU-4M and is located north of West Flagler Street, lying on both sides of theoretical NW 92 Avenue. The applicant is requesting the rezoning of Parcels A and B of the subject property and modifications in order to submit a new site plan that eliminates 352 residential units on the subject site from a previously approved larger site that totaled 1,122 residential units and replaces them with a new 235,000 sq. ft. commercial development and 2 new lakes. The applicant has proffered a covenant which among other things, prohibits residential and office uses on the subject property, limits development heights, and requires the owner to build and

maintain a pedestrian pathway between the proposed commercial and existing residential areas which will assure pedestrian connectivity throughout the adjacent parcel. In May 2009, pursuant to Ordinance No. 09-28, the Board of County Commissioners adopted the requested amendment to the Land Use Plan Map which changed a portion of the subject property (Parcel A) from Medium Density Residential and Parks and Recreation to **Business and Office** and another portion of subject property Parcel A from Medium Density Residential to **Parks and Recreation** (Parcel B)**.** The rezoning of Parcel A of the subject property from GU and RU-4M to BU-1A will allow the applicant to develop a shopping center which will serve the surrounding community and the rezoning of Parcel B from GU and RU4-M to GU will allow the applicant to develop a second lake. The proposed rezoning would also be consistent the recent CDMP land use re-designation for Parcels A and B. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates a portion of this site as **Business and Office** (Parcel A) and **Parks and Recreation** (Parcel B)**.** The Business and Office designation accommodates a full range of sales and service activities which include, among other things**, retail,** wholesale, **personal and professional services,** commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, **entertainment and cultural facilities,** amusements and commercial recreation establishments. The proposed lakes, which will be utilized for storm water management, are located at the eastern and western portions (Parcels B and C) of the proposed commercial development which are designated as Parks and Recreation on the LUP map. The interpretative text of the CDMP allows for certain uses that are not authorized under any LUP map category, including many of the uses listed as **"unusual uses"** in the zoning code. Staff opines that the proposed zone change to BU-1A and GU are compatible with nearby BU-1A, BU-2, RU-4 and GU zones in the area and the proposed shopping center and lakes are **compatible** with the surrounding commercial and residential uses and **consistent** with the Business and Office and Parks and Recreation LUP map designation of the Master Plan.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department, Miami Dade Aviation Department, Miami-Dade Transit (MDT) and the Solid Waste Department** have **no objections** to this application. The **Miami-Dade Fire Department** has **no objections** to the application and their memorandum indicates that the estimated average travel response time is **8:00** minutes.

The rezoning of portions (Parcels A and B) of the subject property will allow the applicant to provide additional commercial retail opportunities for the surrounding residential community and allow the applicant to relocate two previously approved lakes for storm water management. The Zoning Code requires that, when considering district boundary changes, the Board of Community Commissioners (BCC) shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of 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. Additionally, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public and private roads, streets and highways. As previously mentioned, the proposed BU-1A zoning district would provide an additional commercial retail option to the nearby residential community. In addition, the GU zone change will allow the applicant to develop two lakes on the subject property for storm water management. Staff is of the opinion that this development will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by the Department of Environmental Resources Management (DERM). The proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The location of the site between two major thoroughfares (between NW 87 and NW 97 Avenues) provides an optimal location for the development. Moreover, pursuant to Resolution CZAB10-21-06, Parcels A, B and C of the subject property were previously granted a zone change from GU to RU-4M and were also granted an unusual use for lake excavation and lake fill. The lakes were originally proposed for Parcel A of the subject property and the applicant is now requesting that they are relocated to the eastern and western portions of the site. Staff notes that the requested BU-1A and GU zone changes would make the application **consistent** with the recent CDMP amendment which changed the land use designation from Medium Density Residential and Parks and Recreation to Business and Office (Parcel A) and from Medium Density Residential to Parks and Recreation (Parcel B). Staff is of the opinion that the approval of the requested district boundary changes would not have an unfavorable effect on the surrounding area and would not be contrary to the public interest. Therefore, staff recommends approval of the district boundary changes from RU-4M and GU to BU-1A and from GU and RU-4M to GU (requests #1 and #2), subject to the Board's acceptance of the proffered covenant.

The applicant is seeking an unusual use to permit two lake excavations on portions (Parcels B and C) of the subject property (request #3). The CDMP 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 CDMP, 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 notes that pursuant to Resolutions #Z-208-69 and CZAB10-21-06 unusual use requests were previously granted on the subject property for lake excavation and lake fill. These proposed lakes will serve as storm water management areas and will provide an amenity to the proposed commercial development. Staff opines that the proposed lake excavations will not detrimentally impact the surrounding residential and commercial uses and are **consistent** with the Comprehensive Development Master Plan (CDMP).

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 the site, and to prevent on-site and off-site flooding. As previously mentioned, in 1969 and 2006, the proposed lakes were previously approved for Parcel A. The applicant is proposing to relocate the lakes on Parcels B and C. Staff also notes that there are other water bodies located in the surrounding area. Staff opines that 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. As such, staff recommends approval with conditions of request #3.

When requests #4, #5 and #6 are analyzed under the General Modification Standards, Section 33-311(A)(7), the proposed commercial retail development in lieu of the previously approved residential development and the relocation of the two lakes, in staff's opinion, will not adversely impact the surrounding area and will be **compatible** with same. The purpose of requests #4, #5 and #6 is to allow the applicant to submit a new site plan that reduces the number of residential units on a portion of a previously approved residential development and replaces them with a new shopping center and to show two new lake excavation plans. When considering the necessity for the reasonableness of the requested modifications, staff is of the opinion that the approval of these requests will not have an unfavorable effect on the area, and will not be contrary to the public interest. The applicant is proposing to reduce the number of residential units on a portion of the subject property from 352 dwelling units to zero (0) dwelling units, and develop a 235,000 sq. ft. commercial retail development on Parcel A. As previously mentioned, the applicant is proposing two lakes located on Parcels B and C that will be utilized for storm water management. Staff notes that this development meets many of the urban design standards. It is located between two major thoroughfares (NW 87 Avenue and NW 92 Avenue) and as recommended by the urban guidelines the proposed shopping center is located within an activity node. In addition, the application has provided pedestrian circulation throughout the site, but staff is recommending that the applicant provide additional pedestrian connectivity on the western portion of the site. The applicant has also provided adequate landscaping along the perimeter of the development to buffer the commercial uses from the residential developments to the north, south and east of the subject property. As such, staff recommends approval with conditions of requests #4, #5 and #6 under the Generalized Modification Standards.

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 requests #4, #5 and #6 under said standards, and as such, this application should be denied without prejudice under same.

When request #7 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. It should be noted the portion of the subject property which is requesting BU-1A zoning currently abuts a GU zoned portion of the property. The applicant is requesting to waive the required 5' masonry wall. The deletion of the required wall would provide access to the proposed shopping center for the residential community located to the north of the subject property. Furthermore, staff opines, that landscaped areas would be a more aesthetically acceptable option than a masonry wall which lends itself to unwanted graffiti. Staff also notes that the applicant has provided abundant landscaping along the north property line which will further mitigate any negative impacts to the adjacent residential community from the proposed shopping center. Based on the aforementioned, staff recommends approval under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application that can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, request #7 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that request #7 is due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, the property can be developed in accordance with the existing zoning regulations and with prior zoning approvals. Therefore, since the applicant has not proven that compliance with same would result in an unnecessary hardship, request #7 cannot be approved under the ANUV Standards, and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that the application is **consistent** with the LUP map designation of the CDMP, and that the applicant's proposed utilization of the site as illustrated on the submitted plans is **compatible** with the surrounding area. Accordingly, staff recommends approval of request #1 and #2 upon the Board's acceptance of the proffered covenant; approval with conditions of request #3; approval of requests #4 through #6 with conditions under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same

under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing); approval of request #7 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

I. **RECOMMENDATION:**

Approval of requests #1 and #2, subject to the Board's approval of the proffered covenant; approval with conditions of request #3; approval with conditions of requests #4 through #6 with conditions under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #7 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #7 under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(16) (ASDO).

J. **CONDITIONS**: For Requests #3 - #7

1. That a site plan as it pertains to the lots with proposed lake excavations be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin Hults Design Group, stamped received 7/07/09 consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc. dated stamped received 8/19/09 for a total of 18 sheets." Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further substantial compliance or public hearing action.

3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

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

5. That the lakes be permitted only on Parcels B and C in accordance with approved plan.

6. That the applicant complies with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

7. 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 'Fontainbleau Retail Development,' as prepared by Leo Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan'

as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets.

9. 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. The applicant will submit, "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at final completion of the excavation, or upon request of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management.

12. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director and the work shall be carried on continuously and expeditiously so that the same will be completed within twelve months.

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 of Planning and Zoning shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director; 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. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.

16. That the property shall be staked to meet with the approval of the Director of Planning and Zoning and the Director of 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.

17. That the applicant obtain a lake excavation use permit from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

18. 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 Planning and Zoning and the Director of DERM.

19. That once the excavation permit is issued, the title to the property in question shall not be transferred without the approval of the Director of Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.

20. That all excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on a 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 performance bond is released.

21. That all excavations shall be posted every 50 feet with warning signs a minimum of 18' x 18' in size.

22. That the hours of the lake excavation operation shall be controlled by the Director of Planning and Zoning, except that the applicant shall be permitted to operate between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, Saturday and/or Sunday operation and/or other hours of operation than 7:00 a.m. to 5:00 p.m., may be permitted by the Director of Planning and Zoning only if the same does not become a nuisance to the surrounding area.

23. That the Owner shall maintain the proposed park area free of growth or accumulation of any grass, weeds, non-native undergrowth or other dead plants life that exceeds the height of twelve (12) inches from the ground for more than twenty-five (25) percent of the area and refrain from the storage or maintenance of junk, trash, abandoned property or solid waste.

24. That the applicant obtain an excavation use permit from and promptly renew the same annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

25. That the development of the Property shall not exceed a total of 240,00 square feet of retail space under the proposed "Business and Office" land use designation.

26. That the Owner shall afford the Miami-Dade County Public Library Department (Library Department) the right of first refusal upon the same conditions and terms as others to lease any space located on the West side of the Retail Zoning Site Plan. The space shall accommodate a neighborhood library between 7,500 to 15,000 square feet and the Owner will supply the necessary electrical outlets and data wiring, as required by the Library Department. The Library Department will have one year from the date of final approval of the CDMP Application, in which to notify the Owner of the selection of a site located on the West side of the Retail Zoning Site Plan. If the Library Department has not selected a site within one year of the approval of the CDMP Application, then the Owner shall not have any obligation or responsibilities under this section.

27. That the maximum height permitted for the development of the Property shall be forty-five (45) feet and shall only be one (1) story in height.

28. That the Owner shall maintain a pedestrian pathway between the proposed commercial and existing neighboring residential areas that shall be luminated and landscaped to assure pedestrian connectivity to the adjacent parcel to the Property.

29. That the maximum hours of operation for the subject property shall be 6:00 am to 12:00 am (Sunday-Thursday) and 6:00 am to 2:00 am (Friday - Sunday).

30. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the September 2, 2009 DIC of this application and incorporated herein by reference.

31. That the applicant provide additional pedestrian connectivity to the residential development to the north near the western end of the building envelope.

DATE TYPED: 8/11/09
DATE REVISED: 8/12/09, 8/17/09, 8/19/09, 8/20/09, 8/21/09, 8/26/09, 8/28/09
DATE FINALIZED: 8/28/09
MCL:AA:JV:CI

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

Memorandum

MIAMI-DADE COUNTY

Date: August 20, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: DIC #Z2008000233 2nd Revision
Fontainebleau Lakes, LLC
S.W. 90 and 94 Avenues, North of West Flagler Street
Amended Letter of Intent Unusual Use to Permit a Lake Excavation, District Boundary Changes from RU-4M and GU to BU-1A and RU-4M to GU,and Modification of Prior Approved Plan and Declaration of Restrictive Covenants
(RU-4M) (36.16 Acres)
04-54-40

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 & Sewer Department (MDWASD). The closest public water are several 12-inch and 16-inch water mains abutting subject property. 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 12,000 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 more efficiently use the Southeast Florida water resources.

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 MDWASD. The closest public sanitary sewer is a 42-inch force main abutting the subject property along West Flagler Street. This force main directs the flow to pump station 30-0001. Also there is an 8-inch gravity system at the north side of the subject property, which directs the flow to pump station 30-0026, then to pump station 30-0187. Downstream flow is directed to the Central 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 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 be 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

The proposed redevelopment or modification impacts the existing drainage system approved under Class II permit No. 2006-CLII-PER-00105, the applicant must submit to this office a revised plan for said Class II permit.

Modification of the previously issued Surface Water Management General Permit No. 13-03255-P from the Department of Environmental Resources Management (DERM) shall be required prior to the construction and operation of the required surface water management system.

Lake Fill shall comply with the requirements of the Chapter 24 of the Miami-Dade County Code.

Lake excavation shall comply with the requirements of Section 33-16, Section 24-43(7), and Section 24-48.3 of the Miami-Dade County Code.

DERM has reviewed the site plan submitted with this application entitled "Fontainebleau Lakes LLC" prepared by Milian, Swain and Associated Inc., LE-1-2 and dated 06-24-2009. Technical design should be submitted as part as the lake excavation permit in the future; and shall comply with the requirements 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 Section 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
This Section has reviewed the site plan submitted with this application entitled "West Flagler Commercial Development", prepared by Witkin Hults Design Group, sheets L-1-4 and dated 12/8/2008 (revised 4/9/09).
Two tree removal permits were issued to Fontainbleau Lakes LLC for this site, which are Tree Removal Permit 2006-577 and 2009-TREE-PER-00203. Tree Removal Permit 2006-577 is scheduled to expire on December 4, 2009 and requires the preservation of specimen-sized (trunk diameter 18 inches or greater) trees #181,189,190 and 194 and trees #187, 191,192 and 193 which are located within the folios 30-4004-001-0040 and 0070, as identified in DERM-approved permitted plans. Tree Removal Permit 2009-TREE-PER-00203 is scheduled to expire on July 8, 2010 and requires the preservation of specimen size tree #243 and trees #244,245,247 and 248 which are located within folio 30-4004-001-0020 as identified in DERM-approved permitted plans.

Please be advised that one of the proposed two lakes that will serve as storm water management area, as stated in the letter of intent, specifically the lake that lies on the northeast portion of the property should not impact trees to be preserved within this area.

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of these permits to avoid violation of permit conditions. Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to these permits is required prior to the removal or relocation of any other tree on the subject property. Please contact this Program at 305-372-6574 for information regarding tree permits.

Enforcement History
A review of DERM has records indicates that there are one closed and 2 open enforcement records for the following properties, which are included in the subject application.

- Folio 30-4004-001-0020-9155, there is a record of one an open case for an after-the-fact permit number ATF TP-1006-577 for a tree removal violation, which resulted in a consent agreement; this violation also includes folios 30-4004-001-0040 and 30-4004-001-0070. Additionally, there is a closed enforcement case, which is case ASB-79, for not submitting notification and no thorough inspection of possible asbestos at the site.

- Folio 30-4004-001-0070, there is an open enforcement case, with Fontainebleau Golf Course, case number AW-235, regarding arsenic contamination.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require

operating permits from DERM. It is therefore suggested that the applicant contact DERM concerning operating permit requirements.

Hazardous Materials Management
Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

Furthermore, 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.

Fuel Storage Facilities
Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities

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.

Memorandum

MIAMI-DADE COUNTY

Date: July 28, 2009

To: Marc C. Laferrier, AICP
Director
Department of Planning & Zoning Department

From: Esther L. Calas, P.E.
Director
Public Works Department

Subject: DIC 08-233
Name: Fontainebleau Lakes LLC
Location: n/o West Flagler Street from 87th to 97th Avenue
Sec. 4 Twp. 54 Rge. 40

I. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY

A. Trip Generation
754 PM Peak Hour trip ends

B. Cardinal Distribution

North 28 %	East 40 %
South 19 %	West 13 %

II. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

A.	Location:	W Flagler Street	SW 87th Ave.	SW 97th Ave.
B.	Description	½ Sect. line	Sect. line	Sect. line
	No. of lanes:	6	4	4
	Maintenance:	FDOT	FDOT	Dade County

III. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9154 located on West Flagler Street, West of NW 87 Ave. to NW 97 Ave., has a maximum capacity LOS "EE" of 5748 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 4447 vehicles and 109 vehicles have been assigned to this section of the road from previously approved Development Orders. Station 9154 with its 4556 PHP and assigned vehicles is at LOS "C". The 178 vehicles generated by this development when combined with the 4556 trips equals 4734 vehicles and LOS "D " is from 3120 to 4590 vehicles.

Station 9156 located on West Flagler Street, West of NW 97 Ave. to NW 107 Avenue, has a maximum capacity LOS "D" of 6672 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 3109 vehicles and 46 vehicles have been assigned to this section of the road from previously approved Development Orders. Station 9156 with its 3155 PHP and assigned vehicles is at LOS "B". The 96 vehicles generated by this development when combined with the 3155 tips equals 3251 vehicles and LOS "B" is from 0 to 3550 vehicles.

Station 9698 located on SW 97 Avenue, South of SW 8 St. to SW 24 St., has a maximum capacity LOS "D" of 3000 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1620 vehicles and 65 vehicles have been assigned to this section of the road from previously approved Development Orders. Station 9698 with its 1685 PHP and assigned vehicles is at LOS "B". The 63 vehicles generated by this development when combined with the 1685 trips equals 1784 vehicles and LOS "B" is from 0 to 1980 vehicles.

Station 1211 located on SW 87 Ave., between West Flagler St. and SR 86, has a maximum capacity LOS "SUMA" of 4690 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 3919 vehicles and 368 vehicles have been assigned to this section of the road from previously approved Development Orders. Station 1211 with its 4287 PHP and assigned vehicles is at LOS "D". The 376 vehicles generated by this development when combined with the 4287 trips equals 4663 vehicles and LOS "D " is from 4240 to 4690 vehicles.

Station 1218 located on NW 107 Ave. (SR 985) N/O NW 7 St. from FLAGLER ST. to SR 836 has a maximum capacity LOS "SUMA" of 4920 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 4243 vehicles and 173 vehicles have been assigned to this section of the road from previously approved Development Orders. Station 1218 with its 4416 PHP and assigned vehicles is at LOS "C". The 41 vehicles generated by this development when combined with the 4416 trips equals 4457 vehicles and LOS "C" is from 3830 to 4680 vehicles.

IV. IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT

A. Construct of NW 92nd Avenue from West Flagler Street to the north to intersect Fontainebleau Boulevard according to the Public Works Department Standards with the modifications shown in the plans. In addition appropriate drainage lighting and signage would be required.

B. A modification of the traffic signal at West Flagler Street and 92nd Avenue would be required before the first CO is issue in the project under this DIC.

C. The ten feet (10') wide pedestrian and bike path from Fontainebleau Boulevard to the south, as shown in the plans shall have several connections to the walkway on the north side of the Mall area. Several bike racks shall be provided at the Mall.

V. SITE PLAN CRITIQUE

A. The required roadway dedications of 92nd Avenue to the North shall be determined and accomplished during the platting procedure. Roadway shall be

B A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted before T-Plat is approved:

*A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted before the T-Plat or building permits are approved:
"I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Green book) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, super elevation, shoulder widths, grades, bridge widths, etc. and FDOT Design Standards for Design, Construction, Maintenance and Utility operations on the State Highway System (FDOT Design Standards)"

This application **meets** the criteria for traffic concurrency for an Initial Development Order. A total of 559 vehicle trips have been reserved under T- Plat 22513. The additional 195 trips are not reserved by this application. In addition, this application will be subject to the payment of road Impact Fees.

cc: Jorge Vital, Development Impact Coordinator.
Planning and Zoning Department

Joan Shen, P.E., PhD
Manager, Traffic Engineering Division

Jeff Cohen, P.E.
Assistant Chief, Traffic Engineering Division

Armando E. Hernandez
Special Administrator for Concurrency, Traffic Engineering Division

Memorandum

MIAMI-DADE COUNTY

Date: July 14, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

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

Subject: DIC # 2008000233 – Fontainbleau Lakes, LLC (Revision 1)
Lying north of Flagler Street between NW 92 Avenue and NW 94 Avenue
Miami-Dade County, Florida

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **70** fire and rescue calls annually resulting in a severe impact to fire rescue service. However, the existing stations will be able to absorb the additional number of emergency calls resulting from this development.

(B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2008, the average travel time to the vicinity of the proposed development was **8:00** 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
29	351 SW 107 Avenue	Rescue, ALS Ladder	7
48	8825 NW 18 Terrace	Rescue, ALS Engine, USAR-1	9
47	9361 SW 24 Street	Rescue, ALS Engine	7
58	12700 SW 6 Street	Rescue, ALS Engine	7

ALS= Advanced Life Support

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised plans entitled 'Fontainebleau Retail Development' as prepared by Leo A. Daly Architects, dated stamp received 7/7/09.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4540.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: January 29, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Sunil Harman, Director, Aviation Planning, Land-Use & Grants
Aviation Department

FOR

Subject: DIC Application #08-233
FOUNTAINBLEAU LAKES, LLC
Determination Number DN-09-01-109

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-233, FOUNTAINBLEAU LAKES, LLC. The applicant is requesting to permit District Boundary Change on the property from RU-4M to BU-1 (a) and GU and from RU-4M to GU; and the Modification of Prior Approval Site Plan and Declaration of Restrictive Covenants in connection with the prior zoning approval. The subject property is 36.16 acres and is located at North of W. Flagler between theoretical N.W. 92nd Avenue and theoretical N.W. 94th Avenue, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from Miami International Airport.

SH/JR/AH/cf

C: M. Fajardo
J. Ramos
Nick Nitti, DIC Coordinator, Department of Planning & Zoning

Memorandum

MIAMI-DADE COUNTY

Date: February 12, 2009

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 08-233 (Fountainbleau Lakes, LLC)

Project Description

The applicant is requesting a district boundary change in order to develop the property with a 240,000 square foot commercial development. In addition, the applicant is requesting to modify the previously approved site plan and Declaration of Restrictions to permit said development. The subject property is 36.16 acres and is located north of West Flagler Street between theoretical NW 92nd Avenue and theoretical NW 94th Avenue in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes 11 and 51/Flagler MAX along West Flagler Street, by Route 7 along Fountainbleau Boulevard and by Route 87 along SW 87th Avenue. The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Fountainbleau Lakes, LLC Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
7	30	40	60	N/A	40	40	0.2	F
11	15	24	15	60	24	30	0.0	F
51/Flagler MAX	15	30	30	N/A	N/A	N/A	0.0	E
87	30	40	30	N/A	40	40	0.4	F

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) shows under the FDOT – Primary State Highway and Intermodal section the interchange modification project for the SR-826/SR-836 interchange along with the roadway resurfacing project along West Flagler Street from 87th Avenue to 76th Court. Within the Miami-Dade Expressway Authority section, a new construction project along SR-836 for 4-lane divided express lanes is also shown. The 2030 Long Range Transportation Plan (LRTP) identifies under Priority I projects, the same SR-826/SR-836 improvement listed in the 2009 TIP. In addition, under Priority II projects, the implementation of the Intelligent Transportation System (ITS) along the Flagler and Tamiami Trail corridors is listed.

The 2008 ten-year Transit Development Plan (TDP) identifies in its 2018 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route 7:	No planned improvements
Route 11:	No planned improvements
Route 51:	Adjust peak headway from 15 to 20 minutes Convert the route into the Flagler BRT route
Route 87:	No planned improvements

MDT Comments/Recommendations

Currently, there are two existing bus stops on the application site's southern boundary. Both stops for westbound bus service on West Flagler Street have covered bus shelters with dedicated pads and are ADA compliant. Miami-Dade Transit (MDT) requests that these locations be preserved as they exist and that no negative impact changes be made at either location. MDT is also amenable to the applicant assisting in the negotiation for the conversion of any existing bus stops along Fountainbleau Boulevard from regular bus bench or no bus bench/shelter to a slim design or regular-sized covered bus shelter. These transit amenities provide a great opportunity for this development to maximize the benefits of mass transit to serve the users of this project.

Based on the information presented and transit's request's being approved, 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.

OFFICE OF NEIGHBORHOOD COMPLIANCE
TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:
Fountainbleau Lakes, Blvd

ADDRESS:
Loc Theo. Flagler Street between SW 90 & 94 Ave, Miami-Dade County, Florida

DATE: 10/09/09

ZONING HEARING#:
Z2008000233

CURRENT ENFORCEMENT HISTORY:

CMS# 200903008870- Junk/Trash and Overgrowth. Corrected by owner. Case closed.

CMS# 200903007318- Sign violation in private property. Corrected by owner. Case closed.

CMS# 200803010585- NOV issued in October 2008 for overgrowth and junk and trash. Violation corrected by owner. Case closed.

PRIOR CASES:

CMS# 200503004511- Complaint received in October 2005 for Junk and Trash. Junk and trash due to Hurricane Katrina. Property owner complied. Case closed.

CMS# 200503005282- NOV issued in November 2005 for Junk machinery, tires, furniture, golf carts, down trees, overgrowth. Case closed due to change of ownership. New NOV issued under new case number.

CMS# 200603000036- NOV issued in December 2005 for junk and trash (see above case). Case closed as complied.

CMS# 200603002038- NOV issued in June of 2006 for overgrowth. Case closed as complied.

CMS# 200603002369- NOV issued in June 2006 for Derelict Fence. Research revealed fence does not belong to Golf Course. Case closed as not in violation.

CMS# 200603005942- Complaint regarding construction debris. At time of first inspection, Neighborhood Compliance Officer (NCO) found misc construction debris, but construction going on. A later inspection revealed all construction finished and debris removed. Case closed.

CMS# 200803006118- Complaint regarding overgrowth. At times of inspection, NCO found no overgrowth. Case closed as not in violation.

Memorandum

MIAMI-DADE COUNTY

Date: February 4, 2009

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: Christopher Rose
Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC #08-233
Fountainbleau Lakes, LLC.

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 Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs, at 305-514-6661. Thank you.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #08-233
Fountainbleau Lakes, LLC.

Application: Fountainbleau Lakes, LLC. is requesting a district boundary change on the property from RU-4M and GU to BU-1(a) and from RU-4M to GU. The Zoning Applicant is also requesting a modification of a prior approved plan and declaration of restrictive covenants submitted in connection with the prior zoning approval.

Size: The subject property is approximately 36.16 acres.

Location: The subject property is located on the East Course of the Fountainbleau Lakes Golf Course between theoretical SW 90th and 94th Avenues, North of West Flagler Street.

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 17, 2008, 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 falls within the DSWM **solid waste collection service area.** Residences proposed for inclusion in this project appear to meet the County Code definition of **residential unit.** Per the code, residential units located within the project shall, therefore, receive DSWM garbage and trash collection service. Twice weekly individual curbside garbage and trash collection, scheduled bulky waste collections service, and unlimited use of the Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

3. Recycling

Currently, DSWM provides curbside recycling services to **residential units** located in unincorporated Dade County. Residential units shall, therefore, utilize DSWM weekly curbside recycling services, provided for the County by Waste Services, Inc. The recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Participation in the residential program is mandatory in accordance with Chapter 15, Section 15-2.6 of the County Code. Further information may be obtained by calling the Department's Public Information & Outreach Division at 594-1500 or 514-6714.

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 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 accordance 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

MIAMI-DADE COUNTY

Date: August 17, 2009

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

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

Subject: Fontainebleau Lakes, LLC - DIC Application # - Z2008000233 (Revised)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Fontainebleau Lakes, LLC

Proposed Development: The applicant is requesting for an unusual use to permit a lake excavation on the property for the construction of two (2) lakes to serve as a storm water management area.

Project Location: The project is located on the north side of West Flagler St. between theoretical NW 90 and 94 Avenues.

MDWASD has reviewed the area for the two proposed lakes at the subject location and found that MDWASD has a twelve (12)-inch water main and an eight (8)-inch sanitary gravity sewer line, both running parallel along the perimeter of the West Line of the Tract "D" boundary. We recommend that the applicant contact MDWASD Engineering prior to the excavation of the two proposed lakes, as the information provided can change at a future time.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

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MIAMI-DADE COUNTY
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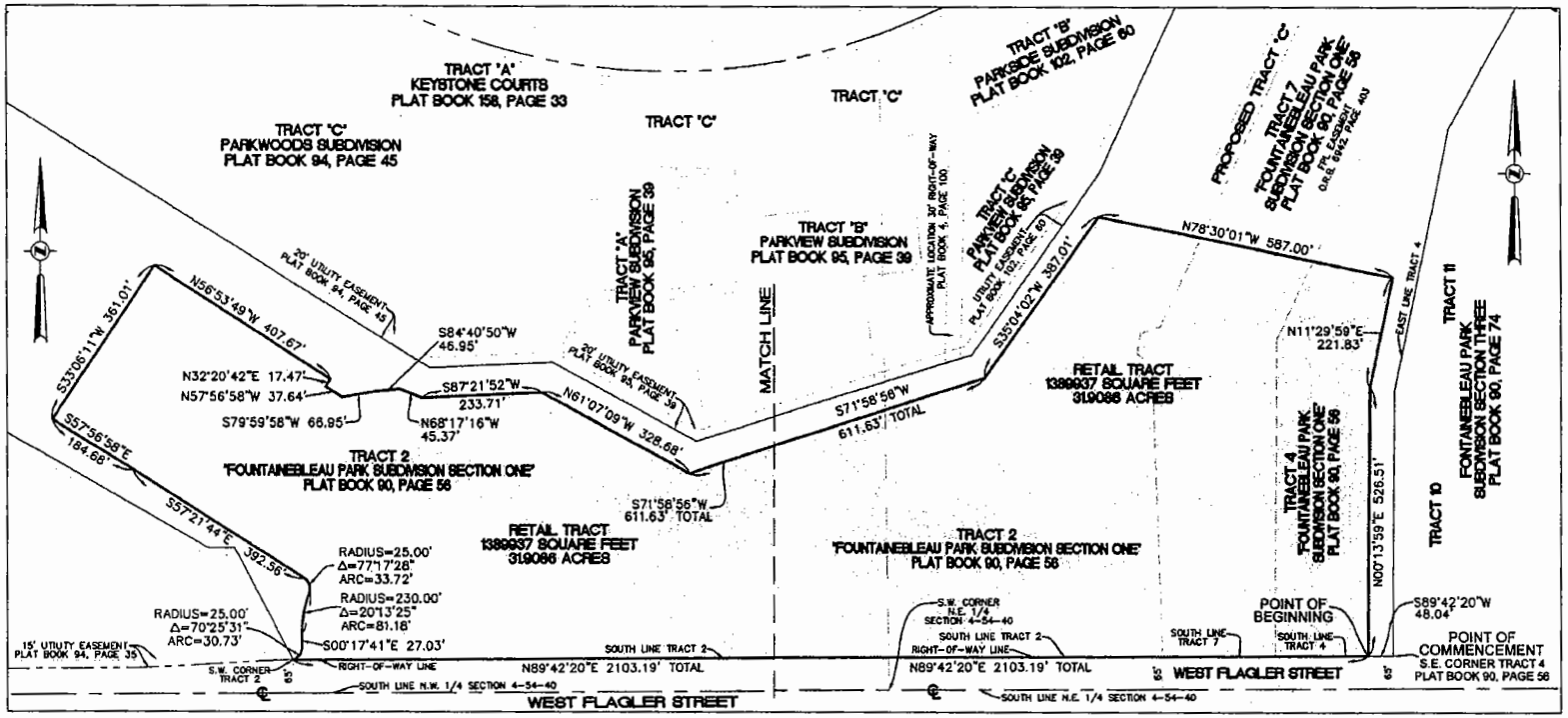
TIME
BY



1 SURVEY
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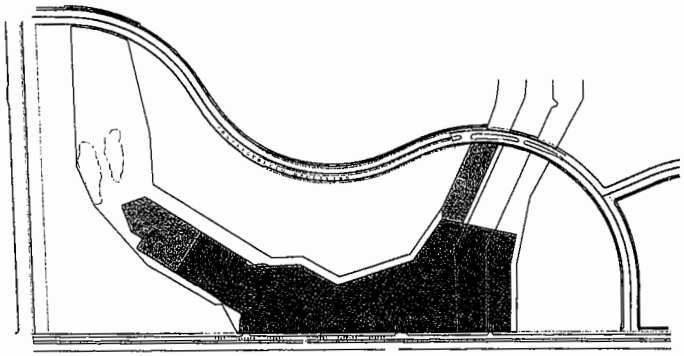

3 ZONING MAP
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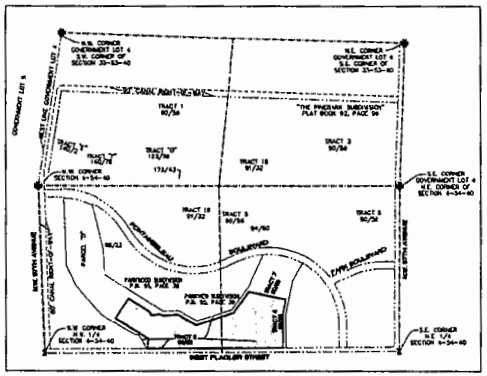

2 LOCATION MAP
ADD / SCALE: N.T.S.

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
407 LINCOLN ROAD, SUITE 400
MIAMI, FLORIDA 33139

LEO A DALY

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

ZONING SUBMITTAL

Job No061-10042-000APRIL, 2009

SURVEY

A0.0

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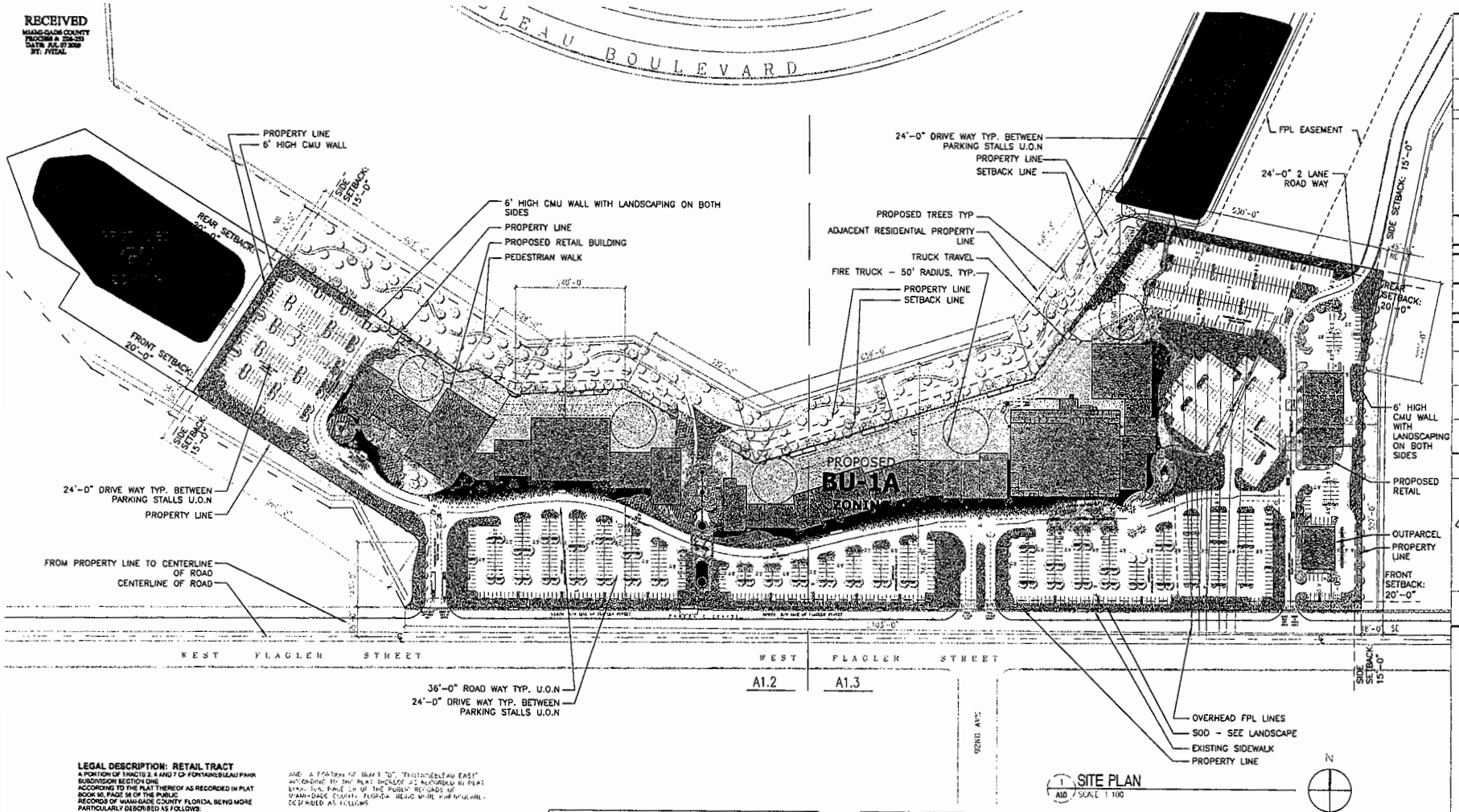
PROCESS #: 226-253
DATE: 8.6.07 2009
BY: JVITAL



1 SITE PLAN
A1.0 / SCALE: 1:100

LEGAL DESCRIPTION: RETAIL TRACT

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

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°47'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'58" EAST 526.51 FEET; THENCE NORTH 11°29'09" EAST 221.10 FEET; THENCE NORTH 78°30'01" WEST 567.00 FEET; THENCE SOUTH 33°04'02" WEST 367.01 FEET; THENCE SOUTH 71°38'58" WEST 61.03 FEET; THENCE NORTH 51°07'00" WEST 328.58 FEET; THENCE SOUTH 87°31'52" WEST 233.71 FEET; THENCE NORTH 74°58'17" WEST 45.37 FEET; THENCE SOUTH 84°42'52" WEST 48.95 FEET; THENCE SOUTH 79°16'05" WEST 66.96 FEET; THENCE NORTH 57°56'56" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 88°57'49" WEST 407.67 FEET; THENCE SOUTH 33°08'11" WEST 381.01 FEET; THENCE SOUTH 87°54'56" EAST 184.68 FEET; THENCE SOUTH 57°31'14" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'59" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'29" AN ARC DISTANCE OF 81.15 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'47" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°13'51" AN ARC DISTANCE OF 30.73 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2, BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING CONTAINING 1,389,817 SQUARE FEET, 31.9068 ACRES.

AND A PORTION OF TRACT "D", "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "D"; THENCE NORTH 00°13'58" EAST ON AN EAST LINE OF SAID TRACT "D" FOR 61.01 FEET; THENCE NORTH 11°29'09" EAST ON SAID EAST LINE 119.38 FEET; THENCE NORTH 78°30'01" WEST 61.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 78°30'01" WEST 506.00 FEET; THENCE ZIGZAG ON THE FOLLOWING 5 COURSES: 1) NORTH 11°29'09" EAST 65.55 FEET; 2) THENCE NORTH 78°30'01" WEST 61.00 FEET; 3) THENCE NORTH 11°29'09" EAST 65.55 FEET TO THE INTERSECTION WITH A WEST LINE OF SAID TRACT "D"; 4) THENCE NORTH 00°13'58" EAST ON SAID WEST LINE 538.64 FEET TO A SOUTHWEST CORNER OF SAID TRACT "D"; 5) THE SOUTHERLY RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 00°14'23" EAST; THENCE EASTERLY ON THE SOUTHERLY BOUNDARY OF SAID TRACT "D" AND SOUTHERLY RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,960.00 FEET AND A CENTRAL ANGLE OF 11°04'19" AN ARC DISTANCE OF 378.78 FEET; THENCE SOUTH 79°30'18" WEST 61.04 FEET TO THE POINT OF BEGINNING CONTAINING 1,410,405 SQUARE FEET, 32.3858 ACRES.

LOT STATISTICS		
Item		
LOT SQUARE FEET:	1,389,564 SQUARE FEET	
BUILDING SQUARE FEET:	329,000 SQUARE FEET	
OPEN AREA:	1,154,564 SQUARE FEET	
GREEN AREA:	+/- 7.8 ACRES	
FRONTAGE TO FLAGLER:	2,103 LINEAR FEET	
SITE ZONED BU-1A WITH EXCEPTION AS NOTED IN DRAWING. AREA WEST OF SITE AS GU, NOT INCLUDED IN PROJECT SCOPE		
BU-1A: 31.9 ACRES	GU: 7.39 ACRES	

DISTANCE FROM SUBJECT PROPERTY LINE TO ADJACENT PROPERTY LINE (REFERENCE DWG)		
SE: 48'	NE to: 48'	SW: 65'
NE a: 109'	N: 58'	NW: 116'

ZONING INFORMATION		
General Data	ZONING CLASSIFICATION: BU - 1A	
APPLICABLE CODES:		
ZONING CODE: MIAMI-DADE COUNTY		
BUILDING CODE: FLORIDA BUILDING CODE (FBC, - 2007 EDITION		
NET LOT AREA:	31.9 ACRES (1,389,564 SQ. FT.)	
BUILDING USE:	BU-1A RETAIL	
CONSTRUCTION TYPE AS PER TABLE 500 FBC	TYPE IB	
TOTAL CONSTRUCTION = +/- 329,000 SQ. FT.		
FINISHED FLOOR ELEVATION = 8.5'		
BASE FLOOD ELEVATION = 8.5		

Landscape Requirements		
Item	Required	Provided
LANDSCAPE AREA (12%)	166,747.7 SQ.FT	7.87 ACRES (342,814.21 SQ.FT)
FRONTAGE	50'	170'-0"

Parking Requirements 1 SPACE FOR EVERY 250 SQ.FT		
Item	Required	Provided
PROPOSED PARKING:	946	1310
PROPOSED H/C PARKING:	19	28
PROPOSED YOUNG CHILDREN AND STROLLERS PARKING:	4	4

Setbacks & Height Requirements		
Item	Required	Provided
FRONT	20'-0"	170'-0"
SIDE	15'-0"	42'-0"
REAR	20'-0"	38'-9"
MAXIMUM HEIGHT ALLOWABLE	45'-0"	45'-9"
NUMBER OF STORIES	1	
AVERAGE HEIGHT	25'-0"	

F.A.R. & Lot Coverage Requirements		
Item	Allowed	Provided
MAXIMUM FLOOR AREA FIRST FLOOR (.40)	333,823.6 SQ.FT.	226,707 SQ.FT.

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
9815 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33125

LEO A DALY

KEYPLAN

ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-000APRIL, 2009

SITE PLAN

A1.0

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
5875 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY

ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-00APRIL, 2009

AERIAL

A1.1

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 2006-225
DATE: 12/7/2009
BY: JVITAL

PRELIMINARY LANDSCAPE LIST

	QTY	KEY	BOTANICAL / COMMON NAME						DESCRIPTION
SPECIMEN TREES:	78		Delonix regia ROYAL POINCIANA	OR	* Bursera simaruba GUMBO LIMBO	OR	* Quercus virginiana LIVE OAK		14' ht. x 8' spr. f.g.
SPECIMEN PALMS:	148		* Roystonea elata ROYAL PALM						22' o.a. ht. f.g.
MEDIUM TREE:	384		Caliophyllum brasiliense BRAZILIAN BEAUTYLEAF	OR	* Conocarpus erectus S. BUTTONWOOD	OR	* Swietenia mahogani MAHOGANY		12' ht. x 5' spr. f.g.
MEDIUM PALM:	121		* Sabal Palmetto CABBAGE PALM	OR	* Acrocomia aculeata PAURDTIS PALM	OR	* Thrinax radiata FLORIDA THATCH		18' o.a. ht. f.g.
SMALL TREE:	182		* Conocarpus erectus sericeus SILVER BUTTONWOOD	OR	Senna surattensis GLAUCOUS CASSIA	OR	Lagerstroemia indica CRAPE MYRTLE		10' o.a. ht. f.g.
SHRUBS:	As Reqd.		* Conocarpus erectus Sericeus SILVER BUTTONWOOD	OR	* Hamelia patens FIREBUSH				24" ht. x 24" spr. 3 gal.
STREET HEDGE:	As Reqd.		* Conocarpus erectus GREEN BUTTONWOOD	OR	* Chrysobalanus icaco RED TIP COCOPLUM				36" ht. x 30" spr. 7 gal.

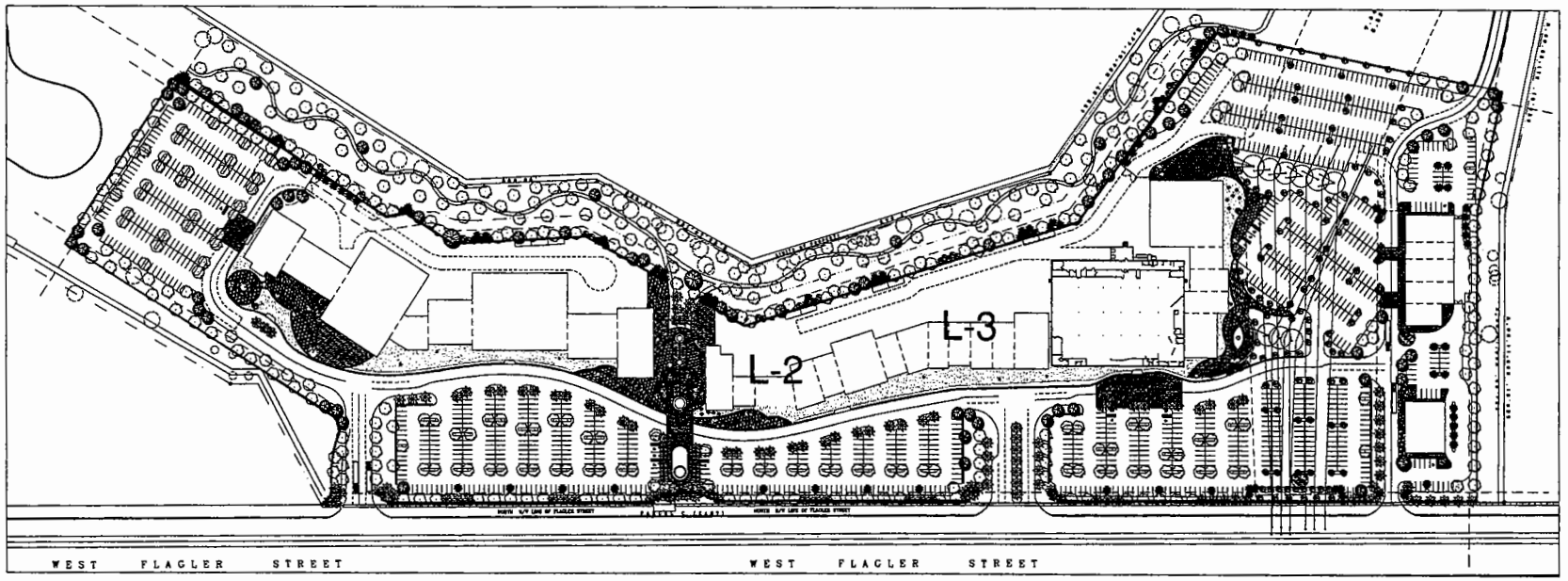
* DENOTES NATIVE SPECIES.

LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan

Zoning District: BU-1A Net Lot Area 31.9 acres 1,389,564 s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 1,389,564 s.f. x 12 % = 166,748 s.f.	137,348	333,417
B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan: No. parking spaces 940 x 10 s.f. per parking spaces =	9,400	9,400
C. Total s.f. of landscaped open space required by Chapter 33: A + B =	166,748	342,817
LAWN AREA CALCULATION		
A. 166,748 total s.f. of landscaped open space required by Chapter 33	166,748	343,817
B. Maximum lawn area (sod) permitted = 40 % x 166,748 s.f. =	66,699	65,000
TREES		
A. No. trees required per net lot acre: Less existing number of trees meeting minimum requirements = 274 trees x net lot acres =	702	706 (estimated minimum)
B. % Palms Allowed: No. trees required x 30% = % Palms permitted to count as street trees 1:1 basis x 30%	211	211 (maximum)
C. % Natives Required: No. trees provided x 30% =	211	211 (estimated minimum)
D. Street trees (maximum average spacing of 35' o.c.): 1,660 linear feet along street / 35 =	53	53 (estimated minimum)
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): 100 linear feet along street / 25 =	4	4
F. Total Trees Required: A + D + E = 759 Total Trees	759	765 (estimated minimum)
SHRUBS		
A. No. trees required x 10 = No. of shrubs allowed	7,590	7,590 (estimated minimum)
B. No. shrubs allowed x 30% = No. of native shrubs required	2,277	2,277 (estimated minimum)
IRRIGATION PLAN: If required by Chapter 33		
TABLE: Containing information as indicated in sample below:	SEE LANDSCAPE LIST	

*NOTE: AS PER DADE COUNTY CODE, THERE WILL BE AT LEAST 7,590 SHRUBS PROVIDED ON THE FINAL PLANTING PLANS.



WITKIN HULTS
DESIGN GROUP, INC.
301 E. 21st Street, Suite 204, Miami, FL 33137
phone: 954.923.0661 facsimile: 954.923.9999
www.witkindesign.com

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Project:
West Flagler Commercial Development
MIAMI-DADE COUNTY, FLORIDA

Revisions:
#1 Rev. per site plan / comments 4.6.09

Seal:
Lic. # LA0000660
Member: A.S.L.A.

Drawing Name: Site Plan Approval
Landscape Index Sheet
Date: 12/08/2008
Scale: 1" = 100' - 0"
Drawn by: Pp
Sheet No.:
L-1

46

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MIAMI-DADE COUNTY
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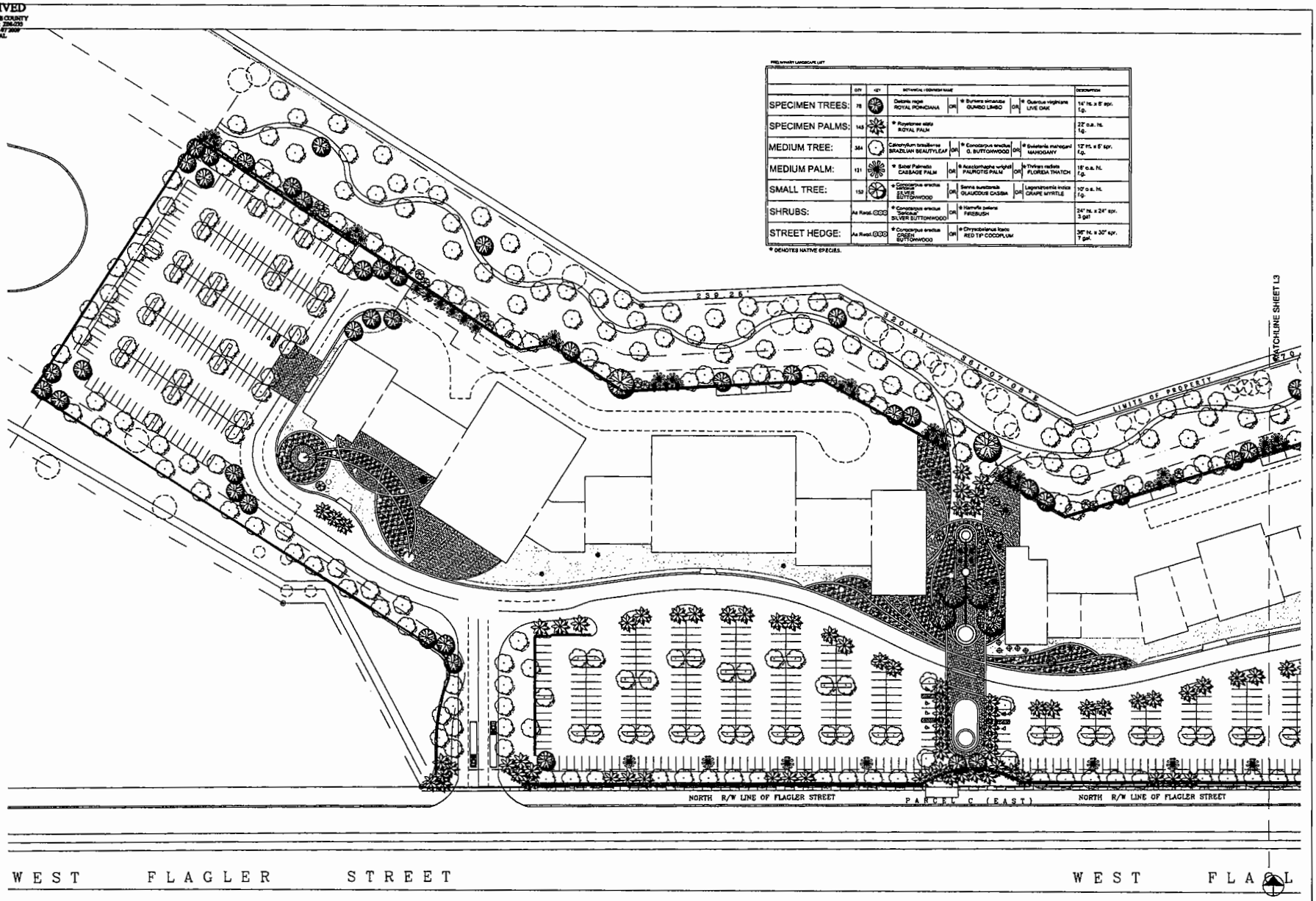
DATE: JUL 07 2009
BY: JVITAL



PRELIMINARY LANDSCAPE LIST

	QTY	KEY	BOTANICAL / COMMON NAME					DESCRIPTION
SPECIMEN TREES:	78		Delonix regia ROYAL POINCIANA	OR	* Bursera simaruba GUMBO LIMBO	OR	* Quercus virginiana LIVE OAK	14' ht. x 5' spr. f.g.
SPECIMEN PALMS:	143		* Roystonea elata ROYAL PALM					22' o.a. ht. f.g.
MEDIUM TREE:	384		Calophyllum brasiliense BRAZILIAN BEAUTYLEAF	OR	* Conocarpus erectus G. BUTTONWOOD	OR	* Swietenia mahogani MAHOGANY	12' ht. x 5' spr. f.g.
MEDIUM PALM:	121		* Sabal Palmetto CABBAGE PALM	OR	* Acacioriphe wrightii PAUROTIS PALM	OR	* Thrinax radiata FLORIDA THATCH	18' o.a. ht. f.g.
SMALL TREE:	152		* Conocarpus erectus "Sericeus" SILVER BUTTONWOOD	OR	Senna surattensis GLAUCOUS CASSIA	OR	Lagerstroemia indica GRAPE MYRTLE	10' o.a. ht. f.g.
SHRUBS:	As Reqd.		* Conocarpus erectus "Sericeus" SILVER BUTTONWOOD	OR	* Hamelia patens FIREBUSH			24" ht. x 24" spr. 3 gal
STREET HEDGE:	As Reqd.		* Conocarpus erectus GREEN BUTTONWOOD	OR	* Chrysobalanus icaco RED TIP COCOPLUM			36" ht. x 30" spr. 7 gal.

* DENOTES NATIVE SPECIES.

WITKIN HULTS DESIGN GROUP
207 south 21st avenue, hollywood, florida
phone: 954.923.9881 facsimile: 954.923.9886
www.witkinhultsdesign.com

Project:
West Flagler Commercial Development
MIAMI-DADE COUNTY, FLORIDA

Revisions:
#1 Rev. per site plan / comments 4.9.09

Seal:

Lic. # LA0000889
Member: A.S.L.A.

Drawing Name: Site Plan Approval Landscape Plan
Date: 12/08/2008
Scale: 1" = 50' - 0"
Drawn by: fp
Sheet No.:
L-2

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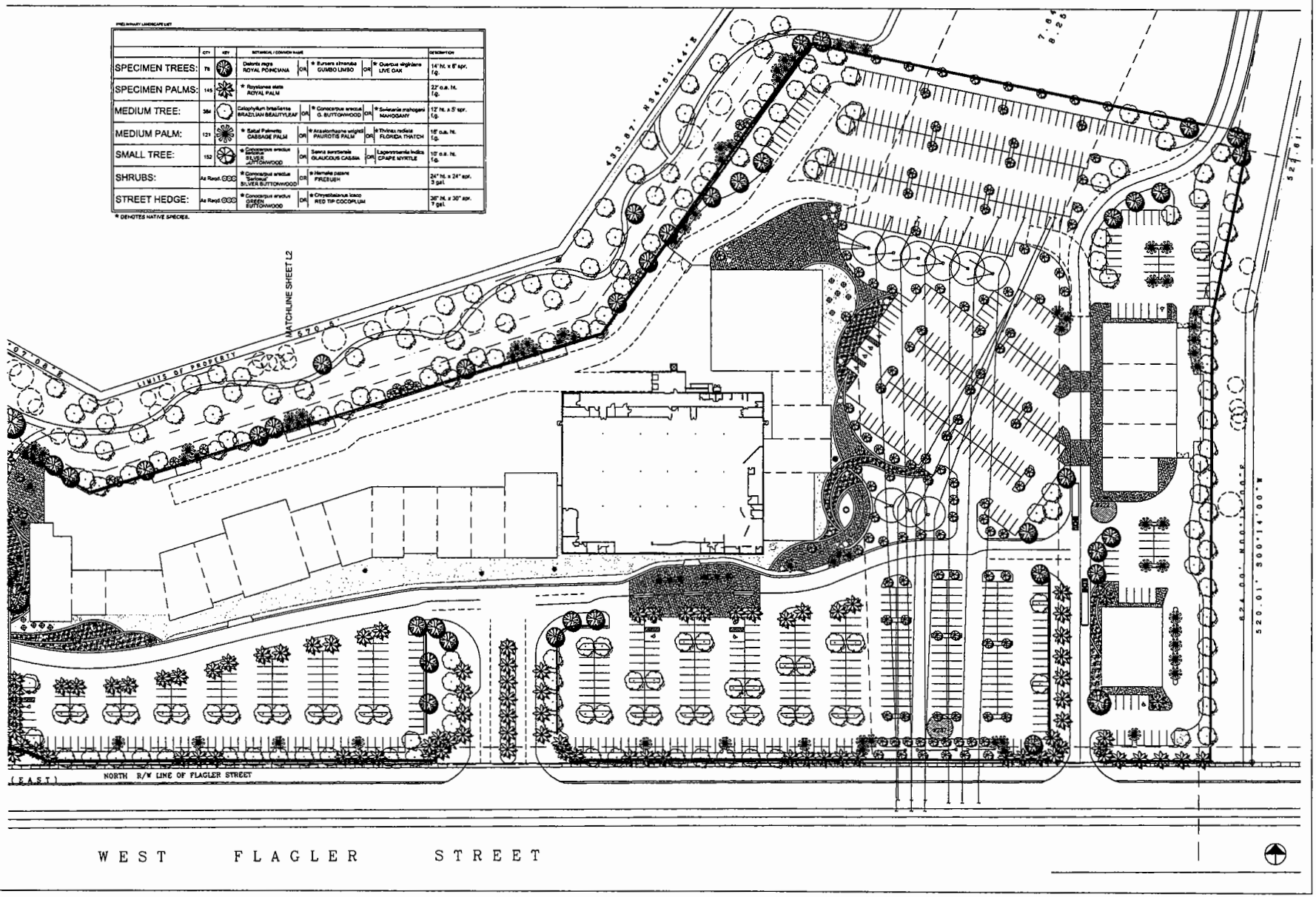
MIAMI-DADE COUNTY
PROCESS #: 2006-225
DATE: JUL 07 2006
BY: JV/TAL

PRELIMINARY LANDSCAPE LIST

	QTY	KEY	BOTANICAL / COMMON NAME						DESCRIPTION
SPECIMEN TREES:	78		Delonix regia ROYAL POINCIANA	OR	* Bursera simaruba GUMBO LIMBO	OR	* Quercus virginiana LIVE OAK		14' ht. x 6" apr. 7 g.
SPECIMEN PALMS:	145		* Roystonea elata ROYAL PALM						22' o.a. ht. 7 g.
MEDIUM TREE:	384		Calophyllum brasiliense BRAZILIAN BEAUTYLEAF	OR	* Conocarpus erectus G. BUTTONWOOD	OR	* Swietenia mahogani MAHOGANY		12' ht. x 5' spr. 1 g.
MEDIUM PALM:	121		* Sabal Palmetto CABBAGE PALM	OR	* Actinorhorne wrightii PAUROTIS PALM	OR	* Thrinax radiata FLORIDA THATCH		16' o.a. ht. 1 g.
SMALL TREE:	152		* Conocarpus erectus SILVER BUTTONWOOD	OR	Sabal parviflora GLAUCOUS CABBA	OR	Lagerstroemia indica CRAPE MYRTLE		10' o.a. ht. 1 g.
SHRUBS:	As Reqd.		* Conocarpus erectus "Sericeus" SILVER BUTTONWOOD	OR	* Hamelia patens FIREBUSH				24" ht. x 24" spr. 3 gal.
STREET HEDGE:	As Reqd.		* Conocarpus erectus GREEN BUTTONWOOD	OR	* Chrysobalanus icaco RED TIP COCOPLUM				36" ht. x 30" spr. 7 gal.

* DENOTES NATIVE SPECIES.



WITKIN HULTS DESIGN GROUP
207 North 21st Avenue, Hollywood, Florida
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www.witkinhultsdesign.com

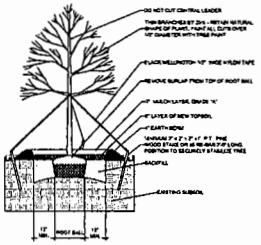
Project:
West Flagler Commercial Development
MIAMI-DADE COUNTY, FLORIDA

Revisions:
#1 Rev. per site plan / comments 4.9.06

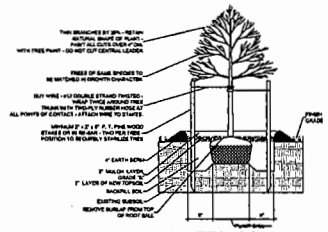
Seal:
Lic. # LA0000659
Member, A.S.L.A.

Drawing Name: Site Plan Approval
Landscape Plan
Date: 12/09/2005
Scale: 1" = 50' - 0"
Drawn by: Fb
Sheet No.:
L-3

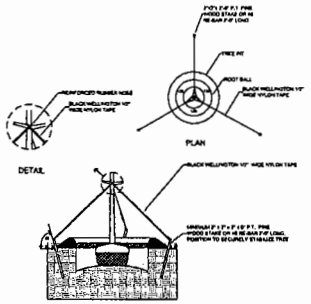
RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 206-033
DATE: JUL-07 2009
BY: JVITAL



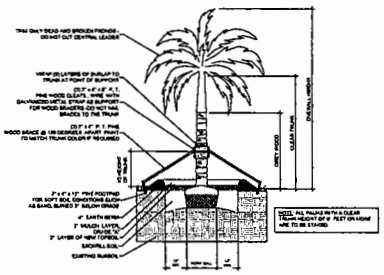
LARGE TREE PLANTING DETAIL



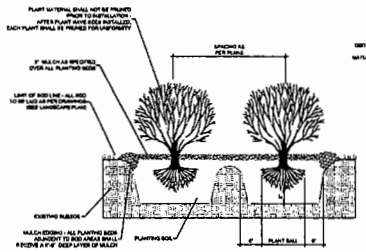
SMALL TREE PLANTING DETAIL



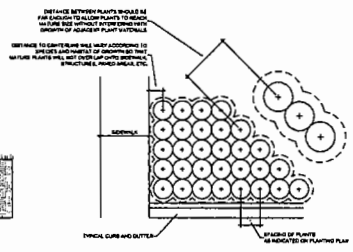
TYPICAL TREE GUYING DETAIL



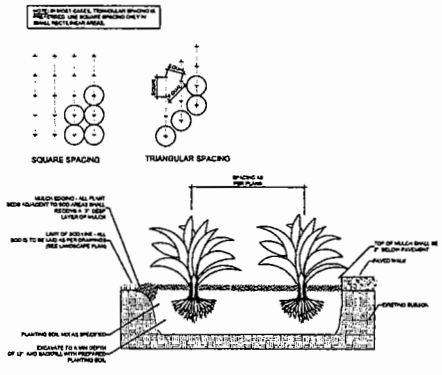
STRAIGHT TRUNK PALM PLANTING DETAIL



TYPICAL SHRUB PLANTING DETAIL



TYPICAL CONTAINER SPACING



TYPICAL GROUND COVER PLANTING DETAIL

PLANTING NOTES:

(See plant specification and details for additional standards)

-All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.

-Soil is to be grade "A" weed free.

-All areas marked "LAWN" shall be solid sodded with St. Augustine "Floratam" solid sod. See limit on plan. All areas marked "Sable Grass" shall be solid sodded with Paspalum notatum. All sod is to be laid level, tight, and cut even along planting beds.

-All plants are to be top dressed with a minimum 2" layer of Melaleuca mulch. Eucalyptus mulch or equal.

-Planting plans shall take precedence over plant list in case of discrepancies

-No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and / or deletions to the plant material must be approved by the project engineer.

-Landscape Contractor is responsible for providing their own square footage takeoffs and field verifications for 100 % sod coverage for all areas specified.

- All landscape areas are to be provided with automatic sprinkler system which provide 100% coverage, and 50% overlap

- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.

- All lawn located in parking islands is to be set flush with top of curb. Provide adequate soil to within 2" of top of curb.

- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable.

- Planting soil for topsoil and backfill shall be 50/50 mix, nematode free by Norris Magic soil, Hialeah, Florida. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% soil free coarse sand and 25% Aerolite.

- Tree and shrub pits will be supplemented with "Agriform Pills", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.

GENERAL NOTES:

-The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).

-Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.

-All unattended and unplanted tree pits are to be properly barricaded and flagged during installation.

-All planting plans are issued as directives for site layout. Any deviations, site changes, or errors are to be brought to the attention of the Landscape Architect for clarification prior to installation.

WITKIN HULTS DESIGN GROUP
307 South 21st avenue, Hollywood, Florida
phone: 954.923.2661 facsimile: 954.923.2669
www.witkinhultsdesign.com

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Project:

West Flagler Commercial Development

MIAMI-DADE COUNTY, FLORIDA

Revisions:

Seal:

Lic. # LA0000689
Member: A.S.L.A.

Drawing Name: Planting Details

Date: 12/05/2008

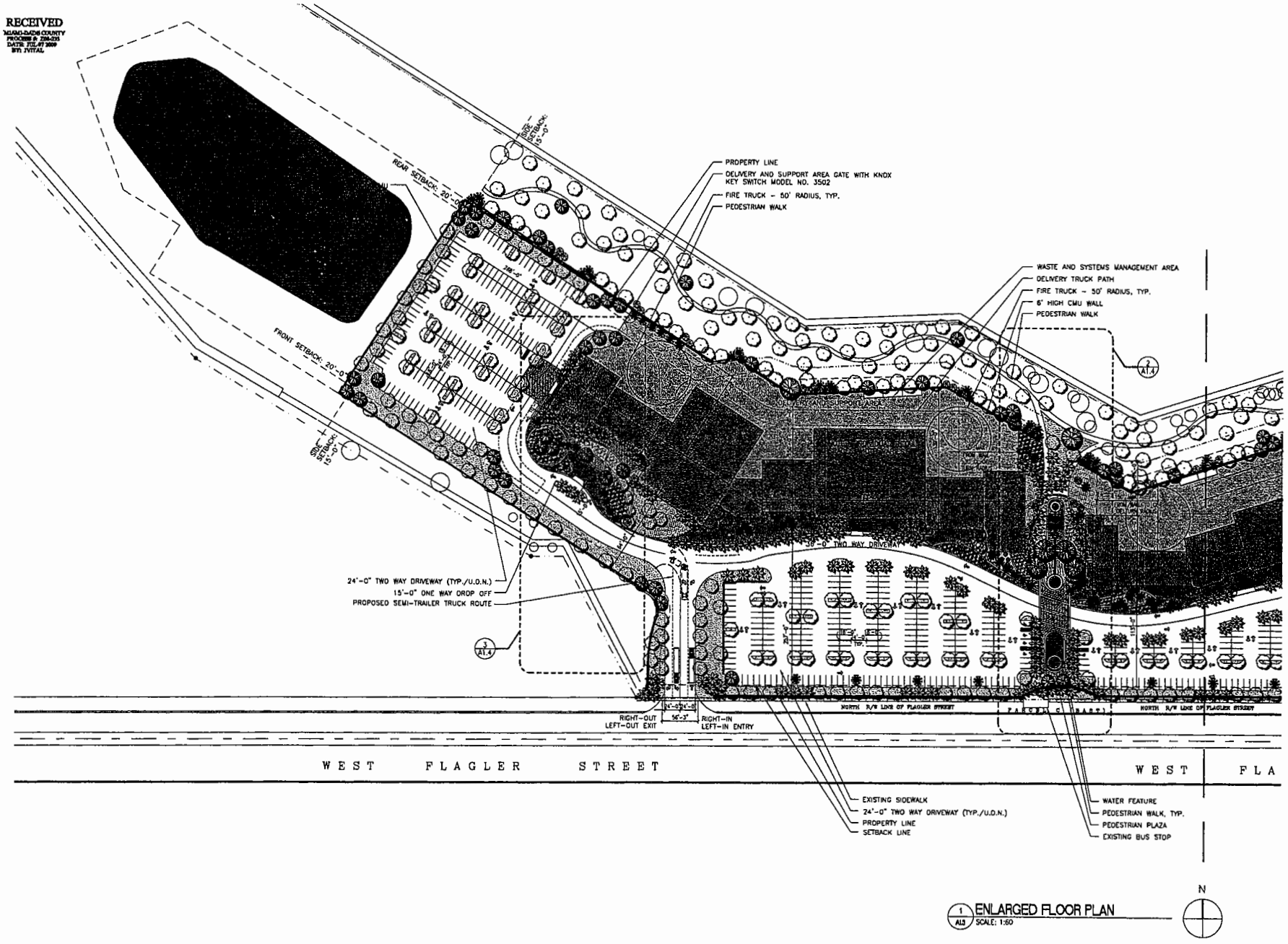
Scale: N.T.S.

Drawn by: Fp

Sheet No.:

L-4

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: ZAA-015
DATE: JUL-07 2009
BY: JVITAL



1 / A1.3 ENLARGED FLOOR PLAN
SCALE: 1:60

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
9155 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY

KEYPLAN

ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-000APRIL, 2009

ENLARGED PARTIAL FLOOR PLAN

A1.2

RECEIVED
MIAMI-DADE COUNTY
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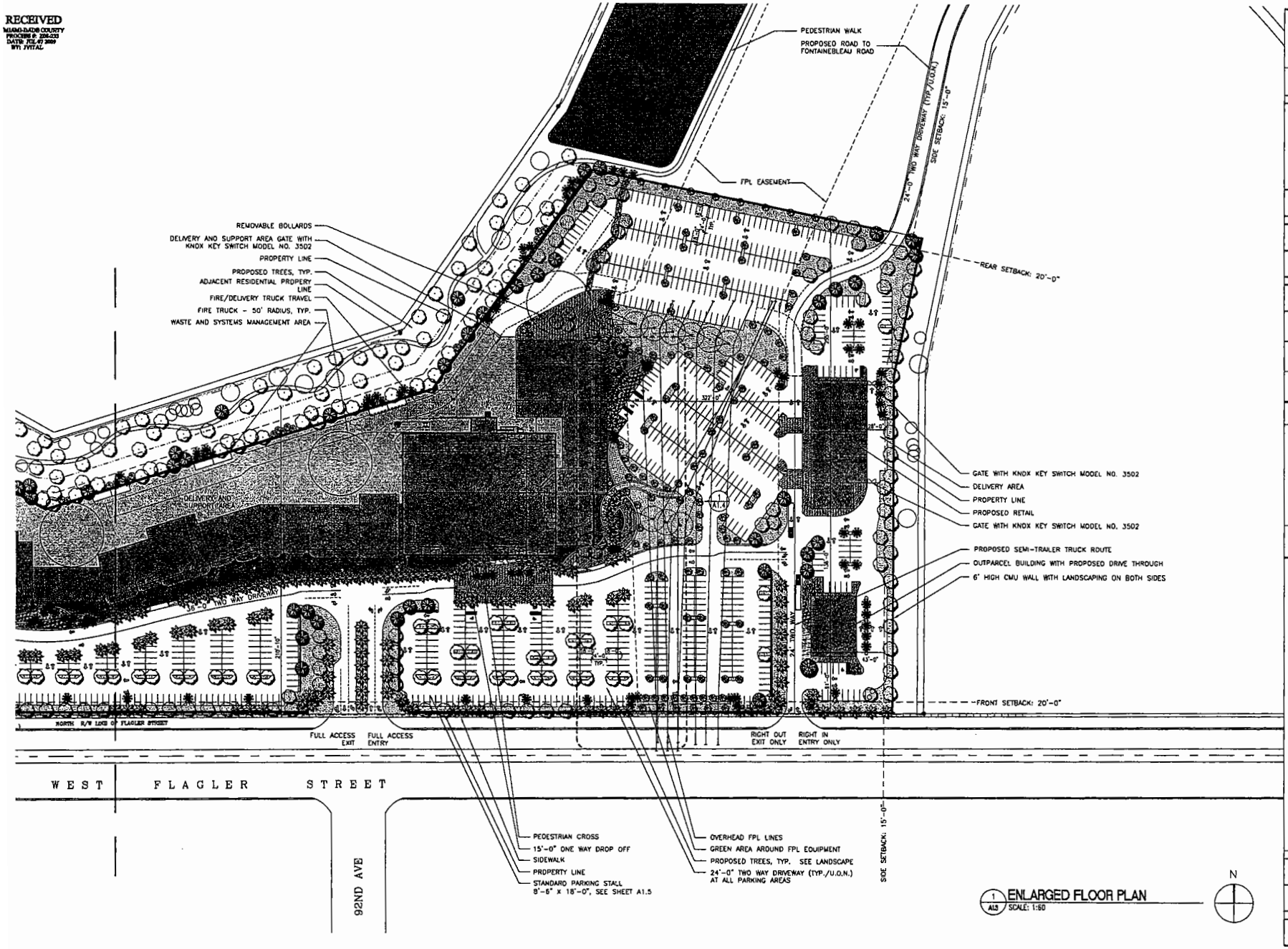
DATE: FEB 03 2009
BY: JVITAL



1/A1.5 ENLARGED FLOOR PLAN
SCALE: 1:60

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

ARCHITECTURE

Fontainebleau Lakes, LLC
5225 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY PLANNING ENGINEERING INTERIORS

KEYPLAN

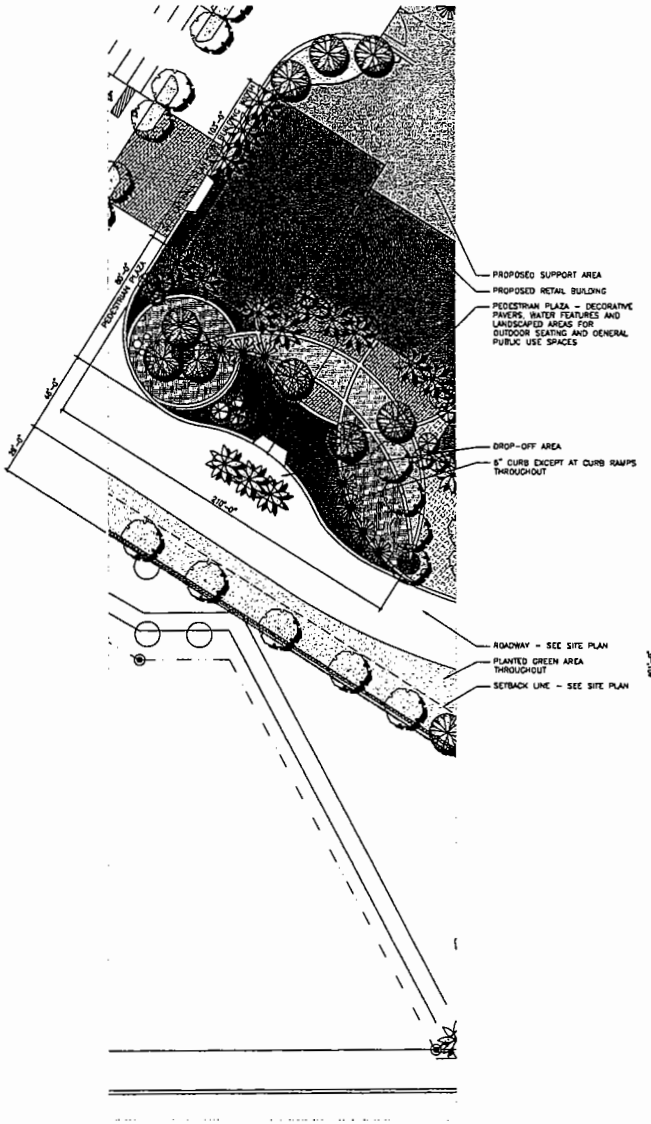
ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

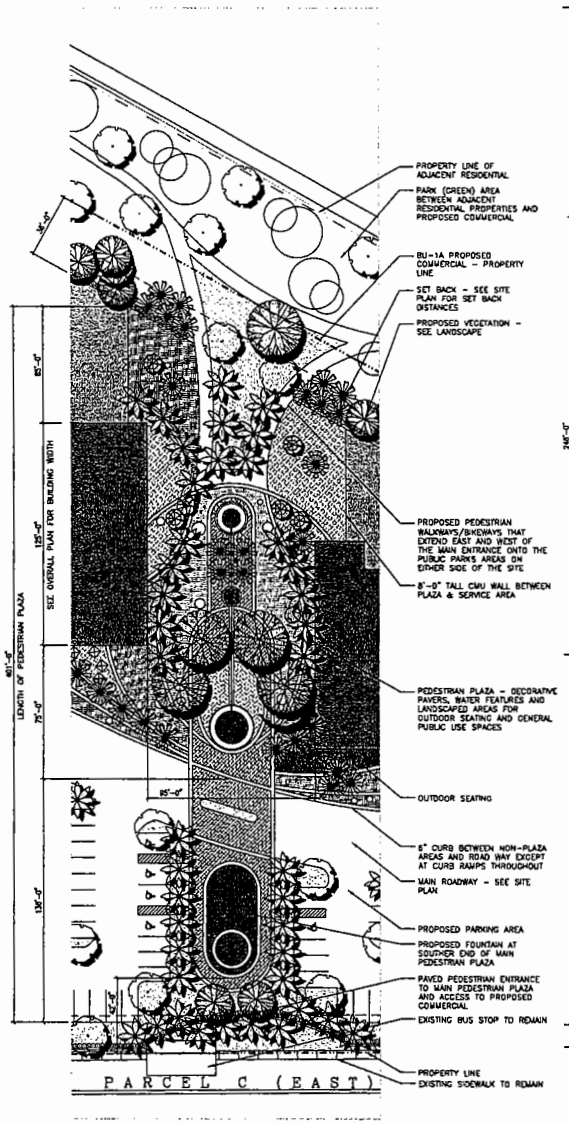
Job No061-10042-000APRIL, 2009

ENLARGED PARTIAL FLOOR PLAN

A1.3



3 A1.4 WEST PLAZA
SCALE: 1/32"=1'-0"



2 A1.4 MAIN CENTRAL PLAZA - OPEN AIR SEATING
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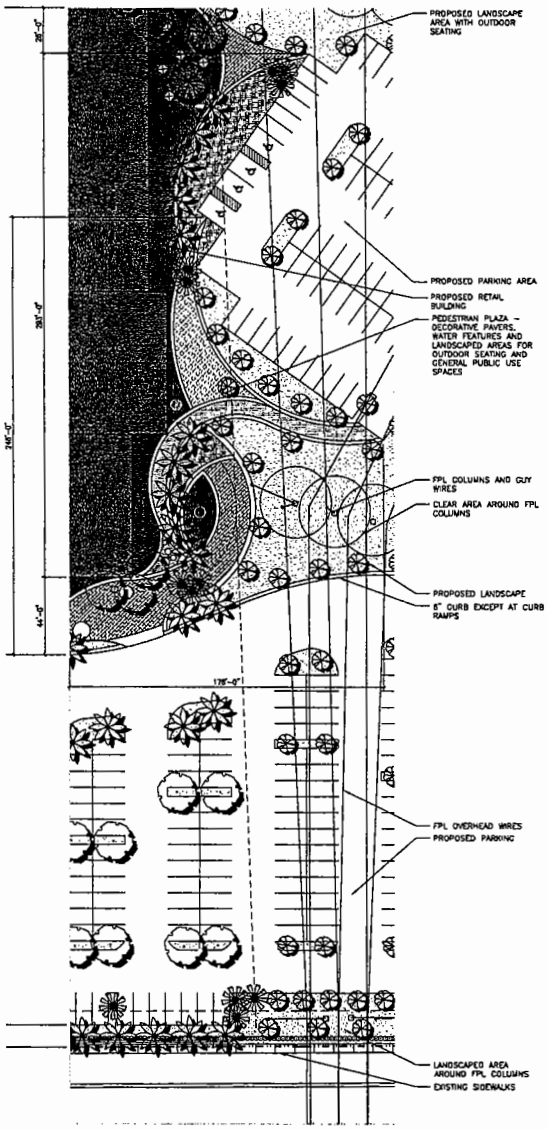

1 A1.4 EAST PLAZA
SCALE: 1/32"=1'-0"

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51

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
5815 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY PLANNING ENGINEERING INTERIORS

ZONING SUBMITTAL

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FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-000APRIL, 2009

ENLARGED PARTIAL FLOOR PLANS

A1.4

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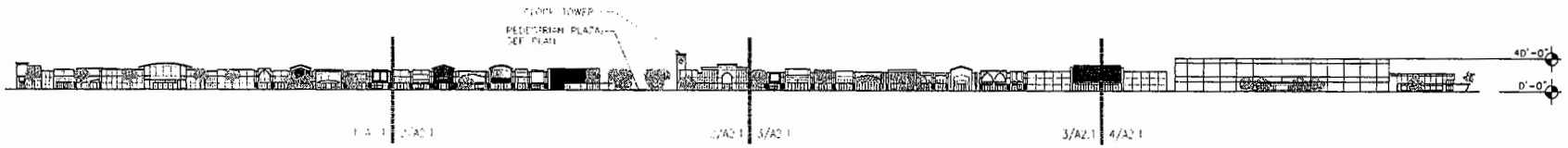
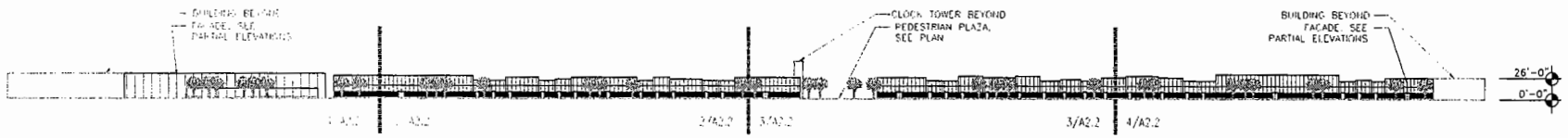


1/A2.0 OVERALL FRONT (SOUTH)
SCALE: 1/64"=1'-0"



2/A2.0 OVERALL REAR (NORTH)
SCALE: 1/64"=1'-0"

52

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
9155 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY

ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-00APRIL, 2009

ELEVATIONS

A2.0

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MIAMI-DADE COUNTY
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DATE: JUL 07 2009
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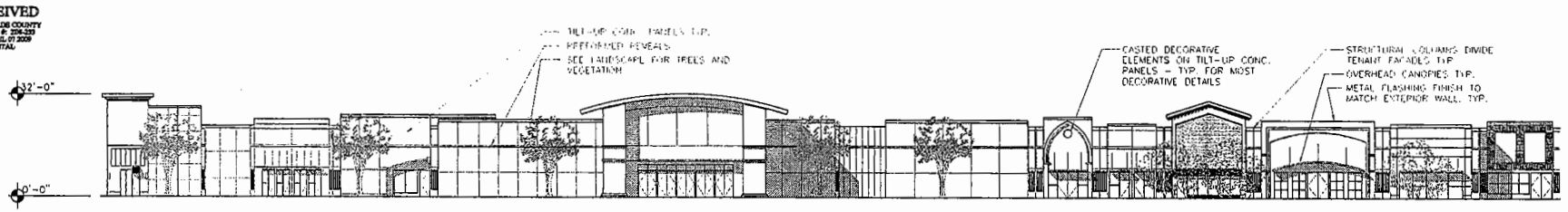
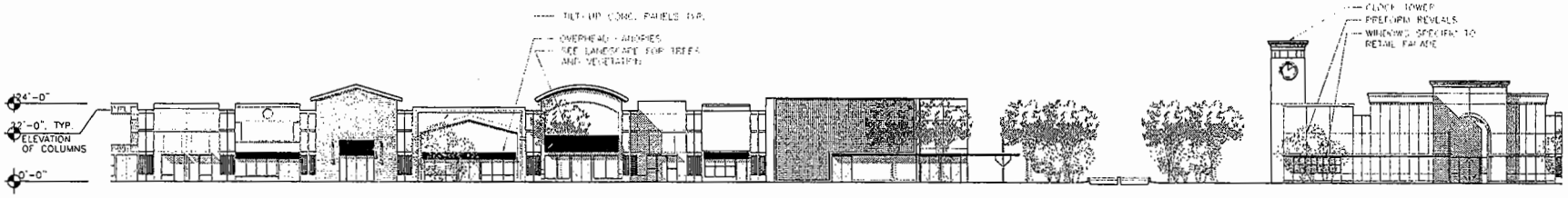
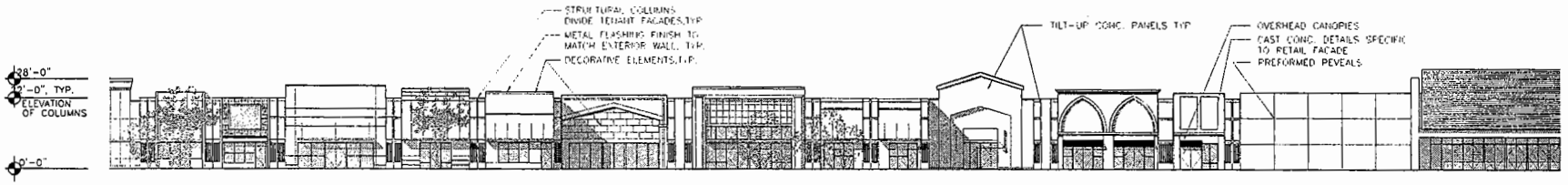


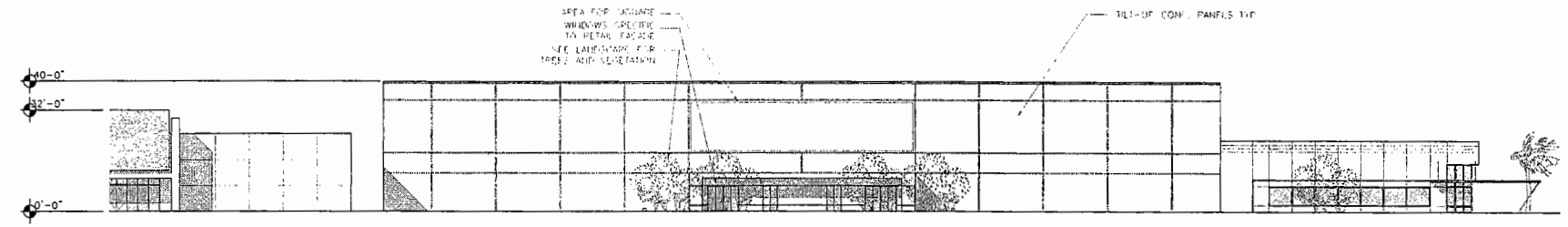
1 A2.1 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"



2 A2.1 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"



3 A2.1 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"



4 A2.1 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"

5M

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
9545 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY

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AR 0014416

Job No061-10042-000APRIL, 2009

PARTIAL ELEVATIONS

A2.1

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DATE: JUL/07 2009
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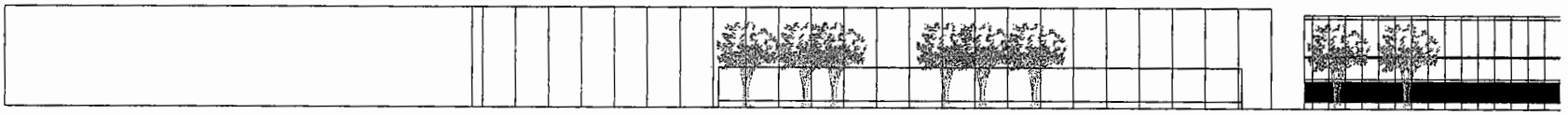

1 A22 PARTIAL ELEVATION
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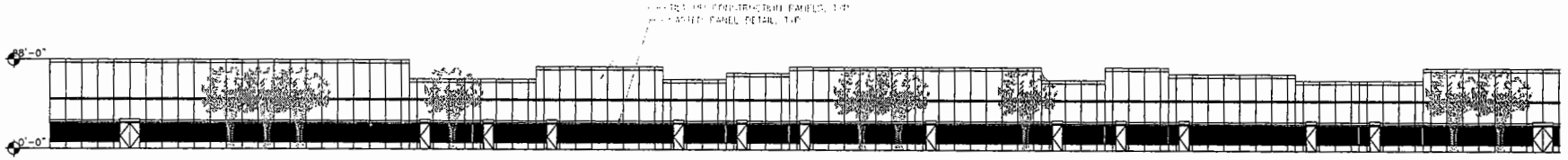

2 A22 PARTIAL ELEVATION
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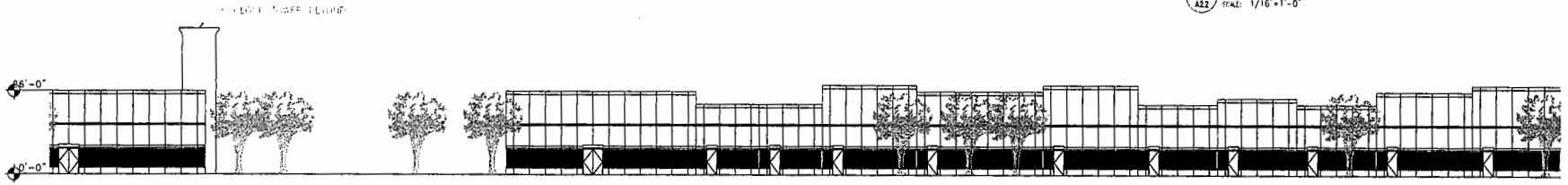

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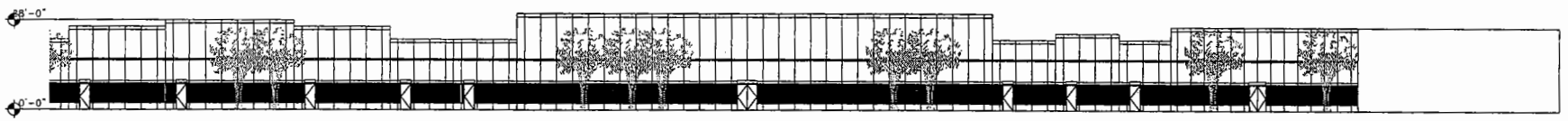

4 A22 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
5833 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

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FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-000APRIL, 2009

PARTIAL ELEVATIONS

A2.2

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BY: JVITAL

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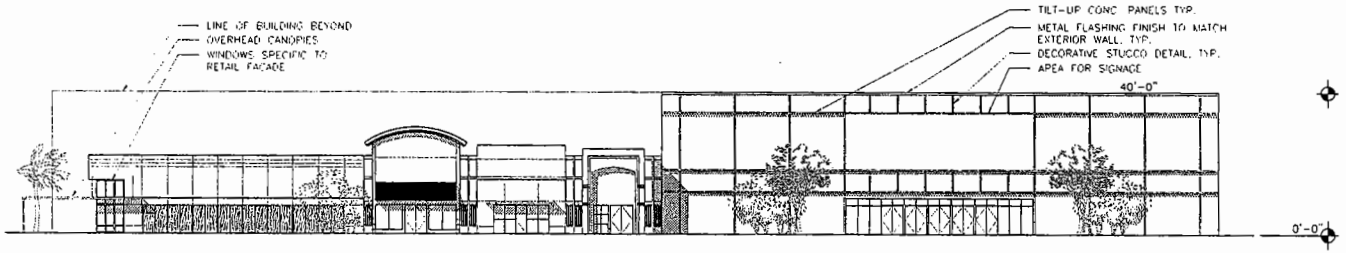
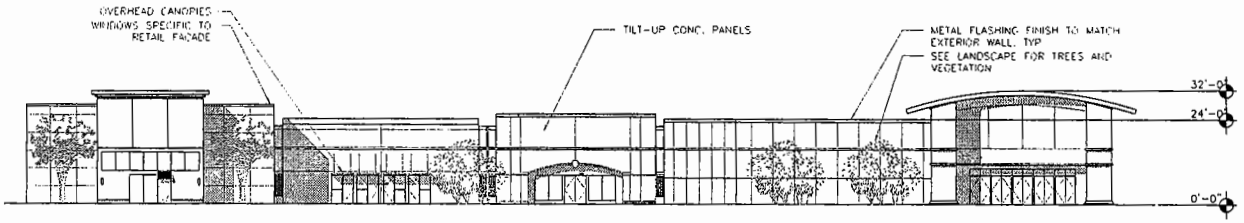


1 A2.3 PARTIAL ELEVATION
SCALE: 1/16"=1'-0"



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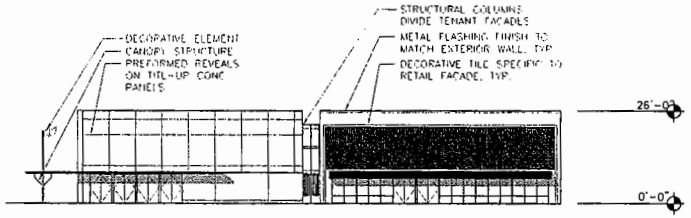
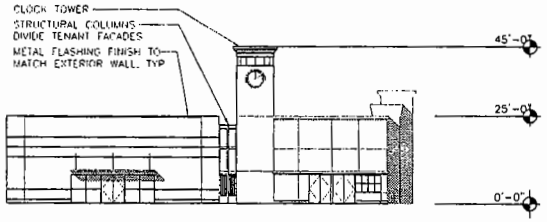


3 A2.3 PARTIAL COURTYARD ELEVATION
SCALE: 1/16"=1'-0"



4 A2.3 PARTIAL COURTYARD ELEVATION
SCALE: 1/16"=1'-0"

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
5835 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

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FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-10042-000APRIL, 2009

PARTIAL ELEVATIONS

A2.3

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DATE: AUG 19 2009
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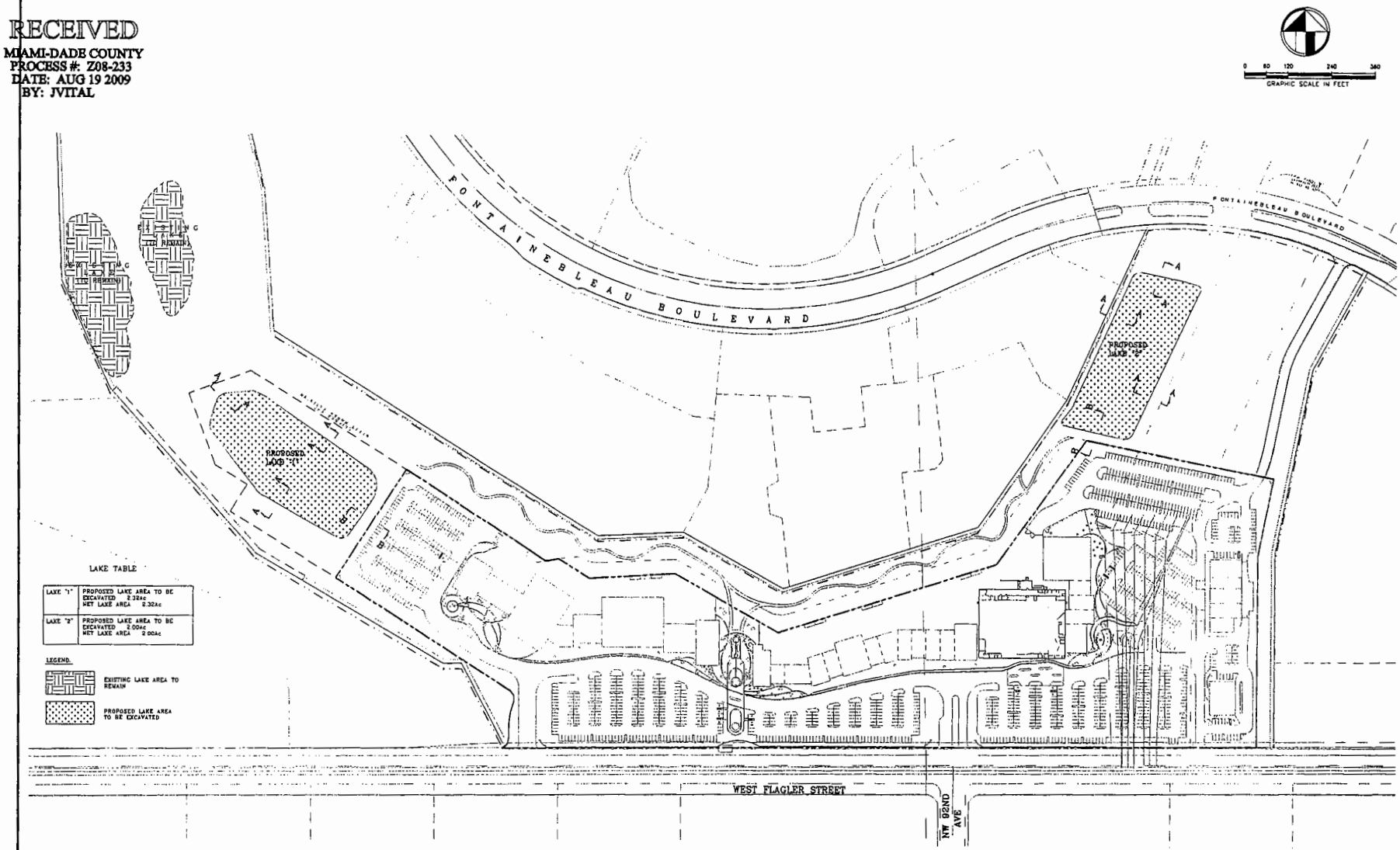


REVISIONS

DESCRIPTION	DATE

MSA Miller, Sears & Associates, Inc.
2525 S.W. 32nd AVENUE, MIAMI, FLORIDA 33145
TEL. (305)441-0123 FAX (305)441-0668
CIVIL & ENVIRONMENTAL ENGINEERS • UTILITY MANAGEMENT • FINANCIAL CONSULTANTS
CERTIFICATE OF AUTHORIZATION NO. 3400

LAKE EXCAVATION PLAN

APPROVED BY:

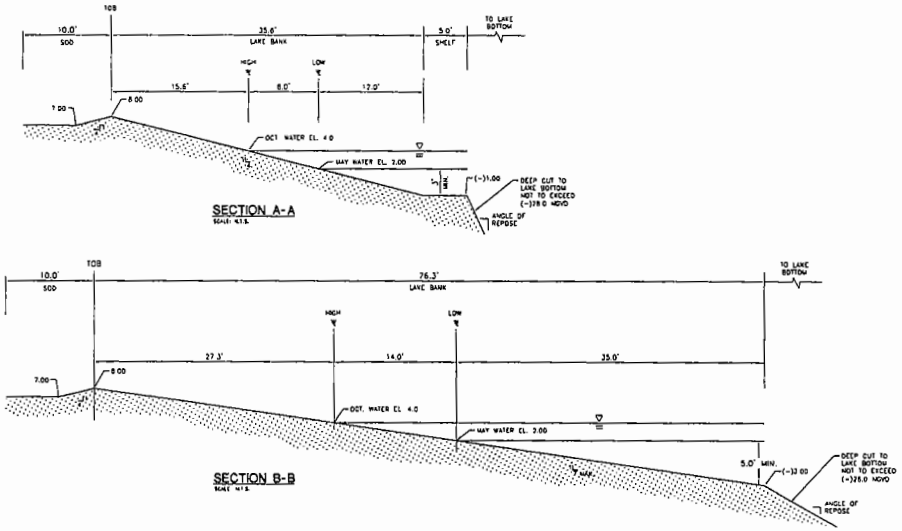
ARSENIO MUNA, P.E. 13134 DATE

FOR: FONTAINEBLEAU LAKES L.L.C.

PROJECT: FONTAINEBLEAU EAST

DESIGN BY	J.T
DRAWN BY	R.R.
CHECKED BY	J.J.
06-24-09	
SCALE AS NOTED	
PROJ. No. 808-08	
SHEET LE-1	

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-233
DATE: AUG 19 2009
BY: JVITAL



REVISIONS

DESCRIPTION	DATE

MSA Milian, Swain & Associates, Inc.
2035 S.W. 32nd AVENUE, MIAMI, FLORIDA 33145
TEL. (305)441-0123 FAX (305)441-0688
ENVIRONMENTAL ENGINEERS • URBAN PLANNERS
CERTIFICATE OF AUTHORIZATION NO. 5480

LAKE EXCAVATION SECTIONS

APPROVED BY:
ARSENIO MILIAN, P.E. 13134 DATE

FOR: FONTAINEBLEAU LAKES L.L.C.
PROJECT: FONTAINEBLEAU EAST

DESIGN BY	J.T
DRAWN BY	R.R.
CHECKED BY	J.J.
08-24-09	
SCALE AS NOTED	
PROJ. No. 808-08	
SHEET LE-2	

58

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DATE: AUG 07 2009
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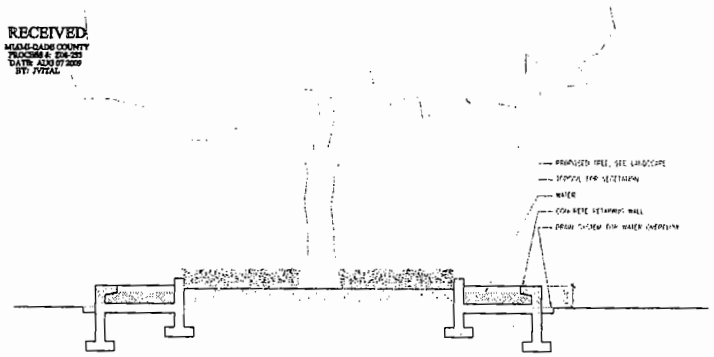
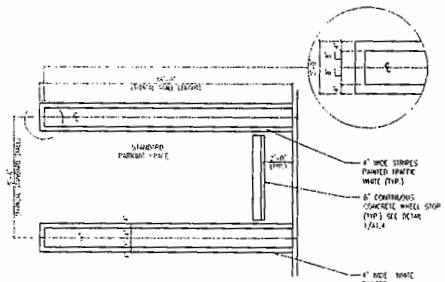
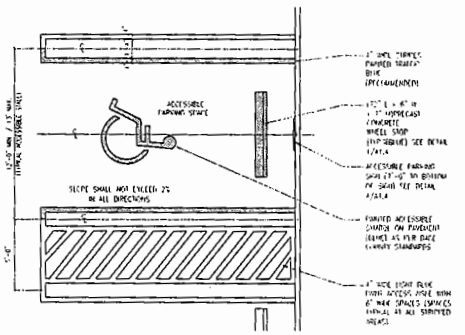


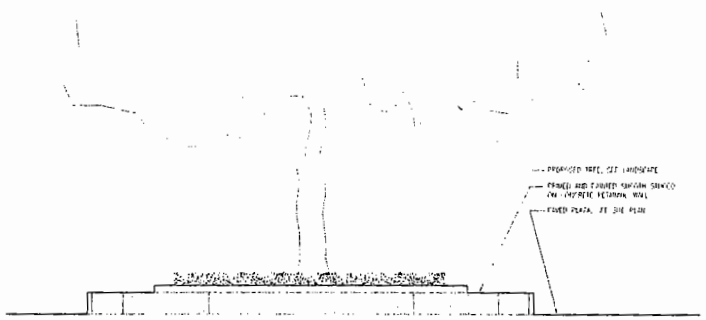
7 MAIN FOUNTAIN SECTION
A1.5 / SCALE: 1/4"=1'-0"



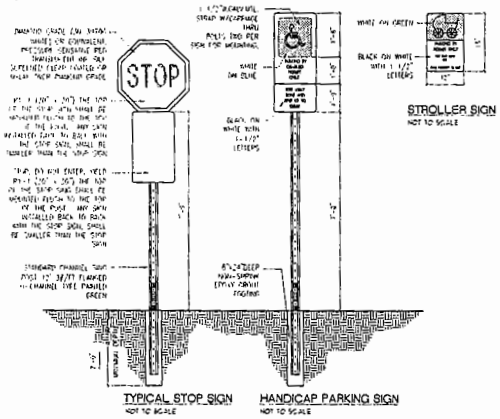
4 TYPICAL STANDARD STALL
A1.5 / SCALE: 1/4"=1'-0"



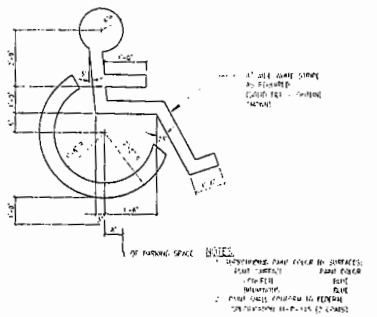
1 TYPICAL ACCESSIBLE STALL
A1.5 / SCALE: 1/4"=1'-0"



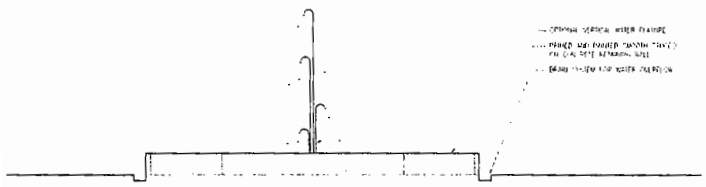
8 MAIN FOUNTAIN ELEVATION
A1.5 / SCALE: 1/4"=1'-0"



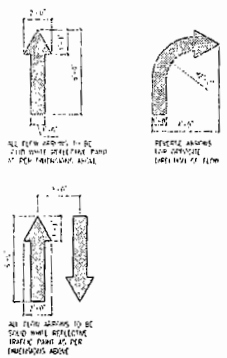
5 TYPICAL PARKING SIGNS
A1.5 / SCALE: NTS



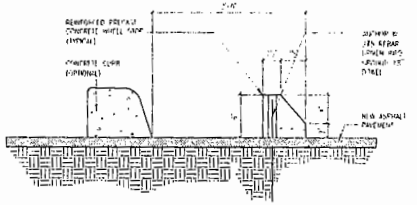
2 HANDICAP PAVEMENT SYMBOL
A1.5 / SCALE: NTS



9 TYPICAL FOUNTAIN ELEVATION: ALL EXCEPT MAIN FOUNTAIN
A1.5 / SCALE: 1/4"=1'-0"



6 TYPICAL DIRECTIONAL ARROWS
A1.5 / SCALE: 1/4"=1'-0"



3 CONCRETE WHEEL STOP DETAIL
A1.5 / SCALE: NTS

Fontainebleau Retail Development
9155 WEST FLAGLER
MIAMI, FLORIDA 33172

Fontainebleau Lakes, LLC
9155 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FLORIDA 33126

LEO A DALY

ZONING SUBMITTAL

ISIS M. MOJICAR-HUNT
FLORIDA REGISTERED ARCHITECT
AR 0014416

Job No061-1C042-000APRIL, 2009

PARKING/FOUNTAIN DETAILS

A1.5

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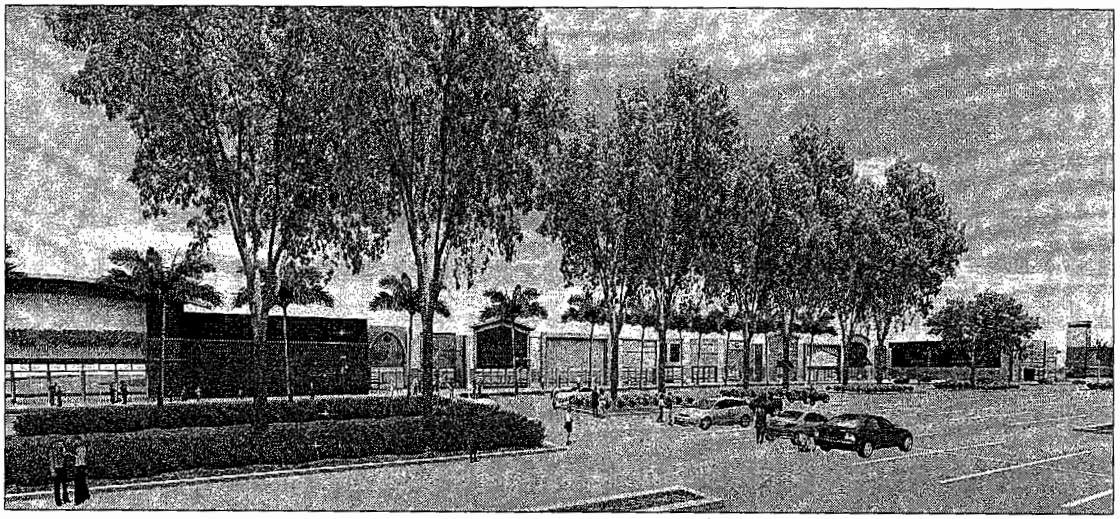
DATE: AUG 07 2009
BY: JVITAL

59



FONTAINEBLEAU RETAIL DEVELOPMENT
9155 WEST FLAGLER
MIAMI, FL 33172

FONTAINEBLEAU LAKES, LLC
3835 BLUE LAGOON DRIVE, SUITE 400
MIAMI, FL 33126

Project No.
061-10042-000
JUNE 15, 2009
ZONING RE-SUBMITTAL

LEO A DALY
3390 Mary Street
Suite 216
Miami, Florida 33133
Tel 305.461.9480
Fax 305.461.3686
Contact: OMAR MORENO, AIA

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: Fontainbleau Lakes, LLC., a Florida limited liability company

NAME AND ADDRESS	Percentage of Stock
Please see 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
208-233
DEC 15 2008
ZONING HEARINGS SECTION
BROWARD PLANNING AND ZONING DEPT

60

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
N/A	

Date of contract: _____

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

_____

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 15 day of December 2008. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

LYDIA CABRERA
Notary Public - State of Florida
My Commission Expires Aug 30, 2012
Commission # DD 785284
Bonded Through National Notary Assn.

My commission expires 8/30/12

*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.

RECEIVED
208-233
DEC 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

61

Exhibit "C"

DISCLOSURE OF ALL PARTIES IN INTEREST

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

↓

Fontainbleau Lakes, LLC
100%

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DEC 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

60%
1. Masoud and Maria Shojaee
5835 Blue Lagoon Dr.
4th Floor
Miami, Florida 33126

20%
2. Alexandra Lamas
5835 Blue Lagoon Dr.
4th Floor
Miami, Florida 33126

20%
3. Jose Lamas
5835 Blue Lagoon Dr.
4th Floor
Miami, Florida 33126

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-233

Section: 04 Township: 54 Range: 40
Applicant: FONTAINBLEAU LAKES LLC
Zoning Board: BCC
Commission District: 10
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

63

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/16/09

REVISION	DATE	BY
Add new parcel to sub. prop.	07/17/09	KWS
Point to zones	08/07/09	KWS
Add parcels "A" "B" & "C"	08/12/09	KWS
Re-name parcels "B" & "C"	08/18/09	KWS

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number
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SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

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