BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

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

111 NW 1 Street, Miami

Thursday, July 21, 2011 at 9:30 a.m.

TIE VOTE						DISTRICT
A. 11-3-CC-2	SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC		09-176	01-55-38		11
B. 11-6-CC-1	ARCHIMEDEAN PROPERTIES, LLC	(DEVELOPMENTAL IMPACT COMMITTEE)	08-175	25-54-39		10

CURRENT						DISTRICT
1. 11-7-CC-1	SOUTH FLORIDA STADIUM, LLC ET AL	(DEVELOPMENT OF REGIONAL IMPACT)	10-149	03-52-41	N	1
2. 11-7-CC-2	FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC.	(DEVELOPMENTAL IMPACT COMMITTEE)	10-188	05-54-40	N	10

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, JULY 21, 2011

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176) **01-55-38 BCC/District 11**

(1) UNUSUAL USE to permit a Lake Excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice.

Protests: 191 Waivers: 517

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 6-23-11 due to a Tie Vote

B. ARCHIMEDEAN PROPERTIES, LLC (11-6-CC-1/08-175) **25-54-39 BCC/District 10**

(1) SPECIAL EXCEPTION to permit the expansion of an existing charter school onto additional property to the northeast.

(2) SPECIAL EXCEPTION to permit the expansion of the existing charter school from 800 students to 1,300 students in grades K-12.

(3) MODIFICATION of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students."

TO: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1,300 students."

(4) MODIFICATION of Conditions #3, #9 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commisioners and reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Archimedean Academy Inc". Charter

School Addition of Grades 9 to 12, as prepared by Anthony E. Tzamtzis, consisting of 4 sheets, dated stamped received 3/31/09."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Master Plan for Middle and High School Expansion,' as prepared by Anthony E. Tzamtzis AIA, consisting of 21 sheets dated stamped received April 5, 2011 and a boundary survey as prepared by Delta Surveyors, Inc. consisting of 2 sheets dated stamped received April 12, 2011"

FROM: "9. That night activities and/or functions at the charter school shall be limited to 12 events per year and shall end no later than 10:00 p.m."

TO: "9. That night activities and/or special events at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m."

FROM: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 800 students."

TO: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 1,300 students."

(5) MODIFICATION of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)"

TO: "2. That the charter school use shall be limited to grades K through 12th with the expansion from 800 to 1,300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250
Year 4	2014-2015 School Year	No. of permitted students 1250-1300."

(6) Deletion of three (3) Declarations of Restrictions Recorded at Official Record Book 23679, Pages 4935-4943, Official Record Book 25853, pages 4991-5006 and Official Record Book 27020, Pages 0954-972.

The purpose of requests #3 - #6 is to permit the applicant to submit revised site plans showing the expansion of the charter school onto additional property and showing additional classroom buildings, to increase the number of students, to increase the number of night activities and functions and to delete three covenants in order to submit one consolidated covenant that encompasses the entire property.

(7) Applicant is requesting to permit parking on natural terrain (not permitted).

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: 12425 S.W. 72 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 12.67 Gross Acres

Developmental Impact Committee Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: 0

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 6-23-11 due to a Tie Vote

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1. SOUTH FLORIDA STADIUM, LLC ET AL (11-7-CC-1/10-149) **03-52-41**
BCC/District 01

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19) of the Florida Statutes with respect to a proposed tourist attraction/amusement facility in the form of a proposed water theme park on Dolphin Center East II Parcel.

(2) MODIFICATION of Condition #1a of Resolution Z-26-08, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: SCHEDULE 1

DOLPHIN CENTER NORTH
AMENDED DEVELOPMENT ORDER

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

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

   a) The project shall consist of up to:

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

TO: SCHEDULE 1

DOLPHIN CENTER NORTH
AMENDED DEVELOPMENT ORDER

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

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

   a) The project shall consist of up to:

   73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f) Florida Statutes).
   7,350 paved parking spaces on the stadium site.
   39.99 acres of Water Park attraction facilities
   225,000 square feet of office development
   50,000 square feet of fitness center development
   140,000 square feet of retail/commercial development.
   450 hotel rooms.

(3) MODIFICATION of Dolphin Center North Land Use Tabulation, Figure 1 - Map H-proposed Land Use Map of development order exhibits for Dolphin Center North, only as it applies to subject property,

FROM:

DOLPHIN CENTER NORTH LAND USE TABULATION	
USE	SCALE
Attraction seats	74,916 seats
Retail	140,000 sq. ft.
Office	325,000 sq. ft.
Hotel	450 rooms
Fitness Center	50,000 sq. ft.
Buffers, Parks and Preserves:	25.364 Acres
Residential Zoning to Remain	7.4 acres
Landscape Buffer and Bike Path	21.8588 acres
Park	4.3222 acres
Scrub Oak Preserve	6.28 acres
Archaeological Midden	2.44 acres

- The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan development.

Notes:

Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-6,000 (not to exceed 6,600) temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East I.

An additional 3,500 paved parking spaces may be provided in Dolphin Center East II.

Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the State of Florida, subject to Miami-Dade County approval.

Subject to appropriate zoning approvals: (1) Uses may be relocated from Dolphin Center West or Dolphin Center East 1 between each other and to the Stadium Site. (2) Dolphin Center East 2 is limited to up to 100,000 sq of office use. However, all use within Dolphin Center East 2 may be relocated to Dolphin Center East 1, Dolphin Center West and the Stadium Site. Attraction seats may only be located on the Stadium Site.

TO:

DOLPHIN CENTER NORTH LAND USE TABULATION	
USE	SCALE
Attraction seats	74,916 seats
Water Park	39.99 acres
Retail	140,000 sq. ft.
Office	225,000 sq. ft.
Hotel	450 rooms
Fitness Center	50,000 sq. ft.
Buffers, Parks and Preserves:	25.364 Acres
Residential Zoning to Remain	7.4 acres
Landscape Buffer and Bike Path	21.8588 acres
Park	4.3222 acres
Scrub Oak Preserve	6.28 acres
Archaeological Midden	2.44 acres

- The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan or plat approval.

* Present Archaeological Site.

Notes:
Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-7,500 temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East 1.

Up to 1,350 paved parking spaces may be provided in Dolphin Center East 2.

Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the State of Florida, subject to Miami-Dade County approval.

Subject to appropriate zoning approvals: (1) Uses may be relocated from Dolphin Center West or Dolphin Center East 1 between each other and to the Stadium Site. (2) Dolphin Center East 2 is limited to up to 39.99 acres of Water Park (inclusive of required parking).

The purpose of requests #2 and #3 is to allow the applicant to modify the existing development order to include a tourist attraction/amusement facility in the form of a water theme park in Dolphin Center East 2 parking lot and to decrease the development total Square Footage for the office use in the land use tabulation table for the previously approved Dolphin Center North.

(4) UNUSUAL USE to permit a tourist attraction/amusement facility to wit: a water theme park.

(5) MODIFICATION of Condition #4 and #5 of Resolution Z-211-85, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "4 The density of development in the Dolphin Center East shall be limited to 40,000 square feet of retail, 225,000 square feet of office and 300 hotel rooms."

TO: "4 The density of development in the Dolphin Center East 2 shall be limited to a tourist attraction/amusement facility, to wit: a water theme park."

FROM: "5 The density of development in the Dolphin Center West shall be limited to 100,000 square feet of retail, 100,000 square feet of office, 50,000 square feet of fitness center and 150 hotel rooms."

TO: "5 The development in Dolphin Center East 1 and Dolphin Center West shall be limited to 140,000 square feet of retail, 225,000 square feet of office, 50,000 square feet of fitness center, and 450 hotel rooms. Nothing shall prohibit the use of Dolphin East 1, Dolphin Center East 2, or Dolphin Center West for parking to serve the adjacent Stadium Site."

(6) MODIFICATION of Condition #2 of Resolution Z-211-85, last modified by Resolution Z-131A-95 both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dolphin Stadium," consisting of 39 sheets, as prepared by HDK Sports facilities Group and Keith and Schnars, P.A., dated April, 1985, AND plans entitled "Joe Robbie Stadium," as prepared by Hellmuth, Obata and Kassabaum, dated Oct. 6, 1992 and dated received December 15, 1992 <u>AND a plan prepared by Keith & Schnars, P.A. consisting of 1 sheet dated February 17, 1993, last revised 8/15/95 and stamped</u>

received August 23, 1995 entitled, "Temporary Parking-Site Plan & Landscape Plan for Dolphin Center I," and 4 sheets dated October, 1993, last revised 8/10/95 and stamped received August 25, 1995 entitled, "Site Plan & Landscape Plans for Dolphin Center East II", and 1 sheet dated February 17, 1993, last revised 8/14/95 and stamped received August 29, 1995 entitled Dolphin Center West Temporary Parking Site Plan and Landscape Plan."

TO: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dolphin Stadium," consisting of 39 sheets, as prepared by HOK Sports Facilities Group and Keith and Schnars, P.A., dated April, 1985, AND plans entitled "Joe Robbie Stadium," as prepared by Hellmuth, Obata and Kassabaum, dated Oct. 6, 1992 and dated received December 13, 1992 AND a plan prepared by Keith & Schnars, P.A. consisting of 1 sheet dated February 17, 1993, last revised 8/15/95 and stamped received August 23, 1995 entitled, "Temporary Parking-Site Plan & Landscape Plan for Dolphin Center 1," and 1 sheet dated February 17, 1993, last revised 8/14/95 and stamped received August 29, 1995 entitled, "Dolphin Center West Temporary Parking Site Plan and Landscape Plan."

In addition, as to Dolphin Center East 2, a plan entitled "Miami Dolphins Water Park," as prepared by Water Technology, Inc., dated stamped received April 25, 2011, with sheets L-12.01, S1.10 and S1.20 handwritten revision dated 4/28/11, consisting of 81 sheets."

(7) MODIFICATION of Condition #15 of Resolution Z-131A-95, passed and adopted by the Board of County Commissioners last modified by Resolution CZAB3-13-98 passed and adopted by the Community Zoning Appeals Board 3, reading as follows:

FROM: "15 That the lot south of N.W. 199th Street be used for the parking of automobiles (having only four wheels and including jeeps, sport utility vehicles) only. The use of the improved parking by recreational vehicles, campers, buses and jitneys is prohibited. The use of this area for picnics, tailgate parties, flea markets, carnivals and other non-stadium related uses are expressly prohibited. However, nothing herein shall be construed to prohibit the use of the subject property under the existing OPD zoning upon termination of the parking."

TO: "15 That the lot south of N.W. 199th Street (Dolphin Center East 2) be used for a tourist attraction/amusements facility, to wit: a water park and parking. The use of the improved parking by recreational vehicles, campers, buses and jitneys (except buses and jitneys which serve the water park and which may park in bus parking spaces shown on the site plan) is prohibited. The use of the parking areas for picnics, tailgate parties, flea markets, carnivals and other non-stadium or water park related uses are expressly prohibited."

The purpose of request #5 thru #7 is to allow the applicant to modify the existing development order to include a tourist attraction/amusement facility in the form of a water theme park in Dolphin Center East II parking lot and to decrease the development total Square Footage for the office use in the land use tabulation table for the previously approved Dolphin Center North.

(8) SPECIAL EXCEPTION of spacing requirements to permit proposed concession areas selling alcoholic beverages spaced less than the required 2500' from a public school.

(9) Applicant is requesting to permit Sunday sales of beer and alcoholic beverages between the hours 9 a.m. and 9 p.m. (10 a.m. and 1 a.m. permitted).

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: Lying between the Florida Turnpike and N.W. 27 Avenue and on both side of N.W. 199 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 329 Acres

Developmental Impact Committee Recommendation: Approval of request #1, upon a finding that this application does not constitute a substantial deviation requiring further Development of Regional Impact review; and approval with conditions of requests #2 through #9.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. FONTAINBLEAU LAKES, LLC & (11-7-CC-2/10-188) 05-54-40
FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC BCC/District 10

(1) GU and RU-4M to PAD

(2) Unusual Use to permit the filling of an existing lake

(3) Modification of condition # 4 of Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board #10, only as it applies to the PAD development on the site, 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 stamped sealed December 5, 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 Lakes P.A.D," (44 sheets), as prepared by Orestes Lopez-Recio, "Fontainebleau Lakes P.A.D. (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by

Development Consulting Group, all plans dated stamped received April 20, 2011. Except as herein modified to provide the required number of parking spaces.

The purpose of request #3 is to permit the applicant to submit revised plans showing a PAD development in lieu of the previously approved multifamily residential development.

(4) Applicants are requesting to permit the proposed PAD development with a common open space of 18.67% (30% required).

(5) Applicants are requesting to permit the Attached Residences with a private open space of 23.39% (60% required).

(6) Applicants are requesting to permit the Detached Residences with a private open space of 46.8% (125% required).

(7) Applicants are requesting to permit the Single Family Residences to have access by means of a private drive, (public right-of-way required).

(8) Applicants are requesting to permit certain residences to setback varying from 13'-6" to 22' from the rear property lines (25' minimum required).

(9) Applicants are requesting to permit swimming pools and Jacuzzis in the development to setback 5' from all property lines, as well as, to permit pool decks to setback 3' from all property lines. (75' required from the front property line), (5' required from the interior side and rear property lines).

REQUESTS #1 THROUGH #9 ON PARCEL "A" (PAD)

(10) Modification of Paragraphs #1 and #2 of a Declaration of Restrictions recorded in Official Record Book 24467, Pages 3173-3181, 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, prepared by Pascual Perez Kiliddjian & Associates entitled "Fontainebleau East" consisting of 68 sheets, signed and sealed February 8, 2006, and "Fontainebleau West" consisting of 51 sheets dated, signed and sealed February 8, 2006, ("Site Plan"), plans entitiled "Fontainebleau Retail Development," as prepared by Leo A. Daly, 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 and plans prepared by Orestes Lopez-Recio entitled "Fontainebleau Lakes P.A.D" consisting of 44 sheets dated, stamped received April 20, 2011, "Fontainebleau Lakes P.A.D" consisting of 16 sheets dated, stamped received April 20, 2011, as prepared by Witkin Hults Design Group, "Lake Fill Plan" consisting of 2 sheets dated, stamped

received April 20, 2011, as prepared by Development Consulting Group, all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration."

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 residential development will not exceed seven hundred seventy (770) residential dwelling units on the east golf course, described as the Fontainebleau Overall East, attached as Exhibit B, and four hundred three (403) residential dwelling units on the west golf course, described as the Fontainebleau Overall West, attached as Exhibit C."

REQUEST #10 ON PARCELS "A", "B & "C"

(11) Deletion of a Declaration of Restrictions recorded in Official Record Book 27111, Pages 1246 - 1258.

REQUEST #11 ON PARCEL "C"

The purpose of requests #10 and #11 is to allow the applicant to submit revised plans showing a reduction in the number of residential units on the west golf course site and to delete a covenant on Parcel "C" in order to submit a revised covenant limiting the number of residential units to 770 for the east golf course and to clarify that there will be no transfer of residential units.
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: Lying north of Flagler Street, south of State Road 836, West of NW 87th Avenue and East of NW 107th Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 273 ACRES +/-

SIZE OF PROPERTY: 329 Acres

Developmental Impact Committee Recommendation: Approval of request #1; approval with conditions of requests #2 through #11, subject to the acceptance of the proffered covenant.

Protests: 1 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 Zoning Hearings Section for the Department of Planning and Zoning at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. SANTA FE HACIENDAS LLC &
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
(Applicant)

11-3-CC-2 (09-176)
BCC/District 11
Hearing Date: 07/21/11

Property Owner (if different from applicant) **Santa Fe Haciendas LLC.**

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
1978	Directors, Building, & Zoning & Planning Depts.	- Zone change from IU-1 & IU-2 to AU.	BCC	Approved

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

ZONING ACTION

MEMORANDUM

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

DATE: June 23, 2011 **#Z-**

ITEM: B.

APPLICANT: SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)

MOTION: MOTION TO APPROVE THE APPLICATION TO PERMIT LAKE EXCAVATION ON THE EASTERN ONE HALF PORTION OF THE SUBJECT PROPERTY; TO LIMIT PHASE 1 OF THE EXCAVATION TO 12 YEARS, TO PROHIBIT EXCAVATION WITHIN 25 FEET OF THE EVERGLADES; AND TO REQUIRE COUNTY COMMISSION APPROVAL ON BALANCE OF THE EXCAVATION FAILED. THIS APPLICATION WAS CARRIED OVER TO THE JULY 21, 2011 ZONING MEETING. A VERBATIM TRANSCRIPT IS TO BE PROVIDED TO VICE CHAIRWOMAN EDMONSON, WHO WAS ABSENT.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz	S	X		
Heyman			X	
Jordan			X	
Monestime		X		
Moss			X	
Sosa			X	
Souto			X	
Suarez			X	
Vice Chairwoman Edmonson				X
Chairman Martinez	M	X		
TOTAL		**6**	**6**	**1**

ZONING ACTION

MEMORANDUM

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

DATE: 04/28/2011 **#Z- 09-176**

ITEM: C
APPLICANT: SANTA FE HACIENDAS, LLC

MOTION: DEFERRED–6/23/11 W/O NOTICE

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Diaz				E
Heyman	S	X		
Jordan				E
Monestime		X		
Moss	M	X		
Sosa				E
Souto		X		
Vice Chairwoman Edmonson				E
Chairman Martinez		X		
TOTAL		7	0	

ZONING ACTION

MEMORANDUM

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

DATE: 3/17/2011 **#Z-**

ITEM: 2
APPLICANT: SANTA FE HACIENDAS, LLC &
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
(11-3-CC-2/09-176)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

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

APPLICANTS: Santa Fe Haciendas, L.L.C., Et Al **PH:** Z09-176 (11-3-CC-2)

SECTION: 1-55-38 **DATE:** July 21, 2011

COMMISSION DISTRICT: 11 **ITEM NO.:** A

==========

A. INTRODUCTION

- **SUMMARY OF REQUEST:**

  This application seeks to allow a lake excavation.

- **REQUEST:**

  (1) UNUSUAL USE to permit a lake excavation.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets. Plans may be modified at public hearing.

- **LOCATION:**

  Lying west of SW 177 Avenue (Krome Avenue), and south of theoretical SW 90 Street Street, Miami-Dade County, Florida.

- **SIZE:** 412 Gross Acres

B. ZONING HEARINGS HISTORY:

In January 1957, the subject property was a part of a parcel of land that was rezoned from GU, Interim District, to IU-1, Light Manufacturing District and IU-2, Heavy Manufacturing District, pursuant to Resolution #10967. Subsequently, in October 1978, the subject property was rezoned to AU, Agricultural District, pursuant to Resolution #Z-226-78.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being* ***approximately 0.47 miles*** *west of and* ***outside the Urban Development Boundary (UDB)*** *for* ***Agriculture*** *use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in*

Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

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

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

Other Land Uses Not Addressed. *Certain uses are not authorized under any LUP map category, including many of the uses listed as* ***"unusual uses"*** *in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or*

signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

Uses and Zoning Not Specifically Depicted on the LUP Map. *Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
AU; vacant land	Agriculture
Surrounding Properties:	
NORTH: AU; lake excavation	Agriculture
SOUTH: AU; farm residences, vacant land	Agriculture
EAST: AU; row crops, vacant land	Agriculture
WEST: GU; park	Environmentally Protected Parks

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. *The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and* ***unusual uses*** *which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which*

have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-314(C)(11.1) Direct Applications and Appeals to the County Commission. *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rock mining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rock mining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rock mining pursuant to Section 33-422(c) of this article.*

Section 33-422(3) Uses Permitted by this Article. *For the purposes of this article, "bona fide rock mining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**Not applicable**
FDOT	**No objection**

*Subject to conditions indicated in their memoranda.

G. PLANNING AND ZONING ANALYSIS:

The application was deferred from the June 23, 2011 meeting of the Board of County Commissioners (BCC) due to a tie vote. This application was deferred from the April 28, 2011 meeting of the BCC due a lack of quorum for a supermajority vote. Prior to this, the application was indefinitely deferred from the January 13, 2011 meeting by the Community Zoning Appeals Board (CZAB) 11 and subsequently, was deferred from the March 17, 2011 meeting of the BCC due to an inadvertent error in the advertisement. The applicant has amended the application and provided the Department with additional information in a revised letter of intent indicating that the operator overseeing the proposed lake excavation is the same operator on the Krome Quarry located on the abutting property to the north along with other documentation. As such, this application meets the criteria for direct application to the Board of County Commissioners (BCC), under Section 33-314(C)(11.1), Direct Applications and Appeals to the County Commission, of the Code and as such should be scheduled before the BCC.

The subject property is located approximately 0.47 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. The subject property has been and is being used for active agricultural purposes. This application would allow the applicant an Unusual Use to permit a 306.82 acre lake excavation/rock mining use on this 412-acre AU, Agricultural District parcel. However, the CDMP indicates that *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 with and would not have an unfavorable effect on the surrounding area.*

The applicants' letter of intent indicates that the proposed lake excavation is similar to the uses allowed in the Rock Mining Overlay District (ROZA). Staff notes that although the subject property is located approximately 1.5 miles south of and outside the ROZA district, the property abuts a property to the north that has an ongoing rock mining operation. Said property and the property located further north contain rock mining operations that were approved approximately 50 years ago. Both of these rock mining operations extend northward into the ROZA District which ends at approximately SW 56 Street. The ROZA ordinance which was enacted in 2004, allows for the creation of an area in the northwest section of the County where rock mining and uses that are ancillary to rock mining are permitted without a public hearing.

However, the interpretative text of the *CDMP allows for the consideration of the expansion of existing quarrying uses in the Agriculture area.* The applicants are seeking an unusual use to permit a lake excavation on a parcel of land that does not have an ongoing lake excavation use. However, the abutting property located to the north contains an ongoing lake excavation and ancillary uses which were initially approved approximately fifty (50) years prior to the applicants' request for a lake excavation on the subject property. The applicants' revised letter of intent indicates that CEMEX Construction Materials Florida, LLC (CEMEX), currently conducts rock mining and ancillary activities on the abutting property to the north of the subject property, along with another property located north of that property. Said letter indicates that CEMEX operates on both of these properties pursuant to existing Short-Form Limestone Purchase and Option agreements that CEMEX entered into with each of the respective property owners which is the same type of agreement they have with the owners of the subject property. Staff notes that these lake excavations/rock mining operations extend as far north as the southernmost boundary of the ROZA District. Although the subject property is separate from the two (2) aforementioned properties, staff opines that the extension of the rock mining operations onto the subject property could constitute an expansion of the lake excavation operations being conducted by CEMEX and would be compatible with same. Staff notes that the applicant has proffered a covenant (attached) which imposes conditions and restrictions on the subject property for the proposed rock mining operation. Said conditions and restrictions among other things include, a continuous 15' high landscaped berm along the interior side (south) property line as well as restrictions on the hours of operation, on mining operations within 200' of the southern property line and on blasting within 500' of existing residences. Therefore, staff opines that these agreements along with the applicants' proffered covenant constitute an expansion of the existing rock mining operations on these properties located to the north. **As such, staff concludes that based on the above, the proposed lake excavation on the subject property is an expansion of an existing quarrying use and is consistent with the CDMP.**

However, Policy **LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of* ***Krome Avenue*** *designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than two-thirds of the total membership of the Board of County Commissioners then in office, where such Board of County Commissioners (BCC) issues a decision.* Staff notes that the subject property is located outside the UDB and within a mile of the right-of-way of Krome Avenue. As such, the approval of this application would require a super-majority vote since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses states that *the Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and* ***unusual uses*** *which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.* Staff notes that the subject property abuts properties to the north that are currently engaged in rock mining operations. The applicant's letter of intent indicates that the current operator of the rock mining activities on the abutting properties would be the same operator of the proposed rock mining operations on the subject property. Staff opines that as a result, there will not be a negative impact on the rock mining industry in this section of the County and therefore, not have a negative impact on the economy of the County.

Staff notes that the Public Works Department, MDFRD, Florida Department of Transportation (FDOT) and DERM do not object to the application. DERM indicates in their memorandum that the proposed excavation is located within 700 feet of the Everglades National Park (ENP) and the L-31N levee and has recommended approval based on certain conditions. As such, based on memoranda from these departments, approval of this application would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction or tend to create a fire or other equally or greater dangerous hazards.

Notwithstanding, *when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and*

the compatibility of the applied for exception or use with such area and its development, staff opines that approval of the requested unusual use to permit the rock mining operation would be **incompatible** with the surrounding area. Staff notes that the subject property provided a significant separation between the previously approved rock mining uses on the properties located to the north and the farm residences located to the south of the subject property. Staff recognizes that the applicants have proffered a covenant which, in addition to combining the rock mining operations on the abutting parcel to the north, also helps to mitigate negative visual or aural impacts that the proposed use would have on the farm residences located to the south and to the east. Said covenant would among other things, require the applicant to install a 15' high berm along the south property line as well as limit the use of explosives within 500' of existing residences. However, notwithstanding the memoranda from the Public Works and Miami-Dade Fire Rescue Departments, staff opines that approval of the expansion of the mining activities onto the subject property could result in an increase in traffic, dust and noise from the rock mining operations that would have a negative impact on the surrounding agricultural properties. Therefore, notwithstanding the applicants' proffered covenant, staff opines that approval of this application will result in the removal of this parcel which acts as a buffer and would result in a southward expansion of the mining operations. Said expansion in staff's opinion would have a negative visual and aural impact on the farm residences and other agricultural parcels located to the south and east of the subject property as well as the environmentally protected national park located to the west.

As such, staff opines that the applicants' request to permit the expansion of an existing rock mining operation onto additional property to the south is **consistent** with the adopted interpretative text of the CDMP. However, it would be **incompatible** with the majority of the properties in the surrounding area and as such should be denied. **Based on the aforementioned, staff recommends that the applicants' request for an Unusual Use to permit a lake excavation be denied without prejudice under Section 33-311(A)(3), Standards for Special Exceptions, Unusual Uses and New Uses.**

H. **RECOMMENDATION:** **Denial without prejudice**.

I. **CONDITIONS**: None.

DATE TYPED: 12/03/10
DATE REVISED: 02/06/10, 12/8/10, 01/28/11, 02/02/11, 02/07/11, 02/08/11, 02/09/11, 03/02/11, 04/12/11, 04/19/11, 04/29/11, 06/24/11
DATE FINALIZED: 06/24/11
MCL:GR:NN:AA:CH

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

NDN

2011 JUL 15 A 8:05
PLANNING AND ZONING
AGENDA OFFICE

11

Memorandum

Date: March 10, 2011

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

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

Subject: BCC #Z2009000176 -5th Revision
Santa Fe Haciendas, LLC
North of S.W. 100th Street between S.W. 177th Avenue and S.W. 188th Avenue
Unusual Use to Permit a Lake Excavation and portable rock crushing and screening equipment
(AU) (412 Acres)
01-55-38

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

Wetlands

The Wetland Resources Section has reviewed the revised site plan submitted on August 20, 2010 by Santa Fe Haciendas, LLC requesting an unusual use to permit a lake excavation and the use of mobile ancillary rock crushing and screening equipment for a property located west of Krome Avenue and south of theoretical S.W. 91st Street. On May 26, 2009, a Class IV Permit application was submitted to DERM requesting to excavate 5.18 acres of wetlands within the 412-acre project area. To date, the Class IV Wetland Permit has not been issued.

DERM notes that the edge of the proposed excavation is located within 700 feet of Everglades National Park (ENP) and the L-31N levee, however, the excavation is proposed to be phased, with the first phase having a minimum of 2500 feet of set-back from the levee. It is anticipated that the full excavation will increase the seepage from the higher groundwater stages to the west to the lower stages to the east. This will be detrimental to the wetlands within the ENP. The phased approach is acceptable provided the use be conditioned to specifically prohibit mining within the 2500 foot set-back area until a seepage management plan is provided and approved by DERM.

The revised site plan depicts a lake excavation within the agricultural designation of the Comprehensive Development Master Plan (CDMP). This appears to be a new commercial use within the Agricultural area. DERM recommends that Planning carefully evaluate appropriateness of this use under the CDMP.

Wellfield Protection
The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Section 24-43(7) of the Code regulates excavations within wellfield protection areas. Section 24-43(7)(a) requires that no excavation may be permitted within a wellfield protection area unless the property owner has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County that shall provide for security measures during the excavation. The property owner has submitted a properly executed covenant, in accordance with Section 24-43(7) of the Code. T

Section 24-43(5) of the Code regulates to a prohibition of hazardous materials within the wellfield protection areas. Therefore, a (5)(a) covenant must be proffered for the use of fuel and lubricants required for rockmining operations. As stated in this section of the Code, "... no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy...or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning actions.....without obtaining the prior written approval of the Director or Director's designee." The property owner has submitted a properly executed covenant, in accordance with Section 24-43(5) of the Code

Stormwater Management
An existing covenant running with the land, executed by the owner of the property in favor of Miami-Dade County in accordance with Section 24-43(7) of the Code of Miami-Dade County, Florida (the Code), has been reviewed and approved by DERM's Water Control Section. In addition, DERM has no objection to this application if the following conditions are also satisfied:

An Environmental Resources Permit from the South Florida Water Management District shall be required for the construction and operation of the required water management system. This permit shall be obtained prior to platting and site development, or Public Works approval of paving and drainage plans.

Any proposed development must comply with the Water Quality Level of Service (WQLOS) and the minimum acceptable Flood Protection Level of Service (FPLOS) set forth by the CDMP.

The development criteria and the level of on-site flood protection may be influenced if the ground water stages are increased as a consequence of the implementation of the Comprehensive Everglades Restoration Plan.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the property or abutting the property. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

Tree Preservation
The subject property contains tree resources and contains jurisdictional wetlands. Wetland Resources will be regulated through a DERM Class IV Wetland Permit. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Concurrency Review Summary

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

PH# Z2009000176
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: SANTA FE HACIENDAS LLC

This Department has no objections to this application.

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

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

Additional improvements may be required at time of permitting/platting.

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

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
22-APR-10

BCC 3-17-11
09-176 For File
Mark W

PLANNING AND ZONING
AGENDA OFFICE

2011 MAR 10 P 12:09

Florida Department of Transportation

2011 MAR -9 P 3:57

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

OFFICE OF THE
SECRETARY

PLANNING AND ZONING
METROPOLITAN PLANNING SECT

PLANNING AND ZONING
AGENDA OFFICE
2011 MAR 10 P 12:09

February 28, 2011

RECEIVED
209-176
MAR 04 2011
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
201103237

Mr. Mark LaFerrier
Department of Planning and Zoning, Miami-Dade County
Zoning Hearing Section
111 North West First Street, 11th Floor
Miami, Florida 33128

Re: Santa Fe Haciendas Zoning Application, P.H. No. 09-176
(Process Number **Z2009000176)**

Dear Mr. Mark LaFerrier:

It has come to my attention Santa Fe Haciendas and Cemex, Inc. has a pending application for an unusual use approval for a limestone mining expansion to supply material to their Florida Department of Transportation (FDOT) approved Source 87089 on Krome Avenue, Miami, Florida.

Because of its strategic location along the CSX rail corridor, Cemex's Krome mine has historically been a valuable supply source of construction aggregates to rail redistribution terminals in the following areas: Orlando, Jacksonville, Tampa, Daytona, Gainesville, Ocala, Mulberry, and Largo. This successful network is essential to the continuance of FDOT's road and bridge construction work program commitments across a large portion of the state.

This property is the only remaining significant upland (non-jurisdictional by US Army Corps of Engineers) tract, which is also outside of the Lake Belt. Krome is the only mine that was able to operate fully during the Lake Belt shutdown period. It has always been a critical supply link and that is even more so if something were to interrupt the Lake Belt mining again.

In order for Florida to maintain its economic growth and quality of life, the state must continue to improve its transportation infrastructure. A stable supply of all types of aggregate, including Miami limestone, is important to that effort and to ensure that road projects as well as private developments may move forward without delay.

Without locally available sources, the only viable alternative is to acquire this material from other states or countries. These sources are often more costly and delivery is sometimes not reliable. This project will fulfill a critical need for aggregate material and is located for convenient transport of the material north to where it is needed.

I hope you find this information useful in your deliberations. If you have any questions, please contact me at 850-414-5240.

Sincerely,

Brian Blanchard, P.E.
Chief Engineer

BB/jsi

cc: The Honorable Joe Martinez, Chair

Memorandum

Date: 12-OCT-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

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

Subject: Z2009000176

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 10, 2010.
APPROVAL
- No objection to site plan date stamped September 27, 2010.

Service Impact/Demand:

Development for the above Z2009000176
located at LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 91 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1813 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 8:10 minutes

Existing services

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

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine Haz Mat Support.

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 09-FEB-11

REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC	LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000176

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
BUILDING &NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
LYING WEST OF SW 177 AVE(KROME AVE) AND SOUTH OF THEORETICAL SW 90 ST,
MIAMI-DADE COUNTY

Folio: 30-5801-000-0010

DATE:
2/8/11

CURRENT ENFORCEMENT HISTORY:

Open Cases:
No open cases.

Closed Cases:
No previous cases.

_____
Ronald Szep,
Building Enforcement and Legal Services Division Director

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO **Inspection Dat**

Evaluator: N/A 03/16/11

Process #: Z2009000176 **Applicant's Name** SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

Locations: LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 412 ACRES **Folio #:** 3058010000010

Request:

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM AGRICULTURAL-RESIDENTIAL DISTRICT TO HEAVY INDUSTRIAL MANUFACTURING DISTRICT AND AN UNUSUAL USE FOR A LAKE EXCAVATION AND ROCK CRUSHING AND SCREENING PLANT ANCILLARY TO THE PROPOSED LAKE EXCAVATION.

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE

USE(S) OF PROPERTY:

ROW CROPS

FENCES/WALLS:

NONE

LANDSCAPING:

NONE

BUFFERING:

OVERGROWN GRASS.

VIOLATIONS OBSERVED:

BNC MEMO DATED 02/09/2011 REV#2 ON FILE. NO OTHER VIOLATION CASES FOUND. JUNK & TRASH OBSERVES ON THE EAST PROPERTY LINE APPROXIMATELY SW 93 ST.

OTHER:

NONE

Process # **Applicant's Name**

ZONING INSPECTION REPORT

Z2009000176 SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

SURROUNDING PROPERTY

NORTH:
AU: CEMEX KROME QUARRY:LAKE EXCAVATION

SOUTH:
AU: 5 ACRES LOTS WITH SINGLE FAMILY RESIDENCE

EAST:
AU: PLANT NURSERY & CROPS

WEST:
GU: CANAL(CENT & SO FLA FLOOD CONTROL DIST) & PROPERTY OWNED BY USA EVERGALDES NATIONAL PARK

SURROUNDING AREA
AGRICULTURAL USES WITH EXISTING LAKE EXCAVATION TO THE NORTH OF SUBJECT PROPERTY.

NEIGHBORHOOD CHARACTERISTICS:
AGRICULTURAL USES AND 5 ACRES LOTS TO THE SOUTH WITH RESIDENCES.

COMMENTS:

Inspector *HASSUN, PEDRO*
Evaluator *N/A*
Process Number: *Z2009000176* **Applicant Name** *SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC*

Date: 17-MAY-11

Comments: S SIDE OF SUBJECT PROPERTY.

Date: 17-MAY-11

Comments: SUBJECT PROPERTY E VIEW ON SW 100 ST.

Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST PROPERTY LINE APPROX. SW 93 ST JUNK & TRASH - BOAT HULL.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2009000176*** **Applicant Name** ***SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC***

Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST SIDE SW VIEW.

Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST SIDE NW VIEW.

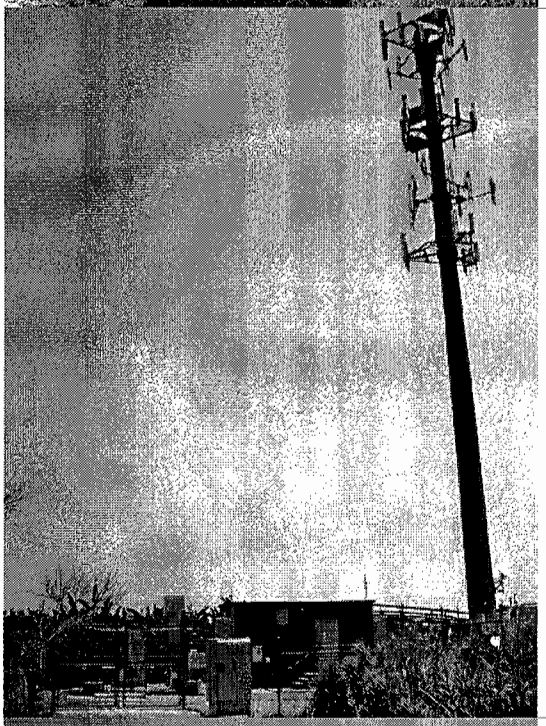
Date: 17-MAY-11

Comments: SUBJECT PROPERTY SOUTH PROPERTY LINE.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2009000176*** **Applicant Name** ***SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC***

Date: 17-MAY-11

Comments: EAST OF SUBJECT PROPERTY AKA 9300 SW 177 AVE VILLA NURSERY 30-5906-000-0029.



Date: 17-MAY-11

Comments: NORTHEAST OF SUBJECT PROPERTY AKA 8801 SW 177 AVE CROWN CASTLE INTERNATIONAL 30-5906-000-0024.

Date: 17-MAY-11

Comments: SOUTH OF SE CORNER OF SUBJECT PROPERTY AKA 17805 SW 100 ST DAISY'S NURSURY 30-5801-000-1030.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2009000176*** **Applicant Name** ***SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC***

Date: 17-MAY-11

Comments: SOUTH OF SE CORNER OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.

Date: 17-MAY-11

Comments: WEST VIEW ON SW 100 ST SOUTH OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.

Date: 17-MAY-11

Comments: EAST VIEW ON 100 ST SOUTH OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2009000176*** **Applicant Name** ***SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC***

Date: 17-MAY-11

Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177 AVE CEMEX KROME QUARRY 30-4851-000-0010.

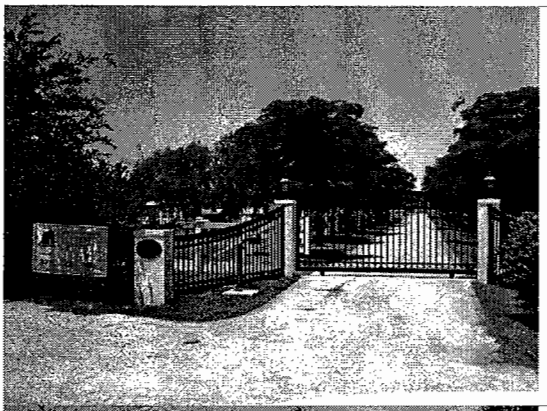
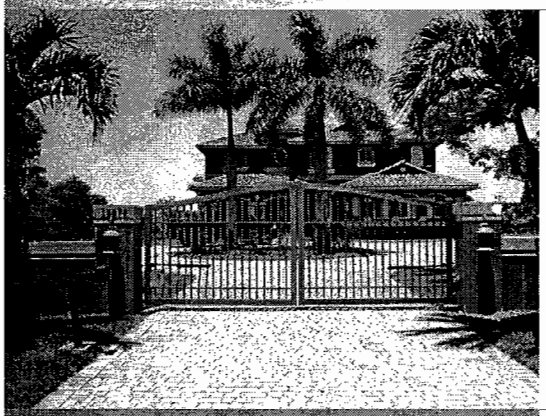
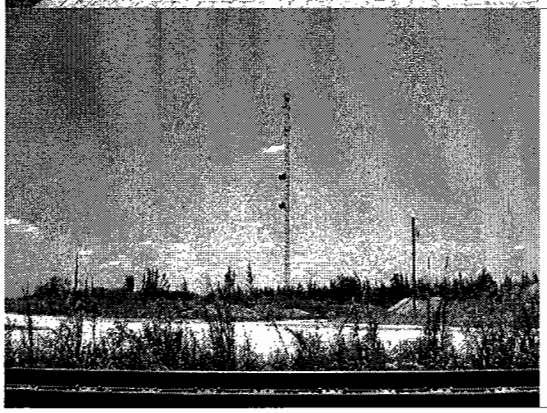
Date: 17-MAY-11

Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177 AVE CEMEX KROME QUARRY 30-4851-000-0010.

Date: 17-MAY-11

Comments: CANAL WEST OF SUBJECT PROPERTY AKA 30-5802-000-0020.

Inspector ***HASSUN, PEDRO***
Evaluator ***N/A***
Process Number: ***Z2009000176*** **Applicant Name** ***SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC***

	Date: 17-MAY-11 Comments: SOUTH OF SW CORNER OF SUBJECT PROPERTY AKA 18695 SW 100 ST 30-5801-000-0770.
	Date: 17-MAY-11 Comments: SOUTH OF SW OF SUBJECT PROPERTY AKA 18575 SW 100 ST 30-5801-000-0780.
	Date: 17-MAY-11 Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177 AVE CEMEX KROME QUARRY 30-4851-000-0010.

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: **CEMEX Construction Materials Florida, LLC**

NAME AND ADDRESS	Percentage of Stock
CEMEX S.A.B. de C.V., Traded in NYSE	100 %

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:_____

NAME AND ADDRESS	Percentage of Ownership

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 other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER:_____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract:_____

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

NOTICE: For any 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 10th day of January, 2011. Affiant is personally known to me or has produced _____ as identification.

Sheryl M. Tyson
(Notary Public)

My commission expires: 9/4/11

Seal

SHERYL M. TYSON
My Comm. Expires SEP 4, 2011
No. DD 863627
NOTARY PUBLIC
STATE OF FLORIDA

*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.

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: Sante Fe Haciendas, LLC

NAME AND ADDRESS	Percentage of Stock
Mr. Masoud Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126	50%
Mrs. Maria Lamas-Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126	50%

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
2091
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of 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 18 day of December 2009. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires 8/30/12

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

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

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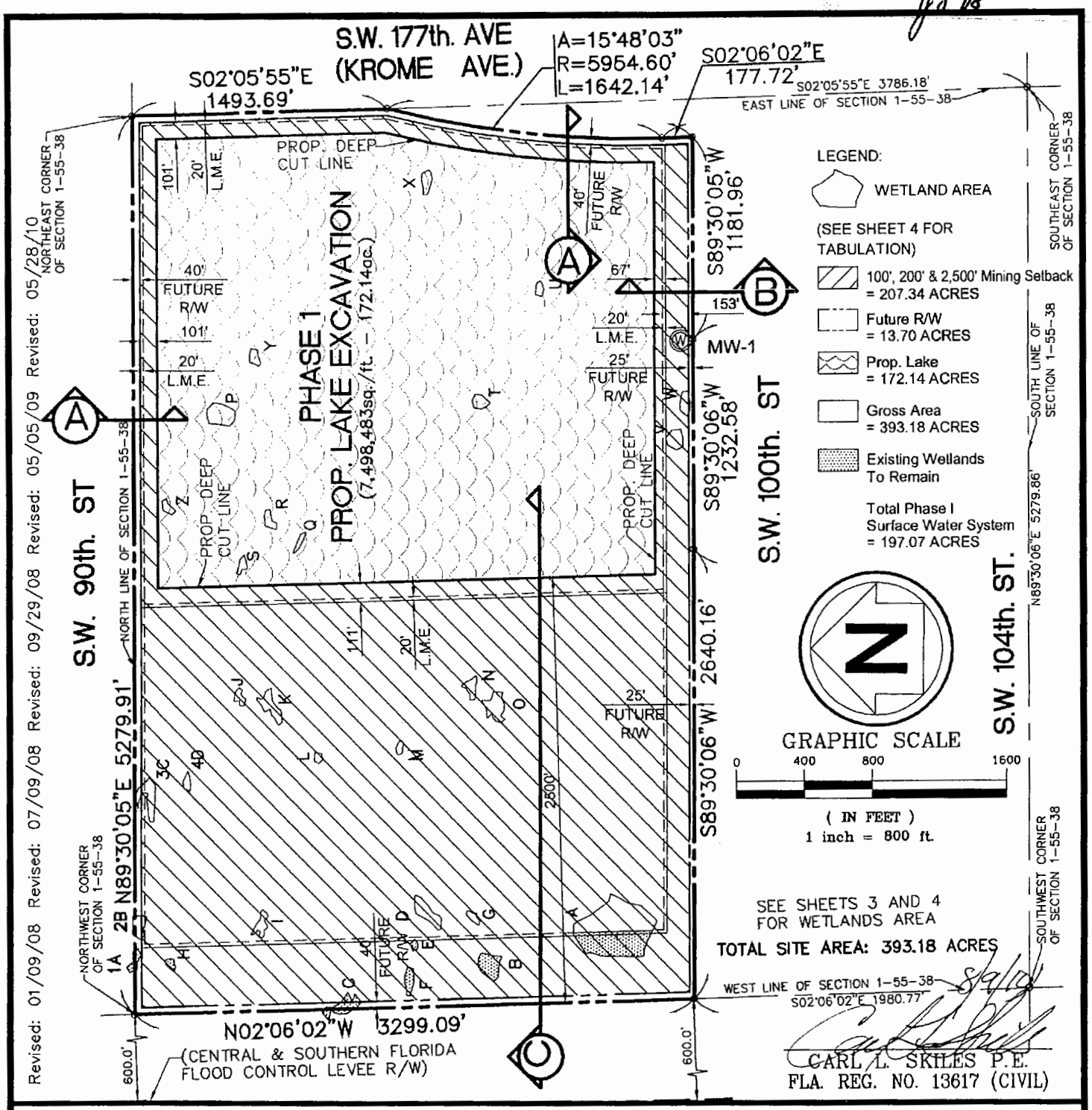
209176
DEC 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

32

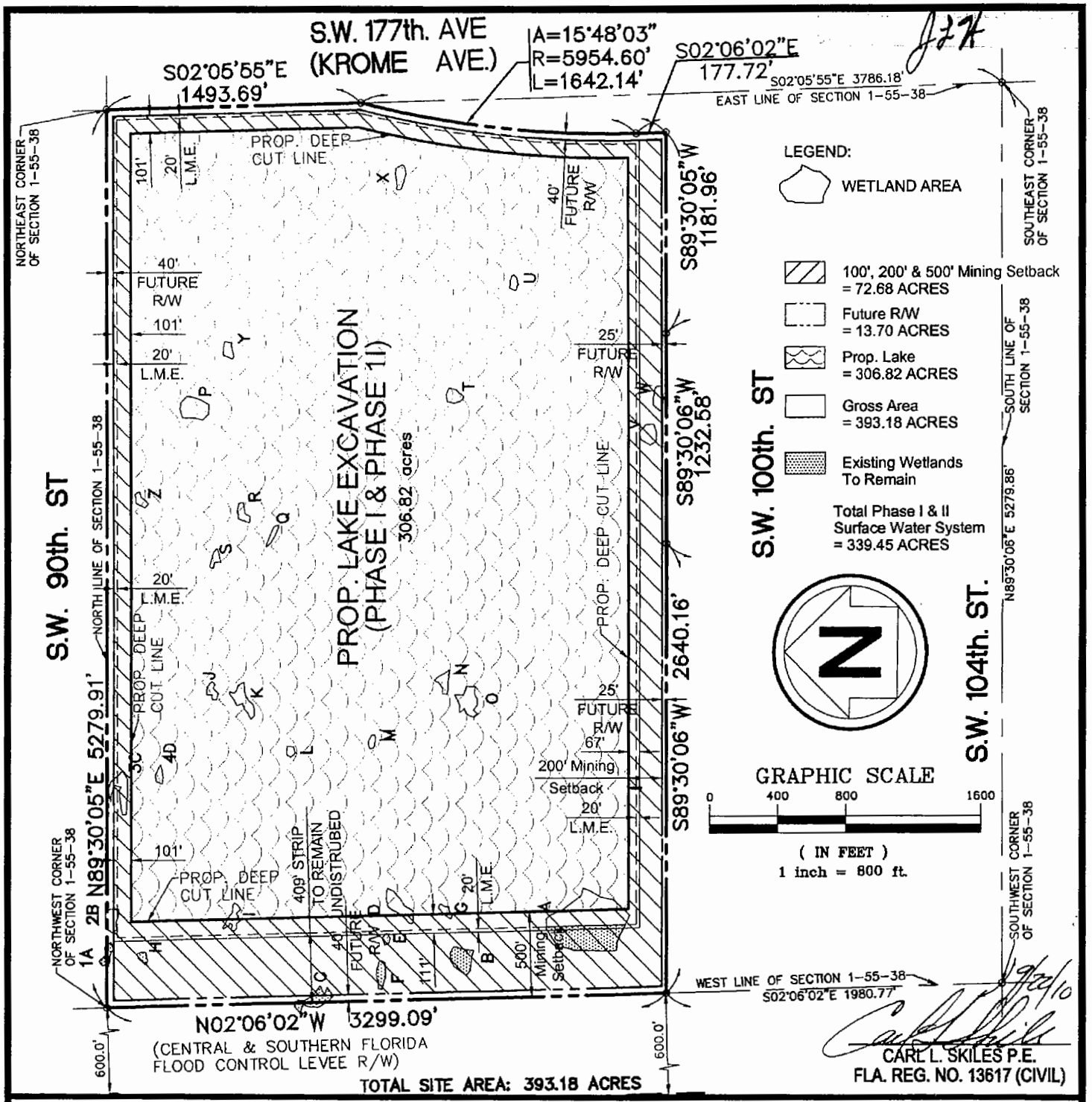
209-176
Rev#1 AG 7



Drawn By	REP	LAKE MINING PLAN - Section 1-55-38	Date 09/18/06
Cad. No.	061816-2	FORTIN, LEAVY, SKILES, INC.	Scale 1"=800'
Ref. Dwg.	3006-075	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 067027
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1006-192
Plotted:	5/27/10 12:23a	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 2 of 6
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

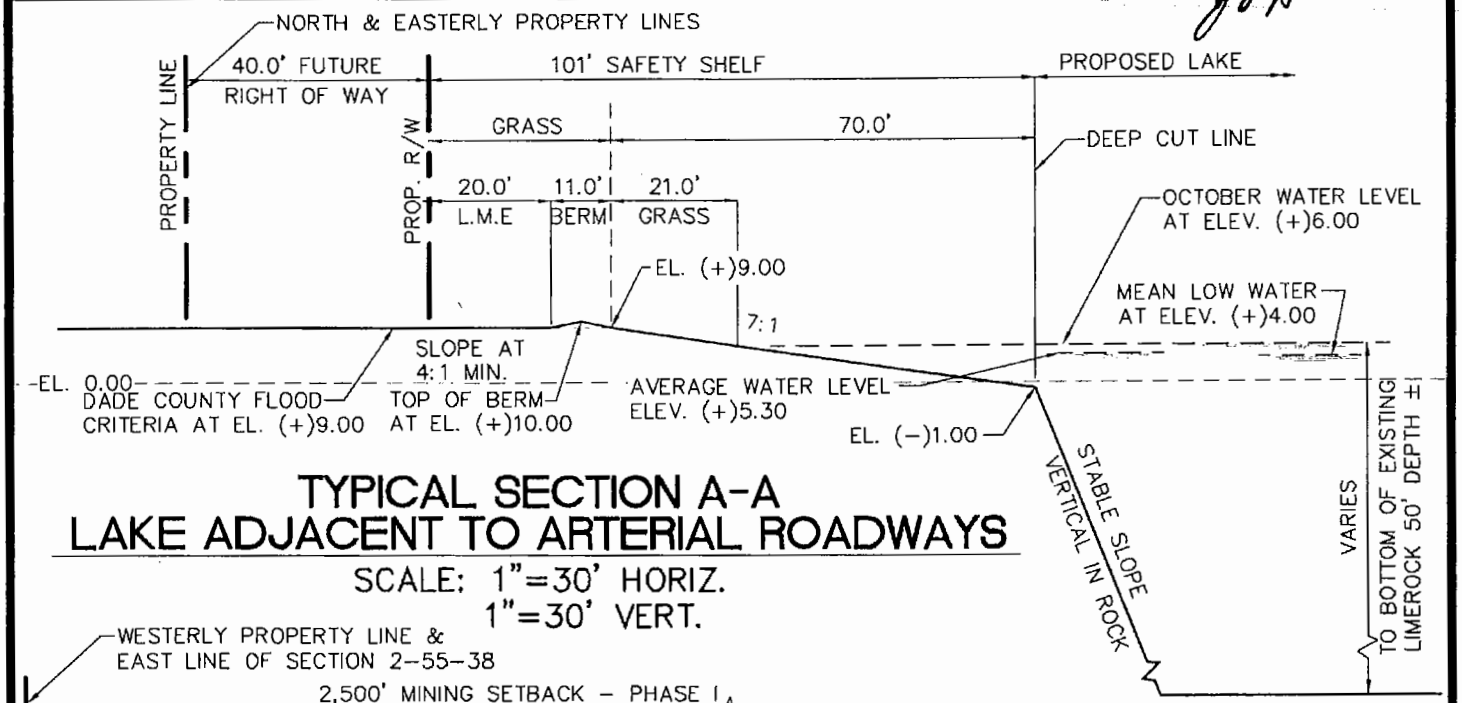
33

209-176
Rev#2



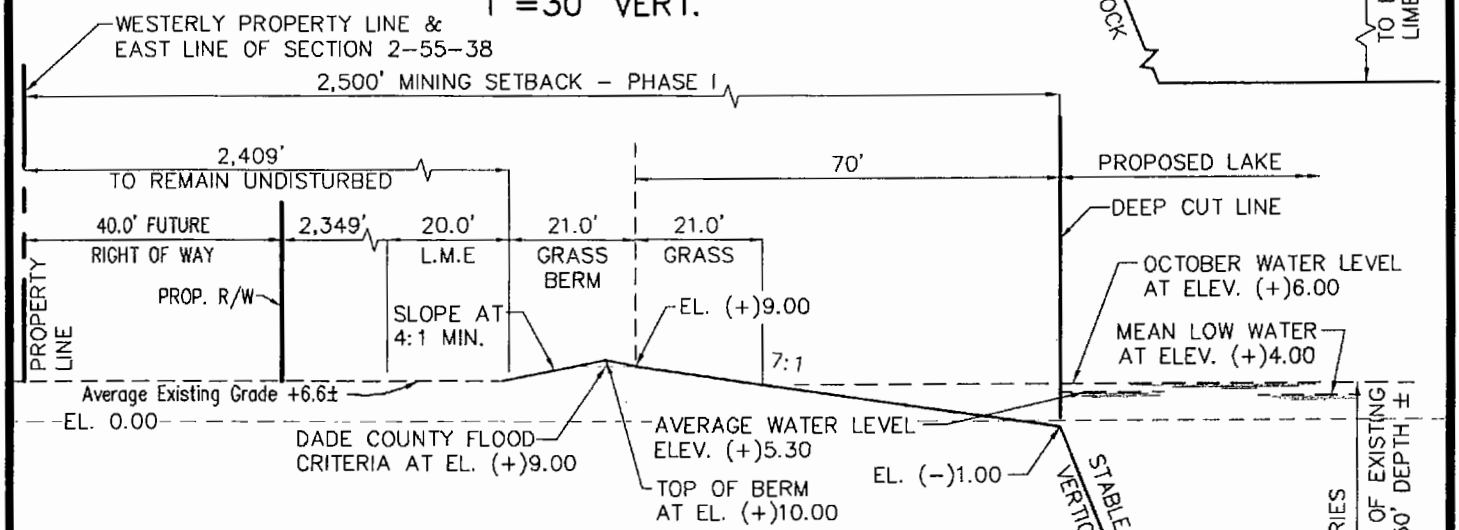
Drawn By	REP	Lake Excavation Plan (Phase I & Phase II) - Section 1-55-38	Date 09/22/10
Cad. No.	061816-EX	FORTIN, LEAVY, SKILES, INC.	Scale 1"=800'
Ref. Dwg.	3006-075	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 067027
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1006-192-Ex
Plotted:	9/22/10 9:35a	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 2A of 6
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

Rev#1 Z09-176 AG 7



TYPICAL SECTION A-A
LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.



TYPICAL SECTION C-C (PHASE I)
LAKE ADJACENT TO ARTERIAL ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

Revised: 05/28/10
Revised: 05/05/09
Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

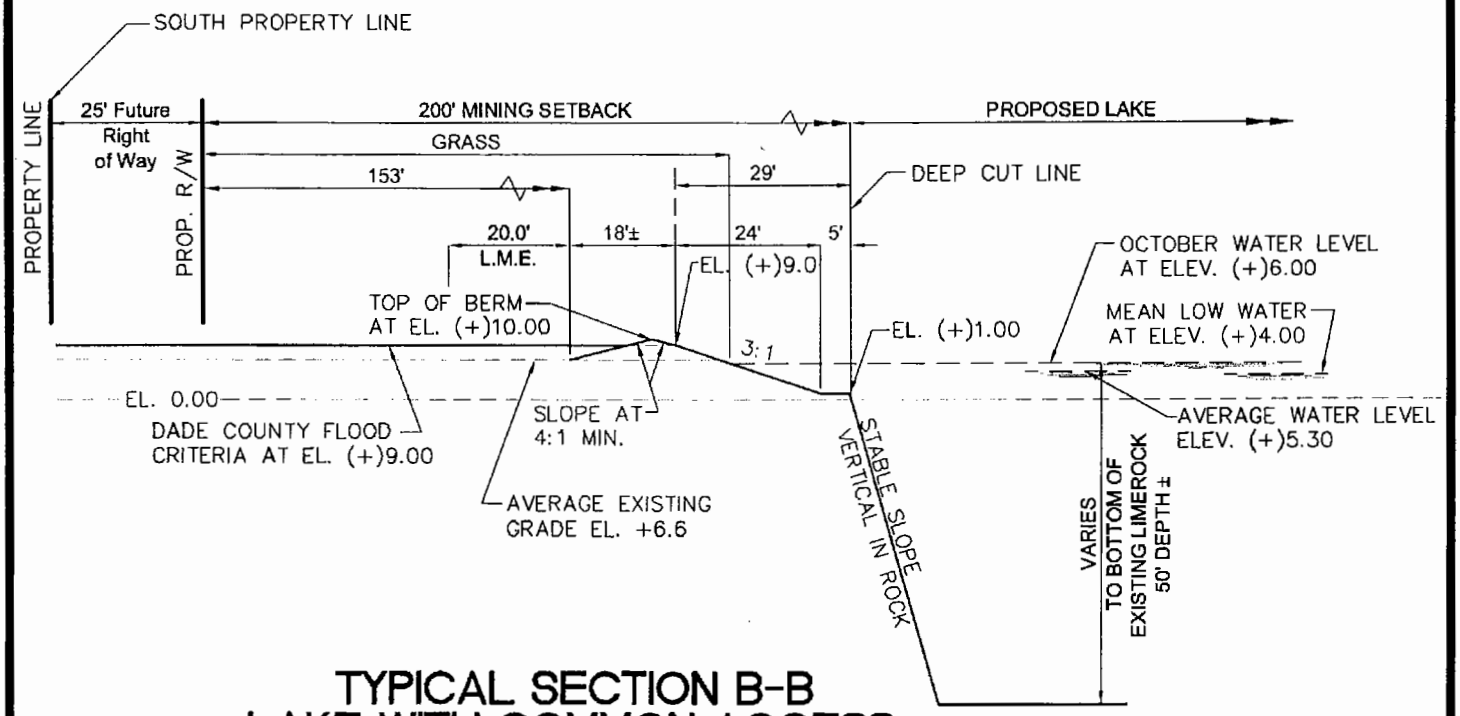
CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP	PROP. LAKE EXCAVATION - Section 1-55-38	Date 09/18/06
Cad. No.	061816-2	FORTIN, LEAVY, SKILES, INC.	Scale AS SHOWN
Ref. Dwg.	3006-075	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 067027
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1006-192
Plotted:	5/27/10 12:23a	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 5 of 6
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

35

209-176
Rev#1 A 6 7

JSA



TYPICAL SECTION B-B
LAKE WITH COMMON ACCESS, NOT ADJACENT TO ROADWAYS

SCALE: 1"=30' HORIZ.
1"=30' VERT.

NOTE: ELEV. REFERS TO NATIONAL GEODETIC VERTICAL DATUM

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Revised: 09/29/08
Revised: 01/09/08

Drawn By	REP	PROP. LAKE EXCAVATION - Section 1-55-38	Date 09/18/06
Cad. No.	061816-2	FORTIN, LEAVY, SKILES, INC.	Scale AS SHOWN
Ref. Dwg.	3006-075	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 067027
		FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1006-192
Plotted:	5/27/10 12:23a	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 6 of 6
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

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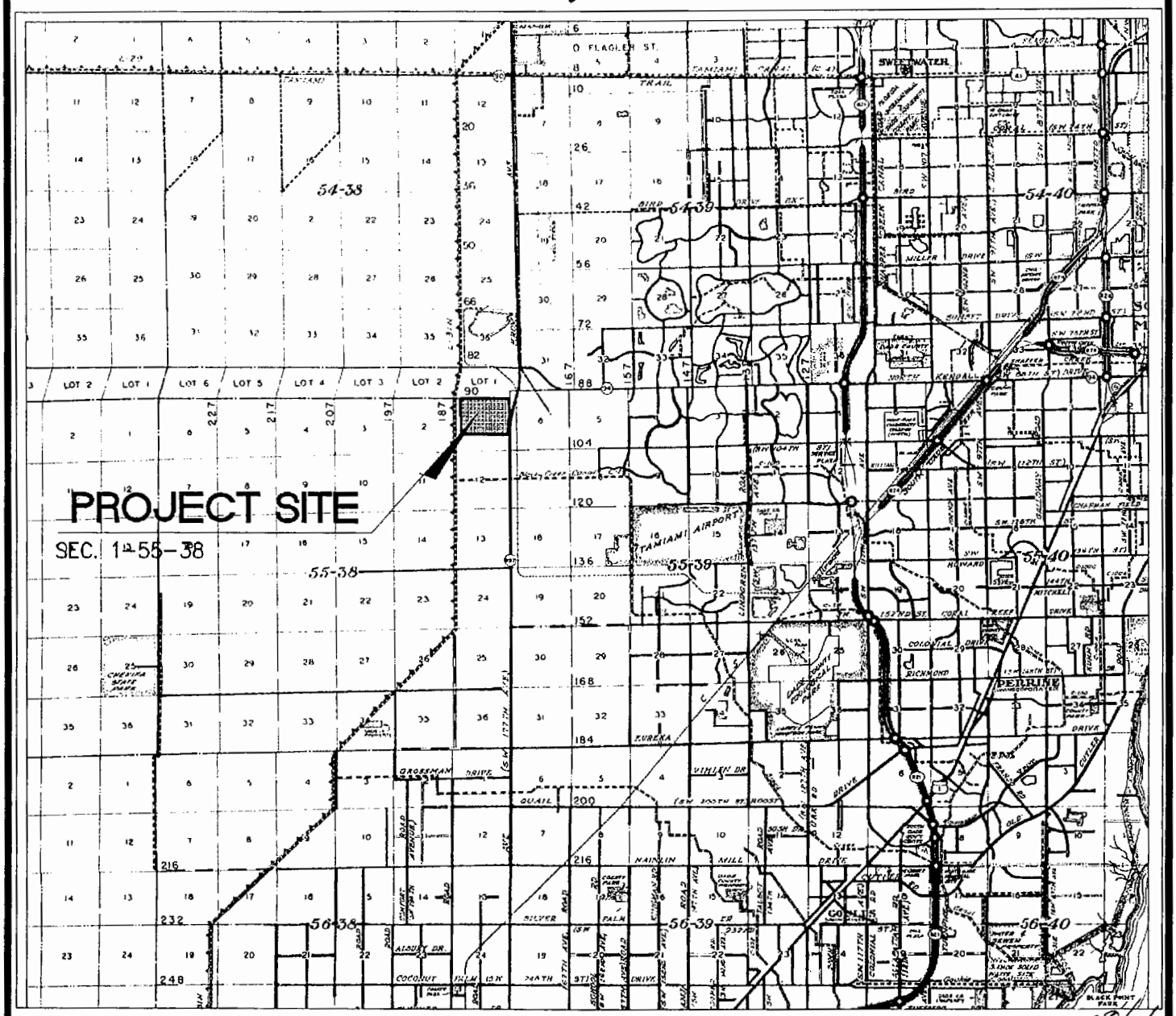
209-176

Rev#1



LOCATION SKETCH

SECT 1, TWP. 55s, RNG. 38e.
N.T.S.

Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

N

8/9/10

CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	1 of 6

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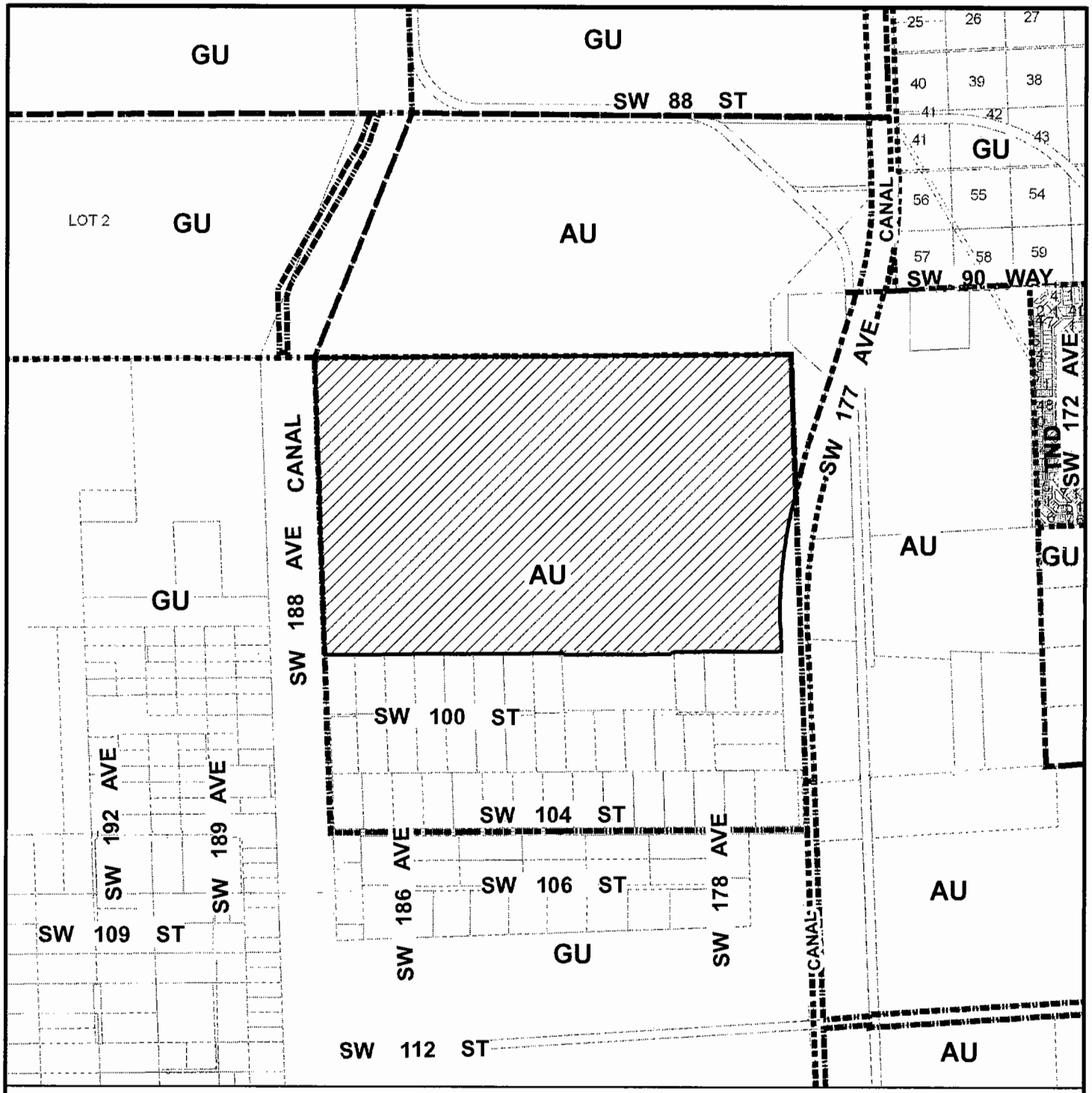


MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-176

Section: 01 Township: 55 Range: 38
Applicant: SANTA FE HACIENDAS LLC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS

N W E S

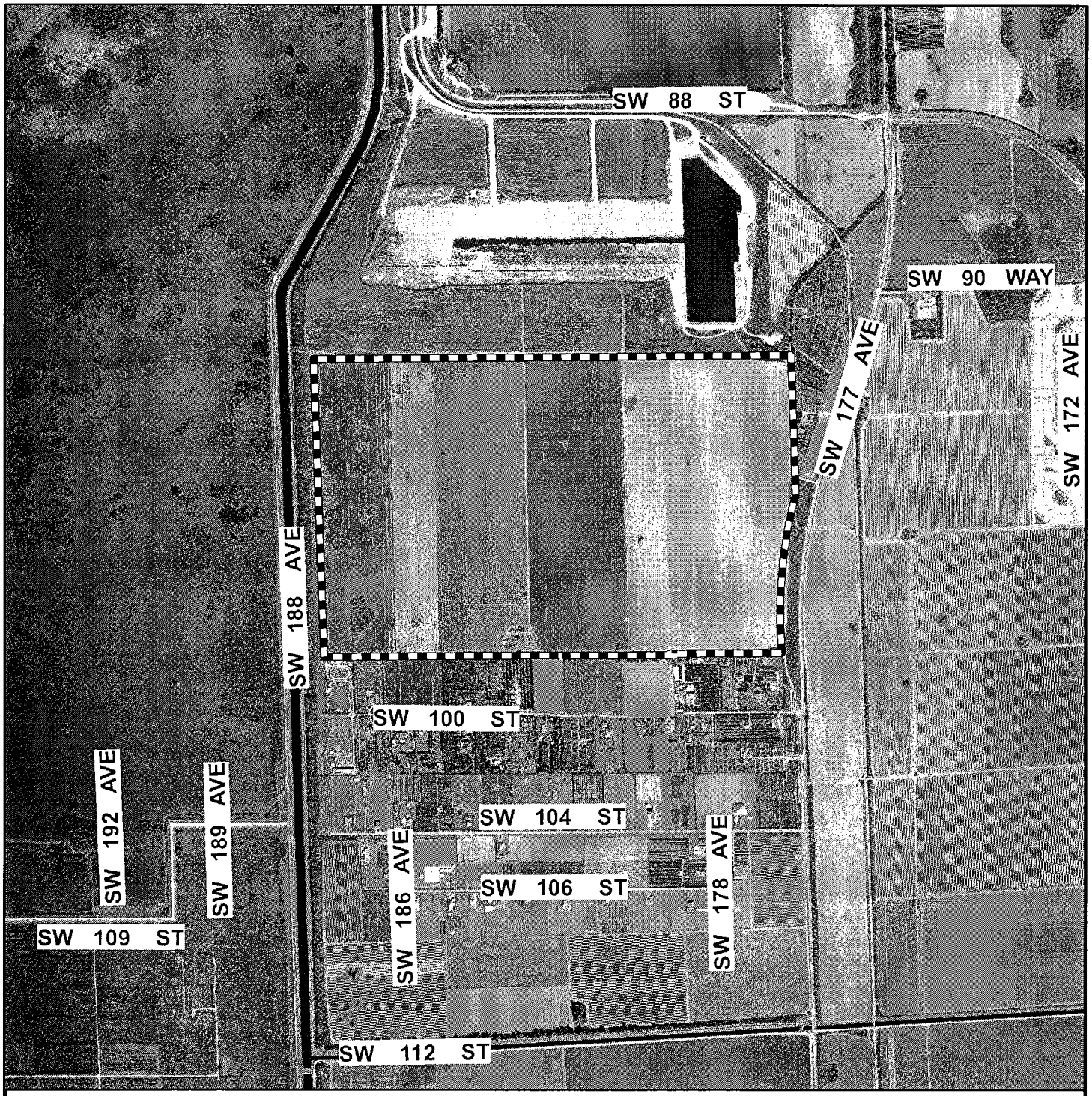
SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

38



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

09-176

Section: 01 Township: 55 Range: 38
Applicant: SANTA FE HACIENDAS LLC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER
Scale: NTS

N W E S

SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

This instrument was prepared by:
Name: Kerri L. Barsh, Esq.
Address: Greenberg Traurig
333 Ave. of the Americas
40th Floor
Miami, FL 33131

PLANNING AND ZONING
AGENDA OFFICE
2011 APR 20 A 11:46

BCC — April 28, 2011
Item # — Z09-176
Santa Fe Haciendas, LLC

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto (the "Property"), which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the Owner and its co-applicant, CEMEX Construction Materials Florida, LLC (the "Operator"), during consideration of Public Hearing No. 09-176 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. The approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.

2. The complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Planning and Zoning (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.

3. The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM).

4. Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of the DERM.

5. If the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.

6. The time for the completion of the project, including the lake excavation and grading, shall be 25 years, depending upon the time required to secure the Phase II permits, and the work shall be carried on expeditiously so that the work will be completed within the allocated time.

7. If, in the opinion of the Director of the Department of the Planning and Zoning, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.

8. The hours of the lake excavation operation shall be controlled by the Director, except that the Operator shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays; Saturday and Sunday operation and/or hours of operation other than 7:00 A.M. to 5:00 P.M. on weekdays, may be allowed by the Director only if the same does not become a nuisance to the surrounding area.

9. To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director; 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. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

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

11. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Department of Environmental Resources Management.

12. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works Department.

13. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.

14. All applicable federal, state and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.

15. The Operator shall, prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.

16. The Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.

17. The Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.

18. The Operator shall obtain and renew on an annual basis, an Excavation Use Permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.

19. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

22. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County

Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

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

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

28. **Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the application for Public Hearing No. 09-176. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the application for Public Hearing No. 09-176, in its entirety, and upon written request, the Director t or the executive officer of the successor of the Department of Planning and Zoning, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

29. **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

30. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

Signed, witnessed, executed and acknowledged on this 19 day of April , 2011.

IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

Witnesses:

Signature Paulette Gonzalez	**Santa Fe Haciendas, LLC, a Florida limited liability company**
Print Name Paulette Gonzalez	
Signature	By _____ Masoud Shojaee, **Managing Member**
Print Name JORGE NAVARRO	
STATE OF FLORIDA	**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Managing Member of Santa Fe Haciendas, LLC, on behalf of the LLC. He is personally known to me or has produced FLA Driver's License as identification.

Witness my signature and official seal this 19 day of April, 2011 , in the County and State aforesaid.

IRIS V. ESCARRA Notary Public - State of Florida My Comm. Expires Oct 8, 2012 Commission # DD 813581 Bonded Through National Notary Assn.	*Signature*
	Notary Public-State of Florida
	Print Name IRIS ESCARRA
My Commission Expires:	

Exhibit "A"

Legal Description:

A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NO2'06'03"W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NO2'06'03"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89'30'05"E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02'06'00"E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76'17'57"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177TH AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15'48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02'06'00"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02'06'00"E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE 589'30'05"W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE NO2'06'03"W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.

1 STEPHEN CLARK BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
2 111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, June 23, 2011
3
4
5 ITEM
6 **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION**
(09-176)
7
8 Board of County Commissioners
(Present)
9
10 Joe A. Martinez, Chairman
Bruno A. Barreiro
11 Barbara Jordan
Sally A. Heyman
12 Rebeca Sosa
Dennis C. Moss
13 Senator Javier Souto
Jose "Pepe" Diaz
14 Esteban Bovo, Jr.
Lynda Bell
15 Xavier L. Suarez
Jean Monestime
16
17 County Attorney's Office
18 Craig Coller and John McInnis
Assistant County Attorneys
19
20 Staff
21 Marc C. LaFerrier
Director of Planning & Zoning
22
Grisel Rodriguez
23 Assistant Director of Zoning
24 On behalf of the Applicant
25 Stanley Price, Esq.
Kerri Barsh, Esq.

I N D E X
COMMISSIONERS

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COMMISSIONER DIAZ: 4, 117-123, 154, 165-167, 171-172, 185, 189, 191, 200, 205-207, 209.

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COMMISSIONER SUAREZ: 4, 189-190, 202.

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On behalf of the Applicant
2
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1 CHAIRMAN MARTINEZ: Madam Clerk.
2 THE CLERK: Commissioner Barreiro?
3 Commissioner Bell?
4 COMMISSIONER BELL: Here.
5 THE CLERK: Commissioner Diaz?
6 COMMISSIONER DIAZ: Here.
7 THE CLERK: Commissioner Heyman?
8 COMMISSIONER HEYMAN: Here.
9 THE CLERK: Commissioner Jordan?
10 Commissioner Monestime?
11 COMMISSIONER MONESTIME: Here.
12 THE CLERK: Commissioner Moss?
13 COMMISSIONER MOSS: Here.
14 THE CLERK: Commissioner Sosa?
15 COMMISSIONER SOSA: Present.
16 THE CLERK: Commissioner Souto?
17 COMMISSIONER SOUTO: Here.
18 THE CLERK: Commissioner Suarez?
19 COMMISSIONER SUAREZ: Here.
20 THE CLERK: Chairman Martinez?
21 CHAIRMAN MARTINEZ: Present.
22 THE CLERK: Nine members are present
23 and you have a quorum.
24 CHAIRMAN MARTINEZ: Thank you very
25 much. If you'd all please rise for a

1 moment of silence and remain standing for
2 the Pledge of Allegiance.
3 (Moment of Silence).
4 (Pledge of Allegiance).
5 CHAIRMAN MARTINEZ: Thank you very
6 much.
7 Mr. Attorney, Mr. Director, take it
8 away, or does the clerk -- is she going to
9 swear in people first?
10 MR. COLLER: Swear the people first.
11 CHAIRMAN MARTINEZ: And the
12 interpreters, if they're here.
13 THE CLERK: Please stand and raise
14 your right hand.
15 MR. COLLER: Any of those who --
16 CHAIRMAN MARTINEZ: Anybody who's
17 going to testify, anybody who's going to
18 speak, those on the cards and those who
19 are not. This is a quasi-judicial. This
20 is like in court. This is perjury if you
21 don't say the truth. Anybody?
22 Madam Clerk.
23 THE CLERK: Do you solemnly swear
24 that the testimony you're about to give is
25 the truth, the whole truth and nothing but

1 the truth, so help you God?
2 EVERYONE: I do.
3 THE CLERK: Thank you. You may be
4 seated.
5 CHAIRMAN MARTINEZ: I believe the
6 interpreters are coming down.
7 THE CLERK: Raise your right hand.
8 Do you swear or affirm that you will make
9 a true interpretation of the questions
10 asked and the testimony given?
11 THE INTERPRETER: I do.
12 THE INTERPRETER: I swear.
13 THE CLERK: Thank you.
14 MR. LaFERRIER: Good morning,
15 Chairman. Good morning, Commissioners.
16 I'll read the statement of notice and
17 records and then we'll start our agenda
18 for this morning.
19 In accordance with the Code of
20 Miami-Dade County, all items to be heard
21 today have been legally advertised in the
22 newspaper, notices have been mailed and
23 the properties have been posted.
24 Additional copies of the agenda are
25 available here in the chamber. Items will

be called up to be heard by agenda number and name of applicant.

The record in file for the hearing of each application will include documents from the public, the Department and other agencies. And where there has been an appeal from the Community Zoning Appeals Board, we also have those transcripts here today.

All related documents are physically present in the chambers today, available to all members of the public, interested parties and members of the Board of County Commissioners, who may examine these items from the record during the hearing.

All parties have the right of cross-examination.

This statement, along with the fact that all witnesses are sworn in, should be included in any and all transcripts of these proceedings. In addition, there is an official translator present in the chambers for those people seeking such assistance.

* * * * * * * * * * * * * * * * *.

(Thereupon, unrelated matters were heard, after which the following transpired:)

CHAIRMAN MARTINEZ: Let's go with Santa Fe. We've got one more member here, and it will have to do.

MR. LaFERRIER: Commissioners, the next item on your agenda is Item B. The applicant is Santa Fe Haciendas, LLC, & Cemex Construction Materials Florida, LLC. It's Hearing No. 09-176. It's a request for unusual use to permit a lake excavation. On this application, we received 190 protests and 517 waivers.

CHAIRMAN MARTINEZ: Thank you very much.

Sir.

MR. PRICE: Good morning, Mr. Chairman, members of the Commission, my name is Stanley Price. I will be representing the owner of this property. Ms. Kerri Barsh from Greenberg Traurig will be representing the potential lessee of this property. And we have several witnesses we would like to bring forward

as part of this presentation.

From a historical point of view, the applicant, the owner of this property, Santa Fe Haciendas, is Shoma Homes. Masoud is the principal of Santa Fe. He's also the principal of Shoma Homes. And Shoma Homes, as many of you are aware, has had a long history of successful development in the residential product in Dade County, Florida.

Over two years ago, Masoud approached me in regard to the feasibility of filing a zoning application to permit a rock mining operation. He asked me to conduct a due diligence for him and give him an opinion as to the potential downside and potential positives of this application. I'd like to go over with you what we had found and we reported to Shoma, so you'll have a better understanding.

Initially, this application was initiated with the Planning & Zoning Department back in June of 2009. Meetings were had with the professional department of the County in regard to issues relating

1 to comprehensive planning and the like. A
2 further meeting was held in August of
3 2009. And in December of 2009, the formal
4 application was filed with the Planning &
5 Zoning Department. So we're now
6 approximately 18 months down the road, and
7 this is the first time we've had an
8 opportunity to appear in front of you.
9 Commissioner Martinez may remember
10 several years ago, there were several
11 applications to develop property outside
12 the urban boundary line. Chairman
13 Martinez indicated at that hearing that
14 unless an applicant would come forward
15 with a comprehensive plan of development
16 and integrated plan for transportation, we
17 would not receive favorable treatment from
18 the Commission.
19 Further, I'd like to remind the
20 Commission that the first applicant to
21 withdraw their application to amend the
22 comprehensive plan outside the urban
23 boundary was Shoma Homes. They listened
24 to what the Chairman had to say. We did
25 not feel that we had adequate arguments at

1 that point in time to bring forward that
2 application, so we voluntarily withdrew
3 that application. And I think it goes a
4 lot to say about the responsible citizen
5 that Shoma has been in this community
6 through the years.
7 I advised Mr. Shojaee that the
8 unusual use is a permitted application for
9 rock mining anywhere in Dade County.
10 Unusual use has been found, going back to
11 the 60's and 70's, as a vehicle to permit
12 rock mining operations in Miami-Dade
13 County, Florida. So, therefore, the
14 request for an unusual use is not only
15 long been accepted by the County, but it's
16 a prescribed method on how you file an
17 application.
18 Secondly, it was asked to indicate
19 whether the comprehensive plan permitted
20 rock mining. The comprehensive plan --
21 and you will see illustrations later on
22 brought forward by Mr. Olmedillo, who is
23 going to be testifying as to consistency
24 with the comprehensive plan. You will see
25 there is a specific authorization in the

1 comprehensive plan to permit rock mining
2 operations, which are in existence, bona
3 fide rock mining operations in existence,
4 to expand outside the urban boundary line.
5 It is specifically indicated in both the
6 agricultural section as well as the open
7 space requirements of the comprehensive
8 plan. So, therefore, we felt that the
9 comprehensive plan was not an impediment
10 for filing this application.
11 Then he asked me to do due diligence
12 in regard to the existing operation that
13 was being placed on the property and the
14 adjoining property. This operation, I
15 want to emphasize, has been going on for
16 over five decades. There has been rock
17 mining operations at this site for over
18 five decades.
19 I then did what any responsible
20 person would do. I would then check with
21 the State of Florida, who's authorized
22 under state statute to monitor whether
23 there has been compliance with blasting
24 requirements and the like. Our inquiry
25 with the State of Florida indicated we did

1 not have one complaint as to blasting on
2 the previous several years of the
3 operation of Cemex, the proposed lessee of
4 this property. Interesting to note, that
5 once the zoning application was filed, all
6 of a sudden there's been a flurry of
7 complaints filed with the State of Florida
8 and all of them have been rejected as not
9 having a legal basis to object. And I
10 want to emphasize that as well.
11 I also checked, of course, in regard
12 to the reputation of Cemex, which is
13 second to none in the State of Florida in
14 regard to a track record of a responsible
15 company in the rock mining business.
16 And, finally, and, most importantly,
17 when you review the Florida statutes, and
18 you will see an exhibit that will be shown
19 to you a little later in the presentation,
20 the rock mining industry is a favored
21 industry in the State of Florida. They
22 are singled out for single -- special
23 consideration by the state legislature as
24 an essential industry for the growth and
25 development of the State of Florida.

1 You will also hear economic testimony
2 on the importance of this industry, both
3 in Dade County and in South Florida, as
4 well as the State of Florida.
5 So at the end of the day, when Masoud
6 came to me and asked me for a
7 recommendation, I felt it was appropriate
8 to tell him that from a land use point of
9 view, from a statutory point of view, from
10 a historical point of view, this use has
11 not only been accepted, but it's been
12 operating in a good stead for all of these
13 years.
14 Finally, I would like to point out to
15 the Commission that initially we received
16 resistance from the professional
17 department to even schedule this hearing.
18 We asked for a meeting with the department
19 and the County Attorney's Office and the
20 County Attorney's Office advised the
21 department that we have no guarantee of a
22 positive recommendation, but we have a
23 right, both under the Citizen's Bill of
24 Rights, as well as your code of ordinances
25 to get to a hearing. It took us six

1 months to have a hearing scheduled.
2 And then, finally, to add further
3 insult to injury, this Commission, in its
4 wisdom, passed an ordinance approximately
5 a year ago that took direct jurisdiction
6 of applications of this nature. When
7 there's a bona fide rock mining
8 application, the County Commission, if
9 there's an expansion, direct jurisdiction
10 goes to the County Commission, not to the
11 Community Zoning Appeals Board.
12 The department refused to let us come
13 to the County Commission for a period of
14 time. Now, in fairness to the Director,
15 the Director had certain issues relating
16 to whether Masoud is in the rock mining
17 business. Clearly, he's not. But we gave
18 a bona fide lease. We showed there was a
19 contiguous operation that's been in
20 existence for 50 years. So now
21 theoretically 18 months, after we have
22 filed this application, we get to --
23 finally we get to a hearing. We don't
24 think that's the way the industry should
25 be treated in this County. And as I

1 indicated earlier, while we don't have a
2 right to get a positive recommendation, we
3 have a right to get to a hearing and
4 that's what we've asked for. And
5 hopefully you'll see by the evidence, the
6 preponderance of the evidence today, that
7 this is a good and quality application.
8 Kerri.
9 CHAIRMAN MARTINEZ: There are two
10 podiums, so no problem.
11 MS. BARSH: Good morning, Mr. Chair
12 and members of the Board, my name is Kerri
13 Barsh, attorney with offices at 333 Avenue
14 of the Americas. I'm here today on behalf
15 of the co-applicant, which is Cemex
16 Construction Materials Florida, LLC. Many
17 of you may know them formerly of Rinker
18 Materials. And we're here today as the
19 co-applicant and the proposed operator.
20 I'm also joined by many, as you can
21 see in the blue behind me, of our
22 supporters and Cemex executives, as well
23 as my colleagues, Mario Garcia-Serra and
24 Seth Ben, who are going to help me today
25 with the presentation.

1 And as a preliminary matter, if I
2 could have, Mario, if you could please
3 distribute, if you don't already have
4 them, our exhibit books. They've already
5 gone out? Okay, great. And the
6 presentation. Thank you.
7 We do have a Power Point presentation
8 today, because normally we'd have boards,
9 but because of your busy schedule, busy
10 agenda, we thought it might be a more
11 efficient way to go forward.
12 Yes? Okay, great.
13 We also joined, as you can see by the
14 slide, we have our project team here, many
15 of whom are experts that can answer --
16 some of them will be making presentations
17 and others who can answer any questions.
18 The first thing is the request
19 itself. There's been some confusion about
20 this, but as Stan stated, this is a
21 request for an unusual use to allow rock
22 mining and ancillary uses on an adjacent,
23 contiguous property that constitutes an
24 expansion of an existing quarry.
25 The quarry itself, as you can see on

1 the slide, is over 2100 acres in existence
2 now. The mine expansion is approximately
3 393 acres and it's to be immediately
4 abutting the property to the south. The
5 property itself, as you can see, is west
6 of Krome Avenue. It's east of the L-31
7 north canal and the quarry boundary to the
8 north is the existing Krome quarry. The
9 southern boundary is approximately
10 Southwest 199 Street.
11 We're looking at -- you'll hear from
12 Tom MacVicar, who's going to be testify a
13 little bit later, we're looking at two
14 phases of mining. The first phase, about
15 171 acres. As Stan alluded, this is not a
16 new use. The quarry operating in this
17 particular site to the north has been in
18 existence since 1956, over 50 years. And
19 as you can see through time, the quarry
20 has expanded already, so in this area. So
21 from 1956, including as recently as 2006,
22 there were ongoing expansions or approvals
23 to permit the continued mining.
24 I'd like to at this point turn over
25 to Guillermo Olmedillo, who's going to

1 address the issues of consistency,
2 compatibility. Many of you may know
3 Guillermo. He was formerly Director of
4 the Planning & Zoning Department here in
5 Dade County as well as formerly in the
6 City of Miami.
7 Guillermo.
8 MR. OLMEDILLO: Thank you. Good
9 morning, Chairman, members of the Board,
10 Guillermo Olmedillo, 1450 Madruga Avenue,
11 Suite 407, Coral Gables, Florida.
12 On the issue of consistency with the
13 master plan, as you know, in your packets
14 you will find that the department has
15 found that the application is consistent
16 -- the use is consistent with the Master
17 Plan.
18 The agricultural land use definition
19 describes "existing quarrying and
20 ancillary uses in the agricultural area
21 may continue operation and be considered
22 for approval of expansion."
23 Once you have established the fact
24 that the application is consistent with
25 the Master Plan, the use applied for is

1 consistent with the Master Plan, you go
2 into the definition of what do you do to
3 make it compatible. You, as a Commission,
4 have done that already. You have
5 established procedures through the Zoning
6 Code and standards in the Zoning Code to
7 create what is the potential of a
8 particular site to develop and what
9 conditions they have to develop under to
10 be compatible. That was the whole issue
11 in Omnipoint. Remember, Omnipoint
12 basically said, you don't have enough
13 standards, you don't have measurable
14 standards.
15 So that's why you have to rely on the
16 Zoning Code. Once you have already
17 concluded in the fact that it's consistent
18 with the Master Plan, then you go to the
19 Zoning Code, which you have adopted, that
20 says these are the conditions that you
21 must meet to be able to have that activity
22 conducted in that particular site.
23 Then you have Section 33-3314(c), in
24 which these applications you take
25 jurisdiction. And then 11.1 of that same

1 section says, notwithstanding the
2 provisions of Section 33-13(e) of this
3 code, applications for unusual uses for
4 lake excavations to expand bona fide rock
5 mining operations, as defined in Section
6 33-422(3) of the code, onto property
7 contiguous and immediately adjacent to
8 existing bona fide rock mining operations.
9 So you have enabled the activity to be
10 conducted on this site.
11 Then you have Section 33-311(a)(3),
12 which is the standards for special
13 exceptions and unusual uses and new uses.
14 There is where you apply all these
15 conditions that are necessary to perfect
16 that use on that particular site. All
17 your departments have concluded that the
18 application meets the standards and their
19 requirements.
20 So obviously you have gone, not only
21 through the Zoning Code, and you have
22 provided the conditions upon which the use
23 can be conducted in the site and we meet
24 all those conditions, but also you go to
25 the unusual use and the standard for

1 special exceptions and you will find that
2 every department, every technical
3 department of your staff, has said this
4 application meets the condition.
5 So obviously the only conclusion that
6 you can reach through all that analysis
7 will be, well, it's consistent with the
8 Master Plan. It's compatible by virtue of
9 meeting all the conditions that the Zoning
10 Code has applied to this particular site
11 and this particular application.
12 My conclusion, my professional
13 opinion, will be that it is consistent
14 with the Master Plan, as your department
15 has said, as your Planning & Zoning
16 Department has stated to you, and it's
17 also compatible by virtue of meeting every
18 condition that the Zoning Code provides
19 for you to have.
20 If you have any questions, obviously
21 I'm available.
22 CHAIRMAN MARTINEZ: Thank you. We'll
23 leave those for rebuttal time.
24 Is that the conclusion of the
25 presentation --

1 MS. BARSH: No.
2 CHAIRMAN MARTINEZ: -- Before I get
3 to the speaker cards?
4 MS. BARSH: Could we now Tom
5 MacVicar, who's going to address the
6 environmental considerations. And Tom is
7 the former deputy director of the water
8 management district as well as he also
9 served on the County's flood management
10 task force that was appointed by the
11 Commission. He's going to address some of
12 the environmental issues.
13 Tom.
14 MR. MacVICAR: Thank you, Kerri.
15 Members of the Commission, my name is
16 Tom --
17 CHAIRMAN MARTINEZ: And I'm sure
18 there's going to be questions afterward,
19 and that's probably the best time, so if
20 you can hit the important points, and
21 we're following along with the handout.
22 MR. MacVICAR: Yes, sir. Be very
23 brief. 4524 Gun Club Road, West Palm
24 Beach, my address.
25 The water resource issues associated

with this site derive from the fact that it's adjacent to one of the largest canals in Dade County. This is an area that's been studied extensively under the Lake Belt review, which we performed. We did the same review here as part of the analysis performed by the state and the corps of engineers.

We've located the Phase 1 of the quarry a half a mile from the canal. All the analysis show there's no impact at all to the canal itself or to Everglades National Park with this location.

To move closer to the canal will require a seepage mitigation project, which we're now into the final planning stages with the park service. So we won't go any closer to the canal until we resolve that issue.

There are no water quality issues.

If you have any questions that come up later, I'll be sitting right here and be glad to answer them. Thank you.

CHAIRMAN MARTINEZ: Thank you very much.

1 MR. STRAW: Mr. Chairman, members of
2 the Commission, good morning, my name is
3 Jeffrey Straw, I'm Vice President and area
4 manager of GeoSonics, offices at 4313
5 Southwest 64 Avenue, Davie, Florida.
6 We are a vibrations acoustic
7 consultant seismologist. And as this
8 mining operation will use commercial
9 explosives, we've been asked to speak very
10 briefly about this and give you some
11 factual information.
12 The industry is heavily regulated by
13 the state fire marshal. Control was
14 provided to them in 2001. And there are
15 extreme limits on ground vibration levels
16 that we have. There is constant
17 monitoring of each and every blast. And
18 as the slide changes, you'll see the
19 current levels compared the bottom line to
20 the most restrictive criteria, as well as
21 what the state allows it as a maximum.
22 I know that there have also been
23 concerns raised, in the next slide, about
24 compatibility and the issues of this
25 property at some point reaching close

1 proximity, but you'll see what has already
2 been permitted in Miami-Dade County.
3 We have an operation to the north
4 that has been working at its closest point
5 at 379 feet. If you go to the next slide
6 shows a different section of that lake at
7 400 feet. All of those operations are
8 maintained within the County guidelines.
9 And I think if there are further
10 questions or anything, we would refer to
11 Miami-Dade County and this Commission,
12 which it commissioned a study in May of
13 2000. It studied the effects of blasting
14 on structures, a cost of about 200,000 to
15 the County. It was extremely
16 comprehensive. It was a team of
17 independent experts assessing structural
18 response, ground movement, hydrological
19 features. And some of this study was
20 conducted in the area adjacent to the
21 Krome quarry.
22 Overall, the study concluded that
23 blasting was not damaging homes. And
24 based on the limits and the state
25 criteria, we feel that would be

consistent.

Mr. Chairman, if there are questions, I'll take them. Thank you, sir.

CHAIRMAN MARTINEZ: Thank you very much.

MR. WEYER: Good morning, Mr. Chairman, and members of the Commission, for the record, I'm Russ Weyer with Fishkind & Associates. I'm a senior associate there. My address is 1415 Panther Lane, in Naples, Florida. I'm here to give you some quick economic impacts and also some financial impacts that the quarry will have on Miami-Dade County, and it is very important to know.

As you see the economic assumptions there, we use those and put into two models: We have a fiscal impact model. We also use a RIMS model from the federal government to generate these numbers.

Next slide, please.

To understand that this project is going to create 117 jobs in this County, both direct and indirect, which has an economic input of 32.9 million dollars and

1 that's a rollover of dollars in the
2 economy. It will generate in terms of
3 wages 4.1 million dollars. The 117 direct
4 and indirect jobs are very, very important
5 to understand, because as of April the
6 30th, the Florida unemployment rate in the
7 state is 10.6%. In Miami-Dade, it's
8 13.7%. So that will help start to drive
9 that down a little bit.
10 Next slide, please.
11 There's a positive net fiscal impact
12 to understand in this as well, and this is
13 directly to the County. It will generate
14 over the life of this project 2.9 million
15 dollars and the total cost is $217,000.
16 That is a ratio of, for every dollar that
17 they receive in terms of services from the
18 County, they will generate $10 in terms of
19 revenue. So that is a huge fiscal benefit
20 to the County, and really important to
21 understand. Again, it will generate over
22 2.8 million in property taxes to the
23 County and the school district will
24 receive approximately 2.2 million in
25 property taxes.

1 Next slide.
2 Briefly, in the recap, again, it does
3 provide a significant fiscal and economic
4 impact to the County. The expansion
5 generates over 200,000 a year in property
6 taxes, with a little in the way of County
7 expenditures. Again, remember, that's for
8 every dollar of services that they
9 receive, they will generate $10 in terms
10 of revenue. And, finally, the 117 jobs,
11 with 45 directly employed by the mine, at
12 an average wage of 55,000, where the
13 County average wage is 45,000. And,
14 again, remember the unemployment rate. So
15 I'll take any questions at the end.
16 Thank you.
17 CHAIRMAN MARTINEZ: Thank you.
18 MS. BARSH: Next segment is regarding
19 -- we're going to talk about some public
20 interest considerations and then we'll
21 have Cliff Kirkmyer speak.
22 Many of you may be familiar, but for
23 those of you who are not, the material
24 that comes from these quarries is of great
25 significance to not only this local area,

1 but also to the state.
2 The limestone rock that comes out is
3 used in almost all of the construction and
4 road projects. If you came here, you
5 drove here, it's probably in the roads.
6 It's in this building. It's in your
7 hospitals, schools, et cetera. So it's
8 very important to our building blocks,
9 including our port tunnel, our
10 transportation needs.
11 And the state recognized that, and
12 the statute 337.0261, they deemed that
13 this industry was of critical importance
14 and in the public interest. And the
15 reason they did is because they need to
16 have a reliable stream of this product for
17 them, for their budgetary needs, but also
18 for their state transportation needs.
19 As part of that, they also deemed --
20 they also had a section on local decision
21 making as it relates to these projects.
22 And under 337.0261(3), they provided for a
23 requirement that no local government could
24 approve or deny an application, such as
25 this, or a Comp Plan that would have an

1 impact on not only the transportation or
2 the availability of this material, because
3 of its importance to the state. And they
4 asked for the opportunity, for the Florida
5 Department of Transportation, to get the
6 opportunity to weigh in on the impact.
7 And in this case, as you'll see, they did.
8 And there's a letter that's in your
9 exhibit book under Tab W, which is from
10 the district engineer from the Florida
11 Department of Transportation. And you can
12 see on the slide, but the whole letter is
13 there. And the DOT indicated that this
14 was -- these projects will fulfill a
15 critical need for aggregate material and
16 that it was only one of the remaining
17 significant upland tract available outside
18 the Lake Belt and it was essential to the
19 continuance of FDOT's road and bridge
20 construction work program.
21 And as Stan alluded to before,
22 because of the importance of this, the
23 state gets a high percentage of an
24 aggregate need for Miami-Dade County.
25 They felt it was important to provide that

information, weigh in on the importance. So we just wanted to bring that to your attention.

At this point, I'd like to have Cliff Kirkmyer, who's an executive with Cemex, tell you a little bit about the company as well as the neighborhood considerations that we're proposing for this particular project.

Cliff.

MR. KIRKMYER: Thank you.

For the record, my name is Cliff Kirkmyer. I'm here representing Cemex. My address is 131 Old Meadow Way, Palm Beach, Florida.

As you've heard, this facility is operated since the 50's. One of the reasons that I'm here speaking to this is I'm one who's old enough to remember back to the 50's and how long it's been in operation.

The facilities here employs a very diverse workforce; currently in the County 374 people. That's down from a thousand people in 2006. As you've seen in

1 previous slides, we are compatible. We
2 operate in close proximity to residential
3 and rural communities. And we have a
4 proven record of educational and community
5 outreach programs, from elementary
6 schools, to university support, to funding
7 building of truck bypass routes for Doral,
8 so trucks didn't have to go through
9 adjacent neighborhoods.
10 Next slide.
11 Showing some of our facilities in
12 Miami-Dade, we have a total of 19 spread
13 throughout the County. We've been here --
14 as previous presenter mentioned, prior to
15 Cemex, we were Rinker Materials. Some of
16 the look -- some of the snapshots of our
17 community activities that go on on an
18 ongoing basis.
19 There are three common misconceptions
20 in the mining business. The first that
21 mining will affect water supply. As you
22 heard from Tom MacVicar --
23 CHAIRMAN MARTINEZ: Cliff, would you
24 please put the podium up or something or
25 you're closer to the mike.

1 MR. KIRKMYER: Speaking in too soft a
2 tone? Yes? Sorry, I apologize.
3 CHAIRMAN MARTINEZ: The fact that she
4 can't hear you.
5 MR. KIRKMYER: There we go.
6 CHAIRMAN MARTINEZ: There you go.
7 MR. KIRKMYER: Thank you.
8 As Tommy MacVicar reported that the
9 data that we've collected, over the many
10 years we've been in operations, show no
11 adverse impacts.
12 Misconception Number 2 is that mining
13 will damage my home. Jeff Straw reported
14 there are no impacts. And, in fact, our
15 blasting activities are regulated at one
16 quarter of the federal standard.
17 And, Number 3, that there is no
18 current need for additional mining. This
19 project, as demonstrated by DOT support,
20 fulfills a critical need.
21 Construction jobs, like the elevation
22 of Tamiami Trail, the widening of Krome
23 Avenue and further expansion of MDX system
24 are absolutely critical to have adequate
25 resources available. Permitting for these

1 projects takes five years or more. And,
2 in fact, this site has been in process
3 from a federal, state and local level,
4 since 2006.
5 In quarry permitting, there are a
6 total of 10 permits required at four
7 levels. That's federal, state, regional,
8 and, of course, local. We're really
9 fortunate if it only takes us five years.
10 Our neighborhood considerations in
11 this application, we have agreed to adhere
12 to 19 proffered conditions. We have
13 attempted five outreach attempts with our
14 neighbors. We have setbacks of 500 feet
15 in our plans. We have phase mining to
16 reduce impacts. And we have agreed to
17 operate under our Good Neighbor Plan,
18 which was adopted in 2000, through the
19 blasting task force that Jeff Straw
20 referred to and was agreed to by
21 resolution by this Commission, which
22 limits the levels that our blasting
23 activities would take as well as the days
24 we would shoot and number of times that it
25 would occur.

1 Next slide, please.
2 We will -- we propose berming and
3 landscaping between our activities and our
4 neighbors.
5 Next slide, please. Next slide.
6 The benefits to this application, we
7 believe, are extensive. It will help us
8 to move from 374 employees back toward our
9 historical high of 1,000. It creates good
10 jobs. It adds local tax revenues without
11 adding services. It provides for vital
12 material for the county and the state. It
13 supports public projects and it helps
14 create jobs. And we need to do that to
15 move Florida from 10.6% unemployment in
16 Miami-Dade from 13.7% unemployment.
17 Thank you for your time.
18 CHAIRMAN MARTINEZ: Thank you, Mr.
19 Kirkmyer.
20 MS. BARSH: And just --
21 CHAIRMAN MARTINEZ: Wrap it up. We
22 have 18 speakers at three minutes each, so
23 it's over 54, which is why I allowed you
24 to go a little bit over, but I'm sure you
25 want something for rebuttal.

1 MS. BARSH: Yes, we do.
2 CHAIRMAN MARTINEZ: So if I was you,
3 I'd save it for that.
4 MS. BARSH: Okay. Thank you, sir.
5 CHAIRMAN MARTINEZ: As I call your
6 name, I have 18 cards that I have right
7 here. You have three minutes each. There
8 are two podiums. Please come down two at
9 a time and respectfully request you don't
10 be repetitive. I'm sure everybody has
11 different points and I'd like to hear them
12 all, as would everybody else here.
13 In no particular order, the way we
14 received them, Doris Castano or Castano,
15 I'm not sure. And Luis A-m-m something.
16 What is it? Luis Ammat. And Doris
17 Castano, please come on down.
18 MR. AMMAT: I want to defer my time
19 to the another lady.
20 CHAIRMAN MARTINEZ: And who would
21 that be?
22 MR. AMMAT: That would be Alice Peña.
23 CHAIRMAN MARTINEZ: Okay. Sure.
24 Anybody else want to do that? It's a
25 perfect way to do this.

MS. PEÑA: Thank you. There are several people who I'll be speaking on behalf.

CHAIRMAN MARTINEZ: Okay. Who would they be?

Can you stay place.

MS. CASTANO: This Doris Castano. I defer my time.

CHAIRMAN MARTINEZ: Sure, Doris Castano and Luis Ammat.

Okay, who else?

MR. SANTOS: I will be deferring my time too, also.

CHAIRMAN MARTINEZ: And your name is?

MR. SANTOS: Angel Santos.

CHAIRMAN MARTINEZ: Angel Santos. Sure, no problem.

MR. SANTOS: Thank you.

MS. PEÑA: Good morning, my name is Alice Peña and I reside at 14390 Southwest 199 Avenue. That's Miami, 33196. I am here today to speak on behalf of the residents, farmers and homeowners of Krome Property Owners Association. This area encompasses some 70 properties with 45

1 dwellings, from 100 Street Southwest Krome
2 Avenue to 106 Street, just south of Santa
3 Fe Haciendas. These property owners
4 oppose the request submitted by Santa Fe
5 Haciendas and Cemex for an unusual use for
6 permitting for the purpose of lake
7 excavation, rock crushing and screening
8 plant on the proximity of Southwest 90
9 Street and Southwest 88 Avenue, on 412
10 acres of land designated for agriculture
11 and currently owned by Santa Fe Haciendas.
12 While it is true that a property
13 owner may lease or sell according to
14 established guidelines, it is
15 inappropriate and disingenuous for Santa
16 Fe Haciendas to submit such an application
17 as they are not in the quarry business, a
18 business which is highly regulated for
19 many specific reasons. The residents have
20 no problems with Shoma Homes building a
21 lake and homes.
22 Your Planning & Zoning Department had
23 already denied a similar application from
24 Cemex on previous request. Some of the
25 principal reasons for recommending this

1 denial were it being inconsistent with
2 planning objectives outlined in the
3 adopted CDMP and the County's strategic
4 plan.
5 Allowing continual incremental
6 expansion of mining into agricultural
7 lands would have a negative long-term
8 economic impact on the County.
9 It is incompatible with the
10 Comprehensive Everglades Restoration Plan,
11 CERP, affecting the ecosystems critical to
12 endangered species, Miami-Dade's fishing,
13 tourism, agricultural industries and the
14 drinking water for residents.
15 It is unclear whether expanded rock
16 mining operations and the resulting lakes
17 would affect the quality of public well
18 water in the West Well Field Interim
19 protection area, its proximity to L-31
20 canal.
21 This area designated as agriculture
22 contains the best agricultural land
23 remaining in Miami-Dade County and also
24 includes enclaves of estate density
25 residential use, approved and

1 grandfathered by zoning, ownership
2 patterns and platting activities, which
3 predate this plan.
4 DERM previously stated that
5 excavations would increase the seepage
6 from the higher groundwater stages to the
7 west, to the lower stages to the east and
8 this would be detrimental to the wetlands
9 within Everglades National Park.
10 These were reasons stated by County
11 staff recommending denial of this plan,
12 and nothing has been changed or amended to
13 address these issues. So tweaking or
14 adding a lease agreement or partnership
15 negotiation by Hacienda Santa Fe with
16 Cemex does not address or change the
17 critical nature of this potential quarry
18 expansion.
19 The property owners do not object to
20 the Cemex quarry operations as they
21 currently exist, even though they have
22 already been negatively affected. These
23 residents have been there for 18 or 20
24 years, and for all these years, they have
25 quietly accepted these conditions.

1 Cemex, however, has not been a good
2 neighbor. And writing up a good neighbor
3 policy booklet, but not addressing or
4 providing remedies to the problems is
5 irresponsible. The homes have cracks on
6 their walls, ceilings, floors, driveways
7 and swimming pools. The residents have
8 never been forewarned of the times or
9 duration of explosion activities, scaring
10 and concerning the residents, especially
11 the children and the elderly.
12 Water pressures have gone down. The
13 value of their properties have gone down.
14 Businesses have been affected. There is
15 the riding academy that teaches during the
16 summer, and these sessions have not taken
17 place because the horses are spooked and
18 they cannot afford the liability and risk
19 of harming the riders.
20 The residents moved to this area for
21 peace and tranquility and the protected
22 farmlands, not for the fear they are now
23 experiencing. Nonetheless, they accept
24 this situation, but realize that if this
25 is happening from a distance, with 412

1 acres of farmland between them, what will
2 be their situation when this is allowed in
3 front of their homes without that buffer
4 that they have now?
5 Cemex contemplates building a berm in
6 front of the residents, but explosions are
7 underground. Their application states
8 that the 412 acres is open land. We
9 reiterate that they are the best
10 agricultural lands in Miami-Dade County.
11 Cemex states that they are going to
12 create jobs, but the housing market is
13 still in a dire situation. There is no
14 current demand for rock fill. They say
15 they are going to create jobs. These
16 operations are handled by heavy equipment.
17 Few jobs will be created. The existing
18 quarry currently has about 10 staff
19 employees.
20 They say they just want to build a
21 lake, but the plan has several phases and
22 contemplates work operations for more than
23 a decade, about 18 years to be more
24 precise.
25 To build a lake would only require

about six months, would have a depth and width of about 30 feet and would not require explosives. Consequently, it would appear that their investment calls for a plan that is really long-term for heavy industrial use.

As your constituents, we are asking that you address these serious concerns and do what is right by the residents, not big business, and deny this request for a zone variance.

These are families, children and elderly folks who have had a problem, which will be exacerbated and their lives will dramatically change forever in exchange for profits for Cemex.

Rumor has it that there has already been made a decision to favor Cemex. If that is the case, we would like to request that an amendment be made so that a lake be specifically excavated, with no explosives, and that these people be compensated for damages and that they have some oversight in monitoring the situation.

1 Thank you.
2 CHAIRMAN MARTINEZ: Adelina Ammat?
3 Jorge Abreu? Adelina Ammat? No?
4 MS. AMMAT: I'm going to give it to
5 Andres.
6 MR. ABREU: She's going to give her
7 time to Andres Fernandez.
8 CHAIRMAN MARTINEZ: You know what,
9 just -- okay.
10 MR. ABREU: Thank you, sir.
11 CHAIRMAN MARTINEZ: You're Jorge
12 Abreu?
13 MR. ABREU: Yes, sir, my name is
14 Jorge Abreu.
15 CHAIRMAN MARTINEZ: Jorge Sanchez?
16 Is there a Jorge -- Jorge or Talia?
17 Talia, you want to come up?
18 MR. ABREU: She wants to give her
19 time to someone else.
20 CHAIRMAN MARTINEZ: I'll tell you
21 what, just whenever you want to speak,
22 just come on up and we'll just deal with
23 it this way, 'cause if --
24 MR. ABREU: I'll be a few minutes.
25 CHAIRMAN MARTINEZ: Take your time.

1 Speak your peace. Take your time.
2 MR. ABREU: My name is Jorge Abreu.
3 I reside at 10100 Southwest 177 Avenue,
4 Miami, Florida 33196. Thank you for
5 allowing me to speak.
6 Last time we were here, it was bring
7 your kids to work day. I had the
8 opportunity to bring my son as well as
9 some of you who were here, and,
10 unfortunately, he didn't get to see how
11 this got to play out. A few weeks
12 afterward, my son wasn't feeling well, so
13 he was home and he got to feel one of
14 those explosions. He came running out of
15 the house, and he goes what just happened,
16 especially after Japan, and the Tsunami,
17 just things that kids think about.
18 Cemex is a multinational company.
19 They do a lot of work out of the United
20 States, but they're not a U.S. company.
21 They're based outside, U.S. company.
22 Those profits are going to be leaving out
23 of here. Cemex is raping our lands.
24 They're taking the product. They're
25 selling it overseas.

1 I was fortunate to go to India and
2 China two years ago. China is in need of
3 water. They're barging their water from
4 North America over to China. And when I
5 was in India last year, they're looking at
6 piping water from Alaska or the United
7 States. We're damaging what we have here.
8 I'm here for my community and my
9 neighbors. Unfortunately, not all my
10 neighbors can come, because they had to
11 work. They didn't have someone that's
12 willing to pay their bill to be here.
13 What they're going to be doing with
14 the heavy equipment out in the water -- I
15 can't change the oil on my equipment. The
16 water I drink is under me. They -- I have
17 had someone come and change my oil.
18 They're going to have those equipment in
19 the waters, dripping fuel, dripping oil.
20 To me, it's going to be contaminating the
21 whole entire county.
22 We knew when we moved out that
23 Portland cement was out there, but we also
24 knew we had 412 acres that was a buffer
25 zone between us and them. I ask you if

you were to move out to that area, would you want that in your backyard? That wasn't our intention.

Thank you for your time.

CHAIRMAN MARTINEZ: Thank you so much, Mr. Abreu.

Does anyone else want to come up?

Yeah, these are all against.

Anybody else, come on up. Don't worry about it, just state your name, your address for the record.

MR. FERNANDEZ: Good morning.

CHAIRMAN MARTINEZ: We'll take it from there.

MR. FERNANDEZ: My name is Andres Fernandez. I live at 18575 Southwest 100 Street. I have been a resident of Dade County for over 40 years. I have seen our community prosper and I've also seen the devastation that certain developers and builders have caused us with the excessive expansion and the total disregard for our future. Now we must deal with these financial hardships that we're all seeing every single day within our County.

1 For over a decade, I've also been the
2 president of a publicly traded company. I
3 understand firsthand the requirements
4 placed on issuers of any stock or any
5 bond, to properly, completely disclose all
6 relevant elements pertaining to that
7 issuance. I also understand the
8 seriousness of failing to do so.
9 I'd like to address only a few of the
10 many areas that your decision today will
11 affect and I hope to persuade you to deny
12 this application.
13 The applicant is requesting and has
14 requested, through several other attempts,
15 the approval for him to destroy 400 acres
16 of farmland. Even though the applicant
17 may make you believe or wants you to
18 believe the request is reasonable, it's
19 far from being reasonable. It's not
20 consistent, not only with the County
21 comprehensive plan, the property's current
22 zoning, but it's in direct conflict with
23 County resolution 1036-07.
24 The negative impact on our
25 agriculture community is enormous. As a

1 nation, we're seeing our food prices
2 skyrocket. As an illustration, I spoke to
3 a local corn farmer. He explains to me
4 that he grows, conservative numbers, 600
5 bushels of corn every year per acre. You
6 add that up by the 412. That's a quarter
7 of a million bushels of corn that you will
8 not allow to be harvest every year. That
9 type of business does have an impact
10 economically in our industry -- in our
11 community, excuse me, every year for
12 generations, not a one-time hole in the
13 ground, where we're left after one-time
14 profits to an organization, we're left
15 with a sewer pond. There will be no
16 growth in the future for that land. We
17 will see it at our doors, when we go to
18 the grocery.
19 The applicant request an excessive
20 and far reaching their request. Recently,
21 Felix Lasarte, attorney for the applicant,
22 stated in an interview with the Miami
23 Herald, "Rock mining operations in this
24 area have existed since the 1950's. It is
25 inconceivable to assume that neighbors do

1 not possess knowledge of the operation
2 until notice was given." I believe Mr.
3 Lasarte should be reminded that the
4 expansive area he refers to was not feet
5 from homes. It was hundreds of acres
6 away. He should also acknowledge that
7 local agriculture, farmland and neighbors,
8 such as all of us, the few that are back
9 there that could afford to come from work,
10 have been there for many years, well
11 before his client acquired this land,
12 which, in fact, I find extremely suspect
13 that the applicant acquired and purchased
14 this land, agricultural land, September
15 28th of 2005, and entered into a product
16 purchase and sale agreement with Rinker
17 just six months later, on March 26, 2007.
18 It wasn't even allowed that operation, but
19 he entered into an agreement for it. I
20 can only assume that the applicant
21 believes that he has enough political
22 capital to sway this commission to modify
23 any law, ordinance or rule for his special
24 interest. Fortunately, I have more
25 respect for this Commission than to

1 believe that.
2 The applicant speculated on a
3 property and therefore must contend with
4 his own outcome, but he does have options.
5 He can build one home every five acres, as
6 we have, as we spent our money. He can
7 continue farming it, as he's currently
8 farming it. It is not vacant land. He is
9 farming it and enjoying any agricultural
10 exemption. He could ask for reasonable
11 variance, such as one home every
12 two-and-a-half acres and maximize his
13 investment. But what is not an option is
14 the destruction of 400 acres of farmland
15 and creating a sewer pond.
16 I believe the County would be in
17 violation of its representations of scope,
18 purpose and use of proceeds in the recent
19 bond if it were to approve this
20 application.
21 On October 2000, this Board requested
22 a study of agriculture in Miami-Dade
23 County to analyze the long-term economic
24 outlook of the agricultural industry and
25 to develop recommendations to preserve and

1 enhance the industry's economic viability.
2 In a memorandum from then County
3 Manager Burgess to Mayor Alvarez dated
4 March 3, 2006, Burgess stated that the key
5 recommendations include the implementation
6 of a purchase of development rights
7 program. He goes on to state
8 emphatically, with a great support -- deal
9 of support from the community, staff
10 developed a recommendation to implement
11 the purchase of development rights to
12 maintain agricultural lands has been
13 included in the building better
14 communities bond program. This Commission
15 established a PDR program through
16 Resolution 1036-07. The purpose of those
17 funds was to obtain and to preserve
18 farmland for development. Preserve. The
19 applicant goes one step further and
20 request to destroy the farmland.
21 As a stakeholder in the bond
22 offering, I am very concerned as to what
23 the outcome and misrepresentations of the
24 use of proceeds may be. As a community,
25 how hypocritical will we be to tell our

1 bondholders, give us your money, we're
2 going to save farmland, and then turn our
3 cheek and allow a special interest to
4 destroy 400 acres of farmland?
5 We're in the midst of a financial
6 crisis. We cannot afford even the
7 appearance of any act that could be
8 construed as inappropriate.
9 In review, the agricultural industry
10 and every household food source will be
11 impacted by the approval of this
12 application. Approval would go against
13 the wants and desires of the entire
14 community.
15 Finally, we risk, at a minimum, the
16 appearance of having misrepresented the
17 use of funds to our bondholders,
18 misrepresentation, which is perceived --
19 if perceived to be deceptive will have a
20 significant impact on our bond rating and
21 may even chill the market on future
22 offerings.
23 In closing, your decision is simple,
24 but it has complex ramifications. You can
25 side with community interest and deny this

application or you can side with special interest and approve it.

As a fellow citizen of this great county of Miami-Dade, I ask you to please deny this application.

Thank you.

CHAIRMAN MARTINEZ: Sir.

COMMISSIONER SOSA: Sir.

CHAIRMAN MARTINEZ: Sir, your address again. One Commissioner didn't get it.

MR. FERNANDEZ: Sure, 18575 Southwest 100 Street.

CHAIRMAN MARTINEZ: Thank you.

MR. FERNANDEZ: Thank you.

CHAIRMAN MARTINEZ: Name and address, for the record, sir.

MR. BOYD: Good morning, my name is Charles Boyd. I reside at 18400 Southwest 100 Street, Miami, Florida 33196. Commissioners, good morning; fellow citizens, good morning and thank you for your attention.

What's unusual here in Dade County is that we both are urbanized and we also have an agricultural interest that we have

1 to maintain. As a society, we're at
2 crossroads. We're at crossroads that even
3 the best of us say that our food prices
4 will be rising almost 300 percent in the
5 next years to come. For us to degradate
6 (sic) any type of agricultural land is
7 beyond me and beyond my fellow citizens.
8 What's important for us is to look
9 into the future. When we see the future
10 of what Cemex is offering, we're looking
11 at anywhere between 16.3 to 18 years. The
12 numbers they threw up on the board are
13 kind of disingenuous, because once that
14 ends, it's over. We will have lakefront
15 property, lakefront property that might be
16 used and might not be used.
17 What's important isn't the cracks in
18 the walls and all the government
19 regulations. It's us being the good
20 custodians of what we have left in Dade
21 County.
22 Our subject matter experts, the ones
23 we all paid for and the ones we all -- you
24 guys look for, it's been written here, and
25 they did their homework on the

application, in the application Number 8, the land use element text amendment. Within this amendment, they've asked you to deny this. And to deny it, they've went to the point where everything that I proffered today with you about the rising cost, the importance of the food resources.

We talk with the numbers, 18 million, 24 million dollars that this thing is going to generate over the next 16 to 18 years, whereas the property alone, the agriculture interest here in Dade County produced 666.4 million dollars annually. And these aren't including the other types of green spaces, the intangibles that we have, the intangibles that somebody can go out and actually see green spaces. That along speaks to the uniqueness of Miami-Dade County, the urbanization of Miami-Dade County, but yet we can drive a few miles and see the river of grass. These are what we have to be good custodians of.

Some of the things that aren't being

1 spoken of today is what will happen to
2 this river of grass. What will happen to
3 the CERP, the Comprehensive Everglades
4 Restoration Plan, that even as we sit
5 there and try to find the bottom of the
6 worst recession in U.S. history, our great
7 President Obama even says that the CERP
8 needs to be funded. So even there, from
9 Washington all the way down, we see the
10 importance of maintaining our environment.
11 The great water wars that you want to talk
12 about, you think hypothetically that might
13 happen. Here we're surrounded by water,
14 both salt and fresh that were uniquely
15 positioned, but in that unique position,
16 we have to be those custodians.
17 A lot of what's being presented to
18 you today doesn't allow for some of these
19 answers and we have to be proactive rather
20 than reactive. And unfortunately what we
21 end up doing is just that. We end up
22 putting a Ban-Aid on a sore that will
23 never heal, because we should have known
24 that we shouldn't have got cut to start
25 with.

1 Everything that's happened here in
2 Dade County to be involved with, that
3 we've always looked for clarity, we've
4 looked for some type of continuity and
5 that's why we're here today.
6 It was brought up earlier this
7 morning by Mr. Price that all of a sudden
8 you have concerned citizens. The
9 concerned citizens, the ravers of the
10 laissez faire, like I don't care, I'm not
11 moving forward with it, isn't. What it is
12 is now that it's present, it's in my
13 backyard, the famous saying, not in my
14 backyard, is what's happening today.
15 We talk about contiguous. It's not
16 contiguous. You talk about the wool pit.
17 If they want to talk about the wool pit,
18 when you saw the pictures, that little
19 hammer shaped, that had an open permit.
20 They had their rights. They had their
21 rights to mine that. We're not here about
22 going against what they had was right and
23 not what was wrong, but rather taking that
24 agricultural land and degradating (sic) it
25 forever.

In closing, I ask you to briefly go through the textual changes that our subject matter experts, the County, had gone through, some of the things that I have brought up are delineated in here, some of them are hypotheticals, because unfortunately we don't know what damage will be done until after the fact. And that's what I'm bringing you today. Please avoid those hypotheticals and deny this.

Ladies and Gentlemen, thank you for your time.

CHAIRMAN MARTINEZ: Thank you, Mr. Boyd.

Is there anybody else that maybe has changed their mind and wants to speak now against it?

MS. REDONDO: Yes, good morning.

CHAIRMAN MARTINEZ: Go ahead.

MS. REDONDO: My name is Maria de Los Angeles Redondo. I live in 18002 Southwest 106 Street. With your permission, I need a Spanish translator.

CHAIRMAN MARTINEZ: Okay. And while

we wait for the translator to make their way down, ma'am.

MS. REYNOLDS: Hi, Laura Reynolds, representing Tropical Audubon, of which we have 4,000 members in Dade County, that live all over the County. Thank you for your time today. We also oppose this unusual use change.

This industry, nor the people's jobs behind us are at stake here today. I don't think that's the issue. And I think many of the people that spoke before me addressed some of the same things, so I'll try to be brief.

Rock mining, as you know, in the lake belt area is alive and well. And currently there's much deliberation and scientific design behind trying to deal with the seepage issues of water out of Everglades National Park. This is an issue that we've been dealing with for a long time and they are far from solved. And I know Mr. MacVicar will have you believe that those issues are solved. I disagree with that, as do many scientists.

1 The Lake Belt just received new
2 permits, as I stated, and the supply of
3 aggregate there is over 30 years, current
4 estimates.
5 I ask you today to uphold the CDMP
6 and allow no net loss of agricultural
7 lands or environmentally sensitive lands.
8 And because of its close proximity to
9 Everglades National Park, I think this
10 property is both, it's both agriculture
11 and environmentally sensitive.
12 Unusual use permits would only be
13 granted in a case like this if the project
14 was in the public's best interest or if
15 the operation of this plant is essential
16 for public health or national security.
17 It also states that granting this variance
18 or extension will not be detrimental to
19 public health, welfare or safety, and will
20 not create a nuisance and will not
21 materially increase the level of
22 pollution. This application does many of
23 those things.
24 Given the extremely sensitive nature
25 of the area, because of its proximity to

1 Everglades National Park -- and we're
2 talking about 700 feet from Everglades
3 National Park. And because of the effect
4 on seepage and of freshwater that are
5 critical, these are critical and they're
6 in conflict with the goals of Everglades
7 Restoration.
8 Again, Mr. MacVicar falsely stated
9 that there will be no effect on water
10 quality. The National Academy of Science,
11 as well as scientists from the Everglades
12 Foundation, have documented the effects
13 rock mining have on water quality.
14 One-third of the state depends on the
15 Everglades for water supply and the
16 ability for those wetlands to clean our
17 water and recharge our aquifer.
18 The project is not in the best
19 interest of the public for you to approve
20 this zoning change.
21 I'm just going to give this to you
22 one more time. I think I handed it to you
23 once before. This is a handout that
24 demonstrates the economic value of
25 Everglades Restoration, bringing a four to

one return on our investment. And, again, the economic value, in general, of our agriculture industry, of clean, cheap water. I think a lot of us overlook the fact that most of the industries in Dade County and farming depend on a clean, cheap water supply. That's what is at issue here.

So I ask you, as well as Tropical Audubon and its 4,000 members, to deny this unusual use change and uphold our CDMP.

CHAIRMAN MARTINEZ: Thank you, Ms. Reynolds.

MS. REDONDO: I repeat. My name is Maria de Los Angeles Redondo. I live in this area.

CHAIRMAN MARTINEZ: You're doing pretty good. Do you really want him to speak for you?

MS. REDONDO: But I am nervous.

CHAIRMAN MARTINEZ: So are we. Don't worry about it.

MS. REDONDO: No, I prefer the translator. Thank you so much.

1 CHAIRMAN MARTINEZ: Okay. It's up to
2 you.
3 (Through the Interpreter)
4 MS. REDONDO: My only intention to be
5 here before you is so that you can clarify
6 this change in zoning.
7 MR. COLLER: Mr. Chairman, could we
8 get the interpreter to speak into the
9 mike.
10 CHAIRMAN MARTINEZ: Yes, ma'am.
11 Yeah, you need the other mike.
12 Sir, why don't you let her take that
13 mike and you take the other one. That's
14 why we have two.
15 (Through the Interpreter).
16 MS. REDONDO: I'm not against Cemex
17 and I'm not against Santa Fe. I think
18 they have the right, but it is in their
19 desire to change this that I would like to
20 speak.
21 CHAIRMAN MARTINEZ: And she's going
22 to state her reasons as to why. That was
23 her last.
24 THE INTERPRETER: (In Spanish).
25 CHAIRMAN MARTINEZ: How much do you

1 get paid? I only make 2.88 an hour. Why
2 don't we switch places and I'll take care
3 of this one.
4 (Through the Interpreter)
5 MS. REDONDO: Santa Fe Haciendas and
6 Cemex want to extend to the area of 412
7 acres in order to build the lake. The
8 problem is not that. The problem is how
9 and for how long would it take to build
10 this lake. This changes substantially the
11 petition to change the zoning.
12 Santa Fe Haciendas has the objective
13 of building a lake and then property --
14 five-acre properties with views of the
15 lake.
16 How long does it take to build a lake
17 regularly for this kind of properties or
18 for construction of this type?
19 In how much time will we see this
20 project by Santa Fe Haciendas made
21 reality?
22 This is the big difference. If Cemex
23 wants to recover their investment, logic
24 would say that it would take them like 10
25 or 15 years to do so.

1 CHAIRMAN MARTINEZ: Señora, creo que
2 lo perdio.
3 You want to take a shot at it?
4 THE INTERPRETER: Yeah.
5 (Through the Interpreter)
6 MS. REDONDO: When it comes to this
7 lake, if Cemex were to build something,
8 this is more similar to something that is
9 heavy industry, because the
10 construction -- if it came to the
11 construction of houses, it would be -- the
12 timeframe would be six months, whereas the
13 timeframe that Cemex has in mind is 10 to
14 15 years.
15 CHAIRMAN MARTINEZ: (In Spanish).
16 MS. REDONDO: (In Spanish).
17 CHAIRMAN MARTINEZ: Okay. So her
18 main concern is that this is going to take
19 a lot longer than just construction of a
20 house with the heavy industry and
21 equipment there.
22 (Through the Interpreter)
23 MS. REDONDO: That is all. Thank you
24 very much.
25 CHAIRMAN MARTINEZ: You got it. All

right. Thank you very much. Awesome.

MS. CAPP: Hi there. Good morning, my name is Cara Capp. I represent Clean Water Action.

CHAIRMAN MARTINEZ: Somebody turn off the phone, please.

MS. CAPP: Sure. I'm Cara Capp. I'm here on behalf of Clean Water Action. Our offices at 7300 North Federal Highway in Boca Raton.

We know that the practice of rock mining is risky. It poses numerous environmental and public health concerns to Palm Beach County. The mining application before you today carries a particularly dangerous threat of excavating wetlands within one quarter of a mile of Everglades National Park. We urge you to deny the permitting of this application today.

The location of the proposed mining site could not be more critical. It's within the West Well Field protection area, which has been determined that excavation could cause water contamination

1 and increase seepage flow within the
2 porous Biscayne aquifer. The relationship
3 between ground and surface water within
4 the aquifer is critical for ensuring the
5 clean water supply for the residents and
6 businesses of this County and the balance
7 is extremely sensitive. In fact, DERM has
8 described this aquifer as, quote, one of
9 the most permeable aquifers in the world,
10 which quickly responds to slight
11 differences in the water table, which this
12 mine would certainly provide.
13 Permitting additional mining
14 excavation activities in the West Well
15 Field protection area means gambling with
16 this County's water supply.
17 Additionally, it's difficult, if not
18 impossible, to determine what long-term
19 impact this mining operation will have
20 when combined with existing mines in the
21 area.
22 The applicant readily pointed out
23 that there is an existing large quarry
24 immediately adjacent to this property. So
25 the presence of multiple rock mines in a

1 concentrated area could well amplify
2 negative impacts to the Biscayne aquifer.
3 This is because the aquifer is unevenly
4 porous, so it's extremely difficult to
5 understand or predict which areas are most
6 integral to maintaining the aquifer's
7 fragile structure. Continued excavations
8 could weaken the aquifer over time and
9 lead to large scale water quality and
10 water supply consequences that would have
11 regional impacts.
12 In addition to the numerous threats
13 to the quality and supply of our water,
14 the County should seriously question the
15 impacts of a rock mining project within
16 such closest proximity to one of the
17 America's natural places. Everglades
18 National Park is more than just a unique
19 and fragile ecosystem. It is also an
20 economic driver for this County. In 2009
21 alone, the park supported over 2300
22 private sector jobs, which is well over
23 the proposed 117 jobs associated with this
24 application. The park also generated over
25 165 million dollars in visitor spending.

1 Americans would surely be outraged if
2 an excavation pit were permitted within a
3 quarter of a mile from Mount Rushmore, the
4 Grand Canyon or Niagara Falls. Like these
5 great places, the Everglades is an
6 American treasure and Miami-Dade should
7 not continue to allow the rock mining
8 industry to excavate our Everglades and
9 sell the fill to China. We cannot afford
10 to gamble with the health of our water
11 supply in one America's most valuable
12 national parks.
13 Clean Water Action and our members
14 urge you to vote against this application
15 today. Please act in the best interest of
16 the residents who have elected you and
17 trusted you with the health and safety of
18 their families.
19 Thank you for your time.
20 CHAIRMAN MARTINEZ: Thank you, Ms.
21 Capp.
22 MS. CORNEJO: Good morning, my name
23 is Stephanie Cornejo. I live at 8685
24 Southwest 159 Path, Miami, Florida 33193.
25 I'm speaking today as a resident. I live

less than two miles away from the application and I'm asking you today to vote against this unusual use permit.

These operations have not been compatible with residences. I know that when I was in middle school in the area, when I'd be home from school on a sick day, I would hear the photo frames on my wall shake, because the blast coming from this -- from the current site.

Rock mining applications lowering housing values. And as one of the residents reiterated earlier, in the 1950's, when this application -- when the rock mining already existed, there weren't houses so close to it beforehand, so housing values -- don't want to depreciate that already.

And also -- I'd also like to highlight again, this application just 700 feet away from Everglades National Park.

The applicant's earlier, on their Power Point, highlighted that the Everglades National Park seepage management plan is still under

development. I don't understand. How could you pass in favor of the application if they don't have their management plan already set?

And also I'd like to highlight that this is only for -- this economic development is only for the life of the mine. This is a short-term decision that can have long-term zoning and development consequences.

Limestone is a finite resource and it has impact on housing values and ramifications on future zoning applications in our agricultural area. And just, again, it's 700 feet away from Everglades National Park.

Thank you for your time.

CHAIRMAN MARTINEZ: Thank you, Ms. Cornejo.

Wow, all these people who were giving up their time are coming back now.

MS. SHIRREFFS: I didn't give up my time. You just said come on up, so we are.

CHAIRMAN MARTINEZ: Go right ahead,

ma'am.

MS. SHIRREFFS: Good morning, I'm Dawn Shirreffs. I'm here on behalf of the National Park Conservation Association. We are here asking that that you support staff recommendation and deny this application today.

One of our concerns has always been the continued attack on agriculture in Miami-Dade County. We're really realizing death by a thousand cuts in terms of our agricultural economy.

The applicant today was right to raise the economic impacts regarding this project. I have nothing but the most deep respect for the folks here who showed up out of concern for their employment. You know, the 45 jobs created by this project are obviously very important to them, but it is your responsibility to look at the larger community needs.

Miami-Dade County realizes nearly all of the economic advantages and the benefits of the tourism dollars brought in by Everglades National Park, a world

1 heritage site. In 2009 alone, Everglades
2 National Park and Biscayne National Park
3 employed nearly 3,000 Floridians. Want to
4 guess how many of those are Miami-Dade
5 residents?
6 Further, the parks generated 192
7 million in visitor spending, not the 32
8 million that would be generated by this
9 project, according to the applicant's
10 figures.
11 It is particularly dangerous to
12 excavate wetlands within 700 feet of a
13 national park. Reliance on phasing and
14 setbacks are inadequate to protect the
15 public interest. This project is a threat
16 to the West Well Field protection area and
17 leaves our aquifer more vulnerable.
18 Our economy relies on tourism. In
19 permitting this mine will have an
20 unfavorable effect on Miami-Dade's economy
21 and our water supply.
22 Everglades National Park sent letters
23 to the Army corps of engineers in March
24 2008, May 2001 and July 1998, asserting
25 the mining activities closer than 2,000

1 feet of the L-31 north would impact
2 hydrologic conditions of adjacent marsh
3 communities. Nothing has changed.
4 Again, we believe that blasting is
5 not an appropriate activity next door to
6 one of America's greatest treasures,
7 especially if it conflicts with the eight
8 billion dollar Everglades Restoration
9 effort, hurts our economy and threatens
10 our water supply.
11 Please support staff's recommendation
12 and restore your commitment to Everglades
13 National Park by denying this permit.
14 Thank you.
15 CHAIRMAN MARTINEZ: Thank you very
16 much, Ms. Shirreffs.
17 Seeing nobody else in opposition,
18 James Humble and Jose Pepe Cancio.
19 MR. HUMBLE: Good morning, James
20 Humble, 26600 Southwest 182 Avenue.
21 I'm here today for the following
22 reason: I'm a tropical fruit grower and a
23 land owner in South Dade County. Whatever
24 rights exist on a piece of property to a
25 farmer and as a land owner that has

1 certain rights on their property, I would
2 like to always think those rights are
3 protected. Property rights are important
4 to me and have been my entire life, which
5 is the main reason I'm speaking today.
6 I don't have any land in this
7 category, but I don't want to go and begin
8 challenging people's rights to use their
9 property, 'cause, in the long run, that's
10 going to affect my rights to use my
11 property. So on that issue, I feel
12 strongly.
13 Regarding the net loss of agriculture
14 land, I've been involved in agriculture my
15 whole life. It's interesting that many
16 people who say there should be no net loss
17 of agriculture never spoke against the
18 loss of 30,000 acres of ag land to park
19 expansion, land that had been set-aside
20 under the East Everglades plan and the
21 Master Plan for future agricultural
22 expansion. That land is all gone. Not a
23 word was said. So when I hear the net
24 loss, I have to ask myself, where were
25 those folks when this was going on?

1 Also, it's important that if Dade
2 County is buying development rights, which
3 they have a program of buying development
4 rights, that we'd be very careful about
5 affecting people's development rights or
6 rights on their property if we plan on
7 buying them in a short period thereafter.
8 We have to protect those rights. They're
9 important to farmers for their equity
10 value. They have a bad year, they need
11 the land, the value in it to borrow
12 against. There's less and less value over
13 30 years, because of zoning issues.
14 Thank you, Mr. Chairman, for your
15 time.
16 CHAIRMAN MARTINEZ: Thank you, sir.
17 Welcome back, Commissioner.
18 MR. CANCIO: Good morning, Mr.
19 Chairman, Board of County Commissioners,
20 Ladies and Gentlemen, my name is Jose Pepe
21 Cancio. I live at 799 Crandon Boulevard,
22 in Key Biscayne, Florida. I am here today
23 as a former chairman of the Florida
24 Concrete and Product Association and
25 Director of the National Ready-Mix

1 Concrete Association. Also president and
2 CO of Super Mix Concrete in Miami-Dade
3 County.
4 And Cemex is my competitor, but, you
5 know, the mining industry of the
6 aggregate, they are very important for the
7 construction of the future of Miami-Dade
8 County. This is the core material for the
9 construction industry, and that's why I'm
10 here in favor of this application.
11 And I want to say something before my
12 time is over. Rinker before, when I was a
13 County commissioner, the people from Belen
14 Prep school, they went to see me, because
15 they want to row in one of the lakes of
16 Rinker. The president of Rinker at that
17 time was Mr. Watson, Sr. and now the
18 president of Cemex U.S.A. is Mr. Watson,
19 Jr. That means that they are corporate
20 friendly people to this community.
21 And we have been heard about the
22 cracking. I have been in the concrete
23 industry for 30 years. Concrete crack.
24 If you don't place the concrete right, you
25 don't have the foundation, you don't have

1 the tie down, you don't have the expansion
2 joint, concrete crack. That mean all over
3 the world. It's something -- I went the
4 other day, because when I heard this
5 zoning, I went to 100 Street. They have
6 beautiful house there. They have one
7 house that they never finished, but these
8 people they are professional in what
9 they're doing in mining.
10 Miami-Dade County blasting velocity
11 is one of the lowest in the whole United
12 States of America. That is a fact. I am
13 not -- and if I am putting my name here,
14 Pepe Cancio, Sr., in this project, in
15 these people, is because I trust in them.
16 They're professional mining people. They
17 are my competitor. I am not here, because
18 they are -- they compete against me in the
19 ready mix business, in the transportation,
20 in the concrete block, but they are from
21 my same association and they are people
22 who create jobs.
23 We have a bunch of people from Cemex
24 here that they need to work. Like my
25 company, we have been losing more than 200

1 jobs in the last three years. We have
2 been losing a bunch of money, but we have
3 a big faith in Miami-Dade County. That's
4 why we're here in business, like them.
5 And, also, the aggregate, we need it.
6 The aggregate don't going to go to China.
7 And that is something that people, they
8 don't know what they're talking about it,
9 but, you know, we need for road base, for
10 the widening of Krome Avenue, for the
11 airport, for the tunnel, for the
12 high-rise, for the hospital, for the
13 government facility. That's why, you
14 know, I'm here for that.
15 And also I want to ask something to
16 you people. The Cemex people, they
17 (inaudible) school building in FEC, one of
18 the property. They have been for 21
19 months to try to take all the permits to
20 be able that the kids of Miami-Dade
21 school, be able, you know, to go see how
22 we're able protect the Everglades and they
23 don't have, you know, the permit yet. I
24 think that to me it's a shame that take so
25 much time. That's why, you know, in

1 Miami-Dade County, many people they go,
2 you know, to Broward County, to Palm Beach
3 County, because, you know, the red tape
4 and the regulation, they are too much.
5 And I want, you know, to -- if it's
6 something worth, approve this project.
7 Thank you, sir.
8 CHAIRMAN MARTINEZ: Alfredo Gaitan,
9 and Camille Sidiano or Sadiago. I'm not
10 sure which way it is.
11 Your name and address.
12 MR. GAITAN: Good morning, my name is
13 Alfredo Gaitan. I'm from -- I'm a Cemex
14 employee.
15 CHAIRMAN MARTINEZ: Your address,
16 please.
17 MR. GAITAN: 29950 Southwest 169
18 Avenue, Homestead, Florida.
19 CHAIRMAN MARTINEZ: Go, sir.
20 MR. GAITAN: I'm here to speak on
21 behalf -- I've been working for Cemex for
22 12 years and in 12 years I've seen how
23 Cemex carries themselves in a safe manner.
24 Since I started working there, they
25 just show us how the main purpose of

1 everything is going home the same way we
2 came in and that's something that my
3 family really recognizes.
4 The other thing they also do is, they
5 bring about, not just in safety in us, but
6 safety in everything around us, being good
7 neighbors and good neighbor policy. If
8 there's any kind of questions that need to
9 be asked or any concerns, they got an
10 open-door policy where they go ahead and
11 open the door.
12 I've also seen the regulations that
13 they go ahead and they follow, being DERM,
14 FDOT, MSHA, OSHA, which is a good company,
15 a company that follows every regulation
16 they put ahead of them. So that's mainly
17 what I want to speak about.
18 And I just want to also say, I'm
19 happy to be and proud to be a Cemex
20 employee, because I am the beginning and
21 the -- we are, all Cemex family, as a
22 beginning of the building of the future
23 for my kids, new schools. Just like all
24 these well educated people that came up
25 here, they're educated in schools and

1 we're the ones that started building from
2 the bottom up. And that's what I explain
3 to my kids.
4 And with all these regulations that
5 they follow they also, I see very
6 important to go ahead and protect the
7 environment, so that way my kids can also
8 enjoy the environment the way I did
9 growing up.
10 And that's about all I got to say.
11 Thank you.
12 CHAIRMAN MARTINEZ: Thank you.
13 MS. SORIANO: Hello. My name is --
14 CHAIRMAN MARTINEZ: There's a little
15 button there that says up down. There you
16 go. And then you can move the microphone
17 so we can hear you well. There you go.
18 Name and address, for the record.
19 MS. SORIANO: Okay. My name is
20 Camille Soriano. I live at 15254
21 Southwest 152nd Avenue, Miami 33187.
22 I'm a teacher employed by Miami-Dade
23 County Public Schools and I wish to speak
24 about the generous educational
25 opportunities that Cemex has provided for

1 our student community in the past four
2 years.
3 When our school first opened, we were
4 invited to share in the experience of
5 planting a mitigated wildlife area. And
6 since that time, our partnership has
7 formed and strengthened. Students have
8 recently studied how wetlands cycle. They
9 also have learned how fish populations are
10 maintained. And recently they're looking
11 at how plants and wildlife interact
12 together and are adaptable in many ways.
13 And so for these reasons and others,
14 we support Cemex and we are very, very
15 grateful for their continued partnership.
16 Thank you.
17 CHAIRMAN MARTINEZ: Thank you, ma'am.
18 Levi Mosley. Name and address, for
19 the record, sir.
20 MR. MOSLEY: My name is Levi Mosley.
21 I live at 1595 Northwest 120 Street. And
22 I'd like to start out by just saying that
23 for 27 years, a little bit over 27 years,
24 I've been an employee at Cemex Krome
25 quarry. And I've been able to support my

1 family, been able to pay my bills. We all
2 need our jobs. And it is my sincere
3 prayer that God will continue to bless
4 each and every one of us with our jobs.
5 Cemex has allowed me to put away some
6 money for the future. I have been able to
7 support my family, and raise my family,
8 and pay my bills. And I just pray that
9 this committee will take it in
10 consideration we all need our jobs. And
11 that's all I have to say.
12 CHAIRMAN MARTINEZ: Thank you very
13 much.
14 Is there anybody else who did not
15 sign up a card that wants to speak on
16 this?
17 Hearing none, public hearing is
18 closed. Public hearing is closed.
19 Mr. Price, who's going to be doing
20 your rebuttal? Anybody?
21 MR. PRICE: Can we just share it?
22 I'll be three minutes and she'll be the
23 same amount of time.
24 CHAIRMAN MARTINEZ: Three and three?
25 I can live with that. And you guys are

1 not going to need an interpreter.
2 No, I do want to thank him. I kid
3 around with him. He does an excellent,
4 excellent job, and it's very hard
5 sometimes to follow people and do it, so I
6 definitely appreciate the job he does.
7 MR. PRICE: With me, that's a matter
8 of interpretation.
9 CHAIRMAN MARTINEZ: I kid with him.
10 He's good. I hope he took it as a joke.
11 En Español?
12 MR. PRICE: Yes, Mr. Chairman,
13 members of the Commission, just very
14 briefly.
15 I've been doing this for a long time,
16 many people think too long. Every hearing
17 basically comes down to the same concerns
18 raised, but this Board has an obligation,
19 you need substantial competent evidence.
20 The evidence has to be competent. The
21 mere fact that someone says that this is
22 going to cause harm to the water supply,
23 you have experts who have testified that
24 is not the case, and that is very
25 important.

1 You cannot predicate zoning decisions
2 on presumed nuisances. If there are
3 nuisances that do occur, you have remedies
4 to address those nuisances. You can't
5 presume a nuisance, and that is a cardinal
6 rule of zoning.
7 In addition, if you listen to what
8 they had recommended, one person says why
9 don't we ask for two and a half --
10 two-and-a-half acre zoning. Of course,
11 that's a violation of the comprehensive
12 plan, but a couple facts you need to
13 understand about fears.
14 Number 1, there is no obligation, in
15 the agricultural district, if you divide
16 your home into five-acre subdivisions that
17 you have to put one plant on your
18 property. There is no farming, mandatory
19 farming, in a one-per-five-acre zone. And
20 if there is, I'd like someone to show me
21 where it is in the code. And, in fact, if
22 you look at the aerials around here, many
23 of the homes have no vegetation at all on
24 their property. So to say that we're
25 permitting five-acre homes, we're

1 preserving agriculture, that's false.
2 That's a myth.
3 Secondly, if we want to talk about
4 agriculture and concerns of Everglades
5 National Park, what about the pesticides
6 and insecticides that go into the ground?
7 Is that a concern? Hopefully not, because
8 we have regulations in place that monitor
9 that type of activity, just as you have
10 regulations in place that monitor mining
11 activities.
12 The point I made at the beginning of
13 my presentation, which I think is very,
14 very important, is for the past 50 years,
15 until we filed this zoning application,
16 not one complaint was issued. And since
17 we filed the application, every complaint
18 that has been filed against this operation
19 has been dismissed as not being
20 appropriate. There has been not one
21 violation proved in regard to the
22 operation of this facility.
23 And I know, Mr. Chairman, I've sat in
24 that chair, I know I have to respect the
25 opinion of the County attorney, but it

1 does not give me the right not to
2 challenge his determination that a
3 two-thirds vote is necessary. And I just
4 direct your attention, I'm saying this for
5 the record, I know you're bound by the
6 County attorney, but if you look at Page 2
7 of your agenda kit, policy LU-3F,
8 supermajority vote. The next to the last
9 sentence of that provision provides, and
10 I'd like someone to explain to me what it
11 means, "This policy is not intended to
12 permit any use not otherwise permitted by
13 the CDMP." So the question is, you need a
14 two-thirds vote if you're asking for a use
15 not otherwise permitted by the CDMP.
16 If you go to paragraph number 2,
17 which precedes this, on Page 2, the last
18 sentence, which is highlighted, "Existing
19 quarrying and ancillary uses in the
20 agriculture area may continue operation
21 and may be considered for approval of
22 expansion." How reading this in para
23 materia with the above section, how you
24 can come to a conclusion that you need a
25 two-thirds vote is beyond me.

If a use is permitted in the Comp Plan, which this is, in the preceding paragraph, how can you say you need a two-thirds vote to permit this, when there's specific authorization in that section that permits you to consider the utilization of a property that is specifically designated in the CDMP. So we respectfully disagree with the interpretation of the County attorney. And if they can tell me what that sentence means in clear English, I can't, other than what I interpreted, I'd like to hear the explanation.

CHAIRMAN MARTINEZ: I will ask him.

Are your three minutes going to be the same as his three minutes?

MS. BARSH: Hopefully shorter, hopefully shorter.

CHAIRMAN MARTINEZ: Because you're an attorney also.

MS. BARSH: That's correct, that's correct.

CHAIRMAN MARTINEZ: That's not always good.

1 Mr. Attorney, Craig, could you
2 explain that one on the two-thirds vote.
3 MR. COLLER: Mr. Chairman, we read
4 the plain language that's in the CDMP.
5 This is not a direct production or a farm
6 residence and therefore it requires a
7 two-thirds vote.
8 I don't see that the language that
9 Mr. Price has now raised for the first
10 time as in any way affecting the
11 requirement that there needs to be a
12 two-thirds vote.
13 CHAIRMAN MARTINEZ: All right, that's
14 for -- we can consider it. Obviously
15 questions will be taken at a later time.
16 MS. BARSH: Yes, I want to address
17 some of the issues that were raised by the
18 testimony.
19 With respect to the issues of CERP
20 and the proximity to CERP, the
21 recommendation -- I just want to point out
22 that we've already received authorization
23 from the Army corps of engineers for this
24 project. We've also received
25 authorization from the Florida Department

1 Environmental Protection for this project.
2 And we also have received a favorable
3 recommendation by DERM for this project,
4 with the important condition, that they
5 haven't overlooked, is that that condition
6 requires us to sit back in Phase I a half
7 a mile from the park. So we will be a
8 half a mile away and we cannot proceed any
9 closer than that by condition of our ERP.
10 And if you were to approve it today,
11 subject to that DERM condition, we will
12 not be able to proceed till we address the
13 seepage issues in full. We cannot go any
14 farther. So I think that's an important
15 part.
16 The other issue with respect to the
17 blasting, you heard concerns about what we
18 do and what we say. And I think Mr.
19 Kirkmyer mentioned Cemex is known and has
20 always done what they call a good neighbor
21 program. What that entails is doing a
22 free -- we do free pre-blast surveys of
23 anybody's home that wants to, if they have
24 a concern. We do follow-up with respect
25 to any concern of damage that they have.

1 We send independent engineers out to
2 evaluate as well and sometimes two
3 different engineers and to give them a
4 report and follow-up. We also will give
5 -- not only will we give phone notices,
6 but we also post the times and our
7 schedule, usually a week in advance, of
8 when we'll be blasting. We do that, and
9 we're happy to do even that day if
10 somebody gives us that. We also do -- we
11 also have -- there's a state procedure, if
12 there are claims, that's user friendly.
13 All of this that I'm referring to has been
14 set forth in proffered conditions that we
15 proffered and proffer today before us to
16 deal with the good neighbor policy.
17 The recommendation in April from the
18 Director was that we didn't address dust
19 and noise. We have also proffered
20 conditions that address dust and noise.
21 In terms of water trucks, ensuring that
22 there's no dust. In terms of a berm,
23 ensuring that there's not this noise and
24 it's going to be landscaped. We also
25 indicated that we would do other things as

1 it relates to vibration minimization.
2 Again, a proffered condition that we're
3 happy to agree to and we're proffering it
4 today. Total -- we have limits on hours
5 of operation. So, in total, we have 19
6 different conditions.
7 I also want to point out, within my
8 time, that this has been -- this project,
9 as Mr. Kirkmyer showed, the list of
10 permits and approvals. Typically, it's
11 actually more seven years. We've already
12 had the recommendation, again I mentioned,
13 of the Army corps, Florida DEP. There's
14 -- in your packet, there's a letter from
15 the state marshal, who regulates our
16 vibrations, indicating that we've had no
17 exceedences (sic). There's that letter in
18 there as well for the quarry to the north.
19 We also have the letter from FDOT
20 indicating the public importance of this.
21 So when you look at everything, this
22 project has been very -- there's been a
23 comprehensive review and robust review.
24 And so we look forward -- we've been there
25 50 years. We look forward to this next

1 project. We stand by our conditions. And
2 as Stan indicated, we think that competent
3 substantial evidence is in support of
4 this, and respectfully request your
5 approval, subject to all the proffered
6 conditions and the recommendation with
7 DERM's approval, subject to that one
8 condition.
9 And we have the experts, if you have
10 any other questions, we're happy to
11 address them.
12 CHAIRMAN MARTINEZ: Thank you.
13 MS. BARSH: Thank you.
14 CHAIRMAN MARTINEZ: And I'm sure they
15 will.
16 Mr. Director, as to the
17 recommendations and their proffers that
18 they have made or 19 conditions, does that
19 still -- does that change your
20 recommendation or does it stand?
21 MR. LaFERRIER: Commissioner, we
22 wouldn't be able to change -- or Chairman
23 and Commissioners, we wouldn't be able to
24 change our recommendation.
25 What the applicant had discussed is

in addition to their previously proffered covenant. That previously proffered covenant did not include what they describe as the Good Neighbor Plan, which may very well be a good neighbor plan when we're talking about blasting near residential areas. However, upon our review of that Good Neighbor plan, I don't think that it's the type of requirements that the County typically would enforce. It has more to do with the day-to-day operations of a blasting operation. And we simply wouldn't be able to monitor it or to enforce it. It might have an appropriate effect if there was some legislation -- I'm sorry, some lawsuits between parties, but it would be very difficult for the County to enforce.

CHAIRMAN MARTINEZ: Okay. In handwritten Page 2, you put the principal uses in this area should be agriculture, uses ancillary to and necessary to support the rural community and all that, as one of the reasons why you don't believe it complies with our CDMP.

In the presentation that they gave, the CDMP agricultural land text, it does state -- well, it's actually you even put it here, in Number 2, that quarrying and ancillary uses in the agriculture area may continue operation and be considered for approval of expansion. I don't understand how one cannot comply with the CDMP, when actually the wording is in the CDMP in bold.

MR. LaFERRIER: We're saying that the application is consistent with the CDMP and that the use could be reviewed and approved by the Board of County Commissioners without a plan amendment just in a zoning hearing. However --

CHAIRMAN MARTINEZ: So what is the basis for the negative recommendation?

MR. LaFERRIER: However, the primary uses for this area and other agricultural uses should be the direct production or ancillary uses to the direct production or farm residences, which none of these are those uses.

CHAIRMAN MARTINEZ: So your --

1 MR. LaFERRIER: The concerns --
2 CHAIRMAN MARTINEZ: So your negative
3 recommendation is based because it should
4 be, not because --
5 MR. LaFERRIER: Our negative
6 recommendation is based upon the fact that
7 we don't believe it's a compatible use
8 with the nearby national park,
9 environmental areas and the residential
10 areas.
11 CHAIRMAN MARTINEZ: I understand.
12 Remember, we haven't had zoning/CDMP here
13 in a long time. We've got two brand new
14 Commissioners that came in, too. And I
15 don't know if we've had even two zoning
16 hearings since then.
17 But it seems to me that when you make
18 your recommendation of it should be, it's
19 very subjective; it's what you believe.
20 The law, what our CDMP says -- if I'm
21 correct, the CDMP says that existing
22 quarrying and ancillary uses in the
23 agriculture area may continue operation
24 and be considered for approval of
25 expansion.

1 Does this application comply with
2 that?
3 MR. LaFERRIER: Yes.
4 CHAIRMAN MARTINEZ: So then it's not
5 against the CDMP?
6 MR. LaFERRIER: I didn't say it was
7 against the CDMP. I said that the use
8 that they're proposing is not compatible.
9 If I had said it was against the CDMP, I
10 would have said it was inconsistent with
11 the CDMP.
12 CHAIRMAN MARTINEZ: Okay. So then
13 this is your opinion, your feeling, what
14 you think.
15 MR. LaFERRIER: Well, there is
16 supporting regulation and policies about
17 what compatibility means, and what we've
18 determined is that blasting, and rock
19 mining and trucks are not compatible with
20 residential uses and a nearby national
21 park.
22 CHAIRMAN MARTINEZ: Okay. And I want
23 to hear from the colleagues, Commissioner
24 Moss and the others, and actually,
25 anybody. There's probably a lot of

1 questions going on. And I'm not convinced
2 either.
3 And I have taken advantage of that
4 number that you call for the blasting,
5 because on two separate occasions, I have
6 been -- and I've heard it and I've felt
7 it. And it is really, really hard to
8 believe that that does not have an impact
9 on the cracks I have on my floor.
10 Surveyor went out, checked it, did that.
11 They do have this service. You can do it.
12 I wish I would had used it before. So I
13 want to wait. I'm not sure as to what the
14 impact will be.
15 At the same time, I remember years
16 ago, when the state took it away. Because
17 there was one time, for those of you here,
18 that this Commission was really trying to
19 limit the impact of blasting. That was
20 2000, 2001, 2002. And the state, one
21 particular representative and one in the
22 senate, took it away from us. That's when
23 Gallagher also was the CFO. They took it
24 away from us. They did not want us to
25 make the decisions that affected our

1 local, local people. We were able to go
2 and put some restrictions on it on the
3 peak particle velocity, made sure it was
4 under 80, 85, something to that limit. I
5 can't remember exactly what it was at the
6 time.
7 And at the time, we took a tour to a
8 blasting facility. I don't know if it was
9 Cemex or which one it was, somebody out
10 there blasting, and we were actually there
11 when they did the blast. Number 1, it's
12 very visually impressive. As the wave of
13 sand comes at you, it looks like it's a
14 wave like a Tsunami or something to that
15 effect. And I don't know if it's the
16 closer you are, the less you feel, because
17 in my house, I felt it twice. And I've
18 called, did you blast at this time? Yes,
19 on this time. It was exactly to the time,
20 but there it wasn't that much.
21 The seepage I believe it was
22 controlled as to how quick the duration
23 had to be to filter, but there's always
24 concerns and there are a lot of unanswered
25 questions. There's a lot of questions

1 that can't be -- there's been statements
2 that were made by the people against it
3 that I know are not true. There were
4 statements made from over here that just I
5 can't verify, because they did not have a
6 competing scientific -- and the gentleman
7 did say it, he goes that they did not have
8 the exact scientific data, because these
9 are things you don't know until later.
10 So I'm looking forward to hearing
11 from you. I don't know if Commissioner
12 Moss wants to open it up, of if he wants
13 to hear also, because most of these people
14 live down there or if you want to hear
15 from the other ones, or that's fine.
16 So with that, I'm listening from over
17 here: Commissioner Suarez, who's on the
18 list, and I believe Sosa, Diaz, Heyman,
19 Monestime, okay.
20 Commissioner Suarez, you have the
21 floor.
22 COMMISSIONER SUAREZ: Okay. I don't
23 want to preempt Commissioner Sosa, if she
24 asked to be heard first.
25 As I heard the initial presentation,

1 I was given the impression that -- Mr.
2 Chairman, that the questions you asked I
3 think were very pertinent to that, that
4 were sort of constrained by either state
5 law, or county ordinance or both, but the
6 more I heard the discussion, the more I
7 concluded they were not constrained in
8 either case.
9 The County Code Section 33-314(c)
10 does seem to have a lot of leeway given to
11 us, a lot of discretion and -- to consider
12 things like compatibility. In this case,
13 you cannot only say that this kind of
14 activity is not only not compatible with
15 agriculture, it actually kind of preempts
16 agriculture. And we heard some evidence
17 of what could be done if it was used for I
18 think corn growing, et cetera.
19 As to the state ordinance -- the
20 state statute, rather, Florida Statute
21 337.0261, it seems to me that we're not
22 really threatening the aggregate supply
23 based -- I just don't know if it's
24 substantial competent evidence, to use
25 Stanley Price's term, but it sounds like

there's plenty of supply available from other rock mining operations. And so I'm thinking that your recommendation is really -- it's not binding on us, but it's certainly, you know, pretty compelling, and that this is not compatible and it's not the kind of thing that we should be approving.

I want to say that this is not in dirigation -- my vote is not in dirigation of Shoma Homes, who are doing great things out there and I hope that they continue doing them, but this seems like a sort of subterfuge. I mean, you're coming in with an application to build, which sounds like a very nice use, a nice lake, but it's actually a rock mining operation. And as such I think -- and for 17 years or 15 years. That's an awful long time to have that what I think is incompatible with the agricultural uses. So that's where I stand on.

CHAIRMAN MARTINEZ: Commissioner Sosa.

COMMISSIONER SOSA: Thank you, Mr.

1 Chairman, and I have a few questions, so I
2 want to make sure I understand everything.
3 If I may, my first question will be
4 to the County attorney. There was one
5 person who spoke before that spoke about
6 the violation of bonds, if approved this
7 application for the County. Can you
8 expand and explain that. If this
9 application is approved or denied, is
10 there any impact in the bonding capacity
11 of the County?
12 MR. COLLER: Well, I admit that when
13 I heard that testimony, I didn't quite
14 understand what they were saying. I don't
15 see what kind of bond issue would arise
16 from the granting of this application, so
17 I didn't follow the testimony. I didn't
18 understand the basis for it. I don't see
19 where our bond ratings would be affected
20 by this zoning issue.
21 COMMISSIONER SOSA: My concern is
22 that since there was public implication
23 done to that since, I don't know what the
24 proper protocol will be, but I will try to
25 get a staff member to get the information

1 from the person who testified, or if you
2 want, I can recall the person, because I
3 want clarification on that issue. I don't
4 want to leave it in the air.
5 MR. COLLER: Well --
6 COMMISSIONER SOSA: Maybe they know
7 something that we need to know, and I
8 think it's important.
9 Mr. Chairman, is there any way that I
10 can recall the person just to state for us
11 what is the law that he is addressing?
12 CHAIRMAN MARTINEZ: This is a
13 question you want answered --
14 COMMISSIONER SOSA: If --
15 CHAIRMAN MARTINEZ: I didn't
16 understand what it was either, but go
17 right ahead.
18 COMMISSIONER SOSA: That's why I
19 don't want to leave it in the air.
20 CHAIRMAN MARTINEZ: Who's the
21 gentleman that said it? Was it
22 Angel Santos?
23 COMMISSIONER SOSA: Do you mind
24 coming for a second.
25 Just on that issue, can you

1 respectfully state your name and your
2 address for the record again and just
3 clarify that issue so the attorneys can
4 answer my question, sir.
5 MR. FERNANDEZ: Yes, ma'am. Andres
6 Fernandez, 18575 Southwest 100 Street.
7 In the use and proceeds in the
8 prospectus of the bond that was issued for
9 the better -- the BCC bond, there's a
10 portion, which was added in by the
11 resolution that I mentioned earlier, where
12 funds would be requested in order to
13 enhance and preserve agricultural land.
14 Therefore, bondholders, potential
15 bondholders, review that prospectus and
16 review that we're going to use money to
17 save agricultural land. If you, in the
18 same token, derive funds for that which
19 were recently at 1.6 million dollar taking
20 of the bond for that, and on the other
21 hand destroy agricultural land.
22 COMMISSIONER SOSA: Okay. Do you
23 understand now where he's -- thank you,
24 sir, Andres, I really appreciate it.
25 MR. FERNANDEZ: Thank you.

1 COMMISSIONER SOSA: Thank you.
2 Mr. Attorney.
3 MR. COLLER: No, it would not affect
4 the bond rating. You know, it's a policy
5 issue of the Board as to how it wishes to
6 handle this case.
7 COMMISSIONER SOSA: Thank you. I
8 wanted that clarified.
9 Next question. Clarify something,
10 the administration for me, because I'm
11 getting mixed signals from you.
12 Let me go one by one.
13 Is DERM -- does DERM have any
14 objection to this application?
15 MR. LaFERRIER: DERM does not have an
16 objection to the proposed used.
17 COMMISSIONER SOSA: No.
18 Does Public Works have any objection?
19 MR. LaFERRIER: No.
20 COMMISSIONER SOSA: Parks and
21 Recreation?
22 MR. LaFERRIER: No.
23 COMMISSIONER SOSA: MDT?
24 MR. LaFERRIER: No.
25 COMMISSIONER SOSA: Fire-Rescue?

1 MR. LaFERRIER: No.
2 COMMISSIONER SOSA: Police
3 department?
4 MR. LaFERRIER: No.
5 COMMISSIONER SOSA: FDOT?
6 MR. LaFERRIER: Hold on.
7 COMMISSIONER SOSA: Is this expansion
8 consistent with the CDMP?
9 MR. LaFERRIER: The request to have
10 rock mining on this site --
11 COMMISSIONER SOSA: No.
12 MR. LaFERRIER: -- is consistent with
13 the CDMP.
14 COMMISSIONER SOSA: So the
15 application that we have in front of us
16 today is consistent with the CDMP?
17 MR. LaFERRIER: The application is
18 consistent. Our analysis indicates that
19 it's not compatible. The Board has policy
20 and regulations --
21 COMMISSIONER SOSA: No, no, no, don't
22 get me -- Mr. Chairman, don't get me
23 confused.
24 CHAIRMAN MARTINEZ: I'm not getting
25 you confused.

1 COMMISSIONER SOSA: Because I have
2 been here for a long time and I want your
3 answers specific like you have done in the
4 past. I don't mind asking you your
5 personal opinion, and I will, but I'm not
6 talking about that. I'm talking about our
7 job as professionals.
8 I went department by department, no
9 objection. The Army corps of engineers
10 granted the permit, no objection. DEP in
11 the state granted the permit, no
12 objection.
13 Now, my question to you is, the
14 application that we have in front of us
15 today, with all the paperwork, all the
16 proposed Declaration of Restrictions, et
17 cetera, is that consistent with the CDMP,
18 yes or no?
19 MR. LaFERRIER: Yes.
20 COMMISSIONER SOSA: Then leaving that
21 to the side, is that area that is part of
22 this application today used for farm
23 today?
24 MR. LaFERRIER: Yes.
25 COMMISSIONER SOSA: Okay. What is to

1 the north of this application?
2 MR. LaFERRIER: To the north, the
3 application is a property that's operated
4 by Cemex as a rock mining operation.
5 COMMISSIONER SOSA: How -- at what
6 distance is that? You mean that at the
7 north, we have another lake excavation,
8 right?
9 CHAIRMAN MARTINEZ: I'm sorry.
10 MR. LaFERRIER: Correct.
11 CHAIRMAN MARTINEZ: If you can put
12 the map to the questions she's asking, you
13 know, what's to the north, what's this,
14 that. I think you have it upside down.
15 COMMISSIONER SOSA: Oh, now my north
16 was going to be problematic.
17 CHAIRMAN MARTINEZ: There goes her
18 question. Whichever one explains to her,
19 if you could point it out, so everybody
20 can also see when you go to the split
21 screen.
22 COMMISSIONER SOSA: Okay. What is
23 the distance between the actual lake
24 excavation to the north and the actual
25 request of this application?

1 MR. LaFERRIER: The lake excavation
2 to the north, where there's currently a
3 lake, as you can see on the aerial photo
4 just south of 188 Street and the proximity
5 to the subject property, is that they're
6 contiguous directly to the south.
7 COMMISSIONER SOSA: So it's like an
8 expansion of the lake excavation that
9 exist to the north.
10 MR. LaFERRIER: That's correct.
11 COMMISSIONER SOSA: There's not even
12 distance in between?
13 MR. LaFERRIER: There's no
14 separation.
15 COMMISSIONER SOSA: Okay, no
16 separation.
17 What about to the south, what do we
18 have to the south? What I can see there
19 is farm and vacant land?
20 MR. LaFERRIER: That's correct, and
21 homes.
22 THE AUDIENCE: No, no.
23 COMMISSIONER SOSA: No?
24 CHAIRMAN MARTINEZ: Folks, no, no,
25 no, please. That's not permitted here.

1 COMMISSIONER SOSA: Can you clarify?
2 CHAIRMAN MARTINEZ: And these
3 questions are going strictly to them and
4 you guys clarify to staff.
5 COMMISSIONER SOSA: Yes. What is to
6 the south?
7 MR. LaFERRIER: To the south of the
8 subject property, there are homes,
9 farmland and ranches.
10 COMMISSIONER SOSA: Okay. What is to
11 the east?
12 CHAIRMAN MARTINEZ: Krome.
13 MR. LaFERRIER: To the east is Krome,
14 directly to the east, and across Krome is
15 additional farmland.
16 COMMISSIONER SOSA: How far away is
17 our park that is environmentally protected
18 from this area to the west?
19 MR. LaFERRIER: The national park is
20 within 700 feet of the site.
21 COMMISSIONER SOSA: 700, okay. If --
22 CHAIRMAN MARTINEZ: Commissioner
23 Sosa, may I interrupt a second.
24 Wasn't there a stipulation on one of
25 the conditions that it had to be half a

1 mile? Is 700 --
2 MR. LaFERRIER: Well, now here's the
3 stipulation, and one of the provisions
4 says that they have to comply with DERM
5 requirements. DERM's requiring that
6 before they excavate to the western
7 one-half, which would be about 2500 feet,
8 half a mile, they have to get a seepage
9 management plan approved by DERM. So at
10 some point if they get that management
11 plan approved, the rock mining operation
12 could come within 700 feet of the national
13 park.
14 COMMISSIONER SOSA: Thank you. And
15 what they are asking is for 420 acres of
16 expansion?
17 MR. LaFERRIER: Correct.
18 COMMISSIONER SOSA: One question: If
19 this Commission decides to, for example,
20 request a reduction in the amount of acres
21 that they can expand, is that something
22 that can be requested? For example, like
23 more separation between the area where
24 residences are and more separation between
25 the area where the environmentally

protected parks are? Is that something that is proper to do?

MR. LaFERRIER: I believe the Board could add that to their motion to be considered and that might assist with some of the concerns relative to the impact and compatibility.

COMMISSIONER SOSA: If this application is approved by the Commission and the expansion is done, will that prevent urban development in that specific area?

MR. LaFERRIER: Well, it is outside the UDB, so that will be the first impediment to urban development. The excavation of a lake, it would take up the vast majority of this property, would mean that there will be very little land left for urban development in the future on this site.

COMMISSIONER SOSA: What is the level of necessity of rock mining right now? Who determines that? Is there a study being done to that effect?

MR. LaFERRIER: I don't think that we

-- that I could give you a qualified answer on that. That's not something that the County is responsible for. The rock mining operations and the need for aggregate is done more on a state level. There is some testimony in recent hearings at different locations about how much aggregate is left in our Lake Belt, which is our designated area for rock mining operations to the north of this site, but that's not something that the County monitors or can change.

COMMISSIONER SOSA: So no department is against the application, it's consistent with the CDMP, but the Department is recommending denial.

I want to hear from the rest of my colleagues, because I'm confused.

Thank you.

CHAIRMAN MARTINEZ: Okay. Going this way: Commissioner Diaz, Commissioner Heyman, Commissioner Monestime. I don't have anybody else on the list.

COMMISSIONER DIAZ: Thank you, Mr. Chairman.

1 And I'm not going to go over the same
2 questioning that my colleagues have gone
3 over, because I tend to agree that it is a
4 very, very thin line there, because if all
5 our departments is what you base your
6 opinion on, have basically -- including
7 the main department that I know a couple
8 of people referred to and I believe that
9 was DERM. DERM has totally accepted the
10 use, and that threw me off, because I
11 thought DERM, at least, would be the one
12 that would go against it, based on all the
13 things that have been said here. And
14 they're basically our protective
15 department of these issues.
16 So that was key, but I did hear and I
17 did pay attention to a lot of the good
18 people that are here, and a lot of them
19 are friends of mine that I know for a
20 very, very long time, because I've been in
21 that half-mile area and worked alongside
22 them and worked with them.
23 The problem is the law side of this,
24 and the way it's been stated, it's been
25 pretty clear, as my colleagues have said,

1 and that puts us in a different
2 predicament.
3 Now, I do see the proximity of close
4 to those homes. And I respect whoever is
5 close to this, because it is blasting.
6 And no matter how you do it, you will have
7 the vibration, even if you do in
8 directional blasting, which I'm sure is
9 going to be the case here. So they will
10 minimize it tremendously to the homes in
11 the area.
12 How do I know about this? Well, I
13 grew up in an area that three blocks away,
14 an area called Fontainebleau was created.
15 And everyday, for I don't know how long,
16 blasting took place.
17 But blasting was different back then.
18 They would blast at any time of the night,
19 at any time of the day and constantly.
20 And that was a different situation.
21 Today, they're regulated
22 tremendously. They are regulated to the
23 point where they -- and, by the way, my
24 district is the blasting capital of the
25 world, okay? And I've had more people

1 going against, and more people going for,
2 back and forth. And you guys have been up
3 here with me through a lot of these
4 arguments.
5 But the people that I'm seeing, that
6 I'm listening to, which I'm listening to
7 everybody, is really the people that live
8 adjacent to this, because I know how
9 difficult it is, but at the same time,
10 I've got to listen to the legality side of
11 this, the way this is presented and also
12 listen to the Commissioner of the
13 district, which I do very strongly on all
14 these things, because out of respect, it
15 is in their district and it's important to
16 understand the way they feel about it.
17 So as far as I see it, I wish I could
18 look at more things. And you know what,
19 there was a point made by one of the
20 speakers, and I'm going to address it
21 without offending, because I don't want --
22 I really want to see balance as much as
23 possible when we can up here, but
24 unfortunately sometimes that balance
25 becomes very difficult.

When you're looking at a lot of people losing their jobs and losing industry, that's very difficult, especially to a guy that sees it on a constant basis in his district and people looking for jobs, because they can't find jobs.

But I also understand the value of the east side of it, per se, and the environment, but when -- you know, if you've been here long enough, you see and hear a lot of things. And the same people that have gone against the farmers in the past, today were up here defending them. And I was a little -- because of the pesticides, because of the issues, because of all that, I've heard them go hardcore against the farmers. And I remember those farmers that are here, you remember when the floodings took place and everything that took place? When we had to go out and basically -- I had to go to congress to deal with the park system on the congressional side, because of the attendant flooding of our farmers and our

1 people.
2 So I think Joe said it best, there's
3 been differences in what's been said up
4 here, negatively and positively, but I
5 want you to understand that at no time
6 it's easy for us that we sit up here to
7 make decisions like this when it surrounds
8 people that live adjacent to the problem.
9 And I think one of the gentlemen that
10 was negative on the issue said it best:
11 We don't want it in our backyard. No one
12 wants something like this in their
13 backyard. And I'm in agreement with that.
14 But when we balance everything out, we
15 have to make our decision based on the
16 best benefit for the community as a whole.
17 And that's the way we have to look at it,
18 at least the way this Commissioner looks
19 at it. Not in the form of favoritism or
20 anything. It's just a balance of
21 everything you hear and the experience you
22 have from the past. And it becomes very
23 difficult to sometimes see the way the
24 play changes and the way allegiance takes
25 place.

1 So I'm waiting to hear from the
2 Commissioner of the district and hear his
3 opinion. That will be my deciding factor
4 on this.
5 CHAIRMAN MARTINEZ: Commissioner
6 Heyman, followed by Monestime, and then
7 Jordan and Moss.
8 COMMISSIONER HEYMAN: Thank you, Mr.
9 Chair, and for my new colleagues that
10 haven't been part of this process, I have
11 to tell you, this is an exceptional issue.
12 I think you have at least four substantive
13 areas to address and this is a perfect
14 example of government working. I think
15 this has been incredibly inclusive to all
16 sides, for the four different areas, so I
17 think that you're seeing a zoning hearing
18 at its best.
19 I do want to qualify two points,
20 because they were brought up by citizen
21 presentations. They were brought up by
22 representatives from Cemex, and Santa Fe
23 and the principals who want the land use
24 zoning changed. And it is a concern, but
25 I want to address them, because I think it

needs to be noted, but it isn't a concern here.

The first is on the blasting issue. The monitoring for the very use of the land, whether it's the current site for the quarry or expansion of it. I happen to be in the legislature when they tried to take away the authority from here. I fought it, because we need to be respectful of all the needs for building, the Lake Belt quarries, bringing in materials to keep prices down for road building and construction. And that has a public purpose, not only statewide, but actually in the southeast United States, who uses our materials. But I thought what was unacceptable was for people in Tallahassee to have the oversight to determine what was the quality of life down here and a previous body here on the Commission and the delegation fought to keep it, the oversight here.

So for those who were concerned about the blasting, one, I believe the oversight still is in place. The monitoring I do

1 know, in fact, is still being done, but,
2 most especially, there's consequences when
3 there is violations. So I'm comfortable
4 with the way that stands now, whether
5 there is expansion or not. And if it's
6 proper right now, I think that you should
7 seek redress on. That really doesn't have
8 any bearing on this application for me,
9 including noise.
10 The things that do have a concern for
11 me, and I'd like to start out, one is,
12 this is a 16-to-18 year project, up to
13 building out for the expansion of 400
14 acres plus.
15 Am I correct, Mr. Attorney, that was
16 the projected timeframe given and the
17 scope of it is over 400 acres?
18 MR. COLLER: I believe that's what
19 the testimony was.
20 COMMISSIONER HEYMAN: Fine.
21 MR. COLLER: You can check with the
22 Director on that issue.
23 COMMISSIONER HEYMAN: Well, that's
24 what I wrote down. So that's the
25 parameters that we have to work with.

1 CHAIRMAN MARTINEZ: Is it? I think
2 he's got your answer.
3 MR. LaFERRIER: Commissioners, the
4 covenant that's being proffered says it's
5 a lifespan of 25 years.
6 COMMISSIONER HEYMAN: Okay. Thank
7 you. Even more.
8 Here's my concern. When we look at
9 expanding the UDB, do we need to -- when
10 we have so many areas and pockets of in
11 fill and the way the economy and the
12 housing was, do we need to do this based
13 on what the need is?
14 I always fought for these quarries.
15 I am on record for expanding what already
16 exist, instead of creating new ones,
17 because you have agencies already
18 determining it's a proper place. You have
19 a history, in this case 50 years. And I
20 like to go with what is and expand,
21 instead of creating a new one.
22 What has a concern for me is, on
23 especially this with the lime rock, the
24 road building materials. In due respect
25 to where the origin of the company is or

where it's going isn't a concern. What has been a concern in these quarries in the past was the mediacy of us using materials instead of paying, whether it's FDOT, MDX, Miami-Dade County for our own building. So whether it's residential for concrete and cement mix, roads, in which we pay the impact fee here; MDX, for which they toll us on disproportionately local people. I have a concern for creating the very building material and not paying to have it shipped in. I don't care if it's from the Lake Belt or anyplace else.

But when I hear that it's up to now 25 years out to meet the needs for building materials, I have a concern about that. I don't think it's so immediate to what we have and the need for that.

The two areas that I do have a concern on, one is water supply. The irony is, if you look at today's headlines for South Florida and Miami -- well, South Florida. Leave it at that. Two headlines come up ironically today: One is wetlands drying up, salt water threatens wells, and

the other one, freshwater supply drops, officials worry seeping salt water will ruin wells. So for everything that I saw on the big book and what the documents were, one, I believe there's a difference between accepting versus meets a minimum or is acceptable or what they recommend.

Can someone speak to me from either legal or the Department to the proximity to the aquifer and its impact. Because, for the life of me, for all the documents, I haven't seen anything done. I've heard that it's not going to affect our water. That doesn't quite qualify it for me. My district is far removed from this as possible, I believe, in Northeast Dade, but we have the Biscayne aquifer. And I remember the safeguards we put on our drinking water for the entire County and region over when we were doing the Biscayne Landings project, because water is not parochial to someone's district. Water, the quality, the impact and availability threatens all of us and our future development.

1 So I'll respect the Commissioner from
2 the district, but we're talking water
3 here. And everyone went to farming and
4 noise instead of -- and closeness to the
5 Everglades. Can someone speak to
6 specifically the proximate -- proximity to
7 the aquifer and the impact. And if you're
8 citing a report, where it is, sir.
9 MR. HEFTY: Yes. Mr. Chair,
10 Commissioners, Lee Hefty, Assistant
11 Director of DERM.
12 As you rightly point out, the aquifer
13 is just a few feet below us throughout all
14 of Dade County. It's one of the biggest
15 challenges we have here in Dade County.
16 We live and work over the water that we
17 drink. This particular area is within the
18 West Well Field. And so if this --
19 COMMISSIONER HEYMAN: If I might, Mr.
20 Chairman, excuse me, while he talks, can I
21 query back and forth with him as he
22 speaks?
23 CHAIRMAN MARTINEZ: Of course. You
24 got the floor. I'm just trying to make
25 sure --

COMMISSIONER HEYMAN: We have heard so much in semantics, such as it's within a few feet.

When you say it's within, be specific to this. I'm sure you have the calculated means and measures in place with who you represent.

MR. HEFTY: Portions, portions of the project, as I understand from our staff, are within the boundaries of the well field. The way the well field works, many residents don't realize, our water comes from right out of the ground. And when you install the wells and you start to pump that water out, water moves from laterally in towards the area where the well heads are. So some of this project is located in the boundary where it would be influenced by the production wells.

COMMISSIONER HEYMAN: Okay. So for me who wants to keep turning on the tap and just vote for that on behalf of everybody else who would like to turn the tap and get drinking water and potable water for other uses, there's X amount of

1 water. And if you dig deep enough into it
2 or expand where you're digging into it, it
3 will have an adverse effect, a beneficial
4 effect to the aquifer? Because you're
5 saying now it's within the boundaries.
6 What's the impact going to be, good or
7 bad?
8 MR. HEFTY: Well, one of the things
9 that we have -- of course, you know in the
10 northwest well field, there's water
11 quality monitoring requirements for rock
12 mining operations up there. And anything
13 that they do, was mentioned earlier, there
14 was testimony about maintaining any of the
15 equipment. Some of the equipment that
16 they use in this industry is large and
17 can't be taken off-site to maintain, so
18 they're required to have operating
19 permits. They are required to do
20 monitoring of the area in and around the
21 operations to make sure they're not
22 contaminating the well field areas, 'cause
23 obviously that's critical to our drinking
24 water.
25 In terms of supply, one of the

1 concerns that our department had was the
2 proximity to the Everglades National Park
3 and the efforts for restoration in the
4 Everglades National Park.
5 COMMISSIONER HEYMAN: No, no, I don't
6 want to start on that yet.
7 And let me just qualify one thing, I
8 have great respect for the rock mining
9 industry. And so this is not about the
10 integrity and contamination. So I just
11 want to focus on what I think is
12 non-parochial to any district, no
13 disrespect to Mr. Souto, because this is
14 where his is or previous rock mines where
15 it may have been in Mr. Diaz's district.
16 And it's not the integrity. I believe we
17 have safeguards in place for
18 contamination. I don't want to get to all
19 that.
20 I wanted to know specific to its
21 proximity to an aquifer. And you're
22 saying it is in the boundaries now and it
23 will be additionally when it's expanded.
24 Is that correct?
25 MR. HEFTY: The -- well, when you say

1 expanded, you mean the actual rock mine
2 itself?
3 COMMISSIONER HEYMAN: Up to 400 plus
4 acres additional impact on our aquifer.
5 MR. HEFTY: As I said, I understand
6 this is overlapping in the area that's
7 within the well field.
8 COMMISSIONER HEYMAN: Okay. And,
9 also I'm asking is, other than pulling it
10 in where it's possibly breached and
11 seepage, we already understood that, the
12 impact positive, negative?
13 MR. HEFTY: Again, the biggest impact
14 would be the question of water quality
15 rather than the supply so much, because
16 the operation wouldn't necessarily impact
17 the supply. It would have a seepage
18 concern with the adjoining park, which
19 I'll address any questions you have on
20 that, but in terms of the impact to the
21 well field protection area, at this point
22 principally would be water quality.
23 COMMISSIONER HEYMAN: Thank you. So
24 I think now we're sort of hearing why
25 people couldn't matter of fact get up and

1 say this is what is bad unequivocally. So
2 I think you see the problems of it versus
3 someone who is hesitant to speak up.
4 Obviously we're sitting here with volumes
5 of material to backup a position taken.
6 So the complexities are there.
7 The last area I have a concern about
8 that I do want qualified and put on the
9 record, I used to always have trouble
10 estimating height, distance, I hate to say
11 it, weight or some other things, but let
12 me tell you something. When I'm hearing
13 testimony -- and I appreciate recall in
14 everyone's part where you stood up and
15 said if you're going to say something, you
16 take an oath for honesty. And when you
17 look at the same application, and we have
18 heard it is 700 feet, a quarter of a mile,
19 a half a mile on down and it's the same
20 application -- I'm going to reference, if
21 anyone is going to dispute, handwritten
22 Page 11 from the package that came in
23 under process number 09-176, and
24 specifically it's on application B, and
25 specifically it's a memo dated March 10,

1 2011, from Jose Gonzalez, Assistant
2 Director, Environmental Resources
3 Management, to the Director of P&Z on
4 unusual use of permit to lake excavation
5 and potable rock crushing and screening
6 equipment. They have, one, as far as how
7 someone feels about it. Matter of fact
8 said, DERM has reviewed the subject
9 application and has determined that it
10 meets the minimum requirements of Chapter
11 24 of the Code of Miami-Dade County.
12 So when we are asking Planning &
13 Zoning to speak on behalf of the
14 Department or something else like that,
15 you have it written down. Maybe the best
16 thing you could do to assist us in
17 decision making is just go to the very
18 documents rendered in public records by a
19 department and say so and so department.
20 And if you want specifically so and so,
21 has stated this. And hopefully they can
22 validate what their position, what it is.
23 So I wanted to put that on the record. It
24 does meet the minimum requirements.
25 What has me concerned, though, is

1 that DERM notes on the same thing under
2 wetlands, DERM notes that the edge of the
3 proposed excavation is located within 700
4 feet of Everglades National Park, ENP, and
5 the L-31N levee. However the excavation
6 is proposed to be phased in within -- with
7 the first phase having a minimum of 2500
8 feet. So maybe that's why everyone is
9 being honest, but we're between 700 and a
10 half a mile, okay? So I'd like to put
11 that on the record since we're all paying
12 attention.
13 Here's where my concern is. If this
14 is voted on the way -- and I think that's
15 the last discrepancy I had concerns on.
16 Let's look back at the boat. Let's see if
17 we could satisfy some people's concerns
18 and stir up other people's antagonism.
19 I think the thing is, one across the
20 board, I believe everybody has been
21 forthright and truthful. We have some
22 documents that, to some degree, contradict
23 each other and so I thank you for
24 qualifying some of it.
25 Here's where my concern is. The

1 scope of this application -- and one of my
2 colleagues asked, well, if we change it a
3 little. Yeah, we could change it a
4 little, but right now it's for expanding
5 over 400 acres, 412 gross acres. So that
6 goes to my next question. That's a
7 description.
8 Mr. or Director LaFerrier, what is a
9 gross acre versus just 412 acres?
10 CHAIRMAN MARTINEZ: Ugly, ugly acre.
11 COMMISSIONER HEYMAN: There you go.
12 You know, it's a measurement. I know, you
13 know, when you're doing weight stuff, it's
14 a measurement. What is gross acre when it
15 comes to land? We're not talking -- we're
16 talking real property here.
17 MR. LaFERRIER: Gross acre typically
18 includes the public right-of-way that may
19 have been dedicated with the property
20 during the platting process. So a net
21 acreage wouldn't include nearby
22 right-of-way. In this case, there's just
23 Krome Avenue to the east is the only
24 right-of-way. So the actual site itself,
25 which I don't have in the staff report,

1 would be less than the 412 acres, but it's
2 approximately 412 acres total.
3 COMMISSIONER HEYMAN: Thank you.
4 Thank you for qualifying that.
5 Okay, so we're talking about 412
6 acres over the next 25 years. And a lot
7 can go on between now and then, but my
8 concern is to pass something with this
9 much leeway.
10 And I'll assume, Mr. Attorneys,
11 nothing has changed in law or case law
12 most recently, that if someone relies on
13 the current facts and the current law to
14 what is allowed or agreed upon, whether
15 it's a contract or not, if there's
16 reliance, then there could be damages, if
17 we change, adversely affect that party
18 later on. So if we're giving them carte
19 blanche now to do up to 400 and something
20 acres to expand their rock mining, and
21 then later on we say, well, seven, it is
22 now 700 feet and that is really too close
23 to the Everglades, and we really have
24 impacted negatively the aquifer, because
25 it does affect it now, and growth expands

on it and we have hurt our freshwater supply. And then we want to say, no, we're taking it back, it doesn't go to the public purpose of 113 jobs versus the Everglades or water drinking. Where do we stand on a right to rescind, pull it back?

MR. COLLER: Well, it could be problematic. I'm not going to make any commitments to you as to what we're going to do, but it is -- it could be an issue.

COMMISSIONER HEYMAN: I think so, too.

For those reasons, I got to tell you, as I stated, I have supported in the past expanding the existing quarries and rock mining rather than creating new ones.

CHAIRMAN MARTINEZ: Commissioner, I think she can answer that question for you. It's up to you.

COMMISSIONER HEYMAN: I listened very intently going in. It's an option right now that you have: 412 acres phased in. I'm looking at the application. So unless you want to write it differently, that's where I'm standing on it.

1 I have a real concern about the
2 proximity to the Everglades. Maybe it's
3 going to be phased in, but right now the
4 way this application stands is, it can be
5 up to that thing, because it's reported in
6 here through the documents. And my
7 biggest concern is the water supply.
8 Last thing I'd like to share is in
9 due respect to the farmers and everything,
10 what excited me the last time I went out
11 to the Redlands is, you're finally
12 starting to grow going up, and making a
13 greater use of a less amount of land mass
14 by changing how some of the farmers were.
15 I'm not seeing that as a priority right
16 now. Possibly in the future. But this is
17 up to 25 years in the future.
18 For those reasons, most especially
19 the water supply and allowing it as stated
20 in document for the application itself,
21 within 700 feet of Everglades National
22 Park, the job comparison, the economic
23 comparison and the needs right now, I
24 can't support it. Thank you.
25 COMMISSIONER BELL: Point of order,

1 Mr. Chairman.
2 CHAIRMAN MARTINEZ: Commissioner
3 Bell.
4 COMMISSIONER BELL: Question. I know
5 -- I don't want to speak out of turn.
6 CHAIRMAN MARTINEZ: No, you're just
7 on a point of order only.
8 COMMISSIONER BELL: Okay, but point
9 of order. Is it appropriate to ask for
10 the response? Because now she's put a
11 question in my mind. So is it appropriate
12 to ask for the response from the attorneys
13 that they weren't allowed to just respond
14 to? Is that appropriate as a point of
15 order?
16 CHAIRMAN MARTINEZ: If it's only on
17 the clarification of the 700 or the 2500,
18 that is it.
19 COMMISSIONER BELL: Only. That's all
20 I want.
21 MS. BARSH: Only on that
22 clarification. We proffered a condition
23 to accept all the conditions of DERM and
24 DERM's condition was that we not be able
25 to mine closer than this Phase I.

1 CHAIRMAN MARTINEZ: Unless the
2 seepage issue had been addressed
3 previously.
4 MS. BARSH: Correct. And this is
5 Phase I, as you can see, this is the
6 Everglades over here and this is the L-31
7 north canal. This is the buffer of the
8 additional half a mile.
9 CHAIRMAN MARTINEZ: You're not on the
10 microphone.
11 MS. BARSH: Sorry. Excuse me.
12 What we'd like to do, because of the
13 confusion with respect to that phasing,
14 and concerns with the scope as to what
15 that means with the recommendation, is
16 what we'd like to do is to proffer up,
17 modify, if there's any concerns about
18 that, 12 years, which would be that Phase
19 I, because we've already got that
20 permitted.
21 CHAIRMAN MARTINEZ: Right.
22 MS. BARSH: Twelve years. And then
23 we would not expand further without
24 coming -- opening back and coming back to
25 you all, you know, before we expand. So

1 not even just the seepage that would come
2 back, would be only Phase I. And the
3 reason we're saying 12, it might be
4 sooner, but 12 years, Phase I. That would
5 be the footprint.
6 CHAIRMAN MARTINEZ: In other words,
7 you could not get any closer than 2500
8 feet unless it came back in front of this
9 Board again?
10 MS. BARSH: Correct.
11 CHAIRMAN MARTINEZ: Mr. Attorney --
12 okay, that clarifies your point of
13 order -- were that to be proffered now,
14 would that be enforceable?
15 MR. COLLER: Well, this is an unusual
16 use, so you can condition the application.
17 If they're going to condition it that only
18 Phase I will proceed and that no other
19 phases will occur until such time as they
20 come back before the Board for approval.
21 You could -- you could condition the
22 application for that.
23 CHAIRMAN MARTINEZ: Okay.
24 MR. COLLER: And if they're agreeing
25 with that condition, which apparently they

are.

MS. BARSH: Yes.

CHAIRMAN MARTINEZ: Thank you. And thank you, Commissioner Bell, for bringing it up. I knew they wanted to say something, but the Commissioner who had the floor did not want to hear it and that's her right to do so.

All right, with that, now we have Commissioner Monestime, Jordan and Moss.

COMMISSIONER MONESTIME: Thank you, Mr. Chair.

Marc, I've heard a lot about seepage management. Is this a condition to the application or is this something that is just suggested?

MR. LaFERRIER: I think we just heard the applicant proffer a covenant that would limit excavation so it does not come within 2500 feet of the park or 2500 feet from the western boundary until they come back to this Board for a second approval. So they would basically be bifurcating the site in half, east to west. If approved, they would be allowed to excavate the

1 eastern half, but they would have to come
2 back to get approval from the Board to
3 excavate the western half.
4 COMMISSIONER MONESTIME: Okay. Do we
5 have any seepage management projects
6 underway right now?
7 MR. LaFERRIER: The seepage -- I'm
8 told by DERM that DERM is studying seepage
9 management plans for the area now.
10 COMMISSIONER MONESTIME: But we don't
11 have one on the way --
12 MR. LaFERRIER: I think we'll -- I'll
13 turn it over --
14 COMMISSIONER MONESTIME: -- as part
15 of any other project?
16 CHAIRMAN MARTINEZ: Marc, why don't
17 you let him answer the questions directly,
18 so we go don't go through third parties.
19 MR. HEFTY: Thank you, Mr. Chair.
20 Commissioner, seepage is an issue
21 that's been raised by a lot of the
22 regulatory agencies, and there has been a
23 pilot study that's been done by the mining
24 association and it's being looked at all
25 levels of government, the feds, the state

1 and locally as well, but there isn't
2 anything right now that's been identified
3 as a successful seepage management plan, a
4 seepage study.
5 COMMISSIONER MONESTIME: And what
6 will be the impact to the area if this one
7 is not implemented as part of the -- this
8 application?
9 MR. HEFTY: Without seepage
10 management, the concern is if you mine too
11 close to Everglades National Park, with
12 future goals of raising water levels in
13 Everglades National Park, you could have
14 some of that water seeping through the
15 ground towards the rock mine. In effect,
16 it would sort of be contrary to the
17 efforts to restore the Everglades. So
18 seepage management is a concern for many
19 of the regulatory agencies.
20 COMMISSIONER MONESTIME: Will there
21 be -- well, I think the timeline that I
22 just heard is that this should be done,
23 what, after 12 years or within the first
24 12 years?
25 MR. LaFERRIER: The covenant

1 currently says that it would be for a
2 25-year period.
3 CHAIRMAN MARTINEZ: Currently, but
4 that's being changed?
5 MR. LaFERRIER: That could be changed
6 since they would be rock mining only half
7 with the new covenant. You may want to
8 ask the applicant if they want to amend
9 that timeframe.
10 CHAIRMAN MARTINEZ: You can ask them,
11 if you want.
12 Keep going.
13 COMMISSIONER MONESTIME: If the
14 seepage management plan becomes a
15 condition to this, I mean, what would be
16 your timeline to implementing that?
17 MS. BARSH: We right now have limited
18 ourselves to Phase 1, which is about 12
19 years. We are working, as Lee indicated,
20 with all the agencies on a seepage
21 management plan. So we would hope that
22 before that time, we'd come back with a
23 seepage management plan in place to be
24 funded and has been proven and accepted,
25 which would at that point we could present

to you, when we come back, as part of the package, as to whether we could go further --

COMMISSIONER MONESTIME: To the next phase?

MS. BARSH: Yes. Just point out, DERM also -- we have a Class IV permit that's pending with DERM. As you guys may know, we can't get permits until we get zoning. So they could also condition that Class IV with some of the things that you want, because that's pending, and add that to ensure that we don't come back or we get that seepage management in place.

COMMISSIONER MONESTIME: I know this may be hypothetical, but why was -- I don't know who this question is for, anybody who can answer it. Why was that not a prerequisite to the application? I'm talking about the seepage management. Is it because it's cost effective or is it --

MS. BARSH: No, because -- if I may, when we came forward, we had the entire -- when we first came forward and filed this,

as Stan indicated, it was several years ago. During that time, we were going through the permitting process. And as part of that, the state environmental protection agency imposed this criteria of phases. So what we wanted -- and they imposed it and said you can't go forward as a state. And then we got the condition from DERM. So we thought that was going to be an adequate condition. We accepted. But based on the concerns raised today, we're fine with making the condition proffered today.

COMMISSIONER MONESTIME: Thank you.

MS. BARSH: Sure. Thank you.

COMMISSIONER MONESTIME: Let me ask a question to Mr. LaFerrier.

I'm always very interested in supporting staff recommendation and I heard you speak of the incompatibility of the use for this application. Is that your professional opinion that should be denied or is it -- because the confusion part about it is the fact I think the current codes, zoning codes, permits such

1 a use.
2 But is it your professional opinion,
3 or does that opinion, if it's professional
4 or personal opinion, suggest that the
5 current code should be amended to not
6 allow that in the future?
7 MR. LaFERRIER: Let me try and
8 explain a little bit better. It is a
9 little bit of an anomaly. It's from
10 languages in the CDMP. And usually the
11 language in the CDMP is a little more
12 prohibited or permissive, but this
13 language is something that's somewhat in
14 between.
15 It says, "Existing quarrying and
16 ancillary uses in the agriculture area may
17 continue operation and be considered for
18 approval of expansion." And what I've
19 interpreted that to mean is that expanding
20 existing rock mining operation is a
21 permitted use, but where it's done, how it
22 impacts the area and how it's done is
23 subject to other policies and regulations
24 that the County has.
25 So from the standpoint is the use

1 consistent? Yes.
2 Is the location inherent to have
3 other issues? Professionally, we're
4 saying yes, there's compatibility issues.
5 You heard a lot of testimony a little
6 while ago about its compatibility to the
7 Everglades and water quality issues there.
8 The other issue that we are concerned
9 about was compatibility with the
10 residential area to the south. Currently,
11 the residential area to the south of this
12 site is approximately a mile away from an
13 existing rock mining operation. That's
14 the Cemex operation to the north. If this
15 proposal is approved, it will come within
16 -- it will be abutting the residential
17 area instead of being a mile away. So
18 we've got concerns on compatibility.
19 But I want to restate, that I did
20 before, we believe -- it's my opinion and
21 my interpretation that the use is
22 consistent with this designation. Is its
23 location, its impacts and its operations
24 that make it incompatible.
25 COMMISSIONER MONESTIME: So, meaning,

1 approving this will have greater negative
2 impact to the area?
3 MR. LaFERRIER: That's correct.
4 COMMISSIONER MONESTIME: So how do --
5 I think that should be sufficient. Thank
6 you. Thank you.
7 CHAIRMAN MARTINEZ: Thank you,
8 Commissioner Monestime.
9 Commissioner Jordan.
10 COMMISSIONER JORDAN: Okay. Thank
11 you, Mr. Chair. Actually, Commissioner
12 Monestime asked one of my questions, the
13 primary question, but --
14 CHAIRMAN MARTINEZ: It was such a
15 good one, go ahead and do it again.
16 COMMISSIONER JORDAN: No.
17 I wanted to ask you a question,
18 because -- Mr. Chair.
19 CHAIRMAN MARTINEZ: Yes.
20 COMMISSIONER JORDAN: When you
21 mentioned earlier that you felt vibrations
22 from your home from mining, I wanted to
23 ask you approximately how far do you live
24 from the mining area?
25 CHAIRMAN MARTINEZ: Over two miles.

1 COMMISSIONER JORDAN: And you felt
2 the vibrations?
3 CHAIRMAN MARTINEZ: Uh-hum.
4 COMMISSIONER JORDAN: Okay. Then
5 that answers my other question.
6 I just wanted to state that there
7 does seem to be some inconsistencies in
8 terms of where we should go with this.
9 However, I am concerned about the
10 proximity and I am concerned about the
11 incompatibility. And if you felt the
12 vibrations two miles, Mr. Chair, I can
13 imagine, even though there are homes that
14 are existing now that are less than 400
15 feet and these homes are 400 feet from the
16 area, I am concerned about the
17 incompatibility as well as the impacts on
18 the quality of life.
19 Thank you.
20 CHAIRMAN MARTINEZ: Commissioner Moss
21 and Commissioner Bovo.
22 COMMISSIONER MOSS: Thank you, Mr.
23 Chairman.
24 And let me start off by saying that I
25 have friends on both sides of the issue.

1 COMMISSIONER DIAZ: It's the way I
2 did it.
3 COMMISSIONER MOSS: This is how these
4 kind of zoning issues that come before us
5 are, many times. Having said that, I want
6 to be clear that no decision -- I made no
7 decision on this zoning issue prior to
8 this meeting. I think that there was a
9 comment made that somehow somebody heard
10 that, you know, this was a done deal.
11 Well, I've not spoken to anyone. And,
12 again, you know, my mind was not made up
13 prior to coming in and hearing the
14 testimony on both sides of the issue.
15 Mr. Director, the allegation that
16 planning stalled the application, I need
17 you to respond to that issue.
18 MR. LaFERRIER: Chair, I hadn't heard
19 it characterized like that either
20 previously.
21 This is an application that's been
22 pending actually in several forms before
23 the Department. And the reason why it
24 took a while to get here, I think probably
25 had to do a lot with just the fact that

1 working with the applicant to get the
2 application perfected.
3 It stems back to the language that I
4 just mentioned a little while ago in the
5 CDMP that says that the Board can consider
6 an expansion of an existing rock mining
7 operation.
8 Prior to February of this year, we
9 didn't have an applicant that was an
10 operator, a rock mining operator. And
11 it's clear from the aerial photos that
12 there's no existing rock mining being
13 carried on that site today. So I couldn't
14 consider it, an expansion of an existing
15 rock mining operation, because it's not
16 existing. It's simply farmland today and
17 the applicant was not an operator.
18 So in order to perfect the
19 application, so that it could come to the
20 Board to be considered, as allowed by the
21 CDMP, they were able to bring an operator
22 on board who has property directly
23 abutting to it to sign the application.
24 That's Cemex.
25 And then also in your covenant that's

1 being proffered by the applicant, they're
2 saying that they'll continue to have a
3 certificate of use for both properties
4 while undergoing operations by the same
5 operator, so, therefore, it could be an
6 expansion of an existing rock mining
7 operation. And they did not bring that
8 forward until I think it was February of
9 this year. We had it scheduled before you
10 in April and, of course, it was deferred
11 previously.
12 COMMISSIONER MOSS: Okay. I
13 appreciate that you laid out that
14 explanation, because my second question
15 was on the issue of -- some concern was
16 raised about standing, whether or not the
17 application could come before us, but in
18 your answer, you took care of that
19 particular question that I had as well.
20 And, also, Commissioner Monestime,
21 you know, you responded to the issue, that
22 there's a difference between being
23 consistent with the CDMP and an area being
24 compatible with other uses around it.
25 Am I correct on that?

1 MR. LaFERRIER: That's correct.
2 COMMISSIONER MOSS: Does DERM look at
3 the issue of compatibility? I mean, is
4 that a part of the analysis that DERM
5 does?
6 MR. LaFERRIER: I'll let DERM answer
7 that question.
8 COMMISSIONER MOSS: Okay.
9 MR. HEFTY: Commissioner, under
10 Chapter 24, when we review permits for
11 working wetlands in this site, although
12 it's several hundred acres, there are only
13 approximately five or six acres of
14 wetlands, and so the work would require a
15 Class IV permit from DERM.
16 In our review, we consider the
17 consistency with other County regulations.
18 So we would in this case defer to the
19 Planning & Zoning Department's
20 interpretation on consistency with the
21 Comp Plan, but that is one of the things
22 that we use when we consider issuing our
23 Class IV permit.
24 COMMISSIONER MOSS: So you don't look
25 at the issue of compatibility in the same

way that the Planning Department would look at compatibility?

MR. HEFTY: No, sir, we wouldn't.

COMMISSIONER MOSS: How much land is available approximately under the current zoning for rock mining at this point?

And I ask that question, because, you know, there's a belt, if you will, of property that currently has zoning that allows rock mining. And when looking at it, I just saw that in some areas you had, you know, not a large portion of that particular area already mined, if you will.

And so the question is, I mean, how many acres are still left. And, you know, that may have an impact on whether you support expansion if, indeed, you have acreage that's there now that can continue to be rock mined over the years and maybe this application comes back at a later date, because it may be premature.

Anybody have any idea as to how much?

MR. LaFERRIER: Commissioner, I don't have that information. I mentioned

1 earlier that we don't monitor that.
2 The only thing that I might have, but
3 I'm sure there will be some debate on
4 that, is that we had previously done a
5 report relative to this same application
6 for a CDMP amendment that was later
7 withdrawn that talked about some testimony
8 that was provided at the Army corps of
9 engineers, in one of their decisions back
10 in 2009, where it was indicated that the
11 current Lake Belt, which would be
12 Miami-Dade County's Lake Belt, mining
13 permits allow for mining to continue
14 through the year 2032 and that these mines
15 will produce 1.4 billion tons of
16 aggregate. Now, I can't dispute their
17 statement, and there might be other
18 information that might ameliorate that
19 statement or change that statement.
20 That's the best information that we had
21 when we prepared our analysis back when
22 this item was going forward as a CDMP
23 amendment. If you remember, CDMP
24 amendments carry a requirement that zoning
25 applications don't, and that is that you

1 have to show a need for a change in land
2 use or a text amendment, and that was our
3 analysis as to relative to need.
4 COMMISSIONER MOSS: Would you agree
5 with my observation, at least that in
6 looking at the belt, if you will, under
7 the existing land use that's allowing rock
8 mining for the Cemex property, would you
9 agree that my observation is that there
10 appears to be some significant available
11 land still to be mined?
12 MR. LaFERRIER: Well, we have a large
13 Lake Belt area, and the purpose of that is
14 to provide aggregate. And there's
15 obviously several years of available
16 permitted rock mining operations allowed.
17 So I would have to agree with your
18 statement, to say that there is. Now, how
19 that is relative to demand I think changes
20 and how that is relative to operation
21 probably changes that number.
22 COMMISSIONER MOSS: Okay. And I
23 looked previously at some of the earlier
24 pictures and they showed homes that were
25 abutting the rock mine area, the lakes.

1 And I guess the question is, were those
2 homes built after the area was mined,
3 which would have less of an impact in
4 terms of blasting and all that kind of
5 stuff or were those homes there and then
6 there was the blasting and the rock
7 mining?
8 And I would think that what happened
9 was that after the area was mined, rock
10 mined, you know, that later on those homes
11 were put in around the edges, thereby
12 pushing out the remaining blasting and the
13 other kind of lake excavation activities,
14 pushed that out, you know, after or away
15 from those particular homes.
16 Anybody have any feedback on that,
17 any --
18 MR. LaFERRIER: Commissioner, are
19 your comments directed towards this site
20 and the rock mining operation just to the
21 north?
22 COMMISSIONER MOSS: No, not this
23 site, but there are pictures that are in,
24 you know, the testimony previously that
25 showed homes and you've got the -- you

1 could see the actual lake, you know,
2 that's been rock mined.
3 And so the question that came to my
4 mind was, were those homes built before
5 the mining took place or were those homes
6 built after the mining took place?
7 Because if they were built after the
8 mining took place, then what it says to me
9 is that the rock mining activity moved
10 away from that area before those homes
11 were actually built. And I just raise
12 that concern, because in the testimony
13 that was given, the testimony, you know,
14 stated that, well, you know, we've got
15 rock mining within 400 feet of existing
16 homes. And I'm not so sure that an active
17 rock mining activity, you know, similar to
18 what could happen in this case, with the
19 homes along I guess it's 100 Street,
20 'cause those homes are there now, as
21 opposed to the rock mining activity
22 occurring, then later on homes are built.
23 MR. LaFERRIER: I think I can answer
24 that.
25 As it relates directly to this

1 property, I don't know if the aerial photo
2 is up, we mentioned earlier that just
3 south of Southwest 88 Street is an
4 existing rock mining operation by Cemex.
5 That's the expansion -- that's the
6 operator and the land that's being used as
7 the expansion for this application to the
8 south. Then it's approximately another
9 mile before you get to Southwest 100
10 Street. Now, that rock mining operation
11 just south of Southwest 88 Street, that I
12 mentioned, was approved back in 1954. So
13 it's a very old rock mining operation.
14 And you can see by the aerial photo, it
15 looks like it's been mined on a very
16 gradual basis. I'm sure that most of
17 those homes, if not all the homes on
18 Southwest 100 Street, were built --
19 CHAIRMAN MARTINEZ: After.
20 MR. LaFERRIER: -- after the rock
21 mining operation began a mile to the
22 north.
23 COMMISSIONER MOSS: Okay. All right.
24 And I would just simply close. I'm
25 concerned about the residents who live in

that area, certainly concerned about the impact on agriculture and the impact on the Everglades National Park.

Where is the park service on all of this?

MR. LaFERRIER: Park service received notice, as did other property owners within a half a mile. We didn't receive any direct communications from them.

COMMISSIONER MOSS: I find that interesting, because they seem to kind of, you know, pop up on just about everything else that happens.

And, you know, with that, you know, at the end of the day, I say to my friends on both sides of the issue, that I'm going to vote based upon, you know, what I think is in the best interest of the community. And it is a balance, but I have a real concern for the residents who live in that area.

CHAIRMAN MARTINEZ: Commissioner Bovo.

COMMISSIONER BOVO: Thank you, Mr. Chairman.

1 Let me -- I want to pick up right
2 where Chairman Moss left off, if I
3 might -- Commissioner Moss. Sorry.
4 Right now, north of this area,
5 blasting is going on right now, correct?
6 Okay.
7 And what -- how is it handled now
8 when residents complain when foundations
9 are cracking and whatnot? What does the
10 company do now to help address that
11 situation?
12 MS. BARSH: Mr. Chairman, may I
13 answer that?
14 CHAIRMAN MARTINEZ: He's got it for a
15 second.
16 COMMISSIONER DIAZ: You would like
17 her to answer that?
18 COMMISSIONER BOVO: Yeah.
19 COMMISSIONER DIAZ: Go ahead.
20 COMMISSIONER BOVO: And actually what
21 I'd like is --
22 COMMISSIONER DIAZ: To the point.
23 COMMISSIONER BOVO: I'd like if
24 there's a resident out there that's had a
25 complaint with a cracked foundation or

1 whatnot, because I want to get a good
2 understanding of how it's handled, if
3 there's anybody out there who's had a
4 crack in their foundation.
5 COMMISSIONER DIAZ: Who did you --
6 COMMISSIONER BOVO: Yeah, this is
7 fine. You could answer. You could
8 answer.
9 MS. BARSH: Oh, I'm sorry.
10 Currently, if there's somebody that
11 complains -- first of all, we have to
12 monitor every single blast. Every single
13 blast is monitored. And any complaint
14 that we get, we also have to send to the
15 state fire marshal's office.
16 So currently if we get a complaint,
17 we follow up with them and we ask them
18 what the nature of it is. We ask them if
19 they would like us to come out and examine
20 it. We ask them if they wouldn't mind if
21 we would come --
22 COMMISSIONER DIAZ: Okay. One
23 second, please. If everybody could please
24 calm down.
25 COMMISSIONER BOVO: It's about lunch

1 time.
2 MS. BARSH: I'm sorry.
3 COMMISSIONER DIAZ: Yeah, I know and
4 everybody is hungry, but let's let her
5 finish.
6 Go ahead, please.
7 MS. BARSH: I'm sorry.
8 And then we have a team that comes
9 out, depending on what the nature of the
10 complaint is. If it's an issue of cracked
11 tile, if it's an issue of roof tile, of
12 roof whatever, we ask if there's a
13 convenient time for them to come out. We
14 examine it. We walk-through it. We do an
15 examination. We follow-up with an oral
16 and usually a written report in terms of
17 what our findings are. We also at that
18 time ask them if we can, you know, notify
19 them in the future, or things like that,
20 to address their needs and do a follow-up.
21 We also offer to do a -- put a seismograph
22 in their -- if there's a public area, put
23 a seismograph, so that we can show them
24 and give them the blast. And if they want
25 the readings, we give them the readings as

1 well.
2 COMMISSIONER BOVO: Is there an
3 attempt to mitigate damage to a home that
4 is caused by blasting?
5 MS. BARSH: Absolutely.
6 COMMISSIONER BOVO: But not like the
7 insurance companies, where you got to go
8 then and find an adjuster and find out
9 that you didn't get enough. I mean, is
10 there a real effort, you know, under a
11 good neighbor policy to make sure that
12 those issues are addressed to the
13 resident's satisfaction?
14 MS. BARSH: Commissioner, yes.
15 Companies, like Cemex, are operating
16 throughout the County. We have operations
17 in Doral, operations close to Miramar. It
18 is in our best interest not to -- there
19 was a time, as was alluded before, we are
20 here a lot, because of a certain
21 commissioner, and it's our best interest
22 to minimize concerns and complaints from
23 our neighbors. So, yes, there is, an
24 absolute good faith effort to address
25 their concerns.

In addition, if we exceed -- we have basically three strikes, you're out. We must blast -- unfortunately, we must blast to fracture the rock. If we get -- violate our permit and three strikes, we lose that license, which means we can't operate. And that's what we do. So it's very, very much in our interest to address the concerns of the neighbors in a real way.

COMMISSIONER BOVO: Okay. All right. And I think you're from the neighborhood.

MS. CORNEJO: Commissioner Bovo, my name is Stephanie Cornejo. I live 8685 Southwest 159 Path.

I just wanted to comment that I live less than two miles away from the application. I've never heard about the good neighbors program, so I'm not really so sure about the outreach that you do to the neighbors, but I just wanted to make that comment.

COMMISSIONER BOVO: Okay. Have you had --

MS. CORNEJO: Yes.

1 COMMISSIONER BOVO: -- a cracked
2 foundation?
3 MS. CORNEJO: Uh-hum.
4 COMMISSIONER BOVO: And how have you
5 handled that?
6 MS. CORNEJO: On my balcony, I have
7 had foundation problems. And now I
8 know that -- I'm going to call them
9 afterwards, but I never heard about it.
10 COMMISSIONER BOVO: Well, good, good.
11 Well, education and communication is
12 probably --
13 MS. CORNEJO: Sure, but it shouldn't
14 take the communication of this hearing to
15 know about it.
16 COMMISSIONER BOVO: Understood. And
17 I don't disagree.
18 MS. BARSH: And Commissioner Diaz can
19 say, Doral has a link directly to us, and
20 there's a web site where people can
21 communicate directly, so thank you.
22 COMMISSIONER BOVO: What percentage
23 of this expanded area, what percentage
24 would it represent as the entire piece of
25 property now. Once this is put in as --

COMMISSIONER DIAZ: Who are you addressing it to?

MS. BARSH: The gross -- the gross acre is about 412 and now we're talking about mining 172.

COMMISSIONER BOVO: Right. But what percentage of that now becomes -- I've got a thing here that shows a long piece of property, which is probably something like you have down there. And I'm just interested in knowing, that expansion area represents what percentage of now the total piece of property we're talking about?

MS. BARSH: The expansion area would be 171 acres out of -- there's already a little bit over 2100 acres. So it's about -- how much is that? Somebody good with math? 5%? 8%.

COMMISSIONER BOVO: 8%?

MS. BARSH: Eight percent of the total existing quarry.

COMMISSIONER BOVO: Okay. Thank you.

MS. BARSH: Thank you.

COMMISSIONER DIAZ: Commissioner, I

1 think he was on the complaint factor. Am
2 I correct?
3 MR. BOYD: Yes, sir, just to clarify
4 some of the process.
5 COMMISSIONER DIAZ: Name and address,
6 again, for the record, please.
7 MR. BOYD: We did have a neighbor
8 that approached --
9 COMMISSIONER DIAZ: Sir, sir, please,
10 again, your name and address.
11 MR. BOYD: Charles Boyd. Sorry,
12 Charles Boyd, 18400 Southwest 100 Street.
13 The one addressed -- again, this was
14 the first of our knowledge of this friends
15 and neighbors, whatever it was, and, you
16 know, not pointing fingers of where that
17 is to be found.
18 The one issue that we did have was --
19 again, it gets to be a finger pointing who
20 the cracks -- you know, the chicken before
21 became the egg, where the cracks come. It
22 came down to the point that the individual
23 basically was poor construction. Poor
24 construction, even when done, poor
25 construction, there was no core samples

1 taken of the actual aggregate as it was
2 mixed, you know, if there was enough rebar
3 in it, if anything was.
4 So when you get to the process, it's
5 kind of disingenuous if you're trying to
6 say that -- you know, you're pitting your
7 expert up against, you know, their expert.
8 So the process in it of itself is
9 disingenuous is the best word I can add to
10 it, but that was it. There was no core
11 samples, there was done nothing, other
12 than superficial, just looking at the
13 cracks.
14 COMMISSIONER BOVO: Thank you.
15 CHAIRMAN MARTINEZ: Commissioner
16 Bell, you had one question or two, because
17 then I want to recognize Commissioner
18 Barreiro.
19 COMMISSIONER BELL: Recognize him
20 first. He's on the list first, I think.
21 CHAIRMAN MARTINEZ: You had one
22 question?
23 COMMISSIONER BELL: No.
24 CHAIRMAN MARTINEZ: Oh, you want to
25 speak again.

1 Commissioner Barreiro then.
2 COMMISSIONER BARREIRO: Thank you,
3 Mr. Chair.
4 Hearing all the comments and the
5 information, I think I'm in favor of the
6 proposal. I think it makes sense. It's
7 going to continue to grow. I was in the
8 legislature when we approved the Lake
9 Belt. I remember back then it was much,
10 much bigger, the original Lake Belt map.
11 And it was to create a buffer between the
12 Everglades and the urbanized area.
13 On the issue of Phase I/Phase II, you
14 know, they've proffered it, but I'm not
15 sure if I want to -- that second phase, is
16 that going to be another hearing or is
17 that going to be administrative?
18 MR. LaFERRIER: That will be another
19 hearing before this Board.
20 CHAIRMAN MARTINEZ: You won't be
21 here. You won't be here.
22 COMMISSIONER BARREIRO: I
23 think that's --
24 COMMISSIONER BELL: I won't be here
25 either.

1 COMMISSIONER BARREIRO: I think this
2 should be administrative, to a certain
3 degree. Unless there's problems that
4 arise that warrant that this -- that the
5 administration feels it should be brought
6 to the Board at that time, you know, it
7 should probably be administrative. And, I
8 don't know, I just throw that out there,
9 because, you know, I don't -- as long as
10 there's no problems, it continues, and
11 it's done accordingly -- if this passes,
12 first of all, if this passes, then it
13 should be administratively done, but I
14 just put that in the record. Thank you.
15 CHAIRMAN MARTINEZ: Commissioner
16 Bell.
17 Thank you, Commissioner Barreiro.
18 COMMISSIONER BELL: Thank you, Mr.
19 Chairman. And I certainly don't want to
20 be redundant. And I've been here today.
21 I've been listening to everybody.
22 One of the things that we have to do
23 as people who sit here -- we sit here, and
24 we make very, very important decisions,
25 decisions that are going to impact lives.

1 And so as we sit here and I'm listening to
2 the balance, I'm trying to have a balance
3 between homeowners, a balance between
4 people who want to work and have jobs and
5 between property rights and I was struck
6 by a lot of the comments that were made.
7 I do realize that issues like this
8 can also be very, very emotional, and, you
9 know, the emotion gets in it, but I always
10 try to base my decision on the facts. And
11 when I walk in the store, and after
12 everything that I've read, I had no idea
13 -- I had no idea how I was going to vote.
14 With that being said, I'm sitting
15 here and I'm looking at all these proffers
16 that have been made, the 2500 feet
17 setback. And then I'm reading in this
18 book that from Florida Department of
19 Transportation, and it says this property
20 is the only remaining significant upland
21 non-jurisdictional by the U.S. Army corps
22 of engineers tract, which is outside of
23 the Lake Belt. So I'm reading that. And
24 it mentions that this was the only mine
25 that was able to operate fully during the

1 Lake Belt shutdown period, so that takes
2 care of one of my concerns.
3 In the proximity to the national
4 park, I see now they've proffered 2500
5 feet, not as a phase-in, but as permanent.
6 Did I hear that correctly,
7 permanently 2500 feet away?
8 CHAIRMAN MARTINEZ: I don't believe
9 you heard that correctly.
10 COMMISSIONER BELL: No?
11 CHAIRMAN MARTINEZ: That would have
12 to come for a second hearing.
13 COMMISSIONER BELL: I meant up to the
14 12-year period.
15 CHAIRMAN MARTINEZ: Are you
16 authorized to answer that?
17 MR. PRICE: Yes, sir.
18 CHAIRMAN MARTINEZ: Go ahead.
19 MR. PRICE: We agreed subject to a
20 brand new hearing, up to 12 years from
21 now.
22 COMMISSIONER BELL: I heard that
23 right. That's all I need to know.
24 MS. BARSH: Right.
25 COMMISSIONER BELL: I hear from DERM,

it doesn't affect our water supply. Listened very, very carefully.

Was struck also by what Mr. Humble said about property rights and some of the same people that are arguing against this today would be arguing for property rights and for farming property rights. So I'm struck by that as well. And I'm still sitting here like, how am I going to deliberate on this particular issue?

But I want to say that I'm impressed with both the residents. I'm impressed with those that are employed, to be employed and will be employed. I'm impressed by the presenters as to, I believe, working in good faith. I do also have respect for the rock mining industry and I do believe that they want to have a good product.

And also I was struck by an article I read on the -- it was probably about four, five months ago on the shortage of fill in Florida, that every road, every building, every road improvement, every traffic improvement, everything you see, you need

1 fill, you need dirt. And so I'm struck by
2 that as well. So I'm trying to figure out
3 this balance.
4 But I want to be -- I just want to
5 say that I respect everybody in this
6 audience and I think that both sides
7 presented very well, and very, very
8 respectfully. I'm still torn on this
9 issue.
10 But, legally, I'm looking at the
11 legalities of this and I'm always struck
12 by the legalities. And I see no
13 objections from DERM, and Public Works,
14 and Parks, and MDT, and Fire Rescue, and
15 Police, and Schools, and Florida
16 Department of Transportation, Florida
17 Department of Environmental Protections.
18 I mean, these are the agencies that
19 protect our environment and they don't
20 have objections, so I'm a little struck by
21 that.
22 So, anyway, I just wanted to
23 compliment everybody here this afternoon,
24 how well I think that this has been
25 argued, how well this has been debated.

1 And I think Commissioner Heyman said it
2 well: That this is a zoning hearing at
3 its best. And to all my colleagues, I
4 mean, however -- and I have friends on
5 both sides of this issue, too, but when we
6 walk in this store, we really do not know
7 how we're voting. I think somebody
8 mentioned that. But there is just no way
9 until you hear the evidence presented on
10 both sides, you can't really know how to
11 make a decision until you've heard
12 everybody.
13 Anyway, thank you, Mr. Chairman.
14 That's all I have to say.
15 CHAIRMAN MARTINEZ: All right. And
16 with that, I'm going to close. I want to
17 address some of the issues that were
18 mentioned here.
19 Commissioner Moss and both
20 Commissioner Jordan.
21 Commissioner Moss pretty much had the
22 question of, you know, like who was here
23 first, who wasn't, because it does make a
24 difference: Is the rock mining now 400
25 feet closer to the homes or are the homes

closer to where the rock mining was.

Commissioner Jordan, you mentioned something that I live about two miles away and I felt the vibration. Don't -- don't -- I don't want you to be confused to think this was an earthquake type of thing. You can feel it. It is very quick. It is like a sound boom and it's gone. And I called the hot line that they had, the number, and the gentleman came out and looked at it. And actually one of the gentlemen that just came up, Mr. Boyd said it was a little bit disingenuous, because it's the same people that do it. I'm not convinced that the cracks I have are not caused by that. By the same token, I have neighbors around and they don't have the same issues. So maybe the fill that was used in mine was improperly set. I don't know. So you can't take everything into that and say because of this, you felt it at two miles, people at 400 feet will do it, but then again that's your choice.

This is not district issue, folks.

1 This is countywide. This is like the
2 airport, JMH, other things. This is a
3 countywide issue that affects everybody
4 around.
5 When I moved out there, and the both
6 times that I've lived out west, I moved --
7 well, once my backyard was the Urban
8 Development Boundary and now it's a block
9 away, but I know I'm moving into the
10 Everglades. I am moving there. So there
11 are certain things that I'm going to have
12 that other people maybe in the inner city,
13 in Brickell, in Biscayne will not have. I
14 have a lot more mosquitoes. I have frogs.
15 Alligators every once in a while. Yeah,
16 don't mention snakes; I don't like snakes.
17 I really don't. And the blasting. And I
18 know I'm going to have that there. And
19 those are the issues and the
20 determinations that I made when I moved
21 there. Now, there's a lot of people who
22 been living there for a while.
23 And we were talking about property
24 rights. Mr. Johnson I believe mentioned
25 something about that. There wasn't even

1 an issue out there at one particular time
2 that a lady actually went even on a hunger
3 strike, because of her property rights
4 were being violated, Mrs. Fernandez, if I
5 recall. Alex Pena is a friend of mine,
6 hooked me up with that.
7 And DERM, of all people, which
8 approved this -- when I saw DERM had no
9 objection, I go, well, this must be the
10 best thing in the world, because they
11 object to everything.
12 That lady's property rights were
13 being violated. And she went on a hunger
14 strike. And everything -- as a matter of
15 fact, she testified one time here in front
16 of us on a zoning hearing after that, so I
17 guess she recovered well.
18 But this is an issue, and this is a
19 countywide issue. Actually, it's a
20 statewide issue. And ever since the class
21 of 2000 went into the state legislature,
22 I've been afraid of things they do up
23 there. Okay, that graduated in eight.
24 The next class graduated in '10. And I
25 can't wait for the next class to graduate.

1 Hopefully the people coming in right will
2 treat us with respect. By us, I don't
3 mean the 13. I mean us. I mean,
4 everybody who's here and do the right
5 things for the County and the people they
6 represent.
7 I'm afraid that were this not to
8 pass, and from counting, I don't think so,
9 but they'll go right up to the state after
10 they go to circuit court, which will be
11 the next step, but they'll go to the state
12 and they'll change it. And what little we
13 have, they're going to take it away. What
14 little we have right now, they're going to
15 take it away. I have no doubt on it, but
16 that's why we're here, to decide these
17 things.
18 There's quite a few issues. The
19 limestone that we produce here and the
20 aggregate that we have is the one that's
21 used throughout the state, from what I
22 understand. It's the best one, the one
23 that can be used mainly for roads. It's
24 the only one that can be used to compact
25 some particular type of concretes that are

1 used.
2 We talk about jobs, and I'm not sure
3 about the agriculture against these jobs,
4 what the weight is going to be. I'm not
5 even going to try to do that, because
6 whoever owns the land may decide he
7 doesn't want to farm it anymore. Then you
8 don't have agriculture. You don't have
9 blasting. You don't have anything. So
10 don't go so much by how many jobs are
11 created, by what it is.
12 Do consider some issues on the
13 property rights, do consider the benefits
14 to the county and/or to the state, and do
15 consider what will be taken away, because
16 that will be coming very, very, very soon.
17 So, anyway, with that, that has been
18 closed.
19 COMMISSIONER DIAZ: Do you want me
20 to--
21 CHAIRMAN MARTINEZ: I'll make a
22 motion with the covenant of the 2500 has
23 to come back. While I agree with
24 Commissioner Barreiro, that it really
25 should be administrative, I'm going to err

on the side of caution and let a future Commission, because it will be totally new, take that up, if this goes through, take that up and decide on it then.

So, Mr. Attorney, would you clarify any and all, whatever --

MR. COLLER: Mr. Chairman, I would like Mr. McInnis, who's going to read the amendment, because there's been some conversation which gives me some concern. I want to make sure everybody is in agreement as to what exactly is being conditioned, that's being proffered.

CHAIRMAN MARTINEZ: Go ahead.

MR. McINNIS: Mr. Chairman and Commissioners, the way that I understood the proposed condition was, that the time for completion of Phase I of the project, including the lake excavation and grading, shall be 12 years and the work shall be carried on expeditiously so the work will be completed within the allotted time.

Phase II of the project will not proceed until the applicant comes back to

1 the Board of County Commissioners for
2 approval at public hearing and has secured
3 the necessary Phase II permits.
4 And the second condition, an
5 additional condition would be, that the
6 applicant will modify the covenant to
7 reflect the change that I just mentioned.
8 CHAIRMAN MARTINEZ: Okay. So,
9 again -- but I heard -- I heard Ms. Barsh
10 say something that, were they to complete
11 it prior to the 12 years, even though they
12 don't expect it to, they can come back in
13 front of this Board and request moving
14 from 25 to 700. Is that what you have or
15 them? I don't know.
16 MR. COLLER: Mr. Chairman, I don't
17 think you can prevent someone from coming
18 back before the Board. They could come
19 back in theory in three years and ask to
20 excavate Phase II. And even if you were
21 to put in a condition you can't come back
22 for X number of years, they could come
23 back to modify the condition that they
24 come back for X number of years. So we
25 don't really have the control to prevent

1 somebody from coming back before the Board
2 to request it. Now the Board, of course,
3 can always deny it.
4 CHAIRMAN MARTINEZ: Can deny it,
5 right.
6 MR. COLLER: But -- so I don't think
7 that would be a useful condition.
8 CHAIRMAN MARTINEZ: No, but I need
9 you to explain it, because some people may
10 be under the impression that they will not
11 be back for 12 years.
12 MR. COLLER: Oh, okay. Well, that --
13 MR. McINNIS: The language, as I read
14 it, would not preclude them from coming
15 back within 12 years. It just says they
16 have 12 years to complete Phase I.
17 CHAIRMAN MARTINEZ: Right, but I
18 remember, I heard her say, that they would
19 try to get it done faster, to get it done
20 here. So I just wanted to make sure that,
21 while it's there, they would have to come
22 back regardless and you would have to
23 approve it or not to get to the 25 -- from
24 the 2500 to the 700 feet.
25 Anything else?

MR. McINNIS: No. I don't believe so.

COMMISSIONER JORDAN: On the motion, Mr. Chair, if I may ask a question.

CHAIRMAN MARTINEZ: Yes, ma'am.

COMMISSIONER JORDAN: I wanted to find out from the Planning Director, with the covenants and the new one about the 2500 feet, does that change your position on your recommendation?

MR. LaFERRIER: I stated earlier that we still would have concerns regarding compatibility with the residences to the south.

COMMISSIONER JORDAN: Thank you.

CHAIRMAN MARTINEZ: Okay. With that, I made the motion.

COMMISSIONER DIAZ: Second it.

CHAIRMAN MARTINEZ: Seconded by Commissioner Diaz.

Madam Clerk, I want a roll call.

COMMISSIONER SOUTO: The Director --

CHAIRMAN MARTINEZ: Wait, wait, wait, he --

THE CLERK: Commissioner Barreiro?

1 COMMISSIONER SOUTO: Would you please
2 state the recommendation again and all the
3 -- what we're voting on.
4 MR. LaFERRIER: Staff's original
5 recommendation was to deny. There was a
6 -- a covenant was proffered that would
7 limit the excavation so that they did not
8 exceed 25 (sic) feet from the western
9 property line. That would deal with some
10 of the issues that were regarding -- 2500,
11 I'm sorry. That would deal with some of
12 the issues regarding seepage from the
13 Everglades, but there still is concerns
14 about compatibility with the residences to
15 the south. So that our recommendation
16 sustains.
17 COMMISSIONER SOSA: Question.
18 CHAIRMAN MARTINEZ: You're done,
19 Senator?
20 Commissioner --
21 COMMISSIONER SOUTO: So it's allowing
22 the excavation, the motion.
23 CHAIRMAN MARTINEZ: The motion, yes.
24 Commissioner Diaz, you needed
25 clarification?

COMMISSIONER DIAZ: Thank you. On clarification on the actual berm going up around to protect the residents as much as possible. That goes up prior to anything taking place. Am I correct? I need that clarified, for the record.

MS. BARSH: Yes, for the record, it does. It goes up prior to the commencement of the lake excavation. The berm will be up in place. Thank you.

COMMISSIONER DIAZ: Okay, thank you.

CHAIRMAN MARTINEZ: You still have to get permits and other things anyway?

MS. BARSH: Yes, we have to get permit.

COMMISSIONER DIAZ: If this passes.

CHAIRMAN MARTINEZ: If this passes.

COMMISSIONER DIAZ: Right, if it passes, it goes up prior.

MS. BARSH: Correct.

CHAIRMAN MARTINEZ: Okay, Commissioner Sosa, you had a question.

COMMISSIONER SOSA: Yes, question on the motion. And I want to excuse myself those minutes that I was out there.

1 CHAIRMAN MARTINEZ: Sure. Go ahead.
2 COMMISSIONER SOSA: I had a person
3 from Puerto Rico who was visiting here.
4 Let me ask you a question, the motion
5 entertained the Phase I only condition,
6 which is 12 years, and then Phase I limits
7 the intrusion in the area of protection of
8 the Everglades?
9 MR. LaFERRIER: That's correct.
10 COMMISSIONER SOSA: And what about
11 Phase I proposal versus the homes of the
12 residents of that area? Because let me
13 say something to clarify, I know that it's
14 only allowed one home per acre, but those
15 are people who live over there. And I
16 want to make sure that if something that
17 is compatible with the CDMP that is not
18 opposed by anyone that, let's face it,
19 everybody gave permission to do, but I
20 want to make sure that someone speaks for
21 them. Even though the last time I spoke
22 for them, and I was misconstrued, and I
23 want to make sure that I clarify my
24 position.
25 Does the Phase I only isolates them

in any way?

MR. LaFERRIER: No, Commissioner. If you look at the site, if you were to bifurcate it in half, east to west, if approved, they would only be able to excavate the eastern half. The concern for the residences and the concerns by the Department for compatibility with residential uses are relative to the properties to the south, so there still would be rock mining, which was previously a mile away from these residences, would come up next to and contiguous to their properties.

COMMISSIONER SOSA: Any possibility that some extra buffer can be created with the area where those residents are?

MS. BARSH: Commissioner, right now we have one of our proffered conditions a minimum setback.

COMMISSIONER SOSA: I can't hear you.

MS. BARSH: I'm sorry. Right now one of our proffered conditions, we have a berm and a minimum setback. We will always look for different ways to do

1 directional blasting and work with the
2 technology to further minimize the
3 impacts.
4 So the answer is, we would like to
5 get with the neighbors and work out -- see
6 if we can work out some additional things
7 with them in that regard.
8 COMMISSIONER SOSA: Question to the
9 attorneys: Can we condition the creation
10 of a neighbors' panel to make sure that
11 there's constant communication, if this is
12 approved? That they have the ability to
13 see on a constant basis, if this is
14 approved, to follow-up on all the
15 restrictions of the blasting, the sounds,
16 the hours of operations?
17 Because what I'm doing is very
18 simple. If the votes are there to approve
19 this application, I want to make sure that
20 at least we have enough regulations to
21 give the neighbors an ability, because
22 sometimes then you approve an application,
23 they come over here, nobody else listens
24 to them ever after and then they are left
25 over there with nothing to deal with.

1 MR. PRICE: Mr. Chairman, Mr.
2 Chairman.
3 CHAIRMAN MARTINEZ: She asked you a
4 question. Answer it.
5 MR. PRICE: All right. I think --
6 what I would like to propose to the
7 Commission is a 30-day period to come back
8 with a plan, a plan which will address the
9 additional setbacks that you're concerned
10 about, will show -- make sure Commissioner
11 Heyman understands the 12-year provision
12 in regard --
13 COMMISSIONER HEYMAN: I understand.
14 MR. PRICE: -- to the 2500 feet. And
15 it's not a simple matter of drawing a line
16 and doing a setback. We have to do a
17 little engineering. But we believe we can
18 come back in 30 days, consistent with the
19 application, the advertised ad, so we
20 would not have to re-advertise.
21 MS. BARSH: If it's the will --
22 COMMISSIONER SOSA: So the answer to
23 my question is no?
24 MS. BARSH: No. If the will of the
25 Commission is, we would certainly do a

1 citizen's panel to, you know, absolutely
2 get with them and try to work out
3 something. So Cemex executive is here has
4 indicated that he's willing to do that, if
5 that's the will of the Commission.
6 COMMISSIONER SOSA: Okay. That is
7 something, Mr. Attorney -- thank you.
8 That is something that if this is
9 approved, we can move on in that creation?
10 It's up to the Commissioners of the area,
11 because I'm just giving food for thought.
12 MR. COLLER: Right. I mean, you
13 could suggest that to the neighbors and to
14 the applicant. I mean, if you want to
15 provide a condition that the applicant
16 shall make itself available to the
17 neighbors for discussions on the impact of
18 blasting, I think you can condition to
19 force the applicant to do that, or I think
20 the other alternative is simply suggest to
21 both parties that they have continued
22 conversations with respect to the impact
23 of any approval.
24 CHAIRMAN MARTINEZ: Commissioner
25 Monestime. And that's it.

COMMISSIONER MONESTIME: Thank you, Mr. Chair.

CHAIRMAN MARTINEZ: Everybody took questions. I'm sorry.

COMMISSIONER MONESTIME: Thank you, Mr. Chair.

To staff, we are about to vote on the amended application, including the 2500 feet setback, from excavating on the east side of the property, right?

MR. LaFERRIER: That's correct. They would excavate the eastern one-half, if the application is approved as amended.

COMMISSIONER MONESTIME: And my understanding is that there is excavation taking place right now, about 700 feet away from current properties, not on this particular site, but on other sites where excavation is taking place.

MR. LaFERRIER: The current excavation that's near this site is approximately a mile to the north of the residences.

If we show the aerial photo, if someone brings it up, you can see that

1 this 420-acre tract is between an existing
2 rock mining operation and the residences
3 to the south. It's approximately a mile
4 between the operations to the homes.
5 COMMISSIONER MONESTIME: But I think
6 I heard someone mention earlier that there
7 is excavation taking place from other
8 mining site about 700 feet away from --
9 CHAIRMAN MARTINEZ: It was 390 --
10 look, the north one, where it says Krome
11 quarry, that's supposedly 396 feet from
12 the nearest residence. Where they're
13 going to expand, the one where it says
14 expansion area, that is going to be 400
15 feet from the residents to the east. If
16 you reduce it from 700 feet, which is what
17 they had in Phase I and Phase II, all it
18 impacts is Everglades National Park.
19 That's it. If now you put it 2500 feet,
20 you're adding an additional 1800 feet that
21 they're not doing into Everglades National
22 Park. While it does not address the issue
23 with the residents, it addresses the
24 drinking water and all that. That's it.
25 COMMISSIONER MONESTIME: I got it.

1 So the 700 feet was not away from homes;
2 it was away from the Everglades?
3 CHAIRMAN MARTINEZ: Right.
4 COMMISSIONER MONESTIME: Okay. I
5 heard right. Thank you.
6 CHAIRMAN MARTINEZ: All right, with
7 that is a clarification?
8 COMMISSIONER HEYMAN: Yes.
9 CHAIRMAN MARTINEZ: Then I want a
10 vote, roll call vote.
11 COMMISSIONER HEYMAN: Thank you, Mr.
12 Chair.
13 To the attorney, a yes on this based
14 on it's a recommendation for denial, even
15 though it's amended, what is the vote if
16 we vote yes, we support the excavation?
17 CHAIRMAN MARTINEZ: Yes is to approve
18 it. Yes.
19 COMMISSIONER HEYMAN: Or is it yes on
20 the recommendation? Could you please
21 clarify it?
22 CHAIRMAN MARTINEZ: To approve it.
23 MR. COLLER: The yes vote is to
24 approve the excavation as amended.
25 COMMISSIONER HEYMAN: Thank you.

1 CHAIRMAN MARTINEZ: Roll call.
2 COMMISSIONER SOSA: Mr. Chairman,
3 question, point of order.
4 CHAIRMAN MARTINEZ: Point of order.
5 COMMISSIONER SOSA: Did the maker of
6 the motion approve my recommendation?
7 CHAIRMAN MARTINEZ: No, it did not.
8 COMMISSIONER SOSA: So they didn't
9 accept it, my amendment?
10 CHAIRMAN MARTINEZ: No, I did not.
11 THE CLERK: Commissioner Barreiro?
12 COMMISSIONER BARREIRO: Yes.
13 THE CLERK: Commissioner Bell?
14 COMMISSIONER BELL: Yes.
15 THE CLERK: Commissioner Bovo?
16 COMMISSIONER BOVO: Yes.
17 THE CLERK: Commissioner Diaz?
18 COMMISSIONER DIAZ: Yes.
19 THE CLERK: Commissioner Heyman?
20 COMMISSIONER HEYMAN: No.
21 THE CLERK: Commissioner Jordan?
22 COMMISSIONER JORDAN: No.
23 THE CLERK: Commissioner Monestime?
24 COMMISSIONER MONESTIME: Yes.
25 THE CLERK: Commissioner Moss?

1 COMMISSIONER MOSS: Mr. Chairman, I
2 need to clarify one thing quickly, and
3 that is that Ms. Fernandez is under court
4 order to make corrections on her property.
5 So it's not an issue of her property
6 rights being violated. She took it to
7 court and the courts agreed with DERM.
8 CHAIRMAN MARTINEZ: Right.
9 COMMISSIONER MOSS: So I just wanted
10 to make sure. So her protest out there
11 was -- even though she was protesting,
12 she's under court order to make the
13 corrections on her property.
14 CHAIRMAN MARTINEZ: Well, originally,
15 it was that she did not believe -- or she
16 believed her property rights were violated
17 by what DERM and others were imposing upon
18 her.
19 COMMISSIONER MOSS: But she went to
20 court and --
21 CHAIRMAN MARTINEZ: Right.
22 COMMISSIONER MOSS: -- the court
23 sided with DERM.
24 CHAIRMAN MARTINEZ: Right.
25 COMMISSIONER MOSS: And with that, I

1 vote no.
2 THE CLERK: Commissioner Sosa?
3 COMMISSIONER SOSA: No.
4 THE CLERK: Commissioner Souto?
5 COMMISSIONER SOUTO: No.
6 THE CLERK: Commissioner Suarez?
7 COMMISSIONER SUAREZ: No.
8 THE CLERK: Chairman Martinez?
9 CHAIRMAN MARTINEZ: Yes.
10 THE CLERK: Motion results in
11 six-to-six vote.
12 CHAIRMAN MARTINEZ: Okay, motion
13 fails.
14 MR. COLLER: Because it's a tie vote,
15 your rules provide for zoning hearings,
16 this will be rolled over to the next
17 zoning meeting or you can come up with
18 another motion.
19 CHAIRMAN MARTINEZ: You said you
20 needed nine votes.
21 The moment you don't have nine votes,
22 it fails.
23 MR. COLLER: No.
24 CHAIRMAN MARTINEZ: Oh, now it's
25 different?

1 MR. COLLER: You don't have nine
2 votes to approve it.
3 CHAIRMAN MARTINEZ: To affirm it.
4 MR. COLLER: But the way our rules
5 are written, a less than a supermajority
6 doesn't deny the application. In order to
7 deny the application, there needs to be a
8 majority of votes to deny. The way the
9 code is written, if you don't have
10 sufficient number of votes to approve,
11 it's deemed a tie. So it's a tie vote.
12 Let's say it been 8/6 to approve,
13 that still would be -- would not be
14 considered a denial. It would be
15 considered a tie vote. You need an
16 affirmative vote in order to deny a
17 majority vote. So you don't have a
18 majority vote.
19 CHAIRMAN MARTINEZ: Okay.
20 COMMISSIONER MOSS: Okay. So is it
21 approved?
22 MR. COLLER: Did I not explain that
23 well? I'll try it again.
24 CHAIRMAN MARTINEZ: We need a new
25 rule.

1 Okay, now this rolls over to the next
2 commission meeting and then what?
3 MR. COLLER: Then the Board can take
4 -- can either open the hearing or they can
5 go directly to a vote.
6 CHAIRMAN MARTINEZ: Okay, just so you
7 know, it will be directly to a vote.
8 MR. COLLER: And --
9 CHAIRMAN MARTINEZ: Okay, we already
10 know, you don't have the nine positive
11 votes and that's it.
12 MR. COLLER: And the commissioner
13 that was not here --
14 CHAIRMAN MARTINEZ: Cannot --
15 MR. COLLER: No, will be afforded a
16 transcript, can read the transcript and be
17 able to vote.
18 CHAIRMAN MARTINEZ: Okay, but
19 regardless, then we take the vote and
20 whether it's seven to six, six to five,
21 whatever, that's it? As long as you don't
22 have nine, that's the end of the
23 application?
24 MR. COLLER: No.
25 COMMISSIONER DIAZ: Mr. Chairman,

1 point of order.
2 CHAIRMAN MARTINEZ: No, no, I need to
3 hear this.
4 MR. COLLER: If you don't have
5 sufficient votes to approve it, it's
6 deemed a tie vote unless you have a
7 majority vote to deny. So you need -- in
8 order to deny the application, under our
9 rules, you need a majority vote to deny.
10 CHAIRMAN MARTINEZ: Okay.
11 MR. COLLER: And that's --
12 CHAIRMAN MARTINEZ: And this
13 continues on indefinitely?
14 MR. COLLER: Well, we haven't had
15 that situation before. Usually at some
16 point, when it's rolled over, there's been
17 either a modification to the application,
18 or there's been something that's been
19 worked out and there's been a change --
20 CHAIRMAN MARTINEZ: That won't be the
21 case this time. All right.
22 COMMISSIONER JORDAN: Point of
23 clarification again on the answer, if I
24 may, Mr. Chair.
25 CHAIRMAN MARTINEZ: He had it first

1 but. Go ahead.
2 COMMISSIONER DIAZ: Okay, let the
3 lady go.
4 COMMISSIONER JORDAN: No, no.
5 Mr. Attorney, if we come back and
6 there's a vote of seven to six to deny,
7 then it's over?
8 MR. COLLER: Then it's denied, that's
9 correct.
10 COMMISSIONER JORDAN: It can only be
11 approved with an affirmative nine.
12 MR. COLLER: Correct.
13 COMMISSIONER JORDAN: Okay, thank
14 you.
15 COMMISSIONER DIAZ: Point of
16 clarification.
17 CHAIRMAN MARTINEZ: Different one?
18 Okay, go.
19 COMMISSIONER DIAZ: No, on the same
20 thing. And that's why I was asking. The
21 point, the no's have to bring a motion to
22 deny. Am I correct?
23 MR. COLLER: We do need to announce
24 the date of the zoning meeting, because
25 there will be no further notice if --

1 CHAIRMAN MARTINEZ: There will be no
2 further hearing either, but you can go
3 ahead.
4 MR. COLLER: I understand that.
5 COMMISSIONER DIAZ: Or we can do it
6 now, can't we?
7 CHAIRMAN MARTINEZ: What is the date?
8 MR. COLLER: Sorry. I apologize for
9 not answering the question.
10 COMMISSIONER DIAZ: If somebody
11 brings up a motion to deny at this point,
12 then there will be -- and there's enough
13 votes, then there will be no use to hear
14 this case.
15 MR. COLLER: You could take up a
16 motion now.
17 CHAIRMAN MARTINEZ: Reconsidering?
18 MR. COLLER: Because right now we
19 don't -- you have a tie vote. There's
20 essentially there's --
21 CHAIRMAN MARTINEZ: There's no
22 prevailing side.
23 MR. COLLER: Any motion is in order
24 at this point.
25 CHAIRMAN MARTINEZ: There's no

1 prevailing side on this particular one.
2 COMMISSIONER SOSA: Leave it like
3 that.
4 CHAIRMAN MARTINEZ: Okay. The date?
5 MR. LaFERRIER: The next date for the
6 Commission to meet on zoning is July the
7 21st.
8 CHAIRMAN MARTINEZ: Do you have any
9 items already for that?
10 MR. LaFERRIER: We have two items.
11 CHAIRMAN MARTINEZ: Okay, so then we
12 will be having that meeting.
13 MR. LaFERRIER: Yes.
14 COMMISSIONER MOSS: Mr. Chairman.
15 CHAIRMAN MARTINEZ: July 21st.
16 Commissioner Moss.
17 COMMISSIONER MOSS: I'd just like to
18 say, you know, to the public, you know,
19 please don't try to contact my office or
20 contact me in reference to these issues,
21 okay? This is under the Jennings Rule,
22 and we can have no conversations and no
23 contact with folks in reference to this
24 issue.
25 COMMISSIONER DIAZ: That's ditto to

1 everybody.
2 CHAIRMAN MARTINEZ: All right, that's
3 it. For this one, that's it.
4 MS. BARSH: Thank you for your time.
5 (Thereupon, the hearing was
6 concluded).
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1 CERTIFICATE OF REPORTER
2
3
4 I, Lorena Ramos, National Registered
5 Professional Reporter and Florida Professional
6 Reporter, do hereby certify that I was
7 authorized to and did report the hearing on
8 Item 09-176, Santa Fe Haciendas & Cemex
9 Construction, before the Board of County
10 Commissioners of Miami-Dade County, on the 23rd
11 day of June 2011, and that the transcript,
12 pages 1 through 209, is a true and correct
13 record of my stenographic notes.
14
15 DATED this 8th day of July 2011 at
16 Miami-Dade County, Florida.
17
18
19
20
21 _____
22 LORENA RAMOS, RPR & FPR
23 COURT REPORTER
24
25

B. ARCHIMEDEAN PROPERTIES, LLC
(Applicant)

11-6-CC-1 (08-175)
BCC/District 10
Hearing Date: 07/21/11

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1985	Monastery of the Exaltation of the Most Holy Cross, Inc.	- Special Exception to permit a charter school. - Non-Use Variance of parking. - Unusual Use of entrance feature.	ZAB	Approved w/conds.
1985	Monastery of the Exaltation of the Most Holy Cross, Inc.	- Special Exception to permit a charter school. - Non-Use Variance of parking. - Unusual Use of entrance feature.	BCC	Appeal Approved, Application Approved
1987	Monastery of the Exaltation of the Most Holy Cross, Inc.	- Special Exception to permit a church. - Unusual Use for a daycare. - Non-Use Variances for parking & signage. - Modification of condition of resolution.	ZAB	Approved w/conds.
2005	Archimedean Properties, LLC	- Special Exception for a Charter School.	BCC	Approved w/conds.
2006	Archimedean Properties, LLC	- Special Exception to expand the chater school. - Modify & Deletion of resolution & covenant.	BCC	Approved w/conds.
2009	Archimedean Properties, LLC	- Modificatin of resolution.	BCC	Approved w/conds.

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

ZONING ACTION

MEMORANDUM

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

DATE: June 23, 2011

ITEM: 1.

APPLICANT: ARCHIMEDIAN PROPERTIES, LLC (11-6-CC-1/08-175)

MOTION: Denied without prejudice as recommended by the Developmental Impact Committee. This application was carried over to the July 21, 2011 Zoning Meeting.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro			X	
Bell			X	
Bovo			X	
Diaz			X	
Heyman			X	
Jordan		X		
Monestime		X		
Moss	S	X		
Sosa		X		
Souto	M	X		
Suarez		X		
Vice Chairwoman Edmonson				X
Chairman Martinez			X	
TOTAL		**6**	**6**	**1**

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2011

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Archimedean Properties L.L.C. (Z08-175)

SUMMARY OF REQUESTS:

The applicant is seeking to permit the expansion of an existing charter school onto additional property to the northeast and to increase the maximum number of students from 800 to 1,300 (a 62% increase over previous approval). The applicant also seeks to modify conditions of previous Resolutions, as well as to delete three (3) previously recorded Declarations of Restrictions in order to submit revised plans illustrating the school expansion, to allow a total of 24 special events per year and increase the maximum number of students. Moreover, the applicant is requesting to permit special event parking on natural terrain which is not permitted by the Zoning Code.

LOCATION: 12425 SW 72 Street (Sunset Drive), Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting to modify a charter school. 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.

Charter schools are educational institutions which are authorized and maintained in accordance with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held on May 25, 2011 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Denial without prejudice.

The Executive Council found that the development will be **incompatible** with the surrounding area and would detrimentally impact same. Additionally, the proposed application is not in keeping with the Comprehensive Development Master Plan Land Use map designation for the subject parcel and, therefore, in relation to the present and future development of the area, the approval of the charter school expansion will be **inconsistent** with the Comprehensive Development Master Plan (CDMP).

APPLICATION NO. Z08-175
ARCHIMEDEAN PROPERTIES, LLC

Respectfully Submited,

DIC Executive Council
May 25, 2011

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

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Archimedean Properties L.L.C. **PH:** Z08-175

SECTION: 25-54-39 **DIC DATE:** May 25, 2011

COMMISSION DISTRICT: 10

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A. INTRODUCTION

o SUMMARY OF REQUESTS:

The applicant is seeking to permit the expansion of an existing charter school onto additional property to the northeast and to increase the maximum number of students from 800 to 1,300 (a 62% increase over previous approval). The applicant also seeks to modify conditions of previous Resolutions, as well as to delete three (3) previously recorded Declarations of Restrictions in order to submit revised plans illustrating the school expansion, to allow a total of 24 special events per year and increase the maximum number of students. Moreover, the applicant is requesting to permit special event parking on natural terrain (130 parking spaces) which is not permitted by the Zoning Code.

o REQUESTS:

(1)SPECIAL EXCEPTION to permit the expansion of an existing charter school onto property to the northeast.

(2) SPECIAL EXCEPTION to permit the expansion of the existing charter school from 800 students to 1,300 students in grades K-12.

(3) MODIFICATION of Condition #6 of Resolution #Z-21-09, passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students."

TO: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1,300 students."

(4) MODIFICATION of Conditions #3, #9 and #11 of Resolution #Z-16-05, last modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners and reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Charter School Addition of Grades 9 to 12,' as prepared by Anthony E. Tzamtzis, consisting of 4 sheets dated stamped received 3/31/09."

TO: "3. The in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Master Plan for Middle and High School Expansion,' as prepared by Anthony E. Tzamtzis, AIA, consisting of 17 sheets dated stamped received 4/5/11."

FROM: "9. That night activities and/or functions at the charter school shall be limited to 12 events per year and shall end no later than 10:00 p.m."

TO: "9. That night activities and/or special events at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m."

FROM: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 800 students."

TO: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 1,300 students."

(5) MODIFICATION of Condition #2 of Resolution Z-31-06 last modified by Resolution Z-21-09 passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)"

TO: "2. That the charter school use shall be limited to grades K through 12th with the expansion from 800 to 1,300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250
Year 4	2014-2015 School Year	No. of permitted students 1250-1300."

(6) Deletion of three (3) Declarations of Restrictions Recorded at Official Record Book 23679, Pages 4935-4943, Official Record Book 25853, pages 4991-5006 and Official Record Book 27020, Pages 0954-972.

The purpose of requests #3 - #6 is to permit the applicant to submit revised site plans showing the expansion of the charter school onto additional property and showing additional classroom buildings, to increase the number of students, to increase the number of night activities and special events and to delete three covenants in order to submit one consolidated covenant that encompasses the entire property.

(7) Applicant is requesting to permit special event parking on natural terrain (not permitted).

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**: 12425 SW 72 Street (Sunset Drive), Miami-Dade County, Florida.

- **SIZE:** 12.67 Gross Acres

B. ZONING HEARINGS HISTORY:

In 1985, pursuant to Resolution #4-ZAB-178-85, the Zoning Appeals Board (ZAB), approved a special exception to permit a private school, grades 5 through 12, including a monastery, a non-use variance of parking requirements and an unusual use to permit two entry features on a portion of the subject property. Said application was appealed to the Board of County Commissioners, which upheld the decision of the ZAB, pursuant to Resolution #Z-156-85. In 1987, pursuant to Resolution #4-ZAB-133-87, the monastery was granted a special exception to permit a church in conjunction with a monastery and school, an unusual use and special exception to permit a day care center and a modification of Resolution #Z-156-85 to permit the expansion of the previously approved school to include kindergarten through 4th grade. A non-use variance of parking requirements and sign regulations was also granted.

In 1993, a portion of the subject property was part of a larger parcel of land which was granted approval of requests to expand an existing daycare center, private school (grades K-12), church and monastery onto additional property to the west, to permit a convent and outdoor chapel as well as requests to permit 92 parking spaces (201 spaces required), 268 students and to extend the expiration date of the temporary detached sign and modular classroom buildings, pursuant to Resolution No. 4-ZAB-177-93.

In 2005, pursuant to Resolution #Z-16-05, a special exception was granted to permit a charter school for a maximum of 540 students in grades K-8th on the western portion of the subject property. Additionally, in 2006 pursuant to Resolution #Z-31-06 a special exception was granted to permit the expansion of the charter school from 540 to 800 students in grades K-8, along with modifications of conditions of Resolution #Z-16-05. In 2009, modifications of conditions of Resolutions #Z-16-05 and Z-31-06 as well as modifications of several paragraphs of previously recorded Declarations of Restrictions were granted to permit the applicant to submit revised plans showing six (6) temporary modular classrooms, to increase the grade levels and to increase the number of night activities and functions per calendar year for the Charter School, pursuant to Resolution No. Z-21-09.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately* ***4 mile east of and within the Urban Development Boundary for Agriculture use.*** *The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-3A.*

   In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in

the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

2. *Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.*

3. *Neighborhood or community-serving institutional uses, cell towers and utilities including* ***schools****, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible* ***in all urban land use categories****, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A.*

4. ***Educational Element Goal.*** *Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.*

5. ***Objective EDU-1.*** *Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective EDU-2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.*

6. ***Policy EDU-1D.*** *Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.*

7. ***Policy EDU-3A.*** *It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile*

inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

6. ***Policy EDU-3E.*** *When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and portable water, sanitary sewers, drainage, solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization*

7. ***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 Improvement Element (CIE).*

8. ***Policy LU-4A.*** *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

9. ***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.*

10. ***Policy LU-9B.*** *Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:*

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
    ii) Subdivision of land;
    iii) Protection of potable water wellfields;
    iv) Areas subject to seasonal or periodic flooding;
    v) Stormwater management
    vi) Signage; and
    vii) *On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU; charter school	Agriculture
Surrounding Properties:	
NORTH: GU; single-family residences and plant nursery	Agriculture
SOUTH: GU; churches, EU-M; single-family residences	Estate Density Residential, 1 to 2.5 dua
EAST: GU; plant nursery	Agriculture
WEST: GU; religious facility and private school	Agriculture

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-314 *of the Code of Miami-Dade County:*

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

Section 33-153. Public hearing required in all districts.
The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration or restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.

Section 33-159. Plan review standards

(a) *Scale. The scale of proposed public charter school facilities shall be compatible with the scale of surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.*

(b) *Compatibility. The design of public charter school facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.*

(c) *Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.*

(d) *Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this code.*

(e) *Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.*

(f) *Noise. Effective measures shall be provided to keep noise at acceptable levels.*

(g) *Service areas. Wherever service areas are provided, they shall be screened and so located as to be compatible with the adjacent properties.*

(h) *Parking areas. Parking areas shall be screened and so located as to be compatible with the adjacent properties.*

(i) *Operating time. The operational hours of a public charter school facility shall be compatible with the activities of other adjacent properties.*

(j) *Industrial and commercial. Where schools are proposed in or adjacent to, industrial or commercial areas, it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques and/or operational modifications.*

(k) *Fences and walls. Outdoor recreation and/or play areas shall be enclosed with fences and/or walls.*

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

Section 33-311(A)(7) (Generalized Modification Standards). *The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.*

Section 33-311(A)(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.*

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
WASD	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**Surplus Student Stations: 1,227**
Aviation	**No objection**

*Subject to conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

The subject property is a 12.67 gross acre parcel of land located at 12425 SW 72 Street which is currently developed as a K-12 charter school for 800 students. The applicant is requesting to expand the existing charter school onto adjacent property to the northeast, to increase the maximum number of students from 800 to 1,300, to permit a total of 24 night activities per year as well as to permit special event parking on natural terrain which is not permitted by the Zoning Code. Additional variances to modify conditions of prior Resolutions and to delete three (3) previously recorded Declarations of Restrictions are also being sought.

Approval of this application would permit an existing K-12 charter school to increase the number of students from 800 to 1,300. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Agriculture** use. *The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County.*

As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, ***schools*** *shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-3A.* It should be noted that the existing charter school is located 4 miles east of and inside the UDB. Staff notes that the western portion of the subject property (4.6 acres) was approved for a private school in 1985, at which time, the applicant's contention that the school was a public necessity and of public interest in this area was confirmed by the Board of County Commissioners, pursuant to Resolution #Z-156-85. In 2006, pursuant to Resolution #Z-31-06, the BCC approved a maximum of 800 students (Kindergarten through 8th grade). In 2009, pursuant to Resolution #Z-21-09, the BCC granted approval to expand grades through 12th.

The CDMP also indicates that ***existing uses are deemed to be consistent with this Plan*** *as provided in the section of the CDMP titled "Concepts and Limitations of the Land Use Plan Map."* **As such, the existing charter school with the approved enrollment of 800 students is consistent with the CDMP and compatible with other institutional uses in the area.**

As previously mentioned, the subject property is located inside the UDB where schools are permitted provided all CDMP criteria, specifically compatibility criteria as indicated in Policy LU-4A, are met. ***Policy LU-5B*** *in the Land Use Element of the CDMP allows the Director to be "the principal administrative interpreter of the CDMP".* On November 10, 2003, The Department issued a "Letter of Interpretation" in response to an inquiry involving the "location of private schools in 'Agriculture' designated parcels within the Urban Development Boundary". In this letter, the Department concluded the following:

> "In conclusion, based on the relevant CDMP goals, objectives, policies and Land Use Plan map text provisions, I find that public and private schools may be approved, **where compatible**, in all urban land use categories, including Agriculture, inside the UDB, in keeping with any conditions specified in the applicable category. Outside the UDB, in areas designated "Agriculture", private schools are prohibited".

Staff notes that the subject property is located within an area known as "Horse Country" which encompasses a two square mile, agriculturally designated area inside the Urban Development Boundary west of the Homestead Extension to Florida's Turnpike between SW 40 Street and SW 72 Street. This area is characterized by large lot single family residences developed in accordance with the AU zoning district regulations. Staff notes that the residents in this area enjoy a rural-type lifestyle with equestrian activities and agricultural uses. Staff also acknowledges that there are several schools and churches in this area. However, the proposed expansion is of extraordinary scale and intensity.

Staff is of the opinion that the expansion of the existing charter school by increasing the student population from 800 to 1,300 (a 62% increase over previous approval) students as well as the requested expansion of the charter school campus onto additional property to the northeast is intrusive and **incompatible** with the area. **Further, staff opines that either the expansion of**

the charter school property or the increase to 1,300 students would be incompatible with the area and, therefore, would be inconsistent with the CDMP.
It should be noted that staff's research reveals that a multitude of private educational facilities have been approved over the years along SW 72 Street (Sunset Drive). Figure 1 below provides an overview of the private school educational facilities that have been approved within this section mile along SW 72 Street and their currently approved enrollment. Based on staff's research of approved educational facilities in the surrounding area, staff opines that the requested increase in student enrollment and scale of the proposed expansion is out of character with the approved enrollment and scale of the existing educational facilities located along SW 72 Street within this section mile.

Additionally, staff notes that there is another approved school along SW 56 Street at 5801 SW 120th Avenue, approximately 1 mile north of the subject property, where in 1996 the Zoning Appeals Board approved an increase of students to 1,177, pursuant to Resolution #5-ZAB-22-96. Staff opines that this school is an anomaly when compared with others schools within the Horse Country area, specifically along SW 72 Street. Based on the aforementioned, staff opines that the proposed 1,300 student population would create a negative impact to the surrounding area by creating an increase in traffic, especially during the morning and afternoon hours when students are dropped-off and picked-up from school activities. Notwithstanding the foregoing, staff acknowledges that the Public Works Department has no objections to this application. However, staff opines that the increase in student population when engaged in recreational activities and the additional special night events would have a negative aural impact on the surrounding properties. In addition, staff is of the opinion that the proposed expansion of the charter school use onto additional property to the northeast is intrusive to the existing rural residential community as it brings recreational facilities in the form of four (4) tennis courts onto a parcel of land that fronts on SW 123 Avenue and abuts an existing single-family residence to the north.

Staff further opines that said expansion will transform the school into a large scale educational facility that serves the needs of students from other areas of the County resulting in a negative impact to the surrounding area. Therefore, staff opines that the proposed expansion onto additional property to the northeast and the proposed enrollment of 1,300 students will provoke excessive overcrowding or concentration of people or population. *Section 33-311(A)(3) of the Zoning Code indicates that the Board shall consider the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area concerned and the compatibility of the applied for exception with such area and its development.* Staff opines that the proposed expansion onto additional property and request for an additional 500 students is **incompatible** with the area and will detrimentally impact the rural character of this area known as Horse Country. **As such, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(3).**

Educational Facilities Approved				
Name	**Location**	**Resolution Number**	**Approved Enrollment**	**Grade Levels**
Section 25 Township 54 Range 39 (North of Sunset Drive)				
Kendale Faith United Methodist Church	12601 SW 72 Street	4-ZAB-200-76	95 students	Day nursery and Kindergarten
Freedom Baptist Church of DC, Inc.	12515 SW 72 Street	Z-326-87	193 students	Kindergarten to 12th grade

Sunset Church of Christ	12001 SW 72 Street	CZAB11-12-99	325 students	Kindergarten to 10th grade
Sunset Preparatory School	11925 SW 72 Street	4-ZAB-65-70	263 students	Kindergarten to 8th grade
Section 36 Township 54 Range 39 (South of Sunset Drive)				
Sunset Construction, LLC	12400 SW 72 Street	CZAB11-18-99	80 students	Pre-Kindergarten to 1st grade
Praise & Worship Center Church of God	12450 SW 72 Street	CZAB11-40-01	47 students	Day nursery and Kindergarten
Muslim Center of Miami, Inc.	Southwest corner of SW 72 Street and SW 123 Avenue (currently vacant)	Z-99-94	200 students	Day nursery and Kindergarten through 6th grade

Figure 1.

When requests #3 through #6 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the revised plans illustrating the expansion of the school campus onto additional property to the northeast, the requested increase of night events per year from 12 to 24 and the increase in the approved enrollment from 800 students to 1,300 students as well as the request to delete three (3) Declarations of Restrictions, in staff's opinion, are intertwine with requests #1 and #2, and will adversely impact the surrounding area and will be **incompatible** with same. Staff's review of both the previously approved plans and the newly submitted plans reveals that, in staff's opinion, the proposed expansion is too excessive and out of character with the surrounding area.

The revised plans submitted in conjunction with this application illustrate the proposed expansion of the existing charter school campus onto additional property located to the northeast of the current school site. The revised plans depict development of the campus in four (4) phases. **Phase 1** illustrates the construction of two (2) temporary modular classroom buildings which house a total of six (6) classrooms. **Phase 2** illustrates a proposed 2-story middle/high school building located on the eastern side of the site along with four (4) new tennis courts located along the northern portion of the site as well as a new 1-story tennis facility building located adjacent to the tennis courts. **Phase 3** illustrates the removal of two (2) temporary modular classroom buildings and the construction of a proposed multi-purpose athletic court behind the existing main school building as well as the removal of two (2) temporary modular classroom buildings along the east portion of the site and the construction of a proposed 2-story (34' high) gymnasium building with a seating capacity of 600 persons. **Phase 4** illustrates the demolition of the existing 1-story residence (administrative office) on the northeastern most portion of the site and the construction of a new 2-story cultural center building. The revised plans also illustrate the relocation of one of the existing driveways along SW 72 Street to the easternmost corner of the site and a new access driveway for emergency vehicles along SW 123 Avenue.

As previously mentioned, staff opines that the proposed expansion of the charter school use onto additional property to the northeast is intrusive to the existing rural residential community. Moreover, staff opines that the proposed improvements as illustrated on the revised plans are excessive and are germane to and an integral part of the request to increase the student population which staff does not support. In addition, it should be noted that in 2009, the applicant had also requested to increase the number of night activities from 10 events per year

to 24 events per year, which the BCC approved on a modified basis to allow 12 night activities per year, pursuant to Resolution No. Z-21-09. Although, in the 2009 application staff had originally supported the applicant's request to permit 24 night activities per year, it should be noted that the 2009 application did not seek an increase in the maximum number of students. Therefore, staff opines that the request to permit 24 night activities per year when considered in conjunction with the request to increase the number of students to 1,300 and the request to expand the school onto additional property to the northeast is excessive and is not in keeping with the spirit and intent of Resolution No. Z-21-09. Request #6, to delete three (3) Declarations of Restrictions, in order to allow the applicant to submit one (1) consolidated covenant that encompasses the entire subject property is, in staff's opinion, germane to and an integral part of the proposed school expansion and requested increase in student population, which staff does not support. When considering the necessity for and the reasonableness of the requests, staff is of the opinion that the approval of requests #3 through #6 will have an unfavorable effect on the area, and will be contrary to the public interest. As such, staff opines that the approval of requests #3 through #6 would be detrimental to the surrounding area and is **incompatible** with same. **As such, staff recommends denial without prejudice of requests #3 through #6 under Section 33-311(A)(7).**

When request #7 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of this request does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with the surrounding area. Staff does not support request #7, to permit 130 special event parking spaces on natural terrain. Staff acknowledges that property located one parcel to the west of the subject site was granted approval of a request to permit 18 parking spaces and 5 stacking spaces on natural terrain, pursuant to Resolution #Z-326-87. Notwithstanding the aforementioned approval, staff opines that the applicant's request is more intense because the number of parking spaces is greater than that previously approved under Resolution #Z-326-87 and will likely generate dust which may affect adjacent properties and as such will be incompatible with same. Additionally, this request is evidence of the intrusiveness of the proposed school expansion on the rural residential community located to the north of the site. **Therefore, based on the aforementioned, staff recommends denial without prejudice of request #7 under Section 33-311(A)(4)(b) (NUV).**

Accordingly, staff recommends denial without prejudice of the application.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE TYPED: 01/28/11
DATE FINALIZED: 05/20/11
MCL:GR:NN:AA:JV

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

Memorandum

MIAMI-DADE COUNTY

Date: May 12, 2011

To: Jorge Vital
Educational Facilities Coordinator
Department of Planning and Zoning

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

Subject: Recommendations for Archimedean Academy, Process No. Z2008000175

Miami Dade County Public Works Department Traffic Engineering Division (TED) has no objections to this application provided the recommendations and comments, as indicated below, are adequately addressed in the related documentation, and found acceptable to TED.

TED has reviewed the Letter of Intent, revised date 04/04/2011; the Site Plan, dated revised 04/04/2011, received by Planning and Zoning on 04/04/2011; the Traffic Impact Analysis, dated revised 09/2010; the Supplemental Traffic Data Memorandum, dated 04/24/2011; and the Traffic Operations Plan, dated 09/15/2010, for the proposed facility located at 12425 SW 72 Street, and has the following recommendations and comments:

- Site Plan

  A clearly marked pedestrian pathway(s) crossing the stacking queue from the visitor parking areas (specifically the parking aisles nearest SW 72 Street) to the building's pedestrian walkways, like those walkways traversing the central parking lot that connects the ADA accessible parking stalls, must be proposed.

- Traffic Study

  The Traffic Impact Analysis with Supplemental Traffic Data Memorandum, dated 04/24/2011, is acceptable.

- Traffic Operations Plan (TOP)

  The Traffic Operations Plan, dated 09/15/2010, is acceptable.

- Project Requirements

  1. A "Declaration of Restrictions" in favor of the Miami-Dade County Public Works Department must be recorded in the Official Records of Miami-Dade County, Florida, prior to the date of the school expansion. The "Declaration of Restrictions" shall include a TOP narrative and plan that has been found acceptable by TED.
  2. The existing posted time intervals for the school speed zone are required to be modified for the new schedule, as needed. This can be included in the Paving and Drainage plans.
  3. The existing drop curbs, which will no longer be used, on Sunset Dr. along the school frontage must be reconstructed to standard sidewalk cross-section.
  4. All off-site improvements shall be constructed prior to the school expansion.

- Standard Comments:

1. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian (ADA) ramps where applicable. All pedestrian crosswalks around the school must have ladder pavement markings.

2. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

5. The Public Works Department reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

Should you need additional information or clarification on this matter, please contact Mr. Jeff Cohen at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division
Mohammed Mansuri, P.E., Public Works Land Development
Leandro Rodriguez, Public Works Land Development

Memorandum

MIAMI-DADE COUNTY

Date: April 15, 2011

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

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

Subject: DIC#Z2008000175-3rd Revision
Archimedean Properties, LLC
12425 Sunset Drive
Special Exception to Expand an Existing Charter School,
Modification of Resolution Z-31-06 to Permit a New Site Plan and
Modification of a Declaration of Restrictions to Include Additional
Property

(GU) (12 Acres)
25-54-39

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.

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area of the Southwest Wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service

The subject property is located within the franchised water service area of Miami-Dade Water and Sewer Department (MDWASD). Connection of the proposed development to the public water supply system shall be in accordance with Code requirements.

The source for this water supply is Alexander Orr Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

Sanitary Sewer Service

The subject property is located within the franchised sewer service area of Miami-Dade County Water and Sewer Department (MDWASD).

There is a private sanitary sewer system within the site. This system operates under DERM Private Sanitary Sewer Operating (PSO) Permit No. 236. This private system includes a pumping station (99-00236) that discharges its flows into a force main that abuts this property along SW 72nd St. The flows are directed either to pumping station 30-0001, 30-0559 or 30-0536. From 30-0001 the flows go to the Central District Wastewater Treatment Plant. From 30-0559 or 30-0536, the flows go to pump station 30-TANDEM and then to the South District Wastewater Treatment Plant.

The public sanitary system treatment plants and private sanitary sewer system are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree.

Stormwater Management

Additional drainage restrictions may be applicable since the subject property is located within the Basic Wellfield Protection Area of the Southwest Wellfield. Specifically, the site is situated within 100-day travel time contour of said Wellfield. Section 24-43 of the Code dictates and regulates the allowable method for storm water within this area.

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting and/or site development, or Public Works approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

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

Pollution Remediation

DERM has reviewed the information regarding the above referenced sites and indicates that there are no records of current contamination assessment/remediation issues on these properties or abutting these properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with these properties or abutting these properties.

Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A NOTICE OF ASBESTOS RENOVATION or DEMOLITION form must be filed with the Air Quality Management

Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

According to the parking information provided, the amount of parking does not appear to be sufficient in size to generate a level of vehicular traffic equal to or in excess of the threshold values listed in the State of Florida (FDEP) Guidelines for Indirect Sources. Therefore, the Air Quality Management Division does not have any concerns regarding this project from a transportation (mobile sources) standpoint.

Wetlands
The subject properties do not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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
Tree Removal Permit 2007-TREE-PER-00646 was issued for these properties to Archimidean Properties LLC, on December 18, 2007, an amendment of the permit was done on August 18, 2010; also the permit expiration has been extended. 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 this permit on December 18, 2011 in order to avoid violation of permit conditions. Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to this permit is required prior to the removal or relocation of any other trees on the subject properties. Please contact this Program at 305-372-6574 for information regarding tree permits.

Enforcement History
DERM has found one (1) closed enforcement case for the referenced property address.

Archimedean Academy (PSO 236)

On November 12th 2008 a Warning Notice was issued to this facility for failure to submit the required Elapsed Time (ET) meter readings. The ET meter readings were later submitted and on May 1st 2009 the case was subsequently closed due to compliance.

Operating Permit
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. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nick Nitti, DIC Coordinator

Memorandum

MIAMI-DADE COUNTY

Date: January 25, 2011

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

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

Subject: DIC 2008000175 - Archimedean Properties, Inc.
12425 Sunset Drive, Miami-Dade County, FL
Revision No. 3

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **45** fire and rescue calls annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, the existing station serving this area will be able to handle the expected number of alarms.

(B) Based on data retrieved during calendar year 2010, the average travel time to the vicinity of the proposed development was **6:16** 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.

(C) 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

STATION	ADDRESS	EQUIPMENT	STAFF
9	7777 SW 117th Avenue	Rescue, ALS Engine	7
57	8501 SW 127th Avenue	Rescue	3
37	4200 SW 142nd Avenue	Rescue, ALS Engine	7
53	11600 SW Turnpike Hwy	Rescue	3

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled 'Archimedean Academy, Inc., Charter Schools Master Plan for Middle and High School Expansion' as prepared by Anthony M. Tzamtzis, AIA, dated stamp received January 10, 2011.

(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.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: April 25, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

From: Nilia Cartaya
Principal Planner
Miami-Dade Transit - Planning & Development Division

Subject: Review of DIC Project No. 08-175 (Archimedean Properties, Inc.)

Project Description

The applicant is requesting a special exception to permit the expansion of an existing charter school onto additional property. In addition, the applicant is also requesting to increase the number of students from 800 to 1,300 to modify a previously approved resolution and delete a previously recorded declaration of restrictions. The subject property is 12 acres and is located at 12425 SW 72 Street 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 72 and 272/Sunset KAT along SW 72nd Street (Sunset Drive). The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Archimedean Properties, Inc. 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		
72	30	30	30	N/A	60	60	0.0	F
272 / Sunset KAT	10	N/A	N/A	N/A	N/A	N/A	0.3	E / 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 2011 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2035 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The draft 2011 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners identifies in its 2021 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route 72: No planned improvements.

Route 272: No planned improvements.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service to the school and in addition, the westbound bus stop located directly in front of the subject property has a covered shelter. Based on the information presented, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum

MIAMI-DADE COUNTY

Date: April 12, 2011

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

Thru Maria I. Nardi, Chief
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z20080000175 – Archimedean Properties, LLC

Application Name: Archimedean Properties, LLC

Project Location: The site is located at 12425 SW 72 Street, Miami-Dade County. The site is currently used as a charter school, grades K-8 with an enrollment of 800 students.

Proposed Development: In the original letter of intent the applicant had requested approval for a Special Exception to expand the facility and enrollment to include 1,300 students in grades K-12. The applicant has submitted revised site plans (dated received 4-5-2011 by Miami-Dade County) and a revised letter of intent dated January 31, 2011 to include changes to the original application including the following:

- That night activities and/or special events at the charter school shall be limited to twenty-four (24) events per year and shall end no later than 10:00 pm;
- That the charter school use be limited to grades K-12 with the expansion from 800 to 1300 students as follows;
  - Year 1 2011-2012 School Year 800-950 students
  - Year 2 2012-2013 School Year 950-1100 students
  - Year 3 2013-2014 School Year 1100-1250 students
  - Year 4 2014-2015 School Year 1250-1300 students
- The applicant has deleted the suggested variance from Section 33-279(18) of the Miami-Dade County Code; and
- The applicant has provided a correction to the legal description of the property.

Subsequently a revised letter of intent dated April 4, 2011 was submitted addressing the recent updates to the site plan (dated received 4-5-2011 by Miami-Dade County).

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application. Therefore, we have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Cenizel

Memorandum

MIAMI-DADE COUNTY

Date: April 28, 2011

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #08-175 - Revised Plans
Archimedean Properties, Inc.
DN-11-04-547

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-175, Archimedean Properties, Inc. The applicant is requesting a special exception to permit the expansion of an existing charter school into additional property. In addition, the applicant is also requesting to increase the number of students from 800 to 1300, to increase the grade levels from K-8 to K-12 and to modify a previously approved Resolution. The subject property is approximately 12 acres and is located at 12425 Sunset Drive, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from MDAD's system of airports.

JR/rb

RECEIVED
MAY - 4 2011
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
20110521 3

DATE: 12-MAY-11

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

ARCHIMEDEAN PROPERTIES, LLC

APPLICANT

12425 S.W. 72 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000175

HEARING NUMBER

HISTORY:

FOLIO:(3049250000620)/NO ZONING, BUILDING, OR LIEN VIOLATIONS FOUND
FOLIO: (3049250000681)/NO ZONING, BUILDING, OR LIEN VIOLATIONS FOUND
FOLIO: (3049250000690)/NO ZONING, BUILDING, OR LIEN VIOLATIONS FOUND

ARCHIMEDEAN PROPERTIES, LLC

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO **Inspection Dat**

Evaluator: N/A 05/12/11

Process #:	**Applicant's Name**
Z2008000175	ARCHIMEDEAN PROPERTIES, LLC

Locations: 12425 S.W. 72 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 12.67 GROSS ACRES **Folio #:** 3049250000690

Request:

1 Special Exception to permit the expansion of an existing charter school onto adjacent property to the northeast.
2 Special Exception to permit additional students within the existing charter school from 800 students to 1,300 students in grades K-12.
3 Modification of Condition #6 of Resolution Z-21-09, passed and adopted by Board of County Commissioners on the 23rd day of July 2009, reading as follows:

FROM: "6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students".

TO:"6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 1,300 students.
4 Modification of Conditions #3, #9 and #11 of Resolution Z-21-09, passed and adopted by Board of County Commissioners on the 23rd day of July 2009, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Charter School Addition of Grades 9 to 12,' as prepared by Anthony E. Tzamtzis, consisting of 4 sheets dated stamped received 3/31/09."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for hearing entitled 'Archimedean Academy, Inc. Master Plan for MIddle and High School Expansion,' as prepared by Anthony E. Tzamtzis, AIA, consisting of 21 sheets dated stamped received April 12th, 2011", "Boundary Survey" prepared by Delta Surveyors, Inc. dated stamped received April 12, 2011.

FROM: "9. That night activities and/or functions at the charter school shall be limited to 12 events per year and shall end no later than 10:00 p.m.

TO: "9. That night activities and/or special events at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m.

FROM: 11. That the charter school use shall be limited to Grades K-12th for a maximum of 800 students.

TO: 11. That the charter school use shall be limited to Grades K-12th for a maximum of 1,300 students.
5 Modification of Condition #2 of Resolution #Z-31-06 and further modified by Resolution Z-21-09, passed and adopted by the Board of County Commissioners on the 23rd day of July 2009, reading as follows:

FROM: 2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)

TO: 2. That the charter school use shall be limited to grades K through 12th with the expansion from 800 to 1,300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250

ZONING INSPECTION REPORT

Year 4 2014-2015 School Year No. of permitted students 1250-1300

6 Deletion of three (3) Declaration of Restrictions recorded at Official Records Book 23679 pages 4935 - 4943, recorded at OR 25853, PG 4991-5006 and OR 27020, PG 0954-972.

The purpose of requests #3-#5 is to permit the applicant to submit plans showing the expansion of the charter school onto additional property and show additional classroom buildings, to increase the number of students,n increase the number of night activities and functions and to delete three covenants in order to submit one consolidated covenant.
7 Applicant is requesting to permit parking on natural terrain (not permitted)
OR IN THE ALTERNATIVE TO REQUEST #7

8 Applicant is requesting to permit 197 parking spaces (327 required).

EXISTING ZONING

Subject Property GU,

EXISTING USE SCHOOL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

TWO STORY SCHOOL BUILDING, 5 MODULAR BUILDINGS, 2 PREFAB SHEDS, AND AN ACCESSORY STRUCTURE ON SITE.

USE(S) OF PROPERTY:

CHARTER SCHOOL.

FENCES/WALLS:

THE NORTHERN & EASTERN PORTIONS OF THE SITE ARE ENCLOSED BY A 6 FT WOODEN AND CHAIN LINK FENCE.

LANDSCAPING:

THE SITE IS SUFFICIENTLY LANDSCAPED THROUGHOUT THE INTERIOR AND PERIMETER OF PROPERTY. LOT TREES & STREET TREES COMPLY W/ 18A.

BUFFERING:

THERE ARE TREES ALONG THE FRONT AND REAR PROPERTY LINES OF THE PROPERTY THAT HELP SERVE AS A BUFFER.

VIOLATIONS OBSERVED:

THERE ARE TWO SHEDS ON THE NE CORNER OF PARCEL 1 (SEE SURVEY ENTITLED ALTA/ACSM) THAT DO NOT COMPLY W/SETBACKS. THESE TWO SHEDS ALONG WITH 3 METAL CONTAINERS HAVE TO BE LEGALIZE OR REMOVED FROM PROPERTY. SEE PICTURES ON PAGE 3. BNC ENFORCEMENT LETTER HAS NOT BEEN SUBMITTED AS OF YET, BUT A REVIEW OF BNC RECORDS & CLERK OF THE COURTS SHOWED NO OPEN CASES OR CITATIONS ON THIS PROPERTY.

OTHER:

Process #	Applicant's Name
Z2008000175	ARCHIMEDEAN PROPERTIES, LLC

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:
GU; SINGLE-FAMILY RESIDENCES & PLANT NURSERY.

SOUTH:
GU; CHURCHES & EUM; 2 STORY SINGLE FAMILY RESIDENCES.

EAST:
GU; PLANT NURSERY

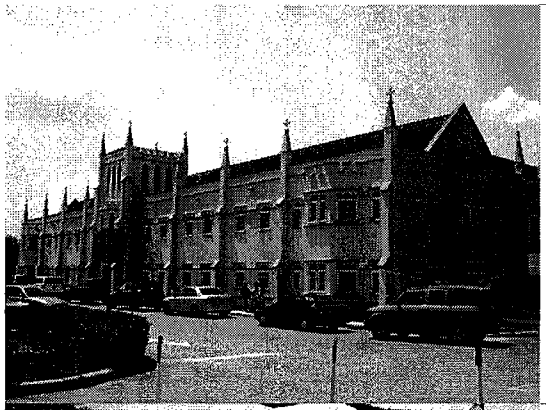
WEST:
GU; CHURCHES

SURROUNDING AREA
THE AREA SURROUNDING THE SUBJECT PROPERTY IS DEVELOPED W/INSTITUTIONAL USES SUCH AS CHURCHES. A SINGLE-FAMILY RESIDENTIAL SUBDIVISION LIES TO THE SOUTH AND PLANT NURSERIES ARE FOUND TO THE NORTH & EAST.

NEIGHBORHOOD CHARACTERISTICS
THE NEIGBORHOOD AREA IS CHARACTERIZED BY CHURCHES, SINGLE FAMILY RESIDENCES, AND PLANT NURSERIES.

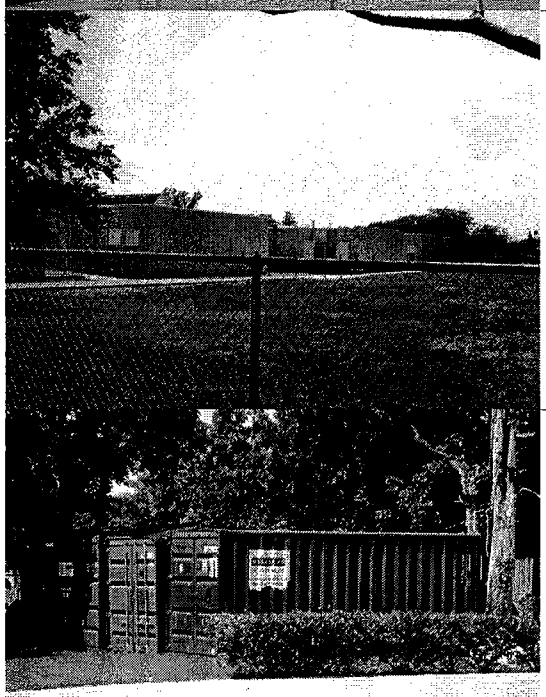
COMMENTS:

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***N/A***
Process Number: ***Z2008000175*** **Applicant Name** ***ARCHIMEDEAN PROPERTIES, LLC***



Date: 12-MAY-11

Comments: NORTHWEST FRONT VIEW OF SUBJECT PROPERTY.



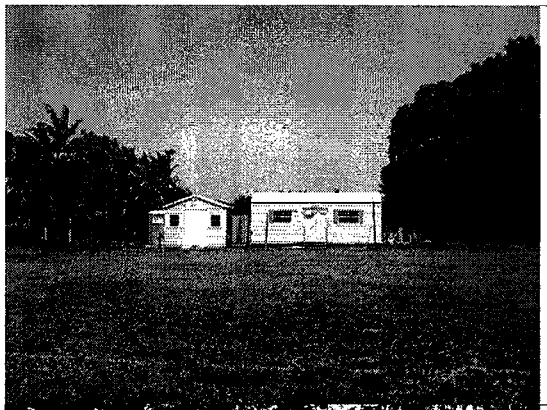
Date: 12-MAY-11

Comments: 5 MODULAR BUILDINGS LOCATED DIRECTLY BEHIND THE SCHOOL.

Date: 12-MAY-11

Comments: 3 ILLEGAL METAL CONTAINERS LOCATED AT THE NE CORNER OF PARCEL 2.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***N/A***
Process Number: ***Z2008000175*** **Applicant Name** ***ARCHIMEDEAN PROPERTIES, LLC***



Date: 12-MAY-11

Comments: TWO ILLEGAL SHEDS LOCATED ON THE NE CORNER OF PARCEL 1.

Date: 12-MAY-11

Comments: ACCESSORY STORAGE BLDG LOCATED IN THE CENTER PORTION OF PARCEL 2.

Date: 12-MAY-11

Comments: CHURCH LOCATED TO THE SW OF SUBJECT PROPERTY.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***N/A***
Process Number: ***Z2008000175*** **Applicant Name** ***ARCHIMEDEAN PROPERTIES, LLC***

Date: 12-MAY-11

Comments: PRIVATE SCHOOL LOCATED DIRECTLY TO THE SOUTH OF SUBJECT PROPERTY.

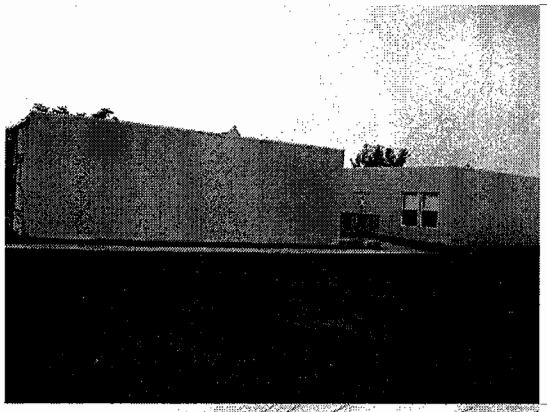
Date: 12-MAY-11

Comments: EUM SUBDIVISION LOCATED TO THE SE OF SUBJECT PROPERTY.

Date: 12-MAY-11

Comments: RELIGIOUS FACILITY LOCATED TO THE SOUTH.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***N/A***
Process Number: ***Z2008000175*** **Applicant Name** ***ARCHIMEDEAN PROPERTIES, LLC***



Date: 12-MAY-11

Comments: MODULAR BLDGS ON SUBJECT PROPERTY. LOCATED TO THE NORTH SIDE OF SCHOOL BLDG.

Date: 12-MAY-11

Comments: PLANT NURSERY LOCATED TO THE EAST OF SUBJECT PROPERTY.

Date: 12-MAY-11

Comments: TREE BUFFER LOCATED ALONG THE NORTH PROPERTY LINE OF SUBJECT PROPERTY.

Inspector ***MARTINEZ, RAMIRO***
Evaluator ***N/A***
Process Number: ***Z2008000175*** **Applicant Name** ***ARCHIMEDEAN PROPERTIES, LLC***

Date: 12-MAY-11

Comments: LANDSCAPE BUFFER IN THE FRONT EAST SIDE OF SCHOOL.

Date: 12-MAY-11

Comments: LANDSCAPE BUFFER IN THE FRONT WEST SIDE OF SCHOOL.

Bcc

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

November 05, 2008

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

Received by
Zoning Agenda Coordinator
NOV 07 2008

Bcc

RE: **08-175, Archimedean Academy, Inc. Charter School Inc. (6-12)**
12425 SW 72 Street

Dear Mr. LaFerrier:

In response to your Department's request seeking information regarding traditional public and charter schools in the general area of the above-referenced charter school application, please see the attached Public School Projected Capacity Analysis (Attachment A).

As you will note under Attachment A, Miami Sunset is currently designated as the school to serve the area of this application at the 9 through 12 grade levels. In addition, the analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the senior high level of 1,227.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L 211
Attachments

Received by
Zoning Agenda Coordinator
NOV 07 2008

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Ms. Corina Esquijarosa
Ms. Maria-Teresa Fojo
Mr. Nick Nitti

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E.2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • Arijo@dadeschools.net

ATTACHMENT "A"
PUBLIC SCHOOL PROJECTED ANALYSIS
November 5, 2008

Received by
Zoning Agenda Coordinator
NOV 07 2008

APPLICATION: 08-175, Archimedean Properties, LLC.

SCHOOLS SERVING AREA OF APPLICATION

SENIOR: Miami Sunset Senior High – 13125 SW 72 Street

School is located in South Regional Center.

The following student population and available facility capacity data is based on student enrollment as of October 2008:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	DEFICIT OR SURPLUS CAPACITY
Senior High Schools						
Miami Sunset Senior	2,771	2,421	114%	428	97%	78
Felix Varela Senior	3,361	2,817	119%	0	119%	-544
G. Holmes Braddock Senior	3,617	2,859	127%	926	96%	168
John A. Ferguson Senior	4,151	3,776	110%	0	110%	-375
S/S HHH1 (New Senior)*	0	1,900	0%	0	0%	1,900
					AVAILABLE STUDENT STATIONS	1,227

* Currently Under Design

Memorandum

MIAMI-DADE COUNTY

Date: April 15, 2011

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

From: Maria A. Valdes, Section Chief
Comprehensive Planning & Water Supply Certification

Subject: Archimedean Properties, LLC - DIC Application # - Z2008000175 (REVISION # 1)

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

Application Name: Archimedean Properties, LLC.

Project Location: 12425 SW 72nd Street, Miami, Florida.

Proposed Development: Requesting approval of a Special Exception to expand Archimedean's Charter Schools onto the property to the east and north of said school. Archimedean is requesting a gradual expansion of the school's current enrollment of 800 students in grades K-8 to an enrollment of 1,300 students in grades K-12. The school will have a total gross area of 76,791 square feet of which a total of 48,135 square feet is proposed with this application. The total water demand of the school is 9,215 gallons per day (gpd), based on new flow rates implemented on October 1, 2010. A total of 5,776 gpd is generated by the proposed development. Please see the table below which describes the project total net increase of water demand.

Total Water Demand		
USE	Rate	Water Demand (gpd)
Proposed Total School Square Footage = 76,791 sq.ft.	12gpd/100sq.ft.	9,215
Total Existing School Square Footage = 28,656 sq.ft.	12gpd/100sq.ft.	3,439
	NET Increase	**5,776**

Water: The subject project is located within MDWASD's service area. The nearest point of connection for water is either an existing eight (8)-inch or twelve (12)-inch Water Mains on the property. The source of water for this project is the Alexander Orr Water Treatment Plant.

Additionally, on January 11, 2011, MDWASD implemented a Water Supply Certification Program to assure adequate water supply is available to all water users of the MDWASD as required by policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit. Please note that a Water Supply Certification will be required for this project. The certification letter is issued at the time an Agreement, Verification Form or Ordinance Letter is offered or during the Plat process prior to the final Development Order. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. There is an existing private pump station within the property. The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

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

For more information about our Water Conservation Program please go to http://www.miamidade.gov/conservation/home.asp.

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198.

43

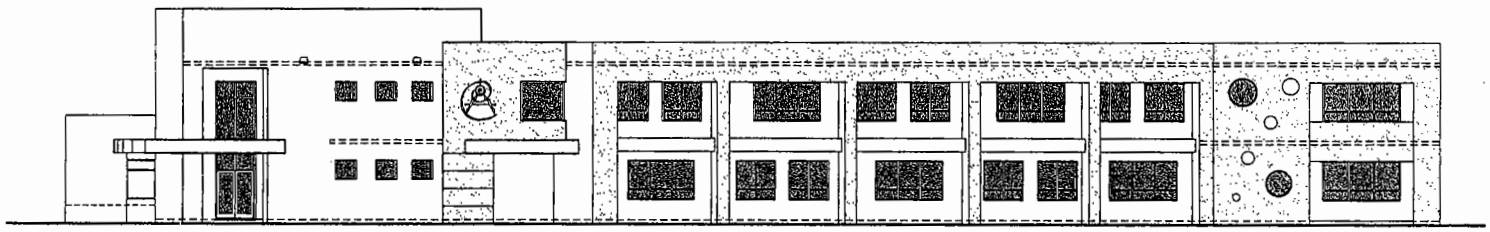
ARCHIMEDEAN ACADEMY, INC

▪ CHARTER SCHOOLS ▪

MASTER PLAN FOR MIDDLE AND HIGH SCHOOL EXPANSION

12425 SUNSET DR. - MIAMI - FLORIDA - 33183

D.I.C. SUBMITTAL
SEPTEMBER 03, 2008



OWNER

ARCHIMEDEAN PROPERTIES, LLC.

12425 SW 72ND STREET
MIAMI, FLORIDA, 33183

TRAFFIC CONSULTANT

KIMLEY-HORN AND ASSOCIATES, INC.
4431 EMBARCADERO DRIVE
WEST PALM BEACH, FL 33407
TEL. (561) 845 0605

ARCHITECT

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207

2421 TIGERTAIL AVENUE, MIAMI, FL 33133
PH. (305) 389-9009 FAX (305) 857-3542
EMAIL: atzamtzis@bellsouth.net

INDEX OF DRAWINGS

COVER SHEET

EXISTING

MP/EX-1 EXISTING SITE PHOTOGRAPHS
MP/EX-2 EXISTING SITE PHOTOGRAPHS
MP/EX-3 EXISTING ELEMENTARY SCHOOL BLDG. FLOOR PLAN AND ELEVATIONS
MP/EX-4 EXISTING MODULARS AND CAFETERIA FLOOR PLAN AND ELEVATIONS
MP/EX-5 EXISTING AERIAL PHOTOGRAPHY

PROPOSED
Master Plan Set

MP-1 EXISTING SITE PLAN
MP-2 DEMOLITION SITE PLAN
MP-3.0 PHASING PLAN
MP-3.1 PROPOSED MASTER SITE PLAN AND SCOPE OF WORK
MP-3.2 PROPOSED VEHICULAR STACKING AND PARKING SITE PLAN
MP-3.3 SITE DETAILS
MP-4 MIDDLE & HIGH SCHOOL BLDG.- FLOOR PLAN
MP-4.1 MIDDLE & HIGH SCHOOL BLDG. - ELEVATIONS
MP-5 GYMNASIUM BLDG.- FLOOR PLAN
MP-5.1 GYMNASIUM BLDG. - ELEVATIONS
MP-6 CULTURAL CENTER BLDG. FLOOR PLAN AND ELEVATIONS
MP-7 TENNIS FACILITIES BLDG. FLOOR PLAN AND ELEVATIONS

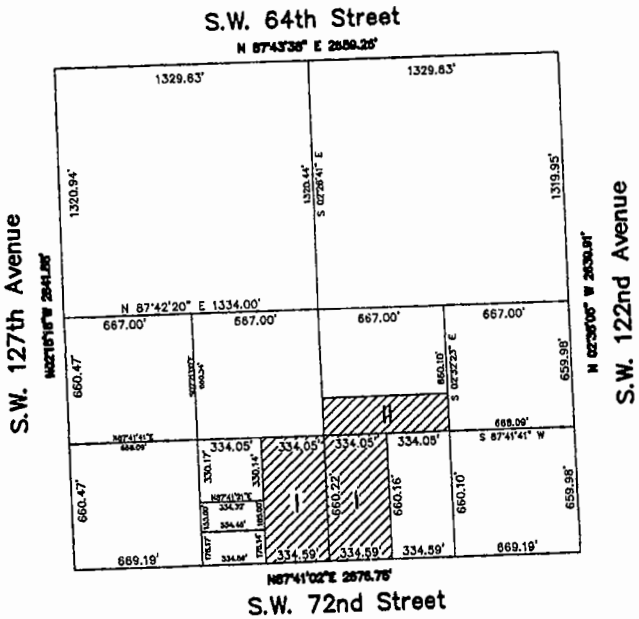
LANDSCAPE

MP/L-1 EXISTING LANDSCAPE PLAN
MP/L-1a EXISTING LANDSCAPE SCHEDULES & SUMMARIES
MP/L-2 PROPOSED LANDSCAPE PLAN

RECEIVED
Z08-175
APR 05 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

REVISIONS

No	DATE	DESCRIPTION
1	01-23-09	RESPONSE TO DTPW/HIGHAND TRAFFIC COMMENTS
2	03-27-09	RESPONSE TO ZONING COMMENTS
3	03-22-10	REAP. TO ZONING COMMENTS (Updated Survey) RESPONSE TO DERM COMMENTS
4	06-08-10	MDC Public Works Traffic Dept. Comments
5	11-17-10	Response to Zoning / Traffic Dept. Comments
6	01-05-11	Response to Zoning Comments
7	04-04-11	Response to Zoning Comments



SW 1/4, Section 25–54–39
LOCATION SKETCH
Scale 1"= 500'

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

SYMBOL LEGEND			
	Curb Cut		Concrete
	Palm Tree		Ground Elev.
	Palmetto Tree		Wall
	Tree		Baseline
	Flow of Traffic		Iron Fence
	Survey Point		Wood Fence
	Water Hose Bib		Chain Link Fence
	Catch Basin		Concrete
	Traffic Signal Control Box		Metal Pole w/light
	Call Box		Wood Pole
	Guy Anchor		Metal Pedestrian Signal Pole
	Sewer Valve		Fire Hydrant
	Telephone Cable Marker		Electric Transformer
	Traffic Signal Pole		Electrical Box
	Telephone Box		Water Meter
	Support Column		Mail Box
	Gas Meter		Parking Meter
	Sign/Post		Electrical Manhole
	Aluminum Lt Pole		Telephone Manhole
	Gas Handhole		F.P.L. Box
	Conc. Power Pole		Water Valve
	Inlet		Metal Post
	Manhole		Gas Valve
	Cable TV Box		Valve – Misc
	Storm Manhole		

RECEIVED
APR 0 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

LEGAL DESCRIPTION PARCEL I: The East 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

PARCEL II
The West 1/2 of SW 1/4 of the SE 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The South 1/2 of the South 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section25, Township 54 South, Range 39 East, LESS the East 25.0 feet, lying and being in Dade County, Florida, now known as Miami-Dade County, Florida.

SURVEY FOR: 12425 SUNSET DRIVE
MIAMI, FLORIDA
6930 SW 123RD AVENUE
MIAMI, FLORIDA

I HEREBY CERTIFY: That the SKETCH OF SURVEY of the above captioned property was completed under my supervision and/or direction, to the best of my knowledge and belief. This survey meets or exceeds the Minimum Technical Standards set forth by the Florida Board of Land Surveyors in Chapter 61G-17-6 Florida Administrative Code. Pursuant to Section 472.027, Florida Statutes.

DELTA SURVEYORS, INC.

DELTA SURVEYORS, INC.
13052 SW 133RD COURT
MIAMI, FLORIDA 33186

CERTIFICATE OF AUTHORIZATION
L.B. NO. 3366
STATE OF FLORIDA

305-383-0909
FAX: 305-253-0933

WALDO F. PAEZ DATE SIGNED_____
PROFESSIONAL SURVEYOR AND MAPPER
NO. 3264
STATE OF FLORIDA

1)FLOOD ZONE: X & AH BASE: AH 8.0' PANEL NO. 0250 J
COMMUNITY NO. 120635 DATE OF MAP: 7-17-95
2)THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
3)EXAMINATION OF ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING PROPERTY
4) THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT REVIEWED
5)LOCATION AND IDENTIFICATION OF UTILITIES, IF ANY ARE SHOWN IN ACCORDANCE WITH RECORDED PLAT
6)OWNERSHIP IS SUBJECT TO OPINION OF TITLE
7)TYPE OF SURVEY: BOUNDARY SURVEY
8)THE HEREIN CAPTIONED PROPERTY WAS SURVEYED AND DESCRIBED BASED ON THE SHOWN LEGAL DESCRIPTION PROVIDED BY CLIENT
9)SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
10)THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTIES
11)UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON, CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK ON CONSTRUCTION ON THE PROPERTY HEREIN DESCRIBED. SURVEYOR SHALL BE NOTIFIED AS TO ANY DEVIATION FROM UTILITIES SHOWN HEREON.
12)THE SURVEYOR OF RECORD DOES NOT DETERMINE OWNERSHIP OF FENCES. MEASUREMENTS SHOWN HEREON DEPICT PHYSICAL LOCATION OF FENCE
13)ACCURACY: THE EXPECTED USE OF LAND AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (61G17-FAO), IS "SUBURBAN". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THE TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET. THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT
14)IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHOWN SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
15)NO ATTEMPT HAS BEEN MADE TO LOCATE ANY FOUNDATION BENEATH THE SURFACE OF THE GROUND.
16)CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK ON THE HEREIN DESCRIBED PARCEL FOR BUILDING AND ZONING INFORMATION.
17) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES

IF ELEVATIONS ARE SHOWN, THEY ARE BASED ON A CLOSED LEVEL LOOP USING THIRD ORDER PROCEDURE AND ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
O.G DENOTES EXISTING ELEVATION
ELEVATION REFERS TO THE NATIONAL GEODETIC VERTICAL DATUM OF MEAN SEA LEVEL OF 1929
BENCHMARK: P-468-R ELEVATION: +8.94'
LOCATOR INDEX: 4918

FIELD SURVEY DATE: 2-22-08 SCALE: 1" = 100' DRAWN BY: Y.F.
DRAWING DATE: 2-25-08 FB: SKETCH DRAWING NO.: 08-0158 z
REVISED ON: 4-23-09 (UPDATE SURVEY)
REVISED DATE: 02-16-10 (UP-DATE) NEW DRAWING NO.: 10-0090 z

SEAL

Delta Surveyors, Inc.
13052 SW 133rd COURT MIAMI, FL 33186
PHONE (305) 253-0909 E-MAIL: DELTA@AOL.COM

Surveyors, Land Planners & Mappers

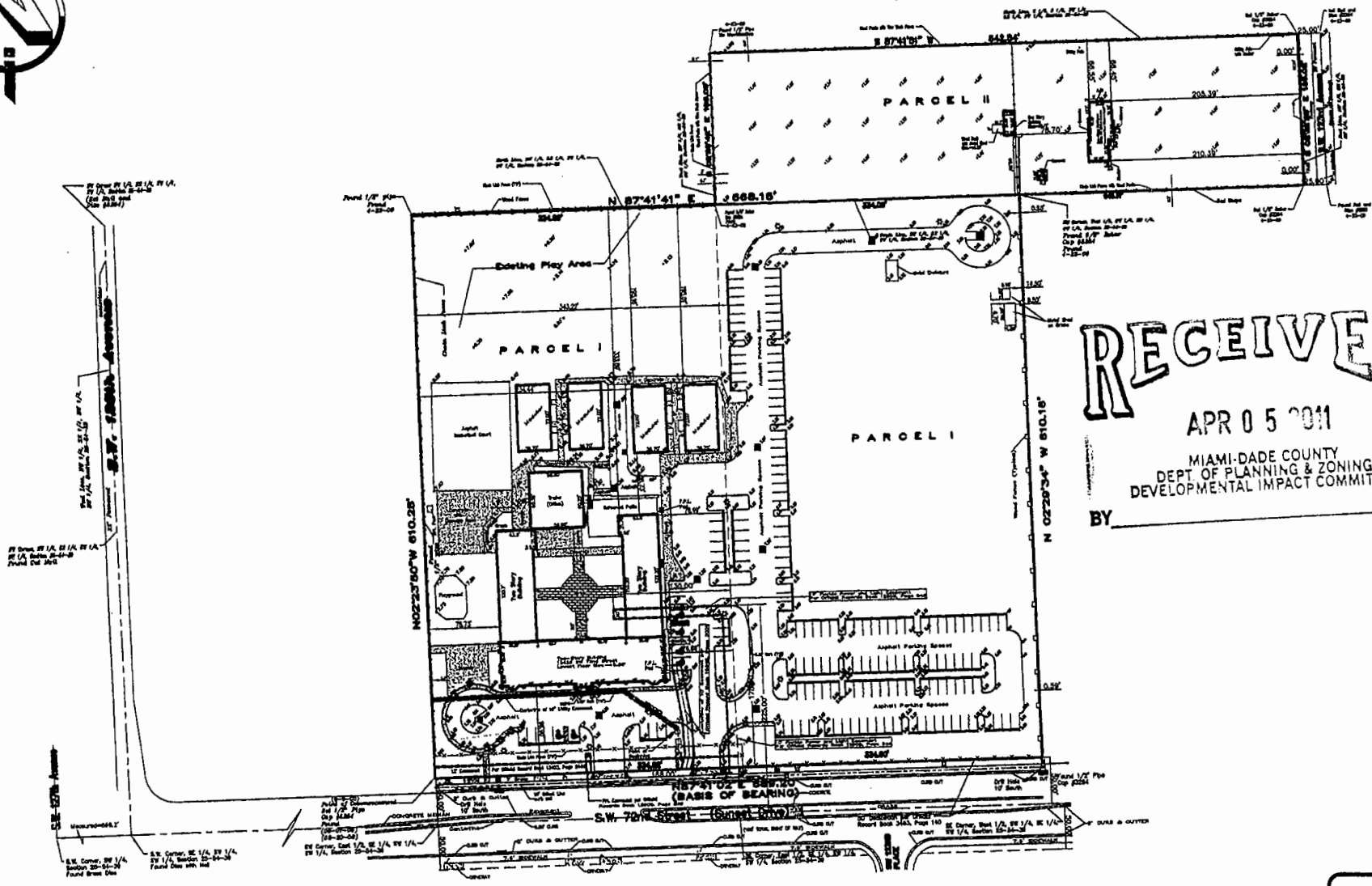
BOUNDARY SURVEY

DATE: 02-16-10
SCALE: 1" = 50'
DRAWN BY: Y.F.
DRAWING NO: 10-0090z
SHEET NO. 1 OF 1

44

45

"ALTA/ACSM Land Title Survey"



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APR 0 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

THIS DOCUMENT CONSIST OF TWO (2) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

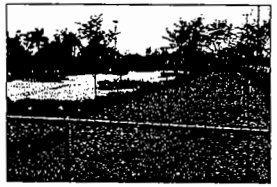
SEAL

Delta Surveyors, Inc.
13002 SW 133rd COURT MIAMI, FL 33186
PHONE (305) 233-0069 E-MAIL DELTA@AOL.COM
Surveyors, Land Planners & Mappers

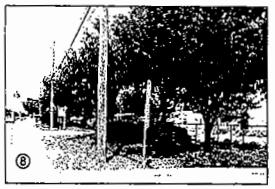
ALTA/ACSM SURVEY

DATE: 02-16-10
SCALE: 1"= 50'
DRAWN BY: YF
DRAWING NO: 10-0000z
SHEET NO. 2 OF 2

VIEW OF THE FRONT SCHOOL ENTRANCE FROM ACROSS SUNSET DRIVE

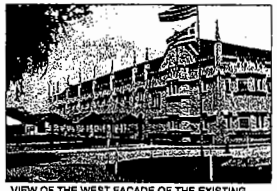


LOOKING WEST ALONG THE LANDSCAPED BUFFER ON SUNSET DRIVE



MATURE OAK TREE BORDER THE FRONT AREA ALONG SUNSET DR. IN FRONT OF THE EXISTING BUILDING.

LOOKING EAST ON THE FRONT FACADE OF THE EXISTING SCHOOL BUILDING



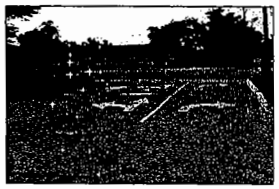
VIEW OF THE WEST FACADE OF THE EXISTING SCHOOL WITH THE ELEMENTARY SCHOOL DROP OFF AND PICK-UP AREA

VIEW OF THE MATURE OAK TREES BORDERING ALONG SUNSET DRIVE

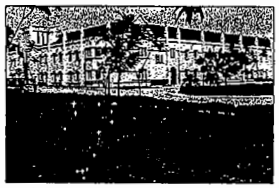
LOOKING INTO THE SCHOOL PROPERTY FROM THE EAST DRIVEWAY

VIEW OF THE EAST EXISTING FACADE SIDE FROM THE PARKING AREA

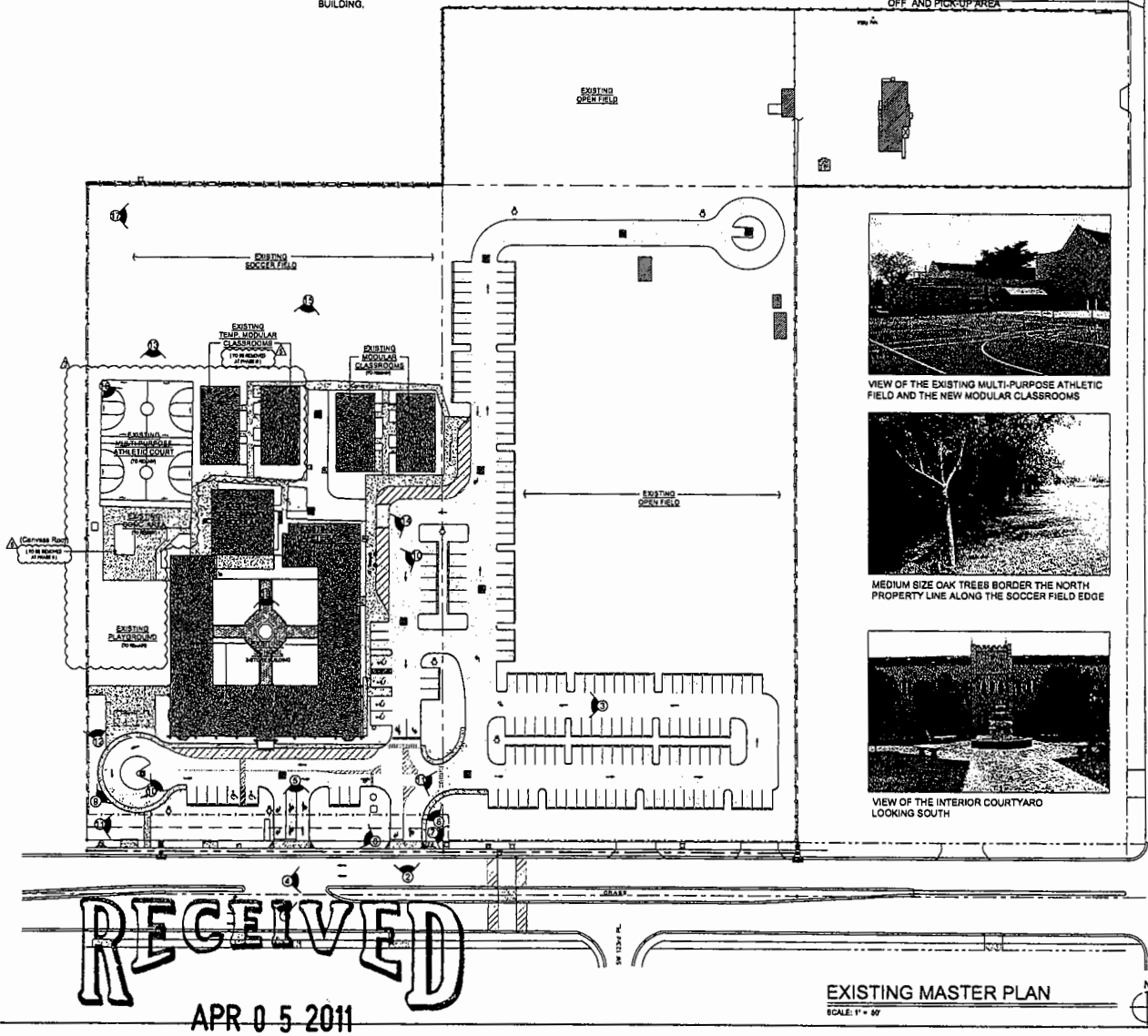
LOOKING EAST ON SUNSET DRIVE, PEDESTRIAN CROSSING TRAFFIC LIGHT AT BACKGROUND



LOOKING ACROSS SUNSET OR OUT FROM THE WEST MAIN ACCESS DRIVEWAY



LOOKING WEST AT THE SW CORNER OF THE EXISTING BUILDING



EXISTING MASTER PLAN

SCALE: 1" = 50'

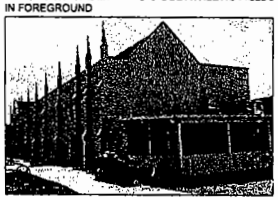
VIEW OF THE EXISTING MULTI-PURPOSE ATHLETIC FIELD AND THE NEW MODULAR CLASSROOMS

MEDIUM SIZE OAK TREES BORDER THE NORTH PROPERTY LINE ALONG THE SOCCER FIELD EDGE

VIEW OF THE INTERIOR COURTYARD LOOKING SOUTH

ALONG THE WESTERN PROPERTY LINE BORDERING AN EXISTING RELIGIOUS INSTITUTION THICK FICUS HEDGES PROVIDE PRIVACY.

VIEW OF THE REAR AND WEST FACADES LOOKING SOUTH WITH THE MULTI-PURPOSE ATHLETIC FIELDS IN FOREGROUND



VIEW OF THE REAR AND EAST FACADE WITH THE EXISTING TEMPORARY DINING AREA IN FOREGROUND

VIEW OF THE REAR PART OF THE SCHOOL FROM THE SOCCER FIELD WITH THE EXISTING MODULAR CLASSROOMS IN FOREGROUND.

RECEIVED

APR 0 5 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY

03-21-10	REDP: TO ZONING COMMENTS (Update Survey)
03-08-10	UPDATED PLAN AND PHOTOS.

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 05207
3401 INDUSTIAL AVENUE, MIAMI, FL 33133
PH. (305) 380-9005 FAX. (305) 557-3442
EMAIL: atzamtzis@bellsouth.net

Drawn Title: SITE PHOTOGRAPHS TAKEN ON AUGUST 23, 2008 and SEPTEMBER 06,2010

Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr., Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	06-1218.1
Sheet	MP/EX-1
Of	Sheets

47

ANOTHER VIEW OF THE INTERIOR COURTYARD LOOKING WEST

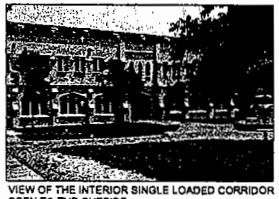
VIEW OF THE EXISTING OPEN FIELD SITE OF THE PROPOSED MIDDLE/HIGH SCHOOL BUILDING

LOOKING SOUTH ALONG THE EASTERN BOUNDARY LINE WITH FICUS TREES

LOOKING SOUTH AT THE EXISTING OPEN FIELD SITE OF THE PROPOSED GYM BUILDING WITH THE EXISTING SCHOOL AT THE FAR BACKGROUND

VIEW LOOKING EAST ACROSS THE EXISTING OPEN FIELD

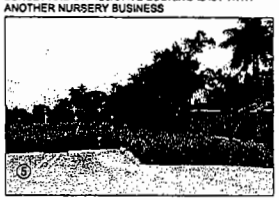
LOOKING SOUTH FROM WITHIN THE NORTHERN NEW PROPERTY WITH AN EXISTING DILAPIDATED STRUCTURE AT RIGHT



VIEW OF THE INTERIOR SINGLE LOADED CORRIDOR OPEN TO THE OUTSIDE

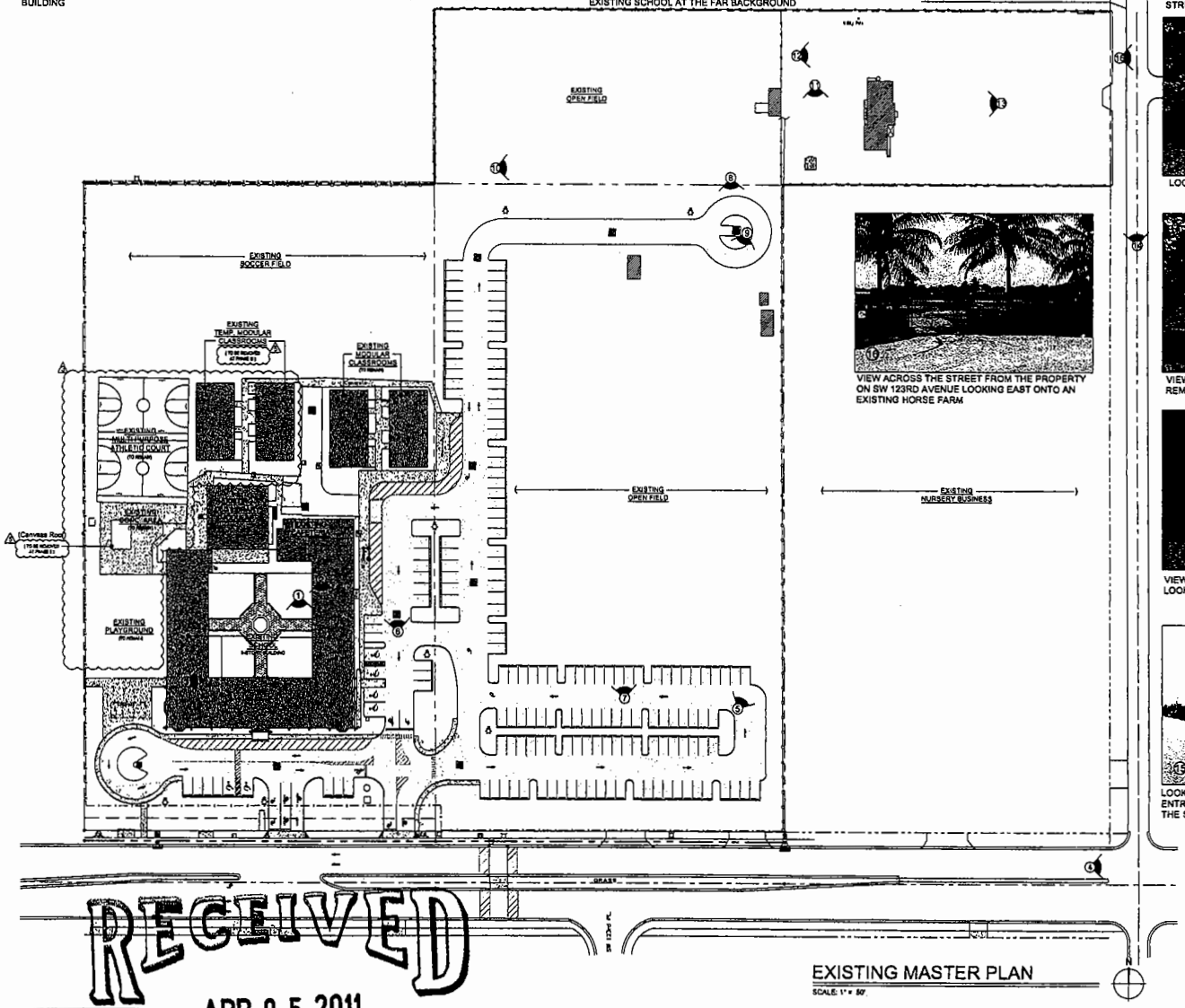
THE INTERIOR OPEN CORRIDOR EAST

VIEW ACROSS THE UNSIGNALZED INTERSECTION OF SUNSET AND SW 123rd AVE LOOKING EAST WITH ANOTHER NURSERY BUSSINESS



MATURE FICUS TREES BORDER THE SITE ALONG THE EAST PROPERTY LINE

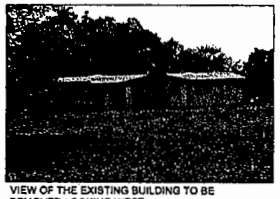
LOOKING NORTH WITH THE EXISTING TWO MODULAR CLASSROOM BUILDINGS AT THE BACKGROUND



EXISTING MASTER PLAN

SCALE: 1" = 50'

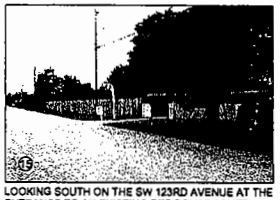
VIEW ACROSS THE STREET FROM THE PROPERTY ON SW 123RD AVENUE LOOKING EAST ONTO AN EXISTING HORSE FARM



LOOKING EAST TOWARDS SW 123RD AVE.

VIEW OF THE EXISTING BUILDING TO BE REMOVED LOOKING WEST

VIEW OF THE FRONT AREA OF THE PROPERTY LOOKING NORTH ON SW 123RD AVE.



LOOKING SOUTH ON THE SW 123RD AVENUE AT THE ENTRANCE TO AN EXISTING RESIDENCE ABUTTING THE SIDE ON THE NORTH SIDE

RECEIVED
APR 0 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

03-25-08	REUP TO ZONING COMMENTS (Updated Survey)
09-03-08	UPDATED PLAN AND PHOTOS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
7001 TOBIOCULA AVENUE, miami, FL 33133
PH: (305) 38-8000 FAX: (305) 401-3242
EMAIL: tzamtzis@bellsouth.net

Sheet Title: **SITE PHOTOGRAPHS**
TAKEN ON AUGUST 23, 2008 and SEPTEMBER 06,2010

Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	08-1218.1
Sheet	MP/EX-2
Of	Sheets

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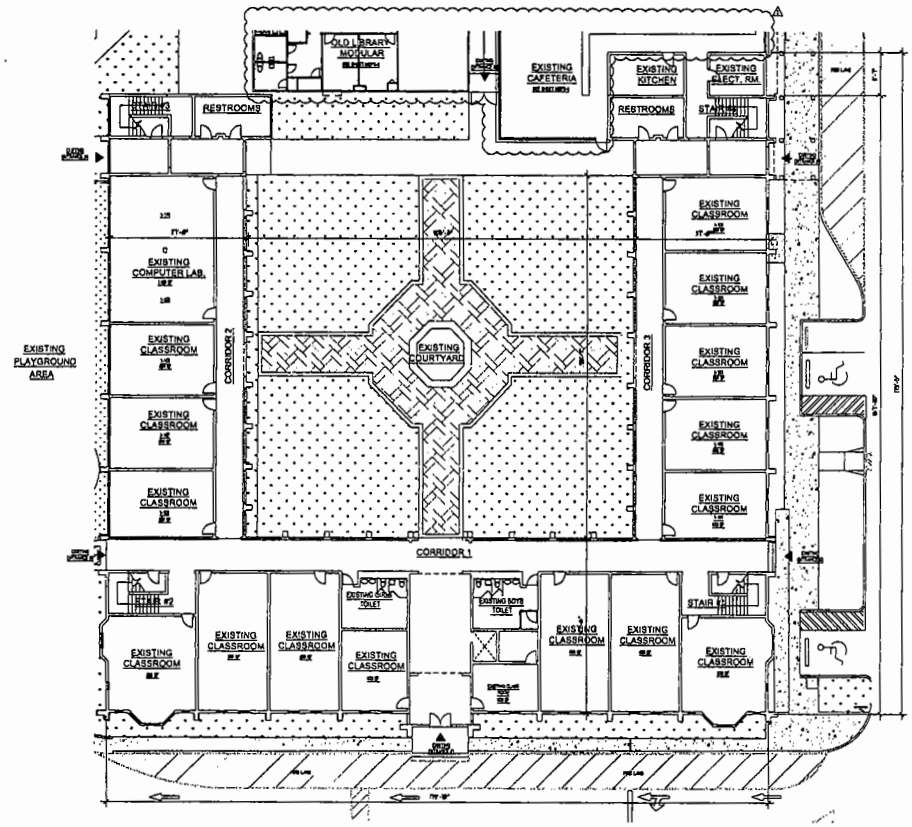
APR 0 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

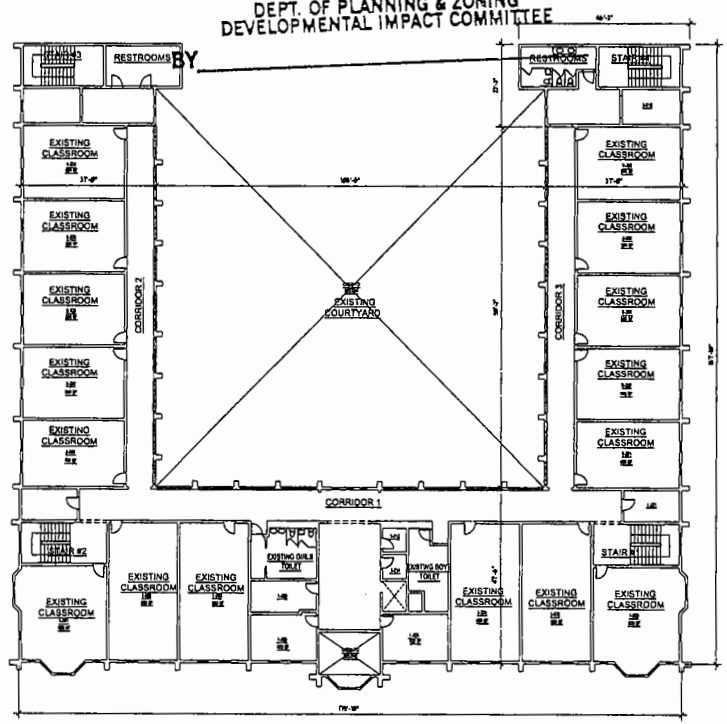
48



EXISTING ELEMENTARY SCHOOL BUILDING - FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

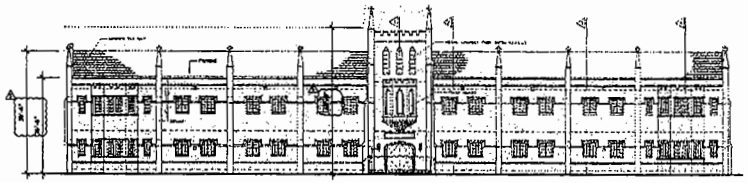
EXISTING ELEMENTARY SCHOOL BLDG.
GROUND FLOOR GROSS SF AREA (GSF) : 17,770 SF



EXISTING ELEMENTARY SCHOOL BUILDING - SECOND FLOOR PLAN

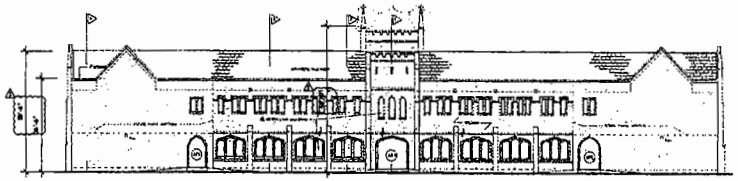
SCALE: 1/16" = 1'-0"

EXISTING ELEMENTARY SCHOOL BLDG.
SECOND FLOOR GROSS SF AREA (GSF) : 17,750 SF



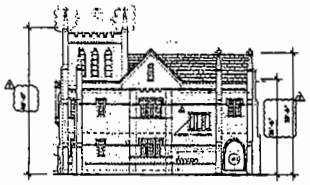
EXISTING SOUTH (FRONT) ELEVATION

SCALE: 1/16" = 1'-0"



EXISTING NORTH ELEVATION

SCALE: 1/16" = 1'-0"



EXISTING EAST ELEVATION

SCALE: 1/16" = 1'-0"

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
201 PERSHING AVENUE, miami, FL 33133
PHONE: (305) 856-0642
EMAIL: atzamtzis@bellsouth.net

Sheet Title: EXISTING ELEMENTARY SCHOOL BUILDING PLANS & ELEVATIONS

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	06-1218.1
Sheet	MP/EX-3

RECEIVED
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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

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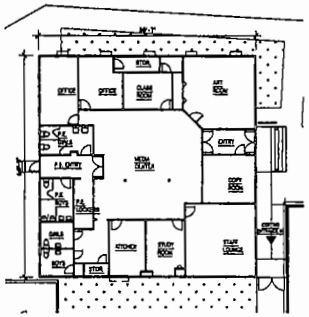
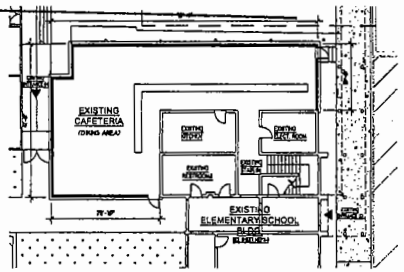


EXISTING OLD LIBRARY MODULAR - FLOOR PLAN

SCALE: 1/16" = 1'-0"

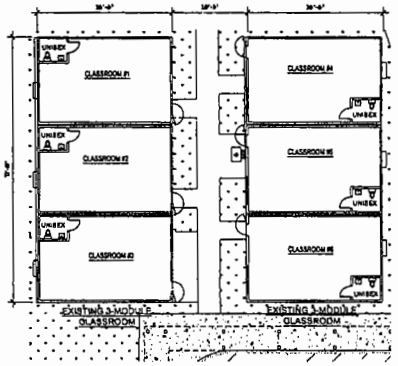
EXISTING OLD LIBRARY MODULAR
GROUND FLOOR GROSS SF AREA (GSF) : 3,530 SF



EXISTING SCREENED CAFETERIA - FLOOR PLAN

SCALE: 1/16" = 1'-0"

EXISTING CAFETERIA
GROUND FLOOR GROSS SF AREA (GSF) : 2,100 SF

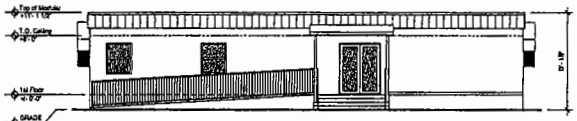


EXISTING MODULAR CLASSROOMS - FLOOR PLAN

(TYP. FOR PROPOSED TEMP. MODULAR CLASSROOMS AT PHASE I) - SEE MP-3.0

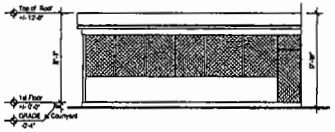
SCALE: 1/16" = 1'-0"

EXISTING 3- MODULAR CLASSROOMS
GROUND FLOOR GROSS SF AREA (GSF): 5,256 SF (Total for two)



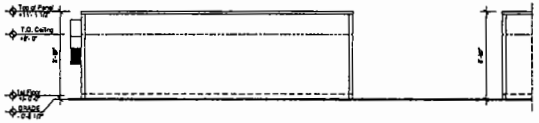
EXISTING MODULAR - EAST ELEVATION

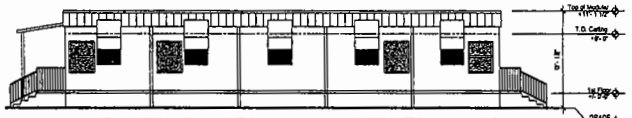
SCALE: 1/8" = 1'-0"



EXISTING CAFETERIA - S. ELEVATION

SCALE: 1/8" = 1'-0"



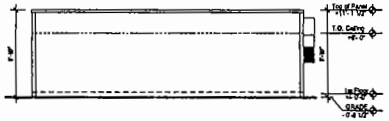


EXISTING MODULAR - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

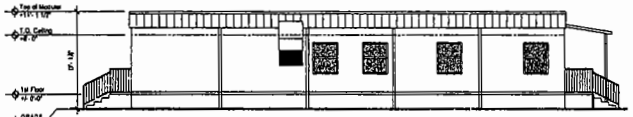
EXISTING CAFETERIA - N. ELEVATION

SCALE: 1/8" = 1'-0"



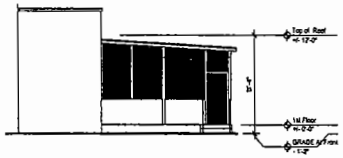
EXISTING MODULAR - S. & N. ELEVATION. (TYP.)

SCALE: 1/8" = 1'-0"



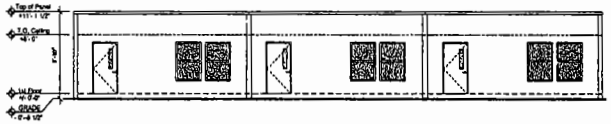
EXISTING MODULAR - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



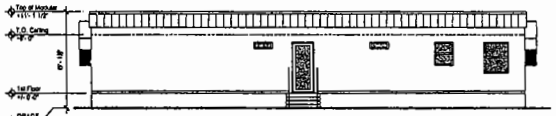
EXISTING CAFETERIA - E. ELEVATION

SCALE: 1/8" = 1'-0"



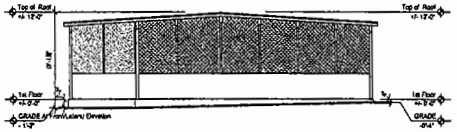
EXISTING MODULAR - WEST ELEVATION

SCALE: 1/8" = 1'-0"



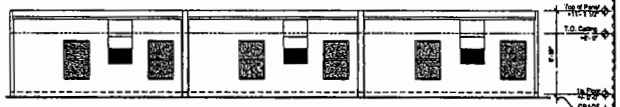
EXISTING MODULAR - WEST ELEVATION

SCALE: 1/8" = 1'-0"



EXISTING CAFETERIA - W. ELEVATION

SCALE: 1/8" = 1'-0"



EXISTING MODULAR - EAST ELEVATION

SCALE: 1/8" = 1'-0"

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Sheet Title: EXISTING MODULAR BUILDINGS
PLANS & ELEVATIONS

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	06-1218.1
Sheet	MP/EX-4

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50

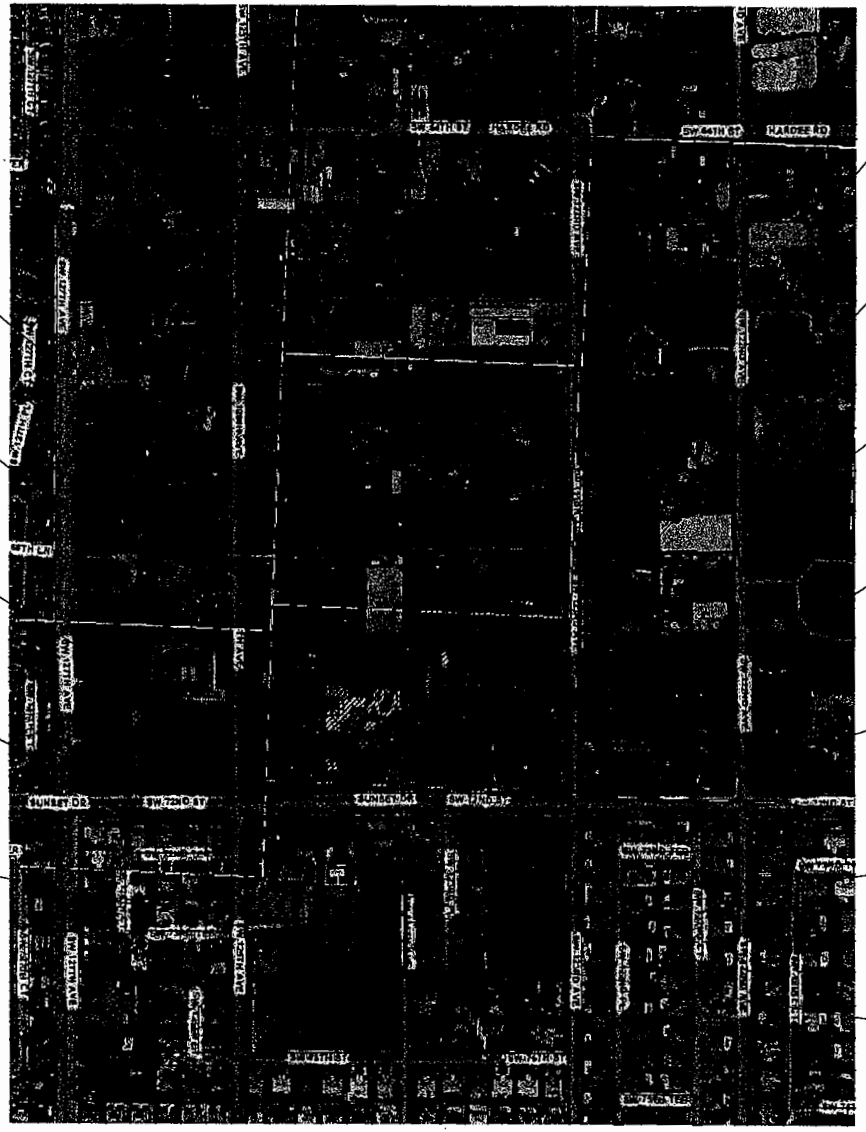
SF. RESIDENTIAL AND HORSE FARM

COMMERCIAL NURSERY

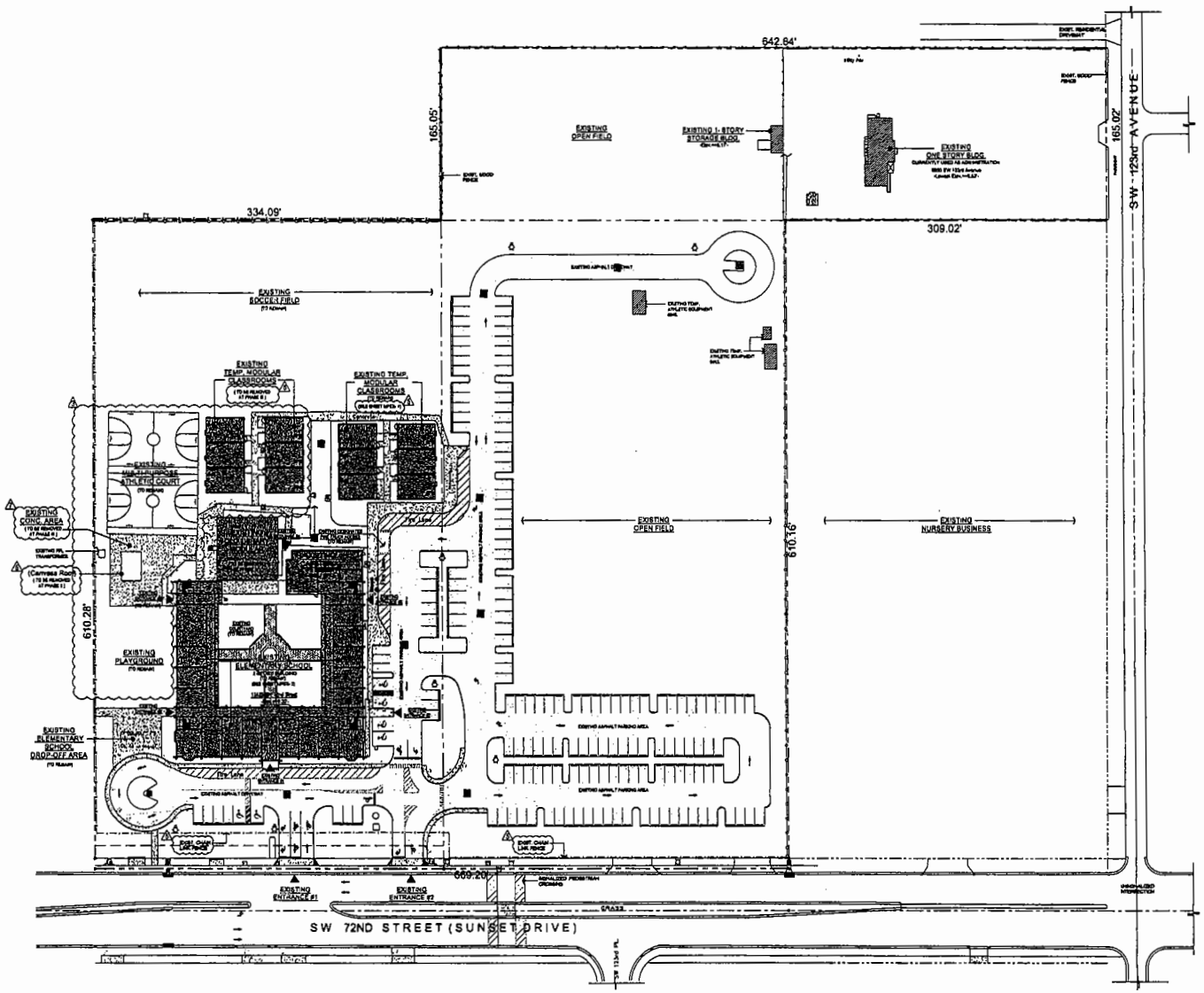
CHURCH

OFFICE

CHURCH


SW 216 ST
HARDEE RD
SW 216 ST
HARDEE RD
SUNSET DR
SW 72 CT
SUNSET DR
SW 72 CT
SW 72 AVE
SW 72 AVE
SW 72 AVE

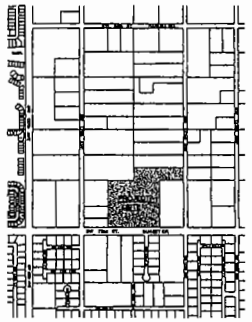
51



EXISTING SITE PLAN

SCALE: 1" = 50'

REFER TO SURVEY BY DELTA SURVEYORS, INC.
DATE: 02-16-2010



LOCATION MAP

N.T.S.

LEGAL DESCRIPTION

The East 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 23, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The West 1/2 of SW 1/4 of the SE 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 23, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The South 1/2 of the South 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section23, Township 54 South, Range 39 East, LESS the East 25.0 feet, lying and being in Dade County, Florida, now known as Miami-Dade County, Florida.

Approximately 11.80 Acres.

LEGEND

- EXISTING BUILDINGS OR TEMPORARY PORTABLES
- EXISTING WALKWAYS
- EXIST. CONC. POLE PARKING LIGHTING

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DEVELOPMENTAL IMPACT COMMITTEE
BY_____

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Sheet Title: EXISTING SITE PLAN

Submittal: D.I.C. SUBMITTAL

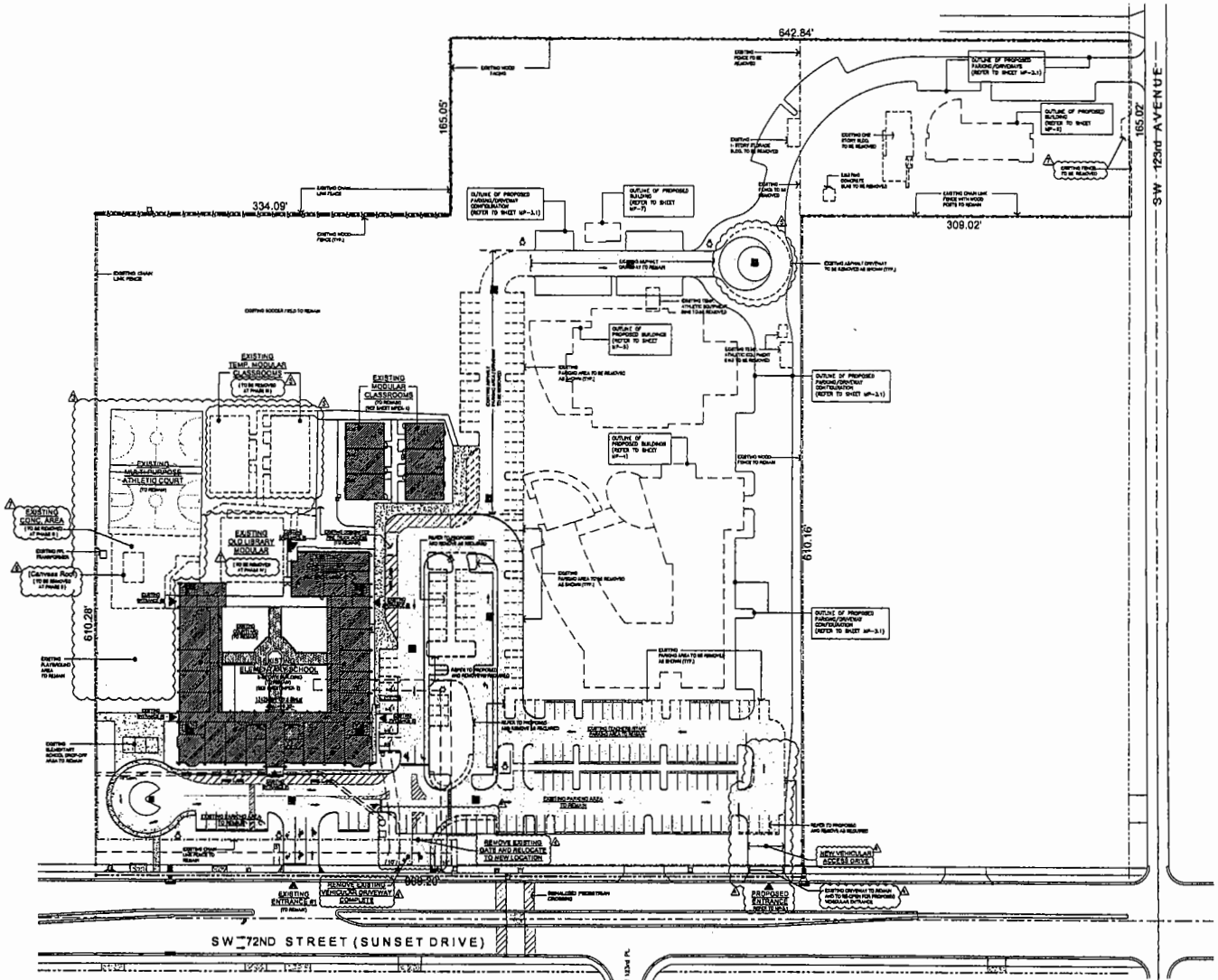
ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr., Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	08-1218.1
Sheet	MP-1
Of	Sheets

52



DEMOLITION SITE PLAN

SCALE: 1" = 50'

DEMOLITION NOTES:

1. The proposed improvements are scheduled to be phased. Demolition to be Phased as shown on Sheet MP-3.0
2. All existing improvements to be protected during demolition.
3. Maintain all safety to life systems operational and fire accessibility at all times.

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DEVELOPMENTAL IMPACT COMMITTEE

BY_____

03-31-10	REJP TO ZONING COMMENTS (Limited Review)
05-05-10	JDC Public Works Traffic Dept. Comments
01-03-11	RESPONSE TO ZONING COMMENTS
04-04-11	RESPONSE TO ZONING COMMENTS

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Sheet Title: **DEMOLITION SITE PLAN**

Submitted: D.I.C. SUBMITTAL

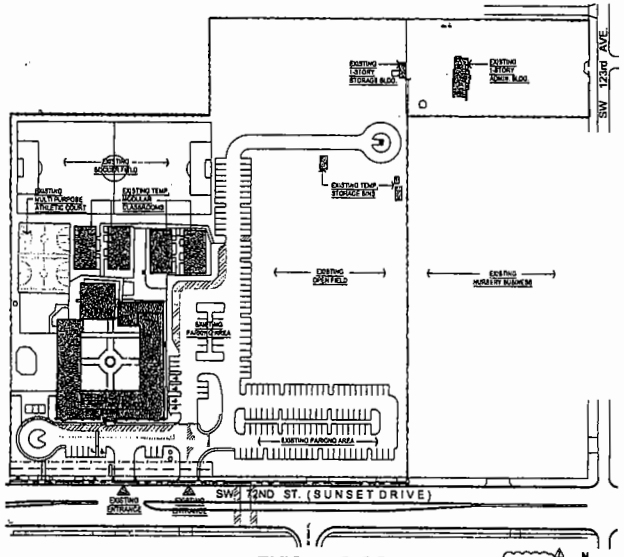
ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

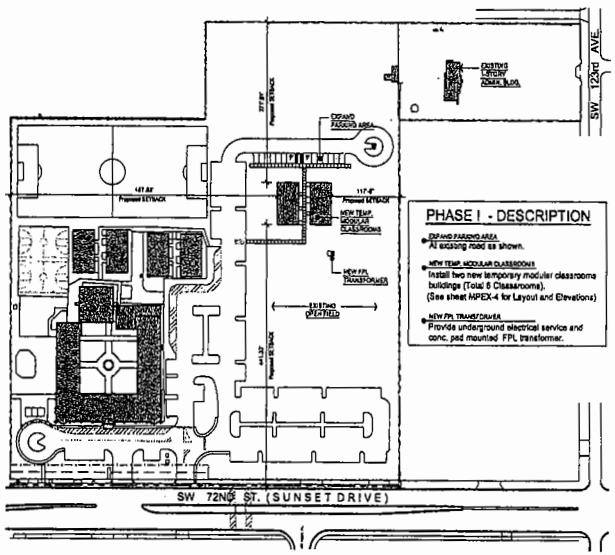
12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	08-1218.1
Sheet	MP-2

53



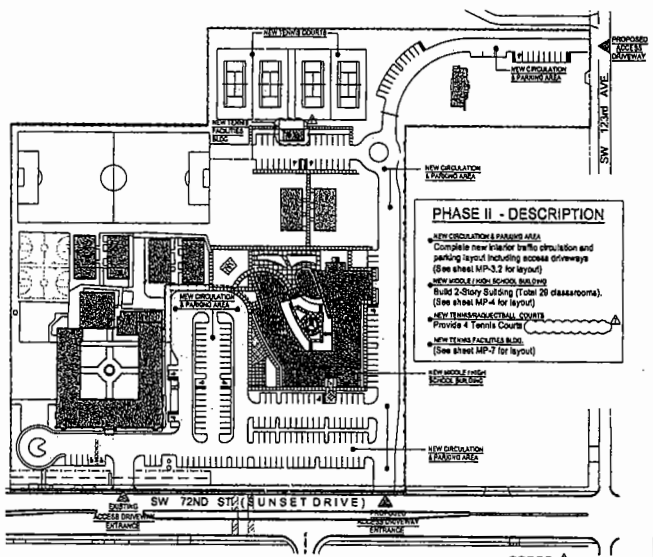
EXISTING CONDITIONS - 2011
(SEE MP-1/ MPEX-1&2 FOR DETAILS)
SCALE: 1" = 100'



PHASE I - SUMMER 2011
SCALE: 1" = 100'

PHASE I - DESCRIPTION

- EXPAND PARKING AREA
  At existing road as shown.
- NEW TEMP. MODULAR CLASSROOMS
  Install two new temporary modular classrooms buildings (Total 6 Classrooms).
  (See sheet MPEX-4 for Layout and Elevations)
- NEW FPL TRANSFORMER
  Provide underground electrical service and conc. pad mounted FPL transformer.

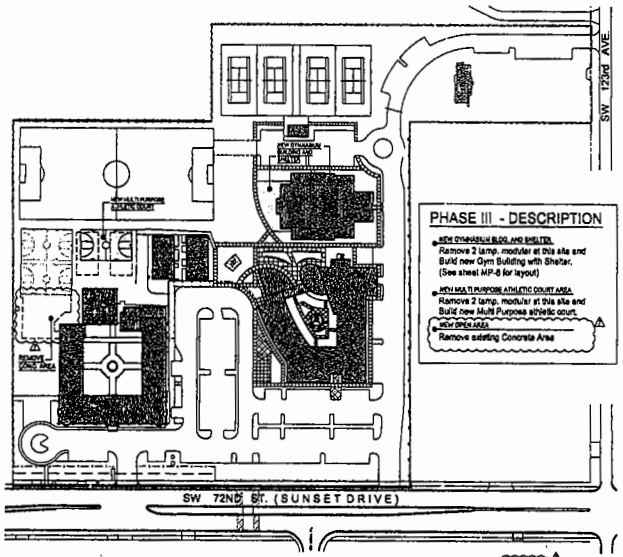


PHASE II - SUMMER 2013
SCALE: 1" = 100'

PHASE II - DESCRIPTION

- NEW CIRCULATION & PARKING AREA
  Complete new interior traffic circulation and parking layout including access driveways
  (See sheet MP-3.2 for layout)
- NEW MIDDLE / HIGH SCHOOL BUILDING
  Build 2-Story Building (Total 20 classrooms).
  (See sheet MP-4 for layout)
- NEW TENNIS/RACUETBALL COURTS
  Provide 4 Tennis Courts
- NEW TENNIS FACILITIES BLDG.
  (See sheet MP-7 for layout)

NEW CONSTRUCTION SHOWN IN BLUE IS IN A SEQUENTIAL AND CHRONOLOGICALLY ADDITIVE ORDER STARTING FROM THE EXISTING AT THE TOP LEFT



PHASE III - SUMMER 2015
SCALE: 1" = 100'

PHASE III - DESCRIPTION

- NEW GYMNASIUM BLDG. AND SHELTER
  Remove 2 temp. modular at this site and Build new Gym Building with Shelter.
  (See sheet MP-6 for layout)
- NEW MULTI PURPOSE ATHLETIC COURT AREA
  Remove 2 temp. modular at this site and Build new Multi Purpose athletic court.
- NEW OPEN AREA
  Remove existing Concrete Area

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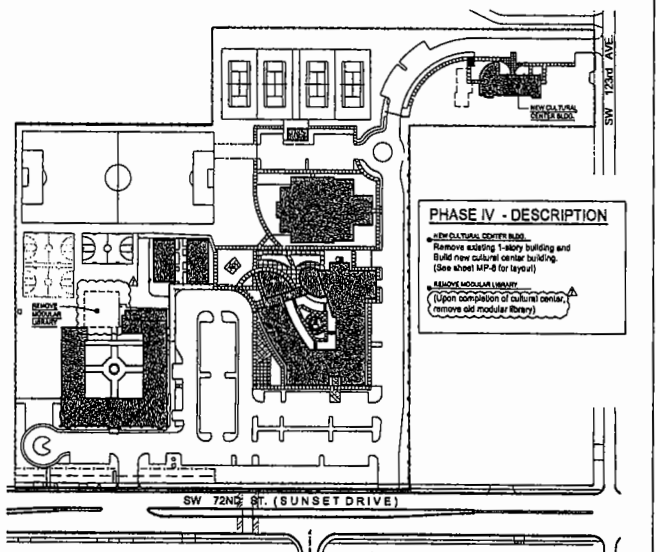

PHASE IV - SUMMER 2020 - MASTER PLAN -
(SEE MP-3.1 / MP-3.2 FOR DETAILS)
SCALE: 1" = 100'

PHASE IV - DESCRIPTION

- NEW CULTURAL CENTER BLDG.
  Remove existing 1-story building and Build new cultural center building.
  (See sheet MP-6 for layout)
- REMOVE MODULAR LIBRARY
  (Upon completion of cultural center, remove old modular library)

Rev.	Date	Description
1	12-7-09	RESPONSE TO DERMOND TRAFFIC COMMENTS
2	02-2-10	RESPONSE TO DERMOND COMMENTS
3	02-2-10	NEW TO DERMOND COMMENTS
4	08-9-10	NEW TO DERMOND COMMENTS
5	08-9-10	MDC Public Works Traffic Dept. Comments
6	11-17-10	RESPONSE TO DERMOND TRAFFIC COMMENTS
7	1-14-11	RESPONSE TO DERMOND COMMENTS
8	2-14-11	RESPONSE TO DERMOND COMMENTS

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Sheet Title: **PHASING PLANS**

Submittal: D.I.C. SUBMITTAL

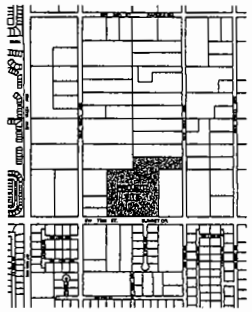
ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-08
Scale: AS NOTED
Drawn:
Job: 08-1215.1
Sheet: MP-3.0

54



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION

The East 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, LESS the South 60.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The West 1/2 of SW 1/4 of the SE 1/4 of the SW 1/4, LESS the South 60.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The South 1/2 of the South 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section25, Township 54 South, Range 39 East, LESS the East 25.0 feet, lying and being in Dade County, Florida, now known as Miami-Dade County, Florida.

ZONING LEGEND

MIAMI-DADE COUNTY, FLORIDA - Chapter 33, Zoning

Existing Use: Elementary, Middle, and High School (K-12) with temporary Modular Classrooms
Proposed Use: New Middle and High School Building for 6-12 grades
New Gymnasium and outdoor athletic support facilities
New Cultural Center Building.

ZONING DISTRICT : GU
NET LOT AREA : 514,444 SF or 11.81 acres

SETBACKS & HEIGHT	REQUIRED [SEC. 33-17(1)]	PROVIDED
EXISTING MAIN BUILDING		
Front	25.0'	99.90' measured at the closest point
Side (east)	50.0'	410.0'
Side (west)	50.0'	76.33'
Rear	50.0'	345.34'
Height	35.0'	25.0' at parapet 35.0' at tower

The existing free standing one story modular prefabricated classroom buildings are temporary and meet all setback requirements as shown on the site plan and survey.
The proposed two temporary modular classroom buildings to be built in Phase I have compliant setbacks as shown on Sheet MP-3.1

PROPOSED MIDDLE - HIGH SCHOOL BUILDING		
Front	25.0'	180.0'
Side (east)	50.0'	56.0'
Side (west)	50.0'	410.0'
Rear	50.0'	345.34'
Height	35.0'	37.3'
PROPOSED GYMNASIUM BUILDING		
Front	25.0'	411.66'
Side (east)	50.0'	62.36'
Side (west)	50.0'	418.00'
Rear	50.0'	87.0' measured off main lot or 232.35' in the rear property
Height	35.0'	34.5' at main gym
PROPOSED CULTURAL CENTER		
Front	25.0'	89.0'
Side (north)	50.0'	50.0'
Side (south)	50.0'	50.0'
Rear	50.0'	451.33'
Height	35.0'	31.1' to roof ridge

LOT COVERAGE – Calculated on 2020 Master Plan (Phase IV) – See Sheet MP-3.0
Maximum allowed: 15% of 514,444 SF lot or 77,167 SF of building area

2011 EXISTING BUILDINGS TO REMAIN

Existing Building	: 17,770 SF
Existing Cafeteria	: 2,100
Existing Library Module	: Will be removed – See Phasing Plan
Existing Enclosure Modular Classrooms (2 Buildings)	: 5,256
Existing Westerment Modular Classrooms (2 Buildings)	: Will be removed – See Phasing Plan
Subtotal Existing	: 25,126 SF

2020 PROPOSED BUILDINGS

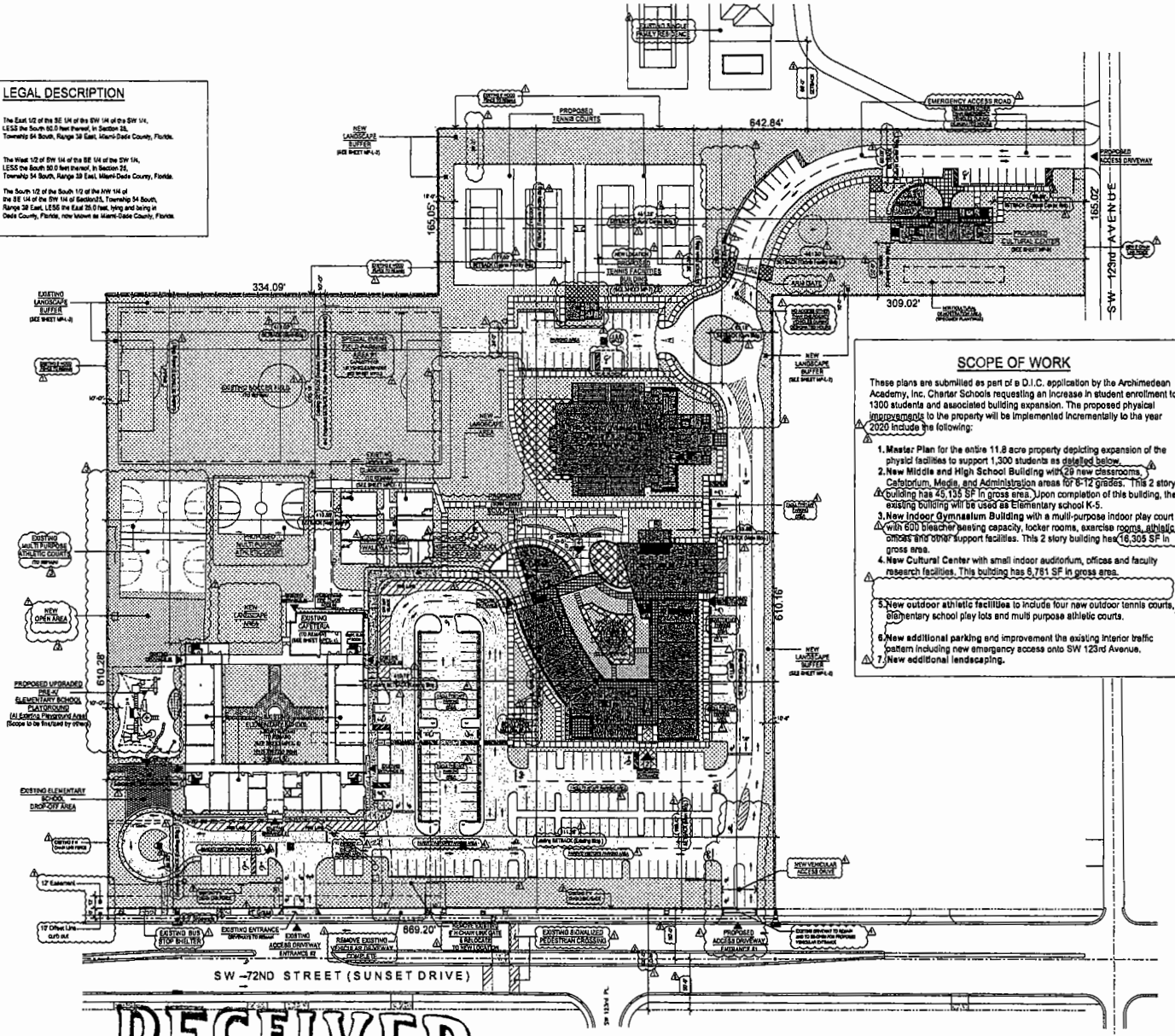
New MS-HS School Bldg.+ Covered Terraces	: 24,680 SF (23, 145 SF +1,535 SF)
New Gym + PE Shelter	: 16,305 SF (14,355 SF + 1,950 SF)
New Covered Walkway	: 1,700 SF
New Tennis Facilities Building	: 585 SF
New Cultural Center	: 3,920 SF
Subtotal New	: 47,190 SF

BUILDING AREA SUMMARY

Existing Buildings to Remain	: 25,126
2020 Proposed Buildings	: 47,190
TOTAL AREA EXISTING & PROPOSED	: 72,316 SF

LOT COVERAGE

Lot Coverage is 14.0% <15%; complies with Zoning requirements.



SCOPE OF WORK

These plans are submitted as part of a D.I.C. application by the Archimedean Academy, Inc. Charter Schools requesting an increase in student enrollment to 1300 students and associated building expansion. The proposed physical improvements to the property will be implemented incrementally to the year 2020 include the following:

1. Master Plan for the entire 11.8 acre property depicting expansion of the physical facilities to support 1,300 students as detailed below.
2. New Middle and High School Building with 29 new classrooms, Cafetorium, Media, and Administration areas for 6-12 grades. This 2 story building has 45,135 SF in gross area. Upon completion of this building, the existing building will be used as Elementary school K-5.
3. New Indoor Gymnasium Building with a multi-purpose indoor play court with 600 bleacher seating capacity, locker rooms, exercise rooms, athletic offices and other support facilities. This 2 story building has 16,305 SF in gross area.
4. New Cultural Center with small indoor auditorium, offices and faculty research facilities. This building has 6,781 SF in gross area.
5. New outdoor athletic facilities to include four new outdoor tennis courts, elementary school play lots and multi purpose athletic courts.
6. New additional parking and improvement the existing interior traffic pattern including new emergency access onto SW 123rd Avenue.
7. New additional landscaping.

PROPOSED MASTER SITE PLAN
SCALE: 1" = 50'

2011 - 2020
SEE PHASING PLANS AT MP-3.0

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DEVELOPMENTAL IMPACT COMMITTEE
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03/30	RESPONSE TO ZONING/DIAD TRAFFIC COMMENTS
02/08	RESPONSE TO ZONING COMMENTS
02/08	RESPONSE TO ZONING/DIAD TRAFFIC COMMENTS
12/10	RESPONSE TO ZONING COMMENTS
11/10	RESPONSE TO ZONING/DIAD TRAFFIC COMMENTS
11/10	RESPONSE TO ZONING COMMENTS
10/10	RESPONSE TO ZONING COMMENTS

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Sheet Title: PROPOSED MASTER SITE PLAN
Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
MASTER PLAN for Middle and High School Expansion
12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
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Job	08-1216.1
Sheet	MP-3.1

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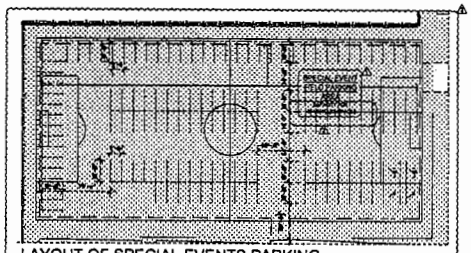


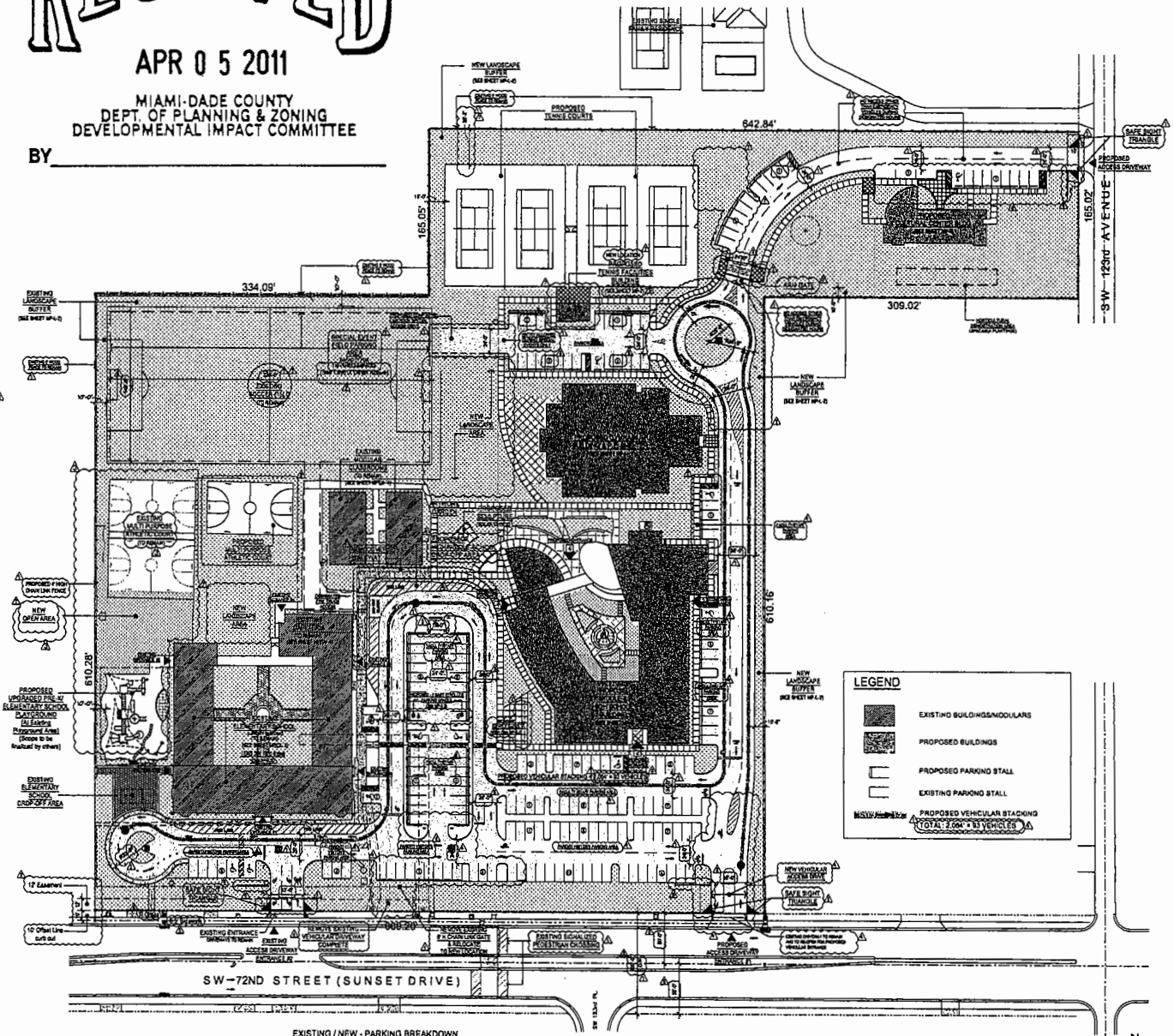
LAYOUT OF SPECIAL EVENTS PARKING

SCALE: 1" = 50'

PARKING CALCULATIONS BASED ON MIAMI-DADE COUNTY ORDINANCE 33, ARTICLE VII, OFF-STREET PARKING SECTION 33-124, (I), ITEMS 1, 2, & 3.

SCHOOL TYPE	No. OF TEACHERS	No. OF OTHER STAFF	TOTAL PERSONNEL	No. OF TRANSP. VEHICLES	AREA IN SF CLASSROOM, LIBRARY, ADMIN., AND OTHER AS NOTED	PARKING SPACES REQUIRED	PARKING PROVIDED
KINDERGART. & ELEMENTARY GRADES K-5	24	18	42	0	N/A	42 See note #1	
JUNIOR HS GRADES 6-8	20	6	26	0	N/A	33 See note #2	
HIGH SCHOOL GRADES 9-12	N/A See note #4	12	12 See note #4	-	12,475 See note #3	(for personnel) - 68 (for area)	
CULTURAL CENTER AUDITORIUM	-	-	-	-	700 See note #5	7	
CULTURAL CENTER ADMIN. AREA	-	-	-	-	2,313 See note #6	11	
GYM CLASSRM'S & ADMIN. AREA	-	-	-	-	1,171 See note #7	7	
GYM BASKETBL. COURT	-	-	-	-	20 Team members See note #8	3	
GYM SEATING	-	-	-	-	600 Seats See note #9	10	
TOTAL PARKING REQUIRED / PROVIDED						197	197

1. CODE REQUIRED PARKING FOR KINDERGARTEN AND ELEMENTARY SCHOOLS SHALL EQUAL THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
2. CODE REQUIRED PARKING FOR JUNIOR HIGH SCHOOLS SHALL EQUAL 1.5 TIMES THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
3. CODE REQUIRED PARKING FOR HIGH SCHOOLS IS 1 SPACE/200 SF OF CLASSROOMS, LIBRARIES, AND ADMINISTRATION AREAS
   - CLASSROOM AREA : 14,675 SF/EA. = 9,800/200 = 49
   - LIBRARY AREA : 2,193/200 = 11
   - ADMINISTRATION : 1,481/200 = 8
   - TOTAL PARKING REQUIRED : 68
4. CODE REQUIRED PARKING FOR HIGH SCHOOLS IS 1 SPACE PER 4 EMPLOYEES INCLUDING TEACHERS.
5. CODE REQUIRED PARKING FOR AUDITORIUM IS 1 SPACE/100 SF.
6. CULTURAL CENTER ADMINISTRATION CALCULATED PER HIGH SCHOOL REQUIREMENTS I.E. 1 SPACE/200 SF.
7. GYM CLASSROOM AND ADMINISTRATION CALCULATED PER HIGH SCHOOL REQUIREMENTS
   - CLASSROOM AREA : 2,500 SF/EA. = 720/200 = 4
   - ADMINISTRATION AREA : 481/200 = 3
   - TOTAL PARKING REQUIRED : 7
8. FOR BASKETBALL COURT PARKING PROVIDED AT 1 SPACE / TEAM MEMBERS AS DIRECTED BY ZONING STAFF I.E. 20/4 = 5 SPACES.
9. CODE REQUIRED PARKING FOR BASKETBALL COURT SEATING PROVIDED AT 1 SPACE/4 SEATS PER SECTION 33-124 (K) (1) (c) I.E. 600/4 = 150 NEW SPACES PROVIDED AS FOLLOWS:
   - 29 SPACES IN PROPOSED STANDARD PAVED PARKING AREA, AND
   - 150 SPACES IN PROPOSED SPECIAL EVENT PARKING AREA



PROPOSED VEHICULAR STACKING / PARKING SITE PLAN

SCALE: 1" = 50'

STUDENTS & STAFF

	No. OF STUDENTS	No. OF STAFF (Teachers + Admin.)
EXISTING (2010)	740	64
PROPOSED (2018)	560 *	51
TOTAL	1300 Students	115

* Student enrollment to be increased incrementally

EXISTING / NEW - PARKING BREAKDOWN

	STANDARD PARKING STALL	HANDICAP PARKING STALL	SUB-TOTAL	TOTAL PARKING PROVIDED
EXISTING PARKING	165	6	= 171	84 (Existing To Remain)
EXISTING PARKING TO BE REMOVED	- 85	-2	= (-) 87	
NEW PARKING	105	8	=113	113 (NEW)
TOTAL	194	12	197	197

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 05207
3051 FEDERAL AVENUE, miami, FL 33133
PH. (305) 349-9005 FAX (305) 577-3242
EMAIL: tzamtzis@bellsouth.net

2-25-09	RESPONSE TO DEPARTMENTAL TRAFFIC COMMENTS
2-25-09	RESPONSE TO ZONING COMMENTS
3-2-09	RESPONSE TO ZONING COMMENTS
3-3-09	RESPONSE TO DEPARTMENTAL TRAFFIC COMMENTS
3-9-09	MDC Public Works, Traffic, Road, Comments
3-12-09	RESPONSE TO DEPARTMENTAL TRAFFIC COMMENTS
4-16-09	RESPONSE TO ZONING COMMENTS
5-14-09	RESPONSE TO ZONING COMMENTS

Sheet Title: PROP. VEHICULAR & PARKING SITE PLAN

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-08

Scale: AS NOTED

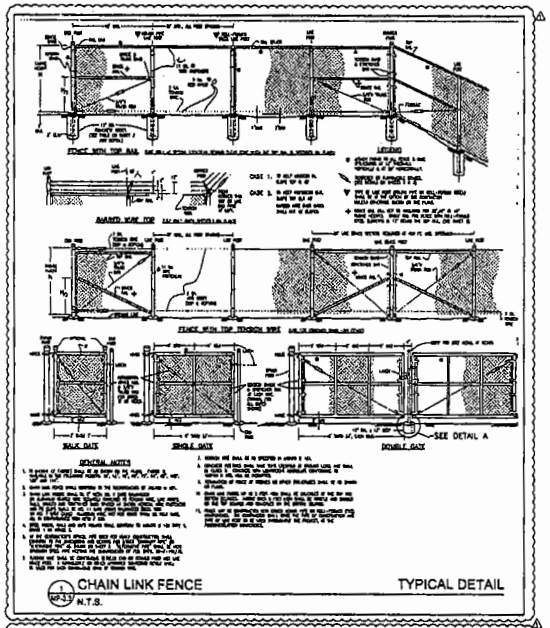
Drawn:

Job: 06-1218.1

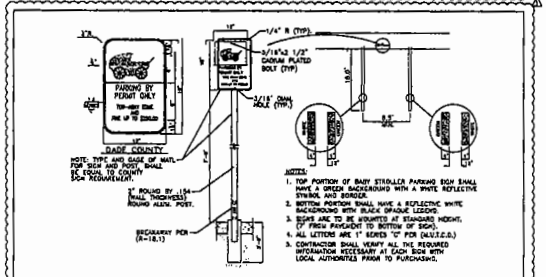
Sheet: MP-3.2

Of: Sheets

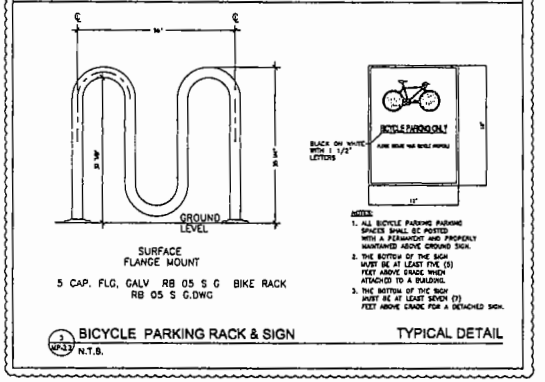
56



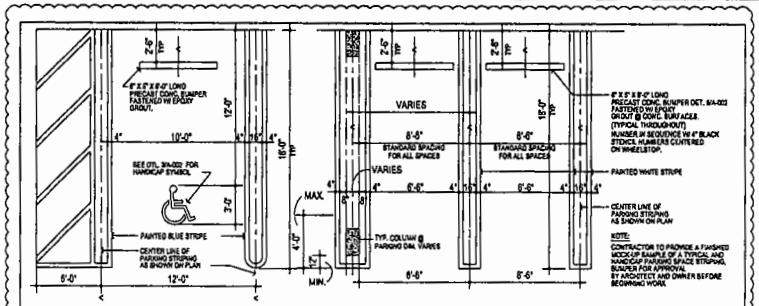
1 MP-3.3 CHAIN LINK FENCE — TYPICAL DETAIL
N.T.S.



2 MP-3.3 BABY STROLLER PARKING SIGN — TYPICAL DETAIL
N.T.S.

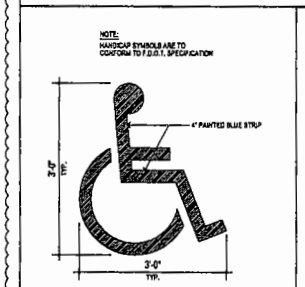


3 MP-3.3 BICYCLE PARKING RACK & SIGN — TYPICAL DETAIL
N.T.S.

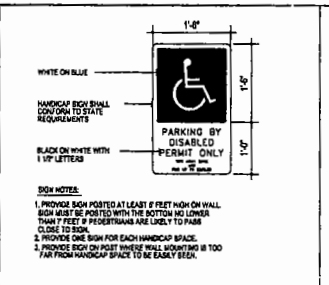


4 MP-3.3 TYP. H.C. PARKING STRIPING
N.T.S.

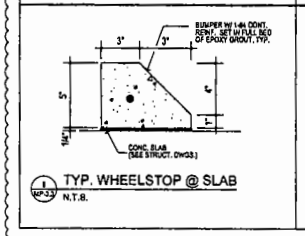
5 MP-3.3 TYP. PARKING STRIPING
N.T.S.



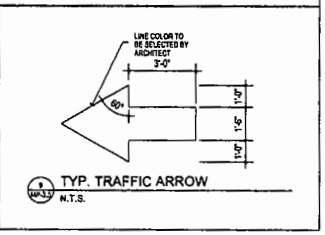
6 MP-3.3 TYP. HANDICAP SYMBOL
N.T.S.



7 MP-3.3 TYP. HANDICAP SIGN
N.T.S.



8 MP-3.3 TYP. WHEELSTOP @ SLAB
N.T.S.



9 MP-3.3 TYP. TRAFFIC ARROW
N.T.S.

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

SITE PLAN DETAILS

01-23-08	RESPONSE TO DOMBRAND TRAFFIC COMMENTS
03-27-09	RESPONSE TO ZONING COMMENTS
05-22-09	RESP. TO ZONING COMMENTS (Updated Survey) RESPONSE TO DERM COMMENTS
09-08-10	MDC Public Works Traffic Dept. Comments

ANTHONY E. TZAMTZIS, AIA
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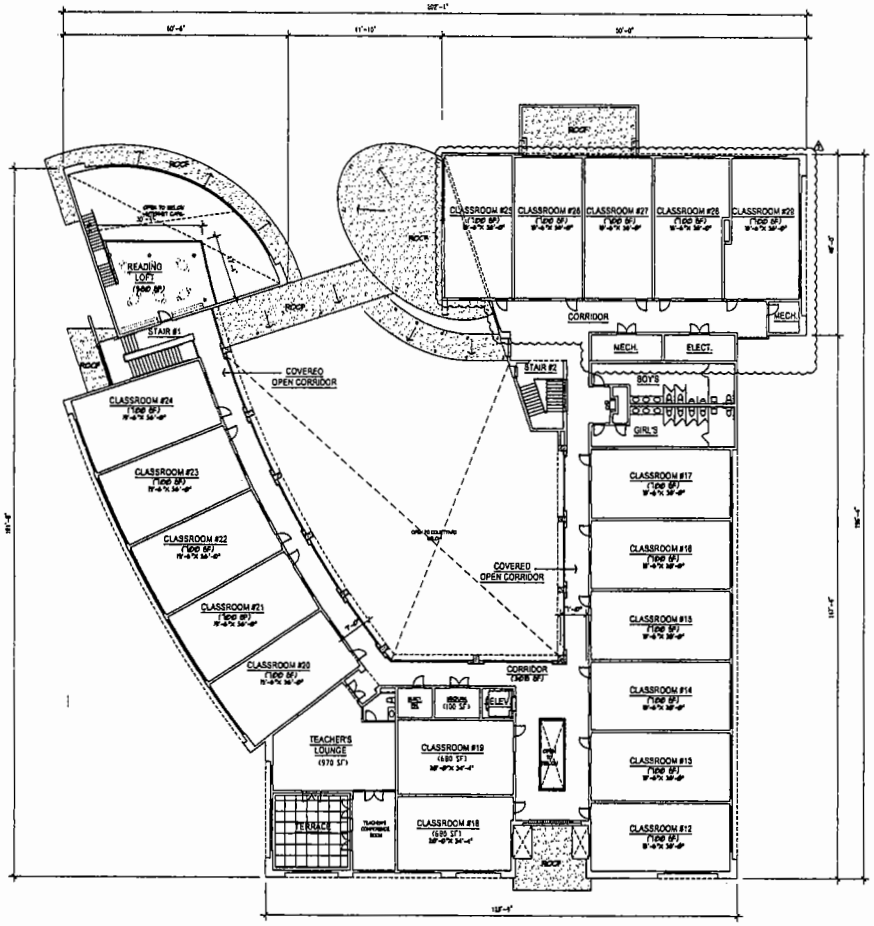
3401 TIGERTAIL AVENUE, MIAMI, FL 33133
PH. (305) 389-9009 FAX (305) 857-3642
EMAIL: atzamtzis@atzaus.net

Sheet Title: SITE PLAN DETAILS
Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
MASTER PLAN for Middle and High School Expansion
12425 Sunset Dr. Miami, Florida 33183

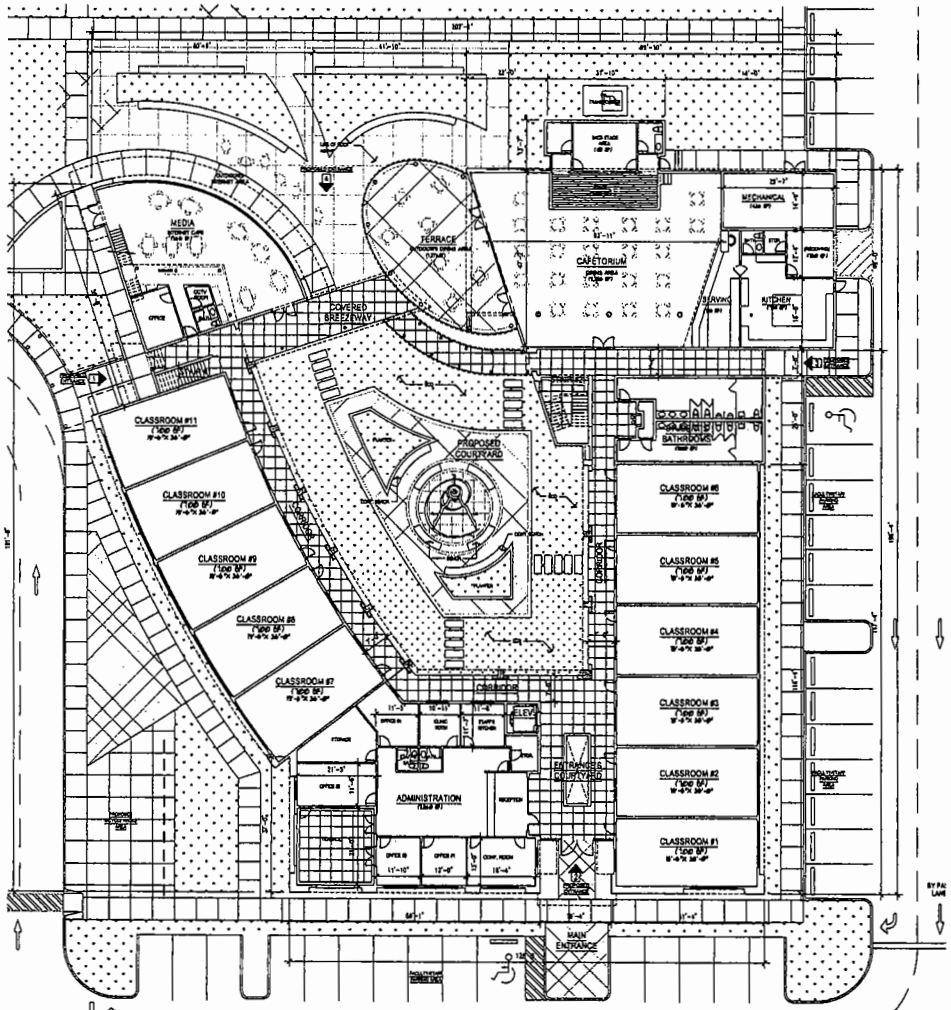
Date 09-03-08
Scale AS NOTED
Drawn
Job 08-1218.1
Sheet MP-3.3

57



PROPOSED MIDDLE & HIGH SCHOOL BLDG. - SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"



PROPOSED MIDDLE & HIGH SCHOOL BLDG. - FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

FIRST FLOOR GROSS SF AREA (GSF)	: 23,145 SF
COVERED TERRACE SF AREA (GSF)	: 1,535 SF
TOTAL LOT COVERAGE	: 24,680 SF

FIRST FLOOR GROSS SF AREA (GSF)	: 23,145 SF
SECOND FLOOR GSF AREA	: 21,990 SF
TOTAL BUILDING GSF	: 45,135 SF

Date	Description
8-25-08	RESPONSE TO ZONING/DAD TRAFFIC COMMENTS
02-27-09	RESPONSE TO ZONING COMMENTS
03-27-09	DEP TO Zoning (Comments Express Survey)
06-08-10	DEP TO Zoning (Comments Express Survey)
11-15-10	MDC Public Works Traffic Dept. Comments
01-04-11	RESPONSE TO ZONING/DAD TRAFFIC COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
3051 NORTHEAST AVENUE, miami FL 33133
PHONE: 305-573-0000 FAX: 305-573-0002
EMAIL: atzamtzis@tzamtzis.com

Sheet Title: MIDDLE & HIGH SCHOOL BLDG. FLOOR PLANS

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	08-1218.1
Sheet	MP-4

58

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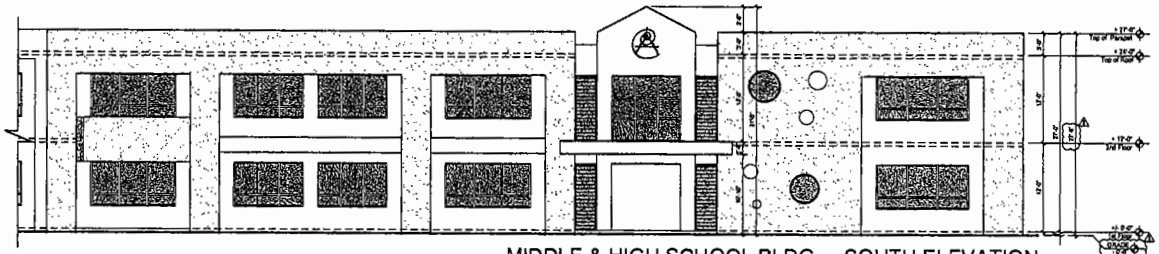
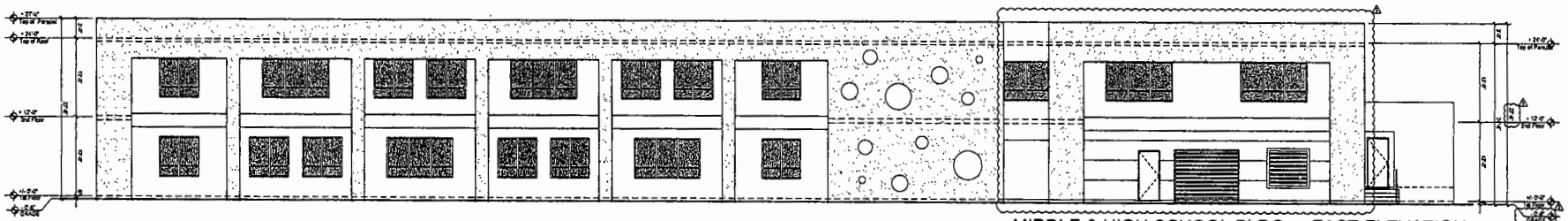
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____



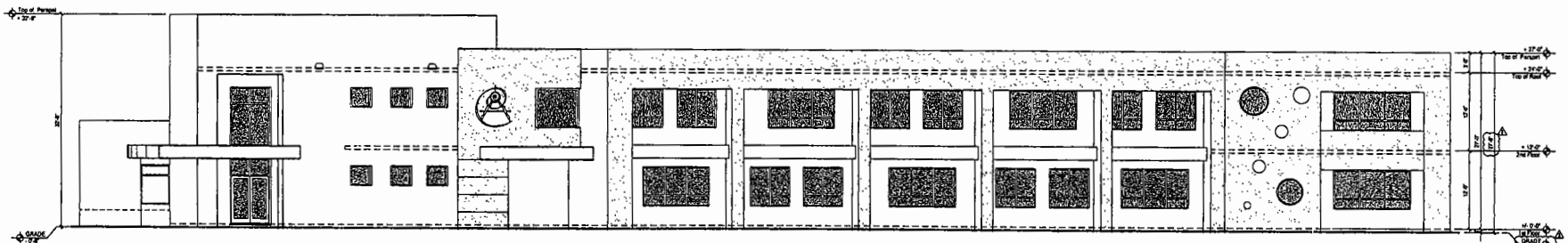
MIDDLE & HIGH SCHOOL BLDG. - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



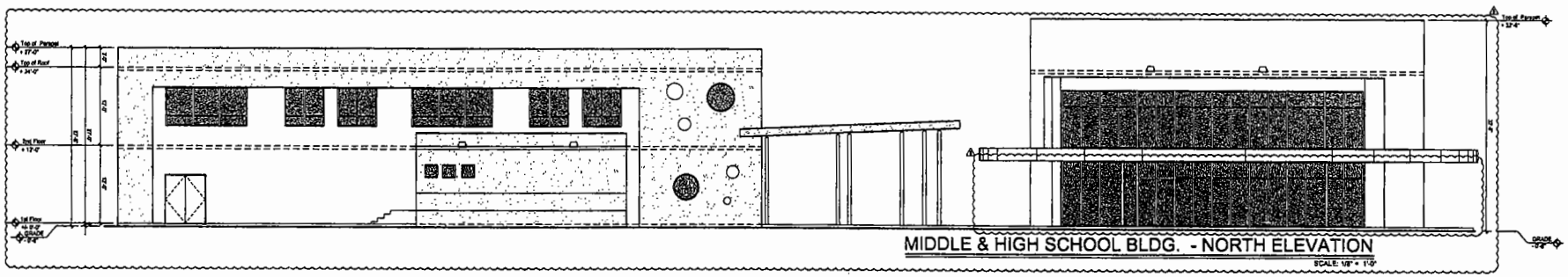
MIDDLE & HIGH SCHOOL BLDG. - EAST ELEVATION

SCALE: 1/8" = 1'-0"



MIDDLE & HIGH SCHOOL BLDG. - WEST ELEVATION

SCALE: 1/8" = 1'-0"



MIDDLE & HIGH SCHOOL BLDG. - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

8-25-08	RESPONSE TO ZONING/AND TRAFFIC COMMENTS	
6-27-09	RESPONSE TO ZONING COMMENTS	
03-23-10	RESP. TO ZONING COMMENTS (signature form)	
08-06-10	RESPONSE TO DRC COMMENTS	
11-17-10	RESPONSE TO ZONING/AND TRAFFIC COMMENTS	
4-15-11	RESPONSE TO ZONING COMMENTS	

ANTHONY E. TZAMTZIS, A/A
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EMAIL: atzamtzis@bellsouth.net

Drwg Title: MIDDLE & HIGH SCHOOL BLDG. ELEVATIONS

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	05-1218.1
Sheet	MP-4.1
Of	Sheets

59

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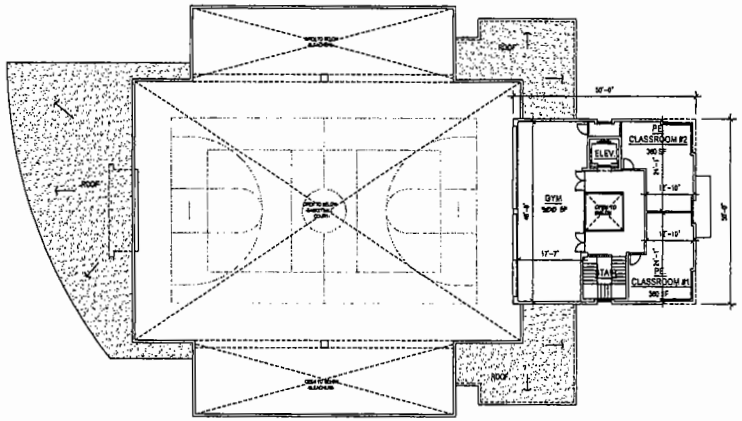
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

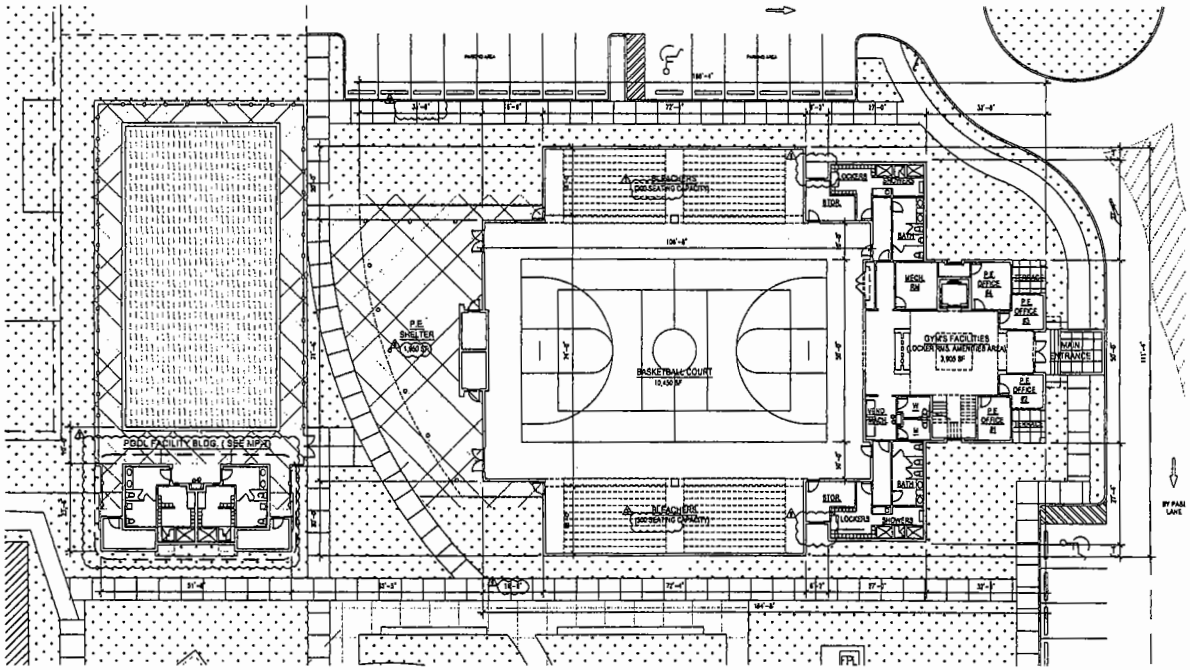
BY _____



GYMNASIUM BUILDING - SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"

N



GYMNASIUM BUILDING - FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

N

SEATING CAPACITY 600 Persons
(See Parking Calculations at sheet MP-3.2)

BASKETBALL COURT / BLEACHERS	: 10,450 SF
FIRST FLOOR GSF AREA (BLDG. FACILITIES)	: 3,905 SF
TOTAL FIRST FLOOR GROSS SF AREA (GSF)	: 14,355 SF
+ COVERED P.E. SHELTER	: 1,950 SF
TOTAL LOT COVERAGE	: 16,305 SF

FIRST FLOOR GSF AREA	: 14,355 SF
SECOND FLOOR GSF AREA	: 2,500 SF
TOTAL BUILDING GSF	: 16,855 SF

01-25-08	RESPONSE TO ZONING AND TRAFFIC COMMENTS
03-27-08	RESPONSE TO ZONING COMMENTS
03-23-10	RESP. TO ZONING COMMENTS (Latest Form)
09-08-10	MDC Public Works Traffic Dept. Comments
11-17-10	RESPONSE TO ZONING AND TRAFFIC COMMENTS
01-05-11	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
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2431 TIGERTAIL AVENUE, MIAMI, FL 33133
PH. (305) 398-8005 FAX (305) 857-3042
EMAIL: atzamtzis@bellsouth.net

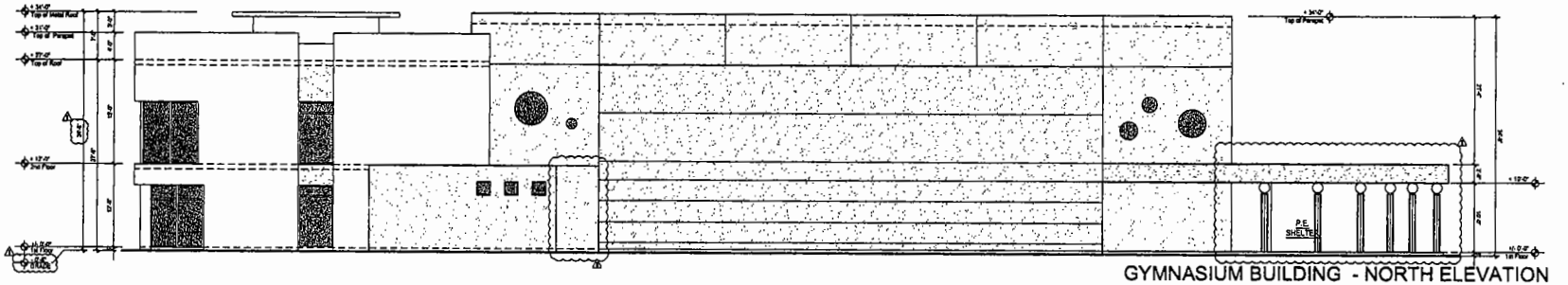
Sheet Title: GYMNASIUM BLDG. FLOOR PLANS

Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
MASTER PLAN for Middle and High School Expansion
12425 Sunset Dr. Miami, Florida 33183

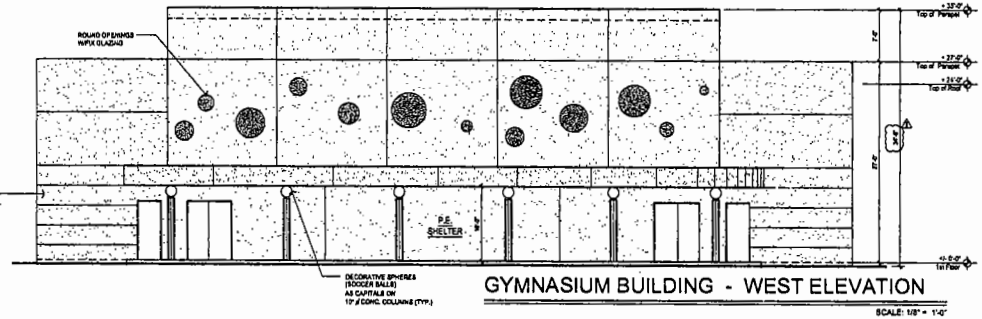
Date: 09-03-08
Scale: AS NOTED
Drawn:
Job: 08-1216.1
Sheet: MP-5
Of: Sheets

60



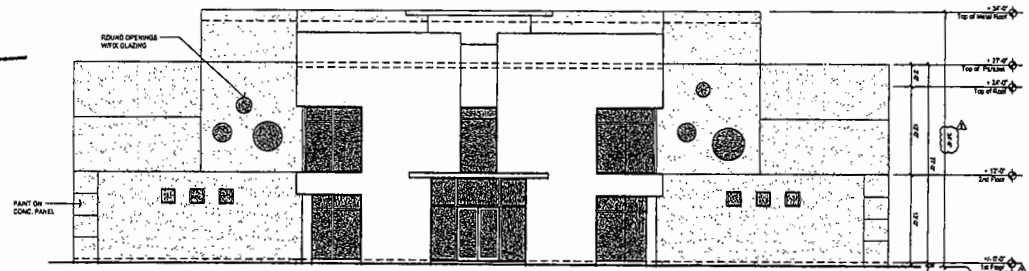
GYMNASIUM BUILDING - NORTH ELEVATION

SCALE: 1/8" = 1'-0"



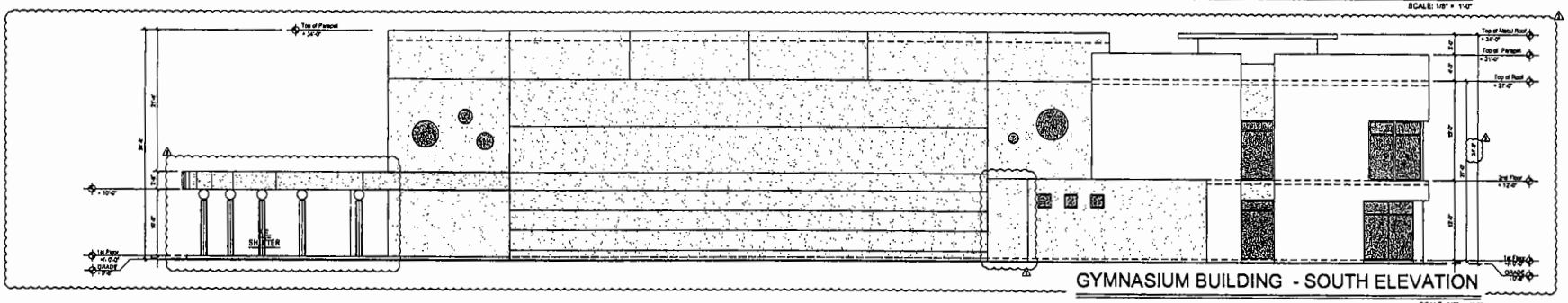
GYMNASIUM BUILDING - WEST ELEVATION

SCALE: 1/8" = 1'-0"



GYMNASIUM BUILDING - EAST ELEVATION

SCALE: 1/8" = 1'-0"



GYMNASIUM BUILDING - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

1	01-25-08	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-27-08	RESPONSE TO ZONING COMMENTS
3	03-23-10	RESP. TO ZONING COMMENTS (updated items) RESPONSE TO DERM COMMENTS
4	09-09-10	MDC Public Works Traffic Dept. Comments
5	11-17-10	RESPONSE TO ZONING AND TRAFFIC COMMENTS
6	01-05-11	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
3201 INDEBETAL AVENUE, MIAMI, FL 33133
PH. (305) 358-8005 FAX (305) 857-3242
EMAIL: tzamtzis@bellsouth.net

Sheet Title: GYMNASIUM BLDG. ELEVATIONS

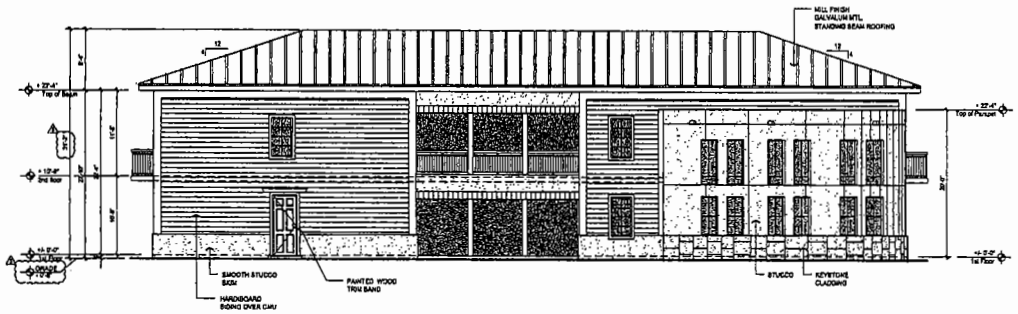
Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

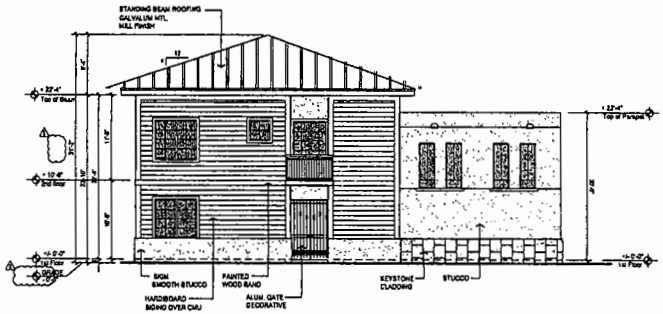
12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-08
Scale: AS NOTED
Drawn:
Job: 08-1218.1
Sheet: MP-5.1
Of: Sheets



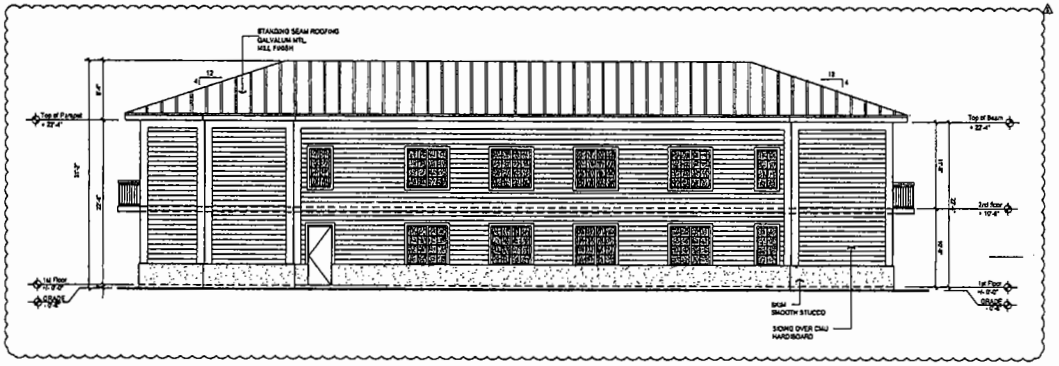
CULTURAL CENTER BUILDING - NORTH ELEVATION

SCALE: 1/8" = 1'-0"



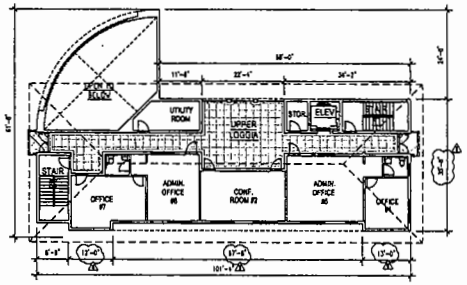
CULTURAL CENTER BUILDING - EAST ELEVATION

SCALE: 1/8" = 1'-0"



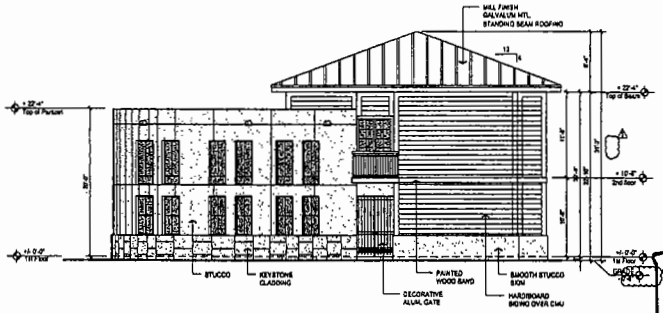
CULTURAL CENTER BUILDING - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



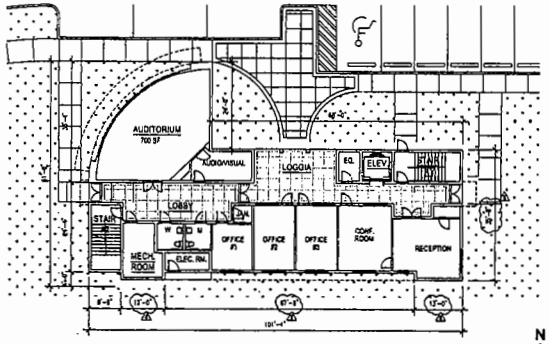
CULTURAL CENTER BLDG. - 2ND FLOOR PLAN

SCALE: 1/16" = 1'-0"



CULTURAL CENTER BUILDING - WEST ELEVATION

SCALE: 1/8" = 1'-0"



CULTURAL CENTER BLDG. - 1ST FLOOR PLAN

SCALE: 1/16" = 1'-0"

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

AUDITORIUM AREA : 700 SF
SEATING CAPACITY 50 Persons

FIRST FLOOR GROSS SF AREA (GSF)	: 3,920 SF
SECOND FLOOR GSF AREA	: 2,841SF
TOTAL BUILDING GSF	: 6,761 SF

01-25-08	RESPONSE TO ZONING AND TRAFFIC COMMENTS
03-27-08	RESPONSE TO ZONING COMMENTS
05-27-10	RESP. TO ZONING COMMENTS (Updated Survey)
09-09-10	RESP. TO ZONING COMMENTS (Updated Survey)
09-09-10	MDC Public Works Traffic Dept. Comments
11-01-10	RESPONSE TO ZONING AND TRAFFIC COMMENTS
01-05-11	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
2601 FEDERAL HIGHWAY, MIAMI, FL 33133
PH: (305) 448-2002 FAX: (305) 448-2002
EMAIL: antzamtzis@bellsouth.net

Drawing Title: CULTURAL CENTER PLANS / ELEV.

Submittal: D.I.C. SUBMITTAL

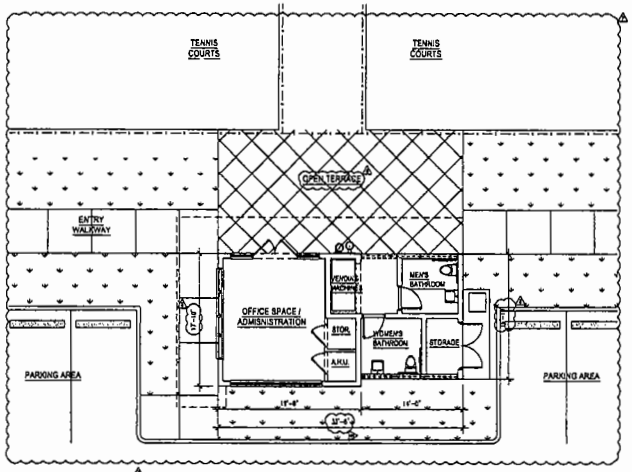
ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	05-1218.1
Sheet	MP-6
Of	Sheets

62



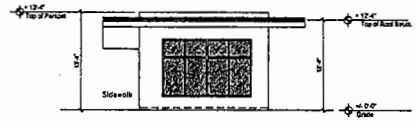
NEW LOCATION

TENNIS FACILITY BLDG. - FLOOR PLAN

SCALE: 1/8" = 1'-0"

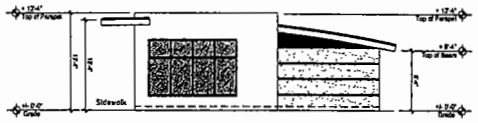
N

TENNIS FACILITY BUILDING
GROUND FLOOR GROSS SF AREA (GSF) : 585 SF



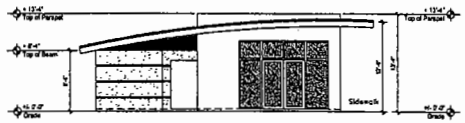
TENNIS FACILITY - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



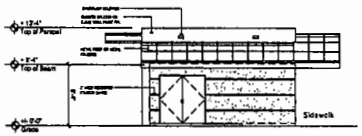
TENNIS FACILITY - EAST ELEVATION

SCALE: 1/8" = 1'-0"



TENNIS FACILITY - WEST ELEVATION

SCALE: 1/8" = 1'-0"



TENNIS FACILITY - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

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R1-D48	RESPONSE TO ZONING/DIAG TRAFFIC COMMENTS
3-2-10	RESPONSE TO ZONING COMMENTS
3-2-10	RESPONSE TO ZONING/DIAG TRAFFIC COMMENTS
8-4-10	MDC Public Hearing, Traffic Dept. Comments
11-1-10	RESPONSE TO ZONING/DIAG TRAFFIC COMMENTS
4-4-11	RESPONSE TO ZONING COMMENTS
8-4-11	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
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Sheet Title: POOL AND TENNIS FACILITY BLDGS.

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
MASTER PLAN for Middle and High School Expansion
12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-08
Scale: AS NOTED
Drawn:
Job: 08-1218.1
Sheet: NEW SHEET
MP-7
Of Sheets

63

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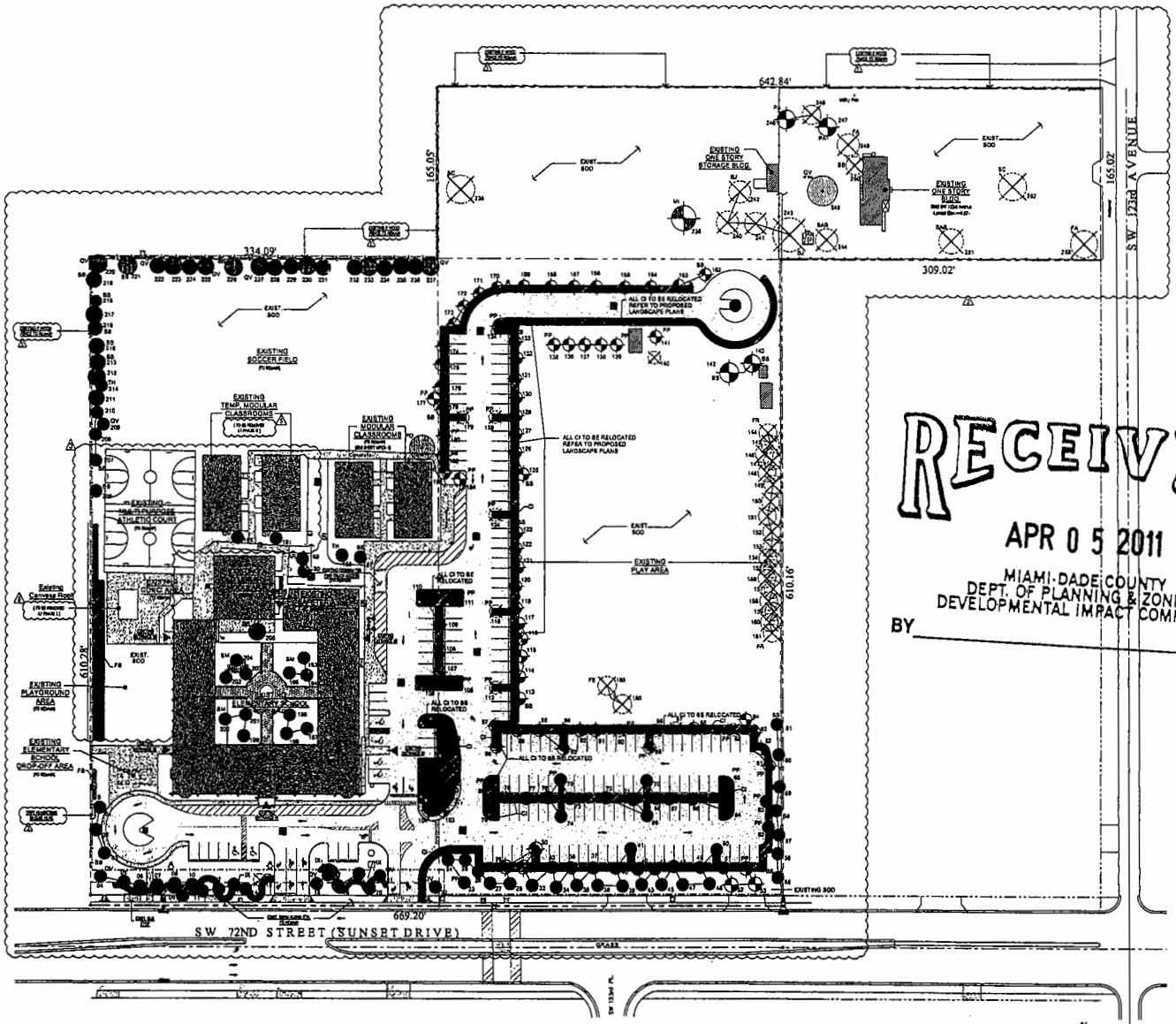

EXISTING LANDSCAPE PLAN
SCALE: 1" = 50'

N

REFER TO SHEET MP/L-1a FOR TREE INVENTORY AND SUMMARY

TREE LEGEND

- ID # — EXISTING TREE TO REMAIN
- ID # — EXISTING TREE TO BE REMOVED
- ID # — EXISTING TREE TO BE RELOCATED WITHIN THE SITE
- ID — EXISTING SHRUBS TO REMAIN OR TO BE RELOCATED AS SHOWN
- DENOTES SAME TYPE OF TREES

ID = DENOTES TREE TYPE AT INVENTORY (DESCRIPTION)
# = DENOTES TREE NUMBER AT INVENTORY (COUNT)

03-23-10	REDP. TO ZONING (COMMENTS Updated Survey)

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Sheet Title: EXISTING LANDSCAPE PLAN

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-08
Scale: AS NOTED
Drawn:
Job: 08-1218.1
Sheet: MP/L-1
Of: Sheets

EXISTING TREE INVENTORY AS OF MARCH 2010 AND PROPOSED ACTION

PLAN TREE ID #	PLAN TREE TAG	COMMON NAME	BOTANICAL NAME	TRUNK Ø AT BREAST HEIGHT (in)	OVERALL HEIGHT (ft)	SPREAD (ft)	ACTION	REMARKS
1	BB	Black Olive	Bucida Buceras	12	35	25	To Remain	
2	BB	Black Olive	Bucida Buceras	12	35	25	To Remain	
3	BB	Black Olive	Bucida Buceras	12	35	25	To Remain	
4	QV	Live Oak	Quercus Virginiana	6	15	8	To Remain	
5	QV	Live Oak	Quercus Virginiana	10	20	15	To Remain	
6	QV	Live Oak	Quercus Virginiana	8	18	12	To Remain	
7	QV	Live Oak	Quercus Virginiana	10	16	12	To Remain	
8	QV	Live Oak	Quercus Virginiana	10	16	12	To Remain	
9	QV	Live Oak	Quercus Virginiana	10	15	12	To Remain	
10	QV	Live Oak	Quercus Virginiana	10	18	14	To Remain	
11	QV	Live Oak	Quercus Virginiana	10	16	12	To Remain	
12	QV	Live Oak	Quercus Virginiana	8	12	10	To Remain	
13	QV	Live Oak	Quercus Virginiana	11	25	20	To Remain	
14	QV	Live Oak	Quercus Virginiana	12	30	25	To Remain	
15	ST	Brazilian Pepper	Schinus Terebinthifolius	8	15	12	Remove	Invasive and Permit Exempt
16	QV	Live Oak	Quercus Virginiana	12	20	20	To Remain	
17	QV	Live Oak	Quercus Virginiana	8	15	12	To Remain	
18	QV	Live Oak	Quercus Virginiana	10	15	12	To Remain	
19	QV	Live Oak	Quercus Virginiana	10	18	12	To Remain	
20	QV	Live Oak	Quercus Virginiana	12	18	16	To Remain	
21	QV	Live Oak	Quercus Virginiana	10	20	16	To Remain	
22	QV	Live Oak	Quercus Virginiana	12	20	20	To Remain	Planted on Raised mound
23	PP	Yellow Poinciana	Peltophorum Pterocarpum	2.0	10	5	To Remain	Distressed and in poor condition
24	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	8	To Remain	Distressed and in poor condition
25	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	8	5	To Remain	Distressed and in poor condition
26	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
27	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
28	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
29	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
30	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	10	12	To Remain	
31	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
32	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
33	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	8	To Remain	Distressed and in poor condition
34	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
35	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
36	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
37	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	6	To Remain	Distressed and in poor condition
38	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	8	To Remain	Distressed and in poor condition
39	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
40	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
41	PP	Yellow Poinciana	Peltophorum Pterocarpum	3.5	12	6	To Remain	Distressed and in poor condition
42	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
43	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
44	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
45	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
46	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
47	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	12	To Remain	
48	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	12	To Remain	
49	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
50	PP	Yellow Poinciana	Peltophorum Pterocarpum	2.5	9	8	To Remain	Distressed and in poor condition
51	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	10	To Remain	
52	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	12	To Remain	
53	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
54	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	18	20	To Remain	
55	BS	Gumbo Limbo	Bursera Simaruba	5	10	10	To Remain	
56	BS	Gumbo Limbo	Bursera Simaruba	6	18	10	To Remain	
57	BS	Gumbo Limbo	Bursera Simaruba	3	10	8	To Remain	
58	BS	Gumbo Limbo	Bursera Simaruba	7	16	10	To Remain	
59	BS	Gumbo Limbo	Bursera Simaruba	3.5	10	7	To Remain	
60	BS	Gumbo Limbo	Bursera Simaruba	8	15	12	To Remain	
61	BS	Gumbo Limbo	Bursera Simaruba	8	15	12	To Remain	
62	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	15	15	To Remain	
63	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	15	15	To Remain	
64	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	8	8	To Remain	Distressed and in poor condition
65	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	6	To Remain	
66	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Remain	Two co-dominant leaders
67	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	6	6	To Remain	Distressed and in poor condition
68	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Remain	
69	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	15	To Remain	
70	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	8	5	To Remain	Distressed and in poor condition
71	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	6	6	To Remain	Distressed and in poor condition
72	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	12	12	To Remain	
73	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	10	To Remain	
74	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Remain	
75	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Remain	Distressed and in poor condition
76	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	15	To Remain	Two co-dominant leaders
77	PP	Yellow Poinciana	Peltophorum Pterocarpum	6	20	20	To Remain	
78	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	5	To Remain	Distressed and in poor condition
79	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	8	5	To Remain	Distressed and in poor condition
80	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	15	10	To Be Relocated	

EXISTING TREE INVENTORY AS OF MARCH 2010 AND PROPOSED ACTION

PLAN TREE ID #	PLAN TREE TAG	COMMON NAME	BOTANICAL NAME	TRUNK Ø AT BREAST HEIGHT (in)	OVERALL HEIGHT (ft)	SPREAD (ft)	ACTION	REMARKS
81	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	18	10	To Be Relocated	
82	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	16	10	To Be Relocated	
83	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	15	10	To Be Relocated	
84	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	15	10	To Be Relocated	
85	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed.
86	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	13	10	To Be Relocated	
87	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed
88	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed
89	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	8	To Be Relocated	
90	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed.
91	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Be Relocated	
92	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Be Relocated	
93	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	6	To Be Relocated	Distressed
94	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Be Relocated	
95	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	12	15	To Be Relocated	
96	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	8	To Be Relocated	
97	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	8	To Be Relocated	
98	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	12	15	To Be Relocated	
99	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	10	To Be Relocated	
100	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed.
101	PP	Yellow Poinciana	Peltophorum Pterocarpum	2	10	8	To Be Relocated	Distressed
102	PP	Yellow Poinciana	Peltophorum Pterocarpum	6	12	15	To Be Relocated	
103	CS	Silver Palm	Cocothrinax Barbadensis	-	5	-	To Be Relocated	
104	CS	Silver Palm	Cocothrinax Barbadensis	-	5	-	To Be Relocated	
105	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	10	5	Remove	Severely distressed.
106	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	16	12	To Be Relocated	
107	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	17	8	To Be Relocated	
108	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	10	5	Remove	Severely distressed
109	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	14	10	To Be Relocated	
110	PP	Yellow Poinciana	Peltophorum Pterocarpum	4	16	14	To Be Relocated	
111	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	10	5	Remove	Severely distressed.
112	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	10	5	Remove	Severely distressed.
113	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
114	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
115	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
116	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
117	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
118	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed.
119	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
120	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
121	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
122	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
123	BS	Gumbo Limbo	Bursera Simaruba	4	10	12	To Be Relocated	
124	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	9	8	Remove	Severely distressed.
125	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
126	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
127	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
128	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	-	-	Remove	Severely distressed.
129	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
130	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
131	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
132	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
133	BS	Gumbo Limbo	Bursera Simaruba	4	10	10	To Be Relocated	
134	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	15	15	To Be Relocated	
135	BS	Gumbo Limbo	Bursera Simaruba	3	15	10	To Be Relocated	
136	BS	Gumbo Limbo	Bursera Simaruba	3	15	10	To Be Relocated	
137	BS	Gumbo Limbo	Bursera Simaruba	3	15	10	To Be Relocated	
138	BS	Gumbo Limbo	Bursera Simaruba	3	15	10	To Be Relocated	
139	BS	Gumbo Limbo	Bursera Simaruba	3	15	10	To Be Relocated	
140	PP	Yellow Poinciana	Peltophorum Pterocarpum	x2	9	8	Remove	Severely distressed.
141	PP	Yellow Poinciana	Peltophorum Pterocarpum	5	16	16	To Be Relocated	
142	BS	Gumbo Limbo	Bursera Simaruba	4	14	12	To Be Relocated	
143	BS	Gumbo Limbo	Bursera Simaruba	4	14	12	To Be Relocated	
144 to 161	FR	Cuban Laurel - Total 18 trees intertwined	Ficus Retusa (Nitida)	18 avg.	25-30	15-20	Remove - Total 18 trees	Wildly infested, distressed and damaged from trimming
162	BS	Gumbo Limbo	Bursera Simaruba	6	15	12	To Be Relocated	
163	BS	Gumbo Limbo	Bursera Simaruba	8	15	12	To Be Relocated	
164	BS	Gumbo Limbo	Bursera Simaruba	8	15	12	To Be Relocated	
165	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
166	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
167	BS	Gumbo Limbo	Bursera Simaruba	4	12	6	To Be Relocated	
168	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
169	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Be Relocated	
170	BS	Gumbo Limbo	Bursera Simaruba	2	7	4	To Be Relocated	
171	BS	Gumbo Limbo	Bursera Simaruba	4	12	6	To Be Relocated	
172	BS	Gumbo Limbo	Bursera Simaruba	4	12	14	To Be Relocated	
173	BS	Gumbo Limbo	Bursera Simaruba	4	12	10	To Be Relocated	
174	BS	Gumbo Limbo	Bursera Simaruba	4	12	10	To Be Relocated	
175	PP	Yellow Poinciana	Peltophorum Pterocarpum	8	18	18	To Be Relocated	
176	PP	Yellow Poinciana	Peltophorum Pterocarpum	6	14	14	To Be Relocated	

EXISTING TREE INVENTORY AS OF MARCH 2010 AND PROPOSED ACTION

PLAN TREE ID #	PLAN TREE TAG	COMMON NAME	BOTANICAL NAME	TRUNK Ø AT BREAST HEIGHT (in)	OVERALL HEIGHT (ft)	SPREAD (ft)	ACTION	REMARKS
178	PP	Yellow Poinciana	Peltophorum Pterocarpum	8	14	14	To Be Relocated	
177	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	12	10	To Be Relocated	
178	BS	Gumbo Limbo	Bursera Simaruba	4	14	8	To Be Relocated	
179	PP	Yellow Poinciana	Peltophorum Pterocarpum	72	8	5	Remove	Severely distressed.
180	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	14	10	To Be Relocated	
181	PO	Pongam	Pongamia Pinnata	20	25	20	To Remain	Two codominant trunks. Needs pruning
182	BS	Gumbo Limbo	Bursera Simaruba	4	18	12	To Be Relocated	
183	BS	Gumbo Limbo	Bursera Simaruba	4	16	12	To Be Relocated	
184	PP	Yellow Poinciana	Peltophorum Pterocarpum	3	10	10	To Be Relocated	
185	FB	Benjamin Fig	Ficus Benjamina	20	25	20	Remove	Wildly infested and distressed.
186	FB	Benjamin Fig	Ficus Benjamina	20	22	18	Remove	Wildly infested and distressed.
187	BS	Gumbo Limbo	Bursera Simaruba	6	12	15	To Remain	
188	TH	Tabebuia	Tabebuia Heterophylla	8	14	12	To Remain	
189	AR	Queen Palm	Arecastrum Romanoffianum	-	20	-	To Remain	Trunk Damage, distressed
190	AR	Queen Palm	Arecastrum Romanoffianum	-	20	-	To Remain	
191	QV	Live Oak	Quercus Virginiana	10	18	12	To Remain	
192	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
193 to 204	SM	Mahogany - Total 12 trees	Swietenia Mahogany	6	20	15	To Remain - Total 12 trees	In existing school courtyard
205	BB	Black Olive	Bucida Buceras	18	38	40	To Remain	
206	BB	Black Olive	Bucida Buceras	12	25	20	To Remain	
207	BS	Gumbo Limbo	Bursera Simaruba	10	14	12	To Remain	
208	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
209	QV	Live Oak	Quercus Virginiana	8	16	15	To Remain	Distressed
210	BS	Gumbo Limbo	Bursera Simaruba	6	12	10	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
211	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
212	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
213	BS	Gumbo Limbo	Bursera Simaruba	5	12	10	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
214	TH	Tabebuia	Tabebuia Heterophylla	8	18	16	To Remain	Distressed
216	BB	Black Olive	Bucida Buceras	12	20	18	To Remain	
219	BS	Gumbo Limbo	Bursera Simaruba	3	12	7	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
217	BS	Gumbo Limbo	Bursera Simaruba	3	12	7	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
218	BS	Gumbo Limbo	Bursera Simaruba	3	12	7	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
219	BB	Black Olive	Bucida Buceras	14	25	18	To Remain	
220	QV	Live Oak	Quercus Virginiana	12	18	12	To Remain	
221	BS	Gumbo Limbo	Bursera Simaruba	3	12	7	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
222	QV	Live Oak	Quercus Virginiana	10	16	12	To Remain	
223	QV	Live Oak	Quercus Virginiana	10	18	12	To Remain	
224	QV	Live Oak	Quercus Virginiana	10	18	12	To Remain	
225	QV	Live Oak	Quercus Virginiana	10	18	12	To Remain	
226	BS	Gumbo Limbo	Bursera Simaruba	4	12	6	To Remain	Relocated here in 2006 under Permit # 2007-TREE-PER-0044
227	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
228	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
229	QV	Live Oak	Quercus Virginiana	11	18	16	To Remain	
230	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
231	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
232	QV	Live Oak	Quercus Virginiana	12	20	18	To Remain	
233	QV	Live Oak	Quercus Virginiana	10	18	16	To Remain	
234	QV	Live Oak	Quercus Virginiana	8	14	12	To Remain	
235	QV	Live Oak	Quercus Virginiana	12	20	14	To Remain	
236	QV	Live Oak	Quercus Virginiana	6	12	12	To Remain	
237	QV	Live Oak	Quercus Virginiana	10	18	14	To Remain	
238	SC	Jamboran Plum	Syzygium Cumini	24	30	36	Remove	Out of scale and invasive
239	MI	Mango	Mangifera Indica	22	35	35	To Be Relocated	Relocation feasibility pending
240	BJ	Java Blackwood	Blachotia Javanica	30	45	60	Remove	Infested with scale, wildly, and scaly root, hollowed. Permit exempt.
241	BJ	Java Blackwood	Blachotia Javanica	18	30	20	Remove	
242	BJ	Java Blackwood	Blachotia Javanica	60	45	45	Remove	
243	BJ	Java Blackwood	Blachotia Javanica	60	45	45	Remove	
244	SAB	Hong Kong Orchid	Sauvinlis Blakeana	38	30	40	Remove	Distressed trunk infested with termites.
245	QV	Live Oak	Quercus Virginiana	20	30	30	To Remain	
246	PA	Avocado	Persea Americana	10	16	15	To Be Relocated	Relocation feasibility pending
247	PA	Avocado	Persea Americana	18	24	24	To Be Relocated	Relocation feasibility pending
248	CT	Sour Orange	Citrus Fretonsis	8	14	10	Remove	
249	FA	Fig Tree	Ficus Altissima	12+	18	18	Remove	Hosted by sable palms. Permit exempt tree.
250	BB	Black Olive	Bucida Buceras	18	20	20	Remove	Distressed; trunk rot; hollowed
251	SAB	Hong Kong Orchid	Sauvinlis Blakeana	24	30	36	Remove	Strangled by epiphytic vines, distressed trunk.
252	SC	Jamboran Plum	Syzygium Cumini	48	25	25	Remove	Trunk and branches distressed.
253	FA	Fig Tree	Ficus Altissima	36	28	25	Remove	Permit exempt tree

TREE REMOVAL SUMMARY

TREE TYPE	HOW MANY <18" Ø	HOW MANY >18" Ø SPECIMEN	NATIVE OR INVASIVE	PERMIT EXEMPT	REMARKS	PLAN TREE #
Brazilian Pepper	1	-	Invasive	Yes		15
Yellow Poinciana	13	-	Native	No	All distressed and less than 2" caliper.	85, 87-88, 90,100,108,109, 112,116,124, 128,140 & 179
Ficus Nitida	8	9	Native	Yes		144-161
Ficus Benjamina		2	Native	No		185-186
Ficus Altissima	1	1	Native	Yes		249, 250
Black Olive		1	Native	No	Distressed	205
Jambolan Plum		2	Invasive	No	Too large in footprint of proposed improvement	238, 252
Java Balwood		4	Invasive	Yes	Hosts wildly and scaly root	240-243
Hong Kong Orchid		2	Non Native	No		244-251
Sour Orange	1		Native	No	Distressed	248
TOTALS	35	21				

TREE RELOCATION SUMMARY

TREE TYPE	HOW MANY <18" Ø	HOW MANY >18" Ø SPECIMEN	REMARKS	PLAN TREE #
Yellow Poinciana	31	-	All less than 8" in caliper	30-84, 90, 89, 91-99, 101-102, 105-107, 109-110, 134, 141, 175-177, 180 & 184
Gumbo Limbo	41	-	All less than 8" in caliper	113-117, 119-123, 125-127, 129-133, 135-139, 142-143, 162-174, 176, & 182-183
Silver Palm	2	-	Both with 3' CT, 5' OA height.	103-104
Mango		1	Pending relocation feasibility	239
Avocado	2	-	Pending relocation feasibility	246-247
TOTALS	74	1		

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

64

03-02-10	REF. TO DIC/PAC COMMENTS Submitted Revised
04-05-11	RESPONSE TO DIC/PAC COMMENTS
04-05-11	RESPONSE TO DIC/PAC COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
3421 TUDESKA AVENUE, MIAMI, FL 33133
PH. (305) 381-2005 FAX (305) 857-3042
EMAIL: atzamtzis@bellsouth.net

Sheet Title: EXISTING LANDSCAPE SCHEDULES/SUMMARIES

Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
MASTER PLAN for Middle and High School Expansion
12425 Sunset Dr. Miami, Florida 33183

Date: 09-03-06
Scale: AS NOTED
Drawn:
Job: 08-1218.1
Sheet: MP/L-1a

65

LANDSCAPE LEGEND - EXISTING TREES TO REMAIN

Refer to sheet MP/L-1a for additional information on existing trees

SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
BB	Bucida buceras/ Black Olive	20 to 40'	-	YES	YES	7
QV	Quercus Virginiana/ Live Oak	15 to 25'	-	YES	YES	38
PP	Pelophyrum Pinnatum/ Velvet Polypodium	6 to 20'	-	NO	YES	50
BS	Bursera Simaruba/ Gumbo Limbo	10 to 16'	-	YES	YES	19
PO	Pongamia Pinnata/ Pongam	25'	-	NO	YES	1
TH	Tabebuia Heterophylla/ Tabebuia	14 to 16'	-	NO	YES	2
SM	Swietenia Mahagoni/ Mahogany	20'	-	YES	YES	12
			TOTAL EXISTING TREES TO REMAIN			129

LANDSCAPE LEGEND - EXISTING PALMS

Refer to sheet MP/L-1a for additional information on existing palms

SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
CB	Coccothrinax Barbadensis/ Silver palm	5' overall	-	NO	YES	2
AR	Arecastrum Romanzoffianum/ Queen Palm	25' overall	Thinned	NO	YES	2
			TOTAL EXISTING PALMS			4
			TOTAL PALMS of 10' MIN OVERALL HEIGHT			2

LANDSCAPE LEGEND - EXISTING SHRUBS TO REMAIN

SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
CI	Chrysobalanus Icaco/ Cocoa Plum Red tip	30"	Established at all parking island planter areas. To be relocated to new planter areas as needed	YES	YES	Approx. 1,600
JM	Jasminum Multiflorum/ Jasmine	60"	-	YES	YES	20
IX	Ixora Coccinea/ Ixora	24"	-	YES	YES	46
			TOTAL EXISTING SHRUBS			1,666

LANDSCAPE LEGEND - PROPOSED TREES

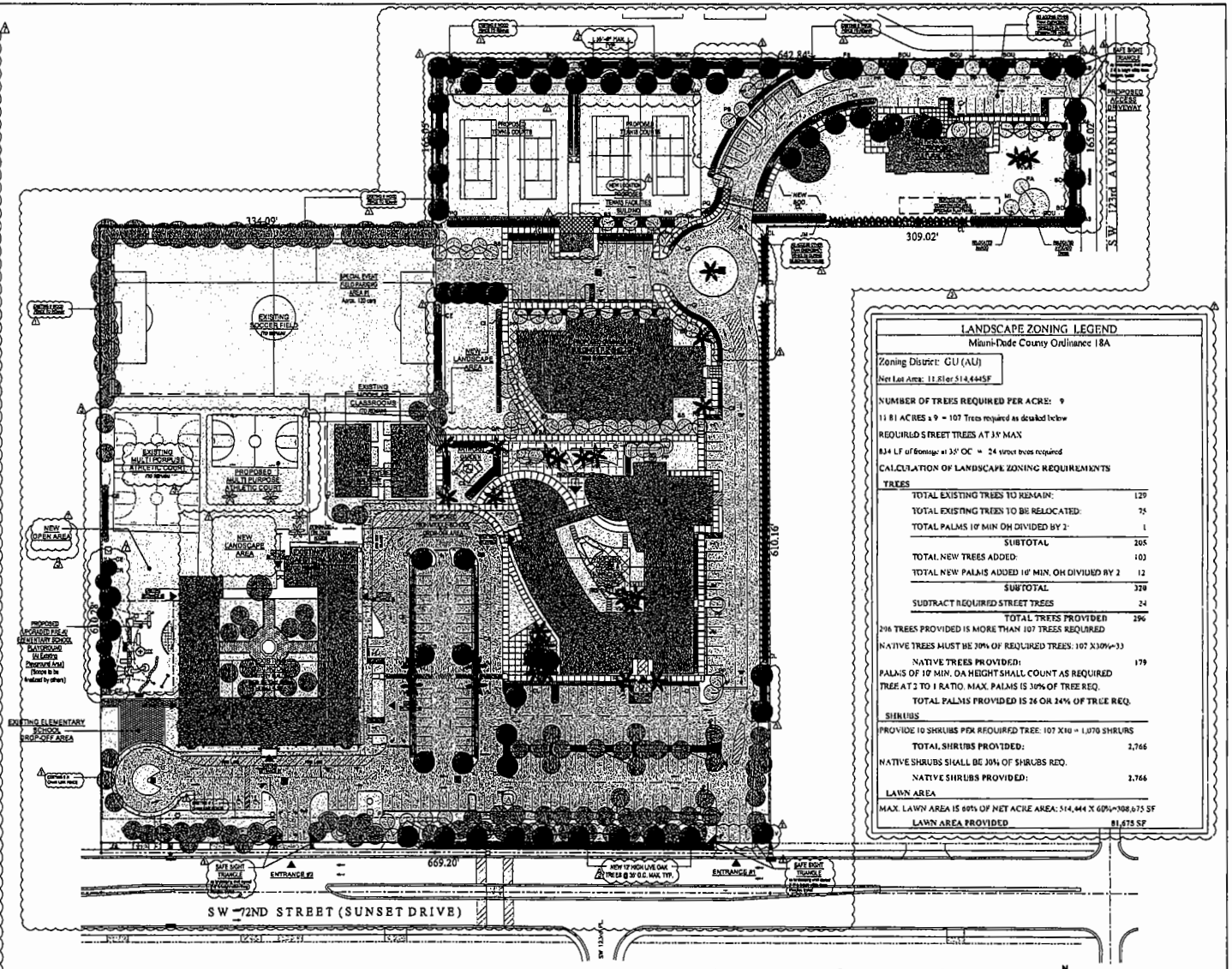
SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT @ Planting	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
CS	Conocarpus Sericeus/ Silver Tree	8 to 10'	-	YES	YES	18
CN	Cassia Fistula/ Golden Shower Tree	8 to 10'	-	YES	YES	32
BS	Bursera Simaruba/ Gumbo Limbo	8 to 12'	-	YES	YES	45
QV	Quercus Virginiana/ Live Oak	10'	-	YES	YES	10
SM	Swietenia Mahagoni/ Mahogany	10'	-	YES	YES	8
			TOTAL PROPOSED TREES			103

LANDSCAPE LEGEND - PROPOSED PALMS

SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT @ Planting	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
CL	Chrysalidocarpus Lutescens/ Areca	4 to 7'	3 to 7 stems per plant, plant 6' OC	NO	YES	54
RE	Roystonea Elata/ Royal Palm	14' overall	8' clear trunk	YES	YES	14
RE	Veitchia Merrillii/ Manila Palm	14' overall	8' clear trunk	NO	YES	10
			TOTAL PROPOSED PALMS			78
			TOTAL PALMS of 10' MIN OVERALL HEIGHT			24

LANDSCAPE LEGEND - PROPOSED SHRUBS

SYMBOL	BOTANICAL NAME/ COMMON NAME	HEIGHT @ Planting	REMARKS	NATIVE	DROUGHT TOLERANT	COUNT
PO	Podocarpus Macrophylla/ Podocarpus	36"	15 Gallon container Plant 24" OC	YES	YES	140
JM	Jasminum Multiflorum/ Jasmine	24"	7 Gallon container Plant 18" OC	YES	YES	200
BGSI	Bougainvillea Spectabilis/ Bougainvillea	24"	3 Gallon container with trellis Plant 24" OC Alternate red and yellow	YES	YES	500
CE	Conocarpus Erectus/ Silver Buttonwood	24"	7 Gallon container Plant 24" OC	YES	YES	280
			TOTAL PROPOSED SHRUBS			1120



LANDSCAPE ZONING LEGEND

Miami-Dade County Ordinance 18A

Zoning District: GU (AU)

Net Lot Area: 11.81or 514,444SF

NUMBER OF TREES REQUIRED PER ACRE: 9

11.81 ACRES x 9 = 107 Trees required as detailed below

REQUIRED STREET TREES AT 35' MAX

834 LF of frontage at 35' OC = 24 street trees required

CALCULATION OF LANDSCAPE ZONING REQUIREMENTS

TREES

TOTAL EXISTING TREES TO REMAIN:	129
TOTAL EXISTING TREES TO BE RELOCATED:	75
TOTAL PALMS 10' MIN OH DIVIDED BY 2:	1
SUBTOTAL	205
TOTAL NEW TREES ADDED:	103
TOTAL NEW PALMS ADDED 10' MIN. OH DIVIDED BY 2	12
SUBTOTAL	320
SUBTRACT REQUIRED STREET TREES	24
TOTAL TREES PROVIDED	296

296 TREES PROVIDED IS MORE THAN 107 TREES REQUIRED

NATIVE TREES MUST BE 30% OF REQUIRED TREES: 107 X30%=33

NATIVE TREES PROVIDED: 179

PALMS OF 10' MIN. OA HEIGHT SHALL COUNT AS REQUIRED TREE AT 2 TO 1 RATIO. MAX. PALMS IS 30% OF TREE REQ.

TOTAL PALMS PROVIDED IS 26 OR 24% OF TREE REQ.

SHRUBS

PROVIDE 10 SHRUBS PER REQUIRED TREE: 107 X10 = 1,070 SHRUBS

TOTAL SHRUBS PROVIDED: 2,766

NATIVE SHRUBS SHALL BE 30% OF SHRUBS REQ.

NATIVE SHRUBS PROVIDED: 2,766

LAWN AREA

MAX. LAWN AREA IS 60% OF NET ACRE AREA: 514,444 X 60%=308,675 SF

LAWN AREA PROVIDED 81,675 SF

TREE LEGEND

- EXISTING TREE TO REMAIN
- EXISTING PALM TO REMAIN
- EXISTING SHRUBS TO REMAIN OR TO BE RELOCATED AS SHOWN
- EXISTING TREE - RELOCATED
- PROPOSED TREE
- PROPOSED PALM
- NEW SHRUBS FOR LANDSCAPE BUFFER
- DENOTES SAME TYPE OF TREES

ID = DENOTES TREE TYPE - REFER TO LANDSCAPE LEGENDS (MP-L1 & MP-L2)

PROPOSED LANDSCAPE PLAN

SCALE: 1" = 60'

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

8-25-08	RESPONSE TO ZONING/DIC TRAFFIC COMMENTS
02-27-09	RESPONSE TO ZONING COMMENTS
03-31-10	RESP. TO TENNIS COMMENTS (Lauren Sarna)
09-14-10	RESPONSE TO ZONING COMMENTS
10-01-10	NEW Path, Water Tank, Tree Comments
11-17-10	RESPONSE TO ZONING/DIC TRAFFIC COMMENTS
04-04-11	RESPONSE TO ZONING COMMENTS
04-04-11	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
3401 TOSCITTA, AVENUE, MIAMI, FL 33133
PH. (305) 381-8005 FAX (305) 871-3642
EMAIL: atzamtzis@bellsouth.net

Sheet Title: PROPOSED LANDSCAPE PLAN

Submitted: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC

MASTER PLAN for Middle and High School Expansion

12425 Sunset Dr. Miami, Florida 33183

Date	09-03-08
Scale	AS NOTED
Drawn	
Job	08-1218.1
Sheet	MP/L2

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME:_____

NAME AND ADDRESS	Percentage of Stock

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the 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 the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Archimedean Properties, LLC

NAME AND ADDRESS	Percentage of Ownership
See Exhibit "C" attached	

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 other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

MIADOCS 2935404 1
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NAME OF PURCHASER:_____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract:_____

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

NOTICE: For any 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.

Archimedean Properties, LLC.

Signature:_____
(Applicant) Lambros Katsoufis, Manager

Sworn to and subscribed before me this 27 day of Aug, 2008. Affiant is personally know to me or has produced D/License as identification.

Linda Christian
(Notary Public)

NOTARY PUBLIC - STATE OF FLORIDA
Linda Christian
Commission #DD651416
Expires: MAR. 23, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires:_____

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

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MIAMI-DADE PLANNING AND ZONING DEPT
BY_____

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8/1/08

EXHIBIT "C"

Disclosure of Interest for Archimedean Properties, LLC:

Members of Archimedean Properties, LLC	Percentage Owned
1. George Bavelis c/o 1155 Brickell Bay Drive Suite 2810 Miami, FL 33131	2.86%
2. Passman Shipping Agency S.A. c/o 8619 Westwood Center Drive Suite 300 Vienna, Virginia 22182 Stockholders – Angelis Katsoufis – 100% Eubolas 30 11362 Kupseli Greece	31.14%
3. Pola International, S.A. c/o Arias, Fabrega & Fabrega Plaza Bancomer Building 50th Street Panama, Republic of Panama Stockholders – Angelis Katsoufis – 100% Eubolas 30 11362 Kupseli Greece	23%
4. Crec Investments S.A. c/o Arias, Fabrega & Fabrega Plaza Bancomer Building 50th Street Panama, Republic of Panama Stockholders – Christos Hatziemannouil – 100% 61 Heathcroft Hamstead Way London, NW 11 7HJ United Kingdom	3%
5. Morphosis, LLC c/o 3135 SW 3rd Avenue Miami, FL 33129 Stockholders Dr. Nikos Georgoulakis – 50% 10855 SW 72 Street Miami, Fl 33173 Kyriakos Georgoulakis – 50% 13580 SW 109 Ct. Miami, FL 33176	21.43%
6. Gus Andy 1317 Beach Dr. Cape May, New Jersey 08204	5.71%
7. Dimosthenis Kotis and Toribia Miranda 3348 SW 22 Street Miami, FL 33145	4.29%
8. Panagiotis Alexopoulos 1537 Hollywood Blvd. Hollywood, FL 33020	2.86%
9. Adis Haralambides 901 N. Venetian Dr. Miami, FL 33129	5.71%

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

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application

School Name: Archimedean Charter School School Address: 12425 Sunset Drive

Tax Folio #30-4925-000-0620; #30-4925-000-0681; and # 30-4925-000-0690 Total size of site: 12 +/- acres

Is this an expansion to an existing school? ☒ yes ☐ no

If yes, indicate the # of students and grade levels previously approved:

800 students: K-8 and the Resolutions # Z-16-05 and Z-31-06

Number of children/students requested: 1300 Grade Levels: K-12 Ages: _____

Number of classrooms: ~~TBD~~ 66 Total square footage of classroom area: ~~TBD~~ 46,654

Total square footage of outdoor recreation/play area: 140,833 square feet

Number of parking spaces provided for staff, visitors, and transportation vehicles: 208

Days and hours of operation: Monday through Friday; 7:30 AM to 3:30 PM

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 27 day of August at Miami-Dade County, Florida.

~~WITNESSES:~~

Archimedean Properties, LLC

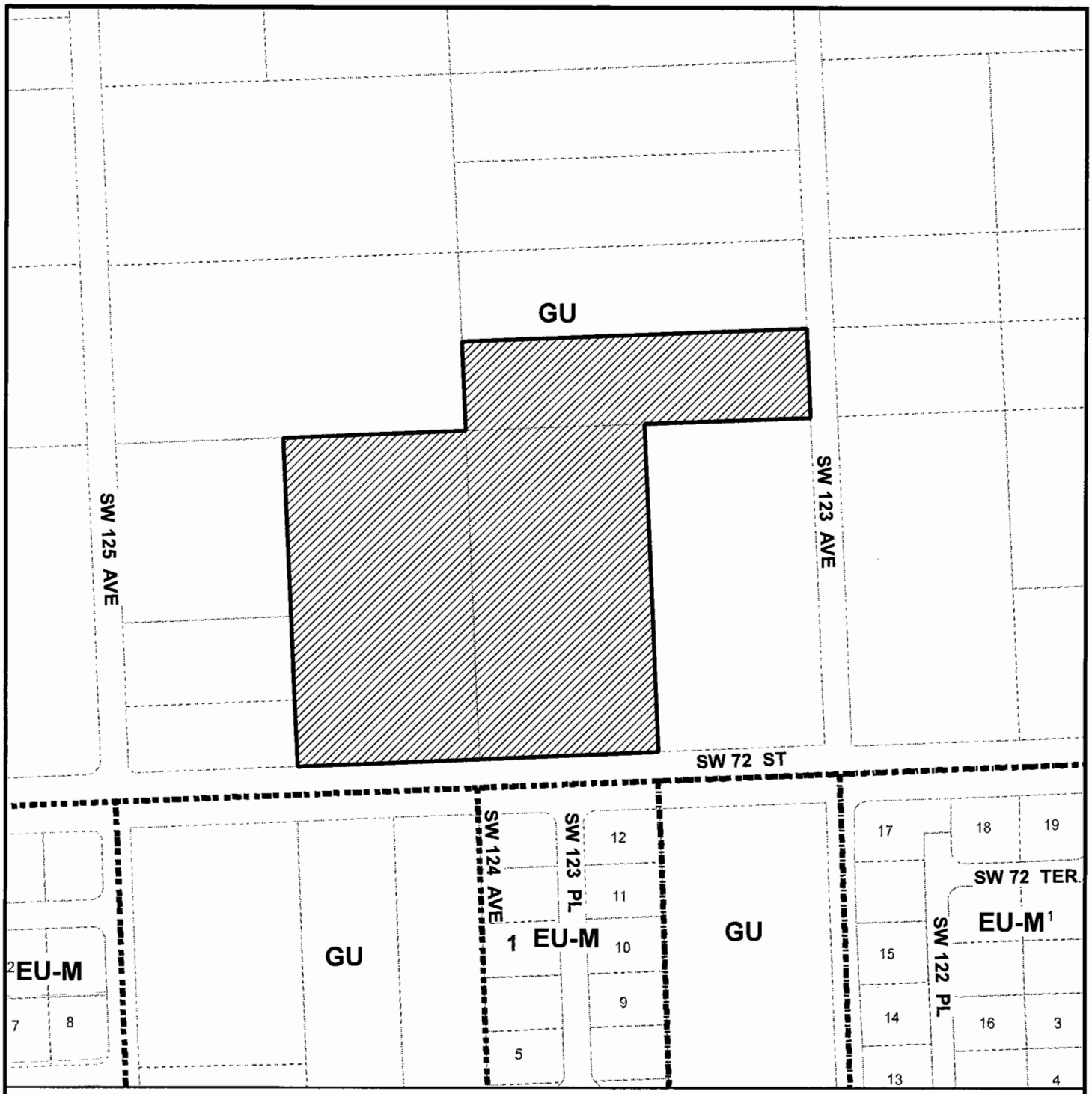
By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 27 day of August, 2008, before me personally appeared Lambros Katsoufis, as Manager of Archimedean Properties, LLC, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free ct for the uses and purposes therein mentioned.

NOTARY PUBLIC - STATE OF FLORIDA
Linda Christian
Commission # DD651416
Expires: MAR. 23, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

My Commission Expires
MIADOCS 2947384 1



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-175

Section: 25T ownship:54R ange: 39
Applicant: ARCHIMEDEAN PROPERTIES, LLC.
Zoning Board:C11
Commission District: 10
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

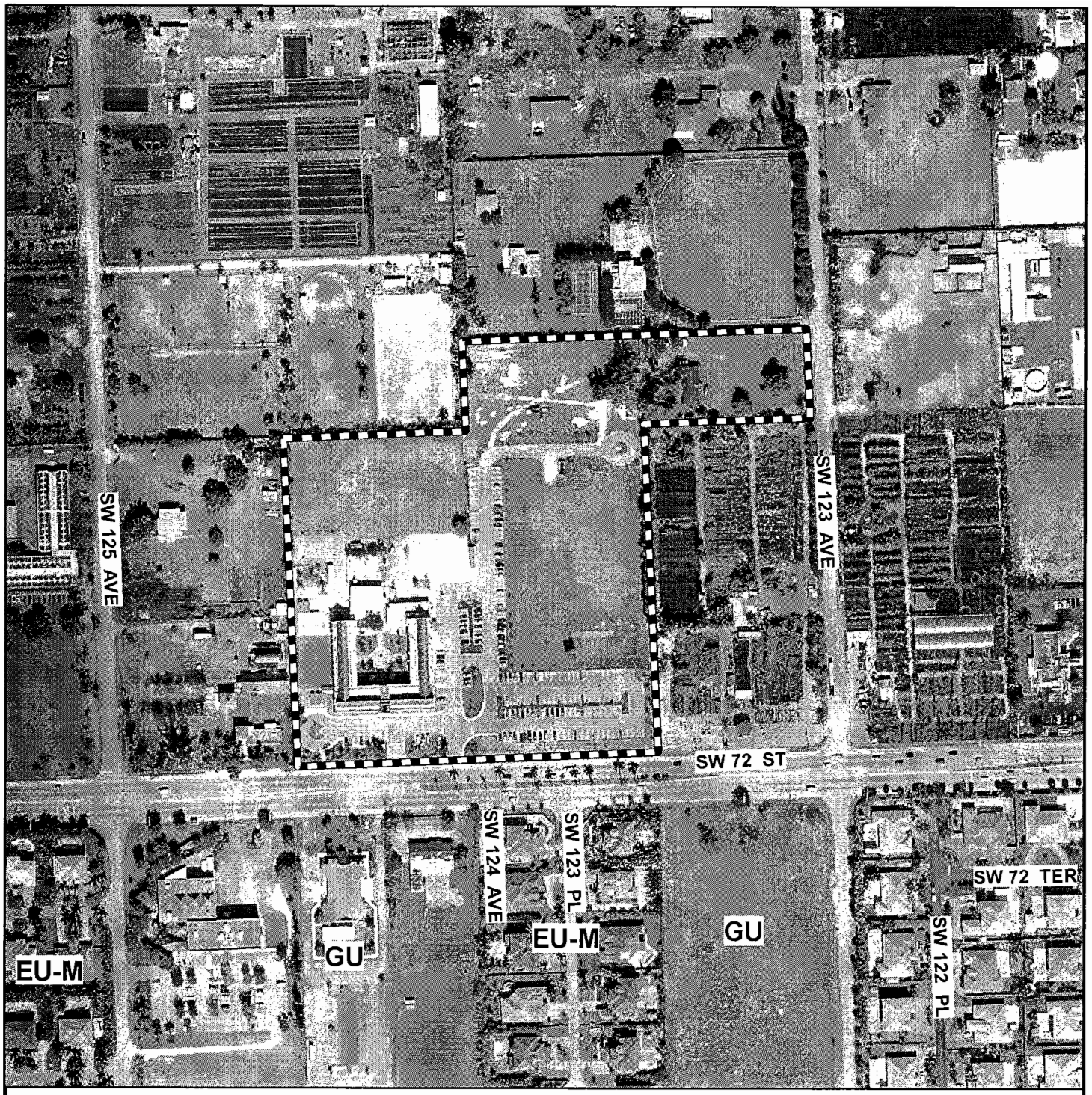
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/03/08

REVISION	DATE	BY
		70



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 25 Township:54 Range: 39
Applicant: ARCHIMEDEAN PROPERTIES, LLC.
Zoning Board:C11
Commission District: 10
Drafter ID: ALFREDO
Scale: NTS
--------- Zoning

Process Number

08-175

SUBJECT PROPERTY

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MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/03/08

REVISION	DATE	BY

ITEM # 1. 08-175

PLANNING AND ZONING
AGENDA OFFICE

2011 JUN 15 P 2:41

PLANNING AND ZONING
AGENDA OFFICE

2011 JUN 17 A 10:34

This instrument was prepared by:

Name: Ryan D. Bailine, Esq.
Address: Stearns Weaver Miller Weissler Alahadeff & Sitterson, P.A.
150 West Flagler Street
Suite 2200 Museum Tower
Miami, Florida 33130

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS ("Declaration") is made this 14 day of June, 2011, by **ARCHIMEDEAN PROPERTIES, LLC,** a Florida limited liability company ("Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, more particularly described on the attached **Exhibit "A"** hereinafter referred to as the "Property";

WHEREAS, a Public Hearing was held before the Board of County Commissioners ("Board") on _____ 2011 ("Hearing"), in connection with Public Hearing Application Z-08-175, during which Hearing the Board adopted Resolution No. _____ ("Resolution"), a copy of which is attached as **Exhibit "B;"**

NOW THEREFORE, to assure the County that the representations made during the Board's consideration and approval of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following declaration of restrictions covering and running with the Property:

1. Prior to the submittal of an application for building permit and/or Certificate of Use in connection with the Property, the Owner shall submit a site plan (the "Site

Plan") to the County's Department of Planning and Zoning ("Department") and meet with the approval of the Director of the Department. The Site Plan shall include, without limitation, the location of structure or structures, types, sizes and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, and landscaping.

2. The Site Plan shall be in a form which is substantially similar to the Site Plan submitted with the Application, which was approved by the Resolution.

3. That the use of the Property be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy, Inc. Master Plan for Middle and High School Expansion", as prepared by Anthony E. Tzamtzis, AIA, consisting of twenty one (21) sheets, dated stamped received April 12, 2011.

4. Prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan prior to the issuance of a certificate of use.

5. Upon compliance with all terms and conditions of the building permit applicable to the Property, the Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department. Such Certificate of Use shall be subject to cancellation upon violation of any of the conditions contained within the building permit.

6. No outside speakers, other than in connection with emergency systems, shall be permitted on the Property.

7. The waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, provided that such pick-up shall not be performed during the arrival and dismissal times.

8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

9. The Charter School shall have staggered start and dismissal times as follows:

8:00 a.m.-3:00 p.m.	Grades K-5	(Wed. 8:00 a.m. – 2:00 p.m.)
8:40 a.m.-4:00 p.m.	Grades 6-8	(Wed. 8:40 a.m. – 3:00 p.m.)
7:30 a.m.-3:30 p.m.	Grades 9-12	(Wed. 7:30 a.m. – 2:30 p.m.)

10. The Charter School use shall be limited to grades K through 12th with the expansion to 1300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250
Year 4	2014-2015 School Year	No. of permitted students 1250-1300

11. Night activities and/or special events at the Charter School shall be limited to twenty four (24) events per year and shall end no later than 10:00 p.m.

12. If the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's closure, shall:

(a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use; or

(b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board; or

(c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or

(d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

13. In addition to the foregoing provisions, the Owner agrees to 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 Application reviewed by the DIC Executive Council on May 25, 2011 and incorporated herein by reference.

14. Students will not be permitted to drive to, and park at the Charter School.

15. That at the time of Certificate of Use renewal, the applicant shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

16. Access to the Property from 123rd Avenue will be restricted to emergency vehicles only.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property, and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns,

acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of

his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the

Application in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, ARCHIMEDEAN PROPERTIES, LLC, has caused these present to be signed in its name on this 13 day of June, 2011.

WITNESSES:

Witness

MARK S. DAVIS
Printed Name

Witness

FARID GALLA
Printed Name

ARCHIMEDEAN PROPERTIES, LLC
a Florida limited liability company

By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17 day of June, 2011, by Lambros Katsoufis, as Manager of Archimedean Properties, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

ALESIA KOUSH
MY COMMISSION #DD823122
EXPIRES: SEP 15, 2012
Bonded through 1st State Insurance

Notary Public – State of Florida

ALESIA KOUSH
Printed Name

JOINDER AND CONSENT OF MORTGAGEE TO DECLARATION OF RESTRICTIONS

The undersigned, REGIONS BANK, owner and holder of that certain Mortgage dated January 25, 2007, recorded on February 13, 2007, in Official Records Book 25361, at Page 1913, as modified by that certain Mortgage Modification and Notice of Future Advance dated September 2, 2009, recorded on September 9, 2009, in Official Records Book 27005, Page 2625, of the Public Records of Miami-Dade County, Florida, covering the property described in the foregoing Declaration of Restrictions, dated _____, by Archimedean Properties, LLC (the "Declaration"), does hereby execute this Joinder for the sole purpose of consenting to the recording of the Declaration and subordinating the lien of the Mortgage to the provisions of the Declaration. By its execution hereof, Mortgagee does not make any representations or warranties with respect to any matters set forth in or pertaining to the Declaration or undertake any of the obligations or liabilities contained therein.

IN WITNESS WHEREOF, these presents have been executed this 14 day of June, 2011.

Signed, sealed and delivered
in the presence of:

Name: Stephen Hanas

Name: Christina Kuray

MORTGAGEE:

REGIONS BANK

By: _____

Name: OSCAR HERRERA

Title: VICE PRESIDENT

[Corporate Seal]

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14 day of June, 2011, by Oscar Herrera, as Vice President of REGIONS BANK. She/he is personally known to me or has produced _____ as identification. WITNESS my hand and official seal in the County and State aforesaid, on this 14 day of June, 2011.

Notary Public
My Commission Expires: June 15, 2012

MANRIQUE J. ALONSO
Notary Public - State of Florida
My Commission Expires Jun 15, 2012
Commission # DD 797449
Bonded Through National Notary Assn.

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The East ½ of the SE ¼ of the SW ¼ of the SW ¼, less the South 50 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami, Miami-Dade County, Florida, together with the West ½ of the SW ¼ of the SE ¼ of the SW ¼, less the South 50 feet thereof; and the S ½ of S ½ of NW ¼ of SE ¼ of the SW ¼, less E 25 ft of Section 25, Township 54 South, Range 39 East, Miami, Miami-Dade County, Florida.

EXHIBIT "B"
Resolution No Z- -

1
STEPHEN CLARK BUILDING GOVERNMENT CENTER
2 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
3 Thursday, June 23, 2011
4
5
ITEM
6
ARCHIMEDEAN PROPERTIES, LLC
7 (08-175)
8
9 Board of County Commissioners
(Present)
10
11 Joe A. Martinez, Chairman
Bruno A. Barreiro
12 Barbara Jordan
Sally A. Heyman
13 Rebeca Sosa
Dennis C. Moss
14 Senator Javier Souto
Jose "Pepe" Diaz
15 Esteban Bovo, Jr.
Lynda Bell
16 Xavier L. Suarez
Jean Monestime
17
18 County Attorney's Office
19 Craig Coller and John McInnis
Assistant County Attorneys
20
Staff
21
Marc C. LaFerrier
22 Director of Planning & Zoning
23 Grisel Rodriguez
Assistant Director of Zoning
24
On behalf of the Applicant
25 Miguel de Grandy, Esq.
Ryan Bailine, Esq.

I N D E X

COMMISSIONERS

CHAIRMAN MARTINEZ: 3-9, 27, 29-30, 35, 52-54, 57-67, 71-73, 75-77.

COMMISSIONER BELL: 3, 58, 65-66, 70, 73, 75.

COMMISSIONER BARREIRO: 76.

COMMISSIONER DIAZ: 3, 7, 44-46, 56, 58, 61, 70-72, 74-75.

COMMISSIONER HEYMAN: 3, 63-64, 78.

COMMISSIONER MONESTIME: 3, 78.

COMMISSIONER MOSS: 3, 53-54, 62, 74-76, 78.

COMMISSIONER SOSA: 3, 64, 78.

COMMISSIONER SOUTO: 3, 61-62, 66-73, 76, 78.

COMMISSIONER SUAREZ: 3, 78-79.

COMMISSIONER JORDAN: 75-77.

COMMISSIONER BOVO: 76.

S T A F F

THE CLERK: 3-5, 76-76.

MR. LaFERRIER: 5-7.

MR. COLLER: 4, 60-62, 77-78.

On behalf of the Applicant

MR. DE GRANDY: 8-10, 14-29, 44-45, 51-52, 56-59.
MR. BAILINE: 10-14.

Supporters

DR. KAFKOULIS: 47-52.
MR. ACEDO: 53-54.
MR. TARABOULOS: 55-56.

Objectors

MR. GIBBS: 7-8, 29-47.

1 CHAIRMAN MARTINEZ: Madam Clerk.
2 THE CLERK: Commissioner Barreiro?
3 Commissioner Bell?
4 COMMISSIONER BELL: Here.
5 THE CLERK: Commissioner Diaz?
6 COMMISSIONER DIAZ: Here.
7 THE CLERK: Commissioner Heyman?
8 COMMISSIONER HEYMAN: Here.
9 THE CLERK: Commissioner Jordan?
10 Commissioner Monestime?
11 COMMISSIONER MONESTIME: Here.
12 THE CLERK: Commissioner Moss?
13 COMMISSIONER MOSS: Here.
14 THE CLERK: Commissioner Sosa?
15 COMMISSIONER SOSA: Present.
16 THE CLERK: Commissioner Souto?
17 COMMISSIONER SOUTO: Here.
18 THE CLERK: Commissioner Suarez?
19 COMMISSIONER SUAREZ: Here.
20 THE CLERK: Chairman Martinez?
21 CHAIRMAN MARTINEZ: Present.
22 THE CLERK: Nine members are present
23 and you have a quorum.
24 CHAIRMAN MARTINEZ: Thank you very
25 much. If you'd all please rise for a

1 moment of silence and remain standing for
2 the Pledge of Allegiance.
3 (Moment of Silence).
4 (Pledge of Allegiance).
5 CHAIRMAN MARTINEZ: Thank you very
6 much.
7 Mr. Attorney, Mr. Director, take it
8 away, or does the clerk -- is she going to
9 swear in people first?
10 MR. COLLER: Swear the people first.
11 CHAIRMAN MARTINEZ: And the
12 interpreters, if they're here.
13 THE CLERK: Please stand and raise
14 your right hand.
15 MR. COLLER: Any of those who --
16 CHAIRMAN MARTINEZ: Anybody who's
17 going to testify, anybody who's going to
18 speak, those on the cards and those who
19 are not. This is a quasi-judicial. This
20 is like in court. This is perjury if you
21 don't say the truth. Anybody?
22 Madam Clerk.
23 THE CLERK: Do you solemnly swear
24 that the testimony you're about to give is
25 the truth, the whole truth and nothing but

1 the truth, so help you God?
2 EVERYONE: I do.
3 THE CLERK: Thank you. You may be
4 seated.
5 CHAIRMAN MARTINEZ: I believe the
6 interpreters are coming down.
7 THE CLERK: Raise your right hand.
8 Do you swear or affirm that you will make
9 a true interpretation of the questions
10 asked and the testimony given?
11 THE INTERPRETER: I do.
12 THE INTERPRETER: I swear.
13 THE CLERK: Thank you.
14 MR. LaFERRIER: Good morning,
15 Chairman. Good morning, Commissioners.
16 I'll read the statement of notice and
17 records and then we'll start our agenda
18 for this morning.
19 In accordance with the Code of
20 Miami-Dade County, all items to be heard
21 today have been legally advertised in the
22 newspaper, notices have been mailed and
23 the properties have been posted.
24 Additional copies of the agenda are
25 available here in the chamber. Items will

be called up to be heard by agenda number and name of applicant.

The record in file for the hearing of each application will include documents from the public, the Department and other agencies. And where there has been an appeal from the Community Zoning Appeals Board, we also have those transcripts here today.

All related documents are physically present in the chambers today, available to all members of the public, interested parties and members of the Board of County Commissioners, who may examine these items from the record during the hearing.

All parties have the right of cross-examination.

This statement, along with the fact that all witnesses are sworn in, should be included in any and all transcripts of these proceedings. In addition, there is an official translator present in the chambers for those people seeking such assistance.

* * * * * * * * * * * * * * * * *

1 (Thereupon, unrelated matters were
2 previously, after which the following
3 transpired:)
4 MR. LaFERRIER: Thank you, Chairman.
5 Commissioners, your next item for
6 consideration is Item 1 on your agenda.
7 The applicant is Archimedean Properties,
8 LLC. It's Hearing Number 08-175. On this
9 application, we've had no protests and no
10 waivers.
11 It's a request for a special
12 exception to permit an expansion of an
13 existing charter school, and to increase
14 the number of students, to modify a
15 previous covenant.
16 CHAIRMAN MARTINEZ: Thank you very
17 much.
18 By the speaker cards we have,
19 everybody is either in favor or
20 information, but in favor. Is there
21 anybody against the Archimedean school?
22 Oh, but of course, Mr. Gibbs.
23 MR. GIBBS: Sorry about that. Yes,
24 I'm here representing the --
25 COMMISSIONER DIAZ: It is a living.

1 MR. GIBBS: Yes, the Bird Kendall
2 Homeowners Association.
3 CHAIRMAN MARTINEZ: Okay. In that
4 case --
5 MR. GIBBS: But I will try to be
6 brief.
7 CHAIRMAN MARTINEZ: How long do you
8 think your opposition summary will be?
9 MR. GIBBS: Ten, 15 minutes.
10 CHAIRMAN MARTINEZ: Do you want them
11 to do -- well, because our rules of
12 procedure is, we usually have the
13 applicant first, then the others and then
14 rebuttal. You want to do your
15 application? I mean, first you got your
16 15, and then he's got his 15 and then the
17 other one -- or if you just want to listen
18 to his argument and rebut it, because from
19 the public, everybody is in favor. I
20 mean, if the attorney allows me to waive
21 those rules, I'll be happy to do so.
22 MR. DE GRANDY: I think it would be
23 good to frame the issue. I would ask,
24 Commissioner -- I know the last
25 presentation lasted over half an hour plus

1 rebuttal. Certainly I don't want to be
2 abusive of this court's -- of this
3 Commission's time, but if I could have a
4 little bit of flexibility, we could
5 probably do it within 20 minutes.
6 CHAIRMAN MARTINEZ: All right, you
7 got your 20.
8 MR. DE GRANDY: Thank you, Mr.
9 Chairman. Good morning, Commissioners.
10 For the record, Miguel de Grandy, 800
11 Douglas Road, on behalf of Archimedean
12 Properties, LLC. I'm joined here today by
13 my associate, Pablo Tamayo, as well as my
14 co-counsel, Ryan Bailine. Also here with
15 us today are members of Archimedean
16 Academy, parents whose students attend
17 Archimedean, as well as parents who have
18 children on our waiting list and also
19 several students that have come to see how
20 their government works.
21 In the interest of time, let me
22 proceed right away with our application.
23 And in a moment, I'll ask Mr. Bailine to
24 walk us through the seven requests. After
25 that, I will address the content of the

1 staff analysis and point to the compelling
2 evidence, which shows that this
3 application is consistent with the CDMP,
4 compatible with the area and should be
5 approved.
6 MR. BAILINE: Thank you, Miguel.
7 For the record, Ryan Bailine, with
8 offices at 150 West Flagler Street, also
9 here on behalf of the applicant,
10 Archimedean Properties.
11 As the Director mentioned, we're here
12 today asking for you to approve an
13 expansion of our campus, a special
14 exception so that we can grow our
15 enrollment, add additional facilities and
16 the like.
17 As an initial matter, I would like to
18 submit two copies, both the originals and
19 one copy, of 52 letters, 51 of which were
20 signed in support of this application by
21 area residents, one in which is in
22 opposition.
23 By way of background, there's been a
24 school on this property since 1985. It
25 was Holy Cross, then Archimedean private

1 school and now Archimedean Academy since
2 2005.
3 And since 2005, with the support of
4 this Board, and often times the Department
5 and all the review agencies at the County,
6 we have gradually grown our students, our
7 curriculum, our faculty and our campus.
8 Here today we're asking you to support our
9 vision for completing the build-out of
10 this campus with new classrooms, a media
11 facility, cafi-torium, gymnasium,
12 recreational facilities, and, most
13 notably, a new outdoor horticulture
14 facility, where our high school and middle
15 school students will grow plants and
16 vegetables using hydroponic techniques and
17 those techniques will be robotic
18 hydroponic techniques inside some of our
19 new classrooms.
20 We filed this application several
21 months ago and immediately began meeting
22 with the Department, Public Works, with
23 their traffic engineering division; DERM,
24 police, fire, and we have recommendations
25 of what I believe are blanket support from

1 all the departments, except the Planning
2 Department.
3 In a moment, when I turn the
4 presentation back over to Mr. De Grandy,
5 he will walk through the Department's
6 analysis and hopefully convince you that
7 we are, in fact, compliant with the CDMP.
8 We are compliant with all of the zoning
9 regulations and obligations for this
10 property and so forth.
11 Just as Holy Cross was many years
12 ago, and Archimedean Academy, as a private
13 school, and Westwood Lake, which is one
14 mile to the north of us, we are an
15 existing and therefore consistent and
16 permitted use.
17 Through the history, through the
18 zoning history of this property and the
19 many approvals that have come before you,
20 us included, the Board and the various
21 departments have recognized that
22 Archimedean Academy and its predecessor
23 was both a public necessity and in the
24 public interest and we urge you to
25 continue that support today.

1 Before I turn the presentation over
2 to Mr. De Grandy, there are two comments
3 I'd like to make.
4 The first is with respect to our
5 special exception application, to grow our
6 enrollment. We're asking for you to
7 increase our student capacity by 500
8 students. We have designed the facility,
9 our architectural team, with no variance
10 requests, other than one, and that is
11 exactly what we can fit on this property.
12 We can't fit 501.
13 Number 2, the one variance we are
14 asking for, which is a parking variance,
15 not only is it a parking variance to park
16 cars on a temporary basis on grass, this
17 is a variance that is routinely asked for,
18 and historically, in 1993, Mr. de Grandy
19 will explain in more detail, was approved
20 for this very property. So, again, we're
21 asking for you to continue the historical
22 support that the County has given us.
23 And the last note is that our
24 enrollment, which is capped at 800
25 students, we have just over 800 students

on our waiting list. We have 796 enrolled. And as you'll see in a few moments, we have about 820 or 830 on our waiting list.

With that, I would ask again for your support and return the remainder of my presentation over to Mr. De Grandy. I would like to reserve two minutes for rebuttal.

Thank you.

MR. DE GRANDY: Thank you, Ryan, and thank you, Commissioners.

In a minute, I'm going to go through the staff analysis and walk you through the policies and objectives of the CDMP, as well as the application of the specific zoning regulations, which compel, I believe, a finding that this application is compatible with the surrounding area, consistent with the CDMP and should be approved. And when I do that, I think you will start to wonder why it is that staff recommends denial, when the application clearly furthers the policies and objectives of the CDMP and fits very well

1 within your zoning requirements. And so I
2 believe it's appropriate to address that
3 issue front and center at this time.
4 Commissioners, this application is
5 not about horse country. It's not about
6 the viability of horse country. Indeed,
7 the Archimedean Academy sits literally on
8 the very border of horse country, on a
9 section line road, that has adequate
10 capacity, public transportation routes and
11 infrastructure, as seen in that board. It
12 sits between two commercial nursery
13 operations, another prep school and only
14 one residential property abutting in the
15 area.
16 Now, when you look at the need for a
17 school, Commissioners, you don't just look
18 at the square mile section of land that it
19 sits on. You look at the radius around
20 the school, which is the service area for
21 that school. In this analysis, staff has
22 gone out of its way to let you know that
23 there are 300 school-age children in the
24 two sections of land known as horse
25 country, but for some unknown reason,

1 nobody took the time to count the kids
2 across the street to the south, or the
3 kids to the east or the kids to the west.
4 And surely it can't be because they're
5 less important or less deserving of a good
6 education than the kids in horse country
7 to the north.
8 Now, the board we have up shows that
9 our current school attendance is clustered
10 around a radius or a circle, with
11 Archimedean being at the center of that
12 circle. And while every one of the 300
13 students in horse country, I believe,
14 deserve the best education that they can
15 get, so do these 171 students from the
16 rest of District 10 that attend
17 Archimedean, the 285 from District 11, the
18 111 from District 8, the 93 from District
19 9, the 42 from District 7 and so on.
20 Now, the next board will show you
21 where the students live that are on our
22 current waiting list. Again, they are
23 clustered in a radius around Archimedean:
24 209 are from District 10, 321 from
25 District 11, 89 from District 8, 88 from

1 District 9, 50 from District 7 and so on.
2 Now, with all due respect, those
3 students deserve the same consideration
4 for quality public education as the
5 students that hail from horse country, but
6 that is not to say that the students from
7 horse country do not also deserve the best
8 public education they can get. In fact,
9 in the next board, you will see the 27
10 students that live in horse country or
11 immediately to the south are either
12 students of Archimedean or are on the
13 waiting list hoping to become students of
14 Archimedean.
15 Now, Commissioners, when you talk
16 about impact from schools or other
17 community-serving facilities, the fact is
18 that normally students from a totally
19 different neighborhood end up going to a
20 particular school. My children did. But
21 that does not mean that the school is
22 incompatible with the neighborhood it sits
23 in, because students from outside the area
24 will be going to the school.
25 In fact, for illustration purposes,

1 the next board that Mr. Tamayo will show
2 you shows the school boundaries of Sunset
3 High, which is about one mile west of
4 Archimedean. And as you can see, those
5 boundaries include neighborhoods that have
6 little, if any, connectivity to the
7 neighborhood in which the school is cited.
8 Nevertheless, those students, including
9 kids that live in horse country, are
10 driven everyday by their parents to a
11 school that is not in their neighborhood
12 and causes impacts on that neighborhood.
13 That's the case in every part of Dade
14 County.
15 Now, Commissioners, let's go through
16 the staff analysis, because if you go
17 through point by point, you will be hard
18 pressed to find any factual justification
19 for the unsubstantiated opinion of staff
20 that the proposed application, as was
21 described by Mr. Bailine, is incompatible
22 with the surrounding area and therefore
23 inconsistent with the CDMP. What you will
24 find is a number of compelling reasons why
25 it is consistent and therefore should be

1 approved.
2 For example, let's go to Section C of
3 the application. In that, staff details
4 the CDMP objectives and policies
5 applicable to the application. These
6 policies and objectives tell you, for
7 example, that schools should be located
8 within the UDB and this school is four
9 miles east of the UDB, surrounded by
10 predominantly residential area. It is an
11 efficient use of land that diminishes
12 sprawl and the pressure to move the UDB.
13 Schools should be in an area where there
14 is adequate infrastructure, including
15 roads, water supply, sewage disposal and
16 other utilities. This school is located
17 on a section line road with residential
18 and urban infrastructure.
19 Existing uses are deemed to be
20 compatible with the master plan. There
21 has been a school site in that location
22 for over three-and-a-half decades. In
23 fact, at Page 9 of your staff analysis, it
24 notes that in 1985, when Holy Cross
25 Academy made the application for this

1 property to become a school site, the
2 Board of County Commissioners found that a
3 school in this area was, "A public
4 necessity and a public interest." And
5 therefore follows that the expansion, 35
6 years later to accommodate existing
7 demand, is also a public necessity and of
8 public interest.
9 And now let's look at the educational
10 policies of the CDMP. It is the goal of
11 the CDMP to strive to improve the quality
12 and quantity of public education
13 facilities available to the citizens of
14 Miami-Dade County. Expansion of this top
15 notch charter school, and you'll hear
16 about some of their accomplishments in a
17 few minutes, furthers that objective.
18 It also furthers the objective of
19 reducing overcrowding, which currently
20 exist in Miami-Dade County Public Schools,
21 according to objective EDU-1, and will
22 therefore help meet the state requirements
23 for class size limitations.
24 It furthers EDU-E3, because it is
25 cited in an area that has excellent

1 roadway access, transportation options,
2 police, fire services and utilities.
3 It also furthers Policy LU-41,
4 because it is cited in an area where noise
5 and other normal impacts of a school are
6 minimized by the fact that the property is
7 surrounded by two commercial nursery plant
8 operations, a small private school and a
9 section line road. And we have taken
10 great pains to develop the property with
11 landscape buffers and even greater
12 setbacks than are required by the Code.
13 Now, you approved, Commissioners, the
14 CDMP and then you also approved zoning
15 regulations or ordinances that are meant
16 to implement the policies and objectives
17 of the CDMP. Remember the conversation
18 Mr. Olmedillo had regarding Omnipoint.
19 Issues such as setback requirements,
20 height limitations, et cetera, are enacted
21 in the Zoning Code to ensure that a
22 development in a given parcel complies
23 with the CDMP's goals and objectives, and,
24 therefore, if the development fits in the
25 zoning box of the regulations that you

1 created, that is also compelling evidence
2 that it is compatible and that it is
3 consistent with the CDMP.
4 In this case, the applicant has not
5 requested any setback variances or other
6 variances regarding height of structures
7 or other deviations from the requirements
8 of your Zoning Code. In other words, the
9 development fits in the zoning box of your
10 regulations that further the CDMP.
11 Now, if you go to Page 6, Section E
12 of the staff analysis discusses some of
13 those pertinent zoning regulations. The
14 scale of the school is definitely not out
15 of character with the surrounding uses and
16 extensive use of buffering has been
17 employed.
18 It is compatible with similar
19 facilities in the area, including a
20 school, Commissioners, located on Miller
21 and 120 Avenue, in the heart of horse
22 country, right between the two sections of
23 horse country, which is approved for
24 roughly 1200 students. Curiously, though,
25 you will not find that school in the chart

1 at the bottom of Page 10 of your analysis,
2 but if you read the application carefully,
3 staff does acknowledge its existence at
4 the beginning of the second full paragraph
5 at Page 10, but for some unexplained
6 reason, it is characterized as an anomaly.
7 In fact, what the staff analysis does
8 not tell you is that in 1996, staff
9 supported the expansion of that very
10 school in Miller, in the heart of horse
11 country, from 400 to 1177 kids from
12 kindergarten to high school. And in that
13 staff recommendation, the Planning
14 Department stated, and I quote, staff
15 supports the increase to 100 -- excuse me,
16 1,177 children, because the applicant is
17 providing sufficient classroom and open
18 space.
19 Now, with all due respect, our plans
20 show that we're also providing sufficient
21 classroom space and open space and there
22 is nothing in the application that
23 challenges that.
24 And, finally, it is important to note
25 two things, which were highlighted in the

1 last application. None of the service
2 departments -- and I refer your attention
3 to Page 8. None of the service provider
4 departments, including Public Works, DERM,
5 et cetera, has an objection to the
6 application. None.
7 And in this regard, it is important
8 to note our pick-up and drop-off times do
9 not occur during peak traffic hours.
10 Second, the applicant has complied
11 with every request that has been made of
12 your Planning Department, even creating
13 greater setbacks and buffers as those
14 created by law, and therefore you have
15 compelling evidence before you that the
16 application is consistent with the Master
17 Plan and compatible with the area.
18 In contrast to this compelling
19 evidence, the Planning Department simply
20 provides an opinion, without sound,
21 factual foundation that the proposed
22 changes are incompatible with the area.
23 Now, in reading the entire
24 application, Commissioners, the only
25 justification for the opinion that I can

1 find is that staff finds the proposed
2 expansion intrusive and that it would have
3 a, quote, negative aural impact on the
4 surrounding properties; aural, a-u-r-a-l.
5 Now, incredibly, it also suggests
6 that one of the requests, the parking
7 grass fields, during special events, "will
8 likely generate dust, which may affect
9 adjacent properties, and, as such, will be
10 incompatible with same." Now, what the
11 staff analysis doesn't tell you, is that
12 in 1993, when this property was the Holy
13 Cross Academy, Holy Cross filed the
14 request to provide 109 fewer permitted
15 parking spaces than required by the Code
16 and also requested approval for up to 140
17 cars on natural terrain, grass, for
18 special events, just like we're
19 requesting. The Department's
20 recommendation at that time, on that issue
21 stated, "Staff supports the request to
22 provide 92 paved parking spaces where 201
23 are required. Since the additional 140
24 additional parking spaces on natural
25 terrain, grass," just like we're asking

1 for, "will be available as overflow
2 parking for special events." Now, in that
3 application, there was no mention of dust,
4 noise or traffic. And this was 18 years
5 ago, when that area was less developed and
6 therefore less urban than it is today.
7 And, by the way, that request was
8 approved.
9 Now, let's analyze those two
10 justifications for denial one by one.
11 First, what is aural impact?
12 A-u-r-a-l. Now, I must confess,
13 Commissioners, I was not born in this
14 country. English was not my first
15 language, so I had to look that one up.
16 Now, if you go to the dictionary, you will
17 learn that the term aural has two
18 meanings: When used as an adjective, it
19 can be mean, "of or pertaining to an
20 aura." And so maybe it means that the
21 expansion of the school will cause a
22 mystical, invisible radiation of energy
23 that will have negative impact on horses,
24 kill tractor machinery or wilt nursery
25 plants.

1 CHAIRMAN MARTINEZ: Well, it is
2 Archimedean.
3 MR. DE GRANDY: The other two
4 dictionaries that I looked at define aural
5 as, "of or relating to the ear, to the
6 sense of hearing, or related to or
7 perceived by the ear." And so, therefore,
8 it might mean that adjoining neighbors,
9 which again remember are a school, two
10 commercial nursery plant operations and
11 one house would be able to hear such
12 shocking and disturbing sounds as those of
13 children playing sports in a field at
14 sometimes between nine o'clock and four
15 p.m.
16 The second justification is equally
17 mind-boggling. Again, staff states that
18 allowing parking on grass fields for a
19 limited number of special events, "Will
20 likely generate dust, which may affect
21 adjacent properties, and as such, will be
22 incompatible with same." Now, all of you
23 that have been on this Commission for a
24 few years know very well that every time
25 there is a residential application

1 adjacent to agricultural areas in South
2 Dade, the agricultural folks come out in
3 droves and the first thing they tell you
4 is please don't put residents by our
5 agricultural uses, because our
6 agricultural uses raise dust and create
7 noise.
8 Now, put aside the parking on grass
9 terrain doesn't create dust. Period.
10 Regardless of that, I respectfully submit
11 that it borders on irrational to justify a
12 determination on compatibility by alleging
13 that generating dust and the sound of
14 children playing is somehow harmful to
15 adjacent neighbors that are riding horses,
16 and tractors, on dirt; raising pigs,
17 chickens or livestock on their property,
18 on dirt; or growing plants, on dirt, which
19 involves spraying fertilizers, pesticides
20 and irrigations at odd hours; or engaging
21 commercial activities, selling nursery
22 plants from their property, which is all
23 dirt, and having trucks coming in and out
24 everyday.
25 With all due respect, when you weigh

1 the justification supporting staff's
2 recommendation against the compelling
3 reasons why the application is consistent
4 with the CDMP and compatible with the
5 area, you have to conclude that there is
6 no competent substantial evidence to
7 support staff's recommendation and that
8 the matter should be approved.
9 And I thank you, Mr. Chairman.
10 CHAIRMAN MARTINEZ: Thank you, Mr. De
11 Grandy.
12 Mr. Gibbs.
13 Ma'am? Listen, you know what, I got
14 to tell you this, 'cause it says
15 Archimedean is represented by the
16 comedian. That's all. That's a new
17 commissioner who's not used to your
18 mystical powers.
19 MR. DE GRANDY: I come from a family
20 of actors, Mr. Chairman.
21 CHAIRMAN MARTINEZ: Yes.
22 Mr. Gibbs, what do you need, 15?
23 MR. GIBBS: Maybe even less, but --
24 CHAIRMAN MARTINEZ: We'll put it in
25 15. If you need to go a little more,

1 you'll have 20. It's okay.
2 MR. GIBBS: I have to say, Miguel is
3 a hard act to follow, and I'm not even
4 going to try to be a comedian here.
5 My name is Tucker Gibbs. I represent
6 the Bird Kendall Homeowners Association
7 and Tom and Bernice Worrell, who live at
8 the property -- live and own at the
9 property at 6200 Southwest 125th Avenue,
10 and they live in horse country and they're
11 in the area of this particular school.
12 My clients oppose the application to
13 increase the number of students, to also
14 increase the nighttime events, to change
15 the site plan to allow the parking spaces
16 and to delete the three recorded
17 declaration of covenants that are on the
18 property for a very simple reason: This
19 project is too big. It is inconsistent
20 with the comprehensive plan. It fails to
21 meet the standards, the specific standards
22 for a special exception, modification of
23 the resolutions and non-use variances.
24 Quite simply, it is trying to fit a size
25 11 foot into a size seven shoe. And that

1 is the problem here.
2 First of, this application is a
3 development order. And according to
4 Florida statutes, all development orders
5 have to be consistent with the
6 comprehensive plan, which is your CDMP.
7 In this process, the applicant has the
8 burden to prove to you by competent
9 substantial evidence that it meets the
10 requirements of the CDMP, as shown not
11 only in the future land use map, but in
12 the goals, objectives and policies of that
13 CDMP.
14 And with all due respect to Mr. de
15 Grandy, he's presented no competent
16 substantial evidence. He's presented no
17 expert testimony. He's presented no
18 fact-based witnesses to corroborate his
19 interpretation and his argument relating
20 to this project.
21 The only competent substantial
22 evidence in front of you is your staff
23 report. And according to Florida law,
24 your staff report is competent substantial
25 evidence. Why is it competent substantial

1 evidence? Because it is prepared by your
2 professional planning staff. These are
3 experts in the field. Their opinion means
4 something, because of their expertise.
5 And the school has not presented any
6 competent substantial evidence to refute
7 that from any experts in the field. Your
8 professional planning staff has presented
9 this competent substantial evidence that
10 the application is not consistent with the
11 CDMP.
12 And I'd like you all to look at your
13 record. The previous efforts of this
14 school to expand in 2005 and 2006, that's
15 just a couple -- several years ago and
16 today. The staff has been consistent in
17 its findings that an expansion like this
18 of over a thousand students -- to over a
19 thousand students is inconsistent with the
20 CDMP.
21 This is no different than your
22 planning staff's recommendations in 2005
23 and 2006, when they determined that an
24 increase in students to a total of 1,085
25 students was inconsistent with the

1 comprehensive plan and the County
2 Commission voted and determined that that
3 number of students was inconsistent with
4 the comprehensive plan. So this is not
5 something that's been pulled out of thin
6 air.
7 Your staff has been consistent in its
8 findings. The CDMP is clear that
9 agricultural areas, like horse country,
10 are special and protected. And the
11 planning staff has determined that in the
12 agricultural land use category that
13 existing schools are permitted, but
14 expansions of such schools must be
15 compatible. And, again, they did this in
16 2005, they did this in 2006 and they have
17 been consistent in this -- in this
18 recommendation before you today.
19 Here a school of 800 students is
20 deemed compatible, but not one that's
21 being increased by 62% to 1300 students.
22 Why? Because the planning staff has found
23 that the increase is incompatible with the
24 area and therefore inconsistent with the
25 CDMP.

1 They've talked about the increase in
2 traffic. They cited to more noise. And
3 physical -- and the actual physical
4 expansion of the school to the north and
5 the east. In determining compatibility,
6 which we've talked about, which was talked
7 about, you look at policy LU-4A, which
8 requires a consideration of the impacts of
9 noise, lighting, access issues, traffic,
10 parking, bulk and scale, hours of
11 operation and other issues. In fact, land
12 use -- land use policy LU-4C talks about
13 the impacts of excessive density, noise,
14 light, glare, odor, dust or traffic. One
15 reason why dust is brought up by your
16 planning staff, because they have to look
17 at that in your comprehensive plan.
18 The CDMP requires compatibility of
19 development in agricultural to the rural
20 residential character of agricultural --
21 in the agricultural land use. This is in
22 the agricultural land use. This isn't
23 anything that's frightening or scary.
24 This is exactly what your planning staff
25 did in 2005. It's exactly what they did

1 in 2006.
2 And staff has determined that 1300
3 students and 24 nighttime events with 130
4 parking spaces on natural terrain, taken
5 together -- this isn't 1993, where they
6 weren't talking about bringing in 1300
7 students. This is 2011, where they are
8 talking about a 62% increase in the
9 numbers of students.
10 CHAIRMAN MARTINEZ: Mr. Gibbs, I'm
11 sorry to be interrupting you. This is 24
12 total nighttime events over the course of
13 the year?
14 MR. GIBBS: That's correct.
15 And to remind the -- to remind the
16 Commission that they asked for 24 several
17 years ago and this Commission -- the
18 Commission rejected that and said not --
19 they had approved 10 in the past. They
20 said we'll go for 12.
21 What the staff determined, that 1300
22 students is not ancillary and supportive
23 of agriculture, as required by the CDMP,
24 because the increase in student enrollment
25 and the scale of the proposed expansion is

1 out of character with the area. And the
2 staff specifically cited to traffic,
3 increased traffic, increased noise and the
4 physical expansion of the school onto the
5 property to the north as intrusive to the
6 existing rural residential community.
7 This is no different than the
8 recommendations they made in 2005 and
9 2006.
10 Finally, staff shows that the school
11 is a large scale regional facility,
12 serving the needs of students from other
13 areas of the County at this site. Nobody
14 can tell anybody that a 1300-student
15 school is a neighborhood school. This is
16 not a neighborhood school, thus, removing
17 it from being supportive of the rural
18 residential agricultural community that is
19 horse country, that this school is in.
20 This increases pressure on the area to
21 becomes less agricultural and more
22 suburban, contrary to the CDMP.
23 And so for these reasons, the staff
24 is correct when they recommended that the
25 application should be rejected, because it

1 didn't meet the requirements of the CDMP.
2 Let's look at some other things. You
3 heard from Mr. de Grandy. You heard from
4 their other speakers that this application
5 meets the Zoning Code, but that's not what
6 you're looking at, is the Zoning Code.
7 You are looking at the specific provisions
8 of the Zoning Code that deal with:
9 Number 1, Special Exceptions. You
10 have five -- essentially five standards in
11 Section 33-311(a)(3), which they must
12 meet. They must meet each one of these
13 standards. Your staff has written each
14 one of these standards in the report. I'm
15 not going to go over them, but I'm going
16 to focus on two of the standards,
17 understanding that they have to meet all
18 of them, but these two they do not meet
19 and that's the standard that says that the
20 special exception will not generate or
21 result in excessive noise or traffic.
22 When you increase a school by 62% in
23 this rural residential area, you are
24 increasing traffic to an excessive amount,
25 and that is exactly what your staff found.

1 Also, the staff said -- and, by the
2 way, the application never addressed --
3 the applicant never addressed these
4 provisions, these special exception
5 provisions. They presented no competent
6 substantial evidence that these
7 conditions, all of them, these
8 requirements were met. Your professional
9 staff, on the other hand, has shown,
10 through its staff report, as I've said,
11 which, as a matter of law, is competent
12 substantial evidence, that the increase in
13 students by 62% will result in excessive
14 noise and traffic and it is not a public
15 necessity for this school to be increased,
16 given the comprehensive plan and the
17 Zoning Code.
18 Staff shows that the expanded school
19 will provoke excessive overcrowding or
20 concentration to people or population and
21 therefore the expansion to the northwest
22 corner -- northeast corner -- northeast
23 property to the number of students and the
24 number of students to 1300 is incompatible
25 and will detrimentally impact the rural

1 residential community and should be
2 denied.
3 The modification of the previous
4 resolution, resolutions, and those
5 requirements are in Section 33-311(a)(7)
6 on Page 13 of your staff report. They
7 wanted to increase the number of students.
8 They want to phase-in the increase over
9 four years at 150 students a year. They
10 want to change their site plan. They want
11 to increase the nighttime events from 12
12 to 24. They want to delete the recorded
13 declarations. And, again, the applicant
14 has the burden to show, by competent
15 substantial evidence, that it meets every
16 single one of the applicable criteria, and
17 it doesn't.
18 I will talk -- there are four
19 criteria. I'm just going to talk about
20 three of them.
21 The modifications will not generate
22 excessive noise and traffic. We've talked
23 about that. The staff report says that it
24 will. It is provided evidence in the
25 staff report that it will.

1 It will not provoke excessive
2 overcrowding of people. The position is
3 that an increase of 62% is excessive.
4 Number 4, it wouldn't be incompatible
5 with the area when considering the
6 necessity for and reasonableness of the
7 modification or elimination in relation to
8 the present and future development of the
9 area. The area is horse country. It's
10 agricultural. You have provisions in your
11 Comp Plan that talk about the protection.
12 Here, again, the applicant has failed
13 to address any of these specific standards
14 and present competent substantial evidence
15 that it meets them. And, again, your
16 planning staff has shown in its report
17 that the application does not meet these
18 standards. The increase in students will
19 result in excess f noise and traffic. The
20 increase in the number of students and the
21 doubling of nighttime events is excessive
22 and not in keeping with the County
23 Commission specific directives in
24 Resolution Z21-09 and Z31-06, which
25 limited the number of students to 800 in

1 '06.
2 Deleting the declarations make worst
3 the incompatibility of this application
4 with the surrounding rural residential
5 neighborhood. If you look at those
6 declarations, those declarations talk
7 about limits on delivery to the school,
8 when you can actually make deliveries to
9 the school. The timing of access, the
10 issue of how often that gate is opened,
11 how early that gate is opened before
12 school starts and before school finishes.
13 They talk about staggered arrival and
14 departure times. They talk about a ban on
15 amplified speakers outside. They're
16 asking for you all to get rid of every
17 single one of those requirements in those
18 declarations. And, therefore, the
19 requests three to six should be rejected,
20 because they do not meet the code,
21 standards for modification of a
22 resolution.
23 And, finally, the applicant has
24 failed to meet its burden to show by
25 competent substantial evidence that it

1 meets all the criteria for a non-use
2 variance for parking 130 cars on natural
3 terrain for this proposed 1,300 student
4 school.
5 There are three standards. The
6 applicant addressed none of the three
7 standards, presented no evidence that he
8 meets any of the three standards. And
9 that is the variance must maintain the
10 intent of the regulations to protect the
11 general welfare of the public, which
12 includes people who live in horse country,
13 particularly as the variance affects the
14 stability and appearance of the community.
15 One made joke about dust on a field
16 with 130 cars on it, but in a drought, in
17 a time where we live right now, where
18 there is a lot of dust, it's not a
19 laughing matter. It impacts people. And
20 people in horse country do live in houses
21 as well as have horses. They do go
22 outside. That dust can impact them. That
23 is a legitimate issue in the comprehensive
24 plan that needs to be addressed and has
25 been addressed by your professional staff.

1 The non-use variance has to be
2 compatible with the surrounding use.
3 Allowing 130 cars parking on a field I
4 don't think is compatible with the
5 surrounding uses within horse country.
6 And also that variance is not detrimental
7 to the community. Having parking on
8 natural terrain in this neighborhood,
9 staff has determined, is not compatible.
10 That's what your professional staff has
11 told you. And the applicant has
12 presented, despite all the talk, no
13 competent substantial evidence. To the
14 contrary, that it does meet -- that it
15 does meet those provisions. And your
16 staff has presented the competent
17 substantial evidence, therefore, Request
18 No. 7 should be -- should also be rejected
19 as recommended by staff.
20 In conclusion, if you look at this
21 request as part of a relentless effort by
22 this applicant to grow its school. They
23 tried to grow this school back in 2005.
24 They tried to grow it in 2006 and this
25 Commission said no. Despite the County

1 Commission's consistent determination to
2 limit this growth and ensure the
3 protection of the rural residential
4 community abutting the school in 2005 and
5 2006, this is the third time this school
6 has asked for an increase in students to
7 over 1,000 in six years. They just keep
8 coming back. And my clients, frankly, are
9 tired, they're tired of paying me to come
10 up here and complain to you, but it
11 happens every -- it's like I'm a bad
12 penny. I've got to show up and complain,
13 because they just can't take your answer.
14 The Commission said no twice. The
15 agricultural land use has not changed.
16 The rural residential community has not
17 changed. The circumstances have not
18 changed, except this school wants to grow.
19 There is no competent substantial evidence
20 in the record to grant this request, and
21 there is substantial competent evidence,
22 based on your professional planning
23 staff's professional recommendation,
24 which, as a matter of law, is considered
25 competent substantial evidence.

1 We'd like you to look at the history,
2 look at the staff recommendation and
3 please deny this application.
4 I'm available for any questions.
5 COMMISSIONER DIAZ: Thank you, Mr.
6 Tucker.
7 All right, so with that, rebuttal.
8 Three minutes is good?
9 MR. DE GRANDY: Yes.
10 Mr. Chairman, rather than do rebuttal
11 now, there's some folks who have been
12 sitting for a long time. If you'd like to
13 listen to public testimony, I'm fine with
14 that.
15 COMMISSIONER DIAZ: I have no problem
16 with it.
17 MR. DE GRANDY: We'll do rebuttal at
18 the end. And if we can start with Dr.
19 Kafkoulis, Mr. Chairman.
20 COMMISSIONER DIAZ: And let me ask
21 you, the public that's out there, is there
22 anybody in the public that's against?
23 Okay.
24 Is there -- judging that everybody is
25 in favor, can you please stand.

1 THE AUDIENCE: (Complying).
2 COMMISSIONER DIAZ: Okay.
3 Mr. Tucker, hold on, please. So --
4 that's a good boy, man. That's what a
5 teacher, good teacher speaking. Anyway,
6 please sit down. Thank you.
7 Does anybody have a dire desire to
8 speak?
9 MR. DE GRANDY: If we could have
10 Dr. Kafkoulis, who runs the school, start.
11 COMMISSIONER DIAZ: Okay, then,
12 please, because that way -- because we
13 have a meeting afterward. And if nobody
14 has a dire desire, except the doctor right
15 here --
16 MR. GIBBS: Mr. Chairman.
17 COMMISSIONER DIAZ: -- I think that
18 this Commission will be very appreciative.
19 MR. GIBBS: Mr. Chairman, before he
20 speaks.
21 COMMISSIONER DIAZ: Go ahead.
22 MR. GIBBS: I had one thing I wanted
23 to say and I forgot one sentence. That's
24 all it is.
25 COMMISSIONER DIAZ: Go ahead, Mr.

1 Tucker.
2 MR. GIBBS: Mr. De Grandy talked
3 about the fact that the operational
4 staff -- that the only staff that said
5 that they were opposed to this application
6 was the planning department. I just
7 wanted to bring to your attention, it's in
8 your package, the DIC, which has
9 representatives of every single division
10 here, recommended unanimously for this
11 recommendation of denial. There was
12 nobody opposed to it.
13 Thank you.
14 COMMISSIONER DIAZ: Point taken.
15 Thank you.
16 Doctor.
17 DR. KAFKOULIS: George Kafkoulis.
18 I'm an Associate Professor of Mathematics
19 at Florida International University,
20 co-founder, president of Archimedean
21 Academy, Inc. and chairman of the boards.
22 I'm an unpaid volunteer. I live in 5444
23 Southwest 150 Court, Miami, Florida 33185.
24 Honorable Commissioners, Chairman Joe
25 Martinez, Senator Souto, I thank you for

1 the opportunity to briefly state the
2 reasons why you should approve the
3 Archimedean school's application for
4 expansion.
5 The Archimedean schools represent the
6 best public K through 12 public school
7 class in the State of Florida: 43% of our
8 students are at or below the poverty line;
9 75% of our students are Hispanic. We
10 respectfully request to be allowed by the
11 County to reach our maximum capacity
12 gradually, in four years, in our 12-acre
13 campus.
14 We're not new to this neighborhood.
15 For seven years, we've been an exemplary
16 member of the beautiful horse country and
17 the surrounding community of hard working,
18 middle-class families. The campus is not
19 new to this area. It has been a school
20 campus since 1985, a quarter of a century,
21 on the same 12-acre campus.
22 Commissioners, the Archimedean
23 schools are not just very good or
24 excellent, they are extraordinary. We are
25 ranked the best public elementary, the

1 best middle and the second best high
2 school in Miami-Dade. We are the 13th
3 best elementary, the second best middle
4 and the sixth best high school in Florida.
5 We are the Science Olympiad Middle School
6 State Champions and the Science Olympiad
7 high school Silver medalist. Our middle
8 school represented the State of Florida in
9 the national science olympiad tournament
10 for two years in a row. Never before a
11 public school from Miami-Dade County has
12 represented the State of Florida in
13 Science Olympiads.
14 The United States Department of
15 Education is about to recognize our two
16 schools as blue ribbon, the highest
17 possible honor to a public school.
18 Miami-Dade County should feel very proud
19 for such recognition. Every neighborhood
20 in the country would be ecstatic with one
21 blue ribbon school. Our neighborhood will
22 have two, both Archimedean schools.
23 Why do I so proudly recite our
24 accomplishments? Because it shows that it
25 is in Miami-Dade County's public interest

1 to support this educational project, and
2 give the opportunity to poor and
3 middle-class daughters and sons to become
4 perhaps the next County commissioner, the
5 next mayor, the next senator, the next
6 star scientist, the next president, the
7 next successful citizen. Our schools
8 offer a tremendous service to the citizens
9 of this County.
10 Our neighborhood schools are good
11 schools. However, the closest high school
12 is ranked 310 in Florida; ours is Number
13 6. The closest middle school is ranked
14 360; ours is Number 2. The closest
15 elementary is ranked 617; ours is Number
16 13 in Florida. Would you not want to send
17 your child to a highly ranked public
18 school? Why should the 12-acre campus
19 stay underutilized? We give the students
20 of the community another option of the
21 highest quality.
22 We are very sensitive to the impact
23 to our community. Commissioners, have you
24 been at the school dismissal hour in front
25 of some of our neighboring schools?

1 Pinecrest Academy uses one lane of Bird
2 Road and Jane S. Roberts takes over my
3 neighborhood street and makes it a one-way
4 street.
5 I'm proud to report that the
6 Archimedean schools include all traffic
7 within their campus. Perhaps one of the
8 few school campuses in Miami-Dade that
9 does so.
10 We agree that none of our high school
11 students will drive to the school and that
12 20% of our property will be converted to
13 auto stacking routes and parking lots;
14 20%, Commissioners, of the property. It's
15 even higher than the 15% of the property
16 which will be covered by buildings.
17 Slow growth. Since 2004, we are
18 slowly increasing the capacity of the
19 schools. In 2006, Senator Souto proposed
20 that we increase by 60 students per year
21 until we reach 800 in 2009. This was a
22 controlled growth experiment in order to
23 evaluate the impact to the community, the
24 good neighbor test. Senator Souto, I'm
25 happily to report -- I'm happy to report

1 that we passed the test. Please allow us
2 to reach our maximum capacity and serve
3 our students better. We will continue the
4 slow growth tempo and reach this limit
5 capacity in four years, for the benefit of
6 both, the community and our school's
7 quality.
8 You are an honorable man, please do
9 the right thing and approve this
10 application. Please hear our voices, too.
11 Thank you.
12 CHAIRMAN MARTINEZ: Thank you very
13 much.
14 I believe Commissioner Diaz had asked
15 originally and he took the time for
16 everybody in favor of it.
17 MR. DE GRANDY: No, he was the first
18 speaker. We're going to whittle that list
19 of about 20 to three to four speakers, if
20 we can, and they'll be very brief.
21 COMMISSIONER MOSS: MPO.
22 CHAIRMAN MARTINEZ: I'm going to
23 finish this thing. I mean, give me the
24 three's.
25 Do we have anybody else here that

1 showed up for the MPO yet?
2 MR. DE GRANDY: That's fine,
3 Commissioners. I'll then ask that they
4 not speak.
5 CHAIRMAN MARTINEZ: No. Listen, I'm
6 running it. I appreciate your input. Let
7 me have three people.
8 MR. DE GRANDY: Three people.
9 CHAIRMAN MARTINEZ: Go ahead.
10 MR. ACEDO: Good morning, Commission,
11 my name is Alberto Acedo and I live close
12 to the street of the school.
13 I got my kid on a waiting list to
14 enter in this school. And I have no
15 objection, no problem from the school to
16 do improvement. The school need to do for
17 all kids to have a better education.
18 You know, everything is about a kid.
19 You know, sent to the education, you know,
20 all these good lawyers here today, and,
21 you know, everybody got a good education
22 and, you know, sent to the school.
23 You know, I got six kids. So, you
24 know, that's a lot of kids. I got six
25 children. And, you know, I really like

1 for four of my children -- you know, I
2 gotta four of my children waiting to come
3 to the school. And I don't have to drive.
4 It's traffic everywhere. It's noise
5 everywhere in Dade County. So I been
6 living three-and-a-half years there and I
7 never have problems with that school. I
8 never have noise, no complaint, anything
9 against that school.
10 It's like six or seven schools around
11 three-mile radius. My other daughter go
12 to Sunset High School and it's almost
13 3,000 kids there going to that school.
14 So I'll approve anything that school
15 want to do, you know, to improve for all
16 children's education, so, you know,
17 children have everything and even better
18 for us.
19 CHAIRMAN MARTINEZ: Thank you.
20 What's your name again, sir?
21 MR. ACEDO: Albert Acedo.
22 CHAIRMAN MARTINEZ: I'm sorry?
23 MR. ACEDO: Alberto Acedo.
24 CHAIRMAN MARTINEZ: Okay. Thank you
25 very much.

1 MR. TARABOULOS: Good morning, my
2 name is Jeffrey Taraboulos and I live at
3 12904 Southwest 112 Court, Miami, Florida
4 33176. I'm actually in Mrs. --
5 Commissioner Bell's district and I'd like
6 to thank you for everything that you're
7 doing for our community. I appreciate it.
8 I am here in support of this
9 application today, because it's extremely
10 important to my family. I have a
11 five-year-old, a two-year-old and a
12 nine-month-old daughter. I actually was
13 at -- my daughter, my two year old
14 daughter, this morning had surgery. And
15 as soon as she was out of surgery this
16 morning, I rushed to get here, because
17 that's how important this application is
18 for my family.
19 Archimedean Academy gives my family
20 the opportunity to have the best education
21 possible in what is almost like a private
22 school atmosphere with small class sizes
23 and a dedicated teaching staff.
24 I represent here today one of the 830
25 parents that are on the waiting list for

1 this school. Luckily, in the lottery they
2 had in February, I was able to get No. 16
3 in the lottery, but due to the charter of
4 this school, which gives priority to
5 siblings, there's a good chance even at 16
6 that my daughter might not make it into
7 this school. So at 16 out of 830 people,
8 there's a chance my daughter still won't
9 get into this school. So that just shows
10 you the necessity of this school having to
11 expand.
12 And to make a comment about one of
13 Mr. Gibbs' comments, to say this is not a
14 public necessity, to have 830 parents
15 wanting to get into a school, is
16 definitely a public necessity.
17 Again, I thank you for giving me your
18 time. I know you're in a hurry, so I will
19 get off this microphone. Thank you.
20 MR. OLMEDILLO: Good afternoon, Mr.
21 Chairman, members of the Board, Guillermo
22 Olmedillo, 1450 Madruga Avenue. I'm not
23 an expert in this matter. I am not
24 speaking as an expert. I'm speaking as a
25 private citizen, whose two grandchildren

1 attend this school, a very special school:
2 A.J., Mia.
3 COMMISSIONER DIAZ: There you go.
4 MR. OLMEDILLO: My legacy.
5 It is a very special school. As a
6 grandfather, I have to deliver children,
7 pick-up children, go to special events.
8 And as a private citizen, I've always
9 observed that all the activities are
10 conducted in a very controlled manner,
11 without impacts on the surroundings.
12 Again, I have attended the school. I've
13 seen the type of education that these
14 children receive. This is a special
15 school.
16 Thank you.
17 CHAIRMAN MARTINEZ: Thank you very
18 much, and to the family.
19 Counselor, hold on a second,
20 because--
21 MR. DE GRANDY: Yes, sir.
22 CHAIRMAN MARTINEZ: It's unfortunate,
23 but we may have to hold your rebuttal.
24 And I just hope we don't lose the train of
25 thought on this issue. We have to convene

1 our MPO, have a 7.2 billion dollar item
2 that we have to take up. And I'm going to
3 request, with no disrespect to all our
4 members, our volunteers, for the reports,
5 I'm going to bypass them. And I will just
6 be taking one public hearing item, and
7 hopefully we can take up the other ones.
8 We have the other members from the MPO
9 there. It's unusual. We usually don't
10 run over this much, and we still have
11 another zoning item. I know Commissioner
12 Bell has to leave and I did want her to
13 finish here.
14 But your rebuttal will be how long?
15 MR. DE GRANDY: One minute.
16 CHAIRMAN MARTINEZ: One minute?
17 That's total, your rebuttal?
18 MR. DE GRANDY: That's it.
19 CHAIRMAN MARTINEZ: How many
20 questions do we have on this item?
21 MR. DE GRANDY: Maybe even less.
22 CHAIRMAN MARTINEZ: 'Cause we're
23 going to lose one member that has to
24 leave, who's been listening to this whole
25 thing. Is there going to be plenty of

1 discussion? I really need to know,
2 because then I might recess this and --
3 COMMISSIONER BELL: Call the
4 question.
5 COMMISSIONER DIAZ: Call it. Just
6 call it. I don't even need the rebuttal.
7 CHAIRMAN MARTINEZ: All right, Madam
8 Secretary, let me just see if we can do
9 this really quickly. Take the rebuttal,
10 try to finish this item, so we don't lose
11 the train of thought. And then all the
12 MPO board members can come and sit down
13 and we can recess this and take up that
14 item.
15 You got one, seriously?
16 MR. DE GRANDY: Less than that. Two
17 thoughts.
18 CHAIRMAN MARTINEZ: I don't want to
19 shortchange you, if it's that important,
20 that will be fine.
21 MR. DE GRANDY: Two thoughts,
22 Commissioner.
23 One, to the issue of competent
24 substantial evidence. We do not have to
25 present competent substantial evidence,

1 when the competent substantial evidence is
2 in your report, because every department
3 has analyzed it and no department has an
4 objection. And if it fits in your zoning
5 regulations, that's competent substantial
6 evidence that is compatible with the area.
7 Thank you very much.
8 CHAIRMAN MARTINEZ: Okay. With that,
9 that was the rebuttal. That was
10 everything.
11 Commissioner Souto.
12 COMMISSIONER SOUTO: Mr. Chair, my
13 dear Colleagues, Ladies and Gentlemen, no
14 one here -- and I certainly -- I'm not
15 questioning anything here. No one here
16 questions the quality of that school.
17 But the facts are the facts. The
18 experts are the experts. Our expert is
19 the Director of Planning of this County.
20 And the expert testimony resides within
21 the County and is recommending denial.
22 We've seen this case before. As you
23 know, we have battled at length. The last
24 battle, I guess, was maybe a four-hour
25 battle.

1 I think we have to look at this some
2 other day, in some other fashion, but
3 today, my recommendation -- following the
4 recommendation of the Planning Director,
5 is to listen to the Planning Director.
6 Any other determination by us here will be
7 easily denied by the courts, turned down
8 by the courts.
9 So my recommendation is to listen to
10 the Planning Director, who's our expert
11 and who's evidently the fellow who knows
12 all the facts and figures and all that.
13 And I'll go with the Planning Director
14 recommendation.
15 CHAIRMAN MARTINEZ: I believe the
16 Senator's motion is to deny -- I mean, to
17 take the Planning recommendation's --
18 MR. COLLER: In accordance with the
19 DIC recommendation.
20 CHAIRMAN MARTINEZ: Is there a
21 second?
22 COMMISSIONER MOSS: Second.
23 CHAIRMAN MARTINEZ: There's been a
24 motion, there's been a second.
25 Any discussion?

1 COMMISSIONER DIAZ: Mr. Chairman.
2 CHAIRMAN MARTINEZ: Commissioner
3 Diaz.
4 COMMISSIONER DIAZ: In all due
5 respect, I've always supported -- I will
6 always try to support the Commissioner of
7 the district's decision, but based on the
8 testimony that I've heard and what I've
9 read, I think sometimes we have to
10 outweigh the need of many, especially the
11 youngest, our future in our community, and
12 try to support an outstanding organization
13 that has, from what I've seen, and read
14 and have heard, has been outstanding. So
15 I just want to state that I will be voting
16 in favor and against, Mr. Chairman.
17 CHAIRMAN MARTINEZ: So will I. I'll
18 state my reasons later.
19 Commissioner Heyman, followed by
20 Commissioner Sosa.
21 COMMISSIONER HEYMAN: Briefly, Mr.
22 Attorney: A yes vote is to deny this
23 expanded use of the school. Is that
24 correct?
25 MR. COLLER: Correct, in accordance

1 with DIC recommendation.
2 COMMISSIONER HEYMAN: Thank you.
3 CHAIRMAN MARTINEZ: Commissioner
4 Sosa.
5 COMMISSIONER SOSA: Thank you, Mr.
6 Chairman.
7 And I don't think anyone can question
8 the quality of the association.
9 I am going to support the
10 Commissioner of the district, because I
11 think that the request to be done is too
12 aggressive to start with. I think it
13 should be less and worked out with the
14 neighbors in the community, because they
15 have to coexist. And the needs of the
16 school are there and the numbers are
17 there, but the neighbors who pay taxes in
18 the surrounding areas are there, too.
19 So I think that if by any chance it
20 fails, the way to go is to be less
21 aggressive on the intrusion. You're
22 talking grades where students drive and
23 you're talking people who have to be there
24 24 hours a day, so I support the
25 Commissioner of the district.

1 CHAIRMAN MARTINEZ: I know the area
2 very well and I usually side with the
3 Commissioner of the district. That did
4 not occur on the last one either.
5 But this school is needed. I mean,
6 we're here not just for public schools or
7 something. We're here for our children.
8 We're the state 48th, 46th on spending
9 money on our kids. And then when you have
10 a charter school that has a waiting
11 list -- and, actually, out west, and even
12 in Commissioner Souto's district, Diaz's,
13 I'm not sure the other ones, there are
14 waiting lists for charter schools. They
15 make it with less and there are waiting
16 lists for these schools. So there's
17 something there that the parents and the
18 children know that they're getting a great
19 education.
20 You know what happens, charter
21 schools make them feel a lot like it's
22 almost a private school. I mean, we
23 already paid taxes. And some of us have
24 to send our kids to private schools for
25 whatever reason it may be.

1 So I will not be supporting Senator
2 Souto, with all due respect. I do know
3 that area well. Not only does it border
4 my district, that's not even the case.
5 But the need -- and I know Miami Christian
6 School, which is the one that was referred
7 to, at 5821 20 Street, that thing is huge,
8 baseball fields, football fields. It has
9 everything. The buildings that are there
10 is probably triple the size of this one,
11 probably triple. And yet that one is
12 okay? And then you have right -- the
13 other -- the party places. You have
14 another daycare on the north side on
15 Miller. You have quite a few different
16 things in the area. You have to know the
17 area to know of what we speak.
18 But I understand, and the support, so
19 that was just my thoughts, because I am in
20 very near proximity to this area.
21 So, Commissioner Senator Souto, you
22 have your motion.
23 Commissioner Bell.
24 COMMISSIONER SOUTO: I have to say a
25 few things, too.

1 CHAIRMAN MARTINEZ: Let Commissioner
2 Bell, then you can go.
3 COMMISSIONER SOUTO: No, go ahead.
4 COMMISSIONER BELL: Thank you. I'm
5 going to be very brief. Usually I also do
6 support the Commissioner of the district,
7 but I will be voting against this.
8 I am a little disappointed in the
9 recommendation. I read all the
10 documentation. I don't like it when I
11 feel like we're treating these particular
12 types of schools differently. They still
13 are public schools. They're just non-
14 traditional public schools.
15 I do feel like that they're being
16 treated differently when I read things
17 like dust. We have a church where the
18 parking lot we park on all the time, and
19 it's a big grassy parking lot and there is
20 no dust. So -- and there's other things
21 that I read that just disturbed me a lot.
22 So I'm going to be voting in
23 opposition to the motion. And then if the
24 motion fails, I would like to move
25 approval.

1 Thank you, Mr. Chair. And I'd like
2 to do it very quickly. I have to catch a
3 plane.
4 CHAIRMAN MARTINEZ: For County
5 business.
6 Senator.
7 COMMISSIONER SOUTO: Commissioner
8 Bell evidently wasn't here before. She's
9 new. She doesn't know. She doesn't know
10 the area either. Some of the
11 Commissioners are brand new in this issue.
12 This is an old issue.
13 The quality of the school is not the
14 issue. It's the way this thing has been
15 presented. It is also the fact that
16 they're trying to increase this by almost
17 double the capacity, almost double the
18 capacity of that school.
19 So, you know, we pay a gentleman here
20 who is the chief of the planning division.
21 That's his job. No one here is an expert.
22 No one here. No one here. No
23 Commissioner, including me, is an expert,
24 as that is guy over there. So we have the
25 vote, but he's the one who knows. And

1 that's his responsibility. If not, you
2 know, we have to get rid of him. So, you
3 know, I respect to all these directors. I
4 always listen to all these directors. I
5 know, I can almost walk from my home to
6 that place. Yeah, easily I can walk from
7 my home to that place.
8 So I know the traffic. And
9 Commissioner Martinez knows exactly,
10 because he was been a patrolman throughout
11 there and police officer and so on and so
12 forth. And I've been there for the last
13 40 years. So, you know, I do -- I do know
14 how that area has grown tremendously,
15 including the fact that the State of
16 Florida dumped FIU on us there, too. You
17 know, that's another thing, too. So if
18 you go through Westchester and that part
19 of Kendall and you see the traffic, don't
20 complain. It's us. You know, it's us,
21 that we permit all that stuff.
22 So it is quite horrendous, the
23 traffic around there. Unfortunately, it
24 has been permitted over the years, and it
25 continues and it continues. And it

1 shouldn't be. It shouldn't be. Because
2 District 10, which is the district I
3 represent, is the central part of
4 Miami-Dade County. So the things that
5 were permitted in Kendall before, and the
6 unplanned growth that was permitted in
7 Kendall years ago, and still some
8 Commissioners tried to permit that, that
9 unplanned growth has damaged everything
10 there in that area. So then don't
11 complain. Go on a bicycle and leave your
12 car home, you know.
13 But those are the issues. It's not
14 the quality of the school. It's not the
15 science thing. It's not the math. It's
16 not this. It's not that. It is facts.
17 It is reality. It is clogged up traffic.
18 It is the waste of gasoline at $4 a
19 gallon. It's the being late for your
20 work. It's the police -- the police
21 having to be able to go through traffic.
22 You're going to need a helicopter,
23 Commissioner Martinez, to go in a patrol
24 car around there. So that's what I'm
25 saying, you know. It's totally insanity,

1 insanity, to add more traffic to that
2 area, total insanity. And so, you know,
3 it's bad for the police. It's bad -- of
4 course, it's bad for the neighbors. Of
5 course, you know. So it's bad for rescue,
6 Fire-Rescue. You know, we're talking
7 about traffic and all that in that area.
8 It's horrendous. So we keep adding, and
9 adding and adding.
10 And what about the people who are
11 there 50 years ago, 40 years ago, who
12 bought the property, 30 years ago? So
13 here comes school. How old is that
14 school? Maybe 10 years old, something
15 like that? Maybe -- I don't know. Less
16 than that maybe. So, you know, and then
17 the school rules. How come the school
18 have to rule in the neighborhood?
19 You know, fact is fact. This guy is
20 an expert. This guy is our expert. Is he
21 not an expert? We don't listen to the
22 experts. So are we experts? Who are the
23 experts here? We're all police officers,
24 housewives, lawyers, you know, but we're
25 not experts in planning. This is the

1 expert in planning, so I have to go with
2 what the guy say. So, you know, not the
3 quality of the school, not the quality of
4 the school. And I think it's going to go
5 to the courts, if it passes here today.
6 So, you know, let it be.
7 What is, now I will remember this. I
8 will remember.
9 COMMISSIONER BELL: Mr. Chair.
10 COMMISSIONER SOUTO: I will remember
11 when you fellows -- when you fellows don't
12 listen to the Commissioner from the
13 district. I will remember that. So, you
14 know -- and, again, I'm giving you facts
15 and those are the facts. And that guy is
16 the expert and I'll stick to his
17 recommendation.
18 COMMISSIONER DIAZ: Mr. Chairman.
19 CHAIRMAN MARTINEZ: Thank you.
20 There's been a motion.
21 COMMISSIONER DIAZ: Mr. Chairman,
22 just -- I have to get this off, because I
23 respect -- I respect my colleagues,
24 especially my colleague, but I want to be
25 real clear when they're saying that

1 there's one expert, we have departments
2 that are experts, too. And there has not
3 been one department that has objected to
4 this. I'll respect my colleague and his
5 opinion, but I want to be clear he
6 understands that DERM, Public Works,
7 Parks, MDT, WASD, Fire-Rescue, police,
8 schools, aviation, nobody's been against
9 this.
10 COMMISSIONER SOUTO: Clarification.
11 CHAIRMAN MARTINEZ: Hold on.
12 COMMISSIONER DIAZ: Well, no
13 objection. And that's part of the record.
14 And I just want him to understand why I'm
15 voting the way what I'm voting. Not to go
16 against him and his opinions. It's just
17 that simply I feel strong what has been
18 presented to me, and what the matter is of
19 the children and the need. And like
20 Commissioner, the Chairman said, I wish in
21 my district that I had more, because I
22 have a big need of kids that need to get
23 to a charter school.
24 Thank you.
25 CHAIRMAN MARTINEZ: And I'm going to

1 let him close and that's it, but let's
2 also remember -- and I doubt that you have
3 the numbers right now. But how many times
4 have we had applications from charter
5 schools to increase it against your
6 recommendation and this Board has voted in
7 favor of it?
8 COMMISSIONER DIAZ: Almost always.
9 CHAIRMAN MARTINEZ: Everybody.
10 COMMISSIONER DIAZ: I'm sorry.
11 CHAIRMAN MARTINEZ: How many times
12 have we had different schools, Academir,
13 Academica, Pinecrest, Summerset that have
14 come here to increase the number of
15 students, your recommendation has been no,
16 and this Board, most of them have been
17 unanimously, have voted in favor of doing
18 it. So you can't pick one against another
19 or against another. If you're going to be
20 consistent, just be consistent.
21 COMMISSIONER MOSS: Mr. Chairman.
22 CHAIRMAN MARTINEZ: So with that --
23 do you want to close, Senator, 'cause
24 obviously --
25 COMMISSIONER MOSS: Mr. Chairman, I

1 just like to make one comment.
2 We have a professional staff and we
3 pay them to give us their best
4 professional recommendation. At the end
5 of the day, we make a decision as to
6 whether we approve an item or we don't
7 approve an item.
8 COMMISSIONER BELL: That's right.
9 COMMISSIONER MOSS: And I raise this
10 issue, because I've heard comments this
11 afternoon, you know, that's kind of
12 questioning the professional staff simply
13 because they made a recommendation. You
14 know, they look at the issues of
15 compatibility, and that's what they
16 respond back to us on. And I hope that,
17 you know, as the Planning Director, that
18 you continue to make an independent
19 recommendation to this Board and not be
20 bullied --
21 COMMISSIONER BELL: Right.
22 COMMISSIONER MOSS: -- by individuals
23 who want to see a certain recommendation
24 come out. We expect for you to be
25 nonpartisan and also to come and give us

1 your best recommendation as a
2 professional. So that's where I stand at.
3 And I don't support, you know, any
4 comments, you know, that kind of lean
5 towards somehow, you know, the staff is
6 not being professional in the way that
7 they're bringing the recommendations to
8 us.
9 CHAIRMAN MARTINEZ: Okay. With that,
10 there's been a motion. There's been a
11 second.
12 Commissioner Jordan.
13 COMMISSIONER SOUTO: The
14 clarification on the issue to Commissioner
15 Diaz.
16 COMMISSIONER JORDAN: Thank you, Mr.
17 Chair.
18 COMMISSIONER SOUTO: The man who has
19 a responsibility here now -- he listed a
20 bunch of departments -- is that guy
21 sitting over there. That is the
22 department. This has to do with planning
23 right now. I mean, he has to sign on that
24 stuff.
25 COMMISSIONER DIAZ: All right.

1 CHAIRMAN MARTINEZ: Commissioner
2 Jordan, you want --
3 COMMISSIONER JORDAN: Thank you, Mr.
4 Chair. I just wanted to put on the
5 record, that although I was not out here
6 for most of the discussion, I was
7 monitoring from my office and I am
8 prepared to vote on this item.
9 I support the motion. I do feel that
10 community impact is one of the first
11 things that we need to consider, the
12 impact on the residents who live there and
13 the fact that they give up a lot. So I
14 just wanted to put my comments on the
15 record.
16 Thank you.
17 CHAIRMAN MARTINEZ: There's been a
18 motion. There's been a second.
19 Madam Clerk, I want a roll call.
20 THE CLERK: Commissioner Bell?
21 COMMISSIONER BELL: No.
22 THE CLERK: Commissioner Bovo?
23 COMMISSIONER BOVO: No.
24 THE CLERK: Commissioner Diaz?
25 COMMISSIONER DIAZ: No.

1 THE CLERK: Commissioner Heyman?
2 COMMISSIONER HEYMAN: No.
3 THE CLERK: Commissioner Jordan?
4 COMMISSIONER JORDAN: Yes.
5 THE CLERK: Commissioner Monestime?
6 COMMISSIONER MONESTIME: Yes.
7 THE CLERK: Commissioner Moss?
8 COMMISSIONER MOSS: Yes.
9 THE CLERK: Commissioner Sosa?
10 COMMISSIONER SOSA: Yes.
11 THE CLERK: Commissioner Souto?
12 COMMISSIONER SOUTO: Yes.
13 THE CLERK: Commissioner Suarez?
14 COMMISSIONER SUAREZ: Yes.
15 THE CLERK: Commissioner Barreiro?
16 COMMISSIONER BARREIRO: No.
17 THE CLERK: Chairman Martinez?
18 CHAIRMAN MARTINEZ: No.
19 THE CLERK: Okay, motion results in
20 six to six.
21 CHAIRMAN MARTINEZ: Don't explain it.
22 Let me take a shot at it, guys.
23 Okay, this will be set for July 21st.
24 There will be no hearing. We will just
25 take a vote. All right, everything has

1 already been stated here. We are missing
2 one person.
3 MR. COLLER: Right. And that
4 Commissioner will get the transcript of
5 the proceeding.
6 CHAIRMAN MARTINEZ: Will get the
7 transcripts and will be allowed to vote
8 and if from here to there --
9 COMMISSIONER SUAREZ: Mr. Chairman,
10 point of order.
11 CHAIRMAN MARTINEZ: Point of order.
12 COMMISSIONER SUAREZ: If it comes
13 back to us, can it have any modifications
14 whatsoever?
15 MR. COLLER: If the Board chooses to
16 open up the hearing for purposes of
17 modification, the Board can certainly
18 consider that and you would have to allow
19 both parties to address the modification.
20 CHAIRMAN MARTINEZ: If there's any
21 modifications, Commissioner, we'll be
22 advised prior to that and then the
23 decision obviously will be made to have a
24 hearing and we'll open it up.
25 MR. COLLER: Well, you may not know

1 until the hearing.
2 CHAIRMAN MARTINEZ: Yes, we will not
3 know until the hearing.
4 MR. COLLER: Right.
5 (Thereupon, at 2:27 p.m., the hearing
6 was concluded).
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1 CERTIFICATE OF REPORTER

2

3

4 I, Lorena Ramos, National Registered
5 Professional Reporter and Florida Professional
6 Reporter, do hereby certify that I was
7 authorized to and did report the hearing of
8 ARCHIMEDEAN PROPERTIES, LLC, ITEM #08-175,
9 before the Board of County Commissioners of
10 Miami-Dade County, on the 23rd day of June
11 2011; and that the transcript, pages 1 through
12 79, is a true and correct record of my
13 stenographic notes.

14

15 DATED this 11th day of July 2011 at
16 Miami-Dade County, Florida.

17

18

19 _____

20 LORENA RAMOS, RPR & FPR

21 COURT REPORTER

22

23

24

25

1. SOUTH FLORIDA STADIUM, LLC ET AL
(Applicant)

11-7-CC-1 (10-149)
BCC/District 01
Hearing Date: 07/21/11

Property Owner (if different from applicant) **Coumty Line South Properties, LLC., Dolphin Center Properties, LLC, Miami-Dade County GSA & Miami-Dade County Parks & Recreation.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1956	Laren, Inc.	- Zone change from AU, GU, RU-1 to RU-1. - Special Exception to permit a lift station. - Non-Use Variance of cubic content.	BCC	Approved w/conds.
1956	Larem, Inc.	- Reconsider & modification of zone change from AU, GU, RU-1 to RU-1.	BCC	Approved w/conds.
1977	Emil Morton	- Zone change from RU-TH to BU-1 & BU-1A.	BCC	Approved w/conds.
1977	Janis Enterprises, Inc	- Multiple zone changes.	BCC	Approved w/conds.
1985	Dolphin Stadium Corporation & Joseph Robbie: and Emil Morton & Lottie Morton	- DRI.	BCC	Approved w/conds.
1985	Dolphin Stadium Corp & Joseph Robbie; & E. I Morton, L. Morton Trust L. Morton Trust (Part 2 of 2)	- Zone change from RU-TH, RU-1, BU-1 & BU-1A to BU-2. - Zone change from RU-TH to RU-4A. - Unusual Use for a Sport Stadium. - Unusual Use to permit a heli pad landing. - Non-Use Variances for parking & zoning regulations.	BCC	Approved w/conds.

1986	Dolphin Stadium Corp. ET AL	- To make a substantial deviation. - Modification of condition of resolution.	BCC	Approved w/conds.
1987	Dolphin Stadium Co.	- Amendment to Development of Regulation Impact Order Z-210-85.	BCC	Approved
1987	Dolphin Stadium Corp.	- Variance for signs.	BCC	Approved
1988	Robbie Stadium Corp.	- Amendment to DRI.	BCC	Approved
1988	Robbie Stadium Co.	- Amendment to DRI.	BCC	Approved
1990	Robbie Stadium Co.	- Amendment to DRI Z-210-85. - Modification of condition of resolution.	BCC	Approved w/conds.
1993	Robbie Stadium Corp.	- Modification of resolution.	BCC	Approved on a modified basis.
1993	Robbie Stadium Corp.	- Modificatin of condition #2 of resolution.	BCC	Approved in part.
1995	Richard Morton ET AL (Robbie Stadium Corp. ET AL)	- Modification of condition of resolution.	BCC	Approved w/conds.
1995	Robbie Stadium Corp.	- To make a substantial deviation determination. - Modification of resolution.	BCC	Approved w/conds.
1995	Robbie Stadium Corp.	- Zone change from RU-4A to BU-2. - Special Exception to permit a proposed hotel. - Special Exception requiring site plan approval for a proposed parking lot.	BCC	Approved In part.
1996	Robbie Stadium Corp.	- Non-Use Variance of zoning regulation. - Unusual Use to permit existing dinning.	ZAB	Approved w/conds.

1998	Dolphin Center Properties	- Modification of condition of resolution. - Unusual Use to permit expansion of stadium. - Non-Use Variance of zoning regulation.	C03	Approved w/conds.
1999	Robbie Stadium Corp. ET AL	- To make a substantial deviation. - Modification of condition of resolution.	BCC	Approved w/conds.
1999	Robbie Stadium Corp. ET AL	- To make a substantial deviation. - Modification of condition of resolution.	BCC	Approved w/conds.
2004	County Line South Properties LTD	- Modification of condition of resolution.	BCC	Approved w/conds.
2004	County Line South Properties LTD	- Modifiation of resolution.	BCC	Approved w/conds.
2008	Dolphin Center Properties, David Morton, ET AL	- To make a substantial deviation. - Deletion of resolution. - Amended of Development Order.	BCC	Approved w/conds.

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

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2011

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: South Florida Stadium, LLC, et al (Z10-149)

SUMMARY OF REQUESTS:

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes. The purpose of this substantial deviation determination is to allow the placement of an amusement facility (water theme park) on the subject property. The applicants are also seeking approval of an Unusual Use request to permit the aforementioned water theme park. Additionally, the applicants are modifying several Resolutions to include in the Development Order (D.O.) the proposed water theme park use. Specifically, the applicants are modifying Schedule I (Dolphin Center North) which reflects the inclusion of 39.99 acres of Water Theme Park attraction facilities to the D.O. and the reduction of a previously approved 325,000 sq. ft. office development by 100,000 square feet for a proposed total of 225,000 sq. ft. of office space, along with other modifications, which will allow the submittal of revised plans for the proposed 39.99-acre water theme park on the subject property. In addition, the applicants are seeking a Special Exception of spacing requirements to permit the sale of alcoholic beverages from the proposed concession stands to be spaced less than the required 2500' from a school, and to permit Sunday sales of alcoholic beverages between the hours 9 a.m. to 9 p.m. (10 a.m. to 1 a.m. permitted).

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

COMMENTS:

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

The meeting of the DIC Executive Council was held on June 15, 2011 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, as set forth in the Department of Planning and Zoning's recommendation.

In addition, as part of the motion, the Executive Council added the following conditions regarding approval of separate resolutions:

1. Development of Regional Impact Amended Development Order Resolution: Approval of requests 1, 2, and 3, subject to condition number 20 as provided in the Miami-Dade County Department of Planning and Zoning Recommendation to the Developmental Impact Committee.

2. Zoning Resolution: Approval of requests 4, 5, 6, 7, 8 and 9, subject to conditions numbered 1-19, as provided in the Miami-Dade County Department of Planning and Zoning Recommendation to the Developmental Impact Committee.

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 conditions 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. Z10-149
SOUTH FLORIDA STADIUM, LLC ET AL

Respectfully Submited,

DIC Executive Council
June 15, 2011

Susanne M. Torriente Assistant County Manager	AYE
Giovannie Ulloa, Fire Chief Miami-Dade Fire Rescue Department	Absent
Irma San Roman, Interim Director Metropolitan Planning Organization Secretariat	Absent
Grisel M. Rodriguez, Assistant Director for Zoning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	Absent
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Bertha M. Goldenberg, Assistant Director Miami-Dade Water and Sewer Department	AYE

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: South Florida Stadium, LLC, et al **PH:** Z10-149

SECTION: 3-52-41 **DIC DATE:** June 15, 2011

COMMISSION DISTRICT: 1

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A. INTRODUCTION

o SUMMARY OF REQUESTS:

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes. The purpose of this substantial deviation determination is to allow the placement of an amusement facility (water theme park) on the subject property. The applicants are also seeking approval of an Unusual Use request to permit the aforementioned water theme park. Additionally, the applicants are modifying several Resolutions to include in the Development Order (D.O.) the proposed water theme park use. Specifically, the applicants are modifying Schedule I (Dolphin Center North) which reflects the inclusion of 39.99 acres of Water Theme Park attraction facilities to the D.O. and the reduction of a previously approved 325,000 sq. ft. office development by 100,000 square feet for a proposed total of 225,000 sq. ft. of office space, along with other modifications, which will allow the submittal of revised plans for the proposed 39.99-acre water theme park on the subject property. In addition, the applicants are seeking a Special Exception of spacing requirements to permit the sale of alcoholic beverages from the proposed concession stands to be spaced less than the required 2500' from a school, and to permit Sunday sales of alcoholic beverages between the hours 9 a.m. to 9 p.m. (10 a.m. to 1 a.m. permitted).

o REQUESTS:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19) of the Florida Statues with respect to a tourist attraction/amusement facility in the form of a proposed water theme park on Dolphin Center East II.

(2) MODIFICATION of Condition #1a of Resolution Z-26-08, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: SCHEDULE 1

DOLPHIN CENTER NORTH
AMENDED DEVELOPMENT ORDER

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

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

a) The project consist of up to:

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

TO: SCHEDULE1

DOLPHIN CENTER NORTH
AMENDED DEVELOPMENT ORDER

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

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

a) The project shall consist of up to:

73,000 seat stadium plus 1,916 additional seats in the stadium (as permitted by Section 380.06(24)(f) Florida Statues).
7,350 paved parking spaces on the stadium site.
39.99 acres of Water Park attraction facilities
225,000 square feet of office development
50,000 square feet of fitness center development
140,000 square feet of retail/commercial development.
450 hotel rooms.

(3) MODIFICATION of Dolphin Center North Land Use Tabulation, Figure 1 - Map H-proposed Land Use Map of development order exhibits for Dolphin Center North, only as it applies to subject property,

FROM:

DOLPHIN CENTER NORTH LAND USE TABULATION	
USE	SCALE
Attraction seats	74,916 seats
Retail	140,000 sq. ft.
Office	325,000 sq. ft.
Hotel	450 rooms
Fitness Center	50,000 sq. ft.
Buffers, Parks and Preserves:	25.364 Acres

Residential Zoning to Remain	7.4 acres
Landscape Buffer and Bike Path	21.8588 acres
Park	4.3222 acres
Scrub Oak Preserve	6.28 acres
Archaeological Midden	2.44 acres*

- The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan development.

* Present Archaeological Site.

Notes:
Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-6,000 (not to exceed 6,600) temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East I.

An additional 3,500 paved parking spaces may be provided in Dolphin Center East II.

Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the States of Florida, subject to Miami-Dade County approval.

Subject to appropriate zoning approvals: (1) Uses may be relocated from Dolphin Center West or Dolphin Center East 1 between each other and to the Stadium Site. (2) Dolphin Center East 2 is limited to up to 100,000 sq of office use. However, all use within Dolphin Center East 2 may be relocated to Dolphin Center East 1, Dolphin Center West and the Stadium Site. Attraction seats may only be located on the Stadium Site.

TO:

DOLPHIN CENTER NORTH LAND USE TABULATION	
USE	SCALE
Attraction seats	74,916 seats
Water Park	39.99 acres
Retail	140,000 sq. ft.
Office	225,000 sq. ft.
Hotel	450 rooms
Fitness Center	50,000 sq. ft.
Buffers, Parks and Preserves:	25.364 Acres
Residential Zoning to Remain	7.4 acres
Landscape Buffer and Bike Path	21.8588 acres
Park	4.3222 acres
Scrub Oak Preserve	6.28 acres
Archaeological Midden	2.44 acres*

- The specific locations of bus pullout bays will be finalized in conjunction with Miami-Dade Transit at the time of site plan or plat approval.

* Present Archaeological Site.

Notes:
Consistent with local zoning, portions of the property are now platted as Dolphin Center Stadium Site (Plat Book 129, Page 91 of the Public Records of Miami-Dade County, Florida).

Approximately 5,500-7,500 temporary unpaved parking spaces may be provided within Dolphin Center West and Dolphin Center East 1.

Up to 1,350 paved parking spaces may be provided in Dolphin Center East 2.

Refer to Condition 17 of the Dolphin Center Development Order regarding the proposed site access. The location and design of all project ingress and egress must adhere to the Minimum Standards for Design and Construction of Streets and Highways as approved by the States of Florida, subject to Miami-Dade County approval.

Subject to appropriate zoning approvals: (1) Uses may be relocated from Dolphin Center West or Dolphin Center East 1 between each other and to the Stadium Site. (2) Dolphin Center East 2 is limited to up to 39.99 acres of Water Park (inclusive of required parking).

The purpose of requests #2 & # 3 is to allow the applicant to modify the existing development order to include a tourist attraction/amusement facility in the form of a water theme park in Dolphin Center East 2 parking lot and to decrease the development total Square Footage for the office use in the land use tabulation table for the previously approved Dolphin Center North.

(4) UNUSUAL USE to permit a tourist attraction/amusement facility to wit: a water theme park.

(5) MODIFICATION of Condition #4 and #5 of Resolution Z-211-85, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "4 The density of development in the Dolphin Center East 2 shall be limited to 40,000 square feet of retail, 225,000 square feet of office and 300 hotel rooms."

TO: "4 The density of development in the Dolphin Center East 2 shall be limited to a tourist attraction/amusement facility, to wit: a water theme park."

FROM: "5 The density of development in the Dolphin Center West shall be limited to 100,000 square feet of retail, 100,000 square feet of office, 50,000 square feet of fitness center and 150 hotel rooms."

TO: "5 The development in Dolphin Center East 1 and Dolphin Center West shall be limited to 140,000 square feet of retail, 225,000 square feet of office, 50,000 square feet of fitness center, and 450 hotel rooms. Nothing shall prohibit the use of Dolphin East 1, Dolphin Center East 2, or Dolphin Center West for parking to serve the adjacent Stadium Site."

(6) MODIFICATION of Condition #2 of Resolution Z-211-85, last modified by Resolution Z-131A-95 both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dolphin Stadium," consisting of 39 sheets, as prepared by HDK Sports facilities Group and Keith and Schnars, P.A., dated April, 1985, AND plans entitled "Joe Robbie Stadium," as prepared by Hellmuth, Obata and Kassabaum, dated Oct. 6, 1992 and dated received December 15, 1992 AND a plan prepared by Keith & Schnars, P.A. consisting of 1 sheet dated February 17, 1993, last revised 8/15/95 and stamped received August 23, 1995 entitled, "Temporary Parking-Site Plan & Landscape Plan for Dolphin Center I," and 4 sheets dated October, 1993, last revised 8/10/95 and stamped received August 25, 1995 entitled, "Dolphin Center West Temporary Parking Site Plan and Landscape Plan."

TO: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dolphin Stadium," consisting of 39 sheets, as prepared by HDK Sports facilities Group and Keith and Schnars, P.A., dated April, 1985, AND plans entitled "Joe Robbie Stadium," as prepared by Hellmuth, Obata and Kassabaum, dated Oct. 6, 1992 and dated received December 13, 1992 AND a plan prepared by Keith & Schnars, P.A. consisting of 1 sheet dated February 17, 1993, last revised 8/15/95 and stamped received August 23, 1995 entitled, "Temporary Parking-Site Plan & Landscape Plan for Dolphin Center 1," and 1 sheet dated February 17, 1993, last revised 8/14/95 and stamped received August 29, 1995 entitled, "Dolphin Center West Temporary Parking Site Plan and Landscape Plan."

In addition, as to Dolphin Center East 2, a plan entitled "Miami Dolphins Water Park," as prepared by Water Technology, Inc., dated stamped received April 25, 2011, with sheets L-12.01, S1.10 and S1.20 handwritten revision dated 4/28/11, consisting of 81 sheets."

(7) MODIFICATION of Condition #15 of Resolution Z-131A-95, passed and adopted by the Board of County Commissioners last modified by Resolution CZAB3-13-98 passed and adopted by the Community Zoning Appeals Board 3, reading as follows:

FROM: "15 That the lot south of N.W. 199th Street be used for the parking of automobiles (having only four wheels and including jeeps, sport utility vehicles) only. The use of the improved parking by recreational vehicles, campers, buses and jitneys is prohibited. The use of this area for picnics, tailgate parties, flea markets, carnivals and other non-stadium related uses are expressly prohibited. However, nothing herein shall be construed to prohibit the use of

the subject property under the existing OPD zoning upon termination of the parking."

TO: "15 That the lot south of N.W. 199th Street (Dolphin Center East 2) be used for a tourist attraction/amusements facility, to wit: a water theme park and parking. The use of the improved parking by recreational vehicles, campers, buses and jitneys (except buses and jitneys which serve the water theme park and which may park in bus parking spaces shown on the site plan) is prohibited. The use of the parking areas for picnics, tailgate parties, flea markets, carnivals and other non-stadium or water theme park related uses are expressly prohibited."

The purpose of request #5 thru #7 is to allow the applicant to submit a new site plan showing a water theme park to be located in Dolphin Center East 2 parking lot and to decrease the development total square footage of office use on the previously approved Dolphin Center North.

(8) SPECIAL EXCEPTION of spacing requirements to permit proposed concession areas selling alcoholic beverages to be spaced less than the required 2500' from a school.

(9) Applicant is requesting to permit Sunday sales of beer and alcoholic beverages between the hours 9 a.m. to 9 p.m. (10 a.m. to 1 a.m. permitted).

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**: Lying between the Florida Turnpike and N.W. 27 Avenue and on both side of N.W. 199 Street, City of Miami Gardens, Florida.

- **SIZE:** 329 Acres

B. ZONING HEARINGS HISTORY:

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

Also in December 1987, pursuant to Resolution #Z-343-87, a non-use variance was approved on the subject property varying sign heights, clearance and logo restrictions. Resolutions #Z-157-88 and #Z-195-88, which the BCC approved in July and September 1988, modified the D.O. based on a finding that said modification did not constitute a substantial deviation. In September 1990, pursuant to Resolution #Z-185-90, the BCC modified conditions of the previous Development Order. In 1993 and 1995 pursuant to Resolutions #Z-40-93, #Z-11-95 and #Z-131-95 several modifications to the Development Order were approved. Resolution #Z-131-A95 was approved in 1995 by the BCC and included a district boundary change from RU-4A, Apartment Hotel/Motel District, to BU-2, Special Business District, a special exception to permit a hotel in the BU-2 zone, a special exception requesting site plan approval for a parking lot, non-use variances to waive parking regulations requiring parking areas to be striped and to be topped with oil and sand or with asphalt, non-use variances to waive a 5' high decorative masonry wall set in 10' from the rear (north) property line and waiving the 10' strip of land to be landscaped and waiving the required 5' high decorative masonry wall along the common property line separating the RU4-A and BU-2 Districts. Additional requests included an unusual use to permit the expansion of the stadium and a modification of a condition of Resolution #Z-131A-95.

Pursuant to Resolution #5-ZAB-84-96, in 1996, the Zoning Appeals Board approved a non-use variance waiving the requirement that all uses be conducted within completely enclosed buildings, to permit two tents to be used for the sale of food, alcoholic beverages, retail merchandise and for entertainment purpose, a non-use variance waiving the requirement that all uses be conducted within completely enclosed buildings, to permit certain outdoor games and activities to occur in conjunction with the stadium events, an unusual use to permit outdoor dining in conjunction with the tents and a special exception of spacing requirements as applied to alcoholic beverage establishments to permit the sale of alcoholic beverages from the tents to be spaced less than the required 1500' from other existing alcoholic beverage establishments and less than the required 2500' from existing schools. In 1998, pursuant to Resolution #CZAB3-13-98, the Community Zoning Appeals Board #3 approved a modification of Resolution #Z-131A-95 to waive the conditions imposed only during the 1999 Super Bowl festivities. Resolution #CZAB3-6-99 which requested a substantial deviation determination and modification of previous conditions was denied by Community Zoning Appeals Board #3 in 1999. In 2004, pursuant to Resolution #Z-34-04, the BCC approved the modification of conditions to Resolutions #Z-131A-95 and Z-211-85. In 2005, the BCC, pursuant to Resolution #Z-1-05 approved, on a portion of the subject property, a district boundary change from RU-4A to BU-2, a special exception to permit site plan approval for a commercial development, waiving the landscape regulations for trees in the swale area or property lines along right-of-way and found there was not a substantial deviation. In 2006, pursuant to Resolution #Z-27-06, the BCC made a finding of no substantial deviation and modified various conditions of Resolutions #Z-210-85, as last modified by Resolution #Z-30-99 on a portion of the subject property.

In 2008, pursuant to Resolution #Z-26-08, the BCC made a finding of no substantial deviation, granted an extension of time for the build out date for both parcels, and allowed the inclusion of workforce housing on the South Parcel. Additionally, multiple resolutions were deleted which approved and amended the original DRI and permitted the adoption of a separate Development Order for the North Parcel to be named Dolphin Center North and approved of a separate Development Order on the South Parcel to be named Dolphin Center South.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

1. *The adopted 2015 and 2025 Land Use Plan designates the subject property (BU-2, RU-4A, and OPD portions) as being within the Urban Development Boundary for* ***Business and Office****. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.*

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

3. *The adopted 2015 and 2025 Land Use Plan designates a portion of the subject property (OPD portion along N. W. 199 Street and abutting the Florida Turnpike) as being within the Urban Development Boundary for* ***Office/Residential.*** *Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunications facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas*

designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

4. *The adopted 2015 and 2025 Land Use Plan designates a portion of the subject property abutting the Florida Turnpike to the east and N.W. 195 Street to the south as being within the Urban Development Boundary for* ***Environmentally Protected Parks.*** *The land designated as "Environmentally Protected Parks is environmentally sensitive and includes tropical hardwood hammocks, high-quality Dade County pinelands and viable mangrove forests. Some sites proposed for public acquisition under Miami-Dade County Environmentally Endangered Lands (EEL), Florida's Conservation and Recreational Lands (CARL) and Florida Forever programs are identified in this category on the LUP map although they may be as small as ten acres in size. All portions of parkland designated Environmentally Protected Parks or other parkland which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development for the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas.*
5. ***Objective LU-1.*** *The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.*
6. ***Policy LU-1A.*** *High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.*
7. ***Policy LU-1B.*** *Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.*
8. ***Policy LU-1G.*** *Business developments shall preferably be placed in cluster or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.*
9. ***Policy LU-4A.*** *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

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

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

12. ***Policy LU-8B****. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.*

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

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

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

connections to nearby expressway or major roadways to ensure a high level of countywide accessibility.

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

The core of the centers should contain business, employment, civic, and/or high or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning and evening commute or lunch hour.

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

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
City of Miami Gardens: Stadium, vacant property and retail stores	Business and Office, Low Density Residential, 2.5 to 6 dua, Office/ Residential, Environmentally Protected

		Parks

Surrounding Properties:

NORTH:	City of Miami Gardens: canal, single-family residences, vacant land	Business and Office
SOUTH:	City of Miami Gardens: single-family residences	Low Density Residential, 2.5 to 6 dua
EAST:	City of Miami Gardens: Florida Turnpike	Transportation
WEST:	City of Miami Gardens: retail and Single-family residences	Business and Office and Low Medium Density Residential 6 to 13 dua

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Florida Statutes §380.06(19) Developments of Regional Impact-Substantial Deviation
The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(a) *Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.*

(b) *Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:*

1. *An increase in the number of parking spaces at an attraction or recreational facility by 10 percent or 330 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 10 percent or 1,100 spectators, whichever is greater.*

5. *An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.*

6. *An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.*

7. *An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

8. *An increase in commercial development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10-percent increase of either of these, whichever is greater.*

9. *An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.*

11. *A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.*

12. *A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.*

13. *A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.*

14. *Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.*

The substantial deviation numerical standards in subparagraphs 3., 5., 8., 9., and 12., excluding residential uses, and in subparagraph 13., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(d) *A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.*

(e) 1. *Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.*

2. *The following changes, individually or cumulatively with any previous changes, are not substantial deviations:*

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which

do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided a developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.

l. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local

government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k. and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. *Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.*

4. *Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.*

5. *The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.*

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

(f) 1. *The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.*

2. *The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.*

3. *No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15*

days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. *The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.*

5. *At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.*

6. *If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.*

(g) *If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:*

1. *The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.*

2. *The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.*

3. *If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.*

4. *Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.*

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

Section 33-311(A)(7) (Generalized Modification Standards). *The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.*

Section 33-311(A)(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.

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDT	**No objection**
WASD	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**
Aviation	**No objection**
Historical Preservation	**No objection***

*Subject to conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes as it pertains to Resolution #Z-210-85 (the original Development Order). Said Development Order (D.O.) was amended by Resolutions #Z-147-86, #Z-342-87, #Z-157-88, #Z-195-88, #Z-185-90, #Z-40-93, Z-11-95, #Z-131-95, #Z-30-99, #Z-27-06 and last modified by #Z-26-08 (Dolphin Center North D.O.). The purpose of this substantial deviation determination is to allow the placement of an amusement facility (water theme park) on the subject property. As part of this application, the applicants are also seeking approval of an Unusual Use request to permit the aforementioned water theme park, and are modifying several Resolutions in order to include the proposed water theme park use in the D.O. Specifically, the applicants are modifying Schedule I (Dolphin Center North) which reflects the inclusion of 39.99 acres of water theme park attraction facilities into the D.O. and the reduction of 100,000 square feet of office development, along with other modifications including the proposed revised plans and parking restrictions for the proposed water theme park facilities. A Special Exception request of spacing requirements to permit proposed concession areas selling alcoholic beverages spaced less than the required 2500' from a school, and a non-use variance request to permit Sunday sales of alcoholic beverages between the hours 9 a.m. to 9 p.m. (10 a.m. to 1 a.m. permitted) are also being sought.

The proposed Water Theme Park will be developed on the east half of Dolphin Center East 2, which is currently used as a parking lot with a total of 3,066 paved parking spaces. The submitted plans illustrate the Water Park facility containing family raft slides, a tube flume complex, a lazy river, wave pool, mat slides and other waterslides, as well as retail, food and beverage concessions areas, support facilities and 1,347 parking spaces. Staff notes that 1,347 parking spaces will continue to be provided on the west half of the parcel. There will be approximately 58,000 square feet of building area constructed within the Water Theme Park to provide shelters, concession operations, changing and rest rooms, children's activity areas, park storage and administrative offices. Additionally, staff notes that a 2.44-acre Archaeological Midden exists at the center of the proposed water theme park, and a metal picket fence

surrounds same. The proposed water theme park will be surrounded by the Dolphin Stadium site to the north, the Florida Turnpike and single-family residences to the east, and single-family residences to the south and west. The applicant is preserving the 350' wide landscaped buffer on the south side of the subject property which was set aside as part of the original DRI approval to mitigate some of the aural and visual impacts generated by the Dolphin Stadium, which now will also mitigate the aural and visual impacts of the proposed water theme park. Notwithstanding this buffer, the proposed water theme park will also be buffered by a greenbelt consisting of dry retention ponds flanked by trees and shrubs.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as being within the Urban Development Boundary for **Business and Office, Office/Residential, Low Density Residential and Environmentally Protected Parks**. The area where the proposed water theme park will be located is currently designated for Office/Residential. However, the applicants have applied for a concurrent application for a land use amendment to change the designation of the subject property from Office/Residential to Business and Office. The amendment is scheduled to be heard by the Board of County Commissioners on July 21, 2011. The water theme park is an allowable use in the Business and Office LUP map category and, therefore, the proposed use is **consistent** with the CDMP.

Section 380.06(19) of the Florida Statutes states that *any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. Specifically, Section 380.06(19)(b)(5),(8) and (13) of the Florida Statutes provides that: "Any proposed changes to a previously approved DRI or Development Order which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation: an increase of office development by 10 percent or 66,000 square feet, whichever is greater, an increase in commercial development by <u>10 percent or a 15 percent increase</u> in the number of external trips.* This application seeks the simultaneous increase and decrease of uses within an approved multi-use DRI, namely the increase of attraction use for a water theme park with the simultaneous elimination of 100,000 square feet of office use. In accordance with Section 380.06(19), Florida Statutes, such a change is presumed to create a substantial deviation, which presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government. The applicants have submitted extensive documentation that rebuts the presumption. Specifically, the applicants have submitted a traffic study which concludes that the proposed change will not result in additional traffic impacts above those already reviewed, mitigated and approved for the Dolphin Center North DRI and that there is not a trip generation increase of 15 percent. The applicants also submitted a report from a civil engineer that confirms the availability of related infrastructure, including water, sewer, solid waste, and drainage to serve the project. Additionally, the memoranda from the Public Works Department and Miami-Dade Transit indicate that the project continues to meet their concurrency standards and that there is no additional impact on infrastructure and the surrounding community. Noting all the aforementioned, staff is of the opinion that the clear and convincing evidence presented by the applicants do clearly rebut the presumption that the requested simultaneous increase and decrease of uses within an approved multi-use DRI, namely the increase of attraction use for a water theme park with the simultaneous elimination of 100,000 square feet of office use would not create a substantial deviation requiring further development of regional impact review.

When requests #2 and #3 (D.O. modification requests) are analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modifications will not adversely impact the surrounding area and will be **compatible** with same. The purpose of requests #2 and #3 is to allow the applicants to modify the existing development order to include a tourist attraction/amusement facility in the form of a water theme park in Dolphin Center East 2 parking lot and to decrease the development total square footage for the office use by 100,000 square feet in the land use tabulation table for the previously approved Dolphin Center North. Staff is of the opinion that the approval of requests #2 and #3 would not impact the surrounding area, generate excessive traffic, tend to create or to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. As previously mentioned, the applicants have submitted a traffic study which concludes that the proposed change will not result in additional traffic impacts above those already reviewed, mitigated and approved for the Dolphin Center North DRI and that the trip generation will not increase significantly. The applicants also submitted a report from a civil engineer that confirms the availability of related infrastructure, including water, sewer, solid waste, and drainage to serve the project. Additionally, the applicants submitted a noise study and a line-of-sight study which confirms that sufficient buffering exists to mitigate any visual and aural impacts that could be generated by the proposed water theme park. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that requests #2 and #3 will not have an unfavorable effect on same and will not be contrary to the public interest. Therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(7) (Generalized Modification Standards).

The applicants are seeking an unusual use to permit an amusement facility to wit: a water theme park (request #4). As previously mentioned, the applicants have submitted documentation prepared by a civil engineer and a traffic study, which concludes that the proposed change will not result in additional traffic impacts above those already reviewed, mitigated and approved for the Dolphin Center North DRI. Staff is of the opinion that the proposed water theme park will not generate or result in excessive traffic when compared to the previously approved 100,000 square feet of office use; the water theme park will be accessible by public roads, streets and highways using Florida's Turnpike and NW 27 Avenue to gain access to NW 199 Street to then gain access to the water theme park site; and when compared to the current attraction and recreational facility uses approved on the entire site, the water theme park will not provoke excessive overcrowding or excessive concentration of people or population. As evidenced by the traffic study submitted with this application, there will not be a substantial degradation of localized traffic, and any adverse impact on the roadway will be mitigated before development is completed. Additionally, the memoranda from the Public Works Department and Miami-Dade Transit indicate that the project continues to meet their concurrency standards and that there is no additional impact on infrastructure and the surrounding community. Further, the applicants have submitted a Noise Study and a Line of Sight Study concluding that ample and sufficient buffering exists to mitigate any visual and aural impacts generated by the proposed water theme park from nearby residential neighborhoods. Staff also notes that no environmental impacts are generated by the proposed water theme park, as indicated by the memorandum of the Department of Environmental Resources Management (DERM). Additionally, staff opines that the application will not have an adverse effect on property values, nor be a risk to human life or safety, or the environment, nor be a nuisance. As such, staff is of the opinion that the unusual use to permit a water theme park is

compatible with the surrounding area. Accordingly, staff recommend approval of request #4 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.

When requests #5 through #7 are analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area and will be **compatible** with same. The purpose of request #5 through #7 is to allow the applicant to submit a new site plan showing a water theme park to be located in Dolphin Center East 2 parking lot and to decrease the development total square footage for the office use by 100,000 square feet for the previously approved Dolphin Center North. Staff is of the opinion that approval of these requests will not generate excessive traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. As previously mentioned, the applicants have submitted a traffic study which concludes that the proposed change will not result in additional traffic impacts above those already reviewed, mitigated and approved for the Dolphin Center North DRI and that the trip generation will not increase significantly. The applicants also submitted a report from a civil engineer that confirms the availability of related infrastructure, including water, sewer, solid waste, and drainage to serve the project. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that this application will not have an unfavorable effect on same, and will not be contrary to the public interest. Therefore, staff recommends approval with conditions of requests #5 through #7 under Section 33-311(A)(7) (Generalized Modification Standards).

When analyzing request #8, to permit proposed concession areas selling alcoholic beverages spaced less than the required 2500' from a school, under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff opines that approval of the aforementioned request will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception and unusual use in relation to the present and future development of the area and the compatibility of the applied for exception and unusual use with the area and its development. The memoranda provided by DERM and the Public Works Department indicates that the proposed concession areas selling alcoholic beverages will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP. Staff notes that according to the liquor survey submitted by the applicant, the proposed concession areas selling alcoholic beverages will be approximately 2,904' from Norland Middle School located at 1235 NW 192 Terrace, and approximately 1,727' from Norwood Elementary School located at 19810 NW 14 Court, both schools located east of the Florida Turnpike. It should also be noted that the submitted plans illustrate that the proposed concession areas will be located internal to the site and will be restricted only to paying visitors to the water theme park. In staff's opinion, any aural and visual impacts will be mitigated by the Dolphin Stadium site to the north, the Florida Turnpike to the east, and a 350' wide landscaped buffer on the south side of the subject property. Additionally, the proposed water theme park with its concession areas selling alcoholic beverages will be further buffered by a greenbelt consisting of dry retention ponds flanked by trees and shrubs. Therefore, staff opines that the approval of the applicant's request to permit the concession areas selling alcoholic beverages spaced less than the required 2,500' from a school or religious facility will not have a negative impact on the surrounding area and the proposal would

be **compatible** with the surrounding area. Based on the aforementioned, staff recommends approval with conditions of request #8 under Section 33-311(A)(3).

When request #9, to permit Sunday sales of beer and alcoholic beverages between the hours 9 a.m. to 9 p.m. (10 a.m. to 1 a.m. permitted), is analyzed under the Non-Use Variance Standard, Section 33-311(A)(4)(b), staff is of the opinion that this request should be approved with conditions. As previously mentioned, staff opines that the location of the concession areas selling alcoholic beverages is internal to the site and any aural and visual impacts will be mitigated by the Dolphin Stadium site to the north, the Florida Turnpike to the east, a 350' wide landscaped buffer on the south side of the subject property and a greenbelt consisting of dry retention ponds flanked by trees and shrubs. Additionally, staff opines that allowing the sale of alcoholic beverages on Sundays will be concurrent with the hours of operation of the water theme park, would not be detrimental to the community and, therefore, with the aforementioned proposed buffering, will be **compatible** with the area. As such, staff recommends approval with conditions of this request under the NUV Standards.

Accordingly, staff recommends approval of request #1, upon a finding that this application does not constitute a substantial deviation requiring further Development of Regional Impact review; approval of requests #2 and #3 under Section 33-311(A)(7) (Generalized Modification Standards); approval with conditions of request #4 under Section 33-311(A)(3); approval with conditions of requests #5 through #7 under Section 33-311(A)(7) (Generalized Modification Standards); approval with conditions of request #8 under Section 33-311(A)(3); and approval with conditions of request #9 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards.

I. RECOMMENDATION:

Approval of request #1, upon a finding that this application does not constitute a substantial deviation requiring further Development of Regional Impact review; and approval with conditions of requests #2 through #9.

J. CONDITIONS:

1. That all conditions of Resolution Nos. Z-211-85, last modified by Resolution Z-131A-95 and Z-26-08 remain in full force and effect except as herein modified.

2. That the Sunday hours of operation for the sale of liquor be restricted from to 9:00 a.m. to 9:00 p.m.

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

4. That a site plan 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 among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

5. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Miami Dolphins Water Park," as prepared by Water Technology, Inc., dated stamped received April 25, 2011, with sheets L-12.01, S1.10 and S1.20 handwritten revision dated 4/28/11, consisting of 81 sheets.

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

7. That the applicant comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of the June 15, 2011 DIC recommendation and incorporated herein by reference.

8. That best water conservation practices be incorporated in the design of the water theme park facilities to the extent practicable and allowed by law.

9. That energy efficient measures be incorporated in the design of the water theme park facilities.

10. The County shall coordinate any scheduled controlled burning on the EEL and Oak Preserve lands with the owner, in order to minimize the impacts of the burning activities on the water park facilities.

11. The Owner shall provide a designated contact staff member (by position) for fire management coordination. The County will address all correspondence to this staff member.

12. The Owner shall coordinate with Miami-Dade County Parks Department and Miami-Dade County Historic Preservation Division to provide an opportunity to distribute information to the public about the operations of and visitation options to the Archaeological Midden.

13. The Owner shall coordinate with the Miami-Dade County Historic Preservation Division and the Parks Department in the placement of a historic marker on the owner's property on the west side of the Archeological Midden.

14. In accordance with the Archaeological Management Plan for the Dolphin Center North Development of Regional Impact the Owner shall hire a professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards or a registered professional archaeologist to be present during the clearing and earth work phase of water theme park development, in order to monitor the site for soil anomalies that may be cultural in origin.

15. The Owner shall grant the Miami-Dade County archaeologist/Historic Preservation Division access to the site during the construction phase working hours in order to monitor excavation and construction activities.

16. Sufficient time shall be allowed to properly identify and record any significant archaeological deposits and features which may be encountered during monitoring.

17. If human remains are encountered, the guidelines of Florida Statute Section 872.05 (Florida's Unmarked Human Burial Law) and Florida Administrative Code Chapter 1A-44 (Procedures for Reporting and Determining Jurisdiction over Unmarked Human Burials) shall apply and all work shall cease. The State and County Archaeologists shall be notified.

18. The Owner agrees to cooperate with the County Parks Department to provide access and parking for visitors to the midden, by reservation only through the Parks Department, in a manner that is not inconsistent with the operations of the Water Theme Park but which will also accommodate the visit to the midden within 14 calendar days of the requested date. The Owner shall not be responsible for fire, theft, damage or loss to automobiles parked on its property or any articles left in same.

19. That the Applicant comply with the following requirements, recommendations, requests and other provisions of the Miami-Dade County Public Works Department:

    i. The Water Theme Park hours of operation shall be limited to the following: (a) 9:00 am - 9:00 pm on Sunday through Thursday; (b) 9:00 am - midnight on Fridays and Saturdays and on the evenings before national holidays (e.g. the Sunday before Labor Day); (c) 9:00 am to 6:00 pm on those days when a professional football game that has a start time at or after 7:00 pm is being played at the existing Stadium; and (d) 9:00 am - 1:00 am for special events (such as corporate or private parties, Super Bowl festivities, or similar activities). Water rides shall shut down a minimum of one hour prior to the posted closing times.

    ii. On those days when professional football games (with a start time prior to 7:00 pm) are being held at the existing Stadium, use of the Water Theme Park and its parking lot shall be restricted to individuals who on that day have access to the Stadium facility, including ticket holders, employees of the Stadium and participating teams, on-field performers and other similarly situated individuals who have game day access. Access for the general public to the water theme park may commence one hour after the conclusion of the coinciding professional football games.

    iii. Maintain the gated access driveway immediately west of the Archaeological Midden at its current width or at a narrower width to the satisfaction of Miami-Dade County Public Works Department (PWD) and Miami-Dade County Police Department to address game day traffic operations for the Stadium.

    iv. Signal Warrant Analyses shall be required for the proposed Water Theme Park entry driveway (the West Access) at NW 199 Street and for the Turnpike Access Road at NW 199 Street. Traffic signals will be designed, installed and operational prior to the opening of the Water Theme Park, where traffic signal warrants are met. Said timeframes may be extended by the Public Works Director upon the demonstration of good faith efforts by the Applicant to satisfy these deadlines.

v. To determine the final design configuration of the proposed traffic signals along NW 199 Street, the Applicant will need to provide additional intersection analyses to evaluate alternative lane assignments for movements projected to operate at LOS D at project buildout.

vi. The striping pattern of the Water Theme Park's entry driveway (the West Access) shall reflect three (3) exit lanes.

vii. Overhead lane usage signage along NW 199 Street will be provided that adjusts or turns off for game day traffic.

20. The Owner shall attempt to access the range of job skills available in the region, promote greater labor force enhancement, and encourage the provision of job opportunities to local, small and/or minority businesses by providing notice to the public and through the use of economic development enhancement resource agencies and programs in the development and expansion of initial construction and permanent job opportunities within the Dolphin Center East 2 Parcel Water Park project as follows:

a. Construction Jobs.

(1) The Owner shall require its General Contractor and Aquatic Contractor to each designate an individual to act as local, small and/or minority business outreach coordinator and each shall provide the names of those designated individuals to the Office of the Miami-Dade County Mayor, the Office of the County Commissioner for District 1 and the Mayor of the City of Miami Gardens to enable those entities to refer any questions regarding opportunities and processes for selection of local, small and minority subcontractors and vendors for the initial construction of the water park.

(2) The Owner shall require, in its contracts with its General Contractor and its Aquatic Contractor, and that they, in turn require in their contracts with their subcontractors that are selected for the initial construction of the water park, that they do the following:

(i) Notify the Office of the Miami-Dade County Mayor, the Office of the County Commissioner for District 1 and the Mayor of the City of Miami Gardens as such time as when it publishes that they are seeking bids from sub-contractors and vendors for the initial development of the proposed water park.

(ii) With the goal of promoting local, small and minority employment when selecting vendors and employees for the initial construction of the water park, the General Contractor, Aquatic Contractor, their subcontractors and vendors consult with and utilize such entities/agencies and programs as the Southern Florida Minority Supplier Development Council, South Florida Workforce, and the Minority Business Enterprise Center.

b. Permanent Jobs.

(1) At such time as the Owner commences its initial hiring for permanent jobs within the water park, it shall do the following:

(i) Notify the Office of the Miami-Dade County Mayor, the Office of the County Commissioner for District 1 and the Mayor of the City of Miami Gardens at such time as when the Owner commences its hiring for the initial permanent jobs within the proposed water park and provide them with a name and contact information of the individual(s) responsible for hiring new employees so that they can place a notice on their websites and otherwise distribute the notice to the local community.

(ii) Conduct an on-site job fair.

(iii) Consult with and utilize such entities/agencies and programs, including Southern Florida Minority Supplier Development Council, South Florida Workforce, and the Minority Business Enterprise Center.

DATE TYPED: 04/27/11
DATE FINALIZED: 06/10/11
MCL:GR:NN:AA:JV

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

Memorandum

MIAMI-DADE COUNTY

Date: May 23, 2011

To: Marc C. LaFerrier
Director
Planning & Zoning Department

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

Subject: DIC10-149
Name: South Florida Stadium LLC AT EL
Location: Between Florida Turnpike and NW 27th Avenue, both sides or to the West and East of NW 199th Street
Sec. 3, 34, 35 Twp. 51, 52 Rge. 41

I. Site Plan required conditions:

The Applicant shall comply with the following conditions to the Zoning Application to address staff concerns related to hours of operation, overlapping traffic operations with the Stadium, project access and signalization.

Hours of operation are provided in **Condition A,** with limits imposed on the proposed Water Park operation on days that will also accommodate professional football games at the Stadium. Restrictions are provided in **Condition B** on the use of the parking area to serve the Water Park, as well as restrictions on access to the Water Park on days that coincide with professional football games. **Conditions C, D, E, F and G** addresses project access and signalization for the proposed Water Park.

II. Hours of Operation:

A. The Water Park hours of operation shall be limited to the following: (a) 9:00 am - 9:00 pm on Sunday through Thursday; (b) 9:00 am - midnight on Fridays and Saturdays and on the evenings before national holidays (e.g. the Sunday before Labor Day); (c) 9:00 am to 6:00 pm on those days when a professional football game that has a start time at or after 7:00 pm is being played at the existing Stadium; and (d) 9:00 am - 1:00 am for special events (such as corporate or private parties, Super Bowl festivities, etc.). Water rides shall shut down a minimum of one hour prior to the posted closing times.

B. On those days when professional football games (with a start time prior to 7:00 pm) are being held at the existing Stadium, use of the Water Park and its parking lot shall be restricted to individuals who on that day have access to the Stadium facility, including ticket holders, employees of the Stadium and participating teams, on-field performers and other similarly situated individuals who have game day access. Access for the general public to the water park may commence one hour after the conclusion of the coinciding professional football games.

III. Project Access and Signalization:

The Applicant shall provide access to the proposed Water Park consistent with the Site Plan submitted and reviewed by staff for Public Hearing Application Number Z10-149, last updated on 4-20-2011, with the following additional modifications:

C. Maintain the gated access driveway immediately west of the Archaeological Midden at its current width or at a narrower width to the satisfaction of Miami-Dade County Public Works Department (PWD) and Miami-Dade County Police Department to address game day traffic operations for the Stadium.

D. Signal Warrant Analyses shall be required for the proposed Water Park entry driveway (the West Access) at NW 199 Street and for the Turnpike Access Road at NW 199 Street. Traffic signals will be designed, installed and operational prior to the opening of the Water Park, where traffic signal warrants are met. Said timeframes may be extended by the Public Works Director upon the demonstration of good faith efforts by the Applicant to satisfy these deadlines.

E. To determine the final design configuration of the proposed traffic signals along NW 199 Street, the Applicant will need to provide additional intersection analyses to evaluate alternative lane assignments for movements projected to operate at LOS D at project buildout.

F. The striping pattern of the Water Park's entry driveway (the West Access) shall reflect three (3) exit lanes.

IV. Standard Conditions that Apply to this Development:

A. The following certification signed and sealed by a State of Florida registered engineer shall be provided in a letter or plan submitted at the time a Plat or building permits are requested: "I hereby certify that the 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, intersection sight distance, horizontal/clear zone clearance, vertical clearance, super elevation, shoulder widths, grades, bridge widths, etc."

B. Street lights, as well as other right-of-way improvements are required per PWD Standards.

C. Provide appropriate radii to allow passage to large vehicles from Fire, Rescue and Solid Waste Departments and school buses from Miami Dade County Public Schools.

D. Driveways shall be no less than twenty two feet (22') in width and shall be resilient enough for large vehicles.

E. All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code; G5.3 of the PWD Manual; and Index 546, FDOT Design Standards for Design Construction, Maintenance and Utility Operations on the State Highway System.

F. Entrance features are not reviewed and/or approved under this application. They must be submitted to the Plat Committee as an entrance feature application.

G. All traffic signing, markings and signal plans, on site and offsite, shall be submitted to the PWD for Paving & Drainage review and approval.

This application **meets** the criteria for traffic concurrency for an Initial Development Order. Vehicle trips have been reserved by this application under a DRI, expiration date is October 10th, 2017. Additional traffic concurrency reviews may be required at a future stage of development. This project will require payment of Road Impact Fees at The time of building permits are sought.

cc: Jorge Vital, Development Impact Coordinator, Planning and Zoning Department
Joan Shen, P.E., PhD, Assistant Chief, Traffic Engineering Division, PWD
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWD
Armando E. Hernandez, Traffic Concurrency Coordinator, PWD

Memorandum

Date: May 31, 2011

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

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

Subject: DIC #Z2010000149-4th Revision
South Florida Stadium, LLC
East Side of N.W. 27th Avenue between N.W. 199th Street and N.W. 203rd Street
Substantial Deviation Determination for a DRI, Modification of a Previous Resolution and DRI Order for the Dolphin Center, Unusual Use to Permit an Amusement Facility to Wit a Water Theme Park, Special Exception to Permit the Sales of Alcoholic Beverages Spaced Less than Required and Requesting to Extend Hours of Operation of Alcohol Sales
(BU-2) (329 Acres)
03-51-41

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

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer 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 the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate 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.

The applicant is advised that the DERM approval of subsequent development orders for this site might be contingent upon the submission of a water consumption study detailing the overall water consumption.

Natural Forest Communities

The subject properties are located adjacent to a county designated Natural Forest Community (NFC) (folio 34-1134-011-0030) and it is also adjacent to approximately 4 acres of the "Dolphin Center Addition" Preserve acquired and managed by the Environmentally Endangered Lands (EEL) program (folios: 34-2102-000-0032 and 34-2103-000-0033).

Natural Forest Communities (NFC's) are upland natural areas that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of exotic plant species cover; high overall plant diversity; wildlife habitat values; and geological features. EEL Preserves are subject to Natural Forest Community regulations as per Section 24-49 of the Code of Miami-Dade County (the Code) and the EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. The County has a vested interest in maintaining this NFC/EEL Preserve as a natural area. Development on parcels adjacent to NFC's/EEL Preserves should avoid adverse impacts to the NFC/EEL Preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, erosion, alterations to hydrology and other such activities. Also, in order to avoid causing damage to plants and substrate, heavy machinery must not be parked alongside or inside the NFC/EEL Preserve. Restrictions such as these should be considered in the design, planning and permitting for any development on or adjacent to existing Preserve within the project area.

Imperiled plant species (such as scrub palmetto - *Sabal etonia*) are present in the EEL Preserve, and the Preserve contains one of only two EEL-protected xeric scrub habitats in all of Miami-Dade County. These two isolated sites comprise about 20 acres and are among the last remaining remnants in Miami-Dade County of this old and formerly extensive ecosystem. Please be advised that the design, construction and operation of the development should avoid adverse impacts to the natural area including, but not limited to: the need for a buffer area and/or firebreak between the development and the Preserve; elimination of impediments to prescribed burning; the use of only compatible landscaping that does not include invasive species; setbacks for development facilities; shields from lighting; and mechanisms to prevent out-flows, aerosols, chemicals, and other substances from entering the Preserve from the development. The setbacks shown in the cross-sections submitted to EEL (2011-03-21 DRI Overall Sections, Figures 4 and 5) on April 13, 2011, appear to address the issues of discharge, aerosols and access.

This Preserve will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by the plant community. Such burning is generally performed once every three years. The subject property lies within the only available smoke dispersion corridor of this Preserve. Consequently, the subject property will be affected by periodic smoke events from the prescribed burns or unexpected wildfires which may impact the operation of the water park. To protect both the water park development and the EEL and Oak Preserves, the applicant is advised to consider emergency vehicle access to the dry retention areas that serve as buffers to the Preserves. This access should be considered and approved by the Miami-Dade Fire Department.

The following will be required prior to DERM approval of final development orders for the proposed project:

- DERM review of the proposed landscape plan
- DERM review of the proposed lighting plan

The applicant is advised to contact the Environmentally Endangered Lands program at 305-372-6687 for more information regarding the requirements for this site.

Tree Preservation
The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A. Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Stormwater Management
According to the plans and aerials data submitted, this project qualifies for a Surface Water Management General Permit from DERM's Water Control Section, for the construction and operation of the proposed water management system. This permit shall be obtained prior to platting and/or site development, or Public Works approval of paving and drainage plans.

Any proposed development must comply with the Water Quality Level of Service (WQLOS) and the minimum acceptable Flood Protection Level of Service (FPLOS) set forth by the Comprehensive Development Master Plan (CDMP) of Miami-Dade County.

Site grading and development shall comply with the requirements of Section 11C of the Code, as well as the State and Federal criteria. Surface runoff must not flood adjacent properties and must not be routed toward any body of water without adequate pre-treatment.

The applicant is advised to contact the DERM¿s Water Control Section for further and/or more detailed information regarding permitting procedures and design requirements applicable to this development.

Wetlands
The subject properties do not contain 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.

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

Concurrency Review Summary

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nick Nitti, DIC Coordinator

Memorandum

MIAMI-DADE COUNTY

Date: May 16, 2011

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

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

Subject: DIC 2010000149 – South Florida Stadium, LLC
Lying east of NW 27th Avenue, west of the Florida Turnpike and on both sides of Honey Hill Road (NW 199th Street), Miami-Dade County, Florida_Revision No. 1

According to the letter of intent dated September 20, 2010, the applicant is seeking to modify the Dolphin Center North Development of Regional Impact ("DC North DRI") along with various zoning requests in connection with the development of a proposed water park ("Water Park"), along with required parking, on approximate 39.99+/- acres of land within the Dolphin Center East 2 parcel lying east of NW 27th Avenue, west of the Florida Turnpike and on both sides of NW 199th Street.

ANALYSIS

The plans illustrate that the Dolphin Center East 2 parcel is currently used as a paved surface parking lot (with 3,066 paved parking spaces) and is approved as part of the DC North DRI for the development of 100,000 square feet of office use. The proposed Water Park will be developed on the east half of Dolphin Center East 2 and parking will continue to be provided on the west half of the parcel.

Based on the aforementioned, MDFR recognizes that in order to ensure that the proposed Water Park is permitted under the DRI, the Applicants are seeking a modification of the DRI Development Order to decrease the office development by 100,000 square feet (from Dolphin Center East 2), and replacing the office use with an attraction facility; namely the Water Park (inclusive of required parking). According to the site plan, the active portion of the Water Park will be on the eastern portion of the site; thereby minimizing impact upon the residents to the south.

During the design phase, MDFR encourages that the developer comply with the height and setback requirements contained in the resolutions governing development of the Dolphin Center East 2. The design should meet or exceed the site development requirements of the underlying OPD zoning district regulations.

SERVICE IMPACT

The MDFR analysis has been divided into alarms generated inside the proposed Water Park and alarms generated in the adjacent vicinity of the Stadium. Although the proposed Water Park will have a minimal impact on MDFR's delivery service, and will increase travel time during peak hours on weekends and vacation periods, presently MDFR service in the area is adequate.

EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
11	18705 NW 27th Avenue	Rescue, Aerial	7
38	575 NW 199th Street	Rescue, Aerial	7
51	4775 NW 199th Street	Rescue, Engine	7
54	15250 NW 27th Avenue	Rescue, Engine	7

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the site plan entitled 'Miami Dolphins Water Park' as prepared by Neuman Group, dated stamp received April 25, 2011, with the following conditions:

(1) The Fire Access Plan shall identify that the fire access roads are within fifty (50) feet from an exterior door allowing access into each building.

(2) The Fire Access Plan shall identify that the fire access drive is capable of withstanding a minimum of 32 tons.

(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.

CONCLUSION

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to the application. MDFR believes that the Water Park is expected to have a highly favorable impact on the economy of Miami-Dade County; creating significant construction and full time equivalent jobs. It is anticipated that the Water Park will draw a significant number of visitors from the region and will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities which exist or have been established to support the 74,916 permanent seat stadium, as well as the rest of the development contemplated by the DC North DRI.

Furthermore, MDFR believes that the Water Park will not create a fire or other equally or greater dangerous hazard, and, particularly when compared to the existing uses approved in the DRI, will not provoke excessive overcrowding or concentration of people or population. MDFR will have adequate access to the Water Park via public roads, streets and highways (including the Florida Turnpike, NW 199th Street and NW 27th Avenue).

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: May 31, 2011

To: Jorge Vital, DIC Coordinator
Planning and Zoning Department

Thru: Maria I. Nardi, Chief
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Dolphin Stadium Water Park
Zoning Hearing Application Z2010000149

Planning and Zoning Case Z2010000149 proposes to construct a Water Park as a modified part of the Dolphin Center North Development of Regional Impact (DRI). The subject property for the Water Park lies on a 40-acre portion of the southernmost area of DRI lands, almost completely surrounded by County-owned property including:

- Designated Natural Forest Community (NFC) (Folio 34-1134-011-0030);
- 4+ acres of the "Dolphin Center Addition" Preserve acquired and managed by the Department of Environmental Resource Management's Environmentally Endangered Lands (EEL) program (Folios: 34-2102-000-0032 and 34-2103-000-0033);
- Chittohatchee Park at Honey Hill archeological site managed by the Park and Recreation Department

As proposed, the Water Park will utilize approximately 40 acres of Stadium lands, whereby the westernmost 20 acres of existing parking will be used to support the 1,351 spaces needed for attraction parking. Conversely, the easternmost 20 acres of unpaved parking will be converted to water park attractions including 58,000 sq. feet of buildings and supporting infrastructure.

The original Dolphin Center North Development of Regional Impact proposed to create a buffer between the Stadium and other proposed developments through the use of buffer lands. This buffer land, purposely dedicated as public parks, contained both intact natural resources, in the form of a scrub oak preserve, and archeological resources within Chittohatchee Park at Honey Hill. These park areas were provided as a buffer to the residents living within the Rolling Oaks residential community.

The Honey Hill Archaeological site at Chittohatchee Park is the first of its kind in Miami-Dade County, dedicated to the study and interpretation of the Tequesta, their ancestors, and Seminole life ways. It is one of the County's most significant archaeological resources and is jointly managed between the Park and Recreation Department and Planning & Zoning's Historic Preservation Division.

The Department has participated in the preparation of conditions related to environmental resources and archeological resources with the applicant and representatives of DERM and Planning & Zoning's Historic Preservation Division and concur with the following comments and recommended conditions of approval.

Environmental Resources

MDPR's Natural Area Management Division is responsible for management of our natural areas proximate to the site of this application and coordinates with DERM for the management of our property as well as the area described below in their memo dated May 31, 2011. Therefore, it is recommended that the following will be required prior to approval of final development orders for the proposed project:

- DERM review of the proposed landscape plan

The applicant is advised to contact the Environmentally Endangered Lands program at 305-372-6687 for more information regarding the requirements for this site.

Natural Forest Communities
The subject properties are located adjacent to a county designated Natural Forest Community (NFC) (folio 34-1134-011-0030) and it is also adjacent to approximately 4 acres of the "Dolphin Center Addition" Preserve acquired and managed by the Environmentally Endangered Lands (EEL) program (folios: 34-2102-000-0032 and 34-2103-000-0033).

Natural Forest Communities (NFC's) are upland natural areas that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of exotic plant species cover; high overall plant diversity; wildlife habitat values; and geological features. EEL Preserves are subject to Natural Forest Community regulations as per Section 24-49 of the Code of Miami-Dade County (the Code) and the EEL Ordinance for preservation and management consistent with the purposes set forth in Section 24-50 of the Code. The County has a vested interest in maintaining this NFC/EEL Preserve as a natural area. Development on parcels adjacent to NFC's/EEL Preserves should avoid adverse impacts to the NFC/EEL Preserve associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage, erosion, alterations to hydrology and other such activities. Also, in order to avoid causing damage to plants and substrate, heavy machinery must not be parked alongside or inside the NFC/EEL Preserve. Restrictions such as these should be considered in the design, planning and permitting for any development on or adjacent to existing Preserve within the project area.

Imperiled plant species (such as scrub palmetto - Sabal etonia) are present in the EEL Preserve, and the Preserve contains one of only two EEL-protected xeric scrub habitats in all of Miami-Dade County. These two isolated sites comprise about 20 acres and are among the last remaining remnants in Miami-Dade County of this old and formerly extensive ecosystem. Please be advised that the design, construction and operation of the development should avoid adverse impacts to the natural area including, but not limited to: the need for a buffer area and/or firebreak between the development and the Preserve; elimination of impediments to prescribed burning; the use of only compatible landscaping that does not include invasive species; setbacks for development facilities; shields from lighting; and mechanisms to prevent out-flows, aerosols, chemicals, and other substances from entering the Preserve from the development. The setbacks shown in the cross-sections submitted to EEL (2011-03-21 DRI Overall Sections, Figures 4 and 5) on April 13, 2011, appear to address the issues of discharge, aerosols and access.

This Preserve will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by the plant community. Such burning is generally performed once every three years. The subject property lies within the only available smoke dispersion corridor of this Preserve. Consequently, the subject property will be affected by periodic smoke events from the prescribed burns or unexpected wildfires which may impact the operation of the water park. To protect both the water park development and the EEL and Oak Preserves, the applicant is advised to consider emergency vehicle access to the dry retention areas that serve as buffers to the Preserves. This access should be considered and approved by the Miami-Dade Fire Department.

Parks/Archeological Resources:

It is also recommended that application approval shall also be subject to the following conditions:

1. The Owner shall coordinate with Miami-Dade County Parks Department and Miami-Dade County Historic Preservation Division to provide an opportunity to distribute information to the public about the operations of and visitation options to the Archaeological Midden.

2. The Owner shall coordinate with the Miami-Dade County Historic Preservation Division and the Parks Department in the placement of a historic marker on the owner's property on the west side of the Archeological Midden.

3. In accordance with the Archaeological Management Plan for the Dolphin Center North Development of Regional Impact the Owner shall hire a professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards or a registered professional archaeologist to be present during the clearing and earth work phase of water park development, in order to monitor the site for soil anomalies that may be cultural in origin.

4. The Owner shall grant the Miami-Dade County archaeologist/Historic Preservation Division access to the site during the construction phase working hours in order to monitor excavation and construction activities.

5. Sufficient time shall be allowed to properly identify and record any significant archaeological deposits and features which may be encountered during monitoring.

6. If human remains are encountered, the guidelines of Florida Statute Section 872.05 (Florida's Unmarked Human Burial Law) and Florida Administrative Code Chapter 1A-44 (Procedures for Reporting and Determining Jurisdiction over Unmarked Human Burials) shall apply and all work shall cease. The State and County Archaeologists shall be notified.

7. The Owner agrees to cooperate with the County Parks Department to provide access and parking for visitors to the midden, by reservation only through the Parks Department, in a manner that is not inconsistent with the operations of the Water Park but which will also accommodate the visit to the midden within 14 calendar days of the requested date. The Owner shall not be responsible for fire, theft, damage or loss to automobiles parked on its property or any articles left in same.

Memorandum

MIAMI-DADE COUNTY

Date: October 21, 2010

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #10-149
South Florida Stadium, LLC Et Al
DN-10-10-455

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #10-149, South Florida Stadium, LLC Et Al. The applicant is requesting a substantial deviation determination for a DRI, a modification of a previous resolution and DRI order for the Dolphin Center, an unusual use to permit an amusement facility to wit a water theme park, a special exception to permit the sale of alcohol beverages spaced less than required, and a request to extend the hours of operation for alcohol sales.

Based on the available information, MDAD determined that the proposed use is compatible with operations from Opa-locka Executive Airport. Please be advised that the applicant must file FAA Form 7460-1 if any construction cranes associated with this project at this location reach or exceed 200 feet AMSL (Above Mean Sea Level). This form is available through the Aviation Department's Planning Division or alternatively, the applicant may "e-file" online at https://oeaaa.faa.gov.

C: S. Harman
Jorge Vital, DIC Coordinator, Department of Planning & Zoning

DATE: 28-JUN-11

REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

SOUTH FLORIDA STADIUM, LLC ET AL

APPLICANT

LYING BETWEEN THE FLORIDA TURNPIKE AND N.W. 27 AVENUE AND ON BOTH SIDES OF NW 199 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000149

HEARING NUMBER

HISTORY:

6/28/11-BNC DOES NOT PROVIDE ENFORCEMENT FOR THE CITY OF MIAMI GARDENS. NO ACTIVE OLD CASES.

SOUTH FLORIDA STADUIM, LLC

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

48

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH **Inspection Dat**

Evaluator: N/A 06/22/11

Process #:	**Applicant's Name**
Z2010000188	FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC.

Locations: Lying north of Flagler Street, south of State Road 836, west of NW 87 Avenue and east of NW 107 Avenue, MIAMI-DADE COUNTY, FLORIDA.

Size: 273 ACREs +/- **Folio #:** 3040050510010

Request:

1 DBC from GU and RU-4M to PAD
10 Applicant is requesting to permit certain residences to setback varying from 13'-6" to 22' from the rear property lines (25' min. required).
11 Applicant is requesting to permit swimming pools and jacuzzis in the development to setback 5' from all property lines, as well as, to permit pool decks to setback 3' from all property lines. (75' required from the front property line), (5' required from the interior side and rear property lines).
12 Applicant is requesting to permit the proposed development with a common landscape open space of 441,989 square feet (711,671 SF required).
13 Applicant is requesting to permit 280 palm trees (458 required).
2 Unusual Use to permit the filling of an existing lake.

Request #1 and #2 on Exhibit "B"

3 Modification of condition #4 of Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board on the 28th day of March 2006, only as it applies to the PAD development on the site, reading as follow:

From: '4. That in the approval of the plan, the same be substancially in accordance with that submitted for the hearing entitled "Fontainebleau East" (68 pages) and "Fontainbleau West" (51pages), as prepared by Pascual Perez kiliddjian & Associates Architects Planners, dated stamped sealed December 21, 2005 (East Parcel) and August 05, 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 substancially in accordance with that submitted for the hearing entitled "Fontainbleau Lakes P.A.D" (44 sheets), as prepared by Orestes Lopez-Recio, "Fontainbleau Lakes P.A.D" (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, "Boundary and Topographic Survey" (6 sheets), as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011. except as herein modified to provide the required number of parking spaces.
4 Mdofication of paragraphs #1 and #2 of a Declaration of Restrictions recorded in ORB 24467, PG 3173-3181, only as it applies to the townhouse development and reading as follows:

From: "1. The property shall be developed substancially 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 "Fontainbleau 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 substancially in accordance with the plans previously submitted, prepared by Arestes Lopez-Recio entitled "Fontainbleau Lakes P.A.D" consisting of 44 sheets dated, stamped received April 20, 2011, "Fontainbleau Lakes P.A.D" consisting of 16 sheets dated, stamped received April 20, 2011, as prepared by Witkin Hults Design Group, "Lake Fill Plan" consisting of 2 sheets dated, stamped received April 20, 2011, as prepared by Development Consulting Group, "Boundary and Topographic Survey" consisting of 6 sheets dated, stamped received April 20, 2011, as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this declaration.
5 Deletion of a Declaration of Restrictions recorded in ORB 27111, PG 1246.

Inspector *RODRIGUEZ, FRANK*
Evaluator *N/A*
Process Number: *Z2010000149* **Applicant Name** *SOUTH FLORIDA STADIUM, LLC ET AL*

Date: 21-JUN-11

Comments: NORTWESTERN VIEW FROM PROPOSED SITE.

Date: 24-JUN-11

Comments: EAST VIEW FROM PROPOSED SITE.

Date: 24-JUN-11

Comments: NORTH VIEW FROM PROPOSED SITE.

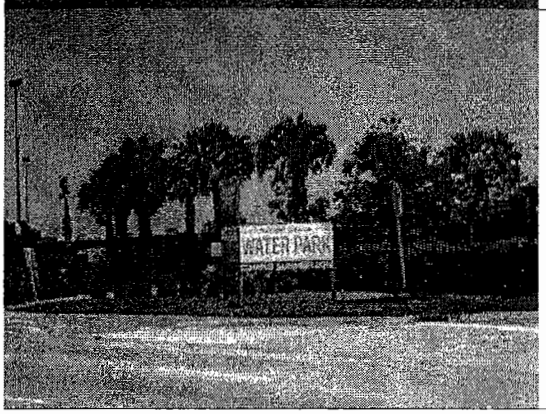
Inspector *RODRIGUEZ, FRANK*
Evaluator *N/A*
Process Number: *Z2010000149* **Applicant Name** *SOUTH FLORIDA STADIUM, LLC ET AL*

Date: 24-JUN-11

Comments: NORTHWEST VIEW FROM PROPOSED SITE. ARCHEOLOGICAL MIDDEN IN BACKROUND.

Date: 24-JUN-11

Comments: NORTHWEST FROM PROPOSED SITE.



Date: 24-JUN-11

Comments: SOUTH VIEW FROM PROPOSED SITE.

51

Memorandum

MIAMI-DADE COUNTY

Date: May 31, 2011

To: Jorge Vital, Developmental Impact Committee Coordinator
Department of Planning and Zoning

From: James K. Loftus, Director
Miami-Dade Police Department

Subject: Review - Developmental Impact Committee Zoning Application
Case: No. Z2010000149 – South Florida Stadium, LLC at El. (Water Park)

APPLICATION

The Applicant, the South Florida Stadium, LLC, County Line South Properties, LLC, and Dolphin Center Properties, LLC, is requesting a zoning modification of the Dolphin Center North Development of Regional Impact ("DC North DRI") to build a Water Park and parking lot on approximately 40 acres south of NW 199 Street and west of the Florida Turnpike in Miami-Dade County, Florida.

The proposed development is within the City of Miami Gardens city limits.

CURRENT POLICE SERVICES

The proposed development will be located in the City of Miami Gardens and serviced by the Miami Gardens Police Department, located at 1020 NW 163 Drive, Miami Gardens, Florida. The Miami-Dade Police Department (MDPD) provides off-regular duty police services to Sun Life Stadium during football games and other special events. The property of the proposed water park will fall within the area of responsibility of the MDPD during these special events. When the MDPD is not providing police services for events, the Miami Gardens Police Department provides police services to the water park and stadium property.

REVIEW

A review of the application, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. In order to evaluate the impact to police services, the MDPD staff met with the project manager, Sun Life Stadium parking representatives, Miami Gardens Police Department staff, and consulted with the applicant's legal counsel. As a result, the following recommendations are provided for consideration.

- Continue to cooperate with the Miami-Dade Police Department regarding security measures, systems, and operations during football games or other special events when the Miami-Dade Police Department is providing police services. This is to include but not limited to traffic control, the stadium, parking areas, and the water park.
- Create additional (new) parking areas sufficient to replace any parking spaces eliminated as a result of the construction of the water park.
- Cooperate with the Miami Gardens Police Department and implement appropriate security/safety measures relating to concerns noted in the attached letter from Miami Gardens Police Chief Matthew Boyd.

The MDPD does not object to the proposed zoning modifications, but encourages developers to work with police (both MDPD and Miami Gardens Police Department) during any future design and construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh
Attachment

Memorandum

MIAMI-DADE COUNTY

Date: Februrary 1, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

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

Subject: Analysis of Dolphin Center North Development of Regional Impact

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In response to the above referenced item, the Department of Solid Waste Management can provide you with the following information.

The DSWM does not measure waste disposal capacity utilization on a case-by-case basis. Instead, the adequacy of County disposal capacity is evaluated system-wide, based on historical contracted and anticipated non-contracted waste flows. Accordingly, we are not able to provide specific capacity commitments for facilities, developments, or areas.

Enclosed is the DSWM's 2010 concurrency determination, which is filed with the Department of Planning and Zoning on an annual basis. The determination shows sufficient system-wide waste disposal capacity to meet the County's adopted 5-year level-of-service standard. Additional System capacity is programmed and will be available in the near future to ensure that the County continues to meet its solid waste concurrency obligation.

Please be advised that this same information will apply should the project undergo additional changes. If you have questions, please contact Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs at 305-514-6661.

Enclosure

c: Stacey McDuffie, Division Director, DSWM

Memorandum

MIAMI-DADE COUNTY

Date: September 30, 2010

To: Marc. C. LaFerrier, A.I.C.P., Director, Department of Planning and Zoning

From: Kathleen Woods-Richardson, Director, Department of Solid Waste Management

Subject: Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2015-16 or one (1) year beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2011), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Paul Mauriello, Deputy Director, Operations (Designate)
Christopher Rose, Deputy Director, Administration
Asok Ganguli, Assistant Director, Technical Services
Michael Moore, Assistant Director, Disposal Operations

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2010-11 Through Fiscal Year 2019-20

		RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	
FISCAL YEAR PERIOD	WASTE PROJECTION	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL	TOTAL TO BE LANDFILLED
OCT. 1, 2010 TO SEPT. 30, 2011	1,565,000	182,029	137,000	45,029	1,911,394	149,000	1,762,394	1,775,219	231,000	1,544,219	250,000	767,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,565,000	45,029	45,029	0	1,762,394	240,971	1,521,423	1,544,219	231,000	1,313,219	250,000	767,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,565,000	0	0	0	1,521,423	286,000	1,235,423	1,313,219	231,000	1,082,219	250,000	767,000
OCT. 1, 2013 TO SEPT. 30, 2014	1,565,000	0	0	0	1,235,423	286,000	949,423	1,082,219	231,000	851,219	250,000	767,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,565,000	0	0	0	949,423	286,000	663,423	851,219	231,000	620,219	250,000	767,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,565,000	0	0	0	663,423	383,500	279,923	620,219	383,500	236,719	0	767,000
OCT. 1, 2016 TO SEPT. 30, 2017	1,565,000	0	0	0	279,923	279,923	0	236,719	231,000	5,719	0	510,923
OCT. 1, 2017 TO SEPT. 30, 2018	1,565,000	0	0	0	0	0	0	5,719	5,719	0	0	5,719
OCT. 1, 2018 TO SEPT. 30, 2019	1,565,000	0	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2019 TO SEPT. 30, 2020	1,565,000	0	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				1			6			7		6

ANNUAL DISPOSAL RATE (in tons)	
RESOURCES RECOVERY ASHFILL	137,000
SOUTH DADE LANDFILL	149,000
NORTH DADE LANDFILL	231,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	767,000

* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI until further cells are constructed.
** South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.
*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to South Dade Landfill and WMI.
**** Maximum Contractual Tonnage per year to WMI is 500,000 tons, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.

All beginning capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Malcolm Pirnie based on the actual July, 2010, survey with actual tons from July 2009, through June, 2010, and projected tons for August and September, 2010.

Memorandum

MIAMI-DADE COUNTY

Date: May 10, 2011

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

From: Maria A. Valdes, Section Chief
Comprehensive Planning & Water Supply Certification

Subject: South Florida Stadium, LLC - (Dolphin Center East 2 Water Park)
DIC Application # Z2010000149 (Revision # 2)

Below please find the water and sewer assessment for the development of the Water Park facility.

Application Name: South Florida Stadium, LLC - (Dolphin Center East 2 Water Park)

Proposed Development: Water Park Facility (34.24 acres)

Project Location: The subject property is located on the east side of NW 27th Avenue between NW 199th Street and NW 203rd Street, in Miami Gardens, Florida.

Water: The proposed development is located within the City of North Miami Beach (NMB) water service area.

Sewer: The proposed development is located within the City of North Miami Beach (NMB) sewer service area. The City of NMB is a volume sewer customer of the Miami-Dade Water and Sewer Department (MDWASD). The wastewater flows generated within the City's service area are transmitted to MDWASD for treatment and disposal to the North District Wastewater Treatment Plant (NDWWTP).

The total wastewater flow for this project is 109,370 gallons per day (gpd) as noted in the table below. Please note that Effective October 1, 2010, the Department of Environmental Resources Management (DERM) adopted by Policy new flow rates to update Section 24-43.1(5) of the Miami-Dade County Code. The calculation of the sewage loading below is based on the new flow rates.

Projected Water Park Sewage Loading			
Proposed Uses		Flow Rate	Sewage Loading (GPD)
Swimming Facility's (Filter Backwash)		6,720 gallons/day	6,720
Park (with toilets and showers)	5,000 Attendants	20 gpd/person	100,000
Restaurant (Fast Food)	5,300 sq.ft.	50 gpd/100 sq. ft.	2,650
TOTAL			**109,370 GPD**

Please note that the total number of attendants for the Park and the square footage for the restaurant were provided by Langan Engineering. Average treatment capacity presently exists at the NDWWTP to treat this additional flow. At the time of development, capacity evaluations of the plant for average flow and peak flows may be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree. Please note that the availability of sewer service is subject to the approval of all applicable governmental agencies having jurisdiction over these matters.

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

For more information about our Water Conservation Program please go to http://www.miamidade.gov/conservation/home.asp.

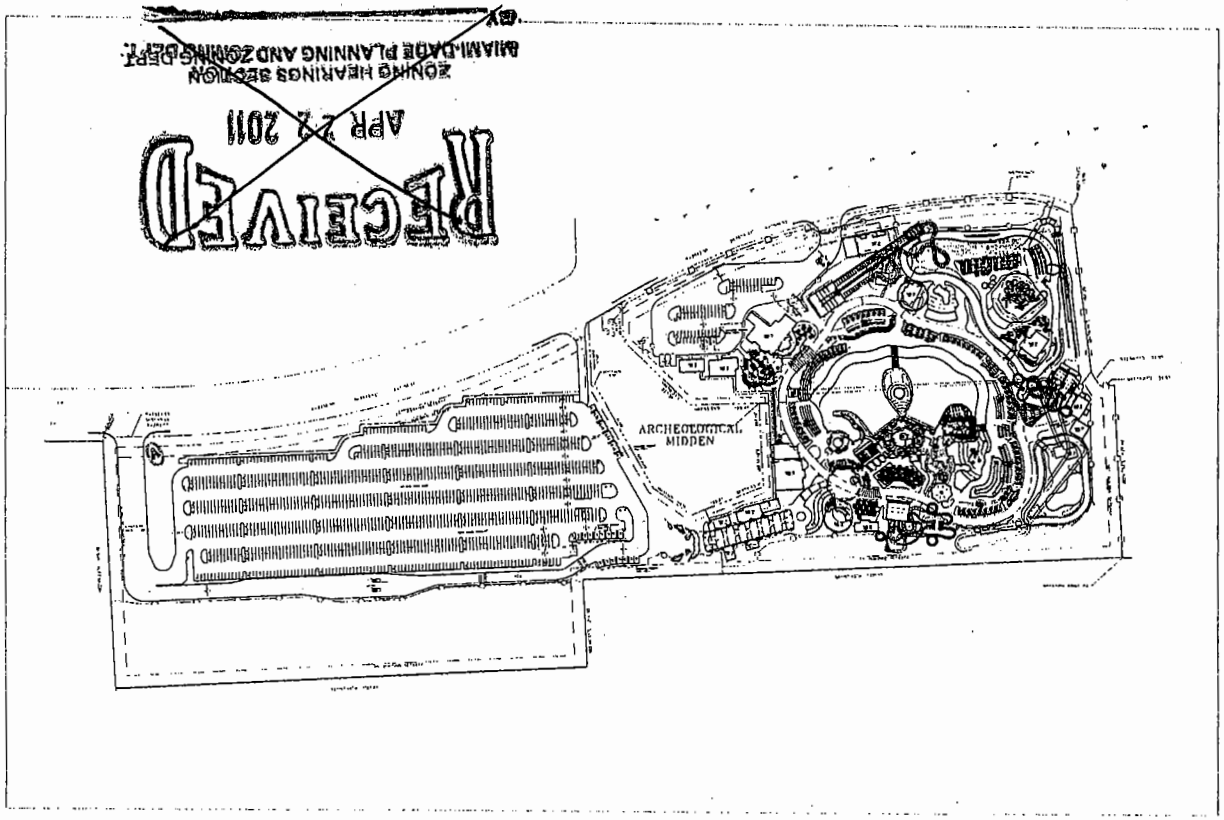
For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198.

MIAMI DOLPHINS WATERPARK

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

RECEIVED
APR 22 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



RELATED

WTI

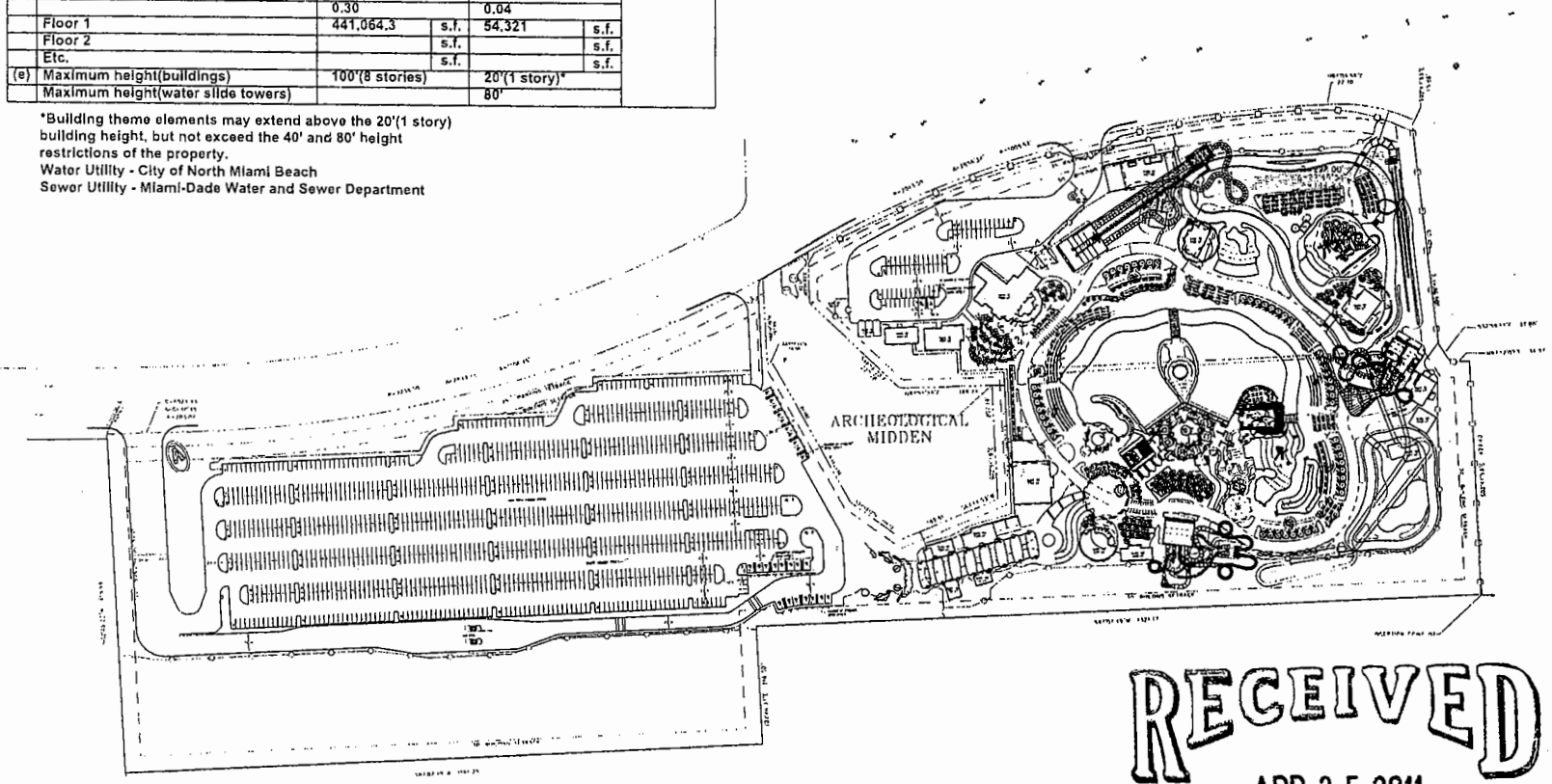
The Documents and the ideas, conclusions and other contents contained therein are the sole property of Water Technology, Inc. and may not be disseminated, copied, reproduced or otherwise used without prior written consent of Water Technology, Inc.

Sheet List Table

September 8, 2010
Revision #1 November 8, 2010
Revision #2 March 21, 2011
Revision #3 April 20, 2011

(a)	Gross land area	39.998	ac.	1,741,887	s.f.	
	Less lakes, canals	0	ac.	0	s.f.	
	Dry Retention Areas	6.24	ac.	271,814	s.f.	
(b)	Net land area	33.75	ac.	1,470,073	s.f.	100%
	Building lot coverage	2.42	ac.	105,214	s.f.	7.0%
	Paved areas	13.42	ac.	585,207	s.f.	40.0%
	Landscaped open space in category 1*	17.89	ac.	779,652	s.f.	53.0%
(c)	Percentage of landscaped open space					
	Category 1*	17.89	ac.	779,652	s.f.	100%
	Category 2*		ac.		s.f.	%
	Category 3*		ac.		s.f.	%
	Category 4*		ac.		s.f.	%
(d)	Floor area ratio	Permitted		Provided		
		0.30		0.04		
	Floor 1	441,064.3	s.f.	54,321	s.f.	
	Floor 2		s.f.		s.f.	
	Etc.		s.f.		s.f.	
(e)	Maximum height(buildings)	100'(8 stories)		20'(1 story)*		
	Maximum height(water slide towers)			80'		

*Building theme elements may extend above the 20'(1 story) building height, but not exceed the 40' and 80' height restrictions of the property.
Water Utility - City of North Miami Beach
Sewer Utility - Miami-Dade Water and Sewer Department



RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

RELATED
WTI
WATER TECHNOLOGY INC

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.08.10	Revision #1
	3.21.11	Revision #2
	4.20.11	Revision #3

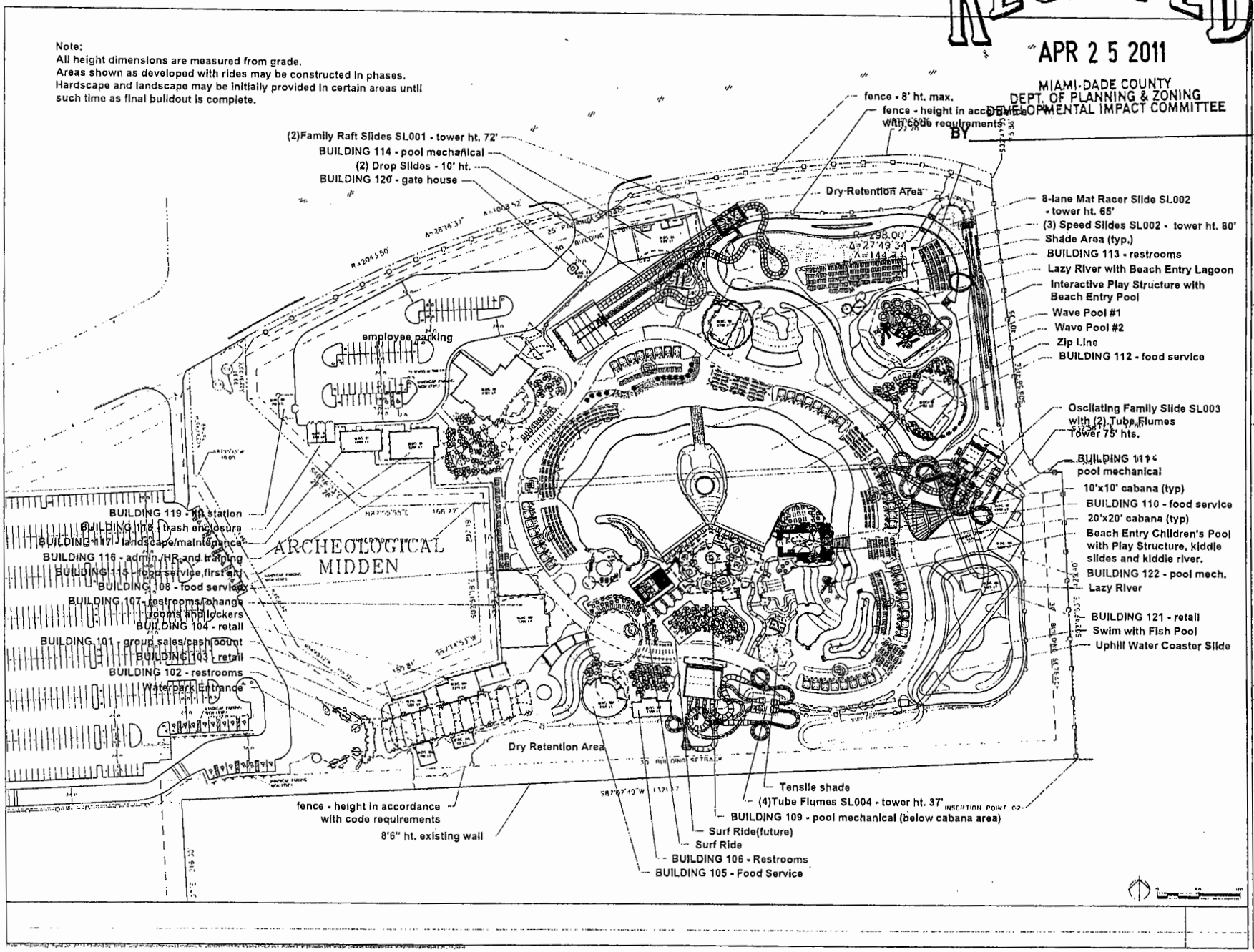
DATE 6/8/2010
PROJECT NO. 508
DRAWN BY JHS
CHECKED BY JHS
PHASE 2006

OVERALL SITE PLAN

S1.00

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

Note:
All height dimensions are measured from grade.
Areas shown as developed with rides may be constructed in phases.
Hardscape and landscape may be initially provided in certain areas until such time as final buildout is complete.



RELATED
WTI

MIAMI DOLPHINS WATERPARK

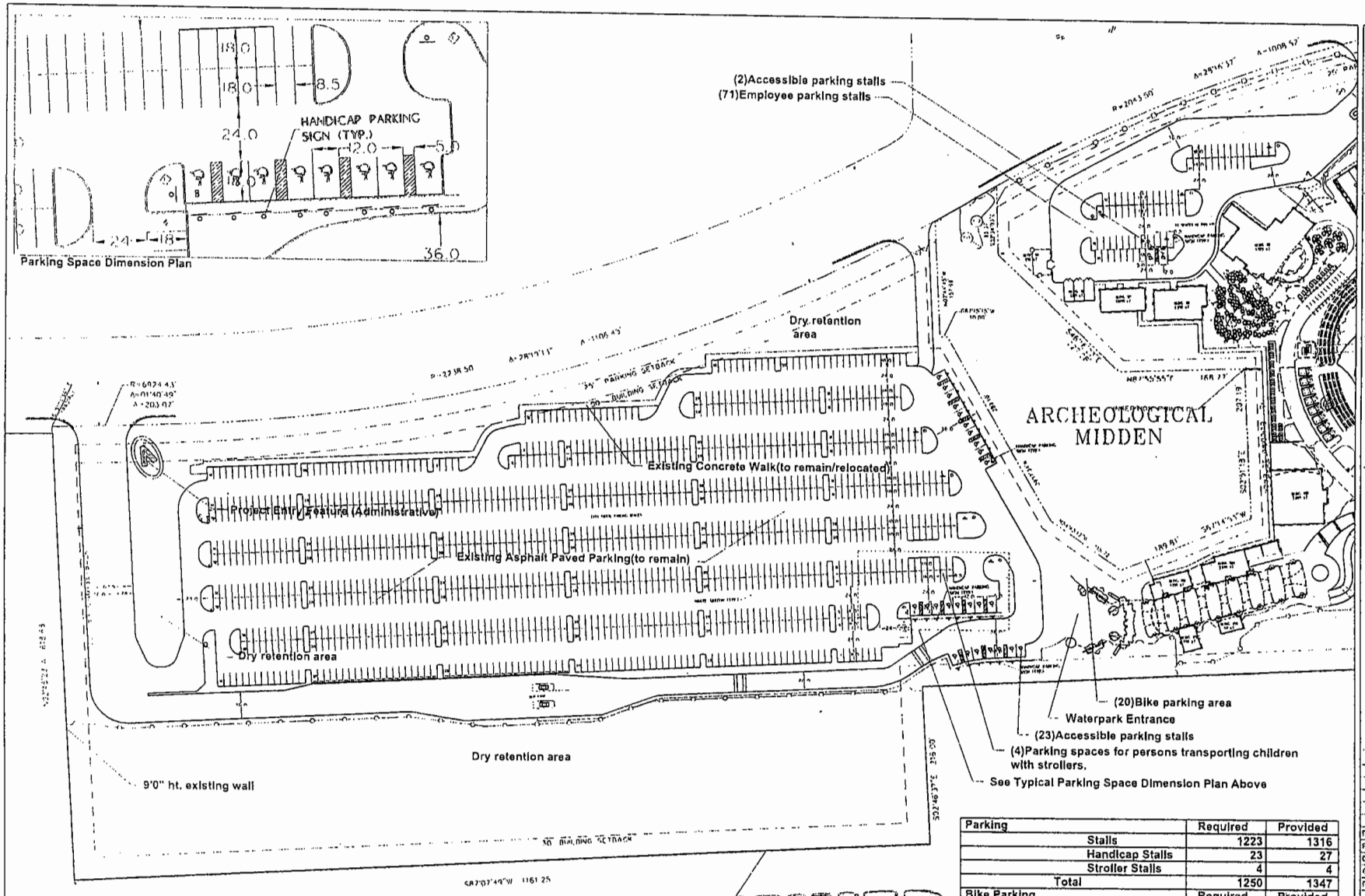
ID	DATE	DESCRIPTION
	11.08.10	Revision #1
	3.21.11	Revision #2
	4.20.11	Revision #3

DATE	9.8.2010
PROJECT NO.	568
DRAWN BY	jm
CHECKED BY	jm
PHASE	zone

Waterpark Site Plan

S1.10

62



Parking	Required	Provided
Stalls	1223	1316
Handicap Stalls	23	27
Stroller Stalls	4	4
Total	1250	1347
Bike Parking	**Required**	**Provided**
	20	20

Number of people that can reasonably be expected to be on premises - 5000

Note:
Areas shown as developed with rides may be constructed in phases. Hardscape and landscape may be initially provided in certain areas until such time as final buildout is complete.

RELATED
WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	1.21.11	Revision #2
	4.29.11	Revision #3

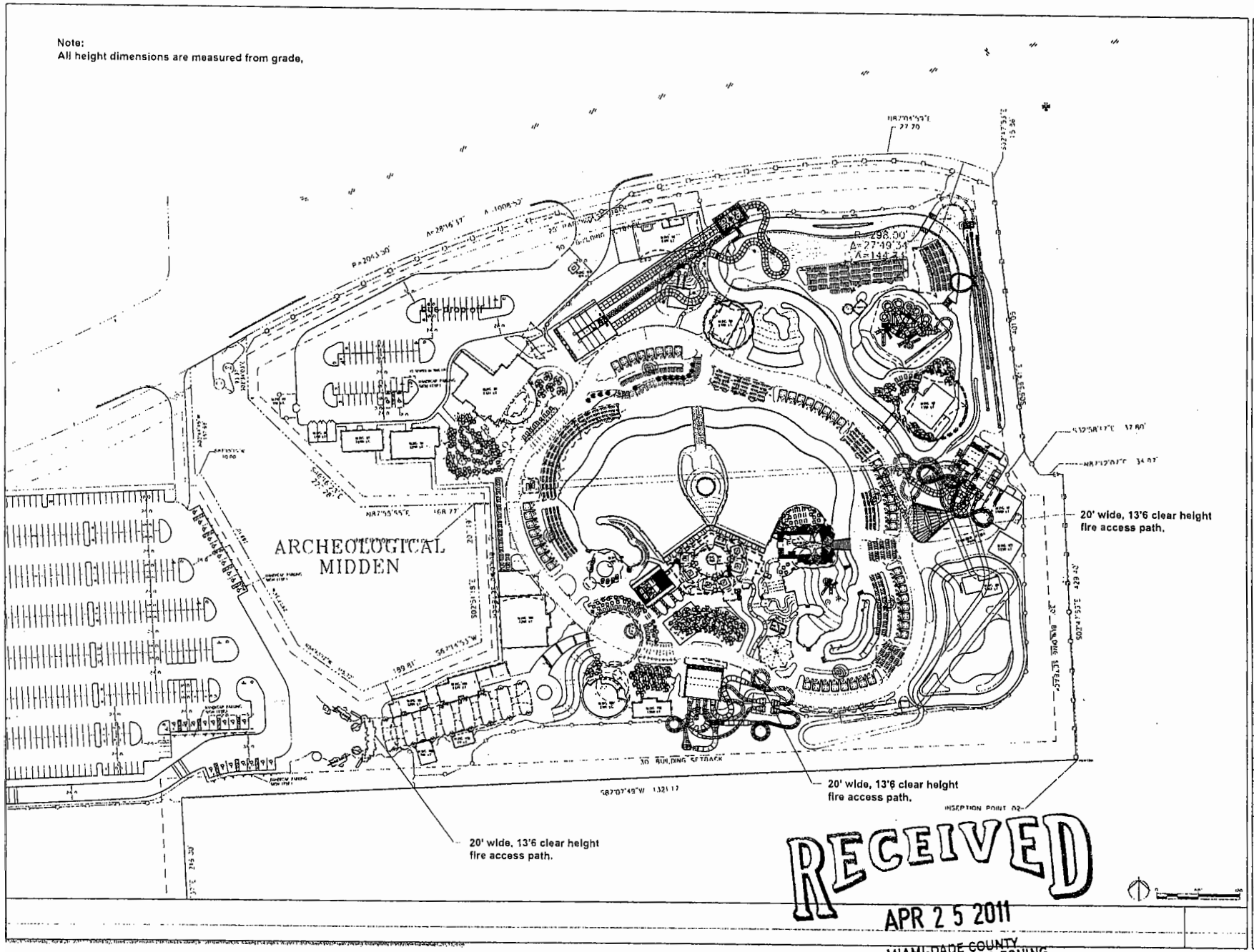
DATE	9.8.2010
PROJECT NO.	668
DRAWN BY	jhs
CHECKED BY	jhs
PHASE	zone

Parking Site Plan

S1.20

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

Note:
All height dimensions are measured from grade.



RELATED

WTI
WATER TECHNOLOGY INC

MIAMI DOLPHINS WATERPARK

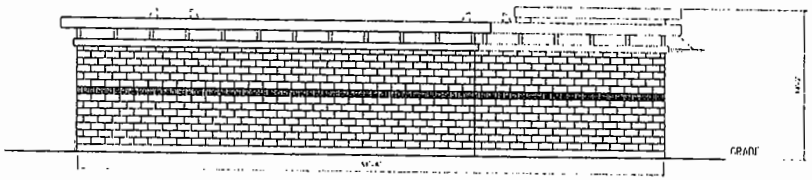
ID	DATE	DESCRIPTION
	11.08.10	Revision #1
	3.21.11	Revision #2
	4.29.11	Revision #3

DATE	9.8.2010
PROJECT NO.	508
DRAWN BY	jhs
CHECKED BY	jhs
PHASE	zone

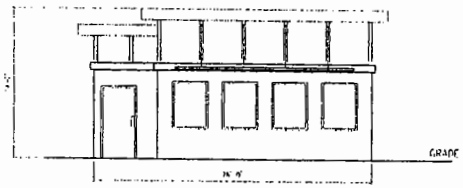
Waterpark-Fire Access Plan

S1.30

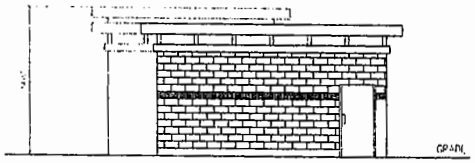
RECEIVED
APR 25 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



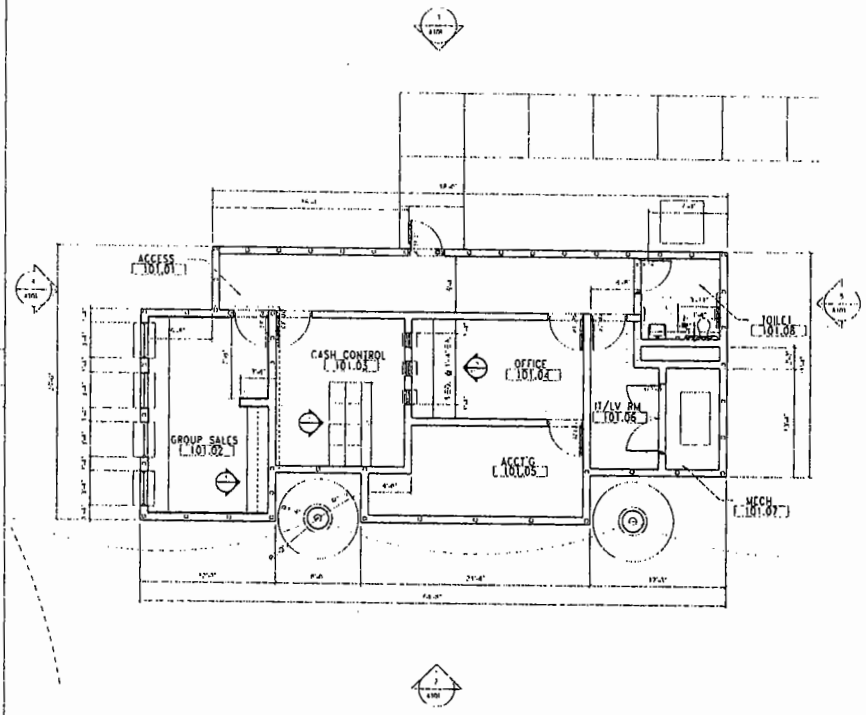
Building Elevation 3



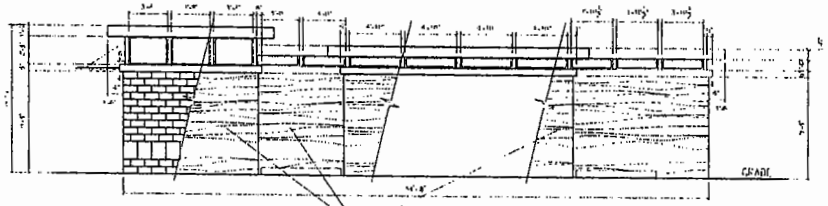
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Redesign
	3.21.11	Redesign #2

DATE	9/8/2010
PROJECT NO.	5GR
DRAWN BY	JH
CHECKED BY	JH
PHASE	7000

BUILDING 101

BUILDING PLAN
EXTERIOR ELEVATIONS

A.101

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

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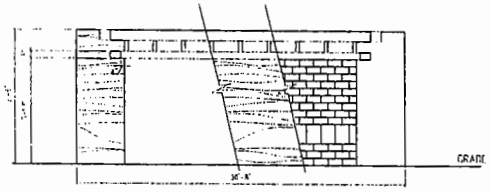
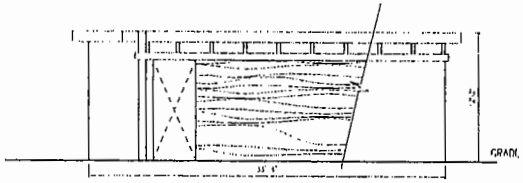
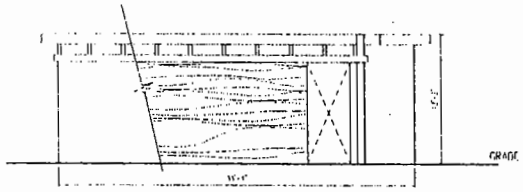
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



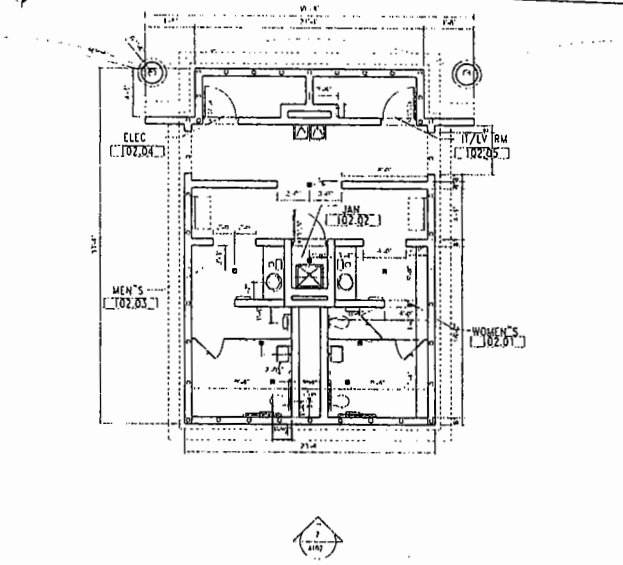
Building Elevation 3



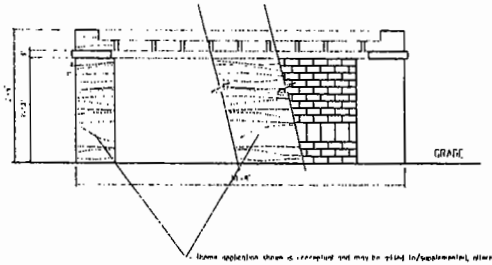
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	
	3.21.11	

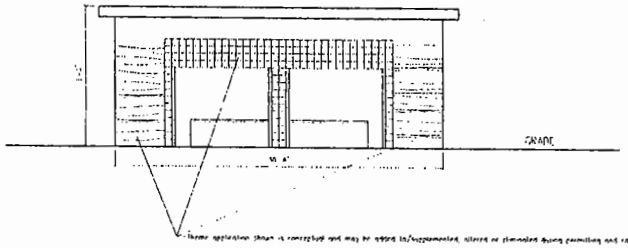
DATE	8/8/2010
PROJECT NO.	568
DRAWN BY	JBA
CHECKED BY	JBA
PHASE	PDRB

BUILDING 102

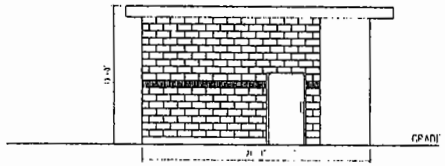
BUILDING PLAN
EXTERIOR ELEVATIONS

A102

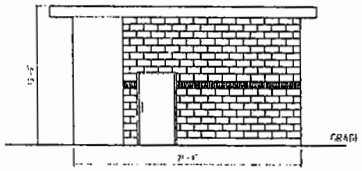
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



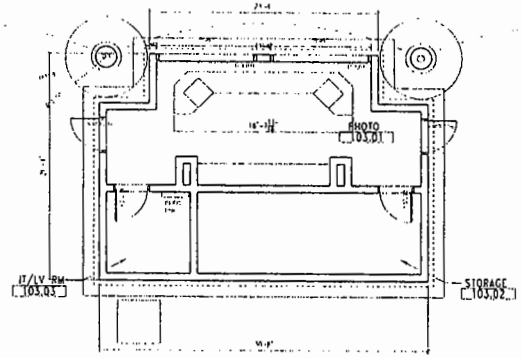
Building Elevation 3



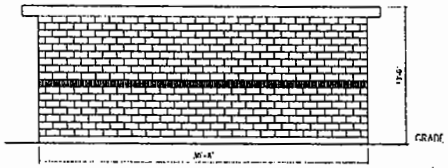
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.21.11	Revision #2

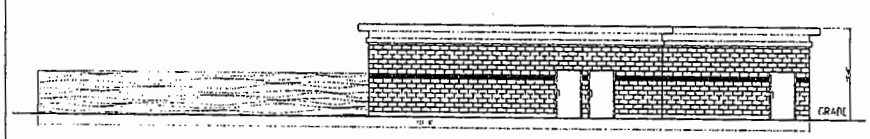
DATE	9/8/2010
PROJECT NO.	568
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zoning

BUILDING 103

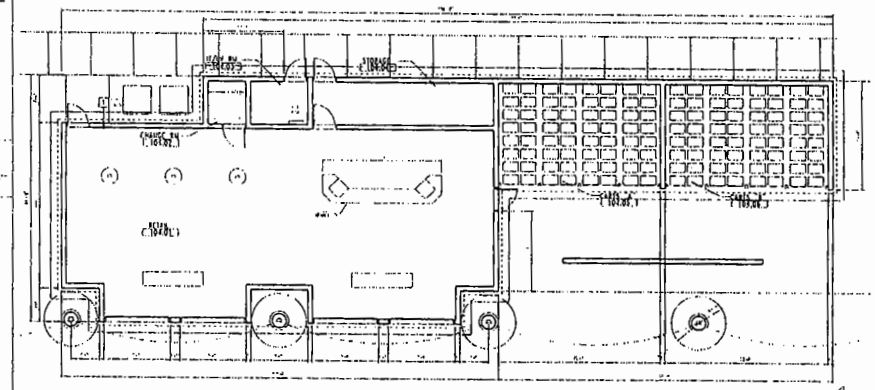
BUILDING PLAN
EXTERIOR ELEVATIONS

A103

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

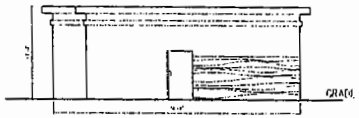


Building Elevation 3

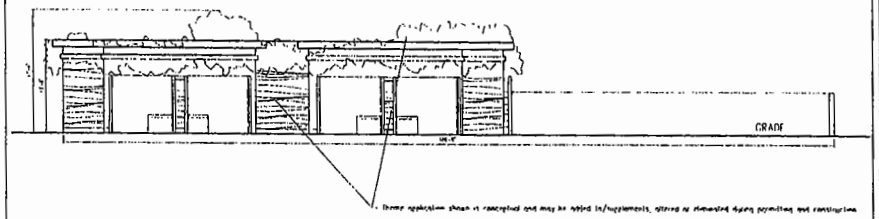


Building Elevation 4

Building Plan 1



Building Elevation 5



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

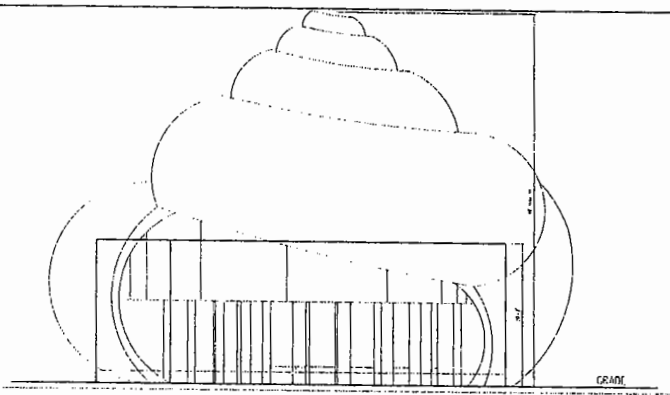
DATE	6/8/2010
PROJECT NO.	555
DRAWN BY	jbx
CHECKED BY	jbx
PHASE	zone

BUILDING 104

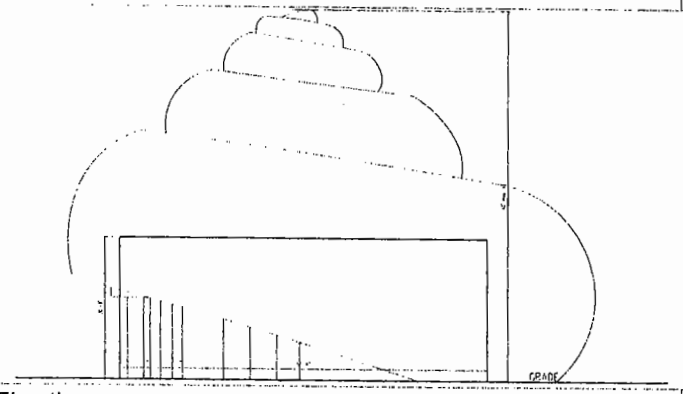
BUILDING PLAN
EXTERIOR ELEVATIONS

A104

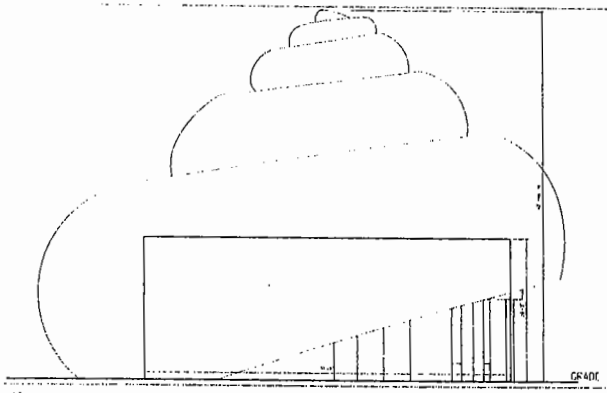
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



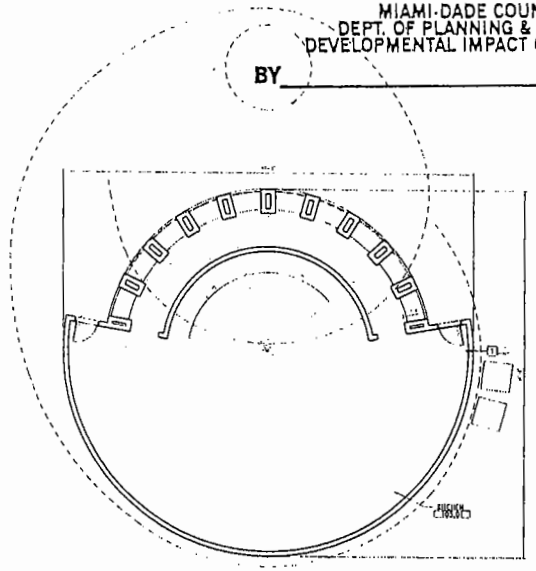
Building Elevation 3



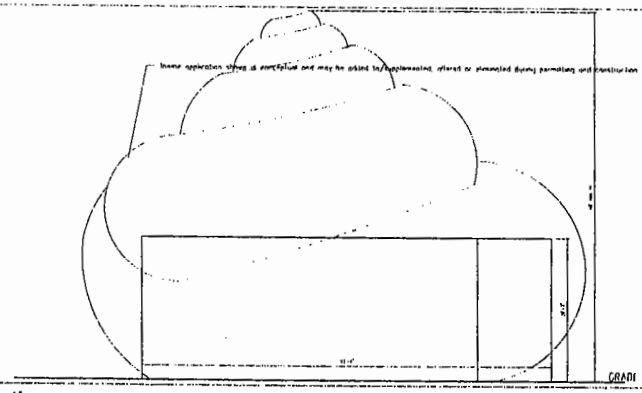
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

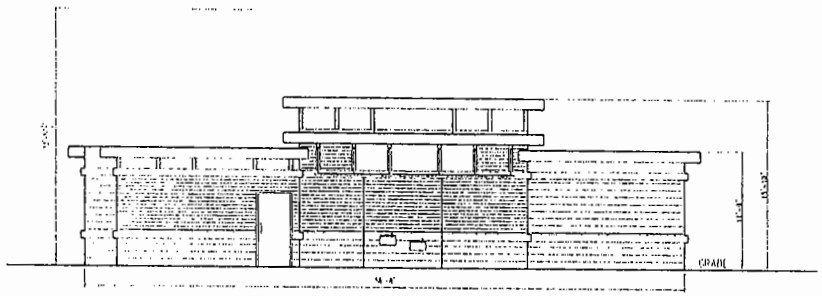
DATE	9/8/2010
PROJECT NO.	501A
DRAWN BY	tbk
CHECKED BY	tbk
PHASE	ZONIN

BUILDING 105

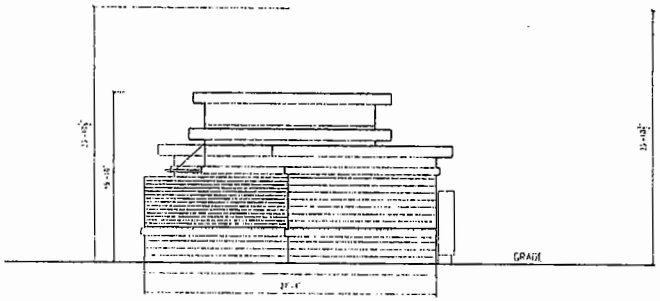
BUILDING PLAN
EXTERIOR ELEVATIONS

A105

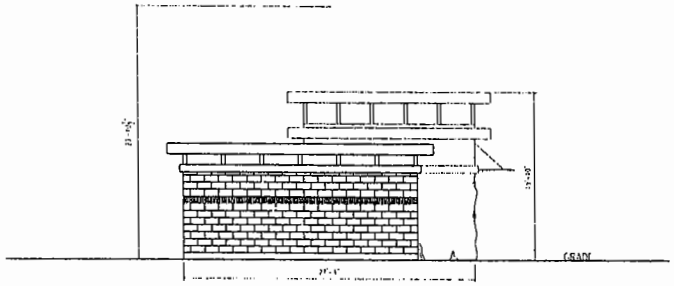
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



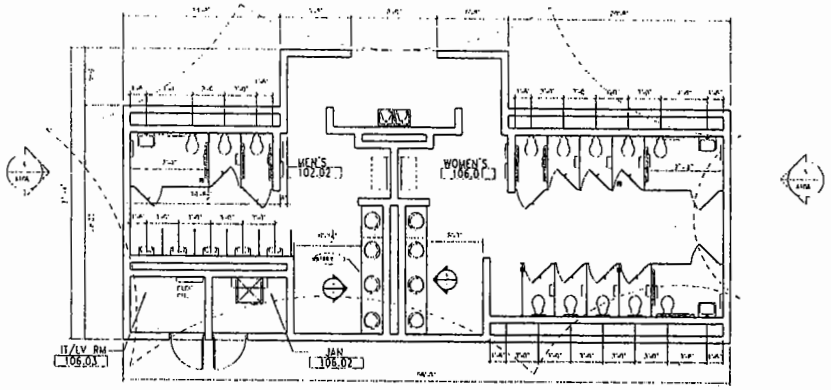
Building Elevation 3



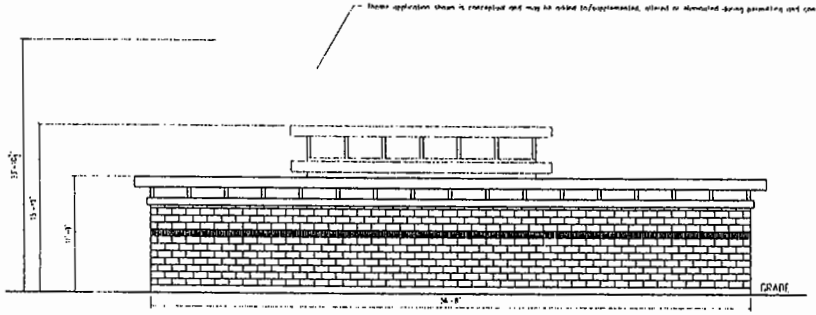
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.21.11	Revision #2

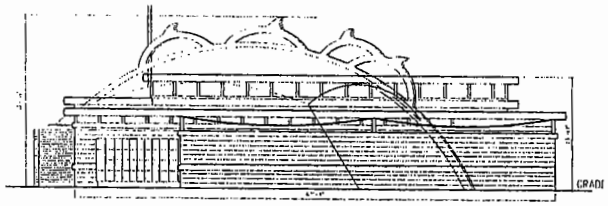
DATE	9/8/2010
PROJECT NO.	501A
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	Zone

BUILDING 106

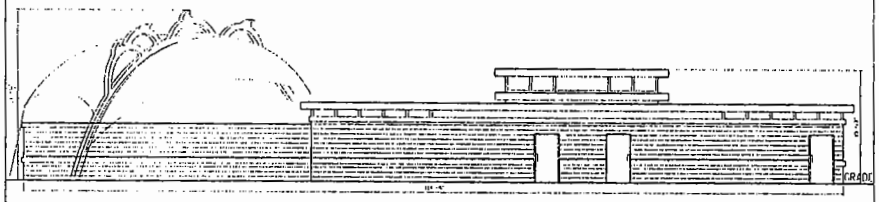
BUILDING PLAN
EXTERIOR ELEVATIONS

A106

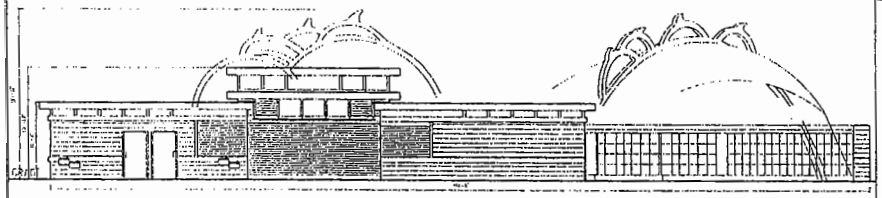
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



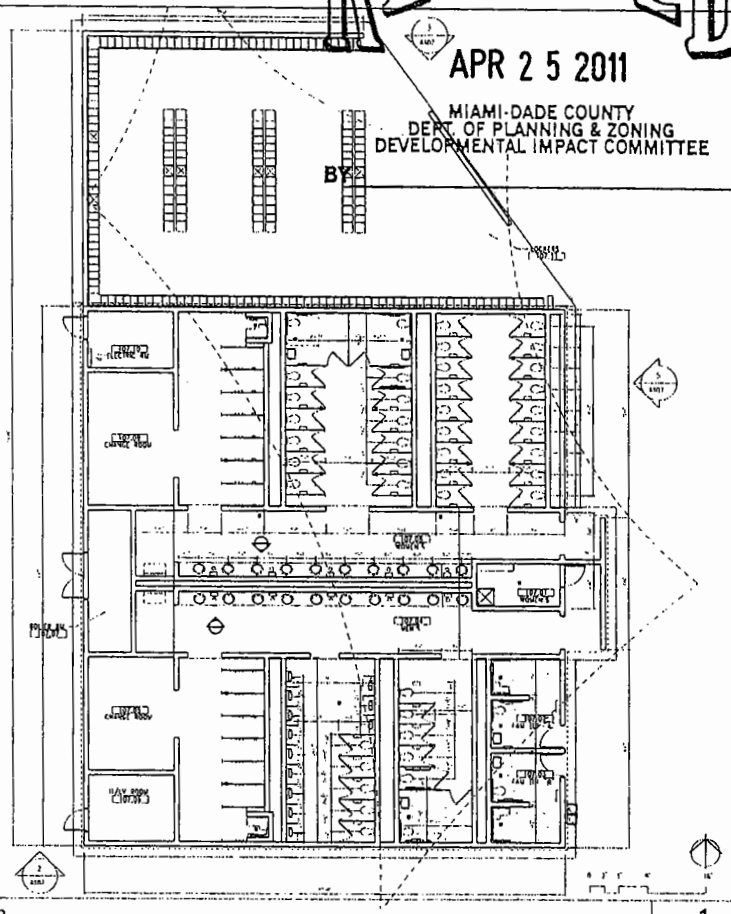
Building Elevation 3



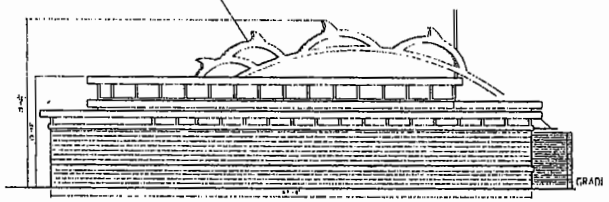
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

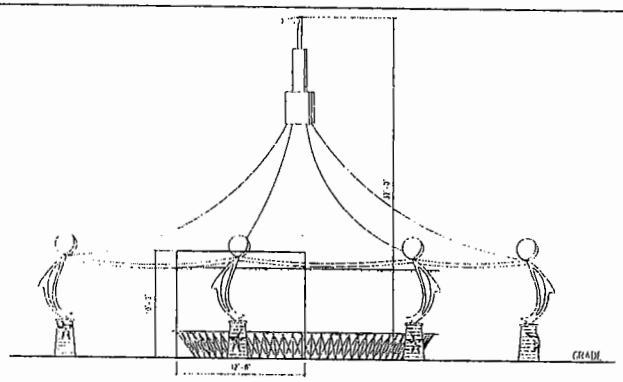
ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.21.11	Revision #2

DATE	9/8/2010
PROJECT NO.	568
DRAWN BY	jbk
CHECKED BY	jbk
PHASE	zone

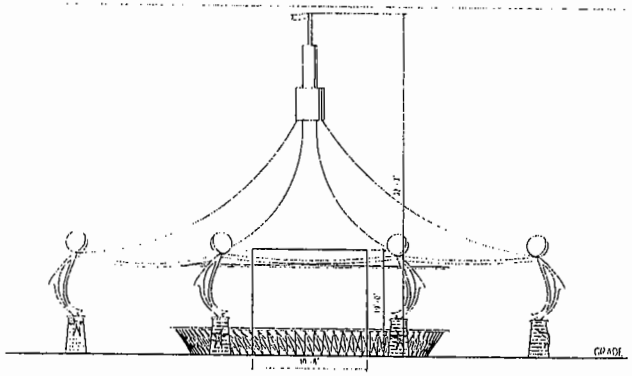
BUILDING 107
BUILDING PLAN
EXTERIOR ELEVATIONS

A107

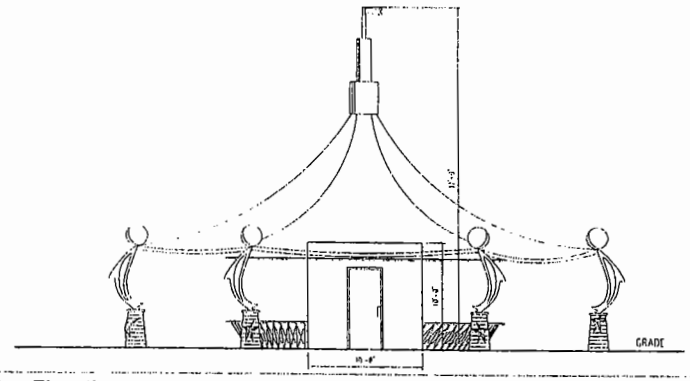
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



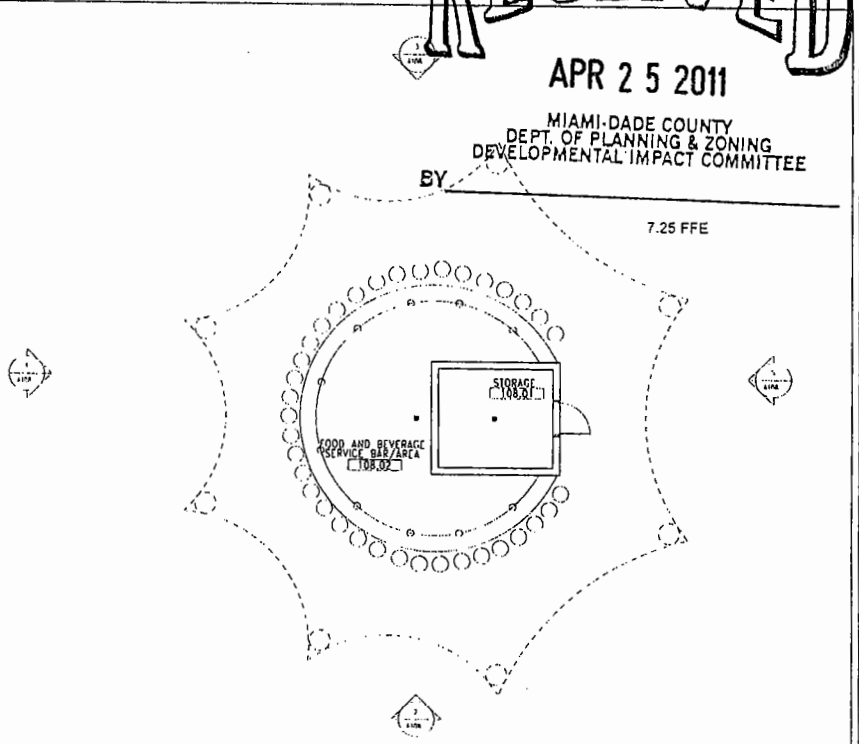
Building Elevation 3



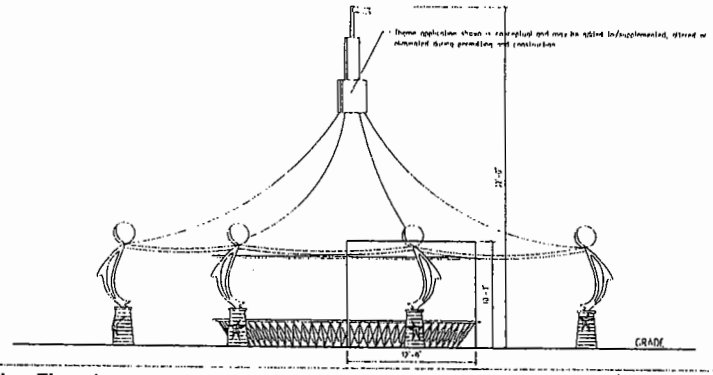
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	12.7.11	Revision #2

DATE	9/8/2010
PROJECT NO.	568
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	pdno

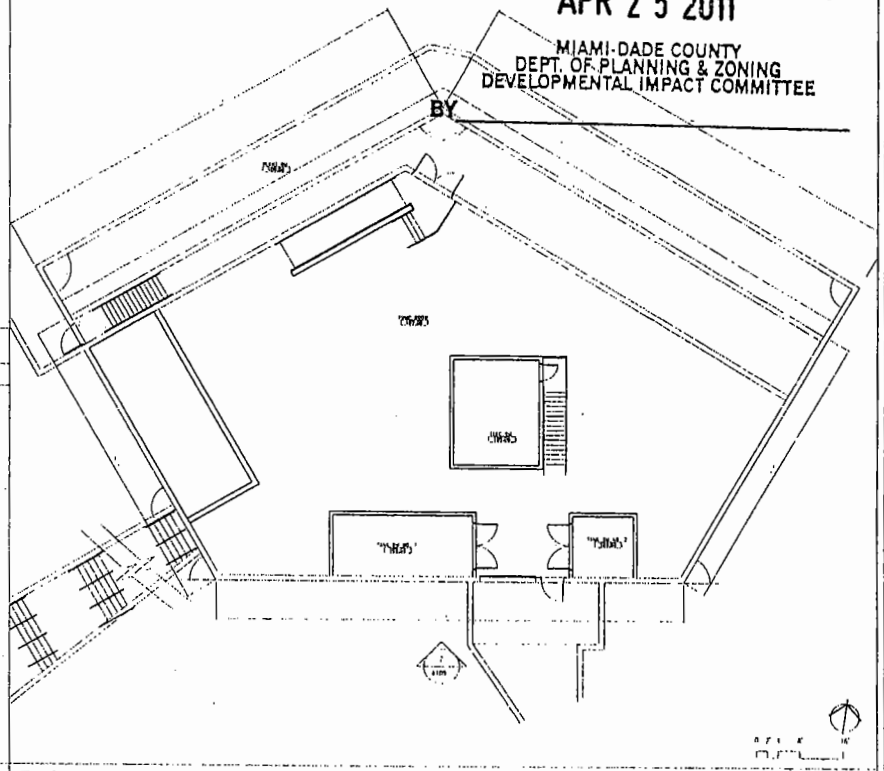
BUILDING 108

BUILDING PLAN
EXTERIOR ELEVATIONS

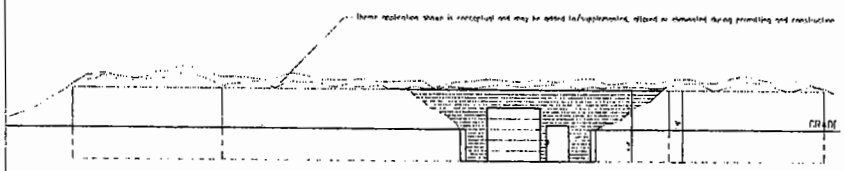
A108

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

72



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	1.3.11	Revision #2

DATE	9/8/2010
PROJECT NO.	008
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zoning

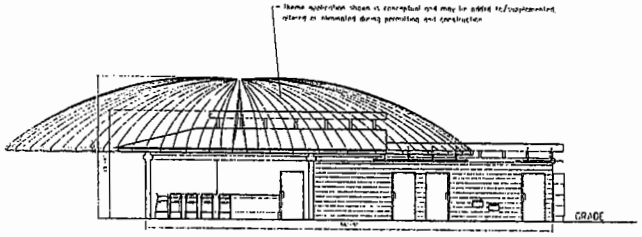
BUILDING 109

BUILDING PLAN
EXTERIOR ELEVATIONS

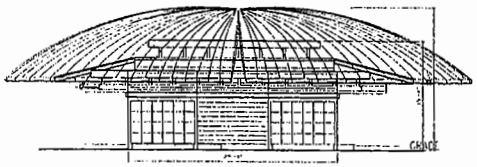
A109

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

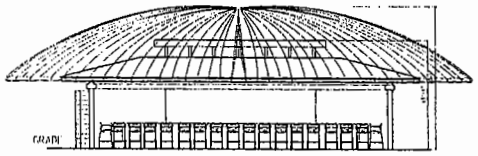
73



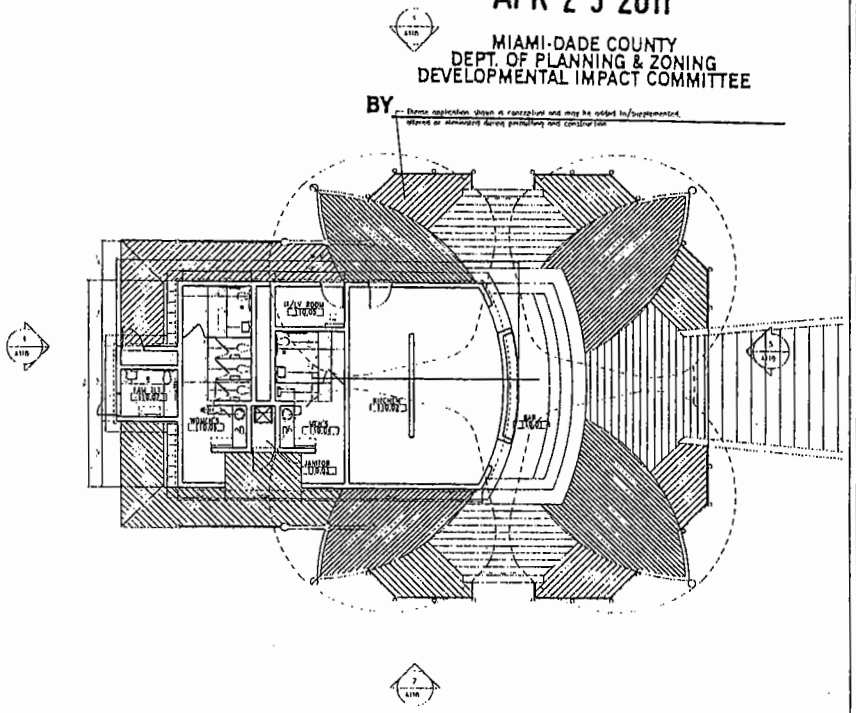
Building Elevation 3



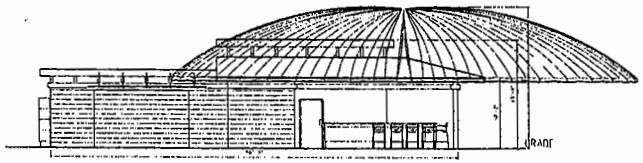
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	12.1.10	Revision #2

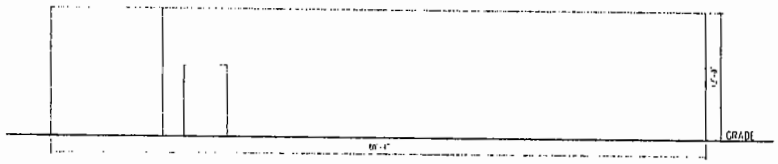
DATE	8/8/2010
PROJECT NO.	568
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zono

BUILDING 110

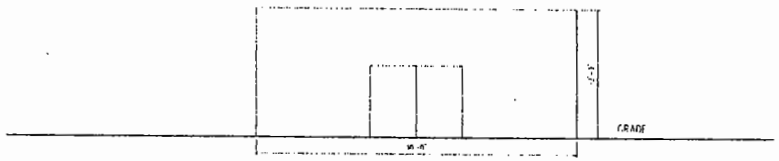
BUILDING PLAN
EXTERIOR ELEVATIONS

A110

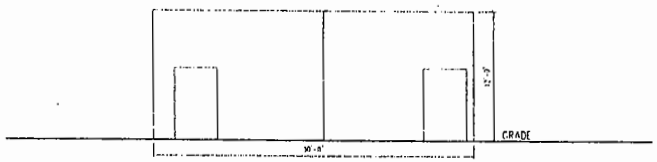
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



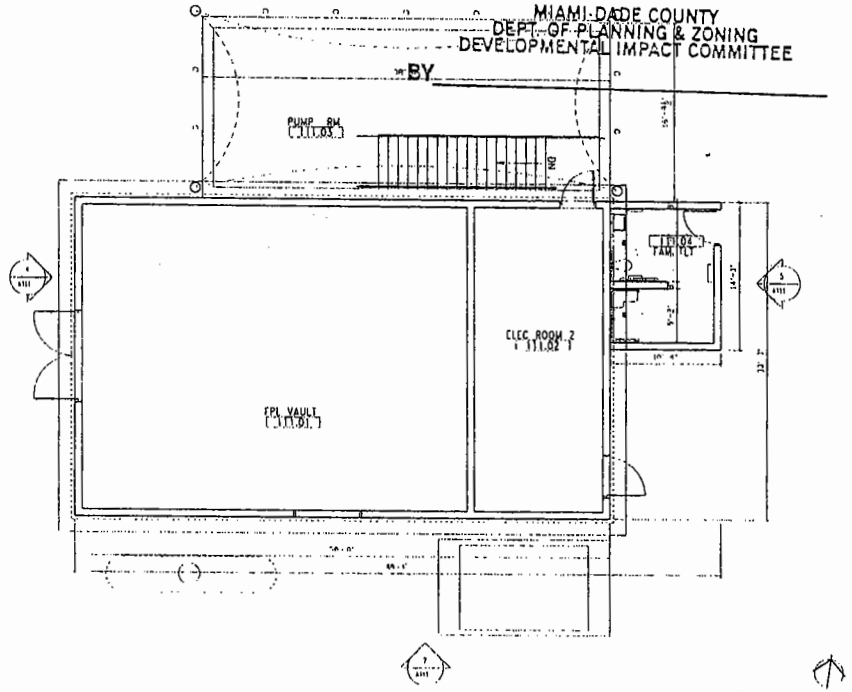
Building Elevation 3



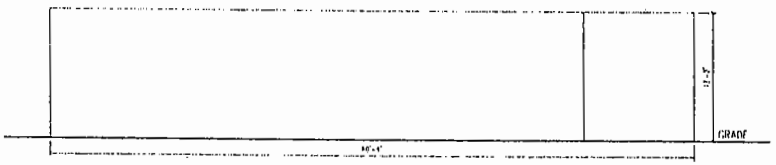
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3/2/11	Revision #2

DATE	10/8/2010
PROJECT NO.	566
DRAWN BY	jbk
CHECKED BY	jbk
PHASE	70%

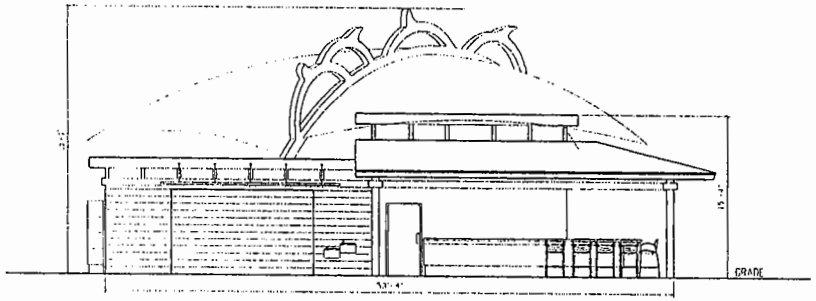
BUILDING 111

BUILDING PLAN
EXTERIOR ELEVATIONS

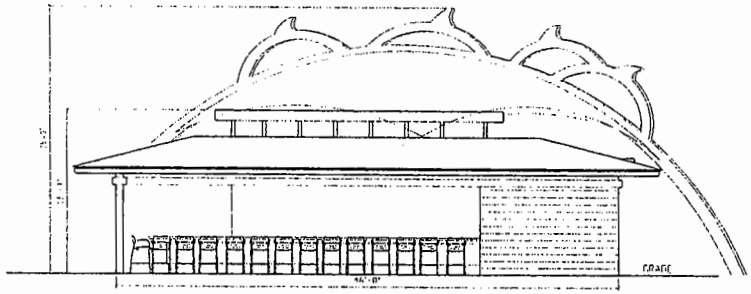
A111

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

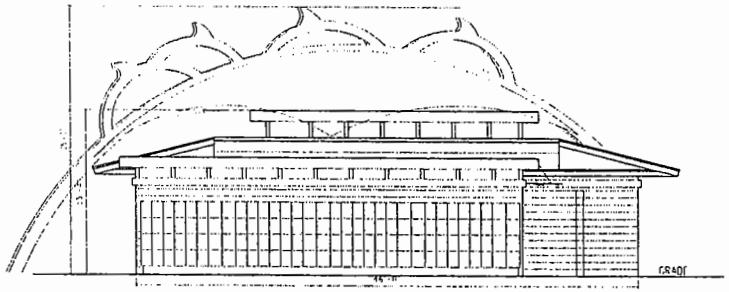
75



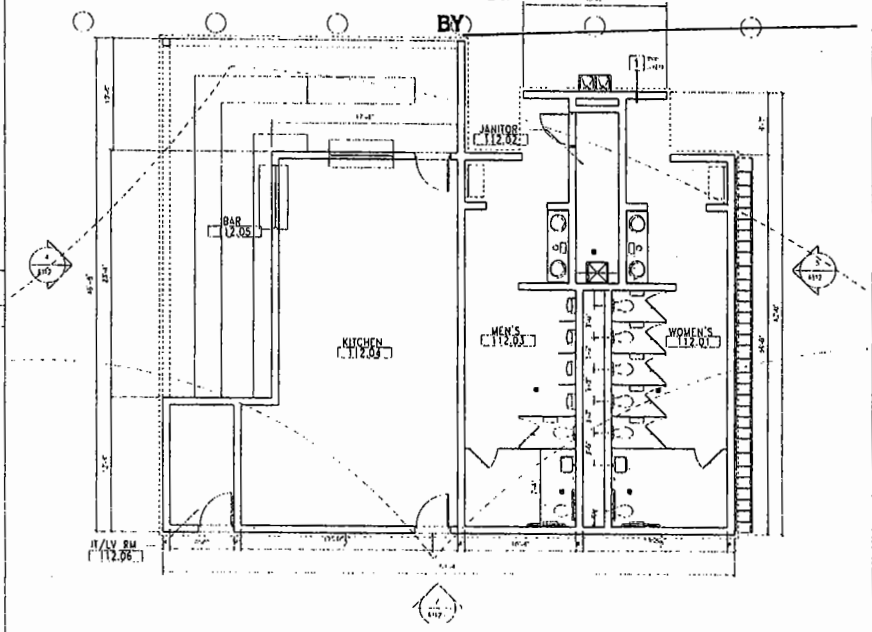
Building Elevation 3



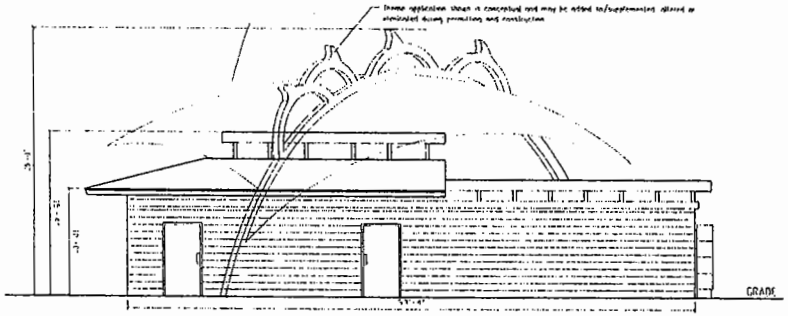
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

DATE	9/8/2010
PROJECT NO.	568
DRAWN BY	BK
CHECKED BY	BK
PHASE	ZONING

BUILDING 112

BUILDING PLAN
EXTERIOR ELEVATIONS

A112

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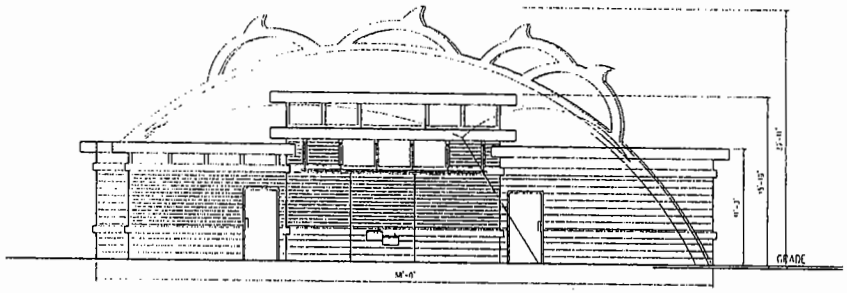
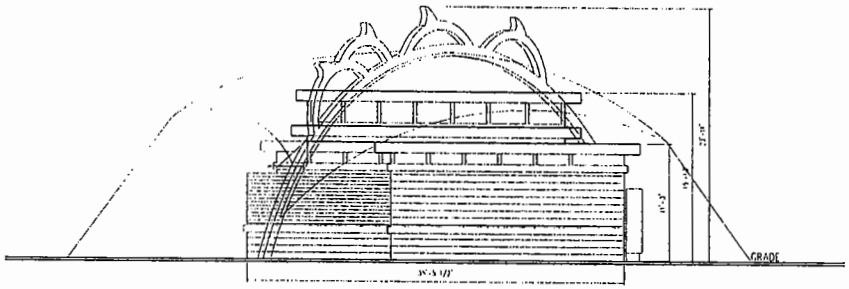
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

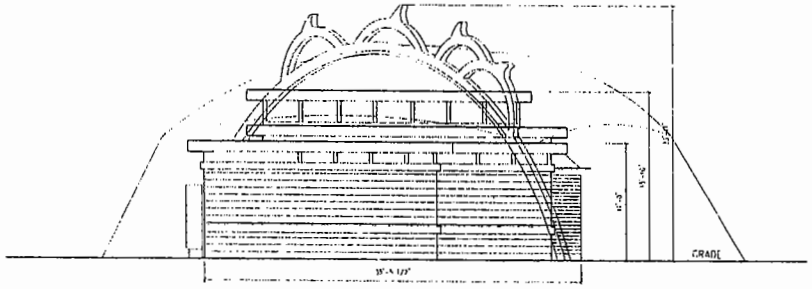
76



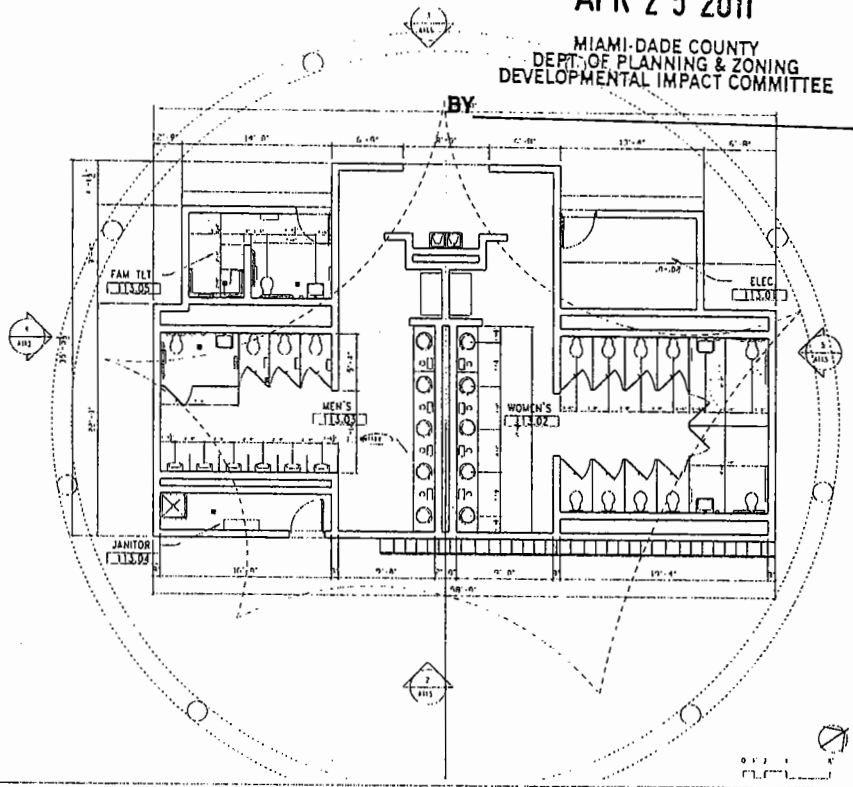
Building Elevation 3



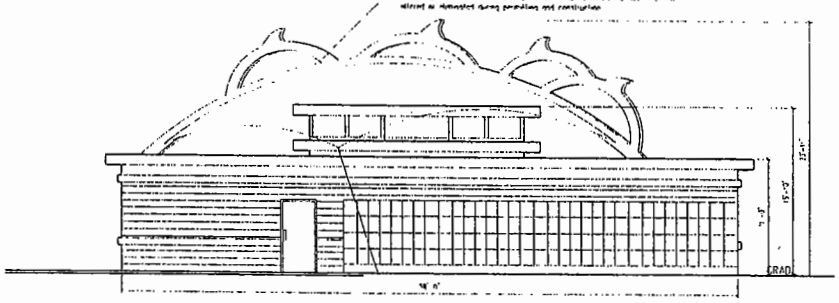
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Problem #1
	3.2.11	Problem #2

DATE	6/8/2010
PROJECT NO.	508
DRAWN BY	jbk
CHECKED BY	jbk
PHASE	zoing

BUILDING 113

BUILDING PLAN
EXTERIOR ELEVATIONS

A113

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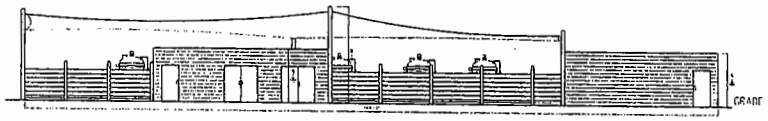
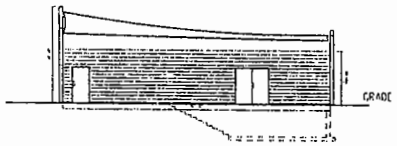
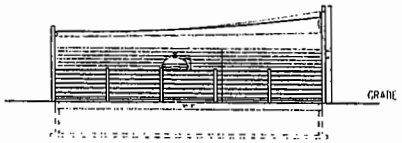
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



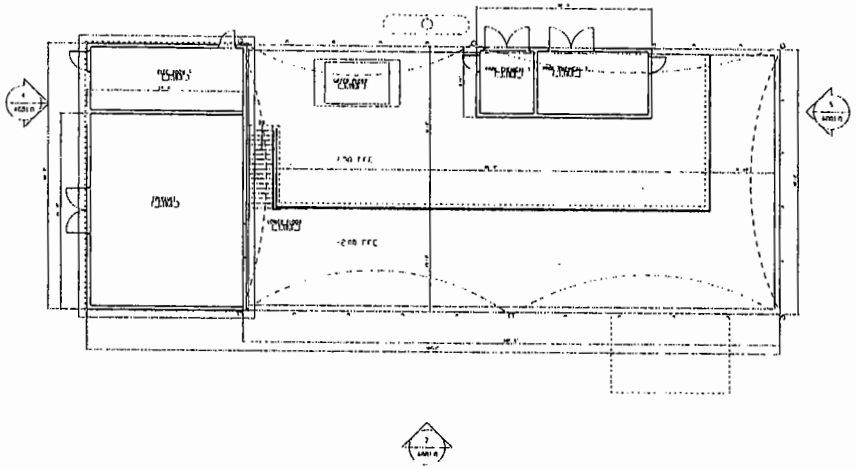
Building Elevation 3



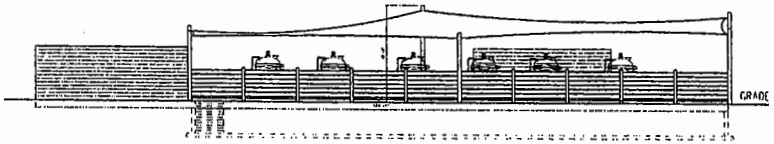
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

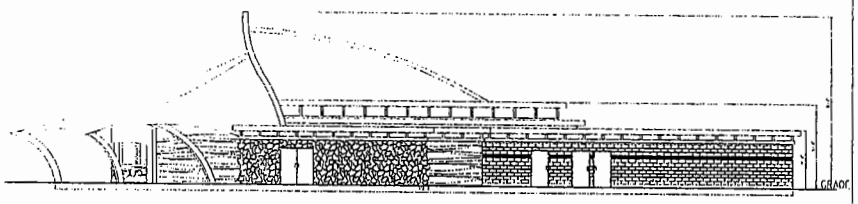
MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	1.21.11	Revision #2

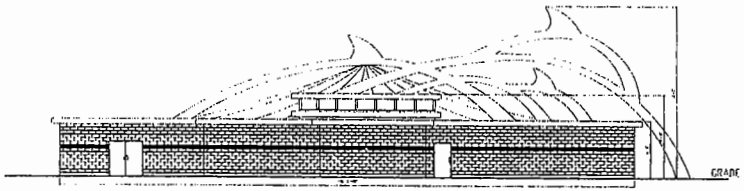
DATE	6/8/2010
PROJECT NO.	608
DRAWN BY	lbs
CHECKED BY	lbs
PHASE	zone

BUILDING 114
BUILDING PLAN
EXTERIOR ELEVATIONS

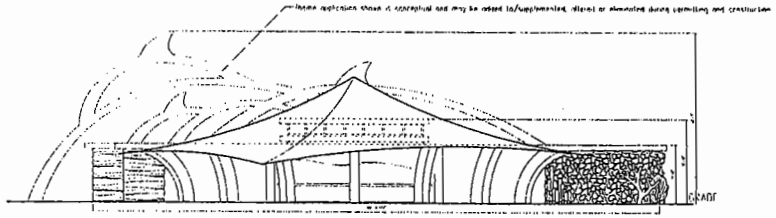
A114



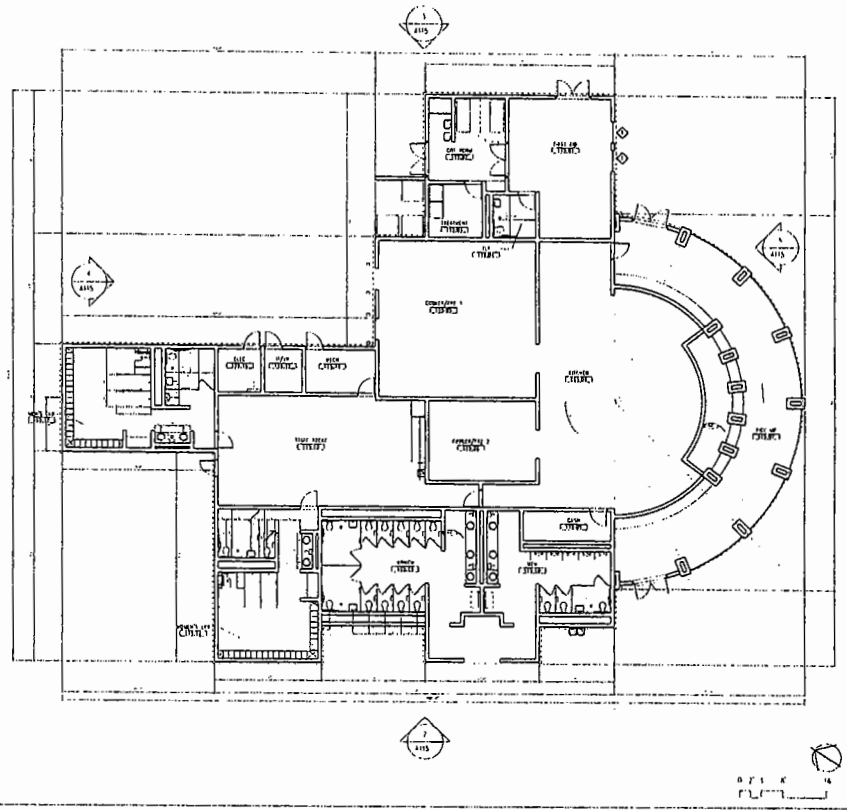
Building Elevation 3



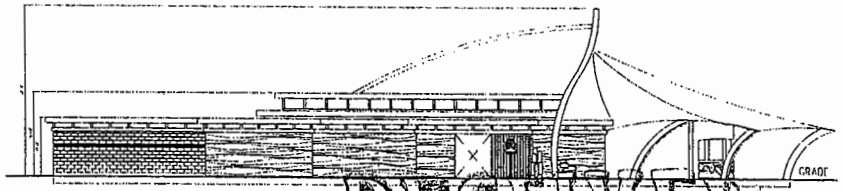
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.7.11	Revision #2

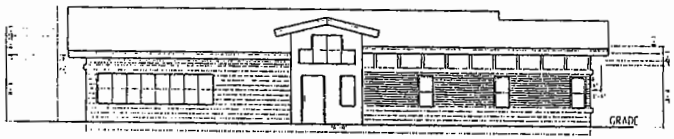
DATE	11/8/2010
PROJECT NO.	568
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zoning

BUILDING 115
BUILDING PLAN
EXTERIOR ELEVATIONS

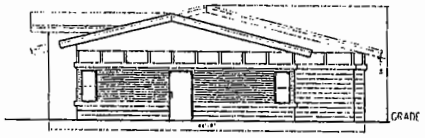
A115

RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

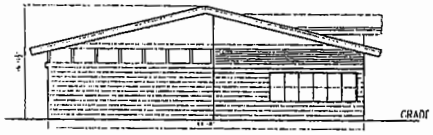
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



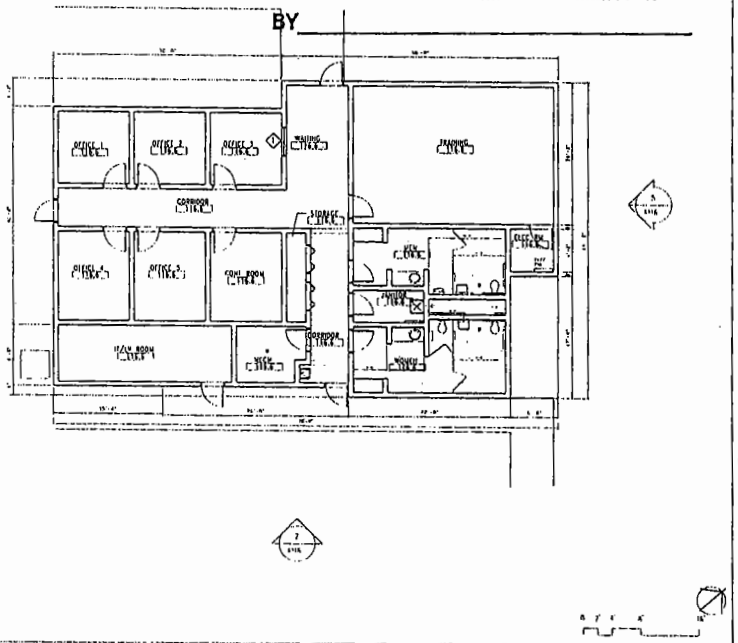
Building Elevation 3



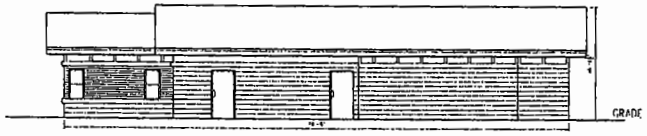
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

WATER TECHNOLOGY INC

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Resubmittal #1
	3.21.11	Resubmittal #2

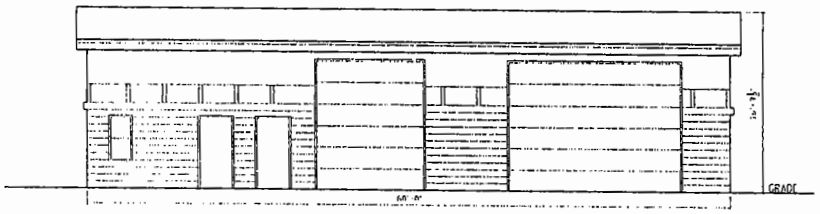
DATE	11/8/2010
PROJECT NO.	5168
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zone

BUILDING 116

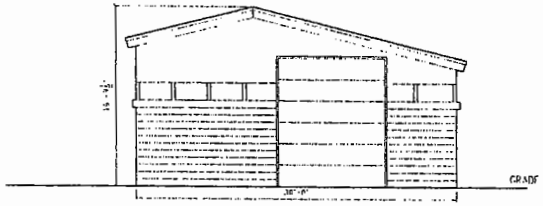
BUILDING PLAN
EXTERIOR ELEVATIONS

A116

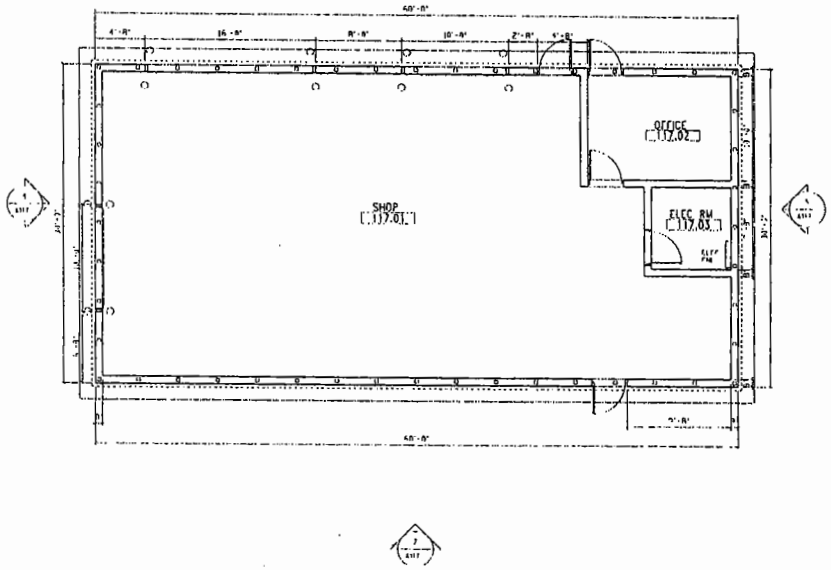
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



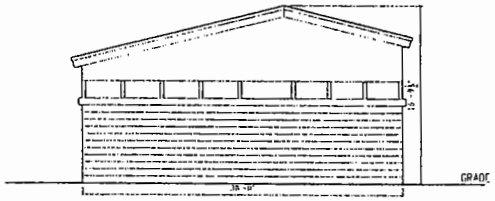
Building Elevation 3



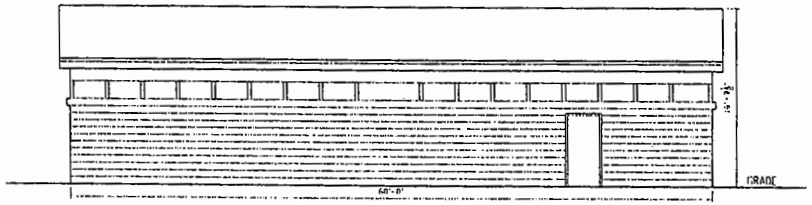
Building Elevation 4



Building Plan 1



Building Elevation 5



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.7.11	Revision #2

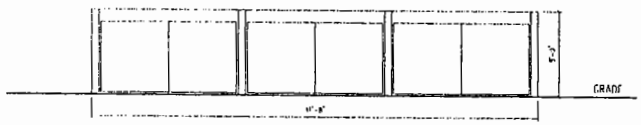
DATE	5/8/2010
PROJECT NO.	508
DRAWN BY	BA
CHECKED BY	BA
PHASE	zone

BUILDING 117

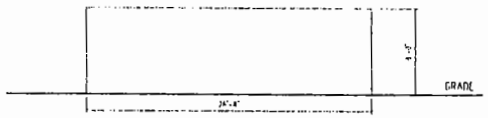
BUILDING PLAN
EXTERIOR ELEVATIONS

A117

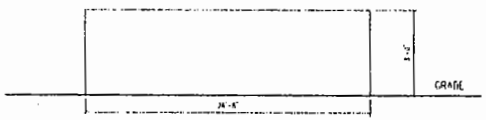
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



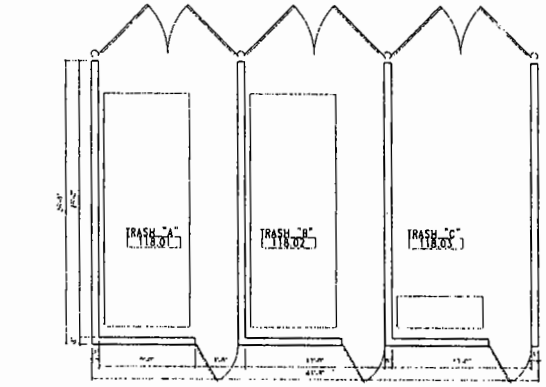
Building Elevation 3



Building Elevation 4



Building Elevation



Building Plan 1

Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

DATE	11/8/2010
PROJECT NO.	568
DRAWN BY	RA
CHECKED BY	RA
PHASE	zoning

BUILDING 118

FLOOR PLAN
EXTERIOR ELEVATIONS

A118

82

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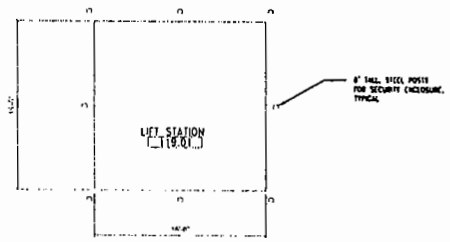
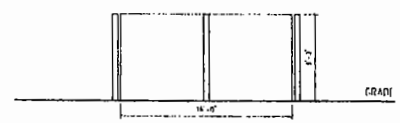
DEVELOPMENTAL IMPACT COMMITTEE

BY_____



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.21.11	Revision #2

DATE	6/8/2010
PROJECT NO.	566
DRAWN BY	JBA
CHECKED BY	JBA
PHASE	ZONIN

BUILDING 119

BUILDING PLAN
EXTERIOR ELEVATIONS

A119

83

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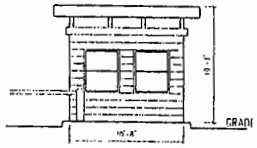
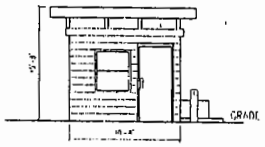
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

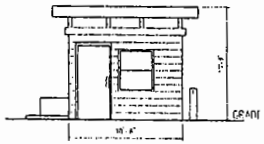
BY_____



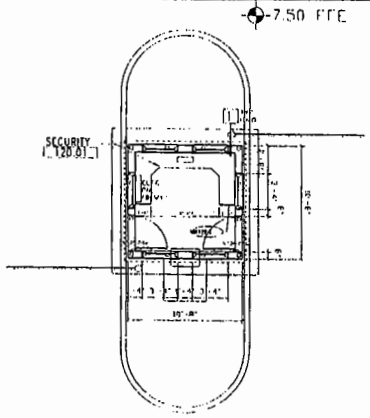
Building Elevation 3



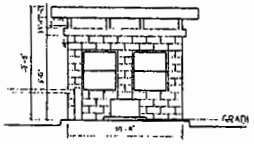
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

DATE	9/8/2010
PROJECT NO.	868
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zone

BUILDING 120

FLOOR PLAN
EXTERIOR ELEVATIONS

A120

48

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APR 2 5 2011
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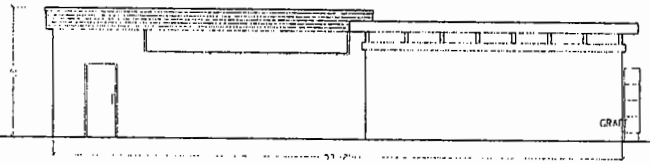
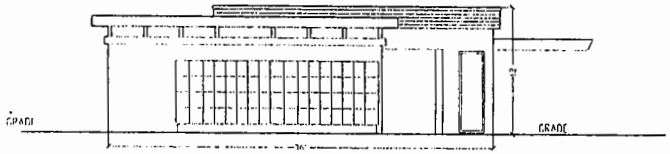
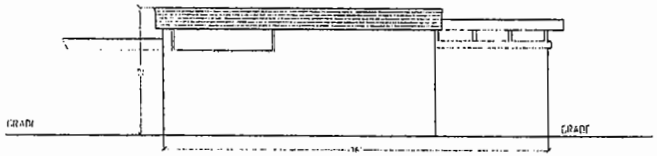
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



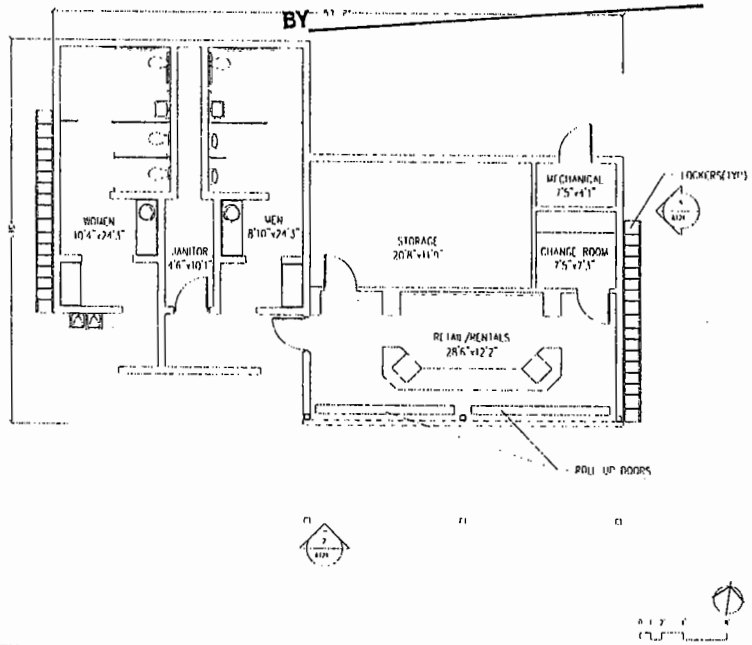
Building Elevation 3



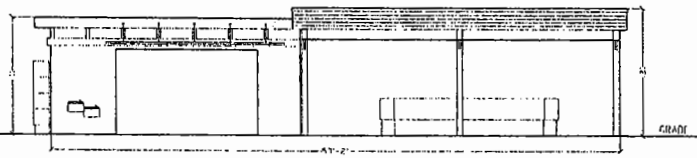
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

RELATED

WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.2.11	Revision #2

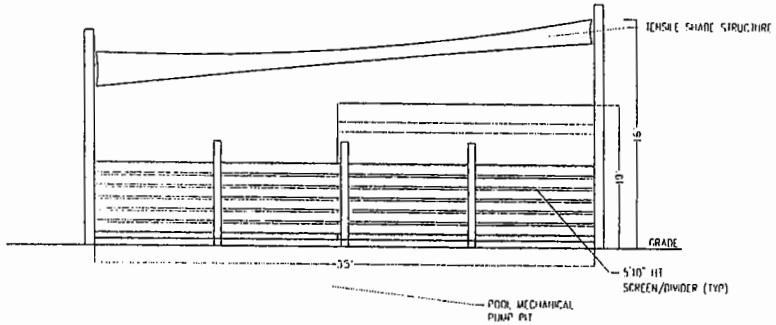
DATE	9/8/2010
PROJECT NO.	0/08
DRAWN BY	jbx
CHECKED BY	jbx
PHASE	zone

BUILDING 121

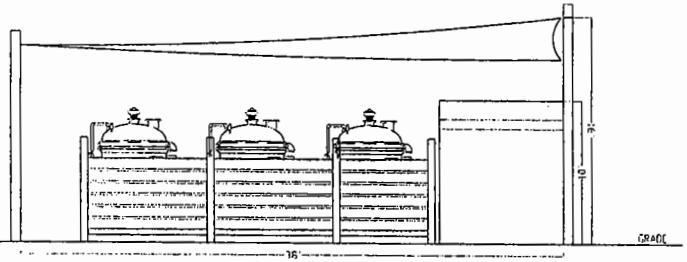
BUILDING PLAN
EXTERIOR ELEVATIONS

A121

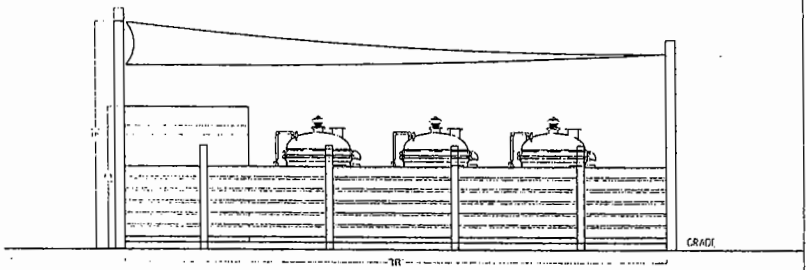
RECEIVED
APR 2 5 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



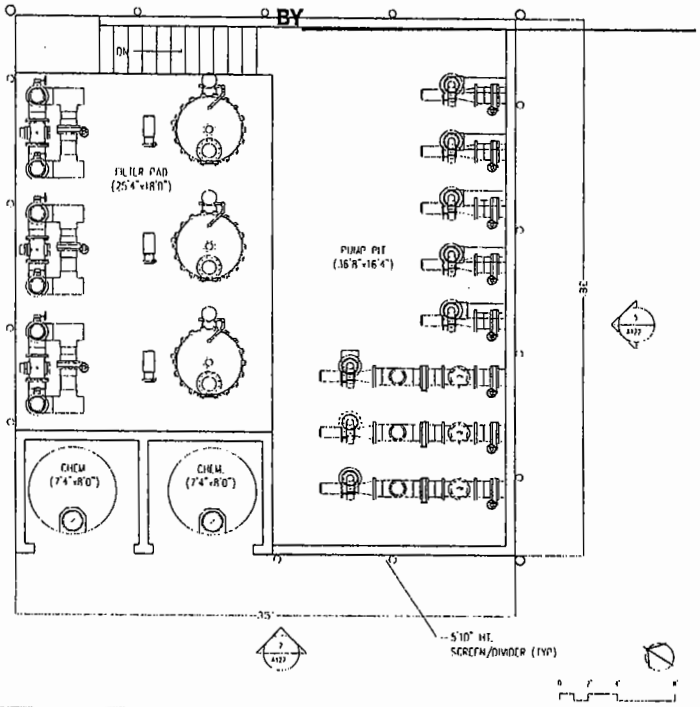
Building Elevation 3



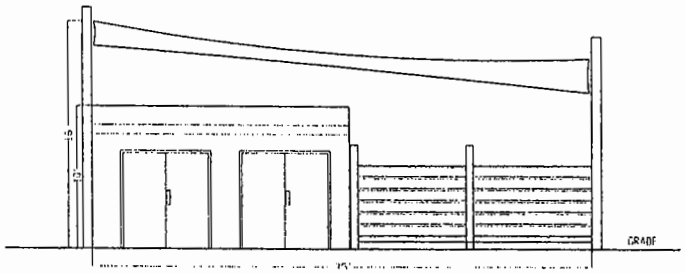
Building Elevation 4



Building Elevation 5



Building Plan 1



Building Elevation 2

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MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	3.3.11	Revision #2

DATE	9/8/2010
PROJECT NO.	668
DRAWN BY	BA
CHECKED BY	BA
PHASE	FDDP

BUILDING 122

BUILDING PLAN
EXTERIOR ELEVATIONS

A122

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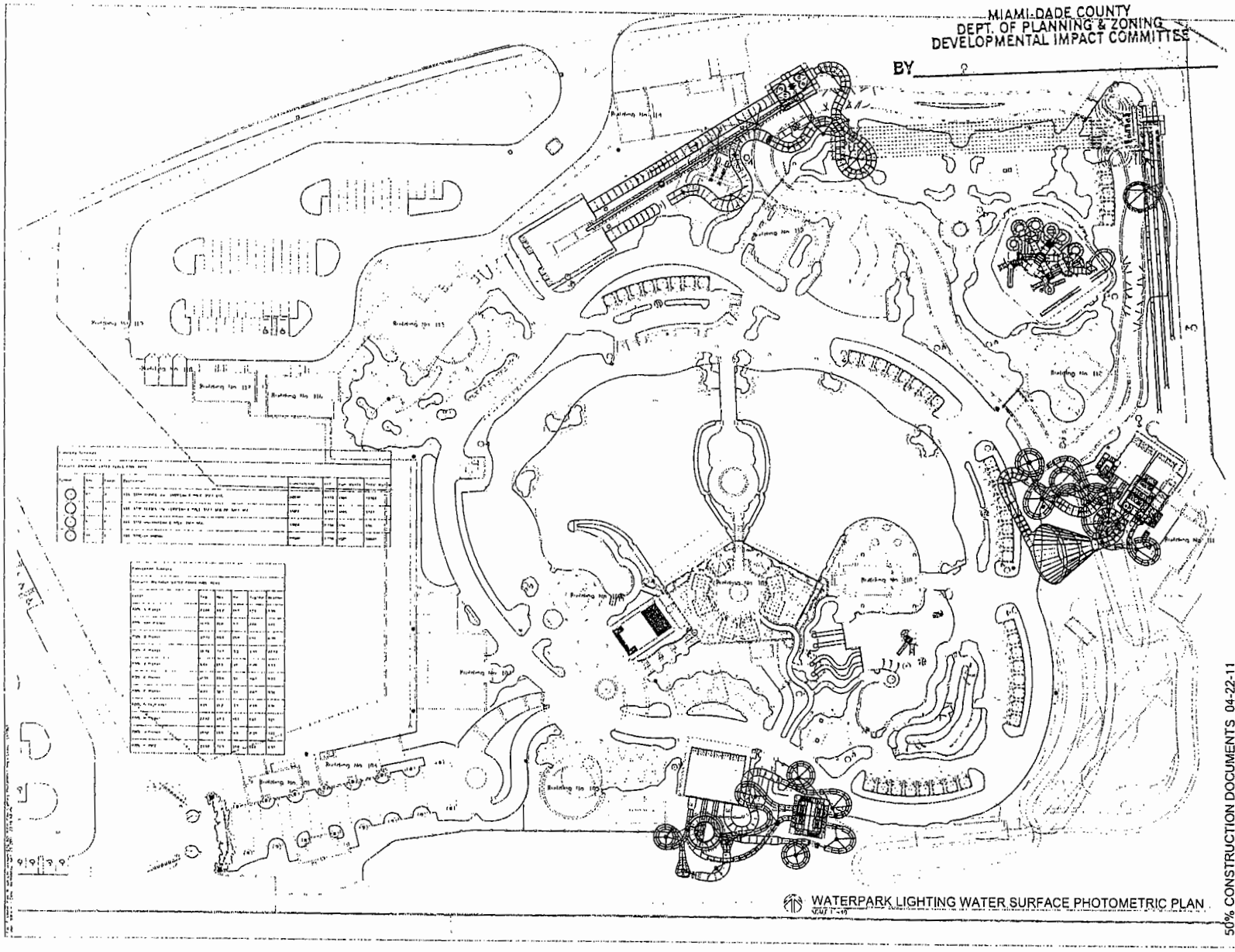

WATERPARK LIGHTING WATER SURFACE PHOTOMETRIC PLAN

50% CONSTRUCTION DOCUMENTS 04-22-11

RELATED

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STEVEN FELLER P.E.

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

ID	DATE	DESCRIPTION

DATE	2011.04.22
PROJECT NO.	00568
DRAWN BY	BJK
CHECKED BY	SF
PHASE	50% CONSTRUCTION DOCUMENT

WATERPARK WATER SURFACE LIGHTING PHOTOMETRIC PLAN

E.801

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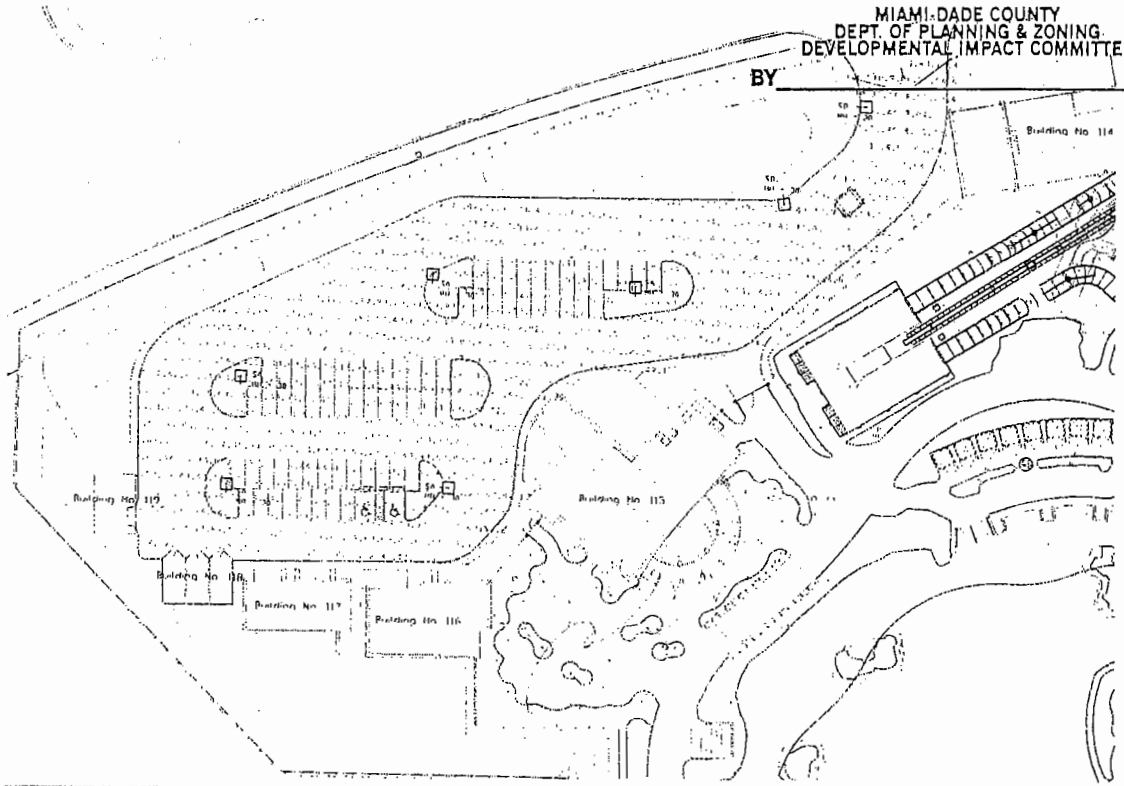
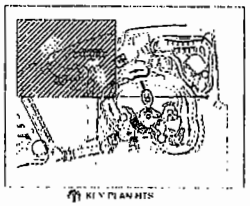


PARTIAL SITE AREA LIGHTING PHTOMETRIC PLAN



KEY PLAN NTS

50% CONSTRUCTION DOCUMENTS 04-22-11

RELATED

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STEVEN FELLER P.E.

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

ID	DATE	DESCRIPTION

DATE	2011.04.22
PROJECT NO.	00088
DRAWN BY	H.K.
CHECKED BY	SF
PHASE	50% CONSTRUCTION DOCUMENT

PARTIAL WATERPARK SITE AREA
1 & 4 LIGHTING PHOTOMETRIC PLAN

E8.02

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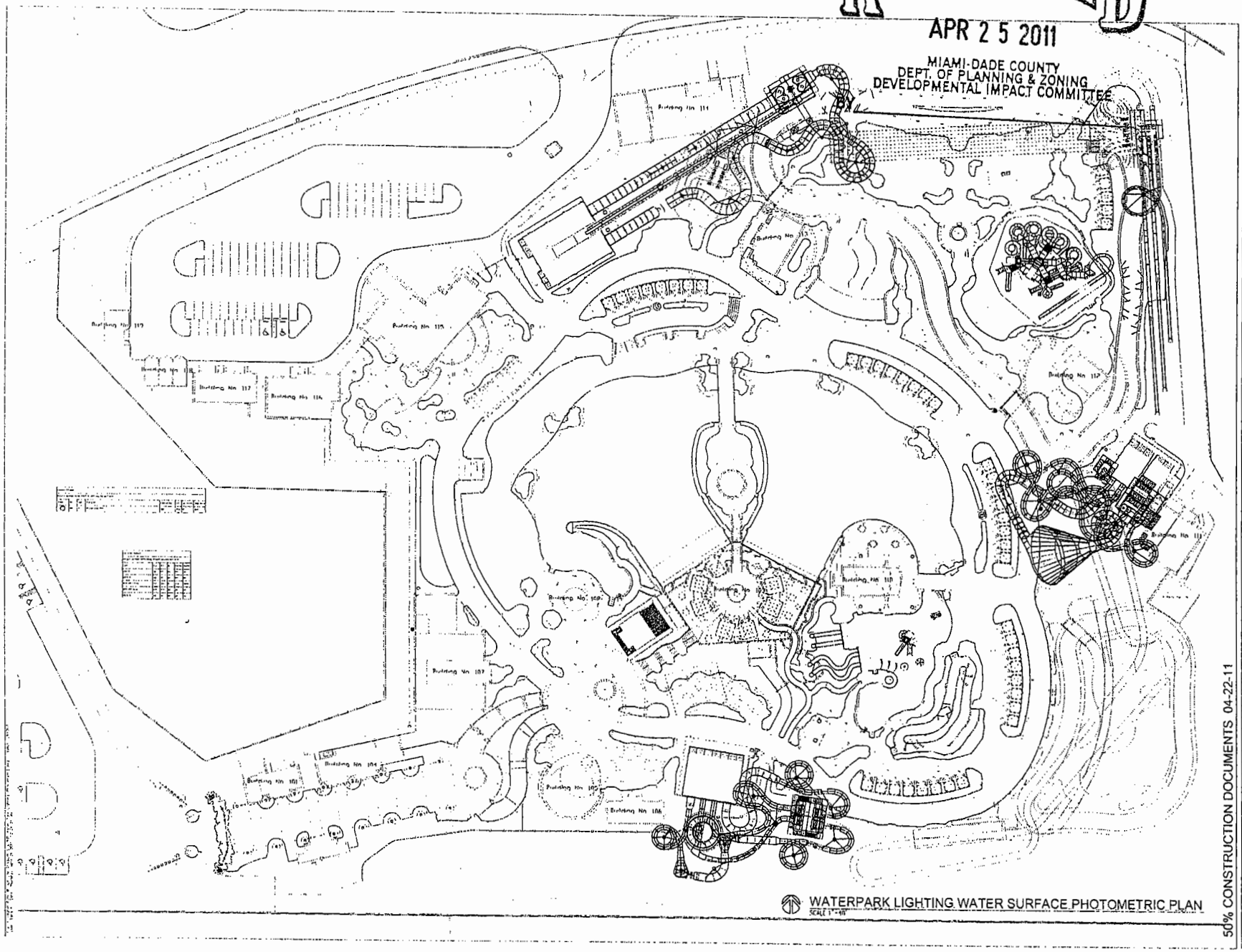
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



WATERPARK LIGHTING WATER SURFACE PHOTOMETRIC PLAN
SCALE 1"=40'

50% CONSTRUCTION DOCUMENTS 04-22-11

RELATED

WTI

STEVEN FELLER P.E.

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

SEAL OF PROFESSIONAL ARCHITECT

ID	DATE	DESCRIPTION

DATE	2011.04.22
PROJECT NO.	00588
DRAWN BY	B.K.
CHECKED BY	SF
PHASE	50% CONSTRUCTION DOCUMENT

WATERPARK WATER SURFACE LIGHTING PHOTOMETRIC PLAN

E.803

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APR 2 5 2011
MIAMI-DADE COUNTY
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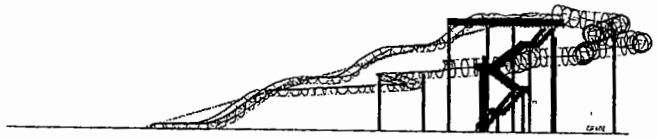
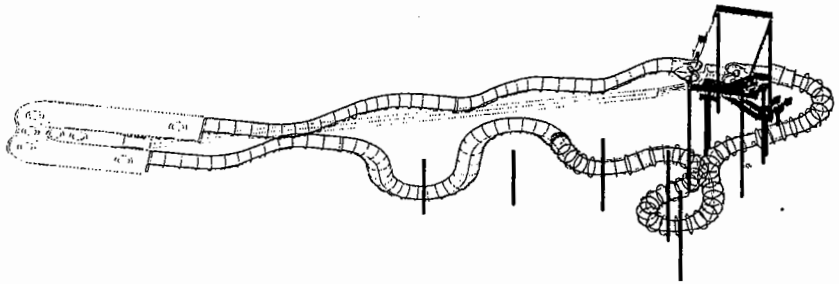
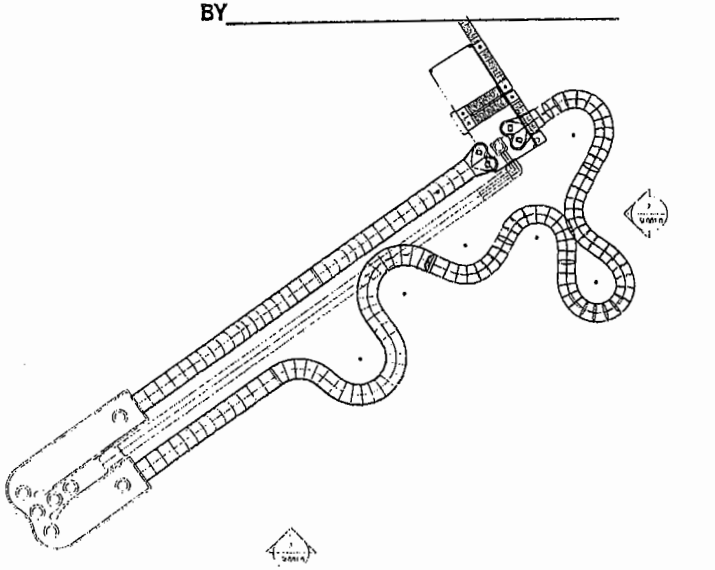
DEVELOPMENTAL IMPACT COMMITTEE
BY



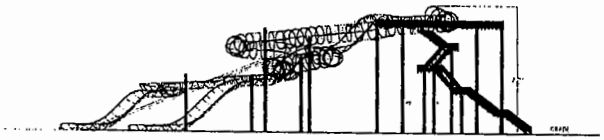
Family Raft Slides Elevation 3



Family Raft Slides Perspective 4



Family Raft Slides Plan 1



Family Raft Slides Elevation 2

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MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	12.11	Revision #2

DATE	9/8/2010
PROJECT NO	566
DRAWN BY	[illegible]
CHECKED BY	[illegible]
PHASE	20%

FAMILY RAFT SLIDES

SL001.0

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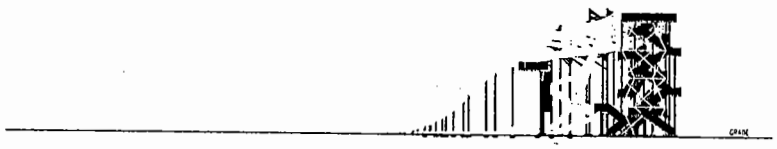
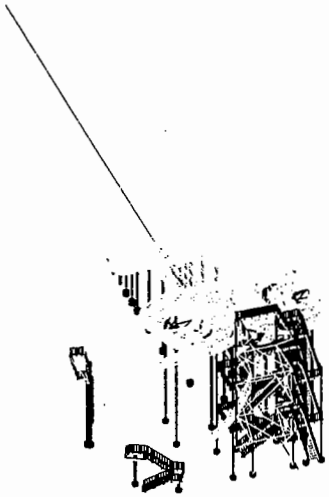
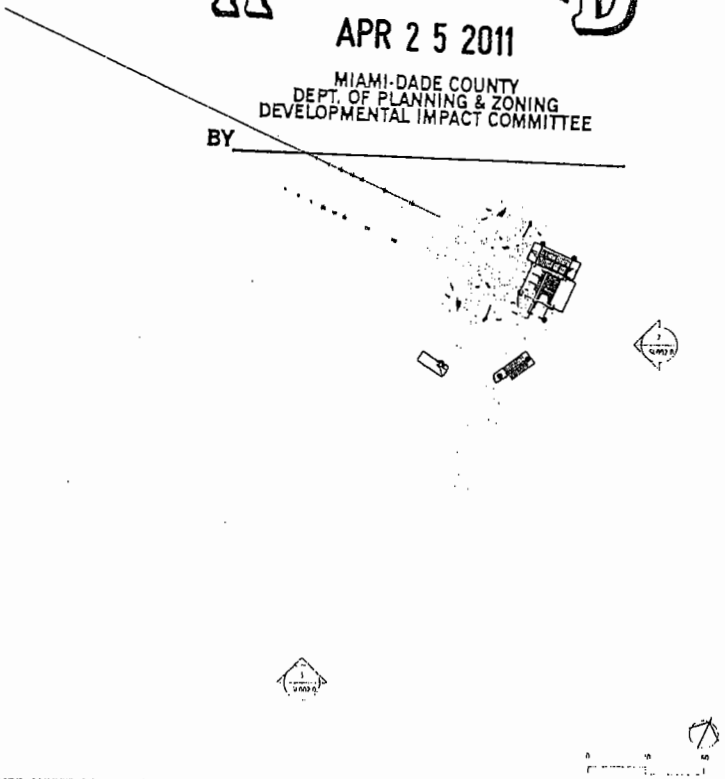
DEVELOPMENTAL IMPACT COMMITTEE
BY



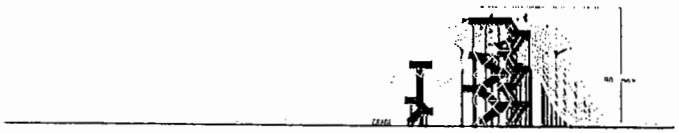
Mat Racer/Speed Slides Elevation 3



Mat Racer/Speed Slides Perspective 4



Mat Racer/Speed Slides Plan 1



Mat Racer/Speed Slides Elevation 2

RELATED
WTI

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Redesign
	12.1.11	Revision 02

DATE 9/8/2010
PROJECT NO. MGR
DRAWN BY [illegible]
CHECKED BY [illegible]
PHASE [illegible]

MAT RACER/SPEED SLIDES

SL002.0

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DEVELOPMENTAL IMPACT COMMITTEE
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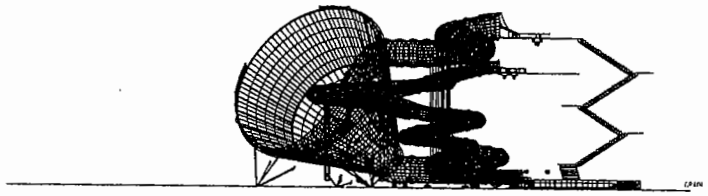
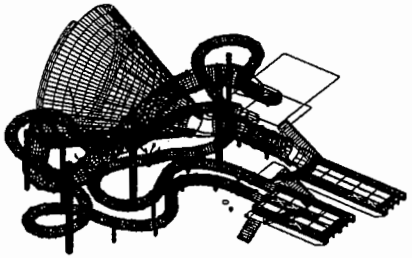
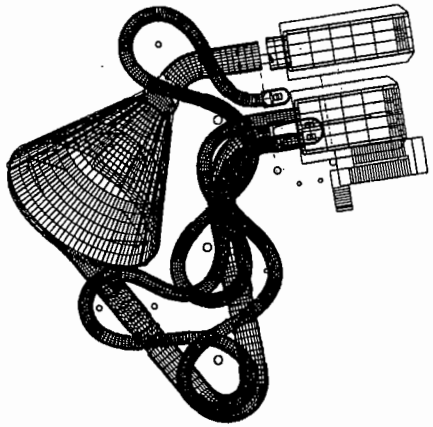


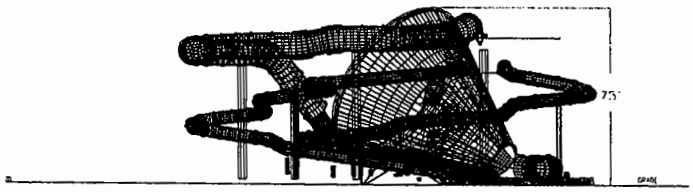
Oscillating Raft/Tube Flume Slides Elevation 3



Oscillating Raft/Tube Flume Slides Perspective 4



Oscillating Raft/Tube Flume Slides Plan 1



Oscillating Raft/Tube Flume Slides Elevation 2

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MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision 01
	1.21.11	Revision 02

DATE	5/8/2010
PROJECT NO.	508
DRAWN BY	jbs
CHECKED BY	jbs
PHASE	zone

OSCILLATING RAFT/TUBE FLUME SLIDES

SL003.0

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DEVELOPMENTAL IMPACT COMMITTEE
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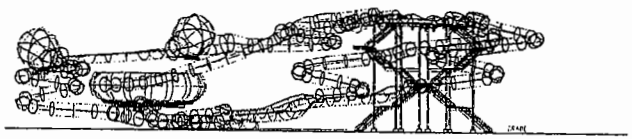
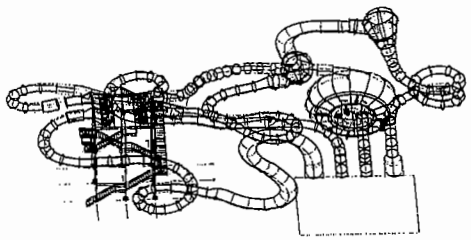
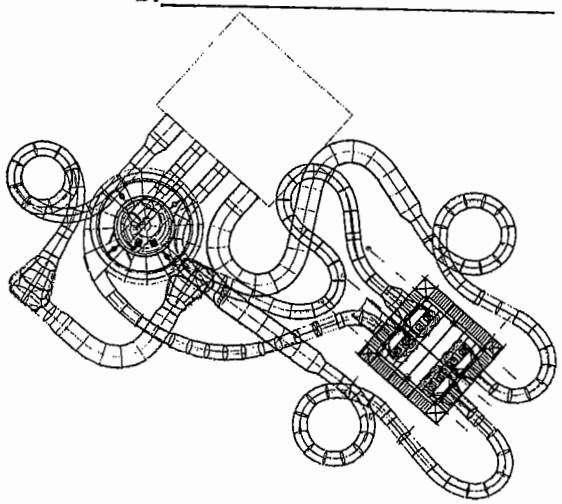


Tube Flume Slides Elevation 3



Tube Flume Slides Perspective 4



Tube Flume Slides Plan 1

Tube Flume Slides Elevation 2

RELATED

WTI

WATER TECHNOLOGY, INC.

MIAMI DOLPHINS WATERPARK

ID	DATE	DESCRIPTION
	11.8.10	Revision #1
	1.7.11	Revision #2

DATE	8/8/2010
PROJECT NO.	555
DRAWN BY	jhk
CHECKED BY	jhk
PHASE	Form

TUBE FLUME SLIDES

SL004.0

LANDSCAPE DEVELOPMENT TABLE

O.R.J. LANDSCAPE DEVELOPMENT TABLE

ZONING DISTRICT - OPD NET LOT ACRES [illegible]

OPEN SPACE		REQUIRED		PROVIDED
[illegible]		[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
LAND AREA CALCULATION				
[illegible]		[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
TREES				
[illegible]			Exist / Prop [illegible]	[illegible]
	SUBTOTAL	[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
[illegible]			Exist / Prop	
Palm (Sabal Blvd, HV [illegible])	Alt [illegible]	[illegible]	[illegible]	[illegible]
Palm (Sabal Blvd, HV [illegible])	Exotic	[illegible]	[illegible]	[illegible]
Palm (Sabal Blvd, HV [illegible])	Sabal	[illegible]	[illegible]	[illegible]
Palm (Sabal Blvd, HV [illegible])	Exotic	[illegible]	[illegible]	[illegible]
Palm (Sabal Blvd, HV [illegible])	Exotic	[illegible]	[illegible]	[illegible]
	SUBTOTAL	[illegible]		[illegible]
[illegible]		[illegible]		[illegible]
[illegible]	Shrubs		[illegible]	[illegible]
	Trees		[illegible]	[illegible]
	SUBTOTAL	[illegible]		[illegible]
[illegible]	TOTAL	[illegible]		[illegible]
SHRUBS				
[illegible]		[illegible]		[illegible]
[illegible]		[illegible]		[illegible]

EXISTING TREES

[illegible]

RECEIVED

APR 2 5 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

TREE PRESERVATION LEGEND

SYMBOL LEGEND

[illegible]

EXISTING TREES

[illegible]

RELATED

WTI

ValleyCrest DesignGroup

[illegible]

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

ID	DATE	DESCRIPTION

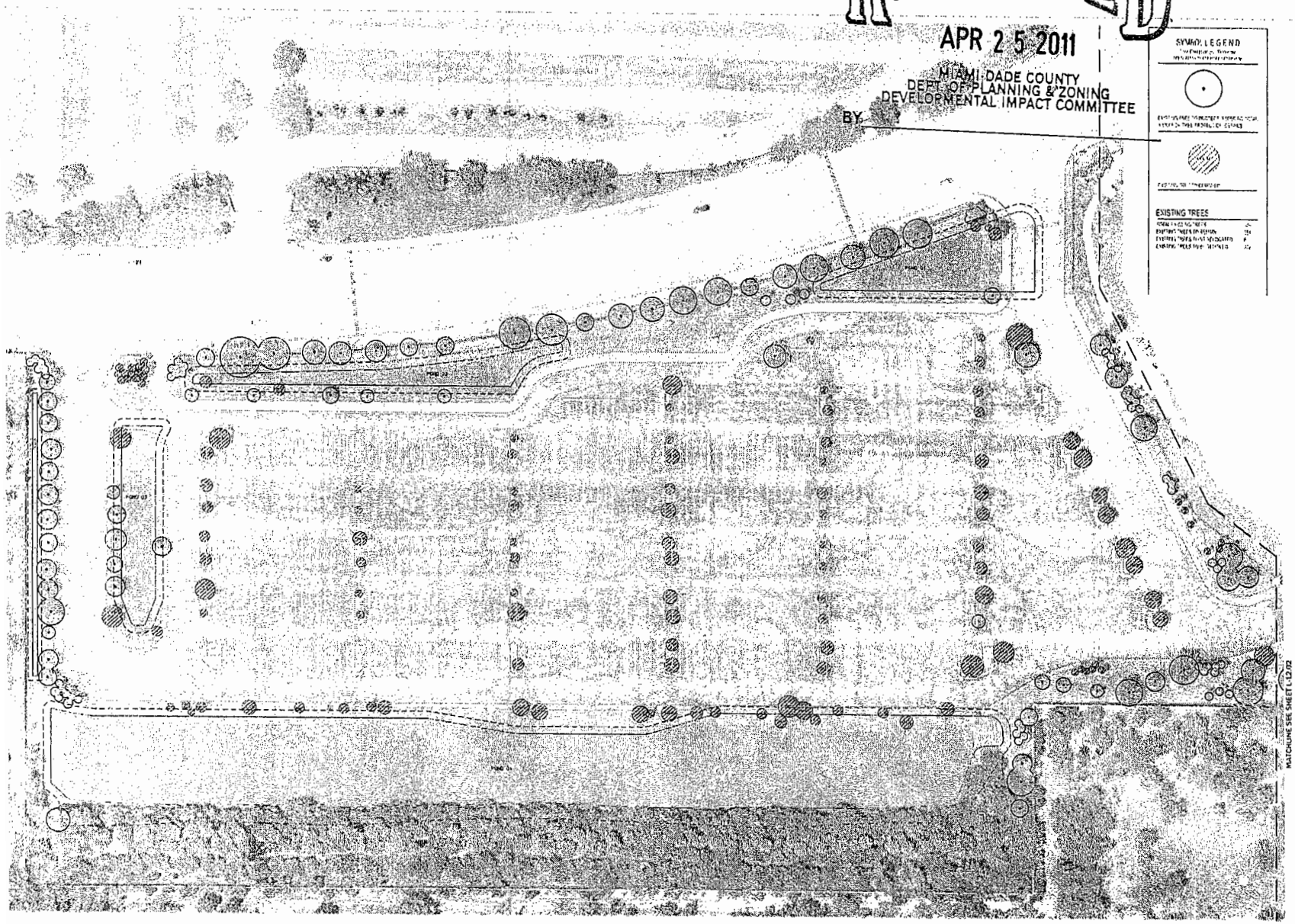
DATE	2011.04.12
PROJECT NO.	VCR140004
DRAWN BY	VR E.R.N.S
CHECKED BY	GO
PHASE	[illegible]

Tree Preservation Notes & Legend

L-11.01

RECEIVED
APR 25 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

46



RELATED

WTI

ValleyCrest DesignGroup

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

ID	DATE	DESCRIPTION

DATE	2011.01.21
PROJECT NO	VC#14008
DRAWN BY	VB,EA,NS
CHECKED BY	GO
PHASE	DEVELOPMENT

Tree Preservation Plan

L-12.01

95

MATCHLINE SEE SHEET L-12.01

SYMBOL LEGEND

EXISTING TREES

RECEIVED

APR 2 5 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY

RELATED

WTI

ValleyCrest DesignGroup

Miami Dolphins Waterpark

Dolphins Center East II
MIAMI, FLORIDA

ID	DATE	DESCRIPTION

DATE
PROJECT NO
DRAWN BY
CHECKED BY
PHASE

Tree Preservation Plan

L-12.02

GENERAL PLANTING NOTES

1. PLANT MATERIAL STANDARDS
- ALL PLANT MATERIAL USED ON THIS PROJECT SHALL BE FLORIDA NO. 1 AS DESCRIBED IN THE LATEST EDITION OF "GRADES AND STANDARDS FOR NURSERY PLANTS", PART I AND II, BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. REFER TO DETAILS FOR FURTHER QUALITY SPECIFICATIONS. ALL QUESTIONS CONCERNING THIS PLAN SET AND/OR SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT.
- SHRUB MATERIAL IS TO BE PLANTED AT THE REQUIRED MINIMUM HEIGHT, CONTAINER SIZE DOES NOT QUALIFY FOR FOR FINAL ACCEPTANCE.
- ALL PLANT MATERIAL IS SUBJECT TO APPROVAL BY LANDSCAPE ARCHITECT AND OWNER, BEFORE, DURING AND AFTER INSTALLATION AS PER SPECIFICATIONS
- ALL SOD SHALL BE 100% SOLID SOD, 100% FREE OF NOXIOUS WEEDS, WITH A TWO (2) INCH THICKNESS OF ROOTS CAPABLE OF HOLDING SAND. SOD SHALL BE FRESHLY CUT WITHIN TWENTY-FOUR (24) HOURS OF LAYING. LAID WITH TIGHTLY BUTTED JOINTS AND ROLLED. HAND RAKING SHALL BE DONE AS NECESSARY TO ENSURE PROPER FUTURE GRADES AND CLEAR SURFACES FOR SOD
- ALL SINGLE TRUNK TREES SHALL BE STRAIGHT TRUNKED WITH ONE CENTRAL LEADER AND FULLY CROWNED
- ALL TREES SHALL BE FREE OF DEEP WOUNDS AND WOUND SCARS IN THE CLEAR TRUNK AREA

2. GRADING OF PLANTING BEDS
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR HOLDING FINE GRADING OF PLANTING AREAS TO INSURE AT LEAST 2% POSITIVE DRAINAGE AWAY FROM BUILDINGS AND INTO TURF AREAS, PONDS, STREETS OR OTHER DRAINAGE WAYS. IN ADDITION, THE FINISH MULCH ELEVATION AT THE BUILDINGS SHALL BE AT LEAST 6" BELOW FINISH FLOOR OF THE ADJACENT BUILDINGS. VERIFY THIS CONDITION WITH GENERAL CONTRACTOR PRIOR TO BEGINNING WORK. PARKING LOT ISLANDS SHALL SLOPE AT 3" FROM CENTER OF ISLAND TO CURB. TURF AND PLANTING BEDS SHALL MEET SIDEWALKS AND FLATWORK AT 2" BELOW THE FLATWORK
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINAL GRADING OF BERMS, SOD AREAS AND SOD AREAS UNTIL FINAL ACCEPTANCE BY THE LANDSCAPE ARCHITECT, BOTH BEFORE AND AFTER LANDSCAPE INSTALLATION HAS BEGUN.

3. BED PREPARATION AND PLANTING
- LOOSEN SOIL TO A MINIMUM DEPTH OF FOUR (4) INCHES AND REMOVE ALL DEBRIS. REGRADE THE BED TO ITS PRE-PLANTING SUBGRADE. SPREAD APPROVED FABRIC-TYPE WEED BARRIER OVER ALL SHRUB BEDS. IF REQ. DIG PLANTING PITS AT 2 TIMES THE DIAMETER OF THE POT. FILL PLANT PIT WITH 50% EXISTING SOIL AND 50% TOPSOIL (SEE BELOW) AND COMPACT SO THAT THE TOP OF ROOT BALL WILL SETTLE, 1/8 DEPTH OF ROOT BALL ABOVE FINISH GRADE. SET PLANT AND FILL REMAINDER OF HOLE WITH PLANTING MIX. FERTILIZE EACH PLANT AS RECOMMENDED BY SOIL ANALYSIS. THE LANDSCAPE CONTRACTOR SHALL PROVIDE OWNER WITH A YEARLY FERTILIZATION PROGRAM AS DEFINED BY THE SOIL ANALYSIS. WATER IN THOROUGHLY. RESET ANY PLANTS THAT SETTLE TOO DEEP. REMOVE EXCESS DIRT AND RAKE THE BED TO ITS FINISH GRADING. COVER ALL BED AREAS WITH A 3" DEPTH OF MULCH (SEE PLANT LIST). REMOVE ALL DEBRIS FROM MULCH
- TREES SHALL NOT BE PLANTED CLOSER THAN TEN (10) FEET FROM OTHER TREES UNLESS APPROVED BY THE COUNTY ADMINISTRATOR AND/OR LANDSCAPE ARCHITECT
- PLANT MATERIAL THAT EXCEEDS TWENTY-FIVE (25) FEET IN HEIGHT AT MATURITY SHOULD NOT BE PLANTED CLOSER THAN FIFTEEN (15) FEET OF THE VERTICAL PLANE OF AN EXISTING POWER LINE, EXCLUDING SERVICE WIRES
- BALLED AND BURLAPPED STRAPPING WIRE AND ANY SYNTHETIC MATERIAL SHALL BE REMOVED PRIOR TO FINAL INSPECTION. WIRE BASKETS SHOULD BE CUT 6" BELOW THE TOP OF THE ROOTBALL.
- MULCH SHALL BE PROVIDED A MINIMUM OF THREE (3) INCHES IN DEPTH AROUND ALL NEWLY PLANTED LANDSCAPE.
- A MULCH RING FOR ALL NEWLY PLANTED TREES SHALL BE PROVIDED AT LEAST FOUR (4) FEET IN DIAMETER FOR HARDWOOD TREES AND THREE (3) IN DIAMETER FOR CONIFER TREES. DO NOT MULCH WITHIN SIX (6) INCHES FROM THE TREE TRUNK.
- PLANT INSTALLATION SHALL NOT PROCEED PRIOR TO THE INSTALLATION AND OPERATION OF THE LANDSCAPE IRRIGATION SYSTEM. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO PLANT MATERIAL CAUSED BY INSUFFICIENT WATER
- ALL PLANTINGS SHALL BE SET AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION

4. TOPSOIL
- TOPSOIL SHALL BE A NATURAL FRIABLE, FERTILE, FINE LOAM SOIL. IT SHALL BE CERTIFIED (BY TESTING) TO BE FREE OF WEED SEEDS AND PATHOGENS. IT SHALL ALSO BE FREE OF LITTER, SOD, CLAY, STONES, ROOTS AND STUMPS. IT SHALL BEAR A PH OF BETWEEN 5.5 AND 7.5.
- SOIL IN TREE ISLANDS SHALL HAVE AT LEAST TWELVE (12) INCHES OF SUITABLE SOIL FOR TREE PLANTINGS AND BE VOID OF ANY CONSTRUCTION DEBRIS OR UNSUITABLE MATERIALS
- THE GENERAL CONTRACTOR SHALL ENSURE THAT ALL PLANTING ISLANDS, PARKING LOT ISLANDS OR PLANTING AREAS SHALL BE CLEAN OF ALL TRASH, DEBRIS OR OTHER NON-INDIGENOUS MATERIALS TO A DEPTH OF 36" PRIOR TO ANY LANDSCAPE INSTALLATION
- FILL FOR ALL PARKING LOT ISLANDS SHALL BE A MIN. OF 3" BELOW TOP OF CURBING AND BE CROWNED TO A MIN. OF 6" ABOVE CURBING AT THE CENTER OF EACH ISLAND.

5. EDGING
- ALL EDGING SHALL BE AS DESCRIBED IN THE PLANTING DETAILS
- MULCHING AND EDGING SHALL BE PER APPROPRIATE NOTES & SPECIFICATIONS

6. TREE STAKING
- ALL TREES TO BE STAKED AND GUYED AS SHOWN IN THE DETAILS UNLESS OTHERWISE NOTED.
- ALL TREES, INCLUDING PALMS, SHALL BE SET VERTICALLY TO THE GROUND, EVEN ON SLOPES OR BERMS SHALL BE SET VERTICALLY TO THE SURROUNDING FLAT TERRAIN.

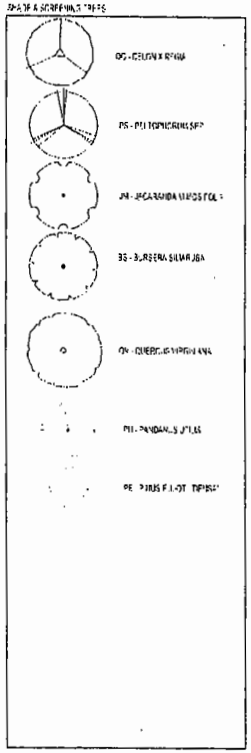
7. WARRANTY
- ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FROM FINAL ACCEPTANCE BY THE OWNER AND/OR LANDSCAPE ARCHITECT. UNTIL FINAL ACCEPTANCE BY THE OWNER AND/OR LANDSCAPE ARCHITECT, ALL PLANT MATERIAL MUST BE MAINTAINED IN GOOD, LIVING CONDITION. THIS INCLUDES KEEPING BEDS FREE OF DEBRIS AND WEEDS, ALL MECHANICAL MAINTENANCE, FERTILIZATION, CHEMICAL TREATMENTS FOR DISEASE OR INFESTATION AND WATERING.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ANY AND ALL NECESSARY REPAIRS TO DAMAGE CAUSED BY HIS WORK AT NO ADDITIONAL COST TO THE OWNER OR LANDSCAPE ARCHITECT

PLANTING LEGENDS

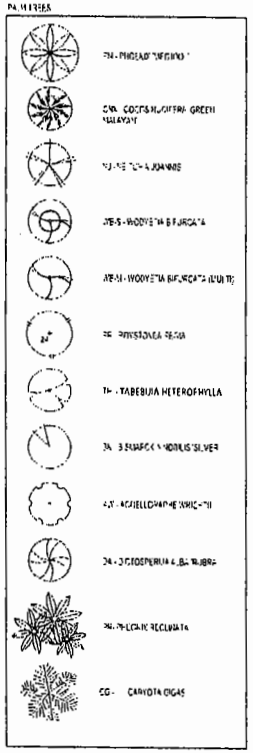
PLANT ZONES	PLANT SCHEDULE CATEGORY	
	SHRUB & FOLIAGE AREAS	
	TURFGRASS ZONE ST. AUGUSTINE	
	TURFGRASS ZONE NON-IRRIGATED SAND	

ID / RIA — PLANT TYPE / TOTAL QUANTITY

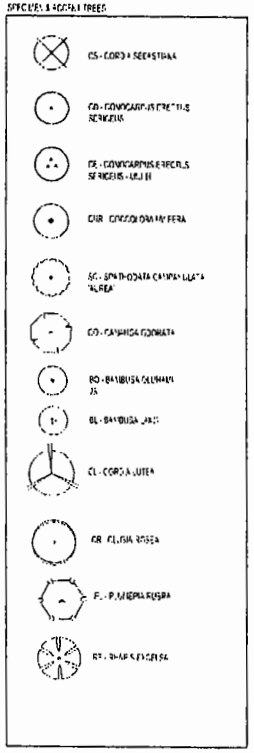
AREA OF A SCREENING TREES



PALM TREES



SPECIMEN & ACCENT TREES



LANDSCAPE COMPLIANCE NOTE

THE LANDSCAPE PLANS WILL FULLY COMPLY WITH ALL APPLICABLE REQUIREMENTS LISTED IN CHAPTER 18A OF THE MIAMI-DADE COUNTY LANDSCAPE CODE

RECEIVED
APR 25 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

RELATED

WTI

VelloyCrost DesignGroup

Miami Dolphins Waterpark
Dolphins Center East II
MIAMI, FLORIDA

SEAL OF PROFESSIONAL OF RECORD

ID	DATE	DESCRIPTION

DATE	2011.04.21
PROJECT NO.	VG#14809M
DRAWN BY	VD,FD,NS
CHECKED BY	GO
PHASE	DRI SUBMITTAL

Landscape Planting Legend & Notes

L-50.01

PLANT SCHEDULE - TREES

Miami Dolphins Waterpark Master Plant List

Date: 4/19/11

TREE LEGEND

QUANTITY New	QUANTITY Existing	NATIVE Yes	GENERAL REQ TREE / PLANT Yes	GENERAL REQ STREET TREE Yes	SYMBOL Abbrev.	PLANT NAME Botanical Name	Common Name	Specification
SHADE & SCREENING TREES								
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SPECIMEN ACCENTS AND FLOWERING TREES								
[illegible]					[illegible]	[illegible]	[illegible]	[illegible]
[illegible]					[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]					[illegible]	[illegible]	[illegible]	[illegible]
PALMS								
[illegible]					[illegible]	[illegible]	[illegible]	[illegible]

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].

210-149

NAME OF PURCHASER: N/A

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

N/A

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

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

SOUTH FLORIDA STADIUM LLC,
a Florida limited liability company

By: South Florida Football Associates LLC,
its Managing Member

By: _____
Stephen M. Ross
Sole Member

Sworn to and subscribed before me this 7th day of September, 2010. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

LINDA A. SHAY
NOTARY PUBLIC, State of New York
No 4848112
Qualified in Suffolk County
Commission Expires August 25, 2014

My commission expires _____

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

210-149

EXHIBIT "B"

Ownership Report

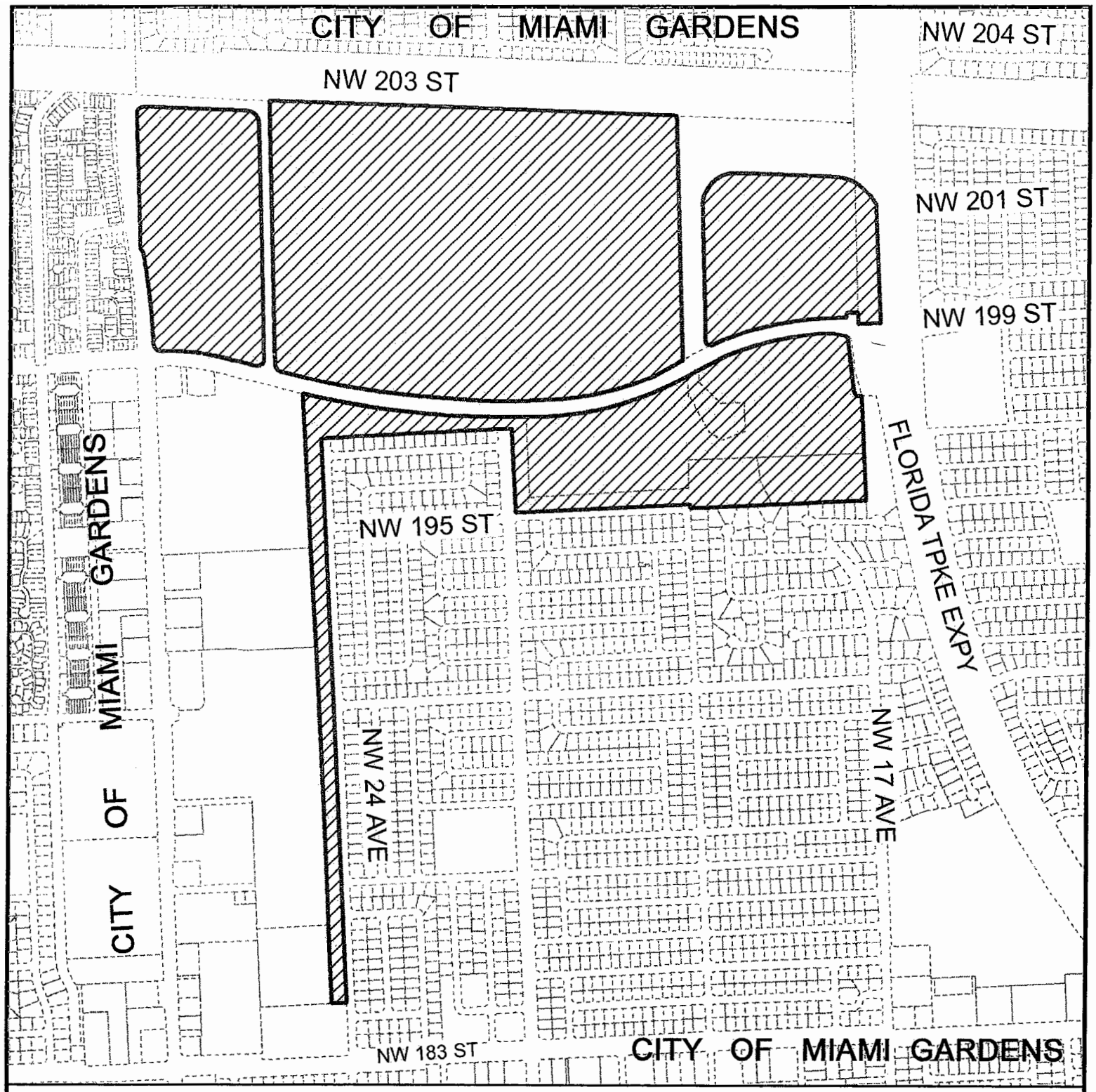
***South Florida Stadium LLC, Principal Owner*:** Stephen M. Ross – owns 71.077% of the Stadium entities and has voting control of the Stadium.

Name of Company	Owners/Primary Purpose	Voting Interest	Equity Interest
South Florida Stadium LLC	Members		
	Fin Associates LLC	0%	63.771%
	South Florida Football Associates LLC	100%	31.229%
	South Florida Stadium Holding LLC	0%	5%
Fin Associates LLC	Manager		
	South Florida Football Associates LLC	100%	0%
	Non-Managing Members		
	Stephen M. Ross	0%	61.394%
	1996 SMR Trust III Trustee(s): Martin L. Edelman, Jorge Perez and Ronald Katz Beneficiary(s): Kimberly Ross and Jennifer Ross	0%	36.520%
	SMR Funding, Inc.	0%	.723%
	Unrelated Corp.	0%	.369%
	Les Soeurs, LLC	0%	.331%
	Estefin, LLC	0%	.221%
	Richport Sports Media, LLC	0%	.221%
	Are You Ready For Some Football, LLC	0%	.221%
South Florida Football Associates LLC	Stephen M. Ross	100%	100%
South Florida Stadium Holding LLC	H. Wayne Huizenga	100%	100%
SMR Funding Inc.	Stephen M. Ross	100%	100%

Unrelated Corp.	Stephen M. Ross	100%	100%
Les Soeurs, LLC	Serena J. Williams Revocable Trust Trustee(s): Serena J. Williams Beneficiary(s): Serena J. Williams Venus E. Williams Revocable Trust Trustee(s): Venus E. Williams Beneficiary(s): Venus E. Williams	66 2/3 % 33 1/3%	66 2/3% 33 1/3%
Estefin, LLC	Numoon, Inc.	100%	100%
Richport Sports Media, LLC	Marc Anthony	100%	100%
Are You Ready For Some Football, LLC	Stacy Ferguson	100%	100%
Numoon, Inc.	The Estefan Family Restated Revocable Trust Trustee(s): Emilo Estefan and Gloria Estefan Beneficiary(s): Nayib Estefan and Emily Estefan	100%	100%

210-149
SEP 2
BY

100



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000149

Legend

Zoning

Subject Property Case

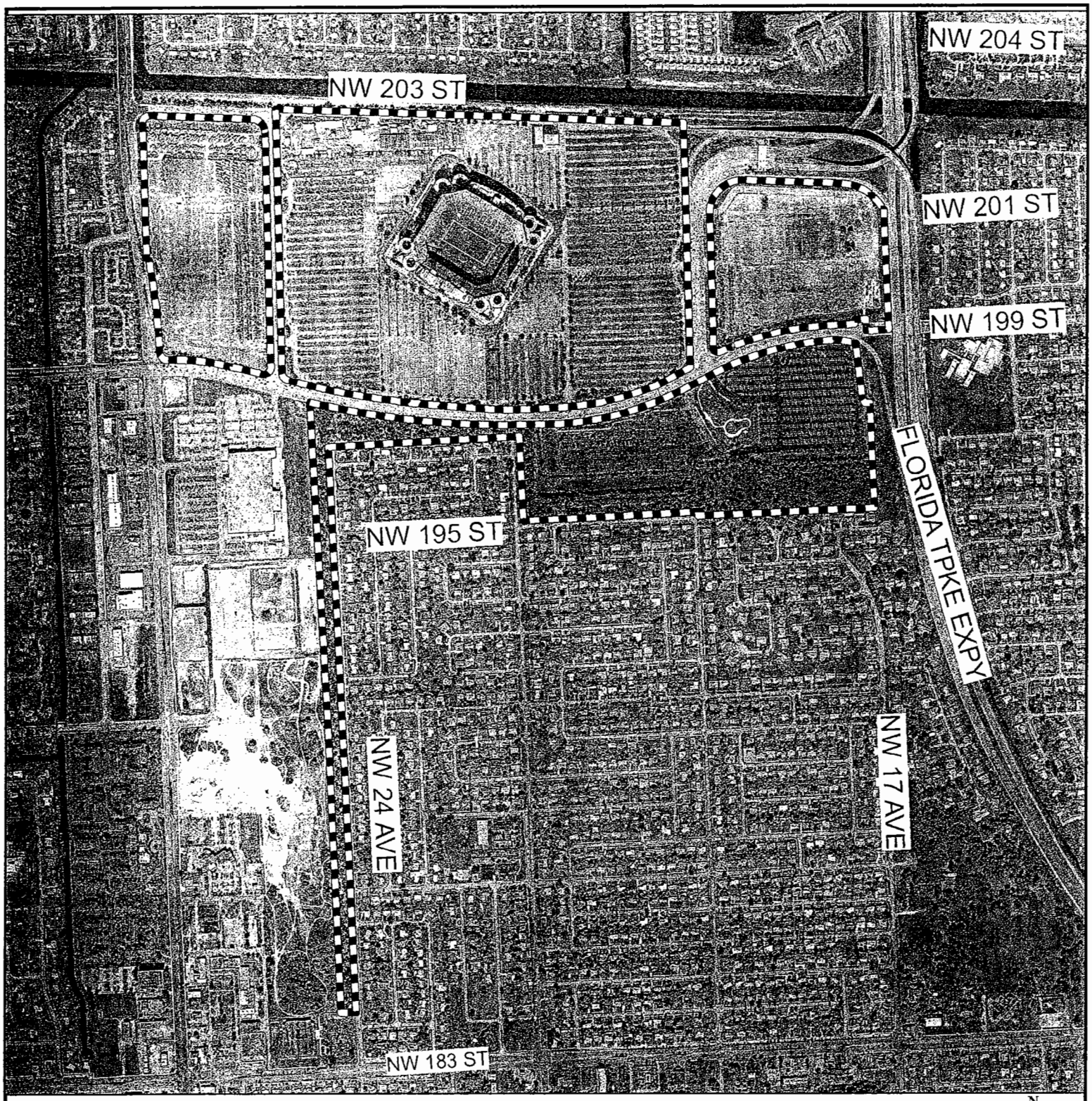
N
W E
S

Section: 33/34/35 Township: 51 Range: 41
Section: 03/02 Township: 52 Range: 41
Applicant: SOUTH FLORIDA STADIUM, LLC AT EL
Zoning Board: BCC
Commission District: 1
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, September 27, 2010

REVISION	DATE	BY
		101



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000149

Legend
Subject Property

N
W E
S

Section: 33/34/35 Township: 51 Range: 41
Section: 03/02 Township: 52 Range: 41
Applicant: SOUTH FLORIDA STADIUM, LLC AT EL
Zoning Board: BCC
Commission District: 1
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, September 27, 2010

REVISION	DATE	BY

ITEM # 1. 08-175

PLANNING AND ZONING
AGENDA OFFICE

2011 JUN 15 P 2:41

PLANNING AND ZONING
AGENDA OFFICE

2011 JUN 17 A 10:34

This instrument was prepared by:

Name: Ryan D. Bailine, Esq.
Address: Stearns Weaver Miller Weissler Alahadeff & Sitterson, P.A.
150 West Flagler Street
Suite 2200 Museum Tower
Miami, Florida 33130

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS ("Declaration") is made this 14 day of June, 2011, by **ARCHIMEDEAN PROPERTIES, LLC,** a Florida limited liability company ("Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, more particularly described on the attached **Exhibit "A"** hereinafter referred to as the "Property";

WHEREAS, a Public Hearing was held before the Board of County Commissioners ("Board") on _____ 2011 ("Hearing"), in connection with Public Hearing Application Z-08-175, during which Hearing the Board adopted Resolution No. _____ ("Resolution"), a copy of which is attached as **Exhibit "B;"**

NOW THEREFORE, to assure the County that the representations made during the Board's consideration and approval of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following declaration of restrictions covering and running with the Property:

1. Prior to the submittal of an application for building permit and/or Certificate of Use in connection with the Property, the Owner shall submit a site plan (the "Site

Plan") to the County's Department of Planning and Zoning ("Department") and meet with the approval of the Director of the Department. The Site Plan shall include, without limitation, the location of structure or structures, types, sizes and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, and landscaping.

2. The Site Plan shall be in a form which is substantially similar to the Site Plan submitted with the Application, which was approved by the Resolution.

3. That the use of the Property be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy, Inc. Master Plan for Middle and High School Expansion", as prepared by Anthony E. Tzamtzis, AIA, consisting of twenty one (21) sheets, dated stamped received April 12, 2011.

4. Prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan prior to the issuance of a certificate of use.

5. Upon compliance with all terms and conditions of the building permit applicable to the Property, the Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department. Such Certificate of Use shall be subject to cancellation upon violation of any of the conditions contained within the building permit.

6. No outside speakers, other than in connection with emergency systems, shall be permitted on the Property.

7. The waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, provided that such pick-up shall not be performed during the arrival and dismissal times.

8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

9. The Charter School shall have staggered start and dismissal times as follows:

8:00 a.m.-3:00 p.m.	Grades K-5	(Wed. 8:00 a.m. – 2:00 p.m.)
8:40 a.m.-4:00 p.m.	Grades 6-8	(Wed. 8:40 a.m. – 3:00 p.m.)
7:30 a.m.-3:30 p.m.	Grades 9-12	(Wed. 7:30 a.m. – 2:30 p.m.)

10. The Charter School use shall be limited to grades K through 12th with the expansion to 1300 students as follows:

Year 1	2011-2012 School Year	No. of permitted students 800-950
Year 2	2012-2013 School Year	No. of permitted students 950-1100
Year 3	2013-2014 School Year	No. of permitted students 1100-1250
Year 4	2014-2015 School Year	No. of permitted students 1250-1300

11. Night activities and/or special events at the Charter School shall be limited to twenty four (24) events per year and shall end no later than 10:00 p.m.

12. If the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's closure, shall:

(a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use; or

(b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board; or

(c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or

(d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

13. In addition to the foregoing provisions, the Owner agrees to 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 Application reviewed by the DIC Executive Council on May 25, 2011 and incorporated herein by reference.

14. Students will not be permitted to drive to, and park at the Charter School.

15. That at the time of Certificate of Use renewal, the applicant shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

16. Access to the Property from 123rd Avenue will be restricted to emergency vehicles only.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property, and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns,

acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of

his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the

Application in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, ARCHIMEDEAN PROPERTIES, LLC, has caused these present to be signed in its name on this 13 day of June, 2011.

WITNESSES:

Witness

MARK S. DAVIS
Printed Name

Witness

FARID GALLA
Printed Name

ARCHIMEDEAN PROPERTIES, LLC
a Florida limited liability company

By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17 day of June, 2011, by Lambros Katsoufis, as Manager of Archimedean Properties, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

ALESIA KOUSH
MY COMMISSION #DD823122
EXPIRES: SEP 15, 2012
Bonded through 1st State Insurance

Notary Public – State of Florida

ALESIA KOUSH
Printed Name

JOINDER AND CONSENT OF MORTGAGEE TO DECLARATION OF RESTRICTIONS

The undersigned, REGIONS BANK, owner and holder of that certain Mortgage dated January 25, 2007, recorded on February 13, 2007, in Official Records Book 25361, at Page 1913, as modified by that certain Mortgage Modification and Notice of Future Advance dated September 2, 2009, recorded on September 9, 2009, in Official Records Book 27005, Page 2625, of the Public Records of Miami-Dade County, Florida, covering the property described in the foregoing Declaration of Restrictions, dated _____, by Archimedean Properties, LLC (the "Declaration"), does hereby execute this Joinder for the sole purpose of consenting to the recording of the Declaration and subordinating the lien of the Mortgage to the provisions of the Declaration. By its execution hereof, Mortgagee does not make any representations or warranties with respect to any matters set forth in or pertaining to the Declaration or undertake any of the obligations or liabilities contained therein.

IN WITNESS WHEREOF, these presents have been executed this 14 day of June, 2011.

Signed, sealed and delivered
in the presence of:

Name: Stephen Haras

Name: Christina Kenny

MORTGAGEE:

REGIONS BANK

By: _____

Name: OSCAR HERRERA

Title: VICE PRESIDENT

[Corporate Seal]

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14 day of June, 2011, by Oscar Herrera, as Vice President of REGIONS BANK. She/he is personally known to me or has produced _____ as identification. WITNESS my hand and official seal in the County and State aforesaid, on this 14 day of June, 2011.

Notary Public
My Commission Expires: June 15, 2012

MANRIQUE J. ALONSO
Notary Public - State of Florida
My Commission Expires Jun 15, 2012
Commission # DD 797449
Bonded Through National Notary Assn.

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The East ½ of the SE ¼ of the SW ¼ of the SW ¼, less the South 50 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami, Miami-Dade County, Florida, together with the West ½ of the SW ¼ of the SE ¼ of the SW ¼, less the South 50 feet thereof; and the S ½ of S ½ of NW ¼ of SE ¼ of the SW ¼, less E 25 ft of Section 25, Township 54 South, Range 39 East, Miami, Miami-Dade County, Florida.

EXHIBIT "B"
Resolution No Z- -

#819215 v2

2. FONTAINBLEAU LAKES, LLC & **11-7-CC-2 (10-188)**
FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC **BCC/District 10**
(Applicant) **Hearing Date: 07/21/11**

Property Owner (if different from applicant) **Fontainbleau Lakes, LLC.**

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
2006	Carolyn A. Sakolsky	- Zone change from GU to RU-4M on parcels A-west, B-west, C-west, A-east, B-east & C-east.	C10	Approved w/conds.
2009	Fontainbleau Lakes LLC	- Zone change from RU-4M & GU to BU-1A on parcel "1". - Zone change from RU-4M & & GU in parcel "2". - Unusual Use to permit 2 lake Excavation Parcels "B" & "C".	BCC	Approved w/conds.

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

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2011

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Fontainbleau Lakes, LLC and
Fontainebleau Single Family Homes West, LLC. (Z10-188)

SUMMARY OF REQUESTS:

The applicants are requesting a zone change from GU, Interim District, and RU-4M, Modified Apartment House District, to PAD, Planned Area Development, in order to develop the northwesterly portion of the subject property (lying west of NW 97 Avenue and north of Fontainebleau Boulevard) with a combination of detached single family residences and townhouses. In addition, the applicants are seeking approval to modify previously approved plans and Declaration of Restrictions, in order to submit new site plans for the aforementioned development. Additionally, the applicants are seeking an unusual use to fill portions of existing lake, which was previously approved in connection with a golf course. Furthermore, the applicants is seeking approval to allow the proposed detached single family residences with less than the required private open space and with encroachments into the required setback areas and to allow the overall development with a reduced common open space.

LOCATION: Lying north of Flagler Street, south of State Road 836, west of NW 87 Avenue and east of NW 107 Avenue, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting a zone change to PAD. 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 on June 15, 2011 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 conditions and 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.

3

APPLICATION NO. Z10-188
FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOME WEST, LLC.

Respectfully Submited,

DIC Executive Council
June 15, 2011

Susanne M. Torriente
Assistant County Manager — AYE

Giovannie Ulloa, Fire Chief
Miami-Dade Fire Rescue Department — Absent

Irma San Roman, Interim Director
Metropolitan Planning Organization Secretariat — Absent

Grisel M. Rodriguez, Assistant Director for Zoning
Department of Planning and Zoning — AYE

Esther Calas, P.E., Director
Public Works Department — Absent

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt — AYE

Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department — AYE

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANTS: Fontainbleau Lakes, LLC. and Fontainebleau Single Family Homes West, LLC. **PH:** Z10-188

SECTION: 04-54-40/05-54-40 **DIC DATE:** June 15, 2011

COMMISSION DISTRICT: 10

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A. INTRODUCTION

o SUMMARY OF REQUESTS:

The applicants are requesting a zone change from GU, Interim District, and RU-4M, Modified Apartment House District, to PAD, Planned Area Development, in order to develop the northwesterly portion of the subject property (lying west of NW 97 Avenue and north of Fontainebleau Boulevard) with a combination of detached single family residences and townhouses. In addition, the applicants are seeking approval to modify previously approved plans and Declaration of Restrictions, in order to submit new site plans for the aforementioned development. Additionally, the applicants are seeking an unusual use to fill portions of existing lake, which was previously approved in connection with a golf course. Furthermore, the applicants is seeking approval to allow the proposed detached single family residences with less than the required private open space and with encroachments into the required setback areas and to allow the overall development with a reduced common open space.

o REQUESTS:

(1) DBC from GU and RU-4M to PAD

(2) Unusual Use to permit the filling of an existing lake

(3) Modification of condition # 4 of Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board, only as it applies to the PAD development on the site, 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 stamped 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 "Fontainbleau Lakes P.A.D," (44 sheets), as prepared by Orestes Lopez-Recio, "Fontainbleau Lakes P.A.D. (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, all plans dated stamped received April 20, 2011. Except as herein modified to provide the required number of parking spaces.'

The purpose of request #3 is to permit the applicants to submit revised plans showing a PAD development in lieu of the previously approved multifamily residential development.

(4) Applicants are requesting to permit the proposed PAD development with a common open space of 18.67% (30% required).

(5) Applicants are requesting to permit the Attached Residences with a private open space of 23.39% (60% required).

(6) Applicants are requesting to permit the Detached Residences with a private open space of 46.8% (125% required).

(7) Applicants are requesting to permit the Single Family Residences to have access by means of a private drive, (public right-of-way required).

(8) Applicants are requesting to permit certain residences to setback varying from 13'-6" to 22' from the rear property lines (25' minimum required).

(9) Applicants are requesting to permit swimming pools and Jacuzzis in the development to setback 5' from all property lines, as well as, to permit pool decks to setback 3' from all property lines. (75' required from the front property line), (5' required from the interior side and rear property lines).

REQUESTS #1-9 ON EXHIBIT A

(10) Modification of paragraphs #1 and #2 of a Declaration of Restrictions recorded in Official Record Book 24467, Pages 3173-3181

From: "1. The property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual Perez Kikiddjian & 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, prepared by Pascual Perez Kikiddjian & Associates entitled "Fontainebleau West" consisting of 51 sheets dated, signed and sealed February 8, 2006, ("Site Plan"), plans entitiled "Fontainbleau Retail Development," as prepared by Leo A. Daly, 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 and plans prepared by Orestes Lopez-Recio entitled "Fontainebleau Lakes P.A.D" consisting of 44 sheets dated, stamped received April 20, 2011, "Fontainebleau Lakes P.A.D" consisting of 16 sheets dated, stamped received April 20, 2011, as prepared by Witkin Hults Design Group, "Lake Fill Plan" consisting of 2 sheets dated, stamped received April 20, 2011, as prepared by Development Consulting Group, all plans

dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration."

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 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 residential development will not exceed seven hundred seventy (770) residential dwelling on the east golf course, described as the Fontainebleau overall East, attached as Exhibit B, and four hundred three (405) residential dwelling units on the west golf course, described as the Fontainebleau Overall West, attached as Exhibit C."

REQUEST #10 ON EXHIBITS A, B AND C

(11) Deletion of a Declaration of Restrictions recorded in Official Record Book 27111, Pages 1246.

REQUEST #11 ON EXHIBIT "D"

The purpose of requests #10 and #11 is to allow the applicants to submit revised plans showing a reduction in the number of residential units on the west golf course site and to delete a covenant on the east golf course in order to submit a revised covenant limiting the number of residential units to 770 for the east golf course and to clarify that there will be no transfer of residential units.

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:** Lying north of Flagler Street, south of State Road 836, west of NW 87 Avenue and east of NW 107 Avenue, Miami-Dade County, Florida.

- **SIZE:** 273 Acres

B. ZONING HEARINGS HISTORY:

In March 2006, pursuant to Application #9 of the April 2003 CDMP Amendment Cycle (East Golf Course), and pursuant to Resolution #CZAB10-21-06, the CZAB 10 granted a zone change from GU to RU-4M on a portion of a previously approved golf course and allowed the filling of portions of previously approved lakes along with modifications of previously approved plans (approved pursuant to Resolutions #Z-208-69, #4ZAB-209-70 and #4ZAB-445-73). In addition, the Board granted approval of non-use variances of setbacks, lot frontage, spacing, parking requirements in order to allow the reconfiguration of portions of the previously approved lakes and to allow the development to the subject property with apartments and townhouses.

In April 27, 2007, pursuant to Resolution #CZAB10-21-06, the applicant submitted a Declaration of Restrictions (ORB 27111 Pg 1259) limiting the total number of units on the East Golf course to a maximum of 1,122 units and limiting the total number of units on the West Golf Course to a maximum of 714 units and restricting the development of the subject property to a site plan approved pursuant to said resolution.

In November 2, 2009, pursuant to Resolution #Z-26-09, the BCC granted approval of a district boundary change from RU-4M to BU-1A and from GU and RU-4M to GU. In addition the BCC granted approval for two lake excavations and modification of previously approved plans (approved pursuant to Resolutions #Z-208-69 and #CZAB10-21-06) and a modification of a Declaration of Restrictions (ORB 24467 Pg 3173) in order to allow the development of property with a 235,000 square feet commercial development in lieu of a previously approved 352 residential development. In December 10, 2009, pursuant to Resolution #Z-26-09, the owner proffered a Declaration of Restrictions (ORB 27111 Pg 1246) restricting the subject property to a 235,000 square feet commercial development and restricting the NEG property to a maximum of 770 units.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

1. ***The Adopted 2005 and 2015 Land Use Plan designates*** *the* ***east portion*** *of the subject property as being within the Urban Development Boundary for* ***medium density residential, park and recreation*** *and* ***Business and Office.***

2. ***The Adopted 2005 and 2015 Land Use Plan designates*** *the* ***west portion*** *of the subject property as being within the Urban Development Boundary for* ***park and recreation, low medium density residential and medium density residential.***

3. ***Medium Density Residential***

   This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

4. ***Low-Medium Density Residential***

   This category allows a range in density from a minimum of 5.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

5. ***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 Improvements 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 development or other is otherwise subject to a restrictive covenant accepted by a public entity.*

6. ***Business and Office.***

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for ***Business and Office****. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (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-9F 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.*

D. NEIGHBORHOOD CHARACTERISTICS:

SUBJECT PROPERTY	EXISTING ZONING	EXISTING LAND USE PLAN DESIGNATION
	GU; golf course	Medium Density Residential, 13 to 25 dua (55.366 acres); Park and Recreation (91.696)

SURROUNDING PROPERTY

NORTH	GU; golf course	Medium Density Residential, 13 to 25 dua (55.366 acres); Park and Recreation (91.696)
SOUTH	RU-4; apartments RU-4M; apartments BU-2; office building AU; utility facility GU; utility facility	Medium Density Residential, 13 to 25 dua; Office/Residential
EAST	RU-4; apartments GU; golf course BU-1; shopping center	Medium Density Residential, 13 to 25 dua
WEST	RU-4; apartments State Road 836	Medium Density Residential, 13 to 25 dua; State Road 836

West Portion (125.007 acres)

SUBJECT PROPERTY	EXISTING ZONING	EXISTING LAND USE PLAN DESIGNATION
	GU; golf course	Parks and Recreation (125.007 acres)

SURROUNDING PROPERTY

NORTH	State Road 836 RU-4M; apartments RU-4L; apartments	State Road 836 and Low-Medium Density Residential , 5 to 13 dua

SOUTH	RU-4M; apartments GU; trailer park	Low-Medium Density Residential, 5 to 13; Medium Density Residential, 13 to 25 dua
EAST	State Road 836 RU-4M; apartments RU-3M; apartments	Low-Medium Density Residential, 5 to 13 dua; Medium Density Residential, 13 to 25 dua
WEST	RU-2; duplexes RU-3M; apartments RU-4M; apartments	Low-Medium Density Residential, 5 to 13 dua;

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(F) District Boundary Changes

In evaluating an application for a ***district boundary change****, the Board shall take into consideration, among other factors the extent to which the development permitted by the application if granted:*

(1) Conform 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) 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) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

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

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. *The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and* ***unusual uses*** *which by*

the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

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.*

G. NEIGHBORHOOD PROVIDER SERVICES:

DERM	**No objection**
Public Works	**No objection**
Parks	**Objects**
MDT	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection**

H. PLANNING AND ZONING ANALYSIS:

The applicant is requesting a zone change from GU, Interim District, and RU-4M, Modified Apartment House District, to PAD, Planned Area Development District, in order to develop an approximately 54.43-acre parcel of land with 271 proposed detached single-family residences and 36 existing townhouses (a total of 307 units). In addition, the applicants are seeking an unusual use to fill an existing lake excavation in order to utilize said lake filled area as part of the proposed PAD development. Moreover, the applicants are requesting a modification of Resolution CZAB-10-21-06, in order to submit new plans indicating the proposed 307 unit PAD development. Additionally, the applicants are seeking several non-use variances of the zoning regulations in order to develop the 54.43-acre PAD site with reduced common open space, and to develop some of the townhouse units and detached single-family residences with less than the required private open space, to permit some of the proposed single-family residences to be located closer to the perimeter boundary than allowed by the Zoning Code, to permit swimming pools and Jacuzzis to be located closer to the property line than permitted by the Zoning Code and to allow access to the proposed detached single-family residences and townhouses by means of a private road. In addition the applicants are seeking a modification of a Declaration of Restrictions in order to show the proposed PAD development and to reduce the number of units on the East and on the West golf course sites. Additionally, the applicants are seeking to delete a Declaration of Restrictions which no longer needs to be maintained on record because is being replaced by a new Declaration of Restrictions being proffered by the applicants with this application.

The CDMP designates the east golf course for **Medium Density Residential, Parks and Recreation and Business and Office** and the west golf course for **Low Medium Residential and Medium Density Residential, Parks and Recreation**. The Low Medium Residential allows a range in density from a minimum of 5.0 to a maximum of 13 dwelling units per gross acre. The Medium Density Residential category allows densities from 13 to 25 dwelling units per gross acre. The Parks and Recreation category states that *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.* The Business and Office category accommodates the full range of sales and service activities.

Staff notes that the proposed 54.43-acre PAD development would only impact the west golf course property. However, the applicants have submitted a declaration of restrictive covenants restricting the total number of units on both golf course properties (east and west). The east golf course property would be restricted to a maximum of 770 units, resulting in an average density of 23.2 units per gross acre, which staff notes is below the maximum numerical threshold permitted by the Land Use Map of the CDMP, which allows up to a maximum of 25 dwelling units per acre. In addition, the west golf course property would be restricted to a maximum of 405 units, resulting in an average density of 6.49 dwelling units per acre which is below the maximum numerical threshold permitted by the Land Use Map of the CDMP, which allows up to a maximum of 13 dwelling units per acre. As such staff opines that the proposed overall number of units on the east and on the west golf course properties would be **consistent** and **compatible** with the surrounding area.

The applicants are seeking approval for a district boundary change from GU, Interim District, and RU-4M, Modified Apartment House District, to PAD, Planned Area Development, incorporating a mixture of detached single-family residences and townhouses. Staff opines that the rezoning of the subject site to PAD will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, the rezoning does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum. Staff has reviewed the submitted plans for this application and opines that although said plans contain several severe deficiencies such as reduced common open space and reduced private open space, the applicants have proffered a covenant which, among other things, designates an additional 6 acres of land, adjacent to the subject property, with abundant landscaping and playground areas. Additionally, staff opines that the approval of this application would help to address the needs in this area of Miami-Dade County by promoting the redevelopment of an underdeveloped site, all in accordance with the County's adopted Urban Design Manual. Proposed building types are designed with well-articulated facades using plentiful fenestration and adapted Mediterranean-style architectural motifs. The design of this proposal and its building types is in keeping with similar projects existing in the surrounding area. The architecture and landscape elements are used to create a project that is **compatible** with its surroundings and visually impact, in a positive manner, the redevelopment of this area of northwest Miami-Dade County. As such, staff opines that the approval of PAD zoning, subject to the proffered covenant, would be in keeping with the character of the surrounding area, and therefore, would be **compatible** with same and **consistent** with the CDMP. **As such, staff recommends approval of the district boundary change to PAD.**

When request #2, to permit an unusual use to fill an existing lake excavation is analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff is of the opinion that the request would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. The lake excavations' fill will be used for the construction of the proposed residential development in order to meet flood criteria requirements. Once completed, areas along the lakes' will be developed with jogging paths and pedestrians walkways. The lakes also act as focal points for the proposed community, and provide a buffer to the residential units in the surrounding area. In addition, the filling of the lake will provide additional land to better accommodate the proposed development and increase green open space areas for residents. **As such, staff recommends approval of request #2 under Section 33-311(A)(3).**

When requests #3, #10 and #11 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modifications and deletion will not

generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Request #3 seeks to modify previously approved plans and modify condition #4 of Resolution #CZAB10-21-06, to permit the applicants to submit new plans indicating the development of portions of the west golf course property with detached single-family residences and townhouses and to permit the filling of an existing lake. Staff supports the modification of previously approved plans and the changes to the existing lake and is of the opinion that the proposed PAD development with the proposed lake fill configuration would provide adequate amenities such as adequate common open space, adequate buffering and sufficient private open space for future residents to enjoy. As previously mentioned, the applicants have proffered a covenant that allocates an additional 168 trees and a butterfly garden, two playgrounds, a sandbox, a putting green and eight park benches within 6 acres of land adjacent to the subject property, which in staff's opinion, would be sufficient to mitigate any open space and recreational deficiency generated by this application.

In addition, the modification of the Declaration of Restrictions in request #10, limits the number of units to 1,122 residential dwelling units on the east golf course and to 714 residential dwelling units on the west golf course, and approval of request #11 deletes a recorded Declaration of Restrictions which restricts the property a 235,000 square feet commercial development and 770 residential units on the east golf course. Staff notes that the applicants are now proposing 405 residential units on the west golf course where 714 were previously approved. Staff does not object to the approval of these requests and opines that said modification and deletion will not provoke excessive noise or nuisances which are associated with other types of uses such as industrial and manufacturing. The development is designed along a network of private drives to allow seamless connectivity to all areas of the development for pedestrians and autos alike. Providing the interconnectivity ensures better traffic dispersal within and outside of the future residential development. As designed, with the pedestrian and auto connectivity, buildings with an intensity similar in scale to the surrounding residential uses and with the proposed landscape buffers will produce a development that will be **compatible** with the established trend of development in the area. **As such, staff recommends approval with conditions of requests #3, #10 and #11 under Section 33-311(A)(7).**

When evaluating requests #4, #5 and #6, under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that said request 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. Staff notes that although these requests include several severe deficiencies such as reduced common open space and reduced private open space, the applicants have proffered a covenant which, among other things, designates an additional 6 acres of land adjacent to the subject property with abundant landscaping and playground areas. Specifically, the applicants' proffered covenant calls for an additional 168 trees and butterfly garden within said 6 acres of land, which also contains two playgrounds, a sandbox, a putting green and eight park benches, which in staff's opinion, would be sufficient to mitigate any open space and recreational deficiency generated by this application. Staff further opines that along with the aforementioned there are several lakes located within this development that would further provide additional amenities for the residents and their guest to enjoy, and would be **compatible** with the adjacent residential developments. **As such, staff recommends approval with conditions of requests #4 through #6 under Section 33-311(A)(4)(b).**

When evaluating request #7, to permit the proposed PAD development to be served by a private drive where a public right-of-way is required, under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that said request 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. Staff notes that the absence of a dedicated road does not preclude auto or pedestrian connectivity within the development and will, in this case, provide additional areas for open space that would be unattainable if the golf course parcels are subdivided into a network of multiple blocks and streets. In staff's opinion, the private easement drives will accommodate the auto and pedestrian capacity necessary to reach proposed units and site amenities. These private easements will not only connect to major roadways but internal streets that serve the remaining Fontainebleau community. This internal roadway connectivity provides good traffic dispersal to all areas of the proposed community. **As such, staff recommends approval with conditions of request #7 under Section 33-311(A)(4)(b).**

When evaluating requests #8 and #9, under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that said requests would maintain 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 be detrimental to the community. Staff supports these requests and opines that along with the proffered a covenant that allocates an additional 168 trees, a butterfly garden, two playgrounds, a sandbox, a putting green and eight park benches within 6 acres of land would sufficiently buffer any negative visual and aural impacts generated by same from the adjacent residential developments. **As such, staff recommends approval with conditions of requests #8 and #9 under Section 33-311(A)(4)(b).**

I. RECOMMENDATION:

Approval of request #1; and approval with conditions of requests #2 through #11, subject to the acceptance of the proffered covenant.

J. CONDITIONS: For requests #2 through #11

1. That all conditions of Resolution #CZAB10-21-06 remain in full force and effect except as herein modified.

2. That a site plan 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 among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

3. That the applicants submit to the Department 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainbleau Lakes P.A.D," (44 sheets), as prepared by Orestes Lopez-Recio, "Fontainbleau Lakes P.A.D. (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, all plans dated stamped received April 20, 2011. Except as herein modified to provide the required number of parking spaces.

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

6. That the applicants comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of the June 15, 2011 DIC recommendation and incorporated herein by reference.

7. That no fill be permitted within the adjacent rights-of-way.

8. That the applicants obtain a lakefill permit from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

9. That the applicants record the resolution of approval for the use in the public records of Miami-Dade County prior to the issuance of a Certificate of Use.

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

11. That the hours of the lake fill operation shall be controlled by the Director, except that the applicants shall be permitted to operate between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only. Saturday/Sunday operation and/or other hours of operation than 7:00 A.M. to 6:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.

12. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the lake fill operation progresses. In accordance with this requirement, the applicants shall submit "as built" surveys prepared and sealed by a Florida licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the lake fill operation or at six months intervals, whichever is of a lesser duration, or upon request of either the Director or the Director of the Environmental Resources Management when it appears that the lake fill is proceeding contrary to approved plans.

13. That the property shall be staked to meet with the approval of the Director and the Director of Environmental Resources Management; said stakes shall be maintained in

proper position so that the limits of the lake fill, slopes and grade levels may be easily determined.

14. That the property shall be suitably posted to meet with the approval of the Director and the Director of Environmental Resources Management; said posting shall denote the lake fill operation and warn the public concerning possible hazards, prior to commencement of the lake fill operation.

15. That if in the opinion of the Director the lake fill is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicants as directed by the Director.

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

17. That a homeowners' association (or special taxing district) be established in accordance with applicable regulations to assure that all common areas and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency before submission to the Board of County Commissioners and after approval shall be recorded in the public records of Miami-Dade County at the time of the recording of the subdivision plat.

18. That a recordable agreement be submitted to and meet with the approval of the Director providing for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health, and sanitation and other public service personnel and vehicles. The agreement, which shall be a covenant running with the land, shall also include a stipulation that the streets, or access ways, shall be installed and maintained by the applicants, including, but not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants, meeting with the approval of the Director and the Director of the Public Works Department. Such agreement shall be executed by the property owner and any and all parties having an interest in the land, such as mortgagees, etc., and its improvements.

DATE TYPED: 05/31/11
DATE FINALIZED: 06/10/11
MCL:GR:NN::TA:JV

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

Memorandum

MIAMI-DADE COUNTY

Date: June 13, 2011

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

From: M.M. Alex Muñoz, Deputy Director
Park and Recreation Department

Subject: Fontainebleau Lakes LLC
DIC Application# Z201000188

Application Name: Fountainbleau Lakes, LLC. et al.

Project Location: The site is located at the northwest corner of the intersection of NW 97th Avenue and Fountainbleau Blvd.

Proposed Development: The applicant is requesting a District Boundary Change from "RU-4M" and "GU" to "PAD" (Planned Area Development) as well as a modification of a previously approved Resolution and Declaration of Restrictions in order to submit revised plans. Also requested are the following non-use variances:

1. Non-use variance of the common open space requirement to permit a total of 18.67% (where 30% is required);
2. Non-use variance of the townhome private open space required to permit a minimum of 18.72% (where 60% is required);
3. Non-use variance of open space required for single family homes to permit a minimum of 46.8% (where 125% is required); and
4. Non-use variance of Section 33-46 to permit the single family homes to be served by private drives.

The Applicant is also requesting to modify the declaration of restrictions recorded in OR Book 27111, Page 1246 which placed certain restrictions on the development of the Northeast portion of the golf course. The Applicant will also be modifying the underlying declaration of restrictions on the former golf course (OR Book 24467, page 3173) to conform to the new development plan.

Impact and demand: The changes occur in Parcels A and B of the west course area and the addition of a portion of the existing common open space. The proposed PAD rezoning will change the number of residential units in these parcels, currently approved for 616 du's, to 307 du's (an overall reduction in the number of dwelling units by 309 units) on a total of 54.4315 acres. Development in the new PAD parcel (including former Parcels A and B West) proposes 271 single family units and 36 townhome units which are estimated to produce a population of 989 based on current population estimates prepared by the Research Division of the Planning and Zoning Department. No changes are proposed in Parcel A East or Parcel C West. The population within the PAD parcel generates a need for 2.72 acres of local parkland, based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population. The existing development approval in Parcels A and B West would generate a need for approximately 3.57 acres of local parkland, based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population.

Existing Service

The nearest park to the application is Ruben Dario Park, a community park that is heavily programmed. The Women's Park, also nearby but not contiguous, is a staffed park that offers cultural and passive recreation. The parks within a 2-mile radius are included in the following table.

Park Name	Classification	Acreage
Coral Estates Park	Community Park	5.15
Francisco Human Rights Park	Mini Park	3.78
Ruben Dario Park	Community Park	15.29
The Women's Park	Single Purpose Park	15
Westbrook Park	Neighborhood Park	2.45

Concurrency/Capacity Status

This application is located in Park Benefit District 1, which has a surplus of 400.64 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District. In the immediate area of the Application, there is significantly less local park land and the Department has consistently sought to work with Fountainbleau Lakes, LLC to alleviate this deficiency with a dedication of land from the former golf course.

Site Plan Critique & Quality of Life Issues

Through a series of previous approvals the golf course/open space area originally planned to serve the area has been reduced. The Department is very concerned with the further reduction of open space proposed as part of the application. In order to prohibit future reductions and to reduce area resident concerns about the elimination of golf course lands, the Board of County Commissioners had previously directed the developer to enter into an agreement with area residents to protect remaining passive open spaces. The Department is aware of that private covenant (Maintenance of the Fountainbleau Lakes Greenspace Area, OR Book 25850, Page 3992) which provides for the open space to be held in perpetuity as a park for use of the Fountainbleau Lakes community.

According to the project data table (sheet LOC dated 4/15/2011) there are approximately 10.16 acres of common open space within the 54.4315 acre project boundary of the proposed PAD to be used for passive uses including walking and biking trails. Of that common area is approximately 1.59 acres located at the southwest corner of the site at the end of the proposed cul-de-sac and is part of the common open space which would be a good park location. The project site plan also includes two tennis courts and pool.

At the same time that the Department seeks additional land in the area to meet the demand for active recreation uses for the surrounding neighborhood, the application proposes to further diminish it. The Department has an objection to the application as proposed due to the continued loss of open space. However, subject to the Applicant's compliance with the following conditions the Department would have no objection to the reduction in housing density and site plan of the PAD.

The Department recommends:

1. Protect all remaining portions of the east and west golf courses in perpetuity by including language on the zoning site plans;

2. Include protection of the remaining east and west golf courses in perpetuity in a new Declaration of Restrictive Covenants between the applicant and the County, and

3. Dedicate the 1.59 acre site located at the southwest corner of the project to Miami-Dade County as a public park as part of the new Declaration of Restrictive Covenants with language provided by the County. The County shall retain the sole right to accept or reject the conveyance of the park in accordance with Section 33H-10 of the Code of Miami-Dade County governing suitability of public park donations, as amended from time to time. If the County accepts the proffered park area donation, the applicant shall construct on the park area recreational improvements pursuant to a site plan and specification approved by Miami-Dade County Park and Recreation Department with a cost of improvements at least equal to the Applicant's obligation to pay the improvement portion of the Park Impact Fee under Section 33H-7 of the code of Miami-Dade County, as amended from time to time. The improvements shall be completed no later than the issuance of the 50th building permit for a residential unit on parcels A and B. Perpetual maintenance of the park shall be through a special taxing district, if approved by Miami-Dade-County, or similar entity, as approved by Miami-Dade County.

If you need additional information or clarification on this matter, please contact John Bowers, Landscape Architect 2, at (305) 755-5447.

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum

MIAMI-DADE COUNTY

Date: May 2nd, 2011

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

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

Subject: DIC11-0188- R1 Approved
Name: Fontainebleau Lakes LLC
Location: Lying North of West Flagler Street s/o State Road No. 836
From NW 87th Avenue to NW 107th Avenue
Sec. 5 Twp. 54 Rge. 40

I. CONCURRENCY

This application, under Ordinance 10-14 was granted a two (2) year extension of the capacity reservation. The expiration date is January 22, 2013.

II. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

W Flagler St.	NW 87th Ave.	SW 97th Ave.	SW 107th Ave.
Main Arteries	Section Line	Section Line	Section Line

III. SITE PLAN REQUIRED CONDITIONS FOR PORTIONS ALREADY APPROVED

A Final paving, pavement markings, pedestrian crossings and median adjustment plans shall be submitted for review and approval at the SPCC PWD office, prior to applying for building permits at the West Office.

IV. STANDARD CONDITIONS FOR APPROVAL

A. The following certification signed and sealed by a State of Florida registered engineer shall be provided in a letter or plan submitted at the time a Plat or building permits are requested:
"I hereby certify that the 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, intersection sight distance, horizontal/clear zone clearance, vertical clearance, super elevation, shoulder widths, grades, bridge widths, etc."

B. Street lights, as well as other right-of-way improvements are required per PWD Standards.

C. Provide appropriate radii to allow passage to large vehicles from Fire, Rescue and Solid Waste Departments and school buses from Miami Dade County Public Schools.

D. Driveways shall be no less than twenty two feet (22') in width and shall be resilient enough for large vehicles.
E. All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code; G5.3 of the PWD Manual; and Index 546, FDOT Design Standards for Design Construction, Maintenance and Utility Operations on the State Highway System.
F. Entrance features are not reviewed and/or approved under this application. They must be submitted to the Plat Committee as an entrance feature application.
G. All traffic signing, markings and signal plans, on-site and offsite, shall be submitted to the PWD for Paving & Drainage review and approval.

This application **meets** the criteria for traffic concurrency for an Initial Development Order. Road Impact Fees apply when building permits are sought.

cc: Jorge Vital, Planning and Zoning Department
Joan Shen, P.E., PhD, Assistant Chief, Traffic Engineering Division, PWD
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWD
Armando E. Hernandez, Special Administrator, Traffic Concurrency Coordinator, PWD

Memorandum

MIAMI-DADE COUNTY

Date: May 2, 2011

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

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

Subject: DIC #Z2010000188-4th Revision
Fontainbleau lakes, LLC
North of Flaglers Street, South of State Road 836 and West of N.W. 87th Avenue
District Boundary Change from RU-4M and GU to PAD, Request to Provide Less Common Open Space than Required, to Provide Less Private Open Space Per Unit and to Request that the Development be Served by Private Drives
(RU-4M) (54.43 Acres)
05-54-40

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 and Wastewater Disposal

The area west of SW 97th Avenue is served by a 12-inch water distribution system that runs along the streets within the area.

The area east of SW 97th Avenue is abutted by a 16-inch water distribution system that runs along Fontainebleau Blvd.

These water mains are owned and operated by the Miami-Dade Water and Sewer Department (MDWASD).

The source for this water supply is Hialeah-Preston Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

Existing public water and sewer 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.

The entire area west of SW 97th Avenue is served by 8-inch private gravity sewer collection systems that run along the streets within the area. The private sewer system north of Fontainebleau Blvd. discharges into a private pump station (99-01100) that operates under PSO-01100 and that discharges through a private 8-inch force main. The private sewer system south of Fontainebleau Boulevard discharges into a private pump station (99-01101); that operates under PSO-01101 and discharges through a private 4-inch force main. Both private force mains then connect to MDWASD's system. All the private sewer collection and transmission systems are owned and operated by Fountainbleau Lakes LLC. The first MDWASD's pump station receiving flows from this area is the PS 30-0001 which then sends the flows to the Central District Wastewater Treatment Plant also owned and operated by MDWASD.

The area east of SW 97th Avenue is abutted by a 15-inch gravity sanitary sewer and by 8-inch and 16-inch force mains that run along Fontainebleau Blvd. The 8-inch force main discharges into PS 30-0027 while the 15-inch gravity sanitary sewer discharges into PS 30-0026. Both pump stations then discharge through the above mentioned 16-inch force main into PS 30-0187 from where the flows go to the Central District Wastewater Treatment Plant. All this sanitary sewer collection, transmission and treatment system is owned and operated by MDWASD.

Pump station 99-01101 is in Temporary Moratorium. All the other sanitary sewer gravity collection systems, pump stations and force mains, as well as the Wastewater Treatment Plant are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. At this time, the Central District Wastewater Treatment Plant has sufficient capacity to treat current discharge

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A modification to the existing underling Environmental Resource Standard General Permit No. 13-02937-P issued by the South Florida Water Management District may be required. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation
There are records of current Arsenic contamination assessment/remediation issues in this area (Fontainebleau Golf Course, 9155 W. Flagler Street, AW-235 /File-9606). All construction plans, including dewatering projects, drainage and any other activity requiring subsurface excavation associated with the aforementioned site requires submittal to DERM Pollution Control Division for review and approval, in addition to all applicable agency reviews (i.e. building department, etc.).

There are no records of current contamination assessment/remediation issues on abutting properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with these properties or abutting these properties.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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
Tree Removal Permit 2006-577 was issued for this property to Fontainbleau Lakes, LLC on December 4, 2006, renewed on January 8, 2009 and expired on December 4, 2009. This property passed a final inspection that was performed by DERM staff on August 25, 2009. TP2006-577 requires the preservation of specimen-sized (Trunk diameter 18 inches or greater) trees including tree #190 in the west developed area as identified in DERM-approved permitted site plans. This property is included in the west developed area as identified in the permitted site plans.

Please be advised that a new Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject property. Please contact the Tree Program at (305) 372-6574 for information regarding tree permits. The average time to obtain a Tree Removal Permit is approximately 10 working days, however, actual time to obtain a Tree Removal Permit may vary significantly based on the completeness of the submittal.

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

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nick Nitti, DIC Coordinator

Memorandum

MIAMI-DADE COUNTY

Date: April 28, 2011

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

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

Subject: DIC 2010000188 - Fontainebleau Lakes, LLC
Lying north of Flagler Street, south of SR 836, west of NW 87th Avenue, and east of NW 107th Avenue, Miami-Dade County, FL (Revision No. 3)

According to the second amended letter of intent dated November 15, 2010, the applicant is seeking a district boundary change from RU-4M (Modified Apartment House District) to PAD (Planned Area Development), along with a series of non-use variance requests, an unusual use to permit the filling of an existing lake, a request to delete a recorded declaration of restrictions, and a request to modify the underlying declaration of restrictions on the golf course to conform to the new development of the property.

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **86** fire and rescue calls annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, the current stations serving this area will be able to handle the expected number of alarms.

(B) Based on data retrieved during calendar year 2010, the average travel time to the vicinity of the proposed development was **7:46** 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.

(C) 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

STATION	ADDRESS	EQUIPMENT	STAFF
48	8825 NW 18 Terrace	Rescue, Engine, Battalion	8
29	351 SW 107 Avenue	Rescue, Aerial, Squad	9
47	9361 SW 24 Street	Rescue, Engine	7
45	9710 NW 58 Street	Rescue 69, Engine	7

PLANNED SERVICES

STATION	ADDRESS	SERVICE
68	11101 NW 17 Street	2014

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled 'Fontainebleau Lakes N.W. PAD' as prepared by Orestes Lopez-Recio Architects, dated stamp received April 20, 2011.

(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.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

HL/ch

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
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Dr. Lawrence S. Feldman
Dr. Wilbert "Tee" Holloway
Dr. Martin Stewart Karp
Ana Rivas Logan
Dr. Marta Pérez

September 16, 2010

VIA ELECTRONIC MAIL

Felix M. Lasarte, Esquire
3470 NW 82 Place, Suite 660
Doral, FL 33122

RE: PRELIMINARY SCHOOL CONCURRENCY ANALYSIS
(SCHOOLS PLANNING LEVEL REVIEW)
FOUNTAINBLEAU LAKES, LLC – ZONING APPLICATION No. Z2010000103
LOCATED NORTH OF FLAGLER ST., SOUTH OF SR836, WEST OF NW 87 AVE., AND EAST OF 107 AVE.
PH3010080600297 – Folio No. 3040050510001 (3040050510010)

Dear Mr. Lasarte:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced residential development application was reviewed for compliance with Public School Concurrency. However, upon review of additional information provided by you during our recent meeting, we determined that the owner, at the time of zoning, proffered to the School Board, and subsequently received Board approval, for a voluntary proffer, under the F-7 Process. This proffer applied to the application encompassing Fountainbleau East and West Development, for a total of 1,870 units.

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

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

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L128

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Mr. Marc D. LaFarrier, Miami-Dade County
School Concurrency Master File

Department of Planning, Design and Sustainability
Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2011

To: Jorge Vital, Developmental Impact Committee Coordinator
Department of Planning and Zoning

From: for James K. Loftus, Director
Miami-Dade Police Department

Subject: Amended Review - Developmental Impact Committee Zoning Application
Case: No. Z2010000188 – Fontainebleau Lakes, LLC.

APPLICATION

Applicant Fontainebleau Lakes, LLC has amended (2nd time) their original and amended Letters of Intent for a housing development to be built at the northwest corner of the intersection of NW 97 Avenue and Fontainebleau Boulevard. In summary, the applicant is adding to the overall land area of developed property while decreasing the total number of single/multi-family homes to be built.

CURRENT POLICE SERVICES

The proposed development will be located in unincorporated Miami-Dade County and serviced by our Midwest District, located at 9101 NW 25 Street, Doral, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the Letters of Intent, application, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. Current data of police staffing, population, and calls for service was examined and compared to expected population growth and projected increases in calls for service. Based on this data, three additional police officers would need to be added to the Midwest District staffing in order to maintain current staffing levels per 1,000 residents and projected volume of calls for service. Should demand for police services increase beyond these calculations, additional sworn personnel may be required to maintain current levels of service.

The MDPD does not object to the proposed zoning modifications, but encourages developers to work with police during any future design and construction changes to determine the best possible solutions or security options. Due to the recent MDPD police district boundary realignment of the Midwest district, current manpower and workload assessments are being analyzed. Once the updated data is analyzed and prepared, the MDPD will be submitting an amended (3rd) review of this project.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh

Attachment

Memorandum

MIAMI-DADE COUNTY

Date: April 29, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

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

Subject: DIC # 10-188
Update: Fountainbleau Lakes, LLC

Attached please find a copy of this Department's review of the above-referenced item. The review was created as requested to update a previous response dated March 29, 2011. 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.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #10-188

Director of the Department of Planning and Zoning

Application: The following review is an update to a previously approved application. ***Fountainbleau Lakes, LLC.*** previously requested a district boundary change on the property from "RU-4M" (Modified Apartment House District) to "PAD" (Planned Area Development), as well as a modification of a previously approved Resolution and Declaration of Restrictions in order to submit revised plans. In addition, the applicant also requested a non use variance of the setback requirements of the property, and an additional a mixture of existing townhomes with single family homes. The applicant now requests a non-use variance to accommodate developmental standards as set by the Miami-Dade County Water and Sewer Department.

Size: The subject property is approximately 273 acres.

Location: The subject property is located north of Flagler Street, south of SR-836, west of NW 87 Avenue and east of NW 107 Avenue, Miami Dade County Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant 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 30, 2010, which is valid for one year, shows sufficient disposal system capacity to 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. The current application includes a modified development plan which requests a non-use variance for developmental standards as set by the Miami-Dade County Water and Sewer Department.

As stated in the March 29, 2011 response, single-family 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 waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

Multi-family residences, based on their configuration, will likely be considered "commercial units." Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial and multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed

solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at DSWM facilities.

3. Recycling

The DSWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are ***strongly*** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Recycling: Multifamily Units

Regarding **multi-family units, Section 15-2.2a** requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

5. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

1) High grade office paper
2) Mixed paper
3) Corrugated cardboard
4) Glass (flint, emerald, amber)
5) Aluminum (cans, scrap)
6) Steel (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored)
9) Textiles
10) Wood

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

6. 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."

7. 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 set-out 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. **The DSWM has no objections to the proposed application.**

Memorandum

MIAMI-DADE COUNTY

Date: April 29, 2011

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #10-188
Fountainbleau Lakes, LLC
MDAD DN-11-04-548

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #10-188, Fountainbleau Lakes, LLC. The applicant is requesting a district boundary change from Modified Apartment House District (RU-4M) and GU to Planned Area Development District (PAD). The applicant also seeks non-use variances of common open space, less private open space per unit and to allow the residential development to be accessed by private drives. In addition, the applicant requests an unusual use to fill in an existing lake. The size of the property is 54.4315 acres and lies north of Flagler Street, south of SR-836, west of NW 97 Avenue and east of NW 107 Avenue, in Miami-Dade County, Florida.

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

JR/rb

C: Jorge Vital, DIC Coordinator, Department of Planning & Zoning

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MAY 11 2011
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
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MIAMI-DADE COUNTY
DEPT. OF PLANNING AND ZONING
ZONING SERVICES DIVISION

36

Memorandum

MIAMI-DADE COUNTY

Date: April 29, 2011

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

From: Maria A. Valdes, Chief
Comprehensive Planning & Water Supply Certification Section

Subject: Fontainebleau Lakes, LLC, DIC Application # - Z2010000188, Old Case #: Z2010000157 **(REVISION # 1)**

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 a district boundary change from RU-4M & GU to PAD (Planned Area Development). Additionally, the applicant is also requesting an unusual use under section 33-13 to permit the filling of an existing lake located on the property. The proposed re-development plan will consist of 271 new single family dwelling units and 36 existing townhomes. The net increase in water demand generated in relation to the construction of the new 271 single family homes will be 59,620 gallons per day (gpd). The total water demand for this project will be 66,100 (gpd), based on new flow rates implemented on October 1, 2010.

Project Location: The subject property is located between NW 97th and NW 107th Avenue North of Fontainebleau Blvd in unincorporated Miami-Dade County.

Water: The subject project is located within MDWASD's service area. The source of water for this project is the Hialeah Preston Water Treatment Plant. The project site was part of MDWASD's Agreement number 19195. The infrastructure required under such agreement was conveyed to the Department on April 17, 2008. As a result of the proposed re-development plan included in this application, new infrastructure is required and existing water mains may need to be relocated. As such, Agreement No. 20805 was offered reflecting the required water infrastructure to serve the proposed development under the Old DIC Case No. Z2010000157. The applicant is currently working with MDWASD to finalize Agreement No. 20805 to reflect the required infrastructure for the proposed use related to this application.

Additionally, effective January 11, 2011, MDWASD has implemented a Water Supply Certification (WSC) Program to assure adequate water supply is available to all water users of the MDWASD as required by policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit. The proposed development under Old DIC Case #: Z2010000157 has a grandfather in Water Supply Certification for a total of 232 single family homes and will expire if the current pending Agreement expires. Please note that a new WSC letter will be issued accordingly at the time the Agreement is finalized to reflect the 271 single family homes requested with this application. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. The proposed development is located within a private sanitary sewer system with points of connection to the public system stipulated under MDWASD's Agreement number 19195. As per MDWASD's Rules and Regulations, single family homes must be connected to a public sanitary sewer system and public sewage pumping station. As such, the sanitary sewer infrastructure to serve the proposed development must be connected to a public sanitary sewer system as stipulated in MDWASD's Agreement No. 20805. The applicant is currently working with MDWASD to finalize Agreement No. 20805 to reflect the required infrastructure for the proposed use related to this application.

Please note that the applicant is pursuing a variance from MDWASD's Rules and Regulations to allow single family homes to be served by a private sanitary sewer system. If such variance is granted, the connection to the sanitary sewer shall be completed as approved.

The Central District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

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

For more information about our Water Conservation Program please go to http://www.miamidade.gov/conservation/home.asp.

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198.

DATE: 11-MAY-11

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

FONTAINBLEAU LAKES, LLC

APPLICANT

Lying north of Flagler Street, south of State Road 836, west of NW 87 Avenue and east of NW 107 Avenue, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000188

HEARING NUMBER

HISTORY:

OPEN CASES:

Neighborhood Compliance
None

Building
None

PREVIOUS CASES:

Neighborhood Compliance
None

Building
None

None

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

Memorandum

MIAMI-DADE COUNTY

Date: May 11, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

From: Nilia Cartaya
Principal Planner
Miami-Dade Transit - Planning & Development Division

Subject: Review of DIC Project No. 10-188 (Fountainbleau Lakes, LLC, et al.)

Project Description

The applicant is requesting a district boundary change from Modified Apartment House District (RU-4M) to Planned Area Development District (PAD), as well as a Modification of a previously approved Resolution and Declaration of Restrictions in order to submit revised plans. The applicants also seek non-use variances of common open space, townhouse private open space and single-family lot open space requirements and to allow the residential development to be accessed by private drives. The size of the property is 54.45 acres and lies north of Flagler Street, south of SR-836, west of NW 87 Avenue and east of NW 107 Avenue, 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 Route 7 along NW 7 Street. The service headway for the above mentioned route (in minutes) is as follows:

Metrobus Route Service Summary
Fountainbleau Lakes, LLC et al. Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (at 8pm)	Overnight	Saturday	Sunday		
7	30	40	30	N/A	40	40	0.1	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 2011 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2035 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The draft 2011 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners identifies in its 2021 Recommended Service Plan the following improvements/adjustments on the existing route serving the vicinity of the project:

Route 7: Extend service to the MIC, serving the Marlins Ballpark. Improve service frequency in the evening.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service within 0.1 mile of the subject property. Based on the information presented, 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.

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH **Inspection Dat**

Evaluator: N/A 06/22/11

Process #:	**Applicant's Name**
Z2010000188	FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC.

Locations: Lying north of Flagler Street, south of State Road 836, west of NW 87 Avenue and east of NW 107 Avenue, MIAMI-DADE COUNTY, FLORIDA.

Size: 273 ACREs +/- **Folio #:** 3040050510010

Request:

1 DBC from GU and RU-4M to PAD
10 Applicant is requesting to permit certain residences to setback varying from 13'-6" to 22' from the rear property lines (25' min. required).
11 Applicant is requesting to permit swimming pools and jacuzzis in the development to setback 5' from all property lines, as well as, to permit pool decks to setback 3' from all property lines. (75' required from the front property line), (5' required from the interior side and rear property lines).
12 Applicant is requesting to permit the proposed development with a common landscape open space of 441,989 square feet (711,671 SF required).
13 Applicant is requesting to permit 280 palm trees (458 required).
2 Unusual Use to permit the filling of an existing lake.

Request #1 and #2 on Exhibit "B"

3 Modification of condition #4 of Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board on the 28th day of March 2006, only as it applies to the PAD development on the site, reading as follow:

From: '4. That in the approval of the plan, the same be substancially in accordance with that submitted for the hearing entitled "Fontainebleau East" (68 pages) and "Fontainbleau West" (51pages), as prepared by Pascual Perez kiliddjian & Associates Architects Planners, dated stamped sealed December 21, 2005 (East Parcel) and August 05, 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 substancially in accordance with that submitted for the hearing entitled "Fontainbleau Lakes P.A.D" (44 sheets), as prepared by Orestes Lopez-Recio, "Fontainbleau Lakes P.A.D" (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, "Boundary and Topographic Survey" (6 sheets), as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011. except as herein modified to provide the required number of parking spaces.
4 Mdofication of paragraphs #1 and #2 of a Declaration of Restrictions recorded in ORB 24467, PG 3173-3181, only as it applies to the townhouse development and reading as follows:

From: "1. The property shall be developed substancially 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 "Fontainbleau 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 substancially in accordance with the plans previously submitted, prepared by Arestes Lopez-Recio entitled "Fontainbleau Lakes P.A.D" consisting of 44 sheets dated, stamped received April 20, 2011, "Fontainbleau Lakes P.A.D" consisting of 16 sheets dated, stamped received April 20, 2011, as prepared by Witkin Hults Design Group, "Lake Fill Plan" consisting of 2 sheets dated, stamped received April 20, 2011, as prepared by Development Consulting Group, "Boundary and Topographic Survey" consisting of 6 sheets dated, stamped received April 20, 2011, as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this declaration.
5 Deletion of a Declaration of Restrictions recorded in ORB 27111, PG 1246.

H3

ZONING INSPECTION REPORT

The purpose of requests #3-5 is to allow the applicant to submit new plans and to maintain 770 units on the western golf course site instead of the 1,122 units previously approved on the site.
6 Applicant is requesting to permit the proposed Single family residential development with a common open space of 18.67% (30% required).
7 Applicant is requesting to permit the existing townhouse residences with a private open space of 23.39% (60% required).
8 Applicant is requesting to permit the proposed single family residences with a private open space of 46.8% (125% required).
9 Applicant is requesting to permit the Single family homes to have access by means of a private drive, (public right-of-way required).

EXISTING ZONING

Subject Property BU-1A, GU, RU-4M,

EXISTING USE TOWNHOUSE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

PARCEL C EMPTY LOT/PARCEL A/ BURNED TRAILER & ROCK PIT

USE(S) OF PROPERTY:

PARCEL C USE FOR STOREAGE, (ROCK PIT)/PARCEL A/ CLEAR READY FOR CONST.

FENCES/WALLS:

4 TO 6 FT CHAIN LINK FENCE ALAROUND THE PROPERTIES.

LANDSCAPING:

PARCEL A WESTSIDE OF 97 AVE HAS LANDSCAPE, ALL OTHER ARE WOODED AREA.

BUFFERING:

PARCEL A ON WESTSIDE OF 97 AVE HAS BUFERING.

VIOLATIONS OBSERVED:

PARCEL C HAS BURNED TRAILER & ROCK PIT ON PROPERTY.

OTHER:

Process #	Applicant's Name
Z2010000188	FONTAINBLEAU LAKES, LLC & FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC.

SURROUNDING PROPERTY

NORTH:

PARCEL A/ SR 836 EXT/PARCEL C SR 836 EXT

ZONING INSPECTION REPORT

SOUTH:
PARCEL B/RESIDENTIAL/APT

EAST:
RESIDENTIAL/APT & TOWNHOUSE

WEST:
TOWNHOUSE IN CONST IN PARCEL B SOUTHWEST SIDE

SURROUNDING AREA
TO THE NORTH SR 836 & CITY OF DORAL WITH OFFICE AND WAREHOUSES. TO THE SOUTH FONTAINEBLUEA APARTMENT AND TOWNHOUSES

NEIGHBORHOOD CHARACTERISTICS:
RESIDENTIAL. FONTAINEBLUEA HOMES, TOWNHOUSES AND APARTMENTS

COMMENTS:

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APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

FONTAINBLEAU LAKES N.W. PAD

FONTAINBLEAU LAKES LLC
3470 NW 82 AVENUE
DORAL, FLORIDA 33122

0. COVER SHEET
1. SURVEY
2. SURVEY
3. OVERALL SITE PLAN
4. LOCATION PLAN PARCEL A
5. ENLARGED PLAN SECTION I OF PARCEL A
6. ENLARGED EPLAN SECTION II OF PARCEL A
7. ENLARGED EPLAN SECTION III OF PARCEL A
8. SITE PLANS SF MODEL A
9. FLOOR PLANS AND ELEVATIONS SF MODEL A
10. SITE PLANS SF MODEL B
11. FLOOR PLANS AND ELEVATIONS SF MODEL B
12. SITE PLANS SF MODEL C
13. FLOOR PLANS AND ELEVATIONS SF MODEL C
14. SITE PLANS SF MODEL D
15. FLOOR PLANS AND ELEVATIONS SF MODEL D
16. SITE PLANS SF MODEL E
17. FLOOR PLANS AND ELEVATIONS SF MODEL E
18. SITE PLANS SF MODEL F
19. FLOOR PLANS AND ELEVATIONS SF MODEL F
20. SITE PLANS SF MODEL G
21. FLOOR PLANS AND ELEVATIONS SF MODEL G
22. SITE PLANS SF MODEL H
23. FLOOR PLANS AND ELEVATIONS SF MODEL H
24. SITE PLANS TH MODEL A
25. FLOOR PLANS AND ELEVATIONS TH MODEL A 6 UNIT GROUPING
26. FLOOR PLANS TH MODEL A 9 UNIT GROUPING
27. ELEVATIONS TH MODEL A 9 UNIT GROUPING
28. SITE PLANS TH MODEL B
29. FLOOR PLANS AND ELEVATIONS TH MODEL B 6 UNIT GROUPING
30. FLOOR PLANS TH MODEL B 9 UNIT GROUPING
31. ELEVATIONS TH MODEL B 9 UNIT GROUPING
32. SITE PLANS TH MODEL C
33. FLOOR PLANS AND ELEVATIONS TH MODEL C 6 UNIT GROUPING
34. SITE PLANS TH MODEL D
35. FLOOR PLANS AND ELEVATIONS TH MODEL D 6 UNIT GROUPING
36. FLOOR PLANS TH MODEL D 9 UNIT GROUPING
37. ELEVATIONS TH MODEL D 9 UNIT GROUPING
38. CLUBHOUSE FLOOR PLAN
39. CLUBHOUSE FRONT AND REAR ELEVATIONS
40. CLUBHOUSE LEFT AND RIGHT ELEVATIONS
41. COMMON OPEN SPACE AND SIDEWALK AREAS
42. PRIVATE ROW AREA
43. BLOCK LENGTH PLINE
44-57. L0-L14 LANDSCAPING PLANS
58-60. LE 1-3 LAKE FILL PLANS
61-63. POOL VARIANCES BY UNIT TYPE/LOT SIZE

OLR
ORESTES LOPEZ-RECIO
ARCHITECT
AR0006050
5895 S.W. 32 STREET
MIAMI, FLORIDA 33155
TELEPHONE (305) 360-2836

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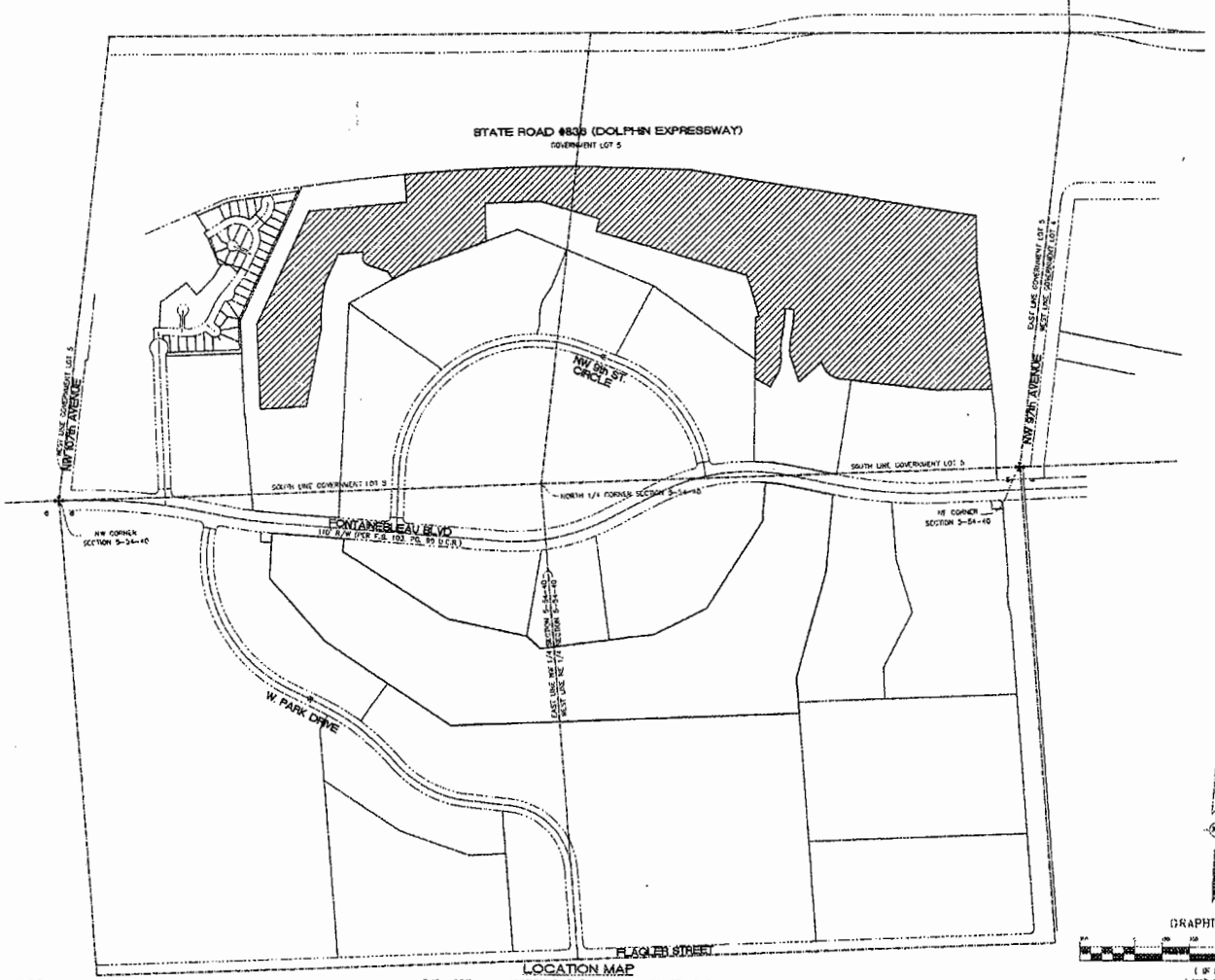
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____



LOCATION MAP

THE NORTH 1/2 SECTION 5, TWP 54 SOUTH, RANGE 40 EAST
AND GOVT. LOT 5 BETWEEN TWP 53S. & 54S
MIAMI-DADE COUNTY, FLORIDA
SCALE: 1"=200'

GRAPHIC SCALE

(IN FEET)
1 inch = 300 ft.

LEGAL DESCRIPTION:

A PORTION OF TRACT "A", ALL OF TRACTS "B", "C", "D", "E", "F", "G", "H", "J", "K", "L" AND A PORTION OF TRACTS "M" AND "N" AND ALL OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20, OF FONTAINEBLEAU WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 45 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "N" OF SAID PLAT; THENCE ON THE BOUNDARY OF SAID TRACT "N", SOUTH 00°31'54" EAST 282.30 FEET; THENCE SOUTH 00°34'36" EAST ON THE EASTERLY BOUNDARY OF TRACTS "N", "L", AND "K" AGAIN 662.67 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "K"; THENCE ON THE BOUNDARY OF SAID TRACT "K" THE FOLLOWING 4 COURSES AND DISTANCES: 1) SOUTH 89°01'59" WEST 301.36 FEET; 2) NORTH 83°40'01" WEST 480.00 FEET; 3) NORTH 83°39'40" WEST 58.23 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; 4) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 71°15'00" AN ARC DISTANCE OF 149.23 FEET; THENCE SOUTH 48°37'04" WEST 197.06 FEET; THENCE NORTH 18°41'18" WEST 154.88 FEET TO THE INTERSECTION WITH THE EASTERLY BOUNDARY OF TRACT "H", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS NORTH 87°08'15" EAST; THENCE NORTHERLY ON SAID EASTERLY BOUNDARY AND THE ARC OF SAID CURVE HAVING A RADIUS OF 428.00 FEET, A CENTRAL ANGLE OF 14°42'13" FOR AN ARC DISTANCE OF 109.97 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY ALONG SAID EASTERLY BOUNDARY AND THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 702.00 FEET, A CENTRAL ANGLE OF 11°00'02" FOR AN ARC DISTANCE OF 136.82 FEET; THENCE NORTH 85°48'55" WEST 50.10 FEET TO THE INTERSECTION WITH THE WESTERLY BOUNDARY OF SAID TRACT "H", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, WHOSE RADIUS BEARS NORTH 89°35'45" WEST; THENCE ON SAID WESTERLY BOUNDARY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) SOUTHERLY ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 552.00 FEET, A CENTRAL ANGLE OF 13°26'13" FOR AN ARC DISTANCE OF 130.15 FEET TO A POINT OF REVERSE CURVATURE; 2) SOUTHERLY ON THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 15°38'38" FOR AN ARC DISTANCE OF 129.41 FEET TO A POINT OF REVERSE CURVATURE; 3) SOUTHERLY AND SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 178.00 FEET, A CENTRAL ANGLE OF 39°04'57" FOR AN ARC DISTANCE OF 118.37 FEET TO A POINT OF REVERSE CURVATURE; 4) SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 248.00 FEET, A CENTRAL ANGLE OF 13°24'30" FOR AN ARC DISTANCE OF 58.04 FEET; THENCE NORTH 83°50'23" WEST 145.79 FEET TO THE INTERSECTION WITH A WESTERLY LINE OF TRACT "A" AND A PLAT LIMIT LINE; THENCE NORTH 00°49'59" EAST ON SAID PLAT LIMIT LINE AND SAID WESTERLY LINE OF SAID TRACT "A" AND ITS NORTHERLY EXTENSION 328.83 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF A COMMON LINE OF TRACTS "A" AND "C"; THENCE NORTH 73°40'12" EAST ON SAID SOUTHWESTERLY EXTENSION OF SAID COMMON LINE 19.69 FEET TO THE WESTERLY LINE OF TRACT "C"; THENCE NORTH 18°19'48" WEST ALONG SAID WESTERLY LINE OF TRACT "C" 232.34 FEET; THENCE NORTH 73°55'32" WEST ALONG THE SOUTHERLY LINE OF SAID TRACT "C" AND ITS WESTERLY EXTENSION THEREOF 887.04 FEET; THENCE NORTH 16°04'08" EAST 69.80 FEET TO THE INTERSECTION WITH A COMMON LINE OF TRACTS "A" AND "C"; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "C" THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 73°55'32" WEST 316.92 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 2) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 17°21'33" AN ARC DISTANCE OF 34.84 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 3) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 10,130.09 FEET AND A CENTRAL ANGLE OF 01°38'14" AN ARC DISTANCE OF 289.47 FEET; THENCE SOUTH 00°59'44" EAST 208.95 FEET TO THE INTERSECTION WITH A SOUTHERLY LINE OF SAID TRACT "A" AND A PLAT LIMIT LINE; THENCE ON SAID SOUTHERLY LINE AND SAID PLAT LIMITS LINE THE FOLLOWING 2 COURSES AND DISTANCES: 1) SOUTH 89°19'39" WEST 444.09 FEET; 2) SOUTH 81°33'32" WEST 110.81 FEET; THENCE NORTH 31°03'57" WEST 49.08 FEET; THENCE NORTH 71°27'20" WEST 121.93 FEET; THENCE NORTH 47°33'16" WEST 33.53 FEET; THENCE NORTH 02°05'42" EAST 47.91 FEET; THENCE SOUTH 84°50'46" WEST 136.32 FEET; THENCE SOUTH 24°55'08" WEST 148.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 17°37'18" FOR AN ARC DISTANCE OF 60.12 FEET TO A POINT OF TANGENCY; THENCE SOUTH 07°41'46" WEST 103.95 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 18°02'47" FOR AN ARC DISTANCE OF 52.52 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 18°27'34" FOR AN ARC DISTANCE OF 64.45 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11°06'55" WEST 423.64 FEET; THENCE SOUTH 80°39'46" WEST 230.19 FEET; THENCE NORTH 02°10'01" WEST 460.11 FEET; THENCE NORTH 24°55'08" EAST 570.48 FEET; THENCE NORTH 84°50'40" EAST 240.95 FEET TO A POINT ON AN EASTERLY LINE OF TRACT "A" ALSO BEING ON THE MOST WESTERLY LINE OF TRACT "C"; THENCE ON THE BOUNDARY OF TRACT "C" THE FOLLOWING 4 COURSES AND DISTANCES: 1) NORTH 04°17'45" WEST 150.32 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 05°12'44" EAST; 2) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 11,169.15 FEET AND A CENTRAL ANGLE OF 04°49'27" AN ARC DISTANCE OF 940.43 FEET; 3) SOUTH 88°33'24" EAST 625.75 FEET; 4) SOUTH 81°11'46" EAST 1,800.58 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) COURSES AND DISTANCES BEING CONCIDENT WITH THE NORTH PLAT LIMITS OF SAID FONTAINEBLEAU WEST AND THE LIMITED ACCESS LINE OF THE DOLPHIN EXPRESSWAY (STATE ROAD 836).

CONTAINING 2,371,037 SQUARE FEET (54.4315 ACRES).

NOTES:

1.) FLOOD ZONE: AH; BASE FLOOD ELEVATION: 8 FEET; PANEL #120635 0261L; MAP DATE: 09/11/09
2.) THIS SITE LIES IN SECTION 5, TOWNSHIP 54 SOUTH, RANGE 40 EAST AND IN THE HIATUS BETWEEN SECTION 32, TOWNSHIP 53 SOUTH, RANGE 40 EAST & SECTION 5, TOWNSHIP 54 SOUTH, RANGE 40 EAST.
3.) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT "K" BEING N83°40'01"W.
4.) REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
5.) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: ST HOLDINGS LLC, A FLORIDA LIMITED LIABILITY COMPANY.
6.) THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.2'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.1'.

CERTIFICATION:

I HEREBY CERTIFY: THAT THERE ARE NO EXISTING UTILITIES, IMPROVEMENTS OR STRUCTURES ON THE LANDS HEREIN DESCRIBED, OTHER THAN SHOWN, AND THAT THIS TENTATIVE PLAT AS SHOWN WAS MADE UNDER MY DIRECTION IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES ("DOACS") NUMBER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUES.

COPIES OF THIS SKETCH ARE INVALID UNLESS EMBOSSED WITH THE SEAL OF THE UNDERSIGNED.

RIJOHN C. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
CHETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
STATE OF FLORIDA

SHEET 1 OF 6

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE
WITHOUT SHEETS 1 THROUGH 6 INCLUSIVE

NO.	REVISIONS	BY
4	PLAT LINE BOUNDARY 1/20/11	[illegible]
3	PLAT AND ADDITIONAL AREA 11/12/10	[illegible]
2	PLAT SIGNAL SURV. & TOPOGRAPHY 10/28	[illegible]
1	PLAT SIGNAL SURV. & TOPOGRAPHY 10/28	[illegible]

PORTION OF FONTAINEBLEAU WEST
NORTH REPLAT
MIAMI-DADE COUNTY, FLORIDA

BOUNDARY AND TOPOGRAPHIC SURVEY

PULICE LAND SURVEYORS, INC.
5361 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: LB	SCALE: 1" = 50'	PLS ST HOLDINGS LLC
CHECKED BY: JPP	SURVEY DATE: 1/20/11	ORDER NO: 32464

COPYRIGHT 2010 BY PULICE LAND SURVEYORS, INC. ALL RIGHTS RESERVED. NO PART OF THIS SURVEY MAY BE REPRODUCED, IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IN WRITING FROM AN OFFICER OF PULICE LAND SURVEYORS, INC.

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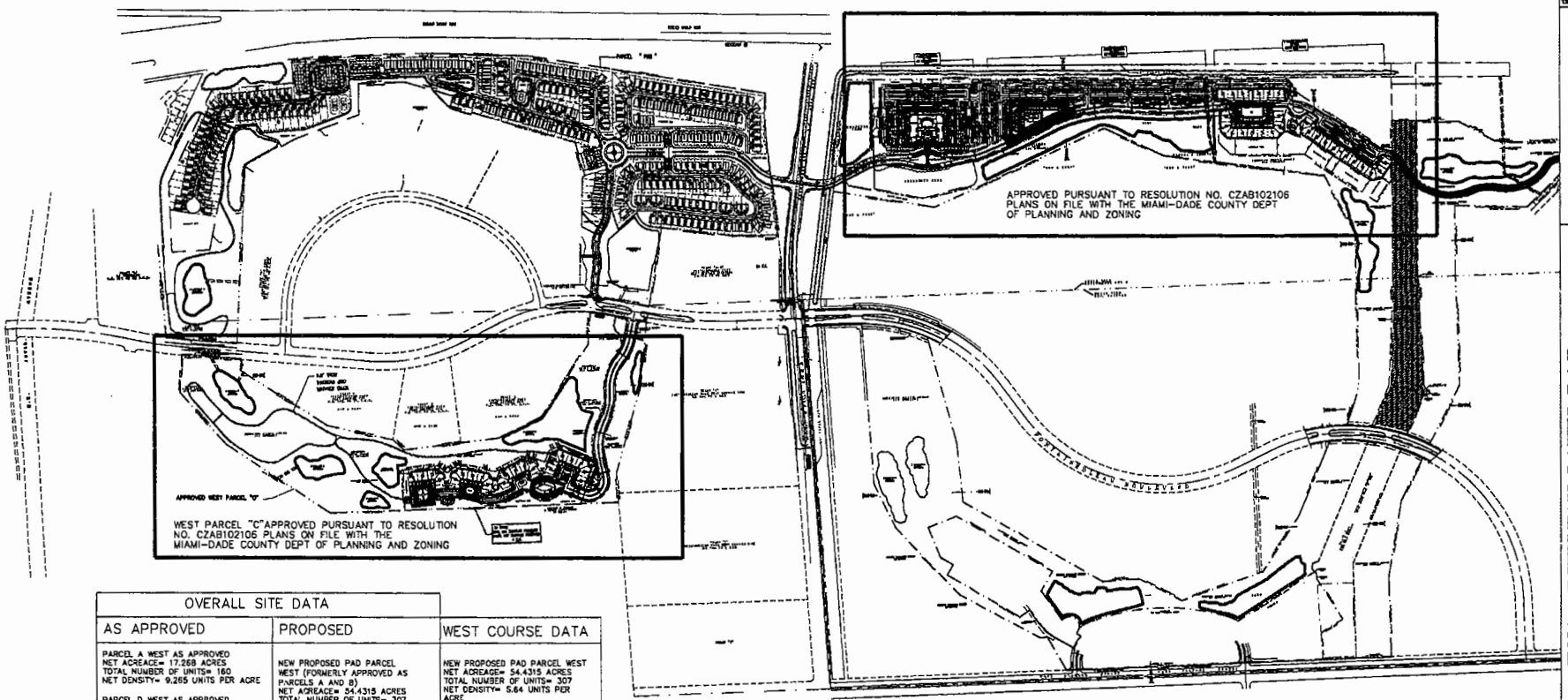
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



OVERALL SITE DATA		
AS APPROVED	PROPOSED	WEST COURSE DATA
PARCEL A WEST AS APPROVED NET ACREAGE= 17.268 ACRES TOTAL NUMBER OF UNITS= 160 NET DENSITY= 9.265 UNITS PER ACRE PARCEL D WEST AS APPROVED NET ACREAGE= 21.728 ACRES TOTAL NUMBER OF UNITS= 456 NET DENSITY= 21 UNITS PER ACRE PARCEL C WEST AS APPROVED NET ACREAGE= 8.289 ACRES TOTAL NUMBER OF UNITS= 98 NET DENSITY= 11.82 UNITS PER ACRE PARCEL A EAST AS APPROVED NET ACREAGE= 33.145 ACRES TOTAL NUMBER OF UNITS= 770 NET DENSITY= 23 UNITS PER ACRE	NEW PROPOSED PAD PARCEL WEST (FORMERLY APPROVED AS PARCELS A AND B) NET ACREAGE= 54.4315 ACRES TOTAL NUMBER OF UNITS= 307 NET DENSITY= 5.64 UNITS PER ACRE	NEW PROPOSED PAD PARCEL WEST NET ACREAGE= 54.4315 ACRES TOTAL NUMBER OF UNITS= 307 NET DENSITY= 5.64 UNITS PER ACRE PARCEL C WEST AS APPROVED NET ACREAGE= 8.289 ACRES TOTAL NUMBER OF UNITS= 98 NET DENSITY= 11.82 UNITS PER ACRE
TOTAL UNITS APPROVED= 1484 TOTAL ACREAGE= 80.43 ACRES TOTAL NET DENSITY=18.45 UNITS/ACRE	TOTAL NEW PROPOSED UNITS = 1175 TOTAL ACREAGE= 95.66 ACRES TOTAL NET DENSITY= 12.257 UNITS/ACRE	TOTAL NEW PROPOSED UNITS=405 TOTAL ACREAGE= 62.720 ACRES TOTAL NET DENSITY= 6.45 UNITS/ACRE

FONTAINBLEAU LAKES RESIDENTIAL OVERALL PLAN

OLR

ARCHITECT

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

DATE: 3-18-11

OP-1

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APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

49

OLR

STATE ROAD 836

STATE ROAD 836

SECTION I

SECTION II

SECTION III

PARCEL " PAD "

LAKE "A"

LAKE "A"

PROJECT BOUNDARY

PROJECT BOUNDARY

"NOT A PART"

"NOT A PART"

"NOT A PART"

PROJECT C
FONTAINEBLEAU PARK
WEST SECTION TWO
P.B. 152, PG 91, D.C.R.

PROJECT C
FONTAINEBLEAU PARK
WEST SECTION TWO
P.B. 152, PG 91, D.C.R.

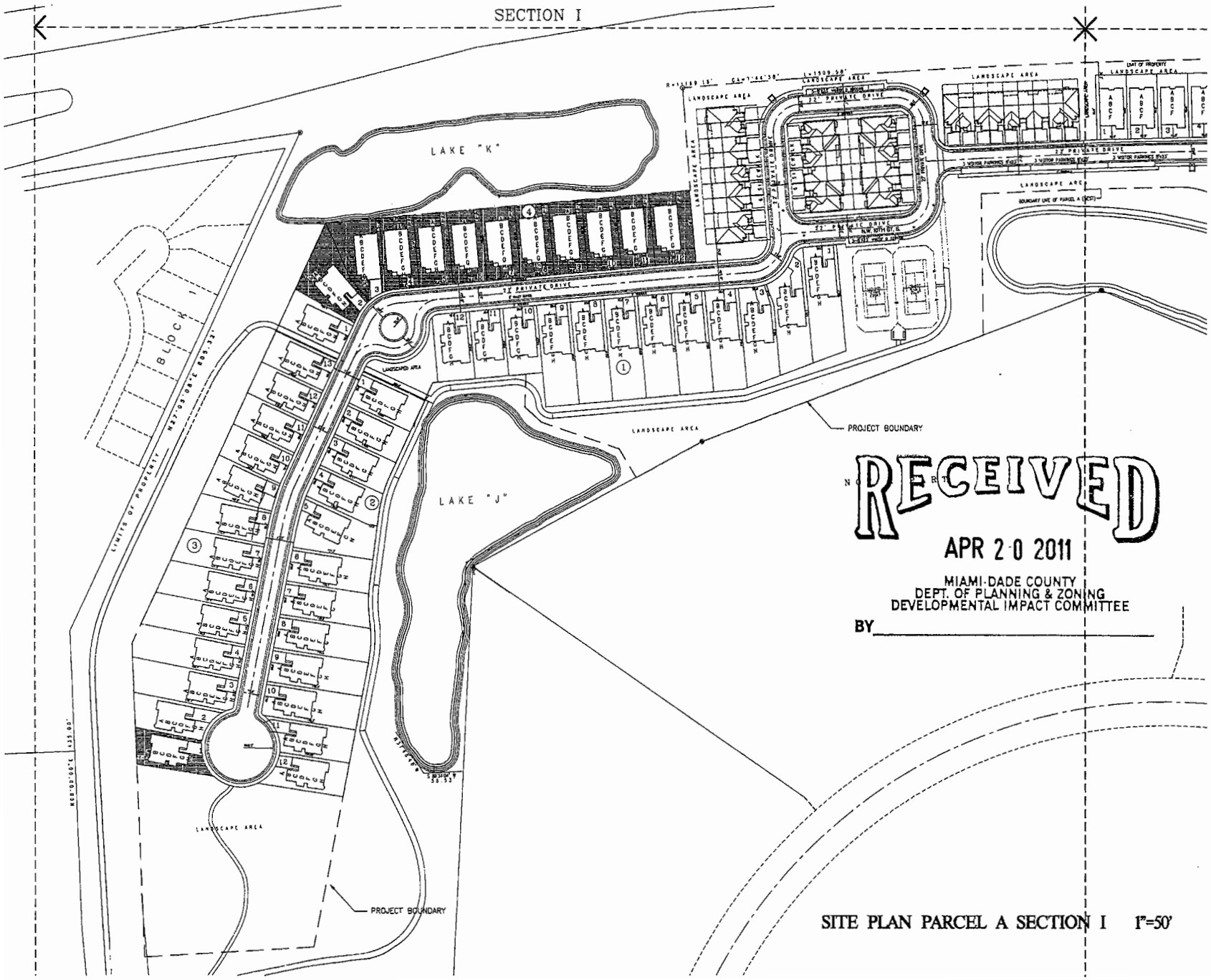
FONTAINEBLEAU BOULEVARD

GOVERNMENT CENTER

GOVERNMENT CENTER

N.W. 117th AVE.

PROJECT DATA	PROVIDED	S.F.	UNIT	RATIO (ACRE/PLACEMENT)
TOTAL NUMBER OF UNITS	307			
GROSS LAND AREA	54.4115		ACRES	
			ACRES	
NET LAND AREA	54.4115		ACRES	
VEH. FOOT	5,400		UNITS/ACRE	
GROSS DENSITY	5.640		UNITS/ACRE	
PARCEL "PAD"				
EXISTING ZONING	RU-1MH			
PROPOSED ZONING	P.A.D.			
GROSS LAND AREA	54.4115		ACRES	
NET LAND AREA	54.4115		ACRES	
CLUB HOUSE AND POOL	8128	S.F.		
BUILDING LOT COVERAGE (1TH) (PER LOT)	2842.00	S.F.	20.0%	
BUILDING LOT COVERAGE (SFH) (PER LOT)	2818.00	S.F.	20.0%	
PAVED AREA	5.73	ACRES	27.0%	
PERVIOUS AREA	22.350	ACRES	24.0%	
IMPERVIOUS AREA	32.101	ACRES	46.0%	
OPEN SPACE CRITERIA				
PRIVATE OPEN SPACE (TH)	1420.00	S.F.	75.0%	40% OF GROSS NET
PRIVATE OPEN SPACE (SFH) AVERAGE	1162.00	S.F.	50.0%	11.7% OF GROSS NET
COMMON OPEN SPACE	41,594.00	S.F.	18.0%	10% OF GROSS L.A.
LANDSCAPED AREA	24,000.00	S.F.		
PRIVATE OPEN SPACE (TH) WORST CASE	1111.25	S.F.	40.0%	11.7% OF GROSS NET



SITE PLAN PARCEL A SECTION I 1"=50'

OLR

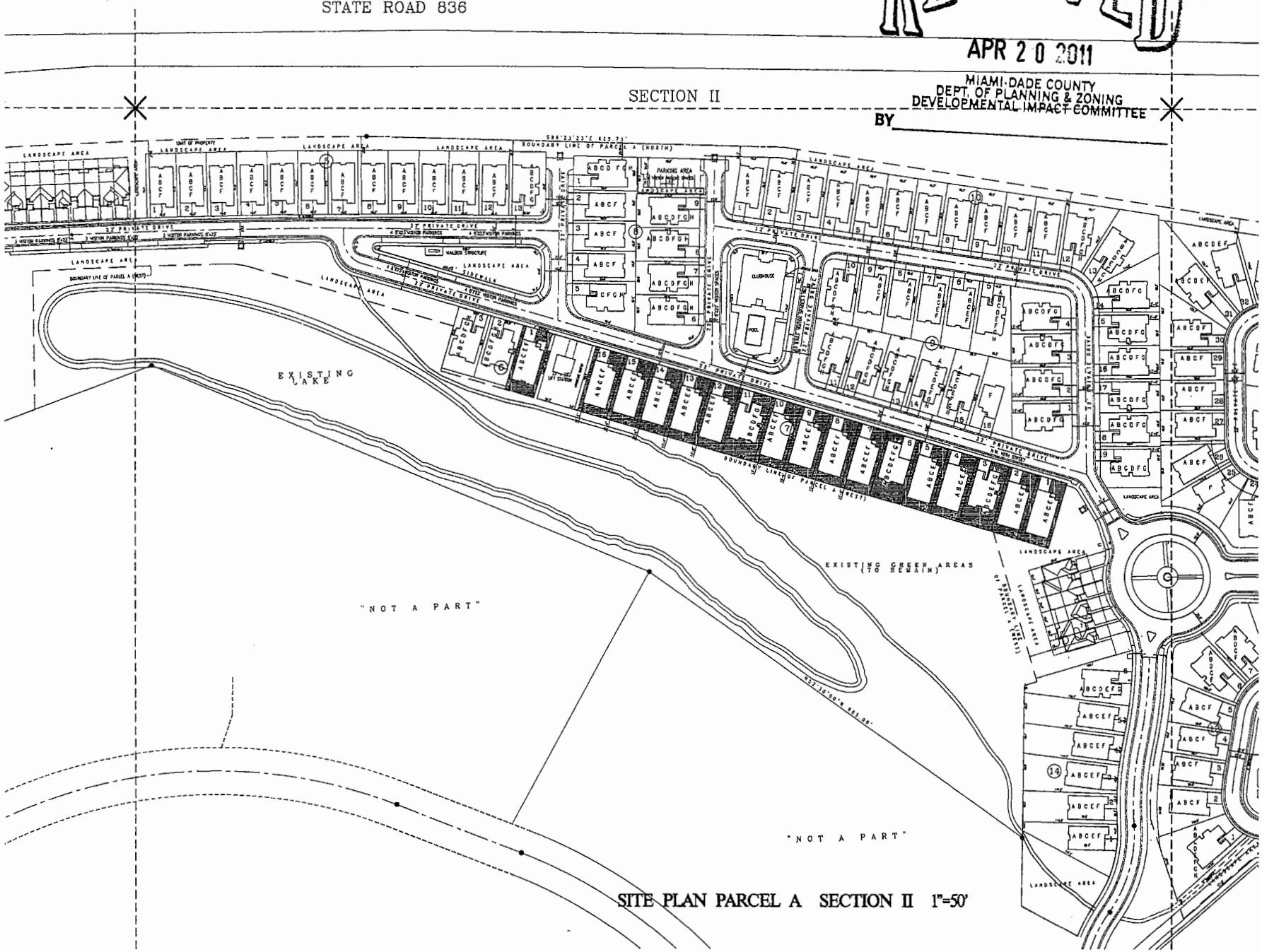
FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

SP-1

50

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



SITE PLAN PARCEL A SECTION II 1"=50'

OLR

ARCHITECT

CRISTINA LOPEZ-RIBALTA
ARQUITECTO

7700 N.W. 37 AVENUE
SUITE 220
MIAMI, FLORIDA, 33147
TELEPHONE (305) 691-9020

FONTAINEBLEAU LAKES P.A.D.

WEST SITE PLAN

MIAMI-DADE COUNTY, FLORIDA

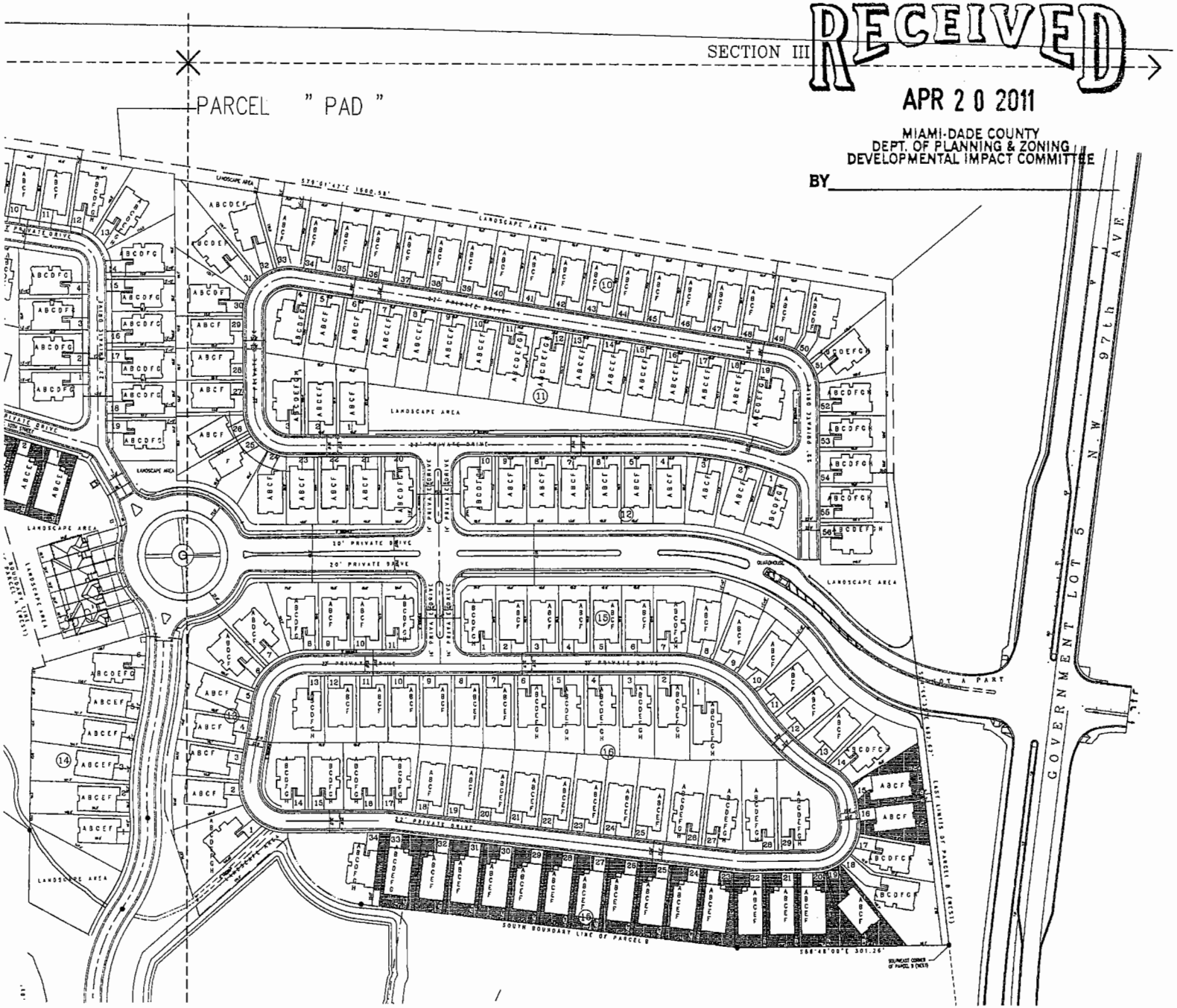
REVISIONS:

DATE: 04-19-11
SCALE: SHOWN
DRAWN: AS
JOB NO.:

SP-2

SHEET NO.:

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



SITE PLAN PARCEL A SECTION III 1"=50'

OLR

ARCHITECT

CRISTINA LOPEZ-RICO
ARCHITECT

690 S.W. 27 AVENUE
SUITE 201
MIAMI, FLORIDA 33135
TELEPHONE (305) 285-2816

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

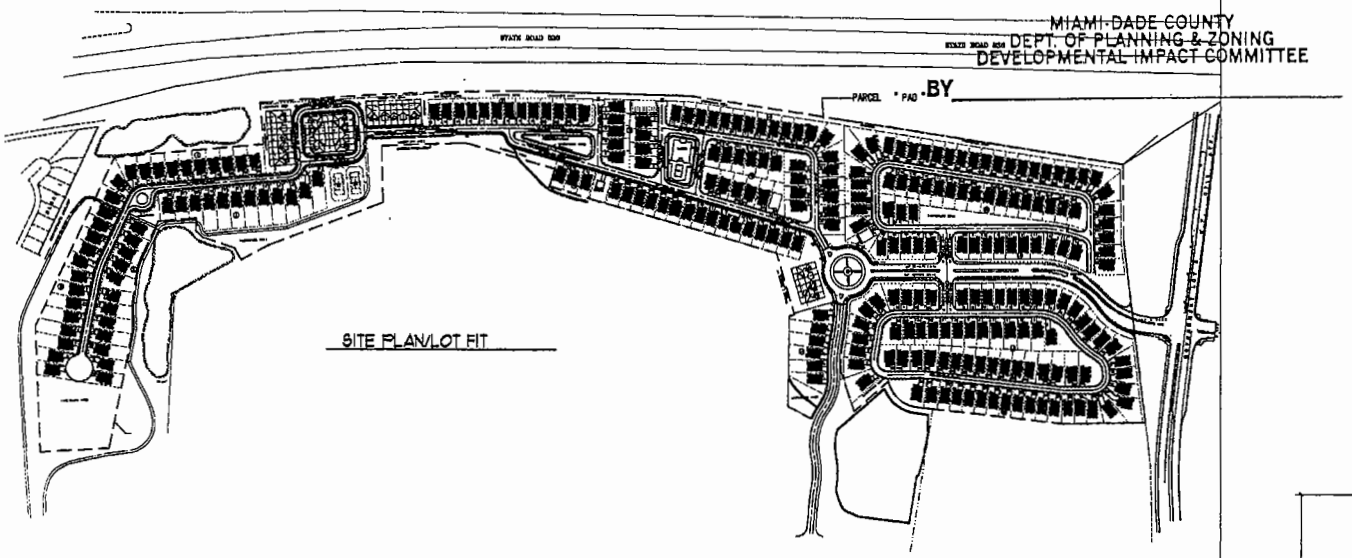
REVISIONS :

DATE : 04-19-11
SCALE : SHOWN
DRAWN : AE
JOB NO. :

SP-3

SHEET NO. :

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

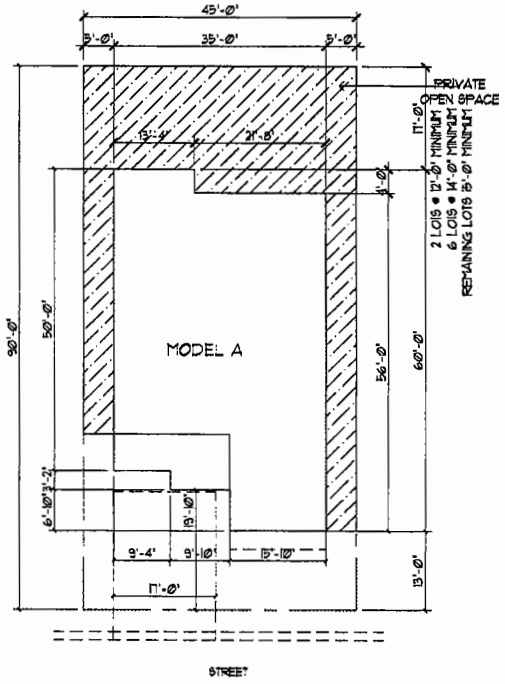
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE I

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

ONE STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 10' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 1,709 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,136 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE)1372 S.F., 80.2% (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 1732.5 S.F. =42.7%, (AVERAGE 38.17%)

MINIMUM LOT SQUARE FOOTAGE: 4,050 SQ. FT., (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, THIS UNIT FITS ON 269 OF 307 LOTS

OLR

ARCHITECT

CHRISTIAN LOPEZ-ROCHO ARQUITECTO

200 S.W. 27 AVENUE
SUITE 220
MIAMI, FLORIDA, 33135
TELEPHONE (305) 643-0255

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA.

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

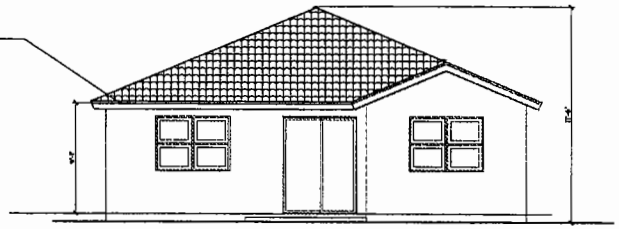
DATE : 4-15-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-1

SHEET NO. : 1 OF

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

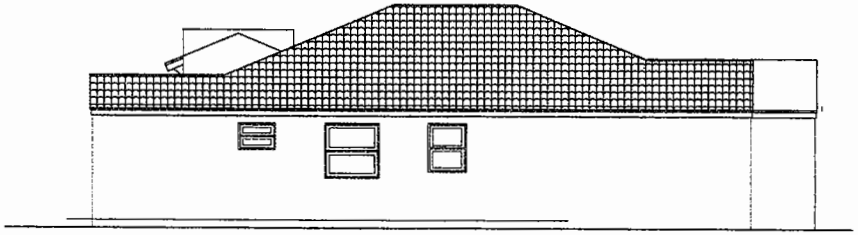
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



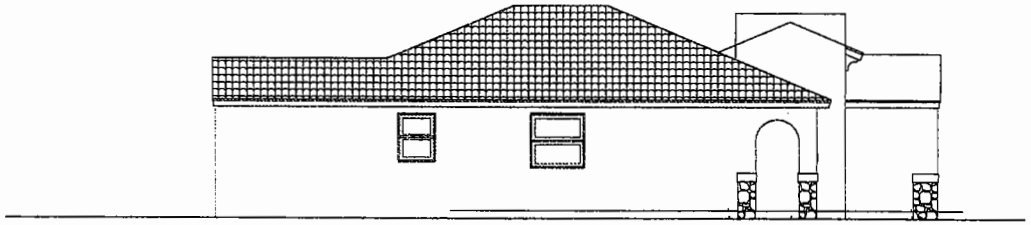
REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

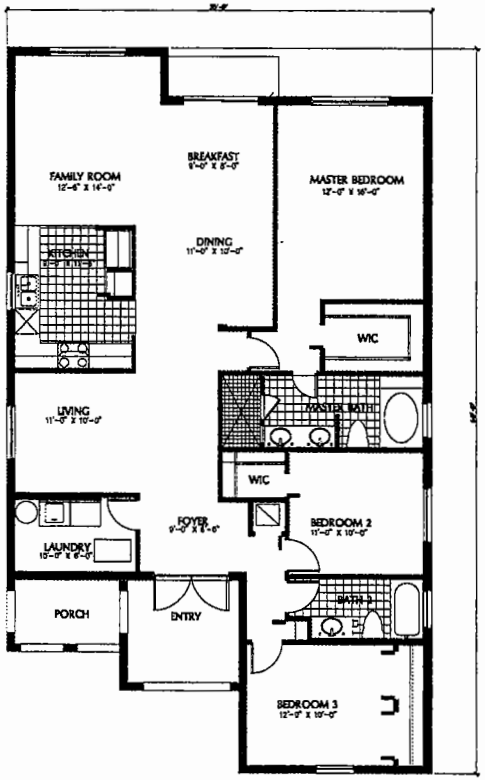
- A CEMENT TILE ROOF (TYP CAL)
- B ROLLED RIDGE TILE CAP
- C WOOD FASCIA
- D 1/2" TEXT STUCCO FIN
- E SMOOTH STUCCO TRIM
- F STONE VENEER
- G CLAY INTAKE VENT



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL A CONCEPTUAL PLAN

AREA CALCULATIONS:

A/C SPACE	1,620 SQUARE FEET
TOTAL A/C SPACE	1,620 SQUARE FEET
COVERED ENTRY	42.5 SQUARE FEET
PORCH	58.9 SQUARE FEET
COVERED TERRACE	46.7 SQUARE FEET
TOTAL	1,792.5 SQUARE FEET

OLR

ARCHITECT

CARLOS LOPEZ-RIOS
ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

DATE : 4-8-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-2

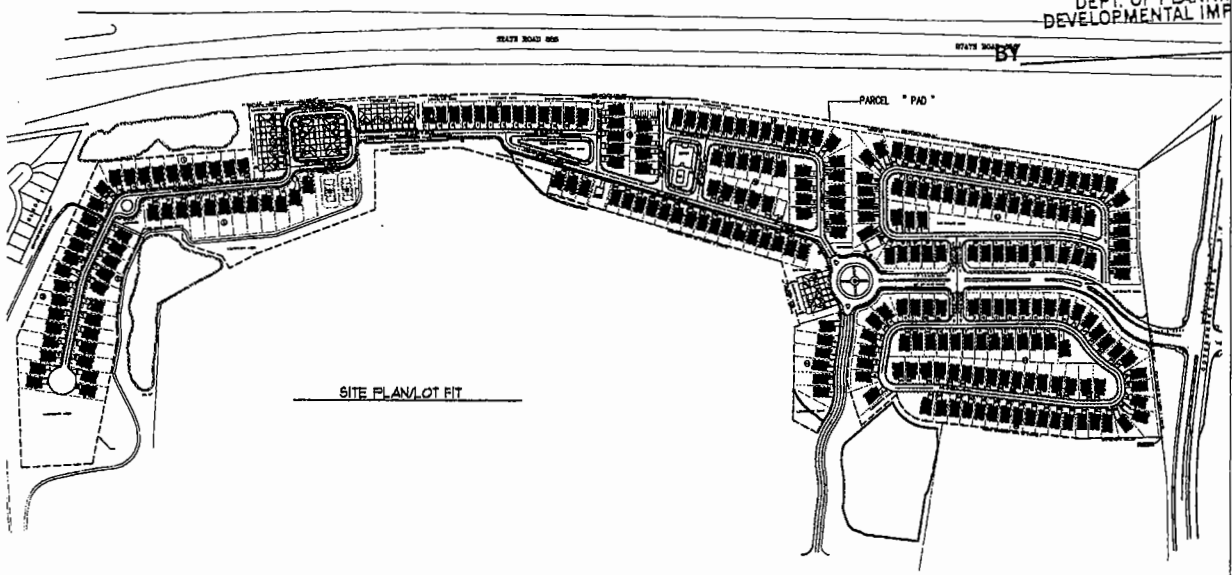
SHEET NO. : 1 OF

RECEIVED

APR 2 0 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY



SITE PLAN/LOT FIT

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

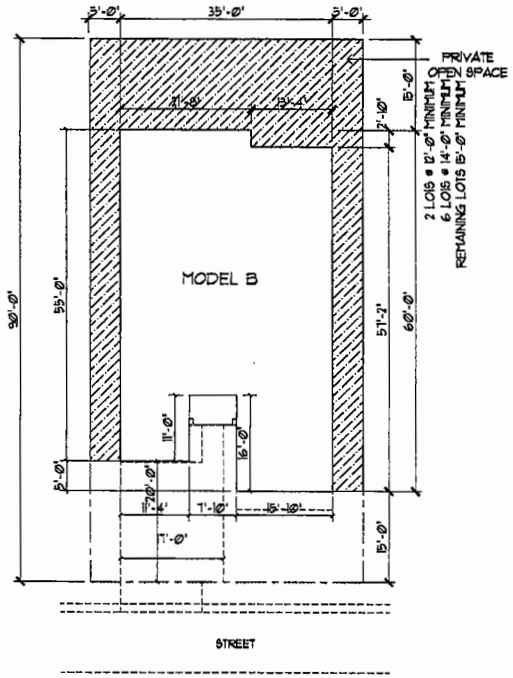
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE II

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

ONE STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 10' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 1,867.8 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,334 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 1,287 S.F. (68.9%), (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 1923.8 S.F. =47.25%, (AVERAGE 32.2%)

MINIMUM LOT SQUARE FOOTAGE: 4,080 SQ. FT., (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, THIS UNIT FITS ON 269 OF 307 LOTS

55

OLR

ARCHITECT

CARLOS LOPEZ-RIVERA ARCHITECTS

2200 S.W. 27 AVENUE
SUITE 201
MIAMI, FLORIDA 33133
TELEPHONE: (305) 285-2266

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

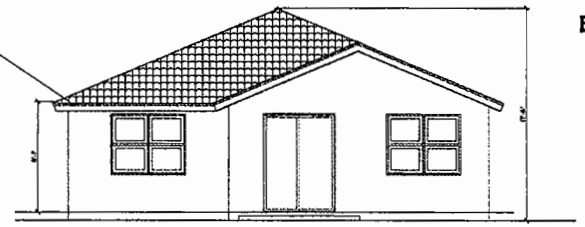
DATE : 4-15-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-3

SHEET NO. : 2 OF

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

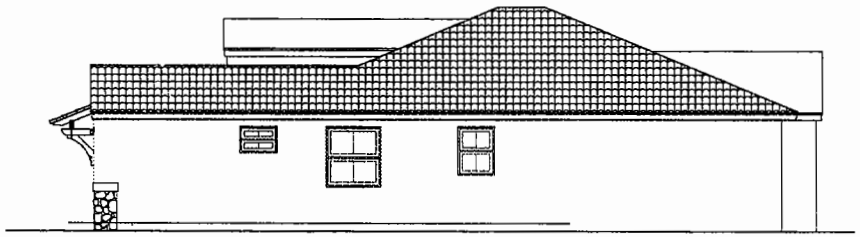
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



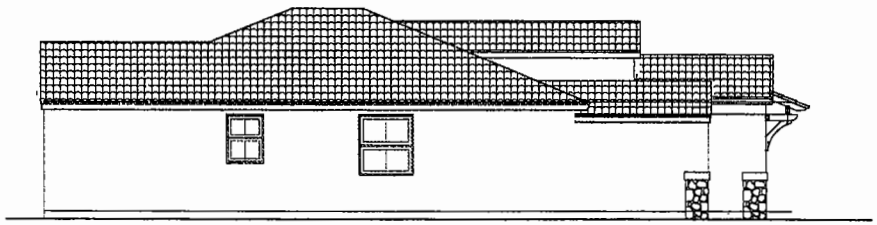
REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

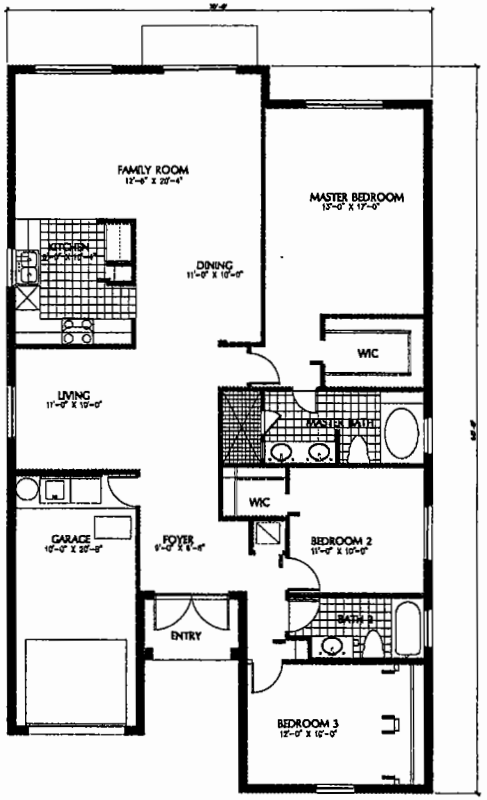
- (A) CEMENT TILE ROOF (TYPICAL)
- (B) ROLLED RIDGE TILE CAP
- (C) WOOD FASCIA
- (D) LT TEXT STUCCO TRIM
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) CLAY INTAKE VENT



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL B CONCEPTUAL FLOOR PLAN

AREA CALCULATIONS:

A/C SPACE	1644 SQUARE FEET
TOTAL A/C SPACE	1644 SQUARE FEET
GARAGE	240.6 SQUARE FEET
COVERED ENTRY	84.2 SQUARE FEET
COVERED TERRACE	
TOTAL	1,928.8 SQUARE FEET

OLR

ARCHITECT

CORRINE LOPEZ-RENGO
ASSOCIATES

1206 S.W. 27 AVENUE
SUITE 202
MIAMI, FLORIDA 33135
TELEPHONE/FAX (305) 541-1556

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

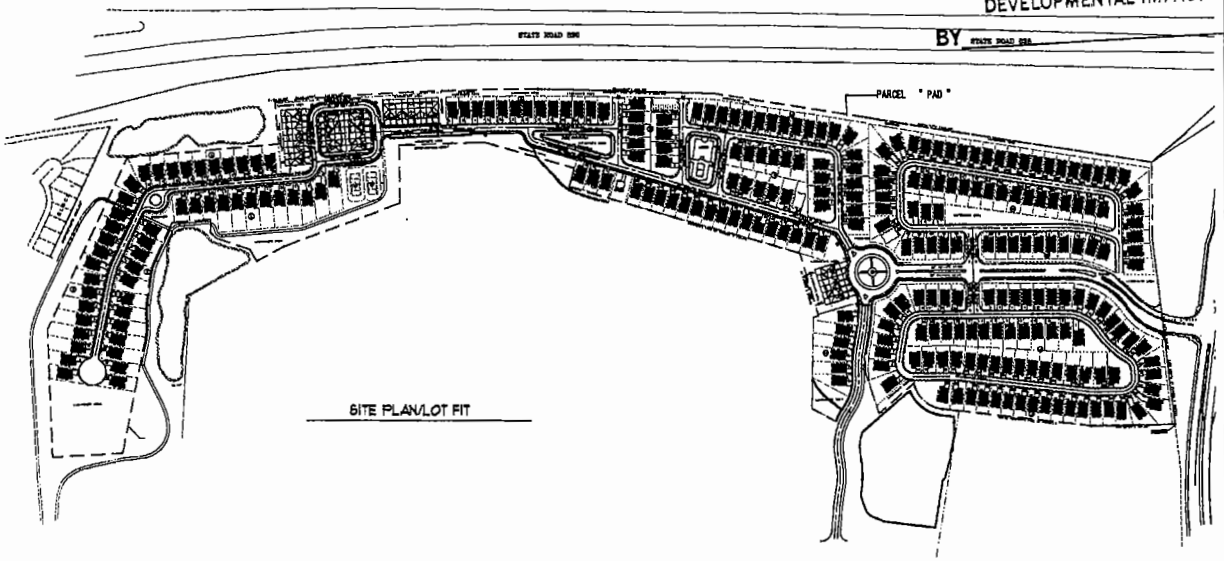
DATE : 4-18-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-4

SHEET NO. : 2 OF

95

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



SITE PLAN/LOT FIT

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

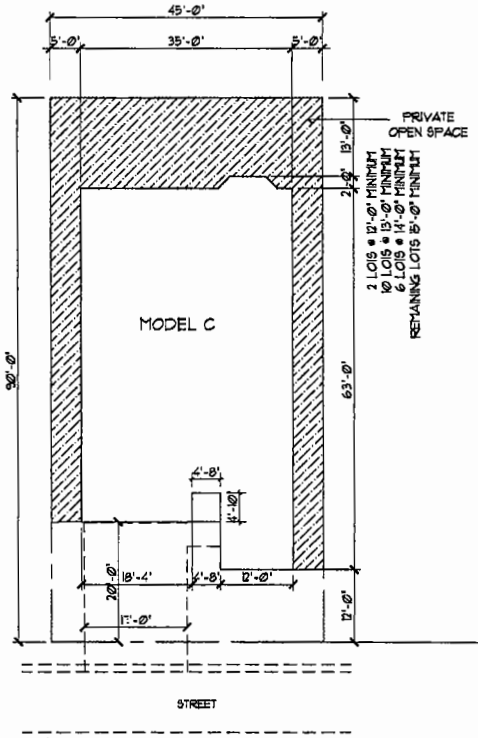
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE II

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

ONE STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 10' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2,037.6 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,434 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 1250.8 S.F. (51.4%), (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 2055.8 S.F. = 50.3%, (AVERAGE 41.8%)

MINIMUM LOT SQUARE FOOTAGE: 4,090 SQ. FT., (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, THIS UNIT FITS ON 269 OF 307 LOTS

57

OLR

ARCHITECT

CONCHITA LOPEZ-ZURICO
ARCHITECT

1200 S.W. 27 AVENUE
SUITE 203
MIAMI, FLORIDA 33135
TELEPHONE (305) 325-2515

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

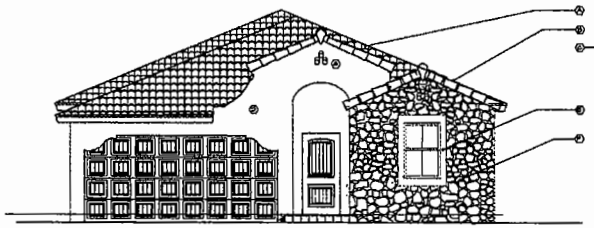
REVISIONS :

DATE : 4-18-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

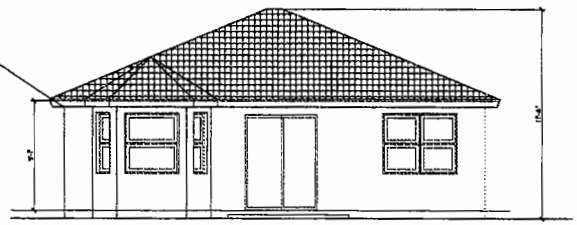
A-5

SHEET NO. : 3 OF

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



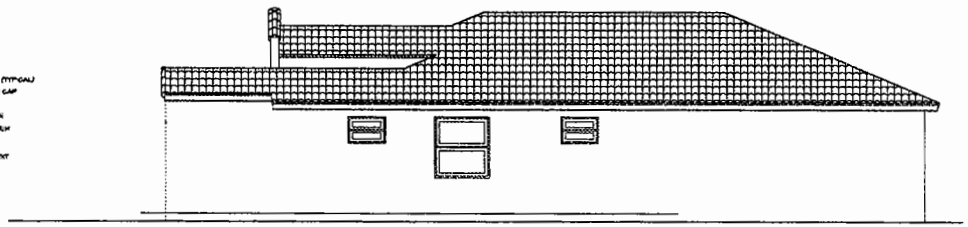
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



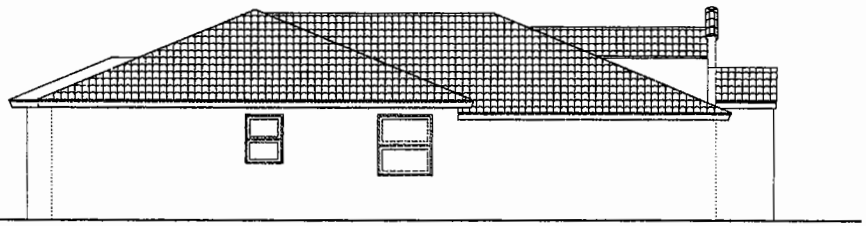
REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

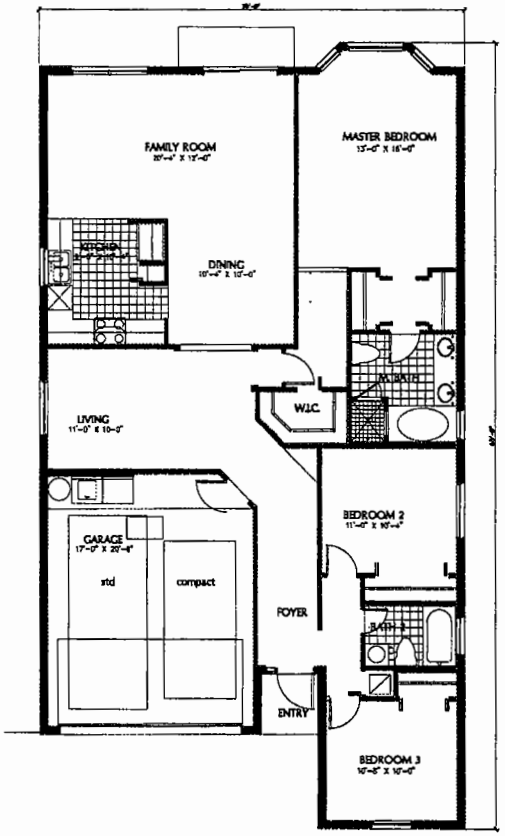
- (A) CEMENT TILE ROOF (TYP.)(ALL)
- (B) ROLLED RAKE TILE CAP
- (C) WOOD FASCIA
- (D) LT TEXT STUCCO FIN
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) CLAY IMITATION VENT



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL C CONCEPTUAL FLOOR PLAN

AREA CALCULATIONS:

A/C SPACE	1,656 SQUARE FEET
TOTAL A/C SPACE	1,656 SQUARE FEET
GARAGE	347.5 SQUARE FEET
COVERED ENTRY	18.5 SQUARE FEET
TOTAL	2,023.4 SQUARE FEET

OLR

ARCHITECT

ORESTES LOPEZ-RICO
ARCHITECT

200 S.W. 27 AVENUE
SUITE 203
MIAMI, FLORIDA 33129
TELEPHONE: 305 285-2284

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

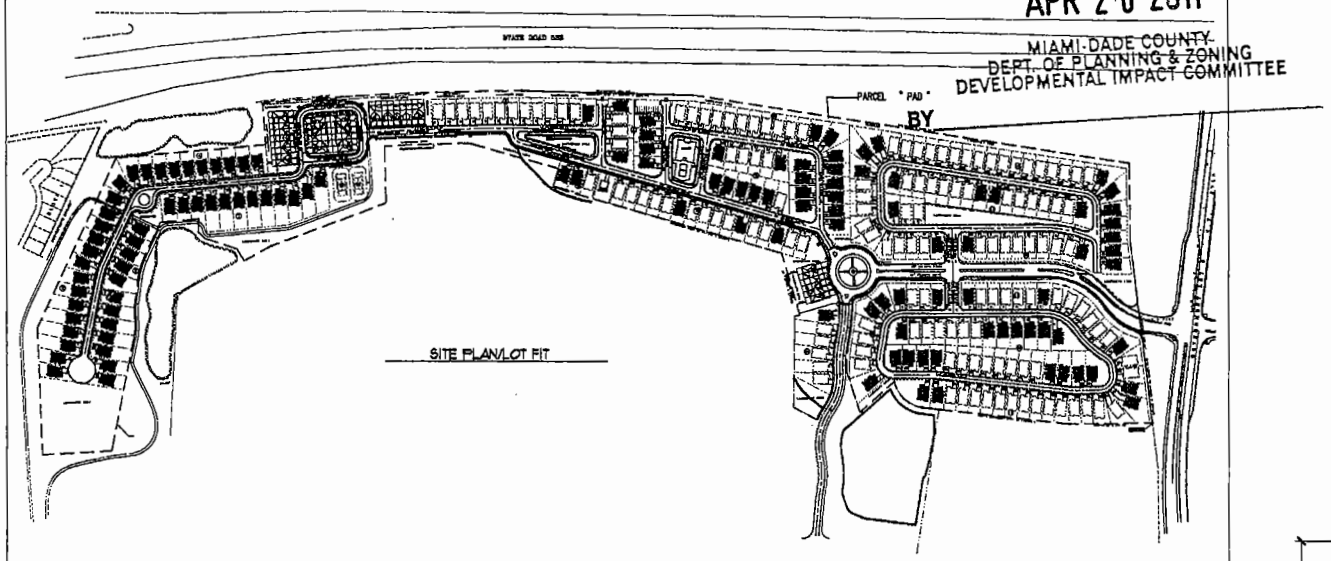
REVISIONS :

DATE : 4-5-11
SCALE : AS S-IGN
DRAWN : AG
JOB NO. :

A-6

SHEET NO. : 3 OF

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

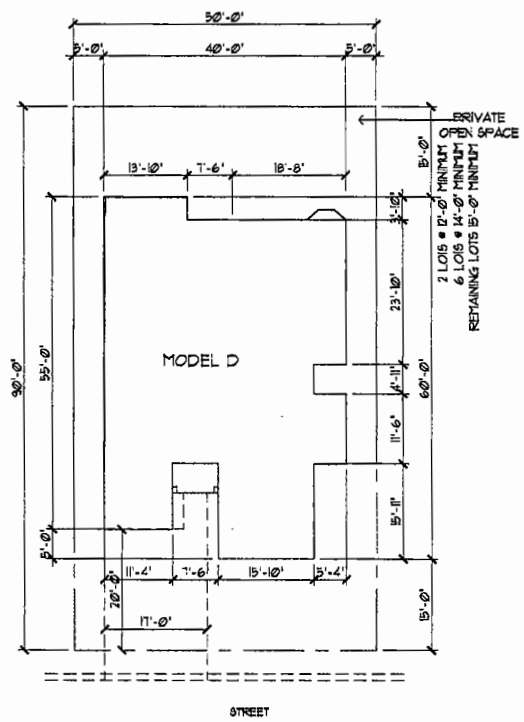
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS, SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE V

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

ONE STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 10' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2023.6 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,529 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 1369.6 S.F. (67.8%), (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 2062.6 S.F. = 45.8%, (AVERAGE 32.2%)

MINIMUM LOT SQUARE FOOTAGE: 4,500 SQ. FT., (AVERAGE 4,780 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, NO MORE THAN 125 UNITS OF THIS TYPE FIT ON THIS SITE

59

OLR

ARCHITECT

OWNER: SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

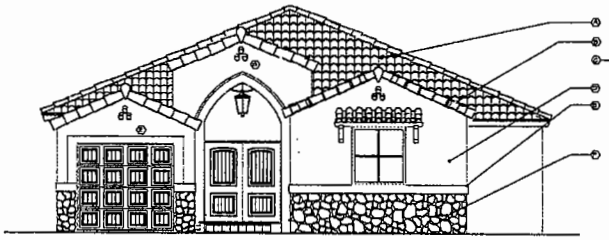
REVISIONS:

DATE: 4-15-11
SCALE: AS SHOWN
DRAWN: AG
JOB NO.:

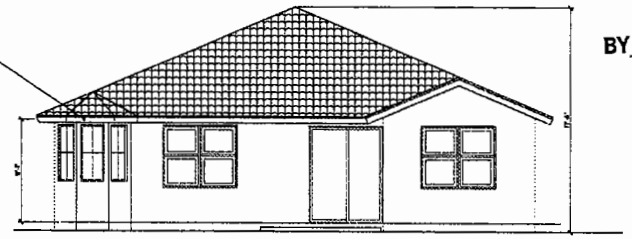
A-7

SHEET NO.: 4 OF

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



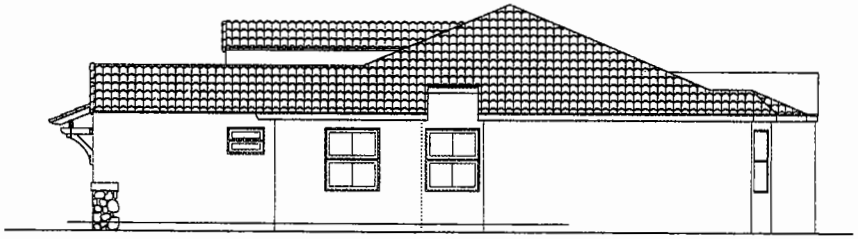
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



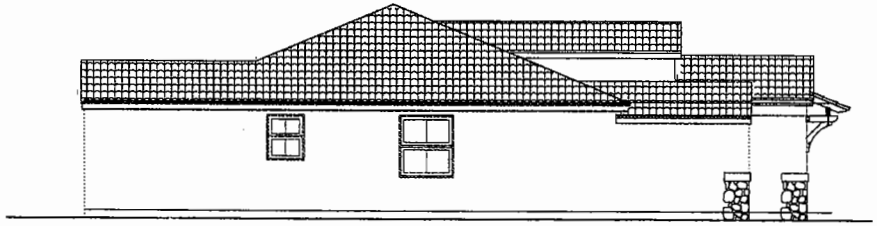
REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

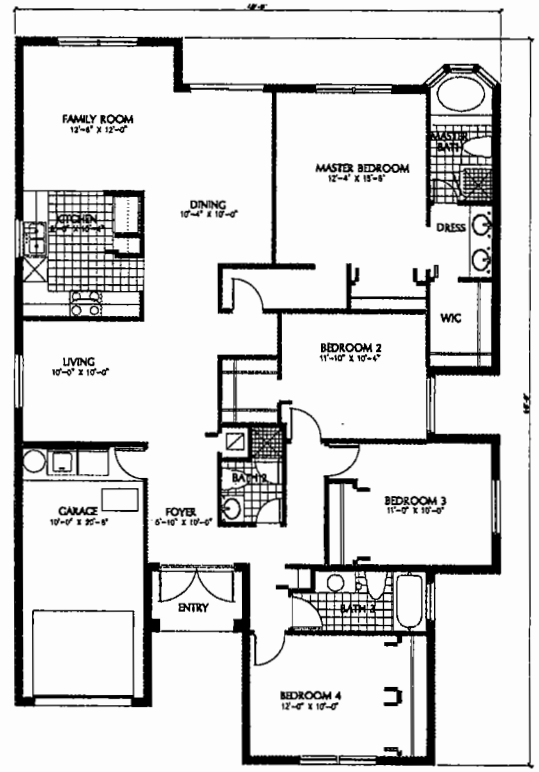
- (A) CEMENT TILE ROOF (TYPICAL)
- (B) ROLLED RIDGE TILE CAP
- (C) WOOD FASCIA
- (D) LT TEXT STUCCO FIN
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) CLAY VENTATION VENT



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL D CONCEPTUAL FLOOR PLAN

AREA CALCULATIONS:

A/C SPACE	1,785 SQUARE FEET
TOTAL A/C SPACE	1,785 SQUARE FEET
GARAGE	240.6 SQUARE FEET
COVERED ENTRY	34.2 SQUARE FEET
TOTAL	2,062.8 SQUARE FEET

OLR

ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

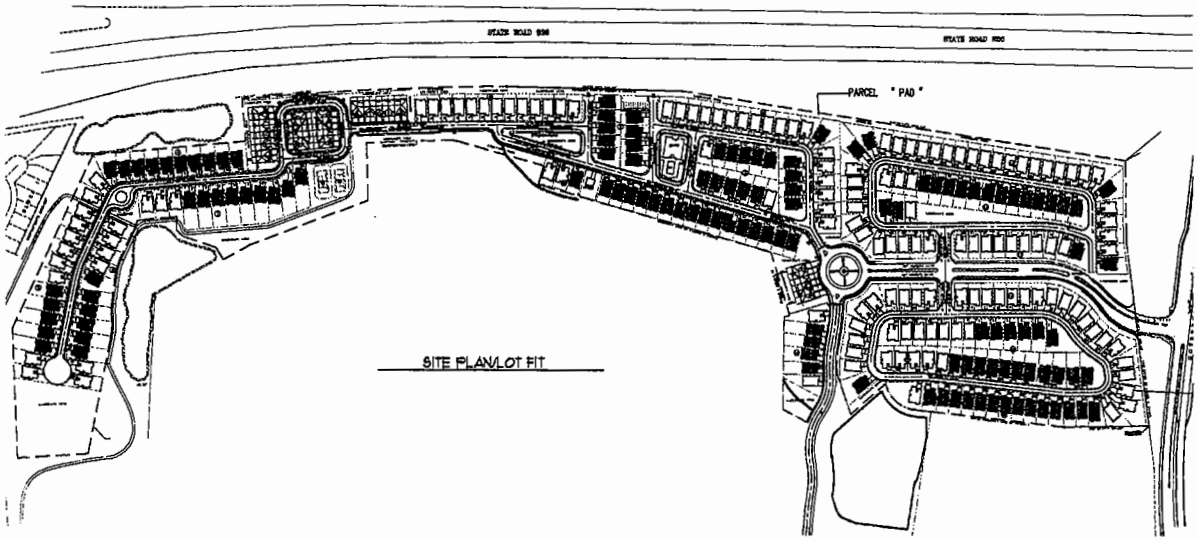
REVISIONS :

DATE : 4-8-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-8

SHEET NO. : 4 OF

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



SITE PLAN/LOT FIT

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

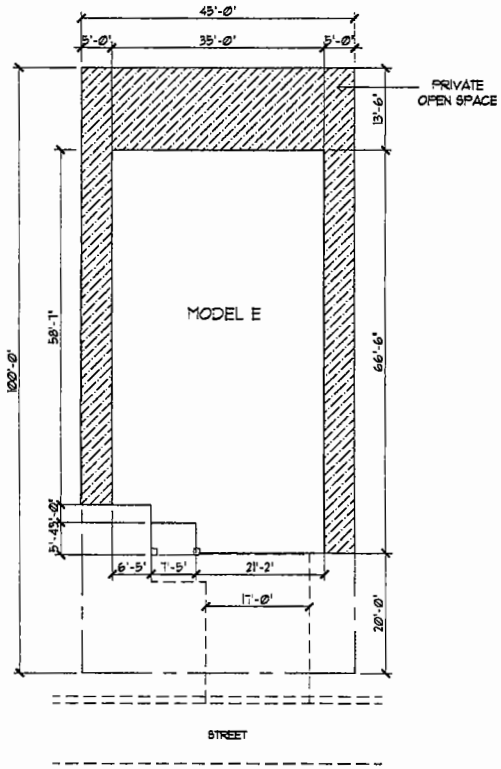
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE V

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

ONE STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 10' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR CROSS AREA: 2238.8 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,795.75 S.F.

PRIVATE OPEN SPACE PROVIDED: 1241.7 S.F. (55.5%). (AVERAGE 1630.7 S.F.)

MAXIMUM LOT COVERAGE: 2,276 S.F. = 50.5%, (AVERAGE 32.2%)

MINIMUM LOT SQUARE FOOTAGE: 4,500 SQ. FT. (45'x100'). (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, NO MORE THAN 126 UNITS OF THIS TYPE FIT ON THIS SITE

19

OLR

ARCHITECT

CARLOS LOPEZ-RIOCIO
ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

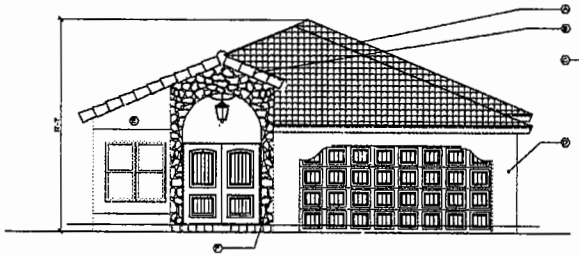
REVISIONS:

DATE: 04-05-11
SCALE: AS SHOWN
DRAWN: AG
JOB NO.:

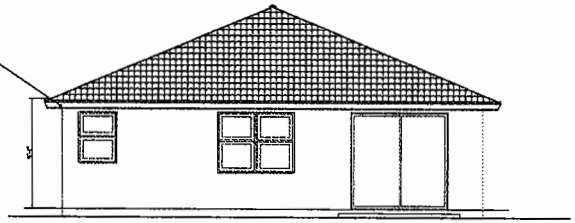
A-9

SHEET NO. 1 OF

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



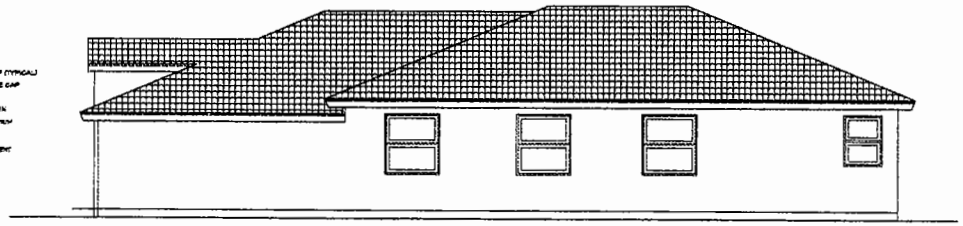
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



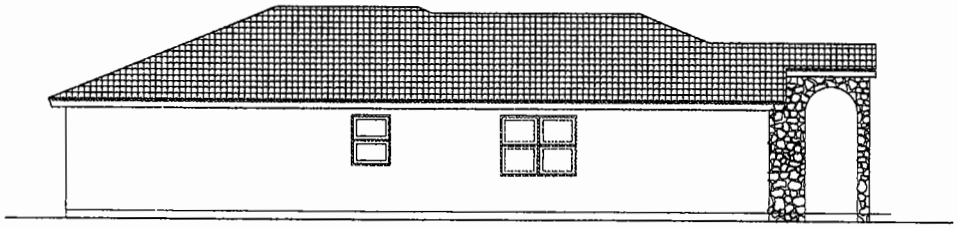
REAR ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

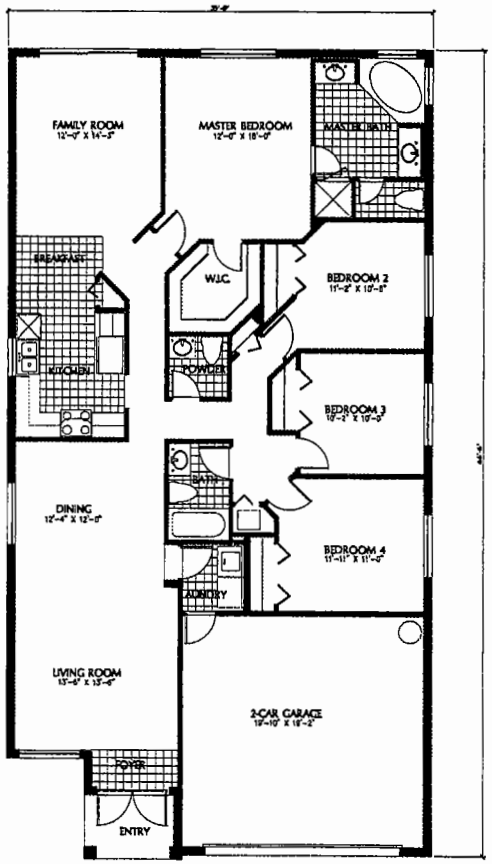
- (A) CEMENT TILE ROOF (TYPICAL)
- (B) ROLLED RIDGE TILE CAP
- (C) WOOD FASCIA
- (D) 1" TEXT STUCCO MIN.
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) CLAY INSTALLATION VENT



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL E CONCEPTUAL FLOOR PLAN

AREA CALCULATIONS:

A/C SPACE	1,830 SQUARE FEET
TOTAL A/C SPACE	1,830 SQUARE FEET
GARAGE	406.5 SQUARE FEET
COVERED ENTRY	36.4 SQUARE FEET
TOTAL	2,273 SQUARE FEET

OLR
ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

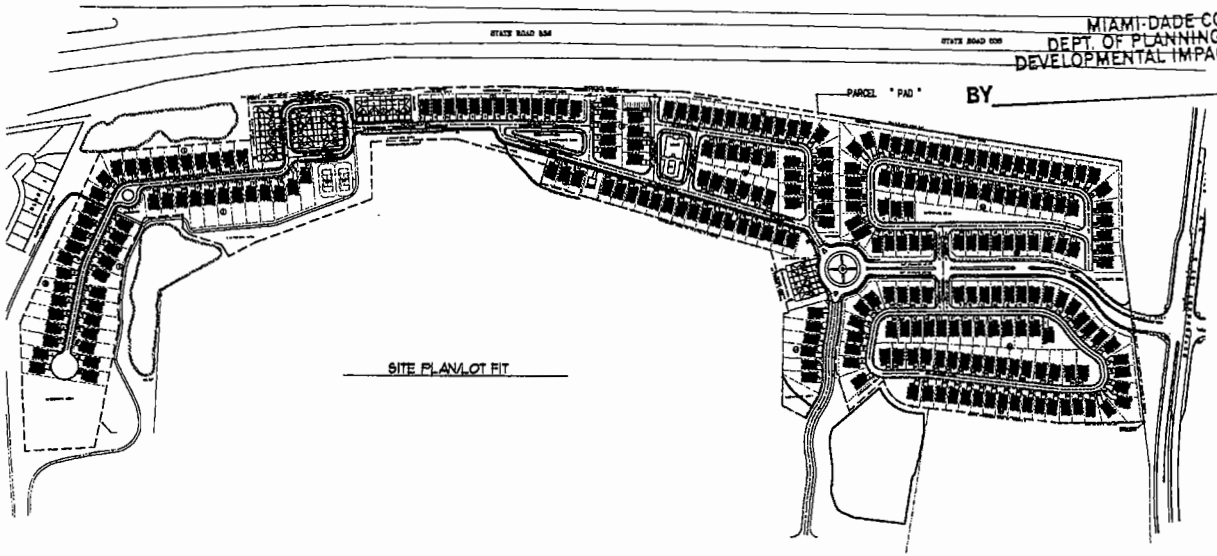
DATE : 03-31-11
SCALE : AS SHOWN
DRAWN : AS
JOB NO. :

A-10

SHEET NO. : 8 OF

29

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



SITE PLAN/LOT FIT

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

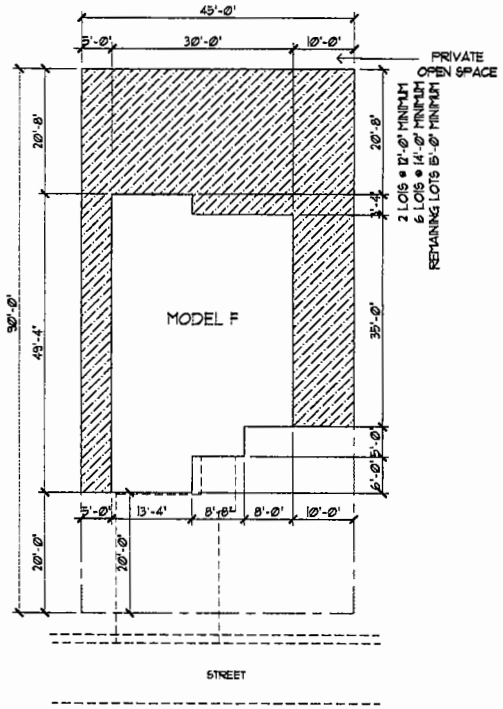
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE VI

SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2318 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 2,897.5 S.F.

PRIVATE OPEN SPACE PROVIDED 1617.2 S.F. (69.7%).

MAXIMUM LOT COVERAGE: 1,284 S.F. = 31.7%.

MINIMUM LOT SQUARE FOOTAGE: 4,050 SQ. FT. (45'x90'), (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, THIS UNIT FITS ON ALL LOTS

63

OLR

ARCHITECT

CORNELIO LOPEZ-RIVOLO ARCHITECTS

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

DATE : 4-8-5

SCALE : AS SHOWN

DRAWN : AG

JOB NO. :

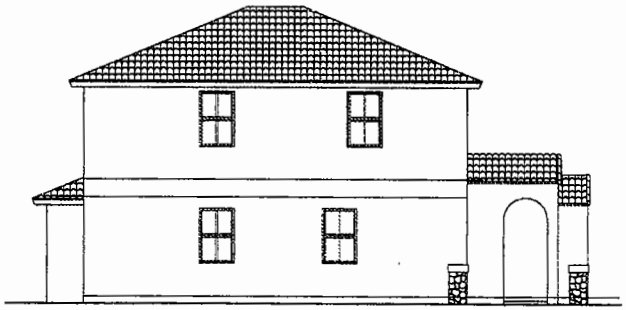
A-11

SHEET NO. : 6 OF

REAR ELEVATION
SCALE: 1/4" = 1'-0"

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



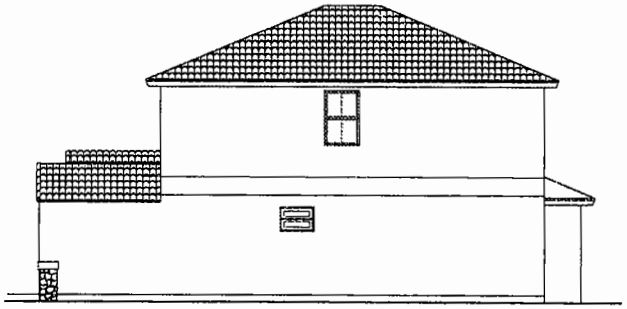
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

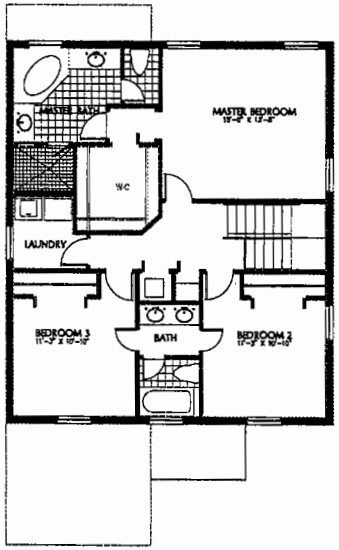
- CEMENT TILE ROOF (TYPICAL)
- DECORATIVE FOAM SHUTTERS
- STONE VENEER
- LT TEXT STUCCO FIN
- SMOOTH STUCCO TRIM
- CLAY INTERIOR VENT

AREA CALCULATIONS

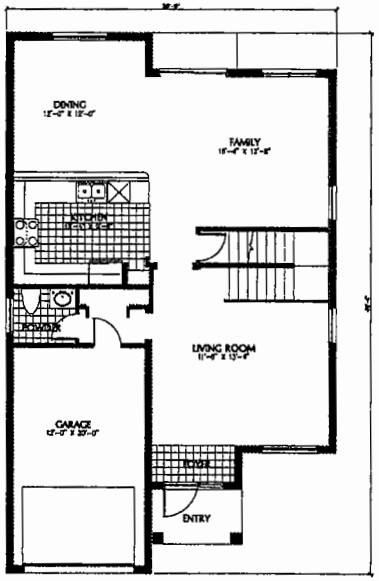
A/C SPACE FIRST FLOOR	1,000 SQUARE FEET
A/C SPACE SECOND FLOOR	1,000 SQUARE FEET
TOTAL A/C SPACE	2,000 SQUARE FEET
COVERED ENTRY	41 SQUARE FEET
GARAGE	348 SQUARE FEET
TOTAL	2,389 SQUARE FEET



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



MODEL F CONCEPTUAL 2ND FLOOR PLAN



MODEL F CONCEPTUAL GROUND FLOOR PLAN

OLR

ARCHITECT
OWNER: LOPEZ-RICO ARCHITECT
114 NW. 37 AVENUE SUITE 102 MIAMI, FLORIDA 33125 TELEPHONE (305) 541-2551

OWNER: SHOMA DEVELOPMENT CORP. MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

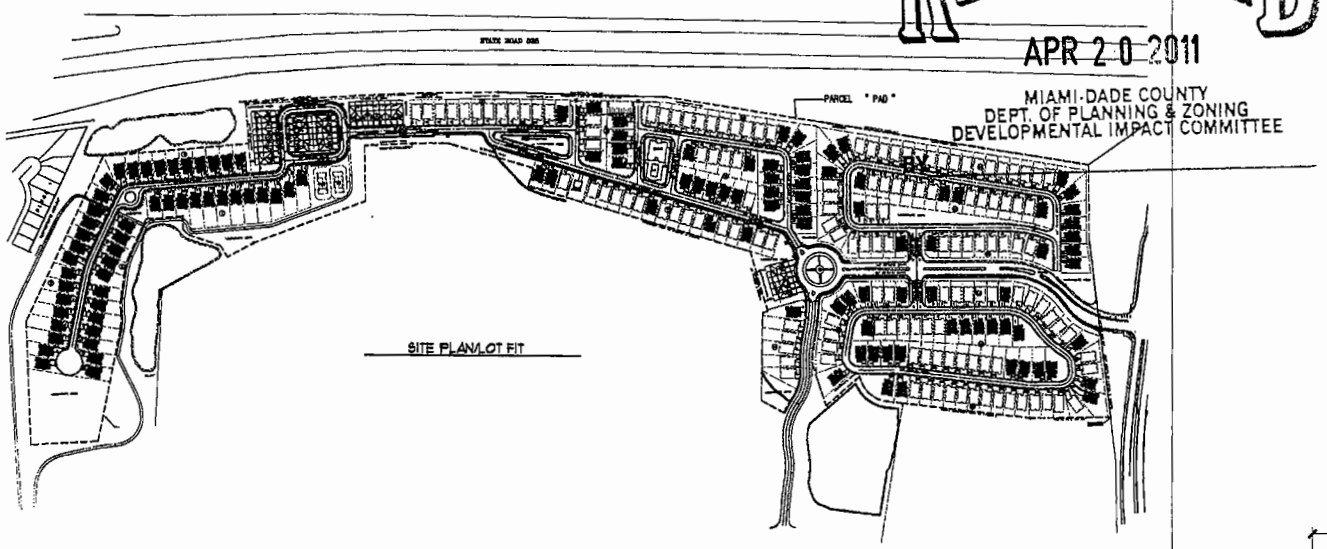
REVISIONS :

DATE : 03-10-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-12

SHEET NO. : 6 OF

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.

TYPE V:

TWO STORY SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 3234 S.F.

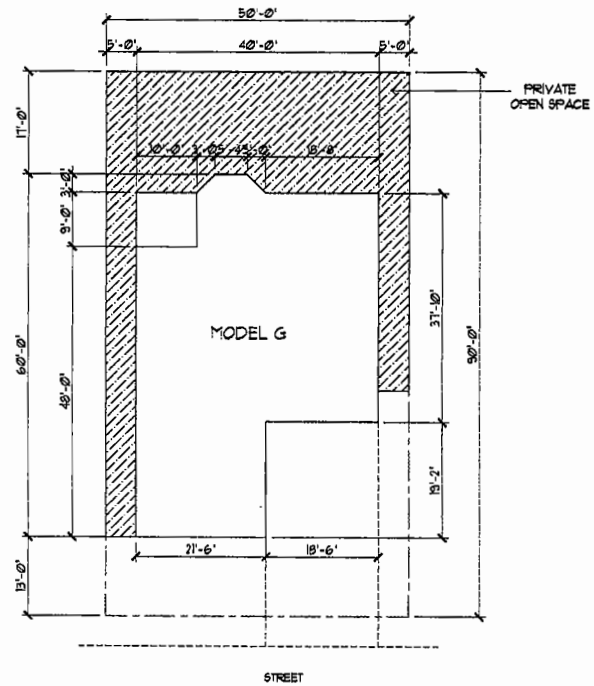
MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 4,042 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 1513.7 S.F. (46.8%), (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 1950 S.F. = 46.8%, (AVERAGE 32.2%)

MINIMUM LOT SQUARE FOOTAGE: 4,500 (50'x90') SQ. FT., (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES, NOT MORE THAN 122 UNITS OF THIS TYPE FIT ON THIS SITE



TYPICAL LOT PLAN

OLR
ARCHITECTS

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

DATE : 4-5-3
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-13

SHEET NO. : 7 OF

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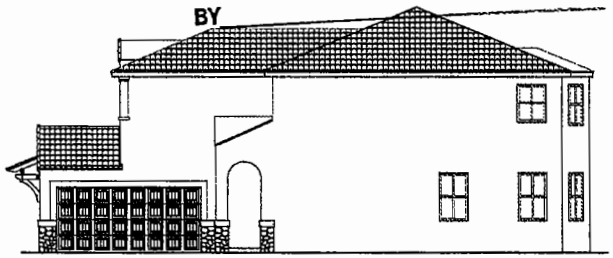
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

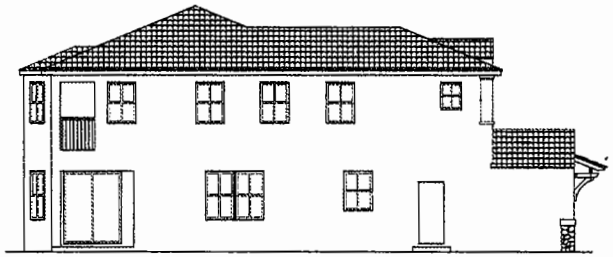
OLR

FRONT ELEVATION
SCALE: 3/16" = 1'-0"

REAR ELEVATION
SCALE: 3/16" = 1'-0"



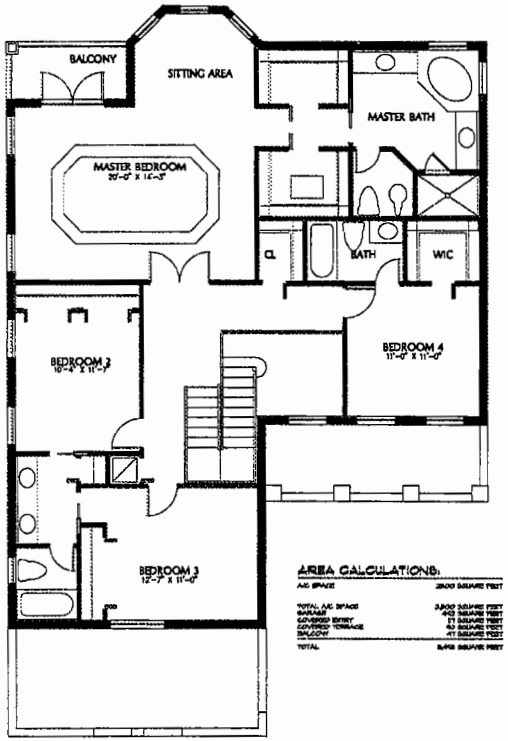
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND :

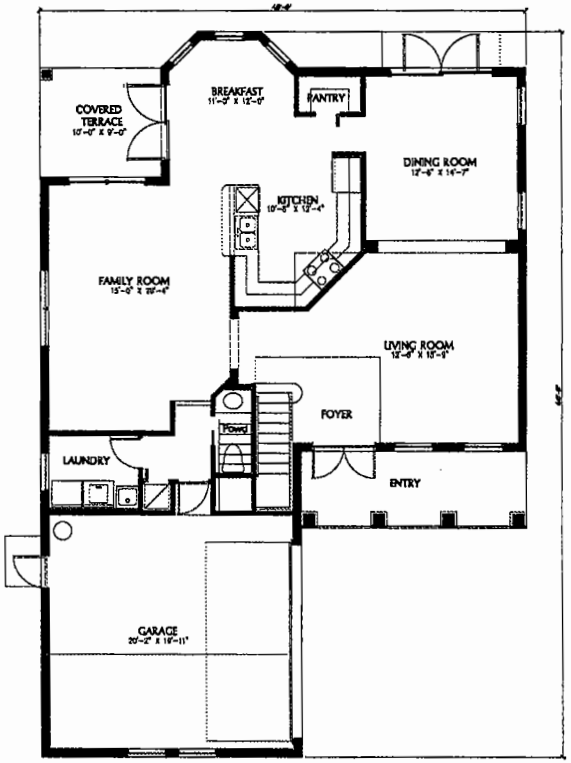
- (A) CEMENT TILE ROOF (TYPICAL)
- (B) ROLLED RIDGE TILE CAP
- (C) WOOD FASCIA
- (D) LT TEXT STUCCO FIN
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) CLAY IMITATION VENT



AREA CALCULATIONS:

A/C SPACE	3600 SQUARE FEET
TOTAL A/C SPACE	3600 SQUARE FEET
GARAGE	442 SQUARE FEET
COVERED ENTRY	72 SQUARE FEET
COVERED TERRACE	90 SQUARE FEET
BALCONY	47 SQUARE FEET
TOTAL	4252 SQUARE FEET

MODEL G CONCEPTUAL SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



MODEL G CONCEPTUAL GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

ARCHITECT
CARLOS LOPEZ-RICO ARCHITECTS
OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

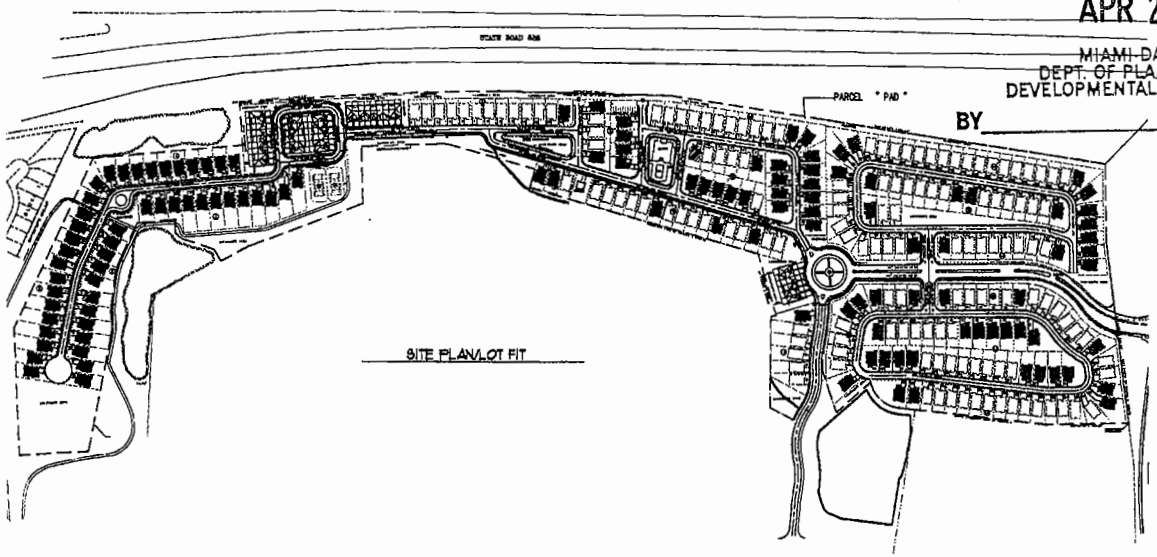
REVISIONS :

DATE : 03-9-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-14

SHEET NO. : 7 OF

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



SITE PLAN/LOT FIT

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

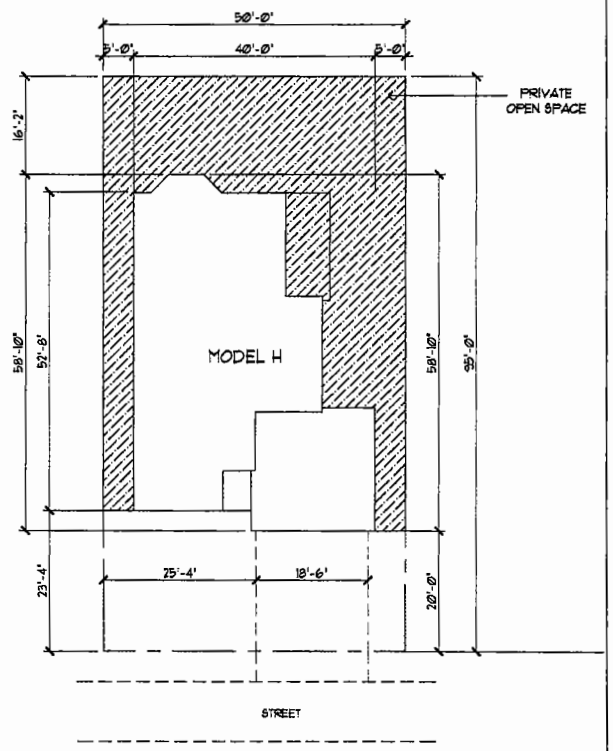
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



TYPICAL LOT PLAN

TYPE VIII

TWO STORY SINGLE FAMILY HOME

ARCHITECTURE STYLE: SPANISH COLONIAL REVIVAL

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY RESIDENCE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2859 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 125% OF INTERIOR GROSS FLOOR AREA: 3,574 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 1,888 S.F. (66.03%), (AVERAGE 1,630.7 S.F.)

MAXIMUM LOT COVERAGE: (WORST CASE) 1947 S.F. = 40.08%, (AVERAGE 32.2%)

MINIMUM LOT SQUARE FOOTAGE: 4,750 (50'x95') SQ. FT., (AVERAGE 4,790 S.F.)

PROPOSED NUMBER OF UNITS: DETERMINED BY SALES. NOT MORE THAN 124 UNITS OF THIS TYPE FIT ON THIS SITE

OLR

ARCHITECT
CRISTINA LOPEZ-RICHO
ARCHITECT
[illegible] SW 1ST AVENUE
SUITE 222
MIAMI, FLORIDA, [illegible]
TELEPHONE (305) [illegible]

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : [illegible]
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

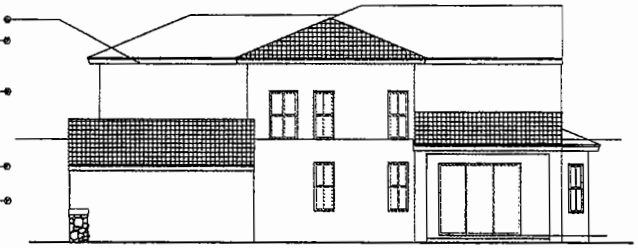
A-15

SHEET NO. : 1 OF

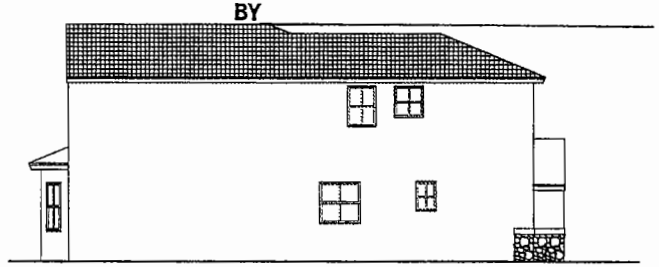
RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

OLR

FRONT ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

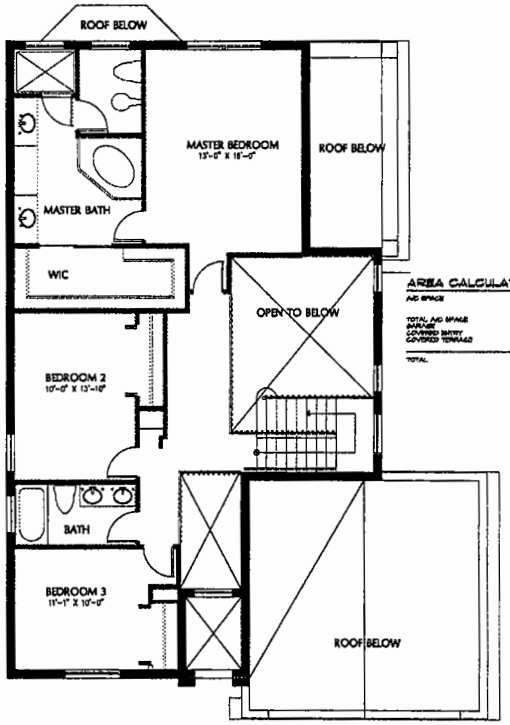


LEFT ELEVATION
SCALE: 1/4" = 1'-0"

REAR ELEVATION
SCALE: 3/16" = 1'-0"

LEGEND :

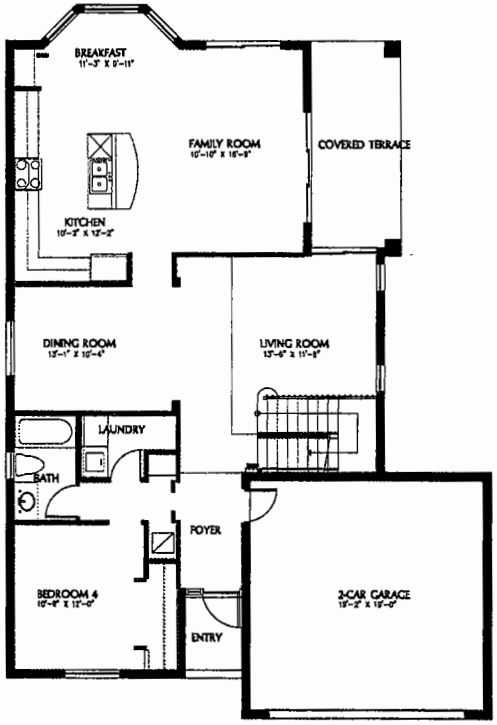
- (A) CEMENT TILE ROOF (TYPICAL)
- (B) ROLLED RIDGE TILE CAP
- (C) WOOD FASCIA
- (D) LT TEXT STUCCO FIN
- (E) SMOOTH STUCCO TRIM
- (F) STONE VENEER
- (G) GLAZY INTAKE VENT



AREA CALCULATIONS:

A/C SPACE	2,471 SQUARE FEET
TOTAL A/C SPACE	2,471 SQUARE FEET
GARAGE	462 SQUARE FEET
COVERED ENTRY	31 SQUARE FEET
COVERED TERRACE	128 SQUARE FEET
TOTAL	2,618 SQUARE FEET

MODEL H CONCEPTUAL SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



MODEL H CONCEPTUAL GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

ARCHITECT
CRISTINA LOPEZ-RICO
ADDRESS
1700 N.W. 37 AVENUE
SUITE 202
MIAMI, FLORIDA 33125
TELEPHONE: (305) 635-1206

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

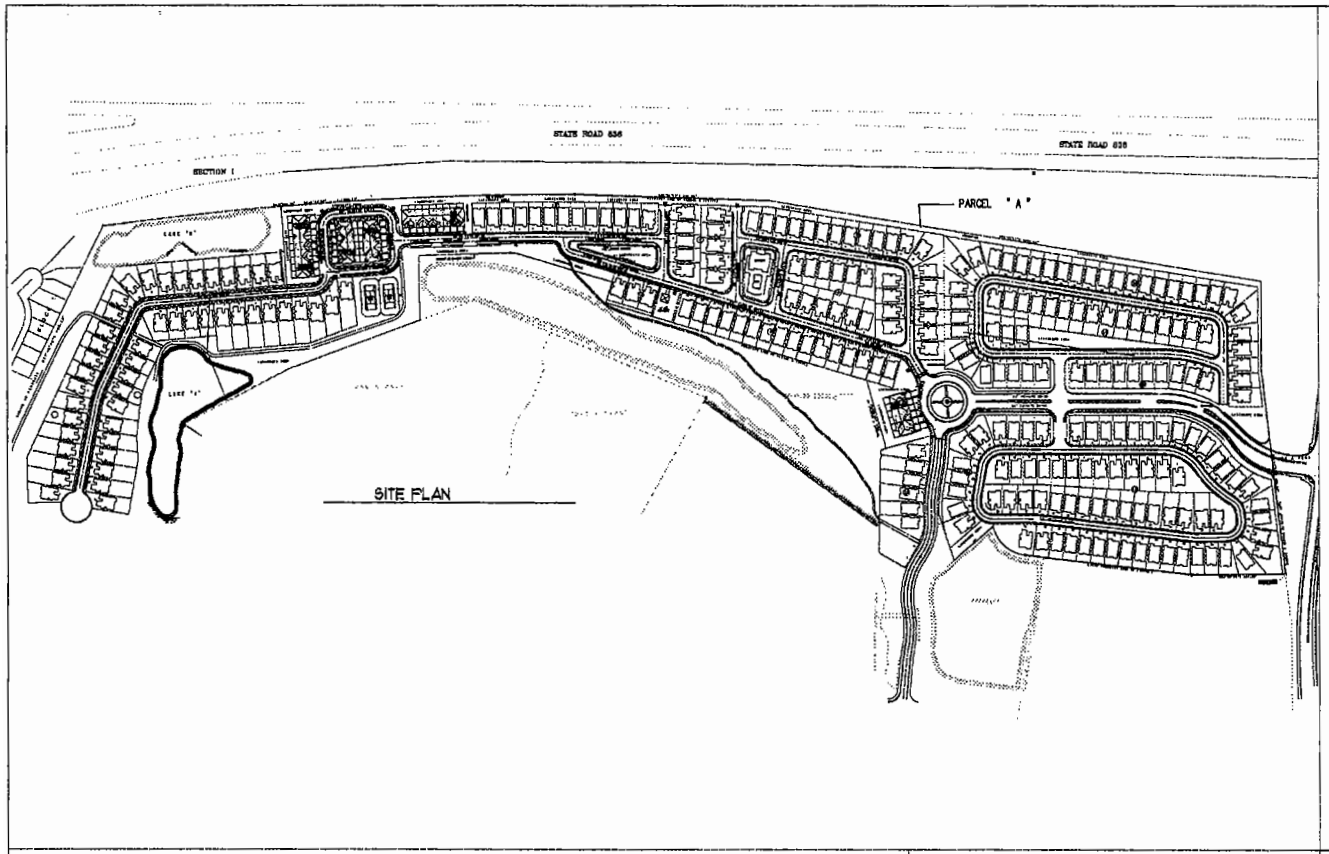
FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : 1/26/11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-16

SHEET NO. : 1 OF



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APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

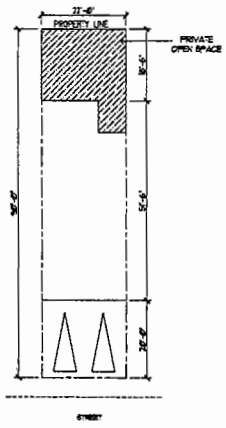
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



UNIT A LOT PLAN

TYPE I

TOWN-HOMES

ARCHITECTURE STYLE: MEDITERRANEAN

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY TOWNHOUSE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 1953 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 60% OF INTERIOR GROSS FLOOR AREA: 1171.8 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 465 S.F., (23.80%)

MAXIMUM LOT COVERAGE: (WORST CASE) 1079 S.F. = 54.42%,

MINIMUM LOT SQUARE FOOTAGE: 1,980 SQ. FT.,

PROPOSED NUMBER OF UNITS: 7

OLR

ARCHITECT

CARLOS LOPEZ-RIOCO ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS:

DATE: 1-20-11
SCALE: AS SHOWN
DRAWN: AS
JOB NO.:

A-17

SHEET NO.: 6 OF

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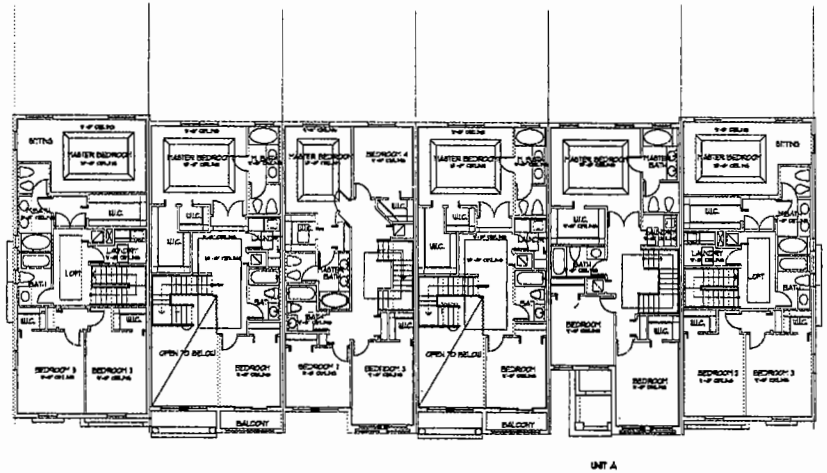
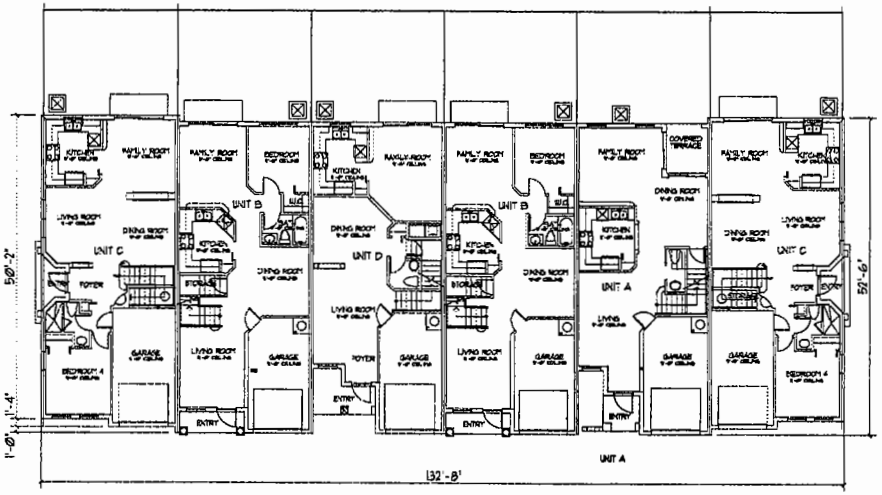
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL FRONT ELEVATION



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL SIDE ELEVATION

TOWNHOUSE GROUPING CONCEPTUAL REAR ELEVATION

OLR

ARCHITECT
CHRISTIAN LORES-DIECKO
ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

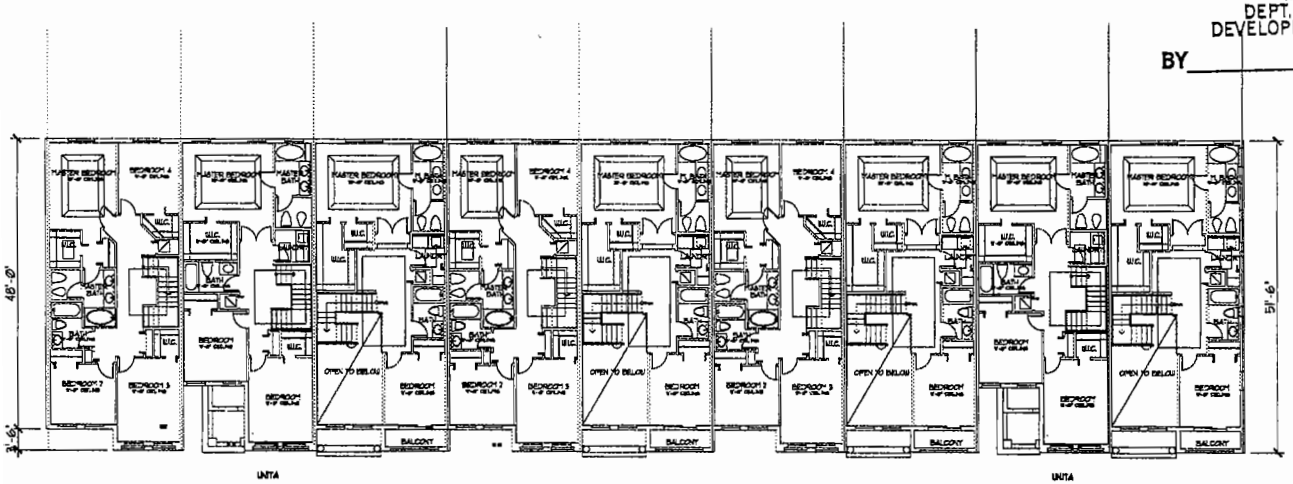
REVISIONS:

DATE: 11-20-3
SCALE: AS SHOWN
DRAWN: AS
JOB NO.:

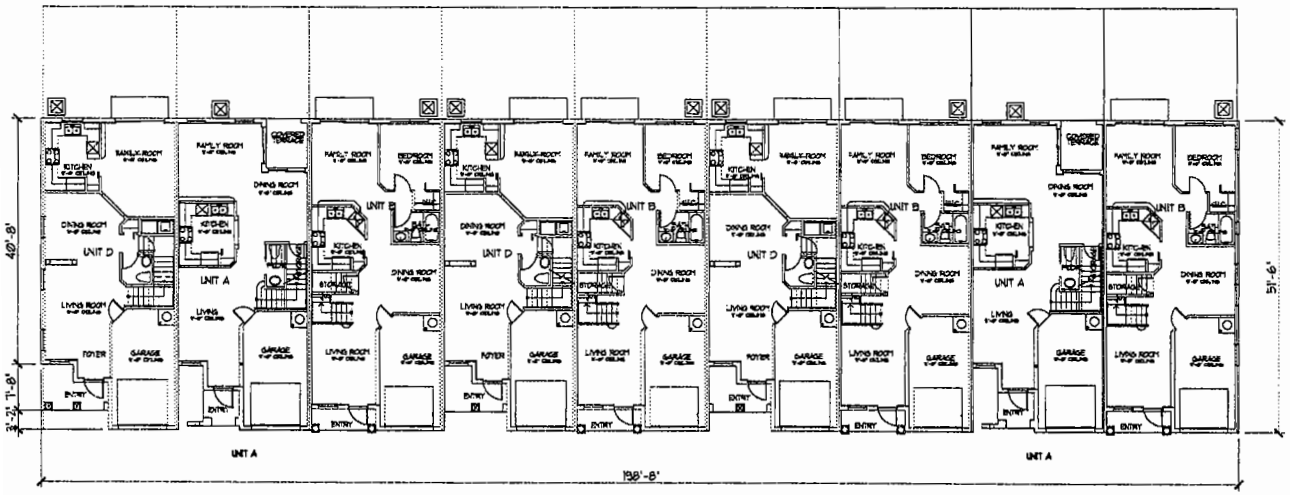
A-18

SHEET NO.: 1 OF

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN 9 UNIT BUILDING



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN-9 UNIT BUILDING

OLR

ARCHITECT
CRISTINA LOPEZ-RICIO
ARCHITECT
200 S.W. 27 AVENUE
SUITE 203
MIAMI, FLORIDA 33129
TELEPHONE: (305) 285-9996

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : 1-30-5
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-19

SHEET NO. : 2 OF

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DEPT. OF PLANNING & ZONING
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TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

SIDE ELEVATION UNIT B

TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

OLR

ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

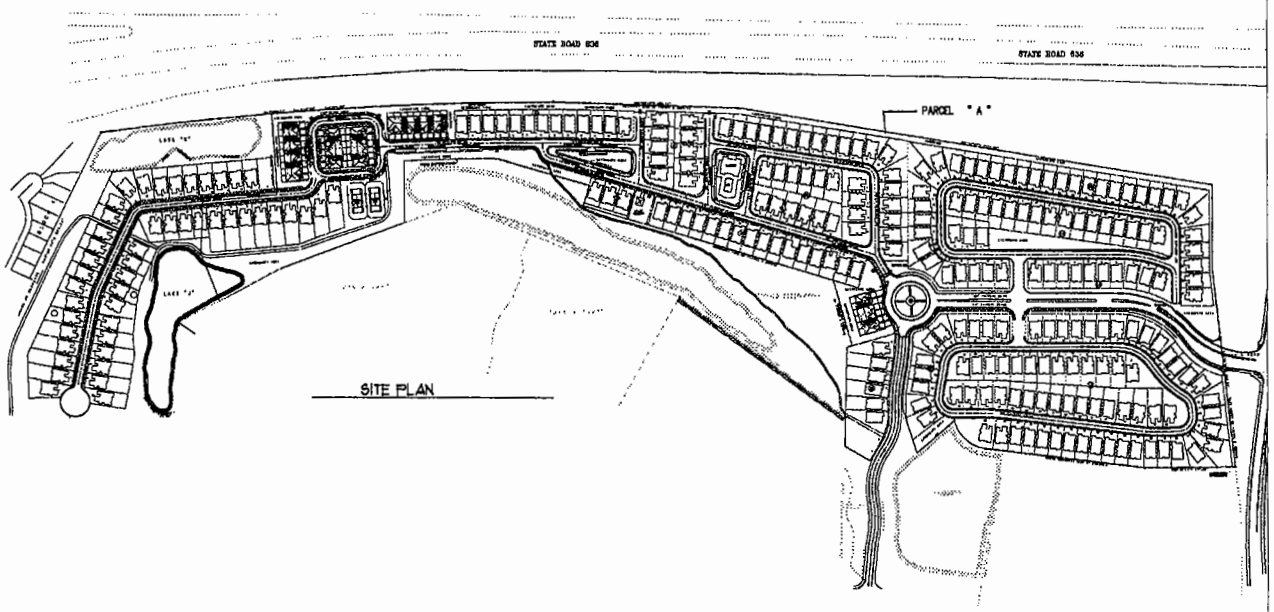
FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : 1-20-1
SCALE : AS SHOWN
DRAWN : AS
JOB NO. :

A-20

SHEET NO. : 2 OF



SITE PLAN

RECEIVED

APR 2 0 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

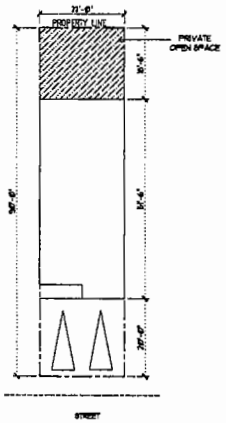
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



UNIT B LOT PLAN

TYPE II

TOWNHOMES

ARCHITECTURE STYLE: MEDITERRANEAN

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY TOWNHOUSE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 1893 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 60% OF INTERIOR GROSS FLOOR AREA: 1135.8 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 407 S.F., (21.50%)

MAXIMUM LOT COVERAGE: (WORST CASE) 1132 S.F. = 57.17%.

MINIMUM LOT SQUARE FOOTAGE: 1,980 SQ. FT.,

PROPOSED NUMBER OF UNITS: 14

73

OLR

ARCHITECT

CARLOS LOPEZ-RICO
ASSOCIATES

[illegible] SW 27 AVENUE
SUITE 200
MIAMI, FLORIDA 33[illegible]
TELEPHONE: (305) 3[illegible]-[illegible]

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

DATE : 1-30-[illegible]
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-21

SHEET NO. : 8 OF

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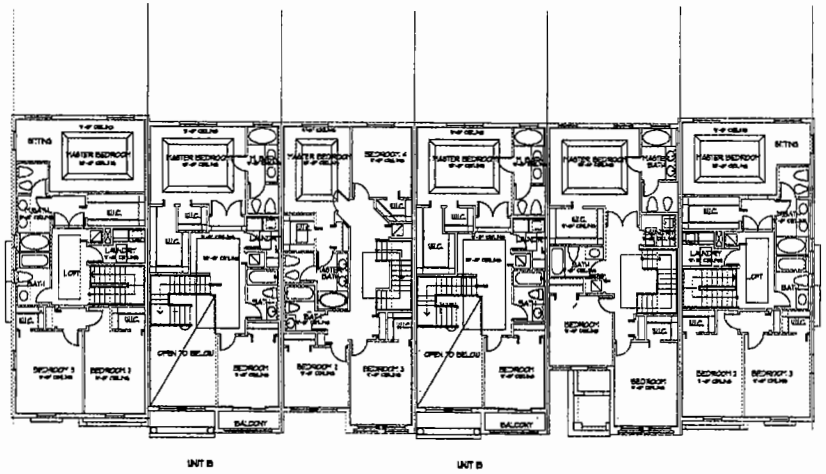
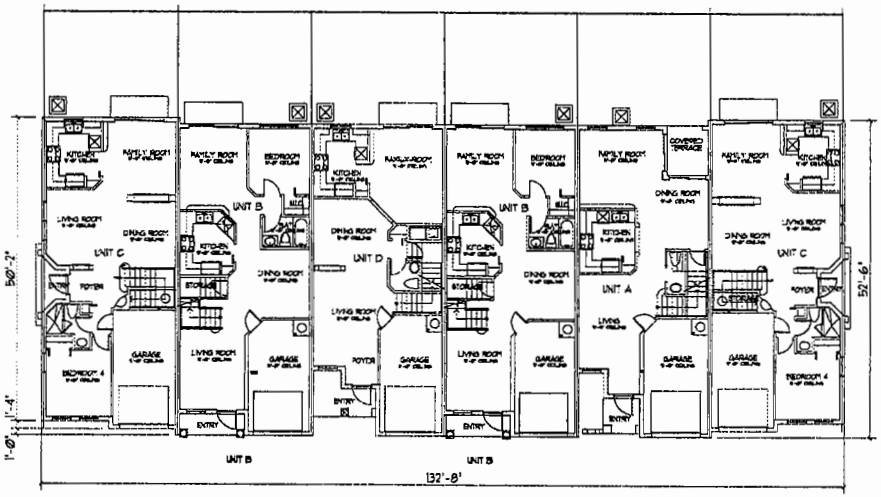
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL FRONT ELEVATION



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL SIDE ELEVATION

TOWNHOUSE GROUPING CONCEPTUAL REAR ELEVATION

OLR
ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

A-22

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APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
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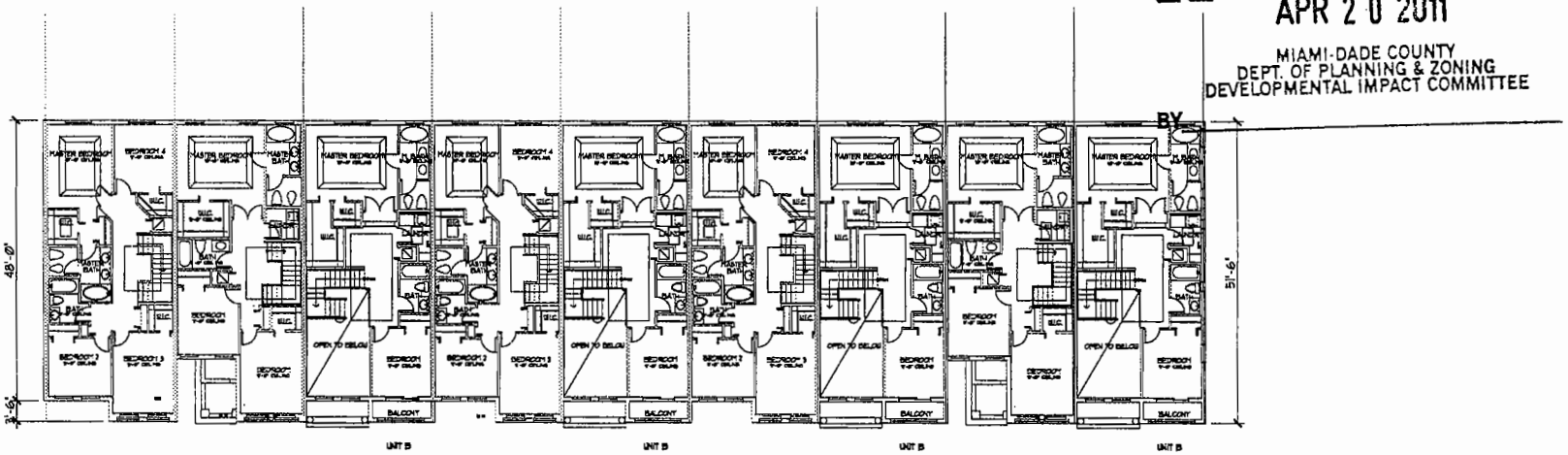
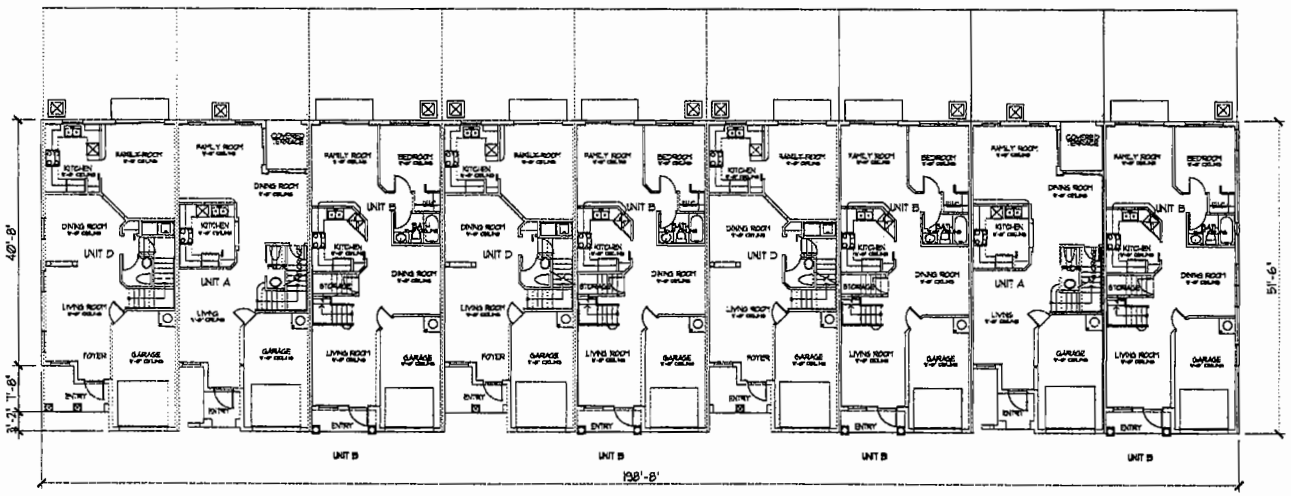


TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN 9 UNIT BUILDING



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN-9 UNIT BUILDING

OLR

ARCHITECT
CHRISTIAN LOPEZ-RIBICO
ARCHITECTS
[illegible] SW 8th AVENUE
SUITE 225
MIAMI, FLORIDA 33130
TELEPHONE (305) 285-0384

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

DATE : 1-10-2
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-23

SHEET NO. : 8 OF

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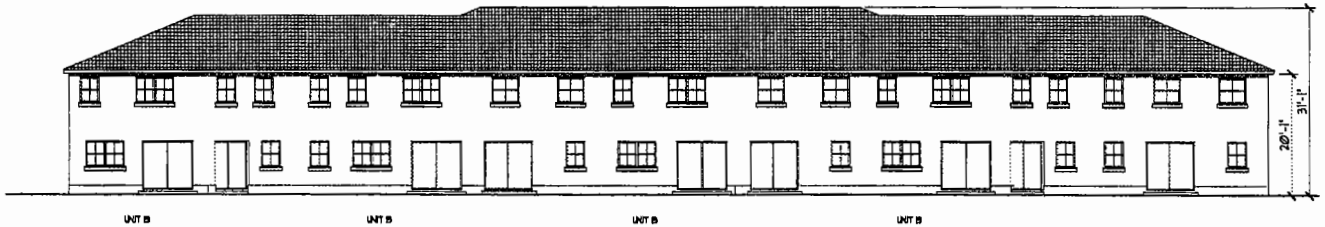
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

SIDE ELEVATION UNIT B



TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

OLR

ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

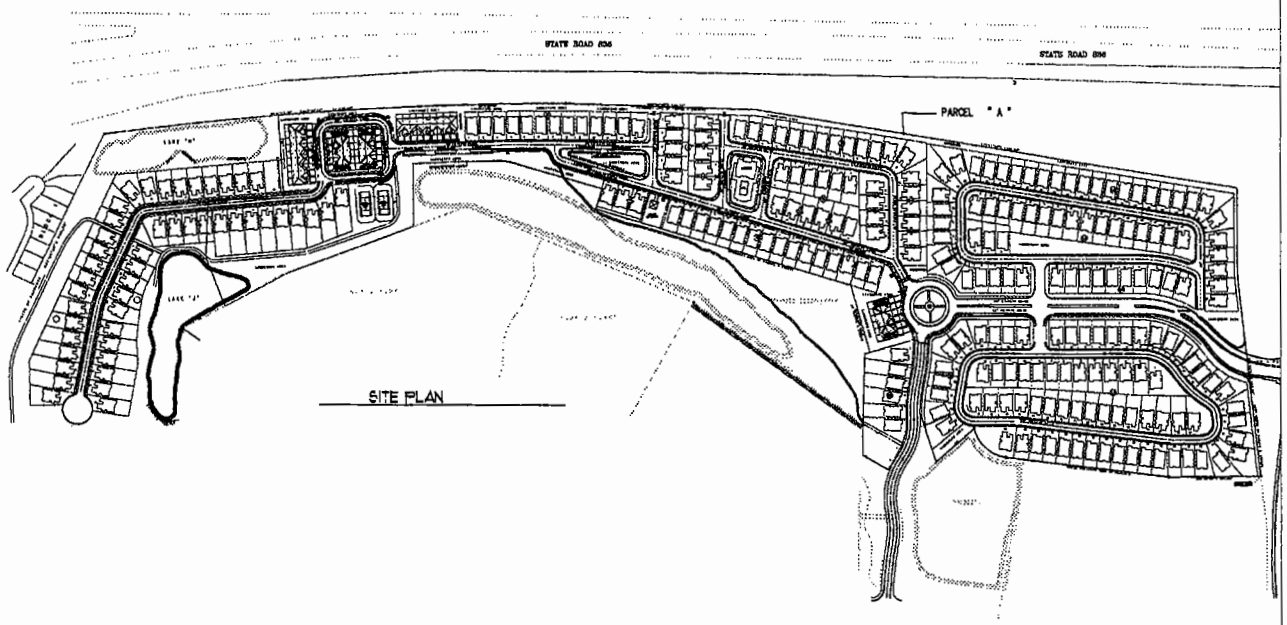
MIAMI, FL.

REVISIONS :

DATE : 11-20-1
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-24

SHEET NO. : 2 OF



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APR 2 0 2011
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DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

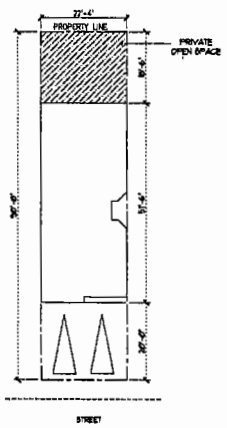
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



UNIT C LOT PLAN

TYPE II

TOWNHOMES

ARCHITECTURE STYLE: MEDITERRANEAN

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY TOWNHOUSE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2071 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 60% OF INTERIOR GROSS FLOOR AREA: 1242.6 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 407 S.F., (19.65%)

MAXIMUM LOT COVERAGE: (WORST CASE) 1135 S.F. = 57.3%.

MINIMUM LOT SQUARE FOOTAGE: 1,980 SQ. FT.,

PROPOSED NUMBER OF UNITS: 6

OLR

ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

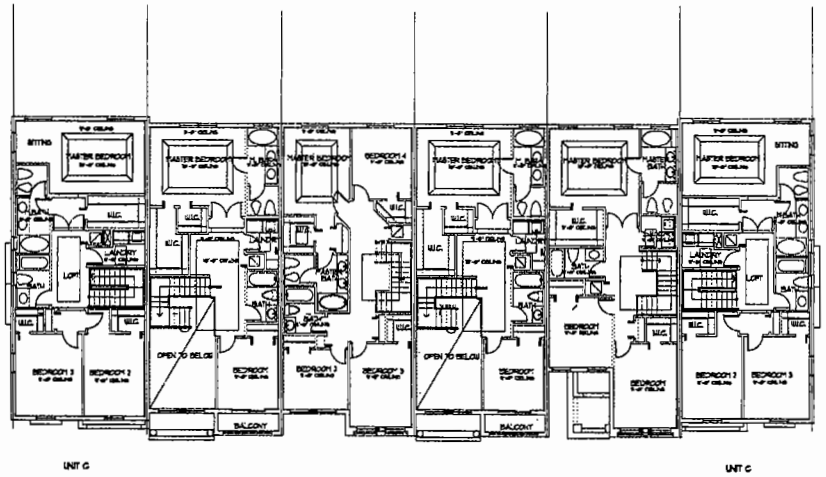
REVISIONS :

DATE : 11-30-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-25

SHEET NO. : 8 OF

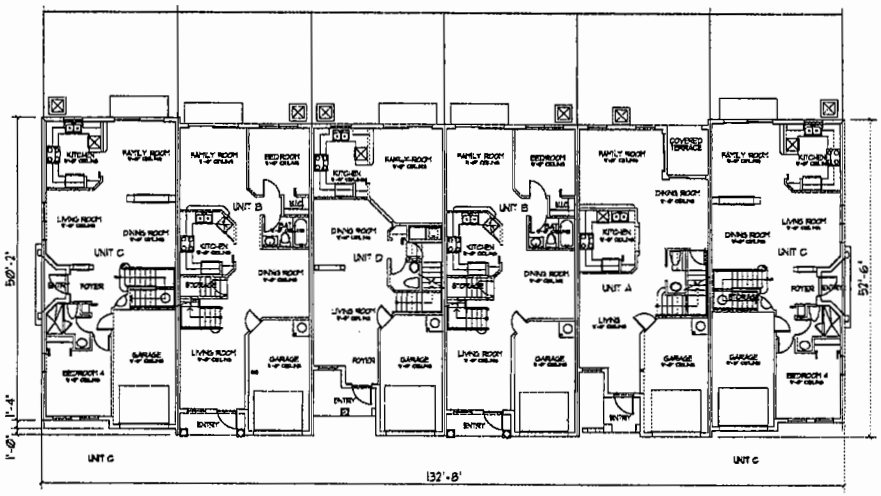
RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL FRONT ELEVATION

TOWNHOUSE GROUPING CONCEPTUAL SIDE ELEVATION



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL REAR ELEVATION

OLR

ARCHITECT
CRISTINA LOPEZ-RICO
ARCHITECT
[illegible]
MIAMI, FLORIDA [illegible]
TELEPHONE [illegible]

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

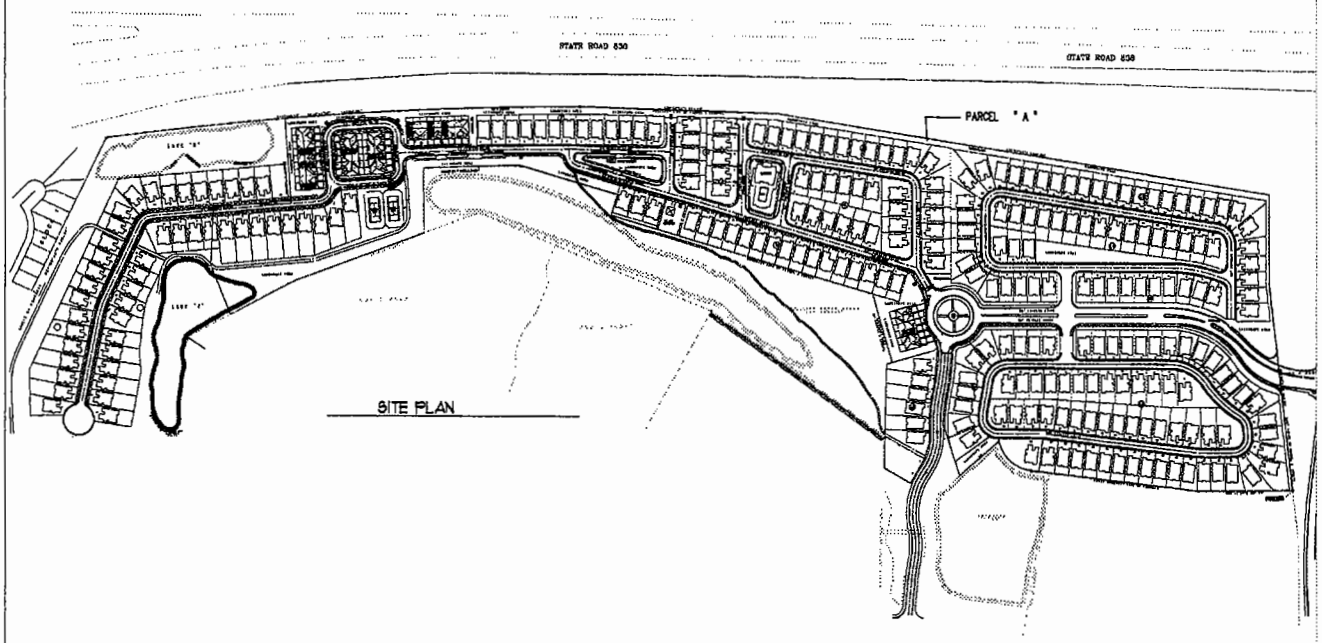
FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : [illegible]
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-26

SHEET NO. : [illegible] OF



SITE PLAN

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

BUILDING USE

1. USES OF THE BUILDING AS SHOWN HERE ARE RESIDENTIAL OCCUPANCY.
2. OTHER FOLLOWING USES ARE ADDITIONALLY PERMITTED FOR POOL HOUSE EQUIPMENT ENCLOSURES AND GAZEBOS

BUILDING PLACEMENT

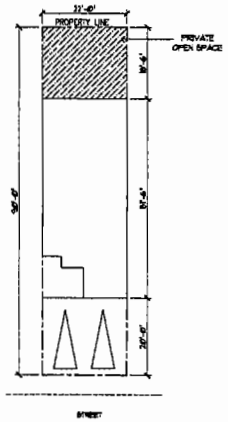
1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES AS SHOWN HERE

PARKING

1. PARKING SPACES SHALL BE PROVIDED WITHIN THE AREAS SHOWN.
2. NUMBER OF PARKING SPACES INDICATED SHALL BE CONSIDERED TO BE THE REQUIRED MINIMUM.

PERMITTED ENCROACHEMENT

1. THE FOLLOWING ARCHITECTURAL ELEMENTS SUCH AS STOOPS, BALCONIES, OPEN PORCHES COVERED WALKWAYS, BAY WINDOWS AND RAISED DOOR YARDS. SHALL BE PERMITTED TO ENCROACH WITHIN THE PARAMETERS SHOWN HERE.



UNIT D LOT PLAN

TYPE "A"

TOWNHOMES

ARCHITECTURE STYLE: MEDITERRANEAN

ARCHETYPE CHARACTERISTICS AND DEVELOPMENT PARAMETERS:

TWO STORY SINGLE FAMILY TOWNHOUSE

MAXIMUM HEIGHT TO ROOF EAVE AT MAIN STRUCTURE: 21' ABOVE GROUND FINISHED FLOOR

PROPOSED UNIT MAXIMUM INTERIOR GROSS AREA: 2173 S.F.

MINIMUM PRIVATE OPEN SPACE REQUIRED: 60% OF INTERIOR GROSS FLOOR AREA: 1303.8 S.F.

PRIVATE OPEN SPACE PROVIDED (WORST CASE) 407 S.F. (18.72%)

MAXIMUM LOT COVERAGE: (WORST CASE) 1098 S.F. = 56.35%.

MINIMUM LOT SQUARE FOOTAGE: 1,950 SQ. FT.

PROPOSED NUMBER OF UNITS: 9

OLR

ARCHITECT

CHRISTIAN LOPEZ-RECIO AIA#8850

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

DATE : 1-26-11

SCALE : AS SHOWN

DRAWN : AG

JOB NO. :

A-27

SHEET NO. : 9 OF

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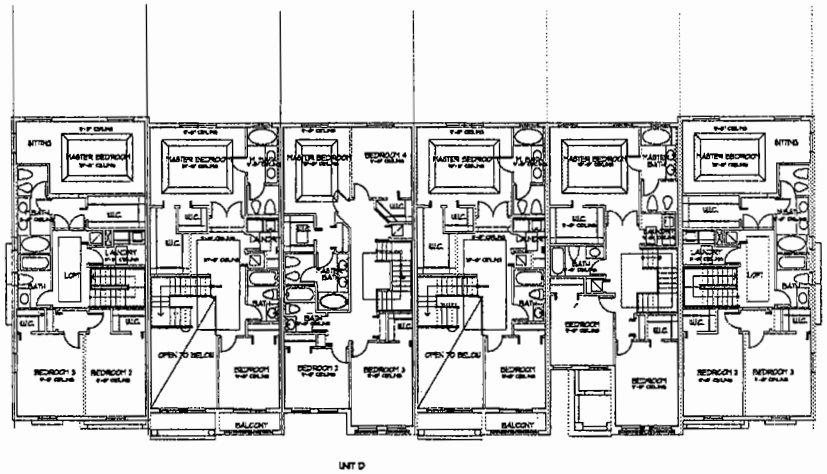
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

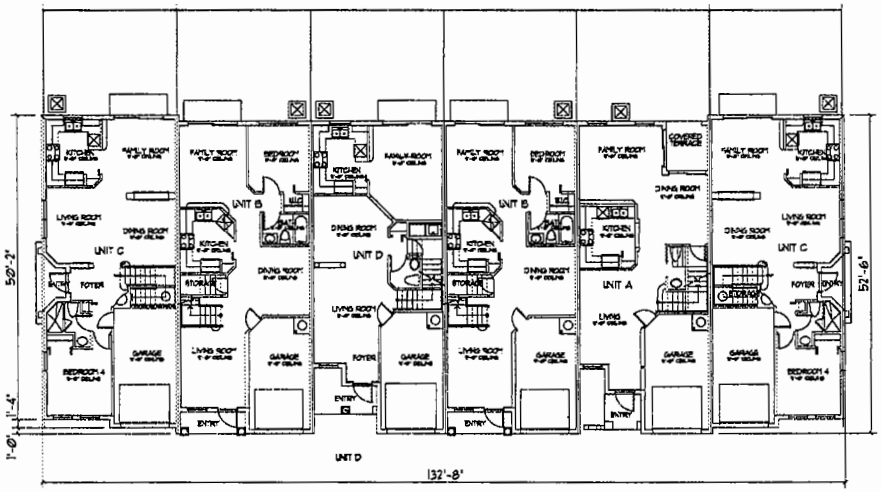
OLR



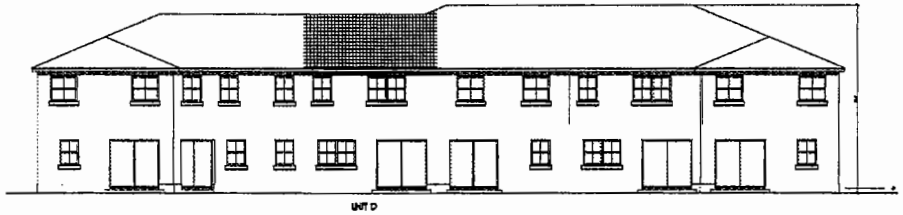
TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN

TOWNHOUSE GROUPING CONCEPTUAL FRONT ELEVATION

TOWNHOUSE GROUPING CONCEPTUAL SIDE ELEVATION



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN



TOWNHOUSE GROUPING CONCEPTUAL REAR ELEVATION

ARCHITECT
CRISTINA LOPEZ-RECIO ASSOCIATES
590 S.W. 27 AVENUE
SUITE 207
MIAMI, FLORIDA 33135
TELEPHONE: (305) 285-2000

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : 1-10-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

A-28

SHEET NO. : 6 OF

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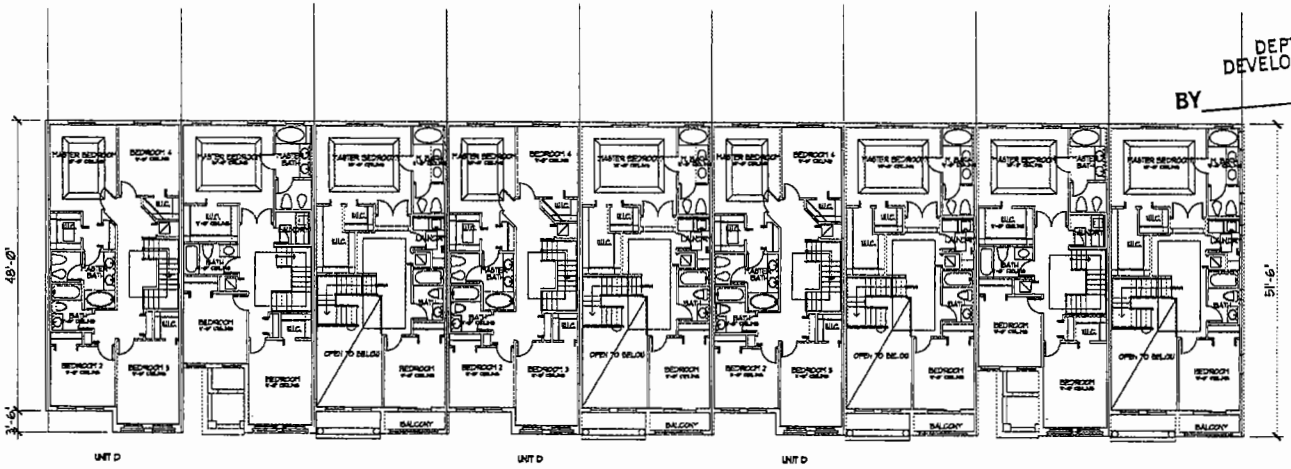
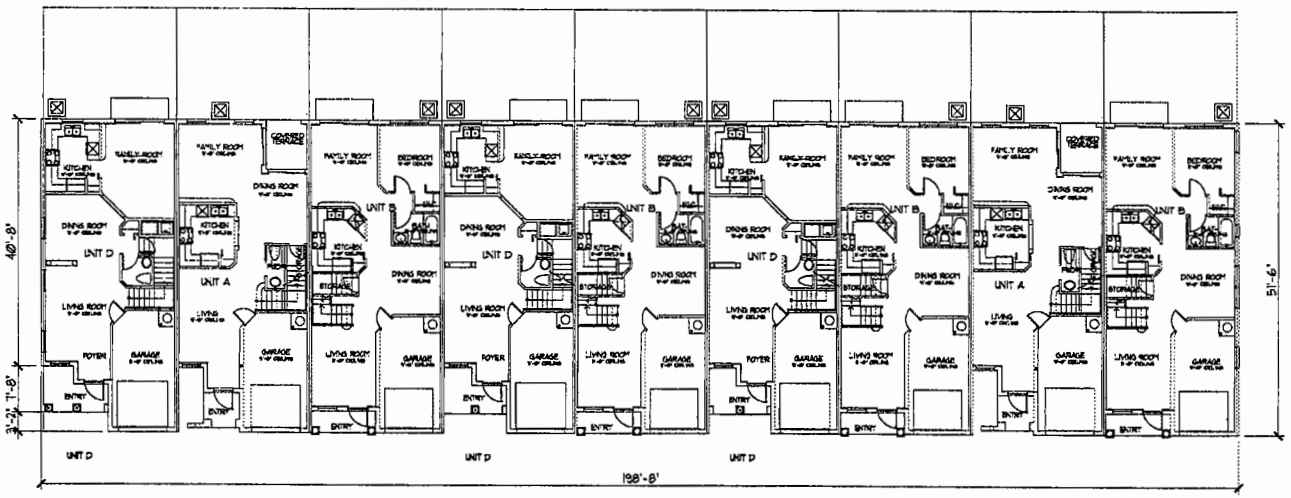


TOWNHOUSE GROUPING CONCEPTUAL SECOND FLOOR PLAN 9 UNIT BUILDING



TOWNHOUSE GROUPING CONCEPTUAL GROUND FLOOR PLAN-9 UNIT BUILDING

OLR

ARCHITECT

ORSINI LOPEZ-RICO ARCHITECTS

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

REVISIONS :

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TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

SIDE ELEVATION UNIT B

TOWNHOUSE GROUPING CONCEPTUAL ELEVATION 9 UNIT BUILDING

OLR

ARCHITECT:
CHRISTIAN LOPEZ-RIOJO ASSOCIATES
7700 N.W. 37 AVENUE
SUITE 202
MIAMI, FLORIDA 33147
TELEPHONE (305) 693-0808

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

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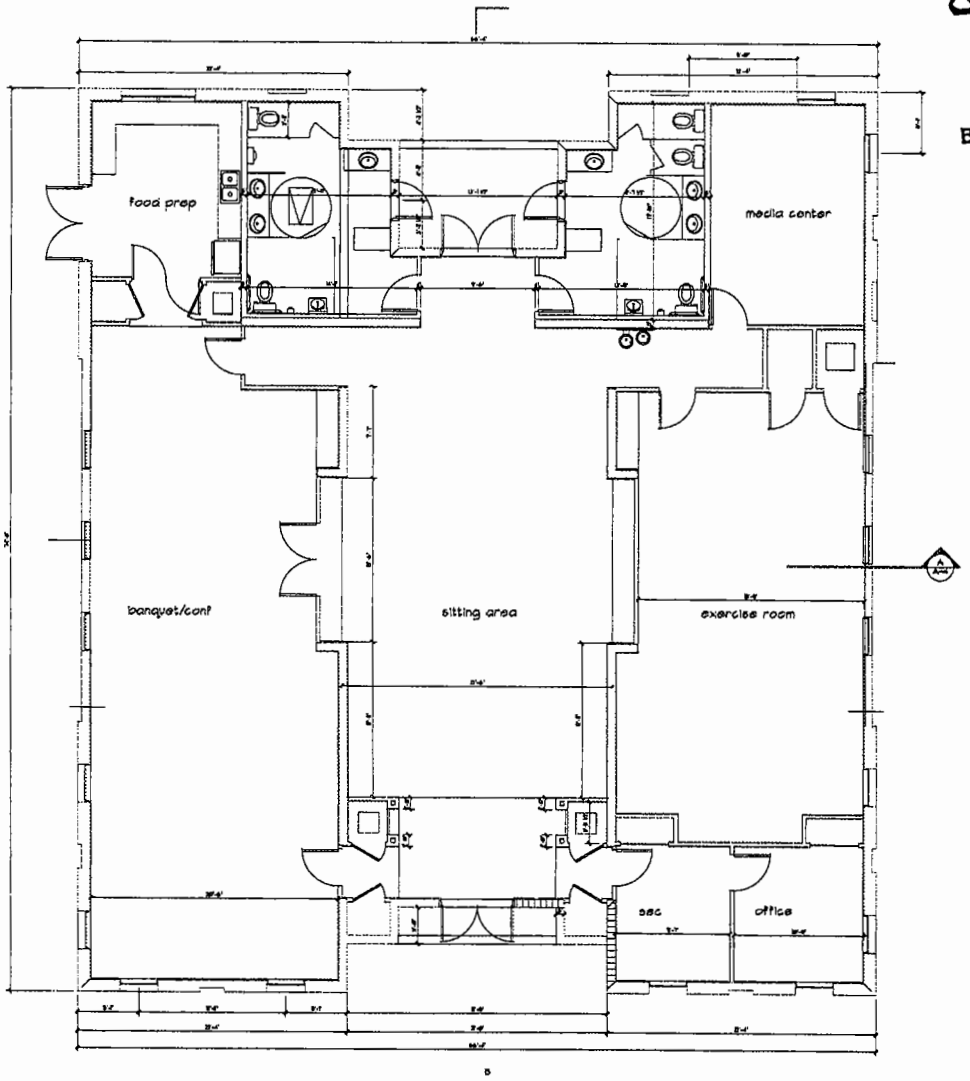

FLOOR PLAN
SCALE: 1/4"=1'-0"

OLR

ARCHITECT

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

CH-1

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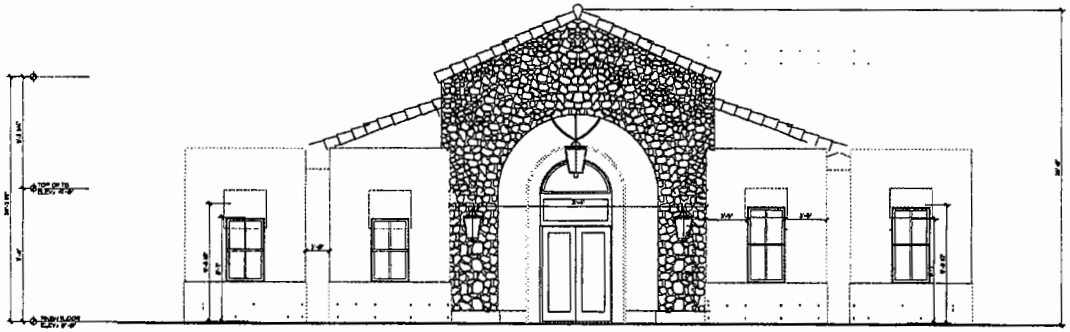
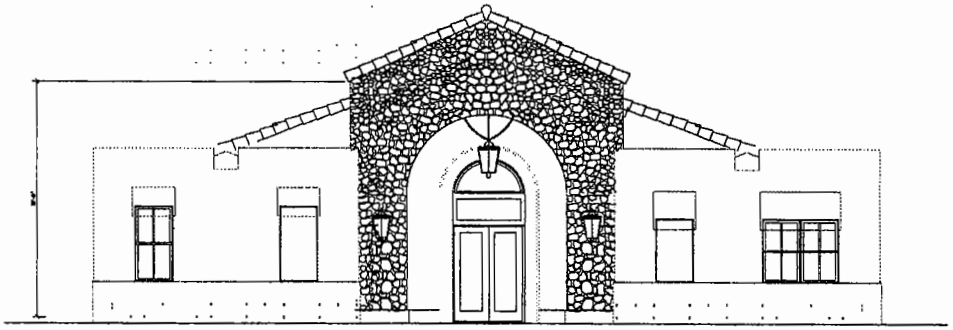


FRONT ELEVATION
SCALE: 3/16"=1'-0"



REAR ELEVATION
SCALE: 3/16"=1'-0"

OLR

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MIAMI-DADE COUNTY, FLORIDA

CH-2

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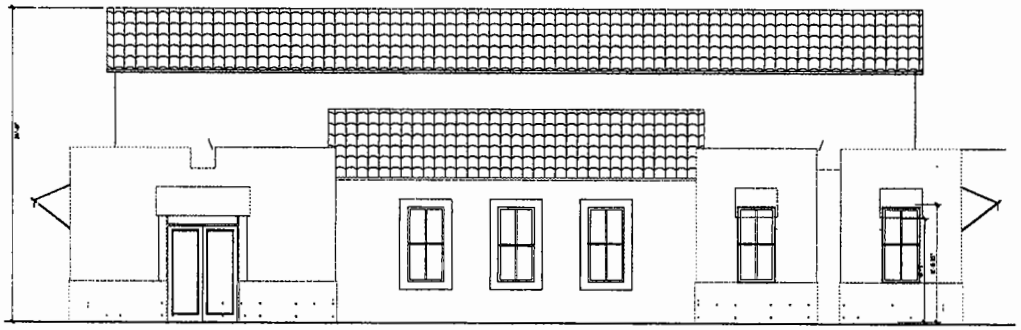
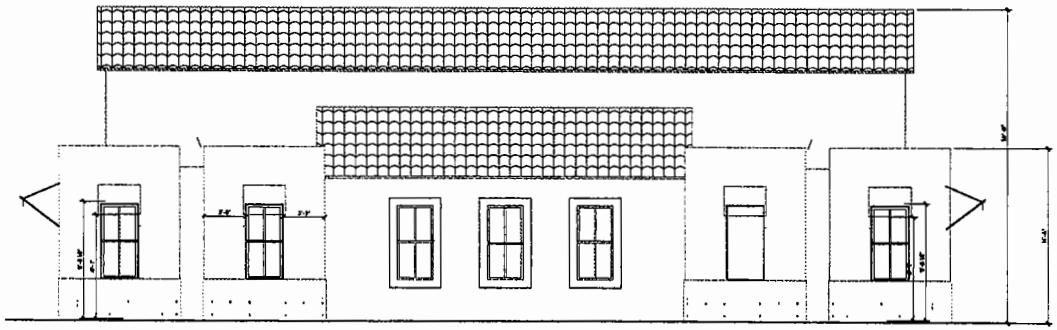
BY



LEFT ELEVATION
SCALE: 3/16"=1'-0"



RIGHT ELEVATION
SCALE: 3/16"=1'-0"

OLR

ARCHITECT

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

CH-3

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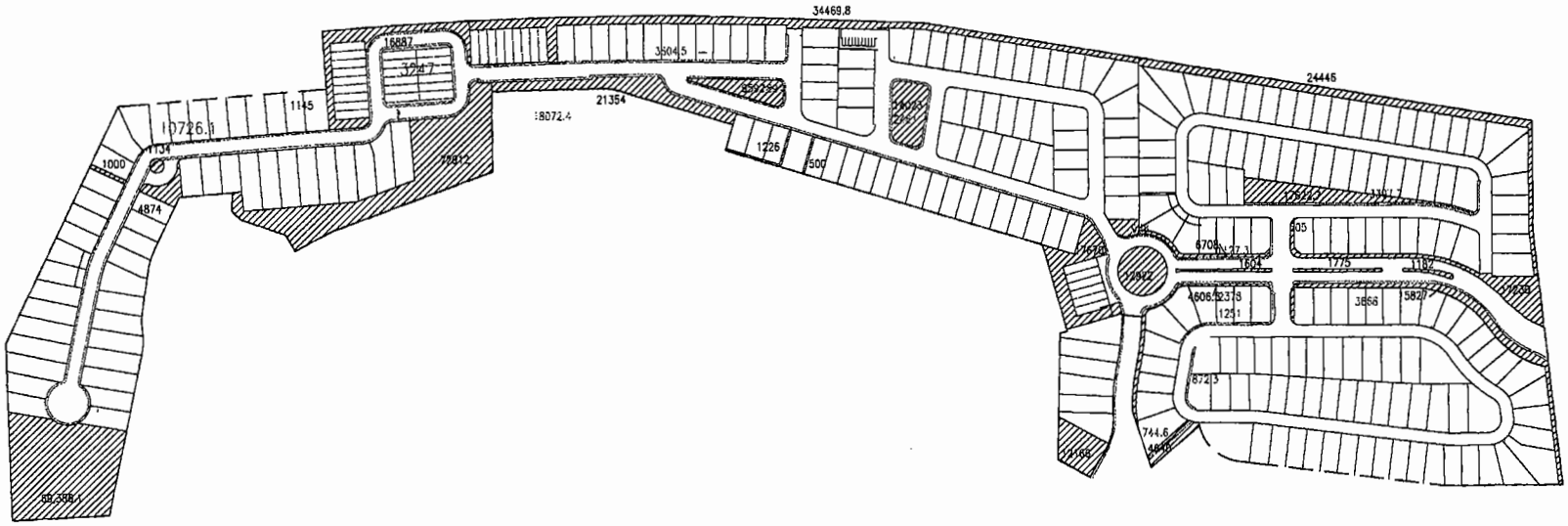

COMMON OPEN SPACE CALCULATION

TOTAL COMMON OPEN SPACE = 386,948.4 S.F.
TOTAL SIDEWALK AREA = 55,806 S.F.

OLR

ARCHITECT

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY, FLORIDA

REVISIONS :

DATE : 04-13-11
SCALE : 1/1000
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JOB NO. :

COS

SHEET NO. :

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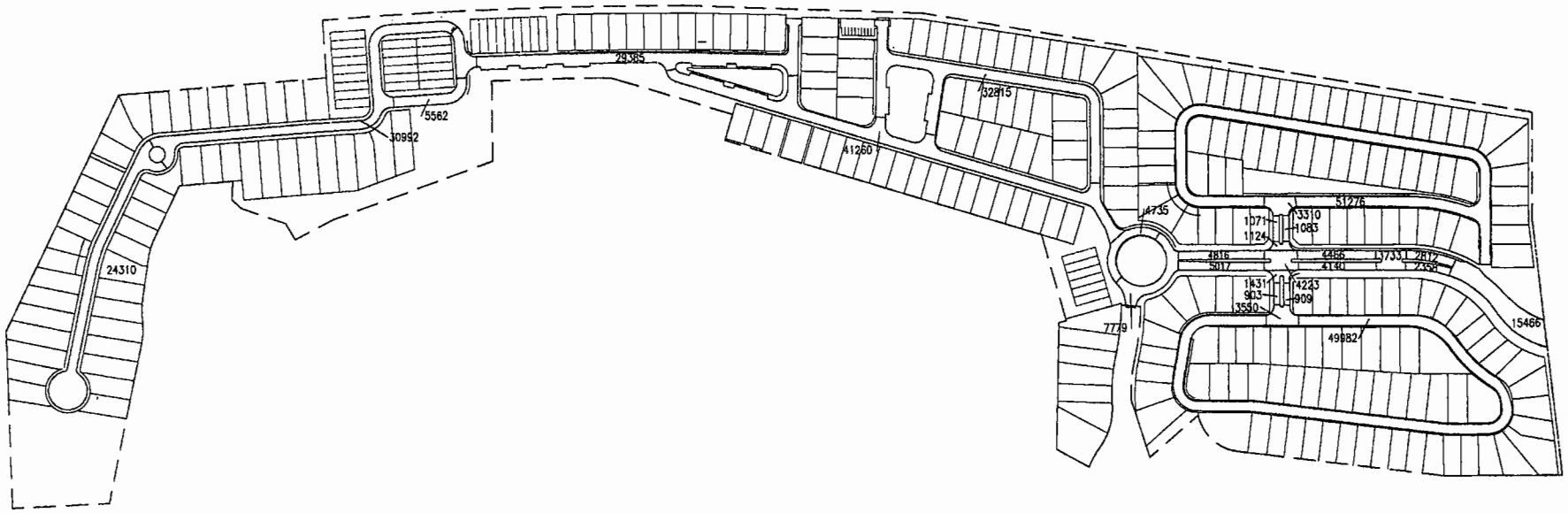

PRIVATE SREETS CALCULATION

TOTAL STREET AREA = 337346.6 S.F.

OLR

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY , FLORIDA

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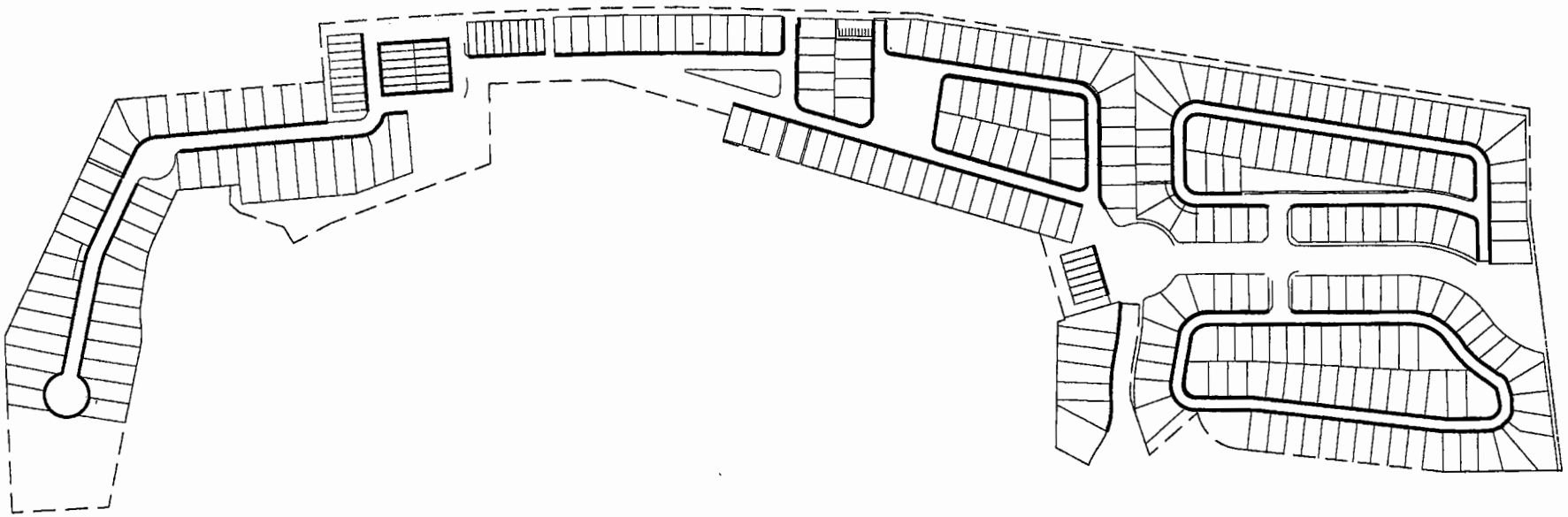

BLOCK LENGTH PLINE

TOTAL BLOCK LENGTH= 15672 S.F.

OLR

ARCHITECTS

ORESTES LOPEZ-RICO
ARCHITECT

[illegible]
SUITE 220
MIAMI, FLORIDA [illegible]
TELEPHONE [illegible]

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY , FLORIDA

REVISIONS :

DATE : [illegible]
SCALE : [illegible]
DRAWN : [illegible]
JOB NO. :

BPL

SHEET NO. :

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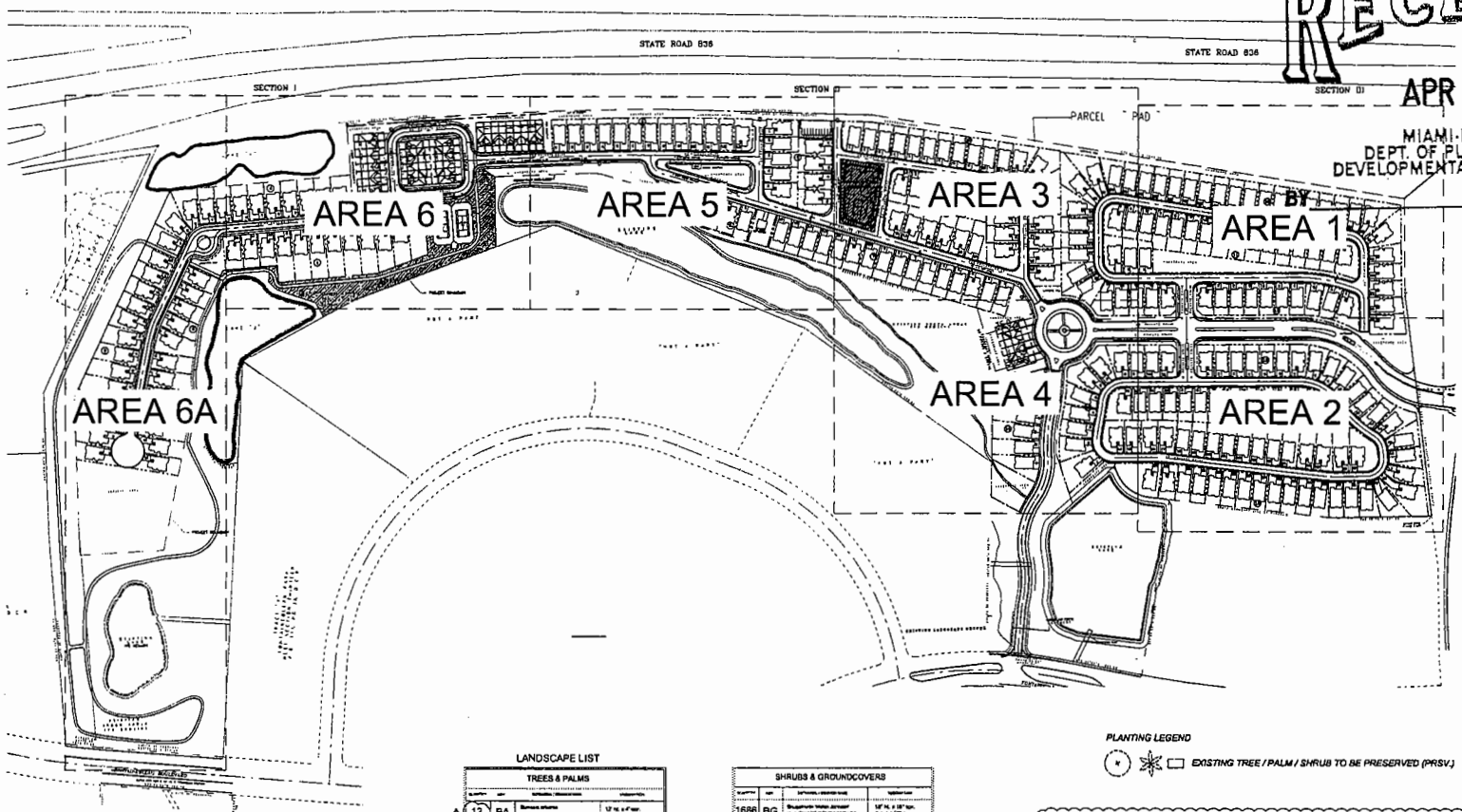

LIST OF SHEETS

INDEX, KEY PLAN & PLANT LIST
L-1 OVERALL LANDSCAPE PLAN - AREA 1
L-2 OVERALL LANDSCAPE PLAN - AREA 2
L-3 OVERALL LANDSCAPE PLAN - AREA 3
L-4 OVERALL LANDSCAPE PLAN - AREA 4
L-5 OVERALL LANDSCAPE PLAN - AREA 5
L-6 OVERALL LANDSCAPE PLAN - AREA 6
L-6 OVERALL LANDSCAPE PLAN - AREA 6 A
L-7 MODEL A INTERIOR / CORNER TYP. LAND. PLAN
L-8 MODEL B INTERIOR / CORNER TYP. LAND. PLAN
L-9 MODEL C INTERIOR / CORNER TYP. LAND. PLAN
L-10 MODEL D INTERIOR / CORNER TYP. LAND. PLAN
L-11 MODEL E INTERIOR / CORNER TYP. LAND. PLAN
L-12 MODEL F INTERIOR / CORNER TYP. LAND. PLAN
L-13 MODEL G INTERIOR / CORNER TYP. LAND. PLAN
L-14 PLANTING DETAILS

LANDSCAPE LIST

TREES & PALMS

	QUANTITY	KEY	BOTANICAL / COMMON NAME	DESCRIPTION
⚠	12	BA	Bursera simaruba GRAMWOOD	12' ht. x 4" spr. 7 g.
⚠⚠	14	BS	Bursera simaruba QUIMIO LIMBO	12' ht. x 8" spr. 5 g.
⚠	34	BU	Bauhinia blakeana HONG KONG ORCHID TREE	14' ht. x 8' spr. 10 g.
⚠	77	CB	Calophyllum brasiliense BRAZILIAN BEAUTYLEAF	12' ht. x 5' spr. 7 g.
⚠⚠	56	CE	*Conocarpus erectus GREEN BUTTONWOOD	12' ht. x 4' spr. 7 g.
	12	CN	Cinnamomum verum (Zeylanicum) GREEN MALAYAN CINNAMON	8' o.a. ht. 7 g.
⚠	6	CO	*Chrysophyllum oliviforme SATIN LEAF	12' ht. x 4' spr. 7 g.
⚠	41	CS	*Conocarpus erectus sericeus SILVER BUTTONWOOD	12' ht. x 4' spr. 7 g.
⚠	48	CSE	*Cordia sebestena ORANGE GEIGER TREE	12' ht. x 6' spr. 7 g.
⚠	3	DR	Delonix regia ROYAL POINCIANA	12' ht. x 6' spr. 7 g.
⚠	44	IL	*Ilex cornuta 'Dwarf Pendula' DWF PALMETTO HOLLY	12' ht. x 8' spr. 7 g.
	2	JM	Jacaranda mimosifolia JACARANDA	12' ht. x 5' spr. 7 g.
⚠	18	LI	Lagerstroemia indica 'Alamo' CRAPE MYRTLE STD	12' ht. x 6' spr. 7 g., single trunk
	2	LL	Liquidambar styraciflua 'Rotundiloba' SWEET GUM STD	12' ht. x 6' spr. branch up 7', MUST HAVE 7 g.
	46	NO	Nerium oleander OLEANDER	8' ht. x 6' spr. STD
	5	PE	Phoenix reclinata SENEGAL DATE PALM	12' o.a. ht. double 15 g.
⚠⚠	94	QV	*Quercus virginiana LIVE OAK	12' ht. x 5' spr. 7 g.
⚠	37	RE	*Roystonea elata ROYAL PALM	16 - 18' ht. x 10' - 8' o.a. 15 g., matched
⚠⚠	121	SM	*Serenoa repens 'Monterey' MONTEREY	12' ht. x 5' spr. 7 g.
	65	SP	*Sabal palmetto CABBAGE PALM	12' - 16' o.a. ht. specimen Hel STD. 15 g.
⚠	83	SS	Serra foetidissima GUACUCUS CHINA	12' ht. x 5' spr. 5' clr. min. 7 g.
⚠	2	TH	Tabebuia heterophylla PINK TRUMPET TREE	12' ht. x 5' spr. 15 g.
⚠	6	VM2	Vitex mollipubescens MONTGOMERY PALM	12' ht. single trk. 7 g.

SHRUBS & GROUNDCOVERS

	QUANTITY	KEY	BOTANICAL / COMMON NAME	DESCRIPTION
	1686	BG	Bougainvillea 'Helen Zamora' vs. a. DWARF BOUGAINVILLEA	18" ht. x 18" spr. 3 gal. / 18" o.c.
⚠⚠	3203	CI	*Chrysobalanus icaco 'Red Tip' RED TIP COCOPLUM	24" ht. x 24" spr. 3 gal.
	577	DE	Duranta erecta 'Gold Mound' GOLD MOUND DURANTA	18" ht. x 18" spr. 3 gal. / 18" o.c.
	463	EM	Euonymus alatus 'Compactus' DWARF CINNAMON OF THORNS	18" ht. x 18" spr. 1 gal. PULL / 18" o.c.
⚠	252	FM	Ficus microcarpa 'Green Island' GREEN ISLAND FICUS	18" ht. x 18" spr. 3 gal. / 24" o.c.
⚠	440	IN	Ixora 'Nora Grant' NORA GRANT IXORA	18" ht. x 18" spr. 3 gal. / 24" o.c.
	38	IT	Ixora coccinea 'Dwarf' DWARF IXORA	18" ht. x 18" spr. 3 gal. / 18" o.c.
	1180	IY	Ixora 'Maui Yellow' YELLOW DWARF IXORA	18" ht. x 18" spr. 3 gal. / 18" o.c.
⚠⚠	933	JV	Jasminum volubile WAX JASMINE	18" ht. x 24" spr. 3 gal.
⚠	105	LV	Ligustrum vulgare 'Variegatum' VARIEGATED LIRIOPE	12" ht. x 12" spr. 1 gal.
	600	MS	Monstrosum spathiphyllum 'Jewel' Hybrid	18" ht. x 18" spr. 3 gal.
	200	ND	Nerium oleander dwarf red form DWARF RED OLEANDER	24" ht. x 24" spr. 3 gal.
⚠	300	PL	Pentas lanceolata 'New Look Red' RED PENTAS	18" ht. x 18" spr. 1 gal. / 12" o.c.
	264	PM	Podocarpus macrophyllus PODOCARPUS	4' ht. x 24" spr. 7 gal. / 24" o.c.
	75	PS	Philodendron selloum PHILODENDRON	24" ht. x 24" spr. 3 gal.
	615	TD	*Trachelospermum jasminoides 'Dwarf' DWF. TRACHELOSPERMUM	24" ht. x 24" spr. 3 gal.
	48 REQ'D	[illegible]	[illegible] ST. AUGUSTINE GRASS	Solid Even Bed
⚠	10 REQ'D	[illegible]	[illegible] ARGENTINE BAHIA GRASS	Solid Even Bed

*INDICATES NATIVE SPECIES
*NOTE: BAHIA GRASS ADDED TO TENNIS COURT RECREATION AREA. SEE SHEET L-6

PLANTING LEGEND

EXISTING TREE / PALM / SHRUB TO BE PRESERVED (PRSV.)

LANDSCAPE LEGEND Information Required to be Permanently Affixed to Plan

Zoning District: RU-4M (EXISTING) P.A.D. (PROPOSED) — Net Lot Area 54.43 acres 2,370,871 s.f.

OPEN SPACE	REQUIRED	PROVIDED
A. Square Feet of open space required by Chapter VII, as indicated on site plan: Net lot area = 2,370,871 s.f. x 30 % = 711,261 s.f.	711,261	441,009
B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan: No. outside/ground-level parking spaces 38 x 10 s.f. per parking spaces =	380	380
C. Total s.f. of landscaped open space required by Chapter 33: A + B =	711,671	441,889
LAWN AREA CALCULATION		
A. 711,671 total s.f. of landscaped open space required by Chapter 33		
B. Maximum lawn area (sod) permitted = 40 % x 711,671 s.f. =	284,669	284,000**
TREES		
A. No. trees required per net lot acre: Less existing number of trees meeting minimum requirements = 38 trees x net lot acres =	1524	1524 ***
B. % Palms Allowed: No. trees required x 30% =	458	280
C. % Natives Required: No. trees provided x 30% =	458	730
D. Street trees (maximum average spacing of 35' o.c.): 19,703 linear feet along street /35 =	449	449
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): ____ linear feet along street / 25 =	N/A	N/A
A + D + E = 1,962 Total Trees		
F. Total Trees Required	1,973	1,973
SHRUBS		
A. No. trees required x 10 = No. of shrubs allowed	19,730	19,730***
B. No. shrubs allowed x 30% = No. of native shrubs required	5,918	6,066

IRRIGATION PLAN: If required by Chapter 33
TABLE: Containing information as indicated in sample below — SEE LANDSCAPE LIST

***Includes Landscape Material Shown On Building Typicals

NORTH

WITKIN HULTS DESIGN GROUP
307 South 21st Avenue, Hollywood, Florida
phone: 954.923.0481 facsimile: 954.923.9489
www.witkinhultsdesign.com

Project:
FOUNTAINBLEAU LAKES P.A.D
MIAMI-DADE COUNTY, FLORIDA
INDEX, KEY PLAN & PLANT LIST

Revisions:
1) 09.30.2010 SITE PLAN REVISION
2) 10.20.2010 PER COUNTY COMMENTS
3) 11.10.2010 PER SITE PLAN CHANGES
4) 12.02.2010 PER SITE PLAN CHANGES
5) 12.17.2010 PER SITE PLAN CHANGES
6) 03.30.2011 PER SITE PLAN CHANGES
7) 04.15.2011 PER OPEN SPACE PROVIDED

Seal:

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

Drawing: INDEX, KEY, PLANT LIST
Date: 08/29/2010
Scale: NTS
Drawn by: TO
Sheet No.:

INDEX

Cert No.: 2010-261

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SECTION III

PAD "

MATCH LINE AREA 3

LANDSCAPE AREA

22' PRIVATE DRIVE

14' PRIVATE DRIVE

MATCH LINE AREA 2

NORTH

WITKIN HULTS DESIGN GROUP

Project:

FOUNTAINBLEAU LAKES P.A.D

MIAMI-DADE COUNTY, FLORIDA

OVERALL LANDSCAPE PLAN-AREA 6

Revisions:

1) 09.29.2010 SITE PLAN REVISION
2) 10.30.2010 PER COUNTY COMMENTS
3) 11.15.2010 PER SITE PLAN CHANGES
4) 03.30.2011 PER SITE PLAN CHANGES

Seal:

Lic. # LA0000569
Member: A.S.L.A.

Drawing: LANDSCAPE PLAN AREA 1
Date: 05/25/2010
Scale: 1"=50'
Drawn by: TG
Sheet No.:

L-1

Cad Id.: 2010-251

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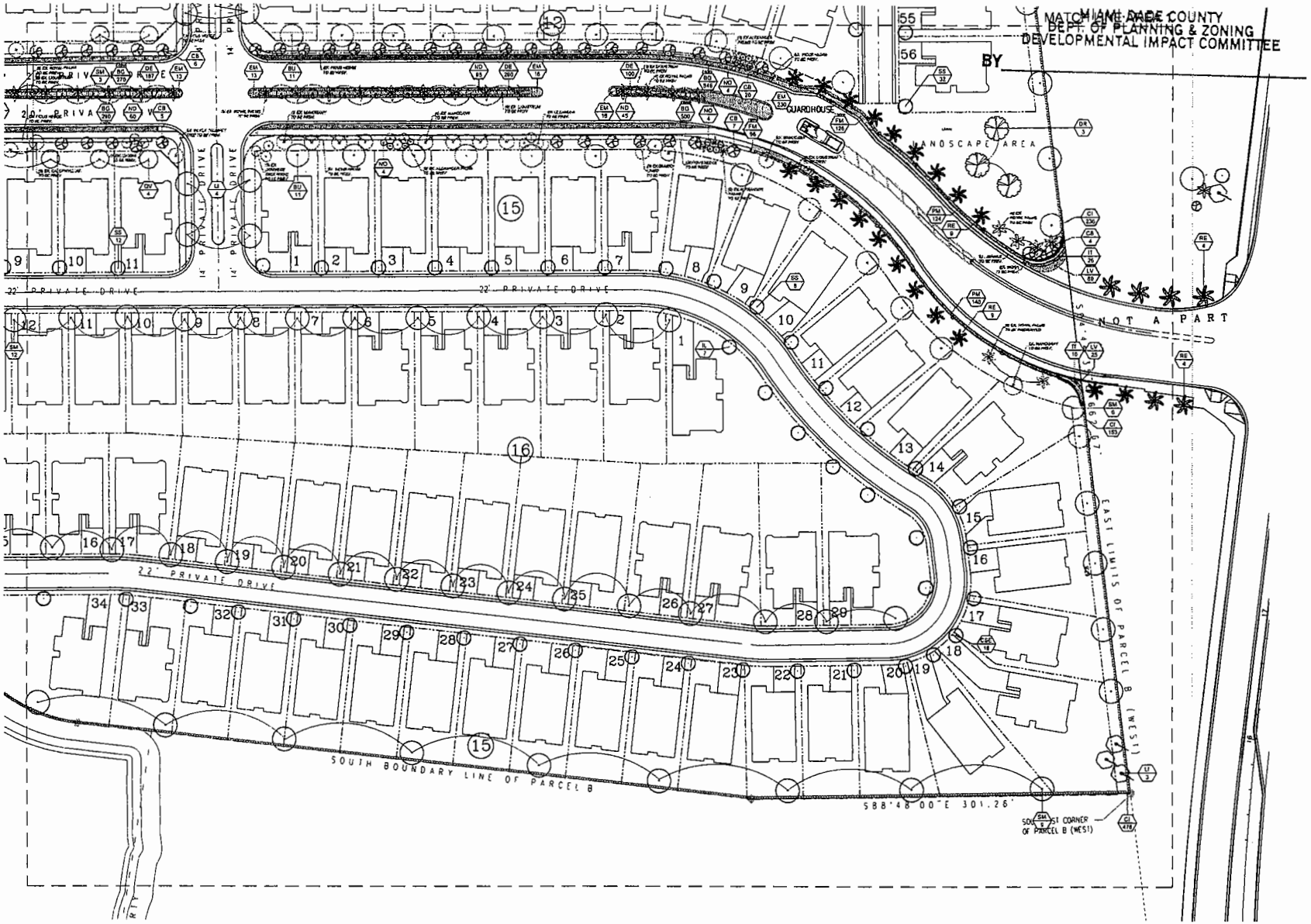

WITKIN HULTS DESIGN GROUP
207 south 21st avenue hollywood, florida
phone: 954.923.3631 facsimile: 954.923.3685
www.witkinhultsdesign.com

Project:

FOUNTAINBLEAU LAKES P.A.D

MIAMI-DADE COUNTY, FLORIDA

OVERALL LANDSCAPE PLAN-AREA 6

Revisions:
1) 08.23.2010 SITE PLAN REVISION
2) 10.20.2010 PER COUNTY COMMENTS
3) 11.15.2010 PER SITE PLAN CHANGES
4) 05.30.2011 PER SITE PLAN CHANGES

Seal:

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

Drawing: LANDSCAPE PLAN AREA 2
Date: 05/25/2010
Scale: 1"=50'
Drawn by: TO
Sheet No.:

L-2

Cad file: 2010-251

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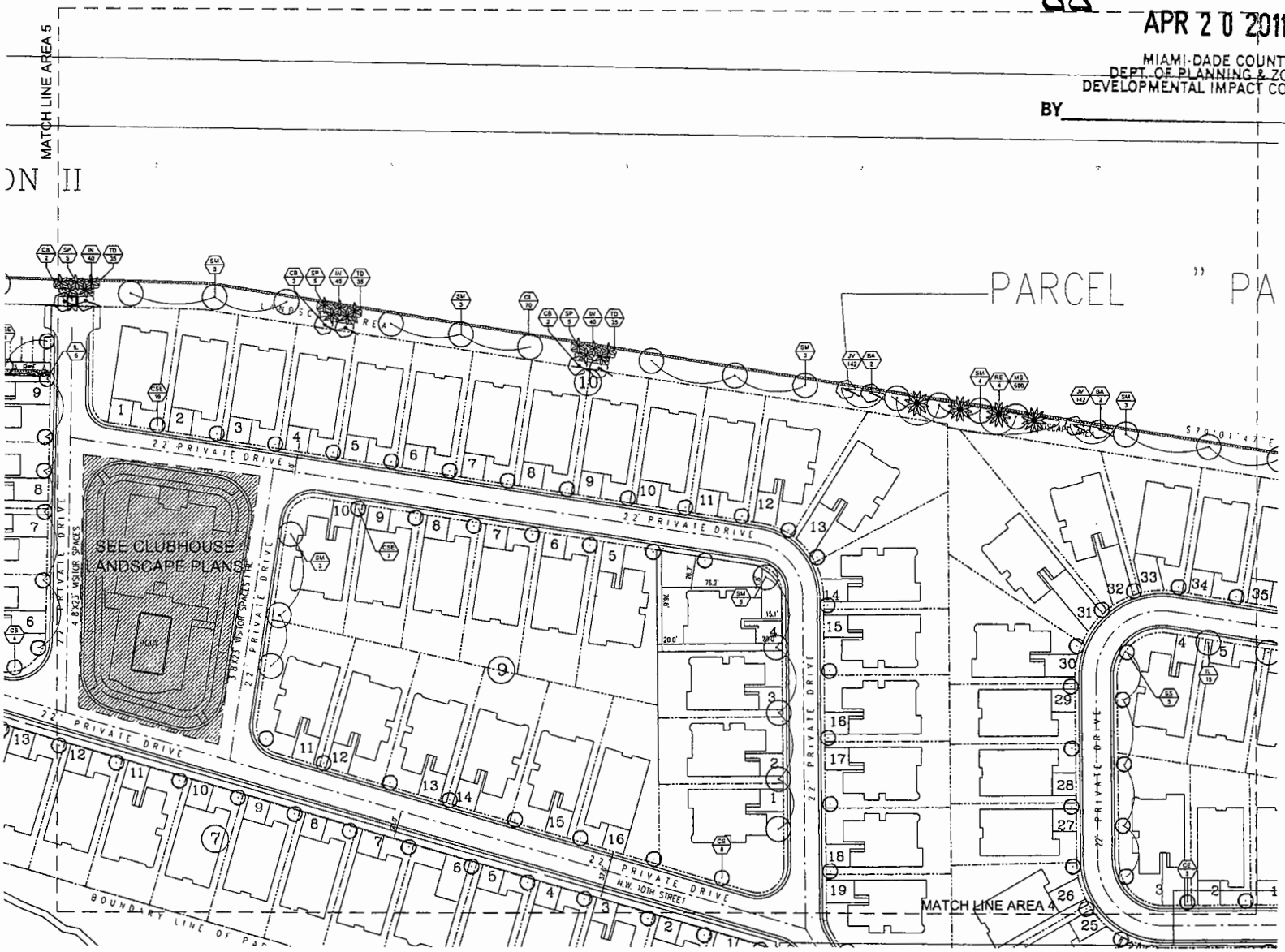


WITKIN HULTS DESIGN GROUP
307 south 21st avenue hollywood, florida
phone: 954.923.9681 facsimile: 954.923.9689
www.wdesigngroup.com

FOUNTAINBLEAU LAKES P.A.D
MIAMI-DADE COUNTY, FLORIDA
OVERALL LANDSCAPE PLAN-AREA 6

Project:

Revisions:
1) 06.30.2010 SITE PLAN REVISION
2) 10.25.2010 PER COUNTY COMMENTS
3) 11.15.2010 PER SITE PLAN CHANGES
4) 03.30.2011 PER SITE PLAN CHANGES

Seal:

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

Drawing: LANDSCAPE PLAN AREA 3
Date: 05/25/2010
Scale: 1"=30'
Drawn by: TG
Sheet No.:

L-3

Cad No.: 2010-301

MATCH LINE AREA 3

BOUNDARY LINE OF PARCEL A (WEST)

PRIVATE DRIVE

N.W. 107TH STREET

LANDSCAPE AREA

EXISTING GREEN AREAS (TO REMAIN)

BOUNDARY LINE OF PARCEL A (WEST)

N57°10'00"W 685.00'

"NOT A PART"

MATCH LINE AREA 2

RECEIVED

APR 2 0 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

NORTH

WITKIN HULTS DESIGN GROUP

Project:

FOUNTAINBLEAU LAKES P.A.D

MIAMI-DADE COUNTY, FLORIDA

OVERALL LANDSCAPE PLAN-AREA 6

Revisions:

1) 06.26.2010 SITE PLAN REVISION
2) 10.20.2010 PER COUNTY COMMENTS
3) 11.10.2010 PER SITE PLAN CHANGES
4) 11.15.2010 PER SITE PLAN CHANGES
5) 03.30.2011 PER SITE PLAN CHANGES

Seal:

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

Drawing: LANDSCAPE PLAN AREA 4

Date: 05/25/2010

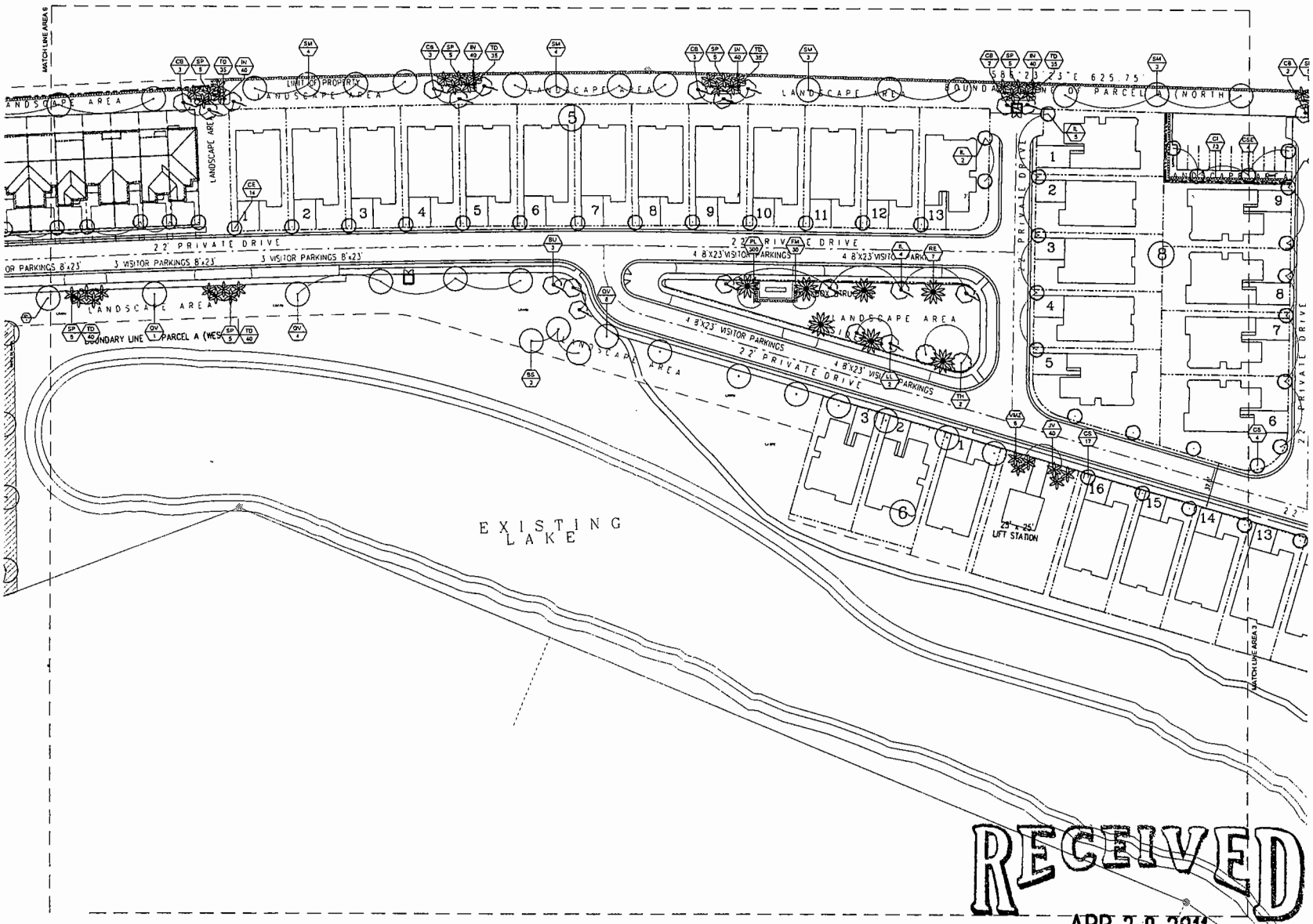
Scale: 1"=30'

Drawn by: TG

Sheet No.:

L-4

Cad No.: 2010-251



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APR 20 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____

NORTH

WITKIN HULTS DESIGN GROUP

FOUNTAINBLEAU LAKES P.A.D

MIAMI-DADE COUNTY, FLORIDA

OVERALL LANDSCAPE PLAN-AREA 6

Project:

Revisions:

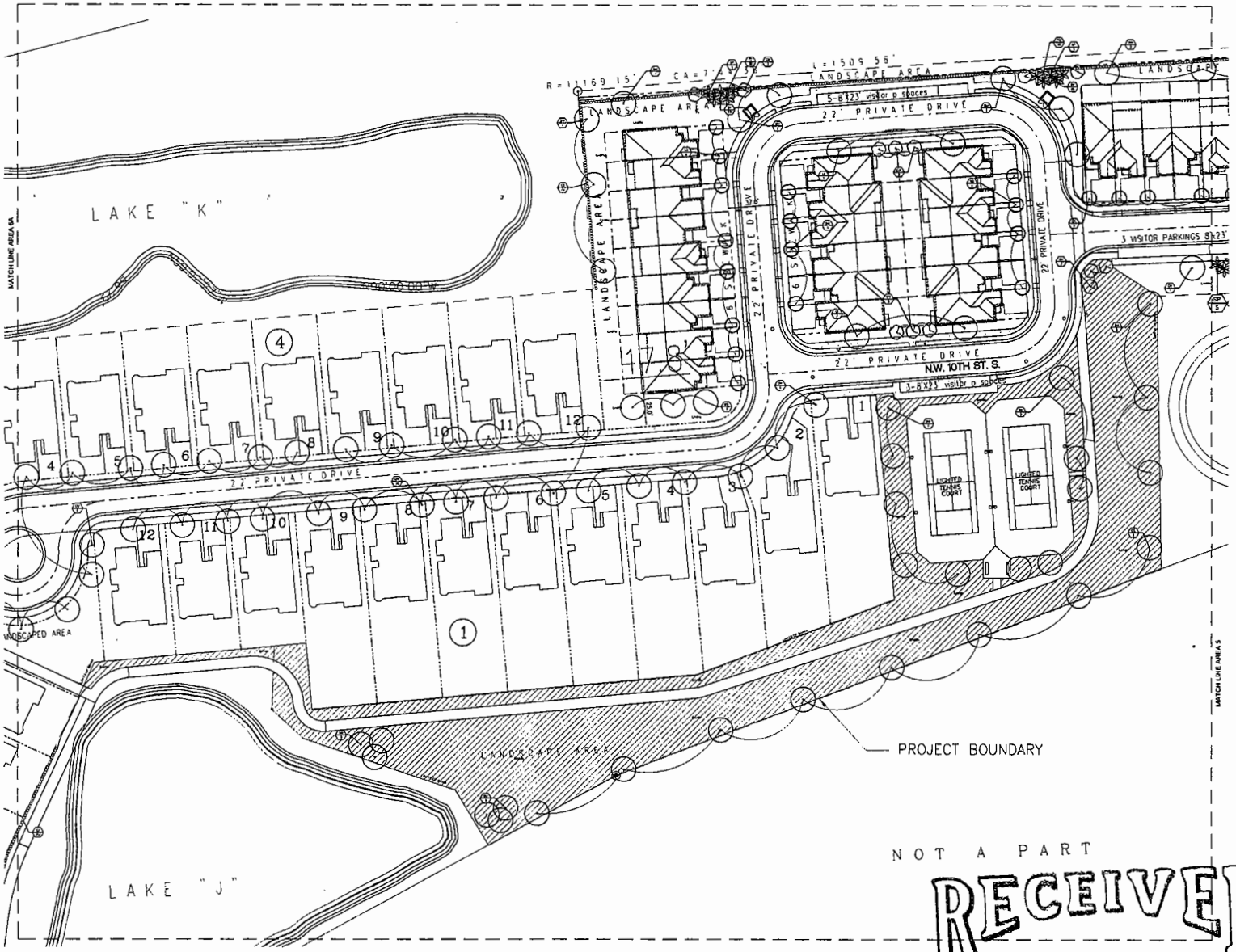
Seal:

Lic. # LA0900889
Member: A.S.L.A.

Drawing: LANDSCAPE PLAN AREA 5
Date: 05/25/2010
Scale: 1"=50'
Drawn by: TG
Sheet No.:

L-5

Cat No.: 2010-251



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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____

NORTH

WITKIN HULTS DESIGN GROUP

FOUNTAINBLEAU LAKES P.A.D
MIAMI-DADE COUNTY, FLORIDA
OVERALL LANDSCAPE PLAN-AREA 6

Project:

Revisions:
1) 08.30.2010 SITE PLAN REVISION
2) 10.20.2010 PER COUNTY COMMENTS
3) 11.12.2010 PER SITE PLAN CHANGES
4) 03.30.2011 PER SITE PLAN CHANGES

Seal:

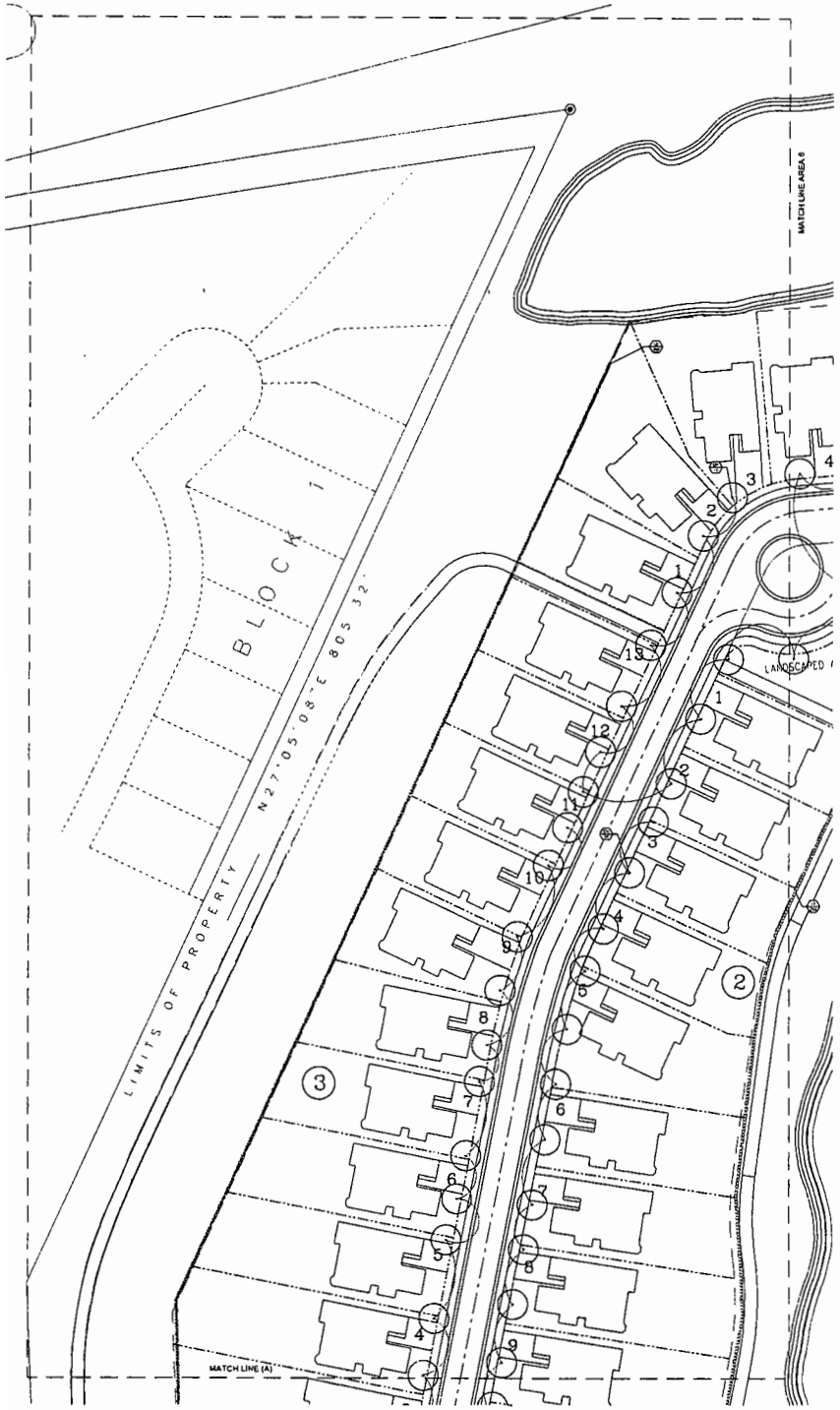
Lic. # LA0000689
Member: A.S.L.A.

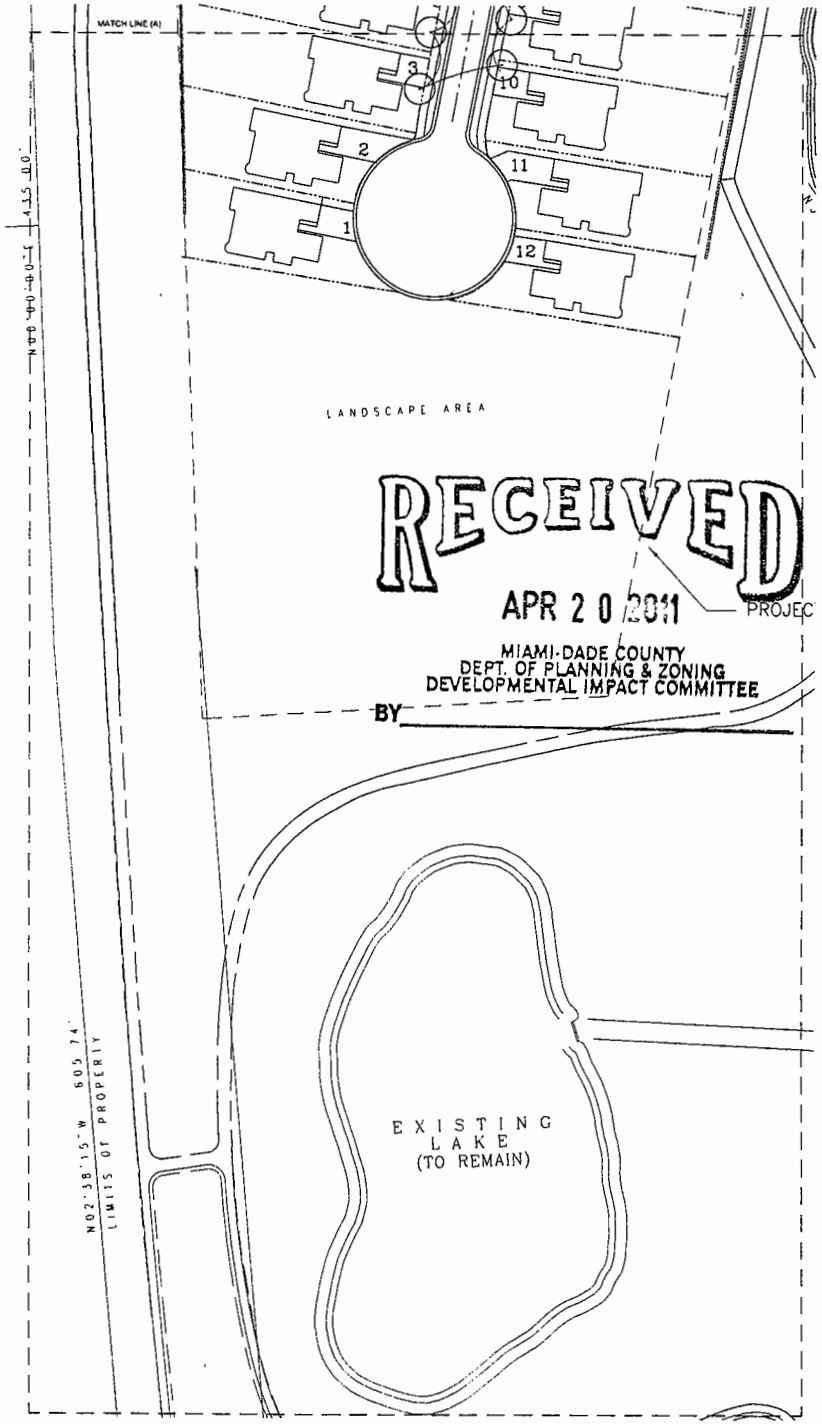
Drawing: LANDSCAPE PLAN AREA 6
Date: 05/25/2010
Scale: 1"=20'
Drawn by: TG
Sheet No.:

L-6

Cad No.: 2010-251

96





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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY

PROJEC

NORTH

WITKIN HULTS DESIGN GROUP

Project:

FOUNTAINBLEAU LAKES P.A.D
MIAMI-DADE COUNTY, FLORIDA
OVERALL LANDSCAPE PLAN-AREA 6A

Revisions:
1) 09.20.2010 SITE PLAN REVISION
2) 10.20.2010 PER COUNTY COMMENTS
3) 11.15.2010 PER SITE PLAN CHANGES
4) 03.30.2011 PER SITE PLAN CHANGES

Seal:

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

Drawing: LANDSCAPE PLAN AREA 6A
Date: 05/25/2010
Scale: 1"=30'
Drawn by: TG
Sheet No.:

L-6A

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MIAMI-DADE COUNTY
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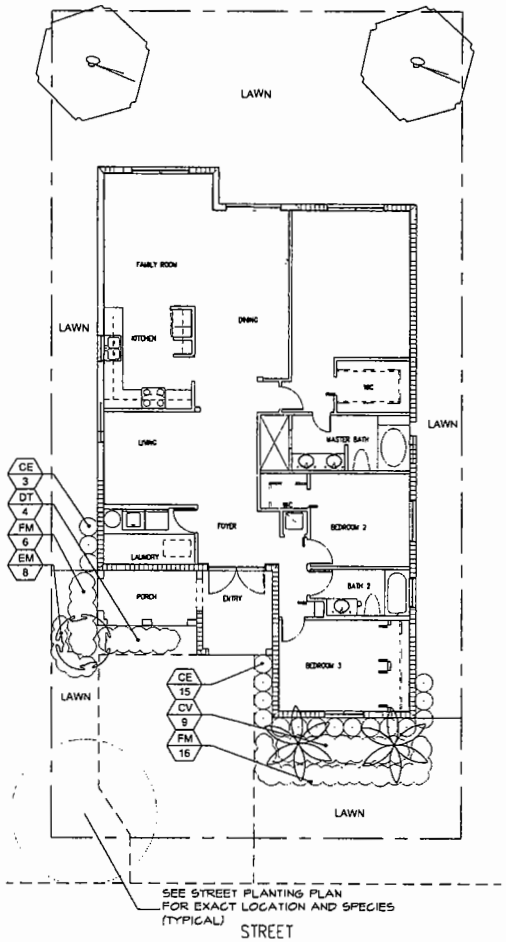
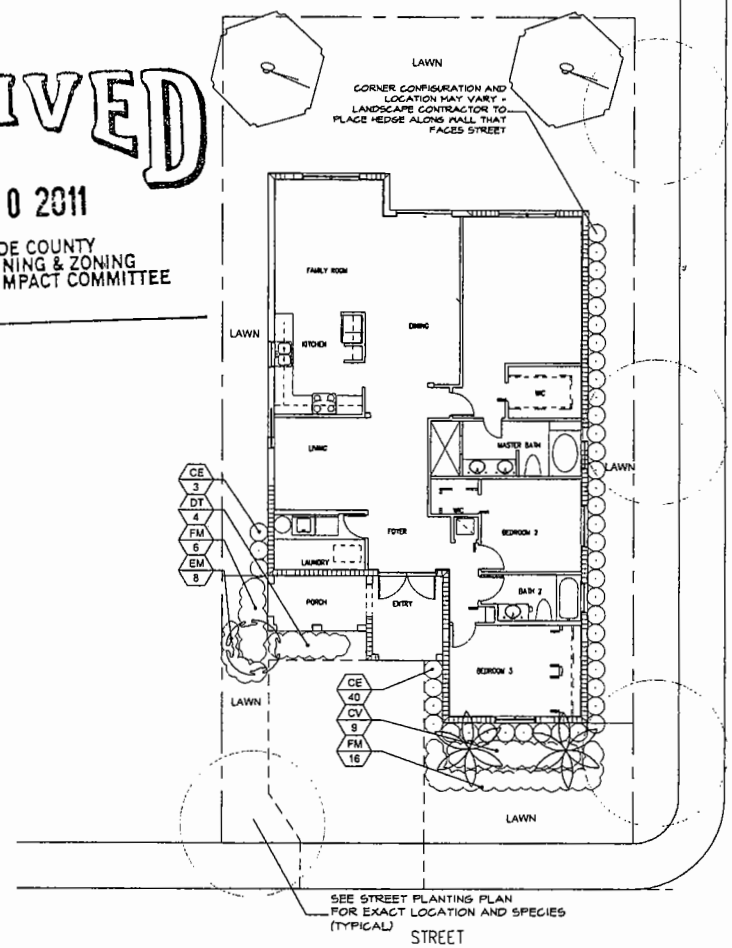
DEVELOPMENTAL IMPACT COMMITTEE
BY



TYPICAL LOT PLAN



TYPICAL LOT PLAN

NORTH

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,050 sq. ft. Net Land: 4,050 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 (Note: 30% of required trees and/or palms shall be native species)	3	3
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	53

30% shrubs/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT., X 4' SPR., 2" CAL.
		LIVE OAK	F.G.
	1	Senna polyphylla	6' HT., O.A.
		DESERT CASSIA	10 GAL.
	2	Veitchia montgomeryana 'double'	14' HT., O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	18	*Conocarpus erectus	30" HT., X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CV	9	Codiaeum variegatum 'Stoplight'	24" HT., X 24" SPR. / 24" O.C.
		STOPLIGHT CROTON	3 GAL.
DT	4	Dianella tasmanica	18" HT., X 18" SPR. / 24" O.C.
		BLUEBERRY FLAX LILY	3 GAL.
EM	8	Euonymus alb	12" HT., X 12" SPR. / 12" O.C.
		RED CROWN OF THORNS	1 GAL.
FM	22	Ficus microcarpa 'Green Island'	18" HT., X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,050 sq. ft. Net Land: 4,050 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 (Note: 30% of required trees and/or palms shall be native species)	3	3
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	78

30% shrubs/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT., X 4' SPR., 2" CAL.
		LIVE OAK	F.G.
	1	Senna polyphylla	6' HT., O.A.
		DESERT CASSIA	10 GAL.
	2	Veitchia montgomeryana 'double'	14' HT., O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	43	*Conocarpus erectus	30" HT., X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CV	9	Codiaeum variegatum 'Stoplight'	24" HT., X 24" SPR. / 24" O.C.
		STOPLIGHT CROTON	3 GAL.
DT	4	Dianella tasmanica	18" HT., X 18" SPR. / 24" O.C.
		BLUEBERRY FLAX LILY	3 GAL.
EM	8	Euonymus alb	12" HT., X 12" SPR. / 12" O.C.
		RED CROWN OF THORNS	1 GAL.
FM	22	Ficus microcarpa 'Green Island'	18" HT., X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.

* DENOTES NATIVE SPECIES

WITKIN HULTS DESIGN GROUP
302 E. 51st Street
Miami, Florida 33137
phone: 954-323-3661 facsimile: 954-323-3669
www.whdesigngroup.com

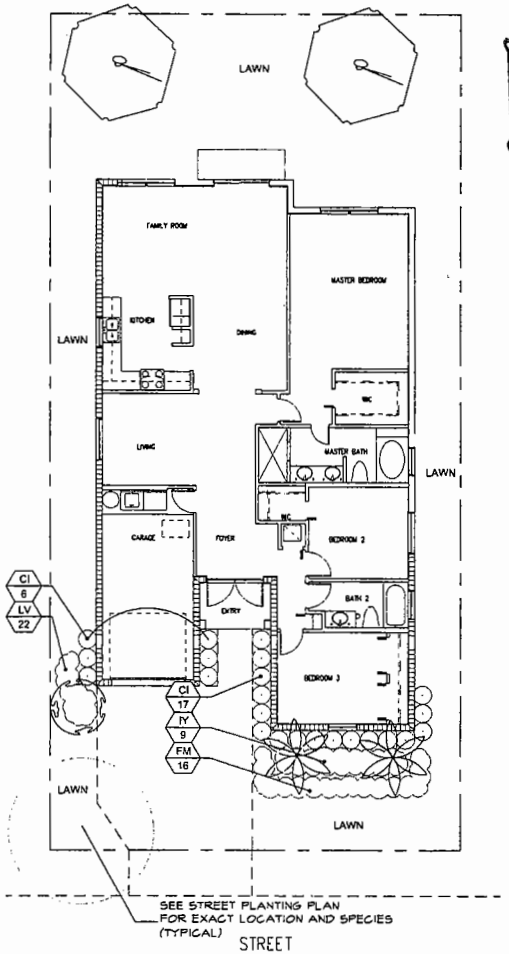
Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL A INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:
#1 - Product Change

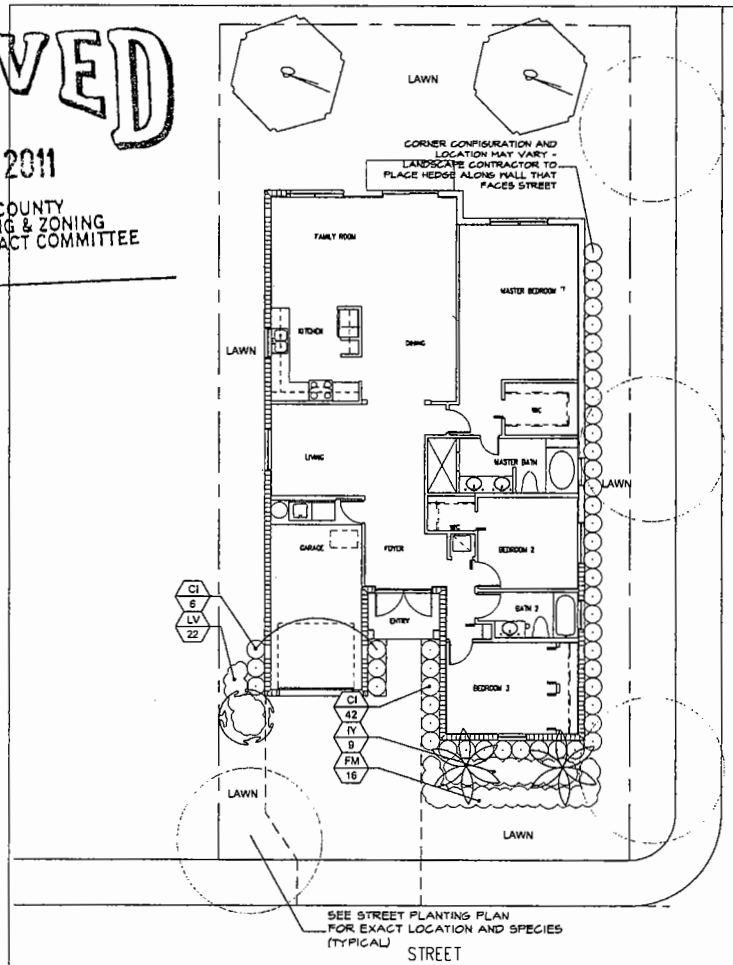
Seal:
Lic. # LA0000689
Member: A.S.L.A.

Drawing: Model A Interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 05/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-7
Proj. # 2010-251

RECEIVED
APR 20 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY_____



TYPICAL LOT PLAN



TYPICAL LOT PLAN

NORTH

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,050 sq. ft. Net Land: 4,050 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	44
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Conocarpus erectus	10' HT. X 4' SPR. 2" CAL.
		GREEN BUTTONWOOD	F.G.
	1	Jatropha integerrima	5' HT. O.A.
	2	JATROPHA TREE	10 GAL.
		Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	23	*Chrysobalanus Icaco 'Red Tip'	30" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
IY	9	Codiaeum variegatum 'Stoplight'	24" HT. X 24" SPR. / 24" O.C.
		STOPLIGHT CROTON	3 GAL.
FM	16	*Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
LV	22	Liriope muscari 'variegata'	12" HT. X 12" SPR. / 12" O.C.
		VARIEGATED LIRIOPE	1 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,050 sq. ft. Net Land: 4,050 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	73
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Conocarpus erectus	10' HT. X 4' SPR. 2" CAL.
		GREEN BUTTONWOOD	F.G.
	1	Jatropha integerrima	5' HT. O.A.
	2	JATROPHA TREE	10 GAL.
		Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	48	*Chrysobalanus Icaco 'Red Tip'	30" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
IY	9	Codiaeum variegatum 'Stoplight'	24" HT. X 24" SPR. / 24" O.C.
		STOPLIGHT CROTON	3 GAL.
FM	29	*Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
LV	22	Liriope muscari 'variegata'	12" HT. X 12" SPR. / 12" O.C.
		VARIEGATED LIRIOPE	1 GAL.

* DENOTES NATIVE SPECIES

WITKIN HULTS DESIGN GROUP
307 south 21st avenue hollywood, florida
phone: 954.923.3000 facsimile: 954.923.3669
www.witkinhultsdesign.com

Project:

FONTAINEBLEAU LAKES P.A.D.

MIAMI-DADE COUNTY , FLORIDA

MODEL B INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:

#1 - Product Change

Seal:

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

Drawing: Model B Interior / corner Typical Landscape Plan

Project Name: Fontainebleau Lakes

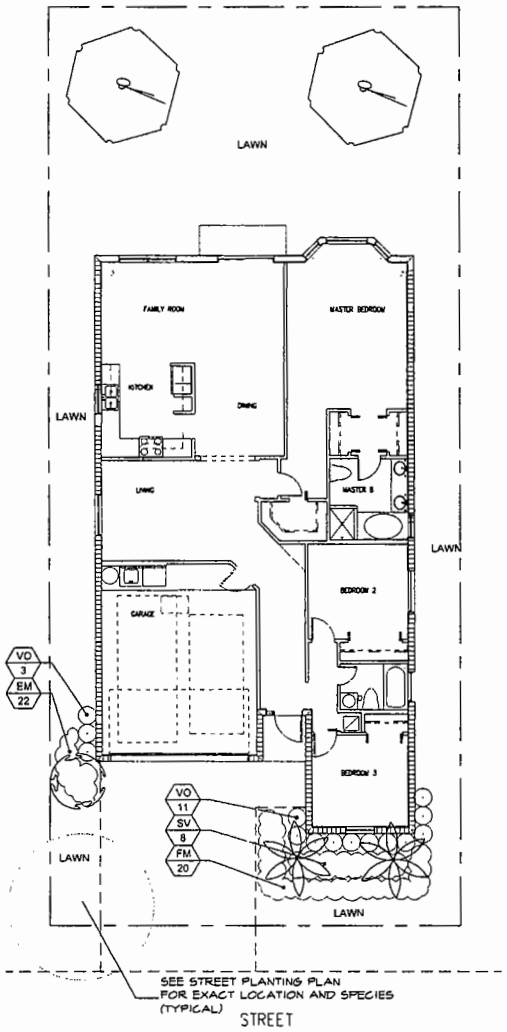
Date: 05/24/2010

Scale: 3/16" = 1'-0"

Drawn by: JA

Sheet No.: L-8

Proj. # 2010-251



TYPICAL LOT PLAN

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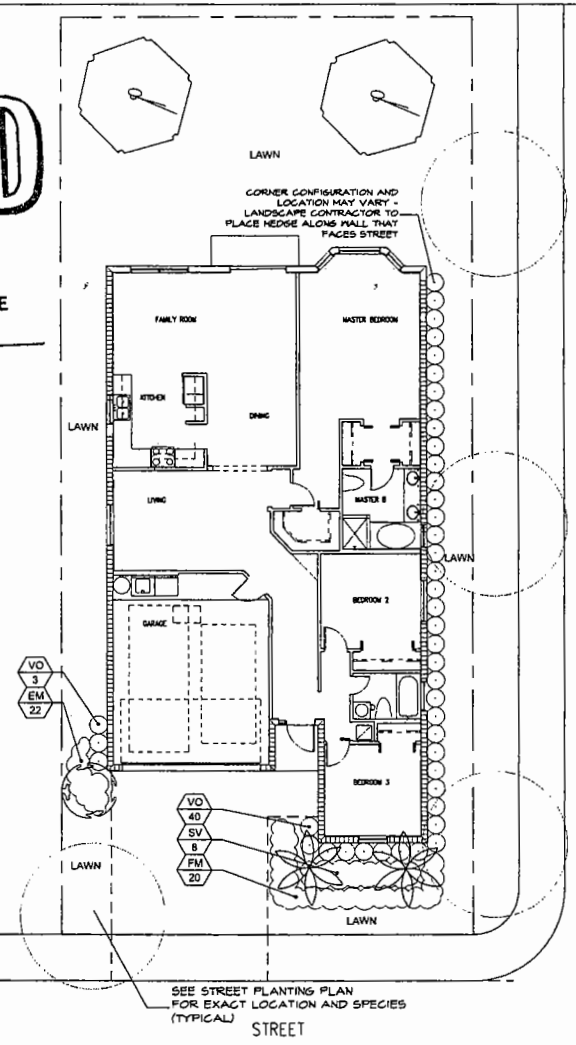
APR 20 2011

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY_____



TYPICAL LOT PLAN

LANDSCAPE LEGEND Chapter 18-A Ordinance 98-13		
ZONE DISTRICT: RU-1		
Gross Lot: 4,500 sq. ft. Net Lot: 4,500 sq. ft. Water Bodies: 0		
	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 Note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	42
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	12' HT. X 4" SPR. / 2" CAL.
	1	GUAIBO LIMBO	F.G.
	1	Serna polyphylla	8' O.A. HT.
	2	DESERT CASSIA	10 GAL.
		Vulcanite montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
EM	22	Euphorbia milii	12" HT. X 12" SPR. / 12" O.C.
		DWARF CROWN OF THORNS	1 GAL.
FM	20	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
SV	8	Schefflera arboricola 'Trinette'	24" HT. X 24" SPR. / 24" O.C.
		VARIEGATED ARBORICOLA	3 GAL.
VO	16	Viburnum obovatum	30" HT. X 24" SPR. / 24" O.C.
		WALTER'S VIBURNUM	3 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND Chapter 18-A Ordinance 98-13		
ZONE DISTRICT: RU-1		
Gross Lot: 4,500 sq. ft. Net Lot: 4,500 sq. ft. Water Bodies: 0		
	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 Note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	71
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	12' HT. X 4" SPR. / 2" CAL.
	1	GUAIBO LIMBO	F.G.
	1	Serna polyphylla	8' O.A. HT.
	2	DESERT CASSIA	10 GAL.
		Vulcanite montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
EM	22	Euphorbia milii	12" HT. X 12" SPR. / 12" O.C.
		DWARF CROWN OF THORNS	1 GAL.
FM	20	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
SV	8	Schefflera arboricola 'Trinette'	24" HT. X 24" SPR. / 24" O.C.
		VARIEGATED ARBORICOLA	3 GAL.
VO	43	Viburnum obovatum	30" HT. X 24" SPR. / 24" O.C.
		WALTER'S VIBURNUM	3 GAL.

* DENOTES NATIVE SPECIES

WITKIN HULTS DESIGN GROUP
307 North 21st Avenue Hollywood, Florida
Phone: 954.925.5660 Fax: 954.925.5669
www.witkinhultsdesign.com

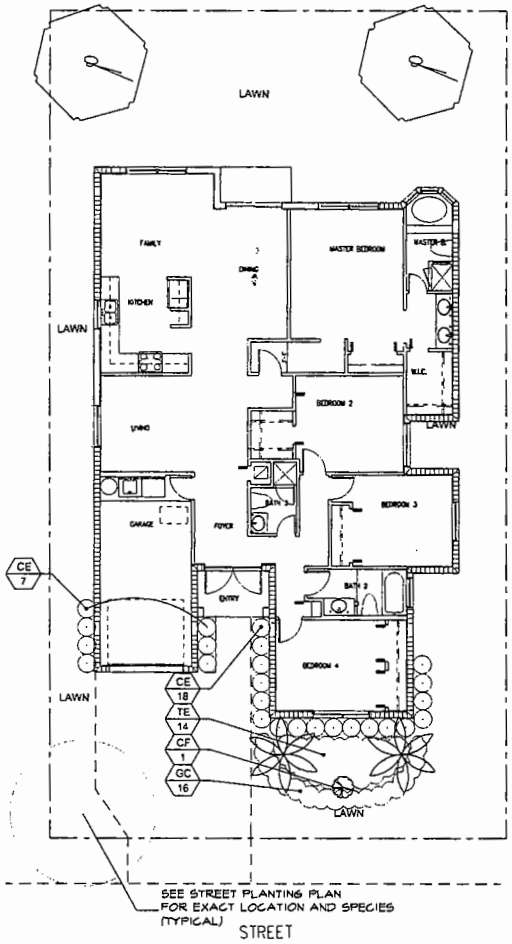
Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL C INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:
#1 - Product Change

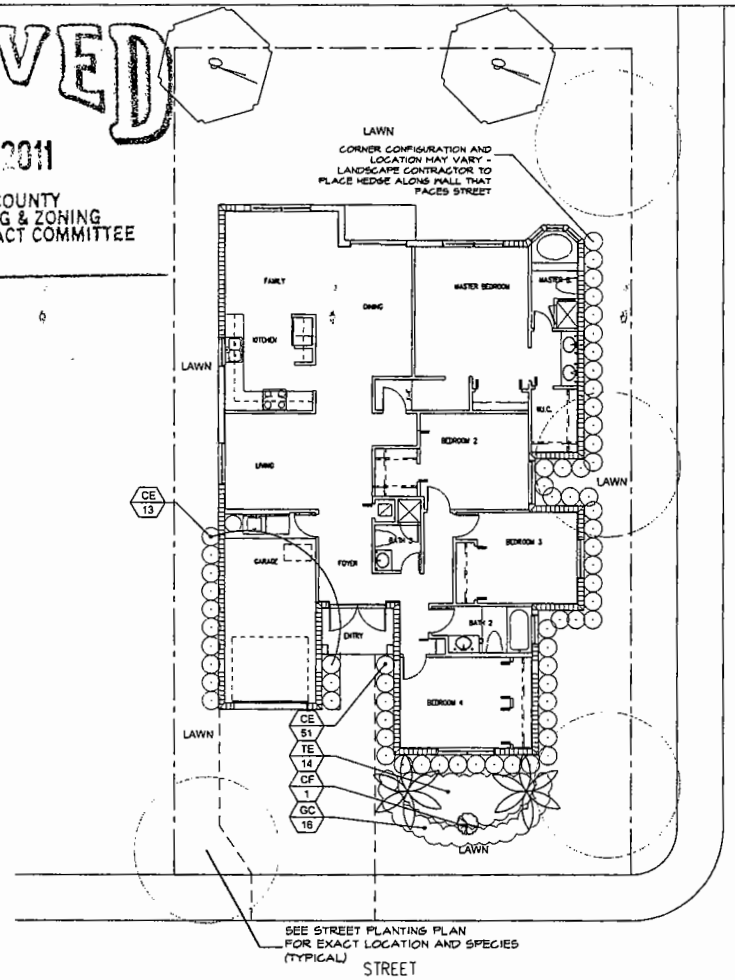
Seal:
Lic. # LA0000669
Member: A.S.L.A.

Drawing: Model C Interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 05/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-9
Proj. # 2010-251

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



TYPICAL LOT PLAN



TYPICAL LOT PLAN

NORTH

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,185 sq.ft. Net Land: 4,185 sq.ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	40

30% shrub/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT. X 4' SPR. 2" CAL.
		LIVE OAK	F.G.
	2	Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	25	*Conocarpus erectus	30" HT. X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CF	1	Cordyline fruticosa 'Red Sister'	4' O.A. HT., 4PPP
		HAWAIIAN TI PLANT	7 GAL.
GC	16	Gerbaldia oxysanthoides	18" HT. X 18" SPR. / 18" O.C.
		AFRICAN BUSH DAISY	1 GAL.
TE	14	Thunbergia erecta	18" HT. X 18" SPR. / 18" O.C.
		KING'S MANTLE	3 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,185 sq.ft. Net Land: 4,185 sq.ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	70

30% shrub/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT. X 4' SPR. 2" CAL.
		LIVE OAK	F.G.
	2	Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	64	*Conocarpus erectus	30" HT. X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CF	1	Cordyline fruticosa 'Red Sister'	4' O.A. HT., 4PPP
		HAWAIIAN TI PLANT	7 GAL.
GC	16	Gerbaldia oxysanthoides	18" HT. X 18" SPR. / 18" O.C.
		AFRICAN BUSH DAISY	1 GAL.
TE	14	Thunbergia erecta	18" HT. X 18" SPR. / 18" O.C.
		KING'S MANTLE	3 GAL.

* DENOTES NATIVE SPECIES

WITKIN HULTS DESIGN GROUP
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Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL D INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:
#1 - Product Change

Seal:

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

Drawing: Model D interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 05/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-10
Proj. # 2010-251

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MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
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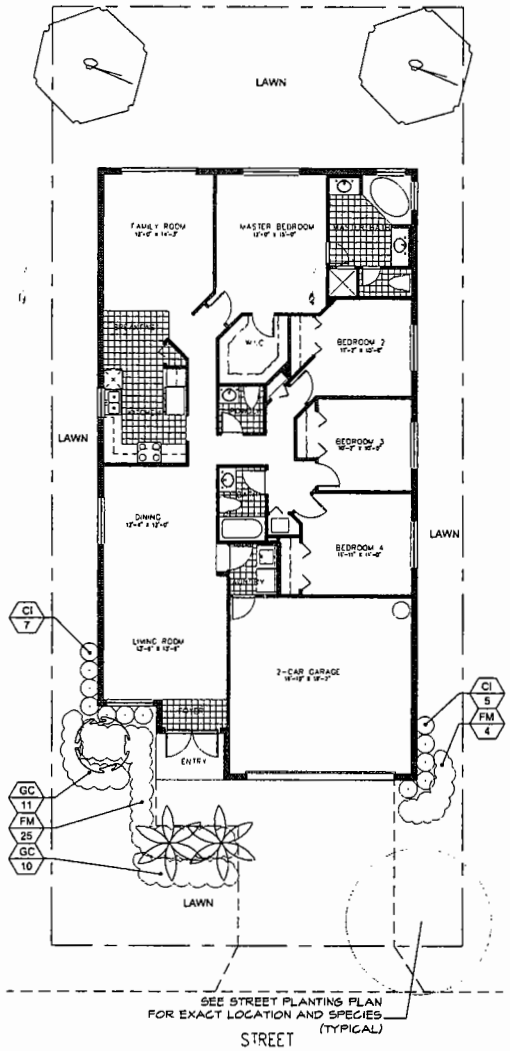
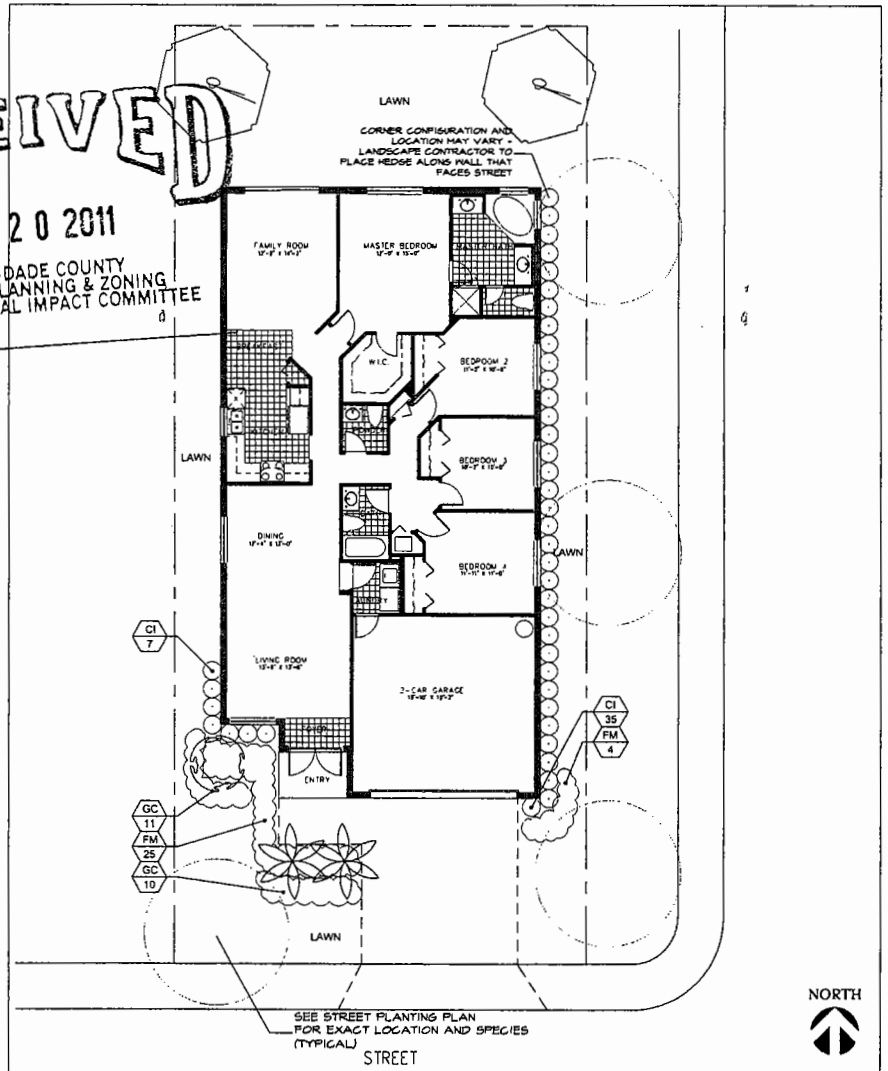
BY



TYPICAL LOT PLAN



TYPICAL LOT PLAN

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,590 sq. ft. Net Land: 4,590 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	41

30% shrubs/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	10' HT. X 4' SPR. 2" CAL.
		GUAIGO LIMBO	F.G.
	1	Jatropha integerrima	8' O.A. HT.
		JATROPHA TREE	10 GAL.
	2	Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	12	Chrysobalanus icaco 'Red Tip'	24" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
FM	29	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
GC	21	Gamolepis chrysanthemoides	15" HT. X 15" SPR. / 15" O.C.
		AFRICAN BUSH DAISY	1 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,590 sq. ft. Net Land: 4,590 sq. ft. Water Bodies: 0

	REQ.	PROV.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28	3	3
Note: 30% of required trees and/or palms shall be native species.		
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	71

30% shrubs/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	10' HT. X 4' SPR. 2" CAL.
		GUAIGO LIMBO	F.G.
	1	Jatropha integerrima	8' O.A. HT.
		JATROPHA TREE	10 GAL.
	2	Veitchia montgomeryana 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	42	Chrysobalanus icaco 'Red Tip'	24" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
FM	29	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
GC	21	Gamolepis chrysanthemoides	15" HT. X 15" SPR. / 15" O.C.
		AFRICAN BUSH DAISY	1 GAL.

* DENOTES NATIVE SPECIES

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Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL E INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:
#1 - Product Change

Seal:

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

Drawing: Model E Interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 05/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-11
Proj. # 2010-251

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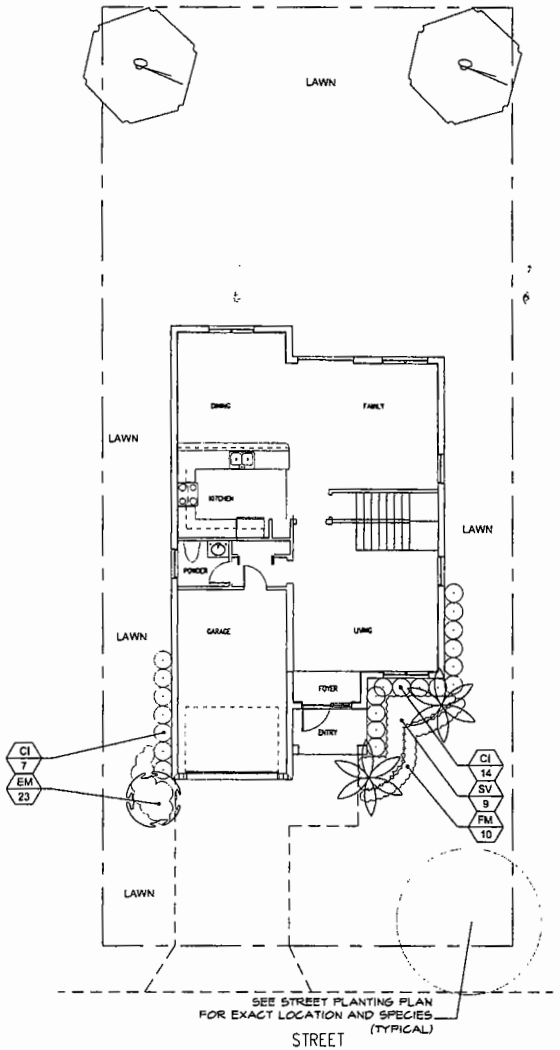


TYPICAL LOT PLAN

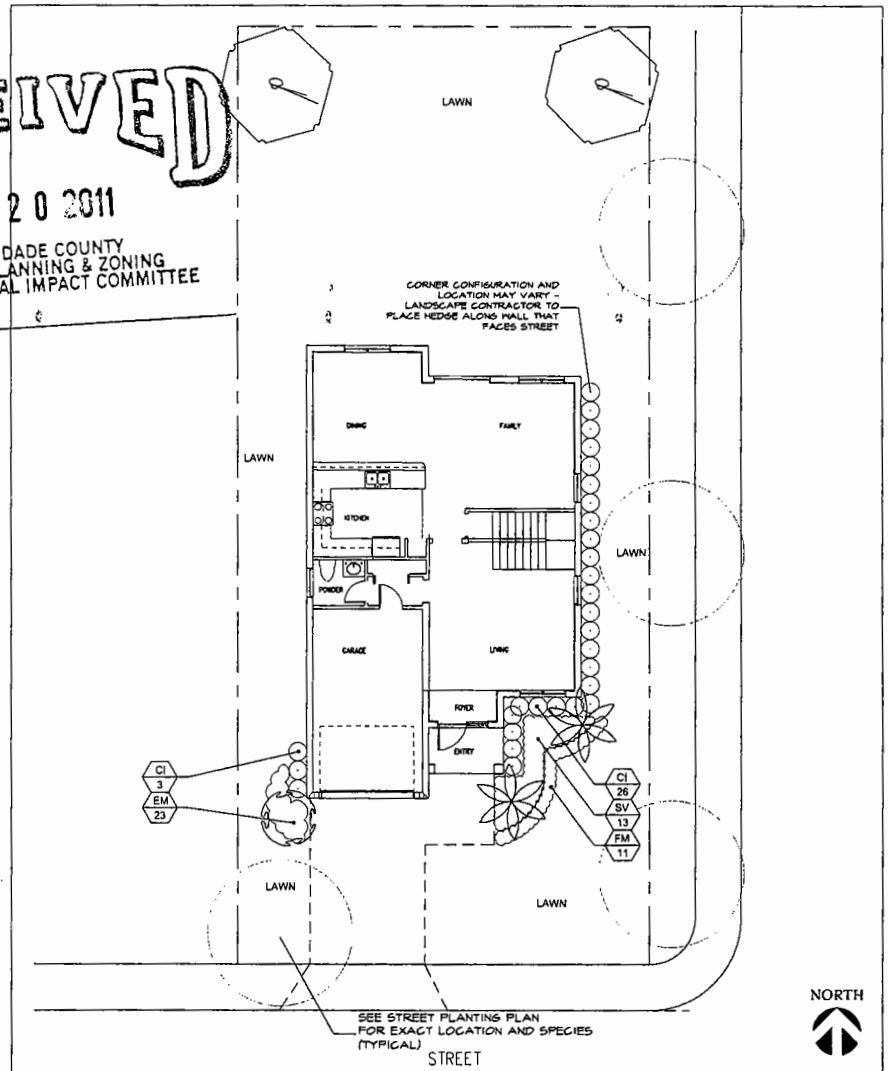
LANDSCAPE LEGEND Chapter 18-A Ordinance 98-13		
ZONE DISTRICT: RU-1		
Gross Land: 4,340 sq. ft. Net Land: 4,300 sq. ft. Water Bodies: 0		
	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 26 note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	40
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	10' HT. X 4' SPR. 2" CAL.
		GUMBO LIMBO	F.G.
	1	Jatropha integerrima	8' O.A. HT.
		JATROPHA TREE	10 GAL.
	2	Veitchia merrillii	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	21	*Chrysobalanus icaco 'Red Tip'	24" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
EM	23	Euonymus mill	12" HT. X 12" SPR. / 12" O.C.
		DWARF CROWN OF THORNS	1 GAL.
FM	10	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
SV	9	Schefflera arboricola 'Trinette'	24" HT. X 24" SPR. / 24" O.C.
		VARIEGATED ARBORICOLA	3 GAL.

* DENOTES NATIVE SPECIES



TYPICAL LOT PLAN

LANDSCAPE LEGEND Chapter 18-A Ordinance 98-13		
ZONE DISTRICT: RU-1		
Gross Land: 4,500 sq. ft. Net Land: 4,500 sq. ft. Water Bodies: 0		
	REQ.	PROV.
Landscape Open Space (If applicable)	N/A	N/A
Greenbelt Width (If applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 26 note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	71
30% shrub/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code		

LANDSCAPE LIST

TREES			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Bursera simaruba	10' HT. X 4' SPR. 2" CAL.
		GUMBO LIMBO	F.G.
	1	Jatropha integerrima	8' O.A. HT.
		JATROPHA TREE	10 GAL.
	2	Veitchia merrillii	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F. G.

SHRUBS AND GROUNDCOVERS			
SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CI	29	*Chrysobalanus icaco 'Red Tip'	24" HT. X 24" SPR. / 24" O.C.
		COCOPLUM	3 GAL.
EM	23	Euonymus mill	12" HT. X 12" SPR. / 12" O.C.
		DWARF CROWN OF THORNS	1 GAL.
11	29	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
SV	13	Schefflera arboricola 'Trinette'	24" HT. X 24" SPR. / 24" O.C.
		VARIEGATED ARBORICOLA	3 GAL.

* DENOTES NATIVE SPECIES

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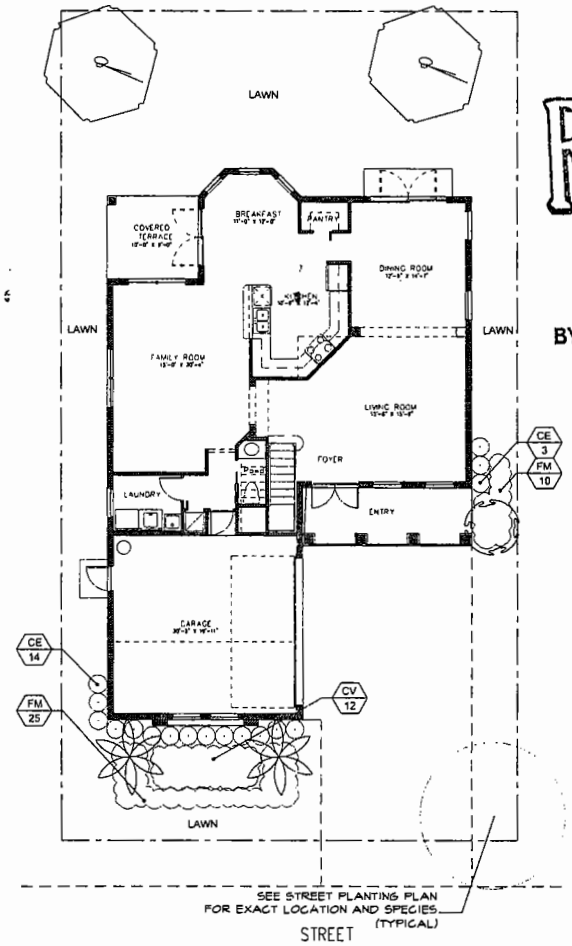
Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL F INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:
#1 - Product Change

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

Drawing: Model F Interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 06/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-12
Proj. # 2010-251

103



TYPICAL LOT PLAN

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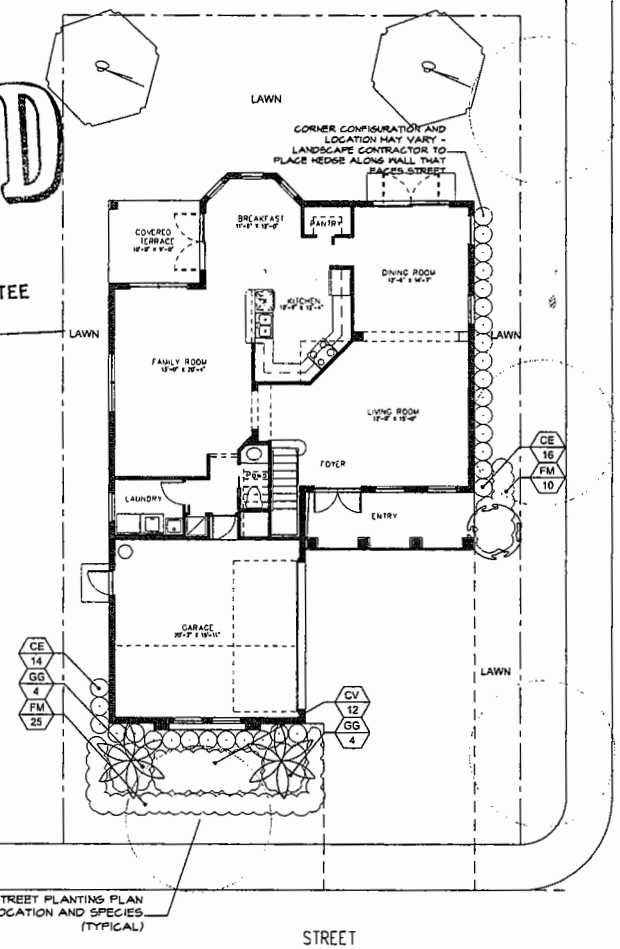

TYPICAL LOT PLAN

NORTH

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,500 sq. ft. Net Land: 4,500 sq. ft. Water Index: 0

	Req.	Prov.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 Note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	1	1
TOTAL NUMBER OF TREES	4	4
SHRUBS: (10 shrubs for each tree req.)	40	64

30% shrub/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT. X 4' SPR. 3" CAL.
		LIVE OAK	F.G.
	1	Senna polyphylla	5' O.A. HT.
		DESERT CASSIA	10 GAL.
	2	Veitchia merrillii 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F.G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	17	*Conocarpus erectus	30" HT. X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CV	12	Crotalaria verrucosa 'Sloppy Palmer'	24" HT. X 24" SPR. / 24" O.C.
		CROTON SP.	3 GAL.
FM	35	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.

* DENOTES NATIVE SPECIES

LANDSCAPE LEGEND
Chapter 18-A Ordinance 98-13

ZONE DISTRICT: RU-1

Gross Land: 4,500 sq. ft. Net Land: 4,500 sq. ft. Water Index: 0

	Req.	Prov.
Landscape Open Space (if applicable)	N/A	N/A
Greenbelt Width (if applicable)	N/A	N/A
Lawn Area (As defined in Ordinance)	35%	35%
TREES:		
Trees per Lot: 28 Note: 30% of required trees and/or palms shall be native species.	3	3
Street Trees:	4	4
TOTAL NUMBER OF TREES	7	7
SHRUBS: (10 shrubs for each tree req.)	70	85

30% shrub/hedge shall be native species.
Irrigation system required pursuant to Chapter 33 Dade County Code

LANDSCAPE LIST

TREES

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
	2	*Quercus virginiana	12' HT. X 4' SPR. 3" CAL.
		LIVE OAK	F.G.
	1	Senna polyphylla	5' O.A. HT.
		DESERT CASSIA	10 GAL.
	2	Veitchia merrillii 'double'	14' HT. O.A.
		DOUBLE MONTGOMERY PALM	F.G.

SHRUBS AND GROUNDCOVERS

SYMBOL	QUAN.	PROPOSED MATERIAL	DESCRIPTION
CE	30	*Conocarpus erectus	30" HT. X 24" SPR. / 24" O.C.
		GREEN BUTTONWOOD	3 GAL.
CV	12	Crotalaria verrucosa 'Sloppy Palmer'	24" HT. X 24" SPR. / 24" O.C.
		CROTON SP.	3 GAL.
FM	35	Ficus microcarpa 'Green Island'	18" HT. X 18" SPR. / 18" O.C.
		GREEN ISLAND FICUS	3 GAL.
GG	8	Dalbergia sissoo	24" HT. X 24" SPR. / 24" O.C.
		THRYALLIS	3 GAL.

* DENOTES NATIVE SPECIES

WITKIN HULTS DESIGN GROUP
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Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
MODEL G INTERIOR / CORNER TYPICAL LANDSCAPE PLAN

Revisions:

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

Drawing: Model G Interior / corner Typical Landscape Plan
Project Name: Fontainebleau Lakes
Date: 05/24/2010
Scale: 3/16" = 1'-0"
Drawn by: JA
Sheet No.: L-13
Proj. # 2010-251

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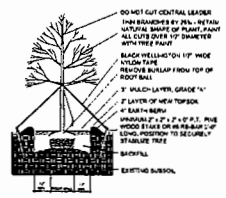
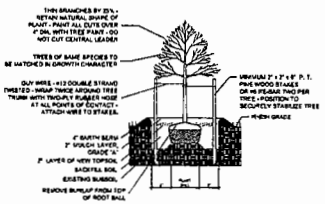
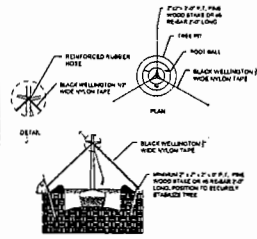


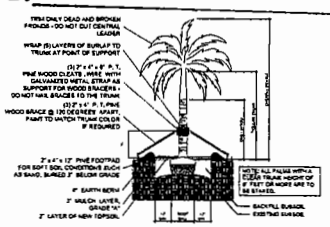
LARGE TREE PLANTING DETAIL



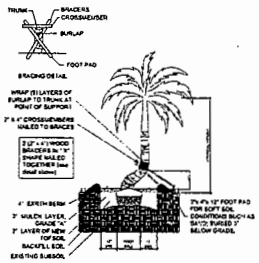
SMALL TREE PLANTING DETAIL



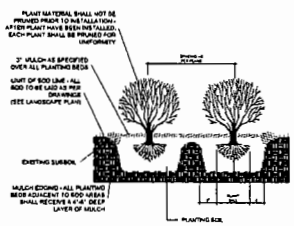
TYPICAL TREE GUYING DETAIL



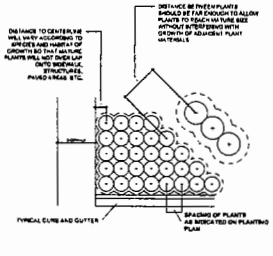
STRAIGHT TRUNK PALM PLANTING DETAIL



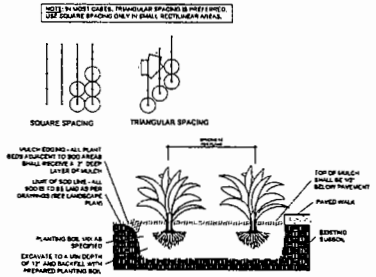
CURVED TRUNK PALM PLANTING DETAIL



TYPICAL SHRUB PLANTING DETAIL



TYPICAL CONTAINER SPACING DETAIL



TYPICAL GROUNDCOVER 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.

-Sod 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 'Bahia Grass' shall be solid sodded with Pespalum. All sod is to be laid level, tight, and cut even along planting beds.

-All plants are to be top dressed with a minimum 3" 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 verification 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 3" 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. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% salt free coarse sand and 25% Aerolite.

- Tree and shrub pits will be supplemented with "Agriform Pells", 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, etcetera are to be brought to the attention of the Landscape Architect for clarification prior to installation.

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www.hdgdesign.com

Project:
FONTAINEBLEAU LAKES P.A.D.
MIAMI-DADE COUNTY, FLORIDA
PLANTING DETAILS

Revisions:

Seal:

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

Drawing: Planting Details
Project Name: Fontainebleau Lakes
Date: 05/25/2010
Scale: NTS
Drawn by: TO
Sheet No.:
L-14
Proj. # 2010-251

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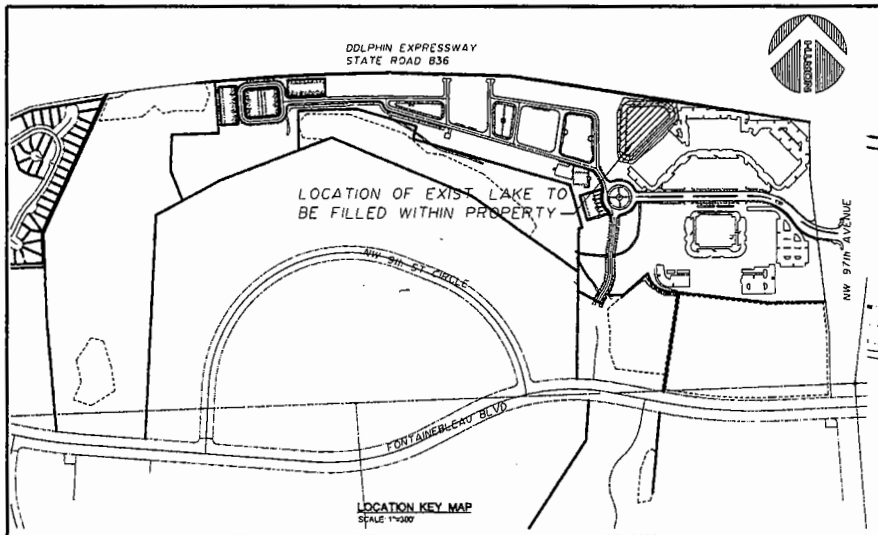
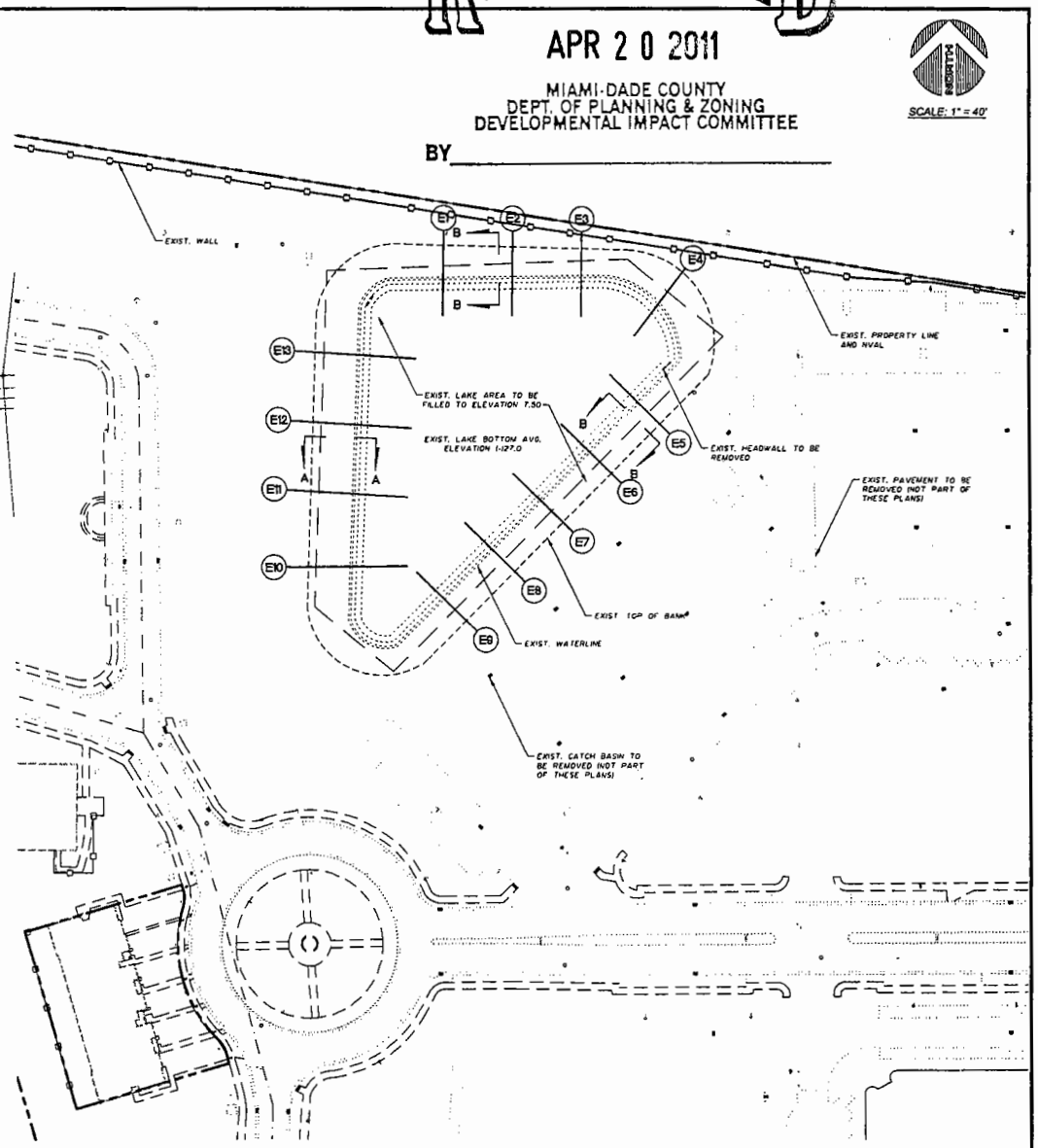


LOCATION KEY MAP
SCALE: 1"=300'



GENERAL NOTES AND SPECIFICATIONS

1. APPLICABLE CODES

A. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT, DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL CODES.

B. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTION SHALL BE DONE IN A SAFE MANNER AND IN STRICT COMPLIANCE WITH ALL THE REQUIREMENTS OF ALL FEDERAL, LOCAL, OCCUPATIONAL SAFETY AND HEALTH ACTS OF LATEST EDITION, AND ALL STATE AND LOCAL SAFETY AND HEALTH REGULATIONS.

C. ALL ELEVATIONS SHOWN ON THE CONSTRUCTION DRAWINGS ARE BASED ON NATIONAL GEODETICAL VERTICAL DATUM OF 1929, (+/-0.0), UNLESS OTHERWISE NOTED.

D. CENTERLINE GEOMETRY AND DIMENSIONS SHOWN ON THESE PLANS ARE INTENDED FOR LOCATING AND ESTABLISHING POINTS AND SITE LAYOUT TO BE USED FOR AS-BUILT PLANS. SITE LAYOUT SHALL BE DONE IN ACCORDANCE WITH THE TENTATIVE PLAT PREPARED BY PULICE LAND SURVEYORS, INC. DATED 10/26/10.

E. EXISTING TOPOGRAPHIC AND CONTOUR INFORMATION SHOWN ON THESE DRAWINGS ARE BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED BY PULICE LAND SURVEYORS, INC. DATED 10/26/10.

2. RESPONSIBILITIES

A. THE INFORMATION PROVIDED ON THESE PLANS IS TO ASSIST THE CONTRACTOR IN ASSESSING THE NATURE AND EXTENT OF THE CONDITIONS WHICH MAY BE ENCOUNTERED DURING THE COURSE OF THE WORK. ALL CONTRACTORS ARE EXPECTED, PRIOR TO BIDDING, TO CONDUCT ANY INVESTIGATIONS THEY DEEM NECESSARY TO ARRIVE AT THEIR OWN CONCLUSIONS REGARDING THE ACTUAL CONDITIONS THAT WILL BE ENCOUNTERED AND UPON WHICH THEIR BIDS WILL BE BASED.

B. UPON THE RECEIPT OF THE "NOTICE TO PROCEED", THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD AND ARRANGE A PRECONSTRUCTION CONFERENCE TO INCLUDE ALL INVOLVED GOVERNMENTAL AGENCIES, UTILITY OWNERS, THE OWNER AND THE ENGINEER OF RECORD.

C. THE CONTRACTOR SHALL CONTACT "SUNSHINE ONE-CALL OF FLORIDA" BY CALLING (1-800-432-4770) AT LEAST 48 HOURS PRIOR TO COMMENCING ANY EXCAVATION OR CONSTRUCTION IN ORDER TO PROVIDE FOR THE LOCATION OF EXISTING UNDERGROUND UTILITIES.

D. THE CONTRACTORS SHALL COORDINATE WITH UTILITIES TO ARRANGE FOR RELOCATION AND TEMPORARY SUPPORT OF UTILITY FEATURES, ETC. AS NECESSARY TO COMPLETE THE WORK, IF APPLICABLE.

E. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT ANY AND ALL EXISTING UTILITIES ON THE PROJECT.

F. THE CONTRACTOR SHALL SECURE ALL UTILITY EASEMENTS IF REQUIRED TO BE SECURED PRIOR TO CONSTRUCTION.

G. LOCATIONS, ELEVATIONS, AND DIMENSIONS OF EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES AS SHOWN ON THE DRAWINGS WERE OBTAINED FROM THE BEST INFORMATION AVAILABLE AT THE TIME THE PLANS WERE PREPARED. IN NO WAY IS PURPORTED TO BE ABSOLUTELY CORRECT. THERE MAY BE OTHER IMPROVEMENTS, UTILITIES, ETC., WITHIN THE PROJECT AREA THAT ARE NOT SHOWN ON THESE PLANS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND THE CONTRACTOR'S SUBCONTRACTORS TO COORDINATE WITH THE FACILITIES SHOWN ON THE PLANS AND FACILITIES NOT SHOWN. THE CONTRACTOR SHALL VERIFY, PRIOR TO CONSTRUCTION, THE LOCATIONS, ELEVATIONS AND DIMENSIONS OF ALL EXISTING FACILITIES, STRUCTURES AND OTHER FEATURES (WHETHER SHOWN ON THE PLANS OR NOT) AFFECTING THE WORK.

H. IF AT PROJECT INITIATION EXISTING CONDITIONS ARE FOUND TO BE IN CONFLICT WITH THE PROPOSED CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF RECORD SO THAT APPROPRIATE MEASURES CAN BE TAKEN TO RESOLVE THE PROBLEM.

3. TEMPORARY FACILITIES

A. TEMPORARY FACILITIES

1. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE FOR OR SUPPLY TEMPORARY WATER SERVICE, SANITARY FACILITIES, AND ELECTRICITY, DURING CONSTRUCTION.

2. THE CONTRACTOR SHALL MAINTAIN AT LEAST ONE ACCESS ENTRANCE TO COMMERCIAL PROPERTIES AT ALL TIMES, IF APPLICABLE.

3. THE CONTRACTOR SHALL MAINTAIN A CLEAR PATH FOR ALL SURFACE WATER DRAINAGE STRUCTURES AND DITCHES DURING ALL PHASES OF CONSTRUCTION, IF APPLICABLE.

B. TRAFFIC REGULATION

1. THE CONTRACTOR SHALL PROVIDE ALL WARNING SIGNALS, BEACONS, LIGHTS AND FLAGPERSONS AS NECESSARY FOR THE MAINTENANCE OF TRAFFIC WITHIN PUBLIC RIGHT-OF-WAYS IN ACCORDANCE WITH THE F.D.O.T., AND MIAMI-DADE COUNTY PUBLIC WORKS.

4. CONSTRUCTION SEQUENCE AND TECHNIQUES

1. TURBIDITY SHALL BE CONTROLLED THROUGH THE USE OF TURBIDITY CURTAINS OR OTHER METHODS APPROVED BY THE ENGINEER OF RECORD.

2. THE PERIMETER BERM SHALL BE CONSTRUCTED FIRST TO PREVENT STORM WATER RUNOFF TO ADJACENT PROPERTIES.

3. FILL TO BE DEPOSITED IN THE LAKE WILL BE WHITE FILL FROM A ROCK QUARRY. NO OTHER FILL WILL BE ACCEPTED AT THE SITE OF PERMITTED FOR LAKE FILLING.

4. THE FILLING OF THE LAKE SHALL PROCEED IN A MANNER THAT WILL MINIMIZE NOISE, VIBRATION AND DUST.

STANDARD MANATEE CONSTRUCTION CONDITIONS

JUNE 2001

THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING MANATEE PROTECTION CONSTRUCTION CONDITIONS.

A. THE PERMITTEE SHALL INSTRUCT ALL PERSONNEL ASSOCIATED WITH THE PROJECT OF THE POTENTIAL PRESENCE OF MANATEES AND THE NEED TO AVOID COLLISIONS WITH MANATEES. ALL CONSTRUCTION PERSONNEL ARE RESPONSIBLE FOR THE OBSERVING WATER-RELATED ACTIVITIES FOR THE PRESENCE OF MANATEE(S).

B. THE PERMITTEE SHALL ADVISE ALL CONSTRUCTION PERSONNEL THAT THERE ARE CIVIL AND CRIMINAL PENALTIES FOR HARMING, HARASSING, OR KILLING MANATEES WHICH ARE PROTECTED UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972, THE ENDANGERED SPECIES ACT OF 1973, AND THE FLORIDA MANATEE SANCTUARY ACT.

C. EXCAVATION BARRIERS SHALL BE MADE OF MATERIAL IN WHICH MANATEES CANNOT BECOME ENTANGLED, ARE PROPERLY SECURED, AND ARE REGULARLY MONITORED TO AVOID MANATEE ENTANGLEMENT. BARRIERS MUST NOT LOCK MANATEE EXCEPT TO BE CLEAR FROM ESSENTIAL HABITAT.

D. ALL VESSELS ASSOCIATED WITH THE CONSTRUCTION PROJECT SHALL OPERATE AT "NO WAKE/IDLE" SPEEDS AT ALL TIMES WHILE IN THE CONSTRUCTION AREA AND WHILE IN WATER WHERE THE DRAFT OF THE VESSEL PROVIDES LESS THAN A FOUR-FOOT CLEARANCE FROM THE BOTTOM. ALL VESSELS WILL FOLLOW ROUTES OF DEEP WATER WHENEVER POSSIBLE.

E. IF MANATEE(S) ARE SEEN WITHIN 100 YARDS OF THE ACTIVE DAILY CONSTRUCTION/DREDGING OPERATIONS OR VESSEL MOVEMENT, ALL APPROPRIATE PRECAUTIONS SHALL BE IMPLEMENTED TO ENSURE PROTECTION OF THE MANATEE. THESE PRECAUTIONS SHALL INCLUDE THE OPERATION OF ALL WORKING EQUIPMENT NOT CLOSER THAN 50 FEET OF A MANATEE. OPERATION OF ANY EQUIPMENT CLOSER THAN 50 FEET TO A MANATEE SHALL necessitate IMMEDIATE SHUTDOWN OF THAT EQUIPMENT. ACTIVITIES WILL NOT RESUME UNTIL THE MANATEE(S) HAS DEPARTED THE PROJECT AREA OF ITS OWN VOLITION.

F. ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FWC HOTLINE AT 1-888-404-FWCC. COLLISION AND/OR INJURY SHOULD ALSO BE REPORTED TO THE U.S. FISH AND WILDLIFE SERVICE IN JACKSONVILLE (1-904-731-3080) FOR NORTH FLORIDA OR VERO BEACH (1-561-562-3909) IN SOUTH FLORIDA.

G. TEMPORARY SIGNS CONCERNING MANATEE SHALL BE POSTED PRIOR TO AND DURING ALL CONSTRUCTION/DREDGING ACTIVITIES. ALL SIGNS ARE TO BE REMOVED BY THE PERMITTEE UPON COMPLETION OF THE PROJECT. A SIGN measuring AT LEAST 3 FT BY 4 FT, WHICH READS CAUTION: MANATEE AREA WILL BE POSTED IN A LOCATION PROMINENTLY VISIBLE TO WATER-RELATED CONSTRUCTION CREWS. A SECOND SIGN SHOULD BE POSTED IF VESSELS ARE ASSOCIATED WITH THE CONSTRUCTION PROJECT. THE SECOND SIGN SHOULD BE PLACED IN A VESSEL OPERATOR'S THE SECOND SIGN SHOULD BE AT LEAST 8-1/2" BY 11" WHICH READS CAUTION: MANATEE SLOWLY! IDLE SPEED IS REQUIRED IF OPERATING IN A MANATEE AREA. IN THE CONSTRUCTION AREA, ALL EQUIPMENT MUST BE STATIONED OF A MANATEE THREE STRIKE BY FEET OF OPERATION, ANY COLLISION WITH OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FWC HOTLINE AT 1-888-404-FWCC. THE U.S. FISH AND WILDLIFE SERVICE SERVICE MUST BE CONTACTED IN JACKSONVILLE (1-904-731-3080) FOR NORTH FLORIDA OR IN VERO BEACH (1-561-562-3909) FOR SOUTH FLORIDA.

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION

Designed by: A.P.H. Date: 11/10
Drawn by: A.P.H. Date: 11/10
Checked by: A.P.H. Date: 11/10

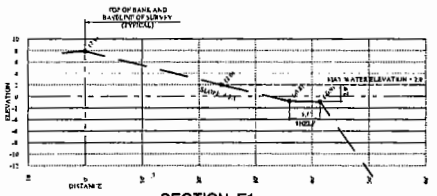
development consulting group
construction administration
12855 SW 132 Street, Suite 206
Miami, Florida 33186
Phone: (305) 253-1970
Fax: (305) 253-8897
Authorization No. EB-26343

Engineer of Record: ALBERTO P. HERRERA
Registered Engineer Number: 56357
State of Florida
Date:

LAKE FILL
PLAN
FONTAINBLEAU WEST
FONTAINBLEAU LAKES, LLC

PROJECT NUMBER 201020
SHEET NUMBER LF1 OF 2

RECEIVED
APR 2 0 2011
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



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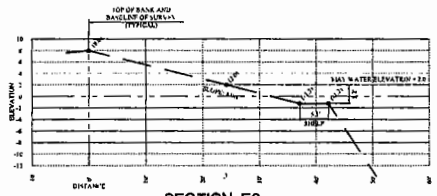

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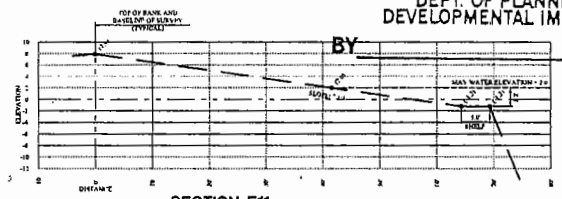

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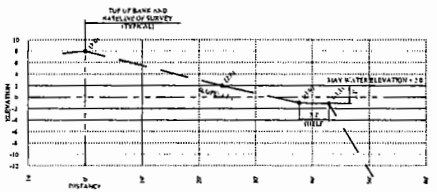

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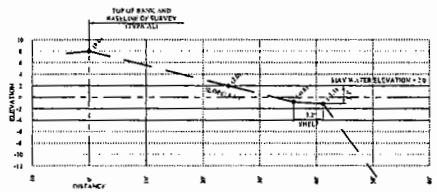

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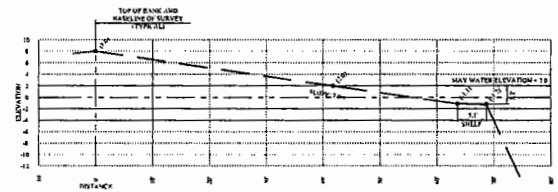

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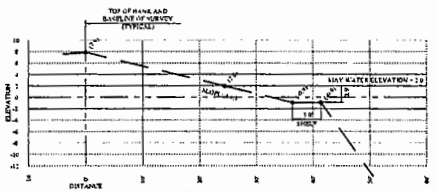

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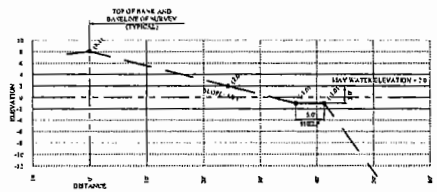

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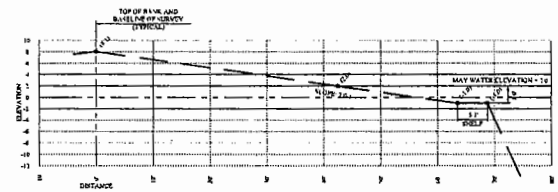

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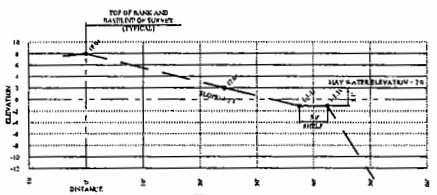

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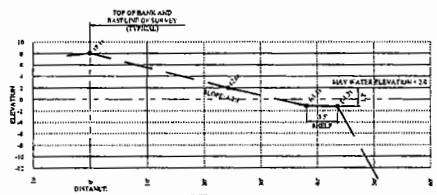

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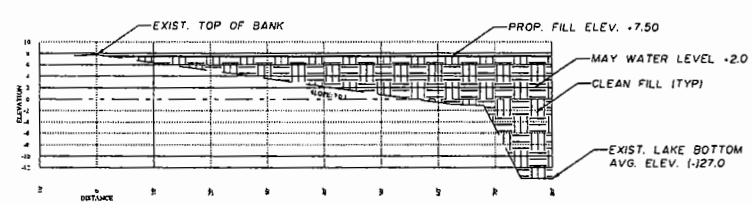
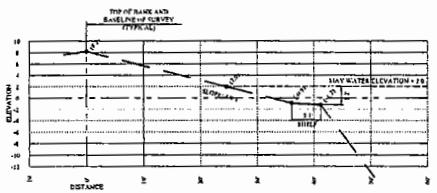


PROP. SECTION A-A



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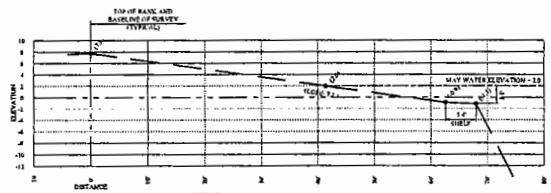

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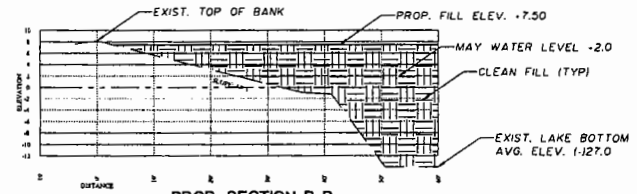

PROP. SECTION B-B

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION

Designed by: A.P.H. Date: 11/10
Drawn by: A.P.H. Date: 11/10
Checked by: A.P.H. Date: 11/10

development consulting group

construction administration
12855 SW 132 Street, Suite 206
Miami, Florida 33186
Phone: (305) 253-1970
Fax: (305) 253-0897
Authorization No. EB-26343

Engineer of Record: ACRISTYS P. HERRERA
Date
Registered Engineer Number: 59357
State of Florida

LAKE FILL
SECTIONS

FONTAINBLEAU WEST
FONTAINBLEAU LAKES, LLC

PROJECT NUMBER 201020

SHEET NUMBER LF2 OF 2

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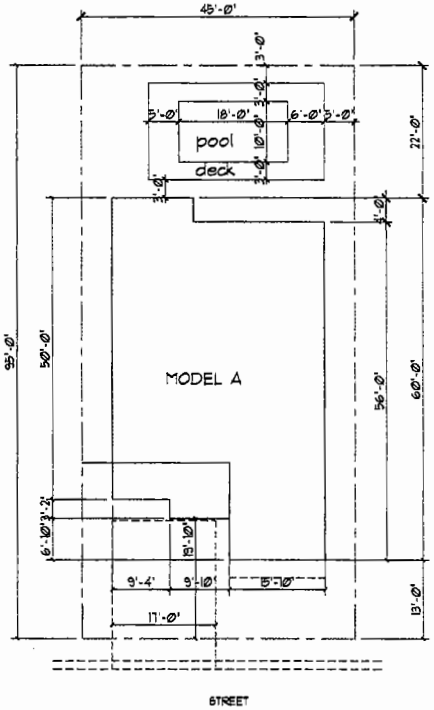
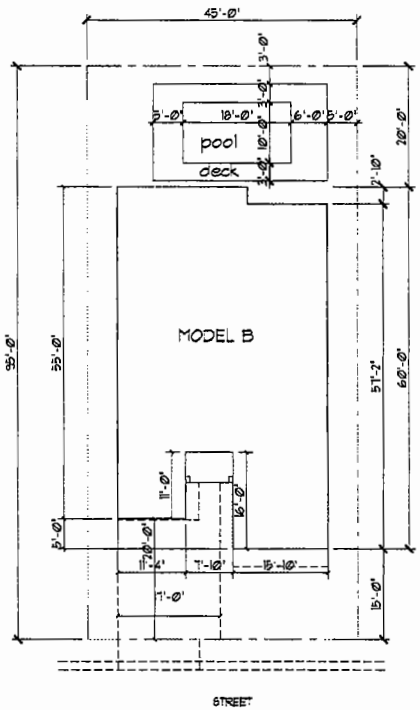
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



TYPICAL LOT PLAN



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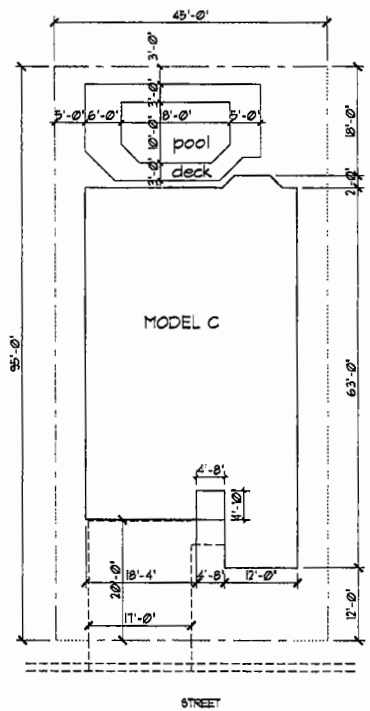

TYPICAL LOT PLAN

POOL VARIANCE BY UNIT TYPE
BASED ON MOST CRITICAL LOT

OLR
ARCHITECT
CRISTOBAL LOPEZ-ROCIO
ARCHITECT
100 S.E. 2ND AVENUE
SUITE 200
MIAMI, FLORIDA 33131
TELEPHONE (305) 358-2366

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS :

DATE : 1-20-11
SCALE : AS SHOWN
DRAWN : AG
JOB NO. :

PV-1

SHEET NO. : 1 OF

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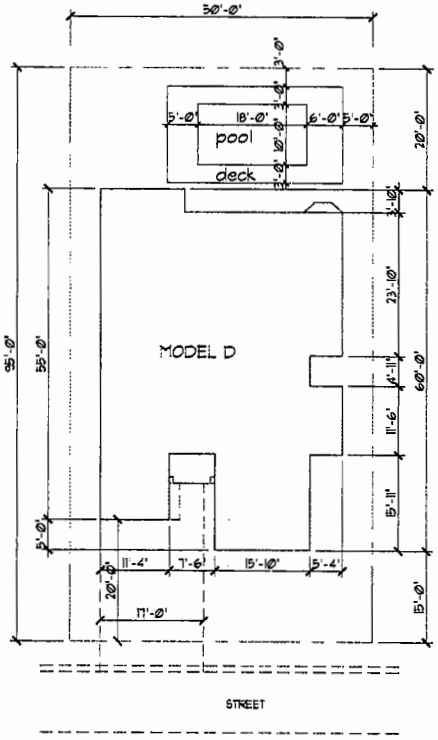
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



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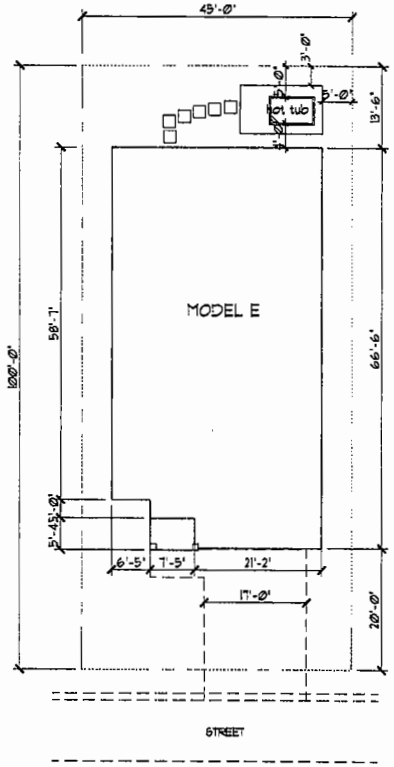

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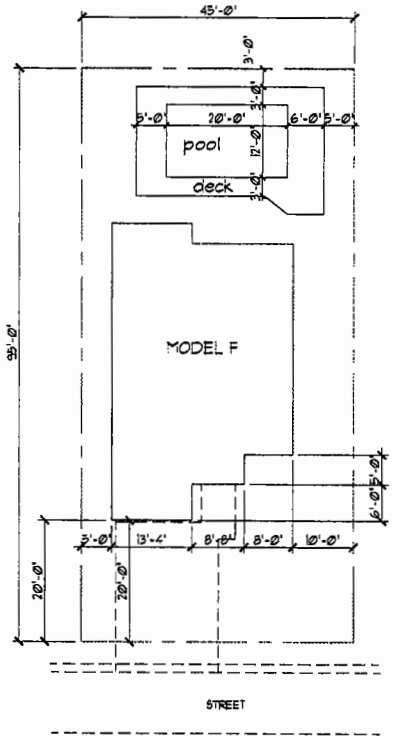

TYPICAL LOT PLAN

POOL VARIANCE BY UNIT TYPE
BASED ON MOST CRITICAL LOT

OLR

ARCHITECT

OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.

MIAMI, FL.

DATE : 4-1-11

PV-2

RECEIVED
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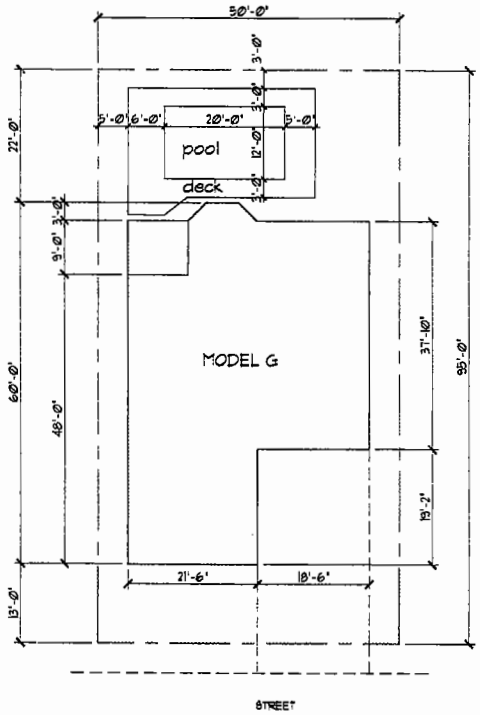
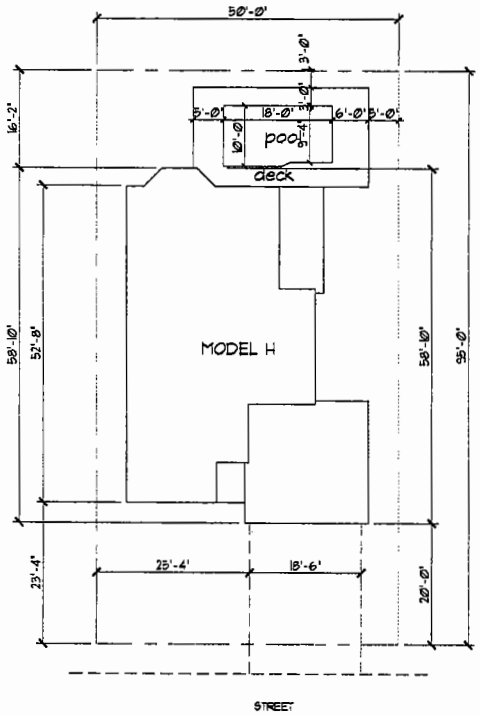
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY



TYPICAL LOT PLAN



TYPICAL LOT PLAN

POOL VARIANCE BY UNIT TYPE
BASED ON MOST CRITICAL LOT

OLR

ARCHITECT
CRISTINA LOPEZ-ROCHO
ARCHITECT
OWNER:
SHOMA DEVELOPMENT CORP
MIAMI, FLORIDA

FONTAINBLEAU LAKES P.A.D.
MIAMI, FL.

REVISIONS:

DATE: 4-1-11
SCALE: AS SHOWN
DRAWN: AG
JOB NO.:

PV-3

SHEET NO.: 1 OF

101

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
Z10-188
NOV 17 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JJK

RECEIVED
Z10-103
AUG 04 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JJK

RECEIVED
Z10-151
SEP 2 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JJK

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	

Z10-157 RECEIVED SEP 2 2010 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY JSH

Z10-103 RECEIVED AUG 2 2010 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY JSH

Z10-188 RECEIVED NOV 17 2010 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY JSH

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 2nd day of AUGUST, 2010. Affiant is personally known to me or has produced _____ as identification.

_____
Notary Public

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

My commission expires _____

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

Exhibit "C"

DISCLOSURE OF ALL PARTIES IN INTEREST

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

↓

Fontainbleau Lakes, LLC
100%

60%	20%	20%
1. Masoud and Maria Shojaee 5835 Blue Lagoon Dr. 4th Floor Miami, Florida 33126	2. Alexandra Lamas 5835 Blue Lagoon Dr. 4th Floor Miami, Florida 33126	3. Jose Lamas 5835 Blue Lagoon Dr. 4th Floor Miami, Florida 33126

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: Fontainebleau Single Family Homes, 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

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 6 day of June 2011. Affiant is personally known to me or has produced _____ as identification.

Raquel P. Chong
(Notary Public)

Notary Public State of Florida
Raquel P Chong
My Commission EE036946
Expires 10/24/2014

My commission expires 10/24/2014

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

Exhibit "C"

DISCLOSURE OF ALL PARTIES IN INTEREST

Fontainebleau Single Family Homes West, LLC
100%

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

70%

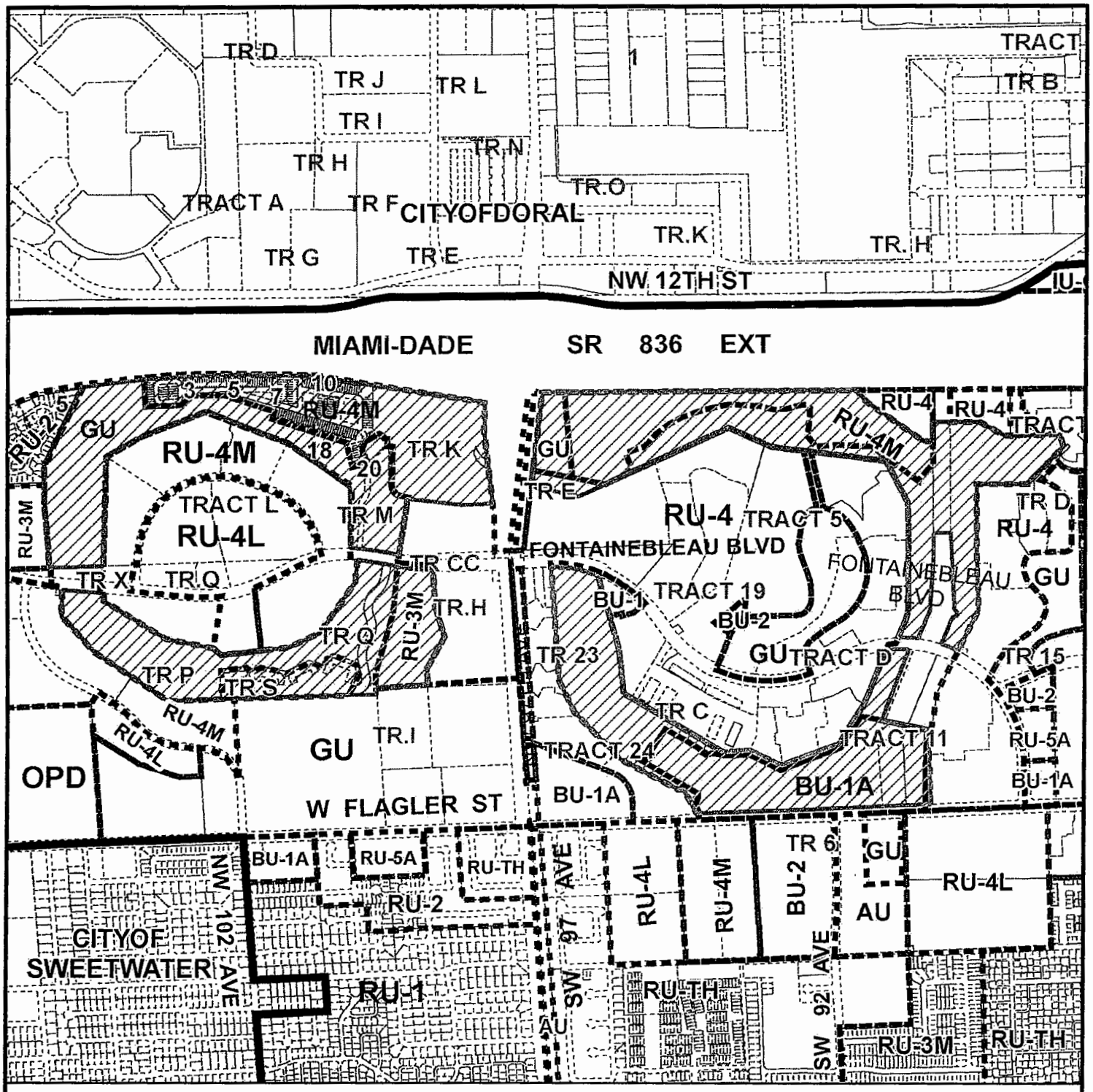
Masoud Shojaee
Manager

Maria L. Shojaee
Manager

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

30%

Pedro A. Martin
Manager



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000188

Section: 04/05 Township: 54 Range: 40
Section: 54/55 Township: 53 Range: 40
Applicant: FONTAINBLEAU LAKES, LLC
Zoning Board: BCC
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

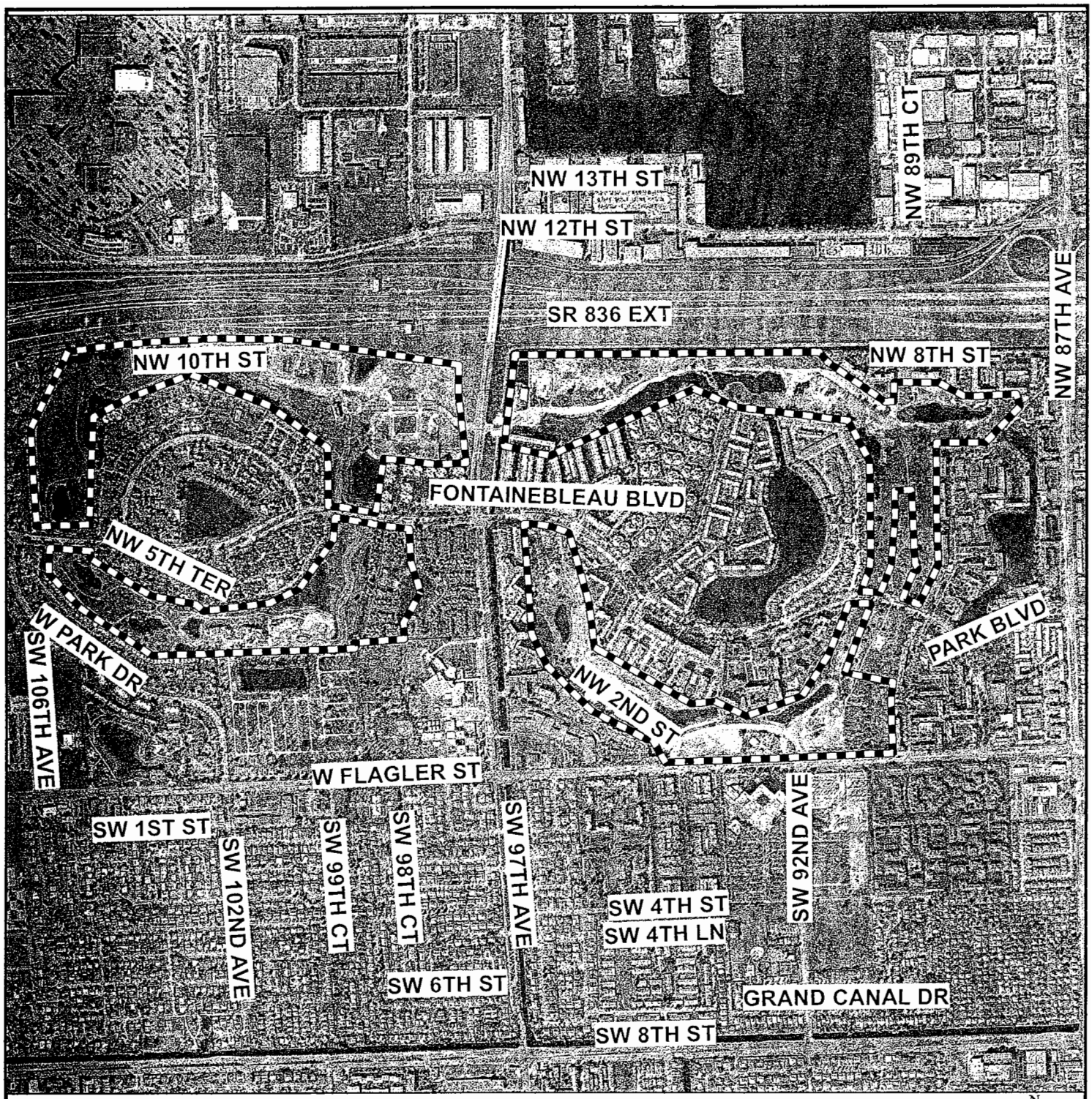
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, December 3, 2010

REVISION	DATE	BY
		116



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000188

N
W E
S

Legend

Subject Property

Section: 04/05 Township: 54 Range: 40
Section: 54/55 Township: 53 Range: 40
Applicant: FONTAINBLEAU LAKES, LLC
Zoning Board: BCC
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, December 3, 2010

REVISION	DATE	BY

PLANNING AND ZONING
AGENDA OFFICE

2011 JUL 12 A 11:28

BCC ——— July 21, 2011
Item #2 ——— 10-188
Fontainbleau Lakes, LLC
Covenant 1 of 3

This instrument was prepared by
or under the supervision of:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
3470 NW 82nd Avenue
Suite #660
Doral, FL 33122

(Space reserved for Clerk of Court)

SECOND MODIFICATION OF DECLARATION OF RESTRICTIONS RECORDED AT OFFICIAL RECORDS BOOK 24467, PAGE 3173

THIS Second Modification of Declaration of Restrictions is made this 7th day of July, 2011, by Fontainbleau Lakes, LLC, a Florida limited liability company, and Fontainebleau Single Family Homes West, LLC., a Florida limited liability company, (collectively the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

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

See attached Exhibit "1"

hereinafter referred to as the " Property"; and

WHEREAS, in July 2004, the Owner filed a zoning application to rezone the Property from GU to RU-4M, and pursuant to Zoning Resolution No. CZAB10-21-06 (the "Former Zoning Application") a site plan was approved for the Property.

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proferred and accepted by the Board of County Commissioners in connection with the Former Zoning Application and recorded in the Public Records of Miami-Dade County in Official Records Book 24467, at Page 3173, which placed certain restrictions and

conditions on the use of the Property; and

WHEREAS, on December 2008, the Owner filed a zoning hearing application which requested, inter alia, to rezone a portion of the Property located North of Fountainbleau Blvd. between theoretical NW 90th and 94th Avenue (described in Exhibit "2" and hereinafter referred to as the "SEG Property") from GU and RU – 4M to BU – (1) (A), and pursuant to Zoning Resolution No. Z-26-09 a site plan was approved for the SEG Property (the "Commercial Zoning Application"); and

WHEREAS, a First Modification of Declaration of Restrictions (hereinafter referred to as the "SEG Declaration") in favor of Miami-Dade County, was proferred and accepted by the Board of County Commissioners in connection with the Commercial Zoning Application and recorded in the Public Records of Miami-Dade County in Official Records Book 27111, at Page 1259, which modified the Declaration as it applied to the SEG Property; and

WHEREAS, on November 2010, the Owner filed a zoning hearing application to rezone a portion of the Property located North of Fountainbleau Blvd and West of NW 97th Avenue (described in Exhibit "3" and hereinafter referred to as the "NWG Property") from GU and RU-4M to PAD, which is currently pending as Public Hearing No. Z10-188 (the "PAD Zoning Application"); and

WHEREAS, in connection with the PAD Zoning Application, the Owner is proffering a new covenant that will place certain restrictions and conditions on the use of the NWG Property; and

WHEREAS, the Owner now seeks to modify the Declaration in order to conform to the new development plan for the NWG Property and to modify the previously approved site plan for the Property; and

WHEREAS, the Declaration may only be modified by approval of the Board of County Commissioners (the "BCC") pursuant to the Declaration; and

WHEREAS, a public hearing was held before the Miami-Dade County Board of County Commissioners (the "BCC") on _____, 2011 at which hearing the BCC adopted Resolution No. ____ (the "Resolution"); and

WHEREAS, the Resolution approved the modification of Paragraphs 1 and 2 of the Declaration recorded in Official Records Book 24467, Page 3173 as follows:

FROM:

(1) The Property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual Perez Kiliddjian & Associated entitled "Fountainbleau East" consisting of 68 sheets dated, signed and sealed February 8, 2006 and "Fountainbleau 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.

(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 Fountainbleau Overall East, attached as Exhibit B, and seven hundred fourteen (714) residential dwellings on the west golf course, described as the Fountainbleau Overall West, attached as Exhibit C.

TO:

(1) The Property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual Perez Kiliddjian & Associated entitled "Fountainbleau East" consisting of 68 sheets dated, signed and sealed February 8, 2006 and "Fountainbleau West" consisting of 51 sheets dated, signed and sealed February 8, 2006, ("Site Plan"), as modified by the plans previously submitted, entitled "Fontainbleau Retail Development," as prepared by Leo A. Daly, 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, and as further modified by the plans entitled "Fontainbleau Lakes P.A.D." (44 sheets), as prepared by OLR Architect, "Fontainbleau Lakes P.A.D." (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, "Boundary and Topographic Survey" (6 sheets), as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration.

(2) Notwithstanding the Zoning on the property, The total new residential development will not exceed seven hundred seventy (770) residential dwelling units on the east golf course, described as the Fountainbleau Overall East, attached as Exhibit B, and four hundred three (403) residential dwellings on the west golf course, described as the Fountainbleau Overall West, attached as Exhibit C.

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

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

(1) The Property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual Perez Kiliddjian & Associated entitled "Fountainbleau East" consisting of 68 sheets dated, signed and sealed February

8, 2006 and "Fountainbleau West" consisting of 51 sheets dated, signed and sealed February 8, 2006, ("Site Plan"), as modified by the plans previously submitted, entitled "Fontainbleau Retail Development," as prepared by Leo A. Daly, 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, and as further modified by the plans entitled "Fontainbleau Lakes P.A.D." (44 sheets), as prepared by OLR Architect, "Fontainbleau Lakes P.A.D." (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, "Boundary and Topographic Survey" (6 sheets), as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration.

(2) Notwithstanding the Zoning on the property, The total new residential development will not exceed seven hundred seventy (770) residential dwelling units on the east golf course, described as the Fountainbleau Overall East, attached as Exhibit B, and four hundred three (403) residential dwellings on the west golf course, described as the Fountainbleau Overall West, attached as Exhibit C.

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 7 day of July, 2011.

WITNESSES:

Signature

Annette Nandez

Print Name

Signature

Edwin Fernandez

Print Name

Fontainbleau Lakes, LLC., a Florida limited liability company

Masoud Shojaee, Manager

WITNESSES:

Signature company

Annette Hernandez

Print Name

Signature

Edwin Fernandez

Print Name

Fontainebleau Single Family Homes West, LLC., a Florida limited liability

Masoud Shojaee, Manager

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011, by Masoud Shojaee, as Manager of both Fontainebleau Lakes, LLC. and Fontainebleau Single Family Homes, West, LLC. on behalf of the corporations. He is personally known to me and acknowledged that he/she executed this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

Notary Public, State of Florida

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

FONTAINBLEAU LAKES, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

_____
signature

Adam Adler
print name

_____
signature

JORGE RAWICZ
print name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7th day of July, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

_____
Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

signature

Adam Adler
print name

signature

JORGE RAWICZ
print name

FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of July, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

{M3071508;1}

JOINDER AND CONSENT OF MORTGAGEE

Flagler Loan Investments, LLC, a Florida limited liability company, hereby consents and joins in the foregoing instrument in its capacity as Mortgagee under that certain Second Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of Flagler Loan Investments, LLC, dated as of August 31, 2010 and recorded September 2, 2010 in Official Records Book 27408 at Page 2765 of the Public Records of Miami-Dade County, Florida which amends and restates that certain Real Estate Mortgage, Assignment and Security Agreement from Fontainbleau Lakes, LLC to Bank of America, N.A. dated October 17, 2005 recorded October 18, 2005 in Official Records Book 23887, at Page 4607, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded August 17, 2007 in Official Records Book 25863, at Page 3204, as modified by Mortgage Modification Agreement recorded September 23, 2008 in Official Records Book 26579 at Page 4573; which was assigned to Flagler Loan Investments, LLC by virtue of that certain Assignment of Mortgage and other Loan Documents from Bank of America, N.A. recorded September 2, 2010 in Official Records Book 27408 at Page 2759 of the Public Records of Miami-Dade County, Florida

Signed, sealed and delivered in the presence of:

MICHELLE PERAZA

AILEEN ORTEGA

FLAGLER LOAN INVESTMENTS, LLC,
a Florida limited liability company

By: Michael Katz Manager

By: Lidia Cartaya

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8th day of July, 2011. by Michael Katz and Lidia Cartaya as Managers of Flagler Loan Investments, LLC, a Florida limited liability company, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

MICHELLE PERAZA
MY COMMISSION # DD 883572
EXPIRES: May 16, 2013
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC, STATE OF FLORIDA

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

{M3057697;1}

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Courtyards West, LLC., a Florida limited liability company, hereby consents and joins in the foregoing instrument as the Owner of a portion of the property covered in the foregoing Second Modification of Declaration of Restrictions.

Signed, sealed and delivered in the presence of:

Annett Fernandez

Edwin Innamorato

Fontainbleau Lakes Courtyards West, LLC., a Florida limited liability company

By: _____

Name: MASOUD SHOJAEE

Title: Co-Manager

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011. by Masoud Shojaee, as Co-Manager of Fontainbleau Lakes Courtyards West, LLC., a Florida limited liability company, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Courtyards West Condominium Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Signed, sealed and delivered in the presence of:

Annett Hernandez

Edwin Innamoto

Fontainebleau Lakes Courtyards West Condominium Association, Inc., a Florida non-profit corporation

By: _____

Name: Marta A. Cruz

Title: President

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011 by Marta A Cruz, as President of Fontainbleau Lakes Courtyards West Condominium Association, Inc., a Florida non-profit corporation, on behalf of the corporation. ~~He~~/she is personally known to me or has produced _____ (type of identification) as identification.

_____

NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Single Family Homes West Homeowner's Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Signed, sealed and delivered in the presence of:

Annette Fernandez

Edwin Innamorato

Edwin Innamorato

Fontainebleau Lakes Single Family Homes West Homeowner's Association, Inc.
a Florida non-profit corporation

By: _____

Name: Marta A. Cruz

Title: President

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011 by Marta A. Cruz, as President of Fontainbleau Single Family Homes West Homeowner's Association, Inc., a Florida non-profit corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

_____
NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Courtyards West, LLC, a Florida limited liability company, hereby consents and joins in the foregoing instrument as Owner of a portion of the property covered in the foregoing instrument.

Fontainbleau Lakes Courtyards West, LLC, a Florida limited liability company

By: _____
Masoud Shojaee, Co-Manager

PRINT NAME OF WITNESS BELOW:
Marta A. Cruz

PRINT NAME OF WITNESS BELOW:
Maylins Diaz-Clark

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th day of July, 2011 by Masoud Shojaee, as Co-Manager of Fontainbleau Lakes Courtyards West, LLC, a Florida limited liability company. He is personally known to me.

MAYLING DIAZ-CLARK
MY COMMISSION # DD 979282
EXPIRES: July 1, 2014
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC STATE OF FLORIDA

Maylins Diaz Clark
PRINT NAME OF NOTARY PUBLIC

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida, Florida, hereby consents and joins in the foregoing instrument as the Owner of a portion of the property covered in the foregoing Second Modification of Declaration of Restrictions.

Signed, sealed and delivered in the presence of:

Annette Hernandez

Edwin Innamorato

Fontainbleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida

By: _____

Name: Marta A. Cruz

Title: Chairperson

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011 by Marta A. Cruz, as Chairperson of Fontainbleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida, on behalf of the CDD. He/she is personally known to me or has produced _____ (type of identification) as identification.

_____
NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Master Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Signed, sealed and delivered in the presence of:

Annette Hernandez

Edwin Innamorato

Fontainebleau Lakes Master Association Inc., a Florida non-profit corporation

By: _____

Name: Marta A. Cruz

Title: President

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July 2011 by Marta A Cruz, as President of Fontainbleau Lakes Master Association, Inc., a Florida non-profit corporation, on behalf of the corporation. ~~He~~/she is personally known to me or has produced _____ (type of identification) as identification.

_____
NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Greenspace Maintenance Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Signed, sealed and delivered in the presence of:

Fernandez

Edwin Innamorato

Fontainebleau Lakes Greenspace Maintenance Association,Inc., a Florida non-profit corporation

By: _____

Name: Marta A. Cruz

Title: President

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July 2011 by Marta A. Cruz, as President of Fontainbleau Lakes Greenspace Maintenance Association, Inc., a Florida non-profit corporation, on behalf of the corporation. ~~He~~/she is personally known to me or has produced _____ (type of identification) as identification.

_____
NOTARY PUBLIC, STATE OF FLORIDA

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

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

EXHIBIT "1"

LEGAL DESCRIPTION:

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

AND

All of FONTAINEBLEAU WEST, according to the Plat thereof, as recorded in Plat Book 166, at Page 45 of the Public Records of Miami-Dade County, Florida. Area of this Property is 5,445,297 SQUARE FEET (125.00 ACRES)

Exhibit "2"

LEGAL DESCRIPTION:

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

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

EXHIBIT "3"

LEGAL DESCRIPTION:

A PORTION OF TRACT "A", ALL OF TRACTS "B", "C", "D", "E", "F", "G", "H", "J", "K", "L" AND A PORTION OF TRACTS "M" AND "N" AND ALL OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20, OF FONTAINEBLEAU WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 45 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "K" OF SAID PLAT; THENCE ON THE BOUNDARY OF SAID TRACT "K" SOUTH 00°31'54" EAST 282.30 FEET; THENCE SOUTH 06°54'36" EAST ON THE EASTERLY BOUNDARY OF TRACTS "K", "L", AND "K" AGAIN 662.67 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "K" THENCE ON THE BOUNDARY OF SAID TRACT "K" THE FOLLOWING 4 COURSES AND DISTANCES 1) SOUTH 89°01'59" WEST 301.26 FEET; 2) NORTH 83°40'01" WEST 480.00 FEET; 3) NORTH 83°39'40" WEST 59.23 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; 4) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 71°15'00" AN ARC DISTANCE OF 149.23 FEET; THENCE SOUTH 48°37'04" WEST 167.06 FEET; THENCE NORTH 18°19'18" WEST 154.98 FEET TO THE INTERSECTION WITH THE EASTERLY BOUNDARY OF TRACT "N", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS NORTH 87°08'15" EAST; THENCE NORTHERLY ON SAID EASTERLY BOUNDARY AND THE ARC OF SAID CURVE HAVING A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 14°42'13" FOR AN ARC DISTANCE OF 109.07 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY ALONG SAID EASTERLY BOUNDARY AND THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 702.00 FEET, A CENTRAL ANGLE OF 11°10'02" FOR AN ARC DISTANCE OF 136.82 FEET; THENCE NORTH 85°48'55" WEST 50.10 FEET TO THE INTERSECTION WITH THE WESTERLY BOUNDARY OF SAID TRACT "N", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, WHOSE RADIUS BEARS NORTH 89°35'45" WEST; THENCE ON SAID WESTERLY BOUNDARY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 652.00 FEET, A CENTRAL ANGLE OF 11°26'13" FOR AN ARC DISTANCE OF 130.15 FEET TO A POINT OF REVERSE CURVATURE; 2) SOUTHERLY ON THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 15°36'36" FOR AN ARC DISTANCE OF 129.41 FEET TO A POINT OF REVERSE CURVATURE; 3) SOUTHERLY AND SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 39°04'57" FOR AN ARC DISTANCE OF 119.37 FEET TO A POINT OF REVERSE CURVATURE; 4) SOUTHWESTERLY ON THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 248.00 FEET, A CENTRAL ANGLE OF 13°24'30" FOR AN ARC DISTANCE OF 58.04 FEET; THENCE NORTH 62°00'23" WEST 145.75 FEET TO THE INTERSECTION WITH A WESTERLY LINE OF TRACT "A" AND A PLAT LIMIT LINE; THENCE NORTH 00°49'59" EAST ON SAID PLAT LIMIT LINE AND SAID WESTERLY LINE OF SAID TRACT "A" AND ITS NORTHERLY EXTENSION 328.63 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF A COMMON LINE OF TRACTS "A" AND "C"; THENCE NORTH 73°40'12" EAST ON SAID SOUTHWESTERLY EXTENSION OF SAID COMMON LINE 19.69 FEET TO THE WESTERLY LINE OF TRACT "C"; THENCE NORTH 16°19'48" WEST ALONG SAID

WESTERLY LINE OF TRACT "C" 232.54 FEET; THENCE NORTH 73°55'52" WEST ALONG THE SOUTHERLY LINE OF SAID TRACT "C" AND ITS WESTERLY EXTENSION THEREOF 862.04 FEET; THENCE NORTH 16°04'08" EAST 69.80 FEET TO THE INTERSECTION WITH A COMMON LINE OF TRACTS "A" AND "C"; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "C" THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 73°55'52" WEST 316.92 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 2) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 17°21'33" AN ARC DISTANCE OF 34.84 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 3) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 10,130.09 FEET AND A CENTRAL ANGLE OF 01°38'14" AN ARC DISTANCE OF 289.47 FEET; THENCE SOUTH 00°50'44" EAST 206.95 FEET TO THE INTERSECTION WITH A SOUTHERLY LINE OF SAID TRACT "A" AND A PLAT LIMIT LINE; THENCE ON SAID SOUTHERLY LINE AND SAID PLAT LIMITS LINE THE FOLLOWING 2 COURSES AND DISTANCES: 1) SOUTH 69°19'59" WEST 444.09 FEET; 2) SOUTH 61°33'32" WEST 110.61 FEET; THENCE NORTH 31°05'57" WEST 49.06 FEET; THENCE NORTH 71°27'20" WEST 121.93 FEET; THENCE NORTH 47°33'16" WEST 32.53 FEET; THENCE NORTH 02°05'42" EAST 47.91 FEET; THENCE SOUTH 84°50'40" WEST 138.32 FEET; THENCE SOUTH 24°55'08" WEST 148.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 17°13'19" FOR AN ARC DISTANCE OF 60.12 FEET TO A POINT OF TANGENCY; THENCE SOUTH 07°41'49" WEST 103.98 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 15°02'47" FOR AN ARC DISTANCE OF 52.52 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 18°27'54" FOR AN ARC DISTANCE OF 64.45 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11°06'55" WEST 423.64 FEET; THENCE SOUTH 86°39'46" WEST 250.18 FEET; THENCE NORTH 02°10'01" WEST 460.11 FEET; THENCE NORTH 24°55'08" EAST 679.48 FEET; THENCE NORTH 84°50'40" EAST 540.95 FEET TO A POINT ON AN EASTERLY LINE OF TRACT "A" ALSO BEING ON THE MOST WESTERLY LINE OF TRACT "C"; THENCE ON THE BOUNDARY OF TRACT "C" THE FOLLOWING 4 COURSES AND DISTANCES: 1) NORTH 04°17'45" WEST 150.32 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 05°12'44" EAST; 2) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 11,169.15 FEET AND A CENTRAL ANGLE OF 04°49'27" AN ARC DISTANCE OF 940.43 FEET; 3) SOUTH 88°33'24" EAST 625.75 FEET; 4) SOUTH 81°11'48" EAST 1,600.58 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) COURSES AND DISTANCES BEING COINCIDENT WITH THE NORTH PLAT LIMITS OF SAID FONTAINEBLEAU WEST AND THE LIMITED ACCESS LINE OF THE DOLPHIN EXPRESSWAY (STATE ROAD 836).

CONTAINING 2,371,037 SQUARE FEET (54.4315 ACRES)

PLANNING AND ZONING
AGENDA OFFICE

2011 JUL 12 A 11:27

BCC ——— July 21, 2011
Item #2 ——— 10-188
Fontainbleau Lakes, LLC
Covenant 2 of 3

This instrument was prepared by:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
3470 NW 82nd Avenue, Suite 660
Doral, Florida 33122

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Fontainbleau Lakes, LLC, a Florida limited liability company (the "Owner"), holds the fee simple title to that certain 33.15 acres of real property, which is legally described in Exhibit "A" to this Declaration (the "NEG Property");

WHEREAS, in July 2004, the Owner filed a zoning application to rezone a tract of land which included the NEG Property, and pursuant to Zoning Resolution No. CZAB10-21-06 a residential site plan was approved for the development of 1,122 residential units on that tract of land (the "Former Zoning Application");

WHEREAS, in November 2010, the Owner filed an application with the Department of Planning and Zoning in Miami-Dade County, which application is currently pending under Public Hearing Application No. Z10-188 (the "Application No. 10-188"), to rezone the property described in Exhibit "B" attached hereto (the NWG Property") from RU-4M and GU to PAD;

WHEREAS the Owner, under Application No. 10-188, seeks to modify the prior approved site plan to permit, inter alia, for the development of a total of 307 dwelling units consisting of 271 single family homes and 36 townhomes in place of the prior approved 616 dwelling units which were approved on the NWG Property under the Former Zoning Application;

WHEREAS, the Owner seeks to clarify the number of residential units permitted on the NEG Property in light of Application No. 10-188 and to make clear that no residential dwelling units shall be transferred from the NWG Property to the NEG Property;

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owner as to the development of the NWG Property and the NEG Property will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the NEG Property:

(1) **Use and Development Limitation Criteria.** The Development of the NEG Property shall not exceed a total of seven hundred seventy (770) residential dwelling units.

(2) **Miscellaneous.**

A. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. **Covenant Running with the Land**. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These

restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

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

D. **Modification, Amendment, Release**. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida.

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

F. **Authorization for Miami-Dade County to Withhold Permits and Inspections**. In the event the terms of this Declaration are not being complied with, in

addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

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

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

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

J. **Recording**. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the

Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 7th day of July, 2011.

Fontainbleau Lakes, LLC., a Florida limited liability corporation

By: _____

Title: Manager

Witnesses:

_____
Signature

Annette Hernandez
Print Name

_____
Signature

Edwin Innamorato.
Print Name

STATE OF FLORIDA)
) **ss:**
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011, by Masoud Shojaee as Manager of Fontainbleau Lakes, LLC. He/~~she~~ is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

_____

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

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

My Commission Expires:

signature

Adam Adler
print name

signature

JORGE RAWICZ
print name

FONTAINBLEAU LAKES, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of July, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

{M3071508;1}

signature

Marta A. Cruz
print name

signature

print name

FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC, a Florida limited liability company

By: _____
Masoud Shojaee, Co-Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th day of July _____, 2011 by Masoud Shojaee, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

Notary Public

Serial Number DD 979282

Mayling Diaz-Clark
print name

MAYLING DIAZ-CLARK
MY COMMISSION # DD 979282
EXPIRES: July 1, 2014
Bonded Thru Notary Public Underwriters

signature

Adam Adler
print name

signature

JORGE RAWICZ
print name

FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of July _____, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

{M3071508:1}

JOINDER AND CONSENT OF MORTGAGEE

Flagler Loan Investments, LLC, a Florida limited liability company, hereby consents and joins in the foregoing instrument in its capacity as Mortgagee under that certain Second Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of Flagler Loan Investments, LLC, dated as of August 31, 2010 and recorded September 2, 2010 in Official Records Book 27408 at Page 2765 of the Public Records of Miami-Dade County, Florida which amends and restates that certain Real Estate Mortgage, Assignment and Security Agreement from Fontainbleau Lakes, LLC to Bank of America, N.A. dated October 17, 2005 recorded October 18, 2005 in Official Records Book 23887, at Page 4607, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded August 17, 2007 in Official Records Book 25863, at Page 3204, as modified by Mortgage Modification Agreement recorded September 23, 2008 in Official Records Book 26579 at Page 4573; which was assigned to Flagler Loan Investments, LLC by virtue of that certain Assignment of Mortgage and other Loan Documents from Bank of America, N.A. recorded September 2, 2010 in Official Records Book 27408 at Page 2759 of the Public Records of Miami-Dade County, Florida

Signed, sealed and delivered in the presence of:

MICHELLE PERAZA

AILEEN ORTEGA

FLAGLER LOAN INVESTMENTS, LLC,
a Florida limited liability company

By: Mul Kat Manager

By: Lidia Cartaya

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8th day of July, 2011. by Michael Katz and Lidia Cartaya as Managers of Flagler Loan Investments, LLC, a Florida limited liability company, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

MICHELLE PERAZA
MY COMMISSION # DD 883572
EXPIRES: May 16, 2013
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC, STATE OF FLORIDA

MICHELLE PERAZA

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

{M3057697;1}

EXHIBIT "A"

LEGAL DESCRIPTION:

TRACT "A" OF "FONTAINEBLEAU EAST" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 168, AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT B

LEGAL DESCRIPTION:

A PORTION OF TRACT "A", ALL OF TRACTS "B", "C", "D", "E", "F", "G", "H", "J", "K", "L" AND A PORTION OF TRACTS "M" AND "N" AND ALL OF BLOCKS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19, OF FONTAINEBLEAU WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 45 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "K" OF SAID PLAT; THENCE ON THE BOUNDARY OF SAID TRACT "K" SOUTH 00°31'54" EAST 282.30 FEET; THENCE SOUTH 06°54'36" EAST ON THE EASTERLY BOUNDARY OF TRACTS "K", "L", AND "K" AGAIN 662.67 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "K" THENCE ON THE BOUNDARY OF SAID TRACT "K" THE FOLLOWING 4 COURSES AND DISTANCES 1) SOUTH 89°01'59" WEST 301.26 FEET; 2) NORTH 83°40'01" WEST 480.00 FEET; 3) NORTH 83°39'40" WEST 59.23 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; 4) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 71°15'00" AN ARC DISTANCE OF 149.23 FEET; THENCE SOUTH 48°37'04" WEST 167.06 FEET; THENCE SOUTH 87°09'18" WEST 89.35 FEET TO THE INTERSECTION WITH THE WESTERLY BOUNDARY OF TRACT "N", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, WHOSE RADIUS POINT BEARS SOUTH 54°41'11" EAST; THENCE SOUTHWESTERLY ON SAID WESTERLY BOUNDARY AND THE ARC OF SAID CURVE HAVING A RADIUS OF 198.00 FEET, A CENTRAL ANGLE OF 14°57'15" FOR AN ARC DISTANCE OF 51.68 FEET; THENCE NORTH 62°00'23" WEST 145.75 FEET TO THE INTERSECTION WITH A WESTERLY LINE OF TRACT "A" AND A PLAT LIMIT LINE; THENCE NORTH 00°49'59" EAST ON SAID PLAT LIMIT LINE AND SAID WESTERLY LINE OF SAID TRACT "A" AND ITS NORTHERLY EXTENSION 328.63 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF A COMMON LINE OF TRACTS "A" AND "C"; THENCE NORTH 73°40'12" EAST ON SAID SOUTHWESTERLY EXTENSION OF SAID COMMON LINE 19.69 FEET TO THE WESTERLY LINE OF TRACT "C"; THENCE NORTH 16°19'48" WEST ALONG SAID WESTERLY LINE OF TRACT "C" 232.54 FEET; THENCE NORTH 73°55'52" WEST ALONG THE SOUTHERLY LINE OF SAID TRACT "C" AND ITS WESTERLY EXTENSION THEREOF 862.04 FEET; THENCE NORTH 16°04'08" EAST 69.80 FEET TO THE INTERSECTION WITH A COMMON LINE OF TRACTS "A" AND "C"; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "C" THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 73°55'52" WEST 316.92 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 2) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 17°21'33" AN ARC DISTANCE OF 34.84 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 3) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 10,130.09 FEET AND A CENTRAL ANGLE OF 01°38'14" AN ARC DISTANCE OF 289.47 FEET; THENCE SOUTH 00°50'44" EAST 206.95 FEET TO THE INTERSECTION WITH A SOUTHERLY LINE OF SAID TRACT "A" AND A PLAT LIMIT LINE; THENCE ON SAID SOUTHERLY LINE AND SAID PLAT LIMITS LINE THE FOLLOWING 2 COURSES AND DISTANCES: 1) SOUTH 69°19'59" WEST 444.09 FEET; 2) SOUTH 61°33'32" WEST 226.49 FEET; THENCE NORTH 21°45'47" WEST 170.05 FEET; THENCE NORTH 02°05'42" EAST 187.70 FEET; THENCE NORTH 88°03'53" EAST 247.19 FEET TO A POINT ON AN EASTERLY LINE OF TRACT "A" ALSO BEING ON THE MOST WESTERLY LINE OF TRACT "C"; THENCE ON THE BOUNDARY OF TRACT "C" THE FOLLOWING 4 COURSES AND DISTANCES: 1) NORTH 04°17'45" WEST 273.01 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 05°12'44" EAST; 2) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 11,169.15 FEET AND A CENTRAL ANGLE OF 04°49'27" AN ARC DISTANCE OF 940.43 FEET; 3) SOUTH 88°33'24" EAST 625.75 FEET; 4) SOUTH 81°11'48" EAST 1,600.58 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) COURSES AND DISTANCES BEING COINCIDENT WITH THE NORTH PLAT LIMITS OF SAID FONTAINEBLEAU WEST AND THE LIMITED ACCESS LINE OF THE DOLPHIN EXPRESSWAY (STATE ROAD 836).

LESS ALL OF BLOCKS 1, 2, 3, AND 20 OF SAID FONTAINEBLEAU WEST.

CONTAINING 1,972,625 SQUARE FEET (45.2851 ACRES).

PLANNING AND ZONING
AGENDA OFFICE

2011 JUL 12 A 11:28

BCC ——— July 21, 2011
Item #2 ——— 10-188
Fontainbleau Lakes, LLC
Covenant 3 of 3

This instrument was prepared by:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
3470 NW 82nd Avenue
Suite #660
Doral, FL 33122

(Space Reserved for Clerk of the Court)

PLANNED AREA DEVELOPMENT AGREEMENT

WHEREAS, the undersigned, Fontainbleau Lakes, LLC and Fontainebleau Single Family Homes West, LLC. (collectively the "Owners"), hold the fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, to wit:

See attached Exhibit "A"

hereinafter called the "NWG Property," which is supported by the attorney's opinion; and

WHEREAS, in July 2004, the then Owners filed a zoning application to rezone a tract of land that included the NWG Property, and pursuant to Zoning Resolution No. CZAB10-21-06 (the "Original Zoning Application") a site plan was approved for the NWG Property; and

WHERAS, since the approval of the Original Zoning Application several of the residential dwelling units on the NWG Property have been sold or conveyed to third party purchasers; and

WHEREAS, the Master Association for the NWG Property is authorized to join on behalf of these third party purchasers; and

WHEREAS, the Owners have now filed Application No. 10-188 (the "Application") with Miami-Dade County (the "County"), for the approval of a district boundary change on the NWG

Property from RU-4M and GU to Planned Area Development ("PAD") district, pursuant to Article XXXIIID of the Code of Miami-Dade County (the "Code"); and

WHEREAS, Section 33-284.26 of the Code requires the Owners to submit to the Department of Planning and Zoning a recordable agreement guaranteeing the development of the NWG Property in accordance with promises made in the written and graphic documents, as approved by the Board of County Commissioners.

IN ORDER TO ASSURE the county that the representations made by the Owners during consideration of the Application will be abided by the Owners freely, voluntarily and without duress makes the following Planned Area Development Agreement covering and running with the NWG Property:

(1) **Site Plan.** The NWG Property shall be developed substantially in accordance with the plans previously submitted, entitled "Fontainbleau Lakes P.A.D." (44 sheets), as prepared by OLR Architect, "Fontainbleau Lakes P.A.D." (16 sheets), as prepared by Witkin Hults Design Group, "Lake Fill Plan" (2 sheets), as prepared by Development Consulting Group, "Boundary and Topographic Survey" (6 sheets), as prepared by Pulice Land Surveyors, Inc., all plans dated stamped received April 20, 2011, said plans being on file with the County Department of Planning and Zoning, as may be modified at the public hearing on the Application. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this Agreement.

(2) **Residential Density Restriction.** The maximum number of dwelling units on the NWG Property shall be 271 single family homes and 36 townhomes.

(3) **Development Schedule.** Development of the NWG Property is projected to commence no later than 18 months from the final approval of the Application. Completion of the project is estimated to be no less than 4 years from the date of commencement.

(4) **Additional Quantitative Data.**

A. Total Number of Bedrooms. The total number of bedrooms on the NWG Property shall not exceed 1,228.

B. Total Building Coverage. The total area of the building for the NWG Property shall not exceed 521,517.00 +/- square feet, or 21.99% of the NWG Property.

C. Common Open Space. The area of common open space for the NWG Property shall be 444,513.00 +/- square feet, or 18.75% of the NWG Property.

D. Residential Density. The maximum density of the NWG Property shall not exceed 5.64 units per gross acre.

E. Green Space. The total green space on the NWG Property shall be 8.71 acres.

F. Private Roads. The area of pavement for the private roadways within the NWG Property shall be 7.74 acres.

G. Population Projection. The estimated population projection resulting from the development of the NWG Property is 1,540 people.

(5) **Types of Dwelling Units.** The Owners agree that the NWG Property shall be developed with a minimum of seven (8) types of detached single family units and four (4) types of townhomes. The development criteria[1] for the units are set forth below:

A. **Development Criteria for Detached Single Family Units.** Each of the detached single family units shall have a minimum front setback of nineteen (19) feet ten (10) inches, a minimum rear setback of thirteen (13) feet six (6) inches, a minimum street side setback of ten (10) feet, and a minimum interior side setback of five (5) feet.

Type I Single Family Home
Architectural Style: Spanish Colonial Revival
1 story single family home
Max. Height to Roof Eave at Main Structure: 10' above ground finished floor
Proposed Unit Max. Interior Gross Area: 1,709 s.f.
Min. Private Open Space: 1,372 s.f.
Max Lot Coverage: 42.7 %
Min. Lot Square Footage (most critical lot): 4,050 s.f.

Type II Single Family Home
Architectural Style: Spanish Colonial Revival
1 story single family home
Max. Height to Roof Eave at Main Structure: 10' above ground finished floor
Proposed Unit Max. Interior Gross Area: 1,867 s.f.
Min. Private Open Space: 1,287 s.f.
Max Lot Coverage: 47.25 %
Min. Lot Square Footage (most critical lot): 4,050 s.f.

Type III Single Family Home
Architectural Style: Spanish Colonial Revival
1 story single family home

[1] The unit sizes reflect the amount of space under air conditioning.

Max. Height to Roof Eave at Main Structure: 10' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,037 s.f.
Min. Private Open Space: 1,250 s.f.
Max Lot Coverage: 50.3 %
Min. Lot Square Footage (most critical lot): 4,050 s.f.

Type IV Single Family Home
Architectural Style: Spanish Colonial Revival
1 story single family home
Max. Height to Roof Eave at Main Structure: 10' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,023 s.f.
Min. Private Open Space: 1,369 s.f.
Max Lot Coverage: 45.8 %
Min. Lot Square Footage (most critical lot): 4,500 s.f.

Type V Single Family Home
Architectural Style: Spanish Colonial Revival
1 story single family home
Max. Height to Roof Eave at Main Structure: 10' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,236 s.f.
Min. Private Open Space: 1,241 s.f.
Max Lot Coverage: 50.5 %
Min. Lot Square Footage (most critical lot): 4,500 s.f.

Type VI Single Family Home
Architectural Style: Spanish Colonial Revival
2 story single family home
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,318 s.f.
Min. Private Open Space: 1,617 s.f.
Max Lot Coverage: 31.7 %
Min. Lot Square Footage (most critical lot): 4,050 s.f.

Type VII_Single Family Home
Architectural Style: Spanish Colonial Revival
2 story single family home
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 3,234 s.f.
Min. Private Open Space: 1,513 s.f.
Max Lot Coverage: 46.8 %
Min. Lot Square Footage (most critical lot): 4,500 s.f.

Type VIII_Single Family Home
Architectural Style: Spanish Colonial Revival
2 story single family home
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor

Proposed Unit Max. Interior Gross Area: 2,859 s.f.
Min. Private Open Space: 1,888 s.f.
Max Lot Coverage: 40.09 %
Min. Lot Square Footage (most critical lot): 4,750 s.f.

B. **Development Criteria for Townhome Units.** Each of the townhome units shall have a minimum front setback of twenty (20) feet, a minimum rear setback of eighteen (18) feet six (6) inches, a minimum street setback of ten (10) feet, and a minimum interior side setback of zero (0) feet.

Type I_Townhome
Architectural Style: Mediterranean
2 story single family townhome
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 1,953 s.f.
Min. Private Open Space: 465 s.f.
Max Lot Coverage: 54.42 %
Min. Lot Square Footage (most critical lot): 1,980 s.f.

Type II_Townhome
Architectural Style: Mediterranean
2 story single family townhome
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 1,893 s.f.
Min. Private Open Space: 407 s.f.
Max Lot Coverage: 57.17 %
Min. Lot Square Footage (most critical lot): 1,980 s.f.

Type III Townhome
Architectural Style: Mediterranean
2 story single family townhome
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,071 s.f.
Min. Private Open Space: 407 s.f.
Max Lot Coverage: 57.3 %
Min. Lot Square Footage (most critical lot): 1,980 s.f.

Type IV_Townhome
Architectural Style: Mediterranean
2 story single family townhome
Max. Height to Roof Eave at Main Structure: 21' above ground finished floor
Proposed Unit Max. Interior Gross Area: 2,173 s.f.
Min. Private Open Space: 407 s.f.
Max Lot Coverage: 55.35 %
Min. Lot Square Footage (most critical lot): 1,980 s.f.

(6) **Accessory Uses.** Swimming pools, Jacuzzis, and other accessory uses shall be permitted in the rear or side yard of each dwelling unit, and shall be setback a minimum of five (5) feet from all property lines. The pool deck shall be setback a minimum of three (3) feet from all property lines.

(7) **Additional Landscaping and Playground Areas.** The Owners agree to provide, at Owners' expense, an additional 168 trees and a butterfly garden within the 6 acres of land illustrated in Exhibit "B" attached hereto (the "Park Area"). In addition, the Owners shall provide two (2) playgrounds, a sandbox, a putting green, and eight (8) park benches similar to the ones depicted in Exhibit "C" within the areas illustrated in Exhibit "B." The aforementioned improvements shall be completed prior to the issuance of the first certificate of occupancy for the Single Family Units.

The landscaping (including sod, trees and butterfly garden) located within the Park Area shall be maintained in good condition at all times. The playgrounds, sandbox, putting green, and park benches located within the Park Area shall be maintained in good condition and repaired where necessary. The landscaping and aforementioned improvements shall maintained and/or repaired as provided herein by either the Homeowner's Association for the NWG Property or the Community Development District which has been established for the Park Area.

(8) **Ownership and Maintenance of Roadways, Landscape and Common Areas.** The dwelling units within the NWG Property shall be under a fee simple form of ownership. A homeowners' association shall be created for the maintenance of the private roadways and landscape and common areas within the townhouse and single family sections of the NWG Property.

(9) **Pedestrian and Vehicular Access.** The Owners agree to provide permanent and safe access for pedestrian and vehicular traffic within the NWG Property at all times. Access shall also be provided at all times to fire, police, health, sanitation, and other public service personnel and vehicles. Furthermore, all streets or access ways within the NWG Property shall be installed by the Owners, at no cost to the County, including, but not limited to, sidewalks, drainage facilities, water, sewers, and fire hydrants, subject to the approval of the appropriate departments of Miami-Dade County.

(10) **Modification, Amendment, Release by Association.** In the event that there is a recorded homeowners or condominium association covering any portion of the NWG Property, said association may (in lieu of the signature or consent of the individual members or owners), on behalf of its members and in accordance with its articles of incorporation and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed by the secretary of the homeowners or condominiums association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association.

Any modification, amendment, or release of this Planned Area Development Agreement pursuant to Paragraph 15 hereof will require the consent of all the then owner(s) of the NWG Property, which will be evidenced by either a written resolution of a homeowner's and/or condominium association and/or a written instrument(s) executed by individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded association(s), and must be evidenced by an executed written instrument.

(11) **Conditions of the Developmental Impact Committee Recommendation.** The Owners shall 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 this application and incorporated herein by reference.

(12) **County Inspection.** As further part of this Planned Area Development Agreement, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

(15) **Modification, Amendment, Release.** This Planned Area Development Agreement may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of any such NWG Property covered by the proposed modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County

Commissioners or County Zoning Appeals Board of Miami-Dade County, Florida, or in the event of the incorporation of the area where the NWG Property is located, by such successor municipal corporation, whichever by law has jurisdiction over such matters, after public hearing.

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

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

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

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

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

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

acknowledging that this Planned Area Development Agreement is null and void and of no further effect.

(22) **Acceptance of Planned Area Development Agreement.** Acceptance of this Planned Area Development Agreement does not obligate the County in any matter, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part to decline to accept any conveyance or dedication.

(23) **Owners.** The term Owners shall include the Owners, and their heirs, successors and assigns.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 7 day of July, 2011.

WITNESSES:

Signature

Annette Hernandez
Print Name

Signature

Edwin Innamorato.
Print Name

Fontainbleau Lakes, LLC., a Florida limited liability company

Masoud Shojaee, Manager

WITNESSES:

Signature company

Annette Hernandez
Print Name

Signature

Edwin Innamorato.
Print Name

Fontainebleau Single Family Homes West, LLC., a Florida limited liability

Masoud Shojaee, Manager

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of July, 2011, by Masoud Shojaee, as Manager of both Fontainebleau Lakes, LLC. and Fontainebleau Single Family Homes, West, LLC. on behalf of the corporations. He is personally known to me and acknowledged that he/she executed this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

MABEL Q. MERAS
MY COMMISSION # DD 750534
EXPIRES: February 2, 2012
Bonded Thru Notary Public Underwriters

Notary Public, State of Florida

signature

Adrian Adler
print name

signature

JORGE RUWICZ
print name

FONTAINBLEAU LAKES, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of July, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

FONTAINEBLEAU SINGLE FAMILY HOMES WEST, LLC, a Florida limited liability company

By: _____
Pedro A. Martin, Co-Manager

_____
signature

Adhan Adler
print name

_____
signature

JORGE ZAWICZ
print name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of July, 2011 by Pedro A. Martin, who is personally known to me or has/has not produced _____ as identification, and did/did not take an oath.

_____
Notary Public

DD0784430
Serial Number

Sandra Ramos
print name

SANDRA RAMOS
Comm# DD0784430
Expires 4/30/2012
Florida Notary Assn., Inc

JOINDER AND CONSENT FORM

The undersigned, Fontainebleau Lakes Single Family Homes West Homeowners' Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Fontainebleau Lakes Single Family Homes West Homeowners' Association, Inc., a Florida non-profit corporation

PRINT NAME OF WITNESS BELOW:
Mayling Diaz-Clark

PRINT NAME OF WITNESS BELOW:
Richard Schanerman

By: _____
Marta A. Cruz, President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th day of July, 2011 by Marta A. Cruz, as President of Fontainebleau Lakes Single Family Homes West Homeowners' Association, Inc., a Florida non-profit corporation, on behalf of the corporation. She is personally known to me.

NOTARY PUBLIC STATE OF FLORIDA

Mayling Diaz-Clark
PRINT NAME OF NOTARY PUBLIC

MAYLING DIAZ-CLARK
MY COMMISSION # DD 979282
EXPIRES: July 1, 2014
Bonded Thru Notary Public Underwriters

JOINDER AND CONSENT FORM

The undersigned, Fontainbleau Lakes Master Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Fontainbleau Lakes Master Association, Inc., a Florida non-profit corporation

PRINT NAME OF WITNESS BELOW:
Richard Schanerman

PRINT NAME OF WITNESS BELOW:
Mayling Diaz-Clark

By: _____
Marta A. Cruz, President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th day of July, 2011 by Marta A. Cruz, as President of Fontainbleau Lakes Master Association, Inc., a Florida non-profit corporation, on behalf of the corporation. She is personally known to me.

NOTARY PUBLIC STATE OF FLORIDA

Mayling Diaz-Clark
PRINT NAME OF NOTARY PUBLIC

MAYLING DIAZ-CLARK
MY COMMISSION # DD 979282
EXPIRES: July 1, 2014
Bonded Thru Notary Public Underwriters

JOINDER AND CONSENT OF MORTGAGEE

Flagler Loan Investments, LLC, a Florida limited liability company, hereby consents and joins in the Planned Area Development Agreement in its capacity as Mortgagee under that certain Second Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of Flagler Loan Investments, LLC, dated as of August 31, 2010 and recorded September 2, 2010 in Official Records Book 27408 at Page 2765 of the Public Records of Miami-Dade County, Florida which amends and restates that certain Real Estate Mortgage, Assignment and Security Agreement from Fontainbleau Lakes, LLC to Bank of America, N.A. dated October 17, 2005 recorded October 18, 2005 in Official Records Book 23887, at Page 4607, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded August 17, 2007 in Official Records Book 25863, at Page 3204, as modified by Mortgage Modification Agreement recorded September 23, 2008 in Official Records Book 26579 at Page 4573; which was assigned to Flagler Loan Investments, LLC by virtue of that certain Assignment of Mortgage and other Loan Documents from Bank of America, N.A. recorded September 2, 2010 in Official Records Book 27408 at Page 2759 of the Public Records of Miami-Dade County, Florida

Signed, sealed and delivered in the presence of:

MICHELLE PERAZA

AILEEN ORTEGA

FLAGLER LOAN INVESTMENTS, LLC,
a Florida limited liability company

By: Michael Katz, Manager

By: Lidia Cartaya, Manager

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8th day of July, 2011. by Michael Katz and Lidia Cartaya, as Managers of Flagler Loan Investments, LLC, a Florida limited liability company, on behalf of the corporation. He/she is personally known to me or has produced _____ (type of identification) as identification.

MICHELLE PERAZA
MY COMMISSION # DD 883572
EXPIRES: May 16, 2013
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC, STATE OF FLORIDA

MICHELLE PERAZA

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

EXHIBIT A

LEGAL DESCRIPTION:

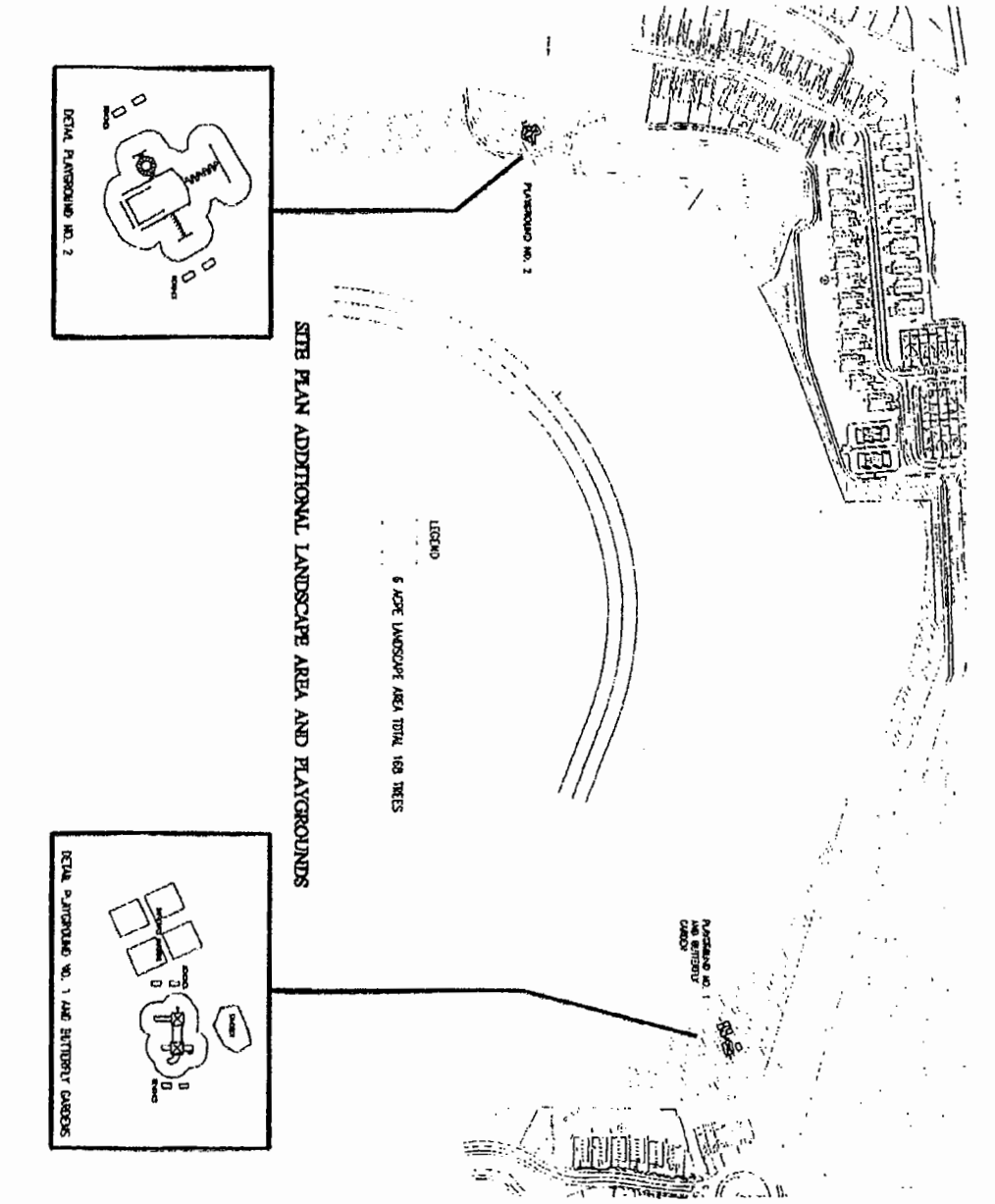
A PORTION OF TRACT "A", ALL OF TRACTS "B", "C", "D", "E", "F", "G", "H", "J", "K", "L" AND A PORTION OF TRACTS "M" AND "N" AND ALL OF BLOCKS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19, OF FONTAINEBLEAU WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 45 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "K" OF SAID PLAT; THENCE ON THE BOUNDARY OF SAID TRACT "K" SOUTH 00°31'54" EAST 282.30 FEET; THENCE SOUTH 06°54'36" EAST ON THE EASTERLY BOUNDARY OF TRACTS "K", "L", AND "K" AGAIN 662.67 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "K" THENCE ON THE BOUNDARY OF SAID TRACT "K" THE FOLLOWING 4 COURSES AND DISTANCES 1) SOUTH 89°01'59" WEST 301.26 FEET; 2) NORTH 83°40'01" WEST 480.00 FEET; 3) NORTH 83°39'40" WEST 59.23 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY; 4) NORTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 71°15'00" AN ARC DISTANCE OF 149.23 FEET; THENCE SOUTH 48°37'04" WEST 167.06 FEET; THENCE SOUTH 87°09'18" WEST 89.35 FEET TO THE INTERSECTION WITH THE WESTERLY BOUNDARY OF TRACT "N", THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, WHOSE RADIUS POINT BEARS SOUTH 54°41'11" EAST; THENCE SOUTHWESTERLY ON SAID WESTERLY BOUNDARY AND THE ARC OF SAID CURVE HAVING A RADIUS OF 198.00 FEET, A CENTRAL ANGLE OF 14°57'15" FOR AN ARC DISTANCE OF 51.68 FEET; THENCE NORTH 62°00'23" WEST 145.75 FEET TO THE INTERSECTION WITH A WESTERLY LINE OF TRACT "A" AND A PLAT LIMIT LINE; THENCE NORTH 00°49'59" EAST ON SAID PLAT LIMIT LINE AND SAID WESTERLY LINE OF SAID TRACT "A" AND ITS NORTHERLY EXTENSION 328.63 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF A COMMON LINE OF TRACTS "A" AND "C"; THENCE NORTH 73°40'12" EAST ON SAID SOUTHWESTERLY EXTENSION OF SAID COMMON LINE 19.69 FEET TO THE WESTERLY LINE OF TRACT "C"; THENCE NORTH 16°19'48" WEST ALONG SAID WESTERLY LINE OF TRACT "C" 232.54 FEET; THENCE NORTH 73°55'52" WEST ALONG THE SOUTHERLY LINE OF SAID TRACT "C" AND ITS WESTERLY EXTENSION THEREOF 862.04 FEET; THENCE NORTH 16°04'08" EAST 69.80 FEET TO THE INTERSECTION WITH A COMMON LINE OF TRACTS "A" AND "C"; THENCE ON THE SOUTHERLY BOUNDARY OF SAID TRACT "C" THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 73°55'52" WEST 316.92 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE; CONCAVE SOUTHERLY; 2) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 17°21'33" AN ARC DISTANCE OF 34.84 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; 3) WESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 10,130.09 FEET AND A CENTRAL ANGLE OF 01°38'14" AN ARC DISTANCE OF 289.47 FEET; THENCE SOUTH 00°50'44" EAST 206.95 FEET TO THE INTERSECTION WITH A SOUTHERLY LINE OF SAID TRACT "A" AND A PLAT LIMIT LINE; THENCE ON SAID SOUTHERLY LINE AND SAID PLAT LIMITS LINE THE FOLLOWING 2 COURSES AND DISTANCES: 1) SOUTH 69°19'59" WEST 444.09 FEET; 2) SOUTH 61°33'32" WEST 226.49 FEET; THENCE NORTH 21°45'47" WEST 170.05 FEET; THENCE NORTH 02°05'42" EAST 187.70 FEET; THENCE NORTH 88°03'53" EAST 247.19 FEET TO A POINT ON AN EASTERLY LINE OF TRACT "A" ALSO BEING ON THE MOST WESTERLY LINE OF TRACT "C"; THENCE ON THE BOUNDARY OF TRACT "C" THE FOLLOWING 4 COURSES AND DISTANCES: 1) NORTH 04°17'45" WEST 273.01 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 05°12'44" EAST; 2) EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 11,169.15 FEET AND A CENTRAL ANGLE OF 04°49'27" AN ARC DISTANCE OF 940.43 FEET; 3) SOUTH 88°33'24" EAST 625.75 FEET; 4) SOUTH 81°11'48" EAST 1,600.58 FEET TO THE POINT OF BEGINNING. THE LAST THREE (3) COURSES AND DISTANCES BEING COINCIDENT WITH THE NORTH PLAT LIMITS OF SAID FONTAINEBLEAU WEST AND THE LIMITED ACCESS LINE OF THE DOLPHIN EXPRESSWAY (STATE ROAD 836).

LESS ALL OF BLOCKS 1, 2, 3, AND 20 OF SAID FONTAINEBLEAU WEST.

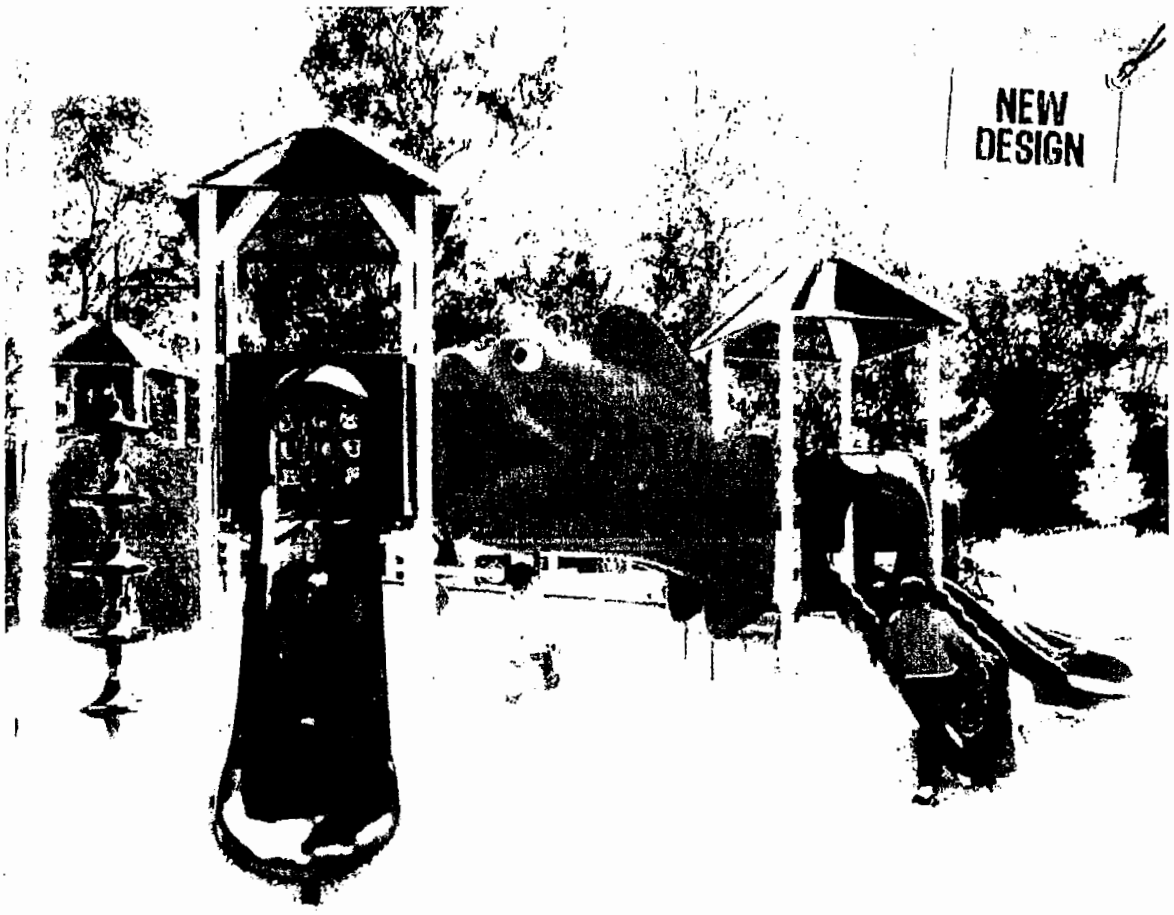
CONTAINING 1,972,625 SQUARE FEET (45.2851 ACRES).

Exhibit "B"



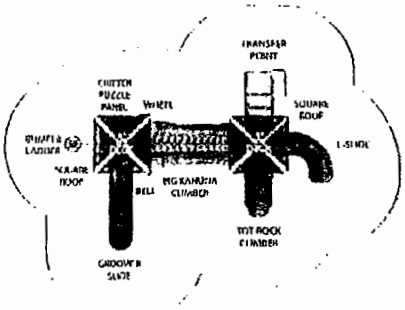
SP-1			FONTAINEBLEAU LAKES P.A.D. MIAMI-DADE COUNTY, FLORIDA		OLR

Exhibit "C"

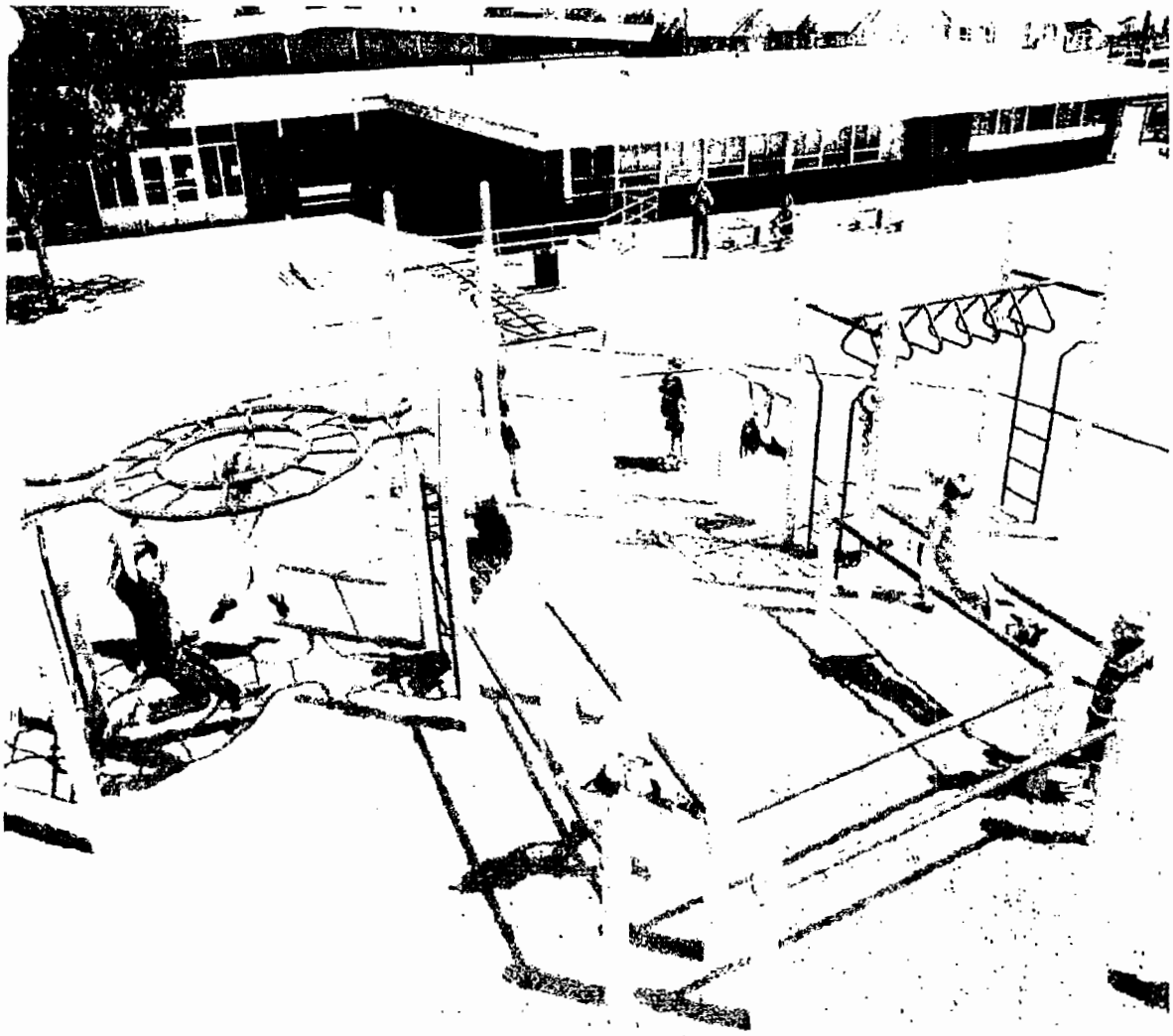


Playground #1

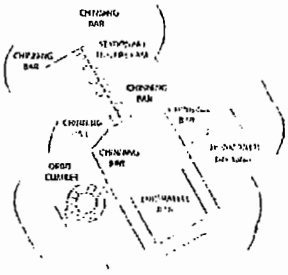
[redacted]



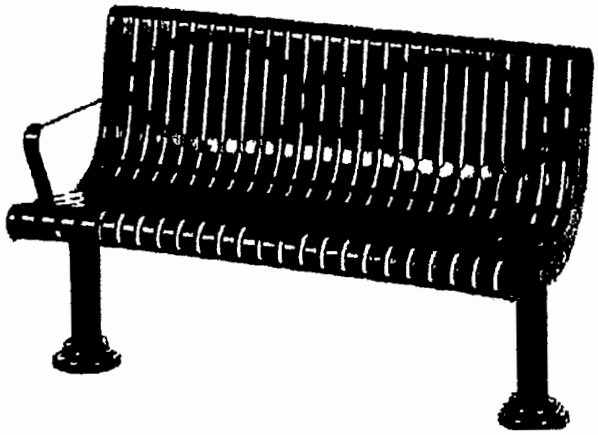
Protective Area: 36' x 29' (11 m x 18.8 m)
Shipping Weight: 2,295 lbs (1,041 kg)
Elevated Play Activities: 6
Ground Level Play Activities: 3
Play Area Capacity: 30-40



Playground #2



Protective Area: 41' x 45' (12.5 m x 13.7 m)
Shipping Weight: 2,260 lbs (1,025 kg)
Elevated Play Activities: 0
Ground Level Play Activities: 12
Play Area Capacity: 45-55



Benches

Color: charcoal

Sandbox