

**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARINGS  
THURSDAY, APRIL 19, 2012**

**PLACE OF MEETING:** COUNTY COMMISSIONERS CHAMBERS  
OF THE STEPHEN P. CLARK CENTER – 2<sup>ND</sup> FLOOR  
111 NW 1 STREET, MIAMI

**TIME OF MEETING** 9:30 A.M.

<u>PREVIOUSLY DEFERRED</u>	<u>HEARING #</u>	<u>DISTRICT</u>
<p><b>A. <u>SOUTHWEST DADE TRUST COMMUNITY DEVELOPMENT CORP.</u></b></p> <p>Request(s): Special Exception to permit a private school within 1 mile of the Urban Development Boundary; Modification of previous resolutions and covenants permit the applicant to submit new site plans showing classrooms for the additional students and grades and show arrival and dismissal times for the previously approved charter school with the previously approved church plans unchanged.</p> <p>Location: The southeast corner of SW 226 Terrace &amp; SW 112 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)</p>	<b>11-089</b>	<b>8</b>
<b><u>CURRENT</u></b>		
<p><b>1. <u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b></p> <p>Request(s): Modification of previous resolutions to permit the applicant to extend the build out date of the FEC Park of Industry and Commerce (Section 6) project, Development Regional Impact.</p> <p>Location: Between NW 90 Street &amp; 106 Street &amp; NW 107 Avenue &amp; NW 117 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)</p>	<b>12-011</b>	<b>12</b>
<p><b>2. <u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b></p> <p>Request(s): Modification of previous resolutions to permit the applicant to extend the build out date and other dates for the Kendall Town Center Development of Regional Impact Project.</p> <p>Location: Between SW 88 Street &amp; SW 96 Street and between SW 157 Avenue Path &amp; SW 162 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)</p>	<b>12-012</b>	<b>11</b>

**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARINGS  
THURSDAY, APRIL 19, 2012**

<u>CURRENT</u>		<u>HEARING #</u>	<u>DISTRICT</u>
3.	<b><u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b>	12-015	6
Request(s):	Modification of previous resolutions to permit the applicant to extend the build out date for the Waterford Development Regional Impact.		
Location:	South of State Road 836 & lying on both sides of NW 57 Avenue (Red Road), Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		
4.	<b><u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b>	12-016	7
Request(s):	Modification of previous resolutions to permit the applicant to extend the build out date for Dadeland Development Regional Impact.		
Location:	7535 SW 88 Street, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		
5.	<b><u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b>	12-017	1
Request(s):	Modification of previous resolutions to permit the applicant to extend the build-out date and other dates of the Dolphin Center North Development of Regional Impact Project.		
Location:	Lying between NW 27 Avenue and The Homestead Extension Florida's Turnpike and on both sides of NW 199 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		
6.	<b><u>THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPARTMENT</u></b>	12-018	12
Request(s):	Modification of previous resolutions to permit the applicant to extend the Build-out and other dates for the Beacon Lakes Department of Regional Impact Project.		
Location:	Lying South of NW 25 Street, between NW 117 Avenue & NW 137 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARINGS  
THURSDAY, APRIL 19, 2012**

**CURRENT**

**HEARING #**

**DISTRICT**

**7. FONTAINBLEAU LAKES LLC**

**12-019**

**10**

Request(s): Unusual Use to permit the filling of 2 lakes; Modification and deletion of previous resolutions and covenants to permit the applicant to submit a new site plan showing a reduction in the amount of commercial building square footage and provide a different site layout, and to remove the commercial development from certain covenants and resolutions that are tied to the previously approved commercial and residential development; NUV to waive the dissimilar land use buffer along portions of the property line.

Location: Lying North of West Flagler Street, south of State Road #836, west of NW 87 Avenue and east of NW 107 Avenue, Miami-Dade County, Florida.  
Within the Urban Development Boundary (UDB)



# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

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**COUNTY COMMISSION MEETING OF THURSDAY, APRIL 19, 2012**

**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**

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**A. SOUTHWEST DADE TRUST COMMUNITY (12-2-CC-1/11-089)**  
**DEVELOPMENT CORP.**

**18-56-40**  
**BCC/District 08**

- (1) SPECIAL EXCEPTION to permit a high school within 1 mile of the Urban Development Boundary.
- (2) MODIFICATION of Condition #2 of Resolution Z-47-97, as last modified by Resolution Z-29-06, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. PARCEL 'A' (Religious Facility): That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church,' as prepared by Juan A. Rodriguez-RA Jomolca, Sheet A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05, & L1.06 all dated stamped received 5/12/06 for a total of 11 sheets.

PARCEL B (Charter School): That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dr. Joseph Coats Charter School & Grace Baptist Church," as prepared by Juan A. Rodriguez-RA Jomolca, Sheet A2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 & L1.06 all dated stamped received 5/12/06 for a total of 12 sheets. Except as hearing modified to have the number of parking spaces in the school modified and increase the green areas."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.0, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06."

- (3) MODIFICATION of Conditions #5, #6, #10 and #18 of Resolution Z29-06, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "5. That the school gates shall be opened at least 30 minutes prior to the arrival and dismissal times."

TO: "5. That the school gates shall be opened at least 30 minutes prior to the arrival and dismissal times. The Charter School shall have three (3) staggered shifts of arrival and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten through 4<sup>th</sup> Grades-Arrival 8:30 AM/Dismissal 3:30 PM.

5<sup>th</sup> through 8<sup>th</sup> Grades-Arrival 8:00 AM/Dismissal 3:00 PM.

9<sup>th</sup> through 12<sup>th</sup> Grades-Arrival 7:30 AM/Dismissal 2:30 PM."

FROM: "6. That the charter school use shall be limited to grades Kindergarten through 5th grade for a maximum of 600."

TO: "6. That the charter school use shall be limited to grades Kindergarten through 12th grade for a maximum of 1012 students."

FROM: "10. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-RA Jomolca, sheets A2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 & L1.06 all dated stamped received 5/12/06 for a total of 12 sheets, except as hearing modified to have the number of parking spaces in the school modified and increase the green areas."

TO: "10. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.0, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06."

FROM: "18. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church,' as prepared by Juan A. Rodriguez-RA Jomolca, Sheet A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05, & L1.06 all dated stamped received 5/12/06 for a total of 11 sheets."

TO: "18. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.0, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06."

- (4) MODIFICATION of Paragraph 1 of a Declaration of Restrictions (Church) as recorded in Official Records Book 25052 Pages 2337 - 2344, reading as follows:

FROM: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Grace Baptist Church', as prepared by Juan A. Rodriguez-RA Jomolca, sheets A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05 and L1.06, dated stamped received on 5/12/06 for a total of 11 sheets (the "Plan"), as said plan may be further modified at the public hearing on the Application."

TO: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.0, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06 as said plan may be further modified at the public hearing on the Application."

- (5) MODIFICATION of Paragraphs 1, 3 & 8 of a Declaration of Restrictions (Charter School)) as recorded in Official Records Book 25052 Pages 2382 - 2389, reading as follows:

FROM: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Joseph Coats Charter School', as prepared by Juan A. Rodriguez-RA Jomolca, sheets A2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 and L1.06, dated stamped received on 5/12/06 for a total of 12 sheets (the "Plan"), as said plan may be further modified at the public hearing on the Application."

TO: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.0, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06, as said plan may be further modified at the public hearing on the Application."

FROM: "3. The Charter School use shall be limited to Kindergarten through Fifth Grade with 600 students."

TO: "3. The Charter School use shall be limited to Kindergarten through Twelfth Grade with 1012 students."

FROM: "8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times."

TO: "8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times. The Charter School shall have three (3) staggered shifts of arrival and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten through 4<sup>th</sup> Grades-Arrival 8:30 AM/Dismissal 3:30 PM.

5<sup>th</sup> through 8<sup>th</sup> Grades-Arrival 8:00 AM/Dismissal 3:00 PM.

9<sup>th</sup> through 12<sup>th</sup> Grades-Arrival 7:30 AM/Dismissal 2:30 PM

The Owner shall have trained personnel on site to manage the traffic operations plan during the arrival and dismissal period. The Owner shall manage the traffic operations, including the provisions of any traffic control devices, during the arrival and dismissal times in substantial conformance with the 'Traffic Operations Plan' prepared by Juan A. Rodriguez-RA Jomolca, consisting of 1 sheet dated 11/10/11 and attached hereto as Exhibit 'B'."

The purpose of requests 2-5 is to permit the applicant to submit new site plans showing classrooms for the additional students and grades and show arrival and dismissal times for the previously approved charter school with the previously approved church plans unchanged.

The afore-mentioned plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department. Plans may be modified at public hearing.

LOCATION: The southeast corner of SW 226 Terrace & SW 112 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7 Acres

Development Impact Committee  
Recommendation:

Approval with conditions, subject to  
acceptance of the proffered covenant.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_  
Deferred from 2-23-12

DEFERRED: \_\_\_\_\_

1. **THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT  
(12-4-CC-1/12-011)**

**06-53-40  
BCC/Districts 12**

- (1) MODIFICATION of Condition #21 of Resolution No. Z-114-83, last modified by Resolution Z-7-05, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "21. This Development Order shall be null and void, if any of the following requirements have not been met within four (4) years from the date of issuance of the Development Order:

- start of construction of N.W. 106 Street, between N.W. 107 Avenue and N.W. 112 Avenue.
- completion of the financial feasibility analysis and specific financial arrangements with sources and timing of funds, identified, for the interchange of HEFT at N.W. 106 Street; and
- approval of the HEFT interchange construction by FDOT or the Miami-Dade County MPO, as evidenced by its incorporation, as a programmed improvement with funding sources identified, in the State 5-year Plan or the Miami-Dade County Transportation Improvement Program (TIP).

If approval of the HEFT interchange cannot be obtained, as specified above, the Development Order will become null and void, unless the Applicant submits, the Council reviews and the County approves, prior to expiration of the 4 year period, an Amended DRI Application for Development Approval focusing on transportation and including such other information as is necessary to ensure a new roadway network to support the project. December 14, 2011 is hereby established as the build-out day for this project."

TO: "21. This Development Order shall be null and void, if any of the following requirements have not been met within four (4) years from the date of issuance of the Development Order:

- start of construction of N.W. 106 Street, between N.W. 107 Avenue and N.W. 112 Avenue.
- completion of the financial feasibility analysis and specific financial arrangements with sources and timing of funds, identified, for the interchange of HEFT at N.W. 106 Street; and
- approval of the HEFT interchange construction by FDOT or the Miami-Dade County MPO, as evidenced by its incorporation, as a programmed improvement with funding sources identified, in the State 5-year Plan or the Miami-Dade County Transportation Improvement Program (TIP). If approval of the HEFT interchange cannot be obtained, as specified above, the Development Order will become null and void, unless the

Applicant submits, the Council reviews and the County approves, prior to expiration of the 4 year period, an Amended DRI Application for Development Approval focusing on transportation and including such other information as is necessary to ensure a new roadway network to support the project. December 14, 2015 is hereby established as the build-out day for this project. "

The purpose of the request is to allow the applicant to extend the build out date of the FEC Park of Industry and Commerce (Section 6) project, Development Regional Impact.

LOCATION: Between NW 90 Street & 106 Street & NW 107 Avenue & NW 117 Avenue,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.40 Acres

Department of Permitting, Environment  
and Regulatory Affairs

Recommendation:

Approval of request with a condition.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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2. **THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT  
(12-4-CC-2/12-012)**

**05-55-39  
BCC/Districts 11**

- (1) MODIFICATION of conditions #29, #33, #34, & #35 of Resolution No. Z-6-01, last modified by Resolution Z-6-10, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "29. For the purposes of Concurrency Review and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (July 26, 2016) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than

those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, to following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements of local development regulations in effect at the time such modification of change occurs including but not limited to recognition of trips previously vested which are permitted or complete."

TO: "29. For the purposes of Concurrency Review and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (July 26,2020) sufficient infrastructure capacities will be available to service this project.

All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change of modification is found to constitute as substantial deviation, may require this development to comply with those concurrency requirements of local development regulations in effect at the time such modification or change occurs including but not limited to the recognition of trips previously vested which are permitted or complete."

FROM: "33. July 26, 2016 is hereby established as the build-out date for this project and is the date until which the local government or jurisdiction agrees that the Kendall Town Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government or jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety or welfare."

TO: "33. July 26, 2020 is hereby established as the build-out date for this project and is the date until which the local government or jurisdiction agrees that the Kendall Town

Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government or jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in 380.04, F. S. The termination date for completing physical development shall be July 26, 2016. This termination date may only be modified in accordance with 380.06(19)[c], F. S."

TO: "34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in 380.04, F. S. The termination date for completing physical development shall be July 26, 2020. This termination date may only be modified in accordance with 380.06(19)[c], F. S."

FROM: "35. July 26, 2018 is hereby established as the expiration date for the development order.

TO: "35. July 26, 2022 is hereby established as the expiration date for the development order.

The purpose of the above requests is to allow the applicant to extend the build out date and other dates for the Kendall Town Center Development of Regional Impact Project.

LOCATION: Between SW 88 Street & SW 96 Street and between SW 157 Avenue Path & SW 162 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 158 Acres



Department of Permitting, Environment  
and Regulatory Affairs  
Recommendation:

Approval of request with a condition.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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**3. THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT  
(12-4-CC-3/12-015)**

**31-53-41, 36/52/51,  
35-53-40, 12-54-40  
BCC/Districts 06**

- (1) MODIFICATION of Condition #47 of Resolution Z-32-90, as last modified by Resolution Z-27-09, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade county, it is hereby found that throughout the build out period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall issue any subsequent development orders as defined in §33G-3(2) Miami-Dade county Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (November 2, 2021) sufficient

infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution

No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the above request is to allow the applicant to extend the build out date for the Waterford Development Regional Impact.

LOCATION: South of State Road 836 & lying on both sides of NW 57 Avenue (Red Road),  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 384.86 Acres

Department of Permitting, Environment  
and Regulatory Affairs

Recommendation:

Approval of request with a condition.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

4. **THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
**(12-4-CC-4/12-016)**

**35-54-40**  
**BCC/Districts 07**

- (1) MODIFICATION of Conditions #30, #31, #32 & #34 of Resolution No. Z-15-96, last modified by Resolution Z-5-10, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "30. December 28, 2014 is hereby established as the build out date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

TO: "30. December 28, 2018 is hereby established as the build out date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2014. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2018. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "32. December 30, 2014 is hereby established as the expiration date for the development order."

TO: "32. December 30, 2018 is hereby established as the expiration date for the development order."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is

hereby found that, throughout the build out period (December 29, 2014), sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33-G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations), as amended from time to time and consistent with local development regulations, so long as the Applicant is developing in compliance with the terms and conditions of this development Order. Furthermore, Miami-Dade County shall not issue any subsequent developing orders as defined in Section 33-G(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter in Chapter 33-G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to the Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that, throughout the build out period (December 29, 2018), sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits to this Development Order are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33-G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations),

As amended from time to time and consistent with local development regulations, so long as the Applicant is developing in compliance with the terms and conditions of this development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33-G(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33-G,

Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this Project. However, modifications or changes to the Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the above requests is to allow the applicant to extend the build out date and other dates for the Dadeland Mall Development of Regional Impact Project.

LOCATION: 7535 SW 88 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 70 Acres

Department of Permitting, Environment  
and Regulatory Affairs

Recommendation:

Approval of request with a condition.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**5. THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT  
(12-4-CC-5/12-017)**

**34-51-41  
BCC/Districts 01**

- (1) MODIFICATION of Conditions 1c, 34 and 36 of Resolution Z-26-08 last modified by Resolution Z-8-11, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "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:

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

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

c. Schedule project for October 10, 2021 pursuant to Section 380.06(19)(c), F.S., which date also recognizes the tolling of time for the build out date during the pendency of administrative or judicial proceedings relating to the development permits for the project, the extension of the date of build out of any phase thereof for (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation."

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

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the build out period (October 10, 2017) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85, as such standards may be amended from time to time (concurrency regulation) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order.

Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) the issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development Order would violate of aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulation. Any modifications or changes to this development order, regardless of whether such changes or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. The Amended ADA is hereby incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the Amended ADA is a condition for approval unless waived or

modified by agreement among the Council, County and Applicant, its successors, and/or assigns.

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the build out period (October 10, 2021) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the project that shall been previously constructed are greater than those project in the Amended ADA;

and (b) the issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction of development of the project pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

FROM: "36. In the event the Applicant, its successors, an/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of Sustainability, Planning and Economic Enhancement that such violation has occurred. With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed of plat. October 10, 2017, is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center Development of Regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on

substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.”

TO: “36. In the event the Applicant, its successors, an/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter “violator”), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of Permitting, Environment and Regulatory Affairs or its successor department that such violation has occurred.

With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word “tract” shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase “portion of a tract” means a division of a tract into more than one ownership as created by deed of plat. October 10, 2021, is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center Development of Regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.”

The purpose of the request is to allow the Applicant extend the build-out date and other dates of the Dolphin Center North Development of Regional Impact Project.

LOCATION: Lying between NW 27 Avenue and The Homestead Extension Florida’s Turnpike and on both sides of NW 199 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 329 Acres

Department of Permitting, Environment  
and Regulatory Affairs

Recommendation:

Approval of request with a condition.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_



6. **THE DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
**(12-4-CC-6/12-018)**

**34/35/36-53-39**  
**BCC/Districts 12**

- (1) MODIFICATION of Conditions #58, #59 and #60 of Resolution Z-11-02 as last modified by Resolution Z-20-08, both passed and adopted by the Board of County Commissioners reading as follows:

From: "58. December 30, 2011 is hereby established as the build out date for this project, which includes the 3-year extension for projects under active construction pursuant to Sec. 380.06(19)(c), F.S. (2007), and is the date until which the local government of jurisdiction agrees that the Beacon Lakes DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government of jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety, or welfare.

TO: "58. December 30, 2015 is hereby established as the build out date for this project, which includes the 3-year extension for projects under active construction pursuant to Sec. 380.06(19)(c), F.S. (2011), and is the date until which the local government of jurisdiction agrees that the Beacon Lakes DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government of jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety, or welfare.

From: "59. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S. The termination date for completing physical development shall be December 30, 2011, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2007).

To: "59. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S. The termination date for completing physical development shall be December 30, 2015, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2011).

From: "60. December 30, 2016, is hereby established as the expiration date for the development order, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2007).

To: "60. December 30, 2020, is hereby established as the expiration date for the development order, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2011).

The purpose of the request is to allow the applicant to extend the Build-out and other dates for the Beacon Lakes Department of Regional Impact Project.

LOCATION: Lying South of NW 25 Street, between NW 117 Avenue & NW 137 Avenue,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 436 Acres +/-

Department of Permitting, Environment  
and Regulatory Affairs  
Recommendation:

Approval of request with a condition.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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**7. FONTAINBLEAU LAKES LLC, ET AL (12-4-CC-7/12-019)**

**04/05-54-40  
54/55-53-40  
BCC/Districts 10**

- (1) UNUSUAL USE to permit the filling of two lakes.
- (2) MODIFICATION of Condition #2 & #22 of Resolution No. Z-26-09, 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 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin Hults Design Group, stamped received 7/07/09 consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc. dated stamped received 8/19/09 for a total of 18 sheets." Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further substantial compliance or public hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'La Plaza Flagler,' as prepared by Barrera Architecture, dated stamped received 02/06/12, consisting of 15 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further substantial compliance or public hearing action."

FROM: "22. That the development of the Property shall not exceed a total of 240,000 square feet of retail space under the proposed "Business and Office" land use designation."

TO: "22. That the development of the Property shall not exceed a total of 235,000 square feet of retail space."

- (3) DELETION of (i) Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173-3181, (ii) First Modification of Declaration of Restrictions Recorded in Official Records Book 24467, Pages 3173, Recorded in Official Records Book 27111, Pages 1259-1283, and (iii) Second Modification of Declaration of Restrictions Recorded on Official Records Book 24467, Pages 3173-3181 Recorded in Official Records Book 27820, Pages 1535-1555 and re-recorded in Official Records Book 27903, Pages 704-724.

The purpose of requests #2 & #3 is to allow the applicants to submit a new site plan showing a reduction in the amount of commercial building square footage and provide a different site layout, and to remove the commercial development described as Exhibit "A" from certain covenants and resolutions that are tied to the previously approved commercial and residential development.

- (4) NON-USE VARIANCE to waive the 6' high dissimilar land use buffer wall/fence along portions of the north property line.

REQUESTS #1- #4 ON EXHIBIT 'A'.

The aforementioned plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successor department. Plans may be modified at public hearing.

LOCATION: Lying North of West Flagler Street, south of State Road #836, west of NW 87 Avenue and east of NW 107 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 272 Acres +/-

Department of Permitting, Environment  
and Regulatory Affairs  
Recommendation:

Approval, subject to the Board's acceptance  
of the proffered covenant.

Protests: 0

Waivers: 0

APPROVED:

DENIED WITH PREJUDICE:

DENIED WITHOUT PREJUDICE:

DEFERRED:

T H E E N D

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 Permitting, Environment and Regulatory Affairs (PERA) 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 Permitting, Environment and Regulatory Affairs (PERA) 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. SOUTHWEST DADE TRUST COMMUNITY  
DEVELOPMENT CORP.  
(Applicant)**

**12-2-CC-1 (11-089)  
Area BCC/District 08  
Hearing Date: 04/19/12**

Property Owner (if different from applicant) **SW DADE TRUST COMM. DEV. CORP.**

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

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☒ No ☐

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1971	Gadco	- Zone change from AU to RU-4L. - Special Exception to permit multi family development.	BCC	Approved with Conditions
1974	Directors of Building & Zoning	- Zone change from RU-4L & RU-4 to RU-4L.	BCC	Denied
1976	Directors of Building, Zoning and Planning	- Zone change from (RU-4L) to RU-1.	BCC	Approved
1997	Associates Country Club, Brown Land Company, Inc. & James C. Lounsbury	- Zone change from RU-1 to RU-1M(A). - Zone change from RU-1 to RU-1M(B). - Special Exception to permit a religious facility.	BCC	Approved with Conditions
2006	Grace of God Community Rehabilitation Center (CDC), Inc.	- Special Exception to permit a religious facility.	BCC	Approved with Conditions

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



**Date:** April 19, 2012

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANT:** Southwest Dade Trust Community Development Corp. (Z11-089)

## **SUMMARY OF REQUESTS:**

The applicant is requesting to permit a high school within one mile of the Urban Development Boundary, increase the student count and add additional grade levels. Additionally, the applicant is requesting to modify conditions of previously approved resolutions and declarations of restrictions in order to submit revised plans for the previously approved charter school and church.

**LOCATION:** Southeast corner of SW 226 Terrace and SW 112 Avenue, Miami-Dade County, Florida.

## **COMMENTS:**

This application went before the Developmental Impact Committee because the applicant is requesting modifications for a previously approved 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 accord 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 February 29, 2012 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 covenant.


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 covenant, 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 approval of this application will be **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z11-89  
SOUTHWEST DADE TRUST COMMUNITY DEVELOPMENT CORP.

Respectfully Submitted,

DIC Executive Council  
February 29, 2012

Giovannie Ulloa, Fire Chief  
Miami-Dade Fire Rescue Department




AYE

Irma San Roman, Interim Director  
Metropolitan Planning Organization Secretariat

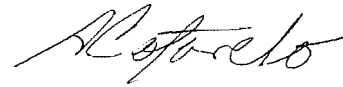
Absent

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department




AYE

Antonio Cotarelo, Assistant Director  
Public Works Department




AYE

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 Permitting, Environment and Regulatory Affairs Department  
Developmental Impact Committee (DIC)  
Recommendation to the Board of County Commissioners**

**PH: Z11-089**

**DIC Date: February 29, 2012**

<b>Recommendation Summary</b>	
<b>Commission District</b>	8
<b>Applicant</b>	Southwest Dade Trust Community Development Corporation
<b>Summary of Requests</b>	The applicant is requesting to permit a high school within one mile of the Urban Development Boundary, increase the student count and add additional grade levels. Additionally, the applicant is requesting to modify conditions of previously approved resolutions and declarations of restrictions in order to submit revised plans for the previously approved charter school and church.
<b>Location</b>	Southeast corner of SW 226 Terrace and SW 112 Avenue, Miami-Dade County, Florida
<b>Property Size</b>	7-acres
<b>Existing Zoning</b>	RU-1, RU-1Ma and RU-1Mb
<b>Existing Land Use</b>	Vacant land
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(7) Generalized Modification Standards Section 33-153 Public hearing required in all districts Section 33-154 (c) Limitations on the siting of public charter school facilities Section 33-314(C)(11) & (12) Direct applications and appeals to the County Commission (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions, subject to acceptance of the proffered covenant.</b>

**REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a high school within 1 mile of the Urban Development Boundary.
- (2) MODIFICATION of Condition #2 Resolution No. Z-47-97, and last modified by Resolution No. Z-29-06, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. Parcel 'A' (Religious Facility): That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church,' as prepared by Juan A. Rodriguez-RA Jomolca, Sheets A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05 & L1.06 all dated stamped received 512/06 for a total of 11 sheets.

Parcel 'B' (Charter School): That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church,' as prepared by Juan A. Rodriguez-RA Jomolca, Sheets A2.0,

3/23/2012

A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 & L1.06 all dated stamped received 5/12/06 for a total of 12 sheets. Except as herein modified to have the number of parking spaces in the school modified and increase the green areas.”

TO: “2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled ‘Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)’ as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and ‘Dr. Joseph Coats Charter School & Grace Baptist Church’ as prepared by Juan A. Rodriguez- RA Jomolca, Sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06.”

- (3) MODIFICATION of Conditions #5, #6, #10 and #18 of Resolution No. Z-29-06, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: “5. That the school gates shall be opened at least 30 minutes prior to the arrival and dismissal times.”

TO: “5. That the gates shall be opened at least 30 minutes prior to the arrival and dismissal times. The Charter School shall have three (3) staggered shifts of arrival and Dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten through 4th Grades-Arrival 8:30 AM/Dismissal 3:30 PM.

5th thru 8th Grades-Arrival 8:00 AM/Dismissal 3:00 PM.

9th thru 12th Grades-Arrival 7:30 AM/Dismissal 2:30 PM.

FROM: “6. That the charter school use shall be limited to grades Kindergarten through 5th grade for a maximum of 600.”

TO: “6. That the charter school use shall be limited to grades Kindergarten through 12th grade for a maximum of 1,012 students.”

FROM: “10. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled ‘Dr. Joseph Coats Charter School & Grace Baptist Church; as prepared by Juan A. Rodriguez-RA Jomolca, Sheets A2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 & L1.06 all dated stamped received 5/12/06 for a total of 12 sheets” Except as hearing modified to have the number of parking spaces in the school modified and increase the green areas.”

TO: “10. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled ‘Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)’ as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and ‘Dr. Joseph Coats Charter School & Grace Baptist Church’ as prepared by Juan A. Rodriguez- RA Jomolca, Sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06.”

FROM: "18. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church,' as prepared by Juan A. Rodriguez-RA Jomolca, Sheet A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05, & L1.06 all dated stamped received 5/12/06 for a total of 11 sheets."

TO: "18. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)' as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez- RA Jomolca, Sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06."

- (4) MODIFICATION of Paragraph 1 of a Declaration of Restrictions (Church) as recorded on Official Records Book 25052 Pages 2337 – 2344, reading as follows:

FROM: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "Grace Baptist Church", as prepared by Juan A. Rodriguez-RA Jamolca, Sheets A2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05, and L1.06, dated stamped received on May 12, 2006 for a total of 11 sheets (the "Plan"), as said plan may be further modified at the public hearing on the Application."

TO: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)' as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez- RA Jomolca, Sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06, as said plan may be further modified at the public hearing on the Application."

- (5) MODIFICATION of Paragraphs 1, 3 and 8 of a Declaration of Restrictions (Charter School) as recorded in Official Records Book 25052 Pages 2382 – 2389, reading as follows:

FROM: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled "Joseph Coats Charter School", as prepared by Juan A. Rodriguez-RA Jomolca, sheets A2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04 and L1.06, dated stamped received on 5/12/06 for a total of 11 sheets (the "Plan"), as said plan may be further modified at the public hearing on the Application."

TO: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)' as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped

received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez- RA Jomolca, Sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06, as said plan may be further modified at the public hearing on the Application."

FROM: "3. The Charter School use shall be limited to Kindergarten through Fifth Grade with 600 students."

TO: "3. The Charter School use shall be limited to Kindergarten through Twelfth Grade with 1012 students."

FROM: "8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times."

TO: "8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times. The Charter School shall have three (3) staggered shifts of arrival and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten through 4th Grades-Arrival 8:30 AM/Dismissal 3:30 PM.

5th thru 8th Grades-Arrival 8:00 AM/Dismissal 3:00 PM.

9th thru 12th Grades-Arrival 7:30 AM/Dismissal 2:30 PM

The Owner shall have trained personnel on site to manage the traffic operations plan during the arrival and dismissal period. The Owner shall manage the traffic operations, including the provisions of any traffic control devices, during arrival and dismissal times in substantial conformance with the "Traffic Operations Plan" prepared by Juan A. Rodriguez-RA Jomolca, consisting of 1 sheet dated 11/10/11 and attached hereto as Exhibit 'B'."

The purpose of requests 2-5 is to permit the applicant to submit new site plans showing classrooms for the additional students and grades and show arrival and dismissal times for the previously approved charter school with the previously approved church plans unchanged.

The aforementioned plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department. Plans may be modified at public hearing.

#### **PROJECT DESCRIPTION:**

The site plan depicts the previously approved 2-story charter school and 1-story church. The majority of 294 parking spaces are located to the rear of the church and school buildings.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1, RU-1Ma & RU-1Mb; vacant	Low Density Residential 2.5 dua to 6 dua
<b>North</b>	RU-1Mb; single-family residences	Low Density Residential 2.5 dua to 6 dua
<b>South</b>	RU-3M; vacant property	Low Density Residential 2.5 dua to 6 dua
<b>East</b>	RU-1 & RU-1Ma; single-family residences and vacant lots	Low Density Residential 2.5 dua to 6 dua
<b>West</b>	RU-1Ma & AU; vacant lots and community health center	Low Density Residential 2.5 dua to 6 dua

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is located on the southeast corner of SW 226 Terrace and SW 112 Avenue. Vacant land and single-family residences characterize the surrounding area.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to increase the student count from 600 students to 1,012 students and increase the grade level configuration from Kindergarten through 5th grade to Kindergarten through 12th grade for the charter school. Additionally, approval of this application will provide additional student stations and public school options for families in the surrounding area. However, the requests could impact the surrounding residential area with additional traffic.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Low Density Residential** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. 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. The CDMP Land Use Element interpretative text for Residential Communities indicates that neighborhood and community services including **schools and houses of worship** are permitted only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Staff notes that the applicant is requesting to permit a high school within one (1) mile of the Urban Development Boundary (UDB), modify previously approved conditions of resolutions and to modify previously recorded declarations of restrictions to increase the number of students and grade levels served by the charter school and to submit a revised site plan. The site was previously approved for a church and charter school pursuant to Resolution No. Z-29-06.

Staff notes that the proposed expansion to the previously approved Kindergarten through 5th grade charter school will provide additional 6th through 12th grade student stations to this area of the County. The CDMP **Educational Element Policy EDU-3A** states that 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 and 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. Staff notes that the proposed middle school, grades 6 through 8 meets the criteria of **Educational Element Policy EDU-3A**, because the charter school is located more than a half-mile inside the UDB. However, the proposed high school, grades 9 through 12 is located less than a mile from the UDB. Further, staff notes that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which is located to the southwest of the subject site. The applicant indicates that the majority of the parcels located within a half-mile of the subject site are developed or approved for development and that no other site located at least one (1) mile from the UDB that would be suitable for the proposed high school use. The site plan submitted in conjunction with this application depicts an L-shaped building with the entrance of the building on the southeast elevation which is located away from the UDB. Staff opines that the design of the building and location of the entrance away from the UDB is consistent with **Educational Element Policy EDU-3A**.

Further, the CDMP Land Use Element interpretative text for residential communities permits neighborhood or community services including schools when compatible with the neighborhood. Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states 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. Staff notes that to mitigate any potential traffic impact the charter school will be required to comply with the Traffic Operations Plan and have three (3) staggered arrival and dismissal times separated by a minimum of twenty (20) minutes. Additionally, staff notes that the submitted plans for this application depict the same building elevations, architectural elements, landscaping, buffering and parking areas as where previously approved although the floor plans and classrooms have been modified to accommodate the additional 400 students. Therefore, staff opines that the requested expansion is **compatible** with the surrounding area based on the **Land Use Element Policy LU-4A** compatibility criteria. Further, staff opines that the proposed expansion of the charter school is **consistent** with the CDMP Land Use Element interpretative text for Residential Communities and Educational Element Policy EDU-3A.

In order to ensure consistency with the **Community Health and Design Objective CHD-2 and Policy CHD-2A**, which set forth design standards for private development projects to encourage physical activity, the applicant should provide additional outdoor recreational area.

#### **ZONING ANALYSIS:**

Staff notes that pursuant to Resolution No. Z-29-06 the subject property was approved for a church and charter school. The site plan submitted for the 2006 public hearing depicted a 2-story charter school and 1-story church. The plans submitted in conjunction with this application will replace those previously submitted and depict the previously approved 1-story church and the 2-story charter school with the same elevations; however the floor plans for the charter school have been reconfigured to show additional classrooms in order to accommodate the increase in student count and grade levels. Approval of the requested modifications of conditions of resolutions and declarations of restrictions would allow the applicant to submit revised plans (requests #2 through #5); increase the number of students from 600 in grades Kindergarten – 5th to 1,012 students in Kindergarten – 12th; and require three staggered arrival and dismissal times, separated by a minimum of twenty (20) minutes (requests #3 and #5).

When request #1 is analyzed under the Limitations on the Siting of Public Charter School Facilities, Section 33-154(c), staff notes that the applicant must demonstrate that within a half-mile radius of the outer boundaries of the proposed new school or expansion that: (1) the majority of the lots lying within the radius are developed or are approved for development, and (2) there are no other lots within the radius that are available for development that meet the requirements of a minimum distance of one mile from the UDB. Additionally, Section 33-145(c) requires that the majority of the site, the proposed buildings' ground floor square footage and the building and entrances into the buildings are required to be located as far as practicably possible from the UDB. Staff notes that the previously approved elementary grade levels and proposed middle school grade levels meet the distance requirements from the UDB; however, the proposed high school grade levels encroach into the required distance from the UDB. As previously mentioned staff notes that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which is located to the southwest of the subject site. The applicant indicates that the majority of the parcels located within a half-mile of the subject site are developed or approved for development and that no other site located at least one (1) mile from the UDB that would be suitable for the proposed high school use. The site plan submitted in conjunction with this application depicts an L-shaped building with the entrance of the building on the southeast elevation which is located away from the UDB. **As such, staff opines that the request #1 to permit a charter high school within one-mile of the UDB meets the requirements of Section 33-154(c) for allowing charter high schools within a mile of the UDB and recommends approval with conditions.**

Staff opines that when requests #2 through #5 are analyzed under the General Modification Standards, Section 33-311(A)(7), said requests would be not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance and would be **compatible** with the surrounding area as evidenced by the memoranda submitted by the Public Works and Waste Management; the Permitting, Environment and Regulatory Affairs; Miami-Dade Fire Rescue; and Water and Sewer Departments. Additionally, said departments indicate in their memoranda they do not object to the application. Staff opines that the request to expand the previously approved charter school by 412 students will provide additional student stations and educational options in this area of the County. Further, in order to accommodate the increase in student count, the applicant will provide three (3) staggered arrival and dismissal times separated by a minimum of twenty (20) minutes which will help to alleviate any potential increase in traffic in the surrounding area. The applicant has submitted a Traffic Operations Plan (TOP) which details how the arrival and dismissal times will function and in accordance with a condition of the Public Works and Waste Management Department, the applicant has proffered a revised covenant addressing the TOP.

Further, staff notes that the applicant has indicated in their letter of intent that the previously approved 47,588 sq. ft. charter school building can accommodate the requested increase in student count. The applicant has reconfigured the floor plans to depict sufficient classroom area to accommodate the additional 412 students. The floor plans submitted in conjunction with this application depict an additional eleven (11) classrooms from what was previously approved. The space was reconfigured by slightly decreasing the size of some classrooms and changing the programming for rooms that were previously dedicated to such things as art, music and media center. Staff opines that the previously approved building footprint is sufficient to accommodate the requested increase in the number of students. However, staff also opines that additional recreational area, which is not required by the Zoning Code, is necessary to accommodate said increase of students. Staff notes that in addition to the outdoor recreational area shown on the previously approved site plan, an additional 20,000 square feet of outdoor recreational area could potentially be designated on the site.

Staff opines that the approval of requests #2 through #5 would not have a negative visual, noise, traffic impact or unduly burden County services in the surrounding area as evidenced in the memoranda submitted by reviewing departments. As such, staff opines that the requests would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of requests #2 through #5 under Section 33-311(A)(7) Generalized Modification Standards.**

#### **ACCESS, CIRCULATION AND PARKING:**

The submitted site plans depict one ingress/egress access point located along SW 112 Avenue. The majority of the 294 parking spaces are located to the rear of the church and school buildings.

#### **NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

##### ***Aviation***

The Miami-Dade County Aviation Department (MDAD) has no objections to this application. MDAD has determined that the proposed requests are compatible with operations from MDAD's system of airports.

##### ***Permitting, Environment and Regulatory Affairs (Environment Division)***

The Department of Permitting, Environment and Regulatory Affairs (PERA) does not object to this application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County.

Its memorandum indicates that the property is located within the Miami-Dade Water and Sewer Department's water and sewer franchised service areas. The charter school has been granted approval under the Surface Water Management Standard General Permit No. 13-04359-P and a modification of the permit will be required prior to construction of the church. PERA has conducted a concurrency review for this application and has determined it meets all applicable level of service standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. The subject properties do not contain any jurisdictional wetlands.

##### ***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application.

Its memorandum indicates that the increased number of students could generate approximately 12 fire and rescue calls annually. The department states that the estimated number of alarms would result in a minimal impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 6:06 minutes (based on 2010 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

##### ***Parks, Recreation and Open Spaces***

The Miami-Dade Park, Recreation and Open Spaces Department (MDPROS) has no objection to this application. Its memorandum indicates that the undeveloped Debbie Curtin Park is located immediately south of the subject property. MDPROS would like to continue discussions



of providing pedestrian access connecting the park and SW 110 Avenue and the residential community east of the charter school site.

***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) has no objections to this application. The subject property will be serviced by the South District, with a response time of eight minutes or less. Its memorandum recommends that the applicant work closely with the local police district command staff in considering security options for the site, especially during high volume times, to include but not limited to school start/dismissal times and special events.

***Public Works and Waste Management Department (Traffic Engineering Division)***

The Public Works and Waste Management Department, Traffic Engineering Division (TED) does not object to this application.

Its memorandum indicates that the Traffic Impact Study and Technical Memoranda are acceptable. The applicant must proffer a covenant that shall include a Traffic Operations Plan, School Speed Zone signs, pavement markings and flashing signals that are required along SW 112 Avenue adjacent to the site upon the Florida Department of Transportation's approval and all off-site improvements must be constructed prior to the school opening.

***Public Works and Waste Management Department (Waste Management)***

The Miami-Dade County Department of Public Works and Waste Management - Waste Management Division does not object to this application. The memorandum submitted for this hearing application indicates that the latest concurrency status determination issued on September 12, 2011, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning, is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits as needed from the Florida Department of Environmental Protection.

***Water and Sewer Department***

The Miami-Dade County Water and Sewer Department (MDWASD) has no objections to this application. Public water mains and sanitary sewer exist throughout the area.

***Miami-Dade County Public Schools***

The Miami-Dade County Public Schools memorandum indicates that the public schools in the surrounding area have a surplus of student stations at the middle school level of 1,447 and 539 at the senior high school level.

**OTHER:** Not applicable.

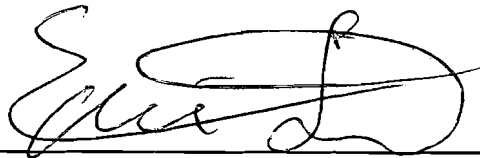
**RECOMMENDATION:**

**Approval with conditions subject to the proffered covenant.**

**CONDITIONS FOR APPROVAL:**

1. That all the conditions of Resolution No. Z-47-97 and Resolution No. Z-29-06 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 Permitting, Environment and Regulatory Affairs Department or successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
3. That at the time of Certificate of Use renewal and each subsequent renewal, the owner shall submit to the Permitting, Environment and Regulatory Affairs Department or successor 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.
4. That at the time of Certificate of Use renewal and with each subsequent renewal, the owner shall submit to the Permitting, Environment and Regulatory Affairs Department or successor Department a letter or approved form from the Public Works and Waste Management Department showing that the school facility is in compliance with the traffic impact study and the Traffic Operations Plan (TOP) that was submitted as part of the hearing application.
5. That the Owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
6. That all off-site improvements be constructed prior to the school opening.
7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the February 08, 2012 DIC of this application and incorporated herein by reference.
8. That in addition to the outdoor recreational area shown on the previously approved site plan, the applicant shall provide approximately 20,000 square feet of fenced in open area. The fence shall meet the requirements of Section 33-159(k) of the Miami-Dade Zoning Code.

ES:MW:GR:NN:CH:JV:AN



Eric Silva, AICP, Interim Assistant Director

Zoning and Community Design

Miami-Dade County

Sustainability, Planning and Economic Enhancement Department

Permitting, Environment and Regulatory Affairs Department

NDN  
GMR

ZONING RECOMMENDATION ADDENDUM

HISTORY

MOTION SLIPS\*

DEPARTMENT MEMORANDA

DISCLOSURE OF INTEREST\*

HEARING PLANS\*

MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Southwest Dade Trust Community Development Corp  
11-089

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Permitting, Environment & Regulatory Affairs	No objection
Public Works & Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in the Department's attached memorandum.	

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

<b>Land Use Element</b> <b>Low Density Residential</b> (Pg. I-31)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for <b>Low Density Residential</b>. 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 10.0 dwelling units per gross acre.</i>
<b>Land Use Element</b> <b>Policy LU-4A</b> (Pg. I-11)	<i>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.</i>
<b>Land Use Element</b> <b>Interpretative Text Residential Communities</b> (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including <b>schools</b>, parks, <b>houses of worship</b>, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.</i>
<b>Educational Element</b> <b>Policy EDU-3A</b> (Pg. X-5)	<i>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.</i>
<b>Community Health and Design</b> <b>Objective CHD-2</b> (Pg. XII-2)	<i>Miami-Dade County shall apply design standards to private development projects to encourage physical activity.</i>
<b>Community Health and Design</b> <b>Policy CHD-2A</b> (Pg. XII-2)	<i>Miami-Dade County will encourage land development to incorporate community design principles that encourage physical activity through the promotion of strategies, when appropriate, but not limited to:</i>  <i>1. Utilization of non-motorized transportation modes;</i> <i>2. Location of public facilities accessible by multiple transportation modes;</i> <i>3. Availability and maintenance of quality pedestrian paths or sidewalks;</i>

# ZONING RECOMMENDATION ADDENDUM

Southwest Dade Trust Community Development Corp  
11-089

	<p>4. Provision of street furniture and lighting enhancements;</p> <p>5. Provision of civic and recreational facilities;</p> <p>6. Establishment of interconnectivity between similar development projects through vehicular and/or pedestrian/bicycle cross access; and</p> <p>7. Provision of pedestrian and bicycle linkages between existing residential and non-residential land uses.</p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<p>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 <u>Section 33-314(C)(3)</u>; 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.</p>
<b>33-153 Public hearing required in all districts</b>	<p>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 of 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.</p>
<b>33-314(C)(11) Direct applications to the County Commission</b>	<p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p>(11) 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 <u>Section 33-311(A)(3)</u> of this code.</p>
<b>33-314(C)(12) Direct applications to the County Commission</b>	<p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p>(12) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.</p>

# Memorandum



**Date:** December 22, 2011

**To:** Charles Danger, P.E., Interim Director  
Miami-Dade County Department of Permitting,  
Environment and Regulatory Affairs

**From:** Esther Galas, P.E., Chief County Engineer  
Public Works and Waste Management Department

**Subject:** Recommendations for Palm Glades Preparatory School K-12, Grace of God Community,  
SW 226 Terrace & SW 112 Avenue, Z2011000089

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

TED has reviewed the Site Plans, dated revised 10/26/2011; the Traffic Impact Study, dated 01/19/2011; the Technical Memoranda dated 04/26/2011, 06/20/2011, and 10/26/2011; the Traffic Operations Plan (TOP), dated 09/27/2011; for the proposed facility located at the intersection of SW 226 Terrace & SW 112 Avenue, and has the following recommendations and comments:

- Site Plan

1. All radii along bus route must have adequate turning radii for large school buses (30 feet typical). The bus route must be designed to incorporate curb-side loading and unloading of children (typical school bus access is on the right side of bus).
2. A minimum 15 foot turning radius must be provided along all standard automobile vehicle paths. Therefore, the u-turn vehicle operation required to exit the one-way parking aisle located along the front of the school must be delineated with pavement markings (30 foot minimum).
3. An 8 foot bike path leading from the public right-of-way to the bike rack(s) must be proposed.
4. The proposed fence setback dimension from the property line must be shown.
5. Southwest 112 Avenue is a state road therefore; applicant must comply with Florida Department of Transportation (FDOT) requirements.

- Traffic Impact Review

The Traffic Impact Study dated 01/19/2011 and the Technical Memoranda dated 04/26/2011, 06/20/2011, and 10/26/2011 are acceptable.

- Traffic Operations Plan (TOP)

1. All parking stall use on site shall be identified.
2. On-site traffic flow patterns for each different vehicle operation (buses, parent stacking vehicles, parent parking vehicles) must be provided in the TOP narrative and/or TOP illustration.
3. The number, location and activity of school personnel must be specified. The TOP must explicitly specify that staff will manage gaps within any vehicle queues that may obstruct the inbound through lane of vehicles and buses.
4. The number, location and type of temporary traffic devices must be specified. The TOP must explicitly specify how temporary traffic control devices will be used to maintain the visitor parking area as a one way southbound drive aisle during arrival and dismissal periods.

December 22, 2011

Page 2 of 3

Recommendations for Palm Glades Preparatory School K-12, Grace of God Community, SW 226 Terrace & SW 112 Avenue, Z2011000089

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- Project Requirements

1. A "Declaration of Restrictions" in favor of the Miami Dade County Public Works and Waste Management Department must be recorded in the Official Records of Miami-Dade County, Florida prior to the date of the school opening or expansion. The "Declaration of Restrictions" shall include a TOP narrative and plan that has been found acceptable by TED.
2. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along SW 112 Avenue adjacent to the site upon FDOT's approval.
3. All off-site improvements shall be constructed prior to the school opening.

- 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 zebra 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 the Parks Recreation and Open Spaces Department. Also, any relocation or removal of trees must be approved by PERA. 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 records, 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, MDPWWD 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 and Waste Management Department reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

December 22, 2011

Page 3 of 3

Recommendations for Palm Glades Preparatory School K-12, Grace of God Community, SW 226  
Terrace & SW 112 Avenue, Z2011000089

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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., Chief, Traffic Signals and Signs Division  
Raul A. Pino, P.L.S., Chief, Right of Way and Land Development Division  
David Cardenas, Chief, Parks Recreation and Open Spaces Department  
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division  
Ricardo Gavilan, P.E., PTOE, Traffic Engineer, Traffic Engineering Division  
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division  
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division  
Tiffanie A. Pauline, Executive Director, Charter School Operations, MDCPS  
Mohammed Mansuri, P.E., Public Works Land Development  
Leandro Rodriguez, Right of Way and Land Development Division





# Miami-Dade County Public Schools

*giving our students the world*

*Superintendent of Schools*  
Alberto M. Carvalho

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

February 8, 2012

Mr. Jorge Vital, DIC Coordinator  
Zoning and Community Design  
Department of Sustainability, Planning & Economic Enhancement  
Planning and Zoning  
Miami-Dade County  
111 NW 1 Street, 11<sup>th</sup> Floor  
Miami, FL 33128

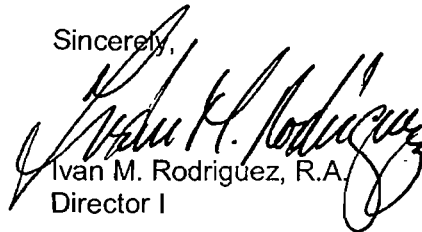
**RE: 11-089 Southwest Dade Trust Community Development Corp  
Dr. Joseph Coatts Grace Community Charter School Expansion for Grades 6-12  
S.E. Corner of the Intersection of SW 112 Avenue and SW 226 Terrace**

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, the following schools are currently designated as the schools to serve the area: Coconut Palm K-8 Academy, Centennial Middle School, Cutler Ridge Middle School and Miami Southridge Senior High School. The analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the middle school level of 1,447 and 539 at the senior high school level.

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 I

IMR:ir  
L384  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Michael A. Levine  
Ms. Vivian G. Villaamil

**ATTACHMENT "A"**

**PUBLIC SCHOOL PROJECTED ANALYSIS**

February 8, 2012

**APPLICATION:** 11-089 Southwest Dade Trust Community Development Corp  
Dr. Joseph Coatts Grace Community Charter School Expansion for  
Grades 6-12- located at the S.E. Corner of the Intersection of SW 112  
Avenue and SW 226 Terrace

**SCHOOLS SERVING AREA OF APPLICATION**

**MIDDLE SCHOOL LEVEL:** Coconut Palm K-8 Academy – 24400 SW 124 Ave  
Centennial Middle - 8601 SW 212 Street  
Cutler Ridge Middle - 19400 Gulfstream Road

**SENIOR HIGH SCHOOL LEVEL:** Southridge Senior – 19355 SW 114 Avenue

The following student population and available facility capacity data is based on student enrollment as of October 2011:

	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
<b>Middle Schools</b>						
Coconut Palm K-8 (Middle Component only)	318	495	64%	0	64%	177
Centennial Middle	920	1,494	62%	0	62%	574
Cutler Ridge Middle	732	1,428	51%	0	51%	696
					AVAILABLE STUDENT STATIONS	1,447
<b>Senior High Schools</b>						
Miami Southridge Sr.	2,169	2,542	85%	166	80%	539
					AVAILABLE STUDENT STATIONS	539

# Memorandum

**Date:** December 22, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs



**Subject:** DIC #Z2011000089-1<sup>st</sup> Revision  
Southwest Dade Trust Community Development Corporation  
Southeast Corner of S.W. 226<sup>th</sup> Terrace and S.W. 112<sup>th</sup> Avenue  
Special Exception to Permit the Expansion of the Existing Charter School  
and Modification of a Previous Resolution/Agreement to Permit the  
Expansion of the Charter School  
(RU-1(M)(a)) (7 Acres)  
18-56-40

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The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

## Potable Water Service

The subject property is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. Public water is available in the form an abutting 8-inch main located along S.W. 110<sup>th</sup> Avenue, also available are an abutting 12-inch main located along S. W. 112<sup>th</sup> Avenue and an 8-inch main along S. W. 226<sup>th</sup> Terrace.

The source for this water supply is MDWASD's 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 MDWASD sewer franchised service area; the closest public sanitary sewer is an 8-inch gravity main, which abuts the subject property along S.W. 226<sup>th</sup> Terrace.

This gravity main discharges the wastewater flow into pump Station 30-1097, then the South District Wastewater Treatment Plant. Both, pump Station 30-1097 and the South District Wastewater Treatment Plant, are owned and operated by Miami Dade Water and Sewer Department. At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

## Stormwater Management

The proposed Charter School has been approval under the Surface Water Management Standard General Permit No. 13-04359-P dated August 03, 2008. The applicant is advised that a Permit Modification of said existing Surface Water Management Standard General Permit is required prior to the construction of the future Church located northwest corner of this property.

#### Wetlands

The subject property does 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.

#### Air Quality Preservation

The proposed parking lot without a hard surface combined with vehicular traffic may create some fugitive dust. Therefore, the Department would recommend that approval by the Zoning Appeals Board be conditioned to the implementation of dust control measures such as the installation of a landscape irrigation system and the planting of hedges along the perimeter of the proposed parking area. No oil-based materials will be permitted as parking surface.

#### Tree Preservation

There are no tree resources issues on the subject property.

#### Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

#### Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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: Eric Silva, Permitting, Environment and Regulatory Affairs

# Memorandum



Date: December 5, 2011

To: Charles Danger, Interim Director  
Permitting, Environment and Regulatory Affairs

From: William W. Bryson, Fire Chief  
Miami-Dade Fire Rescue Department

Subject: DIC 2011000089 – Southwest Dade Trust Community Development Corporation  
Miami-Dade County, Florida (Revision No. 1)

According to the letter of intent dated August 24, 2011, the applicant is seeking to modify a previously approved Resolution along with two recorded Declaration of Restrictions. The purpose of the requests is to submit a revised site plan for the expansion an existing charter school, include grades 6 through 12, and increase the number of students previously approved from 600 students to 1,012 students.

## SERVICE IMPACT/DEMAND

- (A) Based on the increased number of students, this project is expected to generate approximately 12 fire and rescue calls annually. Although the estimated number of alarms results in a minimal impact to existing fire and rescue service, current stations serving this area will be able to handle the additional number of alarms.
- (B) Based on data retrieved during calendar year 2010, the average travel time to the vicinity of the proposed development was 6:06 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
34	10850 SW 211 Street	Rescue*, Aerial, Squad, Platform**	12
55	21501 SW 87 Avenue	Engine	4
5	13150 SW 238 Street	Rescue, Engine	7
52	12105 Quail Roost Drive	Rescue, Tanker, Battalion	8

\*Station No. 34 is currently equipped with two Rescue units; Rescue 34 & Rescue 70

\*\*Platform tended

## PLANNED SERVICES

STATION	ADDRESS	SERVICE
70	SW 114 Ave. & SW 248 St.	Undetermined

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez Architects, dated stamp received November 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, including all applicable conditions set forth during the DIC review process.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

/ch

# Memorandum



**Date:** September 20, 2011

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

**From:** José A. Ramos, R.A., Interim Director, Aviation Planning Division  
Aviation Department

**Subject:** DIC Application #11-089  
SW Dade Trust Comm. Dev. Corp.  
DN-11-08-574 (Revised)

A handwritten signature in black ink, appearing to be "J. Ramos", written over the "From:" line of the memorandum.

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As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #11-089, Palm Glades Preparatory Academy & High School f/k/a Dr. Joseph Coatts Community Charter School. The applicant is requesting a special exception to permit the expansion of the existing charter school as well as a modification of a previous resolution/agreement to permit the expansion of the charter school. The subject property is approximately 7 acres and is located at the Southeast corner of SW 226 Terrace and SW 112 Avenue, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed requests are compatible with operations from MDAD's system of airports.

JR/rb

# Memorandum



**Date:** November 8, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces

**Subject:** Z2011000089: SW DADE TRUST COMM. DEV. CORP.

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**Application Name:** SW DADE TRUST COMM. DEV. CORP.

**Project Location:** The site is located at the SEC SW 226 TER & SW 112 AVE, Miami-Dade County.

**Proposed Development:** The applicant is requesting Special Exception for expansion of a charter school to include grades 6-12 and an additional 412 students and a modification of the site plan and covenant to reference the new site plan.

**Impact and demand:** This application does not generate any residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

Immediately south of the application site is Debbie Curtain Park, which is currently undeveloped. As requested during the DIC Lower Council meeting the Applicant has met with MDPROS to discuss the feasibility of providing a pedestrian access connecting Debbie Curtain Park and SW 110<sup>th</sup> Ave and the residential community east of the charter school site. We look forward to continuing this dialogue as plans for development proceed.

This Department has no objection to this application.

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



# Memorandum



**Date:** August 11, 2011

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

**From:** José A. Ramos, R.A., Interim Director, Aviation Planning Division  
Aviation Department

**Subject:** DIC Application #11-089  
SW Dade Trust Comm. Dev. Corp.  
DN-11-08-574

A handwritten signature in black ink, appearing to be "JR", written over the signature line.

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As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #11-089, Valencia School Dev. LLC. The applicant is requesting a special exception to permit the expansion of the existing charter school as well as a modification of a previous resolution/agreement to permit the expansion of the charter school. The subject property is approximately 7 acres and is located at the Southeast corner of SW 226 Terrace and SW 112 Avenue, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed requests are compatible with operations from MDAD's system of airports.

JR/rb

# Memorandum



**Date:** September 26, 2011

**To:** Jorge Vital, Special Projects Administrator 2 (DIC Coordinator)  
Miami-Dade Department of Planning and Zoning

**From:** James K. Loftus, Director  
Miami-Dade Police Department

**Subject:** Revised Review - Developmental Impact Committee Zoning Application  
Case: No. Z2011000089 – SW Dade Trust Community Development Corp.

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## **APPLICATION**

The Applicant, the Southwest Dade Trust Community Development Corporation, is requesting a public hearing to change the Dr. Joseph Coatts Grace Community Charter School located at the southeast corner of SW 226 Terrace and SW 112 Avenue, from a K-5 charter school with 600 students to a K-12 charter school with an additional 412 students (total number of students 1012).

## **CURRENT POLICE SERVICES**

The proposed business will be located in unincorporated Miami-Dade County and serviced by our South District, located at 10800 SW 211 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

## **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. A ½ mile radius check of crimes/calls for service of the location was done and has been provided in the attached documents for the Miami-Dade Department of Planning and Zoning.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. Based on this data and due to the nature of the request (school student body increase), it cannot be anticipated as to any projected increase in calls for service. Experience lends itself to anticipate that when additional students are present, traffic increases, truants may be present in the area, and calls for police service may rise. Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service. Additionally, it is recommended that the Southwest Dade Trust Community Development Corporation and the Dr. Joseph Coatts Grace Community Charter School work closely with the local police district command staff in considering security options for the site, especially during high volume times, to include but not limited to school start/dismissal times and special events.

Jorge Vital, Special Projects Administrator 2 (DIC Coordinator)  
September 26, 2011  
Page 2

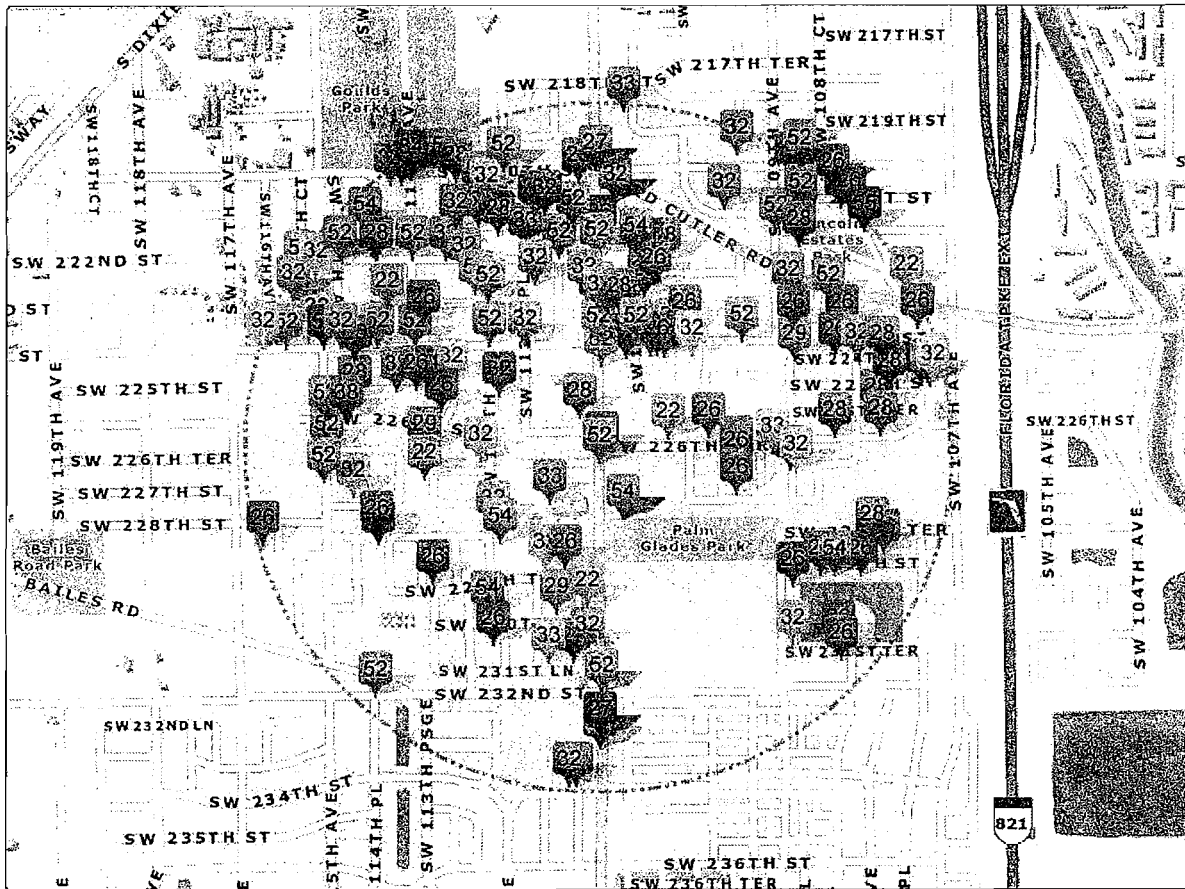
The MDPD does not object to any proposed zoning modifications to complete this project. The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Public Information & Education Bureau may be contacted at (305) 471-1775.

JKL/kh  
Attachment

**SW Dade Trust Comm. Dev. Corp. 2011**  
 Z2011000089 Selected Crimes (Jan 1 - Aug 19) 0.5 Mi

Miami-Dade Police Department



Map Legend	
CDW Incidents (275)	
52 - Narcotics Investigation (79)	
26R - Burglary Residential (42)	
32 - Assault (30)	
28 - Vandalism (25)	
32D - Domestic Assault (15)	
54 - Fraud (13)	
27 - Larceny (11)	
32A - Aggravated Assault (9)	
29 - Robbery (9)	
32B - Aggravated Battery (8)	
22S - Auto Theft Stolen (7)	
55 - Weapons Violation (7)	
27O - Larceny Over (5)	
26C - Burglary Commercial (3)	
38 - Suspicious Person (3)	
33LM - Sex Offense L&L Molestation (3)	
16 - D.U.I. (1)	
22F - Auto Theft Foreign Stolen (1)	
33O - Sex Offense Other (1)	
31 - Homicide (1)	
34 - Disturbance (1)	
33R - Sex Offense Rape (1)	

This map was prepared using Miami-Dade County's (MDC) Geographic Information System (GIS). As is the case with all public records information, the nature of the data and the collection processes limit the ability of any aggregator to independently validate data and content. Every effort has been made to ensure that the information represented is accurate, however, the results cannot be guaranteed. In order to ensure the accuracy of the information supplied by MDC, the requestor should consult the official government record. Based on these limitations, MDC is unable to guarantee the accuracy of the information represented. Employees or agents disclaim all warranties, expressed or implied, as to any matter whatsoever and shall not be responsible for any loss or damage that may directly or indirectly arise as the result of use of information contained in the County's GIS.

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# Memorandum



**Date:** November 28, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environmental and Regulatory Affairs Department

**From:** Maria A. Valdes, LEED® Green Assoc., Chief  
Comprehensive Planning & Water Supply Certification Section

**Subject:** Southwest Dade Trust Community Development Corp.  
(Palm Glades Preparatory Academy and High School)  
DIC Application # Z2011000089 (REVISION # 1)

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

**Application Name:** Southwest Dade Trust Community Development Corp.

**Proposed Development:** The applicant is proposing to expand the above referenced Charter School to include grades 6-12 and an additional 412 students for a total of 1,012 students. The proposed development will be 47,588 square feet which yields a total water demand of 5,711 (gpd).

**Project Location:** The subject property is located at the SE Corner of the Intersection of SW 112 Avenue and SW 226 Terrace, 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 Alexander Orr Water Treatment Plant. Agreement number 20880 was re-offered on November 14, 2011 for the proposed development. As indicated in the Agreement, the nearest points of connection for water is an existing 8-inch water main on SW 110<sup>th</sup> Avenue or SW 226<sup>th</sup> Terrace abutting the property where the developer may connect and install an 8-inch water distribution main to the developer's property. Please note that the water comments provided herein address CDMP policies WS-1A, WS-1B and WS-2A.

Additionally, effective January 11, 2011, MDWASD 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. Please note that a WSC for this project was issued on March 11, 2011 and shall remain active in accordance with the terms and conditions specified in said certification.

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. As indicated in Agreement 20880, the County owns and operates an 8-inch sanitary sewer line located at SW 110<sup>th</sup> Avenue and SW 226<sup>th</sup> Terrace, from which the developer shall connect and install an 8-inch sanitary gravity sewer line to the developer's 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 consistent with policy WS-2A(2) of the CDMP. 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.

P.S. # 1097  
Sewer Allocation # 2008-01382

**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](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.

DATE: 24-JAN-12

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

SOUTHWEST DADE TRUST  
COMMUNITY DEVELOPMENT  
CORP.

Southeast corner of SW 226 TER &  
SW 112 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000089

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HEARING NUMBER

**HISTORY:**

DEPARTMENT OF PERMITTING, ENVIRONMENT & REGULATORY AFFAIRS

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

11-089

ADDRESS: SE corner of SW 226 TER & SW 112 AVE

FOLIO: 3060180000585

DATE: 1-24-12

NAME: SOUTHWEST DADE TRUST COMMUNITY DEVELOPMENT CORP

OPEN CASES:

Neighborhood Regulations:

Case 201101002088 was opened for a complaint of overgrowth. A warning notice and subsequent

citation T013893 issued for a Ch 19-13(a) violation on 3-15-11. The property is in compliance and citation was lienied for non-payment.

Building Code:

No open cases.

**CLOSED CASES:**

Neighborhood Regulations:

Case 200901002464 was opened for a complaint of overgrowth. A warning notice and subsequent citation T002019 issued for a Ch 19-13(a) violation 5-6-09. The citation was lienied for non-compliance. The lien was satisfied and the case was closed.

Case 201001006879 was opened for a complaint of overgrowth and citation T010806 was issued for a Ch 19-13(a) violation on 9-20-10. The property owner complied, citation paid and the case was closed.

Case 20101000342 was opened for a complaint of overgrowth. A warning notice and subsequent citation T006718 issued for a Ch 19-13(a) violation on 1-15-10. The citation was lienied for non-compliance. The lien was satisfied and the case was closed.

Building Code:

No closed cases.

Ricardo Roig, Division Director

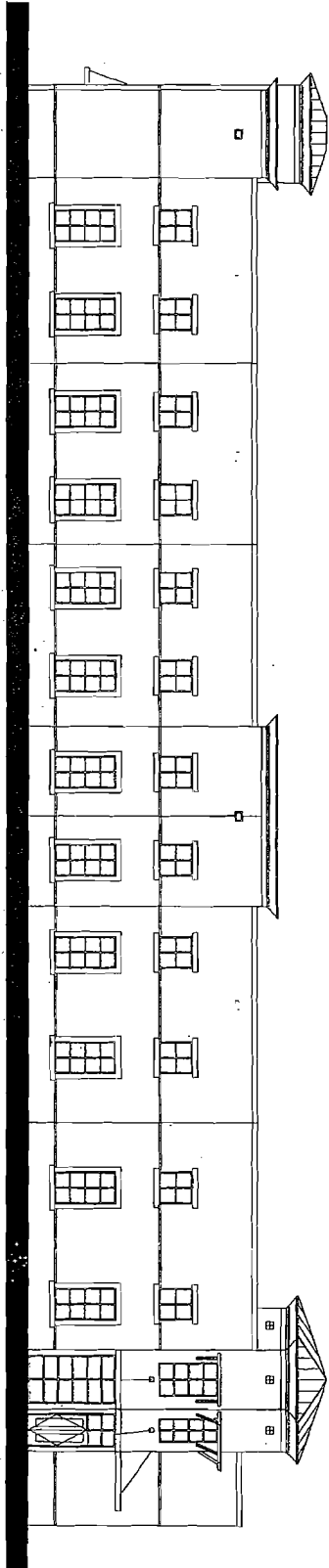
Miami-Dade County Department of Permitting, Environment and Regulatory Affairs

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

**REPORTER NAME:**



# PALM GLADES PREPARATORY ACADEMY (K-8) & PALM GLADES PREPARATORY HIGH SCHOOL (9-12)



Juan A. Rodriguez - RA  
JOMOLCA  
ARCHITECTS  
10000 N.W. 11th Avenue, Suite 100  
Miami, FL 33150  
Tel: (305) 444-4400  
Fax: (305) 444-4401

SUBMITAL TO: DIC

05" E  
332.92'(M)

S 00°48'05" E 516.38'(R&M)  
S.W. 112 AVENUE

S 00°48'05" E 516.38'(R&M)

N 89°10'34" E 651.27'(R&M)  
601.27'(R&M)

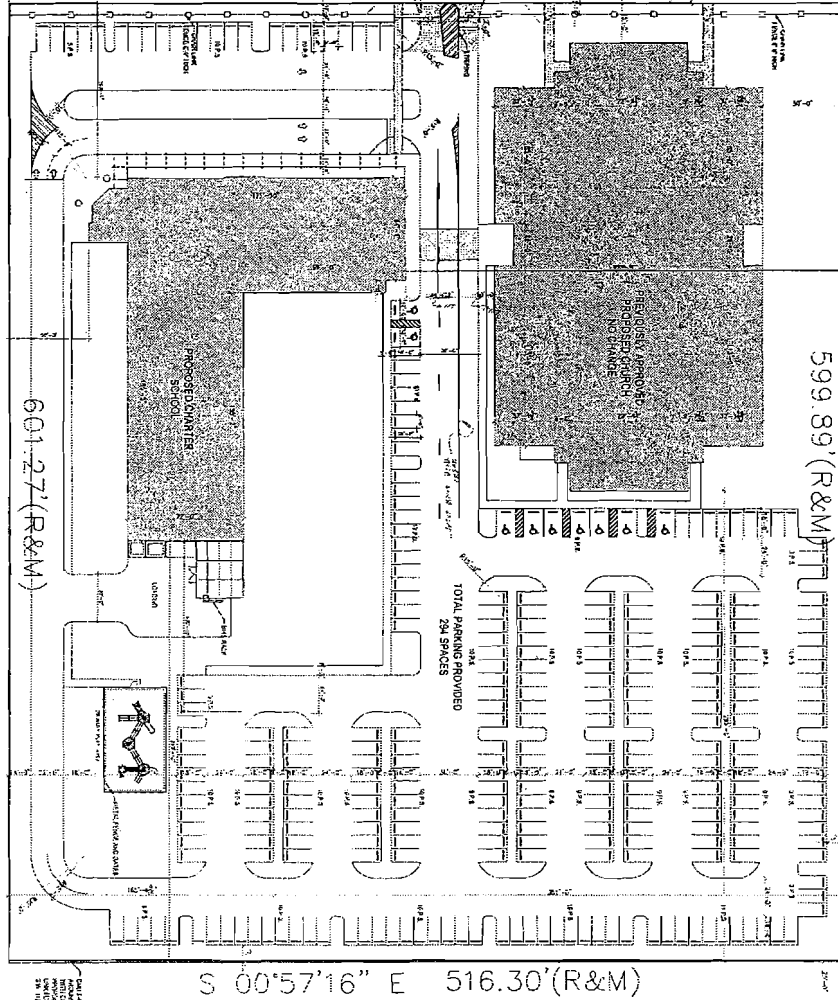
N 89°10'59" E 649.89'(R&M)  
SW 226 TERRACE

S 00°48'05" E 516.38'(R&M)

S 00°57'16" E 516.30'(R&M)

SW 110TH AVENUE

COMPREHENSIVE SITE PLAN  
SCALE: 1" = 30'-0"



# COMPREHENSIVE ZONING ANALYSIS

## ZONING DATA

BASED ON MIAMI DADE COUNTY ZONING REQUIREMENTS.  
USE: HIGH SCHOOL, CHARTER SCHOOL, OR HIGH TECH CAMPUS

ZONING CLASSIFICATION: RS-1, RS-MD, RS-MND

TOTAL LOT AREA: 145,006 SQ. FT. (3.33 ACRES)

PROPOSED CHARTER SCHOOL BUILDING: 47,000 SQ. FT.

PROPOSED CHARTER SCHOOL: 24,537 SQ. FT.

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PROPOSED CHARTER SCHOOL: 24,537 SQ. FT.

38

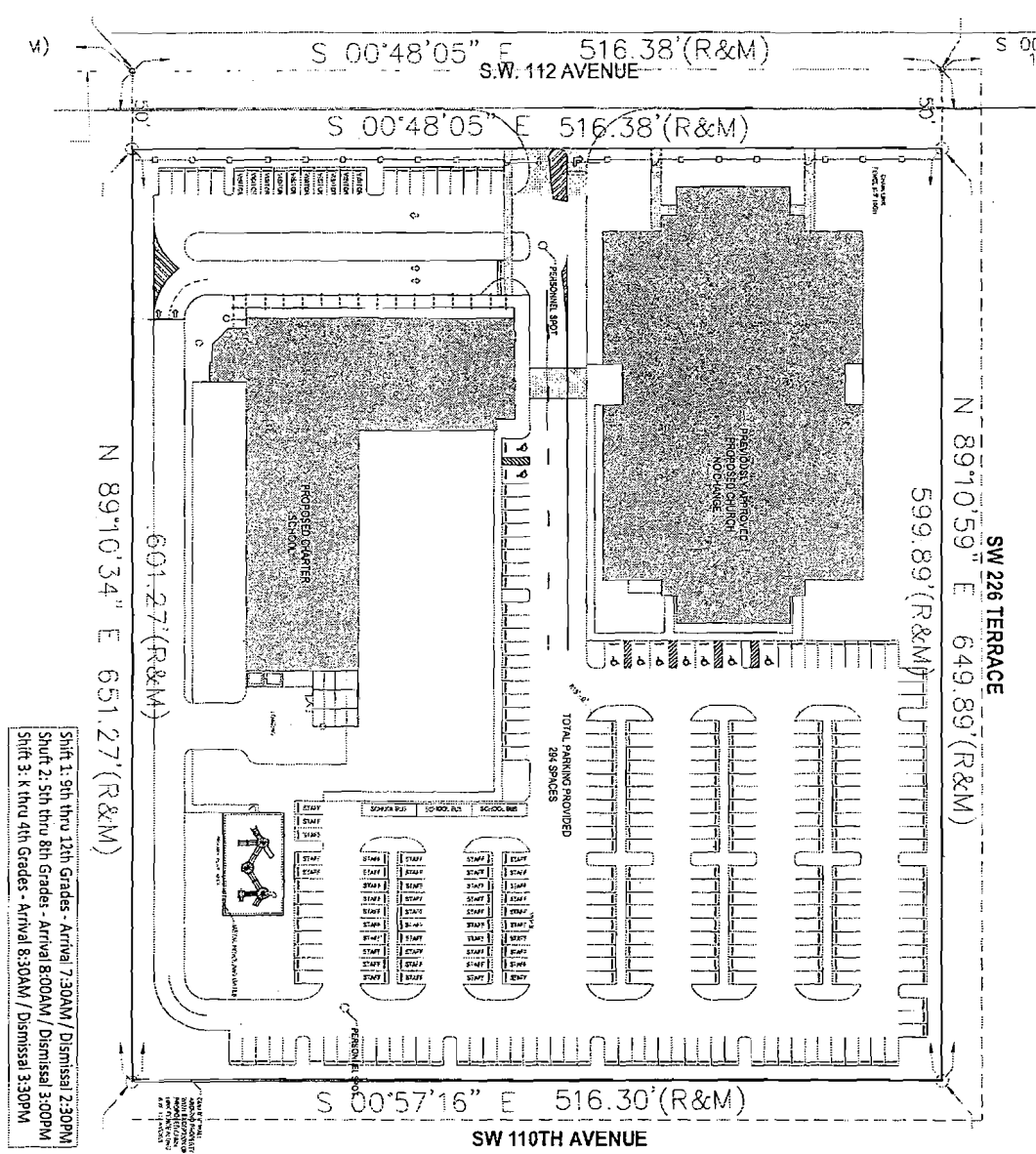
PALM GLADES PREPARATORY ACADEMY (K-8) &  
PALM GLADES PREPARATORY HIGH SCHOOL (9-12)  
S.W. 226 STREET & 112 AVENUE, DADE COUNTY, FLORIDA



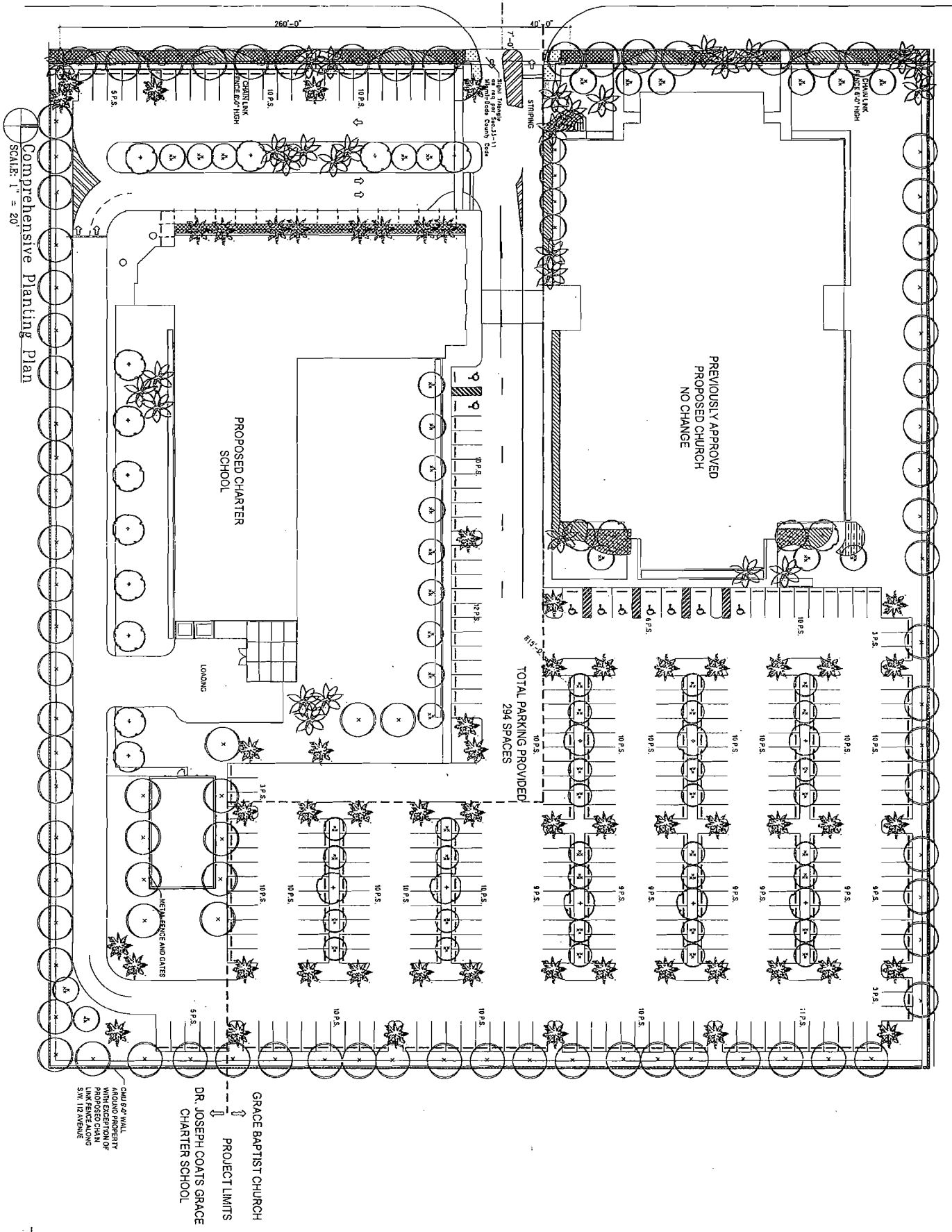
John A. Rodriguez - RA  
JRT  
11200 SW 112th Avenue, Suite 100, Miami, FL 33176  
305.444.1120  
www.jrtinc.com

DATE: 10/1/10  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

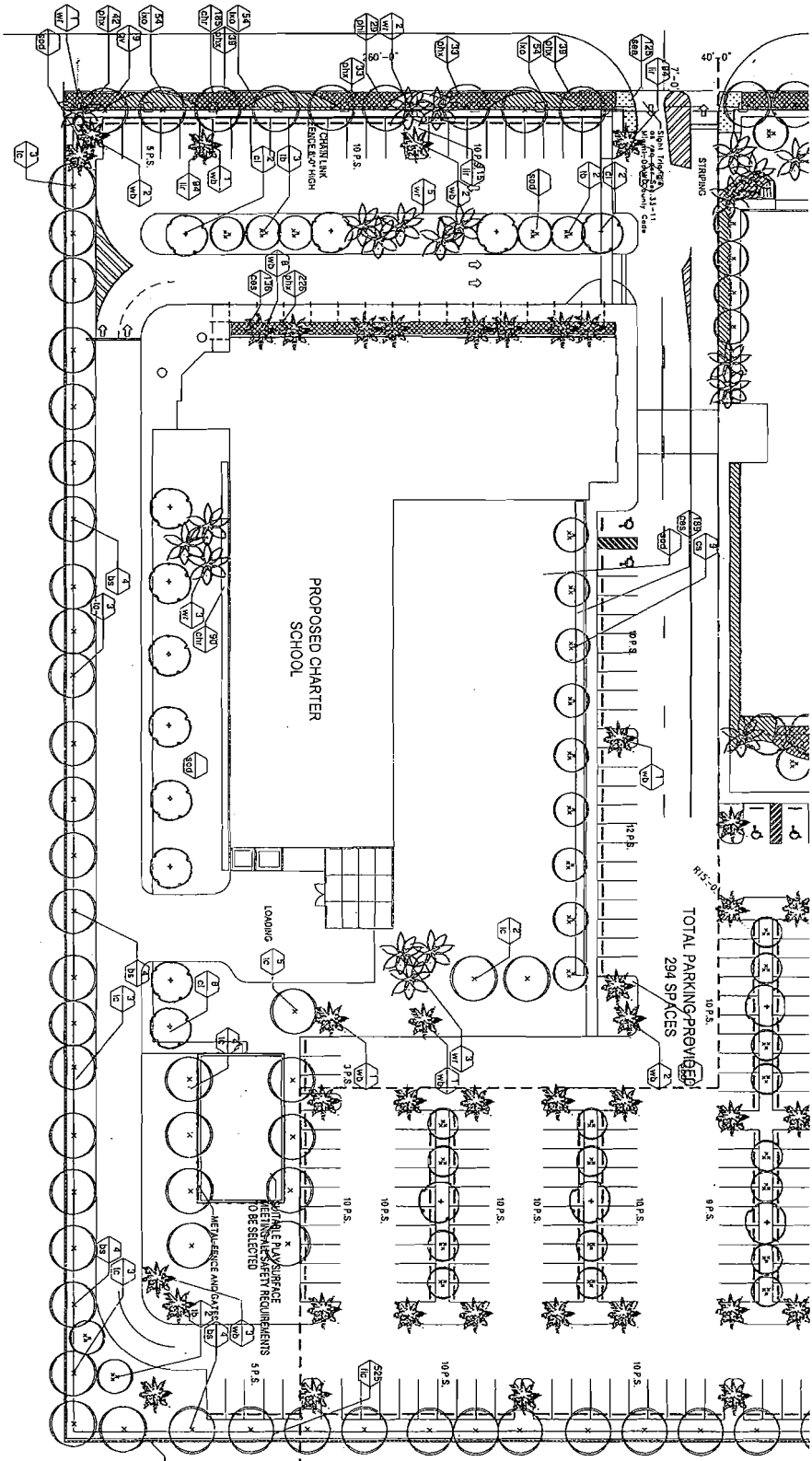
A2.2



S.W. 112 AVENUE



Comprehensive Planting Plan  
SCALE: 1" = 20'



School Planting Plan  
 Scale: 1" = 20'

LA 6865704  
 Street No.  
 L1.02

Sheet

JOB NO. LA4-2005  
 DATE 02/23/08  
 SCALE 1"=20'

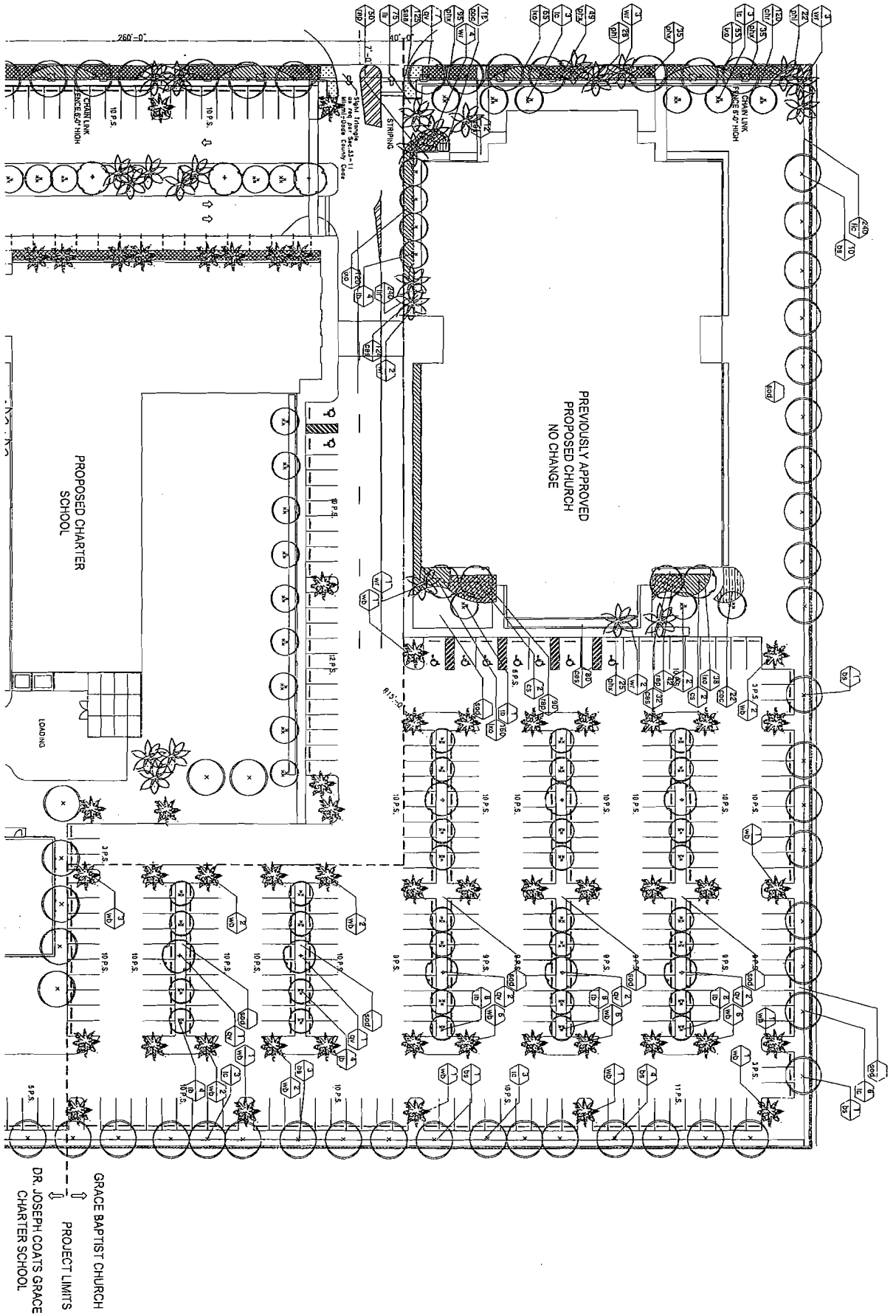


Ivette Gatell Estefani  
 Landscape Architect LA #6866704  
 9620 SW 103 Avenue  
 Miami, FL 33176  
 (305) 279-1462

PALM GLADES PREPARATORY ACADEMY (K-8) &  
 PALM GLADES PREPARATORY HIGH SCHOOL (9-12)  
 MIAMI, FLORIDA  
 SW 112 AVENUE + SW 226 TERRACE

Revisions

Church Planting Plan  
SCALE: 1" = 20'



Sheet  
L46668704  
L1.03

Job No. L44-2005  
Date 02.23.06  
Scale 1"=20'



Ivette Gatell Estefani  
Landscape Architect LA #6666704  
9620 SW 103 Avenue  
Miami, FL 33176  
(305) 275-1462

PALM GLADES PREPARATORY ACADEMY (K-8) &  
PALM GLADES PREPARATORY HIGH SCHOOL (9-12)  
MIAMI, FLORIDA  
SW 112 AVENUE + SW 226 TERRACE

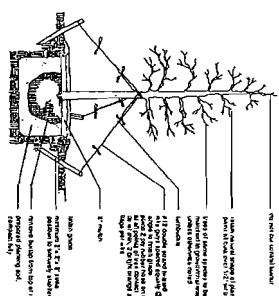
REVISIONS

42

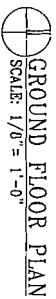
Dr. Joseph Coats Charter School landscape legend

- | Zoning District   |  | Land Use - Residential (Res) |  | Net Lot Area |  |
|---|--|------------------------------|--|--------------|--|
|   |  | 3.20                         |  | 2.20         |  |
| OPEN SPACE  |  |                              |  |              |  |
| A. Open Space of open space required by Chapter 25, as determined on the plan |  |                              |  |              |  |
|   |  | 24.07                        |  | 24.07        |  |
| Net Lot Area = 145.000 - 41.1 = 103.9 - 28.872 = 75.028                       |  |                              |  |              |  |
| B. Open Space Total of publicly or open space required by Chapter 10A         |  |                              |  |              |  |
|   |  | 0.00                         |  | 0.00         |  |
| No publicly spaces 81 = 118.2 feet publicly spaces =                          |  |                              |  |              |  |
| C. Total % of landscaped open space required by Chapter 25, A & B             |  |                              |  |              |  |
|   |  | 56.07                        |  | 30.088       |  |
| LAWN CALCULATION  |  |                              |  |              |  |
| A. 35.072 = 100% of landscaped open space required by chapter 25              |  |                              |  |              |  |
| B. Maximum lawn area must provide = 56. % x 56.07 = 31.4 %                    |  |                              |  |              |  |
| TREES   |  |                              |  |              |  |
| A. No. Trees required per net lot area 28                                     |  |                              |  |              |  |
| Less existing number of trees meeting minimum requirements                    |  |                              |  |              |  |
|   |  | 28                           |  | 28           |  |
| Net Lot Area 145.0  |  |                              |  |              |  |
| B. Minimum required: No trees provided is 20%                                 |  |                              |  |              |  |
|   |  | 2                            |  | 2            |  |
| C. Minimum required: No trees provided is 20%                                 |  |                              |  |              |  |
|   |  | 20                           |  | 21           |  |
| D. Street Trees (minimum average spacing of 35' o.s.):                        |  |                              |  |              |  |
|   |  | 20                           |  | 2            |  |
| 20 = 20' base and along street 25'  |  |                              |  |              |  |
| SHORTCUTS   |  |                              |  |              |  |
| A. No trees required 100 = 1.0 % No. of trees required                        |  |                              |  |              |  |
|   |  | 1.000                        |  | 2.886        |  |
| B. Minimum required: No trees required 2.000 = 2.00%                          |  |                              |  |              |  |
|   |  | 2.00                         |  | 2.95         |  |

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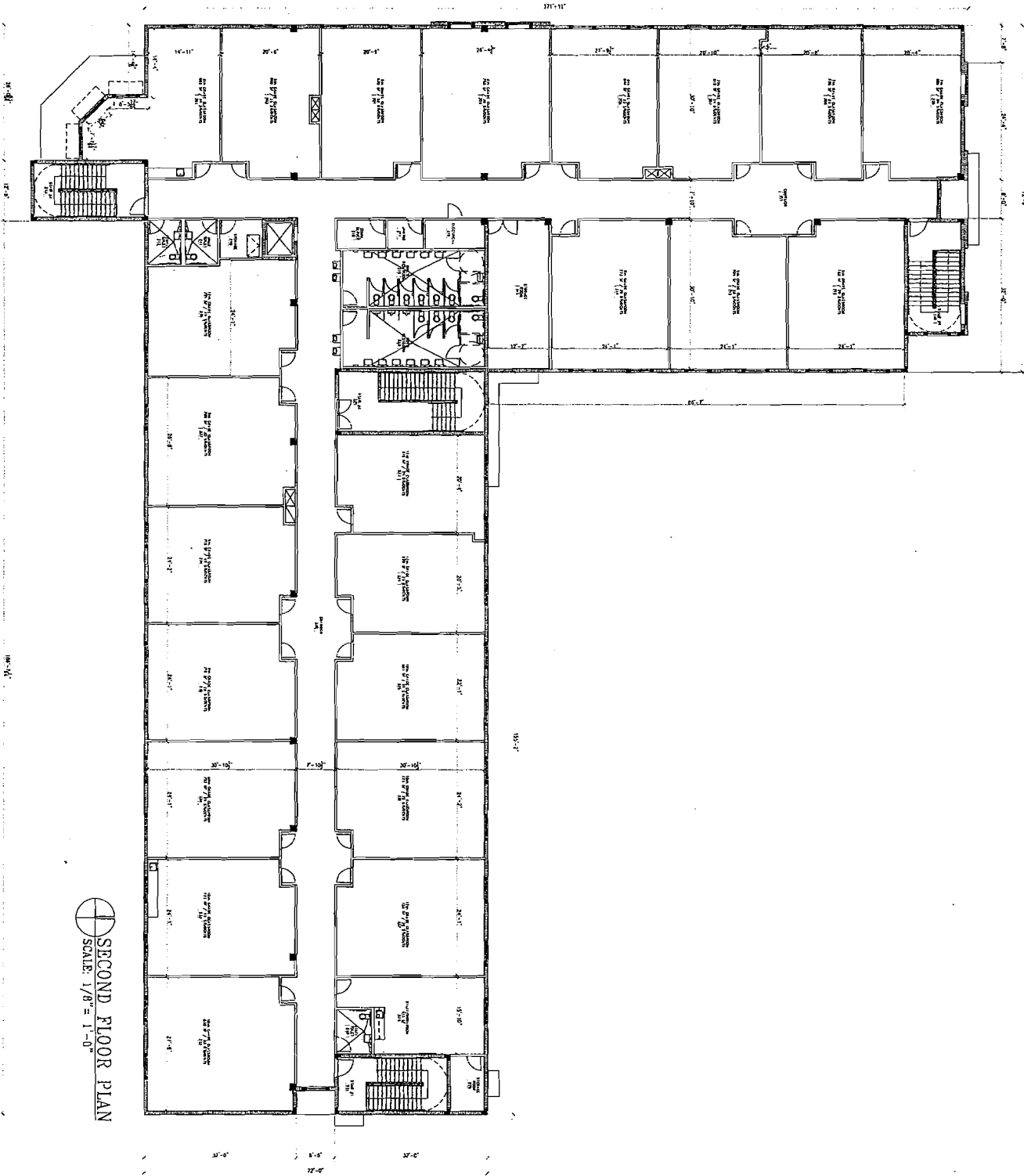


### small tree planting details

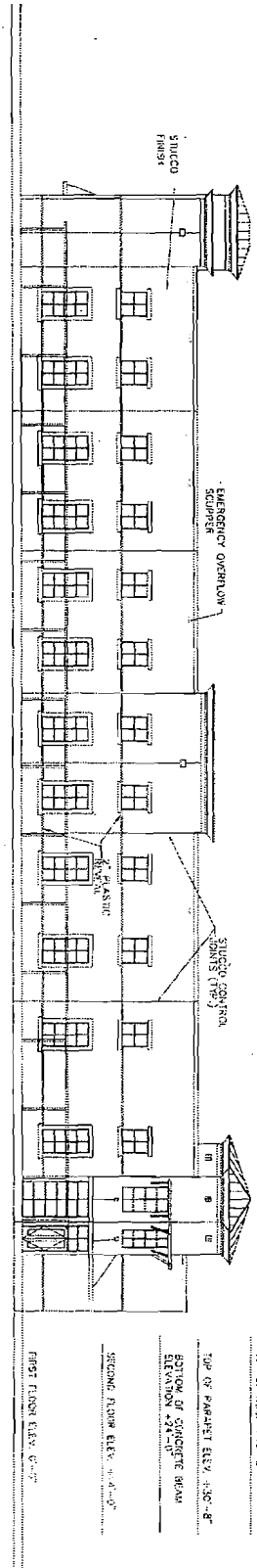




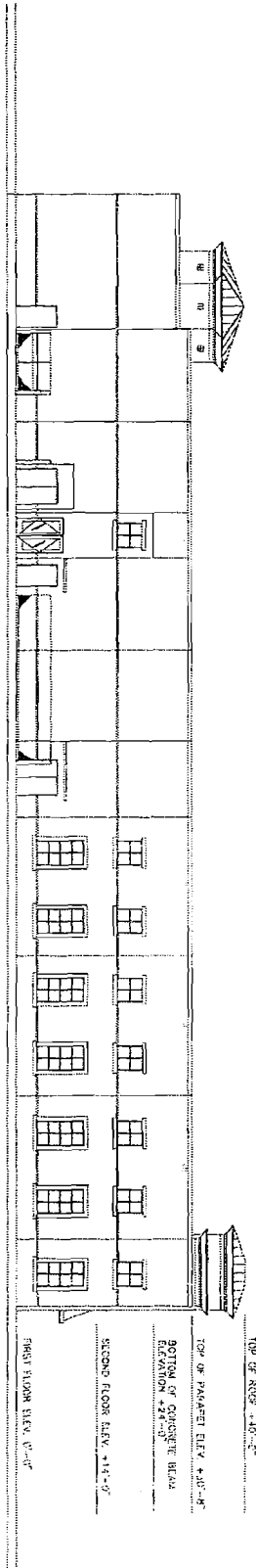
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 JUN 10 2014  
 11:10 AM  
 11:10 AM



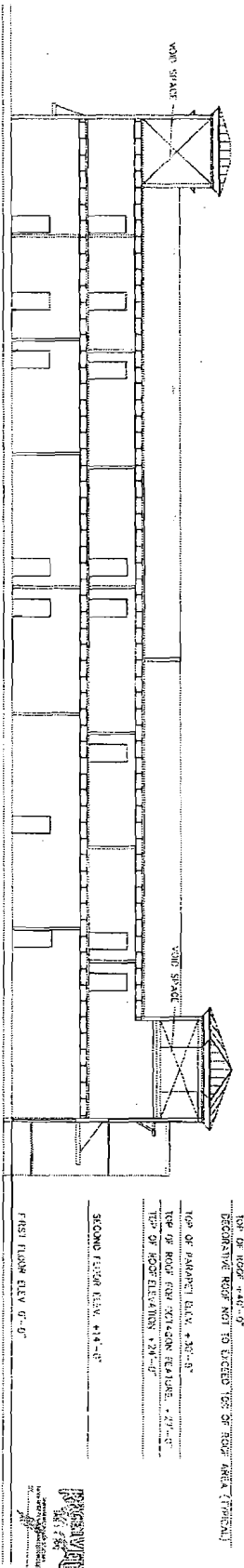
SECOND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



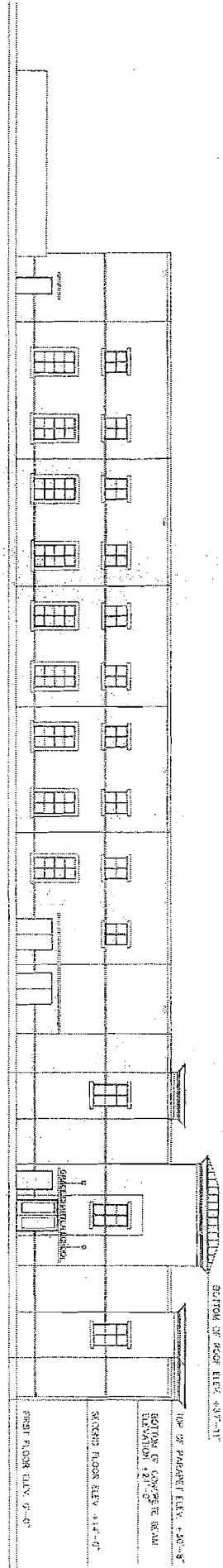
WEST ELEVATION  
SCALE: 1/8" = 1'-0"



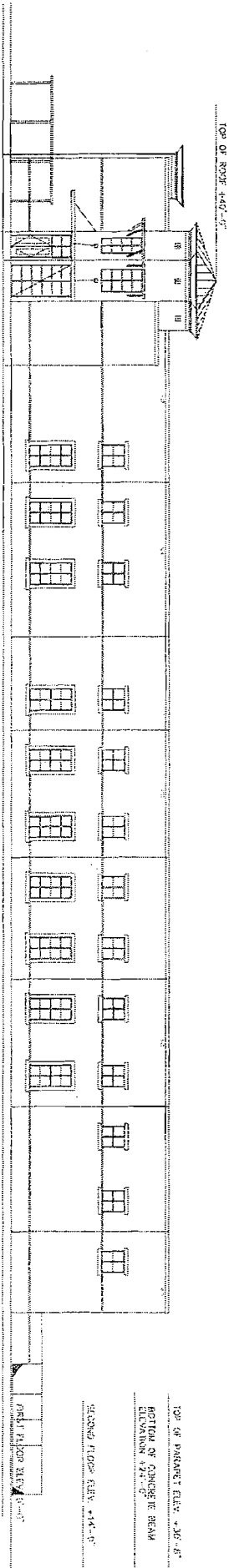
EAST ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING CROSS SECTION  
SCALE: 1/8" = 1'-0"



NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

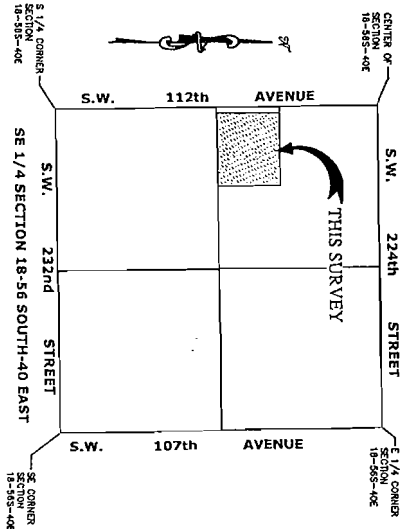
RECEIVED

# LOCATION SKETCH

SCALE 1" = 1000'

MAY-DADE COUNTY INSURANCE DATA:  
 POLICY # 211-088  
 DATE: MAY 15, 2011  
 BY: JESSE S. KLEIN  
 Firm Date:

LEGEND:  
 ASPHALT AREAS  
 CENTER LINE  
 FIELD MEASUREMENT  
 RECORD MEASUREMENT  
 ELEVATIONS



**LEGAL DESCRIPTION:**  
 The S 1/2 of NW 1/4 of SE 1/4 of section 18-56-40 less the West 60 feet and less the East 664.75 feet thereof and less the North 160.00 feet said land lying and being in Miami-Dade County, Florida and containing 7.12 acres more or less.

**PROPERTY ADDRESS:** S.W. 228th STREET & S.W. 118th AVENUE, MIAMI-DADE, FL.

**CERTIFIED TO:**  
 Eduardo Enseñat.

**FLORIDA INTERNATIONAL LAND SURVEYORS, INC.**  
 8300 NW 54th Street, Suite 300-A  
 MIAMI, FLORIDA 33166  
 PH: 305-469-8650 FAX: 305-469-8670

**DATE:** 05-16-05  
**REVISION:**

I HEREBY CERTIFY that the attached BOUNDARY SURVEY of the above described property is correct to the best of my knowledge and belief as recently surveyed under my direction, and meets the intent of the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472027 of Florida Statutes

**SURVEYOR'S NOTES:**

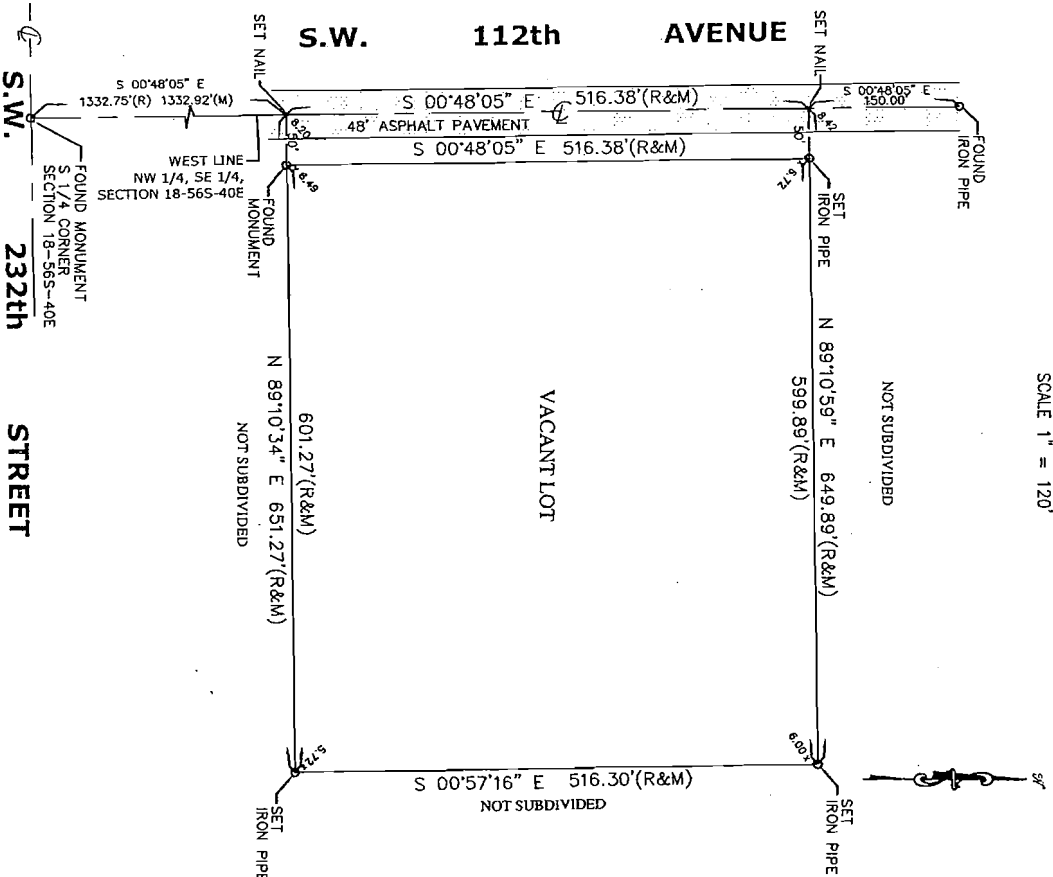
- Legal description was furnished by client.
- Examination of Abstract of Title will have to be made to determine recorded instruments, if any, affecting the property.
- Legal description subject to any dedication, limitations, restrictions, reservation, or easements of record.
- Bearings, if any, shown hereon are based upon an assumed value of S 00°48'05" E along the center line of S.W. 112th Avenue as per Township Maps prepared by Miami-Dade County, Public Works Department, Engineering Subdivision.
- Elevations if any, shown hereon are relative to N.G.V.D.
- Benchmark No. 6053W Elevation 2.65 feet
- Back Sighting
- Underground improvements and utilities, if any, not located.
- The survey has been prepared for the exclusive use of the entities named herein and the certification does not extend to any unnamed party.
- Not valid unless sealed with an embossed surveyor's seal.

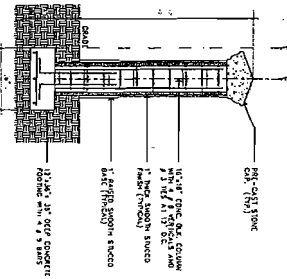
FLORIDA INTERNATIONAL LAND SURVEYORS, INC.

BY: VICENTE A. TOLE  
 Reg. Land Surveyor No. 3103  
 State of Florida

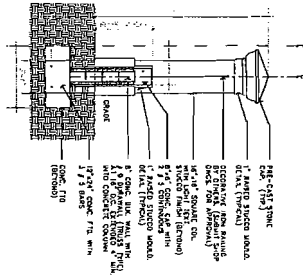
# BOUNDARY SURVEY

SCALE 1" = 120'

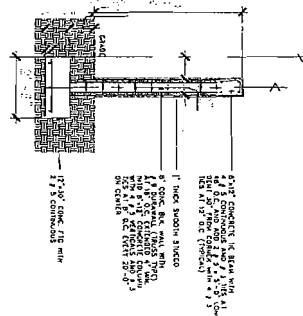




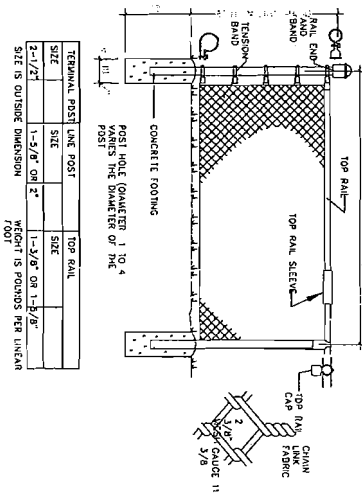
1.1 FENCE COLUMN DETAIL  
SCALE: V = 1/8"



1.2 LOW CBS WALL FENCE  
SCALE: V = 1/8"

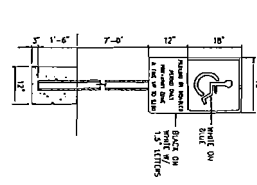


1.3 6' HIGH CBS WALL FENCE  
SCALE: V = 1/8"

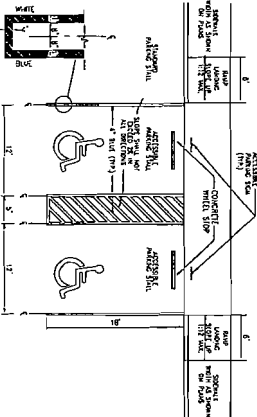


1.4 6' HIGH CHAIN LINK FENCE  
SCALE: V = 1/8"

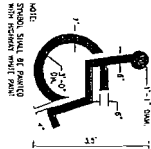
TERMINAL POST	LINE POST	TOP RAIL
SIZE	SIZE	SIZE
2-1/2"	1-5/8" ON 2"	1-5/8" ON 1 7/8"
WEIGHT IS POUNDS PER LINEAR FOOT		



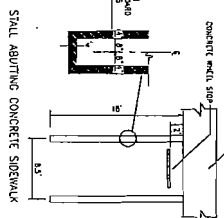
2.1 HANDICAP PARKING SIGN  
SCALE: N = 1/8"



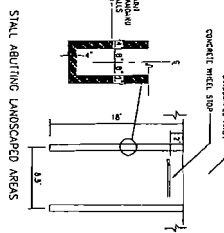
2.2 HANDICAP PARKING DETAIL  
SCALE: N = 1/8"



2.3 HANDICAP DETAIL PAINT SYMBOL  
SCALE: N = 1/8"



2.4 TYPICAL PARKING STALLS  
SCALE: N = 1/8"





**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: Southwest Dade Trust Community Development Corporation

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>MARK COARS, 14092 SW 54<sup>TH</sup> STREET MIAMI, FL 33027</u>	<u>100 %</u>

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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

**RECEIVED**  
21-089  
JUL 20 2011  
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: 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:

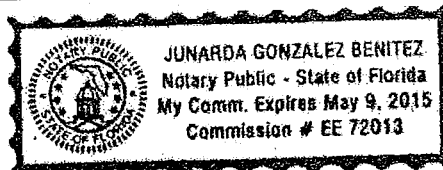
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature] (Applicant)

Sworn to and subscribed before me this 27 day of May, 2011. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)  
My commission expires \_\_\_\_\_

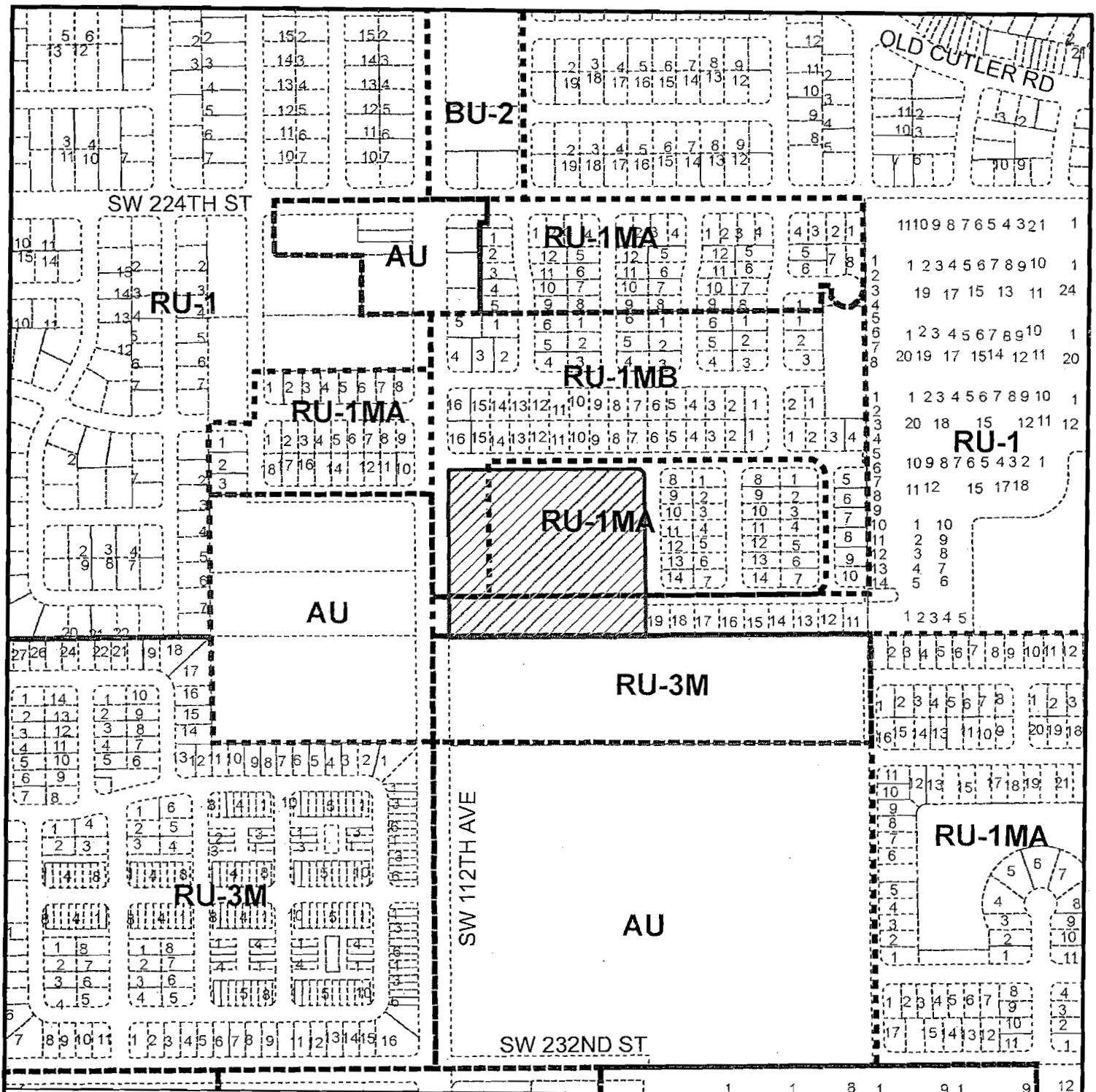


\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

**RECEIVED**  
211-089  
JUL 20 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY [Signature]







**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**Z2011000089**

Section: 18 Township: 56 Range: 40  
 Applicant: SW DADE TRUST COMM. DEV. CORP.  
 Zoning Board: BCC  
 Commission District: 8  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

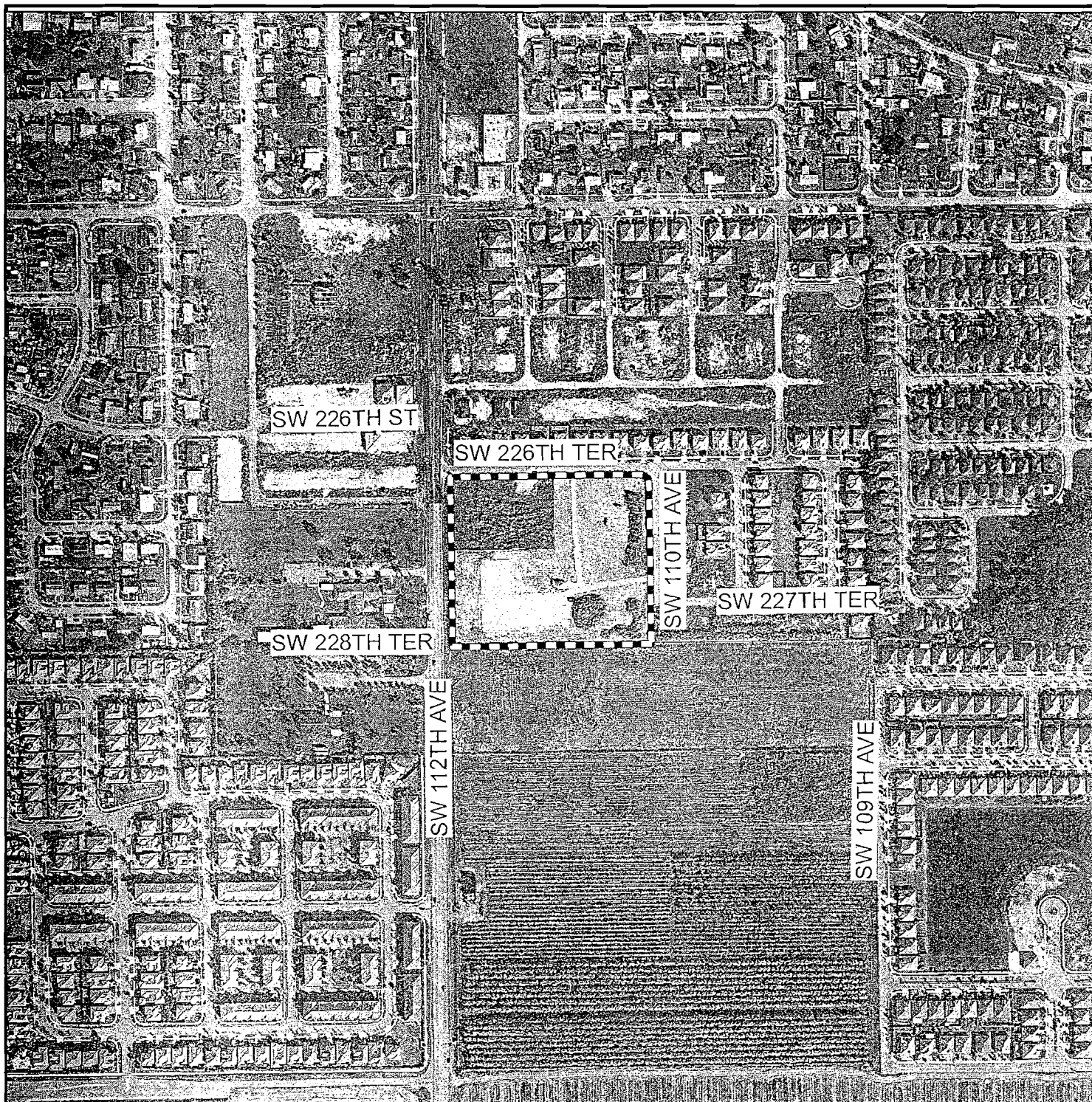
**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, July 28, 2011

REVISION	DATE	BY
Zoning Board changed to BCC	08/07/11	RWS
	53	



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

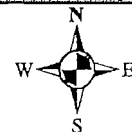
**Process Number**

**Z2011000089**

**Legend**



**Subject Property**



**Section: 18 Township: 56 Range: 40**

**Applicant: SW DADE TRUST COMM. DEV. CORP.**

**Zoning Board: BCC**

**Commission District: 8**

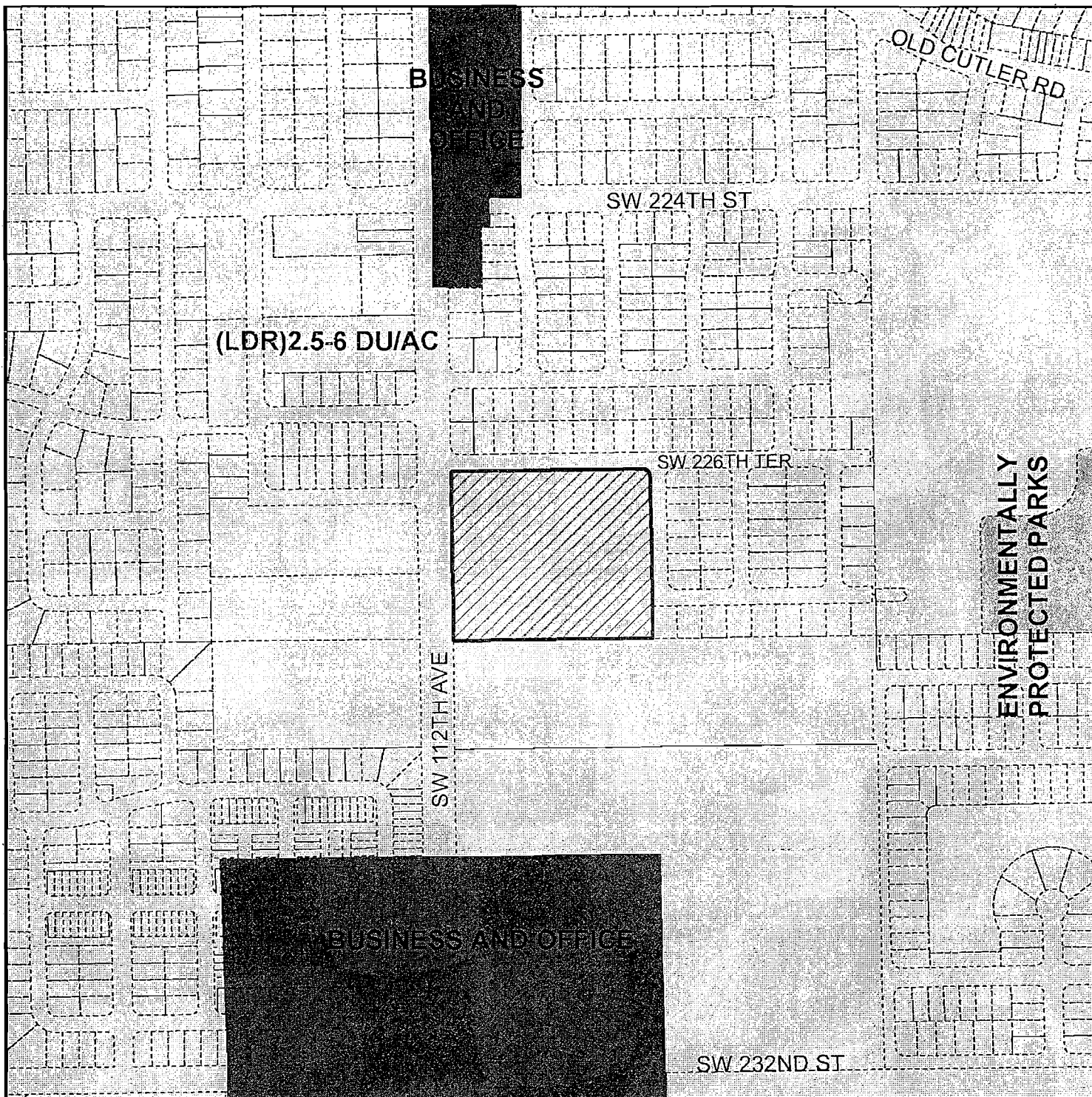
**Drafter ID: KEELING STENNETT**

**Scale: NTS**



**SKETCH CREATED ON: Thursday, July 23, 2011**

REVISION	DATE	BY
Zoning Board changed to BCC	08/08/11	KWC
	54	



**MIAMI-DADE COUNTY**  
**CDMP MAP**

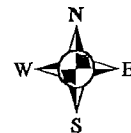
Process Number

**Z2011000089**

Section: 18 Township: 56 Range: 40  
 Applicant: SW DADE TRUST COMM. DEV. CORP.  
 Zoning Board: BCC  
 Commission District: 8  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Thursday, July 28, 2011

REVISION	DATE	BY
Zoning Board changed to BCC	08/08/11	KWS

Item #A — 11-089

Covenant # 1 of 2

Southwest Dade Trust Community  
Development Corp.

This instrument was prepared by:  
Name: Jorge L. Navarro, Esq.  
Address: The Lasarte Law Firm  
3470 NW 82<sup>nd</sup> Avenue, Suite 660  
Doral, FL 33122

(Space reserved for Clerk)

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**FIRST MODIFICATION OF DECLARATION OF RESTRICTIONS  
RECORDED AT OFFICIAL RECORDS BOOK 25052, PAGE 2337  
(CHURCH)**

THIS First Modification of Declaration of Restrictions is made this 21<sup>st</sup> day of March 2012, by Southwest Dade Trust Community Development Corp., a Florida corporation (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 "A"**

hereinafter referred to as (the "Property");

WHEREAS, in July 2005, the Owner filed an application with the Miami-Dade County Department of Permitting, Environment, and Regulatory Affairs (the "Department") to permit the development of the Property with a Church (the "Church"), and pursuant to Zoning Resolution No. Z-29-06 (the "Former Zoning Application") a site plan was approved for the Property; and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Board of County Commissioners (the "BCC") in connection with the Former Zoning Application and recorded in the Public Records of Miami-Dade County in Official Records Book 25052, at Page 2337, which placed certain restrictions and conditions on the use of the Property; and

WHEREAS, in August 2011, the Owner submitted an application to the Department which is pending under Application No. 2011-89 to expand the abutting Charter School use (the "New Zoning Application"); and

WHEREAS, the New Zoning Application modified the layout of the parking area which was approved for the Church under the Former Zoning Application; and



WHEREAS, the New Zoning Application seeks to modify Paragraph No. 1 of the Declaration as follows:

**FROM:** (1) The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "Grace Baptist Church", as prepared by Juan A. Rodriguez- RA Jamolca, Sheets A.2.1, A2.2, A2.3, A3.00, A4.00, A4.01, A5.00, L1.01, L1.03, L1.05, and L1.06, all dated stamped received on May 12, 2006 for a total of 11 sheets (the "Plan"), as said plan may be further modified at the public hearing on the Application.

**TO:** (1) The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05, and L1.06 all dated stamped received 5/12/06." as said plan may be further modified at the public hearing on the Application.

WHEREAS, the Declaration may only be modified by approval of the BCC pursuant to the Declaration; and

WHEREAS, a public hearing was held before the BCC on April 19, 2012 at which hearing the BCC adopted Resolution No. \_\_\_\_\_ (the "Resolution") approving the New Zoning Application; and

WHEREAS, the Owner and the County desire that the covenants herein amend, restate, and supersede those in the Declaration, and control the development and operation of the Church;

**NOW THEREFORE**, in order to assure the County that the representations made during consideration of the Application will be abided by, the Owner freely and voluntarily and without duress hereby amends and restates the Declaration to read as follows:

1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled 'Palm

Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06." as said plan may be further modified at the public hearing on the Application.

2. The use of the Property shall be established and maintained substantially as a Church.
3. Prior to the issuance of a building permit for the Church, 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 installed in accordance with such landscaping plan prior to the issuance of a certificate of use.
4. 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.
5. No outside speakers, other than in connection with emergency systems, shall be permitted on the Property.
6. The hours of operation of the Church will be different from that of the Charter School.
7. The Church will enter into a Cross Access Parking Agreement with the Charter School in order to share the parking on site.
8. 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 this application and incorporated herein by reference.
9. Miscellaneous.

**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 Property 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 shall 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 Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions contained within this Declaration, while effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

**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 Declaration in whole, or in part, provided that such change has been approved by the County.

**Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, 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.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. 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, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, 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.

**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. 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 matter, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part to decline to accept any conveyance with respect to the Property.

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

**[Signature Page Follows]**



Black

## Signature \_\_\_\_\_

Signature

Print Name

Signature

Print Name

McL

Black Coats President/Sec

Print Name / Title


)

) SS

)

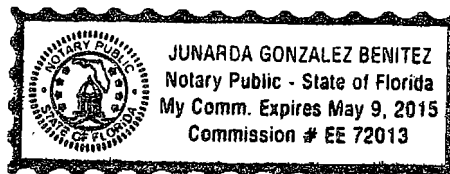
March

Mark Cones

n.   
Notary Public - State of Florida

~~Notary Public - State of Florida~~

My commission expires: 5/9/2015



**Exhibit "A"**  
**Legal Description**

The South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18, Township 56 South, Range 40 East; less the West 50.00 feet and less the East 684.75 feet and less the North 150.00 feet and less the external area of a curve in the NE corner with a Radius of 25.00 feet according to the public records of Miami-Dade County, Florida

This instrument was prepared by:  
Name: Jorge L. Navarro, Esq.  
Address: The Lasarte Law Firm  
3470 NW 82<sup>nd</sup> Avenue, Suite 660  
Doral, FL 33122

Item # A-11-089  
Covenant #2 of 2  
Southwest Dade Trust Community  
Development Corp.

(Space reserved for Clerk)

**FIRST MODIFICATION OF DECLARATION OF RESTRICTIONS  
RECORDED AT OFFICIAL RECORDS BOOK 25052, PAGE 2382  
(CHARTER SCHOOL)**

THIS First Modification of Declaration of Restrictions is made this 21<sup>st</sup> day of March, 2012, by Southwest Dade Trust Community Development Corp., a Florida corporation (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 "A"**

hereinafter referred to as (the "Property");

WHEREAS, in July 2005, the Owner filed an application with the Miami-Dade County Department of Permitting, Environment, and Regulatory Affairs (the "Department") to permit the development of the Property with a Charter School (the "Charter School"), and pursuant to Zoning Resolution No. Z-29-06 (the "Former Zoning Application") a site plan was approved for the Property; and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Board of County Commissioners (the "BCC") in connection with the Former Zoning Application and recorded in the Public Records of Miami-Dade County in Official Records Book 25052, at Page 2382, which placed certain restrictions and conditions on the use of the Property; and

WHEREAS, in August 2011, the Owner submitted an application to the Department which is pending under Application No. 2011-89 (the "New Zoning Application") to increase the number of students at the Charter School from 600 students to 1,012 students and increase the grade levels at the Charter School from K-5 to K-12; and

WHEREAS, in connection with the New Zoning Application, the Owner now seeks to modify the Declaration, in order to place new restrictions and conditions for the Charter School and to modify the previously approved site plan for the Property; and

WHEREAS, the New Zoning Application seeks to modify Paragraph 1 of the Declaration as follows:

- FROM:** (1) The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled “Joseph Coats Charter School”, as prepared by Juan A. Rodriguez- RA Jamolca, Sheets A.2.0, A2.2, A2.3, A3.01, A3.02, A4.02, A4.03, A5.00, L1.01, L1.02, L1.04, and L1.06, all dated stamped received on May 12, 2006 for a total of 12 sheets (the “Plan”), as said plan may be further modified at the public hearing on the Application.
- TO:** (1) The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled ‘Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)’, as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and ‘Dr. Joseph Coats Charter School & Grace Baptist Church’ as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06, as said plan may be further modified at the public hearing on the Application.

WHEREAS, the New Zoning Application seeks to modify Paragraph 3 of the Declaration as follows:

- FROM:** (3) The Charter School use shall be limited to Kindergarten through Fifth Grade with 600 students.
- TO:** (3) The Charter School shall be limited to Kindergarten through 12<sup>th</sup> grade with 1,012 students.

WHEREAS, the Charter School seeks to have the following arrival and dismissal times at the Charter School in order to accommodate the additional students and grade levels:

Kindergarten through 4<sup>th</sup> Grade - Arrival 8:30AM / Dismissal 3:30PM  
5<sup>th</sup> thru 8<sup>th</sup> Grades - Arrival 8:00AM / Dismissal 3:00PM  
9<sup>th</sup> thru 12<sup>th</sup> Grades - Arrival 7:30AM / Dismissal 2:30PM

WHEREAS, the Declaration may only be modified by approval of the BCC pursuant to the Declaration; and

WHEREAS, a public hearing was held before the BCC on April 19, 2012 at which hearing the BCC adopted Resolution No. \_\_\_\_\_ (the "Resolution") approving the New Zoning Application; and

WHEREAS, the Owner and the County desire that the covenants herein amend, restate, and supersede those in the Declaration, and control the development and operation of the Charter School;

**NOW, THEREFORE,** in order to assure the County that the representations made during the consideration of the New Zoning Application will be abided by, the Owner freely and voluntarily and without duress hereby amends and restates the Declaration to read as follows:

1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled 'Palm Glades Preparatory Academy (K-8) & Palm Glades Preparatory High School (9-12)', as prepared by Juan A. Rodriguez-RA Jomolca, consisting of 8 sheets, 4 sheets dated stamped received 1/12/12 and 4 sheets dated stamped received 11/10/11, landscape plans as prepared by Ivette Gatell Estefani, consisting of 4 sheets, all dated stamped received 11/10/11 for a total of 12 sheets and 'Dr. Joseph Coats Charter School & Grace Baptist Church' as prepared by Juan A. Rodriguez-R.A. Jomolca, sheets A2.1, A3.00, A4.00, A4.01, A5.00, L1.05 and L1.06 all dated stamped received 5/12/06." as said plan may be further modified at the public hearing on the Application.
2. The use of the Property shall be established and maintained substantially as a Charter School.
3. The Charter School shall be limited to Kindergarten through 12<sup>th</sup> grade with 1,012 students.
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 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. The Charter School shall have three (3) staggered shifts of arrival and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

Kindergarten through 4<sup>th</sup> Grade - Arrival 8:30AM / Dismissal 3:30PM  
5<sup>th</sup> thru 8<sup>th</sup> Grades - Arrival 8:00AM / Dismissal 3:00PM  
9<sup>th</sup> thru 12<sup>th</sup> Grades - Arrival 7:30AM / Dismissal 2:30PM

The Owner shall have trained personnel on site to manage the traffic operations plan during the arrival and dismissal period. The Owner shall manage the traffic operations, including the provisions of any traffic control devices, during the arrival and dismissal times in substantial conformance with the "Traffic Operations Plan" prepared by Juan A. Rodriguez-RA Jomolca, consisting of 3 sheets dated November 10, 2011 and attached hereto as Exhibit 'B'."

9. If the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or 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.

10. In addition to the foregoing provisions, the Applicant 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 this application and incorporated herein by reference.
11. Miscellaneous.

**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 Property 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 shall 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 Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions contained within this Declaration, while effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

**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 Declaration in whole, or in part, provided that such change has been approved by the County.

**Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, 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.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. 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, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, 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.

**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. 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 matter, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property,



deny each such application in whole or in part to decline to accept any conveyance with respect to the Property.

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

**[Signature Pages to Follow]**

Signed, sealed and acknowledged on this 21 day of March, 2012.

WITNESSES

[Signature]  
Signature

Junarda Gonzalez Benitez  
Print Name

[Signature]  
Signature

Melissa Medina  
Print Name

**SOUTHWEST DADE TRUST  
COMMUNITY DEVELOPMENT  
CORPORATION., a Florida corporation**

[Signature]  
Signature

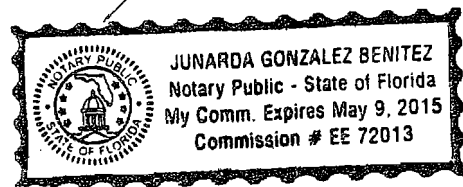
Mark Coats President/Secretary  
Print Name / Title

STATE OF FLORIDA                    )  
  ) SS  
COUNTY OF MIAMI-DADE        )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of March, 2012, by Mark Coats President/Sec of Southwest Dade Trust Community Development Corporation, on behalf of said corporation, for the purposes stated herein. She/he is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public - State of Florida

My commission expires: 5/9/2015



**Exhibit "A"**  
**Legal Description**

The South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18, Township 56 South, Range 40 East; less the West 50.00 feet and less the East 684.75 feet and less the North 150.00 feet and less the external area of a curve in the NE corner with a Radius of 25.00 feet according to the public records of Miami-Dade County, Florida (Folio No. 30-6018-000-0585).

**Exhibit "B"**  
**Traffic Operations Plan (TOP)**

November 10, 2011

**PALM GLADES PREPARATORY ACADEMY, Grades K-8**  
**PALM GLADES PREPARATORY ACADEMY HIGH SCHOOL, Grades 9-12**  
**22655 SW 112 AVENUE**  
**MIAMI-DADE, FLORIDA 33170**

**INTRODUCTION:**

Palm Glades Preparatory Academy and Palm Glades Preparatory Academy High School (Palm Glades) will operate as a kindergarten through twelfth grade charter school at 22655 SW 112 Avenue in Miami-Dade County, Florida. The subject facility will open for the 2012-2013 school year.

This TOP has been prepared to address the school arrival and dismissal schedule, vehicular drop-off/pick-up queuing, allocation of on-site parking and provision for separation of bus traffic, pedestrian traffic and private vehicular traffic.

**SCHOOL OPERATIONS:**

Upon full enrollment, Palm Glades will enroll approximately 1,012 students in grades kindergarten to twelve with a staggered arrival and dismissal schedule described in the table below.

TABLE 1 Palm Glades Proposed Shift Schedule				
School Shift	Grade Level	Arrival Time	Dismissal Time	Approx. Projected Student Count
Shift 1	9 to 12	7:30 a.m.	2:30 p.m.	407
Shift 2	5 to 8	8:00 a.m.	3:00 p.m.	305
Shift 3	K to 4	8:30 a.m.	3:30 p.m.	300
TOTAL				1,012

**VEHICULAR PICK-UP and DROP-OFF:**

The attached site plan illustrates a queuing potential of 55 vehicles. The site also has parking for 294 vehicles or 147 more spaces than necessary if 100% of all seniors drove to school (100 students) and allowing for a total employee count of 47 employees. Therefore, the site can accommodate an additional 147 parked vehicles for visitors or parent pick-up or drop-off. The school will have trained staff on site to manage the traffic operations in substantial conformance with the TOP. Staff shall be supplied to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site. Access to onsite

loading facilities shall be open a minimum of 45 minutes prior to all arrival and dismissal time(s).”

#### **BUS OPERATIONS:**

A separate bus/van pick-up and drop-off area is indicated on the attached site plan. The bus loop can accommodate four (3) full size (65 passengers) buses at one time. The split schedule anticipates no more than three full size school buses during any one shift.

#### **PEDESTRIAN AND BICYCLE OPERATIONS:**

The school does not anticipate heavy or even moderate travel to the site by pedestrians or bicycle. However, school crossing guards will be present to facilitate the safe travel of bicyclists and/or pedestrians.

#### **ADDITIONAL INFORMATION:**

The school operation described herein, including the placement of traffic cones, proposed location of school personnel, and the various components of onsite traffic control (including, but not limited to; signage), may need to be adjusted in the future to respond to specific on-site conditions. The school reserves the right to make modifications to this plan in coordination with Miami-Dade County Public Works staff.



**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-011 (12-4-CC-1)**

**April 19, 2012**

**Item No. 1**

<b>Recommendation Summary</b>	
<b>Commission District</b>	12
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout date of the FEC Park of Industry and Commerce (Section 6) Development of Regional Impact from December 14, 2011 to December 14, 2015.
<b>Location</b>	Between NW 90 Street & 106 Street & NW 107 Avenue & NW 117 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	640 Acres
<b>Existing Zoning</b>	BU-1A (Business-Limited) and IU-C (Industry-Controlled)
<b>Existing Land Use</b>	Office complex, parking garage, warehouses, hotel
<b>2015-2025 CDMP Land Use Designation</b>	Restricted Industrial and Office Industrial and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of Condition #21 of Resolution No. Z-114-83, last modified by Resolution Z-7-05, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "21. This Development Order shall be null and void, if any of the following requirements have not been met within four (4) years from the date of issuance of the Development Order:

- start of construction of N.W. 106 Street, between N.W. 107 Avenue and N.W. 112 Avenue.
- completion of the financial feasibility analysis and specific financial arrangements with sources and timing of funds, identified, for the interchange of HEFT at N.W. 106 Street; and
- approval of the HEFT interchange construction by FDOT or the Miami-Dade County MPO, as evidenced by its incorporation, as a programmed improvement with funding sources identified, in the State 5-year Plan or the Miami-Dade County Transportation Improvement Program (TIP).

If approval of the HEFT interchange cannot be obtained, as specified above, the Development Order will become null and void, unless the Applicant submits, the Council reviews and the County approves, prior to expiration of the 4 year period, an Amended DRI Application for Development Approval focusing on transportation and including such other information as is necessary to ensure a new roadway network to support the project. December 14, 2011 is hereby established as the build-out day for this project."

TO: "21. This Development Order shall be null and void, if any of the following requirements have not been met within four (4) years from the date of issuance of the Development Order:

- start of construction of N.W. 106 Street, between N.W. 107 Avenue and N.W. 112 Avenue.
- completion of the financial feasibility analysis and specific financial arrangements with sources and timing of funds, identified, for the interchange of HEFT at N.W. 106 Street; and
- approval of the HEFT interchange construction by FDOT or the Miami-Dade County MPO, as evidenced by its incorporation, as a programmed improvement with funding sources identified, in the State 5-year Plan or the Miami-Dade County Transportation Improvement Program (TIP). If approval of the HEFT interchange cannot be obtained, as specified above, the Development Order will become null and void, unless the Applicant submits, the Council reviews and the County approves, prior to expiration of the 4 year period, an Amended DRI Application for Development Approval focusing on transportation and including such other information as is necessary to ensure a new roadway network to support the project. December 14, 2015 is hereby established as the build-out day for this project. "

The purpose of the request is to allow the applicant to extend the build out date of the FEC Park of Industry and Commerce (Section 6) project.

**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of office buildings, warehouses and a hotel.



<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	IU-C; Office complex, parking garage, warehouses BU-1A; Hotel	Restricted Industrial and Office, Industrial and Office
<b>North</b>	IU-1 and IU-3; Vacant and Cement Manufacturing Plan	Restricted Industrial and Office, Industrial and Office
<b>South</b>	City of Doral; Apartments and Offices	Low Density with 1 Density Increase, Business and Office
<b>East</b>	City of Medley; lake	Industrial and Office, and Medium Density Residential
<b>West</b>	GU; SR-821 Florida Turnpike Homestead Extension	Transportation

### **SUMMARY:**

Florida Statutes provide that in recognition of the 2011 real estate conditions at the option of the developer, the buildout, termination and expiration dates currently valid for this DRI are to be extended four years regardless of any previous extensions.

### **CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Restricted Industrial and Office** and **Industrial and Office** uses. Uses allowed in this category include *manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses*. Staff notes that this application is not changing the current use or density and is only seeking a new buildout date. Therefore, staff opines that the application is **consistent** with the CDMP LUP map designations of Restricted Industrial and Office and Industrial and Office.

### **ZONING ANALYSIS:**

In 1983, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of offices, warehouses, a hotel and a lake. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2005 pursuant to Resolution Z-7-05 which modified Condition #21 to extend the buildout date to December 14, 2011.

The applicants are now seeking modification of Condition #21 of Resolution Z-7-05 to extend the build out date of the Development of Regional Impact from December 14, 2011 to December 14, 2015. The applicant has requested approval of this request based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase, build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of four years based on Section 54, Chapter 2011-139, Laws of Florida and Chapter 380.06(19)(c)(2) of the Florida Statutes.

*The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension meets both State and County regulations and does not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout extension.

When the request to modify Condition #21 of Resolution Z-7-05, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Condition #21 of Resolution #Z-7-05 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

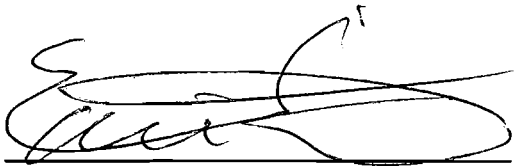
**RECOMMENDATION:**

**Approval of request with a condition.**

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-7-05 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Eric Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NDN  
GMR

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS  
\*If applicable

# ZONING RECOMMENDATION ADDENDUM

The Director of Permitting, Environment and Regulatory Affairs Department  
12-011

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Restricted Industrial and Office</b>	<i>Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). The boundaries of the "Restricted" areas shall be periodically reviewed and amended as necessary to maintain consistency with wellfield protection area boundaries provided by Chapter 24, Code of Miami-Dade County. Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels also apply to the Restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.</i>
<b>Industrial and Office</b>	<i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i>

## ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department  
12-011*

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<i>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.</i>
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**1. DIRECTOR OF PERMITTING, ENVIRONMENT AND**  
**REGULATORY AFFAIRS DEPARTMENT**  
**(Applicant)**

**12-4-CC-1 (12-011)**  
**BCC/District 12**  
**Hearing Date: 04/19/12**

Property Owner (if different from applicant) **FEC Park of Industry and Commerce.**

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:**

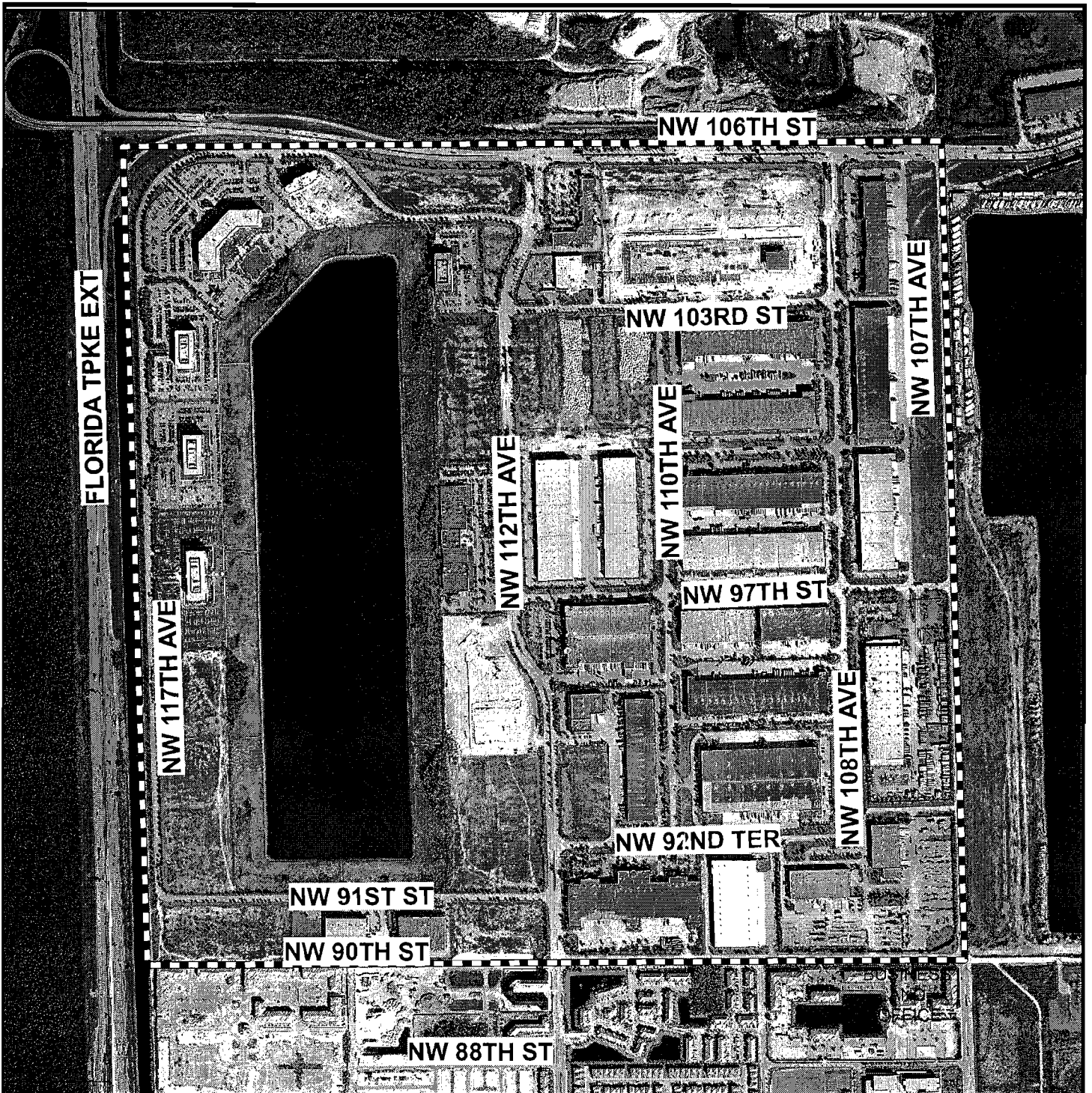
<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1948	J.E. Salinger	- Special Exception to permit wholesale storage & preparing food.	BCC	Approved w/conditions
1953	Samuel Zorovich, ET AL	- Special permit for lake excavation, rock crushing & screening plant.	BCC	Approved
1958	Ideal Crushed Stone, Inc.	- Modification of resolution.	BCC	Approved w/conditions
1960	Michael Zorovich, ET AL	- Modification of resolution, time extension.	BCC	Denied without Prejudice
1960	Michael Zorovich, ET AL	- Special permit for quarry.	BCC	Approved w/conditions
1968	Lehigh Portland Cement Co.	- Unusual Use lake excavation.	ZAB	Approved in part
1968	Lehigh Portland Cement Co.	- Unusual Use lake excavation. - Non-Use Variances.	BCC	Appeal Approved, Application Approved
1983	Florida East Coast Railway	- Zone change from GU to IU-C. - Unusual Use lake excavation.	BCC	Approved w/conditions
1983	Florida East Coast	- DRI	BCC	Approved w/conditions
1989	Gran Central Corporation	- Modification of Resolution.	BCC	Approved w/conditions

1994	Gran Central Corporation	<ul style="list-style-type: none"> <li>- Special Exception to permit industrial development.</li> <li>- Non-Use Variances.</li> <li>- Unusual Use for Entrance Feature, tower height and pump station.</li> </ul>	ZAB	Approved w/conditions
1999	Gran Central Corp.	<ul style="list-style-type: none"> <li>- Modification of resolution.</li> <li>- Non-Use Variance.</li> </ul>	C09	Recommended for Approval
1999	Gran Central Corp.	<ul style="list-style-type: none"> <li>- To make a substantial deviation determination.</li> <li>- Modification of resolution.</li> </ul>	C09	Recommended for Approval
1999	Gran Central Corp.	<ul style="list-style-type: none"> <li>- To make a substantial deviation determination.</li> <li>- Modification of resolution.</li> </ul>	BCC	Approved w/conditions
1999	Gran Central Corp.	<ul style="list-style-type: none"> <li>- Modification of resolution.</li> <li>- Non-Use Variance of landscaping regulation.</li> </ul>	BCC	Approved w/conditions
2000	Gran Central Corp.	<ul style="list-style-type: none"> <li>- Zone change from IU-C to BU-1A.</li> <li>- Special Exception for common development.</li> <li>- Non-Use Variances.</li> </ul>	C09	Approved w/conditions
2005	Flagler Station	<ul style="list-style-type: none"> <li>- Modification of resolution.</li> </ul>	C09	Recommended for Approval
2005	Flagler Development Co.	<ul style="list-style-type: none"> <li>- To make a substantial deviation determination.</li> <li>- Modification of resolution.</li> </ul>	BCC	Approved w/conditions

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.







**MIAMI-DADE COUNTY**  
AERIAL YEAR 2009

Process Number

**Z2012000011**



Section: 06 Township: 53 Range: 40

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 12

Drafter ID: JEFFER GURDIAN

Scale: NTS

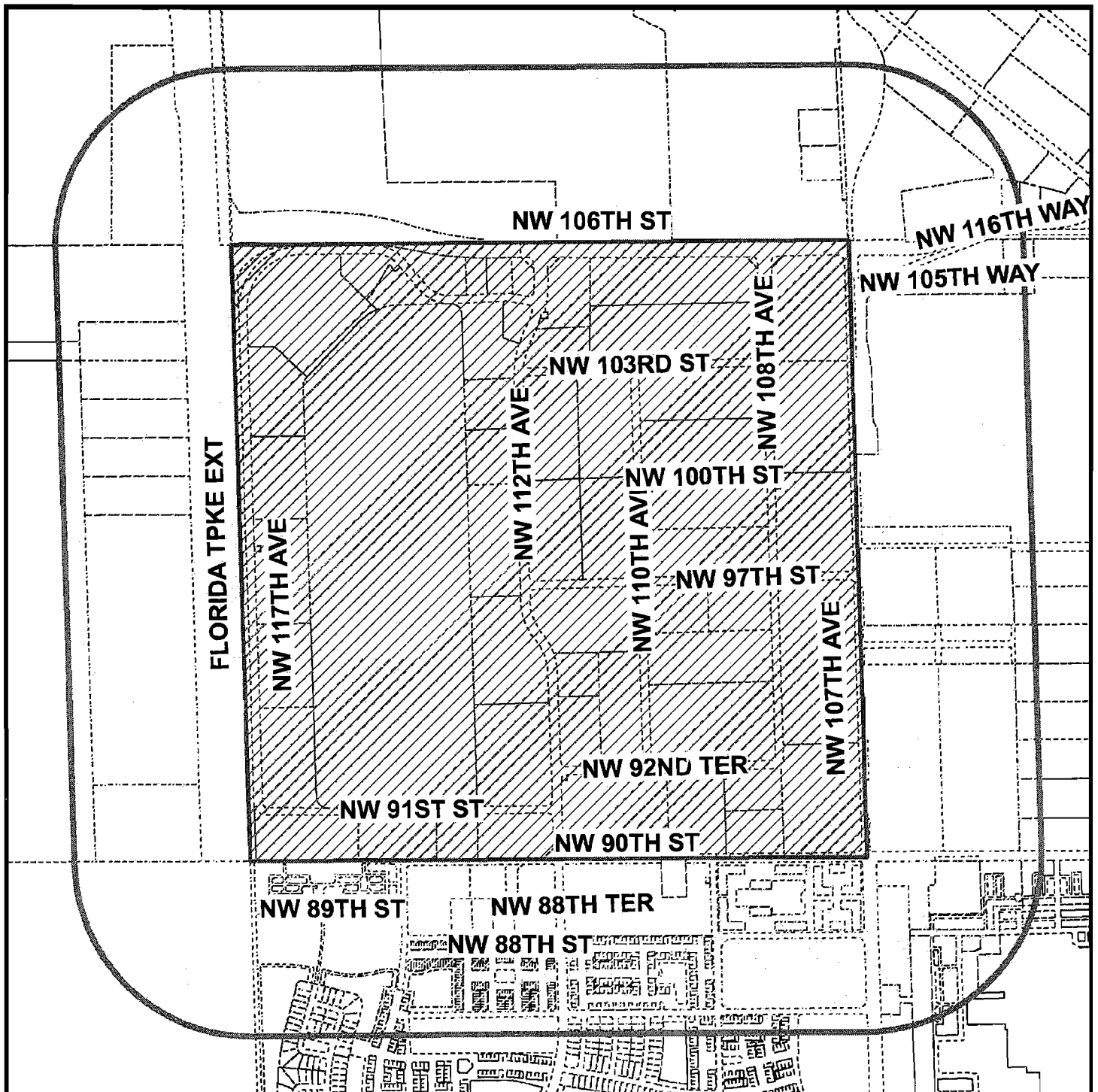
Legend

 Subject Property



SKETCH CREATED ON: Thursday, January 5, 2012

REVISION	DATE	BY
		//



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number  
**Z2012000011**

RADIUS: 1500

**Legend**



Section: 06 Township: 53 Range: 40

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 12

Drafter ID: JEFFER GURDIAN

Scale: NTS

 Subject Property

 Buffer



SKETCH CREATED ON: Thursday, January 5, 2012

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-012 (12-4-CC-2)**

**April 19, 2012**

**Item No. 2**

<b>Recommendation Summary</b>	
<b>Commission District</b>	11
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout and termination dates of the Kendall Town Center Development of Regional Impact from July 26, 2016 to July 26, 2020. Additionally, the applicant is seeking an extension of the expiration date from July 26, 2018 to July 26, 2022.
<b>Location</b>	Between SW 88 Street & SW 96 Street and between SW 157 Avenue Path & SW 162 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	158 Acres
<b>Existing Zoning</b>	BU-2 (Business-Special District), BU-3 (Business-Liberal District)
<b>Existing Land Use</b>	Vacant land
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of conditions #29, #33, #34, & #35 of Resolution No. Z-6-01, last modified by Resolution Z-6-10, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM:

"29. For the purposes of Concurrency Review and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (July 26, 2016) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G(2) Miami-Dade County Code, which would degrade such level of

service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements of local development regulations in effect at the time such modification of change occurs including but not limited to recognition of trips previously vested which are permitted or complete."

TO:

"29. For the purposes of Concurrency Review and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (July 26, 2020) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be

construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change of modification is found to constitute as substantial deviation, may require this development to comply with those concurrency requirements of local development regulations in effect at the time such modification or change occurs including but not limited to the recognition of trips previously vested which are permitted or complete."

FROM:

"33. July 26, 2016 is hereby established as the build-out date for this project and is the date until which the local government or jurisdiction agrees that the Kendall Town Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government or jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety or welfare."

TO:

"33. July 26, 2020 is hereby established as the build-out date for this project and is the date until which the local government or jurisdiction agrees that the Kendall Town Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government or jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM:

"34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in 380.04, F. S. The termination date for completing physical development shall be July 26, 2016. This termination date may only be modified in accordance with 380.06(19)[c], F. S."

TO:

"34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in 380.04, F. S. The termination date for completing physical development shall be July 26, 2020. This termination date may only be modified in accordance with 380.06(19)[c], F. S."

FROM:

"35. July 26, 2018 is hereby established as the expiration date for the development order."

TO:

"35. July 26, 2022 is hereby established as the expiration date for the development order.

The purpose of the above requests is to allow the applicant to extend the build out date and other dates for the Kendall Town Center Development of Regional Impact Project.

**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of retail and office uses known as Kendall Town Center.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-2 and BU-3; Vacant land	Business and Office
<b>North</b>	BU-1A and RU-4L; commercial retail offices	Business and Office Low Density, 2.5 – 6 du
<b>South</b>	RU-1M(b) and RU-1; single-family residences	Low Density, 2.5 – 6 du
<b>East</b>	RU-1Z, RU-3M and BU-1A; commercial retail, single- family residences	Business and Office Low Density, 2.5 – 6 du
<b>West</b>	RU-1M(a) and BU-2; warehouse retail, single- family residences	Business and Office Low Density, 2.5 – 6 du

**SUMMARY:**

Florida Statutes provide that in recognition of the 2011 real estate conditions at the option of the developer, the buildout, termination and expiration dates currently valid for this DRI are to be extended four years regardless of any previous extensions.

**CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** uses. Staff notes that this application is not changing the current use or density and is only seeking new buildout, termination and expiration dates. Therefore, staff opines that the application is **consistent** with the aforementioned CDMP LUP map designation.

**ZONING ANALYSIS:**

In 2001, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of a Kendall Town Center. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2010 pursuant to Resolution Z-6-10 which modified Conditions #29, #33, #34, & #35 to extend the buildout and termination dates to July 26, 2016 and to extend the expiration date to July 26, 2018.

The applicants are now seeking modification of said conditions to extend the build out and termination dates to July 26, 2020 and the expiration date of the Development of Regional Impact to July 26, 2022. The applicant has requested approval of this request based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase, build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of four years based on Section 54, Chapter 2011-139, Laws of Florida and Chapter 380.06(19)(c)(2) of the Florida Statutes.

*The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extensions meet both State and County regulations and do not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout, termination and expiration dates extensions.

When the request to modify Conditions #29, #33, #34, & #35, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Conditions #29, #33, #34, & #35 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

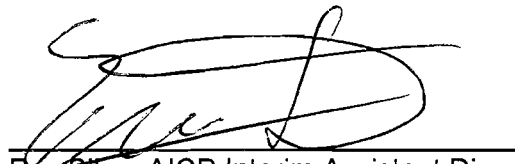
**RECOMMENDATION:**

Approval of request with a condition.

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-6-10 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Ede Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NDN:  
Gmr

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS  
\*If applicable



# ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department*  
12-012

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Business and Office</b>	<p><i>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.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<p><i>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.</i></p>
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**2. DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
(Applicant)

12-4-CC-2 (12-012)  
BCC/District 11  
Hearing Date: 04/19/12

Property Owner (if different from applicant) **Kendall Town Center.**

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

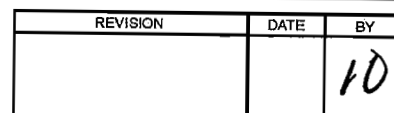
Disclosure of interest form attached? Yes ☐ No ☒

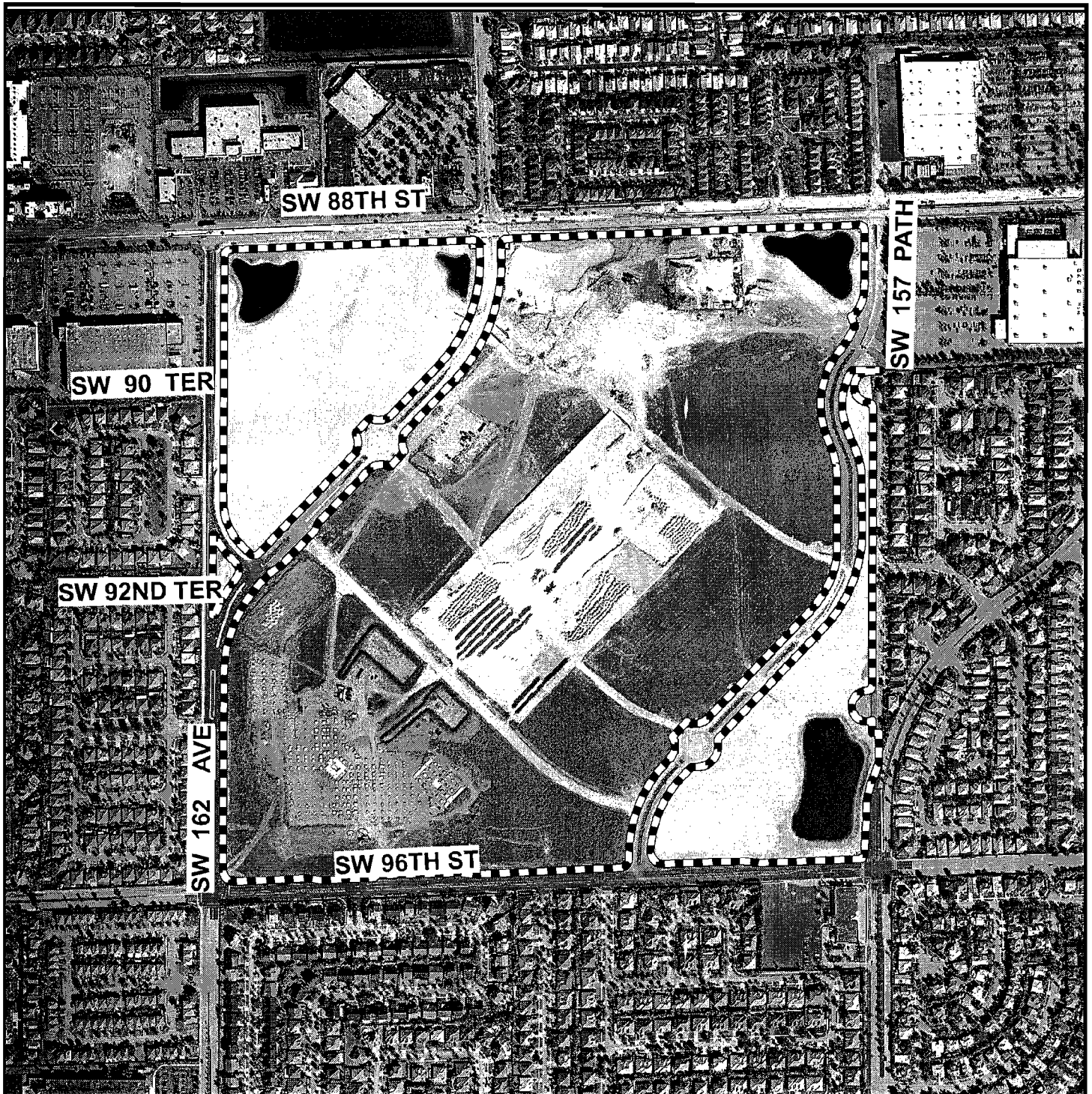
**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
2001	Gunhild Milner	- DRI.	C11	Recommended for Approval
2001	Gunhild Milner	- Zone change from GU to BU-2 and BU-3. - Special Exception mixed development, hotel and spacing. - Unusual Use ALF, lakes, private recreation facility and lift station. - Non-Use Variances.	C11	Recommended for Approval
2001	Gunhild Milner, ET AL	- DRI.	BCC	Approved with Conditions
2001	Gunhild Milner, ET AL	- Zone change from GU to BU-2 and BU-3. - Special Exception mixed development, hotel and spacing. - Unusual Use ALF, lakes, private recreation facility and lift station. - Non-Use Variances.	BCC	Approved with Conditions
2004	West Kendall Holdings	- Sub Deviation. - Modification of Resolution.	BCC	Approved with Conditions
2004	West Kendall Holdings	- Sub Deviation. - Modification of Resolution and DRI.	C11	Recommended for Approval
2004	West Kendall Holdings	- Modification of Declaration of Restrictions. - Unusual Use outdoor dinning. - Special Exception for single family residence. - Non-Use Variances.	BCC	Approved with Conditions

2008	Carlin Rafie	- Appeal of Administrative Decision.	C11	Denied without Prejudice
2010	The Department of Planning & Zoning	- Modification of Resolution.	BCC	Approved with Conditions

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.





**MIAMI-DADE COUNTY**  
AERIAL YEAR 2009

Process Number

**Z2012000012**



Section: 04/05 Township: 55 Range: 39

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 11

Drafter ID: JEFFER GURDIAN

Scale: NTS

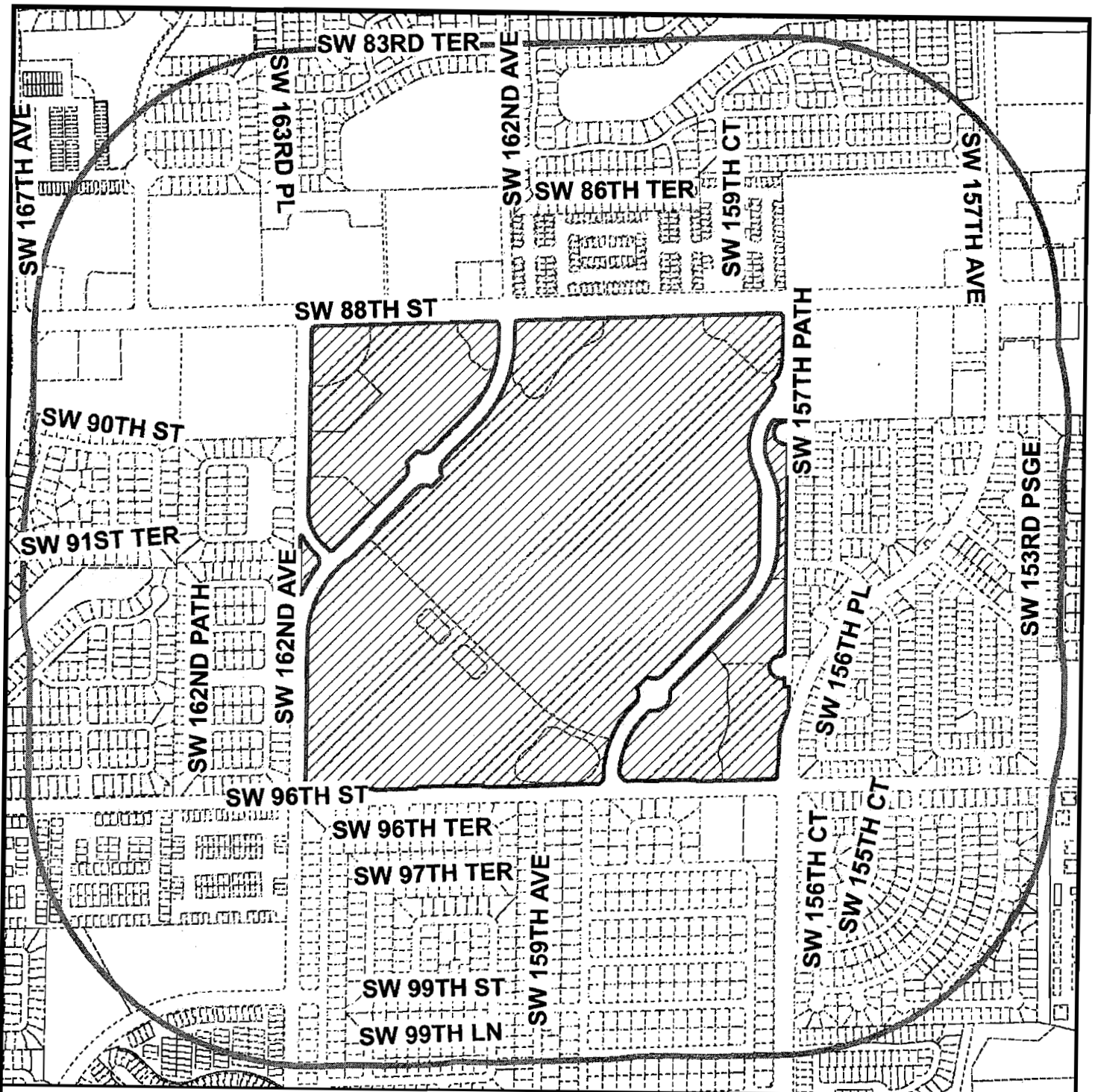
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, January 4, 2012

REVISION	DATE	BY
		//



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2012000012**

Section: 04/05 Township: 55 Range: 39

RADIUS: 1500

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.



Zoning Board: BCC

Commission District: 11

Drafter ID: JEFFER GURDIAN

Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, January 5, 2012

REVISION	DATE	BY



**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-015 (12-4-CC-3)**

**April 19, 2012**

**Item No. 3**

<b>Recommendation Summary</b>	
<b>Commission District</b>	12
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout date of the Waterford Development of Regional Impact from December 29, 2014 to November 2, 2021.
<b>Location</b>	South of State Road 836 & lying on both sides of NW 57 Avenue (Red Road), Miami-Dade County, Florida.
<b>Property Size</b>	384.86 Acres
<b>Existing Zoning</b>	IU-1 (Industry-Light) and IU-2 (Industry-Heavy)
<b>Existing Land Use</b>	Office complex, parking garage, lakes
<b>2015-2025 CDMP Land Use Designation</b>	Office/Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 73, Chapter 2011-139, Laws of Florida Section 494, Chapter 2011-142, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of Condition #47 of Resolution Z-32-90, as last modified by Resolution Z-27-09, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM:

“47. For the purposes of Concurrence Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade county, it is hereby found that throughout the build out period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall issue any subsequent development orders as defined in §33G-3(2) Miami-Dade county Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the

actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO:

"47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (November 2, 2021) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the above request is to allow the applicant to extend the build out date for the Waterford Development Regional Impact.



**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of office buildings, support commercial uses, restaurants, a health club, two hotels and lakes.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	IU-1 and IU-2; Office complex, Parking garage, hotels, lakes	Office/Residential
<b>North</b>	GU; SR 836 Expressway	Transportation
<b>South</b>	City of Miami; single-family residences and shopping center	High Density 50-125 dua, Low Density 2.5-6 dua, Business and Office
<b>East</b>	City of Miami; lake	Office/Residential
<b>West</b>	RU-4, RU-4M, IU-2; park	Parks and Industrial and Office

**SUMMARY:**

When taking into account the 2011 real estate conditions, approval of the buildout date of this DRI will allow the developer to continue to improve the site. However, the slow development of the project could have a negative visual impact on the surrounding area.

**CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Office/Residential** uses. *Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses.* Staff notes that this application is not changing the current use or density and is only seeking a new buildout date. Therefore, staff opines that the application is **consistent** with the CDMP LUP map designations of Restricted Industrial and Office and Industrial and Office.

**ZONING ANALYSIS:**

In 1990, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of offices, support commercial uses, restaurants, a health club, lakes and two hotels. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2009 pursuant to Resolution Z-27-09 which modified Condition #47 to extend the buildout date to December 29, 2014.

The applicants are now seeking modification of Condition #47 of Resolution Z-27-09 to extend the build out date of the Development of Regional Impact from December 29, 2014 to November 2, 2021. The applicant has requested approval of this request based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase,

build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of six years, six months and 126 days based on the following extensions provided by the Laws of Florida:

1. Four Years -- in accordance with Section 54, Chapter 2011-139, Laws of Florida
2. Two Years -- in accordance with Section 73, Chapter 2011-139, Laws of Florida
3. Six months and 126 days -- in accordance with Section 494, Chapter 2011-142, Laws of Florida

**Section 54, Chapter 2011-139, Laws of Florida.** The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension meets both State and County regulations and does not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout extension.

**Section 73, Chapter 2011-139, Laws of Florida.** In addition, the applicants have requested a two year extension under this law which extends any building permit for a period of 2 years after its previously scheduled date of expiration. This extension only applies to applicants that previously received a 2-year extension pursuant to Section 14, Chapter 2009-96, Laws of Florida. In addition to meeting that condition, the applicant had to have notified the local government in writing by December 31, 2011.

The applicant applied for and obtained the 2-year extension pursuant to Section 14, Chapter 2009-96, Laws of Florida in 2009. In consideration of this the Board of County Commissioners voted to extend the buildout date through Resolution Z-27-09. Further the applicant applied for this extension prior to December 31, 2011. As stated, staff opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension meets both State and County regulations and does not create a substantial deviation requiring further development of regional impact review.

**Section 494, Chapter 2011-142, Laws of Florida: Tolling and extension of permits and other authorizations.** In addition, the applicant requests the extension allowed under this law for the tolling and extension of development of regional impact buildout dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period.

On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252.363, Florida Statutes, allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided.

To qualify, the development must have been within the geographic area for which the declaration applies. The Florida State Land Development Agency has determined that the Executive Orders referenced above applied statewide. Therefore, the tolling for these orders would apply to all DRIs throughout the state if the developer notifies the local government within the 90-day deadline. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The Department of Community Affairs has interpreted that the duration of the tolling period is 126 days plus the six month extension.

Staff opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension meets both State and County regulations and does not create a substantial deviation requiring further development of regional impact review.

As previously noted, the extension of the build-out date does not change the land use or intensity of the DRI and will have minimal additional impacts to the surrounding community. Based on the aforementioned, staff recommends approval of these three requests, which would allow the buildout extension for:

1. Four Years -- in accordance with Section 54, Chapter 2011-139, Laws of Florida
2. Two Years -- in accordance with Section 73, Chapter 2011-139, Laws of Florida

3. Six months and 126 days -- in accordance with Section 494, Chapter 2011-142, Laws of Florida

When the extension periods above are computed, the new buildout date would be November 2, 2021.

When the request to modify Condition #47 of Resolution Z-27-09, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Condition #47 of Resolution #Z-27-09 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

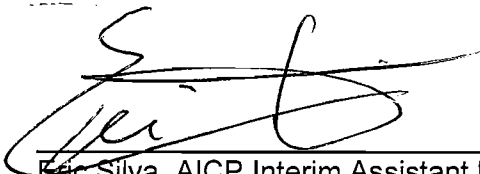
**RECOMMENDATION:**

**Approval of request with a condition.**

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-27-09 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Eric Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

*Non  
6/11/12*

ZONING RECOMMENDATION ADDENDUM

HISTORY

MOTION SLIPS\*

DEPARTMENT MEMORANDA

DISCLOSURE OF INTEREST\*

HEARING PLANS\*

MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department*  
12-015

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Office/Residential</b>	<i>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.</i>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<i>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.</i>
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**3. DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
(Applicant)

**12-4-CC-3 (12-015)**  
**BCC/District 06**  
**Hearing Date: 04/19/12**

Property Owner (if different from applicant) **Waterford Development.**

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:**

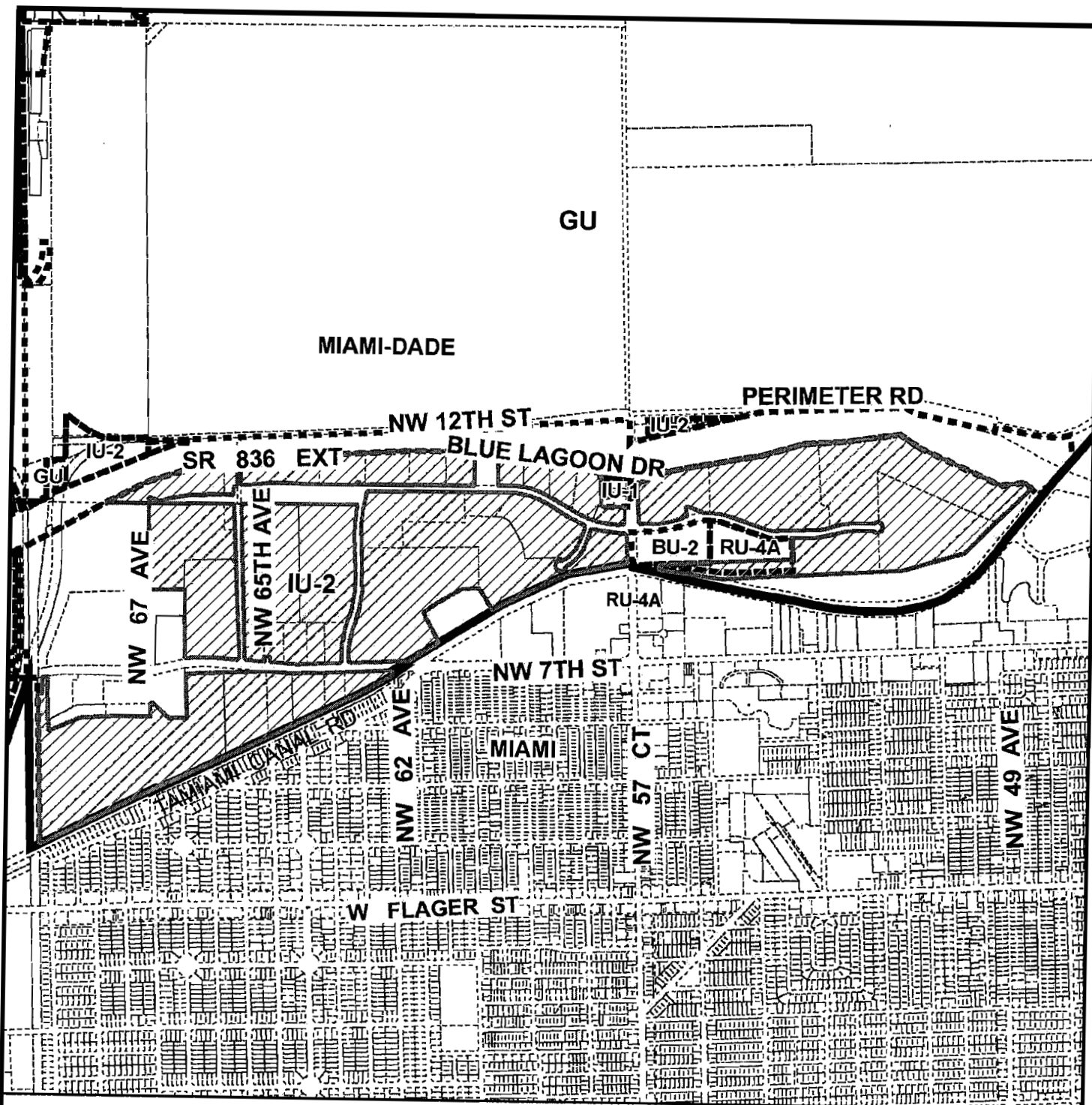
<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1982	Barry More & Ray Co.	- Non-Use Variances. - Special Exception proposed hotel. - Unusual Use outdoor dining and Entrance Feature.	ZAB	Approved with Condition(s)
1982	WRC Properties, Inc.	- Modification of Resolution.	BCC	Approved
1984	Miami Hotel Investment Corp.	- Special Exception of height night lighting. - Unusual Use for marina, entrance feature and outdoor dining. - Non-Use Variance.	ZAB	Approved with Condition(s)
1985	Union Radio, Inc.	- Non-Use Variances.	ZAB	Approved with Condition(s)
1985	Rhomber Realty Holding	- DRI.	BCC	Approved with Condition(s)
1986	Miami Hotel Investment Corp.	- Non-Use Variance of sign.	ZAB	Approved with Condition(s)
1988	Rhomberg Realty Holding Inc. ET AL	- Zone change from GU to IU-2. - Deletion & Modification of Resolution.	BCC	Approved with Condition(s)
1988	Rhomberg Realty Holding Inc. ET AL	- Modification of Resolution.	BCC	Approved
1988	WRC Properties, Inc.	- Special Exception of height. - Non-Use Variance.	BCC	Approved
1989	WRC Properties, Inc.	- Modification of Resolution. - Non-Use Variance.	ZAB	Approved

1989	WRC Properties	- Special Exception of height. - Non-Use Variances. - Modification of Resolution.	ZAB	Approved with Condition(s)
1989	W.R.C. Properties, Inc.	- Modification of condition of Resolution.	BCC	Approved
1990	WRC Properties, Inc.	- Non-Use Variances of signs.	ZAB	Approved with Condition(s)
1990	WRC Properties, Inc.	- Non-Use Variance of signs.	ZAB	Approved with Condition(s)
1990	Taylor Woodrow Prop. Co., Inc.	- Non-Use Variance of signs.	ZAB	Approved with Condition(s)
1990	WRC Properties, Inc.	- DRI.	BCC	Approved with Condition(s)
1996	WRC Properties, Inc.	- Modification of Resolution. - Unusual Use for lake fill.	ZAB	Approved on a modified basis
1996	WRC Properties Co.	- Modification of Resolution.	BCC	Approved with Condition(s)
1997	WRC Properties Co.	- Unusual Use for lake fill. - Non-Use Variances - Special Exception of height.	ZAB	Approved with Condition(s)
1998	WRC Properties, Inc.	- Modification of Resolution.	C08	Recommended for Approval
1998	WRC Properties, Inc.	- Modification of Resolution.	BCC	Approved with Condition(s)
1999	Teachers Insurance & Annuity Assoc.	- Non-Use Variance of parking.	C08	Approved with Condition(s)
2000	Teachers Insurance & Annuity Assoc.	- Non-Use Variance of signs.	C08	Approved with Condition(s)
2000	Teachers Insurance Annuity Assoc.	- Special Exception of height. - Non-Use Variances. - Unusual Use lake fill. - Modification of Resolution.	C08	Approved with Condition(s)
2001	Teachers Insurance Annuity Assoc.	- Non-Use Variances.	C08	Approved with Condition(s)
2001	Federal Express Corporation	- Non-Use Variance of roof sign.	C08	Approved with Condition(s)

2002	Teachers Insurance Annuity Assoc. of America	- Modification of Resolution.	C08	Approved with Condition(s)
2004	Aneli Investments L.L.C.	- Unusual Use for helipad.	C08	Approved with Condition(s)
2008	Nokia Inc.	- Non-Use Variance of signs.	C08	Approved with Condition(s)
2009	WRC Teachers Insurance & MET Life	- Modification of Resolution.	BCC	Approved with Condition(s)
2009	WRC Properties, Inc. ET AL	- Modification of Resolution.	C08	Approved with Condition(s)
2011	WRC Properties, Inc.	- Non-Use Variances.	C08	Approved with Condition(s)

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.





# **MIAMI-DADE COUNTY**

## **HEARING MAP**

Section: 36/52/51/35 Township: 53 Range: 40

Section: 01/02 Township: 54 Range: 40

Section: 31 Township: 53 Range: 41

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 6


Drafter ID: JEFFER GURDIAN

Scale: NTS

Process Number  
**Z2012000015**



## **Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, January 6, 2012

REVISION	DATE	BY
		11



# **MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

**Process Number**

**Z2012000015**

**Legend**



**Subject Property**



**Section: 36/52/51/35 Township: 53 Range: 40**

**Section: 01/02 Township: 54 Range: 40**

**Section: 31 Township: 53 Range: 41**

**Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.**

**Zoning Board: BCC**

**Commission District: 6**

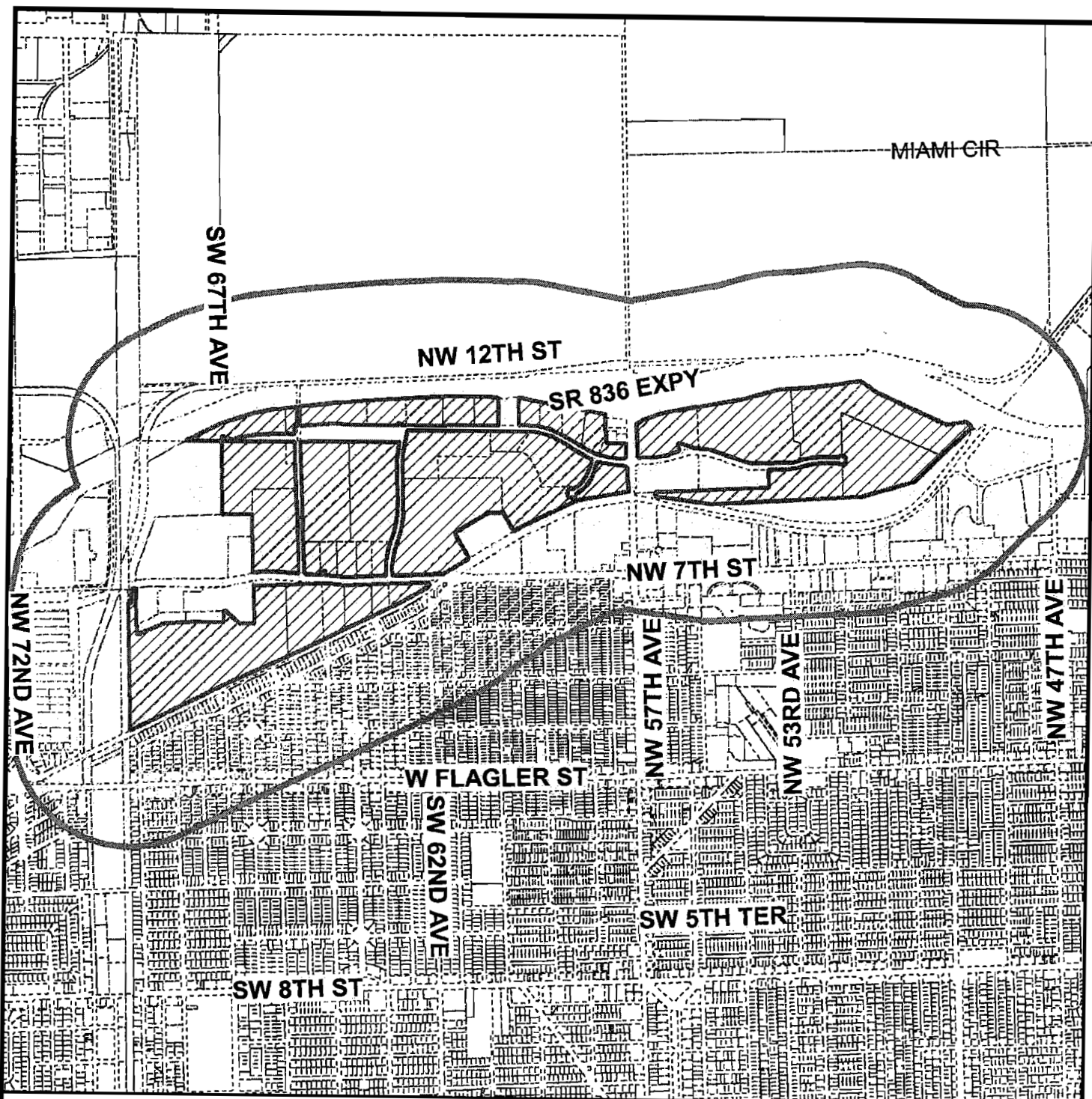
**Drafter ID: JEFFER GURDIAN**

**Scale: NTS**



**SKETCH CREATED ON: Friday, January 6, 2012**

REVISION	DATE	BY
		12



# **MIAMI-DADE COUNTY**

## **RADIUS MAP**

Section: 36/52/51/35 Township: 53 Range: 40

Section: 01/02 Township: 54 Range: 40

Section: 31 Township: 53 Range: 41

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 6

Drafter ID: JEFFER GURDIAN

Scale: NTS


Process Number

**Z2012000015**

RADIUS: 1500



## **Legend**

 Subject Property

 Buffer



SKETCH CREATED ON: Wednesday, February 15, 2012

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-016 (12-4-CC-4)**

**April 19, 2012**

**Item No. 4**

<b>Recommendation Summary</b>	
<b>Commission District</b>	7
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout and termination dates of the Dadeland Mall Development of Regional Impact from December 28, 2014 to December 28, 2018. Additionally, the applicant is seeking an extension of the expiration date from December 30, 2014 to December 30, 2018.
<b>Location</b>	7535 SW 88 Street, Miami-Dade County, Florida.
<b>Property Size</b>	70 Acres
<b>Existing Zoning</b>	DKUC (Downtown Kendall Urban Center District)
<b>Existing Land Use</b>	Dadeland Mall
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of Conditions #30, #31, #32 & #34 of Resolution No. Z-15-96, last modified by Resolution Z-5-10, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM:

"30. December 28, 2014 is hereby established as the build out date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

TO:

"30. December 28, 2018 is hereby established as the build out date for this project and is the date until which the County agrees that the Dadeland Mall Development of

Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM:

"31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2014. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

TO:

"31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2018. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

FROM:

"32. December 30, 2014 is hereby established as the expiration date for the development order."

TO:

"32. December 30, 2018 is hereby established as the expiration date for the development order."

FROM:

"34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that, throughout the build out period (December 28, 2014), sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33-G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations), as amended from time to time and consistent with local development regulations, so long as the Applicant is developing in compliance with the terms and conditions of this development Order. Furthermore, Miami-Dade County shall not issue any subsequent developing orders as defined in Section 33-G(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be



amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter in Chapter 33-G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to the Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO:

"34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that, throughout the build out period (December 28, 2018), sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits to this Development Order are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33-G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations), as amended from time to time and consistent with local development regulations, so long as the Applicant is developing in compliance with the terms and conditions of this development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33-G(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33-G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this Project. However, modifications or changes to the Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the above requests is to allow the applicant to extend the build out date and other dates for the Dadeland Mall Development of Regional Impact Project.

**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of Dadeland mall.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	Dadeland Mall	Business and Office
<b>North</b>	Snapper Creek Canal	Water
<b>South</b>	DKUC; Offices, retail, and multi-family apartment buildings	Business and Office
<b>East</b>	DKUC; MetroRail Dadeland North Station	Transportation
<b>West</b>	State Road 826 Palmetto Expressway	Transportation

**SUMMARY:**

Florida Statutes provide that in recognition of the 2011 real estate conditions at the option of the developer, the buildout, termination and expiration dates currently valid for this DRI are to be extended four years regardless of any previous extensions.

**CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** uses. Staff notes that this application is not changing the current use or density and is only seeking new buildout, termination and expiration dates. Therefore, staff opines that the application is **consistent** with the aforementioned CDMP LUP map designation.

**ZONING ANALYSIS:**

In 1996, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of a shopping mall. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2010 pursuant to Resolution Z-5-10 which modified Conditions #30, #31, #32 & #34 to extend the buildout and termination dates to December 28, 2014 and to extend the expiration date to December 30, 2014.

The applicants are now seeking modification of said conditions to extend the buildout and termination dates of the Development of Regional Impact to December 28, 2018 and and the expiration date to December 30, 2018. The applicant has requested approval of this request

based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase, build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of four years based on Section 54, Chapter 2011-139, Laws of Florida and Chapter 380.06(19)(c)(2) of the Florida Statutes.

*The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extensions meet both State and County regulations and do not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout, termination and expiration dates extensions.

When the request to modify Conditions #30, #31, #32 & #34, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Conditions #30, #31, #32 & #34 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.



**OTHER: N/A**

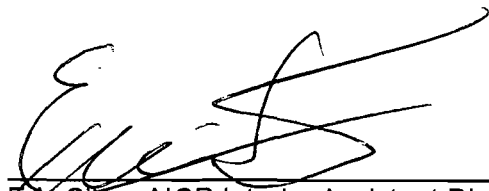
**RECOMMENDATION:**

**Approval of request with a condition.**

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-5-10 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Eric Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NOW  
6/12/12

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS  
\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department*  
12-016

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Business and Office</b>	<p><i>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.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<p><i>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.</i></p>
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**4. DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
(Applicant)

12-4-CC-4 (12-016)  
BCC/District 07  
Hearing Date: 04/19/12

Property Owner (if different from applicant) **SDS Dadeland Associates.**

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 ☒

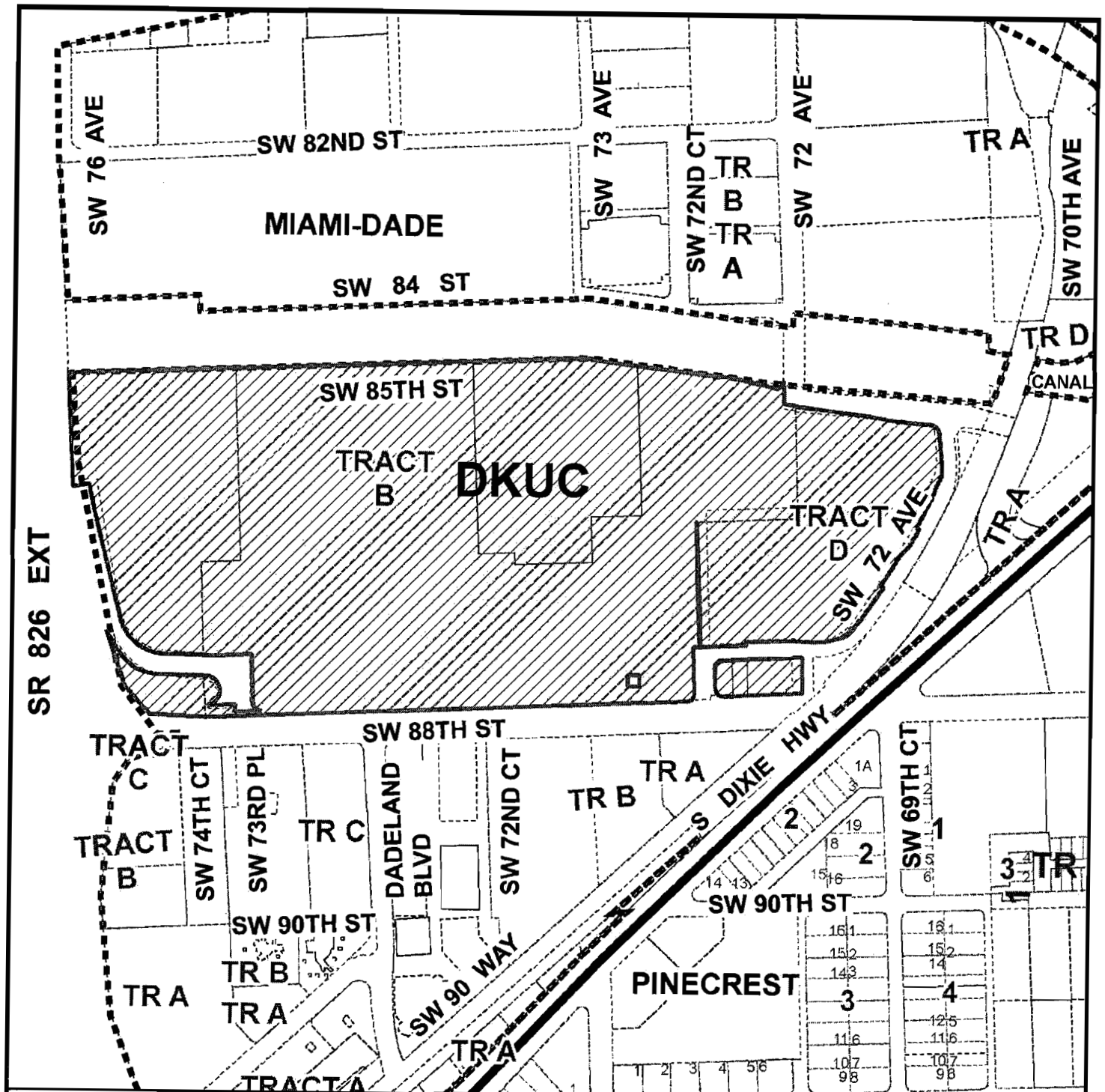
**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1953	Victor Ramsdell	- Zone change from AU to EU-1. - Increase cubic content.	BCC	Approved
1955	Dade Shopping Center	- Zone change from GU, AU, RU-1 and EU-1 to BU-2A.	BCC	Approved with Condition(s)
1955	Dade Shopping Center	- Reformation for legal description.	BCC	Approved
1955	Board of County Commissioners	- Time extension.	BCC	Approved
1955	Board of County Commissioners	- Delete condition of resolution.	BCC	Approved
1957	Board of County Commissioners	- Time extension.	BCC	Approved with Conditions
1961	Federated & Kenara Center, Inc.	- Zone change from Au to BU-2.	BCC	Approved
1961	Dadeland Shopping Center, Inc	- Variance of spacing.	BCC	Approved
1961	Federated & Kenara Center, Inc.	- Zone change from AU, GU, RU-1 and RU-2 to BU-2 and BU-3.	BCC	Approved
1962	Dadeland Shopping Center, Inc	- Variances of signage.	ZAB	Approved on a modified basis
1962	Dadeland Shopping Center, Inc	- Variance spacing. - Unusual Use night club.	ZAB	Approved with Condition(s)
1962	Food Fair Stores, South Dade, Inc.	- Variance of signage.	ZAB	Approved

1962	Burdines Tire Center	- Variance of signage.	ZAB	Approved
1962	Dadeland Shopping Center	- Variance of spacing.	ZAB	Approved
1963	Dadeland Shopping Center	- Variance of signage.	ZAB	Approved with Condition(s)
1963	First Federal Savings & Loan Association	- Variance of signage.	ZAB	Approved
1963	Dadeland Shopping Center	- Unusual Use to permit shopping center promotions.	ZAB	Approved in part with Condition(s)
1963	Dadeland Shopping Center	- Variance of signage.	ZAB	Approved
1966	Jordan Marsh Co.	- Variance of sign requirements.	ZAB	Approved
1966	Burdines	- Variance of sign.	ZAB	Approved
1970	J.C. Penny Company, Inc.	- Variance of setback.	ZAB	Approved
1975	Coffee Etc., Inc.	- Variance of spacing.	BCC	Appeal Denied, Application Approved
1975	Coffee Etc., Inc.	- Variance of sign.	ZAB	Approved
1976	First Fed. S. & L Assoc of Miami	-Variance of setback and signage	BCC	Appeal Approved, Application Approved
1976	First Fed. S. & L Assoc of Miami	-Variance of setback and signage	ZAB	Denied
1977	Dadeland National Bank	- Special Exception drive in teller.	ZAB	Approved
1979	Victoria Station Inc.	- Special Exception to modify resolution. - Unusual Use outdoor dining. - Non-Use Variances.	ZAB	Approved with Condition(s)
1979	Burdines	- Variance of zoning.	ZAB	Approved with Condition(s)
1979	Victoria Station Inc.	- Special Exception of spacing.	ZAB	Approved with Condition(s)

1979	Creative Restaurants Inc.	- Special Exception of spacing requirement. - Non-Use Variances.	ZAB	Approved with Condition(s)
1983	Equitable Life Assurance Society	- Special Exception to expand a shopping center. - Unusual Use to permit parking. - Non-use Variance.	ZAB	Approved with Condition(s)
1985	Equitable Life Assurance	- Non-Use Variance of sign regulation.	ZAB	Approved with Condition(s)
1988	Dadeland Bank	- Non-Use Variance of sign regulation.	ZAB	Approved with Condition(s)
1989	The Equitable Life Assurance Society of U.S.A.	- Modification of resolution. - Special Exception to expand a shopping center.	ZAB	Approved
1991	The Equitable Life Assurance Society of U.S.A.	- Modification of resolution.	ZAB	Approved with Condition(s)
1994	Equitable Life Assurance Society	- Modification of resolution. - Non-Use Variances.	ZAB	Approved with Condition(s)
1996	The Equitable Life Assurance Society	- DRI	BCC	Approved
1996	The Equitable Life Assurance Society	- Modification of declaration of restriction. - Special Exception shopping center expansion. - Non-Use Variances.	BCC	Approved with Condition(s)
1997	Cheese Cake Corp.	- Special Exception of spacing. - Non-Use Variances.	C12	Approved with Condition(s)
2000	SDG Dadeland Assoc., Inc.	- To make sub deviation. - Modification of resolution.	C12	Approved with Condition(s)
2002	SDG Dadeland Assoc., Inc.	- To make sub deviation. - Modification of resolution.	BCC	Approved with Condition(s)
2002	SDG Dadeland Assoc., Inc.	- To make sub deviation. - Modification of resolution.	C12	Recommended for Approval
2010	The Department of Planning & Zoning	- Modification of resolution.	BCC	Approved with Condition(s)

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.



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2012000016**



Section: 35 Township: 54 Range: 40  
 Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.  
 Zoning Board: BCC  
 Commission District: 7  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, January 6, 2012

REVISION	DATE	BY
		11




**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2012000016**

Legend

 Subject Property



Section: 35 Township: 54 Range: 40

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 7

Drafter ID: JEFFER GURDIAN

Scale: NTS



SKETCH CREATED ON: Friday, January 6, 2012

REVISION	DATE	BY
		12





**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-017 (12-4-CC-5)**

**April 19, 2012**

**Item No. 5**

<b>Recommendation Summary</b>	
<b>Commission District</b>	1
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout date of the Dolphin Center Development of Regional Impact from October 10, 2017 to October 10, 2021.
<b>Location</b>	Lying between NW 27 Avenue and The Homestead Extension Florida's Turnpike and on both sides of NW 199 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	329 Acres
<b>Existing Zoning</b>	City of Miami Gardens
<b>Existing Land Use</b>	Stadium, vacant property and retail stores
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office, Low Density Low Density Residential, 2.5 to 6 du Office/Residential Environmentally Protected Parks (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of Conditions 1c, 34 and 36 of Resolution Z-26-08 passed and adopted by the Board of County Commissioners, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "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:

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

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

c. Schedule project for October 10, 2021 pursuant to Section 380.06(19)(c), F.S., which date also recognizes the tolling of time for the build out date during the pendency of administrative or judicial proceedings relating to the development permits for the project, the extension of the date of build out of any phase thereof for (12) years less one (1) day, and to include the 3-year extension for projects under active construction without creating a substantial deviation."

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

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the build out period (October 10, 2017) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Master Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85, as such standards may be amended from time to time (concurrency regulation) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order.

Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the project that shall have been previously constructed are greater than those projected in the Amended ADA; and (b) the issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development of the project pursuant to this DRI Development Order would violate of aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulation. Any modifications or changes to this development order, regardless of whether such changes or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

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

For the purposes of Concurrency Review, and based upon the analysis contained in the Amended ADA together with review and further study by Miami-Dade County it is hereby found that throughout the build out period (October 10, 2021) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits, pursuant to this development order are hereby found to meet concurrency standards set forth in the Comprehensive Development Plan and Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85, as such standards may be amended from time to time (concurrency regulations) and to be consistent with local development regulations so long as the applicant is developing in compliance with the terms and conditions of this development order. Furthermore, Miami-Dade County shall not issue any subsequent development orders for other projects, as defined in 33G-3(6) Miami-Dade County Code which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the project that shall be previously constructed are greater than those project in the Amended ADA; and (b) the issuance of a further local Development Order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction of development of the project pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur. Such further local Development Order shall not be issued unless and until the applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this development order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

FROM: "36. In the event the Applicant, its successors, an/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of Sustainability, Planning and Economic Enhancement that such violation has occurred. With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed of plat. October 10, 2017, is hereby established as the date until which Miami-Dade County agrees that the

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

TO: "36. In the event the Applicant, its successors, an/or assigns violates any of the conditions of the DRI development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), the County shall stay the effectiveness of the development order as to the tract, or portion of the tract to which the violative activity or conduct pertains and in said tract, or portion of the tract, upon a finding by the Director of Sustainability, Planning and Economic Enhancement that such violation has occurred.

With regard to the provisions of Condition 17(b) above, a violation of requirements for parking to serve the stadium shall be enforced against both the stadium tract and any other tract in violation regardless of where the violation may occur. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development under common ownership as of January 21, 1993 identified on the Dolphin Center Proposed Land Use and Phasing Plan. In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed of plat. October 10, 2021, is hereby established as the date until which Miami-Dade County agrees that the Dolphin Center Development of Regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Miami-Dade County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare."

The purpose of the request is to allow the Applicant extend the build-out date and other dates of the Dolphin Center North Development of Regional Impact Project.

**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of a Stadium, vacant property and retail stores.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	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
<b>North</b>	City of Miami Gardens: canal, single-family residences, vacant land	Business and Office
<b>South</b>	City of Miami Gardens: single-family residences	Low Density Residential, 2.5 to 6 dua
<b>East</b>	City of Miami Gardens: Florida Turnpike	Transportation
<b>West</b>	City of Miami Gardens: retail and Single-family residences	Business and Office and Low Medium Density Residential 6 to 13 dua

**SUMMARY:**

Florida Statutes provide that in recognition of the 2011 real estate conditions at the option of the developer, the buildout, termination and expiration dates currently valid for this DRI are to be extended four years regardless of any previous extensions.

**CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Business and Office, Office/Residential, Low Density Residential and Environmentally Protected Parks** uses. Staff notes that this application is not changing the current use or density and is only seeking a new buildout date. Therefore, staff opines that the application is **consistent** with the aforementioned CDMP LUP map designations.

**ZONING ANALYSIS:**

In 1985, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of offices and a stadium. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2008 pursuant to Resolution Z-26-08 which modified Conditions #1c, #34 and #36 to extend the buildout date to October 10, 2017.

The applicants are now seeking modification of said conditions to extend the build out date of the Development of Regional Impact from October 10, 2017 to October 10, 2021. The applicant has requested approval of this request based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase, build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of four years based on Section 54, Chapter 2011-139, Laws of Florida and Chapter 380.06(19)(c)(2) of the Florida Statutes.

*The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension meets both State and County regulations and does not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout extension.

When the request to modify Conditions #1c, #34 and #36 of Resolution Z-26-08, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Conditions #1c, #34 and #36 of Resolution Z-26-08 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

**RECOMMENDATION:**

**Approval of request with a condition**

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-26-08 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Eric Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

*Now  
6mm*

ZONING RECOMMENDATION ADDENDUM

HISTORY

MOTION SLIPS\*

DEPARTMENT MEMORANDA

DISCLOSURE OF INTEREST\*

HEARING PLANS\*

MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department*  
12-017

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Business and Office</b>	<i>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.</i>
<b>Office/Residential</b>	<i>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.</i>
<b>Environmentally Protected Parks</b>	<i>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</i>



## ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department  
12-017*

	<i>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.</i>
<b>Low Density Residential</b>	<i>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.</i>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<i>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.</i>
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**5. DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT  
(Applicant)**

12-4-CC-5 (12-017)  
BCC/District 01  
Hearing Date: 04/19/12

Property Owner (if different from applicant) **South Florida Stadium Corp. ET AL.**

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

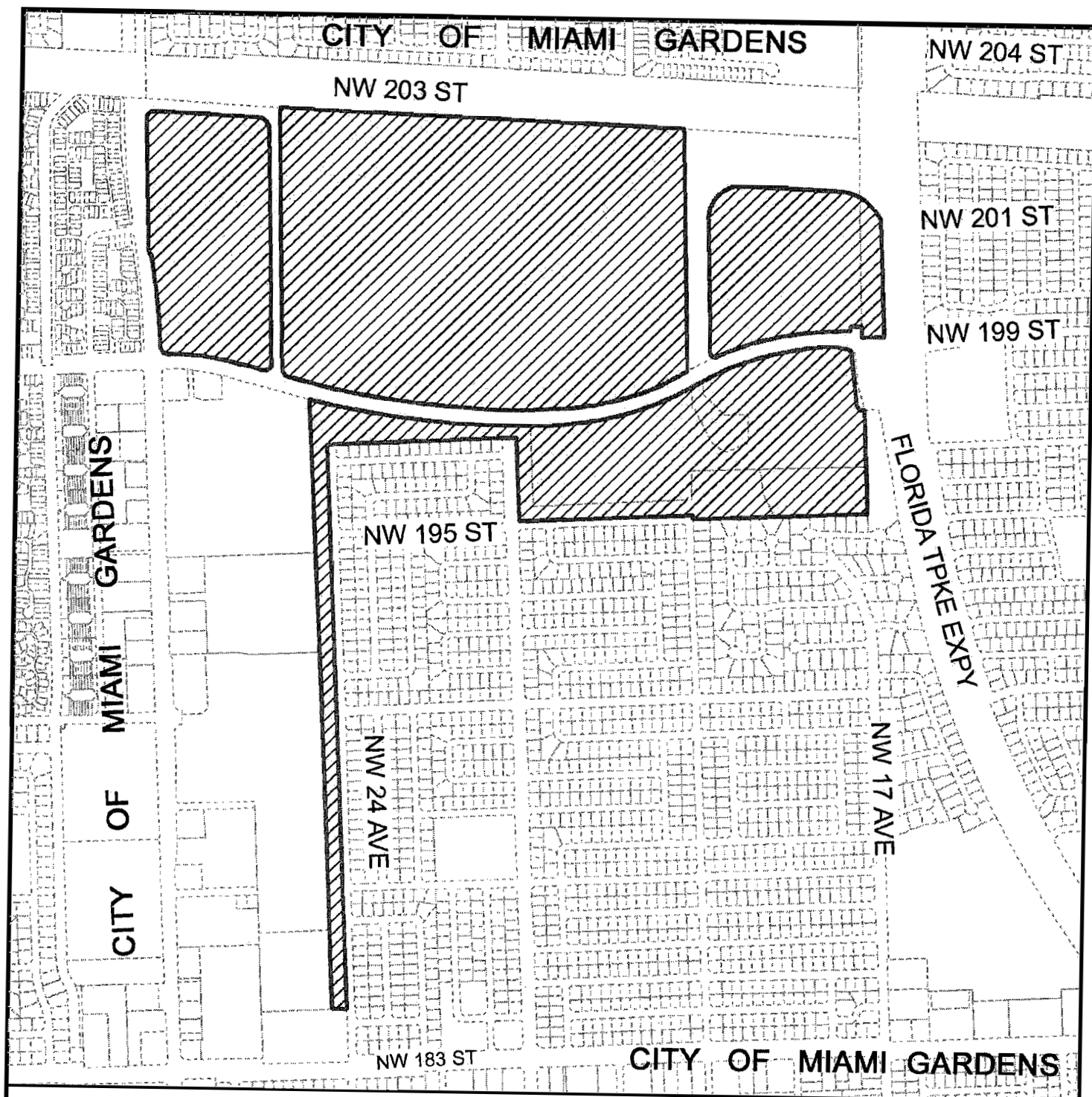
Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1977	Emil Morton	- Zone change from RU-TH to BU-1 & BU-1A.	BCC	Approved with Condition(s)
1977	Janis Enterprises, Inc.	- Zone change from RU-1 to RU-TH.	BCC	Approved with Condition(s)
1985	Dolphin Stadium Corporation & Joseph Robbie and Emil Morton & Lottie Morton.	- DRI	BCC	Approved with Condition(s)
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.	BCC	Approved with Condition(s)
1987	Dolphin Stadium Co.	- Amendment to DRI.	BCC	Approved
1987	Dolphin Stadium Corp.	- Sign variance.	BCC	Approved
1988	Robbie Stadium Corp.	- Amendment to DRI.	BCC	Approved
1988	Robbie Stadium Corp.	- Amendment to DRI.	BCC	Approved
1990	Robbie Stadium Corp.	- Amendment to DRI. - Modification of condition.	BCC	Approved with Condition(s)
1993	Robbie Stadium Corp.	- Modification of resolution.	BCC	Approved on a modified basis
1993	Robbie Stadium Corp.	- Modification of resolution.	BCC	Approved in Part

1995	Richard Morton ET AL (Robbie Stadium Corp. ET AL)	- Modification of condition.	BCC	Approved with Condition(s)
1995	Robbie Stadium Corp.	- To make Substantial Deviation Determination.	BCC	Approved with Condition(s)
1995	Robbie Stadium Corp.	- Zone change from RU-4A to BU-2.	BCC	Approved in Part
1996	Robbie Stadium Corp.	- Non-Use Variances.	ZAB	Approved with Condition(s)
2004	County Line South Properties LTD.	- Modification of resolution.	BCC	Approved with Condition(s)
2004	County Line South Properties LTD.	- Modification of resolution.	BCC	Approved with Condition(s)
2008	Dolphin Center Properties, David Morton, ET AL	- To make Substantial Deviation Determination.	BCC	Approved with Condition(s)
2011	South Florida Stadium, LLC	- To make Substantial Deviation Determination.	BCC	Approved with Condition(s)
2011	South Florida Stadium, LLC	- To make Substantial Deviation.	BCC	Approved with Condition(s)
2011	South Florida Stadium, LLC, ET AL	- Unusual Use to permit an amusement facility to wit a water theme park. - Modification of resolution.	BCC	Approved with Condition(s)

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.



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**Z2012000017**

**Legend**

 Subject Property Case



Section: 33/34/35 Township: 51 Range: 41

Section: 03/02 Township: 52 Range: 41

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.  
Zoning Board: BCC

Commission District: 1

Drafter ID: JEFFER GURDIAN

Scale: NTS



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY
		12



**MIAMI-DADE COUNTY**  
AERIAL YEAR 2009

Process Number  
**Z2012000017**

**Legend**

 Subject Property



Section: 33/34/35 Township: 51 Range: 41

Section: 03/02 Township: 52 Range: 41

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 1

Drafter ID: JEFFER GURDIAN

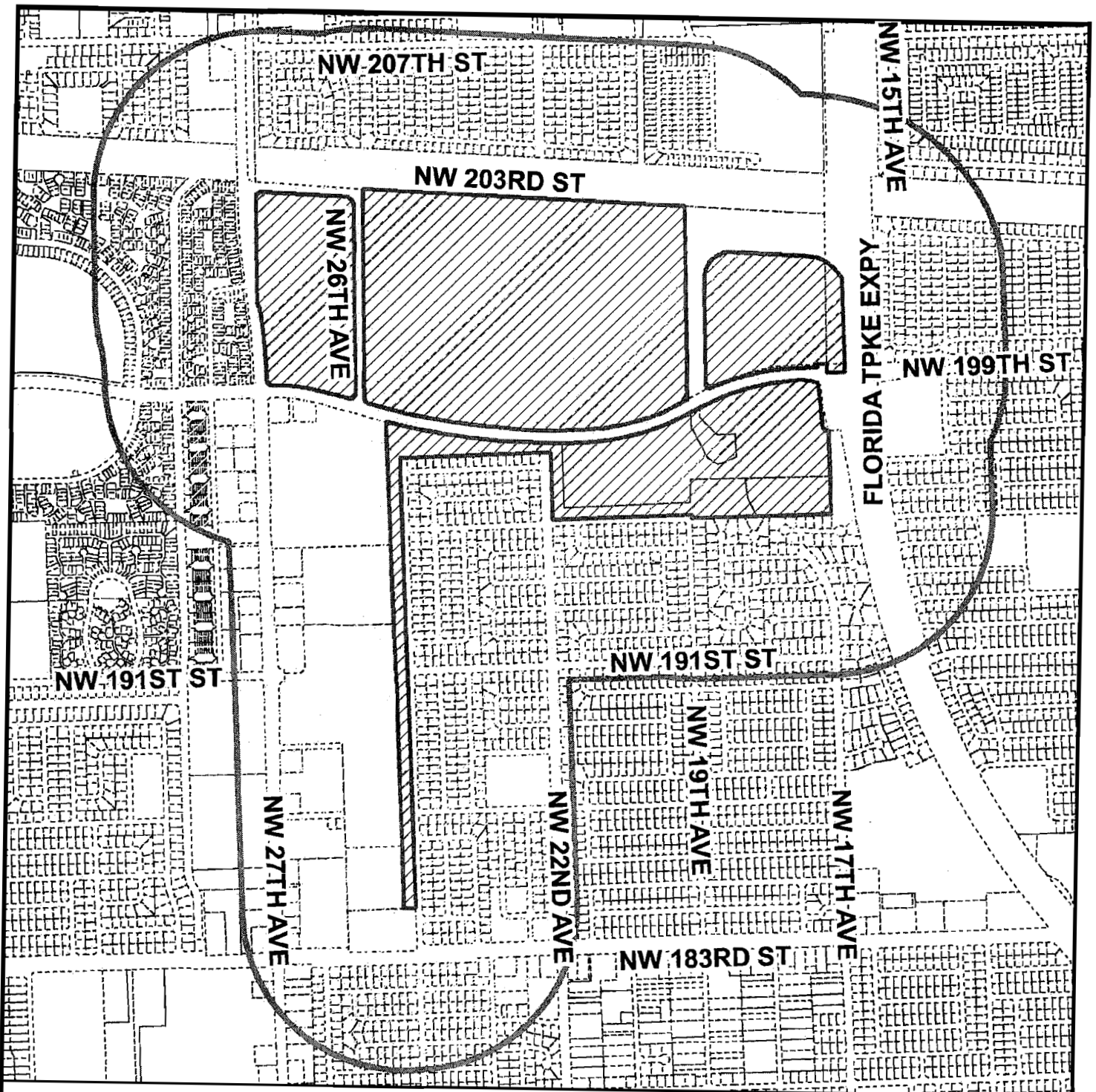
Scale: NTS



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY
		13





# **MIAMI-DADE COUNTY**

## **RADIUS MAP**

Process Number

**Z2010000017**

Section: 33/34/35 Township: 51 Range: 41 RADIUS: 1500

Section: 03/02 Township: 52 Range: 41

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.



Zoning Board: BCC

Commission District: 1

Drafter ID: JEFFER GURDIAN

Scale: NTS

## **Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, January 10, 2012

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

**PH: Z12-018 (12-4-CC-6)**

**April 19, 2012**

**Item No. 6**

<b>Recommendation Summary</b>	
<b>Commission District</b>	12
<b>Applicant</b>	The Director of Permitting, Environment and Regulatory Affairs Department
<b>Summary of Requests</b>	The applicant is seeking an extension of the buildout and termination dates of the Beacon Lakes Development of Regional Impact from December 30, 2011 to December 30, 2015. Additionally, the applicant is seeking an extension of the expiration date from December 30, 2016 to December 30, 2020.
<b>Location</b>	Lying South of NW 25 Street, between NW 117 Avenue & NW 137 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	436 Acres +/-
<b>Existing Zoning</b>	GU (Interim District), BU-2 (Business-Special District), BU-1A (Business-Limited District), IU-1 (Industrial-Light District)
<b>Existing Land Use</b>	Warehouses, vacant land and a lake
<b>2015-2025 CDMP Land Use Designation</b>	Restricted Industrial and Office Business and Office Water (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 54, Chapter 2011-139, Laws of Florida Section 33-309 Community Zoning Appeals Board/Board of County Commissioners Applications for public hearing Section 33-311(A)(7) Generalized Modification Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with a condition</b>

**REQUEST:**

- (1) MODIFICATION of Conditions #58, #59 and #60 of Resolution Z-20-02 and adopted by the Board of County Commissioners as last modified by Resolution Z-20-08, both passed and adopted by the Board of County Commissioners reading as follows:

From: "58. December 30, 2011 is hereby established as the build out date for this project, which includes the 3-year extension for projects under active construction pursuant to Sec. 380.06(19)(c), F.S. (2007), and is the date until which the local government of jurisdiction agrees that the Beacon Lakes DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government of jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety, or welfare.

To: "58. December 30, 2015 is hereby established as the build out date for this project, which includes the 3-year extension for projects under active construction pursuant to Sec. 380.06(19)(c), F.S. (2011), and is the date until which the local government of jurisdiction agrees that the Beacon Lakes DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government of jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety, or welfare.

From: "59. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S. The termination date for completing physical development shall be December 30, 2011, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2007).

To: "59. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S. The termination date for completing physical development shall be December 30, 2015, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2007).

From: "60. December 30, 2016, is hereby established as the expiration date for the development order, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2011).

To: "60. December 30, 2020, is hereby established as the expiration date for the development order, which includes the 3-year extension for projects under active construction pursuant to Sec, 380.06(19)(c) F.S. (2011).

The purpose of the request is to allow the applicant to extend the Build-out and other dates for the Beacon Lakes Department of Regional Impact Project.

**PROJECT DESCRIPTION:**

Development of Regional Impact consisting of warehouses, vacant land and a lake.



<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	GU, BU-1A, BU-2 and IU-1; warehouses, vacant land and a lake	Restricted Industrial and Office, Industrial and Office, Business and Office, Water
<b>North</b>	GU and IU-1; vacant lands and lakes	Restricted Industrial and Office, Open Land and Water
<b>South</b>	GU and IU-1; vacant lands, a lake and SR 836 Extension	Open Land and Water Transportation
<b>East</b>	IU-1; Florida Turnpike	Transportation
<b>West</b>	IU-1 and GU; vacant lands	Restricted Industrial and Office, and Open Land

#### **SUMMARY:**

Florida Statutes provide that in recognition of the 2011 real estate conditions at the option of the developer, the buildout, termination and expiration dates currently valid for this DRI are to be extended four years regardless of any previous extensions.

#### **CDMP ANALYSIS:**

The adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan designates the subject property as being within the Urban Development Boundary for **Business and Office, Restricted Industrial and Office and Water** uses. Staff notes that this application is not changing the current use or density and is only seeking new buildout, termination and expiration dates. Therefore, staff opines that the application is **consistent** with the aforementioned CDMP LUP map designation.

#### **ZONING ANALYSIS:**

In 2002, the BCC granted a Development of Regional Impact (DRI) Development Order that allowed for the development of warehouses and a lake. The DRI has undergone several modifications approved by the Board of County Commissioners. The last modification was approved in 2008 pursuant to Resolution Z-20-08 which modified Conditions #58, #59 and #60 to extend the buildout and termination dates to December 30, 2011 and to extend the expiration date to December 30, 2016.

The applicants are now seeking modification of said conditions to extend the build out and termination dates to December 30, 2015 and the expiration date of the Development of Regional Impact to December 30, 2020. The applicant has requested approval of this request based upon recent changes in Florida law and compliance with the notification deadlines in the state statutes.

In addition, Ordinance 11-86 passed by the Board of County Commissioners on November 15, 2011, provides that the director shall file an application to extend all commencement, phase, build out, expiration dates, and applicable mitigation requirements of the DRI for the maximum period of time declared by state law regardless of any previous extension. Such extension shall not constitute a substantial deviation from the existing DRI development order, shall not be subject to further DRI review, and shall not be considered when determining whether a subsequent extension is a substantial deviation under Florida law. The owner of the property was required to provide consent to the application no later than December 31, 2011. The ordinance also exempted such extension requests from the review and recommendation process of the Development Impact Committee and the Community Zoning Appeals Board.

The applicant is requesting an extension of four years based on Section 54, Chapter 2011-139, Laws of Florida and Chapter 380.06(19)(c)(2) of the Florida Statutes.

*The statute provides that in recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, build out, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. Further, the 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

Staff notes and opines that the applicant applied before the deadline date, is not requesting increased densities and does not necessitate further infrastructure improvements. Noting the aforementioned, staff is of the opinion that the requested time extensions meet both State and County regulations and do not create a substantial deviation requiring further development of regional impact review. Based on the aforementioned, staff recommends approval of the request, which would allow the buildout, termination and expiration dates extensions.

When the request to modify Conditions #58, #59 and #60, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area. Therefore, staff recommends approval with a condition of the modification of Conditions #58, #59 and #60 under Section 33-311(A)(7) (Generalized Modification Standards).

**ACCESS, CIRCULATION AND PARKING:** Not Applicable

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

**RECOMMENDATION:**

**Approval of request with a condition.**

**CONDITION FOR APPROVAL:**

That all conditions of Resolution No. Z-20-08 remain in full force and effect except as herein modified.

ES:MW:GR:NN:JV



Eric Silva, AICP Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NDW  
6/11/12

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS  
\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*The Director of Permitting, Environment and Regulatory Affairs Department*  
12-018

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Restricted Industrial and Office</b>	<i>Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). The boundaries of the "Restricted" areas shall be periodically reviewed and amended as necessary to maintain consistency with wellfield protection area boundaries provided by Chapter 24, Code of Miami-Dade County. Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels also apply to the Restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.</i>
<b>Business and Office</b>	<i>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.</i>

## ZONING RECOMMENDATION ADDENDUM

The Director of Permitting, Environment and Regulatory Affairs Department  
12-018

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-311(A)(7) Generalized Modification Standards</b>	<i>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.</i>
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**6. DIRECTOR OF PERMITTING, ENVIRONMENT AND  
REGULATORY AFFAIRS DEPARTMENT**  
(Applicant)

12-4-CC-6 (12-018)  
BCC/District 12  
Hearing Date: 04/19/12

Property Owner (if different from applicant) **AMB Codina Beacon 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 ☒

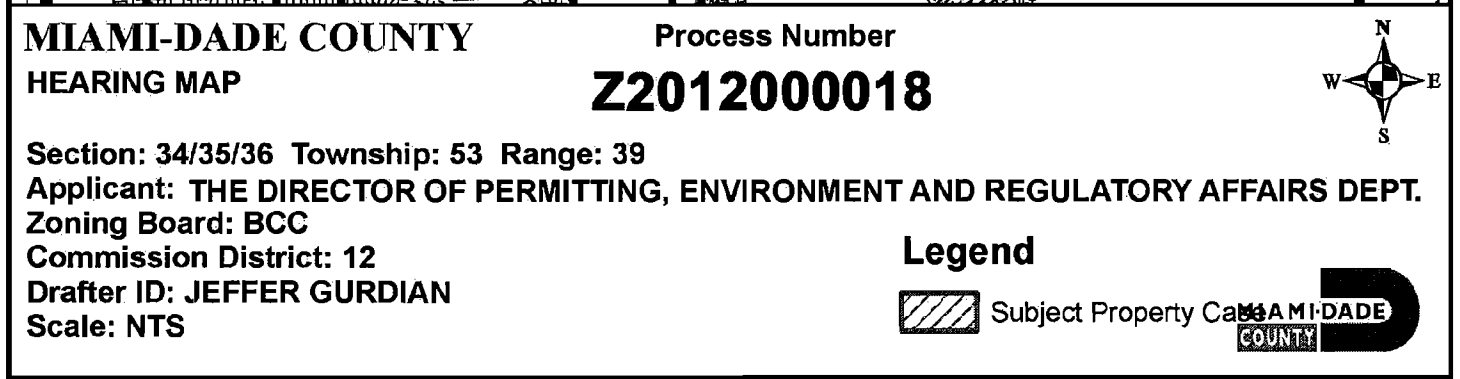
**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1962	H.M. Ekus	- Variance & Use Variance to permit rock crushing.	BCC	Approved
1964	Oolite Industries, Inc.	- Unusual Use excavation barrow pit.	ZAB	Approved
1974	Harold Freidman, Tr.	- Zone change from GU to IU-C.	BCC	Approved
1974	Morris Mosk & Yale Moak	- Zone change from GU to IU-C.	BCC	Approved
1980	Terryland Inv. & Shoppylent Ent.	- Unusual Use to permit lake 2 lake excavation.	ZAB	Approved
1982	Yale Mosk ET AL	- Unusual Use to permit a lake excavation.	ZAB	Approved in Part
1982	Director of the Building and Zoning and Planning Departments	- Zone change from IU-1 to GU.	BCC	Approved
1992	Tarmac Florida Inc.	- Unusual Use to permit a lake excavation.	BCC	Approved
2002	Steven Robinson	- GU to IU-1 and BU-1A.	C09	Approved with Condition(s)
2002	Steven D. Robinson	- Application for development approval.	BCC	Approved with Condition(s)
2002	Steven D. Robinson, ET AL	- GU to IU-1 and BU-1A.	BCC	Approved in Part

J

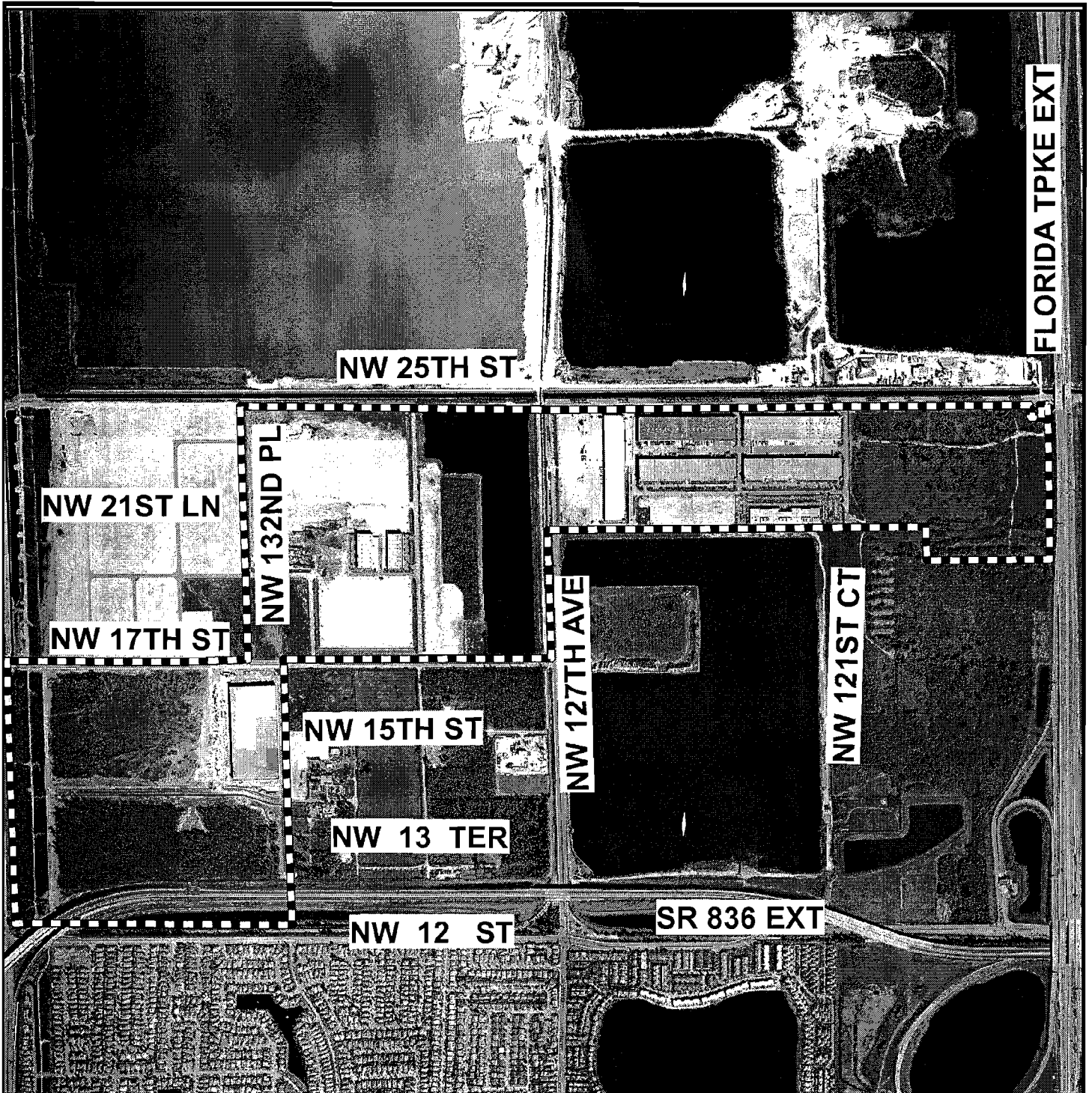
2004	AMB Codina Beacon Lakes LLC	- Non-Use Variances.	C05	Approved
2007	AMB Codina Beacon Lakes LLC	- To make Substantial Deviation Determined.	C05	Approved with Condition(s)
2008	AMB Codina Beacon Lakes LLC	- Modification of Declaration of Restrictions.	C05	Approved
2008	AMB Codina Beacon Lakes LLC	- To make Substantial Deviation Determination.	BCC	Approved with Condition(s)

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.



REVISION	DATE	BY
	10	





**MIAMI-DADE COUNTY**  
AERIAL YEAR 2009

Process Number

**Z2012000018**



Section: 34/35/36 Township: 53 Range: 39

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.

Zoning Board: BCC

Commission District: 12

Drafter ID: JEFFER GURDIAN

Scale: NTS

Legend

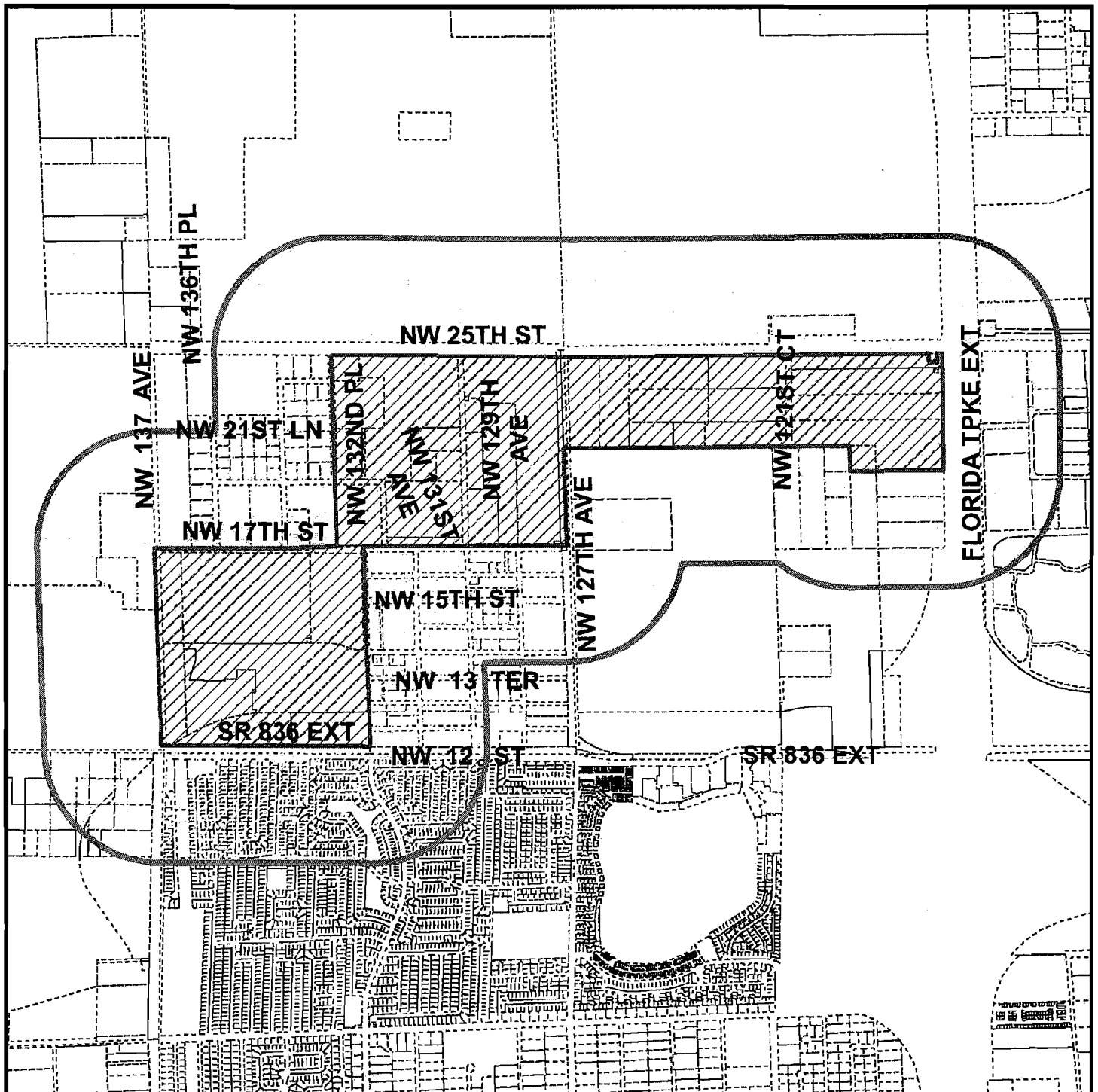


Subject Property



SKETCH CREATED ON: Tuesday, January 10, 2012

REVISION	DATE	BY
	//	



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2012000018**

Section: 34/35/36 Township: 53 Range: 39 RADIUS: 1500

Applicant: THE DIRECTOR OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS DEPT.



Zoning Board: BCC

Commission District: 12

Drafter ID: JEFFER GURDIAN

Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, January 10, 2012

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to the Board of County Commissioners**

PH: Z12-019 (12-4-BCC-7)

April 19, 2012

Item No. 7

Recommendation Summary	
Commission District	10
Applicants	Fontainebleau Lakes LLC, et al
Summary of Requests	The applicants seek to permit the filling of two lakes on a commercial parcel and to modify and delete conditions and paragraphs of previously approved resolutions and covenants that tie the commercial development to the abutting residential developments, the lake excavations and the golf course.
Location	Lying north of West Flagler Street, south of State Road #836 west of NW 87 Avenue and east of NW 107 Avenue, Miami-Dade County, Florida.
Property Size	272 Acres
Existing Zoning	PAD, RU-3M, RU-4M, GU and BU-1A
Existing Land Use	Vacant land, lakes, condominiums and townhomes
2015-2025 CDMP Land Use Designation	Business and Office Medium Density Residential, 13-25 duu Parks and Recreation (see attached <i>Zoning Recommendation Addendum</i> )
Comprehensive Plan Consistency	Consistent with the interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variance Standards Section 33-311(A)(7) Generalized Modification Standards (see attached <i>Zoning Recommendation Addendum</i> )
Recommendation	<b>Approval, subject to the Board's acceptance of the proffered covenants.</b>

**REQUESTS:**

REQUEST #1 ON EXHIBIT 'A'.

- (1) UNUSUAL USE to permit the filling of two lakes.

The purpose of requests #2 & #3 is to allow the applicants to submit a new site plan showing a reduction in the amount of commercial building square footage and provide a different site layout and to remove the commercial development described as Exhibit "A" from certain covenants and resolutions that are tied to the previously approved commercial and residential development.

REQUESTS #2 - #4 ON EXHIBIT 'A'.

REQUESTS #2 - #4 ON EXHIBIT 'A'.

- (2) MODIFICATION of Conditions #2 & #22 of Resolution No. Z-26-09, 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 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin Hults Design Group, stamped received 7/07/09 consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc. dated stamped received 8/19/09 for a total of 18 sheets." Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further substantial compliance or public hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'La Plaza Flagler,' as prepared by Barrera Architecture, dated stamped received 02/06/12, consisting of 15 sheets."

FROM: "22. That the development of the Property shall not exceed a total of 240,00 square feet of retail space under the proposed "Business and Office" land use designation."

TO: "22. That the development of the Property shall not exceed a total of 235,000 square feet of retail space under the proposed "Business and Office" land use designation."

- (3) DELETION of (i) Declaration of Restrictions recorded in Official Records Book 24467 Pages 3173-3181, (ii) First Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173, Recorded in Official Records Book 27111 Pages 1259 - 1283, and (iii) Second Modification of Declaration of Restrictions recorded in Official Records Book 24467 Pages 3173-3181 recorded in Official Records Book 27820 Pages 1535-1555 and re-recorded in Official Records Book 27903, pages 704-724.

- (4) NON-USE VARIANCE to waive the 6' high dissimilar land use buffer wall/fence along portions of the north property line.

**PROJECT DESCRIPTION:** The overall subject parcel is the former Fontainebleau Golf Course property, a 272 acre tract of land that was approved for both residential and commercial developments. The 31.9 net acre parcel, which is the subject of this application, is comprised of 234,500 sq. ft. of retail and office space and 1,411 parking spaces and drives on the southeast portion of the larger tract abutting Flagler Street.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	<p><b><u>Fontainebleau West:</u></b>            PAD: vacant land, condominiums and townhomes</p> <p>RU-3M: condominiums</p> <p><b><u>Fontainebleau East:</u></b>            GU &amp; RU-4M: vacant land</p> <p>BU-1A; vacant land</p>	<p>Parks and Recreation</p> <p>Medium Density Residential (13-25 dua)</p> <p>Medium Density Residential (13-25 dua) and Parks and Recreation</p> <p>Business and Office</p>
<b>North</b>	State Road #836	Transportation (ROW, Rail, Metrorail)
<b>South</b>	<p>RU-4M, RU-4L and GU; townhomes, condominiums, vacant land and lakes</p> <p>BU-2, GU and AU; offices and utility plant</p>	<p>Low-Medium Density Residential (6-13 dua) and Medium Density Residential (13-25 dua)</p> <p>Office Residential</p>
<b>East</b>	RU-4 and GU; condominiums and apartment buildings	Medium Density Residential (13-25 dua)
<b>West</b>	RU-2, RU3M and RU-4M; townhomes and condominiums	Low-Medium Density Residential (6-13 dua)
<b>Center</b>	<p><b><u>Fontainebleau West</u></b>            RU-4M and RU-4L;            Condominiums, townhomes</p> <p><b><u>Fontainebleau East:</u></b>            RU-4, BU-1 and BU-2;            condominiums, townhomes, offices, lakes and retail</p>	<p>Low-Medium Density Residential (6-13 dua)</p> <p>Medium Density Residential (13-25 dua)</p>

### **NEIGHBORHOOD COMPATIBILITY:**

The southeastern portion of the subject tract which the applicant proposes to develop with a retail shopping center abuts office and multi-family residential developments to the south and multi-family residential uses located to the north.

### **SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to separate the parcel from the conditions and restrictions in prior resolutions that tied it to the larger tract located to the north and west and to develop the parcel in accordance with the regulations of the designated zoning district. However, the development of the retail site could have traffic impacts on the surrounding residential and office developments in this area.

### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

Staff notes that while both Fontainebleau West and Fontainebleau East (the former Fontainebleau Golf Course) are a part of this application, the main purpose of this application is to remove the 31.9-acre Business and Office portion of the Fontainebleau East parcel from previously approved zoning covenants and resolutions. The applicant has proffered a new covenant for the Business and Office parcel that will, among other things, remove the commercial parcel from prior covenants and allow the applicants to submit revised plans for the commercial development.

The 272-acre subject property known as Fontainebleau West and Fontainebleau East is an irregularly shaped former golf course consisting of two separate parcels located north of Flagler Street, south of State Road #836 between NW 87 Avenue and NW 107 Avenue. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates Fontainebleau West located to the west of NW 97 Avenue, for **Parks and Recreation** and **Medium Density Residential** use. Fontainebleau East which is located to the east of NW 97 Avenue is designated for **Parks and Recreation, Medium Density Residential and Business and Office** use.

Staff notes that the southern approximately 31.9 acre portion of the Fontainebleau East parcel that is designated for **Business and Office** use was the subject of a Comprehensive Development Master Plan (CDMP) amendment which was adopted by the Board of County Commissioners (BCC) in May 2009, pursuant to Ordinance No. 09-28. The applicant at that time proffered a CDMP Declaration of Restrictions, recorded in Official Records Book 26921, Pages 1562 – 1582, which, among other things, prohibits residential and office uses on the subject property, limits development heights, and requires the owner to build and maintain a pedestrian pathway between the proposed commercial and existing residential areas which will assure pedestrian connectivity throughout the adjacent parcel (*see attached Zoning Recommendation Addendum*). The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

Staff notes that in October 2009, the 31-acre parcel was rezoned to BU-1A, Limited Business District, pursuant to Resolution No. Z-26-09, along with two (2) adjoining parcels that were rezoned to GU, Interim District, at which time the applicant proffered a covenant that essentially affirmed the restrictions placed on the commercial development at the time of the CDMP

amendment. The purpose of this application is to allow the applicant to submit revised plans for the commercial parcel only, referred to as Exhibit 'A' and remove the aforementioned parcel from resolutions and covenants approved in October 2009 that tied it to the previously approved lake excavation on the adjoining parcels located to the east and west.

The applicants now seek to permit two (2) lake fills on the BU-1A parcel (request #1) and to modify and delete conditions and paragraphs of prior resolutions and covenants that tied the commercial site to the residential developments and the golf course (requests #2 through #4). Said requests would also allow the applicants to submit revised site plans for the proposed commercial development showing a reduction in the square footage and a reconfiguration of the buildings and parking areas on the site. Additionally, the applicants seek to waive the requirement for a dissimilar land use buffer along portions of the north property line (request #6). The applicants have proffered a revised zoning covenant that will maintain the restrictions that were proffered in the 2008 application to rezone the commercial parcel. Said covenants reflect the separation of the commercial parcel from the previously approved residential and commercial tract with the revised site plan but maintain the conditions and restrictions pertaining to the lake excavation and the responsibility for the development and maintenance of a pedestrian pathway between the proposed commercial and existing residential areas. This will assure pedestrian connectivity throughout the adjacent parcel as required in the approval of the 2008 CDMP amendment.

Since the approval of the application would maintain the restrictions of the development of the site based on the CDMP amendment and the CDMP covenant, staff opines that subject to the acceptance of the proffered covenant, approval with conditions of the application will be **consistent** with the CDMP Land Use Element interpretative text for the **Business and Office** use.

#### **ZONING ANALYSIS:**

When request #1, to permit an unusual use to fill two (2) existing lakes is analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, staff is of the opinion that the request would have a favorable 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. In addition, the filling of the lake will provide additional land to better accommodate the parking and drives for the proposed commercial development. **As such, staff recommends approval of request #1 under Section 33-311(A)(3).**

The purpose of these requests (requests #2 and #3) is to allow the applicants to separate the commercial parcel from the overall tract and lake excavations and allow the development of said parcel with a revised plan showing a reduced square footage and a revised outlay of the buildings. The applicants seek to modify previous resolutions for the redevelopment of the Fontainebleau East and Fontainebleau West golf course tracts only as it applies to the 31.9-acre southeast parcel that was rezoned in 2009 for commercial use pursuant to Resolution No. Z-26-

09. Additionally, the applicants seek to delete previously recorded Declaration of Restrictions only as it applies to the aforementioned parcel referred to as Exhibit "A".

When requests #2 and #3 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval would be **compatible** with the surrounding area. Approval of Request #2, would allow the applicants to modify conditions #2 and #22 of Resolution #Z-26-09 which was passed and adopted by the Board of County Commissioners (BCC). Further, approval of request #2 would allow the applicants to submit revised site plans for the previously approved commercial development and limit the development of the site to the revised plans. Apart from the revised layout of the commercial buildings on the site from what was previously proposed, the plans would also show a reduction in the total square footage for the commercial site from 240,000 sq. ft. to 235,000 sq. ft. Additionally, said plans would show the separation of the commercial site from the previously approved lake excavations at the northwest and northeast corners of the commercial parcel, Exhibit "A".

In request #3, the applicants seek to delete (i) Declaration of Restrictions recorded in Official Records Book 24467 Pages 3173-3181, (ii) First Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173, Recorded in Official Records Book 27111 Pages 1259 - 1283, and (iii) Second Modification of Declaration of Restrictions recorded in Official Records Book 24467 Pages 3173-3181 recorded in Official Records Book 27820 Pages 1535-1555 and re-recorded in Official Records Book 27903, pages 704-724.

Request #3 is contingent upon the approval of request #2, in that it would allow the applicants to separate the legal description of the commercial parcel referred to as Exhibit "A" from the previously approved commercial and residential development on the Fontainebleau West and Fontainebleau East tracts and specifically from the previously approved lake excavations that were a part of the commercial development in the 2009 approval. The applicants have proffered revised covenants that will ensure the restrictions on the development and maintenance of the proposed park area between the proposed commercial development and the existing residential developments to the north. Further, said covenants will carry forward all the other restrictions and limitations on the development of the commercial parcel, Exhibit "A" while reflecting the separation of the lake excavation from the development. Additionally, the applicants have also proffered to maintain pedestrian walkways that connect to the walkways on the proposed park tract to the north from the commercial development.

Staff notes that memoranda from the various departments reviewing this application do not indicate that approval of these requests would create any greater dangerous hazards to the surrounding community or tend to provoke a nuisance and would be **compatible** 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. **As such, subject to the Board's acceptance of the proffered covenants, staff recommends approval with conditions of requests #2 through #4 under the Generalized Modification Standards, Section 33-311(A)(7).**

When request #5 is analyzed Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of this request would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Additionally, staff opines that the approval would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes that the commercial parcel was previously approved to waive the masonry wall where the parcel abuts the two (2) GU, Interim District parcels to the north,



pursuant to Resolution #Z-26-09. In staff's opinion, since the parcel will abut a well landscaped park area which will separate the commercial parcel from the residential uses, approval of this request will not have a negative visual impact on said residences. **Therefore, staff recommends approval with conditions of request #5 under Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b).**

**ACCESS, CIRCULATION AND PARKING:** The subject property is located lying north of West Flagler Street, south of State Road #836 west of NW 87 Avenue and east of NW 107 Avenue. The 31.9-acre commercial parcel is located at the southeast corner of the tract and consists of a 234,500 sq. ft. retail shopping center with 473 more parking spaces than the 938 required. The commercial site has three (3) ingress and egress drives along the south property line abutting West Flagler Street as well as an access roadway and walkways along the north property line abutting the park area and residential developments located to the north.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

***Permitting, Environment and Regulatory Affairs (Environment Division)***

The Department of Permitting, Environment and Regulatory Affairs (PERA) does not object to this application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County.

Its memorandum indicates that existing water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP) and that approval of the proposed development order will not result in a reduction in the LOS standards subject to compliance with conditions required for this proposed development order. The memorandum further indicates that a new Surface Water Management General Permit from the Water Control Section shall be required for the construction and operation of the required surface water management system. The memorandum further indicates that the applicants are required to comply with tree permitting requirements and the submittal of all construction plans to the Pollution Control Division for review and approval. The subject properties do not contain any jurisdictional wetlands.

***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application.

Its memorandum indicates that the average travel time to the vicinity of the proposed development is 6:31 minutes.

***Parks, Recreation and Open Spaces***

The Miami-Dade Park, Recreation and Open Spaces Department (MDPROS) has no objection to this application.

***Public Works and Waste Management Department –***

The Miami-Dade County Department of Public Works and Waste Management – Land Development and Right-of-Way Division does not object to this application. The memorandum submitted for this hearing application indicates that the application meets the traffic concurrency criteria for an Initial Development Order because it was evaluated under Tentative Plat T-23161. The memorandum further indicates that the land requires platting in accordance with Chapter 28 of the Miami-Dade County Code and that the required road dedications and improvements will be accomplished through the recording of the plat.

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval, subject to the Board's acceptance of the proffered covenant.**

**CONDITIONS FOR APPROVAL:**

1. That this resolution supersedes Resolution No. Z-26-09 only as it applies to Exhibit "A" the retail tract, and provided however, that all other conditions of Resolution No. Z-26-09 shall remain in full force and effect on the remainder of the subject property.
2. 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.
3. That the use be established and maintained in accordance with the approved plan.
4. That the maximum hours of operation for the commercial parcel, Exhibit "A" shall be 6:00 am to 12:00am (Sunday –Thursday) and 6:00am to 2:00am (Friday – Sunday).
5. That the Owner shall maintain a pedestrian path connecting the proposed commercial development to the abutting pedestrian pathway and the existing neighboring residential developments and that the pathway shall be illuminated and landscaped to assure pedestrian connectivity of the adjacent parcel to the property.
6. That no portion of the property subject to the approved excavation fill plan and permit shall be transferred without the approval of the Director, unless the filling of the subject excavation has been completed in accordance with the excavation fill plan and permit for the fill project and unless the bond has been released.
7. That the applicants comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda that are part of the record of this recommendation and are incorporated herein by reference.
8. That no fill be permitted within the adjacent rights-of-way.
9. That the applicant shall obtain all permits required by this Code and comply with all permit requirements and all applicable conditions of the Environmental Resources Division of the Permitting, Environment and Regulatory Affairs Department or its successor Department as well as the Public Works and Waste Management Department for the duration of the fill project
10. That only such clean fill material as allowed by Chapter 24 of this Code and approved in writing by the Environmental resources Division of the Permitting, Environment and Regulatory Affairs Department or its successor Department, as set forth herein, shall be used in the fill project.

11. That any unacceptable fill material shall be stored in containers; shall not be permitted to remain on the project site for more than thirty (30) days; and shall not exceed a volume of forty (40) cubic yards.
12. That neither the clean fill material piles, nor the unacceptable fill material piles, nor the piles awaiting sorting shall be permitted to exceed a height of 10 feet above the applicable flood elevations for the property.
13. That the fill project shall meet all storm water management requirements of the Code of Miami-Dade County and the filled excavation or portion of excavation filled shall not exceed the applicable flood elevations for the property.
14. That if the fill project is discontinued, abandoned, falls behind schedule or time expires under the permit, the remaining excavation shall immediately be sloped to conform with the previously approved excavation plans and all equipment and concomitant uses shall be removed from the premises, unless an application to extend the time is filed with the Department prior to expiration of the approval and provided that good cause is demonstrated as to the delay in completing the filling of the excavation. In no event shall such extension allow the fill project to continue beyond three (3) years after issuance of permit.
15. That the deadline date for the completion of the fill project, including final closure and completion of all tasks set forth in the approved plans and permit shall be determined by the Director and established in the permit. All authorized work shall be carried on continuously and expeditiously so that the filling will be completed within the allocated time, but in no event for any more than three (3) years from issuance of the CU permit;
16. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department.
17. That the hours of the lake fill operation shall be controlled by the Director.
18. 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 Environmental Resources Division of the Permitting, Environment and Regulatory Affairs Department or its successor Department when it appears that the lake fill is proceeding contrary to approved plans.
19. That the property shall be staked to meet with the approval of the Director of the Permitting Environment and Regulatory Affairs Department or its successor Department; said stakes shall be maintained in proper position so that the limits of the lake fill, slopes and grade levels may be easily determined.

20. 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.
21. That all Federal, State and local permits be obtained prior to commencement of the Lake Fill. In the event that any Federal, State or local permit is revoked or otherwise held to be invalid, the Lake Fill operation shall immediately cease.
22. 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 conditions herein agreed to are being complied with.

ES:GR:NN:AN:CH



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Sustainability, Planning  
and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NDN  
LMM

ZONING RECOMMENDATION ADDENDUM

HISTORY

MOTION SLIPS\*

DEPARTMENT MEMORANDA

DISCLOSURE OF INTEREST\*

HEARING PLANS\*

MAPS

\*If applicable

## ZONING RECOMMENDATION ADDENDUM

Applicants: Fontainebleau LLC, et al  
PH: Z12-019

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	No comment
*Subject to conditions in their memorandum.	

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

<b>Business and Office</b> (Page I-41)	<i>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 (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). 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 areas.</i>
<b>Parks and Recreation</b> (Page I-51)	<i>The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Park and Open Space, and Capital Improvement Elements, and by the goals, objectives and policies of the CDMP. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large-scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.</i>

## ZONING RECOMMENDATION ADDENDUM

Applicants: Fontainebleau LLC, et al  
PH: Z12-019

	<p>The long-term use of golf courses or other private recreation or open space on privately owned land designated as Park and Recreation may be previously limited by deed restriction or restrictive covenant. A new development plan governing such land set-aside for park, recreation or open space use (restricted lands) may be approved at public hearing by the Board of County Commissioners or the applicable zoning board only if the following is demonstrated: (1) that the restricted land is subject to a restrictive covenant relating to the development served by the open space, that such restrictive covenant continues to limit the use of the land to open space, and that this limitation in the restrictive covenant may be modified only with the written consent of adjacent or proximate property owners or a prescribed percentage thereof; (2) that the required written consents of the adjacent or proximate property owners have been obtained; and (3) that the proposed development will replace park or recreation land or open space that has fallen into prolonged disuse or disrepair to the detriment of the surrounding neighborhood. The development plan for such land (1) shall provide for development compatible with adjacent development; (2) shall provide by restrictive covenant that not less than two-thirds of the land subject to the new development plan (or such other proportion deemed appropriate by the Board of County Commissioners and/or appropriate Community Zoning Appeals Board but in no event less than 50 percent of such land) shall be maintained as Park, Recreational or open space for use by residents or other residents or users of the entire development for which the open space had originally been provided; (3) shall provide a financial means of assuring such maintenance, by homeowner's association, special tax district or other comparable means approved at public hearing or by the Director of Planning and Zoning or successor agency; and (4) shall provide that the residential density of the portion of the Park and Recreation-designated land eligible for development shall not exceed either the gross existing density of the development in connection with which the park-designated land was originally set-aside, or the gross density of all the ownership parcels immediately abutting the entire park-designated land whichever is lower. An approval pursuant to this provision may allow the gross density of the combined new and existing development, and its existing zoning, to exceed the maximum otherwise allowed by the LUP map, but only to the extent necessary to enable reuse of the park designated land in accordance with this provision. Nothing herein shall be construed to permit development of property subject to a restrictive covenant accepted by the county or other public entity without compliance with the terms that covenant including, but not limited to, those terms governing modification or amendment thereof.</p>
<b>Medium-Density Residential</b> (Page I-31)	<p>This category allows a range in density from a minimum of 13 to a maximum of 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.</p>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>Special Exceptions, Unusual Uses and New Uses.</b> Section 33-311(A)(3)	<p>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the 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.</p>
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## ZONING RECOMMENDATION ADDENDUM

Applicants: Fontainbleau LLC, et al  
PH: Z12-019

<b>Section 33-311(A)(7) Generalized Modification Standards.</b>	<i>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 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.</i>
<b>Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b)</b>	<i>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.</i>

EXHIBIT "A"

LEGAL DESCRIPTION: RETAIL TRACT

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1, ALL OF TRACT "F", A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 2, AND A PORTION OF TRACTS "D", "E", "G", "H", "L" AND "P" OF FONTAINEBLEAU EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "D" ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT "D" 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, A CENTRAL ANGLE OF 77°17'28" AND 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, A CENTRAL ANGLE OF 20°13'25" AND 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, A CENTRAL ANGLE OF 70°25'31" AND AN ARC DISTANCE OF 30.73 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID FONTAINEBLEAU EAST, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS "E" AND "D" AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA CONTAINING 1,389,937 SQUARE FEET (31.9086 ACRES).

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**7. FONTAINBLEAU LAKES LLC**  
**(Applicant)**

**12-4-CC-7 (12-019)**  
**BCC/District 10**  
**Hearing Date: 04/19/12**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1955	Planning, Zoning & Building	- Amendment to AU zoning district.	BCC	Approved
1969	Trafalgar Development	- Zone change from IU-2, AU to RU-4, GU and BU-2. - Special Exception to permit apartment. - Unusual Use lake excavation and golf course. - Special Exception building heights and private club. - Variance of setback.	BCC	Approved with Condition(s)
1969	Trafalgar Development LTD	- Clerical error for declaration of restriction.	BCC	Approved
1969	Trafalgar Development	- Zone change from IU-2, AU to RU-4, GU and BU-2. - Special Exception to permit apartment. - Unusual Use lake excavation and golf course. - Special Exception building heights and private club. - Variance of setback.	ZAB	Recommended for Approval
1970	Miami Caribe Inv.	- Unusual Use for golf course.	ZAB	Approved with Condition(s)
1973	Trafalgar Developers of Florida	- Zone change from AU, GU and IU-1 to RU-3M and RU-4M, RU-4L, BU-1 & GU. - Unusual Use lake excavation and golf course. - Modification of Resolution.	ZAB	Approved with Condition(s)


1973	Trafalgar Developers of Florida	- Unusual Use for lake excavation.	ZAB	Approved with Condition(s)
1973	Trafalgar	- Zone change from AU, GU, IU-1, IU-2 to RU-3M, RU-4M, RU-4L, BU-1 and GU.	BCC	Approved
2006	Carolyn A. Sakolsky	- Zone change from GU to RU-4M. - Unusual Use for lake excavation and fill. - Modification of resolution. - Non-Use Variances.	C10	Approved with Condition(s)
2009	Fontainebleau Lakes, LLC	- Zone change from GU and RU-4M to BU-1A & GU. - Unusual Use for lake excavation. - Modification of resolution and Declaration of Restrictions.	BCC	Approved with Condition(s)
2011	Fontainebleau Lakes, LLC & Fontainebleau Single Family Home West, LLC	- Zone change from RU-4M to PAD. - Unusual Use for lake fill. - Modification of resolution and Declaration of Restrictions. - Non-Use Variances.	BCC	Approved with Condition(s)

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

**Date:** March 5, 2012

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs 

**Subject:** BCC #Z2012000019-1<sup>st</sup> Revision  
Fontainebleau Lakes, LLC  
South of State Road 836 between NW 87<sup>th</sup> Avenue and NW 97<sup>th</sup>  
Avenue  
Modification of a Previous Resolution/Agreement to Show a  
Different Site Layout for the Previously Approved Commercial  
Development  
(BU-1A) (272 Acres)  
04-54-40

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The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application 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.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section.

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 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.

#### Stormwater Management

A new Surface Water Management General Permit from the Water Control Section 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 Department's 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 Chapter 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 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 St., 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 Pollution Control Division for review and approval, in addition to all applicable agency reviews.

#### 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 for these properties.

Please be advised that 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 require permits for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The plans submitted with this application do not match the permitted site plans due to a change in the layout of the site. Therefore, specimen-sized trees (trunk diameter 18 inches or greater) including those required to be preserved as per the tree permits issued may be impacted. Section 24-49 of the Code requires the preservation of tree resources. Prior to the removal and or relocation of any tree on site, a Miami-Dade County Tree Removal/Relocation Permit is required. Section 24.49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24.49.2 shall apply." As such, Approval of this application is recommended with the condition that the permitted site plans be revised in order to match the plans submitted with this application. Please be advised that if this condition cannot be met prior to development orders, this zoning application would have to be resubmitted for review. The applicant is required to comply with the above tree permitting requirements.

Approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. Also note that the applicant must meet the standards of Section 24.49.2(II) of the Code that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height, location of all trees and one of the following:

1. A revised site plan that indicates the preservation of all specimen-sized trees at their current location, or
2. Comply with all specimen tree removal standards set forth in Section 24-49.2(II) of the Code.

The applicant is advised to contact the Tree Program for additional information regarding tree permitting procedures and requirements prior to site development.

#### Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

#### Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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: Eric Silva, Sustainability, Planning and Economic Enhancement

**PUBLIC WORKS DEPARTMENT COMMENTS**

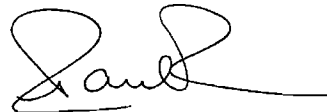
Applicant's Names: FONTAINBLEAU LAKES LLC

This Department has no objections to this application.

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

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

This application meets the traffic concurrency criteria for an Initial Development Order, because it was evaluated and approved previously under Tentative Plat T-23161.

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

Raul A Pino, P.L.S.

17-FEB-12

# Memorandum



**Date:** February 29, 2012

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2012000019: FONTAINBLEAU LAKES LLC

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**Application Name:** FONTAINBLEAU LAKES LLC

**Project Location:** The site is located at South of State Rd #836 between NW 87 Avenue and NW 97 Avenue, Miami-Dade County.

**Proposed Development:** The applicant is requesting a modification and deletion of a resolution and an unusual use for lake fill on the retail parcel.

**Impact and demand:** Because this application does not generate any additional residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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, Parks Property Management Supervisor

# Memorandum



**Date:** 13-MAR-12  
**To:** , Director  
Department of Sustainability, Planning and Economic Enhancement  
**From:** William W. Bryson, Fire Chief.  
Miami-Dade Fire Rescue Department  
**Subject:** Z2012000019

## **Fire Prevention Unit:**

No objection.

## **Service Impact/Demand**

Development for the above Z2012000019  
located at SOUTH OF STATE RD #836 BETWEEN NW 87 AVENUE AND NW 97 AVENUE, MIAMI-DADE COUNTY,  
FLORIDA.

in Police Grid 1239 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 6:31 minutes

## **Existing services**

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

Station 48 - Fontainebleau - 8825 NW 18 Terrace  
Rescue, TRT Heavy Rescue USAR, Battalion 12

## **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 calculations.

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



DATE: 16-FEB-12

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

FONTAINBLEAU LAKES LLC

SOUTH OF STATE RD #836  
BETWEEN NW 87 AVENUE AND  
NW 97 AVENUE, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

Z2012000019

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**HEARING NUMBER**

**HISTORY:**

ENFORCEMENT HISTORY; NC: No open cases. Prior case opened June , 2011 for failure perform lot maintenance and warning was issued. citation issued June 21, 2011 due non compliance. Violation corrected on July 8, 2011 and cvn paid and case closed September 7, 2011. BNC; no OPEN CASES.

Fountainbleau Lakes LLC

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

**REPORTER NAME:**

## ZONING INSPECTION REPORT

**Inspector:** EDWARDS, RALPH

**Inspection Date**

**Evaluator:** CARL HARRISON

03/08/12

**Process #:** Z2012000019  
**Applicant's Name** FONTAINBLEAU LAKES LLC

**Locations:** SOUTH OF STATE RD #836 BETWEEN NW 87 AVENUE AND NW 97 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

**Size:** 272 ACRES

**Folio #:** 3040040840560

**Request:**

THE APPLICANT IS REQUESTING MODIFICATION OF A PREVIOUS RESOLUTION/AGREEMENT TO  
SHOW A DIFFERENT SITE LAYOUT FOR THE PREVIOUSLY APPROVED COMMERCIAL  
DEVELOPMENT.

**EXISTING ZONING**

**Subject Property** BU-1A, GU, PAD, RU-3M, RU-4M,

**EXISTING USE**

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

THERE IS NO STRUCTURES ON THIS PROPERTY

**USE(S) OF PROPERTY:**

THIS PROPERTY IS VACANT

**FENCES/WALLS:**

THERE IS A CHAIN LINK FENCE ALL AROUND THE PROPERTY.

**LANDSCAPING:**

THERE IS NO LANDSCAPE ON THE PROPERTY.

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

NO VIOLATION

**OTHER:**

**Process #** Z2012000019  
**Applicant's Name** FONTAINBLEAU LAKES LLC

# **ZONING INSPECTION REPORT**

## **SURROUNDING PROPERTY**

### **NORTH:**

TO THE NORTH OF THE PROPERTY IS ST RD 836

### **SOUTH:**

THE SOUTHSIDE OF THE PROPERTY HAS A LAKE. ABUTTING THE PROPERTY IS IS APPARTMENT AND TOWNHOUSES FROM FONTAINBLUEAU COMMUNITY

### **EAST:**

THE EASTSIDE HAS APPARTMENTS AND TOWNHOUSES FRON FONTAINBLUEAU COMMUNITY.

### **WEST:**

THE WESTSIDE OF THE PROPERTY HAS 97 AVE AND TO THE WEST OF 97 AVE MORE TOWNHOUSES.

## **SURROUNDING AREA**

THE SURROUNDING AREA IS RESIDETIAL WITH APPARTMENT AND TOWNHOUSES FROM FONTAINEBLUEA COMMUINTY

## **NEIGHBORHOOD CHARACTERISTICS:**

THIS PROPERTY IS MOSTY RESIDENTIAL

## **COMMENTS:**

### 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: Fontainebleau Lakes, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
SEE Exhibit "C" attached hereto.	

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 \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

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: HM Six, LLC, a Florida limited liability company

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

SEE Exhibit "D" attached hereto

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

212-019

AT

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 15 day of October 2011. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)

My commission expires: 1/12/2011

Seal

1/14/2014  
88 94520

\*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, 4<sup>th</sup> Floor  
Miami, Florida 33126  
100%



Fontainebleau Lakes, LLC  
100%

- |    |   |    |  |    |   |
|----|---|----|--|----|---|
|    | 60%   |    | 20%  |    | 20%   |
| 1. | Masoud and Maria Shojaee<br>5835 Blue Lagoon Dr.<br>4 <sup>th</sup> Floor<br>Miami, Florida 33126 | 2. | Alexandra Lamas<br>5835 Blue Lagoon Dr.<br>4 <sup>th</sup> Floor<br>Miami, Florida 33126 | 3. | Jose Lamas<br>5835 Blue Lagoon Dr.<br>4 <sup>th</sup> Floor<br>Miami, Florida 33126 |

610-012  
11/1/12  
BY

## EXHIBIT

D

Further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: H m s i x , L L C

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Jennifer Sheppard

95%

180 3rd Cross Drive

3rd Harbor Pl 33154

Date of contract: 7/25/2011

If any contingency clause or contract terms involve ad  
corporation, partnership or trust.

Is or officers, if a

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

212-019

AT

**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

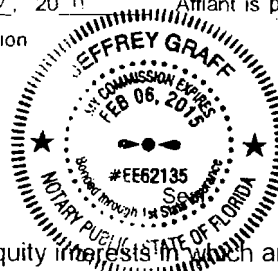
Signature: Jennifer Sheppard  
(Applicant)

Sworn to and subscribed before me this 18 day of October, 20 11  
produced \_\_\_\_\_ as identification

Affiant is personally know to me or has

[Signature]  
(Notary Public)

My commission expires 2/6/2015



\*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

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

NAME OF PURCHASER: ITM G, LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

<u>Eric D. Sheppard</u>	<u>5%</u>
<u>180 Bal Cross Drive</u>	
<u>Bal Harbor Fl 33124</u>	

Date of contract: 7/25/2011

If any contingency clause or contract terms involve corporation, partnership or trust.

uals or officers, if a

<u></u>	<u>212-019</u>	<u></u>
<u></u>		<u></u>
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<u></u>	<u>AT</u>	<u></u>
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**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.

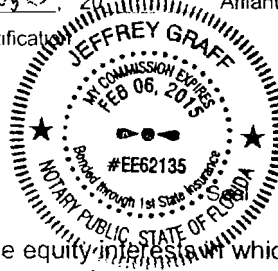
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief

Signature: [Signature]  
(Applicant)

Sworn to and subscribed before me this 18 day of October, 2011. Affiant is personally known to me or has produced  as identification.

[Signature]  
(Notary Public)

My commission expires 2/6/2015



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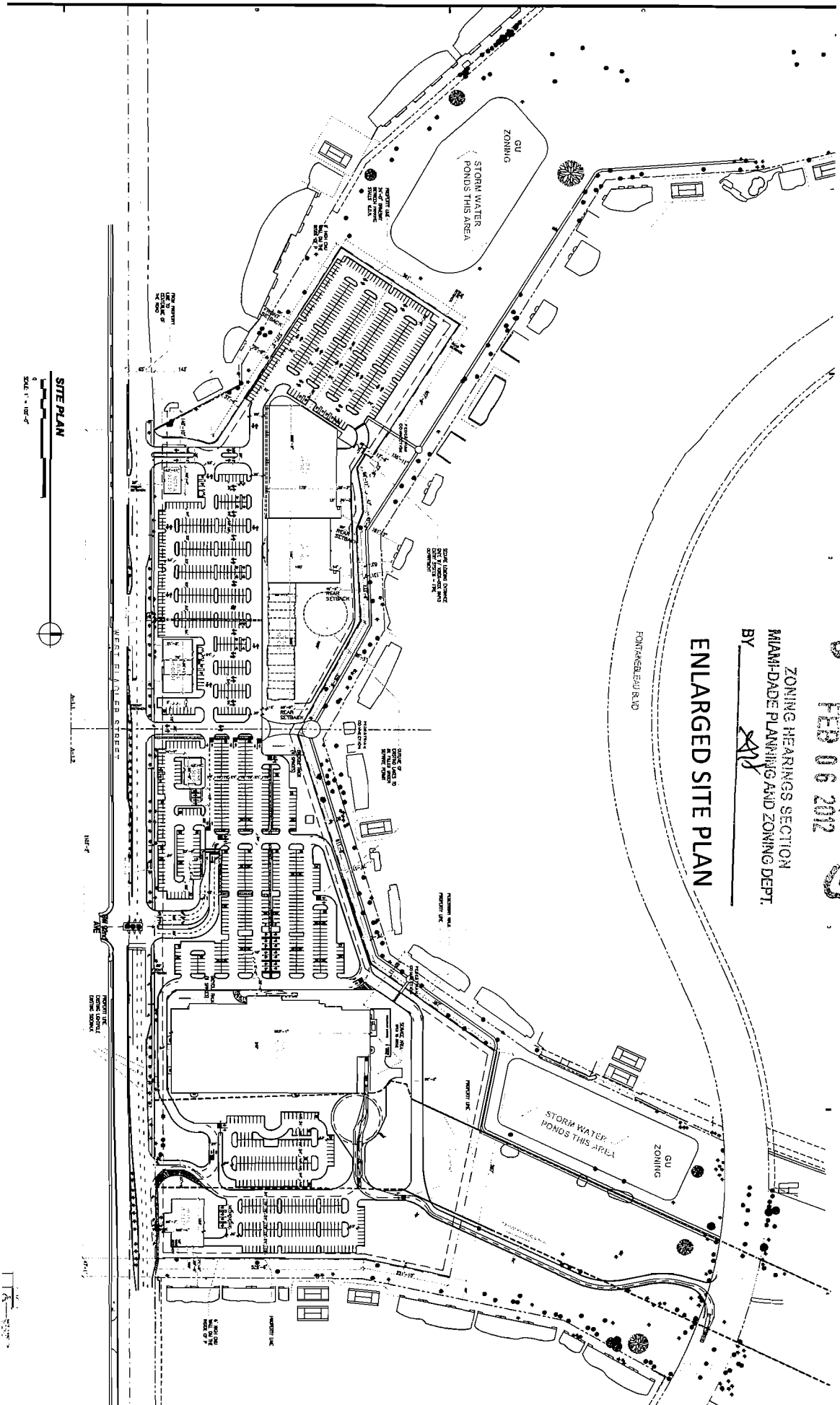


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2-2-09  
FEB 06 2012

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

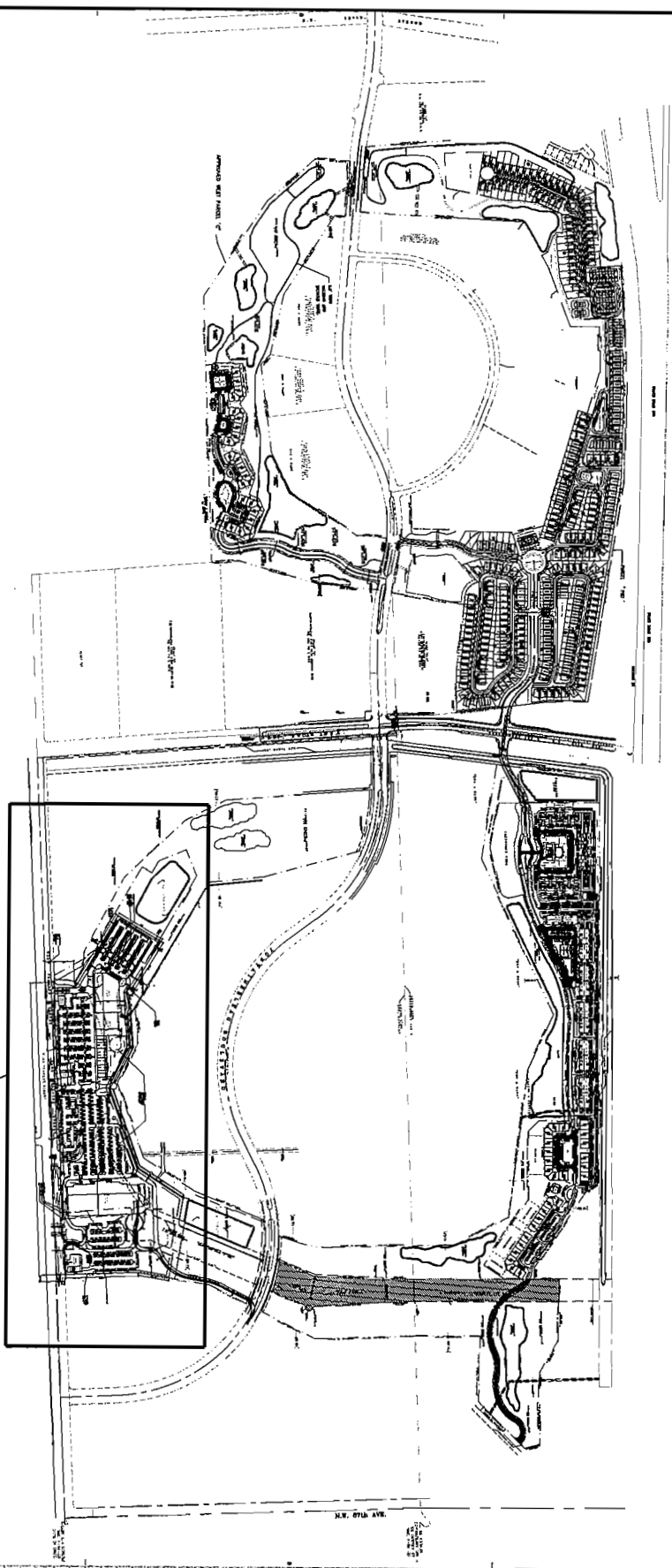
# ENLARGED SITE PLAN

SITE PLAN  
SCALE 1" = 100'-0"



**RECEIVED**  
 28-019  
 FEB 06 2012

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



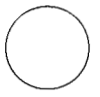
OVERALL SITE PLAN  
 1" = 100' - 0"

BARBARRA  
 ARCHITECTURE  
 2775 NE 15th Ave, Suite 200  
 Miami, FL 33132  
 (305) 555-1111

LA PLAZA  
 FLAGLER

105 WEST PLAZA STREET  
 MIAMI, FLORIDA 33132

#	REVISIONS	DATE
1	02/06/2012	
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OVERALL  
 SITE PLAN

A-0.1

LA PLAZA  
FLAGLER

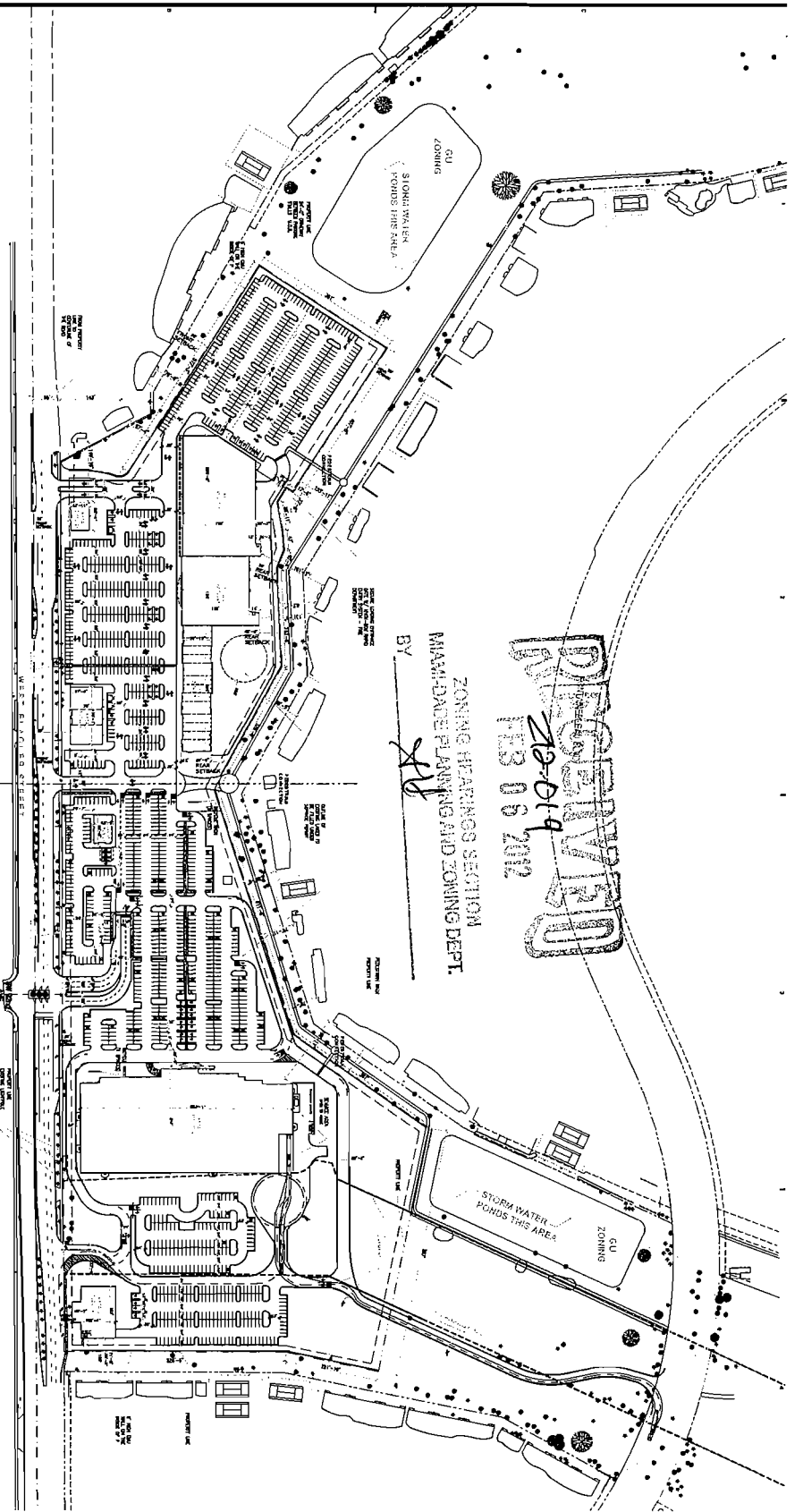
9155 WEST FLAGLER STREET  
MIAMI, FLORIDA 33172

[illegible]

### WHAT IS THE PROBLEM?

## SITE PLAN

A-1.0



## SITE PLAN

0

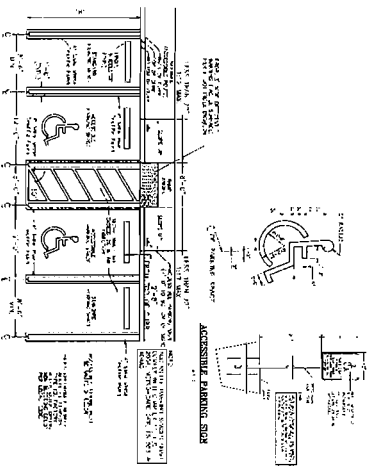
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PARKING REQUIREMENTS		
SPECIAL INTEREST: SPECIAL USE ZONING MAP NO. 17		
FOR:	REQUIRED:	PROPOSED:
APPROVED	0.36	14.11
1/4" C. IMPERVIOUS	18	40
TOTAL DRAINAGE AND TOTAL PAVEMENT	4	8
NET INCOME	18	18

PARKING REQUIREMENTS BREAKDOWN		
ITEM	ATTACHMENT	PROVIDER
APPROX. SPACE / 200 SF	5.0	1,411
TOTAL	5.0	1,411

SETBACK & HEIGHT REQUIREMENTS		
TYPE	PERMITTED	PROHIBITED
FRONT	30'-0"	30'-0"
REAR	15'-0"	30'-0"
REAR	30'-0"	40'-0"
MINIMUM REAR ALIGNED	43'-0"	40'-0"
NUMBER OF FRONT	1	1
ACTUAL WIDTH		30'-0"

F.A.R. - LOT COVERAGE REQUIREMENTS		
FDR:	ALLOWED	PROVIDED
F.A.R. (max. 0.60 - 1.00%)	558,871.90 SQ FT	234,900 SQ FT
LOT COVERAGE (min. 0.40)	658,637.60 SQ FT	244,190 SQ FT
MINIMUMS CREDITS		



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 FEB 06 2012  
 2/2-019

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

STORM WATER  
 PONDS THIS AREA

PROPERTY LINE  
 24'-0" DRIVEWAY  
 BETWEEN PARKING  
 STALLS U/D/L

6' HIGH CMU  
 WALL ON THE  
 INSIDE OF P

FROM PROPERTY  
 LINE TO  
 CENTERLINE OF  
 THE ROAD

SECURE  
 LOADING  
 ENTRANCE

PEDEST  
 CONN

LA PLAZA  
 FLAGLER

316 WEST FLAGLER STREET  
 MIAMI, FL 33135

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WEST FLAGLER STREET

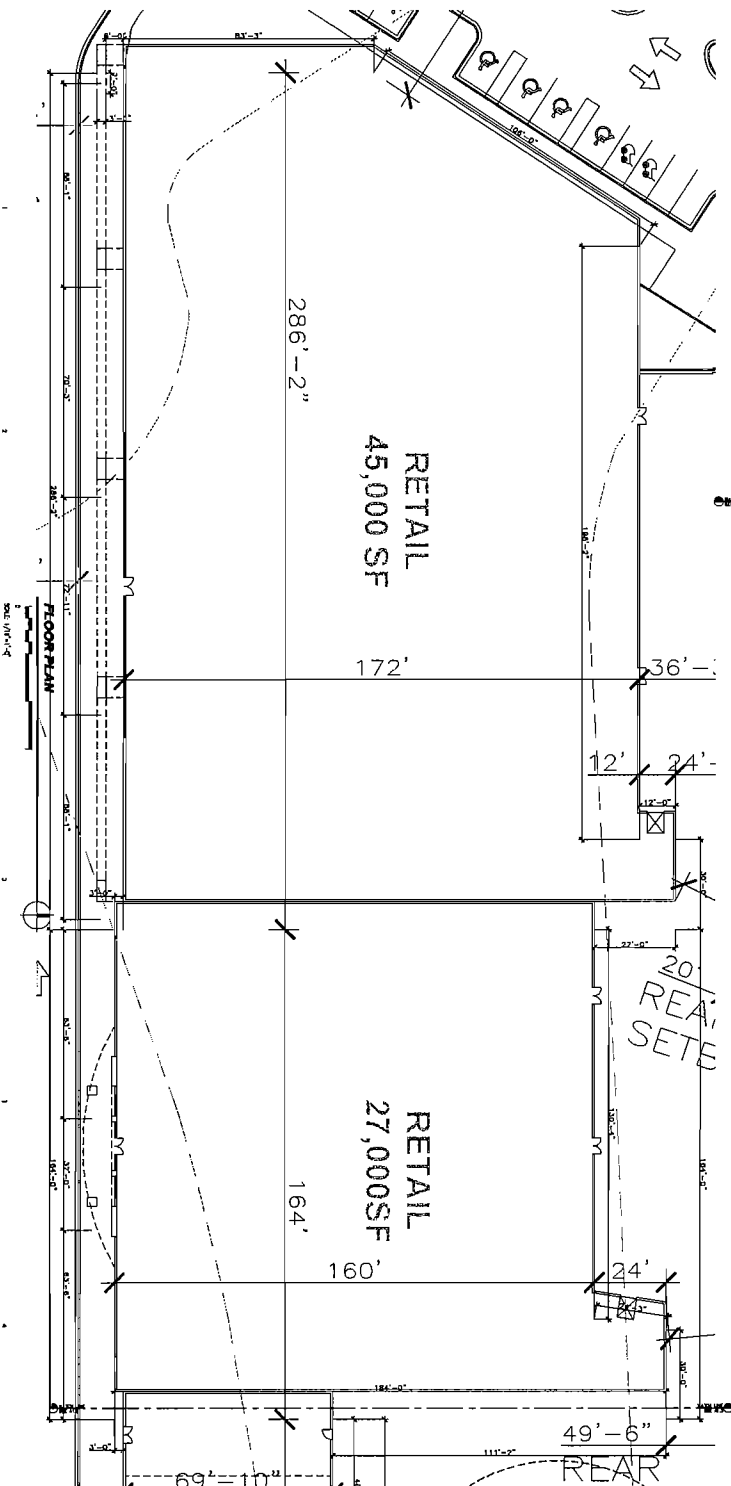
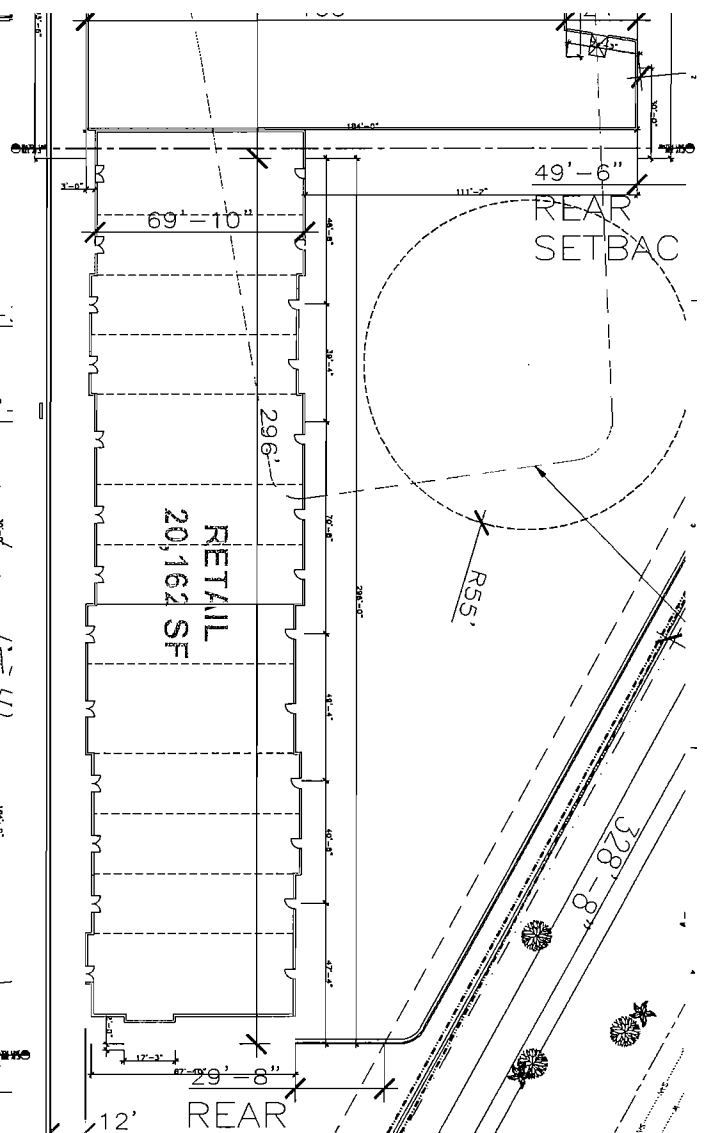
SITE  
 PLAN

SITE PLAN  
 1" = 30'

A-1.1



ZONING HEARINGS SECTION  
MILWAUKEE PLANNING AND ZONING DEPT.  
BY                     



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FEB 06 2012

**FLOOR PLAN**

RETAIL  
115,177 SF

YCLE RACK  
SPACES) 7

37

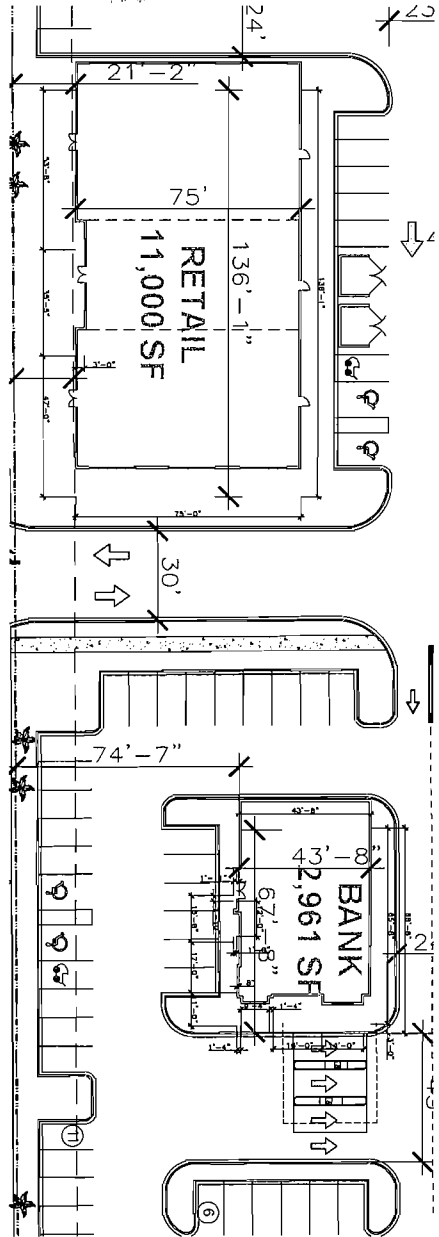
9155 WEST FLAGLER STREET  
MIAMI, FLORIDA 33172

**Learning Objectives**

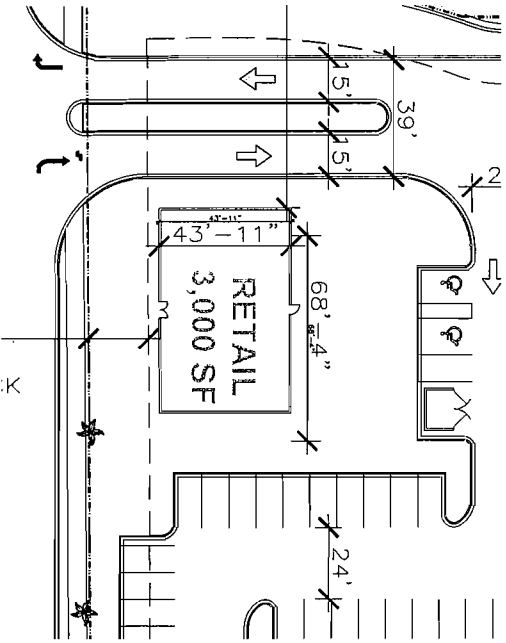
### A-2.2.2

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FEB 06 2012

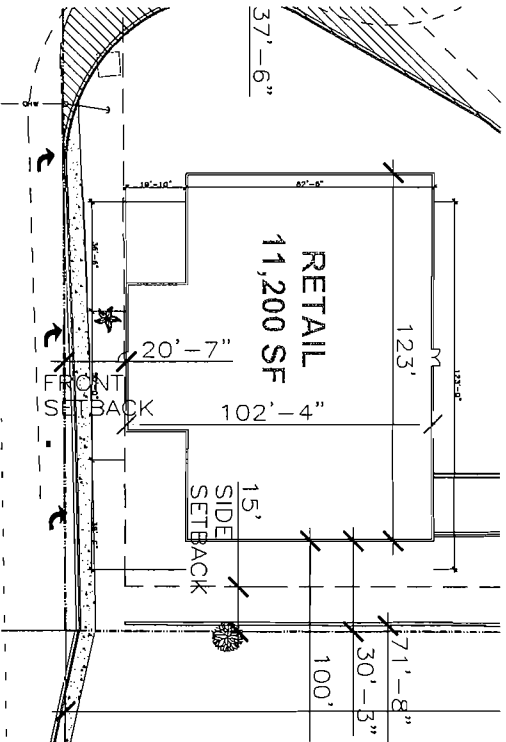
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY                     



FLOOR PLAN  
SCALE 1/8"=1'-0"



FLOOR PLANS  
SCALE 1/8"=1'-0"



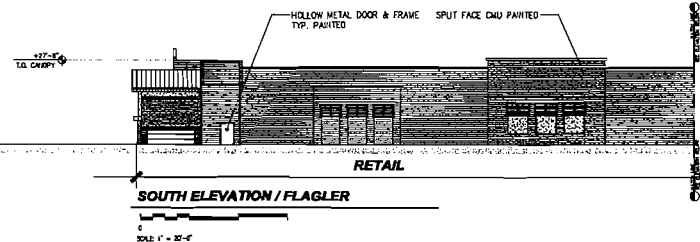
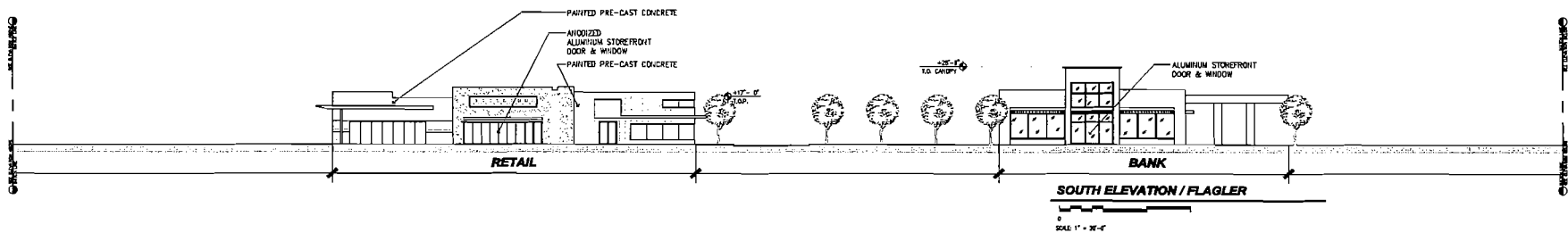
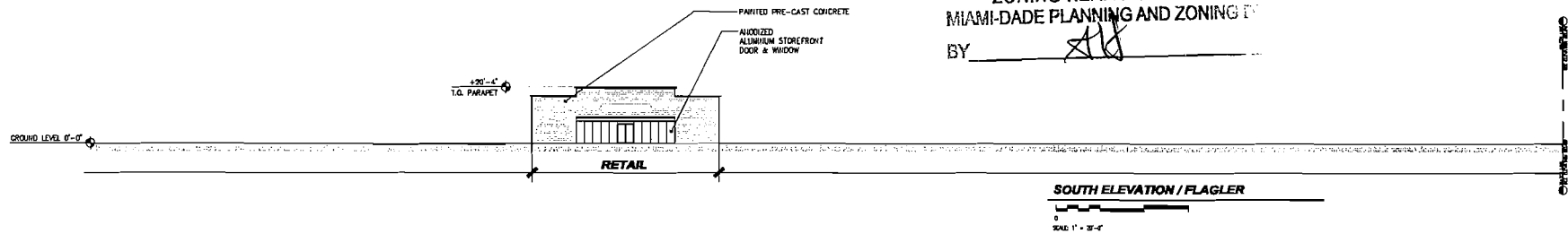
FLOOR PLANS  
SCALE 1/8"=1'-0"

<b>BARRERA ARCHITECTURE</b> ARCHITECTS 2700 NE 15th Avenue, Suite 100 Miami, FL 33132		<b>LA PLAZA FLAGLER</b>	
PROJECT: 11-001 915 NORTH FLORIDA AVENUE MIAMI, FL 33132		SHEET: A-2.3	
DATE: 01/16/2012 DRAWN BY: A. BARRERA CHECKED BY: A. BARRERA		FLOOR PLAN	



**RECEIVED**  
22 FEB 06 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING  
BY ALB

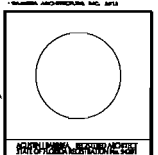


DESIGN TEAM  
**BARRERA**  
ARCHITECTURE  
ARCHITECTURE + PLANNING + INTERIORS  
2707 Douglas Blvd. Miami, FL 33133-4534

PROJECT:  
**LA PLAZA FLAGLER**

9155 WEST FLAGLER STREET  
MIAMI, FLORIDA 33172

#	REVISIONS	DATE
1	DATE: 02/06/2012	
2	PROJECT NO.: 1014.01	
3	DRAWN BY: A. DIAZ	
4	CHECKED BY: A. BARRERA	
5	DATE: 02/06/2012	



SHEET TITLE  
**ELEVATIONS**

SHEET NO.  
**A-3.0**

SECTION NAME

BARREIRA  
ARCHITECTURE

ARCHITECTURE  
2000 10th Street, Suite 100  
San Francisco, CA 94103  
Tel: 415.774.8888

40

PROJECT

LA PLAZA  
FLAGLER

515 WEST FLAGLER STREET  
MIAMI, FLORIDA 33172

DATE

#	REVISIONS	DATE
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DESIGNED BY: A. BARREIRA

CHECKED BY: A. BARREIRA

DATE: 01/16/2012

PROJECT: 1014 G

DRAWN BY: A. BARREIRA

DATE: 01/16/2012

PROJECT: 1014 G

DRAWN BY: A. BARREIRA

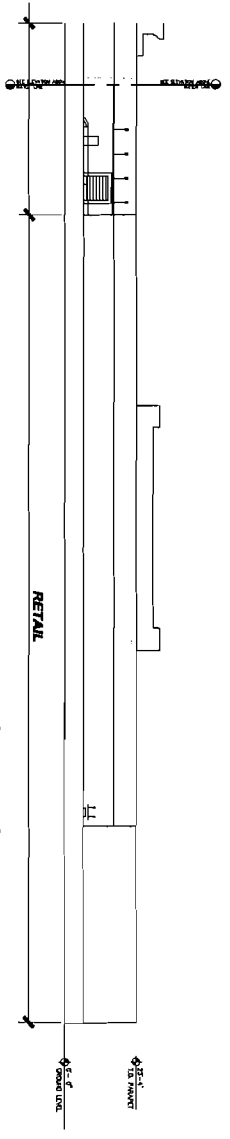
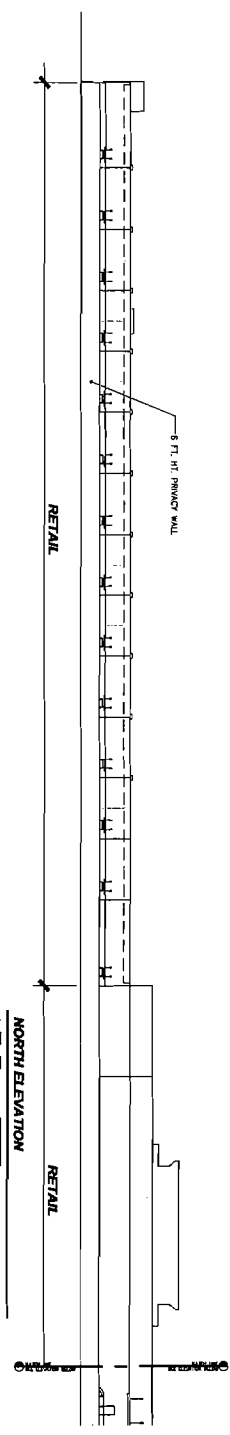
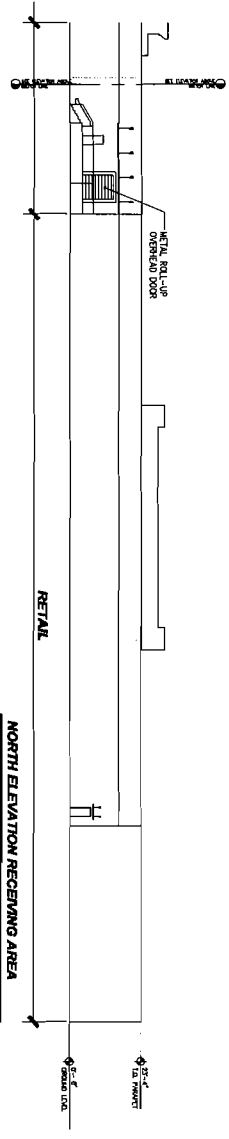
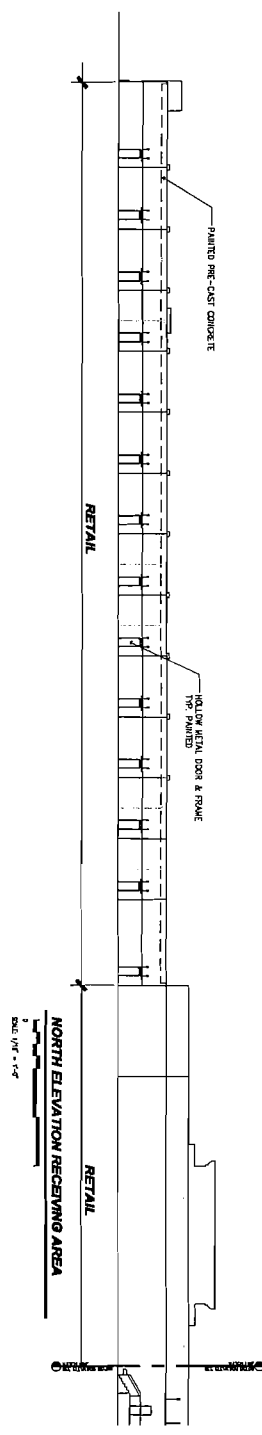
DATE: 01/16/2012

PROJECT: 1014 G

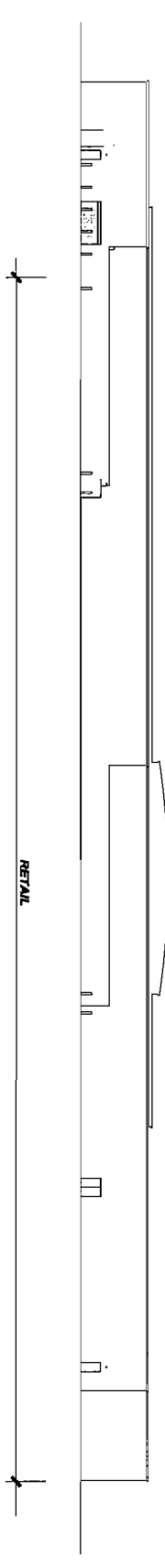
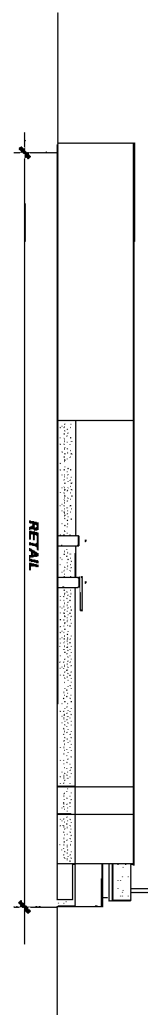
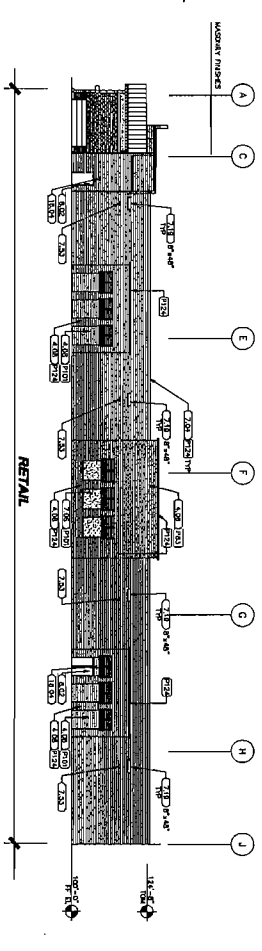
DRAWN BY: A. BARREIRA

DATE: 01/16/2012

PROJECT: 1014 G



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



COLOR LEGEND		7/25/82-83
100	COOLB. BROWN	2R 4004
101	COOLB. BROWN/BLACK CUL.	2R 4005
102	COOLB. BROWN/BLACK CUL.	2R 4006
103	"MIDNIGHT" BY 10022	2R 4007
104	"CHERRY" BY 10029	2R 4008
105	"BURNING" BY 10030	2R 4009
106	SHRUB BROWN	2R 4010
107	SPERMATOPHYTES	2R 4011
KENNOTES		
		1/26/83-84
111	CONCRETE GRP	
112	400 CONCRETE, 1"R, 80" THICKNESS	
113	400 3"UTL 1"R 400 4"	
114	200 WALL, PLASTER CONCRETE	
115	200 W/THS CONCRETE INSULATION AND	
116	200 2"R 400 4"UTL 1"R 400 4"	
117	200 2"R 400 4"UTL 1"R 400 4"	
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MIAMI-DADE PLANNING AND ZONING DEPT.  
BY                     

**EAST ELEVATION**

D

SCALE: 1/16" = 1'-0"

**NORTH ELEVATION**

0

0'-1" = 1/8" THICK

0  
SCALE 1/16" = 5'-0"

SCHE 1/16" = 1'-0"

[illegible]

**BARBERA**  
ARCHITECTURE  
2001 BROADWAY, SUITE 200  
MIAMI, FL 33139  
TEL: 305.555.1234  
WWW.BARBERA-ARCHITECTURE.COM

NOTES:

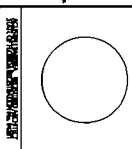
9186 WEST FLAGLER STREET  
MIAMI, FL 33150

**LA PLAZA  
FLAGLER**

DATE: 02/06/2012

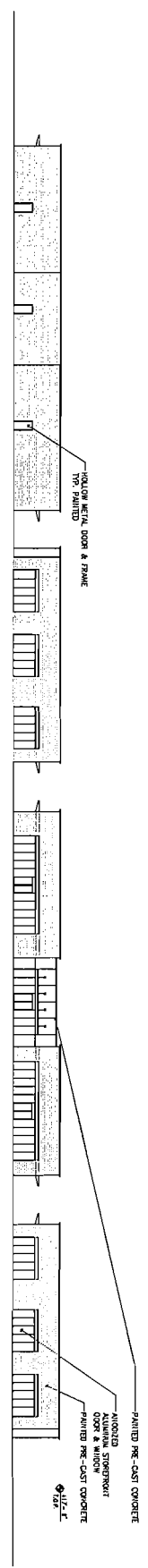
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99	02/06/2012
100	02/06/2012

DESIGNED BY: A. DUEZ  
CHECKED BY: A. DUEZ  
DATE: 02/06/2012



**ELEVATIONS**

**A-3.4**



**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"

**WEST ELEVATION**  
SCALE: 1/8"=1'-0"

**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

**EAST ELEVATION**  
SCALE: 1/8"=1'-0"

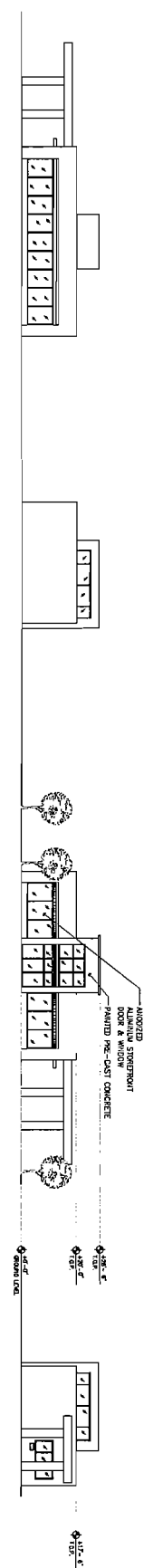


**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"

**WEST ELEVATION**  
SCALE: 1/8"=1'-0"

**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

**EAST ELEVATION**  
SCALE: 1/8"=1'-0"

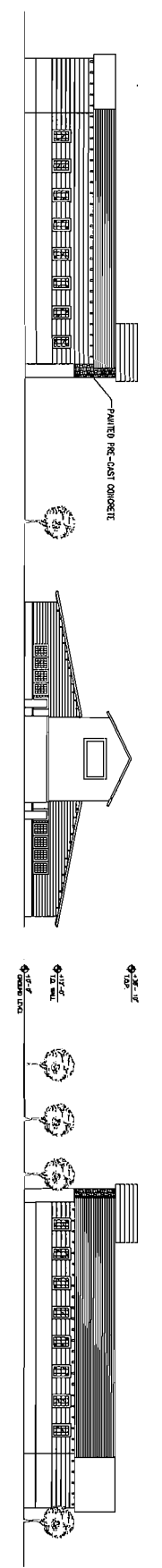


**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"

**WEST ELEVATION**  
SCALE: 1/8"=1'-0"

**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

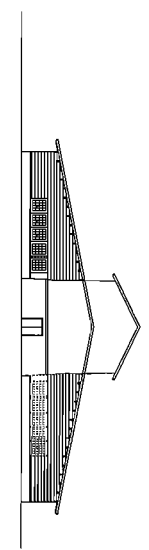
**EAST ELEVATION**  
SCALE: 1/8"=1'-0"



**WEST ELEVATION**  
SCALE: 1/8"=1'-0"

**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

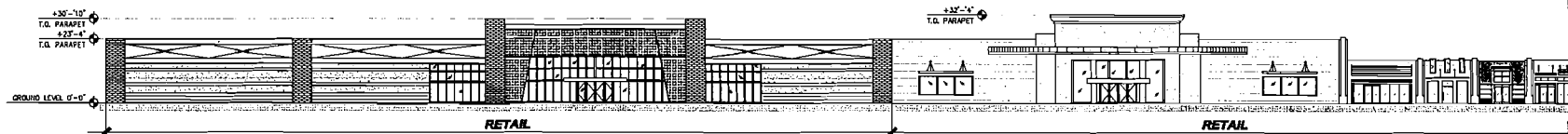
**EAST ELEVATION**  
SCALE: 1/8"=1'-0"



**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"

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BY: [Signature]

43



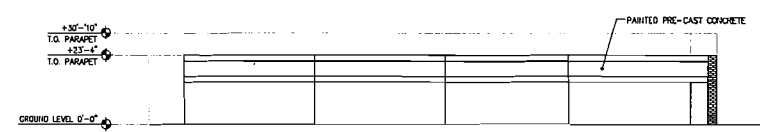
**SOUTH ELEVATION**

SCALE: 1" = 20'-0"



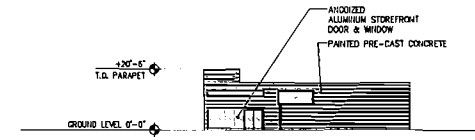
**SOUTH ELEVATION**

SCALE: 1" = 20'-0"



**WEST ELEVATION**

SCALE: 1" = 20'-0"



**EAST ELEVATION**

SCALE: 1" = 20'-0"

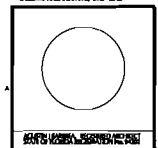
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 BY \_\_\_\_\_

DESIGN TEAM  
**BARRERA**  
 ARCHITECTURE  
 ARCHITECTURE • PLANNING • INTERIORS  
 701 Douglas Road • Miami, FL 33133

PROJECT  
**LA PLAZA**  
**FLAGLER**

9156 WEST FLAGLER STREET  
 MIAMI, FLORIDA 33172

#	REVISIONS	DATE
1	DATE: 02/06/2012	
2	PROJECT No.: 1014.01	
3	DRAWN BY: A. DIAZ	
4	CHECKED BY: A. BARRERA	



SHEET TITLE  
**ELEVATIONS**

SHEET No.  
**A-3.3**

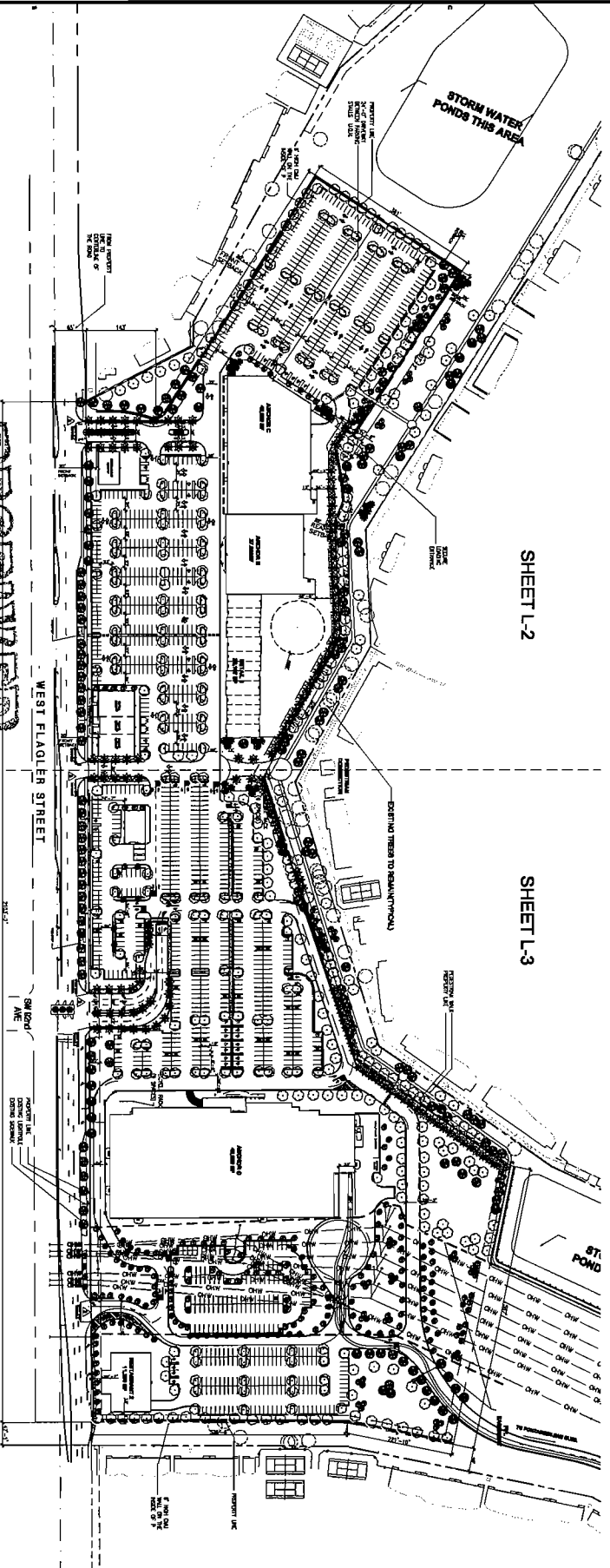
**WITKIN HULTS**  
ARCHITECTURE  
DESIGN GROUP  
10000 W. 11th Ave., Suite 100  
Miami, FL 33156  
Phone: 305.552.8881 Fax: 305.552.8882  
www.witkindesign.com

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**LANDSCAPE PLAN**  
N.T.S.

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

**PRELIMINARY LANDSCAPE LIST**

QTY	SYMBOL	SCIENTIFIC / COMMON NAME	COMPOSITION
106		Desman rigida ROYAL PONICANNA	* Burretia elliptica QUINCE LIMBO 12' Ht. x 8" Sp.
142		* Roystonea regia ROYAL PALM	* Wajedia obtusata FOX PALM 22' o.a. Ht.
317		* Caryopteris bodiniana BREVILIN BERTINIAE	* Conocarpus erecta O. BERTINIANA 10' Ht. x 5" Sp.
37		* Pandanus atropurpureus ALEXANDER PALM	* Avicennia nitida PAUNOTIS PALM 10' o.a. Ht.
262		* Conocarpus erecta SILVER BUTCHWOOD	* Scaevola taccada LAURELWAXIA LINDLEY 10' o.a. Ht.
14		* Conocarpus erecta SILVER BUTCHWOOD	* Cyrtosperma tomentosum RED TIP DOGWOOD 3' Ht. x 3' Sp.

\* DENOTES NATIVE SPECIES

**LANDSCAPE LEGEND INFORMATION** Required to be Permanently Affixed to Plan

**Zoning District: M-1A**

**Net Lot Area: 51.9 acres, 2,280,804 sq. ft.**

REQUIRED	PROVIDED
1. Open Space	1. Open Space
2. Open Space	2. Open Space
3. Open Space	3. Open Space
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100. Open Space	100. Open Space



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MIAMI-DADE PLANNING AND ZONING DEPT.

BY

STORM WATER  
PONDS THIS AREA

PROPERTY LINE  
24'-0" DRIVEWAY  
BETWEEN PARKING  
STALLS U.O.A.

6" HIGH CMU  
WALL ON THE  
INSIDE OF P

FRONT  
SETBACK

ANCHOR C  
45,000 SF

ANCHOR B  
27,000 SF

RETAIL 1  
20,167 SF

SECURE  
LOADING  
ENTRANCE

PEDESTRIAN  
CONNECTION

SEE SHEET L-3

FROM PROPERTY  
LINE TO  
CENTERLINE OF  
THE ROAD

65' 143'

20' FRONT  
SETBACK

20' FRONT  
SETBACK

NORTH

LANDSCAPE PLAN

Scale: 1"=40'

45

**WITKIN HULTS  
DESIGN GROUP**  
307 South 21st Avenue, Suite 100, Fort Lauderdale, FL 33311  
Phone: 954.923.0001 Fax: 954.923.0002  
www.witkinhults.com

**BARRERA  
ARCHITECTURE**  
1001 North 1st Avenue, Suite 100, Fort Lauderdale, FL 33311  
Phone: 954.923.0001 Fax: 954.923.0002  
www.barreraarchitecture.com

**LA PLAZA  
FLAGLER**

101 SOUTH 1ST AVENUE  
SUITE 100, FORT LAUDERDALE, FL 33311

1. NEW BLADE 101.10.11  
2. CITY OF FORT LAUDERDALE 12.12.11  
3. COUNTY OF DADE 1.15.12

DATE DATE

REVISIONS

DATE DATE

DATE DATE

L-2

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 MAM-DADE PLANNING AND ZONING DEPT.  
 BY                     

SEE SHEET L-2

EXISTING TREES TO REMAIN (TYPICAL)

PEDESTRIAN CONNECTION

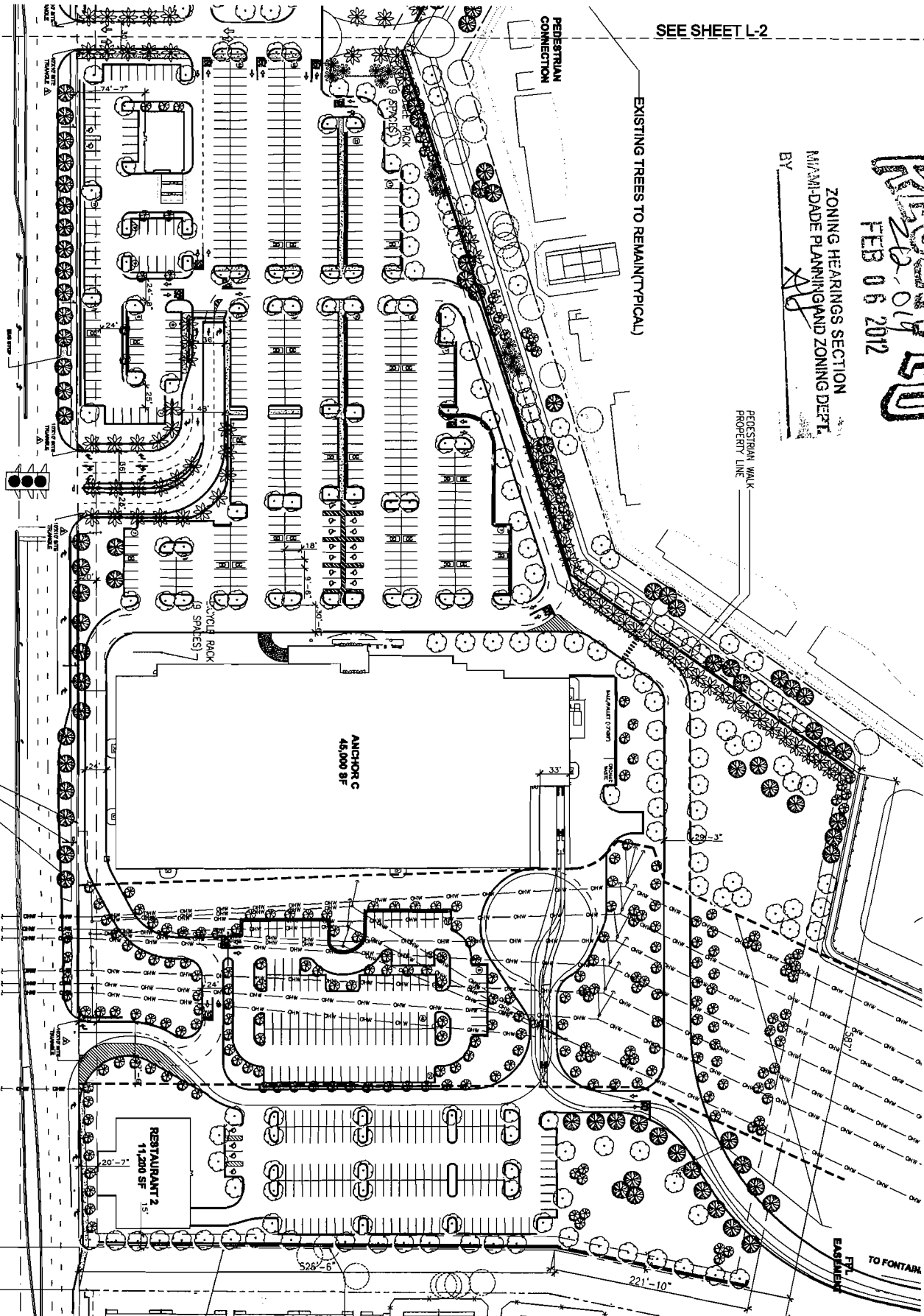
PEDESTRIAN WALK  
 PROPERTY LINE

3LER STREET  
 LANDSCAPE PLAN

Scale: 1"=40'

CW 02-04

PROPERTY LINE



TO FONTAIN



L-3

LA PLAZA FLAGGER  
 11.12.11  
 11.12.11  
 11.12.11

REVISIONS

DATE

DATE

DATE

DATE

DATE

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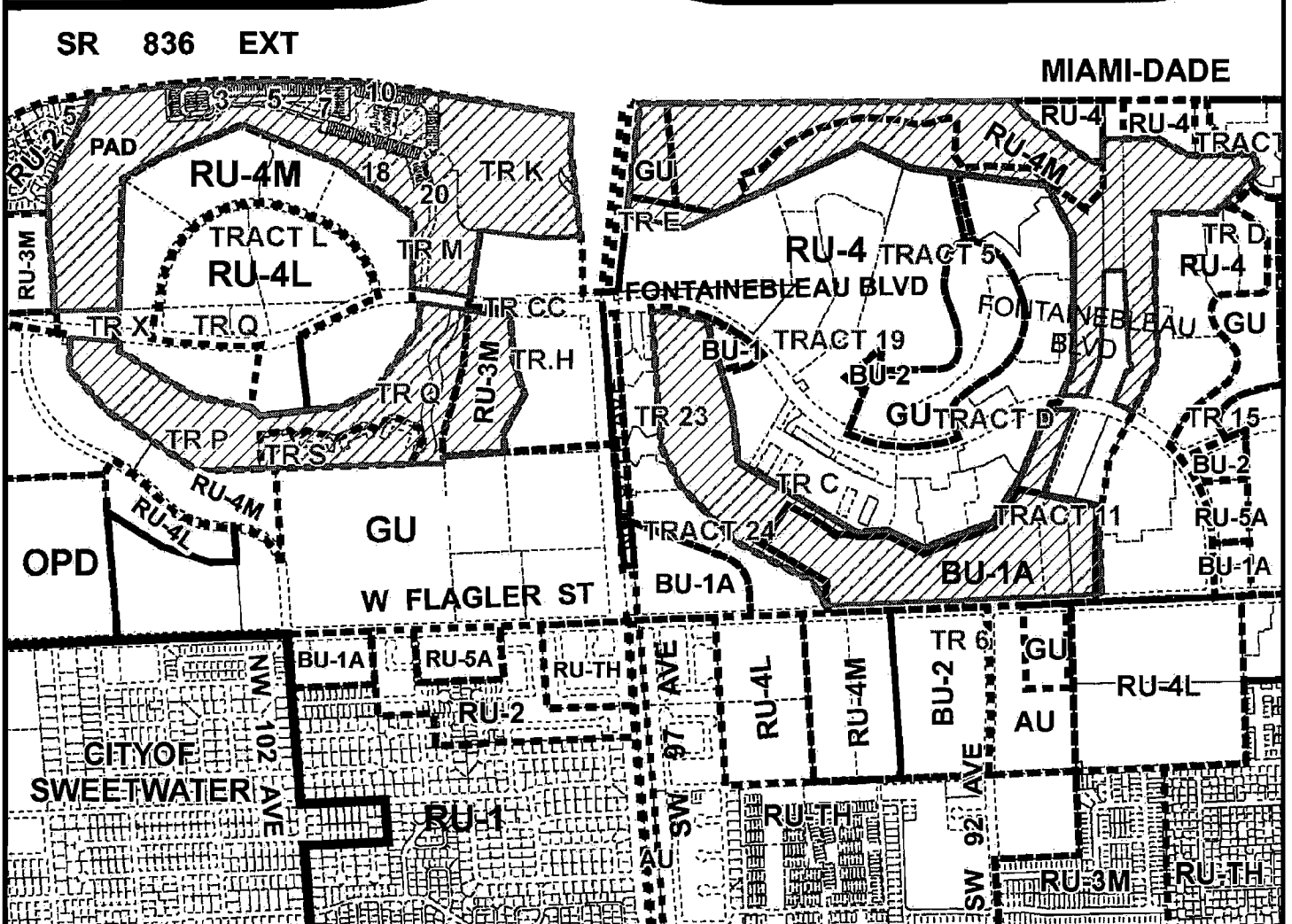
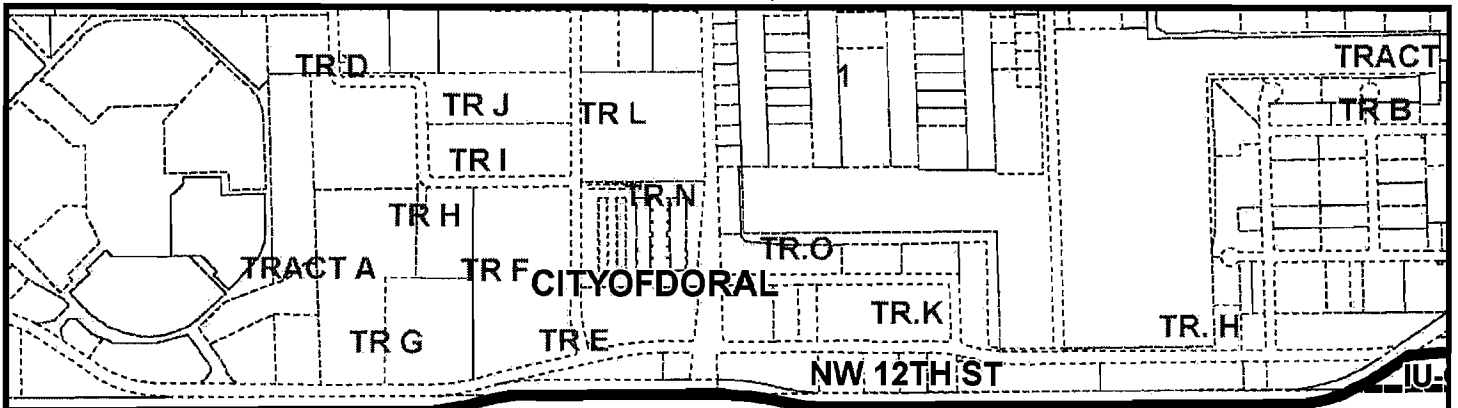
DATE

**WITKIN HULTS**  
 DESIGN GROUP  
 207 SOUTH 75th AVENUE, HOUSTON, TEXAS  
 PHONE: 281.822.0801 FAX: 281.822.0808  
 www.witkinhults.com

**BARRERA**  
 ARCHITECTURE  
 1111 CHANDLER BLVD., SUITE 100, HOUSTON, TX 77001  
 PHONE: 281.822.0801 FAX: 281.822.0808  
 www.barreraarch.com

46





**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2012000019**



**Legend**

 Subject Property Case



Section: 04/05 Township: 54 Range: 40  
Section: 54/55 Township: 53 Range: 40  
Applicant: FONTAINEBLEAU LAKES, LLC  
Zoning Board: BCC  
Commission District: 10  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

SKETCH CREATED ON: Friday, January 6, 2012

REVISION	DATE	BY
	47	



**MIAMI-DADE COUNTY**

Process Number

**AERIAL YEAR 2009**

**Z2012000019**

Section: 04/05 Township: 54 Range: 40  
 Section: 54/55 Township: 53 Range: 40  
 Applicant: FONTAINEBLEAU LAKES, LLC  
 Zoning Board: BCC  
 Commission District: 10  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Legend

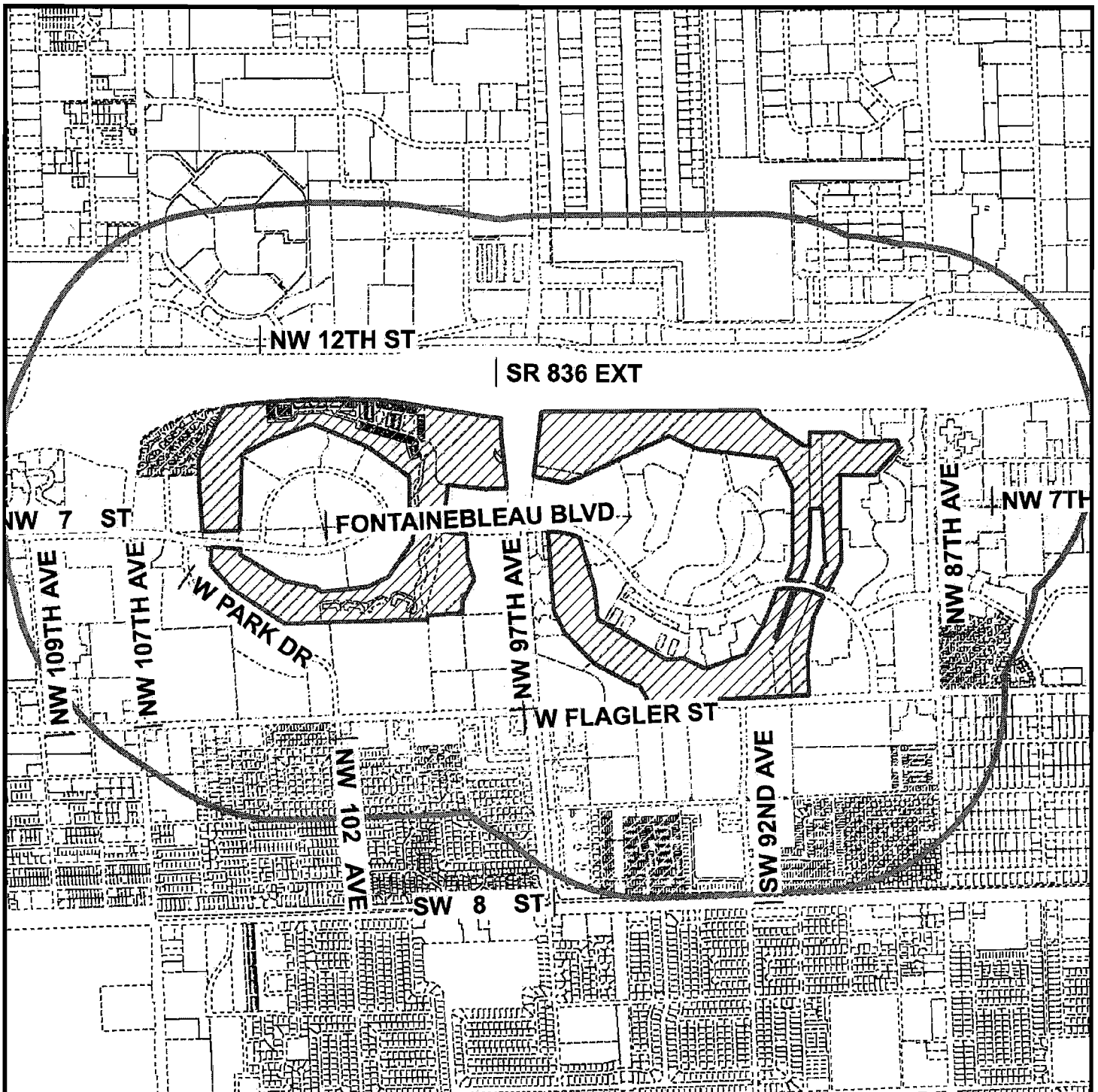


Subject Property



SKETCH CREATED ON: Friday, January 6, 2012

REVISION	DATE	BY
	48	





**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 04/05 Township: 54 Range: 40  
Section: 54/55 Township: 53 Range: 40  
Applicant: FONTAINEBLEAU LAKES, LLC  
Zoning Board: BCC  
Commission District: 10  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

Process Number  
**Z2012000019**  
RADIUS: 2640

**Legend**

-  Subject Property
-  Buffer

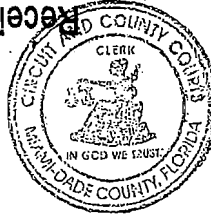


SKETCH CREATED ON: Thursday, January 6, 2012

REVISION	DATE	BY

This instrument was prepared by:  
Name: Felix M. Lasarte, Esq.  
Address: The Lasarte Law Firm  
5835 Blue Lagoon Drive, Suite 100  
Miami, Florida 33126

APR 04 2012  
Received by  
Zoning Agenda Coordinator



CFN 2009R0469946  
OR BK 26921 Pgs 1562 - 1582; (21pgs)  
RECORDED 06/29/2009 15:50:28  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Item #7 — 12-019  
Fontainebleau Lakes, LLC  
CDMP Covenant

(Space reserved for Clerk)

A/40

### DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned, Fontainebleau Lakes, LLC (the "Owner"), holds the fee simple title to that certain parcel of land (hereinafter the "Property") located in Miami-Dade County, which is legally described as follows:

See Exhibit "A"

*WHEREAS*, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. 8 in the April 2008 Amendment Cycle (the "Application");

*WHEREAS*, the Application seeks to re-designate approximately 31.9 acres of the Property from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" (see Exhibit "B") and approximately 4.37 acres of the Property from "Medium Density Residential" to "Parks and Recreation" (see Exhibit "C") on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

*NOW, THEREFORE, IN ORDER TO ASSURE* Miami-Dade County, Florida (the "County") that the representations made by the Owner during its consideration of the Application will be abided by the Owner freely, voluntarily, and without duress, Owner makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

(1) Conceptual Site Plan. Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "West Flagler Commercial Development," prepared by Leo A. Daly, signed and sealed the 2<sup>nd</sup> day of May, 2008 ("Conceptual Site Plan"), a copy of which is attached to this Declaration as Exhibit "D." Any application filed to rezone the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the maximum number of square feet of the proposed buildings and the maximum height of those buildings, but it is not intended to show the exact location and orientation of the buildings, parking areas or other design features to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact location of the buildings, size of the buildings, height of the buildings, facade of the buildings, elevation of the buildings, distribution of the buildings, orientation of the buildings, and other requirements for compliance with all applicable zoning, fire and public works review standards.

(2) Square Footage. The development of the Property shall not exceed a total of 240,000 square feet of retail space under the proposed "Business and Office" land use designation.

(3) Prohibited Uses. Upon final zoning approval to BU-1(A), residential uses and office buildings as referenced under Section 33-238(24) of the Code of Miami-Dade County (2009) shall be prohibited on the Property.

(4) Permitted Uses. The uses on the Property shall be limited to those uses permitted under the BU-1(A) zoning district and may include a public library or community center.

The Notwithstanding any possible rezoning, the following BU-1(A) uses shall not be permitted:

- a. Donated Goods Center;
- b. Automobile Light Truck Sales;
- c. Automobile Service Stations;
- d. Motorcycle Sales and Repairs;
- e. Lawn Mower, Retail Sales and Service Centers;
- f. Open Air Theaters;
- g. Skating Rinks;
- h. Rental Truck Agencies;
- i. Dance Halls;
- j. Night Clubs;
- k. Adult Entertainment Establishments.

(5) Public Library Option. Owner shall afford the Miami-Dade County Public Library Department (Library Department) the first choice to lease any space located on the West side of the proposed Conceptual Site Plan. The space shall accommodate a neighborhood library between 7,500 square feet to 15,000 square feet and the space will have the necessary electrical outlets and data wiring, as required by the Library Department. The Library Department will have one year from the date of final approval of the Application, in which to select a site located on the West side of the Conceptual Plan. If the Library Department has not selected a site within one year of the approval of the Application, then the Owner shall not have any obligation or responsibilities under this section.

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

(7) Pedestrian Connectivity. The Owner shall maintain a pedestrian pathway between the proposed commercial and existing neighboring residential areas that shall be

illuminated and landscaped to assure pedestrian connectivity throughout the proposed park adjacent to the Property.

(8) Hours of Operation. The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am

Friday and Saturday: 6:00 am to 2:00 am

(9) Miscellaneous:

A. Covenant Running with the Land. This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, 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 Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. Term. This Declaration of Restrictions 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 of Restrictions 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 in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by

**Declaration of Restrictions**  
**Page 5**

a written instrument executed by the then fee simple owner(s) of the Property, including joinders of all mortgages, if any, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County or such other successors governmental body having jurisdiction over the Property.

Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, 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 effectuating and acknowledging such modification, amendment or release.



In the event that there is a recorded property owners association covering any portion of the 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 or bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the property owners association. Any consent made pursuant to a vote of the property owners association shall be evidenced by a written resolution of the property owners association and a certification executed by the secretary of the property owners association's board of directors affirming that the vote complied with the articles of incorporation and bylaws of the association.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a property owners association and/or a written instrument(s) executed by the 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 associations(s), and must be evidenced by an executed written instrument.

D. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

E. **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.

F. 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.

G. Recording. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions 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 of Restrictions 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 of Restrictions is null and void and of no further effect.

[Execution Pages to Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 29 day of -  
April, 2009.

WITNESSES:

[Signature]  
Signature  
Orantel Melendi  
Print Name  
[Signature]  
Signature  
ARILDES BETANCOURT  
Print Name

Fontainebleau Lakes, LLC a Florida limited  
liability corporation

[Signature]  
Name: Masoud Shojaee  
Title: President

STATE OF FLORIDA                     )  
   ) ss:  
COUNTY OF MIAMI-DADE             )

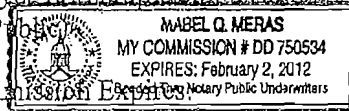
The foregoing instrument was acknowledged before me this 29 day of April 2009 by  
Masoud Shojaee, President of Fontainebleau Lakes, LLC. He is personally known to me or  
produced \_\_\_\_\_ (type of identification) as identification.

NOTARY PUBLIC

[Signature]

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

My Commission Expires:



**APRIL 2008-09 CYCLE  
STANDARD AMENDMENT APPLICATION NO. 8  
ADOPTED BY BOARD OF COUNTY COMMISSIONERS, MAY 6, 2009**

<u>Applicant</u>	<u>Applicant's Representative</u>
Fontainebleau Lakes, LLC	Felix M. Lasarte, Esq. The Lasarte Law Firm, LLP 5835 Blue Lagoon Drive, Suite 1000 Miami, Florida 33126 305-269-7153

**Requested Amendment to the Land Use Plan Map**

**From:** Medium Density Residential (13 to 25 DU/Gross Acre) (23 Gross Acres) and Parks & Recreation (18 Gross Acres)

**To:** Business and Office

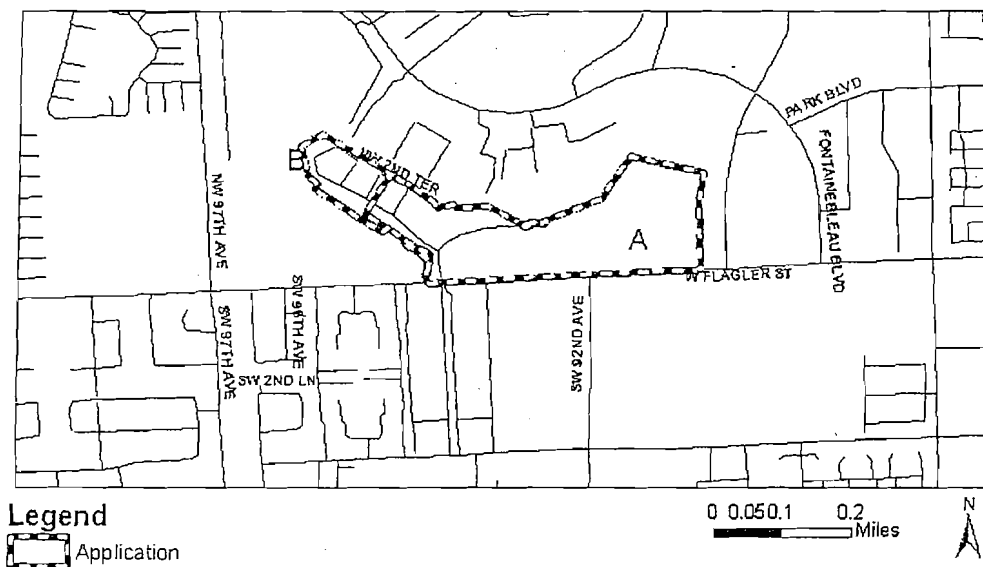
**Location:** North side of West Flagler Street between theoretical SW 90 and 94 Avenues

**Acreage:** Application area: *(originally 41.0 gross acres but modified by applicant by deleting a northeastern 1.6-acre portion of the property from the application site and redesignating Parcel B (4.3 acres) to Parks and Recreation as stated below, all for a net balance of 39.4 gross acres)*

Parcel A:  
From: Medium Density Residential (13-25 DU/ac) & Parks and Recreation  
To: Business and Office (35.06 gross acres); and

Parcel B:  
From: Medium Density Residential (13-25 DU/ac)  
To: Parks & Recreation (4.36 gross acres)

**Adopted:** Adopted on May 6, 2009, Ordinance No. 09-28 as follows:  
Adopt as transmitted with Acceptance of Two Proffered Covenants





**LEGAL DESCRIPTION RETAIL TRACT**

That certain portion of the land described in the plat of the Fontainebleau East Hotel, located in the City of Miami, Dade County, Florida, and more particularly described as follows: ...

**LEGAL DESCRIPTION PARK TRACTS**

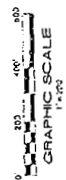
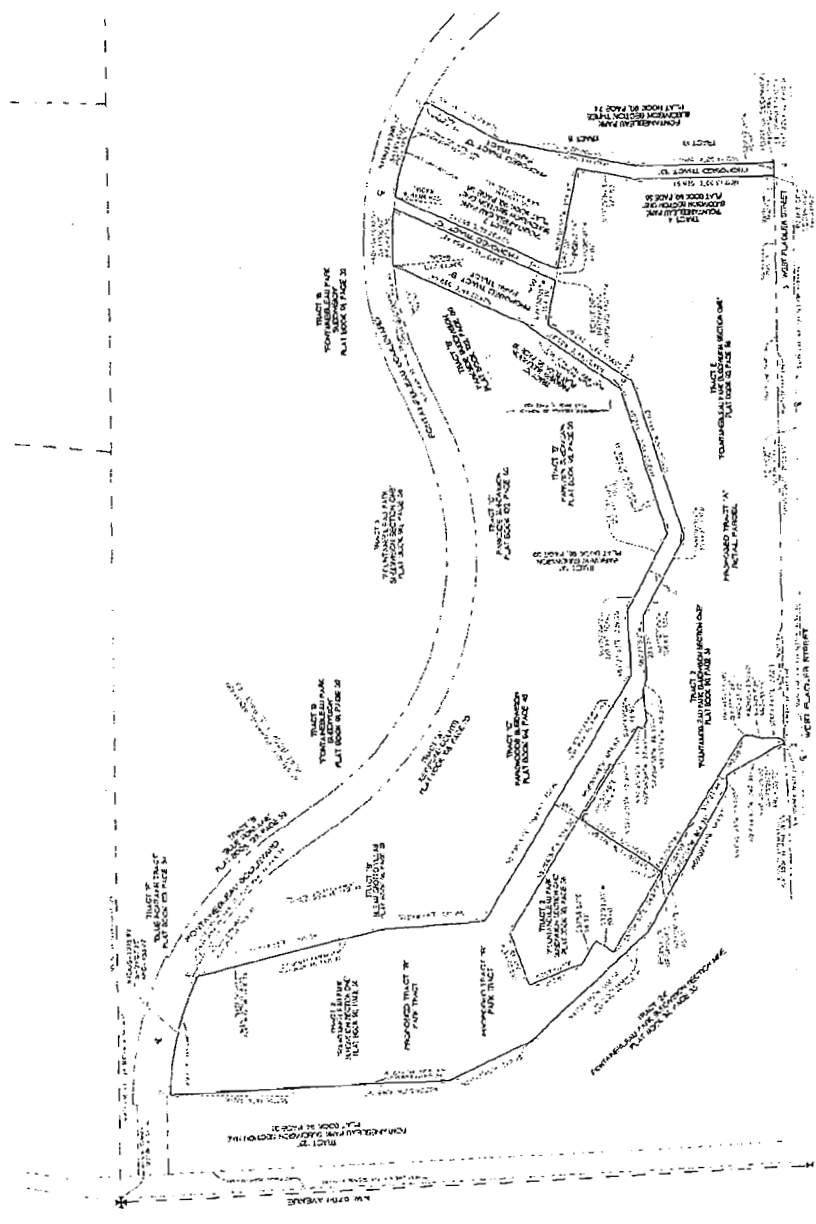
That certain portion of the land described in the plat of the Fontainebleau East Hotel, located in the City of Miami, Dade County, Florida, and more particularly described as follows: ...

**NOTES**

1. The area shown on this plat is the same as the area shown on the plat of the Fontainebleau East Hotel, located in the City of Miami, Dade County, Florida, and more particularly described as follows: ...

**NOTES**

2. The area shown on this plat is the same as the area shown on the plat of the Fontainebleau East Hotel, located in the City of Miami, Dade County, Florida, and more particularly described as follows: ...



<b>SKETCH AND LEGAL DESCRIPTION</b>	
<b>FONTAINEBLEAU EAST HOTEL</b> DEDICATED TO THE PUBLIC USE OF THE CITY OF MIAMI	
<b>PUBLIC LAND SURVEYORS, INC.</b> 1000 N. MIAMI AVENUE MIAMI, FLORIDA 33136 PHONE (305) 371-1111 TELETYPE (305) 371-1111	
DRAWN BY: J. H. ... CHECKED BY: J. H. ... DATE: ...	FILE: ... DRAWING NO.: ...

**JOINDER BY MORTGAGEE  
CORPORATION**

The undersigned Bank of America, N.A., a national banking association, under that certain mortgage from Fontainebleau Lakes, LLC., a Florida limited liability company, recorded in Official Records Book 23887, Page 4607, of the Public Records of Miami-Dade County, Florida, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded in Official Records Book 25863, at Page 3204; as modified by Mortgage Modification Agreement recorded in Official Records Book 26579, at Page 4573; and UCC-1 Financing Statement recorded in Official Records Book 23887, at Page 4658 and rerecorded in Official Records Book 24246, at Page 4053 in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF these presents have been executed this 30 day of April, 2009.

**Witnesses**

Signature

Print Name

Signature

Print Name

Bank of America, N.A., a national banking association

Name of Corporation

Address:

13099 US HWY 41 SE 3rd Floor  
FORT MYERS, FL 33907

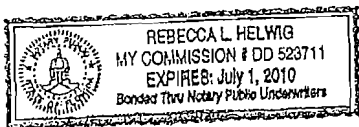
By:

Print Name: Michael D. Babair

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Michael D. Babair, the Sr. Vice President of Bank of America, N.A., on behalf of Bank of America. He/She personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 30 day of April, 2009, in the County and State aforesaid.



Rebecca L. Helwig  
Notary Public-State of Florida

Rebecca L. Helwig  
Print Name

My Commission Expires: 7/1/10

EXHIBIT "A"

Fontainebleau East:

TRACTS 1, 2, 3, 4 AND 7, FONTAINEBLEAU PARK SUBDIVISION SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 90, AT PAGE 56, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN NORTH 89°58'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 4) FOR A DISTANCE OF 95.06 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTH 89°58'50" EAST ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 36.55 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 08°57'20" WEST, ALONG THE WEST LINE OF TRACT "F" FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN SOUTH 02°06'50" EAST, ALONG SAID WEST LINE OF TRACT "F" FOR A DISTANCE OF 58.88 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "F" (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 89°42'20" WEST, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF BLUE FONTAINE REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTH 02°06'50" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.89 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE SOUTH 89°58'36" WEST 1490.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°53'09" EAST 1035.40 FEET; THENCE NORTH 87°00'00" WEST 160.03 FEET; THENCE SOUTH 01°53'09" WEST 1043.85 FEET; THENCE SOUTH 89°58'36" EAST 160.09 FEET TO THE POINT OF BEGINNING.



This instrument was prepared by:  
Juan J. Mayol, Jr., Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

Received by  
Zoning Agenda Coordinator  
APR 04 2012

**Draft**  
**Fontainebleau Lakes LLC Et Al**  
**(12-19) BCC 4/19/12**

Item # 7 — 12-019  
Fontainebleau Lakes, LLC  
Covenant

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned owner (the "Owner") holds the fee simple title to that certain parcel of land located in Miami-Dade County, Florida, which is more particularly described in Exhibit "A" attached hereto (the "Property");

WHEREAS, the Property consists of the commercial portion of the former Fontainebleau Golf Course (the "Overall Property");

WHEREAS, the Owner has filed a zoning application with the Department of Permitting, Environmental and Regulatory Affairs of Miami-Dade County (the "County"), which application is currently pending under Public Hearing No. 12-019 (the "Application") and seeks the approval of certain zoning approvals to facilitate the development of the Property.

WHEREAS, the Owner wishes to delete the Property from (i) the Declaration of Restrictions recorded in the Public Records of Miami-Dade County in Official Records Book 24467, at page 3173 (the "2006 Declaration"), (ii) the "First Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Page 3173", recorded in the Public Records of Miami-Dade County in Official Records Book 27111, at page 1259 (the "2009 Declaration"), and (iii) the "Second Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Page 3173", recorded in the Public Records of Miami-Dade County in Official Records Book 27820, page 1535, and re-recorded in Official Records Book 27903, page 0704 (the "2011 Declaration").

*WHEREAS*, the following the removal of the Property from the 2006 Declaration, 2009 Declaration and 2011 Declaration, only this Declaration of Restrictions (the "2012 Declaration") will govern the development of the Property and any further modifications to the 2012 Declaration will not require the inclusion of the Overall Property in any subsequent zoning application.

*NOW, THEREFORE, IN ORDER TO ASSURE* the County that the representations made by the Owner during the County's consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with title to the Property:

- (1) **Site Plan.** That the Property shall be developed substantially in accordance with the plans previously submitted, entitled 'La Plaza Flagler,' as prepared by Barrera Architecture, dated stamped received 02/06/12, consisting of 15 sheets.
- (2) **Pedestrian Connectivity.** That the Owner shall maintain an illuminated and landscaped pedestrian pathway, as shown on the attached Exhibit "B", that connects the Property to the adjacent parcels to the north of the Property, and to the proposed bicycle path and pedestrian walkway, landscaping and berm reflected in the Site Plan that runs along the northern boundary of the Property.
- (3) **Construction and Maintenance of Proposed Pedestrian and Bicycle Path.** That the Owner shall construct and maintain the proposed bicycle path and pedestrian walkway, landscaping and berm reflected in the Site Plan, as shown on the attached Exhibit "C". The proposed bicycle path and pedestrian walkway, landscaping and berm reflected in the Site Plan shall be maintained free of growth or accumulation of any grass, weeds, non-native undergrowth or other dead plants that exceeds the height of twelve (12) inches from the ground for more than twenty-five (25) percent of the area and refrain from the storage or maintenance of junk, trash, abandoned property or solid waste.

- (4) **Joinder by Adjacent Property Owners.** The illuminated and landscaped pedestrian pathway, as shown on the attached Exhibit "B", and the proposed bicycle path and pedestrian walkway, landscaping and berm as shown on the attached Exhibit "C", are to be constructed on lands that are adjacent to, but not a part of the Property. The owners of such adjacent properties (the "Adjacent Property Owners") hereby join in this Declaration of Restrictions for the express purposes of ensuring that the Owner (i) shall be permitted to construct the improvements on the lands described on Exhibit "B" and Exhibit "C" and (ii) shall have perpetual, uninterrupted access to the lands described on Exhibit "B" and Exhibit "C" for the maintenance of the improvements. Additionally the Adjacent Property Owners agree and acknowledge that the improvements to be constructed on such lands, and access by the Owner for maintenance of those improvements, must remain in place for so long as this Declaration of Restrictions is in effect.
- (5) **Limitation on Height of Development.** That the maximum height permitted for the development of the Property shall be forty-five (45) feet and shall only be one (1) story in height.
- (6) **Hours of Operation.** That the maximum hours of operation for the Property shall be 6:00 am to 12:00 am (Sunday through Thursday) and 6:00 am to 2:00 am (Friday and Saturday).
- (7) **Limitation on Uses.** The uses on the Property shall be limited to those uses permitted under the BU-1(A) zoning district. Notwithstanding any possible rezoning, the following BU-1(A) uses shall not be permitted:
- a. Donated Goods Center;
  - b. Automobile Light Truck Sales;
  - c. Automobile Service Station;
  - d. Motorcycle Sales and Repairs;
  - e. Lawn Mower, Retail Sales and Service Centers;

- f. Open Air Theatre;
- g. Skating Rinks;
- h. Rental Truck Agencies;
- i. Dance Halls;
- j. Night Clubs;
- k. Adult Entertainment.

(8) **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 Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. 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.
- (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 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, whichever by law has jurisdiction over such matters, after public hearing. Notwithstanding the foregoing, the written instrument seeking to modify, amend or release this Declaration of Restrictions need not be joined by the Adjacent Property Owners, unless such modification, amendment or release is with respect to the improvements on Exhibit "B" or Exhibit "C".
- (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. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- (j) **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. 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 Department of Permitting, Environment and Regulatory Affairs of Miami-Dade County 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) **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.
- (l) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Signed, sealed and acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

WITNESSES:

**FONTAINBLEAU LAKES, LLC**  
a Florida corporation

Sign \_\_\_\_\_

By: \_\_\_\_\_

Print \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Co-Manager

Sign \_\_\_\_\_

Print \_\_\_\_\_

WITNESSES:

**FONTAINBLEAU LAKES, LLC**  
a Florida corporation

Sign \_\_\_\_\_

By: \_\_\_\_\_

Print \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Co-Manager

Sign \_\_\_\_\_

Print \_\_\_\_\_

STATE OF FLORIDA                    )  
  ) SS  
COUNTY OF MIAMI-DADE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_, as Co-Manager of Fontainbleau Lakes, LLC, a Florida limited liability company. He or she is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

NOTARY PUBLIC:

Sign \_\_\_\_\_

Print \_\_\_\_\_

State of Florida at Large (Seal)

My Commission Expires:



STATE OF FLORIDA                    )  
  ) SS  
COUNTY OF MIAMI-DADE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_, as Co-Manager of Fontainebleau Lakes, LLC, a Florida limited liability company. He or she is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

NOTARY PUBLIC:

Sign \_\_\_\_\_  
Print \_\_\_\_\_

State of Florida at Large (Seal)

My Commission Expires:

Signed, sealed and acknowledged on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2012.

CDD:

Name:

**Fontainebleau Lakes Community Development  
District, a local unit of special-purpose  
government organized and existing under the  
laws of the State of Florida**

Name:

By: \_\_\_\_\_  
Raquel P. Chong, Chairperson

Attest by: \_\_\_\_\_

STATE OF FLORIDA )

) SS:

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012, Raquel P. Chong, as Chairperson of Fontainebleau 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 corporation. He or she is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

NOTARY PUBLIC:

Sign \_\_\_\_\_  
Print \_\_\_\_\_

State of Florida at Large (Seal)

My Commission Expires:

**EXHIBIT A**

See attached

EXHIBIT B

See attached

EXHIBIT C

See attached

#11067722\_v2

EXHIBIT "A"

**LEGAL DESCRIPTION: RETAIL TRACT**

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 1, ALL OF TRACT "F", A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 2, AND A PORTION OF TRACTS "D", "E", "G", "H", "L" AND "P" OF FONTAINEBLEAU EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "D" ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT "D" 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, A CENTRAL ANGLE OF 77°17'28" AND 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, A CENTRAL ANGLE OF 20°13'25" AND 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, A CENTRAL ANGLE OF 70°25'31" AND AN ARC DISTANCE OF 30.73 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID FONTAINEBLEAU EAST, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS "E" AND "D" AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA CONTAINING 1,389,937 SQUARE FEET (31.9086 ACRES).

B

☒ JOHN F. POLICE, PROFESSIONAL SURVEYOR AND MAPPER LS269  
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



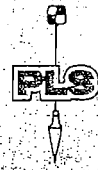
SKETCH AND LEGAL DESCRIPTION  
BY

**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

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

E-MAIL: [surveys@pulicelandsurveyors.com](mailto:surveys@pulicelandsurveyors.com) CERTIFICATE OF AUTHORIZATION LB#3870



**LEGAL DESCRIPTION: (PEDESTRIAN ACCESS EASEMENT)**

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

COMMENCING AT A NORTHERLY CORNER OF SAID TRACT "D", ALSO BEING THE SOUTHWEST CORNER OF TRACT "A", "PARKVIEW SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 95, PAGE 39, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 61°07'08" EAST ALONG A NORTHERLY LINE OF SAID TRACT "D", ALSO BEING THE SOUTH LINE OF SAID TRACT "A" 263.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 61°07'08" EAST ALONG SAID NORTHERLY LINE AND SAID SOUTH LINE 57.10 FEET; THENCE SOUTH 00°00'00" EAST 59.23 FEET; THENCE SOUTH 71°58'56" WEST 13.82 FEET; THENCE NORTH 61°07'09" WEST 42.09 FEET; THENCE NORTH 00°00'00" WEST 70.76 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 3,462 SQUARE FEET.

FILE: FLAGLER SHOPPING CENTER HOLDINGS

SCALE: N/A

ORDER NO.: 54396E

DATE: 2/23/12

PEDESTRIAN ACCESS EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: LA PLAZA AT FLAGLER

SHEET 2 OF 3

THIS DOCUMENT IS NEITHER FULL NOR  
COMPLETE WITHOUT SHEETS 1 THROUGH 3

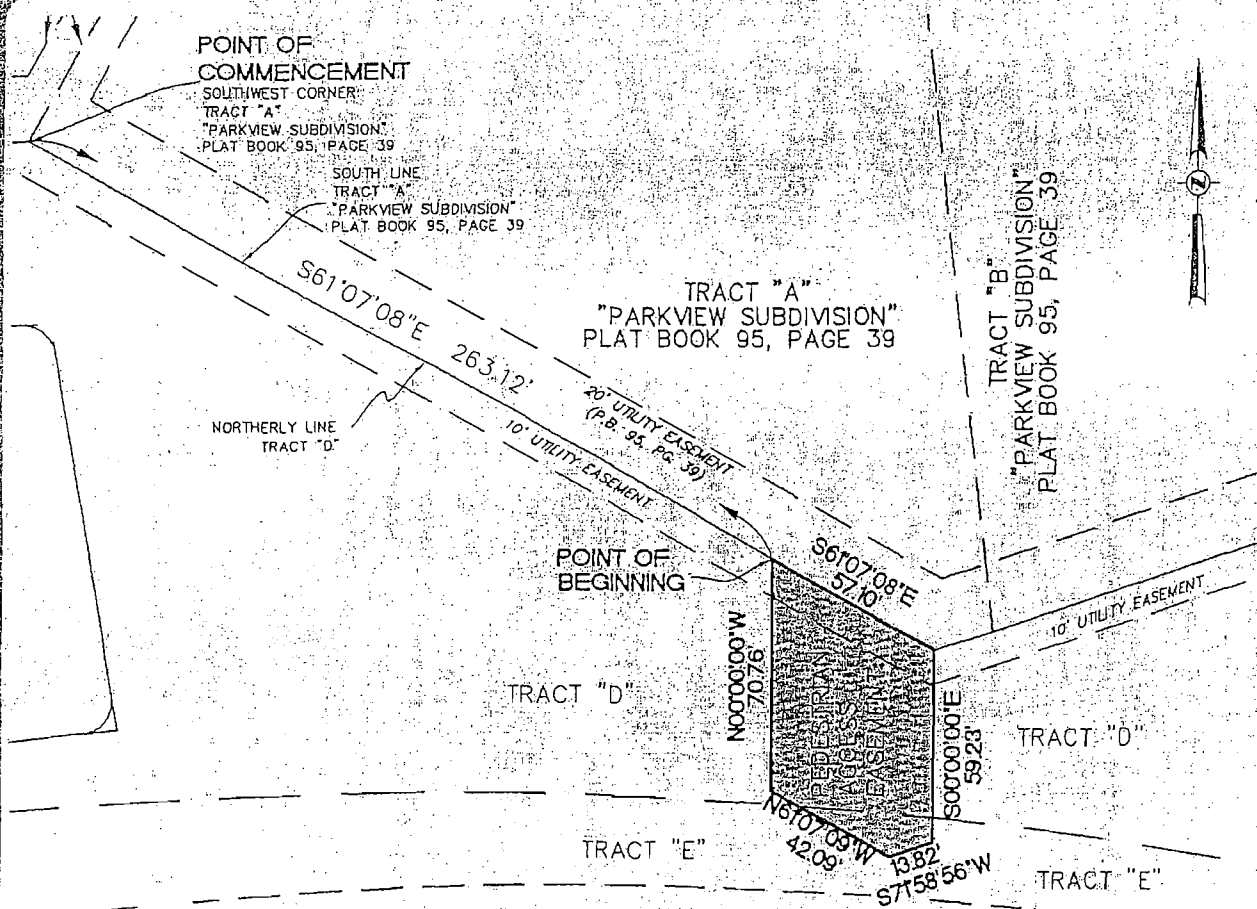




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E-MAIL: surveys@pulicelandsurveyors.com • CERTIFICATE OF AUTHORIZATION LB#3870



NOTES:

- 1) BEARINGS ARE BASED ON A NORTH LINE OF TRACT "D", BEING S61°07'08"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: FLAGLER SHOPPING CENTER HOLDINGS

SCALE: 1"=50'

ORDER NO.: 54396E

DATE: 2/23/12

PEDESTRIAN ACCESS EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: LA PLAZA AT FLAGLER

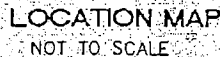
SHEET 3 OF 3

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LEGEND:

☉ CENTERLINE  
O.R.B. OFFICIAL RECORDS BOOK  
P.B. PLAT BOOK  
PG. PAGE

E-MAIL: [surveys@pullcandlandsurveyors.com](mailto:surveys@pullcandlandsurveyors.com) CERTIFICATE OF AUTHORIZATION LB#3870



☒ JOHN F. POLICE, PROFESSIONAL SURVEYOR AND MAPPER LS269T  
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



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**LEGAL DESCRIPTION: (CONDITIONS OF APPROVAL EASEMENT)**

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

COMMENCING AT THE MOST EASTERLY NORTHWEST CORNER OF SAID TRACT "D" BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, ALSO BEING THE MOST NORTHERLY CORNER OF TRACT "A", "PARKSIDE SUBDIVISION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 102, PAGE 60, OF SAID PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID POINT BEING ON THE ARC OF A CURVE CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS SOUTH 04°19'27" EAST; THENCE EASTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE MOST EASTERLY NORTH LINE OF TRACT "D" AND ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1090.92 FEET, A CENTRAL ANGLE OF 12°12'08" FOR AN ARC LENGTH OF 232.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1090.92 FEET, A CENTRAL ANGLE OF 01°05'38" FOR AN ARC LENGTH OF 20.83 FEET; THENCE SOUTH 24°37'46" WEST 687.67 FEET; THENCE NORTH 78°30'01" WEST 209.18 FEET; THENCE SOUTH 35°04'02" WEST 365.19 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°20'57" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 993.42 FEET; THENCE NORTH 90°00'00" EAST 195.78 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PLAT; THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID NORTHERLY LINE: 1) SOUTH 57°56'57" EAST 977.86 FEET; 2) NORTH 87°21'53" EAST 239.25 FEET; 3) SOUTH 61°07'08" EAST 320.91 FEET; 4) NORTH 72°27'15" EAST 570.54 FEET; 5) NORTH 34°51'44" EAST 342.50 FEET; THENCE SOUTH 78°30'01" EAST 236.09 FEET; THENCE NORTH 24°37'46" EAST 665.98 FEET TO THE POINT OF BEGINNING.  
SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 219,989 SQUARE FEET.

FILE: FLAGLER SHOPPING CENTER HOLDINGS

SCALE: N/A

ORDER NO: 54396H

DATE: 3/6/12

CONDITIONS OF APPROVAL EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: LA PLAZA AT FLAGLER

SHEET 2 OF 4

THIS DOCUMENT IS NEITHER FULL NOR  
COMPLETE WITHOUT SHEETS 1 THROUGH 4  
INCLUSIVE

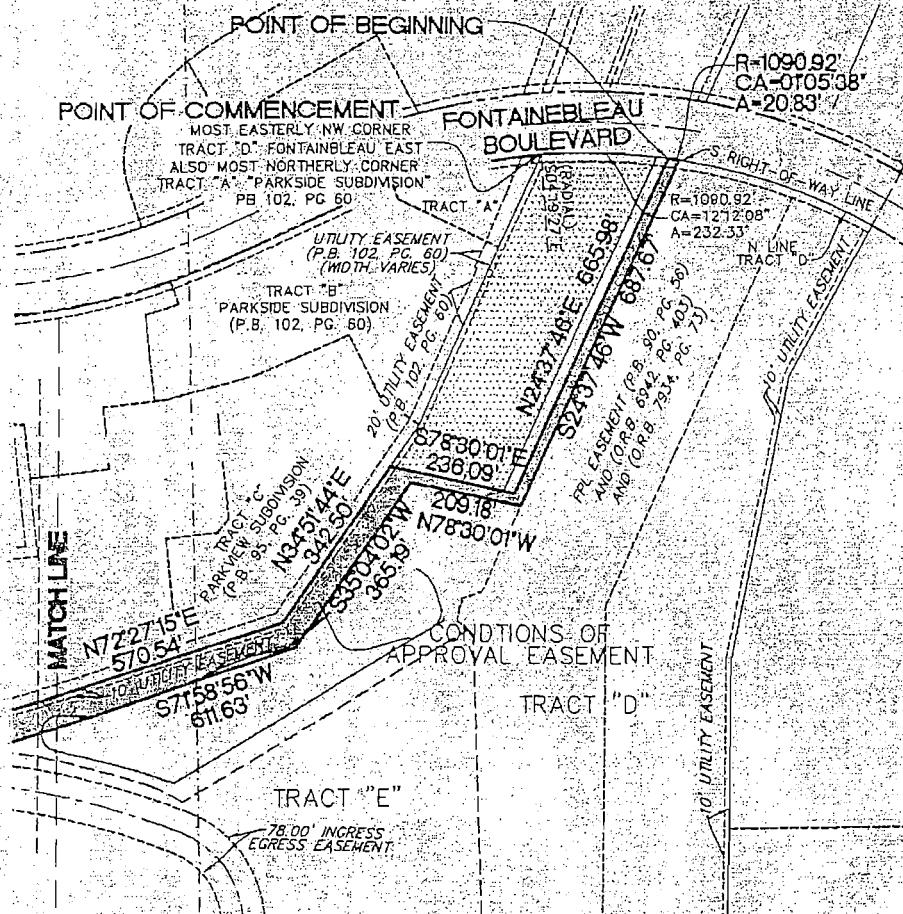


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NOTES:

- 1) BEARINGS ARE BASED ON A WEST LINE OF TRACT "D", BEING S24°37'46"W
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: FLAGLER SHOPPING CENTER HOLDINGS

SCALE: 1"=300'

ORDER NO.: 54396H

DATE: 2/23/12

CONDITIONS OF APPROVAL EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: LA PLAZA AT FLAGLER

SHEET 3 OF 4

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LEGEND:

- ☉ CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- ▨ CDD PROPERTY

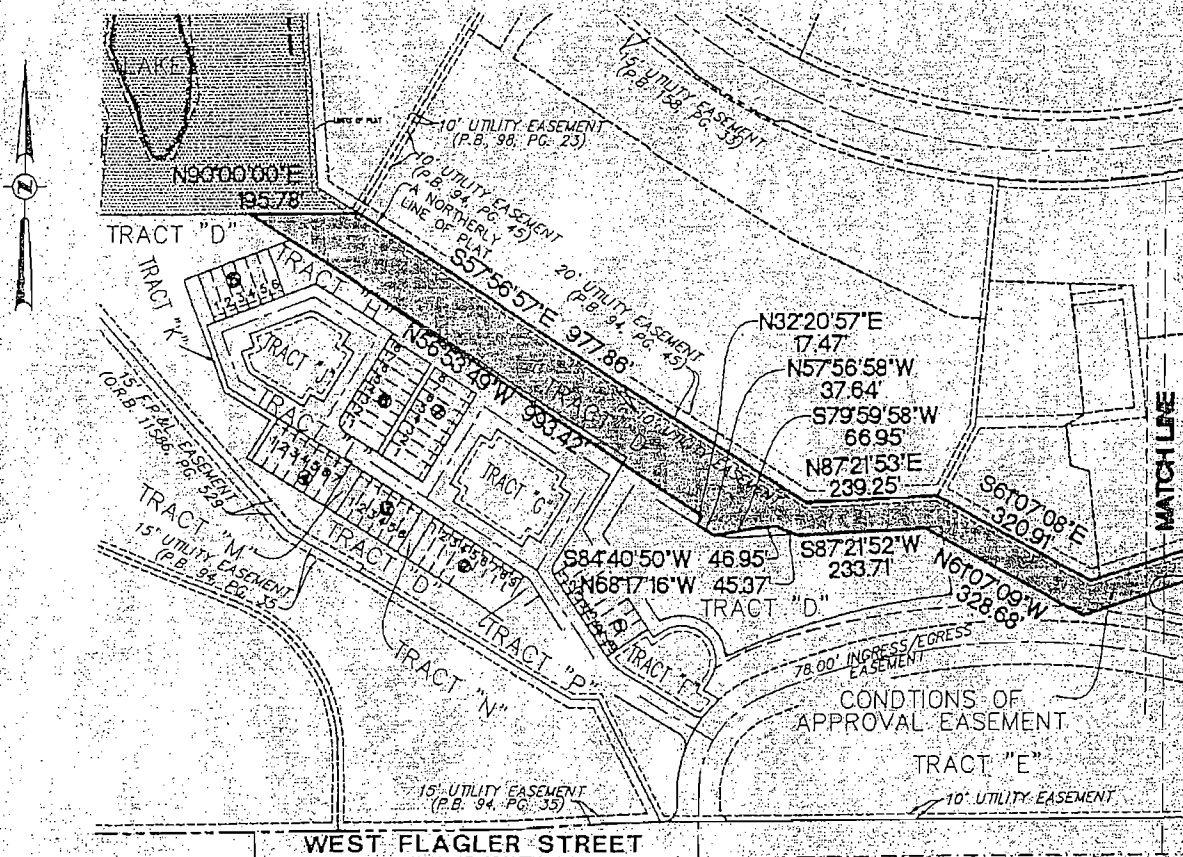


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- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: FLAGLER SHOPPING CENTER HOLDINGS

SCALE: 1"=300'

ORDER NO.: 54396H

DATE: 3/6/12

CONDITIONS OF APPROVAL EASEMENT

MIAMI-DADE COUNTY, FLORIDA

FOR: LA PLAZA AT FLAGLER

SHEET 4 OF 4

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	CENTERLINE
	OFFICIAL RECORDS BOOK
	PLAT BOOK
	PAGE
	CDD PROPERTY