



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
THURSDAY, MAY 17, 2012**

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

TIME OF MEETING 9:30 A.M.

APPEAL

HEARING #

DISTRICT

1. **KING METAL RECYCLING, LLC** **11-037** **2**

Request(s): The applicant is seeking to allow a zone change to IU-3 and to permit a recycling center spaced less than required from residences. The applicant also seeks to permit the recycling plant with variances to the setback, parking and drives and other zoning regulations.

Location: 8600 NW 36 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

CURRENT

2. **FONTAINBLEAU LAKES LLC ET AL** **11-130** **10**

Request(s): The applicants seek to permit entrance and water features to a previously approved residential development as well as to permit the excavation and partial filling of lakes within the development. Additionally, the applicants seek to modify resolutions and delete covenants which tied the development to a larger tract of land with both residential and commercial developments and to allow the applicants to submit revised site plans showing the proposed residential development, lake excavations and lake fillings. The applicants also seek to permit the proposed development with less parking spaces and a greater fence height around the tennis courts than allowed by the Code and to permit an accessory structure in front of the principal buildings on the residential site.

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

COUNTY COMMISSION MEETING OF THURSDAY, MAY 17, 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

1. **KING METAL RECYCLING, LLC (12-1-CZ8-2/11-037)**

**09-53-41
BCC/District 02**

Applicant is appealing the decision of Community Zoning Appeals Board #8, which denied the following:

- (1) DISTRICT BOUNDARY CHANGE from GU (Interim) to IU-3 (Industry-Unlimited).
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plan are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successor department entitled "Office Building For: King Metal recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. Plans may be modified at public hearing.

LOCATION: 8600 NW 36 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2 Acres

Department of Permitting, Environment
and Regulatory Affairs
Recommendation:

Approval, subject to the acceptance of the
proffered covenant.

Protests: 35

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. FONTAINBLEU LAKES LLC (12-5-CC-1/11-130)

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

- (1) Unusual Use to permit entrance features including a guard house, entry gates, water features and wall signs.
- (2) Unusual Use to permit lake excavations & lake fills.

REQUESTS #1 AND #2 ON EXHIBIT "1"

- (3) Modification of Condition #2 of the general conditions and Conditions #1 & #2 of the lake excavations and golf course of Resolution No. Z-208-69 passed and adopted by the Board of County Commissioners, last modified by Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board 10, only as it applies to Exhibit "1" and reading as follows:

GENERAL CONDITIONS:

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

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by Dix Lathrop and Associates, Inc., consisting of 12 sheets and plans prepared by Development Consulting Group, consisting of 5 sheets, for a total of 56 sheets, dated stamped received 3/9/12 with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12."

LAKE EXCAVATIONS & GOLF COURSE:

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

TO: "1. That detailed plans be submitted to and must meet with the approval of the Directors of the Public Works Department and the Department of Permitting, Environment and Regulatory Affairs that said plan be substantially in compliance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets."

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

TO: 2. That the perimeter be backfilled and graded & slopes to be substantially in accordance with the plans submitted entitled "Fontainebleau Lakes" as prepared by Development Consulting Group and consisting of 5 sheets, dated stamped received 3/9/12."

- (4) Modification of Conditions #4, #8, & #20 of Resolution No. CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board 10, only as it applies to the Exhibit "1" and reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau East" (68 pages) and "Fontainebleau West" (51 pages), as prepared by Pascual Perez Kiliddjian & Associates Architects Planners, dated stamped sealed December 21, 2005 (East Parcel) and August 05, 2005 (West Parcel), except as herein modified to provide the required number of parking spaces."

TO: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by Dix Lathrop and Associates, Inc., consisting of 12 sheets and plans prepared by Development Consulting Group, consisting of 5 sheets, for a total of 56 sheets, dated stamped received 3/9/12 with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12."

FROM: "8. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for hearing entitled "Lake Areas," as prepared by MSA, Civil & Environmental Engineers consisting of 4 sheets and dated stamped received June 28, 2005."

TO: "8. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for hearing entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets."

FROM: "20. That the plans submitted with the permit application shall be substantially in compliance with the approved lake fill plan entitled "Lake Areas" as prepared by MSA, Civil & Environmental Engineers dated stamped received 6/20/05 consisting of 4 sheets. The permit application plans shall include a copy of the approved lake fill plan and at least (3) sets of the proposed fill project permit plans, sealed by a Florida licensed surveyor and/or professional engineer."

TO: "20. That the plans submitted with the permit application shall be substantially in compliance with the approved lake fill plan entitled "Fontainebleau Lakes" as prepared by Development Consulting Group consisting of 5 sheets dated stamped received 3/9/12. The permit application plans shall include a copy of the approved lake fill plan and at least (3) sets of the proposed fill project permit plans, sealed by Florida licensed surveyor and/or professional engineers."

- (5) Deletion of a Declaration of Restrictions recorded in Official Record Book 27820 Pages 1556 – 1567 only as it applies to Exhibit "1".
- (6) Deletion of a portion of a legal description in a Declaration of Restriction recorded in Official Record Book 24467 Pages 3173 - 3181, last modified by Second Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173 recorded in Official Records Book 27903 Pages 704 – 724 only as it applies to Exhibit "1".

The purpose of requests #3 - #6 is to allow the applicant to submit a new site plan showing a different site layout for the previously approved residential development described in Exhibit "1" and to remove said residential development from certain covenants that are tied to the previously approved residential and commercial developments.

REQUESTS #3 - #6 ON EXHIBIT "1".

- (7) NON-USE VARIANCE to permit 1,124 parking spaces (1,206 required).
- (8) NON-USE VARIANCE to permit a tennis court with a fence height of 20' (14' maximum permitted).
- (9) NON- USE VARIANCE to permit accessory uses in front of the principle buildings (not permitted).

REQUESTS #7 THROUGH #9 ON EXHIBIT "1".

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), or it's successor Department 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), or it's successor Department 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.

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

PH: Z11-037 (12-1-CZ8-2)

May 17, 2012

Item No. 1

Recommendation Summary	
Commission District	2
Applicant	King Metal Recycling, LLC.
Summary of Requests	The applicant is seeking to allow a zone change to IU-3 and to permit a recycling center spaced less than required from residences. The applicant also seeks to permit the recycling plant with variances to the setback, parking and drives and other zoning regulations.
Location	8600 NW 36 Avenue, Miami-Dade County, Florida.
Property Size	2 gross acres
Existing Zoning	GU
Existing Land Use	Recycling plant
2015-2025 CDMP Land Use Designation	Industrial and Office (<i>see attached Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards (<i>see attached Zoning Recommendation Addendum</i>)
Recommendation	Approval, subject to the acceptance of the proffered covenant

On February 12, 2012, the Community Zoning Appeals Board (CZAB) #8, denied without prejudice the entire application by a vote of 3 to 2, pursuant to Resolution #CZAB8-3-12. Subsequently, on February 27, 2012, the applicant appealed the CZAB-8's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application was, void of the data and scientific values presented by the applicant and contrary to the recommendation of the Permitting, Environment and Regulatory Affairs Department or its successor Department.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from GU to IU-3.
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line and setback a minimum of 12' 10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a one-way drive with a minimum width of 12' 10" (14' required).

- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall to not exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets.

PROJECT DESCRIPTION:

The submitted plans depict the recycling center facility with the existing office additions encroaching into the front (east) setback area. The plans also depict the proposed wall along the front (east) property line.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	GU; recycling plant	Industrial and Office
North	GU; vacant land	Industrial and Office
South	GU; cannery	Terminals
East	RU-1: single-family residences	Low Density Residential (2.5 to 6 dua)
West	GU; rail yard	Terminals

NEIGHBORHOOD COMPATIBILITY:

The 2-acre subject parcel contains an existing metal recycling facility that was previously approved as a steel fabrication plant in 1955. On the west side of NW 36th Avenue from NW 83 Street to NW 96th Street are industrial uses, the type of uses include railroad and sand yards to the south and west of the subject property; and to the north of the subject property, a liquid petroleum storage facility, auto wholesale distributor and warehouse carrier storage, a steel products rolling and manufacturing operation, lumberyard and rebar steel works mill, commercial vehicle storage and towing yard. On the east side of NW 36 Avenue, across the street from the subject property, there is a block of single family residences that face east, away from the subject property. The single family residences that are north of this block all face west and front directly onto the existing industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the property to IU-3 industrial uses which could be an economic benefit to the County by maintaining the availability of such jobs in this area. Although the proposed IU-3 zoning is in close proximity to residences and could have a negative visual and noise impact on same, there have been approved industrial uses on the west side of NW 36 Avenue since the 1950's.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Industrial and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses*. The proposed zoning district and the proposed use are **consistent** with the industrial uses permitted under the Industrial and Office land use category. Additionally, **Objective LU-4** requires that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community*. Staff notes that the subject property and the abutting properties to the north, which are all located to the east of and abutting NW 36 Avenue, are designated Industrial and Office on the LUP map of the CDMP. Further, staff notes that the uses on these properties are industrial. The properties located to the south and west are designated Terminals on the LUP map of the CDMP. The CDMP Land Use Element interpretative text, Terminal land use category, allows rail yards and industrial uses and similar uses that are customary and incidental to the primary railroad use. As such, staff opines that the rezoning of the subject property to IU-3 would bring the property into conformity with the Industrial and Office designation of the property on the CDMP LUP map as well as the industrial uses that currently exist or are planned on the properties designated for Terminal use to the south and west.

However, staff also notes that the properties located to the east of NW 36 Avenue, are primarily developed with residences. **Policy LU-4D** requires that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements*. The submitted plans indicate that the recycling facility is developed with the operational and more intensive uses located away from the residences and the offices are located close to NW 36 Avenue, abutting the residences. Further, the applicant is requesting approval of an existing 16' high wall along the front (east) property line, which in staff's opinion, will mitigate any negative visual or noise impacts on the residences to the east. As such, staff opines that approval of the requests to rezone the property for an industrial use would be **compatible** with the surrounding area and **consistent** with CDMP Land Use Element **Objective LU-4** and **Policy LU-4D** and the CDMP LUP map designation for the entire subject property.

ZONING ANALYSIS:

When the applicant's request to rezone the 2-acre parcel to IU-3, Unlimited Industrial Manufacturing District (request #1), is analyzed under Section 33-311, District Boundary Change, and request #2, to allow the metal recycling facility spaced less than the required 500' from any residential district is analyzed under Section 33-311(A)(3), Special Exception, Unusual and New Uses, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. With conditions, staff notes that the approval of the applicant's request to rezone the property and to allow the continued use as a recycling facility will be **consistent** with the Industrial and Office designation of the property on the LUP map of the CDMP. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in memoranda from the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department, and the Public Works and Waste Management Department. Additionally, staff notes that the subject property abuts a rail yard facility to the west which, in staff's opinion, could enhance the transportation efficiencies of the facility in the future.

Staff notes that pursuant to Resolutions #3662 and #3667, adopted by the Board of County Commissioners (BCC) in April 1950, the subject property was a part of a larger tract of land that was rezoned to GU, Interim District, and granted the Dade County Planning, Zoning and Building and its Director, the authority "to issue any and all permits for all types of industrial and commercial uses..." The parcel that was the subject of the rezoning extended from approximately NW 83 Street to NW 97 Street, west of NW 36 Avenue, which includes the subject parcel which is located at 8600 NW 36 Avenue. In April 1955, pursuant to Resolution #8165, the subject property was approved to allow a steel fabrication plant. Subsequently in April 1961, said plant was expanded pursuant to Resolution #ZAB-35-61, to permit the plant within 64' of residential properties, where a 500' spacing is required from residential properties. As such, staff opines that the rezoning of the property to IU-3 is consistent with County Commission Resolutions #3662 and #3667.

Staff opines that the requested special exception (request #2), is similar to and compatible with the previously approved steel fabrication plant that was approved in 1961, which was spaced less than allowed from residential properties. As such, staff opines that approval of this request will not result in a change in the character of the neighborhood and would not result in excessive noise or traffic. However, due to the proximity to the residential properties, staff recommends as a condition for approval, that operations be restricted to days and hours that would not have a negative impact on the quality of life of the residents located to the east. Therefore, staff opines that approval of the district boundary change to allow the continued use of the property as a recycling facility will be **compatible** with the surrounding area. However, staff notes that the proposed IU-3 zoning would allow other uses that could have a negative visual and noise impact on the residences in the area. Consequently, the applicant has proffered a covenant restricting the use of the property to the recycling facility only and restricting the days and hours of operation for the facility. **Staff therefore, recommends approval of the request #1 under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant and approval with conditions of request #2 under Section 33-311(A)(3), Special Exception, Unusual Uses and New Uses.**

When requests #3 through #8 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests will maintain

the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff's analysis of the applicant's request for variances to the setback regulations (request #3) indicated that the subject site was previously approved to allow the facility to setback 14' from the front (east) property line and that the applicant is now requesting an additional 10' encroachment. The submitted plans indicate that the encroachment is the result of a previous expansion of the office building into the front (east) setback area. Said plans indicate that the building will be approximately 19' in height, and that the wall along the front (east) property line will be 16' high, both of which will provide an adequate visual and noise buffer for the industrial operations both within and outside the buildings on the 2-acre subject parcel. Further, staff notes that the 2'-2" encroachment into the interior side (north) setback area is minimal and will not have a negative visual or noise impact on the adjacent property to the north which is also designated Industrial and Office on the CDMP LUP map and which would allow uses that are similar to and more intensive than being requested on the subject property.

Staff is supportive of the applicant's request, with conditions, to allow the wall to exceed the maximum height allowed by 8' (request #7) and to allow said wall within 10' of the edge of driveway leading to a public right-of-way (request #8). In staff's opinion, the increased wall height in conjunction with the layout of the site which indicates the two-story office building located to the front (east) of the property with the operational and storage areas located to the west of and behind them, will mitigate the noise and visual impacts of the industrial uses on the residential properties located to the east. In staff's opinion, approval of the aforementioned requests is integral to the approval of request #6, which would allow the applicant to conduct recycling activities outside of a building or behind enclosed walls on the site.

Further, staff opines that approval of requests #4 and #5, would not have a negative impact on the surrounding area, or result in the spillage of parking onto the abutting roadways and negatively affect traffic on same. The submitted plans indicate a traffic circulation pattern on the site which includes the one-way drive that is the subject of request #5, which staff opines will provide adequate stacking for the pickup and delivery of inventory thus mitigating the need for customer parking spaces. Further, staff opines that approval with conditions of the applicant's request to provide less parking spaces than required will not have a negative impact on the surrounding area. However, staff recommends as a condition of approval, that no parking for employees or customers be allowed on the abutting right-of-way, NW 36 Avenue.

Based on the aforementioned, staff opines that the approval with conditions of requests #3 through #8 will not have a negative visual or noise impact on the surrounding area and would be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #3 through #8, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate two (2) ingress points along NW 36 Avenue, the larger of which on the south allows both ingress and egress to the property. Additionally, the applicant has provided a one-way drive along the north property line circling to the rear (west) of the property, to provide for the drop off and pick up of inventory inside of the recycling facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #8.

CONDITIONS FOR APPROVAL (For requests #2 through #8 only):

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs (PERA) Department or its 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.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 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 public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That no parking be allowed offsite or along NW 36 Avenue and that the property owner create and maintain a traffic operations plan to keep vehicles off said right-of-way.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Permitting, Environment and Regulatory Affairs Department or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the use be permitted to operate only between the hours of 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturdays and that the facility shall not operate on Sundays.
7. That the applicant comply with all conditions from the Environmental Quality Control Board of the Permitting, Environment and Regulatory Affairs Department or its successor Department.
8. That the applicant comply with all applicable conditions and requirements of the Department of Public Works and Waste Management.

ES:MW:GR:NN:JC:CH

King Metal recycling, LLC

Z11-037

Page | 7



NDN
GAK

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

ZONING RECOMMENDATION ADDENDUM

HISTORY

MOTION SLIPS*

DEPARTMENT MEMORANDA

DISCLOSURE OF INTEREST*

HEARING PLANS*

MAPS

*If applicable

1. KING METAL RECYCLING, LLC
(Applicant)

12-1-CZ8-2 (11-037)
BCC/District 02
Hearing Date: 05/17/12

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1950	Dade County Port Authority & Seaboard Airline Railroad	- Deletion of Agreement.	BCC	Approved
1950	Dade County Port Authority & Seaboard Airline Railroad	- Relinquish Jurisdiction.	BCC	Approved
1955	Nathan Adelman	- Use Clarification permitting a IU-1 use.	BCC	Approved
1961	Adelman, Adelman & Coverman	- Variance for spacing & setback requirement.	ZAB	Approved with Condition(s)
1961	Adelman, Adelman & Coverman	- Variance for spacing requirement to permit expansion of steel fabrication plant & setback requirement.	BCC	Approved

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

A

APPLICANT'S NAME: **KING METAL RECYCLING, LLC**

REPRESENTATIVE: Pedro Amador

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-1-CZ8-2 (11-037)	February 15, 2012	CZAB8	3	12

REC: Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #8.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Richard C. BROWN (C.A.)	X		
COUNCILMAN		Patrick CURE			X
COUNCILMAN	M	Arthemon JOHNSON	X		
COUNCIL WOMAN		Voncarol Yvette KINCHEN	X		
VICE CHAIRMAN		Fredericke Alan MORLEY		X	
CHAIRWOMAN		Joy J. DAVIS		X	
VOTE:			3	2	

EXHIBITS: YES NO

COUNTY ATTORNEY: DARON FITCH

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

#2

APPLICANT'S NAME: **KING METAL RECYCLING, LLC**

REPRESENTATIVE: Pedro Amador

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-1-CZ8-2 (11-37)	January 18, 2012	CZAB8	12

REC: Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests through #8.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: February 15, 2012 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

OTHER: The board deferred the item in order for DERM (PERA) to provide additional information

regarding dust, noise and vibration that could come from the facility.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Richard C. BROWN (C.A.)	X		
COUNCILMAN		Patrick CURE			X
COUNCILMAN	M	Arthemon JOHNSON	X		
COUNCIL WOMAN		Voncarol Yvette KINCHEN			X
VICE CHAIRMAN	S	Fredericke Alan MORLEY	X		
CHAIRWOMAN		Joy J. DAVIS	X		

VOTE: **4** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: **DAVID HOPE**

Date: September 20, 2011

To: Charles Danger, P.E., Interim Director
Department of Planning and Zoning

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



Subject: #Z2011000037-3rd Revision
King Metal Recycling, LLC
8600 N.W. 36th Avenue
District Boundary Change from GU to IU-3, Special Exception to Permit a
Steel Fabrication Plant Spaced Less than Required from RU Zoning District
and to Permit the Steel Fabrication Plant Setback Less than Required from
Property Lines
(GU) (2 Acres)
09-53-41

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

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

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

Wastewater Disposal

The closest public sanitary sewer line is located approximately 125 feet from the site. Consequently, the subject property would have to be served by a public water supply system and a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are activities that are inherent to land uses permitted in the proposed zoning classification that generate liquid waste other than domestic sewage.

Section 24-43.1 (6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

In as much as the zoning request did not comply with the above mentioned Code sections, the property owner applied for and obtained an extension of time from the Environmental Quality Control Board (EQCB) to allow the use of public water supply and a septic tank for a resource recovery facility, subject to the conditions stated in Board Order No. 10-5. As per the recent resubmittal, the applicant is verifying on site plan "no outside storage". This request would be in compliance with Condition No. 8 of said EQCB Board Order.

Stormwater Management

A Class VI permit is required for the construction and operation of the proposed surface water management system. This permit shall be obtained prior site development, or public works approval of paving and drainage plans. The applicant is advised to contact the Water Control Section for further information regarding permitting procedures and requirements.

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.

Tree Preservation

The proposal will not impact tree resources. Please be advised that a Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Be advised that any type of construction, including driveways, septic tanks, fences, pipes, buildings, roads, polls etc., should be at least 12-14 feet from specimen (trunk diameter 18 inches or greater) and non specimen trees, also during construction 10-12 feet barriers should be placed around specimen trees and 6-8 feet barriers around non specimen trees. If this distance is not maintained the root systems of the trees may be affected, thereby causing the effective destruction of the trees. In the event that the proposed construction causes the effective destruction of the trees on site, it would constitute a violation of Section 24-49 of the Code. Appropriate actions must be taken to not adversely impact tree resources on the referenced property.

Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: KING METAL RECYCLING, LLC

This Department has no objections to this application.

This Department has no objections to the request to permit less parking than required.

This Department has no objections to the request to permit a one-way driveway with a minimum width of 12 feet 10 inches.

This land may require 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 project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

08-JUN-11

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

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1/1

BY CZAB # _____

RECEIVED
11-037
FEB 27 2012

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

DATE RECEIVED STAMP

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

RE: Hearing No. Z 2011000037

Filed in the name of (Applicant) King Metal Recycling, LLC.

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 8600 NW 36 Avenue
Miami, FL 33147

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

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

Reason for Denial is not Supported By the
data / Scientific values presented By the
Applicant.

APPELLANT MUST SIGN THIS PAGE

Date: 21st day of February, year: 2012

Signed

Pedro L. Amador

Print Name

8600 NW 36 Ave, Miami, FL

Mailing Address

33147

305-643-2269

Phone

305-643-2289

Fax

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

Representing

Signature

Print Name

Address

City

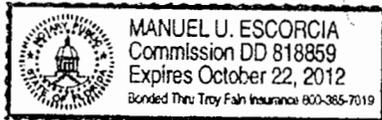
State

Zip

Telephone Number

Subscribed and Sworn to before me on the 21 day of FEBRUARY, year 2012

Notary Public



(stamp/seal)

Commission expires: 10/22/2012

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared _____
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

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

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objections, waivers or consent

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

Further Appellant says not.

Witnesses:

Cassandra Henderson

Signature

Cassandra Henderson

Print Name

Ronald Connolly

Signature

Ronald Connolly

Print Name

[Signature]

Appellant's signature

Pedro L. Amador

Print Name

Sworn to and subscribed before me on the 31 day of FEBRUARY, year 2012

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



[Signature]
Notary
(Stamp/Seal)

Commission Expires: 10/22/2012

Memorandum



Date: 20-OCT-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2011000037

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 19, 2011.
 APPROVAL
 No objection to site plan date stamped received October 11, 2011.

Service Impact/Demand

Development for the above Z2011000037
 located at 8600 NW 36 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0788 is proposed as the following:

N/A <u>residential</u>	dwelling units	1,768 <u>industrial</u>	square feet
2,698 <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
N/A <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 0.68 alarms-annually.
 The estimated average travel time is: 6:32 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 2 - Model Cities - 6460 NW 27 Avenue
 Rescue, BLS Engine, Battalion 5.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Current service impact calculated based on Letter of Intent date stamped received October 11, 2011. Substantial changes to the Letter of Intent will require additional service impact analysis.

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

Memorandum



Date: August 30, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *MN* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000037: KING METAL RECYCLING, LLC

Application Name: KING METAL RECYCLING, LLC.

Project Location: The site is located at 8600 NW 36 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from GU to IU-3; a special exception for spacing; and a non-use variance for parking.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 22-MAR-12
REVISION 3

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

KING METAL RECYCLING, LLC

8600 NW 36 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000037

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC; BSS no open/closed cases.

King Metal Recycling

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: CARL HARRISON

01/12/12

Process #: Z2011000037
Applicant's Name: KING METAL RECYCLING, LLC

Locations: 8600 NW 36 AVE, MIAMI-DADE COUNTY, FLORIDA.

Size: 2 ACRES

Folio #: 3031090001110

Request:

- 1 DBC from GU to IU-3.
- 2 S.E. to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- 3 NON-USE-VARIANCE to permit the building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- 4 NON-USE-VARIANCE to permit 19 parking spaces (36 required).
- 5 NON-USE-VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- 6 NON-USE-VARIANCE to waive the zoning regulations requiring renovating operation carried on entirely within an enclosed building.
- 7 NON-USE-VARIANCE to permit a wall with a height of 16 (4' maximum permitted) along the front (east) property line.
- 8 NON USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

EXISTING ZONING

Subject Property GU,

EXISTING USE RECYCLING METAL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

BUILDING WITH METAL CANOPY IN REAR

USE(S) OF PROPERTY:

RECYCLING FACILITY

FENCES/WALLS:

8 FT WALL IN FRONT OF BUILDING WITH RAZOR WIRE WHICH NOT PERMITTED. THE REST OF PROPERTY HAS 8 FT IRON FENCE

LANDSCAPING:

THE PROPERTY HAS LARGE TREES IN THE FRONT OF PROPERTY. THE REST OF THE PROPERTY HAS A HEDGE WITH THE IRON FENCE.

BUFFERING:

8 FT WALL IN FROM OF BUILDING, THE REST OF THE PROPERTY HAS IRON FENCE WITH AN HEDGE

VIOLATIONS OBSERVED:

PROPERTY HAS RAZOR WIRE IN FRONT OF BUILDING AND AROUND THE PROPERTY WHICH IS NOT PERMITTED

ZONING INSPECTION REPORT

OTHER:

NONE

Process # Applicant's Name

Z2011000037 KING METAL RECYCLING, LLC

SURROUNDING PROPERTY

NORTH:

VACANT LOT

SOUTH:

THERE IS A SMALL WEARHOUSE BUILDING

EAST:

RU-1 1 STORY SINGLE FAMILY RESIDENCE

WEST:

RAILROAD TRACK WITH EASTMENT

SURROUNDING AREA

THE EAST OF THE PROPERTY HAS SOME REISIDENTIAL SINGLE FAMILY RESIDENCE

NEIGHBORHOOD CHARACTERISTICS:

MOSTY COMMERCIAL WEST OF 36 AVE/EAST OF 36 AVE HAS RESIDENTIAL SINGLE FAMILY RESIDENCE

COMMENTS:



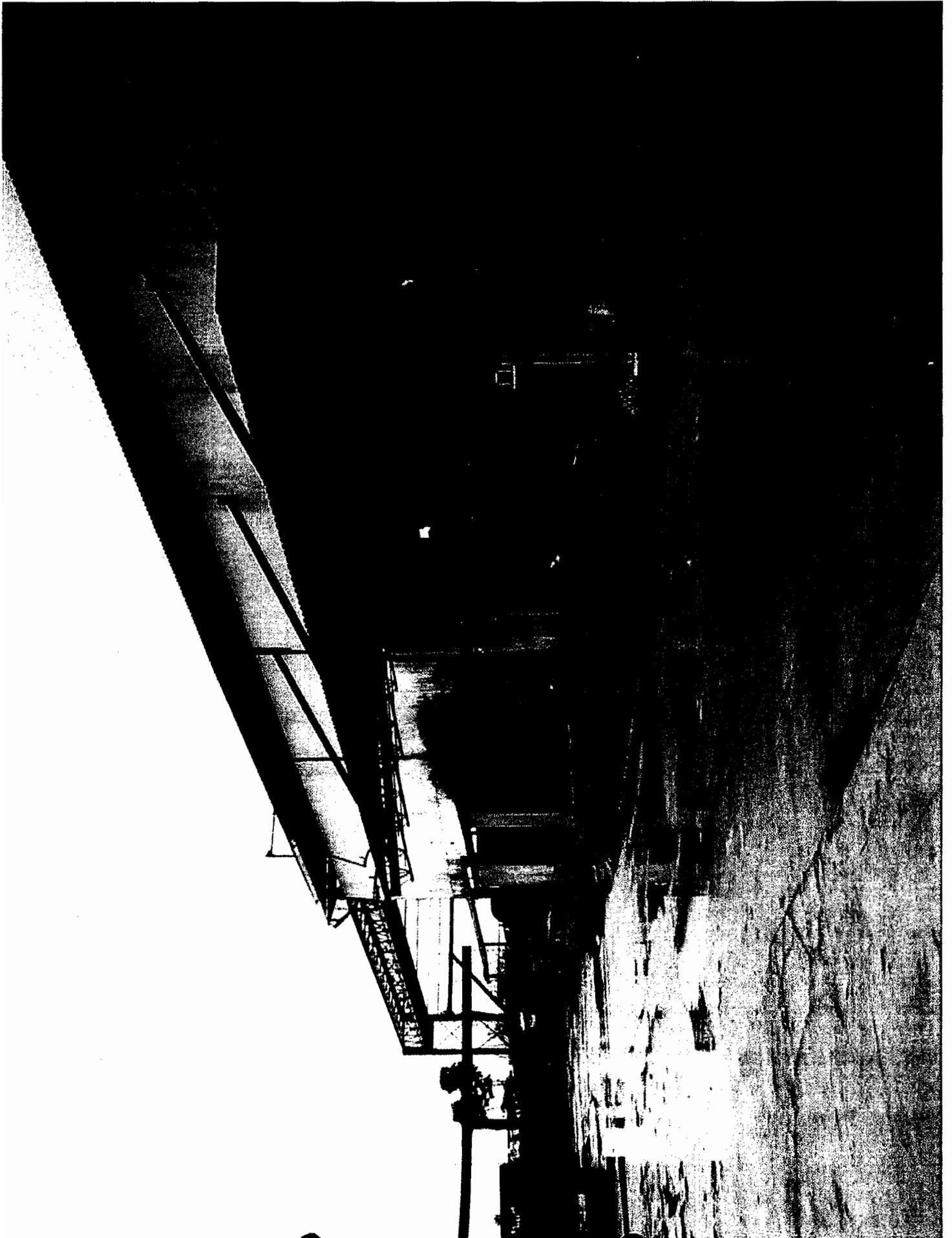
Back Side



Front Side



North Side



South Side



Front Side



Front side

Memorandum



Date: May 25, 2011

To: Jorge Vital, Developmental Impact Committee Coordinator
Department of Planning and Zoning

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

Subject:  Review - Developmental Impact Committee Zoning Application
Case: No. Z2011000037 – King Metal Recycling, LLC.

APPLICATION

The Applicant, the King Metal Recycling, LLC. is requesting a modification of the previously approved site plan approved by Resolution Number ZAB-35-61 and Resolution Number ZB-80-61. The subject property is located at 8600 NW 36 Avenue in Miami-Dade County, Florida.

The modification increases the office building structure from a single story to a two story building, construct a driveway entry, and allow an eight foot high wall at the front northeast and front southeast side of the property.

CURRENT POLICE SERVICES

The proposed development will be located in unincorporated Miami-Dade County and serviced by our Northside District, located at 2950 NW 83 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. Current data of police staffing, population, and calls for service was examined and compared to any expected population growth and projected increases in calls for service. Based on this data, current staffing levels should accommodate any projected increase in the volume of calls for service. Should demand for police services increase beyond these calculations, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

The MDPD does not object to the proposed zoning modifications, but encourages developers to work with police during any future design and construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh
Attachment

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: King Metal Recycling, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Pedro L. Amador, 15954 NW 79 PL, M.L., FL. 33016</u>	<u>25 %</u>
<u>Jorge L. Amador, 7783 NW 166 Terr, M.L. FL. 33016</u>	<u>25 %</u>
<u>Yohani Danza, 961 E. 13th St. Hialeah, FL. 33010</u>	<u>25 %</u>
<u>Arturo Alvarez, 961 E. 13th St. Hialeah, FL. 33010</u>	<u>25 %</u>

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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Re-numbered
 Percentage of Interest
DISCLOSED
 211-07
 APR 04 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: _____

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: _____

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

Date of contract: _____

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

Re-numbered

RECEIVED
 211-037
 APR 04 2011

ZONING HEARINGS SECTION
 HAWAII COUNTY PLANNING AND ZONING DEPT.
 BY: *[Signature]*

U

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 19 day of AUGUST, 2010. Affiant is personally known to me or has produced _____ as identification.

[Signature]
 (Notary Public)

My commission expires 10-22-2012

Seal  **MANUEL U. ESCORCIA**
 Commission DD 818859
 Expires October 22, 2012
 Bonded Thru Troy Fire Insurance 800-385-7019

*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.

21-037

SA

100/100

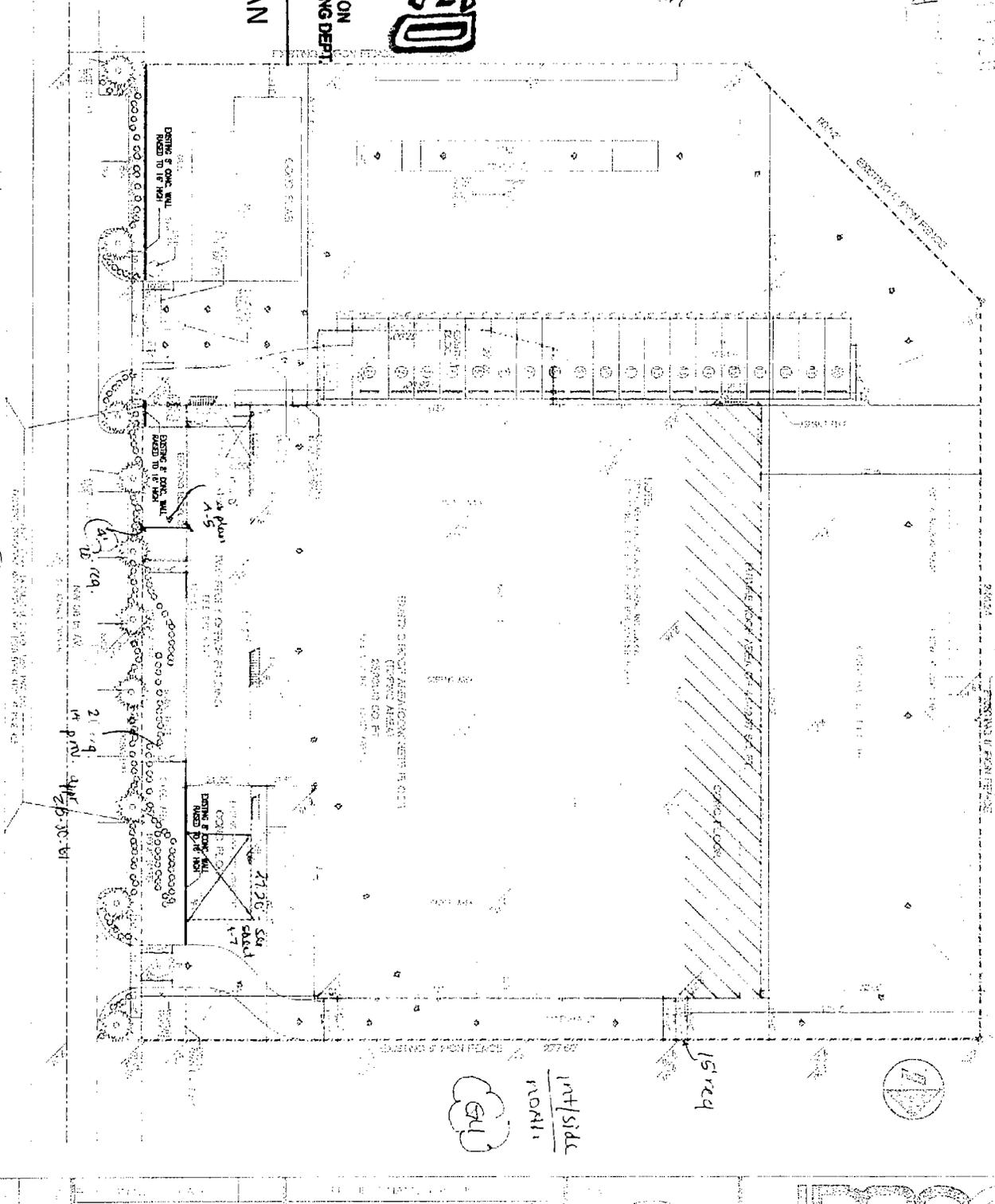
(64)

RECEIVED
OCT 11 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
ENLARGED SITE PLAN



int/side
100/100
(64)



NOTE:
concrete in street parking
not approved under
this approval

front/cast

kill

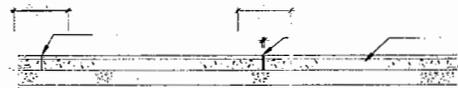
putting them

* NO outside storage *

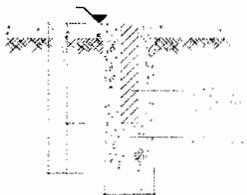
CONTRACTOR NOTES:

NOTE:
all appl. under no. 218-80-61

10/11/11



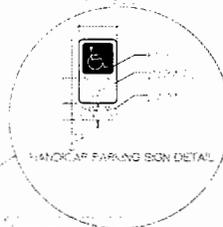
TYPICAL CONCRETE SLAB DETAIL



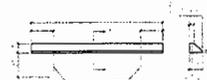
HANDICAPPED PARKING SIGN

CONSTRUCTION NOTE

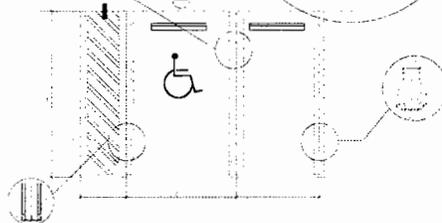
SEE SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION METHODS.



HANDICAPPED PARKING SIGN DETAIL



WHEEL STOP DETAIL

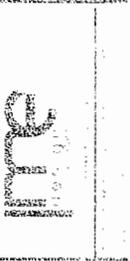


TYPICAL PARKING STALL DETAIL - SEE PARKING



TYPICAL PARKING STALL DETAIL

SEE SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION METHODS.

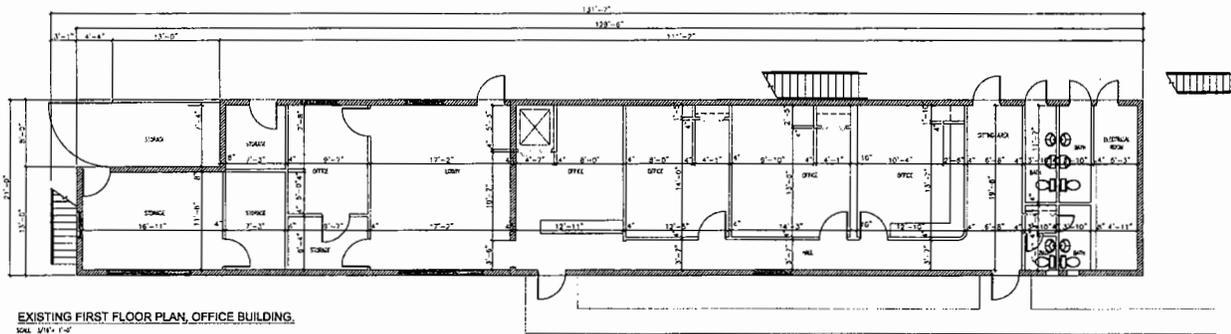


PARKING DETAILS

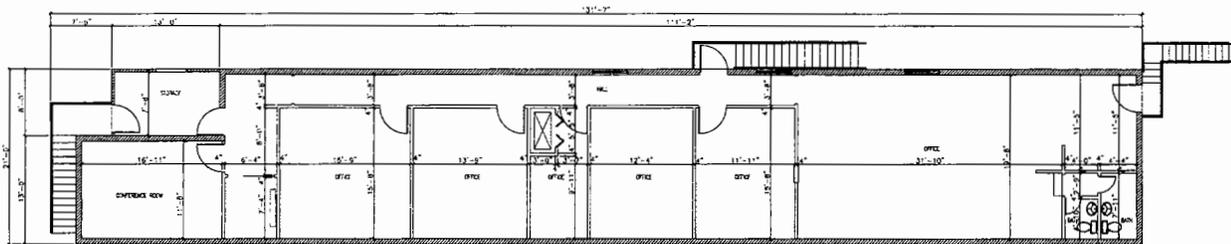


A-1.1

RECEIVED
 10/20/2010 10:00 AM
 PROJECT NO. 10-01-2011



EXISTING FIRST FLOOR PLAN, OFFICE BUILDING.
 SCALE: 1/8" = 1'-0"



EXISTING SECOND FLOOR PLAN, OFFICE BUILDING.
 SCALE: 1/8" = 1'-0"

LEGEND:

	INDICATES EXISTING WALL TO REMAIN
	INDICATES EXISTING ARCHITECTURAL WALL TO REMAIN
	INDICATES DOORS OPEN TO ROOM
	INDICATES EXISTING WALLS TO REMAIN



creating a story with you

imec
 design
 CONSULTANTS, INC.
 5127 WALKER BLVD.
 WALKER, FLORIDA 33511

JOSE A. MARTINEZ, P.E.
 LICENSE NO. 12345

J. Martinez

PROJECT NAME & ADDRESS:
 OFFICE BUILDING,
 1000 WALKER BLVD., SUITE 100
 WALKER, FLORIDA 33511

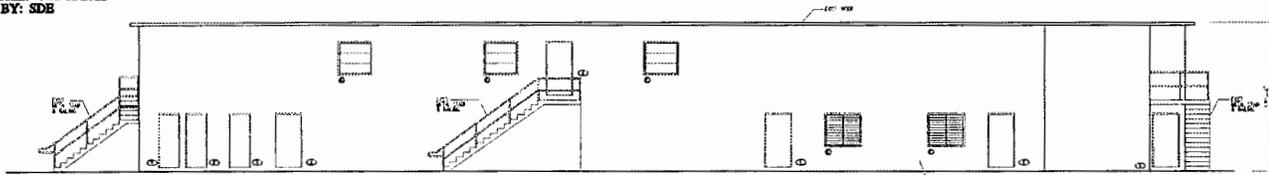
BY: [Signature]
 DATE: 07-09-2011

CHECKED BY: HC
 DRAWN BY: CG
 DATE: 06-23-2010

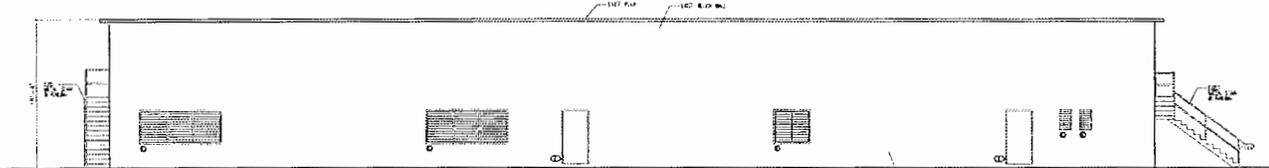
SHEET TITLE:
FIRST AND SECOND FLOOR PLAN.
 DATE: 06-23-2010

SHEET NO:
A-2

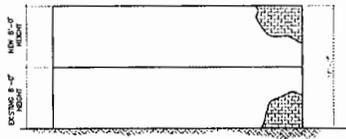
RECEIVED
 MIAMI-DADE COUNTY
 PROCESS #: Z11-037
 DATE: OCT 11 2011
 BY: SDB



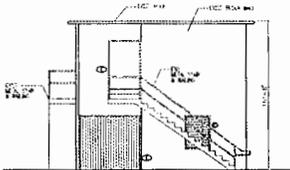
OFFICE BUILDING EXISTING EAST ELEVATION
 SEE UP-17



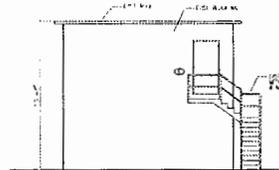
OFFICE BUILDING EXISTING WEST ELEVATION
 SEE UP-17



CONCRETE WALL TYPICAL
 SEE UP-17



OFFICE BUILDING EXISTING SOUTH ELEVATION
 SEE UP-17



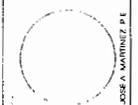
OFFICE BUILDING EXISTING NORTH ELEVATION
 SEE UP-17

RECEIVED
 211 037
 OCT 11 2011

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



meC design
 2107 NW 13TH STREET SUITE #24
 MIAMI, FLORIDA, 33135
 JOSE A. MARTINEZ, P.E.
 ARCHITECT/ENGINEER



PROJECT NAME & ADDRESS
 OFFICE BUILDING
 KING METAL RECYCLING
 8000 NW 36 AVE SUITE 100
 MIAMI, FL 33142

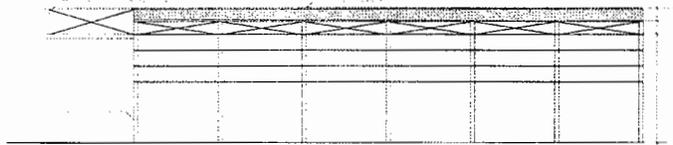
REVISION NO. BY DATE
 01-05-2011
 02-09-2011

C-CHECKED BY: HC
 DRAWN BY: OG
 DATE: 06-28-2010

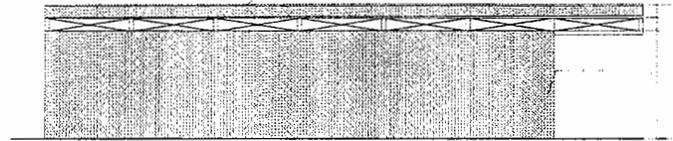
SHEET TITLE
OFFICES BUILDING ELEVATIONS.
 DATE: 08-28-2010

SHEET NO.
A-3

RECEIVED
MAR 20 1967
COUNTY ENGINEER
SAN JOSE, CALIF.



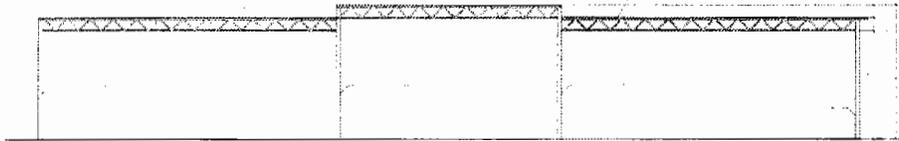
BLOCK A NORTH ELEVATION



BLOCK A SOUTH ELEVATION



BLOCK A EAST ELEVATION



BLOCK A WEST ELEVATION

INDUSTRIAL BUILDING ELEVATIONS

RECEIVED
MAR 20 1967
COUNTY ENGINEER
SAN JOSE, CALIF.

[Handwritten signature]
3/20/67

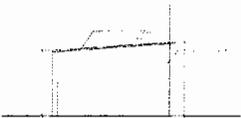
INDUSTRIAL BUILDING ELEVATIONS

RECEIVED
MAR 20 1967
COUNTY ENGINEER
SAN JOSE, CALIF.

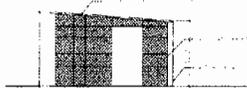
A-4

RECEIVED
MICHIGAN COUNTY
REC'D APR 22 1997
10:45 AM

NOTE:
EXISTING BUILDING TO BE RE-USED FOR STORAGE



BUILDING EXISTING NORTH ELEVATION



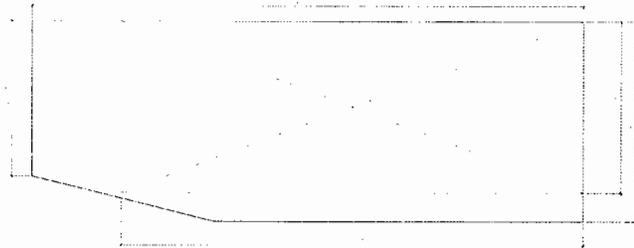
BUILDING EXISTING SOUTH ELEVATION



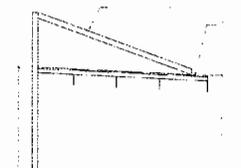
BUILDING EXISTING EAST ELEVATION



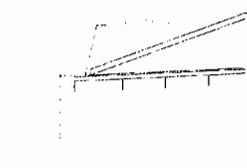
BUILDING EXISTING WEST ELEVATION



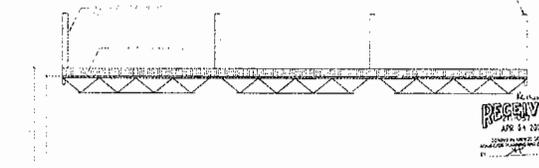
BUILDING EXISTING SOUTH ELEVATION



BUILDING EXISTING EAST ELEVATION



BUILDING EXISTING WEST ELEVATION



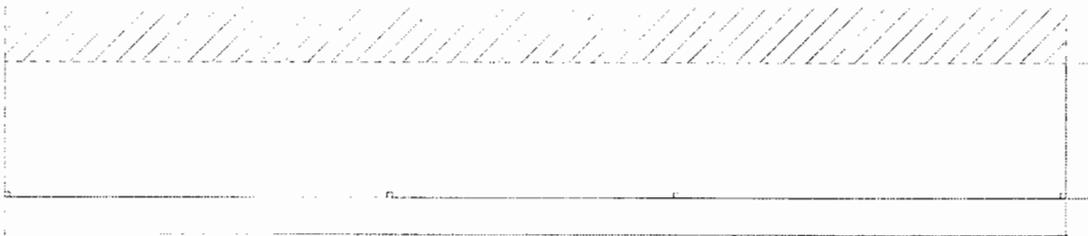
BUILDING EXISTING SOUTH ELEVATION

RECEIVED
APR 21 1997
10:45 AM

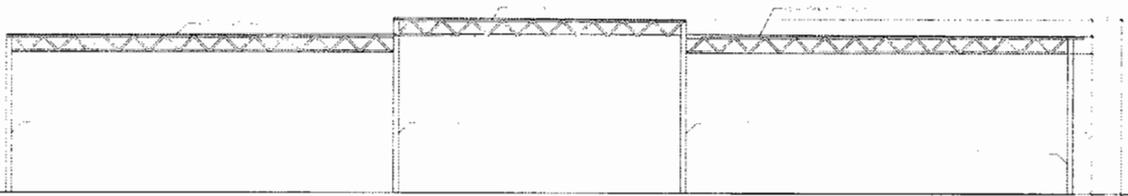
FLOOR PLAN
&
ELEVATIONS.

A-5

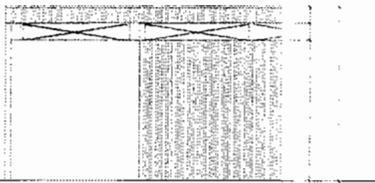
RECEIVED
MAY 14 2014
CITY OF DENVER



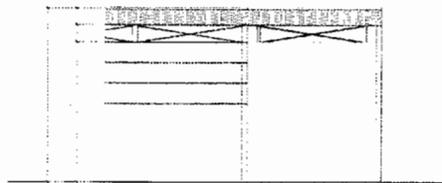
FUTURE BUILDING FLOOR PLAN



FUTURE BUILDING WEST ELEVATION



FUTURE BUILDING SOUTH ELEVATION



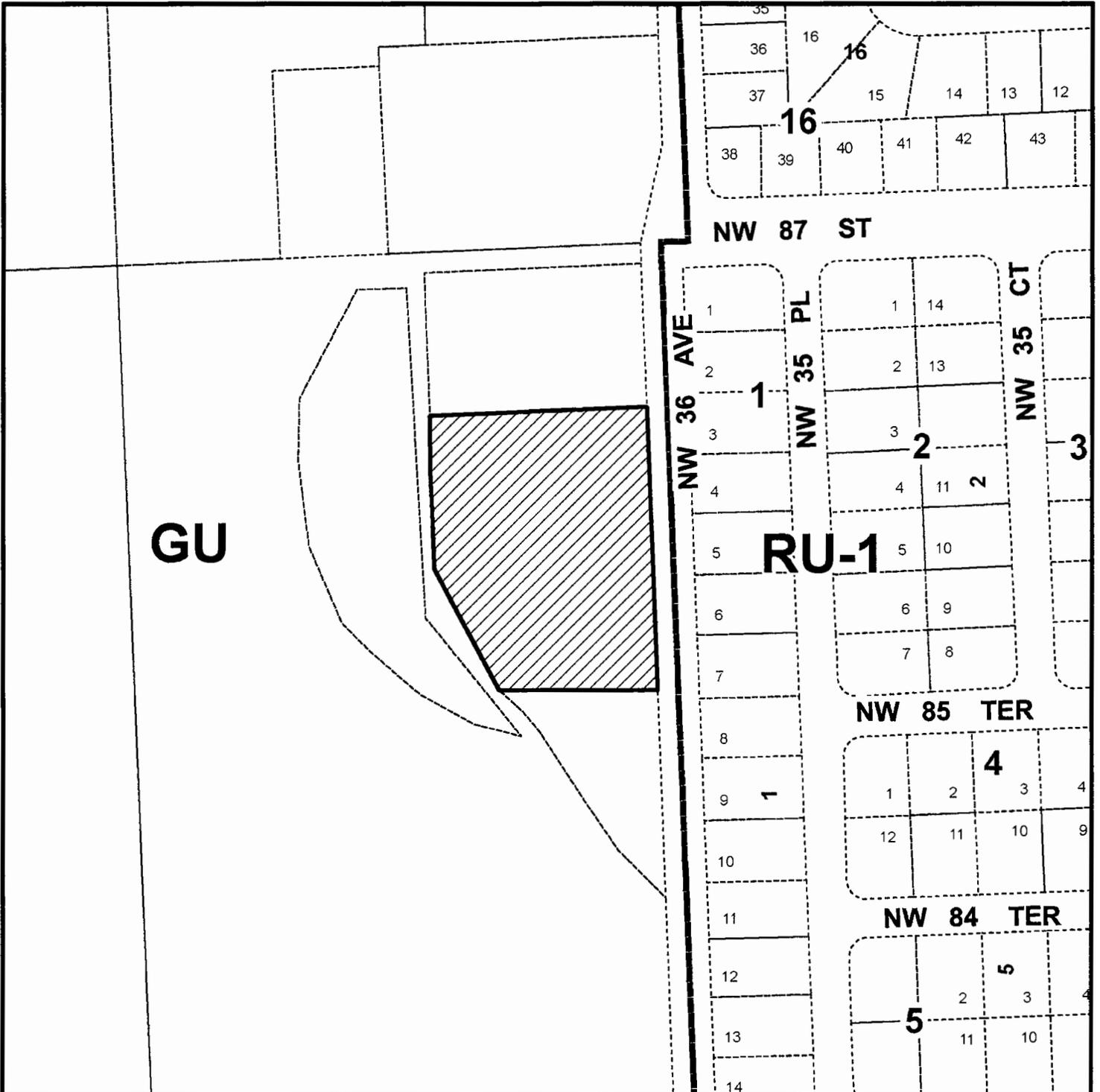
FUTURE BUILDING NORTH ELEVATION

RECEIVED
MAY 14 2014
CITY OF DENVER

311

FLOOR PLAN & ELEVATIONS.

A-6



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000037

Section: 09 Township: 53 Range: 41
 Applicant: KING METAL RECYCLING, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

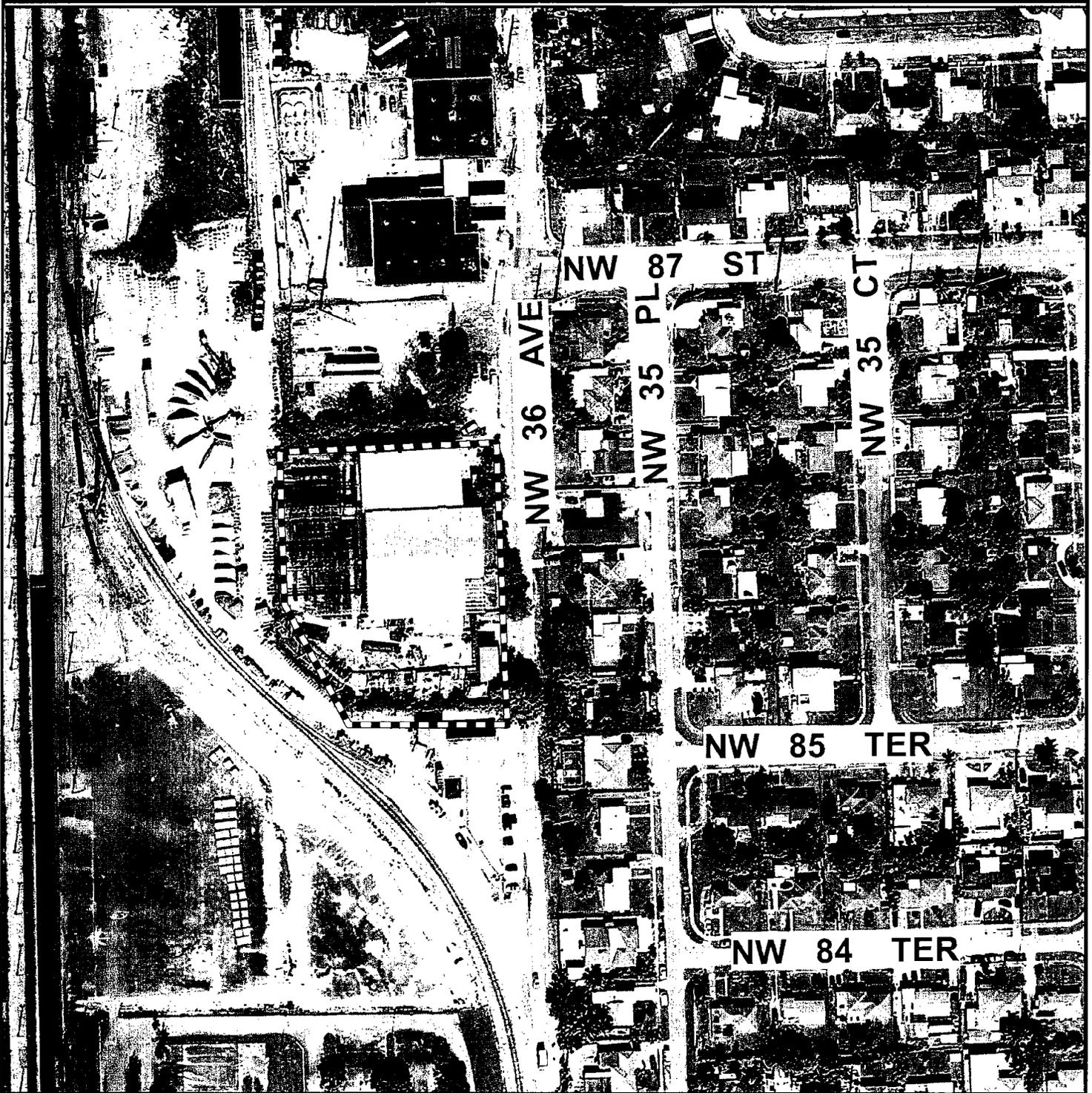
Legend

 Subject Property Case



SKETCH CREATED ON:

REVISION	DATE	BY
	4/1	



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000037



Legend

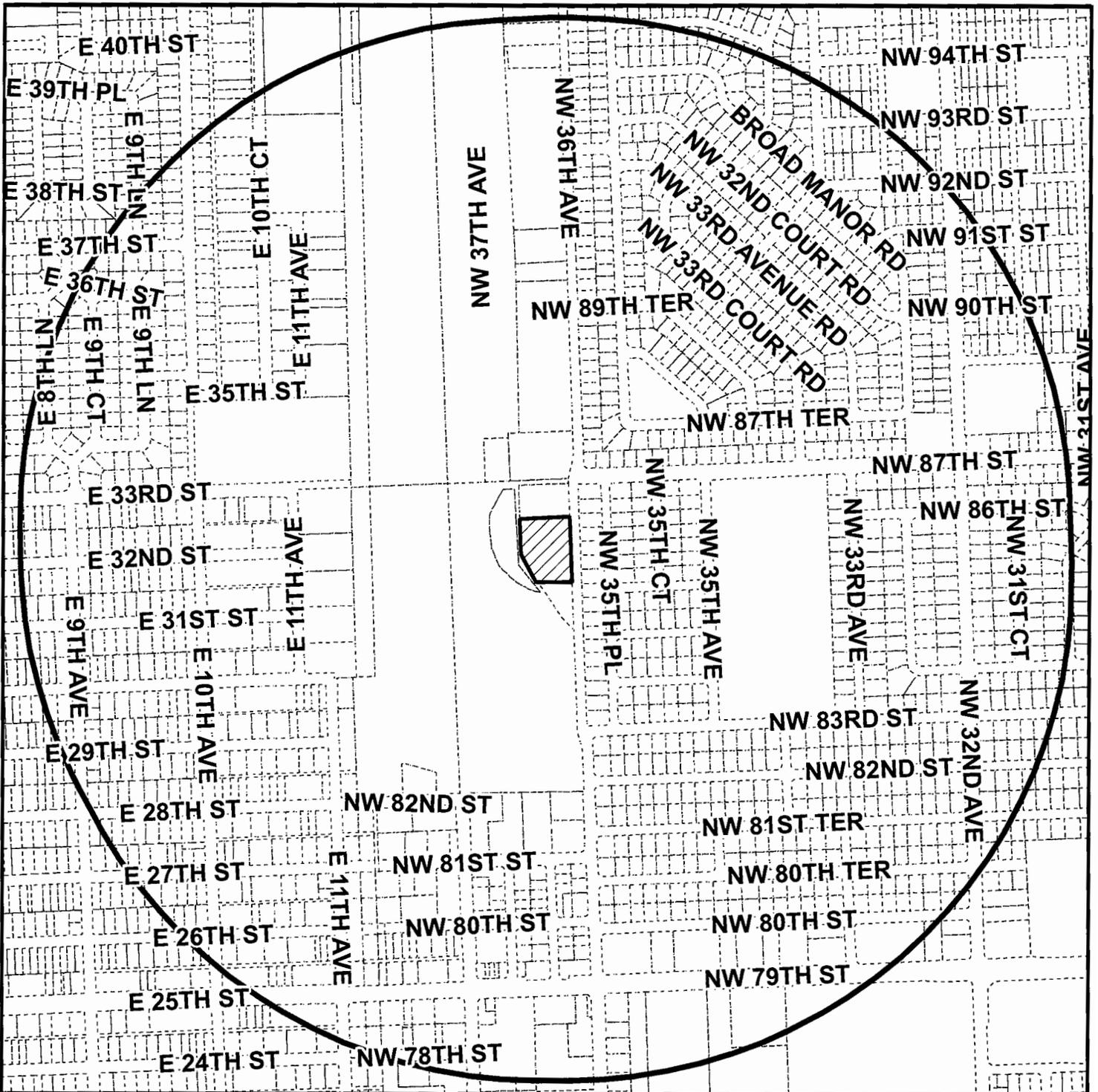
 Subject Property

Section: 09 Township: 53 Range: 41
 Applicant: KING METAL RECYCLING, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON:

REVISION	DATE	BY
	42	



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2011000037

RADIUS: 2640

Section: 09 Township: 53 Range: 41
 Applicant: KING METAL RECYCLING, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

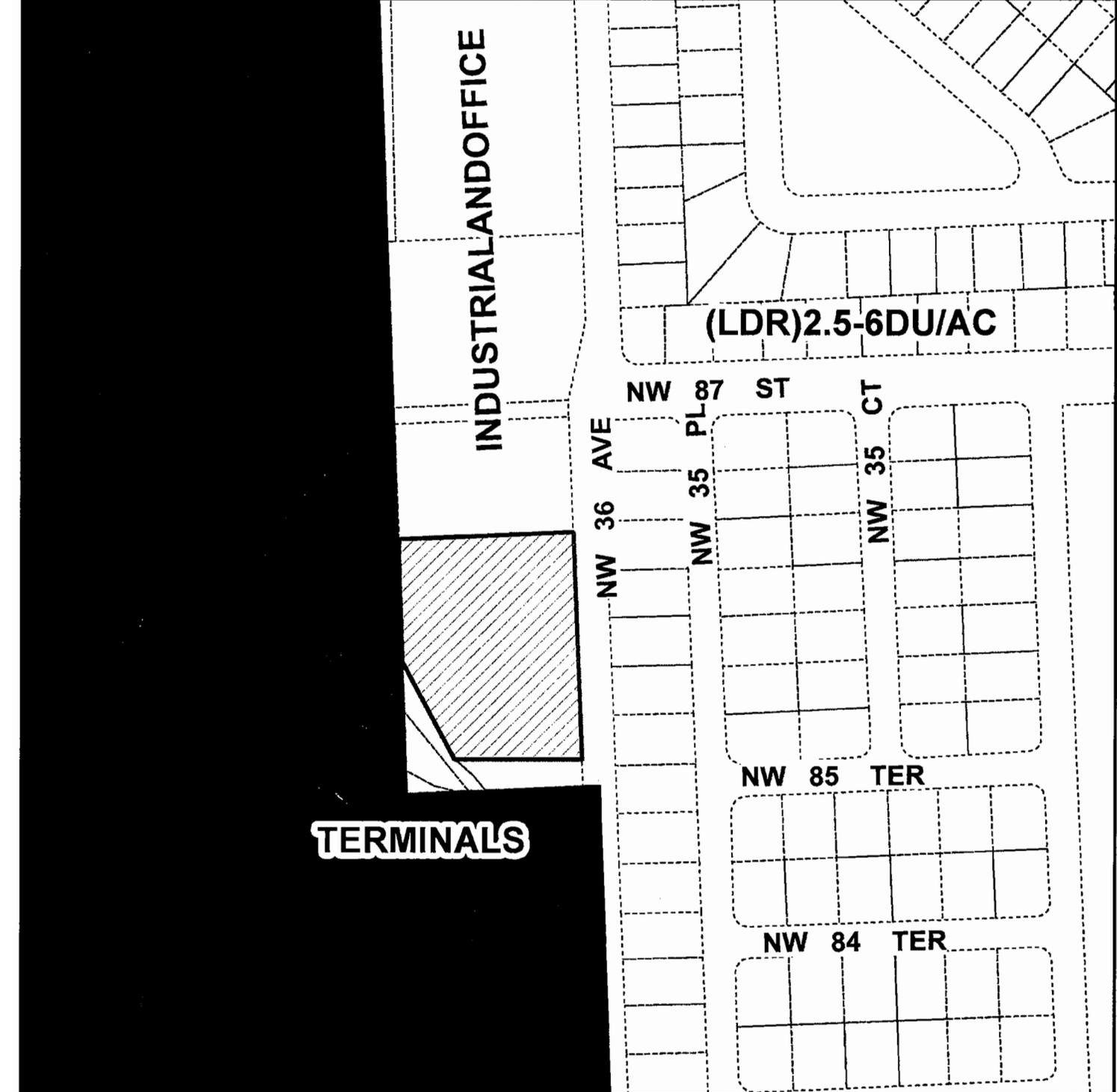
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, April 7, 2011

REVISION	DATE	BY
	4/3	



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2011000037



Section: 09 Township: 53 Range: 41
 Applicant: KING METAL RECYCLING, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON:

REVISION	DATE	BY

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

PH:11-130 (12-5-BCC-1)

May 17, 2012

Item No. 2

Recommendation Summary	
Commission District	10
Applicants	Fontainbleau Lakes LLC, et al
Summary of Requests	The applicants seek to permit entrance and water features to a previously approved residential development as well as to permit the excavation and partial filling of lakes within the development. Additionally, the applicants seek to modify resolutions and delete covenants which tied the development to a larger tract of land with both residential and commercial developments and to allow the applicants to submit revised site plans showing the proposed residential development, lake excavations and lake fillings. The applicants also seek to permit the proposed development with less parking spaces and a greater fence height around the tennis courts than allowed by the Code and to permit an accessory structure in front of the principal buildings on the residential site.
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 Low-Medium Density Residential, 6-13 dua Medium Density Residential, 13-25 dua Parks and Recreation <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the goals, objectives, policies and interpretative text 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 <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval, subject to the Board's acceptance of the proffered covenant.

REQUESTS:

- (1) UNUSUAL USE to permit entrance features including a guard house, entry gates, water features and wall signs.
- (2) UNUSUAL USE to permit lake excavations and lake fills.

REQUESTS #1 and #2 ON EXHIBIT '1'

- (3) MODIFICATION of Condition #2 of the general conditions and Conditions #1 & #2 of the Lake Excavations and Golf Course of Resolution No. Z-208-69 passed and adopted by the Board of County Commissioners, last modified by Resolution CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board 10, only as applied to the subject property and reading as follows:

GENERAL CONDITIONS:

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

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by DIX Lathrop and Associates, Inc., consisting of 12 sheets and plans prepared by Development Consulting Group, consisting of 5 sheets, for a total of 56 sheets, dated stamped received 3/9/12, with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12."

LAKE EXCAVATIONS & GOLF COURSE:

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

TO: "1. That detailed plans be submitted to and must meet with the approval of the Directors of the Public Works and Waste Management Department and the Permitting, Environment and Regulatory Affairs Department or its successor Department and that said plan be substantially in compliance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets."

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

TO: "2. That the perimeter be backfilled and graded & slopes to be substantially in accordance with the plans submitted entitled "Fontainebleau Lakes" as prepared by Development Consulting Group and consisting of 5 sheets, dated stamped received 3/9/12."

- (4) MODIFICATION of Conditions #4, #8, & #20 of Resolution No. CZAB10-21-06, passed and adopted by the Community Zoning Appeals Board 10, only as it applies to the subject property and reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau East" (68 pages) and "Fontainebleau West" (51 pages), as prepared by Pascual Perez Kiliddjian & Associates Architects Planners, dated stamped sealed December 21, 2005 (East Parcel) and August 05, 2005 (West Parcel), except as herein modified to provide the required number of parking spaces."

TO: "4. That in the approval of the plan, of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by DIX Lathrop and Associates, Inc., consisting of 12 sheets and plans prepared by Development Consulting Group, consisting of 5 sheets, for a total of 56 sheets, dated stamped received 3/9/12, with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12."

FROM: "8. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for hearing entitled "Lake Areas," as prepared by MSA, Civil & Environmental Engineers consisting of 4 sheets and dated stamped received June 28, 2005."

TO: "8. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for hearing entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets."

FROM: "20. That the plans submitted with the permit application shall be substantially in compliance with the approved lakefill plan entitled "Lake Areas" as prepared by MSA, Civil & Environmental Engineers, dated stamped received June 28, 2005, consisting of 4 sheets. The permit application plans shall include a copy of the approved lakefill plan and at least three (3) sets of the proposed fill project permit plans, sealed by a Florida-licensed surveyor and/or professional engineer."

TO: "20. That the plans submitted with the permit application shall be substantially in compliance with the approved lakefill plan entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets. The permit application plans shall include a copy of the approved lakefill plan and at least three (3) sets of the proposed fill project permit plans, sealed by a Florida-licensed surveyor and/or professional engineer."

- (5) Deletion of a Declaration of Restrictions recorded in Official Record Book 27820 Pages 1556 – 1567 only as it applies to Exhibit "1".
- (6) Deletion of a portion of a legal description in a Declaration of Restriction recorded in Official Record Book 24467 Pages 3173 - 3181, last modified by Second Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173 recorded in Official Records Book 27903 Pages 704 – 724 only as it applies to Exhibit "1".

The purpose of requests #3 - #6 is to allow the applicant to submit a new site plan showing a different site layout for the previously approved residential development described as Exhibit "1" and to remove said residential development from certain covenants and resolutions that are tied to the previously approved residential and commercial developments.

- (7) NON-USE VARIANCE to permit 1,124 parking spaces (1,206 required).
- (8) NON-USE VARIANCE to permit a tennis court with a fence height of 20' (14' maximum permitted).
- (9) NON-USE VARIANCE to permit an accessory uses in front of the principal buildings (not permitted).

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 approximately 78-acre parcel, identified as Exhibit "1", is the subject of this application, and is comprised of 33.76 acres for a proposed two-phase multi-family residential development and lake on Parcel "A", and the remaining approximately 44.24 acres comprised of lakes, green open space areas, entrance features and private drives on the northeast portion of the larger tract abutting State Road #836.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	<p>Fontainebleau West: PAD: vacant land, condominiums and townhomes</p> <p>RU-3M: condominiums</p> <p>Fontainebleau East: GU & 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>
North	State Road #836	Transportation (ROW, Rail, Metrorail)
South	RU-4M, RU-4L and GU; townhomes, condominiums, vacant land and lakes	Low-Medium Density Residential (6-13 dua) and Medium Density Residential (13-25 dua)

	BU-2, GU and AU; offices and utility plant	Office Residential
East	RU-4 and GU; condominiums and apartment buildings	Medium Density Residential (13-25 dua)
West	RU-2, RU3M and RU-4M; townhomes and condominiums	Low-Medium Density Residential (6-13 dua)
Center	<u>Fontainebleau West</u> RU-4M and RU-4L; Condominiums, townhomes	Low-Medium Density Residential (6-13 dua)
	<u>Fontainebleau East:</u> RU-4, BU-1 and BU-2; condominiums, townhomes, offices, lakes and retail	Medium Density Residential (13-25 dua)

NEIGHBORHOOD COMPATIBILITY:

The northeastern portion of the subject parcel, which the applicants propose to develop with a multi-family residential development, abuts multi-family residential developments to the south and to the northeast; to the north is the State Road #836 expressway.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to separate the entire 78-acre parcel referred to as Exhibit "1" from the conditions and restrictions in prior resolutions that tied it to the larger 272-acre tract located to the west and south, and to develop the parcel comprised of Parcels "A", "B" and "C", in accordance with the regulations of the designated zoning district. However, the proposed multi-family residential development could have visual and vehicular impacts on the surrounding residential developments in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The 272-acre subject property, 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. Staff notes that while both Fontainebleau West and Fontainebleau East are a part of this application, the main purpose of this application is to remove the approximately 78-acre portion of the Fontainebleau East parcel. The 78-acre parcel contains the proposed multi-family residential development, lakes and open areas.

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the northern, approximately 30-acres of this parcel, Parcel "A", for **Medium Density Residential** use and was a part of a larger tract of land that was the subject of the April 2004 CDMP amendment cycle which was adopted by the Board of County Commissioners (BCC). The applicant at that time proffered a CDMP Declaration of Restrictions, recorded in Official

Records Book 23413, Pages 1136-1142, which restricted the development of Parcel "A" to a maximum number of units. The Medium Density Residential use *allows densities from 13 to 25 dwelling units per gross acre. The types of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.* The LUP map designation allows the applicant to develop Parcel "A" with a maximum of 1,050 residential units. The aforementioned parcel was approved pursuant to Resolution #CZAB10-21-06 in March 2006, to allow a 770 unit residential development comprised of both condominiums and townhomes which is a part of a larger development comprised of residences and commercial uses. The applicants now seek to modify the resolution and delete certain zoning covenants in order to submit revised plans for the residential development and to separate the parcel from the larger tract. Plans submitted by the applicant show a reduction in the number of residential units from 770 to 720 and the elimination of the townhomes and now show only a condominium development.

In addition, the submitted plans show changes to the lake excavations and lakefills that were previously proposed as well as proposed entrance features comprised of water features and guard houses. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the remaining, approximately 44 acres of the northern portion of the Fontainebleau East tract for **Parks and Recreation**. The CDMP Land Use interpretative text for areas designated Parks and Recreation on the LUP map states that, *unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.*

The applicants have proffered a revised zoning covenant for the proposed development which shows the revised plans for the residential development as well as a lake excavation and lake fill on Parcel "A", and the lake excavations, lake fills and entrance features located on Parcels "A", "B" and "C". Said covenant also ties the development of the three (3) parcels together and provide for the ingress and egress for the residential portions of the development through Parcels "B" and "C".

Since the approval of the application would maintain the restrictions of the development of the site based on the CDMP amendment, would not result in an increase in the number of residential units, and would maintain the open space areas on Parcels "B" and "C", 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, the CDMP Land Use Plan map designation for the **Medium Density Residential** and **Parks and Recreation** use, and with the density threshold for the portion of the property that is designated for **Medium Density Residential** use.

ZONING ANALYSIS:

The applicants seek to permit an unusual use to permit entrance features, entry gates and guard houses, water features and wall signs (request #1) and to permit the partial filling and/or the enlargement of other existing lakes on the site (request #2). When the aforementioned requests are analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses,

staff is of the opinion that the approval of the requests would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. Staff notes that these requests are being sought along with other requests (requests #3 through #6) which would allow the applicants to separate the proposed residential development and the proposed lakes from the previously approved 272-acre commercial and residential development. Staff opines that the proposed entrance features and lakes will provide security and a visual enhancement to the proposed condominium development and that the proposed development will be **compatible** with the surrounding area which is primarily made up of similar condominium and apartments developments. Further, staff notes that the applicants have proffered a covenant which will ensure the maintenance of the lakes and water features as part of the proposed residential development and provide access to the residents and guests to the residential community from section line roads, NW 87 Avenue and NW 97 Avenue, located respectively to the east and west of the proposed development. **As such, subject to the acceptance of the proffered covenant, staff recommends approval of requests #1 and #2 under Section 33-311(A)(3).**

The purpose of requests #3 through #6 is to allow the applicants to modify conditions of a prior resolution and to submit revised plans for a 33.76-acre residential and lake development on the Fontainebleau East tract. The prior plans were previously approved as a part of a commercial and residential development on a 272-acre tract of land. The approval of said requests would also allow the applicants to separate the aforementioned parcel from certain covenants that tied this residential and lake parcel to the 272-acre tract of land. The aforementioned modifications of prior resolutions and the deletion of the covenants shall only apply to Exhibit "1", the 78-acre residential development along with the open space and the lakes.

When requests #3 through #6 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval with conditions would be **compatible** with the surrounding area. Approval of request #3, would allow the applicants to modify condition #2 of the general conditions and modify conditions #1 and #2 of the lake excavations and golf course of resolution #Z-208-69, last modified by Resolution #CZAB10-21-06, only as it applies to Exhibit "1". Similarly, the approval of request #4 would allow the applicants to modify conditions #4, #8 and #20 of Resolution #CZAB10-21-06 only as it applies to Exhibit "1", which is the 78-acre residential and lake development. The aforementioned conditions all pertain to the proposed site plan for the residential development and the excavations and partial lake fills that are a part of the development. Said plans show the proposed 720-unit residential development that will abut State Road #836 located to the north, and fronts a combination of lakes and water features located to the south on Parcels "B" and "C". The residential development will be comprised of multiple residential buildings 3-story residential buildings at a maximum height of 42'-1", clubhouses and recreational facilities to include swimming pools and tennis courts, which will run easterly between NW 97 Avenue and NW 87 Avenue. The difference between the current, proposed plan and the plan that was previously approved in 2006 pursuant to Resolution #CZAB10-2-06, are the reduction of the number of residential units from 770 to 720 units, the reduction in the number of stories and building height from 8-stories and 93', to 3-

stories and 42'-1"; and the change from a mix of condominiums and townhomes to only condominiums on Parcel "A" of Exhibit "1".

Further, in request #5 the applicants seek to delete the Declaration of Restrictions recorded in Official Record Book 27820, Pages 1556 – 1567; and request #6 would allow the applicants to delete (i) Declaration of Restrictions recorded in Official Records Book 24467, Pages 3173 - 3181, last modified by Second Modification of Declaration of Restrictions Recorded at Official Records Book 24467, Pages 3173 recorded in Official Records Book 27903, Pages 704 – 724, only as it applies to Exhibit "1" for both.

Staff opines that the aforementioned modification of conditions and the deletion of certain covenants and portions of covenants as they apply to the parcel referred to as Exhibit "1" 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. As previously noted, the applicants have proffered a declaration of restrictions and a covenant in lieu of unity of title that will ensure that there is continued access for ingress and egress for Parcel "A" of the development through Tracts "B" and "C", on which the lakes and entrance features for the development will be located. Additionally, 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 covenant, staff recommends approval with conditions of requests #3 through #6 under the Generalized Modification Standards, Section 33-311(A)(7).**

When request #7 to permit the proposed residential development with 1,124 parking spaces (1,206 required), request #8 to permit a tennis court with a fence height of 20' (14' maximum permitted) and request #9 to permit accessory structures in front of the principal buildings are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of these requests 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 opines that the 6.7% reduction in the number of parking spaces (request #7) is minimal and will not result in the spillage of parking onto the roadways abutting the 78-acre development. Further, staff notes that the Public Works and Waste Management Department does not object to the application and has indicated in its memorandum that the application will not create additional impacts on traffic on the abutting roadways. In addition, staff opines that the requested fence height around the tennis courts which abut the State Road #836 expressway will not have a negative visual impact on the surrounding area and may reduce any hazards on the abutting roadways that may occur from flying tennis balls. However, as a condition for approval of this request, staff recommends that no signage be placed on the fences. Further, staff notes that the accessory structures referred to in request #9, are the club house and tennis courts, which in staff's opinion are integral parts of the residential development. Staff opines that the location of these facilities in front of the principal buildings on the 30-acre parcel, Parcel "A", will be visually unobtrusive and are not likely to have a negative visual impact on the surrounding area. Further, staff notes that the accessory structures referred to in request #9,

are the club house and tennis courts, which in staff's opinion are integral parts of the residential development. **Therefore, staff recommends approval with conditions of requests #7 through #9 under Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b).**

ACCESS, CIRCULATION AND PARKING: The subject property can be accessed from two (2) ingress/egress drives from NW 87 Avenue to the east, and NW 97 Avenue to the west. The proposed residential and recreational buildings within the subject site will be connected by a network of two-way drives throughout. The proposed residential parcel has 82 less parking spaces than required. However, in staff's opinion, spillage that may result from this 5% reduction in parking on the 30-acre parcel will be internal to the site and will not impact the abutting roadways.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL:

1. That this resolution supersedes Resolution No. Z-208-69 last modified by Resolution CZAB10-21-06 only as it applies to Exhibit "1" and that all other conditions of Resolution No. Z-208-69 last modified by Resolution CZAB10-21-06 remain in full force and effect on the remaining property.
2. That the use be established and maintained in accordance with the approved plan.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by DIX Lathrop and Associates, Inc., consisting of 12 sheets and plans prepared by Development Consulting Group, consisting of 5 sheets, for a total of 56 sheets, dated stamped received 3/9/12, with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12.
4. That no signage be permitted on the tennis court fences.
5. 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.
6. 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.

LAKEFILL CONDITIONS

7. That the plans submitted with the permit application shall be substantially in compliance with the approved lakefill plan entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets. The permit application plans shall include a copy of the approved lakefill plan and at least three (3) sets of the proposed fill project permit plans, sealed by a Florida-licensed surveyor and/or professional engineer.
8. 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.
9. That no fill be permitted within the adjacent rights-of-way.
10. That if in the opinion of the Director the lakefill is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicants as directed by the Director.
11. 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
12. 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.
13. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Permitting, Environment and Regulatory Affairs, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Permitting, Environment and Regulatory Affairs; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
14. 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.
15. 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.

16. 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.
17. 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.
18. That the property shall be suitably posted to meet with the approval of the Director; said posting shall denote the fill project and shall warn the public concerning the possible hazards prior to commencement and for the duration of the fill project.
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 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.
21. 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;
22. 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.
23. That the hours of the lakefill operation shall be controlled by the Director.
24. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the lakefill 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.

LAKE EXCAVATION CONDITIONS

25. That if in the opinion of the Miami-Dade County, Board of County Commissioners the excavation is hazardous to the surrounding area; the property will be fenced in by the applicant
26. That if the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises
27. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for hearing entitled "Fontainebleau Lakes" as prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets.
28. That the perimeter be backfilled and graded & slopes to be substantially in accordance with the plans submitted entitled "Fontainebleau Lakes" as prepared by Development Consulting Group and consisting of 5 sheets, dated stamped received 3/9/12.
29. That the hours of the excavation operation shall be controlled by the Director.
30. That the applicants shall obtain and renew on an annual basis, a Lake Excavation Permit from the Department of Permitting, Environment and Regulatory Affairs, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Lake Excavation Permit for the subject property (and any subsequently issued renewals) and the Lake Excavation Permit(s) for the existing contiguous quarrying operations (and any subsequently issued renewals) shall remain active until the excavation of the respective quarry property has been completed and/or unless the respective bond has been released.
31. All excavations shall be completely enclosed by a safety barrier, with a minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
32. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.

ES:GR:NN:AN:CH



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

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

*If applicable

ZONING RECOMMENDATION ADDENDUM

Applicant: *Fontainbleau LLC Etal*

PH: Z11-130

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

<p>Business and Office (Page I-41)</p>	<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 (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></p>
<p>Parks and Recreation (Page I-51)</p>	<p><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></p>

ZONING RECOMMENDATION ADDENDUM

Applicant: *Fontainebleau LLC Etal*
PH: Z11-130

	<p><i>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.</i></p>
<p>Medium-Density Residential (Page I-31)</p>	<p><i>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.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Special Exceptions, Unusual Uses and New Uses. Section 33-311(A)(3)</p>	<p><i>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.</i></p>
---	---

ZONING RECOMMENDATION ADDENDUM

Applicant: *Fontainbleau LLC Etal*
PH: Z11-130

Section 33-311(A)(7) Generalized Modification Standards.	<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>
Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(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>

2. FONTAINBLEU LAKES LLC
(Applicant)

12-5-CC-1 (11-130)
Area BCC/District 10
Hearing Date: 05/17/12

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

If so, who are the interested parties? **Related Group, LLC**

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>
1955	Planning, Zoning & Building	- Amendment to AU Zoning district.	BCC	Approved
1969	Trafalgar Developers	- Zone change from IU-2, AU to RU-4, GU, BU-2. - Special Exception to permit apartments. - Unusual Use lake excavation and golf course. - Special Exception building heights and private drives. - Variance of setbacks.	BCC	Approved with Condition(s)
1969	Trafalgar Developers, LTD	- Clerical error for Declaration of Restrictions.	BCC	Approved
1969	Trafalgar Developers	- Zone change from IU-2, AU to RU-4, GU, BU-2. - Special Exception to permit apartments. - Unusual Use lake excavation and golf course. - Special Exception building heights and private drives. - Variance of setbacks.	ZAB	Recommended for Approval
1970	Miami Caribe Inv.	- Unusual Use golf course.	ZAB	Approved with Condition(s)
1973	Trafalgar Developers of Fl.	- Zone change from AU, GU and IU-1 to RU-3M, RU-4M, RU-4L, BU-1 and GU. - Unusual Use for golf course. - Modification of Resolution.	ZAB	Approved with Condition(s)

1973	Trafalgar Developers of Fl.	- Unusual Use for lake excavation.	ZAB	Approved with Condition(s)
1973	Trafalgar	- Zone change from AU, GU, IU-1 and 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 Variance's.	C10	Approved with Condition(s)
2009	Fontainbleau Lakes L.L.C.	- Zone change from GU and RU-4M to BU-1A, GU. - Unusual Use for lake excavation. - Modification of Resolution.	BCC	Approved with Condition(s)
2011	Fontainbleau Lake, LLC & Fontainbleau Single Family Homes West, LLC.	- Zone change from RU-4M to PAD. - Unusual Use for lake fill. - Modification of Resolution. - Non-Use Variance's. - Modification of Declaration of Restrictions.	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 20, 2012

To: Jack Osterholt, Interim Director
Sustainability, Planning and Economic Enhancement

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

Subject: #Z2011000130-2nd Revision
Fountainbleau Lakes, LLC
South of State Road 836 between NW 87th Avenue and NW 97th
Avenue
Modification of Previous Plans and Covenant for Residential
Development, Special Exception for Site Plan Approval for a
Residential Development, Unusual Use for Entrance Features and
Water Features, Unusual Use for Lake Excavations and Lake Fills
and to Permit Accessory Structures in From of the Principal Use
(RU-4M) (272 Acres)
04-54-40

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.

Sanitary sewer can be made available to the subject property. Therefore, connection of the proposed development to the public sewer supply system shall be required in accordance with Code requirements. Civil drawings for the proposed sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section.

Be advised that the 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 permit will need to be approved by Miami-Dade Water and Sewer Department and the Department's Water and Wastewater Engineering Section prior to approval of final development orders.

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

The drainage system for the proposed facilities must be designed for a 5-year/1 day storm event. If this system is designed with an emergency overflow into any surface water body, a Class II permit will be required.

This project impacts the Canal Maintenance Easement of the NW 97th Avenue Canal; therefore, a Class III permit will be required.

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.

Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

Per previous comments, 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 tree permit TP2006-577, 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."

Note that the applicant has submitted an application to the Tree Program for a Tree Removal/Relocation permit (TREE-03687). As such, this Program recommends approval of this application with the condition that the Tree Removal Permit TREE-03687 is duly obtained prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24 of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code. 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-sized tree removal standards set forth in Section 24-49.2(II) of the Code.

The applicant is advised to contact the Tree Permitting 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.

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

Guardrail may be required around portions of the lake adjacent to asphalt drives and parking.

Guardrail installation must comply with Miami-Dade County Code and the Standard Details of the Public Works Manual.

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

Additional improvements and lake section requirements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 317 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9510	NW 107 Ave. n/o NW 12 St.	D	D
F-1218	NW 107 Ave. n/o NW 7 St.	D	D
F-2244	SR 836 e/o NW 87 Ave.	C	C
F-1211	NW 87 Ave. n/o NW 8 St.	E	E
9154	W Flagler St. w/o NW/SW 87 Ave.	E	E
9156	W Flagler St. w/o NW/SW 87 Ave.	D	D

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



Raul A Pino, P.L.S.

21-FEB-12

Memorandum



Date: 26-MAR-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2011000130

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated February 15, 2012.
 The following comments are related to site plan date stamped received March 9, 2012:
 - Knox key switch required at guard houses for Fire Department access.
 - Previously approved with the condition that Knox key switch be provided.

Service Impact/Demand

Development for the above Z2011000130 located at South of State Rd #836 between NW 87 Avenue and NW 97 Avenue, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1240 is proposed as the following:

720 <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
N/A <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 223.67 alarms-annually.
 The estimated average travel time is: 7:02 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

Current service impact calculated based on site plan date stamped received March 9, 2012. Substantial changes to the plan will require additional service impact analysis.

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

Memorandum



Date: April 20, 2012

To: Jack Osterholt, 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: Z2011000130: Fontainebleau Lakes LLC
Revised Documents Dated Stamped Received through 3/09/2012

Application Name: Fontainebleau 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 of a previous resolution and an unusual use to permit lake excavation.

Impact and demand: The site consists of approximately 34 acres. The application reduces the number of approved residential units from 770 to 720. Private recreation facilities included include pools, tennis, tot lots and clubhouse facilities. When measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons, the proposed revision from 770 to 720 dwelling units would reduce the impact from 5.19 to 4.85 acres, or .34 acres less demand than is currently approved. Revised Documents Dated Stamped Received through 3/09/2012 have been reviewed.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 1 (PBD1) which has a surplus capacity of 407.20 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP) recommends the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities. The development plans of the application area should be developed to be consistent this objective.

Current Park Benefit District Area Conditions: County-owned local parks that are within two miles of the subject application are described in Table A which lists the name, type and acreage for each park. The nearest park to the application is Ruben Dario Park, which is located approximately 1.32 miles from the site. Ruben Dario Park is a community park that is heavily programmed. The Department is working diligently to acquire additional land for park and recreation uses in the area to serve the demand.

**Table A - County Parks (local only)
Within a 2 Mile Radius of Application Area.**

Park Facility	Classification	Acreage
Ruben Dario Park	Community Park	14.97
Coral Estates Park	Community Park	5.26
The Womens Park	Single Purpose Park	15.16
Francisco Human Rights Park	Mini-Park	2.88
Westbrook Park	Neighborhood Park	2.10

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

DATE: 22-MAR-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 ET AL

South of State Rd #836 between NW
87 Avenue and NW 97 Avenue,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000130

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC; FOLIO 3040040840540 on January 20, 2012 a case was opened for failure to perform lot maintenance and a warning was issued. Citation issued February 7, 2012 and case is still opened. Folio 3040040840550 A case was opened April 29, 2011 for overgrown grass and warning issued. Citation issued May 26, 2011. Violation corrected November 8, 2011. CVN paid and settlement memo done and case closed January 3, 2012. Folio 3030550911610 a case was opened on December 28, 2010 for failure maintain non dwelling structure and warning issued. Violation corrected and case closed on January 5, 2011. BNC; BSS no open/closed cases.

Fontainbleau 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

03/23/12

Process #: Z2011000130
Applicant's Name FONTAINBLEAU LAKES LLC ET AL

Locations: South of State Rd #836 between NW 87 Avenue and NW 97 Avenue, MIAMI-DADE COUNTY, FLORIDA.

Size: 272 ACRES **Folio #:** 3040040840560

Request:

1 THE APPLICANT IS REQUESTING MODIFICATION OF PREVIOUS PLANS AND COVENANT FOR RESIDENTIAL DEVELOPMENT
UNUSUAL USE FOR LAKE EXCAVATIONS AND LAKE FILLS
UNUSUAL USE FOR ENTRANCE FEATURES AND WATER FEATURES
SPECIAL EXCEPTION FOR SITE PLAN APPROVAL FOR A RESIDENTIAL DEVELOPMENT
NON-USE VARIANCE TO PERMIT ACCESSORY STRUCTURES IN FRONT OF THE PRINCIPLE USE.

EXISTING ZONING

Subject Property BU-1A, GU, PAD, RU-3M, RU-4M,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

VACANT LAND

USE(S) OF PROPERTY:

VACANT LAND

FENCES/WALLS:

ENTRANCE ON 97 AVE HAS 6' CHAIN LINK FENCE

LANDSCAPING:

SOME EXISITING LARGE TREES

BUFFERING:

NONE

VIOLATIONS OBSERVED:

NONE

OTHER:

PROBLEM WITH THE PROPERTY, ONLY ONE WAY IN AND ONE WAY OUT. SAME PROBLEM ON WEST SIDE OF 97 AVE

ZONING INSPECTION REPORT

Process # Applicant's Name

Z2011000130 FONTAINBLEAU LAKES LLC ET AL

SURROUNDING PROPERTY

NORTH:

ST RD 836

SOUTH:

FONTAINBLEAU LAKES COMMUNITY

EAST:

RESIDENTIAL WITH APTS & TOWNHOUSES

WEST:

APARTMENTS & CONDOS

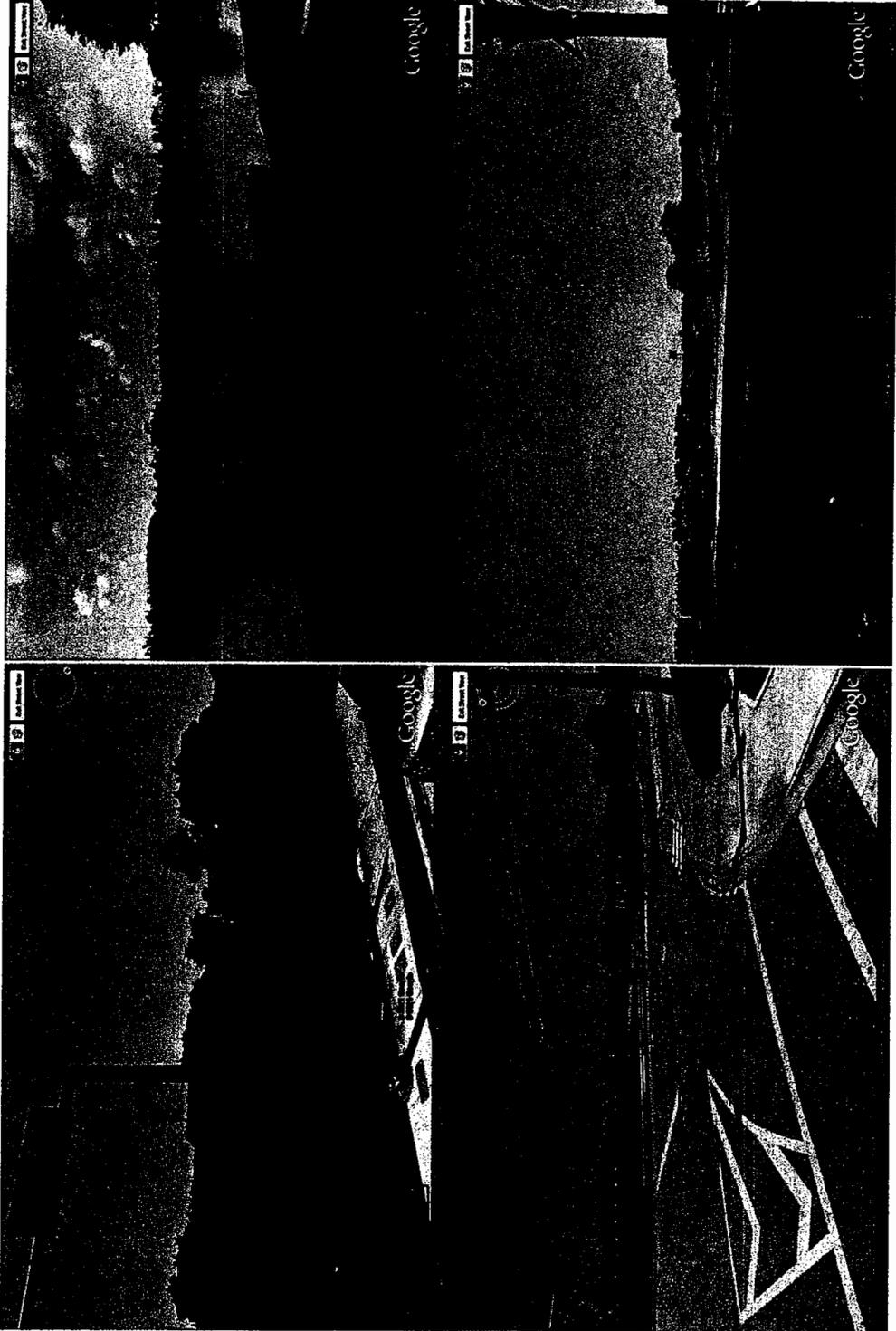
SURROUNDING AREA

MOSTLY THE COMMUNITY OF FONTAINBLEAU PARK WITH APARTMENT BUILDINGS & CONDOS

NEIGHBORHOOD CHARACTERISTICS:

RESIDENTIAL AND APRATMENT LIVING

COMMENTS:



RECEIVED

NOV 09 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



RECEIVED

NOV 09 2011

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



RECEIVED

NOV 09 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

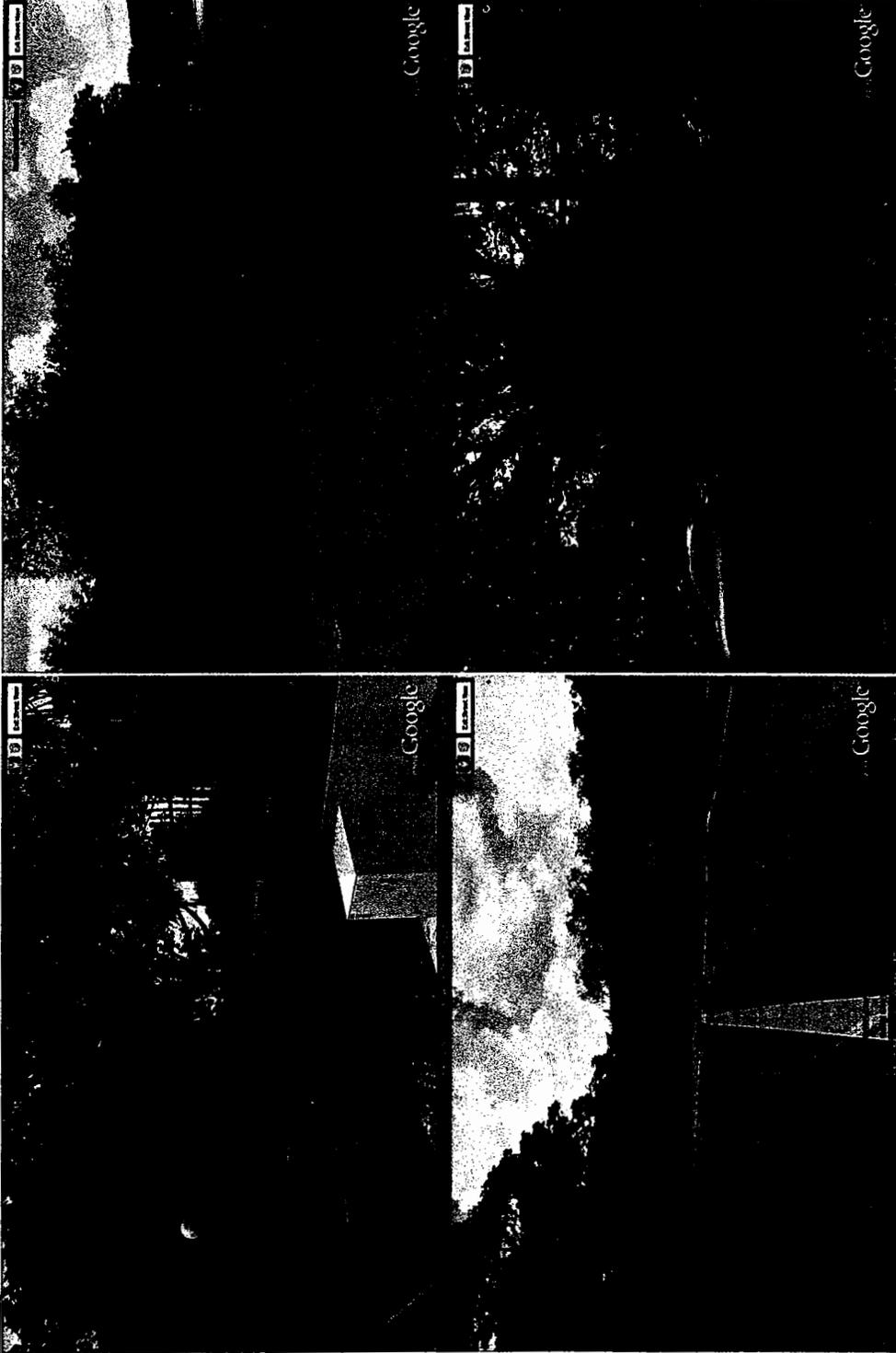
BY _____



RECEIVED

NOV 09 2011

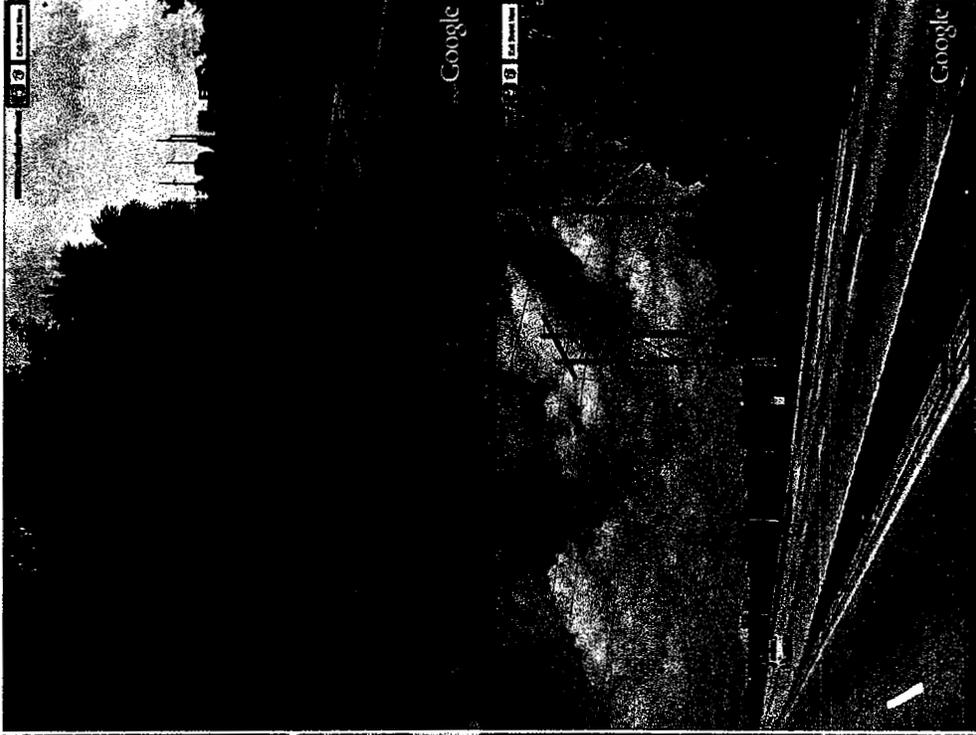
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



RECEIVED

NOV 09 2011

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



RECEIVED

NOV 09 2011

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

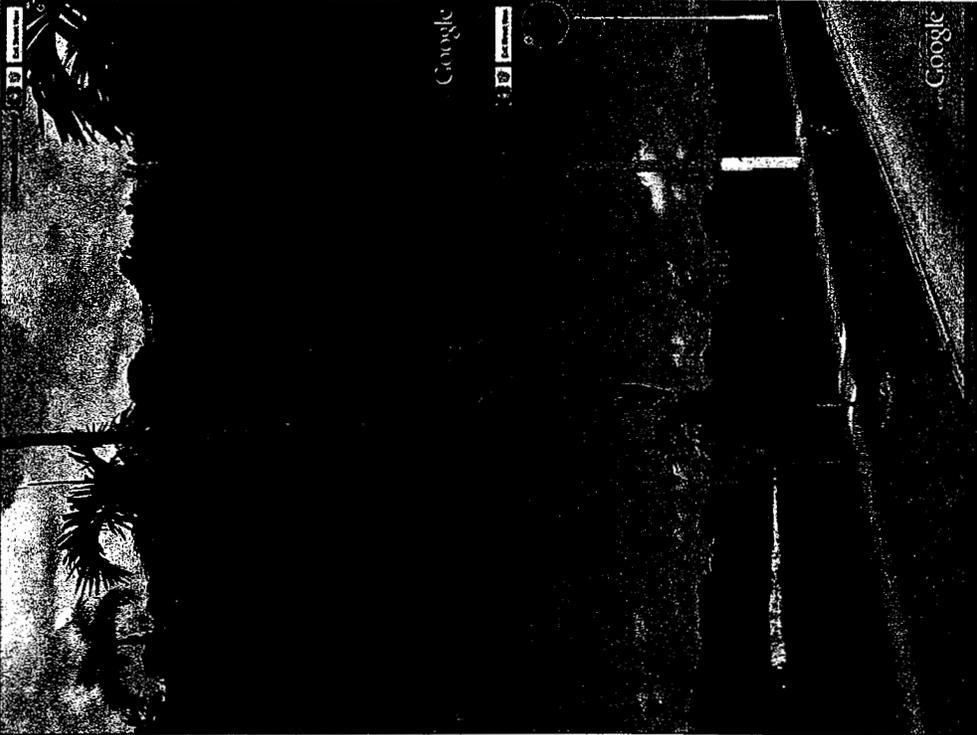
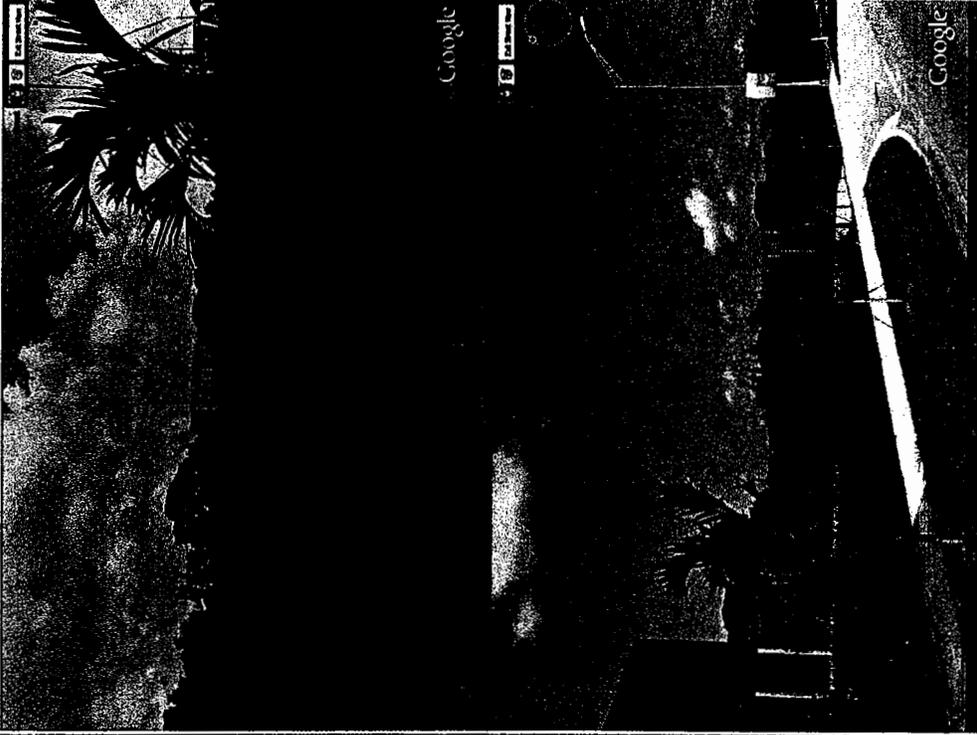


RECEIVED

NOV 09 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

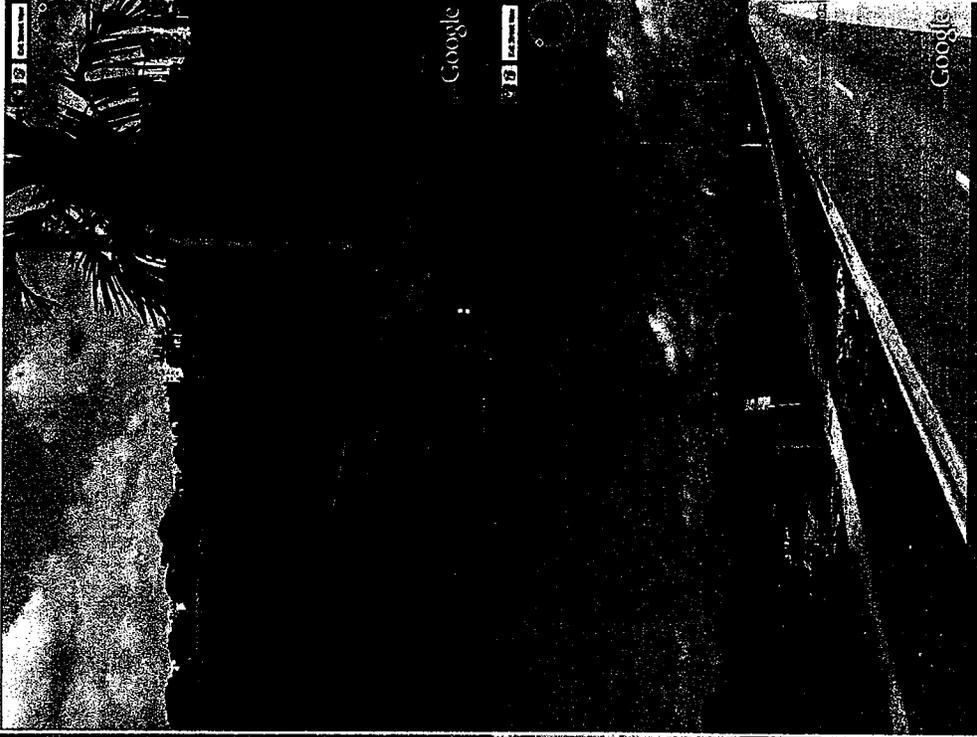
BY _____



RECEIVED

NOV 09 2011

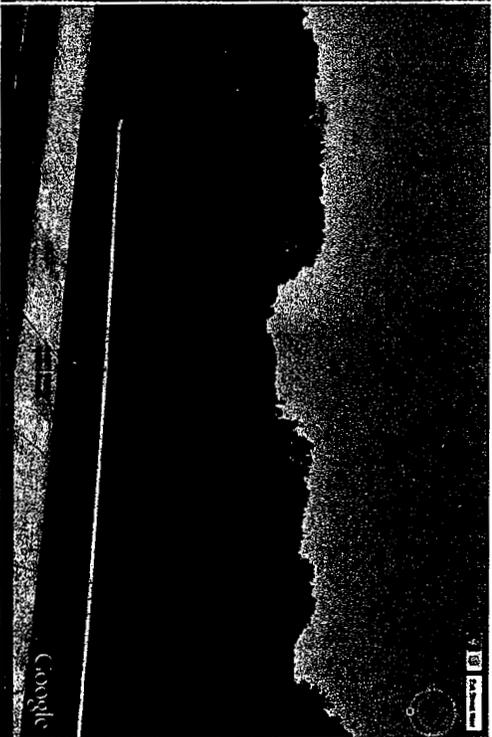
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



RECEIVED

NOV 09 2011

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



RECEIVED

NOV 09 2011

ZONING RESEARCH SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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: Fountainbleau Lakes, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See Exhibit B</u>	_____
_____	_____
_____	_____
_____	_____

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].

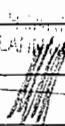
TRUST/ESTATE NAME _____

<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>
_____	_____
_____	_____
_____	_____
_____	_____

ZONING DEPARTMENT
MAY 03 2011
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 other similar

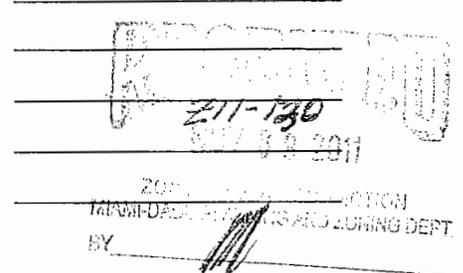
entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: Related Development, LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

See Exhibit C



Date of contract: July 20, 2011

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

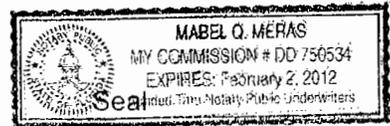
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
Masoud Shojaee (Applicant)

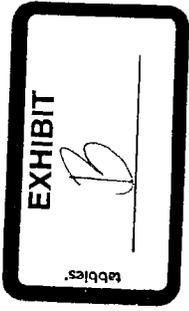
Sworn to and subscribed before me this 4th day of Nov., 2011. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



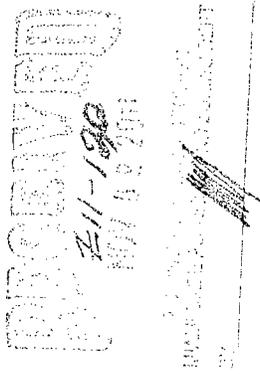
My commission expires: _____

*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.



DISCLOSURE OF ALL PARTIES IN INTEREST

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



Fontainebleau Lakes, LLC
100%

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

Terra Fontainebleau Investments, L.L.C.
990 Biscayne Blvd., Ste. #302
Miami, Florida 33132

70%

30%

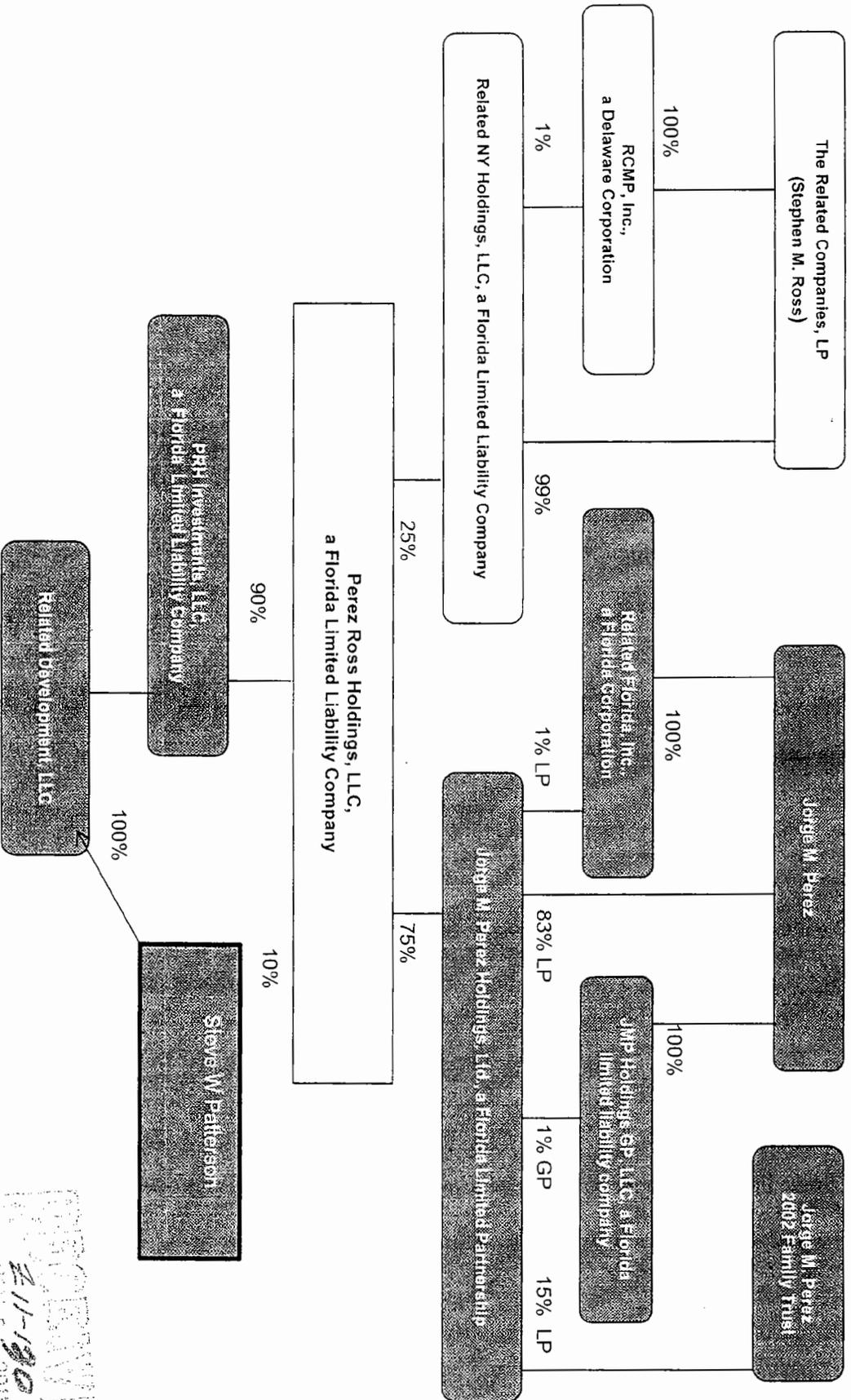
Masoud Shojace
Manager

Maria L. Shojace
Manager

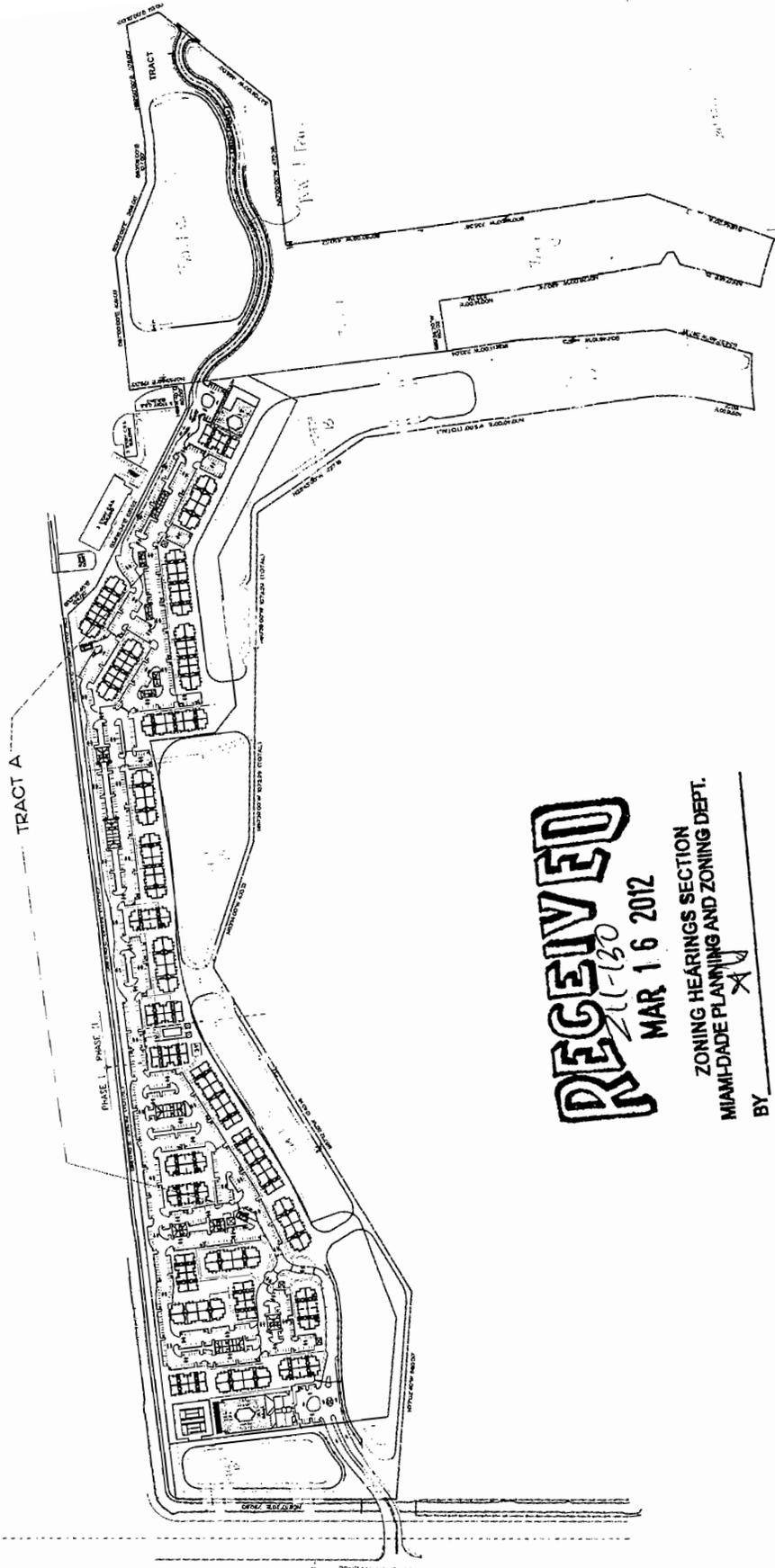
Pedro A. Martin
Manager

Related Development LLC September 19, 2011

EXH.C 22



RECEIVED
SEP 19 2011
11-190
SEP 19 2011



RECEIVED
 21-130
 MAR 16 2012

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

ENLARGED SITE PLAN

RECEIVED
 MUNICIPALITY OF
 PHOENIX
 PLANNING DEPARTMENT
 100 N. GAVIN BLVD
 PHOENIX, AZ 85004

SITE DATA - TRACT A		
ZONING: RU-1W DISTRICT (MODIFIED APARTMENT HOUSE DISTRICT) 35.9 UNITS/ACRE (ACRE)		
LAND USE: MEDIUM DENSITY RESIDENTIAL (13 TO 25 DWELLING UNITS PER GROSS ACRE)		
ALL AREAS FOR TRACT A		
GROSS AREA: 33.76 ACRES = 1,472,005 SF		
WATERWAYS AREA: 1.15 ACRES = 49,933 SF		
NET LOT AREA (EXCLUDES ALL WATERWAYS): 30,410 ACRES = 1,324,071 SF		
NET BUILDING FOOTPRINT: 23,680 UNITS/NET ACRE		
PAVED AREA (ROADS AND SURFACE PARKING): 10,223 ACRES = 445,441 SF		
SETBACKS	REQUIRED	PROVIDED
FRONT	25'	11'-4" MIN
REAR	25'	10'-7" MIN
SIDE STREET	25'	N/A
REAR	25'	25' MIN
DISTANCE B/W BUILDINGS AND ACCESSORY STRUCTURES	30'	30' MIN
* TO TRACT A BOUNDARY		
BUILDING HEIGHT		
MAX. HEIGHT	100' (9 STORIES)	42'-1" (TOP OF ROOF) 28'-4" (TOP OF SIGN)
OPEN SPACE		
OPEN SPACE: 25% TOTAL LOT AREA	367,526.25 SF	LANDSCAPE AREA (EXCLUDES LAKES, POOL, PAVEMENT, TRASH COMPACTOR, AND TYP. LOT) 518,862.77 SF
SITE COVERAGE (MAX 30% OF LOT: 441,151.50 SF)		
BUILDING FOOTPRINT	241,707.44 SF	
CLUBHOUSE FOOTPRINT	14,862.24 SF	
POOL GARAGES	478.08 SF	
MAINT. SHED	800.00 SF	
COVERED GARAGES	24,488.21 SF	
MAINTENANCE SHED	553.33 SF	
CAPT. BARN	202.00 SF	
GUARD HOUSE	200.00 SF	
TRASH COMPACTOR ENCLOSURE	122.00 SF	
TOTAL	372,044.91 SF	1,324,071 SF
* 11 MORE = 43,560 SQ FT		

FAR CALCULATION (3 STORY: 0.75 = 1,028,878.75 SF)	
BUILDING TYPE I	22,127.15 SF X 8 BLDGS = 177,017.40 SF
BUILDING TYPE II	24,305.67 SF X 5 BLDGS = 121,528.35 SF
BUILDING TYPE III	32,787.81 SF X 2 BLDGS = 65,575.62 SF
BUILDING TYPE IV	42,647.73 SF X 2 BLDGS = 85,295.46 SF
BUILDING TYPE V	38,857.89 SF X 3 BLDGS = 116,573.67 SF
BUILDING TYPE VI	40,106.81 SF X 3 BLDGS = 120,320.43 SF
CLUBHOUSE I	6,555.84 SF X 1 BLDG = 6,555.84 SF (INCLUDES TERRACE)
CLUBHOUSE II	4,835.43 SF X 1 BLDG = 4,835.43 SF (INCLUDES TERRACE)
COVERED GARAGES	TOTAL FOR ALL GARAGES = 24,488.21 SF
MAINT. SHED	400 SF X 2 BLDGS = 800 SF
POOL GARAGES (P.A.)	289 SF X 2 BLDGS = 578 SF
MAINTENANCE SHED	553.33 SF X 1 BLDG = 553.33 SF
CAPT. BARN	202.00 SF X 1 BLDG = 202.00 SF
GUARD HOUSE	200.00 SF X 1 BLDG = 200.00 SF
TRASH COMPACTOR	560.00 SF X 2 BLDGS = 1,120.00 SF
TOTAL PROVIDED FAR	181,000.79 SF

PARKING DATA		
PHASE I	REQUIRED	PROVIDED
1 BEDROOM X 1.5 : 168 UNITS	252 SPACES	549 SURFACE PARKING SPACES
2 BEDROOMS X 1.75 : 144 UNITS	252 SPACES	54 GARAGE SPACES (NOT PART OF COA-1)
3 BEDROOMS X 2 : 48 UNITS	96 SPACES	
TOTAL	600 SPACES	549 SPACES
PHASE II	REQUIRED	PROVIDED
1 BEDROOM X 1.5 : 168 UNITS	252 SPACES	573 SURFACE PARKING SPACES
2 BEDROOMS X 1.75 : 120 UNITS	210 SPACES	48 GARAGE SPACES (NOT PART OF COA1)
3 BEDROOMS X 2 : 72 UNITS	144 SPACES	
TOTAL	606 SPACES	573 SPACES
* REQUIRED ACCESSIBLE PARKING SPACES 28/TOTAL PARKING: 1,206(24+24) SPACES ; PROVIDED 25 SPACES		

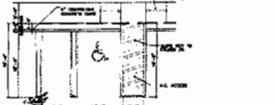
UNIT MIX - PHASE I			
UNIT TYPE	AREA SQ/FT	TOTAL UNIT NUMBER	PERCENTAGE OF MIX
A-1 1BR/1.5	691.03 SF	24 UNITS	6.70%
A-1A 1BR/1.5	790.03 SF	24 UNITS	6.70%
A-2 2BR/1.75	760.74 SF	48 UNITS	13.20%
A-2A 2BR/1.75	790.74 SF	72 UNITS	20.00%
A-2B 2BR/1.75	797.74 SF	0 UNITS	0.00%
B-1 2BR/2.0	508.33 SF	24 UNITS	6.70%
B-1A 2BR/2.0	522.33 SF	24 UNITS	6.70%
B-2 2BR/2.0	1,094.82 SF	60 UNITS	16.70%
B-2A 2BR/2.0	1,137.82 SF	36 UNITS	10.00%
B-2B 2BR/2.0	1,106.82 SF	0 UNITS	0.00%
C-1 3BR/2.0	1,267.73 SF	48 UNITS	13.30%
TOTALS		360 UNITS	100%

MIX - PHASE II			
UNIT TYPE	AREA SQ/FT	TOTAL UNIT NUMBER	PERCENTAGE OF MIX
A-1 1BR/1.5	691.03 SF	12 UNITS	3.20%
A-1A 1BR/1.5	790.03 SF	12 UNITS	3.20%
A-2 2BR/1.75	760.74 SF	100 UNITS	26.30%
A-2A 2BR/1.75	790.74 SF	24 UNITS	6.70%
A-2B 2BR/1.75	797.74 SF	18 UNITS	5.00%
B-1 2BR/2.0	508.33 SF	24 UNITS	6.70%
B-1A 2BR/2.0	522.33 SF	24 UNITS	6.70%
B-2 2BR/2.0	1,094.82 SF	18 UNITS	5.00%
B-2A 2BR/2.0	1,137.82 SF	18 UNITS	5.00%
B-2B 2BR/2.0	1,106.82 SF	36 UNITS	10.00%
C-1 3BR/2.0	1,267.73 SF	72 UNITS	20.00%
TOTALS		360 UNITS	100%

UNIT MIX PER BUILDING							
UNIT TYPE	TYPE I (8 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TYPE II (7 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TYPE III (2 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TYPE IV (2 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TYPE V (2 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TYPE VI (2 BLDGS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS) (24 UNITS)	TOTAL
A-1 1BR/1.5	72	60	24	36	72	72	72
A-2 2BR/1.75	72	60	24	36	72	72	264
B-1 2BR/2.0	24	60	24	36	72	72	96
B-2 2BR/2.0	24	60	24	36	72	72	168
C-1 3BR/2.0	24	60	24	36	72	72	120
TOTALS	144	120	156	72	108	108	720 UNITS



HANDICAP PARKING SIGN DETAIL



HANDICAP PARKING DETAIL & TYP. PARKING W/OVERHANG OVER PAVED AREA

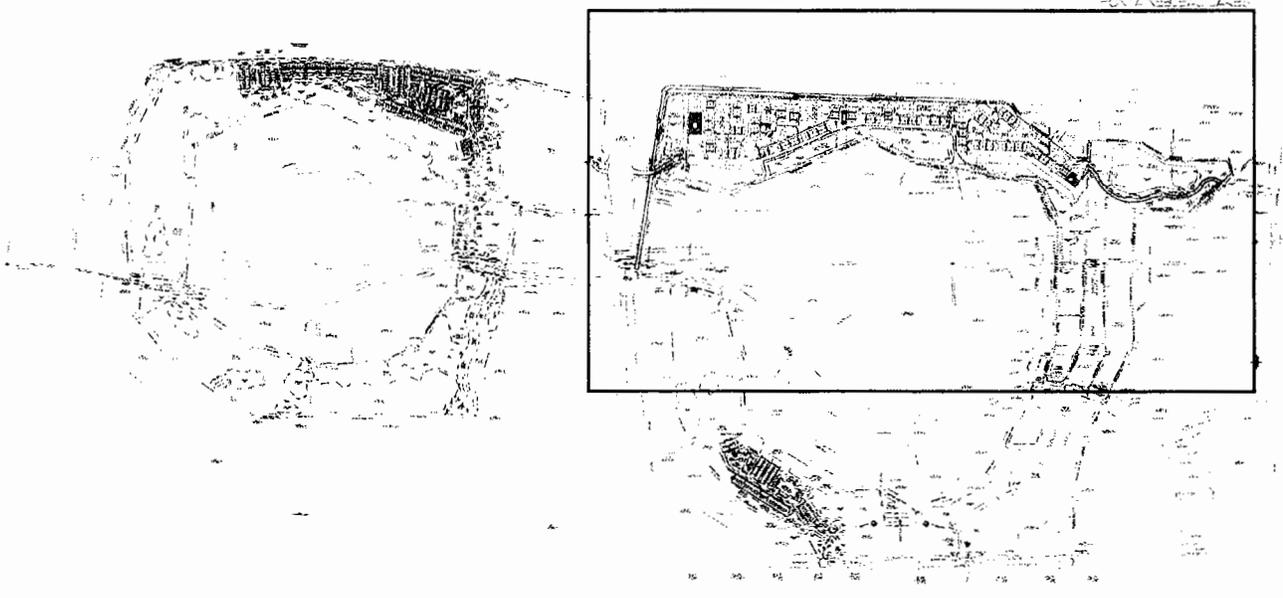
REVISIONS

MSA ARCHITECTS, INC.
 FOR: RELATED DEVELOPMENT, LLC
 LOCATION: FONTAINEBLEAU PARK
 LOCALITY: MARICOPA COUNTY, AZ

MSA ARCHITECTS ARCHITECTURE & PLANNING

J.S.

RECEIVED
MAY 10 2007
PLANNING DEPT
CITY OF LOS ANGELES



FOOTPRINT AREA

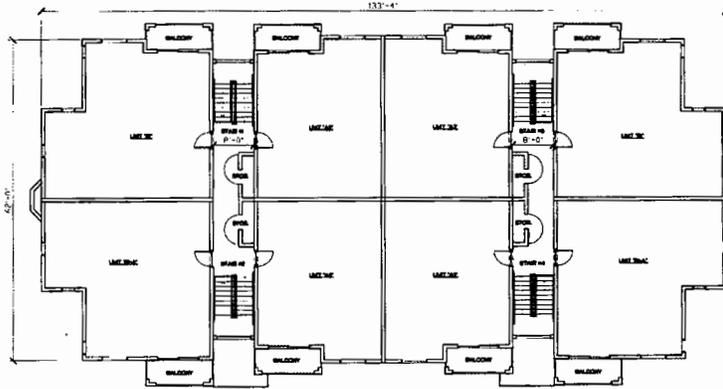
LOCATION

DATE

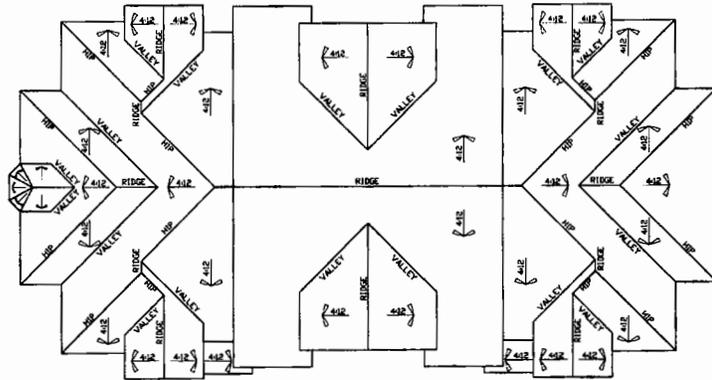
75

MISA
ARCHITECTS

RECEIVED
 HARRISON COUNTY
 PLANNING DEPARTMENT
 10/12/10



BLDG. PLAN THIRD FLOOR
 TOTAL AREA = 8,102 SQ SF
 A/C AREA = 4,173 SQ SF
 BALC. AREA = 521.64 SQ SF
 STORAGE AREA = 1,000 SQ SF
 CORRIDOR & STAIR AREA = 756.66 SQ SF
 SCALE: 1/8" = 1'-0"



ROOF PLAN
 SCALE: 1/8" = 1'-0"

BUILDING TYPE II

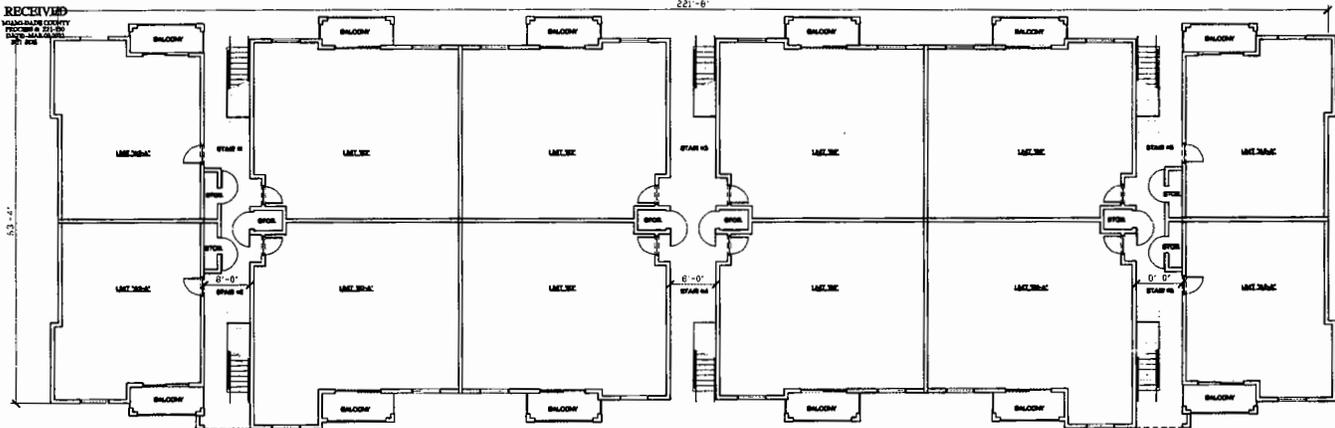
Tract A

PHASONS 31

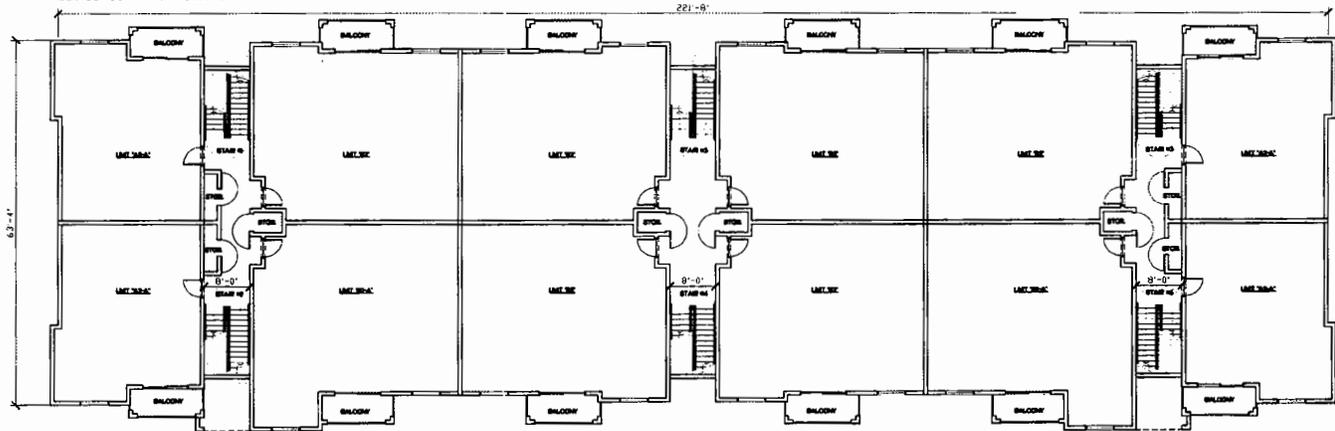
FONTAINEBLEAU LAKES
 FOR RELATED DEVELOPMENT, LLC
 LOCATED AT FONTAINEBLEAU PARK
 HARRISON COUNTY

MSA ARCHITECTS
 ARCHITECTURE & PLANNING

DATE: 10/12/10
 DRAWN BY: J.S.
 CHECKED BY: J.S.
 SCALE: AS SHOWN
 SHEET NO: 10/12/10



BLDG. PLAN GROUND FLOOR
 TOTAL AREA = 14233.9 SF
 A/C AREA = 11999.96 SF
 BALC. AREA = 766.84 SF
 STORAGE AREA = 231.44 SF
 CORRIDOR & STAIR AREA = 1235.67 SF



BLDG. PLAN SECOND FLOOR
 TOTAL AREA = 14233.9 SF
 A/C AREA = 11999.96 SF
 BALC. AREA = 766.84 SF
 STORAGE AREA = 231.44 SF
 CORRIDOR & STAIR AREA = 1235.67 SF

REVISIONS	BY

FONTAINELEAU LAKES
 FOR: RELATED DEVELOPMENT, LLC
 LOCATED AT: FONTAINELEAU PARK
 WINDYBROOK COUNTY

MSA ARCHITECTS, INC.
 2005 W. STATE ST.
 SUITE 100
 CHICAGO, ILLINOIS 60608
 TEL: 312.329.1111
 FAX: 312.329.1112



DRAWN	
CHECKED	
DATE	02/11/11
SCALE	AS SHOWN
JOB NO.	11111111
SHEET	

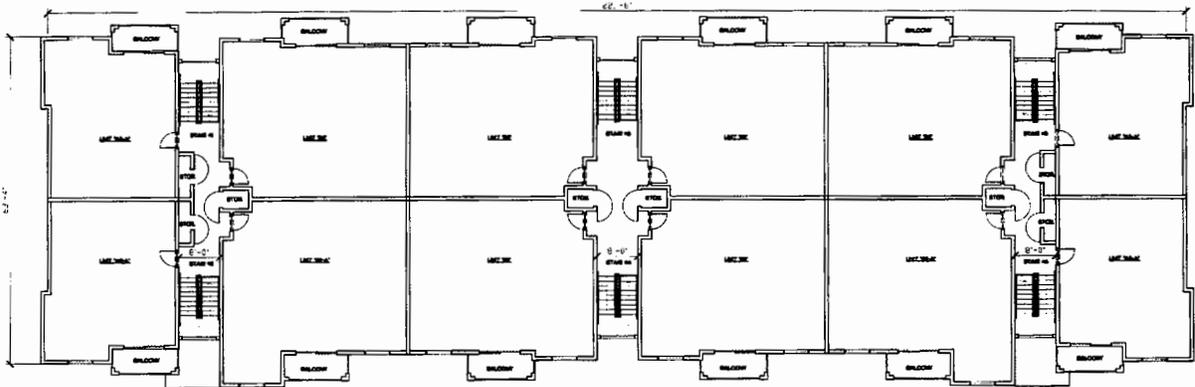
J.S.
 PART 1 OF 2 (21)

RECEIVED
 FEB 11 2011
 TRACT A

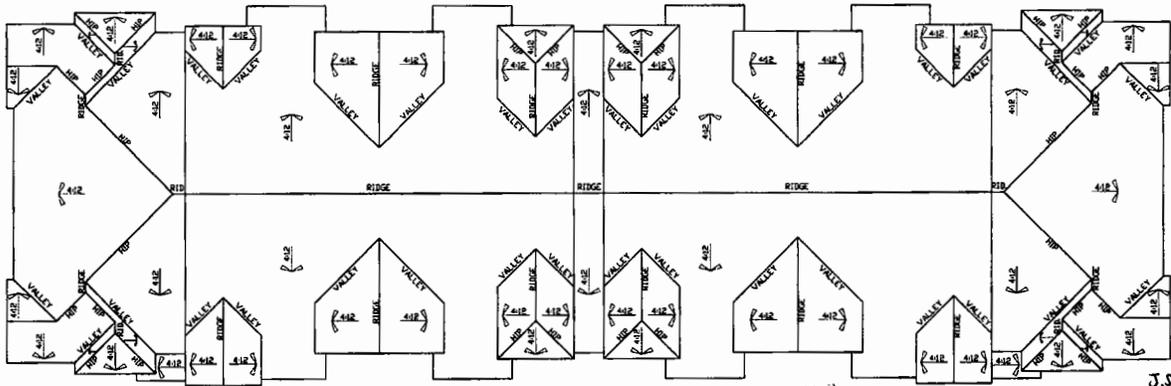
BUILDING TYPE IV

A-2.6.1
 Tract A OF SHEETS

RECEIVED
 MISSISSAUGA COUNTY
 PLANNING & DESIGN
 2010 JUL 20 10:51 AM
 P12 816



BLDG. PLAN THIRD FLOOR
 TOTAL AREA = 14,828 SF
 SCALE 1/8"=1'-0"
 A/C AREA = 1,958.96 SF
 BALC. AREA = 758.84 SF
 STORAGE AREA = 23.44 SF
 CORRIDOR & STAIR AREA = 1,285.67 SF



ROOF PLAN
 SCALE 1/8"=1'-0"

BUILDING TYPE IV

Tab A

REVISIONS

FONTAINELEAU LAKES
 FOR RELATED DEVELOPMENT, LLC
 LOCATED AT FONTAINELEAU PARK
 MISSISSAUGA COUNTY

MSA ARCHITECTS, INC.
 1000 SHEPPARD AVENUE EAST, SUITE 100
 MISSISSAUGA, ONTARIO L4X 1L7
 TEL: (905) 276-1111
 FAX: (905) 276-1112

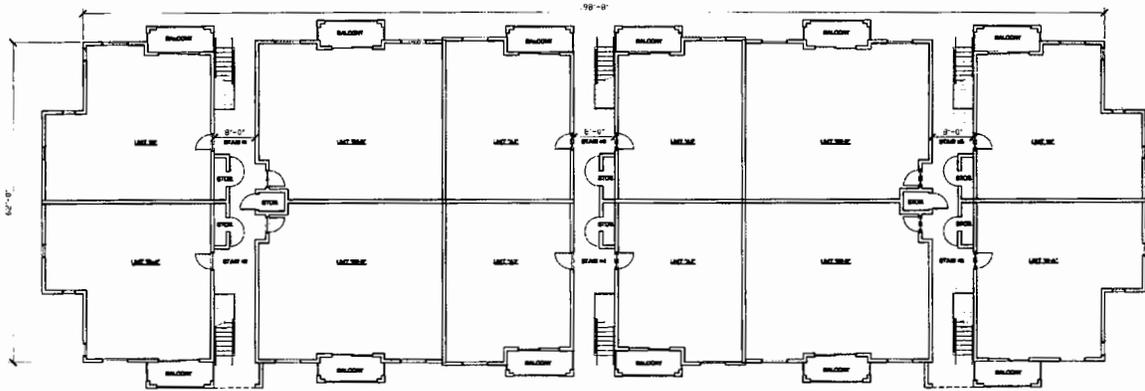
MSA ARCHITECTS
 ARCHITECTURE & PLANNING

DESIGN: J.S.
 CHECKED: J.S.
 DATE: 07/20/10
 SCALE: AS SHOWN
 SHEET: 188/178

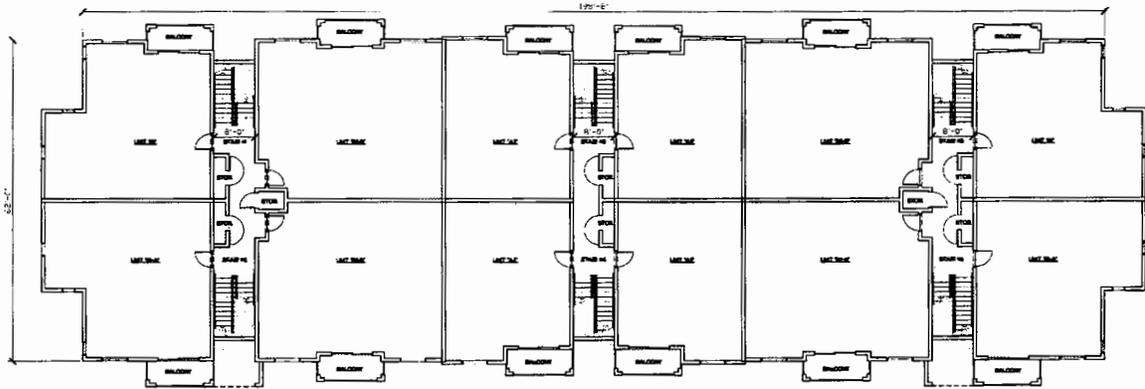
A-2-6.2

18 SHEETS

RECEIVED
 HANCOCK COUNTY
 RECORDS DEPARTMENT
 1/11/12



BLDG. PLAN GROUND FLOOR
 TOTAL AREA = 13,963.33 SF
 A/C AREA = 1,050.75 SF
 BALC. AREA = 780.00 SF
 STORAGE AREA = 234.73 SF
 CORRIDOR & STAIR AREA = 1,558.85 SF
 SCALE: 1/8" = 1'-0"



BLDG. PLAN SECOND FLOOR
 TOTAL AREA = 13,963.33 SF
 A/C AREA = 1,050.75 SF
 BALC. AREA = 780.00 SF
 STORAGE AREA = 234.73 SF
 CORRIDOR & STAIR AREA = 1,558.85 SF
 SCALE: 1/8" = 1'-0"

BUILDING TYPE V

Sheet A

NO.	REVISIONS

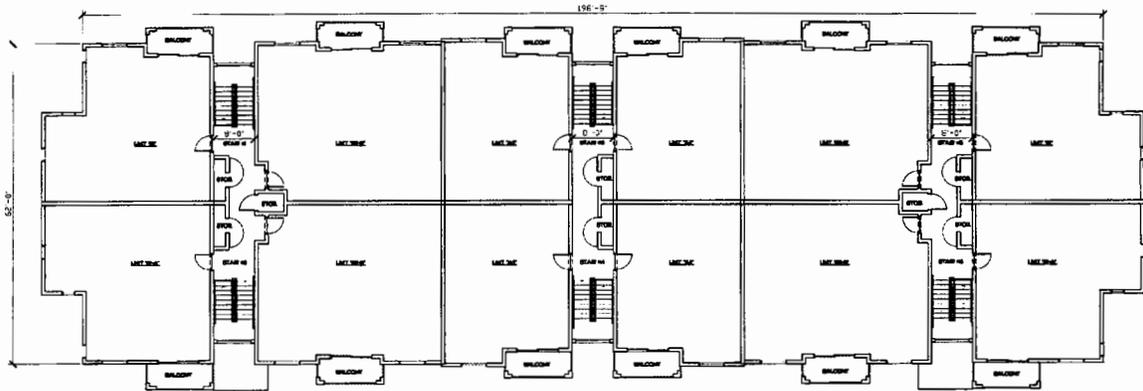
FONTANNEAU LAKES
 FOR RELATED DEVELOPMENT, LLC
 LOCATED AT FONTANNEAU PARK
 HANCOCK COUNTY

MSA ARCHITECTS
 ARCHITECTURE & PLANNING

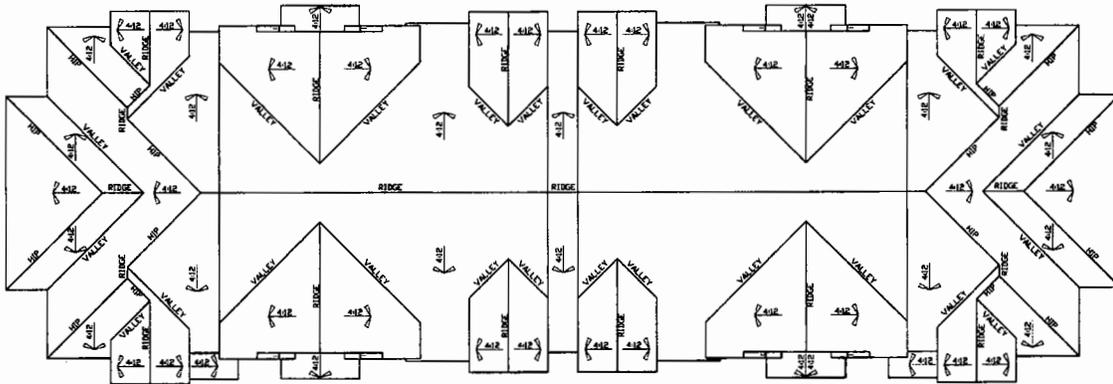
1000 ARCHITECTS, INC.
 1000 ARCHITECTS, INC.
 1000 ARCHITECTS, INC.
 1000 ARCHITECTS, INC.
 1000 ARCHITECTS, INC.

J.S.
 07/12/2011
A-2.6.1

RECEIVED
 MISSOURI COUNTY
 RECORDS DIVISION
 1000 S. MAIN ST.
 ST. JOE, MO 64501



BLDG. PLAN THIRD FLOOR
 TOTAL AREA = 13,363.07 SF
 A/C AREA = 8,002.78 SF
 BALC. AREA = 788.00 SF
 STORAGE AREA = 254.75 SF
 CORRIDOR & STAIR AREA = 1,156.83 SF



ROOF PLAN
 SCALE 1/8"=1'-0"

BUILDING TYPE V

J.S.
 A-2.6.2
 Tact A

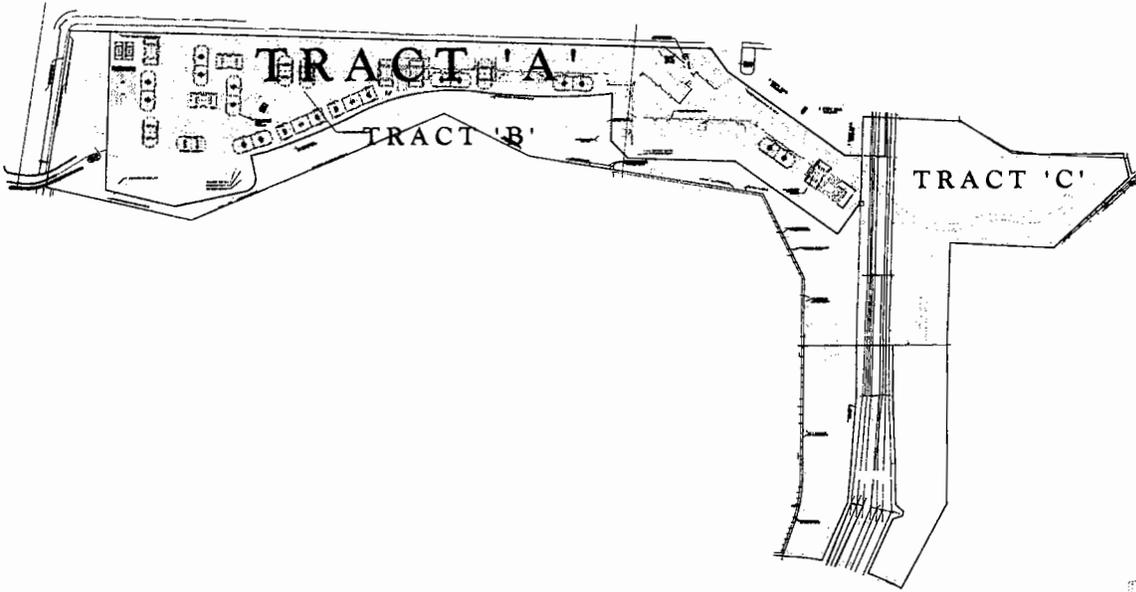
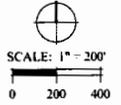
REVISIONS	BY

FORTAINEAU LAKES
 FOR RELATED DEVELOPMENT, LLC
 LOCATED AT FORTAINEAU PARK
 BANE COUNTY MISSOURI

MSA ARCHITECTS
 ARCHITECTURE & PLANNING

DATE	DESCRIPTION

RECEIVED
MAY 15 1992
PLANNING DEPARTMENT
CITY OF MIAMI
P. 11



Date	12-1-91
Drawn	MB
Checked	
Reviewed	
Approved	
Discussed	
Other	

FONTAINEBLEAU LAKES
Miami, Florida
Related Development

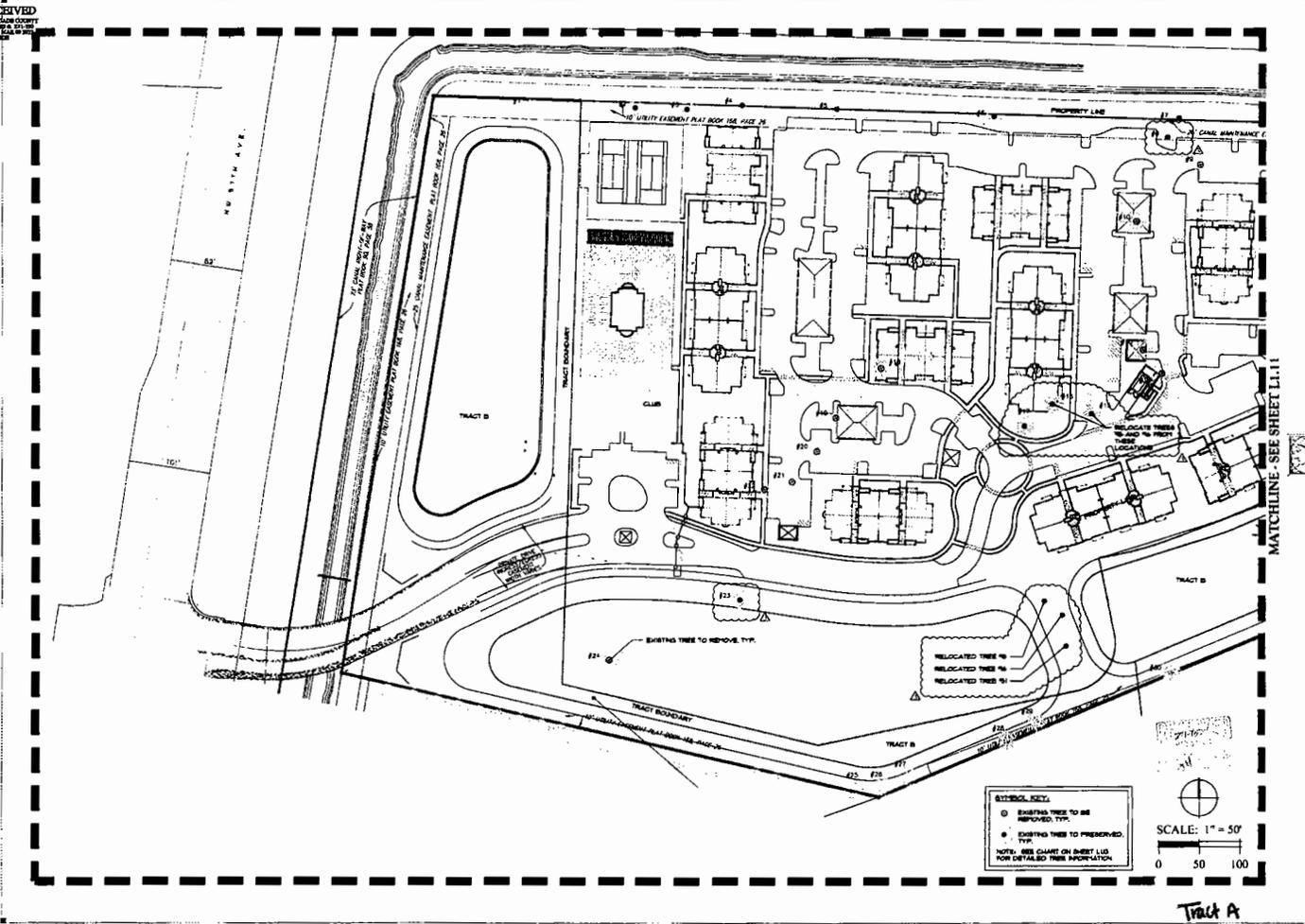
DIX LATERAL
Page 1

CODE LANDSCAPE PLANS
Overall Site

Overall Site

Sheet No. 100
L1.00

RECEIVED
MAY 14 2009
MAY 14 2009
MAY 14 2009



Fontainebleau Lakes
Miami, Florida
Related Development
Miami, FL

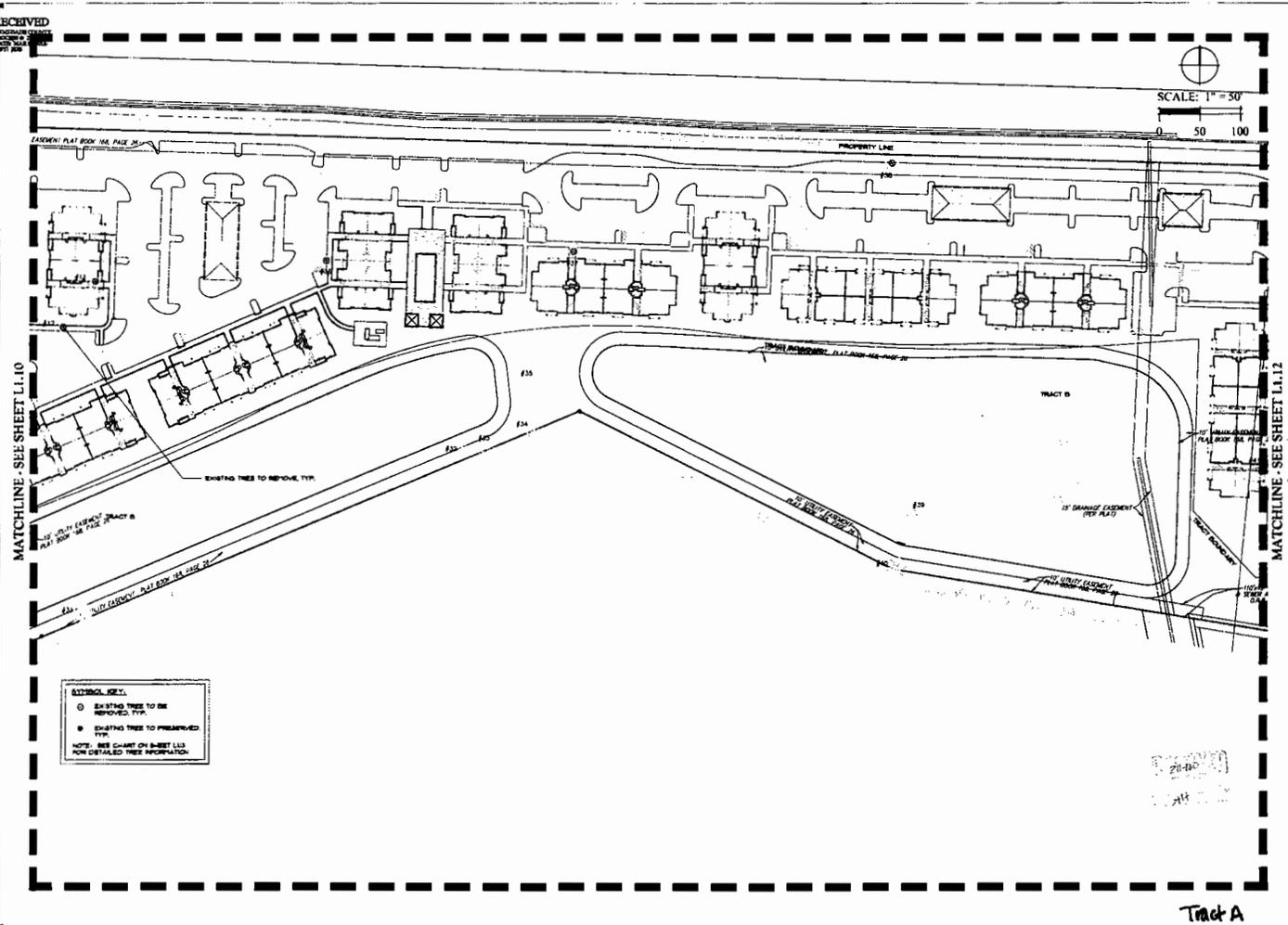
D.P. LATHROP
Landscape Architect

CODE LANDSCAPE PLANS
Tree Saw/Removal Enlargement

Sheet Number
L1.10

RECEIVED

SCALE: 1" = 50'
0 50 100



SYMBOL KEY:

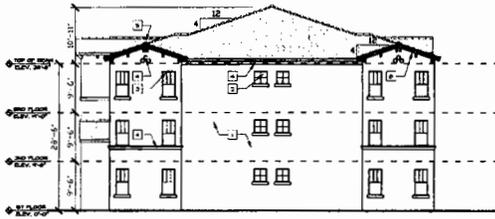
- EXISTING TREES TO BE REMOVED, TYP.
- EXISTING TREES TO PRESERVE, TYP.
- ⊗ NEW TREES TO BE PLANTED, TYP.

NOTE: SEE CHART ON SHEET L1.1 FOR DETAILED TREE INFORMATION.

Project Name	FONTAINEBLEAU LAKES
Location	Miami, Florida
Client	Related Development
Scale	1" = 50'
Date	07/17/11
Sheet Title	CODE LANDSCAPE PLANS
Sheet Number	L1.11
Prepared By	Tree Save/Removal/Engagement
Checked By	
Approved By	

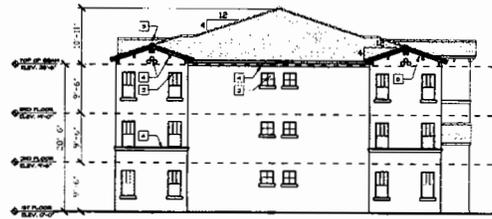
64

RECEIVED
 HANCOCK COUNTY
 RECORDS OFFICE
 1000 STATE ST
 WASHINGTON, DC 20004



RIGHT ELEVATION

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



LEFT ELEVATION

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

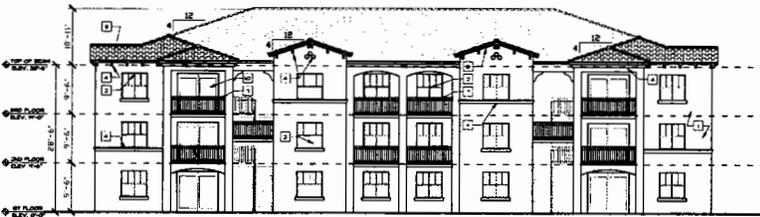
ELEV. LEGEND

- EXTERIOR FINISH (SEE PLAN)
- IMPACT GLASS WINDOWS
- SCORE LINE
- WOOD FINISH
- BRICK FINISH (SEE PLAN)
- METAL DOORS
- METAL RAILING
- WOOD FASCIA
- STUCCO FINISH
- IMPACT GLASS DOORS



FRONT ELEVATION

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



REAR ELEVATION

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

REVISIONS

NO.	DATE	DESCRIPTION

FONTAINEBLEAU LAKES
 FOR: RELATED DEVELOPMENT, LLC
 LOCATED AT: FONTAINEBLEAU PARK
 WASHINGTON COUNTY

MSA ARCHITECTS, INC.
 1000 STATE ST., SUITE 100
 WASHINGTON, DC 20004
 TEL: 202-462-1111
 FAX: 202-462-1112



RECEIVED
 MAR 2 2011

J.S.
 MAR 2 2011

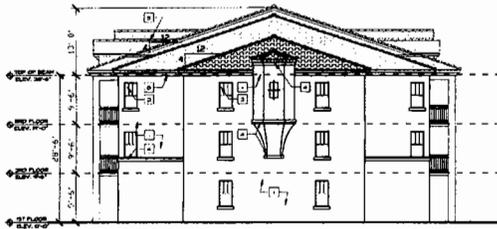
REVISIONS

NO.	DATE	DESCRIPTION

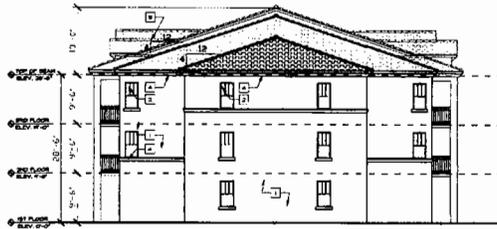
BUILDING TYPE I
 Tract A

A-3.1

RECEIVED
 MANASSAS COUNTY
 RECORDS & PERMITS
 10000 FALLS CHURCH
 VA 20108



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



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

ELEV. LEGEND

- ☐ IMPACT RESISTIVE GLASS
- ☐ IMPACT ALUM. WINDOW
- ROOF LINE
- FLOOR LINE
- SING. BRICK 1" TILE
- METAL DOORS
- METAL WALLS
- WOOD PANELS
- BRICK SMOKE
- IMPACT ALUM. SLIDER



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



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

REVISIONS

NO.	DESCRIPTION	DATE

FORTAUBEAU LAKES
 FOR: RELATED DEVELOPMENT, LLC
 LOCATED AT FORTAUBEAU PARK
 MANASSAS COUNTY

MSA ARCHITECTS, INC.
 10000 FALLS CHURCH
 VA 20108

MSA ARCHITECTS
 ARCHITECTURE & PLANNING

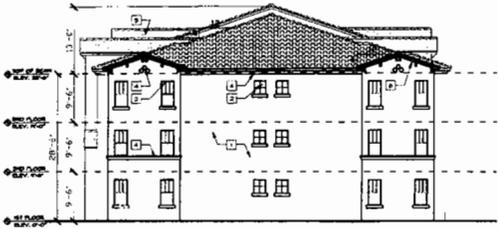
J.J.
 10/17/10

DATE	10/17/10
CREATED	J.J.
SCALE	AS SHOWN
JOB NO.	10000
SHEET	10000

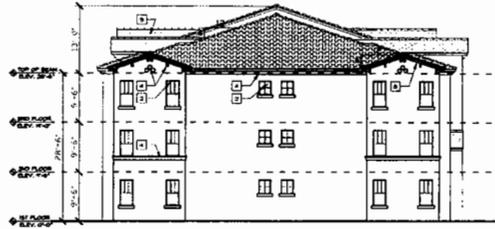
BUILDING TYPE III
Test A

A-3.3
 07 1/8"=1'-0"

RECEIVED
 MISSOURI COUNTY
 RECORDS OFFICE
 1000 S. 10TH ST.
 WARREN, MO 64690



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



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

ELEV. LEGEND

- BRICK (HATCH PATTERN)
- IMPACT PLUM PROFILES
- SCHEME LINE
- ROOF TILE
- CONC. SPANNS 3" TILE
- METAL DOORS
- METAL BALCONY
- FLOOR FINISH
- BRICK BAND
- IMPACT PLUM BLOCK



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



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

REVISIONS

FORTAUBELAU LAKES
 FOR: RELATED DEVELOPMENT, LLC
 LOCATED AT: FORTAUBELAU PARK
 MISSOURI COUNTY

MSA ARCHITECTS, INC.
 MISSOURI COUNTY
 1000 S. 10TH ST.
 WARREN, MO 64690
 (417) 335-1111

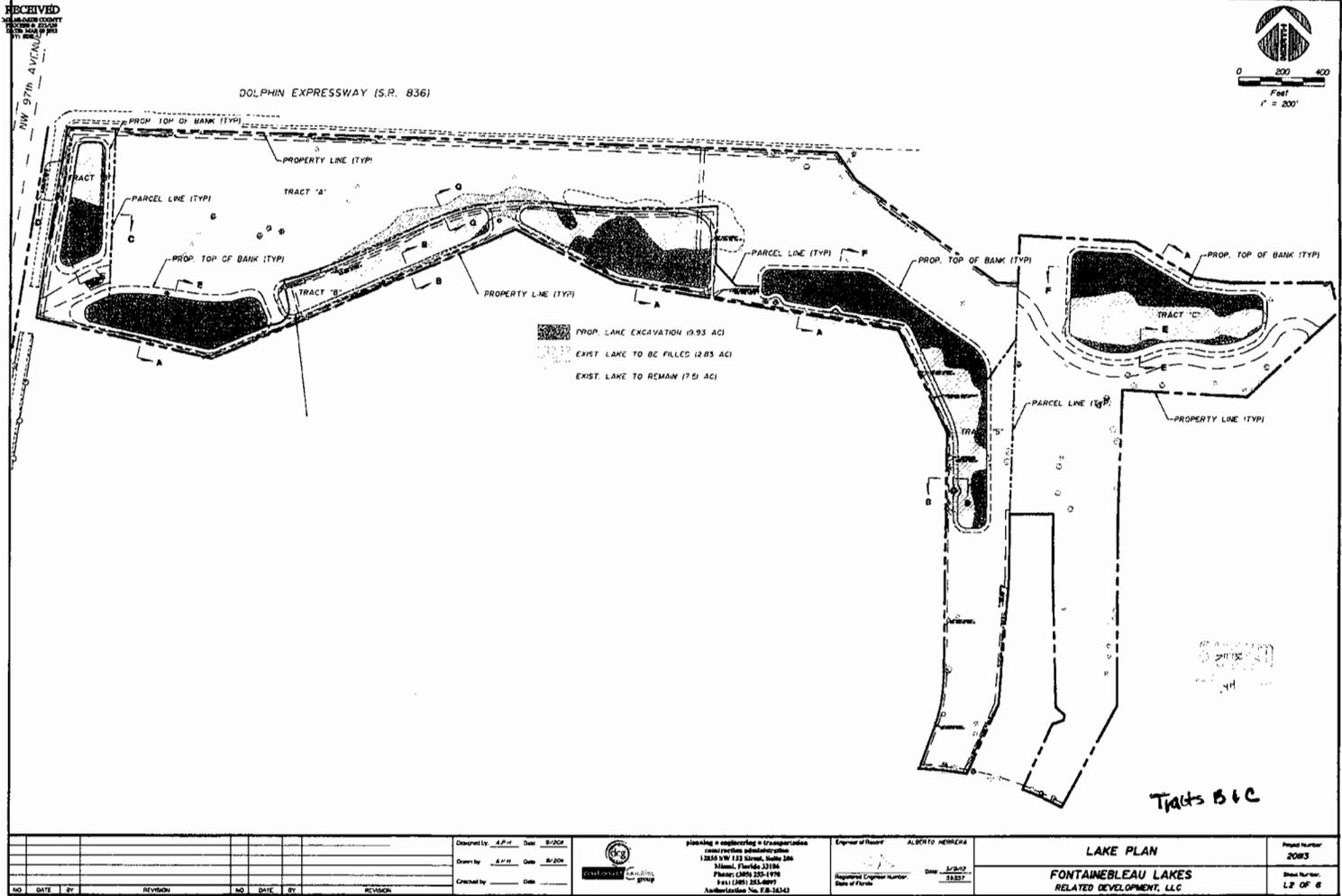
MSA ARCHITECTS
 ARCHITECTURE & PLANNING

J.J.
 DATE: 12/12/12
 SCALE: AS SHOWN
 SHEET: 11

BUILDING TYPE IV
 THAT A

A-3.6
 OF 341.3

69



NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION

Drawn by: A.P.H. Date: 8/20/06
 Checked by: A.P.H. Date: 8/20/06

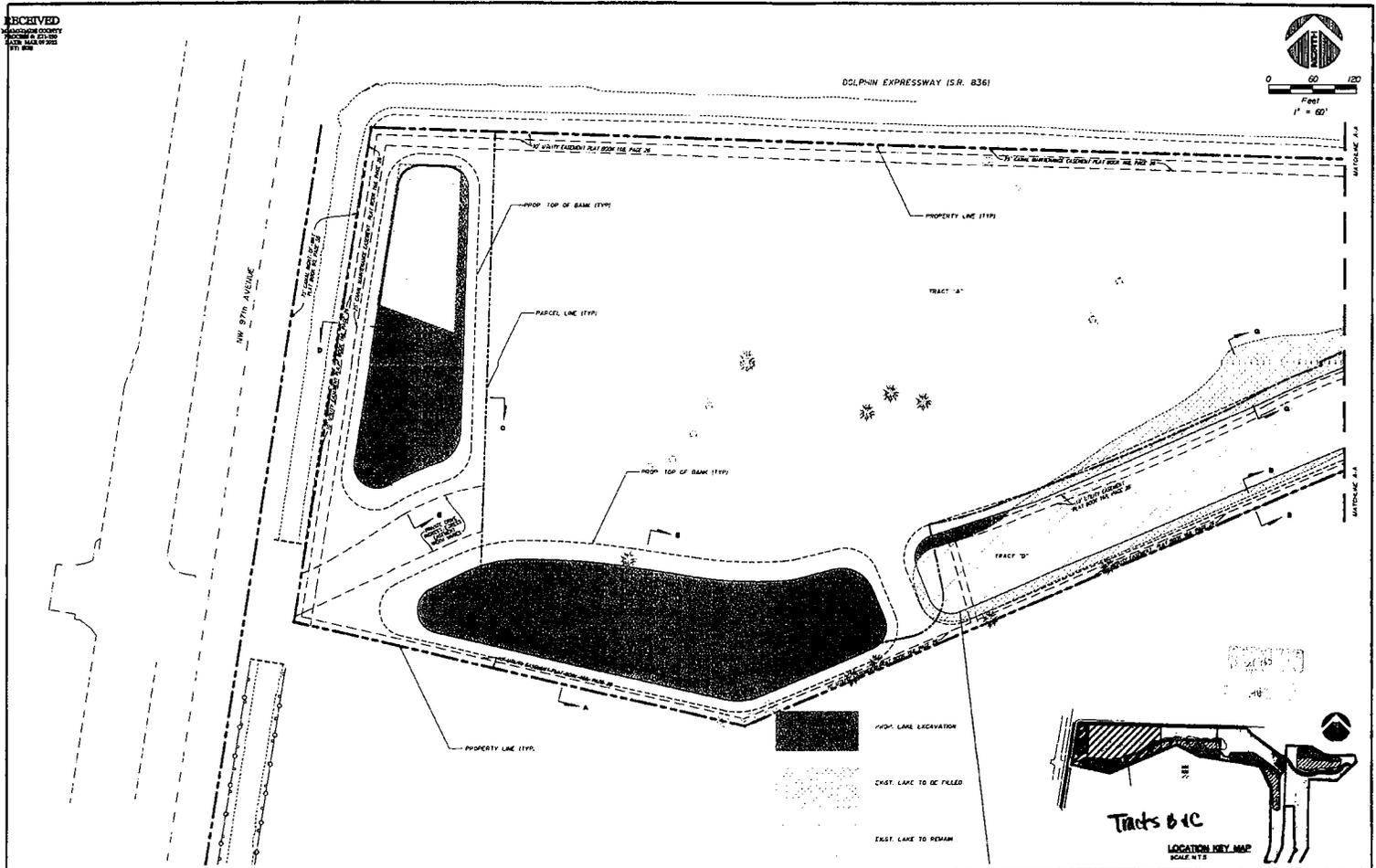


planning • engineering • transportation
 construction administration
 12855 SW 133 Street, Suite 106
 Miami, Florida 33186
 Phone: (305) 255-4978
 Fax: (305) 255-8097
 Authorization No. F.B.-16543

Engineer of Record: ALBERTO HERRERA
 Date: 8/20/06
 Registered Engineer Number: 53357
 State of Florida

LAKE PLAN FONTAINEBLEAU LAKES RELATED DEVELOPMENT, LLC	Project Number: 2083 Sheet Number: LP OF 6
---	---

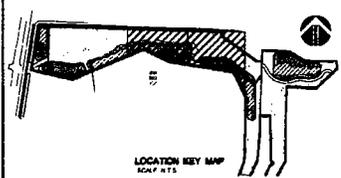
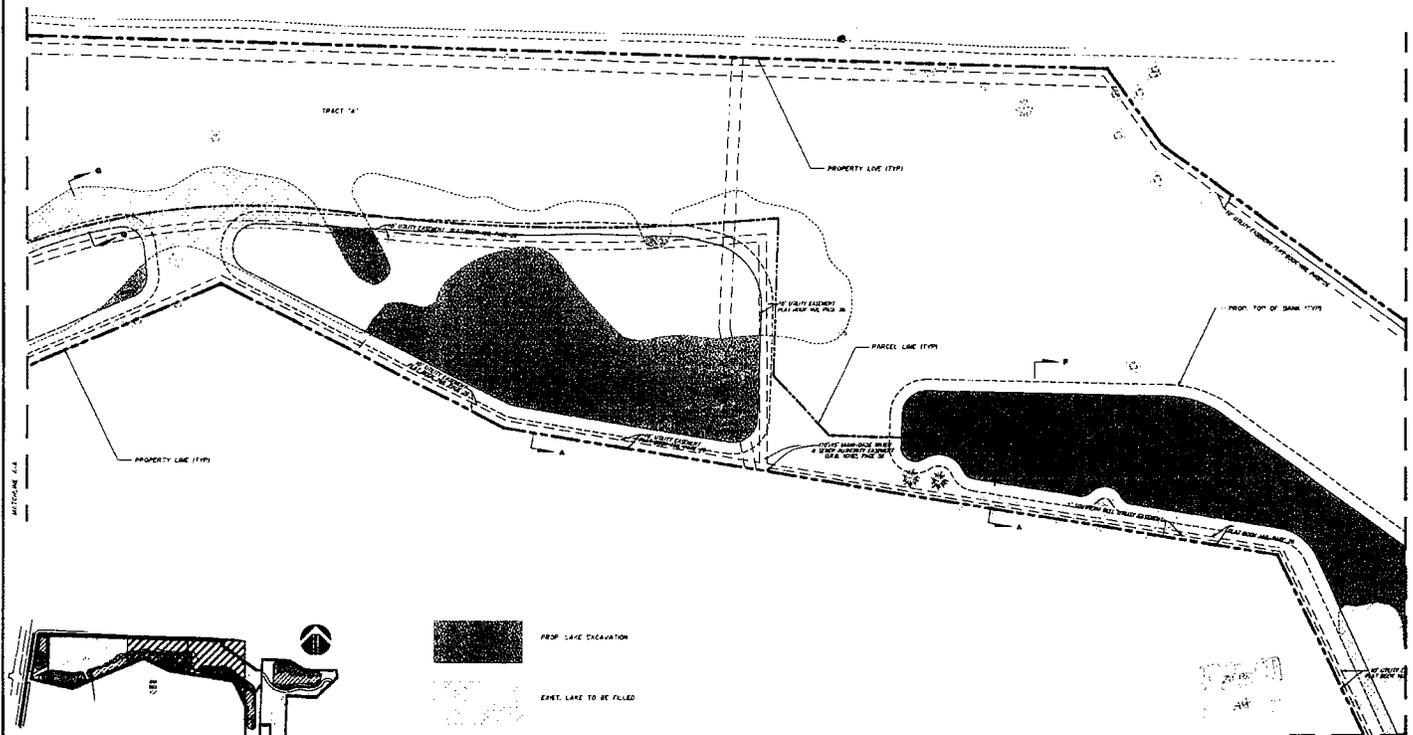
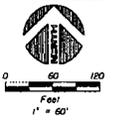
RECEIVED
 FONTAINEBLEAU LAKES
 PROJECT # 2003
 DATE RECEIVED
 07/11/05



Designed by <u>A.P.H.</u> Date <u>3/2/05</u>			LAKE PLAN FONTAINEBLEAU LAKES RELATED DEVELOPMENT, LLC	Project Number 2003 Sheet Number: L3 OF 6			
Drawn by <u>A.P.H.</u> Date <u>3/2/05</u>					Engineer of Record ALBERTO HERRERA License No. <u>36327</u>		
Checked by _____ Date _____		Planning & engineering & transportation construction administration 12345 SW 132 Street, Suite 206 Miami, Florida 33186 Phone: (305) 553-1978 Fax: (305) 553-8997 Another location: Tel. (305) 363-3433					
NO	DATE	BY	REVISION	NO	DATE	BY	REVISION

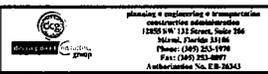
RECEIVED
 10/10/2013 10:00 AM
 PROJECT # 2013-001

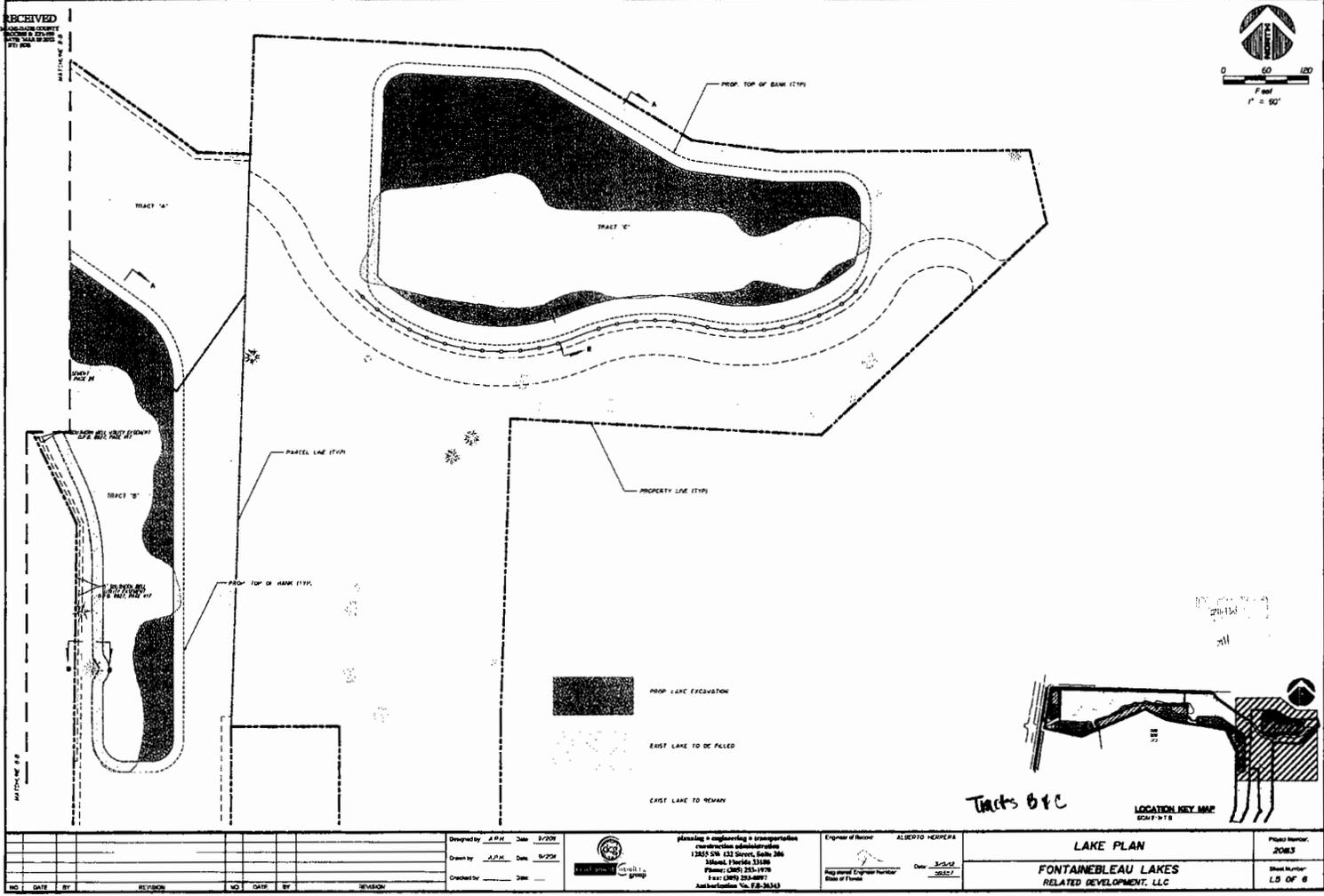
DO PHIN EXPRESSWAY (SR 836)



FROM LAKE EXCAVATION
 EXIST. LAKE TO BE FILLED
 EXIST. LAKE TO REMAIN

Tracts B & C

DESIGNED BY: A.P.A. DATE: 3/2008			ENGINEER OF RECORD: ALBERTO HERRERA License No. 35252 Date of Issue: 03/17		PROJECT NUMBER: 2083		
DRAWN BY: A.P.A. DATE: 3/2008			PROJECT NAME: LAKE PLAN		SHEET NUMBER: 14 OF 16		
CHECKED BY: C.M.			CLIENT: FONTAINEBLEAU LAKES RELATED DEVELOPMENT, LLC				
NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION



NO.	DATE	BY	REVISION

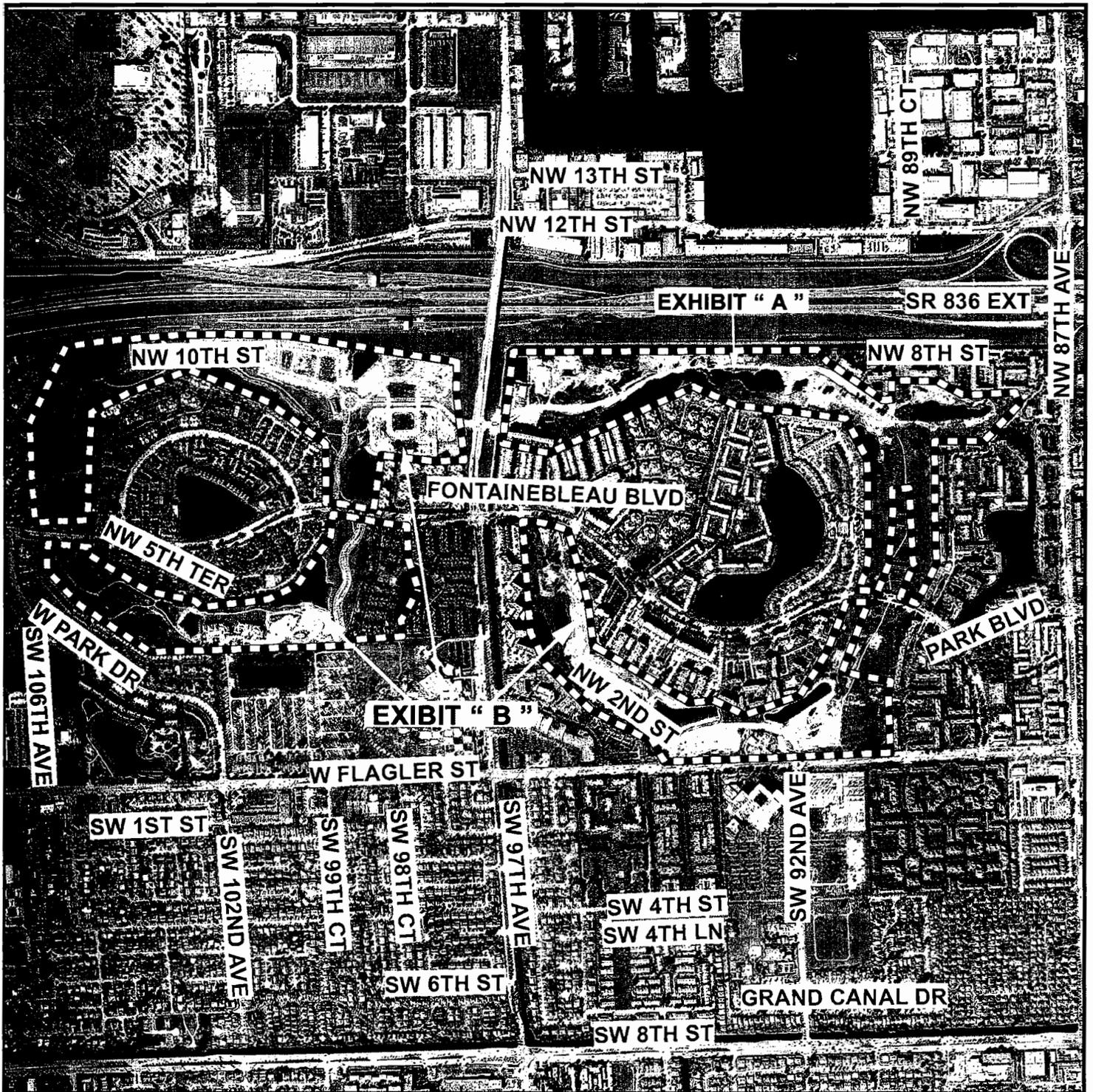
Designed by J.P.M. Date 5/2008
 Drawn by J.P.M. Date 5/2008
 Checked by _____ Date _____

planning • engineering • transportation
construction administration
 12855 SW 132 Street, Suite 206
 Miami, Florida 33186
 Phone: (305) 253-1978
 Fax: (305) 253-6897
 AutoCAD License No. E-8-28343

Engineer of Record
ALBERTO HERRERA
 Registered Engineer Number
 State of Florida
38527

LAKE PLAN
FONTAINEBLEAU LAKES
 RELATED DEVELOPMENT, LLC

Project Number:
2063
 Sheet Number:
LS OF 6



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 04/05 Township: 54 Range: 40
 Section: 54/55 Township: 53 Range: 40
 Applicant: FONTAINBLEAU LAKES, LLC
 Zoning Board: BCC
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number

Z2011000130

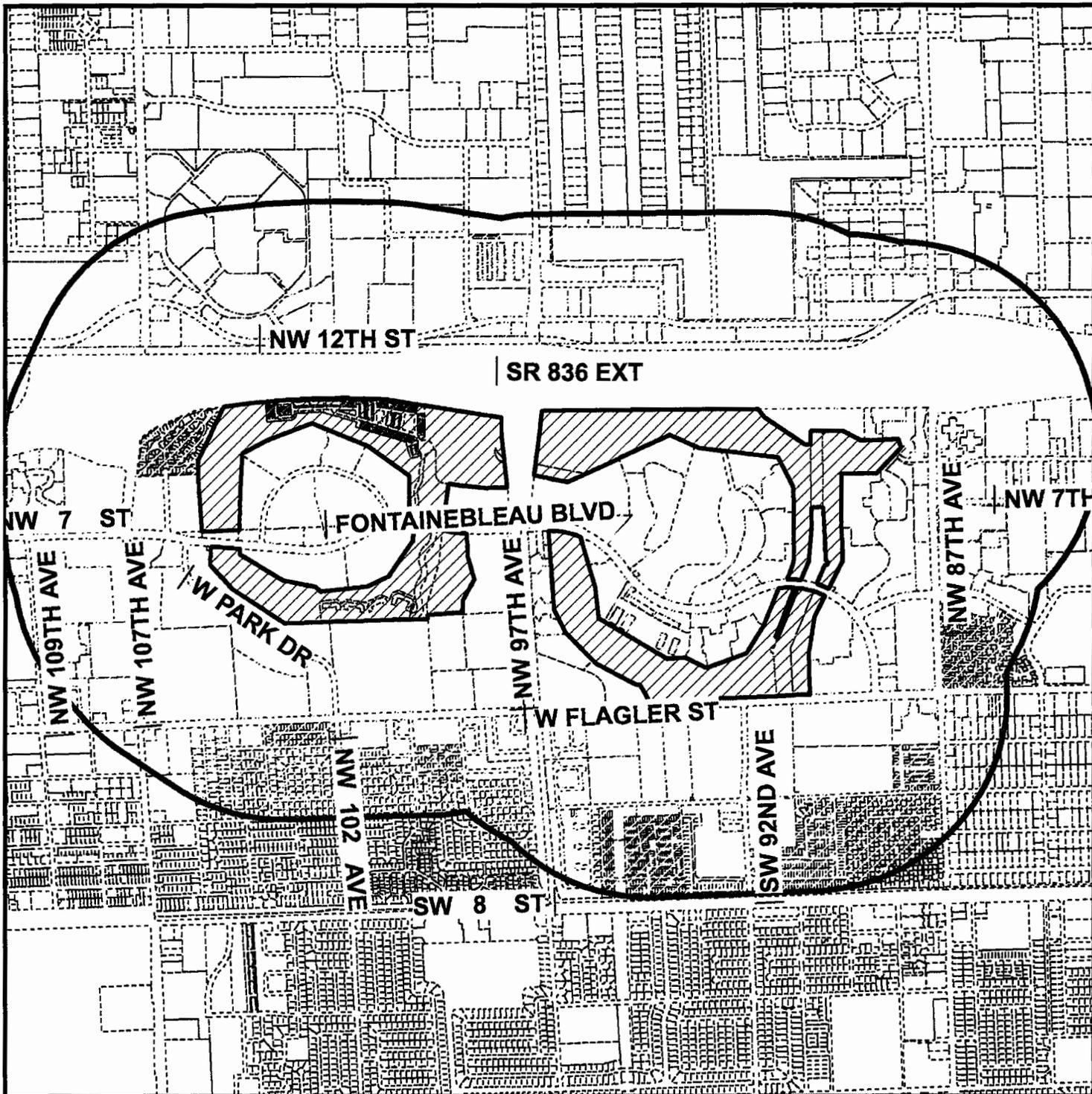
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, March 7, 2012

REVISION	DATE	BY
		76



MIAMI-DADE COUNTY

RADIUS MAP

Section: 04/05 Township: 54 Range: 40
 Section: 54/55 Township: 53 Range: 40
 Applicant: FONTAINBLEAU LAKES, LLC
 Zoning Board: BCC
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number

Z2011000130

RADIUS: 2640



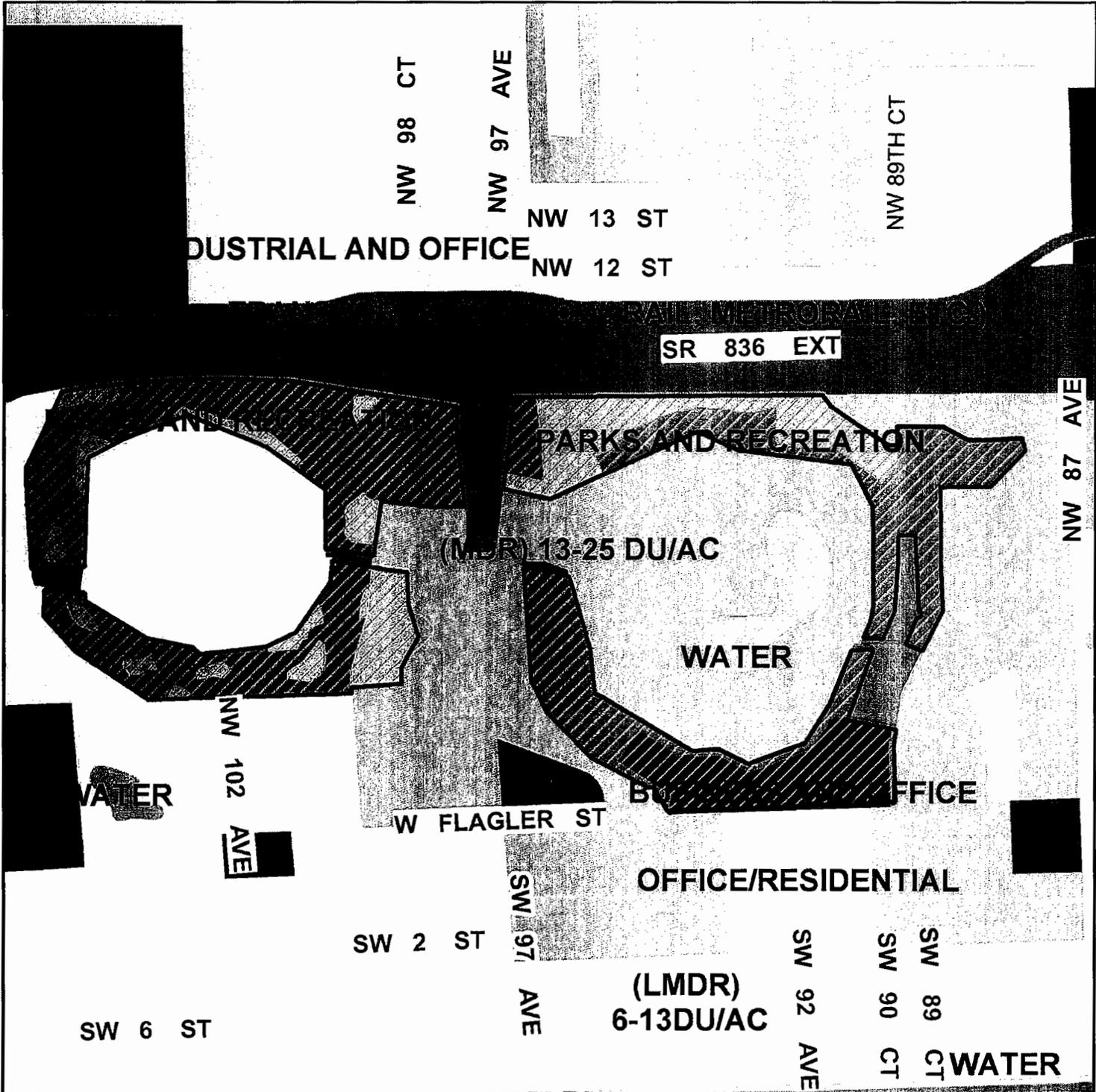
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, March 7, 2012

REVISION	DATE	BY
		77



MIAMI-DADE COUNTY

CDMP MAP

Section: 04/05 Township: 54 Range: 40
 Section: 54/55 Township: 53 Range: 40
 Applicant: FONTAINBLEAU LAKES, LLC
 Zoning Board: BCC
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2011000130



Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday , March 7, 2012

REVISION	DATE	BY

Fontainebleau LAKES LLC ETAL

HEARING # 11-130

This instrument was prepared by:
Name: Melissa Tapanes Llahues, Esq.
Bercow Radell & Fernandez, PA
200 Biscayne Boulevard, Suite 850
Miami, Florida 33131

ITEM # 2

Received by
Zoning Agenda Coordinator

MAY 09 2012

(Space reserved for Clerk)

2012 MAY - 9 P 4: 38
PLANNING AND ZONING
AGENDA OFFICE

DECLARATION OF RESTRICTIONS
AND
COVENANT RUNNING WITH THE LAND IN LIEU OF UNITY OF TITLE

WHEREAS, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, described as Tracts A, B and C of Fontainebleau East, according to the plat thereof as recorded in Plat Book 168, Page 26, and identified by Miami-Dade County Tax Folio No. 30-4004-084-0530, 30-4004-084-0540 and 30-4004-084-0550, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, the Owners filed Miami-Dade County Public Hearing Application No. 11-130 to separate the Property from the unified site plan known as "Fontainebleau East" and "Fontainebleau West" approved via Resolution No. CZAB10-21-06 and approve new development plans for the Property; and

WHEREAS, the proposed development plans for the Property consist of a 720-unit multi-family project on Tract A, and entrance features with signage, water features, lakes, and green space on Tracts B and C; and

WHEREAS, due to the separate ownership of Tracts A, B and C, the Owners proffer this Declaration with the intent that any future modification to the development plans for Tract A will only require the consent, joinder and acknowledgement of the then owner(s) of Tract A, and that any modification to Tracts B and C will only require the consent, joinder and acknowledgement of the then owner(s) of Tracts A, B and C, subject to the matters set forth below in the "Modification, Amendment, Release" paragraph; and

IN ORDER TO ASSURE the County that the representations made by the Owners during consideration of Public Hearing No. 11-130 will be abided by the Owners freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. This Declaration shall supersede all previous covenants proffered in consideration of zoning approvals for the Property. An instrument releasing all previous zoning covenants shall be recorded in the Public Records of Miami-Dade County concurrently with this Declaration.
2. The Property shall be developed substantially in accordance with that submitted for the hearing entitled "Fontainebleau Lakes" as prepared by MSA Architects consisting of 39 sheets, plans prepared by Dix Lathrop and Associates, Inc., consisting of 12 sheets, for a total of 51 sheets, dated stamped received 3/9/12

Public Hearing

(Space reserved for Clerk)

with sheets SP-1, SP-1A, SP-1B, SP-1C & AM-1.2 dated stamped received 3/16/12, plans prepared by Development Consulting Group, dated stamped received 3/9/12 and consisting of 5 sheets (hereinafter, the "Approved Development Plans").

3. Each phase, or stage, shall be developed in substantial accordance with the Approved Development Plans referenced above.
4. Each phase, or stage of development, when standing independently or in conjunction with existing, developed, contiguous phases or stages, shall meet all zoning requirements in accordance with the Approved Development Plans, subject to the variances contained therein.
5. The owner of Tract A shall maintain the internal private drives, stormwater retention lakes and green areas within Tract A. In the event that the development within Tract A is converted into a condominium, a condominium association shall be established to perform the function of the owner of Tract A. The Owners shall maintain all common areas, including private drives, stormwater retention lakes and green areas within Tracts B and C through an association.
6. In the event multiple ownerships are created subsequent to said development plan approval, each of the subsequent owners, mortgagees, heirs, assigns and other parties in interest shall be bound by the terms, provisions and conditions of this instrument.
7. Where necessary, and to the extent necessary, the Owners hereby reserve easements and hereby grants reciprocal cross-easements to the owners of each phase or stage of development, in and over the Property for utilities, water and sewer lines, common parking areas, streets, driveways, entrance and exits, etc., so that the integrity of the development shall be maintained.
8. The Owners shall provide for permanent and safe access for pedestrian and vehicular traffic within the development and particularly for right of access for fire, police, health, sanitation and other public service personnel vehicles. The streets or access ways shall be installed and maintained by the Owners, including, but not limited to, sidewalks, drainage facilities, water, sewers and fire hydrants.
9. Any future modification to the development plans for Tract A shall only require the consent, joinder and acknowledgement of the then owner(s) of Tract A, and that any modification to Tracts B and C shall only require the consent, joinder and acknowledgment of the then owner(s) of Tracts A, B and C, subject to the matters set forth below in the "Modification, Amendment, Release" paragraph.

Public Hearing

(Space reserved for Clerk)

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.

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

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to Tract A, or any portion thereof, by a written instrument executed by the, then, owner(s) of Tract A, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners, after public hearing. Any public hearing application related to Tract A, or any portion thereof, shall only require the consent, acknowledgment and/or joinder of the then owner(s) of Tract A. This Declaration of Restrictions may be modified, amended or released as to Tracts B and C, or any portion thereof, by a written instrument executed by the, then, owner(s) of Tract A, B and C including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners, after public hearing. Any public hearing application filed related to Tracts B and C, or any portion thereof, shall only require the consent, acknowledgment and/or joinder of the then owner(s) of Tract A, B and C. In the event that there is a recorded homeowners or condominium, association covering any portion of Tract A, B or C, or any portion thereof, said association may (in lieu of the signature or consent of the individual members or owners), on behalf of its members and in accordance with its articles of incorporation and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed

Public Hearing

(Space reserved for Clerk)

by the secretary of the homeowners or condominium association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association.

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.

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 related to the subject Tract, and refuse to make any inspections or grant any approvals related to the subject Tract, until such time as this declaration is complied with.

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Sustainability, Planning and Economic Enhancement 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.

Public Hearing

(Space reserved for Clerk)

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication. Notwithstanding the foregoing, the County is obligated to process any future public hearing application consistent with the intent of this Declaration and the Modification, Amendment, Release paragraph above.

Owners. The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 9 day of May, 2012.

IN WITNESS WHEREOF, RD Fontainebleau, LLC has caused these presents to be signed in its name by its proper officials.

Witnesses:

[Signature]
 Signature
E. TAYLOR GEBERT
 Print Name
[Signature]
 Signature
MELISSA RIVERA
 Print Name

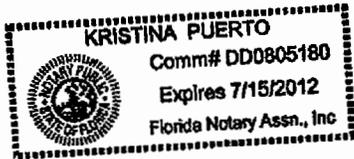
[Signature]
 RD Fontainebleau, LLC
 Address:
 315 South Biscayne Boulevard
 Miami, Florida 33131
[Signature]
 By: Steve Patterson, Managing Member

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Steve Patterson, the Managing Member of RD Fontainebleau, LLC, on behalf of the LLC. He is personally known to me or has produced personally known, as identification.

Witness my signature and official seal this 9 day of May, 2012, in the County and State aforesaid.



[Signature]
 Signature
 Notary Public-State of Florida
Kristina Puerto
 Print Name

My Commission Expires: July 15, 2012

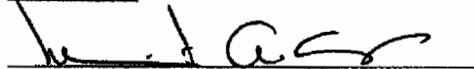
(Space reserved for Clerk)

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 7th day of May, 2012.

IN WITNESS WHEREOF, Fontainebleau Lakes, LLC has caused these presents to be signed in its name by its proper officials.

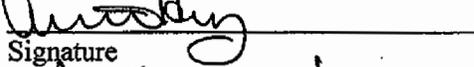
Witnesses:



Signature

Marta A. Cruz

Print Name



Signature

Annette Hernandez

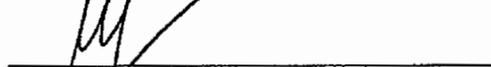
Print Name

Fontainebleau Lakes, LLC

Address:

8550 NW 33 Street

Doral, Florida 33122



By: Masoud Shojaee

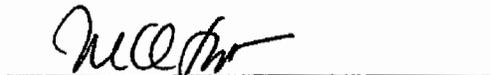
(Co-Manager)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Co-Manager of Fontainebleau Lakes, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 7th day of May, 2012, in the County and State aforesaid.

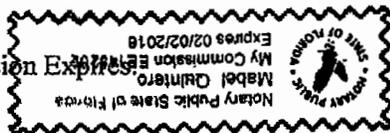


Signature

Notary Public-State of _____

Print Name

My Commission Expires



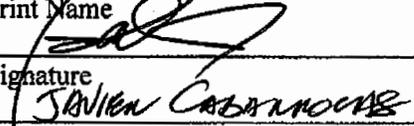
(Space reserved for Clerk)

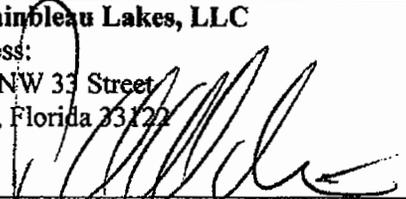
LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 3 day of May, 2012.

IN WITNESS WHEREOF, Fontainebleau Lakes, LLC has caused these presents to be signed in its name by its proper officials.

Witnesses:


 Signature
Sandra Ramos
 Print Name

 Signature
Steven Cabanmonte
 Print Name

Fontainebleau Lakes, LLC
 Address:
 8550 NW 33 Street
 Doral, Florida 33122

 By: Pedro Martin
 (Co-Manager)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Pedro Martin, the Co-Manager of Fontainebleau Lakes, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 3 day of May, 2012, in the County and State aforesaid.




 Signature
 Notary Public-State of Florida
ROLANDO REYES
 Print Name

My Commission Expires:

JOINDER AND CONSENT FORM

The undersigned, Fontainebleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida (the "CDD"), hereby consents and joins in the foregoing instrument as the Owner of a portion of the property covered in the foregoing instrument. The CDD is joining in and consenting to the foregoing instrument solely because all landowners within the subdivisions known as Fontainebleau East and Fontainebleau West are required to approve changes within the subdivision as described in the foregoing instrument.

Fontainebleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida

[Signature]
PRINT NAME OF WITNESS BELOW:
Marta A. Cruz
[Signature]
PRINT NAME OF WITNESS BELOW:
Annet Hernandez

By: [Signature]
Raquel Priscilla Chong, Chairperson

Attest by: [Signature]
Kira Cabrera

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

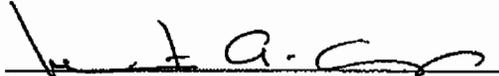
The foregoing instrument was acknowledged before me this 7th day of MAY 2012 by Raquel Priscilla Chong, as Chairperson of Fontainebleau Lakes Community Development District, a local unit of special-purpose government organized and existing under the laws of the State of Florida, on behalf of the corporation. She is personally known to me.

[Signature]
NOTARY PUBLIC STATE OF FLORIDA
PRINT NAME OF NOTARY PUBLIC
My Commission Expires 02/02/2018
Notary Public State of Florida

JOINDER AND CONSENT FORM

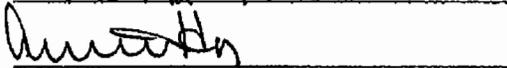
The undersigned, Fontainebleau Lakes Master Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Fontainebleau Lakes Master Association,
Inc., a Florida non-profit corporation



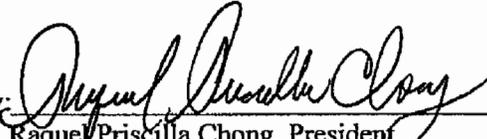
PRINT NAME OF WITNESS BELOW:

Marta A Cruz



PRINT NAME OF WITNESS BELOW:

Annette Hernandez

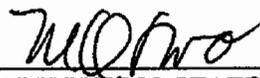
By: 

Raquel Priscilla Chong, President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7th day of May, 2012 by Raquel Priscilla Chong, as President of Fontainebleau Lakes Master Association, Inc., a Florida non-profit corporation, on behalf of the corporation. She is personally known to me.



NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME OF NOTARY PUBLIC


JOINDER AND CONSENT FORM

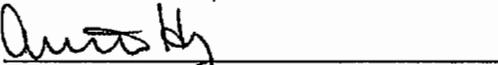
The undersigned, Fontainebleau Lakes Greenspace Maintenance Association, Inc., a Florida non-profit corporation, hereby consents and joins in the foregoing instrument on behalf of the association members.

Fontainebleau Lakes Greenspace
Maintenance Association, Inc. a Florida
non-profit corporation



PRINT NAME OF WITNESS BELOW:

Marta A. Cruz



PRINT NAME OF WITNESS BELOW:

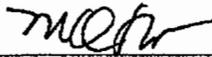
Amelle Hernandez

By: 
Raquel Priscilla Chong, President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7th day of May, 2012 by Raquel Priscilla Chong, as President of Fontainebleau Lakes Greenspace Maintenance Association, Inc., a Florida non-profit corporation, on behalf of the corporation. She is personally known to me.


NOTARY PUBLIC STATE OF FLORIDA
Notary Public State of Florida
Mabel Quintero
PRINT NAME OF NOTARY PUBLIC
My Commission Expires 02/02/2016

JOINDER AND CONSENT OF MORTGAGEE

Regions Bank, an Alabama banking association, hereby consents and joins in the foregoing instrument in its capacity as Mortgagee under that certain Mortgage, Assignment of Rents and Security Agreement from RD Fontainebleau, LLC, a Florida limited liability company to Regions Bank recorded January 25, 2012, in Official Records Book 27974, Page 1365, in the Public Records of Miami-Dade County, Florida

Renea Howes
PRINT NAME OF WITNESS BELOW:
RENEA HOWES

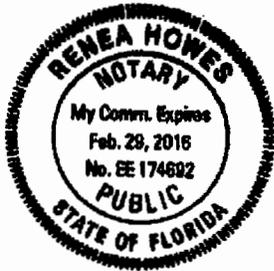
Lynette Rumore
PRINT NAME OF WITNESS BELOW:
Lynette Rumore

REGIONS BANK, an Alabama banking association

By: [Signature]

STATE OF FLORIDA
MIAMI-DADE
COUNTY OF ~~MIAMI-DADE~~ MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of MAY, 2012 by DAVID J. KERN, as SLP of Regions Bank, an Alabama banking association.. He/She is personally known to me.



Renea Howes
NOTARY PUBLIC STATE OF FLORIDA
RENEA HOWES
PRINT NAME OF NOTARY PUBLIC

MIAMI-DADE COUNTY

OPINION OF TITLE

With the understanding that this Opinion of Title is furnished to MIAMI-DADE COUNTY, FLORIDA, as an inducement for acceptance of a Release of Declarations of Restrictions and/or a Covenant Running with the Land in Lieu of Unity of Title, and a Release of Declaration of Restrictions recorded in Official Records Book 24467 at Page 3173 (the "Original Declaration of Restrictions"); and/or a release or modification of a Declaration of Restrictions recorded in Official Records Book 27820 at Page 1556, a Second Modification of Declaration of Restrictions recorded in Official Records Book 27903 at Page 704 and Agreement recorded in Official Records Book 8609 at Page 517 of the Public Records of Miami-Dade County, Florida, we are issuing this Opinion of Title covering the real property hereinafter described (the "Master Subdivision") which real property includes within it, the property covered by the Original Declaration of Restrictions. The Original Declaration of Restrictions requires that any modification, amendment, or release of the property comprising the Master Subdivision be approved by the Miami-Dade County Commission and consent of all the then owner(s) of the property with joinders of mortgagees subject to the Original Declaration of Restrictions. The Original Declaration of Restrictions also provides that "In the event that there is a recorded homeowners or condominium 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 and bylaws, consent to any proposed modification, amendment, or release by a written instrument executed by the homeowners or condominium association. Any consent made pursuant to a vote of the homeowners or condominium association shall be evidenced by a written resolution of the homeowners or condominium association and a certification executed by the secretary of the homeowners or condominium association's board of directors affirming that the vote complied with the articles of incorporation and the bylaws of the association." In issuing this Opinion of Title we are relying expressly on the aforescribed language which states that when any property within the Master Subdivision is subject to a homeowners association or condominium association, the association may execute the proffered instrument on behalf of its members. 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 their recorded mortgagee, and must be evidenced by an executed written instrument. We are assuming that when the association signs on behalf of its members, the member's individual mortgagee is not required to join in the instrument. It is hereby certified that we have examined Chicago Title Insurance Company Owner's Policy No. 7210609-325901 and updates covering the period from the beginning to April 19, 2012 at 11:00 p.m., inclusive, of the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

We are of the opinion that on the last mentioned date, the fee simple title to the above-described property was vested in:

- Fontainebleau Lakes, LLC, a Florida limited liability company (as to Tracts B and C of Fontainebleau East);
- RD Fontainebleau, LLC, a Florida limited liability company (as to Tract A of Fontainebleau East)

The following parties have an interest in Fontainebleau East and are required to join in and/or consent to the applicable declaration or release pertaining to the property legally described in Exhibit "A" attached hereto and made a part hereof:

- Fontainebleau Lakes Community Development District, an independent special district established pursuant to Chapter 190, Florida Statutes, by Ordinance No. 06-135 of Miami-Dade County, Florida, adopted on October 6, 2006, as amended.

The homeowners association and condominium associations covering the property legally described in Exhibit "A" attached hereto and made a part hereof:

Fontainebleau Lakes Master Association, Inc.
Fontainebleau Lakes Greenspace Maintenance Association, Inc.

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

Mortgage, Assignment of Rents and Security Agreement from RD Fontainebleau, LLC, a Florida limited liability company to Regions Bank recorded January 25, 2012, in Official Records Book 27974, Page 1365, together with the following supporting loan documents:

- a) Collateral Assignment of Leases, Rents and Contract Rights recorded January 25, 2012, in Official Records Book 27974, Page 1406.
- b) UCC Financing Statement recorded January 25, 2012, in Official Records Book 27974, Page 1417.
- c) Collateral Assignment of Partial Assignment of Declarant's Rights recorded January 25, 2012, in Official Records Book 27974, Page 1421.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

- (a) All taxes for the year 2012 and subsequent years.
- (b) Rights of persons other than the above owners who are in possession.
- (c) Facts that would be disclosed upon accurate survey.
- (d) Any unrecorded labor, mechanics' or materialmen's liens.
- (e) Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

**ALL RECORDING INFORMATION REFERS TO THE PUBLIC RECORDS
OF MIAMI-DADE COUNTY, FLORIDA.**

It is my opinion that the following party(ies) must join in or consent to the amendment, modification or termination of the Original Declaration of Restrictions and/or any site plan approval or new restrictions and/or any restrictions relating to the property legally described in Exhibit "A", attached hereto and made a part hereof, in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest Special Exception Number</u>
Fontainebleau Lakes Community Development District	Owner
Fontainebleau Lakes LLC	Owner
RD Fontainebleau, LLC	Owner
Fontainebleau Lakes Master Association Inc.	
Fontainebleau Lakes Greenspace Maintenance Association, Inc.	
Regions Bank	Mortgagee

The resolution of the above referenced homeowners or condominium associations shall also be required evidencing consent on behalf of their members as stated in the Original Declaration:

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 7 day May, 2012.

Very truly yours,

AKERMAN SENTERFITT
One SE Third Avenue, 25th Floor
Miami, Florida 33131
(305) 374-5600

By: 
Richard L. Schanerman, Esquire
Florida Bar No.: 0275964

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7 day of May, 2012 by Richard L. Schanerman, Esquire who is personally known to me.



Notary Public, State of Florida
My Name, Commission No. & Expiration:



EXHIBIT "A"
Legal Description

Tracts A, B AND C, of Fontainebleau East, according to the plat thereof as recorded in Plat Book 168, Page 26, of the Public Records of Miami-Dade County, Florida

EXHIBIT "B"

EXCEPTIONS

4. Warranty Deed from Trafalgar Developers, Ltd., to Florida Power & Light Company dated April 9, 1970, recorded August 12, 1970, in Official Records Book 6942, Page 400.
5. Corrective Right-of-Way Agreement to Florida Power & Light Company recorded October 11, 1972, in Official Records Book 7934, Page 73.
6. Right-Of-Way Easement in favor of Southern Bell Telephone and Telegraph Company recorded March 7, 1975, in Official Records Book 8927, Page 417.
7. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Fontainebleau Park Subdivision Section One, recorded in Plat Book 90, Page 56, of the Public Records of Miami-Dade County, Florida, and as affected by Affidavit recorded in Official Records Book 25718, Page 2109. (Affects Fontainebleau East)
8. INTENTIONALLY DELETED
9. Easements evidenced by those Absolute Bills of Sale by and between Trafalgar Developers of Florida, Inc., and the Miami-Dade Water and Sewer Authority recorded May 17, 1974, in Official Records Book 8679, Page 1333, and in Official Records Book 8679, Page 1335. (Affects Fontainebleau East) .
10. Grant of Easement by and between Trafalgar Developers of Florida, Inc., and the Miami-Dade Water and Sewer Authority recorded October 11, 1978, in Official Records Book 10182, Page 56. (Affects Fontainebleau East)
11. Easement in favor of Florida Power & Light Company recorded July 22, 1983, in Official Records Book 11856, Page 529. (Affects Fontainebleau East).
12. Easement in favor of Florida Power & Light Company recorded July 28, 1983, in Official Records Book 11860, Page 1069. (Affects Fontainebleau East).
13. Easement in favor of Florida Power & Light Company recorded September 29, 1993, in Official Records Book 16073, Page 377. (Affects Fontainebleau East).
14. Agreement For Water And Sanitary Sewage Facilities Between Metropolitan Dade County and Albert H. Sakolsky recorded July 25, 1995, in Official Records Book 16862, Page 265. (Affects Fontainebleau East and Fontainebleau West).
15. Terms, conditions, covenants and restrictions appearing in the Declaration of Restrictions recorded May 26, 2005, in Official Records Book 23413, Page 1136, as modified by First Modification To Comprehensive Plan Declaration of Restriction recorded in Official Records Book 26955, Page 908. (Affects Fontainebleau East) .
16. Terms, conditions, and provisions of that certain unrecorded Settlement Agreement dated September 7, 2004, by and between Carolyn A. Sakolsky, as Trustee, Shoma VI, Inc., and Keep The Bleau Green Committee, Inc.

17. Terms, conditions, and provisions of that certain unrecorded Declaration of Restrictions dated on or about May 9, 2005, by and between Carolyn A. Sakolsky, Keep The Bleau Green Committee, Inc. and Shoma Homes, Inc.
18. Terms, conditions, and provisions of Declaration of Restrictions recorded April 27, 2006, in Official Records Book 24467, Page 3173, as amended in Official Records Book 27111, Page 1259 and further amended in Official Records Book 27820, Page 1535, as re-recorded in Official Records Book 27903, Page 704. (Affects Fontainbleau East and Fontainbleau West).
19. INTENTIONALLY DELETED.
20. INTENTIONALLY DELETED.
21. INTENTIONALLY DELETED.
22. INTENTIONALLY DELETED.
23. INTENTIONALLY DELETED.
24. INTENTIONALLY DELETED.
25. Terms, conditions, conditions and Easements, which include provisions for a private charge or assessment, as contained in that certain Declaration of Restrictive Covenants recorded October 12, 2006, in Official Records Book 24996, Page 896. (Affects Fontainbleau East and Fontainbleau West).
26. INTENTIONALLY DELETED.
27. Covenant by and between Fontainbleau Lakes, LLC and Miami-Dade County recorded May 3, 2007, in Official Records Book 25587, Page 3080. (Affects Fontainbleau East).
28. Covenant by and between Fontainbleau Lakes, LLC and Miami-Dade County recorded May 3, 2007, in Official Records Book 25587, Page 3085. (Affects Fontainbleau East)
29. INTENTIONALLY DELETED.
30. INTENTIONALLY DELETED.
31. Agreement For Water And Sanitary Sewage Facilities Between Miami-Dade County and Fontainbleau Lakes, LLC recorded May 3, 2007, in Official Records Book 25587, Page 3098. (Affects Fontainbleau East).
32. INTENTIONALLY DELETED.
33. INTENTIONALLY DELETED.
34. Restrictions, covenants, conditions and easements, which include provisions for a private charge or assessment, as contained in that certain Master Declaration of Easements, Covenants and Restrictions For Fontainbleau Lakes recorded August 13, 2007, in Official Records Book 25850, Page 3884, as amended by Second Amendment to Master Declaration of Easements, Covenants and Restrictions for Fontainbleau Lakes recorded

in Official Records Book 27011, Page 3919, and further amended in Official Records Book 27570, Page 974; and further amended by that Third Amendment to Master Declaration of Easements, Covenants and Restrictions For Fontainbleau Lakes recorded January 25, 2012, in Official Records Book 27974, Page 1311, and by that Fourth Amendment to Master Declaration of Easements, Covenants and Restrictions For Fontainbleau Lakes recorded January 25, 2012, in Official Records Book 27974, Page 1315. (Affects Fontainbleau East and West).Restrictions, covenants, conditions and easements, which include provisions for a private charge or assessment, as contained in that certain Declaration of Covenants and Restrictions For the Maintenance of the Fontainbleau Lakes Greenspace Area recorded August 13, 2007, in Official Records Book 25850, Page 3992, and First Amendment to Declaration of Covenants and Restrictions For the Maintenance of the Fontainbleau Lakes Greenspace Area recorded September 12, 2007, in Official Records Book 25921, Page 2663, and Second Amendment to Declaration of Covenants and Restrictions For the Maintenance of the Fontainbleau Lakes Greenspace Area recorded September 14, 2009, in Official Records Book 27011, Page 3839, and further amended in Official Records Book 27755, Page 1469; and as further amended by that Fourth Amendment To Declaration of Covenants and Restrictions For the Maintenance Of the Fontainbleau Lakes Greenspace Area recorded January 25, 2012, in Official Records Book 27974, Page 1301, and as partially assigned in Official Records Book 27974, Page 1334. (Affects Fontainbleau East and West).

35. INTENTIONALLY DELETED.
36. INTENTIONALLY DELETED.
37. INTENTIONALLY DELETED.
38. INTENTIONALLY DELETED.
39. INTENTIONALLY DELETED.
40. INTENTIONALLY DELETED.
41. INTENTIONALLY DELETED.
42. INTENTIONALLY DELETED.
43. INTENTIONALLY DELETED.
44. INTENTIONALLY DELETED.
45. INTENTIONALLY DELETED.
46. INTENTIONALLY DELETED.
47. INTENTIONALLY DELETED.
48. INTENTIONALLY DELETED.

49. Declaration of Restrictions recorded in Official Records Book 26921, Page 1562, and further affected by that Attorney's Affidavit recorded in Official Records Book 27931, Page 3917. (Affects Fontainbleau East).
50. INTENTIONALLY DELETED.
51. INTENTIONALLY DELETED.
52. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of FONTAINEBLEAU EAST recorded in Plat Book 168, Page 26. (Affects Fontainbleau East)
53. INTENTIONALLY DELETED.
54. INTENTIONALLY DELETED.
55. INTENTIONALLY DELETED.
56. Easement in favor of Miami-Dade County recorded September 21, 2010, in Official Records Book 27428, Page 4031. (Affects Fontainbleau East and West)
57. INTENTIONALLY DELETED.
58. INTENTIONALLY DELETED.
59. INTENTIONALLY DELETED.
60. INTENTIONALLY DELETED.
61. Declaration of Restrictions recorded in Official Records Book 27820, Page 1556. (Affects Fontainbleau East and West)
62. INTENTIONALLY DELETED.
63. INTENTIONALLY DELETED.
64. INTENTIONALLY DELETED.
65. Terms and Conditions of that Excavation Performance Bond recorded in Official Records Book 27844, Page 2153. (Affects Fontainbleau East)
66. INTENTIONALLY DELETED.
67. Terms, conditions, obligations and restrictions in that unrecorded Second Addendum to Settlement Agreement, entered into October 31, 2008, by and between Fontainbleau Lakes, LLC, and Keep the Bleau Green Committee, Inc., as affected by that unrecorded Third Addendum to Settlement Agreement, together with the terms, conditions, obligations and restrictions in that unrecorded Agreement, dated December 24, 2010, by and between Fontainbleau Lakes, LLC, and Keep the Bleau Green Committee, Inc., and that unrecorded Release by Keep the Bleau Green Committee, Inc., dated November 11, 2010. (Affects Fontainbleau East and West)
68. INTENTIONALLY DELETED.

69. INTENTIONALLY DELETED.
70. INTENTIONALLY DELETED.
71. INTENTIONALLY DELETED.
72. INTENTIONALLY DELETED.
73. Covenants Running With The Land In Lieu Of Unity Of Title And Release Of Unity Of Title recorded January 23, 2012, in Official Records Book 27969, Page 3657. (Affects Fontainbleau East)
74. Covenants Running With The Land In Lieu Of Unity Of Title And Release Of Unity Of Title recorded January 23, 2012, in Official Records Book 27969, Page 3669. (Affects Fontainbleau East)
75. Easement Agreement by and between Fontainbleau Lakes, LLC, a Florida limited liability company and RD Fontainbleau, LLC, a Florida limited liability company recorded January 25, 2012, in Official Records Book 27974, Page 1322. (Affects Fontainbleau East)
76. Covenants Running With The Land by Fontainbleau Lakes, LLC, a Florida limited liability company recorded January 25, 2012, in Official Records Book 27974, Page 1338. (Affects Fontainbleau East)
77. Closing Agreement by and between Fontainbleau Lakes, LLC, a Florida limited liability company and RD Fontainbleau, LLC, a Florida limited liability company et al recorded January 25, 2012, in Official Records Book 27974, Page 1345. (Affects Fontainbleau East)
78. Easements in favor of Florida Power and Light recorded in Deed Book 3767, Page 48, Deed Book 3767, Page 469, and in Official Records Book 6978, Page 62. (Affects Fontainbleau East)
79. Declaration of Restrictions Covenants and Conditions recorded in Official Records Book 28049, Page 1612. (Affects Fontainbleau East)
80. Code Enforcement Lien in favor of Miami-Dade County recorded in Official Records Book 28012 at Page 542 of the Public Records of Miami-Dade County, Florida.

NOTE: ALTHOUGH THE FOLLOWING DOCUMENTS WERE RECORDED AFTER THE EFFECTIVE DATE I HAVE PERSONAL KNOWLEDGE THAT THE FOLLOWING DOCUMENTS WERE RECORDED AND AFFECT THE PROPERTY DESCRIBED IN EXHIBIT "A"
81. Closing Agreement recorded in Official Records Book 28094 at Page 1300 of the Public Records of Miami-Dade County, Florida.
82. Easement Agreement recorded in Official Records Book 28094 at Page 1241 of the Public Records of Miami-Dade County, Florida.