

Date: September 20, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners


From: Daniella Levine Cava
Mayor



Subject: Supplemental Information on October 2022 Cycle Application
No. CDMP20220016 to Amend the Comprehensive Development Master Plan

Supplement
Agenda Item No. 4(B)

The following supplemental information is provided to the Board of County Commissioners regarding October 2022 Cycle Application No. CDMP20220016 to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1) the Initial Recommendation report; and (Exhibit 2) Additional Items addressing Application No. CDMP20220016 received by the Department of Regulatory and Economic Resources not included in the Initial Recommendation report.



Jimmy Morales
Chief Operations Officer

Application No. CDMP20220016
Fontainebleau Lakes, LLC
Commission District 10 Community Council 10

APPLICATION SUMMARY

Applicant/Representative: Fontainebleau Lakes, LLC / Felix M. Lasarte, Esq., The Lasarte Law Firm, and William W. Riley, Jr., Esq., The Riley Law Firm

Location: Between NW 87 Avenue and NW 97 Avenue and between SR-836 (Dolphin Expressway) and West Flagler Street

Acreage ±107.68 gross acres

Current Land Use Plan Map Designation: "Parks and Recreation" and "Medium Density Residential" (13 to 25 dwelling units per gross acre)

Requested Amendments to the CDMP:

1. Amend the interpretive text of the "Parks and Recreation" land use category in the CDMP Land Use Element.
2. Modify the Declaration of Restrictions recorded in Official Records Book 23413 at Page 1134, as previously modified by the Declarations of Restrictions recorded in Official Records Book 26955 at Page 908 (First Modification) and Book 29816 at Page 3447 (Second Modification), of the Public Records of Miami-Dade County, Florida.
3. Redesignate ±17.66 acres of the ±107.68-acre application site on the LUP map:

From: "Parks and Recreation"
To: "Medium Density Residential with One Density Increase" (DI-1; 25 to 60 dwelling units per gross acre)

Amendment Type: Standard

Existing Zoning District/Site Condition: GU (Interim District)/ Private Recreational Facilities/Major Transmission Lines/Inland water body

RECOMMENDATIONS

Staff:

TRANSMIT WITH CHANGE AND WITH THE PROFFERED AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

[The change is to redesignate the ±17.66 acres from “Parks and Recreation” to “Medium Density Residential” (13 to 25 units per acre) and to revise the proposed amendment to the “Parks and Recreation” land use designation text, as requested by the applicant by letters dated March 21 and April 14, 2023] (May 2023)

Westchester Community Council (10):

DENY AND DO NOT TRANSMIT (May 30, 2023)

Planning Advisory Board (PAB) Acting as the Local Planning Agency:

TRANSMIT WITH CHANGE AND WITH ACCEPTANCE OF THE PROFFERED AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

[with the conditions that: 1) ±3.4 acres of land be dedicated to the County for a public park and ±4 acres to the adjacent charter school; 2) the applicant be responsible for addressing any contamination found on the dedicated land; and 3) a second access be provided on Fontainbleau Boulevard to enter the ±17.66-acre property.

The change is to redesignate the property from “Parks and Recreation” to “Medium Density Residential” (13 to 25 units per acre) and to revise the proposed amendment to the “Parks and Recreation” land use designation text, as requested by the applicant by letters dated March 21 and April 14, 2023] (July 17, 2023)

Transmittal Action of Board of County Commissioners:

TO BE DETERMINED (September 20, 2023)

Final Action of Board of County Commissioners:

TO BE DETERMINED (November 16, 2023)

Staff recommends to **TRANSMIT WITH CHANGE AND WITH THE PROFFERED AMENDED AND RESTATED DECLARATION OF RESTRICTIONS** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP). The application seeks to 1.) amend the "Parks and Recreation" land use category text of the CDMP Future Land Use Element; 2) modify the Declaration of Restrictions recorded in Official Records Book 23413 at Page 1134 as previously modified by the Declarations of Restrictions recorded in Official Records Book 26955 at Page 908 (First Modification) and Book 29816 at Page 3447 (Second Modification), of the Public Records of Miami-Dade County, Florida; and 3.) redesignate a ±17.66-acre parcel from "Parks and Recreation" to "Medium Density Residential with One Density Increase (DI-1)". Staff's recommendation on the application is based on the following reasons:

Principal Reasons for Recommendation:

1. Staff notes the application has some merit but has several concerns with the application and therefore recommends its transmittal with the applicant's changes, highlighting that additional information and analysis are necessary and may be adequately addressed during the amendment process. The application proposes a 375-unit residential development proximate to the East-West SMART Plan Corridor on a ±17.66-acre parcel that is limited by its "Parks and Recreation" land use designation and CDMP Declaration of Restrictions (covenant) to be open space for adjacent development, as further detailed in Principal Reason No. 3v below. The parcel is also restricted by plat to remain open space providing stormwater storage and drainage for the adjacent developments. Staff's primary concern is whether the proposed development could actually be undertaken without generating significant negative impacts on stormwater management and drainage in the vicinity of the application area. To address this concern, the applicant has submitted an Area Drainage Study that County staff has reviewed and determined does not provide adequate data and analysis (see Principal Reason No. 3v below).

The referenced changes to the application are the applicant's withdrawal, by letter dated March 21, 2023, of the One Density Increase (DI-1) component of the land use redesignation request and revision of the proposed amendment to the "Parks and Recreation" land use designation text by letter dated April 14, 2023. The applicant initially requested the redesignation of the ±17.66-acre parcel from "Parks and Recreation" to "Medium Density Residential with One Density Increase (DI-1)" that would have allowed up to 60 units per acre on the parcel, but now seeks to designate the parcel as "Medium Density Residential" which would allow its development at a density between 13 and 25 units per acre.

As noted above, the ±17.66-acre parcel is required to be open space by its "Parks and Recreation" land use designation. The CDMP Land Use Element text provides, among other requirements, that up to one-third of privately owned land designated as "Parks and Recreation" previously limited by restrictive covenant or deed restriction may be developed and that the BCC may approve for development such other proportion up to 50 percent of the land, but in no event shall less than 50 percent of the land be maintained as park, recreational or open space. Currently, 50.3% (±76.6 acres) of the former ±152.28-acre Golf Course remains as open space. Accordingly, no development may be allowed on this remaining open space acreage, pursuant to the CDMP "Parks and Recreation" provisions. The applicant seeks to revise the "Parks and Recreation" to allow up to 75% of previously restricted open space acreages to be developed when located along certain Rapid Transit Corridors or Bus Express Rapid Transit Network (see Proposed CDMP Text Amendment on page 7).

2. The applicant's proposed revision to the "Parks and Recreation" text to allow up to 75% of privately owned open space previously restricted by covenant or deed would impact ± 243 acres, based on Staff's preliminary analysis, including three additional golf courses (Fontainebleau West, California Club, and Presidential Estates golf courses). While the applicant's intent is to facilitate development of the ± 17.66 -acre parcel, reducing the open space retention requirement to 25% would allow a further ± 21 acres of the remaining open space within the former Fontainebleau East golf course to be developed in addition to relaxing the restrictions on the referenced three additional golf courses without properly analyzing the potential impacts and implications of such a policy change. Staff notes that further analysis of the applicant's proposed revision to the "Parks and Recreation" text is required to determine the efficacy of such a policy change.
3. Approval of the application would be generally inconsistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element, as more specifically detailed in paragraphs iii and v below. Policy LU-8E requires Land Use Plan (LUP) map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, (v) impacts to systems important to the County and facilities of countywide significance and (vi) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.

i. Need to Accommodate Population or Economic Growth: Approval of the application with acceptance of the proffered amended and restated covenant could help accommodate projected population growth in the general application area. The application site is located in the Analysis Area (Minor Statistical Area [MSA] 3.2), which is estimated to have capacity for about 11,495 dwelling units, with about 99 percent of these units intended as multi-family. The annual average residential demand in the Analysis Area is projected to go from 207 units per year in the 2020-2025 period to 636 in the 2035-2040 period. The depletion of single-family type units is projected to occur in 2023 and for multi-family units beyond 2040. The application, if approved with acceptance of the proffered amended and restated covenant, would increase the residential land capacity by 375 multifamily units, and would extend the depletion year for multi-family type units by just over a year (see "Supply and Demand Analysis" on page 21).

ii. Public Facilities and Service: Approval of the application with acceptance of the proffered amended and restated covenant would be generally consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions to not cause a violation in adopted Level of Service (LOS) standards for public facilities and services. The proffered declaration of restrictions limits the development on the ± 17.66 -acre parcel subject to the proposed land use change to a maximum of 375 residential units. The impacts that would be generated from development on the ± 17.66 -acre parcel, if the application is approved, would not cause a violation in the adopted LOS standards for public facilities and services.

The Applicant's traffic study analyzed the proposed 375-unit residential development for traffic impacts during the short-term (year 2025) and the long-term (year 2045). The applicant's short-term analysis shows all impacted roadways are projected to operate within their adopted LOS standards. The long-term analysis shows five impacted roadway segments are projected to operate in violation of their adopted LOS standards,

both with and without the impacts of the proposed development. The five roadway segments are NW 87 Avenue north of NW 12 Street; NW 87 Avenue north of SW 8 Street; SW 87 Avenue south of Flagler Street; Dolphin Expressway/SR 836 east of NW 87 Avenue; and Dolphin Expressway/SR 836 east of NW 107 Avenue. These roadway segments are not projected to be significantly impacted by the proposed development as the traffic impact from the proposed development is projected to be less than five percent of the adopted LOS capacity for each roadway. Therefore, no traffic mitigation is required. (See Roadways section on page 35 and “Applicant’s Traffic Study, Executive Summary” in Appendix I on Appendices Page 105.)

- iii. Compatibility:* The development of the ±17.66-acre parcel with the proposed 375 residential units, if the application is approved, may not be compatible with the existing development in the area. In accordance with Land Use Element Policy LU-4B, evaluation of the compatibility of proximate uses considers such factors as noise, traffic, safety, access, runoff (drainage and stormwater), among other things. The proposed development is comparable in density to the adjacent existing development but could negatively impact drainage and stormwater management in the area, as further discussed in paragraphs v below, and thereby poses a significant potential incompatibility with the existing development, pursuant to Policy LU-4B.
- iv. Environmental and Historic Resources:* The application, if approved, would not impact any historic or archaeological resources but could impact environmental resources on the site. The Division of Environmental Resources Management (DERM) has records of current contamination on the application area and requires that all construction plans, inclusive of drainage and stormwater management (further discussed in ‘v’ below), lake fill, lake excavation, and dewatering plans be reviewed and approved by its Environmental Monitoring and Restoration Division (EMRD). Additionally, the subject property may contain specimen-sized trees (trunk diameter 18 inches or greater) that are to be preserved, where reasonably possible, in accordance with Section 24-49.2(II) of the Code.

Furthermore, the application area is located within the core foraging area of the federally threatened wood stork and is east of numerous long-term rookeries for this species. In addition, the application area is within the U.S. Fish & Wildlife consultation area for the endangered Florida bonneted bat (*Eumops floridanus*), which may utilize the subject property for nesting, roosting and foraging. DERM recommends that wildlife surveys be conducted by the applicant and submitted for review and approval prior to the approval of any building permit to determine usage of the application area by both the Florida bonneted bat and the wood stork. Moreover, the applicant should also coordinate with the U.S Fish and Wildlife Service regarding impacts to these species (see Environmental Conditions section on page 24).

- v. Enhance or Degrade County Systems:* The application if approved and with acceptance of the proffered amended and restated covenant, and the ±17.66-acre parcel developed with the proposed 375 multifamily residential units, could degrade the stormwater and drainage system in the area. All other countywide systems have sufficient capacity to absorb the impacts that would be generated by development of the parcel with the proposed use or would not be significantly impacted by the development as in the case of roadways discussed in paragraphs ii above.

The ±17.66-acre parcel subject to the land use change and proposed for the 375-unit residential development currently has a ±4-acre lake within the northern portion of the parcel and a 15-foot-wide drainage easement connected to the lake that traverses the

northeastern portion of the parcel. The lake is identified as a water management area, one of several such areas within the remaining open space acreage of the former Golf Course, reserved as “storage basins for storm water drainage purposes” for existing development in the area as a condition of the plat of Fontainebleau East (recorded in the Official Records Book 168, Page 28). While the application proposes development of this ±17.66-acre parcel, it does not adequately address how stormwater management for the area (within the boundary of the plat) would be impacted by the proposed development or how the current level of stormwater management would be maintained for the area per the conditions of the plat. The proffered amended and restated covenant includes a commitment to providing a signed and sealed Stormwater Master Plan prior to recordation of final replat. However, given the current plat restrictions and that the ±17.66-acre parcel is limited by CDMP policy and covenant to be open space, it must be demonstrated that the parcel may be developed without negatively impacting stormwater management and drainage in the area, within the limits of the current plat and other adjacent properties, is required for proper consideration of the application. Accordingly, the applicant has submitted a signed and sealed Area Drainage Study toward addressing whether the ±17.66-acre parcel may be developed without negatively impacting stormwater management and drainage in the area (see Appendix L: Area Drainage Study on Appendices Page 119 herein). DERM has reviewed the study and determined that additional information and analyses are required. Accordingly, the application is recommended for transmittal to allow time for the appropriate additional data and analyses to be provided by the applicant to determine if the ±17.66-acre parcel can be built without negatively impacting stormwater management and drainage in the area.

- vi. Transit Ridership and Pedestrianism:* The application if approved and the ±17.66-acre parcel developed with residential uses as proposed would support transit ridership and pedestrianism. The application site is served by four Metrobus Routes 87, 7, 51 (Flagler Max) and 11 with the closest bus stop located approximately 0.16 miles (a 2-minute walk) from the proposed development parcel. Metrobus Routes 87 and 7 provide service at 30-minute AM/PM peak hour headways and 60-minute off-peak hour headways. Metrobus Routes 11 and 51 provide service at 20-minute and 15-minute AM/PM peak hour headways and 40-minute and 30-minute off-peak hour headways, respectively (see Transit section on page 43).

In addition, the application area is within the SMART Plan’s East-West Corridor, an area allowed and encouraged to be built with transit-supportive development as further discussed in the ‘Strategic Miami Area Rapid Transit (SMART) Plan’ section herein on page 20. Furthermore, the area is planned for improved transit service, including the partially funded Bus Rapid Transit station at the SR-836/NW 87 Avenue interchange that will provide access to the East-West corridor transit service and the Flagler Corridor Bus Rapid Transit service.

PROPOSED CDMP TEXT AMENDMENT

The following presents the Applicant's proposed changes to the "Parks and Recreation" text on page I-59 of the CDMP Land Use Element. Words underlined are proposed additions and words stricken through are proposed deletions. All other words are adopted text that remain unchanged and are currently in effect. Double underlined and double stricken through words represent changes proposed by the applicant by letter dated April 14, 2023, after the application was filed.

Parks and Recreation

The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map...

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The long-term use of golf courses or other private recreation or open space on privately owned land designated as Parks 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 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~~ the property owners of the parent tract 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 or will otherwise serve a public benefit. 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 unless the subject property is located within a one-mile radius of a Rapid Transit Corridor or a Bus Express Rapid Transit Network located along the Dolphin Expressway, the Palmetto Expressway or Interstate 95, in which case the development plan shall provide by restrictive covenant that not less than one-fourth 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 25 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 the Department of Regulatory and Economic Resources 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

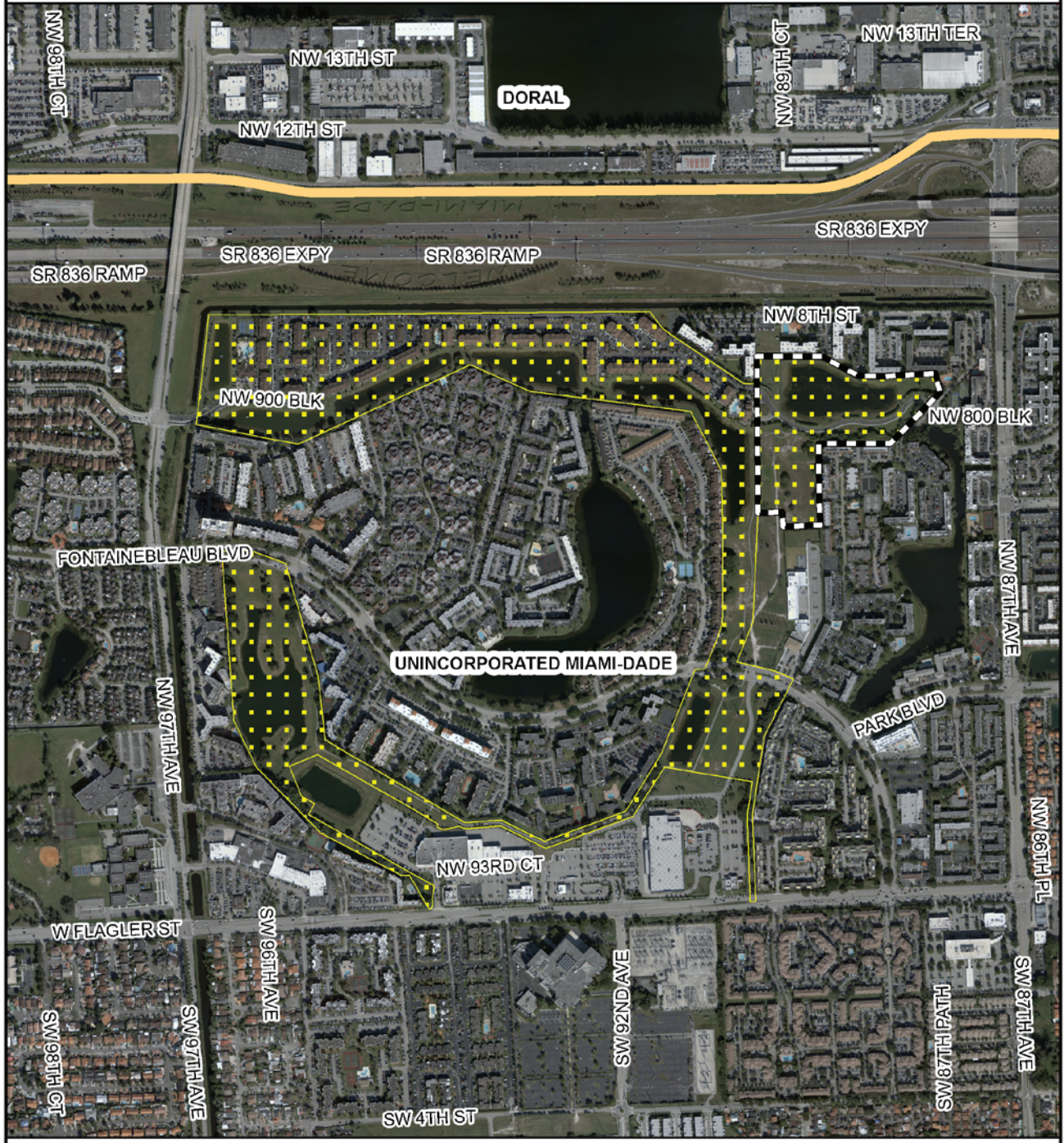
development in connection with which the park-designated land was originally set aside, or the gross density of all the ownership parcels immediately abutting the entire park designated land, whichever is lower. An approval pursuant to this provision may allow the gross density of the combined new and existing development, and its existing zoning, to exceed the I-59 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.




PROFFERED AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

The following presents a summary of the Applicant's proposed changes to the existing CDMP declaration of restrictions (the 2005 Covenant as previously modified in 2009 and 2015, discussed on page 15 herein) that limits the uses of the ±107.68-acre application area. The proposed changes include the consolidation, into a single Amended and Restated Declaration of Restrictions (Appendix D on Appendices Page 35 herein), of all prior changes made to the 2005 Covenant through the modifications approved in 2009 (First Modification) and 2015 (Second Modification) as well as the changes proposed in this application that are presented below.

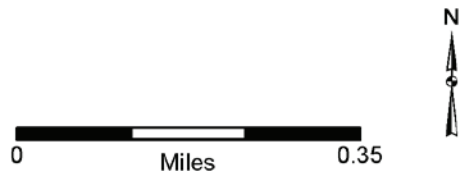
- Conceptual Site Plan. Condition modification committing to develop the property in accordance with the new 2022 Conceptual Master Plan shown in the Covenant Exhibit C depicting where residential development may occur and where green/buffer areas are to be preserved.
- Number of Units. Condition modification to increase the maximum allowed residential from 824 units to 1,199 units including a maximum three hundred seventy-five (375) residential units on the ±17.66-acre parcel subject to the land use change.
- Educational Facility. Condition deletion as required school impact mitigation addressed through construction of ±5.2-acre Pinecrest North Preparatory charter.
- Roadway Improvement Program. New condition committing to 1) add a ±50-foot taper and ±300 feet of storage to the existing eastbound left-turn lane at Fontainebleau Boulevard and NW 97 Avenue; and 2) create a four-leg intersection at Fontainebleau Boulevard, west of the community center for Keep Bleau Green Committee, Inc.
- Workforce Housing. New condition committing minimum 12.5% of the residential units developed on the ±17.66-acre parcel to be set-aside for workforce housing for households with incomes between 60% percent 140% of the area median income (AMI) of Miami-Dade County for a period of 20 years.
- Landscaping. New condition prohibits development on the ±17.66-acre parcel from varying the minimum required tree and shrub counts applicable for the development.
- Stormwater Management. New condition committing to providing for DERM review and approval a signed and sealed stormwater analysis that identifies stormwater management infrastructure needed for the proposed land use, and demonstrates that development will not negatively impact stormwater management and drainage in the area.
- Tree Canopy. New condition requiring future development to comply with the requirements of Chapter 24-49-4 of the County Code for tree removal impacting noninvasive tree canopy.

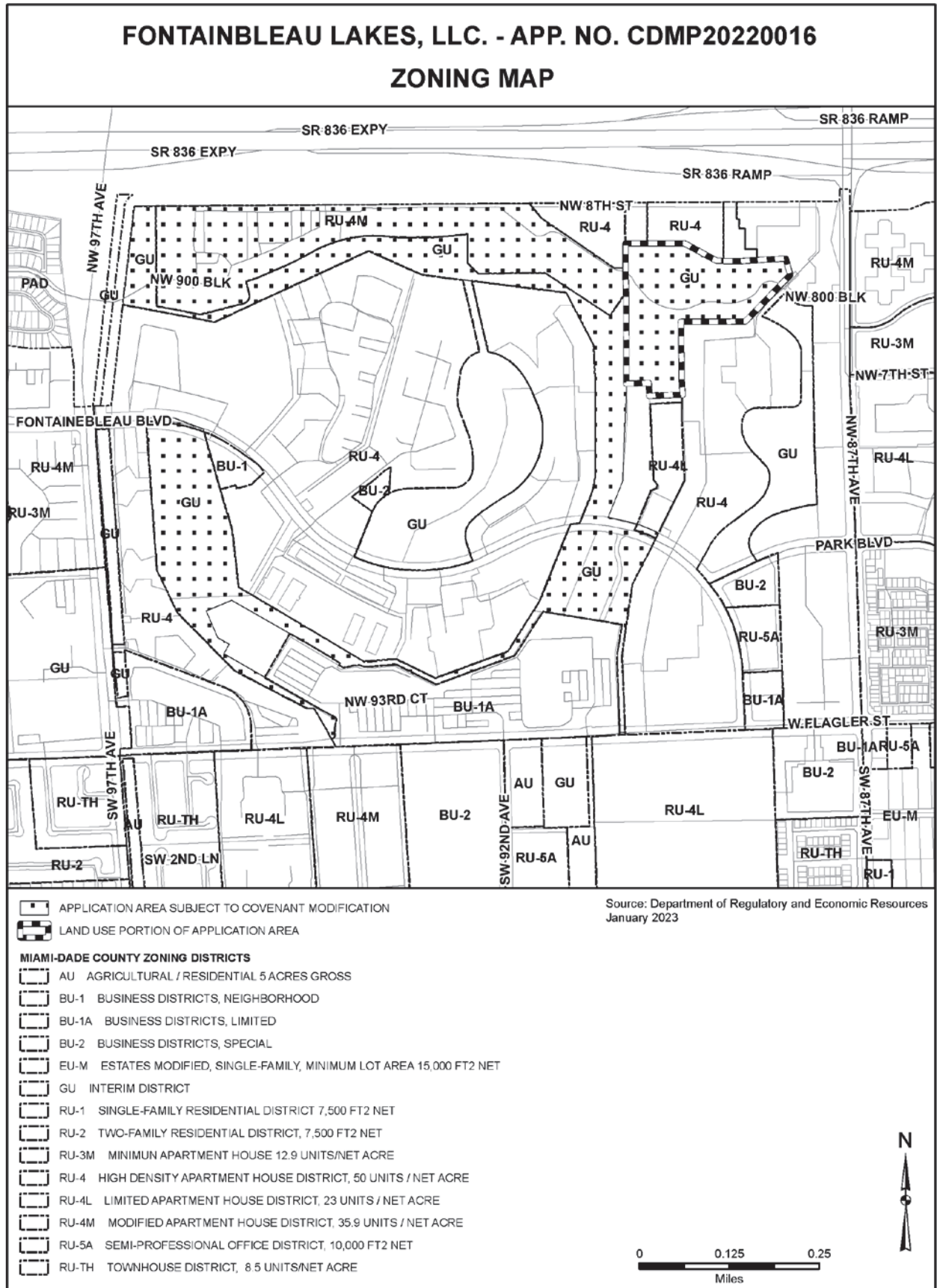
FONTAINBLEAU LAKES, LLC. - APP. NO. CDMP20220016 AERIAL PHOTO



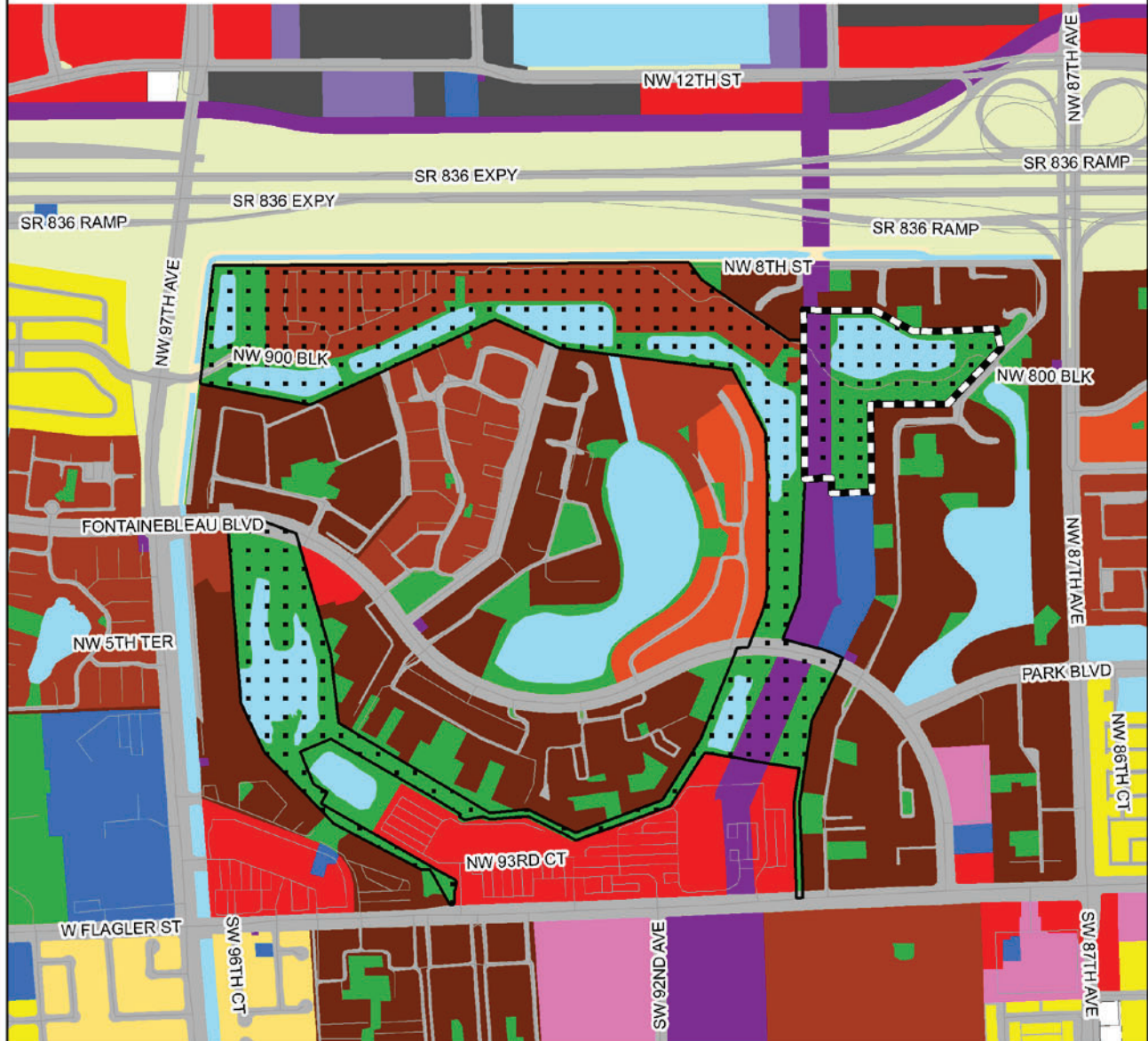
-  APPLICATION AREA SUBJECT TO COVENANT MODIFICATION
-  LAND USE PORTION OF APPLICATION AREA
-  MUNICIPAL BOUNDARY

Source: Department of Regulatory and Economic Resources
January 2023



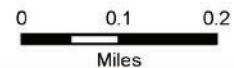


FONTAINBLEAU LAKES, LLC. - APP. NO. CDMP20220016 EXISTING LAND USE



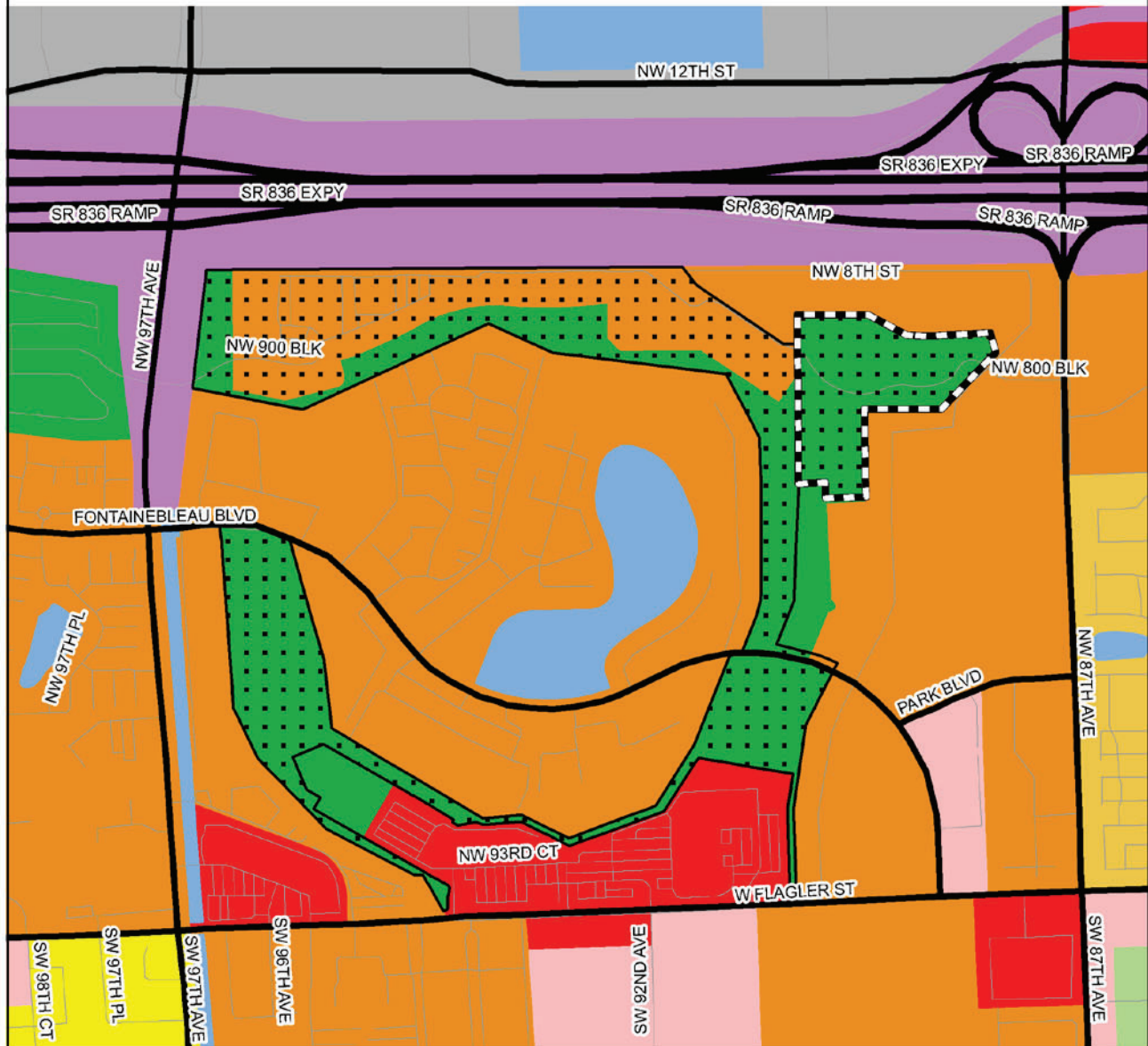
Source: Department of Regulatory and Economic Resources
January 2023

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|---|--|
|  Application Area Subject to Covenant Modification |  Industrial |
|  Land Use Portion of Application |  Industrial intensive, Commercial Condominium type of use |
|  Single-Family |  Communications, Utilities, Terminals |
|  Two-Family Duplexes |  Streets, Roads, Expressways, Ramps |
|  Townhouses |  Streets, Expressway R/W |
|  Low-Density Multi-Family |  Parks, Preserves, Conservation Areas |
|  High-Density Multi-Family |  Vacant Privately Owned, Unprotected |
|  Commercial, Shopping Centers, Stadiums |  Canal right-of-way |
|  Office |  Inland Waters |
|  Institutional | |

















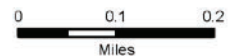
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CDMP LAND USE

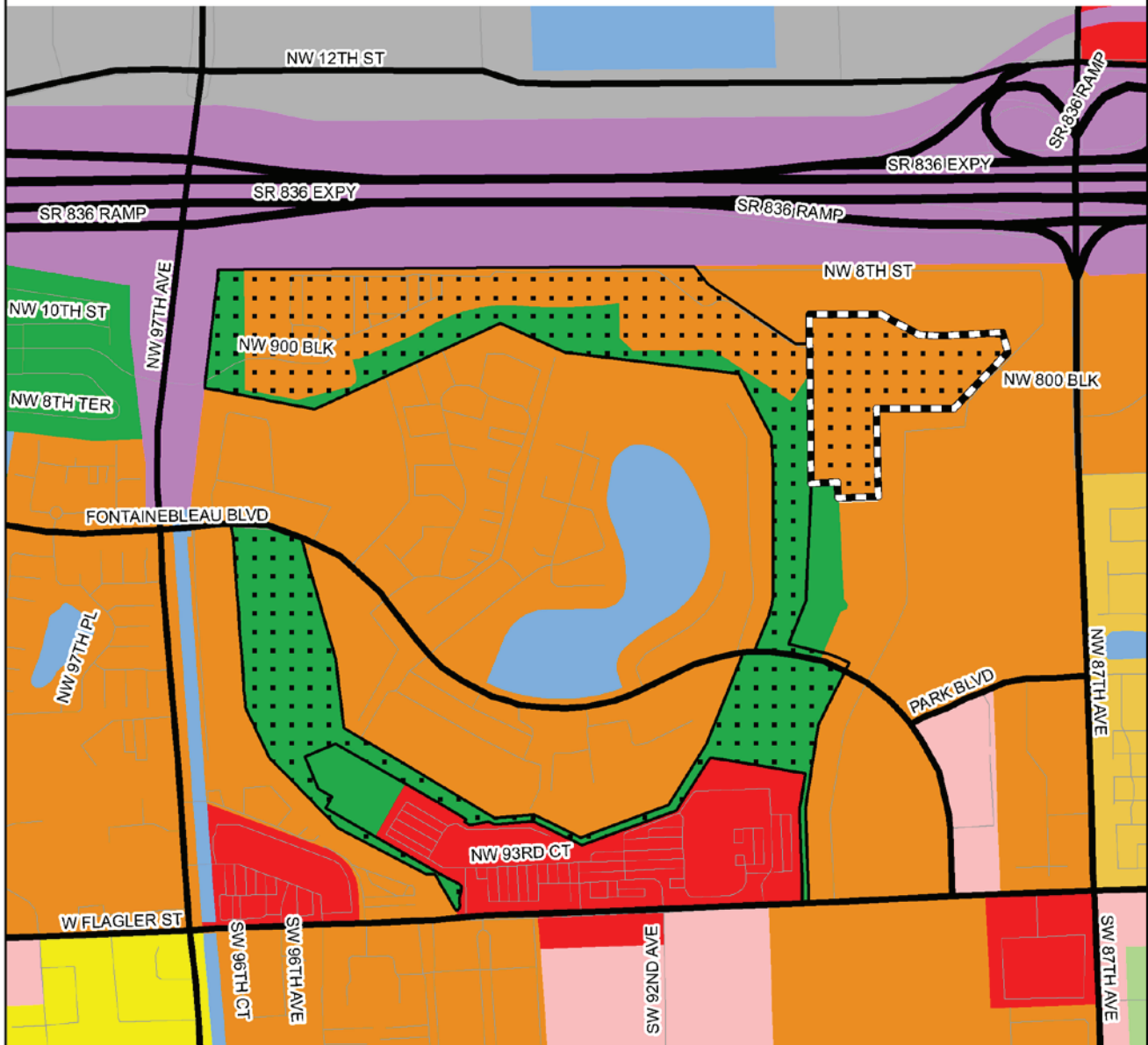


Source: Department of Regulatory and Economic Resources
January 2023















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|---|---|---|---|
|  | APPLICATION AREA SUBJECT TO COVENANT MODIFICATION |  | BUSINESS AND OFFICE |
|  | LAND USE PORTION OF APPLICATION AREA |  | OFFICE/RESIDENTIAL |
|  | ESTATE DENSITY (EDR) 1-2.5 DU/AC |  | PARKS AND RECREATION |
|  | LOW DENSITY (LDR) 2.5-6 DU/AC |  | WATER |
|  | LOW-MEDIUM DENSITY (LMDR) 6-13 DU/AC |  | TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.) |
|  | MEDIUM DENSITY (MDR) 13-25 DU/AC |  | EXPRESSWAYS |
|  | INDUSTRIAL AND OFFICE |  | MAJOR ROADWAYS (3 OR MORE LANES) |

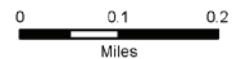


FONTAINBLEAU LAKES, LLC. - APP. NO. CDMP20220016 PROPOSED CDMP LAND USE

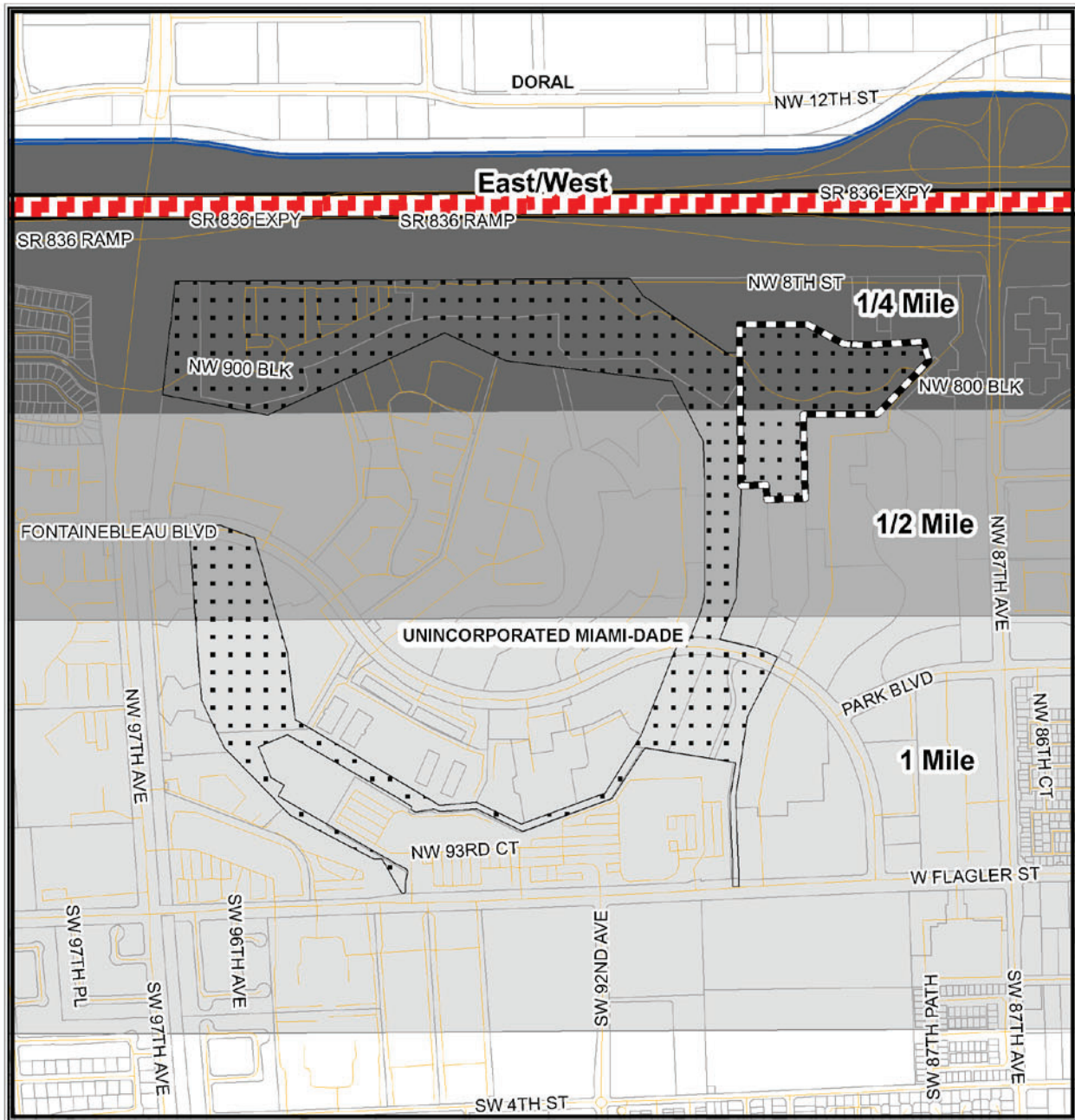


Source: Department of Regulatory and Economic Resources
January 2023








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|  | APPLICATION AREA SUBJECT TO COVENANT MODIFICATION |  | BUSINESS AND OFFICE |
|  | LAND USE PORTION OF APPLICATION AREA |  | OFFICE/RESIDENTIAL |
|  | ESTATE DENSITY (EDR) 1-2.5 DU/AC |  | PARKS AND RECREATION |
|  | LOW DENSITY (LDR) 2.5-6 DU/AC |  | WATER |
|  | LOW-MEDIUM DENSITY (LMDR) 6-13 DU/AC |  | TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.) |
|  | MEDIUM DENSITY (MDR) 13-25 DU/AC |  | EXPRESSWAYS |
|  | INDUSTRIAL AND OFFICE |  | MAJOR ROADWAYS (3 OR MORE LANES) |

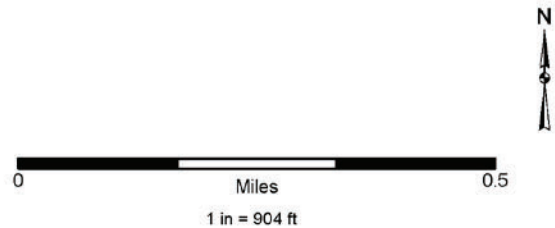


FONTAINBLEAU LAKES, LLC. - APP. NO. CDMP20220016 SMART PLAN CORRIDOR



Source: Department of Regulatory and Economic Resources
February 2023

-  Application Area Subject to Covenant Modification
-  Land Use Portion of Application Area
- SMART Plan Corridor Buffers**
-  1 MILE
-  1/2 MILE
-  1/4 MILE
-  East/West SMART Plan Corridor
-  Municipal Boundary



STAFF ANALYSIS

Background

The application seeks to amend the “Parks and Recreation” land use category text in the CDMP Land Use Element, to modify an existing CDMP Declaration of Restrictions (covenant) that applies to ±107.68 acres (the application area), and to change the land use designation of a ±17.66-acre parcel within the application area, all to allow development of the ±17.66-acre parcel with up to 375 residential units. The ±107.68-acre application area is part of the former ±152.28-acre Fontainebleau East Golf Course (the former Golf Course) property located between NW 87 Avenue and NW 97 Avenue and between SR-836 (Dolphin Expressway) and West Flagler Street (see Appendix K: CDMP Applications History Map on Appendices page 115).

The former Golf Course is currently developed with 720 multifamily units within the northernmost ±34 acres, a shopping center on the southern ±32 acres fronting on West Flagler Street, the Fontainebleau Community Center and the Pinecrest North charter school (Grades 2-8) on the easternmost ±5 acre that front on Fontainebleau Boulevard. The remaining acreage of the former Golf Course is open space and is required to remain open space by the existing CDMP covenant, the “Parks and Recreation” land use category text, and the conditions of the current plat. Additionally, portions of the open space area, including the ±17.66-acre parcel proposed for development, currently serve as part of the drainage and stormwater infrastructure in the general area pursuant to conditions of plat of the property. The developments within the former Golf Course property were approved through three separate CDMP amendments adopted by the Board of County Commissioners (BCC) and are discussed below (see Appendix K: CDMP Applications History Map on Appendices page 115).

The first CDMP amendment to the former Golf Course was through Application No. 3 of the April 2004 Cycle of amendments to the CDMP that was adopted on May 9, 2005, by the BCC with acceptance of a proffered covenant (herein the 2005 Covenant) through Ordinance No. 05-92. This application increased the “Medium Density Residential” designated land to ±57.89 acres and reduced the “Parks and Recreation” designated portion of the former Golf Course to ±94.39-acres. The 2005 Covenant, recorded in Official Records Book 23413 at Page 1136 of the Public Records of Miami-Dade County, Florida, required conformance with a Conceptual Site Plan which restricted the use of the ±94.39-acres (*approximately 62%* of the former Golf Course) to green space and buffer areas. The 2005 Covenant also limited residential development to 1,176 dwelling units, required the owner to mitigate the development’s school impacts, and required a site plan and traffic studies addressing traffic impacts on NW 87 Avenue. (See “Aerial” map on page 9; and Appendix E: 2005 Covenant on Appendices page 57).

The second CDMP amendment was Application No. 8 of the April 2008 Cycle of amendments approved by the BCC through Ordinance No. 09-28 on May 6, 2009, with acceptance of a modification to the 2005 Covenant and acceptance of a separate proffered covenant. That amendment modified the 2005 Covenant (the First Modification) by removing ±39.4 acres from the 2005 Covenant (±112.88 acres remained) and redesignated the ±39.4 acres from “Medium Density Residential” (±23 gross acres) and “Parks and Recreation” (±16.4 gross acres) to “Business and Office” (±35.06 gross acres) and “Parks and Recreation” (±4.36 gross acres). The separate covenant encumbered only the “Business and Office” portion of the former Golf Course property, limiting commercial development to 240,000 square feet, among other things and is recorded in Official Records Book 26921 at Pages 1562 through 1582 of the Public Records of Miami-Dade County. The First Modification to the 2005 Covenant also updated the Conceptual Site Plan to exclude the ±39.4 acres and reduced the maximum number of

residential units allowed on the remaining acreage from 1,176 to 824 units. The amendment reduced the open space acreage to ±82 acres, or *approximately 53.7%* of the original ±152.28-acre former Golf Course acreage. (See Appendix F: First Covenant Modification (2009) on Appendices page 67)

The third CDMP amendment pertaining to the former Golf Course was effected through Application No. 7 of the November 2014 Cycle of amendments approved by the BCC through Ordinance No. 15-70 on July 22, 2015. That amendment redesignated ±5.2 acres from “Parks and Recreation” to “Medium Density Residential” and modified the 2005 Covenant and its Conceptual Site Plan (the Second Modification) to exclude the ±5.2-acres, reducing the acreage subject to the previously modified 2005 Covenant to ±107.68 acres. Additionally, as part of the approval, the Board of County Commissioners accepted two separate covenants limiting development on the ±5.2-acres to a ‘charter school and ancillary pre-k school and a ‘community center or civic uses’. The adopted November 2014 Cycle Application No. 7 further reduced the acreage remaining as open space to ±76.6 acres, or *approximately 50.3%* of the former Golf Course acreage. (See Appendix G: Second Covenant Modification (2015) on Appendices page 89.)

The “Parks and Recreation” text in the CDMP Land Use Element provides, among other requirements, that up to one-third of privately owned land designated as “Parks and Recreation” previously limited by restrictive covenant or deed restriction may be developed and that the BCC may approve such other proportion up to 50 percent of the land, but in no event shall less than 50 percent of such land be maintained as park, recreational or open space. As noted above, 50.3% (±76.6 acres) of the former ±152.28-acre Golf Course currently remains as open space. Accordingly, no development may be allowed on this remaining open space acreage, pursuant to the CDMP “Parks and Recreation” provisions.

To address the CDMP policy restriction on development, the application seeks to revise the “Parks and Recreation” land use category text to reduce the minimum open space retention requirement from 50% to 25%, if certain conditions and locational criteria are met (see Proposed CDMP Text Amendment above on page 7 and analysis below for details). In addition, the application seeks to amend and restate the 2005 Covenant (as modified in 2009 and 2015) to increase the number of residential units allowed on the remaining ±107.68 acres of the former Golf Course from 824 to 1,199 residential dwelling units. The proffered amended and restated covenant also includes conditions related to tree canopy, landscaping, drainage improvements, roadway improvements at the intersection of Fountainebleau Boulevard and 97 Avenue, workforce housing, as well as a revision of the Modification, Amendment and Release Clause.

Analysis of Proposed Amendments

The current CDMP amendment application seeks to revise the “Parks and Recreation” text to reduce the minimum amount of open space required to be maintained for privately owned “Parks and Recreation” designated lands that are encumbered by covenant or deed restriction. As previously discussed, the “Parks and Recreation” text in the CDMP Land Use Element, provides that up to 50% of privately owned land designated as “Parks and Recreation” and previously limited by deed restriction or restrictive covenant may be developed, if a new development plan governing the land set-aside for park, recreation or open space use (*restricted lands*) demonstrates compliance with specific provisions. The following outlines the CDMP provisions and notes the applicant’s compliance with said provisions:

1. Restrictive Covenant: A restrictive covenant related to the development must limit the use of the restricted land to open space and require written consent of adjacent property owners or a prescribed percentage for covenant modifications.

As noted above, the applicant has proffered an amended and restated covenant that incorporates the previously approved modifications (First Modification approved in 2009 and Second Modification approved in 2015) and proposing new modifications to the 2005 Covenant. However, the proffered amended and restated covenant does not include restrictions or requirements for the use of the open space that would remain from the former Golf Course acreage.

2. Consent of Adjacent Property Owners: the required written consent of the adjacent or proximate property owners must be obtained; and

To date, the applicant has not submitted the written consent of adjacent property owners related to the proposed reduction of open space. However, the property owners whose consent are required order to amend the 2005 Covenant must be obtained to effectuate execution of the proffered amended and restated covenant, anticipated to occur before the application would be heard at final hearing before the BCC. The applicant has also proposed to change the CDMP "Parks and Recreation" text to only require consent of the owners of the parent tract (see Proposed CDMP Text Amendment on page 7 above).

3. State of Open Space and Development Plan: Demonstrate that the proposed development will replace park, recreation or open space that has fallen into prolonged disuse or disrepair to the detriment of the surrounding neighborhood,

It has not been demonstrated that the ±17.66 acres of open space, which the applicant is proposing to convert to residential use, are in disuse or disrepair.

The proposed development plan must also demonstrate:

- (1) *Compatibility*: The proposed development must be compatible with adjacent development.

The applicant's modified request of "Medium Density Residential"

The proposed residential development would be of similar or comparable density with the existing multifamily development and planned residential land uses adjacent to the ±17.66-acre parcel. However, pursuant to Land Use Element Policy LU-4B, compatibility is also determined through consideration of factors such as noise, traffic, safety, access, runoff (drainage and stormwater), among other things. The proposed development is comparable in density to the adjacent existing development but could negatively impact drainage and stormwater management in the area.

- (2) *Minimum 50% Open Space Requirement*: A restrictive covenant shall require that not less than 66% of the subject land be maintained as Park, Recreational or open space, except that the Board of County Commissioners or Community Zoning Appeals Board may approve another proportion deemed appropriate for the site but not less than 50% of such land.

The acreage remaining as open space is approximately 50.3% of the ±152-acre former Golf Course. Additional land conversion would not be in compliance with the 50% CDMP restriction unless a different percentage of open space is approved through a public hearing. The application proposes to convert ±17.66 acres of open space to residential uses, which would further reduce the former Golf Course to ±59.13 acres or 38.8% open space.

To address the 50% open space retention requirement, the applicant is proposing to amend the interpretive text of the “Parks and Recreation” land use category of the CDMP to reduce the minimum amount of open space that is to be retained as open space from 50% to 25%, if a property is located within a one-mile radius of a Rapid Transit Corridor or Bus Express Rapid Transit Network located along the Dolphin Expressway, the Palmetto Expressway or Interstate 95. This change would facilitate the approval of the proposed development; however, the proposed text change would have an impact beyond the application site, as it would apply to all privately owned land designated “Parks and Recreation” that meet the proposed locational criteria. In addition, the proposed 25% minimum open space retention requirement would also facilitate an additional ±21 acres of the existing open space to be converted to development.

Staff’s preliminary analysis identifies approximately ±243 acres of privately owned parks or golf courses designated “Parks and Recreation”, including acreage within three additional golf courses (Fontainebleau West, California Club, and Presidential Estates golf courses) are located within one mile of a Rapid Transit Corridor and could be affected by the proposed text change. Though this amendment is consistent with the CDMP policies to increase densities along the SMART Plan corridors, the eligible sites should be within walking distance (half mile) of an existing or proposed terminal station. Bus Express Network corridors extend long distances with minimum stops; therefore the proposed provision should not be applicable for the expanse of the Bus Express Network. Furthermore, the size of the eligible open space should be reduced to 5 acres to prevent the erosion of existing privately owned open space. Given the countywide impact that the proposed amendment could have, staff recommends that the open space requirement be changed to 35% in lieu of the requested 25% and that it be applicable only to properties located within a half-mile radius of a Rapid Transit Corridor that are 5 acres or greater.

- (3) provide a financial means of assuring maintenance, by homeowner’s association, special tax district or other comparable means approved at public hearing or by the Director of the Department of Regulatory and Economic Resources; and

The “Fontainebleau Lakes Community Development District (CDD) was created in September 2006 (Ordinance 06-135) to finance the maintenance of the infrastructure within the development, including roadways, stormwater system, and water and sewer facilities, and the open common areas. A Special Taxing District was also established (Ordinance 07-90) to remain dormant but activated if the CDD fails to provide the requisite infrastructure maintenance. The CDD was subsequently modified in 2011 (Ordinance 11-94) that removed 130 acres of the former Golf Course acreage, including the ±17.66-acre parcel, from the CDD boundaries.

- (4) provide that the residential density of the land eligible for development shall not exceed the gross existing density of the original development for which the parkland was set aside, or the gross density of parcels abutting the entire park designated land, whichever is lower.

The 2005 Covenant limited residential development within the ±152 gross-acre application site to 1,176 residential units. These units were to be developed within the residentially designated portion (±57.89 acres) of the former Golf Course acreage at a gross density of 20 units per acre. The proposed development now seeks to develop 375 units on ±17.66 acres at a density of 21

units per acre as allowed under the “Medium Density Residential” (13 to 25 dwelling units per acre) land use designation and comparable with existing residential developments adjacent to the ±17.66-acre parcel.

Proposed Land Use Change

As outlined above, the application seeks to redesignate ±17.66 acres on the CDMP Land Use Plan map from “Parks and Recreation” to “Medium Density Residential” (see “Proposed CDMP Land Use” map on page 13). The following analysis is more specific to the ±17.66-acre parcel.

Location

The ±17.66-acre parcel is the northeastern area of the application area, located west of SW 87 Avenue and south of SR-836 (see “Aerial Photo” on page 9). Additionally, the application area including the 17.66-acre parcel is in close proximity to the East-West Corridor, one of the Strategic Miami Area Rapid Transit (SMART) Plan corridors (see “Smart Plan Corridor” map on page 14).

Existing Land Use

The ±17.66-acre parcel is bifurcated by NW 8th Terrace, which provides access to the existing adjacent multifamily communities. The northern portion of the site contains a man-made lake. The southern portion of the site is undeveloped and contains trees. Additionally, the western portion of the 17.66-acre parcel is traversed by Florida Power and Light (FPL) power transmission lines. (See “Existing Land Use” map on page 11; and Appendix M: Photos of Site and Surroundings on Appendices page 135).

Land Use Plan Map Designation/Request

The CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map designates the ±17.66-acre portion of the application area as “Parks and Recreation”. This land use category generally depicts recreational areas of metropolitan significance, golf courses and parks larger than 40 acres, which are significant community features (see “CDMP Land Use” map on page 12).

The application as filed requested a CDMP land use designation change for the ±17.66-acre parcel to “Medium Density Residential with One Density Increase” (DI-1) overlay designation which would allow the subject property to be developed at a density ranging from 25 to 60 dwelling units per gross acre, which could have allowed up to 1,059 multifamily residential units. The CDMP “Density Increase with Urban Design” (CDMP page I-32) text provides that property with the DI-1 overlay designation may be developed at one density category higher than the underlying land use designation only if the development on the property commits to utilizing sound urban design principles adopted by County ordinance or incorporated in the Urban Design Manual endorsed by Resolution R-1360-98. If the development on the property does not incorporate sound urban design principles, then the development would be limited to the density of the underlying “Medium Density Residential” designation (13 to 25 dwelling units per gross acre). It should be noted, however, that the applicant has withdrawn the DI-1 overlay designation component of the land use change request by letter dated March 21, 2023.

Under the requested “Medium Density Residential” designation the ±17.66-acre parcel could be developed with up to 441 multifamily residential units. However, the amended and restated covenant as proffered by the applicant (modification to the 2005 Covenant) proposes to limit development on the ±17.66-acre parcel to 375 residential units.

Strategic Miami Area Rapid Transit (SMART) Plan

As noted above, the application area is in close proximity to the East-West Corridor, one of six (6) Strategic Miami Area Rapid Transit (SMART) Plan corridors that are subject to the “Mixed Use Development” provisions of the CDMP Land Use Element. The CDMP provisions allow and encourage transit-supportive mixed-use developments along the County’s Rapid Transit Corridors at generally higher densities and intensities within ¼ mile, ½ mile of the corridors, and, in the case of the East-West Corridor, within 1 mile. Specifically, the CDMP’s Mixed Use Development text provides that mixed use projects located within one-quarter mile of the SMART Plan Corridor would be eligible for development at 60 dwelling units per acre and up to 2.0 floor area ratio (FAR). Mixed use projects between ¼-mile and ½-mile of the Corridor would be eligible for development at 36 dwelling units per acre and up to 1.5 FAR, and between ½-mile and 1-mile up to a density of 18 units per acre and up to 1.25 FAR. Approximately 2/3 of the ±17.66-acre parcel is within ¼-mile of the corridor (approximately 12 acres), and the remaining ±1/3 of the site is within ½-mile of the corridor (see SMART Plan Corridor map on page 14 above. If the ±17.66-acre parcel was not restricted to being open space by its “Park and Recreation” designation and CDMP covenant the Mixed Use Development text would have allowed up to 923 units on the parcel in a mixed-use project.

Zoning

The ±17.66-acre parcel is currently zoned GU (Interim District – Uses depend on the character of the neighborhood, otherwise EU-2 standards apply) (see “Zoning” map on page 10).

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938, and the County’s first zoning records indicate that the ±17.66-acre parcel was originally zoned GU and has remained as such since.

Adjacent Land Use and Zoning

Adjacent Existing Land Uses

The ±17.66-acre site is abutted to the northeast and north by mid-rise Pinebark residential condominiums and multi-family apartments complexes. To the east are the Sandlewood, Pineside, and Pine Lake Village condominiums multi-family apartments. To the south is the Pinecrest North Preparatory charter school that was built in 2019 and the Fontainebleau Community Center built in 2018 (both allowed through approval of Application No. 7 of November 2014 Cycle) and open space areas that are portions of the former Golf Course. Also, to the south is a vacant parcel owned by the Florida Power and Light company. To the west are open space areas from the former Golf Course and multifamily developments including the Oakview apartment complex and the Fontainebleau East multifamily development (see “Existing Land Use” map on page 11 and Appendix M: Photos of Site and Surroundings on Appendices page 135).

Adjacent Land Use Plan Map Designations

Properties abutting and adjacent to the ±17.66-acre parcel are designated “Medium Density Residential” (13 to 25 dwelling units per gross acre) on the CDMP Land Use Plan map except for portions of the former Golf Course property and an FPL property to the southwest of the parcel that are designated “Parks and Recreation” CDMP Land Use designation (see “CDMP Land Use” map on page 12).

Adjacent Zoning

The properties abutting the ±17.66-acre parcel to the north and east are zoned RU-4 (High Density Apartment House District, 50 units/net acre) and GU (Interim). To the south, the

properties are zoned GU and RU-4L (Limited Apartment House District, 35.9 units/net acre). To the west, the multifamily developments are zoned RU-4M (Minimum Apartment House 12.9 units/net acre) and RU-4, and the abutting open space is zoned GU (see “Zoning” map on page 10).

Supply and Demand Analysis

The capacity of the LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this CDMP amendment application, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 3.2) in 2022 was estimated to have a capacity for about 11,495 dwelling units, with approximately 99 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to go from 207 units per year in the 2020-2025 period to 636 in the 2035-2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in 2023 and for multi-family units beyond 2040. The supply of residential land for both single-family and multi-family units is projected to be depleted beyond the year 2040 (see table below).

Residential Land Supply/Demand Analysis
2022 to 2040: Application CDMP20220016 (MSA 3.2)

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2022	130	11,365	11,495
DEMAND 2020-2025	102	105	207
CAPACITY IN 2025	0	11,050	10,874
DEMAND 2025-2030	255	264	519
CAPACITY IN 2030	0	9,730	8,279
DEMAND 2030-2035	296	306	602
CAPACITY IN 2035	0	8,200	5,269
DEMAND 2035-2040	313	322	636
CAPACITY IN 2040	0	6,585	2,089
DEPLETION YEAR	2023	2040+	2040+

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on population projections.

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research and Economic Analysis Section, November 2022.

The application requests a change from “Parks & Recreation” to “Medium Density Residential” for a total of approximately 17.66 acres. Nevertheless, the applicant has proffered in the amended and restated covenant to restrict the maximum number of units that could be built to 375 multi-family units. If the application is approved, it would increase the residential land capacity by 375 multifamily dwelling units. This would extend the depletion year for multi-family type units by just over a year.

Housing Affordability Assessment

The application proposes to develop 375 multifamily units on the ±17.66-acre parcel and has proffered a commitment to providing a minimum 12.5% of the units (47 units) on the parcel as

workforce housing units and that these units may be provided in accordance with the County's workforce housing ordinance. If the workforce housing units were to be provided in accordance with the County's ordinance, 50% would be affordable to households earning less than 110% of the area median income (AMI), while the remainder would be affordable to households earning less than 140% of AMI.

Household Incomes in Miami-Dade County and the Application's Market Area

The Department of Housing and Urban Development (HUD) estimates Area Median Family Income (HAMFI) for all counties. The 2022 HAMFI for Miami-Dade County is \$68,300. This number is derived from the median family income from the American Community Survey 2019 1-year Estimate for Miami-Dade County, and adjusted for inflation, family size and housing costs in the County relative to national and state costs.

2022 HUD Income Limits for a Family of 4 for Workforce Housing in HUD Income Thresholds

Income Limit Category as a Share of AMI (68,300)	2022 Income Thresholds
Less than 60% of AMI	<= \$58,500
60% to 80% of AMI	\$58,500 to \$78,000
80% to 100% of AMI	\$78,000 to \$97,500
100% to 120% of AMI	\$97,500 to \$117,000
120% to 140% of AMI	\$117,000 to \$136,500
Greater than 140% of AMI	> \$136,500

The table below shows the breakdown of households in MSA 3.2 that fall within the income limit categories and housing cost burden by these categories. The income values used here are for a typical family of four. This data comes from the 2020 American Community Survey 5-year estimates and from the most recently available HUD Comprehensive Housing Affordability Strategy (CHAS) data for the period 2014-2018.

2022 Miami-Dade County & Market Area Renter Households by Workforce Housing & HAMFI Income Limits

Income Range; Upper Limit (Family of 4)	MSA 3.2			
	Households	% of Total	Percent Cost Burdened (All Households)	
Low/Very Low (Less than 60%; \$58,500)	14,579	54.4%	Less than 80% of HAMFI: Cost Burden	28.1%
			Severely Cost Burdened	60.8%
Low (60% to 80%; \$78,000)	3,790	14.2%	80% to 120% of HAMFI: Cost Burden	43.4%
			Severely Cost Burdened	2.6%
Moderate (80% to 100%; \$97,500)	2,892	10.8%	Greater than 120% of HAMFI: Cost Burden	8.2%
			Severely Cost Burdened	1.1%
Moderate (100% to 120%; \$117,000)	1,246	4.7%		
Greater than 120%	4,273	16.0%		
	26,780	100%		

Data Source: 2020 American Community Survey, 5-year Estimates, 2014-2018 HUD CHAS Data.

In the application market area, MSA 3.2, low or very-low-income families (less than 80% of HAMFI) accounted for 68.6% of all households and an additional 10.8% had incomes between 80% and 120% of HAMFI. The total share of low- and moderate-income households in the

market area was 79.4%. Therefore, the first conclusion that can be drawn from the data is the need for housing that targets low-income households and families in the designated market area.

The table above also illustrates the financial implication of the household income distribution, Data from HUD, 2014-2018 Consolidated Plan/CHAS data, identifies the extent to which households were cost burdened by income levels. A household is cost-burdened if they are spending more than 30% of their income on housing costs, and severely cost-burdened if they are spending more than 50% on housing costs.

The CHAS data does not perfectly match the workforce-housing ordinance threshold of 60% to 140% of HAMFI. However, we can still draw strong conclusions. In the market area, 88.9% of households with incomes less than 80% of HAMFI are cost-burdened and of these households, 60.8% are severely-cost burdened. Forty-six percent of moderate-income households (80% to 120% of HAMFI) were cost burdened with just 2.6% severely-cost burdened. Among Households earning more than 120% of HAMFI (\$117,000), only 9.3% were cost burdened.

While everyone is being affected by rising home prices in Miami-Dade County, for a majority of families in the lower income ranges, it is a crisis, where these households are spending more than half of their incomes on housing costs. This confirms the importance of building and preserving housing that is affordable to low- and moderate-income households countywide and, particularly, in MSA 3.2.

Fair market Rents

Additionally, the Florida Housing Finance Corporation (FHFC) publishes rent limits by number of bedrooms for Miami-Dade County according to the income range in which the family falls. This data underscores the importance of preserving affordability via covenant. As the table below shows, for a family earning 80% of HAMFI, the rent limit for a two-bedroom unit would be \$1,756 per month and \$2,028 for a three-bedroom unit. At 60% of HAMFI, the bottom end of the county’s workforce-housing income range, the two-bedroom and three-bedroom limits are \$1,317 and \$1,521 per month, respectively.

2022 Rent Limits - Multifamily Rental Programs and CWHIP Homeownership Program Effective 4-18-2022

	Percentage Category	Rent Limit by Number of Bedrooms in Unit					
		0	1	2	3	4	5
	30%	512	548	658	760	848	936
Miami-Dade County	50%	853	914	1,097	1,267	1,413	1,560
(Miami-Miami Beach-Kendall HMFA)	60%	1,024	1,097	1,317	1,521	1,696	1,872
	70%	1,195	1,280	1,536	1,774	1,979	2,184
Median: 68,300	80%	1,366	1,463	1,756	2,028	2,262	2,496
	120%	2,049	2,194	2,634	3,042	3,393	3,744
	140%	2,390	2,560	3,073	3,549	3,958	4,368

Data Source: Florida Housing Finance Corporation (FHFC)

Zillow, one of the largest online real estate companies, publishes a rent index called the Zillow-Observed-Rent Index (ZORI). For this analysis the zip codes 33126, 33144, 33172, and 33174, where the subject property is located and proximate areas were used to evaluate current rents. The ZORI for these zip codes averaged \$2,714 dollars in the fourth quarter of 2022. This is 34% higher than the three-bedroom limit at 80% of HAMFI and is higher than the two-bedroom limit for a family earning 120% of HAMFI. Data from Costar, a global leader in real estate information, owns and reports data from Apartments.com. For the Miami-Dade County

submarkets containing these four zip codes, the average asking rent in the first quarter of 2023 is \$2,705 per month, nearly identical to the ZORI.

Environmental Conditions

The following information pertains to environmental conditions of the application site. All YES entries are further described below.

Flood Protection

Federal Flood Zone	AE & AH
Stormwater Management Permit	DERM
County Flood Criterion (National Geodetic Vertical Datum)	8.5 feet NGVD

Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	Unknown
Endangered Species Habitat	No Records
Natural Forest Community	No

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	Yes

Natural Resources

The area associated with the proposed amendment contains tree resources that may include specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by Section 24 -49.2 (4)(II) of the Code, the Miami-Dade County Landscaping Ordinance (Chapter 18A of the Code) and Policy CON-8A of the CDMP.

Approval of this proposed CDMP amendment would not constitute authorization to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code without a Miami-Dade County Tree Permit. The Tree and Forest Resources Section may be contacted at (305)372-6574 or tfrs@miamidade.gov for further information regarding permitting procedures and requirements.

Future site plan development of the application area must be consistent with the requirements to preserve specimen trees except in cases where DERM has determined that a specimen tree cannot be preserved pursuant to Section 24-49.2(4)(II)(2) of the Code. The approval of the subject amendment shall not be construed as an approval to remove specimen trees due to a determination of unreasonable loss of usable space pursuant to Section 24-49.2(4)(II)(2)(b) of the Code.

All prohibited species listed in Section 24-49.9 that exist within the areas associated with the subject site shall be removed prior to development or redevelopment and any developed parcels shall be maintained to prevent the growth or accumulation of prohibited species in accordance with Section 24-49.9 of the Code and Policy CON-8I of the CDMP.

Endangered Species

Policy 8E of the Land Use Element states *“Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the*

proposal, if approved, would... iv) Enhance or degrade environmental or historical resources.”

The subject application area is located within the core foraging area of the federally threatened wood stork and lies just east of the location of the numerous long-term rookeries for this species. In addition, the subject application area is within the U.S. Fish & Wildlife consultation area for the endangered Florida bonneted bat (*Eumops floridanus*), which may utilize the subject property for nesting, roosting and foraging. The Florida bonneted bat utilizes open water bodies for feeding and foraging and therefore, is likely utilizing the subject property and surrounding area for those purposes.

Objective 9 of the Conservation Element of the Comprehensive Development Master Plan (CDMP) states, *“Freshwater fish, wildlife and plants shall be conserved and used in an environmentally sound manner and undeveloped habitat critical to federal, state or County designated endangered, threatened, or rare species or species of special concern shall be preserved.”*

Policy CON 9A of the Conservation Element of the CDMP states: *“All activities that adversely affect habitat that is critical to federal or State designated, endangered or threatened species shall be prohibited unless such activity(ies) are a public necessity and there are no possible alternative sites where the activity(ies) can occur.”*

Policy CON 9B of the Conservation Element of the CDMP states: *“All nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized. that all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized.”*

Furthermore, CON-9E of the Conservation Element of the CDMP states: *“Conservation of upland wildlife habitats shall be taken into consideration during development evaluation and permitting processes.”* CON-9F states *“The County's planning for the future development of open space and wetland mitigation areas shall include the protection, conservation and/or restoration of wildlife habitats.”*

The applicant is advised that habitat and utilization of resources by listed species is protected by the Code and CDMP. Therefore, DERM recommends that wildlife surveys be conducted by the applicant and submitted to DERM for review and approval prior to the approval of any building permit to determine usage of the application area by both the Florida bonneted bat and the wood stork. The applicant should also coordinate with the U.S Fish and Wildlife Service as far as impacts to these species. Any further questions regarding endangered species can be directed to the United States Fish and Wildlife Service (USFWS) in the Vero Beach office at (772) 562-3909 or the Water Resources Coordination Division of DERM at (305) 372-6452.

Environmental Monitoring and Restoration

DERM has records of current contamination issues on the subject site tracked under Fountain Bleu Golf (DERM files HWR-907 and AW-235). All construction plans (inclusive of drainage/Stormwater Management Plans, lake fill, lake excavation) and dewatering plans shall require the review and approval from the Environmental Monitoring and Restoration Division of DERM (EMRD) as it relates to environmental contamination issues. Be advised that the EMRD review of this application does not constitute an approval of any site plans, drainage/Stormwater

Management Plans, lake fill, lake excavation, or development plans that may be included as part of this application.

Any contaminated portion of the site that is proposed to be sold, transferred or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for this development. If any contaminated portion of the site is proposed to be sold, transferred or dedicated to the County, please note that all soil, groundwater or surface water contaminants, solid waste, and methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or manage the proposed property, and for example, would include PROS for a park and DTPW for road right-of-way. Please note that the presence of any such contamination, solid waste, or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the county declining to accept the proposed dedication. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after public hearing.

If an applicant elects to address soil contamination, groundwater contamination, solid waste and methane via a No Further Action with Conditions, each individual property owner will be required to execute a restrictive covenant. Please note that nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans.

Drainage and Flood Protection

Approval of the proposed amendment may lead to development that would reduce the amount of permeable areas and thus impact groundwater recharge. DERM will evaluate future development orders to ensure that the overall development will not create adverse impacts to the Stormwater Management Level of Service Standard contained in Policy 5A of the Conservation, Aquifer Recharge and Drainage Element. Any proposed drainage/water management system shall comply with all applicable regulations and requirements for permits from all the permitting agencies having jurisdiction.

The northern portion of the site (the ±17.66-acre parcel) subject to the land use change and proposed for the 375-unit residential development has a ±4-acre lake and a 15-foot-wide drainage easement connected to the lake that traverses the northeastern portion of the parcel. The lake is identified as a water management area, one of several such areas within the remaining open space acreage of the former Golf Course, reserved as "storage basins for storm water drainage purposes" for existing development in the area as a condition of the plat of Fontainebleau East (recorded in the Official Records Book 168, Page 28). Given the plat restrictions and that the ±17.66-acre parcel is limited by CDMP policy and covenant to be open space, the applicant is required to demonstrate that the parcel may be developed without negatively impacting drainage and stormwater management in the area for proper consideration of the application. Accordingly, the applicant has submitted a signed and sealed "Area Drainage Study and Preliminary Surface Water Management Calculations" (Area Drainage Study) dated May 12, 2023, toward addressing whether the ±17.66-acre parcel may be developed without negatively impacting stormwater management and drainage in the area (see Appendix L: Area Drainage Study on Appendices Page 119 herein). DERM has reviewed the study and determined that additional information and analyses are required.

The Water Control Section and Water Management Division reviewed the submitted Area Drainage Study for the Fontainebleau Apartments project, and offer the following comments:

1. The calculations included the existing developed areas that are not owned entirely by the applicant. The calculations must be restricted to the area for the proposed development of 17.66 acres.
2. The drainage report did not include environmental determination of potential contamination from the previous golf course land use with respect to the limitation on the use of the exfiltration trench.
3. The proposal indicates there is currently an existing outfall from Lake No. 2 (PB 90.56) that drains to the Tract C lake (PB 168.26), as well as an existing outfall from the Tract C lake that drains to the SW 97th Avenue canal within the existing 15-ft drainage easement. The Miami-Dade County Drainage Atlas does not indicate that these outfall pipes exist, and provided survey also does not identify the outfalls. These outfalls need to be surveyed and should include, but are not limited to, pipe diameter, pipe material, invert elevations, etc.
4. Any increase in discharge to the SW 97th Avenue canal is prohibited. If the outfall from the Tract C lake to the SW 97th Avenue canal exists, the Engineer of Record (EOR) will need to provide signed and sealed calculations demonstrating there are no adverse impacts in the pre- vs. post-development canal stages in the SW 97th Avenue secondary canal to ensure the level of flood protection service provided is maintained and that the adjacent upstream and downstream properties are not negatively impacted.
5. A signed and sealed topographic survey shall be submitted by EOR to show existing spot grades/elevations for the adjacent surrounding properties to ensure that the filling of the lake will not impact historical overland flow patterns from adjacent properties.
6. The proposed development associated with the filling of the existing lake shall be required to design, permit, and implement the necessary storage improvements to mitigate anticipated impacts on the adjacent properties resulting from the loss of the existing lake.
7. The applicant is advised that the drainage calculations did not include full onsite retention of the 5-year 1-day storm with a safety factor of 2.

Stormwater Management

According to DERM records, the area associated with the application site is located at, near, or in the vicinity of contaminated property. The applicant is advised that according to section 24-48.1(1)(f) of the Code, Class VI permits are required for the installation of a drainage system for any project that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials.

Pursuant to section 24-48.1(1)(b) of the Code, a Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County.

The applicant is advised that a 15-foot drainage easement as described in Miami-Dade County Plat Book, 90 at Page 56, is located within the limits of this application. Pursuant to section 24-48.1(1)(c) of the Code, a DERM Class III Permit shall be required for any work with the drainage easement.

Any construction activities that require dewatering would require a Class V permit, pursuant to Section 24-48.1(1)(e) of the Code. Class V permits are required for any dewatering of

groundwater, surface water, or water that has entered into an underground facility, excavation, or trench.

Any new development or redevelopment involving 2 acres or more of impervious area or 10 acres of total area shall require a DERM Surface Water Management General Permit for the construction and operation of the required surface water management system.

For compliance with Miami-Dade County stormwater disposal requirements, all stormwaters shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements within the subject properties will require review and approval by DERM. The road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.

Site grading and development plans shall 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.

Water and Sewer

The proposed land use and zoning classifications that would be allowed under the proposed CDMP land use designation would be required to connect to public water and sanitary sewer pursuant to section 24-43.1(3) of the Code.

Potable Water

The application area is located within the Miami-Dade Water and Sewer Department (WASD) franchised service area. The source of potable water for this area is the Hialeah Preston Water Treatment Plant, which is owned and operated by MDWASD. Currently, there is adequate treatment and water supply capacity, consistent with Policy WS-2 A (1) of the CDMP. The plant is presently producing water that meets federal, state, and County drinking water standards.

Water Demand/Sewer Flow Analysis

The “Estimated Water Demand/Sewer Flow for the Proposed Development by Land Use Scenario” table below shows how water use would change if the application were to be approved. Scenario 1, which represents use of the ±17.66-acre parcel within the application area as recreational open space under the current CDMP Land Use designation of “Parks and Recreation” would not be anticipated to generate demand for public water. Scenario 2 is based on the maximum development potential of 1,059 multi-family units under the originally requested CDMP designation of “Medium Density Residential with One Density Increase,” which would generate an estimated water demand of 142,965 gpd. The applicant, however, has proffered in the amended and restated covenant to limit development on the ±17.66-acre parcel to 375 multi-family units, as shown under Scenario 3. Scenario 3 would generate an estimated water demand of 50,625 gallons per day.

Estimated Water Demand/Sewer Flow for
Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential – “Parks and Recreation”				
1	Recreational Open Space	-	N/A	-
Requested CDMP Designation – “Medium Density Residential with One Density Increase”				
2	Multi-Family Units	1,059	135 gpd/unit	142,965
OR				
3	Multi-Family Units	375	135 gpd/unit	50,625

Source: Department of Regulatory and Economic Resources, Planning Division; February 2023

Sanitary Sewer

The application area is located within the WASD franchised sewer service area. Pursuant to Chapter 24 of the Code, the proposed development would be required to connect to the public sewer system.

According to DERM records, the property is located within a MDWASD sanitary sewer basin served by sewer pump station 30-1017. Flow from this pump station is directed to pump stations 30-0026, 30-0187 and then to the Central District Wastewater Treatment Plant. These structures are owned and operated by MDWASD and are currently working within the mandated criteria set forth in the Consent Decree Case: N0. 1:12-cv-24400-FAM (Case: N0. 1:12-cv-24400-FAM, effective December 6, 2013), effective Dec 6, 2013. At this time the Central District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Any future construction within the development area shall comply with the requirements mandated by the New Consent Decree Case: N0. 1:12-cv-24400-FAM, effective December 6, 2013, with the goal of eliminating all Sanitary Sewer Overflows (SSOs) and prohibited bypasses.

It must be noted that the flow generated by the maximum proposed development shown under Scenario 2 in the above table would translate into 13.34 projected hours for sanitary pump station 30-0028, placing this pump station out of compliance with the new USEPA/FDEP Consent Decree, in which case DERM would not be able to issue Sewer Capacity Certification Letters for this project. If the maximum number of units shown under Scenario 2 were to be approved, the applicant is advised to coordinate with Miami-Dade Water and Sewer Department the necessary upgrades to the sewer system.

For Scenario 3, under which the proffered amended and restated covenant would limit development to 375 multi-family units, provisions must be made to provide public water and sewer services to the property. If a private sanitary sewer pump station is required, the station

must be designed pursuant to Section 24-42.2 of the Code and Chapter 62-604, Florida Administrative Code.

All public wastewater collection and transmission systems shall be protected from flood waters and inflow by having all mechanical and electrical equipment and all system openings placed above the Base Flood Elevation (BFE) plus applicable freeboard and sea level rise. Freeboard and sea level rise are independent and cumulative (e.g., for a BFE of 8-feet with 24-inch freeboard and 24-inch Sea Level Rise requirements, all openings shall be above 12-feet). Openings include, but are not limited to, all manholes, pump station wet wells, and system vents. When the required minimum elevations (BFE + Freeboard +Sea Level Rise) cannot be attained for system openings (e.g., manholes, wet wells), openings shall be elevated to be protected from a 10-yr storm and include water-tight and bolted covers/hatches. The entire assembly, structure, ring, frame, etc., shall be Water-Tight to sustain as a minimum, a water column pressure equivalent to the difference between opening elevation and minimum required elevation (BFE + Freeboard +SeaLevel Rise). Freeboard shall be no less than 12-inches for substantial systems and 24-inches for essential systems. Sea Level Rise shall be, at a minimum, IPCC Median at 50 years. For example, for a BFE of 8-feet, an essential system manhole opening shall be set at or above 8-feet + 24- inches + 21-inches or 11–feet 9-inches or include a water-tight bolted cover. Essential systems are those that serve essential facilities (e.g., hospitals) or are required to include an emergency generator. All others are substantial systems.

Solid Waste

The Miami-Dade County Department of Solid Waste Management (DSWM) oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. Since the DSWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by-case basis. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency,' the ability to maintain the adopted LOS system-wide. As of FY 2022-2023, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, and the application is not anticipated to have a negative impact on disposal service.

Application Impacts

The application proposed to change the land use designation from "Parks and Recreation" to "Medium Density Residential with One Density Increase" on ±17.66 acres within the application site. Adoption of this amendment could result in the development of 1, 059 multi-family units, except that the applicant has proffered a condition in the covenant limiting development to 375 dwelling units and has subsequently withdrawn the One Density Increase component of the land use change request. The proposed amendment would have no impacts or associated costs relative to Department of Solid Waste Management (DSWM) collection services, disposal services or solid waste facilities.

Parks

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 1 (PBD-1), which generally encompasses the area from the County Line south to SW 8 Street.

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-1 has a surplus capacity of 246.19 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists the parks within a 3-mile radius of the application site; four (4) of the nine (9) parks: Banyan, Francisco Human Rights, Sunset Heights, and Westbrook parks are less than the required minimum provision of five (5) acres of local recreational open space.

County Local Parks
Within a 3-Mile Radius of Application Site

Park Name	Acreage	Classification
Banyan Park	3.09	Neighborhood Park
Brothers to the Rescue Memorial Park	6.75	Community Park
Coral Estates Park	5.26	Community Park
Francisco Human Rights Park	2.88	Mini Park
Rockway Park	5.01	Community Park
Ruben Dario Park	14.97	Community Park
Sunset Heights Park	0.37	Mini Park
The Women's Park	15.16	Single Purpose Park
Westbrook Park	2.1	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2023.

Application Impacts

The existing "Parks and Recreation" CDMP land use designation does not permit residential development on the application site and, therefore, the County's Level of Service standards for recreation open space do not apply.

The applicant's proposed change to the Parks and Recreation text of the CDMP Land Use Element could impact over 350 acres of existing privately-owned park and recreation open space within 1-mile of the SMART Plan corridors. The proposed text change would also make properties located within 1-mile of a Bus Express Rapid Transit Network eligible for the exception and such corridors may change in the future, thus creating the potential for additional future impacts to existing privately-owned park and recreation open space.

The originally proposed “Medium Density Residential with One Density Increase” CDMP land use designation would allow as many as 1,059 multi-family residential units and an anticipated population of 2,478. The concurrency analysis for this scenario results in an impact of 6.81 acres based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element. However, the applicant has proffered, in the amended and restated a covenant, to limit development on the ±17.66-acre parcel to 375 residential units with an anticipated population of 877 and has subsequently withdrawn the One Density Increase component of the land use change request. This Medium Density Residential scenario as limited by the covenant would result in an impact of 2.4 acres of local recreational open space.

Although there is a surplus capacity of 246.19 acres of local recreation open space within the overall area of PBD-1, there are no existing local park meeting the ¼ - ½ mile spatial distribution as recommended by the Equity Access Criteria developed in the Miami-Dade County Parks and Open Spaces System Master Plan (OSMP) and subsequently adopted as part of the Recreation and Open Space Element of the CDMP.

PROS recommends that the applicant coordinate with the Department to explore the proposed Parks and Recreation text change. Additionally, given the potential impact of the development and the underserved spatial distribution of local recreational open space, within a ¼ to ½ mile of the development, PROS also recommends that the applicant consider park land conveyance to the County in-lieu of park impact fees. PROS encourages coordination with the Department to explore the option further. PROS recommends that any development on the application site provide neighborhood access, in the form of non-motorized, pedestrian connections in connection with Objective ROS-8. These recommendations are based on the following Recreation and Open Space policies and objectives in the CDMP:

Objective ROS-1:

Provide a comprehensive system of public and private sites for recreation, including but not limited to public spaces, natural preserve and cultural areas, greenways, trails, playgrounds, parkways, beaches and public access to beaches, open space, waterways, and other recreational facilities and programs serving the entire County; and local parks and recreation programs adequately meeting the needs of Miami-Dade County’s unincorporated population.

Objective ROS-2:

Require the availability of adequate local recreation open space as a condition for the approval of residential development orders, and maintain an adequate inventory of recreational areas and facilities through 2017.

Policy ROS-3B:

The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network, as well as improved sidewalks and trails, to improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

Objective ROS-8:

The Miami-Dade County Parks and Open Space System Master Plan, through a 50-year planning horizon, shall guide 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.

Fire and Rescue Service

The property is served by Miami-Dade Fire Rescue Station No. 29 (Sweetwater) located at 10610 W. Flagler Street. The station is equipped with an Engine and Rescue totaling seven (7) firefighters/paramedics, 24 hours a day, seven days a week. The average travel time to incidents in the vicinity of the application site is estimated at approximately 6:11 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time to incidents in the vicinity of the application site complies with the performance objective of national industry standards. There are no planned services in the vicinity of the Property.

Level of Service Standard for Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure of no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. The required fire flow for the proposed CDMP designation (Medium Density Residential with One Density Increase) shall be 3,000 gallons per minute (GPM). Fire hydrants shall be spaced a minimum of 300 feet from each other and shall deliver not less than 1,000 GPM. Presently, there are no fire flow deficiencies in the vicinity of the application. The Miami-Dade Fire Rescue Department has no objection to Application No. 20220016.

For the purpose of this analysis, MDRF is utilizing the Development Impact Table to calculate impact to existing MDRF services. MDRF will evaluate the impact the proposed land use designation change will have on existing MDRF services. The proposed CDMP designation (Medium Density Residential) will allow a development that will generate 123 annual alarms, based on the 375 residential units limitation of the covenant. The 123 annual alarms would result in a high impact to existing fire rescue services.

Presently, fire and rescue services in the vicinity of the subject property is adequate. Based on the current call volume for Station No. 29 and existing stations within proximity of the subject property, all stations combined are capable of mitigating the additional number of alarms. Additional stations include Station No. 47 (Westchester) located at 9361 SW 24 Street and Station No. 58 (Tamiami) located at 12700 SW 6 Street.

As part of the rezoning process, MDRF is requesting that at time of permitting (or under a separate ASPR application) a detailed site plan be submitted for review to the Fire Engineering and Water Supply Bureau. At such time the Bureau will review the site plan to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards. Any discrepancy or variation from the standards will be noted in a separate memorandum and must be adhered to accordingly prior to the platting and/or permitting stages of the development.

Police

The Miami-Dade Police Department evaluated the application for impacts to its resources. Current data of police staffing, and population was examined to project any increase in calls for service. Current staffing should accommodate any slight increase in the volume of calls for service. Should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment will be required.

Public Schools

Level of Service Standard

The adopted Level of Service (LOS) standard for all public schools in Miami-Dade County is 100% utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms (CDMP Policy EDU-2A). This LOS standard, except for magnet schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by Miami-Dade County Public Schools.

A planning level review, which is considered a preliminary school concurrency analysis, was conducted on this application based on the adopted LOS standard for public schools, the Interlocal Agreement (ILA) for Public Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and current available capacity and school attendance boundaries. If capacity is not available at the school of impact, the developments impact can be shifted to one or more contiguous CSA that have available capacity, located either in whole in part within the same Geographic Area, as defined in CDMP Policy EDU-2C.

Section 7.5 of the ILA provides for “Public Schools Planning Level Review” (Schools Planning Level Review), of CDMP amendments containing residential units. This type of review does not constitute a public school concurrency review and, therefore, no concurrency reservation is required. Section 7.5 further states that “...this section shall not be construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application.”

Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 92 students. This number includes a reduction of 32.58% to account for charter and magnet schools (schools of choice). Of the 92 students, 45 are expected to attend elementary schools, 21 are expected to attend middle schools, and 26 are expected to attend senior high schools. The students will be assigned to those schools identified in the “Concurrency Service Area (CSA) Schools” table below. At this time, the schools have sufficient capacity available to serve the application.

Concurrency Service Area (CSA) Schools

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Charles R. Hadley Elementary	171	45	45	YES	Current CSA
Ruben Dario Middle	147	21	21	YES	Current CSA
Miami Coral Park Senior	1069	26	26	YES	Current CSA

Source: Miami-Dade County Public Schools, February 2023
 Miami-Dade County Department of Regulatory and Economic Resources, February 2023
 Note: CSA means Concurrency Service Area

Section 9 of the ILA discusses implementation of school concurrency, indicating the test for school concurrency is at the time of a final subdivision, site plan or functional equivalent, not at the time of CDMP amendment application for land use. Miami-Dade County Public Schools is required to maintain the adopted LOS standard throughout the five-year planning period. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional

equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

Aviation

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including Chapter 33 of the Code of Miami-Dade County as it pertains to airport zoning. An MDAD-issued Permissible Crane Height Determination is required for any construction crane reaching or exceeding 80' Above Ground Level (AGL). MDAD advises that in accordance with the Code of Federal Regulation (CFR) Title 14 Part 77, any proposed temporary or permanent structure that reaches or exceeds 80' (AGL) requires filing with the Federal Aviation Administration (FAA) using Form 7460-1 'Notice of Proposed Construction or Alteration' which is available on the FAA's website and can be e-filed at: <https://oceaa.faa.gov>. The applicant is required to coordinate with MDAD's Aviation Planning Division if any proposed temporary or permanent structure on the application site reaches or exceeds 80' AGL. MDAD states that more airport resources are available on MDAD's Aviation Planning Division's webpage, accessible at: http://www.miami-airport.com/planning_forms_maps.asp

Roadways

The property subject to the land use change is a ±17.66-acre portion of the ±107.7-acre application site located west of NW 87 Avenue between NW 8 Street and Fontainebleau Boulevard in unincorporated Miami-Dade County. The ±17.66-acre property would have access from NW 8 Street and is located near Palmetto Expressway and Dolphin Expressway which would provide connectivity to other regions within the County and outside the County. The major roadways surrounding this property that would cater to the mobility needs of this project are shown below:

1. NW 87 Avenue south of Dolphin Expressway is state maintained and to the north it is county maintained. It is a six-lane divided minor arterial roadway with posted speed limit of 40 mph.
2. NW 97 Avenue from NW 41 Street to SW 8 Street/Tamiami Trail is county maintained. It is a four-lane divided collector roadway with posted speed limit of 40 mph.
3. Dolphin Expressway from NW 57 Avenue to NW 107 Avenue is an eight-lane MDX (Miami-Dade Expressway Authority) maintained expressway with posted speed limit of 55 mph.
4. Palmetto Expressway north and south of Dolphin Expressway is a ten-lane state-maintained expressway with posted speed limit of 55 mph.
5. NW 7 Street west of NW 57 Avenue is a four-lane divided county-maintained minor arterial roadway with posted speed limit of 40 mph.
6. Flagler Street from NW 87 Avenue to Palmetto Expressway is a six-lane divided state-maintained minor arterial roadway with posted speed limit of 40 mph.
7. Flagler Street east of NW 72 Avenue is a four-lane divided state-maintained minor arterial roadway with posted speed limit of 40 mph.
8. SW 8 Street/Tamiami Trail from NW 57 Avenue to Palmetto Expressway is a four-lane divided state-maintained minor arterial roadway with posted speed limit of 45 mph.
9. NW 72 Avenue/Milam Dairy Road from NW 12 Street to SW 8 Street is a six-lane divided state-maintained minor arterial roadway with posted speed limit of 45 mph.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with A generally representing the most favorable driving conditions or

free flow traffic condition and F representing the least favorable or forced flow traffic condition with excessive delays.

Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2020) and the County (Year 2020), are operating at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.

Trip Generation

The maximum development potential scenarios under the existing and requested CDMP Land Use Plan map designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Parks and Recreation” and as limited by the existing 2005 Covenant (see Background section on page 15 herein), the ±17.66-acre property can only be used as open space. Under the originally requested land use designation of “Medium Density Residential with One Density Increase” (25–60 DU/Acre) together with the requested modification of the 2005 Covenant, the property would be developable with up to 375 multi-family dwelling units. It is noted the applicant has subsequently withdrawn the One Density Increase component of the land use change request and now requests designation of the ±17.66-acre property to “Medium Density Residential” (13 - 25 DU/Acre) and modification of the 2005 Covenant that would allow the development of up to 375 units on the property. The existing land use potential of open space recreational use under the current CDMP land use designation is expected to generate approximately 1 PM peak hour trip and the potential development of 375 multi-family dwelling units under the covenant restricted CDMP land use designation is expected to generate approximately 146 PM peak hour trips or 145 more PM peak hour trips than the current CDMP designation. See “Estimated PM Peak Hour Trip Generation” table below.

Estimated PM Peak Hour Trip Generation
By Current and Requested CDMP Land Use Designations

Application No. 20220016	Current CDMP Designation and Assumed Use Estimated No. Of Trips	Requested CDMP Designation and Assumed Use Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Land Use	“Parks and Recreation”	“Medium Density Residential (13 - 25 du/ac)”	
Maximum Development Potential	Recreational Open Space ¹	375 Multi-Family Units ²	
Net Trips Generated	1	146	+145

Source: Institute of Transportation Engineers, Trip Generation, 10th Edition, 2012; Miami-Dade County Department of Regulatory and Economic Resources, January 2020.

Notes: ¹ – ITE Land Use Code used for Recreational Open Space is 411 (Park).

² – ITE Land Use Code used for Multi-Family Attached is 221 (Mid-Rise).

Short Term Traffic Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of January 2023, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2023 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP LUP map designation, determined that all roadways—adjacent to and in the vicinity of the application site—that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application and operate within their adopted level of service (LOS) standards. The "Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation" table below shows that all roadways analyzed are projected to operate at acceptable levels of service.

Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)														
Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	% Impact	Total Trips With Amend.	Concurrency LOS with Amend.
Requested CDMP Designation: "Medium Density Residential"-- 375 multifamily units generating 146 PM Peak Hour Trips														
9154	W Flagler Street	west of NW 87 Avenue	6 DV	E+20%	6,468	4,381	C	37	4,418	C	47	0.73%	4,465	C
9156	W Flagler Street	west of 97 Avenue	6 DV	E+20%	6,468	3,588	C	106	3,694	C	12	0.19%	3,706	C
9162	NW 87 Avenue	north of NW 12 street	6 DV	D	5,390	3,865	C	0	3,865	C	25	0.46%	3,890	C
9493	NW 97 Avenue	south of NW 12 Street	4 DV	D	3,222	2,154	C	32	2,186	C	9	0.28%	2,195	C
F-1211	NW 87 Avenue	north of NW 8 Street	6 DV	D/SUMA	5,390	3,907	C	34	3,941	C	53	0.98%	3,994	C
F-0044	SW 87 Avenue	south of W Flagler Street	4 DV	D/SUMA	3,580	2,387	C	41	2,428	C	18	0.50%	2,446	C
F-1142	W Flagler Street	east of NW 87 Avenue	6 DV	E+20%	6,468	3,489	C	0	3,489	C	23	0.36%	3,512	C
F-1140	W Flagler Street	west of NW 72 Avenue	6 DV	E+50%	8,085	3,281	C	2	3,283	C	23	0.28%	3,306	C
F-2244	SR 836/ Dolphin EXPWY	east of NW 87 Avenue	6 DV	D	10,060	5,668	B	0	5,668	B	28	0.28%	5,696	B
F-2243	SR 836/ Dolphin EXPWY	east of NW 107 Avenue	8 DV	E	15,010	13,197	D	0	13,197	D	15	0.10%	13,212	D
Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation.														
Notes: DV= Divided Roadway; UD=Undivided Roadway; D.O = Development Order.														
* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity); E+50% (150% capacity for locations with extraordinary transit service) serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA); E+50% (150% capacity for locations with extraordinary transit service)														

Application Impact

The short term analysis determined that all roadways–adjacent to and in the vicinity of the application site–that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application.

Future Roadway Improvements

1. SMART Plan Rapid Transit East-West Corridor project aligned along Dolphin Expressway from Miami Intermodal Center to Florida International University is currently in the process of a PD&E (Project Development and Environmental) Study. This is a Priority IV project in the 2045 LRTP, the total capital cost of this project is \$2.15 billion of which \$468.7 million funding has been programmed.
2. Widening of NW 72 Avenue/Milam Dairy Road from Dolphin Expressway to US-27/Okeechobee Road is a Priority III project in the 2045 LRTP. The total capital cost of this project is \$39.54 million.
3. Widening of NW 7 Street from NW 72 Avenue to NW 79 Avenue is a Priority IV project in the 2045 LRTP. The total capital cost of this project is \$4.85 million.

Applicant’s Traffic Study

The applicant’s transportation consultant, Traftech Engineering, Inc., prepared the *CDMP Amendment Traffic Impact Study* updated February 2023. A copy of the Traffic Study’s Executive Summary is included as Appendix XX herein. The complete Traffic Study is available online at the Department’s website at <https://energov.miamidade.gov/>. The Traffic Study analyzes the existing, short term and long-term traffic impacts that the proposed project will have on the roadways adjacent to and in the vicinity of the application site.

The trip generation analysis for the existing and proposed land use is shown in Table 1 & 2 of the traffic study. The PM Peak Hour trip generation for the existing potential of open space recreational use would be approximately 1 PM Peak Hour trips. The trip generation from the proposed development potential of 375 multi-family units would be approximately 146 pm peak hour trips or approximately 145 more pm peak hour trips than the development potential allowed in the current CDMP designation. See applicant’s Table 1 & 2 below for trip generation analysis.

TABLE 1 Trip Generation Summary (Existing: Parks and Recreation) Doral View								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Park (411)	12.62	10	0	0	0	1	1	0
External Trips		10	0	0	0	1	1	0

Source: ITE Trip Generation Manual (11th Edition)

TABLE 2 Trip Generation Summary (Proposed: Medium Density Residential) Doral View								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Multifamily LUC 221)	375	1,703	139	32	107	146	89	57
External Trips		1,703	139	32	107	146	89	57

Source: ITE Trip Generation Manual (11th Edition)

Difference in Trips (Proposed CDMP - Current CDMP)	1,693	139	32	107	145	88	57
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The site is located on TAZ 820, the cardinal trip distribution for this TAZ was obtained from Miami-Dade County Transportation Planning Organization’s travel demand model called as

Southeast Florida Regional Planning Model (SERPM). Table 3 below shows the cardinal distribution for TAZ 820. The cardinal distribution shown in Table 3 below was utilized to assign the trips generated by this project on the surrounding roadways.

TABLE 3 Project Trip Distribution TAZ #820								
Year	Movement							
	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW
2015	17.10%	19.30%	15.90%	11.50%	12.00%	8.70%	6.40%	9.20%
2045	16.90%	19.10%	16.60%	12.00%	11.90%	7.80%	6.50%	9.20%
2025*	17.03%	19.23%	16.13%	11.67%	11.97%	8.40%	6.43%	9.20%
<i>Note: * Interpolated Values</i>								
<i>Source: Miami-Dade County (2015 & 2045 SERPM)</i>								

The applicant’s traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County’s and FDOT’s 2021 traffic count data. Ten surrounding roadway segments were analyzed for afternoon peak hour capacity conditions, and it was determined that all roadways are functioning at an acceptable level of service. See the applicant’s Table 4 below for the existing roadway condition analysis.

The applicant’s traffic study included a 2025 short term roadway impact analysis, which included reserved trips from approved development not yet constructed, a variable annual growth-rate factor based on FDOT historical traffic volumes to account for future background volumes,

programmed roadway capacity improvements listed in the first three years of the County's adopted 2023 Transportation Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the proposed development. The concurrency analysis determined that all ten roadway segments surrounding the project site and impacted by the proposed development will have sufficient capacity to handle the additional traffic impacts that would be generated by this project. See the applicant's Table 5 below for the short-term roadway impact analysis.

The applicant's traffic study also included a 2045 Long Term analysis to determine the future long-term traffic impacts on the surrounding roadways. The 2045 traffic volumes were obtained from the Southeast Florida Regional Planning Model (SERPM8) and the project trips were added to the model volumes to determine the long-term impact on the surrounding roadway segments. Table 6 below shows the long-term (2045) analysis of the traffic impacts this project will have on the surrounding roadways. The long-term analysis shows that five surrounding roadway segments would not meet the County's adopted level of service standards,

- NW 87 Avenue north of NW 12 Street, the adopted LOS is 'D', but the roadway is projected to operate at LOS 'F'.
- NW 87 Avenue north of SW 8 Street, the adopted LOS is 'E', but the roadway is projected to operate at LOS 'F'.
- SW 87 Avenue south of Flagler Street, the adopted LOS is 'E', but the roadway is projected to operate at LOS 'F'.
- Dolphin Expressway/SR 836 east of NW 87 Avenue, the adopted LOS is 'D', but the roadway is projected to operate at LOS 'F'.
- Dolphin Expressway/SR 836 east of NW 107 Avenue, the adopted LOS is 'E', but the roadway is projected to operate at LOS 'F'.

All the five roadways are projected to operate below adopted LOS standards for the future 2045 traffic conditions even without traffic impacts from this project and the project traffic that is impacting the roadway segment is below 5% of the roadway's maximum service volume capacity, hence the traffic impact is not significant and traffic mitigation is thereby not required.

To summarize, the existing and short-term roadway impact analysis indicates that all roadways surrounding the project site would function at acceptable LOS. The long-term analysis indicates that five roadway segments surrounding the application site would not meet the County's adopted LOS standards, but the project traffic impact is not significant on these five roadways.

**TABLE 5
Short-Term (Year 2025) Concurrency Analysis
Doral View**

Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2021 Peak Hour Period (1)	Existing LOS	Approved DO Trips (1)	Growth (2)	Year 2025 Peak Hour Trips	Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =		Total Peak Hour Trips	Conc. LOS w/ Amendmt
													%	Trips		
From "Parks and Recreation" to "Medium Density Residential with One (D1) Density Increase"																
9154	W Flagler	W/O NW 87 Av	6	EE	6,468	2,950	C	37	0.50%	3,010	3,047	C	32%	47	3,094	C
9156	W Flagler	W/O NW 97 Av	6	EE	6,468	3,607	C	106	0.05%	3,614	3,720	C	8%	12	3,732	C
9162	NW 87 Ave	N/O 12 Ave	6	D	5,390	3,396	C	0	0.95%	3,527	3,527	C	17%	25	3,552	C
9493	NW 97 Ave	S/O NW 12 St	4	D	3,222	2,743	C	32	1.64%	2,928	2,960	C	6%	9	2,969	C
F-1211	NW 87 Ave	N/O NW 8 St	6	SUMA	5,390	3,907	C	34	2.35%	4,287	4,321	C	36%	53	4,374	C
F-0084	SW 87 Ave	S/O Flagler St	4	SUMA	3,580	2,387	C	41	1.14%	2,498	2,539	C	12%	18	2,557	C
F-1142	Flagler St	E/O NW 87 Ave	6	EE	6,468	3,489	C	0	0.50%	3,559	3,559	C	16%	23	3,582	C
F-1140	Flagler St	W/O NW 72 Ave	6	E + 50	8,085	3,281	C	2	0.50%	3,347	3,349	C	16%	23	3,372	C
F-2244	SR 836	E/O NW 87 Ave	6	D	10,060	5,668	B	0	0.50%	5,782	5,782	B	19%	28	5,810	B
F2243	SR 836	E/O NW 107 Ave	8	E	15,010	13,197	D	0	0.50%	13,463	13,463	E	10%	15	13,478	E

SOURCE: Miami-Dade County and FDOT (January 6, 2021). Negative or n/a growth were replaced with 0.5% growth.

**TABLE 6
Long-Term (Year 2045) Analysis
Doral View**

Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2045 SRPM Plot	K (2) Factor	Approved DO Trips (1)	Year 2045 Peak Hour Trips	Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =		Total Peak Hour Trips	Conc. LOS w/ Amendmt
												%	Trips		
From "Parks and Recreation" to "Medium Density Residential with One (D1) Density Increase"															
9154	W Flagler	W/O NW 87 Av	6	EE	6,468	40,700	0.09	37	3,663	3,700	C	32%	45	3,745	C
9156	W Flagler	W/O NW 97 Av	6	EE	6,468	26,100	0.09	106	2,349	2,455	C	8%	12	2,467	C
9162	NW 87 Ave	N/O 12 Ave	6	D	5,390	61,100	0.09	0	5,499	5,499	F	17%	25	5,524	F
9493	NW 97 Ave	S/O NW 12 St	4	D	3,222	67,750	0.09	32	6,098	6,130	C	6%	9	6,139	C
F-1211	NW 87 Ave	N/O NW 8 St	6	SUMA	5,390	74,400	0.09	34	6,696	6,730	F	36%	52	6,782	F
F-0084	SW 87 Ave	S/O Flagler St	4	SUMA	3,580	46,800	0.09	41	4,212	4,253	F	12%	17	4,270	F
F-1142	Flagler St	E/O NW 87 Ave	6	EE	6,468	36,000	0.09	0	3,240	3,240	C	16%	23	3,263	C
F-1140	Flagler St	W/O NW 72 Ave	6	E + 50	8,085	17,200	0.09	2	1,548	1,550	C	16%	23	1,573	C
F-2244	SR 836	E/O NW 87 Ave	6	D	10,060	186,500	0.09	0	16,785	16,785	F	19%	28	16,813	F
F2243	SR 836	E/O NW 107 Ave	8	E	15,010	186,500	0.09	0	16,785	16,785	F	10%	15	16,800	F

SOURCE: Miami-Dade County and FDOT

Transit

Existing Service

The application site is served by four (4) Metrobus Routes: 87, 7, 51 (Flagler Max) and 11, as follows:

1. Metrobus Route 87 at a northbound bus stop along NW 87th Avenue and NW 800 Block, located ±0.16 miles away (about a 3-minute walk).
2. Metrobus Route 7 at eastbound and westbound bus stops along Fontainebleau Boulevard, located ±0.44 miles away (about a 10-minute walk).
3. Metrobus Route 11 and Metrobus Route 51 at a westbound bus stop along West Flagler Street and Fontainebleau Boulevard, located ±0.56 miles away (a 12-minute walk).

The service frequency of these routes is shown in the “Metrobus Route Service Summary” table below that details the service headways for these routes.

Metrobus Route Service Summary						
Routes	Service Headways (in minutes)					Type of Service
	Peak (AM/PM)	Off-Peak (mIDDAYS)	Evenings (after 8 pm)	Saturday	Sunday	
7	30	60	60	60	60	L/F
11	20	40	40	40	60	L/F
51 (Flagler Max)	15	30	30	n/a	n/a	E/F
87	30	45	60	45	60	L/F

Source: 2022 *Transit Development Plan*, Miami-Dade Transit (December 2021 Line Up), December 2022.

Notes: L means Metrobus local route service; E means Express or Limited Stop, and F means Metrobus feeder service to Metrorail.

While the service above is in place, the operation of the system at the time of the review is scaled back to meet the current demands, due to the COVID-19 pandemic.

Recent Service Adjustments

According to the 2022 *Transit Development Plan (TDP)*, there are no recent services changes planned for these routes. The stops nearest to the proposed development and mentioned in the “Existing Service” section will continue to be served by Metrobus service as a part of the Better Bus Project. The Board of County Commissioners (BCC) adopted the Better Bus Project in October 2021, and it is expected to be implemented in Spring 2023.

Future Transportation/Transit Needs and Planned Improvements

The *TDP* identifies the following seven (7) projects: two (2) partially funded and five (5) unfunded projects as detailed in the *TDP’s* 2031 and Beyond Transit Vision plan, in the general area of the application site as follows:

1. *Partially funded*: the East-West Corridor, which spans from Tamiami Station at SW 147th Avenue and 8th Street to the Miami Intermodal Center (MIC) along the SR-836/Dolphin Expressway. This project will provide access ±2.5 miles away from the application site at a new center platform Bus Rapid Transit (BRT) station at the NW 87th Avenue intersection with SR-836. This project will provide multimodal solutions for severe traffic congestion along SR-836, the only east-west expressway in central Miami-Dade County serving major activity centers including Miami International Airport (MIA), the MIC and downtown Miami.

2. *Partially funded:* the Flagler Corridor BRT Project seeks to implement BRT service along the Flagler Corridor from Tamiami Station to the downtown Intermodal Terminal. The application site is located ± 0.65 miles from the Flagler BRT corridor.
3. *Unfunded:* the NW 7th St Enhanced Bus with premium limited-stop transit service from Dolphin Station to Government Center in downtown Miami, a project which will operate along NW 7th Street from the proposed park-and-ride/transit center station at Dolphin Station (Homestead Extension of the Florida Turnpike [HEFT] at NW 12th Street) to Government Center.
4. *Unfunded:* the NW 87th Avenue Enhanced Bus service project will operate premium limited-stop transit service from Palmetto Intermodal Terminal to the Transitway at SW 136th Street and convert local Route 87 to Enhanced Bus.
5. *Unfunded:* the SW 8th Street Enhanced Bus from FIU Panther Station to Brickell Metrorail Station project will provide premium limited-stop transit service along SW 8th Street from FIU Panther Station to the Brickell Metrorail Station.
6. *Unfunded:* the East-West Metrorail will operate from SW 147th Avenue/SW 8th Street to MIC at MIA and will convert BRT to Heavy Rail.
7. *Unfunded:* the Dolphin Tri-Rail extension will implement new passenger rail service on SFRC/CSX tracks along SR 836/East-West Corridor from MIC to Dolphin Mall Area.

DTPW Comments/Recommendations

The Miami-Dade Transit Division, Department of Transportation and Public Works (DTPW) encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops; and to incorporate pedestrian accessibility into residential neighborhood design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and planned future rapid transit stations. The existing total combined resident and workforce population is above 10,000 persons. Additional residents will be provided with multiple transit service options having better than 30-minute headways. According to the applicant's traffic impact study, the proposed application will create ± 1579 additional daily trips, and the maximum potential could account for ± 48 to 79 new transit trips, which can be absorbed by the nearest two Metrobus Routes, 7 and 87. Upon DTPW's review for mass transit concurrency, the application is found to meet the adopted mass transit level-of-service standard contained in CDMP Policy MT-1A.

DTPW encourages the applicant's coordination to identify and evaluate improvements needed to encourage transit use in the application area. Additionally, the Applicant should work closely with DTPW to ensure the proposed development harmonizes with and is aligned to the County's vision for the East-West corridor.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The proposed application would further the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE), except as otherwise provided in the "Concurrency Management Program" section of the CIE.

- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial, cultural, community, and senior centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
 - i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
 - ii) Enhance or impede provision of services at or above adopted LOS Standards;
 - iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
 - iv) Enhance or degrade environmental or historical resources; and
 - v) Enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality; and
 - vi) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or

express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.
- HO-3I Encourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

The proposed application could impede the following goals, objectives, policies, concepts and guidelines of the CDMP:

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

APPENDICES

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*Pages (Exhibits) repeated across covenant versions were omitted, for full version of the covenants, use links below:
https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/22443e15-246c-4c9f-aa96-67e8afc527a9?tab=attachments

**Excerpted pages are enclosed herein. The complete report is accessible on the Department of Regulatory and Economic Resources website at:
https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/22443e15-246c-4c9f-aa96-67e8afc527a9 or at: <https://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#oct22>

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APPENDIX A

Amendment Application

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**APPLICATION REQUESTING AMENDMENTS TO THE
LAND USE ELEMENT & LAND USE PLAN MAP OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. **APPLICANT**

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3. DESCRIPTION OF REQUESTED CHANGES

A. The Applicant respectfully request the following changes:

1. A change to the Land Use Element, Land Use Plan map (Item A.1 in the Fee schedule); and
2. Modification of “Restrictions Accepted by Board of County Commissioners in Application with Land Use Plan Amendments” by revising the underlying Declaration of Restrictions recorded in Official Record Book 23413, Page 1136, of the Public Records of Miami-Dade County, as modified by First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908, of the Public Records of Miami-Dade County, Florida and as modified by the Second Modification of Declaration of Restrictions (CDMP) Recorded at Official Records Book 29816, Page 3447, of the Public Records of Miami-Dade County, Florida.
3. Text revisions to the CDMP Land Use Element text (Item A.2 in the fee schedule).

B. Description of the Area Subject to the Land Use Change.

The area subject to the land use change comprises 17.6628± gross acres (17.3528± net acres) of land located in Section 04, Township 54 S, Range 40 E, lying west of NW 87 Avenue and between NW 8 Street and Fontainebleau Boulevard in unincorporated Miami-Dade County, Florida, and is more particularly described in Exhibit “A” to this application (“Area Subject to the Land Use Change”). The Area Subject to the Land Use Change is included within the covenants described in Section 3(A)(2) of this Application, which encompasses 147± acres of land area (“Covenant Area”).

C. Acreage.

Area Subject to the Land Use Change: 17.6628± gross acres (17.3528± net acres)
Covenant Area: 147± gross acres (147± net acres)]
Acreage Owned by Applicants: 39.874± gross acres (39.874± net acres)

D. Requested Change.

1. The Applicant requests that this Application be processed as a Standard Amendment.
2. The Applicant requests that the entire Area Subject to the Land Use Change be re-designated on the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) Future Land Use map (“FLUM”) from PARKS AND RECREATION to MEDIUM DENSITY RESIDENTIAL WITH ONE DENSITY INCREASE FOR URBAN DESIGN (DI-1).
3. The Applicant requests an amendment to the Modification of “Restrictions

Accepted by Board of County Commissioners in Application with Land Use Plan Amendments” by revising the underlying Declaration of Restrictions recorded in Official Record Book 23413, Page 1136, of the Public Records of Miami-Dade County, as modified by First Modification to Comprehensive Plan Declaration of Restrictions recorded in Official Records Book 26955, Page 908, of the Public Records of Miami-Dade County, Florida and as modified by the Second Modification of Declaration of Restrictions (CDMP) Recorded at Official Records Book 29816, Page 3447, of the Public Records of Miami-Dade County, Florida. The purpose of the requested modification is to create an eligibility to improve the Area Subject to the Land Use Change with infill housing opportunities. A draft of the proposed amended declaration is attached hereto.

4. The Applicant requests a revision of the CDMP Future Land Use Element Section on “Parks and Recreation”. To facilitate the needs to accommodate the increased demand for housing opportunities as described herein, the Applicant respectfully requests the following amendment to the “Parks and Recreation” category contained within the Future Land Use Element of the CDMP.

Parks and Recreation¹

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 Recreation and Open Space, and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP, and by the Miami-Dade County Parks and Open Space System Master Plan. 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.

¹ Words single underlined are proposed additions and words single ~~stricken through~~ are proposed deletions. All other words are adopted text of the CDMP and remain unchanged.

The long-term use of golf courses or other private recreation or open space on privately owned land designated as Parks 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 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 unless the subject property is located within a one-mile radius of a Rapid Transit Corridor or a Bus Express Rapid Transit Network, in which case the development plan shall provide by restrictive covenant that not less than one-fourth 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 25 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 the Department of Regulatory and Economic Resources 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.

Certain commercial activities that support the recreational uses and relate to the resources of the park, such as marine supply stores, fuel docks or tennis and golf clubhouses may be considered for approval in the Parks and Recreation category. Other commercial recreational, entertainment or cultural uses may also be considered for approval in the Parks and Recreation category if authorized in accordance with Article 7 of the Miami-Dade Charter, as amended, and if they are related to, and would increase the quality, utility or enjoyment of the site and its natural, historical, and archaeological resources and facilities.

Some of the land shown for Parks is also environmentally sensitive. While most of these environmentally sensitive areas are designated on the LUP map as “Environmentally Protected Parks” some may be designated as Parks and Recreation due to graphic constraints (the environmentally sensitive portion of the park that is smaller than five acres). Park land which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development of the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas.

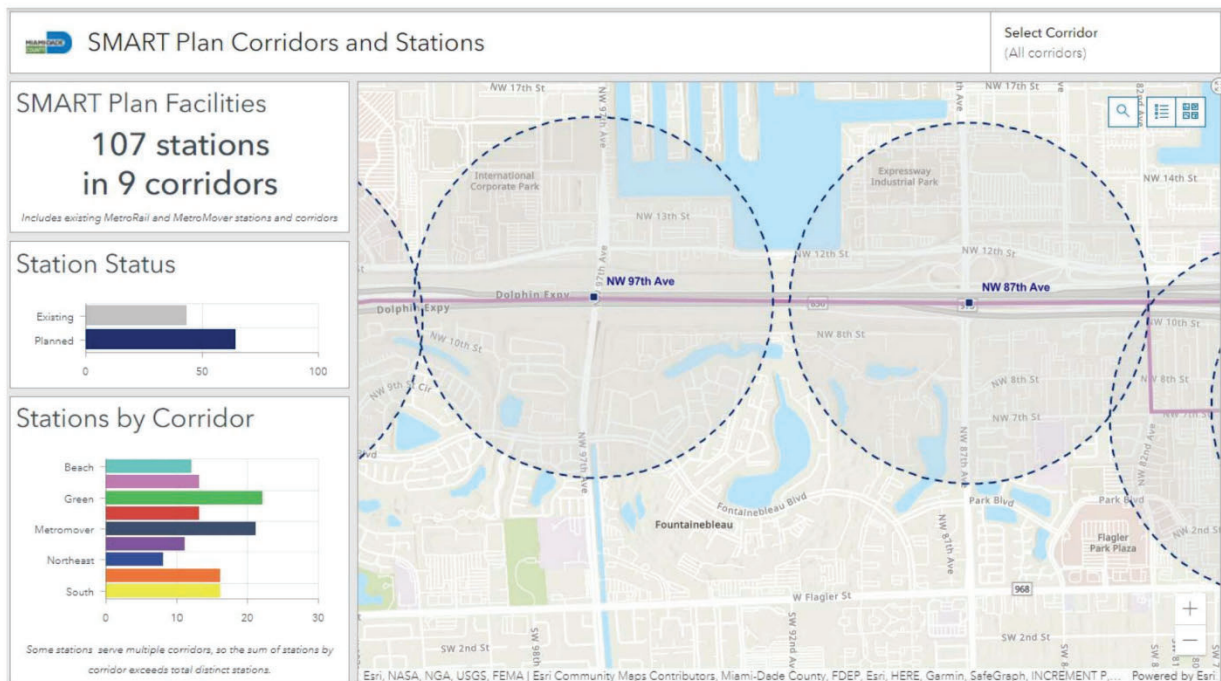
Adoption of the requested Text Amendment will serve to promote the fundamental principles of the Strategic Miami Area Rapid Transit SMART Plan by creating an eligibility for additional transit-oriented communities.

4. REASONS FOR AMENDMENT

The Area Subject to the Land Use Change comprises approximately 17.6628± gross acres of land located at the northeast terminus of the Fontainebleau residential community; an area of unincorporated Miami-Dade County that is improved with low-rise and mid-rise housing programs abutting the Dolphin Expressway (State Road 836) along its northern boundary, NW 107 Avenue on its western boundary, W. Flagler Street to the south and NW 87 Avenue to the east. Pursuant to Miami-Dade County’s Analysis on Vacant Capacity Inside the Urban Development Boundary, the Fontainebleau community is depleted of land available for multifamily residential development. See <https://www.miamidade.gov/planning/library/maps/vacant-land-urban.pdf>.

The Area Subject to the Land Use Change is comprised of a single body of water with adjacent unimproved uplands. Unlike other properties designated “Parks and Recreation” on the CDMP FLUM, the Area Subject to the Land Use Change does not include activated recreational areas or related amenities. It is, however, uniquely positioned to mitigate against the year-over-year increased demand for rental housing opportunities in Miami-Dade County that has recently seen exponential growth to unprecedented levels – levels that are now leading the nation in supply demands. The purpose of the application is to address those supply demands by proposing a conversion of underutilized land that is (1) situated inside the Urban Development Boundary and (2) located within close proximity to transportation highways, mass transit services and employment centers into a much-needed rental residential community. As depicted below, the Area Subject to the Land Use Change is located within a ¼ mile radius of the Miami-Dade County East – West Rapid

Transit Corridor and in close proximity to the Flagler Bus Express Rapid Transit Network as depicted and described on the Strategic Miami Area Rapid Transit SMART Plan.



Transit Oriented Communities (TOC) are a major focus of Miami-Dade County's regional growth management and transportation strategy. TOCs focus new residential, commercial, office and institutional investments in areas served by premium transit. Approval of this Application will serve to promote the fundamental urban growth principles of the Miami-Dade County's Strategic SMART Plan.

The application presented includes a voluntarily proffered restrictive covenant limiting the development of the Area Subject to the Land Use Change to 375 units envisioned to be comprised of single- and double-bedroom rental units. Approval of this application together with the companion application will serve to increase the supply of rental dwelling units within an area that Miami-Dade County has identified as having a depleted vacant land supply.

Miami-Dade County is the largest urban economy in Florida and has the twelfth largest GDP in the United States. As individuals and families continue to migrate to Miami-Dade County, the county has experienced a rental market with a supply demand that was characterized in the Miami Real Estate Market: Prices / Trends / Forecast Report for 2021-2022 as "massive". See [Miami & South Florida Housing Market: Prices | Trends | Forecast 2021-2022 \(noradarealestate.com\)](https://www.noradarealestate.com). Norada Real Estate Investments, which published the report, found:

Two-thirds of Miami residents rent, a rental rate rivaling that of New York City. This is partially due to the number of people working in

seasonal and temporary jobs in the tourism business. It is partially due to the limited housing supply relative to demand. And it is partially due to the high cost of housing, even inland, relative to local wages. A record 11,000 multifamily units were absorbed over the past year in Miami-Dade, outpacing supply by 75 percent, according to Florida International University's Jorge M. Pérez Metropolitan Center. See [Record Rents Squeeze Locals Out Of Rental Market \(therealdeal.com\)](#).

The limited supply of rental units has led to stark increases in rental rates. As reported in the Zumper National Rent Report, Miami's median one-bedroom rent has risen in 2021 by a staggering 35.6 percent and two-bedroom rental rates have increased by more than 24% year-over-year. See [Zumper National Rent Report](#). Rent prices continue rising in Miami at one of the fastest rates nationwide. Miami's overall average rent is now \$2,432 per month, just slightly below the \$2,455 in the New York metro area where prices have been dropping. See [Miami Is Now The Second Most Expensive Housing Market In America, & Prices Are Still Rising – The Next Miami](#). See also [South Florida real estate market: Stats & trends for 2022 \(roofstock.com\)](#)

The Area Subject to the Land Use Change is well suited to address the supply demand within this geographic area of Miami-Dade County. First, it is centrally located to many of the major transportation corridors servicing Miami-Dade County including the Dolphin Expressway that provides direct accessways to the Palmetto Expressway and the Florida Turnpike; all three of the areas north-and-south arterial roadways situated at NW 87 Avenue, NW 97 Avenue and NW 107 Avenues; and including the east-and-west thoroughfare at W. Flagler Street. Secondly, the Area Subject to the Land Use Changes lies near major employment centers including the warehouse districts in Doral that are position less than a mile north just across the Dolphin Expressway, Mall of the Americas (±1 mile), Miami International Mall (±1.5 miles), Dolphin Mall (±2 miles), Florida International University (±2 miles), and Miami International Airport (±5 miles). Third, the Area Subject to the Land Use Change is situated adjacent to the Pinecrest North Preparatory School and approximately 1 mile from Ruben Dario Middle School. Additionally, the Area Subject to the Land Use Change is within close proximity to several designation parklands with both active and passive uses including Ruben Dario Park (±1 mile), The Women's Park (±1.5 miles) and Tamiami Park (±2.5 miles).

Policy LU-8E of the CDMP indicates that applications seeking amendments to the County's LUP Map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would satisfy the below topics. As outlined below, this Application fully complies with each element of Policy LU-8E.

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;

Miami-Dade County, as evidenced by the reports cited herein, is experiencing an unprecedented growth in population. The rate of population growth inherently places a strain on housing supply when, as is the case in Miami-Dade County, the inventory of vacant land available for development is depleting. In the Fontainebleau residential community, which is centrally located to critical civil and human

infrastructure, vacant land available for multifamily residential development has already depleted. The high rate of demand and the limitations placed on supply in the Fontainebleau community causes a deficiency in the Plan map that leads to rapidly escalating rental rates. To accommodate the supply demand, residential density inside the Urban Development Boundary must be increased. The current proposal to re-designate underutilized land to "Medium Density Residential With One Density Increase for Urban Design" will accommodate the need for housing options in a well-suited location of unincorporated Miami-Dade County and will serve to promote the fundamental principles of the Strategic SMART Plan.

- ii) Enhance or impede provision of services at or above adopted Level of Service ("LOS") Standards;

Approval of this Application will not result in a deficiency in the LOS standards. The increase in roadway impacts due to the re-designation to "Medium Density Residential With One Density Increase for Urban Design" can be accommodated by existing roadways and do not result in significant impacts to the levels of service for the affected roadway segments. This is particularly true because the Area Subject to the Land Use Change is conveniently located within ¼ mile from the Miami-Dade County East-West Rapid Transit Corridor and in close proximity to the Flagler Bus Express Rapid Transit Network. Any project-specific impacts, such as impacts at ingress and egress points, can be addressed at the time of a development order by requiring additional mitigation measures, if necessary. Additionally, all required utilities are available to the Property or can be made available at the Applicant's expense and, as previously noted, several public schools are located in the vicinity of the Property.

- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and

In the instant case, the proposed land use designation is identical to the surrounding community and will be absorbed as a continuation of the existing community fabric. As depicted on the FLUM and the Zoning Atlas, the Fontainebleau community is one that provides for medium density residential uses at its center with a mixture of midrise residential and commercial uses along the periphery. The adoption of this application will continue the existing development trend that has existed in this area of unincorporated Miami-Dade County for decades.

- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and

The approval of the application would not degrade environmental or

historical resources, features or systems of County significance. A review of the zoning records for the Area Subject to the Land Use Change did not reveal the presence of any environmental or historical resources that would be impacted by the development of the property. Additionally, the future development of the Property will be subject to environmental reviews that will ensure that any impacts on environmental resources are evaluated.

- v) Enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significant, and water quality; and

The impacts that would be generated from the maximum residential development permitted on the Area Subject to the Land Use Change would not cause a deficiency in the level of service standards for public services and facilities. The increase of impacts that may be caused as a result of the re-designation to "Medium Density Residential With One Density Increase for Urban Design" will not result in significant impacts to the levels of service for those systems important to the County. Any project-specific impacts can be addressed at the time of a development order by requiring mitigation measures. Additionally, all required utilities and County systems are available to the Area Subject to the Land Use Change or can be made available at the Applicant's expense.

- vi) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

The Area Subject to the Land Use Change is conveniently located within ¼ mile from the Miami-Dade County East-West Rapid Transit Corridor and in close proximity to the Flagler Bus Express Rapid Transit Network. The rental residential development program will serve to promote transit ridership and pedestrianism by virtual of its close proximity to these mass transit corridors.

Based on the foregoing, the approval of this Application is necessary to expand the available housing supply in the County, especially in the Fontainebleau residential community. Furthermore, the requested change is also consistent with several other Miami-Dade County CDMP Goals, Objections and Policies, including, but not limited to:

LAND USE OBJECTIVE LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban

expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY LU-1F: To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

LAND USE POLICY LU-10: Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe in the Agriculture Areas outside the Urban Development Boundary, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map consistent with the adopted Goals, Objectives and Policies of this plan, which will provide that the Land Use Plan map accommodates projected countywide growth.

LAND USE POLICY LU-8A: Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial, cultural, community, and senior centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

LAND USE POLICY LU-8F: The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

HOUSING OBJECTIVE HO-8: Bring about housing design and development alternatives that are aesthetically pleasing, encourage energy efficiency and enhance the overall health, safety and general welfare of County residents.

HOUSING POLICY HO-8A: Ensure that growth management, housing design, and development alternatives form an integral part of a community of functional neighborhoods and town centers that promote community identity, and enhance the overall quality of life.

HOUSING POLICY HO-8B: Continue supporting development of innovative and cost-efficient housing construction techniques, materials and manufacturing methods.

TRANSPORTATION POLICY TC-5C: The County shall discourage through traffic in neighborhoods by adequately accommodating through traffic demands on arterial roadways.

5. LOCATION MAP

Please see Exhibit "B".

6. COMPLETED DISCLOSURE OF INTEREST FORMS

Please see Exhibit "C".

7. ADDITIONAL MATERIALS SUBMITTED

Legal Description of Area Subject to the Land Use Change (See Exhibit "A")

Sketch to Accompany Legal Description of Area Subject to the Land Use Change (Exhibit "D")

Aerial of Area Subject to the Land Use Change (See Exhibit "E")

Traffic Study (See Exhibit "F")

Deed of Area Subject to the Land Use Change (Exhibit "G")

Draft Declaration of Restrictive Covenants (Exhibit "H")

Redlined Version of Draft Declaration of Restrictive Covenants (Exhibit "I")

Legal Description to Accompany Modification to Comprehensive Plan Declaration of Restrictions (See Exhibit "J")

Sketch to Accompany Modification to Comprehensive Plan Declaration of Restrictions (See Exhibit "K")

Draft Opinion of Title (See Exhibit "L")

Additional items in support of this Application may be submitted at a later date, as part of the Application review process.

EXHIBIT A

LEGAL DESCRIPTION OF THE AREA SUBJECT TO THE LAND USE CHANGE

TRACT "C" OF "FONTAINEBLEAU EAST", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE PF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG A WESTERLY LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST, THIS AND THE FOLLOWING COURSE BEING ALONG SAID EASTERLY LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 755,888 SQUARE FEET (17.3528 ACRES) MORE OR LESS.

EXHIBIT B

LOCATION MAP FOR APPLICATION

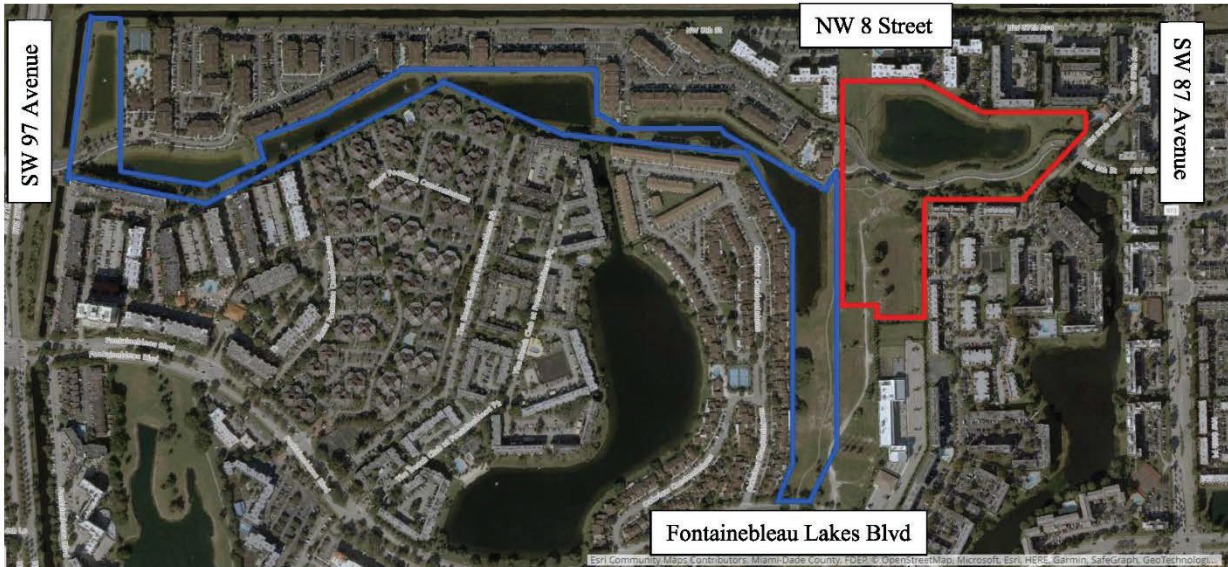
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANTS/REPRESENTATIVE

Fontainebleau Lakes, LLC and / Felix M. Lasarte, Esq., and William W. Riley, Jr., Esq.

DESCRIPTION OF THE SUBJECT AREA

The Area Subject to the Land Use Change comprises 17.6628± gross acres (17.3528± net acres) of land located in Section 04, Township 54 S, Range 40 E, lying west of NW 87 Avenue and between NW 8 Street and Fontainebleau Boulevard in unincorporated Miami-Dade County, Florida, and is more particularly described in Exhibit "A" to this application and depicted as Tract "C" in the below Location Map.



Ownership Information

- Area Subject to the Land Use Change is owned by Fontainebleau Lakes, LLC and outlined in RED above.
- Areas owned by Applicant are outlined in RED and BLUE above.

Exhibit "C"

DISCLOSURE OF INTEREST

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT:

Fontainebleau Lakes, LLC.
 201 Sevilla Avenue, Suite #300
 Coral Gables, FL 33134
 (305) 915-0733
 felix@lasartelaw.com

2. PROPERTY DESCRIPTION:

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>SIZE IN ACRES</u>
Fontainebleau Lakes, LLC	Fontainebleau Lakes, LLC	30-4004-084-0550	12.62

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in Section 2 above.

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR FOR PURCHASE</u>
Fontainebleau Lakes, LLC	X		

4. DISCLOSURE OF APPLICANT'S INTERESTS:

a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

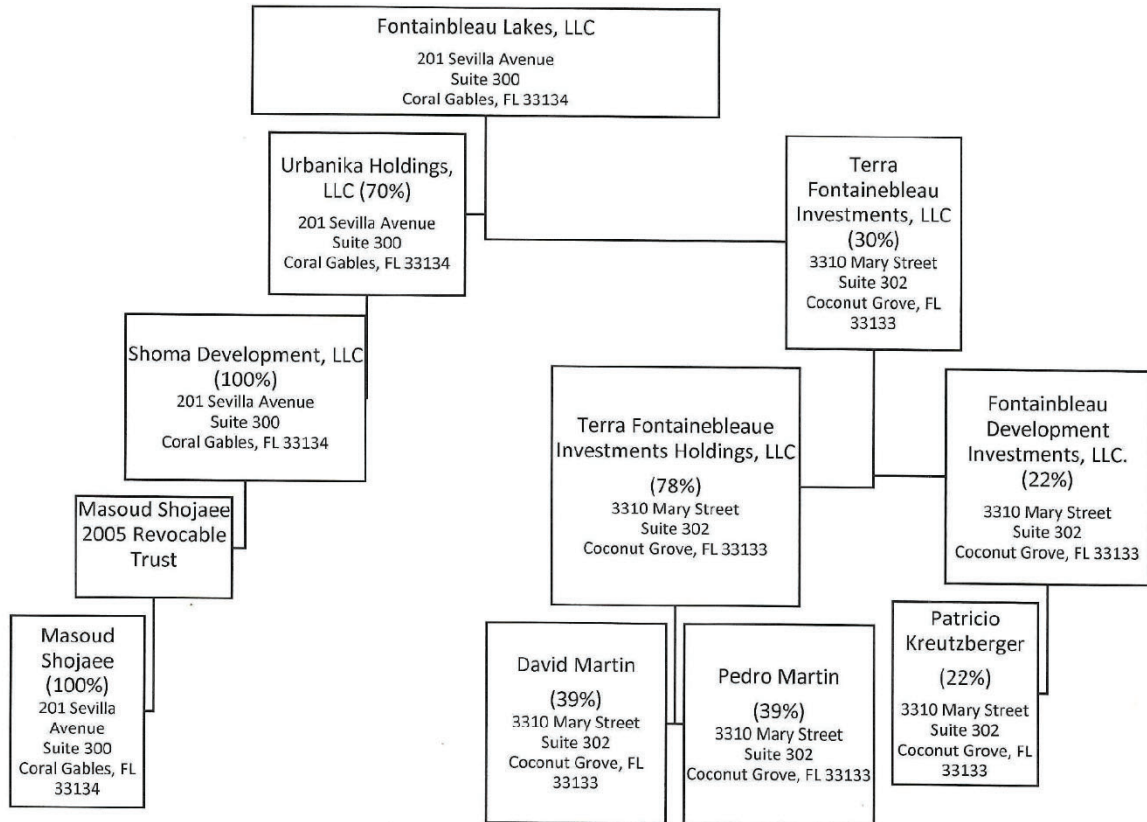
<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME:

Fontainebleau Lakes, LLC

NAME, ADDRESS, AND OFFICE (if applicable) PERCENTAGE OF STOCK



c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME:

N/A

BENEFICIARY'S NAME AND ADDRESS PERCENTAGE OF INTEREST

N/A

d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held

by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____ N/A _____

NAME AND ADDRESS OF PARTNERS _____ PERCENTAGE OF INTEREST _____
N/A

e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS _____ PERCENTAGE OF INTEREST _____
N/A

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

5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

A. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS _____ PERCENTAGE OF INTEREST _____
N/A

B. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____ N/A _____

NAME, ADDRESS, AND OFFICE (if applicable) _____ PERCENTAGE OF STOCK _____

c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEE'S NAME: _____ N/A _____

BENEFICIARY'S NAME AND ADDRESS _____ PERCENTAGE OF INTEREST _____
N/A

d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____ N/A _____

NAME AND ADDRESS OF PARTNERS _____ PERCENTAGE OF OWNERSHIP _____
N/A

e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS, AND OFFICE (if applicable) _____ PERCENTAGE OF INTEREST _____
N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.
For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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

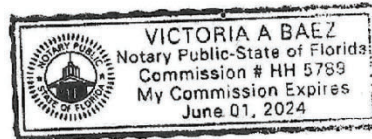
Applicant's Signatures and Printed Names

Fontainebleau Lakes, LLC.

MASOOD SHOTAEI
(Print Name)

Manager
Position

1/19/2022
Date



Sworn to and subscribed before me
this 19th day of January, 2022

Notary Public, State of Florida at Large (SEAL)

EXHIBIT D
SKETCH AND LEGAL

TRACT "C" OF "FONTAINEBLEAU EAST", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG A WESTERLY LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST, THIS AND THE FOLLOWING COURSE BEING ALONG SAID EASTERLY LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 755,888 SQUARE FEET (17.3528 ACRES) MORE OR LESS.

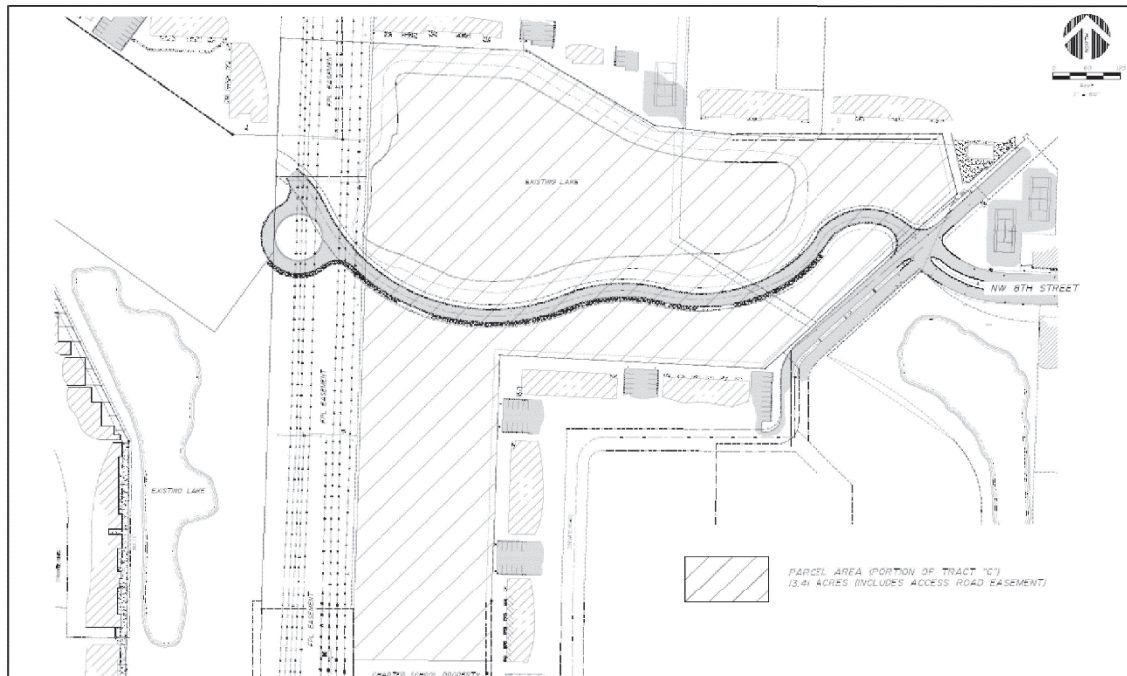


EXHIBIT E

AERIAL OF AREA SUBJECT TO THE LAND USE CHANGE



APPENDIX B

Applicant's April 14, 2023, Letter Modifying the Requested Change to the Parks and Recreation Text

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THE RILEY FIRM, LLC
ATTORNEYS AT LAW

RECEIVED
APRIL 14, 2023
RER-PLANNING

786.282.9899
W.RILEY@RILEYFIRM.ORG

April 14, 2023

VIA ELECTONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

I am providing you with this letter requesting certain modifications to the proposed verbiage of the pending application seeking to amend the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan. This request, which is submitted on behalf of the Applicant, seeks to address certain comments that the Applicant has received from the community and county staff representatives since the initial filing of the application. We respectfully submit that the proposed modifications will serve to refine the Applicants' initial submittal with more concise verbiage that better expresses the underlying justifications supporting the application.

The entirety of the Parks and Recreation Section of the Land Use Element is recited below. Those underlined verbiage within the below recital represent the Applicants' initial proposed amendments to the section. The additions that I have highlighted in red represent the Applicants' current request.

Parks and Recreation

The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map and use of

THE RILEY FIRM, LLC
ATTORNEYS AT LAW

Page 2

future parks and recreation areas shall be guided by the Recreation and Open Space, and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP by the Miami-Dade County Parks and Open Space System Master Plan. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential (or other) development or is otherwise subject to a restrictive covenant accepted by a public entity.

The long-term use of golf courses or other private recreation or open space on privately owned land designated as Parks 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 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~~ the property owners of the parent tract 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 or will otherwise serve a public benefit. 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 unless the subject property is located within a one mile radius of a Rapid Transit Corridor or a Bus Express Rapid Transit Network located along the Dolphin Expressway, the Palmetto Expressway or Interstate 95, in which case the development plan shall provide by restrictive covenant that not less than one-fourth 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 25 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 the Department of Regulatory and Economic Resources or successor agency; and (4) shall provide that the residential density of the portion of the Park and Recreation

THE RILEY FIRM, LLC
ATTORNEYS AT LAW

Page 3

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.

Certain commercial activities that support the recreational uses and relate to the resources of the park, such as marine supply stores, fuel docks or tennis and golf clubhouses may be considered for approval in the Parks and Recreation category. Other commercial recreational, entertainment or cultural uses may also be considered for approval in the Parks and Recreation category if authorized in accordance with Article 7 of the Miami-Dade Charter, as amended, and if they are related to, and would increase the quality, utility or enjoyment of the site and its natural, historical, and archaeological resources and facilities.

Some of the land shown for Parks is also environmentally sensitive. While most of these environmentally sensitive areas are designated on the LUP map as “Environmentally Protected Parks” some may be designated as Parks and Recreation due to graphic constraints (the environmentally sensitive portion of the park that is smaller than five acres). Park land which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development of the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas.

Thank you for your attention to this letter and for your consideration of this request. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

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APPENDIX C

Applicant's March 21, 2023, Letter Withdrawing the One Density Increase (DI-1) Request

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THE RILEY FIRM, LLC
ATTORNEYS AT LAW

RECEIVED
MARCH 21, 2023
RER-PLANNING

786.282.9899
W.RILEY@RILEYFIRM.ORG

March 21, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

Please accept this letter as a memorialization of the Applicant's abandonment of that portion of the application that seeks "one density increase with Urban Design". The Application seeks to develop a maximum of 375 residential units and, as such, the previous request for a density increase with good urban design is no longer necessary.

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

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APPENDIX D

Proffered Amended and Restated Declaration of Restrictions)

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RECEIVED
APRIL 14, 2023
RER-PLANNING

This instrument was prepared by or
under the supervision of:

Name: William W. Riley, Esq.
Address: The Riley Law Firm
16343 SW 256 Street
Homestead, Florida
33031

(Space reserved for Clerk of

**RESTATEMENT AND MODIFICATION OF DECLARATION OF RESTRICTIONS
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136 AND OFFICIAL
RECORDS BOOK 26955, PAGE 0908 AND OFFICIAL RECORDS BOOK 29816,
PAGE 3447 (COLLECTIVELY THE "RECORDED DECLARATIONS")**

WHEREAS, Fontainebleau Lakes, LLC, a Florida limited liability company, Fontainebleau Lakes CDD, a community development district, 901 NW 97 Miami Owner, LLC, a Delaware limited liability company, and 1062 NW 87 Miami Owner, LLC, a Delaware limited liability company (collectively referred to hereinafter as the "Owner") hold the fee simple title to that certain land situated in Miami-Dade County, Florida ("County"), described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property", which is supported by the Opinion of Title; and

WHEREAS, Fontainebleau Lakes, LLC, filed "Application No. 3" of the April 2004 Miami-Dade County Comprehensive Development Master Plan ("CDMP") Amendment Cycle to amend the CDMP Future Land Use Plan ("LUP") for the properties described therein, inclusive of the Property (the "First Application"); and

WHEREAS, a Declaration of Restrictions was recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, in connection with the First Application (the "2004 Declaration"); and

WHEREAS, Fontainebleau Lakes, LLC, filed "Application No. 8" of the April 2008 CDMP Amendment Cycle to, among other things, delete from the 2004 Declaration certain properties described therein (the "Second Application"); and

WHEREAS, a First Modification of the Declaration was recorded in the Public Records of Miami-Dade County in Official Records Book 26955, at Page 0908, in connection with the Second Application; and

WHEREAS, Keep Bleau Green Committee, Inc. filed "Application No. 7" of the November 2014 CDMP Amendment Cycle to, among other things, amend the LUP for portions of Property (the "Third Application"); and

WHEREAS, a Second Modification of the Declaration was recorded in the Public Records of Miami-Dade County in Official Records Book 29816, at Page 3447, in connection with the Third Application; and

WHEREAS, the Owner has applied for an amendment to the CDMP in the October 2022 Amendment Cycle and said amendment is identified as Application No. CDMP20220016 (the "Application"); and

WHEREAS, the Application seeks, among other things, to change the land use designation for that portion of the Property legally described in Exhibit "B", attached hereto and made a part hereof, from "Parks and Recreation" to "Medium Density Residential" on the LUP (the "Area Subject to the Land Use Change").

NOW, THEREFORE, in order to assure Miami-Dade County that the representations made by the Owner during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property (hereinafter the "Restated and Modified Declaration");

- A. The Recorded Declarations are hereby restated by this reference and shall remain in full force and effect except as modified previously or herein.
- B. Paragraph 1 of the 2004 Declaration, as modified, is amended to read as follows:
 - (1) **Conceptual Site Plan**. The Property shall be developed in substantial conformity with the conceptual (bubble) plan entitled "Location Map – Doral View Apartments," prepared by Ballbe & Associates, signed and sealed the 1st day of February, 2022 ("Bubble Plan") as attached hereto and incorporated herein as Exhibit "C". The Bubble Plan merely depicts the locations where residential development may occur and where green / buffered areas are to be preserved within the Property. The Bubble Plan is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. Areas depicted and described as Park and Open Space on the Conceptual Site Plan may be improved for use as off-street parking provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.
- C. Paragraph 2 of the 2004 Declaration, as modified, is amended to read as follows:
 - (2) **Number of Units**. Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Owner, development of the Property as described in the Declaration, as amended, shall not exceed a total of one thousand one hundred ninety-nine (1,199) residential

units and no more than three hundred seventy-five (375) residential units shall be developed in the Area Subject to the Land Use Change.

D. Paragraph 7 of the 2004 Declaration, as modified, is amended to read as follows:

- (7) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration

shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

- E. **Roadway Improvement Program**: Fontainbleau Lakes, LLC shall cause the following offsite roadway improvements to be constructed unless prohibited by governmental regulation(s).
 - i. An improvement to the existing eastbound left-turn extension at the intersection of Fontainebleau Boulevard and NW 97th Avenue to include a 50± foot taper and 300± feet of storage; and

- ii. The creation of a four-leg intersection at Fontainebleau Boulevard, lying west of the community center for Keep Bleau Green Committee, Inc. located at 8905 Fontainebleau Boulevard, that provides east-west and north-south vehicular connectivity.

The foregoing roadway improvements shall be in substantial conformity with the conceptual plan entitled "Fontainebleau Blvd Access to Doral View," prepared by Ballbe & Associates, signed and sealed the 27th day of March, 2023, consisting of one sheet and the conceptual plan entitled "NW 97TH Avenue and Fontainebleau Blvd," prepared by Ballbe & Associates, signed and sealed the 27th day of March, 2023, consisting of one sheet as attached hereto as Composite Exhibit "D" (collectively the "Planned Roadway Improvements"). Provided that the Planned Roadway Improvements are approved by Miami-Dade County, the same shall be fully funded and constructed on behalf of Fontainebleau Lakes, LLC, which shall post a performance bond or other instrument approved by Miami-Dade County guaranteeing the Planned Roadway Improvements prior to the issuance of a certificate of occupancy for any residential development on the Area Subject to the Land Use Change.

- F. **Workforce Housing**. Residential development on the Area Subject to the Land Use Change shall include a minimum of 12.5% of the total residential units developed thereon to be workforce housing, which shall mean a residential unit, the sale, rental or pricing of which is restricted to households whose income is established between sixty (60) percent up to one hundred forty (140) percent of the most recent area median income for Miami-Dade County reported by the U.S. HUD as maintained by the Miami-Dade County Department of Regulatory and Economic Resources or its successor. Notwithstanding the Density Limitation provided in Paragraph No. 1, should the Owner participate in the Workforce Housing Program, pursuant to Chapter 33, Article XUA of the Miami-Dade

County Code of Ordinances, the Owner shall be entitled to transfer any applicable density bonus in excess of the Density Limitation to another property permitted to receive such bonus. This commitment to workforce housing shall run with the land for a period of twenty (20) years from the date this Declaration is recorded in the Public Records of Miami-Dade County, Florida.

- G. **Tree Canopy**: Any future development(s) of the Property that impacts noninvasive tree canopy on the development site shall comply with the Miami-Dade County replacement requirements for tree removal as set forth in Section 24-49-4, Miami-Dade County Code.

- H. **Landscaping**: The minimum required tree and shrub counts applicable to development of the Area Subject to the Land Use Change shall not be varied. This restriction shall not prohibit the Owner from applying for relief regarding the placement, clustering, species, mixture, separation, and other landscaping design requirements applicable to the development of the Area Subject to the Land Use Change.

- I. **Stormwater Management**. A signed and sealed analysis of stormwater management needs and flooding issues to demonstrate that there will be no adverse offsite impacts and the identification of the stormwater management infrastructure needed for the proposed land use, shall be provided for review and approval. The analysis shall show that the post-project conditions are the same or better than the pre-project conditions for managing stormwater, water quantity, and water quality. This analysis must be approved by DERM prior to the recordation of the Final Plat.

- J. **Covenant Running with the Land**. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's

expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

- K. **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.

- L. **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.

- M. **County Inspections.** 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.

- N. **Authorization for Miami-Dade County (or successor municipality) 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 (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

- O. **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.

- P. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.

- Q. **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.

- R. **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources 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.
- S. **Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.
- T. **Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

EXECUTION PAGES FOLLOW

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 2023.

WITNESSES:

Sign: _____ **FONTAINBLEAU LAKES, LLC.**
Print: _____ a Florida limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of Fontainbleau Lakes, LLC, a Florida limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 2023.

WITNESSES:

Sign: _____ **Fontainebleau Lakes CDD**
Print: _____ a community development district.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of Fontainebleau Lakes CDD, a community development district, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 2023.

WITNESSES:

Sign: _____ **901 NW 97 MIAMI OWNER, LLC**
Print: _____ a Delaware limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of 901 NW 97 Miami Owner, LLC, a Delaware limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 2023.

WITNESSES:

Sign: _____ **1062 NW 87 MIAMI OWNER, LLC**
Print: _____ a Delaware limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of 1062 NW 87 Miami Owner, LLC, a Delaware limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

EXHIBIT "A"

LEGAL DESCRIPTION AND SKETCH OF COVENANT AREA

ALL 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, LESS THE FOLLOWING:

TRACTS "A" AND "B" OF "FONTAINEBLEAU CIVIC, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 173, PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND:

TRACT "A" OF FONTAINEBLEAU PARK PLAZA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 170, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 4,774,806.9± SQUARE FEET (109.6144± ACRES) MORE OR LESS.

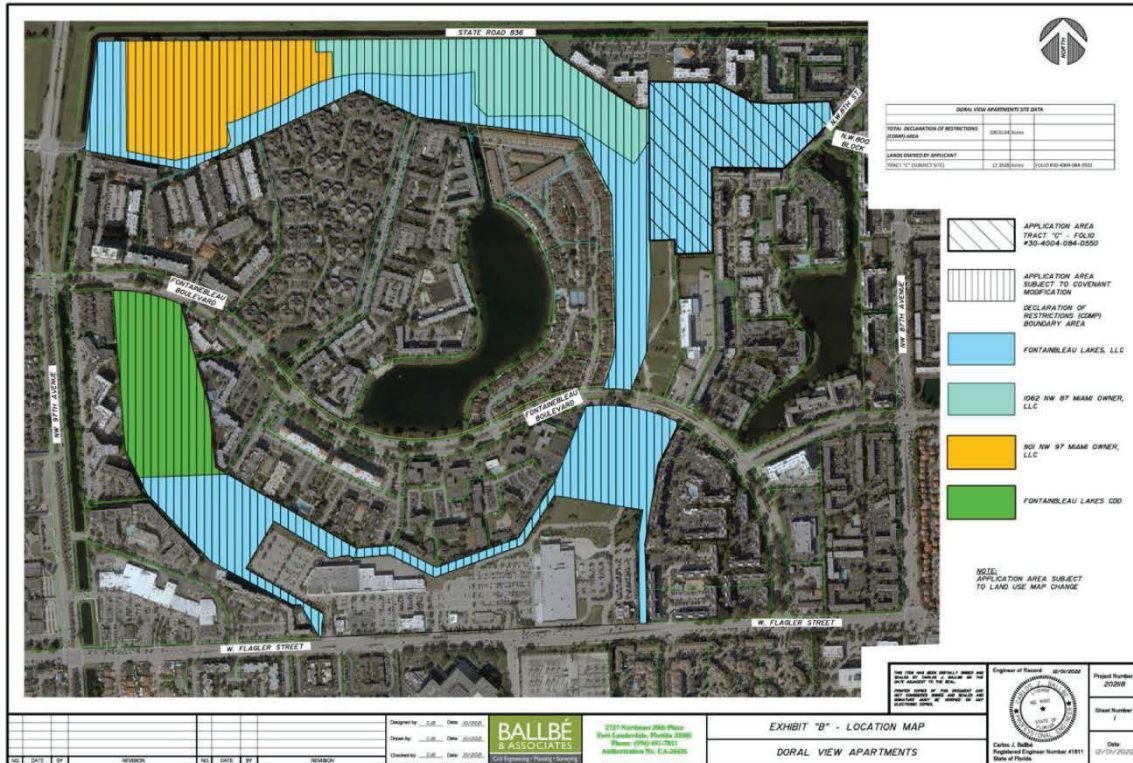


EXHIBIT "B"

LEGAL DESCRIPTION OF THE AREA SUBJECT TO THE LAND USE CHANGE

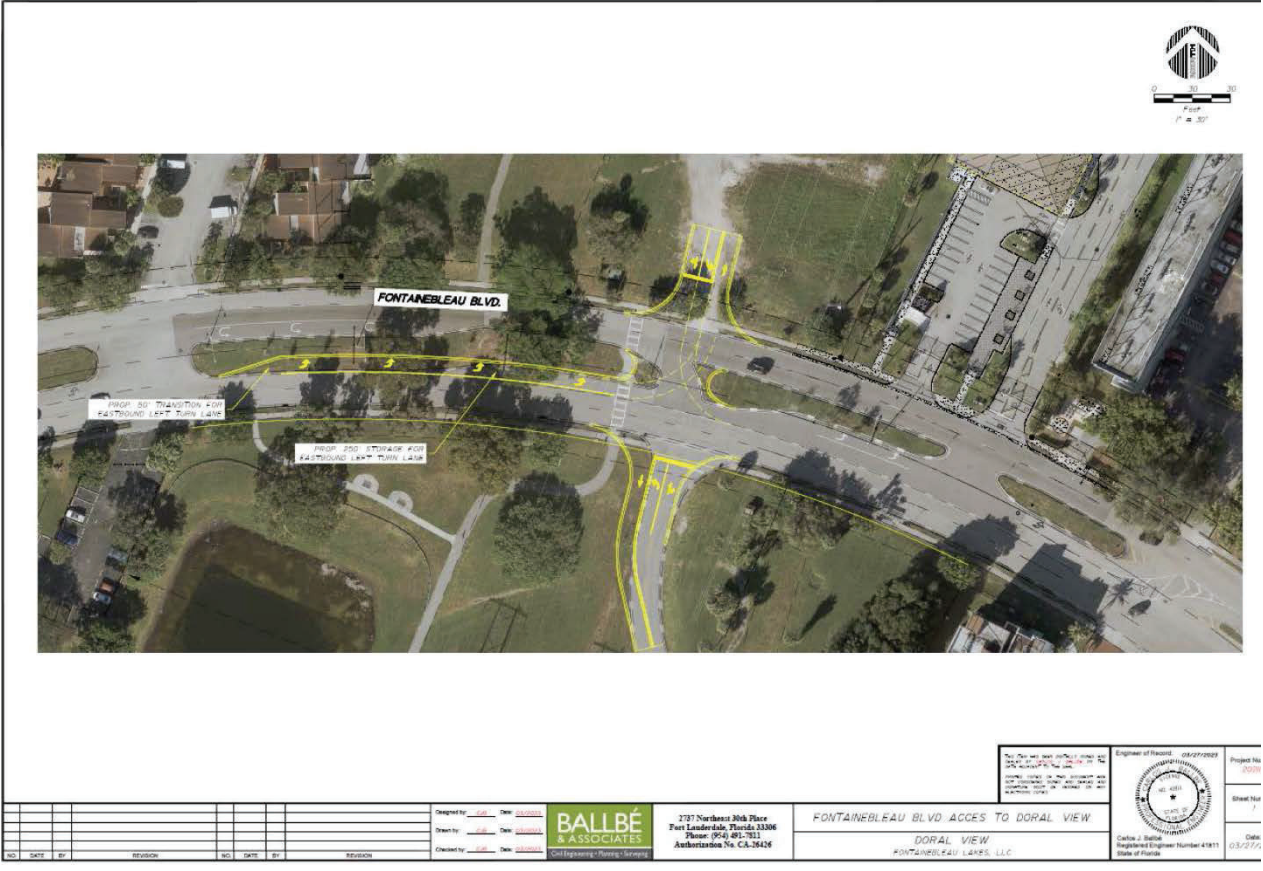
TRACT "C" OF "FONTAINEBLEAU EAST", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG A WESTERLY LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST, THIS AND THE FOLLOWING COURSE BEING ALONG SAID EASTERLY LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 755,888 SQUARE FEET (17.3528 ACRES) MORE OR LESS.

EXHIBIT "D"

PLANNED ROADWAY IMPROVEMENTS



No. DATE BY REVISION 		Designed by: <i>[Signature]</i> Date: 03/27/24 Drawn by: <i>[Signature]</i> Date: 03/27/24 Checked by: <i>[Signature]</i> Date: 03/27/24	 <p>2737 Northwest 26th Place Fort Lauderdale, Florida 33306 Phone (954) 491-7011 Authorization No. CA-26426</p>	FONTAINEBLEAU BLVD. ACCESS TO DORAL VIEW DORAL VIEW FONTAINEBLEAU LAKES, LLC	Engineer of Record: <i>[Signature]</i>  Project No. 0228 Sheet No. 7 Date: 03/27/24
--------------------------------------	--	--	--	--	--

EXHIBIT "D" CONTINUED
PLANNED ROADWAY IMPROVEMENTS



Project Name: NW 97th Avenue and Fontainebleau Blvd Sheet Number: 2 Date: 03/27/2022		Engineer of Record: 03/27/2022 	
Designer: _____ Checker: _____ Prepared by: _____		BALLBÉ & ASSOCIATES 2737 Northeast 36th Place Fort Lauderdale, Florida 33306 Phone: (954) 419-7611 AutoRegistration No. CA-26426	
Project: NW 97th Avenue and Fontainebleau Blvd Location: NW 97th Avenue and Fontainebleau Blvd Client: DORAL VIEW FONTAINEBLEAU LAKES, LLC		Project: NW 97th Avenue and Fontainebleau Blvd Location: NW 97th Avenue and Fontainebleau Blvd Client: DORAL VIEW FONTAINEBLEAU LAKES, LLC	

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APPENDIX E

2005 Covenant

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CFN 2005R0539838
OR Bk 23413 Pgs 1136 - 1142f (7pgs)
RECORDED 05/26/2005 10:03:13
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Stanley B. Price, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

A/23

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Carolyn A. Sakolsky, as Trustee ("Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property"; and

WHEREAS, in April 2004, the Owner filed an application (the "Application"), as part the April 2004 Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from Parks and Recreation and Medium Density Residential to Medium Density Residential, and that Application has been designated as "Application 3" for that cycle of CDMP amendment applications.

NOW THEREFORE, in consideration of the premises, and subject to the approval of the Application, and in order to assure the Miami-Dade County ("County") Board of County Commissioners ("County Commission") that the representations made by the Owner concerning the type and manner of development and the number of units to be developed on the Property in the future will be adhered to notwithstanding the permitted uses and densities under said zoning district regulations and land use classification, and to assure the County Commission that this voluntary restriction will be followed by the Owner, and its successors and assigns, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions ("Declaration") covering and running with the Property:

- (1) **Conceptual Site Plan.** Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to

MIAMI 817468.13 7331719528

4-54-40

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Declaration of Restrictions
Page 2

(1.1) Addressing
Traffic Impacts
on N. W. 87th
Avenue.

Prior to rezoning
of the Property,
the Owner shall
forward the
proposed (2)
site plan, any
traffic studies
and proposals to
address (3)

traffic impacts
of the ^{Zoning} Application,
and, in particular,
the potential for
adverse
impacts on
N. W. 87th
Avenue.

[Handwritten signature]
(5)

allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public works review standards.

Number of Units. Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

Educational Facility. Owner recognizes that redevelopment of the Property may impact the educational facilities currently being served by the area surrounding the Property. Prior to final zoning approval, Owner, at its option, shall either 1) mitigate the impact on educational facilities of the proposed development by either securing the availability of an educational facility (charter or public school) located within three miles from the Property, or 2) have reached an agreement with the Miami-Dade County Public Schools addressing the impact on educational facilities in a manner acceptable to the Miami-Dade County Public Schools or 3) submit for review and approval to the Director of the Department of Planning and Zoning ("Director") a plan to mitigate the impacts on educational facilities in a manner acceptable to the Director. Nothing contained herein shall relieve the Owner of negotiating with the Miami-Dade County School District consistent with the Interlocal Agreement between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies, as amended, and as amended in the future from time to time.

Effectiveness of Declaration. This Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County after final approval by the County Commission of the application.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These

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Declaration of Restrictions
Page 3

restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors, and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

- (6) **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, or, in accordance with paragraph 7 below, and provided that the Declaration has first been modified or released by Miami-Dade County as provided under the following paragraph.
- (7) **Modification, Amendment, Release.** This Declaration may be modified, amended, or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the County Commission of Miami-Dade County or such other successor governmental body having jurisdiction over the Property.

Any such modification or release shall also be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Any such modification or release shall also be subject to Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade Comprehensive Plan. Notwithstanding the previous sentence, in the event that the Property is incorporated into a new municipality which amends, modifies, or declines to adopt the provisions of Section 2.116.1 of the Code of Miami-Dade County, then modifications or releases of this Declaration shall be subject to the provisions of such ordinance as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan or, in the event that the successor municipality does not adopt such ordinances, by the provisions for the adoption of zoning district boundary changes together with the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive office for the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument of effectuating and acknowledging such modification, amendment or release.

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Declaration of Restrictions
Page 4

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.

Any modification, amendment, or release of this Declaration will require the consent of all the then owner(s) of the Property which will be evidenced by either a written resolution of a homeowners and/or condominium association and/or a written instrument(s) executed by individual property owner(s). In the event that one or several of the owners of the Property are not members of a recorded association, their consent to any modification, amendment, or release, is required, along with the consent of the recorded association(s), and must be evidenced by an executed written instrument.

- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any provision of this Declaration. This Declaration, and the acceptance hereof by Miami-Dade County, is not intended and should not be construed to confer any rights on any third parties. The prevailing party in 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 its attorney, at trial and appeal, or any other levels. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.
- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **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.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and

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Declaration of Restrictions
Page 5

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.

- (12) **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.
- (13) **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County Commission 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.
- (14) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.
- (15) **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

[SIGNATURE PAGE FOLLOWS]

MIAMI 817468.13 7331719528

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS 1, 2, 3, 4, & 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90 PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S08°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.93 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.67 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°08'00"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 89.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1485.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1036.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 160.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

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APPENDIX F

First Covenant Modification (2009)

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CFN 2009R0541645
OR Bk 26955 Pgs 0908 - 933; (26pgs)
RECORDED 07/27/2009 14:19:34
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by
or under the supervision of:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
5835 Blue Lagoon Drive
Suite 100
Miami, Florida 33126

(Space reserved for Clerk of Court)

**FIRST MODIFICATION TO COMPREHENSIVE PLAN
DECLARATION OF RESTRICTIONS
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136**

THIS First Modification to Comprehensive Plan Declaration of Restrictions Recorded at
Official Records Book 23413, Page 1136 ("Modification") is made this 29th day of April,
2009, by Fontainebleau Lakes, LLC, a Florida limited liability company (the "Owner"), in favor
of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds the fee simple title to that certain property lying, being and
situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property";

WHEREAS, in April 2004, the then Owner of the Property filed an application (the
"Former Application") designated as "Application No. 3" of the April 2004 Miami-Dade County
Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the
Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from
"Parks and Recreation" and "Medium Density Residential" to "Medium Density Residential";
and

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WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Miami-Dade County Board of County Commissioners in connection with the Former Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property (attached hereto as Exhibit "B"); and

WHEREAS, the Owner subsequently filed a zoning application to rezone the Property from GU to RU-4M, which pursuant to Miami-Dade County Zoning Resolution No. CZAB10-21-06 a site plan was approved for the entire Property; and

WHEREAS, in April 2008, the Owner filed an application (the "New CDMP Application"), as part of the April 2008 CDMP Amendment Cycle, to amend the land use designation for Parcel "B" (described in Exhibit "C") from "Medium Density Residential" and "Parks and Recreation" to "Business and Office" and for Parcel "C" (described in Exhibit "D") from "Medium Density Residential" to "Parks and Recreation". The New CDMP Application has been designated as "Application No. 8" for the April 2008 CDMP cycle; and

WHEREAS, in connection with the New CDMP Application the Owner is proffering a covenant that will place certain restrictions and conditions on the use of Parcel "B" and Parcel "C"; and

WHEREAS, the Owner as part of the New CDMP Application is seeking, among other things, to modify the Declaration to exclude Parcel "B" and Parcel "C"; and

WHEREAS, the Declaration may only be modified pursuant to a CDMP Amendment process; and

WHEREAS, a public hearing was held before the Miami-Dade County Board of County Commissioners (the "BCC") on May 6, 2009, at which hearing the BCC adopted Ordinance No. 09-28 (the "Ordinance"); and

WHEREAS, the Ordinance approved the modification of Paragraphs 1 and 2 of the Declaration as follows:

FROM:

1. **Conceptual Site Plan.** Subject to approval through the zoning process, the Property will be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Pascual Perez Kiliddjian & Associates, signed and sealed the 7th day of April, 2005 ("Conceptual Site Plan"). Owner has filed an application to rezone the Property to allow for development of the Property ("Zoning Application"). The final site plan submitted in connection with the Zoning Application for the Property shall be in substantial conformity with the Conceptual Site Plan. The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. The Owner acknowledges that the future rezoning and development of the Property shall require one or more detailed site plan approvals by the County which will determine, among other things, the exact type of units, location, distribution, orientation and other requirements for compliance with all applicable zoning, fire and public work review standards.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the

Property shall not exceed a total of one thousand one hundred seventy-six (1,176) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

TO:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

NOW, THEREFORE, in consideration of the foregoing, and in order to assure Miami-Dade County, Florida (the "County") that the representations made by the Owner during Consideration of the New CDMP Application will be abided by the Owner, freely, voluntarily and without duress, Owners submits this Modification covering and running with the Property:

1. Paragraphs 1 and 2 of the Declaration shall now read as follows:

1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled “Fontainebleau East Shoma Development,” prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 (“Conceptual Site Plan”) (attached hereto as Exhibit “E”). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property.

2. **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Applicant, development of the Property shall not exceed a total of eight hundred twenty-four (824) residential dwelling units. Notwithstanding the depiction of the units on the Conceptual Site Plan, the units may be developed as single-family homes in accordance with the zoning approvals granted by the appropriate board.

2. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect.

[Signature Page Follows]

JOINDER BY MORTGAGEE CORPORATION

The undersigned Bank of America, N.A., a national banking association, under that certain mortgage from Fontainebleau Lakes, LLC., a Florida limited liability company, recorded in Official Records Book 23887, Page 4607, of the Public Records of Miami-Dade County, Florida, as modified by Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing recorded in Official Records Book 25863, at Page 3204; as modified by Mortgage Modification Agreement recorded in Official Records Book 26579, at Page 4573; and UCC-1 Financing Statement recorded in Official Records Book 23887, at Page 4658 and rerecorded in Official Records Book 24246, at Page 4053 in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF these presents have been executed this 30 day of April, 2009.

Witnesses:

[Signature]
Signature
Pamela F. Griffin
Print Name
[Signature]
Signature
Solie A Richards
Print Name

Bank of America, N.A., a national banking association
Name of Corporation
Address:
13099 us Hwy 41 SC 3rd Floor
POST OFFICE, FL 33407
By: [Signature]
Print Name: Michael D Babair

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Michael D Babair the Sr. Vice President of Bank of America, N.A., on behalf of Bank of America. He/She personally known to me or has produced _____, as identification.

Witness my signature and official seal this 30 day of April, 2009, in the County and State aforesaid.



[Signature]
Notary Public-State of Florida
Rebecca L Helwig
Print Name

My Commission Expires: 7/1/10

EXHIBIT "A"

LEGAL DESCRIPTION

TRACTS 1, 2, 3, 4, & 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90 PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST; THENCE RUN N89°58'50"E, ALONG THE NORTH LINE OF SAID SECTION 4 (ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 1) FOR A DISTANCE OF 95.08 FEET TO THE POINT OF BEGINNING OF PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE N89°58'50"E ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.56 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF TRACT "F" BLUE FONTAINE TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S02°57'20"E ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 7.83 FEET TO A POINT; THENCE RUN S02°06'50"E, ALONG SAID WEST LINE OF TRACT F FOR A DISTANCE OF 58.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT F (SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD AS SHOWN ON PLAT OF "FONTAINEBLEAU BOULEVARD PARK AND PARK BOULEVARD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°42'20"W, ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 35.02 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR CANAL AS SHOWN ON PLAT OF "BLUE FONTAINE REPLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 140, AT PAGE 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N02°06'60"W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL FOR A DISTANCE OF 66.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (SAID POINT ALSO BEING THE POINT OF BEGINNING). SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

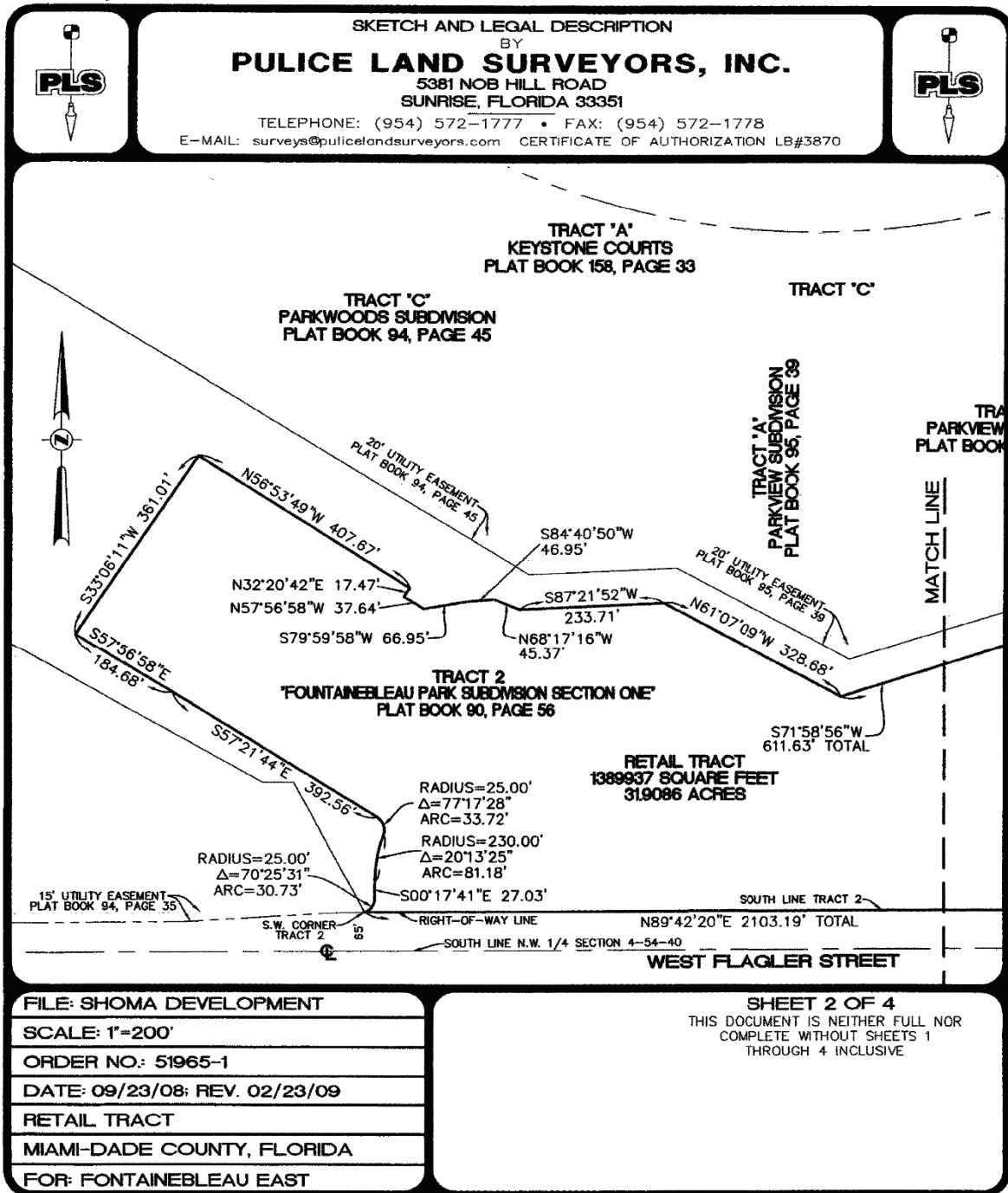
AND

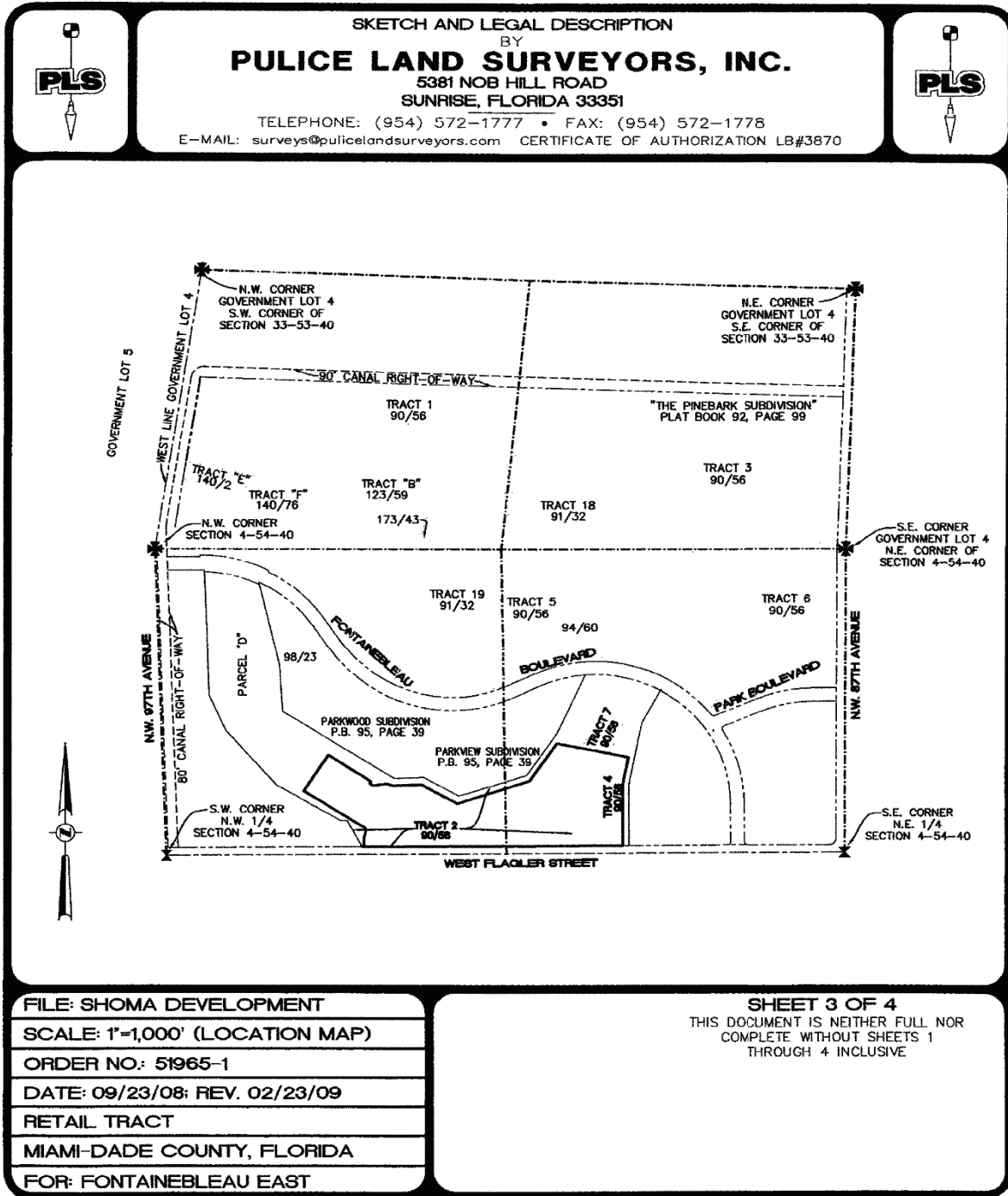
A PORTION OF GOVERNMENT LOT 4 BETWEEN TOWNSHIP 53 AND 54 SOUTH, RANGE 40 EAST, AS FOLLOWS: BEGIN 1485.20 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, THEN NORTH 1035.22 FEET; THENCE WEST 160.03 FEET; THENCE SOUTH 1049.95 FEET, THEN EAST 160.09 FEET TO THE POINT OF BEGINNING.



CONTAINING: 147.09 ACRES± (NET)
152.28 (GROSS)

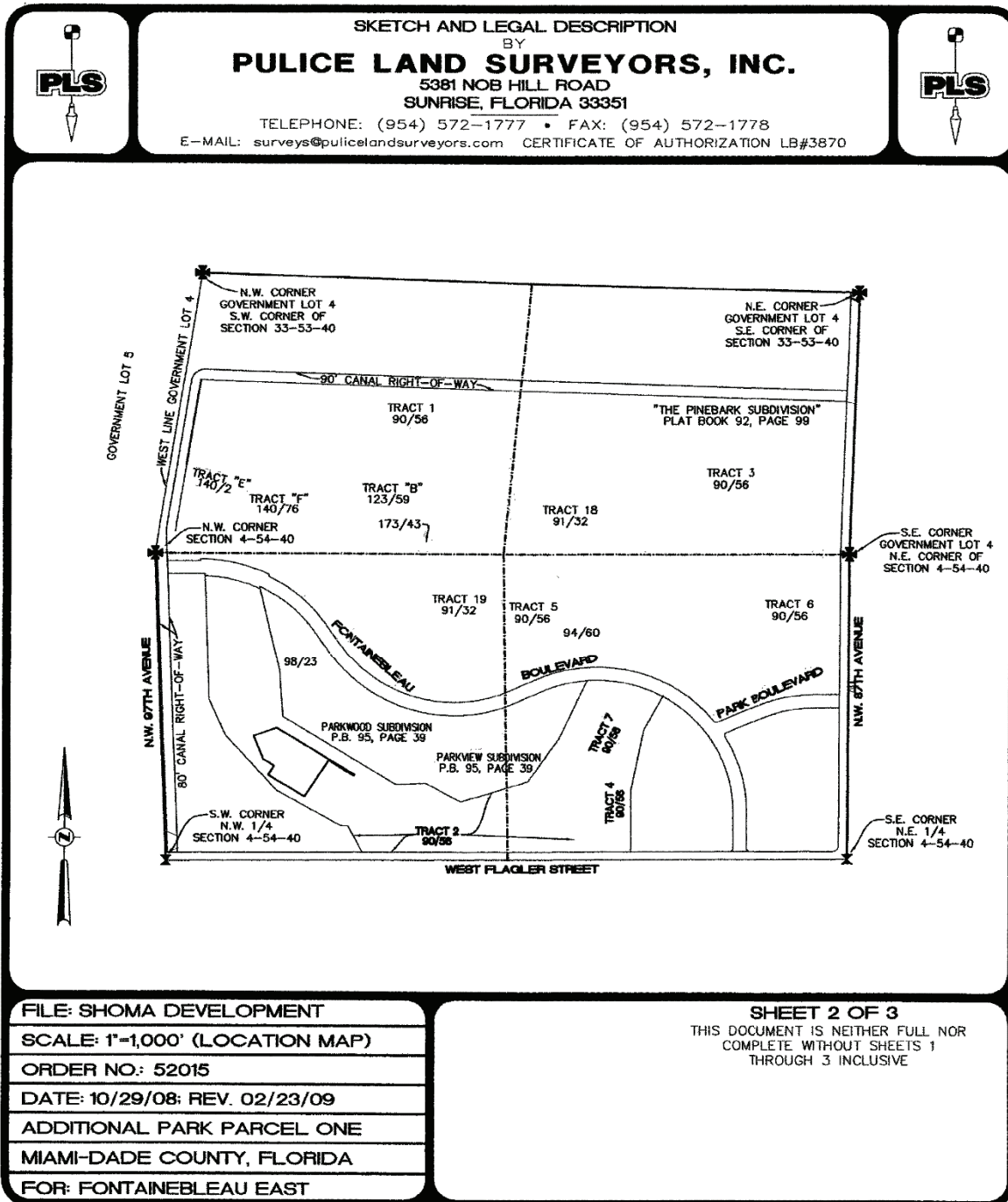
Said legal description having been replatted to:



All 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.

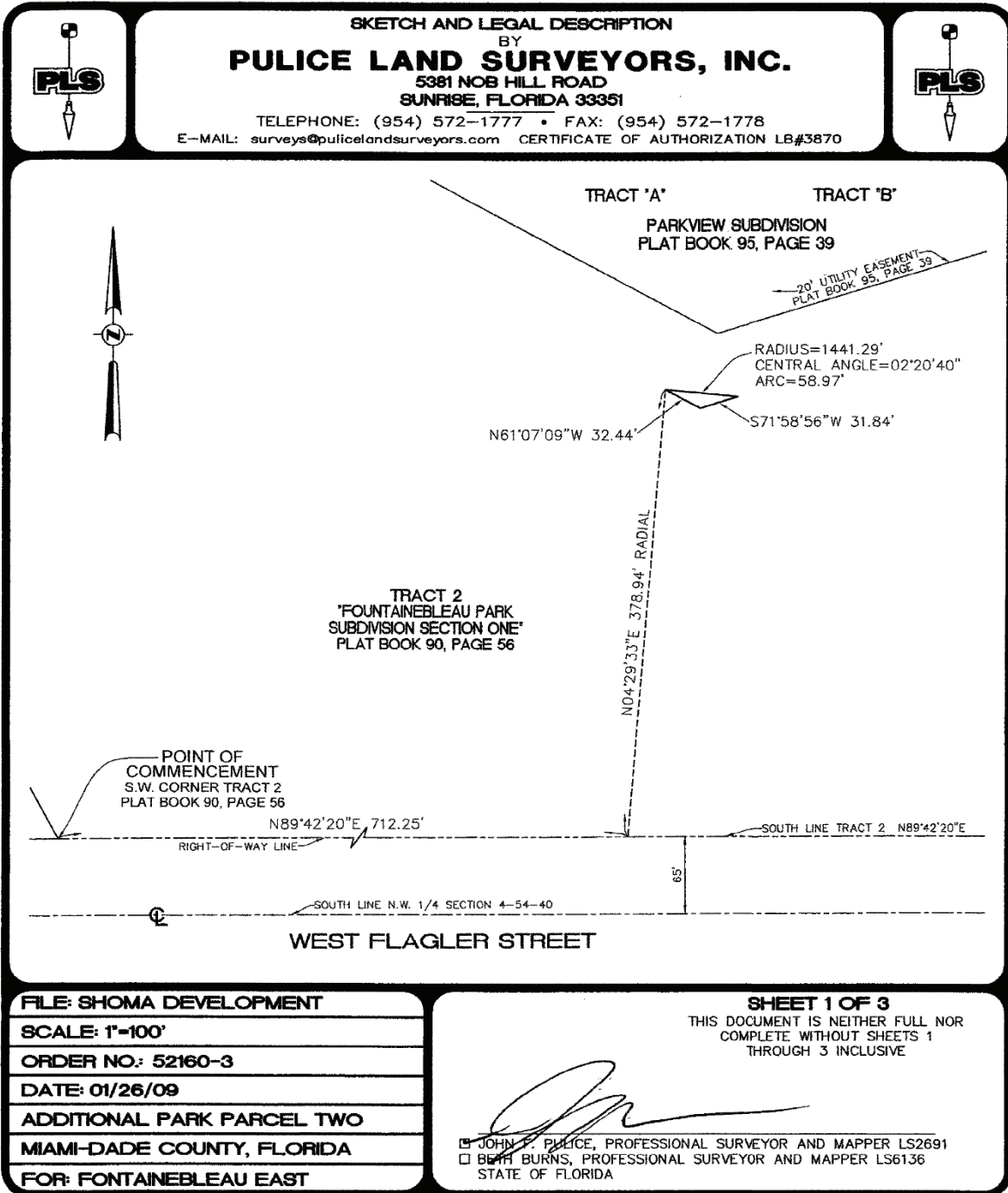


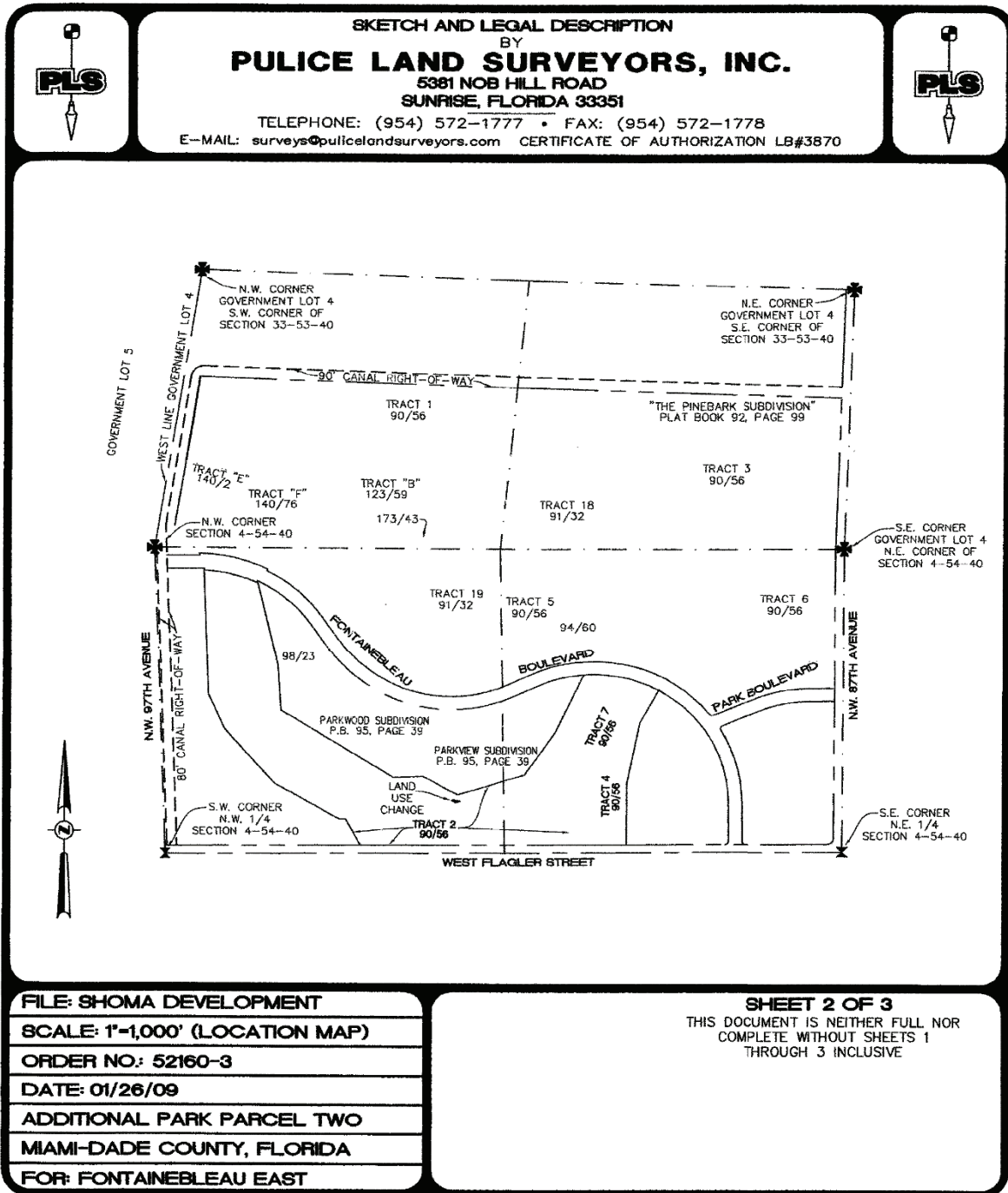




	<p>SKETCH AND LEGAL DESCRIPTION BY PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351</p> <p>TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778 E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870</p>							
<p>LEGAL DESCRIPTION: RETAIL TRACT A PORTION OF TRACTS 2, 4 AND 7 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 4 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE SOUTH 89°42'20" WEST ON THE SOUTH LINE OF SAID TRACT 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 48.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'59" EAST 526.51 FEET; THENCE NORTH 11°29'59" EAST 221.83 FEET; THENCE NORTH 78°30'01" WEST 587.00 FEET; THENCE SOUTH 35°04'02" WEST 387.01 FEET; THENCE SOUTH 71°58'56" WEST 611.63 FEET; THENCE NORTH 61°07'09" WEST 328.68 FEET; THENCE SOUTH 87°21'52" WEST 233.71 FEET; THENCE NORTH 68°17'16" WEST 45.37 FEET; THENCE SOUTH 84°40'50" WEST 46.95 FEET; THENCE SOUTH 79°59'58" WEST 66.95 FEET; THENCE NORTH 57°56'58" WEST 37.64 FEET; THENCE NORTH 32°20'42" EAST 17.47 FEET; THENCE NORTH 56°53'49" WEST 407.67 FEET; THENCE SOUTH 33°06'11" WEST 361.01 FEET; THENCE SOUTH 57°56'58" EAST 184.68 FEET; THENCE SOUTH 57°21'44" EAST 392.56 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 77°17'28" AN ARC DISTANCE OF 33.72 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE SOUTHERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 230.00 FEET AND A CENTRAL ANGLE OF 20°13'25" AN ARC DISTANCE OF 81.18 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°17'41" EAST 27.03 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°25'31" AN ARC DISTANCE OF 30.73 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2, BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF TRACTS 2, 7 AND 4 AND ON SAID NORTH RIGHT-OF-WAY LINE 2,103.19 FEET TO THE POINT OF BEGINNING.</p> <p>CONTAINING 1,389,937 SQUARE FEET, 31.9086 ACRES.</p> <p>NOTES: 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E. 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY. 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 4) Δ DENOTES: CENTRAL ANGLE. 5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK.</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>FILE: SHOMA DEVELOPMENT</td></tr> <tr><td>SCALE: N/A</td></tr> <tr><td>ORDER NO.: 51965-1</td></tr> <tr><td>DATE: 09/23/08; REV. 02/23/09</td></tr> <tr><td>RETAIL TRACT</td></tr> <tr><td>MIAMI-DADE COUNTY, FLORIDA</td></tr> <tr><td>FOR: FONTAINEBLEAU EAST</td></tr> </table>	FILE: SHOMA DEVELOPMENT	SCALE: N/A	ORDER NO.: 51965-1	DATE: 09/23/08; REV. 02/23/09	RETAIL TRACT	MIAMI-DADE COUNTY, FLORIDA	FOR: FONTAINEBLEAU EAST	<p>SHEET 4 OF 4 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 4 INCLUSIVE</p>
FILE: SHOMA DEVELOPMENT								
SCALE: N/A								
ORDER NO.: 51965-1								
DATE: 09/23/08; REV. 02/23/09								
RETAIL TRACT								
MIAMI-DADE COUNTY, FLORIDA								
FOR: FONTAINEBLEAU EAST								



	<p>SKETCH AND LEGAL DESCRIPTION BY PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351 TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778 E-MAIL: surveys@pulicefandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870</p>							
<p>LEGAL DESCRIPTION: ADDITIONAL PARK PARCEL ONE A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE ON THE SOUTHWESTERLY BOUNDARY OF SAID TRACT 2 THE FOLLOWING 3 COURSES AND DISTANCES: 1) NORTH 27°44'40" WEST 247.91 FEET; 2) SOUTH 89°42'20" WEST 50.00 FEET; 3) NORTH 60°02'14" WEST 389.97 FEET; THENCE NORTH 33°06'11" EAST 65.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 33°06'11" EAST 362.12 FEET; THENCE SOUTH 56°53'49" EAST 234.97 FEET; THENCE NORTH 32°03'03" EAST 12.89 FEET; THENCE NORTH 57°56'57" WEST 734.30 FEET; THENCE SOUTH 69°39'18" WEST 201.95 FEET; THENCE SOUTH 20°18'03" EAST 213.87 FEET; THENCE SOUTH 57°56'57" EAST 96.97 FEET; THENCE SOUTH 32°03'03" WEST 80.00 FEET; THENCE SOUTH 57°56'57" EAST 349.64 FEET TO THE POINT OF BEGINNING. CONTAINING 189,846 SQUARE FEET, 4.3583 ACRES.</p>								
<p>NOTES:</p> <ol style="list-style-type: none"> 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E. 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY. 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 4) Δ DENOTES: CENTRAL ANGLE. 5) O.R.B. DENOTES: OFFICIAL RECORDS BOOK. 								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>FILE: SHOMA DEVELOPMENT</td></tr> <tr><td>SCALE: N/A</td></tr> <tr><td>ORDER NO.: 52015</td></tr> <tr><td>DATE: 10/29/08; REV. 02/23/09</td></tr> <tr><td>ADDITIONAL PARK PARCEL ONE</td></tr> <tr><td>MIAMI-DADE COUNTY, FLORIDA</td></tr> <tr><td>FOR: FONTAINEBLEAU EAST</td></tr> </table>	FILE: SHOMA DEVELOPMENT	SCALE: N/A	ORDER NO.: 52015	DATE: 10/29/08; REV. 02/23/09	ADDITIONAL PARK PARCEL ONE	MIAMI-DADE COUNTY, FLORIDA	FOR: FONTAINEBLEAU EAST	<p>SHEET 3 OF 3 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE</p>
FILE: SHOMA DEVELOPMENT								
SCALE: N/A								
ORDER NO.: 52015								
DATE: 10/29/08; REV. 02/23/09								
ADDITIONAL PARK PARCEL ONE								
MIAMI-DADE COUNTY, FLORIDA								
FOR: FONTAINEBLEAU EAST								



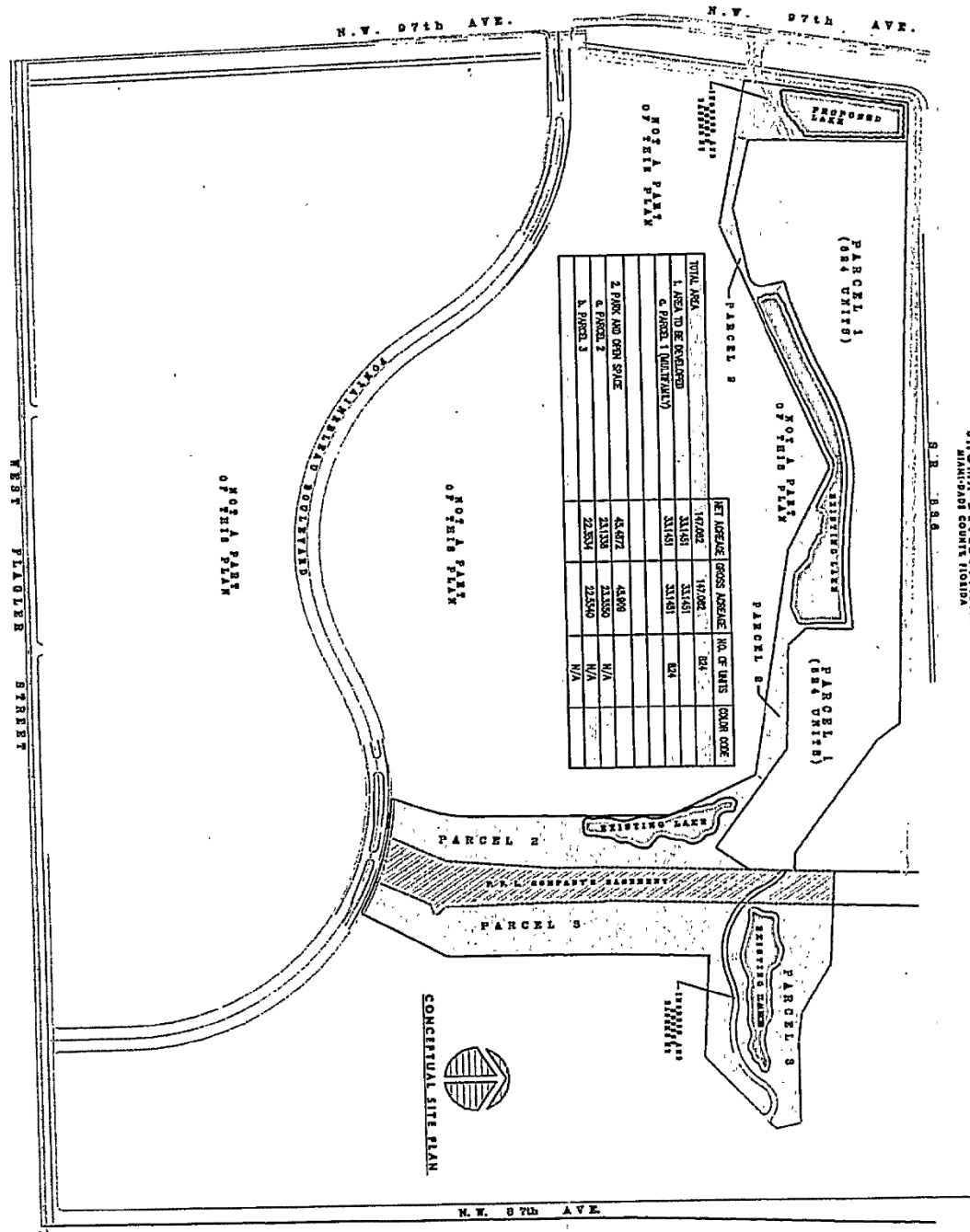


	<p>SKETCH AND LEGAL DESCRIPTION BY PULICE LAND SURVEYORS, INC. 5381 NOB HILL ROAD SUNRISE, FLORIDA 33351 TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778 E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870</p>							
<p>LEGAL DESCRIPTION: ADDITIONAL PARK PARCEL TWO A PORTION OF TRACT 2 OF FONTAINEBLEAU PARK SUBDIVISION SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 90, PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 2 ON THE NORTH RIGHT-OF-WAY LINE OF WEST FLAGLER STREET; THENCE NORTH 89°42'20" EAST ON THE SOUTH LINE OF SAID TRACT 2 AND ON SAID NORTH RIGHT-OF-WAY LINE 712.25 FEET; THENCE NORTH 04°29'33" EAST, ON A LINE RADIAL TO THE NEXT DESCRIBED CURVE, 378.94 FEET TO THE POINT OF BEGINNING, A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ON THE ARC OF SAID CURVE, WITH A RADIUS OF 1,441.29 FEET AND A CENTRAL ANGLE OF 02°20'40" AN ARC DISTANCE OF 58.97 FEET; THENCE SOUTH 71°58'56" WEST 31.84 FEET; THENCE NORTH 61°07'09" WEST 32.44 FEET TO THE POINT OF BEGINNING. 389 SQUARE FEET, 0.0089 ACRES.</p>								
<p>NOTES:</p> <ol style="list-style-type: none"> 1) BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT 2 BEING N89°42'20"E. 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY. 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK. 								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>FILE: SHOMA DEVELOPMENT</td></tr> <tr><td>SCALE: N/A</td></tr> <tr><td>ORDER NO: 52160-3</td></tr> <tr><td>DATE: 01/2 /09</td></tr> <tr><td>ADDITIONAL PARK PARCEL TWO</td></tr> <tr><td>MIAMI-DADE COUNTY, FLORIDA</td></tr> <tr><td>FOR: FONTAINEBLEAU EAST</td></tr> </table>	FILE: SHOMA DEVELOPMENT	SCALE: N/A	ORDER NO: 52160-3	DATE: 01/2 /09	ADDITIONAL PARK PARCEL TWO	MIAMI-DADE COUNTY, FLORIDA	FOR: FONTAINEBLEAU EAST	<p>SHEET 3 OF 3 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THROUGH 3 INCLUSIVE</p>
FILE: SHOMA DEVELOPMENT								
SCALE: N/A								
ORDER NO: 52160-3								
DATE: 01/2 /09								
ADDITIONAL PARK PARCEL TWO								
MIAMI-DADE COUNTY, FLORIDA								
FOR: FONTAINEBLEAU EAST								

DR BK 26955 PG 0933
LAST PAGE

EXHIBIT 'E'

FONTAINEBLEAU EAST
SHOMA DEVELOPMENT
MANHATTAN SOUTH 10500



OIR
 ADDRESS:
 1700 S.W. 57 AVENUE
 SUITE 222
 MIAMI, FLORIDA 33155
 TELEPHONE: (305) 360-2500

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APPENDIX G

Second Covenant Modification (2015)

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CFN 2015R0662567
OR BK 29816 Pgs 3447-3512 (66Pgs)
RECORDED 10/15/2015 15:43:12
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by
or under the supervision of:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
3250 NE First Avenue
Suite 334
Miami, Florida 33137

(Space reserved for Clerk of Court)

**SECOND MODIFICATION OF DECLARATION OF RESTRICTIONS (CDMP)
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136 AND OFFICIAL
RECORDS BOOK 26955, PAGE 0908**

THIS Second Modification of Declaration of Restrictions is made this 22nd day of July, 2015, by Fontainebleau Lakes, LLC, a Florida limited liability company, RD Fontainebleau, LLC, a foreign limited liability company, RR Doral View 2, LLC, a foreign limited liability company, and Keep Bleau Green Committee, Inc., a Florida not for profit, (the "Owners"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owners hold the fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property";

WHEREAS, in April 2004, Fontainebleau Lakes, LLC, filed an application (the "Initial Application") designated as "Application No. 3" part of the April 2004 Miami-Dade County Comprehensive Development Master Plan ("CDMP") Amendment Cycle, to amend the Property's designation on the CDMP Future Land Use Plan Map of Miami-Dade County from "Parks and Recreation" and "Medium Density Residential" to "Medium Density Residential" and "Parks and Recreation"; and

66
135

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was proffered and accepted by the Board of County Commissioners in connection with the Initial Application and recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, which placed certain restrictions and conditions on the use of the Property (attached hereto as Exhibit "B"); and

WHEREAS, in April 2008, Fontainebleau Lakes, LLC, filed an application (Second CDMP Application) designated as "Application No. 8" part of the April 2008 CDMP Amendment Cycle to, among other things, delete a portion of the Property from the Declaration.

WHEREAS, a First Modification of Declaration of Restrictions in favor of Miami-Dade County was preferred and accepted by the Board of Miami-Dade County Commissioners in connection with the Second CDMP Application and recorded in the Public Records of Miami-Dade County in Official Records Book 26955, at Page 0908 (hereinafter referred to as the "First Modification"), which placed certain restrictions and conditions on the use of the Property and deleted a portion of the property from the Declaration (attached hereto as Exhibit "C"); and

WHEREAS, in November 2014, Keep Bleau Green Committee, Inc. filed an application (the "Third CDMP Application"), as part of the November 2014 CDMP Amendment Cycle, to amend the land use designation for future Tracts 1 and 2 (described in Exhibit "D") from "Parks and Recreation" to "Medium Density Residential". The Third CDMP Application has been designated as "Application No. 7" for the November 2014 CDMP cycle; and

WHEREAS, Keep Bleau Green Committee, Inc., as part of the Third CDMP Application is seeking to modify the Declaration, as amended by the First Modification exclude therefrom future Tracts 1 and 2 (which tracts are currently a part of 'Parcel 3' as shown on the Conceptual Site Plan attached as Exhibit "E" to the First Modification); and

WHEREAS, in connection with the Third CDMP Application Keep Bleu Green Committee, Inc., is proffering a separate covenant that will place certain restrictions and conditions on the use of future Tracts 1 and 2; and

WHEREAS, the Declaration, as amended by the First Modification may only be modified pursuant to a CDMP Amendment process; and

WHEREAS, a public hearing was held before the Board of County Commissioners (the "BCC") on July 22, 2015, at which hearing the BCC adopted ^{Ordinance} ~~Resolution~~ No. 14-70 (the "~~Resolution~~"); and

WHEREAS, the Resolution approved the modification of Paragraph 1 of the First Modification as follows:

FROM:

"1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East Shoma Development," prepared by Orestes Lopez-Recio, signed and sealed the 29th day of October, 2008 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property."

TO:

"1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled "Fontainebleau East" prepared by Civica Architecture & Urban Design, signed and sealed the 22nd day of June 2015 ("Conceptual Site Plan") (attached hereto as Exhibit "E"). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. This bubble plan also excludes future Tracts 1 and 2 from any restrictions from the Declaration and the First Modification of Declaration of Restrictions."

NOW, THEREFORE, the parties hereby agree as follows:

1. Paragraph 1 of the Declaration shall now read as follows:

“1. **Conceptual Site Plan.** The Property shall be developed in substantial conformity with the conceptual (bubble) site plan entitled “Fontainbleau East” prepared by Civica Architecture & Urban Design, signed and sealed the 22nd day of June 2015 (“Conceptual Site Plan”) (attached hereto as Exhibit “E”). The Conceptual Site Plan merely sets forth the total number and types of residential units proposed for the Property, and the location of certain designated green and buffered areas as further defined in this Declaration, but is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. This bubble plan also excludes future Tracts 1 and 2 from any restrictions from the Declaration and the First Modification of Declaration of Restrictions.”

2. A copy of the Conceptual Site Plan is attached as Exhibit “E” hereto.

3. Except as hereby amended, all other restrictions in the Declaration, as amended

by the First Modification, shall remain in full force and effect.

[Signature Page Follows]

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 18th day of May, 2015.

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

Witnesses:

[Handwritten Signature]

Signature

Angela S... [Handwritten]

Print Name

[Handwritten Signature]

Signature

Gael Arndee [Handwritten]

Print Name

Fontainebleau Lakes, LLC
8550 NW 33rd Street
Doral, FL 33122

[Handwritten Signature]

By: Masoud Shojaee
(Co-Manager)

Signature

STATE OF FLORIDA

SS.

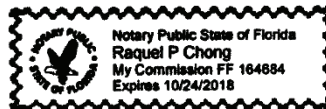
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day, before me, an officer duly qualified to take acknowledgments, personally appeared Masoud Shojaee, the Co-Manager of Fontainebleau Lakes, LLC, who is personally known to me, or who produced identification in the form of _____, and who executed the foregoing resolution and acknowledged before me that _____ executed the same for the purposes herein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 18th day of May, 2015.

[Handwritten Signature]

Notary Public, State of Florida
My commission expires 10/24/2018



IN WITNESS WHEREOF, Fontainebleau Lakes, LLC, has caused these present to be signed in its name on this 21 day of July, 2015.

WITNESSES:

[Signature]
Witness #1

MAGALY ZAFRA
Printed Name

[Signature]
Witness #2

LORREN CARREA
Printed Name

Fontainebleau Lakes, LLC,
a Florida limited liability company

By: [Signature]

Name: Pedro A. Martin

Title: Manager

CORPORATE SEAL

STATE OF Florida)
) SS:
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me this 21 day of July, 2015 by Pedro A. Martin, as Manager, on behalf of Fontainebleau Lakes, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:



[Signature]
Notary Public

Sandra Ramos
Printed Name

EXHIBIT "A"

SECOND MODIFICATION OF DECLARATION OF RESTRICTIONS (CDMP)

ALL OF THE PLAT OF FONTAINBLEAU EAST ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168 PAGE 26 AS RECORDED IN THE RECORDS OF MIAMI-DADE COUNTY FLORIDA LESS ANY RIGHT-OF-WAY DEDICATED BY SAID PLAT AND LESS THAT PORTION REPLATTED AS FOUNTAINBLEAU PARK PLAZA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 170 PAGE 40.

APPENDIX H

Miami-Dade County Public Schools Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Dr. Jose L. Dotres

February 6, 2023

Miami-Dade County School Board

Ms. Mari Tere Rojas, Chair
Dr. Lubby Navarro, Vice Chair
Mr. Roberto J. Alonso
Ms. Lucia Baez-Geller
Dr. Dorothy Bendross-Mindingall
Mrs. Monica Colucci
Mr. Daniel Espino
Dr. Steve Gallon III
Ms. Luisa Santos

VIA ELECTRONIC MAIL

W.Riley@Rileyfirm.org

**RE: PUBLIC SCHOOL CONCURRENCY ANALYSIS
FONTAINEBLEAU LAKES LLC (CDMP20220016)
LOCATED WEST OF NW 87 AVE. BETWEEN NW 8 ST. & FONT. BLVD
PH3022122100577 - FOLIO NO. 3040040840550**

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 375 residential units, which generate 92 students, 45 at the elementary, 21 at the middle and 26 at the senior high school level. At this time, all school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent, notwithstanding any additional information that may surface after further departmental research. As such, this analysis does not constitute a Public School Concurrency approval. Should you have any questions, please feel free to contact me at 305-995-7285.

Best regards,

Ivan M. Rodriguez, R.A.
Director

Enclosure

L-165

cc: Ms. Nathaly Simon
Miami-Dade County
School Concurrency Master File

*Governmental Affairs & Land Use
Ms. Nathaly Simon, Design and Planning Officer • 1450 N.E. 2nd Avenue • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • nsimon1@dadeschools.net*



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: **PH3022122100577** Local Government (LG): **Miami-Dade**
 Date Application Received: **12/21/2022 1:13:35 PM** LG Application Number: **CDMP20220016**
 Type of Application: **Public Hearing** Sub Type: **Land Use**
 Applicant's Name: **Fontainebleau Lakes LLC**
 Address/Location: **W of NW 87 Ave bet NW 8 St & Font Blvd**
 Master Folio Number: **3040040840550**
 Additional Folio Number(s):

PROPOSED # OF UNITS **375**
 SINGLE-FAMILY DETACHED UNITS: **0**
 SINGLE-FAMILY ATTACHED UNITS: **0**
 MULTIFAMILY UNITS: **375**

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2331	CHARLES R HADLEY ELEMENTARY	171	45	45	YES	Current CSA
6121	RUBEN DARIO MIDDLE	147	21	21	YES	Current CSA
7271	MIAMI CORAL PARK SENIOR	1069	26	26	YES	Current CSA
ADJACENT SERVICE AREA SCHOOLS						
*An Impact reduction of 32.58% included for charter and magnet schools (Schools of Choice).						

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent.
THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net

APPENDIX I

Applicant's Transportation Analysis (Executive Summary)

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February 15, 2023

Fontainebleau Lakes, LLC
201 Sevilla Avenue, Suite 300
Coral Gables, Florida 33134

Re: Traffic Evaluation: Doral View CDMP

The results of the traffic study are presented below:

EXECUTIVE SUMMARY

Traf Tech Engineering, Inc. conducted a traffic impact analysis associated with an approximate 17.6-acre parcel generally located on the west side of NW 87th Avenue and south of SR 836 in west-central Miami-Dade County, Florida. The applicant is requesting a Comprehensive Development Master Plan (CDMP) Amendment application for the purpose of developing the subject property with residential units. Through the CDMP Application, the applicant is requesting a change from "Parks and Recreation" to "Medium Density Residential with One (DI) Density Increase" in order to develop the subject property with residential units.

The current "Parks and Recreation" designation generates approximately 10 daily trips and approximate one (1) PM peak hour trip. The proposed "Medium Density Residential with One (DI) Density Increase" generates approximately 1,703 daily trips (1,693 more daily trips than the current "Park and Recreation" designation) and approximately 146 PM peak hour trips (145 more PM peak hour trips than the current "Parks and Recreation" designation).

Finally, the proposed CDMP amendment from "Parks and Recreation" to "Medium Density Residential with One (DI) Density Increase" meets the traffic concurrency standards of Miami-Dade County for the short term (2025) and long-range (2045) horizon years.

▶ 8400 N. University Drive, Suite 309, Tamarac, FL 33321 ▶ T: 954-582-0988 ▶ F: 954-!

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APPENDIX J

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. CDMP20220016 to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants, federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

Solid Waste Services

The adopted level of service standard (LOS) for the County Waste Management System is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five (5) years. As of FY 2022-23, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the applications reviewed here, which are not anticipated to have a negative impact on disposal service.

Fiscal Impact for Provision of Solid Waste Services - Concurrency

Since the DSWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by-case basis. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency,' the ability to maintain the adopted LOS system-wide.

Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2022-23, the DSWM charges a contract disposal rate of \$66.12 per ton while the non-contract disposal rate is \$97.77 per ton.

These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the System. Landfill closure, remediation and long-term care are funded by a portion charged to all customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water connection charge was calculated at a rate of \$1.39 per gallon per day and the sewer connection charge was calculated at a rate of \$5.60 per gallon per day, and the sewer Annual Operations and Maintenance (O&M) cost was based on \$2.5500 per 1,000 gallons.

The applicant requests to redesignate the ±17.66 gross acres application site from “Parks and Recreation” to “Medium Density Residential with One Density Increase” that would allow the application site to be developed with a maximum of 1059 multifamily residential units. If the site is developed at maximum residential development potential, the water connection charge is estimated at \$198,721; the sewer connection charges are estimated at \$800,604; the service line and meter connection fee would cost \$1,300 and the annual operating and maintenance costs would total \$221,107. The applicant’s proffered covenant limits the maximum development potential in the site to 375 multifamily residential units. The water connection charge for this potential development is estimated at \$70,369; the sewer connection charges are estimated at \$283,500; the service line and meter connection fee would cost \$1,300 and the annual operating and maintenance costs would total \$78,296. The total potential cost for connecting the proposed development to the regional water and sewer system including an engineering fee of 13% plus all other WASD add-ons incorporated into the fee is estimated at \$49,577.

Drainage and Flood Protection

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County’s responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

Public Schools

The applicant has voluntarily proffered a Declaration of Restriction that limits the maximum development potential on the site to 375 multifamily residential units. The Planning Level review for this residential scenario (utilizing the student generation multipliers) results in an impact of 92 students. Applicable schools have available capacity at this time; however, final determination of capacity will be made at the time of the final plat, site plan or functional equivalent. In accordance with Miami-Dade County's Interlocal Agreement for Public Schools Facilities (ILA), the application complies with level of service standards at this time.

The average cost for K-12 grade students amounts to \$9,337 per student. Of the 92 students, 45 will attend elementary schools, 21 will attend middle schools students and 26 will attend senior high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$859,004.

Fire Rescue

The requested CDMP designation of "Medium Density Residential with One Density Increase" and the proposed development potential which is limited to 375 multifamily residential units through the proffered Declaration of Restrictions could generate 123 annual alarms. The 123 annual alarms will result in a high impact to existing fire rescue service. Presently, fire and rescue services in the vicinity of the subject property is adequate. Based on the current call volume for Station No. 29 and existing stations within proximity of the subject property, all stations combined can mitigate the additional number of alarms. Additional stations include, Station No. 47 (Westchester) located at 9361 SW 24 Street, and Station No. 58 (Tamiami) located at 12700 SW 6 Street.

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APPENDIX K

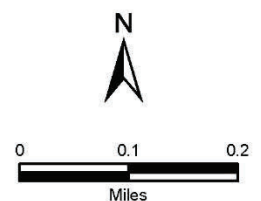
CDMP Applications History Map

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CDMP APPLICATIONS HISTORY MAP CDMP20220016



- Application Area Subject to Land Use Change
- Application Area Subject to Covenant Modification
- Nov. 2014-15 No. 7 Keep Bleau Green Committee (2nd Mod, 2015 Cov.)
- April 2008-09 Applic. No. 8 Fountainbleau Lakes LLC (First Mod. , 2009 Cov.)
- April 2004-05 No. 3 Carolyn Sakolsky (2005 Covenant)



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APPENDIX L

Area Drainage Study

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**AREA DRAINAGE STUDY AND PRELIMINARY SURFACE WATER
MANAGEMENT CALCULATIONS**

Project name:

FONTAINBLEAU APARTMENTS

Prepared for:

FONTAINBLEAU LAKES, LLC

201 Sevilla Avenue
Coral Gables, FL 33134
(786) 437-8658



Prepared by:



CARLOS J. BALLBE, State of Florida,
Professional Engineer, License No.
41811

This item has been digitally signed
and sealed by CARLOS J. BALLBE
on the date indicated here.
5/12/2023

Printed copies of this document are
not considered signed and sealed
and the signature must be verified
on any electronic copies.

BALLBÉ & ASSOCIATES, INC.

2737 N.E. 30TH Place
Fort Lauderdale, Florida 33306
(954) 491-7811

Project Number:

202118

May 12, 2023

TABLE OF CONTENTS

PART I	INTRODUCTION	1
PART II	SITE SPECIFIC DRAINAGE REQUIREMENTS FOR THE PROPOSED DEVELOPMENT AND IMPACT ANALYSIS TO THE EXISTING DORAL VIEW APARTMENT PROJECT ADJACENT TO THE PROPOSED DEVELOPMENT (FORMERLY KNOWN AS "FOUNTAINBLEAU EAST PHASE II)	2
PART III	IMPACT TO THE AREA SURFACE WATER MANAGEMENT SYSTEM DUE TO THE PROPOSE FILLING OF THE EXISTING LAKE WITHIN THE PROPERTY	7
PART IV	CONCLUSION	9

LIST OF EXHIBITS

Exhibit 1	Survey
Exhibit 2	Aerial – Overall
Exhibit 3	Aerial – Site Specific
Exhibit 4	Legal Description
Exhibit 5	Original MDC DERM Surface Water Management Standard General Permit No. 13-03819-P issued on August 24, 2007
Exhibit 6	Original General Permit Water Management Calculations
Exhibit 7	Original General Paving, Grading and Drainage System Plans
Exhibit 8	MDC DERM Surface Water Management Modification of Standard General Permit No. 13-03819-P issued on September 21, 2012
Exhibit 9	Water Management Calculations
Exhibit 10	Lake Excavation Plans
Exhibit 11	Paving and Drainage System Plans
Exhibit 12	MDC DERM Surface Water Management Modification of Standard General Permit No. 13-03819-P issued on March 8, 2014
Exhibit 13	Water Management Calculations
Exhibit 14	Paving and Drainage System Plans
Exhibit 15	Fontainebleau Apartments Proposed Preliminary Site Plan
Exhibit 16	Fontainebleau Apartments Water Management Calculations
Exhibit 17	Exfiltration Trench Length 5-Year Calculations
Exhibit 18	Fontainebleau Lakes Phasing Plan
Exhibit 19a	"Fontainebleau Park Subdivision Section One" plat & drainage easement restriction
Exhibit 19b	"The Pinebark Subdivision" plat & drainage easement restriction

Exhibit 19c	"The Fontainebleau East" plat & drainage easement restriction
Exhibit 20a	Miami-Dade County Office of the Property Appraiser Summary Report showing the location of the two properties north of the subject site.
Exhibit 20b	Miami-Dade County Stormwater Line Atlas showing the existing drainage system and discharge outfall locations
Exhibit 20c	Email received from Camilo P. Ignacio, Engineer 3, Water Control Section, Natural Resources Division, Miami-Dade RERD



May 12, 2023

**MIAMI DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES**

Division of Environmental Resources Management
Water Control Section
701 NW 1st Court, 4th Floor
Miami, FL 33136-3912

Re: **FONTAINBLEAU APARTMENTS**
Project Number: **202118**

PART I - INTRODUCTION

The applicant, Fontainebleau Lakes, LLC, has filed an application requesting to amend the Land Use Element & Land Use Plan Map of the Miami-Dade County Comprehensive Development Master Plan for the purposes of constructing an apartment community in a property consisting of approximately 17.66 gross acres of land located in Section 4, Township 54 South, Range 40 East, lying west of NW 87th Avenue and between NW 8th Street and Fontainebleau Boulevard in unincorporated Miami-Dade County, Florida, more particularly described in Exhibit 1 attached. Please refer to the attached Exhibit 2 & 3 for the overall and site-specific aerials.

The subject site is known as a portion of TRACT "C" OF "FONTAINEBLEAU EAST", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (hereinafter referred as the "Property"), see attached Exhibit 4 - Legal Description

This report will analyze the following surface water management requirements:

- Part II – Site specific drainage requirements for the proposed development and impact analysis to the existing Doral View Apartment project adjacent to the proposed development (formerly known as "Fontainebleau East Phase II).
- Part III - Impact to the area surface water management system due to the propose filling of the existing lake within the Property.

PART II - SITE SPECIFIC DRAINAGE REQUIREMENTS FOR THE PROPOSED DEVELOPMENT

PROJECT BACKGROUND – FONTAINEBLEAU EAST PHASE II – ORIGINAL PROJECT

The overall site where the property is located was originally known as Fontainebleau East Phase II, consisting of approximately 84.7 acres bounded by NW 87th Avenue and NW 97th Avenue between Fontainebleau Boulevard and State Road 836 the "Dolphin Expressway". The original design for the construction of an apartment community was designed and permitted by Millian, Swain & Associates, Inc, in 2007.

Please refer to the following attached exhibits:

Exhibit 5	Original MDC DERM Surface Water Management Standard General Permit No. 13-03819-P issued on August 24, 2007
Exhibit 6	Original General Permit Water Management Calculations
Exhibit 7	Original General Paving, Grading and Drainage System Plans

Following is a brief description of the original surface water management system permitted criteria:

- Minimum finish floor elevation = 8.50 feet NGVD
- Minimum inlet grade = 6.90 feet NGVD
- Minimum perimeter berm grade along the property line = 7.90 feet NGVD
- Provide 10.36 acres of lakes
- Installation of approximately 4,745 feet of exfiltration trench

The approved stormwater management system consisted of the design and permitting of a drainage system, paving and grading using exfiltration trenches and outfalls to lakes. The site was design to be served by a 100% on-site retention system. The project was not constructed, and the Owner filed for a site plan modification for an apartment community known as "Fontainebleau Lakes Phase I & II".

PROJECT BACKGROUND – FONTAINEBLEAU LAKES PHASE I

A permit modification was filed by our company, Development Consulting Group, Inc, (now known as Ballbe & Associates, Inc.) for a modification of the surface water management standard permit to remove the existing exfiltration trench and install the new proposed exfiltration trenches and the excavation/filling of the new water management area of the existing water management area to conform to the proposed site layout to serve 56.27 acres portion of the 84.73 acres of residential/commercial development known as Fontainebleau Lakes.

Please refer to the following attached exhibits:

Exhibit 8	MDC DERM Surface Water Management Modification of Standard General Permit No. 13-03819-P issued on September 21, 2012
Exhibit 9	Water Management Calculations
Exhibit 10	Lake Excavation Plans
Exhibit 11	Paving and Drainage System Plans

Following is a brief description of the surface water management system permitted criteria:

- Minimum finish floor elevation = 8.50 feet NGVD
- Minimum inlet grade = 7.00 feet NGVD
- Minimum perimeter berm grade along the property line = 7.90 feet NGVD
- Provide 13.06 acres of lakes
- Installation of approximately 1,580 feet of exfiltration trench

The approved and constructed stormwater management system consist of series of exfiltration trenches which provide water quality and quantity treatment and several lakes (wet detention areas) which provide water quantity attenuation as required to meet the design flood sages. The site was design to be served by a 100% on-site retention system.

PROJECT BACKGROUND – FONTAINEBLEAU LAKES PHASE II

A permit modification was filed by our company, Development Consulting Group, Inc, (now known as Ballbe & Associates, Inc.) for a modification of the surface water management standard permit for the construction of Phase II, which includes the residential development and access road thru Tract "C" (the subject site), consisting in the excavation of a new water management area, drainage inlets, exfiltration trench and lake outfalls.

Please refer to the following attached exhibits:

Exhibit 12	MDC DERM Surface Water Management Modification of Standard General Permit No. 13-03819-P issued on March 8, 2014
Exhibit 13	Water Management Calculations
Exhibit 14	Paving and Drainage System Plans

The permitted land use areas are listed below for the permit modification are listed below:

Land Use	Phase II Residential		Tract "C"		Total Phase II Area	
Lake Area =	7.23	ac.	4.21	ac.	11.44	ac.
Buildings =	3.65	ac.	0.00	ac.	3.65	ac.
Pavement & Others =	5.27	ac.	1.10	ac.	6.37	ac.
Green Areas =	14.63	ac.	17.39	ac.	32.02	ac.
Total =	30.78	ac.	22.70	ac.	53.48	ac.

Following is a brief description of the surface water management system permitted criteria:

- Minimum finish floor elevation = 9.00 feet NGVD
- Minimum inlet grade = 7.00 feet NGVD
- Minimum perimeter berm grade along the property line = 7.90 feet NGVD
- Provide 11.44 acres of lakes
- Installation of approximately 725 feet of exfiltration trench

The approved and constructed stormwater management system consist of series of exfiltration trenches which provide water quality and quantity treatment and several lakes (wet detention areas) which provide water quantity attenuation as required to meet the design flood sages. The site was design to be served by a 100% on-site retention system.

FONTAINEBLEAU APARTMENTS – PROPOSED MODIFICATIONS TO FONTAINEBLEAU LAKES PHASE II

The owner of the property will be applying to modify the Fontainebleau Lakes Phase II – Tract "C" surface water management system to allow for the construction of an apartment community. The proposed modifications are as follows:

- Fill existing lake.
- Install interconnect for lake outfall to adjacent property with the limits of the recorded 15' drainage easement (Plat Book 90, Page 56, MDC Records).
- Construct drainage system for proposed project.

Please refer to the following attached exhibits:

Exhibit 15	Fontainebleau Apartments Proposed Preliminary Site Plan
Exhibit 16	Fontainebleau Apartments Water Management Calculations

Exhibit 17	Exfiltration Trench Length 5-Year Calculations
Exhibit 18	Fontainebleau Lakes Phasing Plan

The proposed revisions to the land use areas for the proposed permit modification are listed below:

<i>Land Use</i>	<i>Phase II Residential (NO CHANGES)</i>		<i>Tract "C" (PORTION OF TRACT "C" BEING REVISED)</i>		<i>Total Phase II Area Being Revised</i>	
Lake Area =	7.23	ac.	0.00	ac.	7.23	ac.
Buildings =	3.65	ac.	2.76	ac.	6.41	ac.
Pavement & Others =	5.27	ac.	8.13	ac.	13.40	ac.
Green Areas =	14.63	ac.	6.77	ac.	21.40	ac.
Total =	30.78	ac.	17.66	ac.	48.44	ac.

The following table lists the design criteria used in the attached water management calculations and the results:

<i>DESIGN CRITERIA</i>	<i>Phase II General Permit</i>		<i>Phase II Proposed Permit Modification</i>		<i>Comments</i>
Flood criteria	7	NGVD	8.60	NGVD	MDC Flood criteria increased by 1.60'
100-year/3-Day Peak Stage	9.00	NGVD	8.61	NGVD	Meets criteria
25-year/3-Day Peak Stage	8.00	NGVD	7.96	NGVD	Meets criteria
10-year/1-Day Peak Stage Crown of Road (*)	7.22	NGVD	7.36	NGVD	Roads in Tract "C" min. catch basin elevation = 8.60 per new flood criteria. Meets criteria

(*) Exfiltration trench provided for Tract "C" = 1,020 feet (Refer to Exhibit 17).

(*) Crown of road defined as the minimum catch basin elevation + 11 foot lane @ 2% cross slope = 7.24.

The parking drives and parking lots within the proposed development will be designed to meet the new MDC flood criteria; we have provided the 5-year storm calculations to demonstrate that we are providing the required exfiltration trench to meet flood protection requirements within Tract "C".

Therefore, based on the preliminary surface water management calculations we believe increase on the stage for the 10-year storm is negligible and therefore, it is our opinion that the proposed development does not adversely impact the drainage system for the Fontainebleau Lakes Phase I and Phase II projects.

PART II - IMPACT TO THE AREA SURFACE WATER MANAGEMENT SYSTEM DUE TO THE PROPOSED FILLING OF THE EXISTING LAKE WITHIN THE PROPERTY

The owner of the property is proposing to fill the existing lake located within Tract "C". Following please find our off-site drainage pattern flows impact analysis related to the filling of the existing lake.

1. EXISTING OFF-SITE DRAINAGE SYSTEM – PLATS AND EASEMENTS

a. The "Fontainebleau Park Subdivision Section One" plat was recorded on June 24, 1971 (Plat Book 90, Page 56, MDC Public Records). Said plat dedicated the following tracts affected by the proposed development:

- Tract 6 – Lake No. 2 (12.83 Acres). This tract contains a lake which is surrounded by subdivisions and roads which were not part of the recorded plat.
- Tract 3 – Golf Course (18.53 Acres) which is now known as Tract "C". The proposed development is to be constructed within a portion of said Tract 3. Note that this tract does not dedicate a lake for the benefit of the adjacent properties.
- 15' Drainage Easement thru Tract 3 defined on the Plat Restrictions as follows:
"That the Drainage Easements shown hereon are hereby dedicated to the perpetual use of the public for the installation and maintenance of drainage facilities"

b. "The Pinebark Subdivision" plat was recorded on May 10, 1972 (Plat Book 92, Page 99, MDC Public Records), located adjacent to the north boundary of Tract "C". Said plat is dedicated the following tracts affected by the proposed development:

- 15' Drainage Easement between Tract 3 and Tract 7 defined on the Plat Restrictions as follows:
"That the Drainage Easements shown hereon are hereby dedicated to the perpetual use of the public for the installation and maintenance of drainage facilities"

The 15' Drainage Easement connects to a 60' Drainage Easement (Recorded in ORB 6755, PG 283) which is where the canal is located that serves as an outfall for the Fontainebleau Park Subdivision Tract 6 – Lake No. 2.

The proposed development will maintain the 15' drainage easement in its current location and will install a pipe with the same diameter as the existing outfall pipe within the easement as required to provide a drainage outfall from Tract 6 to the existing canal located along the Dolphin Expressway adjacent to the Pinebark Subdivision Plat.

c. The "Fontainebleau East" plat was recorded on February 24, 2009 (Plat Book 168, Page 26, MDC Public Records), for the purposes of developing Fontainebleau Lakes Phase I and II amongst other developments. Said plat is maintained the 15'

Drainage Easement across Tract "C" defined on the Plat Restrictions as follows:
"That the Drainage Easements shown hereon by dashed lines, are hereby dedicated to the perpetual use of the public for the installation and maintenance of drainage facilities"

Therefore, the proposed filling of the lake and construction of the apartment community will not affect the drainage flow pattern for the existing lake located south of Tract "C", known as the Fontainebleau Park Subdivision Tract 6 – Lake No. 2.

Please refer to the following attached exhibits:

Exhibit 19a	"Fontainebleau Park Subdivision Section One" plat & drainage easement restriction
Exhibit 19b	"The Pinebark Subdivision" plat & drainage easement restriction
Exhibit 19c	"The Fontainebleau East" plat & drainage easement restriction

2. EXISTING DRAINAGE OUTFALL FOR THE SUBDIVISIONS NORTH OF TRACT "C"

The surface water management and drainage systems for the subdivisions located north of Tract "C" have been design, permitted and constructed to discharge north into the existing canal running east-west along the Dolphin Expressway, located within the recorded 60' drainage easement. The drainage systems for said parcels are not connected to the existing lake in Tract "C" and are not connected to the lake outfall either.

Please refer to the following exhibits prepared to demonstrate that the drainage systems for the adjacent subdivisions located north of Tract "C" are not connected to the existing lake or 15' drainage easement:

Exhibit 20a	Miami-Dade County Office of the Property Appraiser Summary Report showing the location of the two properties north of the subject site.
Exhibit 20b	Miami-Dade County Stormwater Line Atlas showing the existing drainage system and discharge outfall locations
Exhibit 20c	Email received from Camilo P. Ignacio, Engineer 3, Water Control Section, Natural Resources Division, Miami-Dade RERD

Therefore, it is our opinion that filling the lake will not adversely impact the drainage system for the two adjacent parcels based on the fact that the systems discharge directly into a County owned and regulated canal and lake was not included in the design of the drainage systems when constructed.

PART III – CONCLUSION

Based on the information obtained to date and listed in this report, it is our professional opinion that upon the preparation and submittal of the necessary plans, specifications, drainage calculations and applications required by the permitting agencies and meeting the design criteria of the agencies having jurisdiction over the surface water management system, the property can be developed for its intended use and without adversely impacting the surface water management systems for the adjacent properties.

If you have any questions or require any additional information, please do not hesitate to call me.

Sincerely,

BALLBÉ & ASSOCIATES, INC.



Carlos J. Ballbé, P.E., LEED® A.P.

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APPENDIX M

Photos of Site and Surroundings

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Northern portion of the application site, viewed from the west on NW 7 Terrace.



Application site bifurcated by NW 7 Terrace, viewed from the west.



Southern portion of the application site, viewed from the north on NW 7 Terrace.



Properties on the western boundary of the application site, viewed from the east along NW 7 Terrace.



ADDITIONAL ITEMS
OCTOBER 2022 CYCLE APPLICATION NO. CDMP20220016
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
(Consisting of materials not included in the Initial Recommendation Report)

ITEM	PAGE
Applicant's Letter Requesting to Further Revise the Proposed "Parks and Recreation" Text Amendment, received on August 9, 2023	A-1
Proffered Declaration of Restrictions, received on August 9, 2023	A-5
Community Council 10 Resolution of public hearing held on May 30, 2023	A-25
Community Council Minutes from public hearing held on May 30, 2023	A-27
Planning Advisory Board (PAB) Resolution of public hearing held on July 17, 2023	A-31
Planning Advisory Board (PAB) Minutes from public hearing held on July 17, 2023	A-37
Applicant's Letters Requesting Deferral of Application;	A-43
Email requesting information about the application from Phyllis Winnick, received on February 17, 2023;	A-49
Opposition email correspondence from Armando Jo Chao (in Spanish), received on February 23, 2023; and	A-51
Letter expressing concerns about the application from Maria Sarno, received on March 13, 2023.	A-53
Petition from Fontainebleau Lakes Community Development District, received May 1, 2023	A-55
Opposition Handout received at PAB hearing of June 5, 2023	A-57
Email from Lisett Fernandez Montero of CAM Brokerage & Management Services, LLC. with several opposition petitions, received June 5, 2023	A-59
Attachment 1: Statement of Opposition to Application CDMP20220016 with 27 signatures and Letter from Carolina N. Rios,	A-60
Attachment 2: Sample page of 44-page Survey with 218 responses.	A-65
Attachment 3: Sample page of 8-page Survey with 20 responses.	A-66
Handout for PAB hearing of July 17, 2023 from Carl Muller, received July 14, 2023	A-67

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August 9, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

I am providing you with this letter requesting certain modifications to the proposed verbiage of the pending application seeking to amend the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan. This request, which is submitted on behalf of the Applicant, seeks to address certain comments that the Applicant has received from the community and county staff representatives since the initial filing of the application. We respectfully submit that the proposed modifications will serve to refine the Applicants' initial submittal with more concise verbiage that better expresses the underlying justifications supporting the application. Please allow this letter to supplement, and where inconsistent, supersede the Applicants' previous submittals.

1. The Requested Amendment To The Future Land Use Map

The Applicant requests that the Area Subject to the Land Use Change be re-designated on the Miami-Dade County Comprehensive Development Master Plan ("CDMP") Future Land Use map ("FLUM") from PARKS AND RECREATION to MEDIUM DENSITY RESIDENTIAL. The Applicant is no longer seeking approval of a DI-1 designation to permit one density increase with urban design.

2. The Requested Amendment To The Text of the CDMP

The entirety of the Parks and Recreation Section of the Land Use Element is recited below. Those underlined verbiage within the below recital represent the Applicants' initial proposed amendments to the section. The additions that I have highlighted in red represent the Applicants' current request.

Parks and Recreation

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

The long-term use of golf courses or other private recreation or open space on privately owned land designated as Parks 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 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~~ the property owners of the parent tract 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 or will otherwise serve a public benefit. 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 unless the subject property is located within a one mile radius of a Rapid Transit Corridor or a Bus Express Rapid Transit Network located along the Dolphin Expressway, the Palmetto Expressway or Interstate 95, in which case the

development plan shall provide by restrictive covenant that not less than one-fourth 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 25 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 the Department of Regulatory and Economic Resources 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. For purpose of this provision the term "parent tract" shall mean the property that was made part of the application pursuant to which the open space was approved. 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.

Certain commercial activities that support the recreational uses and relate to the resources of the park, such as marine supply stores, fuel docks or tennis and golf clubhouses may be considered for approval in the Parks and Recreation category. Other commercial recreational, entertainment or cultural uses may also be considered for approval in the Parks and Recreation category if authorized in accordance with Article 7 of the Miami-Dade Charter, as amended, and if they are related to, and would increase the quality, utility or enjoyment of the site and its natural, historical, and archaeological resources and facilities.

Some of the land shown for Parks is also environmentally sensitive. While most of these environmentally sensitive areas are designated on the LUP map as "Environmentally Protected Parks" some may be designated as Parks and Recreation due to graphic constraints (the environmentally sensitive portion of the park that is smaller than five acres). Park land which is characterized by valuable environmental resources shall be managed in a manner consistent with the goals, objectives and policies for development of the applicable environmental resources or protection area. Accordingly, resource enhancing facilities including boardwalks, nature trails, canoe trails and launches and interpretive facilities may be provided in these areas.

Thank you for your attention to this letter and for your consideration of this request. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

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RECEIVED 8-9-23
Planning Division

This instrument was prepared by or
under the supervision of:

Name: William W. Riley, Esq.
Address: The Riley Law Firm
16343 SW 256 Street
Homestead, Florida
33031

(Space reserved for Clerk of

**RESTATEMENT AND MODIFICATION OF DECLARATION OF RESTRICTIONS
RECORDED AT OFFICIAL RECORDS BOOK 23413, PAGE 1136 AND OFFICIAL
RECORDS BOOK 26955, PAGE 0908 AND OFFICIAL RECORDS BOOK 29816,
PAGE 3447 (COLLECTIVELY THE "RECORDED DECLARATIONS")**

WHEREAS, Fontainebleau Lakes, LLC, a Florida limited liability company, Fontainebleau Lakes CDD, a community development district, 901 NW 97 Miami Owner, LLC, a Delaware limited liability company, and 1062 NW 87 Miami Owner, LLC, a Delaware limited liability company (collectively referred to hereinafter as the "Owner") hold the fee simple title to that certain land situated in Miami-Dade County, Florida ("County"), described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property", which is supported by the Opinion of Title; and

WHEREAS, Fontainebleau Lakes, LLC, filed "Application No. 3" of the April 2004 Miami-Dade County Comprehensive Development Master Plan ("CDMP") Amendment Cycle to amend the CDMP Future Land Use Plan ("LUP") for the properties described therein, inclusive of the Property (the "First Application"); and

WHEREAS, a Declaration of Restrictions was recorded in the Public Records of Miami-Dade County in Official Records Book 23413, at Page 1136, in connection with the First Application (the "2004 Declaration"); and

WHEREAS, Fontainebleau Lakes, LLC, filed "Application No. 8" of the April 2008 CDMP Amendment Cycle to, among other things, delete from the 2004 Declaration certain properties described therein (the "Second Application"); and

WHEREAS, a First Modification of the Declaration was recorded in the Public Records of Miami-Dade County in Official Records Book 26955, at Page 0908, in

connection with the Second Application (the "2008 Declaration"); and

WHEREAS, Keep Bleau Green Committee, Inc. filed "Application No. 7" of the November 2014 CDMP Amendment Cycle to, among other things, amend the LUP for portions of Property (the "Third Application"); and

WHEREAS, a Second Modification of the Declaration was recorded in the Public Records of Miami-Dade County in Official Records Book 29816, at Page 3447, in connection with the Third Application (the "2014 Declaration"); and

WHEREAS, the 2004 Declaration, the 2008 Declaration and the 2014 Declaration are collectively referred to hereinafter as the "Recorded Declarations"; and

WHEREAS, the Owner has applied for an amendment to the CDMP in the October 2022 Amendment Cycle and said amendment is identified as Application No. CDMP20220016 (the "Application"); and

WHEREAS, the Application seeks, among other things, to change the land use designation for that portion of the Property legally described in Exhibit "B", attached hereto and made a part hereof, from "Parks and Recreation" to "Medium Density Residential" on the LUP (the "Area Subject to the Land Use Change").

NOW, THEREFORE, in order to assure Miami-Dade County that the representations made by the Owner during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property (hereinafter the "Restated and Modified Declaration");

- A. The Recorded Declarations are hereby restated by this reference and shall remain in full force and effect except as modified herein.
- B. Paragraph 1 of the 2004 Declaration, as modified, is amended to read as follows:
 - (1) **Conceptual Site Plan**. The Property shall be developed in substantial conformity with the conceptual (bubble) plan entitled "Location Map – Doral View Apartments," prepared by Ballbe & Associates, signed and sealed the 1st day of February, 2022 ("Bubble Plan") as attached hereto and incorporated herein as Exhibit "C". The Bubble Plan

merely depicts the locations where residential development may occur and where green / buffered areas are to be preserved within the Property. The Bubble Plan is not intended to show the exact location and orientation of buildings, or other design features of the units to be located on the Property. Areas depicted and described as Park and Open Space on the Conceptual Site Plan may be improved for use as off-street parking provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

- C. Paragraph 2 of the 2004 Declaration, as modified, is amended to read as follows:
- (2) **Number of Units.** Notwithstanding the density and number of residential units that may be permitted by the land use designation sought by the Owner, development of the Property as described in the Declaration, as amended, shall not exceed a total of one thousand one hundred ninety-nine (1,199) residential units and no more than three hundred seventy-five (375) residential units shall be developed in the Area Subject to the Land Use Change.
- D. **Roadway Improvement Program:** Fontainbleau Lakes, LLC shall cause the following offsite roadway improvements to be constructed unless prohibited by governmental regulation(s) and/or permitting denial.
- i. An improvement to the existing eastbound left-turn extension at the intersection of Fontainebleau Boulevard and NW 97th Avenue to include a 50± foot taper and 300± feet of storage; and

- ii. The creation of a four-leg intersection at Fontainebleau Boulevard, lying west of the community center for Keep Bleau Green Committee, Inc. located at 8905 Fontainebleau Boulevard, that provides east-west and north-south vehicular connectivity.

The foregoing roadway improvements shall be in substantial conformity with the conceptual plan entitled "Fontainebleau Blvd Access to Doral View," prepared by Ballbe & Associates, signed and sealed the 27th day of March, 2023, consisting of one sheet and the conceptual plan entitled "NW 97TH Avenue and Fontainebleau Blvd," prepared by Ballbe & Associates, signed and sealed the 27th day of March, 2023, consisting of one sheet as attached hereto as Composite Exhibit "D" (collectively the "Planned Roadway Improvements"). The Planned Roadway Improvements shall be fully funded and constructed by or on behalf of Fontainebleau Lakes, LLC provided that said improvements are approved by Miami-Dade County. Fontainebleau Lakes, LLC shall post a performance bond or other instrument approved by Miami-Dade County guaranteeing the construction of the Planned Roadway Improvements prior to the issuance of a certificate of occupancy for any residential development on the Area Subject to the Land Use Change.

- E. **Addressing Traffic Impacts on NW 87 Avenue.** Prior to rezoning the Area Subject to the Land Use Change, Fontainebleau Lakes, LLC shall forward the proposed site plan, any traffic studies and proposals to address traffic impacts projected by the zoning application and, in particular, the potential for adverse impacts on NW 87 Avenue, to Miami-Dade County's Department of Regulatory and Economic Resources or its successor.
- F. **Workforce Housing.** Residential development on the Area Subject to the Land Use Change shall include a minimum of 12.5% of the total residential units developed thereon to be workforce housing, which shall mean a residential unit, the sale, rental or pricing of which is restricted to households whose income is established between sixty (60) percent up to one hundred forty (140) percent of

the most recent area median income for Miami-Dade County reported by the U.S. HUD as maintained by the Miami-Dade County Department of Regulatory and Economic Resources or its successor. Notwithstanding the Density Limitation provided in Paragraph No. 1, should the Owner participate in the Workforce Housing Program, pursuant to Chapter 33, Article XUA of the Miami-Dade County Code of Ordinances, the Owner shall be entitled to transfer any applicable density bonus in excess of the Density Limitation to another property permitted to receive such bonus. This commitment to workforce housing shall run with the land for a period of twenty (20) years from the date this Declaration is recorded in the Public Records of Miami-Dade County, Florida.

- G. Neighborhood Park: Subject to County approval and acceptance, an active public park site on the Property, constructed in substantial compliance with the concept plan attached hereto and incorporated herein as Exhibit "E", shall be conveyed to the County in fee simple, free of any encumbrances or liens, and without cost or charge to the County for acquisition. Said conveyance shall occur prior to the issuance of a certificate of occupancy for any residential unit constructed on the Area Subject to the Land Use Change. Whether conveyed to the County or retained by Fontainebleau Lakes, LLC, the operation and maintenance cost of said active public park shall be funded by either (i) a special taxing district, subject to approval by the County, composed of the owners of residential units located on the Area Subject to the Land Use Change, (ii) a property owner's association (POA) composed of the then owners of residential units located on the Area Subject to the Land Use Change, (iii) a community development district (CDD), subject to approval by the County, composed of the owners of residential units located on the Area Subject to the Land Use Change, or (iv) such other funding mechanism as may be approved by the Board of County Commissioners, or its successor entity. Such special taxing district, POA, CDD, or funding mechanism shall be created prior to the issuance of a certificate of occupancy for any residential unit constructed on the Area Subject to the Land Use Change.

- H. **Tree Canopy**: All future development of the Property that reduces the amount of tree canopy existing at the time of development shall be required to mitigate the canopy reduction through planting new trees on the Property. All tree planting plans shall be reviewed and approved by Miami-Dade County to ensure a no net loss of tree canopy at the time that the newly planted trees reach maturity.
- I. **Landscaping**: The minimum required tree and shrub counts applicable to development of the Area Subject to the Land Use Change shall not be varied. This restriction shall not prohibit the Owner from applying for relief regarding the placement, clustering, species, mixture, separation, and other landscaping design requirements applicable to the development of the Area Subject to the Land Use Change.
- J. **Stormwater Management**. A signed and sealed analysis of stormwater management needs and flooding issues to demonstrate that there will be no adverse offsite impacts and the identification of the stormwater management infrastructure needed for the proposed land use, shall be provided for review and approval. The analysis shall show that the post-project conditions are the same or better than the pre-project conditions for managing stormwater, water quantity, and water quality. This analysis must be approved by DERM prior to the recordation of the Final Plat.
- K. **Covenant Running with the Land**. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

- L. **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.
- M. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property impacted by the proposed modification, amendment or release, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter “Chapter 163”). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the

event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

- N. **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.
- O. **County Inspections.** 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.
- P. **Authorization for Miami-Dade County (or successor municipality) 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 (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

- Q. **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.
- R. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.
- S. **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.
- T. **Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources 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.

- U. **Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.
- V. **Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

EXECUTION PAGES FOLLOW

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _ day of _____, 2023.

WITNESSES:

Sign: _____ **FONTAINBLEAU LAKES, LLC.**
Print: _____ a Florida limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of Fontainbleau Lakes, LLC, a Florida limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _ day of _____, 2023.

WITNESSES:

Sign: _____ **Fontainebleau Lakes CDD**
Print: _____ a community development district.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of Fontainebleau Lakes CDD, a community development district, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _ day of _____, 2023.

WITNESSES:

Sign: _____ **901 NW 97 MIAMI OWNER, LLC**
Print: _____ a Delaware limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ____ day of _____, 2023, by _____, as _____ of 901 NW 97 Miami Owner, LLC, a Delaware limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

IN WITNESS WHEREOF, we have hereunto set our hands and seal this _ day of _____, 2023.

WITNESSES:

Sign: _____ **1062 NW 87 MIAMI OWNER, LLC**
Print: _____ a Delaware limited liability company.

BY: _____

Sign: _____ Sign: _____
Print: _____

Address: _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before this ___ day of _____, 2023, by _____, as _____ of 1062 NW 87 Miami Owner, LLC, a Delaware limited liability company, on behalf of the corporation. He is personally known to or has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission Expires

EXHIBIT "A"

LEGAL DESCRIPTION AND SKETCH OF COVENANT AREA

ALL 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, LESS THE FOLLOWING:

TRACTS "A" AND "B" OF "FONTAINEBLEAU CIVIC, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 173, PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND:

TRACT "A" OF FONTAINEBLEAU PARK PLAZA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 170, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 4,774,806.9± SQUARE FEET (109.6144± ACRES) MORE OR LESS.

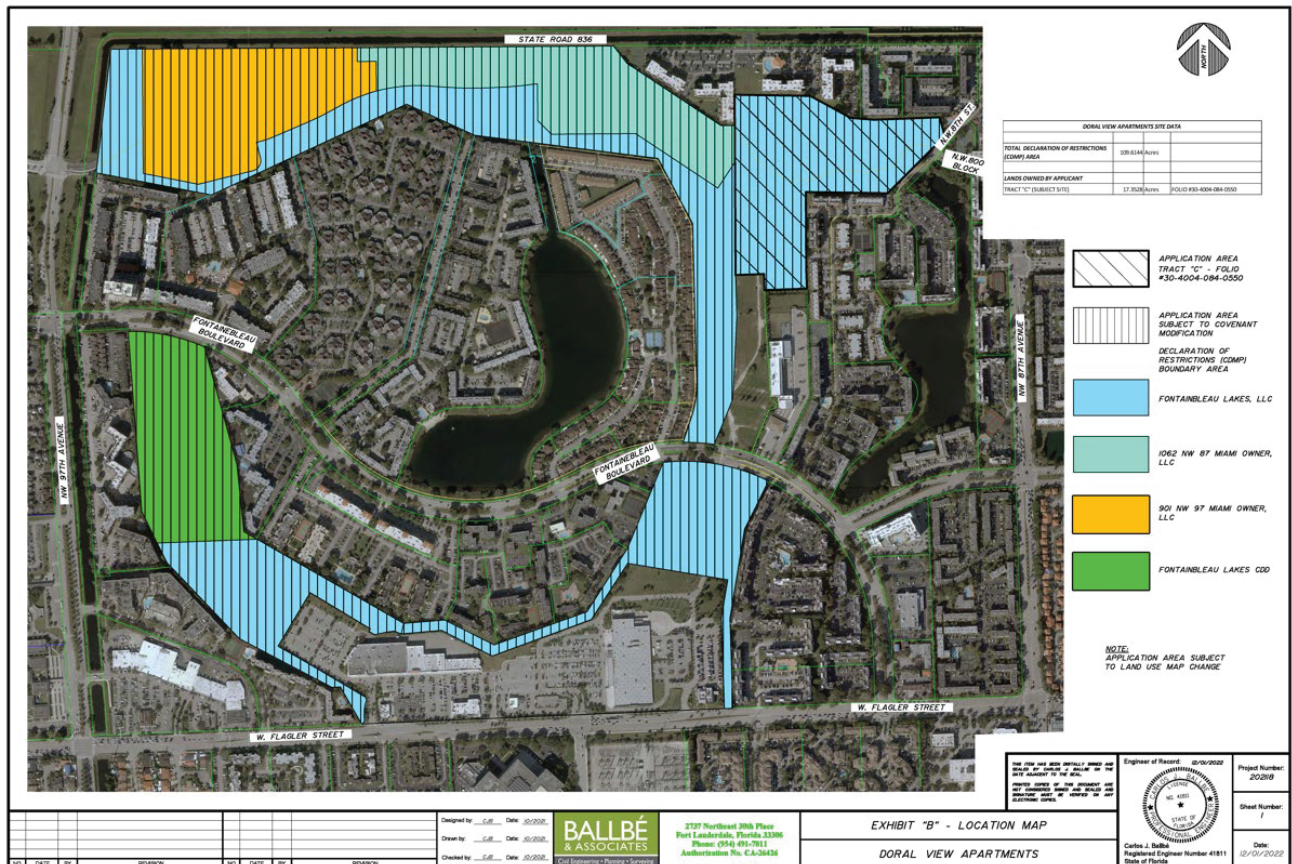


EXHIBIT "B"

LEGAL DESCRIPTION OF THE AREA SUBJECT TO THE LAND USE CHANGE

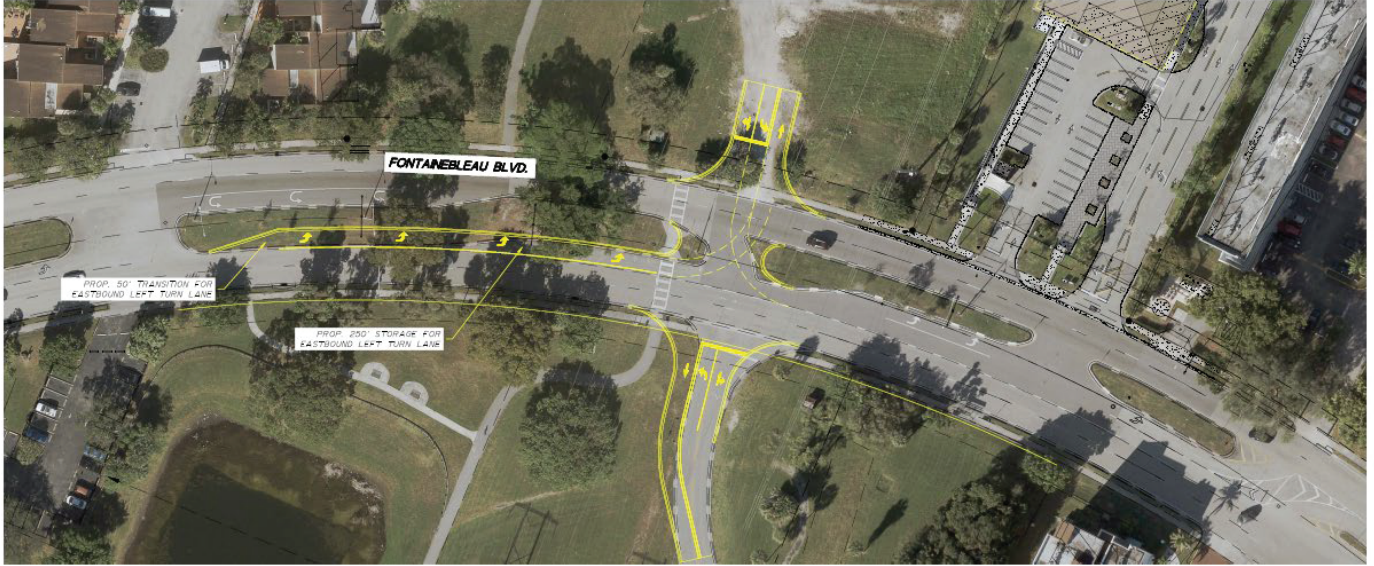
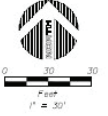
TRACT "C" OF "FONTAINEBLEAU EAST", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF TRACT "C", "FONTAINEBLEAU EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 168, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID TRACT "C", BEING A POINT ON A CURVE FROM WHICH A RADIAL LINE BEARS SOUTH 28°42'20" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FONTAINEBLEAU BOULEVARD, HAVING A RADIUS OF 1200.92 FEET, A CENTRAL ANGLE OF 07°46'23", FOR AN ARC DISTANCE OF 162.92 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT "C"; THENCE NORTH 24°37'46" EAST ON A NON-RADIAL LINE, THIS AND THE FOLLOWING FIVE (5) COURSES BEING ALONG A WESTERLY LINE OF SAID TRACT "C", 269.61 FEET; THENCE NORTH 71°15'43" EAST 45.00 FEET; THENCE NORTH 11°35'53" EAST 20.00 FEET; THENCE NORTH 48°03'56" WEST 45.00 FEET; THENCE NORTH 01°26'00" WEST 490.74 FEET; THENCE NORTH 00°14'00" EAST 140.84 FEET; THENCE SOUTH 89°46'00" EAST 245.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "C"; THENCE SOUTH 00°14'00" WEST, THIS AND THE FOLLOWING COURSE BEING ALONG SAID EASTERLY LINE, 626.30 FEET; THENCE SOUTH 28°42'20" WEST 435.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 755,888 SQUARE FEET (17.3528 ACRES) MORE OR LESS.

EXHIBIT "D"

PLANNED ROADWAY IMPROVEMENTS



NO.	DATE	BY	REVISION

Designed by: **CSB** Date: **03/27/2023**
 Drawn by: **CSB** Date: **03/27/2023**
 Checked by: **CSB** Date: **03/27/2023**



2737 Northeast 38th Place
 Fort Lauderdale, Florida 33306
 Phone: (954) 491-7111
 Authorization No. CA-36416

FONTAINEBLEAU BLVD ACCES TO DORAL VIEW
DORAL VIEW
 FONTAINEBLEAU LAKES, LLC

Engineer of Record: **03/27/2023**
 Project Number: **2023B**
 Sheet Number: **1**
 Date: **03/27/2023**

EXHIBIT "D" CONTINUED
PLANNED ROADWAY IMPROVEMENTS



NO.	DATE	BY	REVISION

Designed by: Date:
 Drawn by: Date:
 Checked by: Date:



2337 Northeast 30th Place
 Fort Lauderdale, Florida 33306
 Phone: (954) 491-7811
 Authorization No. CA-26426

NW 97TH AVENUE AND FONTAINEBLEAU BLVD
 DORAL VIEW
 FONTAINEBLEAU LAKES, LLC

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Engineer of Record: 03/27/2023

Carlos J. Ballbé
 Registered Engineer Number 41811
 State of Florida

Project Number: 20219
 Sheet Number: 2
 Date: 03/27/2023

EXHIBIT “E”

NEIGHBORHOOD PARK

(Appearing on Following Pages of this Declaration)

RESOLUTION NO. 10-1-23
 THE WESTCHSTER COMMUNITY COUNCIL (CC-10)
 ISSUING RECOMMENDATION ON APPLICATION
 NO. CDMP202200016 (FONTAINBLEAU LAKES,
 LLC) REQUESTING AMENDMENT TO THE
 COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council’s area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency and other reviewing agencies for review and comment; and regarding ultimate adoption, adoption with change, or denial of the application; and

WHEREAS, at its meeting of May 30, 2023, THE WESTCHESTER COMMUNITY COUNCIL (CC-10) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTCHESTER COMMUNITY COUNCIL (CC-10) recommends to NOT TRANSMIT AND DENY Application No. CDMP20220016. _____

The foregoing resolution was offered by Vice Chair Anthony F. Petisco who moved its adoption and was seconded by Board Member Dariel Fernandez and upon being put to a vote, the vote was as follows:

Anthony F. Petisco, Vice Chair	Yes	Dariel Fernandez	Yes
Anays B. Acuna	Yes		
Gerardo “Jerry” Rodriguez, Chair Yes			

Chair “Jerry” Rodriguez hereupon declared the resolution duly passed and adopted this 30th day of May 2023.

I hereby certify that the above information reflects the action of the Council.



 Rosa Davis, Executive Secretary

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MINUTES

Westchester Community Council 10
 Public Hearing on October 2022 Cycle CDMP Application No. CDMP20220016
 To Amend the Comprehensive Development Master Plan
 In Person/Virtual Hearing

May 30, 2023, 6:30 PM

Department of Regulatory and Economic Resources (RER) Staff Present

Planning Division – In Person

Rosa Davis, Planning Section Supervisor, Metropolitan Planning

Development Services Division – In Person

Thomas Gomez, Agenda Clerk

Cleveland Thompson, Agenda Clerk

Felix Acosta, Agenda Clerk

Planning Division – Virtual

Abby Diaz, Administrative Secretary, Metropolitan Planning

Cindy Dwyer, Senior Planner, Metropolitan Planning

Robert Hesler, Planning Section Supervisor, Planning Research

Garett Rowe, Chief, Metropolitan Planning

Noel Stillings, Principal Planner, Metropolitan Planning

Rommel Vargas, Senior Planner, Metropolitan Planning

I. CALL TO ORDER AND OPENING REMARKS

Chair Gerardo Rodriguez called the meeting to order and welcomed everyone.

Roll Call

Ms. Rosa Davis, Section Supervisor, conducted a roll call and determined there was quorum with the following four Community Council 10 members present as follows:

Anthony F. Petisco, Vice Chair	Present	Dariel Fernandez	Present
Anays B. Acuna	Present		
Gerardo Rodriguez, Chair, Present			

II. AGENDA ITEM

October 2022 Cycle Application No. CDMP20220016 (Fountainbleau Lakes, LLC)

Mr. Garett Rowe, Chief of the Metropolitan Planning Section, presented an overview of the application, which addresses an approximately 108-acre site located on the south side of the Dolphin Expressway (SR 836) between NW 87th and NW 97th Avenues, the site of the former Fountainbleau East Golf Course. He explained that the north side of the former golf course is currently developed with 720 residential units, and that the application site is designated as “Parks

and Recreation” and “Medium Density Residential” (13 to 25 dwelling units per acre) on the CDMP land use plan map. The application site is subject to a covenant accepted by the BCC in 2005 that limits the number of units to a maximum of 824 residential units within the northern portion of the property designated as “Medium Density Residential” and the remainder of the site, designated as “Parks and Recreation” on the land use plan map, is limited by the covenant to open space. The application includes the following three requests:

- Amend the “Parks and Recreation” land use designation text to reduce the percentage of former golf course acreage (approximately 152 acres) land that must be retained as open space from 50% to 25%.
- Modify the existing 2005 covenant to allow for a ±17.6 acre parcel located in the northeast section of the application site to be developed with residential uses.
- Change the CDMP land use designation for the ±17.6 acre parcel to “Medium Density Residential with One Density Increase,” which would allow up to 60 dwelling units per acre on the parcel, or 1059 residential units

Mr. Rowe explained that after the application was filed, the applicant made two revisions to the original requests. One, pertaining to the “Parks and Recreation” land use designation text change. The applicant’s change to the “Parks and Recreation” text as originally proposed had implications for all “Parks and Recreation” designated properties located along SMART Plan corridors. The Strategic Miami Area Rapid Transit Plan or SMART plan identifies six Rapid Transit Corridors within the county, with SR 836 being one of them. County policy orients increased intensity and density of mixed use development along these corridors. The applicant’s proposed text change would apply not only to the application site, but to all “Parks and Recreation” designated properties located along rapid transit corridors. The applicant has now limited the scope of that change to properties located along SR 836, the Palmetto Expressway and I-95. Preliminary analysis conducted by the Planning Division indicates that approximately 243 acres of land designated as “Parks and Recreation” would be impacted by the proposed change, including the subject site.

The other change that the applicant seeks is to withdraw the One Density Increase that would allow over 1000 units on the northeast parcel and instead requests a change to “Medium Density Residential,” which is the same designation as the properties adjacent to the site and would allow up to 441 units. The applicant has proffered a covenant limiting development of the parcel to 375 units, which together with the previously approved 824 units would bring the total number of units to 1,199. The covenant further requires traffic improvements to NW 97th Avenue and Fontainebleau Boulevard and addresses stormwater impacts. It also requires compliance with the County’s tree removal requirements.

Staff has several concerns with the application, as described below:

- The text amendment reduces the land that must be retained as open space from 50% to 25%, more than half of what is currently required.
- The ±17.6-acre northeast parcel is required by plat to be open space and provide stormwater management and drainage for adjacent development.
- The applicant has submitted an Area Drainage Study, however additional data and analysis are needed in order to assess impacts.
- Approximately ±21 additional acres of open space within the former Fountainbleau East Golf Course could be developed if the proposed text change were to be approved.
- A total of 243 additional acres, including the former golf course property and other affected areas, could potentially be developed if the proposed text change were to be approved.

- Development of the parcel could impact the federally threatened wood stork and the Florida Bonneted bat.

The Staff recommendation is to transmit the application to the State with the changes proposed by the applicant and with the proffered covenant limiting development to 375 units and the other conditions described above. This would allow time for the applicants to address the additional data and analysis needed for the Area Drainage Study and for Staff to conclude review of the text amendment. Despite the noted concerns, Staff sees merit in the application due to its location within the Smart Plan corridor, where the County has adopted policies encouraging intensification of transit-oriented development. In conclusion, Mr. Rowe stated that Staff would make a final recommendation once all of the data and analysis are received, should the application be transmitted for review to the State.

Mr. Bill Riley introduced himself, on behalf of Fontainebleau Lakes LLC. Mr. Riley reiterated the three application requests described in detail by Mr. Rowe. Mr. Riley provided a brief history of land use changes on the Fountainbleau Lakes East Golf Course since its closure over 20 years ago, described the existing land uses and summarized the covenant modifications. He explained that the original 2005 covenant allowed for development of 1,176 residential units, as well as an educational facility. In 2009, the covenant was modified to reduce the density to 824 residential units. The proposed CDMP application proposes to allow 375 residential units, which including the 720 units already built on the site, would bring the total number of units to 1,199, or 23 more than originally allowed by the 2005 covenant. Mr. Riley added that the subject site was designed as "Medium Density Residential" in a previous version of the CDMP Future Land Use Map, and is located within half a mile of a Smart Plan Corridor. Mr. Riley then reviewed text in the Land Use Element that pertains to new development plans for private recreation or open space on privately owned land designated as Parks and Recreation, stating that the proposed text amendment would apply under certain circumstances and in limited areas. Mr. Riley then discussed the proffered covenant, which includes a density ceiling of 375 units on the ±17.6-acre parcel, off-site roadway improvements, a workforce housing commitment of 12.5%, a commitment to not seek a variance to the minimum required vegetation requirements, and compliance with stormwater management standards. Details were also provided pertaining to traffic impacts and drainage.

Following the presentations, Chair Rodriguez opened the public hearing. Seventeen speakers addressed the board in person or virtually, some representing homeowner associations and all voicing opposition to the application. The major issues of concern were increased traffic congestion, flooding, impact of rental properties on the community, impact to the environment, loss of greenspace and reduced opportunities for leisure and exercise. One individual stated that members of the Community Development District had not agreed in writing to the proposed changes and therefore the application could not go forward.

Mr. Riley then addressed some of the issues raised, stating the applicants of the proposed CDMP application are local and have a positive track record that speaks to the quality of the development team. He also noted that many of the speakers live in homes that were built on former parks and recreation land and have benefitted as a result. Mr. Riley concluded by stating that the existing 720 units already constructed on the site are rental units and the rental community has not diminished the community despite the negative connotations.

Following the public comments, the Chair opened the Board discussion. Council Member Acuno inquired about community outreach efforts. Mr. Riley explained that efforts were made to contact that community members. Council Member Fernandez asked about flooding and traffic problems.

The applicant’s representatives responded and noted that they are working to address the drainage and traffic concerns.

Vice-Chair Petisco clarified that the role of the Community Council is not to approve the application. He explained that the application will be heard by the Planning Advisory Board, which will make a recommendation to the Board of County Commissioners (BCC), and the BCC will then either approve or deny the application. He emphasized that the Community Council does not have decision making authority but provides a forum for community residents to express their views and then issues a recommendation to the BCC. Ms. Davis then provided a timeline for the next steps in the application process and explained how the public can stay informed.


Chair Rodriguez asked whether a petition signed by 90 residents had been submitted to Planning Division staff and was informed by Mr. Rowe that a petition had not been received, but that the public is welcome to submit documents via email or other means.

The Chair then opened the floor for a motion. Vice-Chair Petisco made a motion to not transmit and deny Application No CDMP20220016. The motion was seconded by Board Member Fernandez and, upon being put to a vote, the motion was passed unanimously by the members present.

Anthony F. Petisco, Vice Chair	Yes	Dariel Fernandez	Yes
Anays B. Acuna	Yes		
Gerardo Rodriguez, Chair Yes			

There being no further business, Chair Rodriguez adjourned the meeting at 9:32 p.m.

Respectfully submitted,



 Rosa Davis, Secretary

RESOLUTION NO. 23-3

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS REGARDING TRANSMITTAL OF OCTOBER 2022 CYCLE STANDARD APPLICATION NO. CDMP20220016 TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, pursuant to chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners (“Board”) adopted the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) in 1988; and

WHEREAS, the Board has provided procedures, codified as section 2-116.1 of the Code of Miami-Dade County, Florida, to amend, modify, add to, or change the CDMP; and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in chapter 163, Part II, Florida Statutes, including the process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”) set forth in section 163.3187, Florida Statutes; and

WHEREAS, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources (“Department”) by private parties or by the County; and

WHEREAS, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

WHEREAS, Miami-Dade County's procedures provide that applications may be filed for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

WHEREAS, Application No. CDMP20220016 to amend the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map was filed by a private party on or before October 31, 2022 in the October 2022 Applications to amend the CDMP and is contained in the document titled "October 2022 Application to Amend the Comprehensive Development Master Plan," dated November 2022, and kept on file with and available upon request from the Department; and

WHEREAS, the Department has published its initial recommendation addressing the application in a report titled "Initial Recommendation to Amend the Comprehensive Development Master Plan" for Application No. CDMP20220016, dated May 2023; and

WHEREAS, in accordance with the applicable County procedures, the affected Community Council has conducted an optional public hearing pursuant to section 2-116.1(3)E, Code of Miami-Dade County, Florida to address application No. CDMP20220016 that would directly impact its council area and issued recommendation on Application No. CDMP20220004 to the Planning Advisory Board and the Commission; and

WHEREAS, section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless a greater time is deemed necessary by the Board of County Commissioners or the Department Director extends the time at the applicant's request prior to the earliest deadline for the publication of required public hearing notices; and

WHEREAS, by letters dated March 29, 2023, June 1, 2023, and August 3, 2023, the applicant requested deferral of the required the Board of County Commissioners' public hearing, and the Director approved the requested extension; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the referenced CDMP amendment application, the initial recommendation of the Department, and to address the final action to be taken on the CDMP amendment by the Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY:

This Agency hereby makes the following recommendation to the Commission regarding the transmittal to the reviewing agencies of standard application No. CDMP20220016, and recommendation regarding subsequent final action by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Amendments to the CDMP Land Use Plan Map or Text	<ul style="list-style-type: none"> Transmittal Recommendation Recommendation as to Subsequent Action
CDMP 20220016	<p>Fontainebleau Lakes LLC / Felix Lasarte, Esq., The Lasarte Law Firm, and William Riley Jr., Esq., The Riley Law Firm / Generally located between NW 87 Avenue and NW 97 Avenue and between SR-836 (Dolphin Expressway) and West Flagler Street. / ±107.7 gross acres</p> <p><u>Requested Amendment to the CDMP:</u></p> <ol style="list-style-type: none"> Amend the interpretive text of the “Parks and Recreation” land use category in the CDMP Land Use Element. Modify the Declaration of Restrictions recorded in Official Records Book 23413 at Page 1134, as previously modified by the Declarations of Restrictions recorded in Official Records Book 26955 at Page 908 (First Modification) and Book 29816 at Page 3447 (Second Modification), of the Public Records of Miami-Dade County, Florida. Redesignate ±17.66 acres of the ±107.68-acre application site on the LUP map: <p>From: “Parks and Recreation” To: “Medium Density Residential with One Density Increase” (DI-1; 25 to 60 dwelling units per gross acre)</p> <p>Standard Amendment</p>	<p>Transmit with Change and with acceptance of the proffered Amended and Restated Declaration of Restrictions</p> <p><i>[with the following conditions: 1) that ±3.4 acres of land be dedicated to the County for a public park and ±4 acres to the adjacent charter school; 2) that the applicant be responsible for addressing any contamination found on the dedicated land; and 3) that a second access be provided on Fontainebleau Boulevard to enter the ±17.66-acre property.</i></p> <p><i>The change is to redesignate the property from “Parks and Recreation” to “Medium Density Residential” (13 to 25 units per acre) and to revise the proposed amendment to the “Parks and Recreation” land use designation text.]</i></p>

The motion to Transmit with Change and with acceptance of the proffered Amended and Restated Declaration of Restrictions *[with the following conditions: 1) that ±3.4 acres of land be dedicated to the County for a public park and ±4 acres to the adjacent charter school; 2)that the applicant be responsible for addressing any contamination found on the dedicated land; and 3) that a second access be provided on Fontainbleau Boulevard to enter the ±17.66-acre property. The change is to redesignate the property from “Parks and Recreation” to “Medium Density Residential” (13 to 25 units per acre) and to revise the proposed amendment to the “Parks and Recreation” land use designation text]*, was moved by Board Member Rodriguez. Board Member Lago seconded the motion. The motion passed 5 to 1 as follows:

Lynette Cardoch	Absent	Michael Montiel	Absent
Carlos Diaz-Padron	Yes	J. Wil Morris	Absent
Eric Fresco	Absent	William Riley	Absent
Seth Gadinsky	No	Mercedes Rodriguez	Yes
Horacio C. Huembes	Absent	Daniel Rogers	Absent
Frank Lago	Yes	Mikhaile Solomon	Absent
William McRea	Absent	Jesus Vazquez	Absent

Carla Ascencio-Savola, Vice Chair, Yes
 Max Losner, Chair, Yes

The above actions were taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on July 17, 2023, and are certified correct by Lourdes Gomez, Executive Secretary to the Planning Advisory Board.

Jerry Bell for

 Lourdes Gomez, AICP, Director
 Department of Regulatory and Economic
 Resources

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MINUTES

Miami-Dade County Planning Advisory Board
Acting As the Local Planning Agency
Public Hearing on October 2022 Cycle Application No. CDMP20220016
To Amend the Comprehensive Development Master Plan
In-Person Hearing

July 17, 2023, 2:00 PM

Planning Advisory Board Members

Lynette Cardoch	Absent	Michael Montiel	Absent
Carlos Diaz-Padron	Present	J. Wil Morris	Absent
Eric Fresco	Absent	William Riley	Absent
Seth Gadinsky	Present	Mercedes Rodriguez	Present
Horacio C. Huembes	Absent	Daniel Rogers	Absent
Frank Lago	Present	Mikhaile Solomon	Absent
William McRea	Absent	Jesus Vazquez	Absent

Carla Ascencio-Savola, Vice Chair, Present
Steven "Max" Losner, Chair, Present

Nathaly Simon, Miami-Dade Public Schools (non-voting), Absent
Larry Ventura, Homestead Air Reserve Base (non-voting), Absent

Department of Regulatory and Economic Resources (RER) Staff Present

Planning Division

Garett Rowe, Chief, Metropolitan Planning Section, Planning Division
Manny Armada, Chief, Planning Research Section, Planning Division
Robert Hesler, Planning Section Supervisor, Planning Research Section, Planning Division
Rosa Davis, Planning Section Supervisor, Metropolitan Planning
Glenn Amoruso, Planning Development Manager
Noel Stillings, Principal Planner, Metropolitan Planning
Mark Dorsey, Principal Planner, Metropolitan Planning
Rommel Vargas, Senior Planner, Metropolitan Planning
Cindy Dwyer, Senior Planner, Metropolitan Planning
Abby Diaz, Administrative Secretary, Metropolitan Planning

Other County Staff Present

Eddie Kirtley, Assistant County Attorney, County Attorney's Office
Christine Velazquez, Assistant Division Chief, Code Coordination & Environmental Initiatives Division, Department of Environmental Resources Management
Ninfa Rincon, Chief, Code Coordination & Environmental Initiatives Division, Department of Environmental Resources Management
Carlos Lopez, Park Planner II, Miami-Dade County Parks, Recreation and Open Spaces Department

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing was opened at 2:07 PM by PAB Chair Losner, who introduced himself and following the Pledge of Allegiance, asked Staff to conduct a roll call. Ms. Noel Stillings, Principal Planner, conducted a roll call and determined there was a quorum present.

PAB Chair's Introductory Remarks and Chair's Report

Following the Pledge of Allegiance, Chair Losner reviewed the procedures and purpose of the public hearing and welcomed the public to the hearing on the October 2022 Cycle Application No. CDMP20220016 to amend the Comprehensive Development Master Plan (CDMP).

Opening Statement by County Staff

Mr. Garrett Rowe, Chief of Metropolitan Planning, introduced himself and noted there was one agenda item that was deferred at the last PAB hearing, and presented the application.

OCTOBER 2022 CYCLE APPLICATIONS

Application No. CDMP20220016

Mr. Garrett Rowe, Chief of the Metropolitan Planning Section, presented the application. He explained that the ±108-acre application site is part of the former Fountainbleau East Golf Course and is located on the south side of the Dolphin Expressway (SR 836) between NW 87th and NW 97th Avenues. He noted that the application site is designated "Parks and Recreation" and "Medium Density Residential" (13 to 25 dwelling units per acre) on the CDMP land use plan map. The application site is subject to a covenant accepted by the BCC in 2005 that limits residential density to a maximum of 824 residential units within the northern portion of the property designated "Medium Density Residential" and the remainder of the site, designated as "Parks and Recreation" on the land use plan map, is limited by the covenant to open space. Currently, the north side of the former golf course is developed with 720 residential units.

Mr. Rowe stated that the original application sought to: 1) amend the "Parks and Recreation" land use designation text to reduce the percentage of former golf course acreage (approximately 152 acres) land that must be retained as open space from 50% to 25%; 2) modify the existing 2005 covenant to allow for a ±17.6 acre parcel located in the northeast section of the application site to be developed with residential uses; and 3) Change the CDMP land use designation for the ±17.6 acre parcel to "Medium Density Residential with One Density Increase," which would allow up to 60 dwelling units per acre on the parcel, or 1059 residential units.

However, Mr. Rowe explained that the applicant has revised the requests. Rather than seeking to redesignate the property to "Medium Density Residential with One Density Increase," the applicant changed the request to "Medium Density Residential," which is the same designation as the properties adjacent to the site and would allow up to 441 units instead of 1,059 units, as would be allowed under the original request. In addition, the applicant revised the proposed "Parks and Recreation" text amendment to limit the scope of the proposed change. The original proposed text change would apply not only to the application site, but to all "Parks and Recreation" designated properties located along the six Strategic Miami Area Rapid Transit Plan (SMART) plan rapid transit corridors. The applicant has now limited the scope of the amendment to properties located along SR 836, the Palmetto Expressway and I-95. Preliminary analysis

conducted by the Planning Division indicates that approximately 243 acres of land designated as "Parks and Recreation" would be impacted by the proposed amendment, as revised. This includes the subject site.

In addition to the text amendment, Mr. Rowe noted that the applicant has proffered a covenant limiting development to 1,199 residential units. This includes the previously approved 824 units and a maximum of 375 units on the ±17.6-acre parcel. The covenant further requires traffic improvements to NW 97th Avenue and Fontainebleau Boulevard, commits to setting aside 12.5% of the residential units for workforce housing, and addresses stormwater impacts. It also requires compliance with the County's tree removal requirements.

Staff sees merit in the application due to its location within the Smart Plan corridor, where the County has adopted policies encouraging intensification and transit-oriented development but has several concerns that need to be addressed. Staff's concerns include the following issues: 1) the text amendment reduces the land that must be retained as open space from 50% to 25%, more than half of what is currently required for the development; 2) the ±17.6-acre parcel is required by plat to be open space and provide stormwater management and drainage for adjacent development, but the applicant's Area Drainage Study did not have sufficient data and analysis to assess the impacts; 3) the proposed text change could result in approximately ±21 additional acres of open space to be developed within the former Fountainbleau East Golf Course, though the applicant is only developing ±17.6 acres; 4) a total of 243 additional acres, including other affected areas outside of the subject property, could potentially be developed if the proposed text change were to be approved; and 5) development of the parcel could impact the federally threatened wood stork and the Florida Bonneted bat. As such, the Staff recommendation is to transmit the application to the State with the changes proposed by the applicant and with the proffered covenant limiting development to the conditions described above. This would allow time for the applicant to address the above issues with the application: Mr. Rowe stated that staff would make a final recommendation once all of the data and analysis are received, should the application be transmitted for review to the State.

Mr. Bill Riley, the applicant's representative, made a presentation on behalf of Fontainebleau Lakes LLC. Mr. Riley provided an overview of the various land use changes on the Fountainbleau Lakes East Golf Course over the years. He described the existing land uses and summarized the covenant modifications, noting that the original 2005 covenant allowed for development of 1,176 residential units, as well as an educational facility. In 2009, the covenant was modified to reduce the density to 824 residential units. He explained that the proposed CDMP application proposes 375 additional residential units, which including the 720 units already built on the site, would bring the total number of units to 1,199, or 23 more than originally allowed by the 2005 covenant. Mr. Riley added that the subject site is located within half a mile of a Smart Plan Corridor and that the scope of the proposed text amendment was reduced to apply to limited areas along SR 836, the Palmetto Expressway and I-95 that meet the criteria. He emphasized that the applicant made voluntary commitments in the proffered covenant that are not required but that will benefit the community, including roadway improvements, workforce housing, and a commitment to dedicate land for a public park. The proposed linear park would be located adjacent to the ±17.6 acre parcel and would include property with the FPL power lines. He elaborated further on the park proffer, showing a bubble diagram that depicts a playground, a dog park, soccer fields, and other amenities.

Following the presentations, the Chair opened the public hearing for comment. A total of nine people spoke against the application, three were in favor. Those that spoke against the application voiced concerns regarding additional traffic congestion and access to the community, existing flooding that may be aggravated

by the project, and the loss of open space used for the community. There were also concerns and questions regarding the proposed linear park and who would construct and maintain such a facility. Those that were in favor of the application noted that the applicant had addressed their concerns regarding traffic issues by committing to provide improvements to NW 97th Avenue and Fontainebleau Boulevard. They were also in favor of the proposed linear park.

After the Chair closed the public hearing, the Board discussed the item. Those in support of the application noted that the proposed linear park and the roadway improvements would greatly benefit the community. However, other members were concerned about the scope of the text amendment and encouraged the applicant to make the text changes site-specific. They were also concerned regarding the impact of the development on the area’s drainage infrastructure and questioned who would construct and maintain the proposed park. There were also questions on whether FP&L agreed to the park. Staff noted that additional data was needed to determine the full impact on drainage. As for the proposed park, staff indicated that the land may have possible contamination and that the County may or may not accept the dedication of park land, depending on its assessment of the property. The applicant responded to these comments by stating that they will construct and manage the park should the County not accept the dedication and that they will work with FP&L on obtaining agreement to use the property with the power lines as part of the linear park. They also agreed to try to narrow the spoke of the proposed text amendment. After some discussion regarding a motion to transmit the application to the State for review and possible conditions to include in the motion, the Chair called for a vote.

The motion to Transmit with Change and with acceptance of the proffered Declaration of Restrictions *[with the following conditions: 1) that ±3.4 acres of land be dedicated to the County for a public park and ±4 acres to the adjacent charter school; 2)that the applicant be responsible for addressing any contamination found on the dedicated land; and 3) that a second access be provided on Fontainbleau Boulevard to enter the ±17.66-acre property. The change is to redesignate the property from “Parks and Recreation” to “Medium Density Residential” (13 to 25 units per acre) and to revise the proposed amendment to the “Parks and Recreation” land use designation text]*, was moved by Board Member Rodriguez. Board Member Lago seconded the motion. The motion passed 5 to 1 as follows:

Lynette Cardoch	Absent	Michael Montiel	Absent
Carlos Diaz-Padron	Yes	J. Wil Morris	Absent
Eric Fresco	Absent	William Riley	Absent
Seth Gadinsky	No	Mercedes Rodriguez	Yes
Horacio C. Huembes	Absent	Daniel Rogers	Absent
Frank Lago	Yes	Mikhaile Solomon	Absent
William McRea	Absent	Jesus Vazquez	Absent

Carla Ascencio-Savola, Vice Chair, Yes
 Max Losner, Chair, Yes


NEW/OLD BUSINESS

Ms. Stillings reminded the PAB to file their required financial disclosure forms, and that that their next meeting is scheduled for September 18, 2023 at 10:00 AM.

ADJOURNMENT

Being no further business before the PAB, Chair Losner adjourned the meeting at 4:39 pm.

Respectfully submitted,

 for
Lourdes Gomez, AICP, Director
Department of Regulatory and
Economic Resources

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RECEIVED
MARCH 9, 2022
RER - PLANNING

March 9, 2023

VIA ELECTONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

Please accept this letter as a memorialization of the Applicant's previous request to defer the hearing on the above-referenced application before the Planning Advisory Board to its April 3, 2023 agenda.

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

RECEIVED
MARCH 29, 2023
RER - PLANNING

March 29, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

Thank you for speaking with me this morning regarding the above-referenced application. The purpose of this letter is to request that the upcoming hearing on the application before the Planning Advisory Board, which is currently schedule for April 3, 2023, be reschedule to the PAB's May 2023 hearing agenda. Approval of the requested deferral will allow the applicant additional time to continue ongoing discussions with the county's professional staff and local stakeholders.

We submit this letter request with the understanding that, barring unforeseen circumstances, this deferral will not alter the tentative hearing schedule before the Board of County Commissioner's (which is presently scheduled for May 2023).

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

RECEIVED
APRIL 26, 2023
RER-PLANNING

April 26, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

Please accept this letter as the Applicant's request to defer the hearing on the above-referenced application before the Planning Advisory Board to its June 5, 2023 agenda.

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

June 1, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

As you are aware, Section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless the Department Director extends the time at the Applicant's request. By and through this letter, dated June 1, 2022, we are requesting that the Director approve a deferral of the Board of County Commissioners' public hearing through July 27, 2023, to enable us to continue work with County agencies and neighborhood stakeholders concerning the Application.

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

August 3, 2023

VIA ELECTRONIC MAIL

Garett A. Rowe
Department of Regulatory and Economic Resources
Planning Division
Stephen P. Clark Center
111 N.W. 1st Street, 12th Floor
Miami, Florida 33128-1902

RE: Application to Amend the Comprehensive Development Master Plan
Application Cycle: October 2022
Applicant: Fontainebleau Lakes, LLC

Dear Mr. Rowe,

As you are aware, Section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless the Department Director extends the time at the Applicant's request. By and through this letter, dated June 26, 2023, we are requesting that the Director approve a second deferral of the Board of County Commissioners' public hearing through October 1, 2023, to enable us to continue work with County agencies and neighborhood stakeholders concerning the Application.

Thank you for your attention to this letter. It is appreciated.

By: /s/ William W. Riley
William W. Riley Jr., Esq.

A-49

From: Phyllis Winnick <winnick8400@gmail.com>
Sent: Friday, February 17, 2023 6:08 PM
To: Donderiz, Alain (RER) <Alain.donderiz@miamidade.gov>
Subject: Application # COMP20220016

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Mr. Donderiz,

Re the notice that was sent out regarding the application referenced above, I would like to know exactly what the application means for the residence of the area described in the letter. In plain language, what is being proposed, what does it mean for the residents in that area, and, especially, will it create more traffic if adopted?

I would greatly appreciate a timely response to these questions. Thank you.

Phyllis Winnick

840 NW 87th

Ave., #102

MDC236

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From: Yy Xx <senky47@gmail.com>

Sent: Thursday, February 23, 2023 9:19 AM

To: Mayor <mayor@miamidade.gov>

Subject: Application No. CDMP20220016 (Fountainblue Lakes LLC)

EMAIL RECEIVED FROM EXTERNAL SOURCE

Honorable Mayor de Miami-Dade County,

Le escribo para que haga llegar esta opinión sobre la propuesta de CDMP Standard Amendment que desea convertir un área 147 Acres de Parks and Recreation en un área de Medium Density Residential with One Density Increase.

Esto conlleva a la destrucción de una zona de hermosa área verde. Asimismo se duplicaría el movimiento vehicular de la zona, incluyendo Flagler St, 87 Ave, y otras vías que ya tienen tiempos de espera de más de 25 minutos en las horas picos.

Además debe recordarse que estas áreas verdes son ocupadas mayormente por lagos que disminuyen los efectos de inundación para lluvias de 5% de probabilidad (son las lluvias de más ocurrencia, no eventos extremos).

No es responsable proponer estos cambios de zonificación sin un serio estudio de impacto de inundación y tráfico vehicular.

Y QUE SE HAGAN LA PROPUESTA SIN NECESIDAD DE UN PUBLIC HEARING.

Respetuosamente,

Armando Jo Chao P. E.
8001 SW 5 St
Miami, FL 33144
305 763 5961

PD Sigo buscando como escribirle mis preocupaciones a nuestro Comisionado Kevin Cabrera.

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From: [M A Sarno](#)
To: [Pelaez, Juan C. \(RER\)](#)
Subject: Fwd: Fontainebleau application concerns
Date: Monday, March 13, 2023 3:20:33 PM

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Mr. Pelaez,

In addition, I found this article (see link below) where it is stated that the Group owns that 17 acres piece of land. I would like to know, please, to whom the totality of the land belongs.

Thank you again for your attention.

[Terra, Shoma Group Propose Apartment Project in Fontainebleau \(therealdeal.com\)](#)

Maria A. Sarno

----- Forwarded message -----

De: **M A Sarno** <masarno2016@gmail.com>
Date: seg., 13 de mar. de 2023 às 15:00
Subject: Fontainebleau application concerns
To: Pelaez, Juan C. (RER) <Juan.Pelaez@miamidade.gov>

Dear Mr. Pelaez,

The reason for my email today is to express our concerns and kindly ask you for some clarifications regarding the application CDMP20220016, as I understand, you are the Project Manager assigned to it.

Many of us, homeowners and residents in the Fontainebleau area, are very concerned about the recent zoning modification application submitted by Fontainebleau Lakes, LLC. We are very disappointed in the fact that this proposal is being considered at all, since, back in 2005, it had been promised to our community that, after the disastrous construction approval of a Walmart / L.A. Fitness shopping mall behind our condominiums, all the remaining green areas adjacent to our apartments were going to stay untouched. This area is cherished by hundreds of families and individuals, who utilize it daily as a source of recreational and fitness activities, which as we all know, greatly benefit our physical and mental health. In addition, the presence of wildlife in the (remaining) area adds to its natural beauty, and allows adults and children to see and learn firsthand about wild animals and wild habitats. Some of us regularly remove trash from the area ourselves, to keep it nice and enjoyable for all, and preventing debris to end up in nearby bodies of water. Most importantly, there is also a social implication. Miami-Dade County, like many communities around the country, struggles with enormous social issues, such as crime rate and drug and alcohol addiction, which are extremely connected to mental health. Parks, Recreation, and Open Spaces provide an immense contribution to the mental health of our residents, and we, the public, the taxpayers, want this contribution to increase, and not the opposite.

That being said, and you being the application Project Manager, I'd like to ask you for a

couple of clarifications, hoping that you'll have a few minutes to spare. My apologies for asking very basic questions; I have no prior knowledge of the subject, and I am not familiarized with the application terminology.

1- As I understand, all areas marked by an interrupted line on the notification map (attached), except by the Walmart/LA Fitness mall, are part of PROS, is that correct? Or does Shoma Development, LLC owns those 17 acres they are planning to develop? In this case, it is Shoma trying to just change its designation to build on it?

2- Besides building on these 17 acres, this application also asks for a countywide change/reduction on restricted areas bordering rapid transitways (in our case, I believe is the SR 836). Is that correct? If that gets approved, and I read the map correctly, Shoma Development (I believe that's the company in charge) would be filling the largest and most gorgeous lake in this portion of land, which is surrounded by a beautiful green area, where families regularly gather for free outdoor recreational and relaxing fun gatherings, as well as sports activities with their children. A lawyer for Shoma told one of my neighbors on one occasion, that all this land surrounding the lakes, and the lakes, is private property.

Thank you so much in advance for your attention, and again I hope you find a couple of minutes to help me with these questions,

Maria A. Sarno



RECEIVED
MAY 1, 2023
RER-PLANNING

April 28th, 2023

Juan Carlos Pelaez
Stephen P. Clark Center
111 NW 1st Street,
Miami, FL 33128

Dear Mr. Pelaez

The residents of the Fontainebleau Community Development District, Fontainebleau Lakes Courtyards West Condominium Association Inc., Fontainebleau Lakes West Homeowners Association Inc., and Master Association as of April 28th, 2023, would formally request the delay of the Fontainebleau Lakes LLC Comprehensive Development Master Plan (CDMP) amendment application (CDMP20220016). This requested delay includes all listed modification of Declaration of Restrictions recorded at official records book 23413, Page 1136 and official records book 26955, page 0908 and official records book 29816, page 3447 (collectively the "Recorded Declarations") within the amendment application. This is to offer the residents and all applicable association stakeholders to properly consider the impacts of such a project and its requested amendments to the existing Recorded Declarations.

Sincerely,

Edward Aparicio

Edward Aparicio, Fontainebleau Community Development District, Chair

Ana Quero

Ana Quero, Fontainebleau Master Association, President

Miguel Garcia

Miguel Garcia, Fontainebleau Lakes Courtyards West Condominium Association Inc., President

Miguel A. Garcia

Miguel Alejandro Garcia, Fontainebleau Lakes Courtyards West Condominium Association Inc., Secretary

Oscar Galvez

Oscar Galvez Fontainebleau Lakes Courtyards West Condominium Association Inc., Treasurer

Mayra De Torres

Mayra De Torres, Fontainebleau Community Development District, Chair

Alfredo Pena

Alfredo Pena, Fontainebleau Lakes West Homeowners Association Inc., President

MDC0242

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PAB Exhibit 7
CDMP 20220016
Received June 5, 2023

FOUNTAIN BLUE ZONING APPLICATION MODIFICATION
CDMP 20220016

Request to modify Existing "Parks and Recreation" zoning to Medium Density Residential with One Density Increase. Total 375 units proposed.

WESCHESTER COMMUNITY COUNCIL CDMP HEARING May 30 2023

Unanimous decision NOT to recommend the requested zoning modification proposal

TRAFFIC CONSIDERATIONS:

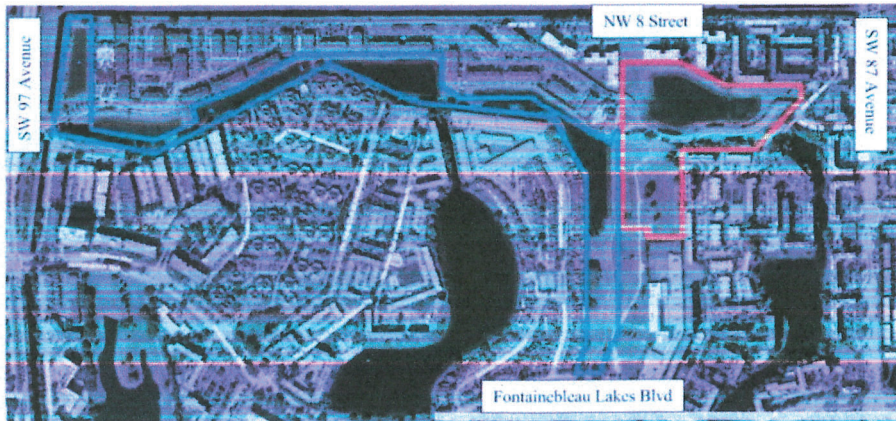
1. Proposed development has only one entrance on NW 8 st From 87 ave which is a narrow street used by 12 Existing Multifamily apartment buildings
2. Traffic analysis by Builder projects increase in traffic by 1,693 daily trips
3. Western access to proposed development through not allowed by Doral View another Shoma Home Development
4. Possible Southern Access would require approval by FPL adjacent land owner next to property having High Voltage Electrical Power lines. Sothern route would also end next to Pinecrest School on Fountain bleu BLVD already congested during student drop-off and Pick -up hours
5. Short Cut through Several other existing Apartment complexes Pine Lake Village and ART 88 20 buildings

QUALITY OF LIFE EXISTING AREA RESIDENTS

1. Enjoy the Park area and Green space
2. Proposed development is not on open land or property open to street but will be Dropped down in the middle of neighborhood with , many existing high density Apartment Buildings

CONCLUSION

1. Invite members of board to visit site
2. Decision on the project needs to be taken not in favor of the builder or possible future residents of area but guided by the concerns of the existing communities wishes



N
I Ownership Information

- Area Subject to the Land Use Change is owned by Fontainebleau Lakes, LLC and outlined in RED above.
- Areas owned by Applicant are outlined in RED and BLUE above.



Figure 1-Entrance From NW 87 ave



Figure 2- Proposed Development dropped into area of already existing apartment buildings



Figure 3-Proposed southern access route and FPL Power Lines

From: [Lisett Fernandez-Montero](#)
To: [Davis, Rosa \(RER\)](#); [Diaz, Abby \(RER\)](#); [senky47@gmail.com](#); [winnick8400@gmail.com](#); [masarno2016@gmail.com](#); [gc@cuadralaw.net](#); [aparicioquero@gmail.com](#); [edwardaparicio@gmail.com](#); [my7power](#); [edwardaparicio@gmail.com](#); [lemusarno@gmail.com](#); [natasha.casanova@anixter.com](#); [nima_nekoie@yahoo.com](#); [treasurerlassevillas@gmail.com](#); [De_Torres_Mayra \[GMAIL\]](#); [uspureenergy@gmail.com](#); [taboreli@bellsouth.net](#); [abanais@aol.com](#); [cloydelvalle@icloud.com](#); [lojeda1@hotmail.com](#); [walterarnao@hotmail.com](#); [carlos202@hotmail.com](#); [William W. Riley](#); [carlf.muller@aol.com](#); [Alexander Züst](#); [nottati@hotmail.com](#); [miamivonne@gmail.com](#); [bibitamayo@gmail.com](#); [orlan300@hotmail.com](#); [taboreli@bellsouth.net](#); [nima@taueng.com](#); [Nima Nekoie](#); [masarab2016@gmail.com](#); [lairave@gmail.com](#); [Felix Murillo](#); [carlos23uu@gmail.com](#); [gmusasao@gmail.com](#); [fred.garciacarjaya@hotmail.com](#); [z-unv@hotmail.com](#); [laura_bia@hotmail.com](#); [Anune027@gmail.com](#); [hjoivanovic@gmail.com](#); [paocalero@yahoo.com](#); [bcastellanos16@gmail.com](#); [Jochy07@yahoo.com](#); [edithr16@hotmail.com](#); [valeria.maluff@gmail.com](#); [vallejorene@gmail.com](#); [rci121302@yahoo.com](#); [MIGUELIGS@YAHOO.COM](#); [Djmansuarez@hotmail.com](#); [clei33154@gmail.com](#); [Edwardaparicio@gmail.com](#); [ana.quero@yahoo.com](#); [ginamvasquez@icloud.com](#); [my7power](#); [Luis Ernesto Ojeda](#)
Cc: [District10](#)
Subject: RE: NOTICE: Fontainebleau Lakes LLC hearing June 5, 2023
Date: Monday, June 5, 2023 8:38:34 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.jpg](#)
[Statement Opposing to Application No CDMP20220016 from Fontainebleau Lakes LLC with signatures.pdf](#)
[Public Survey-Signatures_compressed.pdf](#)
[Las Sevilla's signatures.pdf](#)
Importance: High

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear County Representatives,

I am reaching out on behalf of several residents in our community who have expressed their concerns regarding the inconvenient timing and location of the scheduled meetings (during work hours and requiring in-person attendance). They have requested that I share their signed petitions to convey their opposition to Shoma's request.

These signatures are just a fraction of the many homeowners who are actively gathering more signatures. Additionally, we would like to provide you with a link that demonstrates the community's strong and unwavering opposition to Shoma's request.

It is uncertain whether you will receive the other signatures via email or if you will hear about them through the news and other channels. However, one thing is certain: the residents are determined to make their voices heard. They have placed their trust in the current politicians to represent their interests rather than simply catering to the demands of a vendor.

<https://we.tl/t-BCBZvSDWkd>

<https://we.tl/t-BCBZvSDWkd>

On behalf of our communities!

Kind Regards,

Lisett Fernandez Montero, LCAM, BK
Senior Property Manager

Received June 5, 2023
Attachment 1: Petition with 27
signatures and Letter from Carolina
N. Rios

Statement Opposing to Application No CDMP20220016 from Fontainebleau
Lakes LLC

We, the undersigned owners of the property located at 9320 Fontainebleau Blvd., Miami, Florida located near the land subject to application No CDMP20220016 (Fontainebleau Lakes, LLC) which is requesting a change to the future Land Use Plan and Land Use Element **oppose** to the requested changes as follows:

In reference to the application for a

Modification of the Declaration of Restrictions recorded in Official records Book 23413 at Page 1134 as previously modified by the Declarations of Restrictions recorded in Official Records Book 26955 at Page 908 (first modification) and Book 29816 at Page 3447 (second modification) of the Public Records of Miami-Dade County, Florida

The owners of the 9320 Fontainebleau Blvd., Miami, Florida property oppose to the application for the modification of the Declaration of Restrictions

In reference to the application for a

Revision to the Parks and Recreation land use category interpretative test in the CDMP Land Use Element

The owners of the 9320 Fontainebleau Blvd., Miami, Florida property oppose to the application for the revision of the Parks and Recreation land use category and request as tax contributors to the County that the County fulfill its duty to install lights, park benches, outdoors gym equipment, to develop a dog park, a playground for the children of the residents of the area while respecting the habitat of the wildlife and other animals, birds and fish living in the area.

In reference to the application to

Redesignate *- 17.66 acres of the application site on the Land Use Plan map from Parks and Recreation to Medium Density Residential with One Density Increase (25 to 60 DU/Ac).

The owners of the 9320 Fontainebleau Blvd., Miami, Florida property oppose to the application to redesignate *-17.66 acres of the application site on the

Land Use Plan map from Parks and Recreation to Medium Density Residential with One Density increase. The 9320 Building owners oppose to any increase in density in the area.

Signed by the owners of the 9320 Fontainebleau Blvd, Miami, Florida 33172 building.

SIGNATURE / NAME / UNIT #

Carolina Reis #114, Carolina U.K.
 Elnia Riza #15 Elnia Riza
 MARGALY SUAREZ Elagaly Cruz B 608
 Elnia M Gonzalez ELINAM GONZALEZ B601
 MAURA MARTI (B-204) Maura Marti
 Ana Luisa Jacano Ana Luisa Jacano B 501
 William Eximil B-104
 Ana G Lopez Ana G Lopez B-106
 LEONIDES LEON Leonides Leon B 302
 Frank Rodriguez ~~Frank Rodriguez~~ B615 FRANK RODRIGUEZ
 Victor J. Ruiz Victor J. Ruiz B-304
 Wellington Lebrun Wellington Lebrun B 315
 Andres Ferrin Andres Ferrin B 310
 Savannah Casal Savannah Casal B 314
 Hugo Stollman Hugo Stollman #610
 Patricia Sandorel Patricia Sandorel #102
 Ethan Tanaya Ethan Tanaya #308
 Naithe Lanza Naithe Lanza #309
 Reyndel Reyndel B-604

Carolina N Rios

9320 Fontainebleu Blvd, Unit 114, Miami, Florida 33172

Cell: 313-506-7271

Email: rios.carolina@yahoo.com

April 8, 2023

Vice Chairman Anthony Rodriguez
Commission District 10
Stephen P. Clark Center
111 NW 1st Street
Office 320
Miami, Florida 33128

Subject: Application No. CDMP20220016 (Fontainebleau Lakes, LLC)

Dear Mr. Rodriguez,

I am a resident and owner of unit 114 located at 9320 Fontainebleau Blvd since the year 2006. I am contacting you to present the attached Statement of Opposition to the application in the subject line.

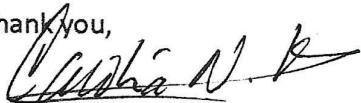
The Statement of Opposition is joined by another 25 condominium unit owners who also own their units for more than ten years and that have faithfully contributed with the payment of their real estate taxes for all those years.

The undersigned unit owners oppose to the three requests stated in the Application. Furthermore, the undersigned unit owners request that the category of the land currently designated as Parks and Recreation remain unchanged since this is the only green area for recreational purposes that the residents have left in the Fontainebleau area. The change in category from Parks and Recreation to Medium Density Residential with One Density Increase will depress the quality of life of the residents of the area to satisfy the needs for profit of the Applicant and this should not be allowed.

We, the residents and unit owners who voted for you and that elected you to represent our interests appeal to you to present our opposition to said Application since Community Council 10 does not have enough members to meet quorum requirements. Consequently, we have no other way to make our voice be heard.

Please advise whether you would need anything else from us in order to present our Statement of Opposition and to prevent the destruction of our Parks and Recreation area.

Thank you,



Carolina N Rios.

7022 2410 0001 1714 4077

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OFFICIAL USE

<p>Certified Mail Fee \$ _____</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ _____</p> <p>Total Postage and Fees \$ _____</p>	<p>Postmark Here</p>
--	--------------------------

Sent To _____
 Street and Apt. No., or PO Box No. _____
 City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

70222410000117144077

3 Ounce First Class "Flat"	1	\$2.73	N \$2.73
		Subtotal:	\$15.14
		Local Sales Tax:	+ \$0.18
		RECEIPT TOTAL:	\$15.32
		AMEX (1002):	\$15.32
		Received:	\$15.32

Merchant ID: 45025661033005=GOINPO
 Terminal ID: POS1
 Transaction Type: Sale

*****1002
 AMEX Entry Method: CHIP
 Date: 04/08/2023 Time: 11:28:13
 Invoice: 226286 Auth Code: 802499
 Reference: 0003
 Amount: 15.32
 Application Label: AMERICAN EXPRESS
 AID: A000000025010801
 TVR: 0800008000
 IAD: 064A010360A004
 TSI: F800
 ARC: 00
 CVM: SIGN

I agree to pay the above total amount according to card issuer agreement (merchant agreement if credit voucher)

X _____
 Cardholder Signature

Merchant Copy



PUBLIC SURVEY

Are you in Favor or Not in Favor of the Following requests made by Shoma Homes:

Proposed amendment to the CDMP for +107.68 acres of land located between NW 97 Avenue and NW 87 Avenue and between SR-836 (Dolphin Expressway) and West Flagler Street.

Requested CDMP map amendment as follow.

1. Modification of the Declaration of Restrictions recorded in Official Records Book 23413 at Page 1134 as previously modified by the Declarations of Restrictions recorded in Official Records Book 26955 at Page 908 (first modification) and Book 29816 at Page 3447 (second modification), of the Public Records of Miami-Dade County, Florida.
2. Revision to the "Parks and Recreation" land use category interpretative text in the CDMP Land Use Element
3. Redesignate +17.66 acres of the application site on the Land Use Plan map: From: "Parks and Recreation" To: "Medium Density Residential with One Density Increase" (25 to 60 Dwelling units per gross acre)

Name	Address	Email	In Favor (X)	Not In Favor (X)	Signature
Antonieta	9533 Taintain Blvd	Antonieta@shoma.com Jesse R.D. Hartman		X	
DIEGO NOTINE	9353 Taintain Blvd	diego@shoma.com		X	
Denis Rojas	9473 Fontainebleau Blvd	deniscuba1985@gmail.com		X	
Joseph Gonzalez	110 Fontainebleau Blvd Apto. 207	josephg16752@yahoo.com		X	
Eduardo Nathaniel	1119 NW Foyt Ave Miami, FL 33177	marketing2eduardo@gmail.com		X	

Future Meetings

10:00 AM, June 5, 2023*, Planning Advisory Board County Commission Chambers, 111 NW 1st Street, Miami, FL, 33128
 May be viewed at <https://www.miamidade.gov/webcasting> and on Miami-Dade Television.

9:30 AM, June 22, 2023*, Board of County Commissioners County Commission Chambers, 111 NW 1st Street, Miami, FL, 33128
 May be viewed at <https://www.miamidade.gov/webcasting> and on Miami-Dade Television
 MDC252



PUBLIC SURVEY

Are you in Favor or Not in Favor of the Following requests made by Shoma Homes:

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Name	Address	Email	In Favor (X)	Not in Favor (X)	Signature
Maitte Bacardi	10242 NW 7th st UNIT 103	Mtbaacaria.nelli.m88172e@yahoo.com		X	Decusigned by:  EC8885C26F54BF...
Yosjany Mesa	10242 NW 7 street unit	102y0isjanyym@1024217p.com		X	Decusigned by:  AC1B2009A9CAFD...

Future Meetings

10:00 AM, June 5, 2023*, Planning Advisory Board County Commission Chambers, 111 NW 1st Street, Miami, FL, 33128
May be viewed at <https://www.miamidade.gov/webcasting> and on Miami-Dade Television.

9:30 AM, June 22, 2023*, Board of County Commissioners County Commission Chambers, 111 NW 1st Street, Miami, FL, 33128
May be viewed at <https://www.miamidade.gov/webcasting> and on Miami-Dade Television
MDC253

**FOUNTAIN BLUE ZONING APPLICATION MODIFICATION
CDMP 20220016**

Request to modify Existing "Parks and Recreation "zoning to Medium Density Residential with One Density Increase ' Total 375 units proposed.

WESCHESTER COMMUNITY COUNCIL CDMP HEARING May 30 2023

Unanimous decision NOT to recommend the requested zoning modification proposal

TRAFFIC CONSIDERATIONS:

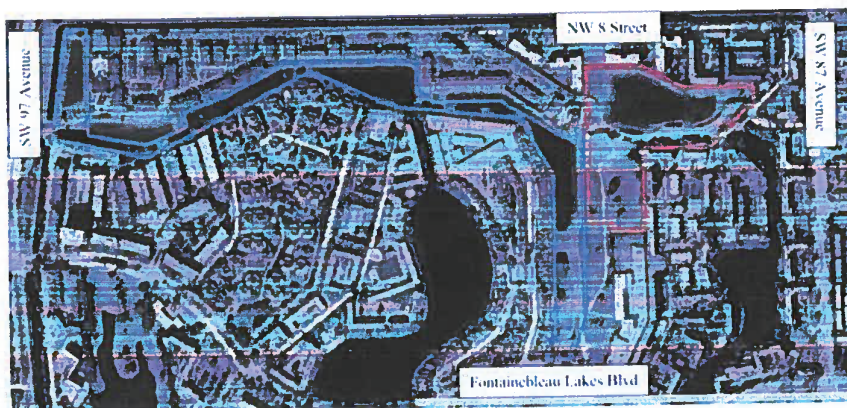
1. Proposed development has only one entrance on NW 8 st From 87 ave which is a narrow street used by 12 Existing Multifamily apartment buildings
2. Traffic analysis by Builder projects increase in traffic by 1,693 daily trips
3. Western access to proposed development through not allowed by Doral View another Shoma Home Development
4. Possible Southern Access would require approval by FPL adjacent land owner next to property having High Voltage Electrical Power lines. Sothern route would also end next to Pinecrest School on Fountain bleu BLVD already congested during student drop-off and Pick -up hours
5. Short Cut through Several other existing Apartment complexes Pine Lake Village and ART 88 20 buildings

QUALITY OF LIFE EXISTING AREA RESIDENTS

1. Enjoy the Park area and Green space
2. Proposed development is not on open land or property open to street but will be Dropped down in the middle of neighborhood with , many existing high density Apartment Buildings

CONCLUSION

1. Invite members of board to visit site
2. Decision on the project needs to be taken not in favor of the builder or possible future residents of area but guided by the concerns of the existing communities wishes



Ownership Information

- Area Subject to the Land Use Change is owned by Fontainebleau Lakes, LLC and outlined in RED above.
- Areas owned by Applicant are outlined in RED and BLUE above.



Figure 1-Entrance From NW 87 ave



Figure 2- Proposed Development dropped into area of already existing apartment buildings

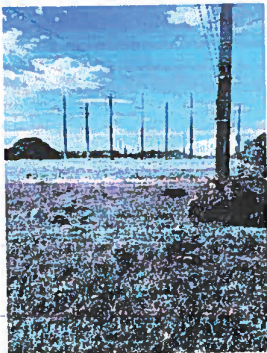


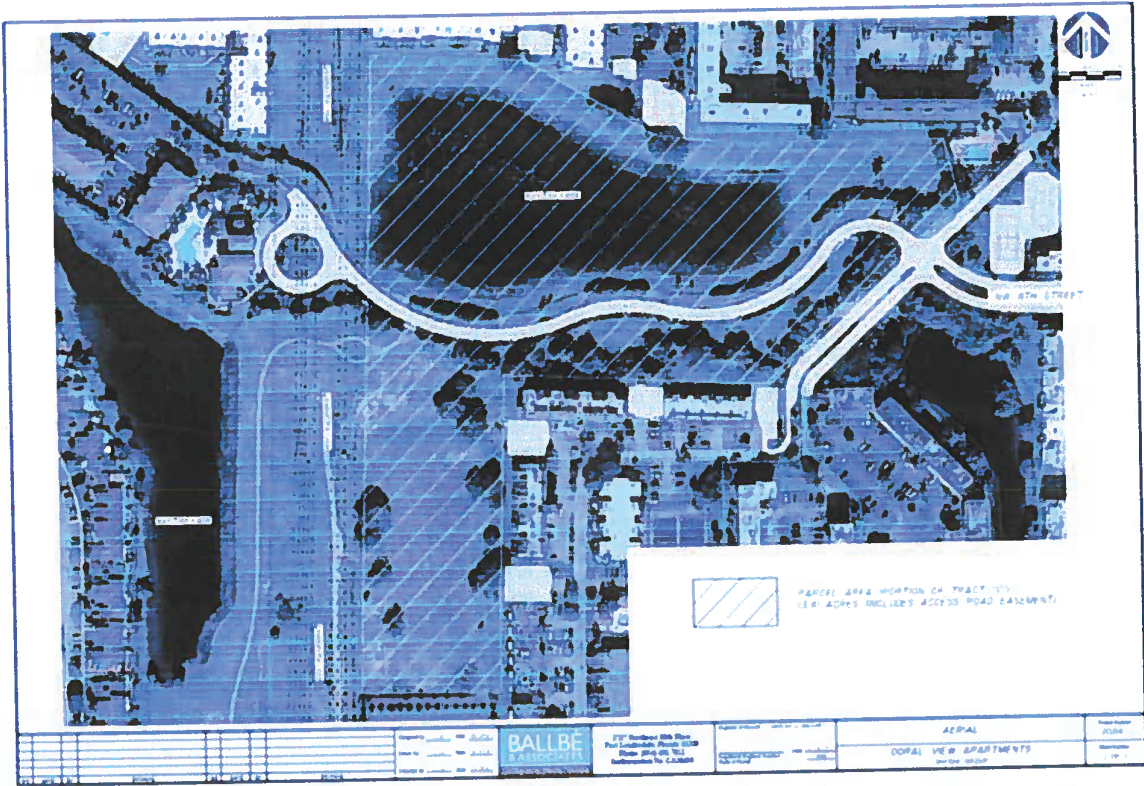
Figure 3-Proposed southern access route and FPL Power Lines

PROJECT TITLE DORAL VILLAGE APARTMENTS 1500 SW 10TH AVENUE DORAL, FL 33126		PROJECT NO. 2014-001		DATE 01/15/14	
CLIENT DORAL VILLAGE APARTMENTS 1500 SW 10TH AVENUE DORAL, FL 33126		ARCHITECT BALLBE & ASSOCIATES 1000 SW 10TH AVENUE SUITE 200 DORAL, FL 33126		SCALE 1" = 100'	

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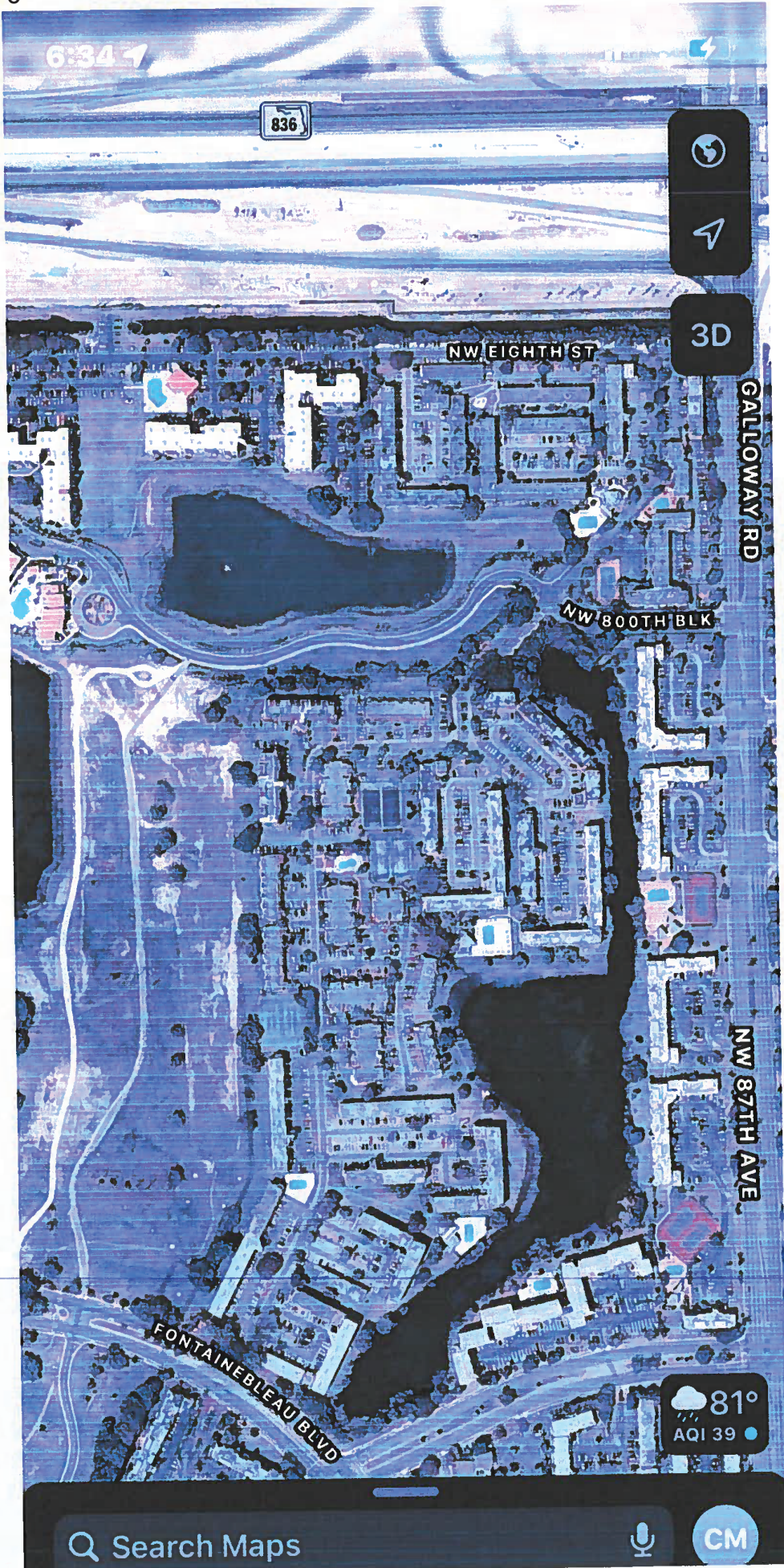
EXHIBIT E

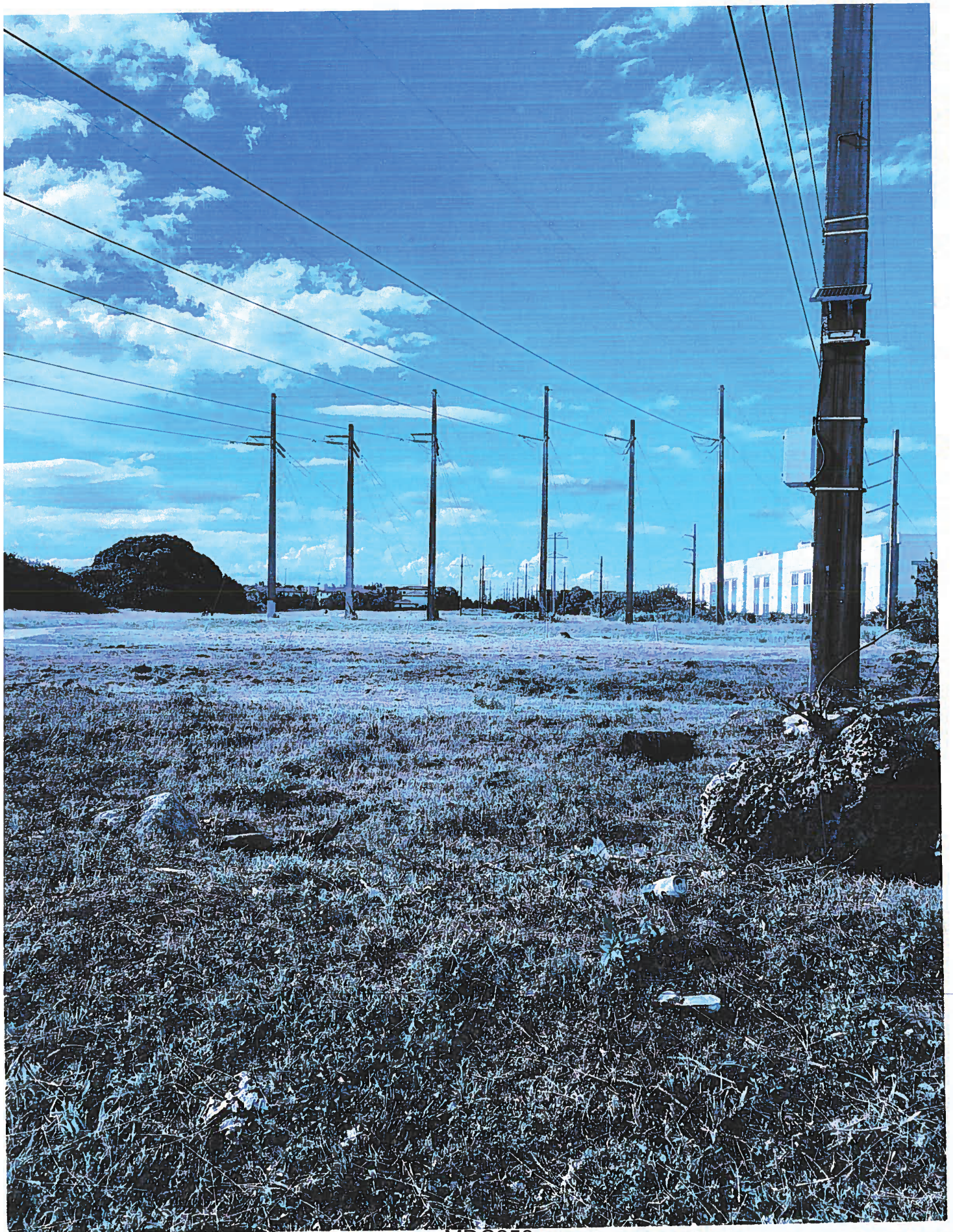
AERIAL OF AREA SUBJECT TO THE LAND USE CHANGE



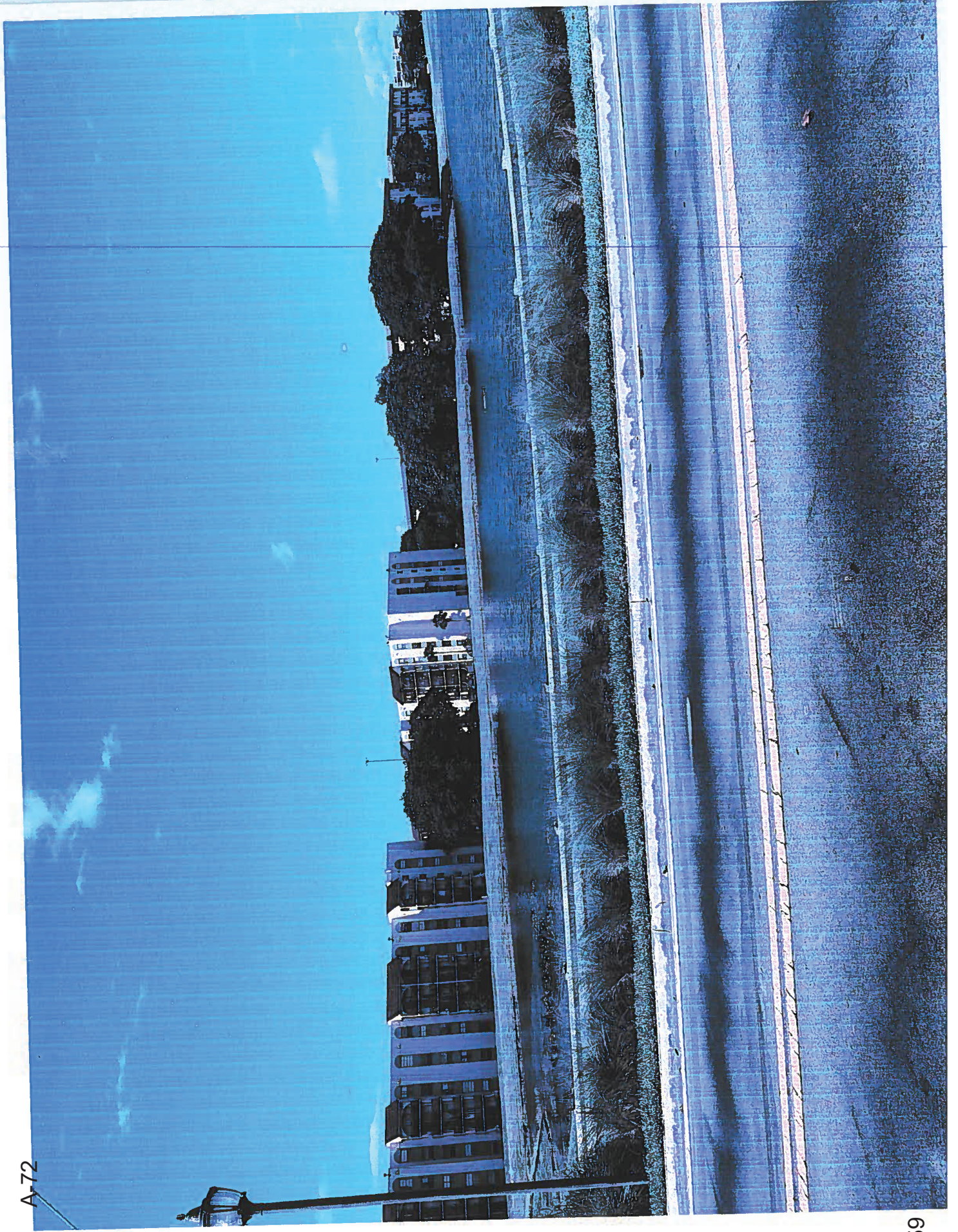
PROJECT TITLE DORAL VILLAGE APARTMENTS 1500 SW 10TH AVENUE DORAL, FL 33126		PROJECT NO. 2014-001		DATE 01/15/14	
CLIENT DORAL VILLAGE APARTMENTS 1500 SW 10TH AVENUE DORAL, FL 33126		ARCHITECT BALLBE & ASSOCIATES 1000 SW 10TH AVENUE SUITE 200 DORAL, FL 33126		SCALE 1" = 100'	

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