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ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA HAND-DELIVERY

March 20, 2013

Jack Osterholt, Director
Department of Regulatory and Economic Resources
Stephen P. Clark Center
111 NW First Street, 12th Floor
Miami, FL 33128



Re: DIC Zoning Application for Properties Located at Biscayne Boulevard and
Approximately NE 112 Street, Miami-Dade County.

Dear Mr. Osterholt:

This law firm represents 11200 Biscayne, LLC ("Applicant"), the owner of four adjacent properties comprising approximately 6.115 acres located north of NE 111 Street between Biscayne Boulevard and NE 14 Avenue and formerly identified as 11150 and 11190 Biscayne Boulevard ("Property") with Property Tax Folio Numbers 30-2232-000-0080, 30-2232-000-0160, 30-2232-008-0030 and 30-2232-008-0010. This letter shall serve as the Applicant's letter of intent requesting a special exception, a non-use variance and a modification of a previous resolution in connection with a proposed multifamily residential development on the Property. The Applicant reserves the right to supplement this letter.

Description of the Property. The Property is presently vacant. It formerly was improved with two 5-story buildings with approximately 160,000 square feet and surface parking built in 1975. Originally used as a Holiday Inn hotel, the hotel was converted in 1987 to an adult living facility called Williamsburg, and then converted in 2000 to a medical observation dormitory where SFBC International conducted medical screenings and trials. The buildings were demolished sometime in the last five or six years.

The Property is centrally located, and is adjacent to a major roadway, Biscayne Boulevard, which supports significant commercial, single-family and multifamily developments. Biscayne Boulevard is adequately serviced by public facilities, such as water and sewer and transit. There is a transit stop at the



southeastern edge of the Property. A traffic signal with pedestrian crosswalks already exists on the east side of the Property; it serves the Property and the Jockey Club Condominium residential community located on the east side of Biscayne Boulevard.

The Property is located inside the Urban Development Boundary (UDB) and the Urban Infill Area (UIA). The Property lies in the Biscayne Corridor Community Redevelopment Area (CRA). The goal of the CRA is to redevelop slum or blighted areas through tax revenues and incentives. Approval of the application would provide valuable tax revenue to assist the CRA's efforts to redevelop the area and ensure a good mix of urban infill development where residential and employment opportunities coexist.

The Surrounding Area. The adjacent property to the north is vacant, north of that is a trailer park, and north of that is the Biscayne Shores and Gardens Park. To the east across Biscayne Boulevard, there is an automotive service station, commercial uses, and numerous multifamily high-rise residential developments, including the Jockey Club Condominium at 11111 Biscayne Boulevard (3 high-rise buildings of approximately 13-stories with 91 units, 21-stories with 168 units and 21-stories with 148 units), which are adjacent to single-family homes, the Cricket Club Condominium at 1650 NE 115 Street (7-stories and 66 units) and 1800 NE 114 Street (23-stories with 217 units), and the Bahia Vista Condo at 1750 NE 115 Street (6-stories with 52 units).

To the south of the Property, on the north side of NE 111 Street, is a motel (11102 Biscayne Boulevard), a 4-story multifamily apartment building (1475 NE 111 Street) and a few duplexes. A 4-story office building is located at the southwest corner of Biscayne Boulevard and NE 111 Street (11098 Biscayne Boulevard). To the west of the Property, across NE 14 Avenue, there are some multifamily apartment buildings, a large FPL substation and a religious facility.

Biscayne Boulevard Corridor. Biscayne Boulevard supports concentrated commercial and residential uses. The corridor broadens into two concentrated areas, one to the north at NE 123 Street and one to the south at NE 108 Street. In the north area, there are two 8-story office buildings on the west side of Biscayne Boulevard with 5-floor parking garages at the rear of those properties (11900 and 12000 Biscayne Boulevard). In the south area, there is a 10-story office building at 10800 Biscayne Boulevard and 3 more high-rise residential buildings: Quayside Condominium #1 at 1000 Quayside Terrace (18-stories with 213 units); Quayside Condominium #2 at 2000 Towerside Terrace (20-stories with 216 units); and Quayside Condominium #4 at 4000 Towerside Terrace (23-stories



with 257 units), the first two of which are close to Biscayne Boulevard and immediately adjacent to single-family homes.

Revitalization. Generally speaking, with the exception of some recent commercial development in the area, the surrounding neighborhood has been in a state of decline for many years. The blighted condition of this small area of unincorporated Miami-Dade County straddling Biscayne Boulevard has deteriorated with the passing of each decade. The number of undesirable uses in the area has proliferated during the long economic downturn that this neighborhood has experienced. The trailer park use to the north of the Property is a prime example of a substandard use within the neighborhood. As the neighborhood has deteriorated, so has the condition of the trailer park and other nearby properties. While it seems that the southern end of Biscayne Boulevard in the City of Miami and the northern end of Biscayne Boulevard in the City of Aventura are enjoying beneficial economic growth, this section of Biscayne Boulevard has been left behind and not been able to participate in the revitalization of this historic roadway.

Although slow-going, a number of projects have been completed or are underway to revitalize the neighborhood with new commercial and residential uses. For example, in 2003, a retail development was completed on the east side of Biscayne Boulevard at NE 120 Street. In 2009, a new 4-story office building with ground-floor retail was completed just east of Biscayne Boulevard on the north side of NE 125 Street. In 2013, a Whole Foods Market will be coming soon to the former Office Depot plaza at 12150 Biscayne Boulevard. Notably, these last two projects were completed by and are managed by affiliates of the Applicant.

Other developers have taken note of the potential of this area. In the April 2005 Comprehensive Development Master Plan (CDMP) Amendment Cycle, the Board of County Commissioners (BCC) approved a standard amendment to the Land Use Plan (LUP) map for Dynamic Biscayne Shores Associates, Ltd. ("Dynamic"), which included the properties immediately north and northwest of the Property. The Dynamic properties covered over 20 acres and the BCC approved changes in the land use designation from Low-Medium Density Residential to Medium Density Residential and Business and Office. As of yet, no developer has gone forward, but these changes permit a density of 60 dwelling units/acre on the majority of the Dynamic properties.

Similarly, in the October 2005 CDMP Amendment Cycle, the BCC approved a small-scale amendment to the LUP map for Biscayne Greenacres,

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LLC and Biscayne Goldacres, LLC on property located a few blocks north of the Property on the west side of NE 16 Avenue at the intersection with Biscayne Boulevard and between NE 116 and NE 117 Streets. The BCC redesignated the western portion from Low-Medium Density Residential to Medium Density, thus permits 60 dwelling units/acre along NE 16 Avenue. Notably, the BCC had previously approved development of a 14-story office building with a 4-floor parking garage on this property. See Resolution No. Z-235-83.

In 2008, CZAB 7 approved a mixed-use development with a 7-story building and 5-floor parking garage at 10845 Biscayne Boulevard that has yet to be built. See Resolution No. CZAB7-3-08.

Land Use. The CDMP LUP map appears to designate the northern 3 lots of the Property and the eastern portion of the southernmost lot as Business and Office. Through Ordinance No. 11-33, the BCC adopted Application No. 1 of the October 2010 CDMP Amendment Cycle, which changed the designation of the northern 3 lots of the Property from Low-Medium Density Residential and Business and Office to Business and Office without any accompanying restrictions on residential density. The CDMP LUP map appears to designate the western portion of the southernmost lot of the Property as Low-Medium Density Residential.

Zoning. There are two zoning districts for the Property: RU-4A for the western approximately two-thirds of the Property; and BU-1A for the eastern approximately one-third of the Property. The establishment of these zoning districts, both of which arose out of separate rezonings, predates the implementation of the CDMP. The BCC approved the rezoning of the western portion to RU-4A in 1974 and the rezoning of the eastern portion to BU-1A in 1976. See Resolution Nos. Z-304-74 and Z-95-76. Neither of these approvals restricted the density on the Property.

Proposed Development. The Applicant proposes a multifamily residential development on the Property with approximately 402 units, which will include workforce housing units as further described below. This urban infill project will contain one 9-story square-shaped building at the center of the Property that encloses an expansive courtyard with a pool area. A 5-level parking structure attaches to the rear of the residential building. Except at the rear, the residential building contains double-loaded residential units. The ground floor will contain amenity areas for the residents.



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The main entrance to the development is located on the east side of the Property from Biscayne Boulevard, at the signalized intersection shared with the Jockey Club Condominium community. A two-way divided drive connecting to the entrance, lushly landscaped, will lead to a rotunda with a fountain directing residents either north or south around the building to surface parking and the garage. The Applicant plans a large passive park at the northeast corner of the Property and a sculpture garden at the southeast corner of the Property. The perimeters of the Property will also contain extensive landscaping.

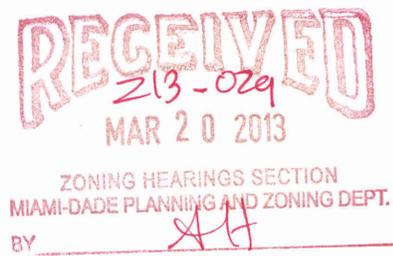
The proposed development does not maximize the development potential on the Property. For example, the placement of the building provides plentiful setbacks and the project complies with FAR, open space, lot coverage, height and number of parking spaces.

Density. The Applicant has requested a CDMP Interpretation regarding the allowed density for the Property. Preliminary meetings with staff of the Planning Division indicate that minimally the entire Property is entitled to 50 dwelling units/acre, which would be 305 units (before bonuses). However, the redesignation of the northern portion of the Property to Business and Office in 2010 means that the Business and Office portions of the Property may support 60 dwelling units/acre. Factoring in the existing zoning districts indicates that the achievable density (before bonuses) would be 322 units (~ 4.48 acres of RU-4A at 50 units/acre yields 224 units and ~1.635 acres of BU-1A at 60 units/acre yields 98 units).

Density Bonus for Workforce Housing. The CDMP provides a 25% density bonus where the developer provides a portion of units for workforce housing, which are households with incomes between 65 and 140% of the County's median income. Sections 33-193.3 - 33-193.15 of the Code of Miami-Dade County ("Code") provide the requirements. The Applicant plans to provide a minimum of 51 units (12.5% of the total unit count) as workforce housing in order to obtain a 25% density bonus of 80 more units, and therefore, permit 402 units on the Property. As required by the Code, the Applicant will formally classify these units as workforce housing units by declaration of restrictions for a minimum of twenty (20) years.

Zoning Requests. The Applicant requests the following for the proposed development.

Special Exception. The Applicant requests a special exception to permit residential use in the BU-1A zoning district. Even though the BU-1A portion of



the Property mostly contains the main entrance drive and open space areas, these uses serve the proposed residential development. Multifamily residential uses, including numerous high-rise developments that are over twice as tall as the proposed building, are common in the area. The proposed height is compatible with the many existing nearby tall buildings at 6, 7, 8, 13, 18, 21 and 23-stories. The Property also supported residential-type uses in two 5-story buildings for over 30 years. There are approvals for additional buildings of similar or greater height in the nearby area, including the potential for the same or higher height at the Dynamic properties immediately adjacent to the north. Notably, the building is setback more than necessary from all property lines and extensive landscaping buffers the adjacent properties and provides appropriate privacy.

Biscayne Boulevard is a major roadway that best serves the size of the proposed development and includes mass transit with a bus stop located at the Property. Further, the project provides all the required parking. The existing traffic signal will assist the flow of traffic in the area. The development is consistent with the text of the Land Use Element of the CDMP, which encourages infill development, including workforce housing, on vacant and underutilized lands, and increased density along major thoroughfares served by mass transit.

As such, the proposed residential development is an appropriate use of the vacant land and will not result in excessive noise and traffic, cause undue or excessive burden on public facilities or lead to excessive overcrowding and concentration of people. In addition, the development will benefit the economy and this area by assisting the revitalization of this blighted area. The new development will help attract more interest and development in this area.

Non-use Variance. The Applicant requests a non-use variance of the requirement in Section 33-251.3 of the Code of Miami-Dade County to provide a wall separating business from residential zones. The project will encompass the entire Property and allow access to all areas, including the passive park and sculpture garden in the northeast and southeast areas, respectively. Providing a wall separating these amenity areas from the residential building would disrupt the cohesiveness of the project and adversely affect the appearance of the development.

The purpose of the required wall is to separate dissimilar uses. In the present case, there are no dissimilar uses, therefore a wall is not necessary and this request maintains the basic intent and purpose of the land development regulations and ensures that the project will be compatible with the surrounding uses and positively influence the appearance of the neighborhood. This is the

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only non-use variance required; the project complies with all other zoning regulations.

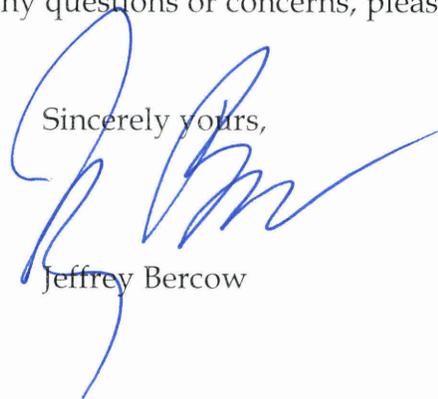
Modification of Previous Resolution. The Applicant requests modification of Condition no. 2 of Resolution No. 4-ZAB-9-87, as last modified by Resolution No. 4-ZAB-429-87, to replace the prior site plan for the "home for the aged" with the proposed site plan for Biscayne Village as prepared by Behar Font Partners, P.A.

The Applicant also requests deletion of Condition no. 5 of Resolution No. 4-ZAB-9-87, which restricts the use on the Property "to a maximum of 440 patients." As the assisted living facility and medical observation dormitory uses are neither present nor proposed on the Property, this restriction no longer applies.

Conclusion. The Applicant proposes a well-designed multifamily development that includes workforce housing on underutilized vacant land in an urban corridor in the UIA. The project is compatible with the surrounding uses and consistent with the goals, policies and objectives of the CDMP. The project will help revitalize this long-neglected area of Biscayne Boulevard and attract further quality commercial and residential developments to this neighborhood.

For the foregoing reasons, we look forward to your favorable recommendation. Should you have any questions or concerns, please contact me at (305) 377-6220.

Sincerely yours,



Jeffrey Bercow

cc: Irwin Tauber
Matthew Amster, Esq.