



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA HAND-DELIVERY

December 12, 2013

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

RECEIVED
Z13-029
DEC 18 2013

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY 

Re: Z13-029 - DIC Zoning Application for Properties Located at Biscayne Boulevard and Approximately NE 112 Street, Miami-Dade County - REVISED PLANS

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 purpose of this letter is to describe the revised plans in conjunction with the above-referenced application for a proposed multifamily residential development on the Property. The Applicant reserves the right to supplement this letter.

Revisions to Proposed Development. The Applicant's design remains largely the same as the prior revision. The Applicant continues to propose a multifamily residential development on the Property with 402 units, which will include 51 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. Other amenity areas will be located on the ground floor. Except at the rear, the residential building contains double-loaded residential units.

The parking structure attached to the rear of the residential building has 6 full levels with a partial 7th level. A few minor modifications have been made to

the 7th level to facilitate vehicular turnaround. On the ground level, slight adjustments have been made to provide the appropriate lengths of parallel parking spaces, widths of drive aisles and back out dimensions.

The main entrance to the development remains on the east side of the Property from Biscayne Boulevard, at the signalized intersection shared with the Jockey Club Condominium community on the east side of Biscayne Boulevard. A two-way divided drive leads to a roundabout with a bypass lane that abuts the front lobby. Additional pedestrian access points have been added along the bypass lane to allow for safety drop-off and pick-up and the landscaping in that area has been modified accordingly.

The landscape open space calculations have been modified to comply with RU-4A requirements, and the plans now show the appropriate maximum height of landscaping along Biscayne Boulevard.

Notably, 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.

Zoning Requests. The revised plans do not alter the Applicant's requests, which remain as follows:

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

Non-use Variances. The Applicant requests non-use variances of the following:

1. Section 33-251.3 of the Code of Miami-Dade County ("Code") to provide parking within 25' of a right-of-way (NE 14 Avenue).
2. Section 33-220(1) of the Code to allow the front setback to exceed 50 feet.

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.

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Similarly, the Applicant requests modification of Condition no. 1 of Resolution 4-ZAB-429-87, to replace the prior site plan for "Williamsburg" 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) 377-6236.

Sincerely yours,



Matthew Amster

cc: Irwin Tauber
Jeffrey Bercow, Esq.



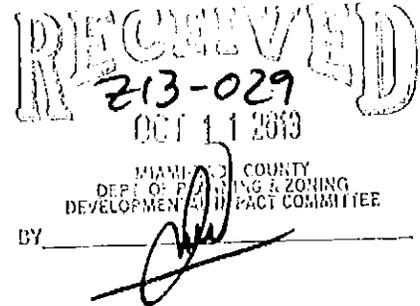
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VIA HAND-DELIVERY

October 11, 2013

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



Re: Z13-029 - DIC Zoning Application for Properties Located at Biscayne Boulevard and Approximately NE 112 Street, Miami-Dade County - REVISED PLANS

Dear Mr. Osterholt:

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Revisions to Proposed Development. The Applicant's design remains largely the same as the original submittal. The Applicant continues to propose a multifamily residential development on the Property with 402 units, which will include 51 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. Other amenity areas will be located on the ground floor. Except at the rear, the residential building contains double-loaded residential units.

The parking structure attached to the rear of the residential building has increased from 5 levels to 6 levels with a partial 7th level because the perimeter

ground-level parking has been reoriented from perpendicular to parallel. This change also results in wider landscape buffers at the north and south sides of the Property.

The main entrance to the development remains on the east side of the Property from Biscayne Boulevard, at the signalized intersection shared with the Jockey Club Condominium community on the east side of Biscayne Boulevard. The two-way divided drive has been modified to properly connect the entrance to the perimeter roadway with a roundabout. A new bypass lane abuts the front lobby for increased safety. The fountain feature at the center of the roundabout has been removed.

A new landscape architect greatly enhanced the landscaping at the front entrance drive, the two expansive passive parks fronting on Biscayne Boulevard and the perimeters of the Property. The prior proposal of a sculpture garden has been discarded in favor of a lush landscaped area.

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 Confirmation. The Applicant obtained a CDMP Interpretation Letter dated June 13, 2013, regarding the allowed density for the Property. See attached. The letter confirms that 347 dwelling units could be built on the Property under the existing zoning and Land Use Plan map designations. Also, up to 433 dwelling units could be built utilizing a density bonus of 25% when providing 12.5% of the units as workforce housing units.

Density Bonus for Workforce Housing. The Applicant plans to provide 51 units (12.5% of the total unit count) as workforce housing in order to obtain a density bonus. As required by the Code of Miami-Dade County, 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 revised plans do not alter the Applicant's requests, which remain as follows:

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

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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. There are no dissimilar uses, therefore a wall is not necessary.

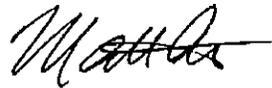
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The Applicant also requests deletion of Condition no. 5 of Resolution No. 4-ZAB-9-87, which restricts the use on the Property "to a maximum of 440 patients." As the assisted living facility and medical observation dormitory uses are neither present 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) 377-6236.

Sincerely yours,



Matthew Amster

Attachment

cc: Irwin Tautber
Jeffrey Bercow, Esq.



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June 13, 2013

Jeffrey Bercow, Esq.
Bercow Raddell & Fernandez
200 South Biscayne Boulevard, Suite 850
Miami, Florida 33131

Subject: Interpretation of the Comprehensive Development Master Plan for Parcels Located at
11190 Biscayne Boulevard, Miami-Dade County; Folio Nos. 30-2232-000-0080, 30-
2232-000-0160, 30-2232-008-0030 and 30-2232-008-0010

Dear Mr. Bercow:

This letter is in response to your revised letter of March 13, 2013, in which you request interpretation of the Comprehensive Development Master Plan (CDMP) pertaining to the subject property comprised of four (4) contiguous parcels totaling ± 6.11 net acres. The subject property is located north of NE 111 Street between Biscayne Boulevard and NE 14 Avenue in unincorporated Miami-Dade County. You request confirmation that a maximum of approximately 347 residential units could be built on the subject property under its existing zoning and CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map designations. You also request confirmation that the property could be developed with additional units to a maximum of 433 units under the CDMP provisions for a *25% Density Bonus for Workforce Housing*, or 451 units under the provisions for a *30% Density Bonus for Affordable/Workforce Multifamily Infill Housing*, subject to satisfying the applicable conditions/requirements of each density bonus.

The CDMP LUP map designates a ± 4.22 net acre portion of the subject property as "Business and Office", which comprises the northern three parcels (Folio Nos. 30-2232-000-0160, 30-2232-008-0030 and 30-2232-008-0010) and approximately the eastern one-third of the fourth parcel (Folio No. 30-2232-000-0080). The LUP map designates the remaining approximate two-thirds of the fourth parcel (± 1.89 net acres) as "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre; DU/Ac). The eastern ± 150 feet of the property, fronting on Biscayne Boulevard, is zoned BU-1A. The remainder of the property including the "Low-Medium Density Residential" designated portion is zoned RU-4A.

The "Business and Office" LUP map category text on CDMP Land Use Element page I-42 provides that:

"Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one

Jeffrey Bercow, Esq.
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density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway..."

The subject property is abutted to the northwest by property designated on the LUP map as "Medium Density residential" (13 to 25 DU/Ac). Therefore, and subject to the conditions outlined above, the "Business and Office" designated portion of the property could be developed as "Medium-High Density Residential" (25 to 60 DU/Ac) with a maximum of 253 units (60 DU/Ac x ± 4.22 acres = 253 units).

The "Low-Medium Density Residential" designated portion of the property can be developed under the LUP map designation with 24 units (13 DU/Ac x ± 1.89 acres = 24 units). However, the CDMP adopted text for 'Uses and Zoning Not Specifically Depicted on the LUP Map' on page I-73 provides that all existing lawful uses and zoning are deemed to be consistent with the CDMP unless such a use or zoning is found through a subsequent planning study to be inconsistent. No such planning study has been prepared for the application site. Therefore, and as you have outlined in your March 13 letter, residential development could occur on the "Low-Medium Density Residential" designated portion of the subject property under the current RU-4A zoning district. A maximum of 94 units could be built on this portion of the property based on the existing RU-4A zoning (50 units per acre x ± 1.89 acres = 94 units). Therefore, a maximum of 347 residential units (253 + 94 = 347) could be built on the entire property under the current "Business and Office" designation on the ± 4.22 -acre portion, and the existing RU-4A zoning district on the ± 1.89 -acre "Low-Medium Density Residential" designated portion of the property.

Regarding your request for confirmation of the applicable density bonuses, you attached a copy of Land Use Element text on pages I-32 and I-32.2 of the CDMP as Exhibit H to your March 13 letter. The adopted text provides that the Board of County Commissioners may approve density bonus incentives of up to 17%, 25%, 30%, and 60% above the maximum allowable densities for affordable housing or workforce housing development, if certain conditions are met. Specific to your request, the 25% Density Bonus for Affordable Housing could be applied to the property to provide an additional 86 dwelling units (347 DUs x 0.25 = 86) for a total of 433 dwelling units.

However, the 30% density bonus is not applicable at this time based on the CDMP text (2nd paragraph on page I-32.2) which states:

"Density Bonus programs of 30% or higher shall only take effect upon the adoption of an ordinance for the 'Multifamily Infill Housing Zoning Overlay.' Upon the adoption of the aforementioned zoning overlay, approval of any density bonus of 30% or higher shall require a zoning boundary change through a resolution."

The Multifamily Infill Housing Zoning Overlay ordinance referenced above is yet to be adopted thereby the 30% and 60% bonuses are not yet in effect. Furthermore, it is unclear how 451 units could be attained for the property utilizing the 30% density bonus. As discussed above, the maximum number of units that could be built on the property (347 units) includes 94 units calculated based on the existing RU-4A zoning on the "Low-Medium Density Residential" designated portion of the property. Of the County's residential zoning districts, the RU-4A district allows the highest residential density (50 units per acre) as a matter of right. Consequently, it is unclear what zoning district would be applied to the property that would achieve 451 units with the application of the 30% density bonus, if in fact the existing RU-4A zoning on the property must be changed in order for the 30% density bonus to be approved (as outlined above).

Jeffrey Bercow, Esq.
June 13, 2013
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Additionally, any zoning change must be consistent with the LUP map designations on the property as provided by the CDMP adopted text on page I-74 which provides that "...All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan". This CDMP provision would allow a maximum of 13 dwelling units per acre (total 24 units as outlined above) on the "Low-Medium Density Residential" designated portion of the property prior to the application of any density bonus, in which case, 451 residential units would not be attainable on the property. Therefore, in the absence of the 'Multifamily Infill Housing Zoning Overlay' ordinance, this Department cannot confirm that 451 units could be built on the property through application of the 30% density bonus program.

The Department has confirmed that 347 dwelling units could be built on the subject property based on the existing zoning and LUP map designations, and up to an additional 86 units for a total of 433 dwelling units could be built on the property utilizing a density bonus of up to 25%. The above-mentioned density bonuses for affordable/workforce housing may not be combined. To be eligible for any density bonus, the proposed development shall be consistent with the adopted goals, objectives and policies of the CDMP. In addition, the actual density on a parcel will depend upon applicable development regulations and compatibility standards.

This letter is provided in response to your request for interpreting the provisions of the CDMP and does not constitute a departmental recommendation on any pending or future requests for development approval. This Interpretation is based upon the policies and provisions of the CDMP currently in effect. If you have any questions regarding this matter, please contact me or Garrett Rowe, Section Supervisor at (305) 375-2835.

Sincerely,



Mark R. Woerner, AICP
Assistant Director for Planning

MRW:GAR:ide