### Miami-Dade County Department of Regulatory and Economic Resources Staff Report to Board of County Commissioners

Z20-198 July 21, 2021 Item No. 3B

Recommendation Summary				
<b>Commission District</b>	4			
Applicant	Biscayne Shores Venture, LLP			
Summary of Requests	The applicant is seeking a district boundary change on portions of the property from RU-4M to RU-4, in order to develop the parcel with a multi-family development. Additionally, the applicant seeks to ancillary non-use variances of reduced setbacks, lot coverage, parking, landscaping and zoning regulations.			
Location	11295 Biscayne Boulevard, Miami-Dade County, Florida.			
Property Size	7.57-acres			
Existing Zoning	RU-4M, Modified Apartment House District, 35.9 units per acre. RU-4, High Density Apartment House District, 50 units per acre. BU-2, Special Business District			
Existing Land Use	Vacant land			
2020-2030 CDMP Land Use Designation	Medium Density Residential, 13-25 dua, Medium High Density Residential 25-60 dua (Subject to approval of the concurrent CDMP amendment) and Business and Office (see attached Zoning Recommendation Addendum)			
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP			
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations. (see attached Zoning Recommendation Addendum)			
Recommendation	Approval of request #1 subject to the acceptance of the proffered declaration of restrictions, approval with conditions of requests #2 through #10.			

This recommendation is contingent on approval of the CDMP amendment application being heard and approved concurrently with this item.

#### **REQUESTS:**

(1) DISTRICT BOUNDARY CHANGE from RU-4M, Modified Apartment House District, RU-4, High Density Apartment House District to RU-4.

REQUEST #1 ON PARCEL A.

(2) SPECIAL EXCEPTION to permit residential in the BU-2 zoning district.

REQUEST # 2 ON PARCEL B AND WITH REQUESTS #1 & #2 THE FOLLOWING:

(3) NON-USE VARIANCE to permit the multi-family buildings setback a minimum of 8' (50' 7-13-21

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required) from the front (west) property line, setback a minimum of 5' from the interior side (north) property line and setback a minimum of 6.5' from the interior side (south) property line (81'-09" required for both), setback a minimum of 6.37' (74.5' required) from the rear (east) property line.

- (4) NON-USE VARIANCE to permit a pool pavilion setback 5' (7.5' required) from the interior side (north) property line.
- (5) NON-USE VARIANCE to permit a spa setback 3'-3" (10' required) from the interior side (north) property, setback 5'-3" (7.5' required) from the rear (east) property line.
- (6) NON-USE VARIANCE to permit a barbeque area setback 6'-5" (7.5' required) from the rear (east) property line.
- (7) NON-USE VARIANCE to permit a lot coverage of 42.53% (40% maximum permitted).
- (8) NON-USE VARIANCE to permit certain parking spaces with a minimum width of 7.5' (8.5' minimum required) and a minimum depth of 16' (18' required).
- (9) NON-USE VARIANCE to permit a minimum landscape open space of 21.11% (40% minimum required).
- (10) NON-USE VARIANCE of the zoning regulations requiring 20% of the total frontage dimension to be unencumbered with any structure or off-street parking; to permit multi-family buildings within passageway areas to the bay.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled Biscayne Shores," as prepared by Deforma Studio Inc. Sheets A-1.1, A-1.4, LA-204 & LA-406, dated stamped received 06/17/21, and the remaining 59 sheets dated stamped received 6/8/21 for a total of 63 sheets. Plans may be modified at public hearing.

#### **PROJECT DESCRIPTION AND PROJECT HISTORY:**

The subject 7.57-acre, irregular shape lot is located on the east side of Biscayne Boulevard, a well-travelled major roadway and north of NE 112 Street. The eastern 5.86-acre portion of the property, Parcel A, is currently zoned RU-4M, Modified Apartment Hose District and RU-4, High Density Apartment House District. Additionally, in 2017, Parcel A was approved pursuant to Administrative Site Plan Approval (ASPR) A2006-17, which permitted a zero-lot line residential development. Additionally, the property was previously developed with a private school and is currently vacant. Further, the applicant has concurrently filed a small-scale Comprehensive Master Plan (CDMP) Amendment application on a 1.2-acre portion of Parcel A and is slated to be heard by the Board of County Commissioners, prior to the public hearing. The CDMP application seeks to re-designate the 1.2 acres to Medium-High Residential. Approval of this application is contingent on the outcome of the CDMP amendment. The remaining westernmost 1.71 portion of the subject property, abutting Biscayne Boulevard, Parcel B is currently zoned BU-2 Special Business District.

On June 21, 2021, this application was heard by the Biscayne Bay Shoreline Committee. The Board provides recommendations for development along the Biscayne Bay in accordance with Resolution R-257-85. At that meeting the committee recommended a monetary contribution to the Biscayne Bay Public Access Trust pursuant to the Shoreline Development Review Committee Resolution No. 21-SDRC-001 (attached).

The applicant now seeks to rezone Parcel A of the subject property from RU-4M to RU-4, along with a request for a special exception to permit residential uses on the BU-2 portion of the property, Parcel B, in order to develop the subject property with 380 multi-family residential units. The applicant is also seeking ancillary non-use variances for setbacks, lot coverage, landscaping, parking and zoning regulations.

NEIGHBORHOOD CHARACTERISTICS					
Zoning and Existing Use Land Use Designation					
Subject Property	RU-4M, RU-4, BU-2; vacant land	Medium Density Residential (13 to 25 dua) Medium High Density Residential 25 – 60 dua (Subject to approval of the concurrent CDMP amendment) and Business and Office			
North	RU-4, BU-2; multi-family development, vacant land	Medium Density Residential (13 to 25 dua), Business and Office			
South	RU-4M, RU-4, BU-2; multi- family development	Medium Density Residential (13 to 25 dua), Business and Office			
East	RU-4L, IU-C; multi-family, multi-family apartments	Water			
West	BU-1A; vacant land	Business and Office			

#### **NEIGHBORHOOD COMPATIBILITY:**

The subject property is an irregular shaped parcel, surrounding by multi-family residential developments to the north and east, vacant parcels to the north and west and water (Biscayne Bay) to the east. Additionally, the subject property abuts Biscayne Boulevard to the west, which is designated as a Major Roadway on the CDMP Land Use Plan map.

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

The approval of this application will allow the applicant to provide the community with additional housing. The proposed development will bring additional traffic to the surrounding area. However, based on the memoranda submitted by the departments, these impacts will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways.

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

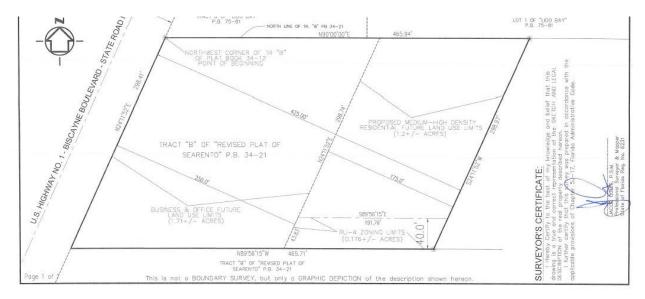
Staff notes that the subject property is designated **Medium Density Residential** and **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Medium Density Residential allows a range in density of 13 to 25 dwelling units per gross acre. The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments. The applicant has applied for a concurrent CDMP application to change the Medium Density to Medium High density on a portion

of the property. This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. The Business and Office category accommodates the full range of sales and service activities. Included are retail, hotels, motels, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation. Additionally, the CDMP Land Use Element interpretative text for Business and Office states 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.

When the above conditions are met, residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher. An interpretative letter from the Planning Division of the Department of Regulatory and Economic Resources (RER) was given and states that the subject property is lawfully zoned RU-4 (.64 acres, 50 units per acre permitted), RU-4M (5.22 acres, 35.9 units per acre permitted) and BU-2 (1.71 acres, 60 units per acre permitted), which would allow the subject property to be developed with a maximum of 321 residential units.

As previously mentioned, a portion of Parcel A (1.2 acres) of the subject property is the subject of a small-scale CDMP amendment during the October 2020 Amendment Cycle. With that application the seeks to re-designating 1.2 acres, westernmost portion of Parcel to Medium-High density residential. The CDMP application is being reviewed concurrently with this application and is slated to be heard by the Board of County Commissioners, prior to the zoning hearing application. This could allow the applicant to develop portion of the property within the density threshold allowed under the Medium High Density Residential designation on the LUP map. This category allows densities from 25 to 60 dwelling units per gross acre. This would allow the applicant to develop the 7.57-acre parcel with a maximum of 401 residential units.

#### PROPOSED CDMP APPLICATION



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Staff notes that the Planning Division's interpretation letter further states if the 1.2 acres portion of the subject property were to be re-designated from Medium Density to Medium High (25 to 60 dua) the subject property can be developed as follows: Business and Office (1.71 x 125 units per acre), which would allow 213 units, Medium-High Density Residential (1.2 acres x 60 units per acre), which would allow 72 units and the remaining Medium Density Residential potion (4.66 acres x 25 dua) which permits 116 units, for a maximum total of 401 units that can be developed on the subject property. However, the CDMP interpretation letter also stated that if the 4.66 Medium Density portion of Parcel A was rezoned to RU-4, the applicant would be required to proffer a declaration of restrictions limiting the total number of units on the subject property to 401 units to ensure CDMP consistency. Staff notes that the site plan indicates that the subject property will be develop with a maximum of 380 multi-family residential units and that the applicant has proffered a declaration of restrictions limiting the number of units.

Therefore, contingent on the approval of the CDMP small scale amendment to allow the redesignation of 1.2 acres of Parcel A to Medium-High Density Residential on the CDMP LUP map and subject to the acceptance of the declaration of restrictions, staff opines that the proposed rezoning to RU-4, along with the ancillary non-use variances will be **consistent** with the density threshold, and the Land Use Element Interpretative text for Business and Office, Medium Density Residential and Medium-High Density Residential on CDMP LUP map designations.

#### **ZONING ANALYSIS:**

The applicant is seeking to rezone Parcel A of the subject parcel from RU-4M and RU-4 to RU-4 (request #1). When request #1 is analyzed under Section 33-311, District Boundary Change, staff opines that subject to the acceptance of the proffered declaration of restrictions, approval of the requests would be **compatible** with the with the surrounding area. Further, based on the staff memoranda approval of the request would not have an unfavorable impact on the environment, the natural resources, or the economy.

Staff notes that contingent on the approval of the CDMP small scale amendment, to redesignate 1.2-acre portion of the property to Medium-High Density Residential, approval of the applicant's request to rezone Parcel A of the subject property will be consistent with the Medium Density and Medium-High Density Residential designations of the CDMP Land Use Plan map. Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object and that the application will generate an additional 164 PM Peak Hour Trips. Furthermore, the Department of Transportation and Public Works (DTPW) does not object to the application subject to the conditions outlined in their memorandum dated March 16, 2021. Also, the Division of Environmental Resources Management of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the additional units will have a negative impact on fire rescue services in the area. Staff notes that the memorandum from the Miami-Dade County Public Schools (MDCPS) indicates that the proposed development generates 55 students and at this time all grade levels have sufficient capacity. MDCPS does not object to the application but indicates that a final determination of Public School Concurrency and capacity reservation will only be made at either final plat or site plan approval. Based on the memoranda's, staff opines that approval of the subject request will not have an unfavorable effect on the economy of Miami-Dade County, Florida. Further, approval would not generate

or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways

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or other such facilities which have been constructed or which are planned and budgeted for construction.

As noted earlier, the applicant seeks to rezone Parcel A of the subject property to RU-4 in order to develop the entire property with 380 multi-family apartments units. As previously mentioned, staff notes that 1.71 acres of the subject property abuts Biscayne Boulevard and is zoned BU-2 and the remaining portions of the subject property is being rezoned to RU-4. Staff also notes that the abutting properties on the north and south area also zoned BU-2, along Biscavne Boulevard and RU-4, towards Biscayne Bay to the east. The surrounding developments consist of largely multi-family uses of varying heights and intensities, including the very large Jockey Club and Cricket Club developments to the south of the subject property. Additionally, staff notes that the property abuts a major north/south roadway, Biscayne Boulevard, and several multi-family apartment developments are located along the same corridor. Further, staff notes that the property located approximately 0.39 miles south of the subject parcel is also zoned RU-4. Therefore, staff opines that the RU-4 zoning district will create a harmonious transition between the existing surrounding land uses, and minimally alter the development fabric of the neighborhood. Furthermore, as previously mentioned, staff notes that the applicant has submitted a declaration of restrictions with this application, limiting the subject property to a maximum of 380 multi- family apartment units, which staff opines is compatible with the surrounding area. Therefore, staff recommends approval of request #1, subject to the Board's acceptance of the proffered covenant, under Section 33-311, District Boundary Change.

The applicant is also requesting to permit the multi-family development on the entire subject property, inclusive of Parcel B, which is currently zoned BU-2 and designated Business and Office, under section (request #2). When request #2 is analyzed under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff opines that approval with conditions would be **compatible** with the surrounding uses. Staff notes that the BU-2 zoning district permits residential uses with commercial uses, provided that the scale and intensity of the residential development is not out of character with the surrounding area, does not detrimentally impact the area and it provides a sensitive well-designed transition to any adjacent or adjoining residentially development.

The submitted plans depicts a 380 multi-family residential development. The highest intensity development will be centrally located on the property, within a 15-story tower structure. The tower structure will include three (3) floors of parking and 288 multi-family residential units within the upper floors. The remaining 92 residential units within the community will be three-story townhomes concept located throughout the site, with parking located on the ground level. Based on the shadow study that was submitted, the design will create a natural transition in intensity and eliminate any undesirable shadows on neighboring north and south properties. The main ingress and egress to the property will be from Biscayne Boulevard, a major throughfare, towards the northern property line. The site plan also depicts a secondary exit onto NE 114 Street to the north. Further, all buildings are screened by landscaping from the adjacent right-of-way, which staff opines will mitigate any visual impact on the surrounding area. Furthermore, staff notes that along Biscayne Boulevard corridor are several properties zoned RU-4A, which allows the same building heights as what the applicant is proposing. Moreover, as previously mentioned the properties adjacent to the north and south of the subject property are both zoned RU-4. Therefore, staff opines, the 15-story and three (3)-story building heights will not have a negative visual impact on the surrounding area and will be in keeping with the more intensive building heights located centrally on the property. Staff opines that the request

would not be detrimental to the surrounding area. Therefore, staff recommends approval with condition of request #2 under Section 33-311(A)(3), Standards For Special

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#### **Exceptions, Unusual Uses and New Uses.**

Further, when requests #3 through #6 to permit reduced building setbacks, allow a greater lot coverage #7, provide less parking space dimensions, less landscape open space and to block the view to Biscayne Bay (requests #8 through #10) are analyzed under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of these request are **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community.

As mentioned previously, the application proposes a 15-story tower structure, with several three (3)-story multi-family residential units being developed under the RU-4 zoning regulations. The submitted site plan shows several three (3)-story residential units, barbeque area, spa and a swimming pool pavilion that encroaches into the front, interior sides and rear setback area (reguests #3 through #6). Staff notes that the setback encroachments occurs along property lines that are adequately mitigated by landscaping, in the form of a minimum 5' wide landscape buffer, with rows of trees, hedges, and Biscayne Bay, which staff would lessen any adverse impacts on the surrounding area. Further, staff opines that although the buildings are setback a minimum of 8' (50' required) from the front, west property line, they will provide an element of framing of the roadway, which is typically encouraged in urban design along major roadways. Furthermore, staff notes that the setback variances along the interior side north and south property lines are due to the irregular shaped lot that naturally narrows towards Biscayne Bay. Moreover, staff opines that the resulting 2.53% of excessive lot coverage is minimal and compatible with the surrounding area in density and scale and will not detrimentally impact the surrounding community (request #7). As such staff opines that approval of the requested setback encroachments and increased lot coverage (reguests #3 through #7) would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations as It affects the stability and appearance.

Similarly, staff opines that approval of the applicant's requests to permit the development with less landscape open space and allow certain parking spaces with less parking width and depth (reguests #8 and #9), would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff notes that the submitted plans depict the multi-family development with adequate landscaping consisting of trees and shrubs, which staff opines will enhance the views of passerby along the abutting roadway, Biscayne Boulevard. Additionally, staff notes that the submitted plans also shows ample landscaping for each three (3)-story multifamily unit and adequate amount of landscaping throughout the site, which staff opines will be sufficient to mitigate any visual impacts generated by the lack of landscape open space within the subject property. Further, in staff opinion, approval of the request to permit parking spaces with less parking width and depth (request #8) will not have a detrimental impact on the surrounding area. The submitted site plan reflect certain parking spaces with less width and depth are locate only in the garage of the tower building, which staff opines may not cause spillage of parking onto the abutting roadway. Additionally, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources does not object to this request. Therefore, staff opines that approval of the request will not have a negative impact on traffic circulation within the site or on traffic on the surrounding roadway.

Further, staff opines that approval of the applicant's request to waive the zoning regulations requiring 20% of the total frontage dimension to be unencumbered with any structure or off-street parking in order to have visibility to the bay (request #10), would not affect the appearance of the community and would not be detrimentally to the neighborhood. As mentioned previously

mentioned, the subject property is an irregular lot with an extensive lot depth of approximately 1,810 feet from Biscayne Boulevard to the bay. Staff opines that on its own, this distance makes

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it difficult for passerby along Biscayne Boulevard to have a worthwhile view of the bay. As such, staff recommends approval with conditions of requests #3 through #9, under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations Standards.

<u>ACESS, CIRCULATION AND PARKING:</u> The submitted site plans indicate access to the site along Biscayne Boulevard. In addition, the plans depict adequate parking on-site for the proposed multi-family residential development.

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

**OTHER:** Not applicable.

<u>RECOMMENDATION:</u> Approval of request #1 subject to the Board's acceptance of the proffered declaration of restrictions and approval with conditions of requests #2 through #9.

**CONDITIONS FOR APPROVAL:** For requests #2 through #10 only.

- 1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
- 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled Biscayne Shores," as prepared by Deforma Studio Inc., dated stamped received 06/08/21, consisting of 63 sheets, except that the bulkhead or seawall shown on those plans shall not be construed to be part of this Zoning approval.
- 3. That the use be established and maintain in accordance with the approved plan.
- 4. That the development be limited to a maximum of 110 compact parking spaces
- 5. That the applicant complies with all the applicable conditions, requirements recommendations, requests, and other provision of the Department of Transportation and Public Works (DTPW), as contained in its memorandum dated March 16, 2021.
- 6. That the applicant comply with the Biscayne Bay Shoreline Committee Resolution No. 21-SDRC-001.

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NK:JB:NN:CH:CDH

Nathan Kogon, AICP, Assistant Director

Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

### **ZONING RECOMMENDATION ADDENDUM**

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NEIGHBORHOOD SERVICES PROVIDER COMMENTS				
Division of Environmental Resource Management (RER)	No objection*			
Platting and Traffic Review	No objection			
Water and Sewer	No objection			
Fire Rescue	No objection			
Department of Transportation and Public Works (DTPW)	No objection*			
Schools	No objection			
*Subject to conditions in their memorandum				

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

	POLICIES AND INTERPRETATIVE TEXT
Business and	This category accommodates the full range of sales and service activities. Included are retail,
Office	wholesale, personal and professional services, call centers, commercial and professional offices,
(Page I-41)	hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
Medium Density Residential (Page I-30)	This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.
Medium-High Density Residential (Pg. I-30) (Subject to approval of the concurrent CDMP amendment)	This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.

#### ZONING RECOMMENDATION ADDENDUM

Biscayne Shores Venture, LLLP Z20-198

#### PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools: that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

#### Section 33-311 District Boundary Change

- (A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.
- (F) **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:
  - (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered:
  - (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
  - (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
  - (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

## **ZONING RECOMMENDATION ADDENDUM**

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	(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

#### SHORELINE DEVELOPMENT REVIEW COMMITTEE

#### RESOLUTION 21-SDRC-001

WHEREAS, Biscayne Shores Venture, LLP. (the "applicant") has applied for shoreline site plan development review in accordance with Section 33D (Shoreline Ordinance) of the Miami-Dade County Code of Ordinances from the Biscayne Bay Shoreline Development Review Committee ("Shoreline Committee"); and

WHEREAS, the applicant proposes the development of a 16-story condominium building consisting of 275 apartment units and 105 two-story townhouse units, located at 11295 Biscayne Boulevard, within the unincorporated jurisdiction of the Miami-Dade County, Florida: and

WHEREAS, the subject application was filed with the Miami-Dade County Department of Regulatory and Economic Resources; and

WHEREAS, the Shoreline Committee considers whether and the extent to which a project as presented is consistent with the Miami-Dade County Comprehensive Development Master Plan and conforms to the Biscayne Bay Management Plan; and

WHEREAS, the Shoreline Committee determines the extent to which any plan or development action, as proposed, is in conformance with the Shoreline Ordinance and with the minimum standards set forth in Miami-Dade County Resolution No. R-257-85; and

WHEREAS, a public meeting of the Shoreline Committee was advertised and held on June 25, 2021, and the Shoreline Committee had the opportunity to hear from the applicant and members of the public; and

WHEREAS, the applicant has agreed to provide a monetary contribution to the Biscayne Bay Public Access Trust Fund in lieu of meeting standards in accordance with Article III of Chapter 33 due to site constraints; and

WHEREAS, the Shoreline Committee considered the recommendations from the Miami-Dade County Shoreline Lower Council as part of its review,

NOW THEREFORE BE IT RESOLVED, that at the June 25, 2021 meeting, the Shoreline Committee, as moved by committee member John Stuart and seconded by committee member Justine Velez, approved the applicant's request to proffer a monetary contribution to the Biscayne Bay Public Access Trust Fund, as per Section 33D.38 (4)(c), in accordance with the Department of Regulatory and Economic Resource's recommendation, and in accordance with the submitted site plan referenced herein as Exhibit A, with the following conditions:

- 1. That the applicant proffers a monetary contribution to the Biscayne Bay Public Access Trust Fund in the amount of one-hundred fifty-two thousand dollars (\$152,000.00).
- That said monetary contribution shall be used towards improving Biscayne Bay access at an
  existing or future municipal park facility located within one-half mile of the proposed
  development and adjoining Biscayne Bay or located within the Biscayne Bay Shoreline
  Development Review Boundary area as described in Chapter 33D of the Miami-Dade County
  Code.
- 3. That the applicants are required to comply with the comments/conditions provided by the Department of Regulatory and Economic Resources.

The vote on the motion was as follows:

Christian Johannsen - yes
Gladys Margarita Díaz - absent
Justine Velez - yes
George Puig - yes
Primi Conde - yes
John Stuart - yes
Eduardo Muhina - yes

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BISCAYNE SHORES VENTURE, LLP - B2021000001

Motion to approve passed 6 - 0.

This resolution constitutes the report of the Shoreline Committee together with all exhibits attached hereto

submitted to Miami-Dade County, Florida pursuant to Article III of Chapter 33D of the Code of Miami-Dade

County which shall become a part of all hearings and/or permit records on the proposed development action.

Respectfully submitted,

Nathan Kogon, AICP

**Assistant Director** 

Department of Regulatory and Economic Resources

Date: 06/13/21

Application # B2021000001

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**Date:** July 7, 2021

**To:** Lourdes M. Gomez, AICP, Director

Department of Regulatory and Economic Resources

From: Rashid Istambouli, P.E.

Department of Regulatory and Economic Resources

**Subject:** Z2020000198-1<sup>st</sup> Review

Biscayne Shores Ventures, LLLP

11295 Biscayne Boulevard

DBC from RU-4M to RU-4; Special Exception to permit residential

use in the BU-2 zone; and related non-use variances

of setback, lot width, open space, and view passage requirements

(BU-2) (7.57 Acres)

32-57-42

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to Section 24-43.1 of the Code. With respect to other issues discussed herein, DERM does not object to this application provided that all the conditions contained herein are complied with.

#### Coastal Resources

The site plans submitted in support of this zoning application depict a bulkhead within an area that based on a review of aerial records, consists of a collapsed seawall, unconsolidated shoreline, and mangroves. This proposed bulkhead, which is located in the water, is not a part of the zoning requests, and its inclusion in these zoning site plans is superfluous. Please be advised that a DERM Class I permit is required prior to the commencement of any work in, on, over, or upon tidal waters or coastal wetlands or to cut, trim or alter mangrove trees. The applicant has submitted a Class I permit application (CLI-2021-0083) for the subject site, which is currently under review pursuant to the applicable Code requirements for such coastal work and has not been issued as of the date of this memo. As such, any approval of this zoning application shall not constitute approval of the bulkhead. Please contact the Coastal Resources Section at <a href="maintaindade.gov">dermc@miamidade.gov</a> or (305) 372-6575 if you have any questions regarding the processing of Class I permit application CLI-2021-0083.

The inclusion of the bulkhead in the zoning site plans is superfluous and is not a part of the zoning application. In addition, the bulkhead will require a Class I permit which is not a part of this application and is being separately considered through the appropriate process.

Condition of approval: Insert the following at the end of the condition approving the plans submitted for hearing: "except that the bulkhead or seawall shown on those plans shall not be construed to be part of this Zoning approval."

#### Potable Water Supply and Wastewater Disposal

Pursuant to the Code, based on the proposed district boundary change, and site plan showing new construction, the proposed development is within feasible distance to connect to public water and sanitary sewers. Therefore, the proposed development shall connect to public water and sanitary sewers in accordance with Code requirements. Please note, that this development will need to obtain water and sanitary sewer extension permits prior to DERM approval of future development orders. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the City of North Miami and the RER Environmental Plan Review Section.

Civil drawing for the required sewer main extension will need to be approved by the City of North Miami and the DERM Water and Wastewater Division prior to approval of final development orders.

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

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains, and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits, DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins which have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

#### **Conditions of Approval: None**

#### Stormwater Management

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the DERM Water Control Section at (305)372-6681 or dermwatercontrol@miamidade.gov for further information regarding permitting procedures and requirements.

Stormwater should be retained on-site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

#### **Conditions of Approval: None**

#### **Tree Preservation**

An aerial review of the subject properties indicates the presence of tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater) and non-specimen size trees. Section 24-49 of the Code provides for the preservation and protection of specimen tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of Sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

The landscape plan entitled "Biscayne Shores" prepared by Taylor Kiehl R.L.A., and dated as received by Miami-Dade County on December 3, 2020, indicates that the specimen and non-specimen tree resources are proposed for removal. The applicant submitted a tree permit application (#11381) for the subject properties on January 20, 2021. Based on the review of the tree permit application, **DERM has determined that the removal of the tree resources shown on the landscape plan is approvable pursuant to Section 24-49.2(4)(II) of the Code.** Please note however that the tree permit has not yet been issued.

In accordance with Section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

Please contact Jennifer Harris at Jennifer.Harris@miamidade.gov for additional information or concerns regarding this review.

#### **Conditions of Approval: None**

#### **Enforcement History**

The subject property has no open and one (1) closed enforcement record for violations of Chapter 24 of the Code. There are no outstanding DERM liens or fines. Additionally, a review of records associated with the above DERM Enforcement case revealed the following:

Unpaid Civil penalties: \$0.00

Unpaid Administrative costs of hearing: \$0.00

Unpaid County investigative, enforcement, testing, or monitoring costs: \$0.00

Unpaid liens: \$0.00

Please contact the Enforcement Section if you require additional information.

#### Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP

for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of the final development order.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

# Memorandum MIAMI-DADE

Date:

March 25, 2021

To:

Nathan Kogon Assistant Director

Regulatory and Economic Resource Department

From:

Raul A. Pino, PLS

Chief

Regulatory and Economic Resource Department

Subject:

DIC 20-198

Name: Biscayne Shores Ventures, LLLP Section 32 Township 52 South Range 42 East

#### I. PROJECT LOCATION:

The property is located at 11295 Biscayne Blvd.

#### II. APPLICATION REQUEST:

This application is requesting to develop 380 residential units which include 11 townhomes, 264 multi-family units, 105 two-story townhomes.

#### III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available by Biscayne Boulevard/ US 1.

#### IV. RECOMMENDATION:

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

#### V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> Edition)

164 PM Peak Hour trips are generated by this application.

#### B. Cardinal Distribution

North 41 % East 3 % South 25 % West 31 %

#### VI. IMPACT ON EXISTING ROADWAYS:

#### A. CONCURRENCY

Station F 0524 located on US 1 south of NE 123 Street, has a maximum LOS "E+50" of 4560 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2853 vehicles and 95 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, Station F 0524 with its PHP and assigned vehicles is at LOS "E". The 50 vehicle trips generated by this development when combined with the 2853 and those previously approved through Development Orders, 95, equal 2998 and will cause this segment to remain at LOS "E" whose range is from 2921 to 3040.

Station F 1023 located on NE 125 Street west of N Bay Shore Drive, has a maximum LOS "E" of 3040 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1979 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, Station F 1023 with its PHP and assigned vehicles is at LOS "D". The 20 vehicle trips generated by this development when combined with the 1979 and those previously approved through Development Orders, 0, equal 1999 and will cause this segment to remain at LOS "D" whose range is from 1311 to 2920.

**Station F 2556** located on US 1 north of NE 104 Street, has a maximum LOS "E+50" of 4560 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 3630 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 2256** with its PHP and assigned vehicles is at LOS "E+19". The 75 vehicle trips generated by this development when combined with the 3630 and those previously approved through Development Orders, 0, equal 3705 and will cause this segment to have LOS "E+22" whose range is 3041 to 4560.

Station F 0126 located on NE 125 Street east of NE 6 Avenue, has a maximum LOS "E+20" of 3648 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2026 vehicles and 79 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, Station F 0126 with its PHP and assigned vehicles is at LOS "D". The 19 vehicle trips generated by this development when combined with the 2026 and those previously approved through Development Orders, 79, equal 2141 and will cause this segment to remain at LOS "D" whose range is from 1311 to 2920.

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

#### VII. SITE PLAN CRITIQUE:

Platting is not required as per Resolution No. Z-210-79. Additional improvements may be required as part of the permit process.

#### VIII. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."



**Date:** Tuesday, March 16, 2021

**To:** Nathan Kogon

**Assistant Director** 

Regulatory and Economic Resource Department

From: Darlene M. Fernandez, P.E.

Assistant Director

Department of Transportation and Public Works

**Subject:** DIC Z2020000198

Name: Biscayne Shores Ventures, LLLP

#### I. PROJECT LOCATION:

The property is located at 11295 Biscayne Boulevard.

#### II. APPLICATION REQUEST:

This application is requesting to develop 117 townhouse units and 264 multifamily residential units.

#### III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available by one (1) right in/right-out driveway along SR 5/US 1/Biscayne Boulevard and one (1) egress-only driveway providing connection to NE 114 Street via a cross access agreement with the Cricket Club.

#### IV. RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) does not object to this application subject to the conditions in Section V. Please note that if site plan modifications are needed, it is the applicant's responsibility to do so under the corresponding RER process.

#### V. CONDITIONS:

The developer of this site is required to perform the following improvements before obtaining the Temporary Certificate of Use (TCU) or Temporary Certificate of Occupancy (TCO) as applicable:

• Construct northbound right-turn lane along SR 5/US 1/Biscayne Boulevard at the project's main entrance.

The developer of this site is required to perform the following improvements at the time of plat:

- Biscayne Boulevard is part of the State of Florida Highway system (SR 5). Any improvements within the right of way of SR 5 requires review and approval by the Florida Department of Transportation. Please note that driveway connections along SR 5/S. Dixie Highway must meet FDOT access management requirements, if disapproved site plan is not acceptable. Contact the district office at 305-470-5367 for driveway permits. All improvements/dedications must be approved by FDOT.
- Please provide the sight triangles for both pedestrian and vehicular traffic for the egress driveway connection to NE 114 Street. Also, the 14' must be measured from the edge of the travel lane behind the right turn lane. Please note that the 6' privacy fence may not be located within the sight triangle.
- As per response to comments, the roundabout was removed from site plan; however, the roundabout/cul-de-sac is still shown in the site plan. Please provide a standard design for this roundabout/cul-de-sac including splitter islands and crosswalks on the approaches.
- All proposed crosswalk landings must meet ADA requirements.
- Please provide a t-turnaround for dead-end areas.
- Please note that driveways must be designed as per FDOT standard 515. Please show the proper distance/dimensions for the merge condition given that there are two entering lanes. Also, provide the proper pavement and marking plans given that a head-on collision might occur between the outbound and incoming vehicles.
- A signed and sealed site plan printed to scale must be submitted for DTPW review.
   Pavement widths, radii, existing and proposed driveway connections, proposed circulation paths, pavements markings, lanes widths, signing, etc. must be shown in the submitted site plan. A minimum of 5 feet must be provided from property line to driveway.

Cc: Raul A. Pino, PLS, Department of Regulatory and Economic Resources

Claudia P. Diaz, P.E., Traffic Engineering Division Chief, Department of Transportation and Public Works

Nicholas Nitti, Zoning Evaluation Supervisor, Department of Regulatory and Economic Resources

James Byers, Chief, Regulatory and Economic Resources Zoning and Public Works Plan Review Division



# Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools Alberto M. Carvalho

January 8, 2021

#### Miami-Dade County School Board

Perla Tabares Hantman, Chair Dr. Steve Gallon III, Vice Chair Lucia Baez-Geller Dr. Dorothy Bendross-Mindingall Christi Fraga Dr. Lubby Navarro Dr. Marta Pérez Mari Tere Rojas Luisa Santos

#### **VIA ELECTRONIC MAIL**

Mr. Jeffrey Bercow BR Zoning Law 200 S. Biscayne Blvd Miami, FL 33131 jbercow@brzoninglaw.com

RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS

**BISCAYNE SHORES VENTURES, LLP-CDMP20200014** 

**LOCATED AT 11295 BISCAYNE BLVD** 

PH3020121800579 - FOLIO NOS.: 3022320080031

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 401 multifamily units, which generates 55 students; 29 elementary, 12 middle and 14 senior high students. At this time, all 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 305-995-4501.

Best regards,

Ivan M. Rodriguez, R.A.

Director

Enclosure

L-125

cc: Mr. Victor Alonso, R.A.

Ms. Nathaly Simon Miami-Dade County

School Concurrency Master File



## **Concurrency Management System (CMS)**

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

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

**Concurrency Management System Preliminary Concurrency Analysis** 

MDCPS Application Number: PH3020121800579 Local Government (LG): Miami-Dade
Date Application Received: 12/18/2020 2:14:34 PM LG Application Number: CDMP20200014

Type of Application: Public Hearing Sub Type: Land Use

Applicant's Name: Biscayne Shores Ventures, LLP

0

Address/Location: 11295 BISCAYNE BLVD

Master Folio Number: 3022320080031

Additional Folio Number(s):

PROPOSED # OF UNITS
SINGLE-FAMILY DETACHED

0

**UNITS:** 

SINGLE-FAMILY ATTACHED

**UNITS:** 

MULTIFAMILY UNITS: 401

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	-16	29	0	NO	Current CSA
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	0	29	0	NO	Current CSA Five Year Plan
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	-16	12	0	NO	Current CSA
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	0	12	0	NO	Current CSA Five Year Plan
6631	NORTH MIAMI MIDDLE	184	12	12	YES	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	-133	14	0	NO	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	257	14	14	YES	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
3661	NATURAL BRIDGE ELEMENTARY	147	29	29	YES	Adjacent CSA
*An Impact reduction of 30.55% 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



Date: December 11, 2020

**To:** Nathan Kogon, Assistant Director

**Development Services** 

Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate

Chief, Planning & Water Certification Section

Water and Sewer Department (WASD)

Subject: Zoning Application Comments - Integra Investments, LLC

Application No. Z2020000198

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process.

<u>Application Name:</u> Integra Investments, LLC

<u>Location:</u> The proposed project is located on approximately 7.57 Acres at 11295 Biscayne Boulevard with Folio No. 30-2232-008-0031, in unincorporated Miami-Dade County.

<u>Proposed Development:</u> The applicant is requesting a District Boundary Change of the portion of the property with zone RU-4M (Modified Apartments) to RU-4 (High Density Apartments), so the entire property will be RU-4. Also, a Special Exception to permit residential use in the portion of the property with BU-2 uses and Non-Use variances of setback, lot width, open space, and view passage requirements. The proposed development will consist of a mixed residential community with 105 Townhomes and 275 Apartment units.

<u>Water</u>: The proposed development is located within the City of North Miami's water service area, but the water is supplied by WASD. North Miami is a water wholesale customer of WASD. Please consult with the Utility Department of the City of North Miami for any infrastructure that they may have in their service area.

A Water Supply Certification (WSC) will be required from WASD for the proposed development. Said Certification will be issued at the time of development when a WASD Ordinance letter is issued. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to <a href="http://www.miamidade.gov/water/water-supply-certification.asp">http://www.miamidade.gov/water/water-supply-certification.asp</a>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A and 18-B of the Miami-Dade County Code and consistent with Policies WS-5E and WS-5F of

Zoning Application No. Z2020000198 Integra Investments, LLC December 11, 2020 Page 2

the CDMP, respectively. Also, please note that Section 8A-381 (c) of the Miami-Dade County Code states that, effective January 1, 2009; all permit applications for new multifamily residential developments shall be required to include a sub-meter for each individual dwelling unit.

For more information about our Water Conservation Program, please go to <a href="http://www.miamidade.gov/conservation/home.asp">http://www.miamidade.gov/conservation/home.asp</a>

For information concerning the Water-Use Efficiency Standards Manual please go to <a href="http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf">http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf</a>

<u>Sewer:</u> The proposed development is located within the City of North Miami's sewer service area. Please consult with the Utility Department of the City of North Miami for any infrastructure that they may have in their service area.

North Miami is a Volume Sewer Customer of WASD. At the time of development, an Ordinance letter will be required from WASD. WASD will be the utility providing sewer services for treatment and disposal of the wastewater at the North District Wastewater Treatment Plant (WWTP). This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity for the proposed project consistent with Policy WS-2A(2) of the CDMP.

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or <a href="mailto:mai



Date:

January 13, 2021

To:

Jack Osterholt, Director

Department of Regulatory and Economic Resources

From:

Ammad Riaz, P.E.

Chief of Aviation Planning 1. R.

**Aviation Department** 

Subject:

DIC Zoning Hearing Application No. 20-198

Biscayne Shores Venture, LLLP

MDAD DN-21-01-3206

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request to re-designate the FLUM from "Business and Office" and "Medium Density Residential" to "Business and Office" and "Medium-High Density Residential." The applicant also requests that the application be processed concurrently with a District Boundary Change from "BU-2" and "RU-4M" to "BU-2" and "RU-4." The application area is a portion of the land located at 11295 Biscayne Boulevard, Miami-Dade County. A portion of the property, along Biscayne Boulevard, is designated "Business and Office" and the remaining portion of the property is designated "Medium Density Residential District." The application area consists of approximately 3.25 gross acres (2.91 net acres). The re-designation of the application area to "Business and Office" and "Medium-High Density Residential" would allow the applicant to provide an additional 153 residential units.

MDAD does not object to the proposed request provided that all uses comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33 as it pertains to airport zoning. Please be advised that in accordance with Code of Federal Regulation (CFR) Title 14 Part 77, any proposed temporary or permanent structure which reaches or exceeds 200 feet Above Ground Level (AGL) requires filing with the Federal Aviation Administration (FAA) using Form 7460-1 'Notice of Proposed Construction or Alteration'. The form is available on-line and can be "e-filed" through the FAA website: https://oeaaa.faa.gov. Alternatively, the form can also be mailed to: Federal Aviation Administration, Southwest Regional Office Obstruction Evaluation Group, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. The applicant is required to coordinate with MDAD's Aviation Planning Division for a MDAD-issued Airspace / Land-Use Letter of Determination for any permanent structure at the referenced location which reaches or exceeds 200 feet AGL and for a MDAD-issued Permissible Crane Height Determination for any temporary structure at the referenced location which reaches or exceeds 200 feet AGL. All airport zoning resources, are available on our webpage which may be accessed by using the following link: http://www.miami-airport.com/planning\_forms\_maps.asp.

AR/rb

C: J. Ramos



Date: December 23, 2020

**To:** Nathan Kogon, Assistant Director

Regulatory and Economic Resources Department

From: Michael J. Fernandez, Director

Department of Solid Waste Management

Subject: 11295 Biscayne Boulevard (Z2020000198)

The Department of Solid Waste Management's review of the above-referenced item is provided below. Additional comments will be provided as needed. **The DSWM has no objections to the proposed application.** 

**Application:** The applicant, Biscayne Shores Ventures, LLLP is requesting approval of the application for (1) a District Boundary Change from RU-4M to RU-4; (2) a Special Exception to permit residential use in the BU-2 zone; and (3) related non-use variances of setback, lot width, open space, and view passage requirements.

**Size:** The subject property is approximately 8.55 acres (gross) in size.

**Location**: The property is located 11295 Biscayne Boulevard in unincorporated Miami-Dade County, Florida.

#### **Analysis:**

#### 1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Department of Solid Waste Management (DSWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 26, 2019, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed. There are no solid waste facilities (collection or disposal) within 2.5 miles of this property

#### 2. Garbage and Trash Collection Services

Should the referenced request be approved, and the anticipated development subsequently constructed, it would meet the definition of both "residential unit" and "multi-family establishment" as described in Chapter 15 of the Code of Miami-Dade County. According to Chapter 15 of the Code entitled Solid Waste Management, residential units on the property will receive DSWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

Per the Code, the following is required of multifamily establishments located in unincorporated Miami-Dade County: "Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." The landlord or property owner is required to arrange for waste and recycling collection services. While the DSWM can provide waste collection services, multi-family and commercial establishments most typically work with a permitted private hauler to provide both (waste and recycling) in one contract.

#### 3. Recycling

The DSWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Applicants are required to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store and set out their recycling carts). Further information on the curbside recycling program may be obtained on the Department's website at <a href="http://www.miamidade.gov/solidwaste/recycling.asp">http://www.miamidade.gov/solidwaste/recycling.asp</a>.

As it pertains to the multi-family units, **Section 15-2.2a** of the Code requires that "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

**Section 15-2.2b** of the Code states that the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 of the Code shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation. Requests for approval of modified recycling programs must be made directly to the Department. The application regarding modified recycling programs for multi-family properties may be found on the website at <a href="http://www.miamidade.gov/solidwaste/multifamily-recycling.asp">http://www.miamidade.gov/solidwaste/multifamily-recycling.asp</a>.

#### 4. Recycling and Waste Storage/Setout Considerations

**Section 15-4** of the Code requires that plans for storage and collection of solid waste and recycling be adequate before a building permit may be issued (residents must be provided with adequate space to store and set out their recycling carts or bins or, in the case of centralized waste collection with dumpster containers, a permanent space for recycling carts or larger receptacles). Site plans must address location, accessibility, number and adequacy of solid waste and recyclable materials collection and storage facilities and must be approved by the Director. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste and recyclable materials are shown in accordance with Section 15-4 of the Miami-Dade County Code". For properties in incorporated areas, municipalities are requested to require that building plans for commercial establishments, multi-family residential establishments, and residential units be prepared so as to include sufficient space for storage and collection of recyclable materials, but not to prohibit curbside collection of recyclable materials where otherwise permitted in residential districts.

#### 5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

All alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. Developments requiring that solid waste haulers use private roads in order to service properties within the community shall hold the haulers, including the Department, harmless for any and all road damage occurring as a consequence of normal use of these roads. Failure to maintain any private roads used to provide solid waste collection services in adequate condition may, with provision of advance notice, result in removal of waste collection services provided by the DSWM.

Cc: Sherra Durham-Camp, Assistant Director, DSWM Collections

# Memorandum GOUNTI DADE

Date:

December 17, 2020

To:

Nathan Kogon, Assistant Director **Development Services Division** 

Regulatory and Economic Resources Department

From:

Alejandro Zizold, PROS Master Plan Manager

Planning, Design and Construction Excellence Division A. Zizold

Parks, Recreation and Open Spaces Department

Subject:

Z2020000198- Biscayne Shores (Pre-app: Z2020P00158)

**Applicant Name:** Biscayne Shores Ventures, LLLP.

**Project Location:** The property consists of ±7.57-acres and is located on 11295 Biscayne Boulevard, east of Biscayne Boulevard and north of NE 112 Street. The project site is in unincorporated Miami-Dade County, Folio No. 30-2232-008-0031.

**Proposed Development:** The applicant seeks district boundary change to develop 382 total residential units. The proposed development will include a (16) story tower at the southeast corner of the site with 264 residential units. The remaining 118 residential units will be (2) story townhomes. Proposed recreational amenities include a pool, pool deck, plaza, paddleboard/kayak launch ramp and fitness court.

Current Park Benefit District Area Conditions: County-owned local parks that are within three miles of the subject application are described in Table A which lists the park name, park classification, acreage, and type of recreation facility for each park. All County-owned local and area-wide parks are shown in the attached Figure 1.

Table A - County Parks (Local) Within a 3 Mile Radius of Application Area.

PARK NAME	ADDRESS	CLASSIFICATION	ACRE	TYPE
BISCAYNE SHORES AND GARDENS PARK	11525 NE 14TH AVE	NEIGHBORHOOD PARK	6.16	Local
GRATIGNY PLATEAU PARK	885 NW 117TH ST	MINI-PARK	0.97	Local
LARCHMONT PARK	406 NW 85TH ST	NEIGHBORHOOD PARK	4.62	Local
MILITARY TRAIL PARK	825 NE 89TH ST	NEIGHBORHOOD PARK	1.58	Local
NORTH SHORECREST PARK	801 NE 88TH ST	NEIGHBORHOOD PARK	0.53	Local
OAK GROVE PARK	690 NE 159TH ST	COMMUNITY PARK	21.85	Local
OAK PARK	620 NW 117TH ST	MINI-PARK	0.29	Local
SOAR PARK	120 NW 83RD ST	COMMUNITY PARK	3.09	Local

Impact and Demand: This application proposes a total of 264 multi-family residential units and 118 single-family attached units which would generate a population of 899 persons resulting in an impact of 2.47 acres of local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service (LOS) standard for the provision of local recreation open space. As shown in Table A, there are two Miami-Dade County-provided local recreation open space sites consisting of 5 acres or larger within a 3-mile radius from the application area. The site is in Park Benefit District 1 (PBD1) which has a surplus of 96.14 acres of local parkland and therefore the project meets concurrency when analyzed in terms of 2.75 acres per 1,000 unincorporated areas residents within this Park Benefits District.

This site is located near the proposed Flagler Trail, a pedestrian and bicycle path along the Florida East Coast (FEC) Railway that will connect communities from Downtown Miami to Aventura. The Flagler Trail will be part of the Miami LOOP, an envisioned 225-mile non-motorized trail network within Miami-Dade County.

**Recommendation:** PROS recommends that the applicant include the following recommendations in the development plans:

- PROS recommends including shade trees along Biscayne Boulevard to provide a more shaded and walkable area and provide a buffer to the residential units closest to the road per our Great Streets Vision laid out in our Miami-Dade County Open Space Master Plan (OSMP).
- PROS recommends that the applicant include bicycle racks for the residents and dog stations if feasible.
- Please provide an estimated total area dedicated to private recreation space.

These recommendations are based on the following Recreation and Open Space objective in the Comprehensive Development Master Plan (CDMP):

#### Objective ROS-8

The Miami-Dade County Parks and Open Space System Master Plan (OSMP), 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.

Based on our findings and recommendations described herein **PROS** has no objections to this application. Should you have any questions, or if you need any additional information or clarification on this review, please contact Natalia Neira, Park Planner III, by email at natalia.neira@miamidade.gov.

AZ: at nn

Signature: Alia Lita

Email: alissa.turtletaub@miamidade.gov Email: alejandro.zizold@miamidade.gov

Signature: Alejandro Zizold





**Date:** April 16, 2021

To: Nathan M. Kogon, Assistant Director

Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner

Miami-Dade Fire Rescue Department

**Subject**: Z2020000198

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in "Energov" on 04/16/21.

For additional information, please contact Alejandro Cuello at <u>acuello@miamidade.gov</u> or call 786-331-4545.

#### **Building and Neighborhood Compliance**

#### **ENFORCEMENT HISTORY**

Bercow Radell Fernandez Larkin +

Tapanes/Graham Penn

11295 BISCAYNE BLVD

MIAMI-DADE COUNTY, FLORIDA.

APPLICANT ADDRESS

Pending Z2020000198

DATE HEARING NUMBER

FOLIO: 30-2232-008-0031

#### REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

December 23, 2020

#### **NEIGHBORHOOD REGULATIONS:**

There are no open/closed cases in CMS.

#### **BUILDING SUPPORT REGULATIONS:**

**Building Support Case # 202106307B,** opened on November 19, 2020, for Failure to maintain a building or structure or devices in safe condition. Fence in dis-repair. Notice of Violation issued on November 19, 2020. There are no outstanding fees. The case remains open.

**Building Support Case # 20190195047B,** opened on November 17, 2018, for Failure to maintain a building or structure or devices in safe condition, fence in disrepair. Notice of Violation issued on November 17, 2018. Case closed and referred to Case Number 202106307B due to a change of ownership. There are no outstanding case. The case is closed.

#### VIOLATOR:

Bercow Radell Fernandez Larkin + Tapanes/Graham Penn

#### **OUTSTANDING LIENS AND FINES:**

There are no outstanding liens or fines.

### RECEIVED

MIAMI-DADE COUNTY PROCESS NO: Z20-198 DATE: DEC 3 2020

BY: GONGOL

#### DISCLOSURE OF INTEREST\*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME:_	Biscayne Shores Venture, LLLP	
NAME AND ADDRESS		Percentage of Stock
See attached		
interest held by each. [Not	wns or leases the subject property, list the to e: Where beneficiaries are other than natural ural persons having the ultimate ownership in	persons, further disclosure sha
TRUST/ESTATE NAME:		
NAME AND ADDRESS		Percentage of interest
partners. [Note: Where pa	or leases the subject property, list the princip artner(s) consist of other partnership(s), consist of other partnership(s), considerable by the satural personates.	propration(s), trust(s) or simila
PARTNERSHIP OR LIMITE	ED PARTNERSHIP NAME:	
NAME AND ADDRESS		Percent of Ownership

### RECEIVED

MIAMI-DADE COUNTY PROCESS NO: Z20-198

DATE: DEC 3 2020

BY: GONGOL BY: GONGOL including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER:	N/A	
NAME, ADDRESS AND OFFICE (if applicat	ble)	Percentage of Interest
		Problems of the contract of th
Date of contract:		
If any contingency clause or contract terms corporation, partnership or trust:	s involve additional parties, list all	individuals or officers, if a
Management		
NOTICE: For changes of ownership or cha- but prior to the date of final public	nges in purchase contracts after the hearing, a supplemental disclosu	ne date of the application, re of interest is required.
The above is a full disclosure of all parties of inte	rest in this application to the best of m	y knowledge and belief.
Signature: Yautel Multing		
Manuel Martinez, Authorized  Sworn to and subscribed before me this	Representative of Biscayne Shor	es Venture,LLLP
Sworn to and subscribed before me this $\frac{\int \mathcal{U}^m}{\int \mathcal{U}^m}$	day of Nember 2020 Affia	nt is personally known to
me or has produced	as identificat	
<u>Januelle Ormolel</u> (Notary Public)	DANIELLE ARNOLD Notary Public - State of Florida Commission = GG 339662	
My commission expires <u>1/2</u> 5/23	Bonded through National Notary Assn.	

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

# Disclosure of Interest for "Biscayne Shores Ventures, LUR" ECELVED

		MIAMI-DADE COUNTY
	BISCAYNE SHORES VENTURES, LLLP - DISCLOSURE OF INTERESTS	PROCESS NO: Z20-198
Name	Address	DATE, of Steperstyle 2020
ACA Biscayne, LLC	601 Brickell Key Dr, Ste 901, Miami, FL 33131	BY4:000NGOL
Flamingo Biscayne, LLC	601 Brickell Key Dr, Ste 901, Miami, FL 33131	The state of the s
Plage Biscayne, LLC	601 Brickell Key Dr, Ste 901, Miami, FL 33131	10.500%
PPLR Biscayne, LLC	601 Brickell Key Dr, Ste 901, Miami, FL 33131	4,400%
Stone Biscayne, LLC	601 Brickell Key Dr, Ste 901, Miami, FL 33131	10.000%
TM Biscayne Shores, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	15.000%
Bologna Investments, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	11.250%
Secondvent Corporation	1100 S Federal Hwy, Ste 536, Deerfield Beach, FL 33441	10.000%
Gaivota Inc.	1110 Brickell Ave, Ste 200, Miami, FL 33131	6.250%
New Metropolis Ventures, Inc.	1401 Brickell Ave, Ste 420, Miami, FL 33131	5.000%
Temescal Biscayne Shores, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	5.000%
BS Real Estate Investments, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	5.000%
Biscayne Shores Fortress, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	4.990%
Marco Riguzzi (individually)	Rua Prof Ladislau Peter, 80, Sao Paulo - SP, CEP 05602-060, Brazil	2.500%
Bellav Investments, LLC	1001 Brickell Bay Dr, Ste 3200, Miami, FL 33131	2.500%
Biscayne Shores Real Estate, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	1.250%
Victor Ballestas (individually)	960 W 48th Street, Miami Beach, FL 33140	0.750%
Nelson Stabile (individually)	15 Grand Bay Estates, Key Biscayne, FL 33149	0.500%
Korgeous Larson Group Biscayne Shores, LLC	230 Palermo Ave, Coral Gables, FL 33134	0.005%
Integra Investments, LLC	150 SE 2nd Ave, Ste 800, Miami, FL 33131	0.005%

ACA BISCAYNE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS			
Name	Address	% of Ownership	
Andre Lefki Brennand	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	50.00%	
Cristiana Lefki Brennand de Oliveira	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	50.00%	

FLAMINGO BISCAYNE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS			
Name	Address	% of Ownership	
Antonio Luiz de Almeida Brennand	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	100.00%	

PLAGE BISCAYNE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS		
Name	Address	% of Ownership
osé Jaime Monteiro Brennand	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	100.00%

PPLR BISCAYNE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS			
Name	Address	% of Ownership	
Paula Brennand Guerra	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	22.32%	
Patricia Brennand Petribu	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	22.32%	
Maria de Lourdes Brennand	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	27.69%	
Renata Brennand de Carvalho	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	27.69%	

STONE BISCAYNE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS		
Name	Address	% of Ownership
Ricardo Coimbra de Almeida Brennand Filho	Av. Eng. Domingos Ferreira, 2589, 8 andar, Recife, PE, 51020-031, Brazil	100.00%

Name	Address	% of Ownership
Artur Tavares da Costa Carvalho	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	8.33%
Ricardo Costa Carvalho Sano	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	8.33%
Jorge Tavares da Costa Carvalho	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	8.33%
Marcos Tavares da Costa Carvalho	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	8.33%
Eduardo Moreira Tavares de Melo	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	13.33%
Lucia Helena Tavares de Melo Sa Pereira	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	13.33%
Marluce Tavares de Melo Nobrega	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	13.33%
Tania Tavares de Melo	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	13.33%
Virgilio Tavares de Melo Jr.	Av Antonio de Goes 60, cj 901, Recife, PE, 51010-000, Brazil	13.33%

BOLOGNA INVESTMENTS, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS		
Name	Address	% of Ownership
Ricardo Valadares Gontijo	Rua Prof. Giorgio Schreiber 99, Belo Horizonte, MG, 30210-430, Brazil	50.00%

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Ana Lucia Ribeiro Valadares Gontijo	Rua Prof. Giorgio Schreiber 99, Belo Horizonte, MG, 30210-430, Brazil	PROCESS NOºº220-198
		DATE: DEC 3 2020
SECONI	OVENT CORPORATION - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNE	RS DV GOVIGAL
Name	Address	% of Ownership
Andre Ferreira da Costa	Av. Mal. Mascarenhas de Morais, 2629, Recife, PE, CEP 51150-090, Brazil	50.00%
Guilherme Ferreira da Costa	Av. Mal. Mascarenhas de Morais, 2629, Recife, PE, CEP 51150-090, Brazil	50.00%

Name	Address	% of Ownership 49.00%		
Rafael Zingales Icaza	Av. das Americas, 500, BL 13, cj 312, Rio de Janeiro, RJ, 22640-100, Brazil			
Alexandre Icaza	Av. das Americas, 500, BL 13, cj 312, Rio de Janeiro, RJ, 22640-100, Brazil	49.00%		
Maria Gabriella Icaza	Av. das Americas, 500, BL 13, cj 312, Rio de Janeiro, RJ, 22640-100, Brazil	1.00%		
Homero Icaza Figner	Av. das Americas, 500, BL 13, cj 312, Rio de Janeiro, RJ, 22640-100, Brazil	1.00%		

NEW METROPOLIS VENTURES, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name Address		% of Ownership				
Eduardo Kuperman	1401 Brickell Ave, Ste 420, Miami, FL 33131	54.75%				
Marjory Kuperman	1401 Brickell Ave, Ste 420, Miami, FL 33131	45.25%				

TEMESCAL BISCAYNE SHORES, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name	% of Ownership					
Marcos Pinheiro de Andrade	55 Ebury Street, Flat 22, London, SW1 WOPA, Great Britain	100.00%				

Name	Address	OWNERS % of Ownersh			
	150 SE 2nd Ave, Ste 800, Miami, FL 33131	33.33%			
Americo da Cunha Pereira Filho 150 SE 2nd Ave, Ste 800, Miami, FL 33131  Irica Melo Pereira Masilla 150 SE 2nd Ave, Ste 800, Miami, FL 33131	33.33%				
duardo Melo Pereira	150 SE 2nd Ave, Ste 800, Miami, FL 33131	33,33%			

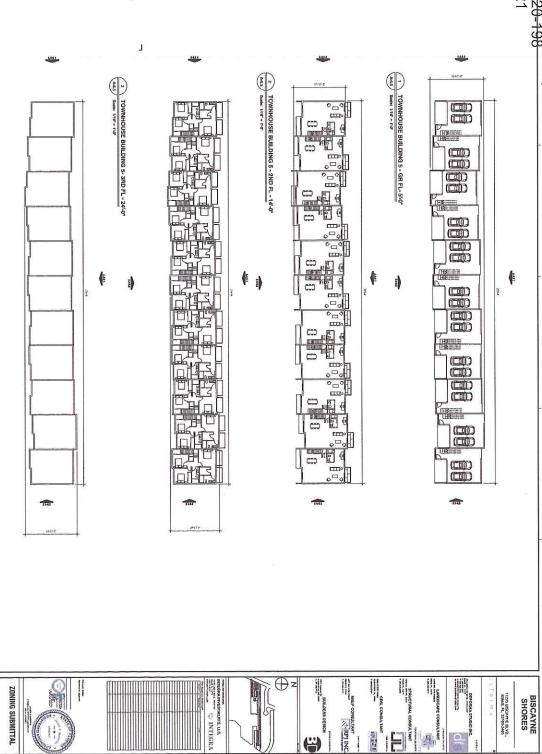
BISCAYNE SHORES FORTRESS, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name	% of Ownership					
Paulo Melo	150 SE 2nd Ave, Ste 800, Miami, FL 33131	50.00%				
Silvia Cabral	150 SE 2nd Ave, Ste 800, Miami, FL 33131	50.00%				

BELLAV INVESTMENTS, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name	Address	% of Ownership				
Ramon Volkart	1001 Brickell Bay Dr, Ste 3200, Miami, FL 33131	50.00%				
Mirele Volkart	1001 Brickell Bay Dr, Ste 3200, Miami, FL 33131	50.00%				

BISCAYNE SHORES REAL ESTATE, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS							
Name	% of Ownership						
Leonardo Braune	150 SE 2nd Ave, Ste 808, Miami, FL 33131	100.00%					

KORGEOUS LARSON GROUP BISCAYNE SHORES, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name	Address	% of Ownership				
Andrew Korge 230 Palermo Ave, Coral Gables, FL 33134		50.00%				
David Larson	230 Palermo Ave, Coral Gables, FL 33134	50.00%				

INTEGRA INVESTMENTS, LLC - DISCLOSURE OF INTERESTS OF ULTIMATE BENEFICIAL OWNERS						
Name	Address	% of Ownership				
Nelson Stabile	15 Grand Bay Estates, Key Biscayne, FL 33149	33.34%				
Paulo Melo	62 Bay Heights Dr, Miami, FL 33133	33.33%				
Victor Ballestas	960 W 48th Street, Miami Beach, FL 33140	33.33%				

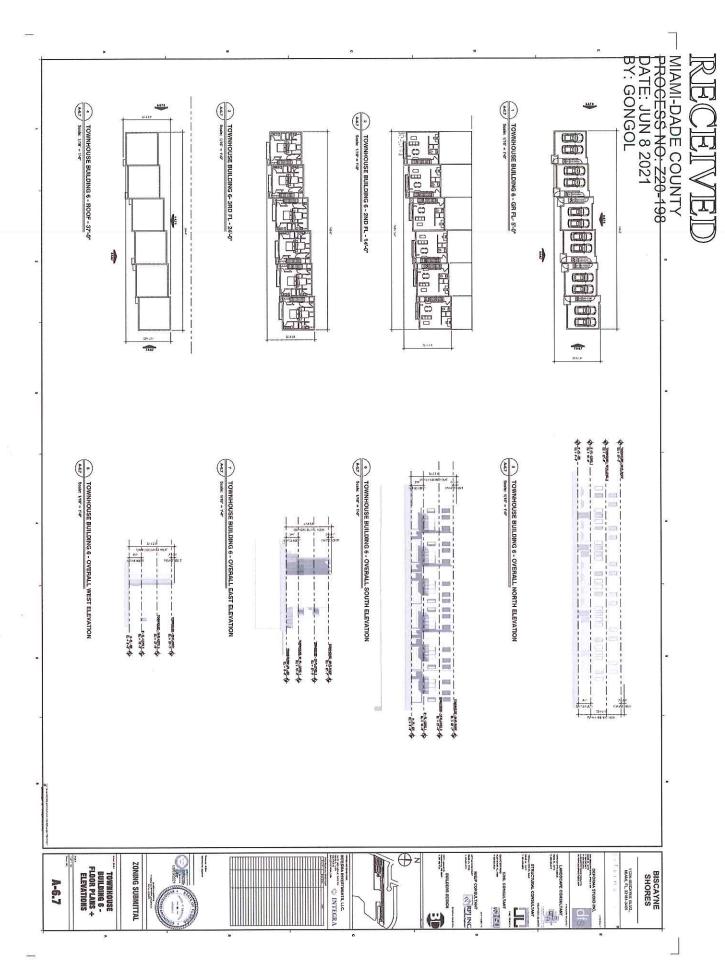


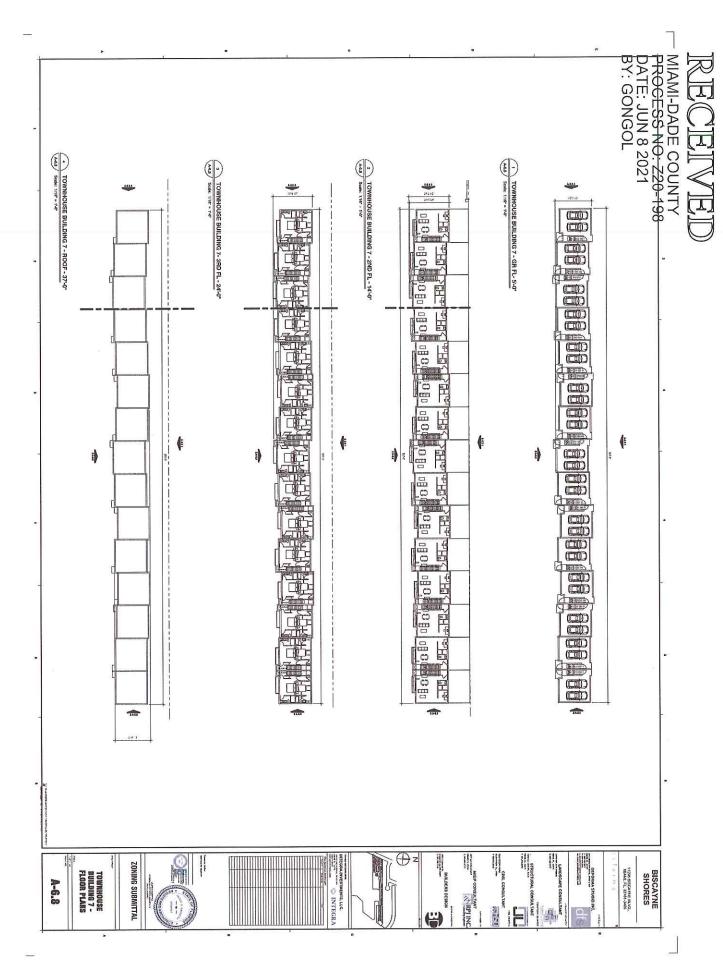
TOWNHOUSE BUILDING 5 - ROOF - 37-0\*

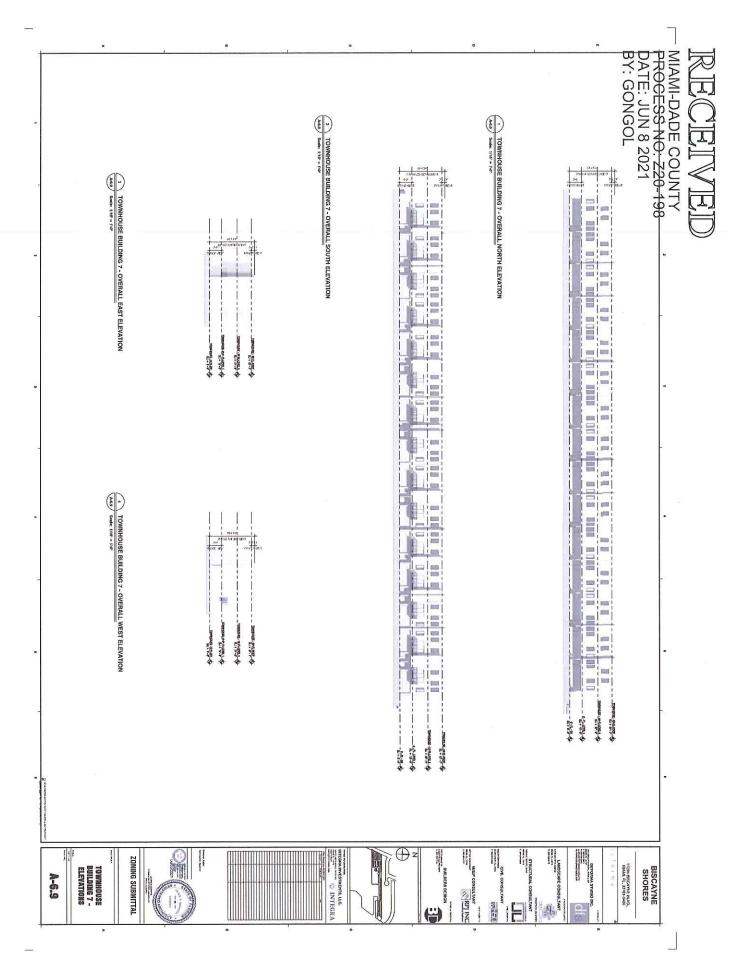
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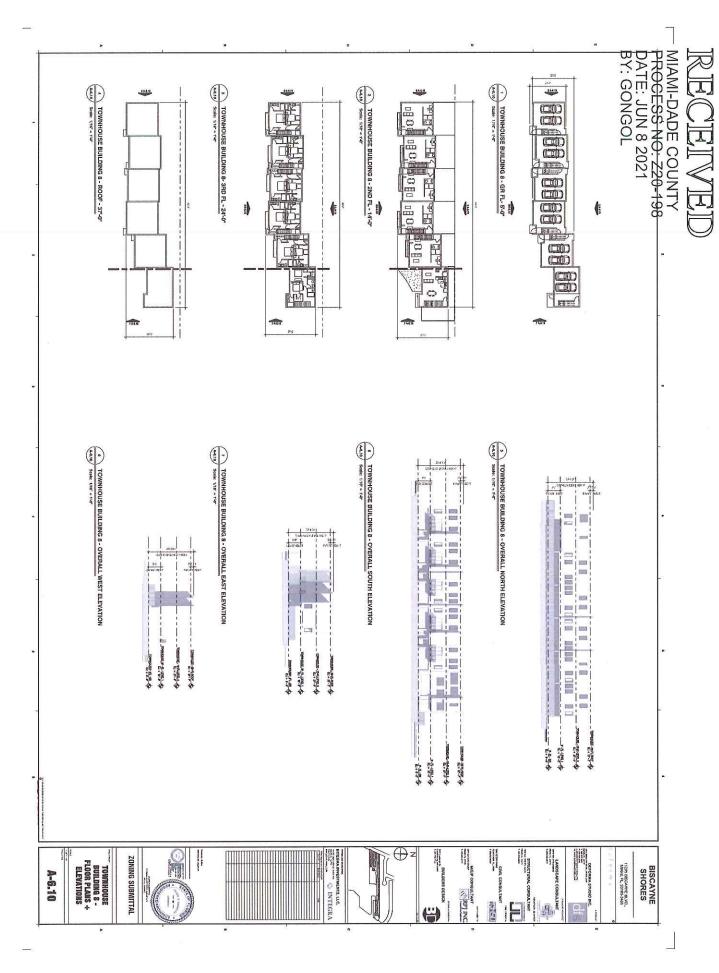
TOWNHOUSE BUILDING 5 -FLOOR PLANS

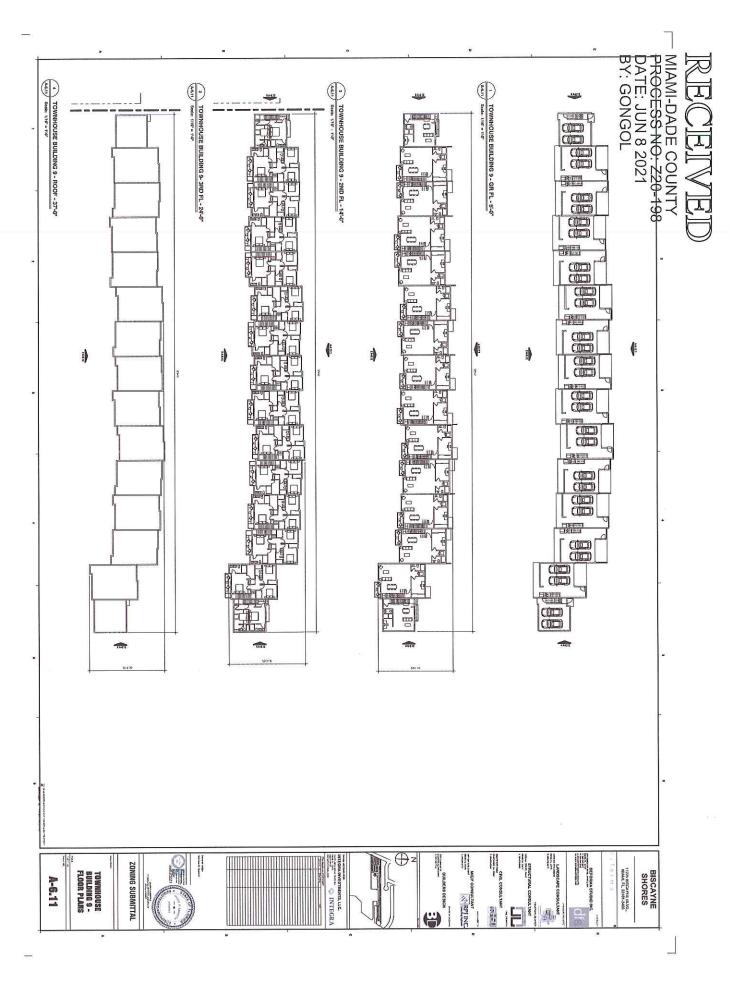
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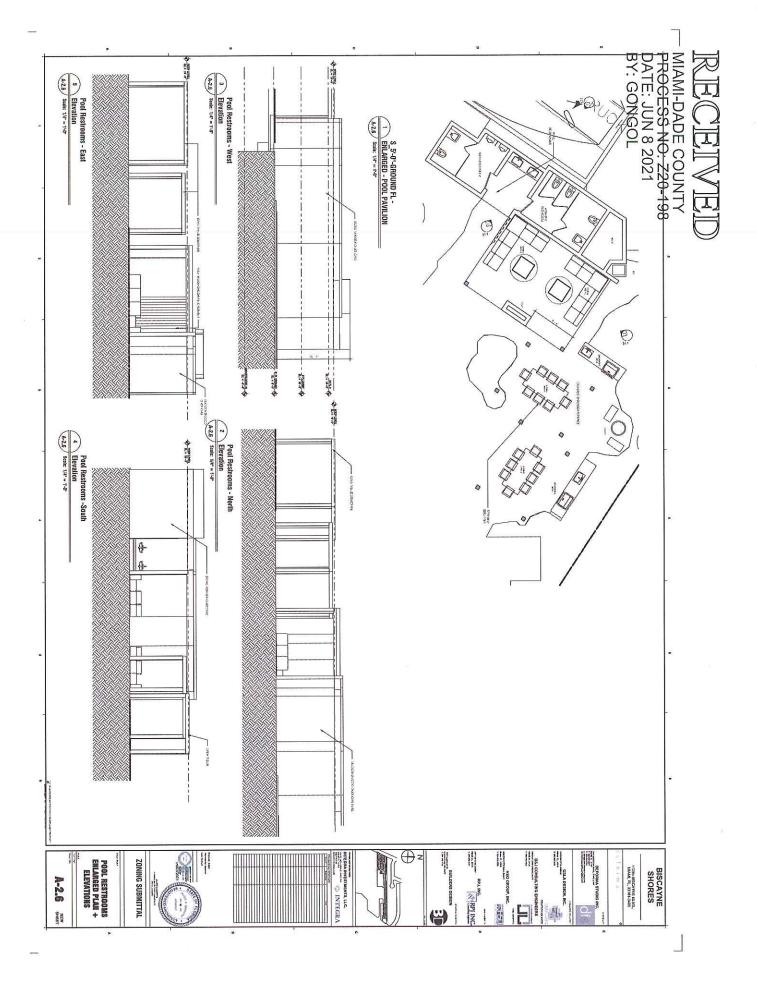


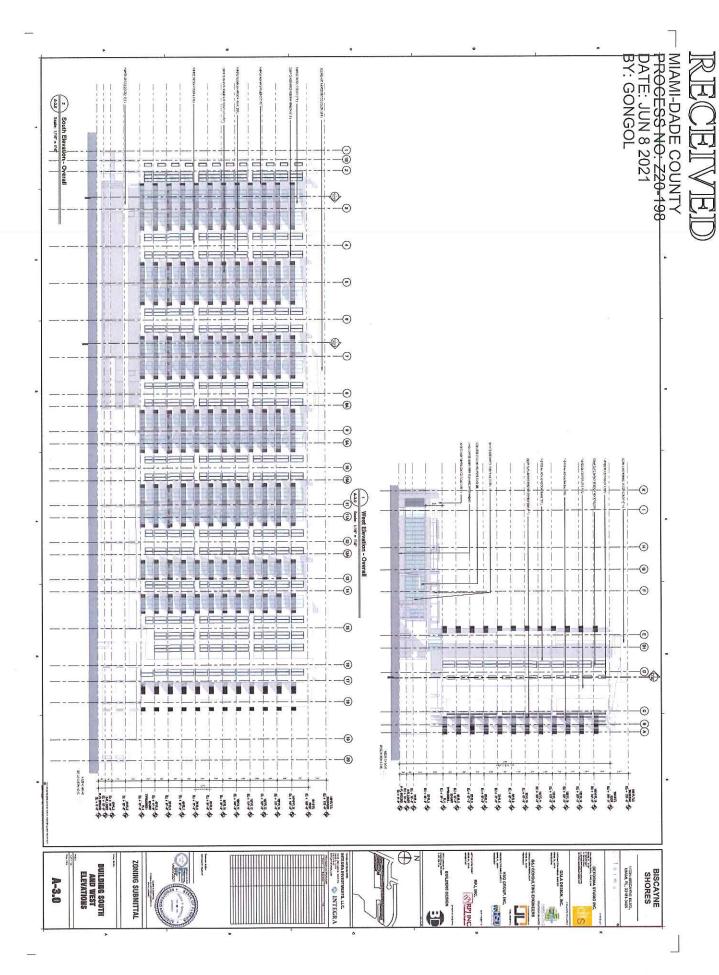


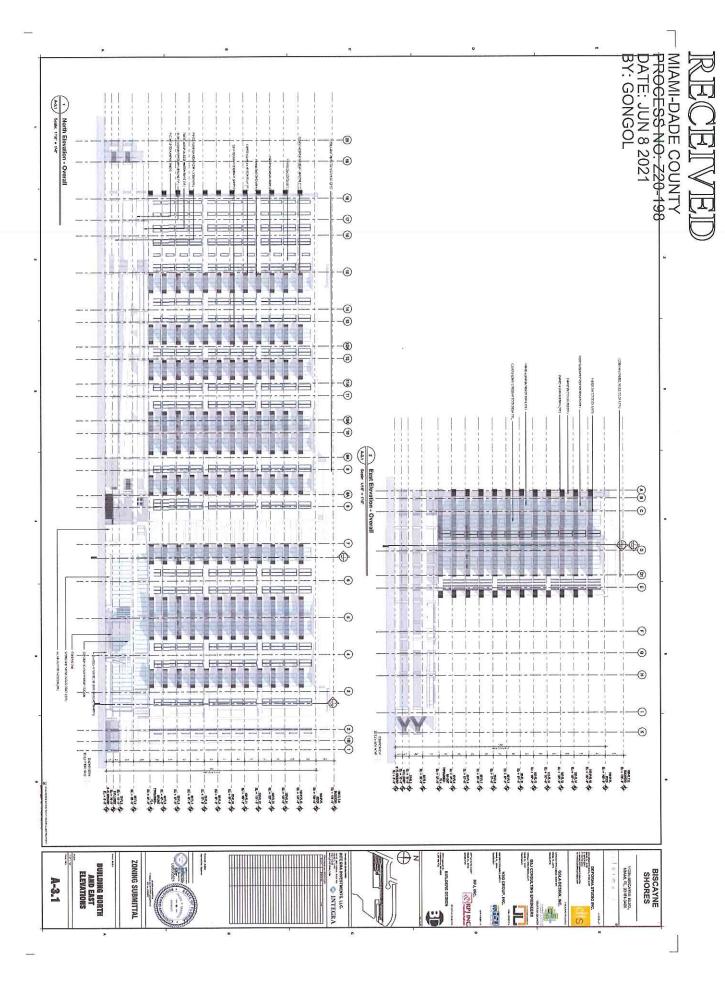


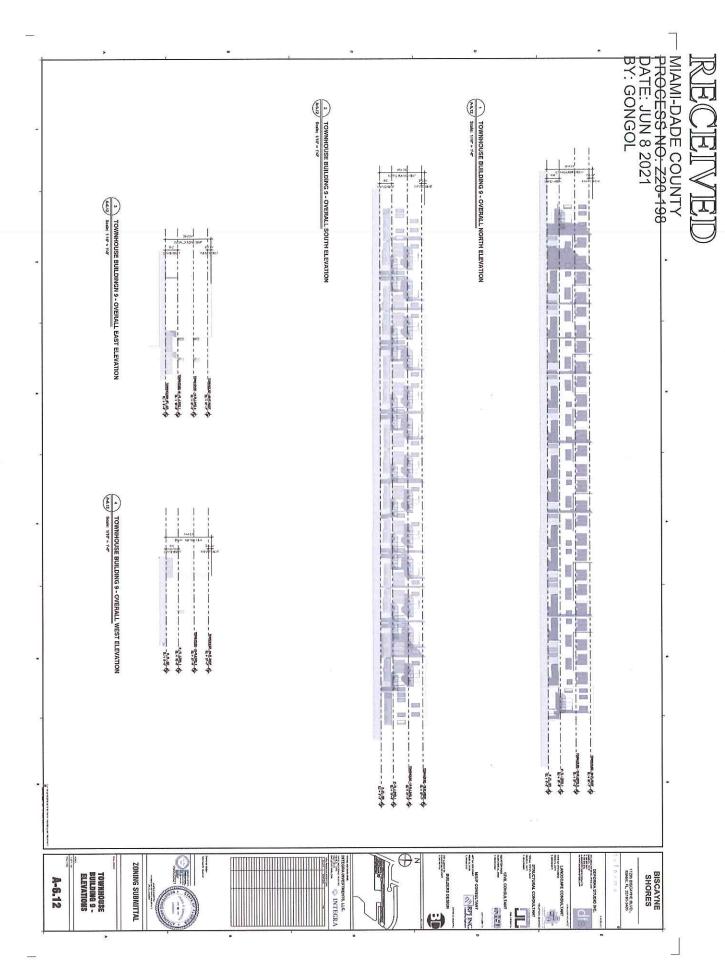


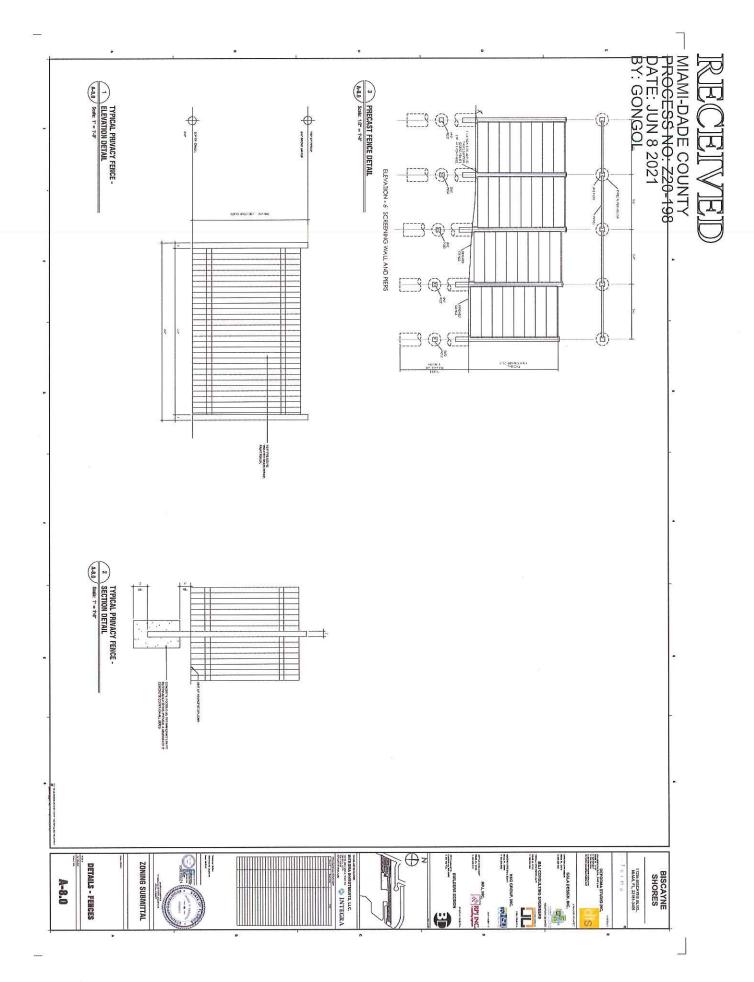


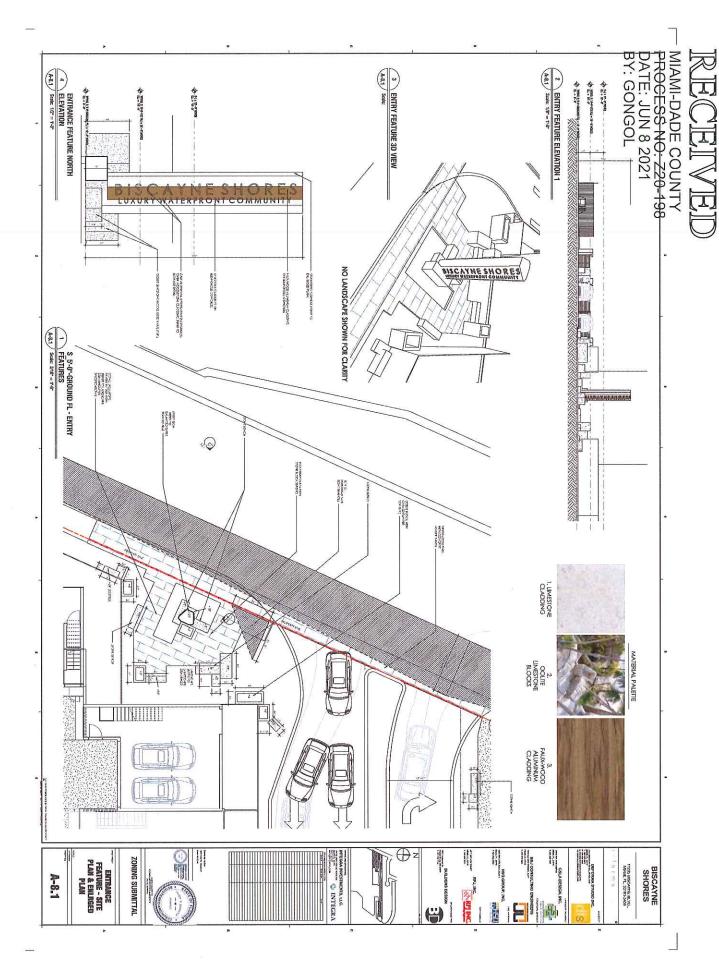


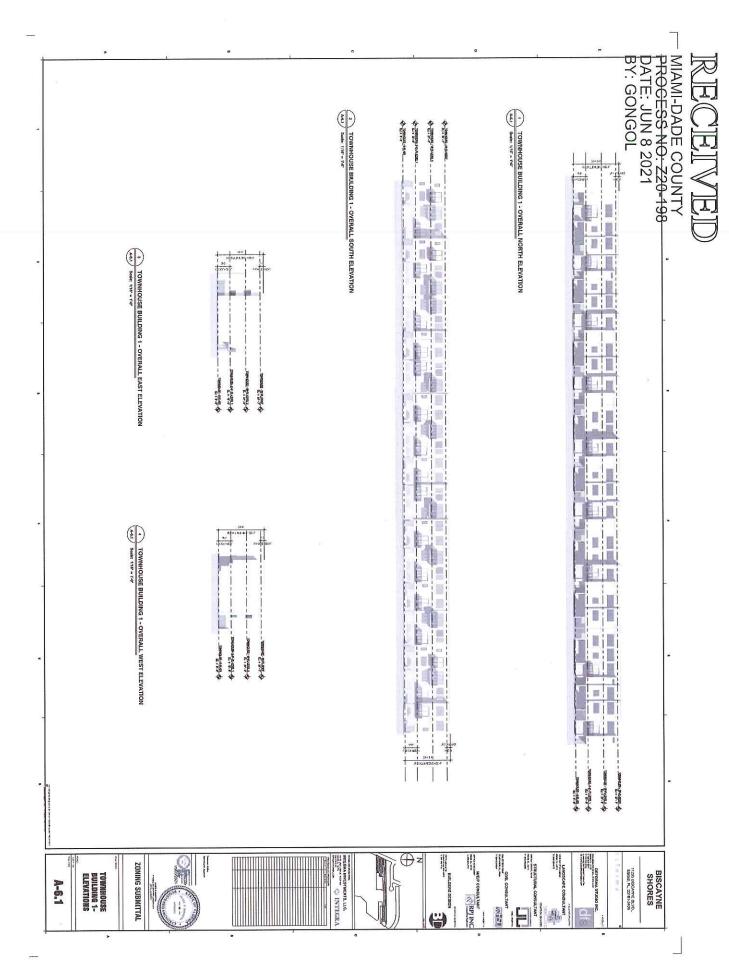


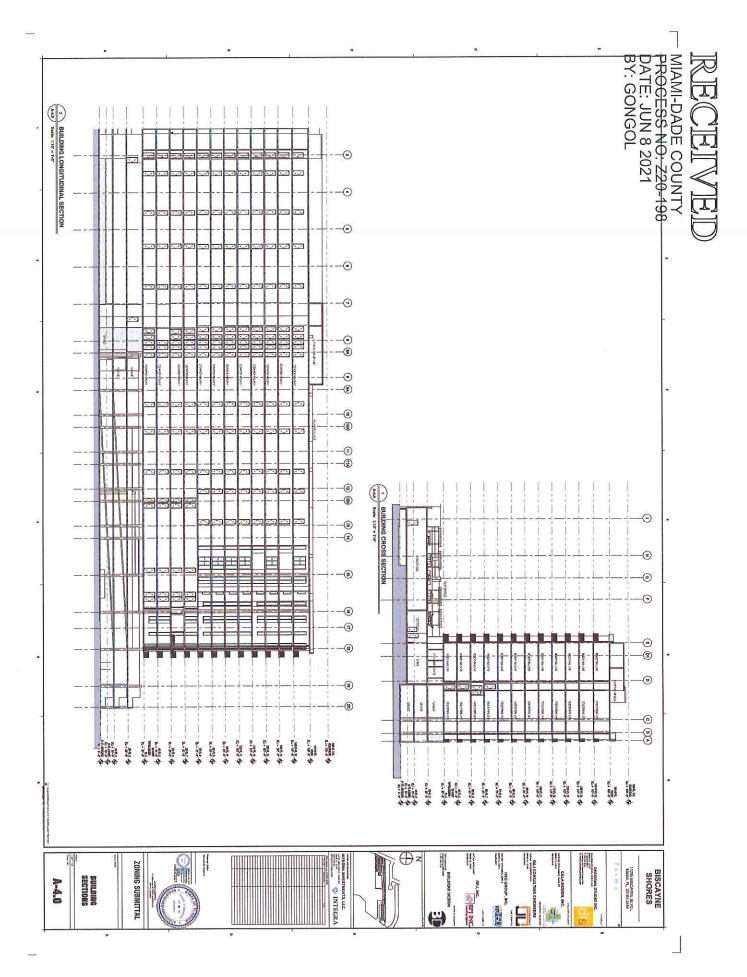


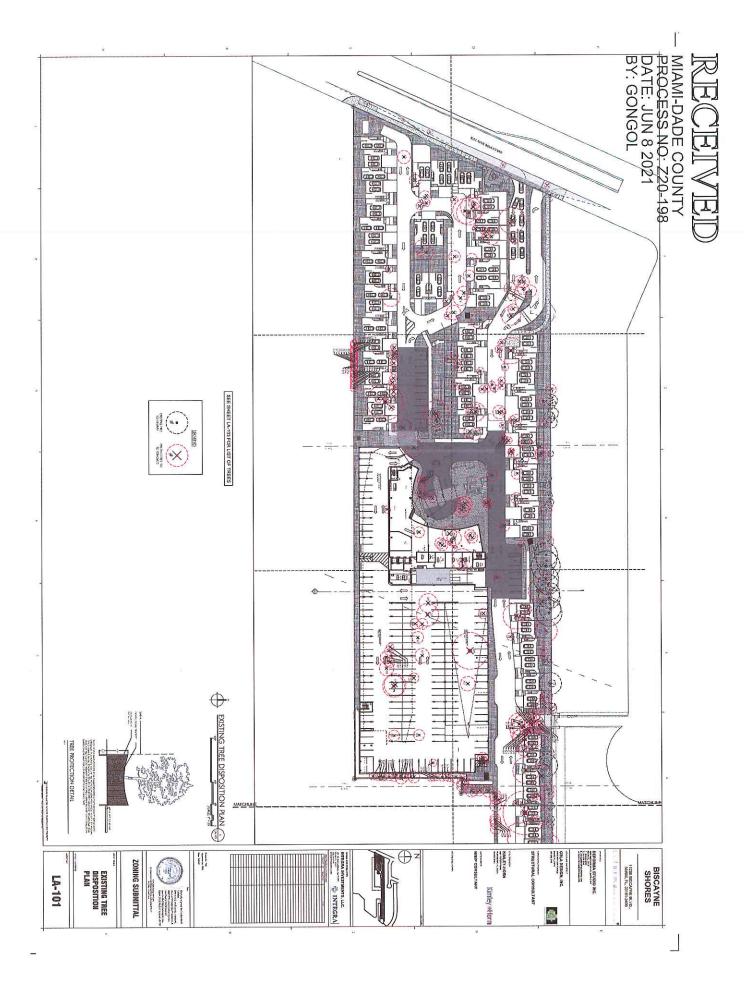


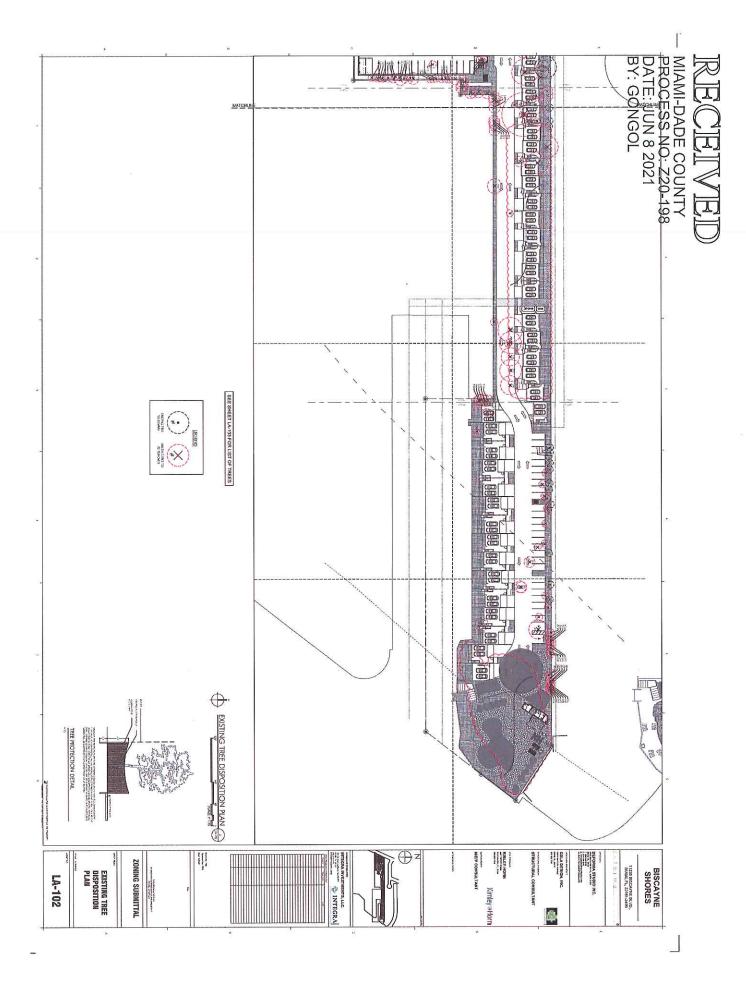


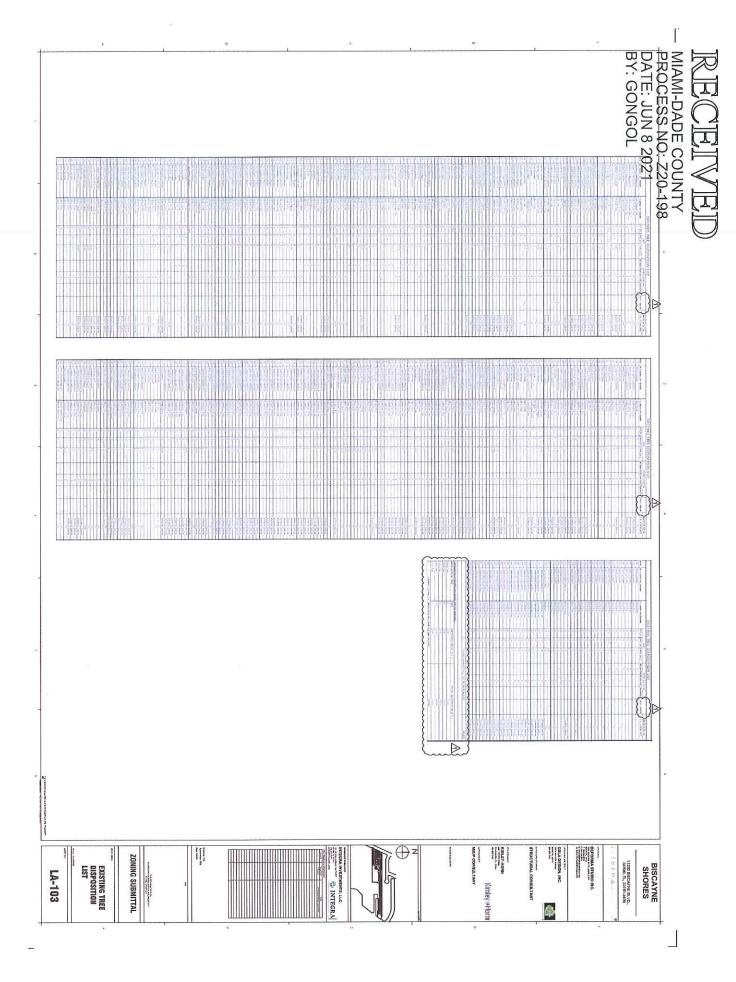


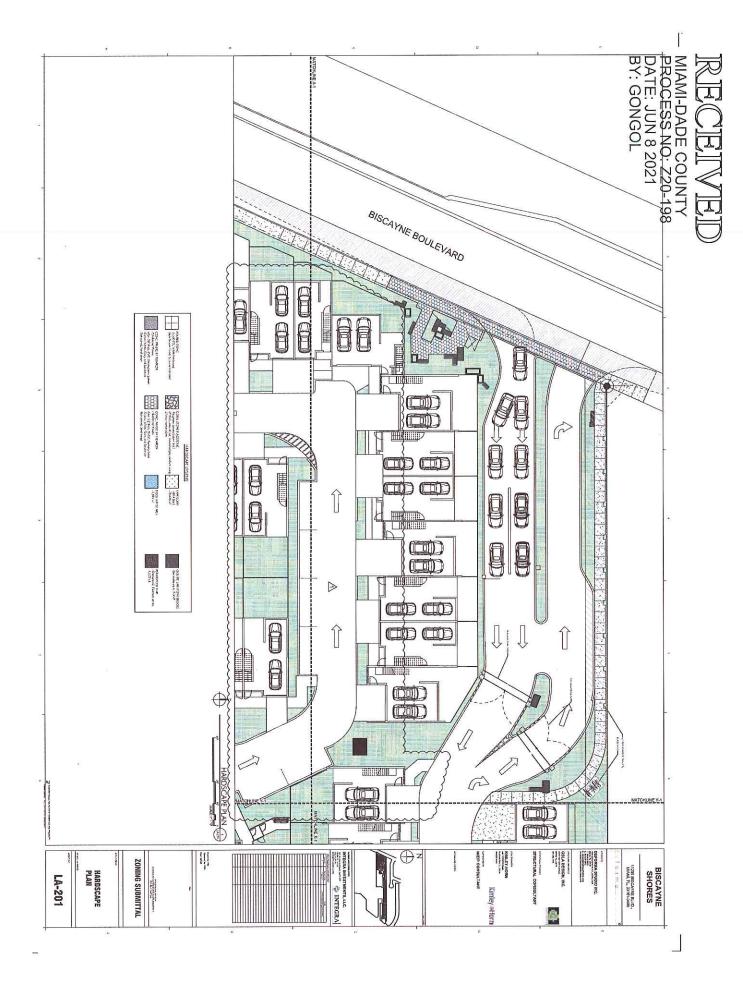


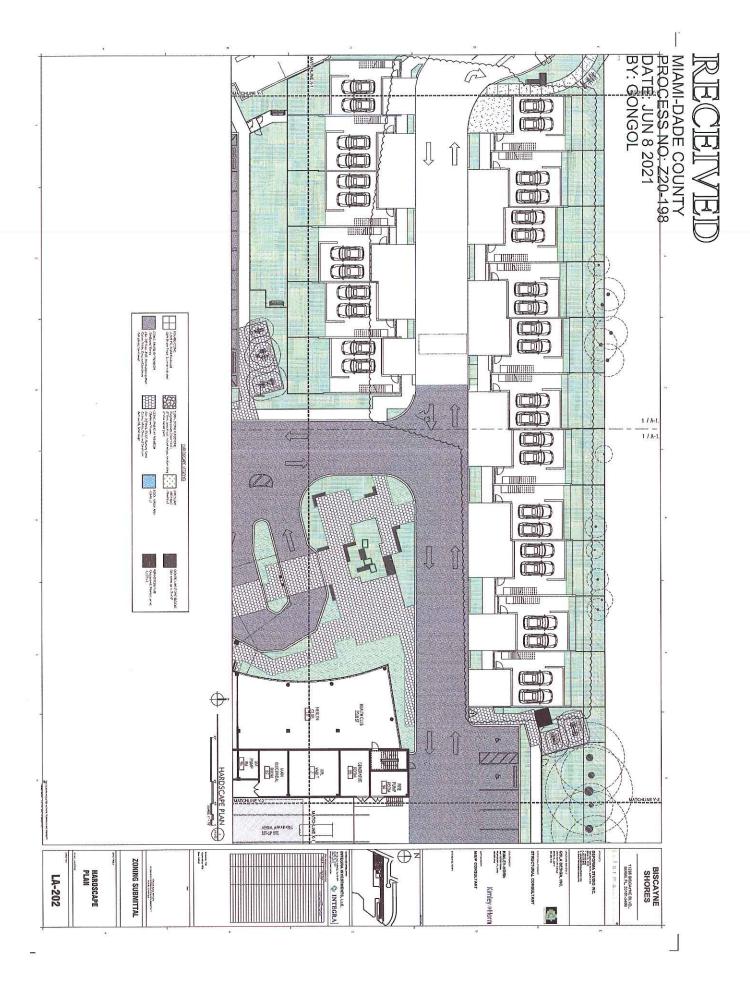


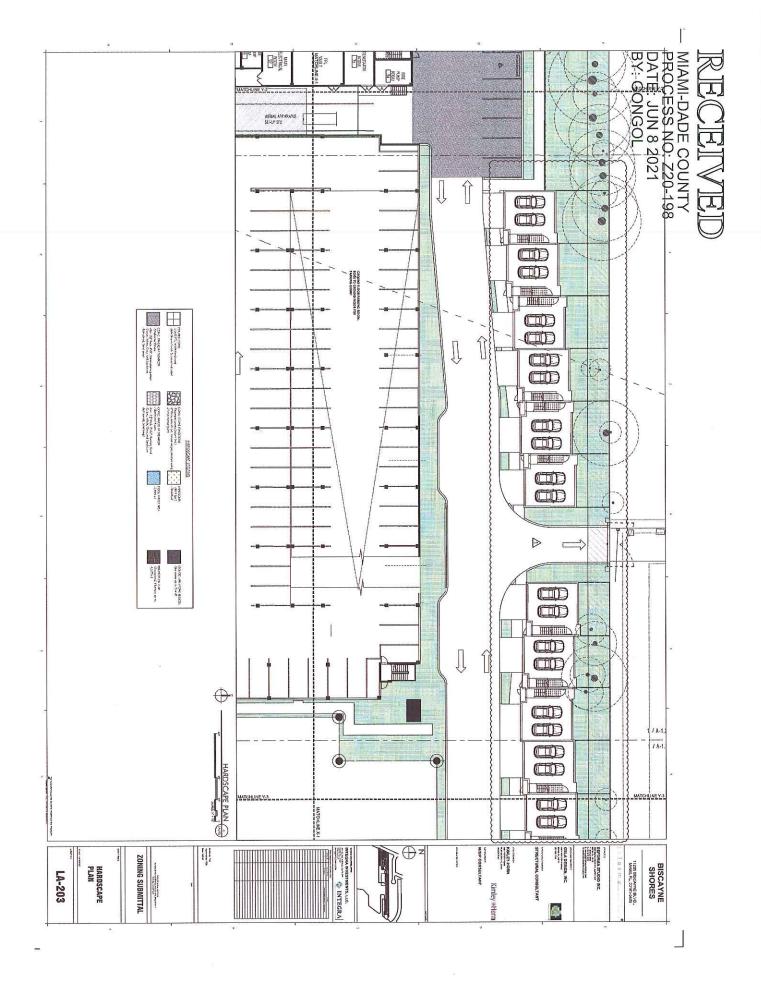


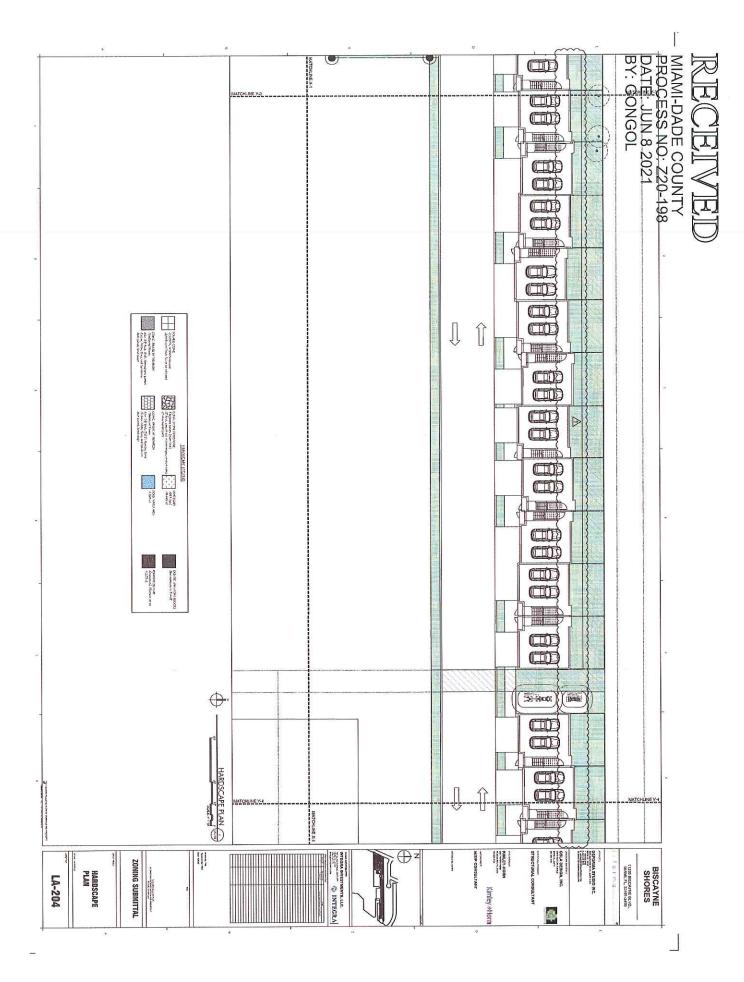


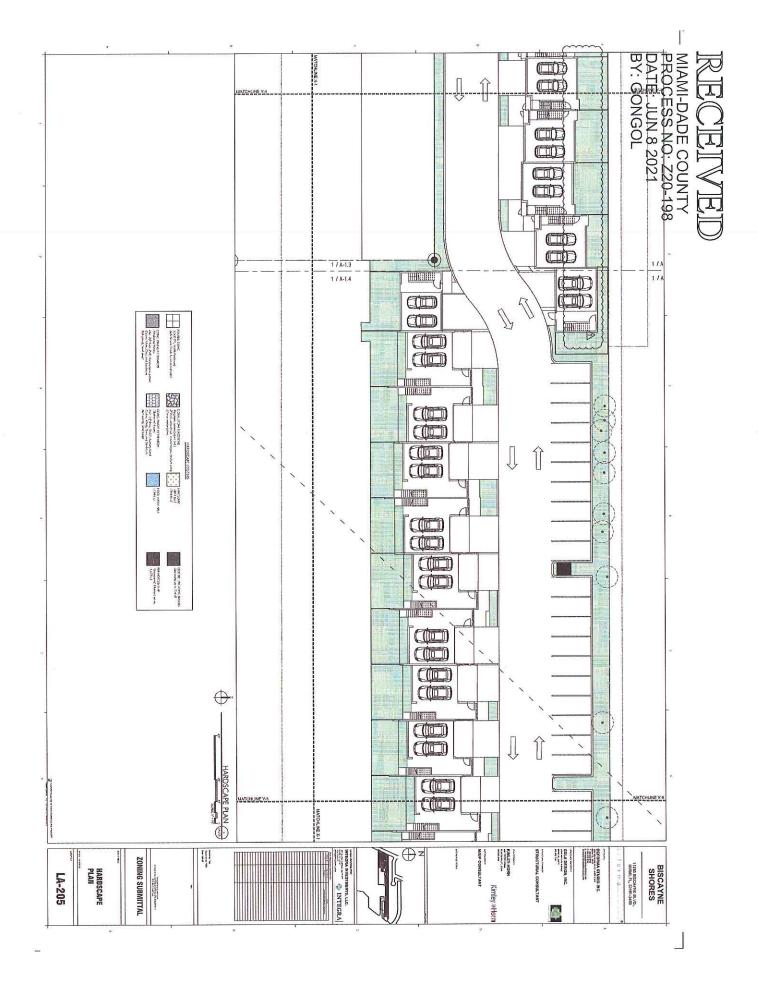


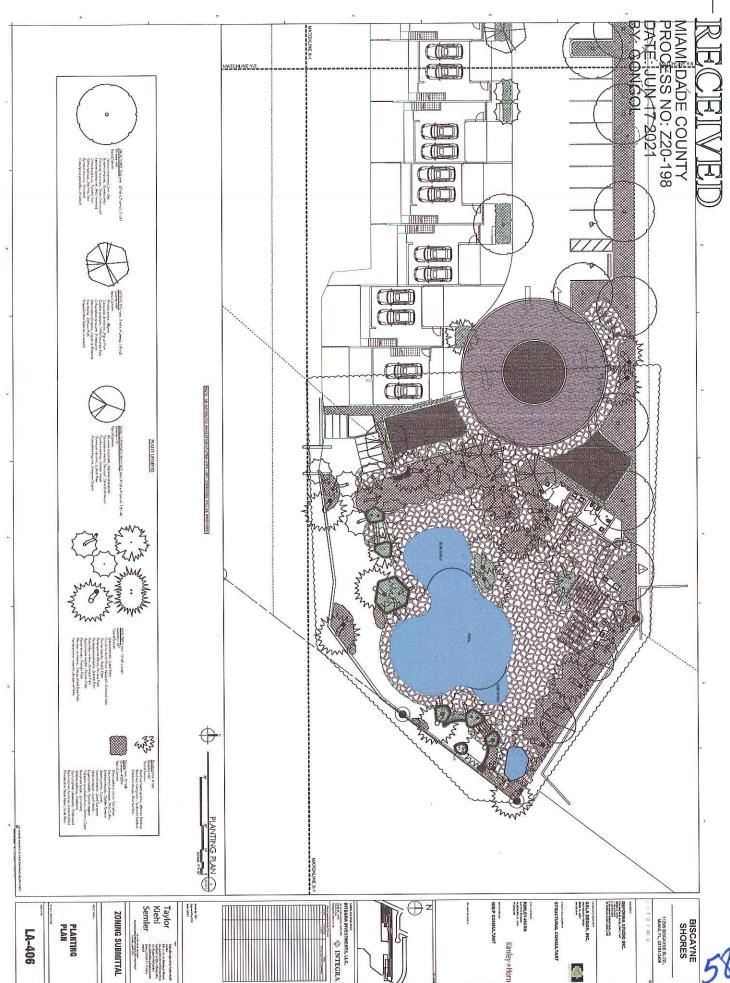


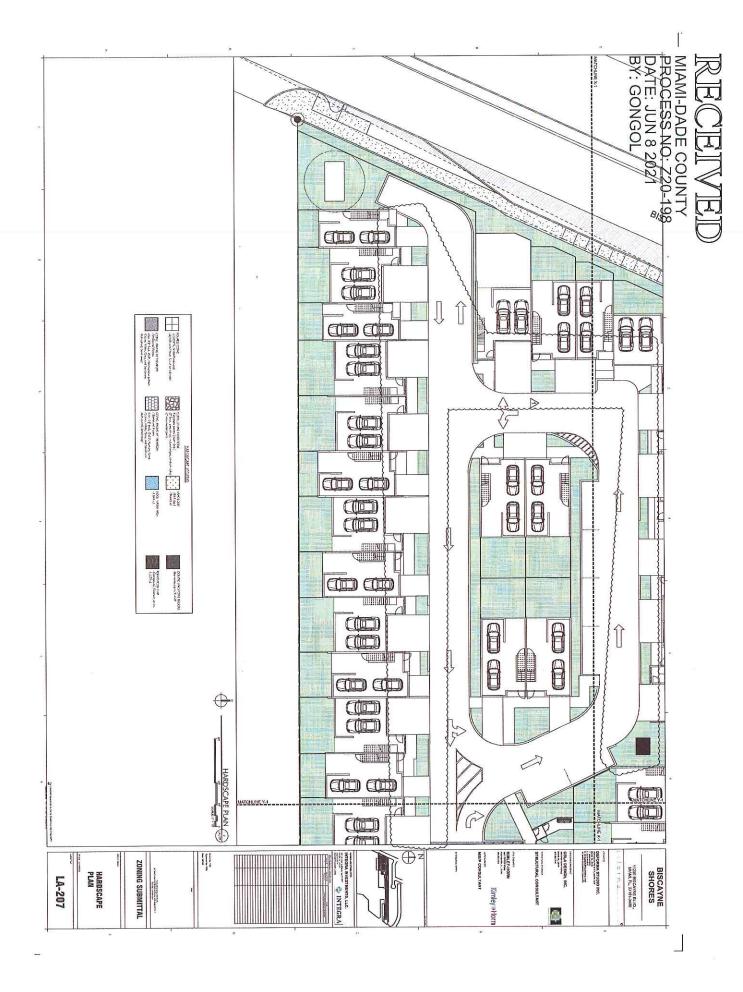


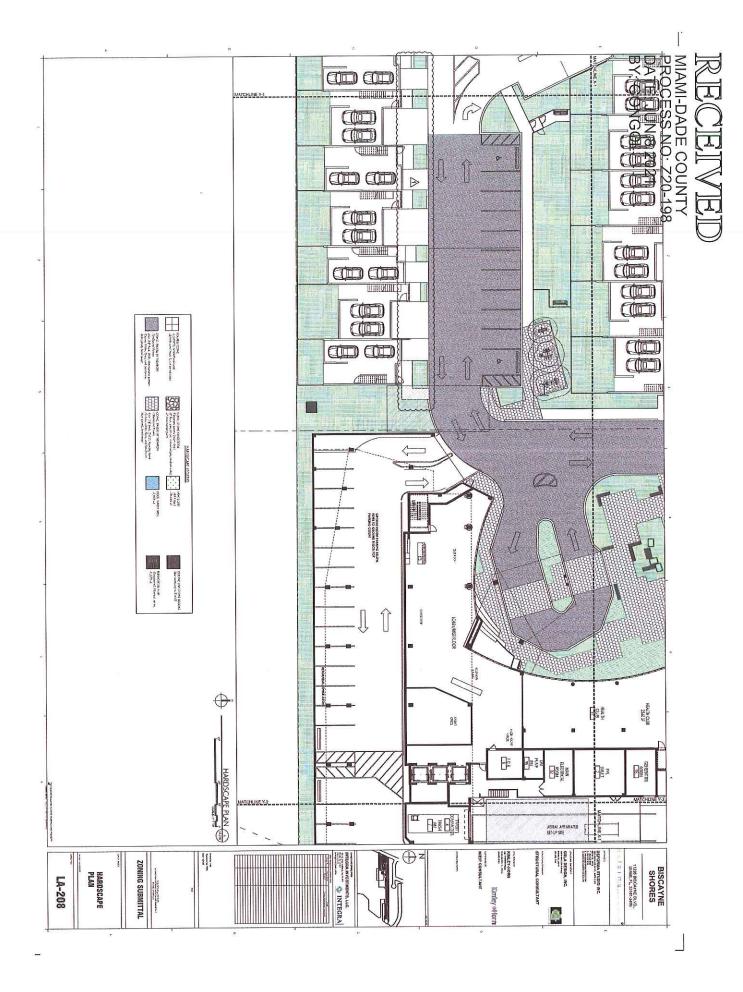




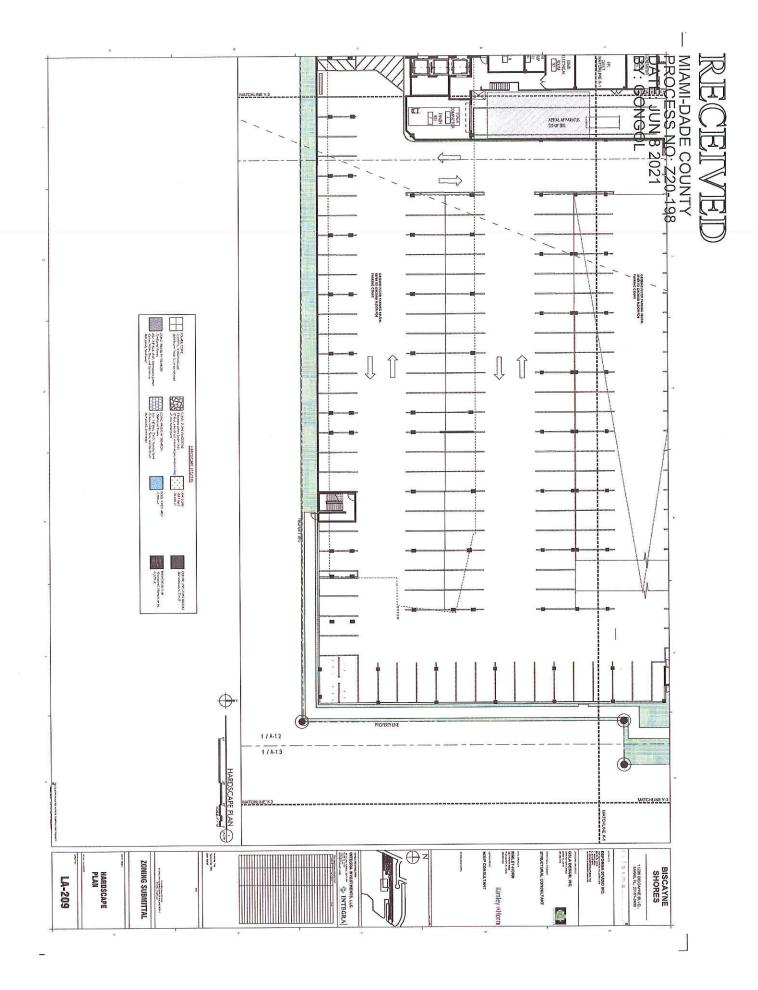












# PROCESS NO: Z20-198 DATE: JUN 8 2021 BY: GONGOL











LANDSCAPE AREA





OSLA DESIGN, INC.

STRUCTURAL CONSULTANT

Kimley » Horn

DEFORMA STUDIO BIC.

MANLEL, 33161-3600 BISCAYNE SHORES



CONC PAVERS BY TREMRON

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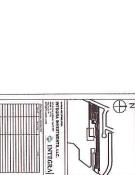
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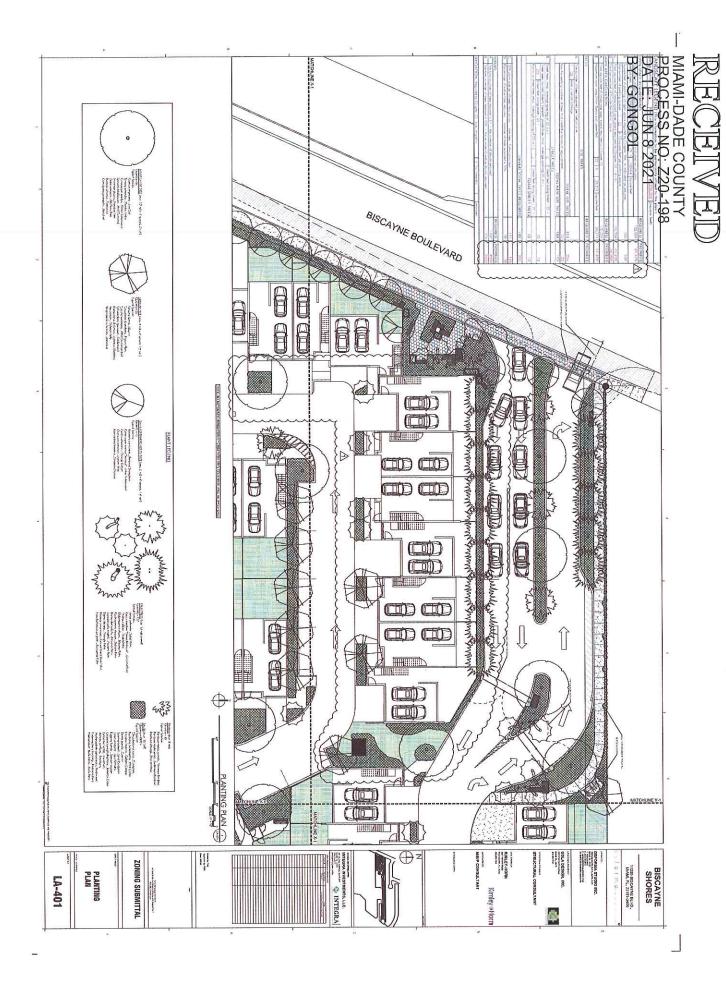




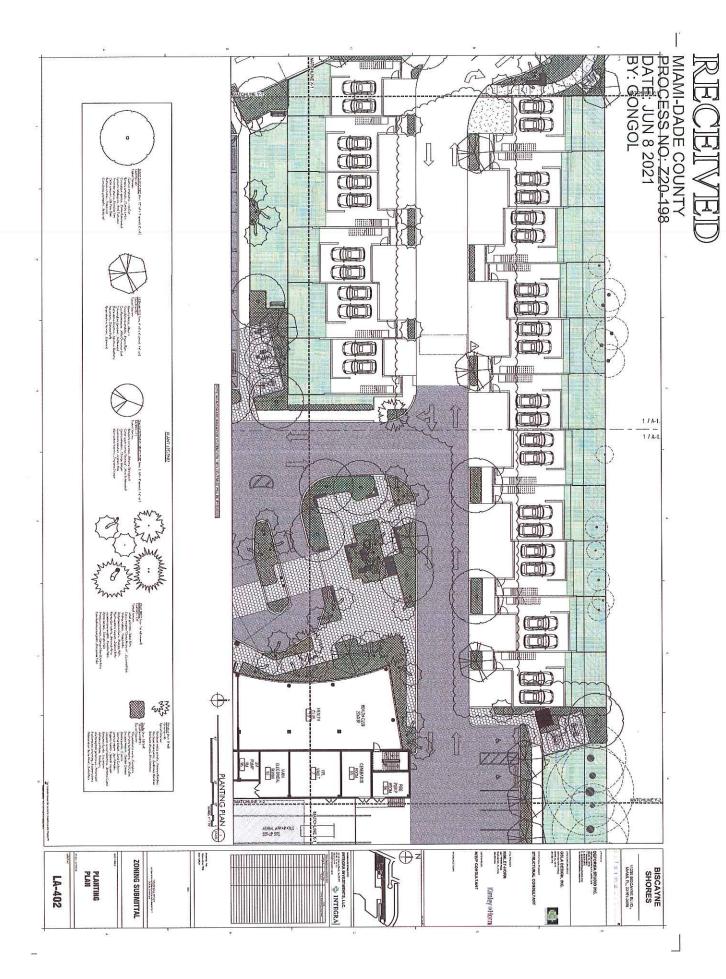
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HARDSCAPE MATERIALS

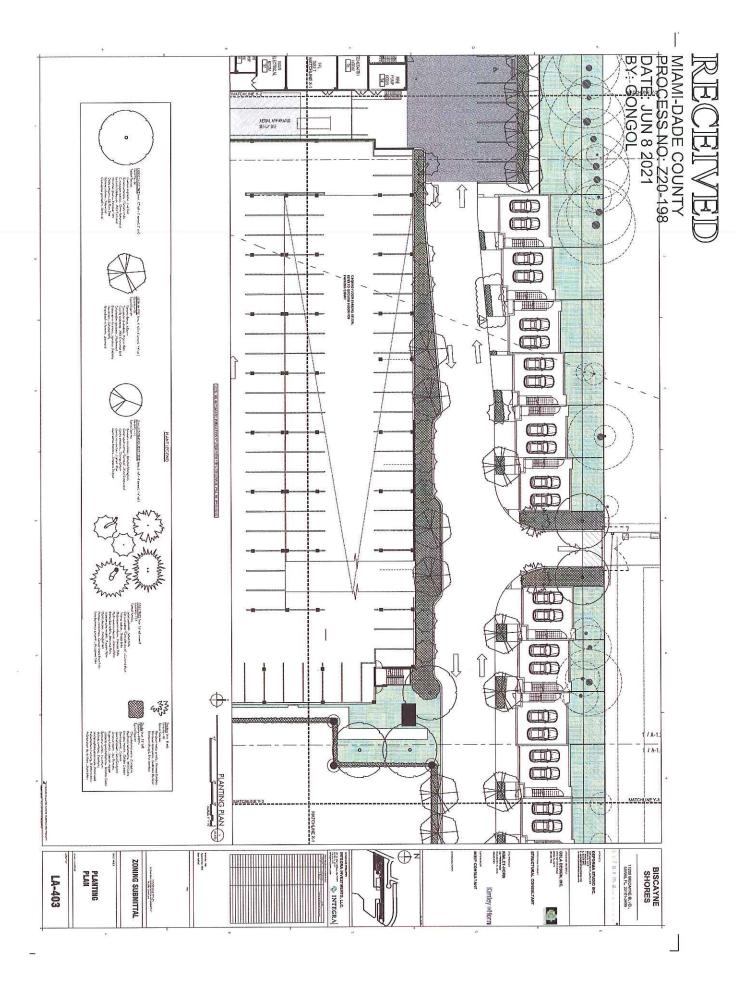
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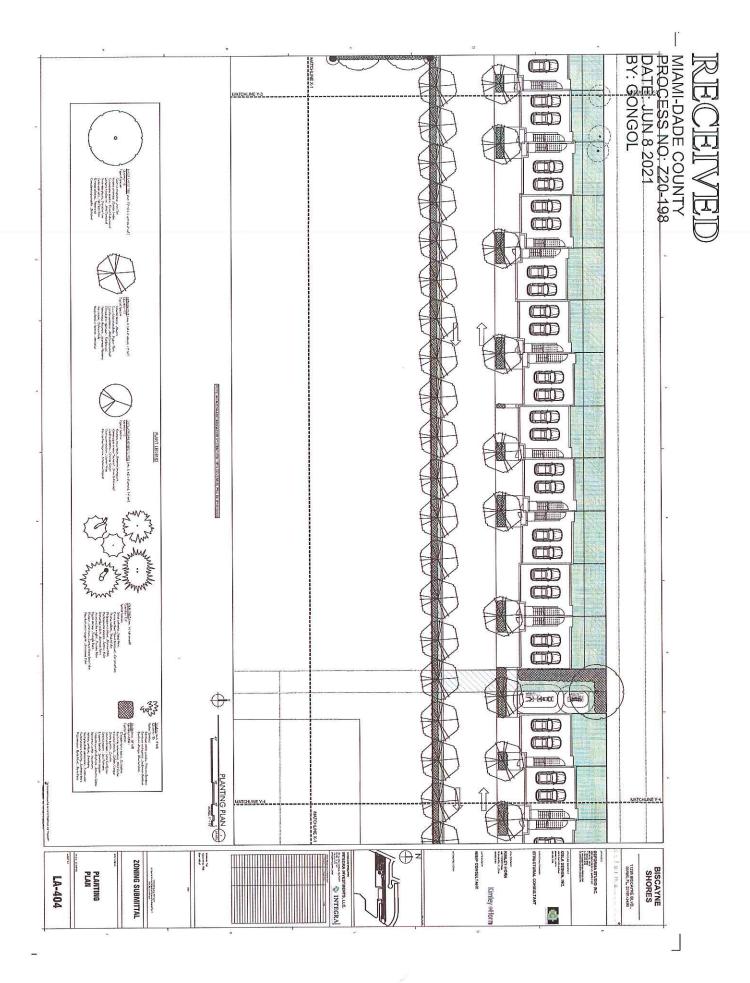


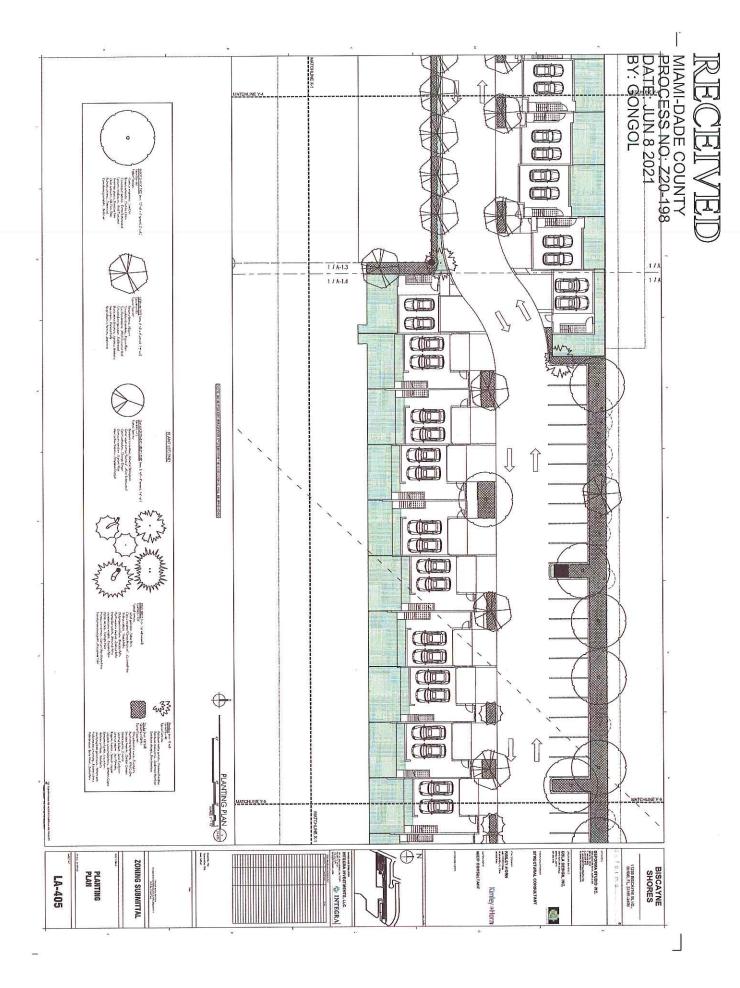


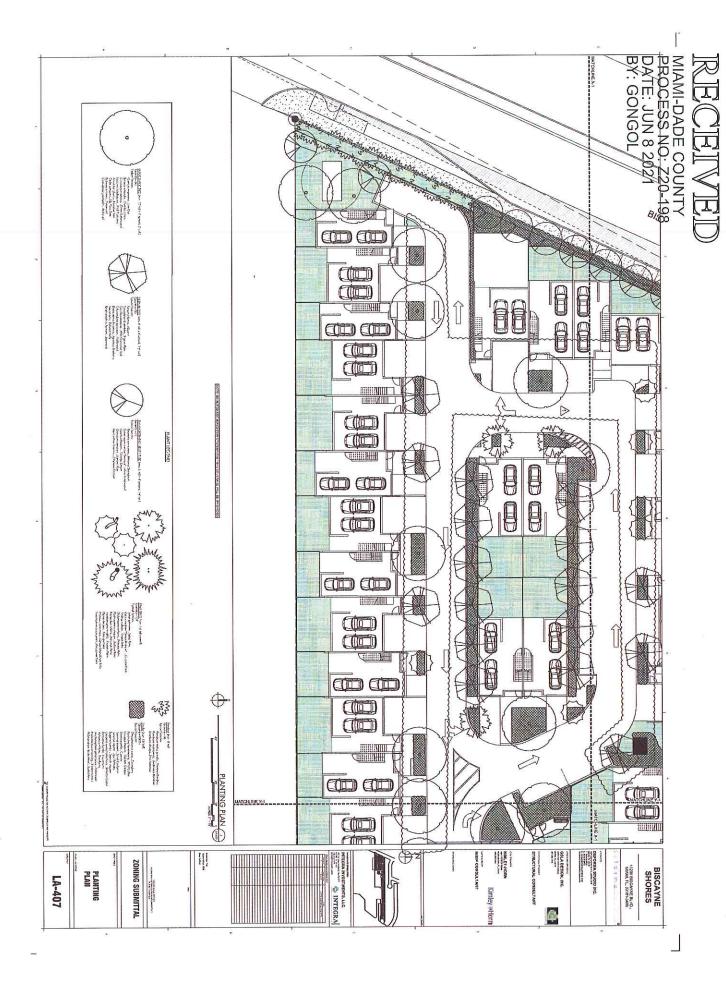




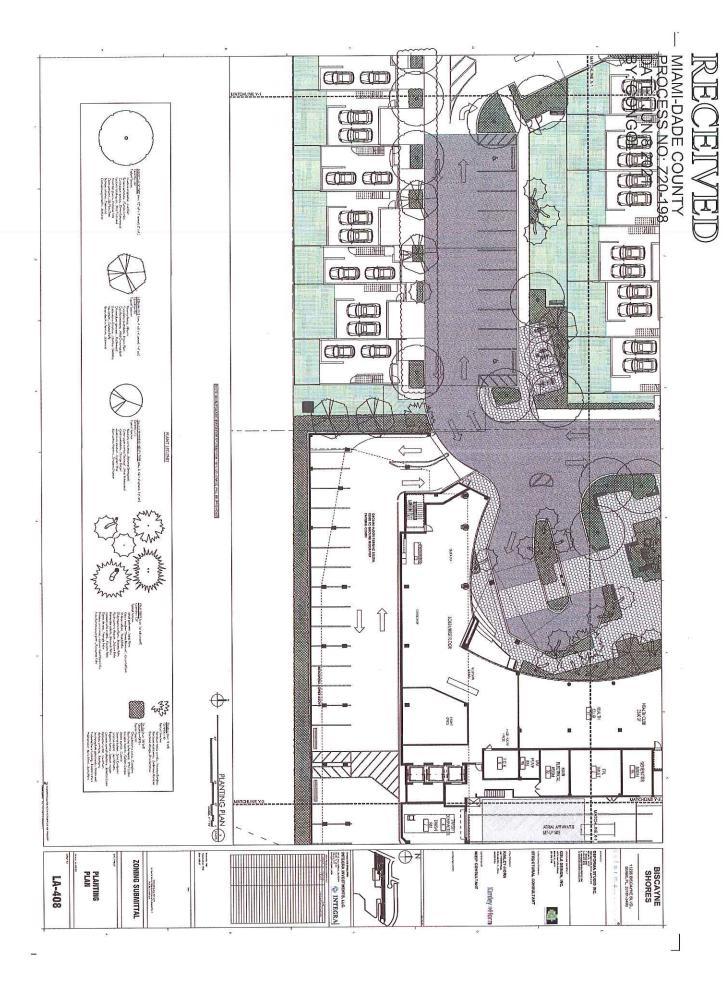




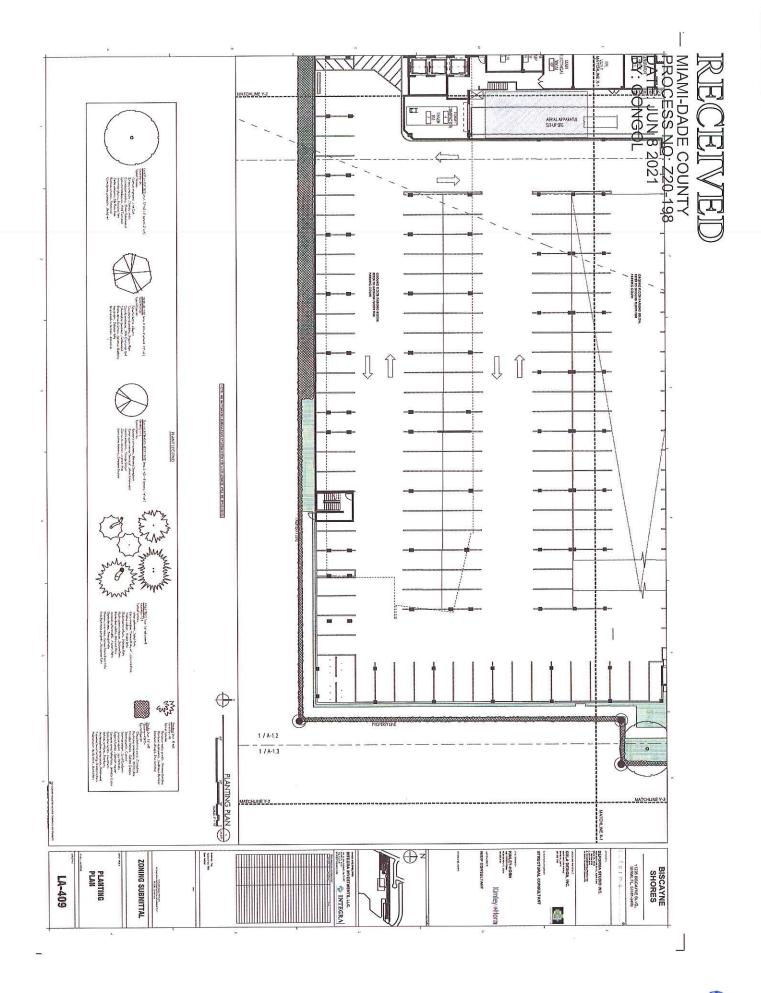


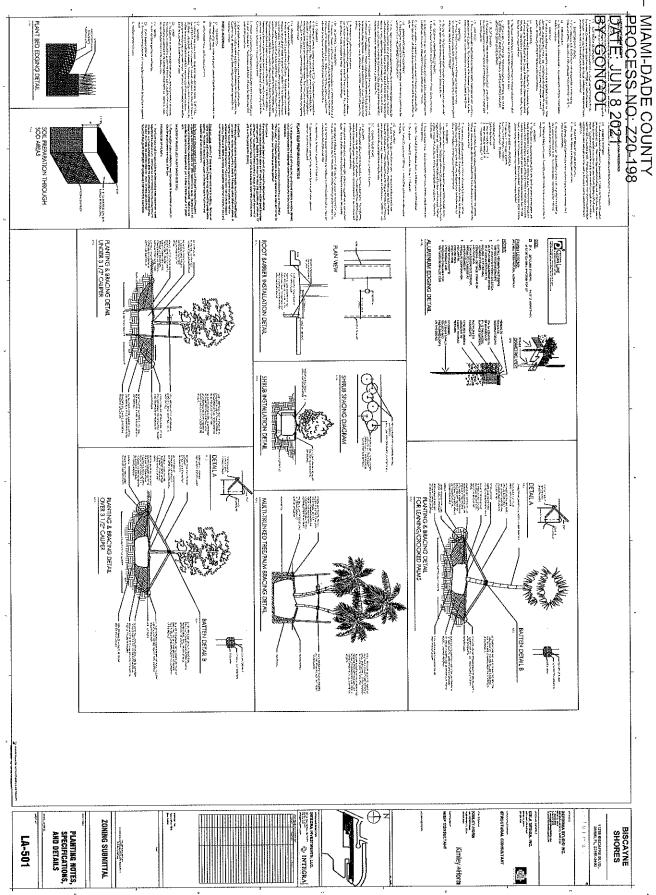












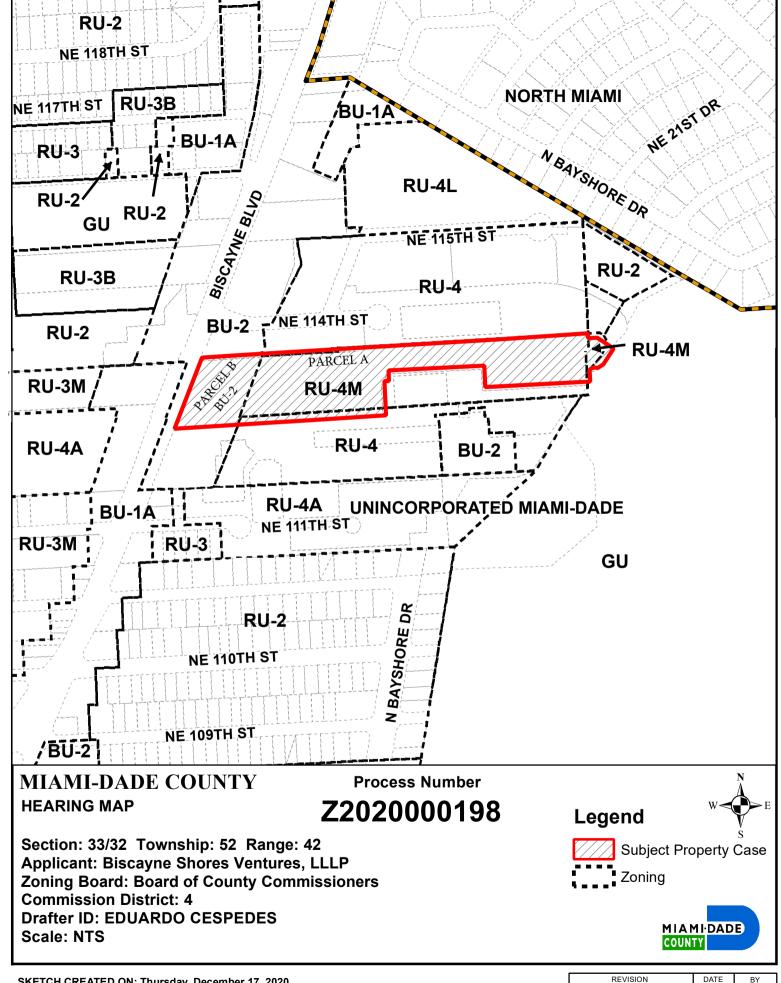
LANDSCAPE LEGEND (This information to be permanently affixed to the plan.)	LEGEN	ND (This informa	tion to be pe	ermanently at	fixed to the pla	an.)	
Zoning District: RU-4	RU4	Net Lot Area:	7.57	(acres)	330,009	330,009 (square feet)	
OPEN SPACE REQUIREMENTS	UREMEN	TS				REQUIRED	PROVIDED

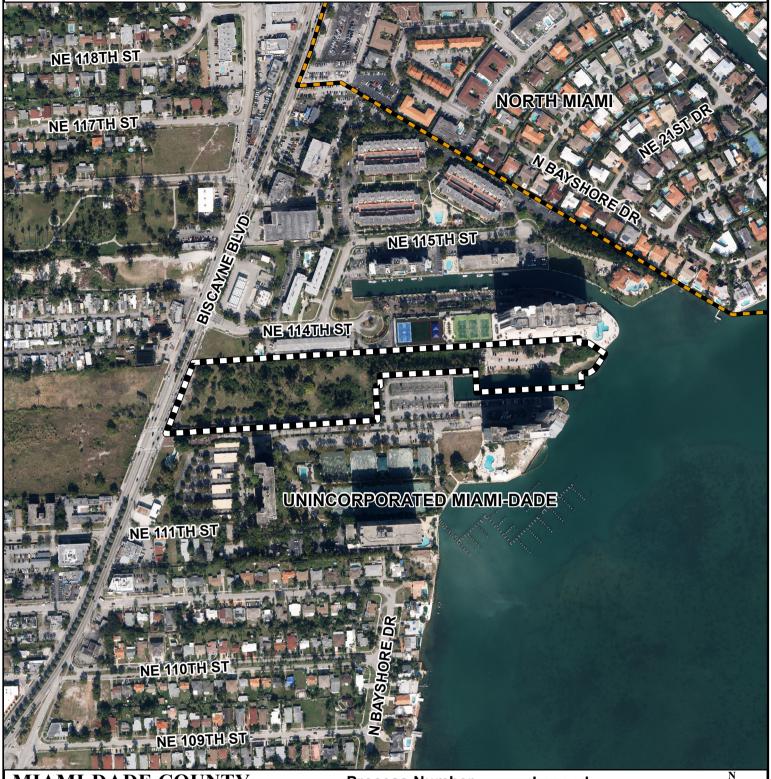


MIAMI-DADE COUNTY
PROCESS NO: Z20-198
DATE: JUN 17 2021
BY: GONGOL

IRRIGATION: Required by Chapter 33. Auto Irrigation X or hose bib provided.

MIAMI-DADE COUNTY
PROCESS NO: Z20-198
DATE: JUN 17 2021
BY: GONGOL





MIAMI-DADE COUNTY AERIAL YEAR 2019

**Process Number** 

Z2020000198





Section: 33/32 Township: 52 Range: 42 Applicant: Biscayne Shores Ventures, LLLP Zoning Board: Board of County Commissioners

**Commission District: 4** 

**Drafter ID: EDUARDO CESPEDES** 

Scale: NTS



REVISION	DATE	BY



# **MIAMI-DADE COUNTY RADIUS MAP**

Z2020000198 **RADIUS: 2640** 

Section: 33/32 Township: 52 Range: 42 Applicant: Biscayne Shores Ventures, LLLP

**Zoning Board: Board of County Commissioners** 

**Commission District: 4** 

**Drafter ID: EDUARDO CESPEDES** 

Scale: NTS



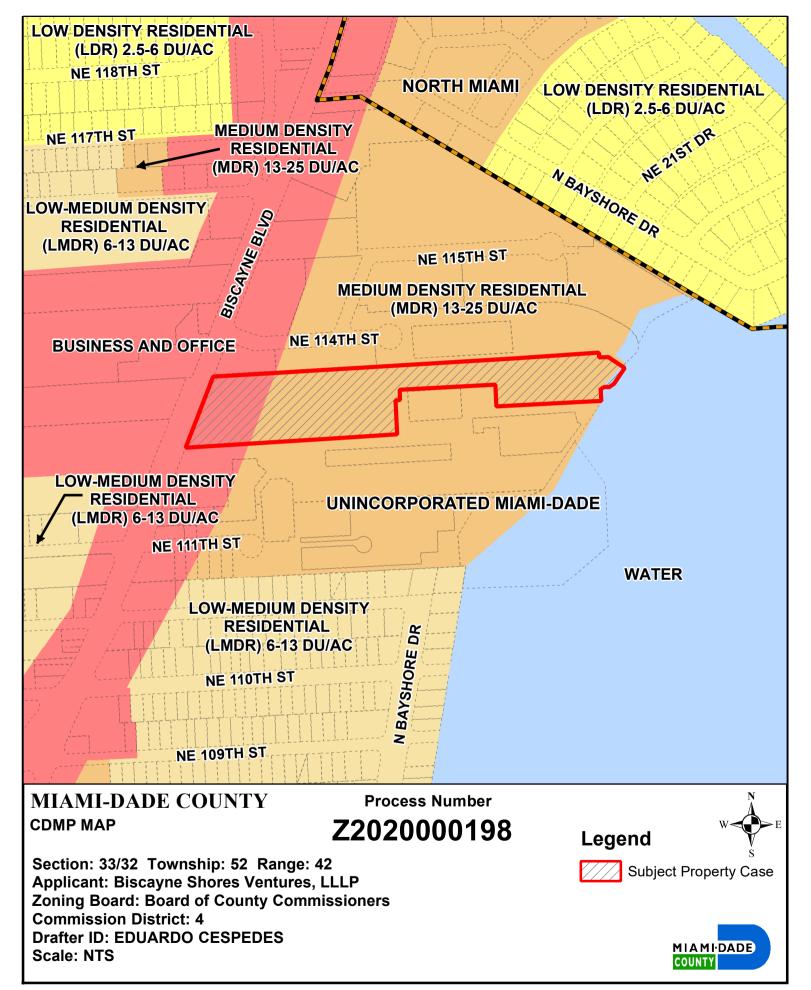




**Property Boundaries** 



REVISION	DATE	BY



Bicaque Shones Ventures, UP ITEM Z # 72020000198

This instrument was prepared by: Graham Penn, Esq. Bercow Radell Fernandez Larkin & Tapanes, PLLC 200 S. Biscayne Blvd., Ste. 300 Miami, FL 33131

(Space reserved for Clerk)

## **DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner, BISCAYNE SHORES VENTURES LLLP, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z2020-198 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. The Property shall be developed with a maximum of 380 residential dwelling units.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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.

Section-Township-Range: 32-52-42 Folio Number: 30-2232-008-0031

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 the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

<u>Enforcement</u>. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

<u>Election of Remedies.</u> 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.

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

<u>Severability</u>. 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.

<u>Recording.</u> This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in

Section-Township-Range: 32-52-42

Folio Number: 30-2232-008-0031

Declaration of Restrictions Page 3

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 Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

<u>Owner.</u> The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Section-Township-Range: 32-52-42 Folio Number: 30-2232-008-0031

Section-Township-Range: 32-52-42 Folio Number: 30-2232-008-0031

	(Space reserved for Clerk)
	LEDGEMENT ARTNERSHIP
Signed, witnessed, executed and acknowle	edged on this day of June, 2021.
IN WITNESS WHEREOF, BISCAYNE SHO presents to be signed in its name by its pro	DRES VENTURES LLLP has caused these oper officials.
Witnesses:	
Signature Print Name	BISCAYNE SHORES VENTURES LLLP 150 SE 2 Avenue, Unit 800 Miami, FL 33131
Print Name	
Signature	By: <u>Manuel Martinez, Authorized Representative</u>
Print Name	
STATE OF FLORIDA COUNTY OF MIAMI-DADE	
presence or _ online notarization by Man BISCAYNE SHORES VENTURES LLLP, o	nowledged before me by means of _ physical uel Martinez the Authorized Representative of on behalf of the Limited Partnership. He/She is, as identification.
Witness my signature and official se County and State aforesaid.	eal this day of June, 2021, in the
	Signature
	Notary Public-State of
My Commission Expires:	Print Name

4

#### Exhibit "A"

## Legal Description

Tract 1 of SUBDIVISION OF GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 42 EAST, according to the Plat thereof recorded in Plat Book 3, Page 55, of the Public Records of Miami-Dade County, Florida;

### TOGETHER WITH

All of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21, of the Public Records of Miami-Dade County, Florida;

Commence at the Northwest corner of Tract A of the REVISED PLAT OF A PORTION OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 12, of the Public Records of Miami-Dade County, Florida, the same being the Southwest corner of Tract B of the said REVISED PLAT OF SEARENTO; thence North 24°11'52" East along the West line of said Tract B a distance of 117.62 feet to a point; thence South 89°56'15" East a distance of 1734.72 feet to a point on the face of the existing seawall; thence South 37°16'30" West along the face of said existing seawall for a distance of 136.85 feet to a point; thence run North 89°52'30" West along the South line of said Tract B of REVISED PLAT OF SEARENTO, and/or its prolongation East for a distance of 1701.76 fee to the Point of Beginning;

AND ALSO LESS AND EXCEPT that certain Parcel more particularly described as follows:

Commence at the Southwest corner of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21, of the Public Records of Miami-Dade County, Florida; thence run North 24°11'52" East along the West line of said Tract B for a distance of 117.62 feet; thence South 89°56'15" East for a distance of 919.72 feet to the Point of Beginning of the parcel of land herein described said point being a distance of 815.0 feet North 89°56'15" West from a point of the face of the existing seal wall; thence run North 00°03'45" East a distance of 148.293 feet to a point; thence run South 89°56'15" East a distance of 20.0 feet to a point; thence run North 00°03'45" East, a distance of 45.0 feet to a point 80.0 feet South of, as measure at right angles to, the North line of Tract B of the REVISED PLAT OF SEARENTO; thence run due East along a line parallel to the said North line of Tract B of the said REVISED PLAT OF SEARENTO for a distance of 415.939 feet to a point; thence run South 00°03'45" West for a distance of 93.769 feet to a point 100.0 feet North of, as measure at right angles to South line of the parcel of land herein described; thence run South 89°56'15" East along a line parallel to the South line of the parcel of land herein described for a distance of 455.0 feet to a point; thence South 37°16'30" West along a line for a distance

Section-Township-Range: 32-52-42 Folio Number: 30-2232-008-0031

Declaration of Restrictions Page 6

of 125.565 feet to a point on the face of the existing seawall; thence run North 89°56'15" West, a distance of 815.0 feet to the Point of Beginning.

#### ALSO KNOWN AS

A portion of Tract 1 of SUBDIVISION OF GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 42 EAST, according to the Plat thereof recorded in Plat Book 3, Page 55, of the Public Records of Miami-Dade County, Florida and a portion of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21, of the Public Records of Miami-Dade County, Florida; being more particularly described as follows:

Commence at the Southwesterly most corner of said Tract B of REVISED PLAT OF SEARENTO; thence North 24°11′52″ East, along the West line of said Tract B, for 117.62 feet to the Point of Beginning of the following described parcel of land; thence continue along the las course North 24°11′52″ East for 298.34 feet to the Northwesterly most corner of said Tract B; thence South 90°00′00″ East, for 1708.00 feet; thence South 56°17′00″ East for 90.38 feet to the point of intersection with the DADE COUNTY BULKHEAD LINE as shown and recorded in Plat Book 74, Page 1 of the Public Records of Miami-Dade County, Florida; thence South 37°16′30″ West along said DADE COUNTY BULKHEAD LINE for 155.95 feet; thence North 89°56′15″ West for 455.00 feet; thence North 00°03′45″ East for 93.769 feet; thence North 90°00′00″ West for 415.939 feet; thence South 00°03′45″ West for 45.00 feet; thence North 89°56′15″ West for 20.00 feet; thence South 00°03′45″ West for 148.293 feet; thence South 89°56′15″ East for 919.72 feet to the Point of Beginning.

Said lands situate, lying and being in MIAMI-DADE County, Florida.

Section-Township-Range: 32-52-42 Folio Number: 30-2232-008-0031

## **Opinion of Title**

## To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of Declaration of Restrictions pursuant to a CDMP Public Hearing No.\_\_\_\_\_\_, it is hereby certified that I have examined Fidelity National Title Insurance Company Policy No. 142524-1-biscayne shores – 2020.2730609-220221066 covering the period from the beginning to the 26<sup>th</sup> day of May, 2021, at the hour of 8:00 a.m., inclusive, of the property described on **Exhibit A** hereto. All title instruments, policies, and documents referenced above are collectively referred to as the "Title Evidence". I know of no reason that this Title Evidence is inaccurate or incomplete.

I am of the opinion, based on my review of the Title Evidence that on the last mentioned date, the fee simple title to the above-described real property was vested in:

### BISCAYNE SHORES VENTURES, LLLP, a Florida limited liability limited partnership

Each of Victor Ballestas, Nelson Stabile, Paulo Melo and Manuel Martinez is authorized to execute on behalf of said title owner.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

#### 1. RECORDED MORTGAGES:

None

## 2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None

## 3. GENERAL EXCEPTIONS:

- 1. Taxes and assessments for the year 2020 and subsequent years.
- 2. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
- 3. Matters as contained on the Plat of SUBDIVISION OF GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 42 EAST recorded in Plat Book 3, page 55, of the public records of Miami-Dade County, Florida.
- 4. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of REVISED PLAT OF SEARENTO as recorded in Plat Book 34,

Page 21, including, but not limited to, the following:

A. Biscayne Boulevard, as shown hereon, is hereby dedicated to the perpetual use of the Public for proper purposes, reserving to the said Wramp Realty company, its successors or assigns, the reversion or reversions thereof, whenever discontinued by law.

## 4. SPECIAL EXCEPTIONS:

- 5. Easement(s) set out and reserved in the instrument(s) recorded in Official Records Book 5752, Page 569.
- 6. Agreement for ingress and egress, recorded October 28, 1971, in Official Records Book 7422, Page 410.
- 7. Agreed Order Relating to Sewage Service recorded in Official Records Book 13177, Page 1681.
- 8. Agreed Order Relating to Water Service recorded in Official Records Book 13177, Page 1683.
- 9. Resolution No. R-613-05 Biscayne Street Lighting Improvement District which results in a special assessment, recorded July 21, 2005, in Official Records Book 23594, Page 1117.
- 10. Easements granted to BellSouth Telecommunications, Inc., d/b/a/ A T & T Florida, recorded February 8, 2008 in Official Records Book 26205, Pages 4705; Official Records Book 26205, Page 4711; and Official Records Book 26205, Page 4717.
- 11. Rights of parties to use as a parking lot and marina facilities.
- 12. Any rights of the State of Florida based on the doctrine of the state's sovereign ownership of lands lying below the mean high water line of any navigable or tidally influenced waters.
- 13. Rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area.
- 14. Any land described in Exhibit A which is artificially filled land in what was formerly navigable waters, is subject to the rights of the United States government, arising by said government's control over navigable waters involving navigation and commerce.
- 15. Rights of others to use the waters of any water body extending from the insured land onto other lands.
- 16. The nature, extent, or existence of riparian or littoral rights are not insured.
- 17. Terms and conditions of that certain unrecorded Revocable License Agreement dated December 2012 by and between Cricket Club Condominium, Inc. and

Jockey Segal, LLC.

- 18. The following matters set forth on survey no. RP-19-1347 prepared by Royal Point Land Surveyors, Inc. dated November 8, 2019:
  - A. On the north side of the subject property, a 5-foot concrete block wall encroaches into the neighboring property approximately 2 feet.

[Remainder of this page left blank intentionally]

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	Special Exception Number
N/A	N/A	N/A

The following is a description of the aforementioned abstract and its continuations:

Number	Company Certifying	No. of Entries	Period Covered
8011561	Fidelity National Title Ins. Co.	. 1	Beginning to July 15, 2020

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

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

Respectfully submitted this 17<sup>th</sup> day of June, 2021.

Michael J. Pardo

Florida Bar No. \_77562

200 S.E. First Street, Suite 700

Miami, Florida 33131

## STATE OF FLORIDA COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of  $\boxtimes$  physical presence  $\square$  online notarization this 17th day of June, 2021, by Michael J. Pardo.

ividual identified by: 🏻 personal knowle e)	rage Li sansiacany evidence
CATHERYNE LEE MORA MY COMMISSION # GG 329088 EXPIRES; April 30, 2023 Bonded than Notary Public Underwriters  (affix Florida Notary Seal above)	(Signature of Notary Public)  (Signature of Notary Public)  (typed, printed, or stamped name of Notary Public)
DO NOT WRITE BELOW	THIS LINE - GOVERNMENT USE ONLY
(Date) [insert title of County en	[insert name of County employee]

#### Exhibit A

Tract 1 of SUBDIVISION OF GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 42 EAST, according to the Plat thereof recorded in Plat Book 3, Page 55, of the Public Records of Miami-Dade County, Florida;

#### TOGETHER WITH

All of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21, of the Public Records of Miami-Dade County, Florida;

LESS AND EXCEPT that certain parcel of land more particularly described as follows:

Commence at the Northwest corner of Tract A of the REVISED PLAT OF A PORTION OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 12 of the Public Records of Miami-Dade County, Florida, the same being the Southwest corner of Tract B of the said REVISED PLAT OF SEARENTO; thence North 24°11'52" East along the West line of said Tract B a distance of 117.62 feet to a point; thence South 89°56'15" East a distance of 1734.72 feet to a point on the face of the existing seawall; thence South 37°16'30" West along the face of said existing seawall for a distance of 136.85 feet to a point; thence run North 89°52'30" West along the South line of said Tract B of REVISED PLAT OF SEARENTO, and/or its prolongation East for a distance of 1701.76 feet to the Point of Beginning;

AND ALSO LESS AND EXCEPT that certain Parcel more particularly described as follows:

Commence at the Southwest corner of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21, of the Public Records of Miami-Dade County, Florida; thence run North 24°11'52" East along the West line of said Tract B for a distance of 117.62 feet; thence South 89°56'15" East for a distance of 919.72 feet to the Point of Beginning of the parcel of land herein described, said point being a distance of 815.0 feet North 89°56'15" West from a point on the face of the existing seawall; thence run North 00°03'45" East a distance of 148.293 feet to a point; thence run South 89°56'15" East a distance of 20.0 feet to a point; thence run North 00°03'45" East, a distance of 45.0 feet to a point 80.0 feet South of, as measured at right angles to, the North line of Tract B of the said REVISED PLAT OF SEARENTO; thence run due East along a line parallel to the said North line of Tract B of the said REVISED PLAT OF SEARENTO for a distance of 415,939 feet to a point; thence run South 00°03'45" West for a distance of 93.769 feet to a point 100.0 feet North of, as measured at right angles to the South line of the parcel of land herein described; thence run South 89°56'15" East along a line parallel to the South line of the parcel of land herein described for a distance of 455.0 feet to a point; thence South 37°16'30" West along a line for a distance of 125.565 feet to a point on the face of the existing seawall; thence run North 89°56'15" West, a distance of 815.0 feet to the Point of Beginning.

## ALSO KNOWN AS

A portion of Tract 1 of SUBDIVISION OF GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 42 EAST, according to the Plat thereof recorded in Plat Book 3, Page 55, of the Public Records of Miami-Dade County, Florida and a portion of Tract B of REVISED PLAT OF SEARENTO, according to the Plat thereof recorded in Plat Book 34, Page 21 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwesterly most corner of said Tract B of REVISED PLAT OF SEARENTO; thence North 24°11'52" East, along the West line of said Tract B, for 117.62 feet to the Point of Beginning of the following described parcel of land; thence continue along the last course North 24°11'52" East for 298.34 feet to the Northwesterly most corner of said Tract B; thence South 90°00'00" East, for 1708.00 feet; thence South 56°17'00" East for 90.38 feet to the point of intersection with the DADE COUNTY BULKHEAD LINE as shown and recorded in Plat Book 74, Page 1 of the Public Records of Miami-Dade County, Florida; thence South 37°16'30" West along said DADE COUNTY BULKHEAD LINE for 155.95 feet; thence North 89°56'15" West for 455.00 feet; thence North 00°03'45" East for 93.769 feet; thence North 90°00'00" West for 415.939 feet; thence South 00°03'45" West for 45.00 feet; thence North 89°56'15" West for 20.00 feet; thence South 00°03'45" West for 148.293 feet; thence South 89°56'15" East for 919.72 feet to the Point of Beginning.

Said lands situate, lying and being in MIAMI-DADE County, Florida.