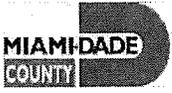


FINAL AGENDA

5-7-2014 Version # 1



COMMUNITY ZONING APPEALS BOARD 7
PHYLLIS RUTH MILLER ELEMENTARY SCHOOL
840 NE 87 Street, Miami
Wednesday, June 11, 2014 at 6:30 p.m.

CURRENT

1. 14-6-CZ7-1 11200 BISCAYNE LLC (DEVELOPMENTAL IMPACT COMMITTEE) 13-29 32-52-42 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 7

MEETING OF WEDNESDAY, JUNE 11, 2014

PHYLLIS RUTH ELEMENTARY SCHOOL

840 NE 87 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.



Memorandum



Date: June 11, 2014

To: The Community Zoning Appeals Board - 7

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: 11200 Biscayne, LLC (Z13-029)

SUMMARY OF REQUESTS:

The applicant is seeking to permit residential uses in a commercially zoned district. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property.

LOCATION: 11150 & 11190 Biscayne Boulevard, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the number of proposed residential units exceeds 250. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held on April 9, 2014 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, subject to the Board's acceptance of the proffered covenant, as set forth in the Department of Regulatory and Economic Resources' recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that approval of this application will be **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z13-29
11200 BISCAYNE LLC

Respectfully Submitted,

DIC Executive Council
April 09, 2014

Giovannie Ulloa, Fire Chief
Miami-Dade Fire Rescue Department



AYE

Eric Silva, AICP
Sustainability, Planning and Economic Enhancement
Department



AYE

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt



AYE

Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department



AYE

John Bowers, Parks Property Management Supervisor
Parks, Recreation and Open Spaces



AYE

Monica Cejas, Senior Professional Engineer
Miami-Dade Transit



AYE

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Development Impact Committee**

PH: Z13-029

DIC Date: April 9, 2014

Item No. 1

Recommendation Summary	
Commission District	3
Applicant	11200 Biscayne, LLC
Summary of Requests	The applicant is seeking to permit residential uses in a commercially zoned district. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property.
Location	11150 & 11190 Biscayne Boulevard, Miami-Dade County, Florida.
Property Size	6.115 acres
Existing Zoning	RU-4A, Hotel/Apartment House District, BU-1A, Limited Business District
Existing Land Use	vacant
2020-2030 CDMP Land Use Designation	Business and Office/Low-Medium Density Residential, 6 -13 dua (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions, subject to the Board's acceptance of the proffered covenant.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit residential use in the BU-1A zoning district.
- (2) VACATION of Resolution 4-ZAB-9-87 last modified by Resolution 4-ZAB-429-87, both passed and adopted by Zoning Appeals Board.

The purpose of request #2 is to delete the previous approval for the home for the aged.

- (3) NON-USE VARIANCE to permit parking within 25' of a official right-of-way.
- (4) NON-USE VARIANCE to waive the required 5' high decorative masonry wall interior to the site, where a BU zoned property abuts an RU, EU or GU zoned property.

The plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Proposed Multi-Family Rental Development 11200 Biscayne, LLC as prepared by Behar Font Partners, P.A." dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 01/07/14, with sheet LA2 last handwritten revision dated 01/14/14, consisting of 3 sheets, for a total of 19 sheets." Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The eastern approximately 163' of the subject property is zoned BU-1A, Limited Business District and the remaining western portion of the property is zoned RU-4A, Hotel/Apartment House District. Between 1967 and 1987, the subject property has been approved for different uses and ancillary variances. Most recently, pursuant to Resolution #4-ZAB-9-87 which was later modified by Resolution #4-ZAB-429-87, the subject property was approved to allow the conversion of the use from a hotel, to a home for the aged for 440 patients.

The subject property is currently vacant and the applicant now seeks to develop the commercial and residentially zoned property as a multi-family residential development. The submitted plans depict the proposed nine (9)-story, 525,000 sq. ft., 402-unit residential multi-family residential building inclusive of 51 workforce housing units on the 6.115-net acre parcel. Said plans indicate that the proposed development will front onto Biscayne Boulevard to the east and NE 14 Avenue to the west.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4A/BU-1A: vacant	Low-Medium Density Residential (6-13 dua)/ Business and Office
North	RU-3M/BU-1A: vacant	Medium Density Residential (13-25 dua)
South	RU-3M; apartment buildings, duplex, vacant	Low-Medium Density Residential (6-13 dua)
	BU-1A; motel	<u>Business and Office</u>
East	BU-2; condominium apartments	Business and Office
West	RU-3; electric substation	Low-Medium Density Residential (6-13 dua)

NEIGHBORHOOD COMPATIBILITY:

The 6.115-net acre subject property is a vacant parcel abutting residential and hotel uses to the south, a utility plant to the west and residential uses located in a commercial zoning district to the east. Additionally the property abuts a vacant parcel to the north. The property also fronts onto Biscayne Boulevard along which are also located other commercial and office uses to the north and south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and will create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that the northern approximately 206' and eastern approximately 163', for a total of approximately 4.22-net acres of the subject parcel is designated **Business and Office** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, 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.* The subject property abuts a property to the northwest that is designated **Medium Density Residential** on the CDMP LUP map and which allows a range in density of 13 to 25 dwelling units per acre. Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for Business and Office, the Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. This would allow the applicants to develop the approximately 4.22-acre Business and Office designated portion of the property with a maximum of 253 residential units.

Staff notes that the remaining approximately 1.89-acre southwestern portion of the subject parcel is designated for **Low-Medium Density Residential** use on the CDMP Land Use Plan map. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. *The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartment, which would allow the applicant to develop the property with a maximum of 24 residential units.* However, staff notes that this portion of the property is currently zoned RU-4A, Hotel/Apartment House District, which would allow the property to be developed under the existing zoning that allows a maximum of 50 dwelling units per acre, for a maximum of 94 residential units. Therefore, based on the current Business and Office designation on +/- 4.22-acres of the subject property along with the RU-4A zoning on the remaining +/- 1.89-acre portion of the property, staff opines that currently, the property could be developed with a maximum of 347 residential units without any density bonus allowed by the CDMP Land Use Element interpretative text.

The CDMP Land Use Element interpretative text states that *through the Voluntary Inclusionary Program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing.* The applicant has proffered a declaration of restrictions that will restrict the development of the property to the specifications outlined in the Miami-Dade County Code pertaining to workforce housing development. Therefore, subject to the acceptance of the proffered covenant, staff opines that the 25% Density Bonus for Affordable Housing could be applied to the approximately 6.115-net acre property to allow an additional 86 dwelling units for

a total of 433 dwelling units on the subject property. However, the applicant indicated in its letter of intent that the +/-6.115-net acre property will be developed 402 residential units, inclusive of fifty-one (51) workforce housing units.

Said text also states that *to be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives and policies of the Comprehensive Development Master Plan.* Further, the interpretative text states that *the actual density achieved on a particular property will be depend on all applicable land development regulations and compatibility standards.*

The CDMP land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Based on the foregoing analysis, staff opines that the proposed development will be adequately buffered and will not have a negative visual impact on the surrounding properties or on passersby along Biscayne Boulevard and would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element, **Policy LU-4A**. Therefore, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Low-Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map. Further, staff opines that subject to the acceptance of the proffered covenant for Workforce Housing, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text Density Bonus Programs for Affordable Housing.

ZONING ANALYSIS:

The applicant is seeking approval of a request to permit a multi-family residential development on a 6.115-acre parcel of land, a portion of which is zoned BU-1A, Limited Business District (request #1) under Section 33-311(A)(3), Special Exception, Unusual and New uses. Additionally, to permit the redevelopment of the parcel that was previously approved to allow a home for the aged pursuant to Resolution #4-ZAB-9-87, last modified by Resolution #4-ZAB-429-87, the applicant also seeks to vacate the aforementioned resolutions, under Section 33-311(A)(7), Generalized Modification Standards (request #2). Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that based on the memorandum from the Public Works and Waste Management Department, the approval of the application, including request #1 to permit the residential development on a commercially zoned parcel along with request #2, to vacate the prior resolutions pertaining to the previously approved home for the aged, to facilitate the redevelopment of the parcel, would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic. Their memorandum states that approval of the application will not cause the surrounding roadways to include Biscayne Boulevard and NE 125 Street among others to operate above the existing Level of Service (LOS) standards. Further, said memorandum indicated that this application will be granted concurrency approval since the project is located within the Urban Infill Area (UIA).

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. The Miami-Dade Fire Rescue Department (MDFRD) memorandum stated that the average travel time to the vicinity of the proposed development would be 6:39 minutes. According to its memorandum, this travel time complies with the performance objective of the national industry. As such, staff opines that approval of the aforementioned requests will not unduly burden the MDFRD resources that exists or that are budgeted or planned in this area. The Miami-Dade Police Department (MDPD) also, does not object to this application. The MDPD memorandum indicates an anticipation of a likelihood of an increase in the calls for service based on experience and that current staffing levels could accommodate any slight increase in the volume of calls for service. However, the MDPD in its memorandum encouraged the developers to work with the Department to determine the best possible solutions or security options and to incorporate design plans that will grant 24-hour access to the swimming pool area for emergency personnel.

Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), Water and Sewer and Transit Departments, staff opines that approval of this application will 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. Further, staff opines that approval of the requests which will allow the multi-family development will not 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.

The submitted plans, depict the proposed 402 unit multi-family residential development inclusive of fifty-one (51) workforce housing units on the dual frontage lot. The square shaped, nine (9)-story building will be located central to the site and will enclose the expansive courtyard and pool area. The plans depict the nine-story building containing the residences and amenities located within the highest portions of the building that are oriented towards Biscayne Boulevard to the east at a maximum elevation of 99' high. The rear, approximately 120' of the building contains the garages for the residential development, is seven (7) stories high and is only approximately 59' high. This section of the building is oriented towards the residentially zoned properties to the west along NE 14 Avenue which contains an existing utility plant. Said plans also indicate that the proposed residential development will be setback more than allowed from the front (east and west) property lines on the dual frontage lot by the zoning district regulations and will be adequately spaced from the interior sides (north and south) property lines, which also abut residential and commercially zoned parcels. All of the abutting parcels to the north are currently vacant. However, apart from one (1) parcel to the south that is zoned BU-1A, Limited Business District and contains a motel use, the remaining properties are zoned RU-3M, Minimum Apartment House District containing a mix of apartments, duplex residences and vacant parcels. The submitted plans indicate sufficient landscaping in the form of trees and

shrubbery to mitigate any negative visual impact of the development on the existing residences to the south and east. Additionally, the applicant's letter of intent and the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Staff opines that approval of the proposed plans for the multi-family residential development that will contain 402 residential units that is the subject of requests #1 and #2, would be **compatible** with the surrounding commercial, residential and utility uses.

However, staff notes that the survey submitted with the application indicates that there is an existing 10' wide Florida Power and Light (FP&L) easement that runs throughout the subject property, which will impact any future development of the 6.11-acre parcel. At the time of writing, the applicant has not yet submitted documentation from FP&L indicating that they do not object to the application. Therefore, as a condition for approval, staff requires that this documentation be provided prior to the applicant obtaining final plat approval, if necessary, and if not, prior to obtaining permit approval. **Based on the foregoing analysis, and subject to the Boards acceptance of the proffered Workforce Housing Covenant, staff recommends approval of requests #1 under Section 33-311(A)(3), Special Exception, Unusual and New uses, and request #2 under Section 33-311(A)(7), Generalized Modification Standards.**

The applicant also seeks approval of ancillary Non-Use Variance requests to permit parking within 25' of the right-of-way abutting NE 14 Avenue (request #3) and to waive a required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #4).

When the aforementioned requests (requests #3 and #4) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that the approval of the location of the surface parking areas within the 25' setback area abutting the front (west) property line (request #3) along with the approval to waive the masonry wall internal to the site (request #4) will not be detrimental to the surrounding area. Staff notes that the parking area that is the subject of request #3 abuts an FP&L sub-station to the west. Further, staff notes that the submitted landscape plans indicate that the parking area will be adequately buffered with a continuous row of hedges and trees which staff opines will mitigate any negative visual impact on passersby along NE 14 Avenue.

In addition, staff is supportive of the applicant's request to waive the requirement for a wall between the BU and RU zoned portions of the property. Staff concurs with the applicant's assertion in its letter of intent that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. Therefore, staff opines that approval of the aforementioned requests for parking (request #3) and to waive the wall requirement (request #4) would not affect the appearance of the surrounding area and would also be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #3 and #4, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Biscayne Boulevard to the east and NE 14 Avenue to the west. These plans also indicate pedestrian walkways throughout the development that provide connectivity to the amenities within the development as well as to Biscayne Boulevard to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW:

Aviation

The Miami-Dade County Aviation Department (MDAD) has no objections to this application provided the applicants comply with all State and Federal regulations.

Division of Environmental Resources Management (Department of Regulatory and Economic Resources)

The Division of Environmental Resource Management (DERM) recommends **approval with conditions** of this application after a review for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County.

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the City of North Miami's water and sewer franchised service areas. The Surface Water Management General Permit from the Department will be required for the construction and operation of the surface water management system and must be obtained prior to platting and/or site development. Its memorandum further indicates that the subject property contains specimen sized trees that will be impacted by the proposed project and that a Tree Removal/Relocation Permit #4877 was issued for these sites. The DERM memorandum indicates that since the landscape plans submitted with the application match the permitted site plans, DERM recommends approval of the zoning application. Also, its memorandum indicated that the sites contain prohibited trees that, pursuant to Section 24-49.9 of the Code shall be removed from the properties prior to the development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. The subject properties do not contain any jurisdictional wetlands, however, the memorandum indicated that a Surface Water Management General Permit from DERM will be required for the construction and operation of the required surface water management system.

Miami-Dade Fire Rescue

The Miami-Dade Fire Rescue Department (MDFRD) **has no objections** to this application.

Its memorandum indicates that the proposed development could generate approximately 112 fire and rescue calls annually. The department states that the estimated number of alarms would result in a severe impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 6:39 minutes (based on 2013 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

However, MDFRD indicate in its memorandum during the platting and permitting stages, the proffered plans must be reviewed by the Fire Water and Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC process.

Miami-Dade Police Department

The Miami-Dade Police Department (MDPD) **does not object** to this application. The MDPD memorandum indicates an anticipation of a likelihood of an increase in the calls for service based on experience. The memorandum indicated that a review of current data of police staffing, population and calls for service compared to the proposed development of the site with approximately 402 residential units was done. Its memorandum indicated that current staffing levels could accommodate any slight increase in the volume of calls for service. However, the MDPD in its memorandum encouraged the developers to work with the Department to determine the best possible solutions or security options and to incorporate design plans that will grant 24-hour access to the swimming pool area for emergency personnel.

Miami-Dade Transit

The Miami-Dade Transit Department (MDT) **has no objections** to this application, subject to the acceptance of the proffered declaration of restrictions.

Its memorandum indicates that the proposed development will benefit from its location on one of MDT's premium transit corridors along Biscayne Boulevard. The MDT indicated in its memorandum that the proposed multi-family residential development will be located within less than a half mile of the north and southbound planned enhanced bus stations for the Biscayne Enhanced Bus route.

Parks, Recreation and Open Spaces

The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) **does not object** to this application.

Its memorandum indicates that this application is in Park benefit District 1 (PBD1) which has a surplus capacity of 310.91 acres when measured by the County concurrency level-of-services (LOS) standards for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Said Department's memorandum also indicated that the proposed development is within 0.10 miles of the nearest park, the Biscayne Shores and Gardens Park and that the submitted plans includes pedestrian circulation showing the ability of future residents to access public open spaces.

Public Works and Waste Management Department (Traffic Engineering Division)

The Public Works and Waste Management Department, Traffic Division (TED) **does not object** to this application.

Its memorandum indicates that the anticipated trip generation based on ITE is 239 PM Peak Hour trips generated by this development; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways NE 125 Street, west of NE 4 Avenue and Biscayne Boulevard, south of NE 123 Street which will operate at Los "D"; Broad Causeway, west of N. Bayshore Drive and NE 8 Avenue, north of US-1 which will

continue to operate at Los "C", and NW 79 Street, east of N. Bayshore Drive which will continue to operate at Los "E" and SW 117 Avenue which are currently operating at LOS "D" and "EE". Its memorandum further states that this application will be granted concurrency approval pursuant to the Miami-Dade County Code since it is located within the Urban Infill Area.

Said memorandum also requires certification by a State of Florida registered engineer as part of the paving and drainage plans. The memorandum further indicates that no vehicle trips have been reserved by this application and that this project is subject to the payment of Road Impact Fees.

Public Works and Waste Management Department (Fiscal, Planning and Performance Management Division)

The Public Works and Waste Management Department, Fiscal, Planning and Performance Management Division **does not object** to this application.

Water and Sewer Department

The Miami-Dade County Water and Sewer Department (MDWASD) **has no objections** to this application. Public water mains and sanitary sewers exist throughout the area.

Miami-Dade County Public Schools (M-DCPS)

The M-DCPS **does not object** to this application. Its memorandum indicates that the proposed 402 unit residential development would generate 134 students; 62 elementary, 34 middle and 38 senior high students. The MDCPS indicated in its memorandum that the elementary school level in this area does not have sufficient capacity to serve the application.

The M-DCPS memorandum also indicates that a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan approval or functional equivalent. Therefore, the MDCPS indicated that **the memorandum does not constitute a Public School Concurrency approval**.

OTHER: Not applicable.

RECOMMENDATION:

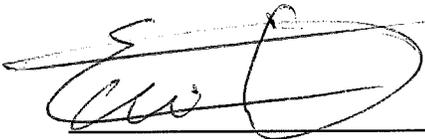
Approval with conditions, subject to the Board's acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Multi-Family Rental Development 11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A. dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 01/07/14, with sheet LA2 last handwritten revision dated 01/14/14, consisting of 3 sheets, for a total of 19 sheets.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That prior to the applicant obtaining final plat approval, if necessary, and if not, prior to obtaining permit approval, the applicant shall provide the required written authorization from the Florida Power and Light Corporation, approving the development of the property within the existing utility easement areas.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources as contained in their memorandum dated February 20, 2014, that is part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.
7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in their memorandum dated March 10, 2014, that is a part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.

ES:MW::NN:JV:CH



Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC
PH: Z13-029

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Public Works and Waste Management	No objection*
Parks, Recreation and Open Spaces	No objection*
Water and Sewer	No objection
Aviation	No objection
Fire Rescue	No objection
Police	No objection*
Schools	No objection*
*Subject to conditions in their memorandum.	

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

Business and Office (Page I-41)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
Low-Medium Density Residential (Page I-31)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i>
Objective LU-4 (Page I-11)	<i>Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC
PH: Z13-029

<p>Density Bonus Program for Affordable Housing (Page I-32 – I-32.2)</p>	<p>The following describes the various density bonus incentives for affordable housing and workforce housing that the Board of County Commissioners may approve:</p> <p>25% Density Bonus for Workforce Housing: Through the Voluntary Inclusionary Zoning program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. The Voluntary Inclusionary Zoning program defines workforce as households with incomes between 65 and 140% of the County's median income.</p> <p>To be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives and policies of the Comprehensive Development Master Plan. The actual density achieved on a particular property will depend on all applicable land development regulations and compatibility standards. Sites shall be within the Urban Development Boundary, and sound urban design principles adopted by County ordinance or other binding instrument approved by action of the Board of County Commissioners must be applied. Appropriate compatibility standards must be followed to assure that the proposed development is compatible or made compatible with any adjoining or adjacent uses.</p>
<p>Density Averaging (Page I-32.2)</p>	<p>The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.</p> <p>Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.</p>

ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC
PH: Z13-029

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<p>33-303.1(D)(7) Developmental Impact Committee</p>	<p><i>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</i></p> <p style="margin-left: 40px;">(a) <i>Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <ol style="list-style-type: none"> 1. <i>Residential developments involving in excess of two hundred fifty (250) dwelling units.</i>

1. 11200 BISCAYNE LLC
(Applicant)

14-6-CZ7(13-029)
Area 07/District 04
Hearing Date: 06/11/14

Property Owner (if different from applicant) **Same.**

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

If so, who are the interested parties?

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1949	Shangri-La Tourist Court	- Zone change from RU-2 to RU-4A.	BCC	Approved
1954	C.H. Carter	- Special Permit for sales of trailers	BCC	Approved with Condition(s)
1967	A.D. BESSEMBER	- Unusual Varariance to permit. sale of house trailers in BU-2 zone	ZAB	Approved with Conditions
1974	VIRGINIA RESORT FRANCHISE CORP.	- Zone change from RU-2 to RU-4.	BCC	Approved
1974	VIRGINIA RESORT FRANCHISE CORP.	- Variance of parking.	BCC	Approved
1976	Directors	- Zone change from BU-2 to BU-1A	BCC	Approved, with condition(s)
1978	Virginia Resort Franchise Corp.	- Variance of zoning regulations limiting the hours of cabaret motel	ZAB	Approved
1987	Williamsburg LTD.	- Modify condition of resolution - Non-use variance of setback wall height & landscaping - Non-use of zoning regulations.	ZAB	Approved with Condition(s)

1987 Virginia Resort
Franchise

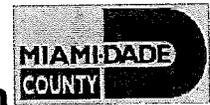
- Unusual use to permit a home for the aged & guard house.
- Non-use variance for parking

ZAB

Approved with
Condition(s)

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

Memorandum



Date: February 20, 2014

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: BCC #Z2013000029-3rd Revision
11200 Biscayne, LLC
11150 and 11190 Biscayne Boulevard, Miami, Florida
Non-Use Variance to Waive Requirement for Wall Separating
Business from Residential Zones; Special Exception to Permit
Residential Uses in BU-1A District; Modification of Previous
Resolution/Plan to Modify Condition No.'s 2 and 5 of Resolution No.
4-ZAB-9-87, as last Modified by Resolution No. 4-ZAB-429-87
(RU-4A) (6.11 Acres)
32-52-42

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

The subject property is located within the City of North Miami water franchised service area. There is an existing 8-inch water main that presently runs along the south edge of the property. There is also a 12-inch water main abutting the property that runs along Biscayne Blvd. In addition, there are three 6-inch laterals and an 8-inch lateral that go into the property.

Said main is owned and operated by the City of North Miami Water and Sewer Department. The source for this water supply is the Winson Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets federal, state, and county drinking water standards.

Wastewater Disposal

The subject property is located within the City of North Miami sanitary sewer franchised service area. There is an existing 8-inch force main going into the west side of the property, on NW 14th Street. There is also an existing 8-inch force main abutting the property along Biscayne Boulevard.

The force main running on NW 14th Street directs the wastewater flow to pump stations 06-H or 06-Quaysid, then to pump station 30-0347 and finally to the North District Wastewater Treatment Plant.

Pump Stations 06-H and 06-Quaysid are owned and operated by the City of North Miami Water and Sewer Department. Pump station 30-0347 as well as the North District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department. The aforesaid pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree.

At this time the North District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Civil drawing for the required sewer main extension will need to be approved by City of North Miami Water and Sewer Department and the Environmental Permitting Section of DERM prior to approval of final development orders.

Stormwater Management

A Surface Water Management General Permit from the DERM 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 Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

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

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

Pollution Remediation

There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands

An on site inspection performed on April 15, 2013, revealed that the subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

According to the landscape plan submitted with this zoning application (Sheet LA-1, dated August 14, 2013 and revised January 2, 2014), the properties contain specimen-sized trees (trunk diameter 18 inches or greater) that will be impacted by the proposed project.

Tree Removal/Relocation Permit #4877 was issued for these sites on February 19, 2014 and is scheduled to expire on February 19, 2017. This permit requires the preservation of specimen-sized trees as identified in the approved permitted plans. The landscape plans submitted with this application match the permitted site plans; therefore, DERM recommends approval of this zoning application.

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

Be advised that an amendment to Tree Removal/Relocation Permit #4877 is required prior to the removal/relocation of additional trees on the properties that are subject to the Tree Preservation and Protection provisions of the Code.

Also, the sites contain prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited plant species shall be removed from the properties prior to development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. Pursuant to this subsection and in accordance with Chapter 19 of the Code of Miami-Dade County, Florida, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

Please contact the Tree Permitting Program at (305) 372-6574, voice option #2, for information regarding tree permits.

Enforcement History

The subject properties have three (3) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

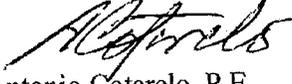
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 10, 2014

To: Eric Silva
Assistant Director
Regulatory and Economic Resource Department

From: 
Antonio Cotarelo, P.E.
County Engineer
Public Works and Waste Management Department

Subject: DIC 13-029
Name: 11200 Biscayne, LLC
Section 32 Township 52 South Range 42 East

I. PROJECT LOCATION:

Located north of NE 111 Street between Biscayne Boulevard and NE 14 Avenue

II. APPLICATION REQUEST:

This application requests a special exception to permit residential use in the BU-1A zoning district and a non-use variance of the requirement in Section 33-251.3 of the Miami-Dade County Code to provide a wall separating business from residential zones. The applicant also requests to modify Condition No. 2 of Resolution No. 4-ZAB-9-87 and Condition No. 5 of Resolution No. 4-ZAB-9-87.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this project is provided from the North and the South, Biscayne Blvd. and NE 14 Avenue.

IV. RECOMMENDATION:

This project is located within the jurisdiction of Miami-Dade County. Pursuant to Chapter 33G-5(1)(a)1 of the Miami-Dade County Code, this application will be granted concurrency approval since the project is located within the Urban Infill Area. No vehicle trips have been reserved by this application. This project is subject to the payment of Road Impact Fees. Additional improvements may be required at time of permitting/platting.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers)

239 PM Peak Hour trips are generated by this development.

B. Cardinal Distribution

North	42%	South	25%
East	5%	West	28%

VI. IMPACT ON EXISTING ROADWAYS:

Station F-1024 located on NE 125 Street West of NE 4 Avenue, has a maximum LOS "E" of 2920 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2481 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1024** with its PHP and assigned vehicles is at LOS "D". The 75 vehicle trips generated by this development when combined with the 2481 and those previously approved through Development Orders, 0, equal 2556 and will cause this segment to operate at LOS "D" which is from 1310 to 2920 vehicles.

Station F-524 located on Biscayne Blvd. south of NE 123 Street, has a maximum LOS "D" of 4380 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2909 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-524** with its PHP and assigned vehicles is at LOS "D". The 57 vehicle trips generated by this development when combined with the 2909 and those previously approved through Development Orders, 0, equal 2966 and will cause this segment to continue to operate at LOS "D" which is from 2920 to 4380 vehicles.

Station F-1023 located on Broad CSWY west of N. Bayshore Drive has a maximum LOS "D" of 2920 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1958 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 "C". The 8 vehicle trips generated by this development when combined with the 1958 and those previously approved through Development Orders, 0 equal 1966 and will cause this segment to continue to operate at LOS "C" which is from 1310 to 2920 vehicles.

Station F-1009 located on NE 8 Avenue north of US-1, has a maximum LOS "C" of 3504 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 659 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1009** with its PHP and assigned vehicles is at LOS "C". The 94 vehicle trips generated by this development when combined with the 659 and those previously approved through Development Orders, 0, equal 753 and will cause this segment to continue to operate at LOS "C" which is from 1 to 1310 vehicles.

Station F-142 located on NW 79 Street East of N. Bayshore Drive has a maximum LOS "E+4%" of 3504 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 3026 vehicles and 0 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-142** with its PHP and assigned vehicles is at LOS "E+4%". The 5 vehicle trips generated by this development when combined with the 3026 and those previously approved through Development Orders, 0, equal 3031 and will cause this segment to continue to operate at LOS "E+4%" which is from 1310 to 2920 + 4% vehicles.

VII. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

All comments have been addressed by the applicant.

VIII. SITE PLAN CRITIQUE:

- This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

IX. 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."

- c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources
Joan Shen, Ph. D., P.E., PTOE, Chief, Traffic Engineering Division, PWWM
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWWM
Orlando Grandal, Special Administrator for Concurrency, Department of Regulatory and Economic Resources

Memorandum



Date: January 8, 2014

To: Jack Osterholt, Director
Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: DIC 2013000029 – 11200 Biscayne LLC (Revision No. 2)

According to the revised letter of intent dated December 12, 2013, the applicant is seeking a special exception to permit a multi-family residential development, a non-use variance of zoning regulations, a modification of previously approved plans, and a request to delete a condition imposed by a previous resolution.

SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **112** fire and rescue calls annually. Although the estimated number of alarms results in a substantial impact to existing fire and rescue service, current stations serving this area will be able to handle the additional number of alarms.
- (B) Based on data retrieved during calendar year 2013, the average travel time to the vicinity of the proposed development was **6:39** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.
- (C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires four (4) suppression units; one of which must be an aerial, and the other three may be a combination of engines, tankers, ladders or aerials. Additionally, the assignment will require one (1) rescue and a battalion commander. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
20	13000 NE 16 Avenue	Rescue, Engine, Battalion	8
30	9500 NE 2 Avenue	Rescue, Engine	7
19	650 NW 131 Street	Rescue, Aerial	7
22	15655 Biscayne Blvd.	Ladder	4

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled 'Biscayne Village' as prepared by Behar-Font Architects, dated stamp received December 18, 2013.

- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC review process.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

Memorandum



Date: February 19, 2014

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Ammad Riaz, P.E., Chief of Aviation Planning
Aviation Department

A handwritten signature in black ink, appearing to read "A.R.", positioned to the right of the "From:" line.

Subject: DIC Application #13-029
11200 Biscayne Boulevard
MDAD DN-14-02-1247

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Hearing Application #13-029, 11200 Biscayne LLC. The applicant is requesting to permit residential uses in a BU-1A district. The site is located at 11150 and 11190 Biscayne Boulevard in Miami-Dade County, Florida. The size of the property is 6.11 acres.

Based on our review of the information provided to us, MDAD does not object to the proposed request provided the applicant complies with all applicable federal, state and local aviation regulations including the Code of Miami-Dade County, Chapter 33, as it pertains to Airport Zoning.

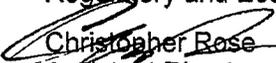
C: Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources
Matthew Amster, Bercow Radell & Fernandez

Memorandum



Date: May 10, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: 
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC # Z13-029
11200 Biscayne, LLC

The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Application: *11200 Biscayne, LLC* is requesting a special exception, a non-use variance and a modification of a previous resolution in connection with a proposed multi-family residential development on the property containing approximately 402 units. The property is located within two zoning classifications: High Density Apartment House or Hotel/Motel District (RU-4A) and Limited Business District (BU-1A).

Size: The subject property is 6.11 acres.

Location: The subject property is generally located north of NE 111 Street between Biscayne Boulevard and NE 14 Avenue and formerly identified as 11150 and 11190 Biscayne Boulevard in 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 Public Works and Waste Management Department (PWWM) 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 28, 2012, 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 Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) 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.

2. Garbage and Trash Collection Services

The proposed multifamily development on the property will likely be considered a "multi-family residential unit. Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial and multi-family developments 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." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Multi-family Units

Regarding **multi-family units**, **Section 15-2.2a** requires "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 in Section 15-2.2 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 states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof 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.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

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)

In addition, any and 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. **The PWWM has no objections to the proposed application.**

Memorandum



Date: October 24, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdés, Chief, LEED® Green Associate *Maria Valdés*
Comprehensive Planning & Water Supply Certification Section

Subject: 11200 Biscayne, LLC - DIC Application # Z2013000029 (REVISION # 1)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: 11200 Biscayne, LLC

Proposed Development: The applicant is requesting to permit residential uses in a BU-1A (Limited Business District). The applicant is proposing to develop the property with 402 multi-family residential units (apartments) which will include workforce housing units. The total water demand for this development will be 60,300 gpd.

Project Location: The subject property is located at 11150 and 11190 Biscayne Boulevard, in unincorporated Miami-Dade County with folio numbers 30-2232-008-0010, 30-2232-008-0030, 30-2232-000-0160 and 30-2232-000-0080.

Water: The water service area for this application belongs to the City of North Miami and it is within the area supplied by MDWASD. The source of water for the project is the Hialeah-Preston Water Treatment Plant.

A Water Supply Certification (WSC) from Miami-Dade Water and Sewer Department will be required for the proposed development as the water is supplied by MDWASD. Said Certification will be issued at the time the applicant is issued an Ordinance letter. The WSC letter shall remain active in accordance with the terms and conditions specified in said Certification. Said Certification is issued to assure adequate water supply is available to all water-users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters is obtained.

Sewer: The sewer service area for this application belongs to the City of North Miami. North Miami is a Volume Sewer Customer of MDWASD. The North District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services for treatment and disposal of the wastewater subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree, which will change when the new Consent Decree is signed.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

In addition, please note that Section 8A-381 (c) of the Miami-Dade County Code estates 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 <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.

Memorandum



Date: May 23, 2013

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources

From: J.D. Patterson, Director
for Miami-Dade Police Department

A handwritten signature in blue ink, appearing to be "JD", written over the name J.D. Patterson.

Subject: Review – Zoning Application
Case: No. Z2013000029 – 11200 Biscayne LLC

APPLICATION

The applicant, 11200 Biscayne LLC, is requesting a public hearing for approval to allow the construction of a nine-story multifamily residential development with approximately 402 units. The development will be located on approximately 6.115 acres at 11150 and 11190 Biscayne Boulevard, Miami, Florida.

CURRENT POLICE SERVICES

The facilities would be located in unincorporated Miami-Dade County and serviced by our Intracoastal District, located at 15665 Biscayne Boulevard, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. A calculation of crimes/calls for service of the location was completed and has been provided in the attached documents for your Department.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. While it cannot be accurately predicted as to the number of projected increase in calls for service, experience lends itself to anticipate that calls for police service will rise upon the completion of the project due to an increase in citizens being present in the area.

Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment will be required to maintain current levels of service. Additionally, it is recommended that 11200 Biscayne LLC, Inc., work closely with the local police district command staff in considering security options for the site.



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Martin Karp, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbeló
Dr. Lawrence S. Feldman
Dr. Wilbert "Tee" Holloway
Dr. Marta Pérez
Raquel A. Regalado

April 10, 2013

VIA ELECTRONIC MAIL

Mr. Matthew Amster, Esquire
Bercow Radell & Fernandez
200 South Biscayne Blvd., Suite 850
Miami, Florida 33144

MAMSTER@BRZONINGLAW.COM

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
11200 BISCAYNE LLC – LG NO. Z2013000029
LOCATED AT BISCAYNE BLVD. AND N.E. 112 STREET
PH3013040100269 - FOLIO Nos.: 3022320080010, 3022320080030,
3022320000080, 3022320000160**

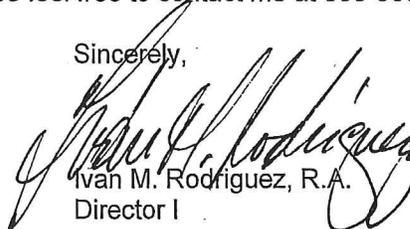
Dear Applicant:

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

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 402 single-family attached units, which generate 134 students; 62 elementary, 34 middle and 38 senior high students. **At this time, the middle and high school levels have sufficient capacity available to serve the application, while the elementary school level does not have sufficient capacity 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. **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.

Sincerely,



Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-442
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Facilities Planning, Design and Sustainability

Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

33



Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3013040100269 Local Government (LG): Miami-Dade
Date Application Received: 4/1/2013 9:40:46 AM LG Application Number: Z2013000029
Type of Application: Public Hearing Sub Type: Zoning
Applicant's Name: 11200 BISCAYNE LLC
Address/Location: 9551 EAST BAY HARBOR DR
Master Folio Number: 3022320080010
Additional Folio Number(s):

PROPOSED # OF UNITS 402
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 402
MULTIFAMILY UNITS: 0

Table with 7 columns: CSA Id, Facility Name, Net Available Capacity, Seats Required, Seats Taken, LOS Met, Source Type. Rows include David Lawrence Jr K-8 Center (Elem Comp), David Lawrence Jr K-8 Center (Mid Comp), North Miami Middle, Alonzo and Tracy Mourning Senior High Biscayne Bay.

Table with 7 columns: CSA Id, Facility Name, Net Available Capacity, Seats Required, Seats Taken, LOS Met, Source Type. Rows include Fulford Elementary, Natural Bridge Elementary, W J Bryan Elementary, Ojus Elementary, Miami Shores Elementary, Ruth K Broad-Bay Harbor K-8 Center (Elem Comp), Norman S. Edelpcup/Sunny Isles Beach K-8 (Elem Comp), Horace Mann Middle, North Miami Senior.

*An Impact reduction of 19.5% 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.

Memorandum



DATE: October 22, 2013

TO: Jorge Vital
DIC Coordinator
Department of Regulatory and Economic Resources

FROM: Jacqueline Carranza *Jacqueline Carranza*
Transit Planner 2
Miami-Dade Transit - Engineering, Planning & Development Division

SUBJECT: DIC Project No. 13-29 (11200 Biscayne, LLC) - Revision No. 1
MDT Project No. OSP006
FSC No. 41.04

MDT Comments/Recommendations

The subject property is currently vacant, consists of 6.11 acres and is located at 11150 and 11190 Biscayne Boulevard. Routes 3 and 93 (Biscayne MAX) run adjacent to the subject site and currently provide bus service with a 20 minute or better AM/PM peak-hour headway. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

Miami-Dade Transit is pursuing incremental transit improvements along Biscayne Boulevard and US-1. The Biscayne Enhanced Bus route will provide premium limited-stop transit service along Biscayne Boulevard and US-1 from Downtown Miami to Aventura Mall. This route provides service to the Adrienne Arsht Performing Arts Center, and a direct connection to the cities of Little Haiti, Miami Shores, North Miami and North Miami Beach. Service headways will be 15 minutes during the AM/PM peak-hour and 20 minutes during the mid-day. Revenue service is anticipated to begin in 2014 using eleven new 60-foot diesel/electric hybrid, clean diesel, compressed natural gas (CNG), or other alternative fuel buses. All buses will be in service in 2014. The bus purchase component is considered Phase I for this corridor. Phase II of this EBS route will feature robust stations, WiFi, real-time "Where is the Bus?" arrival times via the internet or on web-enabled mobile devices, real-time "Next Bus" arrival information via electronic signs, Transit Signal Priority (TSP), and Park-and-Rides. Phase II is anticipated to be implemented in 2020.

The Metropolitan Planning Organization (MPO), in cooperation with MDT, completed an Implementation Plan for the Biscayne Boulevard Enhanced Bus Service (EBS) project. The closest planned enhanced bus station for the Biscayne Enhanced Bus route is sited near the vicinity of NE 107 Street (approximately 0.46 miles south of the subject site) in the southbound direction and NE 108 Street (approximately 0.33 miles south of the subject site) in the northbound direction. Therefore, future residents of this multi-family residential development will

benefit from this site's location on one of MDT's premium transit corridors. **As such, MDT has no objections to this application.**

Project Description

13-029 – 11200 Biscayne, LLC. is requesting to permit a multifamily residential development consisting of 402 residential apartment units. Accompanying requests for permitting residential uses in a business zoned area, to waive the required wall between a business zoned area and residential properties and requests to modify a previously approved resolution are also being sought. The applicant is currently requesting to amend the proposed project with revised plans submitted on October 11, 2013. The subject property is approximately 6.11 acres in size and is located at 11150 and 11190 Biscayne Boulevard, Miami-Dade County, Florida.

Current Transit Service

The subject site is served by Routes 3 and 93 (Biscayne MAX). The alignments for these routes are illustrated on the attached maps. The service headways for these routes (in minutes) are as follows:

Metrobus Route Service Summary 11200 Biscayne, LLC Application Site								
Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (mIDDays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
3	20	20	30	60	15	20	0	L
93 (Biscayne MAX)	20	30	n/a	n/a	n/a	n/a	0	E

Notes: L means Metrobus local route service
 F means Metrobus feeder service to Metrorail
 E means Express or Limited-Stop Metrobus service

June 2013 Line Up

Future Transportation/Transit Improvements

The 2014 Transportation Improvement Program (TIP) proposes the following improvements on the roadways within the immediate vicinity of the site.

Facility/Project Limits	Type of Work
SR 5/Biscayne Blvd. (from North of NE 121 st Street to NE 151 st Street)	Resurfacing
MDT – Biscayne Blvd./SR 5/US-1 (from Downtown Terminal to Aventura Mall)	Transit Improvement
Biscayne Blvd. and NE 121 st Street	Intersection Improvement

SR 922/NE 125 th Street from East of NE 7 th Avenue to West of Biscayne Blvd.	RESURFACING
---	-------------

The 2035 Long Range Transportation Plan (LRTP) lists the following improvements to the roadways within the vicinity of the subject site:

Facility/Project Limits	Type of Work	Priority/Funding Phase
SR 5/US-1/Biscayne BRT (from Omni Terminal to Aventura Mall)	Premium Transit Improvement	Priority I

The 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route	Improvement/Adjustment
3	No planned improvements.
93	Route to be transformed to Biscayne Enhanced Bus.

In addition, the 2013 ten-year TDP identifies in its 2023 Recommended Service Plan the following new route that will serve the vicinity of the project:

Route	Description
Biscayne Enhanced Bus	This route will provide premium limited-stop transit service along Biscayne Blvd. and US-1 from Downtown Miami to Aventura Mall.

- c: Monica D. Cejas, P.E., Senior Professional Engineer
- Gerald E. Bryan, Chief, Service Planning and Scheduling
- Eric Zahn, Transit Planning Section Supervisor
- Nilia Cartaya, Principal Planner
- Douglas K. Robinson, Principal Planner

Memorandum



Date: October 18, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria J. Nardi, Chief *M.J.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000029: 11200 BISCAYNE LLC
Revised plans: Submittal Dated Stamped Received 10/11/2013

Application Name: 11200 BISCAYNE LLC

Project Location: The site is located at 11150 & 11190 BISCAYNE BLVD, Miami-Dade County.

Proposed Development: The applicant is requesting a S.E TO PERMIT RESIDENTIAL USE/NUV for a residential development consisting of 402 multi-family units. On-site private recreation is proposed.

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 name, type and acreage for each park. Biscayne Shores and Gardens Park is the nearest park to the application site located within walking distance (approximately .10 mile to the north).

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

Park Facility	Classification	Acreage
Gratigny Plateau Park	MINI-PARK	0.97
Oak Park	MINI-PARK	0.29
Biscayne Shores and Gardens Park	NEIGHBORHOOD PARK	6.16
Military Trail Park	NEIGHBORHOOD PARK	1.58
North Shorecrest Park	NEIGHBORHOOD PARK	0.53

Impact and demand: When measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons, the 402 dwelling units would generate the need for approximately 2.33 acres of local parks.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 1 (PBD1) which has a surplus capacity of 310.91 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA. Therefore, the application meets concurrency as defined in the above policies.

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: *The 2007 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.

The development plan for this application includes a pedestrian circulation plan showing the ability of the residents to conveniently access public open spaces.

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

DATE: 10-APR-14
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

11200 BISCAYNE LLC

11150 & 11190 BISCAYNE BLVD,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000029

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No cases open for folio 3022320080010,3022320080030 and 3022320000160. BNC: No cases open/ closed for folio 3022320080010,3022320080030 and 3022320000160.

11200 Biscayne LLC

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

REPORTER NAME:

PROPOSED MULTIFAMILY RENTAL DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and 112TH ST
NORTH MIAMI, FLORIDA 33161

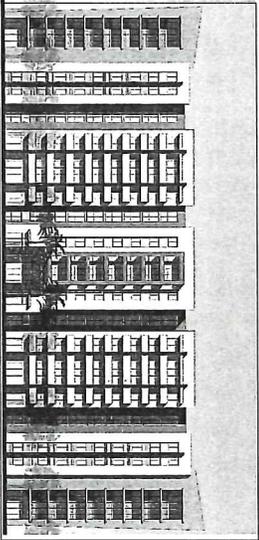
BEHAR • FONT
P A R T N E R S , P . A .
ARCHITECTURE • PLANNING • INTERIORS

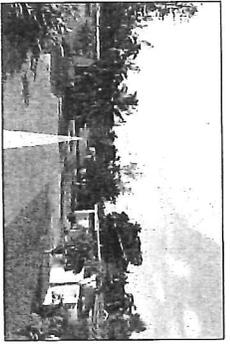
135 SAN LORENZO AVENUE, SUITE 610, CORAL GABLES, FLORIDA
Tel: 3057405442 • Fax: 3057405443
E-MAIL: info@beharfont.com

RECEIVED
213-029
DEC 18 2013

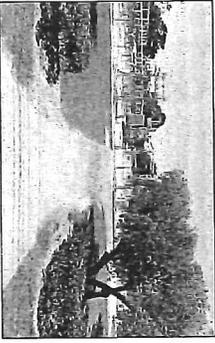
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY 

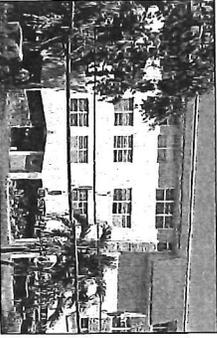
			



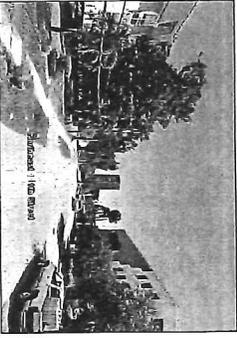
① NEARBY RESIDENTIAL



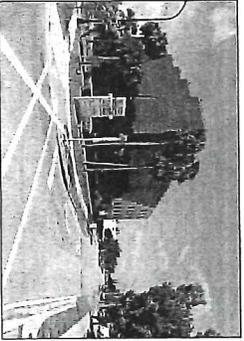
② FPL SUBSTATION



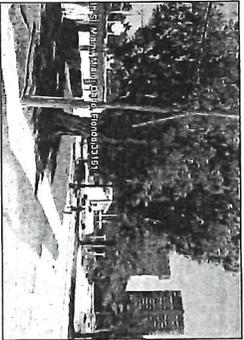
③ RESIDENTIAL SOUTH OF SITE



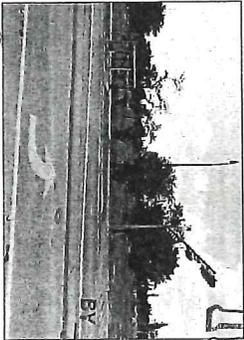
④ VIEW LOOKING EAST



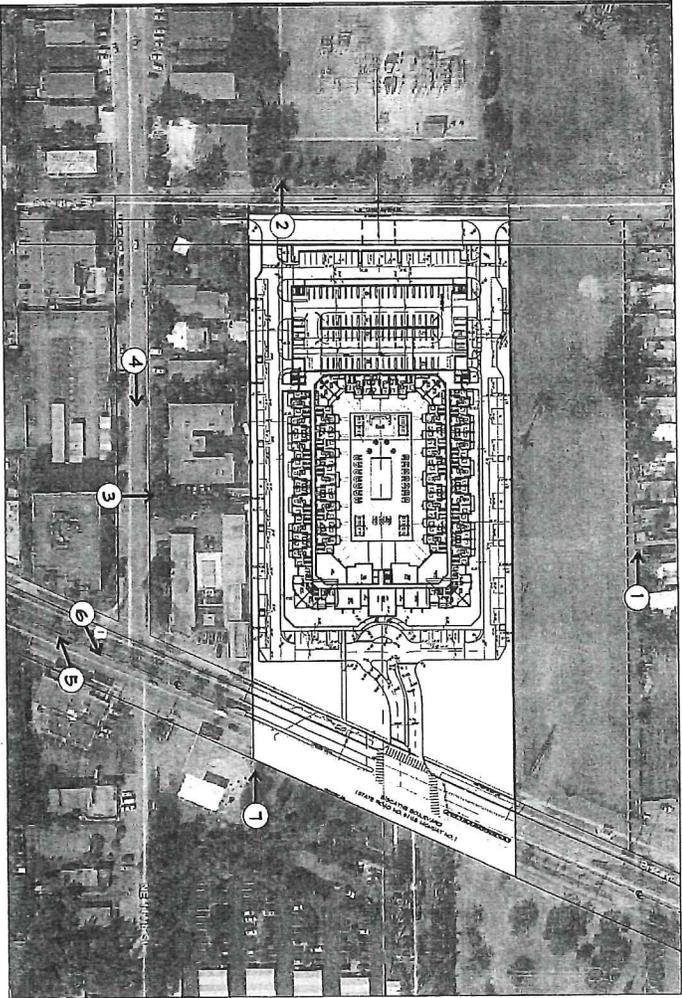
⑤ OFFICE BLDG SOUTH OF SITE



⑥ SOUTH CORNER FROM SITE



⑦ BUS STOP



SITE MAP

CONTEXTUAL MAP/PHOTOS

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

DATE: 05-10-13
 PROJECT NO:
 DRAWING NAME:
 SHEET NO: A-0.1

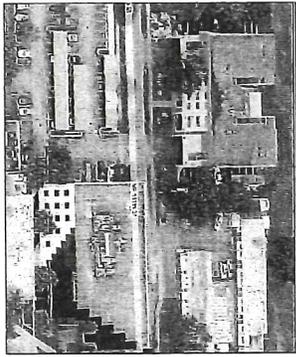
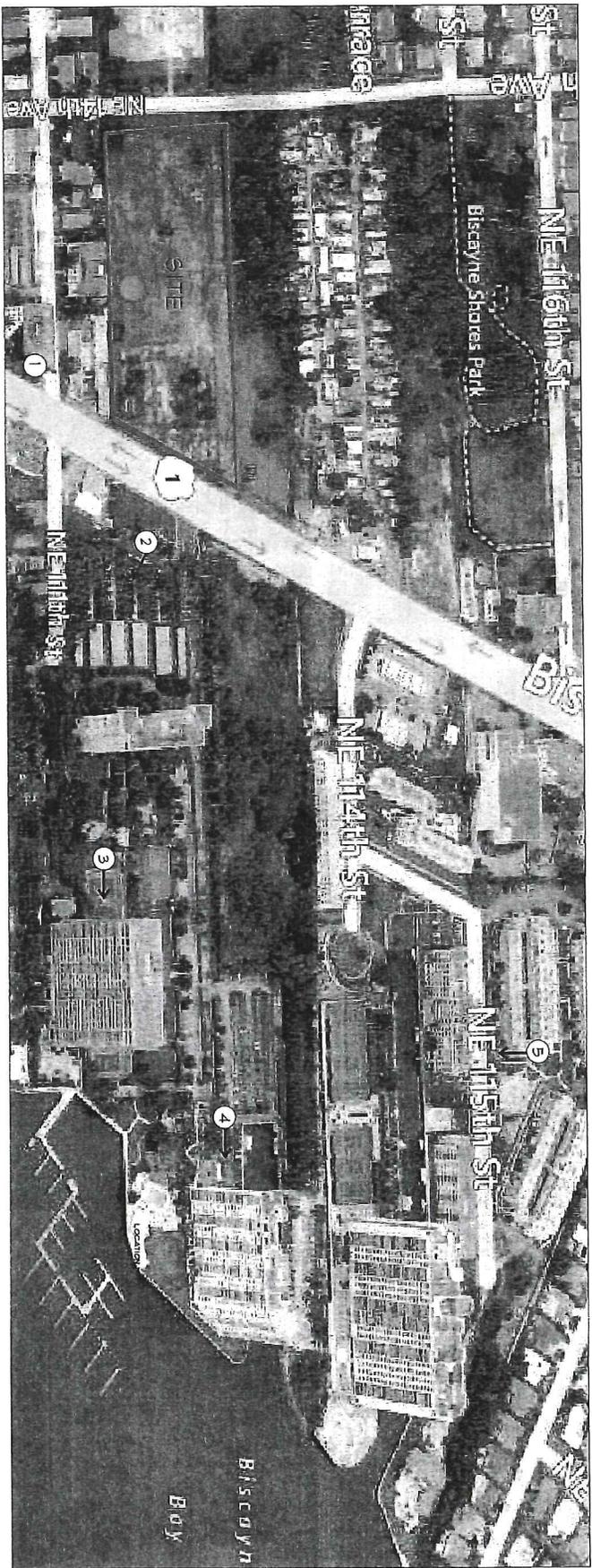
RECEIVED
 DEC 18 2013
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

PROPOSED MULTI-FAMILY DEVELOPMENT
 11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

JAVIER FONT, A.R. No. 12847

SEAL: *[Signature]*

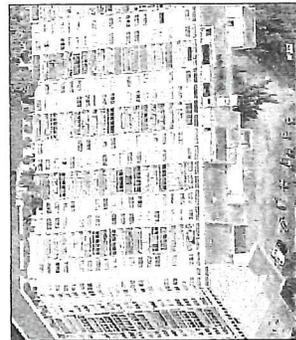
BEHAR-FONT
 ARCHITECTS, P.A.
 1100 BISCAYNE BLVD., SUITE 100
 NORTH MIAMI, FLORIDA 33156
 TEL: 305.351.1100
 WWW.BEHAR-FONT.COM



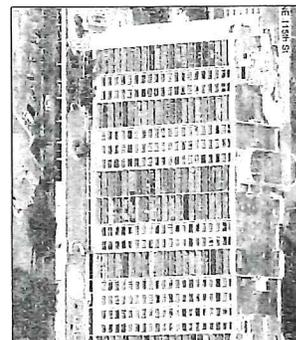
1



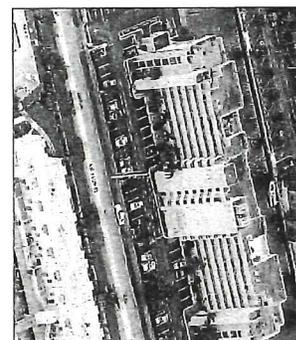
2



3



4



5

RECEIVED

DEC 13 2013

CONTEXTUAL MAP/PHOTOS

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

BY _____

SCALE: N/A

DATE: 08-10-13
PROJECT NO: P-208
DRAWING NAME: A-0.2
SHEET NO:

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

©2013 JAVIER FONT PRACTICE, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THIS FIRM AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

JAVIER FONT ARCH. NO. 12347

SEAL:

BEHAR-FONT
ARCHITECTS & PLANNERS
1111 Biscayne Blvd., Suite 1100
Miami, FL 33132
Tel: 305.375.1111
Fax: 305.375.1112
www.behar-font.com

43

ZONING INFORMATION - RESIDENTIAL

PROPERTY ADDRESS: 1150 BISCAYNE BLVD MIAMI DADE COUNTY, FL

LEGAL DESCRIPTION

PARCEL A
THE NORTH 45.00 FEET OF THE SOUTH 1/2 OF TRACT 14, LESS THE WEST 35 FEET FOR RIGHT-OF-WAY OF THE REVISED PLAT OF SEASANTO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

PARCEL B
THE SOUTH 1/2 OF TRACT 14, OF SEASANTO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

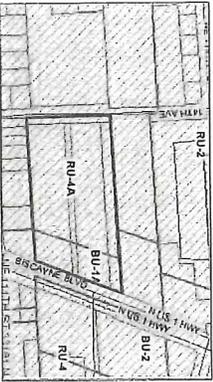
BEGINNING AT A POINT ON THE WEST LINE OF BISCAYNE BOULEVARD WHICH POINT IS 55.00 FEET WEST OF THE CENTER LINE OF SAID BOULEVARD; THENCE SOUTH 89° 01' 00" WEST ALONG SAID WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 134.11 FEET TO THE WEST LINE OF THE SAID SOUTH 1/2 OF TRACT 14, A DISTANCE OF 134.11 FEET TO THE WEST LINE OF THE SAID SOUTH 1/2 OF TRACT 14, THENCE EAST ALONG THE WEST LINE OF SAID SOUTH 1/2 OF TRACT 14 OF SEASANTO A DISTANCE OF 115.00 FEET TO THE CORNER OF TRACT 14 TO THE WEST LINE OF BISCAYNE BOULEVARD; THENCE EAST ALONG SAID WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 115.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BEGINNING AT A POINT 65 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 31 SOUTH, RANGE 41 EAST, SAID POINT ALSO BEING THE CORNER OF THE SOUTH 1/2 OF TRACT 14 OF SEASANTO, ACCORDING TO THE REVISED PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 89° 01' 00" WEST ALONG SAID WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 115 FEET TO THE WEST LINE OF TRACT 14, THENCE EAST ALONG THE WEST LINE OF TRACT 14 OF SEASANTO A DISTANCE OF 115 FEET TO THE CORNER OF TRACT 14 TO THE WEST LINE OF BISCAYNE BOULEVARD; THENCE EAST ALONG SAID WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 115 FEET TO THE POINT OF BEGINNING.

NET LOT AREA	266,354 SQ. FT. (6.15 ACRES)
DENSITY:	ALLOWED 433 UNITS PER ACRE PROVIDED 5 STORIES 407 UNITS

UNITS (12.5% TO BE WORK FORCE HOUSING UNITS)	NUMBER OF UNITS
1 BEDROOM	20 UNITS
2 BEDROOM	21 UNITS
3 BEDROOM	10 UNITS
TOTAL	51 UNITS

SETBACKS	REQUIRED BY MIA-D-14	PROVIDED
FRONT YARD (EAST)	50'-10"	133'-1"
REAR OF BUILDING (WEST)	31'-0"	39'-0"
SIDE YARD (NORTH 63 DEGREES)	45'-6"	33'-10"
SIDE YARD (SOUTH 63 DEGREES)	45'-6"	33'-6"
BETWEEN BUILDINGS	30'-0"	N/A



FLOOR AREA RATIO	ALLOWED	PROVIDED
FOR 9 STORIES - 20 x 266,354 SQ. FT.	531,708 SQ. FT.	519,000 SQ. FT.

PARKING:	REQUIRED	PROVIDED
171 UNITS OF 1 BEDROOM X 150	1903 SPACES	
239 UNITS OF 2 BEDROOM X 175	4125 SPACES	
36 UNITS OF 3 BEDROOM X 2	12 SPACES	
	681 SPACES	686 SPACES
		416 SPACES (OVERAGE)

HANDICAP PARKING SPACES	14 SPACES	146 SPACES (14 NOT INCLUDED ABOVE)
-------------------------	-----------	------------------------------------

OFFEN SPACE:	REQUIRED	PROVIDED
RU-1A 10% OF TOTAL AREA APPROXIMATE (266,354 SQ. FT. X 0.10)	26,635 SQ. FT.	27,134 SQ. FT.
BU-1A 1% OF TOTAL AREA APPROXIMATE (266,354 SQ. FT. X 0.01)	2,663 SQ. FT.	9,552 SQ. FT.
TOTAL AREA	29,298 SQ. FT.	36,686 SQ. FT.

MINIMUM LOT AREA	REQUIRED	PROVIDED
	10,000 SQ. FT.	266,354 SQ. FT.

LOT COVERAGE:	ALLOWED	PROVIDED
40% OF TOTAL AREA (266,354 SQ. FT.)		55,332 SQ. FT.
PARKING GARAGE		33,451 SQ. FT.
TOTAL	102,546 SQ. FT.	88,783 SQ. FT.

BUILDING HEIGHT	ALLOWED	PROVIDED
BUILDING	AS PER SECTION 33.201 MIAMI DADE ORDINANCES	99'-0" (TOP OF PARAPET)

BUILDING ELEVATION	0'-0" - BASE FLOOR ELEVATION + 1'-0"
--------------------	--------------------------------------

RECEIVED
DEC 18 2013

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



DATE: 09/10/11
PROJECT NO: 12-015
DRAWING NAME: A-0.3
SHEET NO: 1

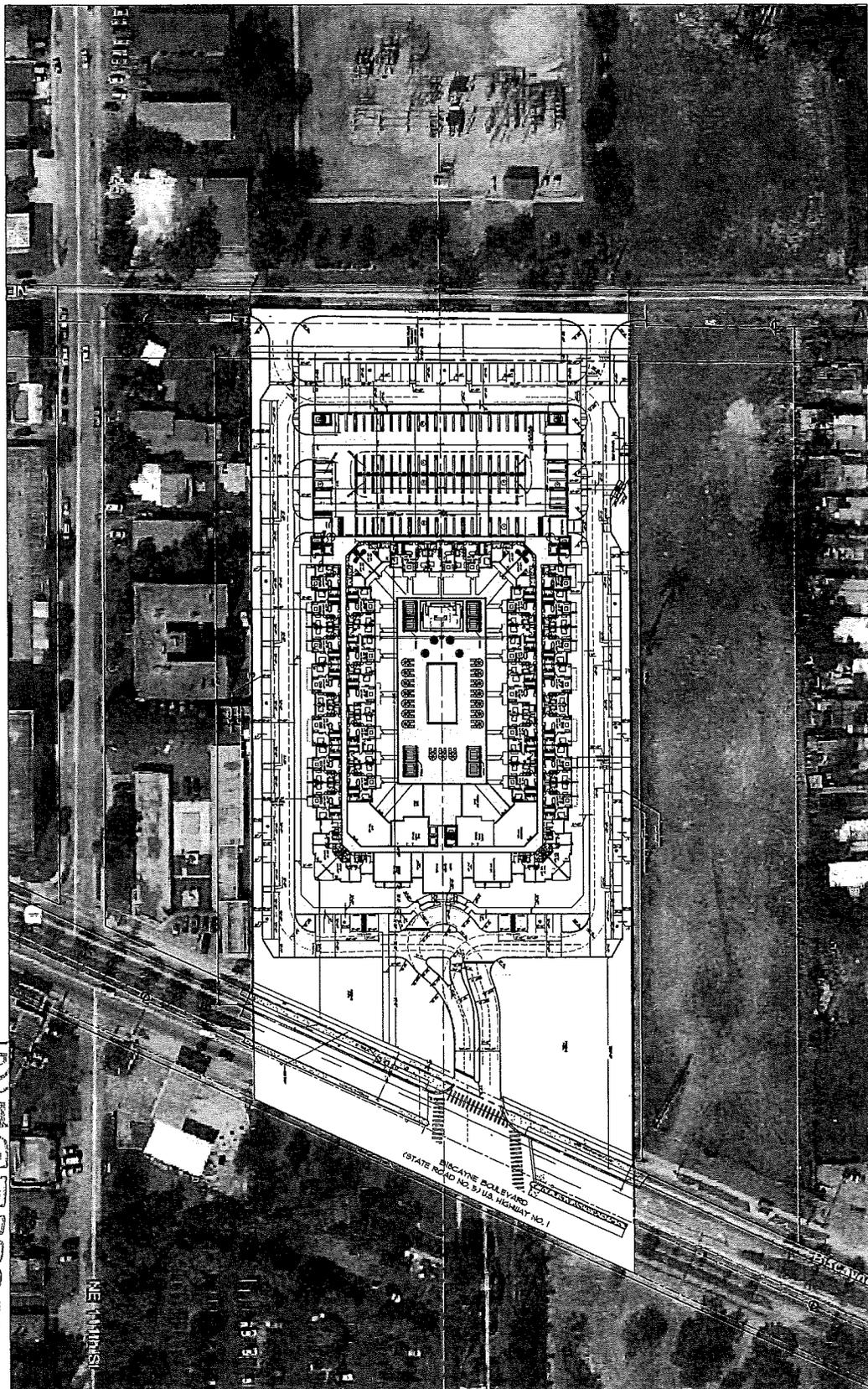
PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD AND N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

JANIER FONT ARCH. NO. 12547

SEAL: [Signature]

BEHAR FOUNT
Professional Engineer
No. 12547
State of Florida

44




 SITE MARK
 SCALE: NTS

RECEIVED
 DEC 18 2013

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

DATE: 09/15/13
 PROJECT NO.: E3000
 DRAWING NAME:
 SHEET NO.:
A-0.4

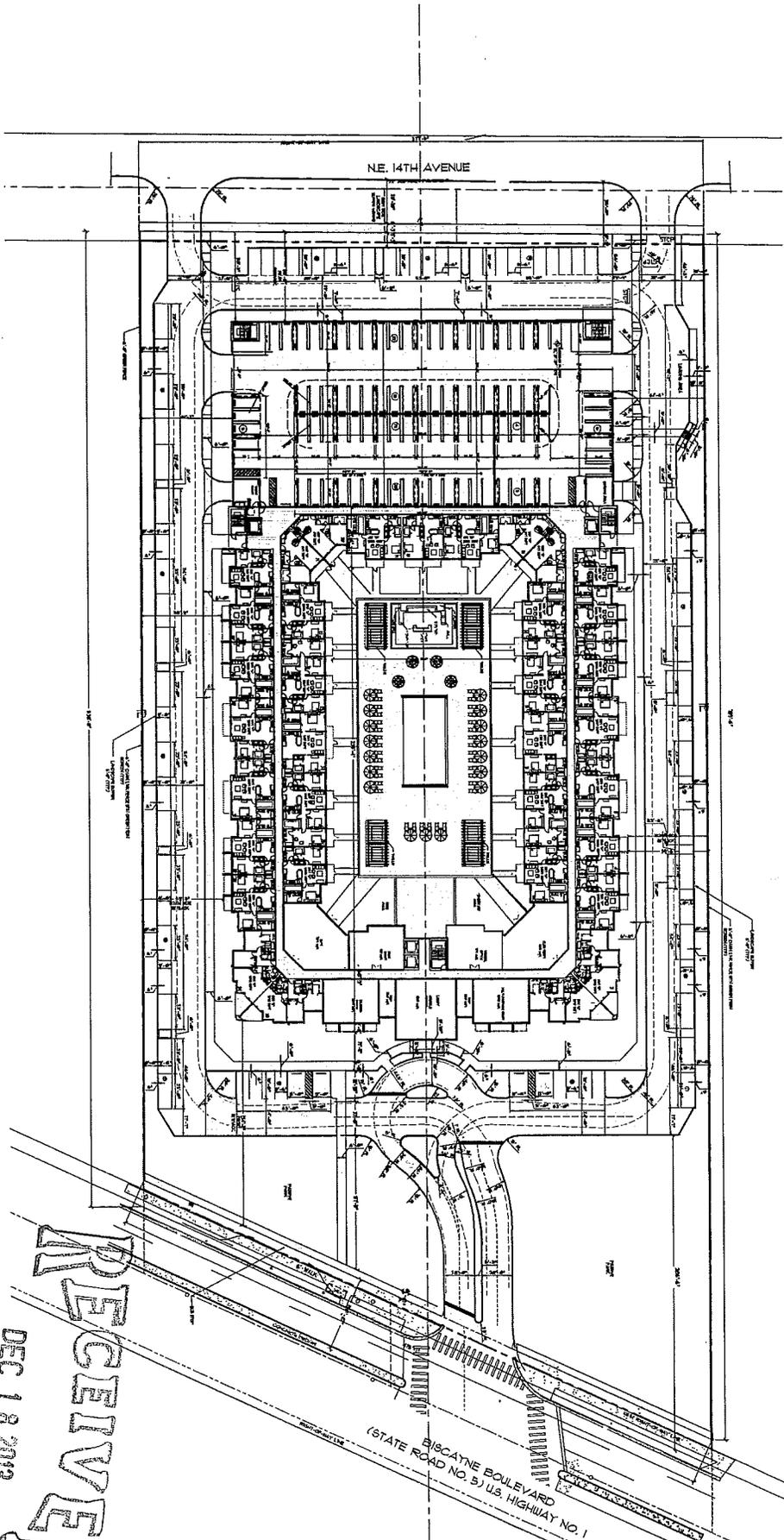
PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33181

© 2013 BEHAR FONT PARTNERS, P.A. THE DESIGN AND DRAWING FOR THIS PROJECT ARE PROPERTY OF THIS ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

JANIS FONT, ARCH. No. 13287

SEAL:

BEHAR·FONT
 ARCHITECTS
 1100 SOUTH BIRCH AVE. SUITE 100
 MIAMI, FLORIDA 33135
 TEL: 305.375.4444
 WWW.BEHARFONT.COM



SCALE: 1/8" = 1'-0"
 PARKING SPACES ON SITE: 74
 PARKING SPACES AROUND FLOOR GARAGE: 100
 TOTAL PARKING SPACES: 174

- 1 BR UNIT
- 2 BR UNIT
- 3 BR UNIT
- 1 BR UNIT STUDIO

DATE: 09.15.13
 PROJECT NO.: 12298
 DRAWING NAME:
 SHEET NO.:
A-1.0

SITE and GROUND FLOOR PLAN

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

DEC 18 2013

RECEIVED

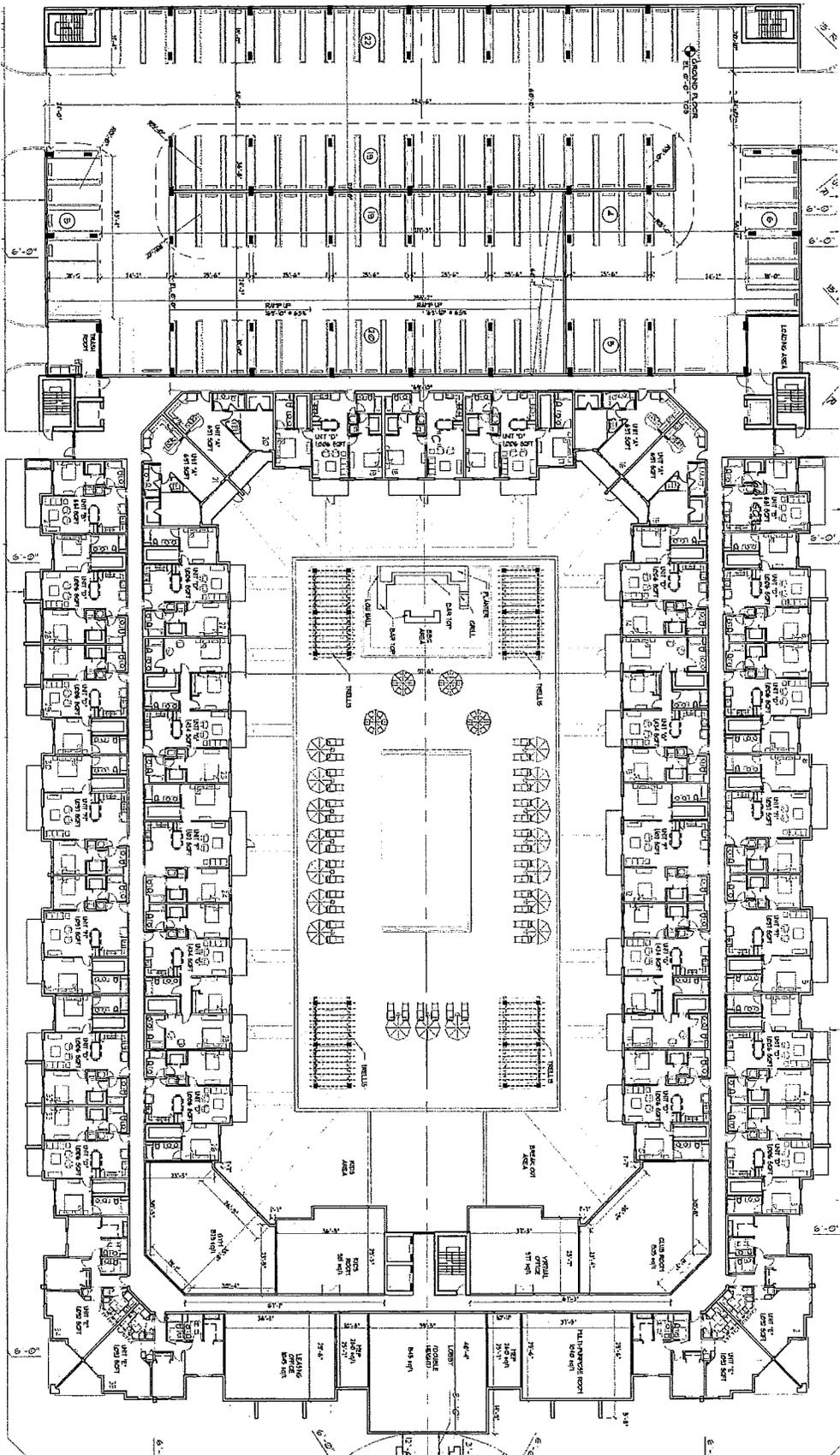
PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33181

© 2013 BEHAR FONT PARTIGAS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THIS ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

JAVIER FONT, AIA No. 12547

SEAL:





RENOVATED-GROUND FLOOR PLAN

1 BR UNIT
2 BR UNIT
3 BR UNIT
STUDIO

1 BR UNIT
2 BR UNIT
3 BR UNIT
STUDIO

DEC 1 8 2013

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

PROPOSED MULTI-FAMILY DEVELOPMENT

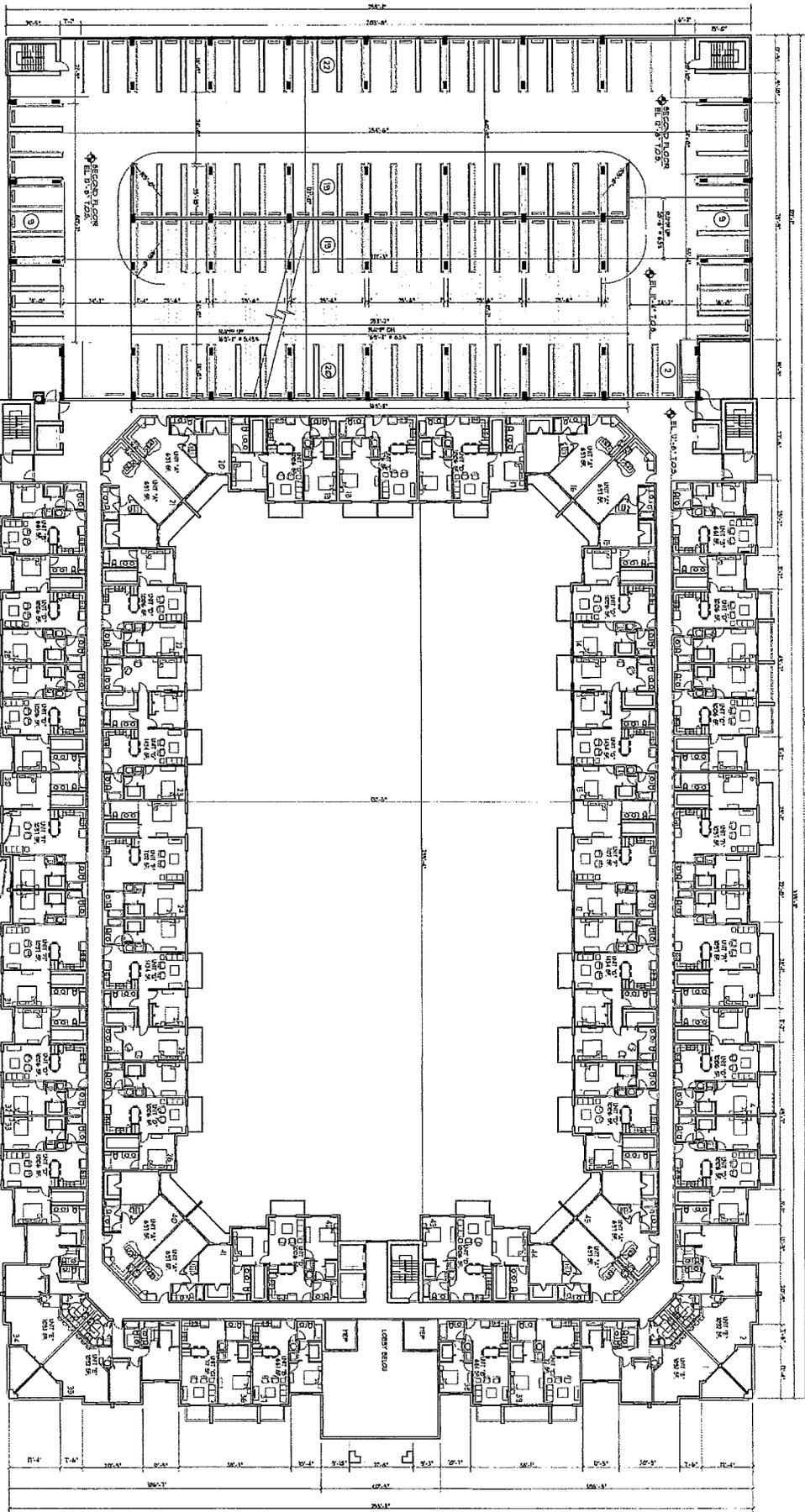
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33181

JAVIER FONT ARCH. No. 12847

SEAL:

LATE
09/10/13
PROJECT NO.
12.001
DRAWING NAME
SHEET NO.
A-1.1

BEHAR-FONT
ARCHITECTS
1100 BISCAYNE BOULEVARD, SUITE 100
NORTH MIAMI, FLORIDA 33181
TEL: 305.881.1111
WWW.BEHAR-FONT.COM



RECEIVED

ENLARGED SECOND FLOOR PLAN

DEC 1 8 2013

SCALE: 1/8" = 1'-0"
TOTAL 45 UNITS

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

- 1 BR UNIT
- 2 BR UNIT
- 3 BR UNIT
- STUDIO

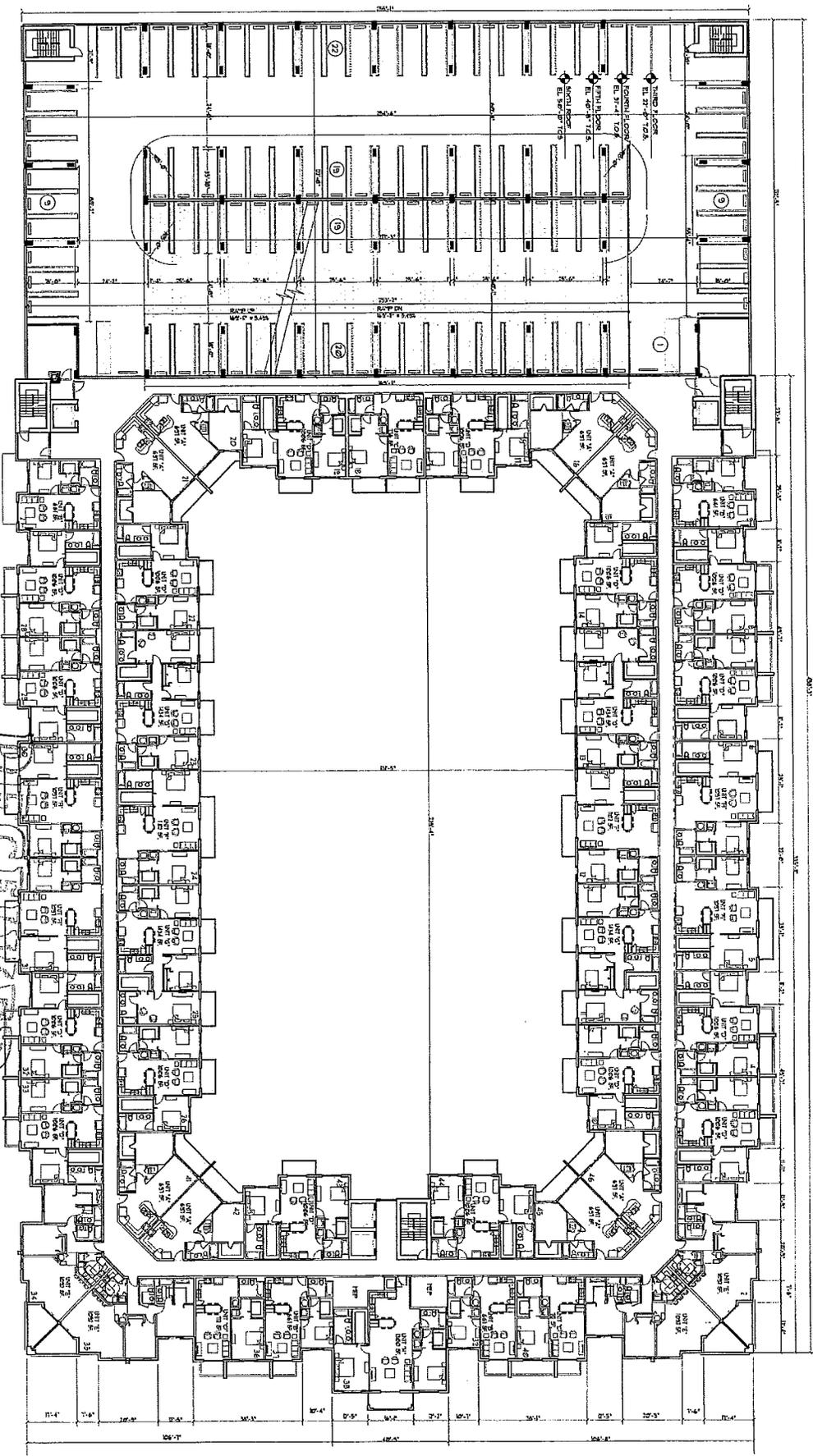
DATE: 09.10.13
PROJECT NO: 12030
DRAWING NAME: A-1.2
SHEET NO:

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

SEAL:
JAVIER FONT ARCH. NO. 12547

BEHAR-FONT
ARCHITECTS
1100 BISCAYNE BOULEVARD
SUITE 1000
NORTH MIAMI, FLORIDA 33161
TEL: 305.856.1100
WWW.BEHAR-FONT.COM

© 2013 BEHAR-FONT ARCHITECTS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THIS ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.



ENLARGED TYPICAL FLOOR PLAN(3-6)

DEC 18 2013

99 PARKING SPACES/GARAGE
TOTAL 46 UNITS

- 1 BR UNIT
- 2 BR UNIT
- 3 BR UNIT
- STUDIO

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

BY _____

DATE: 03/16/13
PROJECT NO: 13-000
DRAWING NAME: SHEET NO: A-1.3

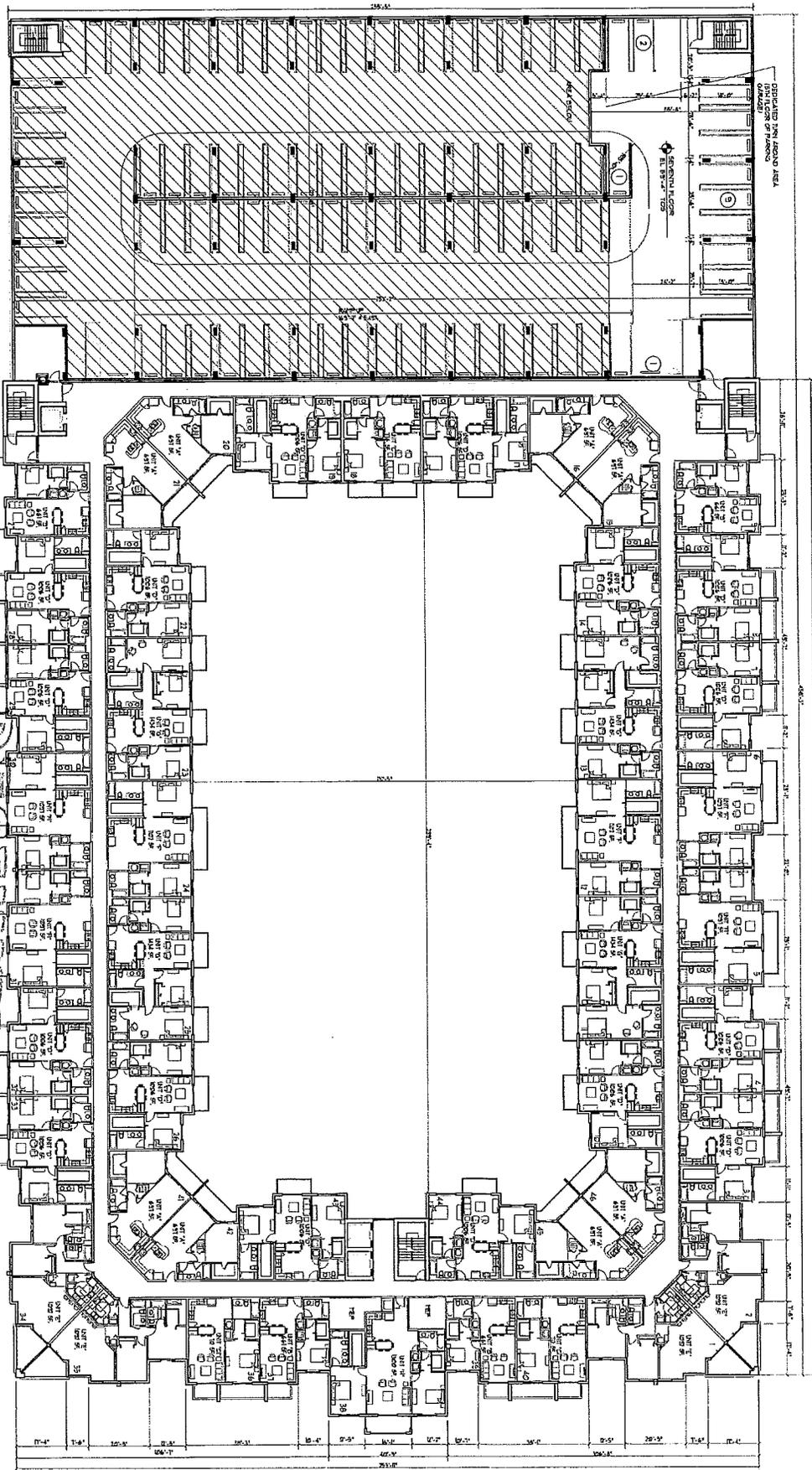
PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

© 2013 BEHAR-FONT ARCHITECTS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

JAVIER FONT, ARCH. NO. 12447

SEAL:

BEHAR-FONT
ARCHITECTS, P.A.
1100 BISCAYNE BOULEVARD, SUITE 100
NORTH MIAMI, FLORIDA 33161
TEL: 305.551.1100
WWW.BEHAR-FONT.COM



RECEIVED
 ENLARGED FLOOR PLAN(1)

DEC 18 2009

13 PARKING SPACES/GARAGE
 TOTAL 46 UNITS

1 BR UNIT
 2 BR UNIT
 3 BR UNIT
 STUDIO

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

DATE: 09/10/11
 PROJECT NO: 17035
 DRAWING NAME: SHEETING
A-1.14

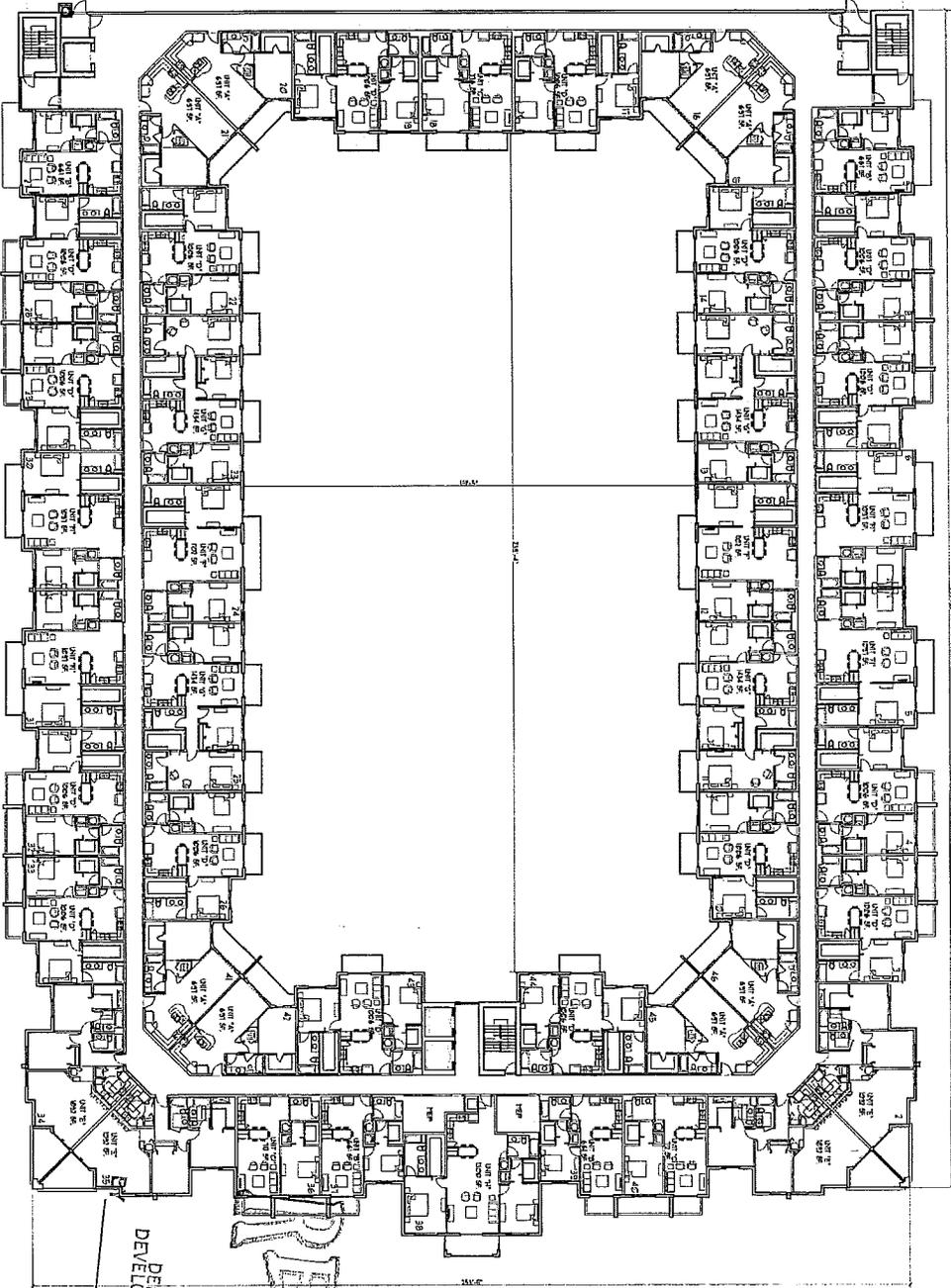
PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

©COPYRIGHT 2011 BY BEHAR-FONT ARCHITECTS, P.A. THIS RECORD AND PROPOSAL IS THE PROPERTY OF THE ARCHITECT AND IS PROTECTED UNDER THIS COPYRIGHT PROTECTION ACT.

BEHAR-FONT
 ARCHITECTS, P.A.
 11200 BISCAYNE BOULEVARD
 SUITE 100
 NORTH MIAMI, FLORIDA 33161
 PH: 305.441.1120
 FAX: 305.441.1121
 WWW.BEHAR-FONT.COM

SEAL:
 JAVIER FONT ARCH. No. 12567

50



ENLARGED TYPICAL FLOOR PLAN(8-9)

TOTAL 48 UNITS

- 1 RESIDENT
- 2 RESIDENT
- 3 RESIDENT
- STUDIO

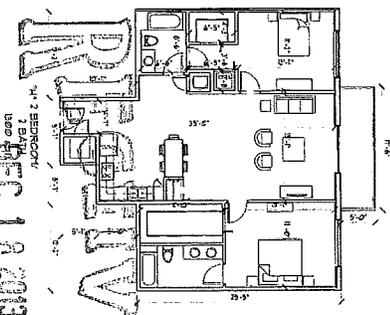
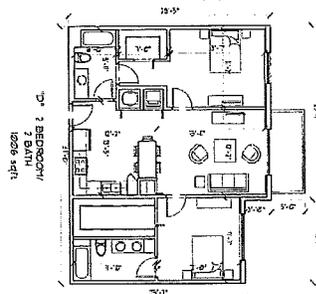
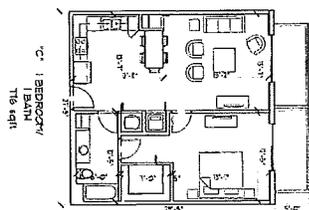
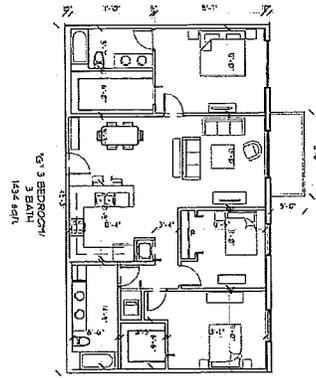
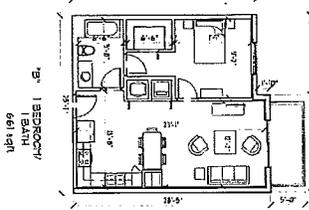
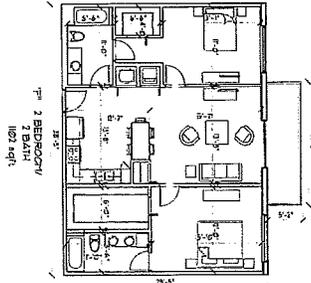
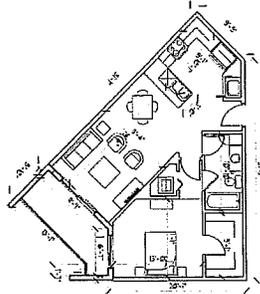
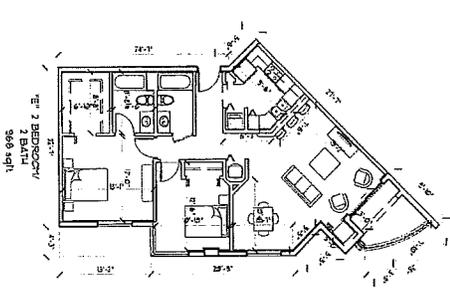
DATE: 05-04-13
 PROJECT NO: 17400
 DRAWING NAME: A-1.5
 SHEET NO:

RECEIVED
 DEC 18 2013
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

PROPOSED MULTI-FAMILY DEVELOPMENT
 1200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

SEAL:
 JAVIER FONT AR No. 12547





RECEIVED
 DEC 18 2013
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

UNIT PROTOTYPE FLOOR PLANS
 BY

DATE: 09/15/13
 PROJECT NO: 12-000
 DRAWING NAME: UNIT PROTOTYPE FLOOR PLANS
 SHEET NO: A-4.0

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

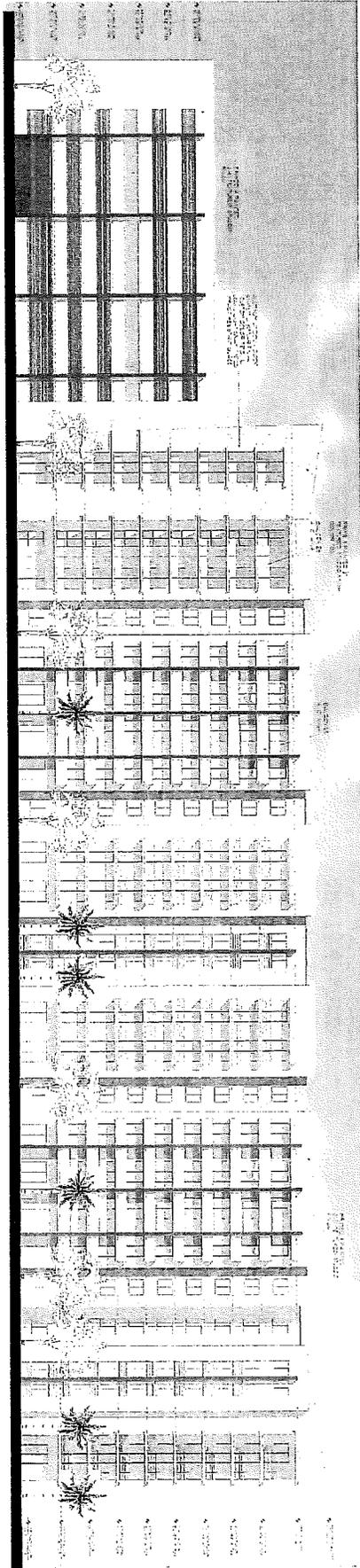
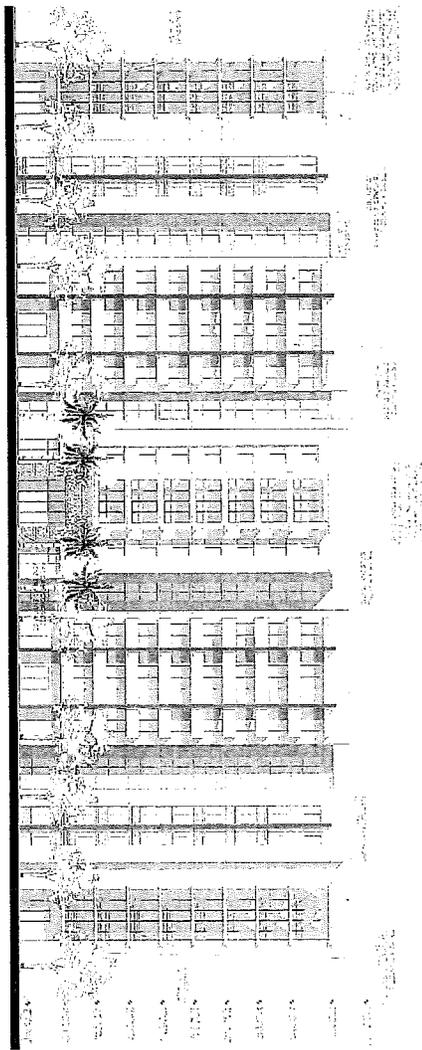
JAVIER FONT ARCH. No. 12547


SEAL:



52

© 2013 BEHAR FONT ARCHITECT. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF BEHAR FONT ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF BEHAR FONT ARCHITECT IS STRICTLY PROHIBITED.



PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

JAVIER FOUNT AR No. 12847

SEAL: *[Handwritten Signature]*



53

RECEIVED

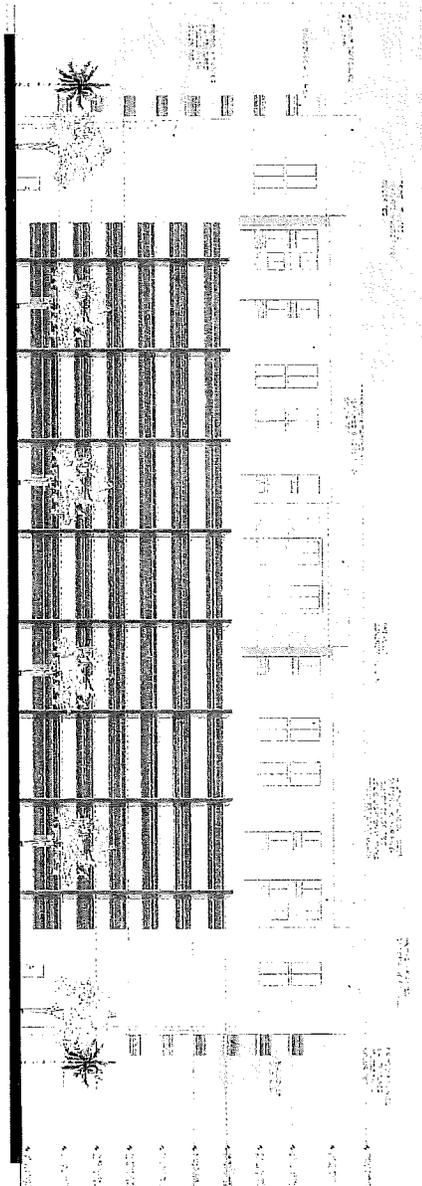
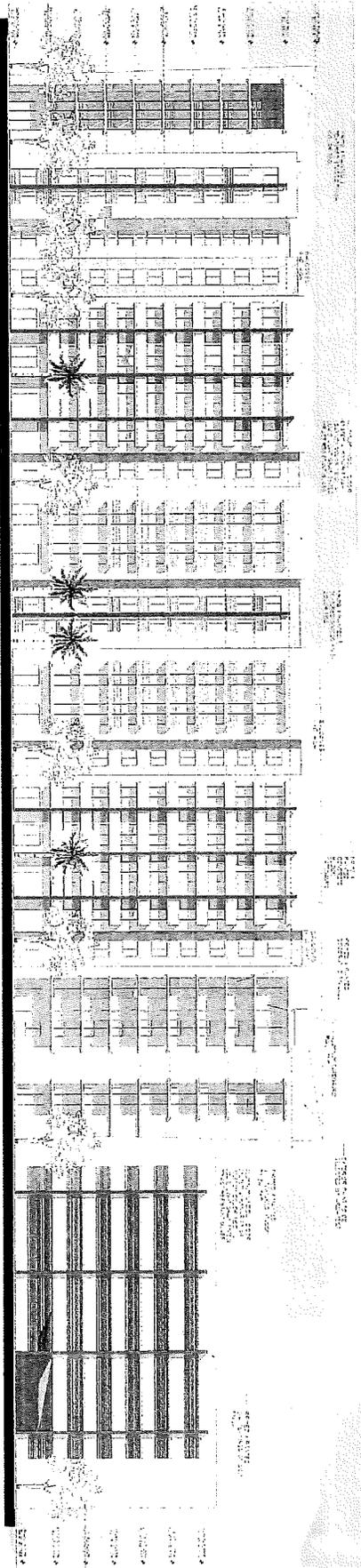
DEC 18 2013

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

BY _____

DATE: 06/11/13
 PROJECT NO: 13-03-1
 DRAWING NAME: A-2.0
 SHEET NO: _____

© THE JAVIER FOUNT ARCHITECTS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.



RECEIVED
 DEC 19 2013

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

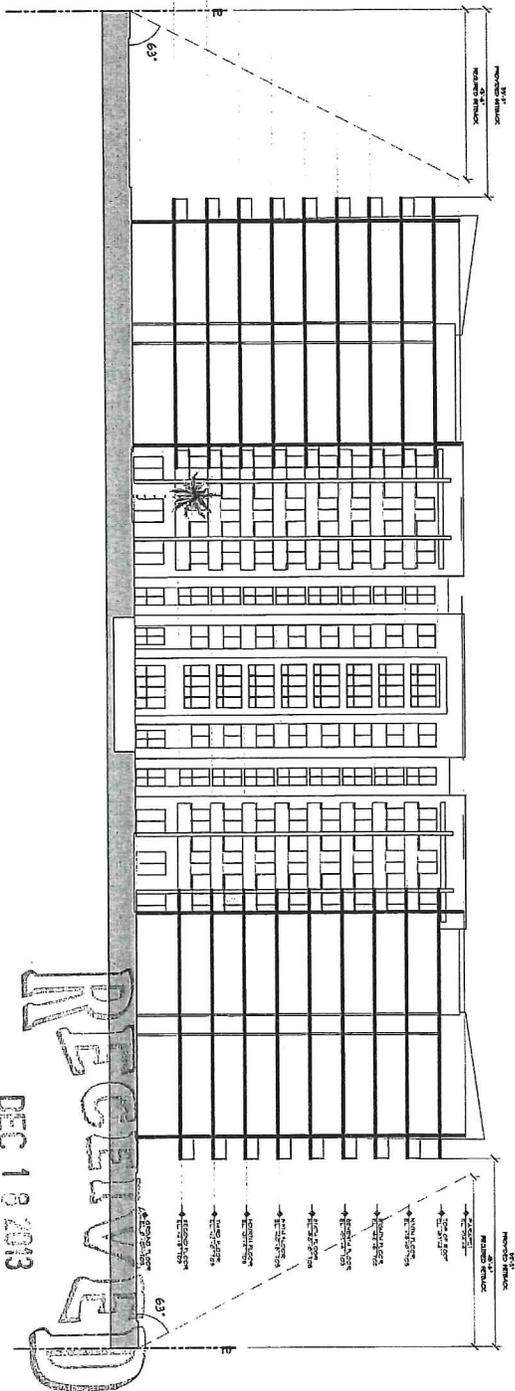
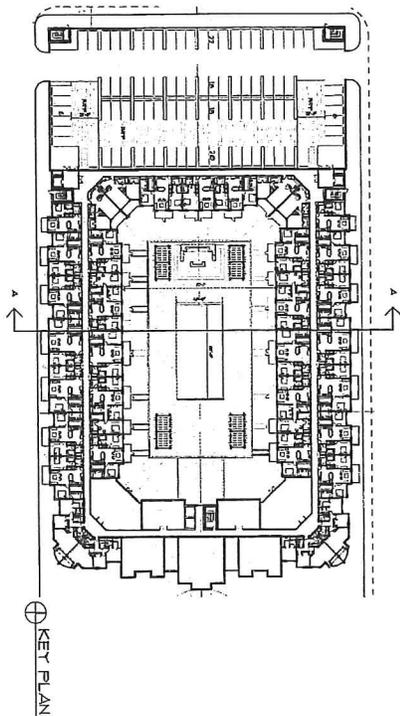
DATE: 08-10-13
 PROJECTING: T.J.M.
 DRAWING NAME: _____
 SHEET NO: A-2.1

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
 BISCAYNE BOULEVARD and N.E. 112th ST
 NORTH MIAMI, FLORIDA 33161

© 2013 JAVIER FONT FOR PARTNERS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

SEAL:
 JAVIER FONT ARCH. No. 12247





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

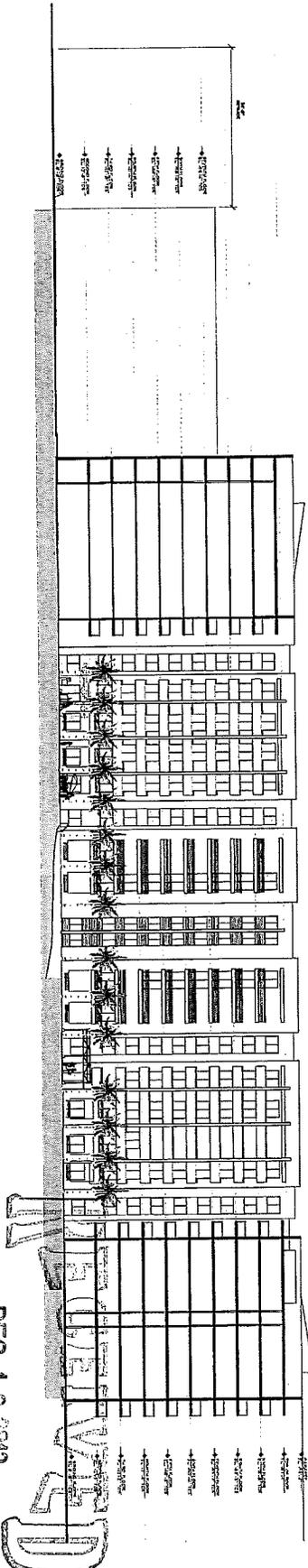
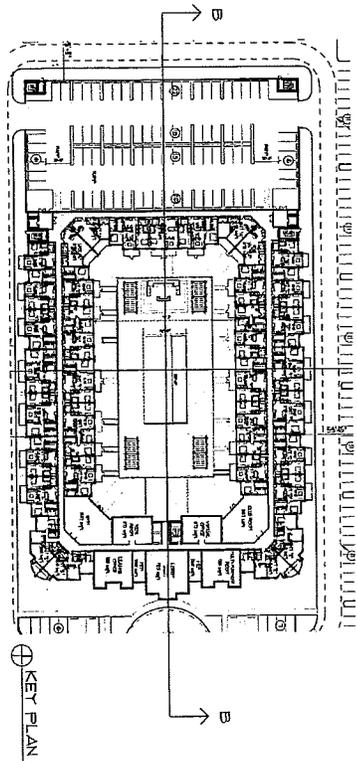
DATE: 09/10/13
PROJECT NO: 13008
DRAWING NAME: SHEET NO. A-3.0

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

JAVIER FONT ARCH. NO. 12847
SEAL:

BEHAR-FONT ARCHITECTS, P.A.
11200 Biscayne Blvd., Suite 1100
North Miami, FL 33161
Tel: 305.881.1100
Fax: 305.881.1101
www.bfarchitects.com

55



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

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

DEC 18 2013

DATE: 05.10.13
PROJECT NO: 12088
DRAWING NAME: A-3.1

PROPOSED MULTI-FAMILY DEVELOPMENT
11200 BISCAYNE, LLC
BISCAYNE BOULEVARD and N.E. 112th ST
NORTH MIAMI, FLORIDA 33161

JAVIER FONT ARCH. 12547

SEAL:

BEHAR FONT
ARCHITECTS
11200 BISCAYNE BOULEVARD
NORTH MIAMI, FLORIDA 33161
TEL: 305.885.1234
WWW.BEHARFONT.COM

DISCLOSURE OF INTEREST*

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

CORPORATION/LLC NAME: 11200 Biscayne, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>2012 Dynasty Trust - Irwin E. Tauber, Trustee,</u>	<u>39%</u>
<u>9551 East Bay Harbor Dr, Bay Harbor, FL 33154</u>	
<u>Laura Tauber, 9551 East Bay Harbor Dr, Bay Harbor, FL 33154</u>	<u>20%</u>
<u>Roger Sherr, 9551 East Bay Harbor Dr, Bay Harbor, FL 33154</u>	<u>20%</u>
<u>Stuart Sherr, 9551 East Bay Harbor Dr, Bay Harbor, FL 33154</u>	<u>20%</u>
<u>IT Holdings, Inc. (100% owned by Irwin E. Tauber)</u>	<u>1%</u>
<u>9551 East Bay Harbor Dr, Bay Harbor, FL 33154</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>N/A</u>	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>N/A</u>	

60

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: N/A

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

N/A
RECEIVED
213-029
MAR 20 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AD

Date of contract: _____

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

N/A

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 18 day of March, 2013. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: Aug 17, 2014



*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.

EXHIBIT A

RECEIVED
213-029
MAR 20 2013

ZONING / HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

LEGAL DESCRIPTION: (FROM TITLE COMMITMENT)

PARCEL A:
THE NORTH 45.40 FEET OF THE SOUTH 1/2 OF TRACT "A", LESS THE WEST 35 FEET FOR RIGHT-OF-WAY, OF THE REVISED PLAT OF SEARENTO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 21, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

PARCEL 1:
THE PART OF THE SOUTH 1/2 OF TRACT "A" 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, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF BISCAYNE BOULEVARD WHICH POINT IS 55.07 FEET WEST OF THE CENTER LINE OF BISCAYNE BOULEVARD AND 50 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTH 1/2 OF TRACT "A" OF SEARENTO, THENCE RUN WEST PARALLEL WITH AND 45.40 FEET SOUTH OF THE NORTH LINE OF THE SAID SOUTH 1/2 OF TRACT "A" A DISTANCE OF 794.41 FEET TO THE WEST LINE OF THE SAID SOUTH 1/2 OF TRACT "A"; THENCE RUN SOUTH AND ALONG THE WEST LINE OF SAID SOUTH 1/2 OF TRACT "A" OF SEARENTO A DISTANCE OF 119.65 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH 1/2 OF TRACT "A" OF SEARENTO; THENCE RUN EAST AND ALONG THE SOUTH LINE OF SAID SOUTH 1/2 OF TRACT "A" TO THE WEST LINE OF BISCAYNE BOULEVARD; THENCE RUN NORTHEASTERLY AND ALONG THE WEST LINE OF BISCAYNE BOULEVARD A DISTANCE OF 131.73 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 2:
BEGINNING AT A POINT 825 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF TRACT "A" OF SEARENTO ACCORDING TO THE REVISED PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 21 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST A DISTANCE OF 47.4 FEET; THENCE RUN EAST A DISTANCE OF 717.90 FEET MORE OR LESS TO THE WEST LINE OF BISCAYNE BOULEVARD WHICH SAID POINT ON THE WEST LINE OF BISCAYNE BOULEVARD IS 55.05 FEET WEST OF THE CENTER LINE OF BISCAYNE BOULEVARD; THENCE RUN NORTHEASTERLY AND ALONG THE WEST LINE OF BISCAYNE BOULEVARD 53.09 FEET TO THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF TRACT "A" OF SEARENTO; THENCE RUN WEST AND ALONG THE SOUTH LINE OF SAID SOUTH 1/2 OF TRACT "A" OF SEARENTO TO THE SOUTHWEST CORNER OF SAID SOUTH 1/2 OF TRACT "A" OF SEARENTO, BEING THE POINT OF BEGINNING; SAID TRACT OF LAND BEING IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST.
LESS: THAT PORTION OF THE PROPERTY CONVEYED TO MIAMI-DADE COUNTY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 9031, PAGE 1929, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

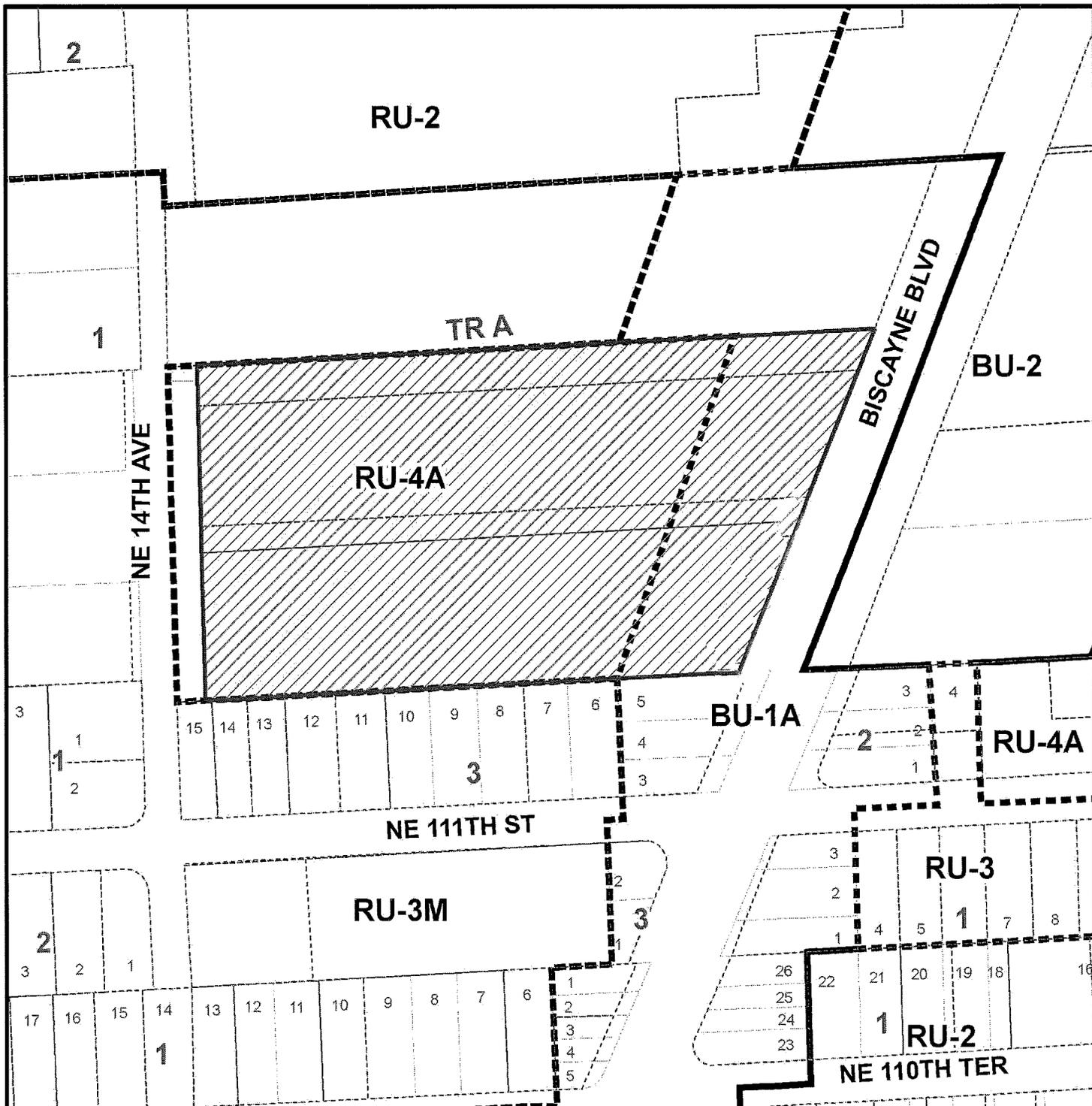
WEST 3 ACRES OF SOUTH 2.5 CHAINS OF NORTH 5 CHAINS OF SOUTH QUARTER (S 1/4) OF NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST; THENCE NORTH 330 FEET FOR THE POINT OF BEGINNING; THENCE EAST 708.5 FEET TO THE CENTER OF THE ROAD KNOWN AS EAST DIXIE HIGHWAY; THENCE NORTHEASTERLY ALONG THE CENTER OF SAID HIGHWAY TO A POINT 165 FEET NORTH OF THE SOUTH LINE OF THIS PROPERTY, IF PRODUCED EASTERLY; THENCE WEST 781.45 FEET TO THE WEST BOUNDARY LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING, SITUATE IN MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT:

THE SOUTHEASTERLY 35 FEET RESERVED FOR RIGHT-OF-WAY FOR BISCAYNE BOULEVARD, AND ALSO BEING LESS PORTIONS CONVEYED TO MIAMI-DADE COUNTY, BY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 9031, PAGE 1927 AND IN OFFICIAL RECORDS BOOK 9031, PAGE 1931, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT A PORTION CONTAINED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 20432, PAGE 3556, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE SOUTHEASTERLY 4.572 METERS (15.00 FEET) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-QUARTER (S 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING NORTHWESTERLY OF AND ADJOINING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BISCAYNE BOULEVARD/STATE ROAD 5, ACCORDING WITH A 10.668 METER (35.00 FEET) RIGHT-OF-WAY DEDICATION BY THE CITY OF MIAMI RESERVED IN DEED BOOK 1631, PAGE 178, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



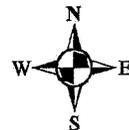
MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000029

Section: 32 Township: 52 Range: 42
 Applicant: 11200 BISCAYNE LLC
 Zoning Board: C7
 Commission District: 3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

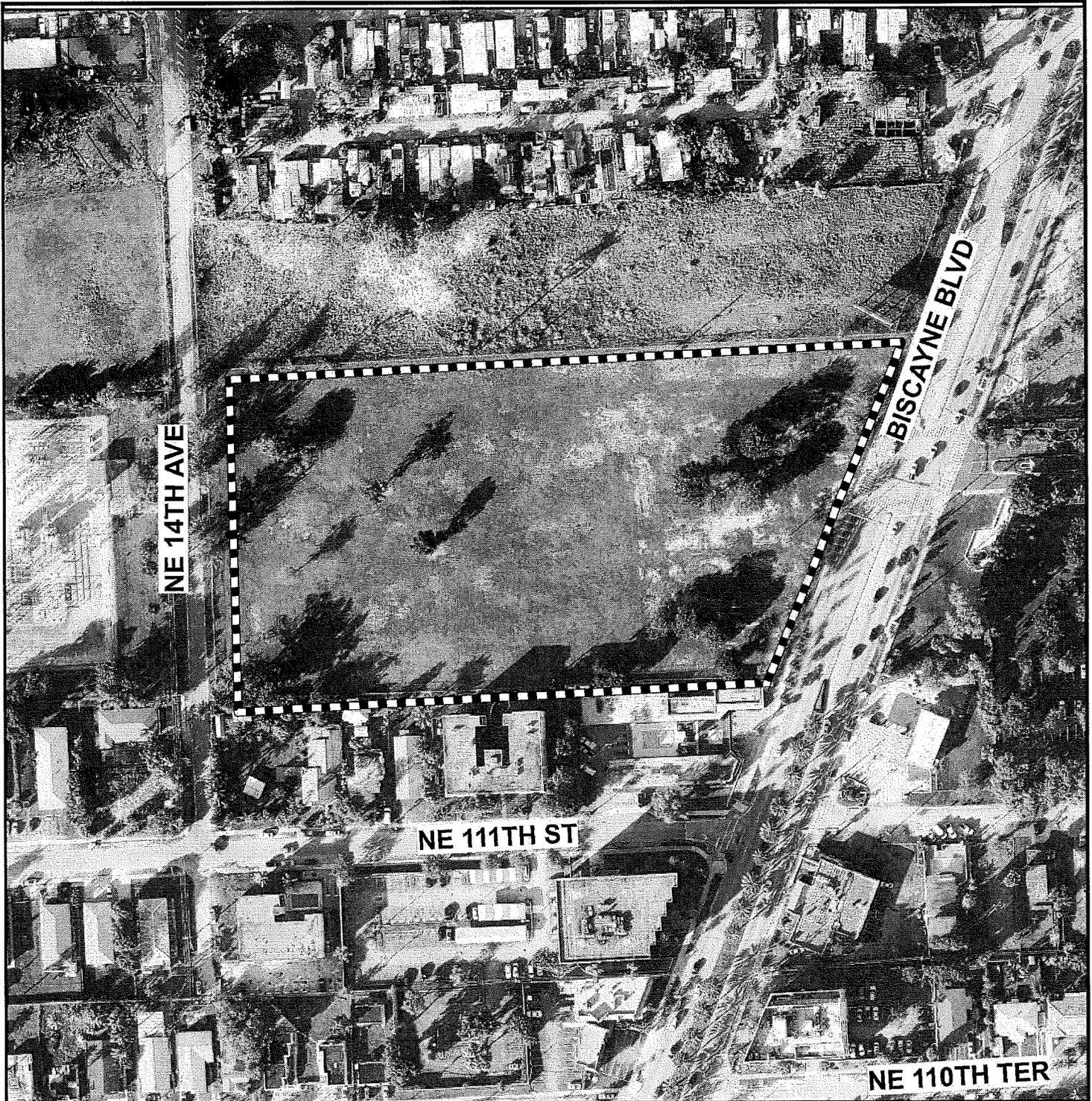
Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, April 17, 2013

REVISION	DATE	BY
		63



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000029



Section: 32 Township: 52 Range: 42
 Applicant: 11200 BISCAYNE LLC
 Zoning Board: C7
 Commission District: 3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

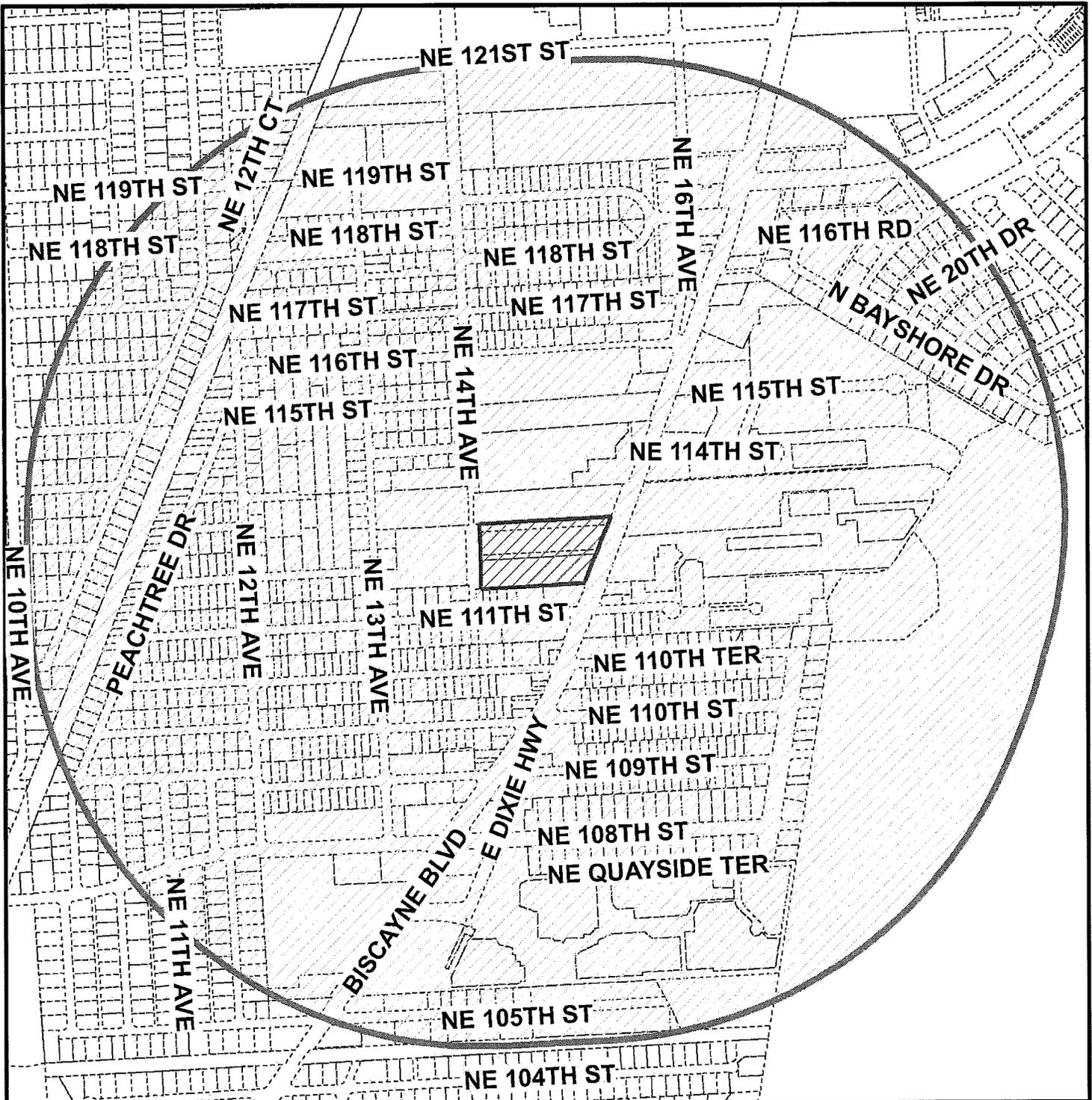
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, April 17, 2013

REVISION	DATE	BY
		64



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2013000029

RADIUS: 2640

Section: 32 Township: 52 Range: 42
 Applicant: 11200 BISCAYNE LLC
 Zoning Board: C7
 Commission District: 3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



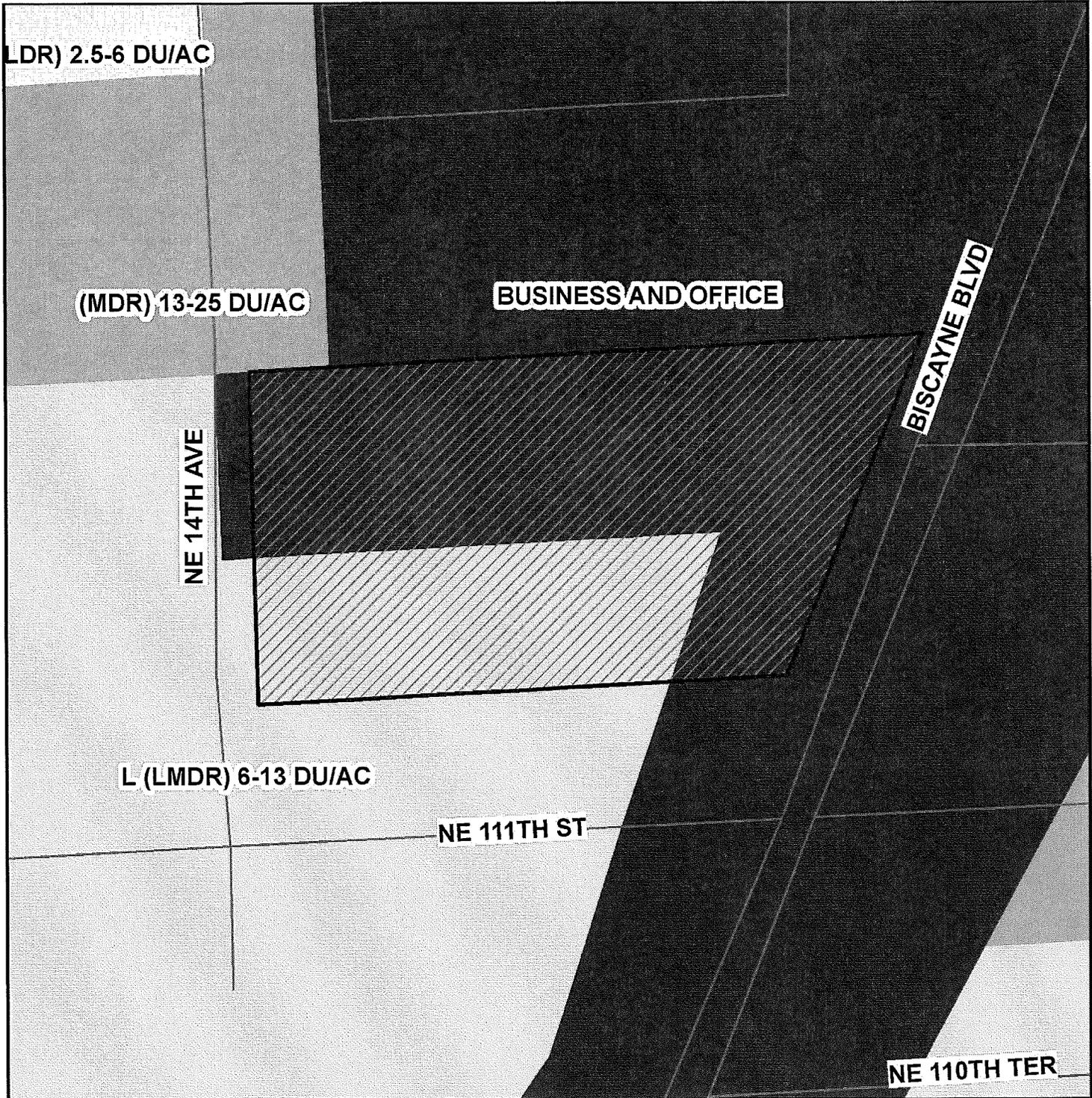
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, April 17, 2013

REVISION	DATE	BY
		65



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000029



Section: 32 Township: 52 Range: 42
 Applicant: 11200 BISCAYNE LLC
 Zoning Board: C7
 Commission District: 3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, April 17, 2013

REVISION	DATE	BY

11200 Biscayne, LLC
CZAB07 6/11/14
Z13-029

This instrument was prepared by:
Name: Matthew Amster, Esq.
Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Blvd., Suite 850
Miami, Florida 33131

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIONS
INCLUDING WORKFORCE HOUSING**

WHEREAS, the undersigned Owner, 11200 Biscayne, LLC (the "Owner"), holds the fee simple title to the land in Miami-Dade County (the "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. 13-029 (the "Application") will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) **Site Plan.** That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Multi-family Rental Development 11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A., dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 1/7/14, with sheet LA2 last handwritten revision 1/14/14, consisting of 3 sheets for a total of 19 sheets.

(2) **Workforce Housing.** In accordance with the Workforce Housing Development Program, Chapter 33, Article XIIA of the Code of Miami-Dade County (the "Code"), the development of the Property shall include 351 market rate units and 51 workforce housing units for a total of 402 units in one 9-story building. Additionally, the Property shall be developed in accordance with the following specifications:

(a) A workforce housing unit ("WHU" or "restricted WHU") shall mean a dwelling unit, the sale, rental or pricing of which, is restricted to households whose income range is established at between 65% and 140% of the most recent median family income for the County as reported by the U.S. Department of Housing and Urban Development (HUD) and as maintained by the Department of Regulatory and Economic Resources at the time of sale or rental of each WHU;

(Public Hearing)

CC

(Space reserved for Clerk)

-
- (b) The development of the Property shall include 51 WHUs, which will be restricted by a Declaration of Restrictions in accordance with Chapter 33, Article XIIA of the Code;
 - (c) All 51 WHUs will be rental dwelling units with a minimum lease period of twelve months, provided that the Owner may convert one or more rental units to owner-occupied units as long as 51 dwelling units remain subject to Chapter 33, Article XIIA of the Code;
 - (d) Each lessee of the restricted WHUs will use the WHU as the lessee's primary residence and subleasing shall be prohibited;
 - (e) The Property will be developed generally in accordance with the Estimated Construction Schedule, attached hereto as Exhibit "B", which indicates the approximate dates when construction of the new residential dwelling units (including the restricted WHUs) will be initiated and completed;
 - (f) The restricted WHUs on the Property will consist of one-bedroom, two-bedroom and three-bedroom apartment type units;
- (3) **Individual Workforce Housing Agreements.** Prior to the earlier of final plat approval or application for building permit for the first new residential unit on the Property, the Owner shall submit a Workforce Housing Agreement (the "Agreement") for the restricted WHUs on the Property to the Director of the Department of Regulatory and Economic Resources. The Agreement will encumber each restricted WHU in the entire development, and specify the restrictions of each of the restricted WHUs and such further arrangements, restrictive covenants, resale restrictions, and rental restrictions as are necessary to carry out the purposes of Chapter 17, Article IX, Sections 17-142 through 17-144 inclusive, of the Code, and shall include the following:
- (a) A binding commitment that the restrictions of Chapter 33, Article XIIA and Chapter 17, Article IX of the Code shall run with the land for the entire 20-year control period of each of the WHUs;
 - (b) A binding commitment that the covenants will bind the Owner, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in each of the WHUs;

(Public Hearing)

(Space reserved for Clerk)

- (c) A statement that the covenants shall be senior to all other liens or encumbrances on the Property, including all instruments securing permanent financing, except that tax and assessment liens shall be superior to the covenants; and
- (d) A binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article IX of the Code.

(4) **Miscellaneous.**

- (a) **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.
- (b) **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.
- (c) **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

(Public Hearing)

(Space reserved for Clerk)

covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

- (d) **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, after public hearing, provided that, in accordance with Section 33-193.13(E) of the Code, the provisions relating to the WHUs may be modified by mutual consent of the Owner and the Directors of the Miami-Dade County Department of Regulatory and Economic Resources and Miami-Dade Public Housing and Community Development, or their successor agencies, as long as the modified agreement remains in conformity with Chapter 33, Article XI A of the Code and substantially conforms to this Declaration's provisions relating to number, location, distribution and timing of construction of WHUs. 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.
- (e) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (f) **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

(Public Hearing)

(Space reserved for Clerk)

further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

- (g) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (h) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (i) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.
- (j) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

(Public Hearing)

(Space reserved for Clerk)

- (k) 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.
- (l) Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

(Space reserved for Clerk)

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed
on this 2 day of June, 2014.

WITNESS(ES)

[Signature]

Signature

DEBORAH M POWERS

Print Name

[Signature]

Signature

JUDITH ALONSO

Print Name

11200 Biscayne, LLC, a Florida
Limited Liability Company

9551 East Bay Harbor Drive
Bay Harbor Islands, Florida 33154

By: [Signature]

Name: Alexander Tauber

Title: _____

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by Alexander Tauber,
the _____ of 11200 Biscayne, LLC, and for the purposes stated herein on
behalf of the LLC. He/She is personally known to me or has produced
Known, as identification.

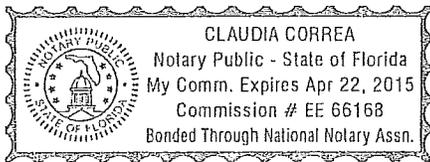
Witness my signature and official seal this 2 day of June, 2014, in
the County and State aforesaid.

My Commission Expires:

[Signature]

Notary Public
Claudia Correa

Print Name



(Public Hearing)