



***Application No.: FLUM-2015-015***

**Appendix "A"**

**Future Land Use Map Amendment  
Small Scale Application**

Arc/Treo, LLC

Amending the Future Land Use Map (FLUM) within the Town's Comprehensive Plan from Mixed-Use to Medium Density.

# Holland & Knight

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VIA HAND DELIVERY

October 12, 2015

Ms. Kathryn Lyon  
Planning and Zoning Director  
Department of Community Development  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

**Re: Arc/Treo 216, LLC / Folio No. 36-6016-000-0027 / Vista del Lago / Request for Land Use Amendment / Letter of Intent**

Dear Ms. Lyon:

This law firm represents ARC/Treo 216, LLC (“Applicant”), the owner of the property located south of SW 216 Street between SW 92 Avenue and SW 89 Place, in the Town of Cutler Bay (“Cutler Bay”), further identified by Miami-Dade County Folio No. 36-6016-000-0027 (the “Property”). This letter shall serve as the Applicant’s letter of intent in support of an application for an amendment to the Town’s Growth Management Plan Future Land Use Map (“FLUM”) to re-designate the Property from “Mixed-Use” to “Medium Density Residential”. The Applicant has also filed concurrent and respective rezoning, site plan, and variance applications in connection with this Property.

Property. The Property is approximately 18.57 acres of land located south of SW 216 Street between SW 92 Avenue and SW 89 Place. The Property is currently vacant and unimproved and enjoys a privileged location that is ideally suited for a Medium Density Residential designation, as the surrounding area is designated and primarily developed with single family and townhouse developments. As such, approval of the proposed land use amendment would be consistent with the character of the community and consistent with adjacent future land use designations.

Project. The Applicant proposes the redevelopment of the Property into a first-class 180 dwelling unit residential development consisting of 2-story townhouses (“Project”). The proposed Project will incorporate beautiful rustic architecture, world-class urban design elements, and high-end materials and finishes that will enhance the attractiveness and visual appeal of the surrounding neighborhood. The Project will provide sufficient off-street parking spaces to accommodate the Project’s potential operational demand, well in excess of the Town’s requirements. The Project will also feature a meticulously landscaped perimeter and open spaces, signature entrance plaza, extensive sidewalks around the Property, and luxury amenities including a cabana and pool facility.

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Planning and Zoning, Director  
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Request. In order to efficiently use land resources and accommodate the projected operational needs for the proposed residential development, the Applicant respectfully requests approval of a land use amendment to the Town's FLUM to re-designate the Property from "Mixed Use" to "Medium Density Residential". As per the Town's Growth Management Plan, the "Medium Density Residential" land use designation allows 5 to 13 units per acre.

In considering an amendment to the Growth Management Plan FLUM, the Town must take into consideration the multiple needs of the Town's growing and diverse community. The primary intention of the Growth Management Plan is to protect the public health, safety and welfare of the Town and its residents. This often requires a balancing of competing goals, objectives, and policies of the Growth Management Plan. The policies that are most in line with the proposed amendment are as follows:

- **Policy FLU-4B:** The Town shall ensure the provision of multi-modal transportation access between its residential neighborhoods, the Town Center, and mixed-use districts along US-1 and Old Cutler Road; and

**Policy H1-1C:** The Town shall encourage housing proximate to transit and employment centers by allowing residential development at appropriate densities along transit corridors.

*All public services and facilities, including transit services, required to serve the Property are available or can be made available to the Property. The Property is served by the Cutler Bay local bus service, a joint Town of Cutler Bay – Miami-Dade County bus service that connects the rest of the Miami-Dade County Transit System and provides access to all points in the County. Additionally, the Project is served by County Metrobus Route 287, which connects South Dade Health Center and Dadeland South Metrorail Station via US-1, SW 168 Street, SW 87 Avenue, and SW 216 Street. There is a stop located just west of the Property at SW 92 Avenue, and another to the east at SW 89 Place.*

- **Policy FLU-4C:** Development and redevelopment in the residential districts shall be regulated to ensure compatibility with the existing neighborhood, implement the recommendations or neighborhood improvement plans or initiatives that may be adopted, and prevent the encroachment of incompatible uses. When considering redevelopment proposals, maintaining consistency with existing densities and intensities shall be a major factor. Please see Objective LU-5 and its implementing policies for information regarding development compatibility criteria.

*The proposed 180 dwelling unit residential townhouse development is wholly compatible with the existing neighborhood, which is primarily developed with single-family and townhouse developments. Additionally, the unique nature of the Property which is entirely surrounded by an existing lake, further ensures compatibility to adjoining communities by producing a natural buffer from other uses. The Project will be constructed utilizing the highest quality materials and design elements, and will ultimately serve to beautify and enhance the surrounding community.*

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- **Policy FLU-4D:** The Town shall implement strategies to improve residential neighborhoods.

*The Property will be developed in a manner consistent with the high quality of development that is representative of the Town of Cutler Bay, and will incorporate beautiful architecture, world-class design elements, and high-end materials and finishes. The Project will also provide sufficient off-street parking spaces to accommodate the Project's operational demand, well in excess of the Town's requirements. The proposed development also meets all of the Town's FAR, lot coverage, and open space requirements, and will only further the quality of existing neighborhoods and development.*

- **Policy FLU-5B:** Development and redevelopment in the Town shall provide for pedestrian friendly street design, an interconnected street network and hierarchy to reduce congestion and improve traffic flow, design that promotes the use of non-motorized transportation modes, connectivity to transit, and a range of uses in a compact area to reduce the need for external trips.

*The proposed Project encompasses extensive sidewalks around the Property, and will serve to improve the Town's transportation infrastructure and help to encourage transit ridership, bicycling, and a quality pedestrian experience. The unification of the Property into one unified site plan will also reduce traffic congestion and improve traffic circulation both internally to the Project and in the surrounding community. Additionally, the project is served by a number of Metrobus routes and there is a stop located just west of the Property at SW 92 Avenue, and another to the east at SW 89 Place.*

- **Policy FLU-5F:** The Town shall require aesthetically pleasing and environmentally sensitive landscaping as an important component of development and redevelopment projects. To the maximum extent feasible, existing on-site native vegetation shall be preserved.

*In addition with the beautiful design elements of the Project, the Project will also feature a meticulously landscaped perimeter and a number of open green spaces abutting the lake that will provide for beautiful scenic vistas. The proposed Project will feature 211,242 square feet of open space, where only 84,750.82 square feet are required by the Town Code of Ordinances, MR-13 (Multi-Family Residential) zoning district regulations, and which will include a significant amount of native trees and shrubs.*

- **Policy FLU-5I:** The Town shall ensure that any applications to amend the Growth Management Plan and/or Future Land Use Map are reflective of the community's vision as expressed in this Plan or special neighborhood plans, and will not result in increased sprawl.

*The proposed Project calls for 180 dwelling units (9.72 units/acre) where 240 dwelling units (13 units/acre) would be permitted under the Medium Density Residential land use category. Additionally, the design and functional layout of the Project represents the most appropriate use that will be compatible with the area, and which will not result in increased sprawl.*

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*Ultimately, the Project will provide a new and diverse residential product with a beautiful architectural style, and as such, will only serve to beautify and enhance the surrounding community.*

- **Policy I1-2A:** The Town will encourage future development into areas that are already served, or programmed to be served by County WASD potable water facilities.

*Connection with water and sewer is available or may be readily available at the Applicant's expense. The Applicant will also meet or exceed County requirements to ensure adequate facility capacity for the development.*

It is the Applicant's goal to design a site plan and development program and to develop the Property with the most appropriate uses that will be compatible with the area. Additionally, the Project will contribute to the Town's economic prosperity and viability by creating much-needed jobs, improving access to quality housing, cultivating the aesthetic character of the surrounding neighborhood, preserving property values, and increasing the Town's ad valorem tax base.

Based on the forgoing, we look forward to your favorable recommendation. Should you have any questions or concerns regarding this Application, please do not hesitate to phone my direct line at (305) 789-7783.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Hugo P. Arza, Esq.

Enclosures



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING

**GROWTH MANAGEMENT PLAN  
SMALL-SCALE AMENDMENTS APPLICATION**

LIST ALL FOLIO NUMBER(s): 36-6016-000-0027

DATE RECEIVED: \_\_\_\_\_

**1. APPLICANT (If not property owner)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. PROPERTY OWNER(S)**

Arc/Treo 216, LLC  
2950 SW 27 Avenue, Suite 300  
Miami, Florida 31333

**3. APPLICANT'S REPRESENTATIVE**

Hugo P. Arza  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3300  
Miami, Florida 33131

**4. DESCRIPTION OF PROPOSED CHANGE**

A. PROPOSED AMENDMENT

**Re-designation of the Property from "Mixed-Use" to "Medium Density Residential"**





B. DESCRIPTION OF THE SUBJECT PROPERTY

**Approximately 18.57 ± acres (808,909 square feet) of vacant land located south of SW 216 Street between SW 92 Avenue and SW 89 Place.**

C. GROSS AND NET ACREAGE

**Gross Acreage: 18.57± acres**

5. REASONS FOR AMENDMENT

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**Please see Letter of Intent**

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6. ADDITIONAL MATERIAL SUBMITTED

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**Other materials will be submitted as necessary or requested**

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By: [Signature] 09/17/14  
(Signature of the Applicant) Date

**Small-Scale Amendment Checklist**

- 1. Transmittal letter with a clear and concise description of the application area boundaries and request that it be processed under the expedited procedure for small-scale amendment.
- 2. Current survey (1 original sealed and signed/ 1 reduced copy 11"X17")
- 3. Aerial photograph depicting the location and boundaries of the application area.
- 4. Land use map designation of the subject property, location of abutting properties and surrounding road network.
- 5. Service availability letter for sanitary sewer, solid waste, drainage, potable water, traffic circulation, mass transit, recreation, schools, and fire and rescue services.
- 6. Traffic Study or other supportive documents
- 7. Mailing Labels (3 sets) and map
- 8. Required fees





7. COMPLETE DISCLOSURE FORMS

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(We are) the  owner  tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

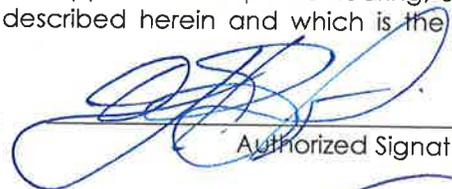
Sworn to and subscribed to before me  
This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

CORPORATION AFFIDAVIT

I, Otoniel Boudet-Murias, being first duly sworn, depose and say that I am a Manager of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

  
Authorized Signature

\_\_\_\_\_  
Manager  
Office Held

(Corp. Seal)

Sworn to and subscribed to before me  
This 17 day of Sept. 2014

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_





**PARTNERSHIP AFFIDAVIT**

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am )(We are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the  owner  tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_  
By \_\_\_\_\_

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*

**ATTORNEY AFFIDAVIT**

I, Hugg P. Arza, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

  
\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
This 8<sup>th</sup> day of Dec., 2014

Notary Public: Sibby Fleites  
Commission Expires: \_\_\_\_\_





**DISCLOSURE OF INTEREST**

If the property, which is the subject of the Application, is owned or leased by a **CORPORATION**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

Arc/Treo 216, LLC (Owner)  
Corporation Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____

If the property, which is the subject of the Application, is owned or leased by a **TRUSTEE**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

\_\_\_\_\_  
Trust Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____

If the property, which is the subject of the Application, is owned or leased by a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

\_\_\_\_\_  
Partnership or Limited Partnership Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____



Disclosure of Interest  
ARC|TREO 216, LLC

ARC|TREO 216, LLC, a Florida limited liability company

<u>Managing Member</u>	<u>Percentage Interest</u>
ARC TREO, LLC	20%
<u>Members</u>	
ARC TREO, LLC	12%
ARN Investments Group, LLC	3%
Emilio & Haymet Sauma	3%
Francisco R. Diaz	3%
Joanli Family Limited Partnership	3%
James W. Kern	3%
Kireland Equity Investments	4%
Luis & Marta Lemes	3%
Orlando A. Gomez Enterprises	3%
Otto Trayieso	1%
Rodolfo & Ada Suarez	3%
Rolando & Miriam Delgado	3%
Samkle Investments	36%
<i>Total</i>	<i>100%</i>

Disclosure of Interest  
ARC|TREO 216, LLC

ARC|TREO, LLC

Otto J. Boudet-Murias	20%
Rolando Delgado	20%
Eduardo J. Garcia	20%
Juan T. O’Naghten	20%
Carlos A. Ortega	20%

ARN Investments Group, LLC

Nancy Ramos Mata	50%
Alfonso Ramos	50%

Joanli Family Limited Partnership

Jose Garcia	50%
Elizabeth Garcia	50%

Kireland Equity Investments

EK Family Trust	50.0%
BKJK Trust	25.0%
NK Family Trust	12.5%
RK Family Trust	12.5%

Orlando A. Gomez Enterprises

Ana Garcia Irrevocable Family Trust	42.00%
Eduardo J Garcia Jr	13.75%
Orlando F Garcia	13.75%
Alexa I Garcia	5.00%
Erica M Garcia	5.00%
Orlando A. Garcia	5.00%
Eduardo E Garcia	5.00%
Paola E Garcia	5.00%
Alexa I Garcia Trust	1.10%
Erica M Garcia Trust	1.10%
Orlando A. Garcia Trust	1.10%
Eduardo E Garcia Trust	1.10%
Paola E Garcia Trust	1.10%

Samkle Investments, LLC

S. Klein Family Partnership, a Florida LLC	100%
EK Family Trust	50.0%
BKJK Trust	25.0%
NK Family Trust	12.5%
RK Family Trust	<u>12.5%</u>
	100%



**DISCLOSURE OF INTEREST**

If the property, which is the subject of the Application, is owned or leased by a **CORPORATION**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

Lennar Homes, LLC (Potential Purchaser)  
Corporation Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____

If the property, which is the subject of the Application, is owned or leased by a **TRUSTEE**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

\_\_\_\_\_  
Trust Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____

If the property, which is the subject of the Application, is owned or leased by a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the Principal Stockholders and the percentage of stock owned by each. NOTE: Where the Principal Officers or Stockholders consist of another Corporation(s), Trustee(s), Partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

\_\_\_\_\_  
Partnership or Limited Partnership Name

Name, Address and Office	Percentage of stock
_____	_____
_____	_____
_____	_____



CORPORATION NAME: Lennar Homes, LLC\*

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Lennar Homes, LLC 701 NW 107 <sup>th</sup> Avenue Miami, Florida 33172	99%
US Home Corporation (A Wholly owned subsidiary of Lennar Corporation)	1%

\*Lennar Corporation is an entity, the equity interests in which are regularly traded on an established securities market in the United States or another country.



**COST RECOVERY AFFIDAVIT**

I hereby acknowledge and consent to the payment of all applicable fees involved as part of my application process. These fees include but are not limited to: application fees, postage, advertising, and attorney fees **regardless of the outcome of the public hearing.**

Please type or print the following:

Date: \_\_\_\_\_ Public Hearing No. \_\_\_\_\_

Full Name:

I Mr. I Mrs. I Ms. Otoniel Boudet-Murias, as Manager of Arc/Treo 216, LLC

Current Address: 2950 SW 27 Avenue, Suite 300 City: Miami

State: Florida Zip: 33133 Telephone Number (305) 789-7783

Date of Birth: 06 25 70

Signature \_\_\_\_\_

SWORN AND SUBSCRIBED BEFORE ME THIS 17 DAY OF Sept. 2014

Notary Public, State of Florida at Large

My Commission expires \_\_\_\_\_ 20\_\_\_\_\_



Pursuant to Article III, Sec. 3-30(I) Cost Recovery of the Town of Cutler Bay Land Development Regulations.





**8. NOTIFICATION TO PROPERTY OWNERS OTHER THAN THE APPLICANT,  
WHOSE PROPERTIES ARE INCLUDED WITHIN AN APPLICATION AREA  
BOUNDARY**

None \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

