



Application No.: REZONING-2015-016

Appendix "A"

**Letter of Intent and Application for
Zoning Change**

Arc/Treo, LLC

Amending the Town's Zoning Map from NC-2
Neighborhood Center 2 to MR-13 Multifamily
Residential.

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Hugo P. Arza
305-789-7783
hugo.arza@hklaw.com

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 / Letter of Intent for Rezoning

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 a rezoning application to re-designate the Property from NC-2 (Neighborhood Center 2) to MR-13 (Multi-Family Residential), pursuant to Section 3-36 and 3-38 of the Town of Cutler Bay Land Development Regulations. The Applicant has also filed concurrent and respective land use amendment, 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 residential development, as the surrounding area is designated and primarily developed with single family and townhouse developments. As such, approval of the proposed rezoning 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.

Ms. Kathryn Lyon
Planning and Zoning, Director
October 12, 2015
Page 2

Pursuant to Section 3-38(D) of the Town of Cutler Bay Land Development Regulations, in considering a rezoning of the Property, the Town Council shall use the following criteria in making their decision:

1. The proposed rezone is consistent with the goals, objectives and policies of the Town's Growth Management Plan.

The Applicant has also filed a concurrent application for an amendment to the Town's Growth Management Plan Future Land Use Map to re-designate the Property from "Mixed Use" to a "Medium Density Residential". As such, the requested land use designation and the MR-13 zoning classification are in-line and will serve to meet the needs of the City's growing diverse community, by contributing 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. This Project will meet the primary intention of the Growth Management Plan and the respective goals, objectives, and policies, which ultimately serve to protect the public health, safety, and welfare of the Town and its residents.

2. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

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.

3. The subject property is physically suitable for the uses permitted in the proposed district.

The Property is currently vacant and unimproved and is situated in a location that is perfectly suited for residential development, as the surrounding area is designated and primarily developed with single family and townhouse developments. 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. 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. The Project will be developed in a manner consistent with the high quality development that is representative of the Town of Cutler Bay and meets all of the development standards set forth in Section 3-56 of the Town of Cutler Bay Land Development Regulations, except as set forth in the variance applications submitted in connection with this project.

Ms. Kathryn Lyon
Planning and Zoning, Director
October 12, 2015
Page 3

Conclusion. 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

A handwritten signature in blue ink, appearing to be "Hugo P. Arza", written over a set of horizontal lines.

Hugo P. Arza, Esq.

Enclosures



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/8/2015

Property Information	
Folio:	30-4002-000-0110
Property Address:	7150 NW 7 ST
Owner	AFP 103 CORP C/O GREENBERG TRAURIG PA
Mailing Address	9 PARK PLACE 4 FLOOR GREAT NECK, NY 11021
Primary Zone	6800 COMMERCIAL - PROFESS OFFI
Primary Land Use	2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	77,716 Sq.Ft
Year Built	0



Assessment Information			
Year	2015	2014	2013
Land Value	\$2,486,912	\$2,486,912	\$2,331,480
Building Value	\$32,089	\$32,089	\$28,820
XF Value	\$0	\$0	\$0
Market Value	\$2,519,001	\$2,519,001	\$2,360,300
Assessed Value	\$2,519,001	\$2,519,001	\$2,360,300

Benefits Information				
Benefit	Type	2015	2014	2013
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
2 54 40 1.78 AC M/L
N150FT OF NW1/4 OF NE1/4 LYG W
OF DRAINAGE CANAL LESS W50FT &
EXT AREA OF CURVE IN NW COR &
LESS E91FT FOR RW

Taxable Value Information			
	2015	2014	2013
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,519,001	\$2,519,001	\$2,360,300
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,519,001	\$2,519,001	\$2,360,300
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,519,001	\$2,519,001	\$2,360,300

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/30/2009	\$11,700,000	26994-0026	Financial inst or "In Lieu of Forclosures" stated
10/01/2005	\$0	23864-0989	Qual by exam of deed
10/01/1997	\$36,000,000	17820-0551	Qual by verifiable & documented evidence

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING

APPLICATION FOR ZONING CHANGE

LIST ALL FOLIO #S: 36-6016-000-0027

DATE RECEIVED: _____

PROPOSED PROJECT NAME: Vista del Lago

1. NAME OF APPLICANT (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Arc/Treo 216, LLC (owner)

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 2950 SW 27 Avenue, Suite 300

City: Miami State: FL Zip: FL Phone#: (305) 789-7783

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): SAME

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Hugo P. Arza, Esq. Company: Holland & Knight, LLP

Mailing Address: 701 Brickell Avenue, Suite 3300

City: Miami State: FL Zip: 33131

Phone# (305) 789-7783 Fax# (305) 789-7799 E-mail: hugo.arza@hklaw.com





5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

Please see Exhibit A

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc).

South of SW 216 Street between SW 92 Avenue and SW 89 Place

7. SIZE OF PROPERTY (in acres): +/-18.57 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE PROPERTY Acquired leased: August 2013

9. LEASE TERM: N/A Years (Month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide Complete legal description of said contiguous property.

NONE





11. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (if yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

Lennar Homes, LLC

12. PRESENT ZONING AND FLU CLASSIFICATION: FLU - Mixed Use ; Zoning - NC-2

(Pending Land Use Amendment to Medium Density)

13. PROPOSED USE OF PROPERTY (describe nature of the request in space provided)

Re-designation of the property from NC-2 to MR-13, for development of residential townhouse project.

14. Has a public hearing been held on this property within the last year & a half?

No yes.

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing a result of a violation notice?

No yes. If yes, give name to whom the Violation notice was served and describe the violation:

16. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property:

N/A

17. Is there any existing use on the property? No yes. If yes, what use and when established?

Use: Vacant Year: _____





18. Submitted Materials Required:
Please check all that Apply:

- Letter of intent
- Justifications for change
- Statement of hardship
- Proof of ownership or letter from owner
- Power of attorney
- Contract to purchase (if applicable)
- Current survey (2 original sealed and signed and 10 reduced 11x17 copies)
- Complete set of plans 24'x36", scale 1'=50' (2 original sealed and signed and 10 reduced 11x17 copies)
- Colored rendering of all 4 sides of each proposed building (If applicable)
- 20% Property owner signatures (If required)
- Mailing Labels (set amount depends on number of hearings) and map (If required)
- Required Fee(s)
- Plans must be approved by Miami-Dade County Fire and Rescue Department with an original stamp and signature from the Fire Dept.
- Necessary documentation from DERM and WASD





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)(WE), 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: _____

(Corp. Seal)

Authorized Signature
Manager
Office Held

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 _____ %

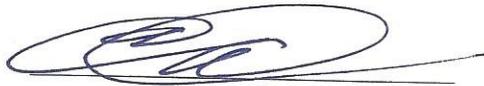
(Name of Partnership)
By _____
By _____

Sworn to and subscribed to before me
This _____ day of _____, _____

Notary Public: _____
Commission Expires: _____

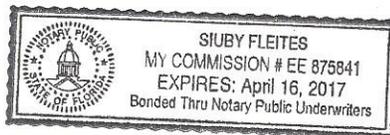
ATTORNEY AFFIDAVIT

I, Hugo 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 8th day of Dec., 2014

Notary Public: Siuby Fleites
Commission Expires: _____





RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Department Environmental Resources Management (DERM), and other agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other boards, and /or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Application withdrawn within 30 days of the filing are eligible for a refund of 25% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In *Miami-Dade County v. Omnipoint Holdings, Inc.* Case No. 3d01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Department professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Town of Cutler Bay Legal Counsel, on Town form, at least 1 month prior to the hearing date. The covenant will be





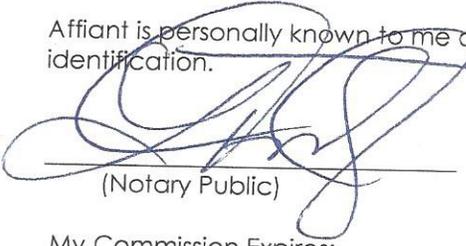
reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date.

- 7. The Town of Cutler Bay Department of Public Works reviews and critiques Zoning applications and may require conditions for approval.
- 8. THE APPLICANT IS RESPONSIBLE FOR TRACKING THE STATUS OF THE APPLICATION AND ALL HEARINGS THAT MAY BE ASSOCIATED WITH THIS APPLICATION.**


 (Applicant's Signature)

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

Affiant is personally known to me or has produced _____ as identification.


 (Notary Public)



My 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>	<u>Percentage Interest</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 Travieso	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>
<u>Lennar Homes, LLC</u>	<u>99%</u>
<u>701 NW 107th Avenue</u>	<u></u>
<u>Miami, Florida 33172</u>	<u></u>
<u>US Home Corporation</u>	<u></u>
<u>(A Wholly owned subsidiary of Lennar Corporation)</u>	<u>1%</u>

*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. _____

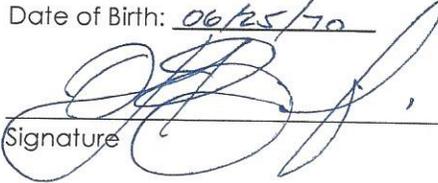
Full Name:

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

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

State: FL 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 Ordinance No. 2000-09-33-Cost Recovery

