



Application No.: ZC-2017-013

Attachment "B"

Application

Vista Del Lago Amend NC

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Holland & Knight

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VIA HAND DELIVERY

April 11, 2018

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 / Revised Letter of Intent for Amendment to Town of Cutler Bay Land Development Regulations (Submitted 6.22.17)

Dear Kathryn:

This law firm represents ARC/Treo 216, LLC (the “Applicant”), the owners of the approximately 18.52 acres of land located south of SW 216 Street, between SW 92 Avenue and SW 89 Place, in the Town of Cutler Bay (the “Town”), further identified by Miami-Dade County Folio No. 36-6016-000-0027 (the “Property”). The Property is commonly known as the “Lakes by the Bay” mixed use parcel. On June 22, 2017, on behalf of the Applicant, we filed a request for an amendment to the language of the Town Code of Ordinances (“Town Code”). After careful consideration, and in connection with the submittal of an updated land use text amendment application, this letter shall serve as the Applicant’s revised request for approval of an application for an amendment to the language of the “NC (Neighborhood Center)” zoning district, as set forth in Section 3-58 of the Town Code. The Applicant has also filed respective site plan approval and release of restrictive covenants applications in connection with the Property.

Currently, the “NC-2 (Neighborhood Center 2)” zoning classification does not allow for the inclusion of a residential component (whether vertically or horizontally integrated) as part of a mixed use development on the Property. However, the NC-2’s floor area ratio allows over 322,000 square feet of non-residential development, including commercial, office, restaurant, medical, civic, and places of public assembly, such as a church or temple. Yet, despite the NC-2’s generous development allowance, and notwithstanding an earlier approval by the Town Council

of a site plan for the development of a large scale commercial and office project, the Property has remained vacant, as the surrounding community has been developed into a vibrant and attractive residential community.

The Applicant proposes the development of a first-class, mixed use community, consisting of 37,285 square feet of specialty retail and 128 townhome units (the "Proposed Development Program"). The development of the Property would include the full range of neighborhood retail and personal services, including restaurants, that would serve the needs of the surrounding Lakes-by-the-Bay community, and would also provide housing opportunities to the many who wish to reside in the neighborhood. Additionally, other than small single family homes subdivisions that are scattered throughout the Town, the development of the Property will replenish the Town's housing stock, as the first new residential neighborhood of its kind in a few years. The retail and residential components will be horizontally integrated in order to take full advantage of the Property's privileged lakefront location. Both components will be arranged along a central, landscaped boulevard that would also provide public viewing access to the lake. The Board of Supervisors of The Lakes by the Bay South Community Development District (CDD) has also provided a resolution expressing its support for the Proposed Development Program.

The community will be completely open to its neighbors. Here, our future residents (as well as their neighbors) will be able to enjoy a cup of coffee on the way to work, after dropping off items at the cleaners, or perhaps a meal with the family on the way home. Surrounding residents will no longer be forced to drive up and down Old Cutler Road in order to fulfill the most basic retail needs of daily living. The proposed homes will cater to those young families who are attracted to the area as a result of the Town's well-deserved reputation as a great place to raise a family. While those residents who have enjoyed the Town's many assets for years, but have grown weary of the responsibilities of a larger home, will also be attracted to the neighborhood's location, walking proximity to retail and services, and maintenance-free amenities (as they will be maintained by a homeowners association).

Unfortunately, the Applicant's vision for the Property, as depicted in the proposed site plan, cannot be implemented under its current NC-2 zoning classification. By contrast to the NC-2 exclusion of residential development, under the NC-1 regulations, residential development is permitted at a density of up to 15 dwelling units per gross acre (30 dwelling units with a green bonus). The permitted density of 15 dwelling units per gross acre would translate into the potential development of 277 units (or 555 with the application of the green bonus) on the Property. The Applicant's site plan with a proposed density of 6.91 units per gross acre, and a little over 37,200 square feet of non-residential uses, strikes a far better balance than the 322,000 square feet of non-residential uses that would be allowed under the NC-2 regulations, and the up to 555 dwelling units that would be allowed in the NC-1 district. The Proposed Development Program would attain approximately 12% of the non-residential development allowed under NC-2 and less than a quarter of the residential density that would be allowed under the proposed NC-1 zoning classification.

As you are aware, the Property is designated on the Town's Growth Management Plan for mixed use development under the text of the "Lakes-by-the-Bay Mixed Use Site," which not

surprisingly reflects the same exclusion of residential units found in the NC-2 regulations as one of the components of a mixed use project. In fact, the only site in the Town that is zoned NC-2 is the Property. In an effort to obtain the approvals for the implementation of the Applicant's Proposed Development Program, along with the application for site plan approval and the application to rezone the Property, we filed a request to amend the text of the Town's Comprehensive Plan as it affects the "Lakes-by-the-Bay Mixed Use Site." The main purpose of the proposed Comprehensive Plan amendment is to allow the introduction of dwelling uses to the delineated uses that would be allowed on the Property as part of a mixed use project.

In an effort to ensure internal consistency between the Proposed Development Program set forth in the site plan, the requested land use text change, and the balance of the necessary zoning approvals, the Applicant seeks to maintain the exiting NC-2 (Neighborhood Center 2) zoning classification, and amend the text of Section 3-58 of the Town of Cutler Bay Land Development Regulations (the "Town Code"), as follows:

FROM:

"Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

- (1) *Permitted uses.*
 - a. Commercial and retail (not exceeding 25,000 square feet as a single use).
 - b. Office (requiring less than 50 parking spaces).
 - c. Restaurant.
 - d. Multifamily (within a vertical mixed use development).
 - e. Civic (excluding educational facility/school).
 - f. Medical.
 - g. Civic.

- h. Park and open space.
- i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
- j. Outdoor dining (see supplemental standards for further regulations)."

TO:

"Sec. 3-58. – NC, Neighborhood Center District

The neighborhood center district provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings. The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

- (1) *Permitted uses.*
 - a. Commercial and retail (not exceeding 25,000 square feet as a single use).
 - b. Office (requiring less than 50 parking spaces).
 - c. Restaurant.
 - d. Multifamily (within a vertical mixed use development); in the Neighborhood Center 1 (NC-1) zoning district. Residential uses (within a mixed use development) in the Neighborhood Center 2 (NC-2) zoning district.
 - e. Civic (excluding educational facility/school).
 - f. Medical.
 - g. Civic.
 - h. Park and open space.
 - i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).

j. Outdoor dining (see supplemental standards for further regulations).”
FROM:

“Sec. 3-58. – NC, Neighborhood Center District

(4) *Site development standards.*

- a. Story. Buildings shall be at least two stories. Office, commercial and retail, residential, civic or finished attic space, or facade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.
- b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character. Horizontal mixed use development is encouraged on a site that cannot otherwise accommodate vertical mixed use. Commercial and retail uses shall be located on the ground floor of a multi-story building. Office uses should be located on higher floors, while residential may exist on any level. When residential is part of the mix of uses, it can be no less than 20 percent or more than 80 percent, whether vertical or horizontal in form and function.
- c. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.
- d. Buildings fronting Old Cutler Road . Buildings which are located on Old Cutler Road shall be required to provide an outdoor plaza and/or an area for seating or cafe tables between the building and the right-of-way. No single tenant in a building fronting Old Cutler Road shall exceed 25,000 square feet in size.”

TO:

“Sec. 3-58. – NC, Neighborhood Center District

(4) *Site development standards.*

- a. Story. Buildings shall be at least two stories. Office, commercial and retail, residential, civic or finished attic space, or facade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.
- b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character. Horizontal mixed use development is encouraged on a site that cannot

otherwise accommodate vertical mixed use. Commercial and retail uses shall be located on the ground floor of a multi-story building. Office uses should be located on higher floors, while residential may exist on any level. In the Neighborhood Center 1 (NC-1) zoning district, ~~W~~when residential is part of the mix of uses, it can be no less than 20 percent or more than 80 percent, whether vertical or horizontal in form and function.

- c. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.
- d. Buildings fronting Old Cutler Road . Buildings which are located on Old Cutler Road shall be required to provide an outdoor plaza and/or an area for seating or cafe tables between the building and the right-of-way. No single tenant in a building fronting Old Cutler Road shall exceed 25,000 square feet in size.”

AND

FROM:

“Sec. 3-58. – NC, Neighborhood Center District

(5) *Table of Standards.*

Standard	NC-1	NC-2
Maximum lot area (square feet)	NA	NA
Maximum floor area ratio	1.6	0.4
Maximum floor area ratio with green bonus	2.0	0.5
Maximum density (units per acre)	15	NA
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	NA
Number of stories	3	

Building Frontage (percent)		
Along primary street	70	NA
Along secondary street	50	
Principal structure setbacks (feet)		
Front (maximum)	20	20
Side street	15	15
Interior side	0	0
Rear	20	20
Rear (abutting an alley)	0	0
Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement		
Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	NA
Minimum lot depth (feet)	NA	NA
Open space (percent)	5	NA
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	
Awning	5	
Accessory structure height (feet)	6	NA
Only permitted in rear yards of townhomes	6	NA

TO:

“Sec. 3-58. – NC, Neighborhood Center District

(5) *Table of Standards.*

Standard	NC-1	NC-2
Maximum lot area (square feet)	NA	NA
Maximum floor area ratio	1.6	0.4 <u>0.5</u>

Maximum floor area ratio with green bonus	2.0	0.5
Maximum density (units per acre)	15	NA <u>7</u>
Maximum density with green bonus	30	NA
Maximum height (feet)	35	35
Maximum frontage height with green bonus	48	NA
Number of stories	3	2
Number of frontage stories with green bonus	4	NA
Adjoining residential zoning height (feet)	35	NA <u>35</u>
Number of stories	3	<u>2</u>
Building Frontage (percent)		
Along primary street	70	NA <u>70</u>
Along secondary street	50	<u>50</u>
Principal structure setbacks (feet)		
Front (maximum)	20	20
Side street	15	15
Interior side	0	0
Rear	20	20 <u>15</u>
Rear (abutting an alley)	0	0
Setbacks fronting Old Cutler Road when right-of-way is less than 100 feet, as measured from the edge of pavement		
Front (minimum)(feet)	12	NA
Front (maximum)(feet)	20	NA
Maximum impervious surface coverage (percent)	70	70
Minimum lot width (residential) (feet)	25	<u>21</u>
Minimum lot depth (feet)	NA	NA
Open space (percent)	5	NA <u>5</u>
In the form of courtyards, gardens, colonnade, forecourt, balconies, plazas or squares		
Encroachment into ROW (feet)		
Balcony	5	<u>5</u>
Awning	5	<u>5</u>
Accessory structure height (feet)	6	NA <u>6</u>

Only permitted in rear yards of townhomes	6	NA <u>6</u>
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The proposed amendment to Section 3-58 (1) is simply meant to resolve an internal inconsistency in the NC regulations, which while appearing to allow townhomes in the zoning district (even to the point of providing required lot dimensions), currently only lists “multifamily within a vertical mixed use development” as a permitted use. Because of the location of the Property, in a much more residential area than the existing NC-1 zoned parcels in the Town, the proposed amendment would keep density at 7 dwelling units per acre, while making a slight additional floor area allowance than currently permitted, to allow and promote a more robust retail presence. The 2 story/35 feet height restriction, which again is sensitive to the surrounding community, as well as the fact that floor area ratio is measured project wide, would maintain a sensible cap on the overall amount of permitted development. Lastly, the suggested lot width for the townhome lots is more appropriate than the required 25 foot width, which appears to have been exported from the Town’s townhome zoning district, and is more suitable in conventional suburban neighborhoods than in mixed use projects.

As depicted in the site plan filed by the Applicant, the development program would meet all of the requirements of the NC-2 zoning regulations, as amended. The result will be a well-balanced, fully integrated mixed use project that will serve the needs of the Town’s growing diverse community, by contributing to the Town’s economic prosperity and viability by creating much-needed jobs, improving access to quality housing and retail, cultivating the aesthetic character of the surrounding neighborhood, preserving property values, and increasing the Town’s ad valorem tax base. Perhaps most importantly, however, the development of the Property under the revised NC-2 regulations would fulfill the vision of the Town, as expressed through the Growth Management Plan and the Town Code, to promote sensible and sustainable mixed use development.

Based on the foregoing, we would request the Town’s favorable consideration of our proposed amendment to Sections 3-58 (1) and 3-58(5) of the Town Code.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Alejandro J. Arias



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): +/-18.52 (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 Text to "Mixed Use: Lakes-by-the-Bay Mixed-Use Site")

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

Amendment to Town of Cutler Bay Land Development Regulations - "Neighborhood Center 2 (NC-2)"

Please see Letter of Intent

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-Muriss, being first duly sworn, depose and say that (I am)(We are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary 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 ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

[Signature]
Authorized Signature
Manager
Office Held

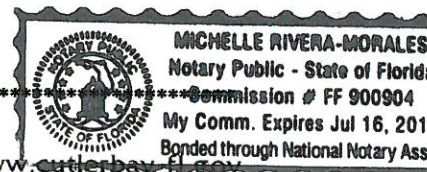
(Corp. Seal)

Sworn to and subscribed to before me

Notary Public: [Signature]

This 22 day of June, 2017

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 _____, _____

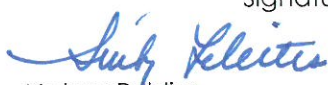
Notary Public: _____
Commission Expires: _____

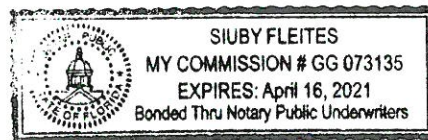
ATTORNEY AFFIDAVIT

I, Hugo P. Arza, Esq., 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.

Sworn to and subscribed to before me
This 22nd day of June, 2017



Signature

Notary Public: _____
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





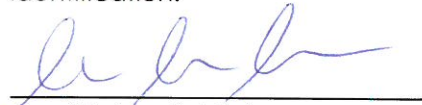
reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel must carry a cover letter indicating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

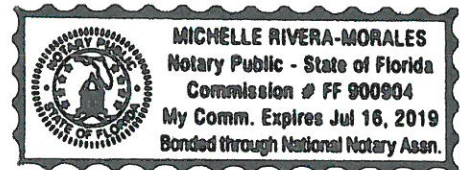

(Applicant's Signature)
Otaniel Boudet-Morris / Manager

Sworn to and subscribed before me this 22 day of June, 2017.

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


(Notary Public)

My Commission Expires: 7/16/19





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>Miami, Florida 33172</u>	
<u>US Home Corporation</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: 6/22/17

Public Hearing No. _____

Full Name:

Mr. Mrs. Ms. Otoniel Boudet-Muriss, as Manager of ARC/TREO 216, LLC

Current Address: 2950 SW 27 Ave City: Miami
Suite 3300

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

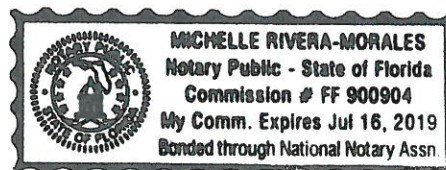
Date of Birth: 6/25/70

Signature [Handwritten Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June 2017

[Handwritten Signature]
Notary Public, State of Florida at Large

My Commission expires 7/16 2019



Pursuant to Ordinance No. 2000-09-33-Cost Recovery

EXHIBIT A

LEGAL DESCRIPTION

A portion of the N 1/2 of Section 16, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Begin at the Southeast corner of the plat of LAKES BY THE BAY SECTION EIGHT, according to the plat thereof recorded in Plat Book 139, at Page 50, of the Public Records of Miami-Dade County, Florida, said point also being the Southwest corner of the plat of LAKES BY THE BAY SECTION NINE, according to the plat thereof recorded in Plat Book 141, at Page 2, of the Public Records of Miami-Dade County, Florida, said point lying on the South Right-of-Way line of S.W. 216th Street, as said Street was dedicated and shown on the said plats of LAKES BY THE BAY SECTION EIGHT and LAKES BY THE BAY SECTION NINE; thence N 89°09'53"E along the South line of said LAKES BY THE BAY SECTION NINE and along the said South Right-of-Way of S.W. 216th Street, for 195.88 feet; thence S 00°31'55"E for 698.00 feet; thence S 89°03'14"W for 1090.15 feet; thence N 00°28'59"W for 886.77 feet to a point on a circular curve concave to the Northeast, said point bearing S 27°31'35"W from the center of said curve, said point lying on the Southerly line of the said LAKES BY THE BAY SECTION EIGHT, said point also lying on the Southerly Right-of-Way line of said S.W. 216th Street; thence run the following courses and distances along the said Southerly line of the LAKES BY THE BAY SECTION EIGHT, and along the said Southerly Right-of-Way line of S.W. 2166 Street: Southeasterly, Easterly and Northeasterly, along said curve to the left, having for its elements a radius of 1,555.00 feet and a central angle of 28°21'42" for an arc distance of 769.73 feet to the point of tangency; thence N89°09'53"E for 153.83 feet to the Point of Beginning.