

# Holland & Knight

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**VIA HAND DELIVERY**

June 6, 2016

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 / Request for Land Use Amendment and Rezoning / Letter of Withdrawal of Previous Requests / Modified Requests**

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 (“Property”), in the Town of Cutler Bay (“Town”). This letter shall serve as the Applicants’ formal withdrawal of their application for an amendment to the Town’s Future Land Use Map (“FLUM”) to re-designate the Property from “Mixed Use” to “Medium Density”, which was submitted on October 13, 2015; and the application seeking to rezone the Property from “NC-2 (Neighborhood Center 2)” to “MR-13 (Multi-Family Residential)”, which was submitted on October 23, 2015. See Composite Exhibit “A”.

After a careful consideration of the report from the Town’s planning consultant, and in lieu of the map change, the Applicant wishes to amend the text of the Mixed Use land use designation as it affects the Property, which is also known as the “Lakes-by-Bay-Mixed-Use Site”, and as delineated in the Revised Letter of Intent submitted on May 31, 2016; and also seeks the approval of the rezoning of the Property from “NC-2 (Neighborhood Center 2)” to “NC-1 (Neighborhood Center 1)”, as set forth in the Revised Letter of Intent submitted on May 31, 2016. See Composite Exhibit “B”. Should you have any questions or concerns regarding this Application, please do not hesitate to phone my direct line at (305) 789-7446.

Respectfully submitted,

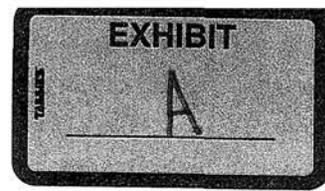
HOLLAND & KNIGHT LLP



Alejandro J. Arias, Esq.

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Hugo P. Arza  
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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 / 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.

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 HI-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.*

- **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.*

Ms. Kathryn Lyon  
Planning and Zoning, Director  
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Page 4

*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 II-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

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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 / 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.

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  
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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.

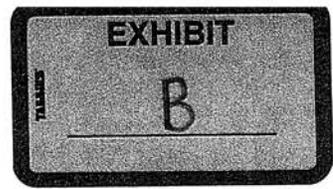
Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read 'Hugo P. Arza', written over a set of horizontal lines.

Hugo P. Arza, Esq.

Enclosures



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305-789-7787  
[juan.mayol@hklaw.com](mailto:juan.mayol@hklaw.com)

**VIA HAND DELIVERY**

May 27, 2016

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 Text Amendment to the Town's Growth Management Plan / Revised Letter of Intent (Submitted 10.13.15)**

Dear Ms. Lyon:

As you are aware, 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"). On October 23, 2016, on behalf of the Applicant we filed a request to re-designate the Property on the Town's Future Land Use Map from "Mixed Use" to "Medium Density." The Application is scheduled to be considered by the Town Council on June 15, 2016.

After careful consideration of the report from the Town's planning consultant, the Applicant wishes to withdraw the request for a map change. In lieu of the map change, the Applicant wishes to amend the text of the Mixed Use land use designation as it affects the Property, which is also known as the "Lakes-by-the-Bay Mixed-Use Site," as follows:

FROM:

"Lakes-by-the-Bay Mixed-Use Site

Commercial, office, community facilities, and recreation open space uses that serve the surrounding residential communities. Floor Area Ratio of 5, maximum building height of two stories, 35 feet. Architectural features can exceed maximum height limitations."

TO:

"Lakes-by-the-Bay Mixed-Use Site

Commercial, office, community facilities, recreation open space that serve the surrounding residential communities, and residential uses. If included as part of a

proposed development, residential uses may not comprise any less than 20 percent and no greater than 80 percent of the total floor area of a vertical mixed use building, and no less than 20 percent of and no more than 80 percent of the area of a development site. Floor area ratio may not exceed 2.0 on any development site. Residential density may not exceed 30 units per gross acre. Maximum building height may not exceed four (4) stories, 45 feet for the frontage on SW 216<sup>th</sup> Street and three (3) stories and 35 feet for the remainder. Architectural features can exceed maximum height limitations.”

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 the proposed text change to the Town’s Growth Management Plan. In considering an amendment to the text of the Growth Management Plan, 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 HI-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 mixed-use Project will be wholly compatible with the existing neighborhood, which is primarily developed with single-family, townhouse and multi-family neighborhoods, and will further serve to provide Town residents with a balanced mix of commercial and residential uses, without negatively impacting the surrounding neighborhood. Additionally, the unique nature of the Property which is entirely surrounded by an existing lake, further ensures compatibility to adjoining communities by providing a natural buffer from other uses.*

- **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 the surrounding residential communities with much-needed neighborhood-serving retail and service uses, and will encompass sufficient off-street parking spaces to accommodate the Project's operational demand, well in excess of the Town's requirements. The proposed development will also meet 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 to the beautiful design elements of the Project, the Project will also feature a meticulously landscaped perimeter and a number of open green spaces, 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 design and functional layout will represent the most appropriate use that will be compatible with the area, and which will not result in increased sprawl. Ultimately, the Project will provide a new and diverse commercial and residential mixed-use product, which will only serve to beautify and enhance the surrounding community.*

- **Policy II-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.*

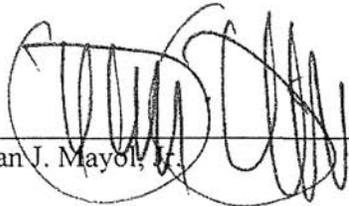
Ms. Kathryn Lyon  
Planning and Zoning, Director  
May 27, 2016  
Page 4

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 retail and 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 consideration of the Application, as modified by this revised letter of intent.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:  \_\_\_\_\_  
Juan J. Mayol, Jr.

Enclosures

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**VIA HAND DELIVERY**

May 27, 2016

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 Rezoning (Submitted 10.23.15)**

Dear Ms. Lyon:

As you are aware, 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”). As you are also aware, on October 23, 2016, on behalf of the Applicant, we filed an application (the “Application”) seeking to rezone the Property from “NC-2 (Neighborhood Center 2)” to “MR-13 (Multi-Family Residential).” The Application is now scheduled to be considered by the Town Council on June 15, 2016.

After a careful of the report from the Town planning consultant, the Applicant wishes to modify the rezoning request as follows: in lieu of the previously sought MR-13, the Applicant seeks the approval of the rezoning of the Property from “NC-2 (Neighborhood Center 2)” to “NC-1 (Neighborhood Center 1)”, pursuant to Section 3-36 and 3-38 of the Town of Cutler Bay Land Development Regulations (the “Revised Application”).

The Property consists of approximately 18.57 acres of land located south of SW 216 Street, between SW 92 Avenue and SW 89 Place. Although the Property enjoys a privileged location and has been approved for development for years, it has remained vacant even as the surrounding area has developed as a diverse and vibrant community. The Property is ideally suited for mixed-use development. However, the introduction of the potential for residential development, as part of the rezoning from NC-2 to NC-1, will be the missing catalyst that will promote the development of the Property. Under NC-1, the Property can provide both opportunities for retail and personal services to the surrounding community and additional housing opportunities. This application will be fully supportive of the Town’s goal to create a sustainable and balanced mix of uses throughout the Town.

The Applicant will continue to work with staff and its design team to develop a site plan and development program that will implement the requested rezoning. The Applicant intends to revise pending site plan application, submitted on October 23, 2015, between the first and second reading on the proposed rezoning, to reflect an updated mixed-use program.

Request. 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 a text amendment to the Town's Growth Management Plan in order to update the language pertaining to the 'Lakes-by-the-Bay Mixed-Use Site' by expanding the universe of potential uses to include residential development. If approved, the requested NC-1 zoning classification will be consistent with the Mixed Use land use designation of the Property. The development of the Property will help to meet 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 retail and services, as well as housing, by cultivating the aesthetic character of the surrounding neighborhood, by 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 Property is already zoned NC-2, reflecting the Town Council's determination that a mixed use project would be compatible with the surrounding community. The net result of the rezoning to NC-1 is simply to preserve the mixed use zoning while providing a more balanced mixed use project through the potential addition of residential units to any proposed mixed-use development on the property. Residential development is entirely compatible with the existing zoning and development of the surrounding neighborhood, which is primarily and almost exclusively developed with residential uses in a range of types and densities - - from single-family homes to townhomes and multi-family communities. The project will contain a balanced mix of commercial and residential uses, without negatively impacting the surrounding neighborhood. Additionally, the unique geographic context of the Property, which is entirely surrounded by an existing lake, further ensures compatibility to adjoining communities by providing a natural buffer.*

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 a mixed use project, including residential development, as the*

Ms. Kathryn Lyon  
Planning and Zoning, Director  
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*surrounding area is designated and primarily developed with residential neighborhoods. Additionally, the design and functional layout of the Project will represent 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 mixed-use product, which 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.*

Based on the foregoing, we would request your favorable consideration of the Application, as revised by this revised letter of intent.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: \_\_\_\_\_

Juan J. Mayol, Jr.

