



***Application No.: FLUM-2018-017***

## **Attachment "B"**

### **Letter of Intent**

#### **Vista Del Lago Amend LBB Mixed Use**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

# Holland & Knight

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

Alejandro J. Arias, Esq.  
305-789-7446  
alejandro.arias@hklaw.com

**VIA HAND DELIVERY**

March 18, 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 / Vista del Lago / Growth Management Plan Text  
Amendment / Zoning Text Amendment / Corrected FAR language**

Dear Ms. Lyon:

On behalf of Arc/Treo 216, LLC (the "Applicant"), and in connection with the property located south of SW 216 Street, between SW 92 Avenue and SW 89 Place ("Property"), enclosed please find the following updated application documents:

- (1) Updated Letter of Intent, for Text Amendment to the Town's Growth Management Plan delineating a Floor Area Ratio (FAR) of .5 in the Lakes-by-the-Bay Mixed Use Site; and*
- (2) Revised Letter of Intent for Text Amendment to Section 3-58 of the Town of Cutler Bay Land Development Regulations, delineating a maximum Floor Area Ratio (FAR) of .5 in the "NC-2 (Neighborhood Center District)".*

Shortly after submitting the deliverables on March 7, 2018, we realized that there was a small discrepancy in the FAR language of the proposed text amendment. As such, and in-line with what had previously been discussed and proposed, enclosed are the updated documents which reflect the correct FAR (.5). Thank you for your help, and should you have any questions or concerns 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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March 18, 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 / Request for  
Text Amendment to the Town's Growth Management Plan / 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"). The Property is commonly known as the "Lakes-by-the-Bay" mixed use parcel. This letter shall serve as the Applicant's letter of intent in support of an application for an amendment to the text of the Town's Growth Management Plan, as it applies to the "Lakes-by-the-Bay Mixed-Use" land use category:

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, and recreational open space uses that serve the surrounding residential communities, as well as residential uses as part of a mixed use project. Floor Area Ratio (FAR) of .5, residential density of no more than 7 units per gross acre, maximum building height of two stories, 35 feet. 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 H1-1C:** The Town shall encourage housing proximate to transit and employment centers by allowing residential development at appropriate densities along transit corridors.

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

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

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

Ms. Kathryn Lyon  
Planning and Zoning, Director  
March 18, 2018  
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***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 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 this Application. Thank you for your help and should you have any questions or comments please feel free to contact me at (305) 789-7446.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Alejandro J. Arias, Esq.



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING

Text Change to Town Growth Management Plan

**APPLICATION FOR**

**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 300-100

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

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

Text Amendment to Town of Cutler Bay Growth Management Plan - "Mixed Use: Lakes-by-the-Bay Site"  
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:

Arc/Treo 216, LLC, 6/21/18, Item #2017-096, Text Amendment to Town of Cutler Bay Growth Management Plan.

Item was withdrawn by Applicant.

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), ROLANDO DELGADO, 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: \_\_\_\_\_

\_\_\_\_\_

Authorized Signature

MANAGING MEMBER

Office Held

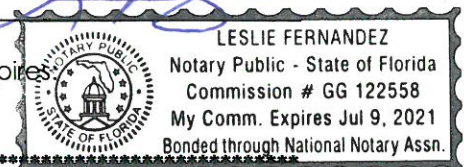
(Corp. Seal)

Sworn to and subscribed to before me

This 5 day of March 2018

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: \_\_\_\_\_

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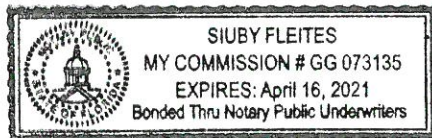
**ATTORNEY AFFIDAVIT**

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.

Signature

Sworn to and subscribed to before me  
This 7<sup>th</sup> day of March, 2018

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 3<sup>rd</sup> 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. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> 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.**

*ARC/TREO 216, LLC.*

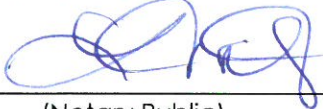
By: 

(Applicant's Signature)

*ROLANDO DELGADO, MANAGING MEMBER*

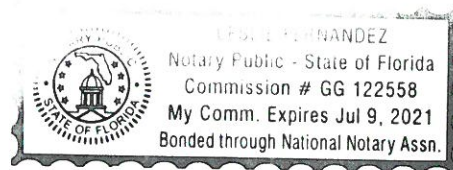
Sworn to and subscribed before me this 5 day of March 2018.

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

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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

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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

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Disclosure of Interest  
ARC|TREC 216, LLC

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

<u>Managing Member</u>	<u>Percentage Interest</u>
ARC TREC, LLC	20%
<u>Members</u>	<u>Percentage Interest</u>
ARC TREC, 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

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

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\_\_\_\_\_

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: <u>Lennar Homes, LLC*</u>	
<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Lennar Homes, LLC</u>	<u>99%</u>
<u>701 NW 107<sup>th</sup> 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: 3/5/18 Public Hearing No. \_\_\_\_\_

Full Name:

Mr. Mrs. Ms. Rolando Delgado

Current Address: 2950 SW 27 Avenue City: Miami  
Suite 100

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

Date of Birth: \_\_\_\_\_

ARC/TREO 216, LLC.

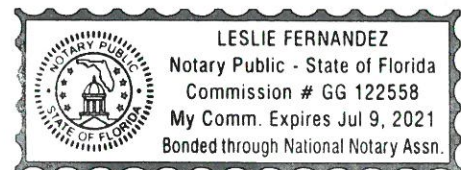
By: \_\_\_\_\_

Signature ROLANDO DELGADO, MANAGING MEMBER

SWORN AND SUBSCRIBED BEFORE ME THIS 5 DAY OF March 2018

[Signature]  
Notary Public, State of Florida at Large

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



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. 216th 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.

## EXHIBIT A



### Department of Regulatory and Economic Resources

Environmental Resources Management  
Code Coordination and Public Hearings  
701 NW 1st Court 4<sup>th</sup> Floor  
Miami, Florida 33136-3912  
T 305-372-6764 F 305-372-6759

[miamidade.gov](http://miamidade.gov)

March 29, 2018

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

Re: Municipal Site Plan Review #MZ2018000009  
Vista Del Lago Site Plan  
FLUT 2018-017  
South of SW 216<sup>th</sup> Street, between SW 92<sup>nd</sup> Avenue and SW 89<sup>th</sup> Place  
Cutler Bay, FL

Dear Ms. Lyon:

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). Accordingly, the site plan is approved by DERM.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Currently, the corresponding downstream sanitary pump station associated with the proposed development, 30-0583 is under Conditional Moratorium (CH). In accordance with the USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013) between the Environmental Protection Agency and Miami Dade County, DERM cannot issue Sewer Capacity Certification nor approve building permits or Certificates of Use until pump station 30-0583 has been certified complete and operating in compliance.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any

future development order approval. The applicant is advised to contact the DERM Water Control Section (305-372-6681) for further information regarding permitting procedures and requirements. Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

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

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

Applicant is advised that the proposed surface water management system must be approved by DERM Pollution Remediation Section (PRS). It is the applicant's responsibility to contact the PRS at (305)372-6700 for additional information.

A DERM Class VI Permit shall be required for the construction of the surface water management system.

#### Pollution Remediation

The site has records of current contamination issues under Vista Del Lago (DERM file HWR-566). Any construction, development, drainage, and dewatering at the subject site will also require DERM review and approval as it relates to environmental contamination issues.

Furthermore, the subject folio is located east of the isochlor line, east of the Urban Development Boundary (UDB), and is not located within a wellfield protection area.

#### Wetlands

The subject property is located within the Southwest Biscayne Bay Wetland Basin, and contains wetlands as defined by Section 24-5 of the Code. Class IV Permit CLIV06-089 was issued on June 6, 2007 and expired on June 6, 2009. A final inspection conducted on June 9, 2009 indicates that the work authorized in this permit never occurred. Therefore, a Class IV permit will be required before any work occurs in wetlands on the property.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. The Coastal and Wetland Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management

District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

An aerial review of the subject property revealed the presence of tree resources wetlands. Please be advised that tree resources that lie within wetlands areas will be regulated through a Class IV Wetlands Permit; however, any tree resources within areas not designated as wetlands will require a Miami-Dade County Tree Removal Permit prior to removal and/or relocation.

The site plan submitted indicates impacts to tree resources. DERM has no objections provided that applicant obtains a permit and that specimen trees (trees with a trunk diameter at breast height of 18 inches or greater) are preserved. Should the applicant require impacts to specimen trees, substantive changes to the site plans pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. The applicant is advised that a tree survey that includes a tree disposition table will be required prior to the reviewing the tree removal permit application. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standard and the CON-8A of the CDMP. A recommendation of approval is contingent on the applicant obtaining a tree permit.

In accordance with Section 24-49.9 of the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

The applicant is advised to contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

#### Enforcement History

The subject property has one (1) open enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

The Hazardous Waste Remediation (HWR) enforcement record for Vista Del Lago Property (HWR-566) relates to a Phase II Environmental Site Assessment conducted on 1/22/2013 which revealed elevated levels of arsenic contamination on the property. A Contamination Assessment Report Addendum was submitted to DERM for review on 1/13/2015, resulting in the approval of a Monitoring Only Plan on 2/25/2015. The property was monitored via groundwater samples collected and monitoring reports submitted to DERM.

A Notice of Violation was issued on 2/26/2016 for failure to submit the Quarterly Sampling Report that was due on 8/20/2015. The report was submitted on 4/20/2016. The associated reports fees were submitted on 10/5/2016.

The enforcement record remains open due to a past due response to comments. For further information on the Enforcement Records, contact Eric Streett of the Code Enforcement Section at





(305)372-6902. For further information regarding the contamination record, contact the Environmental Monitoring and Restoration Division at (305)372-6700.

In summary, this letter shall constitute written approval for this municipal site plan review as required by Chapter 24 of the Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written in a cursive style.

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