

February 16, 2021

Mr. Nathan Kogon
Assistant Director, Community Development Services
Miami-Dade County Department of
Regulatory and Economic Resources
111 N.W. First Street, 11th Floor
Miami, FL 33128

Re: **Application for Rezoning**
9400 SW 130 Avenue, 9800 & 9810 East Calusa Club Drive, Miami, Florida (the "Property")

Dear Mr. Kogon:

LETTER OF INTENT

Please accept this as our formal Letter of Intent in connection with a public hearing application for the rezoning of the above-referenced Property to Planned Area Development ("PAD").

I. The Property and Proposed Development

The Property consists of approximately 169.274 acres, the majority of which is vacant land. The Property also includes two lots at 9800 and 9810 East Calusa Club Drive (the "Frontage Property").

A restriction previously encumbered much of the Property (the "Restriction") and limited its use to a golf course and related uses. The former golf course property (the "Calusa Club") has been closed for more than ten years. On October 29, 2020, the Miami-Dade County Board of County Commissioners, through Resolution Z-21-20, approved the release of the Calusa Club from the Restriction. Releases from the County and from the requisite number of adjacent property owners, were verified and recorded, and the Restriction is no longer valid against any of the Property.¹

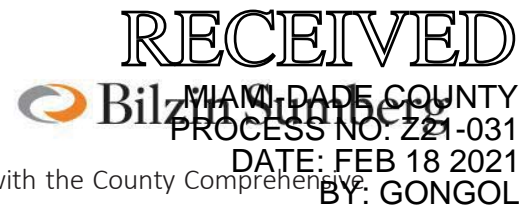
The County specifically determined and confirmed that the Calusa Club was not counted toward and did not constitute open space for the surrounding community. The Calusa Club property was and remains private property. Therefore, with the release of the Restriction as it relates to the Property, the Property is eligible to be developed similar to other unencumbered properties without regard to the Restriction or prior use.

II. Request

The application requests a district boundary change to rezone the Property, including the Frontage Property, to PAD, along with certain incorporated non-use variances. The proposed development of a single-family detached residential community would consist of a total of 550 homes, at a density of or 3.25 +/- units per acre. The proposed development is significantly less dense than the 1,008 homes that

¹ The Frontage Property was not encumbered by the Restriction but is included in the site plan and application Property, serving as the main entrance to the proposed development.

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the County determined could be approved on the Calusa Club consistent with the County Comprehensive Plan.²

Notwithstanding the zoning district and the land use designation of the Property, the applicant agrees to limit the maximum number of dwelling units to 550 single-family detached homes. Additionally, the Property shall contain a minimum of forty percent (40%) open space as that term is defined in the Declaration of Restrictions, Covenants and Conditions recorded in Official Records Book 32321 at Page 3073 of the Public Records of Miami-Dade County, Florida.

III. PAD District and Site Plan

The application requests a rezoning to PAD, which is an ideal zoning district for the comprehensive redevelopment of larger properties that incorporate green space, recreational amenities and other features into a well-planned community. Rather than review individual lots or homes in a vacuum, the PAD district provides for the comprehensive review of an entire development plan as a whole, taking into account the lakes/water bodies, passive and active recreational amenities and green areas that are not normally associated with the development of individual single-family lots.

The Property is adjacent to approximately 145 lots along Calusa Club Drive (the "Ring Lot Homes"). The overall site plan incorporates significant buffer areas adjacent to each of the existing Ring Lot Homes, including a very specific buffer area tracing the outer perimeter of the Property for a minimum of seventy-five (75) feet adjacent to the Ring Lot Homes (the "Buffer Area"). In essence, no new residential lot within the Property will be any closer than seventy-five (75) feet from the rear property line of an existing Ring Lot Home.

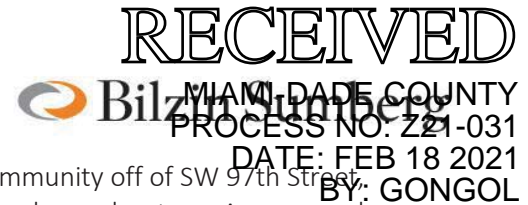
The Buffer Area consists of two distinct portions, the outer fifty (50) feet adjacent to the Ring Lot Homes ("Home Buffer"), and the next minimum twenty-five feet ("Berm Buffer"). The Home Buffer area is intended to serve as open space adjacent to existing Ring Lot Homes and thus there are no roads or permanent vertical structures provided in this area, although fences, walls, water features and/or recreation style structures such as gazebos, etc. may be permitted in this area. Portions or all of the Home Buffer may be designated for the future exclusive use or ownership of certain abutting Ring Lot Homes subject to the aforesaid building restrictions.

The Berm Buffer will be adjacent to the Home Buffer and serves as a heavily landscaped berm area between the Home Buffer and the rear of any proposed new residential lot within the Property. The Berm Buffer includes a variety of trees and includes a six foot high Sea Grape hedge on top of a three foot berm.

The proposed development consists of 550 lots, 316 of which are a minimum of 50' x 110' and 234 of which are a minimum of 55' x 110'. The lots adjacent to the Buffer Area separating the Ring Lot Homes are the larger 55-foot wide lots around the perimeter of the Property. The 50-foot lots are internal to the community and do not abut the Buffer Area behind the Ring Lot Homes.

² The County determination on the Calusa Club property did not include the Frontage Property. The Property, including the Frontage Property, consists of 169.274 acres, and is eligible under the Comprehensive Plan for up to 1,015 residential units.

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The Frontage Property is proposed to serve as the main entrance to the community off of SW 97th Street, featuring heavily landscaped entry features with an offset guardhouse and guard gates. A proposed secondary, residents-only access is provided from North Calusa Club Drive at the existing entrance to the Property adjacent to the former clubhouse.

IV. Common Open Space

The PAD regulations require "common open space" as part of the proposed development. The proposed site plan reflects common open space interspersed throughout the development, including eleven (11) lakes, numerous green areas, a 5.06 +/- acre recreation pod (the "Recreation Pod") and a continuous walking path and sidewalk. Although the Home Buffer area serves as additional important green and open space area, it is not included in the calculation of common open space because it will be predominantly private in use.

V. Recreation Pod Site Plan

The application includes a conceptual site plan for the Recreation Pod, including a clubhouse which is anticipated to be 8,000-13,000 square feet, restroom building, outdoor recreation area, swimming pool(s) and deck area; wet play area; sports courts; gazebo(s); open play area(s) and associated parking.

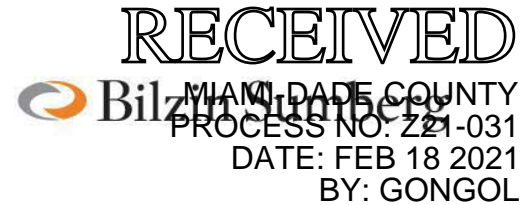
VI. Sign Plan and Entrance Feature Plan

The entrance is located off East Calusa Club Drive at the extension of SW 97th Street. The site plan includes a water feature at the entrance to the community, including a community identification sign of up to 26 square feet. The Site Plan also includes one directional sign to be located at the entrance to the Recreation Pod with sign face area of a maximum of 18 square feet.

VII. Non-Use Variance related to Private Open Space

The PAD district requires Private Open Space at 125% of the interior gross floor area of each detached unit. The proposed development, consistent with the flexibility afforded under the PAD district, focuses on community and common open space and the Home Buffer private open space adjacent to the Ring Lot Homes. However, these common and Home Buffer private open space areas may not count toward the technical definition of Private Open Space under the PAD regulations, and therefore, a non-use variance is requested. The plan proposes eight (8) different models and each home buyer selects the lot within the development and the model the purchaser then wants on the lot. Therefore, each purchaser selects first a lot and then the model of their choice. At the site plan stage, the lots are defined; however, the specific model for each lot is not yet determined until selected by the ultimate home buyer. Therefore, depending on the model selected, minimum private open space may not be met. The largest available unit relative to the largest ground floor gross floor area (Plan 503), when placed on the smallest lot, would provide 81% of Private Open Space. However, this percentage will vary up to the larger lot with the smallest ground floor gross floor area, which would have Private Open Space of 193%. Therefore, while Private Open Space will vary based on the lot and model, the applicant requests a non-use variance based on the maximum that could be requested if the largest ground floor gross floor area is placed on the smallest lot. This will not be the majority of the units but is the maximum that could be realized. The community as a whole incorporates significant alternate open space in lieu of the additional Private Open Space. Therefore our client requests a non-use variance of the private open space to permit the single family lots with a private open space varying from 81% to over 125%.

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VIII. **Non-use Variance related to Street Trees**

Based on the lot and design of the proposed community, a non-use variance from the technical requirements related to street trees is requested.

A utility easement is provided in the front ten feet of each lot in the area where the street trees would be located. Further, in order to leave the swale areas clean and avoid damage from roots or conflicts with vehicles, the swales are not designed with trees. The 1,098 street trees otherwise required will be interspersed throughout the community. One tree will be placed ten+/-feet from the front of each lot, and the other will be placed in the berm area -over and above what would generally be required in that area. Therefore, the developer proposes a non-use variance to allow street trees to be placed on private and common open space rather than within the front seven feet of each lot. Based on the overall PAD Site Plan, 4,277 trees are provided where only 3,986 trees are required. Therefore, the development not only meets but exceeds the total tree requirement under the Code. Additionally, 329 palm trees are provided in the Common Open Space area above and beyond the 4,277 trees provided (the 329 additional palm trees were not counted within the 4,277 trees provided as the additional palm trees would exceed the maximum 30% palm tree allowance permitted by the code).

IX. **Non-use Variance related to Maximum Lawn**

The Code provides for a maximum lawn area of 40% of the open space. The proposed development includes eleven lakes and each lake is surrounded by lawn area for maintenance of the water body as well as easement areas to access the lakes. Additionally, there are lawn areas as part of the recreation pod and throughout the berm buffer area. The net result is a total of 23.58 acres of lawn area where 20.31 acres is permitted. Therefore, our client requests a non-use variance of the maximum lawn area to permit up to 46% of the common open space to be lawn area, where a maximum of 40% is permitted.

To mitigate this variance, the developer will be utilizing Florida Friendly landscaping principles throughout the project and incorporating native plant material (drought-tolerant plant species) where appropriate including in the common areas. All required Landscape Plans for the proposed project exceed the minimum 30% of Native species. The use of drought tolerant landscaping also offsets the needs for watering and the use of irrigation and promotes the conservation of water.

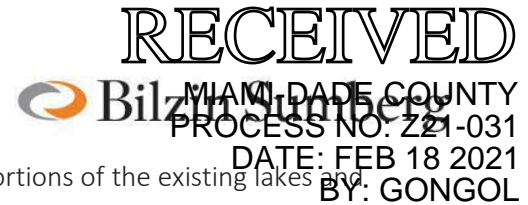
X. **Non-use Variance related to Roadway Dedication**

The Calusa Club was and the Property remains situated across two half section line roads, SW 132nd Avenue and SW 96h Street. Dedication of those roadways was not required when the Calusa Club and surrounding neighborhoods were originally developed. The proposed development is surrounded by homes and the neighboring community is already developed. These half-section line roads, if dedicated now, would dead-end into the backyards of several Ring Lot Homes, and would serve no purpose. Therefore, a non-use variance is requested to continue to allow zero foot of dedication for half-section line roads where 70 feet would be required, and to allow the entire development to front on private roads.

XI. **Lake Excavation and Filling**

The proposed development seeks to modify the existing water features and also to add extensive lake areas. Eleven separate lakes will provide lake views for a substantial number of the lots. Therefore, an

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unusual use approval is requested to permit the excavation and filling of portions of the existing lakes and the creation of new lakes.

XII. Adjacent Development

The Property, is adjacent to the "Ring Lot Homes". As noted above, the County has determined that the Property is eligible for private development consistent with the Comprehensive Plan. Although the Comprehensive Plan and would permit development at a higher density and greater intensity, the developer has engaged in extensive communications with representatives of the majority of the neighboring Ring Lot Homes in order to ascertain their priorities. As a result, the proposed development limits density, will create both visual and spacing buffers from the Ring Lot Homes and will mitigate impacts during construction. In that regard, as noted above, a minimum of 75' of buffer area is provided behind each Ring Lot Home. Fifty feet (50') of Home Buffer is specifically set aside as open space, which as noted above, may be private or common open space. The proposed plan seeks the flexibility to allow the 50' Home Buffer area to be dedicated or conveyed to the corresponding abutting lots. The Home Buffer area will be platted into approximately 145 separate sub-tracts, to provide flexibility. Individual sub-tracts may remain as common open space or may be subject to either an easement for private open space or future conveyance to the abutting Ring Lot Home. These areas will be restricted, so that principal structures may not be constructed on the Home Buffer area, but the areas may be fenced or walled to be incorporated into the abutting corresponding Ring Lot Home. Recreational structures, such as gazebos, may be constructed in that area. The Home Buffer area will provide an additional 50 rear feet to a certain lot, or abutting lots.

Not every lot within the Home Buffer area may be conveyed via easement or deed; however, those portions of the Home Buffer area not being conveyed or subject to an easement as private open space will remain as common open space, with the same restriction against building.

XIII. Conclusion

Based on the foregoing, the PAD zoning district provides the most flexibility to incorporate landscape buffers and berms to the abutting Ring Lot Homes as well as open space throughout the proposed development. Some of the requested non-use variances will provide common open space behind the proposed lots that are adjacent to lakes, rather than extending the individual lots to the water line. The density is just over one-half 1/2 of what is permitted under the Comprehensive Plan and the site plan is innovative to complement the adjacent community.

Based on the foregoing, we respectfully request approval of the re-zoning of the Property to PAD and associated non-use variances. Should you have any questions regarding, the above, please do not hesitate to contact me at 305-350-2351.

Very truly yours

Brian S. Adler

Brian S. Adler

BSA/DPC/ea/eah
Attachments