Holland & Knight

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Holland & Knight LLP | www.hklaw.com

YARH2017-0002

Gloria M. Velazquez
305.789.7407
gloria.velazquez@hklaw.com

RECEIVED 2/2/17

VIA HAND DELIVERY

February 1, 2017

Mr. Alex Rey, Town Manager
Mr. Darby DelSalle, AICP, Director of Planning
Town of Miami Lakes
6601 Main Street
Miami Lakes, Florida 33014

Re: Transmittal Letter / Folio No. 32-2016-000-0040 / Dunnwoody / Satori Subdivision Townhome Patio Wall Material Variance

Dear Messrs. Rey and DelSalle:

Enclosed please find the variance application for the Dunnwoody / Satori Subdivision / Townhome Patio Wall Material variance and related backup documentation for the March 7, 2017, Planning and Zoning Board meeting.

If you have any questions, we are available to meet and review. My office number is 305.789.7407 or you can email me at gloria.velazquez@hklaw.com.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: _____
Gloria M. Velazquez

Enclosures

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VIA HAND DELIVERY

February 1, 2017

Mr. Alex Rey, Town Manager
Mr. Darby DelSalle, AICP, Director of Planning
Town of Miami Lakes
6601 Main Street
Miami Lakes, Florida 33014

Re: Letter of Intent / Folio No. 32-2016-000-0040 / Dunnwoody / Satori / Wall Height Variance

Dear Messrs. Rey and DelSalle:

As you know, this law firm represents Lennar Homes, LLC ("Applicant"), the owner of the property located at the northwest corner of NW 154 Street and NW 87 Avenue, in the Town of Miami Lakes ("the Town"), further identified by Miami-Dade County Folio No. 32-2016-000-0040 (the "Property"). This letter shall serve as the Applicant's letter of intent in support of the variance request related to the material to be used for the townhome patio wall (referred to as the "Application").

Property. The Property is approximately 142.67 acres of land located at the north side of NW 154 Street, between NW 87 Avenue and the I-75 Extension (S.R. 93). The Property is zoned "RM-13" (Low Density Residential District RU-3M) by the Town's Land Development Regulations and Official Zoning Map. The Property is currently being developed with 482 first-class homes consisting of 256 single family homes and 226 townhomes. The site plan approved by the City Council provides for a luxurious community accompanied by a community clubhouse amenity on a nearly one-acre site. The clubhouse will provide residents with an array of recreational and entertainment options, including a pool, tot lot and views of the existing lake that will enhance the experience of this world class community (the "Project").

While processing the townhome plans for permitting, it was discovered that the patio wall material was not approved for anything other than a masonry wall. The Applicant's variance request is to allow for other materials to be permitted for the patio wall, instead of the masonry material required by the Miami Lakes Town Code (the "Town Code") The requested variance would not cause substantial detriment to the adjoining properties since the request is de minimis.

Zoning Requests. In order to develop the Project, the Applicant respectfully requests approval of the following requests:

(1) A variance to permit a patio wall of another material that is not masonry which is required by the Code pursuant to Section 13-444 (16).

Pursuant to Section 13-305(f)(1) of the Town Code, the Town Council or designated Town board shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Town Code, based on an evaluation of the following factors:

a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

b. Whether approval of the variance would be compatible with development patterns in the Town;

c. Whether the essential character of the neighborhood would be preserved;

d. Whether the variance can be approved without causing substantial detriment to adjoining properties;

e. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this chapter to provide substantial relief;

f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of this chapter unnecessarily burdensome;

g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

With respect to the evaluation criteria above, we would note that this variance is de minimis and does not introduce or permit an unwarranted or unjustified use. The request is solely for the use of another material that is not masonry as called out by the Town Code. Approving this request will continue to maintain and preserve the character of the neighborhood. This request will not negatively impact the adjoining property. This request would be applicable in the interior of the Property as a whole, therefore, all townhome lots would be treated equally and maintain the essential character of the neighborhood.

Mr. Alex Rey, Town Manager
Mr. Darby DelSalle, Director of Planning
February 1, 2017

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) 789-7407.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:_____
Gloria M. Velazquez

Enclosures

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

The Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to that Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to that Final Judgment recorded in Official Records Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1: The East 40.00 feet of the South 1275.00 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida;

and,

Parcel No. 1A; The East 40 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to that Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel II: The South 50 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way line as shown on Florida Department of Transportation Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89° 34' 49" W along the South line of the Southeast 1/4 of said Section 16, for a distance of 67.90 feet to a point; thence N 00° 25' 11" E for 50.00 feet to the Point of Beginning; thence S 89° 34' 49" W along a line 50 feet North of and parallel with the South line of the Southeast 1/4 of said Section 16 a distance of 485.40 feet to a point ; thence N 00° 25' 11" W for 564.21 feet to a point; thence N 29° 56' 58" E for 375.94 feet to a point; thence N 87° 24' 00" E for 87.27 feet to a point; thence N 02° 36' 00" W for 20.00 feet to a point; thence N 87° 24' 00" E for 200.00 feet; thence S 02° 36' 00" E along a line 40 feet West of and parallel with the East line of the Southeast 1/4 of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angle of 92° 10' 49", a radius of 25.00 feet, an arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

MIAMI LAKES
Growing Beautifully

Planning, Zoning, and Code Compliance Department

VARIANCE APPLICATION

PLANNING AND ZONING PUBLIC HEARING APPLICATION

RECEIVED 2/2/17

VARH2017-0003 File #

2/2/17 Date Received

_____ Date of Pre-application Meeting

NOTE TO APPLICANTS: A pre-application meeting with the Town's Planning and Zoning Department staff is required prior to official application filing. Please call 305 364-6100 for an appointment.

1. Name of Applicant Lennar Homes, LLC
   a. If applicant is owner, give name exactly as recorded on deed.
   b. If applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.
   c. If applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

   Mailing Address 730 NW 107th Avenue, Suite 300

   City Miami State Florida ZIP 33172

   Tel. # (during working hours) _____ Other _____

   E-Mail: _____ Mobile #: _____

2. Name of Property Owner Lennar Homes, LLC

   Mailing Address 730 NW 107th Avenue, Suite 300

   City Miami State Florida ZIP 33172

   Tel. # (during working hours) _____ Other _____

3. Contact Person Gloria M. Velazquez, Esq. c/o Holland and Knight

   Mailing Address 701 Brickell Avenue, Suite 3300

   City Miami State Florida ZIP 33131

   Tel. # (during working hours) 305.789.7407 Other _____

   E-Mail: gloria.velazquez@hklaw.com Mobile #: _____

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION
   a. If subdivided, provide lot, block, complete name of subdivision, plat book and page number.
   b. If metes and bounds description, provide complete description (including section, township, and range). c. Attach a separate typed sheet, if necessary. Please verify the accuracy of your legal description

   See attached legal description in Exhibit "A"

MIAMI LAKES
Growing Beautifully

5. Address or location of property (including section, township, and range): NO. 32-2016-000-0040
Southwest corner at the intersection of NW154th Street and NW 87th Avenue

6. Size of property: _____ × _____ Acres 143 acres +/-

7. Date subject property ☒ acquired or ☐ leased 7th day of January 2016

Term of lease; _____ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property.")
No

9. Is there an option to ☐ purchase or ☐ lease the subject property or property contiguous thereto? ☐ Yes ☒ No

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): RM-13 Present land use classification(s): Low Density Residential

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require concurrent site plan approval.

☐ District Boundary (Zone) Change(s):
Zoning Requested: _____

☐ Future Land Use Map (FLUM) Amendment:
Future Land Use Requested: _____

☐ Site Plan Approval _____

☒ Variance To allow patio wall of other material, not of masonry.

☐ Final Plat Approval: _____

☐ Modification of Previous Resolution/Plan/Ordinance _____

☐ Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? ☒ Yes ☐ No

If yes, applicant's name F71-1, LLC/Lennar Homes Date of Hearing 11/15; 4/5/16; 6/7/16; 8/16; 9/16; 10/16

Nature of Hearing Approval of alternate site plan; Modification of Declaration of Restriction; Plat Approval; Multipurpose Taxing Dist.; Entry Feature and Marketing Sign Variances; Wall Height Variance

Decision of Hearing 11/3/15;4/5/16; 6/7/16; 9/16; 10/16 Resolution # 15-1334; 16-1371;16-1370; PZB2016-109, 108 and 017

13. Is this hearing being requested as a result of a violation notice? __ Yes x No If yes, give name to whom violation notice was served N/A

MIAMI LAKES
Growing Beautifully

14. Are there any existing structures on the property? ☐X Yes ☐ No If yes, briefly describe

Fencing and cement barricade; trailer; construction material

15. Is there any existing use on the property? ☐X Yes ☐ No

If yes, what is the use and when was it established? Residential Construction Site

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owners of the property which is the subject of the proposed hearing.
2. The subject property is legally described as: See attached legal description in Exhibit "A"
3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

RAUL A. MARISTANY

Print Name

Signature

Natalia Grosman

Print Name

Signature

Phylip Serrate

Print Name

Sign Here

Sworn to and subscribed before me on the 1st day of February, 2017. Affiant is personally known to me or has produced _____ as identification.

CAROLINA NAYAR
Notary Public - State of Florida
Commission # FF 919158
My Comm. Expires Sep 1, 2019
Bonded through National Notary Assn.

Carolina Nayar

Notary
(Stamp/Seal)
My Commission Expires: Sep 1, 2019

Witnesses:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____, 20____. Affiant is personally known to me or has produced _____ as identification.

Notary
(Stamp/Seal)
My Commission Expires: _____

DISCLOSURE OF INTEREST*

If a CORPORATOIN owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

CORPORATION NAME: Lennar Homes, LLC

NAME AND ADDRESS: 730 NW 107th Avenue, Suite 300 Miami, FLorida 33172	Percentage of Stock
Lennar Homes, LLC	99%
US Homes Corporation -A wholly owned subsidiary of Lennar Corporation	1%

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

TRUST / ESTATE NAME: _____

NAME AND ADDRESS:	Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests.]

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS:	Percent of Ownership

If there is a CONTRACT FOR PURCHASE by a Corporation, Trust, or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries, or partners. [Note: Where principal officers, stockholders, beneficiaries, or partners consist of other corporation, trusts, partnerships, or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests.]

NAME OF PURCHASER: _____

NAME, ADDRESS, AND OFFICE (if applicable): _____ Percentage of Interest

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust:

_____

_____

_____

_____

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

Signature: _____ Sign Here
(Applicant)

Sworn to and subscribed before me this 1st day of February, 2017. Affiant is personally known to me or has produced _____ as identification.

Carolina Nayar
(Notary Public)

My commission expires Sep 1, 2019

CAROLINA NAYAR
Notary Public - State of Florida
Commission # FF 915158
My Comm. Expires Sep 1, 2019
Bonded through National Notary Assn.

* Disclosure shall not be required of: (1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or (2) pension funds or pension trusts or more than five thousand (5,000) ownership interests; or (3) any entity where ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation, or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five percent (5%) of the ownership interests in the partnership, corporation, or trust.