

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.I.C.P., Director of Community Planning & Development

Date: ~~October 9th, 2012~~ October 23, 2012 (Second Reading)

Re: **Rezoning from C-2BE to C-1, 11707 AND 11755 Biscayne Blvd, And At 1700 And 1750 Sans Souci Boulevard (Former Bank of America Site)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF FOUR ADJACENT LOTS LOCATED AT 11707 AND 11755 BISCAYNE BOULEVARD, AND AT 1700 AND 1750 SANS SOUCI BOULEVARD, FROM C2BE (COMMERCIAL) TO C-1 (COMMERCIAL) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS AND THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

That the Mayor and Council accept the Planning Commission and staff's recommendation and approve the proposed ordinance to rezone the subject property, located at 11707 and 11755 Biscayne Boulevard and at 1700 and 1750 Sans Souci Boulevard, from C2BE (Commercial) to C-1 (Commercial) zoning district.

PURPOSE & INTENT

The subject site consists of four (4) adjacent lots (consisting of approximately 121,070 square feet (or 2.78 acres) in size and is currently zoned C2BE (Commercial) with a land use designation of Commercial. The applicant (Byron Properties Holding, LLC) seeks to redevelop the site in order to create a new car franchise dealership, which is prohibited in the C2BE district but allowed as a special exception use in the C-1 zoning district as a *Vehicle Sales and Display* use. As such, the applicant seeks to rezone the property, from the C-2BE (Commercial) to the C-1

(Commercial) zoning in order to revitalize the currently derelict property (see attached location map).

PLANNING COMMISSION RECOMMENDATION

At its meeting on September 4th, 2012 the Planning Commission reviewed and discussed the proposed rezoning and engaged in a lengthy discussion about the current deplorable state of the site and the need for redevelopment. The Board stressed on the need for appropriate buffering between the site and the neighboring Sans Souci area as well as adequate landscaping onsite. A few residents attended the meeting to learn more about the proposed development as well as voice concerns about potential impacts to the abutting Sans Souci neighborhood. The majority of the Board was optimistic that the proposed request would bring much needed redevelopment to the derelict site and significantly enhance the southernmost gateway into the City. **As part of the discussion the Board further recommended that the residents' concerns regarding adding lush landscaping to buffer the adjacent residential use and prohibition on test driving of cars in the San Souci neighborhood be added as conditions in the proposed restrictive covenant for the site.** As such, the Commission rendered a vote of 5-1 recommending approval of the proposed ordinance along with the additional Board conditions outlined in this report. The one (1) dissenting vote was cast by Commissioner Harwitz.

BACKGROUND

The subject site is situated at the southern most edge of North Miami, along one of the City's most lucrative commercial corridors and is bordered by unincorporated Miami Dade County on the south. The property was previously owned by Bank of America which closed its operations since 2008 leaving the property vacant since then. There is currently a 49,143 square feet dilapidated structure on site which the applicant proposes to demolish in order to build a new facility for its Class A new car franchise operation which is anticipated to generate 35 new jobs.

The applicant has indicated that unlike independent dealerships, new car franchises undergo an exhaustive qualification process that takes into account, not only a proprietor's financial capability, but also his/her expertise and reputation in the industry. Not abiding by the required standards could result in that proprietor losing its new car franchise license. The New Car

Franchise dealer industry is regulated by F.S 320.642 which restricts new car franchise dealerships from being located within a 12.5 mile radius from another dealer representing the same brand. Due to this restriction the applicant contends that the subject site is the only site in the City suitable for the proposed Class A New Car Franchise Dealership based on the suitability of the location, configuration, size and frontage of the subject site.

ANALYSIS

Article 3, Section 3-1003 of the City’s Land Development Regulations establishes uniform procedures for applicant initiated changes to the City’s zoning map which requires that each rezoning request satisfy the following minimum criteria:

1. It is consistent with the Comprehensive Land Use Plan in that it:

a. Does not permit uses which are prohibited in the future land use category of the parcel proposed for development;

The proposed C-1 Commercial zoning is consistent with the underlying land use designation which is Commercial.

b Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development;

The proposed rezoning request from C2BE to C-1 will not allow for intensities that exceed the existing limits established under the Commercial land use designation. In fact, both the C2BE and C-1 District have identical development standards as established in Section 4-303 of the City’s LDR (See table below excerpted from the LDR). In addition, the more intense uses that are generally permitted in the C-1 district although compatible with the underlying land use of commercial, are not applicable to this application, since the Restrictive Covenant will only allow the use as proposed and no other uses from the proposed zoning category (C-1).

Sec. 4-303. - Minimum standards of development for nonresidential districts.

A. Uses permitted in nonresidential districts shall be developed in accordance with the following standards and other applicable development standards in article 5 of this Code:

	Minimum Lot Size	Minimum Lot Width	Setback Front ^a	Minimum Setback Side ^a	Minimum Setback Rear ^a	Maximum Height	Maximum Lot Coverage
C1 Commercial	10,000 s.f.	100	15"	10"	10" (when no alley or easement)	55'	80
C2BE	10,000 s.f.**	100	15"	10"	10"	55'	80

c. Will not cause a decline in the level of service for public infrastructure to a level of service that is less than the minimum requirements of the Comprehensive Land Use Plan;

The subject site is located on Biscayne Boulevard (a four lane State (FDOT) arterial road). The traffic analysis performed on the proposed new car franchise indicates that the proposed use would generate less car trips (1,900 daily trips for bank use compared to 333 daily trips for a car dealership) than the former bank use. The City's Transportation Master Plan indicates that this roadway is operating at a level of service (LOS) E. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan all roadways in the City shall operate at or above LOS standard E. Additionally the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage. With an anticipated reduction in traffic generated from the site staff does not believe that the proposed rezoning would cause a decline in the roadway LOS to level below the minimum requirement.

d. Does not directly conflict with any goals, objective or policy of the Comprehensive Land Use Plan;

The proposed rezoning requests is consistent with the goals, objective policy of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"

e. Is physically suitable for the use permitted in the proposed district;

The proposed rezoning from C-2BE (Commercial) to C-1 (Commercial) zoning is suitable for the proposed vehicle sales and display use (for the new car franchise dealership).

f. Is compatible with the surrounding areas, zoning designations(s) and existing uses.

The property is abutting or adjacent to the following uses (see attached zoning map):

Surrounding Zoning

N: C-2BE, Commercial

- S: Commercial Use (Unincorporated Miami Dade County)
- E: R-4 (Residential)
- W: Commercial use (Unincorporated Miami Dade County, across Biscayne Blvd)

Surrounding Land Use

- N: Commercial
- S: Commercial (Unincorporated Miami Dade)
- E: Residential
- W: Commercial (Unincorporated Miami Dade)

Surrounding Uses

- N: 7-Eleven Store (Across Sans Souci Blvd)
- S: Car Wash (Unincorporated Miami Dade)
- E: Multifamily Units
- W: Motel (Unincorporated Miami Dade)

The predominant character of the corridor is commercial in nature.

2. Will provide a benefit to the City in that it will achieve two (2) or more of the following objectives:

Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values;

The proposed rezoning supports the future growth and development of the City's existing commercial district by providing an environment that allows for revitalization of a currently derelict property into a high end franchise that will anchor the southern edge of the City and improve the image of one of North Miami's most vital gateways.

Implement specific objectives and policies of the Comprehensive Land Use Plan;

The proposed rezoning requests is consistent with the goals, objective or policy of the Comprehensive Land Use Plan, specifically Policy 9.4.6 which requires that the City “Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”

Promote development patterns that will not interfere with hurricane evacuation;

Policy 5A.3.1 of the Comprehensive Plan requires that the City “review of development proposals within the coastal planning area shall consider vehicular accessibility and internal circulation patterns to minimize the time required to evacuate the coastal planning area. The subject site is not anticipated to interfere with hurricane evacuation.

Improve environmental quality by adopting “green initiatives” through Leadership in Energy and Environmental Design (LEED) consistent with the Green Building Rating System Version 2.2 as amended; and

Per Section 5-805 of the City’s LDR all new construction is required to incorporate LEED standards or the City’s alternative green standards as part of its new development in order to support the City’s environmental initiatives.

Will not cause a diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.

The proposed rezoning is consistent with the existing commercial character on Biscayne Blvd and is not anticipated to have adverse effects on the market value of adjacent properties or materially diminish the suitability of adjacent properties since. In fact the site is currently an eye soar and efforts to improve the site is anticipated to have a positive impact on neighboring properties and enhance the image of southern most edge of the City.

B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with

the standards of this section. Such limitations shall be offered by a restrictive covenant or declaration of use that is provided to the City in recordable form acceptable to the City Attorney.

If approved, the applicant has agreed to record a declaration of restrictive covenant to limit the use on the property to a new car franchise solely. As such no other use allowed within the C-1 district shall be permitted onsite except the *Vehicle Sales and Display* use. Otherwise if the property is sold the use would revert to the C-2BE zoning designation.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed request is consistent with the zoning guidelines in the City's Land Development regulations and is compatible with the future land use goals objectives and policies identified in the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department **request that the Planning Commission recommend approval of the attached ordinance, amending the zoning map of the City of North Miami for the subject property from a C2BE (Commercial) to C-1 (Commercial) zoning with the following conditions:**

1. Submit a draft declaration of restrictive covenant to the office of the City Attorney at least 30 days from final Council approval date for review prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. The applicant shall consolidate all lots in the proposed development through a unity of title and submit said document to the office of City Attorney for approval prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
3. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to obtain submittal instructions and subsequently file a site plan application.

4. That the Planning Commission's recommendations issued at its meeting on September 4, 2012 (outlined in attachment A) be incorporated as part of the declaration of restrictive covenant.

TS/mc

- Attachments:
1. Proposed Ordinance Rezoning the Property
 2. Location Map & Survey
 3. Partial Zoning Map
 4. Letter of intent

EXHIBIT A
CONDITIONAL APPROVAL

Recommendations of the Planning Commission from its meeting on September 4th, 2012:

The applicant will provide a declaration of restrictive covenant to the City Attorney's office for review and approval, which includes at a minimum the following additional restrictions:

- Provide lush landscaping onsite to buffer the commercial use from the abutting residential use in the Sans Souci neighborhood.
- Provide adequate lush landscape on the front of the site to enhance the City's gateway along Biscayne Boulevard.
- Test driving is prohibited on San Souci Boulevard and in the adjacent residential neighborhood. Test driving shall only occur on Biscayne Boulevard.
- The site shall only be occupied by a new car franchise dealership

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING THE CITY’S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF FOUR ADJACENT LOTS LOCATED AT 11707 AND 11755 BISCAYNE BOULEVARD, AND AT 1700 AND 1750 SANS SOUCI BOULEVARD, FROM C-2BE (COMMERCIAL) TO C-1 (COMMERCIAL) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS AND THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, an application has been filed to rezone an area consisting of four (4) adjacent lots located at 11707 and 11755 Biscayne Boulevard, and at 1700 and 1750 Sans Souci Boulevard, consisting of approximately 121,070 square feet (or 2.78 acres) in size (“Subject Property”), from a C-2BE (Commercial) to C-1 (Commercial) zoning designation; and

WHEREAS, the Subject Property currently contains a vacant structure of approximately 49,143 square feet, formerly owned by Bank of America; and

WHEREAS, the applicant property owner, Byron Properties Holding, LLC, (“Applicant”) proposes to rezone the Subject Property in order to revitalize the property and create a new car franchise dealership, which is permitted as a Special Exception Use in the C-1 Zoning District and categorized as “Vehicle Sales and Display” use; and

WHEREAS, the Applicant has agreed to record a Declaration of Restrictive Covenant for the Subject Property to limit its use to Vehicle Sales and Display in perpetuity, pursuant to Article 3, Section 3-1003 B of the City of North Miami (“City”) Land Development Regulations (“LDRs”); and

WHEREAS, Policy 9.4.6 of the City’s Comprehensive Plan, requires the City to “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the City believes the proposed application is consistent with the Comprehensive Plan in that the proposed C-1 zoning designation is consistent with the underlying Commercial Land Use and allows for the future redevelopment of a currently derelict and vacant property into a viable business that will generate additional tax revenue and create new jobs within the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 4, 2012, and found that the proposed application meets the requirements of Article 3, Section 3-1004 of the LDR's; that it is in harmony with the goals, objectives and policies of the City's Comprehensive Plan; and therefore, recommended approval of the rezoning with additional restrictions to be included in a covenant running with the land, attached hereto as "Exhibit A"; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation with the additional restrictions and find that the proposed rezoning application is consistent with the intent of the Comprehensive Plan and approve, as being in the best interest of the City, the rezoning of the Subject Property from C-2BE (Commercial) to C-1 (Commercial) zoning designation.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Rezoning of Property and Amendment to Official Zoning Map. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances entitled "Land Development Regulations", by amending the City's Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of an area consisting of four adjacent lots located at 11707 and 11755 Biscayne Boulevard, and at 1700 and 1750 Sans Souci Boulevard (as legally described in the attached "Exhibit 1" according to the Public Records of Miami-Dade County, Florida), from C-2BE (Commercial) to C-1 (Commercial) zoning designation, in order to provide consistency with the Land Development Regulations and the Comprehensive Plan of the City of North Miami.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 9 day of October, 2012.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

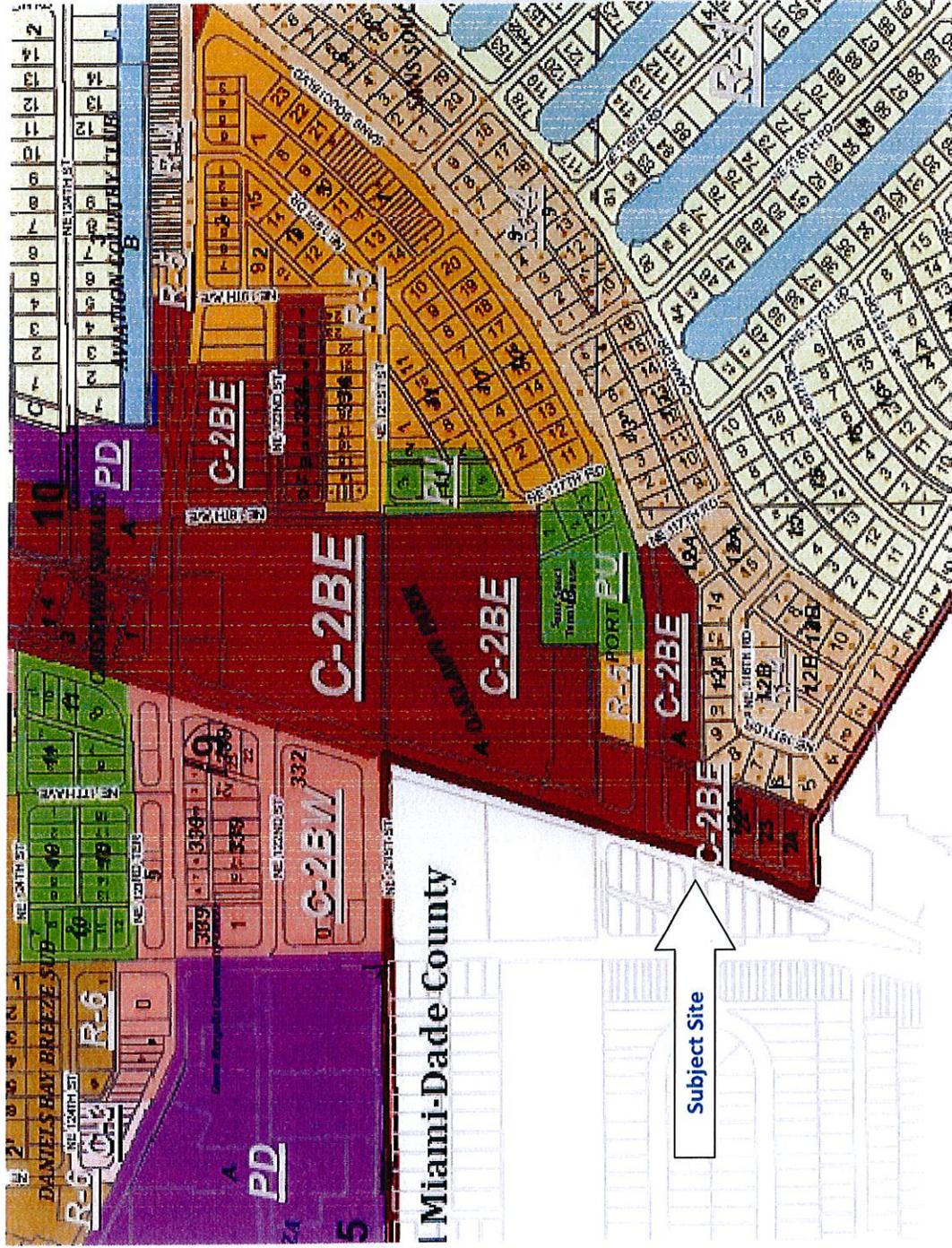
Seconded by: _____

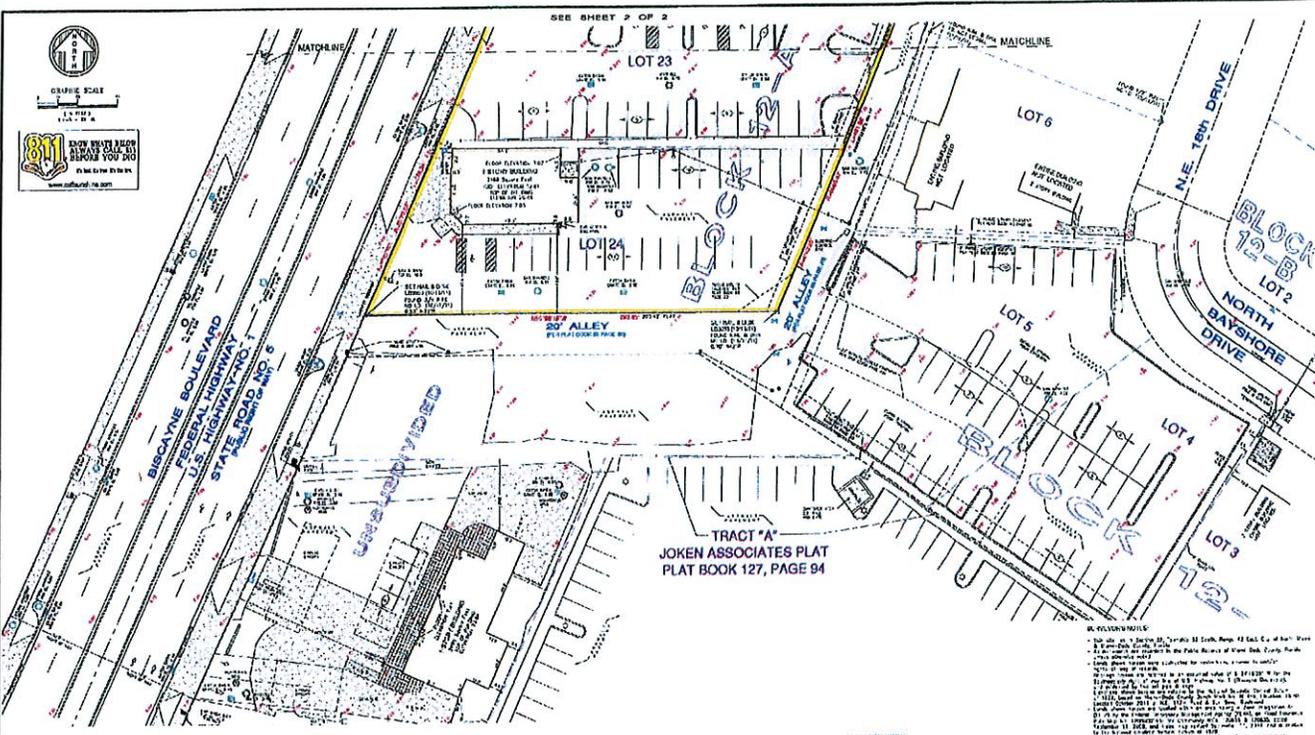
Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)

REZONING REQUEST: PROPOSED ZONING CHANGE FROM C2BE TO C-1

Partial Zoning Map of Surrounding Area





SEE SHEET 2 OF 2

MATCHLINE

MATCHLINE

LOT 23

LOT 6

LOT 24

N.E. 16th Drive

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

LOT 32

LOT 33

TRACT "A"
JOKEN ASSOCIATES PLAT
PLAT BOOK 127, PAGE 94



PARCEL KEY MAP



LOCATION & ZONING MAP

LEGEND

Symbol	Description
Circle with dot	17' CURB
Square with dot	18" CURB
Circle with cross	24" CURB
Square with cross	30" CURB
Circle with star	36" CURB
Square with star	42" CURB
Circle with triangle	48" CURB
Square with triangle	54" CURB
Circle with diamond	60" CURB
Square with diamond	66" CURB
Circle with square	72" CURB
Square with square	78" CURB
Circle with hexagon	84" CURB
Square with hexagon	90" CURB
Circle with octagon	96" CURB
Square with octagon	102" CURB
Circle with circle	108" CURB
Square with circle	114" CURB
Circle with square	120" CURB
Square with square	126" CURB
Circle with diamond	132" CURB
Square with diamond	138" CURB
Circle with hexagon	144" CURB
Square with hexagon	150" CURB
Circle with octagon	156" CURB
Square with octagon	162" CURB
Circle with circle	168" CURB
Square with circle	174" CURB
Circle with square	180" CURB
Square with square	186" CURB
Circle with diamond	192" CURB
Square with diamond	198" CURB
Circle with hexagon	204" CURB
Square with hexagon	210" CURB
Circle with octagon	216" CURB
Square with octagon	222" CURB
Circle with circle	228" CURB
Square with circle	234" CURB
Circle with square	240" CURB
Square with square	246" CURB
Circle with diamond	252" CURB
Square with diamond	258" CURB
Circle with hexagon	264" CURB
Square with hexagon	270" CURB
Circle with octagon	276" CURB
Square with octagon	282" CURB
Circle with circle	288" CURB
Square with circle	294" CURB
Circle with square	300" CURB
Square with square	306" CURB
Circle with diamond	312" CURB
Square with diamond	318" CURB
Circle with hexagon	324" CURB
Square with hexagon	330" CURB
Circle with octagon	336" CURB
Square with octagon	342" CURB
Circle with circle	348" CURB
Square with circle	354" CURB
Circle with square	360" CURB
Square with square	366" CURB
Circle with diamond	372" CURB
Square with diamond	378" CURB
Circle with hexagon	384" CURB
Square with hexagon	390" CURB
Circle with octagon	396" CURB
Square with octagon	402" CURB
Circle with circle	408" CURB
Square with circle	414" CURB
Circle with square	420" CURB
Square with square	426" CURB
Circle with diamond	432" CURB
Square with diamond	438" CURB
Circle with hexagon	444" CURB
Square with hexagon	450" CURB
Circle with octagon	456" CURB
Square with octagon	462" CURB
Circle with circle	468" CURB
Square with circle	474" CURB
Circle with square	480" CURB
Square with square	486" CURB
Circle with diamond	492" CURB
Square with diamond	498" CURB
Circle with hexagon	504" CURB
Square with hexagon	510" CURB
Circle with octagon	516" CURB
Square with octagon	522" CURB
Circle with circle	528" CURB
Square with circle	534" CURB
Circle with square	540" CURB
Square with square	546" CURB
Circle with diamond	552" CURB
Square with diamond	558" CURB
Circle with hexagon	564" CURB
Square with hexagon	570" CURB
Circle with octagon	576" CURB
Square with octagon	582" CURB
Circle with circle	588" CURB
Square with circle	594" CURB
Circle with square	600" CURB
Square with square	606" CURB
Circle with diamond	612" CURB
Square with diamond	618" CURB
Circle with hexagon	624" CURB
Square with hexagon	630" CURB
Circle with octagon	636" CURB
Square with octagon	642" CURB
Circle with circle	648" CURB
Square with circle	654" CURB
Circle with square	660" CURB
Square with square	666" CURB
Circle with diamond	672" CURB
Square with diamond	678" CURB
Circle with hexagon	684" CURB
Square with hexagon	690" CURB
Circle with octagon	696" CURB
Square with octagon	702" CURB
Circle with circle	708" CURB
Square with circle	714" CURB
Circle with square	720" CURB
Square with square	726" CURB
Circle with diamond	732" CURB
Square with diamond	738" CURB
Circle with hexagon	744" CURB
Square with hexagon	750" CURB
Circle with octagon	756" CURB
Square with octagon	762" CURB
Circle with circle	768" CURB
Square with circle	774" CURB
Circle with square	780" CURB
Square with square	786" CURB
Circle with diamond	792" CURB
Square with diamond	798" CURB
Circle with hexagon	804" CURB
Square with hexagon	810" CURB
Circle with octagon	816" CURB
Square with octagon	822" CURB
Circle with circle	828" CURB
Square with circle	834" CURB
Circle with square	840" CURB
Square with square	846" CURB
Circle with diamond	852" CURB
Square with diamond	858" CURB
Circle with hexagon	864" CURB
Square with hexagon	870" CURB
Circle with octagon	876" CURB
Square with octagon	882" CURB
Circle with circle	888" CURB
Square with circle	894" CURB
Circle with square	900" CURB
Square with square	906" CURB
Circle with diamond	912" CURB
Square with diamond	918" CURB
Circle with hexagon	924" CURB
Square with hexagon	930" CURB
Circle with octagon	936" CURB
Square with octagon	942" CURB
Circle with circle	948" CURB
Square with circle	954" CURB
Circle with square	960" CURB
Square with square	966" CURB
Circle with diamond	972" CURB
Square with diamond	978" CURB
Circle with hexagon	984" CURB
Square with hexagon	990" CURB
Circle with octagon	996" CURB
Square with octagon	1002" CURB

LEGAL DESCRIPTION

PARCEL 1: [Detailed legal description of Parcel 1, including lot numbers and area measurements.]

PARCEL 2: [Detailed legal description of Parcel 2, including lot numbers and area measurements.]

PARCEL 3: [Detailed legal description of Parcel 3, including lot numbers and area measurements.]

PARCEL 4: [Detailed legal description of Parcel 4, including lot numbers and area measurements.]

PARCEL 5: [Detailed legal description of Parcel 5, including lot numbers and area measurements.]

PARCEL 6: [Detailed legal description of Parcel 6, including lot numbers and area measurements.]

PARCEL 7: [Detailed legal description of Parcel 7, including lot numbers and area measurements.]

PARCEL 8: [Detailed legal description of Parcel 8, including lot numbers and area measurements.]

PARCEL 9: [Detailed legal description of Parcel 9, including lot numbers and area measurements.]

PARCEL 10: [Detailed legal description of Parcel 10, including lot numbers and area measurements.]

PARCEL 11: [Detailed legal description of Parcel 11, including lot numbers and area measurements.]

PARCEL 12: [Detailed legal description of Parcel 12, including lot numbers and area measurements.]

PARCEL 13: [Detailed legal description of Parcel 13, including lot numbers and area measurements.]

PARCEL 14: [Detailed legal description of Parcel 14, including lot numbers and area measurements.]

PARCEL 15: [Detailed legal description of Parcel 15, including lot numbers and area measurements.]

PARCEL 16: [Detailed legal description of Parcel 16, including lot numbers and area measurements.]

PARCEL 17: [Detailed legal description of Parcel 17, including lot numbers and area measurements.]

PARCEL 18: [Detailed legal description of Parcel 18, including lot numbers and area measurements.]

PARCEL 19: [Detailed legal description of Parcel 19, including lot numbers and area measurements.]

PARCEL 20: [Detailed legal description of Parcel 20, including lot numbers and area measurements.]

PARCEL 21: [Detailed legal description of Parcel 21, including lot numbers and area measurements.]

PARCEL 22: [Detailed legal description of Parcel 22, including lot numbers and area measurements.]

PARCEL 23: [Detailed legal description of Parcel 23, including lot numbers and area measurements.]

PARCEL 24: [Detailed legal description of Parcel 24, including lot numbers and area measurements.]

PARCEL 25: [Detailed legal description of Parcel 25, including lot numbers and area measurements.]

PARCEL 26: [Detailed legal description of Parcel 26, including lot numbers and area measurements.]

PARCEL 27: [Detailed legal description of Parcel 27, including lot numbers and area measurements.]

PARCEL 28: [Detailed legal description of Parcel 28, including lot numbers and area measurements.]

PARCEL 29: [Detailed legal description of Parcel 29, including lot numbers and area measurements.]

PARCEL 30: [Detailed legal description of Parcel 30, including lot numbers and area measurements.]

PARCEL 31: [Detailed legal description of Parcel 31, including lot numbers and area measurements.]

PARCEL 32: [Detailed legal description of Parcel 32, including lot numbers and area measurements.]

PARCEL 33: [Detailed legal description of Parcel 33, including lot numbers and area measurements.]

PARCEL 34: [Detailed legal description of Parcel 34, including lot numbers and area measurements.]

PARCEL 35: [Detailed legal description of Parcel 35, including lot numbers and area measurements.]

PARCEL 36: [Detailed legal description of Parcel 36, including lot numbers and area measurements.]

PARCEL 37: [Detailed legal description of Parcel 37, including lot numbers and area measurements.]

PARCEL 38: [Detailed legal description of Parcel 38, including lot numbers and area measurements.]

PARCEL 39: [Detailed legal description of Parcel 39, including lot numbers and area measurements.]

PARCEL 40: [Detailed legal description of Parcel 40, including lot numbers and area measurements.]

PARCEL 41: [Detailed legal description of Parcel 41, including lot numbers and area measurements.]

PARCEL 42: [Detailed legal description of Parcel 42, including lot numbers and area measurements.]

PARCEL 43: [Detailed legal description of Parcel 43, including lot numbers and area measurements.]

PARCEL 44: [Detailed legal description of Parcel 44, including lot numbers and area measurements.]

PARCEL 45: [Detailed legal description of Parcel 45, including lot numbers and area measurements.]

PARCEL 46: [Detailed legal description of Parcel 46, including lot numbers and area measurements.]

PARCEL 47: [Detailed legal description of Parcel 47, including lot numbers and area measurements.]

PARCEL 48: [Detailed legal description of Parcel 48, including lot numbers and area measurements.]

PARCEL 49: [Detailed legal description of Parcel 49, including lot numbers and area measurements.]

PARCEL 50: [Detailed legal description of Parcel 50, including lot numbers and area measurements.]

CERTIFICATION: [Professional surveyor's certification and signature block.]

BOUNDARY & TOPOGRAPHIC SURVEY
 17701 STREET & BISCAYNE BOULEVARD
 CITY OF NORTH MIAMI & MIAMI-DADE COUNTY, FLORIDA

FORTIN, LEAVY, SKILLER, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 17701 STREET & BISCAYNE BOULEVARD, SUITE 100
 NORTH MIAMI, FLORIDA 33162
 Phone: (305) 885-1100 Fax: (305) 885-1101 Email: info@fortinleavy.com

DATE: 11/11/2011
 TIME: 10:00 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 TITLE: [Title]



FIAT OF NORTH MIAMI

13110 Biscayne Blvd. North Miami, FL 33181

August 8, 2012

Hand Delivered

Ms. Maxine Calloway
Community Planning and Development Department Director
City of North Miami
776 NE 125th Street
Miami, Florida 33161

**Re: Byron Properties Holdings LLC/ 11707 and 11755 Biscayne Boulevard, 1700 and 1750
Sans Souci Boulevard, North Miami, FL (the "Property")/ Proposed Rezoning from C-
2BE to C1 and SE**

Folio #06-2232-038-0250 11755 BISCAYNE BLVD-Zoned C-2BE

Folio #06-2232-038-0392 1700 SAN SOUCI BLVD-Zoned C-2BE

Folio # 06-2232-038-0391 1750 SAN SOUCI BLVD-Zoned C-2BE

Folio # 06-2232-038-0280 11707 BISCAYNE BLVD-Zoned C-2BE

Dear Ms. Calloway:

Byron Properties Holding LLC, a company managed by the Belcastro Group and owner of the above mentioned properties, hereby respectfully submits this letter of intent in connection with the request of a Rezoning from C-2BE to C1 and Special Exemption to allow a "New Car Franchise Dealer (NCFD) licensed by the Department of Highway Safety and Motor Vehicle (DHSMV)". The property is located at the edge of the City of North Miami adjacent to unincorporated Miami Dade County. Accordingly, the rezoning would not compromise the



FIAT OF NORTH MIAMI

13110 Biscayne Blvd. North Miami, FL 33181

zoning integrity of the Biscayne Boulevard corridor within the City that in its majority lies north of the subject property. The applicant is proposing to redevelop the property with an upscale project complemented with lush landscaping to provide a buffer to the adjacent properties, and superior architecture and site design that will certainly enhance the intersection of Biscayne Boulevard and Sans Souci Boulevard and at the same time beautify one of the entrances to the city. The requested Rezoning and Special Exception should be granted since the limitations of the current zoning classification result in undue or unnecessary hardship to the applicant and also where the Rezoning and Special Exception will provide substantial justice, will not be contrary to the public interest and will significantly improve the now blighted site that is an eyesore to the Biscayne Boulevard corridor that has been notably upgraded over the past few years.

Unlike independent car dealers, prospective New Car Franchise Dealers (NCFDs) undergo an exhaustive qualification process that takes into consideration not only its financial capabilities but also its expertise and reputation in the industry as well as its performance in previously owned NCFDs. NCFDs must meet rigorous corporate requirements that include but are not limited to architectural guidelines, employee training, corporate image and operating standards. NCFDs sell new cars and offer used cars only as an ancillary use meant to reduce the inventory of cars acquired as part of the new car sales. NCFDs shall continuously abide to the franchiser requirements since they are routinely monitored and not abiding to the standards could result in losing the franchise license. The new car franchise dealer industry is regulated by F.S 320.642 that imposes criteria to issue new licenses in an area served by other dealers, limiting excessive expansion. In no case could an official dealer representing a brand, be located within a radius of 12.5 miles from another dealer representing the same brand. Accordingly, the stringent requirements on its own will prevent the proliferation of car dealerships and by no means will turn Biscayne Boulevard into a car dealership corridor with the undesirable consequences observed throughout the region as illustrated in Exhibit A. Because of these limitations and the site requirements to build a new "Class A" NCFD, the subject property due to its location, configuration, size and frontage length is the only available site in the City of North Miami that will fulfill the demands of a "Class A" NCFD and that will justify the significant investment that a development of this nature entails. Furthermore, this site offers the Belcastro Group the opportunity to build an upscale facility that will offer an integral solution to its customers, from sales to service, all in one facility, as was done in other NCFD the group operates (see Exhibit C) It is important to acknowledge the economic and social role that the automotive industry plays in a city in terms of revenue, employment and business generation. The Belcastro Group owns Fiat North Miami, a business that caused a significant impact in the City of North Miami in terms of architectural design and city fabric infill with its benefit towards public safety as illustrated in Exhibit B, and is enthusiastic to invest in this ambitious project that will not only eliminate one of the city's biggest eyesores but that will also provide employment opportunities to the residents of North Miami, enhance the city's revenues and set a development standard that will improve the Biscayne Boulevard in its entirety.

The applicant respectfully submits this request acknowledging the positive experience with the development of Fiat North Miami, a project executed in record time that was only possible



FIAT OF NORTH MIAMI

13110 Biscayne Blvd. North Miami, FL 33181

because of the invaluable cooperation and dedication of the Building and Zoning and Community Planning and Development Department staff and management; and respectfully requests that you favorably consider our request and schedule this application for the September 6, 2012 public hearing.

If you have any questions or would like to discuss this matter in further detail, please contact Martin Djmal at 786-285-1128. Thank you for your attention to this matter.

Sincerely,



Fernando Arellano Geddes