

# Holland & Knight

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March 31, 2016

VIA HAND DELIVERY

Mr. Richard Lorber  
Community Development Department, Director  
City of North Miami Beach  
107050 NE 19 Avenue  
North Miami Beach, Florida 33162

**RE: EIP at NMB, LLC  
Letter of Intent for Site Plan Application and Conditional Use**

Dear Mr. Lorber:

This constitutes the letter of intent on behalf of EIP at NMB, LLC (the "Applicant"), in connection with the enclosed application for approval of a Conditional Use to allow a package liquor store and Site Plan for that certain 1.05± acre parcel of land located on the east side of Biscayne Boulevard at NE 140 Street in the City of North Miami Beach and identified by folio no. 07-2221-031-0010 (the "Property"). The Property is zoned Arch Creek Mixed-Use Corridor District (MU/C) and is located within the Code Sub-Area of the MU/C District. The Property is currently used as a surface parking lot. The Applicant is seeking to develop the Property with a 12,900 square foot fine wine and spirits store in accordance with Table MU/C-1 in Section 24-58.4(G)(2) of the City Code.

CONDITIONAL USE

The Applicant seeks the approval of a Conditional Use on the Property to allow the development of a package liquor store. Table MU/C-1 in Section 24-58.4(G)(2) of the City Code requires a conditional use approval for this proposed use. The MU/C is intended to support a balanced mix of land uses characterized by compactness, pedestrian-friendly design, neighborhood-scale and framed by architecture and landscape design appropriate to local history and the natural environment. The MU/C District seeks to ensure high quality, architecturally compatible, consistently landscaped development through a stimulation of neighborhood commercial and retail activities. New development or redevelopment projects are expected to enhance the visual character of Biscayne Boulevard in terms of massing and scale through the development of pleasant shopping areas with attractive pedestrian spaces.

The intended tenant is ABC Fine Wine & Spirits. ABC is a high quality retailer who, in addition to an extensive variety of fine wine, spirits and beers, carries a wide selection of gourmet foods and gifts. The use will be compatible with the commercial character of Biscayne Boulevard.

Located adjacent to Target and fronting on Biscayne Boulevard, the Property is ideally suited for the retailer's newest location and will be a complement to the uses in the surrounding area and the adjacent Target Store. The development of the Property will enhance property values and encourage additional economic development in the area.

The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use. The Applicant has prepared a traffic study in connection with the site plan and special exception applications. The traffic study analyzed the type of development proposed and the detailed site plan layout to determine the potential impacts on the roadway network surrounding the Property. Based on the trip generation analysis, the project was determined to generate 12 total AM peak hour trips, 48 total PM peak hour trips, and 62 total Saturday peak trips. The Property is located within the Target Store parcel and will be served by the same driveway connections. The Target Store parcel is served by three driveway connections – two along Biscayne Boulevard and one on NE 143 Street. Our traffic analysis assumes that most patrons will access the site from the connections along Biscayne Boulevard. Based on these volumes, the adjacent roadway (Biscayne Boulevard) still operated at an acceptable level of service, no driveway conflicts were observed, and traffic destined for the Property is not expected to impact queuing at the three driveways. The traffic analysis concluded that off-site traffic mitigation measures are not necessary or warranted since sufficient roadway capacity exist to support the new project trips and the project will not pose a negative traffic impact within the study area.

The approval of the application and its proposed conditional use is appropriate and will further the goals of the MU/C District.

#### SITE PLAN

The site plan has been designed in accordance with all applicable provisions of the City Code, including the site plan requirements set forth in Section 24-172. The proposed building has been designed with 9,900 square feet of retail space and 3,000 square feet of storage/back of house space on a mezzanine level. The site plan meets height, setback, landscaping, and open space standards. The site plan proposes 40 parking spaces, which meets the applicable off-street parking standards requiring a minimum of 26 spaces and maximum of 52 spaces.

The site plan for the Property incorporates design concepts that will contribute to a cohesive, functional urban development pattern. The Property is within the MU/C District, which encourages urban design and seeks to activate street frontages. The proposed building is oriented towards Biscayne Boulevard. The building elevation has been designed as a custom prototype specifically for the Property. The Applicant has incorporated natural stone accents and smooth concrete into its design to give the building an attractive modern aesthetic from all viewpoints and prevents any potential for a wall-like appearance. A courtyard and plaza area has been incorporated on the north side of the building. The site plan contemplates an efficient use of the land and employ the principles of urban planning and development in accordance with the MU/C District.

The Property is located on a major highway, at the entrance to the Target Store. The site plan establishes connectivity at both the pedestrian and vehicular level. The building has been designed to be oriented towards the street. The building's massing, custom ornamentation, and color selections establish a pedestrian scale that will be inviting to patrons. The site plan meets open space, landscaping, parking, and pedestrian/bicycle requirements. As such, the site plan has been carefully

designed to ensure appropriate access for pedestrians, cyclists, patrons' vehicles, and service vehicles with well-situated sidewalks, bike racks, driveways, and parking and loading areas. Thus, the proposed design is wholly compatible with the vision for the Arch Creek Mixed-Use Corridor.

The circulation systems and parking facilities have been designed and located in such a manner as to ensure safe and efficient ingress/egress and parking. The Property may be accessed from multiple points within the Target Store parcel, which is intended to allow free movement within the proposed development and ensure compatibility with the Target Store parcel circulation system. The building is oriented toward the street and parking is on the east side of the building. The Property was designed in this manner so as to not create any incompatible visual relationships along the Biscayne Boulevard corridor.

Included in the site plan submittal are a conceptual paving and drainage plan and truck access plan. The conceptual paving and drainage plan indicates that an adequate waste water collection system will be provided in accordance with City standards for location and design. Additionally, an efficient solid waste collection system has been designed, which will include the provision of an adequate number of local receptacles in locations which afford maximum use and collection convenience in accordance with all applicable City standards. The development of the Property will also be designed in a manner to ensure all life safety and fire prevention requirements will be met. The development of the Property has been designed in such a way as to discourage and reduce the possibility of nuisance and criminal activity and looks forward to working with the Police Department during this review process to address any comments or concerns. The site plan has utilized its location and visibility, proposed traffic circulation, locations of windows and doors, security lighting, and parking lot lighting to promote a safe environment for patrons and employees.

The proposed site plan and use of the Property are consistent with the City's MU/C standards and the approval of the conditional use for the package liquor store is appropriate. The use is required to be compatible with existing and approved uses in the surrounding area, which it is. The Property is located on a major highway. Biscayne Boulevard/US-1 is an important commercial corridor within the City. The Property is surrounded by intense commercial uses – the Target Store, a lighting store and a veterinary clinic to the south, and a car dealership on the west side of Biscayne Boulevard. Based on the location and commercial character of the Biscayne Boulevard corridor, the proposed design of the store would be compatible with the area and uses surrounding the Property.

Enclosed please find the executed application forms, plans, traffic study, and fees. Based on the foregoing, we ask for an expedited and favorable review of the site plan and conditional use requests. If you should have any questions or require additional information, please contact me. Thank you in advance for your considerate attention to this application

Sincerely yours,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

Cc: Mr. Rich Leonardi