

# Holland & Knight

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March 4, 2021

## **ELECTRONIC AND HAND DELIVERY**

Mr. Edward Ng, AICP, Planning & Zoning Manager  
Community Development  
City of North Miami Beach  
17050 NE 19th Ave.  
North Miami Beach, FL 33162-3100

**Re: Aura (f.k.a. 5 Park) / Trinsic Acquisition Company LLC – Letter of Intent  
16955-17071 West Dixie Highway, North Miami Beach**

Dear Mr. Ng:

This constitutes our letter of intent on behalf of Trinsic Acquisition Company, LLC (the “Applicant”) in connection with the proposed second site plan modification (the “Application”) for that certain ±2.90 acre parcel of land located at 16955, 17005, 17017, 17035, and 17071 West Dixie Highway in North Miami Beach (the “City”), as further identified by folio nos. 07-2209-002-0010, 07-2209-002-0090, 07-2209-002-0130, 07-2209-002-0120 (collectively, the “Property”). The Property has a land use designation of Mixed-Use Neighborhood Center, is zoned Mixed-Use Neighborhood Center District (“MU/NC”), and is subject to the Core Sub-Area standards, pursuant to City Code Section 24-58.3. The Applicant is under contract to purchase the Property and intends to develop the Property in accordance with the Proposed Site Plan for the “Aura” project, formerly known as “5 Park” (the “Project”). This request for approval of the proposed modified site plan, is being made in accordance with Sections 3.12 and 13 of that certain Development Agreement between the Applicant and the City, recorded in Official Records Book 30628, Page 3272 of the Miami-Dade County Public Records (the “Development Agreement”), and City Code Section 24-172.

### ***I. Background***

The Project was originally approved by the City Commission in 2017 pursuant to Resolution No. 2017-48, approving the site plan for the Project (the “2017 Resolution”),<sup>1</sup> together with Ordinance No. 2017-17 (the “2017 Ordinance”),<sup>2</sup> approving and authorizing the execution of the Development Agreement for the Project (collectively, the “2017 Project Approvals”). The

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<sup>1</sup> Resolution No. 2017-48 was approved and adopted by the Mayor and City Commission on June 8, 2017.

<sup>2</sup> Ordinance No. 2017-17 was approved and adopted by the Mayor and City Commission, on second reading, on July 18, 2017.

Project Approvals established a development program for a mixed-use development on the Property consisting of approximately four hundred fifteen (415) residential units, 32,000 square feet of gross leasable commercial space, 72,000 square feet of gross leasable area for office use, and parking facilities and other accessory uses pursuant to the Development Agreement (the “Approved Development Program”).

In 2020, the Property received approval for the first site plan modification pursuant to Resolution No. R2020-106 (the “2020 Approval”).<sup>3</sup> The site plan modification under the 2020 Approval contemplated an intensity reduction from the Approved Development Program. Specifically, the 2020 Approval allowed for the construction of a 618,413 gross sq. ft. (or 578,652 net sq. ft.) eight (8) story mixed-use development consisting of 356 residential dwelling units, 17,000 sq. ft. of commercial retail space, and 573 parking spaces. It is important to note that the 2017 Project Approvals, the 2020 Approval, and the Proposed Site Plan, if approved, are intended to remain in effect until the issuance of a building permit for the vertical construction of the Project, at which time the unused portion of the Approved Development Program shall be reallocated to the “basket of rights” for the MU/NC zoning district.<sup>4</sup>

## ***II. Request for Site Plan Approval***

With this Application, the Applicant is seeking the approval of a modified site plan to develop the Property with a mixed-use development consisting of a 621,613 gross sq. ft. (or 533,835 net sq. ft.) eight (8) story (nine (9) level) mixed-use development consisting of 375 residential dwelling units, 17,000 sq. ft. of commercial retail space, and 567 parking spaces (including the 41 spaces accessible to the public required under Section 7 of the Development Agreement; the “Proposed Site Plan”). In addition, the residential component of the Project will be complemented by parking facilities, bicycle storage, residential amenities including a pool on the amenity mezzanine level, several recreational and amenity decks, and a ground floor retail component designed to integrate the surrounding community and improve the walkable streetscape and pedestrian presence of the Property. The Project, as proposed, also contemplates 5,400 sq. ft. of designated publicly accessible open space.

The redevelopment and Proposed Site Plan is a result of the various changes in the market and has been thoughtfully redesigned with a slightly more modern aesthetic and some additional design features that address current market demands in the area. This Application is being made pursuant to Sections 3.12 and 13 of the Development Agreement, which reads, in relevant part, as follows:

### **Section 3.12:**

An insubstantial or minor modification of this program may be modified administratively by the City pursuant to section 24-176(B) of the City Code. A change that would result in an equivalent combination of uses (“Equivalent Program”) as set forth in the attached land use equivalency

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<sup>3</sup> Resolution No. R2020-106 was approved and adopted by the Mayor and City Commission on October 22, 2020.

<sup>4</sup> See Section 2, Condition 3 of the 2020 Approval.

matrix attached as Exhibit B (“Equivalency Matrix”) may be allowed without the need to amend this Agreement, provided that a substantial modification to the Site Plan referenced in Paragraph 3.23 of this Agreement reflecting the Equivalent Program is approved after public hearing, so long as said combination of uses complies with the Comprehensive Plan, pursuant to section 163.3227(1)(f), Florida Statutes (2016), and that residential portion of the program shall not exceed 500 dwelling units. Modifications of this Development Program that are not in accordance with and are in excess of the attached Equivalency Matrix, or provide for more than 500 dwelling units shall require amendment of this Agreement and two public hearings pursuant to section 163.3225, Florida Statutes (2016).

Section 13:

Any modification of the Site Plan shall be approved so long as the site development criteria within the Development subject to the Site Plan are in compliance with the Project Approvals and are generally consistent with the terms contained in this Agreement. If it is found during the review that said modifications to the Site Plan are substantial and that the proposed Development does not substantially comply with the Project Approvals,<sup>5</sup> the Developer shall either revise the Site Plan to so substantially comply or request approval of the deviation of the City Commission as provided in the Land Development Regulations.

Notably, the Proposed Site Plan is substantially in compliance with the 2017 Project Approvals (including the Development Agreement, and the Approved Development Program therein), and the 2020 Approval. Overall, the Proposed Site Plan has been designed to preserve the general layout and configuration of the previously approved plans, while providing a modern aesthetic paired with architectural movement and an air of elegance and sophistication. This proposed design, development program, mix of unit types, and enhanced amenity areas will meet the current housing market and consumer demands for innovative living options and will help ensure the long-term success of the Project.

Located at a prime location within the city of North Miami Beach at the nexus of West Dixie Highway, Biscayne Boulevard, and the Florida East Coast Railway, the Project’s massing takes advantage of the triangular site geometry in a very elegant and efficient manner by accentuating the three (3) corners and creating a dynamic elevation along the pedestrian and vehicular corridor of West Dixie Highway. The façade design of the building also responds to the site with balconies designed to echo the site’s geometry and vertical elements that simulate a flow reminiscent of the waterways to the East. The result is a striking design which celebrates the

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<sup>5</sup> The development agreement defines the project approvals as “the development order issued by the city for the development of the project.” The term “development order” is further defined as “the order granting, denying, or granting with conditions an application for a development permit, including the site plan, and shall include resolution no. 2017-48, as may be amended by the city from time to time.”

triangularity of the site and a building which will give off the aura that it belongs at this exact location harkening back to the City's history. The building placement and architectural design promote visibility to the street from all its sides, highlighting the surrounding environment and City and park views. The project features landscaped amenity areas for residents at the ground level, third level amenity deck, and the pool and amenity deck at the roof level featuring sweeping views over Greynolds Park to the intracoastal waterway, the beaches of Sunny Isles, and the Atlantic Ocean. This Project will give new impetus for economic growth and development along the corridor.

Taking cues from sustainable design, portions of the building are elevated above street level on a stilt-like framework, referencing the area's maritime history and coastal environment creating an inviting street presence. The project's mixed-use frontage (including the residential component's main entry, a lobby, mail and package room, as well as residential stoops), colonnade, and lush landscaping along West Dixie Highway activate the ground level. As residents and visitors travel southwest along West Dixie Highway and turn on to the access easement (NE 170th Street), they will be greeted by a lush ground floor courtyard, reminiscent of the City's environment and flora. The parking facilities will be enclosed within the Project, and screened by the architecturally significant mixed-use development. In addition, the proposed design complies with the.

This Proposed Site Plan is in accordance with the Mixed-Use (MU) criteria set forth in City Code Section, applicable to all mixed-use districts, as well as the MU/NC zoning district and the Core Sub-Area standards in City Code Section 24-58.3, including but not limited to minimum and maximum setbacks for West Dixie Highway, secondary and tertiary street types and alleys, parking requirements, as well as building and block lengths. The purpose of the MU/NC zoning district is to support a balanced mix of land uses that highlight compact and highly pedestrian-friendly design that is appropriately scaled to the neighborhood, local history, and the natural surrounding environment.<sup>6</sup> The Proposed Site Plan embodies the purpose and intent of the district by providing a rich streetscape inviting to pedestrians, and that works with the unusual triangular lot to efficiently and compactly house a project that is respectful of the local neighborhood history and natural environment. The Proposed Site Plan provides for neighborhood commercial retail activities, enhances the visual character of the district, encourages pedestrian activity and shopping, beautifies West Dixie Highway by providing attractive residential offerings, and proposes a high-quality architecturally compatible design with publically available open spaces consistent with Section 24-58.3(A)(1)-(7).<sup>7</sup>

As has been established, the Proposed Site Plan is substantially in compliance with the terms of the Project Approvals, and will not result in any adverse impacts to the adjacent properties. The development program contemplated by the Proposed Site Plan is expected to result in a reduction of trips, when compared to the approved development program established in the Project Approvals. A copy of the updated Trip Generation Analysis, as prepared by Richard Garcia & Associates, Inc., dated March 2, 2021 is enclosed with this submittal.

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<sup>6</sup> § 24-58.3(A).

<sup>7</sup> § 24-58.3(A)(1)-(7).

March 4, 2021

Page 5

Based on the foregoing, we ask for your favorable review of this Application. Thank you in advance for your considerate attention to this matter. Should you have any questions or require additional information, please contact me directly.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Joseph Goldstein, Esq.

Cc: Mr. Mario Duron, AICP, *Associate Planner*  
Mr. Alan Macken  
Mr. Kevin Neal  
Vanessa Madrid, Esq.