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VIA HAND DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: Baptist Health South Florida, Inc. – Letter of Intent

Dear Mr. Mooney:

Please accept this Letter of Intent on behalf of Baptist Health South Florida, Inc. (the “Applicant”), in support of its Application to the Planning Board to amend a previously issued conditional use permit for a development project exceeding 50,000 square feet. The subject property consists of ± 1 acre and is located at 709, 721 and 745 Alton Road, in Miami Beach, Florida, and is identified by Folio Nos 02-4203-009-8630, -8620, -8610, and -8600 (collectively, the “Property”). The Property is zoned Medium Intensity Commercial Category (CD-2) and has a land use designation of CD-2. The Property is generally outlined in the below aerial photograph:



In July of 2015, the Property was issued an amended conditional use permit by the Planning Board under its File No. 2151 (the "CUP"), authorizing the development of a five-story building with a mix of uses, including medical offices and an urgent care facility, with a maximum floor area of 63,500. A copy of the CUP is attached for your convenience. As you may recall, the purpose of the CUP amendment was to permit the Applicant's proposed use of the building for medical services. Since the approval of the CUP, the building has been constructed, certificates of occupancy have been issued, and the Applicant is currently the tenant of the building.

The Applicant is hereby requesting the modification of two of the conditions of the CUP, both related to the ambulatory outpatient surgical center that was approved (and is now in operation). Conditions number 7 and number 10 restricted the type of ambulatory surgical services solely to gastroenterology procedures. The Applicant is requesting that this limitation be removed, and that the conditions be amended to read as follows:

7. In addition to retail and/or restaurant uses, the operation of medical office and medical uses shall be permitted at the ground level, including but not limited to an urgent care facility, ambulatory outpatient surgical center for ~~gastroenterology procedures~~ Class II medical uses as defined in Section 142-1253 only, rehabilitation center and diagnostics. Retail uses for the subject building exceeding 10,000 square feet per tenant shall require Conditional Use Approval.

10. The following shall apply to the operation of any medical uses within the facility:

* * *

e. ~~Gastroenterology shall be the only ambulatory services permitted in the facility~~ shall be Class II medical uses as defined in Section 142-1253.

At the time that the original CUP approval was granted, the City of Miami Beach Code did not have a specific category or treatment for ambulatory surgical centers. As you may recall, during the course of staff's review of, and the Board's consideration of, the application at that time, both the Board and professional staff requested considerable amount of information regarding the procedures and potential impacts of an ambulatory surgical center, which was **then** a new use. In order to greatly simplify the scope of professional staff's analysis, and to assist the Board in understanding the range of external impacts of the proposed ASC, Baptist agreed to limit the procedures in the facility solely to gastroenterology. This enabled Baptist, professional staff, and the Board to narrow their analysis of the requested use. The two conditions cited above represent a site-specific approach to what was (again) a new use under the land development regulations.

Since the approval of the CUP, however, the City of Miami Beach has now revised its Code to address ambulatory surgical centers (and a host of other medical uses) throughout the City. In 2018, the City adopted ordinance 2018-4170 a framework of eight (8) different classifications of medical uses, as set forth in Chapter 142, Article V, Division 2 of the Code. The Code now

specifically enumerates ambulatory surgical centers as a use, and classifies it as a "Class II" medical use under Section 142-1253(b)(1) of the Code. Such uses are permitted as of right in the CD-2 zoning district.

Accordingly, the Code has now been amended to address more globally the issues that were discussed specific to the Property back in 2015. The City has now analyzed the various types and categories of medical uses and procedures, assessed their impacts and divided them into categories, and determined which categories of medical uses are appropriate to the various zoning districts within the City. The City has determined that the types of medical procedures associated with an ambulatory surgical center (a Class II medical use) are appropriate to and compatible with the CD-2 zoning district. Under the new ordinance, an ambulatory surgical center may now be opened as-of-right in any of the CD-2 properties that make up the majority of parcels on either side of Alton Road between Fifth Street and Dade Avenue, including the parcels immediately surrounding the Property.

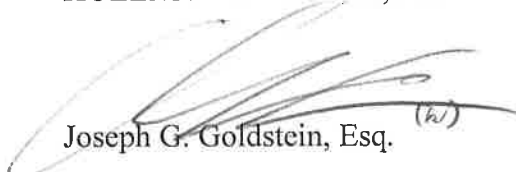
Since the time of the original CUP approval the building has been constructed and has been operated by the Applicant for the permitted uses. The Applicant believes that the facility and its uses have been a benefit to the neighborhood and the City as a whole, and is not aware of any problems of deficiencies with traffic, parking, or any of the other issues that the Board and professional staff were assessing at the time of the original approvals. Now that the use is no longer prospective, but established, the Applicant believes that its impacts are no greater than those of any the other commercial uses in the CD-2 district that lines the Alton Road corridor.

Based on the foregoing, the Applicant believes that the above conditions are no longer necessary. At the time the use was being considered by the Planning Board in 2015, the City Code did not specifically categorize or address the myriad different types of medical facilities that have evolved with the changing health care practice. Now that the City has updated and modernized its treatment of such medical uses, and permitted ASC's as of right throughout the CD-2 district, the Applicant believes it is appropriate for it to travel under the City-wide land development regulations, rather than the then-unavoidably *ad hoc* review of what was a new use at the time.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to this request. If you should have any questions or require additional information, please feel free to call me directly at 305-789-7782.

Respectfully submitted,

HOLLAND & KNIGHT, LLP



Joseph G. Goldstein, Esq. (h)

Enclosures