



# BERCOW RADELL FERNANDEZ & LARKIN

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## VIA HAND DELIVERY

August 2, 2017

Thomas Mooney, Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Conditional Use Permit to Allow Hotel Use for the Property Located at  
6881 Indian Creek Drive, Miami Beach, Florida

Dear Tom:

This law firm represents 6881 Indian Creek, LLC (the "Applicant"), the owner of the property located at 6881 Indian Creek Drive (the "Property"). Please consider this letter the Applicant's letter of intent for a Conditional Use Permit to allow for hotel use on the Property.

Property. The Property is identified by Miami-Dade County Property Appraiser folio number 02-3211-001-0750 and is approximately 11,751 square feet (approximately 0.27 acres) in size. The Property is a triangular-shaped lot bordered on the north by 69 Street, on the east by Byron Avenue, and on the west by Indian Creek Drive. The Property is improved with a two-story multifamily structure built in 1939.

Proposed Development Program. The Applicant seeks to renovate and remodel the existing structure on the Property for adaptive reuse as a hotel. While not adding any additional height or massing to the existing building, the proposed development program will include a renovation of the first floor for a lobby area to allow for a more functional use of the space. The proposed development aims to beautify the whole structure and enhance the Property.

The proposed development will also add a pool and small pool bar/cafe to serve guests only on the western portion of the Property. The pool bar/café will close by 8pm and will only be open to hotel guests and their invitees. It will not be open to the general public. The pool and pool bar/café will not have any entertainment component, although some low ambient level music may be played in the pool area.

Satisfaction of Conditional Use Permit General Review Criteria. The Applicant's request also satisfies the general review criteria for conditional use permits, found in Code Section 118-192(a), as follows:

- (1) **The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

**CONSISTENT** - The proposed hotel use is consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

- (2) **The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.**

**CONSISTENT** - The hotel use on the Property will not exceed the thresholds for levels of service of the surrounding roadway network as the number of units on the Property will remain unchanged.

- (3) **Structures and uses associated with the request are consistent with these land development regulations.**

**CONSISTENT** - The proposed hotel use is consistent with the City's land development regulations (LDRs) because it is a conditionally permitted use in the TC-3 Zoning District and the proposed development will retain the existing structure on the Property.

- (4) **The public health, safety, morals, and general welfare will not be adversely affected.**

**CONSISTENT** - The Applicant's proposal is consistent with the density of the surrounding area. The Applicant is seeking to retain the existing units on the Property and the beautification of the Property will benefit the area. As such, the proposed use is appropriate and will not adversely affect the public health, safety, morals or general welfare.

**(5) Adequate off-street parking facilities will be provided.**

**CONSISTENT** - The Applicant's proposal provides all required off-street parking on the Property.

**(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

**CONSISTENT** - The adaptive reuse of the Property will have minimal effect on the surrounding property, persons, and neighborhood values as the structure and units on the Property will be retained. The Property will be beautified which shall benefit the surrounding area.

**(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**CONSISTENT** - The density of the project is consistent with the density of the surrounding area and the number of units on the Property will remain unchanged. As a result, there will not be any adverse cumulative effect.

Design Review Board Approval and Variance Requests. In addition to this Planning Board application for a Conditional Use Permit, the Applicant is seeking design approval from the Design Review Board along with the following variances:

1. *Variance to permit unit sizes below the minimum required unit sizes for hotel rooms in the TC-3 Zoning District, in order to preserve the existing unit sizes (Required Minimum: 300 SF; Minimum Provided 203 SF); and*

2. *Variance to reduce the minimum required front setback at Bryon Avenue for the stairs to permit 3'4" where 15' is required; and*
3. *Variance to reduce the minimum required front setback at Indian Creek Drive for the stairs to permit 3' where 15' is required; and*
4. *Variance to reduce the minimum required street side setback at Bryon Avenue for the stairs and pool bar/cafe to permit 5'2" where 10' is required; and*
5. *Variance to reduce the minimum required setback for a pool deck to 4' where 15' is required; and*
6. *Variance to reduce the minimum required front setback for a monument sign on Byron Avenue to allow 5'6" where 10' is required; and*
7. *Variance to reduce the minimum required front setback for a monument sign on Indian Creek Drive to allow 5'9" where 10' is required; and*
8. *Variance to exceed the maximum allowed projection of 3'9" (25%) for roof overhangs within the existing front yards in order to construct a new roof overhang projection of 11'4" or 75% (east) and 13'2 or 87% (west) into the front yards; and*
9. *A variance to allow encroachments within the first 5' facing a street (Section 12-737(b)(g)(2), City Code.*

Conclusion. The Property's renovation project will update the structure in a manner appropriate and consistent with the area and allow for a beautification of the Property. As always, we look forward to your favorable review.

Sincerely,



Michael J. Marrero