



ROSENTHAL ROSENTHAL
— RASCO —
ATTORNEYS AT LAW

May 5, 2022

Mr. Kent Walia
Community Development Director
City of North Miami Beach
17011 N.E. 19th Avenue
North Miami Beach, FL 33162

Re: AOC Dade, LLC – Conditional Use For Medical Office In An RO Residential
Office District - 17200-40 NE 19th Avenue, North Miami Beach, FL
(the “Property”)

Dear Mr. Walia:

In connection with the captioned, please be advised that Alan S. Rosenthal (“Applicant”) represents AOC Dade, LLC (“Owner”), which shall take title to the Property on the 9th day of May, 2022. The Owner will therefore own the Property more than one month prior to the June 13, 2022 meeting of the Planning and Zoning Board of the City of North Miami Beach (“P&Z Board”), and thereafter will appear before the City of North Miami Beach City Commission (“Commission”) on July 19, 2022.

The Applicant, contemporaneously with this Letter of Intent, has submitted to the City of North Miami Beach Planning and Zoning Division (“Division”) a Planning and Zoning Application requesting the P&Z Board, and thereafter the Commission, grant a Conditional Use to continue the utilization of the Property for medical offices in an RO Residential Office District.

In that regard attached hereto and made a part hereof is a copy of Section 24-50-RO Residential Office District in the North Miami Beach Florida Code of Ordinances. PLEASE NOTE: There is NOT ONE PERMITTED OFFICE USE IN THE RESIDENTIAL OFFICE DISTRICT, notwithstanding Subsection (a) PURPOSE, which states in part “This District is to provide suitable sites for the development of office structures of a low-rise single family residential character ...”. Attached hereto are photos of the one story 4,000 sq. ft. office building (“Building”) on the Property, which Building is across the street from City Hall and next to the Building and Zoning Department, and which photos depict exactly what Section 24-50-RO requires for medical offices in a residential office district.

In addition to the foregoing, please find a copy of the first Certificate of Occupancy dated August 1, 1991 for the Building issued to Eli Breger, an attorney; and another Certificate of Occupancy for the Building issued to Dr. Sztern on February 4, 2002. In my Public Records Request to the City no Conditional Uses for this Property or Building were found, evidencing that the Certificates of Occupancy and other building documentation were all issued as though they were permitted uses. Further evidence of this is the fact that the City, for almost thirty years, has issued Annual Business Tax Receipts to the Owners/Occupants.

Finally please find provided herewith a new Survey of the Property, which in addition to the boundary of the Property shows a current Site Plan for the Building, the Parking Lot, as well as the interior of the Building, including each existing office; the dimensions of the various offices, storerooms and bathrooms, etc. The Owner intends to use the Building "As Is" and does not presently seek to make any change to any part of the interior or exterior of the Building. Please also find provided herewith photos of the Building's exterior evidencing the same façade constructed some thirty years ago.

Based on the foregoing it is respectfully suggested that the City has ignored the language of Section 24-50-RO Residential Office District as it relates to offices and has in fact treated them as permitted uses. This Ordinance should be amended to reflect that office uses such as professional offices, etc. should be permitted uses and not conditional uses, as office use is exactly what is contemplated for the RO Residential Office District. To now require a new purchaser of the Property, who wishes to continue a use that Section 24-50-RO Residential Office District was created to permit, to secure a Conditional Use is a travesty. Notwithstanding, however, Applicant seeks a Conditional Use so as to comply with the current Code Section, which hopefully will be revised by the City to allow offices to be constructed and occupied as a permitted use, particularly since the City has obviously disregarded the Conditional Use requirement for almost thirty years.

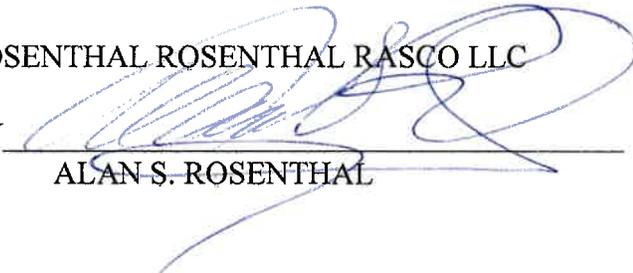
The Owner of the Property currently maintains offices for the practice of medicine at Aventura Hospital under the terms of a Lease, which Lease expires June 30, 2022. The Lease will automatically renew at a monthly rate of approximately \$50,000.00 per month, which is in fact a penalty and which amount the Owner cannot afford to pay! The Owner therefore must vacate as soon as possible and not take the chance of having the Lease automatically renew by remaining in possession after June 30, 2022.

Based on the foregoing the Applicant respectfully requests that the P&Z Board, and thereafter the Commission, unanimously approve its request for a Conditional Use of the Property for office use, which shall run with the land in perpetuity and not for just the current owner.

Respectfully submitted,

ROSENTHAL ROSENTHAL RASCO LLC

BY


ALAN S. ROSENTHAL

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Enclosures