

North Miami Beach Tries to Sink Floating Villas

Written by Erik Bojnansky, BT Senior Writer
June 2015



Planning board plays the “conservation zone” card

When it comes to high-rise developers, the City of North Miami Beach is rolling out the red carpet.

Three months ago NMB officials enacted a series of zoning changes that encourage taller buildings in certain parts of their city. Those code changes have enabled Key International and 13th Floor Investments to move forward with plans to build the Harbour, a pair of 32-story high-rises on 4.5 acres of land by the Oleta River, northeast of the NE 163rd Street/Biscayne Boulevard intersection.

Meanwhile, along Maule Lake, Plaza Group has broken ground on a second 25-story condo tower as part of its Marina Palms Yacht Club & Residences project at Biscayne Boulevard and NE 172nd Street.

Those projects are just the beginning. “We’re having lots of interest and discussions, and expect applications to be coming in the very near future,” says Richard Lorber, NMB’s assistant city manager. “Lots of excitement.”

But while NMB officials are anticipating new projects and an expanded tax base *on land*, they’re less enthusiastic about an experimental residential project directly on the water.

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On June 8, the city's Planning and Zoning Board will hear a proposed ordinance that would designate Maule Lake as a "conservation zoning district."

Pushed by homeowners living in Eastern Shores and Western Eastern Shores, and unanimously backed (so far at least) by the North Miami Beach City Council, the legislation would prevent Dutch Docklands from anchoring 30 floating artificial islands, a project called Amillarah Private Islands, to Maule Lake's bottom.

Dutch Docklands sees the project as the future of real estate development in areas threatened by sea level rise. Critics see it as an abomination. "We don't want it," says Chuck Asarnow, president of the Eastern Shores Homeowners Association. "We're going to fight against it. And we're not going to let it happen."



Dutch Docklands is ready to fight, too. The company's lawyer has sent a letter to the city, threatening legal action if it proceeds. At the same time, Dutch Docklands is ready to present its own plans to the board and city council.

"We're creating a lot of economic development for the area, and in real estate taxes, the city will get over \$3.5 million a year," says Frank Behrens, executive vice president of Dutch Docklands

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Founded ten years ago, Dutch Docklands has built floating apartments in Holland and is building floating island resorts in the Maldives and Persian Gulf. In June 2014, Dutch Docklands USA submitted preliminary plans to build 29 luxury residential islands, plus an amenity island, about 500 feet from the Maule Lake shore. Each island would be powered by solar panels and hydrogen-powered generators, equipped with “biological sewage” facilities, as well as “collectors and advanced filtration systems” to provide water. (See “[In the Market for a Hyper-Luxurious Floating Island?](#)” July 2014.)

Behrens insists the islands will be environmentally safe and resistant to hurricanes, but nearby residents claim they would ruin a beautiful open body of water teeming with fish and visited by manatees and dolphins.

“It would be a shame to destroy one of the area’s last natural resources,” said Eastern Shores resident Eric Isicoff at the April 21 meeting of the city council.

Actually, Maule Lake is a manmade, water-filled crater.

It was left over from the Maule Rock Mining Company, which excavated the site for rock used in the construction of roads, bridges, and buildings during the early 20th Century. It’s also private property owned by Raymond G. Williams, Jr., a descendent of E.L. Maule.

In August 2013, Dutch Docklands entered into a contract to buy the 174-acre lake from Williams for an undisclosed price. Once the project receives permits -- following approvals from the city, the county Department of Environmental Resources Management, and the state Department of Environmental Protection -- Dutch Docklands will close on the deal to buy the lake, Behrens says. (The purchase agreement expires in September 2016.)

In a letter hand-delivered to the city, Kerri Barsh, a Greenberg Traurig attorney retained by Dutch Docklands, declared that if the city pursues conservation zoning, it could “face monetary

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liability of hundreds of millions of dollars for an unconstitutional taking of property and/or for damages under the Bert J. Harris act.”

“Development opportunities at Maule Lake are already limited,” noted Barsh. “The city code prohibits placing fill in Maule Lake, thereby precluding any land-based development on property at the lake site. The floating homes that Dutch Docklands plans to develop on Maule Lake thus represent the only feasible development of the property.”

But as assistant city manager Lorber and city attorney José Smith pointed out during the April 21 council meeting, Maule Lake currently has *no* zoning at all within North Miami Beach itself. And although the city code stipulates that single-family homes are allowed on properties without formal zoning, the city’s comprehensive plan describes Maule Lake as an open-water transportation corridor.

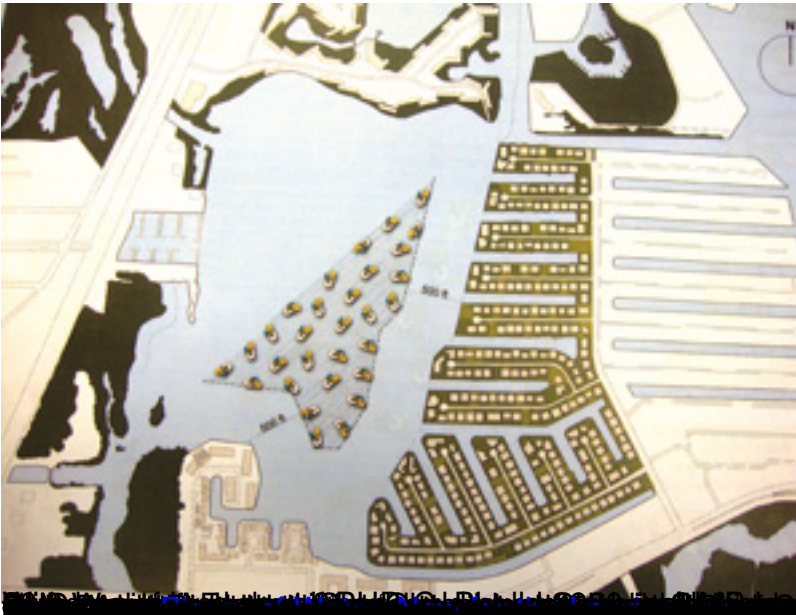
“Right now, there’s nothing you can do with this property,” Smith explained to council members. “If you go to the tax roll [and look up Maule Lake], it’s worth zero.”

Since 1999, the neighboring City of Aventura has designated its portion of Maule Lake as a conservation district, where fishing, boating, camping facilities, wildlife sanctuaries, trails, and outdoor research stations are allowed. According to Lorber, NMB’s conservation district language is an exact copy of Aventura’s.

One year ago, in its preliminary application, Dutch Docklands asked for Type C Planned Unit Development (PUD) zoning for a 39-acre, triangle-shaped slice of the lake. A floating island project could be permitted under PUD zoning, although variances would be needed, Lorber wrote in a city memo.

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