

# Council denies part of Kendall Village plan

BY DEBORAH BALSHEM

**T**he future "Cocowalk" of West Kendall may be lost forever after Berkowitz Development Group once again was denied approval for portions of the proposed Kendall Village by the Community Council.

Site plans for the 36-acre complex, set to be built on N. Kendall Drive just west of Florida's Turnpike, have been changed and denied several times over the course of almost 12 years.

"Mr. Berkowitz was obviously very upset. His attorney, Mr. Jeffrey Bercow did say at the zoning hearing that his client [Berkowitz] has no plans on coming back with another new site plan," said council member Manuel Vera. "I hope that was said in the heat of the moment because we were happy with most of the plan. Overall, I feel he [Berkowitz] did a very nice job."

The new site plan included several restaurants and retail outlets, a movie theater, civic center, hotel, office space and apartments. According to Vera, most of the board was satisfied with the commercial aspect of the plan. He noted Berkowitz did change it to reflect an original covenant for the property, which required it to be a "pedestrian friendly mall," meaning one where people would have walking access to all portions of the complex.

"The commercial aspect was fine. Unfortunately, the new site plan proposed residential rental apartments on the

Northeast corner," Vera explained. "We received strong feedback from the surrounding community, mainly those in estate homes next to the proposed apartments. They were extremely unhappy."

In an attempt to show good faith towards Berkowitz, Vera asked county staff if he could make a motion to approve the commercial section and deny only the residential. Due to legal technicalities, however, it was not a feasible option.

"By denying the residential, we would also be denying some parking that went along with it," Vera stated. "By doing that, it would cause the commercial portion to be below their required quota of parking."

Council member Robert Curbello, the most vocal opponent of the development, agreed that estate homes are much more compatible to the community than rental apartments. He also felt strongly that there were several major parking problems with the current plan.

"The last thing we need is more high density apartment housing," Curbello said. "And with this new plan, parking for the mall is in the back. Without visible parking, crime and car thefts go way up."

According to Curbello, it also takes just one look across the street at Kendallgate

Mall (also owned by Berkowitz) which houses Kendall 9 cinemas.

"Parking for the cinema is virtually impossible. With Berkowitz's plan for a 75,000-square-foot cinema, I can only expect the same thing to happen."

Curbello said that the plan is not compatible with the county code because it did not have enough parking spaces. Even so, Curbello made a motion to deny four acres of parking set out in the plan.

**"Mr. Berkowitz was obviously very upset. His attorney, Mr. Jeffrey Bercow did say at the zoning hearing that his client [Berkowitz] has no plans on coming back with another new site plan. I hope that was said in the heat of the moment because we were happy with most of the plan. Overall, I feel he [Berkowitz] did a very nice job."**

MANUEL VERA

"Those four acres, along with three acres of residential, should be used for a combined total of at least seven acres of estate homes," Curbello said. "I denied some parking because I feel the real problem is that there are too many buildings. He [Berkowitz] can create more parking by

removing some."

After two hours of debate, Curbello eventually passed a motion, by a vote of 4-3, to deny three acres of residential rental apartments, four acres of parking and defer the rest of the project.

At that point, Berkowitz asked that the entire project be denied (the only way it could be appealed to the County Commission), but was unsuccessful.

However, Curbello did note that applications are either denied with prejudice, where the applicant has to wait 18 months before being reheard, or denied without prejudice where it can be heard again in 12 months.

"We waived that entire process," Curbello noted. "If Mr. Berkowitz wants to come back next month, he can."

Council Member Dorothy Cissel, who voted in favor of the development, felt Berkowitz has done all he possibly could over the years and has had the approval of the Kendall Federation of Homeowner Associations (KFHA), which represents more than 30 homeowner associations, every step of the way.

"I've seen him struggle, change his plan numerous times and try to please the community for 12 years," Cissel said. "I think Mr. Berkowitz has made all the possible corrections he can make."

The question of whether Berkowitz Development Group plans on forging ahead is still unknown. Repeated calls to both Berkowitz and Bercow were not returned.