

RESOLUTION NO. R-2013-73

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONCEPTUAL MASTER DEVELOPMENT PLAN FOR TRACT A OF BISCAYNE LANDING PLAT, IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on May 23, 2012, the Mayor and Council of the City of North Miami (“City”) passed and adopted Resolution Number R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (“Developer”), for the master development of real property consisting of approximately 183.8 acres of land known as “Biscayne Landing”, as legally described in “Exhibit C”, attached hereto (“Development”); and

WHEREAS, the Developer filed an application with the Community Planning & Development Department requesting issuance of a Conditional Use Permit and approval of the Conceptual Master Development Plan for the Development, pursuant to the requirements of Article 3, Division 4 of the City Land Development Regulations (“LDRs”); and

WHEREAS, the proposed Conceptual Master Development Plan includes a mixture of residential, hotel, community facility/open space, assisted/independent living and commercial uses; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 2, 2013, could not achieve a majority vote after reviewing the proposed request, public testimony, reports and the recommendation of approval by City staff with conditions; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that the proposed requests are in the best interest of the City and will not adversely affect the health, safety, and welfare of residents; thereby, approve the issuance of the Conditional Use Permit in conjunction with the Conceptual Master Development Plan.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Approval of Conceptual Master Development Plan. The Mayor and

City Council of the City of North Miami, Florida, hereby, approve the Conceptual Master Development Plan Map as described in "Exhibit C", attached hereto.

Section 2. Issuance of Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve and issue a Conditional Use Permit, in substantially the attached form.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 3-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 25 day of June, 2013.

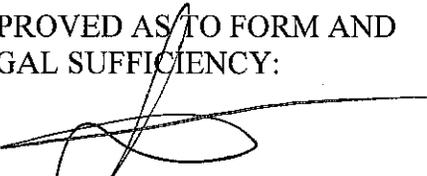

LUCIE M. TONDREAU
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Councilman Galvin

Vote:

Mayor Lucie M. Tondreau
Vice Mayor Marie Erlande Steril
Councilperson Scott Galvin
Councilperson Carol F. Keys, Esq.
Councilperson Philippe Bien-Aime

_____	(Yes)	_____	(No)	Abstained/Conflict
<u>X</u>	(Yes)	_____	(No)	
<u>X</u>	(Yes)	_____	(No)	
<u>X</u>	(Yes)	_____	(No)	
_____	(Yes)	<u>X</u>	(No)	

EXHIBIT B

CONDITIONAL USE PERMIT FOR THE BISCAYNE LANDING CONCEPTUAL MASTER DEVELOPMENT PLAN.

WHEREAS, City is the owner of the real property more particularly described in the legal description contained in Exhibit "A" (the "Property"); and

WHEREAS, on May 23, 2012, the Mayor and Council of the City of North Miami ("City") passed and adopted Resolution Number R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC ("Developer"), for the master development of said real property consisting of approximately 183.8 acres of land known as "Biscayne Landing"; and

WHEREAS, the Developer filed an application with the Community Planning & Development Department requesting issuance and approval of a Conditional Use Permit for the Conceptual Master Development Plan for the Development, pursuant to the requirements of Article 3, Division 4 of the City Land Development Regulations ("LDRs"); and

WHEREAS, the proposed Conceptual Master Development Plan includes a mixture of residential, hotel, community/open space, and commercial uses; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 2, 2013, could not achieve a majority vote after reviewing the proposed request, public testimony, reports and the recommendation of approval by City staff; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that the proposed requests are in the best interest of the City and will not adversely affect the health, safety, and welfare of residents; and thereby, approve the issuance of the Conditional Use Permit in conjunction with the Conceptual Master Development Plan

NOW, THEREFORE, the Mayor and City Council hereby approve this Conditional Use Permit, along with the following findings and conditions:

1. Submit an amended conditional use permit application and precise plan for each phase of the development in accordance with the City's zoning regulations.
2. Developer agrees that all plans submitted to the Building Division for building permits shall be consistent with the spirit and intent of the Approved Conceptual Master Development Plan.
3. That the overall Development Master Plan for the site is approved for the following uses:
 - 4,390 residential units which represent
 - 3755 Multifamily units
 - Minimum of 4 star hotel containing 150 hotel rooms (equivalent to 75 units for density).
 - 560 elderly assisted living units
 - 1,172,256 Commercial/Retail Use

- 7.2 acre active park
 - 13.7 acre passive park
 - No less than 35.7 acres of open space
4. The Developer agrees to apply and diligently pursue permits from the County and (FDOT) Florida Department of Transportation for improvements of 143rd Street and Biscayne Boulevard. At such time as the County may approve, the Developer will work with all parties involved to construct the improvements. The City will not be responsible for any construction or costs associated with the aforementioned improvements.
 5. Comply with the City's development standards, with particular emphasis on Article 4, Section 4-402 (Planned development) and Article 5, Division 12 (Landscaping), Division 14 (Parking & Parking Garage Standards) and Division 15 (Signage) of the LDR.
 6. Bonding or financial guarantee. Prior to the issuance of a building permit, the applicant shall deposit with the Department Of Community Planning And Development a cash bond, surety bond, or time-deposit bond in an amount equal to one hundred ten (110) percent of the estimated cost of any and all improvements which may be required within dedicated rights-of-way and/or public facility easements to ensure the placing thereof.
 7. **The Conditional Use Permit for Conceptual Master Development Plan shall be developed substantially in accordance with the following development standards.**
 - A. Setbacks
 1. Minimum 15' setback from property lines to buildings of 2 stories or less;
 2. Minimum 30' setback from property lines to buildings of more than 2 stories.
 - B. Building Height:
 1. Maximum of 25 residential stories above grade at building entrance or above provided parking decks;
 2. Parking garages with 6 parking levels elevated above grade and amenity decks and building above parking.
 - C. Fences:
 1. A combination of hedges, walls and fences will be used in combination with landscape material to create a secure environment. Specific perimeter treatments will be provided prior to obtaining building permits.
 - D. Hedges and Walls:
 1. A combination of hedges, walls and fences will be utilized. All final colors and finishes will be provided for the City of North Miami review and approval prior to obtaining building permits.
 - E. Signs:
 1. A series of signage elements will be included for project identity, wayfinding and neighborhood identity subject to Article 5, Division 15 Section 5-1506 of the City's LDRs. Specific signage treatments will be provided prior to obtaining building permits.

2. A comprehensive Signage Program shall be developed for the entire project site subject to the administrative approval of the City's Community Planning & Development Department.
- F. Lighting:
1. Exterior lighting to be included that is consistent with the City of North Miami code.
- G. Bike & Pedestrian Circulation:
1. Promenades and public spaces adjacent to a street and transit stops should be welcoming to the pedestrian with landscaping, benches, bicycle parking, public art and other attractive features.
 2. Roadways should be designed to maximize bicycle, pedestrian and transit connections, internally and to adjacent or nearby compatible schools or developments, by allowing movement in any direction to minimize travel distance. A sidewalk shall be provided on NE 143rd Street along with two activity lanes.
 3. All bicycle parking facilities should be placed in areas that are well-lighted and such spaces shall be identified with a permanent and properly maintained aboveground "Bicycle Parking" sign.
- H. Open Space:
1. Open Space within the site will take on a series of roles, including passive and active recreation areas, landscape, and retention. The public open space will include a pedestrian pathway to accommodate multiple modes of recreation.
- I. Grading and Drainage:
1. All Grading and Drainage for the site shall adhere to the Standards and Regulations of the Miami-Dade County Department of Environmental Resources Management (DERM), South Florida Water Management District (SFWMD), and the City of North Miami.
- J. Sanitation:
1. Solid Waste amounts will be calculated based on the city of North Miami's generation rates.
- K. That Developer shall comply with minimum parking requirements as determined at each subsequent phase of the master development plan submittals consistent with the City's parking standards established in Article 5, Division 14 of the LDRs.
- L. Public Utilities:
1. Design and installation of water lines, force mains and lift stations shall be in compliance with the Code of Ordinances of the City of North Miami. Design and installation shall meet the criteria, set forth by the Florida Department of Environmental Protection (FDEP), DERM and the Miami-Dade County Health Department.

- M. Common Area:
4. Common areas within the private development will match the character set forth by the individual development. These areas will provide aesthetic and functional qualities to the development.
- N. Landscaping:
1. The intent of the landscaping is to provide the site with a "natural" look throughout the majority of the site. It is the intention to create only pockets of formal planting at the main entrance and focal points throughout the project. Subsequently plant spacing, heights, and massing will be irregular to achieve this effect.
- O. Construction Phasing: Shall be consistent with the approved phasing schedule as referenced in Section 5.5 of the approved Master Development Plan
- P. All ground level and roof top mechanical equipment will be enclosed or obscured from public view at ground level and at roof level
- Q. Parking shall be in compliance with City's Parking requirements outlined in Article 5, Division 14.
- R. All utility construction and vehicle/pedestrian paths construction shall be coordinated through the office of Director of City's Public Works Department
- S. Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development
- T. In addition to the traffic due diligence study already provided prior to the commencement of Phase 2 the applicant agrees to provide a supplemental traffic analysis of NE 151 Street & Biscayne Blvd from 1:15pm to 3:15pm to accurately assess the currently failing intersection and work with all partners involved (FIU, County, FDOT, Miami Dade School District and City) to develop a proportionate fair share solution to resolve or alleviate the failing intersection
- U. Demand Management Program (DMP) – The applicant shall submit a Transportation Demand Management (TDM) Program to the City, for each "vertical construction" phase of development meeting the requirements of Section 5-702 of the City's Land Development Regulations. Said plan to be submitted also to Miami Dade Transit and Florida Department of Transportation in accordance with Policy 2A.2.12 of the City's Comprehensive Plan. The TDM program shall be appropriate to the size, scale and location of the proposed development and shall demonstrate that every effort will be made to ensure the proposed transportation strategies will reduce the traffic impacts anticipated from the proposed development. The DMP shall propose multi modal transportation alternatives such as connected sidewalks, bicycle parking, transit facilities for bus/shuttle stops and carpooling to alleviate the added traffic anticipated from the site consistent with the requirements of Policy 2A.1.3.

- V. Prior to submittal of each amended conditional use permit application for individual phases, the applicant shall provide an updated traffic analysis to the Director of Community Planning & Development with proposed mitigation strategies to alleviate the anticipated impacts.
- W. Within 45 days of Council adoption, work with City staff to identify any available federal, state or local programs that may be able to provide possible tax credit opportunities.
- X. Comply with all DRC comments issued by all City Departments and/or Consultants as provided in written form by the City's Zoning Administrator, Joanne Martin.

LEGAL DESCRIPTION

TRACT "A" of BISCAYNE LANDING, according to the Plat thereof, as recorded in Pl at Book 161, at Page 72, of the Public Records of Miami-Dade County, Florida, lying in Section 21, Township 52 North, Range 42 East, less (LESS OUT PARCEL "A"), and less (LESS OUT PARCEL "B"), also known as that piece of land depicted on "THE OAKS I CONDOMINIUMS" recorded in Official Records Book 25427 at Page 4674 of the Public Records of Miami-Dade County, Florida, said LESS OUT parcels being more particularly described as follows:

LESS OUT PARCEL "A": Commence at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 21, Township 52 South, Range 42 East, the same being the Northeast Corner of said Tract "A" of BISCAYNE LANDING; thence South 87°02'55" West along the North boundary line of said Tract "A" of BISCAYNE LANDING, and along the North line of the Northeast 1/4 of said Section 21, and along the South Right of Way Line of N.E. 151st Street for a distance of 396.01 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence along the boundary of The Oaks Condominium as described in Official Record Book 25427 at page 4613 of the Public Records of Miami-Dade County, Florida, for the following (4) courses; (1) thence South 03°17'25" East for a distance of 522.10 feet; (2) thence North 86°42'35" East for a distance of 159.56 feet; (3) thence South 27°35'03" East for a distance of 138.47 feet; (4) thence South 83°13'18" East for a distance of 177.81 feet to a point on the West line of the NE 1/4 of the NE 1/4 of said Section 21, also being the East line of said Tract "A"; thence South 02°55'05" East along said line for a distance of 252.90 feet; thence South 87°09'14" West for a distance of 501.91 feet to a point on a circular curve concave to the west whose radius point bears North 82°36'35" West from said point; thence Northwesterly to the left along the arc of said curve having a radius of 352.64 feet, through a central angle of 23°27'40" for an arc distance of 144.40 feet; thence North 78°35'03" East for 122.19 feet to a point on a circular curve concave to the Southeast whose radius point bears North 85°51'34" East from said point; thence Northeasterly to the right along the arc of said curve having a radius of 100.00 feet, through a central angle of 38°22'29" for an arc distance of 66.98 feet to a point of tangency; thence North 34°14'03" East for 70.48 feet; thence North 51°25'22" West for 70.73 feet; thence North 43°42'31" West for 108.81 feet to a point of curvature with a circular curve concave to the east; thence Northeasterly to the right along the arc of said curve having a radius of 60.00 feet, through a central angle of 72°52'56" for an arc distance of 76.32 feet to a point of reverse curvature with a circular curve concave to the northwest; thence Northeasterly to the left along the arc of said curve having a radius of 25.00 feet, through a central angle of 31°32'21" for an arc distance of 13.76 feet to a point of tangency; thence North 02°21'55" West for a distance of 173.92 feet to a point of curvature with a circular curve concave to the southwest; thence Northwesterly to the left along the arc of said curve having a radius of 125.00 feet, through a central angle of 78°55'58" for an arc distance of 172.20 feet; thence North 02°57'01" West for a distance of 138.00 feet to a point on the North boundary line of said Tract "A" of BISCAYNE LANDING, and also being to the North line of the Northeast 1/4 of said Section 21, and also being to the South Right of Way Line of said N.E. 151st Street; thence North 87°02'55" East along said North boundary line of said Tract "A" of BISCAYNE LANDING, and along said North line of the Northeast 1/4 of said Section 21, and along said South Right of Way Line of

N.E. 151st Street for a distance of 149.64 feet to the POINT OF BEGINNING; Said parcel contains 4.33 acres, more or less.

AND

LESS OUT PARCEL "B": Beginning at the most Northeasterly Corner of said Tract "A" of "BISCAYNE LANDING," said point being further described as being the Northeast Corner of the West ½ the Northeast ¼ of Section 21, Township 52 South, Range 42 East; thence South 02°55'05" East, along the East Line of said Tract "A", a distance of 677.06 feet; thence North 83°13'18" West, a distance of 177.81 feet; thence North 27°35'03" West, a distance of 138.47 feet; thence South 86°42'35" West, a distance of 159.56 feet; thence North 03°17'25" West, a distance of 522.10 feet to a point on the North Line of said Tract "A"; thence North 87°02'55" East, along said North Line, a distance of 396.01 feet to the POINT OF BEGINNING. Said parcel contains 5.37 acres, more or less.