RESOLUTION NO. R-2013-96

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE AMENDED CONDITIONAL USE PERMIT FOR THE PRECISE PLAN CONSTITUTING PHASE 1 OF THE BISCAYNE LANDING MASTER PLAN, IN SUBSTANTIALLY THE ATTACHED FORM, AND IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, FOR THE INSTALLMENT OF A NEW SPINE-ROAD TO SERVE THE FUTURE MIXED USE DEVELOPMENT ON THE PROPERTY; 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 the attached "Exhibit C" ("Development"); and

WHEREAS, on June 25, 2013, the Mayor and City Council approved the Conditional Use Permit and Conceptual Master Development Plan for the Development ("Master Plan"), pursuant to the requirements of Article 3, Division 4, and Article 4, Section 4-402 of the City Code of Ordinances, Land Development Regulations ("LDRs"); and

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

WHEREAS, the Developer is required to amend the approved Conditional Use Permit and submit a precise plan for each phase of the Development, in accordance with Article 3, Division 4 of the Land Development Regulations; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 2, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and applicable LDRs, and recommended approval of the amended Conditional Use Permit and precise plan to the Mayor and City Council; and

WHEREAS, the Mayor and City Council have determined that the proposed request is in the best interest of the City and will not adversely affect the health, safety, and welfare of

residents and thereby, approve the amended Conditional Use Permit and Precise Plan for Phase 1 of the Development, in conjunction with the Master Plan.

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

Section 1. **Approval of Precise Plan Constituting Phase 1.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Precise Plan constituting Phase I of the Biscayne Landing Master Plan, attached hereto as "Exhibit 1".

Section 2. **Approval and Issuance of Amended Conditional Use Permit.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve and issue an amended Conditional Use Permit for Phase 1, in substantially the attached form.

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

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 27 day of August, 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 Bien-Aime

Vote:

Mayor Lucie M. Tondreau	x	(Yes)		(No)
Vice Mayor Marie Erlande Steril	x	(Yes)		(No)
Councilperson Scott Galvin	x	(Yes)		(No)
Councilperson Carol F. Keys, Esq.		(Yes)	x	(No)
Councilperson Philippe Bien-Aime	x	(Yes)		(No)