

To: The Honorable Mayor and City Council
From: Maxine Calloway,  Community Planning & Development Director
Date: April 23, 2013
Re: Biscayne Landing Conceptual Master Plan Map & Conditional Use Permit

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.

RECOMMENDATION

That the City Council approves the proposed Resolution for the issuance of a master Conditional Use Permit for the Conceptual Master Development Plan Map with conditions for the Biscayne Landing Plat (subject development) in accordance with Article 3, Section 3-405 of the City's Land Development Regulations (LDR) and forward said Resolution to City Council for final consideration.

PLANNING COMMISSION RECOMMENDATION

At its meeting on April 2nd, 2013 the Planning Commission (attended by Commissioners, Each, Castor, Ernst, Siefried, Prevatel and Harwitz) reviewed and discussed the resolution to adopt the proposed Conditional Use Permit and the Conceptual Master Development Plan Map. The Commission engaged in a lengthy discussion on the proposed master plan and received several comments from the public regarding potential impacts to schools, traffic and the environment. Commissioner Prevatel shared recommendations primarily concerning the architecture and design of the site.

The applicant's architect Kobi Karp gave the presentation and highlighted the changes made to the Master Plan since the March 19th 2013 community workshop. He later provided an overview of the proposed development and assured the board that although it was not under their purview to provide design recommendations at this conceptual stage of the development, all efforts would be made to incorporate many of the recommendations. The motion to approve was made by Commissioner Ernst and seconded by Commissioner Castor. During the process Commissioners Prevatel and Harwitz left the meeting and by so doing abstained by default. As such, the Planning Commission rendered a vote of 2-2 on the resolution without receiving a majority vote. The two (2) dissenting votes were cast by Commissioners Each and Seifried.

RESOLUTION NO. _____

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 _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of April, 2013.

ANDRE D. PIERRE, ESQ.
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: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	_____	(Yes)	_____	(No)

Fig 1. Proposed Conceptual Master Plan Map (Attached as Exhibit C)



PURPOSE & INTENT

On May 23, 2012, the Mayor and Council of the City of North Miami adopted Resolution R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (the Developer) for the master development of the Biscayne Landing plat, consisting of approximately 184 acres in size. Section 7.1 of the executed agreement references a conceptual master plan map (Concept Plan) which serves as a “general guideline for development on the premises” and identifies future phases, timing and location of permitted uses contemplated as part of the project (Attached as Exhibit A).

As indicated in Section 7.1 of the Lease Agreement “the location and boundaries shall not be changed without written consent of the landlord (i.e. the City)”. Additionally, pursuant to Section 3-401.B of the City’s Land Development Regulations, all Planned Developments are required to obtain a Conditional Use Permit with specific guidelines and development standards (as established by City Council) for the implementation of the proposed development. As such, in January 2013, the Developer filed an application with the Community Planning & Development Department requesting approval of the Conceptual Master Development Plan (which was subsequently revised as depicted in Fig 1 above), by virtue of the issuance of a Conditional Use Permit (Attached as Exhibit B) for the Biscayne Landing Site. The proposed master plan was reviewed by the City’s Development Review Committee which issued a recommendation of conditional approval with comments from various City departments.

Development Summary

The subject mixed use development is a proposed master plan project on a 184 acre City owned site and former landfill, located on the southeastern quadrant of the intersection of NE 151 Street and Biscayne Boulevard. The site is currently zoned Planned Development (PD) with a land use of Mixed Use Medium (allowing a density of 40 dwelling units per acre) and is also located within the boundaries of the City’s Regional Activity Center (RAC). The RAC is a State designated district, intended to encourage regionally significant developments that promote mass transit, bicycle paths and pedestrian connectivity within the vicinity of Florida International University (FIU), Oleta State Park and the Biscayne Boulevard corridor, *in order to create an attractive, functionally integrated community that provides: living, working, shopping, educational and recreational opportunities.*

As such, the executed lease agreement calls for a Conceptual Master Plan, which identifies all the proposed phases and uses of **the development which includes a mix of:** 4,315 residential units (of which only 3755 is multifamily residential, including 560 units as part of a proposed assisted/independent living facility), 150 room five star hotel, and 1,172,256 square feet of commercial/retail use (including 377,940 square feet auto mall space) 10,000 square feet community center, 7.2 acre active park and 43 acres of open space.

Article 3, Section 3-405 of the City's Land Development Regulations requires that all requests for Conditional Use approval must demonstrate compliance with the following standards:

1. The application is consistent with the comprehensive land use plan;

The proposed master development plan and conditional use request is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 1.13.12 that promotes redevelopment efforts within Regional Activity Center (RAC) that "promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities. In addition, the land use designation and the uses proposed are consistent with those allowed under the Mixed Use Land Use category of the Comprehensive Plan.

2. The application is in compliance with the district regulations applicable to the proposed development, including the bonus provisions in section 4-405, if applicable;

The proposed application does not include a request for bonus units. As proposed the Master Plan & Conditional Use Permit are in compliance with the land use, Planned Development, and RAC District regulations.

3. The application is consistent with the applicable development standards in these LDRs;

Based on the information provided staff believes the proposed development is in compliance with the development standards outlined in the LDRs. In addition, the City Council will apply those development standards not established by the LDRs through the Conditional Use Permit process.

4. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use or adequate mitigation is provided;

The applicant provided an updated traffic report dated April 12, 2013 which indicates that the proposed development is anticipated to generate 2398 AM and 3133 PM trips. Based on the traffic report findings, there are concerns regarding the operational efficiency of the signals at US-1 and NE 151 Street, Royal Oak Lane and NE 143 Street. It is therefore recommended that these areas be further assessed and mitigation strategies be developed in an effort to provide adequate access and mobility for residents, customers and visitors. Staff is particularly concerned about the intersection of NE 151 Street and Biscayne Boulevard which is currently operating at a Level of Service (LOS) F, and is collectively used by commuters to the North Miami Stadium, FIU, David Lawrence K-8 Center and Alonzo & Tracy Mourning High School. Staff is therefore requesting that the applicant propose multi modal transportation alternatives such as bicycle parking, public transportation and carpooling to alleviate the added traffic anticipated from the site.

5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.

A 373 unit residential multifamily development known as *The Oaks* currently abuts the northeast corner of the site and serves as the only new residential development created within the RAC since its establishment in 2003. The site also abuts several elementary through tertiary level educational facilities. It should be noted that based on a recent school concurrency analysis conducted by the Miami Dade County Public Schools (MDCPS) dated April 5, 2013, the assigned K-12 boundary schools in the existing concurrency service area (David Lawrence K-8 Center, JFK Middle, Alonzo Mourning Senior High) are all significantly overcrowded and do not have sufficient capacity to accommodate the proposed development. As such, the analysis indicates that the proposed development will have to reserve capacity at the contiguous/adjacent service area schools in order to meet school concurrency level of service standards. School District staff will be meeting with the applicant and the City in order to identify other possible alternatives.

Staff believes the proposed mixed use development is a suitable complement to the adjacent recreational uses with regional centers at neighboring FIU Biscayne Bay Campus, Kovens Center and Oleta State Park. However adequate ongoing dialog is needed between the developer and the adjacent residential development (*The Oaks*) as well as MDCPS in order to identify appropriate mitigation strategies to alleviate any adverse impacts from the proposed development.

6. The parcel proposed for development is adequate in size and shape to accommodate all development features;

At 184 acres and situated on two major corridors, staff believes the subject parcel is suitable in size and shape to accommodate the proposed mixed use development.

7. The proposed use will not have an adverse impact on use, livability, value and development of adjacent properties;

With the majority of the City's housing stock being over 40 years old, the proposed development will make way for the first major mixed use redevelopment project to occur along the Biscayne Boulevard corridor in many years. As proposed, the redevelopment of the currently vacant site is anticipated to generate major fiscal and economic benefits to the adjacent properties as well as the City and the Region. As indicated in the Market and Economic Impact Report prepared by FOCUS Real Estate Advisors dated February 2013, *"the proposed community parks, new high end residential units, open space amenities, retail component coupled with the auto dealership, and new hotel facility will represent a critical mass with strong regional drawing power that is likely to attract other development interest to the area."*

8. The nature of the proposed development is not detrimental to the public health, safety and general welfare of the community;

As proposed the future development is not anticipated to adversely impact the public health, safety and general welfare of the community. In fact based on the findings of the Economic Impact Report

referenced in the preceding section, the proposed development is anticipated to create the following positive City and Regional fiscal impacts:

Figure 1 -

<p>FISCAL BENEFITS City of North Miami:</p> <p>Non- Recurring</p> <ol style="list-style-type: none"> 1. \$15,060,900 in Impact Fees 2. \$6,667,700 in Building Permit Fees 3. \$194,800 in Zoning Services Fees 4. \$273,900 for ReOccupancy Certificates 5. \$25.3 million in Lease transaction fees and City reimbursements (\$17.5 million plus \$7.8 million for initial rent, tax and other City cost reimbursements) 6. \$6,650,000 Community Parks and Community Center Facilities 	<p>Recurring</p> <ol style="list-style-type: none"> 1. Lease Payments <ol style="list-style-type: none"> a. Annual - \$1,500,000 (increasing each ten year period of the Lease) b. Total 99 year lease term - \$226,950,000 2. Participation Rent <ul style="list-style-type: none"> Residential Sales/Rentals (2016-2022) - \$1,190,000 Retail Big Box Subleases (2014) - \$268,800 Hotel Sublease (2016) - \$88,200 Auto Dealership Sublease (2015) - \$2,825,300 3. Park and Community Center maintenance <ol style="list-style-type: none"> a. Park maintenance - \$140,000 per year b. Community Center - \$40,000 per year/two full-time employees 4. Ad Valorem Taxes (City of North Miami portion – General Fund and CRA) <ol style="list-style-type: none"> a. Annual, upon Project completion - \$7.7 million b. Total 99 year Lease term - \$744.2 million 5. Ad Valorem Taxes (Other jurisdictions/authorities (i.e. County, School Board, Children’s Trust, S.F.W.M District) <ol style="list-style-type: none"> a. Annual, upon Project completion - \$16.3 million b. Total 99 year Lease term - \$1.6 billion 6. Increased business and occupational license fees
<p>ESTIMATED ECONOMIC BENEFITS</p> <p>Non-Recurring</p> <ol style="list-style-type: none"> 1. \$966.5 million in construction-related expenditures within Miami-Dade County 2. Construction labor expenditures equivalent to annual wages of \$386.6 million 3. 8,370 full-time equivalent jobs (development/construction related) 	<p>Recurring</p> <ol style="list-style-type: none"> 1. \$266.2 million annually in on-site retail sales 2. 2,850 on-site permanent jobs with annual wages and salaries of approximately \$85.2 million 3. \$81 million in resident retail and services expenditures 4. \$8.2 million in tourist expenditures

To that end, staff believes the proposed development not only provides economic but also environmental benefits as it represents a great example of how an environmentally challenged site can be remediated and transformed into an economically viable site.

9. The design of the use creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development; and

Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or an alternate City approved green standards as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a LEED or similar designation mixed use project with energy saving fixtures to sustainably reduce the water and energy consumption of the future development.

10. Flexibility in regard to development standards is justified by the benefits to community character and the immediate vicinity of the parcel proposed for development.

As a PD zoned site, the project is entitled to greater flexibility in the development standards than all other zoning districts. As it is evident from the economic impact report that that the anticipated benefits far outweigh the expected costs to the community or the City. Staff believes the flexibility in standards is necessary for the successful development of the site.

CONCLUSION

Based on our analysis and the favorable recommendation of the City's DRC, staff is of the opinion that the proposed Conceptual Master Plan and conditional use application is consistent with the requirements of Section 3-405 of the City's Land Development regulations and is compatible with the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department requests that the City Council approves the attached resolution, subject to the following conditions:

1. Applicant shall comply with all conditions listed in Exhibit B, of the approved Conditional Use Permit.
2. Applicant shall coordinate with the City Attorney's office to amend the Lease Agreement dated May 29th, 2012 to replace the existing Conceptual master Plan Map "Exhibit B" with the newly approved Conceptual Master Development Plan.
3. Applicant shall submit draft Development Agreement to the Community Planning and Development Department outlining commitment to capital facilities planning to ensure the provision of adequate public facilities for the master development.
4. Submit an amended conditional use permit application and precise plan for each future phase of the development showing detailed site layout, building architecture, massing, elevations in accordance with the City's zoning regulations.

5. Coordinate with City of North Miami Beach regarding gaining access via the proposed extension of NE 146 Street to Biscayne Boulevard since that portion lies inside the jurisdiction of the City of North Miami Beach.
6. Comply with utility recommendations of the City Engineer based on comments provided in the DRC report dated January 8, 2013 to ensure water and sewer lines are appropriately sized.
7. 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 insure the placing thereof.
8. Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development
9. 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.
10. Demand Management Program (DMP) – The applicant shall submit a Transportation Demand Management (TDM) Program to the City, for each “vertical construction” phase of development. Said plan to be submitted also to Miami Dade Transit and Florida Department of Transportation in accordance with Policy 1.1.4 and 1.2.6 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.
11. Prior to submittal of each conditional use permit 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.
12. Traffic Impact Analysis - Applicant must comply with DRC recommendations provided by contract engineers with Kittleson and Associates.
13. Within 45 days of Council adoption work with City staff to establish a Brownfield program and explore possible tax credit opportunities that may be available.
14. School Impact Report– Although the Miami Dade County Public School concurrency analysis indicates that the schools in the current service area are overcrowded. The proposed development does meet school concurrency Level of Service (LOS) Standards from available capacity at schools in the adjacent service area. As such, the applicant is strongly encouraged to identify

property within the development for the construction of a school to accommodate the additional student capacity anticipated from the proposed development and minimize further impacts to the already overcrowded K-12 MDCPS adjacent to the proposed site. The applicant agrees to meet with City and the Miami Dade County School District Staff to discuss the appropriate mitigation needed to satisfy school concurrency requirements.

15. Comply with all requirements stipulated in City's executed lease agreements.
16. Comply with all DRC comments issued by all City Departments as provided in written form by the City's Zoning Administrator, Joanne Martin.

TWS/mc

- Attachments:
1. Proposed Resolution
 2. Existing Conceptual Master Plan Map (Exhibit A)
 3. Conditional Use Permit (Exhibit B)
 4. Proposed Master Plan Map (Exhibit C)

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 March 5, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and LDRs, and recommended the issuance and approval of the Conditional Use Permit and Conceptual Master Development Plan, to the Mayor and City Council; 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:
 - 4,315 residential units
 - Minimum of 3 star hotel containing 150 hotel rooms (equivalent to 75 units)
 - 750,000 square feet of retail use
 - 9,880 square feet restaurant
 - 10,000 square feet community center

- 202,760 square feet auto mall
 - 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 Landing Boulevard. At such time as the County may approve, the Developer will construct the improvements at its own cost and expense.
 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 30' setback from property lines to buildings of 2 stories or less;
 2. Minimum 45' 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 gated, 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. Sidewalks shall be provided on both sides of NE 143rd Street.
 3. All bicycle parking facilities should be placed in areas that are well-lighted and such spaces should 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 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. Applicant agrees to provide a supplemental traffic analysis of NE 151 Street & Biscayne Blvd from 1:15 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 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 for each phase of “vertical” construction to the City, Miami Dade Transit and Florida Department of Transportation in accordance with Policy 1.2.6 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, public transportation and carpooling to alleviate the added traffic anticipated from the site.

- V. The applicant shall propose transportation mitigation strategies in accordance with the requirements of Policy 1.1.4 of the City's Comprehensive Plan to alleviate any additional traffic impacts that will be generated by the proposed development.

- W. 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.

- X. Traffic Impact Analysis - Applicant must comply with recommendations provided by contract engineers with Kittleson and Associates.