

Date: May 24th, 2016

To: The Honorable Mayor and City Council of the City of North Miami

From: Tanya Wilson-Sejour, AICP, Community Planning & Development Director

*MPP for
TWS*

Re: Waiver of Plat Approval

Address/Folio Number: 12200 NE 14th Avenue/06-2229-000-0171

Owner: MKR Properties, LLC

Applicant: Savits Enterprises II, Inc. - Chris Savits

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE ATTACHED WAIVER OF PLAT FOR THE UN-PLATTED PROPERTY OF APPROXIMATELY 3.9 ACRES IN SIZE, GENERALLY LOCATED AT 12200 NE 14TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-000-0171, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, CHAPTER 28, SECTION 28-4.1 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AND CHAPTER 177, FLORIDA STATUTES (2015); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the Mayor and City Council pass and adopt the proposed resolution, approving with conditions the waiver of plat request submitted by Savits Enterprises II, Inc. to subdivide the above-described property into two (2) separate parcels, and forward said resolution to the Mayor and City Council for final consideration.

PLANNING COMMISSION RECOMMENDATION

At its May 3rd, 2016 meeting, the Planning Commission (attended by Commissioners Kevin Seifried, Charles Ernst, Kenny Each, Jason James, Emmanuel Jeanty, Peggy Boule, and Bob Pechon) reviewed and discussed the proposed resolution. Following staff's presentation, the Applicant, Mr. Savits, approached the microphone to speak briefly on the item and express his concurrence with staff recommendation. The Deputy City Attorney, Mr. Roland Galdos, advised that, in the event the Planning Commission voted to recommend adoption of the resolution by the City Council, the Applicant shall provide an updated Power of Attorney (POA) before the item could be heard by the City Council. Vice Chair Ernst then made a motion to recommend adoption of the accompanying resolution and forward same to the Mayor and City Council for

final consideration, subject to the submittal of an updated (POA). Seconded by Commissioner Jeanty, the motion passed 7-0 by roll call vote.

BACKGROUND INFORMATION

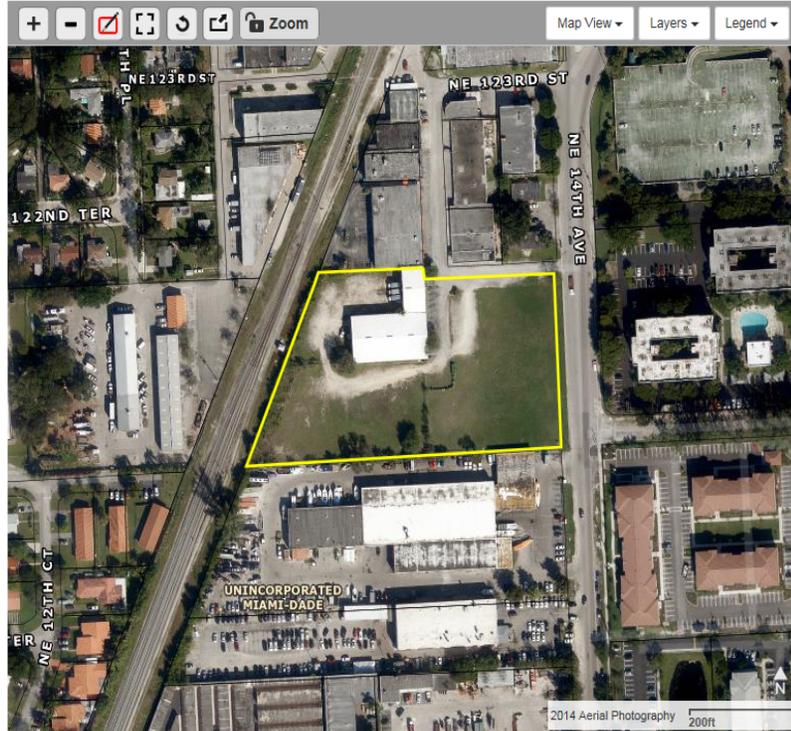
The Applicant, Savits Enterprises II, Inc., with the consent of the owner on record for the subject 3.9-acre property, MKR Properties, LLC, has filed this waiver of plat application in order to divide the property into two (2) separate parcels, with Parcel A comprising approximately 1.8 acres and Parcel B, 2.1 acres. Each parcel will independently satisfy all of the dimensional requirements set forth in Article 4, Division 3, Section 4-303 of the City’s Land Development Regulations (LDRs) for properties located in the M-1, Industrial District. Upon City Council and county approval of the application, the Applicant intends to purchase Parcel A and develop it with a storage facility.

NEIGHBORHOOD LAND USE CHARACTERISTICS

Property	Future Land Use	Existing Zoning	Existing Use/Subdivision
Site	Industrial	M-1, Industrial	Warehouse
North	Industrial	M-1, Industrial	Warehouse
South	Industrial	M-1, Industrial	Warehouse
East	Industrial	PD, Planned Development	Apartment Complex
West	Industrial	R-2, Single-Family Residential	Duplexes

The subject 3.9-acre property is located on the east side of N.E. 13th Place, approximately 1,000 feet north of N.E. 119th Street. It is zoned M-1 Industrial district, with a land use designation of Industrial and has been developed as a warehouse since 1969. The properties along the same block face are also zoned M-1 and have all been developed with manufacturing buildings. The other surrounding properties feature an apartment complex to the east and duplexes to the west. The geographical location of the subject property is highlighted in the following aerial picture.

PROPERTY INFORMATION	
Folio:	06-2229-000-0171
Sub-Division:	
Property Address	12200 NE 14 AVE North Miami, FL 33161-6521
Owner	MKR PROPERTIES LLC
Mailing Address	475 10 AVE 2ND FLR NEW YORK, NY 10018
Primary Zone	7100 INDUSTRIAL - LIGHT MFG
Primary Land Use	4132 LIGHT MANUFACTURING : LIGHT MFG & FOOD PROCESSING
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	14,693 Sq.Ft
Living Area	
Adjusted Area	14,693 Sq.Ft
Lot Size	167,597 Sq.Ft
Year Built	1969



ANALYSIS

As previously stated, the purpose of this waiver of plat request is to divide the subject property into two (2) separate parcels. This request will not trigger any amendment to the City’s Adopted Comprehensive Plan in that it does not change the Industrial Land Use Plan map designation of the subject property, nor does it alter the uses or intensities of development authorized by the Future Land Use Element (FLUE) in that land use map designation. Furthermore, each newly created parcel will independently satisfy all of the dimensional requirements, i.e., minimum lot area and minimum lot width, set forth in Article 4, Division 3, Section 4-303 of the City’s Land Development Regulations (LDRs) for properties located in the M-1, Industrial District. No amendment to either the text of the LDRs or the adopted Zoning Map will therefore be required.

Outside Agencies: Before submitting the waiver of plat request, the surveyor retained by the applicant sent the proposed waiver of plat survey to utility companies, i.e., Florida Power and Light Company (FPL), AT&T, Comcast, and TECO People’s Gas for their review and comments. Since the Title Notes on the Waiver of Plat Survey show no apparent easement on the parent tract, letters of no objection were received from Comcast and TECO People’s Gas.

City Staff Comments: The Community Planning and Development Department (the “Department”) reviewed the proposed waiver of plat request and found it to be consistent with

the goals, policies and objectives of the City's Comprehensive Plan, and to be in keeping with the purpose and intent of the LDRs, as they relate to dimensional and concurrency requirements. Subsequently, the waiver of plat was sent to other City Departments to garner input, particularly Public Works Department to assess the impacts on Water and Sewer services. The waiver of plat has met with the approval of these other Departments.

City's Contracting Surveyor Comments: In addition to City Staff's comments, peer review comments were also solicited from the City's contracting surveying company, Craven Thompson & Associates. Based on their review, the plat generally meets the requirements of Chapter 28 of the Miami-Dade County Code of Ordinances. These comments, which are enclosed in this staff report, have been shared with the surveying company hired by the applicant and have all been addressed.

CONCLUSION

In light of these findings, staff is of the opinion that the application is both consistent with the goals, objectives and policies of the City's Comprehensive Plan and in keeping with the purpose and intent of the City's LDRs. Consequently, staff requests that the Mayor and City Council pass and adopt the attached resolution approving the requested waiver of plat, subject to the following conditions:

1. *Approving Resolution.* After Council approval and upon the filing of a request for County review, a signed copy of the approving resolution shall be delivered to the Platting and Traffic Review Division of the Miami-Dade's Department of Regulatory and Economic Resources or County's Plat Committee, along with copies of the survey;
2. *Waiver of Plat Modification after approval.* Upon approval by the County's Plat Committee, no changes, erasures, modifications or revisions shall be made to the approved plat unless resubmitted for new approval provided, however, that the City may, after public hearing and based only upon a recommendation of the County's Plat Division, change, modify or revise dedicated road rights-of-way or drainage easements; and
3. *Folio Numbers.* Upon approval by the County's Plat Committee, new folio numbers shall be requested from the Miami-Dade County Property Appraiser's Office.
4. *Recordation.* The applicant shall be responsible for final recordation and shall submit proof of final recordation to the Community Planning and Development Department for its records.

NL/tws

Attachments:

1. Proposed Resolution
2. Exhibit 1 – Survey of “Waiver of Plat for Savits Enterprises II, Inc.”
3. Letter of Intent - “Waiver of Plat for 12200 NE 14 Avenue”
4. Letters of No Objection from FPL, Comcast and TECO
5. Waiver of Plat Review – Craven Thompson and Associates, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE ATTACHED WAIVER OF PLAT FOR THE UN-PLATTED PROPERTY OF APPROXIMATELY 3.9 ACRES IN SIZE, GENERALLY LOCATED AT 12200 NE 14TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-000-0171, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, CHAPTER 28, SECTION 28-4.1 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AND CHAPTER 177, FLORIDA STATUTES (2015); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the property owner, MKR Properties, LLC, through its agent Savits Enterprises II, Inc. (“Applicant”), proposes to subdivide a single-lot property of approximately 3.9 acres in size, generally located at 12200 NE 14th Avenue, and specifically identified with Miami-Dade County Folio Number: 06-2229-000-0171 (“Subject Property”); and

WHEREAS, the proposed subdivision of the Subject Property into two (2) separate lots, will encompass a parcel of approximately 1.8 acres in size (Parcel A), and a parcel of approximately 2.1 acres in size (Parcel B); and

WHEREAS, each of the two (2) subdivided Parcels will independently satisfy the dimensional requirements for uses permitted in the M-1 Industrial District, pursuant to Section 4-303, of the City of North Miami Code of Ordinances, Land Development Regulations (LDRs); and

WHEREAS, the Applicant seeks to obtain a Waiver of Plat for the subdivision of the Subject Property pursuant to Article 3, Division 8, Section 3-802, LDRs, Chapter 28, Section 28-4.1 of the Miami-Dade County Code of Ordinances (“County Code”), and Chapter 177, Florida Statutes (2015); and

WHEREAS, the County Code requires the City to approve the proposed Waiver of Plat pursuant to the requirements of Section 3-802, LDRs; and

WHEREAS, the North Miami Planning Commission (“Planning Commission”) is required to review the proposed Waiver of Plat at a regularly scheduled public hearing, to ensure that it conforms with the requirements of the LDRs and the North Miami Comprehensive Plan (“Comprehensive Plan”); and

WHEREAS, on May 3, 2016, the Planning Commission conducted its review at a duly noticed public hearing and unanimously found the Applicant’s proposed Waiver of Plat, conforms with the requirements of the LDRs and Comprehensive Plan; and

WHEREAS, the Planning Commission recommended approval to the Mayor and City Council with the conditions propounded in the attached staff report and for the Applicant to provide an updated power of attorney from the owner of the Subject Property; and

WHEREAS, the Mayor and City Council find that the approval of the Waiver of Plat, as proposed by the Applicant and approved by the Planning Commission, is consistent with the LDRs, the Comprehensive Plan, and does not adversely affect the public health, safety, and general welfare.

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

Section 1. **Approval of Waiver of Plat.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the attached Waiver of Plat for the un-platted property of approximately 3.9 acres in size, generally located at 12200 NE 14th Avenue and specifically identified with Miami-Dade County Folio Number: 06-2229-000-0171, in accordance with Article 3, Division 8, Section 3-802 of the City of North Miami Code of Ordinances, Land Development Regulations, Chapter 28, Section 28-4.1 of the Miami-Dade County Code of Ordinances, and Chapter 177, Florida Statutes (2015).

Section 2. **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 _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

Dated February 26, 2016

City Of North Miami
776 NE 125th Street
North Miami, Florida 33161-0850

Letter Of Intent for waiver of Plat

Re; 12200 NE 14th Ave
North Miami, Florida 33161
Folio # 06-2229-000-0171

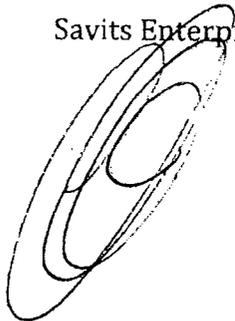
Please be advised that we are applying for this waiver of Plat because the property which is located at 12200 NE 14th Ave presently is not platted.

Our plan is to develop ground storage and air conditioned storage bays up to 4 stories high.

May I thank you in advance for your kind consideration to this matter.

Chris Savits

Savits Enterprises II

A handwritten signature in black ink, appearing to be 'Chris Savits', written over the printed name 'Savits Enterprises II'. The signature is stylized and somewhat circular.



April 21, 2016

Hadonne
Land Surveyors & Mappers
1985 NW 88th Ct. #201
Doral FL. 33172

Re: Electric Service Availability
12200 NE 14th Ave.

Dear Mariela Alvarez;

I am familiar with the subject properties and hereby advise you that Florida Power & Light Company is prepared to supply all necessary and required power to the referenced properties.

FPL currently has existing facilities in the vicinity of the site which will supply the power requirements, with the understanding that the owners will grant to Florida Power & Light Company any other easement rights necessary to provide the service from existing utility easements to the property; and pay, if required, any overhead to underground differential costs.

Power will be supplied at prevailing rates for the appropriate class of service. Prior to beginning construction of the above referenced property, FPL will need certain information in order to design the electrical facilities needed to provide electric service.

It is a pleasure to be of service to you. Thank you for your cooperation and if I may be of further assistance, please call me at (305) 770-7979.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marco Alvarez', with a large, stylized flourish at the end.

Marco Alvarez
Technical Specialist II



Engineering – Design Department
2601 SW 145th Ave Miramar, FL 33027

Tuesday, June 09, 2015

Nelson Ortiz
Consulting Engineering & Science, Inc.
10700 N Kendall Drive, Suite 400
Miami, Florida 33176

RE: Mark-Up Request / Adjustment of Utilities
Waiver of Plat @ 12200 NE 14th Avenue
North Miami, Florida 33161
Comcast ID # - CWSI-M14-2936

Attention Ortiz,

Please be advised, in reference to the proposed 4-story air conditioned storage building at 12200 NE 14th Avenue, North Miami, FL... Comcast has existing aerial and subgrade facilities located within the limits of this project.

Comcast is clear and has *no objections* to the proposed 4-story air conditioned storage building. Should it become necessary, Comcast will coordinate with the developer for a separate easement if needed. Should you have any further questions, please feel free to call me.

Cordially,



Chris Henning
South Florida Utility Coordinator
Authorized Contractor for Comcast
954-239-8386 (Office)
www.Cable-Wiring.com

cc: Leonard Maxwell Newbold
cc: Ric Davidson
cc: Jose Martinez



PEOPLES GAS

5101 NW 21st Avenue, Suite 460
Ft. Lauderdale, Florida 33309
(954) 453-0811, Fax: (954) 453-0804

Easement & Right-of-Way Vacation Letter

June 4, 2015

Mr. Nelson Ortiz, P.E.
Consulting Engineering & Science, Inc.
10700 N. Kendall Drive, Suite 400
Miami, FL 33176

**Subject: WAIVER OF PLAT – BOUNDARY SURVEY
12200 N.E. 14TH AVE.**

- (X) We have no facilities in the Easement/Right-of-Way described and have no objections to this vacation.

 FOR

Angel Quant
Regional Operations Manager

- () We have facilities in the area to be vacated, however, we have no objections to this vacation providing the applicant will pay for the relocation of these facilities.

Angel Quant
Regional Operations Manager

- () We have facilities in the Right-of-Way to be vacated which cannot be relocated for technical reasons, however, we have no objections to the vacation providing a utility easement is incorporated in the re-plat.

Angel Quant
Regional Operations Manager

- () We have objection to the proposed vacation for the following reasons:
TECO Peoples Gas has facilities in the easement and cannot be relocated.

Angel Quant
Regional Operations Manager

Prepared By: Alex Roche

March 18, 2016

e-mail: tsejour@northmiamifl.gov

Ms. Tanya Wilson-Sejour, AICP
Planning Manager
City of North Miami
Community Planning and Development Department
12400 NE 8th Avenue
North Miami, FL 33161

**RE: WAIVER OF PLAT – SAVITS ENT II
12200 NE 14TH AVENUE
WAIVER OF PLAT - 2ND REVIEW
CT&A PROJECT NO. 15-0048.001.01**

CRAIG THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

Dear Ms. Wilson-Sejour:

This review is based on the City of North Miami's Waiver of Plat Requirements. All references appearing below are based on these requirements. I have also attached a red-line mark-up of the Waiver of Plat.

I have not reviewed this Waiver of Plat with reference to Chapter 177, Florida Statutes, as to platting, which does not address plat waivers.

I have the following comments in **BOLD**.

WAIVER OF PLAT REQUIREMENTS

1. Title of survey drawing must be identified as a "Waiver of Plat". Show the Section, Township and Range under the Waiver of Plat title.
COMPLIES.
2. Legal description of the parent tract. Legal description of each parcel to be created.
ADD BOUNDARY LINE QUALIFIERS, AS NOTED ON MARK-UP (EAST 280 FEET, SOUTH 136 FEET) BASED ON LEGAL .
3. Location of property lines, existing easements, buildings, watercourses and other essential features.
NO APPARENT EASEMENTS BASED ON TITLE NOTES.
4. The location of any existing sewers and water mains, or any underground or overhead utilities, culverts and drains on the property, to be subdivided.
NO UNDERGROUND UTILITIES SHOWN – ADD LOCATIONS, IF ANY.

5. Boundary corner descriptions shall state whether the corner was found, or set, size, material, and cap identification.
COMPLIES.
6. Show dimensions, and either bearings or interior angles of proposed parcels.
COMPLIES.
7. Show existing structures and ground elevations on the property, and twenty-five (25) feet beyond the boundaries.
COMPLIES.
8. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other open public spaces, and similar facts regarding property immediately adjacent.
COMPLIES
9. Show details of all existing roadways adjacent to the property, including, but not limited to, rights-of-way dimensions, pavement widths and condition, pavement markings, sidewalks, driveways (curb cuts), medians, median openings, drainage structures, and center line geometry.
COMPLIES.
10. **INTENTIONALLY LEFT BLANK (SAME AS 4 ABOVE).**
11. **INTENTIONALLY LEFT BLANK (SAME AS 8 ABOVE).**
12. Date of field survey, north point and graphic scale.
COMPLIES.
13. The width and location of all streets, or other public ways, proposed by the developer.
NONE PROPOSED – COMPLIES.
14. The proposed lot lines with dimensions. Show details of adjacent recorded subdivisions within twenty-five (25) feet of the subject property boundary. Include lots, blocks, plat book and page numbers and plat name.
COMPLIES.
15. **INTENTIONALLY LEFT BLANK (SAME AS 7 ABOVE).**
16. Existing easements or restrictions shown on underlying plat shall be shown.
NONE INDICATED PER TITLE NOTES.

17. The location of all buildings, swimming pools, slabs, fences and other permanent structures on the adjacent properties, that would be nonconforming with the creation of this division of land.
COMPLIES.

18. The property owner shall pay such fees as may be prescribed for checking the waiver of plat and investigating such matters concerning it, as may be required.
CITY REVIEW OF FEES.

If you have any questions, or need further information as to the above comments, please feel free to call me.

Respectfully Submitted,

CRAVEN THOMPSON & ASSOCIATES, INC.



DOUGLAS M. DAVIE, P.S.M.
Director of Surveying

DMD/wg

Enclosure - Survey w/ Comments from Douglas M. Davie, P.S.M.

