

Date: March 11, 2014

To: The Honorable Mayor and City Council

From: Tanya Wilson-Sejour, Planning Manager, Community Planning & Development Department

Re: Amendment to the Previously Approved Conditional Use Permit For One Fifty One at Biscayne Condominium Association

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AND PRECISE PLAN FOR PHASE IA OF THE BISCAYNE LANDING SITE OTHERWISE KNOWN AS "THE OAKS", IN ACCORDANCE WITH SECTIONS 3-405 AND 3-410B OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, IN ORDER TO ALLOW THE CONSTRUCTION OF A NEW AMENITIES BUILDING AND A SECURITY GUARDHOUSE FOR THE OAKS I AT BISCAYNE LANDING CONDOMINIUM ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the City Council approves the proposed resolution to amend the previously approved Conditional Use Permit and Precise Plan, with conditions, in accordance with Article 3, Section 3-405 and 3-410.B of the City's Land Development Regulations (LDR).

PLANNING COMMISSION RECOMMENDATION

At its meeting on November 5, 2013 the Planning Commission (attended by Commissioners, Castor, Ernst, Siefried, Prevatel and James) reviewed and discussed the resolution to amend the previously approved Conditional Use Permit and Precise Plan for the One Fifty One at Biscayne Condominium Association, Inc., f/k/a The Oaks I at Biscayne Landing Condominium Association, Inc.". The applicant's agent Mr Andrew Hellinger and project architect Corilee Penabad of *Cure & Penabad Architecture* provided an overview of the project and highlighted the proposed changes to the previously approved precise plan and conditional use permit. The Commission was generally satisfied with the proposed amendments that included a new pool, guard house and recreational facility on site. Residents from the One Fifty One at Biscayne Condominium Association, Inc also spoke in support of the proposed amendment and emphasized the need to move forward with the necessary improvements that will enhance the quality of life for residents living on site. Commissioner Prevatel shared recommendations primarily concerning ideas for improving the architecture and design of the proposed recreational facility. The Architect took note of the recommendations but pointed out that the main design intent was developed overtime based on the recommendation and personal desires of the homeowners living at the Oaks. Mr Hellinger also conveyed that although it was not under their purview to provide architectural recommendations, efforts would be made to discuss their concerns with the residents. Commissioners James and Ernst agreed that the residents' architectural intent and preferences should be respected and complimented the efforts of the architectural team. The motion to approve was

made by Commissioner Castor and seconded by Commissioner Ernst. The item passed unanimously by a vote of 5-0.

PURPOSE & INTENT

On June 26, 2007, the Mayor and Council of the City of North Miami, approved the Conditional Use Permit and Precise Plan for Phase IA of the Biscayne Landing Development site located at 15055 Biscayne Blvd, within the City's Regional Activity Center. The approved Conditional Use Permit and Precise Plan included a total of 1018 residential units (consisting of 969 multifamily and 49 townhouse units) on a 24.94 acre portion of the Biscayne Landing Development site. **A portion of land within Phase IA, consisting of 9.68 acres in size and containing 373 multifamily units, was subsequently bifurcated from the larger Biscayne Landing site and became known as The One Fifty One at Biscayne Condominium Association, Inc., f/k/a The Oaks I at Biscayne Landing Condominium Association, Inc."** (The Oaks).

In August 2010 the court appointed Andrew Hellinger as Receiver over the Oaks and authorized said Receiver to take all necessary steps to provide additional amenities for the benefit of the existing residents. The amenities portion would include a club house, pool and guard house to provide recreational activities onsite and create a more secure ingress/egress point at the main entry of the development. As such, The Oaks' Receiver (Andrew Hellinger) filed a request with the City's Community Planning & Development Department to amend the previously approved Conditional Use Permit and Precise Plan to incorporate the 6142.50 square feet amenities building (containing a club house and pool) and guard house on site consistent with the zoning requirements in Section 3-402.B of the City's LDR. Per the requirements of the LDR all Planned Developments must obtain a Conditional Use Permit and precise plan in order to establish guidelines for all permitted uses contemplated in the proposed development. Furthermore a change in the proposed development to add new uses would require an amendment to any previously approved conditional use permit and precise plan.

ANALYSIS

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 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."

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 amendment to the previously issued Conditional Use Permit is 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 LDR.

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 traffic statement prepared by Kimley Horn and associates indicates that the proposed recreational use is not anticipated to generate additional traffic to the surrounding roadways since the facility is planned for the sole use of the Oaks residents and will not be open to the general public.

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.

The 373 unit residential multifamily development known as *The Oaks* is the only new residential development created on the Biscayne Landing site since the establishment of the RAC in 2003. The proposed pool, clubhouse and guardhouse will help to enhance the aesthetics and security of the site and improve the overall quality of life for existing condominium owners. The aforementioned upgrades will greatly complement the existing residential use on site, and is compatible with the nature, condition and development of the surrounding mixed use project planned on the remaining 184 acres of the Biscayne Landing site. Staff believes the necessary improvements will improve the image and property value of the subject site and will greatly complement the existing regional centers at neighboring FIU Biscayne Bay Campus, Kovens Center and Oleta State Park.

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

At 9.68 acres, staff believes the subject parcel is suitable in size and shape to accommodate the newly proposed recreational uses.

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

The proposed amendment is not anticipated to adversely impact the use, livability, value and development of adjacent properties. In fact the proposed new recreational use and guard house are anticipated to increase the market value of the existing site and surrounding neighborhood which eventually generate additional tax revenue to the City.

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 recreational amenities and guard house are not anticipated to adversely impact the public health, safety and general welfare of the community. On the contrary the proposed uses are anticipated to enhance the overall quality of life of the existing development.

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 standard as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a LEED Silver or similar designation building 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.

The applicant has met all the necessary requirements and has obtained approval from the City's Development Review Committee. The proposed application will not require any waivers or deviation from the required standards.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed amendment to the previously approved conditional use permit and precise plan 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 recommends approval of the attached resolution with the following conditions:

1. Consistent with the requirement of 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. As such, the applicant agrees to construct a LEED certified or similar designation building with energy saving fixtures to sustainably reduce the water and energy consumption of the future club house and pool.
2. The applicant shall comply with all conditions listed in Exhibit 1, of the approved Conditional Use Permit which shall be recorded in a restrictive covenant. The applicant shall submit the draft declaration of restrictive covenant containing the conditions outlined in Exhibit 1 for review to the office of the City Attorney at least 30 days from final Council approval date prior to final recordation. The applicant will also furnish a copy of the recorded document to the Department of Community Planning & Development once the instrument has been recorded with Miami Dade County.

- Attachments:
1. Proposed Resolution
 2. Amended Conditional Use Permit (Exhibit 1)
 3. Precise Plan
 4. Letter of intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AND PRECISE PLAN FOR PHASE IA OF THE BISCAYNE LANDING SITE FORMERLY KNOWN AS “THE OAKS”, IN ACCORDANCE WITH SECTIONS 3-405 AND 3-410B OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, IN ORDER TO ALLOW THE CONSTRUCTION OF A NEW AMENITIES BUILDING AND A SECURITY GUARDHOUSE FOR ONE FIFTY ONE AT BISCAYNE CONDOMINIUM ASSOCIATION, INC., F/K/A, THE OAKS I AT BISCAYNE LANDING CONDOMINIUM ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on June 26, 2007, the Mayor and Council of the City of North Miami (“City”), approved the Conditional Use Permit and Precise Plan for Phase IA of the Biscayne Landing Development site; and

WHEREAS, the approved Conditional Use Permit and Precise Plan included a total of 1018 residential units (consisting of 969 multifamily and 49 townhouse units) on a 24.94 acre portion of the Biscayne Landing Development site; and

WHEREAS, a portion of land consisting of 9.68 acres in size and containing 373 multifamily units was subsequently bifurcated from the larger Biscayne Landing Development site and became known as *One Fifty One at Biscayne Condominium Association, Inc.*, f/k/a, *The Oaks I at Biscayne Landing Condominium Association* (“One Fifty One”); and

WHEREAS, One Fifty One has filed a request with the City Community Planning & Development Department to amend the previously approved Conditional Use Permit and Precise Plan to incorporate the 19,175 square feet amenities building (pool house) and guard house on the site; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on November 5, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and with applicable Land Development Regulations (“LDRs”), and thereby, recommended approval to the Mayor and City Council with certain conditions; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that the proposed amendment to the Conditional Use Permit and Precise Plan for Phase IA (hereupon known as, Phase IA-I) is in the best interest of the City and will not adversely affect the public health, safety and welfare.

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

Section 1. Approval of Amended Conditional Use Permit and Precise Plan for Phase IA. The Mayor and City Council of the City of North Miami, Florida, hereby approve the amended Conditional Use Permit and Precise Plan for Phase IA of the Biscayne Landing Site (Phase IA-I), attached hereto as “Exhibit 1”.

Section 2. Issuance of Amended Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby issue an amended 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 March, 2014.

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: _____

Seconded by: _____

Vote:

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

EXHIBIT I

AMENDED PHASE I-A SITE PLAN, PRECISE PLAN FOR PHASE ~~IA-I-A~~ AND THE CONDITIONAL USE PERMIT FOR BISCAYNE LANDING

WHEREAS, on June 26, 2007, the Mayor and Council of the City of North Miami (“City”), approved the Conditional Use Permit and Precise Plan for Phase IA of the Biscayne Landing Development site; and

WHEREAS, the approved Conditional Use Permit and Precise Plan included a total of 1018 residential units (consisting of 969 multifamily and 49 townhouse units) on a 24.94 acre portion of the Biscayne Landing Development site; and

WHEREAS, a portion of land consisting of 9.68 acres in size and containing 373 multifamily units was subsequently bifurcated from the larger Biscayne Landing Development site and became known as One Fifty One at Biscayne Condominium Association, Inc., f/k/a, The Oaks I at Biscayne Landing Condominium Association (“~~The Oaks~~One Fifty One”); and

WHEREAS, ~~The Oaks~~One Fifty One has filed a request with the City Community Planning & Development Department to amend the previously approved Conditional Use Permit and Precise Plan to incorporate the 6142.5 square feet amenities building (pool house) and guard house on the site; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on November 5, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and with applicable Land Development Regulations (“LDRs”), and thereby, recommended approval to the Mayor and City Council with certain conditions; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that the proposed amendment to the Conditional Use Permit and Precise Plan for Phase IA (hereupon known as, Phase IA-I) is in the best interest of the City and will not adversely affect the public health, safety, and welfare

NOW, THEREFORE, the City Council approves this amended Site Plan, Precise Plan and Conditional Use Permit for Phase ~~1-AIA-I~~, Biscayne Landing, attached as Exhibit ~~HB~~, with the following findings and conditions:

1. That the plans submitted to the building department for building permits shall be consistent with the spirit and intent of the Phase ~~1A-I~~ Site Plan and Precise Plan.

a. _____

2. That the Phase IA-I Precise Plan is approved for the following:

Table 1. -Overall Site Data	
Phase 1A <u>A-I</u> Site Area	±1,086,386 <u>± 407,213</u> square feet (24.94 AC <u>9.348 Acres</u>)
Impervious Area <u>Includes building footprints, sidewalks and roads</u>	± 449,780 <u>± 189,527</u> square feet (10.32 AC <u>4.351 Acres</u>)
Pervious Area <u>Includes landscape, retention areas, and pavers</u>	± 636,636 <u>± 217,686</u> square feet (14.62 AC <u>4.997 Acres</u>)
Percent pervious	± 59 % (percent) <u>± 53 %</u>
Residential Area	± 1,493,243 square feet <u>Footprints of only previously constructed Towers 1 and 2</u>
Residential Units	1,018 total residential units consisting of: Tower 1- 149 units Tower 2- 224 units Tower 3- 298 units Tower 4- 298 units Townhouse units- 493 <u>73 total residential units</u>
<u>Recreational Amenities Building & Guard House</u>	<u>6,142.5 SF Amenities Building & Guard House</u>
<u>Parking</u>	<u>Required residential parking is no less than 672 spaces at 1.8 spaces per unit. Club House (Community Facility) shall be at a ratio of 1 space per 200 square feet or 31 spaces.</u>

2. That the Phase IA Precise Plan is approved for the following:-

Phase IA Parking Minimum Unit Sizes For Towers 3 & 4 and Town homes	<u>Towers 3 & 4</u>
	In accordance with <u>Ordinance 2017-01</u> of Station 2 above of the prior Ordinance 600 sq ft - studio/efficiency unit 675 sq ft - one bedroom 1000 sq ft - two bedroom 1000 sq ft - two bedroom with den 1400 sq ft - three bedroom* <i>*(plus 150 sq ft for additional bedrooms above 3 bedrooms)</i>
	<u>Town homes</u>
	900 sq feet - town homes (one story) 1200 sq feet - town homes (two story)
Rental/Sale Plan	50% Fee Simple and 50% rental mix for Towers 3 & 4 only

3. The Developer agrees to apply and diligently pursue permits from the County for a signal at the intersection of 151st Street and Biscayne Landing Boulevard. At such time as the County may approve the signal, the Developer will construct the signal at its own cost and expense.

4.3. That Developer shall provide two point one (2.1) parking spaces per residential unit within Phase IA Precise Plan. The total parking ratio includes the additional guest parking. This equates to a total of 2138 parking spaces for 1018 residential units.

a.b. Notwithstanding this requirement, the Developer may elect to provide one point eight (1.8) parking spaces per residential unit within Phase IA Precise Plan. In consideration of said right, the Developer shall pay the City one thousand five hundred dollars (\$1,500) per parking space not required to be provided. Said payment of one thousand five hundred dollars (\$1,500) per parking space not required to be provided shall be paid to the City's General Fund for the City's sole use. In no event, however, shall the Developer provide less than 1.8 spaces for each Unit. Said payment/s shall be paid to the City prior to the issuance of a full building permit for each individual building and shall not be refundable.

b.c. In addition to the payment of one thousand five hundred dollars (\$1,500) per space not provided, the Developer shall set aside 1 acre of land within Phase I A or Phase B. The one acre land is to be improved by the Developer, as a surface parking lot or a garage, as determined by the Developer, in the event the City decides, in its sole discretion that the residential units within Phase I A Precise Plan have insufficient parking spaces. The City shall make such decision no later than two [2] years after the final certificate of occupancy is issued for the last residential unit within the Phase IA Precise Plan. In the event the City does not decide and require the Developer to provide additional parking on said one acre parcel, the one acre site shall permanently remain as open space. Should any individual building within Phase IA Precise Plan have more than 2.1 spaces provided per Unit, any excess over 2.1 shall not be counted for purposes of requiring a minimum of 1.8 spaces being provided for all Units within a Phase.

5.4. The Conditional Use Permit and Phase IA-1 Precise Plan for Biscayne Landing shall be developed substantially in accordance with the following development standards.

A. Setbacks

1. Minimum 30': 30 feet setback from property lines to buildings of 2 stories or less;

- 1) ~~2.~~ Minimum 45 feet 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. ~~Building Separation:~~
 - 1) ~~1. Towers Tower building separation will be a minimum of 61 feet. Poolhouse building separation will be a minimum of 61.15 feet.~~
 2. ~~Townhome building separation will be a minimum of 20'.~~
- D. ~~Fences:~~
 - 2) ~~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.~~
- E. ~~Hedges and Walls:~~
 - 3) ~~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.~~
- F. ~~Signs:~~
 - 4) ~~1. A series of signage elements will be included for project identity, wayfinding and neighborhood identity. Specific signagesigning treatments will be provided prior to obtaining building permits.~~
- G. ~~Lighting:~~
 - 5) ~~1. Exterior lighting to be included that isshall be consistent with the City of North Miami building code.~~
- H. ~~Access:~~
 - 6) ~~1. From Biscayne Landing Boulevard to NENE, 151st Street and Biscayne Boulevard.~~
- I. ~~Off-Street parking:~~
 - 7) ~~Parking: Off- street parking willshall be provided as provided in paragraph 3, above as depicted on the approved precise plans consistent with the per City of North Miami zoning code.~~
- J. ~~Vehicular & Pedestrian Circulation:~~
 - 8) ~~Biscayne Landing Boulevard from NE 151st Street to Biscayne Boulevard. Neighborhood Streets would loop access off of this main loop road and throughout As provided on the neighborhoodsite plan.~~
- K. ~~Open Space:~~
 - 9) ~~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 pathwaypathways to accommodate multiple modes of recreation.~~

L. — Grading and Drainage:

- 10) 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~~Managements District (SFWMD), and the City of North Miami.

M. — Sanitation:

- 11) Solid Waste amounts will be calculated based on the ~~city~~City of North Miami's Miami's generation rates.

N. — Public Utilities:

- 12) 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 installationInstallation shall meet the criteria, set forth by the Florida Department of Environmental Protection (FDEP), DERM and the Miami-Dade County Health Department.

O. — Common Area:

- 13) 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.

P. Landscaping:

- 14) 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. along the internal road that services the site. Subsequently plant spacing, heights, and massing will be irregular to achieve this affect. Shall be as depicted on the approved landscape plans.

Q. — Construction Phasing:

~~At this point, subject to change, the project has been delineated into five (5) overall phases. Phase I has been further divided into sub-phases, including this Phase I-A, which will be constructed in 4 stages. The first stage will I-A-I shall include 2 towers and a garage and a building the guard house, the second will include 2 towers and a garage, the third will include townhomes, and the fourth stage will include 1 clubhouse and amenity building with pool.~~

- 15) R. — All other Road network to serve the currently constructed portion of the original first stage of section 25-12.1 shall be complied with prior to the issuance at any building permit. Phase I-A.

17. Working Hours. The ~~Developer-contractor~~ and its employees, agents, contractors and subcontractors shall only engage in construction and development activities at Biscayne Landing between the hours of ~~6~~7 a.m. and ~~4~~6:00 ap.m. ~~the following day, seven days a week. In the event it Monday through Friday, and 9:00am through 5:00pm on Saturdays. There will be no work on Sundays.~~ It is determined that construction activities beyond typical working hours are resulting ~~in~~on a nuisance, then the City and ~~Developer~~ shall reconsider the appropriate working hours for the development of ~~Biscayne Landing~~.

6. ~~Policy 3.2.1 of the City's Comprehensive Plan (Transportation Element), states:~~

~~In connection with future development, and at the City's plan review stage, require that specific improvements to State and County roads be coordinated with the applicable respective agencies by the developer(s) and that the necessary improvements, which are to be made conditions of issuance of related development orders or permits, be carried out in conjunction with construction of the development and in place prior to the impacts of development. Since the proposed development directly impacts a Miami-Dade County roadway (151 St) and a FDOT District 6 roadway (US-1) within 120 days after final Council approval, the developer shall coordinate with each respective agency and submit traffic data identifying potential impacts to County and State roadways as well as recommended improvements for the anticipated impacts and obtain written comments from each agency.~~

8. ~~Consistent with Policy 1.1.4 of the City's Comprehensive Plan, the developer agrees to build all future bike paths and bicycle parking facilities for Phase 1A unless prohibited by any other applicable government agency prior to the issuance of a final certificate of occupancy.~~

9. ~~Prior to building permit submittal, developer will identify the future location of proposed bicycle parking facilities for Phase 1A development on the final site plan and include information in the site data table.~~

10. ~~All future pedestrian path/shared use bike lanes depicted on the Master Plan, Exhibit C must be appropriately signed and constructed according to the design standards established by the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance For Street and Highways' (MAY 2005 Edition).~~

18. Consistent with the requirement of 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. As such, the applicant agrees to construct a LEED certified or similar designation building with energy saving fixtures to sustainably reduce the water and energy consumption of the future club house and pool.

19. The applicant shall comply with all applicable maintenance, monitoring, and reporting requirements as outlined in the Florida Department of Environmental Protection Closure Permit as may be amended overtime.

20. One Fifty One at Biscayne Condominium Association, Inc., ("Association") agrees that, for the limited purpose of environmental regulation and compliance, it will belong to the Master Association organized on behalf of the tenants by Oleta Partners LLC, or its successors in interest or assigns, in accordance with the terms of the agreement reached between Oleta Partners, LLC ("Oleta") and Association which agreement requires Oleta through the Master Association to satisfy mandatory environmental conditions imposed by the City of North Miami ("the City") or other regulatory agencies. In no event is the Association released from any mandatory environments obligations, if any, imposed by law.

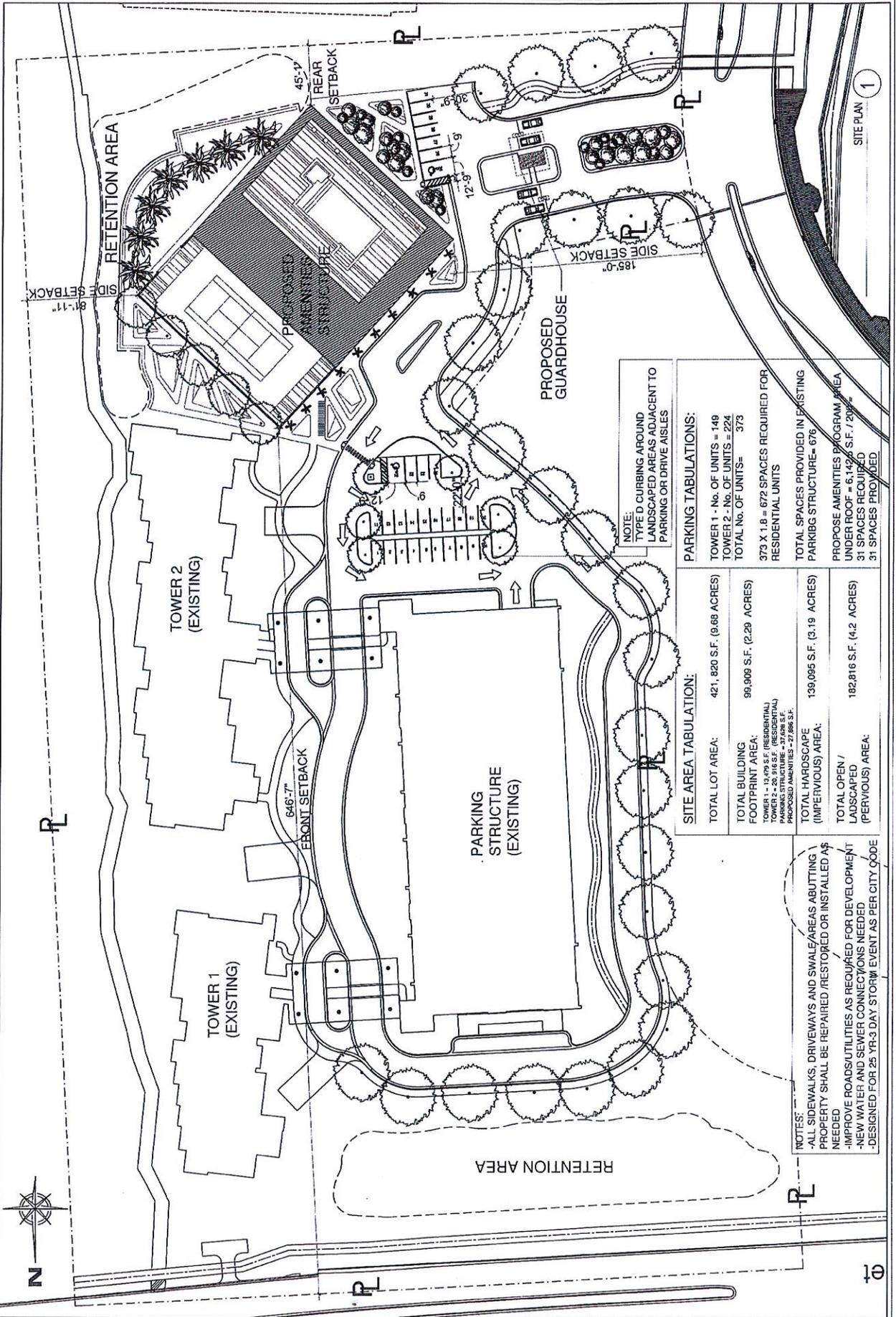
21. In the event Oleta is not the City's tenant and the City incurs and pays for a direct cost for any of the following within the property controlled by the Association and the City is not reimbursed for the costs it paid by a third party, other tenant or a master association then, the Association shall reimburse the City on a pro rata basis based upon the Association's portion of the acreage leased from the City within Biscayne Landing: (1) stormwater management plan; (2) maintenance, monitoring, and reporting of required conservation easements; (3) maintenance, monitoring, and reporting of the wetland enhancement area; (4) continuing methane gas monitoring maintenance, and reporting required in and immediately adjacent to permanent structures , e.g., oaks towers 1, 2 and garage 1; (5) quarterly gas monitoring and reporting of perimeter gas probes in and immediately adjacent to permanent structures , e.g., oaks towers 1, 2 and garage 1; (6) semiannual sampling and reporting of groundwater monitoring wells and surface water monitoring points within in the property controlled by the Association Inc.; (7) operation and maintenance, monitoring and reporting of the groundwater remediation system for groundwater contamination within in the property controlled by the Association; and (8) landfill closure permitting requirements within in the property controlled by the Association.

PRECISE PLAN PACKET

THE OAKS I at BISCAWAYNE LANDING CONDOMINIUM ASSOCIATION
PROPOSED POOL HOUSE AND SECURITY GUARDHOUSE

submitted: OCTOBER 11, 2013





NOTE:
 TYPE D CURBING AROUND
 LANDSCAPED AREAS ADJACENT TO
 PARKING OR DRIVE AISLES

SITE AREA TABULATION:	
TOTAL LOT AREA:	421,820 S.F. (9.66 ACRES)
TOTAL BUILDING FOOTPRINT AREA:	99,909 S.F. (2.29 ACRES)
TOWER 1 - 13,295 S.F. (RESIDENTIAL)	
TOWER 2 - 20,916 S.F. (RESIDENTIAL)	
PARKING STRUCTURE - 37,098 S.F.	
PROPOSED AMENITIES - 29,600 S.F.	
TOTAL HARDSCAPE (IMPERVIOUS) AREA:	139,095 S.F. (3.19 ACRES)
TOTAL OPEN / LANDSCAPED (PERVIOUS) AREA:	182,816 S.F. (4.2 ACRES)

PARKING TABULATIONS:	
TOWER 1 - No. OF UNITS = 149	
TOWER 2 - No. OF UNITS = 224	
TOTAL No. OF UNITS = 373	
373 X 1.8 = 672 SPACES REQUIRED FOR RESIDENTIAL UNITS	
TOTAL SPACES PROVIDED IN EXISTING PARKING STRUCTURE = 676	
PROPOSE AMENITIES PROGRAM AREA UNDER ROOF = 6,142 S.F. / 7,200 S.F.	
31 SPACES REQUIRED (PREVIOUS) PROVIDED	

NOTES:
 -ALL SIDEWALKS, DRIVEWAYS AND SWALES/AREAS ABUTTING PROPERTY SHALL BE REPAIRED /RESTORED OR INSTALLED AS NEEDED.
 -IMPROVE ROADS/UTILITIES AS REQUIRED FOR DEVELOPMENT
 -NEW WATER AND SEWER CONNECTIONS NEEDED
 -DESIGNED FOR 25 YR-3 DAY STORM EVENT AS PER CITY CODE



SITE PLAN 1

SEAL: *Chen*
10/15/2013
DATE: 10/15/2013

SEAL: _____
DATE: _____

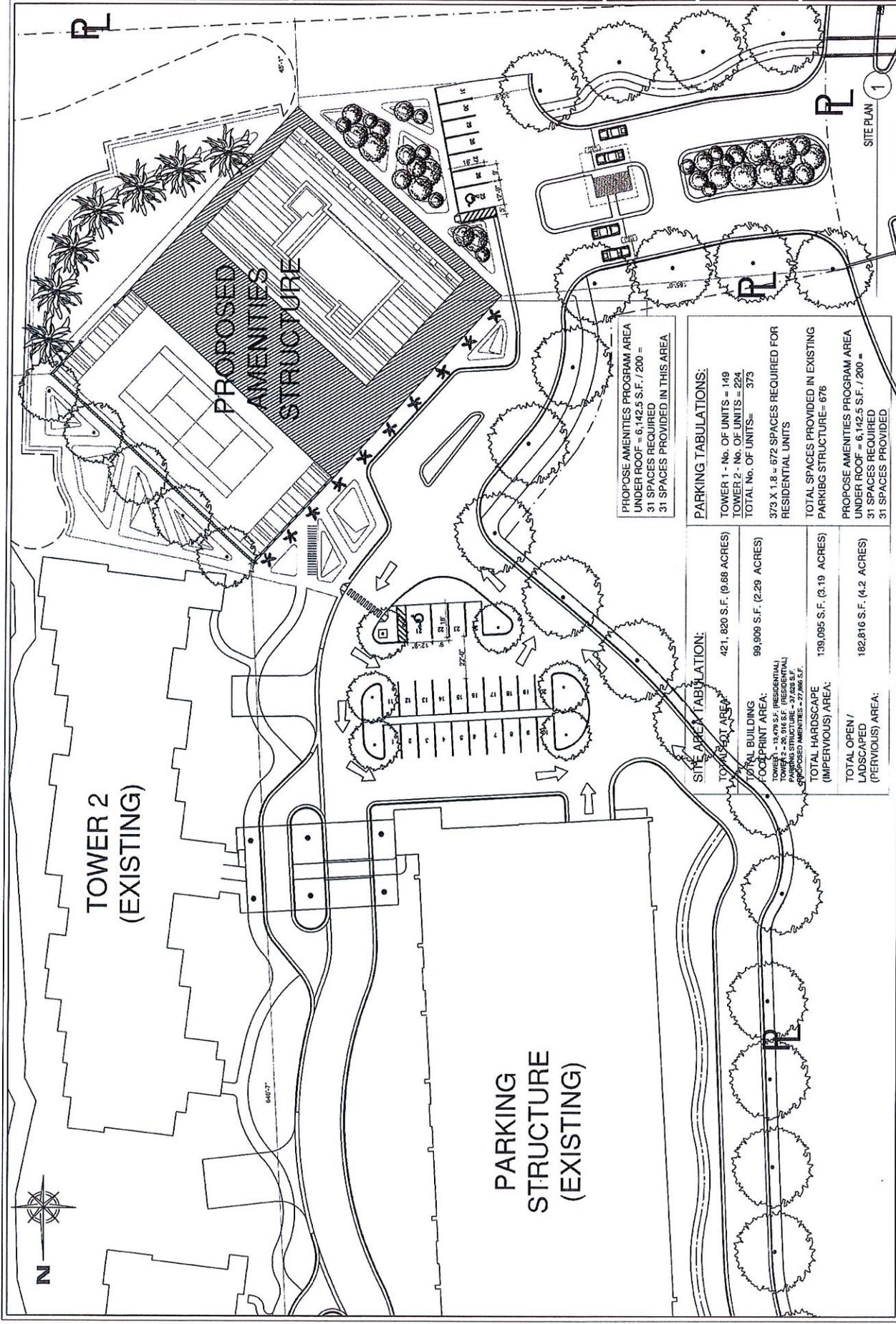
SEAL: _____
DATE: _____

OAKS I AT BISCAYNE LANDING POOL HOUSE
CURE & PENABAD Architecture and Urban Design
1520 Trilio Avenue, Coral Gables, FL 33146 (305) 333-2943
www.cureandpenabad.com

REVISIONS:
DATE: _____
BY: _____
CHK: _____

DRAWING: SITE PLAN
DATE: SEPTEMBER 12, 2013
SCALE: NTS

SHEET NO: **A1.2**



PROPOSE AMENITIES PROGRAM AREA
UNDER ROOF = 6,142.5 S.F. / 200 =
31 SPACES REQUIRED
31 SPACES PROVIDED IN THIS AREA

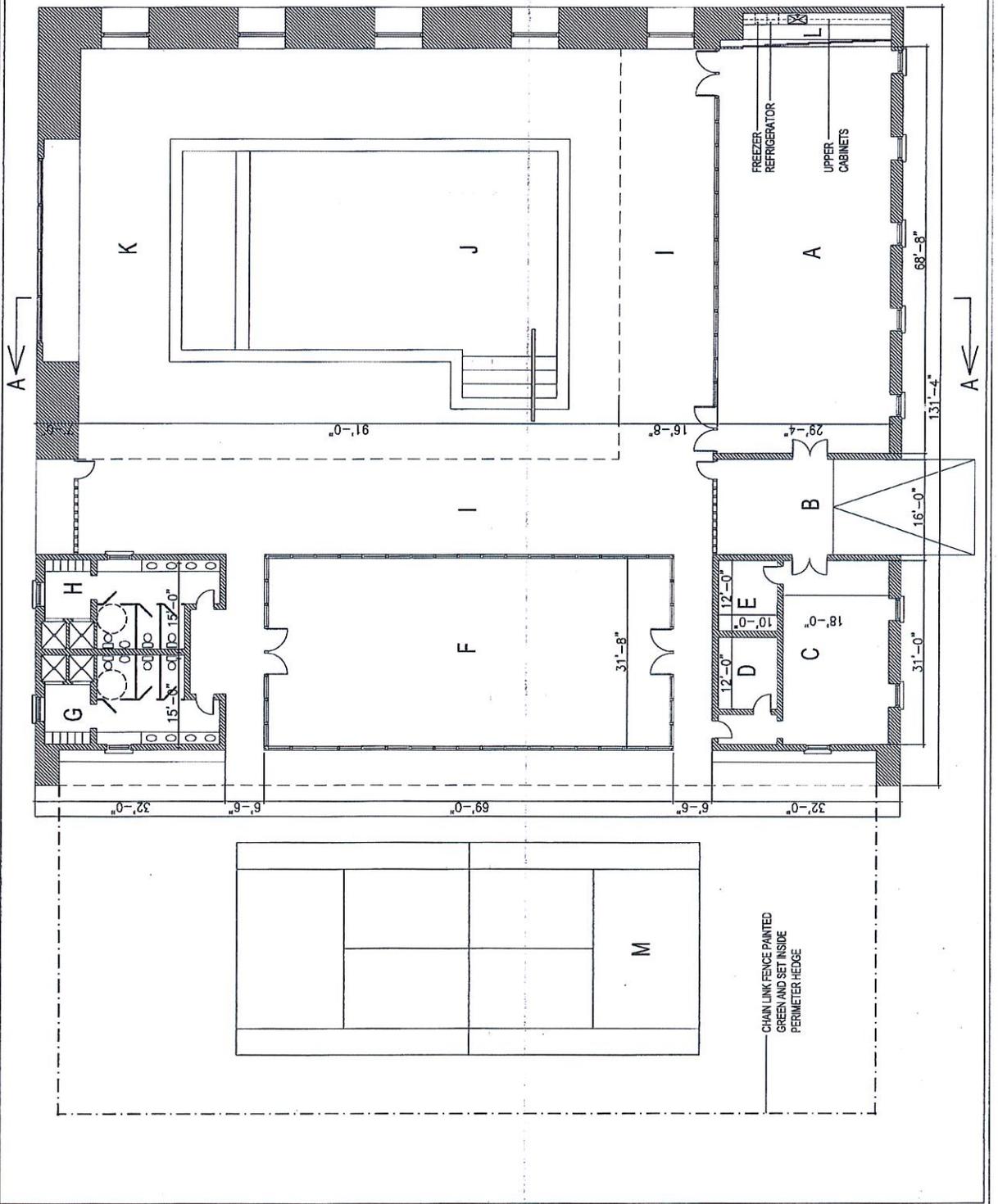
PARKING TABULATIONS:
TOWER 1 - No. OF UNITS = 149
TOWER 2 - No. OF UNITS = 224
TOTAL No. OF UNITS = 373
373 X 1.8 = 672 SPACES REQUIRED FOR
RESIDENTIAL UNITS
TOTAL SPACES PROVIDED IN EXISTING
PARKING STRUCTURE = 676
PROPOSE AMENITIES PROGRAM AREA
UNDER ROOF = 6,142.5 S.F. / 200 =
31 SPACES REQUIRED
31 SPACES PROVIDED

SITE AREA TABULATION:
TOTAL SITE AREA = 421,820 S.F. (9.68 ACRES)
TOTAL BUILDING FOOTPRINT AREA = 99,908 S.F. (2.29 ACRES)
TOTAL HARDSCAPE (IMPERVIOUS) AREA = 139,085 S.F. (3.19 ACRES)
TOTAL OPEN / LANDSCAPED (PERVIOUS) AREA = 182,816 S.F. (4.2 ACRES)

SITE PLAN 1

NOTE: SUSTAINABLE / GREEN ELEMENTS SHALL BE INCORPORATED THROUGHOUT THE BUILDING

- A. COMMON ROOM (PARTY) - 2,072 sq ft
 - B. ENTRY LOGGIA
 - C. MANAGEMENT OFFICE - 589 sq ft
 - D. MECHANICAL/ELECTRICAL - 120 sq ft
 - E. STORAGE - 120 sq ft
 - F. FITNESS - 2,482 sq ft
 - G. MEN'S BATHROOM - 385 sq ft
 - H. WOMEN'S BATHROOM - 385 sq ft
 - I. COVERED TERRACE
 - J. POOL
 - K. POOL TERRACE
 - L. PREP AREA
 - M. TENNIS COURT
- TOTAL AIR CONDITIONED SPACE = 6,142.5 sq ft
 TOTAL SQ FOOTAGE (NOT INCLUDING TENNIS COURT) = 19,174.6 sq ft



CHAIN LINK FENCE PAINTED GREEN AND SET INSIDE PERIMETER HEDGE

SEAL
DATE

SEAL
DATE

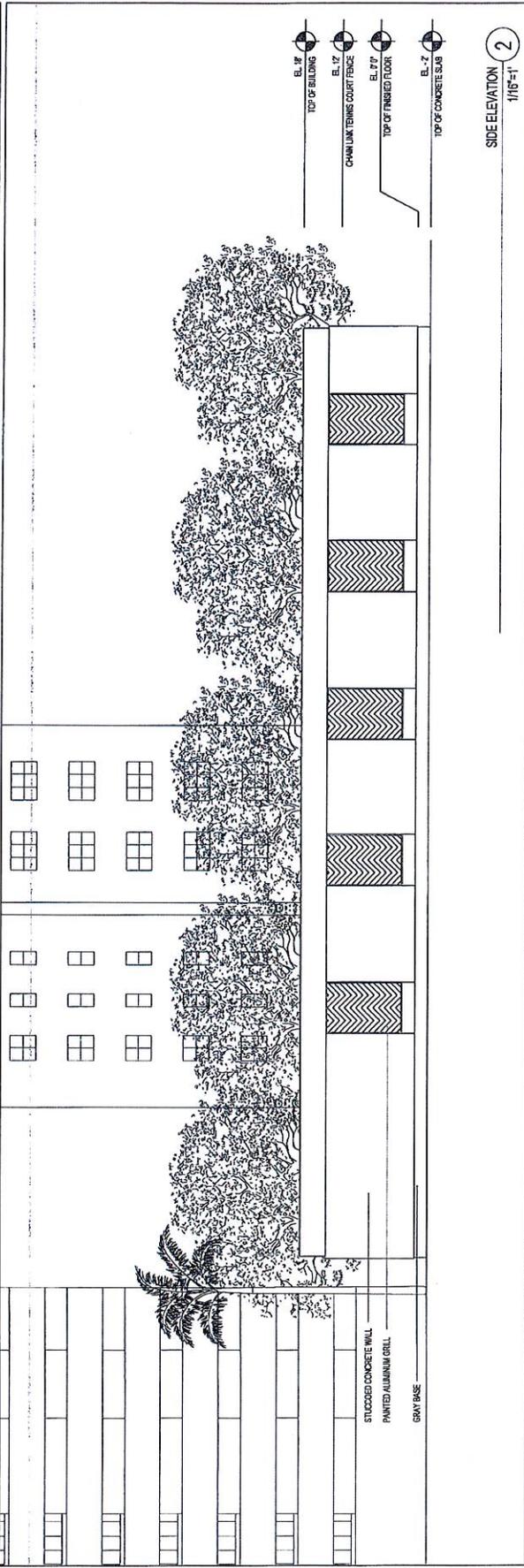
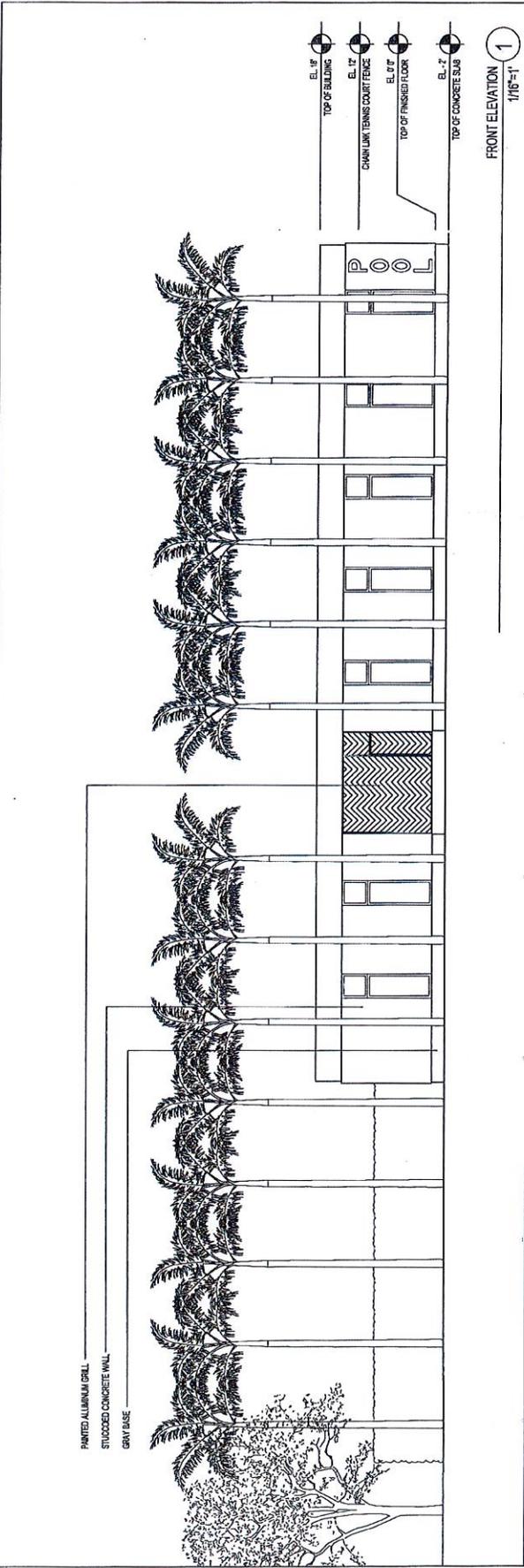
SEAL
DATE

OAKS I AT BISCAYNE LANDING POOL HOUSE
CURE A PENABAD Architecture and Urban Design
1520 Trillo Avenue, Coral Gables, FL 33166 (305) 333-2943
www.cureadpenabad.com

REVISIONS
DATE TITLE
△
△
△

DRAWING ELEVATIONS
DATE: OCTOBER 11, 2010
SCALE: 1/16"=1'-0"

SHEET NO.
A3



SEAL: *M. J. Moran*
10/15/2013

SCALE: 1/8" = 1'-0"

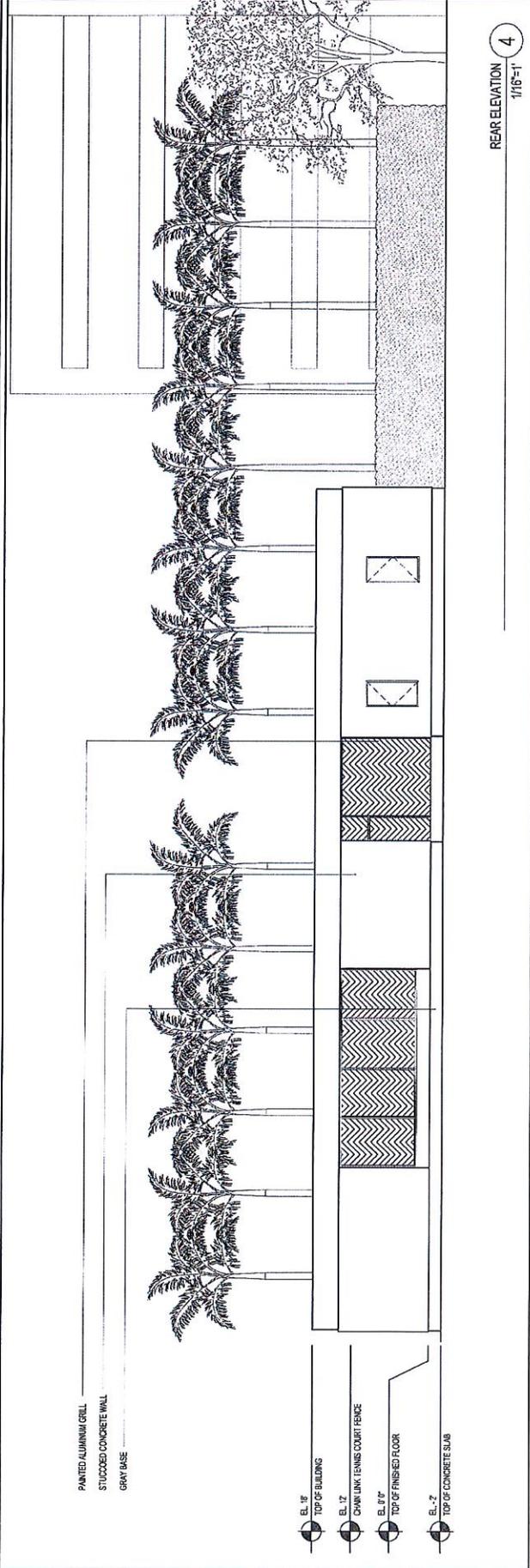
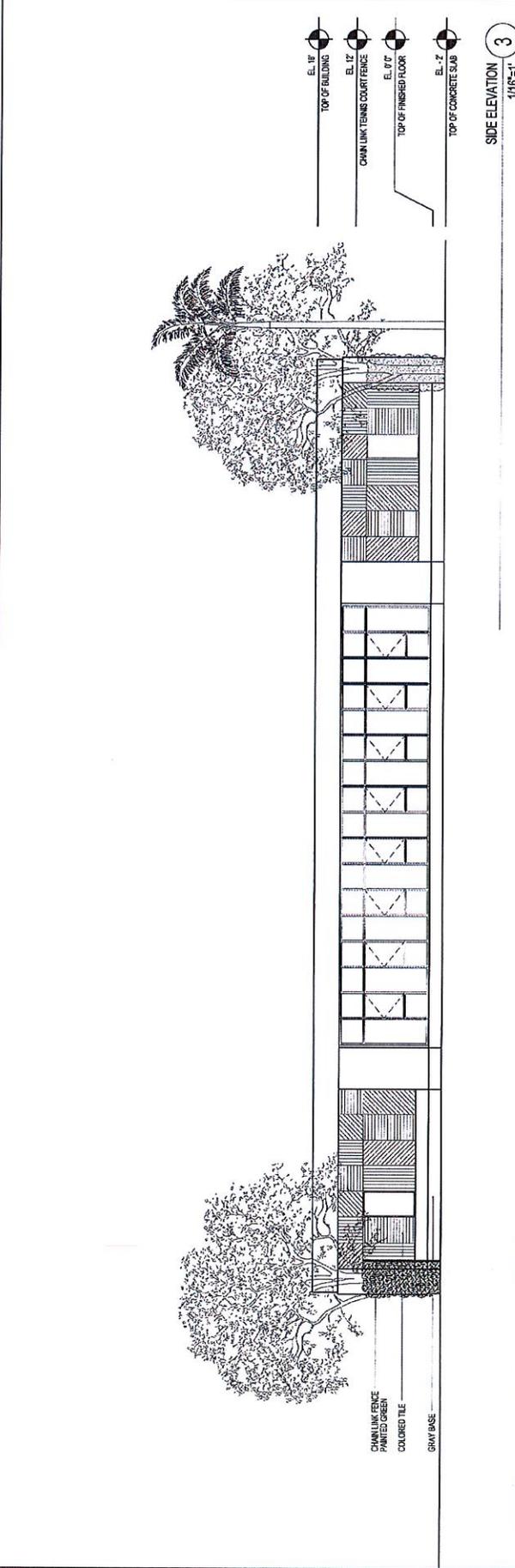
DATE: JUL 26, 2013
SCALE: 1/8" = 1'-0"

OASIS AT BISCAYNE LANDING POOL HOUSE
CURE & PENABAD Architecture and Urban Design
1520 Trillo Avenue, Coral Gables, FL 33146 (305) 333-2943
www.cureandpenabad.com

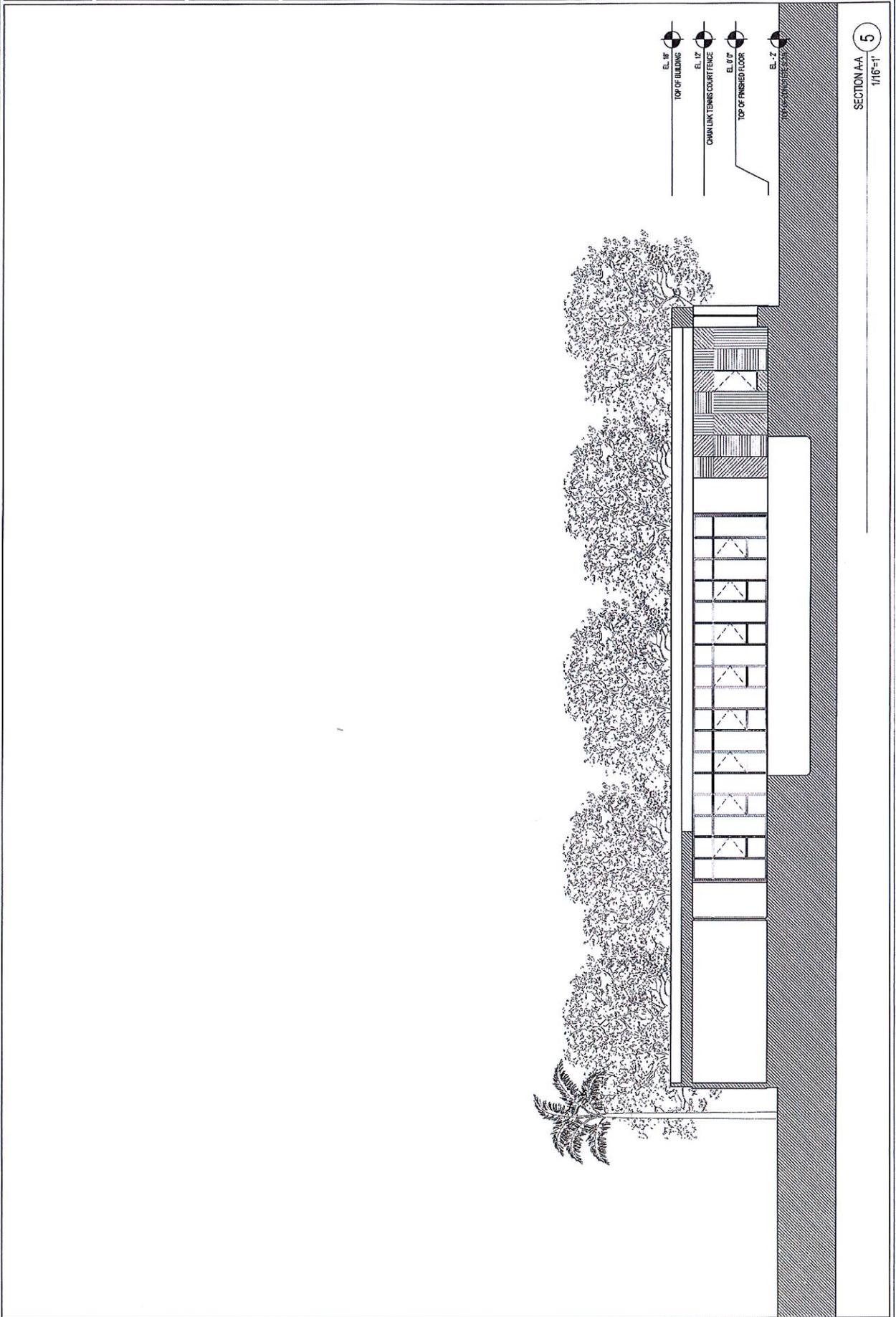
REVISIONS:
DATE: 7/26/13
TIME:

DRAWING: ELEVATIONS

SHEET No: **A3.1**



SEAL: <i>Phyllis</i> 10/15/2013 SCALE:	SEAL: SCALE:	SEAL: SCALE:	OAKS I AT BISCAYNE LANDING POOL HOUSE CURE & PENABAD Architecture and Urban Design 1520 Trillo Avenue, Coral Gables, FL 33146 (305) 333-2943 www.cureandpenabad.com	REVISIONS: DATE: _____ BY: _____ TITLE: _____	DRAWING SECTION DATE: JULY 26, 2013 SCALE: 1/16" = 1'	SHEET NO: A3.2
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- EL. 16' TOP OF BUILDING
- EL. 12' CHAIN LINK TENNIS COURT FENCE
- EL. 0' 0" TOP OF FINISHED FLOOR
- EL. -7' FINISH CONCRETE SLAB

SECTION AA
 1/16"=1'
 5

SCALE: AS SHOWN
10/5/2013
CURE & PENABAD ARCHITECTURE

SCALE: AS SHOWN

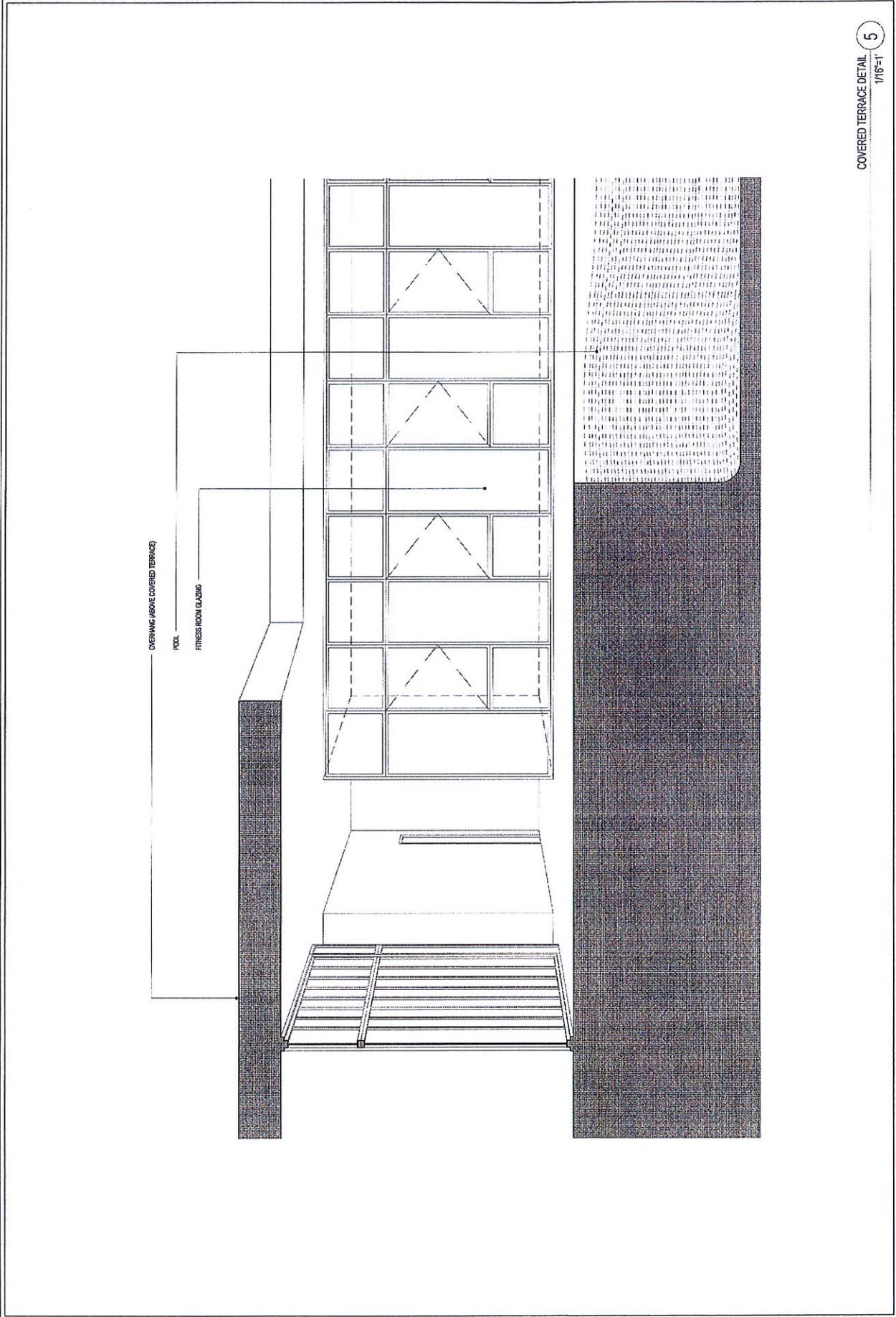
SCALE: AS SHOWN

OAKS I AT BISCAAYNE LANDING POOL HOUSE
CURE & PENABAD Architecture and Urban Design
1520 Trillo Avenue, Coral Gables, FL 33146 (305) 333-2643
www.cureandpenab.com

REVISIONS:
DATE: 10/5/2013
BY: [Signature]
CHECKED: [Signature]

DRAWING: COVERED TERRACE DETAIL
DATE: JULY 26, 2013
SCALE: 1/8" = 1'-0"

SHEET NO: A3.3



COVERED TERRACE DETAIL
1/8"=1'-0"
5

SEAL: *Alman*
10/15/2013
DATE: 10/15/2013

SEAL:

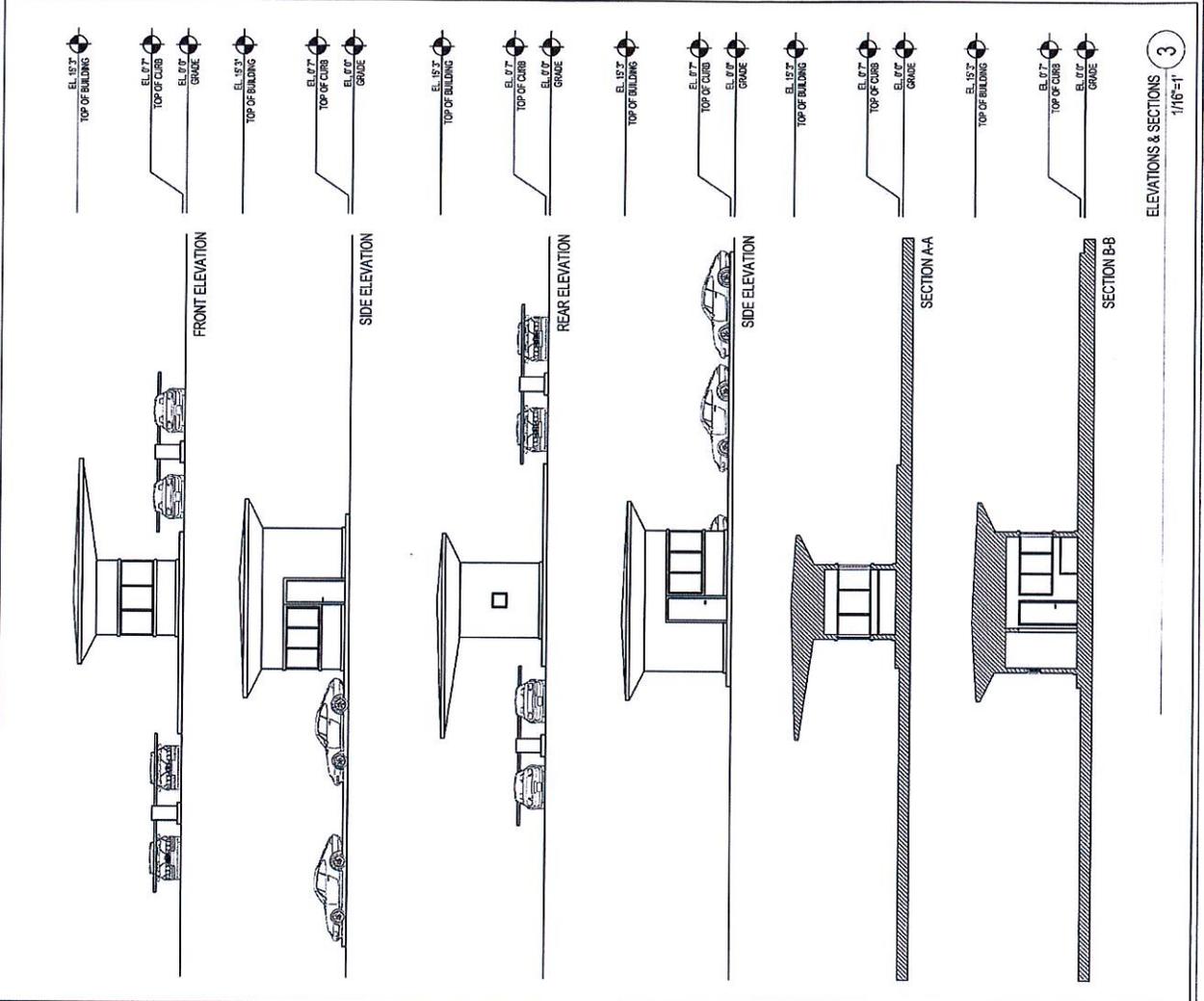
SEAL:

OAKS I AT BISCAIYNE LANDING POOL HOUSE
CURE & PENABAD Architecture and Urban Design
1520 Trilio Avenue, Coral Gables, FL 33146 (305) 333-2943
www.cureandpenabad.com

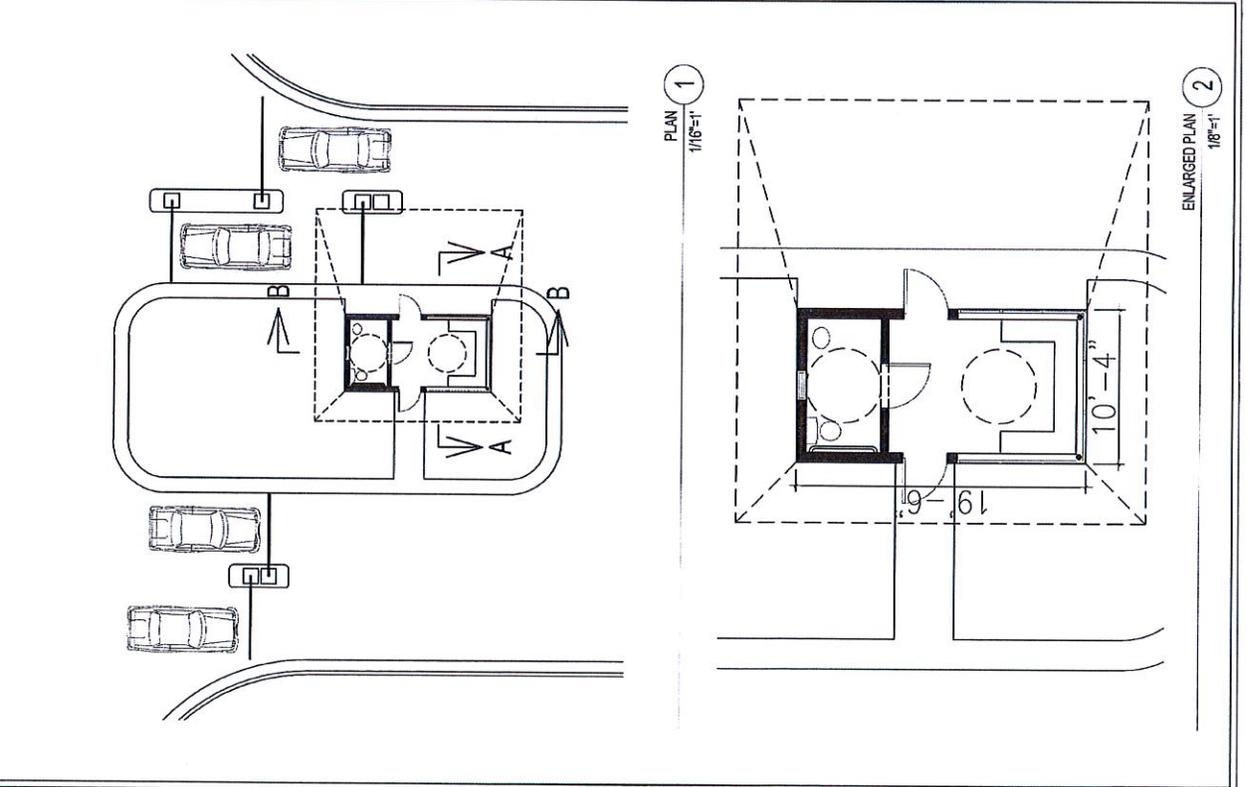
REVISIONS:
DATE: 10/15/2013

DRAWING: GROUND HOUSE
DATE: JULY 06, 2013
SCALE: 1/16" = 1'

SHEET NO: A4

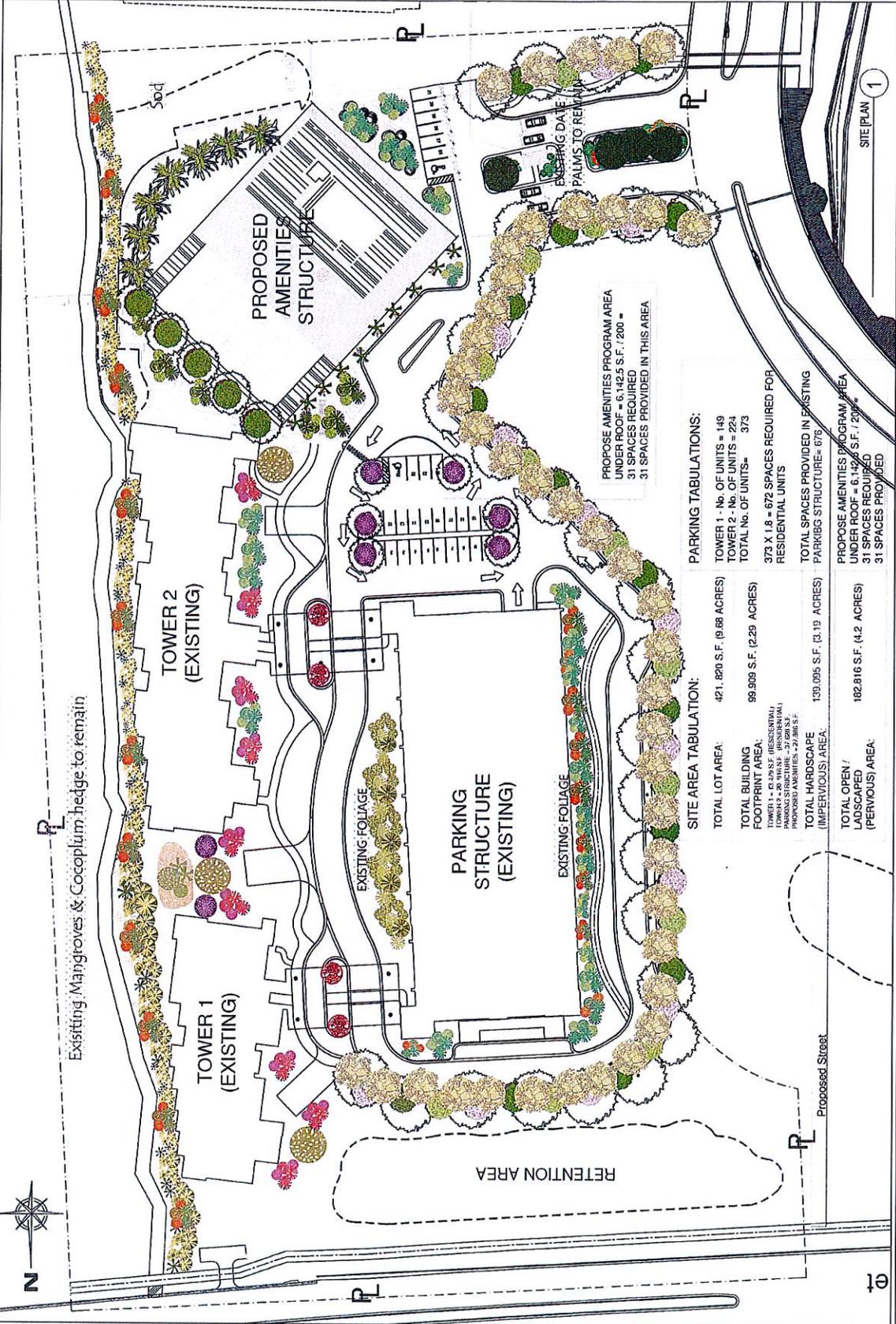


ELEVATIONS & SECTIONS 3
1/16"=1'



PLAN 1/16"=1"

ENLARGED PLAN 1/8"=1"



Existing Mangroves & Cocoplum hedge to remain

TOWER 2 (EXISTING)

TOWER 1 (EXISTING)

PROPOSED AMENITIES STRUCTURE

PARKING STRUCTURE (EXISTING)

EXISTING FOLIAGE

EXISTING FOLIAGE

RETENTION AREA

EXISTING DATE PALMS TO REMAIN

PROPOSE AMENITIES PROGRAM AREA
 UNDER ROOF = 6,142.5 S.F. / 200 =
 31 SPACES REQUIRED
 31 SPACES PROVIDED IN THIS AREA

PARKING TABULATIONS:

TOWER 1 - No. OF UNITS =	149
TOWER 2 - No. OF UNITS =	224
TOTAL No. OF UNITS =	373
373 X 1.8 - 672 SPACES REQUIRED FOR RESIDENTIAL UNITS	
TOTAL SPACES PROVIDED IN EXISTING PARKING STRUCTURE =	676
PROPOSE AMENITIES PROGRAM AREA UNDER ROOF = 6,142.5 S.F. / 200 =	31 SPACES PROVIDED

SITE AREA TABULATION:

TOTAL LOT AREA	421.820 S.F. (9.88 ACRES)
TOTAL BUILDING FOOTPRINT AREA	89,909 S.F. (2,229 ACRES)
TOWER 1 - 25,100 S.F. (RESIDENTIAL)	
TOWER 2 - 25,100 S.F. (RESIDENTIAL)	
PARKING STRUCTURE - 37,200 S.F.	
PROPOSED AMENITIES - 29,300 S.F.	
TOTAL HARDCAPE (IMPERVIOUS) AREA	130,095 S.F. (3.19 ACRES)
TOTAL OPEN / LANDSCAPED (PERVIOUS) AREA:	182,816 S.F. (4.2 ACRES)

Proposed Street

SITE PLAN 1



01

TREE/PLANT LEGEND

SYM	QTY	DESCRIPTION	SIZE
	42	QUERCUS VIRGINIANA, LIVE OAK	16-18' HT @ 30" O.C.
	19	CALOPHYLLUM	12-14' HT @ 30" O.C.
	12	CONOCARPUS ERECTUS, SILVER BUTTONWOOD	10-12' HT @ 30" O.C.
	12	TABEUBA IMPETIGNOSA, PINK TABEUBA	12-14' @ 30" O.C.
	7	PHOENIX DACTYLIFERA, DATE PALM	8-10' C.T. @ 30" O.C.
	5	LIGUSTRUM LUCIDUM, WAX PRIVET	6-8' HT @ 10" O.C.
	8	LAGERSTROEMIA SPECIOSA, QUEEN CRAPE MYRTLE	8-10' HT @ 15" O.C.
	3	CASSIA SURRATENSIS	25 GAL @ 10-15' O.C.
	16	VEITCHIA MONTGOMERIANA, CHRISTMAS PALM	25 GAL @ 10-15' O.C.
	17	PHOENIX ROEBELII, PYGMY DATE PALM	25 GAL, 5-6' OA
	17	WODEYTTIA BIFURCATA, FOXTAIL PALM	25 GAL, 12-14' OA
	1000	TROPICAL MIX (CONGO, ORANGE BIRD, RED GINGER, COPPER LEAF)	3-7G @ 18"-24" O.C.
	1800	PERENNIAL/SEASONAL MIX (PENTAS, COLEUS)	1G @ 8-10" OC
	1200	NATIVE MIX (S. BUTTONWOOD, SEA GRAPE, COPLUM, CLUSIA)	3-7G @ 18"-24" O.C.
	800	ORNAMENTAL MIX (FOXTAIL FERN, WAX JASMINE, GN ISLANDICUS)	3-7G @ 18"-24" O.C.
SOD	T8D	ST. AUGUSTINE 'PALMETTO'	NEW/DISTURBED AREA

*50/50 SOIL MIX, DECORATIVE MULCH AND FERTILIZER TO BE INCLUDED

Carrie Steinbaum
Registered Landscape Architect, LEED® AP
150 SE 22nd Rd, Suite 94
Miami, FL 33129
W: 305-398-3838 C: 305-495-0199 F: 305-399-6667

September 23, 2013

To Whom it may concern,

I am writing this letter on behalf of Oaks 1 - 2 Biscayne Landing Condominium Association, Inc., regarding their recent submission of plans to the Development Review Committee. As Landscape Architect for this development project, I have met with Keith Miller and Laura Van de Ven in Parks and Recreation to discuss all landscape related responses from the DRC. This meeting, Friday September 20, resolved all comments that may have contributed to the lack of DRC approval. It has been since clarified that these comments should not have prevented approval from a landscape standpoint as final permit drawings will incorporate all comments and necessary revisions. I will personally review updated plans with Mr. Miller and Ms. Van de Ven prior to permit plans submittal.

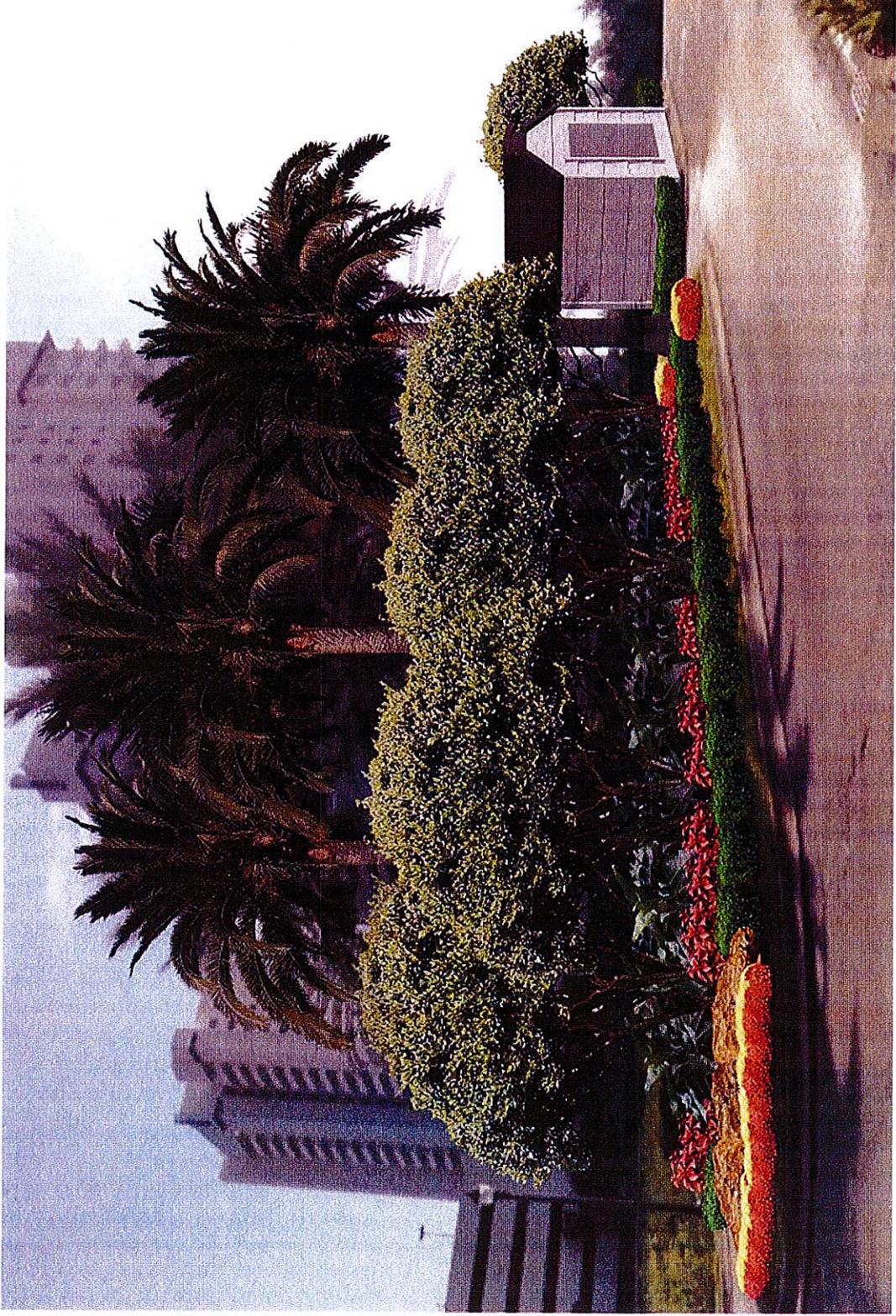
Specific comments from staff have been addressed as follows:

- King Sago will not be used due its vulnerability to scale.
- Erroneous picture of Bird-of Paradise has been noted.
- All correct scientific species will be noted in the updated plant list.
- Landscape drawings will be presented with all necessary symbols and plant tags upon permit submittal in a clear manner.
- Plans will be submitted with proper clarification.
- A detailed, signed and sealed, landscape plan will be submitted for permitting.

Sincerely,



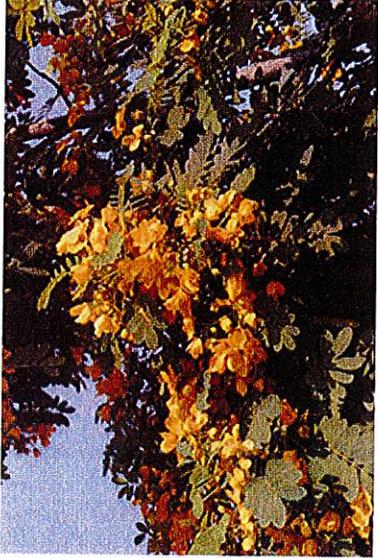
Carrie Steinbaum, PA, ASLA, LEED AP
Registered Landscape Architect #666679



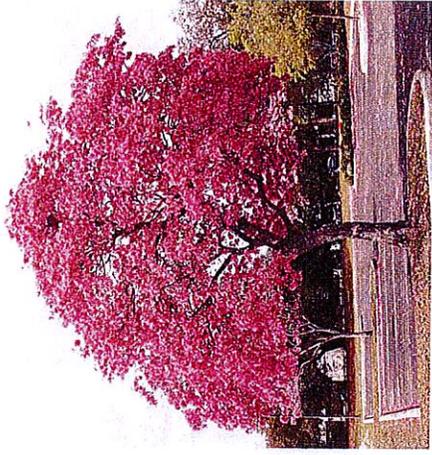
OAKS 1 - BISCAIYNE LANDINGS - ENTRANCE LANDSCAPE



QUEEN CRAPE MYRTLE



CASSIA SURRATENSIS



PINK TABEUBUJA

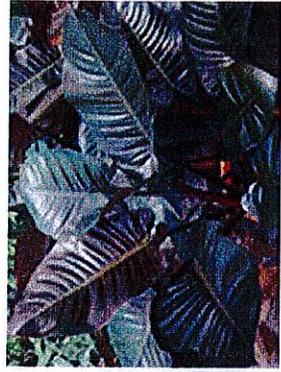
TROPICAL MIX



RED GINGER



COPPER LEAF



PHILODENDRON
RED CONGO



ORANGE BIRD OF
PARADISE



DATE PALM



VEITCHIA PALM



FOXTAIL PALM



PYGMY DATE PALM



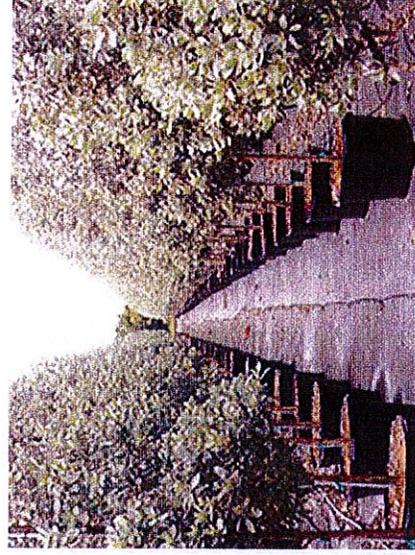
OAK TREE



CALOPHYLLUM TREE



LIGUSTRUM TREE

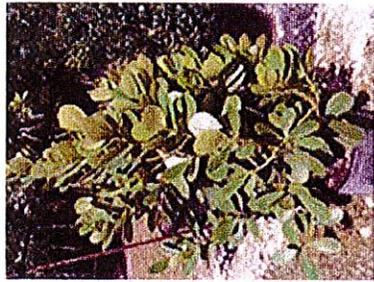


SILVER BUTTONWOOD

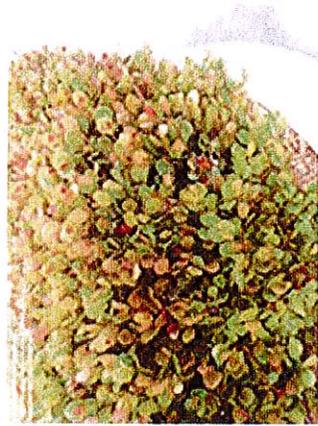
NATIVE MIX



SEA GRAPE



DWARF CLUSIA



COCOPLUM



S. BUTTONWOOD

ORNAMENTAL MIX



GREEN ISLAND FIGUS



WAX JASMINE



FOXTAIL FERN

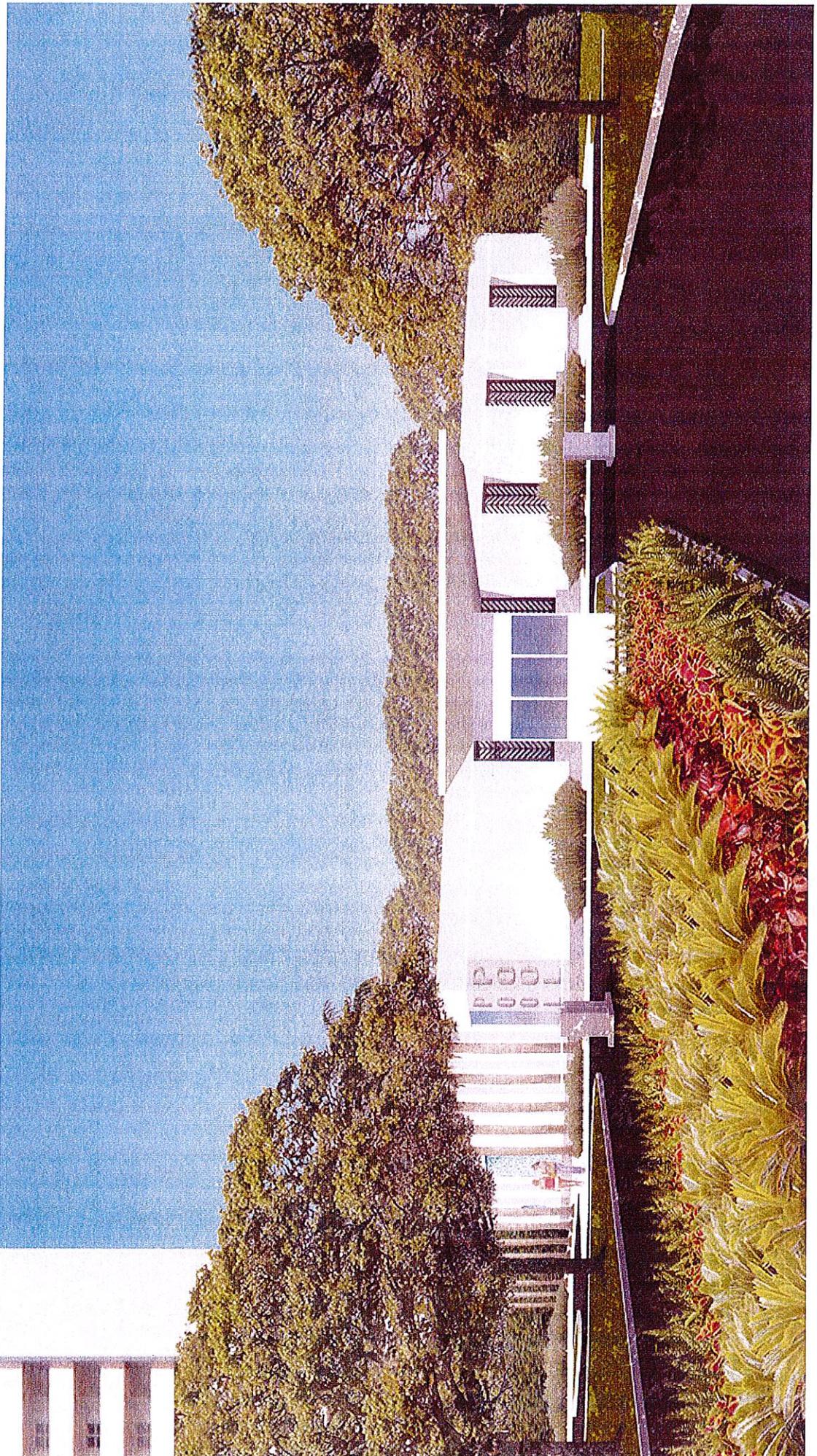


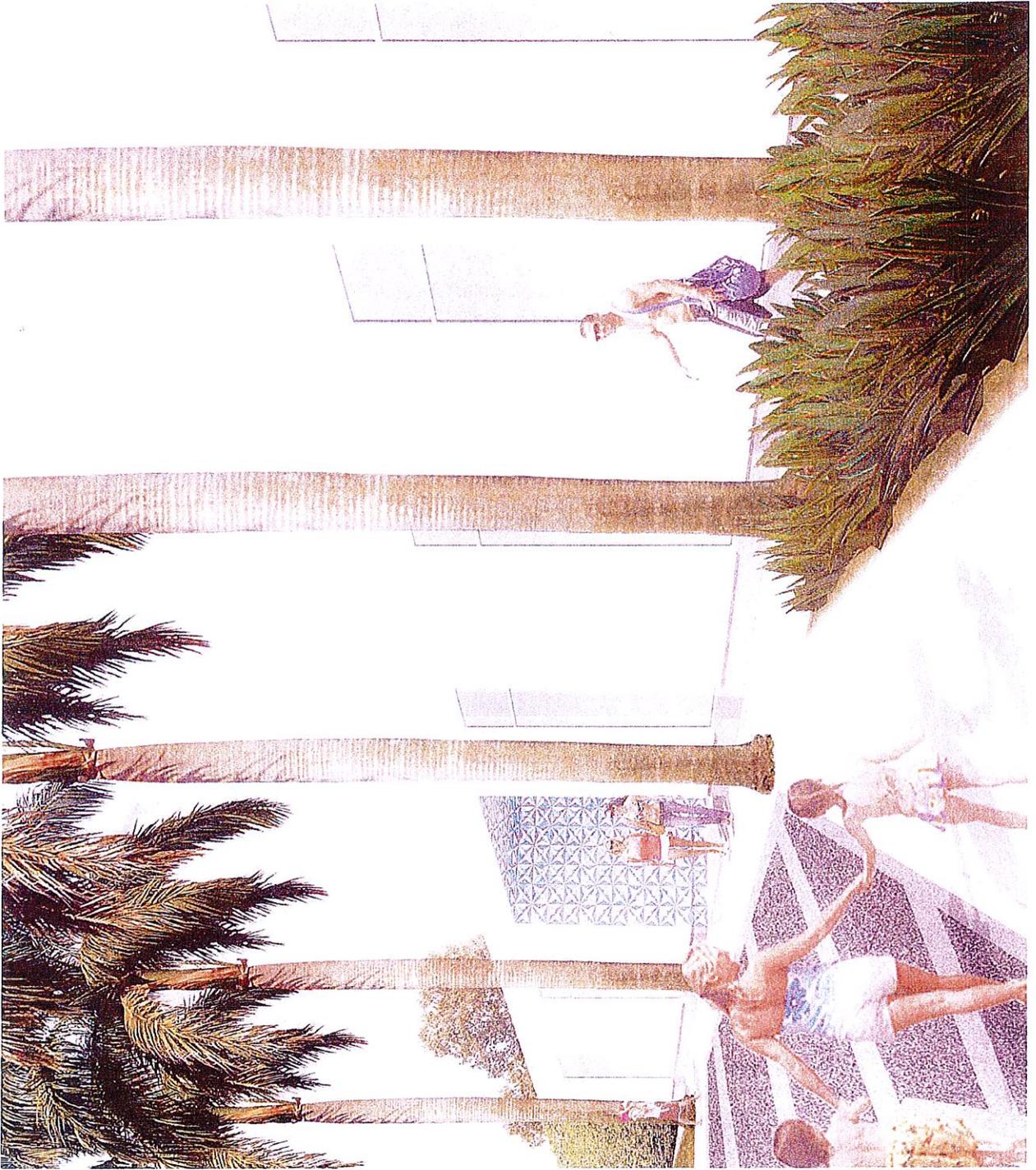
PENTAS

PERRENIAL/SEASONAL MIX



COLEUS





PROJECT DESCRIPTION

This application requests the amendment of the previously approved conditional use permit and master plan for a portion of the "Biscayne Landing" project in North Miami, Florida. Attached, at Exhibit A, is City of North Miami ("City") Ordinance 1234, which was provided to the applicant by Tanya Wilson-Sejour, AICP, City Planner, as the currently approved conditional use permit and master plan for the area of Biscayne Landing that includes the "Oaks I" multi-family condominium project.

The applicant is the Court appointed Receiver of the Oaks I at Biscayne Landing Condominium Association, Inc. The Court directed the Oaks I Receiver to complete the amenities development of the Oaks I Condominium project that is the subject matter of this application. In addition, the Court appointed Receiver of Biscayne Landing, the Lessee of the property where the amenities are to be developed, has conditionally consented to the filing of this application as outlined in their attached letter.

The specific purpose of the amendment of the previously approved conditional use permit and master plan is to provide amenities and security guardhouse for the Oaks I.

It is the intent of the applicant to make the minimal changes required to the previously approved conditional use permit and master plan to effectuate the proposed improvement. This application is solely focused upon improving the existing improved property for use by the current and future residents. The existing approved site plan is attached at Exhibit C. The proposed amended site plan is attached at Exhibit D.