

Date: September 13th, 2016

To: Honorable Mayor and City Council Members



From: Tanya Wilson-Séjour, AICP, Planning, Zoning & Development Director

Re: Waiver of Plat Approval

Address/Folio Number: 13855 NW 17th Avenue / 06-2123-000-0060

Owner: The Lively Stone Church Miami, Inc.

Applicant: Stonelake Land Trust, Inc.

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 7.59 ACRES IN SIZE, GENERALLY LOCATED AT 13855 NW 17TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2123-000-0060, 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.

STAFF RECOMMENDATION

That the Honorable Mayor and City Council pass and adopt the proposed resolution approving with conditions the waiver of plat request submitted by Stonelake Land Trust, Inc. to subdivide the above-described property into two (2) separate parcels and transmit to Miami-Dade County for final approval.

PLANNING COMMISSION RECOMMENDATION

At its August 2nd, 2016 regularly scheduled meeting, the Planning Commission (attended by Commissioners Kevin Seifried (Chair), Charles Ernst (Vice-Chair), Peggy Boule, Kenny Each, Bob Pechon, and Jason James) reviewed and discussed the proposed resolution. Following staff's presentation, the trustee for Stonelake Land Trust, Inc. (the Applicant), Mr. Patrick Roberts spoke briefly on the item, answered questions from the audience, and expressed 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 should provide an updated Power of Attorney (POA) before the item could be heard by the City Council. Commissioner Pechon 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 Boule, the motion passed 6-0 by roll call vote.

BACKGROUND INFORMATION

The subject property consists of approximately 7.6 acres of land and is located on the east side of NW 17th Avenue, about three hundred (300) feet north of Opa-Locka Boulevard. The Applicant, with the consent of the owner on record for the property, Lively Stone Church of Miami, Inc. has filed this waiver of plat application to subdivide the property and create two (2) unencumbered parcels. The northern parcel (Parcel A) will comprise 3.5 acres and will be purchased by the Applicant to accommodate a future redevelopment proposal. The southern parcel (Parcel B) comprises 4.1 acres and contains an existing 3,640-square foot house of worship, which will remain under the ownership of Lively Stone Church of Miami, Inc.

The subject property is currently designated Mixed-Use High (110 ft., 45 du/ac) on the City's adopted 2036 Future Land Use Map (FLUM). The previous land use designation of the property was Low Density Residential (35 ft., 5.1 du/ac), but, at the request of the Applicant, was changed to Mixed-Use High by the City Council during the recent update to the City's Comprehensive Plan, which became effective on June 23rd, 2016.

The subject property is currently zoned R-2, Single-Family District on the City's adopted 2010 Zoning Map. As per the requirements of Section 163-3202, F.S. and of Objective 1.5 of the Future Land Use Element of the City's newly adopted Comprehensive Plan, the City has until June 23rd, 2017 to update its Land Development Regulations (LDRs) and Official Zoning Map to reflect the changes in the adopted Comprehensive Plan to ensure compatibility between the land use designation and zoning classification. Through the citywide administrative LDRs and Zoning Map update, the City intends, among other things, to change the zoning classification of the property to Planned Development (PD) district to implement its Mixed-Use land use designation. In anticipation of this rezoning and in order to meet certain financial deadlines, the Applicant has submitted this waiver of plat application to subdivide the property into two (2) unencumbered parcels. Each parcel will independently satisfy the 2-acre minimum site area currently required for properties zoned PD. **(All other development standards and concurrency requirements for the redevelopment of the proposed parcels will be finalized during the Conditional Use Permit and Development Review Committee approval processes).**

NEIGHBORHOOD LAND USE CHARACTERISTICS

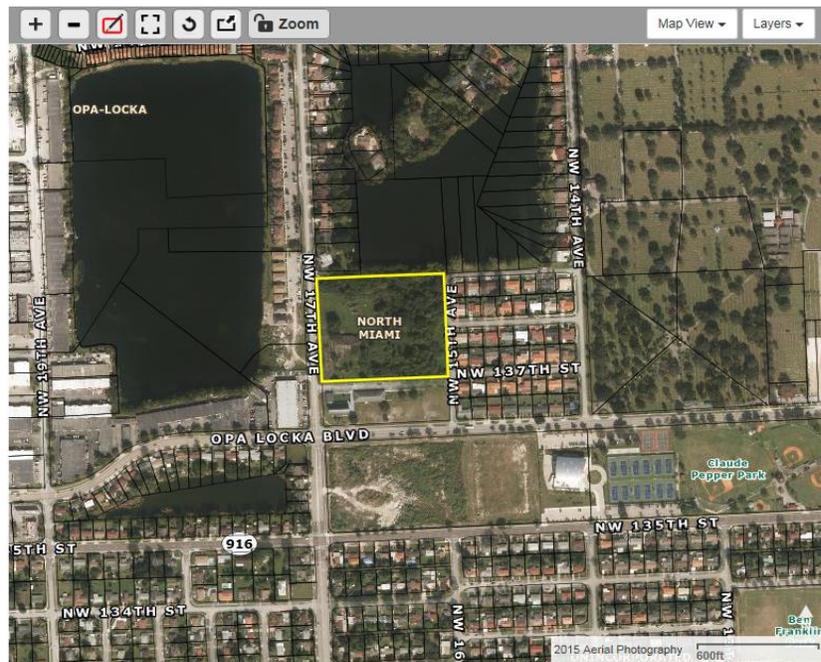
Property	Future Land Use	Existing Zoning	Existing Use/Subdivision
Site	Low Density Residential	R-2, Single-Family	House of Worship
North*	Open Land	RU-1, Single-Family Residential	Waterbody
South*	Low Density Residential	RU-1, Single-Family Residential	House of Worship
East*	Low Density Residential	RU-1, Single-Family Residential	Apartment Complex
West**	Industrial (South)	I-1, Light Industrial (South)	Warehouse
	Moderate Density Res. (North)	R-TH, Res. Townhouse (North)	Townhouse Development

*Unincorporated Miami-Dade County

** City of Opa-Locka

The subject 7.6-acre property is located on the east side of NW 17th Avenue, about three hundred (300) feet north of Opa-Locka Boulevard. The properties north and east of the subject site have been, for the most part, developed with single-family residences. The property south of the site comprises almost 3.5 acres and is the home to another religious facility. All these properties fall within Unincorporated Miami-Dade County. The properties west of the site, across from N.W 17th Avenue, are under the jurisdiction of the City of Opa-Locka and feature some industrial uses to the south and a townhouse development to the north. The geographical location of the subject property is highlighted in the following aerial picture.

PROPERTY INFORMATION	
Folio:	06-2123-000-0060
Sub-Division:	
Property Address	13855 NW 17 AVE North Miami, FL 33167-1207
Owner	THE LIVELY STONE CHURCH MIAMI INC
Mailing Address	PO BOX 530922 MIAMI SHORES, FL 33153
Primary Zone	0400 SGL FAMILY - 901-1200 SQF
Primary Land Use	7742 BENEVOLENT - EXEMPT : CLUB OR HALL - PRIVATE
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	
Living Area	
Adjusted Area	3,643 Sq.Ft
Lot Size	330,620.4 Sq.Ft
Year Built	1968



RECOMMENDATION

As previously stated, the purpose of this waiver of plat request is to subdivide the subject property into two (2) separate parcels. The subdivision of the subject property does not conflict with the goals, objectives and policies of the Mixed-Use High future land use. Furthermore, as the City updates its Official Zoning Map to implement the EAR-Based Amendments of the newly adopted Comprehensive Plan, the subject property will be rezoned to Planned Development (PD) district. The request will be in keeping with the purpose and intent of the PD district, as the newly created parcels will each be over two (2) acres in size and, at a minimum, satisfy the site area requirement currently set forth in the City's Land Development Regulations (LDRs) for properties located in the PD district.

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 Florida City Gas for their review and assessment of potential impacts to current utilities. These agencies have all issued non-objection notices to the proposed subdivision of the referenced property (See Letters of No Objection, attached).

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 anticipate 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. Some minor technical comments, which are enclosed in this staff report, were issued, which have been shared with the surveying company hired by the Applicant, and have all been addressed by the Applicant's surveyor.

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 Planning Commission recommends adoption of the attached resolution approving the requested waiver of plat, and subsequently forward the resolution to the City Council for final consideration, 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.

Furthermore, nothing in this resolution shall be construed to constitute a waiver of any prescriptive rights which may exist on the parent tract itself or on any designated easement(s);

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. *Recordation and Folio Numbers.* Upon approval by the County's Plat Committee, the Applicant shall be responsible for recording the waiver of plat and resolution with the Miami-Dade County Clerk, and new folio numbers shall be requested from the Miami-Dade County Property Appraiser's Office.

TWS/nl

Attachments:

1. Proposed Resolution
2. Exhibit 1 – "Waiver of Plat for 13855 NW 17th Avenue"
3. Letters of No Objection from FPL, Florida City Gas and AT&T
4. Updated Power of Attorney

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 7.59 ACRES IN SIZE, GENERALLY LOCATED AT 13855 NW 17TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2123-000-0060, 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, The Lively Stone Church of Miami, Inc., through its agent Stonelake Land Trust, Inc. (“Applicant”), proposes to subdivide a single-lot property of approximately 7.59 acres in size generally located at 13855 NW 17th Avenue, and specifically identified with Miami-Dade County Folio Number: 06-2123-000-0060 (“Subject Property”); and

WHEREAS, the proposed subdivision of the Subject Property into two (2) separate lots, will encompass a northern parcel (Parcel A) comprised of approximately 3.5 acres, and a southern parcel (Parcel B) comprised of approximately 4.1 acres, with the intent of changing the land use designation of both Parcels to Mixed-Use High prior to any development; and

WHEREAS, the development on each of the two (2) subdivided Parcels will independently satisfy the requirements of all development criteria and minimum development standards which are applicable under the proposed Planned Development District, in addition to any other condition that may be imposed by the City Development Review Committee, the Planning Commission and the City Council; 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 of the North Miami Code of Ordinances, Land Development Regulations (“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 August 2, 2016, the Planning Commission conducted its review at a duly noticed public hearing and found the Applicant’s proposed Waiver of Plat, conforms with the requirements of the LDRs and Comprehensive Plan, and thereby unanimously recommended approval to the Mayor and City Council, with the condition that the Applicant submit a properly executed power of attorney to the City; 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 7.59 acres in size, generally located at 13855 NW 17th Avenue and specifically identified with Miami-Dade County Folio Number: 06-2123-000-0060, 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)

March 2, 2015

Patrick Roberts, Trustee
Stonelake Land Trust
2281 N 66 Ave,
Hollywood FL. 33024

Re: Electric Service Availability
13855 NW 17 th Ave. North Miami 33167

Dear Patrick Roberts;

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,



Marco Alvarez
Associate Technical Specialist



Florida City Gas™

An AGL Resources Company

955 East 25th Street
Hialeah, FL 33013

305 691 8710 phone
www.floridacitygas.com

March 8, 2016

Attn: Patrick Roberts
Stonelake Land Trust Inc.

**RE: No objections to the division of the property located at 13855 NW
17th Ave, North Miami, FL 33167.**

Dear Mr. Roberts:

Florida City Gas (FCG) has received your request to divide the aforementioned property. Based on a review of available records of existing FCG facilities, the following has been determined for the subject request:

FCG does not have existing facilities within the identified limits of the aforementioned area. Therefore, FCG has no objections with the division of the property located at 13855 NW 17th Ave, North Miami, FL 33167.

If you need additional information or should any questions, comments or concerns arise, Please do not hesitate to contact me.

Regards,

Oscar Paez, P.E.
Division Engineer
Florida City Gas
305-835-3622
opaez@agresources.com



AT&T Florida
9101 SW 24 St
Miami, FL 33165

T: 305-222-8207
F: 305-222-8207
www.att.com

March 3, 2016

Patrick Roberts
Chairman, Stonelake Land Trust Inc.
2281 N 66 Ave
Hollywood, FL 33024

Folio: 06-2123-000-0060
Legal Description: 23 52 41 7.59 AC N528FT OF NW1/4 OF SW1/4 OF SW1/4 LESS W35FT FOR RD LOT SIZE IRREGULAR OR
16267-0437 1293 1

Re: Proposed Subdivision
13855 NW 17th AV
North Miami, FL 33167

To whom it may concern,

On behalf of BellSouth Telecommunications, LLC d/b/a AT&T Florida, this letter shall serve as notice of “**non-objection**” to the subdivision of the referenced property. No existing AT&T Florida (BellSouth) facilities of record presently occupy the subject property area.

Yours truly,

Jesus Castellanos - Mgr OPS Planning/Design
SE Network Operations Const/Eng – SFL District



**OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST
(CORPORATION)**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of The Holy Stone Church of Miami Inc, a Florida (state) corporation,
David Doriscan being first duly sworn, deposes and says that as the
President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below
and which is the subject property of the proposed request, does hereby grant limited power of attorney to Stone Lake Land
Trust Inc as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:

Waiver of Plat application for 13855 NW 17th Ave
Folio # 06-2123-000-0060 / 2552.47.59 AC N 528 Ft of
NW 1/4 of SW 1/4 of SW 1/4 less W 35 Ft FR RD lot size

WITNESSES:

Signature

Ricky Mahabir

Print Name

Signature

David Doriscan

Print Name

The Holy Stone Church
of Miami Inc

Name of Corporation

9025 NW Miami Ct

Address

Miami FL 33150

By: President Vice-President or CEO (circle one)

Sworn to and subscribed before me on the 3rd day of August, 20 16.
Affiant is personally known to me or has produced FDL D6261601 4110 as identification.

Notary

[Signature]

Commission Expires:

