



NORTH MIAMI PLANNING COMMISSION

AGENDA

SPECIAL MEETING

Thursday, January 17, 2013, 7:00PM

Council Chambers

776 NE 125th Street, North Miami, FL 33161

I. ASSEMBLY AND ORGANIZATION:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: December 4, 2012

III. COMMUNICATIONS: None

IV. CONTINUED PUBLIC HEARINGS: None

V. PUBLIC HEARINGS:

PC 01-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING TWENTY SEVEN (27) BONUS UNITS FROM OUTSIDE THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE PROPERTY KNOWN AS PARKVIEW VILLAS, GENERALLY LOCATED ON THE NORTH SIDE OF NORTHEAST 135TH STREET AT APPROXIMATELY FIVE THOUSAND TWO HUNDRED EIGHTY NINE FEET (5,289') EAST OF BISCAYNE BOULEVARD, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

- 1. Staff Report
- 2. Commission Action

PC 02-13: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE CONTIGUOUS

LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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FURTHER APPROVE A BONUS HEIGHT OF THIRTY FIVE (35') FEET FOR A PROPOSED DEVELOPMENT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, SITUATED WITHIN THE NRO DISTRICT, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

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PC 05-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings proceedings, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 286.0105 F.S.)

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12252, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.

MINUTES
NORTH MIAMI PLANNING COMMISSION
7:00 P.M.
December 4, 2012
COUNCIL CHAMBERS

The meeting was called to order at 7:15 p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present:	Excused	Absent
1	Kevin Siefried	X		
2	Charles Ernst	X		
3	Arrie Fils-Aime		X	
4	Maureen Harwitz		X	
5	Kenny Each	X		
6	Jean Castor		X	
7	William Prevatel	X		
8	Bonnie Schwartzbaum		X	

Staff was represented by:

Tanya Wilson-Sejour, City Planner
 Roland Galdos, Deputy City Attorney
 Arceli Redila, Board Secretary/Planning Technician
 Dunia Sanzeteña, Information Technology

I-D. Assembly and Organization – Amendments to the Agenda: None

II. Approval of Minutes:

The minutes of the November 6, 2012 meeting were unanimously approved as presented. The motion was made by Mr. Ernst, seconded by Mr. Prevatel.

III. Continued Public Hearings: None

V. Public Hearings:

PC 15-12: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4, DIVISION 4, ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, AT SECTION 4-402, ENTITLED “PLANNED DEVELOPMENT DISTRICT”, SPECIFICALLY AT SUBSECTION B, ENTITLED “DEVELOPMENT STANDARDS”, TO

INCLUDE 'VEHICLE SALES/DISPLAY' TO THE LIST OF PERMITTED USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

Ms. Tanya Wilson-Sejour from Community Planning and Development Department gave the staff report stating that staff is recommending approval of the proposed ordinance to amend Article 4, Section 4-402 of the City's Land Development Regulations to add Vehicle Sales/Displays to the list of permitted uses, and forward said changes to the City Council for final consideration.

The applicant, Oleta Partners LLC, is requesting a text amendment to Article 4, Section 4-402 entitled "Planned Development" in order to add vehicle sales/displays as a permitted use in the Planned Development District. The applicant believes the proposed request is necessary to facilitate the future development of the 184 acres Biscayne Landing site which will include a mix of both residential and non residential uses, one of which is a proposed 90,000 square feet new luxury car franchise which is expected to create 400 new jobs. If approved the City would include stipulation that restricts Vehicle Sales/Display as further defined in Article 7, only on PD zoned parcels that are greater than 30 acres in size, which would currently only pertain to the Biscayne landing site.

Article 7 of the City's LDR defines Vehicle sales/displays as "a business or commercial activity involving the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service. The sale of previously owned vehicles shall only be permitted as subordinate to the principal use." The use is currently allowed by special exception in the C-1 (Commercial) and M-1 (industrial) districts. There are currently 5 PD zoned properties in North Miami, 4 of which are completely built out. The Biscayne Landing property is the only remaining PD zoned site that is still not yet completely developed.

Herbert Tillman, executive officer of the Oleta Partners located at 15045 Biscayne Boulevard, was present and stated that there seems to be an interest from auto dealers of high end, luxury new cars and they already had some preliminary discussion with these dealers. He was requesting that the Planning Commission approved the proposed text amendment to allow them to move forward with the master plan approval process.

Public Discussion: There was no member of the public who came and spoke on the item.

Commission Discussion:

The Planning Commission reviewed the proposed ordinance and engaged in a discussion about the need for lush landscaping to screen any vehicle sales and service use from the Biscayne Boulevard corridor. The majority of the Board was optimistic that the proposed text amendment would help to advance the redevelopment of the vacant Biscayne Landing site and possibly spur redevelopment in other areas of the City.

Mr. Ernst made a motion to recommend approval of the proposed Ordinance. The motion was seconded by Mr. Each, and the Commission rendered a vote of 3-1 recommending approval of the proposed Ordinance. The one (1) dissenting vote was cast by Mr. Prevatel.

VI. Committee Reports: None

VII. Old Business: None

VIII. New Business: None

IX. Communications: Mr. Each was requesting staff to do some research on the current standards of parking garage aesthetics and lighting.

X. Adjournment:

There being no further business to come before the Planning Commission, the meeting adjourned at 8:01 p.m.

Respectfully submitted:

Attest:

Mr. Seifried, Chair
Planning Commission

Tanya Wilson-Sejour, AICP, City Planner
Community Planning & Development

Prepared by:

Arceli Redila, LEED AP, Board Secretary/Planning Technician
Community Planning & Development

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

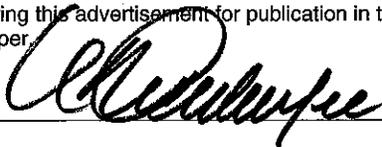
Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF NORTH MIAMI
NOTICE OF PROPOSED ORDINANCES

in the XXXX Court,
was published in said newspaper in the issues of

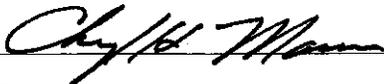
01/07/2013

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



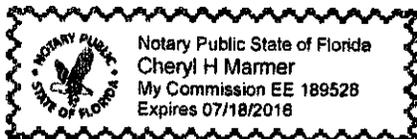
Sworn to and subscribed before me this

07 day of JANUARY, A.D. 2013



(SEAL)

O.V. FERBEYRE personally known to me



NORTH MIAMI

NOTICE OF PROPOSED ORDINANCES

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinances: to amend

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE CONTIGUOUS LOTS TOTALING APPROXIMATELY 1.1 ACRES, IN SIZE FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE FUTURE LAND USE MAP TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED LAND DEVELOPMENT REGULATIONS, BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1.09, TO REFLECT THE REZONING OF AN AREA CONSISTING OF EIGHT (8) CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, TOTALING APPROXIMATELY 2.4 ACRES, IN SIZE AND GENERALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12 CURRENTLY ZONED R-5 AND LOTS 13, 14 AND 15, CURRENTLY ZONED R-4 OF BLOCK 1, SMALLWOOD MANOR SUBDIVISION, FROM THE CURRENT R-4 AND R-5 MULTIFAMILY RESIDENTIAL DESIGNATION TO AN R-6 MULTIFAMILY RESIDENTIAL DESIGNATION AND TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE OFFICIAL ZONING MAP TO INCLUDE THE SUBJECT LOTS 1, 2, 3, 11 AND 12, IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

General Location map of the subject property:



A Public Hearing on this Ordinance will be held by the Planning Commission on Thursday, January 17th, 2013 at 7:00 p.m. and the City Council on February 12, 2013 at 7:00pm & February 26, 2013 @ 7:00pm in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review between the hours of 9:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL WILL NEED A VERBATIM RECORD OF THE MEETING'S PROCEEDINGS, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (SECTION 286.0105, F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 2147, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.

MIAMI DAILY BUSINESS REVIEW

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STATE OF FLORIDA COUNTY OF MIAMI-DADE:

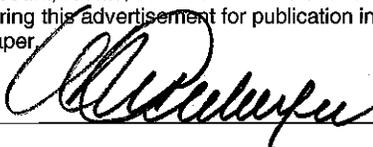
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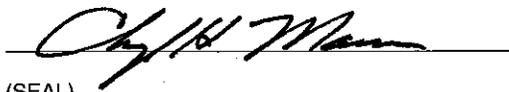
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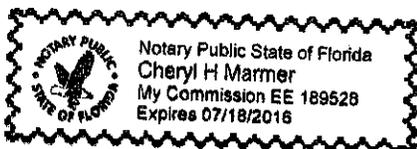
Sworn to and subscribed before me this

07 day of JANUARY, A.D. 2013



(SEAL)

O.V. FERBEYRE personally known to me



NORTH MIAMI

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- A. Call to Order
- B. Pledge of Allegiance
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MEMORANDUM

To: File

From: Maxine Calloway, Esq., A.I.C.P.
Director of Community Planning & Development

Date: November 29, 2012

RE: City Council Meeting of November 27, 2012

- 1) **PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 15, ENTITLED "SIGNS", SPECIFICALLY AT SECTION 5-1501, ENTITLED "PURPOSE", SECTION 5-1502, ENTITLED "PROHIBITED SIGNS", SECTION 5-1503, ENTITLED "GENERAL STANDARDS", SECTION 5-1504, ENTITLED "SIGNS PERMITTED WITHOUT A PERMIT", SECTION 5-1505, ENTITLED "PERMITTED SIGNS REQUIRING DEVELOPMENT REVIEW", AND SECTION 5-1506, ENTITLED "COMPREHENSIVE SIGN PROGRAM", TO ALLOW ELECTRONIC MESSAGE CENTERS AND ELECTRONIC SCROLLING SIGNS IN ALL NONRESIDENTIAL ZONING DISTRICTS AND TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES FOR SUCH SIGNS, IN ORDER TO ENCOURAGE AND FACILITATE ECONOMIC GROWTH IN A MANNER CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI [TAB E]**

The Ordinance passed on first reading by a vote of 5-0.

- 2) **PROPOSED RESOLUTION APPROVING THE AWARD OF FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS (CBOs) [TAB G]**

The Resolution passed by a vote of 4-1 with changes, as shown below.

Organization	Grant Requested	Staff Recommendation	Planning Commission Recommendation	Council Award
Barry University	\$9,996	\$4,000	\$4,000	\$6,000
Food for Life	\$12,420	\$9,000	\$9,000	\$9,000
HAYTFO	\$10,000	0	\$5,316	\$5,316
Haitian Elderly Center	\$20,000	\$6,500	\$6,500	\$6,500
Jewish Community Services	\$10,000	\$7,500	\$7,500	\$7,500
NANAY	\$10,000	\$9,000	\$9,000	0
North Miami Foundation	\$10,000	\$9,000	\$9,000	\$9,000
Russell Life Skills	\$7,500	\$7,500	\$7,500	\$5,000
Stop Hunger	\$15,000	\$7,500	\$7,500	\$7,500
Youth Education Through Sports	\$10,000	0	\$6,000	\$4,000

MC/gf

- c: Tanya Wilson-Sejour, City Planner
 Joanne Martin, Zoning Administrator
 Carolyn Francis-Royer, CDBG Administrator
 Planning Commission Packet (one copy)



MEMORANDUM

To: File

From: Maxine Calloway, Esq., A.C.P.
Director of Community Planning & Development

Date: December 14, 2012

RE: City Council Meeting of December 11, 2012

- 1) **PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 15, ENTITLED "SIGNS", SPECIFICALLY AT SECTION 5-1501, ENTITLED "PURPOSE", SECTION 5-1502, ENTITLED "PROHIBITED SIGNS", SECTION 5-1503, ENTITLED "GENERAL STANDARDS", SECTION 5-1504, ENTITLED "SIGNS PERMITTED WITHOUT A PERMIT", SECTION 5-1505, ENTITLED "PERMITTED SIGNS REQUIRING DEVELOPMENT REVIEW", AND SECTION 5-1506, ENTITLED "COMPREHENSIVE SIGN PROGRAM", TO ALLOW ELECTRONIC MESSAGE CENTERS AND ELECTRONIC SCROLLING SIGNS IN ALL NONRESIDENTIAL ZONING DISTRICTS AND TO ESTABLISH DEVELOPMENT STANDARDS AND GUIDELINES FOR SUCH SIGNS, IN ORDER TO ENCOURAGE AND FACILITATE ECONOMIC GROWTH IN A MANNER CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI [TAB I]**

The Ordinance passed on second reading by a vote of 5-0.

MC/gf

c: Tanya Wilson-Sejour, City Planner
Joanne Martin, Zoning Administrator
Planning Commission Packet (one copy)

Date: January 17, 2013

To: Planning Commission

From: Maxine Calloway, Director, Community Planning & Development

Re: Conditional Use Permit Requesting 27 Bonus Units & Bonus Height From NRO Pool

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING TWENTY SEVEN (27) BONUS UNITS FROM OUTSIDE THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE PROPERTY KNOWN AS PARKVIEW VILLAS, GENERALLY LOCATED ON THE NORTH SIDE OF NORTHEAST 135TH STREET AT APPROXIMATELY FIVE THOUSAND TWO HUNDRED EIGHTY NINE FEET (5,289') EAST OF BISCAYNE BOULEVARD, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 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 Planning Commission recommends approval of the proposed resolution and Conditional Use Permit requesting a transfer of twenty seven (27) bonus units from outside the Neighborhood Redevelopment Overlay (NRO) District secondary pool of one thousand (1000) floating residential units for the property known as Parkview Villas, generally located on the north side of Northeast 135th Street, approximately five thousand two hundred and eighty nine feet (5,289') east of Biscayne Boulevard and forward said conditional use permit to City Council for final consideration.

PURPOSE & INTENT

Policy 1.12.1 of the Comprehensive Plan established a primary pool of five thousand (5,000) floating residential units to encourage redevelopment in designated areas within the City. As such, the primary pool consisting of two thousand two hundred (2,200) floating residential units have been set aside for use within the Neighborhood Redevelopment Overlay ("NRO") District ("Primary Pool"); one thousand eight hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District.

The Subject Site



Additionally, Article 4, Section 4-204 of the City’s land Development Regulations (“LDRs”), provides that requests for residential density bonuses may be granted through a Conditional Use Permit approved by the City Council, in accordance with Section 3-401 and Section 4-405 of the LDRs.

BACKGROUND

The applicant 135 Biscayne, LLC owns a 1.2 acre site containing fifteen (15) platted lots, located on the north side of Northeast 135th Street, at approximately 5,289 feet east of Biscayne Boulevard. The Subject Property is located outside the NRO District and has a medium density residential land use category with an R-5 zoning designation, which permits a maximum building height of seventy five feet (75’) and a density of 16.3 residential units per acre.

The current R-5 zoning designation allows for twenty one (21) residential units as of right. However, on December 10th 2012 the property owner filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City transfer twenty seven (27) additional bonus residential units from the existing Secondary pool of 1000 units in order to construct a 48 garden apartment green, transit oriented (16 one bedroom and 32 two bedroom) development on the subject site.

ANALYSIS

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

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

The proposed conditional use request is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 1.12.1 that promotes the transfer of up 1000 units to areas outside the NRO in order to encourage redevelopment in areas such as the subject site.

2. The application is in compliance with the district regulations applicable to the proposed development, including the bonus provisions in section 4-204, if applicable;

The proposed conditional use application is in compliance with the LDR regulations and as outlined in Section 4-204 which allows parcels of land designated low, medium or high density residential land use outside the NRO boundary to receive bonus densities of up to 25 dwelling units per acre through conditional use approval.

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 subject site is located on NE 135 Street a roadway classified as a locally owned arterial. The City's Transportation Master Plan indicates that the roadway segment currently operates at a Level of Service B which is an acceptable level. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more. As such staff is therefore requiring the applicant to propose multi modal transportation alternatives such as bicycle parking, connections to the existing bicycle path on NE 135 Street 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.**

Staff believes the proposed garden apartments will greatly complement the surrounding Arch Creek residential neighborhood as well as provide additional housing for faculty at the neighboring Miami Dade County School as well as Florida International University. Additionally per Section 4-405 of the LDR the site is subject to certain development restrictions governing the building, scale, setback and parking to ensure a compatible transition between the low density single family neighborhoods west of the subject site.

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

At 1.2 acres and situated on a local arterial, staff believes the subject parcel is suitable in size and shape to accommodate the proposed multifamily development.

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

The proposed development is consistent in use and character with the surrounding residential areas and is anticipated to complement the adjacent properties. The applicant proposes to develop the vacant lot into modern market rate garden apartments with one and two bedroom units ranging between 750 to 950 square feet in size. As proposed it is anticipated to adversely impact the use, livability, value and development of adjacent properties.

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

Staff believes the proposed development satisfies the intent of the City's land use vision as defined in Goal 1, (Future Land Use Element) of the Comprehensive Plan which requires that the City "Encourage redevelopment in order to enhance the economic base of the City, improve the aesthetic quality of the built environment and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single family neighborhoods. As such the proposed request is not anticipated to adversely impact the public health, safety and general welfare of the community.

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 the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. In lieu of LEED certification the applicant proposes to construct a sustainable building under the Florida Green Building Coalition rating system and incorporate energy efficient elements as part of the future design and landscaping.

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 site has been underutilized and left vacant for many years. The applicant has expressed a desire for bonus units in order to create a successful multifamily development that maximizes the use of the site and is also financial feasible. Staff believes the flexibility in standards is necessary for the successful development of the site.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed 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 request that the Planning Commission recommend approval of the attached resolution, approving a transfer of twenty seven (27) bonus units from the secondary pool of 1000 floating residential units. Said transfer being subject to the applicant designing a product that achieves the United States Building Council (USGBC) LEED certification or equivalent.

1. The applicant shall consolidate all 15 lots as well as any abandoned alleyways in the proposed development through a waiver of plat. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to obtain submittal instructions and subsequently file a site plan application.
3. In lieu of LEED Certification rating the applicant agrees to obtain certification from the Florida Green Building Coalition to validate the proposed "green" elements of the future development prior to obtaining final Certificate of Occupancy.
4. Applicant shall comply with all conditions listed in Exhibit 1, of the approved Conditional Use Permit.

TS/mc

- Attachments:
1. Proposed Resolution
 2. Conditional Use Permit (Exhibit 1)
 3. Location Map & Survey
 4. Letter of intent

7

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING TWENTY SEVEN (27) BONUS UNITS FROM OUTSIDE THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE PROPERTY KNOWN AS PARKVIEW VILLAS, GENERALLY LOCATED ON THE NORTH SIDE OF NORTHEAST 135TH STREET AT APPROXIMATELY FIVE THOUSAND TWO HUNDRED EIGHTY NINE FEET (5,289') EAST OF BISCAYNE BOULEVARD, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on December 11, 2007, the Mayor and City Council of the City of North Miami (“City”), adopted the City’s Comprehensive Plan (“Comprehensive Plan”), consistent with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, Policy 1.12.1 of the Comprehensive Plan established a pool of five thousand (5,000) floating residential units for development, as follows: two thousand two hundred (2,200) floating residential units for use within the Neighborhood Redevelopment Overlay (“NRO”) District; One thousand Eight Hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District (“Secondary Pool”); and

WHEREAS, Section 4-204 of the City Land Development Regulations (“LDRs”), provides that requests for residential density bonuses may be granted through a Conditional Use Permit, approved by the Mayor and City Council in accordance with Section 3-401 and Section 4-405 of the LDRs; and

WHEREAS, 135 Biscayne, LLC (“Applicant”), is the owner of a 1.2 acre site containing fifteen (15) platted lots, located on the north side of Northeast 135th Street, at approximately 5,289 feet east of Biscayne Boulevard (“Subject Property”); and

WHEREAS, the Subject Property is located outside the NRO District and has a medium density residential land use category with an R-5 zoning designation, which permits a maximum building height of seventy five feet (75’) and a density of 16.3 residential units per acre; and

WHEREAS, the R-5 zoning designation allows for twenty one (21) residential units as of right, for development on the Subject Property; and

WHEREAS, the Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate twenty seven (27) additional bonus residential units from the existing Secondary Pool of available units in order to construct a total of forty eight (48) multifamily units on Subject Property; and

WHEREAS, the approval and transfer of Twenty Seven (27) units from the Secondary Pool will reduce the pool of unassigned units from one thousand (1,000) residential units to nine hundred seventy three (973) residential units; and

WHEREAS, the City administration reviewed the proposed request and found that it is consistent with Policy 1.12.1 of the Comprehensive Plan and satisfies the requirements of Section 4-405 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval of the Conditional Use Permit to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that the proposed request is in the best interest of the City and does not adversely affect the

health, safety, and welfare of residents and thereby, approve the Conditional Use Permit allocating the requested number of units from the Secondary Pool.

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

Section 1. Approval of Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conditional Use Permit, in substantially the attached form, transferring twenty seven (27) bonus units from outside the Neighborhood Redevelopment Overlay (NRO) District secondary pool of One Thousand (1000) floating residential units, for the property known as Parkview Villas, generally located on the north side of Northeast 135th Street at approximately Five Thousand Two Hundred Eighty Nine feet (5,289') east of Biscayne Boulevard, in accordance with Article 4, Section 4-204 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. Effective Date. This resolution shall be 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 _____, 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)

EXHIBIT I

CONDITIONAL USE PERMIT FOR PARVIEW VILLAS, LLC

WHEREAS, 135 Biscayne LLC owns 1.27 acres of real property more particularly described in attached Exhibit “A”, Survey Drawing of Property (the “Property”); and

WHEREAS, in accordance with Section 4-402 of the City’s LDR (governing density bonus requests in areas outside the NRO) the applicant requests that in addition to the 21 permitted as of right units, the City grant Conditional Use Approval, for allocation of 27 additional bonus units, from the established primary pool of secondary floating residential units to create 48 multifamily units on site with a maximum height of 75 feet; and

WHEREAS, staff has reviewed the proposed application and finds that it complies with the requirements of Section 4-402 of the LDR; and

WHEREAS, on January 17th, 2013 the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of **27 bonus units** from outside Neighborhood Redevelopment Overlay (NRO) secondary residential pool of one thousand (1000) units; and

WHEREAS, said transfer of **27** units from the “outside the NRO” secondary residential pool of one thousand (100) units would reduce the secondary pool of units to Nine Hundred and Seventy Three (**973**) units; and

WHEREAS, on February 12, 2013, the City Council reviewed the request and determined that it is consistent with the intent of the City’s Comprehensive Plan, allows for redevelopment of a currently vacant site and will further advance the public health, safety and welfare of the City.

NOW, THEREFORE, the City Council approves this Conditional Use Permit along with the following findings and conditions:

1. That the applicant submits final precise plans and applicable landscape plans to the City’s Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
2. That the applicant shall file a waiver of plat with the Community Planning & Development Department to unify the fifteen (15) lots into one consolidated parcel.
3. That the applicant shall provide registration receipt from the Florida Green Building Coalition (USGBC) showing intent to achieve FGBC Gold (or equivalent) designation prior to Council consideration.
4. That the applicant shall provide a copy of appropriate certification from the FGBC to validate the proposed “green” elements of the development prior to obtaining final Certificate of Occupancy.
5. Comply with all other City/County regulations as it relates to zoning, parking, landscaping,

school concurrency and utilities.

6. **Density bonuses** – Pursuant to Sect 4-204 the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

Mandatory Elements	Density Bonus Earned
Green & Sustainable:	
Designed to meet LEED gold or greater rating – or FGBC equivalent of LEED gold.	15 du/acre
Transit Oriented Development: 4 of 8 selected	
Improved pedestrian way connecting to nearest arterial	
Internal bike and pedestrian circulation	
Provision of bike racks	
Showers for cyclists	
Connection to planned bike trail on NE135 Street	
Total for 5 of 7	10 du/acre
Total Overall Bonus Units Earned Note: Maximum Density Bonus Allowed Outside NRO is 25 du/acre	25 du/acre

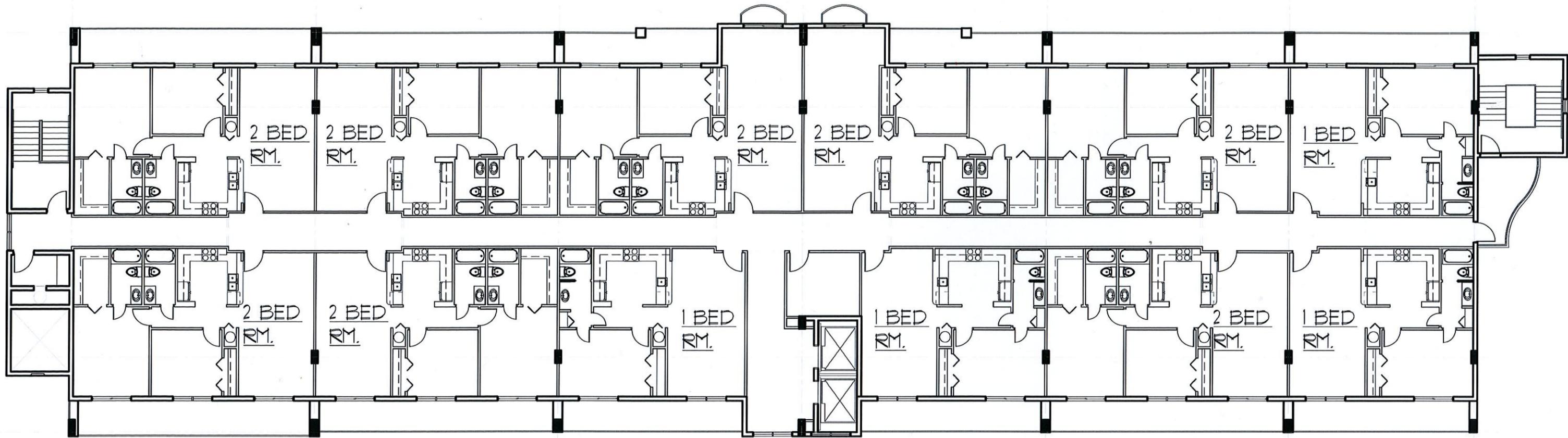
7. A building permit shall be filed within one year of the date of the conditional use approval or the approval shall be null and void.



PARKVIEW VILLAS
NORTH MIAMI, FLORIDA



SYNALOVSKI ROMANIK SAYE
ARCHITECTURE • PLANNING • INTERIOR DESIGN
1800 Eller Drive, Suite 500 • Fort Lauderdale, FL 33316
Telephone 954-961-6806 • Facsimile 954-961-6807



SCALE: 1/16" = 1'-0"

PARKVIEW VILLAS
NORTH MIAMI, FLORIDA



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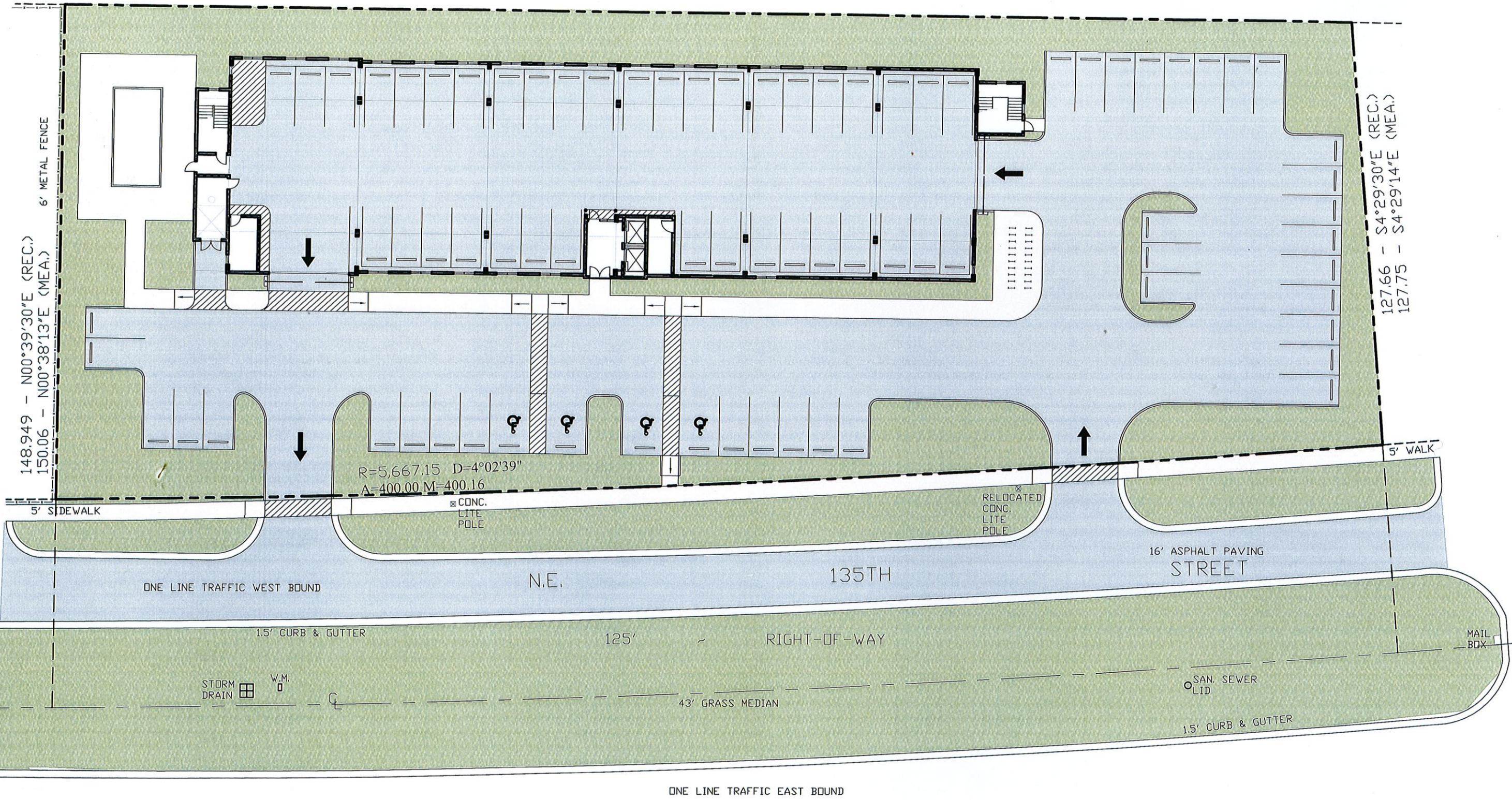
387.87 - S89°20'30"E (REC.)

388.03 - S89°20'30"E (MEA.)

6' METAL FENCE

148.949 - N00°39'30"E (REC.)
150.06 - N00°38'13"E (MEA.)

127.66 - S4°29'30"E (REC.)
127.75 - S4°29'14"E (MEA.)



SCALE: 1/32" = 1'-0"

PARKVIEW VILLAS NORTH MIAMI, FLORIDA



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SYNALOVSKI ROMANIK SAYE
Architecture • Planning • Interior Design

Parkview Villas
Letter of Intent
December 10th, 2012

Parkview Villas is requesting a Conditional Use Permit for a Residential Density Bonus to increase our current R-5 Zoning from 16.3 units/acre to 41.3 units/acre (25 units/acre).

Based on a site area of ±53,386 sq. ft. (1.2714 acres), the requested bonus would allow the development of up to 52 apartments in lieu of the 15 townhomes previously planned for development.

The proposed 48 apartments would include 16 one (1) bedroom/one (1) bath units and 32 two (2) bedroom/ two (2) bathroom units. The areas of these units would vary from ± 750 sq. ft. to ± 950 sq. ft.

The proposed development would provide 76 required parking spaces, required green areas and a pool/deck amenity.

The building height would remain below 75' and front and side setbacks would be provided. A reduction in the rear setback would be requested.

In order to satisfy the requested bonus, Parkview Villas would satisfy sustainability and transit oriented (TOD) requirements.

In lieu of LEED Certification, Parkview Villas proposes compliance with either the NHBA or FGBC rating system(s).

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T 954.961.6806 • F 954.961.6807 • www.synalovski.com

Date: January 17, 2013
To: Planning Commission
Re: Land Use Plan Amendment to Future Land Use Map

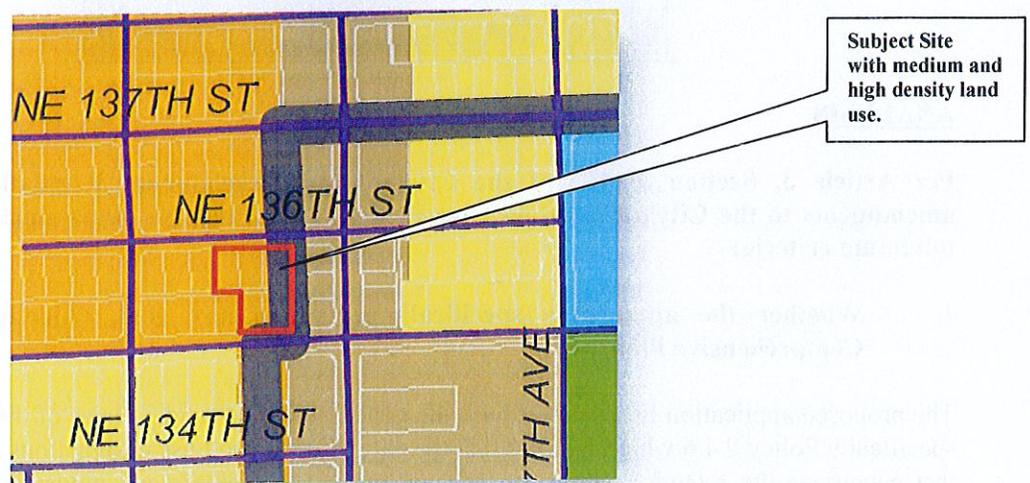
AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE CONTIGUOUS LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Planning Commission recommend approval of the proposed ordinance to amend the Comprehensive Plan, Future Land Use Map (FLUM) for the subject lots, from medium density residential to high density residential land use and expand the Neighborhood Redevelopment Overlay (NRO) district boundary, to include the subject lots and forward to City Council for final consideration.

PURPOSE

The applicant, Conestoga Holdings owns 8 (eight) contiguous lots (i.e. lots 1,2,3,11, 12, 13, 14 and 15, Block 1, Smallwood Manor Subdivision). The five (5) subject lots consisting of 47,993 square feet (or 1.1 acres) in size, is a subset of a larger development containing approximately 91,476 square feet or 2.1 acres. The site currently has two different residential land use designations reflected on the FLUM.



Three (3) of the eight (8) lots have a land use designation of high density residential and are located inside the City's NRO District. However the remaining 5 lots have a land use designation of medium density residential and are located outside the NRO boundary. The applicant filed a Small Scale Land Use Application with the Community Planning & Development Department on December 12, 2012 requesting

to amend the future land use designation of the five (5) subject lots from medium density to high density residential land use, in an effort to homogenize the land use designation across the entire site. Additionally the applicant is requesting that the City expands the western boundary of the NRO to include the 5 subject lots in order to take full advantage of the bonuses and incentives across the entire development as opposed to a portion of the development as is currently the case.

BACKGROUND

The site is predominantly vacant, situated along two major corridors (NE 6th Avenue and NE 135 Street) and is partially located inside the City's NRO, an area initially established in the Comprehensive Plan as an urban core "*to direct growth in a manner to achieve redevelopment, economic development, housing choice and multimodal transportation objectives...*". To that end, Policy 1.12.2 of the Comprehensive plan encourages mixed use along the major corridors within the NRO such as NE 6th Avenue and NE 135 Street. The applicant proposes to partner with the Carfour Group to construct a mixed use complex to include residential, community use and retail/office use. The applicant envisions the residential portion being created mainly for elderly veterans and the other complimentary uses serving the residents as well as the surrounding community.

Subject Site



ANALYSIS

Per Article 3, Section 3-1105 of the City's Land Development Regulations all requests for amendments to the City's Comprehensive Plan (Future Land Use Map) must satisfy the following minimum criteria:

1. **Whether the application specifically advances any goal, objective or policy of the Comprehensive Plan:**

The proposed application is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry". Additionally policy 9.4.2 requires that the City "Introduce employment generating uses along major transportation corridors. Ensuring that employment generating land uses are compatible with neighborhood character through revisions in development regulations and permit review requirements."

The proposed request would allow for the development of a mixed use project along a major city corridor with the potential to create new housing, community facilities and future jobs for City residents.

b. **Its effect on the level of service of public infrastructure;**

Traffic

The subject site is located at NE 6th Avenue and NE 135 Street, both classified as State owned (FDOT) arterial roads. The City's Transportation Master Plan indicates that one of the roadway segments that provides access to the property (NE 135 Street) is operating at a level of service (LOS) F. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage. With an anticipated increase in traffic generated from the site staff believes that the proposed rezoning would cause further decline in the roadway LOS which is already below the minimum requirement. The applicant has proposed multi modal transportation alternatives such as bicycle parking, public transportation and carpooling to alleviate the added traffic anticipated from the site and potentially maintain if not reduce the LOS.

Water & Sewer Impact

The development is currently serviced by the Winston Water Treatment Plant. Based on the City's recently adopted Water Supply Plan, the Plant has an average capacity of 10 million gallons per day (MGD) and a current demand of approximately 15.77 MGD, resulting in a shortfall of 5.77 MGD which is satisfied by water purchased from Miami Dade County at a rate of 9.3 MGD (resulting in a total water supplied to North Miami's service area at the rate of 19.3 MGD). **Leaving the City with a surplus of 3.53 MGD.**

Based on Policy 4D.2.6 of the Comprehensive Plan in order to measure the impact of rezoning or land use changes on potable water facilities, the following standard generation rates shown in Table 1 below shall be utilized:

Table 1

- | |
|---|
| <ol style="list-style-type: none"> 1. Single family detached dwelling: 350 gallons per day. 2. Single-family attached dwelling: 300 gallons per day 3. Multi-family dwelling unit: 425 gallons per acre per day plus: <ul style="list-style-type: none"> ▪ Each one bedroom unit: 85 gallons per day per unit ▪ Each two bedroom unit: 125 gallons per day per unit ▪ Each three bedroom unit: 165 gallons per day per unit ▪ Each four or more bedroom unit: 205 gallons per day per unit ▪ When the bedroom mix is unknown, the three-bedroom generation rate shall be utilized. 4. Commercial and nonresidential Community Facility uses: 10 gallons per 100 sf of GFA per day 5. Industrial uses: 10 gallons per 100 sf of GFA per day |
|---|

Based on the information provided the R-6 zoning would allow 53 multifamily units, as of right, which is anticipated to consume approximately 9638 gallons per day (residential use) plus 2000 gallons per day from the proposed 20,000 square footage of non residential space. If the applicant builds 191 units the consumption is anticipated to be 32,408 gallons per day.

Policy A.2.1 of the Comprehensive Plan requires that all development approvals require developers to upgrade the capacity of the existing system or build new system to meet the needs of the new development.

Based on staff's analysis staff believes the City has sufficient water and sewer capacity to accommodate the proposed redevelopment and will not cause a decline in the established LOS.

Based on the public facilities impact analysis, staff finds that the proposed land use plan amendment would not have an adverse impact on the City's public facilities.

c. its effect on environmental resources;

The proposed land use plan amendment is not anticipated to have adverse impacts on the City's environmental resources. Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a United States Green Building Council (USGBC) LEED Silver designation building with energy saving fixtures to minimize the water and electric consumption of the future development.

d. its effect on hurricane evacuation;

Policy 5A.3.1 of the Comprehensive Plan requires that the City "review of development proposals within the coastal planning area shall consider vehicular accessibility and internal circulation patterns to minimize the time required to evacuate the coastal planning area. The subject site is not located in the Coastal Planning area and is not anticipated to interfere with hurricane evacuation.

e. Its effect on the availability of housing that is affordable to people who work in the City of North Miami; and

The applicant has indicated that the majority of the proposed units are intended to serve elderly veterans many of whom are considered lower income with average incomes between 28% to 60% of the area median income or around \$36,750 for a family of one. As such, the proposed development will be providing a new affordable housing product to the North Miami residents. In addition, staff has required and the applicant has agreed to "set aside" fifteen (15%) percent of the units for residents who work in North Miami.

Any other effect that City staff determines is relevant to the City Council's decision on the application;

1. If approved, the applicant has agreed to record a declaration of restrictive covenant to ensure first preference is given to North Miami residents, who have been living in the City for at least 1 year. That the applicant shall record a restrictive covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City's Housing Division's current Neighborhood Stabilization Program (NSP) Rental Waiting list.

f. Physical suitability for the use permitted in the proposed district;

The proposed land use plan amendment from medium to high density designation and expansion of the western boundary of the NRO District is suitable for the proposed mixed use development.

g. Is compatible with the surrounding areas, zoning designations(s) and existing uses.

The property is abutting or adjacent to the following uses (see attached map):

Surrounding Zoning

N: R-6, Multifamily Residential
 S: R-6, Multifamily Residential
 E: R-6, Multifamily Residential
 W: R-5, Multifamily Residential

Surrounding Land Use

N: High Density Residential
 S: High Density Residential
 E: Low Density Residential
 W: Medium Density Residential

The predominant character of the neighborhood is multi-family residential in nature.

h.. Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values;

The proposed land use plan amendment supports the future growth and development of the City's existing industrial district by providing an environment that allows for the retention and expansion of existing and future industrially oriented businesses.

i. Will not cause a diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.

The proposed land use plan amendment supports the future growth and development of the City's urban core by providing an environment that allows for revitalization of a currently declining corridor into a viable development and improve the image of one of North Miami's major thoroughfares. As such, it is staff's opinion that the proposed development would have a positive effect on the market value of adjacent properties as opposed to the effects the vacant lot would have.

B. Limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with the standards of this section. Such limitations shall be offered by a restrictive covenant or declaration of use that is provided to the City in recordable form acceptable to the City Attorney.

If approved, the applicant has agreed to record a declaration of restrictive covenant to ensure first preference is given to North Miami residents, who have been living in the City for at least 1 year.

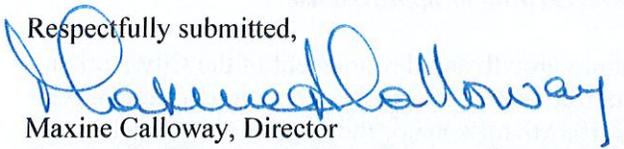
That the applicant shall record a restrictive covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City's Housing Division's current Neighborhood Stabilization Program (NSP) Rental Waiting list.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed land use amendment is consistent with the requirements of Chapter 163, F.S. and is in keeping with the goals objectives and policies of the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department **requests that the Planning Commission approves the attached ordinance amending the Comprehensive Plan (Future Land Use Map) of the subject property from Commercial to Industrial land use subject to the following conditions:**

1. Submit a draft declaration of restrictive covenant to the office of the City Attorney at least 30 days from final Council approval date for review prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. The applicant shall consolidate all 8 lots as well as any abandoned alleways in the proposed development through a waiver of plat and submit said document to the office of City Attorney for approval prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
3. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to obtain submittal instructions and subsequently file a site plan application.

Respectfully submitted,


Maxine Calloway, Director
Community Planning and Development Department

TS/mc

- Attachments:
1. Proposed Ordinance
 2. Location Map & Survey
 3. Partial Land Use Map
 4. Letter of intent

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE CONTIGUOUS LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami (“City”) to adopt and enforce a comprehensive plan; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, allows local governments to periodically make small scale land use amendments to their Comprehensive Plan, Future Land Use Map (“FLUM”), if the proposed amendment does not exceed 10 acres and the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres; and

WHEREAS, the subject property, consisting of 47,993 square feet (or 1.1 acres) in size, generally identified by Public Records of Miami-Dade County, Florida, as Lots 1, 2, 3, 11, and

12 of Block 1, Smallwood Manor Subdivision, is a subset of a larger development containing approximately 91,476 square feet or 2.1 acres, which contains two different residential land use designations, reflected as medium and high density on the FLUM (“Subject Property”); and

WHEREAS, Conestoga Holdings LLC (“Applicant”), has filed an application for a Small Scale Land Use Plan Amendment to change the use of the Subject Property from Medium Density Residential to High Density Residential land use, in order to homogenize the uses upon the Subject Property and create the first mixed-use complex along the existing corridor; and

WHEREAS, Policy Section 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”) requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the proposed application is consistent with the Comprehensive Plan by encouraging mixed use along major corridors within the Neighborhood Redevelopment Overlay (NRO) District, and promote redevelopment that will enhance the public’s health, safety and welfare of the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended the adoption of the proposed Small Scale Land Use Plan Amendment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, further authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

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

Section 1. Subject Property. The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Medium Density Residential to High Density Residential land use designation.

Section 2. Authority of City Manager. The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 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: _____

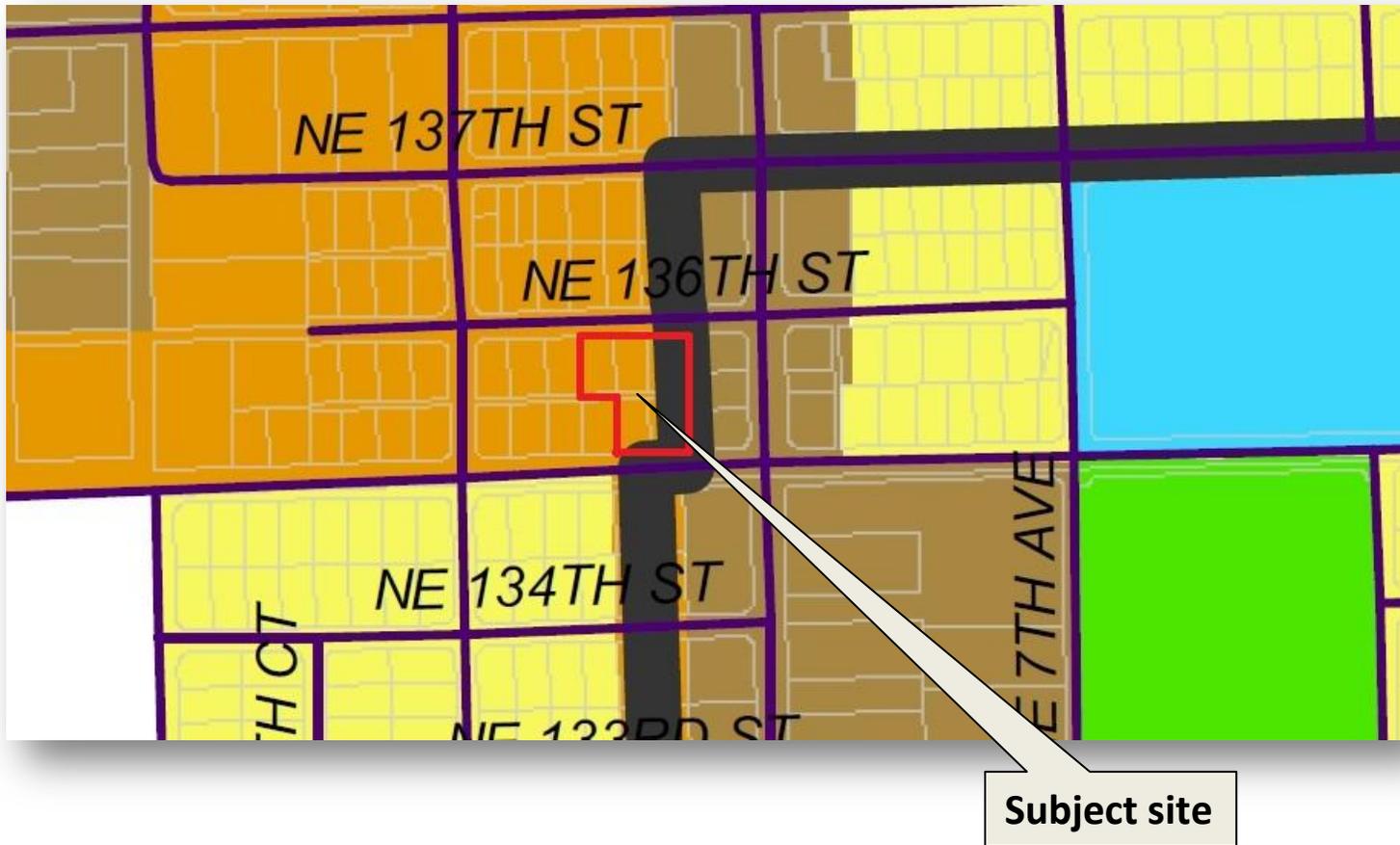
Vote:

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)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

Land Use Plan Amendment Request
for lots 1, 2, 3, 11, and 12 from Medium Density to High Density residential

Partial Future Land Use Map of Surrounding Area



JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

December 12th, 2012

Ms. Maxine Calloway
Director, Community
Planning and Development
City of North Miami, Fl. 33161

RE: N.E. 135th St and N.E. 6th Ave.

Dear Ms. Calloway,

This letter accompanies the application regarding the property at N.E. 135th St. and N.E. 6th Ave. As you know, we have held several conversations regarding the mixed-use development of the property. One possible developer is Carrfour Supportive Housing, Inc., which has been part of the discussions with the City.

Based on our conversations, the application addresses four matters:

1. A re-zoning of all the lots comprising the property to a designation of R-6.
2. Necessary amendments to the Zoning Code and Comprehensive Plan.
3. Alleyway vacation.
4. Conditional Use for approximately 200 residential units.

As the property is comprised of 8 lots, there is attached to the application: (i) the 6 real estate tax bills showing the legal descriptions and the folio numbers of the property currently owned by the applicant. (ii) as we have also discussed, there are two additional lots that will be added in the event that we exercise the options for their acquisition and inclusion in this application. Attached are copies of the first pages of the option purchase and sale contracts, showing the addresses and folio numbers. The mailing labels are inclusive of all 8 properties.

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

It is anticipated that Carrfour will have the one or more of the following types of low income residential tenants:

- (1) Elderly Independent Living
- (2) Formally Homeless
- (3) Military Veterans

Priority will be given to residents of the City. Background checks and drug tests will be part of the tenant application process.

As for potential commercial/office uses, the following are being considered:

- (1) Community Service Space, consisting of: a library; a computer lab; meeting rooms; a gymnasium, and administrative offices
- (2) Grocery store; pharmacy; day care; medical facility; job training center or a farmer's market.

At this time, we are requesting that this application be heard at the January 10th meeting of the Planning Board. The application package includes the required copies of a map of the property, mailing labels and plat.

We are appreciative of the cooperation shown to us by you and your staff, and we are always available for meetings and to provide any additional information you need.

Sincerely,

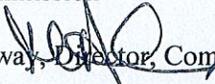


John C. Dellagloria

C: Tanya Wilson-Sejour, City Planner
Jack Yoches
Paola Roman
Gary Cohen

Date: January 17, 2013

To: Planning Commission

From: Maxine Calloway,  Director, Community Planning & Development

Re: Rezoning from R-4 & R-5 (Multifamily Residential) to R-6 (Multifamily Residential) as well as expanding the NRO Western boundary

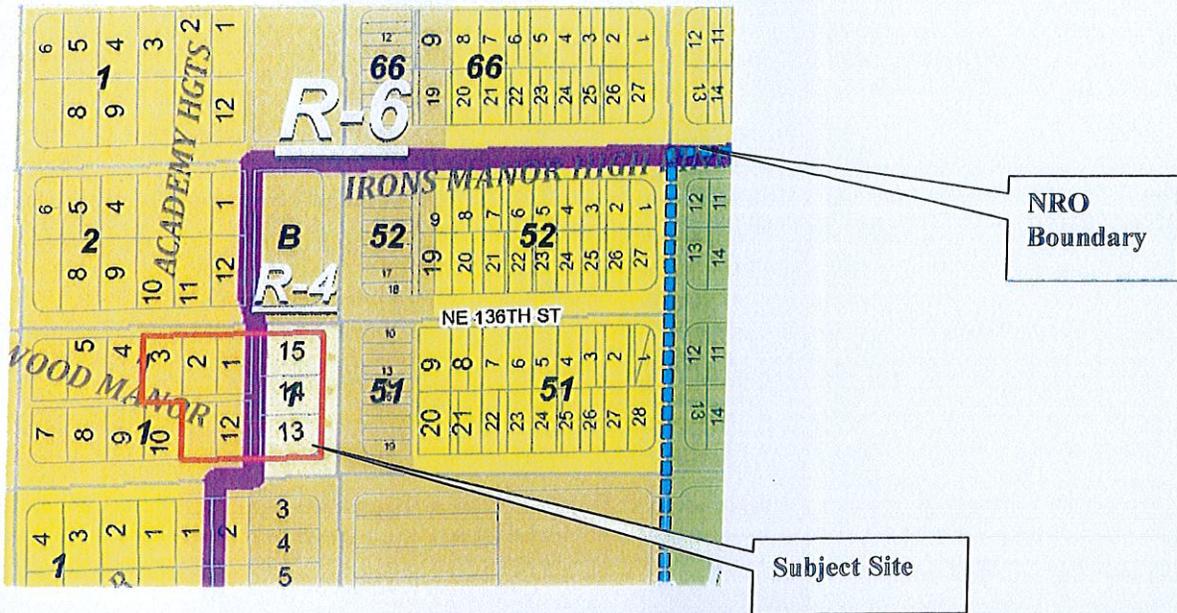
AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REZONE AN AREA CONSISTING OF EIGHT CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NE 135 STREET AND NE 6TH AVENUE TOTTALLING APPROXIMATELY 2.1 ACRES IN SIZE AND GENRALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12 (ZONED R-5), AS WELL AS LOTS 13, 14 AND 15 (ZONED R-4), BLK 1, SMALLWOOD MANOR SUBDIVISION, FROM R-4 AND R-5 (MULTIFAMILY RESIDENTIAL) TO R-6 (MULTIFAMILY RESIDENTIAL) ZONING DISTRICT & TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BOUNDARY DEPICTED ON THE ZONING MAP, TO INCLUDE LOTS 1,2,3,11 AND 12 OF THE SMALLWOOD MANOR SUBDIVISION IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

That the Planning Commission recommends approval of the proposed ordinance to rezone the subject site, located on the northwest quadrant of NE 135 Street and NE 6th Avenue from R-4 and R-5 to R-6 zoning as well as expand the western boundary of the Neighborhood Redevelopment Overlay District to include lots 1, 2, 3, 11 and 12.

PURPOSE & INTENT

The subject site is comprised of eight (8) contiguous and abutting lots, consisting of approximately 91,476 square feet (or 2.1 acres) in size. The site currently has a "split zone" with lots 1,2,3,11 and 12 zoned R-5, Multifamily Residential/16.3 dwelling units per acre and the remaining lots 13,14 and 15 zoned R-4, Multifamily Residential/12 dwelling units per acre. The applicant (Conestoga Holdings LLC, filed a rezoning application on December 12, 2012 with the Community Planning & Development Department, requesting to rezone all the lots from R-4 & R-5 (Multifamily Residential) to R-6 (Multifamily Residential), respectively in an effort to eliminate the current split zoning and homogenize the zoning across the entire site.



Additionally, the applicant is requesting that the City expand the western boundary (denoted by solid purple line in the map above) of the Neighborhood Redevelopment Overlay Boundary (NRO) in order to include lots 1,2,3 11 and 12 which are currently excluded from the Boundary of the NRO.

BACKGROUND

The site is predominantly vacant and is situated along two major corridors (NE 6th Avenue and NE 135 Street) and is partially located inside the City’s NRO, an area initially established in the City Comprehensive Plan as an urban core “to direct growth in a manner to achieve redevelopment, economic development, housing choice and multimodal transportation objectives...”. To that end, Policy 1.12.2 of the Comprehensive plan encourages mixed use along the major corridors within the NRO such as NE 6th Avenue and NE 135 Street. The applicant proposed to partner with the Carfour Group to construct a mixed use complex to include residential, community use and retail/office use. The applicant envisions the residential portion being created mainly for elderly veterans and the other complimentary uses serving the residents as well as the surrounding community.



ANALYSIS

Article 3, Section 3-1003 of the City's Land Development Regulations establishes uniform procedures for applicant initiated changes to the City's zoning map which requires that each rezoning request satisfy the following minimum criteria:

1. **It is consistent with the Comprehensive Land Use Plan in that it:**
 - a. ***Does not permit uses which are prohibited in the future land use category of the parcel proposed for development;***

The proposed R-6 Multifamily Residential zoning is consistent with an underlying land use designation of High Density Residential. Since five (5) of the eight (8) lots (i.e lots 1, 2, 3, 11 and 12) currently have a land use designation of medium density residential, the applicant has simultaneously applied for a Land Use Plan Amendment in order to change the land use of those lots from medium density to high density residential in order to be consistent with the proposed R-6 zoning. The use as being proposed by the applicant is consistent with the future land use category and is not a prohibitive use in that the density will increase but the underlying use will remain. In addition, the proposed amendment of the NRO boundary will allow the applicant to build a mixed use development on those lots (i.e lots 1, 2, 3, 11 and 12) currently outside the boundary.

- b. ***Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development;***

The proposed rezoning request to R-6 allows for a density of up to 25 dwelling units per acre which would allow 53 units on site as of right. Since this request would be in excess of the densities permitted by the future land use category (12/16.3), the applicant simultaneously filed a land use amendment which will provide the consistency necessary to align the density requested with the densities and intensities of the proposed future land use category (High Density Residential 25). In addition, per policy 1.12.1 (4) of the Comprehensive Plan lots within the NRO are allowed bonus densities of up to 90 dwelling units per acre in an effort to encourage redevelopment. Since the applicant is requesting to expand the western boundary line of the NRO in order to apply for bonus units as part of a separate application, the new density, if approved, will be consistent with the text of the Comprehensive Plan.

- b. ***Will not cause a decline in the level of service for public infrastructure to a level of service that is less than the minimum requirements of the Comprehensive Land Use Plan;***

Traffic

The subject site is located at NE 6th Avenue and NE 135 Street, both classified as State owned (FDOT) arterial roads. The City's Transportation Master Plan indicates that one of the roadway segments that provide access to the property (NE 135 Street) is operating at a level of service (LOS) F. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage. With an anticipated increase in traffic generated from the site staff believes that the proposed rezoning would cause further decline in the roadway LOS which is already below the minimum requirement. Staff is therefore requiring the applicant to propose multi modal transportation alternatives such as bicycle

parking, public transportation and carpooling to alleviate the added traffic anticipated from the site and potentially reduce the LOS to an acceptable level.

Water & Sewer Impact

The development is currently serviced by the Winston Water Treatment Plant. Based on the City's recently adopted Water Supply Plan, the Plant has an average capacity of 10 million gallons per day (MGD) and a current demand of approximately 15.77 MGD, resulting in a shortfall of 5.77 MGD which is satisfied by water purchased from Miami Dade County at a rate of 9.3 MGD (resulting in a total water supplied to North Miami's service area at the rate of 19.3 MGD). **Leaving the City with a surplus of 3.53 MGD.**

Based on Policy 4D.2.6 of the Comprehensive Plan in order to measure the impact of rezoning or land use changes on potable water facilities, the following standard generation rates shown in **Table 1** below shall be utilized:

Table 1

<ol style="list-style-type: none">1. Single family detached dwelling: 350 gallons per day.2. Single-family attached dwelling: 300 gallons per day3. Multi-family dwelling unit: 425 gallons per acre per day plus:<ul style="list-style-type: none">▪ Each one bedroom unit: 85 gallons per day per unit▪ Each two bedroom unit: 125 gallons per day per unit▪ Each three bedroom unit: 165 gallons per day per unit▪ Each four or more bedroom unit: 205 gallons per day per unit▪ When the bedroom mix is unknown, the three-bedroom generation rate shall be utilized.4. Commercial and nonresidential Community Facility uses: 10 gallons per 100 sf of GFA per day5. Industrial uses: 10 gallons per 100 sf of GFA per day

Based the information provided the R-6 zoning would allow 53 multifamily units, as of right, which is anticipated to consume approximately 9638 gallons per day (residential use) plus 2000 gallons per day from the proposed 20,000 square footage of non residential space. If the applicant builds 191 units the consumption is anticipated to be 32,408 gallons per day.

Policy A.2.1 of the Comprehensive Plan requires that all development approvals require developers to upgrade the capacity of the existing system or build new system to meet the needs of the new development.

Based on staff's analysis staff believes the City has sufficient water and sewer capacity to accommodate the proposed redevelopment and will not cause a decline in the established LOS.

- c. *Does not directly conflict with any goals, objective or policy of the Comprehensive Land Use Plan;*

The proposed rezoning requests is consistent with the goals, objective policy of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"

e. Is physically suitable for the use permitted in the proposed district;

The proposed rezoning from R-4 & R-5 (Multifamily Residential) to R-6 (Multifamily Residential) and expansion of the western boundary of the NRO District is suitable for the proposed mixed use development.

f. Is compatible with the surrounding areas, zoning designations(s) and existing uses.

The property is abutting or adjacent to the following uses (see attached zoning map):

Surrounding Zoning

N: R-6, Multifamily Residential
S: R-6, Multifamily Residential
E: R-6, Multifamily Residential
W: R-5, Multifamily Residential

Surrounding Land Use

N: High Density Residential
S: High Density Residential
E: Low Density Residential
W: Medium Density Residential

The predominant character of the neighborhood is multi family residential in nature.

2. Will provide a benefit to the City in that it will achieve two (2) or more of the following objectives:

Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values;

The proposed rezoning supports the future growth and development of the City's urban core by providing an environment that allows for revitalization of a currently derelict property into a high end franchise that will anchor the southern edge of the City and improve the image of one of North Miami's most vital gateways.

Implement specific objectives and policies of the Comprehensive Land Use Plan;

The proposed rezoning requests is consistent with the goals, objective or policy of the Comprehensive Land Use Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"

Improve environmental quality by adopting "green initiatives" through leadership in energy and environmental design (LEED) consistent with the Green Building Rating System Version 2.2 as amended;

Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's

environmental initiatives. The applicant proposes to construct a LEED Silver designation building with energy saving fixtures to minimize the water and electric consumption of the future development.

3. Will not cause a diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.

The proposed rezoning will make way for the first major redevelopment project to occur along the NE 6th Avenue corridor in many years. As proposed it is anticipated to greatly improve the image of the corridors which has a great deal of slum and blight. As such efforts to improve the site is anticipated to have a positive impact on neighboring properties and enhance the aesthetics of the area.

B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with the standards of this section. Such limitations shall be offered by a restrictive covenant or declaration of use that is provided to the City in recordable form acceptable to the City Attorney.

If approved, the applicant has agreed to record a declaration of restrictive covenant to ensure first preference is given to North Miami residents, who have been living in the City for at least 1 year. The applicant shall record a restrictive covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City's Housing Division's current Neighborhood Stabilization Program (NSP) Rental Waiting list.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed rezoning request is consistent with the zoning guidelines in 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 **request that the Planning Commission recommend approval of the attached ordinance, amending the zoning map of the City of North Miami for the subject property from R-4 and R-5 to R-6 zoning as well as expand the western boundary of the Neighborhood Redevelopment Overlay District to include lots 1, 2, 3, 11 and 12 with the following conditions:**

1. The applicant shall consolidate all 8 lots as well as any abandoned alleyways in the proposed development through a waiver of plat. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to obtain submittal instructions and subsequently file a site plan application.
3. Applicant shall comply with all conditions listed in Exhibit 1, of the approved Conditional Use Permit.

- Attachments:
1. Proposed Ordinance Rezoning the Property
 2. Location Map & Survey
 3. Partial Zoning Map
 4. Letter of intent

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF EIGHT (8) CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE TOTALING APPROXIMATELY 2.1 ACRES IN SIZE AND GENERALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12, CURRENTLY ZONED R-5, AND LOTS 13, 14 AND 15, CURRENTLY ZONED R-4, OF BLOCK 1, SMALLWOOD MANOR SUBDIVISION, FROM THE CURRENT R-4 AND R-5 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION TO AN R-6 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION; AND TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE OFFICIAL ZONING MAP, TO INCLUDE THE SUBJECT LOTS 1, 2, 3, 11 AND 12, IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Conestoga Holdings LLC (“Applicant”), filed a rezoning application on December 12, 2012, with the City of North Miami (“City”) Community Planning and Development Department, requesting to rezone an area consisting of eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue, identified by tax folios: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, 06-2219-004-0020) consisting of approximately 91,476 square feet (or 2.1 acres) in size (“Subject Property”), from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation; and

WHEREAS, three (3) of the eight (8) lots (i.e., lots 15, 14 and 13) are also currently located inside the City Neighborhood Redevelopment Overlay (“NRO”) District, which allows for mixed use developments for properties located within the NRO District boundary; and

WHEREAS, in conjunction with rezoning of the Subject Property to R-6 Multifamily Residential zoning designation, the Applicant is also requesting that the City amend the western boundary of the NRO District to extend the line westward to include the 5 remaining lots located outside the NRO District (i.e., lots 1, 2, 3, 11 and 12); and

WHEREAS, the Applicant proposes to revitalize the property and create a new mixed use project, including residential, retail and community facility uses, pursuant to Article 4, **Section 4-405C** of the City Code of Ordinances, Land Development Regulations (“LDRs”); and

WHEREAS, Policy 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”), requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the City believes the proposed application is consistent with the Comprehensive Plan and with uses permitted in the NRO District as of right, and enables future redevelopment along a major corridor in a mainly blighted area of the City; and

WHEREAS, the proposed redevelopment of the Subject Property is anticipated to generate additional tax revenue and create new jobs within the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found that the application met the requirements of Article 3, **Section 3-1004** of the LDR’s, and in harmony with the goals, objectives and policies of the Comprehensive Plan, and thereby, recommended approval of the proposed rezoning to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find the rezoning of the Subject Property to be consistent with the intent of the Comprehensive Plan and advantageous to the best interest of the

City, and accept the Planning Commission’s recommendation to approve and adopt the requested rezoning from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation.

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

Section 1. **Rezoning of Property and Amendment to Official Zoning Map.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled “Land Development Regulations”, by amending the City of North Miami Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of an area consisting of eight (8) contiguous lots, located on the Norwest Quadrant of Northeast 135th Street and Northeast 6th Avenue totaling approximately 2.1 acres in size and generally identified as lots 1, 2, 3, 11 and 12, currently zoned R-5, and lots 13, 14 and 15, currently zoned R-4, of Block 1, Smallwood Manor Subdivision, from the current R-4 and R-5 Multifamily Residential zoning designation to an R-6 Multifamily Residential zoning designation; and to further expand the Neighborhood Redevelopment Overlay (NRO) District boundary depicted on the Official Zoning Map, to include the subject lots 1, 2, 3, 11 and 12, in order to allow for the future redevelopment of the vacant site, consistent with the intent of the City of North Miami Comprehensive Plan.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Effective Date. This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 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:

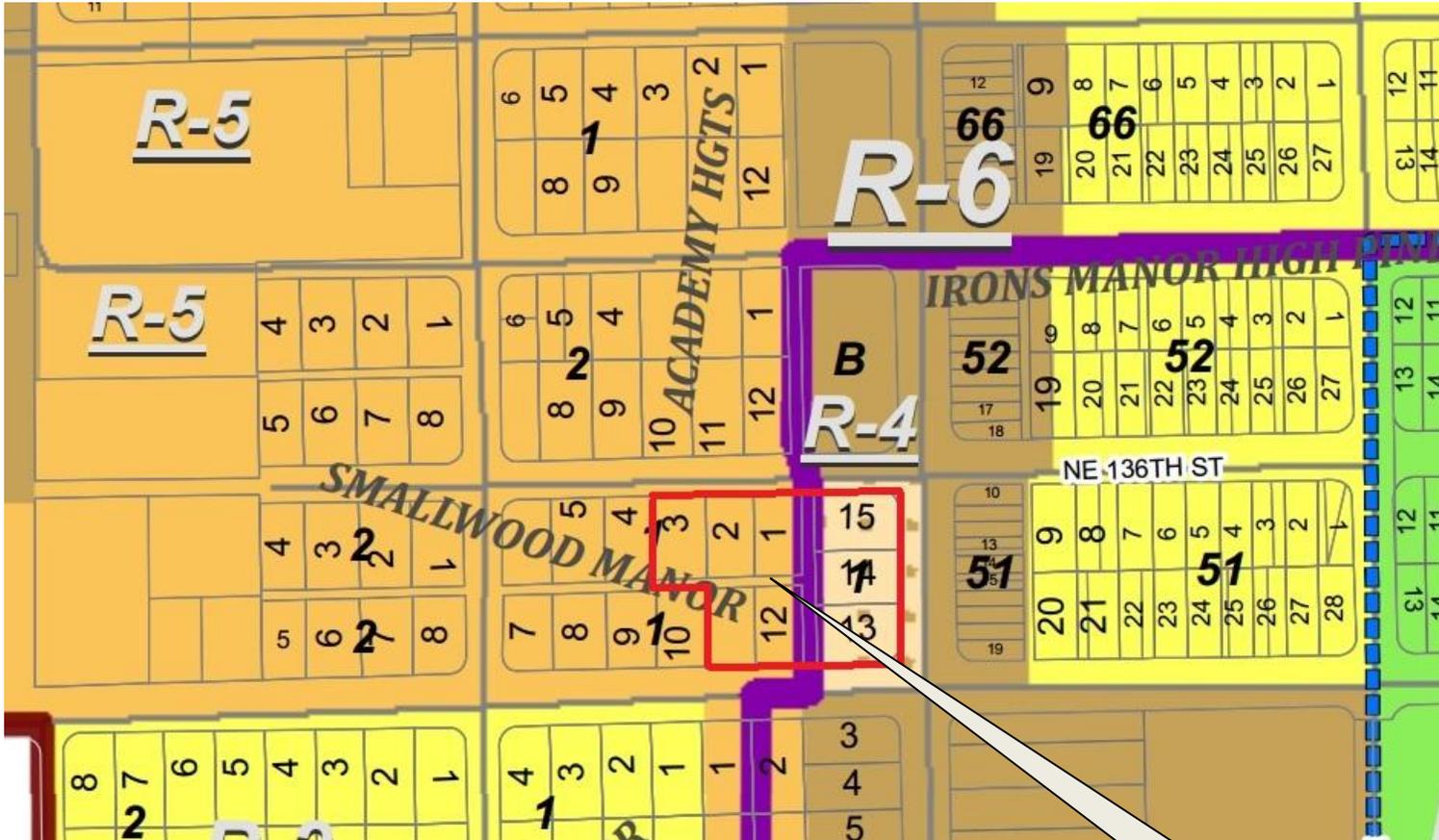
Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

REZONING REQUEST

Rezoning for lots 1, 2, 3, 11, 12 (from R-5 to R-6) and lots 13, 14, 15 (from R-4 to R-6)

Partial Zoning Map of Surrounding Area



Subject site

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

December 12th, 2012

Ms. Maxine Calloway
Director, Community
Planning and Development
City of North Miami, Fl. 33161

RE: N.E. 135th St and N.E. 6th Ave.

Dear Ms. Calloway,

This letter accompanies the application regarding the property at N.E. 135th St. and N.E. 6th Ave. As you know, we have held several conversations regarding the mixed-use development of the property. One possible developer is Carrfour Supportive Housing, Inc., which has been part of the discussions with the City.

Based on our conversations, the application addresses four matters:

1. A re-zoning of all the lots comprising the property to a designation of R-6.
2. Necessary amendments to the Zoning Code and Comprehensive Plan.
3. Alleyway vacation.
4. Conditional Use for approximately 200 residential units.

As the property is comprised of 8 lots, there is attached to the application: (i) the 6 real estate tax bills showing the legal descriptions and the folio numbers of the property currently owned by the applicant. (ii) as we have also discussed, there are two additional lots that will be added in the event that we exercise the options for their acquisition and inclusion in this application. Attached are copies of the first pages of the option purchase and sale contracts, showing the addresses and folio numbers. The mailing labels are inclusive of all 8 properties.

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

It is anticipated that Carrfour will have the one or more of the following types of low income residential tenants:

- (1) Elderly Independent Living
- (2) Formally Homeless
- (3) Military Veterans

Priority will be given to residents of the City. Background checks and drug tests will be part of the tenant application process.

As for potential commercial/office uses, the following are being considered:

- (1) Community Service Space, consisting of: a library; a computer lab; meeting rooms; a gymnasium, and administrative offices
- (2) Grocery store; pharmacy; day care; medical facility; job training center or a farmer's market.

At this time, we are requesting that this application be heard at the January 10th meeting of the Planning Board. The application package includes the required copies of a map of the property, mailing labels and plat.

We are appreciative of the cooperation shown to us by you and your staff, and we are always available for meetings and to provide any additional information you need.

Sincerely,



John C. Dellagloria

C: Tanya Wilson-Sejour, City Planner
Jack Yoches
Paola Roman
Gary Cohen

Date: January 17, 2013

To: Planning Commission

From: Maxine Calloway ^{WAC} Director, Community Planning & Development

Re: Conditional Use Permit Requesting 138 Bonus Units & Bonus Height From NRO Pool

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING ONE HUNDRED THIRTY EIGHT (138) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS, AND FURTHER APPROVE A BONUS HEIGHT OF THIRTY FIVE (35') FEET FOR A PROPOSED DEVELOPMENT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, SITUATED WITHIN THE NRO DISTRICT, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-405 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 Planning Commission recommends approval of the proposed resolution and conditional use permit requesting a transfer of one hundred and thirty eight (138) bonus units from the neighborhood redevelopment overlay (NRO) district primary residential pool of two thousand two hundred (2,200) floating residential units, and further approve a bonus height of thirty five (35') feet for the proposed development, located on the northwest quadrant of NE 135 Street and NE 6th Avenue and forward said conditional use permit to City Council for final consideration.

PURPOSE & INTENT

Policy 1.12.1 of the Comprehensive Plan established a primary pool of five thousand (5,000) floating residential units to encourage redevelopment in designated areas within the City. As such, the primary pool consists of two thousand two hundred (2,200) floating residential units have been set aside for use within the Neighborhood Redevelopment Overlay ("NRO") District ("Primary Pool"); one thousand eight hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District. To that end, Section 4-405 of the LDRs, further provides a height bonus of an additional thirty five feet (35') for future developments within the NRO subject to the requirements of Section 4-405 of the City's LDR.

The Subject Site



Additionally, Article 4, Section 4-204 of the City's land Development Regulations ("LDRs"), provides that requests for residential density bonuses may be granted through a Conditional Use Permit approved by the City Council, in accordance with Section 3-401 and Section 4-405 of the LDRs.

BACKGROUND

The subject site is comprised of eight (8) contiguous and abutting lots, consisting of approximately 91,476 square feet (or 2.1 acres) in size. The site is predominantly vacant, situated along two major corridors (NE 6th Avenue and NE 135 Street) and is partially located inside the city's NRO. Per Objective 1.12 of the Comprehensive Plan, the NRO is designated as an urban core *"to direct growth in a manner to achieve redevelopment, economic development, housing choice and multimodal transportation objectives..."*.

The applicant has simultaneously applied for a rezoning and land use plan amendment which if approved would result in the entire site being located within the NRO District with an R-6 zoning and land use designation of High Density Residential. As such the R-6 zoning would permit a density of twenty five (25) dwelling units per acre, with a maximum height of one hundred ten feet (110'), allowing up to fifty three (53) residential units as of right, for development on the subject property. It should be noted that with the subject site consisting of 2.12 acres in size and fronting on two streets, the proposed development qualifies for the maximum density bonus of 90 dwelling units per acre, which could potentially yield a total of one hundred ninety one (191) residential units on the site.

The Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate one hundred and thirty eight (138) additional bonus residential units from the existing Primary Pool of available units in order to construct one hundred ninety one (191) multifamily units on the subject property. Furthermore the applicant is requesting a bonus height of thirty five (35') feet for the proposed development. The applicant proposes to partner with the Carfour Group to construct a mixed use complex to include residential, community use and retail/office use. Based on the information provided, the residential portion is intended mainly for elderly veterans and the other complimentary uses will serve the residents as well as the surrounding community.

ANALYSIS

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

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

The proposed conditional use request is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Objective 1.12 and Policy 1.12.1 that promotes redevelopment efforts within the NRO by allowing the transfer of units from the City's designated pool of bonus units to areas such as the subject site.

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 conditional use application is in compliance with the NRO District regulations and as such at 2.1 acres, the proposed development qualifies for the maximum density bonus of 90 dwelling units per acre, which could potentially yield a total of one hundred ninety one (191) residential units on the site. Additionally an affordable housing need assessment has been completed in relation to the proposed development which validates the needs for quality affordable housing within the City. This is evident from the City's currently waiting list of

over 250 requests from residents seeking multi-family rental units.

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 subject site is located at NE 6th Avenue and NE 135 Street, both classified as State owned (FDOT) arterial roads. The City's Transportation Master Plan indicates that one of the roadway segments that provide access to the property (NE 135 Street) is operating at a level of service (LOS) F. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage. With an anticipated increase in traffic generated from the site staff believes that the proposed request would cause further decline in the roadway LOS which is already below the minimum requirement. Staff is therefore requiring the applicant to propose multi modal transportation alternatives such as bicycle parking, public transportation and carpooling to alleviate the added traffic anticipated from the site and potentially reduce the LOS to an acceptable level.

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.

Staff believes the proposed mixed use development will greatly complement the surrounding neighborhood as it offers a mixture of residential, retail and community facilities in an area lacking in new residential facilities for low to moderate income families, namely the elderly who often have difficulties finding quality affordable housing within the City. Additionally per Section 4-405 of the LDR the site is subject to certain development restrictions governing the building, scale, setback and parking to ensure a compatible transition between the low density single family neighborhoods west of the subject site.

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

At 2.1 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;

The proposed development will make way for the first major redevelopment project to occur along the NE 6th Avenue corridor in many years. As proposed it is anticipated to greatly improve the image of the corridor which has a large stock of mainly older apartment buildings. As such efforts to improve the site are anticipated to have a positive impact on

neighboring properties and enhance the aesthetics of 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 will provide new multifamily units and a mix of retail and community facilities that will generate new jobs in the city. Staff believes the proposed development satisfies the intent of the City's land use vision as defined in Goal 1 (Future Land Use Element) of the Comprehensive Plan which requires that the City "Encourage redevelopment in order to enhance the economic base of the City, improve the aesthetic quality of the built environment and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single family neighborhoods. As such the proposed request is not anticipated to adversely impact the public health, safety and general welfare of the community.

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 the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a LEED Silver designation building with energy saving fixtures as well as apply urban design elements like public art and areas of open space that will enhance the property and ultimately serve as an important anchor along one of the City's major thoroughfares.

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 expressed a desire for bonus units and increased building height in order to create a viable project that maximizes the use of the site and also financial feasible. Staff believes the flexibility in standards is necessary for the successful development of the site.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed 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 request that the Planning Commission recommend approval of the attached resolution, approving a transfer of one hundred and thirty eight (138) bonus units from the neighborhood redevelopment overlay (NRO) district primary residential pool of two thousand two hundred (2,200) floating residential units, and further approve a bonus height of thirty five (35') feet for the proposed development.

1. The applicant shall consolidate all 8 lots as well as any abandoned alleyways in the proposed development through a waiver of plat. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to obtain submittal instructions and subsequently file a site plan application.

3. That the applicant shall record a Restrictive Covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City's Housing Division's current Neighborhood Stabilization Program (NSP) Rental Waiting list.

4. Applicant shall comply with all conditions listed in Exhibit 1, of the approved Conditional Use Permit.

TS/mc

- Attachments:
1. Proposed Resolution
 2. Conditional Use Permit (Exhibit 1)
 3. Location Map & Survey
 4. Letter of intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING ONE HUNDRED THIRTY EIGHT (138) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS, AND FURTHER APPROVE A BONUS HEIGHT OF THIRTY FIVE (35') FEET FOR A PROPOSED DEVELOPMENT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, SITUATED WITHIN THE NRO DISTRICT, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on December 11, 2007, the Mayor and City Council of the City of North Miami (“City”), adopted the City’s Comprehensive Plan (“Comprehensive Plan”), consistent with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, Policy 1.12.1 of the Comprehensive Plan established a pool of five thousand (5,000) floating residential units for development, as follows: two thousand two hundred (2,200) floating residential units for use within the Neighborhood Redevelopment Overlay (“NRO”) District (“Primary Pool”); one thousand eight hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District; and

WHEREAS, Article 4, Section 4-204 of the City land Development Regulations (“LDRs”), provides that requests for residential density bonuses may be granted through a Conditional Use Permit approved by the Mayor and City Council, in accordance with Section 3-

401 and Section 4-405 of the LDRs; and

WHEREAS, Section 4-405 of the LDRs, further provides a height bonus of an additional thirty five feet (35') to a proposed development, subject to certain conditions; and

WHEREAS, Conestoga Holdings, LLC (“Applicant”), is the owner of a 2.12 acre site containing eight (8) contiguous and abutting lots, generally located on the Northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue, as specifically identified by Miami-Dade County tax folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020 (“Subject Property”); and

WHEREAS, the Subject Property is located within the NRO District and has an R-6 zoning designation, permitting a density of twenty five (25) dwelling units per acre, with a maximum height of one hundred ten feet (110’), allowing for up to fifty three (53) residential units as of right, for development on the Subject Property; and

WHEREAS, at 2.12 acres in size and fronting on two streets, the Subject Property qualifies for the maximum density bonus of 90 dwelling units per acre, which could yield a total of one hundred ninety one (191) residential units on the site; and

WHEREAS, the Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate one hundred and thirty eight (138) additional bonus residential units from the existing Primary Pool of available units in order to construct a total of one hundred ninety one (191) multifamily units on the Subject Property; and

WHEREAS, the approval and transfer of one hundred thirty eight (138) units from the Primary Pool will reduce the pool of unassigned units from two thousand two hundred (2,200) residential units, to two thousand sixty two (2062) residential units; and

WHEREAS, the City administration has reviewed the proposed request and found that it is consistent with Policy 1.12.1 of the Comprehensive Plan and satisfies the requirements of Section 4-405 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval of the Conditional Use Permit to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that the proposed request is in the best interest of the City and does not adversely affect the health, safety, and welfare of residents and thereby, approve the Conditional Use Permit allocating the requested number of units from the Primary Pool, in conjunction with the height bonus.

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

Section 1. Approval of Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conditional Use Permit, in substantially the attached form, transferring one hundred thirty eight (138) bonus units from the Neighborhood Redevelopment Overlay District primary residential pool of two thousand two hundred (2,200) floating residential units, and further approve a bonus height of thirty five (35') feet for a proposed development generally located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue, situated within the NRO District, in accordance with Article 4, Section 4-405 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. Effective Date. This resolution shall be 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 _____, 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)

EXHIBIT I

CONDITIONAL USE PERMIT FOR CONTESTOGA HOLDINGS, LLC

WHEREAS, Conestoga Holdings, LLC owns the real property more particularly described in attached Exhibit “A”, Survey Drawing of Property (the “Property”); and

WHEREAS, in accordance with Section 4-405 of the City’s LDR the applicant requests that in addition to the 53 permitted as of right units, the City grant Conditional Use Approval, for allocation of 138 additional bonus units as well as a bonus height of 35 feet, from the established primary pool of floating units to create 191 multifamily units on site with a maximum height of 145 feet; and

WHEREAS, staff has reviewed the proposed application and finds that it complies with the requirements of Section 3-405 of the LDR; and

WHEREAS, on January 17th, 2013 the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of **138 bonus units** from Neighborhood Redevelopment Overlay (NRO) primary residential pool of two thousand two hundred (2200) units ; and

WHEREAS, on February 12, 2013, the City Council reviewed the request and determined that it is consistent with the intent of the City’s Comprehensive Plan, allows for redevelopment of a currently vacant site and will further advance the public health, safety and welfare of the City.

NOW, THEREFORE, the City Council approves this Conditional Use Permit along with the following findings and conditions:

1. That the applicant submits final precise plans and applicable landscape plans to the City’s Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
2. That the applicant shall file an application for a waiver of plat with the Community Planning & Development Department to unify the eight (8) lots and the vacated and abandoned alleyways into one consolidated parcel.
3. That the applicant shall provide registration receipt from the United States Green Building Council (USGBC) showing intent to achieve LEED Silver designation prior to Council consideration.
4. That the applicant shall provide a copy of LEED Silver Certification from the USGBC to validate the proposed “green” elements of the development prior to obtaining final Certificate of Occupancy.
5. That the applicant shall record a Restrictive Covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City’s Housing Division’s current Neighborhood Stabilization Program (NSP) Rental Waiting list.

6. Comply with all other City/County regulations as it relates to zoning, parking, landscaping, school concurrency and utilities.
7. **Density bonuses** – the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

Mandatory Elements	Density Bonus Earned
Green & Sustainable:	
Designed to meet LEED silver rating –	18 du/acre
Transit Oriented Development:	
4 of 8 selected	
Improved pedestrian way with wayfinding signage	
Sheltered Bus Stop within ¼ mile of the development	
Provision of bike racks	
Connection to planned bike trail on NE135 Street	
Total for 4 of 8	2 du/acre
Optional Elements – Mixed Use & Open Space:	
Project Open Space –	5 du/acre
Structured Parking (Pedestal) -	10 du/acre
Underground Utilities -	5 du/acre
Public Art - 2.5 du/acre	2.5 du/acre
Design Excellence - 5 du/acre	5 du/acre
Major Corridor	25 du/acre
Affordable/Workforce Housing > 20% set aside	20 du/acre
Total Overall Bonus Units Earned	92.5
Note: Maximum Density Bonus Allowed is 90 du/acre	

8. A building permit shall be filed within one year of the date of the conditional use approval or the approval shall be null and void.

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

December 12th, 2012

Ms. Maxine Calloway
Director, Community
Planning and Development
City of North Miami, Fl. 33161

RE: N.E. 135th St and N.E. 6th Ave.

Dear Ms. Calloway,

This letter accompanies the application regarding the property at N.E. 135th St. and N.E. 6th Ave. As you know, we have held several conversations regarding the mixed-use development of the property. One possible developer is Carrfour Supportive Housing, Inc., which has been part of the discussions with the City.

Based on our conversations, the application addresses four matters:

1. A re-zoning of all the lots comprising the property to a designation of R-6.
2. Necessary amendments to the Zoning Code and Comprehensive Plan.
3. Alleyway vacation.
4. Conditional Use for approximately 200 residential units.

As the property is comprised of 8 lots, there is attached to the application: (i) the 6 real estate tax bills showing the legal descriptions and the folio numbers of the property currently owned by the applicant. (ii) as we have also discussed, there are two additional lots that will be added in the event that we exercise the options for their acquisition and inclusion in this application. Attached are copies of the first pages of the option purchase and sale contracts, showing the addresses and folio numbers. The mailing labels are inclusive of all 8 properties.

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

It is anticipated that Carrfour will have the one or more of the following types of low income residential tenants:

- (1) Elderly Independent Living
- (2) Formally Homeless
- (3) Military Veterans

Priority will be given to residents of the City. Background checks and drug tests will be part of the tenant application process.

As for potential commercial/office uses, the following are being considered:

- (1) Community Service Space, consisting of: a library; a computer lab; meeting rooms; a gymnasium, and administrative offices
- (2) Grocery store; pharmacy; day care; medical facility; job training center or a farmer's market.

At this time, we are requesting that this application be heard at the January 10th meeting of the Planning Board. The application package includes the required copies of a map of the property, mailing labels and plat.

We are appreciative of the cooperation shown to us by you and your staff, and we are always available for meetings and to provide any additional information you need.

Sincerely,



John C. Dellagloria

C: Tanya Wilson-Sejour, City Planner
Jack Yoches
Paola Roman
Gary Cohen

Date: January 17th, 2013

To: Planning Commission

Re: **Proposed Vacation and Abandonment of City Owned Alleyways**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

Staff is recommending approval of the Resolution, with conditions, for the vacation, abandonment, closure, and sale of two 15 feet alleyways, for the segment lying between Northeast 135th Street and Northeast 136th Street, west of Northeast 6th Avenue.

BACKGROUND INFORMATION

Conestoga Holdings, LLC (the "Applicant"), owns eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue (as specifically identified by Miami-Dade County folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020). The Applicant filed a development application with the City's Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15') wide alleyways that intersect at right angles across the subject site, consisting of approximately seven thousand four hundred twenty five (7,425) square feet, or approximately 0.17 acres in size.

The applicant proposes to consolidate all 8 lots as well as the alleyways in order to develop a new LEED Silver certified mixed use project containing a mixture of residential, retail and community facility uses.

PURPOSE & ANALYSIS

Section 3-903 of the City's Land Development Regulations requires that all requests for street abandonment meet the following minimum criteria:

Provides some benefit to the public health, safety, welfare or convenience, but the overall benefit anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the non fee property interest, in that:

1a. It does not provide benefit to the public health, safety, welfare or convenience in that: It is not being used by the City for any of its intended purposes.

The subject alleyways are currently unimproved and completely unused by the public. The current request is not anticipated to have adverse impacts on the public health, safety or welfare of the residents in the surrounding area.

1b. No comprehensive plan, special purpose plan or capital improvement program anticipates its use

There is no future use contemplated for the subject alleyways in the City's comprehensive plan, special purpose plan or capital improvement program.

B. The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state and federal authorities.

The alleyway abandonment request is subject to review and approval by the City.

C. The proposed vacation or abandonment will promote development or redevelopment that will maintain or enhance the character of the surrounding area.

The City is committed to revitalizing the NE 6th Avenue commercial corridor, much of which contains areas of unsightly slum and blight. The proposed mixed use project will generate tax revenue, new jobs and may serve as a catalyst for needed economic development along stagnant commercial corridors like NE 6th Avenue which is poised for redevelopment. In fact Policy 1.5.8 of the City's requires that "The City shall continue to identify areas of slum and blight in the community, and rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified." Staff believes the proposed abandonment further implements the Comprehensive Plan vision and brings much needed economic development to the area.

CONCLUSION

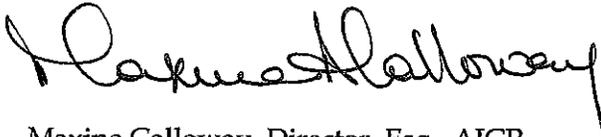
Staff believes the current request meets the requirements of Section 3-903 of the City's Land Development Regulations and recommends approval of the proposed resolution subject to the following conditions:

1. That the applicant agrees to work with City staff and the City's approved Real Estate Appraiser to determine the fair market price for the proposed segment and compensate the City for the subject right-of-way.
2. That the City effectuates the conveyance by virtue of a Deed.

That the property owner applies for a waiver of plat to consolidate the 8 lots in addition to the abandoned right of way segment. Upon obtaining City approval, said request shall also be filed with the Miami Dade County Plat Section for final review and approval. The final approved waiver of plat must be recorded by the applicant in the public records of Miami Dade County with a final receipt furnished to the Community Planning and Development Department within forty five (45) days of Council approval.

3. That the applicant obtains final letters from all utility and telecommunications companies with regard to the provision of easements in order to maintain access to any existing facilities that may presently be located within the alleyway.

Respectfully submitted,



Maxine Calloway, Director, Esq., AICP
Community Planning & Development Department

TWS: mc

Attachments:

Proposed Resolution
Exhibit A - Survey
Letter of Intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Chapter 29, Article 3, Division 9 of the City of North Miami (“City”) Code of Ordinances (“LDRs”), provides a uniform procedure for the vacation, abandonment and sale of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

WHEREAS, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment which will maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

WHEREAS, Conestoga Holdings, LLC (the “Applicant”), owns eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue (as specifically identified by Miami-Dade County folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020); and

WHEREAS, the Applicant filed a development application with the City’s Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15’) wide alleyways that intersect at right angles across the subject alleyways, consisting of

approximately seven thousand four hundred twenty five (7,425) square feet, or approximately 0.17 acres in size; and

WHEREAS, the City administration has reviewed the impact of the vacation and abandonment of the alleyways and found that in its current use, the subject alleyways do not provide a benefit to the public health, safety, welfare or convenience, in that they are not used by the City for any intended public purpose; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan, and demonstrating the established standards of Section 3-903A of the LDRs, and thereby, recommended approval of the application to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment, closure and sale of the subject alleyways, to be in the best interest of the City and hereby accept the Planning Commission's recommendation for approval.

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

Section 1. Vacation, Abandonment, Closure and Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of two (2) fifteen feet (15') wide alleyways located between Northeast 135th Street and Northeast 136th Street, lying west of Northeast 6th Avenue, as described in the attached "Exhibit A".

Section 2. Authority of City Manager to Negotiate Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject alleyways, in accordance with Chapter 29, Article 3, Division 9, City of

North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate same.

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

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 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)

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

December 12th, 2012

Ms. Maxine Calloway
Director, Community
Planning and Development
City of North Miami, Fl. 33161

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