



NORTH MIAMI PLANNING COMMISSION AGENDA
Tuesday, May 3, 2016 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: March 1, 2016

III. COMMUNICATIONS: None

IV. CONTINUED PUBLIC HEARINGS: None

V. PUBLIC HEARINGS:

PC 06-16: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE ATTACHED WAIVER OF PLAT FOR THE UN-PLATTED PROPERTY OF APPROXIMATELY 3.9 ACRES IN SIZE, GENERALLY LOCATED AT 12200 NE 14TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-000-0171, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, CHAPTER 28, SECTION 28-4.1 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AND CHAPTER 177, FLORIDA STATUTES (2015); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

- 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. 12159, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.



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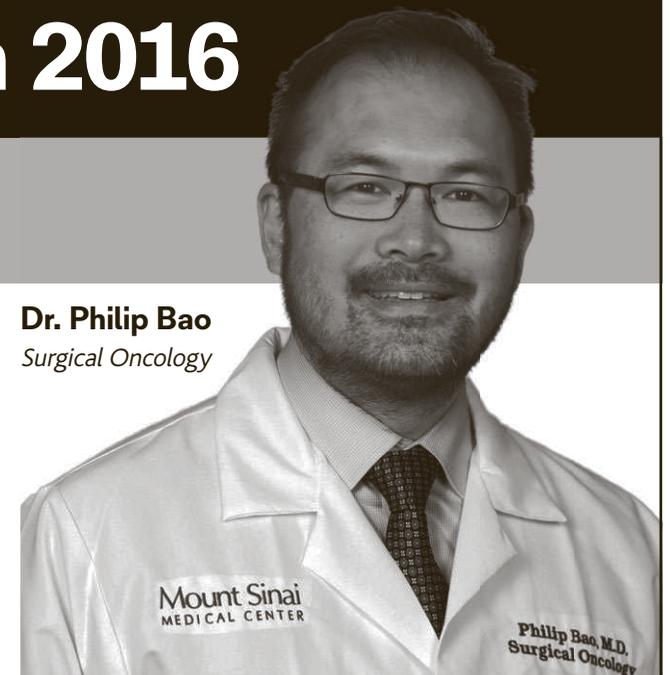
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FROM PAGE 15NW

CALENDAR

Waiver must be completed by a parent/ guardian. April 25 -April 28 4 p.m.-7:30 p.m. Joe Celestin Community Center 1525 NW 135 St., North Miami.

Unseen Photos of David Bowie by Markus Klinko Due to popular demand, Markowicz Fine Art is partnering with Lulu Laboratorium in Wynwood's burgeoning arts district to continue showcasing unseen photos of the legendary David Bowie captured by celebrity and fashion photographer Markus Klinko. The David Bowie exhibit will be on display at Lulu Laboratorium and open to the public all month of April. April 25 -April 28 10 a.m.-5 p.m. Free Lulu Laboratorium 173 NW 23rd St, Miami.

Tuesday, April 26

Artist as an Entrepreneur This informational session is for artists to learn more about the Artist as

an Entrepreneur Institute (AEI) and the various services offered by the Broward Cultural Division to artists in the region, including funding, professional development and networking opportunities. To reserve a seat, call 954-284-0141. April 26 7 p.m. Free Bailey Contemporary Arts 41 NE 1st St., Pompano Beach.

Carnival Arts Workshop Join visual artists Damian Rojo, Professor Celeste Fraser Delgado and others as they lead Middle and High School students in creating a life size Memory Boat through painting and mixed media art making to commemorate Haitian Heritage Month. Final Art piece will be showcased at the Miami International Airport during the month of May as part of the Miami-Dade County Haitian Heritage Month display. April 26 -April 28 4 p.m.-5:30 p.m. Free North Miami Public Library 835 NE 132 St., North Miami.



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MINUTES
 NORTH MIAMI PLANNING COMMISSION
 7:00 P.M.
 Tuesday, March 1, 2016
 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.	Chair Kevin Seifried	X		
2.	Vice Chair Charles Ernst	X		
3.	Commissioner Kenny Each		X	
4.	Commissioner Jason James			X
5.	Commissioner Emmanuel Jeanty	X		
6.	Commissioner Peggy Boule	X		
7.	Commissioner Bob Pechon	X		
<i>Alternative Members:</i>				
8.	Commissioner Michael McDearmaid	X		
9.	Commissioner Mary C. Estime-Irvin			

Staff was represented by:

Tanya Wilson-Sejour, Planning Zoning and Development Director
 Nixon Lebrun, City Planner
 Roland Galdos, Interim City Attorney
 Dunia Sanzetenea, Information Technology
 Brittni Duria, Acting Board Secretary

I. Assembly and Organization: None

II. Approval of Minutes:

- a. The minutes of February 9, 2016 was motioned for approval by Commissioner McDearmaid and seconded by Commissioner Pechon. Passed 4-0.

III. Communications: None

IV. Continued Public Hearings:

~~PC-01-16: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE EXECUTION OF THE CAMPUS DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES, IN ACCORDANCE WITH SECTION 1013.30, FLORIDA STATUTES (2015); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.~~

PC 20-15: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND SALE OF A PORTION OF A CITY OWNED RIGHT-OF-WAY FOR NW 13TH AVENUE, MEASURING 114 FEET LONG AND 60 FEET WIDE, LYING IMMEDIATELY NORTH OF NW 119TH STREET, BETWEEN BLOCKS 17 AND 32 OF SUNKIST GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; FURTHER AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT-OF-WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE CONVEYANCE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

The item was introduced by Chair Seifried. Staff report was given by Mrs. Wilson-Sejour, Planning Zoning and Development Director and the Public Hearing was opened.

Public Hearing:

Applicants, Uneek Murphy, General Contractor and Reverend James, Pastor of Eglise Evangelique des Pelerins presented and apologized for their absence at the prior Planning Commission meeting. Mrs. Murphy, General Contractor explained the purpose, history and intent to redevelop the church facility if the City was to vacate, abandon and sell the described portion of the right-of-way.

Commission Discussion:

Commissioner Pechon questioned the applicant's intent to redevelop and it is meets the building requirements. Mrs. Murphy stated that all intent to redevelop will be compliant to all requirement herein the City's Land Development Regulations.

Commissioner Boule asked if the applicant will be expanding the church or parking lot and inquired about the services offered to the public. Mrs. Murphy stated that the intent is to expand and relocate the church building and parking lot. Pertaining to the services offered currently there are limitations due to the lack of space provided due to the historical fire that took place before.

Vice Chair Ernst inquired about the applicant's intent to redevelop and stated that all intentions adhere to the minimum requirements set forth.

Following Planning Commission's discussion regarding the resolution approving the vacation, abandonment, closure and subsequent sale of the right-of-way and staff's recommendation, Commissioner McDermid motioned to recommend adoption of the resolution to be forwarded to the City Council. Commissioner Boule seconded the motion. The item was passed unanimously 6-0.

V. Public Hearings:

PC 04-16: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 16, ENTITLED "STANDARDS FOR SPECIFIC USES", SPECIFICALLY AT SECTION 5-1608 A.1. ENTITLED "ROOM ADDITIONS TO RESIDENTIAL STRUCTURES AND CONVERSION OF GARAGES OR CARPORTS TO LIVING SPACE" TO REMOVE THE MAXIMUM 250 SQUARE FEET FLOOR AREA LIMITATION FOR HOME ADDITIONS PERMITTED WITH FLAT ROOFS, AS LONG AS SAID ADDITIONS ARE LOCATED IN THE REAR OF THE PROPERTY AND ARE NOT VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

The item was introduced by Chair Seifried. Staff report was given by Mrs. Wilson-Sejour, Planning Zoning and Development Director and the Public Hearing was opened.

Public Hearing:

Resident, Dan Warner expressed his concerns regarding his property neighboring a waterway.

Resident, Kevin Burns expressed his concerns regarding the recommendations being made by the Planning Commission.

Resident, Mike Mascwan expressed his concerns regarding his property, a townhouse.

Commission Discussion:

Commissioner Pechon conveyed a point that removing the maximum 250 square feet floor area limitation for home additions would eliminate all limitations. He asked if staff would provide a new maximum limitation to room additions. Due to the diverse residential structures, Mrs. Wilson-Sejour, Planning Zoning and Development Director explained there is no set limitation that may accommodate equitably, each addition will be dealt with as a "case by case" and will adhere to the guidelines in the City's Land Development Regulations and the amendments stated in the ordinance brought forward.

Chair Seifried asked if staff could offer an "exception" for corner properties that will address the visibility from public right-of-way. He recommended the Planning Commission foster sensitivity towards the residential structures located on the corner.

Planning Commission discussed the intention of additions to the existing residential structure. Chair Seifried, Vice Chair Ernst, Commissioners Pechon and Boule explained their concerns regarding the restrictive language that does not depict to residential structures located on corner lots and sight lines. Pursuant to the discussion Planning Commission recommends staff and for Councilman Galvin to amend Article 5, Division 16, Section 5-1608 of the Land Development Regulations to address and insert specifications that potentially states, "(Except for corner lots)". Commissioner Ernst made a motion for staff to revise the ordinance and present the adjustments to the subsequent Planning Commission meeting. The ordinance must reflect language for specific residential structures such as those located on corner lots.

Upon further deliberation, the Commissioners agreed to revise the proposed amendment to exempt corner lot properties from the relevant requirement. Commissioner Ernst made a motion to recommend adoption of the ordinance as revised and forward it to the Mayor and City Council for final consideration. Seconded by Commissioner Jeanty, the motion passed unanimously 6-0.

PC 05-16: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 6 ENTITLED "BOATS, DOCKS, SEAWALLS, ETC.", SPECIFICALLY AT SECTION 5-601 ENTITLED "BOATS" AND SECTION 5-602 ENTITLED "DOCKS" TO ESTABLISH APPROPRIATE REGULATIONS FOR THE TOWNHOME PROPERTIES IDENTIFIED AS SECTIONS 1 THROUGH 9 OF ARETA ESTATES SUBDIVISION, LOCATED ALONG THE SOUTH SIDE OF THE WATERWAY/CANAL IMMEDIATELY NORTH OF NE 123RD STREET, BY ALLOWING BOATS TO BE MOORED EITHER PARALLEL OR PERPENDICULAR TO THE PROPERTY LINE ABUTTING THE CANAL AND BY INCREASING THE PROJECTION OF MOORING PILES (DOLPHINS), FLOATING VESSEL PLATFORMS, HYDRO-HOISTS, BOATLIFTS AND WATERCRAFTS INTO THE CITY'S WATERWAYS OR CANALS FROM THE CURRENT MAXIMUM OF TWENTY PERCENT (20%) OF THE WIDTH OF THE CANAL, OR TWENTY-FIVE (25) FEET, WHICHEVER IS LESS, TO A MAXIMUM OF THIRTY PERCENT (30%) OF THE WIDTH OF THE CANAL, OR THIRTY (30) FEET, WHICHEVER IS LESS, AS MEASURED FROM THE RECORDED PROPERTY LINE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

The item was introduced by Chair Seifried. Staff report was given by Mrs. Wilson-Sejour, Planning Zoning and Development Director and the Public Hearing was opened.

Public Hearing:

Mr. Frank Wolland, the legal counsel for the applicants summarized his clients' request. In addition, Mr. Wolland answered the concerns of the Planning Commission.

Resident, John O'Brien a homeowner of Areta Estates Subdivision, expressed his concerns about the current limitations of the code. He hopes the Planning Commission will approve the amendment so it may improve his access.

Resident, Deloris Ward a homeowner of Areta Estates Subdivision, expressed her concerns about the current limitations of the code. She hopes the Planning Commission will approve the amendment so it may improve her access along with her neighbor's.

Resident, Mike Mascowitz expressed his concerns about the current limitations of the code and suggested the proposed amendment be consistent throughout the city.

Resident, Alberto expressed his concerns about the current limitations of the code. He hopes the Planning Commission will approve the amendment so it may improve his access.

Resident, Eliseo Diaz expressed his concerns about the current code and hopes the Planning Commission will not approve the amendment.

Resident, Ms. Beth expressed her concerns about the current limitations of the code. She hopes the Planning Commission will approve the amendment so it may improve her access.

Resident, Lidia Cleary asked if there could be an exception for the three applicants.

Resident, Alfredo Martinez speaking for his father and applicant, Angel Martinez voiced his concerns about the current situations he faces with the current restriction of the code aforementioned in the proposed ordinance. He hopes the Planning Commission will approve the amendment so it may improve his access. He submitted pictures to illustrate the intent of the proposed amendment.

Resident, Walter Miller expressed his concerns about the current limitations of the code. He also mentioned additional restrictions by the bridge upon entering the subjected canal. He hopes the Planning Commission will approve the amendment so it may improve the access.

Resident, Elisa Diaz expressed her concerns regarding the safety issues of the code. She hopes the Planning Commission will approve the amendment to improve the access and the use of the waterway behind said properties for boating. She deems it safer to allow the boats to be moored perpendicular.

Resident, Savi Behar expressed his concerns about the current limitations of the code. He hopes the Planning Commission will approve the amendment so it may improve the access.

Resident, Annie Montgomery expressed her concerns regarding the proposed amendment, the letter of intent, the past permits applied for, the letter provided for professional substance by Charles Kemnitz, Chief Warrant Officer and the applicant/resident Alfredo Martinez.

Resident, Ray Rousseau expressed his concerns regarding the proposed orientation of the boats that will allow perpendicular mooring. He further mentioned the impacts he has undergone and what will occur in the future.

Resident, Joel Behar a homeowner of Areta Estates Subdivision, expressed his concerns about the current limitations of the code. He hopes the Planning Commission will approve the amendment so it may improve the access.

Resident, Manuel Aguirre expressed his concerns about the current limitations of the code and with staff. He recommends a length restriction when being moored perpendicular and hopes the Planning Commission will approve the amendment so it may improve the access.

Commission Discussion:

Vice Chair Ernst questioned why the past ordinance of 2002 regarding the title was not implemented in the staff report, along with outside professional recommendations that may justify

or furthermore understand the ordinance at hand. Mrs. Wilson-Sejour, Planning Zoning and Development Director explained the jurisdiction of the waterway in the rear of properties located in Section 3 of Areta Estates Subdivision. As per the Police Department who has reviewed and approved the proposed text amendment the waterway belongs to the City of North Miami. In terms of the dimensions, the figures were measured in the Geographical Information System and yes the ordinance of 2002 is being considered to be consistent with the current built environment. In regards to DERM and the environmental impact, each application is dealt by a case by case and is only dealt with DERM and not the city of North Miami.

Chair Seifried questions the research done by staff. He continued to recommend that the mooring of boats perpendicular is acceptable. However, Chair Seifried voiced his concerns about the language of the proposed ordinance stating, “**Boatlifts and watercrafts into the city’s waterways or canals**” which implies the amendment will impact the entire city of North Miami and not just the properties located at 2141 NE 123 Street, 2145 NE 123 Street, and 2171 NE 123 Street.

Commissioner Pechon asked if staff looked into other cities and Miami-Dade County with similar impacts and inquired if those were considered in the recommendation made by staff. He brought up two issues in the language provided, “perpendicular docking” and “encroachment in the canal”. He questioned the permits provided beforehand to the applicants which staff addressed correctly.

Commissioner McDearmaid spoke about his experience with the subjected properties. He recommended staff to address the concerns of the proposed amendment made by the Planning Commission.

Commissioner Jeanty brought attention to the lack of communication between departments. He recommends staff to address the concerns of the proposed amendment made by the Planning Commission. And furthermore goes to recommend approval of the amendment.

Commissioner Boule expressed her concerns for both sides of the argument. She recommends staff to address the potential safety concerns and if it is not an issue she recommends approval of the amendment.

Planning Commission discussed the applicants’ intent to amend Subsection 5-601E so that their boats may be moored perpendicular to the property line abutting the waterway, and Subsection 5-602B to allow a greater extension to a maximum of thirty percent (30%) of the width of the waterway, or thirty (30) feet. Each Commissioner explained their concerns regarding the language of the proposed ordinance. Pursuant to the discussion, Commissioners Pechon and Ernst recommends staff to strike the language of parallel mooring, add language that will maintain the integrity of the intrusion into the canal, materialize a standardized set of guidelines for mooring locations and distances from the property line to the edge of the water and to approve perpendicular mooring only for the subjected properties. Commissioner McDearmaid made a motion for approval with recommendations to reflect language to allow a maximum of 25 feet for the extension of mooring piles, floating vessel platforms, hydro-hoists, boatlifts and watercrafts as measured from the property line and implement the recommendations from Commissioners Ernst and Pechon. Commissioner Boule seconded the motion. The ordinance was approved with recommendations 6-0.

— — —

The next meeting was scheduled for April 5, 2016.

VI. COMMITTEE REPORTS: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS: None

The meeting was adjourned at 10:36 p.m.

VIII. ADJOURNMENT

Respectfully submitted:

Attest:

Kevin Seifried, Chair
Planning Commission

Nixon Lebrun, AICP, CFM, City Planner
Community Planning & Development

Prepared by:

Katrina Lunan-Gordon, Board Secretary
Community Planning & Development

Date: May 3rd, 2016

To: Honorable Planning Commission Members

From: Nixon Lebrun, AICP, CFM, City Planner, Community Planning & Development

Thru: Tanya Wilson-Sejour, AICP, Planning Zoning and Development Director

Re: Waiver of Plat Approval

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

Owner: MKR Properties, LLC

Applicant: Savits Enterprises II, Inc. - Chris Savits

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STAFF RECOMMENDATION

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

BACKGROUND INFORMATION

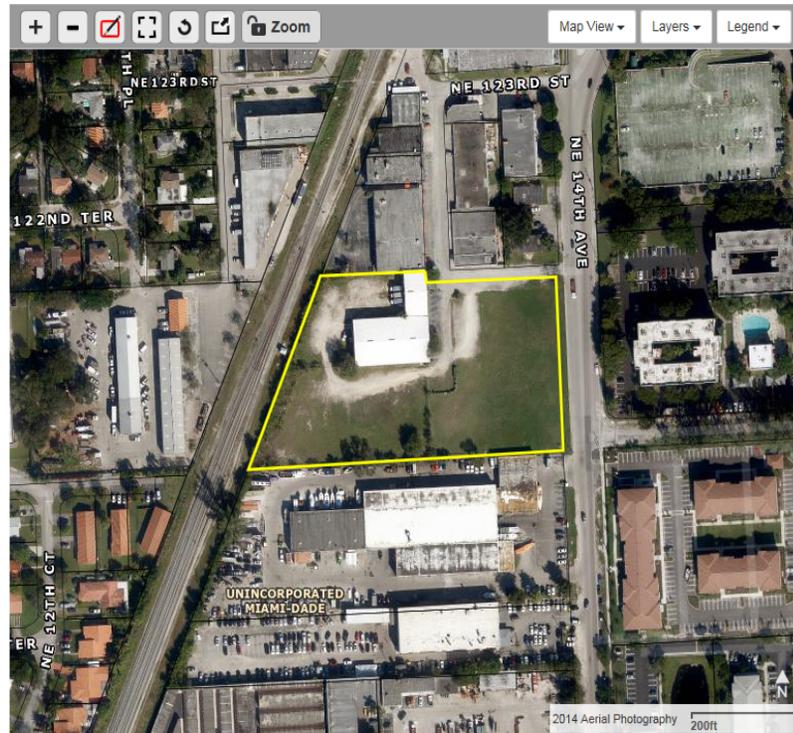
The Applicant, Savits Enterprises II, Inc., with the consent of the owner on record for the subject 3.9-acre property, MKR Properties, LLC, has filed this waiver of plat application in order to divide the property into two (2) separate parcels, with Parcel A comprising approximately 1.8 acres and Parcel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

NEIGHBORHOOD LAND USE CHARACTERISTICS

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

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

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



ANALYSIS

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

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

City Staff Comments: The Community Planning and Development Department (the "Department") reviewed the proposed waiver of plat request and found it to be consistent with the goals, policies and objectives of the City's Comprehensive Plan, and to be in keeping with the purpose and intent of the LDRs, as they relate to dimensional and concurrency requirements. Subsequently, the waiver of plat was sent to other City Departments to garner input, particularly Public Works Department to assess the impacts on Water and Sewer services. The waiver of plat has met with the approval of these other Departments.

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

CONCLUSION

In light of these findings, staff is of the opinion that the application is both consistent with the goals, objectives and policies of the City's Comprehensive Plan and in keeping with the purpose and intent of the City's LDRs. Consequently, staff requests that the Planning Commission recommends approval of the attached resolution approving the requested waiver of plat and forward same to the City Council for final consideration, subject to the following conditions:

1. *Approving Resolution.* After Council approval and upon the filing of a request for County review, a signed copy of the approving resolution shall be delivered to the

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

NL/tws

Attachments:

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

RESOLUTION NO. _____

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

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

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

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

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

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

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

WHEREAS, on May 3, 2016, the Planning Commission conducted its review at a duly noticed public hearing and found the Applicant’s proposed Waiver of Plat, conforms with the requirements of the LDRs and Comprehensive Plan, and thereby recommended approval with conditions to the Mayor and City Council; and

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

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

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

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

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

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

Dated February 26, 2016

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

Letter Of Intent for waiver of Plat

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

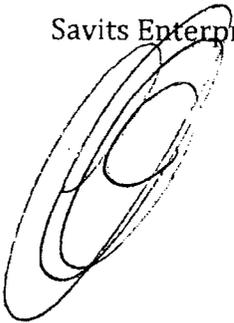
Please be advised that we are applying for this waiver of Plat because the property which is located at 12200 NE 14th Ave presently is not platted.

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

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

Chris Savits

Savits Enterprises II

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



April 21, 2016

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

Re: Electric Service Availability
12200 NE 14th Ave.

Dear Mariela Alvarez;

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

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

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

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

Sincerely,

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

Marco Alvarez
Technical Specialist II



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

Tuesday, June 09, 2015

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

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

Attention Ortiz,

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

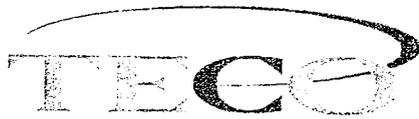
Comcast is clear and has *no objections* to the proposed 4-story air conditioned storage building. Should it become necessary, Comcast will coordinate with the developer for a separate easement if needed. Should you have any further questions, please feel free to call me.

Cordially,



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

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



PEOPLES GAS

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

Easement & Right-of-Way Vacation Letter

June 4, 2015

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

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

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



Angel Quant
Regional Operations Manager

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

Angel Quant
Regional Operations Manager

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

Angel Quant
Regional Operations Manager

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

Angel Quant
Regional Operations Manager

Prepared By: Alex Roche

March 18, 2016

e-mail: tsejour@northmiamifl.gov

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

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

CRAIG THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

Dear Ms. Wilson-Sejour:

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

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

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

WAIVER OF PLAT REQUIREMENTS

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

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

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

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

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

Respectfully Submitted,

CRAVEN THOMPSON & ASSOCIATES, INC.



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

DMD/wg

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

