



NORTH MIAMI PLANNING COMMISSION AGENDA
Tuesday, February 3, 2015, 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: January 6, 2015

III. COMMUNICATIONS: Communications of Commissioners

IV. CONTINUED PUBLIC HEARINGS: None

V. PUBLIC HEARINGS:

PC 3-15: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

- 1. Staff Report
- 2. Commission Action

PC 4-15: 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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

1. Staff Report
2. Commission Action

PC 5-15: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; 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.

.MINUTES
NORTH MIAMI PLANNING COMMISSION
7:00 P.M.
Tuesday, January 06, 2015
COUNCIL CHAMBERS

The meeting was called to order at 7:03 p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present	Excused	Absent
1.	Kevin Seifried	X		
2.	Charles Ernst	X		
3.	Kenny Each	X		
4.	Jean Castor	X		
5.	Jason James	X		
6.	Bill Prevatel	X		
7.	<i>Vacant</i>			
8.	<i>Vacant</i>			
9.	<i>Vacant</i>			

Staff was represented by:

Nixon Lebrun, AICP, CFM Zoning Administrator
Roland Galdos, Deputy City Attorney
Kent Walia, Temporary Board Secretary
Dunia Sanzetenea, Information Technology

I-D. Assembly and Organization – Amendments to the Agenda:

Staff recommended that item PC 1-15 be read first to save money because the City hired an engineer in attendance whom was paid hourly.

II. Approval of Minutes:

The minutes of the December 2nd, 2014 meeting minute was motioned for approval by Commissioner Castor and seconded by Commissioner Prevatel seconded the approval and the item was passed unanimously 6-0.

III. Continued Public Hearings: None

IV. Public Hearings:

PC 1-15: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING AMENDMENTS TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, TO INCORPORATE THE ADOPTED TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN, BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENT ELEMENTS OF THE COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEWING AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

1. Staff Report
2. Commission Action

The item was introduced by the Chair. Staff report was given by Mr. Lebrun. Mr. Lebrun mentioned that the amendment to the comprehensive plan to include the water supply plan. Staff said that the Water Supply plan update was the required by the State. The Public Works Director, Wisler Pierre-Louis, presented the water supply plan item.

Public Hearing:

No one from the public spoke on this item.

Commission Discussion:

Commissioner Each explained asked about the water consumption from 1994 to 2014 and why it was high in 1996. Commissioner Each asked Mr. Pierre-Louis if the water production can provide service for multiple future high-rise buildings. Mr. Pierre-Louis reassured Commissioner Each that it would since the City has a 20 year agreement with Miami-Dade water supply and that it will meet the demand. Commissioner Prevatel asked if someone was reviewing the water supply plan process on behalf of the City for the best interest of the City's finances. Mr. Pierre-Louis said in response to the Commissioner that the City did hire the consultant Tetra-Tech as a representative

on behalf of the City to oversee the bidding and plan process. Commissioner Each motioned to approve the item and Commissioner Prevatel seconded the approval and the item was passed 5-0.

PC 15-14: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR FOUR (4) LOTS CONSISTING A TOTAL OF 3.07 ACRES IN SIZE AND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND MEMORIAL HIGHWAY, WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-000-0290; 06-2230-000-0120; 06-2230-000-0121; AND 06-2230-000-0122; FROM LOW-MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED COMMERCIAL DEVELOPMENT, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

1. Staff Report
2. Commission Action

The item was introduced by the Chair. Chairman Seifried made an announcement to the audience at large that each speaker publically speaking is allotted up 3 minutes to speak their opinion into the record. Staff report was given by Mr. Lebrun. Mr. Lebrun describe the staff report as a small scale land use plan amendment. Staff mentioned that the application has two goal objectives. The first objective was goal 9.46 was for the City to expand the land use to undeveloped parcels there by creating sustainable businesses, create jobs, and increasing the City's tax base. The second objective goal was the in regards to the level of service on traffic circulation and transportation in accordance with the master plan on NE 134th Street. Staff mentioned that on section 28.11 that the all area level of service matrix trip generated with a commercial propose was 230 more new trips and 553 peak additions will exceed the level of service given the fact of the TEA traffic impact analysis. Staff mentioned that the land use change would require a revision to the site plan with a best made recommendation along the corridor to obtain FDOT for adequate access along 135th with no access to the single family neighborhood. Staff mentioned that the conditions of the impact of water and sewer was a feasible distance and can connect water to the fire main. Mr. Lebrun mentioned that the property closest sewer is at NE 131st and staff will assess the public water efficiency on the level of service to the public. Mr. Lebrun mentioned a hurricane evaluation would have to be done and the city will review the planning criteria. Staff also mentioned the subject site in not in an enclosed area and it will have available access by housing. Mr. Lebrun mentioned that the land use change was to go from low density residential to commercial. Mr. Lebrun said that on December 15th there was an outreach at the Griffing Center. Mr. Lebrun mentioned that mitigation measures where at discretion of the restrictive covenant. Staff mentioned that the proposed land

use plan amendment was compatible with the future land use and comprehensive plan of the City. Mr. Lebrun mentioned that the item on the staff report is subject to a restrictive covenant. Mr. Lebrun described the conditions listed in the restrictive covenant to be: unity of title, consolidation of all 7 parcels, platting of land development regulations, and a T-Plat approval with the City and Miami Dade County. Mr. Lebrun mentioned that the DRC approval of the site plan, location, size, and access to memorial drive would all be reviewed at DRC level. Mr. Lebrun mentioned that there would be no access on 3rd street and the landscaping and decorative lighting be no greater than 15'. Mr. Lebrun mentioned that Traffic Circles 530 peak hour trips traffic on 135th will exceed the level of service. An impact analysis must be proposed and mitigation shall be considered for development and the applicant shall contact FDOT. Mr. Lebrun mentioned that NE 3rd Ct. minimum side walk in the land development regulations are 5' in the front of memorial highway and requires that the development add an additional 5' easement along 135th Street for widening of a sidewalk. Mr. Lebrun also mentioned that in the land development regulations requires that new buildings receive LEED-NC or equal rating to satisfy the City's sustainability requirement. Mr. Lebrun also mentioned that any new development must connect to sanitary sewer storm system and must adequately support the 5 year and the 3 day storm. Mr. Lebrun explained that the development must address drainage issues, create a brownfield assessment, create brownfield assessment, perform site grading, incorporate tree preservation and, apply for a tree removal application. Mr. Lebrun mentioned that the proposed development would employ 80% of its staff from North Miami residents as a act of good faith. Mr. Lebrun mentioned developer would propose lush landscaping at the drainage island located that the intersection of 135th street and memorial, landscape screening along the property from the view of adjacent properties, and the development of gateway signage with adequate lighting.

RetroSource's representative, Frank Roland, spoke and said that they were in support of the staff recommendation. Mr. Roland said he is not speaking on behalf of Walmart in his presentation. Mr. Lee Babbitt is a builder developer and real estate agent that represents RetroSource said that out of the 6.5 acres, 3.7 is zoned residential and that is why they are applying for rezoning. Mr. Babbitt explained that the proposed development for the site is a 40,000 square foot Wal-Mart neighborhood Market. Mr. Babbitt said that the Neighborhood Market would be bigger than the City's current Presidente supermarket and that Walmart is in the process of building 500 of these locations around the country within the next year. Mr. Roland said the property site received a lot of interest from businesses wanting to develop the front portion of the parcel which was 2.2 acres introduced year ago and it was only 2.2 acres and zoned commercial for sale. Mr. Babbitt said that they decided to request to make all the parcel one contiguous 6.6 acre site. Mr. Babbitt said that he reached out to retail and storage business and no one wanted to be there. Mr. Babbitt then said he found Walmart and they looked at the traffic area and the density of the area and they identified it as a location that they need to have. Mr. Babbitt explained that the excavating the site would be difficult because it has about 10' of muck, so a lot fresh soil would have to be brought in. Mr. Babbitt said that the site is a Brownfield and not a natural woods and the site will have difficult constraints. Mr. Babbitt said that if this project doesn't come to the area then nothing will happen on that site for years. Mr. Babbitt began to present a slide show for the proposed project and site. The commercial part of the site is zoned R-4 and the SW parcel at the west half of the parcel is zoned commercial and the building erected would require an R-4 small scale land use plan amendment. He also said the east side of the property is zoned R-4 at the NE corner of 134th directly south and the zoning ordinance would allow surrounding properties to be landlocked. Mr.

Babbitt said that there are a lot of misstatements and scare tactics being represented about Walmart but it is a beautiful grocery store. Mr. Babbitt said that the price per cart at the Walmart grocery store is 25% to 30% less than other competing grocery stores. Mr. Babbitt said that the store will create 100 new jobs in the community, and create taxable revenue in the city which will equate up to 200,000 a year which could help pay for the proposed Griffing Park amphitheater. Mr. Babbitt said according to a study by Hope and Pope that in two and a half years property values will increase in the area by 2% to 3%. Mr. Babbitt said that the site is an ideal site not preferential site. Mr. Babbitt said he met with City officials and City Staff and listen to their developmental concerns. Mr. Babbitt said that the development would provide a safe, pleasing, environment and create much need purpose for the site. Lastly Mr. Babbitt said that he had taken various pictures of the Northside of the property and he said that he took a note of the Royal Palms on 3rd court and will do whatever he would need to do to resolve the desired environmental issues. The next speaker is a North Miami resident named Laura Hill.

Public Hearing:

Chairmen Seifried has official opened the floor for public hearings. Chairman Seifried then publically addressed the audience asking them for a show of hands of people that were supporting the item and no one raised their hands. The first public speaker was former Mayor Mr. Kevin Burns. Mr. Burns said that there is a lot of distraction regarding the proposed item's regulations. Mr. Burns said that the developer doesn't own the site and that developer wants rezone the area and make the commercial larger by replacing the current residential area. Mr. Burns felt the development was nonsense and only adds hardship to the surrounding residents. The next speaker was former councilmen and current home owner Jacque Disponos. Mr. Disponos said that out of 60,000 plus people in North Miami that the 500 people who signed the petition are very important. Mr. Disponos feels that putting a Walmart on that site would be like putting it in his living room. Mr. Disponos said that North Miami should provide something else that would make the City beautiful and benefit the kids. The next speaker was Ms. Ann Kates who lives near North Miami. Ms. Kates mentioned that she wants to see the community grow. Ms. Kates said that the meeting that she attended the night before that the City said that they were need of more green space. Ms. Kates said that the area would be perfect for a park. Ms. Kates also said that when North Miami annexed the area that the taxes quadrupled and then their property loss value. Ms. Kates said that if North Miami were to let this Walmart happen then NW 135th Street would be just like NW 7th Avenue. Ms. Kates closed with saying that the City should accommodate its citizens. The next speaker is former project architect for Target and a current resident in North Miami Mr. Don Schneider. Mr. Schneider said that this item was a disaster and the site plan bears no resemblance to what the developer is saying. Mr. Schneider said that if you allow Walmart into that area then stores like Popeye's and Boston Market is follow. Mr. Schneider recommended that the City not change the current zoning. The next presenter was Mr. Roger Gordon co-chairmen of the Biscayne Gardens advisory committee. Mr. Gordon said that the site should be a PUD development. Mr. Gordon mentioned that the Walmart supermarket is a bad idea and it would put all the other businesses out of business eliminating hundreds of jobs just to create 90. Mr. Gordon mentioned that the developer did do any studies regarding the traffic conditions or topographic conditions. Mr. Gordon also said the property zoning should change to residential to make more new housing in the area. The next speaker is a North Miami property owner Ms. Laura Hill. Ms. Hill asked the

question is this project fit into the goals and objectives of this city? Ms. Hill said she has invested in this North Miami Community. Ms. Hill said that bringing in Walmart into this area was nonsense. Ms. Hill said that Walmart and this developer will not invest in North Miami more than they have to. The next speaker is a North Miami resident Ms. Beverly Hilton. Ms. Hilton said that residents invested in their homes and Walmart would bring down their value of their home. Ms. Hilton recommended that Walmart should be on NW 7th Avenue. The next speaker owns two home in North Miami Mr. Fred Gottlieb. Mr. Gottlieb said he has a tranquil environment in his back yard and said that if Walmart comes into that area it will interrupt the peace he is currently enjoying. The next speaker is a North Miami resident Ms. Gwen West. Ms. West said she lives near the site and the Walmart developer never mentioned anything about fixing the sewage problems. Ms. West said that her property has sewage problems that the City has never fixed. Ms. West said that all her money and investment is in her property. Ms. West said the City should be concerned with the water and sewage issues in the area. The next speaker is North Miami resident Ms. Monica Lutz. Ms. Lutz said that she invested into her home for 8 years. Ms. Lutz voiced her concerns for the light pollution, littering, and traffic issues on NW 135th Street that having a Walmart would create. The next presenter is North Miami resident Mr. Howard Tonkin. Mr. Tonkin asked the question is North Miami preparing for sea level rise and climate change. Mr. Tonkin said that this site has native Royal Palm trees that should be protected. Mr. Tonkin said that the City should mitigate the flooding in the area. The next speaker is Mr. Jose Rivera. Mr. Rivera mentioned that Walmart is only out to make a profit. Mr. Rivera mentioned he was concerned about the green issues. The next speaker is resident Ms. Silvia Manalo. Ms. Manalo said that she came to the City 15 years ago to build something. Ms. Manalo mentioned that they could build something else on the site that would make the residents in the neighborhood want to stay around. The next speaker is resident Ms. Denise Vaughn. Ms. Vaughn said that the proposed Walmart is in her backyard. Ms. Vaughn said that the Walmart would bring more crime to the area. Ms. Vaughn said she doesn't want Walmart in North Miami. The next speaker is resident Robert Cordial. Mr. Cordial said that the development area is fine in the front acres and doesn't need to rezone back to the residential properties. Ms. Cordial said that 6 acres is too much. Mr. Cordial said that the Walmart would slow down traffic even more on NW 135th. Mr. Cordial said that there are enough supermarkets and fast food areas in the City and opposes having one so near his property. The next speaker is resident Mr. Cavell Rodriguez. Mr. Rodriguez said he moved to the area in 07 and said that he neighborhood is an oasis. Mr. Rodriguez said that the Walmart would decrease the property values in their neighborhood. Mr. Rodriguez said they should put the Walmart on NW 7th Avenue. The next speaker is resident Dion Chanable. Ms. Chanable said that kids play on 134th street. Ms. Chanable said that there is a lot of crime in the area because the kids have nothing to do. Ms. Chanable said that the City should create a park there so the kids have something to do. The next speaker is resident and a local small business owner Ms. Sara McDevitt. Ms. Devitt said that Walmart would take away from the local small business in the area. Ms. Devitt said that the City should invigorate the small businesses in the City. The next speaker is resident Ms. Belgus Serengeti. Ms. Serengeti mentioned that staff may not realize that this proposed development is not consistent with the vision of the City. Ms. Serengeti said that she does not want the development a part of her community. The next speaker is resident Jamie Marie Oslo. Ms. Oslo said that the City is beautiful and Walmart would ruin it. Ms. Oslo said that Walmart would make her and her husband want to move. The next speaker is resident Mr. Benjie Modal. Mr. Modal said he was a home owner for 33 years. Mr. Benjie said that there are two Walmart stores surrounding the City and that making this one would create a triangle that he doesn't want to see happen. The

next speaker is resident Ms. Caplier Vetluga. Ms. Vetluga mentioned that she is concerned with the crime, environmental impact, and reduction of property value that having a Walmart would bring to the City. The next speaker is resident Mr. Cecil Clare. Mr. Clare said that the City should preserve the residential zoning in the area it currently has. Mr. Clare said that the City should put more emphasis on residential. The last speaker is Mr. Stanley Joseph Stafford. Mr. Stafford said there was the Walmart development would bring a cultural demise and traffic issues that is discriminating to property owners. Mr. Stafford suggested that Walmart be developed on 165th street not 135th street.

Commission Discussion:

Commissioner Ernst mentioned to staff three recommendations to change the language in the covenants. The first recommendation that Commissioner Ernst mention was that there he limited to memorial access to memorial drive. The second being item #8 water supply that the developer must be responsible all road ways and exist access effected by any water supply modifications. And the third recommendation Commissioner Ernst made was that there should be tree preservation enforcement by an onsite arborist that reviews tree protection and tree removal. Commissioner James asked staff about item #3 regarding limited access that if it was exist only? Mr. Lebrun answered that question by Commissioner James and said that it would be spelled out that it is right turn only and no entrance access. Commissioner James also asked staff about the meaning of condition 4 and wanted to know what non-flexible pavement was? Mr. Lebrun said that the flexible pavement means no concrete for that area and is consistent with the language with the Miami-Dade code. Commissioner Prevatel asked the question to staff if the overall site that is zoned commercial can accommodate at Walmart. Mr. Lebrun said that the area is in the C-1 district and that the use is permitted by right the applicant could have gone through the DRC approval process but since they wanted to go through the City commission revise the site plan configuration in regards to the asking for the Land Use plan amendment and rezoning. Commissioner Each mentioned the recommendation that the development should have lush landscaping, and a concrete wall buffer to protect and screen from the single family homes. Commissioner Each asked the question to the developer that if Walmart wanted to create a supermarket then why is there a gas station, a fast food restaurant and other outparcel buildings that would inconvenience the surrounding residential properties. Mr. Babbitt replied that the design presented for the site is preliminary and the gas station is a requirement by Walmart and the fast food restaurant doesn't have to be fast food. Commissioner James asked the developer to clarify item #7 regarding the sustainability requirements. Mr. Babbitt responded that the project would have green design components but it would not be LEED rated. Mr. Lebrun clarified to the Commission board that according to the section of the code regarding sustainable design that all new construction in the City shall be LEED-NC rated or a comparable equivalent. Commissioner Castor asked the question to the developer Mr. Babbitt asking him if the site makes sense to Walmart but doesn't it make sense to the area? Mr. Babbitt said this design is just preliminary but there are environmental and traffic issues that the developer would make changes to better be an asset to the community.

After the public hearing a post commission discussion was held. Commissioner Prevatel asked the question that the existing area in the front is enough to accommodate the commercial development, why rezone? Commissioner Ernst said that he heard a lot of accusation of the bottom line and that developer's intent was to expand the property to make for values of the site. Mr. Ernst mentioned

that the developer should have been more creative with the approach of the development. Commissioner Castor said that there is a lot of issues with the proposed development and that it's not a good fit for the area. Commissioner Each said that he has a problem with Walmart being near the surrounding neighborhood. Commissioner Prevatel mentioned that the development could have had a more urban designed approach. Commissioner Each motioned the item for denial and Commissioner James seconded, the motion and the item was denied 6-0.

PC 16-14: 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 FOUR (4) LOTS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND MEMORIAL HIGHWAY, WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-000-0290; 06-2230-000-0120; 06-2230-000-0121; AND 06-2230-000-0122; FROM THE CURRENT R-4 (RESIDENTIAL) ZONING TO C-1 (COMMERCIAL) ZONING TO ALLOW A PROPOSED COMMERCIAL DEVELOPMENT, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

1. Staff Report
2. Commission Action

Commission Discussion:

Chairman Seifried said the rezoning becomes moot since Land use Plan Amendment wasn't approved. Chairman Seifried said asked Mr. Roland developer from ReSource Development if he would be interested in withdrawing his item and the developer said no. Mr. Galdos said that issue is moot and cannot conflict with the comprehensive plan. Mr. Galdos said the item is moot and requires a vote on virtue of the Council. Commissioner Prevatel motioned the item for denial and Commissioner James seconded, the motion and the item was denied 6-0.

PC 2-15 **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 FIFTY-EIGHT (58) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS 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.**

1. Staff Report
2. Commission Action

The item was introduced by the Chair. Staff report was given by Mr. Lebrun. Mr. Lebrun recommended the proposed 58 unit development for approval. Mr. Lebrun mentioned that the applicant must file a conditional use permit. Mr. Lebrun mentioned the application met the City's minimum requirements. According to policy 3b-26 that the City shall create affordable housing. According to section 5-808 that new construction must be LEED certified or FGBC certified. Mr. Galdos made the announcement to the audience that the Conestoga item was a Quasi-Judicial item.

The applicant Mike Wohl of Pinnacle Housing provided preliminary renderings of the elevation of what the property. Mr. Wohl describe the nature of the development was to be mix-use workforce housing. The applicant said that the building would be LEED certified and meet will meet city staff recommendations consistent with the comprehensive plan. Mr. Wohl provided a presentation about traffic level of service, multi modal strategies, and adjacent development impacts. Mr. Wohl said that the property would have local art and amenities. Jennifer Chester of Pinnacle housing describe that the request for the conditional use was to decrease the size of the property to incorporate public amenities. Kevin Burns mentioned that Pinnacle has a good track record with workforce housing and he wants a better product for North Miami that was shown on the rendering. Roger Gordon Chairmen of the Biscayne gardens suggested increasing density and kid space. Gwen West said she was concern with what the local art was? Ms. West also mentioned she was concern what kind of mix-use they were proposing? Ms. West asked is there would be any solution sewage problem impact? The next speaker was Mr. Howard Tonkin. Mr. Tonkin said he questioned if the development have native material? Mr. Tonkin mentioned that he would like to know if there was any intent from the developer to create bird and butterfly habitat landscape.

Board Discussion

Chairman Seifried said that there will be fair housing laws to allow this to qualify for income tax credits. The Chairman brought up the question if the demographic would be restricted to elderly. The commission Each asked why the development change from 7 stories? The developer Mr. Wohl explained that the code restricts the development to go past 112'. Mr. Wohl reassured the council that the development would still have all the amenities of a community room, gym, and garden area. Commissioner Each discussed his opinion that the development should have a pedestal parking garage and the amenities should overlook lush green space. Mr. Wohl explained that a parking garage was expensive and that they do not have enough government funds to provide that at this time. Ms. Chester describe the property as being under 110' and will have less of a foot print as the original design. Commissioner Each proposed an amendment to the high and density to the land use of the area. Mr. Wohl reassured the council that they would have an amazing product even within the current land development regulations. Mr. Galdos reassured that the sewer system will be mitigated by anyone wishing to build any new developments. Commissioner Prevatel said the area was originally given double density, zoning changed, and more green space. The overall approach from the commissioner was that the renderings provided by the applicant misrepresented the true intent of the project. Mr. Wohl said there will be some covered parking in the development. Commissioner Seifried mentioned if there will be a covered bus shelter and suggested that there should be on there because there may be a future Tri-Station in the city and the east-west bus traffic will increase. Mr. Lebrun said there will be a TOD bonus for the bus shelter. Commissioner Seifried mentioned he wants a bus stop on 135th and recommended it to be covered. Commissioner Prevatel mentioned that the building should turn the corner and can make an architectural statement. Mr. Wohl said that he is tied to the property for 50 years and will do everything to make the property beautiful. Commissioner Each mentioned that he would like to be a part of the DRC. Mr. Galdos mentioned that only 1 member of the commission staff at a time can be at a DRC meeting. Commissioner Prevatel motioned the item for approval and Commissioner Castor seconded the motion, all were in favor and the item was passed unanimously 6-0.

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The next meeting was scheduled for February 3rd, 2015.

V. COMMITTEE REPORTS: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

The meeting was adjourned at 11:37 p.m.

VIII. ADJOURNMENT

Respectfully submitted:

Attest:

Commissioner Kevin Seifried, Chair
Planning Commission

Nixon Lebrun, AICP, CFM, Zoning Administrator
Community Planning & Development

Prepared by:

Kent Walia, Temporary Board Secretary
Community Planning & Development

Date: February 3, 2015

To: The Planning Commission

From: Nixon Lebrun AICP, CFM, Zoning Administrator Community Planning & Development

Re: Small Scale Land Use Plan Amendment – Claude Pepper Lakefill Site

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 FROM OPEN SPACE/RECREATION TO MIXED-USE LOW-DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED MIXED-USE DEVELOPMENT, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND 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 property from Open Space/Recreation to Mixed-Use Low Density Residential (55 ft., 25du/ac) land use and forward to City Council for final consideration.

BACKGROUND

The proposed request sponsored by Councilwoman Marie Erlande Steril seeks to amend the City's Future Land Use Map for the City owned site located at 1525 N.W. 135th Street to allow a change in designation from Open Space/Recreation to Mixed-Use Low Density Residential. The area involved in the requested small scale land use amendment is located on the undeveloped portion of the North Miami Claude Pepper Park. This overall rectangular track comprises 13.66 acres and has been partially developed with the Joe Celestin Center. The subject 9.66 acres of the Claude Pepper Park site, which has been rightly dubbed the Claude Pepper Lakefill Site, has over time been filled with excess soil from other City-owned properties, as well as solids from the City's Winson Water Treatment Plant. While these soils were approved by the Miami-Dade Department of Environmental Resources Management (DERM) as fill soil, however, after

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 redevelopment plan contemplated for the site is that of a mixed-use development with elderly/affordable housing along with ancillary uses of retail, medical offices, and open space recreational uses, i.e. parks, swimming pools, tennis courts, and other compatible services. As such, staff believes that the proposed application is in keeping with and advances the goals, objectives and policies of the City's Comprehensive Plan, specifically Goal 3B, as it will provide adequate housing and affordable housing opportunities for the existing population, especially the elderly residents. The proposed application is also consistent with Policy 1.12.2 of the City's Comprehensive Plan, which encourages mixed use along major corridors such as N.E. 135th Street, as well as Policy 9.4.6, which requires the City to "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry".

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

Traffic

The subject site is located at the northeast corner of N.W. 135th Street and N.W. 17th Avenue. According to the City's Transportation Master Plan, N.W. 135th Street is classified as a minor state arterial. Furthermore, the segment of that roadway in proximity of the subject site is operating at a level of service (LOS) C, which far exceeds the LOS standard E set forth in Policy 2A 1.1 of the City's Comprehensive Plan for City's roadways. Nevertheless, because the City is designated as a Transportation Concurrency Exemption Area (TCEA), any future mixed-use development on the site shall encourage a pedestrian-oriented environment. Specifically and in furtherance of Objective 2A.2 and Policy 2A.2.7 of the City's Comprehensive Plan, future development on the site shall actively pursue multimodal strategies including, but not limited to, walking, bicycling, carpooling and public transit usage.

Water & Sewer Impacts

Based on its location, the subject property is within a feasible distance for connection to existing public water and public sanitary sewers facilities and services, which currently meet the level of service (LOS) standard set forth in the City's Comprehensive Plan. If approved, the rezoning request will not accommodate any development that exceeds these LOS standards, subject to compliance with the conditions stipulated by the Public Works Department.

c. its effect on environmental resources;

As noted above, the subject property has over time been filled with excess soil from other City-owned properties, as well as solids from the City's Winson Water Treatment Plant. While these soils were approved by the then Miami-Dade Department of Environmental Resources Management (DERM) as fill soil; however, after distribution, they were found to contain elevated levels of arsenic exceeding regulatory criteria. Additional analysis of soil samples collected from the top two (2) feet of the Subject Property further revealed levels of arsenic above the residential cleanup target levels provided in Chapter 24 of the Miami-Dade County Code. The Brownfield designation that the City is also seeking for the site will help safely clean up and sustainably reuse the site, while eliminating the immediate threats posed by the perceived contamination of the site to the environment and, more importantly, human health.

Furthermore, in accordance with Section 5-803(H)(1) of the LDRs, future development on the site is required to attain a "certified" or higher designation under the LEED-NC Rating System or a comparable program, by incorporating some, if not all of the green building principles listed in Section 5-803(J) of the LDRs to further support the City's environmental initiatives.

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 consider vehicular accessibility and internal circulation patterns to minimize the time required to evacuate the coastal planning area. Staff has determined that the subject site is not located in the Coastal Planning area and, consequently, is not subject to the requirements of Policy 5A.3.1.

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

If approved, the submitted land use amendment will allow the redevelopment of the site to create a mixed-use project with elderly/affordable housing along with ancillary uses of retail, medical offices, and open space recreational uses, i.e. parks, swimming pools, tennis courts, and other services deemed compatible to support the development. As such, with the majority of the City's housing stock being over 40 years old and the limited supply of multifamily units on the west side of the City, staff believes that the proposed application will have a positive effect on the availability of workforce housing, and more particularly elderly housing in the City.

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

This application is one of the four (4) entitlement endeavors that will make possible the sustainable reuse and redevelopment of the Claude Pepper Lakefill Site. Because of the

perceived contamination of the site, said redevelopment will provide a host of environmental, social and economic benefits to the City, including, but not limited to:

1. The removal of actual and potential sources of land, water and air contamination;
2. An increase in property assessment values and the resulting tax base, leading to increased revenue for the City;
3. The beautification of the City's urban landscape;
4. The revival of the surrounding older communities; and
5. The provision a wide range of housing choices and related amenities in an area, which is lacking in new residential facilities for low- and moderate-income families, namely the elderly who often have difficulties finding quality affordable housing within the City.

CONCLUSION

Based on the foregoing, 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. **The Community Planning and Development Department (CP&D) therefore requests that the Planning Commission recommends adoption of the attached ordinance, amending the Future Land Use Map of the City's Comprehensive Plan for the subject property from Open Space/Recreation to Mixed-Use Low Density Residential land use designation, and forward to the City Council for final consideration, subject to the following conditions:**

1. **Platting:** The subject site is to be carved out of the 13.66-acre parent tract and therefore requires platting in accordance in Article 3, Division 8 of the City's Land Development Regulations (LDRs). To that end, a waiver of plat application shall be submitted to and meet with the approval of the City's Community Planning and Development Department prior to being considered by the Planning Commission and ultimately the City Council for approval. If approved by the City Council, the signed waiver, along with a signed copy of the approving resolution, with necessary copies, shall then be submitted to the Miami-Dade County Land Development Division for its review and final approval in accordance with Chapter 28 of the Miami-Dade County Code.
2. **Conditional Use Permit:** As per Article 4, Division 4, Section 4-402, a conditional use permit application for the proposed mixed-use development plans shall be submitted to and meet with the approval of the City's Community Planning and Development Department prior to being considered by the Planning Commission and ultimately the City Council for approval.
3. **DRC Approval:** A precise plan incorporating all the conditions and recommendations of the Planning Commission and City Council shall be submitted to and meet with the approval of the City's Development Review Committee (DRC) prior to the submittal of an application for a building permit for the site; said plan to include among other things, location of structure(s), the type(s), size(s) and location(s) of sign(s), off-street-parking

areas, exit and entrance drives, perimeter walls or fences, and landscaping details, and pedestrian- scale decorative lighting fixtures no greater than fifteen [15] feet in height, in order to protect the integrity and stability of the surrounding properties.

4. **Stormwater Management:** All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures. All off-site drainage improvements shall meet design requirements as applicable to the corridor type.

Upon the Brownfield designation of the site, an environmental assessment shall be conducted prior to the approval of any drainage system. Also, a Standard General Environmental Resource Permit from Miami-Dade County Department of Regulatory and Economic Resources (RER) shall be required for the construction and operation of the required surface water management system. Site grading and development shall comply with the County and Federal flood criteria requirements.

5. **Building Permits:** A building permit and or Certificate of Occupancy (CO) shall only be issued upon compliance with all terms and conditions of this approval.

TWS/nl

- Attachments:
1. Proposed Ordinance Amending the Future Land Use Map
 2. Land Survey
 3. Proposed Land Use Map
 4. 500-Foot Mailed Notices Radius Map/Newspaper Advertisement

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE-PORION OF A PARENT TRACT TOTALING 13.66 ACRES, LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed and 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), Florida Statutes (2014), allows local governments to periodically make small scale land use amendments to their comprehensive plan future land use map, if the proposed amendment: (a) does not exceed 10 acres, (b) the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres, (c) the proposed amendment does not involve a text change to the goals, policies, and objectives of the comprehensive plan, and (d) the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

WHEREAS, the subject area, consisting of approximately 9.66 acre-portion of a parent tract totaling 13.66 acres in size, located at 1525 NW 135th Street, with Miami-Dade County Number 06-2123-000-0050 (“Subject Property”); and

WHEREAS, the Subject Property is currently designated by the City Comprehensive

Plan (“Comprehensive Plan”) Future Land Use Map as Open Space/Recreation; and

WHEREAS, the applicant, City of North Miami, filed an application for a Small Scale Land Use Plan amendment to change the designated use of the Subject Property from Open Space/Recreation to Mixed Use Low Density; and

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

WHEREAS, Policy 9.4.2 of the Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating land uses are compatible with the character of the neighborhood, through revisions in development regulations and permit review requirements; and

WHEREAS, the proposed Small Scale Land Use Plan amendment is consistent with the Comprehensive Plan which encourages mixed use along major corridors, such as NW 135th Street, and promotes redevelopment that enhances the public health, safety and welfare; and

WHEREAS, pursuant to Article 2, Section 2-203 of the City Code of Ordinances, Land Development Regulations (“LDRs”), at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on February 3, 2015, found the application to be consistent with the goals, policies and objectives of the Comprehensive Plan, and thereby, recommended approval of the Small Scale Land Use Plan amendment to the Mayor and City Council; and

WHEREAS, Policy 1.1.3 of the City Comprehensive Plan requires changes in densities and intensities set forth in the Future Land Use Map, cannot be approved without the concurrence of a supermajority vote of 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 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 Subject Property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Open Space/Recreational to Mixed Use Low Density.

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. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. Effective Date. This Ordinance shall not become effective until thirty one (31) days after the state land planning agency notifies the City that the plan amendment packet transmitted is complete, and is 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 _____, 2015.

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 _____, 2015.

DR. SMITH JOSEPH
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 Dr. Smith Joseph	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

Proposed Land Use Map

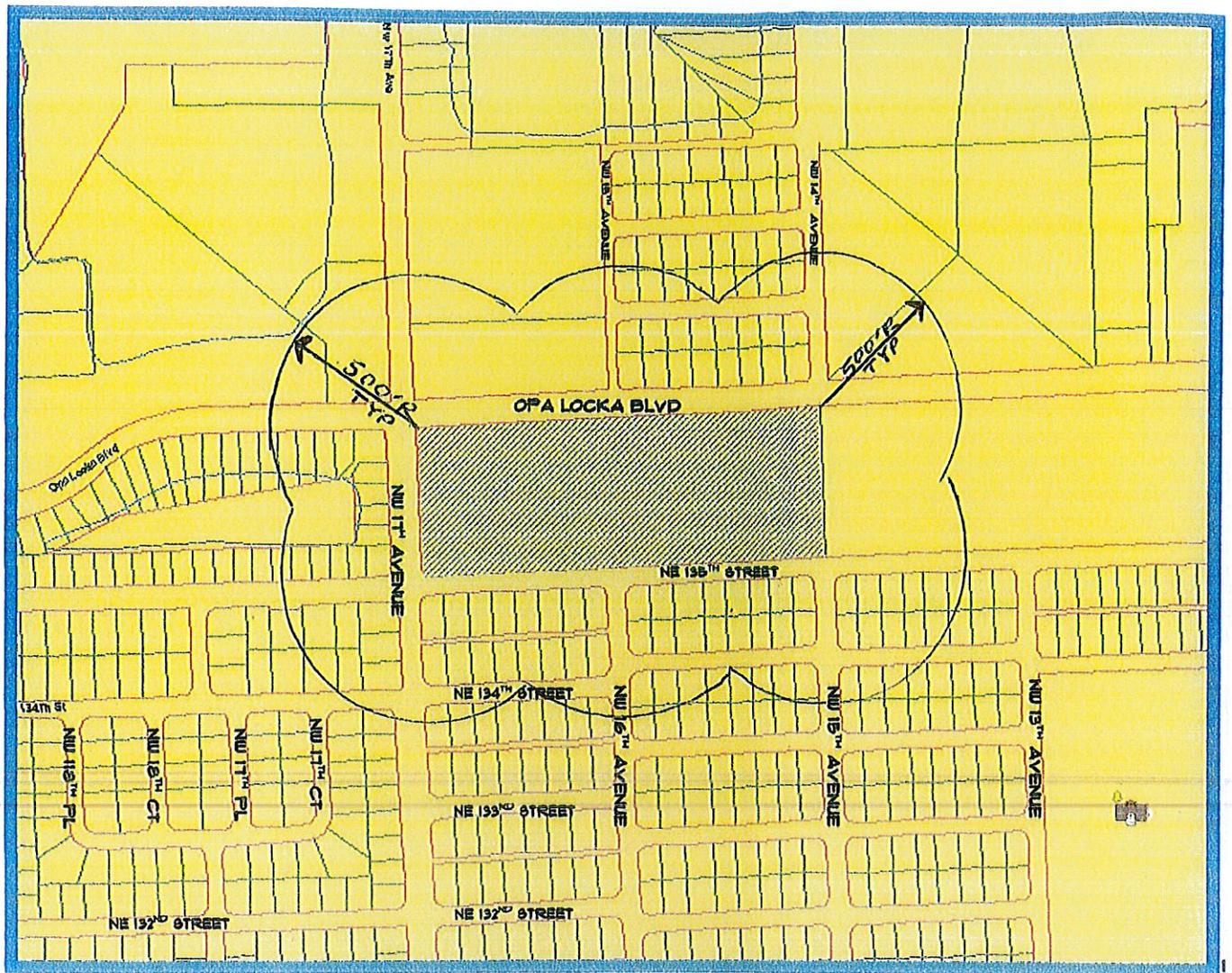


Subject Site Land Use to change to Mixed Use Low Density Residential

Legend

- City of North Miami Boundary
- Central City District Node Boundary
- Neighborhood Redevelopment Overlay Boundary
- Biscayne Park Height Transition Zone
- Central Business Commercial (110 ft.)
- Commercial / Office (55 ft.)
- Community Facility (55 ft.)
- Community Facility-University (110 ft.)
- Conservation
- High Density Residential (110 ft., 25 DU/AC)
- Industrial
- Low Density Residential (35 ft., 5.1 DU/AC)
- Low-Medium Density Residential (35 ft., 12 DU/AC)
- Medium Density Residential (75 ft., 16.3 DU/AC)
- Mixed Use Low (55 ft., 25 DU/AC)
- Mixed Use Medium (75 ft., 40 DU/AC)
- Open Space / Recreation
- Residential Office
- Utility
- Water
- Wetlands





500' FOOT RADIUS MAP

APPROXIMATE SCALE = 1" = 500'

PROPERTY ADDRESS:

1525 NW 135th STREET
 NORTH MIAMI, FLORIDA 33167

PROPERTY LEGAL DESCRIPTION:

23 52 41 13.66 AC M/L
 SW1/4 OF SW1/4 LYG S OF OPA
 LOCKA BLVD & N OF 135 ST R/W
 LOT SIZE 595030 SQ FT

AS DESCRIBED IN EXHIBIT "A"
 COUNTY OF MIAMI-DADE, FLORIDA



NORTH MIAMI PLANNING COMMISSION AGENDA
Tuesday, February 3, 2015, 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: January 6, 2015
- III. COMMUNICATIONS: Communications of Commissioners
- IV. CONTINUED PUBLIC HEARINGS: None

CONTINUED PUBLIC HEARINGS: None_PC 3-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 4-15: 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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

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- 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.



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:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTTALLING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.



A Public Hearing on the Ordinances will be held by the Planning Commission on February 3rd, 2015 at 7:00pm and City Council on February 10th, 2015 for first reading 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 8:15 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. 12159.

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.

NORTH MIAMI PLANNING COMMISSION AGENDA

Tuesday, February 3, 2015, 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

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- VII. OLD BUSINESS:** None
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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:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALLING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.



A Public Hearing on the Ordinances will be held by the **Planning Commission on February 3rd, 2015 at 7:00pm** and **City Council on February 10th, 2015 for first reading** 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 8:15 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. 12159.

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.

Date: February 3, 2015

To: The Planning Commission

From: Nixon Lebrun, AICP, CFM, Zoning Administrator, Community Planning & Development

Re: Rezoning – Claude Pepper Lakefill Site

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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALLING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 ; FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Planning Commission recommend approval of the proposed ordinance to rezone the subject site from PU (Planned Use) to PD (Planned Development) and forward to City Council for final consideration, subject to the conditions set forth herein.

BACKGROUND

The proposed request sponsored by Councilwoman Marie Erlande Steril seeks to amend the City’s Official Zoning Map to allow reflect the rezoning of the City-owned 9.66-acre site located at 1525 N.W. 135th Street from PU, Public Use zoning to PD, Planned Development zoning. The area involved in the proposed rezoning is located on the undeveloped portion of the North Miami Claude Pepper Park. This overall rectangular track comprises 13.66 acres and has been partially developed with the Joe Celestin Center. The subject 9.66 acres of the Claude Pepper Park site, which has been rightly dubbed the Claude Pepper Lakefill Site, has over time been filled with excess soil from other City-owned properties, as well as solids from the City’s Winson Water Treatment Plant. While these soils were approved by the Miami-Dade Department of

Environmental Resources Management (DERM) as fill soil, however, after distribution, they were found to contain elevated levels of arsenic exceeding regulatory criteria. Efforts are underway to designate the site as a Brownfield, pursuant to the Brownfields Redevelopment Act under Sections 376.77 through 376.85 of the Florida Statutes.

This application for a land use amendment from Open Space/Recreation to Mixed-Use Low Density Residential land use designation is being sought in order to redevelop the subject site and make way for the following possible mix of uses: elderly affordable housing along with ancillary uses such as retail, medical offices and park/open space. As such, the proposed request is one of a series of entitlement endeavors, which are being pursued in order to implement the redevelopment vision contemplated for the site, and which also include the following:

1. A Small Scale Land Use Plan Amendment to allow a land use change from Open Space/Recreation to Mixed-Use Low Density land use designation;
2. A Waiver of Plat to subdivide the 13.66-acre parent tract into two (2) new parcels (one of 9.66 acres and the remaining 4 acres to accommodate the Joe Celestin Center); and
3. Possible designation of the site as a Brownfield Area under Section 376.80, Florida Statutes.

The map below shows the location and the portion of the parent track proposed to be rezoned.



ANALYSIS

Article 3, Section 3-1003 of the City's Land Development Regulations (LDRs) establishes uniform procedures for applicant-initiated changes to the City's zoning map.

A. An applicant-initiated zoning map change shall be approved if it is demonstrated that the application satisfies all of the following 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;

If approved, the rezoning will complement the request concurrently being filed for a small-scale land use plan amendment to change the land use designation of the subject property from Open Space/Recreation to Mixed-Use Low Density Residential (55 ft., 25du/ac). The Mixed-Use land designation is intended to provide a mix of uses that will encourage pedestrian activity, by providing retail uses to serve the residential population. If the land use change is approved for the site, this rezoning request will therefore facilitate the development of a mixed-use project that is consistent with and constitutes a permitted use in the Mixed-Use Low Density Residential future land use category.

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 purpose of this rezoning request is to make way for a mixed-use development with elderly/affordable housing along with ancillary uses of retail, medical offices and open space recreational uses, i.e. parks, swimming pools, tennis courts, and other services inherent to the needs of elderly residents. While no conceptual plan has been developed as of yet, the mixed-use project contemplated for the site will adhere to the strict regulations of the Planned Development district as set forth in Article 4, Division 5, Section 4-402 of the LDRs and will be further subject to the Planning Commission consideration and final City Council approval through the conditional use permit approval process. As such, adequate safeguards exist to ensure that the requested rezoning will not accommodate a development that will exceed the density and intensity, which are permitted in the Mixed-Use Low Density land use category.

- c. 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 the northeast corner of N.W. 135th Street and N.W. 17th Avenue. According to the City's Transportation Master Plan, N.W. 135th Street is classified as a minor state arterial. Furthermore, the segment of that roadway in proximity of the subject site is operating at a level of service (LOS) C, which far exceeds the LOS standard E set forth in Policy 2A 1.1 of the City's Comprehensive Plan for City's roadways. Nevertheless, because the City is designated as a Transportation Concurrency Exemption Area (TCEA), any future mixed-use development on the site shall encourage a pedestrian-oriented environment. Specifically and in furtherance of Objective 2A.2 and Policy 2A.2.7 of the City's Comprehensive Plan, future development on the site shall actively pursue multimodal strategies including, but not limited to, walking, bicycling, carpooling and public transit usage.

Public Water and Sewer: Based on its location, the subject property is within a feasible distance for connection to existing public water and public sanitary sewers facilities and services, which currently meet the level of service (LOS) standard set forth in the City's Comprehensive Plan. If approved, the rezoning request will not accommodate any development that exceeds these LOS standards, subject to compliance with the conditions stipulated by the Public Works Department.

- d. Does not directly conflict with any goals, objectives or policies of the Comprehensive Land Use Plan;**

Staff believes that the redevelopment vision anticipated for the site, which the requested rezoning will implement, is in keeping with and advances Goal 3B of the City Comprehensive by providing adequate housing and affordable housing opportunities for the existing population, especially the elderly residents. The request is also consistent with Policy 1.12.2 the City's Comprehensive Plan, which encourages mixed use along major corridors such as N.E. 135th Street, as well as Policy 9.4.6, which requires the City to "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 will allow the redevelopment of the site with a mixed-use project. The subject site contains 9.66 acres and is well in excess of the minimum size area set forth in Article 4, Division 4, Section 4-402(B)(2)(a) of the LDRs for a planned/mixed-use development. If designated as a Brownfield, the City will be able to apply for grants that will help safely clean up the site, eliminate any potential threats to the environment and human health, and sustainably reuse the site in a manner that can yield a host of environmental, social and economic benefits to the City, far beyond its current use.

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

The subject property is abutting or adjacent to the following uses:

Property	Future Land Use	Existing Zoning	Existing Use/ Built Environment
Site	Open Space/Recreation	PU, Public Use	Partially Developed (Joe Celestin Center)
North	Commercial/Office (55')	C-1, Commercial	S-F Residences & Religious Facility (Unincorporated Miami-Dade County)
South	Low Density Residential (City & County)	R-2, Single-Family (City) & RU-1, Single-Family (County)	S-F Residences
East	Open Space/Recreation	PU, Public Use	Claude Pepper Park
West	Low Density Residential	RU-1, Single-Family	S-F Residences

The overall Claude Pepper Park, including the Claude Pepper Lakefill site or the subject site has an Open Space/Recreation Land Use designation and is zoned PU, Public Use. All of the surrounding properties, including the ones located outside the City's boundaries and/or proposed to be annexed feature all a low density residential land use designation and a single-family zoning classification. Furthermore, all of these properties have been developed with single-family residences, with the exception of the property located at the northeast corner of Opa-Locka Boulevard and N.W. 17th Avenue, which features a religious facility. Through this rezoning and accompanying land use change request, the subject site will have a Mixed-Use Low Density residential land use a PD, Planned Development zoning classification, and will make way for the following possible mix of uses: elderly affordable housing along with ancillary uses, such as retail, medical offices and park/open space. Since the PD zoning requires approval of a conditional use permit, restrictions on the setback, height and intensity standards will be established under this approval process, which will further ensure

compatibility between the proposed mixed use development and the surrounding uses.

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

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

The proposed rezoning will support the growth and development of the west side of the City. Indeed, with the majority of the City's housing stock being over 40 years old and the limited supply of multifamily units on the west side of the City, staff believes that the proposed application will have a positive effect on the availability of workforce housing, and more particularly elderly housing in the City. Through the Conditional Use Permit and ensuing DRC approval process, safeguards and conditions will be put in place to ensure that any future mixed-use development on the subject property adheres to sound design and architectural principles, clearly enhances the image and appearance of the community, and ultimately contributes to an increase in the value of the surrounding properties.

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

As noted above, staff believes that the redevelopment vision anticipated for the site, which the requested rezoning will implement, is in keeping with and advances Goal 3B of the City Comprehensive by providing adequate housing and affordable housing opportunities for the existing population, especially the elderly residents. The request is also consistent with Policy 1.12.2 the City's Comprehensive Plan, which encourages mixed use along major corridors such as N.E. 135th Street, as well as Policy 9.4.6, which requires the City to "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry".

c. 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 5-803(H)(1) of the LDRs, future mixed-use development on the site will provide for quality and sustainability by having to attain a "certified" or higher designation under the LEED-NC Rating System, and incorporating some, if not all of the green building principles listed in Section 5-803(J) of the LDRs.

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 following possible mix of uses: elderly affordable housing along with ancillary uses, such as retail, medical offices and park/open space. If the land use and zoning approvals being sought are approved, staff is of the opinion that a mixed-use development on this undeveloped 9.66-acre site will positively affect the market value of the neighboring properties.

- 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.**

Since the PD zoning requires approval of a conditional use permit, restrictions on the setbacks, height, density and intensity standards will be established under said approval process, which is subject to final Council approval.

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 staff **requests 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 PU, Public Use to PD, Planned Development and forward to City Council for final consideration, subject to the following conditions:**

- a. **Platting:** The subject site is to be carved out of the 13.66-acre parent tract and therefore requires platting in accordance in Article 3, Division 8 of the City's Land Development Regulations (LDRs). To that end, a waiver of plat application shall be submitted to and meet with the approval of the City's Community Planning and Development Department prior to being considered by the Planning Commission and ultimately the City Council for approval. If approved by the City Council, the signed waiver, along with a signed copy of the approving resolution, with necessary copies, shall then be submitted to the Miami-Dade County Land Development Division for its review and final approval in accordance with Chapter 28 of the Miami-Dade County Code.

- b. Conditional Use Permit:** As per Article 4, Division 4, Section 4-402, a conditional use permit application for the proposed mixed-use development plans shall be submitted to and meet with the approval of the City's Community Planning and Development Department prior to being considered by the Planning Commission and ultimately the City Council for approval.
- c. DRC Approval:** A precise plan incorporating all the conditions and recommendations of the Planning Commission and City Council shall be submitted to and meet with the approval of the City's Development Review Committee (DRC) prior to the submittal of an application for a building permit for the site; said plan to include among other things, location of structure(s), the type(s), size(s) and location(s) of sign(s), off-street-parking areas, exit and entrance drives, perimeter walls or fences, and landscaping details, and pedestrian- scale decorative lighting fixtures no greater than fifteen [15] feet in height, in order to protect the integrity and stability of the surrounding properties.
- d. Stormwater Management:** All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures. All off-site drainage improvements shall meet design requirements as applicable to the corridor type.

Upon the Brownfield designation of the site, an environmental assessment shall be conducted prior to the approval of any drainage system. Also, a Standard General Environmental Resource Permit from Miami-Dade County Department of Regulatory and Economic Resources (RER) shall be required for the construction and operation of the required surface water management system. Site grading and development shall comply with the County and Federal flood criteria requirements.

- e. Building Permits:** A building permit and or Certificate of Occupancy (CO) shall only be issued upon compliance with all terms and conditions of this approval.

TWS/nl

- Attachments:
- 1. Proposed Ordinance Rezoning the Property
 - 2. Land Survey
 - 3. Proposed Zoning Map
 - 4. 500-Foot Mailed Notices Radius Map/Newspaper Advertisement

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 A 9.66 ACRE-PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, the City of North Miami ("City", or "Applicant"), filed an application with the Community Planning and Development Department, to initiate a zoning map amendment to rezone a 9.66 acre-portion of a parent tract totaling 13.66 acres generally located at 1525 NW 135th Street, with Miami-Dade County Folio Number 06-2123-000-0050 ("Subject Property"); and

WHEREAS, the Applicant seeks to rezone the Subject Property from the current PU (Public Use) zoning to PD (Planned Development) zoning to allow a proposed mixed-use development on the Subject Property, consistent with the intent of the City of North Miami Comprehensive Plan; and

WHEREAS, City administration finds the proposed rezoning is consistent with Policy 9.4.2 and Policy 9.4.6 of the Comprehensive Plan, encouraging mixed-use development along major corridors and ensuring that employment generating land uses are compatible with the character of the neighborhood and consistent with the enhancement of the public health, safety and welfare; and

WHEREAS, pursuant to Article 2, Section 2-203 of the Land Development Regulations ("LDRs"), at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on February 3, 2015, found the proposed rezoning application: (1) met the requirements of Section 3-1004 of the LDRs, and (2) was consistent with the goals, policies and objectives of the Comprehensive Plan; and thereby, recommended approval of the proposed rezoning to the Mayor and City Council; and

WHEREAS, pursuant to Article 3, Section 3-1007C of the LDRs, approval of a zoning map change (as requested here from the current Public Use zoning to Planned Development zoning) shall require an affirmative vote of at least four (4) members of the City Council, attained at a quasi-judicial proceeding; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation for approval, and find that the proposed rezoning application consistent with the intent of the Comprehensive Plan, and in the best interest of the City.

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

Section 1. Rezoning of Subject 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 a 9.66 acre-portion of a parent tract totaling 13.66 acres generally located at 1525 NW 135th Street, with Miami-Dade County Folio Number 06-2123-000-0050, from the current PU (Public Use) zoning to PD (Planned Development) zoning, 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 the state land planning agency notifies the City that the plan amendment packet transmitted is complete, and is 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 _____, 2015.

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 _____, 2015.

DR. SMITH JOSEPH
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:

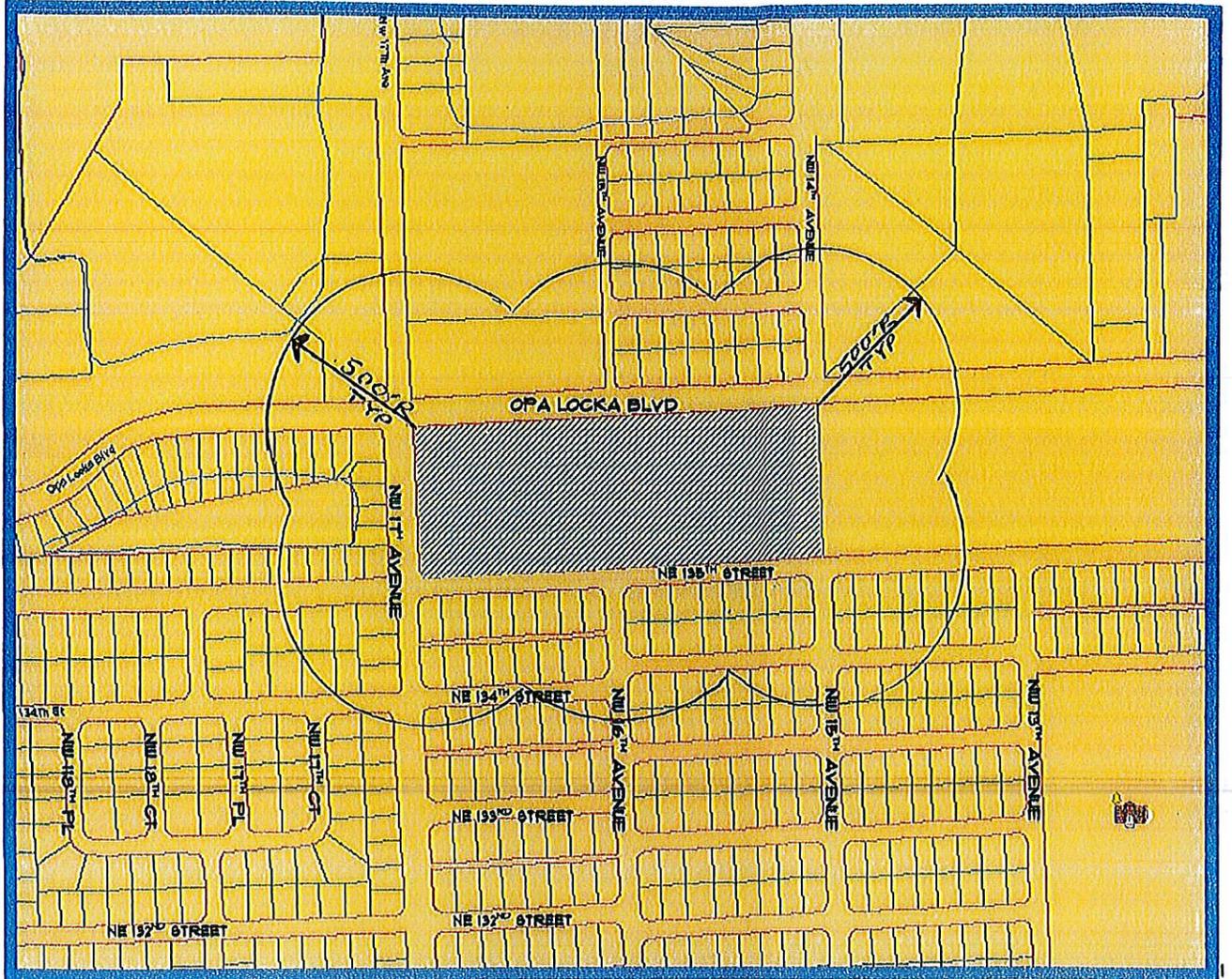
Mayor Dr. Smith Joseph	_____	(Yes)	_____	(No)
Vice Mayor Carol Keys, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

Proposed Zoning Map



Legend

- Florida International University
- Arts & Design Overlay District
- Regional Activity Center
- State of Florida Land
- North Miami Municipal Boundary
- Central City District Node Boundary
- Neighborhood Redevelopment Overlay Boundary
- Biscayne Park Height Transition Zone
- Water
- C-1
- C-2BE
- C-2BW
- C-3
- M-1
- PD
- PU
- R-1
- R-2
- R-4
- R-5
- R-6
- RO



500' FOOT RADIUS MAP

APPROXIMATE SCALE = 1" = 500'

PROPERTY ADDRESS:

1525 NW 135th STREET
NORTH MIAMI, FLORIDA 33167

PROPERTY LEGAL DESCRIPTION:

23 52 41 13.66 AC M/L
SW1/4 OF SW1/4 LYG S OF OPA
LOCKA BLVD & N OF 135 ST RW
LOT SIZE 595030 SQ FT

AS DESCRIBED IN EXHIBIT "A"
COUNTY OF MIAMI-DADE, FLORIDA



NORTH MIAMI PLANNING COMMISSION AGENDA
 Tuesday, February 3, 2015, 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:** January 6, 2015
- III. COMMUNICATIONS:** Communications of Commissioners
- IV. CONTINUED PUBLIC HEARINGS:** None

CONTINUED PUBLIC HEARINGS: None. PC 3-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 4-15: 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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 5-15: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; 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.



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:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALLING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.



A Public Hearing on the Ordinances will be held by the Planning Commission on February 3rd, 2015 at 7:00pm and City Council on February 10th, 2015 for first reading 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 8:15 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. 12159.

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.

NORTH MIAMI PLANNING COMMISSION AGENDA
Tuesday, February 3, 2015, 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: January 6, 2015
- III. COMMUNICATIONS: Communications of Commissioners
- IV. CONTINUED PUBLIC HEARINGS: None

CONTINUED PUBLIC HEARINGS: None PC 3-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 4-15: 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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 5-15: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; 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.



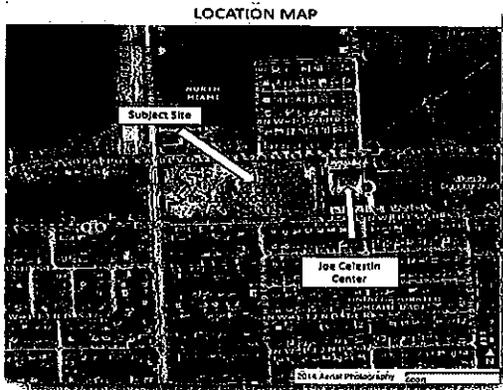
NOTICE OF PROPOSED ORDINANCES CITY OF NORTH MIAMI, FLORIDA

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

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

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 A 9.66 ACRE PORTION OF A PARENT TRACT TOTALLING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.



A Public Hearing on the Ordinances will be held by the **Planning Commission on February 3rd, 2015 at 7:00pm and City Council on February 10th, 2015 for first reading** 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 8:15 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. 12159. **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.

Date: February 3, 2015

To: The Planning Commission

From: Nixon Lebrun, AICP, CFM, Zoning Administrator

Re: Waiver of Plat – Claude Pepper Lakefill Site

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

STAFF RECOMMENDATION

That the Planning Commission recommends approval of the proposed resolution approving a waiver of plat request, with conditions, for the City-owned property located at located at 1525 N.W. 135th Street and forward it to the City Council for final consideration.

BACKGROUND INFORMATION

The proposed request sponsored by Councilwoman Marie Erlande Steril seeks to resubdivide the 13.66-acre Claude Pepper Lakefill Site to create two (2) individual lots, pursuant to Article 3, Division 8, Section 3-802 of the City Code of Ordinances, Land Development Regulations (“LDRs”) and Chapter 28 of the Miami-Dade County Code of Ordinances. Currently, the site is one of two (2) large tracks of land that make up the North Miami Claude Pepper Park: one track consisting of 13.66 acres and with folio number of 06-2123-000-0050, and the other track consisting of 15 acres and with folio number 06-2123-000-0180. The Joe Celestin Center, which was recently erected on the eastern perimeter of the 13-acre tract (the Claude Pepper Lakefill Site), straddles over the dividing lot line of these two (2) tracts. The purpose of this waiver of plat is to allow the City to move that lot line west of the existing Joe Celestin Center building, creating thereby two (2) separate unencumbered parcels identified as Parcel “A” (consisting of 9.66 acres) and Parcel “B” (consisting of 4 acres) on the enclosed preliminary waiver of plat survey. The proposed request is one of a series of entitlement endeavors, which are being pursued in order to implement the redevelopment vision contemplated for the site, and which also include the following:

1. A Small Scale Land Use Plan Amendment to allow a land use change from Open Space/Recreation to Mixed-Use Low Density land use designation;

2. A Zoning Map Amendment to allow a rezoning from the current PU (Public Use) zoning to PD (Planned Development) zoning; and
3. Possible designation of the site as a Brownfield Area under Section 376.80, Florida Statutes.

The map below shows an aerial view of the Claude Pepper Lakefill site along with the lot lines of the two (2) proposed parcels.



CONCLUSION

Staff has reviewed the proposed waiver of plat pursuant to Section 3-802 of the City's LDRs and is of the opinion that the plat is consistent with the goals, objectives and policies of the City's Comprehensive Plan and is in keeping with the purpose and intent of the City's LDRs. As such, staff requests that the Planning Commission recommends approval of the attached resolution approving the requested waiver of plat and forward to the City Council for final consideration, subject to the following conditions:

1. After Council approval and upon the filing of a request for County review, a signed copy of the resolution shall be delivered to Miami-Dade Plat Committee along with copies of the survey.
2. Upon approval by the County and prior to recordation, all the County's Plat Committee requirements shall be complied with within 60 days of the recommendation for approval by said Committee in order to avoid the rescission of the recommendation for approval of the waiver of plat;
3. Upon approval by the County's Plat Committee and prior to recordation, 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
4. Upon recordation of the approved waiver of plat and City resolution with the County Clerk, new folio numbers shall be requested from the Miami-Dade County Property Appraiser's Office.

NL/ tws

Attachments:

1. Proposed Resolution
2. Exhibit 1 – Survey

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the applicant, City of North Miami (“City” or “Applicant”) proposes to subdivide a parent tract totaling 13.66 acres generally located at 1525 NW 135th Street, into two separate lots (“Subject Property”), pursuant to Article 3, Division 8, Section 3-802 of the City Code of Ordinances, Land Development Regulations (“LDRs”) and Chapter 28 of the Miami-Dade County Code of Ordinances (“County Code”); and

WHEREAS, the Subject Property is to proposed to be subdivided into two separate parcels, accordingly : one parcel, consisting of 9.66 acres, to reflect the proposed rezoning from Public Use zoning to Planned Development zoning classification, and the second parcel, consisting of the remainder 4 acres, reflecting the current Public Use zoning classification; and

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

WHEREAS, the LDRs require the Planning Commission to review the proposed waiver of plat at a regularly scheduled public hearing, to ensure that it conforms with the LDRs and the City’s Comprehensive Plan; and

WHEREAS, on February 3, 2015, the Planning Commission conducted its review at a duly noticed public meeting and found that the Applicant’s proposed waiver of plat, conforms with the requirements of the LDRs and the City’s Comprehensive Plan, and thereby, recommended approval of the proposed waiver of plat to the Mayor and City Council; and

WHEREAS, the Mayor and City Council find that the waiver of plat, as proposed by the Planning Commission, is consistent with the requirements of the LDRs and with the City's Comprehensive Plan; and therefore, approve the waiver of plat as being in the best interest of the City.

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 a waiver of plat for the Claude Pepper Lakefill Site located at 1525 NW 135th Street, with Miami-Dade County Folio Number 06-2123-000-0050, in accordance with Article 3, Division 8, Section 3-802 of the City of North Miami Code of Ordinances, Land Development Regulations, attached hereto as "Exhibit 1".

Section 2. Authority of City Manager. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to do all things necessary to transmit the approved waiver of plat to Miami-Dade County Land Development Division for final county approval.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2015.

DR. SMITH JOSEPH
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 Dr. Smith Joseph	_____	(Yes)	_____	(No)
Vice Mayor Carol Keys, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

