



NORTH MIAMI PLANNING COMMISSION

AGENDA

Tuesday, April 2, 2013, 7:00PM

Council Chambers

776 NE 125th Street, North Miami, FL 33161

I. ASSEMBLY AND ORGANIZATION:

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

II. APPROVAL OF MINUTES: March 5, 2013

III. COMMUNICATIONS:

IV. CONTINUED PUBLIC HEARINGS:

PC 06-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONCEPTUAL MASTER DEVELOPMENT PLAN FOR TRACT A OF BISCAYNE LANDING PLAT, IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 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

V. PUBLIC HEARINGS:

PC 07-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A PORTION OF A CITY RIGHT OF WAY, ALONG NORTHEAST 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF APPROXIMATELY FIVE THOUSAND SEVEN HUNDRED AND THREE (5,703) SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE CONVEYANCE OF PROPERTY; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

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

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

MINUTES
NORTH MIAMI PLANNING COMMISSION
7:00 P.M.
Tuesday, March 5, 2013
COUNCIL CHAMBERS

The meeting was called to order at 7:20 p.m. After the pledge of allegiance, a roll call of the members was taken.

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

Staff was represented by:

Tanya Wilson-Sejour, City Planner
Roland Galdos, Deputy City Attorney
Arceli Redila, Board Secretary
Dunia Sanzetenea, Information Technology

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

II. Approval of Minutes:

The minutes of the January 17, 2013 special meeting were unanimously approved as presented. The motion was made by Commissioner Each, seconded by Commissioner Castor.

III. Continued Public Hearings: Parkview Villas

V. Public Hearings:

PC 01-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING TWENTY SEVEN (27) BONUS UNITS FROM OUTSIDE THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE PROPERTY KNOWN AS PARKVIEW VILLAS, GENERALLY LOCATED ON THE NORTH SIDE OF NORTHEAST

135TH STREET AT APPROXIMATELY FIVE THOUSAND TWO HUNDRED EIGHTY NINE FEET (5,289') EAST OF BISCAYNE BOULEVARD, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Ms. Tanya Wilson-Sejour from Community Planning and Development Department gave the staff report stating that staff is recommending approval of the proposed resolution and Conditional Use Permit requesting a transfer of twenty seven (27) bonus units from outside the Neighborhood Redevelopment Overlay (NRO) District secondary pool of one thousand (1000) floating residential units for the property known as Parkview Villas, generally located on the north side of Northeast 135th Street, approximately five thousand two hundred and eighty nine feet (5,289') east of Biscayne Boulevard and forward said conditional use permit to City Council for final consideration.

Back in 2007 through Policy 1.12.1 of the Comprehensive Plan established a primary pool of five thousand (5,000) floating residential units to encourage redevelopment in designated areas within the City. As such, the primary pool consisting of two thousand two hundred (2,200) floating residential units have been set aside for use within the Neighborhood Redevelopment Overlay ("NRO") District ("Primary Pool"); one thousand eight hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District.

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

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

Based on staff's analysis, staff is of the opinion that the proposed conditional use application is consistent with the requirements of Section 3-405 of the City's Land Development regulations and is compatible with the future land use goals objectives and policies identified in the City's adopted Comprehensive Plan. Therefore, staff recommends approval of the proposed resolution subject to the following conditions:

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

Manny Synalovski of 1800 Eller Drive Suite 500, Fort Lauderdale was representing the applicant 125 Biscayne, LLC, the same owner that previously intended to develop the fifteen (15) townhomes. Mr. Synalovski stated that they agree with staff's recommendation for approval along with the conditions for approval with the exceptions if possible, that they be allowed to have the flexibility to certify the project under the National Builders Association as opposed to just certifying it under the Florida Green Building Coalition.

Mr. Synalovski made a presentation to the Commission giving an overview of the proposed project. The site is 1.2 acres located on NE 135th Street less than a mile east of Biscayne Boulevard. It sits beside a multi-story apartment building immediately to the west, to the east are three story townhouses, to the north is the State preserve, and across the street is a significant median running down NE 135th Street, to the south are a number of buildings with significant height that fronts water.

He stated that they purposely moved the building as far to the west as possible in order to keep a hundred foot minimum separation between the building line to the property line of the immediate building west of the subject site. There will be no views to the east and west of the building. In addition to the setbacks, there will be a significant amount of buffer situated to the east and west of the property.

There will be a hundred parking spaces available with the majority of the parking spaces located under the building. Bicycle racks and bicycle parking areas will also be provided as the site connects to the existing bike paths on NE 135th Street.

Originally when the application was submitted, there were sixteen (16) one bedroom units. However, after meeting with the neighbors and based on their feedbacks, all the units were changed to two bedrooms / two baths. Every floor will have its own shared laundry facilities as

opposed to a stackable washer and dryer inside each unit. There is also an amenity area provided in each floor.

Public Discussion:

Carol Preger, a resident of Arch Creek East and currently the president of the Arch Creek Homeowners Association spoke against the item. However, she stated that she came as a resident and not as the president of Arch Creek Homeowners Association. She informed the Commission that the homeowners association did not have the opportunity to meet the second time to review the changes made to the plans after the initial meeting. A number of items have been addressed by the developer but the communal laundry on each floor caused a great deal of discussion among residents because this seemed to indicate a rental community rather than a condominium. She would like to get a copy of the declaration of condominium to ensure that this is certainly a condominium and not rental apartments. The additional hundred cars is also a great concern. Furthermore, she added that although this is a wonderful vision, but the community is concern on the impact that this development may cause to the already established neighborhood of Arch Creek East.

Commission Discussion

The Planning Commission reviewed the proposed resolution and engaged in a lengthy discussion regarding the potential impacts of the proposed project to the adjacent neighborhood. Although the Commission generally supported the proposed development, several concerns were expressed about the communal laundry, the additional hundred parking spaces that might potentially increase traffic, the language regarding rental apartments, and the proposed square footage of each unit. Mr. Synalovski, representing the applicant replied to the Commission's concerns stating that if the communal laundry is a problem, then they will put it back inside the units. The parking spaces provided was more than what the city required but a hundred parking spaces does not necessarily mean a hundred trips a day all at the same time. The language on rental apartment will be amended to reflect condominium consisting of 100% two bedrooms / two baths units. Additionally, a copy a declaration of condominium document once recorded will be made available for the community. This is going to be two bedrooms / two baths with 950 sq. ft., based on market and value analysis. They are ready and they would like to move forward.

The majority of the Commission members did not find any compelling reasons to deter the proposed project. The chair called for a motion with the following amendments: that development is going to be two bedrooms / two baths per condo unit; that the applicant would make themselves available to the community for another meeting with the caveat that certain issues may in good faith be resolved; that the applicant considers putting the washer and dryer inside every unit; that should the applicant choose to revamp and switch back to rental units, they need to come back before the commission; that the size of each unit shall be no less that 950 sq. ft.

The motion was made by Commissioner Each, seconded by Commissioner Castor. The Commission rendered a vote of 4-1 recommending approval of the proposed conditional use and resolution with amendments. The one (1) dissenting vote was cast by Commissioner Each.

---The Commission took a 10 minute recess---
The Commission reconvened at 8:55PM

PC 06-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONCEPTUAL MASTER DEVELOPMENT PLAN FOR TRACT A OF BISCAYNE LANDING PLAT, IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Ms. Tanya Wilson-Sejour from Community Planning and Development Department gave the staff report stating that staff is recommending approval and issuance of the proposed Conditional Use Permit for the Conceptual Master Development Plan with conditions for the Biscayne Landing Plat (subject development) in accordance with Article 3, Section 3-405 of the City's Land Development Regulations and forward said resolution to City Council for final consideration.

The subject development is a mixed use project proposed for master plan development on a 184 acre City owned site and former landfill, located on the southeastern quadrant of the intersection of NE 151 Street and Biscayne Boulevard. The site is currently zoned Planned Development (PD) with a land use of Mixed Use Medium (allowing a density of 40 dwelling units per acre) and is also located within the boundaries of the City's Regional Activity Center (RAC). The RAC is a State designated district, intended to encourage regionally significant developments that promote mass transit, bicycle paths and pedestrian connectivity within the vicinity of Florida International University (FIU), Oleta State Park and the Biscayne Boulevard corridor, in order to create an attractive, functionally integrated community that provides: living, working, shopping, educational and recreational opportunities.

On May 23, 2012, the Mayor and Council adopted Resolution number R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (the Developer) for the master development of the Biscayne Landing plat. As such, the agreement calls for a Conceptual Master Plan, which identifies all the proposed phases and uses of the development which includes a mix of: 4,315 residential units, 150 hotel rooms and 750,000 square feet of retail use, 9,880 square feet restaurant, 10,000 sq feet community center, 202,760 square feet auto mall, 7.2 acre active park and 43 acres of open space.

Additionally, consistent with the zoning requirements in Section 3-401.B of the City's LDRs, all Planned Developments are required to obtain a Conditional Use Permit to establish guidelines

and development standards (as established by the Council) for the implementation of the proposed development consistent with the terms of the executed Lease Agreement, and the LDRs. As such, in January 2013, the Developer filed an application with the Community Planning & Development Department requesting approval of the Conceptual Master Development Plan (Attached as Exhibit A), by virtue of the issuance of a Conditional Use Permit (Attached as Exhibit B) for the Biscayne Landing Site .

Based on our analysis, staff is of the opinion that the proposed Conceptual Master Plan and conditional use application is consistent with the requirements of Section 3-405 of the City's Land Development regulations and is compatible with the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore, staff is recommending approval of the attached resolution, subject to the following conditions:

1. Applicant shall comply with all conditions listed in Exhibit B, of the approved Conditional Use Permit.
2. Applicant shall coordinate with the City Attorney's office to amend the Lease Agreement dated May 29th, 2012 to replace "Exhibit B" with the approved Conceptual Master Development Plan.
3. Applicant shall submit draft Development Agreement to the Community Planning and Development Department outlining commitment to capital facilities planning to ensure the provision of adequate public facilities for the master development.
4. Submit an amended conditional use permit application and precise plan for each phase of the development in accordance with the City's zoning regulations.
5. Coordinate with City of North Miami Beach regarding gaining access via the proposed extension of NE 146 Street to Biscayne Boulevard since that portion lies inside the jurisdiction of the City of North Miami Beach.
6. Comply with utility recommendations of the City Engineer based on comments provided in the DRC report dated January 8, 2013 to ensure water and sewer lines are appropriately sized.
7. Bonding or financial guarantee. Prior to the issuance of a building permit, the applicant shall deposit with the department of community planning and development a cash bond, surety bond, or time-deposit bond in an amount equal to one hundred ten (110) percent of the estimated cost of any and all improvements which may be required within dedicated rights-of-way and/or public facility easements to insure the placing thereof.
8. Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development
9. Applicant agrees to provide a supplemental traffic analysis of NE 151 Street & Biscayne Blvd from 1:15pm to 3:15pm to accurately assess the currently failing intersection and work with all partners involved (FIU, County, FDOT, Miami Dade School District and City) to develop a fair share solution to resolve or alleviate the failing intersection.

10. Demand Management Program (DMP) – The applicant shall submit a Transportation Demand Management (TDM) Program to the City, for each “vertical construction” phase of development. Said Plan to be submitted also to Miami Dade Transit and Florida Department of Transportation in accordance with Policy 1.1.4 and 1.2.6 of the City’s Comprehensive Plan. The TDM program shall be appropriate to the size, scale and location of the proposed development and shall demonstrate that every effort will be made to ensure the proposed transportation strategies will reduce the traffic impacts anticipated from the proposed development. The DMP shall propose multi modal transportation alternatives such as connected sidewalks, bicycle parking, transit facilities for bus/shuttle stops and carpooling to alleviate the added traffic anticipated from the site.
11. Prior to submittal of each conditional use permit for individual phases, the applicant shall provide an updated traffic analysis to the Director of Community Planning & Development with proposed mitigation strategies to alleviate the anticipated impacts.
12. Traffic Impact Analysis - Applicant must comply with recommendations provided by contract engineers with Kittleson and Associates dated January 22, 2013.
13. Within 30 days of Council adoption work with City staff to establish a Brownfield program and explore possible tax credit opportunities that may be available.
14. School Impact Report– Applicant shall work with the City and with the Miami Dade County School District to obtain an updated report based on the new unit mix and overall unit count since classroom seats and area schools are reserved based on a given student generation number.
15. Comply with all requirements stipulated in City’s executed lease agreements.

Herbert Tillman, executive officer of the Oleta Partners located at 15045 Biscayne Boulevard, was present along with their master plan architects represented by Todd Meyer of SWA Group from Houston, Texas. Mr. Meyer made a powerpoint presentation to the Commission describing the proposed project. There are three basic areas of the site, to the south end is predominantly commercial in a retail format with surface parking, the center of the site will consist of multi-family residential buildings with open spaces, and to the north end is an auto mall with a couple of pad sites for restaurants. In terms of land uses, one of the things being considered is a select service hotel to the west and a community center. In addition, there are 7.2 acres of Active Park that will be dedicated to the city as a part of the development.

Public Discussion:

Carol Keys, a resident of 12550 Palm Road spoke against the proposed resolution. This is a big issue. There is a discrepancy with the auto mall. This is not what was presented when the deal was made. There should have been a community workshop before the Planning Commission.

Carol Preger, a resident of 2509 NE 135th Street spoke against the proposed resolution stating this is an assault to her sensibilities. She cannot believe that staff would even entertain this proposal.

Kevin Burns, a resident of 2065 Alamanda Drive spoke against the proposed resolution. He stated that he knows the ins and outs on this particular development. He cannot be accused of being anti-development. But he is disappointed and saddened that a plan of this childish nature would even make it to the Planning Commission. There should have been a community meeting before the Planning Commission. It would have been better if a Florida based architectural firm participated in the design process. If the city wanted an auto mall, surface parking, industrial zone on this property, the city could have done it several years ago. He stated that this is an atrocious plan and he urged the Commission to let the developer come back with a better plan, a real plan that North Miami can be proud of.

Sergio Silvestre, a resident of 14951 Royal Oaks Lane also spoke against the proposed resolution. He stated that he is one of the original owners of the Oaks. He is disappointed that the developers are proposing to build a car lot in front of the Oaks. He did not know anything about it because the developers did not consult the homeowners association of the Oaks. The city should take the Oaks into consideration before making a decision.

Mr. Tillman responded to the public comments and informed the Commission that they have done several community workshops throughout the negotiations process on this project and that they are not opposed to another community workshop. The one substantial addition to this development was the auto mall. It was something that was picked up during the negotiations of the lease because there was an interest from the auto dealers. Right now they are not ready to start building anything residential until they see a better turn in the market, depending on what the market will support. The massing plan shown is not a detailed description of the proposed residential buildings or an indication as to whether it is going to be rental or condo. It certainly does not show any inferior products. There is no significant change to the retail component this was presented to the community from the beginning.

Commission Discussion:

The Planning Commission reviewed the proposed resolution and engaged in a lengthy discussion. They echoed similar concerns as those mentioned by the residents during the public hearing. The Commission raised several issues including: the absence of the amenities that were promised to The Oaks development, the high-end condominium, the four star hotel, the assisted living facility, the local public school that is already 140% over capacity, and most of all the lack of creativity in architecture and building design. The commission expressed unanimous sentiments; they are incredibly disappointed with what was being presented before them. The proposed design lacks vision, it lacks grassroots commitment, and it fails to address community standards. As such, the Commission unanimously agreed to continue the item until the applicant is ready to present a better plan and met with the community for public input. The motion was made by Commission Each, seconded by Commissioner Schwartzbaum.

VI. Committee Reports: None

VII. Old Business: None

VIII. New Business: None

IX. Communications: None

X. Adjournment:

There being no further business to come before the Planning Commission, the meeting adjourned at 10:58 p.m.

Respectfully submitted:

Attest:

Commissioner Kevin Seifried, Chair
Planning Commission

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

Prepared by:

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

MIAMI DAILY BUSINESS REVIEW

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

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

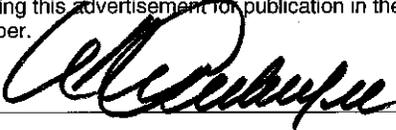
Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida;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

CITY OF NORTH MIAMI - NORTH MIAMI PLANNING
COMMISSION AGENDA FOR APRIL 2, 2013

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

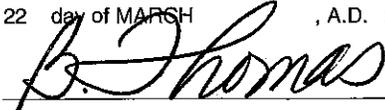
03/22/2013

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



Sworn to and subscribed before me this

22 day of MARCH, A.D. 2013



(SEAL)

O.V. FERBEYRE personally known to me



NORTH MIAMI

NORTH MIAMI PLANNING COMMISSION AGENDA TUESDAY, APRIL 2, 2013, 7:00PM COUNCIL CHAMBERS 776 NE 125TH STREET, NORTH MIAMI, FL 33161

I. ASSEMBLY AND ORGANIZATION:

- Call to Order
- Pledge of Allegiance
- Roll Call of Board Members
- Amendments to the Agenda

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III. COMMUNICATIONS:

IV. CONTINUED PUBLIC HEARINGS:

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- Staff Report
- Commission Action

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- Staff Report
- Commission Action

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

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

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

Date: April 2, 2013
To: Planning Commission
From: Maxine Calloway, Director, Community Planning & Development
Re: Biscayne Landing Conceptual Master Plan Map & Conditional Use Permit

TC For Maxine Calloway

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONCEPTUAL MASTER DEVELOPMENT PLAN FOR TRACT A OF BISCAYNE LANDING PLAT, IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the Planning Commission recommends approval and issuance of the proposed Conditional Use Permit for the Conceptual Master Development Plan Map with conditions for the Biscayne Landing Plat (subject development) in accordance with Article 3, Section 3-405 of the City's Land Development Regulations (LDR) and forward said Resolution to City Council for final consideration.

PURPOSE & INTENT

On May 23, 2012, the Mayor and Council of the City of North Miami adopted Resolution R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (the Developer) for the master development of the Biscayne Landing plat, consisting of approximately 184 acres in size. Section 7.1 of the executed agreement references a conceptual master plan map (Concept Plan) which serves as a "general guideline for development on the premises" and identifies future phases, timing and location of permitted uses contemplated as part of the project (Attached as Exhibit A).

As indicated in Section 7.1 of the Lease Agreement "the location and boundaries shall not be changed without written consent of the landlord (i.e. the City)". Additionally, pursuant to Section 3-401.B of the City's Land Development Regulations, all Planned Developments are required to obtain a Conditional Use Permit with specific guidelines and development standards (as established by City Council) for the implementation of the proposed development, consistent with the terms of the executed Lease Agreement. As such, in January 2013, the Developer filed an application with the Community Planning & Development Department requesting approval of the Conceptual Master Development Plan (which was subsequently revised as depicted in Fig 1 below), by virtue of the issuance of a Conditional Use Permit (Attached as Exhibit B) for the Biscayne Landing Site. The proposed master plan was reviewed by the City's Development Review

Committee which issued a recommendation of conditional approval with comments from various City departments.

Fig 1. Proposed Conceptual Master Plan Map (Attached as Exhibit C)



Development Summary

The subject mixed use development is a proposed master plan project on a 184 acre City owned site and former landfill, located on the southeastern quadrant of the intersection of NE 151 Street and Biscayne Boulevard. The site is currently zoned Planned Development (PD) with a land use of Mixed Use Medium (allowing a density of 40 dwelling units per acre) and is also located within the boundaries of the City’s Regional Activity Center(RAC). The RAC is a State designated district, intended to encourage regionally significant developments that promote mass transit, bicycle paths and pedestrian connectivity within the vicinity of Florida International University (FIU), Oleta State Park and the Biscayne Boulevard corridor, *in order to create an attractive, functionally integrated community that provides: living, working, shopping, educational and recreational opportunities.*

As such, the executed lease agreement calls for a Conceptual Master Plan, which identifies all the proposed phases and uses of **the development which includes a mix of:** 4,315 residential units (including 560 units as part of a proposed assisted/independent living facility), 150 hotel rooms, and 1,172,256 square feet of

commercial/retail use (including 377,940 square feet auto mall space) 10,000 square feet community center, 7.2 acre active park and 43 acres of open space.

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

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

The proposed master development plan and conditional use request is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 1.13.12 that promotes redevelopment efforts within Regional Activity Center (RAC) that "promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities. In addition, the land use designation and the uses proposed are consistent with those allowed under the Mixed Use Land Use category of the Comprehensive Plan.

2. The application is in compliance with the district regulations applicable to the proposed development, including the bonus provisions in section 4-405, if applicable;

The proposed application does not include a request for bonus units. As proposed the Master Plan & Conditional Use Permit are in compliance with the land use, Planned Development, and RAC District regulations.

3. The application is consistent with the applicable development standards in these LDRs;

Based on the information provided staff believes the proposed development is in compliance with the development standards outlined in the LDRs. In addition, the City Council will apply those development standards not established by the LDRs through the Conditional Use Permit process.

4. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use or adequate mitigation is provided;

The applicant provided a traffic report dated February 25, 2013 which indicates that the proposed development is anticipated to generate 2929 AM and 3718 PM trips. Based on the traffic report findings, there are concerns regarding the operational efficiency of the signals at US-1 and NE 151 Street, Royal Oak Lane and NE 143 Street. It is therefore recommended that these areas be further assessed and mitigation strategies be developed in an effort to provide adequate access and mobility for residents, customers and visitors. Staff is particularly concerned about the intersection of NE 151 Street and Biscayne Boulevard which is currently operating at a Level of Service (LOS) F, and is collectively used by commuters to the North Miami Stadium, FIU, David Lawrence Elementary and Alonzo & Tracy Mourning High School. Staff is therefore requesting that the applicant propose multi modal transportation alternatives such as bicycle parking, public transportation and carpooling to alleviate the added traffic anticipated from the site.

5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.

A 373 unit residential multifamily development known as *The Oaks* currently abuts the northeast corner of the site and serves as the only new residential development created within the RAC since its establishment in 2003. The site also abuts several elementary through tertiary level educational facilities. It should be noted that based on a recent school concurrency analysis conducted by the Miami Dade County Public Schools (MDCPS), the K-12 boundary schools do not have sufficient capacity to accommodate the proposed development. As such, the analysis indicates that the proposed development does not meet school concurrency level of service standards and will require mitigation in order to accommodate the additional capacity anticipated from the new residential units planned for the site.

Staff believes the proposed mixed use development is a suitable complement to the adjacent recreational uses with regional centers at neighboring FIU Biscayne Bay Campus, Kovens Center and Oleta State Park. However adequate ongoing dialog is needed between the developer and the adjacent residential development (*The Oaks*) as well as MDCPS in order to identify appropriate mitigation strategies to alleviate any adverse impacts from the proposed development.

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

At 184 acres and situated on two major corridors, staff believes the subject parcel is suitable in size and shape to accommodate the proposed mixed use development.

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

With the majority of the City's housing stock being over 40 years old, the proposed development will make way for the first major mixed use redevelopment project to occur along the Biscayne Boulevard corridor in many years. As proposed, the redevelopment of the currently vacant site is anticipated to generate major fiscal and economic benefits to the adjacent properties as well as the City and the Region. As indicated in the Market and Economic Impact Report prepared by FOCUS Real Estate Advisors dated February 2013, "*the proposed community parks, new high end residential units, open space amenities, retail component coupled with the auto dealership, and new hotel facility will represent a critical mass with strong regional drawing power that is likely to attract other development interest to the area.*"

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

As proposed the future development is not anticipated to adversely impact the public health, safety and general welfare of the community. In fact based on the findings of the Economic Impact Report referenced in the preceding section the proposed development is anticipated to create the following positive City and Regional fiscal impacts:

Figure 1 -

| | |
|---|---|
| <p>FISCAL BENEFITS City of North Miami:</p> <p>Non- Recurring</p> <ol style="list-style-type: none"> 1. \$15,060,900 in Impact Fees 2. \$6,667,700 in Building Permit Fees 3. \$194,800 in Zoning Services Fees 4. \$273,900 for Occupancy Certificates 5. \$25.3 million in Lease transaction fees and City reimbursements (\$17.5 million plus \$7.8 million for initial rent, tax and other City cost reimbursements) 6. \$6,650,000 Community Parks and Community Center Facilities | <p>Recurring</p> <ol style="list-style-type: none"> 1. Lease Payments <ol style="list-style-type: none"> a. Annual - \$1,500,000 (increasing each ten year period of the Lease) b. Total 99 year lease term - \$226,950,000 2. Participation Rent <ul style="list-style-type: none"> Residential Sales/Rentals (2016-2022) - \$1,190,000 Retail Big Box Subleases (2014) - \$268,800 Hotel Sublease (2016) - \$88,200 Auto Dealership Sublease (2015) - \$2,825,300 3. Park and Community Center maintenance <ol style="list-style-type: none"> a. Park maintenance - \$140,000 per year b. Community Center - \$40,000 per year/two full-time employees 4. Ad Valorem Taxes (City of North Miami portion – General Fund and CRA) <ol style="list-style-type: none"> a. Annual, upon Project completion - \$7.7 million b. Total 99 year Lease term - \$744.2 million 5. Ad Valorem Taxes (Other jurisdictions/authorities (i.e. County, School Board, Children’s Trust, S.F.W.M District) <ol style="list-style-type: none"> a. Annual, upon Project completion - \$16.3 million b. Total 99 year Lease term - \$1.6 billion 6. Increased business and occupational license fees |
| <p>ESTIMATED ECONOMIC BENEFITS</p> <p>Non-Recurring</p> <ol style="list-style-type: none"> 1. \$966.5 million in construction-related expenditures within Miami-Dade County 2. Construction labor expenditures equivalent to annual wages of \$386.6 million 3. 8,370 full-time equivalent jobs (development/construction related) | <p>Recurring</p> <ol style="list-style-type: none"> 1. \$266.2 million annually in on-site retail sales 2. 2,850 on-site permanent jobs with annual wages and salaries of approximately \$85.2 million 3. \$81 million in resident retail and services expenditures 4. \$8.2 million in tourist expenditures |

To that end, staff believes the proposed development not only provides economic but also environmental benefits as it represents a great example of how an environmentally challenged site can be remediated and transformed into an economically viable site.

9. The design of the use creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development; and

Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or an alternate City approved green standards as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a LEED or similar designation mixed use project with energy saving fixtures to sustainably reduce the water and energy consumption of the future development.

10. Flexibility in regard to development standards is justified by the benefits to community character and the immediate vicinity of the parcel proposed for development.

As a PD zoned site, the project is entitled to greater flexibility in the development standards than all other zoning districts. As it is evident from the economic impact report that that the anticipated benefits far outweigh the expected costs to the community or the City. Staff believes the flexibility in standards is necessary for the successful development of the site.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed Conceptual Master Plan and conditional use application is consistent with the requirements of Section 3-405 of the City's Land Development regulations and is compatible with the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department requests that the Planning Commission recommend approval of the attached resolution, subject to the following conditions:

1. Applicant shall comply with all conditions listed in Exhibit B, of the approved Conditional Use Permit.
2. Applicant shall coordinate with the City Attorney's office to amend the Lease Agreement dated May 29th, 2012 to replace the existing Conceptual master Plan Map "Exhibit B" with the newly approved Conceptual Master Development Plan.
3. Applicant shall submit draft Development Agreement to the Community Planning and Development Department outlining commitment to capital facilities planning to ensure the provision of adequate public facilities for the master development.
4. Submit an amended conditional use permit application and precise plan for each future phase of the development showing detailed site layout, building architecture, massing, elevations in accordance with the City's zoning regulations.
5. Coordinate with City of North Miami Beach regarding gaining access via the proposed extension of NE 146 Street to Biscayne Boulevard since that portion lies inside the jurisdiction of the City of North Miami Beach.
6. Comply with utility recommendations of the City Engineer based on comments provided in the DRC report dated January 8, 2013 to ensure water and sewer lines are appropriately sized.
7. Bonding or financial guarantee. Prior to the issuance of a building permit, the applicant shall deposit with the department of community planning and development a cash bond, surety bond, or time-deposit bond in an amount equal to one hundred ten (110) percent of the estimated cost of any and all improvements which may be required within dedicated rights-of-way and/or public

- facility easements to insure the placing thereof.
8. Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development
 9. Applicant agrees to provide a supplemental traffic analysis of NE 151 Street & Biscayne Blvd from 1:15pm to 3:15pm to accurately assess the currently failing intersection and work with all partners involved (FIU, County, FDOT, Miami Dade School District and City) to develop a proportionate fair share solution to resolve or alleviate the failing intersection.
 10. Demand Management Program (DMP) – The applicant shall submit a Transportation Demand Management (TDM) Program to the City, for each “vertical construction” phase of development. Said plan to be submitted also to Miami Dade Transit and Florida Department of Transportation in accordance with Policy 1.1.4 and 1.2.6 of the City’s Comprehensive Plan. The TDM program shall be appropriate to the size, scale and location of the proposed development and shall demonstrate that every effort will be made to ensure the proposed transportation strategies will reduce the traffic impacts anticipated from the proposed development. The DMP shall propose multi modal transportation alternatives such as connected sidewalks, bicycle parking, transit facilities for bus/shuttle stops and carpooling to alleviate the added traffic anticipated from the site.
 11. Prior to submittal of each conditional use permit for individual phases, the applicant shall provide an updated traffic analysis to the Director of Community Planning & Development with proposed mitigation strategies to alleviate the anticipated impacts.
 12. Traffic Impact Analysis - Applicant must comply with recommendations provided by contract engineers with Kittleson and Associates dated January 22, 2013.
 13. Within 45 days of Council adoption work with City staff to establish a Brownfield program and explore possible tax credit opportunities that may be available.
 14. School Impact Report– Miami Dade County Public School concurrency analysis indicates that the proposed development does not meet school concurrency Level of Service (LOS) Standards. As such the applicant is strongly encouraged to identify property within the development for the construction of a school to accommodate the additional student capacity anticipated from the proposed development and minimize further impacts to the already overcrowded K-12 MDCPS adjacent to the proposed site. The applicant agrees to meet with City and the Miami Dade County School District Staff to discuss the appropriate mitigation needed to satisfy school concurrency requirements.
 15. Comply with all requirements stipulated in City’s executed lease agreements.

TWS/mc

- Attachments:
1. Proposed Resolution
 2. Existing Conceptual Master Plan Map (Exhibit A)
 3. Conditional Use Permit (Exhibit B)
 4. Proposed Master Plan Map (Exhibit C)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONCEPTUAL MASTER DEVELOPMENT PLAN FOR TRACT A OF BISCAYNE LANDING PLAT, IN ACCORDANCE WITH ARTICLE 3, SECTION 3-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on May 23, 2012, the Mayor and Council of the City of North Miami (“City”) passed and adopted Resolution Number R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (“Developer”), for the master development of real property consisting of approximately 183.8 acres of land known as “Biscayne Landing”, as legally described in “Exhibit C”, attached hereto (“Development”); and

WHEREAS, the Developer filed an application with the Community Planning & Development Department requesting issuance of a Conditional Use Permit and approval of the Conceptual Master Development Plan for the Development, pursuant to the requirements of Article 3, Division 4 of the City Land Development Regulations (“LDRs”); and

WHEREAS, the proposed Conceptual Master Development Plan includes a mixture of residential, hotel, community facility/open space, assisted/independent living and commercial uses; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on March 5, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and LDRs, and recommended approval of the Conditional Use Permit and Conceptual Master Development Plan, to the Mayor and City Council; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that

the proposed requests are in the best interest of the City and will not adversely affect the health, safety, and welfare of residents; and thereby, approve the issuance of the Conditional Use Permit in conjunction with the Conceptual Master Development Plan.

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

Section 1. Approval of Conceptual Master Development Plan. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conceptual Master Development Plan Map as described in “Exhibit C”, attached hereto.

Section 2. Issuance of Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve and issue a Conditional Use Permit, in substantially the attached form.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

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

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

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

EXHIBIT B

CONDITIONAL USE PERMIT FOR THE BISCAYNE LANDING CONCEPTUAL MASTER DEVELOPMENT PLAN.

WHEREAS, City is the owner of the real property more particularly described in the legal description contained in Exhibit “C” (the “Property”); and

WHEREAS, on May 23, 2012, the Mayor and Council of the City of North Miami (“City”) passed and adopted Resolution Number R-2012-67, authorizing the execution of a Lease Agreement between the City and Oleta Partners, LLC (“Developer”), for the master development of said real property consisting of approximately 183.8 acres of land known as “Biscayne Landing”; and

WHEREAS, the Developer filed an application with the Community Planning & Development Department requesting issuance and approval of a Conditional Use Permit for the Conceptual Master Development Plan for the Development, pursuant to the requirements of Article 3, Division 4 of the City Land Development Regulations (“LDRs”); and

WHEREAS, the proposed Conceptual Master Development Plan includes a mixture of residential, hotel, community/open space, and commercial uses; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on March 5, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and LDRs, and recommended the issuance and approval of the Conditional Use Permit and Conceptual Master Development Plan, to the Mayor and City Council; and

WHEREAS, the Mayor and Council of the City of North Miami have determined that the proposed requests are in the best interest of the City and will not adversely affect the health, safety, and welfare of residents; and thereby, approve the issuance of the Conditional Use Permit in conjunction with the Conceptual Master Development Plan

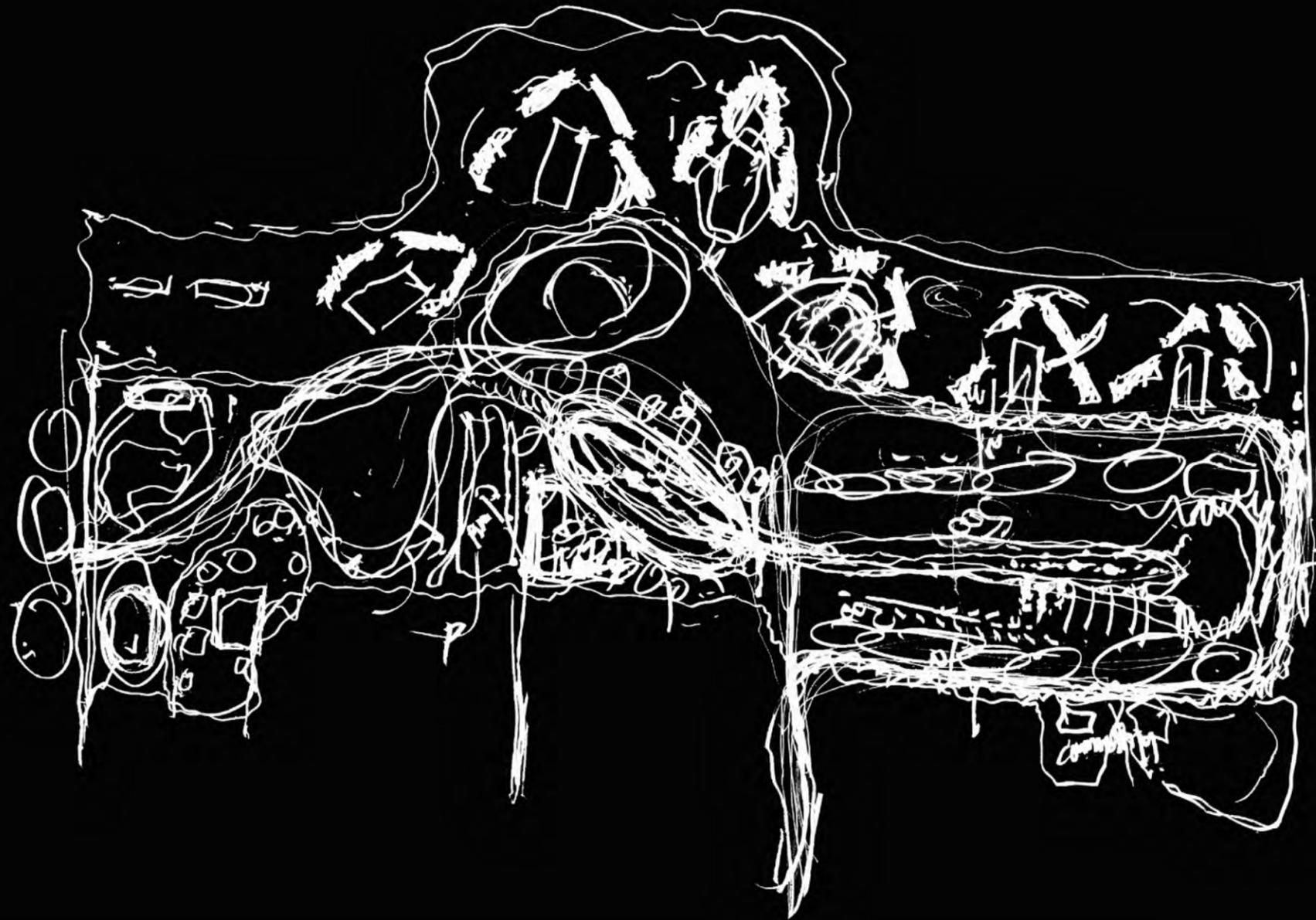
NOW, THEREFORE, the Mayor and City Council hereby approve this Conditional Use Permit, along with the following findings and conditions:

1. Submit an amended conditional use permit application and precise plan for each phase of the development in accordance with the City's zoning regulations.
2. Developer agrees that all plans submitted to the Building Division for building permits shall be consistent with the spirit and intent of the Approved Conceptual Master Development Plan.
3. That the overall Development Master Plan for the site is approved for the following uses:
 - 4,315 residential units
 - Minimum of 3 star hotel containing 150 hotel rooms (equivalent to 75 units)
 - 750,000 square feet of retail use
 - 9,880 square feet restaurant
 - 10,000 square feet community center
 - 202,760 square feet auto mall
 - 7.2 acre active park

- 13.7 acre passive park
 - No less than 35.7 acres of open space
4. The Developer agrees to apply and diligently pursue permits from the County and (FDOT) Florida Department of Transportation for improvements of 143rd Street and Biscayne Landing Boulevard. At such time as the County may approve, the Developer will construct the improvements at its own cost and expense.
 5. Comply with the City's development standards, with particular emphasis on Article 4, Section 4-402 (Planned development) and Article 5, Division 12 (Landscaping), Division 14 (Parking & Parking Garage Standards) and Division 15 (Signage) of the LDR.
 6. Bonding or financial guarantee. Prior to the issuance of a building permit, the applicant shall deposit with the Department Of Community Planning And Development a cash bond, surety bond, or time-deposit bond in an amount equal to one hundred ten (110) percent of the estimated cost of any and all improvements which may be required within dedicated rights-of-way and/or public facility easements to ensure the placing thereof.
 7. **The Conditional Use Permit for Conceptual Master Development Plan shall be developed substantially in accordance with the following development standards.**
 - A. Setbacks
 1. Minimum 30' setback from property lines to buildings of 2 stories or less;
 2. Minimum 45' setback from property lines to buildings of more than 2 stories.
 - B. Building Height:
 1. Maximum of 25 residential stories above grade at building entrance or above provided parking decks;
 2. Parking garages with 6 parking levels elevated above grade and amenity decks and building above parking.
 - C. Fences:
 1. A combination of hedges, walls and fences will be used in combination with landscape material to create a gated, secure environment. Specific perimeter treatments will be provided prior to obtaining building permits.
 - D. Hedges and Walls:
 1. A combination of hedges, walls and fences will be utilized. All final colors and finishes will be provided for the City of North Miami review and approval prior to obtaining building permits.
 - E. Signs:
 1. A series of signage elements will be included for project identity, wayfinding and neighborhood identity subject to Article 5, Division 15 Section 5-1506 of the City's LDRs. Specific signage treatments will be provided prior to obtaining building permits. .
 2. A comprehensive Signage Program shall be developed for the entire project site subject to the administrative approval of the City's Community Planning & Development Department.

- F. Lighting:
1. Exterior lighting to be included that is consistent with the City of North Miami code.
- G. Bike & Pedestrian Circulation:
1. Promenades and public spaces adjacent to a street and transit stops should be welcoming to the pedestrian with landscaping, benches, bicycle parking, public art and other attractive features.
 2. Roadways should be designed to maximize bicycle, pedestrian and transit connections, internally and to adjacent or nearby compatible schools or developments, by allowing movement in any direction to minimize travel distance. Sidewalks shall be provided on both sides of NE 143rd Street.
 3. All bicycle parking facilities should be placed in areas that are well-lighted and such spaces should be identified with a permanent and properly maintained aboveground "Bicycle Parking" sign.
- H. Open Space:
1. Open Space within the site will take on a series of roles, including passive and active recreation areas, landscape, and retention. The public open space will include a pedestrian pathway to accommodate multiple modes of recreation.
- I. Grading and Drainage:
1. All Grading and Drainage for the site shall adhere to the Standards and Regulations of the Miami-Dade County Department of Environmental Resources Management (DERM), South Florida Water Management District (SFWMD), and the City of North Miami.
- J. Sanitation:
1. Solid Waste amounts will be calculated based on the city of North Miami's generation rates.
- K. That Developer shall comply with minimum parking requirements as determined at each subsequent phase of the master development plan submittals consistent with the City's parking standards established in Article 5, Division 14 of the LDRs.
- L. Public Utilities:
1. Design and installation of water lines, force mains and lift stations shall be in compliance with the Code of Ordinances of the City of North Miami. Design and installation shall meet the criteria, set forth by the Florida Department of Environmental Protection (FDEP), DERM and the Miami-Dade County Health Department.
- M. Common Area:
1. Common areas within the private development will match the character set forth by the individual development. These areas will provide aesthetic and functional qualities to the development.

- N. Landscaping:
1. The intent of the landscaping is to provide the site with a "natural" look throughout the majority of the site. It is the intention to create only pockets of formal planting at the main entrance and focal points throughout the project. Subsequently plant spacing, heights, and massing will be irregular to achieve this effect.
- O. Construction Phasing: Shall be consistent with the approved phasing schedule as referenced in Section 5.5 of the approved Master Development Plan
- P. All ground level and roof top mechanical equipment will be enclosed or obscured from public view at ground level and at roof level
- Q. Parking shall be in compliance with City's Parking requirements outlined in Article 5, Division 14.
- R. All utility construction and vehicle/pedestrian paths construction shall be coordinated through the of Director of City's Public Works Department
- S. Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development
- T. Applicant agrees to provide a supplemental traffic analysis of NE 151 Street & Biscayne Blvd from 1:15 to 3:15pm to accurately assess the currently failing intersection and work with all partners involved (FIU, County, FDOT, Miami Dade School District and City) to develop a fair share solution to resolve or alleviate the failing intersection.
- U. Demand Management Program (DMP) – The applicant shall submit a Transportation Demand Management (TDM) Program for each phase of “vertical” construction to the City, Miami Dade Transit and Florida Department of Transportation in accordance with Policy 1.2.6 of the City's Comprehensive Plan. The TDM program shall be appropriate to the size, scale and location of the proposed development and shall demonstrate that every effort will be made to ensure the proposed transportation strategies will reduce the traffic impacts anticipated from the proposed development. The DMP shall propose multi modal transportation alternatives such as connected sidewalks, bicycle parking, public transportation and carpooling to alleviate the added traffic anticipated from the site.
- V. The applicant shall propose transportation mitigation strategies in accordance with the requirements of Policy 1.1.4 of the City's Comprehensive Plan to alleviate any additional traffic impacts that will be generated by the proposed development.
- W. Prior to submittal of each amended conditional use permit application for individual phases, the applicant shall provide an updated traffic analysis to the Director of Community Planning & Development with proposed mitigation strategies to alleviate the anticipated impacts.
- X. Traffic Impact Analysis - Applicant must comply with recommendations provided by contract engineers with Kittleson and Associates dated January 22, 2013.



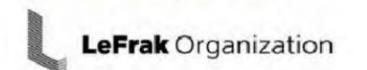
OLETA PARTNERS



DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

NORTH MIAMI, FL - MARCH 2013



TRACT "A" of BISCAYNE LANDING, according to plat thereof, as recorded in PI at Book 161, at Page 72, of the Public Records of Miami-Dade County, Florida, lying in Section 21, Township 52 north, Range 42 East, less (LESS OUT PARCEL "A"), and less (LESS OUT PARCEL "B"), also known as that piece of land depicted on "THE OAKS I CONDOMINIUMS" recorded in Official Records Books 25427 at page 4674 of the Public Records of Miami-Dade County, Florida, said LESS OUT parcels being more particularly described as follows:

LESS OUT PARCEL "A": Commence at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 21, Township 52 South, Range 42 East, the same being the Northeast Corner of said Tract "A" of BISCAYNE LANDING; thence South 87°02'55"West along the North boundary line of said Tract "A" of BISCAYNE LANDING, and along the NORTH line of the Northeast 1/4 of said Section 21, and along the South Right of Way Line of N.E.151st Street for a distance of 396.01 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence along the boundary of The Oaks Condominium as described in Official Record Book 25427 at page 4613 of the Public records of Miami-Dade County, Florida for the following (4) courses; (1) thence South 03°17'25" East for a distance of 177.81 feet to a point on the West line of the NE 1/4 of the NE 1/4 of said Section 21, also being the East line of said Tract "A"; thence South 02°55'05"East along said line for a distance of 252.90 feet; thence South 87°09'14"West for a distance of 501.91 feet to a point on a circular curve concave to the west whose radius point bears North 82°36'35"West from said point; thence Northwesterly to the left along the arc of said curve having a radius of 352.64 feet, through a central angle of 23°27'40" for an arc distance of 144.40 feet; thence North 78°35'03"East for 122.19 feet to a point on a circular curve concave to the Southeast whose radius point bears North 85°51'34"East from said point; thence North 34°14'03"East for 70.48 feet; thence North 51°25'22"West for 70.73 feet; thence North 43°42'31"West for 108.81 feet to a point of curvature with a circular curve concave to the east; thence Northeasterly to the right along the arc of said curve having a radius of 60.00 feet, through a central angle of 72°52'56" for an arc distance of 76.32 feet to a point of reverse curvature with a circular curve concave to the northwest; thence Northeasterly to the left along the arc of said curve having a radius of 25.00 feet, through a central angle of 31°32'21" for an arc distance of 13.76 feet to a point of tangency; thence North 02°21'55"West for a distance of 173.92 feet to a point of curvature with a circular curve concave to the southwest; thence Northwesterly to the left along the arc of said curve having a radius of 125.00 feet, through a central angle of 78°55'58" for an arc distance of 172.20 feet; thence North 02°57'01"West for a distance of 138.00 feet to a point on the North boundary line of said Tract "A" of BISCAYNE LANDING, and also being to the North line of the Northeast 1/4 of said Section 21, and also being to the South Right of Way Line of said N.E. 151st Street; thence North 87°02'55"East along said North boundary line of said Tract "A" of BISCAYNE LANDING, and along said North line of the Northeast 1/4 of said Section 21, and along said South Right of Way Line of N.E. 151st Street for a distance of 149.64 feet to the POINT OF BEGINNING; Said parcel contains 4.33 acres, more or less.

AND

LESS OUT PARCEL "B": Beginning at the most Northeasterly Corner of said Tract "A" of "BISCAYNE LANDING", said point being further described as being the Northeast Corner of the West 1/2 the Northeast 1/4 of Section 21, Township 52 South, Range 42 East; thence South 02°55'05"East, along the East Line of said Tract "A", a distance of 677.06 feet; thence North 83°13'18"West, a distance of 177.81 feet; thence North 27°35'03"West, a distance of 138.47 feet; thence South 86°42'35"West, a distance of 159.56 feet; thence North 03°17'25"West, a distance of 522.10 feet to a point on the North Line of said Tract "A"; thence North 87°02'55"East, along said North Line, a distance of 396.01 feet to the POINT OF BEGINNING. Said parcel contains 5.37 acres, more or less.



DEVELOPMENT PLAN
BIBA - BISCAYNE LANDING
 NORTH MIAMI, FL





OLETA PARTNERS

DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

NORTH MIAMI, FL





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DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

NORTH MIAMI, FL





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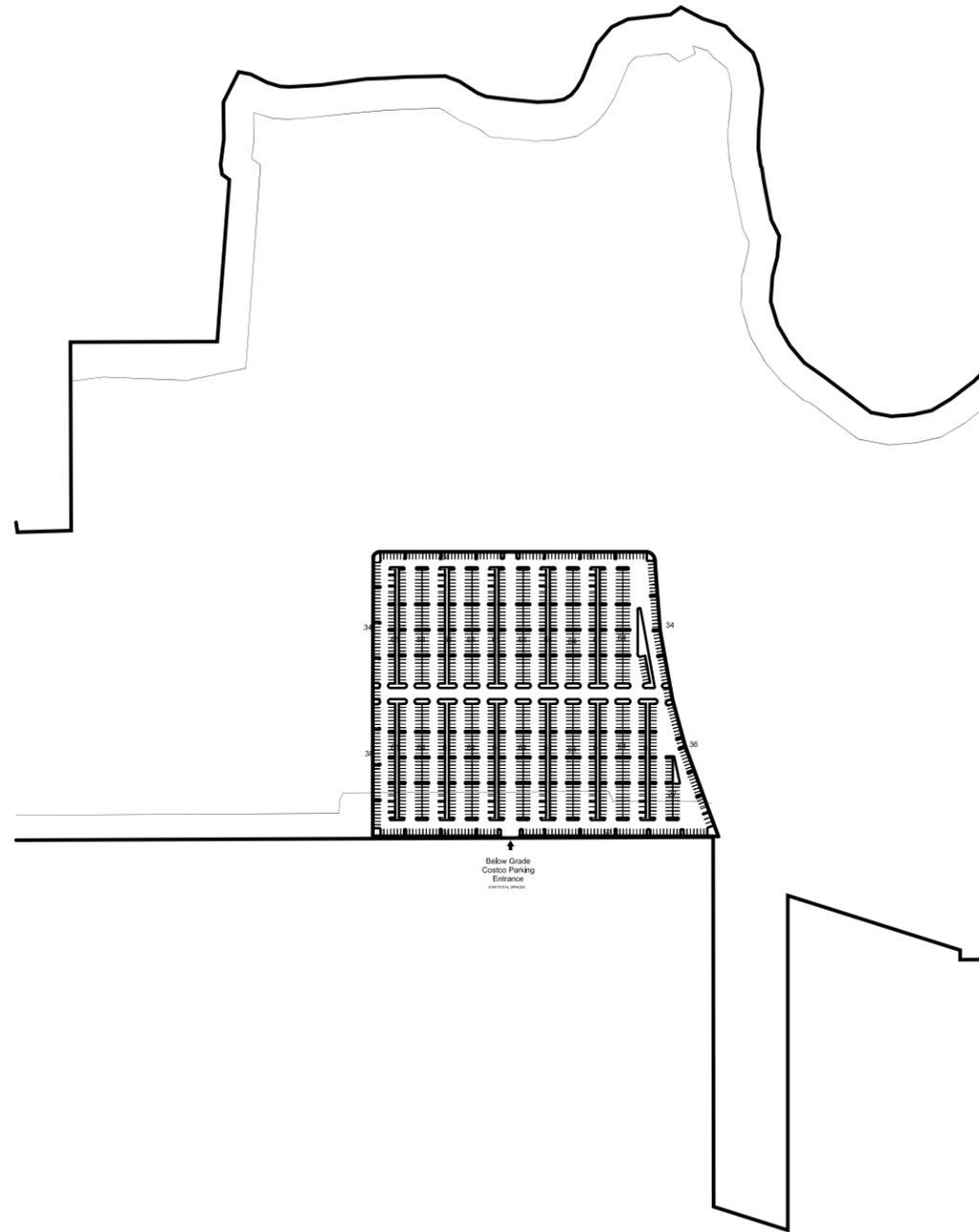
SWERDLOW GROUP



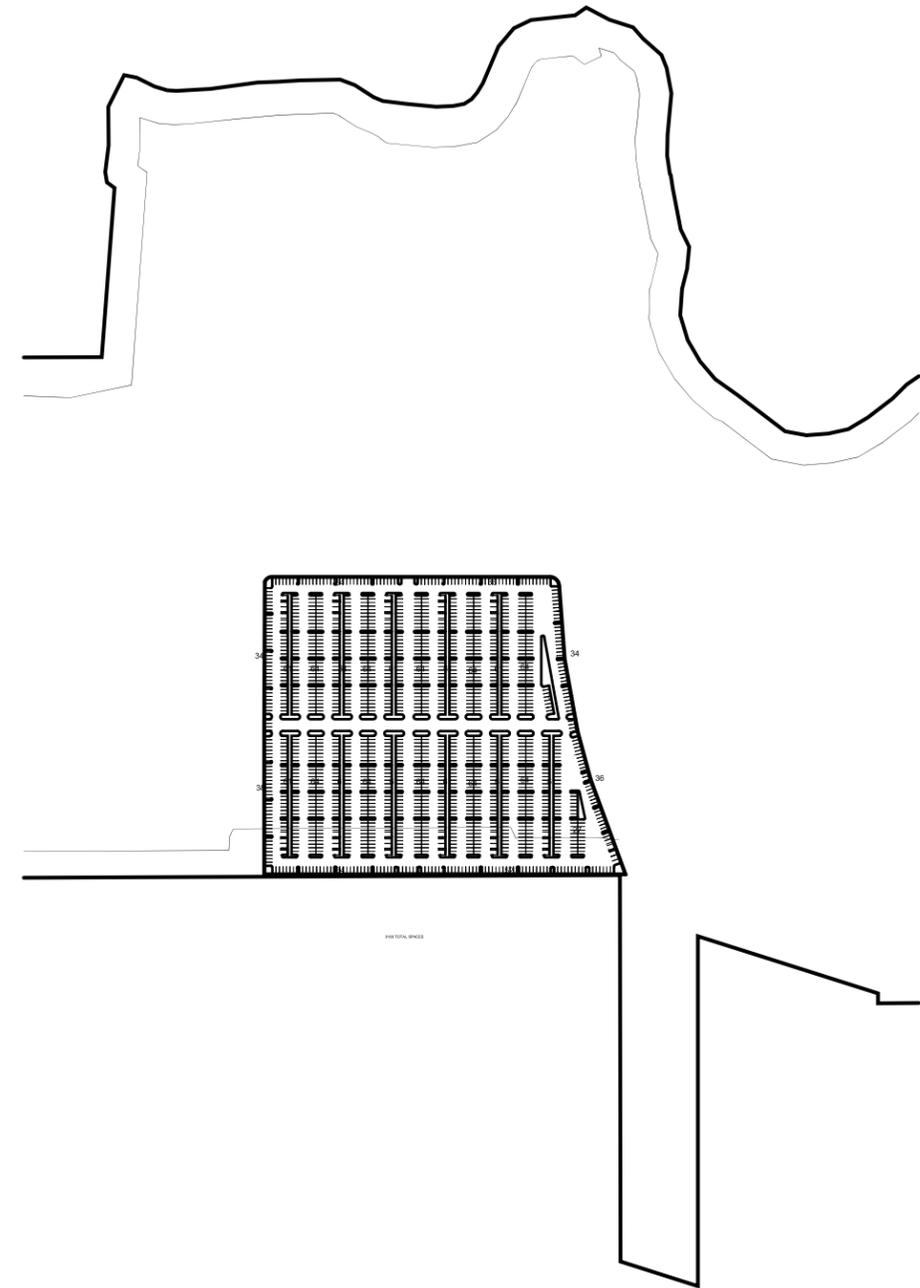
OLETA PARTNERS

DEVELOPMENT PLAN
BIBA - BISCAYNE LANDING
NORTH MIAMI, FL





UNDERGROUND PARKING LEVEL 01



UNDERGROUND PARKING LEVEL 02



OLETA PARTNERS

DEVELOPMENT PLAN

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DEVELOPMENT PLAN

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OLETA PARTNERS

DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

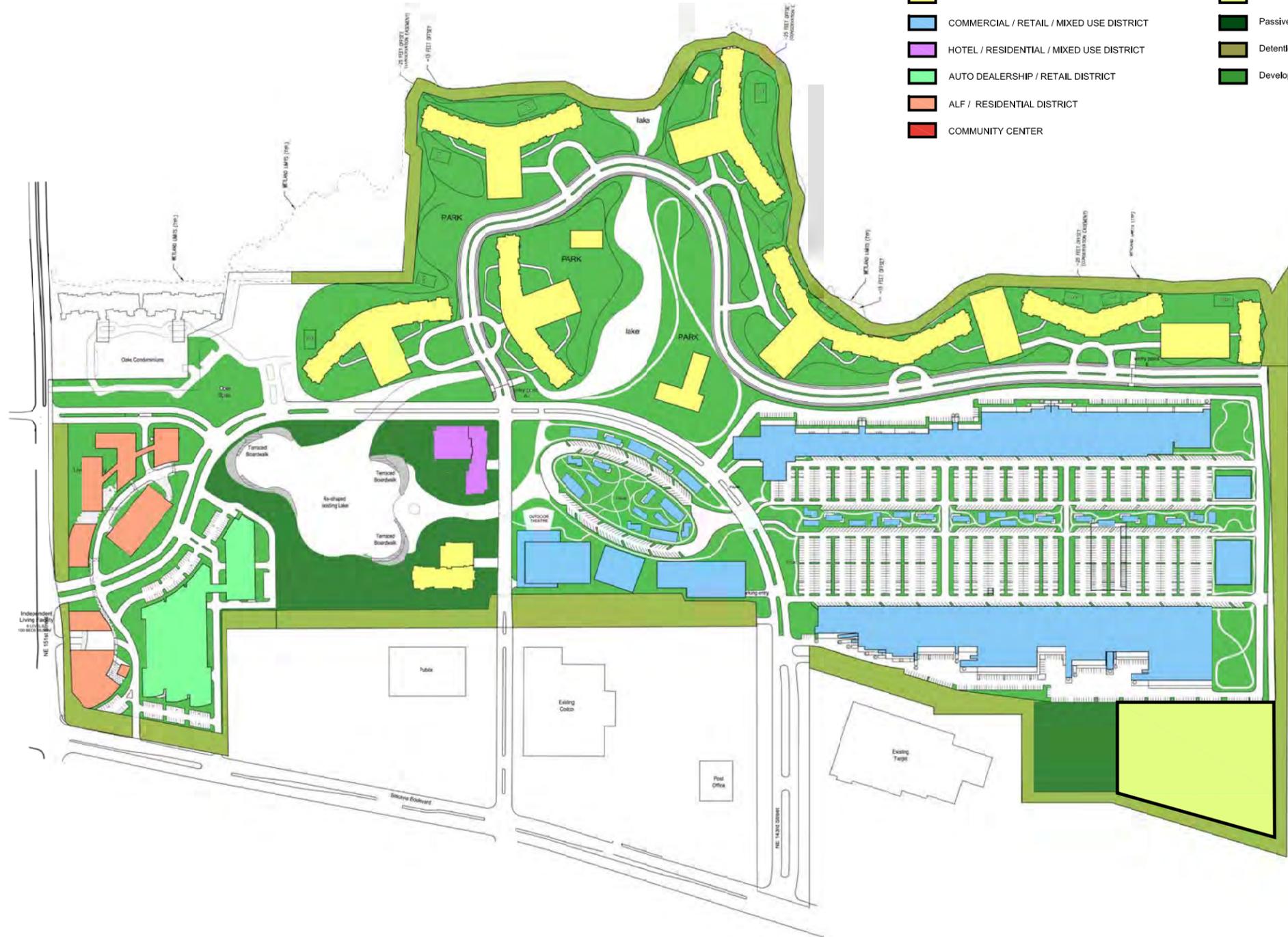
NORTH MIAMI, FL



BUILDING USE / OPEN SPACE

LEGEND

- RESIDENTIAL DISTRICT
- COMMERCIAL / RETAIL / MIXED USE DISTRICT
- HOTEL / RESIDENTIAL / MIXED USE DISTRICT
- AUTO DEALERSHIP / RETAIL DISTRICT
- ALF / RESIDENTIAL DISTRICT
- COMMUNITY CENTER
- Active Park - 7.2 Acres
- Passive Park - 13.7 Acres
- Detention / Setback Buffer - 22.73 Acres
- Development Open Space



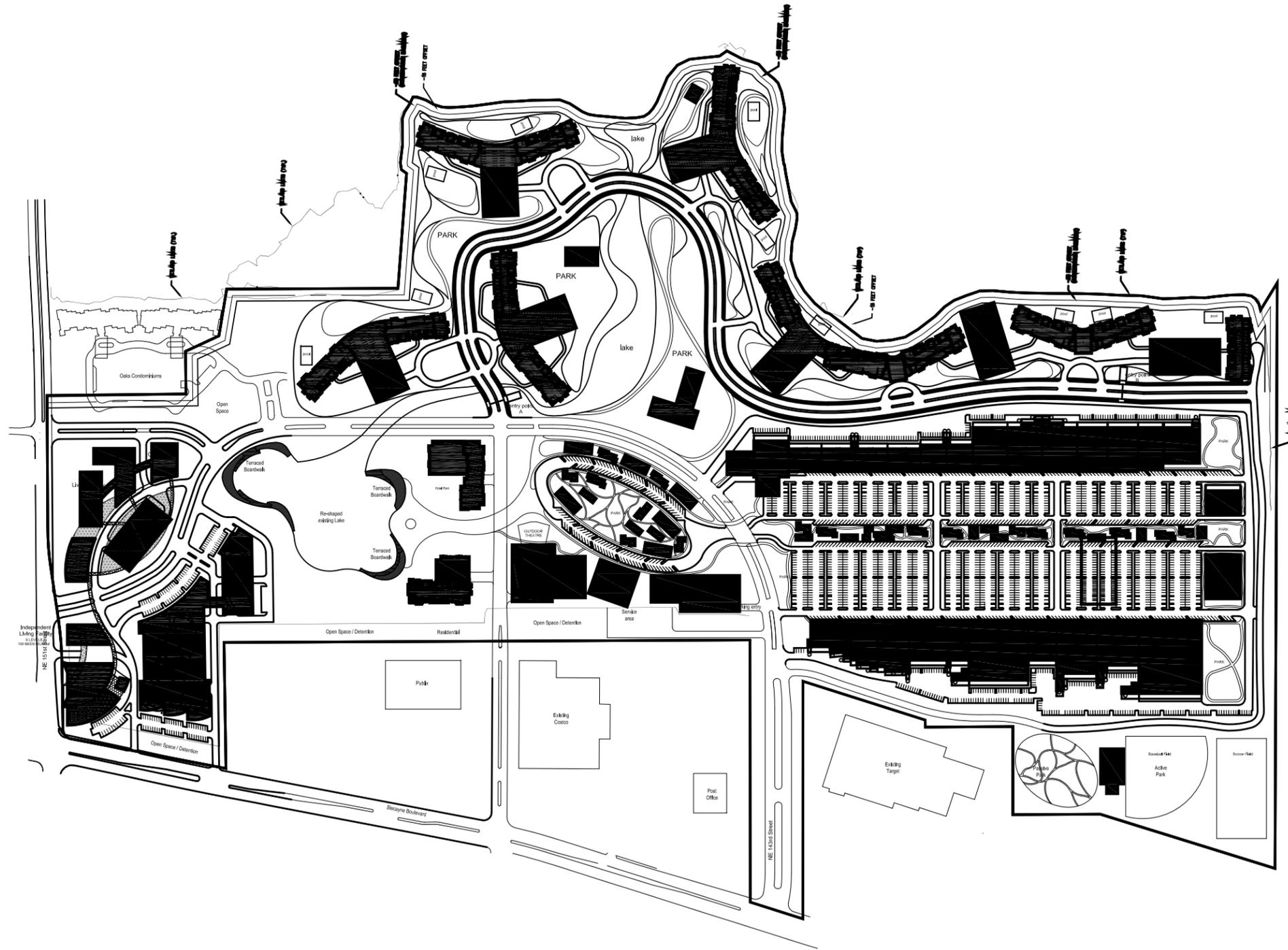
OLETA PARTNERS

DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

NORTH MIAMI, FL





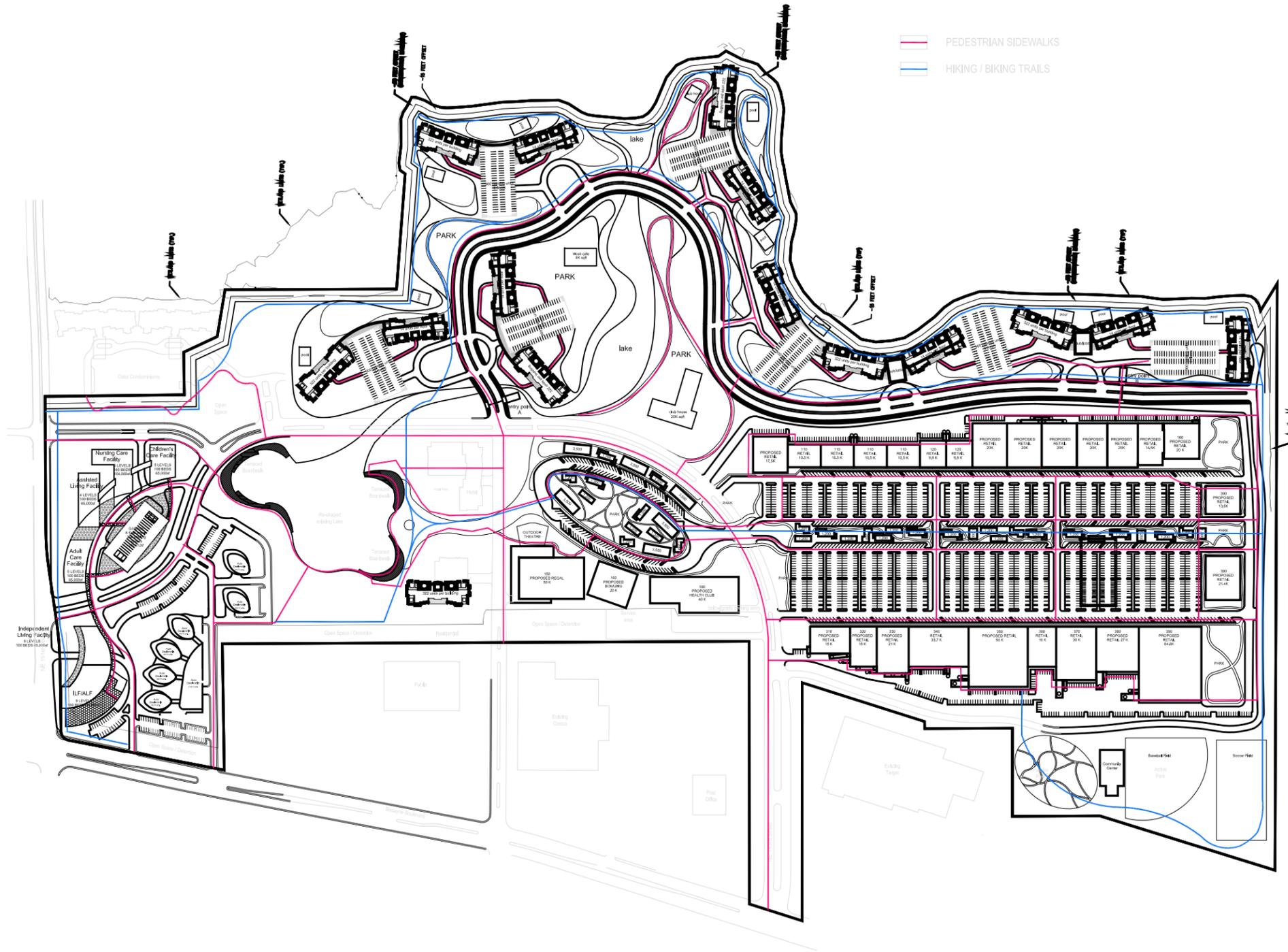
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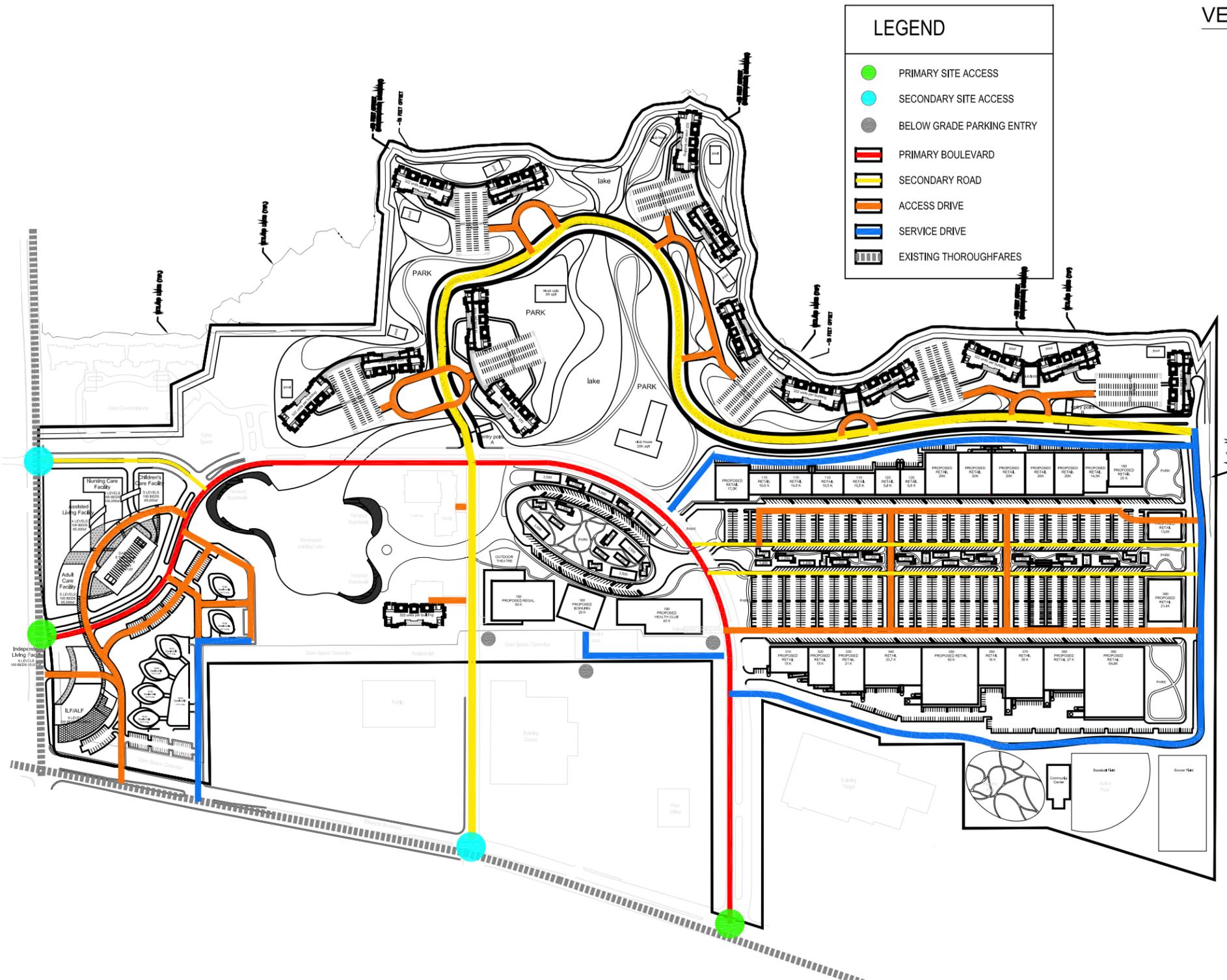
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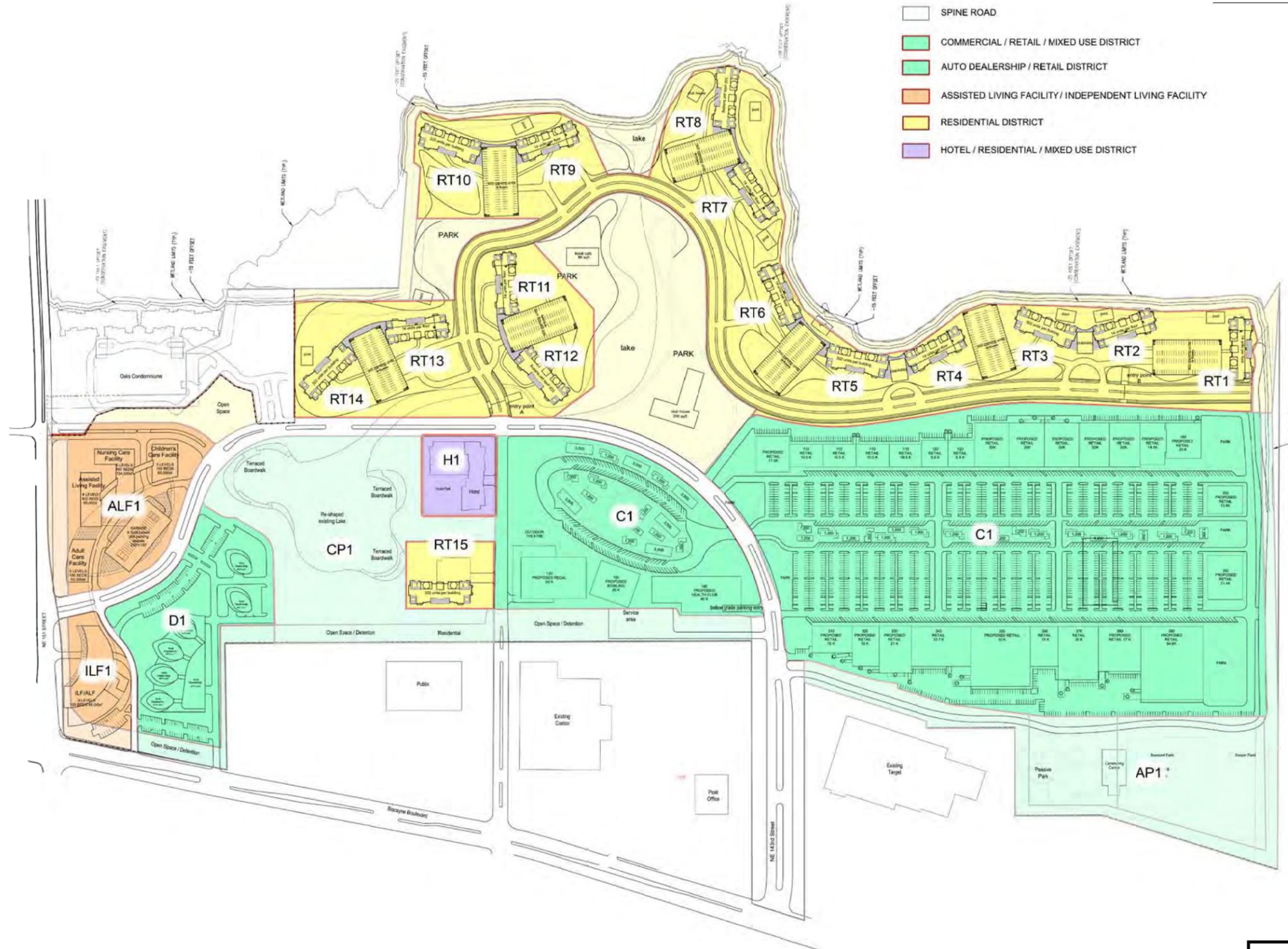
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NORTH MIAMI, FL



LEGEND

-  SPINE ROAD
-  COMMERCIAL / RETAIL / MIXED USE DISTRICT
-  AUTO DEALERSHIP / RETAIL DISTRICT
-  ASSISTED LIVING FACILITY / INDEPENDENT LIVING FACILITY
-  RESIDENTIAL DISTRICT
-  HOTEL / RESIDENTIAL / MIXED USE DISTRICT



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DEVELOPMENT PLAN

BIBA - BISCAYNE LANDING

NORTH MIAMI, FL



PARCEL TABULATION

| Development Phasing | Parcel Designation | Category | Parcel Areas | Total Area by Phase (Acres) |
|---|--------------------|--|-------------------|-----------------------------|
| Phase 1 : Spine Road | | Site primary access road (4,695 linear feet) | 297,514 | 6.83 |
| Phase 2 : Commercial District | C1 | Commercial / Retail / Mixed Use | 2,585,186 | 86.96 |
| | CP1 | Passive / community Park | 596,772 | |
| | AP1 | Active Park | 233,376 | |
| | | Detention / Road ROW / Development open space | 372,518 | |
| Phase 3 : Auto District | D1 | Auto Dealership | 306,186 | 8.12 |
| | | Detention / Road ROW / Development open space | 47,729 | |
| Phase 3 : Assited Living Facility / Independent Living Facility | ALF1 / ILF1 | Assisted Living Facility / Independent Living Facility | 344,123 | 9.57 |
| | | Detention / Road ROW / Development open space | 72,948 | |
| Phase 4 : Residential | RT1 | Multi-family Residential | 2,025,457 | 72.56 |
| | RT2 | | | |
| | RT3 | | | |
| | RT4 | | | |
| | RT5 | | | |
| | RT6 | | | |
| | RT7 | | | |
| | RT8 | | | |
| | RT9 | | | |
| | RT10 | | | |
| | RT11 | | | |
| | RT12 | | | |
| | RT13 | | | |
| | RT14 | | | |
| | RT15 | | | |
| | | H | Hospitality | |
| | | Detention / Road ROW / Development open space | 1,055,764 | |
| | | Re-shape existing lake | | |
| | | Road ROW / Development open space | | |
| | | Acres | Residential units | DU / AC |
| TOTAL | | 184 | 4,390 | 23.85 |



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BIBA - BISCAYNE LANDING
 NORTH MIAMI, FL



| Description | RAC Approved areas | Current RAC Consumption | Phase 1 | Phase 2 | Phase 3 | Phase 4 | TOTAL | Remaining | Comments |
|--|--------------------|-------------------------|---------|---------|---------|---------|-----------|-----------|--|
| Land Uses | | | | | | | | | |
| Residential | 5,000 | 610 | | | | 3,755 | 3,755 | | |
| Hotel | | | | | | 75 | 75 | 0 | 50% of 150 rooms used for density calculation equas 75 units |
| Assisted Living Facility / Independent Living Facility | | | | | 560 | | 560 | | |
| Office | 1,050,000 | | | | | | 0 | 1,050,000 | none proposed |
| Commercial / retail / mixed use/ Auto dealership | 1,500,000 | 44,316 | | 750,000 | 377,940 | | 1,172,256 | 327,744 | |
| Industrial | 1,500,000 | 1,377,756 | | | | | 1,377,756 | 122,244 | none proposed |
| Total Proposed Commercial / Industrial Area | | | | 750,000 | 377,940 | | 1,127,940 | | |
| Total proposed residential units | | | | | | 4,390 | 4,390 | | |
| Primary site access | | | 4,695 | | | | | | phase 1 includes primary spine road only |
| Implementation phasing years | | | | | | | | | |



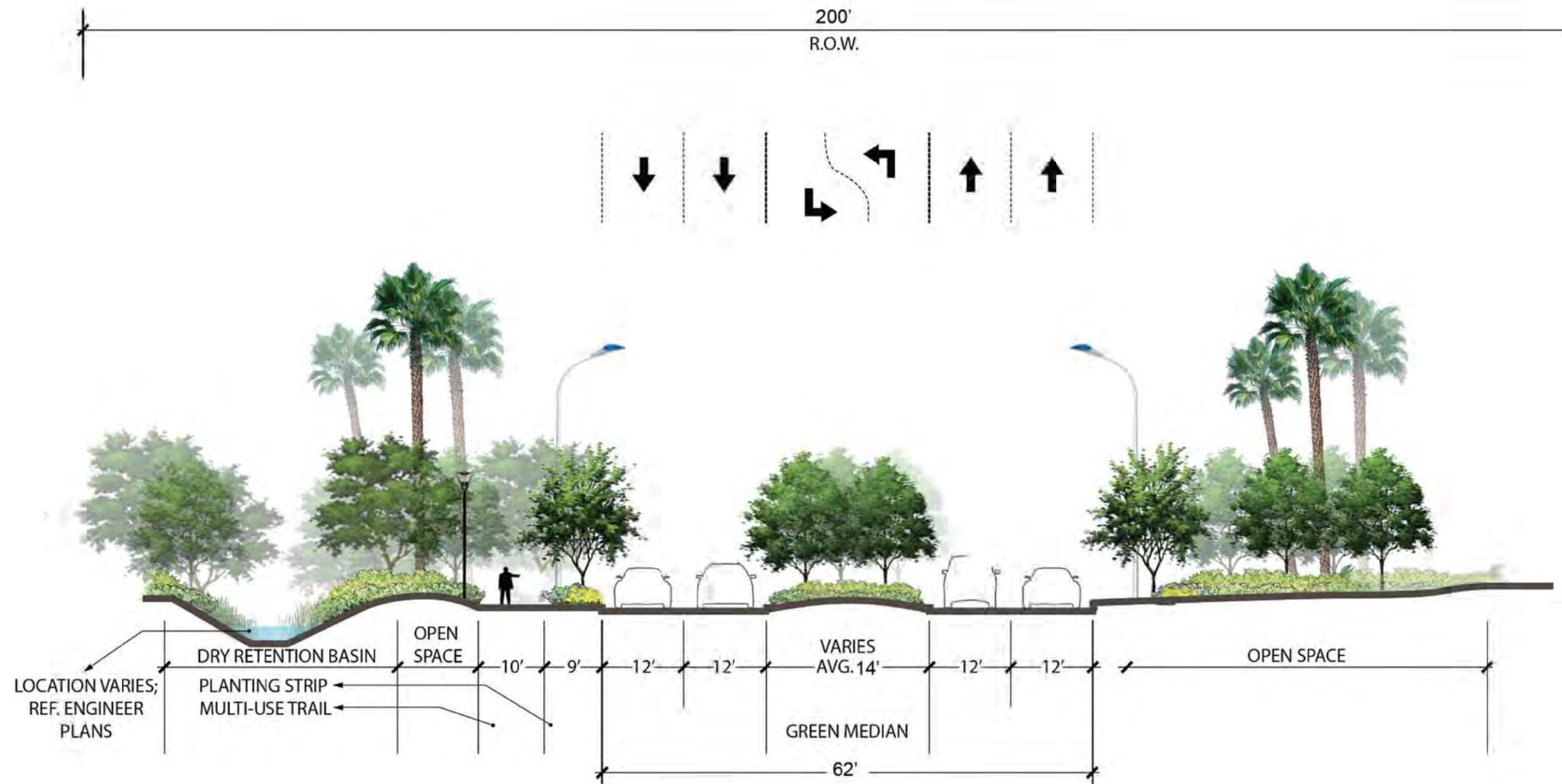
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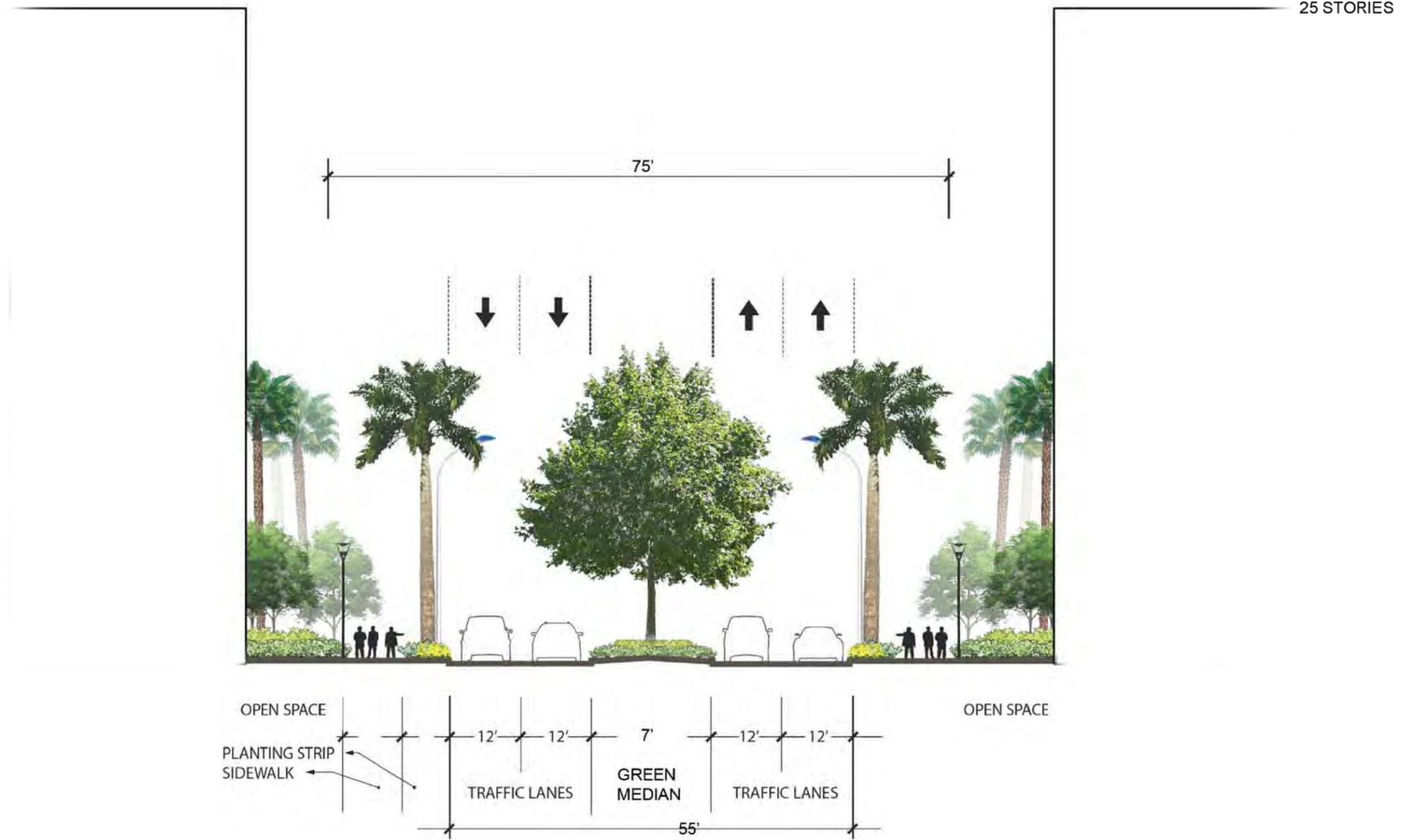




OLETA PARTNERS

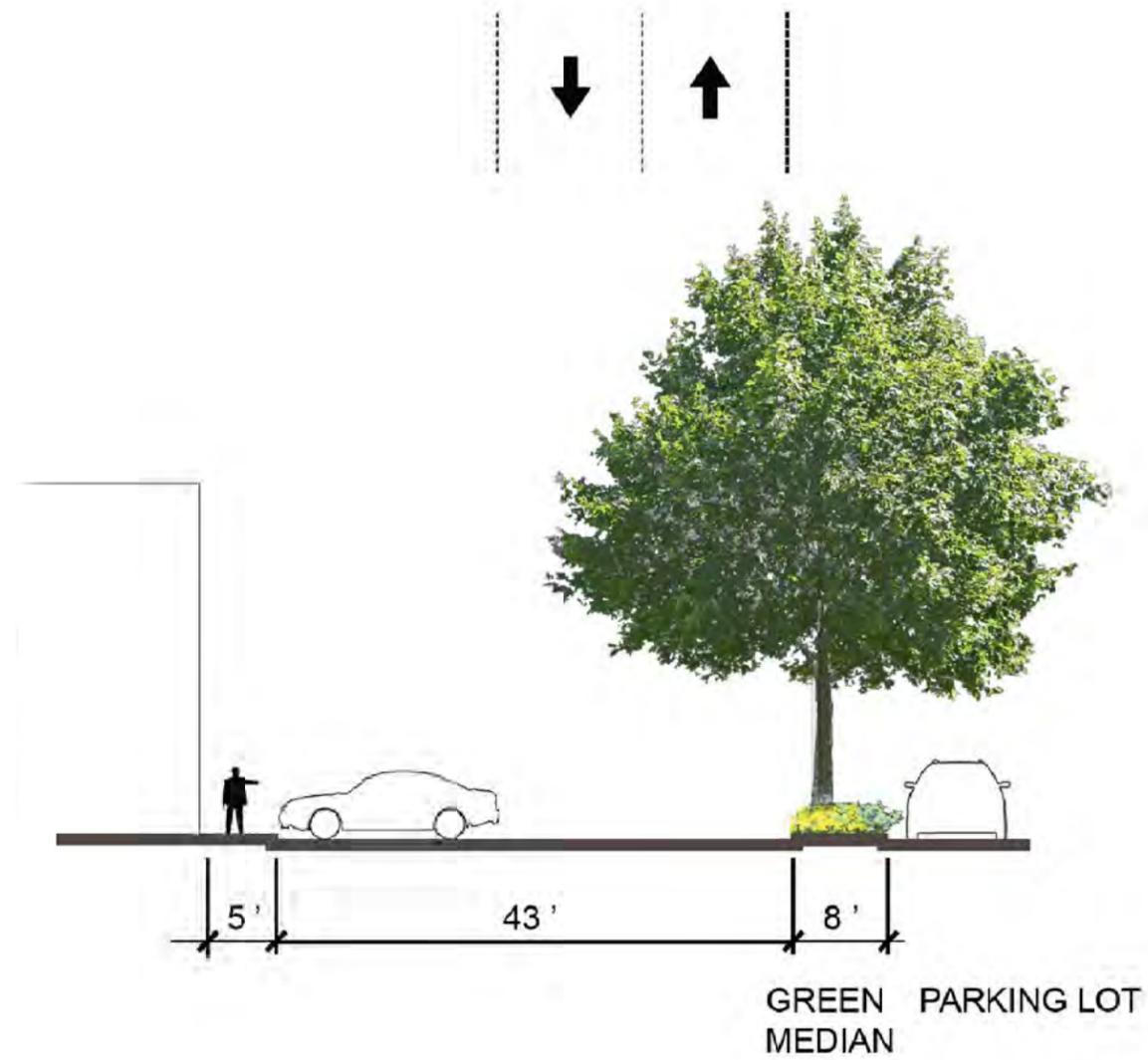
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DEVELOPMENT PLAN
BIBA - BISCAYNE LANDING
NORTH MIAMI, FL



Date: April 2, 2013
To: Planning Commission
From: Maxine Calloway, Director, Community Planning & Development *TCM For Maxine Calloway*
Re: Request to Abandon A Portion of City Right of Way Along NE 127 Street

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A 130 FEET PORTION OF CITY RIGHT OF WAY, ALONG NE 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF 5,703 SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

Staff is recommending approval of the Resolution, with conditions, for the vacation, abandonment, closure and sale of a 130 feet portion of City right of way, along NE 127 Street, lying south of 12716 Griffing Boulevard.

BACKGROUND INFORMATION

Kenneth Beck (the applicant) owns the property located at 12716 Griffing Boulevard (06-2230-026-0950) and requests the abandonment of an unimproved portion of City right of way along NE 127 Street (consisting of 5,703 square feet or approximately 0.13 acres in size) lying just south of his property line. Based on the applicant's letter of intent (attached), the area has been overgrown with foliage for many years and has become an illegal unsightly dumping site. The applicant desires to acquire the abandoned portion and consolidate it with his abutting lot in order to beautify the area. Based on an appraisal report prepared by the City's Real Estate Appraiser dated February 21, 2013 the subject area is valued at \$4,500.

The particular segment of NE 127 Street, west of Griffing Boulevard dead ends at the Biscayne Canal and only provides secondary access to the applicant's property as well as the abutting property to the South at 12690 Griffing Boulevard. As such, if approved the proposed abandonment would have no effect on the traffic

circulation of the surrounding neighborhood. There are also no utilities located within the subject right of way area.

PURPOSE & ANALYSIS

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

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

a. The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is vacated or abandoned;

Staff is of the opinion that the subject right of way segment currently serves no public purpose, and in its current unmaintained state is an eye sore to the community. If approved, the abandonment will allow the applicant to acquire and maintain the area. Furthermore staff believes the overall benefit anticipated to result from the proposed right of way abandonment far outweighs the benefit derived from the current use.

b. The vacation or abandonment will not compromise the delivery of emergency services;

The City's Police staff reviewed the proposed site plan and does not believe the current request would compromise emergency services.

c. The vacation or abandonment will not compromise pedestrian or vehicular safety;

The proposed abandonment segment is at a dead end section of the unimproved street and will not compromise pedestrian or vehicular safety.

d. The vacation or abandonment will not interfere with solid waste removal services;

Public works staff has confirmed that the proposed request will not interfere with solid waste removal services.

e. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan or capital improvement program of the city;

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

f. The vacation or abandonment will not interfere with any planning effort of the city that is underway at the time of the application but is not yet completed; and

There are no planning efforts anticipated for the proposed roadway segment.

g. The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the city's long-term fiscal position.

The applicant recently purchased his property and has made significant improvements to the site. As such he believes the abutting unmaintained roadway is an eyesore and diminishes his property value. If approved, the applicant proposes to landscape the entire area and include the first 35 feet of roadway as part of his current property; However the remaining 25 feet of roadway would still provide public access as a secondary entrance to the abutting property owner to the south, at 12690 Griffing Boulevard.

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

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

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

The City is committed to reducing blight and promoting and improving the appearance of residential neighborhoods. In fact Policy 1.5.8 of the City's Comprehensive Plan requires that "The City shall continue to identify areas of slum and blight in the community, and rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified." Staff believes the proposed abandonment further implements the Comprehensive Plan vision and will result in much needed improvements to the area.

CONCLUSION

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

1. That the applicant agrees to work with the City Manager to finalize negotiations for the sale of the subject Right of Way no less than 90% of the appraised value of \$4,500 (i.e. \$4050) consistent with the City's Charter.
2. That the City effectuates the conveyance by virtue of a Deed.
3. That the property owner executes a unity of title to consolidate his existing lot with the abandoned right of way segment. Said instrument meeting the approval of the Community Planning and Development Department and the office of the City Attorney. Said instrument shall be recorded by the applicant in the public records of Miami Dade County with copies furnished to the Community Planning and Development Department within forty five (45) days of Council approval.

TWS: mc

Attachments:

1. Proposed Resolution
2. Exhibit A - Survey & Legal sketch
3. Letter of Intent
4. Letters of no objection from utility companies

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A PORTION OF A CITY RIGHT OF WAY, ALONG NORTHEAST 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF APPROXIMATELY FIVE THOUSAND SEVEN HUNDRED AND THREE (5,703) SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE CONVEYANCE OF PROPERTY; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

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

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

WHEREAS, Kenneth Beck (the “Applicant”), requests the abandonment and vacation of the unused portion of a City right of way, consisting of approximately Five Thousand Seven Hundred and Three (5,703) square feet, or approximately 0.13 acres in size (“Subject Property”) in order to beautify the area and consolidate it with his abutting lot located north of the Subject Property, at 12716 Griffing Boulevard (as specifically identified by Miami-Dade County folio number: 06-2230-026-0950); and

WHEREAS, the City administration has reviewed the impact of the vacation and abandonment of the Subject Property and found that in its current state, the Subject Property is

unmaintained, overgrown and does not provide a benefit to the public health, safety, welfare or convenience, and not used by the City for any intended public purpose; and

WHEREAS, in accordance with Section 3-902 of the LDRs, the City obtained an appraisal report from a licensed Real Estate Appraiser dated February 21, 2013, showing the value of the Subject Property at Four Thousand Five Hundred Dollars (\$4,500.00); and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 2, 2013, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan, and demonstrating the established standards of Section 3-903A of the LDRs, and thereby, recommended approval of the application to the Mayor and City Council; and

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

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

Section 1. Vacation, Abandonment, Closure and Sale of Right of Way. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale a portion of a City right of way, along Northeast 127th Street, lying south of 12716 Griffing Boulevard, consisting of approximately Five Thousand Seven Hundred and Three (5,703) square feet in size, as described in the attached "Exhibit A".

Section 2. Authority of City Manager to Negotiate Sale of Right of Way. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject portion of the right of way, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate conveyance of property.

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

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

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

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

ACCURATE LAND SURVEYORS, INC.

1150 E. ATLANTIC BLVD.
POMPANO BEACH, FLORIDA 33080

L.B. #3635

SHEET 1 OF 1

TEL (954) 782-1441
FAX (954) 782-1442

**LOT 53
BLOCK 5**

S. LINE OF LOT 53
BLOCK 5

130.86'

S 89°31'06" W

EASTERLY LINE OF
BISCAYNE RIVER

N 13°37'21" W
36.77'

(TO BE VACATED)

C. N.E. 127th STREET C
(60' RIGHT OF WAY)

N 89°40'12" W 146.99'

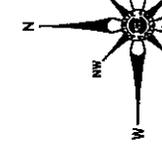
N. EDGE OF EXISTING DRIVE

30.00'
GRIFFING BOULEVARD
(60' RIGHT OF WAY)
divided asphalt roadway with gross median

SOUTHERLY PROJECTION
OF THE EAST LINE OF
LOT 53 BLOCK 5

CB=N 44°43'33" E
A=39.05' g
R=25.00'

N 00°00'00" E 62.68'



STREET ADDRESS:

12716 Griffing Boulevard, North Miami, Florida 33161

LEGAL DESCRIPTION:

A portion of that certain right of way of N.E. 127th Street as shown on the plat of GRIFFING BISCAYNE PARK ESTATES, according to the Plat thereof, as recorded in Plat Book 8, page 123, of the Public Records of Miami-Dade County, Florida, being bounded by as follows:
On the North by the South line of Lot 53, Block 5 of the aforementioned GRIFFING BISCAYNE PARK ESTATES; on the South by the North edge of and existing asphalt road and its Westerly projection; on the East by the Southerly projection of the East line of the aforementioned Lot 53, Block 4; and on the West by the Easterly edge of the Biscayne River. Said described parcel containing 5,703 square feet more or less.

CERTIFY TO:

Kenneth S. Beck

SKETCH OF DESCRIPTION

CERTIFICATION:

We hereby certify that the attached sketch of the herein described property is true and correct to the best of our knowledge and belief as delineated under our direction and does not constitute a field survey as such. I further certify that this sketch meets the minimum technical standards under Rule 6J-17 adopted by the Florida Board of Land Surveyors, October 1st, 2009.

Not valid without
this signature and the
original raised seal of
a Florida Licensed
Surveyor
and Mapper.

Robert L. Thompson
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA

| REVISIONS | DATE | BY |
|---------------------|----------------|-----|
| REVERSE DESCRIPTION | 02-12-13 | MLW |
| DATE OF SETCH | 01-30-13 | MLW |
| DRAWN BY | MLW | |
| CHECKED BY | MLW | |
| FIELD BOOK | ALS-SU-12-3875 | |

SCALE 1" = 20'
SHEET NUMBER SU-12-3875

BOUNDARY SURVEY

LEGEND OF ABBREVIATIONS:

| | | | |
|-----|---------------|----------|----------------------------|
| A | GENERAL ANGLE | 50.0 FT. | SEALING FEET |
| B | BEARING | P.C. | PERMANENT CONTROL POINT |
| C | CURVATURE | P.M. | PLAT |
| D | DEGREE | P.S. | PLAT RECORD COUNTY RECORDS |
| E | DEGREE | R.M. | REAL MORTGAGE |
| F | DEGREE | S.M. | STATE MORTGAGE |
| G | DEGREE | T.M. | TAX MAP |
| H | DEGREE | U.M. | UNDEVELOPED MORTGAGE |
| I | DEGREE | V.M. | VEGETATION |
| J | DEGREE | W.M. | WATERWAY |
| K | DEGREE | X.M. | EXHIBIT |
| L | DEGREE | Y.M. | YIELD |
| M | DEGREE | Z.M. | ZONING |
| N | DEGREE | AA | ADJACENT |
| O | DEGREE | BB | BANK |
| P | DEGREE | CC | CONCRETE |
| Q | DEGREE | DD | DEVELOPMENT |
| R | DEGREE | EE | EXISTING |
| S | DEGREE | FF | FLOOD |
| T | DEGREE | GG | GRASS |
| U | DEGREE | HH | HANDMADE |
| V | DEGREE | II | IMPROVED |
| W | DEGREE | JJ | JOB |
| X | DEGREE | KK | KEY |
| Y | DEGREE | LL | LAND |
| Z | DEGREE | MM | MATERIAL |
| AA | DEGREE | NN | NEIGHBOR |
| BB | DEGREE | OO | OPEN |
| CC | DEGREE | PP | PERMANENT |
| DD | DEGREE | QQ | PLANTING |
| EE | DEGREE | RR | RAILROAD |
| FF | DEGREE | SS | SEWER |
| GG | DEGREE | TT | TERRACE |
| HH | DEGREE | UU | TRAIL |
| II | DEGREE | VV | VEGETATION |
| JJ | DEGREE | WW | WATERWAY |
| KK | DEGREE | XX | WOOD |
| LL | DEGREE | YY | YIELD |
| MM | DEGREE | ZZ | ZONING |
| NN | DEGREE | AAA | ADJACENT |
| OO | DEGREE | BBB | BANK |
| PP | DEGREE | CCC | CONCRETE |
| QQ | DEGREE | DDD | DEVELOPMENT |
| RR | DEGREE | EEE | EXISTING |
| SS | DEGREE | FFF | FLOOD |
| TT | DEGREE | GGG | GRASS |
| UU | DEGREE | HHH | HANDMADE |
| VV | DEGREE | III | IMPROVED |
| WW | DEGREE | LLL | JOB |
| XX | DEGREE | MMM | KEY |
| YY | DEGREE | NNN | LAND |
| ZZ | DEGREE | OOO | MATERIAL |
| AAA | DEGREE | PPP | NEIGHBOR |
| BBB | DEGREE | QQQ | OPEN |
| CCC | DEGREE | RRR | PERMANENT |
| DDD | DEGREE | SSS | PLANTING |
| EEE | DEGREE | TTT | RAILROAD |
| FFF | DEGREE | UUU | SEWER |
| GGG | DEGREE | VVV | TERRACE |
| HHH | DEGREE | WWW | TRAIL |
| III | DEGREE | XXX | VEGETATION |
| LLL | DEGREE | YYY | WATERWAY |
| MMM | DEGREE | ZZZ | WOOD |
| NNN | DEGREE | AAA | YIELD |
| OOO | DEGREE | BBB | ZONING |
| PPP | DEGREE | CCC | ADJACENT |
| QQQ | DEGREE | DDD | BANK |
| RRR | DEGREE | EEE | CONCRETE |
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| TTT | DEGREE | GGG | EXISTING |
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| XXX | DEGREE | MMM | IMPROVED |
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| III | DEGREE | XXX | TERRACE |
| LLL | DEGREE | YYY | TRAIL |
| MMM | DEGREE | ZZZ | VEGETATION |
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| DDD | DEGREE | SSS | MATERIAL |
| EEE | DEGREE | TTT | NEIGHBOR |
| FFF | DEGREE | UUU | OPEN |
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| OOO | DEGREE | BBB | VEGETATION |
| PPP | DEGREE | CCC | WATERWAY |
| QQQ | DEGREE | DDD | WOOD |
| RRR | DEGREE | EEE | YIELD |
| SSS | DEGREE | FFF | ZONING |
| TTT | DEGREE | GGG | ADJACENT |
| UUU | DEGREE | HHH | BANK |
| VVV | DEGREE | III | CONCRETE |
| WWW | DEGREE | LLL | DEVELOPMENT |
| XXX | DEGREE | MMM | EXISTING |
| YYY | DEGREE | NNN | FLOOD |
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| DDD | DEGREE | SSS | KEY |
| EEE | DEGREE | TTT | LAND |
| FFF | DEGREE | UUU | MATERIAL |
| GGG | DEGREE | VVV | NEIGHBOR |
| HHH | DEGREE | WWW | OPEN |
| III | DEGREE | XXX | PERMANENT |
| LLL | DEGREE | YYY | PLANTING |
| MMM | DEGREE | ZZZ | RAILROAD |
| NNN | DEGREE | AAA | SEWER |
| OOO | DEGREE | BBB | TERRACE |
| PPP | DEGREE | CCC | TRAIL |
| QQQ | DEGREE | DDD | VEGETATION |
| RRR | DEGREE | EEE | WATERWAY |
| SSS | DEGREE | FFF | WOOD |
| TTT | DEGREE | GGG | YIELD |
| UUU | DEGREE | HHH | ZONING |
| VVV | DEGREE | III | ADJACENT |
| WWW | DEGREE | LLL | BANK |
| XXX | DEGREE | MMM | CONCRETE |
| YYY | DEGREE | NNN | DEVELOPMENT |
| ZZZ | DEGREE | OOO | EXISTING |
| AAA | DEGREE | PPP | FLOOD |
| BBB | DEGREE | QQQ | GRASS |
| CCC | DEGREE | RRR | HANDMADE |
| DDD | DEGREE | SSS | IMPROVED |
| EEE | DEGREE | TTT | JOB |
| FFF | DEGREE | UUU | KEY |
| GGG | DEGREE | VVV | LAND |
| HHH | DEGREE | WWW | MATERIAL |
| III | DEGREE | XXX | NEIGHBOR |
| LLL | DEGREE | YYY | OPEN |
| MMM | DEGREE | ZZZ | PERMANENT |
| NNN | DEGREE | AAA | PLANTING |
| OOO | DEGREE | BBB | RAILROAD |
| PPP | DEGREE | CCC | SEWER |
| QQQ | DEGREE | DDD | TERRACE |
| RRR | DEGREE | EEE | TRAIL |
| SSS | DEGREE | FFF | VEGETATION |
| TTT | DEGREE | GGG | WATERWAY |
| UUU | DEGREE | HHH | WOOD |
| VVV | DEGREE | III | YIELD |
| WWW | DEGREE | LLL | ZONING |
| XXX | DEGREE | MMM | ADJACENT |
| YYY | DEGREE | NNN | BANK |
| ZZZ | DEGREE | OOO | CONCRETE |
| AAA | DEGREE | PPP | DEVELOPMENT |
| BBB | DEGREE | QQQ | EXISTING |
| CCC | DEGREE | RRR | FLOOD |
| DDD | DEGREE | SSS | GRASS |
| EEE | DEGREE | TTT | HANDMADE |
| FFF | DEGREE | UUU | IMPROVED |
| GGG | DEGREE | VVV | JOB |
| HHH | DEGREE | WWW | KEY |
| III | DEGREE | XXX | LAND |
| LLL | DEGREE | YYY | MATERIAL |
| MMM | DEGREE | ZZZ | NEIGHBOR |
| NNN | DEGREE | AAA | OPEN |
| OOO | DEGREE | BBB | PERMANENT |
| PPP | DEGREE | CCC | PLANTING |
| QQQ | DEGREE | DDD | RAILROAD |
| RRR | DEGREE | EEE | SEWER |
| SSS | DEGREE | FFF | TERRACE |
| TTT | DEGREE | GGG | TRAIL |
| UUU | DEGREE | HHH | VEGETATION |
| VVV | DEGREE | III | WATERWAY |
| WWW | DEGREE | LLL | WOOD |
| XXX | DEGREE | MMM | YIELD |
| YYY | DEGREE | NNN | ZONING |
| ZZZ | DEGREE | OOO | ADJACENT |
| AAA | DEGREE | PPP | BANK |
| BBB | DEGREE | QQQ | CONCRETE |
| CCC | DEGREE | RRR | DEVELOPMENT |
| DDD | DEGREE | SSS | EXISTING |
| EEE | DEGREE | TTT | FLOOD |
| FFF | DEGREE | UUU | GRASS |
| GGG | DEGREE | VVV | HANDMADE |
| HHH | DEGREE | WWW | IMPROVED |
| III | DEGREE | XXX | JOB |
| LLL | DEGREE | YYY | KEY |
| MMM | DEGREE | ZZZ | LAND |
| NNN | DEGREE | AAA | MATERIAL |
| OOO | DEGREE | BBB | NEIGHBOR |
| PPP | DEGREE | CCC | OPEN |
| QQQ | DEGREE | DDD | PERMANENT |
| RRR | DEGREE | EEE | PLANTING |
| SSS | DEGREE | FFF | RAILROAD |
| TTT | DEGREE | GGG | SEWER |
| UUU | DEGREE | HHH | TERRACE |
| VVV | DEGREE | III | TRAIL |
| WWW | DEGREE | LLL | VEGETATION |
| XXX | DEGREE | MMM | WATERWAY |
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| AAA | DEGREE | PPP | ZONING |
| BBB | DEGREE | QQQ | ADJACENT |
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| DDD | DEGREE | SSS | CONCRETE |
| EEE | DEGREE | TTT | DEVELOPMENT |
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| GGG | DEGREE | VVV | FLOOD |
| HHH | DEGREE | WWW | GRASS |
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| LLL | DEGREE | YYY | IMPROVED |
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| NNN | DEGREE | AAA | KEY |
| OOO | DEGREE | BBB | LAND |
| PPP | DEGREE | CCC | MATERIAL |
| QQQ | DEGREE | DDD | NEIGHBOR |
| RRR | DEGREE | EEE | OPEN |
| SSS | DEGREE | FFF | PERMANENT |
| TTT | DEGREE | GGG | PLANTING |
| UUU | DEGREE | HHH | RAILROAD |
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| WWW | DEGREE | LLL | TERRACE |
| XXX | DEGREE | MMM | TRAIL |
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| QQQ | DEGREE | DDD | LAND |
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| WWW | DEGREE | LLL | PERMANENT |
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| SSS | DEGREE | FFF | JOB |
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| EEE | DEGREE | TTT</ | |

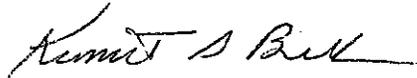
From: George Cohen <george@baimiami.com>
Subject: **LETTER OF INTENT**
Date: March 15, 2013 11:14:30 AM EDT
To: Tanya Wilson-Sejour <tsejour@northmiamifi.gov>

FROM KENNETH STEVEN BECK
12716 GRIFFING BLVD
N MIAMI FLA 33161
305 491 2535

dear mrs. sejour,

this letter accompanies the application regarding the property at 12716 griffing blvd in n miami fla, and the abandonment of approximately 5,700 just south of my property line, see survey submitted, this particular strip of land was abandoned by the city, was overgrown with foliage and used as a dump, gangs of young adults were also hanging out in the brush doing illegal activities, i have done extensive work on my home and grounds, lanscape etc, it is my hope to aquire this land through purchase so that i can maintain and beautify this abandoned strip so that it will become an asset to our neighborhood instead of an eye soar, my neighbors are very proud of the restoration i have done already and the clean up to this abandoned area, my goal and plans are to improve my residence and lot and beautify, since i have started other neighboring property owners have begun to landscape, paint, and take pride in their homes and grounds, simply put n miami has so much potential i take great pride in our community by allowing me to purchase this abandoned and unmaintained strip of land is in the best interest of the city, our neighbors and the community in general

sincerely,



mr. Kenneth S Beck
home owner
resident of n miami

From: "Goldman, Yvonne B." <yagoldman@tecoenergy.com>
Subject: letter
Date: February 25, 2013 12:54:36 PM EST
To: "georgecohen46@mac.com" <georgecohen46@mac.com>
1 Attachment, 215 KB

From Teco Peoples Gas

NOTICE: This email is intended only for the individual(s) to whom it is addressed and may contain confidential information. If you have received this email by mistake, please notify the sender immediately, delete this email from your system and do not copy or disclose it to anyone else. Although we take precautions to protect against viruses, we advise you to take your own precautions to protect against viruses as we accept no liability for any which remain.



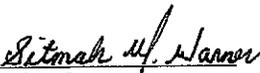
Easement & Right-of-Way /Plat

Plat Letter

To: City Planner Date: February 20, 2013
Community Planning & Development Dept.
City of North Miami, 12400 NE 8th Avenue
North Miami, Fl. 33161
Attention: Tanya Wilson-Sejour, AICP

Subject: 12716 Griffin Blvd. N. Miami, Florida 33161
Legal Description: A portion of that certain right of way of NE 127th Street as
Shown on the plat of Griffin Biscayne Park Estates, according to the plat thereof,
as recorded in the Plat Book 8, page 123, of the Public Records of Miami-Dade
County, Florida.

(X) Peoples Gas has no objections to this plat for the following reasons:
Peoples Gas has no facilities within Right-of-Way of proposed plat.


Angel L. Quant For
South Florida Regional Operations Manager

Prepared By: SW
Atlas Pg: NA

() Peoples Gas has facilities within the referenced area to be re-plated, however, we
have no objections to this re-plat providing a utility easement is incorporated in the
re-plat, or the applicant will pay for the relocation or replacement of these facilities.

Angel L. Quant
South Florida Regional Operations Manager

Prepared By:
Atlas Pg:

() Peoples Gas has facilities within the referenced area to be re-plated which cannot be
relocated for technical reasons, however, we have no objections to this re-plat
providing a utility easement, as shown on the attached drawing, is incorporated in the
re-plat.

Angel L. Quant

Prepared By:



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

T: 305-222-8745
F: 305-221-0974
www.att.com

February 20, 2013

Mr. Kenneth S. Beck
12716 Griffing Blvd
North Miami, FL 33161

Re: Right of Way Vacation - Portion NE 127 St adjacent to
Lot 53, Block 5, PB 8 – Pg 123
Miami-Dade County, Florida

Mr. Beck,

On behalf of Bellsouth Telecommunications, LLC d/b/a AT&T Florida, this letter shall serve as notice of **“non-objection”** to the vacation/abandonment of that portion of the referenced public right of way depicted and described on the attached Sketch of Boundary Survey prepared by Accurate Land Surveyors, Inc. dated February 13, 2013.

No existing AT&T Florida facilities of record currently occupy the subject property.

Sincerely,

Bernabe Macias, Jr., Director
SE Network Operations Const/Eng – SFL District

attachment

cc: Carlos Garcia, AT&T FL
Steve Massie, AT&T FL *SM*



Florida Power & Light Company, 18455 NE 2 Nd Ave, Miami, FL 33179
Phone: 305-770-7922, Fax: 305-770-7996

March 14, 2013

Mr. Kenneth Beck
12716 Griffing Blvd
North Miami, FL, 33161

Dear Kenneth Beck,

This letter is in response to your request for the release of a platted road right-of-way.

In meeting with your request, FPL has no objection to releasing our rights in the road right-of-way known as "Ne 127 Street adjacent to Lot 53," in Plat Book 8, Page 123 of the Public records of Miami-Dade County County .

The release is restricted to the following description: Lot53,Block 5,PB 8-Pg 123.

Should you have any questions or concerns, please do not hesitate to contact Ricardo Aljoe at 305-770-7922.

Sincerely,

Name
Superintendent

A handwritten signature in black ink, appearing to read "Ricardo Aljoe", written over the printed name and title.