



NORTH MIAMI PLANNING COMMISSION AGENDA

SPECIAL MEETING

Thursday, June 6, 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: April 2, 2013

III. COMMUNICATIONS:

IV. CONTINUED PUBLIC HEARINGS: NONE

V. PUBLIC HEARINGS:

PC 08-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT FOR CERTAIN PROPERTIES WITHIN THE CITY OF NORTH MIAMI, SITUATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF NORTHEAST 151ST STREET AND NORTHEAST 20TH AVENUE, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

- 1. Staff Report
- 2. Commission Action

PC 09-13: 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

PC 10-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING FISCAL YEAR 2013-2014 ACTION PLAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 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, April 2, 2013
COUNCIL CHAMBERS

The meeting was called to order at 7:05 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		Resigned	
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
 Maxine Calloway, Director of Community Planning & Development
 Arceli Redila, Board Secretary
 Dunia Sanzetenea, Information Technology

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

The applicant for PC 07-13 asked to be move up and be first on the agenda.

II. Approval of Minutes:

The minutes of the March 5, 2013 special meeting were unanimously approved as presented. The motion was made by Commissioner Each, seconded by Commissioner Prevatel.

III. Continued Public Hearings:

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.

Ms. Tanya Wilson-Sejour from Community Planning and Development Department gave the staff report stating 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.

The applicant, Kenneth Beck owns the property located at 12716 Griffing Boulevard 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 to the staff report), 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.

Request for abandonment must be consistent Section 3-903 of the City's Land Development Regulations. 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. \$4,050) 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.

The applicant Kenneth Beck, a new resident to the City together with his partner George Cohen were present and spoke before the Planning Commission stating that they have done extensive beautification and restoration to their property, which is adjacent to the subject right-of-way. He received compliments from his neighbors. As he was cleaning his property, one of his neighbors told him that she was mugged by a group of teenagers who were hiding out in the adjacent wooded lot (the subject right of way) south of his property. Teenagers used this vacant area as a dumping ground and a hideout for illegal activities. He called the city to ask for heavy machinery to clean up the site. He never had any intentions of purchasing this vacant lot since his lot was the biggest in the area. But once the property was cleaned up, a city official approached him and suggested that he purchased this vacant lot adjacent to his property. That is where he got the idea of purchasing this vacant lot simply for the purpose of maintaining and beautifying the lot. He promised the city a beautiful improvement.

Public Discussion

Ms. Nancy McCoy, a long-time resident of 12715 Griffing Blvd, directly across the street from Mr. Beck, spoke in favor of the applicant stating that the subject vacant lot is a dead end street that should have been vacated years ago. It has not been used except for overgrown foliage and garbage. She was mugged from the offenders that emerged from this vacant lot. Her new neighbors Kenneth Beck and George Cohen inspired the neighborhood to try and improve their property, as well. It would be safer for the neighborhood if Mr. Beck and Mr. Cohen maintain this vacant lot. She encouraged the Commission to recommend approval of the application.

Judge Karen Mills-Francis, a resident of 12580 Griffing Blvd stated she has lived in the area since 2000. She has not heard of any criminal activities that had occurred in the area. The city should have maintained this lot. She, together with some neighbors had walked the neighborhood and knocked on doors asking people to sign a petition for the beautification of their neighborhood. She did not know about this proposed land sale. If the city is going to sell the lot it should be open to anybody and the proceeds from the sale should be used only for the neighborhood.

Mr. Howard Tonkin, a resident of 12600 Griffing Blvd commended the applicants for the improvements that they have done to their property. He is glad that the vacant lot was cleaned up. However, he is not in favor of the abandonment given the fact that there is such a small amount of land available for open spaces in the city. It should be turned into a beautiful community garden that the whole neighborhood could enjoy. He also informed the Commission that there were already palm trees planted to the subject vacant lot, which has not been sold yet.

Ms. Cynthia Luschen, a resident of 12880 Griffing Blvd stated that she was the silent leader of the neighborhood. It is a great neighborhood. She was told that this vacant lot was owned by Miami-Dade County. She called the city but has not gotten any response. If the neighbors had known that this is a city owned land, this would not have gotten this far. She suggested that the city own the land and allow the community to maintain it.

Mr. Alexander Sotelo, a resident of 12790 Griffing Blvd. He is concerned with the precedent this application may have caused to the other similar parcels in the area. There is a grand

opportunity in Griffing Blvd. He'll take the lesser of two evils, having Mr. Beck maintain the land or have the city take ownership and maintain the land for public use.

Commission Discussion:

The Planning Commission reviewed the proposed resolution and engaged in a lengthy discussion. Ms. Harwitz stated that she is a proponent of public access. It is wonderful that the neighbor, Mr. Beck stepped up to improve the horrendous condition of the vacant lot. Mr. Prevatel encouraged it to be enhanced as a public park. Mr. Castor also commended the applicant but he was suggesting that staff conducts a meeting with the residents of the neighborhood. Mr. Each commended the applicant and the neighbors for beautifying their neighborhood. He suggested that the neighbors get together, form a neighborhood association, select board of directors and buy the land. Mr. Ernst raised a question about the city's capability and funding in maintaining this vacant land. Mr. Geimer, Director of Parks and Recreation stated that it was never brought to staff's attention that this subject site belongs to the city. There is never enough park and open spaces in the city. Any opportunity that presents itself he would be happy to explore the possibility.

The applicant, Mr. Beck withdrew his application before a vote was cast by the Commission. As such, he was asking for a reimbursement for his application fee.

**---The Commission took a 10 minute recess---
The Commission reconvened at 8:30PM**

VERBATIM MINUTES

Mr. Seifried: All right, we'll resume the Planning Commission. The time is 8:30. This is a continued Public Hearing PC 06-13.

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.

Mr. Seifried: Staff report please.

Mr. Ernst: Mr. Chairman?

Mr. Seifried: Yes.

Mr. Ernst: Point of note here that since I missed the last meeting I requested a meeting with Staff yesterday to get caught up with what took place at the last meeting. So I wanted to disclose that to the attorney and to this panel that I did spend time with Tanya yesterday in getting a briefing as to the items that were covered at the last meeting.

Mr. Seifried: All right and you did read the minutes?

Mr. Ernst: Yes, I did.

Mr. Seifried: You have that verbatim report from last month?

Mr. Ernst: Correct.

Mr. Seifried: All right.

Mr. Ernst: All right, thank you.

Mr. Seifried: All right, thank you very much. Staff report please.

Ms. Sejour: Thank you Mr. Chair. The recommendation is that the Planning Commission recommends approval and issuance of the proposed conditional use permit.

Ms. Harwitz: Can you speak a little slower and a little louder because I don't hear well.

Ms. Sejour: Certainly.

Ms. Harwitz: Thank you.

Ms. Sejour: The recommendation is 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 (the subject development) in accordance with Article 3, Section 3-405 of the City's Land Development Regulations and forward said resolution to the City Council for final consideration. Just to provide some background Mr. Chair. On May 23rd, 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 which serves as a general guideline for the development of the premises and identifies future phases, timing and location of permitted uses contemplated as a part of the project. That conceptual master plan map that's given as an exhibit in the lease agreement has been attached to your Staff report as Exhibit A. As indicated in Section 7.1 of the Lease Agreement location and boundaries shall not be changed without the written consent of the landlord, i.e. the City. Additionally pursuant to Section 3-401B 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 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 Figure 1 below of the Staff report. By virtue of the issuance of a Condition 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. Just to give you an overview of the development summary itself. The subject mixed use development is a proposed master plan project on the 184 acre City-owned site and former landfill, located on the southeastern quadrant of the intersection of N.E. 151st Street and Biscayne Boulevard. The site is currently zoned planned development 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. The regional activity center is a State designated district, intended to encourage regionally significant developments that promote mass transit, bicycle paths, pedestrian connectivity within the vicinity of Florida International University, 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 agreements 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 506 units as part of 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, 10,000 square feet community center, a 7.2 acres active park and 43 acres of open space. Based on the City's land development code there are standards that must be met for the approval of the Condition Use Permit that's been outlined in Article 3 Section 3-405 of the Code and Staff has provided an analysis outlining how the proposed application meets the requirements and the guidelines stipulated in the Code. As such, based on Staff's recommendation of approval, Staff has also included a list of 15 conditions, Mr. Chair at your request I could read each of the conditions into the record.

Mr. Seifried: Since this is for television purposes, yes go ahead read them in.

Ms. Sejour: Okay, so the conditional approval that's been recommended by Staff, Condition 1; The Applicant shall comply with all conditions listed in Exhibit B, of the approved Conditional Use Permit. Condition 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. Condition 3; Applicant shall submit draft development agreement to the Community Planning & Development Department outlining commitment to capital facilities planning to ensure the provision of adequate public facilities for the master development. Condition 4; Submit an amended conditional use permit application and precise plan for each future phase of the development showing detailed of site layout, building architecture, massing, elevations in accordance with the City's zoning regulations. Condition 5; Coordinate with City of North Miami Beach regarding gaining access by the proposed extension of N.E. 146th Street to Biscayne

Boulevard since that portion lies inside the jurisdiction of the City of North Miami Beach. Condition 6; Comply with utility recommendations of the City Engineer based on comments provided in the DRC report dated January 8th, 2013 to ensure water and sewer lines are appropriately sized. Condition 7; Bonding or financing guarantee prior to the issuance of a building permit, the applicant shall deposit with the Department of Community Planning & Development a cash bond, surety bond, or time deposit bond in an amount equal to 110% of the estimated cost of any and all improvements which may be required within the dedicated rights of way of public facility easements to ensure the placing thereof. Condition 8; Developer will pay applicable impact fees to the City prior to the issuance of building permits for each phase of the development. Condition 9; Applicant agrees to provide a supplemental traffic analysis of N.E. 151st Street and Biscayne Boulevard from 1:15 P.M. to 3:15 P.M. to accurately access the currently failing intersection and work with all partners involved FIU, the County, Florida Department of Transportation, Miami Dade School District and the City to develop a proportionate fair share solution to resolve or alleviate the failing intersection. Condition 10; Demand Management Program. The applicant shall submit a transportation demand management program to the City for each vertical construction phase of development. Said plan to be submitted 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 modes of transportation alternatives such as connected sidewalks, bicycle parking, transit facilities for bus or shuttle stops and carpooling to alleviate the added traffic anticipated from the site. Condition 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. Condition 12; Traffic analysis, the applicant must comply with recommendations provided by contract engineers with Kittelson and Associates dated January 22nd, 2013. Condition 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. Condition 14; School impact report the Miami Dade County Public School concurrency analysis indicates that the proposed development does not meet school concurrency level of service standards and as such, the applicant is strongly encouraged to identify a property within the development for the construction of a public school to accommodate the additional school capacity anticipated from the proposed development. And minimize further impacts that already overcrowded K-12 Miami Dade County Public Schools adjacent to the proposed site. The applicant agrees to meet with the City and the Miami Dade County Public School staff to discuss the appropriate mitigation needed to satisfy school concurrency requirement. Final condition, comply with all requirements stipulated in the City's executed lease agreements. Mr. Chair, that ends my Staff report at this time. And the applicant is here and wishes to speak on the item at this time.

Mr. Galdos: Anyone desiring to speak this evening on this item please stand. This is a quasi-judicial item. Stand and raise your right hand. Do you swear or affirm...

Mr. Seifried: Anyone wishing to speak, stand and raise your hand.

Mr. Galdos: Your right hand ma'am. Do you swear or affirm that the testimony you provide is the truth, the whole truth and nothing but the truth? Thank you, you may be seated.

Mr. Seifried: All right, will the applicant please come forward.

Mr. Tillman: Good evening Commissioners, Chair, Staff, City Attorney. Maxine, how you doing? My name is Herb Tillman; I'm the Executive Officer responsible for the development of Biscayne Landing or the project that you know at Biscayne Landing. On behalf of Oleta Partners, as some of you may remember we were before you approximately a month ago with an application for a conditional use permit and a conceptual master plan. That master plan was met with various exceptions. Some by the Commissioners, some by the residents that were in attendance. We have...some of these exceptions were such that they would prefer that a local architect be engaged that's familiar with South Florida conditions as opposed to a Texas architect that we brought in here. We didn't have a problem with that. We've actually selected one in my opinion, one of the better if not the best local architect in this area, Kobi Karp. He's here to give the presentation. Some of the other exceptions were that the automobile dealerships were a bit too large or vast or took up too much space; we've reduced them. The...one of the other exceptions was a previous conceptual master plan showed some senior living facilities and it was pointed out that there were none shown on the previous master plan that we presented a month ago. This plan does show some since we've had a couple of these facility operators come to us in the past four weeks with an interest in building on the site. Residential buildings that were in a previous submittal were commented on rather widely from the audience as well as least one commissioner that they appeared to be substandard in design and quality and maybe even in product. We've addressed that as well in some of the visual that you will be shown here tonight. Further, it was pointed out that the retail center appeared to be...I think the term was too commercial. That it lacked some lifestyle type of retail and maybe needed more restaurants. We've attempted to do that as well. It was pointed out that there was not enough open space or amenities or green spaces, we've increased that green space by approximately 20%. We've added some various water features which I understand it will be some questions on later. I'll be glad to entertain them. And finally, it was pointed out by several members of the community that the previous developer had made an extended effort to involve the community with various town hall meetings in the development of what the product was going to be on site. And I was even asked by one of the Commissioners here how soon we could have one. We had one about two weeks ago and some of you attended. Various members of the public attended. Matter of fact there were about 70 people showed up. Most of the discussion was about the content of the master plan. We tried to address some of those concerns and some discussion was about other items not related to this presentation or to what is before you tonight. With that, nothing to go into much other details other than to present Kobi Karp. We did bring the audio/visual equipment here so that we could present this on the drop down screen if you'd like to come around and have a seat, you'd probably get a better view of it than on the monitors there.

Mr. Karp: Hi, can you hear me? My name is Kobi Karp, I'm the architect for the project. Address is 2915 Biscayne Boulevard, Miami, Florida. I'll be brief and I'll just walk you through the presentation that we made to the neighbors at the workshop which happened about a week ago. And what I'll do is I'll try to briefly go right through it so you can see it. We did make some additional modifications and changes which we'll provide some information in the community meeting so we implemented some of those things and maybe I can show that to you too. In essence, BIBA is just the name that we have Biscayne Bay. If you can give me the next picture please. We basically...you've seen this. That's boring. This is our site and it is unique. And when we looked at it, I just want to give you our concept and our thought process on how we got to where it is today. Is that, we have the site and we have looked at it and yes there is accessibility from Biscayne. It's really on 151st and we're looking at ways to make accessibility and more connectivity both pedestrian, vehicular, electric cars, bicycles whatever we can into the site. At the same token there is...the site is sitting to a Oleta Park which is very nice and has a lot of green space. And we thought it would be very nice to take the assets around us and integrate them into our property. We are...immediately to the south we have the trailer homes right here. We have the commercial big boxes, Costco, Publix, Target, right along US 1. And then we also looked at the connectivity of 151st and how it brings itself into FIU district. And then the existing apartment buildings which have been built along the Hammocks. We looked at the site, which is substantially parallel which does create a nice opportunity to look at the site in kind of a unique fashion but at the same time to be realistic as what is in context in the neighborhood; including the Waste Management Sewage treatment areas. But what we did like and what we felt is a very nice asset is the green and the mangroves that are surrounding us and we felt it'd be nice to pull that green carpet onto our property and use that concept of park and natural preserve. And using non exotic natural contextual plant materials on our project here. Next picture please. So we took the site which is now substantially has contamination which we're cleaning and a lot of dirt and we looked at the surrounding green, and we said it be kind of neat to bring it and pull it into the property and we used that as inspiration. And at the same time we looked at ways that you'll see on the site how to connect both vehicles and pedestrian. And not only right here on Biscayne and 151st but also to create community connectivity over where the residences are to the south. And also if you drive along this road you'll see that there is a whole interaction and pedestrian movement that can really be very unique as a destination for Oleta Park. Next picture please. So what we did is, we came up...this is the site plan that we presented at the last meeting where basically we broke up the area into districts. We have a district here which is independent living facility with assisted living. We have a district here which is an oval park with commercial. We have a district here which is more commercial with a linear park that ran right through the middle. Which then connected onto the oval park, which then connected onto this; a lake area. And again just to differentiate, we have existing lake which has some contamination. But these water bodies are like new fountain areas which we completely separated from the contaminated area. So that would be in the existing swale area. And the reason we did that is more specifically just to back up for a second. Is along Biscayne Boulevard the (inaudible) is about seven. And then the site steps up about 10 feet, steps up 20 feet and then steps down back to the waters edge. So where we thought it would be an opportunity if you will, to (inaudible) the site. And for example, you'll see that Costco for example needs some parking. So we thought it would be nice to introduce the parking underneath this area to get them more parking. Yet at the same token, as you slowly ramp up 10 feet have this whole linear park and oval park area connect to the residential and connect onto the commercial and to the independent living facility. Or if we have a school area in the project, connect it to the

community park and the community center that we have over here. And in essence what we did is, we took the residential which then relates to the existing residential over here they can connect both. You'll see in the plans. I'll show you. A pedestrian it can connect, electric cars, bicycles, foot traffic, roller blades what have you. It can have connectivity along here. There is basically a residential component. In this area right here, this district, sits up about 10 feet above this area. And this area sits about 10 feet above Biscayne Boulevard. So that's how we dealt with the grades and created, if you will, the separate districts. And at the same time created physical separations which gave opportunities not only to separate the commercial use within the community but also create landscape buffers, which I'll go into detail on that. So for example if you go on to the next slide what you will see is that we have taken...that's the area that slides underneath where the Costco where they would have a little bit more parking. Go to the next picture please. And then this is a blow up, if you will, the northern district 151st. Where there is an opportunity to create the car exhibition where it's vertical instead of horizontal. So for example, if you look at the Braman car dealerships which integrate themselves into Biscayne Boulevard quite nicely you can walk around. You can have food and beverage there. At night you can come down from the residences. We see this community as a destination where people would actually in their residences would come down. They would live in a community; they would walk the commercial area. There would be a theater that we have. The theater is, you see right here. It's an indoor theater but it also has an outdoor seating area that opens up to the park. So at night we can have shows and exhibits and we can have movies and plays outside, outdoor as well inside. We have the pedestrian link that connects all the way around the lake that floats. And then it connects also, if you will, if you want to come and grab something to eat, look at a car that you want to buy, that you want to lease, and then it connects over to the independent living facility. Which then has multiple buildings basically nestled within the park and there's a bridge that connects them all together. And the rooftop of this parking structure is the green space. So the folks who live in this community can actually bridge across, come to the rooftop of this amenity area and look over the lake. Look over the oval town square and over the linear park. So that we started to create 3 dimensional green spaces not only at the ground level but also on top of the parking structures. And that helps us with the constructability and the phasing of this project as they go through and have them relate to each other that they're basically ideas of buildings sitting within a park. So that's district right here which connects...I mean some of you have been to where the road comes and stops at this location. There's the lake. And even the lake what we thought we would do, is create plants that would come down closer to the water. So if you wanted to put boats in there and sailboats and so forth they can be interaction. But in essence you can walk all the way around the lake. Connect to the commercial area...if you can go to the next picture please. Here it is better. You can see how the lake then connects to the theater, indoor/outdoor theater. How there's indoor/outdoor dining. And again we call this an oval park but this oval park has commercial uses within it. So you can go down to the park. You can have coffee. You can sit there and have sushi. You can take your dog for a walk. They'll be pedicure/manicure for the dog areas. For the kids there's mommy and me areas. There is care for prenatal and so forth. But all of that would then connect onto the linear park. And again the linear park is an interactive facility. So it would be open and available for people to walk and jog and walk their dogs, both in the morning and at night. So we see people in the community coming down from the residential sitting in this area having a cup of coffee. But we also see a lot of people in the neighborhood coming here. Because this would create a public square where none really exist. For example the City of Aventura, which is a very nice city the Aventura Mall is where people go to congregate. The City Hall is a very nice

building but it really doesn't have a public space if you will. The baseball field is right next door but they're quite small and tiny. Here...so in Aventura for example you walk around the golf course. So here we would have something like that but you would walk around the lake. You'd walk around the oval square. You come to the linear park. You can walk the whole residential community. So you have a place where people in the community can actually come, park their car or they can drive to here or they can take their bicycle to here. They can leave it and they can shop, eat, dine, theater. There's gym, there's bowling alley, there's a lot of activities in here which will be the town square for the community. So that is kind of the thought process for where we came about. If you can go to the next slide please. Then this is the commercial area which again has a completely separate loading area. And what you can see is that we come in on a residential. You have a boulevard which will show you our trees, big trees, oak trees, live oak trees, Poincianas; we're looking at trees that create shade. That creates privacy and creates also a visual separation between the residential and the...for example this loading area which is set down 10 feet about three meters. And then the folks who live in the residential can drive all the way around. Because then what happens is, people who come on Biscayne to alleviate the traffic you saw we have multiple points of entry and exit. What we want is people to come in on 151st but if somebody lives here and they want to come off of Biscayne they can come in here. They can go right across to their building. If they want to exit they can continue drive around the boulevard and come right out. And over here is where we have the community center. We have parks at the end. So that you have an opportunity to just walk along the mangroves. For example if you go...I mean I like to go to Houston's right up here. And what I like about Houston's, I can come outside and there's a beautiful walk outside. I like that experience. And we've implemented that public walk that goes all the way around. So people in the community and let's say I don't live in this community. I can come here. I can walk along the nature center. I can walk along the linear park. I can walk along the oval plaza. Next picture please. And that's more of a blow up of how the connectivity is between the residential phasing community. It's basically buildings as we nestled them within the green space, within the park. We had some comments at the last meeting which I'll get to. But you see this building here, some people said, you know it would be kind of cool if it was this park was a multi-purpose park and then connect it to the oval park. Which would then connect to the linear and to the community park with the baseball fields on the corner. And then even connect this green space onto the lake space. So you'll see that what we did since the last submission we kind of evolutionize that a little bit. But you can see how basically the residentially has its components and they can be built in phasing. And even the rooftops of the garages are looking to be mini tea areas. So people who look down not only to the east and to the northeast and to the southeast would have great views also looking back into the community itself. And it's kind of interesting if you drive along 95 and go up on our Everglades Interchange and you're up about 50, 70 feet up in the air you look and you slow down, I don't recommend you to stop. But if you look to the north you will see the towers of Aventura and Sunny Isles Beach. And then you'll see a gap and then you look to the south and you'll see Bal Harbour and Miami Beach and even Downtown Miami all the way down to the south. But that gap is where Haulover is and the beach and the park, the bay, Oleta Park and where our community is. So that's kind of where that gap is. So from a visual standpoint at the ground level if we pull the green carpet in and we make it interactive where it's park of the community. When you rise above the mangroves about 30, 40 feet up in the air, you have a great vista and opportunity to look over the bay. You can look to the northeast and you can see Sunny Isles Beach and Aventura. You can look to the east and have an open view of the bay and Haulover. You can look to the southeast and you can

see Bal Harbour and you can see Miami Beach. And if you look all the way to the south you'll see Downtown Miami. So it's kind of a unique destination if you can just bear dealing with the local issues of where there's connectivity or the big boxes on the west. Whether it's the sewage treatment plants to the north and so forth. But if you go onto the next picture...I don't want to. This is how we kind of made legends and how we broke up the districts. The districts being here for example were the independent living facility is and assisted living facility with the car and the commercial being here. And I say it's car and commercial because you'll have food and beverage and restaurants within that area so it's interactive. It's kind of nice to go again to Braman or even the Lexus dealership up where it's a vertical shopping experience. That's kind of what we're looking for. For example, there's nothing wrong with (inaudible) if you go to South Beach or to Lincoln Road and Alton Road right smack on the corner they built a parking structure. And then the parking garage is exhibiting the cars. And if you play with the architecture it can be used where people can live on top. It can be an exhibit space. There's actually a retail floating up in space and at the ground level there is commercial that goes all the way around on the 1111 building. Even on Rodeo Drive in California and other locations, the car can be used as part of our experience in life and it's also where we can pick up electric cars and so forth. So it becomes a unique experience for us. This right here is the green space of the lake. This is the building that we were asked to look at to relocate maybe someplace over here to make more connectivity with the community park center and then connect it with the oval plaza of the building or the site. And the reason this is oval again is because it has a one way drive so people can park on both sides, kind of like Miracle Mile. But then when you get out from one storefront to the next, you can see people and you can...the distance is close enough. And when you look at the great piazza in the plazas where you have that commercial it works quite well. So it's a one way drive, you can park on both sides. You can go to the theater. You can go to the bowling alley. You can go to the gym. You can come and have coffee in the park and so forth. But what happens is that it's basically a plaza both pedestrian and residential. We have a hotel here and then we have the commercial that goes all the way around. That's our residential component which is in line again along the mangroves and connects to the residential component that exists there now. Next picture please. This is called technology and sometimes it fails. Is that the next picture? Thank you. And what we did is to show the circulation. You can see all the vehicular and the pedestrian circulation goes around and how the commercial is broken up around the oval space and the linear park that comes all the way around over here. Next picture please. This is kind of interesting. This is the bicycle and pedestrian circulation at the site. Where we're looking to have a substantial amount of connectivity for pedestrian, electric cars and transportation through the site. Next picture please. Again this is the vehicular access and you can see how we...what we're trying to do is specifically keep the loading in the back and separate and yet have the complete connectivity for the residential and the traffic to flow on multiple points of entry and exit. Not only on Biscayne but also on 151st. And now we're looking to make connectivity in these neighborhoods here as well. Next picture please. These are the districts that we have. The independent living facility, we have the commercial, we have the residential, the park, the green spaces. Next picture please. And this is an image that I brought just brought on the last discussion. What we did here is, you can see the oval space with the park and the interactive. And then we have the residential building here. We took it and we relocated it here closer to the community center and to the parks. Because now we have an opportunity if you will to take the green park here, connect it with the linear park with the pedestrian mall, connect it to the oval space, connect it even to the mixed use exhibit park over here. Where we can have fresh produce on Sunday, we can have a market, we can have an exhibition, we

can have a show outside, we can have a tennis match, we have set it up if you will for Christmas trees, Hanukah lighting, Kwanza whatever you like. We can have a multi-purpose park that brings not only the local community in this BIBA but also in the rest of North Miami, City of Aventura and further. Because this really doesn't exist anywhere. So it really creates an opportunity of converting these acres into a multi-purpose function (inaudible) solution that helps us come to...I think to life. If you go to the next picture just for example. This is more of a graphic symbolization where the park would be. This is the oval park. This is the linear park and you can see that now we are looking to connect it to the community park over here. Connect it to the lake experience all the way around. This is what we kind of did and we showed how you know you can have the market on certain days. You can make it a play field. We're looking to connect the pedestrian up and over the vehicular with just simple following pedestrian bridges where we need to connect. But again the trees are deciduous and they're big and they're letting shade. We can create running tracks and playground areas and indoor/outdoor cinema and theater. And then the exhibition spaces just become multi-faceted and very strong. And as a destination people I think would come here you know not only from North Miami or the City of Aventura but the whole community. People who come here from the north beach area; they would come here. I think it's just a nice destination where people would have green space. A park, shopping, eating, dining experience 24 hours a days, 7 days a week if they wanted to. Next picture please. That's boring, next. This is kind of important. You see what we did is, we took the public right of ways and created trees, more trees you know which are Poincianas for example oak trees. Barry can go into all kinds of details. But we're looking to create more shade trees, which relate more to where we are. We're in Oleta. So if we can pull that green carpet and bring it to our site, it would make it a community and a destination second to none. I mean one of the things that appeals people when they go to Coconut Grove or Coral Gables, you drive within a very nice deciduous area that has a nice tree canopy. And then what happens even when the hurricane comes, you lose the green foliage but it comes back the following years. So those are the kind of things we're looking for. Next picture please. And again, we have that on all sites. And creating obviously not only the vehicular but also the pedestrian. Next picture please. That would shade and hide the cars substantially. Next picture please. We made some 3D massing just to show how the buildings you know relate to the edge of the green and then how they relate to each other. Cause then what happens is a lot of space also in between the buildings. Next picture. This is kind of...just massing and study of how the green space and the water space so then you can have the pedestrian movement that goes all the way around. But it starts to give us the feeling of the nice spaciousness between the buildings. Next picture please. This is kind of looking again at the boulevard that goes all the way and shows you what the buildings can be. Basically buildings nestled within the park. I don't want to say its Central Park because Central Park is passive. We have commercial uses like you would have in (name indistinct) Boulevard or if you're familiar with south...like Panama and Rio de Janeiro. You have that kind of feeling in their urban parks. Next picture please. And that's looking back into the Oleta and then you really get an opportunity to have buildings that can come in phases. Next picture please. The relationship to the oval park right here. Next picture. This is kind of interesting. This is Biscayne Boulevard if you will on 151st. And this is the vertical car commercial district. This is the rooftop that looks over the lake. That looks over the oval space and over the linear park. And then it looks down into the opportunity to create all these green spaces and park spaces within where people can walk and interact and connect in the community. Next picture please. The existing buildings are right here. They would be right here. This is just a progress image that we did. We haven't yet...you can see what we did is, we took for example the commercial

and we placed it here. But we haven't yet 3 dimensionalized that. We need to do that. Because I just wanted to show you some progress since the last meeting that we had. Next picture please. This is the lake and how we proposed to have it. You can walk around, you can connect to it.

Ms. Harwitz: What is the size of that lake? How many acres?

Mr. Karp: That's a good question. I don't know off the top of my head. Do you know the size of the existing lake?

Unidentified Male Voice: The existing lake is about seven acres.

Mr. Karp: Seven acres.

Ms. Harwitz: Is that based on the existing or is that a new lake?

Mr. Karp: Oh no, we're looking to keep the existing lake and maintain it and find ways to clean it. And any new water bodies will be completely disengaged from it. Kind of like you would have a pool and a Jacuzzi. You know they look like they're connected or they're nearby but there's a complete separation and wall between the two bodies of water. Next picture please. That's it? Thank you so much for your time. I'm here to answer any questions. And you can turn on the lights because I've made boards also and I'll be more than happy to show you anything that you like.

Ms. Harwitz: (Inaudible) about that lake again?

Mr. Seifried: (Inaudible) and open public hearing. We have to get up front and raise the screen and work off the boards. Mr. Karp, I want to thank you very much for that presentation. I know a number of the Board members have questions. And before we open the public we'll let the Commissioners ask such questions as they may have. Ms. Harwitz, you may go first.

Ms. Harwitz: The lake. First of all Mr. Karp, are you familiar with the property in terms of, it's vertical composition?

Mr. Karp: You mean the vertical composition of the lake?

Ms. Harwitz: It was a garbage dump.

Mr. Karp: Yes.

Ms. Harwitz: It was one of the busiest garbage dumps in Dade County for seven or eight years. With an average depth throughout the site of 18 feet.

Mr. Karp: Yes.

Ms. Harwitz: And then you're talking about things to be at 10 feet. What happens to the top eight feet of the dump?

Mr. Karp: Just so I'm clear. The road right now is basically at...let's say seven (inaudible). And if you drive by you'll see that it steps up about 20 feet. So what we

have done is, we have...what we're looking to do is displace the soil that is on the site and create the opportunity to have a (inaudible) 10 feet higher and then another (inaudible) 10 feet higher which is the residential. Let me just...give me a second. So for example, what happened here is that to go from Biscayne Boulevard to this level right here there is a 10 feet (inaudible) grade change. And then when you go up over here there's another 10 foot (inaudible) change. When you come back to where the mangroves are and the water line it drops down. So what we did is, we thought it would be number one and Mr. Tillman can speak about the lake. Yes you are right. This drops down about 15, 20 feet and...

Ms. Harwitz: I'm sorry. What did you just say?

Mr. Karp: It drops down. The water depth is about 15, 20 feet.

Ms. Harwitz: I thought it was 30.

Mr. Karp: Thirty feet, thank you. But what we are looking to do is, to find a way to make a park and a green space allowing the water body where people can walk around. Then they can connect on to the oval park and onto the linear park. But of course you know Herb can speak to you about what it is that they need to do about the lake.

Ms. Harwitz: The thing is you said or somebody said that was a seven acre body. That piece is seven acres?

Mr. Tillman: The question was, how large is the lake surface was. It's approximately seven acres today. It was a burrow pit. It needs to be reconfigured. Our intention is to fill part of it and to reconfigure the lake shore on the rest of it so that it can accept human traffic to the lake edge without the danger of slipping in and falling off the edge. So it's going to require...

Ms. Harwitz: So when you talk about reconfiguring it, you're talking about filling it in or expanding it?

Mr. Tillman: Filling part of it.

Ms. Harwitz: Filling part of it to create some kind of gradient. Is that what you're talking about?

Mr. Tillman: That's correct and also to create the property use that we have identified for the auto dealers as well as to push part of that lake out where it appears to connect with the water feature that runs throughout...

Ms. Harwitz: Okay well then that's the next question. He mentioned that the water features are completely separated from the contaminated areas. Does that mean these water features are going to be created on top of the garbage dump?

Mr. Tillman: That's correct. They're like...I guess you would call it like a lazy river. They are similar to a swimming pool if you will. They're completely contained, lined. They have a structured bottom. It's going to have to be some recirculating pumps that you know catch the water at one end and send it back to the other. It's going to have to be kept clean such as what you do with swimming pools.

Ms. Harwitz: Where will the water come from that goes into the contained area?

Mr. Tillman: It's going to be filled...

Ms. Harwitz: The lakes are rock pits that are filled with the ground water, which is contaminated. And is this contaminated ground water then going to be fed into these artificial features?

Mr. Tillman: No.

Ms. Harwitz: What's going to go into the artificial features? What kind of water?

Mr. Tillman: Just pool water, swimming pool water that is balanced.

Ms. Harwitz: So will it connect to the contaminated water?

Mr. Tillman: No ma'am.

Ms. Harwitz: They'll be a wall.

Mr. Tillman: It will not. Totally separate body all together.

Ms. Harwitz: Okay so it looks like it's connected but it won't be.

Mr. Tillman: Correct and we have the opportunity to do that with our highway that passes right through there. That'll be the natural separation point.

Ms. Harwitz: And then you will have then like...it will be like swimming pool water is going to be recirculated and cleaned, is that what you're talking about?

Mr. Tillman: That's correct.

Ms. Harwitz: Have you talked to DERM about this?

Mr. Tillman: No. We're not even close to that phase yet. Our process to get approval through the Planning Commission, through the City Council and then we approach DERM with more precise planning.

Ms. Harwitz: Okay I guess another question is...I guess Mr. Karp is an architect also works with landscape architects and has knowledge of plant nurseries and things like that. Mr. Karp, do you have experience with dump sites, growing trees on dump sites, native trees on dump sites in Florida?

Mr. Karp: Well there has been in the past obviously various contaminated areas that...

Ms. Harwitz: I'm sorry. I cannot hear you.

Mr. Karp: There have been contaminated areas in Florida that have been cleaned up and landscaping is a very good way to improve that. There are many ground filled

areas that what you do is, you do exactly this. You come up on it and you separate the contaminated lake for example from the water features. You separate the dirt and you let it air and you let the landscaping come and grow out of it. You don't have a problem with the landscaping growing out of it. The landscaping is going to be able to grow. It is a dump site. We do have trailers to the south. We do have Waste Management issues and the Waste Management immediately to the north. Yeah there are issues with that site. But certainly they can be dealt with in a fashion that allows us to control the water, the water runoff, the lake and separate and segregate the contaminated area with the area that's healing. And that's what's good about this site. It's in the healing process. And hopefully one day it'll be substantially healed. But we need to get that process started and done correctly. The lake as you noted is contaminated but if you look at the plan which I passed to you, it says the reshaped lake because we do have to maintain that body of water. And we have to separate it from the other bodies of water that we are proposing. And we have to separate also from the water runoff.

Ms. Harwitz: But the trees aren't separated from the contamination, the trees grown in the contamination. And trees that they planted many years ago all died.

Mr. Karp: And that's why there is a way to plant material and bring soil there which is fresh and maintain and lets the tree grow. And there are opportunities to plant material in ground fields. It's been done many a times before.

Mr. Seifried: I think Kenny wanted to get in there. Kenny, did you have some questions (inaudible)?

Mr. Each: There are several questions I have but I'll wait Kevin. Thank you.

Mr. Seifried: All right. Go ahead Mr. Prevatel.

Mr. Prevatel: It's a follow up regarding the lake. The lake is in a current location, a current configuration. And I'm wondering if...the perception of that lake is that...technically I believe it is still somewhat toxic. My perception is that it'll continue to be toxic no matter what sort of gets done down the line. It'll still be...possibly considered somewhat of a cesspool. It's part of the original project or part of the original complications of the land. I'm not too convinced that that location is the best place for a lake either. We're saying about views and such yet most of the high rises are fairly far away from this particular lake. We're talking about the back of two commercial buildings rather than the front of it facing onto it. The lake then looks through vegetation here onto the loading docks. Over here it's the back side of the car dealership and over here people are kind of rushing by. This isn't the main entrance and exit for the residential area so it's not that they're being necessarily so treated to this view of the lake. As well as that, the assisted living areas and such over here a little bit removed. And I pose the question, could this be a case of the tag wagging the dog. If you would have the clean slate where we would have the outline of this property, would we really say that's where we put the lake and generate everything else around us? It's 184 acres and you've already shown us that you're willing to do additional water features. We know that this lake is problematic. There's also discussion of taking some fill out and relocating it. There's also discussion of possibly taking the fill out of this area where the car garage double level garage would be and I don't know exactly where you're going to be relocating that. But might this not be an opportunity to combine all those efforts. To say maybe we can wipe clean the past here and as I've said before; possibly reconfigure

some things in the design. Which maybe I speaking too much. I just want to stop at the lake and say maybe we can put this effort into the nice clean water features elsewhere where they really make an impression. Where they are at a prime location for the traffic pattern, for the residential area where it's not just sort of passing by. And again leaving exposed to this back loading dock area. Let me just stop. I'll get back to the other design elements after I let somebody else speak.

Mr. Seifried: All right thank you. At this point and time if there are no other questions from the Commission at the moment, I'd like to open the public hearing. All right let's open the public hearing. Anyone wishing to speak is invited to step forward. Please state your name and address for the record.

Mr. Hellinger: Good evening. My name is Andrew Hellinger. I'm the receiver of the Oaks I Condominium Association at Biscayne Landing. I have not been before this Council but I've been before the City Council...

Mr. Seifried: This is the Planning Commission sir.

Mr. Hellinger: I haven't been before this Commission. So in any event you did hear at the last session from unit owners and residents at the Oaks and they were vehemently complaining about the design that was presented at that time. And this is a better design and more well thought out but it seems like its still percolating. There are three points that unit owners have issues with in this design. And I'm going to turn this way and use Mr. Karp's board. And I do commend him. He's done good work in short order. I'm not sure he's got enough time in it yet but I think he's going to get there. Importantly the area in their board right here, this is the Oaks. And the Oaks actually has a piece of land that's right here. They're showing in their design a road through the Oaks property. And the City Council leased that land to the Oaks for Oaks purposes to finish its community, as its own community. And it's possible that the Oaks at one time becomes part of a master planned community of a greater Biscayne Landing again. But the Council was smart enough to give enough land to the Oaks to control its own destiny. So that piece of land can be used by Oaks for instance as its own ingress and egress. And there's a plan floating where it would become that. This developer would like it because they have the need to have exit and entry points and a traffic light for the amount of traffic that they're going to bring into the site. A light at that location is not necessarily a bad thing but they can't just come before this Council and put a road on the Oaks land without talking to the Oaks. And I think at the last Planning Commission the members asked that they meet with us and they did meet with us. And we had a frank communication about the issues that are important to the Oaks and what they need to do to gain more support from the Oaks but we're not there yet. One meeting doesn't make an agreement. I think we ultimately may get there but to the extent this Commission would approve a plan that includes this developer showing a road on Oaks property, you just can't do it. At this point you can't do it. If you're going to approve an area that has some retail area and they have a residential area and they have a commercial area and they have a park area and they have an ACLF area. Those areas of their phasing are not opposed by the Oaks but the fact that they are seeking to use a portion of Oaks property in their design, that's a bit of a problem as we sit today. There's another problem and we need to work this out. It is City...its one big property of City property. And we are tenants of the City. The Oaks is a tenant of the City like Oleta Partners is a tenant of the City. There is a drainage in stormwater management system that involves the Oaks. The Oaks drain into a drainage pond. It goes to another pond which I'll turn to this again.

The Oaks in part drains into a drainage pond which is in this area of the property and it's on the Oaks property and then it drains into another pond which is on the Oleta portion of the property. And then it continues on to yet another pond and then drains into this big colorful lake that sits out there today. They want to in their plan close some of those drainage areas. And until we've dealt collectively with drainage, you can't approve a piece of development on a property that today is being used by the landlord to drain water. So that's a problem and we've had a discussion about that and ways to solve that problem. So any approval this Commission would give this developer well we would say that it has to be conditioned upon that agreement being worked out with the Oaks Association, the developers as well as the City. And there are ways to resolve it but again it's not being resolved today and they are jumping a bit of the gun to suggest that you all approve property or a development plans on property that right now isn't filled in for development. It's actually been previously approved for a specific purpose. That is stormwater management and drainage. The biggest obstacle that the unit owners of Oaks voiced not only to this Commission but in the public meeting that was heard a few weeks ago and to members of the City Council is they view Oleta Partners as being an extension of Mr. Swerdlow. He was part of the original developer. Some of them thought at the time that he was part of the development team. And he stood before the City Council. He made promises to certain unit owners that when he does this big plan there would be some contribution to the Oaks and the completion of that community. Because his words were that the Oaks buildings were not what he would have built and they're not pretty to look at. And he's going to build something nicer and he wanted a contribution to make sure that the Oaks didn't stand out like a sore thumb. He has yet to live up to that promise and it wasn't in writing but it was made on the record to the Town Council. And there were meetings with some unit owners and so they're quite upset that these plans are coming forward without living up to those promises. And they wanted me to relate to you that those promises were made. They were made publicly. There were communications to back them up and they're hoping that this City will continue to support of the Oaks residence as they continue this plan. In summary, it's a nice plan. It's a better plan. It needs a little bit more work. And there's one more point that the Oaks residents asked me to convey. They believe that this park down in the corner is almost like an afterthought. It's out of the way. It's not near the residential. Mr. Karp did show you a plan at the end where he connects some parks and maybe that's the second generation of his plan but it's not this plan. And so, I think what they're asking for is for your approve areas of development. One phase being retail, one phase being residential, one phase being more commercial in nature, etcetera rather than this specific plan. Because this specific plan still (inaudible) in the Oaks residents opinion needs a lot of work. They were promised when Mr. Swerdlow was the developer that they would have bike paths and hiking trails and park land and places to go play with their kids. And here it is they're in the northeast corner and here it is stuck all the way in the southeast corner and that really doesn't make them that happy. There has to be yet a better plan that can be discussed. And Oleta Partners would say, well the Oaks is not part of our master plan, it's not part of our lease hold. And we intend to have that discussion but we don't know what that costs. What does it mean? We know what it cost the last time because the developer, whomever it was at the time, whether it's Boca Developers or a partnership with Swerdlow and Boca Developers. They stuck it to these unit owners. And this is their chance to speak up for themselves. And they intended to be here and a lot were here. It got late, they have children and they have jobs in the morning and so they went home. But they've asked me to share that with you. Thank you.

Mr. Ernst: Mr. Chairman?

Mr. Seifried: Yes Mr. Ernst.

Mr. Ernst: Sir, don't leave yet.

Mr. Seifried: There's a question for you.

Mr. Ernst: The question to both and direct to Staff if I may regarding this issue. Earlier in the Staff presentation 15 items were listed for conditions for the developer to follow. Can I ask Staff why this particular item of questions that the Oaks have brought forth were not listed in the conclusion? If so, can you state for the record that they were neither addressed or they were addressed?

Ms. Sejour: With regard to the issue of the roadway and access, that was provided to the applicant as part of the DRC analysis. And the applicant did understand based on the comment provided that some type of agreement would be needed with the owners of the Oaks in order to access that portion of their property. So that has been made in writing to the applicant.

Mr. Ernst: Is it listed in the...

Ms. Sejour: It's not actually listed in the Staff report itself. We could add that as a condition from the DRC report.

Mr. Ernst: I myself as a member of this body would like to see some sort of condition added that would add that this be mitigated or somehow resolved between the Oaks and the developer in order to meet approval for this site plan or to even move forward tonight; if we could get that. And if it has to be done as a form of a motion or can that be added to this item now.

Mr. Seifried: Well what would happen, after all is said and done and public hearing is closed and we have our discussion we add that as a condition. It would be an item 16 or an item 17 among the conditions that are listed. That is the way that we would deal with that.

Mr. Ernst: Would I be out of order to ask if there is any additional input from any of the other members or disagreement with what I've stated?

Mr. Seifried: No I think that the Commission would very likely adopt those recommendations...

Mr. Ernst: That can be made as a separate item later on after we address that or can we go ahead and add that?

Mr. Seifried: It really has to be done at the end.

Mr. Galdos: At the end. Since you are capable of either approving as is or denying or approving with conditions. That would be one of the conditions you would attach to your approval.

Mr. Seifried: Yeah this would be an attached condition over and above what Staff has already enumerated.

Mr. Ernst: And Staff clearly understands what I'm getting at? Would that be of satisfaction that we would have that in writing to the...to your association at the Oaks. That they would follow through with resolving the issue of the road, getting it done tonight.

Ms. Harwitz: Well the Oaks has a lot more than that as concerns. I mean that isn't going to solve the Oaks issues.

Mr. Ernst: But that's the main issue that you have, that you've questioned.

Mr. Hellinger: It's one of the main issues. I think there are two issues. One is going to be the road and the access. And two is going to be the stormwater management. I think the road and the access is more important because they're cutting through a piece of property that the Oaks had in consideration. Maybe using that as it's on ingress and egress. Although we're happy to consider sharing it, there needs to be an (inaudible) agreement over it.

Mr. Ernst: Again back to Staff. Would that have to be two separate items added?

Ms. Sejour: With regard to stormwater management. That is a comment that was provided by our City Engineer. And under condition six, does make reference to his report. But if Commissioner Ernst you'd like to call that out as just a stand alone issue and additional condition to do that. Otherwise the report issued by the City Engineer encapsulates all of those issues.

Mr. Ernst: Well I would like for that to be highlighted.

Ms. Sejour: And we can do that. If it's your recommendation that that individual issue be called out as a stand-alone issue, that could be added also.

Mr. Seifried: That would be two items added to the 15.

Mr. Ernst: Two items added to the 15 that we've already...under the conditions that they would have to agree to it upon getting permission to go ahead with this conceptual plan.

Mr. Hellinger: Thank you.

Mr. Each: Mr. Chairman?

Mr. Seifried: Yes Mr. Each.

Mr. Each: You said there were promises made to the Oaks that weren't kept. Can you elaborate on that please? Is that the pool and the clubhouse?

Mr. Hellinger: At several points in the presentation for the RFQ and the RFP, Mr. Swerdlow did make comments to the City Council that he would contribute money to the Oaks. He mentioned \$2 million dollars. If he bought the units in the Oaks, he mentioned

\$3 million and then mentioned \$4 million. Those are records of the City Council. There are records and transcripts of that. There were some communications with unit owners asking for their support and what he would be prepared to do. Mr. Swerdlow would say that none of that was made in writing. It wasn't signed to. It's not a contract, we get it. We get the issue. The problem is, when you tell people who bought units in a building that was TCO'd, that was incomplete, in a community where a developer promised they were going to be living in an urban oasis with park land and walking space and biking space. And all the things that go with this urban oasis and convenient shopping and playgrounds. And then you tell them publicly, but don't worry I'm going to try and make it better for you. They remember. And I'm just the receiver. I don't have a bone here. I'm just a guy in the middle. But a Circuit Court in the State of Florida appointed me to be their representative and to finish the community. So when they say, Mr. Hellinger, this gentleman who we believed was a well-known developer and we invested in this community because he was part of the development team. And he made to promises to us and he repeated them publicly. We're not letting you off the hook so easy either in protecting our interest. And for better for worse, the Circuit Court judge gave me that job. And I'm relaying to you their concerns and I think any of you that were at the Town Hall meeting saw how frustrated they are and how passionate they are about where they live and what they would like to see where they live. And I have to tell you, some of them were impressed with Mr. Karp's plans. But they did take note that for one reason or the other, they were left out. They were left out because they're not part of the master development. The walking path doesn't go behind the Oaks even though we'll probably have to build it when we finish our community and connect to their walking path because it's the City's property. It's not necessarily their property alone or our property alone; there is connectivity. But they were flabbergasted that a developer and whether it's Mr. Swerdlow or Mr. Lefrac (phonetic spelling), they are the (inaudible) owners, they are wealthier than these unit owners. They can hire more lawyers than these unit owners. They get that. But they were promised a particular type of investment. And what they ended up closing on was substandard in many of their opinion and probably in some of this Commissions opinion. It was not what was originally pitched to them. The development was incomplete. The building was TCO'd. They were forced to closed without amenities, without things that they were promised. And there developer caveats to get out of all that to make it a very tough fight to pursue on their behalf. So they felt that they were forced to closed. Well this is their opportunity to stand up and be accounted for and there are 373 of them that are very disappointed that the plans that are being presented are including aspects of their property, which they may be not opposed but without compensation. And unfortunately for Oleta Partners, Mr. Swerdlow stood before the City Commission, residents, met with some of these unit owners and set a price. And while there is some negotiating to do and people will be reasonable, you just can't approve a plan where they use the Oaks property. It's just impossible. We have met with the City and said we are willing to talk about methods to resolve these issues. And we have told the same thing to Oleta Partners. And we did have a constructive first meeting. But this plan in front of you does use a portion of the Oaks property, for as small as it is, but it's important for their traffic. And it's also important to Oaks and its traffic. And we need to resolve that dichotomy. And unfortunately in the minds, in the perception of these unit owners, the developer's the same guy. It's no different. It's a different company but it's the same guy. And so, we think that the conditions you would add would help in making sure that the right thing is done.

Mr. Seifried: All right, thank you very much. Anyone else wishing to speak to this item please come forward. Take your microphone. State your name and address.

Mr. Wolland: Good evening. My name is Frank Wolland. I live at 12934 Banyan Road. I picked up this magazine on the way and I don't know how many of you had an opportunity to read the article. It's kind of interesting. It's on page 80 of the Biscayne Times. It says here for April. The pressure is on to wrap up the preliminary site plan this month before the election while the developer's can still deal with a relatively (inaudible) City Council. So ladies and gentlemen, the pressure is on or should I say, lady and gentlemen the pressure is on. I don't believe that this plan and I think Mr. Karp is very well spoken and it is an improvement over the original plan. But I don't believe that it is consistent with the comp plan. I think there are major traffic issues. And I think there are school capacity issues. And the density of the project keeps growing. Add another 1,000 or more units. Now they're talking about 5,000 and rental units and 8,000 parking spaces and thousands and thousands of cars coming in and out of a million feet of retail space. And Staff's way of dressing this is, let's make conditions. So we'll have conditions about the traffic analysis between this hour and that hour and conditions about the transportation plan and conditions about the traffic engineering. And you got like conditions nine, 10, 11, 12. I don't have them in front of me but you've got them in front of you. And so what you're doing here is, you're like...let's push this thing on. Let's pass it. We'll talk about the conditions later and you know the way things happen around here. And I know 'cause I sat there for about 20 years. Nobody talks about them later. They just get swept under the rug and unfortunately this Board, which I served on for many years, whose job it is to actually do the planning. And look at the policies and the goals and objectives and to make a plan, you don't get to plan anything at all. You just get to go okay, yep on we go. But you know look at these conditions ain't going to happen. I was very disturbed. Frankly I'm glad I don't live at the Oaks. I was disturbed. And those of you who went to the Town Hall meeting and Mr. Hellinger kind of hit it on the head but it was troubling to me. Because when you talk about connectivity and the people who live at the Oaks were saying, but wait a minute we're not connected. The road doesn't go through here. And the bike way is not here. And Mr. Swerdlow says, yeah you know I didn't connect them because they didn't want to join my association. They don't want to pay their share of this and pay their share of that. So I'm not connecting them. I don't have to connect them. I have a lease. That's pretty much what he said. And I found it to be mean spirited because the people who are there, it's like they've been kicked a lot. And to go to a meeting and hear someone who's you know... (inaudible) great project was offering all these benefits. Basically saying listen, you're not getting any of the benefits 'cause you didn't want to join my association. And they're going but what about the \$2 million dollars? You promised the \$2 million dollars. He's like no. Well I did but that was if I bought the units and I didn't buy them and you know. And it was disappointing and I'd like to hop you as public officials who are charged with the responsibility of making these decisions, give it much more serious consideration than it's received so far. When we talk about traffic and connectivity this project is a project unto itself. There is no connectivity to the residents to the south. The people from Highland Village who want to go to this project, they have to go to Biscayne Boulevard to go. The people from FIU have to go out and around to go. There's no connectivity. Its like internally connected. And when you want to see where the bike paths and where the sidewalks but nobody's really said where the bike paths and the sidewalks are. You can't really tell from the drawings that you've been shown and if this is consistent with some of the other developments that I've seen this particular developer do, there are no sidewalks. You have to walk in the street. Notwithstanding all the talk of bike ways and connectivity and so I encourage and I feel this project cries out for a traffic study now internally and to deal with the consequences of Biscayne Boulevard and the

lights and the traffic that we're all going to have to deal with it. Not later as a condition that's going to be oh don't worry they've got their master plan and they're going to keep it. There were conditions. We'll talk about...no. I urge you to deny the project. Not to add conditions but to have them put the conditions on the table now and come back in two weeks or next month with the traffic study. And to really talk about connectivity with real experts and you know figure out where the access to the Oaks are. Figure out how they're going to address the problem. Don't just...oh yes, let's add another condition. You know what the City Council's going to do. Okay, Staff...yeah go ahead. It's not the right thing. It's not right for the people who live there. It's not right for the public who's going to be on the boulevard. And I urge you not to rush through this. And so that's my recommendation. And nice to see you all and have a nice evening.

Mr. Seifried: Next person wishing to speak to this item please step forward. State your name and address.

Mr. Grant: My name is Stewart Grant I'm the coordinator of planning for Florida International University. Good evening. We...in the agenda package that's posted online for tonight's meeting, we found this drawing here. And it includes a connection in the vicinity of 143rd Street that potentially at some point in the future would allow for a road connecting to the FIU campus. We heard a lot of talk tonight about connectivity and FIU believes we do need better connectivity. We think that...we would to have...the students and the faculty and staff to have a short cut through to this project so that they might live in the project. So they might use the restaurants in this project, shop at the stores in this project. Right now there is a dirt road. It goes across the property right about where this is shown. It's walkable. It's drivable for at least half the length of about 1,500 feet. We'd like to see the developers make provisions for at least pedestrian and bicycle connectivity to the FIU campus. That is not on their property it's on City land. But there is that potential for a connection to FIU through the center part...to the center part of the campus there. And so I hope that you'll consider making that a condition. Thank you.

Mr. Seifried: All right thank you sir. Anyone else wishing to speak to this plan tonight?

Mr. Dellagloria: Good evening my name is John Dellagloria, 9155 South...I'm sorry. John Dellagloria, my office is at 9155 South Dadeland Boulevard Suite 1014. I'm only speaking in response to some of the comments that were made and to try and put this matter into focus for you tonight. The only thing in front of you tonight is kind of an initial conditional use approval for us to go forward. As the Staff report indicates, anytime any individual aspect of this site is going to be developed, we have to come back in front of you. So talking about massing will happen in the future. Talking about the lake will happen in the future. This is kind of like the preliminary okay. And then when we come back and most likely Mr. Tillman will be coming back for the location of the spine road, which is the first thing that has to go in. Nothing you're doing tonight is going to approve that concept plan exactly as it exists okay. Under the lease we have we are allowed at our sole discretion to change the concept plan. But anything we do has to come back in front of you as the Planning Board. And I just want to take a minute to take exception to two of the last speakers. Not the gentleman from FIU. It's very nice of Mr. Hellinger to try and litigate his case in front of you this evening. As far as the Oaks is concerned, I think everybody in the room knows Mr. Swerdlow attempted to buy the property. The Oaks would not meet the price. If Mr. Hellinger wants to come back up, if he's still here and tell you how the Oaks is in total violation of the lease agreement it

has with the City. Because it is practically completed rented out when only 5% of it is allowed to be rented out. Perhaps somebody should ask Mr. Hellinger as trustee, who's getting paid a lot of money, to pay attention to that. As far as Mr. Wolland is concerned, we would love to have connectivity with the trailer park, which is in another city. So...and as far as Mr. Swerdlow's reputation is concerned, it's well and good to take pot shots at the guy. If it weren't for the fact that he was involved previously, was bought out by his partners. The partners who didn't keep promises to the Oaks, he wouldn't have the ability to come back in and give the City \$25 million dollars upfront and you see the Staff analysis of how this project is going to be in about a billion dollars to the City over time. None of those issues are important. It doesn't matter how much the Oaks is not in compliance with its lease. It doesn't matter which city owns the trailer park. All you're doing tonight is giving an approval for us to come back in front of you. And if you want to add a condition, go ahead and add a condition. If you don't like what's going on, then by all means vote no tonight. And we'll be done and we can all go home and have dinner. But that's what's in front of you tonight. Not where the lake is located. Not how many units are being built on the property or anything else. You're giving an approval for us to come back and get some more approvals. That's all that's happening tonight. Your approval tonight does not allow us to build one thing on that site.

Mr. Seifried: Thank you John. Anyone else wishing to speak to the Commission on this item tonight you're welcome to step forward. Anyone else wishing to speak? Third call, anyone else? Hearing none, public hearing is closed. All right ladies and gentlemen it's time for Commission discussion. Mr. Ernst has asked for two additional conditions to be added. One governing the access road for the Oaks and the second one on stormwater drainage issues being resolved.

Ms. Harwitz: I would like to talk to that.

Mr. Seifried: All right. Go ahead.

Ms. Harwitz: I don't think we should be adding any conditions tonight. What I think we should be doing is continuing this matter until these primary issues have been resolved. We have issues about the alignment of the entrance to the property that's going to change the whole configuration. I did a rough calculation on how many acres of things there are. And I don't frankly see how you can 4,300 units on the acreage that's left when you take out everything for lakes, roads, parks and everything else. So approving a plan that has 4,300 units tonight when we have so many open issues, I think we need the School Board onboard. They're going to need land for schools. That's not been taken out of this property. I think that we should continue this matter to get further information and to have further negotiations to resolve some of these issues.

Mr. Seifried: Thank you Ms. Harwitz. All right Mr. Prevatel.

Mr. Prevatel: Is there a panel for the figure ground study and the traffic circulation study? And as well as the panel that's up on the Board right now if we could...we're being asked to forward this project and the approach is sort of that we are to approve of basically the (inaudible) and road. And by approving the (inaudible) road you're sort of implying that you accept the massing and the arrangement of the various components. I think there have been great improvements made since the plan of a month ago. And I think it's in the right direction. I think it has more character, more nuance to it and such. But I think there's still many things that I wonder that there may be room for

improvement on. Let me break down a couple of things. If we're looking at the circulation study this is a prime thing with the massing. If we were to come off of...this is one of the main entrances. Can you see that? If we were to come off of Biscayne Boulevard and if this is being declared the primary access road into the property and you can't quite see it here. But there are the major residential units are along here. You're coming up and you're saying I live...not myself. But someone will be living here. And they come up. And to get to this location here, they have to come up. This doesn't happen. This is a service road, this blue. They have to come up through here. They have to pass one building, two buildings, three buildings, four buildings, five buildings, six buildings to get over into this location. They have to do the same thing coming out and then they get all the congestion from these many buildings. You say well is there an alternate way to get out? Yeah there is. You can go this way and then if you live in this location you have to come even further. And if you live here and say, I want to get out quicker. How are you getting out? Are you going this way, no? You're going out this way through the back end of the retail way over here. You turn 90 degree turn here and 90 degree turn, you're through the back of all the loading docks, loading docks and you come out. And I really...is that the best we can do in terms of circulation to do that. Are we doing these...is that really going to increase the value or the desirability of these units. Is it also...I would think that it's going to be a little bit more congested that all of these units if they want to take the more desirable root out, they'll all have to come through here to this one location.

Mr. Karp: But Mr. Prevatel, I'm sorry to interrupt you. But you're not correct.

Mr. Prevatel: Okay please correct me.

Mr. Karp: So basically if you look at the plan and you can clearly see that if you wanted to come on this entry right here which is N.E. 143rd and you can do that. You can come around here and you can simply make a right at this juncture right here. And again as Mr. Dellagloria has mentioned, there are various ways to make the connectivity. And you can make it here. You can also come through here and you can also come through this area. And even if you wanted, you can come through this area.

Mr. Prevatel: That's exactly what I'm saying.

Mr. Karp: So I think what...but I think that you're misguided in reading the plans. If you look at the plan specifically what it does proposal and again it comes over here and you can come around. And by the way, you can also come around here and come all the way around and drive this way. So you have multiple options to do that if that's what you wanted to do. That is not...but again I think what we're saying is, that as Mr. Dellagloria has mentioned. This is a step forward and as you mentioned this is substantially better than what was previously submitted to you. This is a step in the right direction. But at the same token, it is not the final solution by any stretch of the imagination. And just like in every public hearing that you go to, there are conditions. And I think we are in agreement with Staff conditions. We are in agreement with Staff conditions and comments on this plan. And we're more than happy to move forward in a positive fashion. And if you have such comments I personally will be more than happy to implement them into your comments just like we did when I met with you at the last workshop. And just like FIU had comments about the connectivity about the pedestrians, I think those are doable comments. So I don't think we need to go into every little nuance and if you have those comments, we'll be more than happy to do it.

Mr. Prevatel: And I thank you for pointing out exactly what I was trying to say. You affirmed what my concern was. You exactly affirmed it. Basically everything is coming through this point. Whether you come up this way you go this way. It's all coming through this point.

Mr. Karp: No you're wrong.

Mr. Prevatel: Every residential piece is coming through here.

Mr. Karp: William, you're wrong. It does not go through that point only. Again let me just be crystal clear. You can come from here. You can come from here. You can come from here, here or here.

Mr. Prevatel: All those points wind up where?

Mr. Karp: This point right here...let me just take you on this point. You can take this road and come all the way around here.

Mr. Prevatel: That's my point. My point is exactly what you're saying. Either you come through these three or four locations and you wind here. Or your alternative is to take the tail end here. To take this long (inaudible) past the loading docks, past the back end, square it off this long route to get to these things. I mean I don't like to see the back of a retail center once a month, once a year. I don't know if I want to see or if anybody else wants to see it once, twice, three times, four times a day.

Mr. Karp: But you wouldn't be able to see it. It's like driving around Aventura Mall. But you don't see...but Mr. Prevatel, you're not correct.

Mr. Seifried: Gentlemen, let's not make a public debate out of this at this point.

Mr. Prevatel: But if I may continue my say?

Mr. Seifried: Thank you, go ahead. Mr. Karp...

Mr. Prevatel: So my point is that we're here to approve of the circulation pattern. That's really probably the primary element of this and the circulation pattern then locks in your uses, locks in your massing, locks in where the parks are. Everything pretty much gets locked in. You know the road is here. You have maybe you can adjust the building left, right, spin it or whatever. You can adjust the parcels but they're locked into those locations. I'm asking, is this really their best...

Mr. Karp: But Mr. Prevatel you're not saying it correct. The first thing that would have to come in is the spine road and that has not even come up in front of you yet sir.

Mr. Seifried: I understand that Mr. Karp. But Mr. Prevatel, this is Commission discussion at this point. Basically Mr. Prevatel has to make his argument to the members of the Commission.

Mr. Prevatel: But what was just...that was just affirmed for me that whether we come up from here, which is probably your most likely and most desirable location, it appears to be that way graphically. Or this way which looks a little bit like an alley way, you can choose that too. Or through here through if you choose to go past the car mall or the auto mall and stuff like that. If you live up here and you say hey I want to go past those (inaudible) cause it's convenient or something, but it's basically bringing you to this point. Fairly congested I would think with every filtering into here. Because from here you can't go there. You're coming up and you're going here. So if you live up here, everybody is filtering through this one point. And that was just confirmed. Or your alternative is to come down this service road coming way out past the back side of the retail here. Back side of retail here...this has changed a little bit from the former one. Previously it was the back side of retail also to get out. So I don't know if (inaudible) patterns are what we are...if we want to encourage that. I don't think it's in the developers' interest. I don't think it's in the occupants and the residents' interest to have something so long and so sort of disengaged. I'd also like to raise a question that again, improvements have been made. But I'm going to show the figured ground study which basically a figure ground study is showing the area that's positively built, positive massing as opposed to undeveloped massing the ground plan which is mostly in white with the roadways. In this case there is...you can see the residential towers with their blocks. And we see the retail here which doesn't seem to have changed since last time or previously. We have the auto mall area here and we have that oval component. I'd like to ask the question, if there was one thing that you...what's the least desirable element in this plan. Not in terms of plan. What's the least desirable visual element anywhere on this site? Is it the towers? No they could be made to look pretty. The oval probably not, the auto mall would probably be kind of nice. The storefronts would probably be nice. I'm guessing and I think most people would agree with me. That the back of the retail, the loading docks is not a desirable feature. I don't know if it's anybody here that would say, yeah I want to either drive by it or even worse, I want to look out my window and see it on a regular basis. For the life of me I still don't understand where one of the closest relationships of massing takes place, which we have probably one, two, three, four, five, six high rise towers on top of the back side of this strip mall retail. With not only their road which could be a nice access road but their access road is immediately parallel to the loading dock road. Which means that you're not planting on the loading dock road. You need that for asphalt and access.

Mr. Karp: But again Mr. Prevatel maybe you missed what I said. There is a level change. Let me just finish my sentence, if I may.

Mr. Prevatel: I was just about to address that.

Mr. Karp: There's a level change between the commercial and residential. We, just like you're saying correctly have no interest of our units to look into the back of a loading area. Which is why if you look at how we have designed it, you have a landscape buffer which then hides the loading in the back. Then there is a level change of 10 feet at least up. Then there's another level of boulevard with double trees on both sides and in the middle. So not only do you not see the loading but you also don't see the actual traffic of the cars because you want it to be protected. When you look down you want that area to be shaded. And that's...let me just finish my thought with you just so we're clear. Because I want to be clean on the record that there is a level change between the residential and circulation of the residential and that comes down to the commercial. Which is why I wanted to promote that because we have the same interest on that William. The same thing on the road...let me just finish. That's why I gave you the

sections clearly show a boulevard that not only goes through the site but also goes in a circle around the site, which allows for the circulation to happen freely around. And I only brought up and I'm sorry that I brought up the Aventura driving around the golf course. You have the same sort of scenario where you bring the traffic all the way around and including the Aventura Mall. So you don't have the ability to experience and I don't want to experience on my project the loading. That's why we have the physical separation, a grade separation and a landscaping separation.

Mr. Prevatel: Okay so you're saying that from this access highway, the double highway that has a few trees on it that is right up against the loading dock asphalt that is now 10 feet pit below it. You're saying this will be no sensation of knowing that's a loading dock back there. You're not saying that these things are completely visible? If it's 10 feet above, how high is your retail?

Mr. Dellagloria: I've got to stop this.

Mr. Prevatel: How high is your retail?

Mr. Dellagloria: Mr. Chairman, you have to understand what's going on here tonight. If we were in front of you for a conditional use permit to build the shopping center, then this would be a really interesting discussion. We're doing no such thing tonight Mr. Prevatel. Nothing you are saying tonight is germane in anyway to the item that's in front of you. And I hope you can try and understand this.

Mr. Prevatel: I think if you will...

Mr. Dellagloria: It is not germane in anyway to anything that's in front of you. You're a Planning Board member try and understand what the issue is.

Mr. Prevatel: And I'm addressing...

Mr. Dellagloria: The issue has nothing to do with what you're addressing.

Mr. Prevatel: It's my time to speak thank you.

Mr. Dellagloria: Do you understand that every comment you have made is utterly irrelevant to tonight's item in front of this Board?

Mr. Prevatel: (Inaudible – simultaneous discussion) that's not going to accept any crap from you.

Mr. Dellagloria: Excellent, excellent then vote no. I'm very happy with this Board voting no this evening okay. If you voted unanimously to approve what's in front of you, we can't build anything. If you vote unanimously against it, we can't build anything. We have to keep coming back in front of you for anything we want to do. So we're not going to accept a continuous because we're changing a thing.

Ms. Harwitz: John we understand all that. You don't have to keep talking.

Mr. Dellagloria: Apparently I do.

Ms. Harwitz: You're repeating yourself.

Mr. Dellagloria: Apparently I do because he doesn't get what's going on here.

Ms. Harwitz: We have a duty here to use our best advice. Please don't interfere with us.

Mr. Dellagloria: No. I'm certainly going to interfere with you because we're the applicant. Do you understand what you're doing here this evening? Do you understand what the item is in front of you?

Ms. Harwitz: We understand what you are doing and we understand what we are doing.

Mr. Dellagloria: What do you think you're doing here tonight?

Mr. Seifried: That's not the point. Just a minute. John, we understand. I've heard your argument. You've already made it and you're a fine speaker and strong advocate. And I will respect your arguments and your position but please John, have a seat. Somebody here...

Mr. Dellagloria: I'll have a seat with the following statement for you to ask. Please ask your Staff if an approval tonight gives us any right to build anything on that site? Just ask the question.

Mr. Seifried: Thank you John. Now let's go back to this.

Mr. Prevatel: I find it very troubling that people come in...people that are living in North Miami. People are coming in here and just feel that can ream anything through the Planning Commission, the City Council and everywhere else. That they take advantage of our supposed ignorance or lack of interest, that we'll get anything through at any time. It's happened before. It seems to be happening again and maybe it's about time we stopped something like that. You know we're trying to make the plan better. We know that this is going to happen. Come hell or high water, everybody knows that it's a done deal. Somebody else, not us, signed off on this and this is going to happen. We're trying to make improvements to it not only for...even for the developers' sake. For the residents here, for the people who live in the City of North Miami and for, believe it or not, the developers' which will have a better end product. And if you don't really...if you really think that you're going to champion that driving past loading docks is your idea of a great development that you're going to be proud of, I think it's a sorry commentary. I think it really is. I don't understand a lot of things about this plan. I don't understand the logic that you had a chance to...that we could say, hey this is all undesirable back side retail. And what we do, we put the park up against it and now we're going to put other desirables, supposedly desirable park like elements up against the back side of that. It seems a little bit nuts. And at the expense of it we're going to put the retail, the back side of the main strip mall up against the residential. Why would you do that? And make it a longer traffic pattern to achieve that. I don't understand. I don't understand why you wouldn't have...I mean you had it pretty much when we discussed it at the last town meeting. You had retail here and you could have continued retail. And you did continue retail over here back to back, undesirable against undesirable. You could have continued it here, vacate the lake and you'd have

continuous retail on this region. A buffer zone to possibly do the little park like elements that you're going for anyway and then keep your residential out in this direction.

Mr. Karp: William so what you're saying is, take the commercial as it is right now, flip it to the other side so you have back to back commercial where loading is back to loading?

Mr. Prevatel: Yes.

Mr. Karp: Got it, I understand.

Mr. Prevatel: There's a strategy.

Mr. Karp: I'm listening to you for a second. Then I would have the linear park sandwiched if you will between the face of the commercial to the east and the residential farther east.

Mr. Prevatel: Yes.

Mr. Karp: I got it. Then you would continue the linear park and you would continue it onto the oval plaza. That's what you're saying?

Mr. Prevatel: Yes.

Mr. Karp: Got it. And then you would do what with the lake?

Mr. Prevatel: This is one of these five minute sketches like your fun sketch. This is not for design...

Mr. Karp: I'm listening. That's what I'm here for.

Mr. Prevatel: Just for strategy. And if can be seen...

Mr. Karp: It's okay just talk to me and explain to me.

Mr. Prevatel: It's basically putting the retail as you have it. You have retail here on what is the...let me...allow me to do this with north upright. It allows you to put the retail where you had it and the parking in front of it. And then you have continuation of retail which you called for in your most recent plan. And north of that where there's another back side of existing retail to continue that. So you have this sort of corridor. (Inaudible) the north, south traffic pattern. You allow for easier access. The roadway that is close to the...the roadway that is a little bit closer to...I'm pulling like what you wanted. You had like an oval oblong plant. I'm trying to incorporate what you were doing. And the western most road would be maybe more accessible to the retail.

Mr. Karp: I don't have a problem with that concept.

Mr. Prevatel: And the eastern most would be more accessible...

Mr. Karp: William we discussed that also together and I think we both going the same direction. And yes eventually it will get there. I just need to get there and it will

take some time. But again, you have here in front of you and we broke apart and we connected, if you will, the community and we put the residential there. I understand what you're saying and I can study that. And I don't have a problem with what you're saying now that I understand clearly. That what you're saying is take the commercial and flip it on the back side and make it back and back to the commercial. I understand you now clearly.

Mr. Prevatel: So that we're...not only are we dealing with the new commercial back side that's going happen, we're going to have that back side is going to happen. Why don't we put it against some other existing distraction to mitigate the effect of both? And therefore we get the more desirable front side of the retail onto a potential park or buffer zone. That then allows us to...allows you to then put a sort of a spine of high rise...

Mr. Karp: Logical comment and if you'd like to please make it a condition. I would be more than happy to implement such statements.

Mr. Prevatel: And the process it sort of simplifies the circulation pattern. People that are over in this area can quickly get out there. They can get out easy. Everybody can get out without having past every other tower. They can get out by passing one or two towers maybe at the most and they can then exit the property. So that's the consideration. Other people have considered this access through the park area and getting to FIU. It would allow you to still progress through that and get to the park. Right now you haven't included that. A lot of people have expressed an interest in having that and part of that could be that we don't have the recreation down here; which would a lot of people have objected to. I'll do the north, south orientation. But maybe it goes in here which is a little bit hard to use parcel of the property.

Mr. Karp: That I would have a problem with putting it by the residential. The idea about flipping the shopping around, I think is a viable condition. I think that the connectivity of the parks, whether it's the community park, whether it's the linear park at the point. I would like to stretch the string of pearls of parks across the property from north and south to east and west. But I take your comment well as I have taken your comments in the last hearing as well.

Mr. Prevatel: I agree.

Mr. Karp: And (inaudible) if you give me a condition on that William, I'll be amenable to implement that.

Mr. Prevatel: This really needs...it's a fairly great leap to go from what was presented and to something that's a little differently organized. It does require some redesign. I'm troubled that here it is, there was a strategy to have the residential components continue with the Oaks here and it seems to be your strategy of having the residential go along here, along the tree line. Which I thought that was kind of acceptable and they have a good view and such and they're away. That high rises are away from Biscayne Boulevard so they don't sort of pose on Biscayne Boulevard. But all of a sudden cause we're locked into everything else. We throw a high rise down here...it just seems to be like...and you know this.

Mr. Karp: William I think what I said just so we're clear and crystal clear. I took your comments whereby to flip the commercial around and to put...including the residential be over there and include in their parking come out of there. The parking come out and be more...if you will to the east. So I think that we certainly can agree on that and I'm willing to even go further for you if I would. Is to make it a condition because I think I can meet that request. Thank you so much.

Mr. Prevatel: It needs to be shown. It's hard to graphically represent something in written format. It would be so difficult...

Mr. Seifried: Well Bill I understand but we have other Commissioners that haven't spoken yet tonight. And the sun rise is in the east around 6:30 this morning and we would like to move this along one way or the other.

Mr. Prevatel: I also...there are other things that we should be concerned of that go into detail. That I know your firm would be able to resolve it in the long run, it's not resolved now. If we call for an oval pattern, well it's great if you define the oval from the outside like a bath in England. And you start to define a curve by that from the outside or if you put something on the inside. But if you barely define the outside and you throw a lot of buildings, rectangular buildings at an (inaudible) pattern on the inside, I think you just basically have some asphalt that goes in an oval. You haven't defined the space yet. And I think a lot of these things your firm will be able to resolve. I don't think they've done that now. Relationships of this hard edge corner sticking into this rather than the curve sort of opening up as we've expressed an interest in opening up this academic corridor. Instead the curve is put in so that it imposes on the corner and creates that high rise there and pinches it rather than accommodates it. There are a lot of details that I know you'll be able to resolve if you're given the time and the leeway to do that.

Mr. Karp: And I will be. Like you said William before and I also gave you my card and my number. I'll be more than happy to meet with you, you know separately. And furthermore I will have to come up in front of you shortly again. Whether it's for the spine road or for any kind of building that I want to get approved on this site. And I do believe that your comments are...for me personally they're well taken. And I think that I can implement them in there. And I'd like to sit down also with you and review some of them. I gave you my card and my cell number and my email. And with pleasure I'd be happy to do that. But I'm going to come here in front of you again soon hopefully with the rest of the project. And this is just a place holder if you will.

Mr. Prevatel: We all truly believe that this will be something. And I know it's something you want to be proud of. And you and your firm and your firm's reputation...

Mr. Karp: This is a very important project for me, yes.

Mr. Prevatel: And this is something that we would also like to have. We don't want to pass by this site as Planning Commissioners or as citizens and say, wow we had a chance to open our mouths or to try to get this on the right track and we didn't say anything. We want this to be as good as it possibly can. And if it is that, it'll benefit the developers immensely. It'll be a more desirable product.

Mr. Karp: Absolutely and it's a personal project because we do live by and eat and family are nearby and your comments are well taken. And I believe like I told you

before your comments we can implement. And I'm showing you good faith. And I believe that by the time I come back to you in the next 30 days or 60 days with the spine road and the rest of the commercial and hotel development, I would have it more defined for you with your comments in there.

Mr. Prevatel: And if you take that strategy, you have the opportunity to relocate that lake to where we really would like it.

Mr. Karp: Again the relocation of the lake, I cannot address. I can address everything else that you've said. I cannot address the lake. I will check with the environmental folks what it is that we can and cannot do on that. But I cannot sit here in a public hearing today and tell you as such. The other things I can tell you as an architect that I believe that I can implement.

Mr. Seifried: All right thank you Mr. Prevatel.

Mr. Prevatel: I guess I have no time to yield.

Mr. Seifried: I would like to...no you don't. You have burned every ounce of time...

Mr. Prevatel: Thank you very much.

Mr. Karp: No William it's my pleasure really. Sincerely your comments were well taken before and I take your comments well now.

Mr. Seifried: Thank you Mr. Prevatel and thank you Mr. Karp for your patience. Now we move to the right side of this Commission. Now let's see here, Mr. Ernst. I'll let you go first and we'll take it right down the line and we'll finish off with Kenny.

Mr. Each: I'm sorry did Maureen speak already?

Mr. Seifried: Yes, Maureen was the first person.

Ms. Harwitz: You forgot. I said we shouldn't vote. We should continue this so that we could flush out these matters.

Mr. Seifried: Mr. Ernst, go ahead.

Mr. Ernst: Thank you Mr. Chairman. Look every project that's going to be...this has gone on for 13 years that I've been on the Planning Commission. We have a conceptual plan before us. There are a lot of things in here I don't like personally. I may not like the design. I don't like the towers. I don't like the amount of density. Those are items that I can look at later on down the road and argue. Because they're going to come back to us and we'll have our chance to address those things. What we are addressing tonight is the acceptance of the map, the master development plan map. That's all we are here to approve. And the only way this project's ever going to get done is we get going on this thing and set the wheels in motion. And if we approve this preliminary plan we can start addressing all these concerns that everybody else has. We can start injecting our disapproval, our likes or dislikes for the way the parks are built, where the buildings (inaudible) or the shopping center. And set aside personal issues or feelings that we have

towards the developer or any of the legalities involved in it. Those in time will be addressed. But the way...personally the only way I can see that this is going to get done is that we go ahead and we move forward with accepting what this developmental concept map is presented to us tonight. That's all I have to say Mr. Chairman. So you know how I'm going to vote on this.

Mr. Seifried: All right thank you Mr. Ernst. Mr. Castor.

Mr. Castor: Well as...same as the last time I think that this project is very important to each and every one of us up here, more importantly the developer I know. Mr. Karp I want to commend you for a better job than the last...

Mr. Karp: Thank you so much.

Mr. Castor: ...the last plan that we viewed. I still that there's some work that needs to be done.

Mr. Karp: I agree.

Mr. Castor: Mr. Prevatel obviously is doing a wonderful job up here as we all are. Because we're here for a purpose and we have to look at the interest of everyone involved. And I think that I agree with the fact that the project has to continue. It has been going on for a long time. I'd like the Staff that if we should move this project tonight, if we should vote to continue. What...I'm kind of confused in terms of...I understand that we're only voting to...for the plan. But what would happen? Can the developer come back and not meet any type of concern that we may if we should move tonight? Can you please enlighten me on what we're approving tonight?

Ms. Sejour: Commissioner Castor it's exactly depicted in the title. It's just a conceptual map. It's a vision for the site but what's required is that at each stage of development, the developer is required to come back to this Commission and to the Mayor and Council for review of a condition use permit for each phase of development. And at that point is when they're required to provide precise plans with detailed drawings, architectural massing and more site plan related detail and (inaudible) that you would see. But at this stage, it's just a conceptual overview for the site in order to issue a conditional use permit, a master conditional use permit. But each increment then you have more detail and more design elements.

Mr. Prevatel: Clarification please. That means that if it went through and something is then presented at a larger date, another planning meeting, you could say oh that road really doesn't belong there. We're going to relocate roads or relocate the massing of the projects? Oh say hey well the retail really shouldn't be there. All those decisions can be made (inaudible).

Ms. Sejour: You can have revisions along the way for a conceptual master plan. So it's not fixed in stone.

Mr. Prevatel: But we really don't have the power to do that, do we?

Ms. Sejour: It comes before you. As you notice in the condition, it's clear. The condition says, they're required for each phase...just give a minute to respond to Mr.

Castor's question. They're required as a part of the condition use permit process to submit impact reports. You're required to submit architectural detail. You're required to submit site plans. At this stage you don't have site plan. All you have is a conceptual map, that's not a site plan. It's just a conceptual map. But what you get are more details for the setbacks and information in terms of the façade of the building and architecture for each phase and you do see that again for each submittal. It's not like you see it today and you never see it again until the buildings pop up.

Ms. Harwitz: Can I ask a question? Suppose the School Board comes back and says we need 12 acres for an elementary school. We need 14 acres for a senior high school then doesn't that change the whole concept?

Ms. Sejour: And they will be back before you again with the revisions to incorporate that.

Ms. Harwitz: Well these are matters that can be resolved now.

Mr. Prevatel: The ounce of prevention or a pound of cure.

Ms. Sejour: That's not what's before you though.

Mr. Ernst: How are you going to resolve a school issue tonight right now when you have no property...

Mr. Castor: Let me continue with my...

Ms. Harwitz: What we're saying is that there's no letter addressing the school.

Mr. Galdos: But the State... (inaudible – simultaneous discussion).

Mr. Castor: Maureen allow me to finish please.

Mr. Seifried: Mr. Castor. This is still his time. Mr. Castor.

Mr. Castor: Although I have concern with the project I do want to see the project begin at least. I want to see the project moving in a moving stage. It's been an ongoing issue. I just want to make certain that if it should move for any reason that nothing can be built at all?

Ms. Sejour: Correct.

Mr. Castor: For the record.

Ms. Sejour: Correct. And I'll add to that in terms and I think that's what the City Attorney was trying to get to. We're subject to school concurrency. And as a part of school concurrency, you can't build one iota out there unless you satisfy this condition that's written. So I know someone said the conditions are just arbitrary. It's not. It's required by State Statutes. It's required by interlocal agreements that the City of North Miami has signed with the Miami Dade County School District. These are why we put these conditions in there because it implements those statutory requirements.

Mr. Castor: And I'd like to ask Mr. Karp a question if I may.

Mr. Karp: Sure.

Mr. Castor: Regarding the traffic study issue. Have you looked into that?

Mr. Karp: Yes sir we have. And the traffic study is...will have to be developed in detail with your departments here and your Staff. And just to show you good faith, I have to come up in front of Commission next week. I'm going to try my darnest as I met with William before and I have your comments here tonight sir. I'm going to try to come up with a developed site plan that shows your comments that I have taken here. The site plan that is shown there as a concept, Mr. Castor I took the comments that was given to me at the workshop. I'm going to take the comments I've been given here tonight and I'm going to come up with a site plan that's updated that has these comments in there. We have...I have full intention of implementing your comments in. We have great landscape architects on the project, local in here. And we have great traffic engineers on it. And the School Board will have requirements as it is being mentioned. And I believe that we can accommodate them. We have accommodated them in the past. We have square footage already in the site for mommy and me for child care. We have those elements in there. And if we need to put a K-2 and whatever it is we need to implement, we shall be able to do so and come back in front of you with that.

Mr. Castor: I'm going to say that I also understand the developers' frustration but please understand we have to try to do the right thing for all.

Mr. Karp: Of course without a doubt.

Mr. Castor: If I for some reason should approve this, would you guys be willing to meet with the residents and community again...

Mr. Karp: Absolutely.

Mr. Castor: ...to make certain that everyone's on the same page?

Mr. Karp: Absolutely. And I believe that I can provide the connectivity that Mr. Hellinger has mentioned both pedestrian and so forth. And I think that hopefully they can come to an agreement and I'll be able to make him quite happy.

Mr. Castor: Thank you.

Mr. Karp: Yes sir. Thank you for your comments.

Mr. Seifried: All right. Does that conclude your comments at the moment Mr. Castor?

Mr. Castor: Yes. Thank you.

Mr. Seifried: All right, Mr. Each.

Mr. Each: Sir let me compliment you. This is a much, much better plan than what we've seen the last time. However I feel it still has a long, long way to go and I'm

not comfortable, not only with the plan but with other elements of the whole project. And I'm not a lawyer but it just seems to me that promises are made, things are said and they're not kept. And I think why we're all very cautious up here, is we want me to make sure that we get the best possible project we can for the citizens. And it's nothing personal against you. You've done a marvelous job in the short time that you had. And I'm not comfortable with going ahead with this right now. I look at the Oaks and I hear the promises that were made to them and I'm not a litigator and I want to get in the middle of this right now. But we have an obligation to those people also.

Mr. Karp: Yes.

Mr. Each: They bought property out there in good faith. The purpose of government according to Adam was to keep his people happy. And we're representatives of the people up here. And my first obligation is to make sure that we do the right thing in the interest of the citizens of this City. Not for some developer to make the most amount of money he can and the poor guys at the other end get a substandard project. I came to the City in 1970, I don't mean to pontificate. This was going to be our golden dream. We floated a \$12 million dollar bond issue and we ended up on the super fund list. And then when I left here and I went up to Chicago, I came back and I heard the project was sold and Swerdlow was developing this. And I came to the Council meetings, I seen all kinds of promises thrown out here. And you know what he came to the dance with us but he left us at the dance. And he walked away and he made... God bless him, he made good money. I wish I had his ingenuity. I really do and now he's back again. So I want to make sure, nothing against Mike, I want to make sure that we do this project right. And I have some serious concerns about this and a couple of questions I'd like to throw out here. First of all, if I may ask Staff? We have a height maximum, I believe of 25 stories on this.

Ms. Sejour: Correct.

Mr. Each: Now can you please give me a definition on that? I was looking through this; does that mean that we can build on top of a parking garage that may be four stories high? Because the higher the better, that's my estimation. That's my first question.

Mr. Karp: I do agree with you on that.

Mr. Each: You have a five story parking garage like I see downtown, can you build 25 residential or 25 floors on top of that?

Mr. Karp: The way the project is designed right now sir...the way the project is designed right now; it's 25 floors above grade.

Mr. Each: What's called grade though?

Mr. Karp: The surrounding dirt, soil that is there.

Mr. Each: That would include any parking garage?

Mr. Karp: Yes sir.

Mr. Each: What concerns me when we go the second addendum, this plan here, I brought up the last time and I'm going to go to the focus real estate advisor. North Miami Biscayne Corridor residential rental market and something that I brought up and what we were promised these were going to be high end condos. High end condos and people were going to move in with disposable income. And then I read this and it says rental apartment complexes will range from small to stand alone buildings so forth and so on. I'm not satisfied with this. I feel tonight if I approve this the way it stands, that we're going to get rental apartments out there. And that was not the intent. And I want to make that very clear. That was not the intent. Sir, this City is teetering, we're teetering. And we need to have a project out there that we're going to encourage people to come in with disposable income. We have to have an economic balance to keep our businesses open. It's okay to have workforce housing but we have to have a high end. And I was told the last time at this meeting, but we don't have a view of the bay. But I see a beautiful project going on up there at 170th Street, million dollar condos. Why can't we have that here? I seen that we were reduced from a four story...a four-star hotel to a three-star hotel, why? What are we second class over here? I ask these questions and nothing personal against you.

Mr. Karp: I think Mr. Each you're right on the money.

Mr. Each: And I might say we have a beautiful view. You pointed that out in your presentation.

Mr. Karp: Yes I did.

Mr. Each: We look at this beautiful green belt out there. And you go up six or seven stories and you have a magnificent view of the bay. And then I see an apartment being placed over on Biscayne Boulevard or closer to Biscayne Boulevard on the west side of the project...

Mr. Karp: South, on the southwest.

Mr. Each: And I'm confused with that and I'm afraid. I'm afraid to go forward with this. I absolutely...and I'm cautious.

Mr. Karp: Let me...

Mr. Each: Let me finish.

Mr. Karp: Yeah please do.

Mr. Each: I'm very cautious with this. I see no addendum to the North Miami Biscayne Corridor residential rental market. I don't see any change to this. So I feel that we're going to be locked into this and I'm not going to go along with something like this. Either we're going to get high end condos out there or we're going to disguise it all and say hey we're going to give you a nice presentation over there. Nothing against you.

Mr. Karp: Thank you.

Mr. Each: But we're going to have a rental market out there. And you know on here they got this saying in here, we're going to build high end rentals. And then maybe

30 years from the date or 20 years from the time, we're going to turn them around and being condos. Who's kidding who? I don't want to buy an apartment building that's been as a rental. This just doesn't make any sense to me. And then the auto mall, that has me a little concerned. The people at the Oaks, they didn't buy their beautiful apartments and their estimation over there to look at an auto mall. And I'm concerned about that. And when we bring these topics up, it's not to be insulting, to be condescending, we live here. At the end of the day, Staff goes home but we live here. This is my City. I've lived here for 40 years; I've patrolled the streets of this City. I know the heart beat of this City. And I want to make sure that we do the right thing out there. And with this project I have some other questions here but I'm just on edge with it.

Mr. Karp: Mr. Each let me try to give you some comfort in some of the project. Number one; the building that is...the site you're right. Once you've cleared the mangroves which is why I have taken the steps up into the site; the 10 feet and the 20 feet. Because it allows me to clear the mangroves and allows me to capture what you said is true; it's the views. And if you look at the plan the buildings are designed to capture the views to the east, northeast, southeast and south. If you look at the aerials that I've attached, the views to south are magnificent. They're looking straight down the bay and onto to Downtown Miami and South Beach. What you think is a big distance, it's not. It's a very short distance. The distance between 150th Street to look to Downtown Miami is a clear shot and you can clearly see it. It's a very good view. We...I've done many a projects in Sunny Isles Beach and Miami Beach and the view to Downtown Miami is great. So the intent of this project is and you and see in the renderings and the way it's being designed by Lefrac and Swerdlow, is a luxury direction; it's a luxury project. I'm an architect. I cannot tell you if I buy a unit, you cannot rent it. I think that there is rules and regulations, fair housing act that anybody can rent any unit here. But I think by the definition of the cost of the construction alone, this will be the more expensive destination in the City of North Miami. The hotel is not a 3-star; it is a 4-star hotel. It's designed and it's laid out with the park and a mini tea area to be as such. And it will as such as a 4-start. The commercial values that are there, that we're showing, the spaces and the sizes and the heights are designed to be of a quality and a caliber of a first rate standard. I cannot guarantee you in this public hearing that they're all going to be Gucci and Pucci. But I just finished the H&M store on Lincoln Road, which sells...it's about 50,000, 40,000 square feet on Lincoln Road. I don't know if you know where that is. The H&M store that just opened up in the Lincoln Road conversion. And that sells for just about anybody in a very fair price. But they do pay very high rent on Lincoln Road. The car dealership is a very good comment. And that's why I pointed you to the Lexus dealership on the west side of the railroad track nearby, which I think is...

Mr. Each: I know where Lexus is.

Mr. Karp: Is a pretty designed building and I think that they've done a good job putting their product out there and their brand. And that's why I also turned your attention to the 1111 garage building where in today's market the land is so valuable that we cannot afford to put the cars in. I'm not proposing in this project to put the cars on asphalt horizontally, I'm proposing to put it vertically which costs more money. It means that there is a different quality of life. I mentioned Rodeo Drive where they sell luxury cars. I mentioned Braman. I can also take you to a dialogue where we can talk about the Collection in Coral Gable which sits on the beautiful corner in Coral Gables. And it's a very high end destination. And that's really what we are looking for here. So I

share your concern Mr. Each. I think that as an architect and based on the plans that I've submitted to you and a concept. And as William and I have discussed, I will have to come back in front of you. But we have taken the liberty to show you some 3D's here and make them part of the record. And I think as you noted, the buildings are not cheap. We are looking to step it up into a substantial direction. And Lefrac organization with Swerdlow is looking to make a nice and unique project. And I'll take you a step further, the independent living facility that we are proposing is in caliber with the Palace again in Coral Gables on Miracle Mile on the corner that was just recently built and finished; which is a 4-star facility. So we are looking and my mandate is and I'm putting it on the record. Is to create a statement and to create not only an urban planning statement from our plazas, not only from a commercial and a public accessibility but also to make it as green space, as a lead certified location, as a pedestrian location, as a place where people would want to live. It's a place where I would want to live. A place where I would like to have elderly live and being maintained and cared for. So by no stretch of the imagination, you can see in the plans and the renderings that we have submitted on the record thus far, we're looking to take it to certainly the next level. So I think your comments Mr. Each are very well taken and they're very valid. And so whatever it is that I can put it on the record to assist, it would be my pleasure to do so.

Mr. Each: Let me say this, I'm looking at this concept plan here, the last go around. And it said that the hotel was going to be reduced from a 4-star to a 3-star. I want to see it in writing. And the reason I say that is, Mr. Swerdlow came up here and he said I'm going to give you this and I'm going to give you that. And then I don't know what...I don't want to be quoted as...but I understand the rumor control that what wasn't in writing I don't have to do that. And I want to make sure that we're going to have that 4-star hotel and we're going to have high end condos out there. Let me just ask one other question.

Mr. Karp: No, no Mr. Each let's just set the record. I would like a condition please that it is a 4-star hotel and not a 3-star hotel.

Mr. Each: It's right here. I haven't seen any change here.

Mr. Karp: Yes sir and it's in the letter of March 22nd, 2013 signed by...

Mr. Each: I haven't seen...we didn't get a copy of that.

Mr. Karp: Please can you show it to him just so he sees it. But yeah, it's our intent sir to do exactly that.

Mr. Galdos: As further guarantee Mr. Each, you can also make that a condition of approval but it is...

Mr. Each: I understand that but I cross my T's and dot my I's. I'm sorry I'm shell shocked.

Mr. Karp: It is an important project for me Mr. Each as it is for you. And whatever it is that I can make you feel comfortable, I think this letter is part of the record.

Mr. Each: High density residential, medium density residential, assisted living, 4-star hotel, auto dealership, community center, (inaudible). What are we talking about on

residential? Here again, are we talking about condos or are we talking about rentals? I want some clarity on that. I have nothing against you sir.

Mr. Karp: No it's fine Mr. Each.

Mr. Each: One other question I have here. I see on this depiction here. I just kind of wonder, I see where you have Lowe's, Ashley City Furniture, Kohl's...not you personally. But Ross, Brandsmart. Are these already signed up and ready to go in there or...

Mr. Karp: Those are only proposed tenants. Yes those are tenants that are interested in coming. But the tenants that are proposed to come in now more so than ever before because I've seen this new plan and this new vision is of a higher mix. And again I have to choose my words very carefully. A higher just means potentially a higher rental per square foot. Because I took you back to Lincoln Road which is one of the pedestrian circulation in the United States and pays the highest rent per square foot; one of the highest rents per square foot. And H&M sells what we would call discount or regular...you know you can go in there for \$20.00 and buy shorts, T-shirts and sandals and you're on Lincoln Road. And they're also in the form shops in Las Vegas, so they do pay high rents.

Mr. Each: I was just wondering...

Mr. Karp: But I do want to make you...

Mr. Each: ...if there's a commitment already or...

Mr. Karp: No sir, not yet Mr. Each. But certainly the hotel, I think your comments are very well taken. And I think you can see the expenditure and the quality that the Lefrac and Swerdlow organization are putting in here and they're going to have to do that in order to get the return on their investment here. That's the only way it's going to have to work out sir.

Mr. Each: I'm a capitalist, I believe in making a dollar. But when I give my word out there to somebody, I carry it out. And that's my first concern. As sitting up here as a Commissioner representing the people, I want to make sure that when we're told something, it's going to be delivered.

Mr. Karp: Correct.

Mr. Each: And again, your depiction is a heck of a lot better...I mean it's excellent compared to what was presented to us the last time.

Mr. Karp: And it's on the beginning Mr. Each. I intend to move it forward.

Mr. Each: But I'm still...I'd like to see these changes that we talked about and incorporated before we go forward with this. That's my idea. Thank you very much.

Ms. Harwitz: I'd like to make a motion that we continue this matter so that the issues that have been discussed can be incorporate at the iteration?

Mr. Each: I'd like to second that motion.

Mr. Seifried: All right. We have a motion made and a second to continue this.

Mr. Galdos: I urge...I compel this Board to do something. But I urge this Board to make a decision this evening because this item has already been...at the last minute this Board indicated that it be continued subject to a meeting, a workshop that was held by the developer. They're here tonight. I think you've had two bites at the apple and this project needs to go forward.

Mr. Prevatel: In lieu of anything has changed since that meeting, since the meeting at the developers? Little of anything, as a matter of fact it's just about exactly the same. It doesn't reflect any of the comments tonight and didn't include the drawing that was presented here tonight.

Mr. Galdos: I will quote the section that is applicable to this Board this evening. The Planning Commission after reviewing the report and the application as well as hearing testimony at the public hearing shall make a recommendation for approval, approval with conditions or denial. That's pretty much it. That's pretty clear cut.

Ms. Harwitz: Well the way I read it, we have the ability to file...make a motion to continue and vote on that. That's the way I read it.

Mr. Galdos: I'm sorry ma'am but I will have to disagree with that but I can't...it's not within my authority to compel this Board to do something it doesn't desire to. But the quote is quite clear. And as it was, you continued it from last month to this month and I just don't feel that the Code...

Ms. Harwitz: And that was perfectly acceptable so we want to do time. It's fine.

Mr. Galdos: It was acceptable then to both the applicant and this Commission. It was a mutual, by a mutual decision by the parties at the time. And they...I have to say it how it is. They did a workshop that you had requested and here they are again.

Mr. Prevatel: But if the workshop did not reflect the input of the people at the workshop, if it does not reflect the concerns of the Board you know it's a mood exercise and that's exactly what it was.

Mr. Galdos: You can vote against it. Move to deny.

Mr. Prevatel: We see the possibility of improvement and we'd like to...

Mr. Seifried: We're not going to debate this indefinitely. The Chair will accept the motion for continuance. It's been made and seconded. Do we have any discussion on the motion for continuance? No discussion.

Ms. Calloway: Mr. Chair, if I may? Once again to reiterate. The Board does not have the discretion to continue the item. The Board based on the Code must make a decision. It has to be denial, approval with conditions or approval but the Board has no discretion.

Mr. Galdos: The language is quite clear, it's (inaudible). It's not permissible, it is mandatory. It is incumbent upon this Board to make a recommendation for approval, approval with conditions or denial. It's simply put.

Mr. Prevatel: How were we allowed to continue in the first place or at any time?

Mr. Galdos: Both parties had agreed to continue the item.

Ms. Harwitz: May I see the section you're reading?

Mr. Karp: Mr. Prevatel, can I just chime in for a second? Am I allowed to? I would be more than happy to take all of your comments and have them ready for the next Commission because I will have them.

Mr. Galdos: At the last meeting...at the last meeting just for clarification. At the last meeting I had looked, I questioned the applicant and I said sir, you are entitled to a vote this evening and that's on the record.

Mr. Seifried: All right it's up or down.

Ms. Harwitz: Wait a minute.

Mr. Prevatel: I think we as a panel have accepted way too much of verbiage (inaudible).

Mr. Seifried: We still have a quorum.

Mr. Prevatel: So many inferior projects and this is not the time to do that.

Mr. Dellagloria: We're going to be appearing in front of the City Commission on April 9th. We will accept this action tonight as a denial and we will go forward on April 9th. See you then.

Unidentified Male Voice: Wait a minute. No vote has been taken yet.

Mr. Dellagloria: I don't care what you think.

Mr. Galdos: There's no...

Mr. Dellagloria: It's a denial and we're going to... (inaudible – simultaneous discussion).

Mr. Seifried: We need to take a vote. The Chair will entertain a motion.

Mr. Ernst: Mr. Chairman, I vote for approval of the site plan with the conditions that were offered earlier; now add up to 16 conditions. Is that correct Staff?

Mr. Seifried: Well you've got basically three.

Ms. Sejour: Seventeen is what I have noted. I had 15 originally and I've added two.

Mr. Dellagloria: (Inaudible) that breaking the Sunshine Law. Will you please stop breaking the Sunshine Law? I know you want to take the high road. Don't break the Sunshine Law.

Mr. Each: Excuse me John you're out of order.

Mr. Karp: John let them do it if he wants to.

Mr. Seifried: Gentlemen...

Mr. Prevatel: You own this place and that's the problem.

Mr. Dellagloria: Stop breaking the Sunshine Laws.

Mr. Prevatel: Because you think you can pull every string around here and that's the way it's been.

Mr. Dellagloria: Stop breaking the Sunshine Law.

Mr. Prevatel: I am not going to glorify you.

Mr. Dellagloria: You can't break the Sunshine Law.

Mr. Prevatel: Everybody else right? You can pull the strings to everybody nobody how (inaudible). I'm not breaking any Sunshine Law.

Mr. Seifried: Mr. Prevatel.

Mr. Dellagloria: You just did it.

Mr. Seifried: All right. Let the record reflect the two Commissioners have walked off the dais, Commissioner Prevatel and Commissioner Harwitz. We have four Commissioners remaining, we still have a quorum. The Planning Commission is still in session. Mr. Ernst has made a motion to approve recognizing the following conditions that Oaks access be addressed and resolved. That the stormwater drainage issue be resolved and Mr. Prevatel has proffered and Mr. Karp has agreed to accept that we flip the shopping center around. Now those are the three conditions that have been accepted. We can vote this up. We can vote it down.

Mr. Each: One question Mr. Chairman.

Mr. Seifried: Yes sir.

Mr. Each: How about the questions that I brought up before about the hotel and that other stuff?

Mr. Karp: The 4-star hotel.

Mr. Each: I haven't seen any of that.

Mr. Seifried: If we can...well here's what got to happen now, let me explain this to you Kenny. We have a motion. We can vote the motion down or vote the motion up. Understand that? You can add additional conditions. If you want to add conditions for the 4-star hotel and high end, you can specify all of that. It can be in and Charlie has the option to accept any amendments to his motion.

Mr. Ernst: Charlie would gladly accept.

Mr. Seifried: And then you have to consider that and we vote...

Mr. Ernst: Call the issue.

Mr. Castor: I'd like to second subject to modification if I can.

Mr. Seifried: Well you don't...you didn't have a petitioner. You didn't have that.

Mr. Ernst: Call the issue.

Mr. Seifried: Charlie has the motion on the floor. We either vote it up or we vote it down. I don't hear a second. I don't hear a second. All right, motion dies for lack of a second.

Mr. Each: Motion to adjourn?

Mr. Seifried: Well we have to vote this up or down.

Mr. Galdos: Unless you want to entertain another motion it's dead.

Mr. Seifried: Then it's over.

Mr. Galdos: Motion to approve died with conditions.

Mr. Seifried: Motion to approve failed for lack of a second. Put your question on the record.

Mr. Castor: What I was saying Kevin is, I want to see this get moving subject to modification.

Mr. Seifried: People like to see something happen.

Mr. Castor: I want to see something. I don't mind seconding the motion to continue subject to modification; making certain that nothing is being build.

Mr. Seifried: Well there can't be a continuance. It's has to be up or down.

Mr. Ernst: I voted for approval of the conditional concept map. That's what is at issue. Again, my motion is for accepting of the conditional concept map.

Mr. Karp: With Staff conditions.

Mr. Ernst: With conditions.

Mr. Seifried: With the conditions. You either second it or you don't.

Mr. Castor: Okay I'll second it.

Mr. Seifried: All right second. Then we have an option to vote it up or down.

Mr. Each: No.

Mr. Ernst: Voice vote?

Mr. Seifried: Voice votes. Yes, Mr. Castor. No. All right dies. Thank you.

Mr. Dellagloria: So we're treating this as a denial?

Mr. Seifried: Effectively because the motion failed to carry.

Mr. Dellagloria: Fine. It's denied. We just needed an answer to go to the Council. That's fine. I told you two hours ago just to vote it down.

Mr. Seifried: We understand that John but everyone has to be allowed their discretions.

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 11:05 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 MARIA MESA, who on oath says that he or she is the LEGAL CLERK, 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

NORTH MIAMI PLANNING COMMISSION AGENDA
SPECIAL MEETING - JUNE 6, 2013

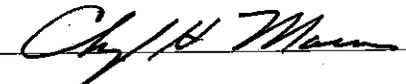
in the XXXX Court,
was published in said newspaper in the issues of

05/24/2013

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.

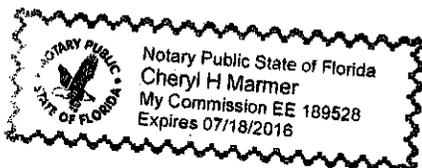
Sworn to and subscribed before me this

24 day of MAY, A.D. 2013



(SEAL)

MARIA MESA personally known to me



NORTH MIAMI

NORTH MIAMI PLANNING COMMISSION AGENDA SPECIAL MEETING

THURSDAY, JUNE 6, 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: April 2, 2013

III. COMMUNICATIONS:

IV. CONTINUED PUBLIC HEARINGS: NONE

V. PUBLIC HEARINGS:

PC 08-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA; APPROVING A TENTATIVE PLAT FOR CERTAIN PROPERTIES WITHIN THE CITY OF NORTH MIAMI, SITUATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF NORTHEAST 151ST STREET AND NORTHEAST 20TH AVENUE, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

- 1. Staff Report
- 2. Commission Action

PC 09-13: 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

PC 10-13: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING FISCAL YEAR 2013-2014 ACTION PLAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

VI. **COMMITTEE REPORTS:** None

VII. **OLD BUSINESS:** None

VIII. **NEW BUSINESS:** None

IX. **ADJOURNMENT**

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

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

To: Planning Commission

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

Re: Request for Tentative Plat Approval

Date: June 6th, 2013

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT FOR CERTAIN PROPERTIES WITHIN THE CITY OF NORTH MIAMI, SITUATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF NORTHEAST 151ST STREET AND NORTHEAST 20TH AVENUE, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

STAFF RECOMMENDATION

That the Planning Commission recommends approval of the proposed Resolution, for the Tentative Plat request, with conditions, for the properties located on the southeast quadrant of the intersection of Northeast 151st Street and Northeast 20th Avenue and forward to City Council for final consideration.

BACKGROUND INFORMATION

Applicants Community Television Foundation, Inc., the Board of Trustees of the Internal Improvement Fund of the State of Florida, and 151st Street Warehouse, LLC, own abutting lots and share parking access on properties generally located on the Southeast quadrant of the intersection of Northeast 151st Street and Northeast 20th Avenue, specifically identified by the following Miami-Dade County property folio numbers: 06-2221-012-0090, 06-2221-012-0091, 06-2221-012-0092, 06-2221-012-0110, and 06-2221-012-0100.

The applicants filed a request for tentative plat (T-Plat) approval with the Community Planning and Development Department in order to revise the existing recorded plat to clearly delineate the limits of each parcel boundary and to ensure consistency with the ownership and use of the existing deeded lots.

CONCLUSION

Staff has reviewed the proposed Tentative Plat pursuant to Section 3-802 of the City's LDR and is of the opinion that the T-plat conforms to all zoning and Comprehensive Plan regulations and has addressed all the conditions of the City's contract surveyor Craven Thompson & Associates. As such, staff recommends approval subject to the following conditions:

1. After Council approval of the T-plat the applicant shall deliver a signed copy of the Resolution to Miami-Dade Plat Committee along with copies of the survey drawings and file a request for County review.
2. Within 180 days of approval by the Miami-Dade Plat Committee the applicant shall file an application for a Final Plat with the City's Community Planning & Development Department.
3. Per Section 3-802 (H) of the City's LDR, the tentative plat shall be considered expired and of no further effect after 180 days. The applicant will be required to resubmit the tentative plat application for staff and Planning Commission review.
4. Applicant shall submit an executed shared parking agreement along with the application of Final Plat submittal to the Director of Community Planning & Development.

TWS: mc

Attachments:

1. Proposed Resolution
2. Exhibit 1 – Survey
3. Letter of intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT FOR CERTAIN PROPERTIES WITHIN THE CITY OF NORTH MIAMI, SITUATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF NORTHEAST 151ST STREET AND NORTHEAST 20TH AVENUE, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the Community Television Foundation, Inc., the Board of Trustees of the Internal Improvement Fund of the State of Florida, and 151st Street Warehouse, LLC, (collectively referred to as “Applicants”) own abutting lots and share parking access on properties generally located on the Southeast quadrant of the intersection of Northeast 151st Street and Northeast 20th Avenue, specifically identified by the following Miami-Dade County property folio numbers: 06-2221-012-0090, 06-2221-012-0091, 06-2221-012-0092, 06-2221-012-0110, and 06-2221-012-0100 (collectively referred to as “Subject Properties”); and

WHEREAS, the Applicants filed an application for tentative plat approval with the Community Planning and Development Department (“Application”) in order to revise the existing recorded plat to clearly delineate the limits of each parcel boundary and to ensure consistency with the ownership and use of the existing deeded lots; and

WHEREAS, the Subject Properties are being platted pursuant to Chapter 28 of the Miami-Dade County Code of Ordinances, with City of North Miami (“City”) approval of the Application, pursuant to Article 3, Division 8, Section 3-802 of the City Code of Ordinances, Land Development Regulations (“LDRs”); and

WHEREAS, on June _____, 2013, the City Planning Commission reviewed the Application and found that it conforms to the requirements of LDR’s and the City’s

Comprehensive Plan; and recommended to the Mayor and City Council, approval of the Application with conditions; and

WHEREAS, the Mayor and City Council have determined that the proposed tentative plat is in the best interest of the City and will not adversely affect the public health, safety, and welfare, and therefore approve the Application.

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

Section 1. **Approval of Tentative Plat.** The Mayor and City Council of the City of North Miami, Florida, hereby approve a tentative plat for certain properties within the City of North Miami, situated on the Southeast quadrant of the intersection of Northeast 151st Street and Northeast 20th Avenue (as further described in the attached “Exhibit 1”), in accordance with Article 3, Division 8, Section 3-802 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. **Effective Date.** This resolution shall be 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)

Fortin, Leavy, Skiles, Inc.

Consulting Engineers, Surveyors & Mappers

Daniel C. Fortin, Sr., PSM President
Richard L. Leavy, PSM Secretary/Treasurer
Daniel C. Fortin, Jr., PSM Vice President
Michael A. Vazquez, PE Vice President

180 Northeast 168th Street
North Miami Beach, Florida 33162-3412
Phone 305-653-4483
Fax 305-651-7152
www.flssurvey.com

October 8, 2012

Ms. Tanya Wilson-Sejour, AICP
City Planner
Community Planning & Development Dept.
City of North Miami
12400 NE 8th Ave.
North Miami, FL 33161

Re: CTF Subdivision
Letter of Intent

RECEIVED
OCT 08 2012
COMMUNITY PLANNING
& DEVELOPMENT

Dear Ms. Wilson-Sejour,

The intent of the CTF Subdivision replat is to create parcels that are consistent with the ownership of the existing parcels. The proposed development of each proposed lot is as follows:

PROPOSED LOT 1

Containing 71,521 square feet ±

Current Use of Property – Vacant Land

Proposed Use of Property – Any permitted use under existing or future zoning

PROPOSED LOT 2

Containing 36,135 square feet ±

Current Use of Property – Television broadcasting operations including office, satellite and ancillary uses.

Proposed Use of Property – Television broadcasting operations including office, satellite, and ancillary uses or any other permitted use under existing and future zoning

PROPOSED LOT 3

Containing 30,913 square feet ±

Current Use of Property – Television broadcasting operations including office, satellite and ancillary uses.

Proposed Use of Property – Television broadcasting operations including office, satellite, and ancillary uses or any other permitted use under existing and future zoning



Fortin, Leavy, Skiles, Inc.

PROPOSED LOT 4

Containing 58,826 square feet ±

Current Use of Property – Television broadcasting operations including office, satellite and ancillary uses.

Proposed Use of Property – Television broadcasting operations including office, satellite, and ancillary uses or any other permitted use under existing and future zoning

Sincerely,



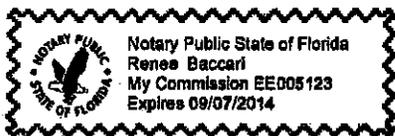
Damian Thomason
Project Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

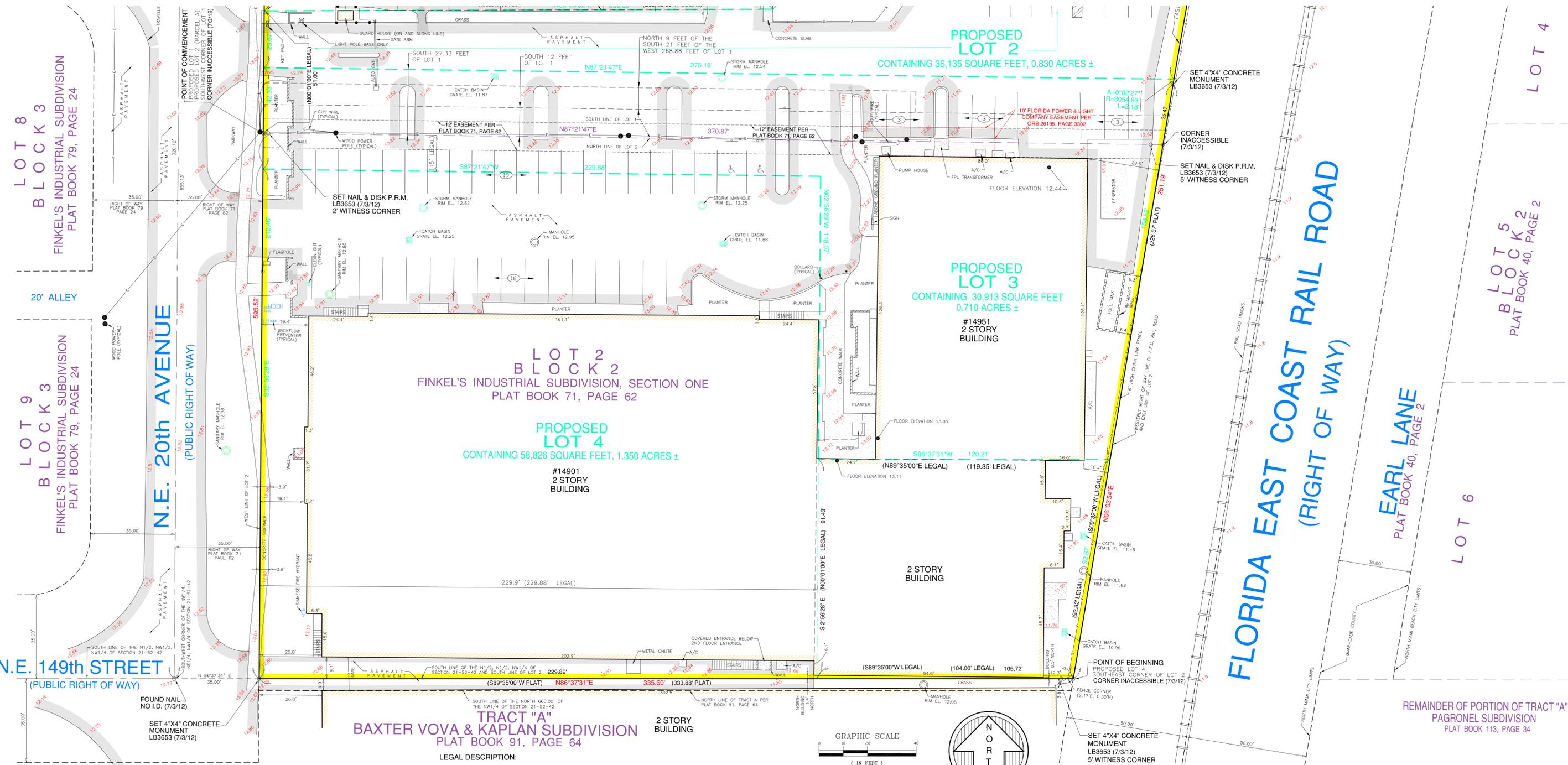
The foregoing instrument was acknowledged before me this 8th day October, 2012, by Damian Thomason, who is personally known to me or has produced _____ as identification.

My commission Expires:

Renée Baccari
NOTARY PUBLIC



SEE SHEET TWO



811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG. It's fast. It's free. It's the law. www.callsunshine.com

LEGEND table with symbols for catch basin, manhole, light pole, water meter, water valve, catch basin inlet, utility pole, riser, fire hydrant, handhole, sign, curb, fence, grade elevation, invert, sanitary, permanent reference monument, bottom of structure, top of baffel, concrete, asphalt pavement.

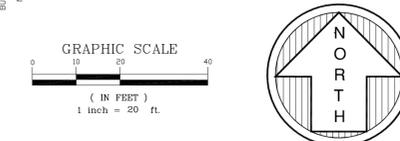
DEVELOPMENT INFORMATION: OWNER: 151st Street Warehouse, LLC. DEVELOPMENT INFORMATION: PROPOSED LOT 1, 2, 3, 4. FLOOD CRITERIA (NGVD 1929): MIAMI-DADE COUNTY FLOOD CRITERIA PER PLAT BOOK 120, PAGE 13: +5.1.

TRACT "A" BAXTER VOVA & TRAPAN SUBDIVISION PLAT BOOK 91, PAGE 64

LEGAL DESCRIPTION: Lots 1 and 2, Block 2, FINKEL'S INDUSTRIAL SUB. SECTION ONE, according to the plat thereof as recorded in Plat Book 71 at Page 62 of the Public Records of Miami-Dade County, Florida. FORMALY DESCRIBED AS: Parcel 1, Parcel 2, Parcel 3, Parcel 4.

LEGAL DESCRIPTION (Continued):

Parcel 3: The South 27.33 feet of Lot 1, Block 2 of Finkel's Industrial Subdivision, Section One, according to the Plat thereof as recorded in Plat Book 71, at Page 62 of the Public Records of Dade County, Florida. Together with: Parcel 4: That portion of Lot 2, in Block 2, lying South of a line that is 15 feet South of and parallel to the North line of said Lot 2, and lying West of a line that is 229.88 feet East of and parallel to the West line of said Lot 2.



SURVEYOR'S NOTES:

- This site lies in Section 21, Township 52 South, Range 42 East, City of North Miami, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Bearings shown hereon are referred to an assumed value of S86°25'31"W for the South right of way line of N.E. 151st Street, and evidenced by (2) two set P.R.M.'s.
- Elevation shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Bench Mark No. N-760-R, Elevation +9.65 Located on July 3, 2012 at NE 151st Street and NE 18th Avenue.
- Lands shown hereon are located within an area having a Zone Designation X by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0141L, for Community No. 120655, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- Lands shown hereon containing 197,395 square feet, or 4.532 acres, more or less.
- All control measurements are within a precision of 1:10,000 by redundant measurements.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Roof overhang not located unless otherwise shown.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown hereon were determined from As-Built plans and/or on-site locations and should be verified before construction.
- Legal description shown hereon furnished by client and no claims as to ownership are made or implied.

DEVELOPMENT CONTACT PERSON INFORMATION: Damian Thomason, Phone: 305-653-4493 x 112, Fax: 305-651-7152, E-mail: damian@flsurvey.com

SURVEYOR'S CERTIFICATION: I hereby certify that this "Boundary & Topographic Survey" was made under my responsible charge on July 3, 2012, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. FORTIN, LEAVY, SKILES, INC., LB3653

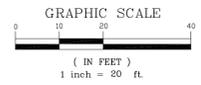
TENTATIVE PLAT OF SECTION 21, TOWNSHIP 52 SOUTH, RANGE 42 EAST CITY OF NORTH MIAMI, MIAMI-DADE COUNTY, FLORIDA

Table with columns: Date, Scale, Drawn By, Cad. No., Plotted, Field Book, Job No., Dwg. No., Sheet. Values include 7/3/12, 1"=20', DWF, 120430, 49/13/1148a, 296-082, 620-10, 476/31,33 & F.S., 120430, 2012-077, 1 of 2.

FORTIN, LEAVY, SKILES, INC. CONSULTING ENGINEERS, SURVEYORS & MAPPERS. FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653. 180 Northeast 168th Street / North Miami Beach, Florida 33162. Phone 305-653-4493 / Fax 305-651-7152 / Email flsurvey.com

INDUSTRIAL RAILROAD SUBDIVISION
PLAT BOOK 45, PAGE 51

This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is an Instrument of Service not to be Reproduced in Whole or in Part Without the Express WRITTEN Permission of Same.



LEGEND

- CATCH BASIN
- MANHOLE
- LIGHT POLE
- WATER METER
- WATER VALVE
- CATCH BASIN INLET
- UTILITY POLE
- RISER
- FIRE HYDRANT
- SIGN
- 0.5" CURB
- 2.0" CURB & GUTTER
- CHAIN LINK FENCE
- GRADE ELEVATION
- ELEVATION
- INV.
- S&S
- P.R.M.
- B.O.S.
- T.O.B.
- CONCRETE
- ASPHALT PAVEMENT

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

**TENTATIVE PLAT OF
CTF SUBDIVISION**
SECTION 21, TOWNSHIP 52 SOUTH, RANGE 42 EAST
CITY OF NORTH MIAMI, MIAMI-DADE COUNTY, FLORIDA

Date	7/3/12
Scale	1"=20'
Drawn By	DWF
Cad. No.	120430
Plotted	4/9/13 11:48a
Ref. Dwg.	296-082
Field Book	-SJD-620/10, 476/31,33 & F.S.
Job. No.	120430
Dwg. No.	2012-077
Sheet	2 of 2

N.E. 151th STREET
(PUBLIC RIGHT OF WAY)

N.E. 21 AVE.
(PUBLIC RIGHT OF WAY)

**LOT 8A
BLOCK 1
FINKLE'S INDUSTRIAL SUBDIVISION
PLAT BOOK 74, PAGE 22**

**TRACT "A"
TARGET RANGE SUBDIVISION
PLAT BOOK 108, PAGE 66**

N.E. 150th STREET
(PUBLIC RIGHT OF WAY)

N.E. 20th AVENUE
(PUBLIC RIGHT OF WAY)

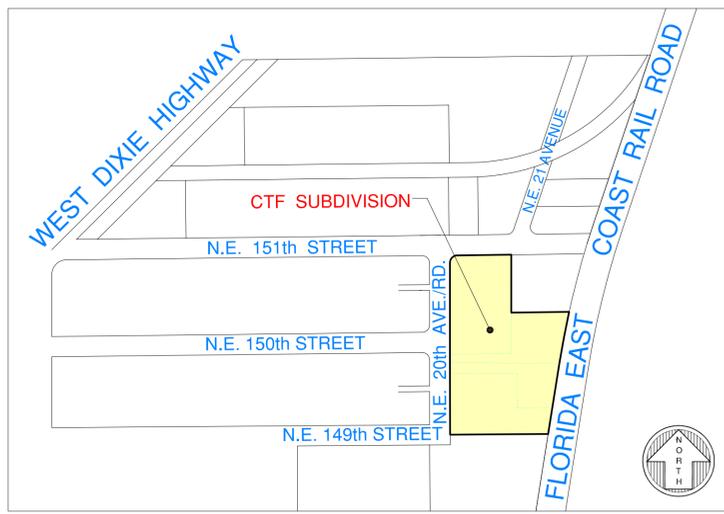
VACANT

PROPOSED LOT 1
CONTAINING 71,521 SQUARE FEET, 1.642 ACRES ±

**LOT 1
BLOCK 2
FINKLE'S INDUSTRIAL SUBDIVISION, SECTION ONE
PLAT BOOK 71, PAGE 62**

**ASPHALT PARKING
(NOT LOCATED)**

NOT SUBDIVIDED



LOCATION SKETCH
SCALE: 1"=300'

2 STORY BUILDING

PROPOSED LOT 2
CONTAINING 36,135 SQUARE FEET, 0.830 ACRES ±

2 STORY BUILDING
FLOOR ELEVATION 13.34
2nd FLOOR ELEVATION 25.50

1 STORY BUILDING
FLOOR ELEVATION 12.9

1 STORY BUILDING

SEE SHEET ONE

Date: June 6, 2013
To: Planning Commission
From: Maxine Calloway , Director, Community Planning & Development
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 (.13 acre) segment 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. The item was initially presented before the Planning Commission at its April 2, 2013 board meeting but many of the neighbors voiced concerns that the small parcel should not be sold to a private individual but instead be developed as a public park that would be maintained by the neighborhood. As such, Mr. Beck subsequently withdrew his application before the Commission voted on the item. In an email correspondence dated April 10, 2013 (attached) the applicant requested that the item be brought back before the Planning Commission for review and consideration. To date the City has not received any other application requesting abandonment and acquisition of the subject segment. Mr Beck has also indicated that due to safety concerns he continues to be the only resident who has taken the initiative to cut and maintain the overgrown area.

Based on the applicant's original letter of intent (attached), the former roadway segment has been overgrown with foliage for many years and became an illegal unsightly dumping ground. 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 applicant has offered to pay double (\$9000) as compensation to the City for acquisition of said land.

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. The applicant has taken the initiative to improve the property to enhance the appearance in an effort to make it a more safe and attractive environment.

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. The City's Parks & Recreation Department has no plans to improve the area and create a public park since there are at least two existing community parks within a mile of the subject area.

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.

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
5. Email dated April 10, 2013 requesting re-submittal of application

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)

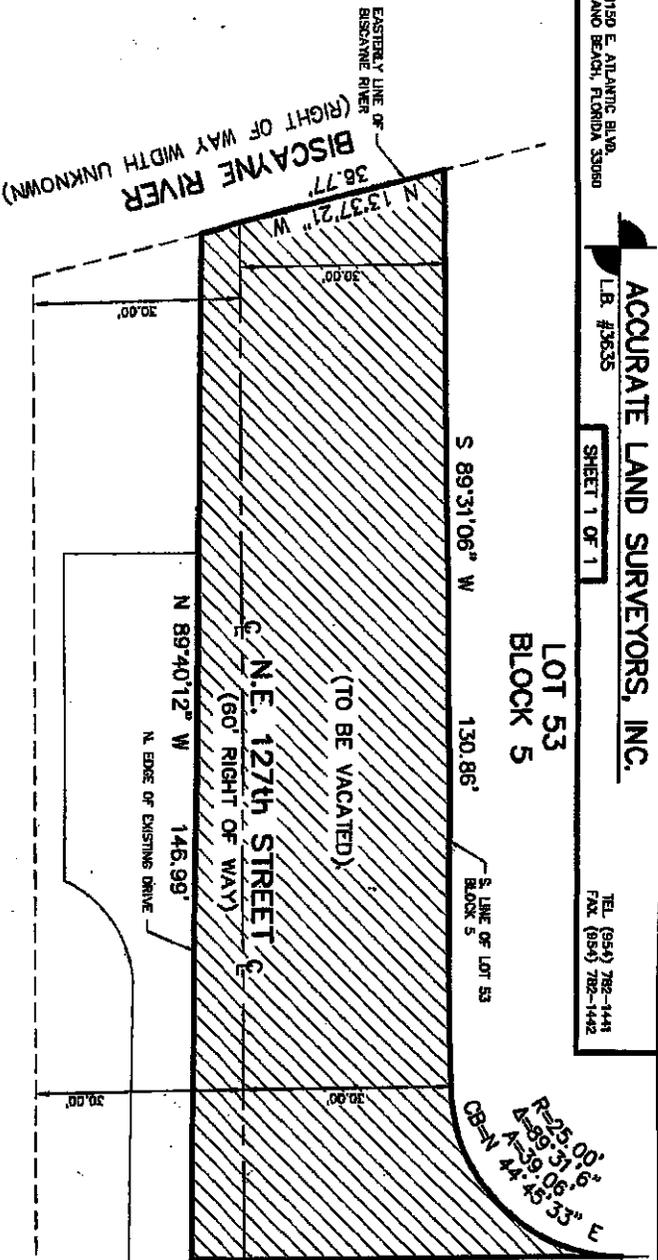
1150 E. ATLANTIC BLVD.
 POMPANO BEACH, FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.
 L.B. #36335

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

SHEET 1 OF 1

**LOT 53
 BLOCK 5**



STREET ADDRESS:
 12716 Griffing Boulevard, North Miami, Florida 33161

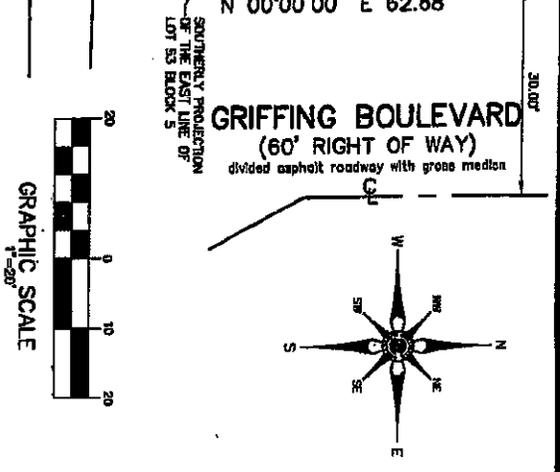
LEGAL DESCRIPTION:

A portion of that certain right of way of N.E. 127th Street as shown on the plat of GRIFPING 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 GRIFPING 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

REVISIONS	DATE	BY
REVISION DESCRIPTION	02-12-13	MLW
DATE OF SEARCH	CHECKED BY	FIELD BOOK
01-20-13	MLW	ALP-SU-12-3675
DRAWN BY		
MLW		

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 determined under our direction and does not conflict with any other plat, map or survey of record. This sketch meets the additional requirements for plats as set forth adopted by the Florida Board of Land Surveyors, October 1st, 2001.

Not valid without the signature and the seal of the Florida Licensed Surveyor and Mapper.
ROBERT L. THOMPSON (PRESIDENT)
 PROFESSIONAL SURVEYOR AND MAPPER NO. 3989 - STATE OF FLORIDA
 SCALE 1" = 20'
 SHEET SU-12-3675

BOUNDARY SURVEY

LEGEND OF ABBREVIATIONS:

A	ADJACENT	AS	AS SHOWN
B	BANK	BLK	BLOCK
C	CORNER	CD	CONCRETE DRIVE
D	DEED	CR	CURB
E	EASEMENT	CS	CORNER STAKE
F	FENCE	CS	CORNER STAKE
G	GRASS	CS	CORNER STAKE
H	HIGHWAY	CS	CORNER STAKE
I	IRON	CS	CORNER STAKE
J	JUNCTION	CS	CORNER STAKE
K	KITCHEN	CS	CORNER STAKE
L	LAND	CS	CORNER STAKE
M	MASONRY	CS	CORNER STAKE
N	NORTH	CS	CORNER STAKE
O	OPEN	CS	CORNER STAKE
P	PAVED	CS	CORNER STAKE
Q	QUARTER	CS	CORNER STAKE
R	RIVER	CS	CORNER STAKE
S	SOUTH	CS	CORNER STAKE
T	TERRACE	CS	CORNER STAKE
U	UNDEVELOPED	CS	CORNER STAKE
V	VACANT	CS	CORNER STAKE
W	WALL	CS	CORNER STAKE
X	WOOD	CS	CORNER STAKE
Y	YARD	CS	CORNER STAKE
Z	ZONING	CS	CORNER STAKE

STREET ADDRESS:
 1270 S. AVENUE S.W., SUITE 2000, MIAMI, FLORIDA 33136

LEGAL DESCRIPTION:
 A portion of the certain part of NE 127th Street, shown on the plat of GRIFFINS BIRGAYNE PARK ESTATES, according to the Plat thereof, as recorded in Plat Book 8, page 423, of the Public Records of Miami-Dade County, Florida. Said described parcel containing 42,268 square feet or 0.9609 acres, more or less.

TOGETHER WITH:
 A portion of the certain part of NE 127th Street, shown on the plat of GRIFFINS BIRGAYNE PARK ESTATES, according to the Plat thereof, as recorded in Plat Book 8, page 423, 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 GRIFFINS BIRGAYNE PARK ESTATES; on the South by the North edge of the existing asphalt road and the Western line of the existing portion of the East line of the aforementioned Lot 53, Block 5, and on the West by the existing edge of the Biscayne River. Said described parcel containing 1,076 square feet more or less.

NOTES:

- Unless otherwise noted, all measurements are in feet and inches, rounded measurements.
- Surveys shown herein are based on a bearing of North 00°00'00" East along the centerline of Griffin Boulevard, GRIFFINS BIRGAYNE PARK ESTATES, according to the Plat thereof, as recorded in Plat Book 8, page 423, of the Public Records of Miami-Dade County, Florida.
- Measurements are shown in feet and inches, rounded to the nearest inch.
- Dimensions of features and walls are not indicated.
- This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- This survey is made for the purpose of the subdivision of the described parcel into two parcels.
- This survey was made for mortgage and title purposes and is not valid for design or construction purposes.

FLOOD INFORMATION:
 Community name and number: North Miami 12865
 Map and parcel number: 12865-027528
 Parcel date: 08-11-89
 Flood zone: X
 Base flood depth: 1.0 ft

CERTIFY TO:
 March 5, 2008
 DATE OF FIELD SURVEY: 02-10-08
 FIELD BOOK: ALS-89-07-0703

REMARKS:
 RESURVEY AND SWITCH OF DESCRIPTION 12-2005

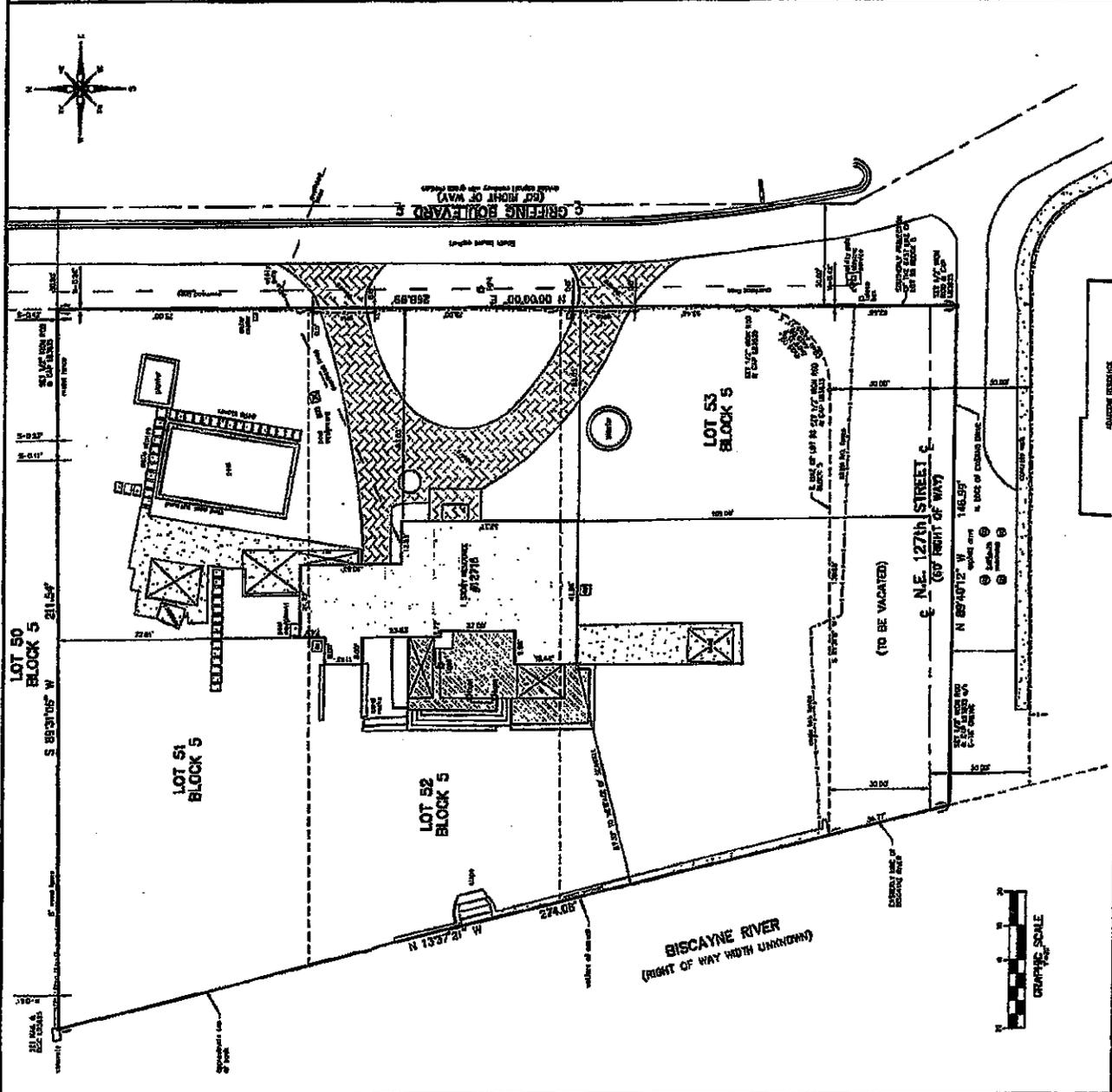
BY:
 DATE: 02-12-08

SKETCH NUMBER: SI-01-0780

SCALE: 1" = 20'

DATE: 2-13-13

BY: [Signature]



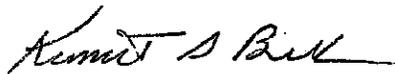
From: George Cohen <george@bafmiami.com>
Subject: **LETTER OF INTENT**
Date: March 15, 2013 11:14:30 AM EDT
To: Tanya Wilson-Sejour <tsejour@northmiamifi.gov>

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, landscape etc, it is my hope to acquire 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 eyesore, 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: <georgecohen46@mac.com>

Date: April 10, 2013 10:11:58 AM EDT

To: Tanya Wilson-Sejour <tsejour@northmiamifl.gov>

Subject: FORMAL LETTER TO GO FORWARD WITH ABANDONEMENT FROM KENNETH BECK

DEAR TANYA OR TO WHOM IT MAY CONCERN,

PLEASE ALLOW THIS E MAIL TO INFORM THE CITY OF NORTH MIAMI I WISH TO GO FORWARD WITH PURCHASE OF THE ABANDONED PROPERTY AS DISCUSSED AT THE CHAMBER MEETING ,AFTER SITTING AND SPEAKING THAT EVENING I WAS UNDER THE IMPRESSION THE CITY FAVORED THE PARK, IN DEFENSE OF MYSELF AND AS A RESPONSE TO THE ATMOSPHERE THAT THOSE AT THE MEETING HAD FINAL SAY , I DID NOT REALIZE THIS WAS ONLY A STARTING PLACE FOR DISCUSSION AND OPINIONS, AND NOT THE FINAL DECISION, I SAID AT THE MEETING THAT I WISHED TO WITHDRAW MY APPLICATIO NOT KNOWING THE FULL DETAILS OF HOW THE SYSTEM WORKS, AT THIS POINTE I WISH TO CONTINUE MY REQUEST OF PURCHASE AND ABANDONEMENT OF SUCH DESCRIBED PROPERTY DESCRIBED IN MY APPLICATION, ALSO NOTE I AM WILLING TO PAY DOUBLE THE APPRAISED VALUE FOR THE CONSIDERATION WHICH I FEEL IS VERY GENEROUS ON MY SIDE, I STILL STAND FIRMLY THIS SMALL PARCEL IS NOT IN ANY WAY CONDUSIVE FOR A PARK AND ONLY A LIABILITY TO THE CITY, THEIRE IS IN FACT GRIFFING PARK JUST DOWN THE BLOCK THAT SERVES AS A WONDERFUL GREEN SPACE AND A TRANQUIL SAFE SETTING FOR THOSE TO USE IN OUR NEIGHBORHOOD, ALSO THIS PARCEL DOES NOT QUALIFY TO BE BUILT UPON IN ANY WAY BECAUSE OF ITS SIZE THEREFOR MAKING IT BASICALLY UNDEVELOPABLE AND ONLY USEFUL TO ME THE PROPERTY OWNER ABUTTING THIS PARCEL, THOUGH FEW NEIGHBORS DISCUSSED A MINI PARK AT THE CHAMBER MEETING AFTER THE CITY SEES THE ABANDONED LAND , ITS SIZE, ITS RELATIONSHIP, AND CONSIDERS ALL SAFETY LIABILITY ISSUES I KNOW THEY WILL NOT SEE THIS NARROW STRIP OF LAND APPROPRIATE FOR ANY USE BUT ABANDONMENT, MY OFFER TO PURCHASE STAND AT DOUBLE APPRAISED VALUE, TIME IS OF THE ESCENCE IN THAT I MUST CONSTRUCT A FENCE A.S.A.P TO SECURE MY PROPERTY, THIS IN MY OPINION IS A NO BRAINER AND CERTAINLY IN THE BEST INTEREST FOR THE CITY,AND A VERY GENEROUS OFFER FOR YOUR IMMEDIATE REVIEW, I CAN BE CONTACTED AT 305 491 2535 MY CELL OR MY HOME 786 275 4991

THANK YOU FOR YOUR CONSIDERATION
KENNETH BECK

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.



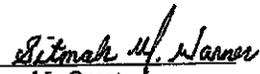
Easement & Right-of-Way / Plat

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
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', is written over the printed name and title.

To: The Planning Commission

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

Date: May 28, 2013

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING FISCAL YEAR 2013-2014 ACTION PLAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

Staff is recommending that the Planning Commission approve the proposed action plan and forward their recommendation to the Mayor and Council for consideration and transmittal to U.S. Department of Housing and Urban Development (HUD) for its adoption.

BACKGROUND

The U.S. Department of Housing and Urban Development (U.S. HUD), the federal agency responsible for administration of the CDBG and HOME programs, requires each entitlement jurisdiction to prepare an Action Plan outlining needs and priorities for the funding year. Each jurisdiction is also required to invite public participation in the process through an open forum. An Action Plan is defined as a comprehensive document, which describes the City's overall needs and priorities relative to housing and community development. Each year the Action Plan must be prepared and submitted to U.S. HUD for approval prior to release of funds. In FY 2013-2014, the City will receive approximately \$721,262 and \$200,012 in CDBG and HOME funding, respectively.

As part of the planning process, two public meetings were held to solicit public input on the proposed plan. The meetings were held at the Sunkist Grove Community Center and the Griffing Adult Center, May 21, 2013 and May 22, 2013, respectively. Prior to the public meetings, there were several inquiries from community organizations about the Public Service portion of the proposed plan, which was published in the Miami Herald on May 19, 2013 and posted on the City's website. The notice was also emailed to all homeowners associations, inviting them to participate in this process. The proposed action plan consists of Housing, Public Service and Administrative activities.

No.	Activity	Funding Allocation
1	CDBG Program Administration	\$144,252
2	CDBG Public Services – Non-profit Community Based Organizations	\$108,000
3	CDBG Housing Rehabilitation Program	\$469,010
4	HOME Program Administration	\$20,012
5	HOME Community Housing Development Organization (CHDO) Set-aside	\$30,018
6	HOME Single-Family Rehabilitation Program	\$96,982
7	HOME First-time Homebuyer Program	\$50,000
8	HOME Tenant Based Rental Assistance Program	\$3,000
TOTAL CDBG & HOME FUNDS		\$921,274

Attachments

- 1) Resolution
- 2) Notice of Public Hearing
- 3) Proposed Action Plan

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
APPROVING FISCAL YEAR 2013-2014 ACTION PLAN
UNDER THE COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) AND HOME INVESTMENT
PARTNERSHIP GRANT (HOME) PROGRAMS;
PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL
OTHER PURPOSES.**

WHEREAS, since 1994, the City of North Miami (“City”) has received Community Development Block Grant (“CDBG”) funds from the U.S. Department of Housing and Urban Development (“HUD”), in order to provide a source of funding for various community and economic development programs and projects; and

WHEREAS, since 2003, the City has received HOME Investment Partnership Grant funds (“HOME”), in order to provide a source of funding for community housing programs; and

WHEREAS, the Single Family Rehabilitation is a program within the City’s Local Housing Assistant Plan designed to provide qualified single family homeowners with deferred payment loans for home repairs, using CDBG and HOME funds; and

WHEREAS, the City will receive Seven Hundred Twenty One Thousand Two Hundred Sixty Two and 00/100 Dollars (\$721,262.00), and Two Hundred Thousand One Hundred Twenty and 00/100 Dollars (\$200,012.00) in CDBG and HOME funds, respectively, for fiscal year 2013-2014; and

WHEREAS, HUD program regulations require that the City prepare an annual Action Plan for the use of grant funds with input from the public; and

WHEREAS, on May 21, 2013, and on May 22, 2013, the City conducted public meetings at Sunkist Grove Community Center and at Griffin Senior Adult Center, soliciting public views and input in the development of the Action Plan; and

WHEREAS, in accordance with HUD regulations, the City administration prepared the FY 2013-2014 Action Plan for the use of CDBG and HOME grant funds; and

WHEREAS, on June 6, 2013, the City Planning Commission held a duly noticed public hearing and found the proposed FY 2013-2014 Action Plan to be acceptable, and recommended its approval to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami, find the proposed FY 2013-2014 Action Plan to be in the best interests of the City and thereby, 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:

Section 1. **Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby approve Fiscal Year 2013-2014 Action Plan under the Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) programs, attached hereto as "Exhibit 1."

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

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

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

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



NOTICE TO PUBLIC
CITY OF NORTH MIAMI
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)
FISCAL YEAR 2013-2014 ACTION PLANS & PUBLIC MEETINGS

The City North Miami is an entitlement community eligible to receive assistance under the U. S. Department of Housing and Urban Development [HUD] Community Development Block Grant [CDBG] Program and HOME Investment Partnerships [HOME] Program. As mandated by Federal Regulation, 24 CFR Part 91, the City of North Miami is required to submit an annual update of its Consolidated Plan. The update, known as an Action Plan, will reflect a collaborative process whereby North Miami establishes a unified vision of community development actions (interaction with municipalities, community organizations, civic organizations and private sector). This planning effort will cover the Community Development Block Grant (CDBG) and Home Investment Partnership Programs (HOME). All HUD entitlement communities must submit an Action Plan in order to receive these funds.

The specific strategies identified in the Plan to address housing and community development needs are as follows: provide affordable housing; expand economic opportunities; increase the capacity of public facilities and public services; and improve infrastructure.

The Fiscal Year 2013-2014 Action Plan describes the activities the City proposes to undertake to accomplish the objectives of the Consolidated Plan, are listed below.

No.	Activity	Funding Allocation
1	CDBG Program Administration	\$144,252
2	CDBG Public Services – Non-profit Community Based Organizations	\$108,000
3	CDBG Housing Rehabilitation Program	\$469,010
4	HOME Program Administration	\$20,012
5	HOME Community Housing Development Organization (CHDO) Set-aside	\$30,018
6	HOME Single-Family Rehabilitation Program	\$96,982
7	HOME First-time Homebuyer Program	\$50,000
8	HOME Tenant Based Rental Assistance Program	\$3,000
TOTAL CDBG & HOME FUNDS		\$921,274

As part of the planning process, the City of North Miami is conducting workshops to solicit public input on programs and activities eligible for CDBG and HOME funding, and to prioritize such programs and activities for eligible areas citywide. Residents are invited to attend and participate in these discussions. The locations and dates of the meetings are as follows:

Locations:	Sunkist Grove Community Center 12500 N.W. 13 th Avenue Tuesday, May 21 st , 2013 Time: 6 to 8 pm	Griffing Adult Center 12220 Griffing Blvd. Wednesday, May 22 nd , 2013 Time: 6 to 8 pm
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There will be a public hearing opportunity at the Planning Commission Meeting, June 6, 2013 at 7:00PM, in the Council Chambers, 776 NE 125th Street, 2nd Floor. The thirty day comment period begins on June 5, 2013 until July 5, 2013. All comments must be in writing and sent to the attention of the CDBG Administrator, City of North Miami, Community Planning & Development Department., 12400 N.E. 8th Avenue , North Miami, Florida 33161 no later than July 5, 2013 at 5:00 pm.

**COMMUNITY DEVELOPMENT BLOCK GRANT
PROPOSED FY2013-2014 ACTION PLAN**

CDBG ALLOCATION= \$721,262	
Activities	Allocation
PROGRAM ADMINISTRATION-20 % of annual allocation (A) CDBG Administrator (B) Housing Manager (Partial salary/fringes) (C) Fair Housing (\$6,500) (D) Program Expenditures	\$144,252.00
PUBLIC SERVICES-10 % of annual allocation (A) North Miami Foundation (\$15,000) (B) Community Based Organizations (\$63,000) (C) Youth Summer Employment (\$30,000)	\$108,000.00
HOUSING REHABILITATION-25% of projected annual housing rehabilitation expenditures allocated to housing delivery services. (A) Single Family Rehab Projects (\$351,758.00) (B) Housing Services Delivery Cost (\$117,252.00) <ol style="list-style-type: none"> 1. Housing Coordinator (Partial salary/fringes) 2. Housing Services Administrative Specialist (Partial salary/fringes) 3. Housing Services Aide (Partial salary/fringes) 4. Housing Inspector (Partial salary/fringes) 5. CP&D Technician (Partial salary/fringes) 	\$469,010.00
TOTAL	\$721,262

FY14 CDBG allocation - decreased by 3%.

This proposed budget is based on estimates, as the federal entitlement allocation has not yet been released. This budget assumed a 3% reduction in funding.

**HOME INVESTMENT PARTNERSHIP PROGRAM
PROPOSED FY 2013-2014 ACTION PLAN**

HOME ALLOCATION = \$200,012

ACTIVITIES	ALLOCATION
1. PROGRAM ADMINISTRATION (10%) (A) Housing Inspector	\$20,012.00
2. CHDO SET A-SIDE (15%) (A) HOMEBUYER ASSISTANCE	\$30,018.00
3. HOUSING REHABILITATION Single Family Rehab Assistance	\$96,982.00
4. First Time Home Buyer Assistance	\$50,000.00
5. Tenant Base Rental Assistance (TBRA)	\$3,000.00
Total	\$200,012.00

FY13 HOME allocation decreased by 3%.

This proposed budget is based on estimates, as the federal entitlement allocation has not yet been released. This budget assumed a 3% reduction in funding.