



**NORTH MIAMI PLANNING COMMISSION AGENDA**

**Tuesday, October 7, 2014, 7:00PM**

**Council Chambers**

**776 NE 125<sup>th</sup> 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: September 2, 2014**

**III. COMMUNICATIONS: None**

**IV. CONTINUED PUBLIC HEARINGS: None**

**V. PUBLIC HEARINGS:**

PC 11-14: A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING NINE (9) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE VACANT PROPERTY GENERALLY SITUATED AT THE SOUTHWEST CORNER OF NORTHEAST 6TH AVENUE AND NORTHEAST 123RD STREET WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-031-0030, 06-2230-031-0020 AND 06-2230-031-0010, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

- 1. Staff Report
- 2. Commission Action

PC 12-14: AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH LIQUOR PACKAGE STORES IN THE C-1 COMMERCIAL ZONING DISTRICT, TO ENCOURAGE THE RETENTION, ATTRACTION AND EXPANSION OF BUSINESS AND INDUSTRY CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR

**SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

1. Staff Report
2. Commission Action

**VI. COMMITTEE REPORTS:** None

**VII. OLD BUSINESS:** None

**VIII. NEW BUSINESS:**

1. Update on State Housing Initiative Partnership (SHIP) allocation for the upcoming 2014-2015 fiscal year.

**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.

# 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  
OCTOBER 7, 2014

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

09/26/2014

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

26 day of SEPTEMBER, A.D. 2014

(SEAL)

MARIA MESA personally known to me



## NORTH MIAMI PLANNING COMMISSION AGENDA

TUESDAY, OCTOBER 7, 2014, 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
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1. Staff Report
2. Commission Action

**VI. COMMITTEE REPORTS:** None

**VII. OLD BUSINESS:** None

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14-4-326/2353108M

9/26

# MIAMI DAILY BUSINESS REVIEW

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

## STATE OF FLORIDA COUNTY OF MIAMI-DADE:

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CITY OF NORTH MIAMI  
PROPOSED ORDINANCE - OCT. 7, 2014

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

09/26/2014

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

26 day of SEPTEMBER, A.D. 2014

(SEAL)

MARIA MESA personally known to me



## NOTICE OF PROPOSED ORDINANCE

### CITY OF NORTH MIAMI, FLORIDA

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

**AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH LIQUOR PACKAGE STORES IN THE C-1 COMMERCIAL ZONING DISTRICT, TO ENCOURAGE THE RETENTION, ATTRACTION AND EXPANSION OF BUSINESS AND INDUSTRY CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

A Public Hearing on this Ordinances will be held by the Planning Commission on **Tuesday, October 7, 2014 at 7:00 p.m.** and the City Council on **October 28, 2014 at 7:00pm (First Reading) and November 25, 2014 (Second Reading and Adoption Hearing)** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

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

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

14-4-327/2353110M

9/26

MINUTES  
 NORTH MIAMI PLANNING COMMISSION  
 7:00 P.M.  
 TUESDAY, SEPTEMBER 2, 2014  
 COUNCIL CHAMBERS

The meeting was called to order at 7:00 p.m. After the pledge of allegiance, a roll call of the members was taken.

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

**Staff was represented by:**

Bhairvi Pandya, City Planner  
 Roland Galdos, Deputy City Attorney  
 Brittini Duria, CP & D Technician/Board Secretary  
 Dunia Sanzetenea, Information Technology

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

**II. Approval of Minutes:**

The minutes of the July 1, 2014 meeting were unanimously approved. The motion was made by Commissioner Prevatel, seconded by Commissioner Each.

**III. Continued Public Hearings:** None

#### **IV. Public Hearings:**

**PC 09-14: A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, , FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 06-2219-000-1620, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A", AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80, FLORIDA STATUTES, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

The item was introduced by the Chair then staff report was given by Ms. Pandya. The item was further explained by Mr. Michael Goldstein of Goldstein Environmental Law Firm and gave a presentation regarding the benefits of brownfields. Commissioner James asked if there would be geotechnical work and Mr. Goldstein explained that there is a number of geotechnical work and remedial action plan. He also explained that there are four specific areas with special contamination and mentioned an environmental development windfall.

Mr. Goldstein mentioned that the City had obligation for samples and place findings in a report and provides an example. A period of monitoring would be in place until certain clean up standards are achieved. Commissioner Prevatel mentioned encapsulation and what method would be used for the removal of contamination. Mr. Goldstein replied that there would be encapsulation, soil removal and active treatment; a combination of science and policy. Commissioner Prevatel then asked if they could determine the level of contaminants to get a ballpark estimate on the scope and cost of the service. Mr. Goldstein then explained that they would not be the consultants for that part of the service. Commissioner Ernst asked a monetary question: what are we spending and when do we get back? Mr. Goldstein then replied that the City would be tax accredited at the start of the year. The Chair stated that the goal is to recover what we spend. Commissioner Prevatel then asked if the process can be stopped even after the contaminant study which was mentioned that the process after is completely separate. Other members of the Board asked if the contamination of the site is available and was mentioned that the contamination information is public record. Commissioner Each stated that this project would be a win/win situation, it brings together both the public and private sector, the site needs to be cleared and we have incentives.

#### **Public Hearing:**

No one spoke at the public hearing.

#### **Commission Discussion:**

Commissioner Prevatel moved to approve the proposed resolution of the designation of the brownfield area. Commissioner James seconded the motion and it passed unanimously.

**PC 10-14: A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF CITY OWNED UNIMPROVED PARCELS OF LAND CONSISTING OF APPROXIMATELY 2,248 AND 5,247 SQUARE FEET, RESPECTIVELY, INCLUDING A 20 FEET WIDE ALLEYWAY CONSISTING OF 7,613 SQUARE FEET, LYING SOUTH OF LOTS 1, A AND B, OF BLOCK 13 BISCAYNE HIGHLANDS SUBDIVISION, AND ADJACENT TO LOTS 7 THROUGH 13; AND FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PROPERTY, 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 THE SUBJECT PROPERTY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

The item was introduced by the Chair and staff report was given by Ms. Pandya. The item was further explained by Mr. Ari Sklar, architect. He mentioned the lot ownerships and the owners want mixed use projects but the zoning code would not allow it (C-1). Commissioner Ernst mentioned that they would be nonconforming use with the other lots and could be more beneficial if they had all lots. Mr. Sklar stated that it would be in the long run but they are trying to gather other owners to join their request for a zoning change and request for City property. They have intentions of putting a buffer to separate zoning depending on the planning department. Commissioner Ernst asked if it was not reliable for a buffer and Mr. Galdos replied that they are legally nonconforming. Commissioner Each stated that there is concern for quality of life and that they should try to gather five lots to change the economics of the neighborhood. The Chair the lot as a whole could be developed, there are options for bonuses and create a greater vision of homeowners could be brought out. Commissioner Prevatel asked if the appraisal was for lots A and B and Ms. Pandya stated that the appraisal was for lots A, B and the alleyway like a package deal. The Chair stated that the parcel would be of greater value with all lots.

**Public Hearing:**

Barbara Dabbing, a business owner spoke at the public hearing. She voiced her opinion to encourage to vote in favor of the project. She has had the same issues with the lots regarding crime and suspicious activities. She encourages buying out the owners and made a few suggestions on the lots.

Gabriel Boan, a resident in Bay Harbor spoke and agreed on acquiring of the five lots and suggested going about the project in different phases. Acquiring the alleyway and parcels would be Phase 1 and could be a great jump start.

Commissioner Each asked about what buffer would be inquired. Mr. Sklar said that they would be working with the Planning Department and is inquiring with vegetation, wall art and all plans are currently conceptual. Commissioner Prevatel expressed his appreciation and stated possible development to avoid the sprawl of parking on the properties.

**Commission Discussion:**

Commissioner James motioned to approve the proposed resolution of the sale of city-owned unimproved parcels of land. Commissioner Prevatel seconded the motion and it passed unanimously with recommendation for full value.

— — —

The next meeting was tentatively set for October 7, 2014.

**V. COMMITTEE REPORTS:** None

**VI. OLD BUSINESS:** None

**VII. NEW BUSINESS:**

- a. Miami-Dade County Climate Change Report
- b. City of North Miami's Climate Change Award

There being no further business to come before the Commission, the meeting was adjourned at 8:38 p.m.

**VIII. ADJOURNMENT**

Respectfully submitted:

Attest:

\_\_\_\_\_  
Commissioner Kevin Seifried, Chair  
Planning Commission

\_\_\_\_\_  
Bhairvi Pandya, AICP, GISP, City Planner  
Community Planning & Development

Prepared by:

\_\_\_\_\_  
Brittini Duria, Board Secretary  
Community Planning & Development

Date: October 7, 2014

To: Planning Commission

From: Bhairvi Pandya, AICP, City Planner *BP*  
Community Planning & Development

Re: Conditional Use Permit Requesting 9 Bonus Units from NRO Secondary Pool of Floating Residential Units

**A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING NINE (9) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE VACANT PROPERTY GENERALLY SITUATED AT THE SOUTHWEST CORNER OF NORTHEAST 6TH AVENUE AND NORTHEAST 123RD STREET WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-031-0030, 06-2230-031-0020 AND 06-2230-031-0010, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

#### **RECOMMENDATION**

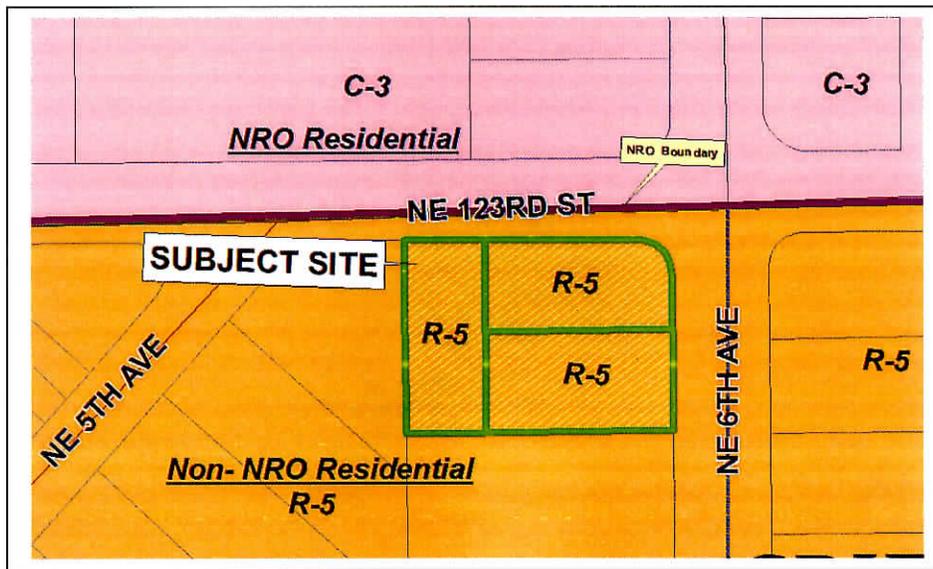
Staff requests that the Planning Commission recommend approval of the proposed Resolution for a Conditional Use Permit in order to transfer nine (9) bonus units from the Neighborhood Redevelopment Overlay (NRO) District secondary pool of existing floating residential units in accordance with Article 4, Section 4-204.

#### **BACKGROUND**

The applicant West Bank Investment LLC owns a 0.68 acre site containing three (3) lots, located on the southwest corner of Northeast 6<sup>th</sup> Avenue and Northeast 123<sup>rd</sup> Street and identified by folio numbers 06-2230-031-0030, 06-2230-031-0020 and 06-2230-031-0010. The proposed project "Golden Hill Condominium" is planned for a four story 20 unit multifamily condominium building to be built on the subject site. The said three (3) lots are depicted in the attached survey drawing. Policy 1.12.1 of the City's Comprehensive Plan set aside 1,000 floating

units for areas outside the established Neighborhood Redevelopment Overlay Boundary (NRO) to encourage redevelopment in areas outside the central city. The subject site is located outside the NRO District and has a medium density residential land use category with a R-5 zoning designation, which permits a maximum building height of seventy five feet (75') and a density of 16.3 residential units per acre. The current R-5 zoning designation allows for eleven (11) residential units as of right. Please see the zoning map and aerial map below.

ZONING MAP



AERIAL MAP



The applicant has filed a Conditional Use Permit application with the City's Community Planning & Development Department, requesting that the City transfer nine (9) additional bonus residential units from the existing Secondary pool of 973 units in order to construct the aforementioned four story 20 unit condominium building development "Golden Hill Condominium" on the subject site. All the units will be market rate, and the primary target group will consist of moderate-income householders generally from Miami-Dade County. The condominium building will contain twelve (12) two bedroom/ two bathroom units and eight (8) three bedroom/two bathroom units. The size of the two bedroom/ two bathroom unit will be 885 square feet, and the three bedroom/two bathroom unit will be 1125 square feet.

The project contains 10,374 square feet or 34.9% of recreational open space including a swimming pool with a deck on the ground floor. The proposed open space area exceeds the 20% open space requirement by offering almost double the amount of required recreation open space area (Section 4-203). An internal bicycle and pedestrian circulation system is also proposed for the property owners. Pursuant to Section 5-803, the project will provide five bicycle parking spaces of the four required by LDR. In addition, a shower room for bicyclists will also be provided on site. The project exceeds vehicular parking space requirements by providing 33 of the 31.5 required parking spaces (Section 4-1402). Please see attached site plan for details.

Per standards contained in Section 4-204, the applicant is applying for green building and sustainability (LEED design) and Transit Oriented Development (TOD) density bonuses. The

condominium project will be LEED certified, which offers a maximum density bonus of 7.5 du/acre. The project also meets 4 of the 8 the TOD bonus requirements by providing an easement for (1) a bus shelter on the east side of the site frontage on NE 6<sup>th</sup> Avenue; the applicant will work closely with Miami-Dade Transit to provide the said bus shelter; (2) an internal bicycle and pedestrian circulation system; (3) provision of bicycle racks; and (4) provision of shower room for bicyclists. The TOD bonus provides a maximum density bonus of 5 du/acre. Therefore totaling the LEED certified bonus of 7.5 du/acre and TOD bonus of 5 du/acre, the total maximum density bonus permitted is 12.5 du/acre. At a size of 0.68 acres with a maximum density of 12.5, the site is eligible for an additional 9 units. The applicant is requesting bonuses totaling 9 units. Density bonus calculations pertaining to the proposed project are stated below:

<b>Project Site Density Bonus Summary</b>	
Land Use	Medium Residential
Zoning	R-5 Multifamily District
Maximum density permitted	16.3 du/acre
Maximum Total Green and TOD Bonus permitted	Up to 12.5 du/acre
Subject Site area	0.68 acres
<u>Maximum density permitted on subject site by right</u>	<u>16.3 X 0.68 = 11.084 du/acre</u>
Proposed density for subject site	28.8 du/acre
<b>Density Bonus Calculations</b>	
16.3 + 12.5 = 28.8 du/acre (maximum density permitted per acre with bonus) 28.8 X 0.68 = 28.084 (maximum density permitted for subject site with bonus)	
Applicant requests = 7.5 du/acre LEED certified bonus, 5 du/acre for TOD bonus 12.5 units	
<u>28.8 X 0.68 = 20 units (maximum units permitted for subject site)</u>	
Applicant proposes total 20 du/acre on subject site	

## ANALYSIS

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

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

The proposed conditional use request is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 1.12.1, that promotes the transfer of up to 1000 units to areas outside the NRO in order to encourage redevelopment of new residential units in areas such as the subject site. Additionally Objective 3B.4 requires that the City "ensure an adequate balance of housing that will ensure a range of housing options by providing the

appropriate densities, intensities, height, type, and size that encourage the creation of new housing units,"

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

The proposed conditional use application is in compliance with the LDR regulations as outlined in Section 4-204 which allows parcels of land designated low, medium or high density residential land use outside the NRO boundary to receive bonus densities of up to a maximum of 25 dwelling units per acre through conditional use approval. The applicant is applying for green building and sustainability (LEED design), Transit Oriented Development (TOD) and Open Space Amenity (optional) density bonuses. The condominium project will be LEED certified, which offers a maximum density bonus of 7.5 du/acre. The project also meets 4 of the 8 the TOD bonus requirements thus qualifying for a TOD bonus of 5du/acre. Therefore totaling the LEED certified bonus of 5 du/acre, TOD bonus 7.5 du/acre, the total maximum density bonus permitted is 12.5 du/acre. The applicant is requesting bonus, a total of 9 units with the bonus provision in Section 4-204 of the LDR.

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

Based on the information provided staff believes the proposed development is in compliance with the development standards outlined in the LDR in that the provided request is in keeping with the development standards set forth in Section 4-203 that governs development in the R-5 zoning district and associated medium land use category.

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

The subject site is located at the southwest corner of Northeast 6<sup>th</sup> Avenue, a roadway classified as a State Minor Arterial and Northeast 123<sup>rd</sup> Street a local collector street. The City's Transportation Master Plan indicates that Northeast 6<sup>th</sup> Avenue currently operates at a "Level of Service B or better" which is an acceptable level. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally the City of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City's Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more transit friendly development. The project will provide TOD measures such as (1) a bus shelter on the east side of the building on NE 6<sup>th</sup> Avenue; the applicant will work closely with Miami-Dade Transit to provide the said bus shelter; (2) an internal bicycle and pedestrian circulation system; (3) provision of bicycle racks; and (4) provision of shower room for bicyclists. In addition connectivity to the existing sidewalks on NE 6<sup>th</sup> Avenue and NE 123<sup>rd</sup> Street as well as neighboring streets, connectivity to existing transit bus-stop across

the street on east side of NE 6<sup>th</sup> Avenue, access to the free NoMi shuttle serving the area support and encourage multi-modal strategies and alleviate any additional traffic generated from the site.

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

Staff believes the proposed 20 unit condominium apartment building will greatly complement the surrounding neighborhood as well as provide additional quality market rate housing. Existing land uses adjacent to the subject site are: commercial to the north, multifamily to the south and west, and multifamily to the east. Additionally per Section 4-405 of the LDR the site is subject to certain development restrictions governing the building, scale, setback and parking to ensure compatibility with the existing surrounding residential neighborhoods.

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

At 0.68 acres and situated on a state minor arterial, staff believes the subject parcel is suitable in size and shape to accommodate the proposed multifamily development.

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

The proposed new condominium development is consistent in use and character with the surrounding residential areas and is anticipated to complement the adjacent multifamily properties. The applicant proposes to develop the vacant lot into a condominium complex consisting of twelve (12) two bedroom/ two bathroom units and eight (8) three bedroom/two bathroom units. The size of the two bedroom/ two bathroom unit will be 885 square feet, and the three bedroom/two bathroom unit will be 1125 square feet. In addition, amongst other multi-modal options as mentioned before, the project proposes to provide a bus shelter on the west side of NE 6<sup>th</sup> Avenue which will directly benefit the neighborhood. As such, the proposed project is not anticipated to adversely impact the use, livability, value and development of adjacent properties. In fact the proposed project will be an improvement to the existing underutilized vacant lot and the new development will uplift surrounding property values.

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

All the units in the 20 unit condominium building will be market rate, and the primary target market of condominium buyers will consist of moderate-income householders generally from

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

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

The proposed design not only has architecturally appealing motifs but is also environmentally sustainable. In fact, Policy 3B.4.3 of the Comprehensive Plan indicates that that " In the redevelopment process the City shall require developers of both market rate and affordable/workforce housing to utilize principles of sustainable design by implementing environmentally friendly and green building design standards as further defined in the LDR. Furthermore, Section 5-805 of the City's LDR requires that all new construction shall incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. In lieu of LEED certification the applicant proposes to construct a sustainable LEED certified building under the Florida Green Building Coalition rating system and incorporate energy efficient elements as part of the future design and landscaping.

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

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

**CONCLUSION**

Based on our analysis, staff is of the opinion that the proposed conditional use application is consistent with the requirements of Section 3-405 of the City's Land Development regulations and is compatible with the future land use goals objectives and policies identified in the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department requests approval of the attached resolution (with conditions), approving a transfer of nine (9) bonus units from the secondary pool of 973 floating residential units. Said transfer being subject to the applicant designing a product that achieves the Florida Green Building Coalition (FGBC) certification or equivalent along with the following conditions:

1. That the applicant submits final precise plans and applicable landscape plans to the City's Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
2. That the applicant shall file a unity of title with the Community Planning & Development Department to unify the three (3) lots into one consolidated parcel.
3. That the applicant shall provide registration receipt from the U.S. Green Building Council showing intent to achieve LEED certified designation prior to Council consideration.
4. That the applicant shall provide a copy of appropriate certification from the U.S. Green Building Council to validate the proposed "green" elements of the development prior to obtaining final Certificate of Occupancy.
5. Comply with all other City/County regulations as it relates to zoning, parking, landscaping, school concurrency and utilities.
6. Density bonuses - Pursuant to Sect 4-204 the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

MANDATORY ELEMENTS	DENSITY BONUS EARNED
Green & Sustainable:	
Designed to meet LEED certified– or FGBC equivalent of LEED certified.	7.5 du/acre
<b>Transit Oriented Development: 4 of 8 selected</b>	
Sheltered bus stop within ¼ mile of proposed development in accordance with section 5-803: on west side of NE 6 Avenue existing bus stop.	
Internal bike and pedestrian circulation system	
Provision of bike racks	
Provision of showers for bicyclists	
Total for 4 of 8	5 du/acre
Project open space/recreational amenities	5 du/acre
<b>Total Overall Bonus units Earned</b>	<b>17.5 du/acre</b>
Note: Maximum <u>density bonus</u> allowed outside NRO is	

25 Du/acre.	
-------------	--

7. A building permit shall be filed within one year of the date of the conditional use approval (by October 28, 2015) or the approval shall be null and void.
8. Conditional use permit shall expire October 28, 2015. An extension of time may be granted by the Director of Community Planning and Development for a period not to exceed six (6) months (April 28, 2016) and only within the original period of validity.
9. Coordinate School Concurrency review with Miami-Dade Public Schools prior to obtaining building permits.

TWS/ bp

Attachments:

1. Proposed Resolution and Exhibit A -Conditional Use Permit
2. Survey and Legal Description
3. Property Appraiser Maps
4. Letter of Intent and Project Narrative
5. Site Plans and Elevations

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING NINE (9) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE VACANT PROPERTY GENERALLY SITUATED AT THE SOUTHWEST CORNER OF NORTHEAST 6TH AVENUE AND NORTHEAST 123RD STREET WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-031-0030, 06-2230-031-0020 AND 06-2230-031-0010, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

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

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

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

**WHEREAS**, West Bank Investment, LLC (“Applicant”), is the property owner of three (3) contiguous lots, totaling .68 acres (or 29,725 sq. ft.) in size and located on the southwest corner of Northeast 6<sup>th</sup> Avenue and Northeast 123<sup>rd</sup> Street, with Miami-Dade County Folio Numbers: 06-2230-031-0030, 06-2230-031-0020, and 06-2230-031-0010 (“Subject Property”); and

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

**WHEREAS**, the R-5 Zoning District allows for eleven (11) residential units as of right, for development on the Subject Property; and

**WHEREAS**, the Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate nine (9) additional bonus residential units from the existing Secondary Pool of available units in order to construct a total of twenty (20) market rate multifamily units on the Subject Property; and

**WHEREAS**, previous allocations of residential units have reduced the Secondary Pool from one thousand (1000) to an existing total of nine hundred seventy three (973) residential units; and

**WHEREAS**, the approval and transfer of nine (9) residential units from the Secondary Pool will reduce the pool of unassigned residential units from nine hundred seventy three (973) to nine hundred sixty four (964) residential units; and

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

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on October 7, 2014, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval of the Conditional Use Permit to the Vice Mayor as acting Mayor and City Council; and

**WHEREAS**, the Vice Mayor as acting Mayor and City Council have determined that the proposed request is in the best interest of the City and does not adversely affect the health, safety, and welfare of residents and thereby, approve the Conditional Use Permit allocating the requested number of units from the Secondary Pool.

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

**Section 1.**     **Approval of Conditional Use Permit.** The Vice Mayor as acting Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conditional Use Permit, in substantially the attached form, transferring nine (9) bonus units from the Neighborhood Redevelopment Overlay (NRO) District Secondary Pool of one thousand (1000) floating residential units for the vacant property generally situated at the Southwest corner of Northeast 6<sup>th</sup> Avenue and Northeast 123<sup>rd</sup> Street with Miami-Dade County Folio Numbers 06-2230-031-0030, 06-2230-031-0020 and 06-2230-031-0010, in accordance with Article 4, Section 4-204 of the City of North Miami Code of Ordinances, Land Development Regulations.

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

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Vice Mayor as acting Mayor

and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PHILIPPE BIEN-AIME  
VICE-MAYOR AS ACTING 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:**

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

**EXHIBIT A**

**CONDITIONAL USE PERMIT FOR GOLDEN HILL CONDOMINIUM**

**WHEREAS**, West Bank LLC owns 0.68 acres of real property identified with folio numbers 06-2230-031-0030, 06-2230-031-0020 and 06-2230-031-0010 and depicted in the attached survey drawing of Property (the " Property"); and

**WHEREAS**, the property is zoned R-5 which allows for eleven (11) residential units as of Right;

**WHEREAS**, in accordance with Section 4-204 of the City's LDR (governing density bonus requests in areas outside the NRO) the applicant requests that in addition to the 11 permitted as of right units, the City grant Conditional Use Approval, for allocation of 9 bonus units, from the established primary pool of secondary floating residential units to create a 20 unit condominium apartment building on site with a maximum height of 75 feet; and

**WHEREAS**, staff has reviewed the proposed application and finds that it complies with the requirements of Section 4-204 of the LDRs; and

**WHEREAS**, on October 7<sup>th</sup> 2014 the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of 9 bonus units from outside Neighborhood Redevelopment Overlay (NRO) secondary residential pool of existing nine hundred and seventy three (973) [previous allocations of residential units have reduced the Secondary Pool from one thousand (1,000) to an existing total pool of nine hundred seventy three (973) residential units]; and

**WHEREAS**, said transfer of 9 units from the "outside the NRO" secondary residential pool of nine hundred and seventy three (973) units would reduce the secondary pool of units to Nine hundred and sixty four (964) units; and

**WHEREAS**, on October 28<sup>th</sup> 2014, the City Council reviewed the request and determined that it is consistent with the intent of the City's Comprehensive Plan, allows for redevelopment of a currently vacant site and will further advance the public health, safety and welfare of the City.

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

1. That the applicant submits final precise plans and applicable landscape plans to the City's Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
2. That the applicant shall file a unity of title with the Community Planning & Development Department to unify the three (3) lots into one consolidated parcel.
3. That the applicant shall provide registration receipt from the U.S. Green Building Council Coalition (USGBC) showing intent to achieve LEED certified (or equivalent) designation prior to Council consideration.
4. That the applicant shall provide a copy of appropriate certification from the USGBC to validate the proposed "green" elements of the development prior to obtaining final Certificate of Occupancy.
5. Comply with all other City/County regulations as it relates to zoning, parking, landscaping, school concurrency and utilities.
6. Density bonuses - Pursuant to Sect 4-204 the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

MANDATORY ELEMENTS	DENSITY BONUS EARNED
Green & Sustainable:	
Designed to meet LEED Silver – or FGBC equivalent of LEED silver.	7.5 du/acre
Transit Oriented Development: <b>4 of 7 selected</b>	
Sheltered bus stop within ¼ mile of proposed development in accordance with section 5-803: on west side of NE 6 Avenue existing bus stop.	
Internal bike and pedestrian circulation system	
Provision of bike racks	
Provision of showers for bicyclists	
Total for 4 of 7	5 du/acre
<b>Total Overall Bonus units Earned</b>	<b>12.5 du/acre</b>
Note: Maximum <u>density bonus</u> allowed outside NRO is 25 Du/acre.	

7. A building permit shall be filed within one year of the date of the conditional use approval (by October 28, 2015) or the approval shall be null and void.
8. Conditional use permit shall expire October 28, 2015. An extension of time may be granted by the Director of Community Planning and Development for a period not to exceed six (6) months (April 28, 2016) and only within the original period of validity.
9. Coordinate School Concurrency review with Miami-Dade Public Schools prior to obtaining building permits.

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on October 7, 2014, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan and LDRs, and recommended approval with conditions of the Conditional Use Permit and precise plan, to the Mayor and City Council; and

**WHEREAS**, the Vice Mayor as acting Mayor and Council of the City of North Miami have determined that the proposed requests are in the best interest of the City and will not adversely

affect the health, safety, and welfare of residents; and thereby, approve the amended Conditional Use Permit for West Bank LLC.



# PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
CERTIFICATE NO.: LB6857

**SURVEY ADDRESS:**

12280 AND 12290 N.E. 6TH AVENUE  
540 N.E. 123RD STREET  
NORTH MIAMI, FLORIDA 33161

**CERTIFY TO:**

1. WEST BANK INVESTMENT LLC, A FLORIDA LIMITED LIABILITY COMPANY
2. OLD FLORIDA TITLE COMPANY
3. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

**FLOOD ZONE & ELEVATIONS:**

FLOOD ZONE: X-SHADED  
BASE FLOOD ELEVATION: N/A  
CONTROL PANEL NO.: 120655-0143-L  
DATE OF FIRM INDEX: 09/11/09

REFERENCE BENCHMARK: MIAMI-DADE  
COUNTY ENGINEERING B.M. "N-390"  
ELEVATION = 8.91'

**POTENTIAL ENCROACHMENTS:**

1. CONCRETE SIDEWALK CROSSES OVER THE NORTHEASTERLY PROPERTY LINE.
2. ASPHALT DRIVEWAY CROSSES OVER THE SOUTHEASTERLY PORTION OF THE SUBJECT PROPERTY.

**LEGAL DESCRIPTION:**

THE EAST 140 FEET OF LOTS 1 AND 2, BLOCK 8, OF "GRIFFING BISCAIYNE PARK ESTATES BLOCKS NO. 8, 9, 10 & 11", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 107, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

LOTS 1 AND 2, BLOCK 8, OF "GRIFFING BISCAIYNE PARK ESTATES BLOCKS NO. 8, 9, 10 & 11", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 107, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 140 FEET THEREOF.

**LEGEND & ABBREVIATIONS:**

A = ARC	D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.I. = POINT OF INTERSECTION
A.E. = ANCHOR EASEMENT	E.M. = ELECTRIC METER	P.R.C. = POINT OF REVERSE CURVE
ASPH. = ASPHALT	F.P. & L. = FLORIDA POWER & LIGHT	P.O.B. = POINT OF BEGINNING
B.M. = BENCHMARK	L.B. = LICENSED BUSINESS	P.O.C. = POINT OF COMMENCEMENT
B.C.R. = BROWARD COUNTY RECORDS	L.P. = LIGHT POLE	P.P. = POWER POLE
C.B.S. = CONCRETE BLOCK STRUCTURE	M.H. = MANHOLE	R = RADIUS
CHATT. = CHATTAHOOCHEE	(M) = MEASURED	RES. = RESIDENCE
CONC. = CONCRETE	MAINT. = MAINTENANCE	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NO. = NUMBER	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY EASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊖ = CENTERLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	⊕ = ELEVATION

**GENERAL NOTES:**

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).

**CERTIFICATION:**

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

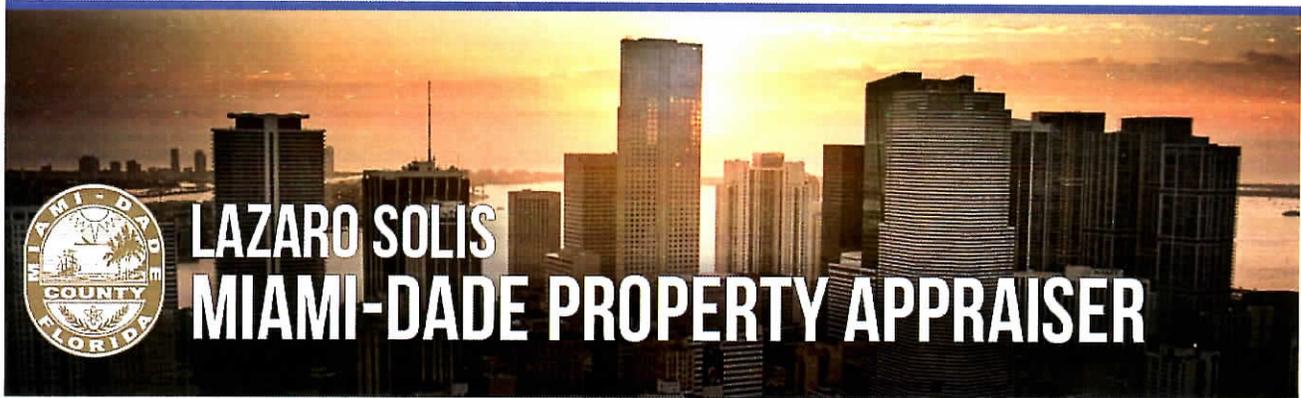
9/19/14

JASON H. PINNELL  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
ADD REMAINDER OF LOTS AND ELEV.S (14-1468)	09/18/14	J.P.

SKETCH NO.: 14-0503  
 DATE OF SURVEY: 04/18/14  
 CHECKED BY: J.P.  
 FIELD BOOK/PAGE: 469/66  
 SIDE 1 OF 2





Address      Owner Name      Folio

### SEARCH:

06-2230-031-0030



### PROPERTY INFORMATION

**Folio:** 06-2230-031-0030

**Sub-Division:**  
BISCAYNE PARK ESTS

**Property Address**  
12280 NE 6 AVE  
North Miami , FL 33161-5508

**Owner**  
WEST BANK INVESTMENT LLC

**Mailing Address**  
16450 MIAMI DR #505  
NORTH MIAMI BEACH , FL 33162

**Primary Zone**  
3700 MULTI-FAMILY - 10-21 U/A

**Primary Land Use**  
0081 VACANT RESIDENTIAL : VACANT LAND

<b>Beds / Baths / Half</b>	0 / 0 / 0
<b>Floors</b>	0
<b>Living Units</b>	0
<b>Actual Area</b>	0

Living Area	0
Adjusted Area	0
Lot Size	10,451 Sq.Ft
Year Built	0



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### ASSESSMENT INFORMATION

Year	2014	2013	2012
Land Value	\$41,804	\$27,173	\$25,751
Building Value	\$0	\$0	\$0
Extra Feature Value	\$0	\$0	\$0
Market Value	\$41,804	\$27,173	\$25,751
Assessed Value	\$29,890	\$27,173	\$25,751

### TAXABLE VALUE INFORMATION

	2014	2013	2012
<b>COUNTY</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,890	\$27,173	\$25,751
<b>SCHOOL BOARD</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$41,804	\$27,173	\$25,751
<b>CITY</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,890	\$27,173	\$25,751
<b>REGIONAL</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,890	\$27,173	\$25,751

### BENEFITS INFORMATION

Benefit	Type	2014	2013	2012
Non-Homestead Cap	Assessment Reduction	\$11,914		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

### FULL LEGAL DESCRIPTION

BISCAYNE PARK ESTS BLKS 8 9 10 11

PB 5-107

E140FT OF LOT 2 BLK 8

LOT SIZE 10451 SQUARE FEET

COC 23921-3234 11 2005 3

CD OR 23942 1783 11 2005 5

### SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description	Previous Owner 1
05/15/2014	\$340,000	29157-4748	Financial inst or "In Lieu of Forclosures" stated	AMSK LLC
07/06/2011	\$100	27759-4392	Corrective, tax or QCD; min consideration	SAIEH INVEST INC
11/01/2005	\$0	23921-3234	Qual by exam of deed	
01/01/2005	\$0	23022-3110	Qual by exam of deed	
11/01/2004	\$0	22815-3601	Qual by exam of deed	
03/01/1981	\$130,000	11069-0708	Qual by verifiable & documented evidence	
01/01/1981	\$114,000	10999-1876	Qual by verifiable & documented evidence	

For more information about the Department of Revenue's Sales Qualification Codes.

2014    2013    2012

### LAND INFORMATION

Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-5	3700 - MULTI-FAMILY - 10-21 U/A	Square Ft.	10,451.00	\$41,804

### BUILDING INFORMATION

Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value
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### EXTRA FEATURES

Description	Year Built	Units	Calc Value
-------------	------------	-------	------------

### ADDITIONAL INFORMATION

\* The information listed below is not derived from the Property Appraiser's Office records. It is provided for convenience and is derived from other government agencies.

**LAND USE AND RESTRICTIONS**

**Community Development District:** NONE  
**Community Redevelopment Area:** NORTH MIAMI  
**Empowerment Zone:** NONE  
**Enterprise Zone:** CENTRAL  
**Urban Development:** INSIDE URBAN DEVELOPMENT BOUNDARY  
**Zoning Code:** R-5 -  
**Zoning Land Use:** 804 - VACANT, NON-PROTECTED, PRIVATELY-OWNED.  
Government Agencies and Community Services

**OTHER GOVERNMENTAL JURISDICTIONS**

Business Incentives  
Childrens Trust  
City of North Miami  
Environmental Considerations  
Florida Department Of Revenue  
Florida Inland Navigation District  
Miami-Dade County Bulletin Board  
Non-Ad Valorem Assessments  
School Board  
South Florida Water Mgmt District  
Tax Collector

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

For inquiries and suggestions email us at <http://www.miamidade.gov/pa/email/ASP/formNew.asp>.

Version: 2.0.3

**EXEMPTIONS & BENEFITS**

Deployed Military  
Disability Exemptions

Homestead

Institutional

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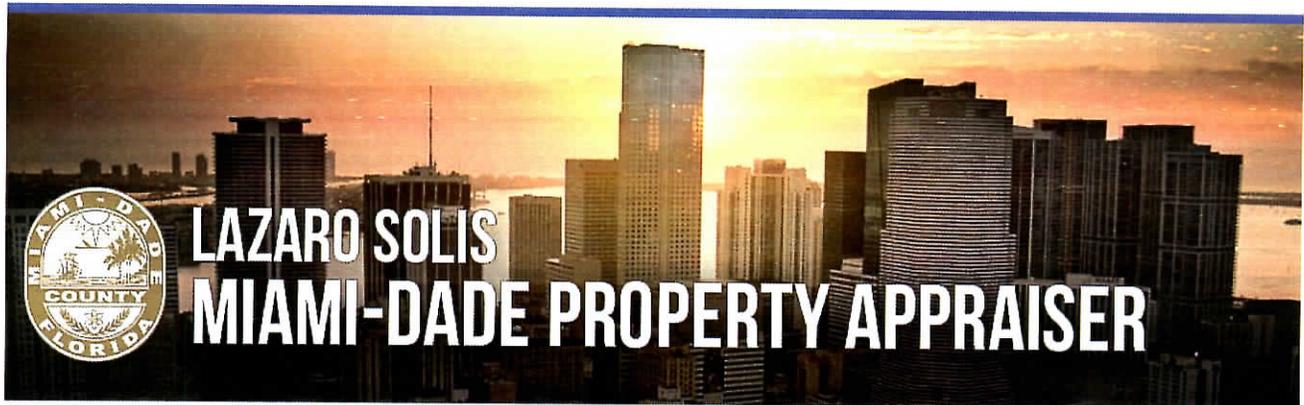
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Address      Owner Name      Folio

## SEARCH:

06-2230-031-0020



## PROPERTY INFORMATION

**Folio:** 06-2230-031-0020

**Sub-Division:**  
BISCAYNE PARK ESTS

**Property Address**  
12290 NE 6 AVE  
North Miami , FL 33161-5508

**Owner**  
WEST BANK INVESTMENT LLC

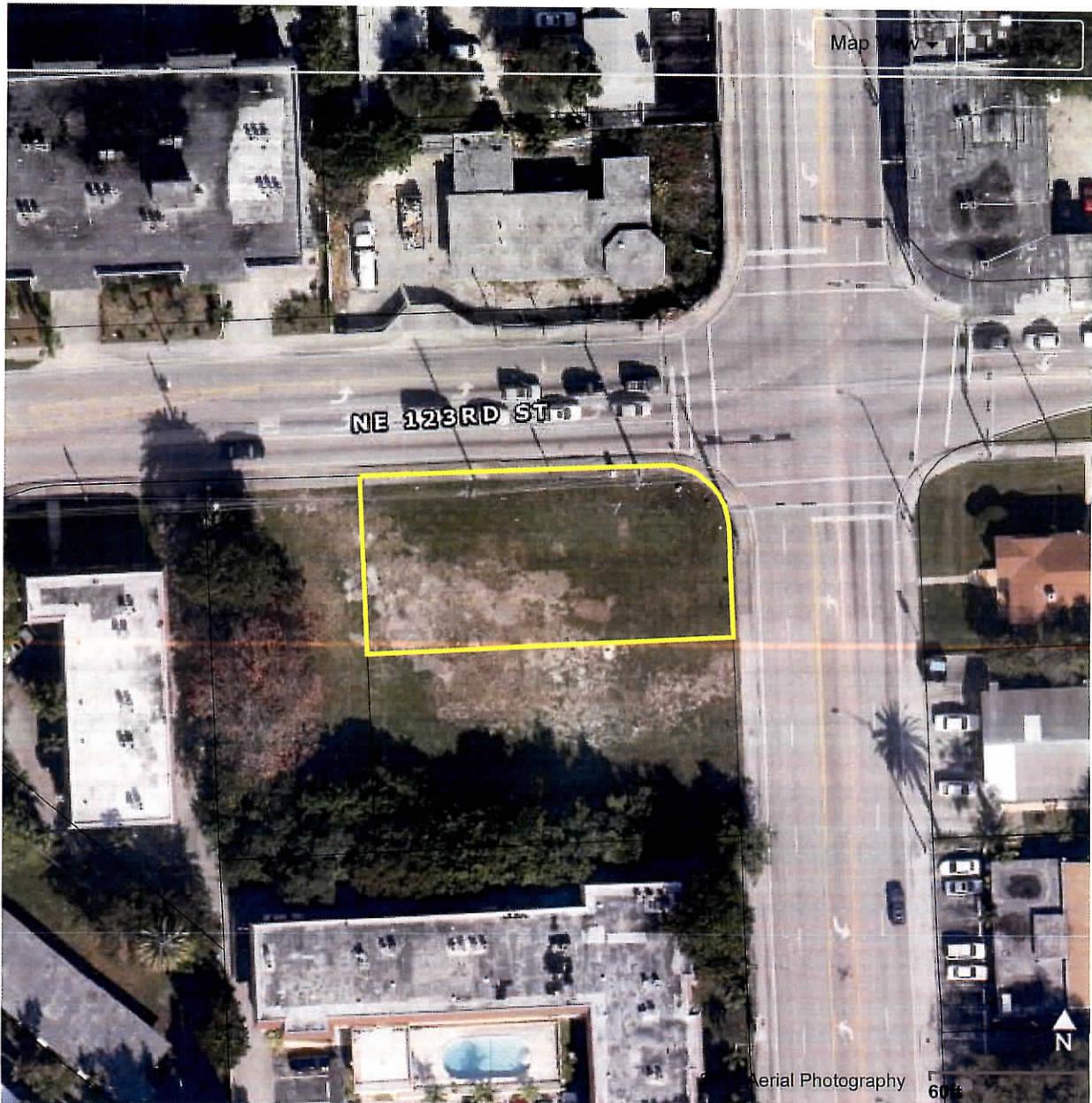
**Mailing Address**  
16450 MIAMI DR #505  
NORTH MIAMI BEACH , FL 33162

**Primary Zone**  
3700 MULTI-FAMILY - 10-21 U/A

**Primary Land Use**  
0081 VACANT RESIDENTIAL : VACANT LAND

<b>Beds / Baths / Half</b>	0 / 0 / 0
<b>Floors</b>	0
<b>Living Units</b>	0
<b>Actual Area</b>	0

Living Area	0
Adjusted Area	0
Lot Size	10,317 Sq.Ft
Year Built	0



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### ASSESSMENT INFORMATION

Year	2014	2013	2012
Land Value	\$41,268	\$26,824	\$25,421
Building Value	\$0	\$0	\$0
Extra Feature Value	\$0	\$0	\$0
Market Value	\$41,268	\$26,824	\$25,421
Assessed Value	\$29,506	\$26,824	\$25,421

### TAXABLE VALUE INFORMATION

	2014	2013	2012
<b>COUNTY</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,506	\$26,824	\$25,421
<b>SCHOOL BOARD</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$41,268	\$26,824	\$25,421
<b>CITY</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,506	\$26,824	\$25,421
<b>REGIONAL</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$29,506	\$26,824	\$25,421

### BENEFITS INFORMATION

Benefit	Type	2014	2013	2012
Non-Homestead Cap	Assessment Reduction	\$11,762		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

### FULL LEGAL DESCRIPTION

BISCAYNE PARK ESTS BLKS 8 9 10 11

PB 5-107

E140FT OF LOT 1 BLK 8

LOT SIZE 10317 SQUARE FEET

OR 20548-1403 07 2002 1

**SALES INFORMATION**

Previous Sale	Price	OR Book-Page	Qualification Description	Previous Owner 1
05/15/2014	\$340,000	29157-4748	Financial inst or "In Lieu of Forclosures" stated	AMSK LLC
07/06/2011	\$100	27759-4392	Corrective, tax or QCD; min consideration	SAIEH INVESTMENTS INC
07/01/2002	\$52,000	20548-1403	2008 and prior year sales; Qual by exam of deed	
09/01/1996	\$50,000	17383-1374	2008 and prior year sales; Qual by exam of deed	
06/01/1988	\$0	00000-00000	Qual by exam of deed	
03/01/1981	\$130,000	11069-0708	Qual by verifiable & documented evidence	
01/01/1981	\$114,000	10999-1876	Qual by verifiable & documented evidence	

For more information about the Department of Revenue's Sales Qualification Codes.

2014    2013    2012

**LAND INFORMATION**

Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-5	3700 - MULTI-FAMILY - 10-21 U/A	Square Ft.	10,317.00	\$41,268

**BUILDING INFORMATION**

Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value
-----------------	----------	------------	---------------	---------------	------------	------------

**EXTRA FEATURES**

Description	Year Built	Units	Calc Value
-------------	------------	-------	------------

**ADDITIONAL INFORMATION**

\* The information listed below is not derived from the Property Appraiser's Office records. It is provided for convenience and is derived from other government agencies.

**LAND USE AND RESTRICTIONS**

**Community Development District:** NONE  
**Community Redevelopment Area:** NORTH MIAMI  
**Empowerment Zone:** NONE  
**Enterprise Zone:** CENTRAL  
**Urban Development:** INSIDE URBAN DEVELOPMENT BOUNDARY  
**Zoning Code:** R-5 -  
**Zoning Land Use:** 804 - VACANT, NON-PROTECTED, PRIVATELY-OWNED.  
Government Agencies and Community Services

**OTHER GOVERNMENTAL JURISDICTIONS**

Business Incentives  
Childrens Trust  
City of North Miami  
Environmental Considerations  
Florida Department Of Revenue  
Florida Inland Navigation District  
Miami-Dade County Bulletin Board  
Non-Ad Valorem Assessments  
School Board  
South Florida Water Mgmt District  
Tax Collector

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For inquiries and suggestions email us at <http://www.miamidade.gov/pa/email/ASP/formNew.asp>.

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# OFFICE OF THE PROPERTY APPRAISER

## Detailed Report

Generated On : 10/1/2014

Property Information	
Folio:	06-2230-031-0010
Property Address:	540 NE 123 ST
Owner	WEST BANK INVESTMENT LLC
Mailing Address	16450 MIAMI DR #505 NORTH MIAMI BEACH , FL 33162
Primary Zone	3700 MULTI-FAMILY - 10-21 U/A
Primary Land Use	0081 VACANT RESIDENTIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	8,957 Sq.Ft
Year Built	0



Taxable Value Information			
	2014	2013	2012
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$35,828	\$23,288	\$22,070
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$35,828	\$23,288	\$22,070
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$35,828	\$23,288	\$22,070
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$35,828	\$23,288	\$22,070

Assessment Information			
Year	2014	2013	2012
Land Value	\$35,828	\$23,288	\$22,070
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$35,828	\$23,288	\$22,070
Assessed Value	\$35,828	\$23,288	\$22,070

Benefits Information				
Benefit	Type	2014	2013	2012
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

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Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 10/1/2014

**Property Information**

Folio: 06-2230-031-0010

Property Address: 540 NE 123 ST

## Roll Year 2014 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-5	3700	Square Ft.	8,957.00	\$35,828

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 10/1/2014

**Property Information**

Folio: 06-2230-031-0010

Property Address: 540 NE 123 ST

## Roll Year 2013 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-5	3700	Square Ft.	8,957.00	\$35,828

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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# OFFICE OF THE PROPERTY APPRAISER

Generated On : 10/1/2014

**Property Information**

Folio: 06-2230-031-0010

Property Address: 540 NE 123 ST

## Roll Year 2012 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-5	3700	Square Ft.	8,957.00	\$35,828

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 10/1/2014

**Property Information**

Folio: 06-2230-031-0010

Property Address: 540 NE 123 ST

Full Legal Description
BISCAYNE PARK ESTS BLKS 8 9 10 11
PB 5-107
W60FT OF LOTS 1 & 2 BLK 8
LOT SIZE 8957 SQUARE FEET
OR 11069-708 0381 2
COC 23548-1392 07 2005 3

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/30/2014	\$160,000	29250-4005	Qual by exam of deed
06/14/2013	\$19,500	28686-3690	Qual by exam of deed
07/01/2005	\$0	23548-1392	Qual by exam of deed
11/01/2004	\$0	22815-3601	Qual by exam of deed
03/01/1981	\$130,000	11069-0708	Qual by verifiable & documented evidence
01/01/1981	\$114,000	10999-1876	Qual by verifiable & documented evidence

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Version:

West Bank Investment LLC  
1550 NE 123 Street, Suite N209  
North Miami, FL 33161

September 11, 2014

RE: Folio Numbers: 06-2230-031-0030, 06-2230-031-0020, 06-2230-031-0010/Letter of Intent

To: City of North Miami,

I, Yu Zhang , as authorized agent on behalf of the owner(s), am proposing to construct a 20-unit condominium apartment building located at 12280 NE 6 Ave, the business.

We are currently seeking approval under the existing zoning R5. We affirmatively request the approval of LEED Design bonus 7.5du/a, and approval of the Transient Oriented Development of 5 du/a.

Our current design meets all other design codes per Florida Statutes and the City of North Miami Charters.

Should you require any further clarifications, please do not hesitate to contact our design architect, Mr. Douglas Walker of Tseng Consulting Group Inc. at 305-945-4474.

Sincerely,



Yu Zhang  
Authorized Agent

## PROJECT NARRATIVE

### A. Name of Condominium

Golden Hill Condominium

### B. General Description

The project will be located at 12280 NE 6<sup>TH</sup> Ave, 12290 NE 6<sup>TH</sup> Ave, and 540 NE 123<sup>rd</sup> St, North Miami, Florida and will consist of four stories, twenty condominium units designed for single family occupancy, together with thirty three surface parking spaces. The condominium will contain associated common elements, including landscaping, pool, elevator and stairs. Both the elevator and the stairs will provide access to each floor, and one stair will access the roof. The condominium and the entrance will be facing the NE 123<sup>rd</sup> St. All the units will be market rate, and the primary target market of condominium buyers will consist of moderate-income householders from Miami-Dade County.

### C. Residential Density Bonus

The project will apply for green building and sustainability (LEED design) and transit oriented development (TOD) density bonus. The condominium will achieve LEED certified, which offers the bonus of 7.5 du/a. The project will meet the requirements for TOD bonus and provide a bus shelter on the site on the NE 6<sup>th</sup> Ave, which provides the TOD bonus of 5 du/a. The proposed density 28.8 du/a is the sum of the medium density and the density bonus. Based on the area of .68 ac, the condominium will consist of twenty condominium units.

### D. Types of Units

The condominium will contain twelve two bedroom/ two bathroom units and eight three bedroom/two bathroom units. The size of the two bedroom/ two bathroom unit will be 885 square feet, and the three bedroom/two bathroom unit will be 1125 square feet.

DATE: October 7, 2014

TO: Planning Commission

From: Bhairvi Pandya, City Planner *BP*

**RE: Amendment to LDR, Article 4. Section 4-302 - Establishment of Use**

**AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH LIQUOR PACKAGE STORES IN THE C-1 COMMERCIAL ZONING DISTRICT, TO ENCOURAGE THE RETENTION, ATTRACTION AND EXPANSION OF BUSINESS AND INDUSTRY CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

## STAFF RECOMMENDATION

Staff requests that the Planning Commission approve the proposed ordinance to amend Article 4, Section 4-302 of the City's Land Development Regulation (LDR) to establish Liquor Package Stores as a special exception use in the C-1 Commercial zoning district.

## BACKGROUND INFORMATION

The proposed text amendment seeks to amend Article 4, Section 4-302 entitled "Uses Permitted", to allow *Liquor Package Stores* as a Special Exception use in the C-1 Zoning District. Article 7 of the City's LDR defines *Liquor Package Stores* as "... a state licensed vendor selling alcoholic beverages in sealed containers only for consumption off the premises subject to the limitations provided in Chapter 3 (alcoholic beverages) of the City's Code of Ordinances." Furthermore Chapter 3 of the City's Code of Ordinances requires that all liquor package stores adhere to a 1500 feet distance separation from the following types of uses: House of Worship, Schools, Residential, City Parks and Other liquor package stores. Also, any applicant desiring to establish a liquor package store must first obtain a 3-PS State Beverage License prior to making application with the City to obtain a Business Tax Receipt (BTR) and Certificate of Use (CU). Given the forgoing, any deviation from the aforementioned provision would require approval of a variance from the Board of Adjustment before a BTR and CU can be issued.

The City's regulations currently prohibit liquor package stores in all Commercial districts except C-2BE and C-2BW, both located along Biscayne Boulevard, which contains the City's only two liquor package stores (see attached map). However it should be noted that under the City's former Zoning Code liquor

package stores were historically allowed as a special exception use in the City's Commercial and Industrial districts but as of 2009, the use was excluded from said districts in the newly adopted LDR. As such, the proposed amendment seeks to reestablish the use as a special exception in the C-1, Commercial district to allow greater flexibility in order to foster the expansion and future creation of businesses in the C-1 commercial zoning district.

**Section 3-1004 of the City's Land Development Regulations requires that all City initiated text Amendments to the LDR must meet the following minimum criteria:**

**1. Promotes the public health, safety and welfare;**

*Staff believes the current restrictions as outlined in Chapter 3, (Alcoholic beverages) of the City's Code of Ordinance, provides sufficient safeguards to protect the public health, safety and welfare of the City's residents. In fact based on staff's analysis any new liquor package store would not be able to meet the current 1500 ft distance separation and as such would need to apply for a variance through the Board of Adjustment.*

*Furthermore City administration believes re-establishing liquor package stores as a special exception use in the City's C-1 commercial district allows for the creation of new businesses in other areas of the City besides the C2BE and C2BW Commercial Districts and reduces the possible proliferation of such uses in said districts. In order to further limit the number of liquor package stores along the City's major commercial corridors, City administration plans to perform a subsequent text amendment to Chapter 3 of the Code of Ordinance in order to increase the distance separation from other similar uses from 1500 ft to 2500. Said restriction will be proposed in addition to the current regulation requiring a 1500 ft separation from a house of worship, schools, residential, city parks.*

*Staff believes the proposed amendment promotes economic growth and stimulates job creation thereby enhancing the overall quality of life within the City.*

**2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment**

*The proposed use is consistent with the permitted uses allowed in the underlying Land Use as identified in the City's Comprehensive Plan.*

**3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**

*Policy 1.1 of the City's Comprehensive Plan (Future Land Use Element) establishes maximum densities and intensities in each land use category which restricts proposed developments throughout the City to certain minimum development standards. Also, Section 4-303 of the LDR provides maximum density and intensity standards for proposed developments in all non-residential zoning districts. E.g. uses in the C-1, C-2BW and C-2BE districts have a maximum lot coverage of 80%, maximum height of 55 ft; and uses in the M-1 district have maximum lot coverage of 75% with a maximum height of 55 ft. As such, all future uses associated with the proposed text amendment must comply with the maximum densities and intensities permitted in the City's Comprehensive Plan and Section 4-303 of the LDR.*

4. **Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;**

*Any future permitted uses associated with the proposed text amendment will be subject to applicable concurrency requirements. If it is determined that any proposed development may potentially cause adverse impacts on the City's current or future infrastructure, the applicant will be required to mitigate these impacts that exceed the established level of service for a given public facility.*

5. **Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan; and**

*The proposed text amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan. Specifically, Policy 9.4.6 the Economic Element which requires that the City create land use and zoning regulations that encourage the retention, attraction and expansion of businesses. Furthermore Goal 9 also requires that the City create an environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens.*

6. **The proposed amendment furthers the orderly development of the City of North Miami.**

*Since Liquor Package stores are currently solely permitted in the C2BE and C2BW Districts, staff believes allowing the use by Special Exception in the C-1 district reduces the possibility of a clustering or proliferation of such uses along Biscayne Boulevard and affords the orderly diffusion of such uses throughout other C-1 zoned areas of the City. Also re-establishing liquor package stores as a special exception use in the C-1, districts is consistent with the City's vision as stated in the Comprehensive Plan. Thereby creating the expansion of such businesses in areas that are deemed appropriate by the City. Furthermore all future liquor package stores are subject to the limitations provided in Chapter 3 (Alcoholic Beverages) of the City's Code of Ordinances in order to sell alcoholic beverages in sealed containers for consumption off the premises.*

## **CONCLUSION**

Staff is of the opinion that the proposed amendment is in keeping with the goals, policies and objectives of the City's Comprehensive Plan and furthers the orderly development of the City. As such, staff requests approval of the proposed ordinance.

TWS

Attachments

1. Ordinance
2. Map of existing liquor package stores

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH LIQUOR PACKAGE STORES IN THE C-1 COMMERCIAL ZONING DISTRICT, TO ENCOURAGE THE RETENTION, ATTRACTION AND EXPANSION OF BUSINESS AND INDUSTRY CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, on April 28, 2009, the Mayor and City Council adopted the City of North Miami ("City") Land Development Regulations under Chapter 29 of the City's Code of Ordinances; and

**WHEREAS**, Division 3 of Chapter 29, entitled "Non-Residential Districts," under Section 4-302 of the Land Development Regulations currently allows *Liquor Package Stores* as a special exception use, only in the C-2BE and C-2BW commercial zoning districts; and

**WHEREAS**, the City is desirous of amending Section 4-302, to also establish *Liquor Package Stores* as a special exception use in the C-1 commercial zoning districts, to allow for the expansion and future creation of businesses in the C-1 commercial zoning district; and

**WHEREAS**, Policy 9.4.6 of the City's Comprehensive Plan ("Comprehensive Plan") requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

**WHEREAS**, the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare of the City; and

**WHEREAS**, the proposed amendment furthers the orderly development of the City, appropriately diversifies commercial uses, encourages future economic growth and does not directly conflict with any goal, objective or policy of the Comprehensive Plan; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on October 7, 2014, reviewed the proposed amendment and found them in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval to the Vice Mayor as acting Mayor and City Council; and

**WHEREAS**, the Vice Mayor as acting Mayor and City Council, find that the proposed amendment to the Land Development Regulations is consistent with the Comprehensive Plan, and is in the best interest of the City.

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

**Section 1. Amendment to Chapter 29 Code of Ordinances.** The Vice Mayor as acting Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 4, Division 3 entitled “Non-residential Districts”, specifically at Section 4-302 entitled “Uses Permitted”, to establish Liquor Package Stores in the C-1 Commercial Zoning District, to encourage the retention, attraction and expansion of business and industry consistent with the intent of the North Miami Comprehensive Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

ARTICLE 4. ZONING DISTRICTS

\* \* \* \* \*

Division 3. Non-Residential Districts

\* \* \* \* \*

Section 4-302. Uses Permitted

The following chart establishes the uses permitted in the non-residential zoning district in the City. No use is permitted which is not listed as permitted on this chart. "P" indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. "P\*" indicates that the use is permitted with administrative site plan review. "SE" indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provision of the zoning district in which it is located and the applicable development standard in Article 5 of this Code.

<b>NON-RESIDENTIAL DISTRICTS</b>					
<b>PERMITTED USES</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
ACCESSORY USES AND STRUCTURES	P	P	P	P	P
ADULT BUSINESSES					SE
ADULT DAY CARE (STAND ALONE BUILDING)	P*	P*	P*	P*	P*
ANIMAL BOARDING	P*	P*	P*		P*
ANIMAL GROOMING ESTABLISHMENT	P	P	P	P	
APPLIANCE, FURNITURE, ELECTRONIC RENTALS AND REPAIR	P				P
AUTO SERVICE STATION	SE				SE
BANQUET	P*				P*
BAR, LOUNGE OR TAVERN**	P	P	P	P	SE
<b>PERMITTED USES</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
BOAT REPAIR					P*
CATERING KITCHEN	P				P
CHECK CASHING STORE					P
CHILD CARE CENTERS	SE			SE	
COMMUNITY FACILITIES	SE*	SE*	SE*		
CONSIGNMENT SHOPS	P*	P*	P*	P*	
CONVENTION CENTER	SE			SE	
DAY SPA	P	P	P	P	
DRIVE THROUGH	SE	SE	SE	SE	
DRY CLEANING PLANT					P
EDUCATIONAL FACILITIES	SE*		SE*	SE*	
FUNERAL HOMES SE	SE				

GOVERNMENT USES	P	P	P	P	P
GUN SHOPS					SE
HOSPITALS	SE	SE	SE	SE	
HOTEL	P*	P*	P*	P*	
INDUSTRIAL					P
INSTITUTIONAL USES	P*	P*	P*	P*	
LIGHT INDUSTRIAL	SE				P
LIQUOR PACKAGE STORES***	<u>SE</u>	SE	SE		
MANUFACTURING					P
MARINAS		P*			
MECHANICAL CAR WASHING	SE				P
MEDICAL	P	P	P	P	
MUSEUMS				P*	P*
NIGHTCLUBS	SE	SE	SE	SE	SE
NURSING AND CONVALESCENT HOMES	P*		P*		
OFFICE	P	P	P	P	
OUTDOOR STORAGE (AS MAIN USE)					SE
PUBLIC FACILITIES	P	P	P	P	P
PUBLIC PARK	P	P	P	P	P
RECORDING AND TV/RADIO	P	P	P	P	P
RECREATION, INDOOR	P*	P*	P*	P*	P*
RELIGIOUS INSTITUTIONS	SE				
RESEARCH & TECHNOLOGY USES	P				P
RESTAURANTS	P	P	P	P	P*
RETAIL, SALES, SERVICES	P	P	P	P	
SCHOOLS	SE	SE	SE	SE	
SCHOOLS, SPECIAL & TECHNICAL	SE	SE		SE	
SELF-SERVICE LAUNDRIES	SE				
SELF STORAGE					P
STUDIOS (FINE ARTS)					<u>P*</u>
TEMPORARY USES	P	P	P	P	P
TOW TRUCK YARD					P*
VEHICLE SALES/DISPLAYS	SE				SE
VEHICLE SALES/DISPLAYS, MAJOR					SE
VEHICLE RENTAL	P*				P*
VEHICLE SERVICE, MAJOR					P*
VEHICLE SERVICE, MINOR	P*				P*
VETERINARY CLINICS	P*	P*	P*		P*
<b>P = PERMITTED USE</b>					
<b>P* = ADMINISTRATIVE SITE PLAN REQUIRED</b>					
<b>SE = SPECIAL EXCEPTION</b>					

\* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

\*\* Subject to Chapter 3 of the City's Code.

\*\*\* Prohibited in the Arts, Culture and Design Overlay District (AOD) subject to Section 4-403E and Chapter 3 of the City's Code.

\* \* \* \* \*

**Section 2. Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

**Section 5. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by \_\_\_\_\_ vote of the Vice Mayor as acting Mayor and City Council on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED AND ADOPTED** by \_\_\_\_\_ vote of the Vice Mayor as acting Mayor and City Council on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PHILIPPE BIEN-AIME  
VICE MAYOR AS ACTING MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: VICE MAYOR AS ACTING MAYOR

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

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

As requested from the Planning Commission Board Members, the following is the report on the SHIP (State Housing Initiative Partnership) allocation for the upcoming fiscal year.

The CP&D – Housing Division has been awarded \$173,909.00 in SHIP funds for FY2014-2015.

**\$5,217.27 will be appropriated to the Administrative Account breaking down as follow.**

Travel, Conferences & Meeting	<b>\$2,717.27</b>
Membership	<b>\$200.00</b>
Contractual Services	<b>\$500.00</b>
Misc	<b>\$800.00</b>
Advertising	<b>\$500.00</b>
Postage	<b>\$500.00</b>

**\$ 168,691.73 will be appropriated to the Project Activity breaking down as follow.**

1stTime Homebuyer	<b>\$ 50,000.00</b>
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Single Family Rehab	<b>\$118,691.73</b>
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