



## CITY OF NORTH MIAMI BEACH

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19 Avenue  
North Miami Beach, FL 33162  
**Tuesday, June 4, 2013**  
**7:30 PM**

Mayor George Vallejo  
Vice Mayor Anthony DeFillipo  
Councilwoman Barbara Kramer  
Councilwoman Marlen Martell  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

City Manager Roslyn B. Weisblum  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

### Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

## AGENDA

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1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - *None*
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**

**5.1 Police Explorer Recognition by Council (Chief of Police Larry Gomer)**

General recognition of our Police Explorers for the community service they provide to the City of North Miami Beach as well as local civic groups and businesses during special events, etc. Also special recognition for the Police Explorers that recently completed the Police Explorer Academy and the awards received while competing with our police agencies.

**5.2 Ronald L. Book, 2013 Legislative Session Wrap Up**

**6. PUBLIC COMMENT**

### **To All Citizens Appearing Under Public Comment**

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

## Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

### Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

## 7. APPOINTMENTS

7.1 **Swearing In of Assistant City Attorney Patricia L. Minoux (City Clerk Pamela L. Latimore)**

7.2 **Swearing In of Building Official Jose Daniel Ozuna (City Clerk Pamela L. Latimore)**

## 8. CONSENT AGENDA

8.1 **Regular Meeting Minutes of March 19, 2013 (City Clerk Pamela L. Latimore)**

8.2 **Regular Meeting Minutes of April 2, 2013 (City Clerk Pamela L. Latimore)**

8.3 **Resolution No. R2013-29 (City Manager Roslyn B. Weisblum)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE COMMUNITY REDEVELOPMENT AGENCY'S ("CRA") SECOND AMENDED BUDGET FOR FISCAL YEAR 2012-2013 REALLOCATING PRIOR CRA BUDGETED ITEMS TO PROVIDE A MORE PRODUCTIVE AND EFFECTIVE CRA ADMINISTRATION; AUTHORIZING APPROPRIATION OF CARRY FORWARD REVENUES AND INTEREST FROM THE PREVIOUSLY APPROVED CRA BUDGET FOR FISCAL YEAR 2011-12 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

8.4 **Resolution No. R2013-30 (City Attorney Darcee S. Siegel)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, JOINING THE BISCAYNE BAY COALITION IN SUPPORT OF ITS PROTECTION FOR THE HEALTH AND WELL-BEING OF MIAMI-DADE COUNTY RESIDENTS AND THE IMPROVEMENT OF OUR TOURISM ECONOMY.

8.5 **Resolution No. R2013-31 (Public Services Director Shari Kamali)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$200,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED AT ALLEN PARK RECREATION CENTER RENOVATION PROJECT PHASE II; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN

EFFECTIVE DATE.

**8.6 Resolution No. R2013-32 (City Manager Roslyn B. Weisblum)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$307,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED FOR NE 172 STREET DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.7 Resolution No. R2013-33 (Chief Procurement Officer Brian K. O'Connor)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH FLORIDA CONSTRUCTION & ENGINEERING, INC. FOR THE PHASE II RENOVATIONS AT ALLEN PARK'S DE LEONARDIS YOUTH CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE ORIGINAL AGREEMENT; INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$188,172.24 FOR A TOTAL AGREEMENT AMOUNT OF \$625,518.24; AND EXTENDING THE AGREEMENT BY NINETY DAYS.

**9. CITY MANAGER'S REPORT**

**9.1 Forfeiture (LETF) Appropriation Request (Chief Larry Gomer)**

Forfeiture (LETF) Appropriation Request

**10. CITY ATTORNEY'S REPORT**

**10.1 Litigation List**

As of June 4, 2013

**11. MAYOR'S DISCUSSION**

**12. MISCELLANEOUS ITEMS - None**

**13. WAIVER OF FEE - None**

**14. BUSINESS TAX RECEIPTS - None**

**15. DISCUSSION ITEMS - None**

**16. LEGISLATION**

**16.1 Resolution No. R2013-26 (City Planner Christopher Heid)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE (3) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE CABANA'S REAR YARD SETBACK OF TWENTY-TWO (22) FEET IS EXISTING; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) TO WAIVE SIX (6) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD

SETBACK OF EIGHT (8) FEET, WHERE CABANA'S INTERIOR SIDE YARD SETBACK OF TWO (2) FEET IS EXISTING; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 965 SQUARE FEET OF THE MINIMUM REQUIRED PERVIOUS LOT AREA OF 5,208 SQUARE FEET (35%), WHERE PERVIOUS LOT AREA OF 4,243 SQUARE FEET (28.5%) EXISTS ON PROPERTY LEGALLY DESCRIBED AS: Lot 15, Block 9, of Eastern Shores First Addition, according to the Plat Thereof, as Recorded in Plat Book 65, Page 39, of the Public Records of Miami-Dade County, FL A/K/A 3207 N.E. 168th Street, North Miami Beach, Florida (P&Z Item No. 13-540 of April 8, 2013)

**16.2 Resolution No. R2013-28 (City Planner Christopher Heid)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT TWO (2) DUPLEX TOWNHOUSES (4 UNITS) TOTALING 10,380 SQUARE FEET ON A 12,805 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHT (8) FEET SIX (6) INCHES OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE FEET (25) FEET, WHERE FRONT YARD SETBACK OF SIXTEEN (16) FEET SIX (6) INCHES IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY (20) FEET OF THE MINIMUM REQUIRED SETBACK BETWEEN STRUCTURES OF THIRTY (30) FEET, WHERE SETBACK BETWEEN STRUCTURES OF TEN (10) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWELVE (12) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF TWENTY (20) FEET, WHERE INTERIOR SIDE YARD SETBACK OF EIGHT (8) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN (18) FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE CORNER SIDE YARD SETBACK OF SEVEN (7) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM 24-95 (A) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE (1) OF THE MINIMUM REQUIRED TWELVE (12) PARKING SPACES, WHERE ELEVEN (11) PARKING SPACES ARE PROPOSED, PLUS ONE (1) PARKING SPACE THAT IS PARTIALLY LOCATED IN THE PUBLIC RIGHT-OF-WAY, ON PROPERTY LEGALLY DESCRIBED AS: (LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A") A/K/A 16595 N.E. 35th Avenue, North Miami Beach, Florida (P&Z Item No.13-541 of April 8, 2013)

**16.3 Ordinance No. 2013-6 First Reading by Title Only (City Planner Christopher Heid)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-41 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT" BY AMENDING REGULATIONS FOR

DRIVEWAYS; AMENDING SECTION 24-92 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "OFF-STREET PARKING REQUIREMENT" BY UPDATING REGULATIONS FOR PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS AND ELIMINATING REGULATIONS FOR SINGLE-FAMILY DRIVEWAYS; CREATING SECTION 24-92.1, ENTITLED "SINGLE-FAMILY RESIDENTIAL DRIVEWAY DESIGN STANDARDS" TO PROVIDE DESIGN STANDARDS FOR SINGLE-FAMILY DRIVEWAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**16.4 Ordinance No. 2013-7 First Reading by Title Only (City Planner Christopher Heid)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, ARTICLE V OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING USE DISTRICTS" BY REMOVING THE REQUIREMENT OF A MINIMUM PERVIOUS AREA IN THE REQUIRED FRONT YARD OF SINGLE-FAMILY ZONING DISTRICTS (RS-1, RS-2, RS-3, & RS-4 ZONING DISTRICTS); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**17. CITY COUNCIL REPORTS**

**18. NEXT REGULAR CITY COUNCIL MEETING** - Tuesday, June 18, 2013

**19. ADJOURNMENT**



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 Print

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**DATE:** Tuesday, June 4, 2013

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**RE:** Regular Meeting Minutes of March 19, 2013 (City Clerk Pamela L. Latimore)

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**BACKGROUND:** None.

**RECOMMENDATION:**

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Pamela L. Latimore, City Clerk

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**ATTACHMENTS:**

[Regular Meeting Minutes of March 19, 2013](#)



**CITY OF NORTH MIAMI BEACH**  
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**Tuesday, March 19, 2013**  
**7:30 PM**

Mayor George Vallejo  
Vice Mayor Marlen Martell  
Councilman Philippe Derosé  
Councilwoman Barbara Kramer  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

City Manager Roslyn B. Weisblum  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

**REGULAR MEETING MINUTES**

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**1. ROLL CALL OF THE CITY OFFICIALS**

The meeting was called to order at 7:39 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Marlen Martell, and Council Members Philippe Derosé, Barbara Kramer, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn B. Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

**2. INVOCATION – Reverend Dr. Marta Burke, Fulford United Methodist Church**

**3. PLEDGE OF ALLEGIANCE**

**4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**

**4.1 Withdrawal** of Item 16.3 Ordinance No. 2013-5 (First Reading by Title Only)

**4.2** Mayor Vallejo re-arranged the order of the Agenda on the dais.

- **Item 16** Legislation was moved after Consent Agenda and item 16.2 will be taken first.
- **Items 6, 9 – 15** were moved after Legislation.

**5. PRESENTATIONS/DISCUSSIONS**

**6. PUBLIC COMMENT – **MOVED**** (see item 4.2)

**7. APPOINTMENTS**

**7.1 Swearing in of Human Resources Director Rose Amberson**

**8. CONSENT AGENDA**

**8.1 Regular Meeting Minutes of February 19, 2013**

**8.2 Resolution No. R2013-16**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND THE TOWN OF TABARRE, HAITI.

**8.3 Resolution No. R2013-17**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND THE TOWN OF LA CHAPELLE, HAITI.

**8.4 Resolution No. R2013-18**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE MIAMI-DADE COUNTY PROPERTY APPRAISER, THE MIAMI-DADE COUNTY TAX COLLECTOR AND THE CITY OF NORTH MIAMI BEACH.

**8.5 Resolution No. R2013-19**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY FOR THE CITY OF NORTH MIAMI BEACH'S POLICE DEPARTMENT TO UTILIZE THE COUNTY'S POLICE RADIO SYSTEM FOR VOICE RADIO COMMUNICATIONS.

**MOTION** by Councilman Derose, seconded by Councilwoman Kramer, to approve the **Consent Agenda**.  
(Approved 7-0)

**16. LEGISLATION** (Item taken out of order, see item 4.2)

**16.2 Resolution No. R2013-15**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN MODIFICATION APPROVAL IN ORDER TO RELOCATE AND EXPAND AN EXISTING HELIPAD ON A HOSPITAL AND MEDICAL CAMPUS, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")



A/K/A

160 N.W. 170th Street, North Miami Beach, Florida (P&Z Item No. 12-531 of December 10, 2012)

**JENNINGS DISCLOSURE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Vice Mayor Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Councilman Pierre – **Yes**, Mayor Vallejo – **Yes**

**City Clerk Latimore swore in all citizens speaking on this item.**

**The following spoke on behalf of the applicant:**

1. Carlos Migoya, President and CEO of Jackson Health Systems - 160 NW 170<sup>th</sup> Street, North Miami Beach, FL
2. Sally A. Heyman, Miami-Dade Commissioner, District 4, 1100 N.E. 163<sup>rd</sup> Street, #303, North Miami Beach, FL
3. Jean Monestime, Miami-Dade Commissioner, District 2, 900 NE 125<sup>th</sup> Street, Suite 200, North Miami, FL
4. Louis R. Pizano, M.D., University of Miami Health System, 1800 NW 10<sup>th</sup> Avenue, # T215 Miami, FL
5. Mario Garcia-Serra, Greenberg Traurig, LLP, 333 SE 2<sup>nd</sup> Avenue, Suite 4400, Miami, FL
6. Jeff Suarez, Miami-Dade Fire Rescue – Air Rescue, N/A
7. Edward Dugger, Edward Dugger + Associates, 789 SW Federal Highway, Suite 214, Stuart, FL
8. Jason Patrick, Satellite Technology International, Inc., FAA Certified Helipad Inspector, N/A

**Mayor Vallejo opened the item for public comment.**

1. Chuck Cook, 1980 NE 175<sup>th</sup> Street, North Miami Beach, FL – **Oppose**
2. Dr. Wilbert “Tee” Holloway, Miami-Dade School Board, District 1, N/A – **For**
3. Henry Hudson, 31 NW 170<sup>th</sup> Street, North Miami Beach, FL – **Oppose**
4. Rev. Dr. Mary Tumpkin, Universal Truth Center for a Better Living, 21310 NW 37<sup>th</sup> Avenue, Miami Gardens, FL – **For**
5. Karl & Barbara Jaehnke, 60 NW 170<sup>th</sup> Street, North Miami Beach, FL – **Oppose**
6. Dr. Rudy Moise, 671 NW 119<sup>th</sup> Street, North Miami, FL – **For**
7. Kathleen Jackman, 14815 NE 2<sup>nd</sup> Avenue, North Miami Beach, FL – **For**
8. Benny T. Ross 60 NW 171<sup>st</sup> Terrace, North Miami Beach, FL – **Oppose**
9. Tarrod Lewis, 1990 NW 183<sup>rd</sup> Street, North Miami Beach, FL – **For**
10. Larry Pierre, Center for Haitian Studies, Inc., 12880 Maple RD, North Miami, FL - **For**
11. Richard Riess – 23 NW 169<sup>th</sup> Street, North Miami Beach, FL – **Oppose**
12. Trish Grant, 2550 NW 115<sup>th</sup> Street, North Miami, FL – **For**
13. Mubarak Kazan – 15564 NE 12<sup>th</sup> Avenue, North Miami Beach, FL – **Oppose**
14. Muriel Kemp – 1479 NE 178<sup>th</sup> Street, North Miami Beach, FL – **Oppose**
15. Stephanie Villard, 14221 NW 5<sup>th</sup> Avenue, North Miami, FL – **For**
16. Jose Chambles, 290 South Biscayne River Drive, Miami FL – **For**
17. Dr. Marc Multach, Chief Medical Office, Jackson North Medical Center, 160 NW 170<sup>th</sup> Street, North Miami Beach, FL - **For**

**Public comment closed.**

**Rebuttal:**

Mario Garcia-Serra, Greenberg Traurig, LLP  
Carlos Migoya, President and CEO of Jackson Health Systems

Mayor and Council discussed the item with the experts representing the applicant.

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt **Resolution No. R2013-15. (Passed 5 – 2, Kramer – No, Spiegel – No)**

**RECESS:** Mayor Vallejo called for a five minute recess at 10:25 p.m. Meeting reconvened at 10:36 p.m.

**16.1 Resolution No. R2013-12**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, VACATING AND ABANDONING THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF NORTH MIAMI BEACH, FLORIDA: LENGTHY LEGAL DESCRIPTION (See Attached Exhibit 1) (P&Z Item No. 12-523 of February 11, 2013) AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT-CLAIM DEED AND ANY OTHER RELEVANT RELATED DOCUMENTS TO EFFECT THE TRANSFER OF SAID PROPERTY.

**MOTION** by Councilman Derose, seconded by Councilwoman Kramer, to adopt **Resolution No. R2013-12** with the ten conditions as listed.

**JENNINGS DISCLOSURE:** Councilman Derose –**No**, Councilwoman Kramer – **No**, Vice Mayor Martell – **No**, Councilwoman Smith – **No**, Councilwoman Spiegel – **No**, Councilman Pierre – **No**, Mayor Vallejo – **Yes**

**City Clerk Latimore swore in all citizens appearing under public comment.**

City Planner Chris Heid gave a brief description of the item.

**Mayor Vallejo opened the item for public comment:**

1. Anthony DeFillipo – 1458 NE 177<sup>th</sup> Street, North Miami Beach, FL
2. Mubarak Kazan – 15564 NE 12<sup>th</sup> Avenue, North Miami Beach, FL
3. Yona Lunger – 1870 NE 171<sup>st</sup> Street, North Miami Beach, FL

**Public comment closed.**

**ROLL CALL VOTE:** Derose - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre – **Yes**, Smith - **Yes**, Spiegel - **Yes**, Vallejo – **Yes** (**Passed 7 – 0**)

**16.3 Ordinance No. 2013-5 (Previously Ordinance No. 2012-31) First Reading by Title Only  
WITHDRAWN**

AN ORDINANCE AMENDING THE GENERAL EMPLOYEES' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, PROVIDING FOR THE MOST CURRENT MORTALITY TABLE AND MODEL FOR MEASURING CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

**6. PUBLIC COMMENT** (Item taken out of order, see item 4.2)

City Clerk Latimore read the rules of Public Comment into record. The following person(s) spoke on the record:

1. Steven Kasimow, Linda Marx Realty – 20895 E. Dixie Highway, Aventura, FL
2. Linda Marx, Linda Marx Realty – 20895 E. Dixie Highway, Aventura, FL
3. Charles Loeb – 16800 NE 15<sup>th</sup> Avenue, North Miami Beach, FL
4. Mubarak Kazan – 15564 NE 12<sup>th</sup> Avenue, North Miami Beach, FL
5. Yona Lunger – 1870 NE 171<sup>st</sup> Street, North Miami Beach, FL

**9. CITY MANAGER'S REPORT** (Item taken out of order, see item 4.2)

**9.1 Gun Mount Presentation** by Chief Procurement Officer Brian O'Connor

Mayor and Council discussed the item.

**MOTION** by Councilman Derosé, seconded by Councilwoman Kramer, to approve the Phase I restoration plan for the Gun Mount in the amount of \$63,053.00. (**Approved** 4 – 3, Pierre – **No**, Smith – **No**, Spiegel – **No**)

**10. CITY ATTORNEY'S REPORT** (Item taken out of order, see item 4.2)

So far, the Charter Review Committee has reviewed Articles 1 – 4. The next meeting will be on April 9, 2013 they will be reviewing Articles 5 – 12. She is working on an Ordinance regarding the administrative code waiver process that they have spoken about with the Code Enforcement issues. She is hoping to have the ordinance before Council at the Pre-Council Conference on April 2, 2013. If it's approved by Council it will have to go the Planning and Zoning Board on April 11, 2013 and will be back before Council at the first meeting in June.

**10.1 Litigation List**

As of March 19, 2013

**11. MAYOR'S DISCUSSION** - *None*

12. **MISCELLANEOUS ITEMS** – *None*
13. **WAIVER OF FEE** – *None*
14. **BUSINESS TAX RECEIPTS** – *None*
15. **DISCUSSION** (Item taken out of order, see item 4.2)

#### **15.1 City Manager Contract Review - City Manager Roslyn B. Weisblum**

Mayor Vallejo passed the gavel to Vice Mayor Marlen Martel.

**MOTION** by Mayor Vallejo, seconded by Councilman Derose, to renew Roslyn Weisblum’s contract as City Manager through the search process of selecting a new City Manager, in order to have a smooth succession. (**Passed** 5 – 2, Smith – No, Pierre – No)

Mayor and Council discussed the City Manager’s performance and contract.

**MOTION** by Councilman Derose, seconded by Councilwoman Kramer to extend the meeting past midnight. (**Approved** 4 – 3, Pierre – No, Smith – No, Spiegel – No)

Councilwoman Spiegel suggested that the City Manager’s contract be extended to July when the other Charter Employees contract is up for review.

**MOTION** by Councilwoman Spiegel, seconded by Councilman Pierre, to add that the City Manager’s contract be reviewed at the same time as the other charter employees. (**Passed** 7 – 0)

Councilwoman Spiegel suggested that the discussion on how to conduct the search for the next City Manager be put on the next Council Conference as a line item.

**MOTION** by Councilwoman Spiegel, seconded by Councilwoman Kramer, to add the City Manager selection process to the next Council Conference and Council Meeting Agendas as a discussion item. (**Passed** 7 – 0)

#### **17. CITY COUNCIL REPORTS**

**Councilman Derose** extended his condolences to the family of Julius Littman. He also thanked Commissioner Monestime for supporting Taylor Park.

**Councilwoman Kramer** expressed her condolences for former City Council person Julius Littman. She reminded everyone about the NMB Magical History Tour on Saturday, April 6, 2013, at 10:00 a.m. leaving from the NMB Library. The next Cultural Cinema Night is on Friday, April 12, 2013, at 7:00 p.m. featuring the movie “Schindler’s List”.

**Vice Mayor Martell** announced her next Community Meeting is scheduled for Saturday, April 6, 2013 at Washington Park Community Center from 1:00 p.m. – 2:00 p.m. The Economic Development Commission will be meeting on March 20, 2013 at 5:30 p.m. on the 4<sup>th</sup> floor conference room. The

Voter's Council is having a meeting on Thursday, March 21, 2013 at 7:00 p.m. Vice Mayor Martell extends her condolences to the family of Julius Littman.

**Councilman Pierre** – *None*

**Councilwoman Smith** wished everyone Happy Holidays. She also recognized Mr. Julius Littman for his contributions to the community.

**Councilwoman Spiegel** sent her condolences to the family of Julius Littman. She is really excited that Commissioner Monestime is sponsoring the City's efforts at Taylor Park. She wished everyone a Happy Holiday and reminded everyone that recycling will be picked up in the morning.

**Mayor Vallejo** wished everyone a Happy Holiday. He sent his condolences to the family of Julius Littman. He recognized Councilman Derosé for his many years of public service.

**18. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, April 2, 2013

**19. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 12:19 a.m.



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Pamela L. Latimore, City Clerk  
**DATE:** Tuesday, June 4, 2013

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**RE:** Regular Meeting Minutes of April 2, 2013 (City Clerk Pamela L. Latimore)

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**BACKGROUND:**

**RECOMMENDATION:**

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Pamela L. Latimore, City Clerk

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**ATTACHMENTS:**

[Regular Meeting Minutes of April 2, 2013](#)



## **CITY OF NORTH MIAMI BEACH**

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, April 2, 2013**  
**7:30 PM**

Mayor George Vallejo  
Vice Mayor Marlen Martell  
Councilman Philippe Derosé  
Councilwoman Barbara Kramer  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

City Manager Roslyn B. Weisblum  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

### **REGULAR MEETING MINUTES**

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#### **1. ROLL CALL OF THE CITY OFFICIALS**

The meeting was called to order at 7:51 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Marlen Martell, and Council Members Philippe Derosé, Barbara Kramer, Frantz Pierre, and Phyllis S. Smith, and Beth E. Spiegel. Also, present were City Manager Roslyn B. Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

#### **2. INVOCATION – Pastor A. D. Lenoir, Westview Baptist Church**

#### **3. PLEDGE OF ALLEGIANCE**

#### **4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**

**4.1 Withdrawal** of Item 16.1 Ordinance No. 2013-5; it will be brought back to Council at another time.

#### **5. PRESENTATIONS/DISCUSSIONS**

#### **6. PUBLIC COMMENT**

City Clerk Latimore read the rules of Public Comment into record. The following person(s) spoke on the record:

1. Muriel Kemp – 1479 NE 178 Street, North Miami Beach, FL
2. Richard Rand – P.O. Box 600084, North Miami Beach, FL
3. Marilyn Baumohl – 18635 NE 20 Court, North Miami Beach, FL
4. Charles Loeb – 16800 NE 15 Avenue, North Miami Beach, FL
5. Rolland Vielleux – 13730 Highland Drive, North Miami Beach, FL

6. Bruce Lamberto – 3420 NE 165 Street, North Miami Beach, FL
7. Mubarak Kazan – 15564 NE 12 Avenue, North Miami Beach, FL

**7. APPOINTMENTS – *None***

**8. CONSENT AGENDA**

**8.1 Regular Meeting Minutes of March 5, 2013**

**8.2 Resolution No. R2013-20**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO TRANSFER \$63,053.00 FROM THE COUNCIL CONTINGENCY ACCOUNT TO THE REPAIRS AND MAINTENANCE ACCOUNT IN THE EXECUTIVE ADMINISTRATION DEPARTMENT TO BE UTILIZED FOR THE REHABILITATION OF THE GUN MOUNT MEMORIAL DISPLAY LOCATED AT N.E. 167TH STREET AND 19TH AVENUE.

**8.3 Resolution No. R2013-21**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING THE EXECUTION OF A CONTRACT WITH MIAMI-DADE COUNTY REGARDING A GRANT IN THE AMOUNT OF \$11,200.00 FOR THE CITY'S SPORTS PROGRAMS.

**MOTION** by Councilman Derose, seconded by Vice Mayor Martel, to approve the Consent Agenda. (**Approved 7-0**)

**9. CITY MANAGER'S REPORT**

Assistant City Manager Mac Serda reported, in reference to the Taylor Park clean up, City Manager Weisblum reached out to the Miami-Dade County Commissioners and to DERM seeking assistance. He reported that Taylor Park was included in the Consent Agreement sponsored by Commissioner Monestime under the comprehensive landfill cleanup plan, which was approved today. This amounts to about ten (10) million dollars to the City for the cleanup of the park. He will get more clarification on the details as to when the funds will be distributed and bring that information forward at the next Council Meeting. Assistant City Manager Serda reported that The City is in impasse in both negotiations with AFSCME for the general employees and IUPA for the police. He is waiting for the report from the Special Magistrate in reference to the AFSCME impasse hearing, which is due on April 11, 2013. The IUPA impasse hearing will be on May 2, 2013. He stated that the impasse process is moving forward and the City Manager's Office and the Unions are still reaching out to each other to reach a collective bargaining agreement.

**10. CITY ATTORNEY'S REPORT**

City Attorney Darcee Siegel started by stating that she has filed her Response Brief in regards to the Braha Dixie matter filed by a citizens' group. She also reported that a third attorney has been hired for the



City Attorney's Office. Her name is Patricia Leigh and she will be introducing her at the next Council Meeting.

### **10.1 Litigation List**

As of April 2, 2013

11. **MAYOR'S DISCUSSION** – *None*
12. **MISCELLANEOUS ITEMS** – *None*
13. **WAIVER OF FEE** – *None*
14. **BUSINESS TAX RECEIPTS** – *None*
15. **DISCUSSION**

### **15.1 City Manager Selection Process**

**MOTION** by Vice Mayor Martel, seconded by Councilman Derosé to advertise the City Manager's position with a response deadline of three (3) weeks; form a review committee comprised of Mayor Vallejo, Human Resources Director Rose Ambrose, and a current or former City Manager from another organization. The Human Resources Director Rose Ambrose will review the applications and submit up to 20 of the best applicants to the review committee to be screened. The review committee will then submit 3 – 5 finalists to Council for consideration. (**Approved** 7-0)

Mayor and Council discussed the item.

Human Resources Director Rose Ambrose clarified selection process. The advertisement will be posted for three (3) weeks; she will then review the applications and present the top 20 to the nominating committee, comprised of the Mayor, a current or former City Manager from another organization, and herself. The committee will then short list the applications down to 3 – 5 candidates to be submitted to the full interview panel of the Council members for consideration.

Councilwoman Spiegel suggested that the motion be worded that the Human Resources Director will forward up to 20 of the best candidates is added to the motion.

Mayor and Council continued to discuss the item.

Councilwoman Smith suggested that if the committee is unable to come up the 3 -5 candidates, they can extend the time or re-open the position for new applicants.

## **16. LEGISLATION**

### **16.1 Ordinance No. 2013-5 (Previously Ordinance No. 2012-31) First Reading by Title Only – WITHDRAWN**

AN ORDINANCE AMENDING THE GENERAL EMPLOYEES' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, PROVIDING FOR THE MOST CURRENT MORTALITY TABLE AND MODEL FOR MEASURING CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

## 17. CITY COUNCIL REPORTS

**Councilman Derosé** took a moment to welcome the new Human Resources Director Rose Ambrose. He then congratulated Councilwoman Kramer on her re-election.

**Councilwoman Kramer** welcomed the new Human Resources Director Rose Ambrose and thanked her for her input during the meeting. The NMB Magical History Tour is full. The tour will take place Saturday, April 6, 2013 departing from the NMB Library at 10 a.m. There will be another tour next year and residents can register early at the Leisure Services Department or call 305-948-2957. The Multi-Cultural Committee will be hosting Cultural Cinema Night Friday, April 12, 2013 at 7:00 PM featuring "Schindler's List" in the Littman Performing Arts Theater.

**Vice Mayor Martell** thanked the new Human Resources Director Rose Ambrose for the all the work she has done in such a short time and she looks forward to working with her in the future. Thanked Commissioner Monestime for his assistance in getting the funding needed to clean up Taylor Park. Meet with Vice Mayor Marlen Martell will be on Saturday, April 6, 2013 from 1:00 to 2:00 p.m. at the Washington Park Community Center

**Councilman Pierre** welcomed to the new Human Resources Director Rose Ambrose and he was impressed with how she just rolled up her sleeves and got to work. He thanked Commissioner Monestime for all his efforts to help the City. The Youth Symposium will be on Saturday, April 13, 2013 at 9:00 a.m. at the Ronald A. Silver Youth Enrichment Services Center. He thanked his colleagues for their support to make this event happen. He reminded the students that the FCAT is fast approaching and the NMB Library is there for them to use.

**Councilwoman Smith** extended a warm welcome to the new Human Resources Director Rose Ambrose. She thanked Commissioner Monestime for being there for the Cities that he represents and she also thanked City Manager Roslyn Weisblum for doing the research and working with the County to get the funding that the City needed. She congratulated Councilwoman Kramer on her re-election. The Public Utilities Commission Meeting will be on Wednesday, April 10, 2013 at 6:00 p.m.

**Councilwoman Spiegel** also reminded the residents to come out and support the upcoming Youth Symposium. The Planning & Zoning Board will be meeting Monday, April 08, 2013 at 6:00 p.m. She reminded everyone that NMB Residential Curbside Recycling Day is on Wednesday, April 3, 2013.

**Mayor Vallejo** welcomed to the new Human Resources Director Rose Ambrose to the City. The Legacy Gala at the Spanish Monastery will be on April 13, 2013. It's a fundraiser to preserve this historic treasure, its gardens and grounds that sits right here in our City.

**18. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, April 16, 2013

**19. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 9:08 p.m.



City of North Miami Beach  
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**MEMORANDUM**

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Roslyn B. Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

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**RE:** Resolution No. R2013-29 (City Manager Roslyn B. Weisblum)

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**BACKGROUND:** On September 4, 2012, the Mayor and City Council approved Resolution No. R2012-70 adopting the FY2013 CRA Budget. On September 20, 2012, the Miami-Dade County's Office of Management and Budget advised the CRA that the actual County TIF Contribution would be \$183,310 instead of the previous assumed amount of \$250,000. In order to adhere to the CRA budget adjustment, the Mayor and City Council approved Resolution No. R2012-84 on October 16, 2012 amending the CRA budget. Due to the shortfall that was created, the CRA administration re-evaluated the budgeted line items and decided that re-allocation of certain budgeted items needed to be changed in order to reflect the CRA vision. In order to implement that new vision and to allow for a more productive and effective CRA administration, the Mayor and City Council believe that the second amended CRA Budget will better serve the City of North Miami Beach and all the businesses and citizens within its boundaries.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Rasha Cameau, CRA Coordinator  
Roslyn B. Weisblum, City Manager

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**ATTACHMENTS:**

- [Resolution No. R2013-29](#)
- [CRA FY2012-13 Budget narrative](#)
- [CRA FY2012-13 Budget](#)

**RESOLUTION NO. R2013-29**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE COMMUNITY REDEVELOPMENT AGENCY'S ("CRA") SECOND AMENDED BUDGET FOR FISCAL YEAR 2012-2013 REALLOCATING PRIOR CRA BUDGETED ITEMS TO PROVIDE A MORE PRODUCTIVE AND EFFECTIVE CRA ADMINISTRATION; AUTHORIZING APPROPRIATION OF CARRY FORWARD REVENUES AND INTEREST FROM THE PREVIOUSLY APPROVED CRA BUDGET FOR FISCAL YEAR 2011-12 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R-611-05 approving an Interlocal Cooperation Agreement (“Agreement”) among Miami-Dade County (“County”), the City of North Miami Beach (“City”), and the North Miami Beach Community Redevelopment Agency (“CRA”); and

**WHEREAS**, on July 26, 2005, the CRA adopted Policy Resolution 2005-02 approving that Interlocal Agreement, and on August 16, 2005, the City did the same under Resolution R2005-48; and

**WHEREAS**, the Interlocal Agreement required that the CRA approve and adopt an annual budget, and transmit the annual budget to the City for approval prior to transmitting said budget to the County for approval; and

**WHEREAS**, the CRA Board approved and adopted the FY2013 annual budget at a public meeting on August 23, 2012, which included an estimate from the County of its tax increment funding ("TIF") contribution to the CRA in the amount of \$250,000; and

**WHEREAS**, on September 4, 2012, the Mayor and City Council approved Resolution No. R2012-70 which adopted the FY2013 CRA budget; and

**RESOLUTION NO. R2013-29**

**WHEREAS**, on September 20, 2012, the Miami-Dade County's Office of Management and Budget advised the CRA that the actual County TIF Contribution would be \$183,310 instead of the previous assumed amount of \$250,000, thereby creating a \$66,690 shortfall in the approved FY2013 CRA budget; and

**WHEREAS**, in order to adhere to the CRA budget adjustment, the Mayor and City Council approved Resolution No. R2012-84 on October 16, 2012 amending the CRA budget; and

**WHEREAS**, due to the shortfall that was created, the CRA administration re-evaluated the budgeted line items and decided that re-allocation of certain budgeted items needed to be changed in order to reflect the vision of the CRA; and

**WHEREAS**, in order to implement that new vision and to allow for a more productive and effective CRA administration, the Mayor and City Council believe that the second amended CRA budget will better serve the City of North Miami Beach and all the businesses and citizens within its boundaries.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach hereby adopt and approve the FY2012-13 Second Amended CRA Budget by making the following line item re-allocations to the previously approved FY2012-13 CRA Budget:

- a. ~~Advertising & Notices:~~ ~~\_\_\_\_\_~~ ~~\$1,000 to \$500~~
- b. ~~Other Administrative Expenses:~~ ~~\_\_\_\_\_~~ ~~\$5,400 to \$1,500~~
- c. ~~County Administrative Fee:~~ ~~\_\_\_\_\_~~ ~~\$3,750 to \$2,750~~

**RESOLUTION NO. R2013-29**

d.	Contractual Services:	\$18,000 to \$12,000
e.	Printing & Publishing:	\$4,000 to \$1,000
f.	Marketing:	\$4,000 to \$1,000
g.	Legal Services:	\$25,000 to \$20,000
h.	Capital Projects:	\$50,000 to \$21,824
i.	Contingency:	\$17,114 to \$0
a.	Salaries & Fringes:	\$165,829 to \$126,423
b.	Administrative Expenses:	\$1,500 to \$4,750
c.	Contractual Services:	\$12,000 to \$25,875
d.	Marketing:	\$1,000 to \$5,000
e.	Legal Services:	\$20,000 to \$24,000
f.	Public Safety:	\$186,985 to \$185,843
g.	Capital Projects - Grants:	\$20,682 to \$30,000
h.	Contingency:	\$0 to \$6,105

**Section 3.** The CRA Executive Director is hereby authorized to transmit the Fiscal Year 2012-13 Second Amended CRA Budget to the City and the County for review and approval.

**Section 4.** The CRA Executive Director is hereby authorized to take all actions necessary to complete the approval process for the Fiscal Year 2012-2013 Second Amended Budget with the City and the County.

**Section 5.** Should the Miami-Dade Board of County Commissioners propose to modify its millage so that the tax increment contribution to the CRA is unissued or decreased, the CRA Executive Director is hereby directed to adjust the CRA Budget accordingly to ensure that an accurate and balanced budget is adopted and maintained.

**Section 6.** All revenues and interest carried forward from FY 2011-12 shall be appropriated according to established guidelines and applicable law.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_\_ day of June, 2013.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

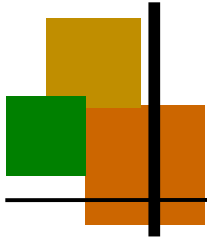
(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and Council





# CITY OF NORTH MIAMI BEACH

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## COMMUNITY REDEVELOPMENT AGENCY



**FISCAL YEAR  
2012-2013  
BUDGET**



## CITY OF NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY

The North Miami Beach Community Redevelopment Agency was created in 2005. A Tax-increment revenue funding mechanism was established to include both the City of North Miami Beach and Miami-Dade County. Additionally, the CRA initiated and received required approval from Miami-Dade County (R-1427-06, Dec. 19, 2006) for the issuance of two lines of credit totaling \$8 million. One note, \$3,000,000 for infrastructure improvements and reconstruction of streets within the CRA. The \$5,000,000 was to be used to acquire property for a future Transit Oriented Development (TOD) in a public/private partnership with Miami Dade Transit (MDT). The project was not accomplished and as a result the CRA requested the funds be used for much needed infrastructure improvements and acquisition of commercial property for redevelopment. In April 2012, the Board of County Commissioners (BCC) approved the use of revenues from the line of credit for infrastructure improvements (\$4,000,000) and land purchase (\$1,000,000)

### NMBCRA 2011-12 PAST ACCOMPLISHMENTS

FY 2011-2012 was the seventh year of operation for the North Miami Beach Community Redevelopment Agency (NMBCRA). The Agency's activities in FY 2011-2012 were focused on public infrastructure planning and construction in order to improve the economic environment for future business and developer recruitment.

The NMBCRA Façade and Security Grant Programs were created to facilitated the attraction of new businesses and retain and promoted existing businesses by providing financial assistance for exterior improvements, and thereby work to achieve the CRA's goal of eliminating conditions that have a negative impact on economic growth. A total of \$70,750 in grant funds were used to assist eight (8) businesses improve their properties.

### NMBCRA 2012-2013 REVENUE

#### **NMBCRA FY 2012-2013 Revenues**

Tax increment revenue in FY 2012-2013 for the NMBCRA will total \$ 550,143. The sources of revenue for FY 2012-2013 include tax increment revenue payments from the City of North Miami Beach of \$ 366,833 and Miami-Dade County of \$ 183,310 respectively and a carryover from FY 2011-2012 of \$ 5,517,000 plus \$ 11,500 projected interest on investments.

#### Tax Increment Revenue Payments

	<i>(FY 11-12)</i>	<i>(FY 12-13)</i>
TIF City Contribution	\$ 241,794	\$ 366,833
TIF County Contribution	\$ 176,641	\$ 183,310
Carryover	\$ 5,719,000	\$ 5,517,000
Projected Interest on Investments	\$ 11,000	\$ 11,500
<b>Total Revenues:</b>	<b>\$ 6,148,435</b>	<b>\$ 6,078,643</b>

### **NMBCRA FY2012-2013 EXPENSES**

The City of North Miami Beach has made changes within its administration that enhance its management and that of the CRA. A new City Manager was appointed in October. In addition, the CRA has also changed staffing, which has impacted the FY2012-2013 Budget and Annual Plan. The City Manager has assumed the position of Executive Director of the NMB CRA, to provide oversight and a new CRA Coordinator has been hired to implement the plan. Additionally, an Economic Development Consultant has been contracted to assist in developing several economic development initiatives.

To provide better focus and direction for the CRA Board and staff, a visioning workshop was held in October, by our new Consultant, Neighborhood Equity Strategies, to identify challenges and opportunities for economic growth. Using the comments of the Board, an implementation plan was drafted to address the lack of visible development and economic improvements within the City and the CRA. This plan identifies realistic, attainable initiatives and assignments which bring accountability to implementation of the CRA Plan's economic development goals.

An Economic Development Summit was held this past January 9<sup>th</sup>, to hear from commercial property owners, developers, realtors and other stakeholders regarding what they considered to be priorities to accelerate investment and development within the City and the CRA

To that end, the NMB CRA envisions that this fiscal year will be spent in building economic development credibility and strengthening and improving the process and policies for development. In addition, having a targeted façade program for "Downtown NMB" can lead to more visible impact, for brokers and developers. The NMBCRA has allocated infrastructure funds for shovel ready projects. In addition, the NMBCRA has begun discussion with several developers who are interested in investing in and building projects in the CRA, and the remainder of the \$5,000,000 from the line of credit will be made available when potential private investments, that are currently in the planning and preliminary design stage are ripe for an incentives discussion and the appropriate policies and programs are in place to ensure a fair process and level playing field for those that wish to access the incentives.

The FY2012-13 Budget and Annual plan will focus on:

1. Improving the brand and identity of North Miami Beach as a good place to do business and building credibility;
2. Creating a process for implementation of additional economic development incentives that are authorized by Chapter 163 of the Florida Statute and the NMB CRA Plan to promote private investment and development;
3. Supporting the City's foundational businesses with programs such as the façade improvement program and additional economic development technical assistance.

**ADMINISTRATIVE EXPENSES**

**1. Employee Salary and Fringe (\$ 31,606)**

25% administrative personnel costs charges to the CRA for previous CRA Coordinator (pro-rated) and current Coordinator's salaries and fringes:

Previous CRA Coordinator (October 2012)	\$12,418
Current CRA Coordinator (November 2012 to September 2013)	<u>\$19,188</u>
Total:	\$31,606

Note: The operating personnel costs (75%) are listed in the "Operating Expenses" section.

**2. Annual Audit (\$ 3,150)**

The CRA is audited as a part of the City of North Miami Beach's annual audit (CAFR) and, as with all funds, pays its pro-rata share of the cost of the audit.

**3. Advertising and Notices (\$500)**

Legal Notices placed for CRA Workshops / Budget Meetings.

**3. Travel (\$ 1,000)**

Travel for conventions / seminars and developer meetings.

**4. Other Administrative Expenses (\$ 4,750)**

Overhead expenses include but are not limited to operating supplies, postage, professional organization membership dues, subscriptions to publications. Specifically this amount includes professional memberships for Urban Land Institute, Florida Redevelopment Agency, International Downtown Association subscriptions and publications for South Florida Business Journal.

**Total Administrative Expenses:** **\$ 41,006**

**5. County Administrative Charge (\$ 2,750)**

Required County Fee @ 1.5% of County's tax increment contribution.

**Total Administrative Expenses (Including County Admin Fee)** **\$ 43,756**

**OPERATING EXPENSES**

**1. Employee Salary and Fringe (\$94,817)**

75% of previous CRA Coordinator (pro-rated) and current Coordinator's salaries and fringes:

Previous CRA Coordinator (October 2012)	\$37,254
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Current CRA Coordinator (November 2012 to September 2013) \_\_\_\_\_ \$57,563  
Total: \$94,817

Note: The administrative personnel costs (25%) are listed in the "Administrative Expenses" section.

**2. Contractual Services/Economic Development (\$ 25,875)**

The CRA has hired an Economic Development Consultant, Neighborhood Equity Strategies, to assist with, but not limited to, implementing the redevelopment plan, and developing new initiatives to attract new business and investment to the CRA.

**3. Printing and Publishing (\$ 2,000)**

Covers the cost of producing agendas / annual reports and other documents required by the CRA Board, the Redevelopment Advisory Board and the Economic Development Commission Board. Also included are developer recruitment packages, welcome packages including annual public information and other documents needed to provide economic overview of the City & CRA.

**4. Marketing/Special Events (\$ 17,000)**

Through promotional activities, such as the 2013 Economic Development Summit, the CRA will promote its services and activities to new businesses and developers interested in doing business and applying for existing programs and incentives.

In addition, the CRA has contracted the with the Greater North Miami Beach Chamber of Commerce to market all events and programs offered by the CRA and to promote its economic development activities.

**6. Legal Services Costs (\$ 24,000)**

Outside (non-City) legal assistance for development agreements/legal issues and attendance at CRA Board & Redevelopment Advisory Board Meetings. The law firm shall provide continuous services as General Counsel and additional services consisting of representation of the CRA, counseling, giving legal advice, formulating legal strategy, and acting as legal counsel with respect to the governance and operations of the CRA. "Legal services" shall include review of contracts and agreements, and the rendering of legal opinions as requested by the CRA or members of its governing board.

A Recorder is contracted to transcribe meeting minutes.

**7. Acquisition / Infrastructure: Line of Credit (\$ 364,885)**

The 163<sup>rd</sup> Corridor is identified as potential development site that will bring in a public/private partnership for the residents of North Miami Beach. These funds will be used for infrastructure projects consistent with the NMBCRA Redevelopment Plan.

**PROJECTS:**

**A) Furnish & Install 8 inch Sanitary Sewer Line along NE 20<sup>th</sup> Ave. / North Side of NE 163<sup>rd</sup> Street. CRA Funding: \$ 215,000.00**

**(Missing) Sewer connection drawing**

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**B) NE 163<sup>rd</sup> Street/SR826 Landscape Beautification (Phase I of IV)**

**CRA Funding: \$153,300.00**

Over the years NE 163<sup>rd</sup> Street/SR826 has suffered from numerous accidents and natural deterioration. As a result a complete renovation is required to uplift its appearance, to be done in four phases. The CRA has allocated \$153,300 for the first phase to enhance the medians from Biscayne Blvd to NE 20<sup>th</sup> Avenue. The funds will be used to:

Restore Irrigation System: High volume of accidents along the 163<sup>rd</sup> Street medians, have damaged and shut down the irrigation system. The intent is to use a portion of these funds to retrofit the various irrigation systems using flexible pipes and irrigation head locations that will not be as susceptible to damage by accidents.

Replenish the Soil: The SR 826 medians were originally installed as a Xeriscape planting, using a highly organic soil mix in order to maximize moisture retention. This highly organic soil mix has oxidized over the past 15 years and the soil level has dropped making it necessary to replenish the soil in order to bring the level of the medians back to the required two inches below the top of curb and then filled with mulch and be flush with the curb. This will also satisfy the current FDOT mandate of leveling the soil.

Landscape restoration: Palms and trees that have died or been destroyed by vehicles will be replaced in groupings to reflect the original design rhythm of the planting design. Species will include: Pink and Yellow Tabebuias and other small native trees approved by the FDOT, and Sabal and Alexander Palms. Some shrub masses will be restored / filled in, while some shrub masses which are causing visibility conflicts to traffic and area businesses will be removed and replaced with either grass or low groundcover. Flowers will be introduced to various median tips to establish a hierarchy in the landscape. Missing costs breakdown and pictures of damages.(Please see the attached costs breakdown)

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**8. Public Safety (\$185,843)**

- **Under a continuing CRA initiative, the Agency will fund 1 police officer.**

**Budget: \$109,683**

Funds are allocated for 1 one officer and 1 code enforcement officer. Using proactive plans, policies and programs in community policing and code compliance, the officers will work only on reducing crime and blight, which can negatively impact progress and economic growth within the CRA.

1 Police Officer (salary & fringes) \$109,692

**Under a continuing CRA initiative, the Agency will fund 1 Code Enforcement Officer.**

**Budget: \$ 76,151**

1 Code Enforcement Officer (salary & fringes) \$ 76,151

**Total: \$185,843**

**(The Code Enforcement Officer and Police Officer are assigned exclusively to the CRA area)**

**9. Capital Projects Total (\$30,000)**

- **Commercial Façade Improvement Program**

**BUDGET CRA: TIF Investment - \$ 30,000**

Through the Façade Improvement Grant Program, the NMB CRA seeks to help businesses improve the attractiveness of properties, and thereby work to achieve the agency's goal of eliminating conditions that have a negative impact on economic growth. The grant will pay for 50% of the total cost of an approved project up to a maximum cost of \$25,000. All improvements must be in compliance with any and all applicable codes, design standards, and all other restrictions of the City of North Miami Beach. Every project must be approved by the CRA, and is subject to fund availability.

**10. NE 8<sup>th</sup> Avenue to US1 (Biscayne Blvd) along NE 163<sup>rd</sup> Street Maintenance (\$ 70,000)**

North Miami Beach Blvd is the main corridor in the CRA Area where all commercial businesses are located. The CRA has implemented the Façade and Security Grants for that avenue and the CRA needs to support those businesses with infrastructure, landscaping, lighting and general appearance. The City and the CRA have signed a memorandum of understanding for fiscal year 2012-2013 to provide maintenance services not covered by the City from NE 8<sup>th</sup> Avenue to US1 (Biscayne Blvd) along NE 163<sup>rd</sup> Street.

**11. Debt Service (\$ 579,247)**

The repayment of borrowed funds for the 2 lines of credit drawn down in 2007 and 2008. These loans expire on 2/1/2027.

- Debt service for the \$ 3,000,000 tax exempt \$ 209,867
- Debt service for the \$ 5,000,000 taxable line of credit \$ 369,380

**12. Contingency/Reserve (\$6,105)**

To cover minor expenses which may occur in administrative or operational expenses.

	(FY 11-12)	(FY 12-13)
Total Administrative Expenses:	\$ 67,220	\$ 43,756
Total Operating Expenses:	\$ 6,071,877	\$ 6,028,782
Contingency /Reserve	\$ 9,338	\$ 6,105
Total CRA Budget:	\$ 6,148,435	\$ 6,078,643

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**City of North Miami Beach**  
**Community Redevelopment Agency FY 2012-2013 Budget**

(FY 12-13 begins October 1, 2012)

	FY 11-12 Budget Adopted	FY 11-12 Budget Actual	FY12-13 Adopted Budget	FY 12-13 Amended Budget
<b>Revenues</b>				
City Tax Increment Revenue	241,794	241,794	366,833	366,833
County Tax Increment Revenue	176,641	176,641	183,310	183,310
<b>Additional City Funding</b>	<b>62,375</b>	<b>62,375</b>		
County Carryover	446,570	446,570		
Carryover from prior year (cash & equiv.)	5,210,055	5,656,625	5,517,000	5,517,000
Loan Proceeds				
Interest earnings	11,000	36,523	11,500	11,500
<b>Revenue Total</b>	<b>6,148,435</b>	<b>6,620,528</b>	<b>6,078,643</b>	<b>6,078,643</b>
<b>Expenditures</b>				
<b>Administrative Expenditures:</b>				
Employee salary and fringe	48,020	43,664	41,457	31,606
Audits	5,175	5,175	3,150	3,150
Advertising and notices	2,500	-	500.0	500
Travel	1,338	208	1,000	1,000
Office equipment and furniture				
Other Admin. Exps (attach list)	6,600	7,575	1,500	4,750
<b>(A) Subtotal Admin Expenses, %</b>	<b>63,633</b>	<b>56,622</b>	<b>47,607</b>	<b>41,006</b>
Reimbursement of City Advances				
County Administrative Charge at 1.5%	2,650	2,650	2,750	2,750
<b>(B) Subtotl Adm Exp</b>	<b>66,283</b>	<b>59,272</b>	<b>50,357</b>	<b>43,756</b>
<b>Operating Expenditures:</b>				
Employee salary and fringe	144,059	130,991	124,372	94,817
Contractual services	20,682	16,989	12,000	25,875
Printing and publishing	2,500	3,220	2,000	2,000
Marketing	1,650	-	1,000	5,000
Special events	12,850	12,850	12,000	12,000
Legal services/court costs	25,000	25,000	20,000	24,000
Redevelopment & Infrastructure	5,000,000	-	5,000,000	5,000,000
Public Safety	162,292	171,596	186,985	185,843
Capital Projects - Grants	79,780	37,530	20,682	30,000
Hanford Blvd Maintenance				
NMB Blvd Maintenance	70,000	70,000	70,000	70,000
Debt service payments (capital imp.)	200,000	208,843	209,867	209,867
Debt service payments (property)	359,500	367,238	369,380	369,380
Transfers out to others (attach list)				
Other Oper. Expenses (attach list)				
<b>(C) Subtotal Oper. Expenses</b>	<b>6,078,313</b>	<b>1,044,257</b>	<b>6,028,286</b>	<b>6,028,782</b>
<b>(D) Reserve/Contingency</b>	<b>3,839</b>	<b>5,517,000</b>	<b>-</b>	<b>6,105</b>
<b>Expenditure Total (B+C+D)</b>	<b>6,148,435</b>	<b>6,620,529</b>	<b>6,078,643</b>	<b>6,078,643</b>
<b>Cash Position (Rev-Exp)</b>				
	FY 11-12 Adopted	FY 11-12 Actual	FY12-13 Adopted	FY 12-13 Proposed
<b>Projects:</b>	Expenditures	Expenditures	Expenditures	Expenditures
Redevelopment & Infrastructure	5,000,000	5,000,000	5,000,000	5,000,000
Capital Projects	78,780	78,780	20,682	30,000
Hanford Blvd Maintenance				
NMB Blvd Maintenance	70,000	70,000	70,000	70,000
<b>Total project dollars:</b>	<b>5,148,780</b>	<b>5,148,780</b>	<b>5,090,682</b>	<b>5,100,000</b>



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 **Print**

---

**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, June 4, 2013

---

**RE:** Resolution No. R2013-30 (City Attorney Darcee S. Siegel)

---

**BACKGROUND:** Biscayne Bay is part of the Greater Everglades Ecosystem. Covering 172,971 acres, it is designated as a national park and is protected as an aquatic preserve which protects 70,000 acres of submerged lands. Biscayne Bay spans the entire coast of Miami-Dade County and is an iconic part of the skyline of Miami and the beaches. Biscayne Bay supports the economy of Miami-Dade County and surrounding areas through tourism, and the Port of Miami for business. The Biscayne Bay Aquatic Preserve and Biscayne National Park are the nursery grounds for commercial and recreational fisheries which are also vital to Miami-Dade's economy; and the water quality of Biscayne Bay is essential for human health and safety, and the health of the environment.

**RECOMMENDATION:** Approval

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Darcee S. Siegel, City Attorney

---

**ATTACHMENTS:**

- ❑ [Resolution No. R2013-30](#)
- ❑ [Everglades Coalition letter](#)

**RESOLUTION NO. R2013-30**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
JOINING THE BISCAYNE BAY COALITION IN SUPPORT  
OF ITS PROTECTION FOR THE HEALTH AND WELL-  
BEING OF MIAMI-DADE COUNTY RESIDENTS AND THE  
IMPROVEMENT OF OUR TOURISM ECONOMY.**

**WHEREAS**, Biscayne Bay is a part of the Greater Everglades Ecosystem; and

**WHEREAS**, Biscayne Bay, covering 172,971 acres, is designated as a national park and is protected as an aquatic preserve which protects 70,000 acres of submerged lands; and

**WHEREAS**, Biscayne Bay spans the entire coast of Miami-Dade County and is an iconic part of the skyline of Miami and the Beaches; and

**WHEREAS**, Biscayne Bay supports the economy of Miami-Dade County and surrounding areas through tourism, and the Port of Miami for business; and

**WHEREAS**, the Biscayne Bay Aquatic Preserve and Biscayne National Park are the nursery grounds for commercial and recreational fisheries vital to Miami-Dade's economy; and

**WHEREAS**, the water quality of Biscayne Bay is essential for human health and safety, and the health of the environment; and

**WHEREAS**, natural fresh water flows into Biscayne Bay have been severely diminished due to impacts from sprawl and alterations to historic Everglades flow patterns; and

**WHEREAS**, Biscayne Bay is a natural estuary in need of ongoing monitoring and restoration; and

**RESOLUTION R2013-30**

**WHEREAS**, Biscayne Bay supports endangered and threatened species; and

**WHEREAS**, Biscayne Bay and its coastal wetlands is globally important as it plays a vital role in the Atlantic flyway, serving as a migratory pathway for wildlife.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City Council supports the restoration of Biscayne Bay as part of the Greater Everglades with the completion of the Biscayne Bay Coastal Wetlands (BBCW) Project under Comprehensive Everglades Restoration Project (CERP).

**Section 3.** The City Council supports the adoption of a state rule to protect the current flow of surface and ground water into Biscayne Bay.

**Section 4.** The City Council supports the efforts of the Environmentally Endangered Lands Program (EEL) and the Florida Forever Program to purchase adjacent coastal wetlands needed for the BBCW Project and recharge of Miami-Dade's aquifer.

**Section 5.** The City Clerk is hereby directed and authorized to transmit a copy of this resolution to Ms. Susan N. Shapiro, Tropical Audubon Society, 5530 Sunset Drive, Miami, FL 33143; to Ms. Melissa Meeker, Executive Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33146; and to Richard Kuper, Esquire, Executive Director, Miami-Dade County League of Cities, Inc., 226 E. Flagler Street, Suite 200, Miami, FL 33131.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ day of June, 2013.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and Council

**RESOLUTION R2013-30**



# Everglades Coalition

1000 Friends of Florida  
Arthur R. Marshall Foundation  
Audubon of Florida  
Audubon Society of the Everglades  
Audubon of Southwest Florida  
Caloosahatchee River Citizens  
Association/ Riverwatch  
Clean Water Action  
Clean Water Network  
Collier County Audubon Society  
Conservancy of Southwest Florida  
Defenders of Wildlife  
Ding Darling Wildlife Society  
Earthjustice  
Environment Florida  
The Environmental Coalition  
Everglades Coordinating Council  
Everglades Foundation  
Everglades Law Center  
Florida Defenders of the  
Environment  
Florida Keys Environmental Fund  
Florida Native Plant Society  
Florida Oceanographic Society  
Florida Wildlife Federation  
Friends of the Arthur R. Marshall  
Loxahatchee NWR  
Friends of the Everglades  
Hendry Glades Audubon Society  
Izaak Walton League Florida  
Division  
Izaak Walton League Florida Keys  
Chapter  
Izaak Walton League Mangrove  
Chapter  
Izaak Walton League of America  
Last Stand  
League of Women Voters of Florida  
Loxahatchee River Coalition  
Martin County Conservation  
Alliance  
National Audubon Society  
National Parks Conservation  
Association  
National Wildlife Federation  
National Wildlife Refuge  
Association  
Natural Resources Defense Council  
The Ocean Conservancy  
The Pegasus Foundation  
Sanibel-Captiva  
Conservation Foundation  
Save It Now, Glades!  
Sierra Club  
Sierra Club Broward Group  
Sierra Club Calusa Group  
Sierra Club Central Florida Group  
Sierra Club Florida Chapter  
Sierra Club Loxahatchee Group  
Sierra Club Miami Group  
South Florida Audubon Society  
Tropical Audubon Society  
The Urban Environment League  
World Wildlife Fund

August 4, 2011

Melissa Meeker  
Executive Director  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33146

South Florida Water Management District Governing Board  
Joe Collins, Chair  
3301 Gun Club Road  
West Palm Beach, FL 33146

## **RE: Pending Water Reservation Rulemaking and Everglades Restoration**

Dear Executive Director Meeker and Governing Board Members:

The Everglades Coalition is an alliance of 54 local, state and national conservation organizations working together to assure America's Everglades are protected and restored for future generations. It has come to our attention that in the upcoming months the Governing Board will be considering the future of rulemaking to protect the Caloosahatchee estuary, Kissimmee River, and Biscayne Bay. We write to highlight the importance of the development and implementation of these rules for Everglades restoration projects and ask for written clarification of a rulemaking timeline.

These rules are required for the South Florida Water Management District's (SFWMD) cost share agreements with the federal partner, the United States Army Corps of Engineers (ACOE) to legally commit to fund and construct restoration projects. For Comprehensive Everglades Restoration Plan (CERP) projects to move forward, the SFWMD is required to set aside or "reserve" the new water produced to meet restoration needs. This protection of water ensures that taxpayer money is not wasted building a project that produces and delivers insufficient water. The water reservation must occur prior to the SFWMD executing an agreement to construct these projects with the ACOE, consistent with 373.470 (3)(c), Florida Statutes.

[www.evergladescoalition.org](http://www.evergladescoalition.org)

Ph: 954-961-1280 ♦ Fax: 954-985-5047 ♦ 450 N. Park Rd, #301, Hollywood FL 33021

The proposed Caloosahatchee Water Reservation and Biscayne Bay Restricted Area Allocation Rule<sup>1</sup> are linked to the C-43 Reservoir project and the Biscayne Bay Coastal Wetlands project, respectively. These two projects were specifically listed in the SFWMD FY 2012 Budget draft to move forward. The proposed Kissimmee Water Reservation reserves water for Kissimmee River restoration, a project that has the similar authorization process as CERP and has been progressing for some time.

We understand that it has been trying for everyone to watch the budget reduction process at the SFWMD with the necessity to re-prioritize fundamental water management responsibilities. We hope you will understand our urgent request that you make rulemaking for water reservations a top priority. The Everglades system cannot afford delay. The success of the Kissimmee River restoration and the efforts put into the planning and land acquisitions needed for the C-43 reservoir and Biscayne Bay Coastal Wetlands projects are providing a sense of momentum that is long overdue for restoration progress. Timely action by the SFWMD to complete water reservation rulemaking will add impetus to Congressional action to fund construction that will then allow the SFWMD to claim the credits it has accrued with the ACOE and recoup its expenditures.

Could you please supply us with a written clarification of the timeline for the rulemaking process for these three crucial rules? Thank you for your attention to this matter. Please don't hesitate to contact us or any of our member organizations on this vital issue.

Sincerely,



Julie Hill-Gabriel  
State Co-Chair  
305-371-6399 x136  
[jhill-gabriel@audubon.org](mailto:jhill-gabriel@audubon.org)



Dawn Shirreffs  
National Co-Chair  
954-961-1280 x 205  
[dshirreffs@npca.org](mailto:dshirreffs@npca.org)

---

<sup>1</sup> A Biscayne Bay Water Reservation rule could more comprehensively protect the Bay's freshwater resources and should also be further explored.



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 [Print](#)

---

**TO:** Mayor and City Council

**FROM:** Roslyn B. Weisblum, City Manager

**DATE:** Tuesday, June 4, 2013

---

**RE:** Resolution No. R2013-31 (Public Services Director Shari Kamali)

---

**BACKGROUND:** On February 16, 2010 the City Council passed Resolution No. R2010-13 authorizing the execution of an Interlocal Agreement ("Agreement") with Miami-Dade County for Community Development Block Grant ("CDBG") funds for Phase I renovation of the Allen Park Recreation Center. On December 7, 2010, by Resolution No. 2010-80, the City Council approved Amendment No. 1 to that Agreement to implement Phase II renovation of the Allen Park Recreation Center and accepted from the County \$150,000 from CDBG funds to accomplish that Project. On December 6, 2011, by Resolution No. R2011-62, the City Council approved Amendment No. 2 to that Agreement to implement Phase II renovation of the Allen Park Recreation Center and accepted from the County an additional \$172,491 from CDBG funds to accomplish that Project. On September 4, 2012, by Resolution No. R2012-66, the City Council approved Amendment No. 3 to that Agreement to implement Phase II renovation of the Allen Park Recreation Center and accepted from the County another \$200,000 from CDBG funds to accomplish that Project. On May 7, 2013 the Miami-Dade County Board of County Commissioners amended its FY2013 Action Plan to allocate an additional \$200,000 of CDBG funds for the Allen Park Recreation Center Renovation Project Phase II, bringing the total allocated CDBG funds for the Project to \$772,491.00.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Roslyn B. Weisblum, City Manager



Shari Kamali, Director, Public Services  
Jeff An, City Engineer

---

**ATTACHMENTS:**

- ▣ [Resolution No. R2013-31](#)
- ▣ [Amendment 4 to FY2010 CDBG Contract](#)

**RESOLUTION NO. R2013-31**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$200,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED AT ALLEN PARK RECREATION CENTER RENOVATION PROJECT PHASE II; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 16, 2010, the City Council passed Resolution No. R2010-13 authorizing the execution of an Interlocal Agreement with Miami-Dade County for the Community Development Block Grant ("CDBG") for a Phase I renovation of the Allen Park Recreation Center located at 1770 NE 162nd Street in North Miami Beach; and

**WHEREAS**, on December 7, 2010, the City Council passed Resolution No. R2010-80 approving Amendment No. 1 to that Interlocal Agreement between the City of North Miami Beach ("City") and Miami-Dade County ("County"), which implemented the Phase II renovation for the Allen Park Recreation Center, and accepted from the County an amount up to \$150,000.00 from CDBG funds to accomplish that project; and

**WHEREAS**, on December 6, 2011, the City Council passed Resolution No. R2011-62 approving Amendment No. 2 to that Interlocal Agreement between the City and the County, which implemented the Phase II renovation for the Allen Park Recreation Center, and accepted from the County an amount up to \$172,491.00 from CDBG funds to accomplish that project; and

**WHEREAS**, on September 4, 2012, the City Council passed Resolution No. R2012-66 approving Amendment No. 3 to that Interlocal Agreement between the City and County, which

**RESOLUTION R2013-31**

implemented the Phase II renovation for the Allen Park Recreation Center, and accepted from the County an amount up to \$200,000.00 from CDBG funds to accomplish that project; and

**WHEREAS**, on May 7, 2013 the Miami-Dade Board of County Commissioners passed Resolution No. R-356-13 amending its Fiscal Year 2013 Action Plan to allocate an additional \$200,000.00 of CDBG Funds for the Allen Park Recreation Center Renovation Project Phase II, bringing the total allocated CDBG Funds for the project to \$772,491.00; and

**WHEREAS**, the City has determined that the CDBG funds will be used to rehabilitate the interior of the Allen Park Recreation Center to install a new air conditioner, and to construct a new elevator and life-safety upgrades, including stairwell enclosures, new fire-rated interior walls, and exit pathways for ADA and fire code compliance; and

**WHEREAS**, the amendment to the FY2013 Action Plan to allocate the additional CDBG funding will extend the Interlocal Agreement to December 31, 2013; and

**WHEREAS**, the Mayor and City Council have determined that amending the Interlocal Agreement is in the best interest of the residents of the County and the City, allowing the City to accept the grant funds to improve the quality of life of its residents and patrons of the Allen Park Recreation Center.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida that:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida hereby approve Amendment No. 4 to the Interlocal Agreement between the City of North Miami Beach and Miami-Dade County, and authorize the City Manager to execute the Amendment to the Interlocal Agreement and to implement Phase II of the Allen Park Recreation Center Renovation Project by

**RESOLUTION R2013-31**

accepting and utilizing the Community Development Block Grant funds awarded in an amount not to exceed \$200,000.00.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ **day of June, 2013.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



Carlos A. Gimenez, Mayor

Public Housing and Community Development

701 NW 1st Court • 14th Floor  
Miami, Florida 33136-3914  
T 786-469-2100 F 786-469-2237

miamidade.gov

May 16, 2013

Mr. Jeff Huren An, Assistant Director  
Public Services Department  
City of North Miami Beach  
17050 NE 19th Avenue  
North Miami Beach, FL 33162

Dear Mr. An:

Re: Amendment Four to the FY 2010 CDBG Contract - \$772,491 (Allen Park Recreation Center)

This letter accompanies Amendment Four to the FY 2010 Community Development Block Grant (CDBG) contract between your agency and Miami-Dade County. This amendment covers the \$772,491 award that the Miami-Dade Board of County Commissioners approved through Resolutions #R-1284-09, R-980-10, R-782-11, R-552-12 and R-356-13 for your agency's Allen Park Recreation Center Rehabilitation activity.

The individual authorized legally by your agency's Board must sign and date all seven counterparts. Your organization's corporate seal must be affixed to all copies returned to PHCD.

You must return six of the seven contract amendment copies along with the Board resolution authorizing the contract Amendment Four for \$772,491. The amendment should be submitted to PHCD by May 23, 2013. Please ensure that you meet that deadline to prevent any delays in the execution of your agency's agreement or the processing of payments for the expenditures of your projects.

The following items contain the federal and PHCD regulations, policies, and procedures that apply to your agency's agreement:

- |  |                |
|--|----------------|
| X Contract Compliance Manual                 | X OMB A-122    |
| X Revised CDBG Regulations (24 CFR Part 570) | X OMB A-133    |
| X OMB A-110                                  | X F.S. 607.124 |
| X Revised HOME Regulations (24 CFR Part 92)  |                |

Please contact me at (786) 469-2161, if you have any questions regarding the agreement.

Sincerely,

Claudious Thompson, Project Manager  
Project Management Unit

**AMENDMENT FOUR TO THE  
FY 2010 COMMUNITY DEVELOPMENT BLOCK GRANT  
CONTRACT BETWEEN  
MIAMI-DADE COUNTY  
AND  
CITY OF NORTH MIAMI BEACH**

This Amendment amends the FY 2010 Community Development Block Grant Contract between Miami-Dade County and City of North Miami Beach (the "Contract") entered into between Miami-Dade County, hereinafter referred to as the "County" and the City of North Miami Beach, hereinafter referred to as the "Awardee" executed on June 2, 2010, is amended as follows:

1. Page 1, Paragraph VI, first (1<sup>st</sup>) sentence is amended to read as follow:  
WHEREAS, the County has appropriated \$772,491 of CDBG funds to the activity Allen Park Recreation Center Interior Renovation located at 1770 NE 162st Street, North Miami Beach, FL 33162.

2. Page 29, Section III, first (1<sup>st</sup>) sentence is amended to read as follow:  
Subject to the availability of funds, to pay for contracted Activities according to the terms and conditions contained within this Agreement in an amount not to exceed \$772,491.

3. Page 29, Section IV, Subsection A, number 2, the first (1<sup>st</sup>) sentence is amended to read as follow:  
The agreement shall expire on December 31, 2013.

4. Attachment A is amended as indicated in Attachment A.

5. Attachment B is amended as indicated in Attachment B.

This Amendment is intended to extend the FY 2010 Community Development Block Grant Contract between Miami-Dade County and the City of North Miami Beach executed on June 2, 2010 (the "Contract"), until December 31, 2013. The Parties ratify and adopt all the provisions, duties and obligations of the Contract as if fully set forth herein. All reference in the Agreement/Contract to the expiration date shall now read the expiration date of December 31, 2013.

The effective date for this amendment is March 31, 2013.

Except for any changes enumerated above, all provisions of the contract shall remain in full force and effect.

This Amendment and all its attachments are hereby made a part of the Contract.

AWARDEE:

MIAMI-DADE COUNTY

City of North Miami Beach (Allen Park)

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: Roslyn Weisblum

NAME: Carlos A. Gimenez

TITLE: City Manager

TITLE: Mayor

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

ATTEST

NAME: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Witnesses:

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Type or Print Name

Federal ID  
Number: 59-6000389

Resolution #: \_\_\_\_\_

Index Code: \_\_\_\_\_

Contractor's Fiscal Year Ending Date: \_\_\_\_\_

CORPORATE SEAL:

AMENDMENT IS NOT VALID UNTIL SIGNED AND DATED BY BOTH PARTIES

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



City of North Miami Beach  
 FY 2010 Scope of Services  
 January 1, 2010 – December 31, 2013

1.	- <b>ACTIVITY TITLE:</b> IDIS #: INDEX CODE: RESOLUTION #: DUNS #: ACTIVITY #	Allen Park Recreation Center Renovation <hr/> <hr/> R-1284-09, R-980-10, R-782-11, R-562-12 & R-356-13 <hr/> 20100006
2.	- <b>ACTIVITY DESCRIPTION:</b>  2a – Activity Category: 2b. – Objective: 2c. – Outcome:	The rehabilitation of the Allen Park Recreation Center located at 1770 NE 162 <sup>nd</sup> Street. This is a rehabilitation project which is consisted of interior renovations; install new air condition, wheel chair lift, stairwell renovation, restroom flooring, construction of a new elevator, painting, etc. <hr/> Capital Improvements <hr/> Suitable Living Environment <hr/> Availability /Accessibility
3.	- <b>APPROVED BY BCC:</b> Other Funding Source and Amount:	Amount: \$772,491      Source: CDBG      FY 08, 10& 12 <hr/> City of North Miami Beach General Funds \$200,229
4.	- <b>TOTAL PROJECT COST:</b>	\$972,720
5.	- <b>HUD INFORMATION:</b> 5a. – HUD matrix code: 5b. – HUD Activity Type: 5c. – Eligibility	03F <hr/> Public Facilities <hr/> 570.201(c)
6.	- <b>ACCOMPLISHMENTS:</b> 6a. – Number of Units: 6b. – Type:	1 <hr/> Public Facilities
7.	- <b>NATIONAL OBJECTIVE:</b> Total # of Low/Mod in Service Area: Census Tract: Block Group:	570.208(a)(1)LMA <hr/> 2.06 <hr/> 2 1770 NE 162 <sup>nd</sup> Street
8.	- <b>ACTIVITY ADDRESS:</b>	North Miami Beach, FL 33162
9.	- <b>LOCATION:</b> NRSA: District:	<hr/> <hr/> 02
10.	- <b>LABOR STANDARD</b> applicable Type of Work: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Residential <input type="checkbox"/> Highway <input type="checkbox"/> Heavy	Building

COMMENTS:

&gt; PROJECT MANAGER:

PLANNER:



ATTACHMENT B

CITY OF NORTH MIAMI BEACH

FY 2013

Budget Summary

ALLEN PARK RECREATION CENTER RENOVATIONS

January 1, 2010 - Dec.31, 2013

Categories	Non-PHCD	R-356-13	CDBG 2012	CDBG 2010	CDBG FY 2008	Total All Sources
Personnel						
Consultants Engineer/ Design Services				\$30,720.00		\$30,720.00
Operationg Expenses						
Commodities						
Capital Outlay	\$160,229.00	\$170,000.00	\$170,000.00	\$169,280.00	\$172,491.00	\$842,000.00
	\$40,000.00	\$30,000.00	\$30,000.00			\$100,000.00
Construction Management						
<b>Total</b>	<b>\$200,229.00</b>	<b>\$200,000.00</b>	<b>\$200,000.00</b>	<b>\$200,000.00</b>	<b>\$172,491.00</b>	<b>\$972,720.00</b>



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
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## MEMORANDUM

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---

**TO:** Mayor and City Council

**FROM:** Roslyn B. Weisblum, City Manager

**DATE:** Tuesday, June 4, 2013

---

**RE:** Resolution No. R2013-32 (City Manager Roslyn B. Weisblum)

---

**BACKGROUND:** On February 16, 2010 the City Council passed Resolution No. R2010-13 authorizing the City Manager to execute an Interlocal Agreement ("Agreement") with Miami-Dade County for the Community Development Block Grant for FY2010 projects which included \$737,471 for the NE 172 Street Drainage Improvement Project ("Project"), between NE 23 Ave and W. Dixie Hwy. from NE 170 Street to NE 172 Street. On April 5, 2011, by Resolution No. R2011-17, the City approved Amendment No. 1 to that Agreement allocating an additional \$350,000 of CDBG funds for the Project's Phase II. Pursuant to the increased funding, the City requested an Agreement extension to December 31, 2012 in order to perform additional work. On June 26, 2012 the County granted Amendment No. 2 extending the FY2010 CDBG Agreement until December 31, 2012. Furthermore, on May 7, 2013 the Miami-Dade County Board of County Commissioners amended its FY2013 Action Plan to allocate an additional \$307,000 of CDBG funds (Amendment No. 3) for the Project and extending the Agreement until December 31, 2013.

**RECOMMENDATION:**

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Roslyn B. Weisblym, City Manager  
Shari Kamali, Director, Public Services  
Jeff An, City Engineer

---

**ATTACHMENTS:**

- ▣ [Resolution No. R2013-32](#)
- ▣ [Amendment No. 3 to FY2010 CDBG Contract](#)

**RESOLUTION NO. R2013-32**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY ALLOWING THE CITY TO RECEIVE UP TO AN ADDITIONAL \$307,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO BE USED FOR NE 172 STREET DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 16, 2010, the City Council of the City of North Miami Beach passed Resolution No. R2010-13 authorizing the City Manager to execute an Interlocal Agreement with Miami-Dade County for the Community Development Block Grant ("CDBG") for Fiscal Year 2010 Projects which included \$737,471.00 for the NE 172 Street Drainage Improvement Project located between NE 23 Avenue and West Dixie Highway from NE 170 Street to NE 172 Street; and

**WHEREAS**, on April 5, 2011, the City Council passed Resolution No. R2011-17 approving Amendment No. 1 to that Interlocal Agreement between the City of North Miami Beach ("City") and Miami-Dade County ("County") allocating an additional \$350,000.00 of CDBG funds for the construction of NE 172 Street Drainage Improvement Project-Phase II; and

**WHEREAS**, based on the additional CDBG funds available to the City, the City requested an agreement extension to December 31, 2012 in order to perform additional work pursuant to the increased funding; and

**WHEREAS**, on June 26, 2012, the County granted Amendment No. 2 extending the FY2010 CDBG Agreement between the County and the City until December 31, 2012.; and

**RESOLUTION R2013-32**

**WHEREAS**, on May 7, 2013 the Miami-Dade County Board of County Commissioners passed Resolution No. R-356-13 amending its Fiscal Year 2013 Action Plan to allocate an additional \$307,000.00 of CDBG funds (Amendment No. 3) for the 172 Street Drainage Improvement Project and extending the FY2010 CDBG Agreement between the County and the City until December 31, 2013; and

**WHEREAS**, the Mayor and City Council have determined that amending the Interlocal Agreement to accept the grant funds and extending the timeframe of the Agreement will improve the quality of life of the County's and City's residents.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida, hereby approve Amendment No. 3 to the Interlocal Agreement between the City of North Miami Beach and Miami-Dade County, and the acceptance and utilization of the Community Development Block Grant Funds awarded in an amount not to exceed \$307,000.00, in order to implement Phase II of the NE 172 Street Drainage Improvement Project.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ **day of June, 2013.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

Sponsored by: Mayor & Council

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

**RESOLUTION R2013-32**



Carlos A. Gimenez, Mayor

Public Housing and Community Development

701 NW 1st Court • 14th Floor  
Miami, Florida 33136-3914  
T 786-469-2100 F 786-469-2237

miamidade.gov

May 16, 2013

Mr. Jeff Huren An, Assistant Director  
Public Services Department  
City of North Miami Beach  
17050 NE 19th Avenue  
North Miami Beach, FL 33162

Dear Mr. An:

Re: Amendment Three to the FY 2010 CDBG Contract - \$1,394,471 (NE 172<sup>nd</sup> Street Improvement)

This letter accompanies Amendment Three to the FY 2010 Community Development Block Grant (CDBG) contract between your agency and Miami-Dade County. This amendment covers the \$1,394,471 award that the Miami-Dade Board of County Commissioners approved through Resolutions #R-1284-09, R-67-11 and R-356-13 for your agency's NE 172nd Street Improvement activity.

The individual authorized legally by your agency's Board must sign and date all seven counterparts. Your organization's corporate seal must be affixed to all copies returned to PHCD.

You must return six of the seven contract amendment copies along with the Board resolution authorizing the contract Amendment Three for \$1,394,471. The amendment should be submitted to PHCD by May 23, 2013. Please ensure that you meet that deadline to prevent any delays in the execution of your agency's agreement or the processing of payments for the expenditures of your projects.

The following items contain the federal and PHCD regulations, policies, and procedures that apply to your agency's agreement:

- |  |                |
|--|----------------|
| X Contract Compliance Manual                 | X OMB A-122    |
| X Revised CDBG Regulations (24 CFR Part 570) | X OMB A-133    |
| X OMB A-110                                  | X F.S. 607.124 |
| X Revised HOME Regulations (24 CFR Part 92)  |                |

Please contact me at (786) 469-2161, if you have any questions regarding the agreement.

Sincerely,

  
Claudious Thompson, Project Manager  
Project Management Unit

**AMENDMENT THREE TO THE  
FY 2010 COMMUNITY DEVELOPMENT BLOCK GRANT  
CONTRACT BETWEEN  
MIAMI-DADE COUNTY  
AND  
CITY OF NORTH MIAMI BEACH**

This Amendment amends the FY 2010 Community Development Block Grant Contract between Miami-Dade County and City of North Miami Beach (the "Contract") entered into between Miami-Dade County, hereinafter referred to as the "County" and the City of North Miami Beach, hereinafter referred to as the "Awardee" executed on November 18, 2010, is amended as follows:

1. Page 1. Paragraph IV, first (1<sup>st</sup>) sentence is amended to read as follow:  
WHEREAS, the County has appropriated \$1,394,471 of CDBG funds to the activity NE 172<sup>nd</sup> Street Roadway Improvements located at NE 172<sup>nd</sup> between NE 23<sup>rd</sup> Ave and West Dixie, North Miami Beach, Florida 33162.

2. Page 29, Section III, first (1<sup>st</sup>) sentence is amended to read as follow:  
Subject to the availability of funds, to pay for contracted Activities according to the conditions contained within this Agreement in an amount not to exceed \$1,394,471.

3. Page 29, Section IV, Subsection A, number 2, the first (1<sup>st</sup>) sentence is amended to read as follow:  
The agreement shall expire on December 31, 2013.

4. Attachment A is amended as indicated in Attachment A.

5. Attachment B is amended as indicated in Attachment B.

This Amendment is intended to extend the FY 2010 Community Development Block Grant Contract between Miami-Dade County and the City of North Miami Beach executed on November 18, 2010 (the "Contract"), until December 31, 2013. The Parties ratify and adopt all the provisions, duties and obligations of the Contract as if fully set forth herein. All reference in the Agreement/Contract to the expiration date shall now read the expiration date of December 31, 2013.

The effective date for this amendment is December 31, 2012.

Except for any changes enumerated above, all provisions of the contract shall remain in full force and effect.

This Amendment and all its attachments are hereby made a part of the Contract.

AWARDEE:

MIAMI-DADE COUNTY

City of North Miami Beach  
(172<sup>nd</sup> Street Improvement)

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: Roslyn Weisblum

NAME: Carlos A. Gimenez

TITLE: City Manager

TITLE: Mayor

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

ATTEST

NAME: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Witnesses:

BY: \_\_\_\_\_

(Signature)

\_\_\_\_\_  
Type or Print Name

Federal ID  
Number: 59-6000389

Resolution #: \_\_\_\_\_

Index Code: \_\_\_\_\_

Contractor's Fiscal Year Ending Date: \_\_\_\_\_

CORPORATE SEAL:

AMENDMENT IS NOT VALID UNTIL SIGNED AND DATED BY BOTH PARTIES



DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



**City of North Miami Beach  
FY 2010 Scope of Services  
January 1, 2010 – December 31, 2013**

1.	- <b>ACTIVITY TITLE:</b> IDIS #: INDEX CODE: RESOLUTION #: DUNS #: ACTIVITY #	NE 172nd Street Roadway Improvements  _____ _____ R-1285-09, R-356-13, & R-67-11 071313951
2.	- <b>ACTIVITY DESCRIPTION:</b>  2a. – Activity Category: 2b. – Objective: 2c. – Outcome:	This project will consist 600 linear feet of road reconstruction with drainage, installation of pump, installation of injection wells, curbing, on-street parking, street light upgrading, sidewalks and landscaping between NE 172 <sup>nd</sup> between NE 23 <sup>rd</sup> Avenue and West Dixie in the City of North Miami Beach.  _____ Capital Improvements 570.208(a)(1) LMA Availability/Accessibility
3.	- <b>APPROVED BY BCC:</b> Other Funding Source and Amount:	Amount: \$1,394,471      Source: CDBG      FY: 2010 _____
4.	- <b>TOTAL PROJECT COST:</b>	\$1,707,471 _____
5.	- <b>HUD INFORMATION:</b> 5a. – HUD matrix code: 5b. – HUD Activity Type: 5c. – Eligibility	O3K Street Improvements _____
6.	- <b>ACCOMPLISHMENTS:</b> 6a. – Number of Units: 6b. – Type:	_____ People _____
7.	- <b>NATIONAL OBJECTIVE:</b> Total # of Low/Mod in Service Area: Census Tract: Block Group:	_____ 2.01 2 _____
8.	- <b>ACTIVITY ADDRESS:</b>	_____ _____
9.	- <b>LOCATION:</b> NRSA: District:	_____ _____ _____
10.	- <b>LABOR STANDARD applicable</b> Type of Work: <input type="checkbox"/> Building <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Heavy	Highway _____

COMMENTS:

&gt; PROJECT MANAGER:

PLANNER:

CITY OF NORTH MIAMI BEACH  
 FY 2013  
 Budget Summary  
 NE 172nd Street Drainage Improvement Project  
 January 1, 2010 - Dec 31, 2013

Categories	Non-PHCD	CDBG 98	CDBG 02	CDBG 03	CDBG 05	CDBG 06	CDBG 07	CDBG 10	R-356-13	TOTAL CDBG	Total All Sources
Capital Outlay	\$200,000.00	\$145,772.02	\$250.00	\$2,825.52	\$1,982.41	\$59,709.99	\$139,460.06	\$ 717,471.00	\$260,950.00	\$1,328,421.00	\$1,528,421.00
Engineering Design and Construction Administration	\$100,000.00							\$ 20,000.00	\$46,050.00	\$66,050.00	\$166,050.00
<b>Total</b>	<b>\$300,000.00</b>	<b>\$145,772.02</b>	<b>\$250.00</b>	<b>\$2,825.52</b>	<b>\$1,982.41</b>	<b>\$59,709.99</b>	<b>\$139,460.06</b>	<b>\$737,471.00</b>	<b>\$307,000.00</b>	<b>\$1,394,471.00</b>	<b>\$1,694,471.00</b>

\*\$307,000 for 2013 - 15% of it can be used for CEI if needed.



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## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Roslyn B. Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

---

**RE:** Resolution No. R2013-33 (Chief Procurement Officer Brian K. O'Connor)

---

**BACKGROUND:** The North Miami Beach City Council approved the award of ITB No. 2011-12 to Florida Construction & Engineering, Inc for Phase II renovation at Allen Park De Leonardis Youth Center via Resolution No. R2012-1 on January 10th, 2012.

Additional electrical, architectural, and other improvements are needed to comply with the Fire and Building Departments' requirements, and to provide a better facility for the community. The Engineer for the project, The Russell Group, Inc., has reviewed and approved the change.

Based on the granting of additional Miami-Dade County Department of Housing and Community Development Block Grant ("CDBG") funds, it is necessary to amend the original Agreement by executing Change Order No. 1.

**RECOMMENDATION:** It is the staff's recommendation to approve Change Order No.1 to bring the construction site up to code, utilize the funds, and improve the facility's usage.

**FISCAL IMPACT:** FISCAL IMPACT: FY '13  
Original Contract Amount: \$437,346.00  
Change Order No.1 amount: \$188,172.24  
Percentage of change: 43.03%  
New Contract Amount: \$625,518.24  
Account No: 351850-519830

**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Brian K. O'Connor, Chief Procurement Officer

---

**ATTACHMENTS:**

- ▣ [Resolution No. R2013-33](#)
- ▣ [change order supporting docs](#)
- ▣ [Change Order No. 1](#)

**RESOLUTION NO. R2013-33**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH FLORIDA CONSTRUCTION & ENGINEERING, INC. FOR THE PHASE II RENOVATIONS AT ALLEN PARK'S DE LEONARDIS YOUTH CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE ORIGINAL AGREEMENT; INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$188,172.24 FOR A TOTAL AGREEMENT AMOUNT OF \$625,518.24; AND EXTENDING THE AGREEMENT BY NINETY DAYS.**

**WHEREAS**, the City of North Miami Beach issued Invitation to Bid No. 2011-12 for the furnishing of all labor, equipment and materials for the De Leonardis Youth Center renovations at Allen Park-Phase II ; and

**WHEREAS**, the City of North Miami Beach ("City") approved and adopted Resolution R2012-1 to execute an agreement with Florida Construction & Engineering, Inc. to complete all the proposed renovations; and

**WHEREAS**, based on the granting of additional Miami-Dade County Department of Housing and Community Development Block Grant ("CDBG") funds, it is necessary to amend the original Agreement by executing Change Order No. 1; and

**WHEREAS**, Change Order No. 1 will allow for the installation of a bike rack, an addressable fire alarm system, fire rated glass partitions, additional telecommunication network conduits with several electrical improvements and new partitions, ceiling improvements, and miscellaneous architectural improvements, which will provide a better facility for the community; and

**WHEREAS**, Change Order No. 1 will also allow for an extension of the contract by ninety (90) days to perform the new additional work; and

**RESOLUTION R2013-33**

**WHEREAS**, additional CDBG funds were awarded recently for this project but must be utilized before November 30, 2013.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize and direct the City Manager and the City Clerk to execute Change Order No. 1 to the original agreement between the City and Florida Construction Engineering, Inc., increasing the agreement amount by \$188,172.24 for a total agreement amount of \$625,518.24 for the renovation project, as outlined in Exhibit "A", attached hereto and incorporated herein by reference, in a form acceptable to the City Attorney.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_\_ day of **June, 2013**.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

Sponsored by: Mayor and Council

CHANGE ORDER FORM

Project: **City of North Miami Beach  
Allen Park Renovations**

CHANGE ORDER NO. 1

DATE OF ISSUANCE: June 4, 2013

CONTRACTOR: Florida Construction & Engineering, Inc (FCE)

EFFECTIVE DATE: \_\_\_\_\_

ENGINEER: TRP, Inc.

OWNER'S CONTRACT NO.: 2011-12

The following changes are hereby made to the Contract Documents:

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price; <b>Base: \$398,396</b> <b>Alternates: \$38,950</b> <b>Total: \$437,346</b>	Original Contract Times Substantial Completion: <u>180 calendar days</u> Ready for final payment: <u>30 calendar days after</u> <u>substantial completion date.</u> _____ days or dates
Net changes from previous Change Orders No. 1 to No. 2  <b>\$N/A</b>	Net change from previous Change Orders No. 1 to No. 2  <u>N/A</u> _____ days
Contract Price prior to this Change Order  <b>\$437,346</b>	Contract Times prior to this Change Order Substantial Completion: <u>180</u> Ready for final payment: <u>30</u> _____ days or dates
Net Increase (decrease) of this Change Order  <b>Increase \$188,172.24</b>	Net Increase (decrease) of this Change Order  <u>90</u> _____ days
<b>Contract Price with all approved Change Orders</b>  <b>\$625,518.24</b>	Contract Times with all approved Change Orders Substantial Completion: <u>270</u> Ready for final payment: <u>30</u> _____ days or dates

---

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CHANGES ORDERED:

I. GENERAL: This change order is necessary to cover changes in the work to be performed under this Contract. The General Conditions, Supplementary Conditions, Specifications and all parts of the Project Manual listed in Article 1, Definitions, of the General Conditions apply to and govern all work under this change order.

II. REQUIRED CHANGES:

1. The installation of bike rack. **(\$4,435.08)**
2. The installation of an addressable fire alarm system. **(\$25,301.35)**
3. The installation of fire-rated glass partitions. **(\$127,258.16)**
4. The installation of telecommunication network conduits and several electrical improvements. **(\$13,554.98)**
5. The installation of new partitions, ceilings and miscellaneous architectural improvements. **(\$17,622.67)**

III. JUSTIFICATION:

1. Bike racks were not included in the original design and/or bid documents. They are, however, required by the City's Leisure Services Dept. as well as by the City's Planning & Zoning Dept. See proposed change order (PCO) no. 3A attached.
2. The modification to the existing alarm system to accommodate the installation of the wheelchair lift required the installation of a device that was manufactured by a company that is no longer in business. This situation warrants the installation of new up-to-code modern alarm system. See proposed change order (PCO) no. 13 attached.
3. To accommodate the Leisure Services Dept.'s requirement for enhanced visibility for its staff of the facility, its occupants and their activities, a number of glass windows were proposed throughout the facility, especially along the second floor corridor and the south stairwell. To accommodate these requirements and to simultaneously comply with Miami-Dade County Fire Department's requirement, the proposed windows had to be 1-hour fire-rated glass walls. See proposed change order (PCO) no. 20 attached.
4. The building was constructed in the 1960's. The project proposes a number of connections to the existing electrical system. A number of violations and other issues were discovered during construction that warrants the investment in new electrical systems to bring the building up to code. Also, the IT, telephones and building management systems were impacted by the construction has to be replaced or modified. See proposed change order (PCO) nos. 7, 8, 16, 18 & 24 attached.
5. During construction a number adjustments has to be made to the ceiling and partitions to facilitate the installation of the fire – rated corridors and glass walls.



Numerous ceiling tiles were damaged from rainwater intrusion into the building. In some areas, ceiling and partitions have be modified to accommodate the Fire Department fire-wall requirements. See proposed change order (PCO) nos. 19, 21, 22, 23 & 25 attached

IV. PAYMENT:

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgments:

The aforementioned changes, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order; and,

It is expressly understood and agreed that the approval of Change Order No.1 shall have no effect on the original contract other than matters expressly provided herein.

Change Order Request by: City of North Miami Beach

Change(s) Ordered by: City of North Miami Beach

RECOMMENDED BY:

\_\_\_\_\_  
(Engineer)

By: \_\_\_\_\_  
(Authorized Signature) (Date)

\_\_\_\_\_  
(Title)

APPROVED BY:

City of North Miami Beach, Florida

ACCEPTED BY:

\_\_\_\_\_  
(Contractor)

\_\_\_\_\_  
(Authorized Signature) (Date)

\_\_\_\_\_  
(Title)

(Owner)

By: \_\_\_\_\_  
(Project Manager) (Date)

By: \_\_\_\_\_  
(Department Head) (Date)

By: \_\_\_\_\_  
(Procurement Division) (Date)

By: \_\_\_\_\_  
(City Manager) (Date)



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## MEMORANDUM

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**TO:** Mayor and City Council

**FROM:** Roslyn B. Weisblum, City Manager

**DATE:** Tuesday, June 4, 2013

---

**RE:** Forfeiture (LETF) Appropriation Request (Chief Larry Gomer)

---

**BACKGROUND:** The asset forfeiture program is a process to deprive the criminals from the proceeds of their crime, and offset any investigative expenses of law enforcement. Police departments are allowed to utilize the proceeds from these investigations to offset the costs of certain allowed expenses as provided by federal guidelines and State Statutes. Usually the investigations are long-term and are conducted as part of a task force operation. These task forces may be entirely comprised of NMB Police Officers or they may include other local, state and federal agencies. The specific nature of processing the case determines which forfeiture fund the proceeds are to be recorded. The Police Department has three (3) separate funds to account for the revenues and expenditures as required by the State of Florida, U.S. Department of Justice and U.S. Department of Treasury. The table below identifies the agencies within each forfeiture fund. The Police Department is requesting appropriation approval of \$31,583.24 from the Federal (Justice) Law Enforcement Trust Fund.. Please refer to the attached LETF request dated May 20, 2013 for a description of expenditure requests from each of the three (3) Law Enforcement Trust Funds (LETF).

**RECOMMENDATION:** It is respectfully requested that the funding requests be approved for the expenditures described in the attached document.

**FISCAL IMPACT:** This request will not affect the City's General Fund, but will reduce the available balance in each corresponding LETF.

**CONTACT PERSON(S):** Larry Gomer, Chief of Police  
Kevin Prescott, Administrative Police Captain

---

**ATTACHMENTS:**

- ▣ [LETF Request May 2013](#)

**CITY OF NORTH MIAMI BEACH, FLORIDA**

**INTER-OFFICE MEMORANDUM**

TO: Roslyn B. Weisblum  
City Manager

DATE: May 20, 2013

SUBJECT: Use of LETF Funds

FROM: Larry Gomer  
Chief of Police

REFERENCES:

ENCLOSURES:

---

I respectfully request that you place on the agenda for the next City Council meeting the attached appropriation request totaling **\$31,583.24** for expenditure from the Law Enforcement Trust Accounts. We will ask for **\$31,583.24** from the Federal Justice Law Enforcement Trust Fund (Fund 172), **\$ 0.00** from the Federal Treasury Law Enforcement Trust Fund (Fund 177), and **\$ 0.00** from the State/Local Law Enforcement Trust Fund (Fund 173).

As Chief of Police, I certify that to the best of my knowledge, the items requested below are in compliance with applicable Federal Guidelines and Florida Statute Chapter 932.7055, subsection 4, regarding the disposition of lien, seized, and forfeited property.

If you have any questions concerning this request, please contact Chief Larry Gomer at extension 2717 or Captain Kevin Prescott at extension 2528.

cc: Kevin Prescott, Administrative Police Captain  
Betty Kennedy, Police Finance



**Federal (Treasury) LETF (Fund 177):**

The above requested amount will be used for the following law enforcement related purpose(s):

**Federal (Treasury) Status Report (as of 5/13/2013):**

Surplus Carryover - 10/01/12                   \$     1,224,774.92

FY 2013 to Date:

Revenues	30,199.70
Current Year Council Appropriations	(75,000.00)
Prior Year Council Appropriations)	(75,000.00)
Encumbered Prior Year Approvals	(26,768.75)
Expenditures	(19,204.53)
 Total of this request	 0.00

Balance Available for Expenditure           \$     1,059,001.34







City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

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---

**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, June 4, 2013

---

**RE:** Litigation List

---

**BACKGROUND:**

**RECOMMENDATION:**

**FISCAL IMPACT:**

**CONTACT PERSON(S):** Darcee S. Siegel, City Attorney

---

**ATTACHMENTS:**

▣ [Litigation List](#)

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: June 4, 2013**

---

**LITIGATION LIST**

**I. Civil Rights:**

<b><u>Kassie, A. v. CNMB</u></b>	<b>SETTLED</b>
<b><u>Joseph, J. v. CNMB</u></b>	<b>SETTLED</b>
<b><u>Madura v. CNMB, Marciante, and Sanchez</u></b>	<b>ORDERS/VERDICT VACATED/ CASE REMANDED FOR NEW TRIAL</b>

**II. Personal Injury:**

\* **Arboleda v. CNMB**  
**Vehicle Accident**

\* **Hoyos v. CNMB**  
**Vehicle Accident**

**III. Other Litigation:**

\* **Citifinancial v Gordo v. CNMB**  
**Writ of Garnishment** **GARNISHMENT SATISFIED/  
CASE CLOSED**

\* **Spiegel v. Dargenson, et al.**  
**Declaratory and Injunctive Relief**

**IV. Forfeitures:**

	<b><u>CNMB v. Alvarado/Paul</u></b>	<b>SETTLED</b>
	<b><u>CNMB v. Baillou</u></b>	<b>SETTLED</b>
*	<b><u>CNMB v. Clermont/Tullis/Summersett</u></b>	
	<b><u>CNMB v. Gomez</u></b>	<b>SETTLED</b>
	<b><u>CNMB v. Harris/Rodriguez/Dunston</u></b>	<b>DEFAULT ENTERED</b>
	<b><u>CNMB v. Montes Ramirez</u></b>	<b>DEFAULT ENTERED</b>
	<b><u>CNMB v. Pagan/Gordillo-Rosas</u></b>	<b>DEFAULT ENTERED</b>
	<b><u>CNMB v. Rene/Rene/Walker/Fast Lane Auto</u></b>	<b>SETTLED</b>
	<b><u>CNMB v. Reyes Zapata</u></b>	<b>SETTLED</b>
	<b><u>CNMB v. Zurita</u></b>	<b>SETTLED</b>

**V. Mortgage Foreclosures:**

- \* **Bank of America v. CNMB (Pierre, et al.)**
- \* **Branch Banking v. CNMB (Simons)**
- \* **Deutsche Bank v. CNMB (Collier, et al.)**
- \* **Federal National Mortgage v. CNMB (Gonzalez, et al.)**
- \* **Goshen Mortgage LLC v CNMB (Mcdonld-Holas)**
- \* **HSBC Bank v. CNMB (Williams, et al.)**
- \* **JP Morgan v. CNMB (Pierremont-Dorcely, et al.)**
- \* **21 Assets Management Holdings v. CNMB (Burk, et al.)**
- \* **Wells Fargo Bank v CNMB (Marques, et al.)**

**VI. Bankruptcies:**

- \* **Francis, Curt Douglas**
- \* **Harris, Agnes**
- \* **Mendoza, Jonathan**
- \* **Rojas, Pedro & Amorina**
- \* **Rojo, Jose**
- \* **Rubin, Michael**



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 Print

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**TO:** Mayor and City Council  
**FROM:** Roslyn Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

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**RE:** Resolution No. R2013-26 (City Planner Christopher Heid)

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**BACKGROUND:** The applicants, Saul & Fortuna Smukler, request after-the-fact variances in order to legalize an existing cabana and nonconforming pervious lot area at 3207 NE 168 Street, in the RS-1, Residential Single-Family Zoning District.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Christopher Heid, City Planner

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### ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 8, 2013](#)
- ❑ [Resolution No. R2013-26](#)



***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**STAFF REPORT**

**CITY COUNCIL**

**TUESDAY, JUNE 4, 2013**

<b>ITEM # 13-540</b>	<b>CABANA (SINGLE-FAMILY HOUSE)</b>
<b>OWNER OF PROPERTY</b>	Saul & Fortuna Smukler
<b>ADDRESS OF PROPERTY</b>	3207 NE 168 Street
<b>LEGAL DESCRIPTION</b>	LOT 15, BLOCK 9, OF EASTERN SHORES FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 39, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FL
<b>EXISTING ZONING</b>	RS-1, RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT
<b>EXISTING LAND USE</b>	SINGLE-FAMILY HOUSE
<b>FUTURE LAND USE DESIGNATION</b>	RESIDENTIAL LOW DENSITY

The applicants, Saul & Fortuna Smukler, request after-the-fact variances in order to legalize an existing cabana at 3207 NE 168 Street, in the RS-1, Residential Single-Family Zoning District.

Variances requested are as follows.

1. Request variance from Section 24-41 (D) (3) to waive three (3) feet of the minimum required rear yard setback of twenty-five (25) feet. (Cabana rear yard setback of twenty-two (22) feet existing.)
2. Request variance from Section 24-41(D) (3) to waive six (6) feet of the minimum required interior side yard setback of eight (8) feet. (Cabana interior side yard setback of two (2) feet existing.)

**3. Request variance form Section 24-41(D) (8) to waive 965 square feet of the minimum required pervious lot area of 5,208 square feet (35%). (Pervious lot area of 4,243 square feet (28.5%) exists.)**

**ZONING** – The subject property, as well as all surrounding properties, is zoned RS-1, Residential Single-Family. (See attached Exhibit #1 for a Zoning Map of the subject property).

**EXISTING LAND USE** - The subject property, as well as all surrounding properties, is a single-family house. (See attached exhibit #2 for a Land Use Map of the subject property).

**FUTURE LAND USE** - The subject property, as well as all surrounding properties, has a future land use designation of Residential Low Density. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

**THE SITE** – The subject property is irregularly shaped, containing 14,881 square feet (0.35 acre). The property has 138 feet of frontage on Maule Lake and 76 feet of canal frontage.

**THE PROJECT** – The project proposes the legalization of a 124 square foot, 8 foot 3 inch tall cabana located in the rear of the property, along the south interior property line. The property also lacks the required amount of pervious lot area, 5,208 square feet. A variance is being requested to waive 965 square feet of required pervious area, allowing all concrete and paving to remain as it currently exist on the property.

#### **COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS**

The existing cabana was constructed prior to 2001, when the current homeowners purchased the property. The cabana structure is in a non-obtrusive location. It is of CBS construction, with glass block and a flat roof, making it compatible with the primary structure.

Staff has no objections to the requested variances.

#### **PLANNING & ZONING BOARD HISTORY**

This item was heard by the Planning & Zoning Board Meeting April 8, 2013 and received a favorable recommendation with a vote of 6-0.

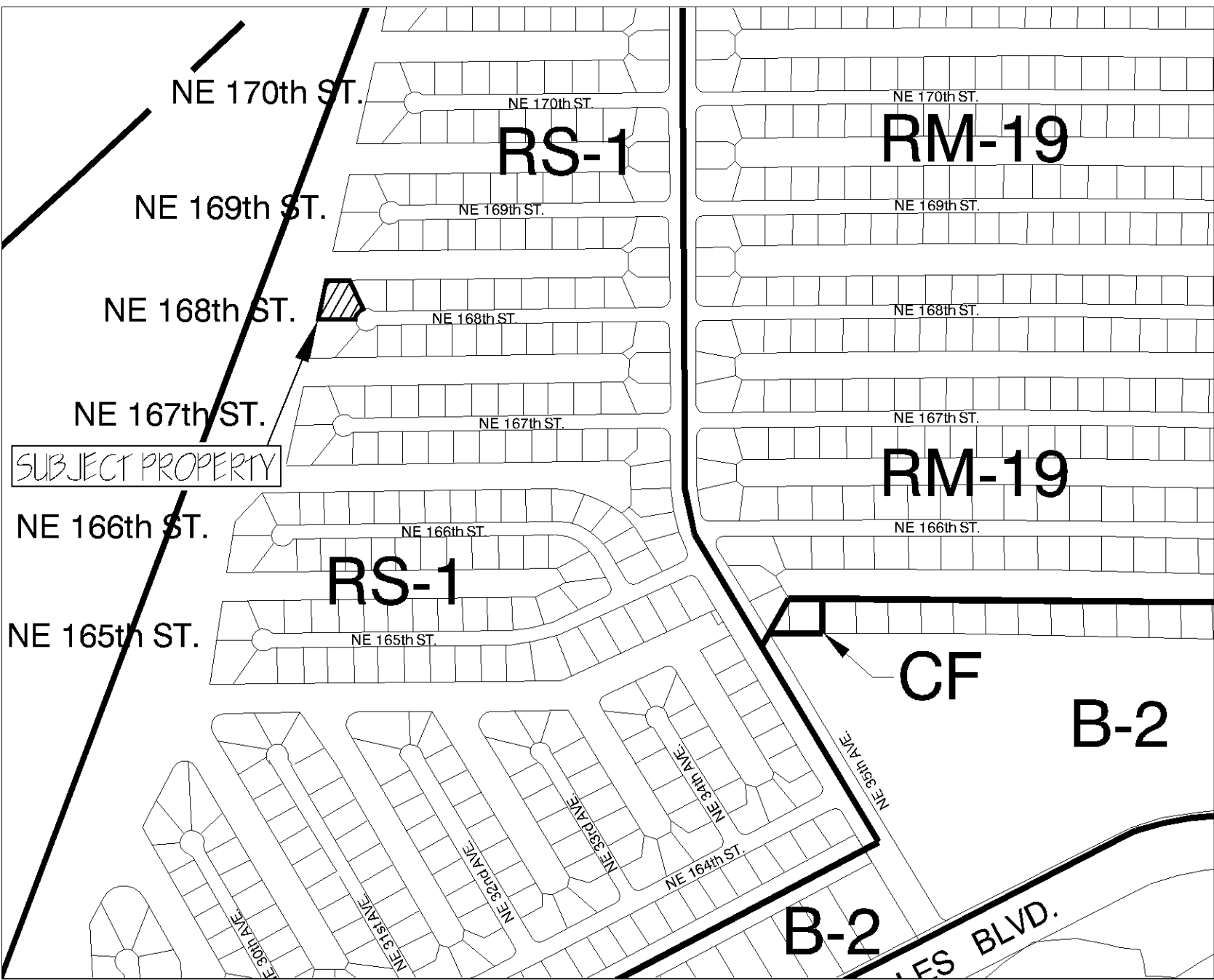
#### **COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

It is recommended that the request for after-the-fact variances be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheet 2 of 2, by Accurate Land Surveyors, Inc., dated 11/06/2001;
  - Cabana Structure Plans and Elevations, Sheet 1 of 1, by Saul Smukler, dated 1/14/2013;

2. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for the cabana.
3. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.





- Legend:
- RS-1 Residential Single Family (8,000 SF minimum)
  - RS-2 Residential Single Family (7,000 SF minimum)
  - RS-3 Residential Single Family (6,000 SF minimum)
  - RS-4 Residential Single Family (5,000 SF minimum)
  - RS-5 Residential Single Family (1,200 SF minimum)
  - MH-1 Mobile Home Subdivision
  - RD Residential Two-Family (Duplex)
  - RM-19 Residential Low Rise Multifamily Medium Density-19 Units/Acre
  - RM-23 Residential Mid-Rise Multifamily High Density-23 Units/Acre
  - RM-32 Residential High-Rise Multifamily High Density-32 Units/Acre
  - RO Residential Office District
  - B-1 Limited Business District
  - B-2 General Business District
  - B-3 Intensive Business District
  - B-4 Distribution Business and Light Industrial
  - B-5 Distribution Business and Medium Industrial
  - CF Community Facility
  - PUD Planned Unit Development



City of North Miami Beach  
 17050 N.E. 19th Avenue  
 North Miami Beach, Florida 33162

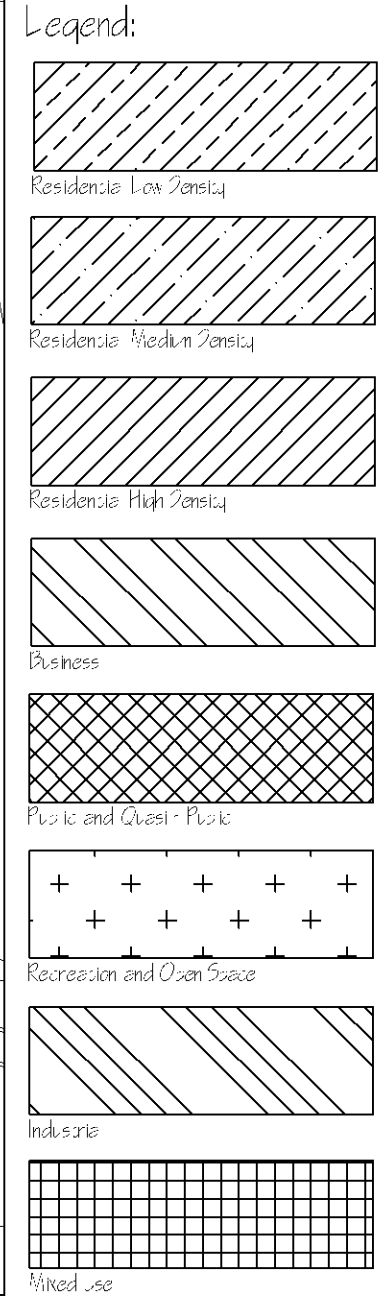
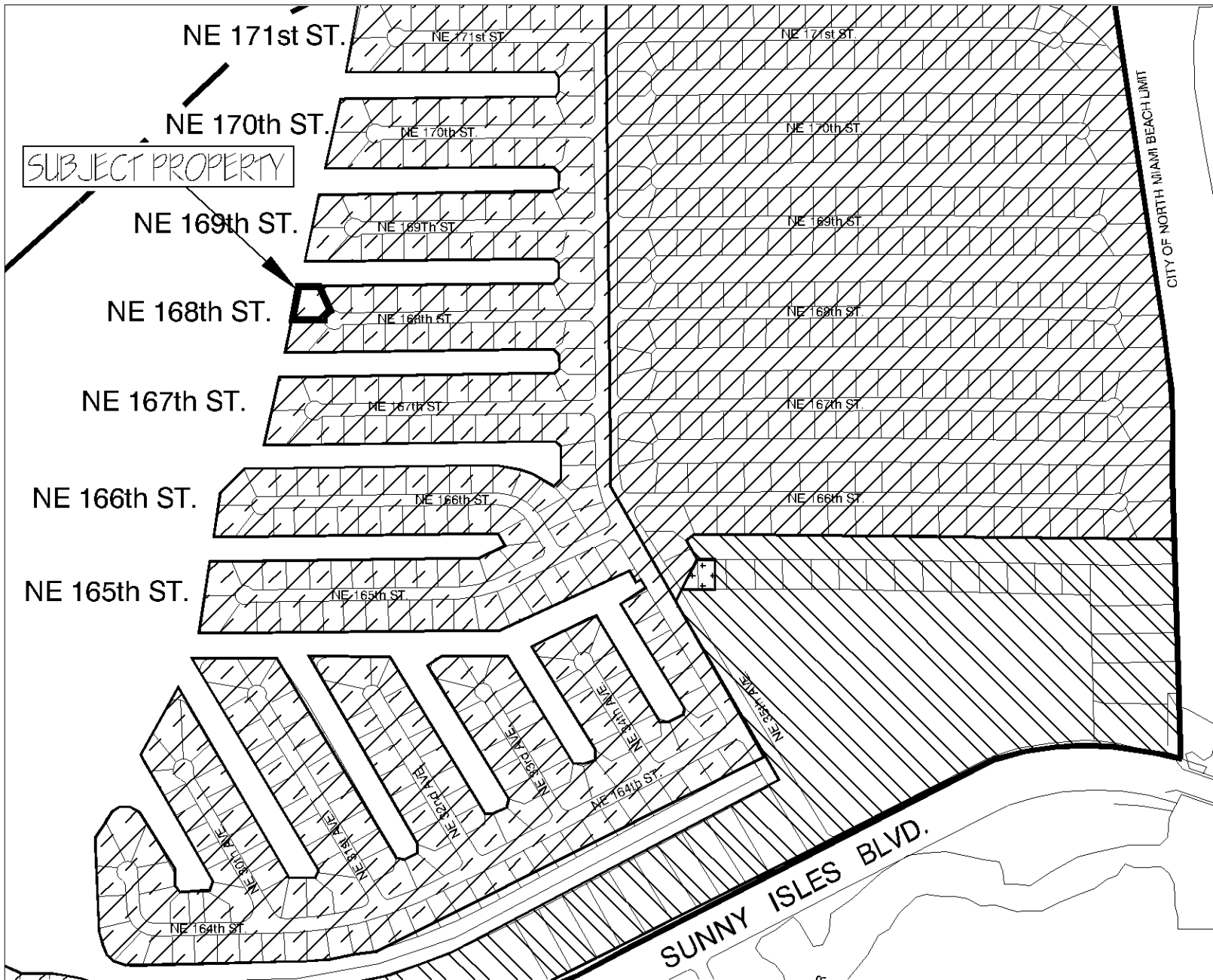

3207 NE 168 Street  
 Cabana Variance



Existing Zoning Map  
 Exhibit No. 1


Prepared by CNMB Engineering Division



City of North Miami Beach  
 17050 N.E. 19th Avenue  
 North Miami Beach, Florida 33162

3207 NE 168 Street  
 Cabana Variance



Future Land Use Map  
 Exhibit No. 3  
 Prepared by CNMB Engineering 2/25/11



# ***City of North Miami Beach, Florida***

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## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **PLANNING & ZONING BOARD MEETING**

MONDAY, APRIL 8, 2013

#### **Attendees:**

Members - Chairman Evan Piper  
Julian Kreisberg  
Joseph Litowich  
Anthony DeFillipo  
Michael Mosher  
Hector Marrero  
Saul Smukler

Christopher Heid, City Planner  
Darcee Siegel, City Attorney  
Shari Kamali, Public Services Director  
Steven Williams, Board Recorder

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#### **Call to Order and Pledge of Allegiance:**

Chairman Piper called the meeting to order at 6:12 p.m. The Pledge of Allegiance was recited and roll was called.

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#### **Minutes:**

A motion was made by Hector Marrero, seconded by Joseph Litowich, to approve the minutes of the February 11, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

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#### **OLD BUSINESS**

Mr. Williams provided the following status report:

1. Item 12-531 Site Plan Modification (Emergency Helipad)  
160 NW 170 Street  
*Approved 5-2 by City Council.*
2. Item 12-523 Right-of-Way Vacation (NE 164 Street)  
1051 North Miami Beach Boulevard  
*Approved unanimously by City Council.*

**NEW BUSINESS**

**Item 13-540: Cabana: 3207 NE 168 Street – After-the-Fact Variances**

Mr. Williams stated that the Applicant is requesting after-the-fact variances for an existing cabana located on the subject property. The requested variances were cabana rear yard setback, interior side yard setback, and existing pervious lot area.

Fortuna Smukler, Applicant, explained that the cabana was located on the property at the time she moved in. Later on, an inspector had cited both the Applicant and a neighbor for their cabanas, and the Applicant applied for a permit for the cabana on her property, as she had not been aware the existing structure was not permitted.

Mr. Mosher noted that the Applicant's neighbor did not object to the structure. Ms. Smukler confirmed this, and added that the cabana is built according to Code.

Vice Chairman Kreisberg advised that he was provided with notice for this Item, and had no objection to the structure.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Williams stated that the City had no objection to the variances, and recommended the Item favorably with three conditions. Ms. Smukler confirmed that she was willing to accept the conditions.

A motion to approve Item 13-540 was made by Michael Mosher and seconded by Anthony DeFillipo. In a roll call vote, the motion passed with a vote of 6-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>ABSENT</b>
<b>Michael Mosher</b>	<b>YES</b>

◆-----◆  
Mr. Smukler joined the meeting at this time.  
◆-----◆

**Item 13-542: 1998 NE 161 Street: RM-23 to B-3 – Rezoning & Conditional Use Approval**

Mr. Williams stated that the Applicant has requested rezoning of a vacant lot from RM-23, Residential Mid-Rise Multi-Family, to B-3, Business. The Applicant also requested conditional use approval to operate an automotive repair shop and/or warehouse on the property.

Sepp Tovini, Applicant, said he had purchased the property as an investment in 2005. He has not been able to develop the property within the RM-23 zoning district. When he had learned the future land use was for Business, he had offered the property for sale, but had not been able to sell it thus far. At this time Staff had advised the Applicant to seek B-3 zoning with conditional warehouse and automotive repair shop use.

Mr. Litowich requested clarification of the Applicant's address. Mr. Tovini said he is a resident of Coral Gables.

Mr. Marrero asked if the Applicant planned to sell the property. Mr. Tovini said he had not made a decision on whether to sell the property or build a repair shop on the parcel. His current business is located on NE 21 Avenue.

Vice Chairman Kreisberg asked if there had been any activity on the property. Mr. Tovini said a small house had been located on the property when he purchased it, but the structure has since been demolished and the lot is vacant. He showed photographs of the parcel and the neighboring residential property.

Mr. Smukler asked to know the location of the residential neighbor. Mr. Tovini said this adjacent property, zoned RM-23 with a future land use of Business, is south of the subject parcel on 19 Avenue. The properties to the north and east are zoned B-4, while the properties to the south and west are RM-23.

Mr. Litowich observed that the existing land use map showed the RM-23 parcel to the south as Business. Mr. Williams explained that this is an error on the map, and the parcel currently contains duplexes. Mr. Litowich asked if construction was planned for the Applicant's vacant lot. Mr. Tovini said he was considering the construction of a warehouse or automotive use. He pointed out that the remaining parcels to the south are zoned Business as well. Shari Kamali, Public Services Director, clarified that the future land use is Business, which means the RM-23 parcels are currently not in compliance.

Mr. Williams explained that the Applicant is requesting both rezoning to B-3 and special or conditional use to allow a warehouse or automotive repair shop within the requested B-3 district. These uses are allowed under B-4 zoning, but not B-3. The Applicant has also agreed to exclude certain uses from B-3 that could be considered objectionable. City Attorney Darcee Siegel advised that this agreement would be executed under a restrictive covenant.

Mr. Williams clarified that the conditional use will apply to the entity that builds on the subject property. It will expire in one year if it is not executed. Chairman Piper stated that if a business on a property allowing conditional use is closed, the next business to be located on the property will not be granted the same conditional use. Mr. Williams replied that the conditional use would continue to apply to the property if another business moves onto the property within 180 days.

Mr. Litowich asked if the conditional use would apply to the property or the owner. Mr. Williams said the conditions apply to the property.

Mr. Litowich asked if there were any conditions that would mitigate the severity of the change to a warehouse or repair shop use on the subject property. Mr. Williams said any building planned for the property would be required to come before the Board for site plan approval, and the street would act as a buffer area. Mr. Tovini said the warehouse doors would face 161 Street, where other warehouses are already located.

Chairman Piper asked if there would be any issues regarding access to the property from 161<sup>st</sup> Street. Ms. Kamali said this would be addressed in the site plan. Mr. Williams added that if it is necessary, the property's postal address would be reassigned as part of site plan approval.

Chairman Piper said he would be more inclined to be in favor of the request if the business faced 161 Street rather than 19 Place. He added that he would prefer to see the building plans for the subject property, including buffers, before granting approval. Mr. Tovini said City Staff had advised him to request rezoning before preparing plans for a structure on the property.

Chairman Piper asked why the request was not for rezoning to B-4. Ms. Kamali replied that the City's Comprehensive Plan does not allow B-4 zoning on this property: although the future land use is Business, it would only allow zoning up to B-3. B-4 zoning allows for industrial uses, while B-3 is restricted to less intensive use.

Chairman Piper asked if the Applicant could receive B-3 zoning at present but request conditional use at a later time when they submitted plans for building on the property. Ms. Kamali said this would be possible, but noted that the Applicant has already paid the necessary fees to request special limited conditional use as well as rezoning.

Mr. Smukler asked if the Board would see the Applicant again if both requests are approved at tonight's meeting. Mr. Williams said the Applicant could not begin construction on the property without site plan approval by the Board and City Council. All new commercial property structures require site plan approval.

Mr. Tovini advised that on 161 Street, all warehouse uses are automotive except for the adjacent parcel to the south and a church. The apartment buildings on 161 Street already face these warehouse uses. Ms. Kamali confirmed that the majority of uses on this part of the street are B-3 and B-4.

Chairman Piper asked if the Applicant had any issues with the possibility of the Board granting the B-3 rezoning, but not granting the conditional use until a site plan has been submitted for the subject property. Mr. Tovini said he would like to sell the property if possible, and prospective builders may realize that they would be limited by the B-3 zoning with no conditional use. He pointed out that the conditional use request has already been advertised.

Mr. Tovini said his main goal is to attempt to locate an office warehouse on the site with auto sales and repairs in the back; he pointed out that this would still require conditional use, as warehouse uses are precluded from B-3 zones. Chairman Piper asked to know the difference between a retail parts and accessories store and a warehouse. Ms.

Kamali responded that the Applicant's request is for an auto repair shop. She read the City's definition of a warehouse into the record, noting that the building must be designed and used for the containment of products or materials "of a dry storage nature."

Chairman Piper asked if a warehouse with an office or sales counter located in the front would no longer be considered a warehouse. Ms. Kamali said this would depend upon the use, as an office could be seen as accessory to the warehouse.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Chairman Piper observed that the Board could approve the B-3 zoning change with the recommended restrictions, and the Applicant could request conditional use when the site plan comes before the Board. Mr. Williams pointed out, that if this was the case, the Applicant would have to re-file his request for conditional use and pay the necessary filing fees for this request once again. Mr. Tovini said because he has been unable to sell the property thus far, and doing so was likely to result in a loss, his primary goal is to keep the property and build on it in order to move his business to the subject location. This would mean coming back before the Board in less than one year with plans for construction.

Mr. Smukler asked if the request for conditional use could be deferred until a later time, such as when the Applicant brought a site plan before the Board for approval. Ms. Siegel said the request for conditional use could be withdrawn. Mr. Williams stated once again that the Applicant has already paid the necessary fee for the conditional use Application, which is \$4000 and is nonrefundable.

Chairman Piper asked if it would be possible for the Board to defer the conditional use request. Ms. Siegel noted that the Board could table the request for conditional use and vote on the B-3 rezoning, with restrictions; in this case, when a site plan is brought before the Board, the fee would not be lost.

Vice Chairman Kreisberg stated that he did not feel approving the conditional use request would place the City at any additional risk, as the Applicant would still be required to bring a site plan before the Board before construction could begin. Mr. Williams added that the site plan would also need to come before Staff for approval before it was advanced to the Board.

Chairman Piper stated that while he was sympathetic to the use, he was concerned that there would be no buffer zone between a warehouse and the residential units located across the street from it. Mr. Tovini pointed out that there is no buffer in place between the residential units and the existing warehouses on the street.

Mr. Smukler asked what would happen if the request was tabled and the Applicant subsequently sold the property. Mr. Tovini reiterated that he was not planning on selling the property, as this was likely to result in a loss. He was more likely to build an



automotive repair shop or warehouse on the property, which would require the conditional use.

Chairman Piper clarified that a motion could be made to approve the request as written; a motion could also be made to approve the request for B-3 rezoning only, or to table the conditional use request, if the maker of the motion so wished. He explained that he wanted to make sure the Board's options were clear.

Mr. Mosher asserted that whatever the Applicant wished to build facing the residential buildings on 19 Place would not have an effect on these multi-family buildings.

Mr. Williams advised that the City recommended the Item favorably, with the restrictive covenant as included in the request. Mr. Tovini stated that he was willing to accept the conditions as included.

A motion to approve Item 13-542 as written, with conditions, was made by Julian Kreisberg and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Item 13-541: Townhouses: 3500 NE 166 Street – Site Plan Review and Variances**

Mr. Williams stated that the Applicant requests site plan approval and variances for the construction of two duplex townhouses on the .29 acre subject parcel. The property is located in the RM-19 residential low-rise multi-family zoning district. The requested variances are for the minimum required front yard setback, minimum required side yard setback, corner side yard setback, and required parking spaces.

Luis de Rosa, architect for the Applicant, explained that the proposal was for a four-unit development of two twin homes on the parcel. He noted that Code allows for the placement of 5.5 residential units on a lot of this size. The proposed building would duplicate a four-unit development across the street, which is also owned by the Applicant, with similar features and characteristics.

He stated that some of the setbacks and variances requested would actually increase the existing setbacks on the side of the duplex lot when the current structure is demolished and a new structure is constructed. The Applicant felt the required 30 ft. distance separation between buildings was excessive, as Florida Building Code requires only a minimum 10 ft. separation.

Mr. de Rosa advised that the lot is restricted by its semicircular property line; however, the sidewalks and parkways associated with the lot provide a buffer between the property and the street. Some existing conditions, which include a driveway, will be eliminated in order to improve the traffic flow from 166<sup>th</sup> Street. He concluded that the plans would improve the site.

Mr. DeFillipo asked how long the approval process has taken thus far. Mr. de Rosa said the next hearing will be in June, after which time the Applicant expects to obtain permits. Construction is estimated to begin in eight to nine months.

Mr. Smukler commented that the proposed building appeared to be a good addition to the neighborhood.

Mr. Mosher asked a question regarding the orientation of the two planned center units for the project. Mr. de Rosa explained the planning behind the alignment of these units.

Chairman Piper opened the floor to public comment.

David Pichette, private citizen, expressed concern regarding the encroachment of the planned building on the roadways and sidewalks. He stated that he was also concerned with the increased density of the neighborhood and the loss of space between buildings, which have altered the dynamics of the neighborhood. He advised that he has not seen a layout of how the planned building would fit on the lot, and pointed out that if the Applicant's development plan of purchasing existing single-family homes and replacing them with multi-family structures became a pattern, it would change the nature of the Eastern Shores community.

Edward Rhodes, private citizen, asserted that he felt it would be extreme to reduce the LDR requirement significantly by changing the setback from 25 ft. to 16.5 ft. He felt this would encroach onto the street. Reducing the distance between the buildings to 10 ft. would constitute a 67% reduction, and the side yard variance would be a 72% reduction. Mr. Rhodes also asked if the planned garage would count as one of the three parking spaces allowed per unit. He concluded that the variances would result in a decrease in the pervious area of the site, and asked why the variances would be granted without requiring the Applicant to demonstrate a hardship.

Mr. Pichette added that he also felt the setback from the street on 30 Avenue was far too small, and the building would encroach on the street as a result.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid explained that while the variances could give the impression that there was "too much going on" with regard to the site, they were more reasonable when considered more closely. He recalled that the Applicant's initial drawings had included five units instead of four, as allowed by Code, but had ultimately prepared drawings more similar to their development across the street. He also noted that the two

structures could have been pushed together with no separation rather than the 10 ft. separation proposed by the Applicant.

With regard to the front yard setback, Mr. Heid noted that only the extreme northwest corner of the first unit did not lie within the required setback; this was due to the geometry of the lot, which includes a circular arc. The same occurs on the rear yard setback in the extreme southwest corner. He stated that the units themselves are 32 ft. away from the sidewalk. The east side yard setback is slightly larger than the setback of the current building.

He continued that all parking spaces are present, but it was not technically possible to count the westernmost space, of which a corner is outside the property line. It is confined behind the sidewalk and does not encroach upon it. All spaces exceed the requirement of 18 ft. Mr. Heid concluded that the plans are well-designed and replace an outdated structure, and are recommended favorably by the City with 12 conditions.

The Applicant agreed that all conditions could be met.

A motion to accept Item 13-541 with the 12 conditions was made by Julian Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

Mr. Heid advised that the Board's vote was a recommendation to City Council, which will render a final decision on the Item at a second public hearing. Neighboring properties will be noticed and newspaper ads will be taken out to inform the public of the date of the hearing. He estimated that this hearing would be scheduled for June 2013.

◆-----◆  
*It was noted that the following two Items would be presented together:*

**Item 13-538: LDR Text Amendments: Residential Driveways**

**Item 13-539: LDR Text Amendments: Front Yard Pervious Area**

Mr. Heid explained that these amendments to zoning Code would remove the requirement for a minimum front yard pervious area, and would establish different standards for how front yard driveways may be built. At present, a certain percentage of a property must be pervious, including landscaping or green areas through which rainwater may return to the water table. There is also a second requirement for a minimum pervious area in the front yard of a property, which is a very high standard

and often results in variances. The recommendation to do away with the required front yard pervious area would return the standard to an overall pervious area percentage requirement for the entire lot.

He continued that there are other minor changes and clarifications, such as a change that would bring the Eastern Shores community into compliance with the setback standards required throughout the rest of the City. There is another suggestion that 5 ft. setbacks are maintained between a driveway and a house. Semicircular driveways would have a 5 ft. minimum width of the arc. Mr. Heid noted that some driveways are 15 ft. in width, which is considered to be too wide. The driveway flare would be reduced from 5 ft. to 3 ft. in order to prevent connection between adjacent driveway flares. Driveway approaches are limited to two, as in a semicircular driveway.

Mr. Heid stated that when multiple variances come forward over time, it is generally noted that there may be an issue with Code and not with residents. In addition, larger and multigenerational families may have more cars on their properties, and the LDR amendment would prevent these cars from having to be parked on grass, swales, or blocking sidewalks. He concluded that the amendments are "speaking to the market" and providing residents with the changes they want.

Mr. Heid reported that the City recommends both LDR text amendments favorably, which would remove the front yard pervious area requirements but retain the overall pervious area requirements and amend Code regarding residential driveways.

It was asked if it would be possible for a structure to have two separate driveways. Mr. Heid replied that this would be permitted in some situations, although it is not encouraged by the City.

Mr. Smukler asked if off-street parking requirements for commercial and non-residential vehicles would be stricken from Code by the proposed amendments. Mr. Heid said the City's Code Compliance Supervisor had recommended this language be stricken and replaced by a restriction on the parking of commercial vehicles and equipment in residential areas.

Vice Chair Kreisberg requested clarification of this language. Mr. Heid characterized it as less restrictive, and as a clarification that some equipment that is generally not considered offensive, such as pipes or ladders, may be allowed.

Mr. Heid added that restrictions governing stormwater runoff on construction sites would be maintained.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Items, public comment was closed.

A motion to approve Item 13-538 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

A motion to approve Item 18-539 was made by Julian Kreisberg and seconded by Saul Smukler. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

---

**Next Meeting**

Mr. Heid noted that the next meeting would be held on May 13, 2013.

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**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:39 p.m.

**RESOLUTION NO. R2013-26**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE (3) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE CABANA'S REAR YARD SETBACK OF TWENTY-TWO (22) FEET IS EXISTING; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(3) TO WAIVE SIX (6) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF EIGHT (8) FEET, WHERE CABANA'S INTERIOR SIDE YARD SETBACK OF TWO (2) FEET IS EXISTING; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 965 SQUARE FEET OF THE MINIMUM REQUIRED PERVIOUS LOT AREA OF 5,208 SQUARE FEET (35%), WHERE PERVIOUS LOT AREA OF 4,243 SQUARE FEET (28.5%) EXISTS ON PROPERTY LEGALLY DESCRIBED AS:**

**Lot 15, Block 9, of Eastern Shores First Addition, according to the Plat Thereof, as Recorded in Plat Book 65, Page 39, of the Public Records of Miami-Dade County, FL**

**A/K/A  
3207 N.E. 168th Street  
North Miami Beach, Florida**

**(P&Z Item No. 13-540 of April 8, 2013)**

**WHEREAS, the property described herein is zoned RS-1, Residential Single-Family Zoning District; and**

**WHEREAS**, the applicants request after-the-fact variances in order to legalize an existing 124 square foot, 8 foot 3 inches high cabana at 3207 N.E. 168th Street; and

**WHEREAS**, the Planning and Zoning Board on April 8, 2013 recommended approval of the after-the-fact variances, with a vote of 6-0, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheet 2 of 2, by Accurate Land Surveyors, Inc., dated 11/06/2001;
  - Cabana Structure Plans and Elevations, Sheet 1 of 1, by Saul Smukler, dated 1/14/2013.
2. A copy of the signed Resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded Resolution shall be submitted to the City with the building permit plans prior to the issuance of a building permit for the cabana.
3. When plans are submitted for a building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** Approval of after-the-fact variances in order to legalize an existing cabana on property legally described as:

**Lot 15, Block 9, of Eastern Shores First Addition, according to the Plat Thereof, as Recorded in Plat Book 65, Page 39, of the Public Records of Miami-Dade County, FL**

**A/K/A  
3207 N.E. 168th Street  
North Miami Beach, Florida**

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheet 2 of 2, by Accurate Land Surveyors, Inc., dated 11/06/2001;
  - Cabana Structure Plans and Elevations, Sheet 1 of 1, by Saul Smukler, dated 1/14/2013.
2. A copy of the signed Resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded Resolution shall be submitted to the City with the building permit plans prior to the issuance of a building permit for the cabana.
3. When plans are submitted for a building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

**Section 2.** An after-the-fact variance from Section 24-41(D)(3) to waive three (3) feet of the minimum required rear yard setback of twenty-five (25) feet, where cabana rear back yard setback of twenty-two (22) feet is existing, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 3.** An after-the-fact variance from Section 24-41(D)(3) to waive six (6) feet of the minimum required interior side yard setback of eight (8) feet, where cabana interior side yard setback of two (2) feet is existing, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 4.** An after-the-fact variance from Section 24-41(D)(8) to waive 965 square feet of the minimum required pervious lot area of 5,208 square feet (35%), where pervious lot area of 4,243 square feet (28.5%) is existing, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach,



Florida at the regular meeting assembled this \_\_\_ **day of** \_\_\_\_\_, **2013.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Roslyn Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

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**RE:** Resolution No. R2013-28 (City Planner Christopher Heid)

---

**BACKGROUND:** The applicants, Jose Ferrer & Bernie Maribona, request site plan approval and variances for the construction of 2 duplex townhouses (4 units) totaling 10,380 square feet on a 12,805 square foot (0.29 acre) parcel located at 3500 NE 166 Street, in the RM-19, Residential Low-Rise Multifamily (Medium Density) Zoning District.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Christopher Heid, City Planner

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### ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 8, 2013](#)
- ❑ [Resolution No. R2013-28](#)
- ❑ [Legal Description](#)



***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**STAFF REPORT**

**CITY COUNCIL**

**TUESDAY, JUNE 4, 2013**

<b>ITEM # 13-541</b>	<b>TOWNHOMES</b>
<b>OWNER OF PROPERTY</b>	16595 NE 35 AVE, LLC.
<b>ADDRESS OF PROPERTY</b>	3500 NE 166 STREET
<b>LEGAL DESCRIPTION</b>	LENGTHY LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT 4
<b>EXISTING ZONING</b>	RM-19, RESIDENTIAL LOW-RISE MULTIFAMILY (MEDIUM DENSITY) DISTRICT
<b>EXISTING LAND USE</b>	DUPLEX RESIDENTIAL
<b>FUTURE LAND USE DESIGNATION</b>	RESIDENTIAL HIGH DENSITY

The applicants, Jose Ferrer & Bernie Maribona, request site plan approval and variances for the construction of 2 duplex townhouses (4 units) totaling 10,380 square feet on a 12,805 square foot (0.29 acre) parcel located at 3500 NE 166 Street, in the RM-19, Residential Low-Rise Multifamily (Medium Density) Zoning District.

Variances requested are as follows.

1. Request variance from Section 24-47 (D) (4) to waive eight and one half feet (8'-6") of the minimum required front yard setback of twenty-five feet (25'). (Front yard setback of as close as sixteen and one half feet (16'-6") proposed.)
2. Request variance from Section 24-47(D) (4) to waive twenty feet (20') of the minimum required setback between structures of thirty feet (30'). (Setback between structures of ten feet (10') proposed.)
3. Request variance from Section 24-47(D) (4) to waive twelve feet (12') of the minimum required interior side yard setback of twenty feet (20'). (Interior side yard setback of eight feet (8') proposed.)

4. **Request variance from Section 24-47(D)(4) to waive eighteen feet (18') of the minimum required corner side yard setback of twenty-five feet (25'). (Corner side yard setback of as close as seven feet (7') proposed.)**
5. **Request variance from Section 24-95(A) to waive one (1) of the minimum required twelve (12) parking spaces. (Eleven (11) parking spaces proposed, plus one (1) parking space that is partially located in the public right-of-way.)**

**ZONING** – The subject property as well as all properties to the north, east, and south are zoned RM-19, Residential Low-Rise Multifamily (Medium Density) District. All properties to the west, on the west side of NE 35 Avenue, are zoned RS-1, Residential Low Density. (See attached Exhibit #1 for a Zoning Map of the subject property).

**EXISTING LAND USE** - The subject property currently contains a one-story duplex. The properties to the north, east and west are townhouses and condominium buildings and the properties to the west are single family homes. (See attached exhibit #2 for a Land Use Map of the subject property).

**FUTURE LAND USE** - The subject property, as well as the properties to the north, east, and south, have a future land use designation of Residential High Density. The properties to the west have a future land use designation of Residential Low Density. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

**THE SITE** – Subject property is 12,805 square feet (0.29 acre). The parcel has frontage along NE 166 Street, NE 35 Avenue, and 12 feet of frontage along the canal at the rear of the property. There is currently a one-story duplex on the site which will be demolished.

**THE PROJECT** – The project proposes the construction of 2 duplex, two-story townhouses with 4 units totaling 10,380 square feet. Each unit has 3 bedrooms, 3 ½ bathrooms, a private enclosed yard with optional swimming pool, and access to a common seating area along the canal. The townhouses are designed in a Mediterranean style with stucco walls, barrel tile roof, and decorative details.

#### **REVIEW BY OTHER CITY DEPARTMENTS –**

##### **City Forrester**

1. The existing driveway apron(s) must be removed from the swale(s) and the curbing adjusted accordingly.
2. Several of the plant symbols are not found on the plant list such as SA, ID and WD. This must be corrected prior to a permit being issued.
3. Add five more palms along the westernmost wall of this development (unit 1) in order to soften this blank wall along NE 35 Avenue.

## Engineering

### A. General

1. Existing wooden pole may be in conflict with the driveway and may need relocation. Show on the plan the location of pole.
2. Provided a drainage system for this property with trench drains across each driveway.
3. Trench drains must be connected to a storm system which must be designed by an engineer. Trench drains minimum 8" wide will be required for maintenance reason as these could clog up quickly.
4. Check elevations if Type F curb and valley gutter drains towards the south along NE 35<sup>th</sup> Avenue.
5. If the roof is not guttered, catch basins/area drains and properly graded swales/detention areas must be installed to capture runoff from the entire property and discharge them into the drainage system.
6. A Florida certified engineer is required to design the driveway and perimeter elevations to retain the stormwater run off within the property. Trench drains and catch basins must be connected to a storm system. Concrete retaining walls or berms may be required.
7. Provide sediment and erosion control plan for protection of existing catch basins and roadway. The City has an existing drainage catch basin at the south west of the property along NE 35<sup>th</sup> Avenue that must be protected from debris and sediments and must be cleaned or maintained for the duration of the construction. This must be noted in the plan.
8. Restoration of one full lane of the entire front of the property. Road pavement must be milled and resurfaced with 1" of asphalt for final restoration. This must be noted in the plan.
9. A driveway cannot be constructed within 15 feet of the point of intersect of the west and south property lines per MDCPW Standards R-12.
10. NE 168 Street must be curbed with Type "F" curb and gutter and connected to NE 35<sup>th</sup> Avenue. Label on plan.
11. Listed below are permit approval requirements.

### B. Engineering (Paving & Drainage) Permit Approval Requirements:

1. Submit three (2) sets of Engineering Plans (Paving, Grading and Drainage). Plans must be signed and sealed by a State of Florida certified Engineer and must be **stamped approved by D.E.R.M.**. Plans must show at least, but not limited to the following:
  - Existing and proposed elevations around the property and adjacent public right-of-way, rim elevations, to indicate that the storm water run-off will be kept within the property and not allowed into the public right-of-way and adjacent properties.
  - Tributary areas for each catch basins or indicate flow of run-off to catch basins.

- Profile and standard detail drawings of drainage facilities, cross-section showing elevations and dimensions per design calculations.
  - Profile and standard detailed drawings of proposed pavement, curbing, ADA compliant handicap parking stalls, ramps, sidewalk and driveway constructions.
  - Dimensions of sidewalks, driveways, parking stalls, parking aisles, medians, islands, setbacks per City of North Miami Beach standard specifications.
  - Traffic signs and pavement markings.
  - Locations and points of discharge of rain leaders or connection to catch basins.
2. Submit three (2) sets of Drainage Calculations, signed and sealed by an Engineer. Drainage Calculations must specify design criteria and must include all maps, charts, tables, and sources to support parameters used in calculations. Drainage calculations must be based on minimum of 5-year Storm, 10 minutes time of concentration (Intensity = 6.20 inches/hr.).
  3. Submit one (1) original set of S.F.W.M.D Usual-Open-Hole Percolation Test, signed and sealed from an approved testing laboratory, 15' deep test hole at location of proposed exfiltration trench. Percolation rate from this test must be used for the drainage design. This will only be required if an exfiltration trench will be used. Other system such as an injection well can also be used.
  4. Minimum exfiltration trench must be 15' deep, 3 feet wide and 25 feet in length.
  5. Submit Erosion & Sediment Control Plan. CGP/NOI permits from DEP may be required (for projects 1 acre and above).

## **Water and Sewer**

### **A. Water**

1. This property can be served with water by the City of North Miami Beach from an existing 12- inch water main located along North side of NE 166 Street, with 1 fire hydrant located within 300 feet of site, just east of lot 2. Its relationship to site plan should be shown on plan.
2. The water allocation for townhomes use is based on 180 gallons per day (gpd) per unit, assessed at \$5.22 per gpd. ( per ord. 2006-20)
3. Credits will be applied for a duplex at 180 gpd/unit being demolished.
4. A separate meter and backflow preventor is suggested for irrigation purposes to cut cost of sewer billing for site/common areas, although minimal green space in common area.
5. There is a Fireflow Demand Charge assessed on all new construction at a rate of \$1.05 per square foot of new building area. ( per ord. 2006-20)
6. Water service line, Fireline, meter boxes and backflow preventors are to be installed by the developer. The City installs the meter upon payment of the meter fee. Separate meters for each unit are recommended as shown.
7. New water service review and approval must be processed through the City's Engineering Division.

8. Miami-Dade County Fire Department approval is required for adequacy of fire protection for the site. They may look for a second fire hydrant within proximity of site.

#### **B. Sewer**

1. This site lies within Miami-Dade Water and Sewer Dept. sewer service area. They should be contacted directly as to their approval process, availability, possible moratoriums and impact fees.
2. Sewers are located along NE 166 Street.
3. Miami-Dade Water & Sewer Department should be contacted with regards to their current sewer connection charges, which must also be paid.

#### **COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS**

The proposed townhouses are attractively designed and well detailed. The townhouses would be a significant upgrade to the currently underutilized lot and an attractive addition to the City generally and the Eastern Shores neighborhood specifically. Staff feels the requested variances are reasonable and supports the request.

#### **PLANNING & ZONING BOARD HISTORY**

This item was heard by the Planning & Zoning Board at the meeting of April 8, 2013 and received a favorable recommendation with a vote of 7-0.

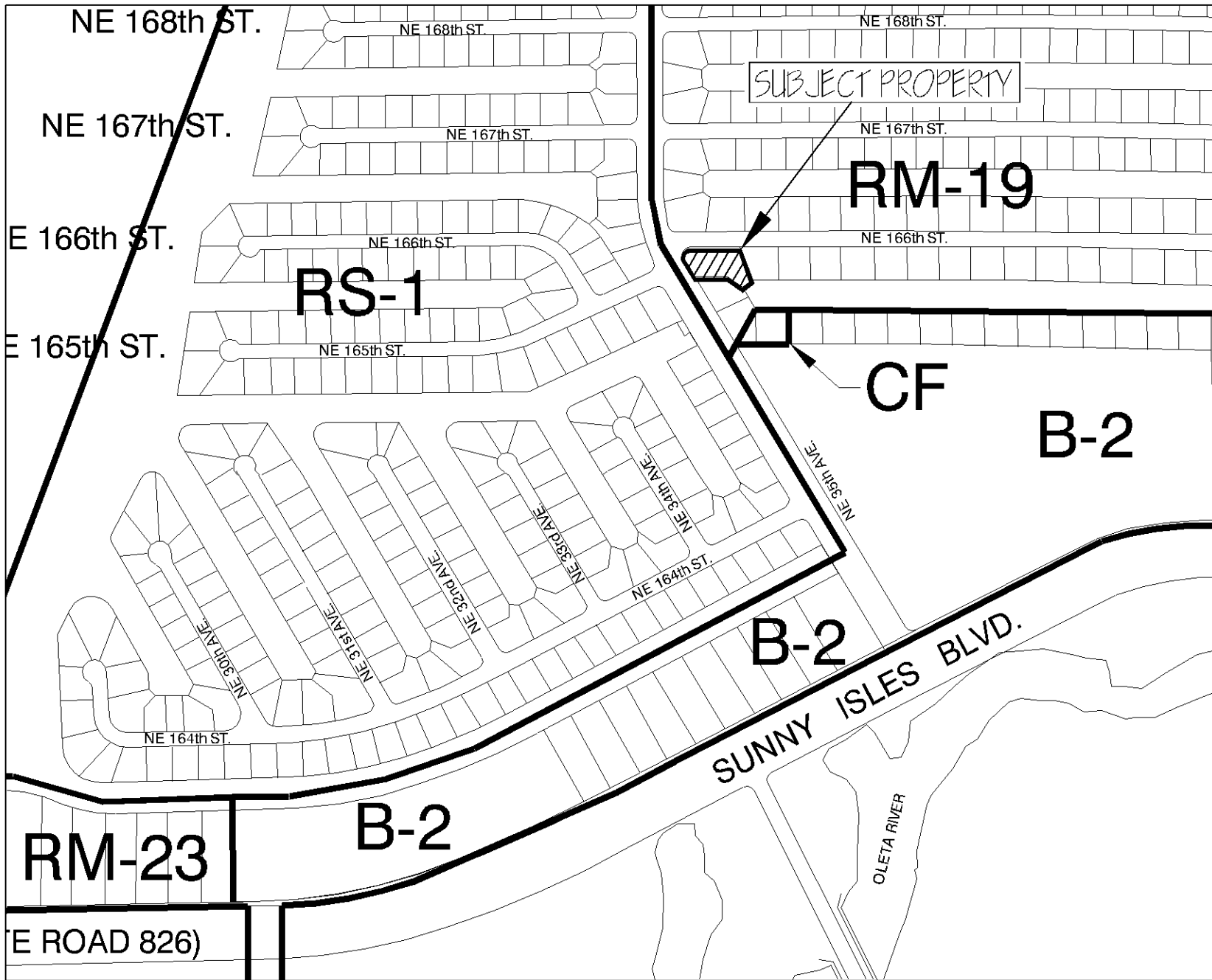
#### **COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

It is recommended that the request for site plan review and variances be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheets 1 of 1, by Continental Land Surveyors, Inc., dated 2/28/2012;
  - Site Plan and Site Data, Sheet A-1.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Site Sections, Sheet A-1.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - First Floor Plan, Sheet A-2.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Mezzanine Floor Plan (Dining Room), Sheet A-2.2, Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Second Floor Plan, Sheet A-2.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - North & South Elevations, Sheet A-3.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - East & West Elevations, Sheet A-3.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Building Sections, Sheet A-3.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Landscape Plan, Sheet L-1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Plant List & Details, Sheet L-2, by Luis LaRosa Architects, Inc., dated 9/22/2012.

2. East elevation requires more architectural interest, similar to what is proposed for the west elevation. The interior elevations must be provided and must be similar in design and detail to the proposed west elevation.
3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
4. A revised landscape plan must be submitted to and approved by the City Forester prior to the issuance of a building permit.
5. All utilities, including but not limited to electrical, cable television and telephone must be located underground in a manner approved by the Director of Public Services.
6. Address shall be installed on the seawall, in minimum (4) inch letters.
7. All storm water must be retained on-site, and may not drain to the neighboring properties, adjacent right-of-way or the canal.
8. All windows must have impact glass.
9. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam or other synthetic material.
10. The common walkway at the south of the property leading to the canal may not be paved; however it may have a walk way made of gravel, stepping stones or similar materials.
11. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.
12. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.





Legend:

- RS-1 Residential Single Family (8,000 SF minimum)
- RS-2 Residential Single Family (7,000 SF minimum)
- RS-3 Residential Single Family (6,000 SF minimum)
- RS-4 Residential Single Family (5,000 SF minimum)
- RS-5 Residential Single Family (1,200 SF minimum)
- MH-1 Mobile Home Subdivision
- RD Residential Two-Family (2 Units)
- RM-19 Residential Low Rise Multifamily Medium Density - 19 Units / Acre
- RM-23 Residential Mid-Rise Multifamily High Density - 23 Units / Acre
- RM-32 Residential High-Rise Multifamily High Density - 32 Units / Acre
- RO Residential Office Districts
- B-1 Limited Business Districts
- B-2 General Business Districts
- B-3 Intensive Business Districts
- B-4 Distribution Business and Light Industry
- B-5 Distribution Business and Medium Industry
- CF Community Facility
- PLUD Planned Unit Development



City of North Miami Beach  
17050 N.E. 19th Avenue  
North Miami Beach, Florida 33162

3500 NE 166 Street  
Townhouses



Existing Zoning Map  
Exhibit No. 1

Prepared by CNMB Engineering Division

NE 170th St.



WATERWAY

SINGLE FAMILY HOUSES

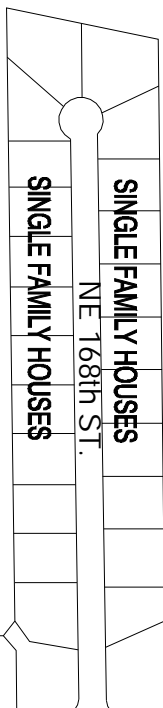
NE 169th St.



WATERWAY

SINGLE FAMILY HOUSES

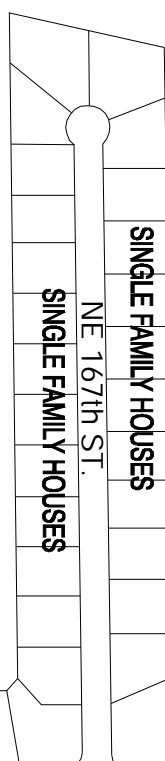
NE 168th St.



WATERWAY

SINGLE FAMILY HOUSES

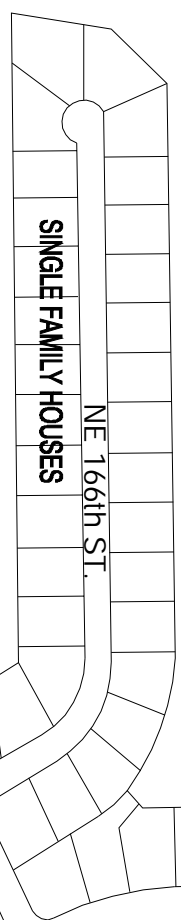
NE 167th St.



WATERWAY

SINGLE FAMILY HOUSES

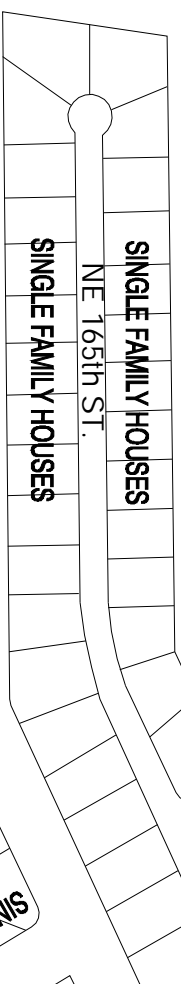
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WATERWAY

SINGLE FAMILY HOUSES

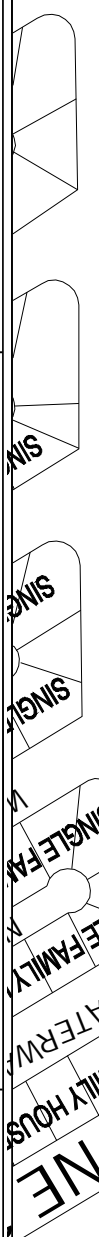
NE 165th St.



WATERWAY

SINGLE FAMILY HOUSES

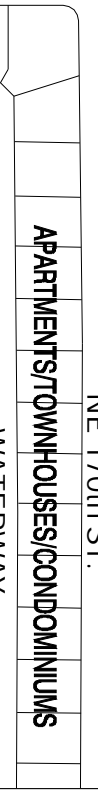
65th St.



WATERWAY

SINGLE FAMILY HOUSES

NE 170th St.



WATERWAY

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



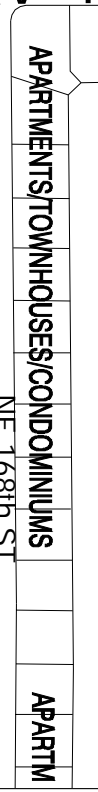
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APARTMENTS/TOWNHOUSES/CONDOMINIUMS



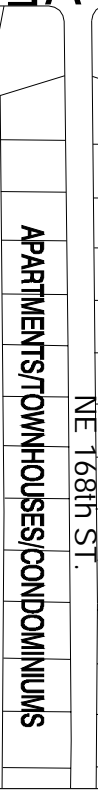
WATERWAY

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



NE 168th St.

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



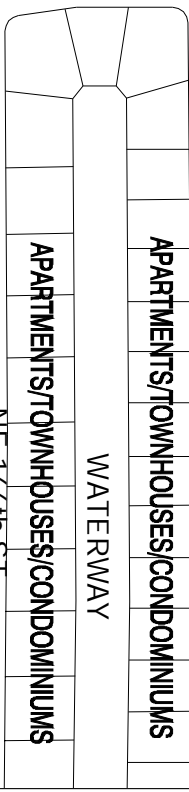
WATERWAY

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



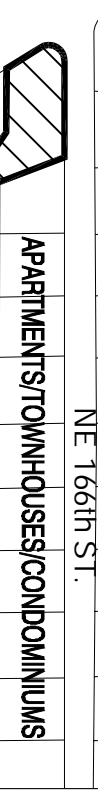
NE 167th St.

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



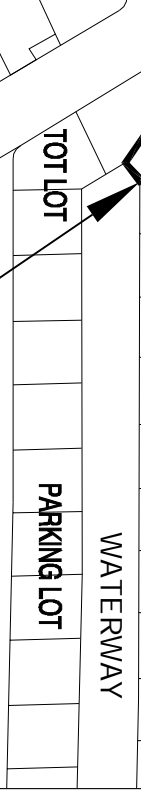
WATERWAY

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



NE 166th St.

APARTMENTS/TOWNHOUSES/CONDOMINIUMS



WATERWAY

SUBJECT PROPERTY

INTRACOASTAL RETAIL & OFFICE

NE 35th Ave.

City of North Miami Beach

17050 N.E. 19th Avenue  
North Miami Beach, Florida 33162

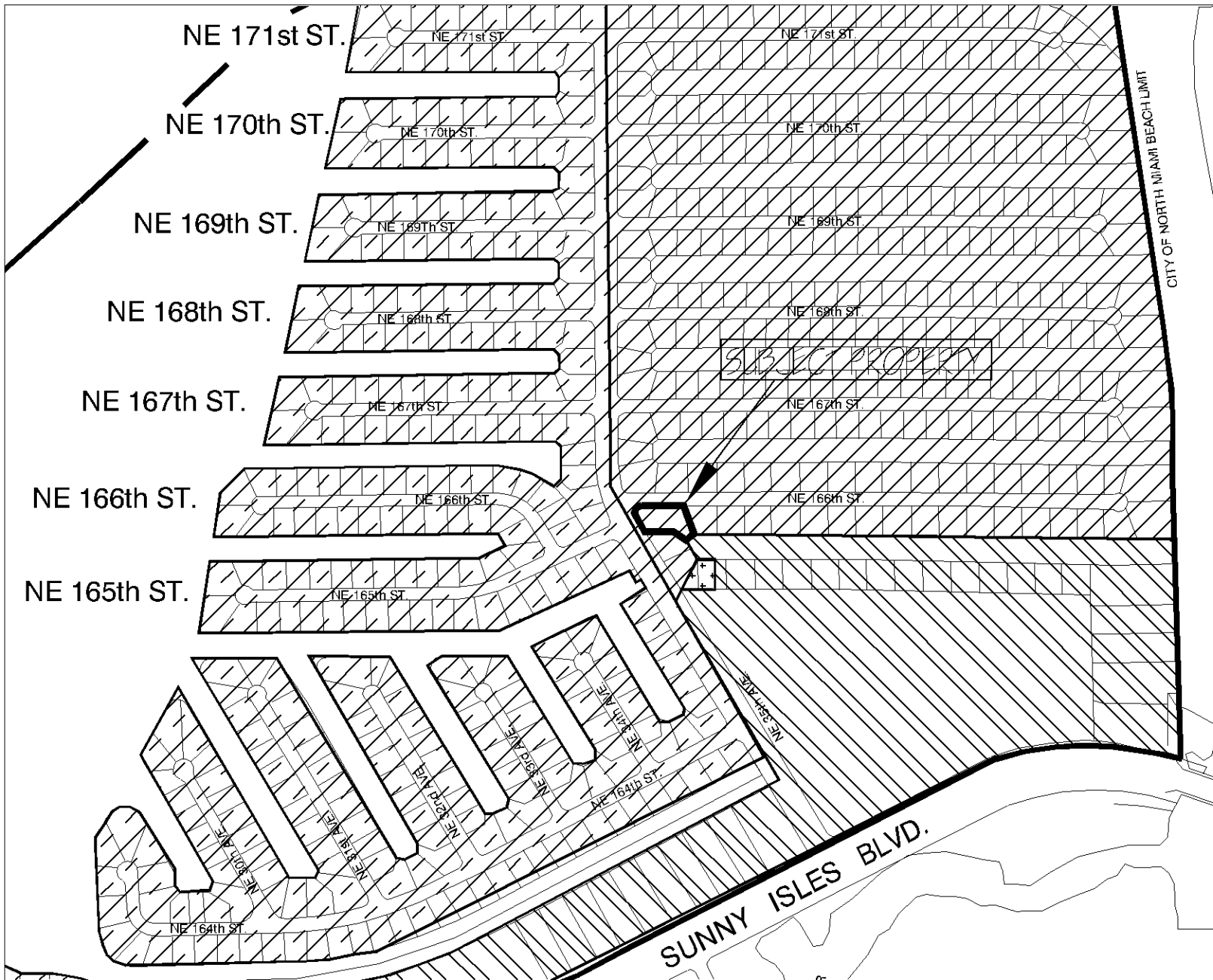


3500 NE 166 Street  
Townhouses

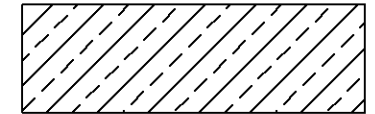


Existing Land Use Map  
Exhibit No. 2

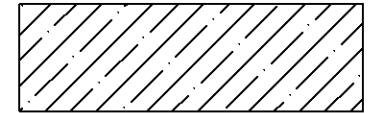
Prepared by CINM3 Engineering Division



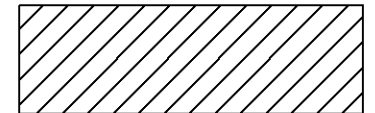
Legend:



Residential Low Density



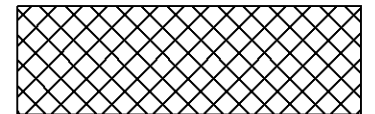
Residential Medium Density



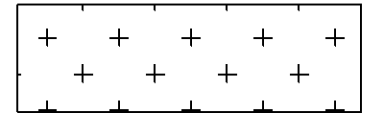
Residential High Density



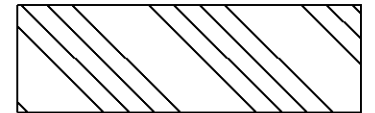
Business



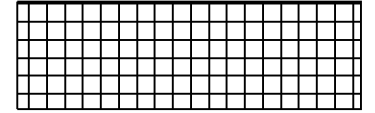
Public and Quasi-Public



Recreation and Open Space



Industrial



Mixed Use



City of North Miami Beach  
17050 N.E. 19th Avenue  
North Miami Beach, Florida 33162

3500 NE 166 Street  
Townhouses



Future Land Use Map  
Exhibit No. 3

Prepared by CNMB Engineering 2/15/11

Exhibit 4

LEGAL DESCRIPTION

LOT 2, IN BLOCK 18, OF EASTERN SHORES 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 43, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PORTION OF LAND, COMMENCE AT THE NORTHEAST CORNER OF LOT 2, IN BLOCK 18, OF EASTERN SHORES 2ND ADDITION, AS RECORDED IN PLAT BOOK 65, AT PAGE 43, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN WEST ALONG THE NORTH LINE OF SAID LOT FOR A DISTANCE 30 FEET TO A POINT; THENCE RUN SOUTH PERPENDICULARLY TO THE PREVIOUSLY DESCRIBED COURSE FOR A DISTANCE OF 89.07 FEET TO A POINT; THENCE DEFLECTING THE LEFT AT AN ANGLE OF 48°52'24" RUN SOUTHEASTERLY FOR A DISTANCE OF 69.54 FEET TO A POINT; SAID POINT LYING ON THE SOUTHEASTERLY LINE OF LOT 2; THENCE RUN NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF LOT 2 FOR 23.02 FEET TO THE SOUTHEAST CORNER OF LOT 2, THENCE RUN NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 2 FOR A DISTANCE OF 126.49 FEET TO THE POINT OF BEGINNING.

OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
16595-3500 NE 35TH AVENUE  
NORTH MIAMI BEACH, FL 33160



# ***City of North Miami Beach, Florida***

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## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **PLANNING & ZONING BOARD MEETING**

MONDAY, APRIL 8, 2013

#### **Attendees:**

Members - Chairman Evan Piper                      Christopher Heid, City Planner  
                  Julian Kreisberg                      Darcee Siegel, City Attorney  
                  Joseph Litowich                      Shari Kamali, Public Services Director  
                  Anthony DeFillipo                      Steven Williams, Board Recorder  
                  Michael Mosher  
                  Hector Marrero  
                  Saul Smukler

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#### **Call to Order and Pledge of Allegiance:**

Chairman Piper called the meeting to order at 6:12 p.m. The Pledge of Allegiance was recited and roll was called.

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#### **Minutes:**

A motion was made by Hector Marrero, seconded by Joseph Litowich, to approve the minutes of the February 11, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

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#### **OLD BUSINESS**

Mr. Williams provided the following status report:

1. Item 12-531 Site Plan Modification (Emergency Helipad)  
160 NW 170 Street  
*Approved 5-2 by City Council.*
2. Item 12-523 Right-of-Way Vacation (NE 164 Street)  
1051 North Miami Beach Boulevard  
*Approved unanimously by City Council.*

**NEW BUSINESS**

**Item 13-540: Cabana: 3207 NE 168 Street – After-the-Fact Variances**

Mr. Williams stated that the Applicant is requesting after-the-fact variances for an existing cabana located on the subject property. The requested variances were cabana rear yard setback, interior side yard setback, and existing pervious lot area.

Fortuna Smukler, Applicant, explained that the cabana was located on the property at the time she moved in. Later on, an inspector had cited both the Applicant and a neighbor for their cabanas, and the Applicant applied for a permit for the cabana on her property, as she had not been aware the existing structure was not permitted.

Mr. Mosher noted that the Applicant's neighbor did not object to the structure. Ms. Smukler confirmed this, and added that the cabana is built according to Code.

Vice Chairman Kreisberg advised that he was provided with notice for this Item, and had no objection to the structure.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Williams stated that the City had no objection to the variances, and recommended the Item favorably with three conditions. Ms. Smukler confirmed that she was willing to accept the conditions.

A motion to approve Item 13-540 was made by Michael Mosher and seconded by Anthony DeFillipo. In a roll call vote, the motion passed with a vote of 6-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>ABSENT</b>
<b>Michael Mosher</b>	<b>YES</b>

◆-----◆  
Mr. Smukler joined the meeting at this time.  
◆-----◆

**Item 13-542: 1998 NE 161 Street: RM-23 to B-3 – Rezoning & Conditional Use Approval**

Mr. Williams stated that the Applicant has requested rezoning of a vacant lot from RM-23, Residential Mid-Rise Multi-Family, to B-3, Business. The Applicant also requested conditional use approval to operate an automotive repair shop and/or warehouse on the property.

Sepp Tovini, Applicant, said he had purchased the property as an investment in 2005. He has not been able to develop the property within the RM-23 zoning district. When he had learned the future land use was for Business, he had offered the property for sale, but had not been able to sell it thus far. At this time Staff had advised the Applicant to seek B-3 zoning with conditional warehouse and automotive repair shop use.

Mr. Litowich requested clarification of the Applicant's address. Mr. Tovini said he is a resident of Coral Gables.

Mr. Marrero asked if the Applicant planned to sell the property. Mr. Tovini said he had not made a decision on whether to sell the property or build a repair shop on the parcel. His current business is located on NE 21 Avenue.

Vice Chairman Kreisberg asked if there had been any activity on the property. Mr. Tovini said a small house had been located on the property when he purchased it, but the structure has since been demolished and the lot is vacant. He showed photographs of the parcel and the neighboring residential property.

Mr. Smukler asked to know the location of the residential neighbor. Mr. Tovini said this adjacent property, zoned RM-23 with a future land use of Business, is south of the subject parcel on 19 Avenue. The properties to the north and east are zoned B-4, while the properties to the south and west are RM-23.

Mr. Litowich observed that the existing land use map showed the RM-23 parcel to the south as Business. Mr. Williams explained that this is an error on the map, and the parcel currently contains duplexes. Mr. Litowich asked if construction was planned for the Applicant's vacant lot. Mr. Tovini said he was considering the construction of a warehouse or automotive use. He pointed out that the remaining parcels to the south are zoned Business as well. Shari Kamali, Public Services Director, clarified that the future land use is Business, which means the RM-23 parcels are currently not in compliance.

Mr. Williams explained that the Applicant is requesting both rezoning to B-3 and special or conditional use to allow a warehouse or automotive repair shop within the requested B-3 district. These uses are allowed under B-4 zoning, but not B-3. The Applicant has also agreed to exclude certain uses from B-3 that could be considered objectionable. City Attorney Darcee Siegel advised that this agreement would be executed under a restrictive covenant.

Mr. Williams clarified that the conditional use will apply to the entity that builds on the subject property. It will expire in one year if it is not executed. Chairman Piper stated that if a business on a property allowing conditional use is closed, the next business to be located on the property will not be granted the same conditional use. Mr. Williams replied that the conditional use would continue to apply to the property if another business moves onto the property within 180 days.

Mr. Litowich asked if the conditional use would apply to the property or the owner. Mr. Williams said the conditions apply to the property.

Mr. Litowich asked if there were any conditions that would mitigate the severity of the change to a warehouse or repair shop use on the subject property. Mr. Williams said any building planned for the property would be required to come before the Board for site plan approval, and the street would act as a buffer area. Mr. Tovini said the warehouse doors would face 161 Street, where other warehouses are already located.

Chairman Piper asked if there would be any issues regarding access to the property from 161<sup>st</sup> Street. Ms. Kamali said this would be addressed in the site plan. Mr. Williams added that if it is necessary, the property's postal address would be reassigned as part of site plan approval.

Chairman Piper said he would be more inclined to be in favor of the request if the business faced 161 Street rather than 19 Place. He added that he would prefer to see the building plans for the subject property, including buffers, before granting approval. Mr. Tovini said City Staff had advised him to request rezoning before preparing plans for a structure on the property.

Chairman Piper asked why the request was not for rezoning to B-4. Ms. Kamali replied that the City's Comprehensive Plan does not allow B-4 zoning on this property: although the future land use is Business, it would only allow zoning up to B-3. B-4 zoning allows for industrial uses, while B-3 is restricted to less intensive use.

Chairman Piper asked if the Applicant could receive B-3 zoning at present but request conditional use at a later time when they submitted plans for building on the property. Ms. Kamali said this would be possible, but noted that the Applicant has already paid the necessary fees to request special limited conditional use as well as rezoning.

Mr. Smukler asked if the Board would see the Applicant again if both requests are approved at tonight's meeting. Mr. Williams said the Applicant could not begin construction on the property without site plan approval by the Board and City Council. All new commercial property structures require site plan approval.

Mr. Tovini advised that on 161 Street, all warehouse uses are automotive except for the adjacent parcel to the south and a church. The apartment buildings on 161 Street already face these warehouse uses. Ms. Kamali confirmed that the majority of uses on this part of the street are B-3 and B-4.

Chairman Piper asked if the Applicant had any issues with the possibility of the Board granting the B-3 rezoning, but not granting the conditional use until a site plan has been submitted for the subject property. Mr. Tovini said he would like to sell the property if possible, and prospective builders may realize that they would be limited by the B-3 zoning with no conditional use. He pointed out that the conditional use request has already been advertised.

Mr. Tovini said his main goal is to attempt to locate an office warehouse on the site with auto sales and repairs in the back; he pointed out that this would still require conditional use, as warehouse uses are precluded from B-3 zones. Chairman Piper asked to know the difference between a retail parts and accessories store and a warehouse. Ms.



Kamali responded that the Applicant's request is for an auto repair shop. She read the City's definition of a warehouse into the record, noting that the building must be designed and used for the containment of products or materials "of a dry storage nature."

Chairman Piper asked if a warehouse with an office or sales counter located in the front would no longer be considered a warehouse. Ms. Kamali said this would depend upon the use, as an office could be seen as accessory to the warehouse.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Chairman Piper observed that the Board could approve the B-3 zoning change with the recommended restrictions, and the Applicant could request conditional use when the site plan comes before the Board. Mr. Williams pointed out, that if this was the case, the Applicant would have to re-file his request for conditional use and pay the necessary filing fees for this request once again. Mr. Tovini said because he has been unable to sell the property thus far, and doing so was likely to result in a loss, his primary goal is to keep the property and build on it in order to move his business to the subject location. This would mean coming back before the Board in less than one year with plans for construction.

Mr. Smukler asked if the request for conditional use could be deferred until a later time, such as when the Applicant brought a site plan before the Board for approval. Ms. Siegel said the request for conditional use could be withdrawn. Mr. Williams stated once again that the Applicant has already paid the necessary fee for the conditional use Application, which is \$4000 and is nonrefundable.

Chairman Piper asked if it would be possible for the Board to defer the conditional use request. Ms. Siegel noted that the Board could table the request for conditional use and vote on the B-3 rezoning, with restrictions; in this case, when a site plan is brought before the Board, the fee would not be lost.

Vice Chairman Kreisberg stated that he did not feel approving the conditional use request would place the City at any additional risk, as the Applicant would still be required to bring a site plan before the Board before construction could begin. Mr. Williams added that the site plan would also need to come before Staff for approval before it was advanced to the Board.

Chairman Piper stated that while he was sympathetic to the use, he was concerned that there would be no buffer zone between a warehouse and the residential units located across the street from it. Mr. Tovini pointed out that there is no buffer in place between the residential units and the existing warehouses on the street.

Mr. Smukler asked what would happen if the request was tabled and the Applicant subsequently sold the property. Mr. Tovini reiterated that he was not planning on selling the property, as this was likely to result in a loss. He was more likely to build an

automotive repair shop or warehouse on the property, which would require the conditional use.

Chairman Piper clarified that a motion could be made to approve the request as written; a motion could also be made to approve the request for B-3 rezoning only, or to table the conditional use request, if the maker of the motion so wished. He explained that he wanted to make sure the Board's options were clear.

Mr. Mosher asserted that whatever the Applicant wished to build facing the residential buildings on 19 Place would not have an effect on these multi-family buildings.

Mr. Williams advised that the City recommended the Item favorably, with the restrictive covenant as included in the request. Mr. Tovini stated that he was willing to accept the conditions as included.

A motion to approve Item 13-542 as written, with conditions, was made by Julian Kreisberg and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Item 13-541: Townhouses: 3500 NE 166 Street – Site Plan Review and Variances**

Mr. Williams stated that the Applicant requests site plan approval and variances for the construction of two duplex townhouses on the .29 acre subject parcel. The property is located in the RM-19 residential low-rise multi-family zoning district. The requested variances are for the minimum required front yard setback, minimum required side yard setback, corner side yard setback, and required parking spaces.

Luis de Rosa, architect for the Applicant, explained that the proposal was for a four-unit development of two twin homes on the parcel. He noted that Code allows for the placement of 5.5 residential units on a lot of this size. The proposed building would duplicate a four-unit development across the street, which is also owned by the Applicant, with similar features and characteristics.

He stated that some of the setbacks and variances requested would actually increase the existing setbacks on the side of the duplex lot when the current structure is demolished and a new structure is constructed. The Applicant felt the required 30 ft. distance separation between buildings was excessive, as Florida Building Code requires only a minimum 10 ft. separation.

Mr. de Rosa advised that the lot is restricted by its semicircular property line; however, the sidewalks and parkways associated with the lot provide a buffer between the property and the street. Some existing conditions, which include a driveway, will be eliminated in order to improve the traffic flow from 166<sup>th</sup> Street. He concluded that the plans would improve the site.

Mr. DeFillipo asked how long the approval process has taken thus far. Mr. de Rosa said the next hearing will be in June, after which time the Applicant expects to obtain permits. Construction is estimated to begin in eight to nine months.

Mr. Smukler commented that the proposed building appeared to be a good addition to the neighborhood.

Mr. Mosher asked a question regarding the orientation of the two planned center units for the project. Mr. de Rosa explained the planning behind the alignment of these units.

Chairman Piper opened the floor to public comment.

David Pichette, private citizen, expressed concern regarding the encroachment of the planned building on the roadways and sidewalks. He stated that he was also concerned with the increased density of the neighborhood and the loss of space between buildings, which have altered the dynamics of the neighborhood. He advised that he has not seen a layout of how the planned building would fit on the lot, and pointed out that if the Applicant's development plan of purchasing existing single-family homes and replacing them with multi-family structures became a pattern, it would change the nature of the Eastern Shores community.

Edward Rhodes, private citizen, asserted that he felt it would be extreme to reduce the LDR requirement significantly by changing the setback from 25 ft. to 16.5 ft. He felt this would encroach onto the street. Reducing the distance between the buildings to 10 ft. would constitute a 67% reduction, and the side yard variance would be a 72% reduction. Mr. Rhodes also asked if the planned garage would count as one of the three parking spaces allowed per unit. He concluded that the variances would result in a decrease in the pervious area of the site, and asked why the variances would be granted without requiring the Applicant to demonstrate a hardship.

Mr. Pichette added that he also felt the setback from the street on 30 Avenue was far too small, and the building would encroach on the street as a result.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid explained that while the variances could give the impression that there was "too much going on" with regard to the site, they were more reasonable when considered more closely. He recalled that the Applicant's initial drawings had included five units instead of four, as allowed by Code, but had ultimately prepared drawings more similar to their development across the street. He also noted that the two

structures could have been pushed together with no separation rather than the 10 ft. separation proposed by the Applicant.

With regard to the front yard setback, Mr. Heid noted that only the extreme northwest corner of the first unit did not lie within the required setback; this was due to the geometry of the lot, which includes a circular arc. The same occurs on the rear yard setback in the extreme southwest corner. He stated that the units themselves are 32 ft. away from the sidewalk. The east side yard setback is slightly larger than the setback of the current building.

He continued that all parking spaces are present, but it was not technically possible to count the westernmost space, of which a corner is outside the property line. It is confined behind the sidewalk and does not encroach upon it. All spaces exceed the requirement of 18 ft. Mr. Heid concluded that the plans are well-designed and replace an outdated structure, and are recommended favorably by the City with 12 conditions.

The Applicant agreed that all conditions could be met.

A motion to accept Item 13-541 with the 12 conditions was made by Julian Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

Mr. Heid advised that the Board's vote was a recommendation to City Council, which will render a final decision on the Item at a second public hearing. Neighboring properties will be noticed and newspaper ads will be taken out to inform the public of the date of the hearing. He estimated that this hearing would be scheduled for June 2013.

◆-----◆  
*It was noted that the following two Items would be presented together:*

**Item 13-538: LDR Text Amendments: Residential Driveways**

**Item 13-539: LDR Text Amendments: Front Yard Pervious Area**

Mr. Heid explained that these amendments to zoning Code would remove the requirement for a minimum front yard pervious area, and would establish different standards for how front yard driveways may be built. At present, a certain percentage of a property must be pervious, including landscaping or green areas through which rainwater may return to the water table. There is also a second requirement for a minimum pervious area in the front yard of a property, which is a very high standard

and often results in variances. The recommendation to do away with the required front yard pervious area would return the standard to an overall pervious area percentage requirement for the entire lot.

He continued that there are other minor changes and clarifications, such as a change that would bring the Eastern Shores community into compliance with the setback standards required throughout the rest of the City. There is another suggestion that 5 ft. setbacks are maintained between a driveway and a house. Semicircular driveways would have a 5 ft. minimum width of the arc. Mr. Heid noted that some driveways are 15 ft. in width, which is considered to be too wide. The driveway flare would be reduced from 5 ft. to 3 ft. in order to prevent connection between adjacent driveway flares. Driveway approaches are limited to two, as in a semicircular driveway.

Mr. Heid stated that when multiple variances come forward over time, it is generally noted that there may be an issue with Code and not with residents. In addition, larger and multigenerational families may have more cars on their properties, and the LDR amendment would prevent these cars from having to be parked on grass, swales, or blocking sidewalks. He concluded that the amendments are "speaking to the market" and providing residents with the changes they want.

Mr. Heid reported that the City recommends both LDR text amendments favorably, which would remove the front yard pervious area requirements but retain the overall pervious area requirements and amend Code regarding residential driveways.

It was asked if it would be possible for a structure to have two separate driveways. Mr. Heid replied that this would be permitted in some situations, although it is not encouraged by the City.

Mr. Smukler asked if off-street parking requirements for commercial and non-residential vehicles would be stricken from Code by the proposed amendments. Mr. Heid said the City's Code Compliance Supervisor had recommended this language be stricken and replaced by a restriction on the parking of commercial vehicles and equipment in residential areas.

Vice Chair Kreisberg requested clarification of this language. Mr. Heid characterized it as less restrictive, and as a clarification that some equipment that is generally not considered offensive, such as pipes or ladders, may be allowed.

Mr. Heid added that restrictions governing stormwater runoff on construction sites would be maintained.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Items, public comment was closed.

A motion to approve Item 13-538 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

A motion to approve Item 18-539 was made by Julian Kreisberg and seconded by Saul Smukler. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Next Meeting**

Mr. Heid noted that the next meeting would be held on May 13, 2013.

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**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:39 p.m.

**RESOLUTION NO. R2013-28**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT TWO (2) DUPLEX TOWNHOUSES (4 UNITS) TOTALING 10,380 SQUARE FEET ON A 12,805 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHT (8) FEET SIX (6) INCHES OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF TWENTY-FIVE FEET (25) FEET, WHERE FRONT YARD SETBACK OF SIXTEEN (16) FEET SIX (6) INCHES IS PROPOSED: AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY (20) FEET OF THE MINIMUM REQUIRED SETBACK BETWEEN STRUCTURES OF THIRTY (30) FEET, WHERE SETBACK BETWEEN STRUCTURES OF TEN (10) FEET IS PROPOSED; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWELVE (12) FEET OF THE MINIMUM REQUIRED INTERIOR SIDE YARD SETBACK OF TWENTY (20) FEET, WHERE INTERIOR SIDE YARD SETBACK OF EIGHT (8) FEET IS PROPOSED; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN (18) FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK**

**OF TWENTY-FIVE (25) FEET, WHERE CORNER SIDE YARD SETBACK OF SEVEN (7) FEET IS PROPOSED; AND**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM 24-95(A) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE (1) OF THE MINIMUM REQUIRED TWELVE (12) PARKING SPACES, WHERE ELEVEN (11) PARKING SPACES ARE PROPOSED, PLUS ONE (1) PARKING SPACE THAT IS PARTIALLY LOCATED IN THE PUBLIC RIGHT-OF-WAY, ON PROPERTY LEGALLY DESCRIBED AS:**

**(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")**

**A/K/A  
3500 N.E. 166th Street  
North Miami Beach, Florida**

**(P&Z Item No.13-541 of April 8, 2013)**

**WHEREAS**, the property described herein is zoned RM-19, Residential Low-Rise Multifamily (Medium Density) District; and

**WHEREAS**, the applicants request site plan approval and variances in order to construct 2 duplex townhouses (4 units) totaling 10,380 square feet on a 12,805 square foot (0.29) parcel of land located at 3500 N.E. 166th Street; and

**WHEREAS**, the Planning and Zoning Board on April 8, 2013 recommended approval of the site plan and related variances with a unanimous vote of 7-0, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheets 1 of 1, by Continental Land Surveyors, Inc., dated 2/28/2012;
  - Site Plan and Site Data, Sheet A-1.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Site Sections, Sheet A-1.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - First Floor Plan, Sheet A-2.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;



- Mezzanine Floor Plan (Dining Room), Sheet A-2.2, Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Second Floor Plan, Sheet A-2.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - North & South Elevations, Sheet A-3.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - East & West Elevations, Sheet A-3.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Building Sections, Sheet A-3.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Landscape Plan, Sheet L-1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Plant List & Details, Sheet L-2, by Luis LaRosa Architects, Inc., dated 9/22/2012.
2. East elevation requires more architectural interest, similar to what is proposed for the west elevation. The interior elevations must be provided and must be similar in design and detail to the proposed west elevation.
  3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
  4. A revised landscape plan must be submitted to and approved by the City Forester prior to the issuance of a building permit.
  5. All utilities, including but not limited to electrical, cable television and telephone must be located underground in a manner approved by the Director of Public Services.
  6. Address shall be installed on the seawall, in minimum four (4) inch letters.
  7. All storm water must be retained on-site, and may not drain to the neighboring properties, adjacent right-of-way or the canal.
  8. All windows must have impact glass.
  9. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam or other synthetic material.
  10. The common walkway at the south of the property leading to the canal may not be paved; however it may have a walkway made of gravel, stepping stones or similar materials.
  11. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.

12. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** Site plan approval in order to construct two (2) duplex townhouses (4 units) totaling 10,380 square feet on a 12,805 square foot (0.29) parcel of land, on property legally described as:

**(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")**

**A/K/A  
3500 N.E. 166th Street  
North Miami Beach, Florida**

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Survey, Sheets 1 of 1, by Continental Land Surveyors, Inc., dated 2/28/2012;
  - Site Plan and Site Data, Sheet A-1.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Site Sections, Sheet A-1.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - First Floor Plan, Sheet A-2.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Mezzanine Floor Plan (Dining Room), Sheet A-2.2, Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Second Floor Plan, Sheet A-2.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - North & South Elevations, Sheet A-3.1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - East & West Elevations, Sheet A-3.2, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Building Sections, Sheet A-3.3, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Landscape Plan, Sheet L-1, by Luis LaRosa Architects, Inc., dated 9/22/2012;
  - Plant List & Details, Sheet L-2, by Luis LaRosa Architects, Inc., dated 9/22/2012.

2. East elevation requires more architectural interest, similar to what is proposed for the west elevation. The interior elevations must be provided and must be similar in design and detail to the proposed west elevation.
3. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
4. A revised landscape plan must be submitted to and approved by the City Forester prior to the issuance of a building permit.
5. All utilities, including but not limited to electrical, cable television and telephone must be located underground in a manner approved by the Director of Public Services.
6. Address shall be installed on the seawall, in minimum four (4) inch letters.
7. All storm water must be retained on-site, and may not drain to the neighboring properties, adjacent right-of-way or the canal.
8. All windows must have impact glass.
9. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam or other synthetic material.
10. The common walkway at the south of the property leading to the canal may not be paved; however it may have a walkway made of gravel, stepping stones or similar materials.
11. A copy of the signed resolution shall be recorded by the applicant with the Miami-Dade County Clerk of the Court, and a copy of the recorded resolution must be submitted to the City with the building permit plans prior to the issuance of a building permit for said project.
12. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

**Section 2.** A variance from Section 24-47(D)(4) to waive eight (8) feet six (6) inches of the minimum required front yard setback of twenty-five (25) feet, where front yard setback of

sixteen (16) feet six (6) inches is proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 3.** A variance from Section 24-47(D)(4) to waive twenty (20) feet of the minimum required setback between structures of thirty (30) feet, where setback between structures of ten (10) feet is proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 4.** A variance from Section 24-47(D)(4) to waive twelve (12) feet of the minimum required interior side yard setback of twenty (20) feet, where interior side yard setback of eight (8) feet is proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 5.** A variance from Section 24-47(D)(4) to waive eighteen (18) feet of the minimum required corner side yard setback of twenty-five (25) feet, where corner side yard setback of seven (7) feet is proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 6.** A variance from Section 24-95(A) to waive one (1) of the minimum required twelve (12) parking spaces, where eleven (11) parking spaces are proposed, plus one (1) parking space that is partially located in the public right-of-way, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

**Section 7.** Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan approval granted shall be deemed null and

void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

**Section 8.** Pursuant to Section 24-176(C)(4)(a) of the Code of Ordinances of the City of North Miami Beach, any variance granted shall automatically expire if a permit has not been applied for within one (1) year from the date of this Resolution or, if the permit is issued, expires or is revoked pursuant to the Florida Building Code.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_ **day of June, 2013.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 2, IN BLOCK 18, OF EASTERN SHORES 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 43, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PORTION OF LAND COMMENCE AT THE NORTHEAST CORNER OF LOT 2, IN BLOCK 18, OF EASTERN SHORES 2ND ADDITION, AS RECORDED IN PLAT BOOK 65, AT PAGE 43, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN WEST ALONG THE NORTH LINE OF SAID LOT FOR A DISTANCE 30 FEET TO A POINT; THENCE RUN SOUTH PERPENDICULARLY TO THE PREVIOUSLY DESCRIBED COURSE FOR A DISTANCE OF 89.07 FEET TO A POINT; THENCE DEFLECTING THE LEFT AT AN ANGLE OF 48°52'24" RUN SOUTHEASTERLY FOR A DISTANCE OF 69.54 FEET TO A POINT, SAID POINT LYING ON THE SOUTHEASTERLY LINE OF LOT 2; THENCE RUN NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF LOT 2 FOR 23.02 FEET TO THE SOUTHEAST CORNER OF LOT 2; THENCE RUN NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 2 FOR A DISTANCE OF 126.49 FEET TO THE POINT OF BEGINNING.

OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
16595-3500 NE 35TH AVENUE  
NORTH MIAMI BEACH, FL 33160

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS CORRECT AS RECENTLY SURVEYED UNDER MY DIRECTION. ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN, AND THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS SET BY THE FLORIDA BOARD OF LAND SURVEYORS, AS SET FORTH IN CHAPTER 472.027 (F.S.) AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

FOR: 16595 NE 35 AVE LLC.

ORDER NO. 2-12-45 R

JOSE A. PEREZ  
PROFESSIONAL LAND SURVEYOR AND MAPPER  
NO. 2852 STATE OF FLORIDA

FIELD WORK DATE: 2-28-12

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR  
AND MAPPER.



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 Print

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**TO:** Mayor and City Council  
**FROM:** Roslyn Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

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**RE:** Ordinance No. 2013-6 First Reading by Title Only (City Planner Christopher Heid)

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**BACKGROUND:** Staff is recommending amendments to the Land Development Regulations pertaining to residential driveways.  
**RECOMMENDATION:** Approval.  
**FISCAL IMPACT:** None.  
**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Christopher Heid, City Planner

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### **ATTACHMENTS:**

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 8, 2013](#)
- ❑ [Ordinance No. 2013-6](#)



## CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

**TO: MAYOR AND CITY COUNCIL**

**FROM: ROSLYN WEISBLUM, CITY MANAGER**

**DATE: TUESDAY, JUNE 4, 2013**

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**RE: ORDINANCE NO. 2013-6 (P&Z ITEM 13-538)**  
**PROPOSED LAND DEVELOPMENT REGULATIONS AMENDMENTS**  
**REGARDING RESIDENTIAL DRIVEWAYS**

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Staff is recommending several changes to the Land Development Regulations concerning residential driveways. These changes are being proposed to give residents more options for attractive driveways and to make driveway requirements clear to property owners. In addition to the amendments to driveways staff is also recommending, through a separate ordinance, the elimination of a minimum front yard pervious area requirement.

The amendments regarding residential driveways area as follows:

**1. Removing Special Requirements in the RS-1 District**

In the RS-1 District parking spaces are required to be 10'x20' while everywhere else in the City they are only required to be 9'x18'. Staff feels that the size of a parking space should be standard throughout the City.

**2. Creating Driveway Design Standards for Single-Family Residential Properties**

Staff is proposing the creation of standards for residential driveways that would set limits for the size of driveways and clarifying setbacks as well as items that the code was previously silent on such as the driveway (swale) approach.

Many of the driveway regulations will remain the same. For example the side yard setback and minimum distance between the driveway and the house will remain 5 feet, (3 feet in the MH-1



and RS-5 Zoning Districts). New language will set appropriate maximum width and limit approaches to 2 in the front yard.

**3. Commercial Vehicles in Residential Neighborhoods**

Currently commercial vehicles are prohibited from being parked overnight in residential zoning districts with the exception of work vehicles used by residents. Amendments are being proposed to clarify what vehicles as well as adding regulations limiting where they can be parked and how they must be screened.

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**PLANNING & ZONING BOARD HISTORY**

This Item was heard by the Planning & Zoning Board at the meeting of Monday, April 8, 2013 and received a favorable recommendation with a vote of 7-0.



# ***City of North Miami Beach, Florida***

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## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **PLANNING & ZONING BOARD MEETING**

MONDAY, APRIL 8, 2013

#### **Attendees:**

Members - Chairman Evan Piper  
Julian Kreisberg  
Joseph Litowich  
Anthony DeFillipo  
Michael Mosher  
Hector Marrero  
Saul Smukler

Christopher Heid, City Planner  
Darcee Siegel, City Attorney  
Shari Kamali, Public Services Director  
Steven Williams, Board Recorder

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#### **Call to Order and Pledge of Allegiance:**

Chairman Piper called the meeting to order at 6:12 p.m. The Pledge of Allegiance was recited and roll was called.

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#### **Minutes:**

A motion was made by Hector Marrero, seconded by Joseph Litowich, to approve the minutes of the February 11, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

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#### **OLD BUSINESS**

Mr. Williams provided the following status report:

1. Item 12-531 Site Plan Modification (Emergency Helipad)  
160 NW 170 Street  
*Approved 5-2 by City Council.*
2. Item 12-523 Right-of-Way Vacation (NE 164 Street)  
1051 North Miami Beach Boulevard  
*Approved unanimously by City Council.*

**NEW BUSINESS**

**Item 13-540: Cabana: 3207 NE 168 Street – After-the-Fact Variances**

Mr. Williams stated that the Applicant is requesting after-the-fact variances for an existing cabana located on the subject property. The requested variances were cabana rear yard setback, interior side yard setback, and existing pervious lot area.

Fortuna Smukler, Applicant, explained that the cabana was located on the property at the time she moved in. Later on, an inspector had cited both the Applicant and a neighbor for their cabanas, and the Applicant applied for a permit for the cabana on her property, as she had not been aware the existing structure was not permitted.

Mr. Mosher noted that the Applicant's neighbor did not object to the structure. Ms. Smukler confirmed this, and added that the cabana is built according to Code.

Vice Chairman Kreisberg advised that he was provided with notice for this Item, and had no objection to the structure.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Williams stated that the City had no objection to the variances, and recommended the Item favorably with three conditions. Ms. Smukler confirmed that she was willing to accept the conditions.

A motion to approve Item 13-540 was made by Michael Mosher and seconded by Anthony DeFillipo. In a roll call vote, the motion passed with a vote of 6-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>ABSENT</b>
<b>Michael Mosher</b>	<b>YES</b>

◆-----◆  
Mr. Smukler joined the meeting at this time.  
◆-----◆

**Item 13-542: 1998 NE 161 Street: RM-23 to B-3 – Rezoning & Conditional Use Approval**

Mr. Williams stated that the Applicant has requested rezoning of a vacant lot from RM-23, Residential Mid-Rise Multi-Family, to B-3, Business. The Applicant also requested conditional use approval to operate an automotive repair shop and/or warehouse on the property.

Sepp Tovini, Applicant, said he had purchased the property as an investment in 2005. He has not been able to develop the property within the RM-23 zoning district. When he had learned the future land use was for Business, he had offered the property for sale, but had not been able to sell it thus far. At this time Staff had advised the Applicant to seek B-3 zoning with conditional warehouse and automotive repair shop use.

Mr. Litowich requested clarification of the Applicant's address. Mr. Tovini said he is a resident of Coral Gables.

Mr. Marrero asked if the Applicant planned to sell the property. Mr. Tovini said he had not made a decision on whether to sell the property or build a repair shop on the parcel. His current business is located on NE 21 Avenue.

Vice Chairman Kreisberg asked if there had been any activity on the property. Mr. Tovini said a small house had been located on the property when he purchased it, but the structure has since been demolished and the lot is vacant. He showed photographs of the parcel and the neighboring residential property.

Mr. Smukler asked to know the location of the residential neighbor. Mr. Tovini said this adjacent property, zoned RM-23 with a future land use of Business, is south of the subject parcel on 19 Avenue. The properties to the north and east are zoned B-4, while the properties to the south and west are RM-23.

Mr. Litowich observed that the existing land use map showed the RM-23 parcel to the south as Business. Mr. Williams explained that this is an error on the map, and the parcel currently contains duplexes. Mr. Litowich asked if construction was planned for the Applicant's vacant lot. Mr. Tovini said he was considering the construction of a warehouse or automotive use. He pointed out that the remaining parcels to the south are zoned Business as well. Shari Kamali, Public Services Director, clarified that the future land use is Business, which means the RM-23 parcels are currently not in compliance.

Mr. Williams explained that the Applicant is requesting both rezoning to B-3 and special or conditional use to allow a warehouse or automotive repair shop within the requested B-3 district. These uses are allowed under B-4 zoning, but not B-3. The Applicant has also agreed to exclude certain uses from B-3 that could be considered objectionable. City Attorney Darcee Siegel advised that this agreement would be executed under a restrictive covenant.

Mr. Williams clarified that the conditional use will apply to the entity that builds on the subject property. It will expire in one year if it is not executed. Chairman Piper stated that if a business on a property allowing conditional use is closed, the next business to be located on the property will not be granted the same conditional use. Mr. Williams replied that the conditional use would continue to apply to the property if another business moves onto the property within 180 days.

Mr. Litowich asked if the conditional use would apply to the property or the owner. Mr. Williams said the conditions apply to the property.

Mr. Litowich asked if there were any conditions that would mitigate the severity of the change to a warehouse or repair shop use on the subject property. Mr. Williams said any building planned for the property would be required to come before the Board for site plan approval, and the street would act as a buffer area. Mr. Tovini said the warehouse doors would face 161 Street, where other warehouses are already located.

Chairman Piper asked if there would be any issues regarding access to the property from 161<sup>st</sup> Street. Ms. Kamali said this would be addressed in the site plan. Mr. Williams added that if it is necessary, the property's postal address would be reassigned as part of site plan approval.

Chairman Piper said he would be more inclined to be in favor of the request if the business faced 161 Street rather than 19 Place. He added that he would prefer to see the building plans for the subject property, including buffers, before granting approval. Mr. Tovini said City Staff had advised him to request rezoning before preparing plans for a structure on the property.

Chairman Piper asked why the request was not for rezoning to B-4. Ms. Kamali replied that the City's Comprehensive Plan does not allow B-4 zoning on this property: although the future land use is Business, it would only allow zoning up to B-3. B-4 zoning allows for industrial uses, while B-3 is restricted to less intensive use.

Chairman Piper asked if the Applicant could receive B-3 zoning at present but request conditional use at a later time when they submitted plans for building on the property. Ms. Kamali said this would be possible, but noted that the Applicant has already paid the necessary fees to request special limited conditional use as well as rezoning.

Mr. Smukler asked if the Board would see the Applicant again if both requests are approved at tonight's meeting. Mr. Williams said the Applicant could not begin construction on the property without site plan approval by the Board and City Council. All new commercial property structures require site plan approval.

Mr. Tovini advised that on 161 Street, all warehouse uses are automotive except for the adjacent parcel to the south and a church. The apartment buildings on 161 Street already face these warehouse uses. Ms. Kamali confirmed that the majority of uses on this part of the street are B-3 and B-4.

Chairman Piper asked if the Applicant had any issues with the possibility of the Board granting the B-3 rezoning, but not granting the conditional use until a site plan has been submitted for the subject property. Mr. Tovini said he would like to sell the property if possible, and prospective builders may realize that they would be limited by the B-3 zoning with no conditional use. He pointed out that the conditional use request has already been advertised.

Mr. Tovini said his main goal is to attempt to locate an office warehouse on the site with auto sales and repairs in the back; he pointed out that this would still require conditional use, as warehouse uses are precluded from B-3 zones. Chairman Piper asked to know the difference between a retail parts and accessories store and a warehouse. Ms.

Kamali responded that the Applicant's request is for an auto repair shop. She read the City's definition of a warehouse into the record, noting that the building must be designed and used for the containment of products or materials "of a dry storage nature."

Chairman Piper asked if a warehouse with an office or sales counter located in the front would no longer be considered a warehouse. Ms. Kamali said this would depend upon the use, as an office could be seen as accessory to the warehouse.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Chairman Piper observed that the Board could approve the B-3 zoning change with the recommended restrictions, and the Applicant could request conditional use when the site plan comes before the Board. Mr. Williams pointed out, that if this was the case, the Applicant would have to re-file his request for conditional use and pay the necessary filing fees for this request once again. Mr. Tovini said because he has been unable to sell the property thus far, and doing so was likely to result in a loss, his primary goal is to keep the property and build on it in order to move his business to the subject location. This would mean coming back before the Board in less than one year with plans for construction.

Mr. Smukler asked if the request for conditional use could be deferred until a later time, such as when the Applicant brought a site plan before the Board for approval. Ms. Siegel said the request for conditional use could be withdrawn. Mr. Williams stated once again that the Applicant has already paid the necessary fee for the conditional use Application, which is \$4000 and is nonrefundable.

Chairman Piper asked if it would be possible for the Board to defer the conditional use request. Ms. Siegel noted that the Board could table the request for conditional use and vote on the B-3 rezoning, with restrictions; in this case, when a site plan is brought before the Board, the fee would not be lost.

Vice Chairman Kreisberg stated that he did not feel approving the conditional use request would place the City at any additional risk, as the Applicant would still be required to bring a site plan before the Board before construction could begin. Mr. Williams added that the site plan would also need to come before Staff for approval before it was advanced to the Board.

Chairman Piper stated that while he was sympathetic to the use, he was concerned that there would be no buffer zone between a warehouse and the residential units located across the street from it. Mr. Tovini pointed out that there is no buffer in place between the residential units and the existing warehouses on the street.

Mr. Smukler asked what would happen if the request was tabled and the Applicant subsequently sold the property. Mr. Tovini reiterated that he was not planning on selling the property, as this was likely to result in a loss. He was more likely to build an

automotive repair shop or warehouse on the property, which would require the conditional use.

Chairman Piper clarified that a motion could be made to approve the request as written; a motion could also be made to approve the request for B-3 rezoning only, or to table the conditional use request, if the maker of the motion so wished. He explained that he wanted to make sure the Board's options were clear.

Mr. Mosher asserted that whatever the Applicant wished to build facing the residential buildings on 19 Place would not have an effect on these multi-family buildings.

Mr. Williams advised that the City recommended the Item favorably, with the restrictive covenant as included in the request. Mr. Tovini stated that he was willing to accept the conditions as included.

A motion to approve Item 13-542 as written, with conditions, was made by Julian Kreisberg and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Item 13-541: Townhouses: 3500 NE 166 Street – Site Plan Review and Variances**

Mr. Williams stated that the Applicant requests site plan approval and variances for the construction of two duplex townhouses on the .29 acre subject parcel. The property is located in the RM-19 residential low-rise multi-family zoning district. The requested variances are for the minimum required front yard setback, minimum required side yard setback, corner side yard setback, and required parking spaces.

Luis de Rosa, architect for the Applicant, explained that the proposal was for a four-unit development of two twin homes on the parcel. He noted that Code allows for the placement of 5.5 residential units on a lot of this size. The proposed building would duplicate a four-unit development across the street, which is also owned by the Applicant, with similar features and characteristics.

He stated that some of the setbacks and variances requested would actually increase the existing setbacks on the side of the duplex lot when the current structure is demolished and a new structure is constructed. The Applicant felt the required 30 ft. distance separation between buildings was excessive, as Florida Building Code requires only a minimum 10 ft. separation.

Mr. de Rosa advised that the lot is restricted by its semicircular property line; however, the sidewalks and parkways associated with the lot provide a buffer between the property and the street. Some existing conditions, which include a driveway, will be eliminated in order to improve the traffic flow from 166<sup>th</sup> Street. He concluded that the plans would improve the site.

Mr. DeFillipo asked how long the approval process has taken thus far. Mr. de Rosa said the next hearing will be in June, after which time the Applicant expects to obtain permits. Construction is estimated to begin in eight to nine months.

Mr. Smukler commented that the proposed building appeared to be a good addition to the neighborhood.

Mr. Mosher asked a question regarding the orientation of the two planned center units for the project. Mr. de Rosa explained the planning behind the alignment of these units.

Chairman Piper opened the floor to public comment.

David Pichette, private citizen, expressed concern regarding the encroachment of the planned building on the roadways and sidewalks. He stated that he was also concerned with the increased density of the neighborhood and the loss of space between buildings, which have altered the dynamics of the neighborhood. He advised that he has not seen a layout of how the planned building would fit on the lot, and pointed out that if the Applicant's development plan of purchasing existing single-family homes and replacing them with multi-family structures became a pattern, it would change the nature of the Eastern Shores community.

Edward Rhodes, private citizen, asserted that he felt it would be extreme to reduce the LDR requirement significantly by changing the setback from 25 ft. to 16.5 ft. He felt this would encroach onto the street. Reducing the distance between the buildings to 10 ft. would constitute a 67% reduction, and the side yard variance would be a 72% reduction. Mr. Rhodes also asked if the planned garage would count as one of the three parking spaces allowed per unit. He concluded that the variances would result in a decrease in the pervious area of the site, and asked why the variances would be granted without requiring the Applicant to demonstrate a hardship.

Mr. Pichette added that he also felt the setback from the street on 30 Avenue was far too small, and the building would encroach on the street as a result.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid explained that while the variances could give the impression that there was "too much going on" with regard to the site, they were more reasonable when considered more closely. He recalled that the Applicant's initial drawings had included five units instead of four, as allowed by Code, but had ultimately prepared drawings more similar to their development across the street. He also noted that the two



structures could have been pushed together with no separation rather than the 10 ft. separation proposed by the Applicant.

With regard to the front yard setback, Mr. Heid noted that only the extreme northwest corner of the first unit did not lie within the required setback; this was due to the geometry of the lot, which includes a circular arc. The same occurs on the rear yard setback in the extreme southwest corner. He stated that the units themselves are 32 ft. away from the sidewalk. The east side yard setback is slightly larger than the setback of the current building.

He continued that all parking spaces are present, but it was not technically possible to count the westernmost space, of which a corner is outside the property line. It is confined behind the sidewalk and does not encroach upon it. All spaces exceed the requirement of 18 ft. Mr. Heid concluded that the plans are well-designed and replace an outdated structure, and are recommended favorably by the City with 12 conditions.

The Applicant agreed that all conditions could be met.

A motion to accept Item 13-541 with the 12 conditions was made by Julian Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

Mr. Heid advised that the Board's vote was a recommendation to City Council, which will render a final decision on the Item at a second public hearing. Neighboring properties will be noticed and newspaper ads will be taken out to inform the public of the date of the hearing. He estimated that this hearing would be scheduled for June 2013.

◆-----◆  
*It was noted that the following two Items would be presented together:*

**Item 13-538: LDR Text Amendments: Residential Driveways**

**Item 13-539: LDR Text Amendments: Front Yard Pervious Area**

Mr. Heid explained that these amendments to zoning Code would remove the requirement for a minimum front yard pervious area, and would establish different standards for how front yard driveways may be built. At present, a certain percentage of a property must be pervious, including landscaping or green areas through which rainwater may return to the water table. There is also a second requirement for a minimum pervious area in the front yard of a property, which is a very high standard

and often results in variances. The recommendation to do away with the required front yard pervious area would return the standard to an overall pervious area percentage requirement for the entire lot.

He continued that there are other minor changes and clarifications, such as a change that would bring the Eastern Shores community into compliance with the setback standards required throughout the rest of the City. There is another suggestion that 5 ft. setbacks are maintained between a driveway and a house. Semicircular driveways would have a 5 ft. minimum width of the arc. Mr. Heid noted that some driveways are 15 ft. in width, which is considered to be too wide. The driveway flare would be reduced from 5 ft. to 3 ft. in order to prevent connection between adjacent driveway flares. Driveway approaches are limited to two, as in a semicircular driveway.

Mr. Heid stated that when multiple variances come forward over time, it is generally noted that there may be an issue with Code and not with residents. In addition, larger and multigenerational families may have more cars on their properties, and the LDR amendment would prevent these cars from having to be parked on grass, swales, or blocking sidewalks. He concluded that the amendments are "speaking to the market" and providing residents with the changes they want.

Mr. Heid reported that the City recommends both LDR text amendments favorably, which would remove the front yard pervious area requirements but retain the overall pervious area requirements and amend Code regarding residential driveways.

It was asked if it would be possible for a structure to have two separate driveways. Mr. Heid replied that this would be permitted in some situations, although it is not encouraged by the City.

Mr. Smukler asked if off-street parking requirements for commercial and non-residential vehicles would be stricken from Code by the proposed amendments. Mr. Heid said the City's Code Compliance Supervisor had recommended this language be stricken and replaced by a restriction on the parking of commercial vehicles and equipment in residential areas.

Vice Chair Kreisberg requested clarification of this language. Mr. Heid characterized it as less restrictive, and as a clarification that some equipment that is generally not considered offensive, such as pipes or ladders, may be allowed.

Mr. Heid added that restrictions governing stormwater runoff on construction sites would be maintained.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Items, public comment was closed.

A motion to approve Item 13-538 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

A motion to approve Item 18-539 was made by Julian Kreisberg and seconded by Saul Smukler. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Next Meeting**

Mr. Heid noted that the next meeting would be held on May 13, 2013.

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**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:39 p.m.

**ORDINANCE NO. 2013-6**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-41 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT" BY AMENDING REGULATIONS FOR DRIVEWAYS; AMENDING SECTION 24-92 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "OFF-STREET PARKING REQUIREMENT" BY UPDATING REGULATIONS FOR PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS AND ELIMINATING REGULATIONS FOR SINGLE-FAMILY DRIVEWAYS; CREATING SECTION 24-92.1, ENTITLED "SINGLE-FAMILY RESIDENTIAL DRIVEWAY DESIGN STANDARDS" TO PROVIDE DESIGN STANDARDS FOR SINGLE-FAMILY DRIVEWAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current regulations regarding residential driveways offer residents limited options for any type of deviation; and

**WHEREAS**, in order to give residents more options for constructing, installing and altering driveways, amendments to the current Code are required; and

**WHEREAS**, the City Code currently prohibits the overnight parking of commercial vehicles in residential areas, with the exception of work vehicles used by residents, but does not clearly define the term "commercial vehicles" nor does it give anyone the criteria or guidelines necessary to abide by the City Code; and

**WHEREAS**, new language is being introduced to clearly define commercial vehicles and where they can be parked; and

**RESOLUTION NO. 2013-6**

**WHEREAS**, the Mayor and City Council believe that the maintenance of commercial and/or other non-residential purpose vehicles in single and two family residential neighborhoods constitutes a public nuisance and disturbs the tranquil nature of residential neighborhoods; and

**WHEREAS**, this ordinance was heard by the Planning and Zoning Board on Monday, April 8, 2013 and received a favorable recommendation with a vote of 7 to 0; and

**WHEREAS**, the regulation of commercial and/or other non-residential purpose vehicles in the City's residential neighborhoods is part of the ongoing overall effort by the City to upgrade and maintain minimum housing standards in the City of North Miami Beach.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Sec. 24-41 RS-1 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-41 RS-1 Residential Single-Family District**

(D) Site Development Standards.

(9) *Special regulations:*

Anything in this Code to the contrary notwithstanding, the following special regulations shall apply for this district:

(q) ~~Off street parking: Each residence shall provide for off street parking on the lot for not less than two (2) standard size American passenger vehicles. The parking spaces shall be ten (10) feet by twenty (20) feet each. This requirement shall not be deemed to be met by a parking area wherein the vehicles must park one behind the other, except in the case of a circular driveway.~~Reserved.

**Section 3.** Sec. 24-92 Off-Street Parking Requirements of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

## Sec. 24-92 Off-Street Parking Requirements

### (E) ~~Single-Family/Two-Family/Three-Family and Four-Family Dwellings.~~

#### (1) ~~Uncovered parking and driveways:~~

(a) ~~On-site driveways for single-family, two-family, three-family and four-family dwellings in residential districts shall be considered as off-street parking spaces provided sufficient space is available on such driveways to meet the requirements of this article and said driveways are paved with concrete, asphalt, or pavers of brick or cement bedded in sand, or similar material authorized by the Director.~~

(b) ~~Parking on the grass is prohibited except temporary parking on the swale.~~  
(Ord. No. 2006-1 § 13, 2/21/2006)

#### (c) ~~Landscape buffer strips.~~

1. ~~After October 15, 2000, driveway or sidewalk pavement may not be installed within five (5) feet of an interior side lot line or ten (10) feet of a corner side lot line, except in the MH-1 and RS-5 Zoning Districts where the minimum distance shall be three (3) feet from an interior side lot line and five (5) feet from a corner side lot line.~~

2. ~~After October 15, 2000, driveway pavement may not be installed within five (5) feet of the wall of any structure located on the property, except for an active carport or garage. In the case of new garage or carport conversions or enclosures permitted and/or constructed after October 15, 2000, the driveway pavement shall be removed from the front of the carport or garage for a minimum distance of five (5) feet and landscaping be installed there.~~

(2) ~~Carports:~~ All carports shall have a roof that is adequately maintained.

#### ~~(3) Commercial and/or other non-residential purpose vehicles:~~

~~(a) No commercial and/or other nonresidential purpose vehicles, such as trucks, tractors, trailers, panel trucks, buses, school buses or any other commercial vehicle less than three quarter (3/4) ton, shall be parked, kept or maintained in any two-family residential district during the nighttime for any period of time or during the daytime for a period in excess of four (4) hours, except for purposes of delivery of goods, or for construction or repair, or for the loading and/or unloading of passengers, except that the owner and/or occupancy of a two-family dwelling may park no more than one (1) such vehicle in or on said residential property if the vehicle constitutes the regularly driven work vehicle of the owner/occupant, unless prohibited elsewhere in this Code.~~

~~(b) The restrictions in this section are in addition to and not in place of any and all other parking and/or other restrictions in this Code. (Ord. No. 92-14, § 2, 7-21-92)~~

(F) *Nonresidential Driveways.* Adjacent nonresidential uses of less than ten thousand (10,000) square feet of gross floor area shall share on-site driveways to the extent possible.

(G) Parking of commercial vehicles or commercial equipment in residential areas. It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:

- (1) The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.
- (2) The vehicle and/or equipment is parked in a garage or fully enclosed structure and cannot be seen from adjacent properties or the street serving the lot.
- (3) The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.
- (4) Automobiles; passenger type vans; and pickup trucks having a rate load capacity of one ton or less, all of which do not exceed 7½ feet in height, nor seven feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited.
- (5) Exempted from this section is small commercial equipment such as ladders and pipes which cannot be contained in the vehicle. Said equipment shall be secured to the vehicle and shall not extend beyond the length of the vehicle.
- (6) Parking of commercial vehicles or commercial equipment on vacant residential lots is prohibited.
- (7) These exceptions shall not apply in the RS-1 district and all provisions of Section 24-41 of this Code shall remain in full force and effect.
- (8) The restrictions in this section are in addition to and not in place of any and all other parking and/or other restrictions in this Code.

**Section 4.** Sec. 24-92.1 Single-Family Residential Driveway Standards of the Code of Ordinances of the City of North Miami Beach is hereby created as follows:

**Sec. 24-9.1 Single-Family Residential Driveway Design Standards**

(A) Setbacks.

- (1) Side Property Line: Driveway or sidewalk pavement may not be installed within five (5) feet of an interior side lot line or ten (10) feet of a corner side lot line, except in the MH-1 and RS-5 Zoning Districts where the minimum distance shall be three (3) feet from an interior side lot line and five (5) feet from a corner side lot line.
- (2) Structure: Driveway pavement may not be installed within five (5) feet of the wall of any structure located on the property, except for an active carport or garage. In the case of new garage or carport conversions or enclosures the driveway pavement shall be removed from the front of the carport or garage for a minimum distance of five (5) feet and landscaping be installed there.

(3) Front Property Line: Driveway pavement may not be installed within five (5) feet of a front lot line unless it is connected to the street.

(B) Size.

(1) Minimum driveway width of nine (9) feet.

(2) Minimum driveway depth of eighteen (18) feet.

(3) Maximum driveway width of twelve (12) feet per parking space, with a total maximum thirty-six (36) feet:

(a) One car back-out driveway width twelve (12) feet

(b) Two car back-out driveway width twenty-four (24) feet

(c) Three car back-out driveway width thirty-six (36) feet

(d) Semi-circular or arcing driveway width twelve (12) feet

(C) Driveway Approach.

(1) Driveway must be connected to a street or alley by a paved approach.

(2) No more than two (2) driveway approaches shall be located in the front yard.

(3) The material of the driveway approach must match the material of the driveway.

(4) A three (3) foot flare shall be required on each side of the driveway approach at its connection to the street or alley.

(5) Sidewalks shall be continuous and may not be interrupted by driveways or driveway approaches.

(D) Parking on the grass is prohibited except for parking on the swale.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 7.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.



**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of June, 2013.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

\_\_\_\_\_  
**PAMELA L. LATIMORE**  
**CITY CLERK**

\_\_\_\_\_  
**GEORGE VALLEJO**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

Sponsored by: Mayor & City Council

**RESOLUTION NO. 2013-6**



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Roslyn Weisblum, City Manager  
**DATE:** Tuesday, June 4, 2013

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**RE:** Ordinance No. 2013-7 First Reading by Title Only (City Planner Christopher Heid)

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**BACKGROUND:** Staff is recommending amendments to the Land Development Regulations to remove the requirement for a minimum front yard pervious area in the City's single-family residential zoning districts.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Christopher Heid, City Planner

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### **ATTACHMENTS:**

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 8, 2013](#)
- ❑ [Ordinance No. 2013-7](#)



## CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

**TO: MAYOR AND CITY COUNCIL**  
**FROM: ROSLYN WEISBLUM, CITY MANAGER**  
**DATE: TUESDAY, JUNE 4, 2013**

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**RE: ORDINANCE NO. 2013-7 (P&Z ITEM 13-539)**  
**PROPOSED LAND DEVELOPMENT REGULATIONS AMENDMENTS**  
**REGARDING FRONT YARD PERVIOUS AREA**

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Pervious area is a surface area that allows penetration by water, generally grass or other landscaping. All of the City's zoning districts have a required minimum pervious lot area, with the exception of the Planned Unit Development Zoning District. The single-family zoning districts (RS-1, RS-2, RS-3, and RS-4) not only have a minimum pervious lot area but also include a minimum front yard pervious area.

Staff is recommending that the minimum front yard pervious area be eliminated from the code contingent on the approval of new driveway regulations (through a separate ordinance). It is recommended that the overall pervious lot area requirement remain.

The front yard pervious area requirement limits the size and type of driveway that homeowners are allowed to have. In some cases limiting the driveway to a 2 car back out. While semicircular driveways are more desirable and most often requested, many homeowners are unable to acquire permits without variances.

Staff believes that with the addition of new driveway regulations, the minimum front yard pervious area requirement is no longer necessary.

◆-----◆

### **PLANNING & ZONING BOARD HISTORY**

This item was heard by the Planning & Zoning Board at the meeting of Monday, April 8, 2013 and received a favorable recommendation with a vote of 7-0.



# ***City of North Miami Beach, Florida***

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## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **PLANNING & ZONING BOARD MEETING**

MONDAY, APRIL 8, 2013

#### **Attendees:**

Members - Chairman Evan Piper  
Julian Kreisberg  
Joseph Litowich  
Anthony DeFillipo  
Michael Mosher  
Hector Marrero  
Saul Smukler

Christopher Heid, City Planner  
Darcee Siegel, City Attorney  
Shari Kamali, Public Services Director  
Steven Williams, Board Recorder

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#### **Call to Order and Pledge of Allegiance:**

Chairman Piper called the meeting to order at 6:12 p.m. The Pledge of Allegiance was recited and roll was called.

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#### **Minutes:**

A motion was made by Hector Marrero, seconded by Joseph Litowich, to approve the minutes of the February 11, 2013 meeting. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

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#### **OLD BUSINESS**

Mr. Williams provided the following status report:

1. Item 12-531 Site Plan Modification (Emergency Helipad)  
160 NW 170 Street  
*Approved 5-2 by City Council.*
2. Item 12-523 Right-of-Way Vacation (NE 164 Street)  
1051 North Miami Beach Boulevard  
*Approved unanimously by City Council.*

**NEW BUSINESS**

**Item 13-540: Cabana: 3207 NE 168 Street – After-the-Fact Variances**

Mr. Williams stated that the Applicant is requesting after-the-fact variances for an existing cabana located on the subject property. The requested variances were cabana rear yard setback, interior side yard setback, and existing pervious lot area.

Fortuna Smukler, Applicant, explained that the cabana was located on the property at the time she moved in. Later on, an inspector had cited both the Applicant and a neighbor for their cabanas, and the Applicant applied for a permit for the cabana on her property, as she had not been aware the existing structure was not permitted.

Mr. Mosher noted that the Applicant's neighbor did not object to the structure. Ms. Smukler confirmed this, and added that the cabana is built according to Code.

Vice Chairman Kreisberg advised that he was provided with notice for this Item, and had no objection to the structure.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Mr. Williams stated that the City had no objection to the variances, and recommended the Item favorably with three conditions. Ms. Smukler confirmed that she was willing to accept the conditions.

A motion to approve Item 13-540 was made by Michael Mosher and seconded by Anthony DeFillipo. In a roll call vote, the motion passed with a vote of 6-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>ABSENT</b>
<b>Michael Mosher</b>	<b>YES</b>

◆-----◆  
Mr. Smukler joined the meeting at this time.  
◆-----◆

**Item 13-542: 1998 NE 161 Street: RM-23 to B-3 – Rezoning & Conditional Use Approval**

Mr. Williams stated that the Applicant has requested rezoning of a vacant lot from RM-23, Residential Mid-Rise Multi-Family, to B-3, Business. The Applicant also requested conditional use approval to operate an automotive repair shop and/or warehouse on the property.

Sepp Tovini, Applicant, said he had purchased the property as an investment in 2005. He has not been able to develop the property within the RM-23 zoning district. When he had learned the future land use was for Business, he had offered the property for sale, but had not been able to sell it thus far. At this time Staff had advised the Applicant to seek B-3 zoning with conditional warehouse and automotive repair shop use.

Mr. Litowich requested clarification of the Applicant's address. Mr. Tovini said he is a resident of Coral Gables.

Mr. Marrero asked if the Applicant planned to sell the property. Mr. Tovini said he had not made a decision on whether to sell the property or build a repair shop on the parcel. His current business is located on NE 21 Avenue.

Vice Chairman Kreisberg asked if there had been any activity on the property. Mr. Tovini said a small house had been located on the property when he purchased it, but the structure has since been demolished and the lot is vacant. He showed photographs of the parcel and the neighboring residential property.

Mr. Smukler asked to know the location of the residential neighbor. Mr. Tovini said this adjacent property, zoned RM-23 with a future land use of Business, is south of the subject parcel on 19 Avenue. The properties to the north and east are zoned B-4, while the properties to the south and west are RM-23.

Mr. Litowich observed that the existing land use map showed the RM-23 parcel to the south as Business. Mr. Williams explained that this is an error on the map, and the parcel currently contains duplexes. Mr. Litowich asked if construction was planned for the Applicant's vacant lot. Mr. Tovini said he was considering the construction of a warehouse or automotive use. He pointed out that the remaining parcels to the south are zoned Business as well. Shari Kamali, Public Services Director, clarified that the future land use is Business, which means the RM-23 parcels are currently not in compliance.

Mr. Williams explained that the Applicant is requesting both rezoning to B-3 and special or conditional use to allow a warehouse or automotive repair shop within the requested B-3 district. These uses are allowed under B-4 zoning, but not B-3. The Applicant has also agreed to exclude certain uses from B-3 that could be considered objectionable. City Attorney Darcee Siegel advised that this agreement would be executed under a restrictive covenant.

Mr. Williams clarified that the conditional use will apply to the entity that builds on the subject property. It will expire in one year if it is not executed. Chairman Piper stated that if a business on a property allowing conditional use is closed, the next business to be located on the property will not be granted the same conditional use. Mr. Williams replied that the conditional use would continue to apply to the property if another business moves onto the property within 180 days.

Mr. Litowich asked if the conditional use would apply to the property or the owner. Mr. Williams said the conditions apply to the property.

Mr. Litowich asked if there were any conditions that would mitigate the severity of the change to a warehouse or repair shop use on the subject property. Mr. Williams said any building planned for the property would be required to come before the Board for site plan approval, and the street would act as a buffer area. Mr. Tovini said the warehouse doors would face 161 Street, where other warehouses are already located.

Chairman Piper asked if there would be any issues regarding access to the property from 161<sup>st</sup> Street. Ms. Kamali said this would be addressed in the site plan. Mr. Williams added that if it is necessary, the property's postal address would be reassigned as part of site plan approval.

Chairman Piper said he would be more inclined to be in favor of the request if the business faced 161 Street rather than 19 Place. He added that he would prefer to see the building plans for the subject property, including buffers, before granting approval. Mr. Tovini said City Staff had advised him to request rezoning before preparing plans for a structure on the property.

Chairman Piper asked why the request was not for rezoning to B-4. Ms. Kamali replied that the City's Comprehensive Plan does not allow B-4 zoning on this property: although the future land use is Business, it would only allow zoning up to B-3. B-4 zoning allows for industrial uses, while B-3 is restricted to less intensive use.

Chairman Piper asked if the Applicant could receive B-3 zoning at present but request conditional use at a later time when they submitted plans for building on the property. Ms. Kamali said this would be possible, but noted that the Applicant has already paid the necessary fees to request special limited conditional use as well as rezoning.

Mr. Smukler asked if the Board would see the Applicant again if both requests are approved at tonight's meeting. Mr. Williams said the Applicant could not begin construction on the property without site plan approval by the Board and City Council. All new commercial property structures require site plan approval.

Mr. Tovini advised that on 161 Street, all warehouse uses are automotive except for the adjacent parcel to the south and a church. The apartment buildings on 161 Street already face these warehouse uses. Ms. Kamali confirmed that the majority of uses on this part of the street are B-3 and B-4.

Chairman Piper asked if the Applicant had any issues with the possibility of the Board granting the B-3 rezoning, but not granting the conditional use until a site plan has been submitted for the subject property. Mr. Tovini said he would like to sell the property if possible, and prospective builders may realize that they would be limited by the B-3 zoning with no conditional use. He pointed out that the conditional use request has already been advertised.

Mr. Tovini said his main goal is to attempt to locate an office warehouse on the site with auto sales and repairs in the back; he pointed out that this would still require conditional use, as warehouse uses are precluded from B-3 zones. Chairman Piper asked to know the difference between a retail parts and accessories store and a warehouse. Ms.

Kamali responded that the Applicant's request is for an auto repair shop. She read the City's definition of a warehouse into the record, noting that the building must be designed and used for the containment of products or materials "of a dry storage nature."

Chairman Piper asked if a warehouse with an office or sales counter located in the front would no longer be considered a warehouse. Ms. Kamali said this would depend upon the use, as an office could be seen as accessory to the warehouse.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Item, public comment was closed.

Chairman Piper observed that the Board could approve the B-3 zoning change with the recommended restrictions, and the Applicant could request conditional use when the site plan comes before the Board. Mr. Williams pointed out, that if this was the case, the Applicant would have to re-file his request for conditional use and pay the necessary filing fees for this request once again. Mr. Tovini said because he has been unable to sell the property thus far, and doing so was likely to result in a loss, his primary goal is to keep the property and build on it in order to move his business to the subject location. This would mean coming back before the Board in less than one year with plans for construction.

Mr. Smukler asked if the request for conditional use could be deferred until a later time, such as when the Applicant brought a site plan before the Board for approval. Ms. Siegel said the request for conditional use could be withdrawn. Mr. Williams stated once again that the Applicant has already paid the necessary fee for the conditional use Application, which is \$4000 and is nonrefundable.

Chairman Piper asked if it would be possible for the Board to defer the conditional use request. Ms. Siegel noted that the Board could table the request for conditional use and vote on the B-3 rezoning, with restrictions; in this case, when a site plan is brought before the Board, the fee would not be lost.

Vice Chairman Kreisberg stated that he did not feel approving the conditional use request would place the City at any additional risk, as the Applicant would still be required to bring a site plan before the Board before construction could begin. Mr. Williams added that the site plan would also need to come before Staff for approval before it was advanced to the Board.

Chairman Piper stated that while he was sympathetic to the use, he was concerned that there would be no buffer zone between a warehouse and the residential units located across the street from it. Mr. Tovini pointed out that there is no buffer in place between the residential units and the existing warehouses on the street.

Mr. Smukler asked what would happen if the request was tabled and the Applicant subsequently sold the property. Mr. Tovini reiterated that he was not planning on selling the property, as this was likely to result in a loss. He was more likely to build an



automotive repair shop or warehouse on the property, which would require the conditional use.

Chairman Piper clarified that a motion could be made to approve the request as written; a motion could also be made to approve the request for B-3 rezoning only, or to table the conditional use request, if the maker of the motion so wished. He explained that he wanted to make sure the Board's options were clear.

Mr. Mosher asserted that whatever the Applicant wished to build facing the residential buildings on 19 Place would not have an effect on these multi-family buildings.

Mr. Williams advised that the City recommended the Item favorably, with the restrictive covenant as included in the request. Mr. Tovini stated that he was willing to accept the conditions as included.

A motion to approve Item 13-542 as written, with conditions, was made by Julian Kreisberg and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Item 13-541: Townhouses: 3500 NE 166 Street – Site Plan Review and Variances**

Mr. Williams stated that the Applicant requests site plan approval and variances for the construction of two duplex townhouses on the .29 acre subject parcel. The property is located in the RM-19 residential low-rise multi-family zoning district. The requested variances are for the minimum required front yard setback, minimum required side yard setback, corner side yard setback, and required parking spaces.

Luis de Rosa, architect for the Applicant, explained that the proposal was for a four-unit development of two twin homes on the parcel. He noted that Code allows for the placement of 5.5 residential units on a lot of this size. The proposed building would duplicate a four-unit development across the street, which is also owned by the Applicant, with similar features and characteristics.

He stated that some of the setbacks and variances requested would actually increase the existing setbacks on the side of the duplex lot when the current structure is demolished and a new structure is constructed. The Applicant felt the required 30 ft. distance separation between buildings was excessive, as Florida Building Code requires only a minimum 10 ft. separation.

Mr. de Rosa advised that the lot is restricted by its semicircular property line; however, the sidewalks and parkways associated with the lot provide a buffer between the property and the street. Some existing conditions, which include a driveway, will be eliminated in order to improve the traffic flow from 166<sup>th</sup> Street. He concluded that the plans would improve the site.

Mr. DeFillipo asked how long the approval process has taken thus far. Mr. de Rosa said the next hearing will be in June, after which time the Applicant expects to obtain permits. Construction is estimated to begin in eight to nine months.

Mr. Smukler commented that the proposed building appeared to be a good addition to the neighborhood.

Mr. Mosher asked a question regarding the orientation of the two planned center units for the project. Mr. de Rosa explained the planning behind the alignment of these units.

Chairman Piper opened the floor to public comment.

David Pichette, private citizen, expressed concern regarding the encroachment of the planned building on the roadways and sidewalks. He stated that he was also concerned with the increased density of the neighborhood and the loss of space between buildings, which have altered the dynamics of the neighborhood. He advised that he has not seen a layout of how the planned building would fit on the lot, and pointed out that if the Applicant's development plan of purchasing existing single-family homes and replacing them with multi-family structures became a pattern, it would change the nature of the Eastern Shores community.

Edward Rhodes, private citizen, asserted that he felt it would be extreme to reduce the LDR requirement significantly by changing the setback from 25 ft. to 16.5 ft. He felt this would encroach onto the street. Reducing the distance between the buildings to 10 ft. would constitute a 67% reduction, and the side yard variance would be a 72% reduction. Mr. Rhodes also asked if the planned garage would count as one of the three parking spaces allowed per unit. He concluded that the variances would result in a decrease in the pervious area of the site, and asked why the variances would be granted without requiring the Applicant to demonstrate a hardship.

Mr. Pichette added that he also felt the setback from the street on 30 Avenue was far too small, and the building would encroach on the street as a result.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

Mr. Heid explained that while the variances could give the impression that there was "too much going on" with regard to the site, they were more reasonable when considered more closely. He recalled that the Applicant's initial drawings had included five units instead of four, as allowed by Code, but had ultimately prepared drawings more similar to their development across the street. He also noted that the two

structures could have been pushed together with no separation rather than the 10 ft. separation proposed by the Applicant.

With regard to the front yard setback, Mr. Heid noted that only the extreme northwest corner of the first unit did not lie within the required setback; this was due to the geometry of the lot, which includes a circular arc. The same occurs on the rear yard setback in the extreme southwest corner. He stated that the units themselves are 32 ft. away from the sidewalk. The east side yard setback is slightly larger than the setback of the current building.

He continued that all parking spaces are present, but it was not technically possible to count the westernmost space, of which a corner is outside the property line. It is confined behind the sidewalk and does not encroach upon it. All spaces exceed the requirement of 18 ft. Mr. Heid concluded that the plans are well-designed and replace an outdated structure, and are recommended favorably by the City with 12 conditions.

The Applicant agreed that all conditions could be met.

A motion to accept Item 13-541 with the 12 conditions was made by Julian Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

Mr. Heid advised that the Board's vote was a recommendation to City Council, which will render a final decision on the Item at a second public hearing. Neighboring properties will be noticed and newspaper ads will be taken out to inform the public of the date of the hearing. He estimated that this hearing would be scheduled for June 2013.

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*It was noted that the following two Items would be presented together:*

**Item 13-538: LDR Text Amendments: Residential Driveways**

**Item 13-539: LDR Text Amendments: Front Yard Pervious Area**

Mr. Heid explained that these amendments to zoning Code would remove the requirement for a minimum front yard pervious area, and would establish different standards for how front yard driveways may be built. At present, a certain percentage of a property must be pervious, including landscaping or green areas through which rainwater may return to the water table. There is also a second requirement for a minimum pervious area in the front yard of a property, which is a very high standard

and often results in variances. The recommendation to do away with the required front yard pervious area would return the standard to an overall pervious area percentage requirement for the entire lot.

He continued that there are other minor changes and clarifications, such as a change that would bring the Eastern Shores community into compliance with the setback standards required throughout the rest of the City. There is another suggestion that 5 ft. setbacks are maintained between a driveway and a house. Semicircular driveways would have a 5 ft. minimum width of the arc. Mr. Heid noted that some driveways are 15 ft. in width, which is considered to be too wide. The driveway flare would be reduced from 5 ft. to 3 ft. in order to prevent connection between adjacent driveway flares. Driveway approaches are limited to two, as in a semicircular driveway.

Mr. Heid stated that when multiple variances come forward over time, it is generally noted that there may be an issue with Code and not with residents. In addition, larger and multigenerational families may have more cars on their properties, and the LDR amendment would prevent these cars from having to be parked on grass, swales, or blocking sidewalks. He concluded that the amendments are "speaking to the market" and providing residents with the changes they want.

Mr. Heid reported that the City recommends both LDR text amendments favorably, which would remove the front yard pervious area requirements but retain the overall pervious area requirements and amend Code regarding residential driveways.

It was asked if it would be possible for a structure to have two separate driveways. Mr. Heid replied that this would be permitted in some situations, although it is not encouraged by the City.

Mr. Smukler asked if off-street parking requirements for commercial and non-residential vehicles would be stricken from Code by the proposed amendments. Mr. Heid said the City's Code Compliance Supervisor had recommended this language be stricken and replaced by a restriction on the parking of commercial vehicles and equipment in residential areas.

Vice Chair Kreisberg requested clarification of this language. Mr. Heid characterized it as less restrictive, and as a clarification that some equipment that is generally not considered offensive, such as pipes or ladders, may be allowed.

Mr. Heid added that restrictions governing stormwater runoff on construction sites would be maintained.

Chairman Piper opened the floor to public comment. As there were no members of the public wishing to speak on the Items, public comment was closed.

A motion to approve Item 13-538 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

A motion to approve Item 18-539 was made by Julian Kreisberg and seconded by Saul Smukler. In a roll call vote, the motion passed with a vote of 7-0.

<b>Chairman Evan Piper</b>	<b>YES</b>
<b>Joseph Litowich</b>	<b>YES</b>
<b>Anthony DeFillipo</b>	<b>YES</b>
<b>Hector Marrero</b>	<b>YES</b>
<b>Julian Kreisberg</b>	<b>YES</b>
<b>Saul Smukler</b>	<b>YES</b>
<b>Michael Mosher</b>	<b>YES</b>

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**Next Meeting**

Mr. Heid noted that the next meeting would be held on May 13, 2013.

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**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:39 p.m.

**ORDINANCE NO. 2013-7**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, ARTICLE V OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING USE DISTRICTS" BY REMOVING THE REQUIREMENT OF A MINIMUM PERVIOUS AREA IN THE REQUIRED FRONT YARD OF SINGLE-FAMILY ZONING DISTRICTS (RS-1, RS-2, RS-3, & RS-4 ZONING DISTRICTS); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pervious area is a surface area that is water permeable, generally including grass or other landscaping; and

**WHEREAS**, all of the zoning districts throughout the City have a required minimum pervious lot area, with the exception of the Planned Unit Development Zoning District; and

**WHEREAS**, the single-family zoning districts (RS-1, RS-2, RS-3, and RS-4) not only have a minimum pervious lot area but also include a minimum front yard pervious area; and

**WHEREAS**, because the Code requires minimum front yard pervious areas in residential zoning districts, the size and type of driveway that homeowners are allowed to have is unreasonably restrictive; and

**WHEREAS**, while Ordinance No. 2013-6 will create new design standards for residential driveways, those standards cannot be implemented without eliminating the minimum front yard pervious area; and

**WHEREAS**, with the creation of new design standards, the front yard pervious area is no longer needed as a mechanism to ensure that the front yard of residential properties are properly landscaped; and

**WHEREAS**, this Ordinance was presented and discussed at the publicly noticed Planning and Zoning Board on Monday, April 8, 2013 and received a favorable recommendation with a unanimous vote of 7 to 0; and

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Sec. 24-41 RS-1 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-41 RS-1 Residential Single-Family District**

(D) Site Development Standards.

(8) Minimum pervious lot area: Thirty-Five (35%) percent; ~~at least seventy (70%) percent of the required front yard shall be pervious.~~

**Section 3.** Sec. 24-42 RS-2 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-42 RS-2 Residential Single-Family District**

(D) Site Development Standards.

(8) Minimum pervious lot area: Thirty-Five (35%) percent; ~~at least sixty five (65%) percent of the required front yard shall be pervious.~~

**Section 4.** Sec. 24-43 RS-3 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-43 RS-3 Residential Single-Family District**

(D) Site Development Standards.

(8) Minimum pervious lot area: Thirty (30%) percent; ~~at least sixty (60%) percent of the required front yard shall be pervious.~~

**Section 5.** Sec. 24-44 RS-4 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-44 RS-4 Residential Single-Family District**

(D) Site Development Standards.

(7) Minimum pervious lot area: Thirty (30%) percent; ~~at least sixty (60%) percent of the required front yard shall be pervious.~~

**Section 6.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 8.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of June, 2013.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

\_\_\_\_\_  
**PAMELA L. LATIMORE**  
CITY CLERK

\_\_\_\_\_  
**GEORGE VALLEJO**  
MAYOR

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
CITY ATTORNEY

Sponsored by: Mayor & City Council