



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Tuesday, February 18, 2014
7:30 PM

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

City Manager Ana M. Garcia
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

1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION - TBA**
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
 - 5.1 **Land Use and Zoning Overlay Update**
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 - *None*

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of February 4th, 2014 (City Clerk Pamela L. Latimore)

8.2 Resolution R2014-9 (Chief Procurement Officer, Brian O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FISHER AUCTION COMPANY TO AUCTION OFF TO THE HIGHEST, RESPONSIVE, RESPONSIBLE BIDDER, CITY OWNED SURPLUS REAL ESTATE LOCATED AT 1970 N.E. 161ST STREET, IN NORTH MIAMI BEACH.

9. CITY MANAGER'S REPORT

9.1 Departmental Monthly Reports

9.2 Heart Health Walk - February 22, 2014 Senator Gwen Margolis Amp.

9.3 Home Improvement Program (Benefit to Residents)

9.4 Administrative Code Waiver Program (Benefit to Residents)

9.5 City Newsletter

9.6 March 11, 2014 Landuse and Zoning Workshop 6pm, Marjorie and William McDonald Center

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

Litigation List.

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - *None*

13. BUSINESS TAX RECEIPTS - *None*

14. DISCUSSION ITEMS

14.1 Manager's Six Month Contract Dialogue

15. LEGISLATION

15.1 Resolution No. R2014-6 (City Planner, Carlos Rivero)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 6,255 SQUARE FOOT TWO-STORY SINGLE-FAMILY HOUSE ON A 9,761 SQUARE FOOT (0.22 ACRES) VACANT 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 24-41(D)(9)(a) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MINIMUM ROOF PITCH REQUIREMENT OF THREE AND ONE HALF (3.5') FEET IN TWELVE (12') FEET TO PROVIDE FOR A FLAT ROOF TO BE UTILIZED AS AN OUTDOOR ELEVATED OPEN AIR LIVING SPACE, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM BUILDING HEIGHT OF THIRTY (30') FEET TO PERMIT THE INSTALLATION OF AN ELEVATOR STRUCTURE TO A MAXIMUM HEIGHT OF THIRTY-SIX AND ONE-HALF (36.5') FEET WHICH REPRESENTS A TWO (2%) PERCENT OF THE OUTDOOR ELEVATED OPEN AIR LIVING SPACE, WHEREAS THE REMAINING PORTIONS OF THE SINGLE RESIDENCE ADHERE TO THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY (30') FEET, ON PROPERTY LEGALLY DESCRIBED AS: LOT 21, BLOCK 6, EASTERN SHORES ADDITION, PLAT BOOK 65, PAGE 39, PUBLIC RECORDS OF MIAMI-DADE COUNTY. A/K/A 3141 N.E. 165th Street, North Miami Beach, Florida. (P&Z Board Meeting of December 9, 2013 and January 13, 2014).

15.2 Resolution No.R2014-8 (City Planner, Carlos Rivero)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. R96-47 BY AMENDING CONDITION NUMBER 19 TO INCREASE THE SEATING CAPACITY AT “PF CHANG'S RESTAURANT”, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(See Lengthy Description Attached As Exhibit “A”) A/K/A
17455 Biscayne Boulevard, North Miami Beach, FL 33160

16. CITY COUNCIL REPORTS

17. NEXT REGULAR CITY COUNCIL MEETING

18. ADJOURNMENT



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:
VIA:
DATE: Tuesday, February 18, 2014

RE: TBA

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

None



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North Miami Beach, FL 33162
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MEMORANDUM

Print

TO: Mayor and City Council
FROM:
VIA:
DATE: Tuesday, February 18, 2014

RE: Regular Meeting Minutes of February 4th, 2014 (City Clerk Pamela L. Latimore)

**BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

- [Regular Meeting Minutes of February 4th, 2014 \(City Clerk Pamela L. Latimore\)](#)



CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, February 4th, 2014
7:30 PM

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

City Manager Ana M. Garcia
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:57 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Barbara Kramer, Frantz Pierre, Phyllis S. Smith, Marlen Martell and Anthony DeFillipo. Also present were City Manager Ana M. Garcia, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

INVOCATION The invocation was delivered by Reverend Dr. Marta Burke, Fulford United Methodist Church.

PLEDGE OF ALLEGIANCE was lead by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA- Item 8.4 was pulled for discussion from the consent agenda at the request of the City Manager's Office.

PRESENTATIONS/DISCUSSIONS – Sonya Thomas was presented with a proclamation from the City recognizing her dedication and service to the community

North Miami Beach Optimist football team Sun Devils presented Mayor and Council with trophies as appreciation for their support of the program

A Resolution of Condolence for the family of the late Mayor Marjorie McDonald was read into the record by Mayor Vallejo. The Proclamation will be sent to the family.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

City Clerk Latimore read the rules of public comment into the record. The following person(s) made comments on the record.

1. Rolland Villieux, 13730 Highland Drive. North Miami Beach, FL
2. Marilyn Baumoehl, 18635 NE 20th Court, North Miami Beach, FL
3. Ketley Joachim, 210 NE 170th St, North Miami Beach, Fl
4. Allison Robie, 2131 NE 179th St, North Miami Beach, FL
5. Steve Pizzillo, North Miami Beach, Fl.

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

APPOINTMENTS – There were no appointments

CONSENT AGENDA- The items were read into the record by City Attorney Siegel.

Resolution No. R2014-4 (Acting Director of Public Services, Barbara Trink)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING STATE REVOLVING FUND LOAN AGREEMENT DW130130 WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE AUTOMATED METER READING PROJECT TO EXTEND THE TERM OF COMPLETION FOR THE CONSTRUCTION AND TO EXTEND THE REPAYMENT SCHEDULE; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 4, AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2014-2 (Acting Director of Public Services, Barbara Trink)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING STATE REVOLVING FUND LOAN AGREEMENT WW745080 WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REDUCE THE LOAN AMOUNT OF THE MAJOR SEWER REHABILITATION PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 2 TO THE LOAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2014-3 (Acting Director of Public Services, Barbara Trink)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE PREVIOUSLY EXECUTED STATE REVOLVING FUND LOAN AGREEMENT WW745081 WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REDUCE THE LOAN AMOUNT FOR THE PUMP STATION IMPROVEMENT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 1 TO THE LOAN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Resolution No. R2014-5 (Chief Procurement Officer Brian O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PEDAL VALVES, INC. IN THE AMOUNT OF

\$12,008,612.63, FOR THE INSTALLATION OF THE AUTOMATED METER READING SYSTEM. (**Pulled for discussion at the request of the City Manager's office**).

Resolution No. R2014-7 (City Attorney, Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, NAMING THE MEDIANS AT N.E. 13TH AVENUE LOCATED BETWEEN 151ST THROUGH 159TH STREETS IN NORTH MIAMI BEACH, AS THE "PHILIPPE DEROSE INTERNATIONAL FLOWERING TREE GARDEN".

Regular Meeting Minutes of January 21st, 2014 (City Clerk Pamela L. Latimore)

Former Councilman Philippe Derosé was recognized by Mayor and Council for his beautification efforts during his tenure in office. Remarks were made by Mayor and Council and Former Councilmember Derosé.

Motion to approve the consent agenda was made by Councilman Pierre, seconded by Councilwoman Kramer. **Motion passes 7-0.**

CITY MANAGER'S REPORT

Mayor Vallejo called for the City Manager's Report. City Manager Garcia called for Leisure Services Director Paulette Murphy who offered details about the annual Love-In.

City Manager Ana Garcia encouraged residents to participate in the first Annual Heart Health Walk on February 22nd at 8:00 a.m.

City Manager Garcia called on Finance Director Janette Smith who presented the financial report on the first quarter of fiscal year 2014.

City Manager Ana Garcia informed Mayor and Council that the departmental reports are included in their agendas for review.

CITY ATTORNEY'S REPORT

City Attorney Darcee S. Siegel informed Council that oral arguments for the rezoning Braha Dixie appeal would take place February 12th.

Litigation List

As of February 4th, 2013

MAYOR'S DISCUSSION: There was no Mayor's discussion.

MISCELLANEOUS ITEMS: There were no miscellaneous items before Mayor and Council.

BUSINESS TAX RECEIPTS: There were no Business Tax Receipts before Mayor and Council.

DISCUSSION ITEMS: There were no discussion items before Mayor and Council.

LEGISLATION:

Resolution No. R2014-5 (Chief Procurement Officer Brian O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PEDAL VALVES, INC. IN THE AMOUNT OF \$12,008,612.63, FOR THE INSTALLATION OF THE AUTOMATED METER READING SYSTEM. **(Moved to Legislation from Consent Agenda).**

Procurement Manager Brian O'Connor gave a brief summary on the item. Assistant Director of Public Services, Dr. Jeff An, IT Manager Patrick Rosiak and Assistant City Manager Mac Serda answered questions from Mayor and Council.

MOTION to approve Resolution R2014-5 was made by Vice Mayor Spiegel and seconded by Councilwoman Smith. **(Passed 7-0).**

Ordinance No. 2014-1 (Second and Final Reading)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XII, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING SECTION 12-2.2 ENTITLED "PERMITTED DAYS AND HOURS OF SALE - SUNDAY RESTRICTIONS; HOTELS AND NIGHTCLUBS" BY REQUIRING THAT ANY ESTABLISHMENT REQUESTING A 4:00 A.M. TO 6:00 A.M. LICENSE SHALL FIRST OBTAIN A 2:00 A.M. TO 4:00 A.M. EXTENDED LICENSE FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO ANY CONSIDERATION OF THE 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE; 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.

Mayor Vallejo opened the **Public Hearing:**

The Following person(s) made comments during the Public Hearing.

1. Alison Robie- 2131 NE 179th Street, North Miami Beach, Fl., made comments in favor of the ordinance

Mayor Vallejo closed the **Public Hearing.**

Motion to approve Ordinance 2014-1 on Second Reading made by Vice Mayor Spiegel, seconded by Councilwoman Martell. **(Passed 7-0).**

Roll Call: Defillipo- Yes, Kramer- Yes, Martell- Yes, Pierre-Yes, Smith- Yes, Spiegel- Yes, Vallejo- Yes.

CITY COUNCIL REPORTS

Councilwoman Defillipo thanked the attendees of the NMB Chamber's Health Fair and the staff from Leisure Services for making it a successful event. He informed residents that he attended the sea level rise course at the museum. He submitted materials on the subject to the City Manager for review. He urged residents to inform themselves on the topic of climate change and the urgency in response. He wished a happy anniversary to Councilwoman Martell and thanked the McDonald family for their service.

Councilwoman Kramer informed residents about the beautification awards and to keep a look out for photographers. She wishes Councilwoman Martell a happy anniversary and a happy Valentine's Day to the residents.

Councilwoman Martell issued condolences to the McDonald and Robie families and welcomed the newly sworn police officers. She reminded residents about her community meetings and said more information would be forthcoming. She encouraged participation and wished her husband a happy anniversary.

Councilman Pierre welcomed various residents to and back to the community. He thanked the chief and city manager for collaboration on issues within the city. He welcomed feedback on how to address juvenile delinquency in the city. He reminded residents that the library is open seven days a week.

Councilwoman Smith offered condolences to Allison Robie and her family. She praised the efforts of the chief for his hard work and dedication to the department. She thanked the city manager for her program of recognizing employees for exceptional service.

Vice Mayor Spiegel offered condolences to the Douglas, Robie, and McDonald families. She urged volunteers for the Public Utilities Commission to join. She announced the Planning and Zoning meeting Monday Feb 10th at 6:00 p.m. with the Commission on the Status of Women meeting at 7:00 p.m. She reminded residents about the recycle collection the following morning. She thanked manager, staff, parks and services for Victory Park's grand opening. She reminded residents about the Healthy Heart Walk on Saturday, February 22nd. She thanked staff and council members for their support of the event.

Mayor Vallejo announced that the award of Tree City USA bestowed upon the city and thanked Carlos Rivero for his contributions. He informed residents that opening day for little league was taking place Sunday, February 9th opening day at Mishcon Field and encouraged residents to attend. He wished residents a Happy Valentine's Day.

Mayor Vallejo announced the **NEXT REGULAR CITY COUNCIL MEETING.**

Tuesday, February 18, 2014.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:37 p.m.

ATTEST:

(SEAL)

Pamela L. Latimore, CMC



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: Ana M. Garcia, City Manager

VIA: Rasha Cameau, CRA/City Coordinator
Brian K. O'Connor, Chief Procurement Officer

DATE: Tuesday, February 18, 2014

RE: Resolution R2014-9 (Chief Procurement Officer, Brian O'Connor)

BACKGROUND ANALYSIS:

In May 2013, the property located at 1970 NE 161 Street was given to the City through a warranty deed by Deutsche Bank because of insurmountable liens and fines. This is a duplex, surrounded by other multi-family dwellings, and warehouses to the east. The City has had to secure the property by removing two separate bee hives, which were hazardous to the community; clearing the lot and boarding it up. To date the total cost is \$2,797.89

The County Property Appraiser estimates the value of the property at \$65,194 (see attached).

A Code Compliance Officer visited the property to assess its usability. The inside was gutted. It seems the previous owner was attempting to turn a duplex into a single family home illegally. The Code Compliance Officer opined that substantial funds would be needed to repair the property or it would have to be demolished.

RECOMMENDATION:

To avoid liabilities to the City and additional costs, I am recommending selling the property as quickly as possible. The Chief Procurement Officer has reached out to Fisher Auction House, experts in auctioning houses. Additionally Fisher Auction House is under contract with the City of Miami and the City of Miami Beach for surplus services. Fisher Auction House proposes the following:

- To start the auction at \$25,000
- Their commission at 7%, plus 3% broker fee,
- \$3,000 for advertising and marketing, which would all come out of the final bid amount.

**FISCAL/BUDGETARY
IMPACT:**

If the property sells at the minimum asking price of \$25,000 the auctioneer's fee (\$2,500 (7%+3%)) would be added to the final contract price for a final sale price of \$27,500.

The \$3,000 marketing fee and the \$2,797.89 for outstanding violations would be deducted from the City's net profit of \$25,000 for total of approximately \$19,202.11.

We feel that this would be the best course of action at this time. Your approval in this matter is greatly appreciated. Also included are pictures of the property for your review.

ATTACHMENTS:

- ☐ [Property Information](#)
- ☐ [Resolution No. R2014-9](#)
- ☐ [Agreement](#)

From: [Kamali, Shari](#)
To: [Cameau, Rasha](#)
Subject: FW: 1970 NE 161 Street
Date: Thursday, October 24, 2013 1:19:20 PM
Attachments: [101_0893.JPG](#)
[101_0903.JPG](#)
[101_0910.JPG](#)
[101_0911.JPG](#)
[101_0912.JPG](#)
[101_0913.JPG](#)

FYI

From: Rosenkoff, Gilbert
Sent: Thursday, October 24, 2013 12:06 PM
To: Kamali, Shari; Ozuna, Daniel
Subject: RE: 1970 NE 161 Street

As per your request here is the following information for the above referenced address,

According to the Dade County property records this is considered a 2 unit residence with 1 bedroom and 1 bathroom for each unit.

As per our records in PTWIN

WORK WAS PERFORMED (CONCRETE POURED) WITHOUT ANY INSPECTIONS AT 2 LOCATIONS ON THE PROPERTY (A SINGLE DRIVEWAY ON 19 PL. AND A DOUBLE DRIVEWAY ON NE 161 ST AND PERMIT DM07-133 HAS EXPIRED.

WORK PERFORMED AND PERMIT FM07-73 HAS EXPIRED. POSTS AND FOUNDATION INSTALLED WITHOUT INSPECTIONS. (GR)


A violation was issued for the above referenced expired permits on 4/19/13

During several visits to the property (with Eric Wardle and the realtor) multiple items were observed and will require permits to correct these deficiencies if the vacated property is to be occupied.



1. Windows and doors installed without permits or inspections.
2. Covered porch at front of residence installed without permits or inspections.
3. Miscellaneous plumbing work was been performed including the installation of a new water heater and another toilet without permits or inspections.
4. Miscellaneous electrical work was performed without permits or inspections.
5. Demolition of partitions and concrete slabs exist.

This is all the information I have found for this property at this time. If you need additional information or clarification, please do not hesitate to contact me.

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Call 3-1-1



MIAMI-DADE COUNTY PROPERTY APPRAISER
Carlos Lopez-Cantera
 PROPERTY APPRAISER

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- [Real Estate](#)
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The Property Appraiser does not send tax bills and does not set or collect taxes. Please visit the [Tax Collector's website](#) directly for additional information.



Search:

Enter either folio, owner name, or address.

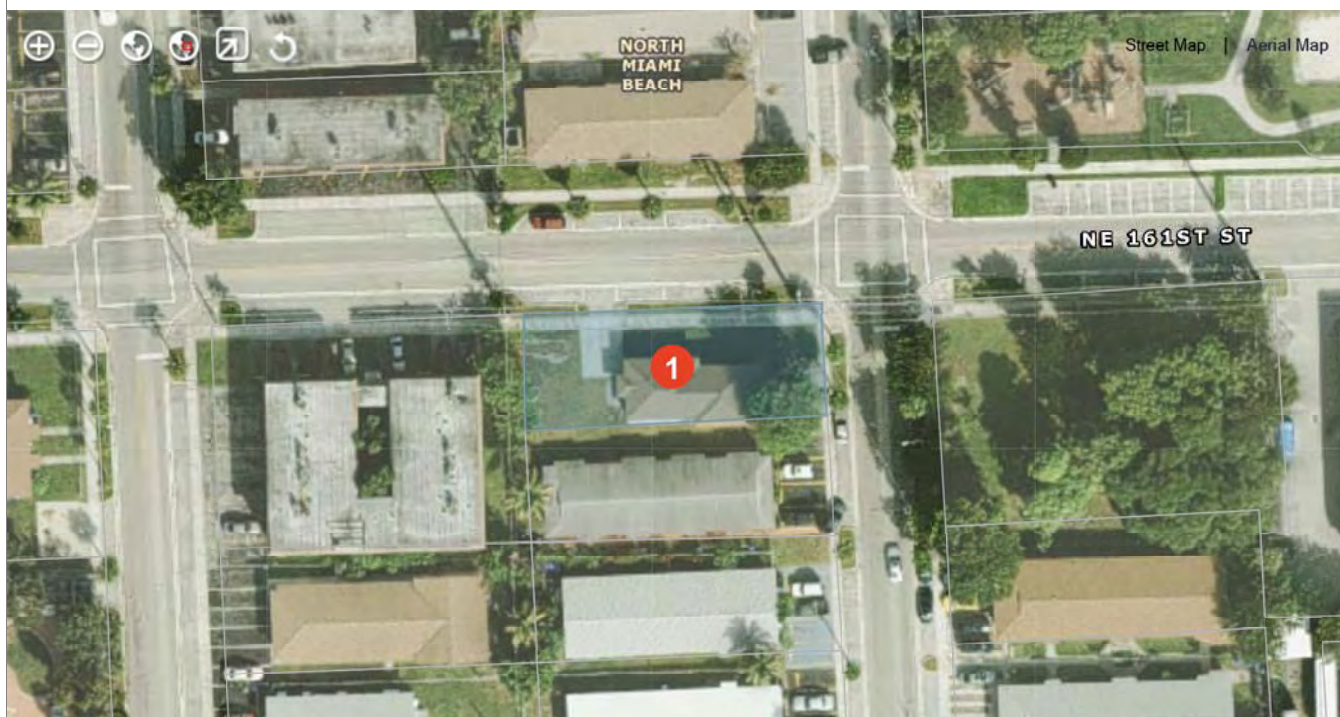
Folio: 07-2216-014-0150
Property Address: 1970 NE 161 ST
Owner: CITY OF NORTH MIAMI BEACH
Mailing Address: 17011 NE 19 AVE
 NORTH MIAMI BEACH FL 33162

Selected Property Information

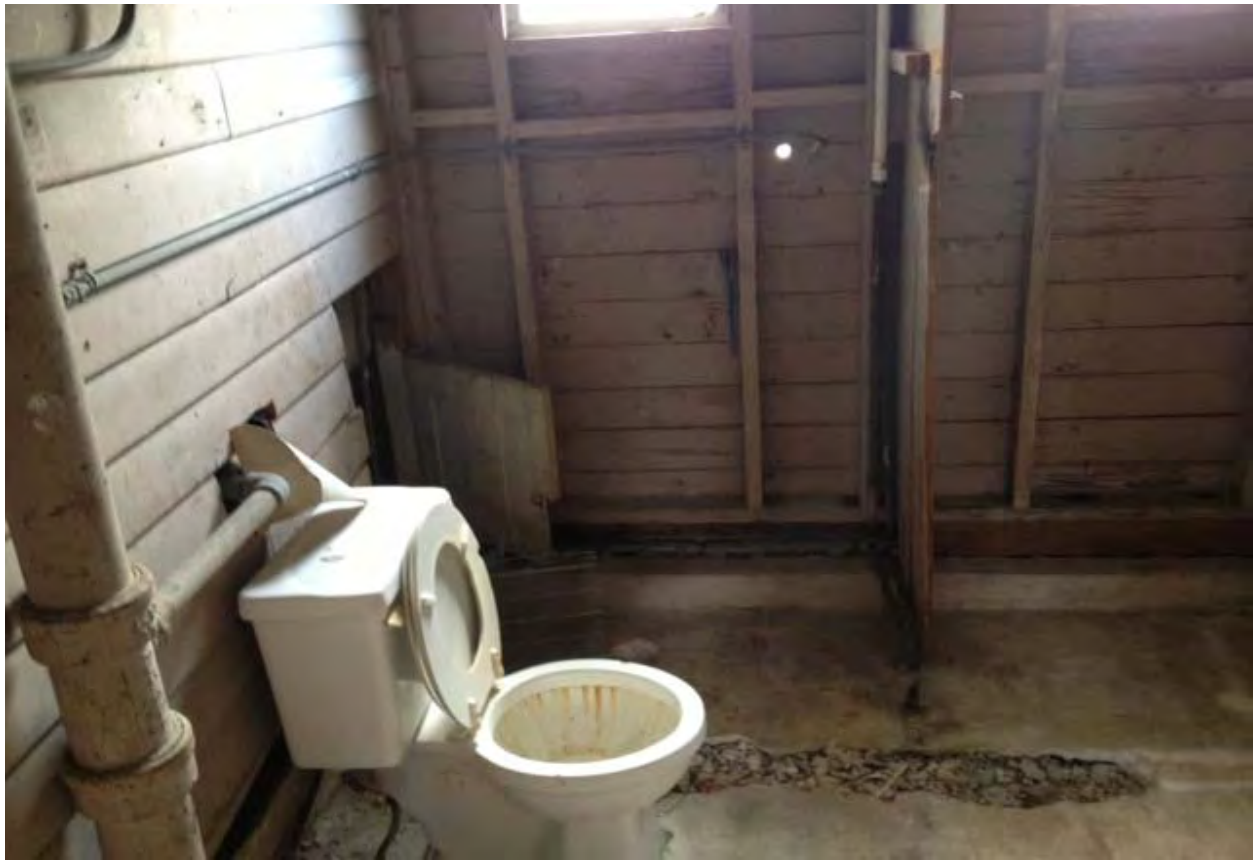
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 - [Comparable Sales](#)

Assessment Information			
Year:	2013	2012	2011
Land Value:	\$27,000	\$27,000	\$74,250
Building Value:	\$49,309	\$32,268	\$42,549
Market Value:	\$76,309	\$59,268	\$116,799
Assessed Value:	\$65,194	\$59,268	\$116,799

Taxable Value Information			
	Exemption/ Taxable Value	Exemption/ Taxable Value	Exemption/ Taxable Value
County:	\$0/ \$65,194	\$0/ \$59,268	\$0/ \$116,799
School Board:	\$0/ \$76,309	\$0/ \$59,268	\$0/ \$116,799
City:	\$0/ \$65,194	\$0/ \$59,268	\$0/ \$116,799
Regional:	\$0/ \$65,194	\$0/ \$59,268	\$0/ \$116,799







RESOLUTION NO. R2014-9

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FISHER AUCTION COMPANY TO AUCTION OFF TO THE HIGHEST, RESPONSIVE, RESPONSIBLE BIDDER, CITY OWNED SURPLUS REAL ESTATE LOCATED AT 1970 N.E. 161ST STREET, IN NORTH MIAMI BEACH.

WHEREAS, as a result of a mortgage foreclosure proceeding, where the City of North Miami Beach ("City") had numerous Code Enforcement liens, the City was able to acquire, through a warranty deed, the property located at 1970 NE 161 Street, as consideration of the liens; and

WHEREAS, the surplus property contains a duplex totaling 6,750 square feet, assessed at a value of \$65,194.00 by the Miami-Dade County Property Appraiser's Office in 2013; and

WHEREAS, due to the cost of maintaining the property, City staff has determined that the vacant surplus property should be sold and the funds received should be deposited into the City's general fund; and

WHEREAS, all City departments were contacted and it was determined that the vacant surplus duplex was not needed by any City department; and

WHEREAS, pursuant to Section 3-3.3 of the Code of Ordinances of the City of North Miami Beach entitled "Sale of Property", the City's staff desires to contract with Fisher Auction Company to conduct a live retail open-outcry auction event for the City of North Miami Beach property located at 1970 NE 161st Street; and

WHEREAS, by selling the surplus property to the highest, responsive, responsible bidder, the City's budget and all the citizens of the City will be benefited.

RESOLUTION NO. R2014-9

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 an Agreement, in a form acceptable to the City Attorney, between the City and Fisher Auction Company, attached hereto as Exhibit "A" and incorporated herein by reference, to auction off to the highest, responsive, responsible bidder, City owned surplus property located at 1970 NE 161st Street, in North Miami Beach.

Section 3. The Mayor and Council of the City of North Miami Beach also hereby authorize the City Manager to execute a Quit-Claim Deed for the property located at 1970 N.E. 161st Street, North Miami Beach, to the highest, responsive, responsible bidder, as a result of the proposed auction facilitated by Fisher Auction Company.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ day of February, 2014.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & City Council

Scope of Services:

Fisher Auction Company proposes to conduct a live retail open-outcry auction event (hereinafter referred to as the "event") for the City of North Miami Beach property located at 1970 Northeast 161 Street, North Miami Beach, Florida 33162.

The terms of the offering are predefined and qualified bidders will competitively bid at the preset date and time.

Our goal is to deliver a distinct message to all potential buyers that the City of North Miami Beach wants to sell now to generate the highest level of interest in order to obtain the highest sales price. Any pre-auction offers will be presented for the City's consideration.

Time to Conduct Auction:

Upon contractual agreement to proceed, the event can take place within 45 - 60 days which allows for sufficient time to prepare the necessary due diligence package for the bidders and implement our specially designed auction-marketing campaign. The Auction date and time will be agreed upon by all parties involved.

Location of Auction:

The event will be conducted on-site at the Property.

Property Tours:

We will set specific dates and times for prospective buyers to inspect the property beginning three (3) weeks prior to the event. We will also show by special appointment. Representatives from Fisher Auction Company will be present during all property tours.

Marketing Strategy:

The property will be marketed on a regional and local basis to give the broadest range of coverage and attract the maximum number of qualified buyers.

The strategy will be to promote the property to our international / national buyer database, end-users, business professionals, investors, real estate brokerage firms, etc. We must create a sense of urgency for buyers to act now.

Marketing Highlights:

The marketing highlights will include;

- **Direct Mail:** A direct mail promotional piece will be created and sent to all logical, identifiable demographic groups. We will send information to any individuals / groups who have previously expressed interest in the property. We have a database in excess of approximately 50,000 from which to draw.
- **Public Relations:** A valuable aspect of an auction marketing program is the public relations campaign. Properly conceived programs often result in the generation of free publicity at the level of

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ten (10) times the direct media placement budget. Utilizing our public relations personnel to plan and coordinate regional and local focus, we are confident the public relations will effectuate results on behalf of the auction effort.

- Print Medias: The regional and local print media campaign will be geared to a four (4) week program. Sample medias include the Miami Herald and Sun Sentinel.

We will continuously monitor the prospective bidder responses from each advertisement allowing daily analysis. In this manner, the campaign can be altered to focus in on the most effective media throughout the program. All responses from prospective bidders are logged by date and source into our advertising response computer software system allowing reporting and analysis on a real time basis.

- Telemarketing: After market segmentation we will utilize all information to develop a plan for our team of personnel to contact potential purchasers and introduce them to the upcoming auction and also provide the information concerning due diligence evaluation.

Inquiries will be handled on a real time basis for the dissemination of promotional materials. We believe that it is of critical importance to recognize that typical prospective purchaser questions and objections are answered and dealt with differently in an auction marketing setting.

- E-Platforms: The event will be prominently featured on Fisher Auction Company's web-site. Our site receives thousands of hits on a monthly basis. We will also list on appropriate-targeted real estate sites (loopnet.com, auctionzip.com, auctioneers.org, realup.com, zillow.com, investornet.com, propertyauction.com, realtor.com (mls), etc.)

- Additional Marketing Tools:
 - Signage
 - Personal solicitations

Auction Methodology:

Our Auction Marketing process combines traditional / modern distribution channels and portals to provide synergy through an expansive advertising program "spotlighting" the property for sale. Our process often removes the paradigm of pricing thereby creating maximum competition, which equals maximum value received under the terms of the offering.

Our successful program will eliminate any future holding / carrying expenses and convert this property into cash.

We are recommending the Minimum Bid Auction Methodology at your request for this event.

Minimum Bid Auction – We suggest that the Property be sold to the highest bidder at or above a Minimum Opening Bid Amount of ~~\$20,000.00~~ \$25,000.00 LPW

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Auction Deposits:

In order for a bidder to qualify to register and receive a bidder's number on auction day, we will require the bidders to show proof of a \$2,500.00 cashier's check deposit in U.S. funds from a U.S. bank, made payable to the Fisher Auction Company's Real Estate Trust Account, which will become a portion of their escrow deposit if they are the successful purchaser.

By requiring cashier's check deposit we are assured bidders are serious and financially qualified.

Immediately following the Auction, the high bidder must also tender an additional deposit in a personal check form for the total deposit to equal ten percent (10%) of the total contract price.

Real Estate Sales Contract:

The highest bidder will execute a non-contingent Real Estate Sales Contract auction day with no post due diligence period.

The required ten percent (10%) escrow deposit is forfeited as liquidated damages if the Purchaser does not close the transaction and is divided equally between Fisher Auction Company and the City of North Miami Beach.

If a default occurs, the recorded immediate back-up bidder will be contacted and will have first right to complete the transaction, based on City of North Miami Beach's approval of their bid price.

Auction Guarantees:

The property will be sold in its "As Is", "Where Is" condition and with all faults, with no guarantees or warranties express or implied.

The City of North Miami Beach has released all of its liens against the property and there are no outstanding utility service fees owed to the City of North Miami Beach on this property. We recommend providing the buyer with a title insurance commitment / policy at the City's expense.

Real Estate Closing:

The closing will take place within thirty (30) days from the event and will be coordinated through the City Attorney's office.

Property Information Package:

Our experience selling real property and conducting auctions of properties over the last forty (40) years has taught us that the better a buyer is informed about the property prior to buying; the more they will pay for the property

We will prepare and provide via hard copy, cd rom and for download from our web site to interested potential purchasers, complete property information packages detailing information such as an executive summary, zoning with permitted uses, survey, property photographs, floor plans, location

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maps, area overview, real estate taxes, auction procedures / terms and conditions, broker participation form, title commitment, real estate sales contract, etc.

Marketing Campaign Budget:

The marketing campaign funds are the City of North Miami Beach's only sales expenses to conduct the event, which will not exceed \$3,000.00. We will prepare a detailed line by line specially designed marketing campaign budget, encompassing all costs and will provide a complete expense portfolio with copies of paid invoices, advertisements, etc. verifying each expense.

All promotional materials will require City of North Miami Beach's designee's approval signature before any printing / placement takes place. Advertising expenses are advanced to Fisher Auction Company at the time of contractual agreement.

Auction Commissions:

Real estate commissions are paid by the successful purchaser in the form of a 10% buyer's premium, which will be charged to the final bid price and it will be included in the total contract price.

Please note that the buyers get very involved in the auction process and the buyer's premium often results in an overall much higher than anticipated auction contract price. This is an internationally accepted method of auction sales and enhances our sellers' net results.

Approximately 70% of the properties sold through our retail auctions come through cooperating brokers.

It is our policy to encourage and work with the brokerage community to participate in the event and we will offer a procuring cause broker a portion of the earned commission.

Definition: "procuring cause broker" by definition is any duly licensed real estate broker who properly registers a client who becomes a successful bidder and closes on the transaction.

The 10% buyer's premium will be divided as follows:

- Fisher Auction Company to receive 7% of the bid price.
- Procuring cause broker, if any, to receive 3% of the bid price.
- Should the property be purchased without a procuring cause broker, 3% will be retained by the City of North Miami Beach.

Project Coordinator:

Francis Santos will be the project coordinator for this event and will oversee the entire auction process keeping all parties informed through weekly progress reports.

Conclusion:

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Auction Marketing Plan

Fisher Auction Company is an internationally recognized firm with over 40 years experience as the "Standard of Excellence" in the field of auction marketing. Our previous experience in conducting major real estate sales initiatives is extensive.

We know we can obtain the highest net realizable value for this property through this auction marketing program - not a liquidation value but real market value.

Thank you for giving us the opportunity to present this proposal to you.

Agreed to and Acceptance:

City of North Miami Beach

Witness

By: _____

Date

Name: _____

Title: _____

Fisher Auction Company

Witness

Lamar P. Fisher
President / CEO

2/3/14
Date

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**CITY OF NORTH MIAMI BEACH
BUILDING DIVISION
ACTIVITY REPORT (JAN 2014)**

NAME	QUANTITY	AMOUNT	NOTES
INSPECTIONS	621		
FILED PERMITS	198		FILE ONLY
COMPLAINTS	36		FILE ONLY
OPEN PERMITS SEARCH	94		
BUSINESS TAX RECEIPTS	48		FILE ONLY
RECERTIFICATION (40 YEARS)	4		
MICROFILM	11		
COPIES	2		
NOTARIES	1		
FINES	3		
C.O.	2		ISSUED
TCO	0		ISSUED
C.C.	2		ISSUED
TCC	0		ISSUED
REVIEWS	556		
TOTAL	1,578		

CODE COMPLIANCE ACCOMPLISHMENTS JANUARY 2014

Total cases opened	192
Total cases closed	256
Total inspections performed	1,336
New Cases sent to hearing	168

Total "Public Stuff" complaints	33
Public Stuff complaints closed	31
Percent closed	94%

Total cases mitigated before Code Board or Special Magistrate	34
Total mitigation cases resolved (paid and complied)	20
Total revenue as a result of mitigation (included fines and administrative costs)	\$14,095.00

Revenue	Amount
Board up	\$0
Lot Clearing	\$2,188.00
Rental inspect	\$100.00
Code Fines	\$14,095.00
Total	\$16,383.00



City of North Miami Beach, Florida

Community Development Department

Date: 02.05.2014
To: Ana M. Garcia, City Manager
From: Carlos M. Rivero, Acting City Planner
Subject: January 2014 - Community Development Department Monthly Report – Accomplishments and Work Programs

The Community Development Department during the month of January 2014 completed and/or implemented the following:

Application and Review Procedures

- Continued meeting with the Building Department in order to streamline the review process and all interactions between the two departments.

Community Development Web Page

Updated to the City Web page to include the following **new** public outreach information items:

- Planning and Zoning Board Agendas.
- Community Development Staff Reports – Planning and Zoning Board Projects under review.
- Planning and Zoning Board Minutes.
- Planning and Zoning Board Public Hearing Notices.
- Planning and Zoning Board Advertisements.
- Community Development Resolutions and Ordinances – Planning and Zoning Board items.
- Department Monthly Reports.
- Comprehensive Plan and Zoning Verification Form Requests.

Customer Service

- January 2014 statistics are as follows:
 - Walk-in requests for zoning information, application submittal, permit questions/reviews (average customer assistance time frame 12 - 15 minutes per customer)
 - Assisted **85** customers.
 - Reviewed **69** permit applications for zoning and landscape compliance.
 - Performed **46** field inspections for zoning and landscape compliance.
 - Reviewed **29** Business Tax Receipts application forms for compliance with applicable Zoning Code requirements.
 - Prepared **9** Code Waiver Program location maps for the Code Compliance Department.
 - Issued a total of **3** Banner Permits; **2** extensions and **1** new applicant.

January 2014 Community Development Department Monthly Report Accomplishments and Work Programs

Other Happenings

- Conducted the PZB meeting of Monday January 13 for the residence located at 3141 NE 165 Street. The item was approved by the Planning and Zoning Board by a 5-2 vote. The item will be scheduled for Council consideration on February 18, 2014.
- Provided conceptual layout for the Lorenzo's Property to the project architect for further development.
- Informed Modern Display and Miami Herald representatives of the change in administration to continue public notice of upcoming Planning and Zoning Board and City Council items.

Upcoming Development Reviews and Pending Public Hearing Agenda Items:

Other updates and activities you might want to add:

- Prepare and distribute courtesy mail notices for Planning and Zoning Board Meeting
- Prepare the Planning and Zoning Board packages with the following attachments:
 - Agenda
 - Minutes
 - Staff Report
 - Application
 - Site Plan
 - Resolution
- Receive and processed Zoning Verification Letters for the appropriate subject properties in order to provide written confirmation on applicability of various regulations governing the development and use of all parcels within the City limits.
- Review portable storage unit applications that are permitted through residential and commercial use as per section 24-86 (D) of the City of North Miami Beach's Zoning and Land Development Code
- Issue temporary banner permits that are in conjunction with a special event or as temporary signage for the City of North Miami Beach, section 24-115 (C) and (E) of the Zoning and Land Development Code.



GSA – Customer Service January 2014

For the month of January 2014, the Customer Service Division, which is responsible for reading meters for the billing of water and sewer for all residential and commercial accounts, billing for sanitation and stormwater throughout the City as well as stormwater for other municipalities, has accomplished the following duties, assignments and responsibilities:

➤ Residential Billing	11,709 Bills	(\$2,954,919.66)
➤ Commercial Billing	4,684 Bills	(\$5,142,524.14)
➤ Meters Read Residential	10,380	(9,866 Actual – 514 Estimates (4.72%))
➤ Meters Read Commercial	4,716	(4,503 Actual – 213 Estimates (4.32%))
➤ Phone Calls	6,985	(Periodic Printer Malfunction)
➤ Switchboard	683	
➤ Front Window	1,693	
➤ Collection Activity	1,960	(\$50,805.00)
➤ Work Orders	1259	(691) Service Work Orders (441) TRF & FNL (127) INFOR
➤ Adjustments	295	
➤ Refunds	139	(\$11,731.67)
➤ New Accounts	269	
➤ Terminated Accounts	247	
➤ Estoppels	284	(\$13,986.81)
➤ Liens	118 Noticed & Recorded	31 Releases \$157,587.51
➤ Public Record Requests	2	

City of North Miami Beach Interoffice Memorandum



Finance Department

TO: Ana M. Garcia, City Manager
FROM: Janette Smith, Finance Director, x 2081
DATE: February 4, 2014

RE: Accomplishment Report

Finance Department – January 2014

Working with the City Attorney, the Assistant City Manager, and the Police Chief, the City obtained approval from the Department of Justice to utilize funds received from the Department to pay the normal pension cost attributable to the overtime hours incurred by sworn officers performing duties in accordance with Federal Equitable Sharing Guidelines.

Two Finance Coordinators attended a Federal Equitable Sharing Seminar at the Orlando Police Department Training Facility

Prepared, processed and mailed 84 - 1099s to City vendors

Prepared and distributed W-2s to all full-time and part-time employees



CITY OF NORTH MIAMI BEACH

*From the Desk of Rose Amberson, MSW, GPHR, Director of Human Resources
305.787.6035*

MEMORANDUM

To: Ana Garcia, City Manager

CC: Mac Serda, Assistant City Manager

From: Rose Amberson, MSW, GPHR

Date: February 7, 2014

Subject: Monthly Report – Human Resources and Organizational Development

1) **Benefits and Risk Management:**

- **Worker's Compensation**

- Recommendations for Safety Committee members have been received; February re-launch on track. Updated Safety Manual pending!

- **Liability**

- Exploring options for Third Party Administrator for liability (to piggyback on existing public contract), as planned and budgeted, in order to improve efficiency and effectiveness in this area.

- **Benefits, Health and Wellness**

- Quarterly review of our major medical plan was conducted with Wells Fargo:
 - Summary of review of our Coventry utilization data through November 2013:
 - ✓ .7% of claimants (or a total of 7 persons) account for 38.1% of our total spend (for context, compare this to Coventry-wide data pool average of 32.7%). The diagnosis for these large claimants include intestinal infections disease, diseases of the artery, end stage renal disease, live-born delivery (with complications), heart disease and joint disease.
 - ✓ The preventive services utilization data through Coventry indicate that a very large majority of employees are not utilizing the screening services available to them. This translates into higher claims down the road, in preventable areas. *An education campaign is planned and underway.*

- ✓ A brief summary of the biometric screening results obtained through the enhanced Employee Health Fair this year indicate:
 - The highest participations rates in the history of the data available (great!)
 - 58% of screened participants are at “ideal risk” level (not so great!). This needs to be moved to a much higher percentage. 25% of screened participants tested out of range for blood pressure; and 28% tested out of range for cholesterol ratios. These are *modifiable* risk factors which will also be addressed with an education campaign....these risks turn into claims in the future without intervention!

- ✓ We planned the wellness calendar and wellness team events around the information obtained in the claims utilization review and biometric screening results.

- Compliance with Affordable Health Care Act was reviewed; liability assessment of part-time workers re-commissioned to coincide with January 1 requirements.

- Major medical products will go out to market this year; RFP process was reviewed and a timeline was drawn to meet budgeting and open enrollment deadlines.

- We will continue to improve our prevention efforts in order to mitigate future claims experience. We will also continue with consumer education regarding making sound healthcare purchasing decisions in order to prepare ourselves for the new marketplace, which routinely includes High Deductible Health Plans (HDHP). Informed, educated consumers make better purchasing decisions.

- We must examine our plans for market competitiveness in other areas, such as the inclusion of domestic partners. This is now *expected in our marketplace*, and we need to make adjustments to our plan requirements to accommodate.

- *A mini-review to City Council is advised, to report on our progress and plans for the remainder of the CY.*

- Pushing forward with vendor recruitment for Heart Walk; also promoting internal campaign encouraging employee registration.

- January workshops focused upon financial wellness (this reduces stress in employees). There was a strong, positive response to these workshops. Summary of evaluations is provided below, from the independent, non-profit group, “Money Management Educators”, with facilitator Marcia Levy, who is a North Miami Beach resident and business owner.

Snapshot of Evals (Financial Wellness Workshops)

- 1 – Operations Center
21 Evaluations returned to me (I believe there were a few people who came in late who might not have filled one out)
13 Requested a Personal Education Session
10 requested the Financial News Digest newsletter
17 checked that they would like to have additional future financial workshops
- 2 - City Hall
14 Evaluations returned to me
9 requested a Personal Education Session
12 requested the Financial News Digest newsletter
9 indicated they would definitely like to attend future workshops; 5 said they might like to depending on the subject
- 3 - Library
This workshop was supposed to be for Police Officers at their shift change, and was moved to the library location so that they could provide a police presence at the same time when kids were getting out of school. There were NO officers at this session; I understand there was an altercation of some sort over near the school and the officers were called to that and were unable to attend. We may want to reschedule a workshop at the police station as originally intended to offer to those people changing shifts at that time. At the workshop Wednesday morning that was held at the PD, a few people came in and asked if we were going to offer it at any other shift changes so that they would be able to attend . . .
7 Evaluations returned to me (all were library personnel)
4 requested a Personal Education Session; 1 said perhaps in a few months
4 requested the Financial News Digest newsletter
6 would definitely like to attend a future workshop; 1 said they might like to depending on the subject
- 4 - Police Department
15 Evaluations were returned to me
3 requested a Personal Education Session
3 requested the Financial News Digest newsletter
5 checked that they would like to attend additional future financial workshops; 6 indicate that they might like to attend future workshops, depending on the subject
- 5 - Water Treatment Plant
17 Evaluations returned to me
10 requested a Personal Education Session
13 requested the Financial News Digest newsletter
12 said they would like to attend future financial workshops; 2 said they might like to depending on the subject

Most of the comments from all 5 of the workshops were very positive

“Very informative – kept our attention”

“Excellent speaker – very informative and good suggestions”

“This short seminar was very helpful. I would like other sessions if possible”

“We need more seminars like this”

One cute comment: “I am very aware of the items mentioned but my wife needs help”

2) **Training and Organizational Development**

- Given the long period without sensitivity or harassment prevention training, and to address a rash of recent complaints regarding unprofessional team behavior in several areas, I crafted a customized program, *Harassment Prevention and Avoidance*, in order to help shift the culture towards enhanced professionalism. Rollout will begin in February with the management and supervisory teams, and then we rotate all employees in the organization through the interactive program.

3) **Employee Relations:**

- Wage Re-Opener with AFSCME began; we will touch base again in February and then in June. No January activity with IUPA bargaining.

4) **Staffing:**

- Total Employees: 576 (Full-time: 421; Part-time and temporary: 155)
- Three new hires, two promotions, four retirements/resignations. Detailed staffing report available upon request.

5) **HR Department**

- Several more fraudulent unemployment claims were identified, denied, and reported to local authorities.
- In the process of identifying candidates for interview with direct experience in benefits and risk management.
- Coaching our new hire at the front desk.
- Recruiting HR Intern from FIU to help with projects.
- Actively refining our recruitment procedures to enhance our effectiveness, ensuring a professional, fair and objective selection process which sources the best pool of candidates for each position.



City of North Miami Beach, Florida

INFORMATION TECHNOLOGIES DIVISION

TO: MAC SERDA, ASSISTANT CITY MANAGER
FROM: PATRICK ROSIAK, INFORMATION TECHNOLOGIES MANAGER
DATE: JANUARY 10, 2014

SUBJECT: **Information Technologies Division Accomplishments (January '14)**

As requested, here are some of the recent accomplishments of the I.T. Division:

#1

For the period of January 1, 2014 thru January 31, 2014, the I.T. Division spent 135 man hours responding to calls for service for hardware and software support, email operations support, copy center support, web site support, and telecom support.

#2

IT staff also installed 1 new PC and upgraded 14 others at the Library.

#3

The initial contract discussion kick-off meeting was held on January 13, 2014. A follow up meeting with Tyler reps will be held on February 10, 2014.

#4

Acceptance testing for the new Online Bill Pay/IVR/Electronic Bill presentment system is continuing. We are disappointed by the vendor's errors we continue to uncover during testing. We want to make absolutely certain that our customers have the best and most accurate experience possible when using the new system. We are targeting a go live date sometime in February 2014.

#5

The new phone system servers and communication gateways have been installed. Programming of the switches will commence in early February. We are tentatively targeting a completion date sometime in February but that could slip a bit due to unforeseen circumstances.

#6

An analysis of the City's mailroom operation is underway. The goal is to determine if we are being as efficient as possible in terms of staffing, processes and postal related costs.

#7

Lori Helton has been working on reconciling the FI Dept of Revenue Address/Jurisdiction Database the identifies addresses tied to the Communication Service Tax and Insurance Premium Tax revenue streams. She has identified nearly 160 miscoded addresses that will add nearly \$25,000 in estimated revenue to the City.

#8

Modifications to the new Library web pages has been completed and they are now the default homepages for the children's and adult lab PCs.

Memo

To: Ana M. Garcia, City Manager
From: Paulette Murphy, Director of Leisure Services
Date: January 7, 2014
Re: Monthly Report – January 2014

Listed below is an overview of the Leisure Services Department's accomplishments, projects, programming and on-going operations during the month of January 2013.

Special Programs and Activities:

- Installed approximately 60 sq feet of 12 inch borders around the playground at Highland Village
- Kompan Playground Solutions installed new exercise equipment at Barry Silverman Park.
- Ball Park Maintenance began seasonal work to prepare baseball in-fields for baseball season.
- Hosted the Victory Park Playground Ribbon Cutting Ceremony.
- Began Hosting Little League Baseball for practice Monday-Friday at Mishcon and Allen Park fields.
- Hosted the NMB Sun Devil Football Banquet at the Littman Theater and McDonald Center, over 350 in attendance.
- Served over 500 patrons during private rentals at the McDonald Center.
- Hosted the NMB Chamber of Commerce Health Fair that served approximately 360 people.
- The computer labs at the YES Center, Highland Village, Washington Park & Uleta Park served over 720 patrons.
- Registration for Intramural basketball and practice began for each of the community centers. The program will host over 300 area youth.
- Conducted an In Service Workshop for both full time and part time community center employees. The workshop is a refresher for all rules, regulations and procedures pertaining to the afterschool program.
- The Highland Village community center hosted a crime watch meeting, approximately 63 residents in attendance.

- Victory Pool – new well was dug and installed, heater booster pump was replaced and the Geo Thermal Heater is now functional and operating.

Programming:

- Continue to serve over 200 children in the afterschool programs, ages 4-14 years old.
- Continue partnership with Isproof Tutoring Inc. to provide free tutoring to the children in the YES Center afterschool program.
- Continue NMB Teen Programs at each community center for NMB youth ages 13-18 years old. Teen programs meet once a week; however the youth have access to a mentor (6) days a week. Youth participate in community service projects once a month and are rewarded with a field trip once a month. Over 100 youth currently enrolled in the four programs.
- Hosted (2) teen town meetings for all of the Teen Program participants.
- Teen programs were treated to field trip to Laser Quest.
- Continue to host Soccer Paradise (contract program) for games and practices at Mishcon Field.
- Continue to host Allison Academy at the Allen Park / DeLeonardis Youth Center (athletic field) for daily PE classes. Usage is Monday-Friday for approximately 40 youth. (revenue generating program)
- Continue to host K&D Total Body & Fitness at Uleta Park Community Center to run a fitness boot camp for teens and adults. Usage is Monday-Thursday for approximately 50 patrons daily (revenue generating program).
- NMB Disability program continues to serve over 50 adults per week. The disability gym program runs (4) days per week with wheelchair tennis being offered once a week.
- Continue the NMB Challenger Program, program for mentally & physically challenged adults. The program features monthly board meetings and social outings, holiday parties and other special events. The program has taken (2) trips between August & September (over 35 adults registered in the program).
- Continue to host contract programs: Fencing, Jazzercise, Jewelry Making, Israeli Folk Dancing and Centro Cristiano Ebenezer Church. All of the contract programs are held at the YES / McDonald Center Monday – Sunday, serving over 280 patrons weekly.
- Continue to host community groups: Chess Club, NMB Women’s Club, North Dade Orchid Club, NMB Homeowners Association.
- Continue to host the suspension program (Communities in Schools) at the YES Center. The program provides youth that have been suspended from school an alternative program during the course of their suspension. The program operates Monday-Friday from 7:30 am – 2:00 pm and is funded through the North Miami Beach Police Department.
- Continue to host the United Cerebral Palsy once a month at the Uleta Park gym.
- The indoor basketball gym at Uleta Park continues to serve over 550 patrons per month.

- Continue to host weekly Bingo Night at Uleta & Highland Village Community Centers.
- Continue to provide ceramic classes twice a week at Washington Park.
- Continue to host weekly community kickball & volleyball games at Washington Park.
- Continue to host adult soccer at Washington Park, Highland Village and Allen Park.
- The outdoor basketball courts throughout the city continue to be fully utilized, serving 2,000+ patrons.

Fields, Playgrounds & Parks:

- Continuing on-going maintenance / grooming of (4) baseball fields to include: tilling, nail and gate drag. Three of the fields are groomed (3) times per week, the other is groomed as needed.
- Continue to line athletic fields for soccer before home games.
- Continue to conduct inspections and complete checklists at playgrounds & facilities daily.
- Continue to complete park checklists at passive parks bi-weekly.

Marketing / Special Events:

- Planning the City’s annual “Love In” Event, First annual “Health Heart Walk” Event & “Anti-Bullying” Youth Symposium.

Julius Littman Performing Arts Theater:

- Continue to record all city meetings held in the council chambers to include: Council Meetings, PUC, Code, Union, Pensions P&Z, etc.
- Rented the theater to various groups throughout the month, served over 5,000 patrons.

Library:

- Hosted COSW Financial Seminar.
- Hosted NMB Human Resource Financial Workshop.
- Continue to host the FIU Mobile Health Clinic every Wednesday.
- Continue to host local groups for community groups to include: Yoga, creative writing, AARP driving and Financial group, etc.
- Continue to host monthly 5th Grade Science Camp.
- Continue to host weekly preschool story time.
- Continue to host monthly book club.

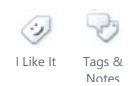
Library Programs & Service Statistics:

	<u>October</u>
Patron Visits	19,882
Circulation Count	18,805
Computer Use - Passes	5,080

Patron Research/Inquiries	9,109
Technology Assistance	2,096
New Library Cards	507
Library Card Replacements	79
Days Open	27 of 31

Meetings – Conference Room / Study Rooms:

Rooms – Reservations	183
Public Meetings Attendance	21/525
Library Programs	13
Attendance Library Programs	240



Print this page



Monthly Police Department Highlights

Report due on 2/8/2014

Offense	Jan 27- Feb 2	Jan 20- Jan 26	Jan 13- Jan 19	Jan 6- Jan 12	Totals	Previous Month Totals
Auto Theft	1	2	3	4	10	4
Apartment Burglary	1	3	2	0	6	2
Business Burglary	1	2	1	1	5	2
Residential Burglary	2	9	3	8	22	27
Vehicle Burglary	6	12	5	9	32	29
Homicide / Homicide (Att)	0	0	0	0	0	1
Robbery Armed	4	0	3	1	8	4
Robbery Carjacking	0	1	0	0	1	0
Robbery Home Invasion	0	0	0	0	0	0
Robbery Strong Arm	2	3	3	0	8	10
Sexual Battery	2	1	1	0	4	2
Total	19	33	21	23	96	81

Zone Distribution of part 1 crimes for the most recent above week

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Total
8	3	1	0	5	2	19
42%	16%	5%	0%	26%	11%	100%

[See attached zone map](#)

Trends

RESIDENTIAL BURGLARIES

7 vacant homes were burglarized; 3 in zone 3, between NE 2 - 6 Av and NE 169 - 176 ST. 4 also occurred in zone 5, between NE 10 - 16 Av south of 159 St. Air conditioner units were the primary targets, followed by household appliances.

One house was burglarized twice; December 2013 and January 2014. One case has possible suspects (former tenant).

Other than A/C thefts, zone 3, 5, and 6 experienced burglaries. Suspects were seen recently in two burglaries in zone 6 on the same block. 2 b/ males and 1 h/male were seen together with a white van in the driveway. These occur mostly on Tues-Thur from 8 am to 5 pm. Our Street Crimes Unit adjusted their hours to address these patterns.

Significant Incidents

On January 5th, 2014, there was a physical altercation at a pre-baptism party. The altercation turned deadly when one of the participants used a semiautomatic firearm to shoot and kill a man. Detectives made a 1st degree murder arrest in the case within 10 days. NMB Detective enhanced some cell phone video that really helped solve the case. The department is researching better video enhancement software.

On January 14, 2014, NMBPD Detectives arrested a resident who in the course of two years had given 38 overdrawn checks to FPL. The total loss to FPL was \$45,286. NMBPD Detectives charged the arrestee with Scheme to Defraud and Grand Theft.

On January 16, 2014, a 26 yr old female was abducted at gunpoint from the rear of a local restaurant. The victim was robbed and sexually assaulted multiple times by the 3 unknown assailants. So far, NMBPD Detectives made strong cases against and arrested 2 subjects, charged with Armed Carjacking, Armed Kidnapping, and Armed Sexual Battery.

On January 24, 2014, 5 girls and boys, under age 12 who were students at Greynolds Park Elementary, told the counselor that they saw a naked male in an alleyway and yard on January 17 after school. The male told the children to come in the yard and had 1 child touch his genitals. He invited them inside the home, but the children refused and left the area. On January 25 the 55 yr old w/m was arrested by police on multiple counts.

On January 24, 2014, a resident was standing outside a local store using his cellular phone. He was approached by a male from the rear and had his phone snatched from him. NMBPD Detectives located and arrested 1 offender for robbery by sudden snatch. That offender lead police to 2 other subjects. The 3 were all arrested on January 28 and were responsible for 3 NMB robberies in total (on 1/25, 1/26, and 1/27/14).

On January 27, 2014, a resident was out selling DVD's in his neighborhood when he was approached by two males and a female. One of the males brandished a firearm and robbed the victim of his personal belongings. NMBPD Detectives arrested all 3 parties on January 28. They were charged with Armed Robbery.

On February 3, 2014, an elderly victim was approached by 3 males who pushed her to the ground and took her purse. Three offenders were located and arrested for this incident on 02/04/2014.

Proactive Patrol

Arrests 109	Watch Order 1752	Park Checks 1164	Calls for Service 1767
Tickets 437	Night Eyes & Foot Prints 1858	Community Contacts 1294	

Community Involvement

PACT Meeting held at NE 20 Avenue and 179 Street.

(French Speaking) PACT Meeting was held in Highland Village on 1-28-14
 Message Board Placement for speeding at various locations.

Special Operations

None this month

Other News

Projects in Progress

Tennis Center CCTV project ongoing. Working on alternate system designs to reduce costs.

SMART WATER project kick-off on Thursday, February 13th at Uleta Rec. Center. First group of program participants invited.

Command Staff/PIO Concerned Citizen Email group project in initial test stages.

Maule Lake Derelict vessel project in initial stages. Determining what derelict vessels still exist in lake as well as non-vessel structures. working with FWC and DERM, etc.

Instituted new program to warn community members about leaving valuables inside vehicles. Special business cards were designed to be left on vehicles when officers see valuables left inside. The business card directs the vehicle owner/driver to call a special PD phone number. When you call the number, you get a record message with a vehicle burglary crime prevention tip reminding community not to leave their valuables inside their vehicles. (Project in initial stage with roll-out date pending).

The construction at all sites have been completed. All five sites will be recording enforceable violations as of Saturday February 8th. The sites are NE 6th Avenue and NE 167th St, Biscayne Blvd and NE 172 Street, Biscayne Blvd and NE 163 Street, NE 10th Ave and NMB Blvd and NE 18th Ave and NE 163 Street.

Personnel

Sworn 88	Civilian 36
Part-Time 5	Volunteers 24
Unfilled Positions 6	In Hiring Process 13

In FTO Program 3
Explorers 30

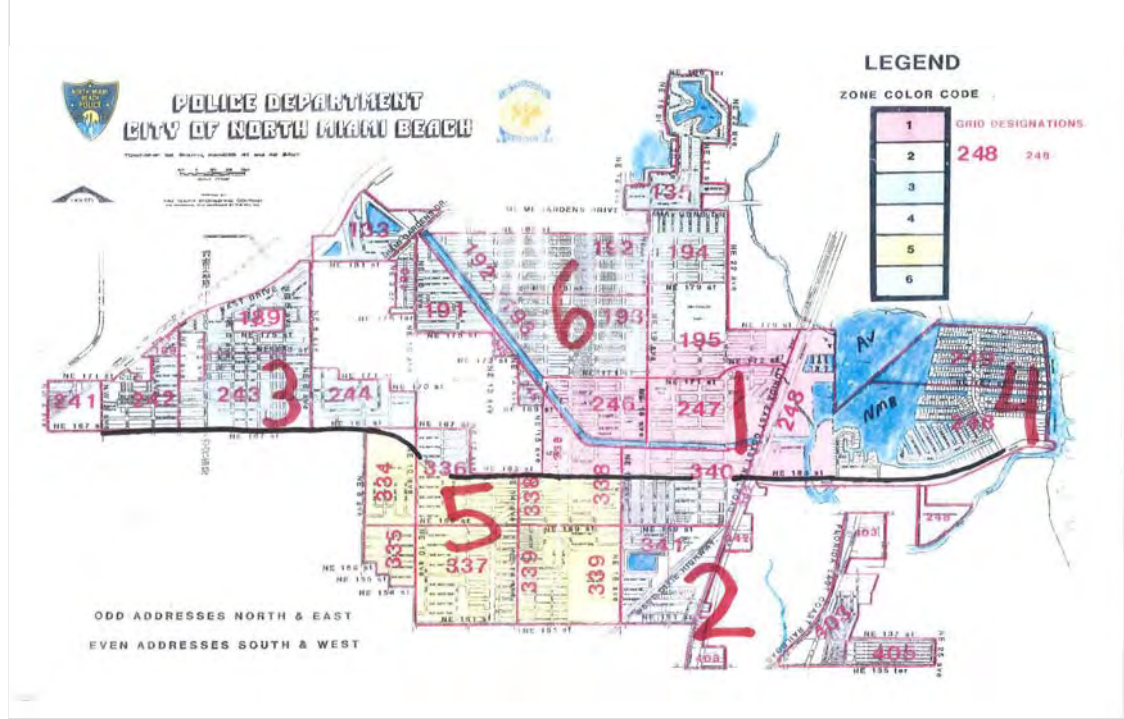
Reserves 16

#1 Challenge

The department continues to struggle with morale issues. Staff is working diligently to address their concerns to include increasing staff levels.

1 Success

We hired 3 Reserve Police Officers on 2-4-2014 and sponsored a police trainee who is in the academy - graduating on 2-17-2014. The Reserve Officers are scheduled to become full time employees. The Administrative Division continues to actively recruit and process new candidates.





CITY OF NORTH MIAMI BEACH

PUBLIC SERVICES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: Ana M. Garcia, City Manager
FROM: Barbara Trinka, Interim Director of Public Services
DATE: February 7, 2014

RE: **Public Services Department's Accomplishments**

Below please find an overview of the Public Services Departments accomplishments, projects, and on-going operations for the month of January.

Streets and Stormwater Division

Sidewalks

- Managed and inspected sidewalks grinding program (in progress): 130 sidewalks cut/ground down at approximately \$7,200



Stromwater

- Inspected 361 catch basins
- Cleaned 160 drains
- Installed drainage at NE 157th & NE 18th Court



Alley:

- Alley 9B Improvement Project (construction started); Four Alleys located in Oakgrove

Capital Improvement Projects Division

Projects

- Allen Park rooftop HVAC replacement (98% completed)
- Allen Park Renovations (99% - final inspections to be scheduled)
- Mishcon Multipurpose Ballfield - punch lists are being addressed by Contractor
- NE 172nd Street Drainage Improvement Project (99% completed)
- Library Roof (ongoing –final inspections to be scheduled)
- City Hall Complex Fire Alarm Installation (99% complete – MDC Fire Dept. inspection are ongoing)

Distribution Division

Projects

- Norwood Force Main Relocation (80% complete)

On-going Operations

• After hour emergency calls (water mains leaks, turn on/off, etc)	5
• New Meter installation or replacement	13
• Water main repairs	39
• Leaks checked and repaired	38
• Service line repairs	25
• Meters tested	9
• Fire hydrant repaired/relocated	13
• Turn on/off	13
• Low pressure issues checked/repared	12
• Other repairs (valves, meter box cover replacements, curb replacements, etc.)	49

Wastewater Division

On-going Operations

- Performed regularly scheduled preventative maintenance
- Service line repairs: 1
- Manhole repairs: 4
- Lift Stations Emergency Response: 1 (LS # 33, Power Failures)
- Service line backups (as per customer request): 20
- Main line stoppage: 2 (at LS # 12, MH #10 to MH #11A & LS # 4 MH # 13 to MH # 15)
- Emergency Response Service Calls: 4

Project Status Report

- Major Sewer Project (10 lift stations) ready to commence
- Sanitary Sewer GPS Survey of Manholes is ongoing
- Annual Report submitted to RER-DERM
- Infiltration & Inflow Reduction and Sewer Rehabilitation Project is ongoing as follows:
 - Excavated Point Repairs: 6
 - Manhole rehabilitation: 19

Norwood Water Treatment Plant Division



On-going Operations

- Produced 631 Million Gallons of water
- Conducted more than thirty (30,000) thousand water tests
- Completed all regulatory and other reports
- Equipment calibration (ongoing)

Utilities Control Management Division

- Electrical Service Repairs for Wastewater Collection
 - Five lift stations: LS-01 Myrtle Grove I, LS-04 Stonybrook, LS-17 Sierra Mirada, LS-20 Palm Land, LS-22 Bell Gardens
 - Three grinder stations: Grinder Station #150, Grinder Station #140, Norwood WTP
- Repairs & maintenance/trouble shooting/cleaning at Norwood Water Treatment Plant
 - Valve Actuators installation for the Lime Plant Gravity Filters
 - Process Bay rooftop supply fan filters replaced
- Testing
 - HSP #2 for operational service
 - Generator for offsite Well Fields 19, 20 and 21
 - Water plant stand-by power systems

Water Quality Control (Lab) Division

- Preparing for the first proficiency testing of the year to maintain certification
- Responded to 3 customer complaints
- Main Clearances: 1
- Preparation of reports to keep the water utility in compliance with regulatory requirements
- Preparation for bi-ennial on-site assessment
- Quarterly calibrations: ongoing
 - VOC monitoring: Finished Water- daily sample collection, Air Stripper-monthly sample collection, Production wells #4,9,10 bi-weekly
- Finished Water Monitoring: CT monitoring and First customer chlorine residual - daily
- Equipment Calibrations: ongoing
- Bacteriological and Turbidity sampling points: 138
- Deep Injection Well System monitoring and sample collection
- Fluoride Split sampling
- Water Quality Parameters: 4 Point of Entry (bi-weekly)
- Salt water intrusion monitoring: 14 wells
- VOC collection sample monitoring: 16 production wells
- 8 Hydroflushers (maintenance, troubleshooting)
- Virus screening and sample collection
- Cryptosporidium and Giardia Screening and sample collection

Engineering Division

Ongoing Operations

• New Meter Installations	2
• Location tickets responded to	398
• Water and Sewer certificates issued	13
• BTR's reviewed	36
• Plans reviewed (inplant)	13
• Plans reviewed (donation)	5
• Plan review fees collected (revenue)	\$2,370.75
• Water and Sewer fees collected (revenue)	\$85,814.24

Projects

- Norwood Force main re-routing (under construction, in-house, 80% complete)
- Hawco Force main re-routing (permitting completed, ready for construction)
- Fire Hydrant Installation Phase 8 (permitting completed, ready for construction)
- West Dixie Highway and Oleta River 12" water main crossing replacement (permits in DERM)
- NW 32nd Avenue at Biscayne Canal 8" water main crossing replacement (working on specs)
- NE 19th Avenue Business District Sewering (design at 95%, in-house)
- NE 163rd Street Business Corridor Sewering/Corona Del Mar (design at 30%, consultant)
- Dead End Elimination Phase 1 (design at 75%, in-house)
- Miami Lane force main replacement (design at 30%, consultant)
- Sierra Mirada force main replacement (design at 60%, consultant)
- NE 161st Street low pressure sewer main extension (design at 50%, in-house)

- NW 151 Street 2" water main replacement (design at 60%, in-house)
- Major Sewer Rehabilitation Project: 10 pump stations (pre-construction meeting held)
- Automated Meter Reading (AMR) project (bid awarded by PUC & Council)
- Norwood Water Plant VOC Phase 2 (NTP issued)
- Norwood Water Plant Gravity Filter Improvements (design at 95%, consultant)
- Floridan Well Rehabilitation project (design at 95%, consultant)
- Water and Sewer Atlas Updating (ongoing, in-house)
- Various Roadway Agencies Utility Coordination:
 - State Roads: A1A, 5, 7, 9, 9A, 91, 817, 826, 856, 860, 909, 915 (ongoing)
- Donation projects inspections (under construction):
 - Mansions at Acqualina (SIB)



- Jade Signature (SIB)



- RMS Stadium (CMG)



- Netanya One Office Bldg (SIB)
- Monsignor Edward Pace High School (closing out) (CMG)



- Toras Emes Academy (closing out) (CNMB)



- Chateau Beach Condo (SIB)
- Echo Condo (Aventura)
- Atlantic 15 Beachwalk Townhomes (SIB)
- North Dade Optimist Park (CMG)
- Lehman Toyota (MDC)
- Bellini (Aventura) - Completed





TO: Ana Garcia, City Manager
FROM: Esmond K Scott, Director of Public Works
DATE: February 6, 2014

RE: Public Works Department's January Accomplishments

Facilities Management Division

- 52 HVAC repairs/adjustments
- 10 Plumbing requests
- 3 Fence repair request
- 197 Total work orders completed for the month



Repaired, cleaned, and painted City Hall fountain



Performed five major paint requests

Beautification Division



Laid 75 yards of fresh mulch



Improved roadway clearance at West Dixie Hwy. 172nd Street

Removed eight tree stumps citywide



Repaired six irrigation systems; 120 heads installed; laid 308 linear feet of pipe



Trimmed/cut 90 swale and median trees



Beautified Victory Park area

Fleet Management Division

- 17: Heavy/light duty brake jobs
- 18: Repaired air-conditioning systems
- 66: Repaired/replaced
- 21: Repaired hydraulic systems
- 40: General repairs
- 17: Preventive maintenance jobs
- 189: Total work orders completed for the month



Specialized equipment repaired in-house resulting in approximately \$750 in savings



Rebuilt unit 8126 packer system in-house resulting in approximately \$5,000 in savings



Replaced Auxiliary Power Unit in-house on Mobile Resource Center resulting in savings of approximately \$1,200

Solid Waste Divisions

1. Performed two special bulk trash pick-ups generating \$500.00 in revenue
2. Removed 1,459 tons of commercial garbage
3. Removed 869.11 tons of residential garbage
4. Removed 598.78 tons of residential bulk trash
5. Recycled 119.58 tons of Residential Curbside Recycling
6. Removed 25 dead animals from the city's right of way
7. Assisted Beautification with debris removal at Dieffenbach Park
8. Assisted M&C with a concrete wall removal at Dr. Barry J. Silverman Park
9. Changed out 3 damaged street containers to enhance and beautify the city



10. Removed 127 carts from the public right of way and stored at Operations Center



11. Replaced 210 damaged residential garbage cans with new containers



12. Coated 24 commercial dumpsters with Herculiner to increase longevity of the containers



13. Cleaned & organized Phase II Operations Center



14. Recovered and delivered 10.64 tons of scrap metal to Trademark Metals Recycling



15. Removed two illegal dumps



16. Removed two illegal trash piles generating \$1,200.00 in citation fees





17. Acquired 4 new business accounts generating \$966.40 per month in revenue

- a. Flowers and Services – 13750 Biscayne Blvd
- b. La Granja – 105 NE 167 Street
- c. Haiti Snack Bar – 1550 NE 164 Street
- d. AAA Air Condition – 15620 West Dixie Hwy

Safety

- 2 Fleet Safety Training Stopping Distance / Tire Safety / Backing (Residential and Commercial Waste)
- 1 Slip, Trip Fall Training (Norwood Water Plant)
- 2 Worked with legal on City injury claim (Denato and Gibson)
- 1 After hours Surveillance
- 1 Lifting Techniques Training
- 1 Property Damage Investigation (Loss Control)
- 1 Visit to UniFirst Operations Meeting (Pompano Beach, FL)
- 1 Crash Investigation (City Property)
- 1 Crash Investigation (City Vehicle)
- 2 Work Zone Safety Training (Water Distribution and Waste Water)
- 1 Lock-Out & Tag-Out Safety Training (Motor Pool)
- 1 Tier 2 Reporting – All City Chemicals (MSDS Updating Emergency Response)
- 4 Onsite Observations

**City of North Miami Beach
Interoffice Memorandum**



Community Redevelopment Agency

TO: Ana M. Garcia, City Manager
FROM: Rasha Cameau, CRA Coordinator
DATE: February 11, 2014

RE: Monthly Report

1. Researching and developing articles for publication in monthly e-newsletter. Identify and interview a local business to showcase.
2. Working with RMA on a transition proposal for the CRA management functions. Additionally, working on Land Use & Zoning
3. Organizing a 1st time Home Buyers event, which will be held at Uleta Community Center on March 22nd, from 10am to 3:00pm. This event is sponsored by Councilman Pierre.
4. Working with Miami Dade SCORE to establish one on one mentoring for small business owners in NMB and the NE area of the County. In addition several business seminars will be scheduled in the coming months on social media marketing, branding, basic finance for small business owners.
5. As a result of staff's outreach we have received a lot of interest in the Façade and Interior Renovations grant. Currently processing four applications for RAB review.
6. Through the Home Improvement Program (HIP) we have received a lot of requests for assistance, which we are processing for approval. In addition, to support local businesses, we have invited local licensed contractors to be part of the bidding process.

7. Finalizing CRA loan negotiations to be presented at the CRA board meeting.
8. Miami Dade County Board of Commissioners have approved the FY13-14 CRA Budget. (attached)

From: [Rodriguez, Jason E. \(OMB\)](#)
To: [Cameau, Rasha](#)
Cc: [Fernandez, Jorge \(OMB\)](#)
Subject: Resolution approving CRA budget
Date: Wednesday, February 05, 2014 11:48:53 AM
Attachments: [North Miami Beach CRA FY 2013-14 Budget R-42-14.pdf](#)

Hello Rasha:

Attached for your files please find a copy of the NMB CRA approving the FY 13-14 budget.

Look forward to setting up a date / time in the following months when Jorge and I can tour the CRA with you and see some of these projects in progress.

Regards,

Jason.

MEMORANDUM

Agenda Item No. 8(G)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving the budget
for Fiscal Year 2013-14 for the
North Miami Beach Community
Redevelopment Agency
Resolution No. R-42-14

The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Finance Committee.



R. A. Cuevas, Jr.
County Attorney


RAC/smm

Memorandum



Date: January 22, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: FY 2013-14 Budget for the North Miami Beach Community Redevelopment Agency

Recommendation

It is recommended that the Board of County Commissioners (Board) consider the attached resolution approving the North Miami Beach Community Redevelopment Agency's (Agency's) FY 2013-14 budget for the North Miami Beach Community Redevelopment Area (Area). The Agency's budget includes revenues and expenditures in the amount of \$5,139,501.

The Board must approve the Agency's budget prior to the Agency expending any funding in the Trust Fund, as required by Section III D of the Interlocal Agreement.

Scope of Agenda Item

The Area lies within Commission Districts 2 and 4, represented by Commissioner Jean Monestime and Commissioner Sally A. Heyman, respectively.

Fiscal Impact / Funding Source

The Agency's revenue source is tax increment financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387 of the Florida State Statutes. The Countywide TIF into the Agency's Trust Fund for FY 2013-14 is \$202,346 and the City of North Miami Beach's (City's) TIF payment into the Trust Fund is \$222,266.

The County will continue to make annual payments to the Agency, based on each year's growth of ad valorem revenues over the base year through 2028, which is when the CRA will sunset.

Track Record / Monitor

This item does not provide for contracting with any specific entity and only approves the Agency's FY 2013-14 Budget of \$5,139,501.

Background

On June 7, 2005, the Board approved the establishment of the Agency when it approved the Agency's Community Redevelopment Plan (Plan) pursuant to Resolution R-611-05 and the funding of the Plan when it enacted Ordinance No. 05-110 (Trust Fund). An Interlocal Agreement between Miami-Dade County and the Agency was also approved by the Board on June 7, 2005. The Interlocal Agreement requires the Agency to submit for County approval an annual budget for the implementation of the Plan. On December 19, 2006, the Board approved Resolution R-1427-06 allowing the Agency to enter into a loan for infrastructure improvements and property purchase not to exceed \$8 million, and extend the life of the Agency from 2015 to 2028.

The Interlocal Agreement requires the Agency to submit for County approval an annual budget for the implementation of the Plan.

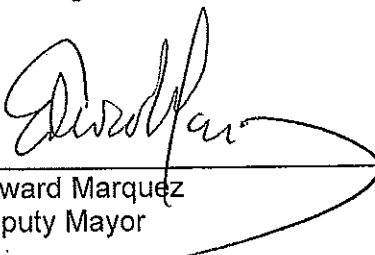
The Agency's FY 2013-14 budget of \$5,139,501 was approved by the Agency on August 27, 2013 and by the City on September 11, 2013. The budget includes revenue sources of County and City TIF payments (\$202,346 and \$222,266, respectively), carryover from prior years (\$4,679,589), and interest earnings (\$35,300).

Administrative expenditures total \$30,928 and represent seven percent of the total TIF revenues from the County and City, excluding the 1.5 percent County Administrative Charge (\$3,035), satisfying the 20 percent cap in administrative expenditures required by the Interlocal Agreement.

Operating Expenditures total \$3,389,322 and are described as follows:

- \$2,561,259 for new investments, and to support leveraging funding for the following initiatives: Hyatt Hotel, rezoning of the business district, façade improvements to Lorenzo's Market, sale and development of the former Winn Dixie site, future Tri-Rail Coastal Line stop at 164th Street, clean-up and redevelopment of the former TECO site;
- \$572,072 for debt service payments on two loans;
- \$130,000 for infrastructure improvements for the Commercial Façade and Interior Improvement Programs;
- \$51,491 for the portion of salaries and fringes associated with the CRA Coordinator providing direct support to redevelopment projects;
- \$45,000 for contractual services of Neighborhood Equity Strategies to implement redevelopment plan programs and attract new business and investment to the CRA as well to hire a branding consultant to improve identity as a place to work and do business;
- \$21,500 for general legal services related to development agreements, oversight of the façade improvement program, and land acquisition initiatives.
- \$8,000 for other operating expenditures such as printing, publishing, and marketing.

The budget also includes a reserve of \$1,716,216.



Edward Marquez
Deputy Mayor

Attachments

Mayor01514



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(G)(2)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(G)(2)
1-22-14

RESOLUTION NO. R-42-14

RESOLUTION APPROVING THE BUDGET FOR FISCAL
YEAR 2013-14 FOR THE NORTH MIAMI BEACH
COMMUNITY REDEVELOPMENT AGENCY

WHEREAS, the Interlocal Cooperation Agreement between Miami-Dade County, Florida (the “County”) and the North Miami Beach Community Redevelopment Agency (the “Agency”) requires that the Agency transmit its adopted annual budget to the Board of County Commissioners of Miami-Dade County, Florida (the “Board”) for approval; and

WHEREAS, this Board desires to approve the Agency’s adopted annual budget for Fiscal Year 2013-14 for the North Miami Beach Community Redevelopment Area in the form attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The matters contained in the foregoing recitals are incorporated in this Resolution by reference.

Section 2. This Board approves the Agency’s annual adopted budget for Fiscal Year 2013-14 related to the North Miami Beach Community Redevelopment Area in the form attached hereto as Exhibit A.

The foregoing resolution was offered by Commissioner **Xavier L. Suarez**,
who moved its adoption. The motion was seconded by Commissioner **Lynda Bell**
and upon being put to a vote, the vote was as follows:

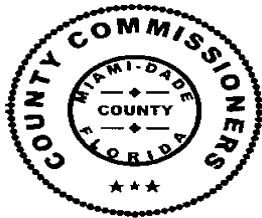
	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	absent	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson aye
Sally A. Heyman	absent	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Sen. Javier D. Souto	aye	Xavier L. Suarez aye
Juan C. Zapata	aye	

The Chairman thereupon declared the resolution duly passed and adopted this 22nd day of January, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

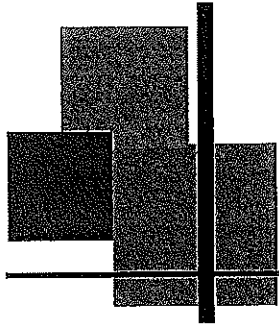
HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk



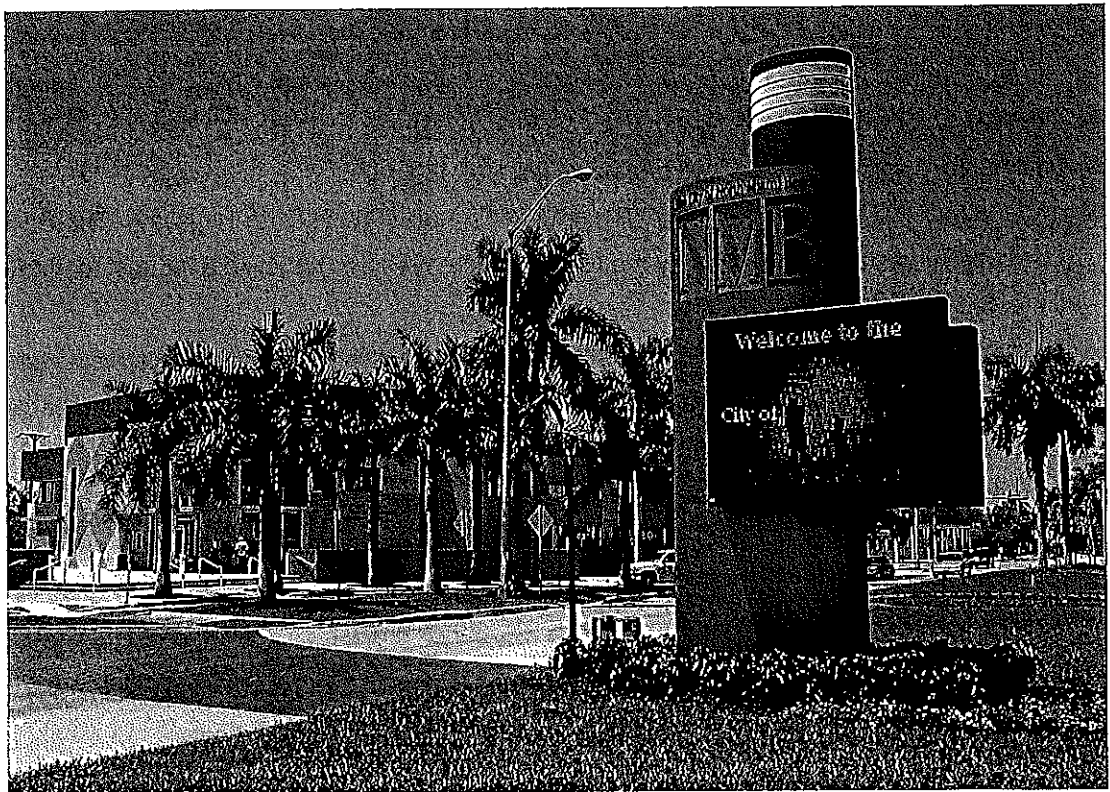
Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset-Williams



CITY OF NORTH MIAMI BEACH

COMMUNITY REDEVELOPMENT AGENCY



**FISCAL YEAR
2013-2014
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 2012-13 PAST ACCOMPLISHMENTS

This past year, CRA staff and the Economic Development Consultant:

1. Conducted a visioning session with the CRA Board and initiated an Economic Development Implementation Plan for the CRA;
2. Held a Development Symposium to attract businesses and developers to NMBCRA area, and have maintained continuous contact with the attendees.
3. Met continuously with developers and prospects for:
 - a. Braha Dixie/Parkview Business Center (173rd Street & West Dixie Highway). The Parkview Business Center site plan has been approved by the NMB Council. We have received a request for infrastructure grants, which is being reviewed.
 - b. TECO (157th Street & West Dixie Highway) in anticipation of requests for infrastructure grant dollars and TIF Recapture program. The Teco site clean-up plan has been approved by DERM and is underway. The Developer is expected to close on the property by the end of the year.
 - c. The property owner at NE 12th Avenue and 163rd Street, who has designed a retail and office project which is in the process of making its application to the City for development and zoning approvals.
 - d. The brokers and prospective buyers of the Winn Dixie parcel, one of which is close to executing an option to purchase the parcel for development of a mixed-use project.
4. Developed a TIF Recapture Program, which provides an incentive in the form of a rebate of a portion of the net new tax increment revenue generated by the eligible project.
5. Developed and produced Business Assistance and Economic Development Guides, available in print and online, which provides the following information to potential businesses:
 - a. Commercial Site Directory with property for sale, property for lease, and businesses for sale
 - b. Maps of development sites, real estate vacancy, businesses by type, demographics, traffic counts, and incentives
 - c. Market research

NMBCRA 2013-2014 REVENUE

NMBCRA FY 2013-2014 Revenues

Tax increment revenue in FY 2013-2014 for the NMBCRA will total \$424,612. The sources of revenue for FY 2013-2014 include tax increment revenue payments from the City of North Miami Beach of \$222,266 and Miami-Dade County of \$202,346 respectively and a carryover from FY 2011-2012 of \$4,679,589 plus \$35,300 projected interest on investments.

Tax Increment Revenue Payments

	<i>(FY 12-13)</i>	<i>(FY 13-14)</i>
TIF City Contribution	\$ 366,833	\$ 222,266
TIF County Contribution	\$ 183,310	\$ 202,346
Carryover	\$ 5,517,000	\$ 4,679,589
Projected Interest on Investments	\$ 11,500	\$ 35,300
Total Revenues:	\$ 6,078,643	\$ 5,139,501

NMBCRA FY2013-2014 EXPENSES

Focus of the NMB CRA will be to research and develop additional incentive programs such as the Transfer of Development Rights (TDR), the Interior Improvement Program and other programs not provided by the CRA, such as the New Market Tax Credits, EB-5, Free Trade Zone, Qualified Target Industry Tax Refunds, to name a few.

Implement a marketing and branding program focused on economic development and investment in the CRA, promoting the tools that are available, the market potential, available sites, including development of a full service website.

Identify potential projects for investment of the loan proceeds to prime the West Dixie Highway Corridor for new investment and support and leverage the investment and initiatives already underway and that are planned:

- the Hyatt Hotel,
- the proposed rezoning of the business district to encourage new investment;
- façade improvements to Lorenzo's Market;
- the sale and development of the former Winn Dixie site;
- the future Tri-Rail Coastal Line stop at 164th Street;
- the cleanup and redevelopment of the former TECO site;

ADMINISTRATIVE EXPENSES

1. Employee Salary and Fringe (\$17,164)

25% administrative personnel costs charges to the CRA for CRA Coordinator	\$17,164
Total:	\$17,164

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 (\$1,000)

Legal Notices placed for CRA Workshops / Budget Meetings.

3. Travel (\$1,000)

Travel for conventions / seminars and developer meetings.

4. Other Administrative Expenses (\$8,614)

Overhead expenses include but are not limited to operating supplies, postage, professional organization membership dues, subscriptions to publications, and maintenance agreements. 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: \$30,928

5. County Administrative Charge (\$3,035)

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

Total Administrative Expenses (Including County Admin Fee) \$33,963

OPERATING EXPENSES

1. Employee Salary and Fringe (\$51,491)

75% of Coordinator's salaries and fringes:

CRA Coordinator	\$51,491
Total:	<u>\$51,491</u>

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

2. Contractual Services/Economic Development/Branding (\$45,000)

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

\$25,000

The CRA will hire a Branding Consultant to work on improving its brand and identity as a good place to work and do business and build credibility.

	<u>\$20,000</u>
Total:	\$45,000

3. Printing and Publishing (\$5,000)

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 (\$3,000)

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

5. Legal Services Costs (\$21,500)

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.

6. Acquisition / Infrastructure: (\$2,561,259)

- a. \$318,186: Encumbered from FY12-13 Approved Budget to beautify SR826 & installation of sewer on NE 163rd Street & NE 19th Avenue.

- b. \$2,243,073: Invest the loan proceeds that prime the West Dixie Highway Corridor for new investment and support and leverage the investment and initiatives already underway and that are planned:
 - the Hyatt Hotel,
 - the proposed rezoning of the business district to encourage new investment;
 - façade improvements to Lorenzo's Market;
 - the sale and development of the former Winn Dixie site;
 - the future Tri-Rail Coastal Line stop at 164th Street;
 - the cleanup and redevelopment of the former TECO site;

7. Capital Projects Total (\$130,000)

Commercial Façade Improvement and Interior Improvement Programs

BUDGET CRA: TIF Investment -

\$130,000

Through the Façade Improvement & Interior Improvement Grant Programs, the NMB CRA will target properties on – West Dixie Highway between NE 163rd Street & 172nd Street to enhance their visibility, attract new business and new development for that area. 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.

8. Debt Service (\$572,072)

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

- Debt service for the \$ 3,000,000 tax exempt \$206,670
 - Debt service for the \$ 5,000,000 taxable line of credit \$365,402
- \$572,072

9. Reserve (\$1,716,216)

Debt Service will be kept in reserve for the next three years until such time the TIF revenues increase as a result of redevelopment.

	(FY 12-13)	(FY 13-14)
Total Administrative Expenses:	\$43,756	\$ 33,963
Total Operating Expenses:	\$6,028,782	\$3,389,322
<u>Contingency /Reserve</u>	<u>\$ 6,105</u>	<u>\$1,716,216</u>
Total CRA Budget:	\$6,078,643	\$5,139,501

RESOLUTION NO. R2013-58

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2014 BUDGET OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R-611-05 approving the Interlocal Corporation 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 the Agreement; and

WHEREAS, subsequently, on August 16, 2005, the Mayor and City Council of the City of North Miami Beach adopted and approved the Agreement under Resolution No. R2005-48; and

WHEREAS, the Agreement requires that the CRA approve and adopt an annual budget, and transmit its 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 FY 2014 annual budget at a public meeting on August 27, 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 FY 2014 Budget for the CRA, attached hereto as “Exhibit A”, is hereby approved.

RESOLUTION R2013-58

Section 3. The CRA Coordinator is hereby directed to transmit the CRA's FY 2014 Budget to the County for approval.

Section 4. This Resolution shall be effective immediately upon adoption hereof. Should the Miami-Dade Board of County Commissioners propose to modify its millage rate such that the Tax Increment contribution to the CRA is unissued or decreased, the CRA Coordinator is hereby directed to adjust the CRA budget accordingly, subject to the CRA Commissioners and City Council approving any changes that are made to ensure that an accurate and balanced budget is maintained.

Section 5. All revenues and interest carried forward from FY 2013 shall be appropriated according to established guidelines and applicable law.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach at the regular meeting assembled this **11th day of September, 2013.**

ATTEST:

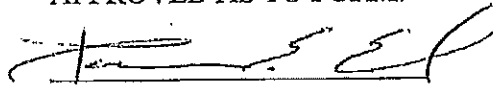


PAMELA L. LATIMORE
CITY CLERK


GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:



DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

RESOLUTION R2013-58

CRA POLICY RESOLUTION NO. 2013-5

**A RESOLUTION OF THE NORTH MIAMI BEACH
COMMUNITY REDEVELOPMENT AGENCY ("CRA")
APPROVING THE FISCAL YEAR 2013-2014 BUDGET;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R611-05 approving the Interlocal Cooperation Agreement ("Agreement") between 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 CRA Policy Resolution 2005-02 approving the Agreement; and

WHEREAS, subsequently, on August 16, 2005, the Mayor and City Council of the City of North Miami Beach adopted and approved the Agreement under Resolution R2005-48; and

WHEREAS, the Agreement requires that the CRA approve and adopt an annual budget, and transmit its annual budget to the City for approval prior to transmitting said budget to the County for approval.

NOW, THEREFORE,

BE IT RESOLVED by the Board of Commissioners of the North Miami Beach Community Redevelopment Agency as follows:

Section 1. Each of the above stated recitals are hereby adopted and confirmed.

Section 2. The FY 2013-14 Budget for the Agency, attached hereto as "Exhibit A", is hereby approved.

Section 3. All expenditures associated with the FY2013-14 budget are allowable under the Redevelopment Plan and Florida State Statute.

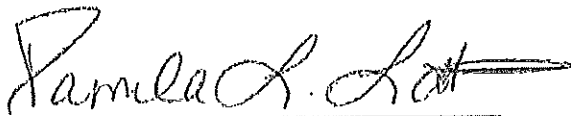
Section 4. The CRA Executive Director is hereby authorized to submit the Fiscal Year 2013-14 Budget to the City and the County for review and approval.

Section 5. All revenues and interest carried forward from FY 2012-13 shall be appropriated according to established guidelines and applicable law.

Section 6. This Resolution shall be effective immediately upon adoption hereof. Should the Miami-Dade County Board of Commissioners propose to modify its millage rate such that the Tax Increment contribution of the Community Redevelopment Agency is unissued or decreased, the Community Redevelopment Agency Executive Director is hereby directed to adjust the Community Redevelopment Agency budget accordingly, to ensure that an accurate and balanced budget is adopted and maintained.

APPROVED AND ADOPTED by the Board of Commissioners of the North Miami Beach Community Redevelopment Agency at the regular CRA meeting assembled this 27th day of August, 2013.

ATTEST:



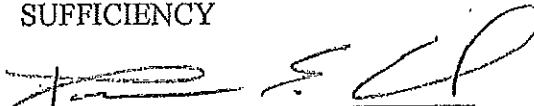
PAMELA L. LATIMORE
BOARD CLERK

NORTH MIAMI BEACH COMMUNITY
REDEVELOPMENT AGENCY



GEORGE VALLEJO
CHAIRMAN

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



DARCEE S. SIEGEL
CRA ATTORNEY

Sponsored by: Chairperson & Commission



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
VIA: Darcee S. Siegel, City Attorney
DATE: Tuesday, February 18, 2014

RE: Litigation List

BACKGROUND ANALYSIS: As of February 18, 2014.

RECOMMENDATION:

FISCAL/BUDGETARY IMPACT:

ATTACHMENTS:

[Litigation List](#)

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: February 18, 2014

LITIGATION LIST

I. Civil Rights:

II. Personal Injury:

III. Other Litigation:

CACH LLC v James Cotton
Writ of Garnishment

CLOSED

IV. Forfeitures:

*** CNMB v Molina-Moreno/Jaramillo**
\$19,614.00 in US Currency

V. Mortgage Foreclosures:

Bank of America v CNMB (Freeman)

**CLOSED-
PROPERTY SOLD**

M&T Bank v CNMB (Ferdinand)

DISMISSED

VI. Bankruptcies:



City of North Miami Beach, Florida

Ana M. Garcia, City Manager

February 18, 2014

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

Honorable Mayor and City Council,

The package you are receiving includes my narrative to you seeking your support to continue in my role as your City Manager. Additionally, you are receiving a list of significant accomplishments during my first 6 months, a current salary and benefits survey of my peers in cities throughout Miami Dade County, the official opinion from Attorney Jim Linn, the City's pension attorney regarding the ability for the Manager and or other Charter Officer's to elect not to participate in the pension plan and participate in a 401A plan and an ordinance prepared last year for the latter to be realized if supported. The benefits of a 401A are endless for the recipient and for the city; ability to budget amount versus a variable amount, portable versus restrictive and enhances the City's position to retain and or recruit the top talent for key positions in the City. It's the standard at the very least for City Manager's.

Included in this package as a point of reference and for comparison purposes you will find my temporary and or initial contract as well as the contract for one of the City's former Managers. Thank you for evaluating the documents presented to you and for a fair assessment.

With much respect and gratitude,

Ana M. Garcia
City Manager
City of North Miami Beach



City of North Miami Beach, Florida

Ana M. Garcia, City Manager

February 18, 2014

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

Dear Mayor and Council,

It is my honor and a privilege to serve as your City Manager for the great City of North Miami Beach. These past 6 months have been a labor of love, for public service is my life's mission. In a very short period of time, you have seen and felt the positive impact of our Administration, yet with much humility and great confidence I convey to you that, "you have not seen anything yet!" I am perfectly suited to continue to lead our Team and move our City forward. My work ethic, knowledge, energy and leadership skills are but a few of the characteristics I possess that make me a most unique individual for the role of City Manager for NMB during this time in our City's History. My can do attitude, commitment, perseverance and attention to details is something I take great pride in and exactly what was needed in our City! Our Team is stepping up to a bar that has been raised because all can see that I lead by example and that I truly care about them and our City!

We have not had stability in the Manager's office, yet today we have an opportunity to send a message to our Team, our residents, our business community and all those that are thinking about investing in our City, moving to our City and or joining the NMB Team. The message we send is that we have a Manager for all of North Miami Beach, a force to be reckoned with who will not leave any stone unturned if there is a benefit and or an opportunity for our city and for our residents. Together we can overcome challenges, meet goals and exceed expectations because we are on a mission for a better NMB. "It's Our Time!"

With much respect and gratitude,

Ana M. Garcia
City Manager
City of North Miami Beach

The below represents significant accomplishments over the past 6 months for Team NMB while I have been at the helm as your Manager.

- New Emergency Operations Center, NMB PD.
- Hiring of New Police Chief
- Implementation of Red Light Cameras
- Swearing in of 5 officers and 1 sponsor who will be joining NMB Police Team
- CRA on line E News Letter
- 163rd Street Median Beautification
- Implementation of Home Improvement Program(H.I.P.)
- Implementation of Broker of Record for all insurance programs with projected savings to City of 300k
- Implementation of Police Street Roll Calls, creating greater visibility with a prevention focus
- Commencement of Alley Restoration Project
- New Initiative implemented “Eyes On NMB”
- “NMB Gives Back” Initiative implemented which over 200 NMB families benefited for Thanksgiving Holiday
- Tree and Menorah Lighting bringing the Community together
- Completion of Victory Park Playground
- Enhancements at Highland Village Park
- Coordination with our local mail carrier for Holiday event at Highland Village
- Partnership with FPL for Community Enhancement program
- Tallahassee Coordination and Legislative Priorities Presentations, 1st City in the State (All projects submitted ahead of schedule)
- County Approval of CRA project at 163rd and 20th (Septic to Sewer)
- Selection of Moderator and Commencement of Strategic Planning Sessions
- Completion of City’s First Newsletter in several years
- Working with RMA in the planning of Spring CRA event focusing on Investors and Brokers (Visibility to our City)
- League of Cities Best Practices Conference(#1 in City Participation)
- Miami Dade City and County Management Association (#1 in City Participation)
- Demolition of 6 unsafe and un slightly structures in our City (3 more to come to unsafe structure board)

- Removal of 130 News racks throughout our City
- Implementation of Code Waiver Program
- Commencement of Land Use and Zoning process. (City workshop scheduled on March 11, 2014)
- County Approval of Taylor Park Clean Up negotiations to expedite and commence project in 2016
- Painting and Enhancements of City's Public Services Building
- Detail work and landscaping initiatives in City's median and signage planting
- Negotiation of City's Bus Benches increasing City's revenue from \$8 per bench to \$21 per bench(new benches to be installed)
- Planning Initiatives including a permanent Walking Path associated with Heart Health Walk
- Meeting with FEC resulting in major clean up from 135th -175th street
- Initiative to bring back Marine Patrol another tool in our tool box(Debut of program scheduled on February 22, 2014
- Commencement of the planning of a Homeless Awareness Summit with a goal to mitigate and eliminate this issue in our City
- Implementation of Volunteer program partnering with NMB Senior and local Universities
- Completion of first Quarter Financial reporting including City's investment information
- Commencement of City's new phone system (more efficient, enhancing customer experience and staff training opportunity)
- Updating of Major HR polices and completion of Management and Supervisory Training
- Building Morale and providing for a better work place environment through employee recognition, training, goal setting, consistent staff meetings, clear communication and expectations and leading by example.
- Completion of renovations of pool heater and commencement of other enhancements such as painting and beautification at Victory Pool
- AMR Contract awarded process in progress
- ERP vendor selected (negotiation in progress)
- Partnership with Borinquen Clinic for Cancer Awareness Month/Health Screenings at the Highland Village Community Center

MUNICIPALITY	TITLE	SALARIES	RETIREMENT BENEFITS	POPULATION
CITY OF AVENTURA	CITY MANAGER	\$ 225,218.86	Defined Contribution plan 23% City Contribution and Retirement Health savings account 4% (yearly salary) City contribution. No Manager contribution	36,725
BAL HARBOUR VILLAGE	VILLAGE MANAGER	\$ 180,000.00	Defined contribution plan 46.3%. No Mgr contribution	2,915
CITY OF CORAL CABLES	CITY MANAGER	\$ 195,000.00	City contributes 38% of Manager's salary into a 401 & 457. No Manager contribution	48,524
CITY OF DORAL	CITY MANAGER	\$ 173,931.00	ICMA plan 6% Manager contribution/ 12 % City contribution. Immediate vesting for Manager.	49,253
VILLAGE OF KEY BISCAYNE	VILLAGE MANAGER	\$ 185,636.33	401A 12% Village Contribution/6% Manager	12,523
TOWN OF MIAMI LAKES	TOWN MANAGER	\$ 190,000.00	FRS Plan 18% City contribution. No Manager contribution. In April a 457 will be set up for Manager with City contributing max allowed by IRS	29,978
VILLAGE OF PINECREST	VILLAGE MANAGER	\$ 178,639.50	ICMA Plan 7% Manager's contribution/14.1% Village Contribution	18,496
TOWN OF SURFSIDE	TOWN MANAGER	\$ 155,000.00	ICMA 15% Town contribution only	5,794
CITY OF SOUTH MIAMI	CITY MANAGER	\$ 160,000.00	ICMA (401) 12% City contribution/6% Manager contribution	13,778
CITY OF NORTH MIAMI BCH	CITY MANAGER	\$ 157,500.00	8% City Manager contribution 3% city contribution	42,442

-----Original Message-----

From: Jim Linn [<mailto:jlinn@llw-law.com>]

Sent: Monday, February 03, 2014 1:52 PM

To: Garcia, Ana

Subject: RE: Inquiries

Hi Ana - the City Council can exclude you from the city pension plan, or give you (or all charter officers) the ability to elect not to participate in the pension plan. It is fairly common for city managers to participate in a 401A defined contribution plan with immediate vesting, in lieu of a defined benefit pension plan, where 10 year vesting is standard. I would suggest that you include a provision in your contract along these lines, and once the contract is finalized the Council can amend the pension plan and adopt a 401A plan in accordance with the terms of the contract.

A draft ordinance I prepared last year that would give all charter officers the ability to opt out of the pension plan is attached. Please note this ordinance may need to be updated to reflect any changes to the general management pension plan that may have been adopted after the date of the draft ordinance.

Please feel free to call me if you have questions or would like to discuss these matters in more detail.

Jim

James W. Linn

Shareholder

Lewis, Longman & Walker, P.A.

315 South Calhoun Street, Suite 830

Tallahassee, Florida 32301

jlinn@llw-law.com

(t) 850.222.5702

(f) 850.224.9242

vCard | Website | Bio

join us online

ORDINANCE NO. 2013-__

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; PROVIDING AN OPTION FOR CHARTER OFFICERS TO ELECT NOT TO PARTICIPATE IN SAID PLAN; 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 Retirement Plan and Trust for General Management Employees of the City of North Miami Beach (General Management Retirement Plan) was created by Ordinance 2002-30, with attached Adoption Agreement, adopted by the City Council of the City of North Miami Beach on January 7, 2003, which Ordinance and Adoption Agreement have been subsequently amended, most recently by Ordinance No. 2012-33; and

WHEREAS, the General Management Retirement Plan was established for the general management employees of the City, including Charter Officers; and

WHEREAS, the City Council has determined that Charter Officers should be provided an option to be excluded from the General Management Retirement Plan and participate in a defined contribution retirement plan provided by the City;

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. Section C, "Eligibility" of the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

C. ELIGIBILITY:

Employees shall become participants in the plan effective:

C1) General Management Employees shall become participants in the plan effective immediately when hired. To preserve continuity of pension benefits, General Management Employees that are already in another City sponsored defined benefit pension plan shall remain in that plan and not transfer to this plan.

C2) No medical examination will be required for participation in this Pension Plan.

C3) Notwithstanding section C1 above:

(a) An individual who is serving as a Charter Officer (City Clerk, City Attorney, or City Manager) on the effective date of this Ordinance may elect to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach by filing a written election with the Plan Administrator within six months following the effective date of this Ordinance. A Charter Officer with less than six months of credited service who elects to discontinue participation in the Plan pursuant to this paragraph shall receive a full refund of employee contributions made to the Plan. A Charter Officer with six or more months of credited service who elects to discontinue participation in said Plan pursuant to this paragraph shall be entitled to receive their accrued benefit through the date of discontinuance of participation in the Plan, based on credited service and final monthly compensation on the date of discontinuance, payable upon attaining the normal or early retirement date and separation from City employment. Any individual who is serving as a Charter Officer on the effective date of this ordinance and does not timely file an election to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan. A Charter Officer who elects to discontinue participation in the Plan pursuant to this paragraph shall be eligible to participate in a defined contribution plan provided by the City.

(b) An individual who is initially appointed as a Charter Officer on or after the effective date of this Ordinance may elect not to participate the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach by filing a written election with the Plan Administrator within six months following their appointment. A Charter Officer who elects not to participate in said Plan in accordance with this paragraph shall receive a full refund of employee contributions made to the Plan, and shall be eligible to participate in a defined contribution plan provided by the City. Any

individual who is initially appointed as a Charter Officer on or after the effective date of this Ordinance and does not timely file an election not to participate in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan.

SECTION 3. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

SECTION 4. It is the intention of the City Council of the City of North Miami Beach that the provisions of this ordinance shall become and be made a part of the Adoption Agreement, Administered by the Florida League of Cities and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

APPROVED BY TITLE ONLY on first reading this ____ day of _____, 2013.

APPROVED AND ADOPTED on second reading this ____ day of _____, 2013.

ORDINANCE NO. 2013-__

ATTEST:

PAMELA LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by:

ORDINANCE NO. 2013-__

CONDITIONS OF EMPLOYMENT

Employer: City of North Miami Beach

Employee: Ana Garcia

Position: City Manager

Effective Date: August 27, 2013



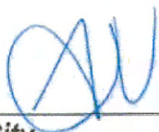
Renewal/Expiration Date: This contract provisionally appoints the Employee to the position of City Manager for a period of six months, pursuant to the City Charter. As such, the term of this contract is for six (6) months only. It shall be reviewed by the Mayor and Council at a Council meeting in February 2014, and be subject to review and renewal annually thereafter.

Duties: The Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

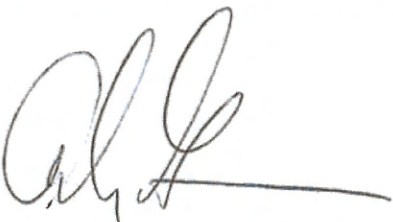
Salary: The Employee's base compensation shall be three thousand twenty-eight dollars and eighty-five cents (\$3,028.85) per week or one hundred fifty-seven thousand five hundred dollars (\$157,500.00) yearly equivalent. The Employee may be entitled to receive a cost of living increase annually. The Employee's salary and/or benefits may be enhanced at the City Council's discretion. The City Council may award a discretionary bonus of up to ten per cent (10%) of base salary, at its sole discretion.

Leave: The Employee shall be entitled to the following:

Annual Leave:	20 days/160 hours yearly (10 days/80 hours for provisional period)
Sick Leave:	10 days/80 hours yearly (5 days/40 hours for provisional period)
Floating Holiday:	None
Birthday:	None



City



Ana Garcia

Car Allowance: The Employee shall receive a car allowance in the amount of four hundred dollars (\$400.00) per month.

Cell Phone/Connectivity: The Employee shall be provided cellular phone and data connectivity coverage at the City's expense. The maximum amount of reimbursement for such coverage is not to exceed one hundred fifty dollars (\$150.00) per month.

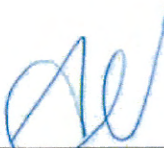
Pension Eligibility: Pursuant to the requirements of the organization's existing General Management Employee Pension Plan, at the time of hire, the Employee will be automatically enrolled in the General Management Employee Pension program. This program requires an Employee contribution of eight percent (8%) of the Employee's base salary per annum, and a variable Employer contribution dependent upon actuarial valuations of the Plan. It is understood that the Employer may amend this Plan from time to time at its sole discretion. If a change is made to the enrollment rules governing this General Management Employee Pension Plan, and alternatives are made available to Charter Employees, then the Employee shall be provided the opportunity to consider such alternatives.

Health Insurance: The City shall provide the Employee with individual health benefits through the benefits program sponsored by the City, bearing the cost of the total individual premium for these benefits.

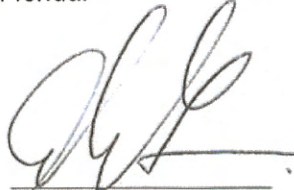
Disability: The Employee shall be provided long and short term disability at no cost to Employee.

Life Insurance: The City shall provide the Employee with life insurance in the amount of two hundred thousand dollars (\$200,000.00), at no cost to the Employee. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue. Employee's insurance shall be portable so that if the Employee elects, the policy may be converted.

Severance: The Employee may be terminated from employment with or without cause at any time. If Employee is terminated without cause, the city shall pay Employee a lump sum cash payment equal to twenty (20) weeks salary pursuant to Florida State Statutes Chapter 112. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter and laws of North Miami Beach and the laws of the State of Florida.



City

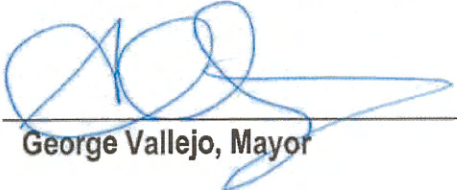


Ana Garcia

Professional

Development: *The City shall pay Employee's reasonable dues, subscriptions and travel expenses along with subsistence expenses for continuing education, membership and participation in professional associations and organizations.*

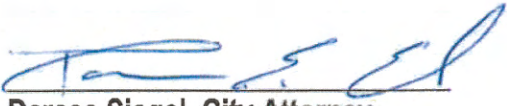
City of North Miami Beach, Florida:

By: 
George Vallejo, Mayor

Employee: 
Ana Garcia

PURSUANT TO motion adopted on:

**Approved as to form and legal
sufficiency. For use and reliance
of the City only:**


Darcee Siegel, City Attorney

ATTEST:

Pamela Latimore, City Clerk

Distribution:
H. Leonard
D. Hobson
K. Baker
orig to P. Odery
8-21-08

CONDITIONS OF EMPLOYMENT

EMPLOYER: City of North Miami Beach, Florida

POSITION: City Manager

EMPLOYEE: **KELVIN L. BAKER**

DUTIES: Employee shall perform the duties and exercise the powers as provided by state law, the City Charter and City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

SALARY: Employee's initial salary shall be \$3,847 per week or a \$200,000 yearly equivalent. Employee shall be entitled to receive a cost of living increase annually. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.

LEAVE: Employee shall be entitled to twenty (20) days of annual leave and ten (10) days of sick leave. Employee shall also be entitled to two (2) floating holidays per calendar year and to one (1) birthday day per calendar year

BENEFITS City shall provide Employee with benefits that are consistent with the benefits that are provide to the City's senior Management. Employee is expected to evaluate the City's current benefits package and recommend proposed changes to the City Council.

PENSION ELIGIBILITY: Employee shall continue his participation in the Retirement Plan and Trust for the Management Employees of the City of North Miami Beach (Florida League of Cities), effective January 7, 2003. Employee Mandatory Employee contribution is 8% and subject to change as determined by the City.

HEALTH INSURANCE: Employee and Employee's family shall be provided health insurance at no cost to Employee and Employee's family. Upon separation of employment with the City, Employee's health insurance shall be continued in accordance with Resolution No. 98-53 and Ordinance No. 2000-10 and 2002-30.

DENTAL INSURANCE: Employee and Employee's family shall be provided dental insurance at no cost to Employee and Employee's family. Upon separation of employment with the City, Employee's health insurance shall be continued in accordance with Resolution No. 98-53 and Ordinance No. 2000-10 and 2002-30.

DISABILITY Employee shall be provided long and short term disability insurance at no cost to Employee.

**LIFE
INSURANCE**

City shall provide Employee with life insurance in an amount that is twice Employee's annual salary. For this purpose salary shall be capped at \$200,000. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue. Employee's insurance shall be portable so that if Employee elects, the policy maybe converted.

SEVERANCE

Employee may be terminated from employment with or without cause at any time. If Employee is terminated within the first year of his employment, the City agrees to pay Employee a lump sum cash payment equal to twelve (12) months' salary. If Employee is terminated during the second year of his employment, the City agrees to pay Employee a lump sum cash payment equal to nine (9) months' salary; thereafter Employee shall be entitled to a lump sum cash payment equal to six (6) month's salary. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter and laws of the City of North Miami Beach, and the laws of the State of Florida.

**AUTOMOBILE
ALLOWANCE:**

Employee shall be provided a motor vehicle allowance of \$750 per month or Employee may elect to use a City provided vehicle primarily for City purposes.

**CELL PHONE
ALLOWANCE:**

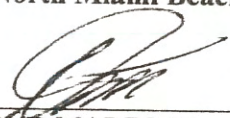
Employee shall be provided a cellular phone allowance of \$90 per month.

**PROFESSIONAL
DEVELOPMENT:**

City shall pay Employee's reasonable dues, subscriptions, and travel and subsistence expenses for continuation and membership and participation in professional associations, organizations.

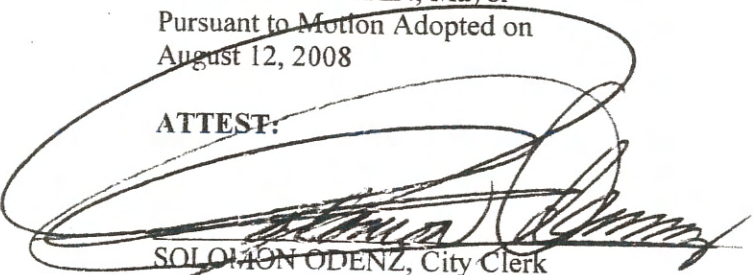
City of North Miami Beach, Florida:

Employee:

By: 
RAYMOND MARIN, Mayor
Pursuant to Motion Adopted on
August 12, 2008


KELVIN L. BAKER

ATTEST:


SOLOMON ODENZ, City Clerk

Approved as Form and Legal Sufficiency for the Use And Reliance of the City Only:


HOWARD LENARD, City Attorney

8/15/08



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: Ana M. Garcia, City Manager
VIA: Carlos Rivero, City Planner
DATE: Tuesday, February 18, 2014

RE: Resolution No. R2014-6 (City Planner, Carlos Rivero)

**BACKGROUND
ANALYSIS:**

The Applicant, Daniel Sorogon, on behalf of the property owner of 3141 Northeast 165th Street is requesting the following:

A. Site plan review to construct a 6,255 square foot two-story single-family house on a 9,761 square foot (0.22 acres) vacant parcel of land assigned "Residential Low Density Land Use Designation" and "RS-1 Residential Single Family Zoning District;" and,

B. Variances from Chapter XXIV, Zoning and Land Development Code Sections:

I. Article 5, Zoning Use Districts, Section 24-41(D) (9)(a) titled, "Roofing," to waive the minimum roof pitch requirement of three-and-one-half (3.5') feet in twelve (12) feet to provide for a flat roof to be utilized as outdoor elevated open air living space; and,

II. Article 5, Zoning Use Districts, Section 24-41(D) (5) titled, "Maximum building height," to waive the maximum building height of thirty (30') feet to permit the installation of an elevator structure to a maximum height of thirty-six-and-one-half (36.5') feet which represents a two (2%) percent of the outdoor elevated open air living space, whereas the remaining portions of the single residence adhere to the maximum permitted building height of thirty

(30') feet.

RECOMMENDATION: The Community Development Department recommends that the site plan and variances be approved.

FISCAL/BUDGETARY IMPACT: No costs to the City are anticipated.

ATTACHMENTS:

- ▢ [Application](#)
- ▢ [Staff Report](#)
- ▢ [Site Plan](#)
- ▢ [First Floor](#)
- ▢ [Second Floor](#)
- ▢ [Roof Plan](#)
- ▢ [Elevation-1](#)
- ▢ [Elevation-2](#)
- ▢ [Drainage-1](#)
- ▢ [Drainage-2](#)
- ▢ [Landscape](#)
- ▢ [Pictures](#)
- ▢ [Resolution No. R2014-6](#)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR PUBLIC HEARING

OCT/2/2013

Date

1. Name of Applicant: DANIEL SOROGON OR BEHALF OF 3141 N.E. 165TH LLC
Address: 34 N.W. 168TH ST. NORTH MIAMI BEACH, FLA. 33169
Telephone No.: 305-970-1235 Fax: 305-653-0232
Email: DAN SOROGON @ AOL.COM

1. Address or Location of Subject Property: 3141 N.E. 165TH ST.
NORTH MIAMI BEACH, FLA. 33160

2. Folio Number: 07-2210-001-0210

3. Name of Property Owner: 3141 N.E. 165TH ST. LLC
Date of Purchase: AUGUST 20TH, 2013
Address: 139 SOUTH DIXIE HIGHWAY, SUITE 209 HALLANDALE, FL.
3909
Telephone No.: 305-322-2307 Fax: N/A
Email: JOEL BENDAYAN @ GMAIL.COM

4. Surveyor's Name: JOHN I BARRA & ASSOC.
Firm: JOHN I BARRA & ASSOC.
Address: 777 N.W. 72ND AVE, SUITE 3025, MIAMI FLA. 33126
Telephone No.: 305-262-0400 Fax: 305-262-0401
Email: _____

5. Legal Description of the Property Covered by This Application:

LOT 21, BLOCK 6, EASTERN SHORES 1 ADDITION
PLATBOOK 65, PAGE 39, PUBLIC RECORDS OF DADE COUNTY, FLA.

6. Size of Property: 115 Ft. x 110 Ft., Acres: .22

7. Does property owner own contiguous property(s) to the subject property? If so, give complete legal description of entire contiguous property(s):

NO

8. Is there an option to purchase or lease subject property or property contiguous thereto, predicated on the approval of this application? Yes (No)
If yes, who are the affected parties?: _____

A copy of the purchase contract must be submitted with this application.

9. Is this hearing being requested as a result of a violation notice or summons? Yes (No)
If yes, in whose name was the violation or summons notice served?: _____

Nature of violation: _____

10. Does the Code Enforcement Board seek this variance as an administrative remedy to a case being heard?
Yes (No)

11. Are these plans representing new construction? (Yes) No _____
Has construction started? Yes (No)
Has construction been completed? Yes (No)

If construction has been completed, give approximate date of completion: _____ Did this construction exist at the time the property was acquired? Yes No
What is the estimated value of construction? 1.2 million

13. Are there any existing structures on the property?: NO
If so, how many?: _____. What type? (CBS, frame, frame-stucco, other): _____

Will the existing structure(s) be demolished?: _____ If not, explain proposed use of existing building(s) in Letter of Intent.

This application is for the following:

(Check all that apply)

- Conditional Use
- Future Land Use Map Amendment
- Platting/Replat
- Rezoning
- Site Plan Review
- Special Limited Conditional Use
- Vacate Right-of-Way
- Variance(s)
- Site Plan Modification

CORPORATION AFFIDAVIT

We, I, JOEL BENDAYAN, being first duly sworn depose and say that we are the President/Vice President, (circle one) and Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant (circle one) of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application, I understand that any variance, site plan review, conditional use, special limited conditional use, rezoning, Future Land Use Map amendment, vacation of right-of-way, or plat approval shall be voidable at the option of the City of North Miami Beach.

[Signature]

President's Signature

JOEL BENDAYAN

Print Name

Secretary's Signature

Print Name

Corporate Seal

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this
2ND
day of OCTOBER, 20 13, by JOEL BENDAYAN
who is personally known to me or who has produced _____
_____, as identification and who did (did not) take an oath.

[Signature]

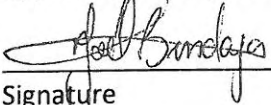
(Signature of Notary)



(Name of Notary Typed, Printed or Stamped)

OWNER'S SWORN-TO-CONSENT
PERMITTING TENANT TO FILE FOR A HEARING

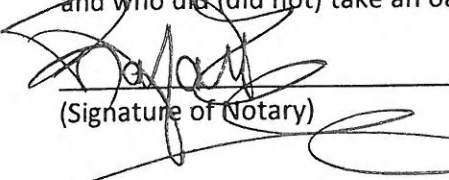
I, JOEL BENDAYAN, being first duly sworn, depose and say that I am the owner of the Property described herein and which is the subject matter of the proposed hearing, do hereby authorize DANIEL SOROGAN to file this application for a public hearing. Print Name


Signature

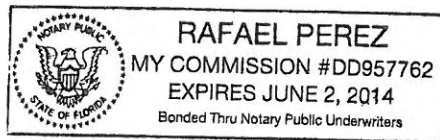
JOEL BENDAYAN
Print Name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 2ND day of OCTOBER 2013, by JOEL BENDAYAN who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.


(Signature of Notary)

RAFAEL PEREZ
(Name of Notary Typed, Printed Or Stamped)



**FLORIDA
CONTRACTING & CONSTRUCTION
SERVICES, INC.**

34 Northwest 168th Street
North Miami Beach, FL 33169
(305) 653-0212 (305)653-0232-fax

October 2, 2013

City of North Miami Beach
Community Development Department
17011 NE 19th Avenue
North Miami Beach, FL 33162

Re: 3141 NE 165th Street, North Miami Beach, FL 33160

To whom it may concern :

This is to inform you that we are submitting plans for the construction of a new 2 story residence, approx 6,255 sf, 2 car garage, swimming pool and pool deck.

We are requesting two variances:

1. Flat roof (modern house)
2. Building height of 6.5 feet over max allowed of 30 ft. which is 2% of roof area .
(access to roof)

Thank you for considering our request.



Daniel Sorogon
Architect/General Contractor
AR0010418 / CGC 34809

Prepared by and return to:
Clara Del Risco, Esq.

Clara del Risco, P.A.
10051 Pines Blvd., Suite A
Pembroke Pines, FL 33024
954-885-9100
File Number: CDC716
Will Call No.:

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 20th day of August, 2013 between Premier Developers Group, LLC a Florida limited liability company F/K/A Premier Developers Group, Inc. whose post office address is 134 South Dixie Hwy, Suite 209, Hallandale, FL 33009, grantor, and 3141 NE 165th, LLC, a Florida limited liability company whose post office address is 134 S. Dixie Highway, Suite 209, Hallandale, FL 33009, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

Lot 21, Block 6, EASTERN SHORES, 1ST ADDITION, a subdivision, according to the Plat thereof, as recorded in Plat Book 65, at Page 39, of the Public Records of Miami-Dade County, Florida.

Parcel Identification Number: 07-2210-001-0210

Subject to taxes for 2013 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Clara del Risco
Witness Name: Claudia (Clara)

Premier Developers Group, LLC

By: Sadia Chocron
Sadia Chocron, Managing Member

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 20th day of August, 2013 by Sadia Chocron, Managing Member of Premier Developers Group, LLC, on behalf of said firm. He is personally known or has produced a driver's license as identification.

[Notary Seal]

Clara del Risco
Notary Public
Printed Name: _____

My Commission Expires: _____



CERTIFICATE OF RESOLUTION

The undersigned, JOEL BENDAYAN being the sole Manager of 3141 NE 165TH LLC (the Company) organized and existing under the laws of Florida does hereby certify that pursuant to the articles of organization of the company, the following resolution was adopted and is now in force and effect.

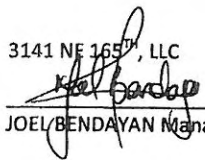
RESOLVED, that JOEL BENDAYAN shall be authorized to execute, acknowledge and deliver, including without limitation a purchase and sales agreement, closing statements, resolutions, and such other documents or instruments that may be necessary or required in order to consummate the purchase of the following real property in the name of and on behalf of the Company under whatever terms and conditions JOEL BENDAYAN shall determine to be acceptable in his sole discretion.

Lot 21, Block 6, EASTERN SHORES, 1ST ADDITION, a subdivision, according to the Plat thereof, as recorded in Plat Book 65, at Page 39, of the Public Records of Miami-Dade County, Florida.

I FURTHER CERTIFY that the authority hereby conferred is not inconsistent with the articles of organization of this company and that the foregoing is a true and correct resolution passed at a meeting of all the members of the Company.

IN WITNESS WHEREOF I hereby set my hand and seal this _____ day of AUGUST, 2013

3141 NE 165TH, LLC



JOEL BENDAYAN Manager

A. Settlement Statement

B. Type of Loan

<input type="radio"/> 1. FHA	<input type="radio"/> 2. FmHA	<input type="radio"/> 3. Conv. Unins.	6. File Number CDC716	7. Loan Number ID:	8. Mortg. Ins. Case Num.
<input type="radio"/> 4. V.A.	<input type="radio"/> 5. Conv. Ins.				

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: 3141 NE 165th, LLC, a Florida limited liability company
Address of Borrower: 134 S. Dixie Highway, Suite 209, Hallandale, Florida 33009

E. NAME OF SELLER: Premier Developers Group, LLC a Florida limited liability company F/K/A Premier Developers Group, Inc.
Address of Seller: 134 South Dixie Hwy, Suite 209, Hallandale, Florida 33009 **TIN:**

F. NAME OF LENDER:
Address of Lender:

G. PROPERTY LOCATION: 3141 NE 165TH ST, N. Miami Beach, Florida 33160

H. SETTLEMENT AGENT: Clara del Risco, P.A. **TIN:** 65-0915123
Place of Settlement: 10051 Pines Blvd., Suite A, Pembroke Pines, Florida 33024 **Phone:** 954-885-9100

I. SETTLEMENT DATE: 8/20/13 **DISBURSEMENT DATE:** 8/20/13

J. Summary of borrower's transaction		K. Summary of seller's transaction	
100. Gross amount due from borrower:		400. Gross amount due to seller:	
101. Contract sales price	765,000.00	401. Contract sales price	765,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (Line 1400)	3,508.50	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross amount due from borrower:	768,508.50	420. Gross amount due to seller:	765,000.00
200. Amounts paid or in behalf of borrower:		500. Reductions in amount due to seller:	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	8,957.50
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Principal amount of second mortgage		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506. Deposits held by seller	
207. Principal amt of mortgage held by seller		507. Principal amt of mortgage held by seller	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller:		Adjustments for items unpaid by seller:	
210. City/town taxes		510. City/town taxes	
211. County taxes from 01/01/13 to 08/12/13	4,564.81	511. County taxes from 01/01/13 to 08/12/13	4,564.81
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total paid by/for borrower:	4,564.81	520. Total reductions in amount due seller:	13,522.31
300. Cash at settlement from/to borrower:		600. Cash at settlement to/from seller:	
301. Gross amount due from borrower (line 120)	768,508.50	601. Gross amount due to seller (line 420)	765,000.00
302. Less amount paid by/for the borrower (line 220)	(4,564.81)	602. Less total reductions in amount due seller (line 520)	(13,522.31)
303. Cash (<input checked="" type="checkbox"/> From <input type="checkbox"/> To) Borrower:	763,943.69	603. Cash (<input checked="" type="checkbox"/> To <input type="checkbox"/> From) Seller:	751,477.69

Substitute Form 1099 Seller Statement: The information contained in blocks E, G, H, and I and on line 401 is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

Seller Instructions: If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your tax return; for other transactions, complete the applicable parts of Form 4797, Form 6262 and/or Schedule D (Form 1040).

I. Settlement charges				Borrower POC	Seller POC	Paid from Borrower's Funds at Settlement	Paid from Seller's Funds at Settlement
700.	Total Sales/Brokers Com. based on price	\$765,000.00 @	% =				
701.	% to						
702.	% to						
703.	Commission paid at settlement						
704.	to						
800. Items payable in connection with loan.				Borrower POC	Seller POC		
801.	Loan origination fee	% to					
802.	Loan discount	% to					
803.	Appraisal fee	to					
804.	Credit report	to					
805.	Lender's inspection fee	to					
806.	Mortgage insurance application fee	to					
807.	Assumption Fee	to					
808.	to						
809.	to						
810.	to						
811.	to						
900. Items required by lender to be paid in advance.				Borrower POC	Seller POC		
901.	Interest from	to	@ /day				
902.	Mortgage insurance premium for	months to					
903.	Hazard insurance premium for	years to					
904.	Flood insurance premium for	years to					
905.	years to						
1000. Reserves deposited with lender.				Borrower POC	Seller POC		
1001.	Hazard insurance	months @	per month				
1002.	Mortgage insurance	months @	per month				
1003.	City property taxes	months @	per month				
1004.	County property taxes	months @	per month				
1005.	Annual assessments	months @	per month				
1006.	Flood insurance	months @	per month				
1007.		months @	per month				
1008.		months @	per month				
1009.	Aggregate accounting adjustment						
1100. Title charges				Borrower POC	Seller POC		
1101.	Settlement or closing fee	to Clara del Risco, P.A.				850.00	
1102.	Abstract or title search	to Clara del Risco, P.A.				225.00	
1103.	Title examination	to					
1104.	Title insurance binder	to					
1105.	Document preparation	to					
1106.	Notary fees	to					
1107.	Attorney's Fees	to					
	(includes above item numbers:)				
1108.	Title Insurance	to Old Republic National Title Insurance Company/Clara del				2,395.00	
	(includes above item numbers:)				
1109.	Lender's coverage (Premium):						
1110.	Owner's coverage (Premium):	\$765,000.00 (\$2,395.00)					
1111.	Endorse:						
1112.	Document Prep	to Clara del Risco, P.A.					750.00
1113.	to						
1200. Government recording and transfer charges.							
1201.	Recording fees	Deed \$38.50 Mortgage(s) Releases				38.50	
1202.	City/county tax/stamps	Deed \$3,442.50 Mortgage(s)					3,442.50
1203.	State tax/stamps	Deed \$4,590.00 Mortgage(s)					4,590.00
1204.	to						
1205.	to						
1300. Additional settlement charges				Borrower POC	Seller POC		
1301.	Survey	to					
1302.	Pest Inspection	to					
1303.	Municipal Lien Search	to Ideal Lien Search, Inc.					175.00
1304.	to						
1305.	to						
1306.	to						
1307.	to						
1308.	to						
1309.							
1400. Total settlement charges							
(Enter on lines 103, Section J and 502, Section K)						3,508.50	8,957.50

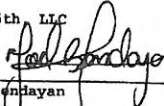
HUD-1 SETTLEMENT STATEMENT ADDENDUM

File Number: CDC716

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Borrower(s)

3141 NE 165th, LLC

By: 
Joel Benhayan
Manager

Seller(s)

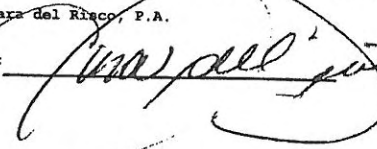
Premier Developers Group, LLC

By: 
Sandra Casanova
Managing Member

Settlement Agent

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Clara del Rio, P.A.

By:  Date: 8/21/13

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

Riel, Eric

From: Riel, Eric
Sent: Friday, October 11, 2013 8:09 AM
To: 'Chuck Asarnow'
Cc: Kamali, Shari
Subject: RE: 3141 NE 165th Street - Eastern Shores - new single family residence

Good Morning Chuck:

Thank you for the prompt reply, I will pass your comments on to the architect. I would expect the site plan application will be presented to the Planning and Zoning Board on December 9th and then proceed forward to the City Council thereafter.

Regards,
Eric

eric riel, jr. | deputy director of community development/city planner | planning and zoning division | community development department



17050 n.e. 19 avenue, north miami beach, florida 33162
eric.riel@citynmb.com
305.948.2966

From: Chuck Asarnow [<mailto:casarnow@aol.com>]
Sent: Friday, October 11, 2013 7:50 AM
To: Riel, Eric
Subject: RE: 3141 NE 165th Street - Eastern Shores - new single family residence

Eric:

Based on the responses I received from our Board of Directors, we have no objection to the requests made for the 6.5 foot increased height variance nor the variance for a flat roof. Thank you for your courtesy in giving an opportunity to comment on the plans. I think the house will be a plus for Eastern Shores.

Chuck Asarnow

President

Eastern Shores Property Owners Association

305-794-7777
casarnow@aol.com

"There is no right way to do a wrong thing"

From: Riel, Eric [<mailto:Eric.Riel@citynmb.com>]
Sent: Thursday, October 03, 2013 3:56 PM

To: casarnow@aol.com

Cc: Kamali, Shari

Subject: 3141 NE 165th Street - Eastern Shores - new single family residence

Good Afternoon Mr. Asarnow:

As a courtesy, I wanted to advise you that the City has received a site plan review request for a new single family residence (3141 NE 165th Street) within Eastern Shores. The request includes a variance for a 6.5 feet increase height for a proposed elevator core and a variance for permission to construct a flat roof. At this time it is not scheduled for public hearing consideration, however, in the coming months will be scheduled. I have attached copies of the application and plans, however, the file size may be too large to print or view. If you would like, you are welcome to come in and view the plans.

Thank you.

Have a great day!

Regards,
Eric Riel

eric riel, jr. | deputy director of community development/city planner | planning and zoning division | community development department



17050 n.e. 19 avenue, north miami beach, florida 33162
eric.riel@citynmb.com
305.948.2966

PLEASE NOTE: The City of North Miami Beach is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our servers and kept as public record.



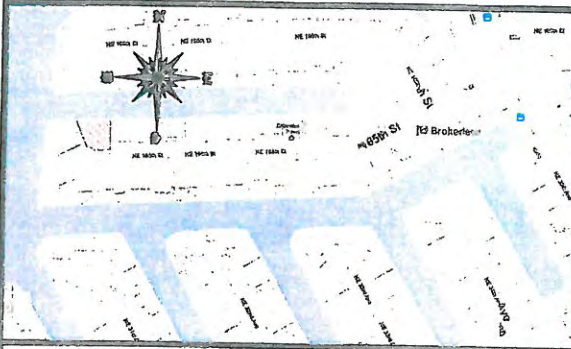
JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

777 N.W. 72nd AVENUE SUITE 3025, MIAMI, FLORIDA 33126

TELEPHONE: (305) 262-0400 | FAX: (305) 262-0401

WWW.IBARRALANDSURVEYORS.COM



LOCATION SKETCH

SCALE = N.T.S.



VIEW OF SUBJECT PROPERTY

3141 N.E. 165th STREET, N. MIAMI BEACH FL, 33160

ABBREVIATIONS

A = ANC.
 A/C = AIR CONDITIONER PAD
 A.E. = ANCHOR EASEMENT
 A.R. = ALUMINUM ROOF
 A.S. = ALUMINUM SHED
 ASPR. = ASPHALT
 B.C. = BLOCK CORNER
 BLDG. = BUILDING
 B.M. = BENCH MARK
 B.C.R. = BROWARD COUNTY RECORDS
 B.G.R. = BASIS OF BEARING
 (C) = CALCULATION
 C.B. = CONCRETE BLOCK
 C.B.S. = CONCRETE BLOCK STRUCTURE
 C.B.W. = CONCRETE BLOCK WALL
 CH. = CHORD
 CH.B. = CHORD BEARING
 CH.L. = CHORD LENGTH
 CL. = CLEAR
 C.O. = CLEAN OUT
 C.L.F. = CHAIN LINK FENCE
 C.M.E. = CANAL MAINTENANCE EASEMENT
 CONC. = CONCRETE
 C.U.P. = CONCRETE UTILITY POLE
 C.P. = CONCRETE PORCH
 C.S. = CONCRETE SLAB
 C.W. = CONCRETE WALK
 D.E. = DRAINAGE EASEMENT
 D.M.E. = DRAINAGE MAINTENANCE EASEMENT
 DRIVE = DRIVEWAY
 D. = DEGREE
 EB = ELECTRIC BOX
 E.T.P. = ELECTRIC TRANSFORMER PAD
 ELEV. = ELEVATION
 ENCR. = ENCROACHMENT
 F.H. = FIRE HYDRANT
 F.I.P. = FOUND IRON PIPE
 F.I.R. = FOUND IRON ROD
 F.F.E. = FINISHED FLOOR ELEVATION
 F.N.D. = FOUND NAIL & DISK
 FT. = FEET
 FWP. = FEDERAL NATIONAL INSURANCE PROGRAM

F.N. = FOUND NAIL
 H. = HIGH OR (HEIGHT)
 IN. SEG. = IMPRESS AND GRESS EASEMENT
 I.C.V. = IRRIGATION CONTROL VALVE
 I.F. = IRON FENCE
 L.B. = LICENSED BUSINESS
 L.P. = LIGHT POLE
 L.F.E. = LOWEST FLOOR ELEVATION
 L.M.E. = LAKE MAINTENANCE EASEMENT
 ' = MINUTES
 (M) = MEASURED DISTANCE
 M.B. = MAIL BOX
 M.D.C.R. = MIAMI DADE COUNTY RECORDS
 M.E. = MAINTENANCE EASEMENT
 M.H. = MEMPHIS
 N.A.P. = NOT A PART OF
 NGVD = NATIONAL GEODETIC VERTICAL DATUM
 N.T.S. = NOT TO SCALE
 0 or NO. = NUMBER
 O/S = OFFSET
 O.H. = OVERHEAD
 O.H.L. = OVERHEAD UTILITY LINES
 O.R.B. = OFFICIAL RECORDS BOOK
 O.V.H. = OVERHANG
 PAVT. = PAVEMENT
 PL. = PLASTER
 P.L. = PROPERTY LINE
 P.C.C. = POINT OF COMPOUND CURVATURE
 P.C. = POINT OF CURVATURE
 P.O.T. = POINT OF TANGENCY
 P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 P.R.C. = POINT OF REVERSE CURVATURE
 P.V. = PARVAH
 P.R.M. = PERMANENT REFERENCE MONUMENT
 P.L.S. = PROFESSIONAL LAND SURVEYOR
 P.P. = POWER POLE
 P.P.S. = POOL PUMP SLAB
 P.U.E. = PUBLIC UTILITY EASEMENT
 (R) = RECORD DISTANCE
 R.R. = RAIL ROAD
 RES. = RESIDENCE
 R/W = RIGHT-OF-WAY

RAD. = RADIOS OR RADIAL
 RGE. = RANGE
 R.O.E. = ROOF OVERHANG EASEMENT
 SEC. = SECTION
 STY. = STONY
 SHK. = SIDEWALK
 S.I.P. = SET IRON PIPE
 S. = SOUTH
 S.P. = SCREENED PORCH
 S.V. = SEWER VALVE
 " = RECORDS
 T = TARGET
 TB = TELEPHONE BOOTH
 T.B.M. = TEMPORARY BENCHMARK
 T.U.E. = TECHNOLOGY UTILITY EASEMENT
 TSB = TRAFFIC SIGNAL BOX
 TSP = TRAFFIC SIGNAL POLE
 TWP = TOWNSHIP
 UTIL. = UTILITY
 U.E. = UTILITY EASEMENT
 U.P. = UTILITY POLE
 W.M. = WATER METER
 W.F. = WOOD FENCE
 W.P. = WOOD PORCH
 W.R. = WOOD ROOF
 W.V. = WATER VALVE
 M = MONUMENT LINE
 C = CENTER LINE
 Δ = DELTA

LEGEND

--- = OVERHEAD UTILITY LINES
 --- = CONCRETE BLOCK WALL
 --- = CHAIN LINK FENCE
 --- = IRON FENCE
 --- = WOOD FENCE
 * 0.00 = EXISTING ELEVATIONS

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY:

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLOT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- FENCE OWNERSHIP NOT DETERMINED.
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.
- THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN ZONE: "AE", COMMUNITY 120656 / PANEL 0142 / SUFFD: L, DATE OF FIRM: 9/11/09 BASE FLOOD ELEVATION: 8 FEET. THE SUBJECT PROPERTY DOES LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR'S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB 9 7893.
4. ALL ELEVATIONS SHOWN ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 MIAMI-DADE COUNTY BENCH MARK E-223 LOCATOR NO. 2222 W @ NE 165 ST & NE 35 AVE; ELEVATION IS 3.88 FEET OF N.G.V.D. OF 1929

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

11/20/2012

CARLOS IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO. 6770 STATE OF FLORIDA (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: ADD SEAWALL ELEVATION 8-20-13

REVISED ON:

DRAWN BY:	MCH
FIELD DATE:	11/20/2012
JOB NO.:	12-003285-2
SHEET:	1 OF 2





JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

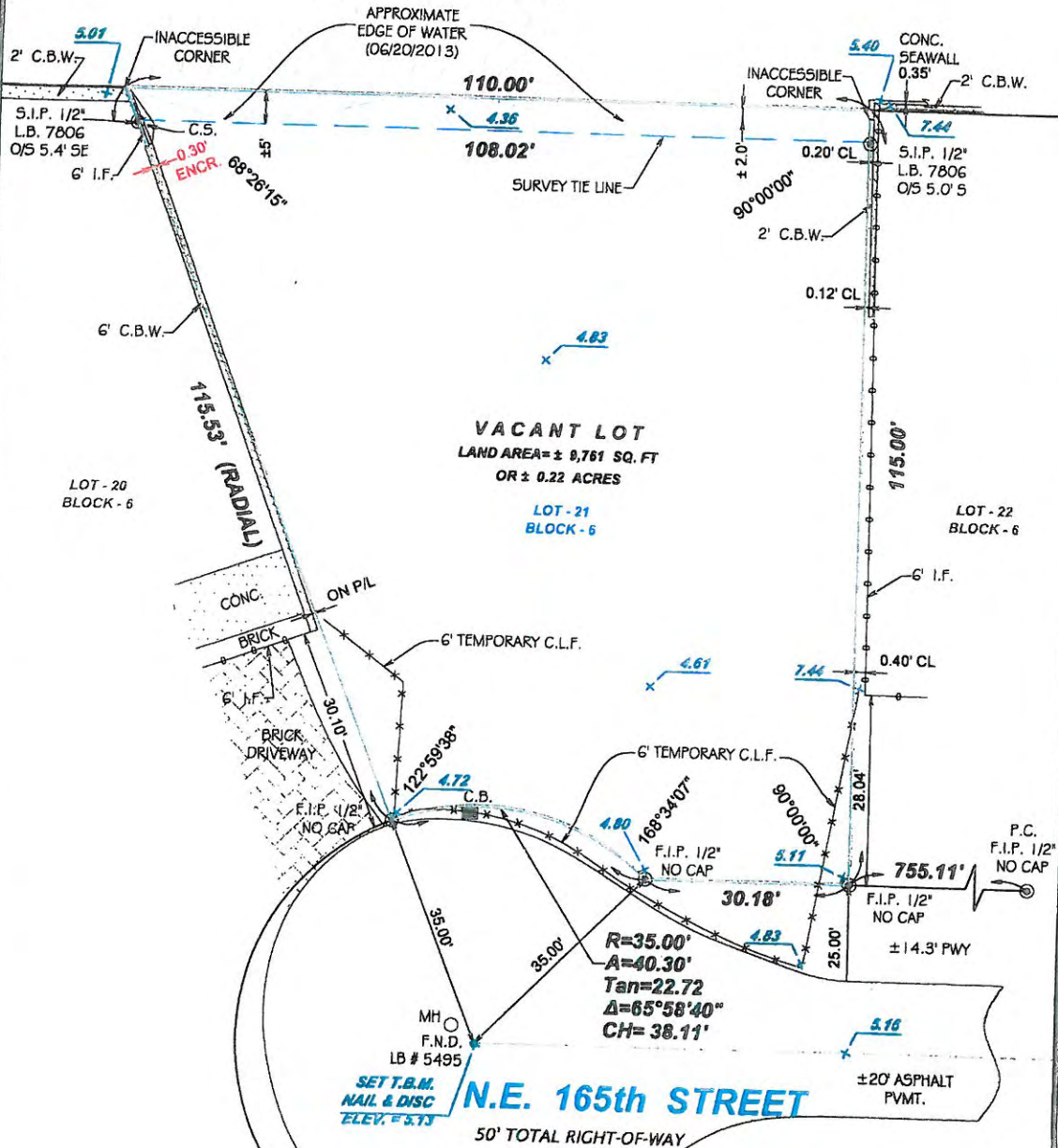
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MAP OF BOUNDARY SURVEY

3141 N.E. 165th STREET, N. MIAMI BEACH FL. 33160

WATERWAY (N.A.P.)
100' TOTAL RIGHT-OF-WAY OF WATERWAY



L.B.# 7806 SEAL

LEGAL DESCRIPTION:

LOT 21, BLOCK 6, EASTERN SHORES 1 ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 65, PAGE 39, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

CERTIFICATION:
SADIA CHOCRON

DRAWN BY:	MCH
FIELD DATE:	11/20/2012
JOB NO:	12-003285-2
SHEET:	2 OF 2



City of North Miami Beach, Florida

Community Development Department

Local Planning Agency/Planning and Zoning Board Meeting Community Development Department Staff Report

To: Planning and Zoning Board Chairman and Members

From: Eric Riel, Jr., Community Development Director

Mtg. Date: December 9, 2013
January 13, 2014 (Report is updated from December 9, 2013 meeting. See Planning and Zoning Board Action on page 13 of this report).

Application: Site Plan Review and Variances - 3141 Northeast 165th Street.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REQUESTING SITE PLAN REVIEW TO CONSTRUCT A 6,255 SQUARE FOOT TWO (2) STORY SINGLE-FAMILY HOUSE ON A 9,761 SQUARE FOOT (0.22 ACRES) VACANT PACREL OF LAND ASSIGNED "RESIDENTIAL LOW DENSITY LAND USE DESIGNATION" AND "RS-1 RESIDENTIAL SINGLE FAMILY ZONING DISTRICT;" AND,

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA REQUESTING VARIANCES FROM CHAPTER XXIV, OF THE CITY'S ZONING AND LAND DEVELOPMENT CODE SECTIONS:

1. ARTICLE 5, ZONING USE DISTRICTS, SECTION 24-41(D)(9)(a) ENTITLED, ROOFING, TO WAIVE THE MINIMUM ROOF PITCH REQUIREMENT OF THREE AND ONE-HALF (3.5) FEET IN TWELVE (12) FEET TO PROVIDE FOR A FLAT ROOF TO BE UTILIZED AS AN OUTDOOR ELEVATED OPAN AIR LIVING SPACE; AND
2. ARTICLE 5, ZONING USE DISTRICTS, SECTION 24-41(D)(5) ENTITLED, MAXIMUM BUILDNG HEIGHT, TO WAIVE THE BUILDNG HEIGHT OF THIRTY (30') FEET TO PERMIT THE INSTALLTION OF AN ELEVATOR STRUTURE TO A MAXIMUM HEIGHT OF THIRTY-SIX-AND-A-HALF (36.5') FEET WHICH REPRESENTS A TWO (2%) PERCENT OF THE OUTDOOR ELEVATED OPEN AIR LIVING SPACE, WHEREAS REMAINING PORTIONS OF THE SINGLE RESIDENCE ADHERE TO THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY (30) FEET,

Summary of Applications

The Applicant, Daniel Sorogon, on behalf of the property owner of 3141 Northeast 165th Street is requesting the following:

Aerial



Applications for Site Plan review require review and recommendation by the Planning and Zoning Board/Local Planning Agency (LPA) at one (1) advertised public hearing and consideration by the City Commission at one (1) advertised public hearing via Resolution format.

Site Data and Surrounding Uses

The following tables provide the subject property’s designations and surrounding land uses:

Existing Property Designations

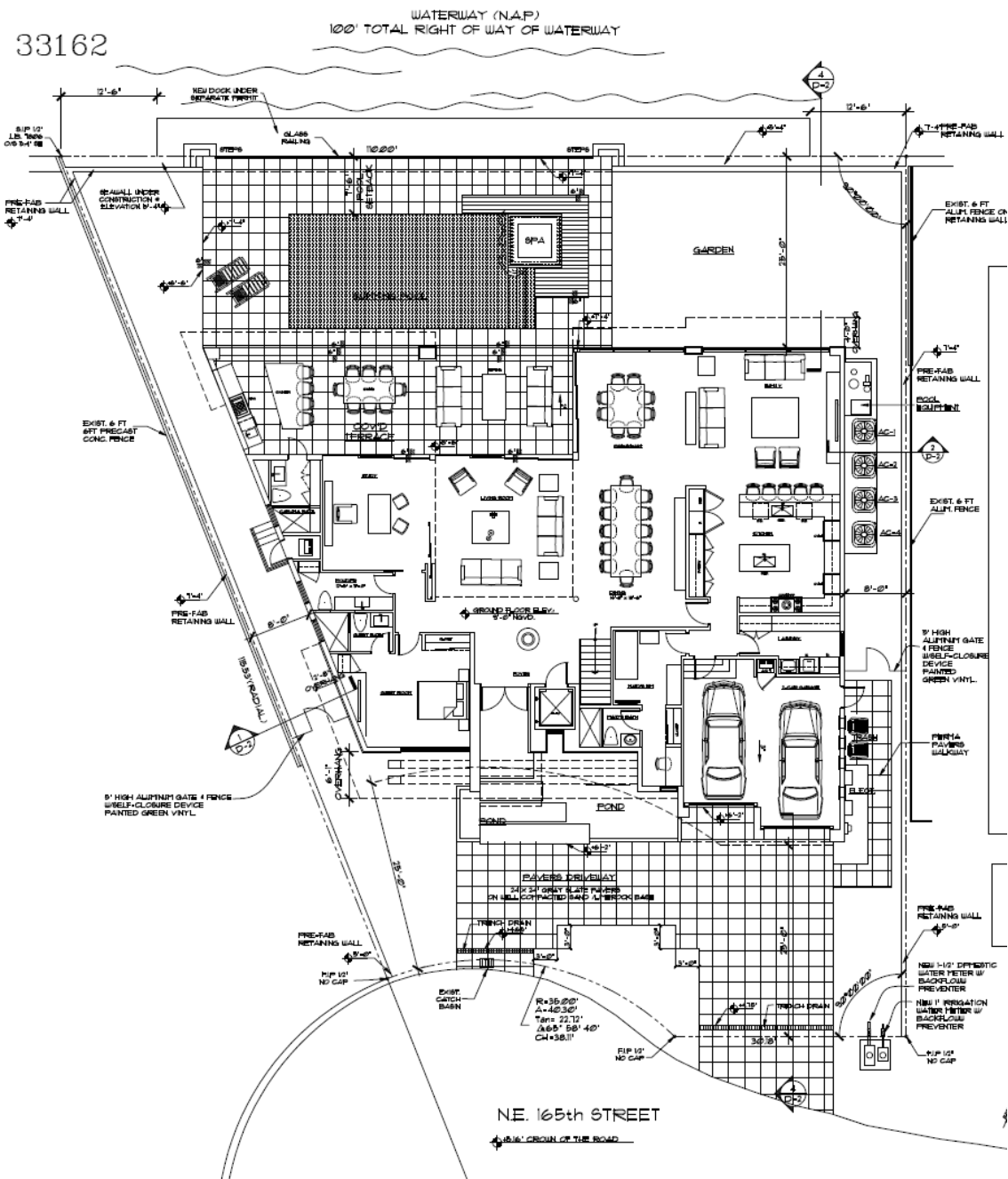
Comprehensive Plan Map designations	Residential Low Density Land Use Designation
Zoning Map designations	RS-1 Residential Single Family Zoning District

Surrounding Land Uses

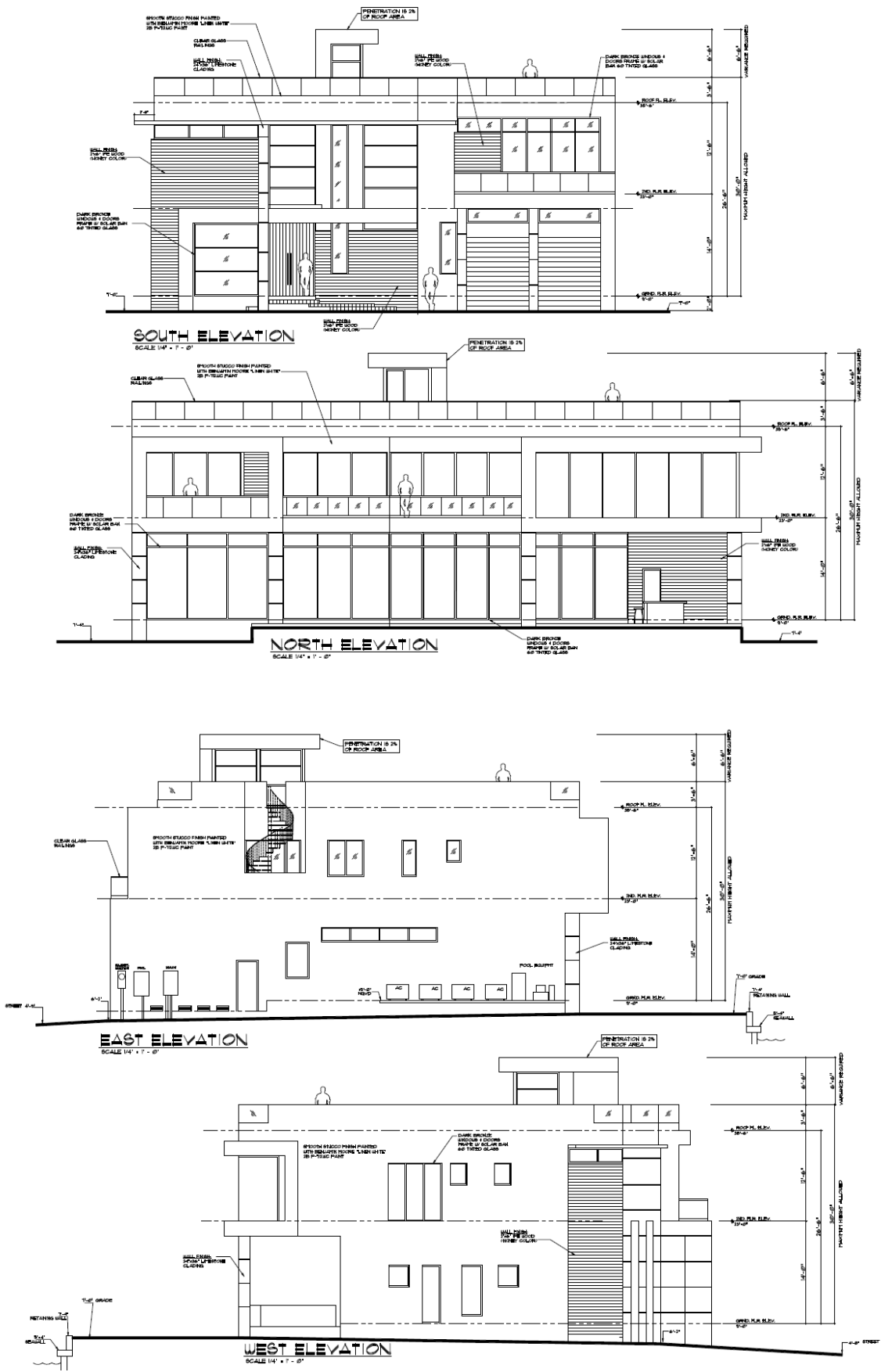
Location	Existing Land Uses	Comprehensive Plan Land Use Designations	Zoning Designations
North	Canal/2 story single family residences	Residential Low Density	RS-1 Residential Single Family
South	2 story single family residence	Residential Low	RS-1 Residential Single Family
East	2 story single family residence	Residential Low Density	RS-1 Residential Single Family
West	2 story single family residence	Residential Low	RS-1 Residential Single Family

The Applicant's Proposed Site Plan, Outdoor Living Area/Roof Plan, Elevations and Other Neighborhood Locations of Flat Roofs and Roof Top Terrace Illustrations are provided on the following pages:

Proposed Site Plan

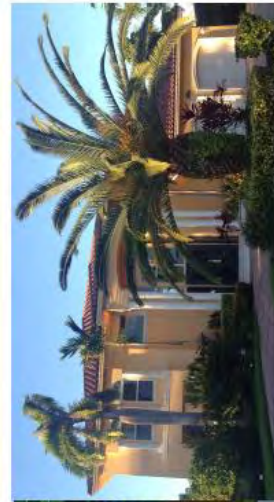
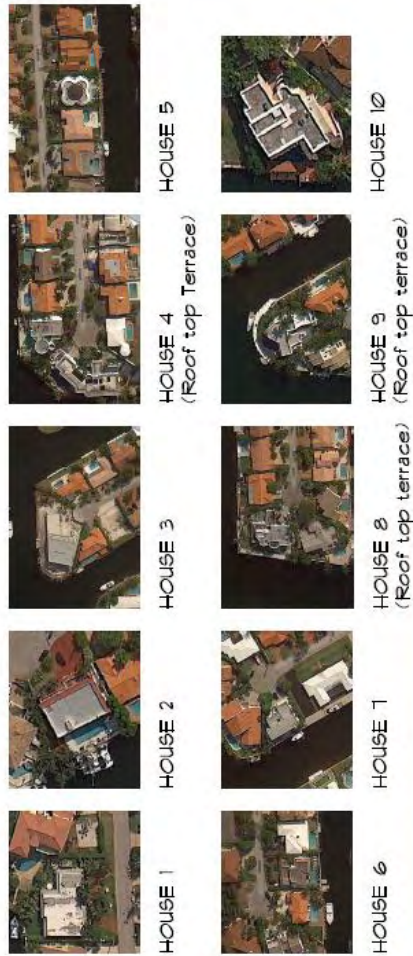


Proposed Building Elevations



Other Neighborhood Locations of Flat Roofs and Roof Top Terrace Illustration

HOUSES WITH FLAT ROOFS
 AND ROOF TOP TERRACES



City Staff Review, Comments and Findings of Facts

The City’s Technical Review of Applications for Development (TRAD), represented by Public Service, Engineering, Landscaping, Planning and Zoning reviewed the application for consistency with applicable City requirements. The Committee provided comments to the Applicant and all comments were satisfactorily addressed and include in the plans presented for consideration (See Attachment A).

Site Plan Review Request

Community Development Staff evaluation of the proposed single family residence in conformance with the “RS-1 Residential Single Family Zoning District,” is provided as follows:

Type	Required	Proposed
Minimum lot area	8,000 sq. ft.	9,761 sq. ft.
Minimum lot width	80 feet	88.7 feet
Minimum setbacks		
Front	25 feet	25 feet
Rear	25 feet	25 feet
Side	8/8 feet	8/8 feet
Maximum building height	30 feet	30 feet (top of railing) + 6.5 feet for elevator core (subject of variance request)
Number of floors	2	2
Minimum floor area	2,500 sq. ft.	6,255 sq. ft.
Maximum lot coverage	40%	40% /3,904 sq. ft.
Max. pervious lot area	35%-3,416 sq. ft./25% front yard-464.2 sq. ft.	35.2%-3,438 sq. ft./39% front yard-733 sq. ft.
Parking	2 parking spaces	2 parking spaces

Community Development Staff evaluation notes the proposed single-family residence satisfies the Zoning Code requirements. Staff has discussed the proposed elevated outdoor open air living space as a part of the City’s TRAD review process. City Departments requested modifications to the lighting, landscaping, and roof structure. Staff exhibited concerns regarding the potential for increase height from both the placement of temporary structures (i.e., umbrellas) and permanent structures. Likewise the concerns were raised regarding placement of large over story vegetation and/or trees on the living roof space. To alleviate these concerns, Community Development Staff has placed limitations for allowable exterior lighting, permanent and temporary roof structures and landscaping. These limitations are included as Conditions of Approval provided in Staff Recommendation at the end of this report.

Variance Requests

The Applicant has requested two (2) variances from the Zoning Code to waive the minimum roof pitch requirement of three-and-one-half (3.5’) feet in twelve (12) feet to provide for a flat roof to be utilized as outdoor elevated living space; and, a variance to waive the maximum building height of thirty (30’) feet to permit the installation of an elevator structure to a maximum height of thirty-six-and-one-half (36.5’) feet. The proposed elevator structure beyond the allowable height represents two (2%) percent of the total elevated living roof area. The remaining portions of the single family residence adhere to the

maximum permitted building height of thirty (30') feet.

In the evaluation of variances, the City has the responsibility to ascertain if the application is within the spirit and purpose of the Zoning Code and the variance is not contrary to the public interest, is compatible with the surrounding land uses and would not be detrimental to the community. Community Development Staff has evaluated the two (2) variances and finds the variances, although a departure from the provisions of the Zoning Code, the variances are minimal in nature. The increase in height only represents a small portion of the roof area and/or penetration in the allowable height by six-and-one-half (6 ½') feet. This represents as noted previously, two (2%) percent of the total roof area. The variance for the flat roof is consistent with other flat roofs within the neighborhood. Staff asked the Applicant to identify existing flat roofs within the surrounding neighborhood which is provided in Attachment A, Sheet A-7, "Houses with Flat Roofs and Roof Terraces Illustrations" or as provided on page 7 of this report.

Based upon the above findings, Community Development Staff finds the Site Plan Application in conformance with the Zoning Code standards and the proposed Variance Applications are not be contrary to the public interest and are consistent with the standards established in Sec. 24-176(C) of the Zoning Code. This determination for conformance is based upon Applicant's agreement with the Conditions of Approval as provided within Community Development Staff Recommendation.

Public Notification and Comments

The Zoning Code requires a courtesy notification be provided to all property owners within 500 feet of the boundary of the property. The notice indicates the following: applications filed; public hearing dates/time/location; where the application files can be reviewed and provides for an opportunity to submit comments. Approximately 80 notices were mailed. A copy of the legal advertisement and courtesy notice are on file within the Community Development Department.

Community Development Staff did provide a copy of the proposed plans to the President of the Eastern Shores Homeowners Association during the City review process as well as courtesy notice of the upcoming hearings. The HOA indicated the following: "Based on the responses I received from our Board of Directors, we have no objection to the requests made for the 6.5 foot increased height variance nor the variance for a flat roof."

A summary of the notice provided is as follows:

Public Notice

Type	Date
Courtesy notification - 500 feet	11.25.13
Posting of property	11.27.13
Legal advertisement – Planning and Zoning Board	11.29.13
Posted agenda on City web page	12.02.13
Posted agenda at Community Development Department	11.25.13
Legal advertisement – City Council	TBD

Community Development Staff Recommendation and Conditions of Approval

In furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies, Zoning Code and other applicable City provisions, the Department of Community Development Staff recommends approval of the following (See Attachment B – Resolution):

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REQUESTING SITE PLAN REVIEW TO CONSTRUCT A 6,255 SQUARE FOOT TWO (2) STORY SINGLE-FAMILY HOUSE ON A 9,761 SQUARE FOOT (0.22 ACRES) VACANT PARCEL OF LAND ASSIGNED “RESIDENTIAL LOW DENSITY LAND USE DESIGNATION” AND “RS-1 RESIDENTIAL SINGLE FAMILY ZONING DISTRICT;” AND,

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2. ARTICLE 5, ZONING USE DISTRICTS, SECTION 24-41(D)(5) ENTITLED, MAXIMUM BUILDING HEIGHT, TO WAIVE THE BUILDING HEIGHT OF THIRTY (30’) FEET TO PERMIT THE INSTALLATION OF AN ELEVATOR STRUCTURE TO A MAXIMUM HEIGHT OF THIRTY-SIX-AND-A-HALF (36.5’) FEET WHICH REPRESENTS A TWO (2%) PERCENT OF THE OUTDOOR ELEVATED OPEN AIR LIVING SPACE, WHEREAS REMAINING PORTIONS OF THE SINGLE RESIDENCE ADHERE TO THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY (30) FEET,

Subject to all of the following Conditions of Approval:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following (received and dated stamped by the Community Development Department 11.26.2013):
 - a. Survey, prepared by John Ibarra & Associates, dated 11.20.2013.
 - b. Plans prepared by Florida Architectural Services, Inc., dated 11.15.2013 including the following:
 1. Site Plan, Sheet A-1.
 2. Ground Floor Plan, Sheet A-2.
 3. Second Floor Plan, Sheet A-3.
 4. Roof Plan, Sheet A-4
 5. North/South Elevations, Sheet A-5.
 6. East/West Elevations, Sheet A-6.
 7. Houses with Flat Roofs and Roof Terraces Illustrations, Sheet A-7.
 8. Drainage Plan, Sheet D-1, dated 11.15.2013.
 9. Drainage Plan Cross Sections, Sheet D-2, dated 11.15.2013.

10. Landscape Plan, Sheet L-1, dated 11.15.2013.
 11. Materials Board, dated 12.09.2103.
 - c. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package dated 10.02.13, as amended.
 - d. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
2. Restrictive covenant. Within 30 days of approval of the site plan, the property owner, its successors or assigns shall submit a Draft Restrictive Covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Council. Failure to submit the Draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame is extended by the City Attorney after good cause as to why the time frame should be extended. Upon City Attorney approval of the Restrictive Covenant, the Covenant shall be recorded by the Applicant with the Miami-Dade County Clerk of the Court. A copy of the Recorded Restrictive Covenant must be submitted to the Department of Community Development.
 3. Building permit plan submittal. When building plans are submitted for City Building Permit review, a cover sheet must be included with all submittal sets incorporating the City Council approved Resolution.
 4. Conditions for issuance of a building permit. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:
 - b. Submit a copy of the Recorded Restrictive Covenant to the City Building Division with submittal of the Building Permit.
 - c. All utilities, including but not limited to electrical, cable television and telephone must be located underground subject to the Director of Public Services review and approval.
 - d. Any proposed docks, piers, moorings, etc shall be for the exclusive use of the current property owner and shall not be leased, sold or otherwise utilized by others. Live-a-boards of any water vessel shall be prohibited.
 - e. All surface storm water shall be retained on-site, and shall not drain to the adjoining properties, right-of-way or the canal.
 - f. Architectural/building details.
 1. All windows must have impact glass.
 2. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam.
 - g. Rooftop limitations:
 1. No permanently mounted structural elements or similar structural components may be installed in excess of the maximum permitted height of thirty (30') feet, including but not limited to light poles, trellises, etc.
 2. Rooftop landscaping shall be permitted however; no landscape materials may exceed eight (8') feet in height above the railing for a maximum height of thirty-eight (38) feet.
 3. Temporary structural elements (i.e., umbrellas, etc) shall be permitted however such elements may not exceed eight (8) feet in height. All temporary elements not permanently fastened to the roof shall be removed in advance of hurricane events.
 4. No light fixture or poles may be installed or project illumination above the rooftop parapet.
 - h. If the property owners, on either side of the subject property remove the existing six (6') foot decorative walls, the current property owner within thirty (30) days of removal shall submit

- building permit plans for the construction of a six (6') foot decorative 100 % opaque fence subject to all applicable Zoning Code requirements regarding the construction of the wall.
- i. Submit State of Florida Licensed Civil Engineer signed and sealed Paving, Grading and Drainage (PG&D) Plans for the City Engineers approval including but not limited to the following:
 1. Percolation tests and drainage calculations.
 2. The PG&D Plan must also be reviewed and stamped approved by DERM/DRER for water quality drainage review.
 5. Prior to the issuance of the Certificate of Occupancy (CO). Prior to the issuance of a CO, the property owner, its successors or assigns, shall install the property address on the proposed seawall (minimum four (4") inches in size) facing the canal.
 6. The variances granted under the provisions of this Code shall automatically expire within one (1) year from the date of granting of a variance unless a City building permit has not been applied for.

Planning and Zoning Board Action

The Planning and Zoning Board at their December 9, 2013 meeting expressed concerns with reference to the outdoor elevated open air living space and the minimal amount of outreach the Applicant had completed with reference to this living space. Please refer Attachment C, Planning and Zoning Board verbatim transcript, page 9 for the Boards and Applicants discussion.

The Board made motion to continue the Application to allow the Applicant the opportunity to complete additional outreach to the adjoining properties, the Eastern Shore Home Owners Association and other residents within the Eastern Shores neighborhood.

The Applicant has advised City Staff, he has contacted all of the above entities and they are aware of the upcoming proceedings. The Applicant shall provide an overview of the outreach efforts and applicable comments. No changes have been made to the site plan or Application, the plan remains the same as presented at the December 9, 2013 meeting. A copy of all public correspondence and comments received by Community Development Department Staff is provided as Attachment D.

Although not required per the Zoning Code, City Staff did send out a new courtesy mail notice, readvertise the Application in the newspaper, and repost the property with a new "Public Hearing" sign advising of the Planning and Zoning Board and City Council dates. Copies of the notice provided for both Board hearings (December 9, 2013 and January 13, 2014) are on file and available for review.

Attachments

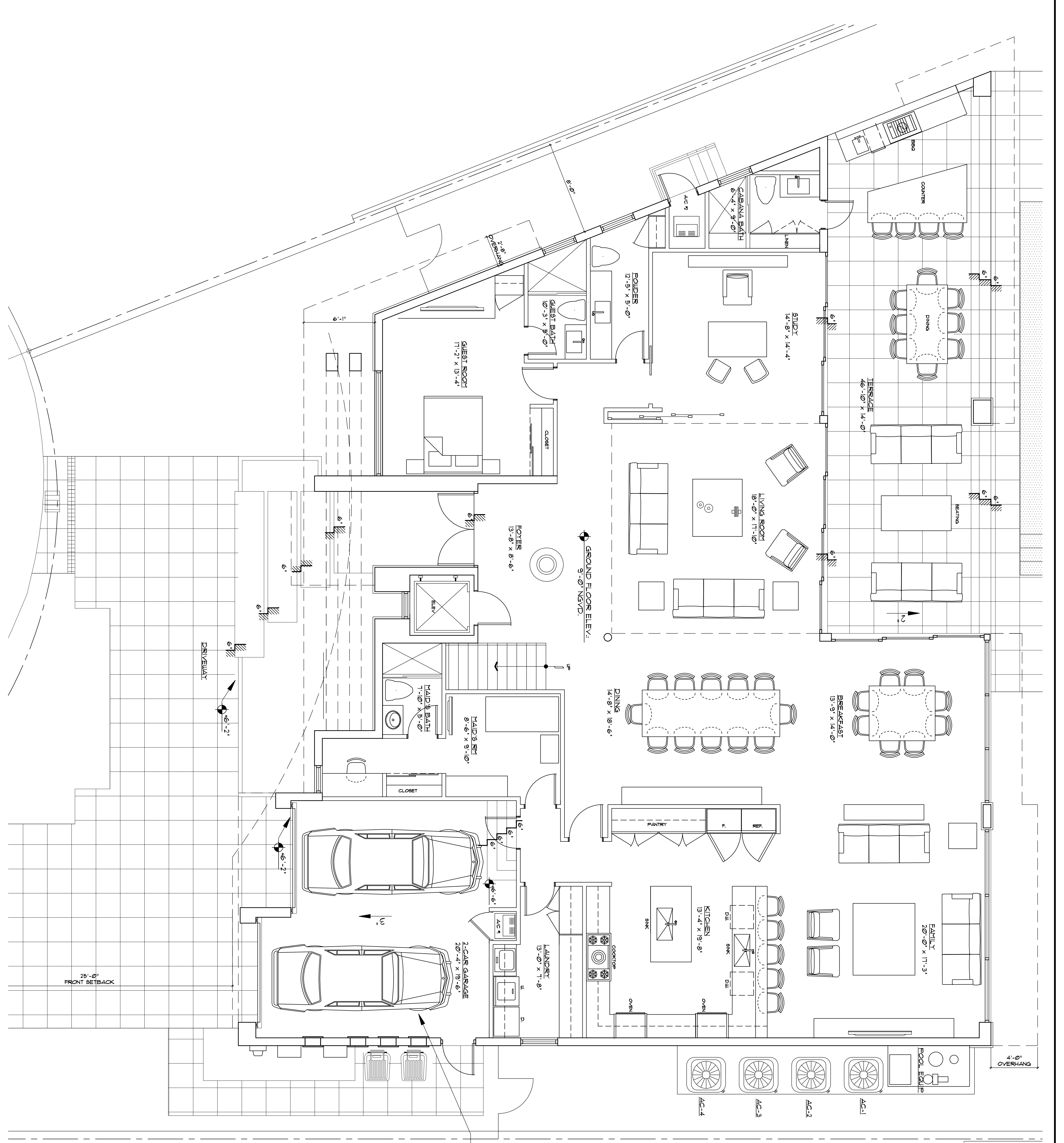
- A. 11.15.2013 Applicant Submittal Package.
- B. Resolution No. (2014-Number TBD).
- C. 12.09.2013 Planning and Zoning Board Verbatim Transcript.
- D. Public comments received by Community Development Staff.

Please visit the City's webpage at www.citynmb.com to view the agenda. The complete application is on file and available for examination at the Community Development Department, 17050 N.E. 19th Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed as follows: via email to nmbcomdev@citynmb.com; FAX - 305.957.3517; mail to the above address; or by calling 305.948.2966.

Respectfully submitted,

Eric Riel, Jr.

Eric Riel, Jr.
Community Development Director
North Miami Beach, Florida



HYDROSTATIC VENTS:
 GARAGE AREA UNDER 8' NGVD
 160' IN. PER 1' 50' FT.
 ± 400 SF = 400 SQ.IN.
 (4) 8"X16" LOUVER = 512
 GARAGE DOOR VENT ±110
 682 SF IN.

GROUND FLOOR PLAN
 SCALE 1/4" = 1' - 0"

FAS

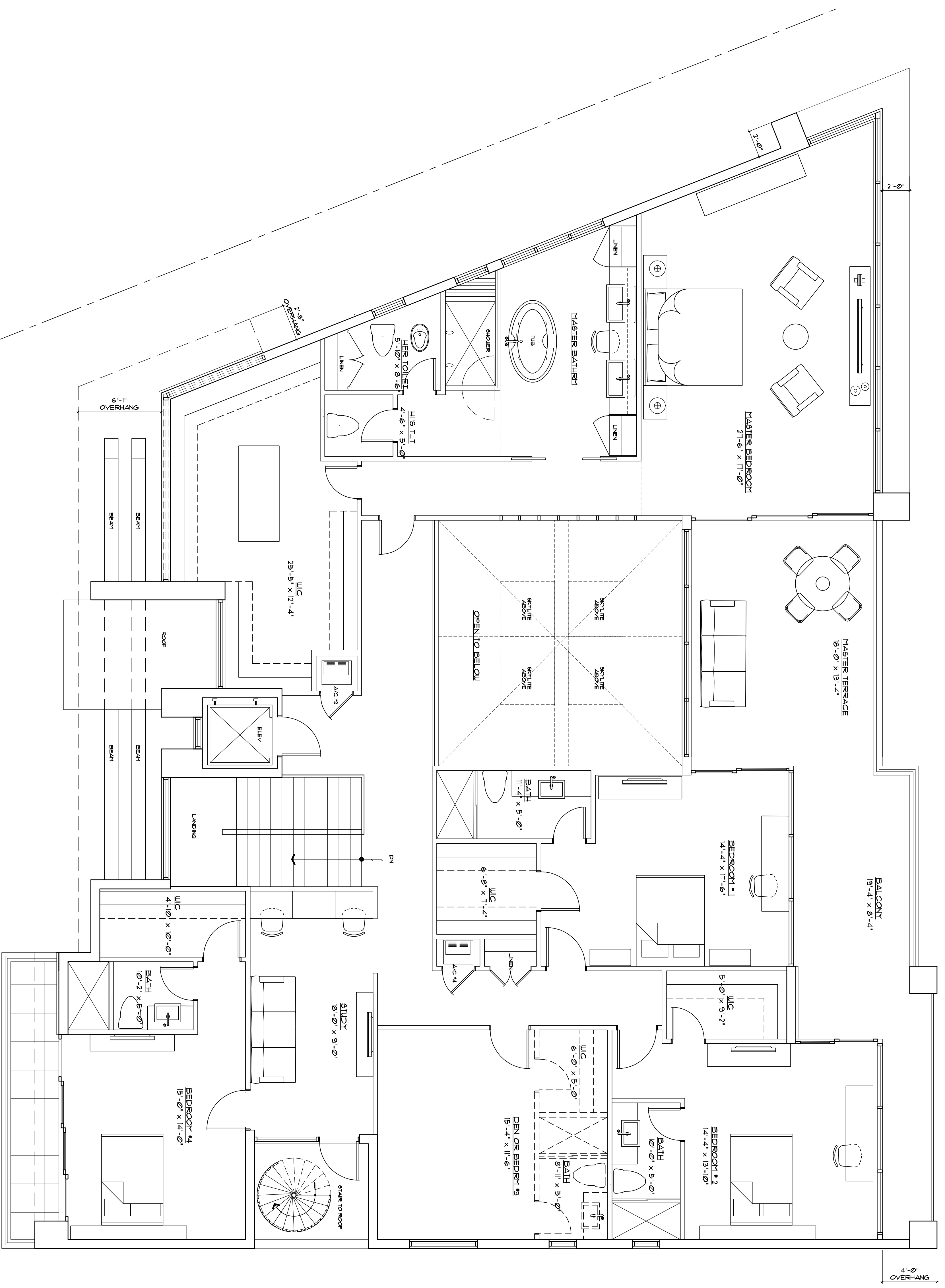
DRAWN: M. VELAZQUEZ
 CHECKED: D. SOROGON
 DATE: NOV-15-2013
 SCALE: INDICATED
 JOB NO.: 3141 NE 165TH
 SHEET NO.: 2
 OF 2 SHEETS
 COLOR ORIGINAL

florida architectural services inc.
 daniel sorogon AR 0010418 architect/planner
 34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212

PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
 134 SOUTH DIXIE HIGHWAY, SUITE 209
 HALLANDALE BEACH, FL, 33009

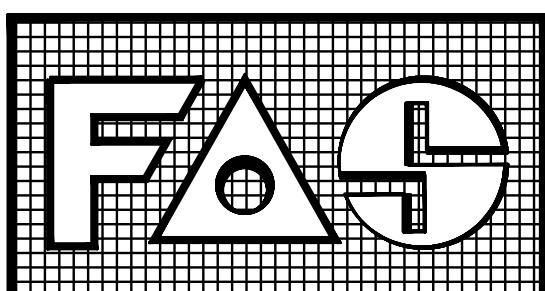
1	REVISIONS	BY:
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SECOND FLOOR PLAN
SCALE 1/4" = 1' - 0"

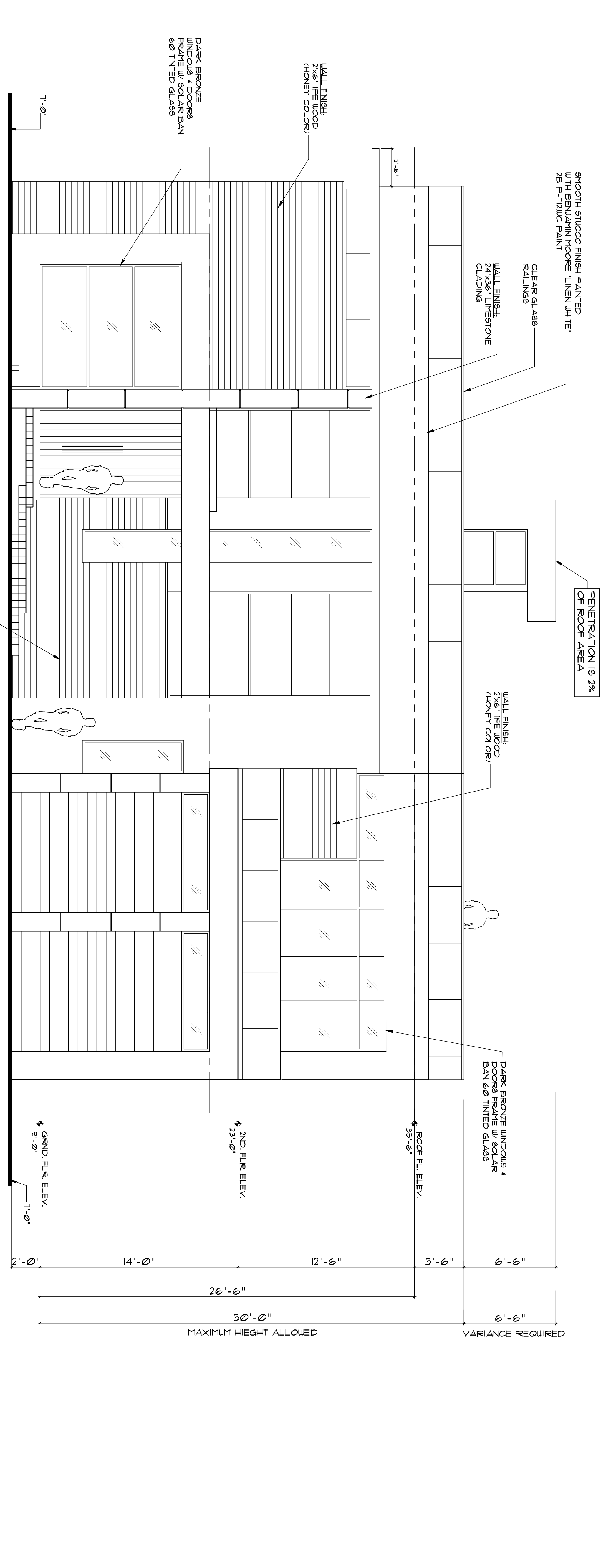
REVISIONS	1	2	3	4	5
BY:					
DATE:					
DESCRIPTION:					



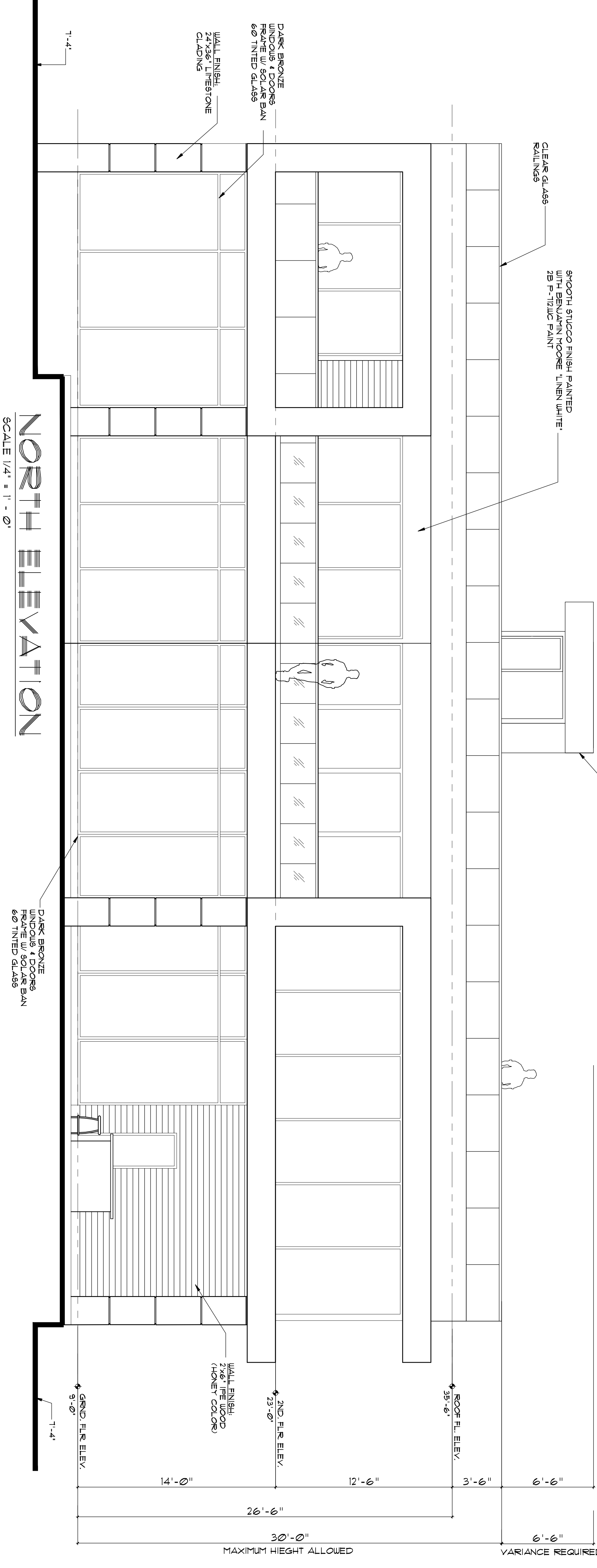
florida architectural services inc.
 daniel sorogon AR 0010418 architect/planner
 34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212

PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
 134 SOUTH DIXIE HIGHWAY, SUITE 209
 HALLANDALE BEACH, FL, 33009

DRAWN: M. VELASQUEZ
 CHECKED: D. SOROGON
 DATE: NOV-15-2013
 SCALE: INDICATED
 JOB NO.: 3141 NE 165TH
 SHEET NO.: A-3
 OF 10 SHEETS
 COLOR ORIGINAL



SOUTH ELEVATION
SCALE 1/4" = 1' - 0"

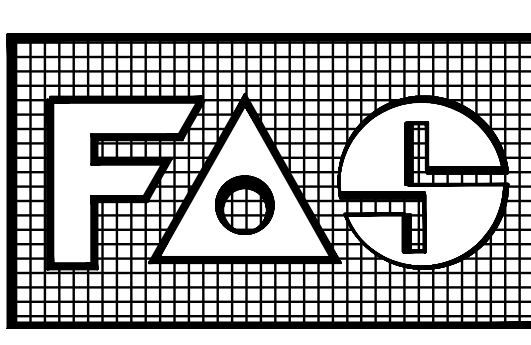


NORTH ELEVATION
SCALE 1/4" = 1' - 0"

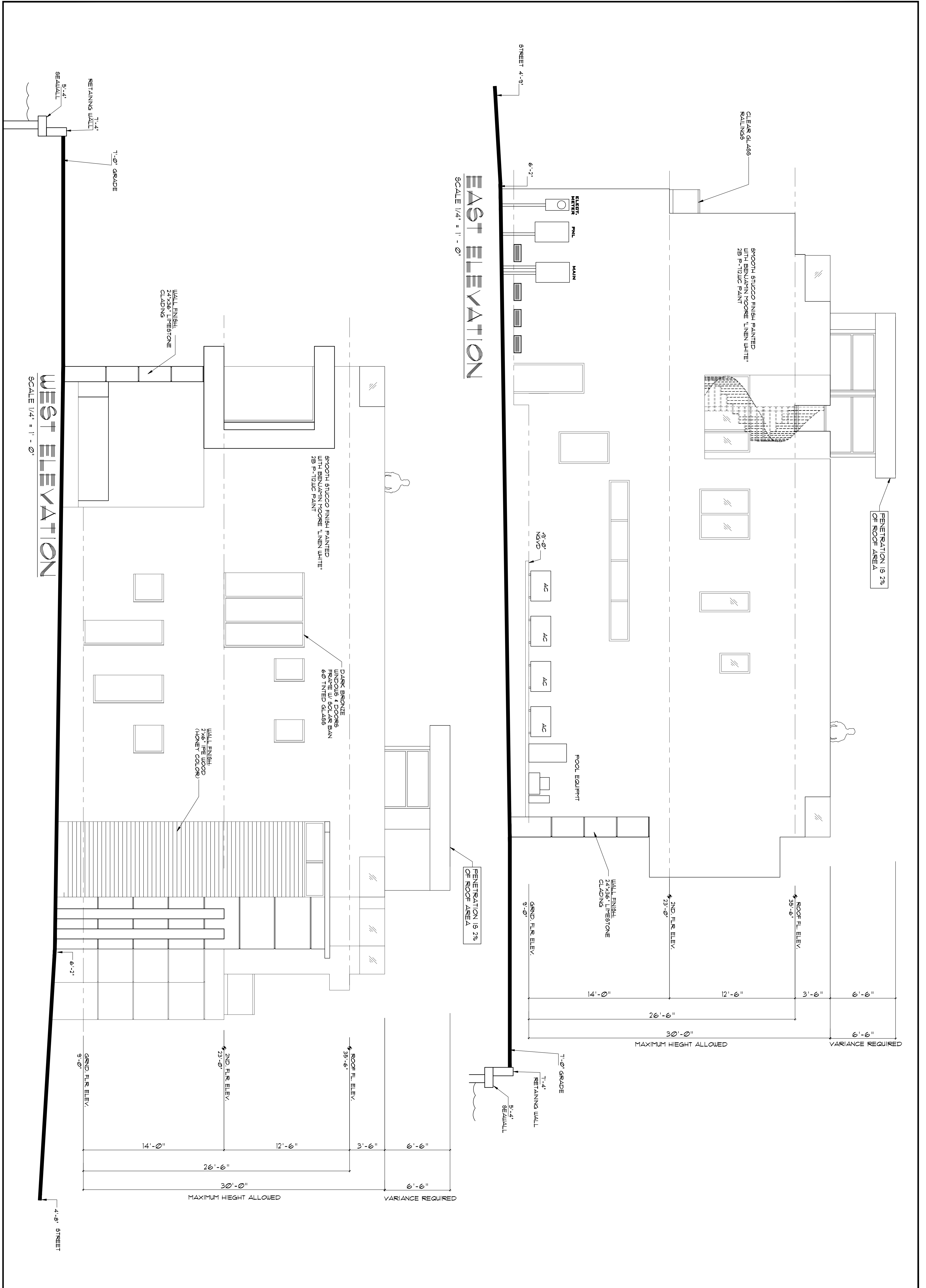
NO.	REVISIONS
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PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
134 SOUTH DIXIE HIGHWAY, SUITE 209
HALLANDALE BEACH, FL, 33009

florida architectural services inc.
daniel sorogon AR 0010418 architect/planner
34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212



DRAWN M. VELAZQUEZ
CHECKED D. SOROGON
DATE NOV-15-2013
SCALE INDICATED
JOB NO. 3141 NE 165TH
SHEET NO. A-5
OF 10 SHEETS
COLOR ORIGINAL



FAS

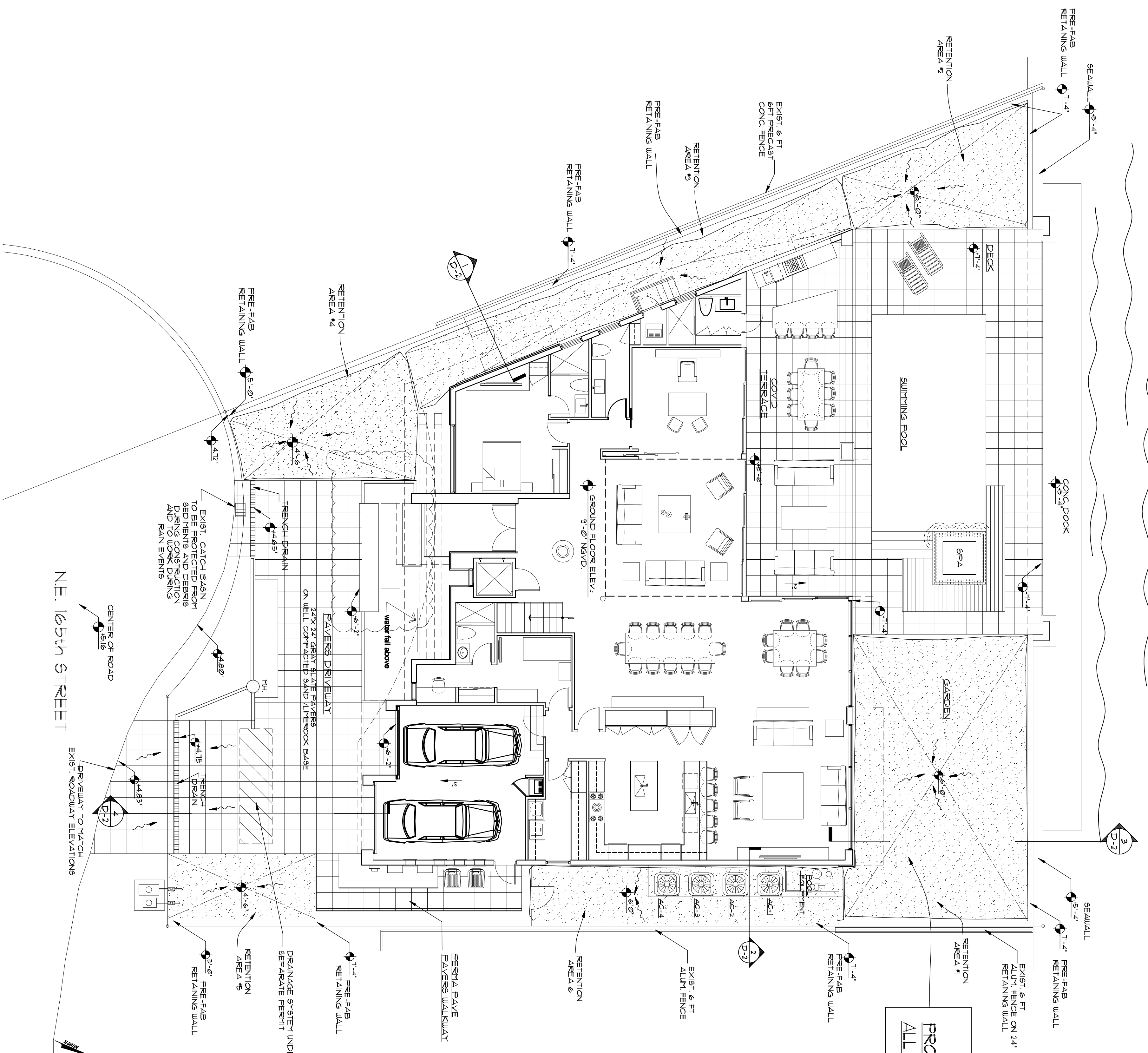
florida architectural services inc.
daniel sorogon AR 0010418 architect/planner
34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212

DRAWN: M. VELAQUEZ
CHECKED: D. SOROGON
DATE: NOV-15-2013
SCALE: INDICATED
JOB NO.: 3141 NE 165TH

SHEET NO.: 6
OF 10 SHEETS
COLOR ORIGINAL

PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
134 SOUTH DIXIE HIGHWAY, SUITE 209
HALLANDALE BEACH, FL, 33009

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**SUBGRADE MATERIAL
PROVIDE 3' BALLAST ROCK UNDER
ALL RETENTION AREAS BEFORE TOP SOIL**

LEGAL DESCRIPTION:
LOT 21, BLOCK 6, EASTERN SHORES IN ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 65, PAGE 39, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.

ALL PERMITS TO BE OBTAINED FROM CITY OF NORTH MIAMI BEACH
SITE TO BE GRADED TO PREVENT STORMWATER RUN OFF FROM ENCODGING INTO ADJACENT PROPERTIES

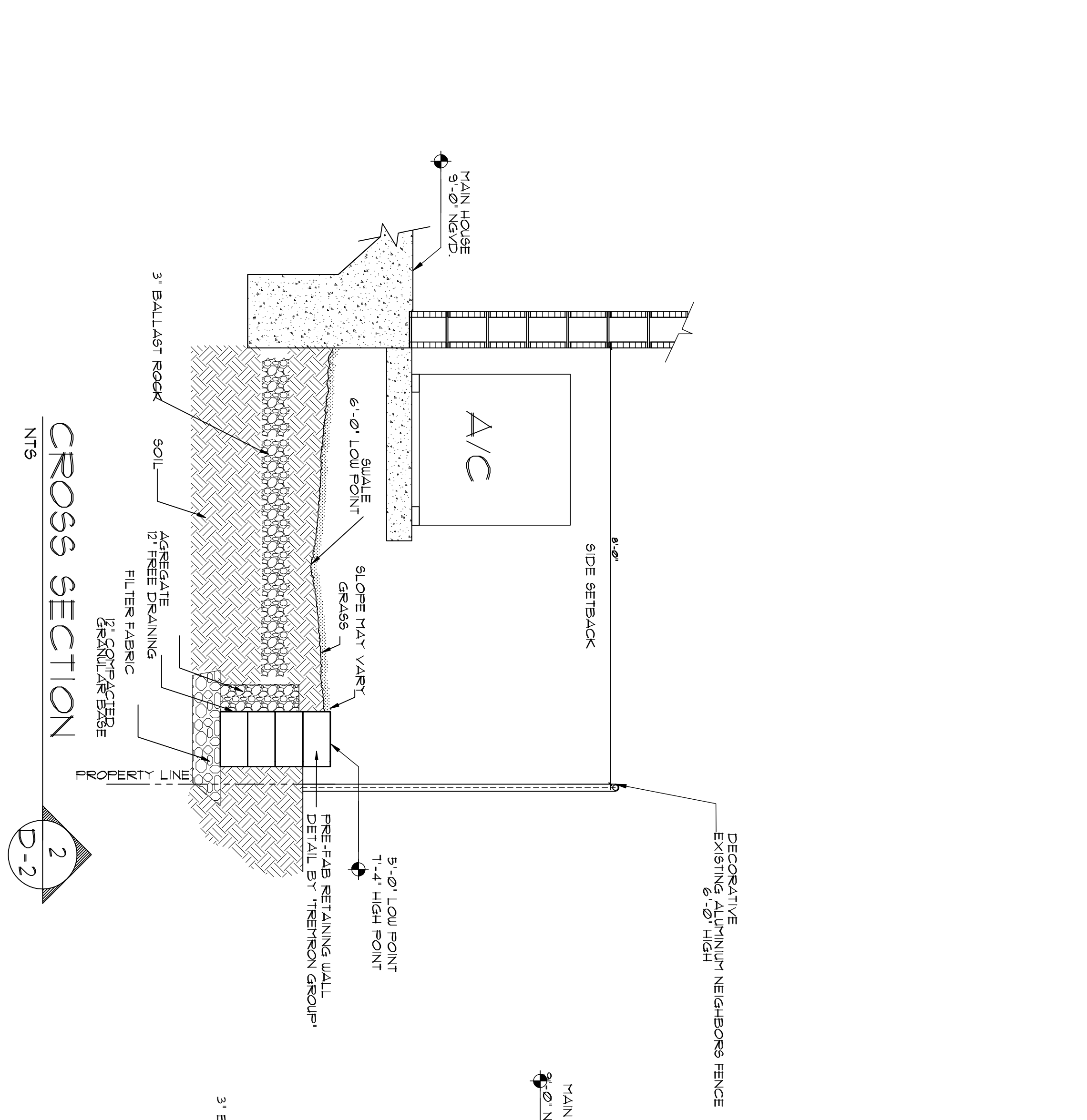
DRAINAGE PLAN

SCALE: 1/8" = 1'-0"
CONTRACTOR TO VERIFY ALL SETBACKS, EASEMENTS, R.O.W. SIZE AND LOCATIONS AND BE RESPONSIBLE FOR THE SAME

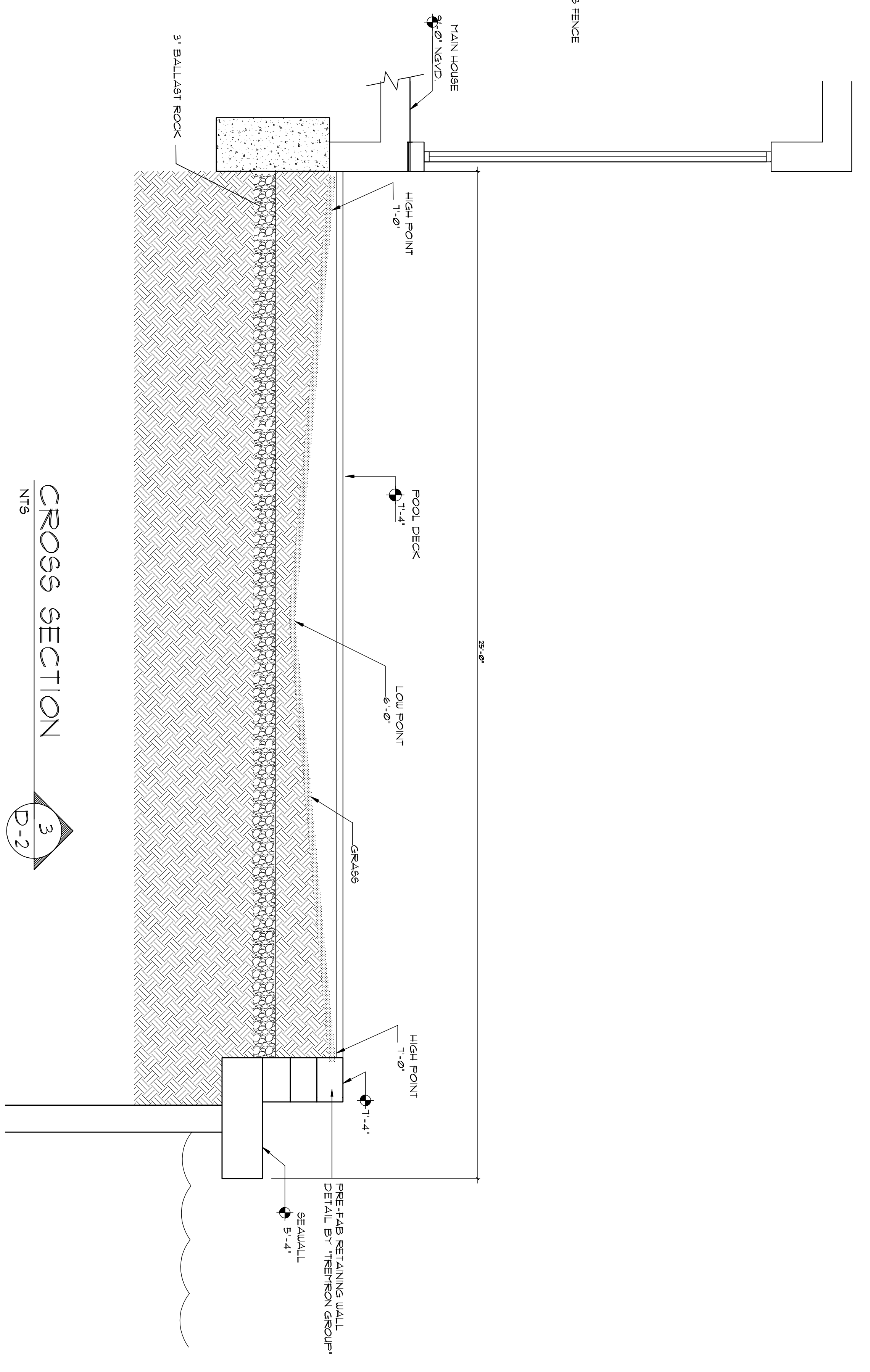
	florida architectural services inc. daniel sorogon AR 0010418 architect/planner 34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212
	DRAWN: M. VELAZQUEZ CHECKED: D. SOROGON DATE: NOV-15-2013 SCALE: INDICATED JOB NO.: 3141 NE 165TH SHEET NO.: 1 OF 1 SHEETS COLOR ORIGINAL

PROPOSED RESIDENCE FOR 3141 NE 165th, LLC 134 SOUTH DIXIE HIGHWAY, SUITE 209 HALLANDALE BEACH, FL, 33009	REVISIONS 1 2 3 4 5
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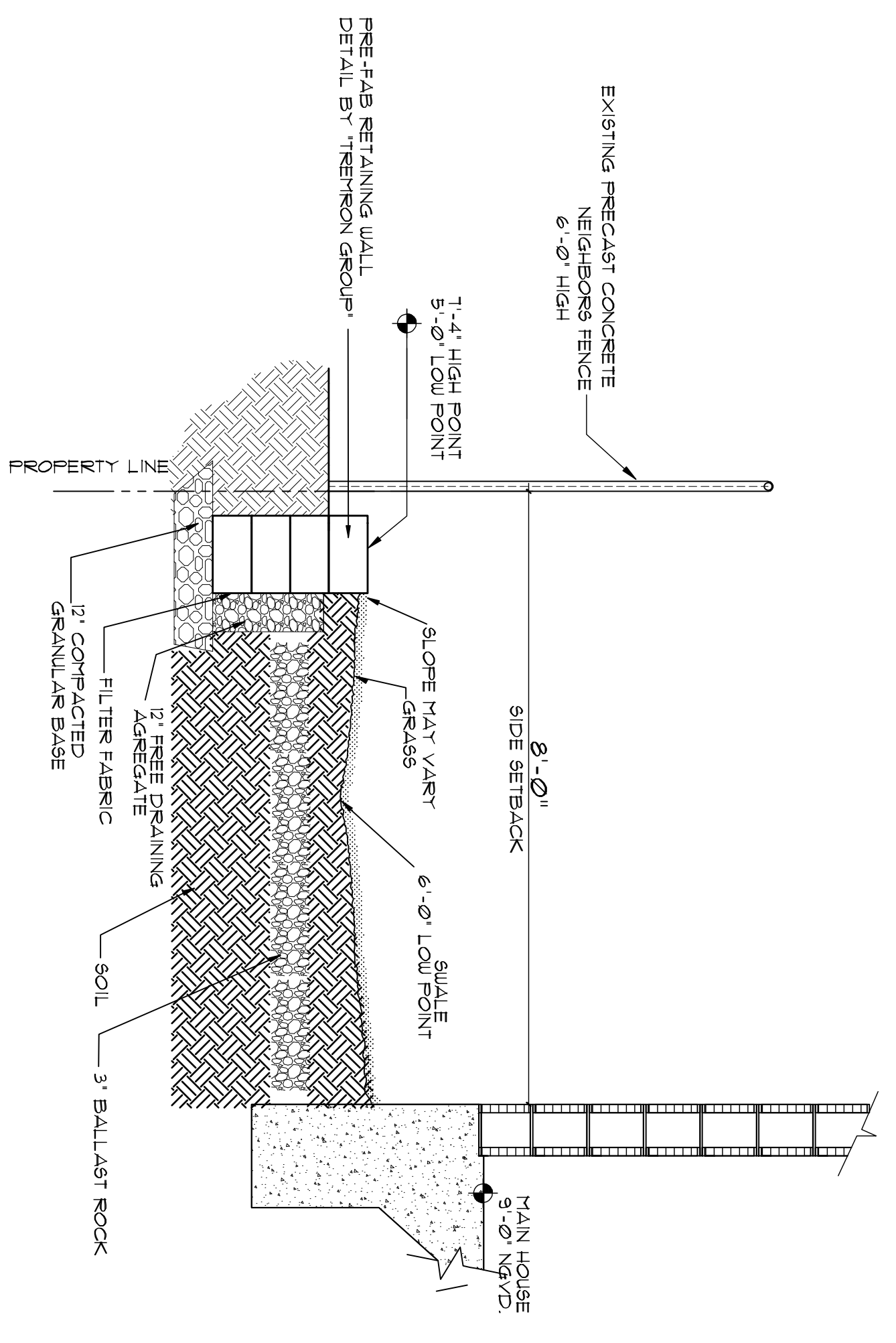
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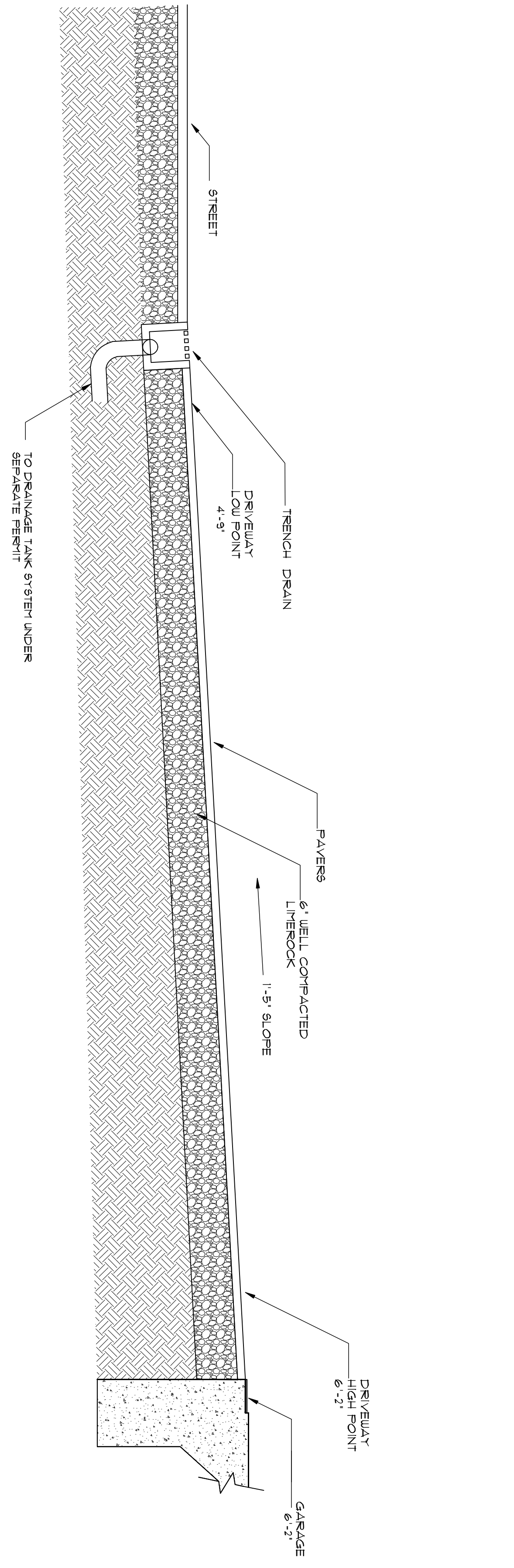
CROSS SECTION
2
NTS
D-2



CROSS SECTION
3
NTS
D-2



CROSS SECTION
1
NTS
D-2

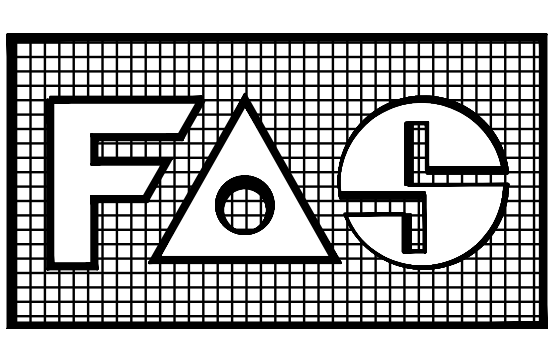


CROSS SECTION
4
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D-2

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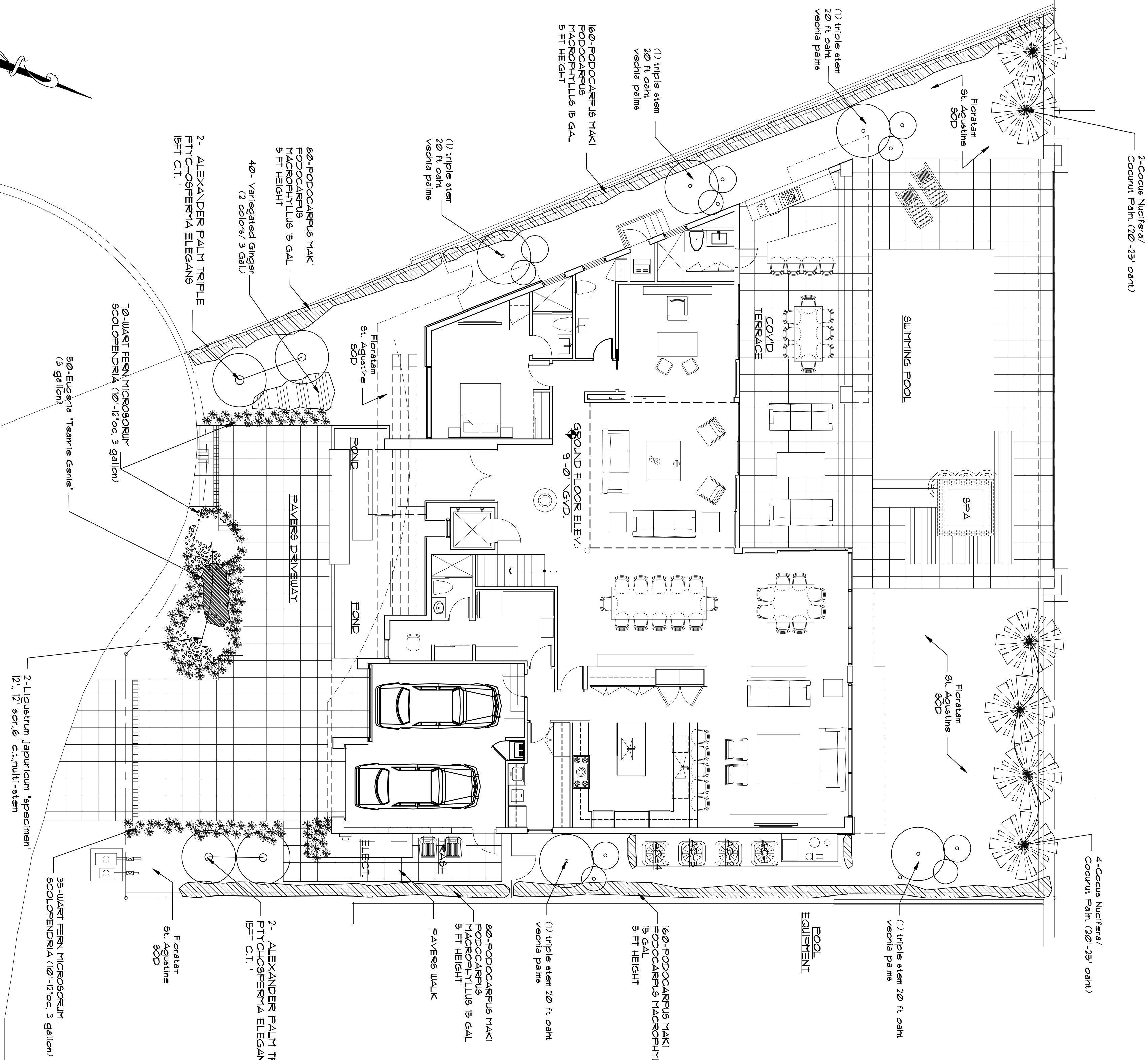
PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
134 SOUTH DIXIE HIGHWAY, SUITE 209
HALLANDALE BEACH, FL, 33009

florida architectural services inc.
daniel sorogon AR 0010418 architect/planner
34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212



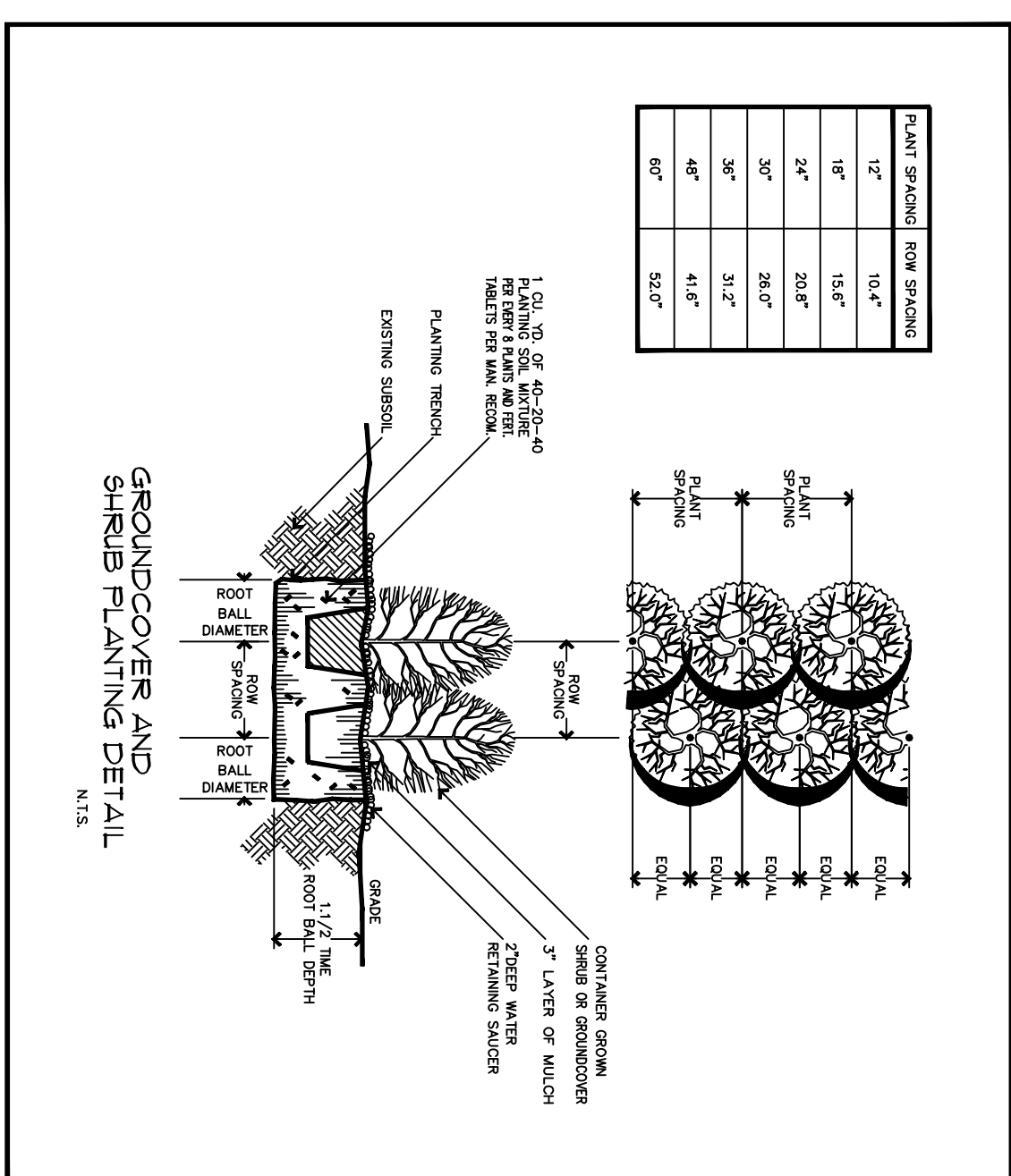
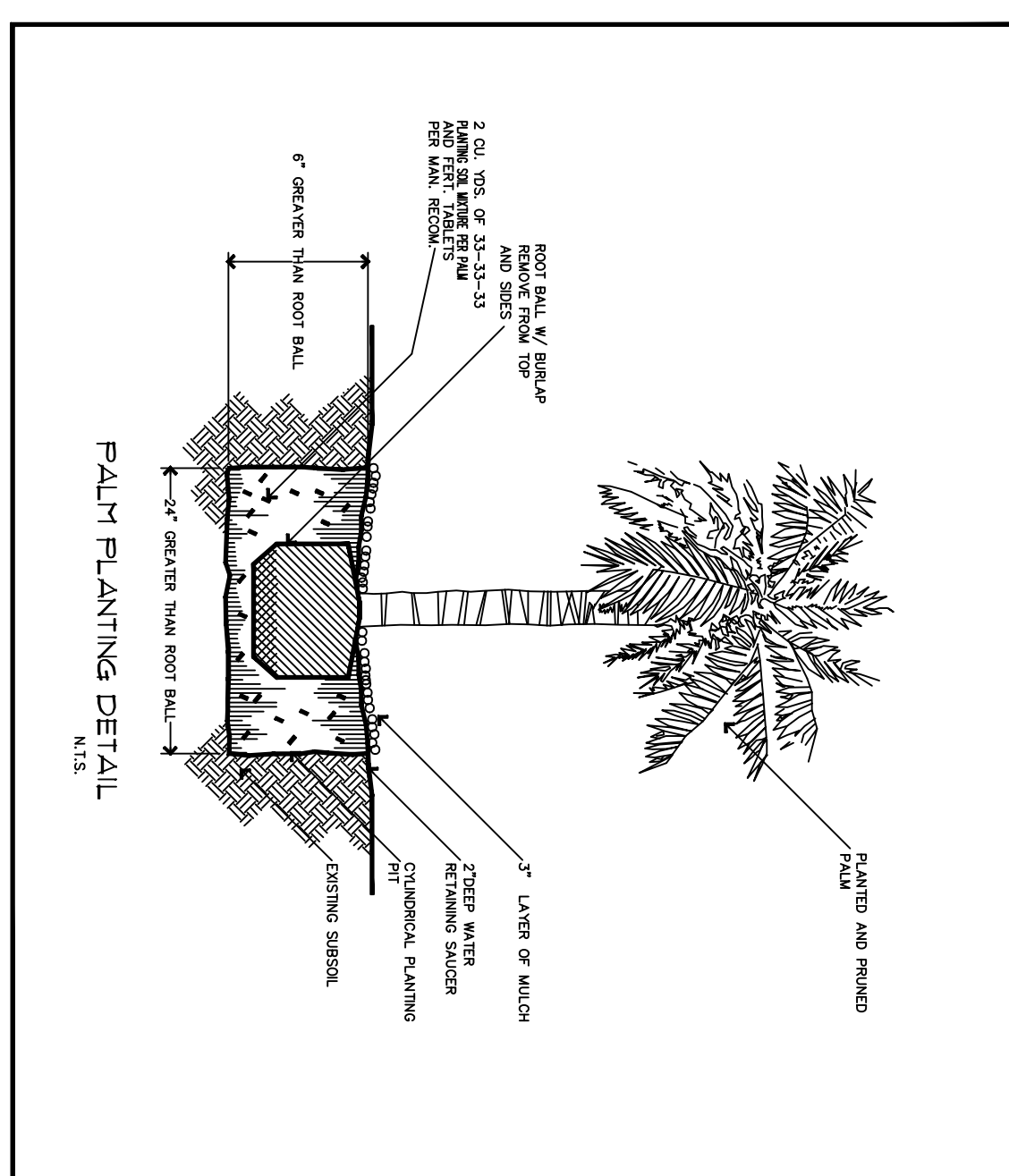
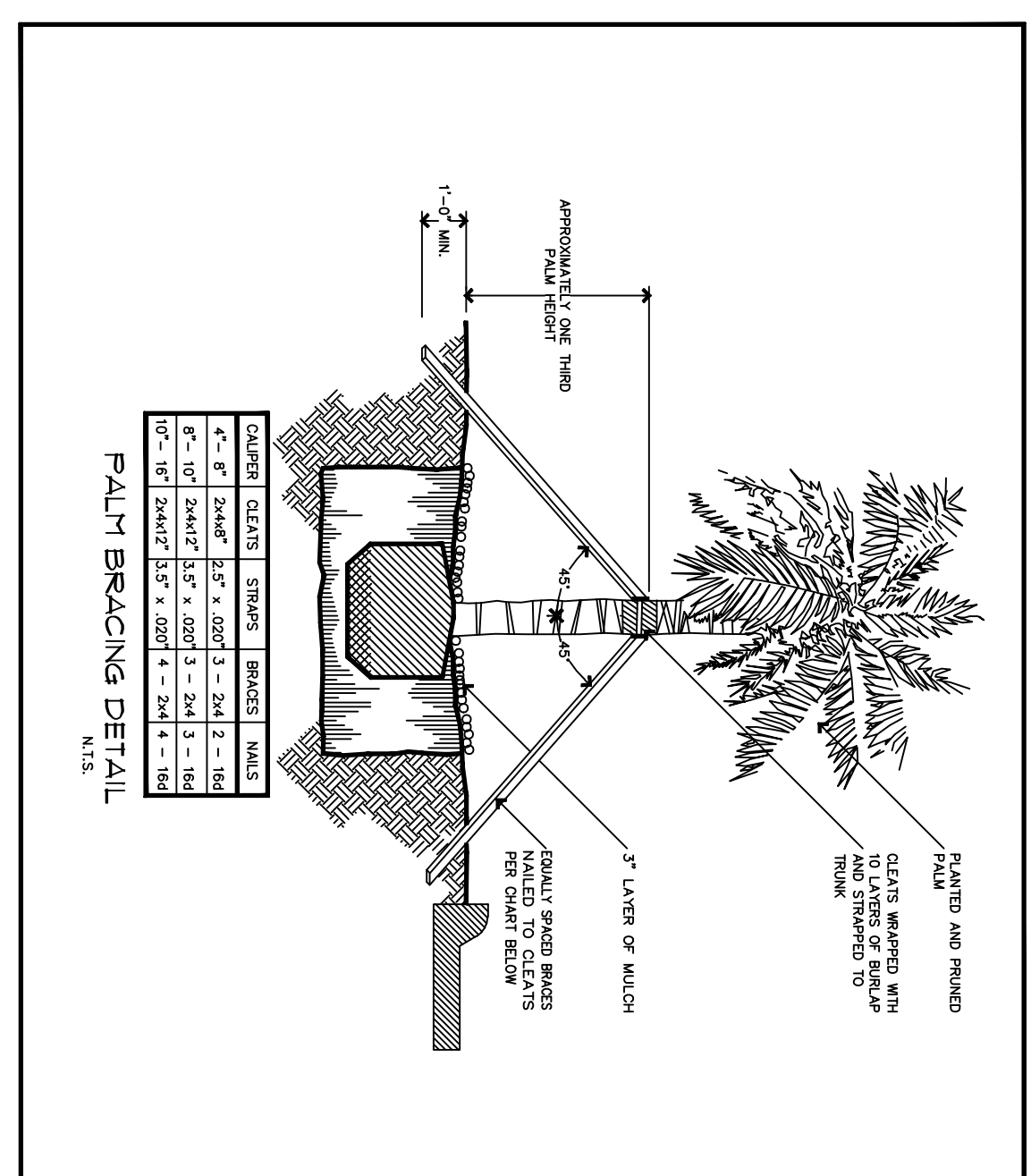
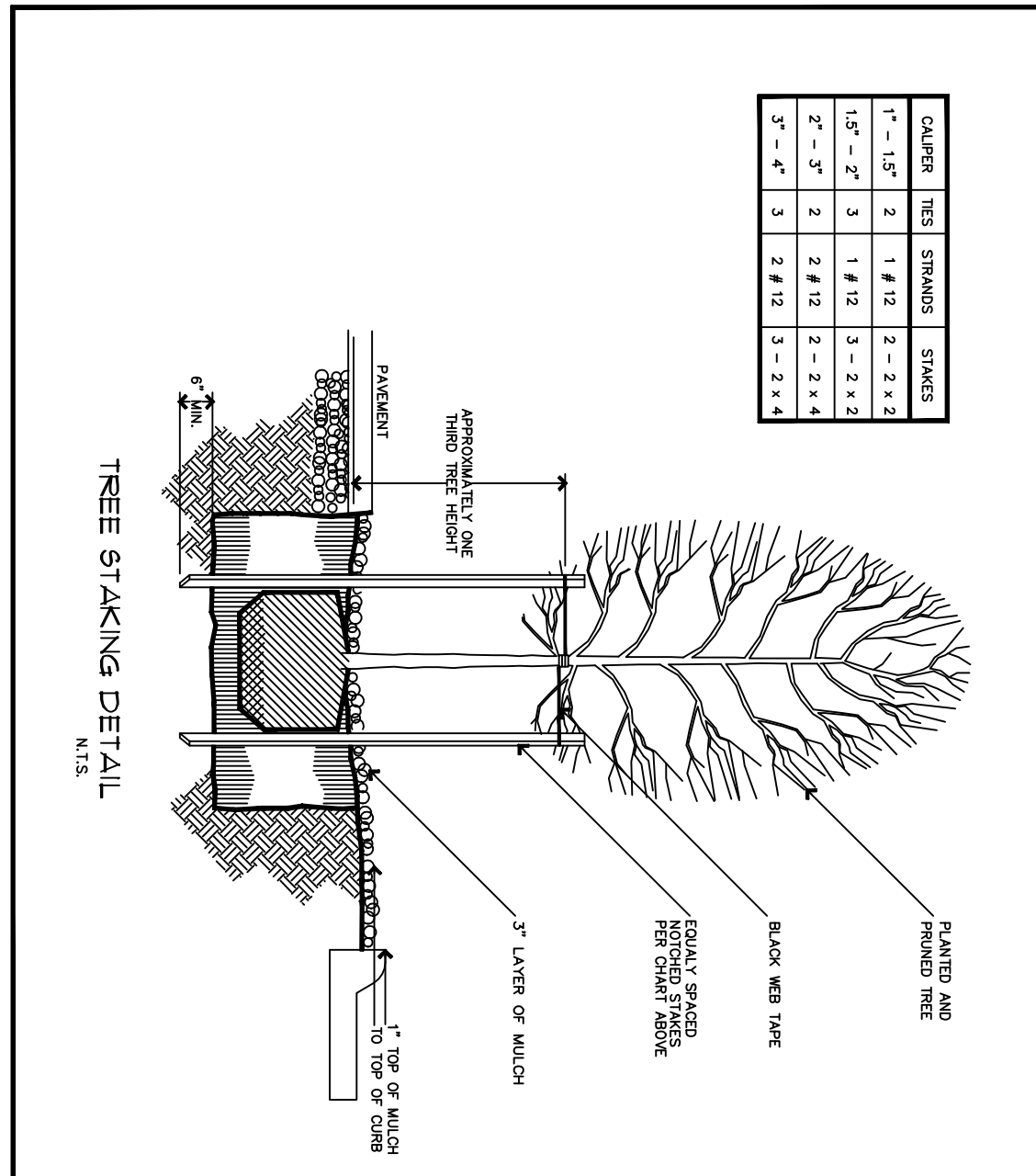
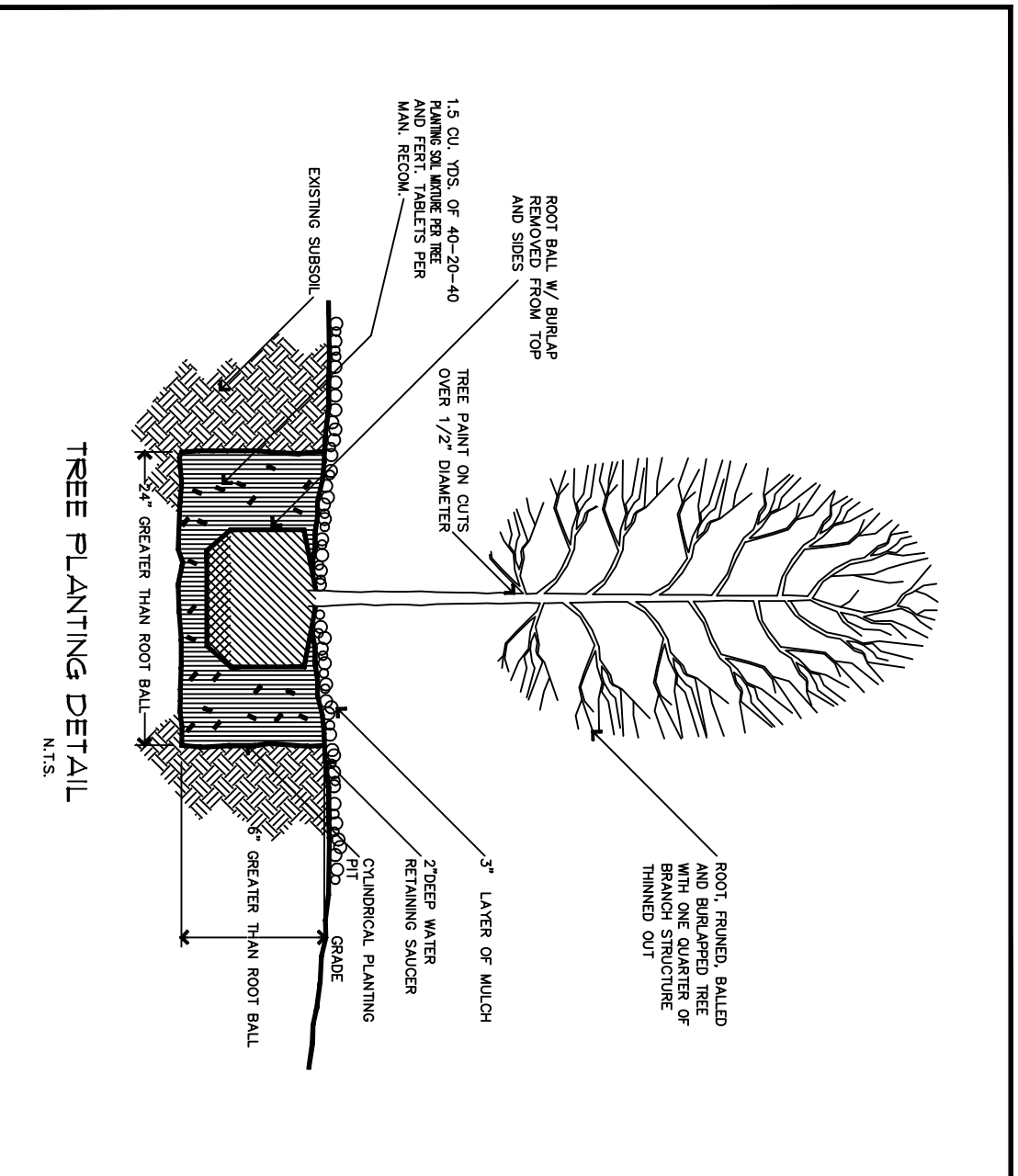
DRAWN: M. VELAZQUEZ
CHECKED: D. SOROGON
DATE: NOV-15-2013
SCALE: INDICATED
JOB NO.: 3141 NE 165TH
SHEET NO.: D-2
OF 2 SHEETS
COLOR ORIGINAL

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LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"



- ### GENERAL NOTES:
1. ALL PLANT MATERIAL TO BE FL. NO. 1 OR BETTER
 2. ALL PLANTING SOIL TO BE EVENLY MIX OF MULCH LAKE WALKS SAND, AND PEAT MOSS.
 3. ALL PLANTED AREAS TO RECEIVE 2" OF CYPRESS GRADE AT MULCH.
 4. ALL PLANT MATERIAL TO BE INSTALLED PER DETAILS.
 5. PROVIDE AUTOMATED LAWN SPRINKLERS AT ALL LANDSCAPED AREAS (100% COVERAGE WITH 50% OVERLAP).
 6. DENOTES NATIVE PLANT MATERIAL. NATIVE PLANTS



EASTERN SHORES MAP



LEFT SIDE PROPERTY

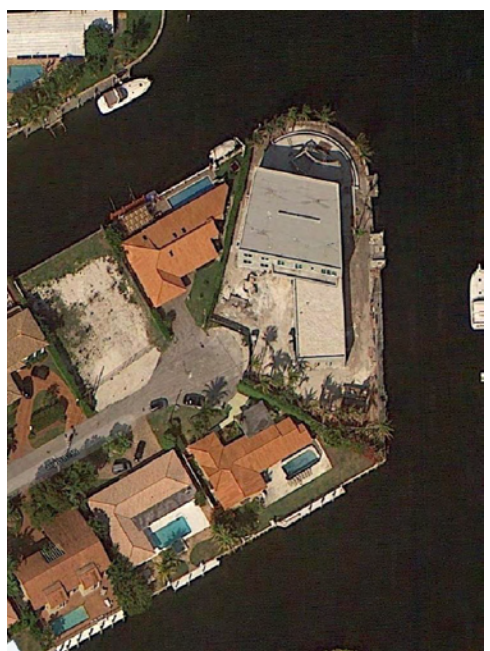
HOUSES WITH FLAT ROOFS AND ROOF TOP TERRACES



HOUSE 1



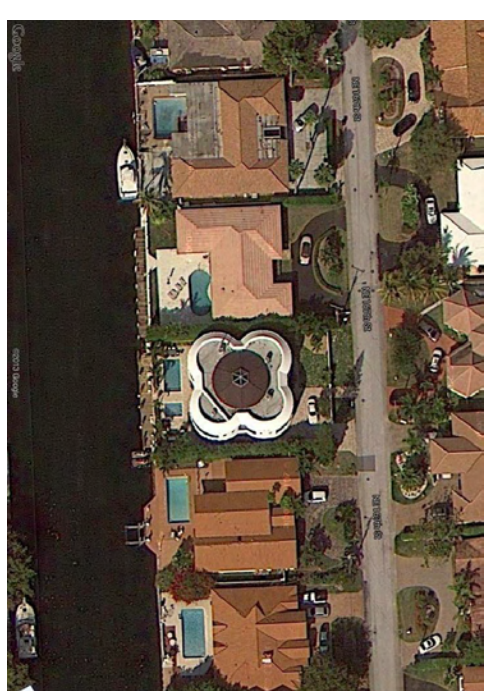
HOUSE 2



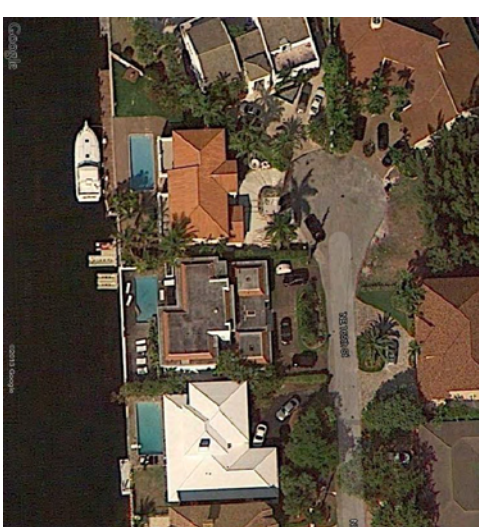
HOUSE 3



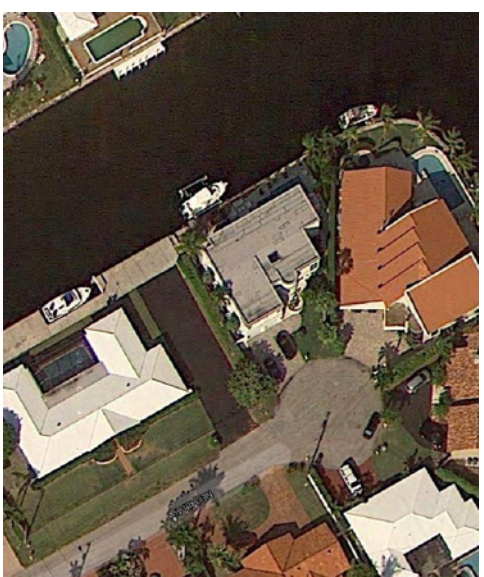
HOUSE 4
(Roof top Terrace)



HOUSE 5



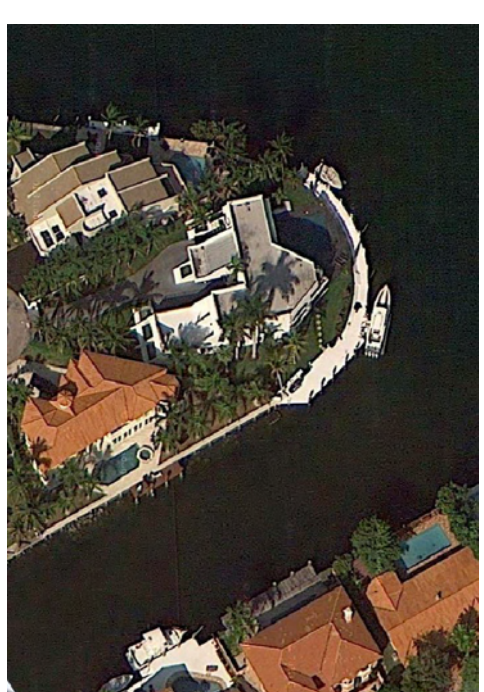
HOUSE 6



HOUSE 7



HOUSE 8
(Roof top terrace)



HOUSE 9
(Roof top terrace)



HOUSE 10



THIS PROJECT WITHOUT LANDSCAPING



THIS PROJECT WITH LANDSCAPING

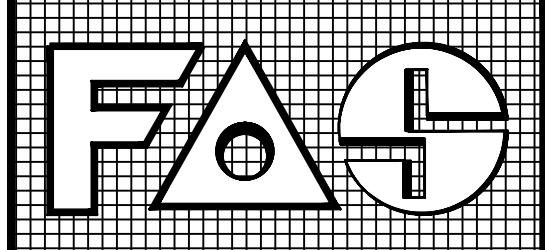


RIGHT SIDE PROPERTY

1	REVISIONS	BY:
2		
3		
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PROPOSED RESIDENCE FOR 3141 NE 165th, LLC
134 SOUTH DIXIE HIGHWAY, SUITE 209
HALLANDALE BEACH, FL, 33009

florida architectural services inc.
daniel sorogon AR 0010418 architect / planner
34 N.W. 168 TH. STREET, NORTH MIAMI BEACH FL. 33169 (305) 653-0212



DRAWN: M. VELASQUEZ
CHECKED: D. SOROGON
DATE: NOV-15-2013
SCALE: INDICATED
JOB NO.: 3141 NE 165TH
SHEET NO.: 7
OF 7 SHEETS
COLOR ORIGINAL

RESOLUTION NO. R2014-6

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 6,255 SQUARE FOOT TWO-STORY SINGLE-FAMILY HOUSE ON A 9,761 SQUARE FOOT (0.22 ACRES) VACANT 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 24-41(D)(9)(a) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MINIMUM ROOF PITCH REQUIREMENT OF THREE AND ONE HALF (3.5') FEET IN TWELVE (12') FEET TO PROVIDE FOR A FLAT ROOF TO BE UTILIZED AS AN OUTDOOR ELEVATED OPEN AIR LIVING SPACE, AS PROPOSED: AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM BUILDING HEIGHT OF THIRTY (30') FEET TO PERMIT THE INSTALLATION OF AN ELEVATOR STRUCTURE TO A MAXIMUM HEIGHT OF THIRTY-SIX AND ONE-HALF (36.5') FEET WHICH REPRESENTS A TWO (2%) PERCENT OF THE OUTDOOR ELEVATED OPEN AIR LIVING SPACE, WHEREAS THE REMAINING PORTIONS OF THE SINGLE RESIDENCE ADHERE TO THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY (30') FEET, ON PROPERTY LEGALLY DESCRIBED AS:

LOT 21, BLOCK 6, EASTERN SHORES ADDITION, PLAT BOOK 65, PAGE 39, PUBLIC RECORDS OF MIAMI-DADE COUNTY.

**A/K/A
3141 N.E. 165th Street
North Miami Beach, Florida**

(P&Z Board Meeting of December 9, 2013 and January 13, 2014)

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

WHEREAS, the Applicant requests site plan review and variances in order to construct a 6,255 square foot two-story single-family house on a 9,761 square foot (0.22 acres) vacant parcel of land located at 3141 N.E. 165 Street; and

WHEREAS, on December 9, 2013 and January 13, 2014 the Planning & Zoning Board recommended approval of the site plan and related variances, subject to all of the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following (received and dated stamped by the Community Development Department 11.26.2013):
 - a. Survey, prepared by John Ibarra & Associates, dated 11.20.2013.
 - b. Plans prepared by Florida Architectural Services, Inc., dated 11.15.2013 including the following:
 1. Site Plan, Sheet A-1.
 2. Ground Floor Plan, Sheet A-2.
 3. Second Floor Plan, Sheet A-3.
 4. Roof Plan, Sheet A-4
 5. North/South Elevations, Sheet A-5.
 6. East/West Elevations, Sheet A-6.
 7. Houses with Flat Roofs and Roof Terraces Illustrations, Sheet A-7.
 8. Drainage Plan, Sheet D-1, dated 11.15.2013.
 9. Drainage Plan Cross Sections, Sheet D-2, dated 11.15.2013.
 10. Landscape Plan, Sheet L-1, dated 11.15.2013.
 11. Materials Board, dated 12.09.2103.
 - c. All representations and exhibits as prepared and provided to the Community Development Department as a part of the Application Submittal Package dated 10.02.13, as amended.
 - d. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
2. Restrictive covenant. Within 30 days of approval of the site plan, the property owner, its successors or assigns shall submit a Draft Restrictive Covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Council. Failure to submit the Draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame is extended by the City Attorney after good cause as to why the time frame should be extended. Upon City Attorney approval of the Restrictive Covenant, the

Covenant shall be recorded by the Applicant with the Miami-Dade County Clerk of the Court. A copy of the must be submitted to the Department of Community Development.

3. Building permit plan submittal. When building plans are submitted for City Building Permit review, a cover sheet must be included on all submittal sets incorporating the City Council Approved Resolution.

4. Conditions for issuance of a building permit. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:

- a. Submit a copy of the Recorded Restrictive Covenant to the City Building Division with submittal of the Building Permit.
- b. All utilities, including but not limited to electrical, cable television and telephone must be located underground subject to the Director of Public Services review and approval.
- c. Any proposed docks, piers, moorings, etc shall be for the exclusive use of the current property owner and shall not be leased, sold or otherwise utilized by others. Live-boards of any water vessel shall be prohibited.
- d. All surface storm water shall be retained on-site, and shall not drain to the adjoining properties, right-of-way or the canal.
- e. Architectural/building details.
 1. All windows must have impact glass.
 2. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam.
- f. Rooftop limitations:
 1. No permanently mounted structural elements or similar structural components may be installed in excess of the maximum permitted height of thirty (30') feet, including but not limited to light poles, trellis, etc.
 2. Rooftop landscaping shall be permitted however, no landscape materials may exceed eight (8') in height above the railing for a maximum height of thirty-eight (38) feet.
 3. Temporary structural elements (i.e., umbrellas, etc) shall be permitted however such elements may not exceed eight (8) feet in height. All temporary elements not permanently fastened to the roof shall be removed in advance of hurricane events.
 4. No light fixture or poles may be installed or project illumination above the rooftop parapet.
- g. If the property owners, on either side of the subject property remove the existing six (6') foot decorative walls, the current property owner within thirty (30) days of removal shall submit building permit plans for the construction of a six (6') foot decorative 100 % opaque fence subject to all applicable Zoning Code requirements regarding the construction of the wall.
- h. Submit State of Florida Licensed Civil Engineer signed and sealed Paving, Grading and Drainage (PG&D) Plans for City Engineer approval including but not limited to the following:
 1. Percolation tests and drainage calculations.
 2. The PG&D Plan must also be reviewed and stamped approved by DERM/DRER for water quality drainage review.

5. Prior to the issuance of the Certificate of Occupancy (CO), the property owner, its successors or assigns, shall install the property address on the proposed seawall (minimum four (4") inches in size) facing the canal.

6. The variances granted under the provisions of this Code shall automatically expire within one (1) year from the date of granting of a variance unless a City building permit has not been applied for.

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 a 6,255 square foot two (2) story single-family house on a 9,761 square foot (0.22 acres) vacant parcel of land, on property legally described as:

LOT 21, BLOCK 6, EASTERN SHORES ADDITION, PLAT BOOK 65, PAGE 39, PUBLIC RECORDS OF MIAMI-DADE COUNTY.

**A/K/A
3141 N.E. 165th Street
North Miami Beach, Florida**

is hereby granted subject to the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following (received and dated stamped by the Community Development Department 11.26.2013):

- a. Survey, prepared by John Ibarra & Associates, dated 11.20.2013.
- b. Plans prepared by Florida Architectural Services, Inc., dated 11.15.2013 including the following:
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 3. Second Floor Plan, Sheet A-3.
 4. Roof Plan, Sheet A-4
 5. North/South Elevations, Sheet A-5.
 6. East/West Elevations, Sheet A-6.
 7. Houses with Flat Roofs and Roof Terraces Illustrations, Sheet A-7.
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 11. Materials Board, dated 12.09.2103.

- c. All representations and exhibits as prepared and provided to the Community Development Department as a part of the Application Submittal Package dated 10.02.13, as amended.
 - d. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
2. Restrictive covenant. Within 30 days of approval of the site plan, the property owner, its successors or assigns shall submit a Draft Restrictive Covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Council. Failure to submit the Draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame is extended by the City Attorney after good cause as to why the time frame should be extended. Upon City Attorney approval of the Restrictive Covenant, the Covenant shall be recorded by the Applicant with the Miami-Dade County Clerk of the Court. A copy of the must be submitted to the Department of Community Development.
3. Building permit plan submittal. When building plans are submitted for City Building Permit review, a cover sheet must be included on all submittal sets incorporating the City Council Approved Resolution.
4. Conditions for issuance of a building permit. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:
- a. Submit a copy of the Recorded Restrictive Covenant to the City Building Division with submittal of the Building Permit.
 - b. All utilities, including but not limited to electrical, cable television and telephone must be located underground subject to the Director of Public Services review and approval.
 - c. Any proposed docks, piers, moorings, etc shall be for the exclusive use of the current property owner and shall not be leased, sold or otherwise utilized by others. Live-a-boards of any water vessel shall be prohibited.
 - d. All surface storm water shall be retained on-site, and shall not drain to the adjoining properties, right-of-way or the canal.
 - e. Architectural/building details.
 - 1. All windows must have impact glass.
 - 3. All decorative details must be made of wood, stone, cast stone or similar materials and may not be made of foam.
 - f. Rooftop limitations:
 - 1. No permanently mounted structural elements or similar structural components may be installed in excess of the maximum permitted height of thirty (30') feet, including but not limited to light poles, trellis, etc.
 - 2. Rooftop landscaping shall be permitted however, no landscape materials may exceed eight (8') in height above the railing for a maximum height of thirty-eight (38) feet.
 - 3. Temporary structural elements (i.e., umbrellas, etc) shall be permitted however such elements may not exceed eight (8) feet in height. All temporary elements not permanently fastened to the roof shall be removed in advance of hurricane events.
 - 4. No light fixture or poles may be installed or project illumination above the rooftop parapet.

- g. If the property owners, on either side of the subject property remove the existing six (6') foot decorative walls, the current property owner within thirty (30) days of removal shall submit building permit plans for the construction of a six (6') foot decorative 100 % opaque fence subject to all applicable Zoning Code requirements regarding the construction of the wall.
 - h. Submit State of Florida Licensed Civil Engineer signed and sealed Paving, Grading and Drainage (PG&D) Plans for City Engineer approval including but not limited to the following:
 - 1. Percolation tests and drainage calculations.
 - 2. The PG&D Plan must also be reviewed and stamped approved by DERM/DRER for water quality drainage review.
5. Prior to the issuance of the Certificate of Occupancy (CO), the property owner, its successors or assigns, shall install the property address on the proposed seawall (minimum four (4") inches in size) facing the canal.
6. The variances granted under the provisions of this Code shall automatically expire within one (1) year from the date of granting of a variance unless a City building permit has not been applied for.

Section 2. A variance from Section 24-41(D)(9)(a) to waive the minimum roof pitch requirement of three-and-one half (3.5') feet in twelve (12') feet to provide for a flat roof to be utilized as an outdoor elevated open air living space, as proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

Section 3. A variance from Section 24-41(D)(5) to waive the maximum building height of thirty (30') feet to permit the installation of an elevator structure to a maximum height of thirty-six and one-half (36.5') feet, which represents a two (2%) percent of the outdoor elevated open air living space, whereas the remaining portions of the single residence adhere to the maximum permitted building height of thirty (30') feet, as proposed, on property legally described as aforesaid is hereby granted subject to the aforementioned conditions.

Section 4. 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 5. 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 February, 2014.**

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



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: Ana M. Garcia, City Manager
VIA: Carlos Rivero, City Planner
DATE: Tuesday, February 18, 2014

RE: Resolution No.R2014-8 (City Planner, Carlos Rivero)

BACKGROUND ANALYSIS: A resolution of the Mayor and City Council of the City of North Miami Beach, Florida, amending Resolution No. R96-47 by amending Condition Number 19 to increase the seating capacity at "PF Changs Restaurant" on property legally described as (See Lengthy Description Attached as Exhibit "A") also known as 17455 Biscayne Boulevard, North Miami Beach, Florida.

RECOMMENDATION: The Community Development Department recommends the approval of the resolution amendment.

FISCAL/BUDGETARY IMPACT: No costs to the City are anticipated.

ATTACHMENTS:

- [Resolution No.R96-47](#)
- [PF Changs Deed](#)
- [Parking Analysis](#)
- [Building Permit BU04-0371](#)
- [Staff Report](#)
- [Resolution No. R2014-8](#)

RESOLUTION NO. R96-47

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL IN ORDER TO CONSTRUCT A RESTAURANT ON PRESENTLY VACANT LAND PURSUANT TO SECTION 24-172 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ON PROPERTY LEGALLY DESCRIBED AS:

(See attached Exhibit "A")

A/K/A

North of N.E. 173 Street,
East Of Biscayne Boulevard
North Miami Beach, Florida

(P & Z Item No. 96-165 of October 21, 1996)

WHEREAS, the property described herein is zoned Intensive Business District B-3; and

WHEREAS, the applicant requested site plan approval in order to construct a restaurant on presently vacant land pursuant to Section 24-172 of the Code of Ordinances of the City of North Miami Beach; and

WHEREAS, the Planning and Zoning Board after public hearing on October 21, 1996 recommended approval of all requests subject to the following conditions:

1. Plans submitted for building permit shall substantially comply with those currently submitted, as follows:

- * Sheet 101, Site Plan, Nelsen Architects, Inc., revised 10/04/96
- * Sheet 201, Floor Plan, Nelsen Architects, Inc., 9/13/96
- * Sheet 202, Roof Plan, Nelsen Architects, Inc., 9/13/96
- * Sheet 301, Elevations, Nelsen Architects, Inc., 8/13/96
- * Sheet 302, Elevations, Nelsen Architects, Inc., 8/13/96
- * Sheet L-1, Landscape Plan, Witkin Design Group, revised 10/02/96
- * Sheet L-2, Restaurant Planting, Witkin Design Group, revised 10/02/96
- * Sheet L-3, Planting Details, Witkin Design Group, 09/10/96

2. All wall signage must be of an individual, flush mounted channel letter type only, the number and size of which may not exceed that as permitted in the City's Land Development Regulations (LDR's). A freestanding sign, if any, must be of a monument type only, and must be pan - or formed-face. The size, location, materials, content and design must be submitted to and approved by the Community Development Director. All signage requires a separate permit prior to installation.

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. Curb cut and drainage permits must be obtained from the Florida Department of Transportation (DOT) as applicable, and final North Miami Beach Public Works Department approval is subject to final DOT sign-off on all applicable permits.
5. A complete fire and burglar alarm system, including panic alarms, must be installed. The design, location and capability of said systems must be submitted to and approved by the Police Chief prior to the issuance of a Certificate of Occupancy for the structure.
6. All utilities, including, but not limited to, electrical and telephone, must be located underground. The manner of locating these utilities, as well as the location of the transformer must be submitted to and approved by the Community Development Director.
7. Project must be in complete conformity with the Americans with Disabilities Act (ADA) as determined by the City's Building Official.
8. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and benches must be submitted to and approved by the Community Development Director.
9. No outside display or sale of any merchandise shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outside food vendors are prohibited.
10. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property as well as adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. White lighting only shall be used, and the fixtures shall match those as approved for Parcel "A", the Houston's site. All lighting shall be contained on site so as not to intrude into adjacent parcels. This plan must be approved by the Police Chief, City Engineer and Community Development Director.
11. Roof screen shall be of sufficient height to adequately screen rooftop equipment and related structures from ground view of surrounding and adjacent properties.
12. A revised landscape and irrigation plan, signed and sealed by a Florida registered landscape architect, shall be submitted, incorporating the comments of the City Forester as noted.
13. Applicant shall install air filters and/or air handlers to reasonably contain cooking odors on site. The type, size, style, numbers, locations

and specifications shall be submitted to and approved by the Community Development Director.

14. Upon availability, this project must connect to the sanitary sewer system in a manner, location and time-frame to be approved by the Community Development Director and Public Utilities Director.
15. Neon tubing shall not be permitted either to outline the building, framing storefront windows, or any other non-signage application.
16. The dumpster shall be integral to the restaurant building, and shall have solid, spring-loaded gates, and be large enough to encompass recycling racks and containers. The size, and location of said dumpster must be submitted to and approved by the Directors of Public Works and Community Development. Dumpster shall include a hose hook-up and floor drainage.
17. Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.
18. No video games or related arcade or amusement games will be allowed.
19. Maximum number of seats, including stools, shall be two hundred nineteen (219).
20. Development of this Parcel will require separate approval from the Dade County Shoreline Review Committee, or a finding of "No Need To Comply" from the Dade County Development Impact Committee (DIC.).
21. Development of Parcel "B" will require separate City of North Miami Beach Public Hearing Review, including Technical Review Board (TRB), Planning and Zoning Board, and City Council approval.
22. If the property is to be subdivided, there shall be a legally constituted property owners association, to which the City is a party, insuring proper development, maintenance and operation of the entire 9.32 acre site. The method, composition and regulations governing the association must be approved by the City Manager prior to the issuance of any and all building permits for this project.
23. If the property is to be subdivided, there shall be created a "Covenant in Lieu of Unity of Title", said document to be submitted to and approved by the City Manager prior to the approval and recording of a final plat to subdivide the property.

NOW, THEREFORE,

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

Section 1. Site plan approval pursuant to Section 24-172 of the Code of

Ordinances of the City of North Miami Beach to construct a restaurant on presently vacant land on property legally described as:

(See attached Exhibit "A")

A/K/A

North of N.E. 173 Street,
East of Biscayne Boulevard
North Miami Beach, Florida

be and the same is hereby granted subject to the following conditions:

- 1. Plans submitted for building permit shall substantially comply with those currently submitted, as follows:**
 - * Sheet 101, Site Plan, Nelsen Architects, Inc., revised 10/04/96
 - * Sheet 201, Floor Plan, Nelsen Architects, Inc., 9/13/96
 - * Sheet 202, Roof Plan, Nelsen Architects, Inc., 9/13/96
 - * Sheet 301, Elevations, Nelsen Architects, Inc., 8/13/96
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 - * Sheet L-3, Planting Details, Witkin Design Group, 09/10/96
- 2. All wall signage must be of an individual, flush mounted channel letter type only, the number and size of which may not exceed that as permitted in the City's Land Development Regulations (LDR's). A freestanding sign, if any, must be of a monument type only, and must be pan - or formed-face. The size, location, materials, content and design must be submitted to and approved by the Community Development Director. All signage requires a separate permit prior to installation.**
- 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. Curb cut and drainage permits must be obtained from the Florida Department of Transportation (DOT) as applicable, and final North Miami Beach Public Works Department approval is subject to final DOT sign-off on all applicable permits.**
- 5. A complete fire and burglar alarm system, including panic alarms, must be installed. The design, location and capability of said systems must be submitted to and approved by the Police Chief prior to the issuance of a Certificate of Occupancy for the structure.**
- 6. All utilities, including, but not limited to, electrical and telephone, must be located underground. The manner of locating these utilities, as well as the location of the transformer must be submitted to and approved by the Community Development Director.**
- 7. Project must be in complete conformity with the Americans with Disabilities Act (ADA) as determined by the City's Building Official.**
- 8. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and benches must be submitted to and approved by the**

Community Development Director.

9. **No outside display or sale of any merchandise shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outside food vendors are prohibited.**
10. **A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property as well as adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. White lighting only shall be used, and the fixtures shall match those as approved for Parcel "A", the Houston's site. All lighting shall be contained on site so as not to intrude into adjacent parcels. This plan must be approved by the Police Chief, City Engineer and Community Development Director.**
11. **Roof screen shall be of sufficient height to adequately screen rooftop equipment and related structures from ground view of surrounding and adjacent properties.**
12. **A revised landscape and irrigation plan, signed and sealed by a Florida registered landscape architect, shall be submitted, incorporating the comments of the City Forester as noted.**
13. **Applicant shall install air filters and/or air handlers to reasonably contain cooking odors on site. The type, size, style, numbers, locations and specifications shall be submitted to and approved by the Community Development Director.**
14. **Upon availability, this project must connect to the sanitary sewer system in a manner, location and time-frame to be approved by the Community Development Director and Public Utilities Director.**
15. **Neon tubing shall not be permitted either to outline the building, framing storefront windows, or any other non-signage application.**
16. **The dumpster shall be integral to the restaurant building, and shall have solid spring loaded gates, and be large enough to encompass recycling racks and containers. The size, and location of said dumpster must be submitted to and approved by the Directors of Public Works and Community Development. Dumpster shall include a hose hook-up and floor drainage.**
17. **Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.**
18. **No video games or related arcade or amusement games will be allowed.**
19. **Maximum number of seats, including stools, shall be two hundred nineteen (219).**
20. **Development of this Parcel will require separate approval from the Dade County Shoreline Review Committee, or a finding of "No Need To Comply" from the Dade County Development Impact Committee (DIC.).**
21. **Development of Parcel "B" will require separate City of North Miami Beach Public Hearing Review, including Technical Review Board (TRB), Planning and Zoning Board, and City Council approval.**

22. If the property is to be subdivided, there shall be a legally constituted property owners association, to which the City is a party, insuring proper development, maintenance and operation of the entire 9.32 acre site. The method, composition and regulations governing the association must be approved by the City Manager prior to the issuance of any and all building permits for this project.

23. If the property is to be subdivided, there shall be created a "Covenant in Lieu of Unity of Title", said document to be submitted to and approved by the City Manager prior to the approval and recording of a final plat to subdivide the property.

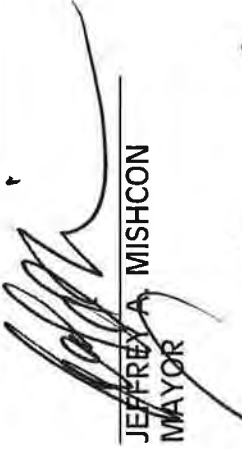
Section 2. Pursuant to Section 24-172(1) of the Code of Ordinances of the City of North Miami Beach, the applicant shall submit the final building plans within six (6) months of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended by the City Council prior to its expirations.

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

Florida at regular meeting assembled this 19th day of NOVEMBER, 1996.

ATTEST:


 SOLOMON ODENZ
 CITY CLERK


 JEFFREY A. MISHCON
 MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

 HOWARD B. LENARD
 CITY ATTORNEY

SPONSORED BY: Mayor and City Council

COUNCIL PERSON	RECORD OF COUNCIL VOTE		
	YES	NO	ABSENT! NOT VOTING
JAY R. CHERNOFF	X		
KENNETH A. DEFILLIPO	X		
JOHN KURZMAN	X		
JULE LITTMAN, VICE MAYOR	X		
RAYMOND F. MARIN	X		
JACQUELINE H. SMITH	X		
JEFFREY A. MISHCON, MAYOR	X		

LEGAL DESCRIPTION

That part of Tract "A" of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, according to the plat thereof recorded in Plat Book 46 at Page 55, less the South 800 feet thereof, as measured along the West line of said Tract "A" of the Public Records of Dade County, Florida, and lying within that part of Section 9, Township 52 South, Range 42 East, described as follows:

Commence at the Northeast corner of the Southeast Quarter of said Section 9, thence run Westerly along the North line of the Southeast Quarter of said Section 9 for 515.90 feet to a point on the present East right-of-way line of U.S. Highway No. 1; thence run Southwesterly along said right-of-way line 689.82 feet to a point on said line; thence run Easterly 725.09 feet along a line parallel to the North line of the South Half of the Southeast Quarter of said Section 9, to a point on the East line of said Section 9; thence run North along said line 655.76 feet to the Point of Beginning.

ALSO KNOWN AS:

That part of Tract "A" of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, according to the Plat thereof, as recorded in Plat Book 46, at Page 55, of the Public Records of Dade County, Florida, more particularly described as follows:

Beginning at a point on the Easterly line of the right-of-way of Federal Highway (State Road No. 4, U.S. Highway No. 1) which is 800 feet Northeastly along said right-of-way line, from the southwest corner of said Tract "A" said Southwest corner of said Tract "A" being at the point of intersection of said Easterly line of the right-of-way of said Federal Highway with the South line of the North 1/2 of the S.E. 1/4 of Section 9, Township 52 South, Range 42 East; thence run Northeastly along the Easterly line of the right-of-way of said Federal Highway, as said Federal Highway is shown on said Plat of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, for a distance of 689.82 feet more or less, to the Northwest corner of said Tract "A"; thence Easterly along the North line of said Tract "A" a distance of 516.9 feet, more or less, to the Northeast corner of said Tract "A"; thence Southwesterly along the Easterly line of said Tract "A" a distance of 650 feet, more or less, to a point said point being at the intersection of said Easterly line of said Tract "A" with a line drawn parallel to the Southerly line of said Tract "A", from the above fixed point of beginning of the description, thence Westerly, parallel to the Southerly line of said Tract "A" to the point.

ALSO KNOWN AS:

That part of Tract "A" of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, according to the plat thereof recorded in Plat Book 46 at Page 55, less the South 800 feet thereof, as measured along the West line of said Tract "A" of the Public Records of Dade County, Florida, and lying within that part of Section 9, Township 52 South, Range 42 East, described as follows:

BEGINNING at the northeast corner of the southeast one-quarter of said Section 9; thence South 01°59'23" East along the easterly line of said Tract "A" and along the east line of said southeast one-quarter (bearings based on Florida Department of Transportation Right Of Way Map Section 37030-2569, Sheet 5 of 12, dated March 12, 1992, prepared by Craig A. Smith & Associates), 655.69 feet; thence South 36°19'42" West, 725.43 feet to a point on the easterly right-of-way line of Biscayne Boulevard (U.S. 1, State Road No. 5); thence North 15°31'20" East, along said easterly right-of-way line, 689.82 feet to a point on the north line of said southeast one-quarter; thence North 85°52'46" East, 517.90 feet to the POINT OF BEGINNING.

Said lands lying and being in the City of North Miami Beach, Dade County, Florida, and contain 403,975 square feet (9) 300 acres;

P. F. CHANG'S RESTAURANT

BISCAYNE BLVD. AT NE 173 STREET

EXHIBIT "A"



CFN 2014R0011862
 DR Bk 28979 Pgs 0463 - 464 (2pgs)
 RECORDED 01/07/2014 11:40:24
 DEED DOC TAX 78,000.00
 SURTAX 58,500.00
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

Prepared by and Return to:

Mark F. Grant, Esquire
 Greenspoon Marder, P.A.
 200 East Broward Blvd., Suite 1500
 Fort Lauderdale, Florida 33301

Parcel ID: 2209-028-0010 and 2209-028-0030

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 3rd day of January, 2014, by 276 NORTH MIAMI, L.P., a Florida limited partnership ("Grantor"), whose post office address is 401 E. Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida 33301, to BKDL, LP, a Texas limited partnership, whose post office address is c/o Hillstone Restaurant Group, Inc., 3539 Northside Parkway, Atlanta, Georgia 30327 ("Grantee").

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee all that certain land lying and being in Miami-Dade County, Florida, and more particularly described herein below (the "Property"):

Parcel 1:

Tract 'A', HOUSTON'S RESTAURANT, according to the Plat thereof as recorded in Plat Book 150, Page 61, of the Public Records of Miami-Dade County, Florida.

Parcel 2:

Tract 'C', HOUSTON'S RESTAURANT, according to the Plat thereof as recorded in Plat Book 150, Page 61, of the Public Records of Miami-Dade County, Florida.

Parcel 3:

Together with the easements, as easements only, for the benefit of Parcel 1 and Parcel 2 as created by that certain Declaration of Covenants, Restriction and Easement recorded in Official Records Book 17851, Page 1978, as assigned in Official Records Book 17851, Page 2036, of the Public Records of Miami-Dade County, Florida, for the purpose described therein, over and under lands described therein,

TOGETHER WITH all Grantor's right, title and interest in and to, if any, the easements, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

SUBJECT TO rights of parties in possession as tenant's only, pursuant to written unrecorded leases, any claim to any portion of the Property as sovereign lands of the State of Florida, including submerged, filled or artificially exposed accreted to such land as may be applicable, taxes and assessments for the year 2014 and subsequent years, which are not yet due and payable, reservations,



John V. Chibbaro

Akerman LLP
One Southeast Third Avenue
Suite 2500
Miami, FL 33131-1714
Tel: 305.374.5600
Fax: 305.374.5095

February 4, 2014

VIA E-MAIL (carlos.rivero@citynmb.com) AND HAND DELIVERY

Carlos Rivero
Interim City Planner
City of North Miami Beach
17050 NE 19th Avenue
North Miami Beach, FL 33162

**Re: Parking Analysis for PF Chang's Restaurant
17455 Biscayne Blvd.**

Dear Mr. Rivero:

Pursuant to your request, we have confirmed that, based on the parking requirements set forth in the City of North Miami Beach Code of Ordinances (the "Code"), there is sufficient off-street parking provided for the P.F. Chang's restaurant ("P.F. Chang's"), located at 17455 Biscayne Boulevard, in the City of North Miami Beach (the "City"). In fact, surplus parking is provided. Our analysis is based on a recently commissioned building survey of P.F. Chang's, as well as a field survey of existing parking spaces, both prepared by Fortin, Leavy and Skiles, Inc.¹

The site plan for P.F. Chang's was approved by the City in 1996, pursuant to the adoption of Resolution 96-47.² The site plan indicated that the gross floor area of P.F. Chang's measured approximately 6,966 square feet.³ The recently commissioned

¹ See Exhibit 1.

² See Exhibit 2.

³ See Exhibit 3. Sheet 101 of the site plan (the "Approved Plan") for PF Chang's China Bistro prepared by Nelsen Architects, dated January 17, 1997. In September 2013, City Staff indicated this was the site plan approved via Resolution 96-47.

survey indicates that the gross floor area of PF Chang's is approximately 6,938 square feet. The small discrepancy is likely due to minor adjustments that may have occurred during construction, as well as enhanced surveying software and survey equipment improvements.

Both the 1997 and current versions of the Code mandate that family restaurants provide 15 parking spaces per 1,000 sq ft of gross floor area.⁴ Pursuant to this requirement, P.F. Chang's must provide 104 parking spaces for its patrons.

P.F. Chang's is located on "Tract C" of the Houston's Restaurant Plat; tracts A and B are occupied by Houston's Restaurant ("Houston's") and Morton's Restaurant ("Morton's"), respectively.⁵ Subsequent to the adoption of Resolution 96-47, a Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration") was recorded for tracts A, B, and C ("the overall site").⁶ The Declaration indicates that parking for the overall site is "common area" shared by all owners, tenants and visitors to the overall site.⁷ Based on the Declaration, required parking may be provided on the overall site and need not be limited to each individual tract. The field survey of the overall site indicates that there currently 386 parking spaces.⁸

Although building surveys were not specifically prepared for Morton's Restaurant and Houston's Restaurant, the Miami-Dade County Property Appraiser's website identifies building areas as follows: Morton's – 8,853 square feet; Houston's – 7,299 square feet. Pursuant to the family restaurant parking requirement set forth in the Code, the three restaurants, P.F. Chang's, Morton's, and Houston's, must provide a total of 347 parking spaces (104 parking spaces for P.F. Chang's, 133 parking spaces for Morton's, and 110 parking spaces for Houston's).

⁴ See Part II, Chapter XXIV, Article IX, Section 24-95(B) of the North Miami Beach Code of Ordinances for parking requirement. Per Part II, Chapter XXIV, Article II, Section 24-22 *Floor Area* means the gross horizontal area of all floors, including but not limited to, enclosed porches, hallways, storage rooms, stairwells, breezeways, elevator shafts and utility rooms, measured from the exterior faces or columns of the exterior walls of a building or from the center line of a party wall separating two (2) adjacent uses or dwellings. Vehicular garages shall not be included in determining gross floor area.

⁵ See Exhibit 4, recorded at PB 150, PG 61, Miami-Dade County.

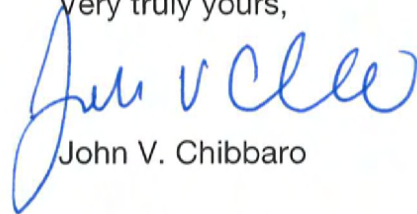
⁶ See Exhibit 5, recorded at ORB 17851 PG 1978, Miami-Dade County.

⁷ See Section 3.4 of the Declaration.

⁸ See Exhibit 1.

As such, 347 parking spaces are required for uses on the overall site, and 386 parking spaces are provided. Thus, the overall site has a parking surplus of 39 spaces.

Very truly yours,



John V. Chibbaro

cc: Darcee Siegel, Esq.

(305) 948-2965
CITY OF NORTH MIAMI BEACH, FL
 Community Development Department - Building Division
 17050 N.E. 19th Ave., North Miami Beach, FL 33162-3100
BUILDING PERMIT APPLICATION
 APPLICANT FILL INSIDE HEAVY LINES

DATE 10/9/03 DATE 6-2-2004
 PROCESS PERMIT
 No. 26749 No. BU04-0371

FOR OFFICE USE ONLY			
Notice of Commencement	010-322118	\$	<u>5.00</u>
State BPR Building Cert. Fee	010-2080103	\$	<u>3.01</u>
State DCA Surcharge	010-2080102	\$	<u>3.01</u>
County Code Compliance	010-2080308	\$	<u>10.80</u>
Microfilm Fee	010-2490101	\$	<u>40.00</u>
Structural Ex	010-322116	\$	<u>40.00</u>
Landscape Bond	010-2201504	\$	_____
Dumpster Bond	010-2201503	\$	_____
1/5 of 1% Impact Fee	010-32211-9	\$	_____

LANDSCAPING DEMOLITION CITY
 Master Permit Sub/ Commercial Residential
 Application is hereby made for the approval of the detailed statement of the plans and specifications herewith submitted for the building or other structure herein described. This application is made in compliance with The Florida Building Code, all provisions of the Laws of the State of Florida, all ordinances of the City of North Miami Beach, and all rules and regulations of the Community Development of the City of North Miami Beach, shall be complied with whether herein specified or not. A copy of approved plans and specifications must be kept at building during progress of the work.

PROJECT NAME P.F. CHANG'S CHINA BISTRO
 PROPERTY OWNER 200 HARVARD CORP. Tel. No. (854) 768-0274
 Mail Address 810 NE 20th AVE FT. LAUDERDALE, FL 33304
 Building Contr. FURRIKANE PROTECTION SYS. Reg. No. 934 294 8854
 Mail Address 1181 SE 6TH AVE DEERFIELD BEACH, FL 33441
 Architect DENNIS HEATH 90 HOLLY BYERS (510) 845-8463
 Engineer DON ARPIN 4920 DIXIE HWY FT. LAUDERDALE, FL 33324

APPLICANT CLASSIFICATION
 QUALIFIED TO DO THIS WORK YES NO
 Proof of Ownership _____ Checked by _____
 Violations Check: Checked by _____ Date _____
 Contr. Cert. No. _____ Class _____ Checked by _____

Legal Description of Job: Lot _____ Block _____
 Subdivision TRACT "A" MADLE FED HWY P.R. & page No. 45, 55
 or Metes & Bounds NORTHLINE S.E. 1/4 Sec. 9 Twp. 52 Rge. 42
 Project Street Address 17455 BISCAYNE BLVD.
 Lot Size 2.762 ACRES Survey Attached? Lot Staked? _____
 Present Use (Vacant, or No. of Buildings and use of each) ONE BUILDING, EXISTING P.F. CHANG'S CHINA BISTRO

NOTICE
FAILURE TO COMPLY WITH THE MECHANICS' LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS.

I hereby make application for Permit to Erect Alter Demolish Add Repair Remove Remodel A _____ Story Residential Commercial Indust. Structure with CBS or Other Construction.
WORK DESCRIPTION
CONSTRUCT A NEW OUTDOOR PATIO AREA FACING EXISTING BAYWALK.

FOLIO NUMBER: _____
 FLOOD ZONE: _____
 LOWEST FINISHED FLOOR ELEVATION _____ (INCLUDING BASEMENT)
 LOWEST FLOOR AS-BUILT ELEVATION SURVEY - IS REQUIRED BEFORE MAKING ANY INSPECTION ABOVE LOWEST FLOOR
 EXEMPT FROM COUNTY ROAD IMPACT FEE YES _____ NO _____
 EXEMPT FROM COUNTY SCHOOL IMPACT FEE YES _____ NO _____

I understand that separate permits must be obtained for the following items, unless specifically covered by this permit: electrical, plumbing, mechanical, septic tank, well, heater, air conditioning, snake gas pits, boilers, signs, elevators, fence, screen enclosures, landscaping, dumpster enclosures, exterior painting, wall, paving and pool; and that in signing this application I am responsible for the supervision and completion of the construction in accordance with the plans and specific items and for compliance with all federal, state, county and city laws applicable. Further I certify (check the appropriate box) either that there are no trees to be removed or relocated on this site as a result of the construction for which this application is submitted or that a tree removal permit application has been submitted.

TOTAL VALUE OF BLDG.	SG. FOOTAGE <u>602</u>	EST. BLDG. COST <u>18,000</u>
PERMIT APPLICATION FEE	BLDG. PERMIT FEE	<u>350.00</u>
PERFORMANCE BOND REQUIRED		<u>250.00</u>

(SIGNATURE OF QUALIFYING AGENT)
 PRINT NAME WILLIAM T. MAHER C or REG. OFFICER STATE COUNTY
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____

BY EDLTFM60093843146 0 WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION.
 NOTARY SIGNATURE _____
 (NAME OF NOTARY TYPED, PRINTED OR STAMPED)

FOR OFFICE USE ONLY
 06/02/2004 08:37
 #0059 11M CASH
 BUILDING PERMITS & PROCESSING FEES
 010-322101 350.00
 PERFORMANCE BONDS
 010-2201502 250.00
 NOTICE OF COMMENCEMENT FEE
 010-322118 5.00
 FLA DPR-CONSTR INDUSTRIES RECOVERY FUND
 010-2080103 3.01
 FLORIDA H.R.S.-RADON TRUST FUND
 010-2080102 3.01
 METRO CODE COMPLIANCE FEE

	PROCESSING			
	APPROVED	DATE	DISAPPROVED	DATE
BUILDING	<i>[Signature]</i>	<u>5/17/04</u>	<u>NO</u>	<u>10/21/03</u>
ZONING	<i>[Signature]</i>	<u>10-03</u>		
STRUCTURAL	<i>[Signature]</i>	<u>5/10/04</u>	<u>NO</u>	<u>10/21/03</u>
PLUMBING	<i>[Signature]</i>			
ELECTRICAL	<i>[Signature]</i>			
MECHANICAL	<i>[Signature]</i>			
CITY ENGINEER				
SANITATION				
CITY FORESTER				

CONDITIONS UNDER WHICH APPROVED _____

ISSUED BY: _____ DATE: _____



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CITY COUNCIL MEETING

TUESDAY, FEBRUARY 18, 2014

PF Chang's Restaurant	
OWNER OF PROPERTY	BKDL, LP.
ADDRESS OF PROPERTY	17455 BISCAYNE BOULEVARD
FOLIO NUMBER	07-2209-028-0030
LEGAL DESCRIPTION	TRACT "A" at MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, PLAT BOOK 45, PAGE 55. LENGTHY DESCRIPTION ON FILE AND ATTACHED TO RESOLUTION
EXISTING ZONING	B-3 INTENSIVE BUSINESS DISTRICT
EXISTING LAND USE	P.F. CHANGS RESTAURANT
FUTURE LAND USE DESIGNATION	MIXED USE

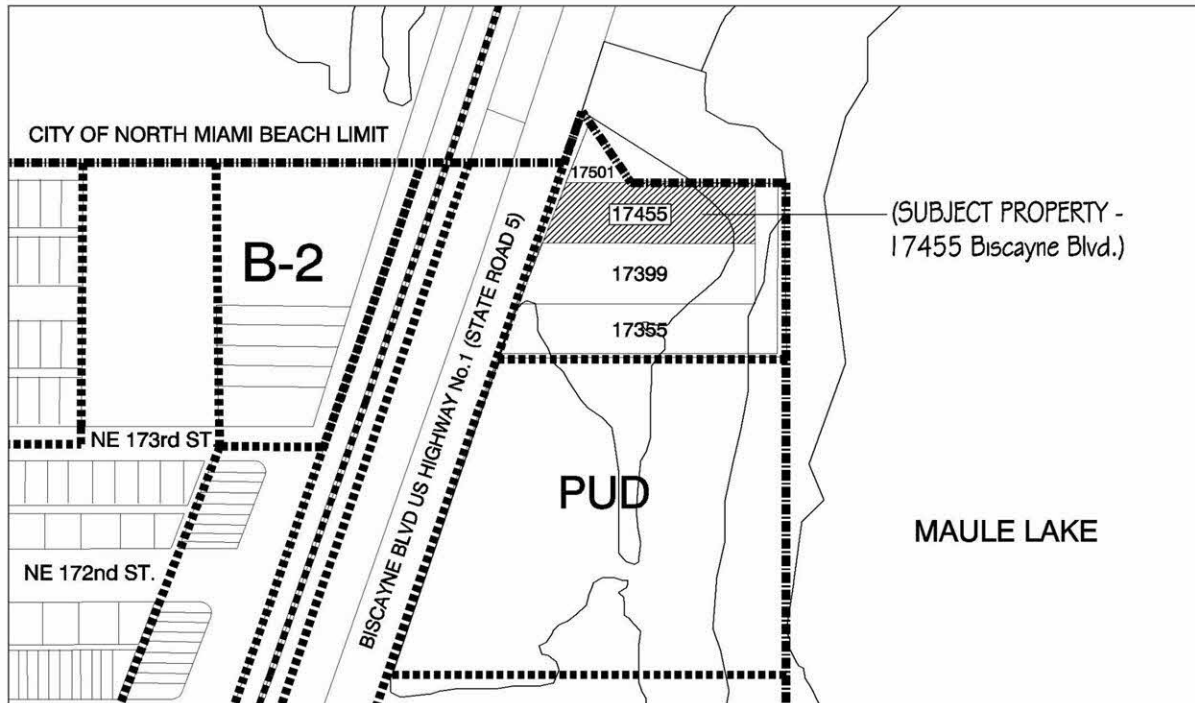
THE REQUEST – P.F. Chang's is currently operating a family type restaurant at 17455 Biscayne Boulevard. This request is to establish parity between the total allowed seating for the restaurant, which is two-hundred-and nineteen (219) seats, and the current seat count which is two-hundred-and-fifty-nine (259) seats. This discrepancy in the seat count is the result of an oversight in the permitting process outlined in the "PROPERTY HISTORY, PROPOSAL AND COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS" section below.

ZONING – The surrounding properties to the north and south are zoned B-3 Intensive Business District and the property to the west across Biscayne Boulevard is zoned B-2 General Business District. The property to the east is within the City of Aventura. See attached location / zoning map.

EXISTING LAND USE - The subject property is currently occupied by P.F. Chang's Restaurant and is bounded on the north by an office building and to the south by two restaurants (Morton's and Houston's). Biscayne Boulevard is east of the property and to the west is Maule Lake.

THE SITE – Subject property is 2.76 acres in size and fronts directly on Biscayne Boulevard. This property is one of four properties to the east of Biscayne Boulevard.

LOCATION / ZONING MAP -



PROPERTY HISTORY, PROPOSAL AND COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS –

The City Council of the City of North Miami Beach on November 19, 1996 recommended approval of the Site Plan to permit a restaurant via Resolution R96-47 subject to various Conditions of Approval (see attached Resolution No. R96-47). Years later, the restaurant, known as PF Chang’s Restaurant, in 2004, sought and secured a Building Permit from the City to provide for an outdoor patio area and an increase in total seating from two-hundred-and-nineteen (219) seats to two-hundred-and-fifty-nine (259) seats. The City issued a Building Permit, approved by the Zoning Division on 10/10/2003, for the increase in seating. However the resolution was not amended to reflect the additional seating (see attached permit no. BU04-0371).

PF Chang’s completed the construction and all related inspections for the outdoor patio area in 2004, and has since been operating with a total of two-hundred-and-fifty-nine (259) seats. Additionally, PF Chang’s has secured all necessary outside agency reviews and approval to operate with two-hundred-and-fifty-nine (259) seats. Recently, P.F. Chang’s has requested a Building Permit to complete interior renovations and the City, as a part of its review, identified that Condition No. 19 of the previously approved Resolution R96-47 limited the maximum allowable seating to two-hundred-and-nineteen (219) seats.

PF Chang's Restaurant and the City are desirous to remedy the allowable maximum seating to a total of two-hundred-and-fifty-nine (259) seats, which has been in place since 2004, and allow the interior renovations to proceed forward. Therefore, City staff is recommending approval of a modification to the Conditions of Approval from the previously approved Resolution No. R96-47, specifically Condition No. 19 to increase the maximum allowable seating from two-hundred-and-nineteen (219) seats to two-hundred-and-fifty-nine (259) seats. The attached Resolution 2014-8 provides for this modification (see attached Resolution 2014-8).

The City has determined that the appropriate means to remedy the total number of allowable seating is to amend the previously granted approval via a new Resolution that provides for only a change in the number of seats and no changes to the previous Conditions of Approval granted per Resolution No. R96-47 in 1996. As a part of the issuance of the City Building Permit, all required outside agency reviews shall be completed prior to issuance of the Building Permit.

REVIEW BY OTHER CITY DEPARTMENTS – The City Attorney's Office has reviewed and approved the new Resolution.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

It is recommended that the Mayor and City Council of the City of North Miami Beach, Florida amend a Condition of Approval from a previously approved site plan granted pursuant to Resolution No. R96-47, providing for an increase in the maximum number of seats from two-hundred-and nineteen (219) seats to two-hundred-and-fifty-nine (259) seats for PF Chang's Restaurant located at 17455 Biscayne Boulevard, North Miami Beach, Florida as (see lengthy description attached as Exhibit "A".)

RESOLUTION NO. R2014-8

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. R96-47 BY AMENDING CONDITION NUMBER 19 TO INCREASE THE SEATING CAPACITY AT “PF CHANG'S RESTAURANT”, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(See Lengthy Description Attached As Exhibit “A”)

**A/K/A
17455 Biscayne Boulevard
North Miami Beach, FL 33160**

WHEREAS, the property described herein is zoned Intensive Business District B-3; and

WHEREAS, in 1996 the Applicant requested site plan approval in order to construct a restaurant on a vacant parcel of land, pursuant to Section 24-172 of the Code of Ordinances of the City of North Miami Beach; and

WHEREAS, on October 21, 1996 the Planning and Zoning Board, at a public hearing, recommended approval of the site plan, subject to the following-conditions:

1. Plans submitted for building permit shall substantially comply with those currently submitted, as follows:

Sheet 101, Site Plan, Nelsen Architects, Inc., revised 10/04/96
Sheet 201, Floor Plan, Nelsen Architects, Inc., 9/13/96
Sheet 202, Roof Plan, Nelsen Architects, Inc., 9/13/96
Sheet 301, Elevations, Nelsen Architects, Inc., 8/13/96
Sheet 302, Elevations, Nelsen Architects, Inc., 8/13/96
Sheet L-1, Landscape Plan, Witkin Design Group, revised 10/02/96
Sheet L-2, Restaurant Planting, Witkin Design Group, revised 10/02/96
Sheet L-3, Planting Details, Witkin Design Group, 09/10/96

2. All wall signage must be of an individual, flush mounted channel letter type only, the number and size of which may not exceed that as permitted in the City's Land Development Regulations (CDR'S). A freestanding sign, if any, must be of a monument type only, and must be

RESOLUTION NO. R2014-8

pan - or formed-face. The size, location, materials, content and design must be submitted to and approved by the Community Development Director. All signage requires a separate permit prior to installation.

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. Curb cut and drainage permits must be obtained from the Florida Department of Transportation (DOT) as applicable, and final North Miami Beach Public Works Department approval is subject to final DOT sign-off on all applicable permits.

5. A complete fire and burglar alarm system, including panic alarms, must be installed. The design, location and capability of said systems must be submitted to and approved by the Police Chief prior to the issuance of a Certificate of Occupancy for the structure.

6. All utilities, including, but not limited to, electrical and telephone, must be located underground. The manner of locating these utilities, as well as the location of the transformer must be submitted to and approved by the Community Development Director.

7. Project must be in complete conformity with the Americans with Disabilities Act (ADA) as determined by the City's Building Official.

8. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and benches must be submitted to and approved by the Community Development Director.

9. No outside display or sale of any merchandise shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outside food vendors are prohibited.

10. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property as well as adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. White lighting only shall be used, and the fixtures shall match those as approved for Parcel "A", the Houston's site. All lighting shall be contained on site so as not to intrude into adjacent parcels. This plan must be approved by the Police Chief, City Engineer and Community Development Director.

11. Roof screen shall be of sufficient height to adequately screen rooftop equipment and related structures from ground view of surrounding and adjacent properties.

12. A revised landscape and irrigation plan, signed and sealed by a Florida registered landscape architect, shall be submitted, incorporating the comments of the City Forester as noted.

13. Applicant shall install air filters and/or air handlers to reasonably contain cooking odors on site. The type, size, style, numbers, locations and specifications shall be submitted to and approved by the Community Development Director.

14. Upon availability, this project must connect to the sanitary sewer system in a manner, location and time-frame to be approved by the Community Development Director and Public Utilities Director.

15. Neon tubing shall not be permitted either to outline the building, framing storefront windows, or any other non-signage application.

16. The dumpster shall be integral to the restaurant building, and shall have solid, spring-loaded gates, and be large enough to encompass recycling racks and containers. The size, and location of said dumpster must be submitted to and approved by the Directors of Public Works and Community Development. Dumpster shall include a hose hook-up and floor drainage.

17. Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.

18. No video games or related arcade or amusement games will be allowed.

19. Maximum number of seats, including stools, shall be two hundred nineteen (219).

20. Development of this Parcel will require separate approval from the Dade County Shoreline Review Committee, or a finding of "No Need To Comply" from the Dade County Development Impact Committee (DIC.).

21. Development of Parcel "B" will require separate City of North Miami Beach Public Hearing Review, including Technical Review Board (TRB), Planning and Zoning Board, and City Council approval.

22. If the property is to be subdivided, there shall be a legally constituted property owners association, to which the City is a party, insuring proper development, maintenance and operation of the entire 9.32 acre site. The method, composition and regulations governing the association must be approved by the City Manager prior to the issuance of any and all building permits for this project.

23. If the property is to be subdivided, there shall be created a "Covenant in Lieu of Unity of Title", said document to be submitted to and approved by the City Manager prior to the approval and recording of a final plat to subdivide the property.

WHEREAS, on November 19, 1996, the City Council of the City of North Miami Beach, Florida granted approval of the site plan via Resolution No. R96-47, subject to the aforementioned conditions; and

WHEREAS, in 2004 PF Chang's Restaurant sought and secured a Building Permit from the City, in order to provide for an outdoor patio area and increase the total seating capacity from two-hundred-and nineteen (219) seats to two-hundred-and-fifty-nine (259) seats. At that time, the City issued a Building Permit for the increase of allowable seating; and

WHEREAS, PF Chang's Restaurant has been operating with a total of 259 seats since 2004, and Applicant has recently requested a Building Permit to complete interior renovations; and

WHEREAS, as part of the Building Permit Application review process, City Staff has identified Condition No. 19 of Resolution R96-47, which limits the maximum allowable seating to two-hundred-and nineteen (219) seats; and

WHEREAS, Applicant and City are desirous to remedy the maximum seating capacity to a total of 259 seats, which has been in place since 2004, and allow the Restaurant to move forward with the current Building Permit application to complete interior renovations; and

WHEREAS, Applicant requests to amend Condition #19 of Resolution No. R96-17 to increase the maximum allowable seating from two-hundred-and-nineteen (219) seats to two-hundred-and-fifty-nine (259) seats; and

WHEREAS, based on the parking requirements set forth in the City of North Miami Beach's Code of Ordinances, there is sufficient off-street parking provided at the PF Chang's Restaurant for the current two-hundred-and-fifty-nine (259) seats.

NOW, THEREFORE,

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

Section 1. The Mayor and City Council of the City of North Miami Beach hereby amend Condition No. 19 of Resolution No. R96-47 to increase the maximum allowable seating from two-hundred-and-nineteen (219) seats to two-hundred-and-fifty-nine (259) seats, on property legally described as:

(See Lengthy Description Attached As Exhibit "A")

**A/K/A
17455 Biscayne Boulevard
North Miami Beach, FL 33162**

and all other conditions of approval as provided below remain valid and in effect:

1. Plans submitted for building permit shall substantially comply with those currently submitted, as follows:

Sheet 101, Site Plan, Nelsen Architects, Inc., revised 10/04/96
Sheet 201, Floor Plan, Nelsen Architects, Inc., 9/13/96
Sheet 202, Roof Plan, Nelsen Architects, Inc., 9/13/96 Sheet 301, Elevations, Nelsen Architects, Inc., 8/13/96
Sheet 302, Elevations, Nelsen Architects, Inc., 8/13/96
Sheet L-1, Landscape Plan, Witkin Design Group, revised 10/02/96
Sheet L-2, Restaurant Planting, Witkin Design Group, revised 10/02/96
Sheet L-3, Planting Details, Witkin Design Group, 09/10/96

2. All wall signage must be of an individual, flush mounted channel letter type only, the number and size of which may not exceed that as permitted in the City's Land Development Regulations (LDR's). A freestanding sign, if any, must be of a monument type only, and must be pan - or formed-face. The size, location, materials, content and design must be submitted to and approved by the Community Development Director. All signage requires a separate permit prior to installation.

RESOLUTION NO. R2014-8

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. Curb cut and drainage permits must be obtained from the Florida Department of Transportation (DOT) as applicable, and final North Miami Beach Public Works Department approval is subject to final DOT sign-off on all applicable permits.

5. A complete fire and burglar alarm system, including panic alarms, must be installed. The design, location and capability of said systems must be submitted to and approved by the Police Chief prior to the issuance of a Certificate of Occupancy for the structure.

6. All utilities, including, but not limited to, electrical and telephone, must be located underground. The manner of locating these utilities, as well as the location of the transformer must be submitted to and approved by the Community Development Director.

7. Project must be in complete conformity with the Americans with Disabilities Act (ADA) as determined by the City's Building Official.

8. S. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, street furniture, and benches must be submitted to and approved by the Community Development Director.

9. No outside display or sale of any merchandise shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outside food vendors are prohibited.

10. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property as well as adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. White lighting only shall be used, and the fixtures shall match those as approved for Parcel "A", the Houston's site. All lighting shall be contained on site so as not to intrude into adjacent parcels. This plan must be approved by the Police Chief, City Engineer and Community Development Director.

11. Roof screen shall be of sufficient height to adequately screen rooftop equipment and related structures from ground view of surrounding and adjacent properties.

12. A revised landscape and irrigation plan, signed and sealed by a Florida registered landscape architect, shall be submitted, incorporating the comments of the City Forester as noted.

13. Applicant shall install air filters and/or air handlers to reasonably contain cooking odors on site. The type, size, style, numbers, locations and specifications shall be submitted to and approved by the Community Development Director.

14. Upon availability, this project must connect to the sanitary sewer system in a manner, location and time-frame to be approved by the Community Development Director and Public Utilities Director.

15. Neon tubing shall not be permitted either to outline the building, framing storefront windows, or any other non-signage application.

16. The dumpster shall be integral to the restaurant building, and shall have solid spring loaded gates, and be large enough to encompass recycling racks and containers. The size and location of said dumpster must be submitted to and approved by the Directors of Public Works and Community Development. Dumpster shall include a hose hook-up and floor drainage.

17. Building materials and color samples must be submitted to, and approved by, the Community Development Director prior to the issuance of a building permit for this project.

18. No video games or related arcade or amusement games will be allowed.

19. Maximum number of seats, including stools, shall be ~~two hundred nineteen (219)~~ two-hundred-and-fifty-nine (259).

20. Development of this Parcel will require separate approval from the Dade County Shoreline Review Committee, or a finding of "No Need To Comply" from the Dade County Development Impact Committee (DIC.).

21. Development of Parcel "B" will require separate City of North Miami Beach Public Hearing Review, including Technical Review Board (TRB), Planning and Zoning Board, and City Council approval.

22. If the property is to be subdivided, there shall be a legally constituted property owners association, to which the City is a party, insuring proper development, maintenance and operation of the entire 9.32 acre site. The method, composition and regulations governing the association must be approved by the City Manager prior to the issuance of any and all building permits for this project.

23. If the property is to be subdivided, there shall be created a "Covenant in Lieu of Unity of Title", said document to be submitted to and approved by the City Manager prior to the approval and recording of a final plat to subdivide the property.

Section 2. All approvals, terms and other conditions of Resolution R96-47 are hereby ratified and remain in full force and effect.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled on this ___ **day of February, 2014.**

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

EXHIBIT A

LEGAL DESCRIPTION

That part at Tract "A" at MAULE FEDERAL HIGHWAY INDUSTRIAL SITES according to the plat thereof recorded in Plat Book 45 at page 55, less the South 800 feet thereof, as measured along the West line of said Tract "A" of the Public Records of Dade County, Florida, and lying within that part of Section 9, Township, 52 South, Range 42 East, described as follows:

Commence at the Northeast corner at the Southeast Quarter of said Section 9, thence run Westerly along the North line at the Southeast Quarter of said Section 9 for 515.90 feet to a point on the present East right of way Grid of U.S. Highway No. 1; thence run Southwesterly along said right of way line 689.82 feet to point an said line; thence run Easterly 725.09 feet along a line parallel to the North line of the South Half of the Southeast Quarter of said Section 9, to a point an the East line of said Section 9; thence run North along said line 655.76 feet to the Point of Beginning.

ALSO KNOWN AS.

That part of Tract "A" of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, according to the Plat thereof, as recorded in Plat Book 45, at Page 55, of the Public Records of Dade County, Florida, more particularly described as follows:

Beginning at a point on the Easterly line of the right-of-way of Federal Highway (State Road No. 4, U.S. Highway No. 1) which is 800 feet Northeasterly along said right-of-way line, from the southeast corner of said Tract "A" said Southwest corner of said southwest corner of said Tract "A" being at the Point Of intersection of said Easterly line of the right-of-way of said Federal Highway with the South line of the North 1/2 of the S.E. 1/4 of Section 9. Township 52 South, Range 42 East; thence run Northeasterly along the Easterly line at the right-of -way of said Federal Highway, as said Federal Highway is shown on said Plot of VAULE MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, for a distance of 689.82 feet mere or less, to the Northwest corner of said Tract "A"; thence Easterly along the North line of said Tract "A" a distance of 516.9 feet, more or less, to the Northeast corner of said Tract "A"; thence Southerly along the Easterly line of said Tract "A" a distance of 650 feet, more or less to a point said point being of the intersection of said Easterly line of said Tract "A" with a line drawn parallel to the Southerly line of said Tract "A", from the above fixed point of beginning of the description. thence Westerly, parallel to the Southerly line of said Tract "A" to the point.

ALSO KNOWN AS.

That part of Tract 'A' of -MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, according to the plat thereof recorded in Plat Book 45 at Page 55; less the South 800 feet thereof, as measured along the West line of said Tract 'A' of the Public Records of Dade County. Florida, and lying within that port of Section 9, Township 52 South, Range 42 East, described as follows:

Beginning at the northeast corner of the southeast one-quarter of said Section 1; thence South 01'59'23"-East along the easterly line of said Tract 'A' and along the east line of said southeast one-quarter (bearings based on Florida of Transportation Right of way Map Section 37030-2569, Sheet 5 of 12, dated March 12, 1992. Prepared by Craig A Smith & Associates), 855.69 feet: thence South 36'19'42" West 725.43

Feet to a point on the easterly right-of-way of Biscayne Blvd thence North 15'31'20" East, along said easterly right-of-way line, 689.82 feet to a point on the north line of said south east one-quarter, thence north 85'53'48" East, 517.90 feet to THE POINT OF THE BEGINNING.