

RESOLUTION NO. R2016-XX

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING APPROVAL TO AMEND THE SITE PLAN APPROVED IN RESOLUTION 2015-77, ADDING APPROXIMATELY 9,172 SQUARE FEET TO THE APPROVED PROPOSED TWO-STORY CLUBHOUSE TO BE USED AS A MIDDLE SCHOOL EDUCATIONAL FACILITY; AS PROPOSED ON PROPERTY LOCATED IN THE CF, COMMUNITY FACILITY ZONING DISTRICT ADJACENT TO THE CITY LIBRARY AND GWEN MARGOLIS AMPHITHEATRE AT THE INTERSECTION OF NE 16TH AVENUE AND NE 165TH STREET.

WHEREAS, the property described herein is zoned CF, COMMUNITY FACILITY DISTRICT; and

WHEREAS, the Applicant, Soccer Development Group, LLC, (“SDG”) in a public/private partnership with the City of North Miami Beach (“City”), received site plan approval to construct a soccer sports facility (Resolution R2015-77, September 8, 2015) which included a food service concession, a soccer pro-shop, administrative offices, a class-room facility, locker rooms, and a storage area for use by the City; and

WHEREAS, SDG, with the City, is requesting an amendment to the site plan approval, granted in Resolution R2015-77, to increase the proposed clubhouse facility adding approximately 9,172 square feet for use as a public charter school with a cafeteria and classrooms for up to 400 students, grades 6-9; and

WHEREAS, the requested amendment would increase the approved, proposed two-story clubhouse to a total of approximately 18,172 square feet and adds a middle school educational facility with classrooms and a cafeteria for up to 400 students; and

WHEREAS, after a public hearing on _____, 2016, the Planning and Zoning Board, by a ___ to ___ vote, recommended approval of the site plan modification, subject to the conditions set forth and included in Section 1 below.

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

Section 1. Site plan modification approval adding approximately 9,997 square feet, to the two story clubhouse building on property legally described in Attachment “A.”

is **HEREBY GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Unless otherwise provided, all of the below conditions shall be completed/complied with prior to the issuance of the building permit.
2. The conditions of approval for this site plan modification are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
3. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Sketch of Survey prepared by Florida International Land Surveyors, Inc.
 - b. Plans prepared by Plana International, Construkom USA, and Ace Engineering Solutions, Inc. including the following:
 - Sheet A-1.0, Site Plan
 - Sheet A-2.0, Enlarged Site Plan
 - Sheet A-3.0, Ground Floor Plan
 - Sheet A-4.0, Second Floor Plan
 - Sheet A-5.0, Elevation Plan
 - Sheet A-5.1, Elevation Plan
 - Sheet A-6.0, Roof Plan
 - Sheet A-7.1, Restroom Plan
 - Sheet A-7.2, Restroom Plan
 - Sheet A-7.3, Restroom Plan
 - Sheet A-7.4, Restroom Plan
 - Sheet C-1, Water, Fire, and Sewer Connections/Drainage Plan
 - Sheet C-2, General Notes and Details
 - Sheet L-1.0, Landscape Plan
 - Sheet L-1.1, Landscape Plan
 - Sheet L-2.0, Landscape Plan
 - Sheet 1 of 1, Photometric Plan
 - Sheet T.O.P., Traffic Operations Plan
4. The Applicant shall have no more than 400 students during any given school year. Additional students will require approval by the Community Development Director and may require site plan review and amendment for additional impacts on levels of service and parking.
5. SDG shall provide an operations plan outlining the roles, responsibilities, and access management of the clubhouse, school, and City grounds considering all of the ongoing activities and events with the Parks & Recreation Department, Amphitheater, and Public Library. This plan shall be subject to the approval of the City Manager or his/her designee following the issuance of a building permit and prior to the issuance of a certificate of completion or occupancy for the school.
6. Provide a larger overall boundary survey with a full legal description for the entire park property including the ball fields, library, parking lots, and amphitheater.
7. An arborist shall determine if the trees located on the berm may remain or be removed. If the trees are unable to remain, SDG will coordinate with the NMB Parks & Recreation Department on creating an alternative plan to provide shade to the amphitheater berm area.
8. This site plan does not include the option of a full service open to the public restaurant. If and/or when such a restaurant is desired, the Applicant must seek site plan approval at that time.

9. SDG shall require students and parents to pickup and drop-off students in the Mishcon Park parking lot as outlined in the Traffic Operations Plan approved by Miami-Dade County Public Schools.
10. SDG shall provide a paved surface other than synthetic grass, that is acceptable to the Community Development Director connecting the walkways (as shown on the plans provided for in condition number 3b) between Mishcon Park and the educational facility.
11. Provide additional trees, palms and/or shrubs acceptable to the Community Development Director following FPL's Right-Tree-Right Place principles in and around the facility.
12. SDG shall obtain the services of an ISA certified arborist and evaluate the impact of the proposed building and construction on the existing Live Oak trees on top of the amphitheater berm. The arborist shall determine the feasibility of either preservation, relocation, or removal and mitigation of the trees.
13. Miami-Dade County Fire Department approval is required for adequacy of fire protection for the site.
14. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
15. Substantial modifications to the plans submitted and approved as part of the application may require the applicant to return to the Planning and Zoning Board and Mayor and City Council for approval. Insubstantial changes shall include proportionate reductions in square footage and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the Community Development Director. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Council for a formal review. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
16. Prior to the issuance of a Master Building Permit, the Community Development Director and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by SDG for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
17. No building permits shall be issued (except for signage, demolition, foundation, temporary power, construction trailers and sales center) unless the Applicant has submitted all documents required under this approval as of that date, subject to the approval of the City Attorney and the Community Development Director, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
18. All engineering (paving and drainage) plans at time of permitting must be signed and sealed by a State of Florida Certified Engineer and must be stamped approved by Miami-Dade County DRER and FDOT.
19. All required City impact fees shall be paid prior to issuance of a master building permit, for each phase of the project.

20. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, Department of Regulatory and Economic Resources, Miami-Dade County Public Health Department, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
21. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division for trash containers.
22. The site plan modification approval shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If the first master building permit is not applied for within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
23. The Applicant, its successors and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution and in the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to be forfeited. This shall not applied to City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
24. Prior to the issuance of Certificate of Occupancy a School Security, Code Red and Fire Drill Plan shall be reviewed and approved by the NMBPD and a copy shall be provided to the City.
25. Applicant must provide the NMBPD with access to the property at all times.
26. Applicant must provide the NMBPD with a safety plan.
27. Applicant must join the NMBPD *Trespass After Warning* Program.
28. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.
29. The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.
30. Prior to the issuance of the Master Building Permit the Applicant shall provide drop-off and pick-up policies, a circulation plan detailing the area(s) designated for student drop-off and pick-off on the site plan, means to facilitate safe and efficient on-site circulation, including the number of personnel facilitating the drop-off and pick-up, and measures to maintain on-site parking and circulation to minimize impact to neighboring residents. The drop-off/pick-up plan shall be subject to review and approval by the Community Development Director.
31. The applicant shall abide by all the conditions outlined in the approved Resolution R2015-77 dated September 8, 2015, Resolution R2015-19, and Resolution R2016-TBD (this will be the resolution amending the management agreement approved in Resolution R2015-19).

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested site plan amendment approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

Section 3. 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, for the first phase of the project, from the City within twelve (12) 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 expiration.

Section 4. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this ___ day of _____, 2016.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo				
Vice-Mayor Phyllis Smith				
Councilwoman Barbara Kramer				
Councilwoman Marlen Martell				
Councilman Frantz Pierre				
Councilman Anthony DeFillipo				
Councilwoman Beth Spiegel				

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