



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

## **COMMUNITY DEVELOPMENT DEPARTMENT**

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### **PLANNING AND ZONING BOARD STAFF REPORT**

**TO:** Planning and Zoning Board  
**FROM:** Carlos M. Rivero, City Planner  
**DATE:** October 19, 2015  
**RE:** Read Capital Apartments Mixed-Use Development

<b>P&amp;Z ITEM # 15-014</b>	<b>READ CAPITAL APARTMENTS</b>
<b>OWNER OF PROPERTY</b>	AVENTURA PROPERTY HOLDINGS LLC
<b>ADDRESS OF PROPERTY</b>	2145 NE 164 ST
<b>FOLIO NUMBER</b>	07-2216-007-0051
<b>LEGAL DESCRIPTION</b>	16 52 42 2.57 AC PB 47-46 2 <sup>ND</sup> AMD PL OF 1 <sup>ST</sup> ADD TO FULFORD THAT PT TR B LYG N & W OF LINE DESC BEG ON E/L OF TR B 50 FT S OF X OF N & E/L EXTD W & PARR TO N/L 200 FT S & PARR TO E/L 215 FT M/L TO S/L LOT SIZE SITE VALUE COC 24806-0008 07 2006 6
<b>EXISTING ZONING</b>	MU/TC, FULFORD MIXED-USE TOWN CENTER DISTRICT, CORE SUB-AREA
<b>EXISTING LAND USE</b>	VACANT COMMERCIAL LOT
<b>FUTURE LAND USE DESIGNATION</b>	MU/TC, FULFORD MIXED-USE TOWN CENTER

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#### **BACKGROUND:**

The applicant, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., representing Aventura Property Holdings LLC, requests site plan approval and a setback variance in order to construct a 638,855 square foot, eight-story mixed-use development project on a 112,205 square foot (2.57 acres) lot, including 349 residential units and 10,985 square feet of commercial space at 2145 NE 164 ST in the Core Sub-Area of the Fulford Mixed-Use Town Center District (MU/TC), within the CRA boundary.

**SURROUNDING LAND USES:**

<b>Location</b>	<b>Zoning Designations</b>	<b>Existing Land Uses</b>	<b>Future Land Use Designations</b>
North	N/A	Snake Creek Canal	N/A
South	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
East	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
West	MU/TC, Fulford Mixed-Use Town Center District	Multi-Family Residential	MU/TC, Fulford Mixed-Use Town Center

**THE SITE:**

The subject site is a 112,205 square foot property containing a vacant commercial building.

**THE PROJECT:**

The project involves the construction of a 638,855 square foot, eight-story, mixed-use development featuring 349 residential units, 10,985 square feet of ground level commercial space, and an ancillary parking structure. The proposed mixed-use development is in accordance with the permitted uses of the core sub-area of the Fulford Mixed-Use Town Center District.

Staff has reviewed the application for consideration by the Planning and Zoning Board; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

***Sec. 24-58.1 MU/TC, Fulford Mixed-Use Town Center District, Core Sub-Area, Courtyard Building Type B***

***Uses Permitted***

<b>Permitted</b>	<b>Proposed</b>	<b>Recommendation/Comments</b>
<ul style="list-style-type: none"> <li>▪ Multi-family residential</li> <li>▪ Commercial</li> </ul>	<ul style="list-style-type: none"> <li>▪ Multi-family residential</li> <li>▪ Commercial component</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complied</li> <li>▪ Complied</li> </ul>

**Site Development Standards**

Required	Proposed	Recommendation/Comments
Minimum lot area: N/A	112,205 sq.ft.	Complied
Minimum lot width: 150 feet (200' max.)	280.08 feet	Waived per Table MU-2 (Lot Standards by Building Type)
Minimum lot depth: 160 feet	280 feet	Complied
<p>Minimum setbacks:</p> <ul style="list-style-type: none"> <li>▪ Interior side setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed)</li> <li>▪ Rear setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed)</li> <li>▪ Front/side primary 164<sup>th</sup> street setback: 0' (20' max.) (90% building frontage)</li> <li>▪ <b>Front/side primary West Dixie Hwy (west side) setback: 0' (10' max.)</b> (90% building frontage)</li> <li>▪ Front/side secondary street setback: 10' (20' max.) (80% building frontage)</li> <li>▪ Canal greenway setback (CG1): 15' (25' max.) (90% building frontage)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interior side setback: 10'</li> <li>▪ Rear setback: 16'</li> <li>▪ Front/side primary 164<sup>th</sup> street setback: 12'</li> <li>▪ <b>Front/side primary West Dixie Hwy setback: 30'-4"</b></li> <li>▪ Front/side secondary street setback: 10' ( NE 21 Ave)</li> <li>▪ Canal greenway setback: 15'</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complied</li> <li>▪ Complied</li> <li>▪ Complied</li> <li>▪ <b>Variance of 20'-4"</b></li> <li>▪ Complied</li> <li>▪ Complied</li> </ul>
Maximum building height: 30 stories/375 feet (number of stories may be increased provided the overall building	▪ 8 stories/115'	▪ Complied

height is not exceeded)		
Minimum open space area: 10%	▪ 11, 260 sq.ft.	▪ Complied
Minimum pervious area: 10%	▪ 13,622 sq.ft.	▪ Complied
Minimum space requirements:		
▪ 2 per 1,000 sq.ft.(retail, restaurant, or commercial): 22 spaces	▪ 38 spaces	▪ Complied
▪ 1 per residential unit plus 1 per 20 units for guest parking spaces: 367	▪ 536 spaces	▪ Complied
▪ Total handicap spaces required: 7	▪ 16 handicapped spaces	▪ Complied
▪ 1 bike rack space per every 15 parking spaces: 26 bicycle racks	▪ 27 bicycle racks	▪ Complied
▪ Loading spaces: 5 (3 for multi-family units; 2 for retail component)	▪ 5 on-site loading spaces	▪ Complied

**Article IX Off-Street Parking and Loading**  
**Sec. 24-93 Parking Lot Design Standards**

Required	Proposed	Recommendation
Paving and Drainage:		
▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement	▪ Concrete and pavers	▪ Complied
▪ Proper drainage	▪ To be provided at time of permitting	▪ (Condition)
Minimum parking space sizes		
▪ Standard 9' x 18'	▪ 9' x 18'	▪ Complied
▪ Handicapped 12' x 20 plus 5' access ramp	▪ 12' wide with 5' access ramp	▪ Complied
Traffic Study	▪ Traffic Impact Analysis Review conducted by RMA	▪ Complied

	for entire zoning district. ▪ Submitted	▪ Complied
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**Article XI. Landscaping**

**Sec. 24-122**

Required	Proposed	Recommendation
Site landscape plan	Complete landscape plan provided	Complied

**Article X Subdivision and Floodplain Standards**

**Sec. 24-106(E)(2)(a)(2)**

Required	Proposed	Recommendation
Zone AE (EL 6)	8'-0" NGVD	Complied

**Variance requested as follows:**

Request variance from Section 24-58.1(K)(2)Table MU-TC – 4 Minimum and Maximum Front and Side Street Setbacks and Building Frontage:

- To increase the maximum 10 feet front primary West Dixie Hwy setback by 20 feet and 4 inches, where a front primary West Dixie Hwy setback of 30 feet and 4 inches is proposed; due to the irregular shape of the lot along the east.

**Sec. 24-176 (C) Variance Review Standards**

<b>Is the requested variance contrary to the public interest?</b> The proposed mixed-use and multi-family development is architecturally designed to uniquely and fully accommodate the lot for a permitted use. The setback variance is a part of the design element and is not contrary to the public interest.	<b>No</b>
<b>Is the requested variance detrimental to the community?</b> The requested maximum setback increase is not detrimental to the community. The proposed mixed-use and multi-family development is in accordance with the City's goal of revitalization and enhances the character of the newly established zoning district.	<b>No</b>
<b>Is the requested variance compatible with the surrounding land uses?</b> The design of the proposed mixed-use and multi-family development is high quality and architecturally compatible with the surrounding uses.	<b>Yes</b>
<b>Does the requested variance maintain the basic intent and purpose of the zoning and land use regulations?</b> The requested variance does not hinder or interfere with the intent and purpose of the MU/TC Zoning District; the variance strengthens the project as a suitable site for development.	<b>Yes</b>

**PLANNING AND ZONING DEPARTMENT ANALYSIS:**

The purpose and intent of the MU/TC District is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, mixed-use district. The objective is to shape development to create a place, an exciting, enlivened social gathering point and a destination, which encourages the

establishment of a wide mix of commercial and residential uses that offer flexibility to meet a variety of market needs.

The proposed mixed-use development is in accordance with the overall intent of the district through its classification as a permitted use and complies with the district's purpose of ensuring a high quality and architecturally compatible development, stimulating retail trade activities, encouraging the beautification of the Snake Creek Canal greenway, and encouraging people to reside in the district.

**PLANNING AND ZONING DEPARTMENT RECOMMENDATION:**

The Planning and Zoning Department recommends approval of this project subject to the following conditions:

**A. Conditions Prior to Issuance of Master Building Permit:**

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
  - a. Sketch of Survey prepared by Suarez Surveying and Mapping Inc.
  - b. Plans prepared by Arquitectonica and OneSeed including the following:
    - Sheet A0-00, Cover Sheet
    - Sheet A0-01, Project Data
    - Sheet A0-02, Aerial View
    - Sheet A0-03, Context Photographs
    - Sheet A0-04, Ground Level Floor Plan
    - Sheet A0-05, Ground Level Floor Plan
    - Sheet A0-06, Level 2 Floor Plan
    - Sheet A0-07, Level 3 Floor Plan
    - Sheet A0-08, Level 4 Floor Plan
    - Sheet A0-09, Level 5 Floor Plan
    - Sheet A0-10, Level 6 Floor Plan
    - Sheet A0-11, Level 7 Floor Plan
    - Sheet A0-12, Level 8 Floor Plan
    - Sheet A0-13, Roof Level Floor Plan
    - Sheet A0-14, Parking Details
    - Sheet A0-15, South Elevation
    - Sheet A0-16, East Elevation
    - Sheet A0-17, North Elevation
    - Sheet A0-18, West Elevation
    - Sheet A0-19, Architectural Elements
    - Sheet A0-20, Section 1
    - Sheet A0-21, Section 2
    - Sheet A0-22, Rendering
    - Sheet LP-1, Proposed Landscaping

- c. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
  - d. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
2. Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
3. Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
4. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.
5. Prior to the issuance of the Master Building Permit, a bond or equivalent amount of cash shall be posted with the City to replace public property damaged during the construction of the Project pursuant to the terms of Sections 14-1.10 and 14-1.11 of the City's Code of Ordinances in the amount of \$750.00. The final determination regarding property to be replaced shall be made by the City Manager or designee.
6. The Applicant shall provide a bond not to exceed a one-half percent (.05%) of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site for the Project in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment.
7. If the Applicant proposes to develop this project in phases, each phase must stand alone with respect to amenities and infrastructure. Additionally, any public improvements, in addition to any project features to be open to the public must be constructed as part of the initial phase.
8. Applicant shall furnish payment and performance bonds, cash, or letter(s) of credit issued in a form and by a bank reasonably acceptable to the City to ensure Applicant's performance and/or payment of the public improvements; (the term "public improvements" does not include any voluntary proffers; however, if the City has completed the public improvements prior to issuance of the Temporary Certificate of Occupancy, the City shall be paid the sums due in cash immediately upon demand. The payment and performance bond(s) required by this Resolution shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the City and shall include this legend: "This bond (these bonds) may not be cancelled or allowed to lapse until thirty (30) days

after receipt by the City of North Miami Beach, by certified mail, returned receipt requested, addressed to: "CITY MANAGER with a copy to: CITY ATTORNEY, both addressed to: 17011 NE 19 Avenue, North Miami Beach, FL 33162-3111 of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements and payments are made in accordance with the terms of this Resolution, the City, in its sole discretion, may reduce or eliminate the bond amount. These rights reserved by the City with respect to any construction bond or other performance or payment bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Resolution, in law or in equity.

9. 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, in form and content subject to the approval of the City Attorney and City Manager or designee, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
10. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
11. Prior to or at the time of issuance of the Master Building Permit, the Applicant shall provide water impact fees to the City of North Miami Beach in the amount prescribed in the Code Section 19-4 and calculated using all fixtures and any existing building as an off-set.
12. Prior to or at the time of issuance of the Master Building Permit, the Applicant shall provide Police impact fees to the City of North Miami Beach in the amount prescribed in Code Section 24, Article 18.
13. The applicant shall satisfy the requirements of Code Section 24-58.1(o)(1) for Public Infrastructure and Streetscape, for improvement to and maintenance of the public infrastructure and streets in the MU/TC zoning district, prior to or at the time of issuance of the Master Building Permit.
14. In order to satisfy the requirements of Code Section 24-58.1(o)(2) for Public Open Space, the Applicant shall provide Park impact fees to the City of North Miami Beach in the amount prescribed in Code Section 24, Article 17, prior to or at the time of issuance of the Master Building Permit.
15. The applicant shall satisfy the requirements for Public School Concurrency. The amount of the required donation shall reflect the 341 apartment units proposed by the applicant; the exact amount to be determined by the School Board. The donation shall be used by the School Board to provide capital educational improvements providing relief at either North Miami Beach Senior High School, John F. Kennedy Middle School and/or North Miami Elementary. Payment shall be delivered to the School Board prior to the approval and issuance of the first building permit.
16. In order to satisfy the requirements of Code Section 24-58.1(o)(3) for Public Art, the Applicant shall agree to voluntarily contribute a sum of money equivalent to 1.0% of the total Project cost

to the City's Art in Public Places Fund, prior to or at the time of issuance of the Master Building Permit, or provide artwork of a similar value on-site.

17. 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.
18. 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.
19. Any gates within the Project shall be of a decorative design to enhance the aesthetics of the buildings, as determined by the City Manager or designee. All vehicular service roll gates shall be at least fifteen (15) feet high and shall be of a decorative material to enhance the building.
20. If applicable, prior to the issuance of the Master Building Permit for the Project, any driveway permit along any State Right-of-Way must be approved and permitted by Florida Department of Transportation ("FDOT"), and proof of an FDOT permit shall be required prior to any work being performed within any State right of way.
21. The Project shall comply with the Americans with Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations.
22. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
23. The site plan and any conditional use or variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is issued 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.
24. The applicant shall comply with the following guidance provided on August 13, 2015 from the City's Solid Waste staff review:
  - Building permit plans must indicate the following relating to garbage, trash & recycling removal:
    - a. Location and accessibility of garbage enclosure
    - b. Size and types of containers (open top, vertical or roll off compactors)
    - c. Bulk trash removal and staging area (Bulk trash service is offered to single & multifamily units only. This service is not provided to businesses to include but not limited to retail, restaurants, etc.)
    - d. Recycling: Type and area where materials to be held until removal
  - A set of detailed plans is required for all garbage enclosures to include:
    - a. Dimensions
    - b. Sanitary Drain – 6"
    - c. Water spigot
    - d. Service door type/dimensions
    - e. Chute location and dimensions
    - f. All garbage service to be provided by the City of North Miami Beach or its approved contractor.

25. The applicant shall comply with the following guidance provided on August 13, 2015 from the City's Engineering staff review:

- Please provide a current, signed and sealed boundary and topographic survey of the property with surveyor's certification, showing all existing easements, utilities, encroachments, and special exceptions, as applicable. There are existing utilities in the vicinity of the project that may be affected by the building and may need to be relocated.
- Provide paving, grading, drainage, stormwater, signage and pavement parking plans (see below requirements).
- Provide drainage calculations (see below requirements).
- Revise sheet A0-03 to include view 02 in Key Map.
- Clearly indicate property line, right-of-way line and centerline of roads in plans.
- Clearly indicate the vertical datum used for existing and proposed elevation, in the legend.
- Site plan must show the proposed FPL service connection including the proposed easement and/or FPL vault room. Developer must contact FPL for setback requirements between building and transmission lines.
- Indicate on plans minimum finished floor elevation for commercial and residential space.
- Type F concrete curb and gutter is required for exterior curbing.
- Provide off-site proposed roadway improvements plans.
- Provide curb ramps at cross walks within public right-of-way.
- Describe type of curbs used within project, if any, and transition between access driveways and public curb and gutters.
- Clearly label all public roads abutting the project's property.
- NE 22nd Avenue, also known as West Dixie Highway, is a FDOT road (SR 909). An access connection, drainage connection and/or utilities connection FDOT permits may be required for this project.
- A DERM drainage review and permit is required.
- Please provide erosion and sediment control plan.
- Please provide FDEP CGP permit [www.dep.state.fl.us/water/stormwater/npdes/](http://www.dep.state.fl.us/water/stormwater/npdes/) or call (850) 297-1232.
- Accessible parking spaces must be installed closest to the entrance to the building and connected with a minimum 5-foot access aisle per ADA requirements.
- Provide typical detail for regular parking spaces and accessible parking spaces to comply with the City of North Miami Beach and ADA's requirements. Current parking dimensions shown in plans do not comply with the City's standards.
- Clearly show access routes including pedestrian ramps to accessible parking spaces including but not limited to sheet A0-07. It is not clear how the accessible aisle for the accessible parking space connects the walkway and if a pedestrian ramp is needed at that location. Label curbing is any is proposed.

- Engineering plans to be coordinated with landscape and lighting plans to avoid conflicts.
- Sidewalks (concrete, pavers) must be continuous though driveways and must be designed to withstand traffic loads (thickness minimum of 6”).
- Provide pedestrian detectable warnings at driveway crosswalks, per FDOT standards.
- Indicate the intent of the proposed development in respect to the existing improvements along the frontage with Snake Creek Canal.
- Width of driveway access to NE 164th Street is shown as 22’-7” on sheet A0-05 and is not in compliance with the City’s standards.
- Paving & Drainage Permit Approval Requirements:
  - a) Submit three (3) sets of Engineering Plans (Paving, Grading and Drainage). Plans must be signed and sealed by a State of Florida certified Engineer and must be **stamped approved by Miami-Dade County, D.E.R.M. & FDOT**. Plans must show at least, but not limited to the following:
    - Existing and proposed elevations around the property and adjacent public right-of-way, rim elevations, to indicate that the storm water run-off will be kept within the property and not allowed into the public right-of-way and adjacent properties.
    - Tributary areas for each catch basins or indicate flow of run-off to catch basins.
    - Profile and standard detail drawings of drainage facilities, cross-section showing elevations and dimensions per design calculations.
    - Profile and standard detailed drawings of proposed pavement, curbing, ADA compliant handicap parking stalls, ramps, and sidewalk and driveway constructions.
    - Dimensions of sidewalks, driveways, parking stalls, parking aisles, medians, islands, setbacks per City of North Miami Beach standard specifications.
    - Traffic signs and pavement markings.
    - Locations and points of discharge of rain leaders or connection to catch basins.
  - b) Submit three (3) sets of Drainage Calculations, signed and sealed by an Engineer. Drainage Calculations must specify design criteria and must include all maps, charts, tables, and sources to support parameters used in calculations. Drainage calculations must be based on 5-year Storm, 10 minutes time of concentration (Intensity = 6.20 inches/hr.)
  - c) Submit one (1) original set of S.F.W.M.D Usual-Open-Hole Percolation Test, signed and sealed from an approved testing laboratory, 15’ deep test hole at location of proposed exfiltration trench. Percolation rate from this test must be used for the drainage design. This will only be required if an exfiltration trench will be used.
  - d) Minimum exfiltration trench must be 15’ deep, 3 feet wide and 25 feet in length.
  - e) Submit Letter of Substantial Compliance and As-built (for work on public right-of-way only) drawing from Engineer of Record prior to sign off of the final inspection.

26. The applicant shall comply with the following guidance provided on August 13, 2015 from the City’s Public Utilities staff review:

- Domestic water service installation will be the responsibility of the owner and must be permitted through the City’s Engineering Dept. The City’s Engineering Dept. should be contacted for standard requirements of water service connection approvals.

- All existing services for the site must be retired as part of this project.
- The City requires a 15-foot wide easement for our main lines and 10 foot wide easement for service lines.
- Preliminary site plan gives no indication as to proposed location of fire hydrants and/or water meters and backflow preventers. It's a good idea to start showing those.
- Water and/or sewer utility plans must be submitted to the City's Engineering Division for review and approval.
- Building permit plans must also be submitted to the City's Engineering Division for review and assessment of above referenced fees and for sign off after payment of said fees.
- This process and above referenced approvals must take place prior to a building permit being issued by the City's Building Dept.

**B. Conditions relating to Public Improvements, to be completed prior to issuance of any Temporary or Partial Certificate of Occupancy:**

27. Applicant acknowledges and agrees that the site plan approval and conditional-use approval are subject to all of the payment and performance obligations set forth in these conditions, and that there shall be no extensions, modifications or waivers of these payment and performance due dates and obligations for any reason, including (but not limiting), by way of example of matters that will not excuse payment and performance, considerations of force majeure, labor strikes, declaration of war, natural, economic, or nationwide disturbances, changes in ownership, modifications of the site plan or design, delays in meeting the Construction Schedule, changes in economic conditions or market indicators, locally or otherwise, whether substantial or minor in nature. If the voluntary proffers and commitments made to the City pursuant to the Resolution and these Conditions are paid but the site plan and/or conditional use approvals herein expire and become null and void, the payments made by the Applicant shall constitute a credit from which the Applicant or its successors and assigns can use against any future required voluntary proffers and commitments for any future project. Any credit as described above is only valid for 12 months from the date the approval expires, after which time the credit is no longer valid. The City can reevaluate the voluntary proffers and commitments made under this approval for any future project and the Applicant acknowledges that future voluntary proffers and commitments may increase depending on the scope and impacts of the future project.

**C. Conditions To Be Completed Prior to Issuance of Partial or Temporary Certificate of Use or Occupancy:**

- 28. Prior to the issuance of a Temporary Certificate of Occupancy, all proposed signage shall be submitted, reviewed and approved under a separate application.
- 29. All parking for the Project shall be constructed in compliance with the City of North Miami Beach Code of Ordinances in all respects, including but not limited to width, depth and floor to ceiling clearance, with no obstructions.
- 30. Prior to issuance of the Temporary Certificate of Occupancy, the design of any public property litter receptacles shall be determined by the City Manager or designee. The Applicant shall fund

the cost of litter receptacles along all street frontages in a quantity, design and location acceptable to the City Manager or designee.

31. If necessary for reception, the applicant agrees to permit a police antenna on the roof of the building. The applicant shall comply with the following guidance provided on August 13, 2015 from the City's Public Safety staff review:
  - Please provide PD with Photometric Plan, and discuss Building Security Plan (Security, CCTV, and Evacuation Plan) with PD staff.
  - Join NMBPD Trespass After Warning Program.
  - Provide the PD/FD with an access code or lock box in case of an emergency.
32. The Applicant shall design the Project to comply with all of the energy requirements of the 2014 Florida Building Code.
33. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for water, sewer and storm drainage services.
34. Prior to the issuance of a Master Building Permit, the City Manager or designee 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 Applicant 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.
35. 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, excluding impact fees, shall be subject to be forfeited.

**D. Continuing Conditions of Approval:**

36. 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 residential units 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 City Manager or designee. 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.
37. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 8:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.

38. The Applicant and its successors and assigns, including but not limited to the successor homeowners' association, if any, shall maintain all landscape and exterior hardscape features and materials on site and throughout all public improvements in good condition, replacing diseased, dying or dead plant material as necessary and repairing / cleaning / painting all hardscape features so as to present a healthy and orderly appearance at all times.
39. 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.
40. As part of the Project's marketing materials and to the extent appropriate for purposes of the marketing campaign, including any sales brochures or similar information provided to potential purchasers, tenants and/or real estate sales personnel engaged in marketing the Project, Applicant shall use good faith efforts to promote the City of North Miami Beach and feature local businesses located in the City of North Miami Beach.
41. Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7:00 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.
42. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
43. 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.

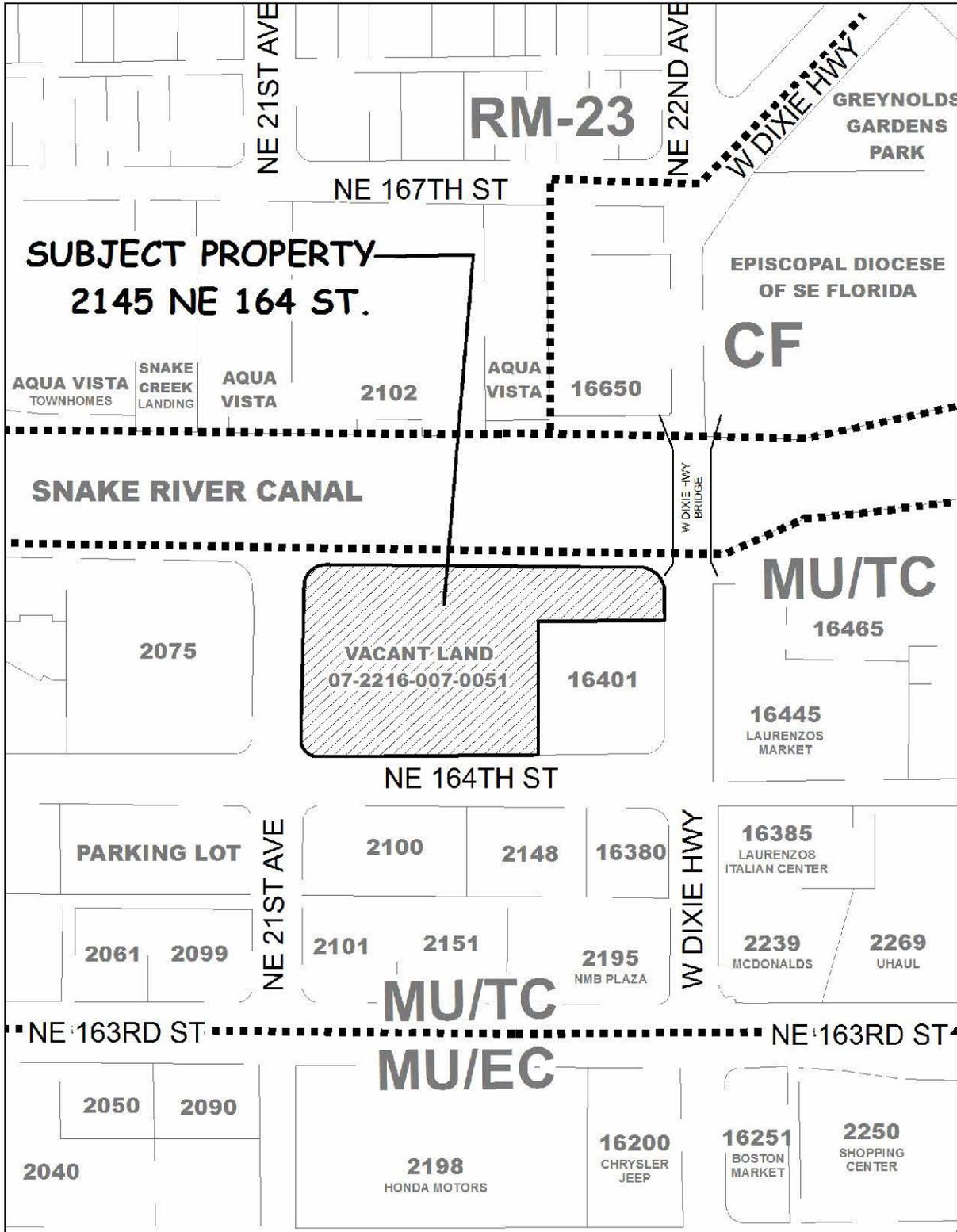
**SUBMITTAL HISTORY:**

**TRAD (August 13, 2015)**

**PLANNING & ZONING BOARD (October 19, 2015)**

**CITY COUNCIL (November 3, 2015)**

LOCATION AND ZONING MAP



**ADVERTISEMENT HISTORY:**



10/8/2015

**Title:****Category:** Hearings**Adnumber:** 2485115

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M.  
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Site Plan Approval - READ Capital Apartments - 2145 NE 164 Street, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 638,855 SQUARE FOOT, EIGHT-STORY MIXED-USE DEVELOPMENT PROJECT ON A 2.57 ACRE LOT, INCLUDING 349 RESIDENTIAL UNITS AND 10,985 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; AND GRANTING A VARIANCE FROM TABLE MU/TC-4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM PERMITTED PRIMARY STREET SETBACK OF 10 FEET ALONG WEST DIXIE HIGHWAY BY 20 FEET AND 4 INCHES, WHERE A GREATER FRONT PRIMARY STREET SETBACK OF 30 FEET AND 4 INCHES IS PROPOSED; IN THE CORE SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 2145 NE 164 STREET. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. 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. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/8 15-113/2485115M