



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)
CITY OF NORTH MIAMI BEACH)

OFFICE OF THE CITY CLERK

RECORDS CERTIFICATION
CITY OF NORTH MIAMI BEACH
CERTIFICATE OF AUTHENTICITY

I, Pamela L. Latimore, the duly appointed City Clerk of the City of North Miami Beach, and keeper of the records of the City of North Miami Beach, do hereby certify:

That the hereto attached and foregoing is a fully, true, complete and correct copy of Resolution No. 2017-48 consisting of eight (8) page(s), as passed by the City Commission of the City of North Miami Beach, Florida at their Special City Commission Meeting held on the eighth (8th) day of June, 2017. The original of which is on file in the Office of the City Clerk at the City of North Miami Beach, and, which said Resolution is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of North Miami Beach, Florida this 28th day of November, A.D., 2017.

(SEAL)

PAMELA L. LATIMORE, CMC, CITY CLERK
CITY OF NORTH MIAMI BEACH

RESOLUTION NO. R2017-48

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT AN 838,712 SQUARE FOOT, 19 STORY, 195 FOOT MIXED USE DEVELOPMENT ON APPROXIMATELY 2.82 ACRES, CONSISTING OF 415 RESIDENTIAL UNITS, 50,486 NET SQUARE FEET OF OFFICE, AND 30,210 NET SQUARE FEET OF RETAIL SPACE, AS PROPOSED; AND WITHIN THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY BOUNDARY, ON PROPERTY ZONED MIXED-USE NEIGHBORHOOD CENTER DISTRICT (MU/NC), AND LOCATED AT 16955-17071 WEST DIXIE HIGHWAY.

WHEREAS, the property described herein is zoned Mixed-Use Neighborhood Center District (MU/NC); and

WHEREAS, the Applicant requests site plan approval to construct a 838,712 square foot, nineteen (19) story mixed-use development project on an approximately 2.82 acre lot, consisting of 415 residential units, 50,486 square feet of office space, and 30,210 square feet of retail space; and

WHEREAS, the City of North Miami Beach Comprehensive Plan permits a maximum of 500 residential units and 400,000 square feet of nonresidential space in the Mixed-Use Neighborhood Center District (MU/NC);

WHEREAS, after a public hearing on February 13, 2017, the Planning and Zoning Board, by a 5 to 1 vote, recommends approval of the site plan, subject to the conditions set forth and included herein below in Section 1.

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

Section 1. Site plan approval to construct a 838,712 square foot, nineteen (19) story mixed-use development project on an approximately 2.82 acre lot, consisting of 415 residential units, 50,486 square feet of office space, and 30,210 square feet of retail space, on property legally described as:

A SUBDIVISION OF A PORTION OF TRACT "A" Block 5, of the GREYNOLDS PARK GARDENS" together with TRACT "B" marked "OFF STREET PARKING AREA" according to the Plat thereof as recorded in Plat book 55 at page 57 of the Public Records of Miami-Dade County, Florida, lying and being in the city of North Miami Beach, Miami-Dade County, Florida.

A 20 foot alley lying east of and adjacent to block 5 of "A Subdivision of a Portion of Tract "A" Greynolds Park Gardens", according to the plat thereof, as recorded in plat book 55, page 57 of the public records of Miami/Dade

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County, Florida, being more particularly described as follows: begin at the Southeast corner of said block 5; thence North 00-00'00" East along the East line of said block 5, a distance of 620.24 feet; thence North 17'31 ' 43" west along the East line of said block 5, a distance of 41 .70 feet; thence North 25'42'39" east along the Eastely right-of-way line of West Dixie Highway, a distance of 29.20 feet; thence south 17'31 ' 43" East, a distance of 66.04 feet; thence South 00-00'00" West along the West right of way line of the Florida East Coast Railway, a distance of 623.32 feet; thence South 90'00'00" West, a distance of 20.00 feet to the point of beginning said lands situate, lying and being in Miami/Dade County, Florida; containing 13,513 square feet more or less.

Tax Folio(s): 07-2209-002-0010, 07-2209-002-0090, 07-2209-002-0060, 07-2209-002-0120, 07-2209-002-0130, and a portion of 07-2209-001-0681 (alley).

A/K/A
16955-17071 West Dixie Highway
North Miami Beach, Florida

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 are binding on the Applicant, the property owners, operators, and all successors in interest and assigns.
3. Construction of the proposed project shall be in conformance with the following:
 - a. Sketch of Survey prepared by Cousins Surveyors & Associates, Inc.
 - b. Plans prepared by Kobi Karp including the following:
 - A0.00 COVER SHEET
 - A1.00 Index & Survey
 - A1.01 Project Data
 - A1.02 RENDER
 - A1.03 RENDER
 - A1.10 Street Views
 - A1.11 SURROUNDING PHOTOS
 - A1.12 EXISTING PHOTOS
 - A2.00 SITE PLAN
 - A2.01 LEVEL 1
 - A2.02 MEZZANINE
 - A2.03 LEVEL 2
 - A2.04 LEVEL 3
 - A2.05 LEVEL 4
 - A2.06 LEVEL 5
 - A2.07 LEVEL 6
 - A2.08 LEVEL 7
 - A2.09 LEVEL 8

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A2.10 LEVEL 9
 A2.11 LEVEL 10,12,14,16,18
 A2.12 LEVEL 11,13,15,17,19
 A2.13 ROOF
 A4.00 NORTH AND EAST ELEVATIONS
 A4.01 SOUTH AND WEST ELEVATIONS
 A5.00 SECTIONS
 A6.00 SITE DETAILS
 A6.01 SITE DETAILS
 L-1 LEVEL 1 LANDSCAPE PLAN
 L-2 LEVEL 6 LANDSCAPE PLAN
 L-3 LEVEL 2 LANDSCAPE PLAN
 L1 PHOTOMETRIC STUDY
 A3.01 TYPICAL UNIT LAYOUTS
 A1.20 TEMPORARY CONSTRUCTION FENCING PLAN
 L-4 LEVEL 3 LANDSCAPE PLAN
 L-5 LEVEL 4 LANDSCAPE PLAN
 L-6 LEVEL 5 LANDSCAPE PLAN
 L-7 LANDSCAPE NOTES
 CPD-1 CONCEPTUAL PAVING AND DRAINAGE
 CWS-1 CONCEPTUAL WATER AND SEWER
 SWPP-1 STORMWATER POLLUTION PREVENTION PLAN
 SWPP-2 N.P.D.E.S. NOTES
 SWPP-3 EROSION CONTROL DETAILS

4. All representations proffered by the Applicant's representatives as a part of the site plan application review at the Planning and Zoning Board and City Commission public hearings.
5. 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").
6. Prior to issuance of any Master Building Permit, Applicant shall execute a unity of title, or, subject to the approval of the City Attorney, a covenant in lieu, unifying all lots proposed for development along with 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.
7. 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.

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8. 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 Commission 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 Commission 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.
9. 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/NC zoning district, prior to or at the time of issuance of the Master Building Permit, as determined by the City Manager or designee.
10. The Applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
11. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, and Department of Regulatory and Economic Resources; and the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
12. Prior to sign off of the final inspection & Certificate of Occupancy, Applicant must submit Letter of Substantial Compliance from Engineer of Record and As-built (for work on public right-of-way only) drawing from certified Provide Erosion & Sediment Control Plan.
13. 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.
14. 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.

15. 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 with the 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.
16. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of a temporary construction fence that shall be subject to the approval of the City Manager or designee. The temporary construction fence shall be 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 of 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. Chain link fences with a windscreen must be neatly designed and maintained as approved by the Community Development Department.
17. 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/NC zoning district, prior to or at the time of issuance of the Master Building Permit, as determined by the City Manager or designee. The development of the Project shall require the contribution of a public infrastructure assessment to mitigate the impacts of the Project on the City's public infrastructure in compliance with Subsection 24-58.3(O)(1) of the Land Development Regulations (the "Public Infrastructure Assessment") in order to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. If no tax incentives are sought from the North Miami Beach Community Redevelopment Agency by the Project, then the Public Infrastructure Assessment shall not be required. The amount of the Public Infrastructure Assessment shall not exceed one hundred thousand dollars (\$100,000.00) (the "Public Infrastructure Assessment Payment"). The City shall use the Public Infrastructure Assessment Payment received in connection with the Project for stormwater drainage repair for and improvements to Judge Arthur I. Snyder Tennis Center and Dieffenbach Preserve Park. The Developer shall make the Public Infrastructure Assessment Payment prior to the issuance of the final certificate of occupancy for the Project.
18. Developer hereby covenants and agrees that, prior to the issuance of a certificate of occupancy for the Project, it shall provide artwork within the Property or on a mutually agreed upon public property of a quality and design reasonably acceptable to the City Manager or its designee, at a value not to exceed \$40,000, in compliance with and satisfaction of Subsection 24-58.3(O)(3) of the Land Development Regulations (the

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- “Public Art Assessment”) in order to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. If no tax incentives are sought from the North Miami Beach Community Redevelopment Agency by the Project, then the Public Art Assessment shall not be required.
19. 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.
 20. All City impact fees shall be paid prior to the issuance of a Master Building Permit.
 21. 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.
 22. All water service installations are the responsibility of the Applicant must be permitted through the City’s Engineering Dept.
 23. 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.
 24. 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.
 25. 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.
 26. 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 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, or adjacent streets.
 27. 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.
 28. 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.
 29. Live, amplified music shall be prohibited outdoors except for approved special events. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 11:00pm.
 30. Applicant must join the NMBPD *Trespass After Warning* Program, provide the NMBPD with access to the property at all times, and a safety plan.
 31. 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.

32. This site plan approval is conditioned on the right-of-way vacation by the City in favor of the Applicant. The right-of-way vacation must be approved by the City Commission prior to issuance of a demolition permit, any conditions provided for in the Resolution granting approval of the right-of-way vacation are incorporated by reference and a part of the site plan approval.
33. Prior to issuance of the Master Building Permit the Applicant shall obtain approval by the City Commission of the replat of the properties identified herein, specifically in conformance with the plans identified in Condition No. 3.
34. The Applicant must obtain Commission approval of the development agreement within one hundred and twenty (120) days. Without a duly approved and executed development agreement there is no project. The one hundred and twenty (120) day period may only be extended up to twelve (12) months to allow for a quiet title lawsuit, if necessary.
35. Prior to issuance of the Master Building Permit, Applicant shall provide pedestrian crosswalk specifications for the three driveways (as shown in the plans identified in Condition 3) onto West Dixie Highway and onto the 40 foot easement along the south property line, AKA NE 170th Street.
36. Prior to the issuance of the Master Building Permit the Applicant shall obtain a Tree Removal Permit, and prior to issuance of the Certificate of Occupancy, the Applicant shall have the registered landscape architect certify the installed landscaping, tree removal and mitigation have been installed in accordance with the plans identified in Condition 3.
37. Prior to issuance of the Master Building Permit the Applicant shall complete the Roadway Improvements as provided in Section 6 of the Development Agreement.
38. Prior to the issuance of a Certificate of Occupancy, the traffic signal timing plans proposed in the revised Traffic Impact Study prepared by David Plummer & Associates, Inc., dated May 2017 must be completed.

Section 2. The Mayor and City Commission make the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested site plan 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 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 Commission prior to its expiration.

APPROVED AND ADOPTED by the Mayor and City Commission of the City of North Miami Beach, Florida at a duly noticed special meeting assembled this 8th day of **June, 2017**.

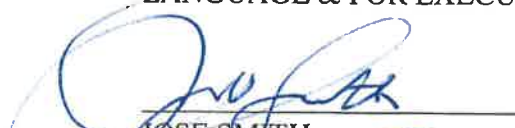
ATTÉST:

PAMELA L. LATIMORE
CITY CLERK


GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION


JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Commission

	YES	NO	ABSTAIN	ABSENT
Commissioners				
Mayor George Vallejo	✓			
Vice-Mayor Anthony DeFillipo	✓			
Commissioner Barbara Kramer	✓			
Commissioner Marlen Martell	✓			
Commissioner Frantz Pierre	✓			
Commissioner Phyllis Smith	✓			
Commissioner Beth Spiegel	✓			