



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

CITY COMMISSION SUPPLEMENTAL MEMO

TO: Mayor and City Commission
VIA: Justin Proffitt, AICP, Community Development Director
Sharon Cino, Planning and Zoning Manager
FROM: Mario Duron, AICP, Associate Planner
DATE: November 10th, 2020
RE: 19-3 Intracoastal Mall Item

◆-----◆

The following are updates since the October 20th, 2020 City Commission meeting:

APPLICANT CORRESPONDENCE:

On October 30th, 2020 the applicant provided correspondence notifying the City that they are not prepared to proceed to a public hearing on the merits of the application scheduled for November 10th, 2020 and that instead they request that the matter be opened and then continued to a mutually agreed upon date in December 2020.

RECONSIDERATION VOTE:

At the October 22nd, 2020 City Commission meeting Mayor Anthony Defillipo made a motion to reconsider items 10.1 and 10.2 from the Commission meeting on October 20th, 2020- *“second reading of the text amendments to the Eastern Mixed-Used Waterfront zoning district and the Intracoastal Mall Master Development Agreement”*, to be heard in the soonest available meeting in November, at a special meeting, so as to permit appropriate notice, posting and advertising. Commissioner Phyllis Smith seconded the motion. The motion carried 7-0.

PUBLIC NOTICING:

The special Commission meeting scheduled for November 10th to reconsider the items was advertised via:

- Newspaper Ad: Items advertised in the Daily Business Review October 29th, 2020 publication.
- Public Notice Signs: All 3 sets of signs on the property updated on October 30th, 2020.
- Courtesy Notices: A total of 2188 notices were sent out on October 30th, 2020 to households in Eastern Shores.

ONE-ON-ONE MEETINGS:

Staff from the City Manager’s Office, the City Attorney’s Office, and Community Development Department, held one-on-one Zoom meetings with City Commissioners to address pending issues. The following Commissioners met with Staff:

- Commissioner Phyllis Smith (10/26/2020)
- Mayor Anthony F. DeFillipo (10/28/2020)
- Commissioner Paule Villard (10/27/2020)
- Commissioner Michael Joseph (10/28/2020)
- Commissioner McKenzie Fleurimond (10/29/2020)

The following Commissioners did not request a meeting with staff:

- Commissioner Fortuna Smukler
- Vice-Mayor Barbara Kramer

CITY COMMISSION LEGISLATIVE HISTORY:

- At the October 22nd, 2020 City Commission meeting the Commission voted to reconsider items 10.1 and 10.2 at a special meeting to be held on November 10, 2020.
- At the October 20th, 2020 meeting, the City Commission recommended APPROVAL of the second and final reading of the Development Agreement with the associated CMP request by a vote of 3-2.
- At the September 24th, 2020 meeting, the City Commission recommended APPROVAL of the first reading of the Development Agreement with the associated CMP request by a vote of 4-3.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION: The Community Development Department continues to recommend APPROVAL on second reading of the Development Agreement. However, you may want to consider the Applicant’s request that the item be tabled at the Nov. 10th meeting, and then continued on a mutually agreed upon date in December 2020.

PROPOSED CONDITIONS OF APPROVAL AMENDED IN VERSION 5 DATED 10/7/2020:

- ADDED (*see condition #7, on page 3 of 6*):
 - **Maintenance of Traffic.** The Developer shall submit a Maintenance of Traffic Plan or Temporary Traffic Control Plan ("MOT Plan") to the City, and, if applicable, to the FDOT for review and approval prior to the commencement of construction of any building in Phase I. Subject to FDOT approval, if applicable, the MOT Plan shall encourage construction traffic resulting from the development of the Project to use NE 36th Avenue or any existing temporary road in the proximate location of future NE 36th Avenue. Any necessary improvements to NE 36th Avenue required by FDOT in connection with the MOT Plan shall be completed prior to the issuance of a building permit for the vertical construction of the first building in Phase I.
- REVISED (*see condition #9, on page 3 of 6*):
 - **9. ~~8.~~ Eastern Shores Entrance.** The Developer shall, prior to the issuance of a Certificate of Occupancy for the final building in Phase I, permit and construct or cause the construction of the following improvements for the entrance features

to the Eastern Shores neighborhood (hereinafter collectively referred to as the “Entrance Feature Improvements”):

- a. One (1) guard house on NE 164th Street, west of NE 35th Avenue.
- b. One (1) guard house on NE 35th Avenue, north of NE 165th Street.
- c. Entry feature on NE 35th Avenue, at NE 164th Street.
- d. One (1) guard house on NE 164th Street, west of NE 35th Avenue.
- e. One (1) guard house on NE 35th Avenue, north of NE 165th Street.
- f. Entry feature on NE 35th Avenue, at NE 164th Street.

Said guard houses shall be in the same location and size as the existing guard houses and shall include a workspace, a toilet facility, air conditioning, gate arms, security cameras, internet access, and landscaping, and shall be built (i) of a scope generally in accordance with the plans entitled “Miami Dade EDP Guardhouse,” as prepared by Revuelta Architecture International, dated May 5, 2014 (the “Entrance Feature Plans”), and (ii) in the same location and size as the existing guard houses. Permitting and construction of. The approval of site plans for the Entrance Feature Improvements shall be subject to the authority of the City Commission and approval of the Entrance Feature Improvements shall not be unreasonably withheld. The City represents that the Eastern Shores Security Guard Special Taxing District Advisory Board ~~has~~ shall been given the opportunity to review the ~~design of proposed site plans for the Entrance Feature Plans. The denial by~~ Improvements. In the event that the City Commission of denies the Developer’s application for site plan, permitting, or construction approval of the Entrance Feature Improvements or it is determined by the City Commission that the Entrance Feature Improvements shall be deemed as a waiver of Developer’s are no longer required, the obligation to construct the Entrance Feature Improvements shall be waived.

UPDATED DRAFT TERM SHEET DATED 10-28-2020:

- Scope of Project updated to include date of plans (refer to page 1 of 15): City and Developer intend to enter into the Development Agreement for the redevelopment of the Property with a multi-use project that may include retail, hotel, office, and residential uses, substantially in accordance with the master development plan entitled “Intracoastal Mall Redevelopment,” as prepared by Zyscovich Architects, dated May 20, 2020 (the “Development Plan”), as provided in Exhibit “A” hereto (the “Project”).
- Includes the proposed addition of condition #7 above (refer to page 4 of 15)
- Includes the proposed revision of condition #9 above (refer to page 6 of 15)

UPDATED DRAFT DEVELOPMENT AGREEMENT DATED 10-28-2020:

- Development plan refers to plan entitled “Intracoastal Mall Redevelopment,” as prepared by Zyscovich Architects, dated May 20, 2020 (refer to page 7 of 54)
- Addition of condition #8 Maintenance of Traffic (refer to page 11 of 54)

- **8. Maintenance of Traffic.** The Developer shall submit a Maintenance of Traffic Plan or Temporary Traffic Control Plan ("MOT Plan") to the City, and, if applicable, to the FDOT for review and approval prior to the commencement of construction of any building in Phase I. Subject to FDOT approval, if applicable, the MOT Plan shall encourage construction traffic resulting from the development of the Project to use NE 36th Avenue or any existing temporary road in the proximate location of future NE 36th Avenue. Any necessary improvements to NE 36th Avenue required by FDOT in connection with the MOT Plan shall be completed prior to the issuance of a building permit for the vertical construction of the first building in Phase I.
- Revision of #12 Eastern Shores Entrance (refer to pages 12-13 out of 54)
 - **9. ~~8.~~ Eastern Shores Entrance.** The Developer shall, prior to the issuance of a Certificate of Occupancy for the final building in Phase I, permit and construct or cause the construction of the following improvements for the entrance features to the Eastern Shores neighborhood (hereinafter collectively referred to as the "Entrance Feature Improvements"):
 - g. One (1) guard house on NE 164th Street, west of NE 35th Avenue.
 - h. One (1) guard house on NE 35th Avenue, north of NE 165th Street.
 - i. Entry feature on NE 35th Avenue, at NE 164th Street.

Said guard houses shall be in the same location and size as the existing guard houses and shall include a workspace, a toilet facility, air conditioning, gate arms, security cameras, internet access, and landscaping, and shall be built (i) of a scope generally in accordance with the plans entitled "Miami Dade EDP Guardhouse," as prepared by Revuelta Architecture International, dated May 5, 2014 (the "Entrance Feature Plans"), and (ii) in the same location and size as the existing guard houses. Permitting and construction of. The approval of site plans for the Entrance Feature Improvements shall be subject to the authority of the City Commission and approval of the Entrance Feature Improvements shall not be unreasonably withheld. The City represents that the Eastern Shores Security Guard Special Taxing District Advisory Board ~~has~~ shall been given the opportunity to review the ~~design of proposed site plans for the Entrance Feature Plans. The denial by~~ Improvements. In the event that the City Commission of denies the Developer's application for site plan, permitting, or construction approval of the Entrance Feature Improvements or it is determined by the City Commission that the Entrance Feature Improvements shall be deemed as a waiver of Developer's are no longer required, the obligation to construct the Entrance Feature Improvements shall be waived.