

RESOLUTION NO. 23-Z- 204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, APPROVING A SITE PLAN MODIFICATION APPLICATION (PZ2023-14) SUBMITTED BY 18401 DEVELOPERS, LLC FOR THE PROJECT ENTITLED "BENTLEY RESIDENCES" TO DECREASE THE HEIGHT OF THE OVERALL BUILDING FROM 741'-5" TO 710'-6" (TOTAL REDUCTION OF 31'); APPROVING THE TERMS AND CONDITIONS OF THE PROMISSORY NOTE FOR THE PAYMENT OF PREVIOUSLY APPROVED BONUSES AND TRANSFERABLE DEVELOPMENT RIGHTS (TDR'S) IN THE AMOUNT OF \$29,623,182.75; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 18401 Developers, LLC (the "Applicant") is seeking approval of a Site Plan Modification (PZ2023-14) to modify the approved site plan for the Bentley Residences project which was approved by the City of Sunny Isles Beach ("City") pursuant to Resolution No.21-Z-182, passed and adopted September 14, 2021; and

WHEREAS, pursuant to Resolution No. 21-Z-182, the City Commission approved the Applicant's request for a payment agreement for the bonuses and City's TDRs, not paid-in kind over a period of time and on terms approved by the City Commission; and

WHEREAS, the Applicant's proposed payment agreement is for an indebtedness of \$29,623,182.75, together with annual interest from the execution date of the agreement at a rate of Prime plus one-half percent (0.5) per annum; and

WHEREAS, the Applicant is seeking the City Commission's approval of the terms and conditions for Applicant's promissory note for the payment of previously approved bonuses and TDRs, not paid in-kind over a period of time; and

WHEREAS, the Applicant's site plan modification application requests the following:

1. Pursuant to Section §265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a Site Plan Modification to an approved site plan to decrease the height of the building. The previously approved building height was 741'-5" and the proposed building height is 710'-6", approximately 31' lower.

Legal Description: TRACT "M", LESS THE SOUTH 350 FEET AS MEASURED AT 90' TO THE SOUTHERLY BOUNDARY, AMENDED PLAT OF NORTH BISCAYNE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALL THE PROPERTY THEREON IS BOUNDED ON THE EAST BY THE

EROSION CONTROL LINE OF THE ATLANTIC OCEAN, SAID LINE RECORDED IN PLAT BOOK 134 AT PAGE 47, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Address: 18401 Collins Avenue

Folio: 31-2202-003-0210

WHEREAS, on December 8, 2023, the City Commission conducted a public hearing on the site plan modification application and application for the approval of the terms and conditions of the Applicant's promissory note for the payment of bonuses and City's TDRs, not paid-in kind over a period of time; and

WHEREAS, the public hearing was duly advertised and held as required by law, all interested parties concerned with the matter were heard, and due and proper consideration was given to the matter and to the positive recommendation contained in the City's Development Review Report; and

WHEREAS, the City Commission reviewed the application for site plan modification, and application for approval of the terms and conditions of the Applicant's promissory note for the payment of bonuses and City's TDRs, the written and oral recommendations of the Development Services Department, including the recommended conditions, and hereby finds competent substantial evidence to support a showing by the Applicant that the request for an approval for a site plan modification and approval of the payment terms for the bonuses and TDRs are compliance with the City's Land Development Regulations and the Comprehensive Plan, and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and further finds that the applications should be granted, subject to the conditions described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recital paragraphs are hereby ratified and confirmed as being true and the same are hereby made part of this Resolution.

Section 2. Findings and Conclusions. Based upon an analysis of the site plan application and the standards for approval of a site plan modification under the City's Land Development Regulations, the City Commission hereby finds and concludes that the Applicant's request for a site plan modification of the approved site plan under Resolution No. 21-Z-182:

to decrease the height of the overall building from 741'-5" to 710'-6" (total reduction of 31') and to approve the terms and conditions of the promissory note for the payment of previously approved bonuses and TDRs

are in compliance with the Comprehensive Plan and the Land Development Regulations of the City of Sunny Isles Beach, and there is substantial competent evidence to support approval of the applications.

Section 3. Approval. The Applicant's request for a site plan modification of the approved site plan under Resolution No. 21-Z-182, adopted on September 14, 2021, to decrease the height of the overall building from 741'-5" to 710'-6" (total reduction of 31') and request for the approval of the terms and conditions of the Applicant's promissory note for the payment of previously approved bonuses and TDRs, are hereby approved subject to all conditions set forth in Section 4 below.

Section 4. Conditions.

- A. That the plans shall be substantially in accordance with that submitted for public hearing, which are entitled "Bentley Residences", prepared by Sieger Suarez Architects LLC stamped received August 25, 2023, consisting of seven (7) sheets. Plans are subject to revisions-based comments provided by zoning staff of the City of Sunny Isles Beach. Plans are subject to modification.
- B. Upon the submittal of an application for a building permit, the plans submitted shall be approved by the Planning and Zoning Department and be consistent with the specific site plan approved by the City Commission. Plans shall include all the required elements of the site plan pursuant to the City's Land Development Regulations and recommendations. Should compliance with recommendations result in a change that would not be considered "minor" in accordance with Section 265-18 of the City Code; the Applicant shall be required to obtain another approval of the City Commission.
- C. All conditions set forth in City Resolution No. 21-Z-182 approved and adopted on September 14, 2021 shall remain in effect.
- D. That the Applicant shall pay all fees related to the review of the application described herein and shall have paid all other fees due to the City.
- E. That the approved site plan shall remain valid for a period of 24-months from the date of the site plan modification approval. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect.

FAILURE BY THE CITY TO TIMELY ENFORCE ANY OF THE ABOVE CONDITIONS DOES NOT CONSTITUTE A WAIVER OF THE SAME AND IF THE APPLICANT, ITS SUCCESSORS, OR, ASSIGNS, DOES NOT PERFORM SUCH CONDITIONS WITHIN FIVE (5) DAYS AFTER WRITTEN NOTICE, THE CITY RETAINS THE RIGHT TO STOP CONSTRUCTION, IF NECESSARY, UNTIL THAT CONDITION IS MET. BY ACTING UNDER THIS APPROVAL, APPLICANT HEREBY CONSENTS TO ALL THESE TERMS AND CONDITIONS.

Section 5. Authorization of City Manager. The City Manager is hereby authorized to do all things necessary to effectuate this Resolution.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 7. Repealer. All Resolutions or parts of Resolutions in conflict herewith shall be and are hereby repealed.

Section 8. Effective Date. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this 8th day of December, 2023.


CITY OF SUNNY ISLES BEACH, FLORIDA
By its City Commission

By: 
Larisa Svechin, Mayor

ATTEST:


Mauricio Betancur, CMC, City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Alain E. Boileau for Nabors, Giblin
& Nickerson, P.A., City Attorney

Moved by: Commissioner Viscione Seconded by: Vice Mayor LAMA

Vote:

Mayor Svechin	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Lama	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Commissioner Joseph	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Commissioner Stuyvesant	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Commissioner Viscarra	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)