MEMORANDUM

TO: The Honorable Mayor and City Commission

FROM: VIA: Christopher Russo, City Manager
FROM: Claudia Hasbun, City Planner

DATE: 12/20/2012

RE: Transfer of Development Rights (TDRs)
Jade Signature - Sunny Isles Beach Associates, LLC.
16875 & 16901 Collins Avenue
Appl. No. Z2012-16

RECOMMENDATION:

Staff has no objection to the TDRs assignment provided that all conditions for the Site Plan are satisfied.

REASONS:

The Applicant currently owns 126,737 square feet and 70 dwelling units of private TDRs. Consequently, the Applicant is requesting to approve the utilization of private TDRs in the amount of 126,737 square feet of development rights and 70 dwelling units in accordance to Zoning Resolution No. , and this Resolution.

ATTACHMENTS:

Resolution
RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AUTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS ("TDRS") IN THE AMOUNT OF ONE HUNDRED TWENTY SIX THOUSAND AND SEVEN HUNDRED THIRTY SEVEN (126,737) SQUARE FEET OF FLOOR AREA AND SEVENTY UNITS (70) FROM A PRIVATE TDR BANK ACCOUNT OWNED BY SUNNY ISLES BEACH ASSOCIATES, LLC TO THE PROJECT KNOWN AS JADE SIGNATURE LOCATED AT 16875 AND 16901 COLLINS AVENUE FROM THE PRIVATE TDR BANK ACCOUNT; DIRECTING THE ZONING ADMINISTRATOR OR DESIGNEE TO ASSIGN THE TDRS FROM THE PRIVATE BANK ACCOUNT IN ACCORDANCE WITH ZONING RESOLUTION__; AUTHORIZING THE ADJUSTMENT AND MODIFICATION OF THE PRIVATE TDR BANK; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Zoning Resolution No.______, adopted December 20, 2012 the City Commission approved the zoning application submitted by Sunny Isles Beach Associates, LLC ("Applicant") for the assignment of TDRs in the amount of 126,737 square feet of floor area and 70 dwelling units; and

WHEREAS, the City Commission approved the transfer of development rights under City Resolution 2012-1909 to Sunny Isles Beach Associates, LLC. in the amount of One Hundred Twenty Six Thousand and Seven Hundred Thirty Seven (126,737) square feet of floor area and Seventy (70) dwelling units; and

WHEREAS, the Private’s TDR Bank accounts balance will be adjusted to reflect the utilization of TDRs to the Applicant and to reflect the reduction of One Hundred Twenty Six Thousand And Seven Hundred Thirty Seven (126,737) square feet of floor area and Seventy (70) dwelling units; and

WHEREAS, the property receiving the TDRs is described as follows:

Location: 16875 & 16901 Collins Avenue
Parcel 1. All that part of the North 100 feet of the South 300 feet of Lot 1, of TATUM’S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from 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 to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.
Parcel 2. All that part of the North 100 feet of the South 200 feet of Lot 1, of TATUM’S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from 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 to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 3. The Southerly 100 feet of Lot 1, TATUM’S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, said property described as follows: Bounded on the West by the East right of way line of Ocean Boulevard (State Road A-1-A and State Road 140), said road recorded in Plat Book 47 at Page 101 of the Public Records of Miami-Dade County, Florida; 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; bounded on the North by the Northerly line of the Southerly 100 feet of Lot 1; bounded on the South by the Southerly line of referenced Lot 1.

WHEREAS, the City Commission agrees to authorize the transfer of the TDRs contemplated herein in accordance with Section 265-23 of the Code of the City of Sunny Isles Beach.

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

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein by reference as if they are fully set forth herein.

Section 2. Authorizing the Transfer of Development Rights. Pursuant to Section 265-23 of the City Code and in accordance with Zoning Resolution No._______, the City Commission hereby authorizes the transfer of the development rights in the amount of 126,737 square feet of floor area and 70 dwelling units to Sunny Isles Beach Associates, LLC. for the Jade Signature Project.

Section 3. Directive to Zoning Administrator. The City’s Zoning Administrator or designee is hereby directed to transfer the development rights from TDR Bank to Sunny Isles Beach Associates, LLC., in accordance with Zoning Resolution No. ______. The City’s Zoning Administrator or designee is hereby directed to adjust the Private’s TDR Bank to reflect a deduction of 126,737 square feet of TDRs and 70 units from the Private’s TDR Bank.

Section 4. Authority of the City Manager. The City Manager is hereby authorized to do all things necessary to effectuate this Resolution.

Section 5. Effective Date. This Resolution shall become effective upon adoption.
PASSED AND ADOPTED this 20th day of December, 2012.

Norman S. Edelcup, Mayor

ATTEST:

Jane A. Hines, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
Hans Othmer, City Attorney

Moved by: ____________________________

Seconded by: ____________________________

Vote:

Mayor Edelcup (Yes) (Yes) (Yes) (Yes) (Yes)
Vice Mayor Aelion (Yes) (Yes) (Yes) (Yes) (Yes)
Commissioner Gatto (Yes) (Yes) (Yes) (Yes) (Yes)
Commissioner Levin (Yes) (Yes) (Yes) (Yes) (Yes)
Commissioner Scholl (Yes) (Yes) (Yes) (Yes) (Yes)