

**RESOLUTION NO. R-2013-11**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING UP TO ONE HUNDRED THIRTY-EIGHT (138) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS, AND FURTHER APPROVING A BONUS HEIGHT OF THIRTY-FIVE (35') FEET FOR A PROPOSED DEVELOPMENT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, SITUATED WITHIN THE NRO DISTRICT, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on December 11, 2007, the Mayor and City Council of the City of North Miami ("City"), adopted the City's Comprehensive Plan ("Comprehensive Plan"), consistent with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS**, Policy 1.12.1 of the Comprehensive Plan established a pool of five thousand (5,000) floating residential units for development, as follows: two thousand two hundred (2,200) floating residential units for use within the Neighborhood Redevelopment Overlay ("NRO") District ("Primary Pool"); one thousand eight hundred (1,800) floating residential units for the Central City District; and a secondary pool of one thousand (1,000) floating residential units for development outside the NRO District; and

**WHEREAS**, Article 4, Section 4-204 of the City Land Development Regulations ("LDRs"), provides that requests for residential density bonuses may be granted through a Conditional Use Permit approved by the Mayor and City Council, in accordance with Section 3-401 and Section 4-405 of the LDRs; and

**WHEREAS**, Section 4-405 of the LDRs, further provides a height bonus of an additional thirty-five feet (35') to a proposed development, subject to certain conditions; and

**WHEREAS**, Conestoga Holdings, LLC (“Applicant”), is the owner of a 2.12 acre site containing eight (8) contiguous and abutting lots, generally located on the Northwest corner of the intersection of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, as specifically identified by Miami-Dade County tax folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020 (“Subject Property”); and

**WHEREAS**, the Subject Property is located within the NRO District and has an R-6 zoning designation, permitting a density of twenty-five (25) dwelling units per acre, with a maximum height of one hundred ten feet (110’), allowing for up to fifty-three (53) residential units as of right, for development on the Subject Property; and

**WHEREAS**, at 2.12 acres in size and fronting on two (2) streets, the Subject Property qualifies for the maximum density bonus of ninety (90) dwelling units per acre, which could yield a total of one hundred ninety-one (191) residential units on the site; and

**WHEREAS**, the Applicant filed a Conditional Use Permit application with the City’s Community Planning & Development Department, requesting that the City allocate up to one hundred thirty-eight (138) additional bonus residential units from the existing Primary Pool of available units in order to construct up to one hundred ninety-one (191) multifamily units on the Subject Property; and

**WHEREAS**, the approval and transfer of up to one hundred thirty-eight (138) units from the Primary Pool will reduce the pool of unassigned units from two thousand two hundred (2,200) residential units, to two thousand sixty-two (2062) residential units; and

**WHEREAS**, the City administration has reviewed the proposed request and found that it is consistent with Policy 1.12.1 of the Comprehensive Plan and satisfies the requirements of Section 4-405 of the LDRs; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval of the Conditional Use Permit to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council of the City of North Miami have determined that the proposed request is in the best interest of the City and does not adversely affect the

health, safety, and welfare of residents and thereby, approve the Conditional Use Permit allocating the requested number of units from the Primary Pool, in conjunction with the height bonus.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

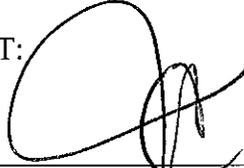
**Section 1. Approval of Conditional Use Permit.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conditional Use Permit, in substantially the attached form, transferring up to one hundred thirty-eight (138) bonus units from the Neighborhood Redevelopment Overlay District primary residential pool of two thousand two hundred (2,200) floating residential units, and further approve a bonus height of thirty-five (35') feet for a proposed development generally located on the northwest corner of the intersection of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, situated within the NRO District, in accordance with Article 4, Section 4-405 of the City of North Miami Code of Ordinances, Land Development Regulations.

**Section 2. Effective Date.** This resolution shall become effective immediately upon adoption.

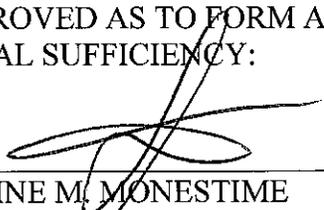
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12 day of February, 2013.

  
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ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Councilman Marcellus

**Vote:**

Mayor Andre D. Pierre, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Scott Galvin	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Jean R. Marcellus	<u>  x  </u>	(Yes)	<u>      </u>	(No)