

RESOLUTION NO. R-2013-38

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 TWENTY-SEVEN (27) BONUS UNITS FROM OUTSIDE THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT SECONDARY POOL OF ONE THOUSAND (1000) FLOATING RESIDENTIAL UNITS FOR THE PROPERTY KNOWN AS PARKVIEW VILLAS, GENERALLY LOCATED ON THE NORTH SIDE OF NORTHEAST 135TH STREET AT APPROXIMATELY FIVE THOUSAND TWO HUNDRED EIGHTY-NINE FEET (5,289') EAST OF BISCAYNE BOULEVARD, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-204 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; 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 ("Secondary Pool"); and

WHEREAS, Section 4-204 of the City's 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, 135 Biscayne, LLC ("Applicant"), is the owner of a 1.2 acre site containing fifteen (15) platted lots, located on the north side of Northeast 135th Street, at approximately five thousand two hundred eighty-nine feet (5,289') east of Biscayne Boulevard ("Subject Property"); and

WHEREAS, the Subject Property is located outside the NRO District and has a medium density residential land use category with an R-5 zoning designation, which permits a maximum building height of seventy-five feet (75') and a density of 16.3 residential units per acre; and

WHEREAS, the R-5 zoning designation allows for twenty-one (21) residential units as of right, for development on the Subject Property; and

WHEREAS, the Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate twenty-seven (27) additional bonus residential units from the existing Secondary Pool of available units in order to construct a total of forty-eight (48) multifamily units on Subject Property; and

WHEREAS, the approval and transfer of twenty-seven (27) units from the Secondary Pool will reduce the pool of unassigned units from one thousand (1,000) residential units to nine hundred seventy-three (973) residential units; and

WHEREAS, the City administration 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 Secondary Pool.

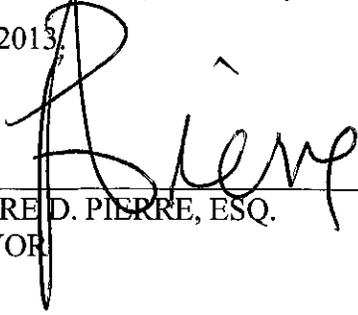
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

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 twenty-seven (27) bonus units from outside the Neighborhood Redevelopment Overlay (NRO) District secondary pool of One Thousand (1000) floating residential units, for the property known as Parkview Villas, generally located on the north side

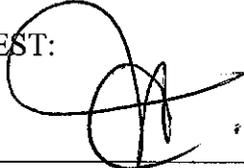
of Northeast 135th Street at approximately five thousand two hundred eighty-nine feet (5,289') east of Biscayne Boulevard, in accordance with Article 4, Section 4-204 of the City of North Miami Code of Ordinances, Land Development Regulations.

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

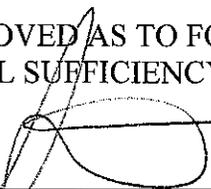
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 9 day of April, 2013.



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: Councilman Galvin

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)