RESOLUTION NO. 2015-R-15

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 FIFTY-EIGHT (58) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS 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, Pinnacle Housing Group, LLC ("Applicant"), has been retained by Conestoga Holdings, LLC, the owner of a 1.65 acre site containing six (6) contiguous and abutting lots, generally located on the Northwest corner of the intersection of Northeast 135th

Street and Northeast 6th Avenue, as specifically identified by Miami-Dade County tax folio numbers: 06-2219-004-0010, 06-2219-004-0020, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, and 06-2219-004-0150, ("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 forty-one (41) residential units as of right, for development on the Subject Property; and

WHEREAS, at 1.65 acres in size, with a frontage on two (2) streets and adjacent to a high density land use category, the Subject Property qualifies for a density of twenty-five (25) dwelling units as of right, plus an additional thirty-five (35) dwelling units per acre bonus density, for a maximum density of sixty (60) dwelling units per acre, which could yield a total of ninety-nine (99) residential units on the site; and

WHEREAS, the Applicant filed a Conditional Use Permit application with the City Community Planning & Development Department, requesting that the City allocate fifty-eight (58) additional bonus residential units from the existing Primary Pool of available units in order to construct a total of ninety-nine (99) residential units on the Subject Property; and

WHEREAS, the approval and transfer of fifty-eight (58) units from the Primary Pool will reduce the pool of unassigned units from two thousand two hundred (2,200) residential units, to two thousand one hundred forty-two (2,142) residential units; and

WHEREAS, 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 6, 2015, 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, with the additional condition that the Applicant installs a sheltered bus bench at a designated location on 135th Street near the proposed development; and

WHEREAS, the Mayor and City Council have determined that the proposed bonus

request 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, as being in the best interest of the City.

NOW, THEREFORE, BE IT 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, authorize approval of the Conditional Use Permit, in substantially the attached form, transferring fifty-eight (58) bonus units from the Neighborhood Redevelopment Overlay (NRO) District primary residential pool of two thousand two hundred (2,200) floating residential units 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.

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 **27th** day of January, 2015.

DR. SMITH JOSEPH
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: **Galvin**

Seconded by: **Bien-Aime**

Vote:

Mayor Smith Joseph, DO	x (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	x (Yes)	_____ (No)
Councilperson Scott Galvin	x (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	x (Yes)	_____ (No)
Councilperson Marie Erlande Steril	x (Yes)	_____ (No)