

**Date:** November 24<sup>th</sup>, 2015

**To:** The Honorable Mayor and City Council of the City of North Miami



**From:** Tanya Wilson-Sejour, AICP, Planning, Zoning & Development Director

**Re:** Conditional Use Permit Transferring 138 NRO Floating Residential Units to a Proposed 191-Unit Multifamily Residential Development

**Address:** Northwest Corner of N.E. 135<sup>th</sup> Street and N.E. 6<sup>th</sup> Avenue

**Folio Numbers:** 06-2219-004-0010, 0020, 0030, 0110, 0120, 0130, 0140, & 0150

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING UP TO ONE HUNDRED THIRTY-EIGHT (138) FLOATING RESIDENTIAL BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS TO A PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF A TOTAL OF ONE HUNDRED NINETY-ONE (191) UNITS, INCLUDING A SEVEN (7) STORY APARTMENT COMPONENT WITH NINETY-NINE (99) UNITS (ENTITLED "VERBINA") AND AN EIGHT (8) STORY ELDERLY HOUSING COMPONENT WITH NINETY-TWO (92) UNITS (ENTITLED "VERBENA SENIOR RESIDENCES"), ON THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, ENCOMPASSING A TOTAL OF EIGHT (8) CONTINUOUS AND ABUTTING PARCELS, 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.**

#### **RECOMMENDATION**

Staff requests that the Mayor and City Council adopt, with amendments if necessary, the proposed resolution approving the requested Conditional Use Permit (CUP) to transfer 138 floating residential units from the Neighborhood Redevelopment Overlay ("NRO") district primary residential pool of 2,200 floating residential units to a proposed multifamily residential development on the 2.12-acre property generally located on the northwest quadrant of N.E. 135<sup>th</sup> Street and N.E. 6<sup>th</sup> Avenue.

## **BACKGROUND**

The subject property is located within the City's NRO District, which was established through Objective 1.12 of the Future Land Use Element (FLUE) of the adopted 2007 Amendments to the City's Comprehensive Plan. As required by state statutes, these amendments were based, in large part, upon the 2005 Evaluation and Appraisal Report (EAR), which recommended substantial revisions to update the Comprehensive Plan to reflect the City's current conditions and redevelopment objectives. As per Objective 1.2 of the 2007 Comprehensive Plan, the City's urban core was designated as the overlay area and the City was then mandated to direct growth into that area in a manner that will achieve the redevelopment, economic development, housing choice, and multi-modal transportation objectives and policies of the Comprehensive Plan. In order to better promote the redevelopment of the overlay area, Policy 1.12.1 of the FLUE created a pool of 5,000 floating residential units to be allocated as follows: 2,200 units for use within the NRO district ("Primary Pool"), 1,800 units for the Central City District (CCD), and 1,000 units for development outside the NRO district, ("Secondary Pool").

The NRO district regulations were later codified in the City's 2009 Adopted Land Development Regulations ("LDRs"), which, in Article 4, Division 4, Section 4-405, sets forth criteria for the transfer or allocation of the floating residential units for development applications within the NRO district. In the event that a property owner seeks to increase the density of a proposed development above the permitted density in the underlying district, subsection D.8 of Section 4-405 requires that a conditional use permit application for density bonus allocation be filed and approved by resolution of the City Council, pursuant to Article 3, Division 4, Section 3-401 of the LDRs. Lastly, in the event that a previously approved CUP is substantially revised, a new application shall then be filed and reviewed in accordance with the procedures for an original approval, including new application materials and payment of fees, consistent with the requirements of Article 3, Division 4, Section 3-410(B) of the LDRs.

## **PLANNING COMMISSION RECOMMENDATION**

This item was reviewed by the Planning Commission at its November 2<sup>nd</sup>, 2015 public meeting, with Chairman Seifried, along with Commissioners Each, Boule and Pechon in attendance. After a relatively short discussion and public hearing on the item, Commissioner Each made a motion to recommend adoption of the resolution to forward same to the Mayor and City Council for final consideration. Seconded by Commissioner Boule, the motion passed 4-0 by roll call vote.

## **PUBLIC HEARING HISTORY**

Located at the northwest intersection of N.E. 135<sup>th</sup> Street and N.E. 6<sup>th</sup> Avenue, the subject property is an assembly of eight (8) contiguous and abutting lots, totaling 2.12 acres in size and as specifically identified by Miami-Cade County folio numbers: 06-2219-004-0010, 06-2219-004-0020, 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-

2219-004-0140, and 06-2219-004-0150. The property is designated High Density Residential (110 ft., 25 du/ac) on the City's Adopted Future Land Use Map (FLUM) and is zoned R-6, Multifamily Residential District on the City's Adopted Zoning Map. Both aforementioned maps show that the subject property is also located within the NRO district boundary. In 2013, Conestoga Holdings, LLC, successfully filed for four (4) development applications to the Mayor and City Council. The first application involved a land use map amendment, which changed the land use designation of these eight (8) parcels to High-Density Residential (110 ft., 25 du/ac) and also moved the NRO boundary line to include said parcels within the NRO district (See Ordinance 1350, attached). The second application pertained to a zoning map amendment, which changed the zoning classification of these parcels to R-6, Multi-Family District (See Ordinance 1351, attached). The third application consisted of an alleyway vacation, abandonment, closure and sale of two (2) 15-foot alleyways that intersected at right angles across subject alleyways and covering approximately 0.17 acre (See Resolution R-2013-12, attached). The fourth and last application was for a CUP to transfer 138 floating residential units and a bonus height of 35 feet, from the established NRO primary pool of two thousand two hundred (2200) floating units to build a 145-ft high, 191-unit multi-family residential development on the site. The site was to be developed as a mixed-use complex with elderly affordable housing along with ancillary uses, such as retail, medical offices and other community uses (See Resolution R-2013-11 and CUP, attached). However, the CUP expired as no precise plan was filed within a year of its approval.

In January this year, a new CUP application was filed by Pinnacle Housing Group, involving only six (6) of the eight (8) lots from the annulled 2013 CUP. Based on the combined size of 1.65 acres of the lots involved, that CUP was approved for a transfer of fifty-eight (58) floating residential units from the established NRO primary pool of 2,200 available units to a seven-story, 99-unit multi-family residential development proposed for the property. That development was to include a mix of one-, two-, three- and four-bedroom units, with ancillary on-site amenities in the form of public art, exercise rooms, computer lab and playground. (See Resolution 2015-R-15 and CUP, attached). Pinnacle Housing Group has since successfully negotiated the purchase of the other two (2) adjacent parcels, bringing the total acreage back to 2.12 acres, as in the 2013 application filed by Carfour Group. An aerial view of the eight (8) lots follows.



**PURPOSE AND INTENT**

The intent of this new CUP request is to revise the CUP that the Mayor and City Council approved earlier this year for portion of the subject property to include two (2) additional parcels. In so doing, the Applicant, Pinnacle Housing Group, is seeking to obtain one hundred thirty-eight (138) floating residential units to develop the property with a 92-unit, eight-story elderly housing building and a seven-story, 99-unit regular apartment building. Article 3, Division 4, Section 3-410 (A) of the LDRs characterizes a *minor revision* to a previously approved conditional use as one which, among other changes, does not include the addition of property to a parcel proposed for development. Subparagraph (B) of that same section defines *substantial revision* to a previously approved conditional use as one that is not minor. Implicit to that definition is that the addition of property to a parcel proposed for development through a conditional use approval constitutes a substantial revision. This subparagraph says in part that any substantial revision to a conditional use approval “must be reviewed in accordance with the procedures for an original approval, including new application materials and payment of fees.” The Applicant has therefore filed this new CUP application to comply with the requirements of Article 3, Division 4, Section 3-410(B) of the LDRs.

Based on the current R-6 zoning and High-Density Residential land use, development on the subject site is allowed a density of 25 dwelling units per acre (du/ac) as of right, which could potentially yield a total number of fifty-three (53) residential units on the site. As stated above, the subject property is located inside the City’s NRO district, which, per Objective 1.12 of the Comprehensive Plan, is designated as an urban core “to direct growth in a manner to achieve redevelopment, economic development, housing choice and multimodal transportation objectives...” Per the standards set forth in Article 4, Division 4, Section 4-405 of the LDRs, the

applicant is applying for Affordable/Workforce Housing, Green Building and Sustainability, as well as Transit-Oriented Development (TOD) density bonuses. With the subject site consisting of 92,347 sq. ft. or 2.12 acres in size and fronting on two streets, the proposed development qualifies for the maximum density bonus of 90 dwelling units per acre (du/ac), which could potentially yield a total of one hundred ninety one (191) residential units on the site. Since the property can accommodate fifty-three (53) units as of right, the current request involves the allocation of 138 floating residential units from the NRO primary pool of available floating units.

The Applicant intends to achieve the bonus density by taking full advantage of the required elements set forth in the LDRS for the granting of bonus density and by also incorporating some of the optional elements. As per the submitted letter of intent, the subject property is to be developed as multifamily rental affordable apartments serving those in the community making sixty (60) percent or less of the Area Median Income. The proposed development will have two components. The first component, *Verbena*, consists of the currently approved seven-story, 99-unit multi-family residential development for the site, which features a mix of one-, two-, three- and four-bedroom apartments, with ancillary on-site amenities in the form of public arts, exercise rooms, computer lab and playground. These units will serve the general population making sixty (60) percent of the Area Median Income. The second component, *Verbena Senior Residences*, features a proposed eight-story building that will provide one- and two-bedroom units to seniors aged 55 and up. This second component will be comprised of approximately ninety-two (92) units and contains the same on-site amenities as the regular apartment component. The provision of these affordable units qualify the development for twenty-five (25) bonus du/ac under the provisions of Article 4, Division 4, Section 4-405 of the LDRs.

The proposed development will have the required Florida Green Building Certification with a designation of gold or higher, which provides a maximum density bonus of 25 du/ac. The Applicant has also committed to incorporate into the design of the proposed development the following five (5) of the eight (8) Transit-Oriented Development (TOD) standards as outlined in the LDRs:

1. Neighborhood pedestrian connections between adjacent uses;
2. Improved pedestrian way connecting to nearest arterial w/way finding signage;
3. A sheltered bus stop along the site frontage on N.E. 6<sup>th</sup> Avenue, which shall be subject to the approval of the Miami-Dade Transit (MDT)
4. An internal bicycle and pedestrian circulation system; and
5. The provision of bicycle racks.

The incorporation of these TOD standards will qualify the proposed development for six (6) bonus du/ac. Furthermore, the development will a minimum of 5,000 sq. ft. of open space and recreational amenities, which yields another five (5) du/ac. Finally, the Applicant has committed to develop a project that demonstrates design excellence, in order to obtain another 25 bonus du/ac. Article 7 of the LDRs defines *design excellence* as “architectural designs, which rise above the ordinary because of design, treatments and materials that provide character and diversity, and contribute to establishing an ‘address’ and a sense of place.” Upon the submittal of

a precise plan for DRC review and approval, staff shall consider the extent to which the use of at least five (5) of the following elements creates the character and diversity of excellence:

1. Cornice lines on buildings facades fronting on public streets at a height between eighteen (18) and forty-two (42) feet to define the vertical element of the streetscape.
2. Facade articulations to animate buildings and to mitigate the mass of the building.
3. Decorative building tops to give the building a visible identity and signature quality and character.
4. Arcades fronting on sidewalks along major streets.
5. Architectural windows and doors.
6. Street level grand entrance.
7. Natural materials and high quality finishes.
8. Sidewalks, plazas, lobbies of stone or pavers.
9. Balconies and loggias to break up the mass of building walls.
10. Decorative ground level lighting, including street lights.
11. Disguised parking structures with an integrated architectural scheme.
12. Integrated public art program.
13. Comprehensive sign program with integrated architectural scheme.

The following table summarizes the density bonuses calculations and the maximum number of units permitted on the site when the earned density bonuses are applied.

<b>Density Bonuses Allocation for Subject Site</b>	
Land Use	High-Density Residential
Zoning	R-6, Multi-Family District
Maximum Density by Right	<b>25 du/ac</b>
Property Size	92,347 sq. ft. (> 80,000 sq. ft.) or 2.12 acres
Property Location	N.E. 135 <sup>th</sup> Street & N.E. 6 <sup>th</sup> Avenue (Frontage on 2 Streets and Adjacent to Multifamily District)
Number of Units Permitted by Right on the Site	53 Units
Bonus Density Applied	25 (Sustainability) + 25 (Affordable Housing) + 5 (Design Excellence) + 6 (TOD) + 5 (Streetscape Enhancements) + 2.5 (Public Art)
Bonus Density Obtained	<b>68.5 du/ac</b>
Proposed Density for Subject Site with Bonus	<b>90 du/ac (Maximum Allowed with Bonus)</b>
Proposed Number of Units for Site with Bonus	<b>191 Units</b>

**ANALYSIS**

Article 3, Section 3-405 of the City’s LDRs requires that all requests for Conditional Use approval demonstrate compliance with the following standards:

**1. The application is consistent with the comprehensive land use plan;**

The development proposed through this CUP application is consistent with Objective 1.12 of the FLUE of the Comprehensive Plan by directing growth into the NRO district in a manner that will achieve the redevelopment, economic development, housing choice, and multi-modal transportation objectives and policies of the Comprehensive Plan.

**2. The application is in compliance with the district regulations applicable to the proposed development, including the bonus provisions in section 4-405, if applicable;**

The subject property is zoned R-6, Multifamily district and is also located within the NRO district. Pursuant to Article 4, Division 4, Section 4-405 of the LDRs, properties located within the NRO district shall be subject to the development standards of the underlying zoning districts, except to the extent any provision of the NRO district conflicts with the provisions of the underlying zoning district, in which case the provisions of the NRO district shall control. This development application is in compliance with the underlying R-6 district regulations, as they relate to height and setbacks. Additionally, since the density proposed is greater than that allowed in the R-6 district, the application has also met the standards set forth in Section 4-405 for the granting of the CUP. The Project Site Density Bonus Allocation table in the previous section summarizes the process of allocating the density bonuses to the site.

**3. The application is consistent with the applicable development standards in these LDRs;**

Conceptual plans submitted with this application, albeit not required, show that the proposed development will comply with all applicable development standards of the R-6 district and with all other applicable standards set forth in the LDRs. Furthermore, as per the requirements of Article 3, Division 4, Section 3-405 of the LDRs, within one (1) year of the CUP approval, a precise plan, which shall be in substantial compliance with the initial development order approved by the City Council, shall be submitted and meet with the approval of the Development Review Committee (DRC) in accordance with the procedures adopted by the DRC and any procedures applicable to the application for development approval. Through the DRC approval process, all concurrency determinations will be finalized to ensure strict compliance with the requirements of the LDRs as they pertain to bulk, massing placement, landscaping, design, sustainability and lighting, as well as with the requirements of the City's Public Works Department, the City's Police Department, and the County and/or State agencies.

**4. The site for the proposed use relates to streets and highways adequate in width**

**and pavement type to carry the quantity and kind of traffic generated by the proposed use or adequate mitigation is provided;**

The subject site is located at the corner of N.E. 135<sup>th</sup> Street and N.E. 6<sup>th</sup> Avenue. Both streets are classified as State owned (FDOT) arterial roads. The City's Transportation Master Plan indicates that the segment of N.E. 135<sup>th</sup> Street in proximity of the site is operating at a level of service (LOS) F. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above LOS standard E. Additionally, the City of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage. With an anticipated increase in traffic generated from the site, staff believes that the proposed request would cause further decline in the roadway LOS and is therefore requiring that the Applicant proposes multimodal transportation alternatives, such as bicycle racks, public transportation and carpooling to alleviate the added traffic anticipated from the site.

- 5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.**

Staff believes the proposed development will greatly complement the surrounding neighborhood as it offers a wide range of housing choices and related amenities in an area, which is lacking in new residential facilities for low- and moderate-income families, namely the elderly who often have difficulties finding quality affordable housing within the City. Additionally per Section 4-405 of the LDRs, the site is subject to certain development restrictions governing the building, scale, setbacks and parking to ensure a compatible transition between the low-density single-family neighborhoods west of the subject site.

- 6. The parcel proposed for development is adequate in size and shape to accommodate all development features;**

With a size of 2.12 acres and with having frontage on two (2) major corridors, the subject property is suitable in size and shape to accommodate the proposed multi-family residential development.

- 7. The proposed use will not have an adverse impact on use, livability, value and development of adjacent properties;**

The proposed development will make way for the first major redevelopment project to occur along the N.E. 6<sup>th</sup> Avenue corridor in many years. As proposed, it is anticipated

to greatly improve the image of the corridor, which has a large stock of mainly older apartment buildings. As such, efforts to improve the site are anticipated to have a positive impact on neighboring properties and enhance the aesthetics of the area.

**8. The nature of the proposed development is not detrimental to the public health, safety and general welfare of the community;**

As proposed, the future development will provide new multifamily units and a mix of community facilities with ancillary on-site amenities for future residents. As such, staff believes the proposed development will support Goal 3A.1 of the Housing Element of the City's Comprehensive Plan, which aims "to ensure that housing in the City is decent, safe and sanitary to serve the needs of the City's present and future residents." The development will also help implement Policy 3B.2.6, which requires the City to "continue to expand options toward meeting the needs of the very low, low and moderate income population by developing, on an ongoing basis, model programs for providing safe and adequate affordable housing in the City." The proposed development will help fulfill a need for decent, quality low- and moderate-income, as well as elderly housing within the City. It will be an asset to the community and will not adversely impact the public health, safety and general welfare of same.

**9. The design of the use creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development; and**

Per Section 5-805 of the City's LDRs, all new construction is required to incorporate LEED standards or the City's alternative green standards in order to support the City's environmental initiatives. Furthermore, the proposed development will demonstrate design excellence and will have the required Florida Green Building Certification with a designation of gold or higher. The project will also include a gamut of TOD standards, as well as open space and recreational amenities, among other features. The project will be architecturally and aesthetically pleasing and will transition well with the surrounding low-lying single-family residences. It will make a significant urban design statement at this intersection, will greatly contribute to create a sense of place, and could well become a catalyst for the redevelopment of N.E. 6<sup>th</sup> Avenue.

**10. Flexibility in regard to development standards is justified by the benefits to community character and the immediate vicinity of the parcel proposed for development.**

The Applicant is requesting approval of this CUP in order to create not just a viable project that maximizes the use of the site, but, more importantly, provide a wide range of housing choices to the low- and moderate-income families of the City, especially the elderly. In that regard, staff believes the flexibility in standards is necessary for the successful development of the site.

**CONCLUSION**

Based on the foregoing, staff believes that the requested CUP satisfies the requirements of Section 3-405 of the City’s LDRS and is consistent with the goals, objectives and policies of the City’s adopted Comprehensive Plan. Therefore, staff requests that the Mayor and City Council adopt the attached resolution, approving the requested CUP to transfer **one hundred thirty-eight (138) residential floating units** from the NRO primary residential pool of two thousand two hundred (2,200) residential floating units, along with the following findings and conditions:

1. **Unity of Title:** Within forty-five (45) days of the adoption of the resolution approving the requested CUP by the Mayor and City Council, the Applicant shall consolidate all eight (8) parcels into one parcel by virtue of a unity of title; said instrument to meet with the approval of the City Attorney’s Office prior to be recorded with the Miami-Dade County Clerk of Court;
2. **Density Bonuses:** That one hundred thirty-eight (138) floating residential units be transferred from the NRO primary pool to the proposed development based on the following calculations:

<b>Mandatory Elements</b>	<b>Density Bonus Earned</b>
<b>Green Building &amp; Sustainability:</b>	
USGBC With Gold Designation or Higher	25 du/ac
5 of 8 TOD Standards	6 du/ac
<b>Optional Elements:</b>	
Affordable/Workforce Housing > 25% set aside	25 du/ac
Design Excellence	5 du/ac
Public Art	2.5
Open Space (> 5,000 sq. ft.) & Recreational Amenities	5 du/ac
<b>Total Overall Density Bonuses Earned</b>	<b>65 du/ac *</b>
*Maximum density for a site larger than 80,000 sq. ft. and fronting on two streets is 90 du/ac.	

3. **DRC Approval:** Prior to the submittal of an application for a building permit, a precise plan, which shall be substantially in compliance with the initial development order approved by the City Council, shall be submitted and meet with the approval of the

Development Review Committee (DRC) in accordance with the procedures adopted by the DRC and any procedures applicable to the application for development approval. Failure to file said precise plan within one (1) year of the City Council approval shall result in the revocation of the CUP;

4. **Green Building & Sustainability:** That the Applicant provide registration receipt from the United States Green Building Council (USGBC) showing intent to achieve the Gold designation of higher prior to Mayor and City Council consideration, or at the time of DRC approval;
5. **Affordable Housing Restrictive Covenant:** That the Applicant proffer a Declaration of Restrictive Covenant meeting with the approval of the City's Attorney's Office, which sets aside at least 25 percent or 48 of the 191 units for affordable/workforce housing for a term not less than twenty (20) years. The Applicant shall also give first preference to North Miami residents by selecting clients through the City's Housing Program;
6. **Stormwater Management:** All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures. All off-site drainage improvements shall meet design requirements as applicable to the corridor type;
7. **Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise plan by the DRC members. Failure to do so will result in the expiration of the precise plan;
8. **Miscellaneous:** That the CUP comply with all applicable requirements of the City's Public Works Department, Police Department, and all other County and State agencies;
9. **Certificate of Occupancy:** That a Certificate of Occupancy (CO) from the Building and Minimum Housing Department be only issued to the Applicant upon providing a copy of the Gold Certification from the USGBC as required per the development order and upon compliance with all other terms and conditions of this approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
10. **Certificate of Use and Business Tax receipt:** That a Certificate of Use (CU) from the Community Planning & Development Department and Business Tax Receipt (BTR) from the City Clerk's Office be only issued to the Applicant upon compliance with all terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed.

- Attachments:
1. Proposed Resolution
  2. Conditional Use Permit (Exhibit 1)
  3. Architecture Interior Design Planning: Zoning Data, Ground Floor Plan and Typical Floor Plan
  4. Letter of Intent for Conditional Use Permit
  5. Previous Ordinances, Resolutions and Conditional Use Permit

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING UP TO ONE HUNDRED THIRTY-EIGHT (138) FLOATING RESIDENTIAL BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS TO A PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF A TOTAL OF ONE HUNDRED NINETY-ONE (191) UNITS, INCLUDING A SEVEN (7) STORY APARTMENT COMPONENT WITH NINETY-NINE (99) UNITS (ENTITLED “VERBINA”) AND AN EIGHT (8) STORY ELDERLY HOUSING COMPONENT WITH NINETY-TWO (92) UNITS (ENTITLED “VERBENA SENIOR RESIDENCES”), ON THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, ENCOMPASSING A TOTAL OF EIGHT (8) CONTINUOUS AND ABUTTING PARCELS, 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**, Objective 1.2 of the Future Land Use Element of the adopted 2007 Amendments to the City’s Comprehensive Plan designated the City’s urban core as the Neighborhood Redevelopment Overlay District (“NRO”) and further mandated the City to direct growth into the overlay area in a manner that will achieve the redevelopment, economic development, housing choice, and multi-modal transportation objectives and policies of the Comprehensive Plan; 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 NRO (“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**, on April 28, 2009, the Mayor and City Council adopted the City's Land Development Regulations ("LDRs") to implement the City's Adopted 2007 Comprehensive Plan; to establish comprehensive controls for the use of land in the City; to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare and quality of life in the City; to establish rules of procedure for land development approvals; and to specify in detail how the policies of the NRO shall be implemented; and

**WHEREAS**, Article 4, Section 4-204 of the 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**, Conestoga Holdings, LLC, and Joshua Tree Real Estate, are the owners of the parcels identified by Miami-Dade County folio numbers: 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; and

**WHEREAS**, Marie Petit-Frère is the owner of the parcel identified by Miami-Dade County folio numbers: 06-2219-004-0110; and

**WHEREAS**, Marie I. Joseph is the owner of the parcel identified by Miami-Dade County folio numbers: 06-2219-004-0030; and

**WHEREAS**, the owners (hereinafter the "Affiants") of these eight (8) contiguous and abutting lots ("Subject Property"), which are generally located on the Northwest corner of the intersection of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, and consisting of 2.12 acres, have legally authorized Pinnacle Housing Group ("Applicant"), to file this Conditional Use Permit application and to receive all correspondence and represent the Affiants; 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**, on January 27, 2015, the Applicant was granted a Conditional Use Permit transferring fifty-eight (58) floating residential units from the established NRO primary pool of

2,200 available units to a seven (7) story, ninety-nine (99) units multi-family residential development proposed for the six (6) parcels owned by Conestoga Holdings, LLC, and Joshua Tree Real Estate; and

**WHEREAS**, the Applicant, who has a purchase agreement to acquire the other two (2) individual parcels, is now desirous to amend the January 27, 2015, filed a Conditional Use Permit to include said lots and, in accordance with Article 3, Division 4, Section 3-410B of the LDRs, has filed this new Conditional Use Permit application with the City Community Planning & Development Department, requesting that the Mayor and City Council allocate up to one hundred thirty-eight (138) additional bonus residential units from the existing Primary Pool of available units in order to construct a total of 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 (2,062) 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 November 3, 2015, reviewed the proposed request and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and unanimously 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 a conditional use permit, in substantially the attached form, transferring up to one hundred thirty-eight (138) floating residential bonus units

from the Neighborhood Redevelopment Overlay (NRO) District primary residential pool of two thousand two hundred (2,200) floating residential units to a proposed multifamily residential development consisting of a total of one hundred ninety-one (191) units, including a seven (7) story apartment component with ninety-nine (99) units (entitled “Verbena”) and an eight (8) story elderly housing component with ninety-two (92) units (entitled “Verbena Senior Residences”), on the property generally located on the Northwest corner of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, encompassing a total of eight (8) continuous and abutting parcels, 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 \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Vice Mayor Carol Keys, Esq.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilman Scott Galvin

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilman Philippe Bien-Aime

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilman Alix Desulme

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

## EXHIBIT I

### CONDITIONAL USE PERMIT FOR PINNACLE HOUSING GROUP, LLC.

**WHEREAS**, Conestoga Holdings, LLC, and Joshua Tree Real Estate ETAL are the owners of the parcels identified by Miami-Dade County folio numbers: 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; and

**WHEREAS**, Marie Petit-Frère is the owner of the parcel identified by Miami-Dade County folio number: 06-2219-004-0110; and

**WHEREAS**, Marie I. Joseph is the owner of the parcel identified by Miami-Dade County folio number: 06-2219-004-0030; and

**WHEREAS**, the owners of these eight (8) contiguous and abutting lots more particularly described in attached Exhibit “A”, Survey Drawing of Property (the “Subject Property”), and generally located on the Northwest corner of the intersection of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, have legally authorized Pinnacle Housing Group (“Applicant”), to file this Conditional Use Permit application to receive all correspondence and represent them; and

**WHEREAS**, the Property is zoned R-6 and comprises 2.12 acres in size; and

**WHEREAS**, in accordance with Section 4-405 of the City’s Land Development Regulations (LDRs), the Applicant, Pinnacle Housing Group, LLC., requests that in addition to the 53 residential units permitted as of right on the property, the City approves this Condition Use Permit (CUP) to transfer **one hundred thirty-eight (138) residential floating units** from the Neighborhood Redevelopment Overlay (NRO) primary residential pool of two thousand two hundred (2200) units to develop a 191-unit multifamily affordable housing project on site; and

**WHEREAS**, staff has reviewed the requested CUP and finds that it complies with the requirements of Section 3-405 of the LDRs; and

**WHEREAS**, on November 3<sup>rd</sup>, 2015, the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of **one hundred thirty-eight (138) residential floating units** from the NRO primary residential pool of two thousand two hundred (2200) units ; and

**WHEREAS**, said transfer of **one hundred thirty-eight (138) residential floating units** from the NRO primary residential pool of **two thousand two hundred (2200) units** would reduce the primary pool of units to two thousand one hundred forty-two (**2062**) units; and

**WHEREAS**, on November 24, 2015, the Mayor and City Council reviewed the requested CUP to develop the currently vacant properties and determined that it is consistent with the goals, objectives and policies of the City’s Comprehensive Plan, and is also in keeping with the purpose and intent of the City’s LDRs.

**NOW, THEREFORE,** the Mayor and City Council approves this CUP along with the following findings and conditions:

1. **Unity of Title:** Within forty-five (45) days of the adoption of the resolution approving the requested CUP by the Mayor and City Council, the Applicant shall consolidate all eight (8) parcels into one parcel by virtue of a unity of title; said instrument to meet with the approval of the City Attorney’s Office prior to be recorded with the Miami-Dade County Clerk of Court;
2. **Density Bonuses:** That one hundred thirty-eight (138) floating residential units be transferred from the NRO primary pool to the proposed development based on the following calculations:

Mandatory Elements	Density Bonus Earned
<b>Green Building &amp; Sustainability:</b>	
USGBC With Gold Designation or Higher	25 du/ac
5 of 8 TOD Standards	6 du/ac
<b>Optional Elements:</b>	
Affordable/Workforce Housing > 25% set aside	25 du/ac
Design Excellence	5 du/ac
Public Art	2.5
Open Space (> 5,000 sq. ft.) & Recreational Amenities	5 du/ac
<b>Total Overall Density Bonuses Earned</b>	<b>65 du/ac *</b>
*Maximum density for a site larger than 80,000 sq. ft. and fronting on two streets is 90 du/ac.	

3. **DRC Approval:** Prior to the submittal of an application for a building permit, a precise plan, which shall be substantially in compliance with the initial development order approved by the City Council, shall be submitted and meet with the approval of the Development Review Committee (DRC) in accordance with the procedures adopted by the DRC and any procedures applicable to the application for development approval. Failure to file said precise plan within one (1) year of the City Council approval shall result in the revocation of the CUP;
4. **Green Building & Sustainability:** That the Applicant provide registration receipt from the United States Green Building Council (USGBC) showing intent to achieve the Gold designation of higher prior to Mayor and City Council consideration, or at the time of DRC approval;

5. **Affordable Housing Restrictive Covenant:** That the Applicant proffer a Declaration of Restrictive Covenant meeting with the approval of the City's Attorney's Office, which sets aside at least 25 percent or 48 of the 191 units for affordable/workforce housing for a term not less than twenty (20) years. The Applicant shall also give first preference to North Miami residents by selecting clients through the City's Housing Program;
6. **Stormwater Management:** All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures. All off-site drainage improvements shall meet design requirements as applicable to the corridor type;
7. **Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise plan by the DRC members. Failure to do so will result in the expiration of the precise plan;
8. **Miscellaneous:** That the CUP comply with all applicable requirements of the City's Public Works Department, Police Department, and all other County and State agencies;
9. **Certificate of Occupancy:** That a Certificate of Occupancy (CO) from the Building and Minimum Housing Department be only issued to the Applicant upon providing a copy of the Gold Certification from the USGBC as required per the development order and upon compliance with all other terms and conditions of this approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
10. **Certificate of Use and Business Tax receipt:** That a Certificate of Use (CU) from the Community Planning & Development Department and Business Tax Receipt (BTR) from the City Clerk's Office be only issued to the Applicant upon compliance with all terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed.

BUILDING DATA	
EXISTING ZONING DESIGNATION	R-6 Multifamily District
OCCUPANCY	Vacant / Single-family residences
LOT AREA	91,476 SQ. FT. (2.12 ACRES)
OPEN SPACE	
MIN. 20% OF 91,476 SF	18,295 SQ. FT.
<b>PROVIDED</b>	<b>64,605 (70%)</b>

BUILDING SETBACKS	REQUIRED	PROPOSED
PRINCIPAL FRONT	25'-0"	25'-0"
SIDE (Northwest)	30'-3"	212'-9"
SIDE (Southwest)	22'-9"	94'-9"
REAR	25'-0"	25'-0"

BUILDING HEIGHT	
MAXIMUM :	85'-0"
<b>PROPOSED:</b>	<b>85'-0" (7-8 LEVELS)</b>

PARKING CALCULATION	REQUIRED	PROVIDED
PARKING REQUIRED:		
RESIDENTIAL: 1.5 SPACES PER DU X 190	285	162
RESIDENTIAL VISITOR: 5% OF TOTAL	15	15
<b>TOTAL</b>	<b>300</b>	<b>328</b>

SENIOR PROGRAM	
1 BEDROOM	67 UNITS (74%)
2 BEDROOM	25 UNITS (26%)
<b>TOTAL</b>	<b>92 UNITS</b>

SENIOR BUILDING UNIT BREAKDOWN	
LEVE 1	8 UNITS
LEVE 2	12 UNITS
LEVE 3	12 UNITS
LEVE 4	12 UNITS
LEVE 5	12 UNITS
LEVE 6	12 UNITS
LEVE 7	12 UNITS
LEVE 8	12 UNITS
<b>TOTAL</b>	<b>92 UNITS</b>

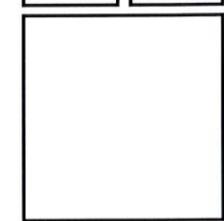
FAMILY BREAKDOWN	
1 BEDROOM	40 UNITS (40%)
2 BEDROOM	40 UNITS (40%)
3 BEDROOM	18 UNITS (25%)
<b>TOTAL</b>	<b>98 UNITS</b>

FAMILY BUILDING UNIT BREAKDOWN	
LEVE 1	0 UNITS
LEVE 2	17 UNITS
LEVE 3	17 UNITS
LEVE 4	17 UNITS
LEVE 5	17 UNITS
LEVE 6	15 UNITS
LEVE 7	15 UNITS
<b>TOTAL</b>	<b>98 UNITS</b>

REVISIONS / SUBMISSIONS	
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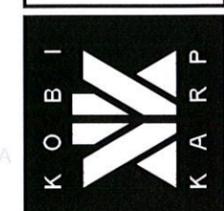
0928  
ALL CHANGES AND WRITTEN MATERIAL APPEARING HEREON CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF KOBI KARP AIA AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF KOBI KARP ARCHITECTURE & INTERIOR DESIGN INC. AIA #111,2012.

AFFORDABLE HOUSING	N.E. 135th Street North Miami, Florida	ZONING DATA
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ARCHITECTURE INTERIOR DESIGN PLANNING AIA ASID NCARB 2915 Biscayne Boulevard Miami, Florida 33137 O: 305-573-1918 F: 305-573-3794 WWW.KOBIKARP.COM	KOBI KARP Lic. # AR0012578
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ARCHITECTURE INTERIOR DESIGN PLANNING AIA ASID NCARB 2915 Biscayne Boulevard Miami, Florida 33137 O: 305-573-1918 F: 305-573-3794 WWW.KOBIKARP.COM	KOBI KARP Lic. # AR0012578
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DRAWN BY:	KKAIID
CHECKED BY:	KKAIID
DATE:	01.05.2015

**A001**







September 22, 2015

Via E-mail

Nixon Lebrun  
Zoning Administrator  
City of North Miami  
12400 NE 8<sup>th</sup> Ave.  
North Miami, FL 33161

**RE: LOI for Conditional Use Permit**

Dear Mr. Lebrun:

Pinnacle Housing Group, on behalf of the owner of the vacant land located at the northwest corner of the intersection of NE 135<sup>th</sup> Street and NE 6<sup>th</sup> Ave., is seeking a Conditional Use Permit for two proposed development projects. The site is located inside the City's Neighborhood Redevelopment Overlay District. The developments, to be called Verbena and Verbena Senior Residences, will be comprised of no more than 191 units combined. The development will be multi-family rental, affordable housing units serving those in the community making 60% or less of the Area Median Income.

The proposed seven-story development, Verbena, will provide one, two, three and four bedroom units to families as well as a myriad of on-site amenities, including a fitness facility, computer lab and playground. It is anticipated that this phase will consist of 98-99 units. The proposed eight-story development, Verbena Senior Residences, will provide one and two bedroom units to seniors ages 55 and up. On-site amenities will include a fitness facility, computer lab and community room. This phase will be comprised of approximately 92 units.

DEVELOPMENT • CONSTRUCTION • MANAGEMENT

9400 SOUTH DADELAND BOULEVARD. • SUITE 100 • MIAMI, FLORIDA 33156  
Tel: (305) 854-7100 • Fax: (305) 859-9858  
WWW.PINNACLEHOUSING.COM



Conditional Use Permits (CUPs) have been approved previously for the site. In 2013 a CUP was approved for the same site allowing a transfer of 138 units and a bonus height of 35 feet. That CUP expired, and a new CUP request was filed and approved at the beginning of 2015 for a portion of the site. That CUP approved a transfer of 58 units. However, the team has subsequently successfully negotiated for the other adjacent parcels, bringing the total back to 2.12 acres. Therefore, Pinnacle Housing Group is reapplying on behalf of the owner to increase the number of units allowed under the existing CUP and provide an extension to allow time for the applicant to receive funding through the State.

Based on the current R-6 zoning, the development is allowed a density of 25 units per acre by right. However, we are seeking density bonuses based on the following conditions:

- 1) Developments will consist of 100% affordable housing units.
- 2) Developments will be Florida Green Building Certified.

Based on density bonuses, and given the site's size (2.12 acres), the allowable density is then 90 units/acre or 191 total units. The applicant therefore seeks approval of a Conditional Use Permit and the allocation of 138 additional bonus residential units from the existing Primary Pool of available units in order to construct up to 191 multifamily units on the Subject Property.

Sincerely,

A handwritten signature in black ink, appearing to read "David O. Deutch". The signature is fluid and cursive, with a large initial "D" and "O".

David O. Deutch  
Partner  
Pinnacle Housing Group

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**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE ADJACENT LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami ("City") to adopt and enforce a comprehensive plan; and

**WHEREAS**, Section 163.3187(1)(c), Florida Statutes, allows local governments to periodically make small scale land use amendments to their Comprehensive Plan, Future Land Use Map ("FLUM"), if the proposed amendment does not exceed ten (10) acres and the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed one hundred twenty (120) acres; and

**WHEREAS**, the subject property, consisting of 47,993 square feet (or 1.1 acres) in size, generally identified by Public Records of Miami-Dade County, Florida, as Lots 1, 2, 3, 11, and 12 of Block 1, Smallwood Manor Subdivision, is a subset of a larger development containing approximately 91,476 square feet or 2.1 acres, which contains two (2) different residential land use designations, reflected as medium and high density on the FLUM ("Subject Property"); and

**WHEREAS**, Conestoga Holdings LLC ("Applicant"), has filed an application for a Small Scale Land Use Plan Amendment to change the use of the Subject Property from Medium

Density Residential to High Density Residential land use, in order to homogenize the uses upon the Subject Property and create the first mixed-use complex along the existing corridor; and

**WHEREAS**, Policy Section 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”) requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

**WHEREAS**, the proposed application is consistent with the Comprehensive Plan by encouraging mixed use along major corridors within the Neighborhood Redevelopment Overlay (NRO) District, and promote redevelopment that will enhance the public’s health, safety and welfare of the City; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended the adoption of the proposed Small Scale Land Use Plan Amendment to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, further authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

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

**Section 1. Subject Property.** The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Medium Density Residential to High Density Residential land use designation.

**Section 2. Authority of City Manager.** The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

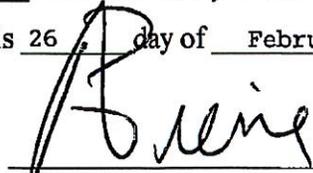
**Section 4. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it

being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

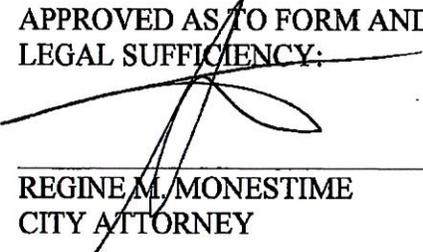
**Section 5. Effective Date.** This Ordinance shall not become effective until thirty-one (31) days after adoption on second reading, if not otherwise challenged.

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

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26 day of February, 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 Marcellus

Seconded by: Councilman Galvin

**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)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

ORDINANCE NO. 1351

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF EIGHT (8) CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE TOTALING APPROXIMATELY 2.1 ACRES IN SIZE AND GENERALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12, CURRENTLY ZONED R-5, AND LOTS 13, 14 AND 15, CURRENTLY ZONED R-4, OF BLOCK 1, SMALLWOOD MANOR SUBDIVISION, FROM THE CURRENT R-4 AND R-5 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION TO AN R-6 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION; AND TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE OFFICIAL ZONING MAP, TO INCLUDE THE SUBJECT LOTS 1, 2, 3, 11 AND 12, IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, Conestoga Holdings LLC ("Applicant"), filed a rezoning application on December 12, 2012, with the City of North Miami ("City") Community Planning and Development Department, requesting to rezone an area consisting of eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, identified by tax folios: 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, 06-2219-004-0020) consisting of approximately 91,476 square feet (or 2.1 acres) in size ("Subject Property"), from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation; and

WHEREAS, three (3) of the eight (8) lots (i.e., lots 13, 14 and 15) are also currently located inside the City Neighborhood Redevelopment Overlay ("NRO") District, which allows for mixed use developments for properties located within the NRO District boundary; and

**WHEREAS**, in conjunction with rezoning of the Subject Property to R-6 Multifamily Residential zoning designation, the Applicant is also requesting that the City amend the western boundary of the NRO District to extend the line westward to include the 5 remaining lots located outside the NRO District (i.e., lots 1, 2, 3, 11 and 12); and

**WHEREAS**, the Applicant proposes to revitalize the property and create a new mixed use project, including residential, retail and community facility uses, pursuant to Article 4, Section 4-405C of the City Code of Ordinances, Land Development Regulations (“LDRs”); and

**WHEREAS**, Policy 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”), requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

**WHEREAS**, the City believes the proposed application is consistent with the Comprehensive Plan and with uses permitted in the NRO District as of right, and enables future redevelopment along a major corridor in a mainly blighted area of the City; and

**WHEREAS**, the proposed redevelopment of the Subject Property is anticipated to generate additional tax revenue and create new jobs within the City; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found that the application met the requirements of Article 3, Section 3-1004 of the LDR’s, and in harmony with the goals, objectives and policies of the Comprehensive Plan, and thereby, recommended approval of the proposed rezoning to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council, find the rezoning of the Subject Property to be consistent with the intent of the Comprehensive Plan and advantageous to the best interest of the City, and accept the Planning Commission’s recommendation to approve and adopt the requested rezoning from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation.

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

**Section 1. Rezoning of Property and Amendment to Official Zoning Map.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled “Land Development Regulations”, by

amending the City of North Miami Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of an area consisting of eight (8) contiguous lots, located on the Northwest Quadrant of Northeast 135<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue totaling approximately 2.1 acres in size and generally identified as lots 1, 2, 3, 11 and 12, currently zoned R-5, and lots 13, 14 and 15, currently zoned R-4, of Block 1, Smallwood Manor Subdivision, from the current R-4 and R-5 Multifamily Residential zoning designation to an R-6 Multifamily Residential zoning designation; and to further expand the Neighborhood Redevelopment Overlay (NRO) District boundary depicted on the Official Zoning Map, to include the subject lots 1, 2, 3, 11 and 12, in order to allow for the future redevelopment of the vacant site, consistent with the intent of the City of North Miami Comprehensive Plan.

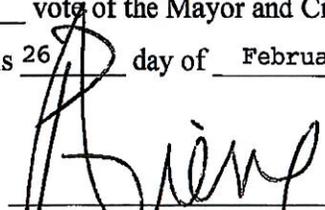
**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Effective Date.** This Ordinance shall not become effective until thirty-one (31) days after adoption on second reading, if not otherwise challenged.

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

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26 day of February, 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)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

**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

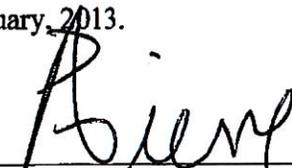
health, safety, and welfare of residents and thereby, approve the Conditional Use Permit allocating the requested number of units from the Primary Pool, in conjunction with the height bonus.

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

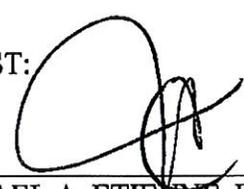
**Section 1. Approval of Conditional Use Permit.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conditional Use Permit, in substantially the attached form, transferring up to one hundred thirty-eight (138) bonus units from the Neighborhood Redevelopment Overlay 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.

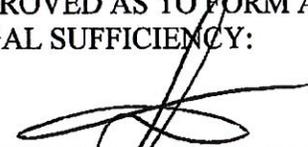
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12 day of February, 2013.

  
\_\_\_\_\_  
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)

EXHIBIT I 2013

**CONDITIONAL USE PERMIT FOR CONTESTOGA HOLDINGS, LLC**

**WHEREAS**, Contestoga Holdings, LLC owns the real property more particularly described in attached Exhibit "A", Survey Drawing of Property (the "Property"); and

**WHEREAS**, the Property is zoned R-6 and is 2.12 acres in size

**WHEREAS**, in accordance with Section 4-405 of the City's LDR the applicant requests that in addition to the 53 permitted as of right units, the City grant Conditional Use Approval, for allocation of 138 additional bonus units as well as a bonus height of 35 feet, from the established primary pool of floating units to create 191 multifamily units on site with a maximum height of 145 feet; and

**WHEREAS**, staff has reviewed the proposed application and finds that it complies with the requirements of Section 3-405 of the LDR; and

**WHEREAS**, on January 17th, 2013 the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of **138 bonus units** from Neighborhood Redevelopment Overlay (NRO) primary residential pool of two thousand two hundred (2200) units ; and

**WHEREAS**, said transfer of **138** units from the "NRO primary residential pool of two thousand two hundred (2200) units would reduce the primary pool of units to Two Thousand and Sixty Two (**2062**) units; and

**WHEREAS**, on February 12, 2013, the City Council reviewed the request and determined that it is consistent with the intent of the City's Comprehensive Plan, allows for redevelopment of a currently vacant site and will further advance the public health, safety and welfare of the City.

**NOW, THEREFORE**, the City Council approves this Conditional Use Permit along with the following findings and conditions:

1. That this approval is subject to the formal adoption and approval of the associated Rezoning and Future Land Use Plan Amendments.
2. That the applicant submits final precise plans and applicable landscape plans to the City's Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
3. That the applicant shall file an application for a waiver of plat with the Community Planning & Development Department to unify the eight (8) lots and the vacated and abandoned alleyways into one consolidated parcel.
4. That the applicant shall provide registration receipt from the United States Green Building Council (USGBC) showing intent to achieve LEED Silver designation prior to Council consideration.
5. That the applicant shall provide a copy of LEED Silver Certification from the USGBC to validate the proposed "green" elements of the development prior to obtaining final Certificate of Occupancy.

6. That the applicant shall record a Restrictive Covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City's Housing Division's current Neighborhood Stabilization Program (NSP) Rental Waiting list.
7. Comply with all other City/County regulations as it relates to zoning, parking, landscaping, school concurrency and utilities.
8. **Density bonuses** – the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

<b>Mandatory Elements</b>	<b>Density Bonus Earned</b>
<b>Green &amp; Sustainable:</b>	
Designed to meet LEED silver rating –	18 du/acre
<b>Transit Oriented Development:</b>	
<b>4 of 8 selected</b>	
Improved pedestrian way with wayfinding signage	
Sheltered Bus Stop within ¼ mile of the development	
Provision of bike racks	
Connection to planned bike trail on NE135 Street	
Total for 4 of 8	2 du/acre
<b>Optional Elements – Mixed Use &amp; Open Space:</b>	
Project Open Space –	5 du/acre
Structured Parking (Pedestal) -	10 du/acre
Underground Utilities -	5 du/acre
Public Art - 2.5 du/acre	2.5 du/acre
Design Excellence - 5 du/acre	5 du/acre
Major Corridor	25 du/acre
Affordable/Workforce Housing > 20% set aside	20 du/acre
<b>Total Overall Bonus Units Earned</b>	<b>92.5</b>
Note: Maximum Density Bonus Allowed is 90 du/acre	

9. Height bonus – the applicant shall be granted additional height bonus through conditional use based on the project incorporating all the following elements

<b>Density</b>	<b>Designed to Achieve LEED Silver</b>
Height Bonus with > 25 du/ac density bonus	35 feet

9. A building permit shall be filed within one year of the date of the conditional use approval or the approval shall be null and void.

**RESOLUTION NO. R-2013-12**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Chapter 29, Article 3, Division 9 of the City of North Miami ("City") Code of Ordinances ("LDRs"), provides a uniform procedure for the vacation, abandonment and sale of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

**WHEREAS**, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment which will maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

**WHEREAS**, Conestoga Holdings, LLC (the "Applicant"), owns eight (8) contiguous and abutting lots 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 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); and

**WHEREAS**, the Applicant filed a development application with the City's Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15') wide alleyways that intersect at right angles across the subject alleyways, consisting of approximately seven thousand four hundred twenty-five (7,425) square feet, or approximately 0.17 acres in size; and

**WHEREAS**, the City administration has reviewed the impact of the vacation and abandonment of the alleyways and found that in its current use, the subject alleyways do not provide a benefit to the public health, safety, welfare or convenience, in that they are not used by the City for any intended public purpose; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan, and demonstrating the established standards of Section 3-903A of the LDRs, and thereby, recommended approval of the application to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment, closure and sale of the subject alleyways, to be in the best interest of the City and hereby accept the Planning Commission's recommendation for approval.

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

**Section 1. Vacation, Abandonment, Closure and Sale of Alleyways.** The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of two (2) fifteen feet (15') wide alleyways located between Northeast 135<sup>th</sup> Street and Northeast 136<sup>th</sup> Street, lying west of Northeast 6<sup>th</sup> Avenue, as described in the attached "Exhibit A".

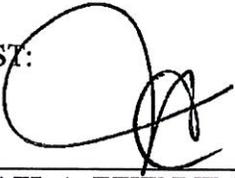
**Section 2. Authority of City Manager to Negotiate Sale of Alleyways.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject alleyways, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate same.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

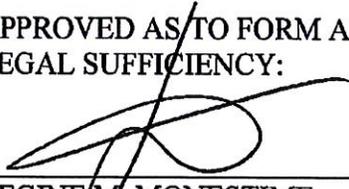
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12 day of February, 2013

  
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 Blynn

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)

**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 135<sup>th</sup>

Street and Northeast 6<sup>th</sup> Avenue, as specifically identified by Miami-Dade County tax folio numbers: 06-2219-004-0010, 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 135<sup>th</sup> 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 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.

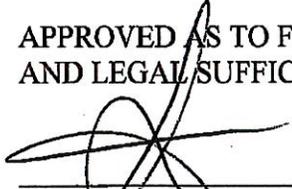
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 27<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
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  
Vice Mayor Carol Keys, Esq.  
Councilperson Scott Galvin  
Councilperson Philippe Bien-Aime  
Councilperson Marie Erlande Steril

<u>x</u>	(Yes)	_____	(No)
<u>x</u>	(Yes)	_____	(No)
<u>x</u>	(Yes)	_____	(No)
<u>x</u>	(Yes)	_____	(No)
<u>x</u>	(Yes)	_____	(No)

## EXHIBIT I 2015

### CONDITIONAL USE PERMIT FOR PINNACLE HOUSING GROUP, LLC.

**WHEREAS**, Conestoga Holdings, LLC owns the real property more particularly described in attached Exhibit "A", Survey Drawing of Property (the "Property"); and

**WHEREAS**, the Property is zoned R-6 and is 1.65 acres in size

**WHEREAS**, in accordance with Section 4-405 of the City's LDRS, the applicant, Pinnacle Housing Group, LLC., requests that in addition to the 41 permitted as of right units, the City grant Conditional Use Approval, for allocation of 58 additional bonus units from the established primary pool of floating units to create 99 multifamily units on site; and

**WHEREAS**, staff has reviewed the proposed application and finds that it complies with the requirements of Section 3-405 of the LDR; and

**WHEREAS**, on January 6<sup>th</sup>, 2015, the Planning Commission voted to recommend that the City Council grant Conditional Use Approval for the transfer of **58 bonus units** from the Neighborhood Redevelopment Overlay (NRO) primary residential pool of two thousand two hundred (2200) units ; and

**WHEREAS**, said transfer of **58** units from the "NRO primary residential pool of two thousand two hundred (2200) units would reduce the primary pool of units to Two Thousand One Hundred Forty-Two (**2142**) units; and

**WHEREAS**, on January 28, 2015, the City Council reviewed the request and determined that it is consistent with the intent of the City's Comprehensive Plan, allows for redevelopment of a currently vacant site and will further advance the public health, safety and welfare of the City.

**NOW, THEREFORE**, the City Council approves this Conditional Use Permit along with the following findings and conditions:

1. That the applicant shall consolidate all 6 lots in the proposed development through a unity of title. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with the County.
2. That the applicant submits final precise plans and applicable landscape plans to the City's Community Planning & Development Department, Development Review Committee (DRC) for review and approval prior to obtaining building permits.
3. That the applicant shall provide registration receipt from the United States Green Building Council (USGBC) showing intent to achieve LEED Silver designation prior to Council consideration.

4. That the applicant shall provide a copy of LEED Silver Certification from the USGBC to validate the proposed “green” elements of the development prior to obtaining final Certificate of Occupancy.
5. That the applicant shall record a Restrictive Covenant against the property for the purpose of maintaining the affordable/workforce housing for a term not less than twenty (20) years. The applicant shall also give first preference to North Miami residents by selecting clients from the City’s Housing Division’s current Neighborhood Stabilization Program (NSP) Rental Waiting list.
6. Comply with all other City/County regulations as it relates to zoning, parking, landscaping, school concurrency and utilities.
7. **Density bonuses** – the applicant shall be granted additional bonus density through conditional use based on the project incorporating all the following elements:

<b>Mandatory Elements</b>	<b>Density Bonus Earned</b>
<b>Green &amp; Sustainable:</b>	
Designed to meet LEED Gold or FGBC Rating –	25 du/ac
4 of 8 TOD Requirements	3 du/ac
<b>Optional Elements:</b>	
Affordable/Workforce Housing > 25% set aside	25 du/ac
<b>Total Overall Bonus Units Earned</b>	<b>58</b>
Note: Maximum Density with Bonus Allowed for Subject Site with frontage on 2 Streets and a size of 71,684 sq. ft. is 35 du/ac.	

9. A building permit shall be filed within one year of the date of the conditional use approval or the approval shall be null and void.