

RESOLUTION NO. 2021-R-57

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
APPROVING AN APPLICATION FOR A CONDITIONAL
USE PERMIT, IN SUBSTANTIALLY THE ATTACHED
FORM, FOR AN EXISTING DEVELOPMENT THAT WILL
PROVIDE FOR A UNIVERSITY ON THE 7.95-ACRE REAL
PROPERTY, LOCATED AT THE NORTHWEST CORNER
OF THE INTERSECTION OF NE 127 STREET AND NE 17
AVENUE, AND SPECIFICALLY IDENTIFIED WITH
MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2229-057-
0010, 06-2229-008-0559, AND 06-2229-008-0552, IN
ACCORDANCE WITH ARTICLE 3, DIVISION 4,
SECTIONS 3-402 THROUGH 3-407 AND ARTICLE 4,
DIVISION 3, SECTION 4-302 OF THE CITY OF NORTH
MIAMI CODE OF ORDINANCES, CHAPTER 29,
ENTITLED "LAND DEVELOPMENT REGULATIONS";
PROVIDING FOR AN EFFECTIVE DATE AND ALL
OTHER PURPOSES.**

WHEREAS, the real property located at the northwest corner of the intersection of NE 127 Street and NE 17 Avenue and identified with Miami-Dade County Folio Numbers: 06-2229-057-0010, 06-2229-008-0559, and 06-2229-008-0552 ("Subject Property") is designated as Community Facility University on the City's 2036 Future Land Use Map; and

WHEREAS, Policy 1.21.9 of the Comprehensive Plan establishes the allowable uses within the Community Facility University district; and

WHEREAS, the Subject Property has a Public Use District ("PU") zoning classification on the City's Official Zoning Map; and

WHEREAS, Article 4, Division 3, Section 4-304 of the Land Development Regulations ("LDRs") provides development standards for properties within the PU district, including requiring a Conditional Use Permit ("CUP") for all development activities; and

WHEREAS, Article 3, Division 4, Section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, Johnson & Wales University, a Rhode Island Corporation, is the owner of the Subject Property and has granted a limited power of attorney to Doral College, Inc., a Florida Not-For-Profit Corporation, to serve as Applicant and file the application for the CUP; and

WHEREAS, the Applicant filed a CUP application with the Community Planning and Development Department to establish a new college (Doral College) with approximately two thousand five hundred (2,500) students within the existing development; and

WHEREAS, the City has reviewed the proposed request and found that, with the exception of the required parking, it is consistent with Policy 1.21.9 of the Comprehensive Plan and satisfies the requirements of Sections 3-405 and 4-304 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on May 4, 2021, reviewed and proposed request and found it to be consistent with the Comprehensive Plan and in keeping the intent of the LDRs, and thereby, recommended approval of the CUP to the Mayor and City Council; and

WHEREAS, the Mayor and the City Council have determined that the proposed request is in the best interest of the City, does not adversely affect the health, safety and welfare of residents, and thereby, approve the CUP.

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 approve the CUP, in substantially the attached form, for a proposed university on the Subject Property in accordance with Article 3, Division 4, Section 3-405 of Chapter 29 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. **Effective Date.** This Resolution shall be effective upon adoption.

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

- 1. Parking:** That the Applicant is required to provide 1,120 parking spaces or must apply for and obtain a variance to the parking requirements prior to the issuance of a Certificate of Use.
- 2. Operation and Maintenance:** That the owners or successors or assigns in title is bound by the CUP and shall continue operation and maintenance of all areas,

functions and facilities as depicted on the approved precise site plan, unless otherwise released by the Mayor and City Council;

3. **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;
4. **Certificate of Occupancy:** That a Certificate of Occupancy ("CO") from the Building Department be only issued to the applicant upon complying with all the terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
5. **Certificate of Use:** That a Certificate of Use ("CU") from the Community Planning & Development Department and Business Tax Receipt ("BTR") be only issued to the applicant upon complying with all the terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th day of May, 2021.



PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Keys

Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin
Councilman Alix Desulme, Ed.D.

<u>X</u>	(Yes)	(No)
<u>X</u>	(Yes)	(No)
<u>X</u>	(Yes)	(No)
	(Yes)	(No)
<u>X</u>	(Yes)	(No)

Absent

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 15th DAY OF June, 2021.