

RESOLUTION NO. 2021-R-91

THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A PROPOSED 369-UNIT, 9-STORY, APARTMENT BUILDING, WITH ELEVEN-HUNDRED (1,100) SQUARE FEET OF GROUND LEVEL CAFE SPACE, AN ATTACHED THREE-STORY PARKING GARAGE, 503 PARKING SPACES, AND FORTY-SIX (46) ON-STREET PARKING SPACES ON REAL PROPERTY, LOCATED AT 1195 NE 126TH STREET AND 12640 NE 12TH AVENUE; SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2229-029-0010, AND 06-2229-030-0010; AND TOTALING FOUR (4) ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(A), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-310, 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 properties located at 1195 NE 126th Street and 12640 NE 12th Avenue (“Subject Property”) are designated High Density Residential on the City’s 2036 Future Land Use Map; and

WHEREAS, the Subject Property has a R-6, Residential zoning designation, which provides a maximum density of twenty-five (25) dwelling units per acre, and a permitted height of one-hundred (110) feet; and

WHEREAS, the Subject Property is located in the Neighborhood Redevelopment Overlay District (“NRO”), which allows up to ninety (90) dwelling units per acre through a Conditional Use Permit (“CUP”); and

WHEREAS, the Subject Property is also located in the North Miami Transit Station (“NMTSOD”) Overlay District, which allows a variety of non-residential uses, e.g., café, office, a maximum height of two hundred (200) feet, and up to one hundred (150) dwelling units per acre, through a CUP; and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the

approval of a CUP; and

WHEREAS, Omega Investors Group LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting two hundred, sixty-nine (269) bonus units to construct a 369-unit, 9-story, apartment building, with eleven-hundred (1,100) square feet of ground level cafe space, an attached three-story parking garage, 503 parking spaces, and forty-six (46) on-street parking spaces, on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Objective 1.22 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405 and 4-310 of the LDRs; and

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

WHEREAS, Mayor and 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 369-unit, 9-story, apartment building, with eleven-hundred (1,100) square feet of ground level cafe space, an attached three-story parking garage, 503 parking spaces, and forty-six (46) on-street parking spaces located at 1195 NE 126th Street and 12640 NE 12th Avenue in accordance with Article 3, Division 4, Section 3-407 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, Mayor and City Council approves this CUP along with the following findings and conditions:

1. **Density and Commercial Bonus:** That the City allocate two-hundred, sixty-nine (269) residential units from the NRO primary residential pool of 2,257 available units, and one thousand, one-hundred square feet (1,100) of non-residential space from the Commercial Pool, available for use within the NRO, subject to the following:
 - a. **Restrictive Covenant:** That the Applicant is subject to the attached Restrictive Covenant, setting aside ten (10) percent of the units for affordable housing for 50-80% AMI.
2. **Development Review Committee Approval:** After approval of the CUP, the Applicant shall submit a site plan application to the Development Review Committee (“DRC”) for City Council. Failure to file said precise plan within one (1) year of the City Council approval shall result in the revocation of the CUP. Site Plan approval must be granted by City Council before Applicant can apply for a building permit;
3. **Site Plan and Architectural Compliance:** That the Applicant must develop the property in accordance with the architectural design approved by the DRC, and the final site plan approved by the City Council.
4. **Unity of Title:** That the Applicant shall unify the two (2) properties prior to DRC approval;
5. **Sidewalk:** That the Applicant shall construct and maintain a 6' sidewalk within all street frontages of the Subject Property;
6. **Parking:** That the Applicant provide a minimum of five hundred, three (503) on-site parking spaces and forty-six (46) on street parking spaces, and implement the approved Transportation Demand Management Strategies that includes:
 - a. A Transportation Coordinator role, by current employee, to manage the entire TDM program;
 - b. Provide a minimum of sixty-four (64) secure bicycle parking spaces;
 - c. Provide transit information within the site including route schedules and maps;
 - d. Elevators that can accommodate bikes;
 - e. Shower facility, bicycles can use will be provided on-site;
 - f. Lockers for bicyclists to store a change of clothes will be provided on-site;

- g. Bike workroom or shop;
- h. Bike washing stations;
- i. Provide a maximum of fifty-one (51) parking spaces on-site designated for hybrid/vanpool/carpool; and
- j. The Applicant will annually complete driveway traffic data collection, and prepare a parking demand study for the on-site parking garage to monitor and document trip reductions, which shall be submitted to the City's Transportation Manager for review and approval.

7. **Public Art:** That the Applicant shall, prior to building permit, complete the Arts in Public and Private Spaces approval process, and prior to Certificate of Occupancy, the approved public art must be installed or completed.

8. **Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise site plan by the City Council. Failure to do so will result in the expiration of the precise site plan.

9. **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;

10. **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.

11. **Certificate of Use:** That a CU from the Community Planning and Development Department and Business Tax Receipt ("BTR") 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.

12. **Leadership in Energy and Environmental Design ("LEED") Certification:** Proof of LEED Silver or equivalent National Green Building Certification is required prior to obtaining final Certificate of Occupancy.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 13th day of July, 2021.



Philippe Bien-Aime
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: Desulme

Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Scott Galvin
Councilwoman Cassandra Timothe, MPA
Councilwoman Mary Estimé-Irvin
Councilman Alix Desulme, Ed.D.

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THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS 2nd DAY OF August, 2021.