

**RESOLUTION NO. 2021-R-89**

**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 A PROPOSED MIXED USE DEVELOPMENT, INCLUDING A 7-STORY, 28-UNIT MULTIFAMILY APARTMENT BUILDING, AND A FOUR HUNDRED, FORTY-FIVE (445) SQUARE FOOT RETAIL SPACE, ON REAL PROPERTIES, LOCATED AT 470 NE 126<sup>TH</sup> STREET AND 475 NE 125<sup>TH</sup> STREET; SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2230-025-0230 AND 06-2230-025-0460; AND TOTALLING .41 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202 AND SECTION 4-203(B), ARTICLE 4, DIVISION 3, SECTION 4-302(B), SECTION 4-305, AND SECTION 4-306 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 470 NE 126<sup>th</sup> Street, and 475 NE 125<sup>th</sup> Street ("Subject Property") are designated Central Business Commercial on the City's 2036 Future Land Use Map; and

**WHEREAS**, Policy 1.21.5 of the Comprehensive Plan establishes the allowable uses within the Central Business Commercial district, e.g., mixed use, residential, office, retail; and

**WHEREAS**, the Subject Property has a C-3, Commercial zoning designation, which provides a maximum permitted height of fifty-five (55) feet; and

**WHEREAS**, Article 4, Section 4-202(B) establishes the allowable uses within the C-3, Commercial district, e.g., live/work studios, health/fitness facilities, retail; and

**WHEREAS**, the Subject Property is located in the Neighborhood Redevelopment Overlay District ("NRO"), which allows residential development through a conditional use permit ("CUP"); and

**WHEREAS**, the Subject Property is also located in the NE 125<sup>th</sup> Street Planned Corridor Overlay District ("PCD"), which allows a height one hundred ten feet (110) feet, and up to one hundred (100) du/acre, and requires mixed use development including three (3) or more uses, one

of which must be residential; and

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

**WHEREAS**, 475 North Miami, LLC (“Applicant”) is the owner of the Subject Property and has filed a CUP application with the Community Planning and Development Department requesting twenty-seven (27) bonus units to construct a 7-story, 28-unit mixed use apartment building, with approximately 445 square feet of retail space, on the Subject Property; and

**WHEREAS**, the City has reviewed the proposed request and found that it is consistent with Policy 1.12.5 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405 and 4-302 of the LDRs; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on April 6, 2021, reviewed the 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 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 7-story, 28-unit mixed use apartment building, with approximately 445 square feet of retail space located at 470 NE 126<sup>th</sup> Street and 475 NE 125<sup>th</sup> Street 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 Bonus:** That the City allocate twenty-seven (27) residential units from the NRO primary residential pool of 2,257 available units, subject to the following:
  - a. Hardscape. All hardscape within five (5) feet of the property lines shall be constructed with pervious materials.
  - b. Walkways. The walkways shall be no closer than 3' from the property line.
  - c. Parking area. The parking area in the rear shall be no closer than 20' from the edge of pavement.
  - d. Transitional setback. A 25' setback from the building to the adjacent single family side property lines shall be maintained.
  - e. Overflow parking. Prior to DRC approval, the Applicant shall provide community planning and development with a satisfactory plan for assuring that any overflow parking for the project utilizes only the public parking lots either at West Dixie and NE 125<sup>th</sup> or at 650 NE 126<sup>th</sup> Street.
  - f. Ingress/Egress. With the exception of emergency response vehicles, no vehicles shall enter or exit the site onto NE 126th. The Applicant shall install and maintain a gate at the rear of the property with a Knox Box, or similar locking system for emergency access only.
- 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 Compliance:** That the Applicant must develop the property in accordance with the final site plan approved by the City Council.
- 4. Unity of Title:** Prior to DRC approval, the Applicant shall unify the individual lots under one folio number, and provide proof of recordation to the community planning and development director.
- 5. Sidewalk:** That the Applicant shall construct a 10' sidewalk within the NE 125<sup>th</sup> Street frontage of the Subject Property.

6. **Live/Work Units:** The two (2) live/work units on the Property will be maintained as depicted on the approved plans unless otherwise amended by City Council upon the agreement of the Owner.
7. **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.
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 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.
10. **Home Occupancy:** All home occupations shall obtain a Certificate of Use ("CU") from the Community Planning and Development Department prior any business activity.
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 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, this 13th day of July, 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: Estimé-Irvin

Seconded by: Galvin

**Vote:**

Mayor Philippe Bien-Aime

       (Yes)  (No)

Vice Mayor Scott Galvin

(Yes)        (No)

Councilwoman Kassandra Timothe, MPA

(Yes)        (No)

Councilwoman Mary Estimé-Irvin

(Yes)        (No)

Councilman Alix Desulme, Ed.D.

       (Yes)  (No)

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