

**RESOLUTION NO. 2021-R-186**

**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 CONSISTING OF A 20-STORY, 360-UNIT RESIDENTIAL TOWER, AN 8-STORY PARKING GARAGE, WITH AN AMENITY DECK, EIGHT-THOUSAND, FOUR-HUNDRED, TWENTY-NINE (8,429) SQUARE FEET OF GROUND LEVEL RETAIL SPACE, AND FOUR (4) ON-STREET PARKING SPACES ON TWO (2) PARCELS OF REAL PROPERTY, LOCATED APPROXIMATELY AT 1810 NE 146<sup>TH</sup> STREET, AND AT THE SOUTHEAST INTERSECTION OF NE 144<sup>TH</sup> STREET AND NE 18<sup>TH</sup> AVENUE ; SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2221-006-0010, AND 06-2221-006-0020; AND TOTALING APPROXIMATELY TWO (2) 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 FOR ALL OTHER PURPOSES.**

**WHEREAS**, the real properties located at 1810 NE 146<sup>th</sup> Street, and at the southeast intersection of NE 144<sup>th</sup> Street and NE 18<sup>th</sup> Avenue (“Subject Property”) are designated Industrial on the City’s 2036 Future Land Use Map; and

**WHEREAS**, the Subject Property has a M-1, Industrial zoning designation, which allows for a variety of industrial, and non-residential uses, and a permitted height of fifty-five (55) feet; and

**WHEREAS**, the Subject Property is also located in the Special Development and Transit Oriented Development (“SDTOD”) Overlay District, which allows mixed use residential development, a maximum height of two hundred (200) feet, and up to one hundred fifty (150) dwelling units per acre, through a Conditional Use Permit (“CUP”); and

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

**WHEREAS**, TR NM Holdings, LLC (“Applicant”) is the leaseholder of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting three hundred sixty (360) bonus units to construct a 20-story, 360-unit

residential tower, an 8-story parking garage with an amenity deck, eight-thousand, four-hundred twenty-nine (8,429) square feet of ground level retail space, and four (4) 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 November 2, 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 20-story, 360-unit residential tower, an 8-story parking garage with an amenity deck, eight-thousand, four-hundred twenty-nine (8,429) square feet of ground level retail space, and four (4) on-street parking spaces located at 1810 NE 146<sup>th</sup> Street, and at the southeast intersection of NE 144<sup>th</sup> Street and NE 18<sup>th</sup> 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 three-hundred sixty (360) residential units from the SDTOD residential pool of one thousand one hundred sixty-eight (1,168) available units, subject to the following:

a. Restrictive Covenant: That the Applicant is subject to the attached Restrictive

Covenant, setting aside ten percent (10%) or twenty-five (25), whichever is greater, of the units on the south parcel for affordable workforce housing for 80 - 140% AMI, through the life of the North Miami Community Redevelopment Agency.

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 submit an application providing for the unification of the two (2) properties by the Property Owner prior to DRC approval;
5. **Sidewalk:** That the Applicant shall construct and maintain a six foot (6’) sidewalk within all street frontages of the Subject Property;
6. **Air Rights:** Applicant (lessee with the City) shall obtain all necessary approvals from the City (meaning the City Council and such other appropriate authorities), and enter into any agreements determined necessary by the City Attorney to obtain and utilize air rights over public rights-of-way.
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 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 14th day of December, 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: Galvin

Seconded by: Desulme

**Vote:**

Mayor Philippe Bien-Aime  
Vice Mayor Scott Galvin  
Councilwoman Kassandra Timothe, MPA

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

Councilwoman Mary Estimé-Irvin  
Councilman Alix Desulme, Ed.D.

  X   (Yes)        (No)  
  X   (Yes)        (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI  
CITY COUNCIL ON THIS 5<sup>th</sup> DAY OF January, 2022