

RESOLUTION NO. 2022-R-45

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 382-UNIT MIXED USE DEVELOPMENT, COMPRISED OF AN 8-STORY APARTMENT BUILDING, NINE THOUSAND THREE HUNDRED THIRTY-FIVE (9,335) SQUARE FEET OF GROUND LEVEL RETAIL, AND A PARKING GARAGE WITH SIX HUNDRED SIXTY-EIGHT (668) PARKING SPACES ON REAL PROPERTY LOCATED AT 1650 NE 124TH STREET; SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-007-0630; AND TOTALING 3.12 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(B), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-309, 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 1650 NE 124th Street (“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 Facilities University district, e.g., classrooms, student housing, etc.; and

WHEREAS, the Subject Property has a Public Use (“PU”) zoning designation, which pursuant to Article 4, Section 4-304(B), allows educational facilities, public and community facilities uses; and

WHEREAS, the Subject Property is also located in the North Miami Transit Station Overlay District (“NMTSOD”) Overlay District, which allows a variety of residential and non-residential uses, e.g., multi-family apartments, retail, restaurant, office, 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 Land Development Regulations (“LDRs”) establishes criteria for the approval of a CUP; and

WHEREAS, Biscayne Apts. Development, LLC (“Applicant”) are the owners of the Subject Property, and have filed a CUP application, through their agents Anthony De Yurre and Liana M. Koslowski of Bilzin Sumberg, with the Community Planning and Development Department requesting Three-Hundred Eighty-Two (382) bonus units to construct an Eight (8)

story apartment building, with Nine Thousand Three Hundred Thirty Five (9,335) square feet of ground level retail space, and a parking garage with Six-Hundred Sixty-Eight (668) parking spaces, on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Policy 1.21.7 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405 and 4-309 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on February 1, 2022, 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 allocation of Three Hundred Eighty-Two (382) bonus units from the “Outside the NRO” Pool and, the CUP, in substantially the attached form, for a proposed Three-Hundred Eighty-Two (382) unit mixed use development, comprised of an 8-story apartment buildings, with Nine Thousand Three-Hundred Thirty-Five (9,335) square feet of ground level retail space, and a parking garage, with Six Hundred Sixty Eight (668) parking spaces located at 1650 NE 124th 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 Three-Hundred Eighty-Two (382) residential units from the “Outside the NRO” residential pool of One Thousand Three Hundred Seven (1,307) available units.

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, including color palette, approved by the DRC, and the final site plan approved by the City Council.
4. **Final Plat:** Prior to DRC approval, the Applicant shall unify the individual lots under one folio number through final plat approval and recordation by Miami-Dade County.
5. **Sidewalks:** That the Applicant shall construct a Ten (10) foot wide sidewalk within the NE 16th Street frontage and a six (6) foot wide sidewalk within the NE 124 Street, NE 123 Terrace, and the NE 17th Avenue frontages of the Subject Property.
6. **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.
7. **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;
8. **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.
9. **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.
10. **Leadership in Energy and Environmental Design (“LEED”) Certification:** Proof of LEED or equivalent National Green Building Certification is required prior to obtaining final Certificate of Occupancy.
11. **Sustainable Building Program:** The Applicant shall integrate and maintain the sustainable building commitments, e.g., the rooftop garden, bioswales and raingardens.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 12th day of April, 2022.


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: Timothe

Vote:

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

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

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS 20th DAY OF April, 2022.