

RESOLUTION NO. 2022-R-61

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, 139-UNIT RESIDENTIAL BUILDING, AN ATTACHED 4-STORY PARKING GARAGE WITH TWO-HUNDRED THIRTY-FIVE (235) PARKING SPACES, AND NINE-THOUSAND, NINE-HUNDRED EIGHTY-NINE (9,989) SQUARE FEET OF GROUND LEVEL COMMERCIAL AND OFFICE SPACE ON FIVE (5) PARCELS OF REAL PROPERTY, LOCATED AT 12041 N.W. 7TH AVENUE - FOLIO NO. 06-2125-018-0550; 12065 N.W. 7TH AVENUE – FOLIO NO. 06-2125-018-0540; 660 N.W 121ST STREET – FOLIO NO. 06-2125-018-0590; 654 N.W 121ST STREET – FOLIO NO. 06-2125-018-0600; AND A VACANT PARCEL AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF N.W 121ST AND I-95 IDENTIFIED WITH FOLIO NO. 06-2125-018-0610; TOTALING APPROXIMATELY 1.11 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 4-306, 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 Subject Property consists of five (5) parcels of land totaling approximately 1.11 acres or 48,200 s.f., and is designated Commercial/Office on the City’s 2036 Future Land Use Map (“FLUM”), and zoned as C-1, Commercial, which allows a variety of non-residential uses, and a permitted height of fifty-five (55) feet; and

WHEREAS, the Subject Property is also located in the State Road 7/N.W. 7th Avenue Planned Corridor Development District (“PCD”), which allows mixed use residential development, a maximum height of two hundred (200) feet on the west side of N.W. 7th Avenue, and up to one hundred twenty-five (125) 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, Seventh Ave. Group, LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development

Department requesting one hundred thirty-nine (139) bonus units to construct a 20-story, 139-unit residential building, an attached 4-story parking garage with two-hundred thirty-five (235) parking spaces, and nine-thousand, nine-hundred eighty-nine (9,989) square feet of ground level commercial and office space 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 4-306 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 5, 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 CUP, in substantially the attached form, for a 20-story, 139-unit residential building, an attached 4-story parking garage with two-hundred thirty-five (235) parking spaces, and nine-thousand, nine-hundred eighty-nine (9,989) square feet of ground level commercial and office space located at 12041 N.W. 7th Avenue; 12065 N.W. 7th Avenue; 660 N.W. 121st Street; 654 N.W. 121st Street; and a vacant parcel at the southwest quadrant of the intersection of N.W. 121st and I-95, 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 one hundred, thirty-nine (139) residential units from the secondary residential pool of 1,057 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 as approved by the DRC, including color palette, and the final site plan approved by the City Council;
4. **Sidewalks:** That the Applicant shall construct and maintain a 10’ sidewalk along the NW 7th Avenue frontage, and a six (6) foot wide sidewalk along the N.W. 121st Street frontage of the Subject Property;
5. **Unity of Title:** That the Applicant shall unify the five (5) properties prior to DRC approval;
6. **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;
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. **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.


11. 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; and

12. 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 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 10th day of May, 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: Desulme

Seconded by: Bien-Aime

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>X</u>	(Yes)	<u> </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 25th DAY OF May, 2022.