

RESOLUTION NO. 2022-R-60

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 12-STORY, 218-UNIT RESIDENTIAL BUILDING, WITH A 3-STORY PARKING GARAGE WITH TWO HUNDRED NINETY-THREE (293) PARKING SPACES AND AN AMENITY DECK, TWO-THOUSAND, THREE-HUNDRED (2,300) SQUARE FEET OF GROUND LEVEL RETAIL SPACE, AND ONE-THOUSAND, FIVE HUNDRED (1,500) SQUARE FEET OF OFFICE SPACE ON THREE (3) PARCELS OF REAL PROPERTY, LOCATED AT: 12450 N.E. 13TH AVENUE/1290 N.E. 125 STREET – FOLIO NO. 06-2229-000-0330; 12304 N.E. 13TH AVENUE - FOLIO NUMBER 06-2229-000-0150; AND A VACANT PARCEL LOCATED DIRECTLY SOUTH ON N.E. 13TH AVENUE - FOLIO NO. 06-2229-015-0210; AND TOTALING APPROXIMATELY 1.46 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 Subject Property consists of three (3) parcels of land totaling approximately 1.46 acres: Parcel 1 is located at: 12450 N.E. 13th Avenue/1290 N.E. 125 Street and is designated as Commercial/Office on the City’s 2036 Future Land Use Map (“FLUM”), Parcel 2 is located at 12304 N.E. 13th Avenue and is designated as Industrial on the FLUM, Parcel 3 is a vacant lot directly south on N.E. 13th Avenue, which is also designated as Industrial on the FLUM; and

WHEREAS, Parcel 1, located at 12450 N.E. 13th Avenue/1290 N.E. 125 Street, has a C-3, Commercial zoning designation, that allows a wide variety of commercial activities, and a permitted height of one-hundred fifty (150) feet; and Parcel 2 located at 12304 N.E. 13th Avenue, and Parcel 3, the vacant lot directly to its south, are both zoned with an M-1, Industrial designation, which allows a variety of industrial, and non-residential uses, and a permitted height of fifty-five (55) feet; and

WHEREAS, due to their location, Parcel 2 located at 12304 N.E. 13th Avenue, and Parcel 3, the vacant lot directly to its south are subject to the additional development standards outlined

in Sec. 4-203(B)(2)(a) that include a maximum building height of forty-five (45) feet, a rear yard setback of fifteen (15) feet, the installation of an eight (8) foot wall or steel fence along N.E. 12th Place, and no buildings frontages or signage are allowed on N.E. 12th Place; and

WHEREAS, the Subject Property is also located in the North Miami Transit Station Overlay District (“NMTSOD”), which allows mixed use residential development, a maximum height of two hundred (200) feet, up to one hundred fifty (150) dwelling units per acre, through a Conditional Use Permit (“CUP”), and zero (0) foot setbacks; and

WHEREAS, while the standards of the NMTSOD supersedes the standards of the underlying zoning district, instead of maximizing the allowable height of two hundred (200) feet, and zero (0) foot setbacks in the NMTSOD, the Applicant is limiting the height of the parking garage adjacent to N.W. 12th Place to approximately twenty-seven (27) feet, and providing a ten (10) foot setback on the rear and sides of the Subject Property; and

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

WHEREAS, Klaus Haus, 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 eighteen (218) bonus units to construct a 12-story, 218-unit residential building, with a 3-story parking garage, two-hundred ninety-three (293) parking spaces and amenity deck, two-thousand three-hundred (2,300) square feet of ground level retail space, and one-thousand five hundred (1,500) square feet of 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 4-310 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on December 7, 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 12-story, 218-unit residential building, with a 3-story parking garage, two-hundred ninety-three (293) parking spaces and an amenity deck, two-thousand three-hundred (2,300) square feet of ground level retail space, and one-thousand five hundred (1,500) square feet of office space located at 12450 N.E. 13th Avenue, 12304 N.E.13th Avenue, and a vacant parcel directly south on N.E. 13th 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 Bonus:** That the City allocate two-hundred eighteen (218) residential units from the secondary residential pool of one thousand six hundred sixty (1,660) available units, subject to the following:
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 three (3) properties prior to DRC approval;
5. **Sidewalk:** That the Applicant shall construct and maintain a six-foot (6’) sidewalk within the N.E. 13th Avenue and N.E. 12th Place frontages, and a 10’ sidewalk along the N.E. 125th

Street frontage of the Subject Property;

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; and
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.
12. **Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments, e.g., ten percent (10%) increased stormwater retention over the minimum required, the rooftop garden, bioswales, green walls, and raingardens.

PASSED AND ADOPTED by a 4-1 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: Estimé-Irvin

Seconded by: Timothe

Vote:

| | | | | |
|-------------------------------------|----------|-------|----------|------|
| Mayor Philippe Bien-Aime | <u>X</u> | (Yes) | _____ | (No) |
| Vice Mayor Alix Desulme, Ed.D. | _____ | (Yes) | <u>X</u> | (No) |
| Councilman Scott Galvin | <u>X</u> | (Yes) | _____ | (No) |
| Councilwoman Kassandra Timothe, MPA | <u>X</u> | (Yes) | _____ | (No) |
| Councilwoman Mary Estimé-Irvin | <u>X</u> | (Yes) | _____ | (No) |

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 25th DAY OF May, 2022.