

**RESOLUTION NO. 2022-R-155**

**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 585-UNIT MIXED-USE DEVELOPMENT CONSISTING OF A 16-STORY, AND AN 18-STORY RESIDENTIAL APARTMENT BUILDINGS WITH ROOFTOP AMENITY DECKS, AND TWENTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-ONE (28,481) SQUARE FEET OF GROUND LEVEL COMMERCIAL SPACE ON TWO (2) PARCELS OF REAL PROPERTY, LOCATED AT 12200 NE 14<sup>TH</sup> AVENUE AND THE VACANT LOT DIRECTLY SOUTH; SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2229-000-0171, AND 06-2229-000-0175; AND TOTALING APPROXIMATELY 3.9 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 two (2) parcels of land totaling approximately 3.9 acres: Parcel 1 is located at: 12200 NE 14<sup>th</sup> Avenue, and is designated as Industrial on the City’s 2036 Future Land Use Map (“FLUM”), and Parcel 2 is a vacant lot located directly south, which is also designated as Industrial on the FLUM; and

**WHEREAS**, the Subject Property is 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**, the Subject Property is also located in the North Miami Transit Station Overlay District (“NMTSOD”), which supersedes the standards of the underlying zoning district and, 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**, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

**WHEREAS**, Prestige Cityview, LLC and Prestige Cityview, II, LLC (collectively “The Applicant”) are the owners of the Subject Property, and have filed an application with the

Community Planning and Development Department requesting issuance of a CUP for five hundred eighty-five (585) bonus floating units, and approval of Conceptual Master Development Plan (“CMDP”) for a 585-unit mixed use development consisting of a 16-story, and an 18-story residential apartment building with rooftop amenity decks, and twenty-eight thousand four hundred eighty-one (28,481) square feet of ground level commercial 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 September 6, 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 and CMDP 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 in conjunction with the CMDP.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**     **Approval of Conceptual Master Development Plan.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve the Conceptual Master Development Plan as described in Exhibit 1.

**Section 2.**     **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, 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 and the associated CMDP, along with the following findings and conditions:

- 1. Density Bonus:** That the City allocate, subject to availability, five-hundred eighty-five

(585) residential units from the secondary residential pool of nine hundred eighteen (918) 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 before Applicant can apply for a building permit;
- 3. Site Plan and Architectural Compliance:** That the Applicant agrees that all plans submitted to the Community Planning and Development Department for building permits (a "Development Plan") shall be consistent with this CUP and the CMDP. Pursuant to the provisions outlined in Article 3, Division 4, Section 3-409 of the City's LDRs, minor revisions are permitted so long as any proposed modification to the previously approved plan for development of any portion of the Property does not change the uses, or cause the entirety of the Project to exceed five-hundred eighty-five (585) dwelling units, and so long as such Development Plan is in substantial compliance with the development standards set forth in Article 3, Division 4, Section 3-409 of the LDRs. Accordingly, provided such conditions are met, the approval of each subsequent phase of the Development Plan shall be an administrative function, subject only to administrative review by the City's Development Review Committee (the "DRC") to confirm substantial compliance with this CUP, the CMDP, the LDRs and the City's Code of Ordinances ("City Code"), and shall not require approval by the City Planning Commission or the City Council. Applicant agrees to submit an application for DRC Administrative Site Plan approval and a precise plan for each phase of the development in accordance with the City's LDRs. In the event that there is a disagreement between the Applicant and the City Administration or the DRC as to whether a Development Plan is in substantial compliance with this CUP, the LDRs and/or the City Code, the Applicant shall have the right to appeal that administrative determination as provided for in Article 3, Division 7, Section 3-702 of the LDRs. Any Substantial Revisions not meeting the provisions of Article 3, Division 4, Section 3-409 must be reviewed in accordance with the requirements of Article 3, sections 3-401 to 3-409 of the LDRs.

4. **Unification of Properties:** That the Applicant shall unify the two (2) properties prior to DRC approval;
5. **Cross Access and Shared Parking:** That the Applicant shall, to the satisfaction of the City Planner and City Attorney, address the cross access and shared parking between the Subject Property and the adjacent parcel outside the City boundary, as a condition of DRC approval.
6. **Sidewalk:** That the Applicant shall construct and maintain a six foot (6') sidewalk within the NE 14<sup>th</sup> Avenue frontage;
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 Plan by the DRC. 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; and
12. **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.
13. **Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments: ten percent (10%) increased stormwater retention over

the minimum required and 80% of hardscape must use impervious materials, rooftop garden, rainwater harvesting, raingardens, and graywater reuse.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 27th day of October, 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 Scott Galvin	<u>X</u> (Yes) _____ (No)
Councilwoman Cassandra Timothe, MPA	<u>X</u> (Yes) _____ (No)
Councilwoman Mary Estimé-Irvin	<u>X</u> (Yes) _____ (No)
Councilman Alix Desulme, Ed.D.	_____ (Yes) <u>X</u> (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS 25<sup>th</sup> DAY OF October, 2022.