

**RESOLUTION NO. 2022-R-154**

**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 7-STORY, 342-UNIT RENTAL APARTMENT BUILDING, WITH A GROUND-LEVEL AMENITIES COURTYARD; FIVE HUNDRED EIGHTEEN (518) SURFACE PARKING SPACES; AND THREE THOUSAND ONE HUNDRED FIFTY-EIGHT (3,158) SQUARE FEET OF GROUND-LEVEL RETAIL SPACE, ON A PARCEL OF REAL PROPERTY LOCATED AT 13855 NW 17<sup>TH</sup> AVENUE, IDENTIFIED WITH MIAMI-DADE FOLIO NO. 06-2123-000-0060, AND TOTALING APPROXIMATELY 7.60 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 one (1) parcel of land totaling approximately 7.06 acres located at 13855 NW 17<sup>th</sup> Avenue designated as Mixed-Use High on the City’s 2036 Future Land Use Map (“FLUM”) and PD-3, Planned Development District (“PD-3”) on the Official Zoning Map; and

**WHEREAS**, the PD-3 district allows up to forty-five (45) dwelling units per acre (“du/ac”), and up to an additional fifteen (15) floating du/ac, and a maximum height of one hundred ten (110) feet; and

**WHEREAS**, pursuant to Section 4-302, all development in a PD district, including both “as of right” and requests for floating units requires 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**, North Miami Ventures, LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting approval to construct a 7-story, 342-unit rental apartment building, with an amenity courtyard; five hundred eighteen (518) surface parking spaces; and three thousand one hundred fifty-eight (3,158) square feet of ground level retail 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 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 7-story, 342-unit rental apartment building, with an amenity courtyard; five hundred eighteen (518) surface parking spaces; and three thousand one hundred fifty-eight (3,158) square feet of ground level retail located at 13855 NW 17<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. 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.




2. **Site Plan Compliance:** That the Applicant must develop the property in accordance with the final site plan approved by the City Council.
3. **Operation and Maintenance:** That the owners or successors or assigns in title is bound by the CUP and shall continue operation and maintenance of all areas, functions and facilities as depicted on the approved precise site plan, unless otherwise released by the Mayor and City Council.
4. **Easements:** That the Applicant shall provide suitable areas for easements for dedication and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress and other public purposes.
5. **Installation of Utilities:** That all utilities within the Subject Property including, but not limited to, telephone, electrical systems, and television cables, shall be installed underground.
6. **Sidewalk:** That the Applicant shall, in coordination with the Miami-Dade County Transportation and Public Works Department, construct a sidewalk on NW 17<sup>th</sup> Avenue within the street frontage of the Subject Property.
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 Certificate of Use (CU) from the Community Planning & 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 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 27th day of September, 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: Bien-Aime

**Vote:**

Mayor Philippe Bien-Aime

X (Yes) \_\_\_\_\_ (No)

Vice Mayor Scott Galvin

X (Yes) \_\_\_\_\_ (No)

Councilwoman Cassandra Timothe, MPA

X (Yes) \_\_\_\_\_ (No)

Councilwoman Mary Estimé-Irvin

X (Yes) \_\_\_\_\_ (No)

Councilman Alix Desulme, Ed.D.

X (Yes) \_\_\_\_\_ (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.