

**RESOLUTION NO. 2022-R-184**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A MODIFICATION TO THE EXISTING CONDITIONAL USE PERMIT (“CUP”), APPROVED UNDER RESOLUTION NO. 1646, TO REMOVE THE TWO (2) PROPERTIES LOCATED AT 1590 NE 123<sup>RD</sup> STREET AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2229-083-0020 AND 06-2229-083-0014 FROM THE TERMS OF THE EXISTING CUP, TO ALLOW FOR FUTURE REDEVELOPMENT OF THE PARCELS; IN ACCORDANCE WITH ARTICLE 3, DIVISION 3, SECTION 3-302 AND ARTICLE 3, DIVISION 4, SECTION 3-404 THROUGH SECTION 3-410, 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**, Article 3, Division 4, section 3-404 through section 3-410 of the Land Development Regulations (“LDRs”) establishes criteria for the approval and modification of a Conditional Use Permit (“CUP”); and

**WHEREAS**, on April 24, 1973, the Mayor and City Council of the City of North Miami (“City”), adopted Resolution No. 1646 which approved a CUP to allow the construction of a mixed-use development including 1,768 multi-family dwelling units, a community center, retail, office, parking and other accessory uses (aka “Greenwich Planned Unit Development”); and

**WHEREAS**, on June 14, 1983, Mayor and City Council approved Resolution 83-36 which amended the CUP to reduce the number of dwelling units to 706, and modified the parking requirements and the number of buildings; and

**WHEREAS**, the Greenwich Planned Unit Development CUP is built out to its maximum allowable density; and

**WHEREAS**, Condition Number 16 of Resolution Number 1646 states that:

“The applicant of the Conditional Use Permit and/or owner of the property or successors thereto, shall maintain unified control over the project and not transfer of interest and/or title shall occur unless otherwise approved by the City Council”; and

**WHEREAS**, 1590 NE 123<sup>rd</sup> Street LLC (“Applicant”) is the current owner and developer

of the Subject Property known as the “Gwen Margolis Community Center”, which includes a community center, parking lot and open space totaling 41,687 square feet (.957 +/- acres) in size, located at 1590 NE 123<sup>rd</sup> Street, designated Community Facility on the Future Land Use Map, zoned PU, Public Use, is also located in the North Miami Transit Station Overlay District (“NMTSOD”), and specifically identified with Miami-Dade County folio numbers: 06-06-2229-083-0020 and 06-2229-083-0014; and

**WHEREAS**, the Applicant has filed an application with the Community Planning and Development Department requesting modification of the CUP to remove the Subject Property from the terms of the existing Greenwich Planned Unit Development CUP to allow the Applicant to apply for a separate CUP to accommodate a future mixed-use development; and

**WHEREAS**, the City has reviewed the proposed request and found that it is consistent with Policy 1.21.6 of the Comprehensive Plan, and satisfies the requirements of Sections 3-409 and 4-302 of the LDRs; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on October 13, 2022, reviewed the proposed request and found it to be consistent with the Comprehensive Plan and in keeping the intent of the LDRs, and, thereby, recommended approval of the amended 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 amendment to the CUP.

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

**Section 1. Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby approve a modification to the existing CUP and authorize the removal of the Subject Property from the terms and conditions of the existing CUP for the “Greenwich Planned Unit Development”.

**Section 2. Effective Date.** This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th 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: Timothe

Seconded by: Galvin

**Vote:**

Mayor Philippe Bien-Aime	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Vice Mayor Alix Desulme, Ed.D.	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilman Scott Galvin	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilwoman Kassandra Timothe, MPA	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilwoman Mary Estimé-Irvin	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI  
CITY COUNCIL ON THIS 17th DAY OF November, 2022.