

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 123RD 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 123rd 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 123rd 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	<u> X </u> (Yes) <u> </u> (No)
Vice Mayor Alix Desulme, Ed.D.	<u> X </u> (Yes) <u> </u> (No)
Councilman Scott Galvin	<u> X </u> (Yes) <u> </u> (No)
Councilwoman Kassandra Timothe, MPA	<u> X </u> (Yes) <u> </u> (No)
Councilwoman Mary Estimé-Irvin	<u> X </u> (Yes) <u> </u> (No)

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