

RESOLUTION NO. 2022-R-216

A RESOLUTION OF THE 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 19-STORY, 450-UNIT RENTAL APARTMENT BUILDING, ELEVEN THOUSAND SIX-HUNDRED TWENTY (11,620) SQUARE FEET OF GROUND-LEVEL COMMERCIAL AND RETAIL SPACE, AN INTEGRATED 5-LEVEL PARKING GARAGE WITH SIX HUNDRED EIGHTY FIVE (685) PARKING SPACES, AND FIFTY FOUR (54) +/- SURFACE PARKING SPACES, ON THREE (3) PARCELS OF REAL PROPERTY LOCATED AT 1660 NE 127TH STREET - MIAMI-DADE FOLIO NO. 06-2229-007-0170, 12600 NE 17TH AVENUE - MIAMI DADE FOLIO NO. 06-2229-007-0320, AND AT THE SOUTHEAST QUADRANT OF NE 17TH AVENUE AND NE 127TH STREET – MIAMI DADE FOLIO NO. 06-2229-007-0010, AND TOTALING APPROXIMATELY 3.3 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 3.3 acres located at 1660 NE 127th Street, 12600 NE 17th Avenue, and at the southeast quadrant of NE 17th Avenue and NE 127th Street that are designated as Community Facility University on the City’s 2036 Future Land Use Map (“FLUM”), Public Use (“PU”) on the Official Zoning Map, and is also located in the North Miami Transit Station Overlay District (“NMTSOD”); and

WHEREAS, the PU district does not allow commercial, retail, or residential uses; however, the NMTSOD district allows a wide variety of uses, including residential at up to one hundred fifty (150) units per acre through the Conditional Use Permit (“CUP”) process, and a maximum building height of two hundred (200) feet; and

WHEREAS, Article 3, Division 4, section 3-405 of the Land Development Regulations (“LDRs”) establishes criteria for the approval of a CUP; and

WHEREAS, Propco JW, 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 19-story, 450-unit rental apartment building, eleven thousand six-hundred twenty (11,620) square feet of ground-level commercial and retail space, an integrated 5-level

parking garage with six hundred eighty five (685) parking spaces, and fifty-four (54) surface parking spaces, 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 City of North Miami 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 November 1, 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 the City Council; and

WHEREAS, The 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 City Council of the City of North Miami, Florida, hereby, approve the CUP, in substantially the attached form, for a 19-story, 450-unit rental apartment building, eleven thousand six-hundred twenty (11,620) square feet of ground-level commercial and retail space, an integrated 5-level parking garage with six hundred eighty five (685) parking spaces, and fifty-four (54) surface parking spaces, located on the Subject Property, 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, City Council approves this CUP along with the following findings and conditions:

- 1. Density Bonus:** That the City allocate four hundred, fifty (450) residential units from the floating bonus unit pool of one thousand six hundred seventy-six (1,676) available units, leaving a balance of one thousand two hundred twenty-six (1,226) available units.
- 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. The final approved precise plan and the CUP shall be recorded in the records of the Miami Dade County Clerk and provided to the City Planner prior to submission of a building permit.

3. **Site Plan Compliance:** That the Applicant must develop the property in accordance with the final site plan approved by the City Council.
4. **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 City Council.
5. **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.
6. **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.
7. **Sidewalk:** That the Applicant shall, in coordination with the City of North Miami Public Works Department, construct a 6' wide sidewalk along the NE 126th Street and NE 127th Street frontages of the subject property.
8. **Unification of Parcels:** Prior to site plan approval by City Council, the Applicant shall unify the individual lots under one folio number.
9. **Public Art:** That the Applicant shall, prior to the submittal of an application for building permits, 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.
10. **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.
11. **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.

12. 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.

13. 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.

14. 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.

PASSED AND ADOPTED by a 3-1 vote of the City Council of the City of North Miami, Florida, this 13th day of December, 2022.


ALIX DESULME, Ed.D.
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: Desulme

Vote:

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 type="checkbox"/> (Yes) <input checked="" 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 9th DAY OF January, 2023.